

**ORDINANCE NO. 7874-23**

AN ORDINANCE TO AMEND AND REORDAIN ORDINANCE NO. 5028-97 BY AMENDING THAT CERTAIN MAP ENTITLED, "ZONING DISTRICT MAP" (CONSISTING OF REAL ESTATE TAX ASSESSMENT MAPS 001 THROUGH 322 AND KEPT ON FILE IN THE OFFICES OF THE DEPARTMENTS OF CODES COMPLIANCE AND PLANNING) DATED THE 10TH DAY OF JUNE, 1997, WHICH SAID MAP IS MADE A PART OF THE SAID ORDINANCE NO. 5028-97.

WHEREAS, conditional zoning application CZ-2022-0001 has been made by the **SKS HOLDINGS, LLC**, for the rezoning of the hereinafter described property from the present C1 Retail Commercial District, O1 Office District, and R3 Single-Family Dwelling District, to C1 Retail Commercial District and R3 Single-Family Dwelling District, conditioned by written and voluntarily proffered conditions; and

WHEREAS, the application has been considered by the Planning Commission for the City of Newport News for recommendation and has been duly advertised as required by law and the said Planning Commission has made its recommendation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

Section 1. That Ordinance No. 5028-97 is hereby amended and reordained by amending that certain map entitled, "Zoning District Map" (Consisting of Real Estate Tax Assessment Maps 001 through 322 and kept on file in the offices of the Departments of Codes Compliance and Planning) dated the 10th day of June, 1997, which said Map is made a part of Ordinance No. 5028-97 by changing the following described property from the present C1 Retail Commercial District, O1 Office District, and R3 Single-Family Dwelling District, to C1 Retail Commercial District and R3 Single-Family Dwelling District, conditioned by written and voluntarily proffered conditions:

The Legal Description for the property is contained in Exhibit A which is attached hereto and made a part hereof.

The property has a common street address of 12833, 12835, 12839, 12841 Jefferson Avenue and 27 Buchanan Drive and assigned Real Estate Assessor's Tax I.D. # 089.00-02-14, # 089.00-02-13, # 080.00-02-28, # 080.00-02-40, and # 089.00-02-15, respectively.

Section 2. That the rezoning approved hereby is conditioned by written and voluntarily proffered conditions contained in the application and binding the development of the property as set forth in the attached exhibit, consisting of fourteen (14) pages and labeled "A-4". These conditions shall continue in effect until a subsequent amendment to the zoning of the property described in Section 1 hereof; provided that the conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

ORDINANCE NO. 7874-23

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON FEBRUARY 14, 2023

Mabel Washington Jenkins,  
MMC City Clerk

Phillip D. Jones  
Mayor

A true copy, teste:

City Clerk

## EXHIBIT A

### PARCEL 1

All that certain lot, piece or parcel of land situate, lying and being a 2.823± acre tract in the City of Newport News, Virginia, and being more particularly described as follows:

Beginning at a set iron pin lying in the westerly line of Jefferson Avenue (Virginia Route No. 168), said pin being the southeast corner of property now or formerly owned by Peter H. Varis, said pin being located North 32° 12' 00" West, a distance of 349.03 feet from the intersection of the westerly line of said Jefferson Avenue and the northerly line of Buchanan Drive, and being the true point of beginning; thence South 32° 12' 00" East, a distance of 324.03 feet with the westerly line of said Jefferson Avenue to a set iron pin at a point of curvature on the northerly line of Buchanan Drive; thence along a curve having a radius of 25.00 feet, arc length of 39.27 feet, delta angle of 90° 00' 00", a chord bearing of South 12° 48' 00" West, and a chord length of 35.36 feet with said Buchanan Drive to a set iron pin at a point of tangency; thence South 57° 48' 00" West, a distance of 232.64 feet with said Buchanan Drive to a found iron pipe, said pipe being the southeast corner of Lot 20 of the Addition to Section Two, Hanover Heights, Block "E"; thence leaving said Buchanan Drive North 32° 12' 00" West, a distance of 149.74 feet with the easterly line of said Lot 20 to a set iron pin, said pin being the northeast corner of said Lot 20; thence South 57° 44' 30" West, a distance of 167.03 feet with the northerly line of said Lot 20, Lot 19 and, in part, Lot 18 of Hanover Heights, Section Two, Block "K" to a found iron pipe, said pipe being the southeast corner of Lot 1; thence North 32° 07' 00" West, a distance of 199.03 feet with the easterly line of Lot 1 and, in part, of Lot 2 of said Hanover Heights to a found concrete monument, said monument being the northwest corner of property now or formerly owned by Varis; thence North 57° 44' 30" East, a distance of 424.38 feet with the southerly line of said Varis to a set iron pin, said pin being the true point of beginning, containing 2.823 acres, more or less, as more particularly shown on that certain plat entitled, "PHYSICAL SURVEY OF PROPERTY OF SOTERIOS C. AND ELENI K. SIOKIS", a copy of which is recorded in the Clerk's Office of the Circuit Court for the City of Newport News, Virginia in Deed Book 1330, Page 196.

### PARCEL 2

ALL THAT certain lot, piece or parcel of land situate, lying and being in the City of Newport News, (formerly Denbigh Magisterial District, City of Warwick) Virginia, containing one (1) acre, more or less, and bounded and described as follows: Beginning at a point on the West side of U.S. Route No. 168 where the land herein conveyed joins the land now or formerly owned by Joseph M. Davis and Eva May Davis (which point is 200 feet Northerly from the land now or formerly owned by J. M. Dozier marked by a concrete post with a galvanized plat

top, 5" disc, marked J.M.D., 7-1946), and from the point thus established running thence in a Westerly direction and perpendicular to U.S. Route No. 168 a distance of 425 feet, more or less, to a point; thence in a Northerly direction and parallel to the Westerly edge of U.S. Route No. 168 a distance of 100 feet, more or less, to a point; thence in an Easterly direction and perpendicular to U.S. Route No. 168 a distance of 100 feet, more or less, to the point of beginning, and being bounded on the North by the property now or formerly owned by Ralph C. Padgett, Jr. and Margaret S. Padgett, on the East by U.S. Route No. 168, on the South by the property now or formerly owned by Joseph M. Davis and Eva May Davis, and on the West by the property now or formerly owned by C.H. Sheild, Jr. and Susie S. Sheild.

### **PARCEL 3**

ALL THAT certain lot, piece of parcel of land with the privileges and appurtenances thereunto belonging, lying and being in the Denbigh Magisterial District, City of Newport News, Virginia, containing 1.063 acres, more or less, and being all of that parcel of land designated as Parcel 2 as set forth on a certain Plat entitled "SUBDIVISION PLAT OF THE PROPERTY OF ANGELINE C. TELLE, DENBIGH MAGISTERIAL DISTRICT-CITY OF NEWPORT NEWS, VIRGINIA" made and prepared by the Sirine Group, Ltd., Surveyors-Engineers-Planners, dated August 2, 1994, and recorded in the Clerk's Office of the Circuit Court for the City of Newport News, Virginia on September 28, 1994 in Deed Book 1380, Page 495 (previously erroneously shown as Deed Book 1559, Page 720), to which Plat reference is made for a more complete description.

### **PARCEL 4**

ALL THAT certain lot, piece or parcel of land, situate, lying and being in the City of Newport News, Virginia, known and designated as Lot numbered twenty (20), Block E, as shown on that certain plat entitled, "PLAT OF HANOVER HEIGHTS, ADDITION TO SECTION TWO", made by Williams, Coile and Blanchard and Associates, Architects and Engineers, dated October 31, 1958 and recorded in the Clerk's Office of the Hustings Court of the City of Newport News, Virginia in Plat Book 5, Page 14, to which reference is here made.

**CONDITIONED**  
**VOLUNTARY PROFFER STATEMENT**  
**FOR CHANGE OF ZONING**

**To: The Honorable Newport News City Council:**      Application Number: CZ-2022-0001  
 December 5, 2022

Applicant and Owner:      SKS HOLDINGS, LLC (the “Applicant” and “Owner”)

Representative:      Steven A. Meade, Esq.  
 Patten, Wornom, Hatten & Diamonstein, L.C.  
 12350 Jefferson Avenue, Suite 300  
 Newport News, VA 23602  
 Phone: (757) 223-4554  
 Fax: (757) 249-1627  
 Email: smeade@pwhd.com

Project Name:      Jefferson Avenue and Buchanan Drive

Property:      Tax Map Parcel 089000214, consisting of approximately 0.88 acres (C1)  
 Tax Map Parcel 089000213, consisting of approximately 1.95 acres (C1)  
 Tax Map Parcel 080000228, consisting of approximately 1.00 acres (O1 to C1)  
 Tax Map Parcel 080000240, consisting of approximately 1.06 acres (O1 to C1)  
 Tax Map Parcel 089000215, consisting of approximately 0.26 acres (R3)  
 (the “Property”)

Drawing:      Concept Site Plan, titled “Site Exhibit, Jefferson Ave. and Buchanan Drive”,  
 dated April 28, 2022, and prepared by Kimley Horn, which plan is attached as  
Exhibit A (“Concept Plan”)

Rezoning Request:      From Office (O1) to Commercial (C1) for Parcels 080000228 and 080000240

Date:      December 5, 2022

---

## I. General Information.

The Applicant hereby agrees that the development of the Property, subsequent to approval of the rezoning application to which these proffers are attached, will be in conformance with the below proffered conditions (“Proffers”) pursuant to Sections 15.2-2296, 15.2-2298, et al. of the Code of Virginia (1950, as amended).

The Proffers are the only conditions offered in this rezoning application. The Proffers will be effective upon the City of Newport News’ (“City”) full and final approval of the accompanying rezoning application to reclassify the Property from Office-O1 to Commercial C1 Zoning to allow the development of a drive-thru restaurant and convenience store/fueling station (the “Project”). Any prior proffers affecting the Property, whether of record or not, are hereby superseded by these Proffers, and thus are void and of no further force and effect upon said approval.

Tax Map Parcels 089000214, 089000213 and 089000215 are included in these Proffers to bind these properties as part of the overall development Project and due to changes in property lines as part of a related subdivision of the Property.

The Residential property, Tax Map Parcel 089000215, will remain as a residentially zoned parcel to be used only as a green area and buffer for the adjacent neighborhood.

## II. Land Use.

1. **General Development.** The Property will be developed in general conformance with the Concept Plan. Notwithstanding the foregoing, all parcel lines, parcel and lot sizes, building envelopes, building or unit sizes, entrances, public road locations, private driveway and travel-way locations, waste facilities, parking areas, utility locations, storm water management facilities, amenities, and dimensions of undeveloped areas shown on the Concept Plan may be reasonably adjusted for purposes of the final site or subdivision plan approvals to address final engineering and design requirements and compliance with the requirements of City, state and federal agency regulations including, but not limited to, DHR, VDOT, DEQ, DCR, Army Corps., etc., and the City’s Zoning Ordinance, and Subdivision Ordinance.
2. **Use.** The Property shall be developed only for commercial space and related accessory uses.
3. **Traffic Impacts and Improvements.** Applicant hereby agrees that the rezoning will be conditioned upon development of the Project in general conformance with that certain Traffic Impact Analysis, entitled “Buchanan Drive Convenience Store and Fast Food Development” dated October 5, 2022 and prepared by McPherson Consulting. Such development will include the following improvements:

**a. Jefferson Avenue/Buchanan Drive**

- i. Replace existing signal heads along both approaches of Jefferson Avenue with 4-section flashing yellow arrow signal heads.
- ii. Modify the east leg of the intersection to provide the following laneage:
  1. Buchanan Drive (westbound): one exclusive left-turn lane, one through lane, and one exclusive right-turn lane; and
  2. Shift the median island to inside eastbound receiving lane, and reduce from two to one eastbound receiving lane.
- iii. Restripe west leg of the intersection to provide one exclusive left-turn lane and shared through-right turn lane
  1. Add flashing yellow arrows to both side street approaches to provide protected-permissive left turn movements.
  2. Modify placement of 3-section heads on both side street mast arms to meet MUTCD placement requirements.

Such signal head replacements to be completed at Applicant's sole cost, to be ordered within 180-days after the final approval of the rezoning requested, and to be installed within ninety (90) days after the receipt of the required signal heads equipment.

Applicant will work with the City to provide optimized splits, offsets and lead/lag phasing within existing cycle length to provide corridor progression. All such modifications to be acceptable to and fully coordinated with the City.

**b. Jefferson Avenue/Site Driveway 2 (shared access with gas/convenience store and restaurant)**

- i. Construct southbound right-turn lane within available right-of-way to include 100 ft. storage and 50 ft. of taper.
- ii. Construct site driveway with one inbound and one outbound lane each.

**c. Jefferson Avenue/Site Driveway 3 (shared access with Advance Auto Parts)**

- i. Construct a southbound right-turn lane from Jefferson Avenue within the available right-of-way to include 150 ft. of storage and 50 ft. of taper; and
- ii. Construct or modify site driveway with one inbound and one outbound lane each.

4. **General Architectural Features.** The general architectural features for the Project are as depicted on the attached elevations (i) prepared by Chick-fil-A, dated January 27, 2022, titled "Color, Elevations", "04942, Jefferson and Buchanan, FSU, 12835 Jefferson Ave, Newport News, VA 23608" and (ii) prepared by Cuhaci & Peterson, dated February 1, 2022, titled "Wawa W50 VA\_v.2021.1 - Store #, Jefferson Ave and Buchanan Drive Newport News, VA. C&P Project #2220040. 04-28-2022", and marked as **Exhibit B-1** and **Exhibit B-2**, respectively (the "General Elevations"). The General Elevations are illustrative only and do not depict the final elevations and design for the Project. In this regard, the General Elevations depict (1) a commitment to a general type, character, and quality of architectural

design, details and materials; and (2) the general types of architectural and decorative elements and features, and shall be substantially consistent with the general illustrations.

Applicant will cause the improvements on (i) Parcel 089000214, and (ii) Parcels 089000213 and 080000228 to have complementary construction materials and colors.

5. **Cross-Access Easements.** Applicant will prepare and record in the land records a declaration of covenants containing cross-access easements across all of the parcels identified above as the Property (excluding the residential property Parcel No. 089000215) for pedestrian and vehicular ingress and egress for the overall Project.
6. **Fencing Proffer.** Applicant will cause to be installed a serpentine or undulating fence of at least six (6) feet in height made of (i) masonry, or (ii) other material acceptable to the City, to be installed from the corner of the Property on Buchanan Drive (subject to adjustments for sight-line issues) and running westerly to the end of the drive-thru restaurant main parking field.). Depending on agreement with the Applicant and the City the fence may be continued westerly to the Property northwestern boundary line, subject to site conditions, including (without limitation) preservation of existing trees and other foliage.
7. **Landscaping Proffer.** Applicant agrees to buffer the Property in accordance with standard City requirements, subject to City approved modifications, with additional landscape buffering to be added in the same area as the fencing (per Proffer Number 8 above), with the exact requirements for the additional buffering to be agreed with the City during the site plan and construction plan reviews.
8. **Residential Parcel Proffer.** Applicant hereby agrees that the Property area currently identified as Tax Map Parcel 089000215, will be maintained and used only for (i) residential purposes, and (ii) the actual use will be limited to a green area and buffer between the commercial project and the adjacent neighborhood. Applicant agrees to demolish and remove the residence currently existing on the parcel, and to landscape the parcel in accordance with the approved landscaping plan prior to completion of the Project and prior to receiving a certificate of occupancy for the Project.
9. **No Future Development.** Applicant agrees that the westernmost area of the Property, currently identified as Tax Map Parcel 080000240 will not be developed with a building or permanent structure, except for (i) the existing and new stormwater improvements on the parcel, and (ii) as shown for additional parking on the Concept Plan as part of this rezoning.



- 10. **Neighborhood Entry Signage.** Applicant agrees to design and construct, within the public right-of-way for Buchanan Drive, a traffic island or comparable improvement that will include neighborhood signage for Hanover Heights, subject to the Applicant's ability to obtain all required permits and approvals for such work. The location, design and signage for such improvement to be approved by the City during the site plan review process. This is intended as a traffic calming feature to further buffer the Hanover Heights neighborhood.
  
- 11. **Property Line Adjustments.** Applicant agrees to submit a Subdivision Plat Application for a boundary line adjustment to the property lines for Parcel Numbers 089000214, 089000213 and 080000228 to be approximately as shown on the attached **Exhibit C.** Such boundary line adjustment to be submitted to the City not later than 120-days after the demolition of the building currently on Parcel Number 089000213.

[AUTHORIZED SIGNATURES TO FOLLOW]

The Applicant and Owner make these Proffers voluntarily, in support of their rezoning application.

WITNESS the following signature:

**OWNER/APPLICANT:**

SKS HOLDINGS, I.L.C

By:



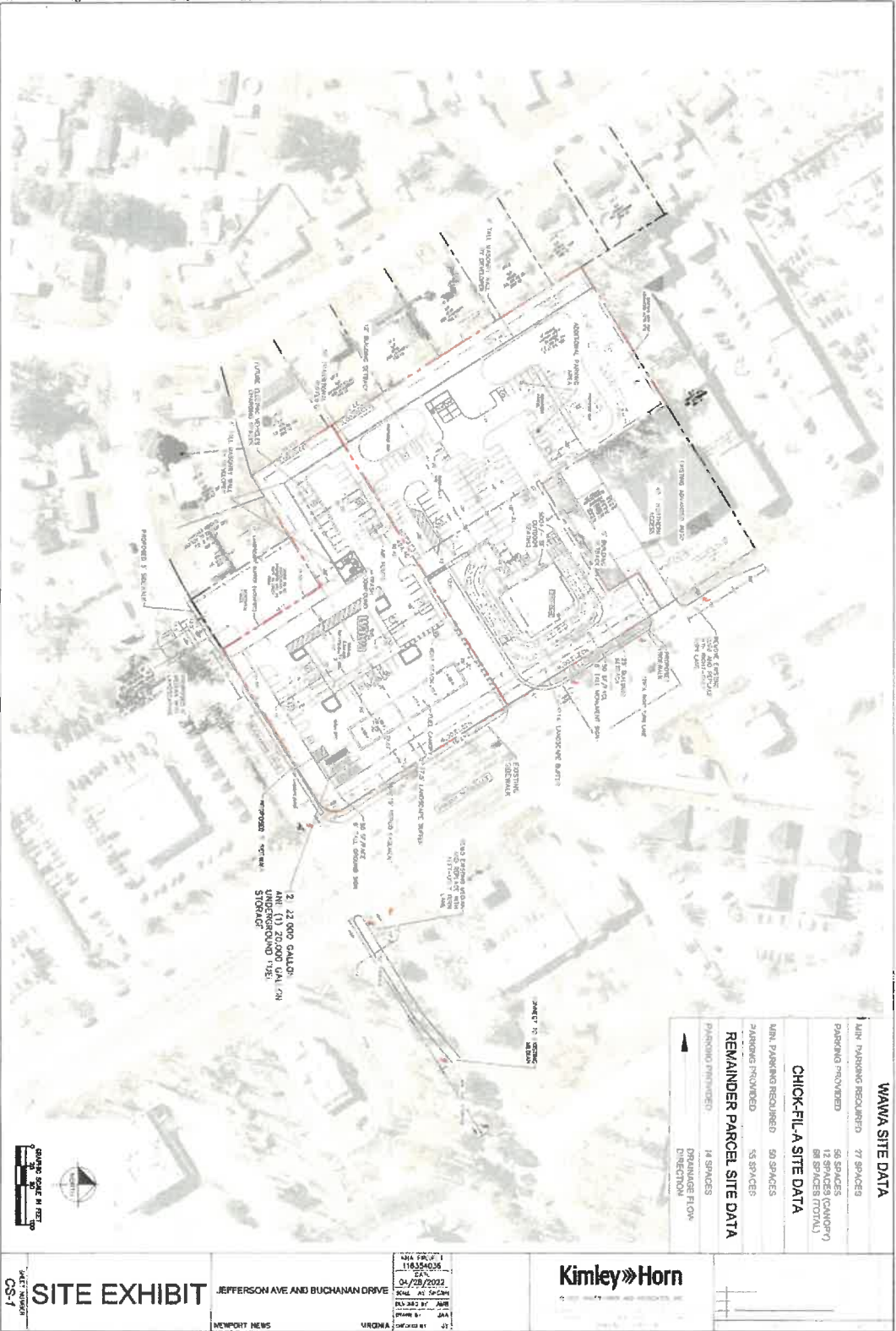
Name: Konstantinos Siokis

Title: Manager

Date: December 3<sup>rd</sup>, 2022

*(Signatures continue on following page)*

**EXHIBIT A**  
**“Concept Plan”**



**WAWA SITE DATA**

MIN. PARKING REQUIRED 77 SPACES  
 PARKING PROVIDED 88 SPACES (CAMPO)  
 88 SPACES (TOTAL)

**CHICK-FIL-A SITE DATA**

MIN. PARKING REQUIRED 50 SPACES  
 PARKING PROVIDED 59 SPACES

**REMAINDER PARCEL SITE DATA**

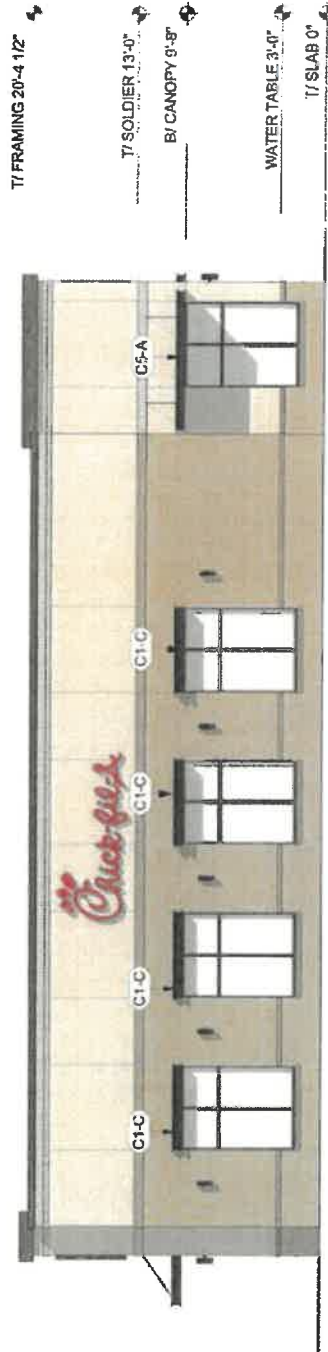
PARKING PROVIDED 14 SPACES  
 PROPOSED FLOW DIRECTION



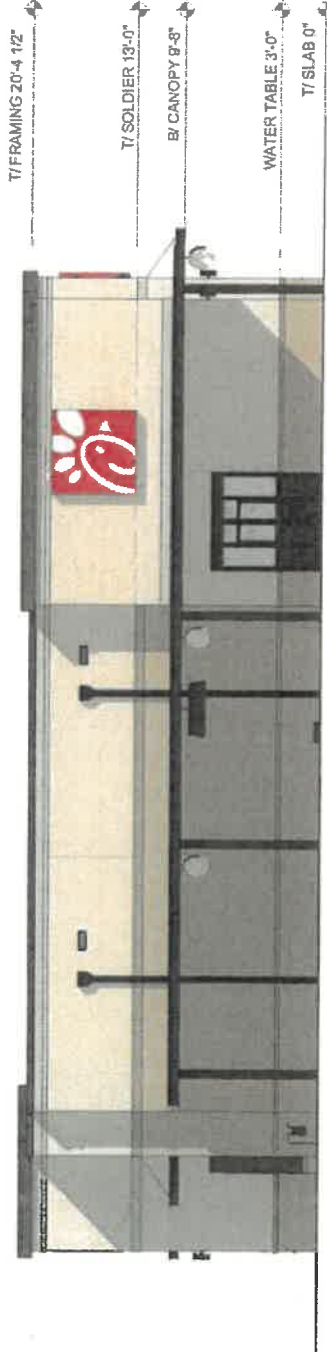
<p><b>SITE EXHIBIT</b></p> <p>MEMPHIS NEWS          URGENT</p>	<p>JEFFERSON AVE AND BUCHANAN DRIVE</p>	<p>DATE: 04/28/2022</p> <p>TIME: 11:58 AM</p> <p>BY: [Name]</p> <p>PROJECT: [Name]</p>	<p><b>Kimley»Horn</b></p> <p>2000 W. WASHINGTON AVE. SUITE 200          MEMPHIS, TN 38111          TEL: 901.522.1100          FAX: 901.522.1101          WWW.KIMLEYHORN.COM</p>
	<p>CS-1</p>	<p>SCALE: 1" = 20'</p>	

**EXHIBIT B-1**

**“Chick-fil-A General Elevations”**



**EXTERIOR ELEVATION**  
1/8" = 1'-0"



**EXTERIOR ELEVATION**  
1/8" = 1'-0"

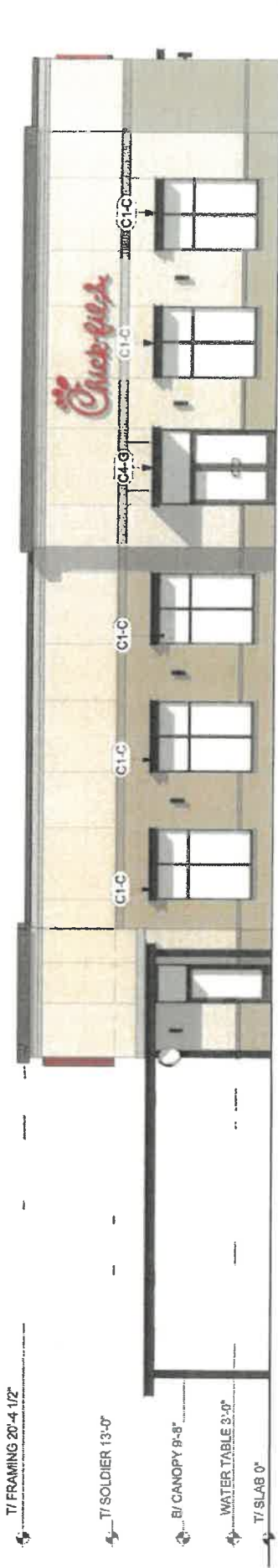
**EXTERIOR FINISHES**

	<b>BR-A</b> BRICK VENEER COLOR: DARK BROWN SIZE: MODULAR
	<b>BR-B</b> BRICK VENEER COLOR: LIGHT BROWN SIZE: MODULAR
	<b>EC-1</b> PREFINISHED METAL COPING COLOR: MIDNIGHT BRONZE
	<b>PT-13</b> EXTERIOR PAINT COLOR: DARK BRONZE FINISH: SEMI-GLOSS
	<b>ST-1</b> STOREFRONT COLOR: DARK BRONZE

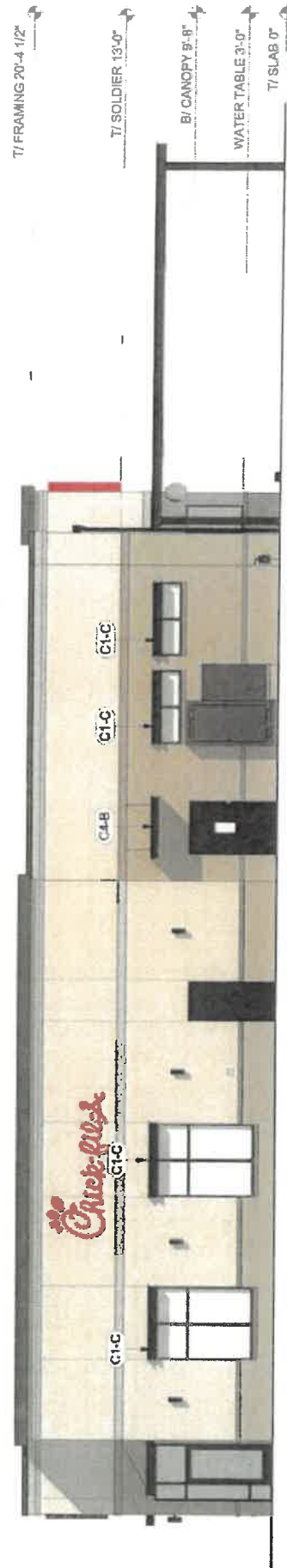
04942, Jefferson and Buchanan FSU, 12835 Jefferson Ave, Newport News, VA 23608  
 THE CHICK-FIL-A DESIGN DEVELOPMENT PACKAGE REPRESENTS A BRAND COMPLIANT DESIGN SOLUTION. SITE ADAPT PROFESSIONALS ARE RESPONSIBLE FOR APPLICATION OF DESIGN AND COMPLIANCE WITH ORDINANCES AND CODES.

01/27/2022

COLOR ELEVATIONS



EXTERIOR ELEVATION  
1/8" = 1'-0"



EXTERIOR ELEVATION  
1/8" = 1'-0"

COLOR ELEVATIONS

04942, Jefferson and Buchanan FSU, 12835 Jefferson Ave, Newport News, VA 23608

01/27/2022

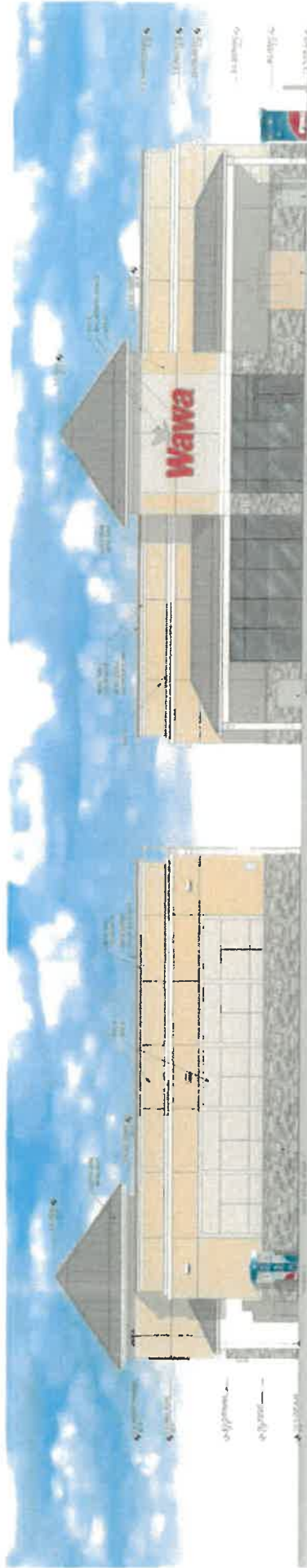


THE CHICK-FIL-A DESIGN DEVELOPMENT PACKAGE REPRESENTS A BRAND COMPLIANT DESIGN SOLUTION. SITE ADAPT PROFESSIONALS ARE RESPONSIBLE FOR APPLICATION OF DESIGN AND COMPLIANCE WITH ORDINANCES AND CODES.

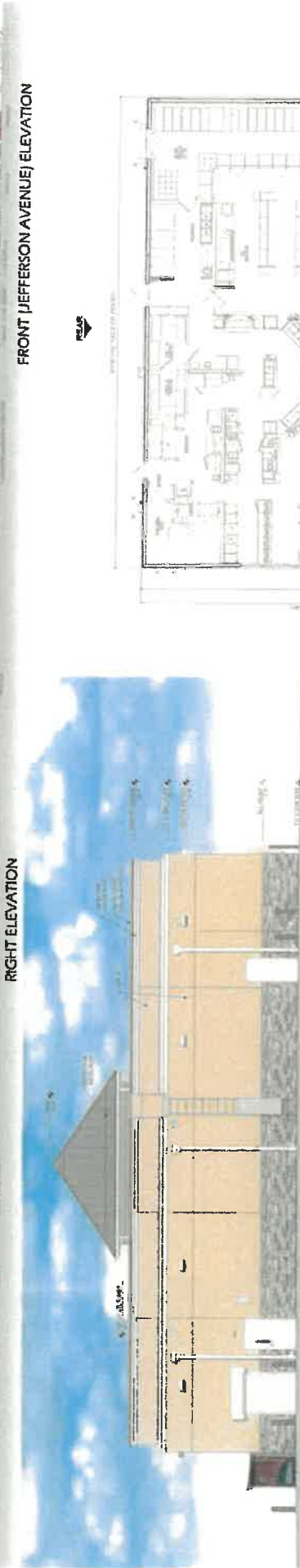
**EXHIBIT B-2**

**“Wawa General Elevations”**

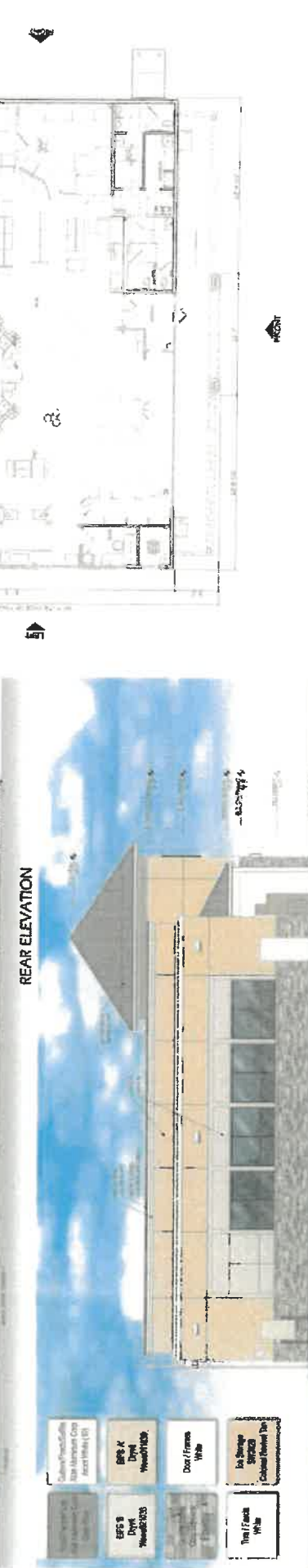




FRONT (JEFFERSON AVENUE) ELEVATION



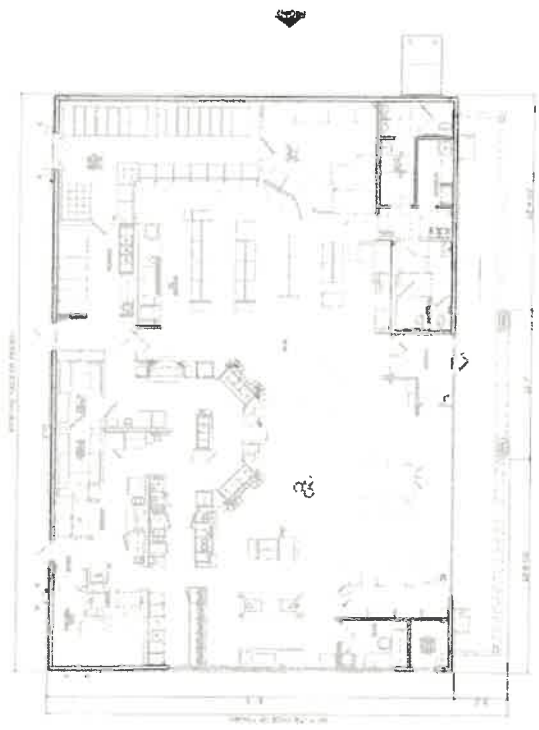
RIGHT ELEVATION



REAR ELEVATION



LEFT (BUCHANAN DRIVE) ELEVATION



FLOOR PLAN

NOTE: SIGNAGE & SHOWING FOR REFERENCE ONLY. SEPARATE PERMIT REQUIRED.

Exterior Finish Tan Mineral Coat Acrylic Finish (R)	EPS 4 Dry Weatherstrips	Door Frame White	Ex Storage SPRINK Colored Steel Top
EPS 8 Dry Weatherstrips	Door Frame White		



**WAWA W50 VA v.2021.1**  
JEFFERSON AVE & BUCHANAN DRIVE NEWPORT NEWS, VA • C&P Project #2220040 • 04-28-2022



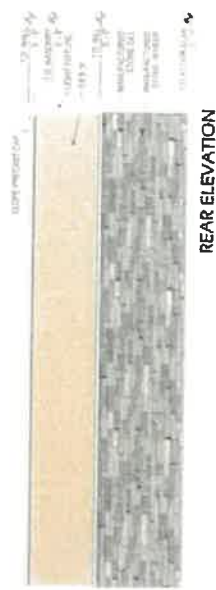
FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



REAR ELEVATION

Architectural  
Renderings  
Wawa Standard  
SM2121-00

Wawa  
Dryer  
Vendor/Spec

Wawa  
Dryer  
Vendor/Spec



# WAWA GAS CANOPY STRAIGHT 6 - TRASH COMPOUND MASQ17-L

Jefferson Ave & Buchanan Drive Newport News, VA • C&P Project #2220040 • 02-01-2022