

ORDINANCE NO. 7875-23

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-2022-0005 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF PERMITTING THE OPERATION OF AN AUTOMOBILE GASOLINE SUPPLY STATION ON A SITE ZONED C1 RETAIL COMMERCIAL DISTRICT.

WHEREAS, application number CU-2022-0005 has been made by **SKS HOLDINGS, LLC, owners and applicants**, for a conditional use permit for the hereinafter described property for the purpose of permitting the operation of an automobile gasoline supply station on a site zoned C1 Retail Commercial District; and

WHEREAS, the application has been referred to the Planning Commission of 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:

(a) That conditional use permit number CU-2022-0005 is hereby granted for the property described in paragraph (b) hereof for the purpose of permitting the construction of an automobile gasoline supply station on a site zoned C1 Retail Commercial District; and

(b) That the property, hereinafter referred to as the "Property," to which the conditional use permit applies is particularly described below:

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.

This conditional use permit shall apply only to that 2.07 acre portion of the above described Property as reflected on Exhibit A-4, prepared by Kimley-Horn dated April 28, 2022, which is attached hereto and made a part hereof.

The Property has a common street address of 12833 & portion of 12835 Jefferson Avenue and Real Estate Assessor's Tax I.D. # 089.00-02-14 and 089.00-02-13, respectively.

(c) That this conditional use permit is granted subject to the following conditions, each of which shall be implemented upon approval of this ordinance:

1. The applicant shall submit a class 1 Site Plan to the Department of Planning for review by the Site Plan Review Committee and approval by the Director of Planning. This site plan shall be in general conformance with the Exhibit for Conditional Use Permit prepared by Kimley-Horn dated April 28, 2022, found in Appendix A-4, which is attached hereto and made a part hereof, and shall conform to this conditional use permit, the city's site regulations and Zoning Ordinance.
2. The property owner shall file a boundary line adjustment plat with the Department of Planning to vacate interior lot lines, and adjust the property lines to create a new parcel for this use to be reviewed and approved by the Director of Planning.
3. The applicant shall implement all traffic improvements, including road construction as well as sign installations as stipulated in the August 11, 2022 and updated September 9, 2022 Traffic Impact Analysis (TIA) prepared by McPherson Consulting, as found in Appendix A-8, which is attached hereto and made a part hereof. The improvements shall occur as proffered in conditional rezoning CZ-2022-0001.
4. The applicant shall submit to the Department of Planning building elevations and exterior building materials consistent with the elevation drawings dated February 1, and April 28, 2022 prepared by Cuhaci & Peterson and found in

Appendix A-6, which is attached hereto and made a part hereof, to be reviewed and approved by the Director of Planning prior to the issuance of a building permit. The building shall be constructed in substantial conformance with the approved elevations and materials.

5. A tree survey shall be conducted and mature trees that are within the proposed and required green areas shall be retained and incorporated in the landscape plan. A landscape plan which is in conformance with the requirements of the zoning ordinance, site regulations, special exceptions SE-2022-0003 and SE-2022-0004 as well as this permit shall be submitted to and approved by the Director of Planning prior to conditional site plan approval. This landscape plan shall be in general conformance with the conceptual plan prepared by Kimley Horn dated September 20, 2022, found in Appendix A-5, which is attached hereto and made a part hereof. All landscaping shall be installed in accordance with the approved plan and shall be maintained in a healthy condition in perpetuity. The use approved by this permit shall not commence until the landscaping has been installed.
6. The applicant shall install a 6-foot height masonry wall at the edge of the transitional buffer area, as shown in Appendix A-5. The final design, location and materials of the wall shall be approved by the Director of Planning.
7. The applicant shall not install any vacuum, air supply equipment and fuel tank ventilation apparatus adjacent to Jefferson Avenue or Buchanan Drive and such equipment shall not be installed closer than two hundred and fifteen (215) feet to the rear Property line. All of the aforementioned equipment shall be appropriately screened with materials approved by the Director of Planning prior to site plan approval.
8. All existing freestanding signs shall be removed and only one freestanding sign shall be permitted on the Property. The sign shall be a ground sign no taller than six (6) feet measured from the highest point of the sign area structure to the top of the curb consistent with the requirements of special exception SE-2022-0003. The sign shall be no more than fifty (50) square feet. Sign design and materials shall be reviewed and approved by the Director of Planning prior to the issuance of a sign permit.
9. All signs, including directional signs, location, design and materials shall be reviewed and approved by the Director of Planning.
10. No temporary or portable signs shall be permitted on the Property. Signage placed in or on any window of the building shall be limited to no more than twenty-five (25) percent of each window.
11. There shall be no signage on the fueling stations other than a logo and that required by law for safety.
12. Signage on the canopy shall be limited to no more than ten (10) square feet.

13. All outdoor storage and displays of saleable items shall be prohibited excluding those items located in vending machines or enclosed areas.
14. All dumpsters and HVAC systems shall be screened from adjacent properties and rights-of-way with materials and designed to match the building and shall be approved by the Director of Planning prior to approval of a building permit, and shall be maintained in such condition in perpetuity.
15. All lighting on the Property shall be consistent with those standards recommended by the Illumination Engineering Society of North America (IESNA.) A photometric lighting plan indicating the number and type of lighting shall be submitted for review and approval by the Director of Planning. Lighting shall be installed and operated as shown on the approved plan. Lighting shall be directed inward and downward on the Property so that such lighting does not spillover onto adjacent properties.
16. The playing of music on any outdoor speakers shall be prohibited.
17. The exterior of the facility including the buffer area shall be patrolled by the operator at every shift change each day and all debris, litter and graffiti identified during this process must be removed immediately.
18. The applicant shall cause a plan ("the Plan") to be prepared for the installation and operation of digital video equipment (the "Equipment") with recording devices and capability sufficient to include date and time that recording is made. The Equipment shall provide surveillance coverage encompassing both the front, side and rear exteriors of the business. The Plan shall be submitted for review and approval by the Police Department. The Plan shall include an operational period for the Equipment, which shall include all operating hours of the business and one hour or more after the close of business. Once the Plan is approved, the applicant shall install the Equipment in accord with the provisions of the Plan; and operate, record, and maintain the Equipment to provide for the required surveillance coverage. The Equipment and recordings made thereby shall be subject to periodic inspection by the Police Department at reasonable times. Commencement of the use authorized by this conditional use permit shall constitute acceptance of the conditions of this permit, including consent for such inspections. Surveillance tapes or recorded data must be maintained in a condition permitting review of the information recorded or stored therein or thereon for a period of time no less than thirty (30) days.
19. The applicant shall provide written notice to the Director of Planning in the event of the cessation of fuel dispensing activity at the automobile gasoline supply station. Such notice shall be provided no later than seven (7) days after such fuel dispensing activity ceases.

20. In the event a fuel dispensing activity ceases at the automobile gasoline supply station for a period in excess of twelve (12) months:
 - a. The tanks and fueling equipment (including the gas pumps and fueling islands) shall be removed;
 - b. The canopy shall be removed; and
 - c. The real property in or on which the improvements listed in subsection (a) and (b) above are placed or constructed shall be restored to the same grade or condition as the remainder of the parking lot and maintained either as landscaped green area or as paved area until a new site plan for the site has been approved by the city.
21. Prior to operating the use permitted by this conditional use permit, a bond in an amount deemed appropriate by the Director of Planning and in a form deemed appropriate by the City Attorney shall be posted by the applicant with the city and maintained for one year after the conditional use permit expires to ensure that the applicant will restore the real property as required in condition 20 a, b, and c.
22. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
23. The Property shall be wired so that it is ready to connect to an auxiliary generator sufficient in size and capacity to operate all fueling stations during extended electrical system outages.
24. Violation of any of the above conditions and safeguards attached thereto shall be deemed a violation of the Zoning Ordinance, and, in addition, shall serve as grounds for revocation of the conditional use permit by the City Council.
25. The applicant, as well as successors, assigns, and agents, shall comply with all codes, ordinances and regulations of federal, state and local government.
26. The applicant, as well as his successors, assigns, and agents, shall obtain all necessary licenses, approvals, or conditional approvals, and permits prior to commencing any use, which is authorized by this conditional use permit or law. The applicant, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, and permits for the entire period of time during which the real property, whether improved or otherwise is put to a use which is authorized by this conditional use permit.
27. A Certificate of Use and Occupancy shall be obtained prior to the occupancy of, or the operation of, any use of the Property. If applicable, the use approved by this conditional use permit shall not begin until a site plan is approved and

fully implemented. If applicable, any landscaping component of the site plan shall be maintained in a healthy condition for the duration of the use authorized by this permit.

28. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; therefore, the conditions contained in this conditional use permit are not severable; in the event that any condition contained herein, of part thereof, is found by a court of competent jurisdiction to be invalid, unconstitutional or otherwise unenforceable, then the use permitted by this conditional use permit shall be void and the use permitted by this conditional use permit shall be invalid. If this conditional use permit becomes void as a result of a condition or a part thereof, or conditions therein, being ruled invalid, unconstitutional or otherwise unenforceable, the property owner shall be afforded the right to reapply for a conditional use permit.
29. Notwithstanding any other provision of law, this conditional use permit is being approved due, in part, to the mitigating effects of each and every condition contained herein; as such, in the event of an amendment to the zoning of the Property is produced by a comprehensive implementation of a new or substantially revised zoning ordinance, the conditions imposed by the conditional use permit shall continue in effect.

(d) That this conditional use permit shall be deemed to have been abandoned and shall be revoked:

1. If the construction of the improvements or occupancy authorized by this conditional use permit has not commenced within twenty-four (24) months of February 14, 2023, or,
2. In the event of the continuous nonuse of the property as herein permitted for a period of twenty-four (24) months.

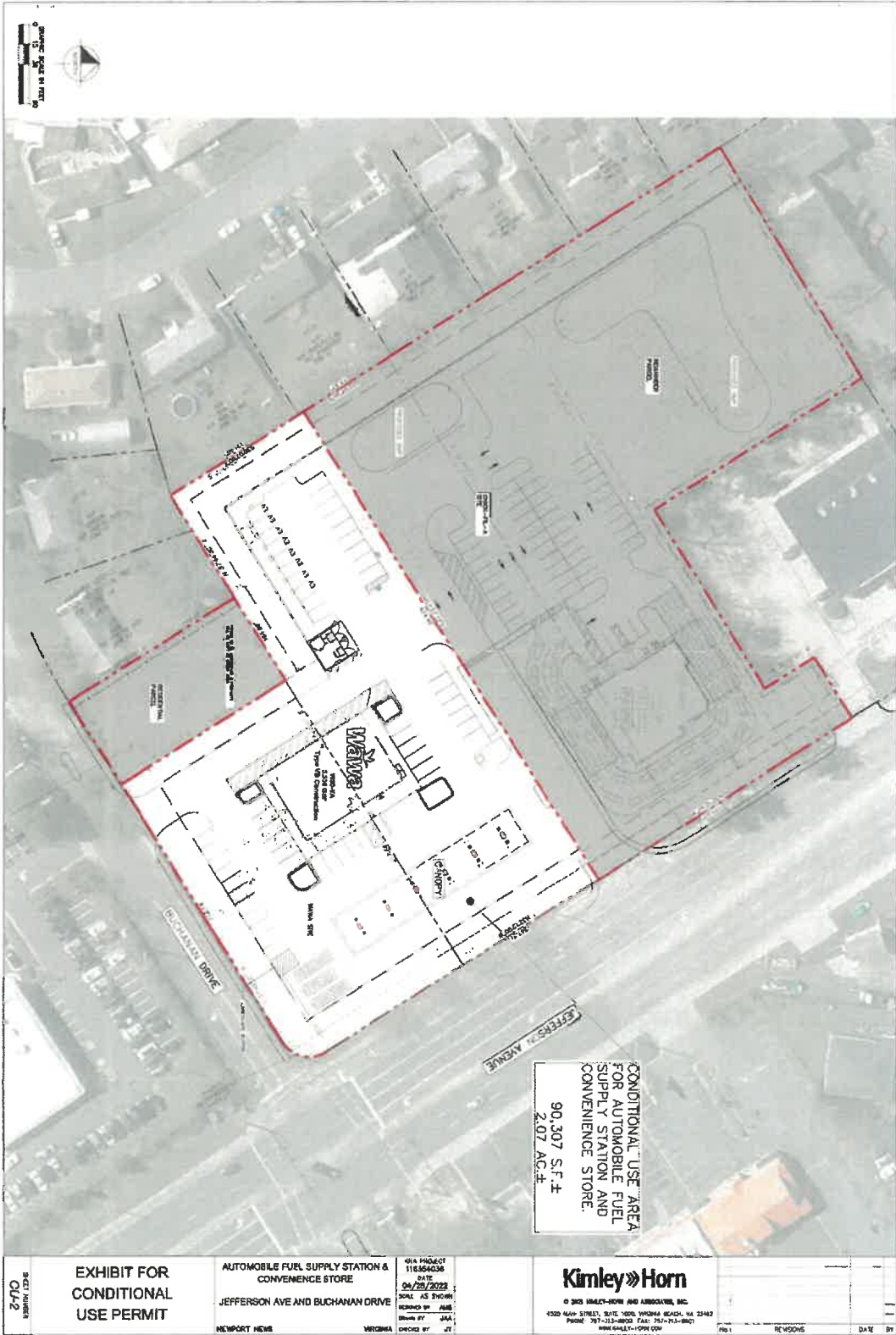
PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON FEBRUARY 14, 2023

Mabel Washington Jenkins, MMC
City Clerk

Phillip D. Jones
Mayor

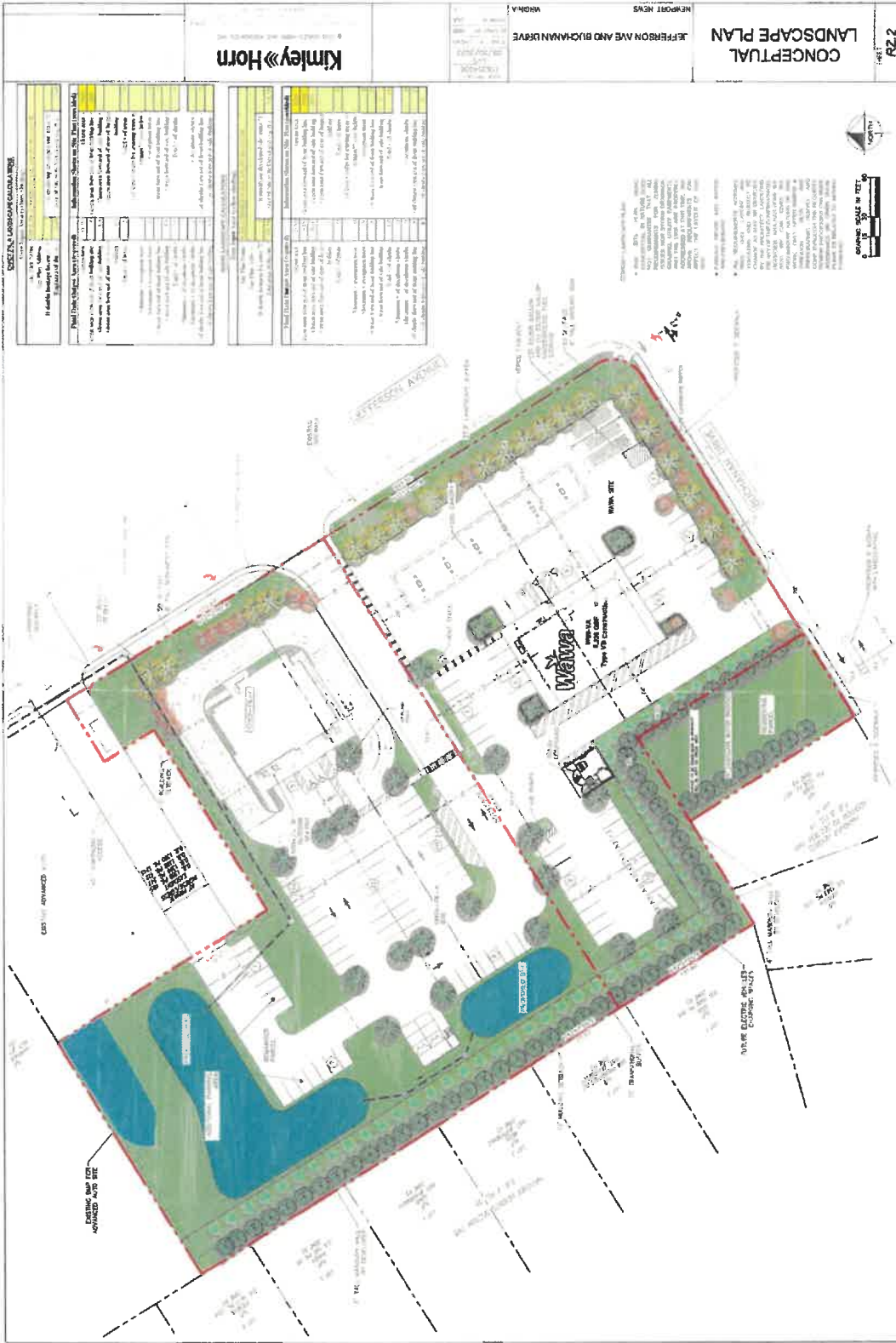
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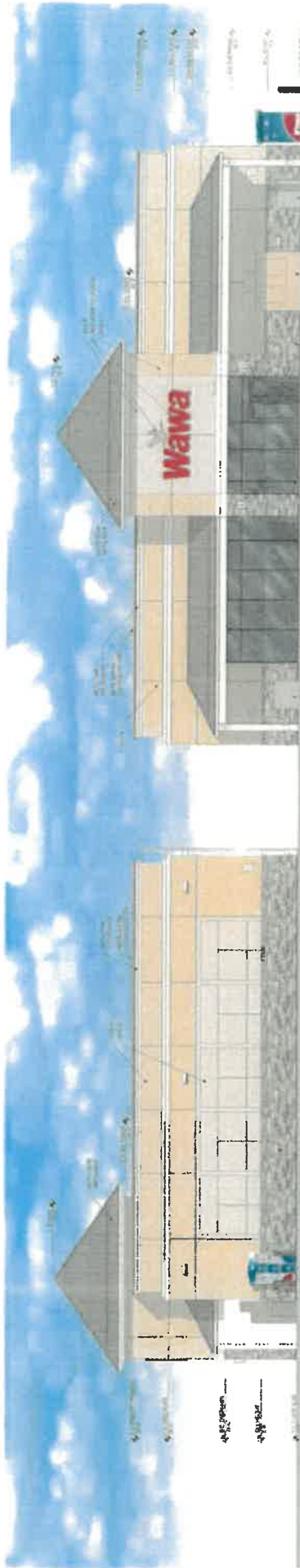
City Clerk



CONDITIONAL USE AREA
 FOR AUTOMOBILE FUEL
 SUPPLY STATION AND
 CONVENIENCE STORE:
 90,307 S.F.±
 2.07 AC.±

SHEET NUMBER 04-2	EXHIBIT FOR CONDITIONAL USE PERMIT	AUTOMOBILE FUEL SUPPLY STATION & CONVENIENCE STORE JEFFERSON AVE AND BUCHANAN DRIVE NEWPORT NEWS VIRGINIA	PROJECT NUMBER 11826428 DATE 04/25/2023 SCALE: AS SHOWN DESIGNED BY: JMS DRAWN BY: JMS CHECKED BY: JMS	Kimley-Horn © 2023 KIMLEY-HORN AND ASSOCIATES, INC. 4320 WALKER STREET, SUITE 300, VIRGINIA BEACH, VA 23462 PHONE: 757-433-8800 FAX: 757-433-8801 WWW.KIMLEY-HORN.COM	FIG. 1 REVISIONS DATE
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FRONT (JEFFERSON AVENUE) ELEVATION



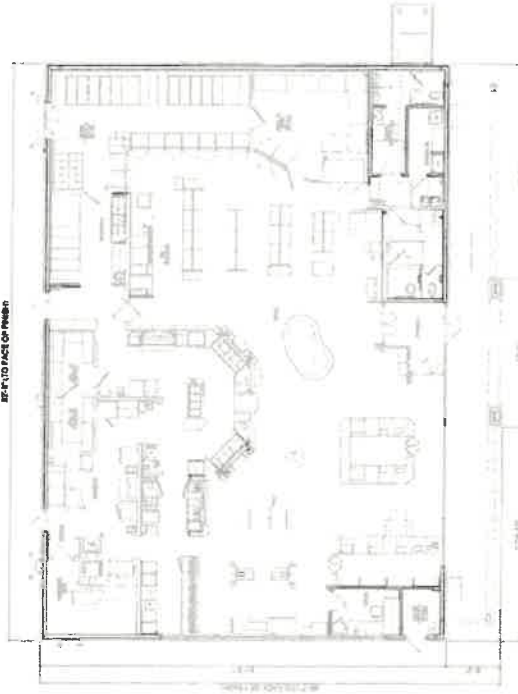
RIGHT ELEVATION



REAR ELEVATION



LEFT (BUCHANAN DRIVE) ELEVATION



FLOOR PLAN

NOTE:
SIGNAGE IS SHOWN FOR REFERENCE ONLY
SEPARATE PERMIT REQUIRED

<p>Wawa Jefferson Ave Newport News, VA</p>	<p>Wawa Buchanan Drive Newport News, VA</p>	<p>Wawa Jefferson Ave Newport News, VA</p>	<p>Wawa Buchanan Drive Newport News, VA</p>
<p>Wawa Jefferson Ave Newport News, VA</p>	<p>Wawa Buchanan Drive Newport News, VA</p>	<p>Wawa Jefferson Ave Newport News, VA</p>	<p>Wawa Buchanan Drive Newport News, VA</p>



Culiaci & Peterson
Architects Engineers Planners
1000 W. 17th Street, Suite 100
Newport News, VA 23602

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



WAWA GAS CANOPY STRAIGHT 6 - TRASH COMPOUND MASQ17-L

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

Executive Summary

The proposed development is located in Newport News, Virginia, on the northwest corner of the intersection of Jefferson Avenue and Buchanan Drive. The developer is requesting a rezoning for five parcels to be consolidated into two parcels with a Retail Commercial (C1) zoning and conditional use permit to support a fast-food restaurant with a drive-thru and a convenience store / gas station. As illustrated in the site plan dated July 30, 2021, the development will have cross access between the two parcels with three driveways: two along Jefferson Avenue and a third on Buchanan Drive.

The traffic study area includes four intersections along Jefferson Avenue in the vicinity of the proposed development. As currently proposed, the development will increase traffic volumes throughout the study area adding 541 and 709 trips during the PM and Weekend peak hours, respectively. The following summarizes the recommendations for the study area intersections:

Jefferson Avenue / Richneck Road

- Maintain existing laneage.

Jefferson Avenue / Site Driveway 3

(Shared access with Advanced Auto Parts)

- Construct southbound right-turn lane within available right-of-way to include 150' storage and 50' of taper.
- Construct site driveways with one inbound and one outbound lane each.

Jefferson Avenue / Site Driveway 2

(shared access with gas/convenience store)

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