

ORDINANCE NO. 7888-23

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-2022-0011 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF ALLOWING THE OPERATION OF AN AUTOMOBILE BODY AND PAINT SHOP ON A SITE ZONED M1 LIGHT INDUSTRIAL.

WHEREAS, application number CU-2022-0011 has been made by **CMH HOMES, INC., Owner and MPCC NEWPORT NEWS, VA, Applicant**, for a conditional use permit for the hereinafter described property for the purpose of allowing the operation of an automobile body and paint shop on a site zoned M1 Light Industrial; 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-2022-0011 is hereby granted for the property described in paragraph (b) hereof for the purpose of allowing the operation of an automobile body and paint shop on a site zoned M1 Light Industrial; 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 in the City of Newport News, Virginia, containing 2.2960 acres, and known and designated as PARCEL B-1, as shown on that certain plat entitled, "SUBDIVISION OF PARCEL #2, PROPERTY STANDING IN THE NAME OF J. DENBIGH ASSOCIATES, INC.", dated September 16, 2009, made by Davis & Associates, P.C., Land Surveyors – Planners, and recorded in the Clerk's Office of the Circuit Court for the City of Newport News, Virginia on March 10, 2010, as Instrument No.: 100004551, to which reference is here made.

The Property has a common street address of 13130 Jefferson Avenue and is assigned Real Estate Assessor's Tax I.D.# 059.00-03-02.

(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. A class 1 site plan shall be submitted to and reviewed by the Site Plan Review Committee and approved by the Director of Planning. This site plan shall be in general conformance with the plan entitled, "Conceptual Site Plan 21," prepared by Bret Flory dated March 27, 2023 and found in Appendix A-5, which is attached hereto and made a part hereof. The class 1 site plan shall conform to this conditional use permit, the city's site regulations and the Zoning Ordinance.
2. The applicant shall submit to the Department of Planning building elevations and exterior building materials substantially consistent with the elevation drawings prepared by Bret Flory, dated December 21, 2022 and found in Appendix A-7, 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.
3. A landscape plan meeting the requirements of the Zoning Ordinance and site regulations shall be submitted to and approved by the Director of Planning. This landscape plan shall be in general conformance with the conceptual plan prepared by Freeland and Kaufman, Inc. dated March 28, 2023 and found in Appendix A-8, 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.
4. Only one freestanding sign shall be permitted on the Property. The sign shall be a monument sign in accordance with the details in Appendix A-10, which is attached hereto and made a part hereof, and shall be no taller than six (6) feet measured from the curb to the highest point of the sign area structure. The sign shall be no more than fifty (50) square feet. The sign placement, design and materials shall be reviewed and approved by the Director of Planning prior to the issuance of a sign permit.
5. Site lighting shall be shielded in a manner so as to direct lighting inward to the Property and prevent glare onto adjacent properties and public rights-of-way.
6. All vehicles located on the Property shall have current state registration and tags and no storage of inoperable vehicles shall be permitted.
7. There shall be no outdoor storage of hazardous materials, repair equipment, or parts.
8. 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 the recording is made. The Equipment shall provide surveillance coverage encompassing the front, side and rear exteriors of the use permitted by this ordinance. 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 days.

9. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
10. The applicant, as well as successors, assigns and agents, if any, shall comply with all of the conditions stated herein, as well as all codes, ordinances and regulations of federal, state and local governments.
11. The applicant, as well as successors, assigns, and agents, if any, shall obtain all necessary licenses, approvals, conditional approvals, and permits prior to commencing any use, which is authorized by this conditional use permit or law. Furthermore, the applicants, as well as successors, assigns, and agents shall maintain all necessary licenses, approvals, conditional 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.
12. 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.
13. Violation of any of the above conditions or safeguards attached thereto shall be deemed a violation of the Zoning Ordinance, and, in addition, and notwithstanding any other provision of law, shall serve as grounds for revocation of the conditional use permit by City Council.
14. 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, or part thereof, is found by a court of competent jurisdiction to be invalid, unconstitutional, or otherwise unenforceable, then this conditional use permit shall be void and the use permitted by this conditional use permit shall cease. 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.

15. 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 an amendment to the zoning of the Property described in Section (b) hereof 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 May 9, 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 MAY 9, 2023

Mabel Washington Jenkins, MMC
City Clerk

Phillip D. Jones
Mayor

A true copy, teste:

City Clerk

LANDSCAPING:
 • LANDSCAPE STRIP CAN ONLY ENCUMBER UP TO 50% WITH ANY EASEMENTS ALONG STREET FRONTAGES.

SITE DATA	
OFFICE SQ. FT.	= 1,775 SQ. FT. ±
SHOP FLOOR SQ. FT.	= 12,825 SQ. FT. ±
TOTAL BUILDING SQ. FT.	= 14,600 SQ. FT. ±
ACREAGE TOTAL	= 2.30
PARCEL CONTROL NUMBER: 069000302	
FLOOD ZONE 'X' (OUTSIDE 500 YEAR PLAIN)	
SETBACKS:	
FRONT: 30'	REAR: 20'
PROPOSED HEIGHT = 26'-4"	SIDES: 20' 0"
MAX. HEIGHT = 40'-0"	
ZONING	M1 - LIGHT INDUSTRIAL
USE	AUTOMOBILE BODY & PAINT SHOP
WATER	TBD
SEWER	TBD
PARKING CALCULATIONS	
SHOP @ 1,800' REQ'D	= 30
CITY TOTAL REQUIRED	= 30
TOTAL PARKING SHOWN	= 58

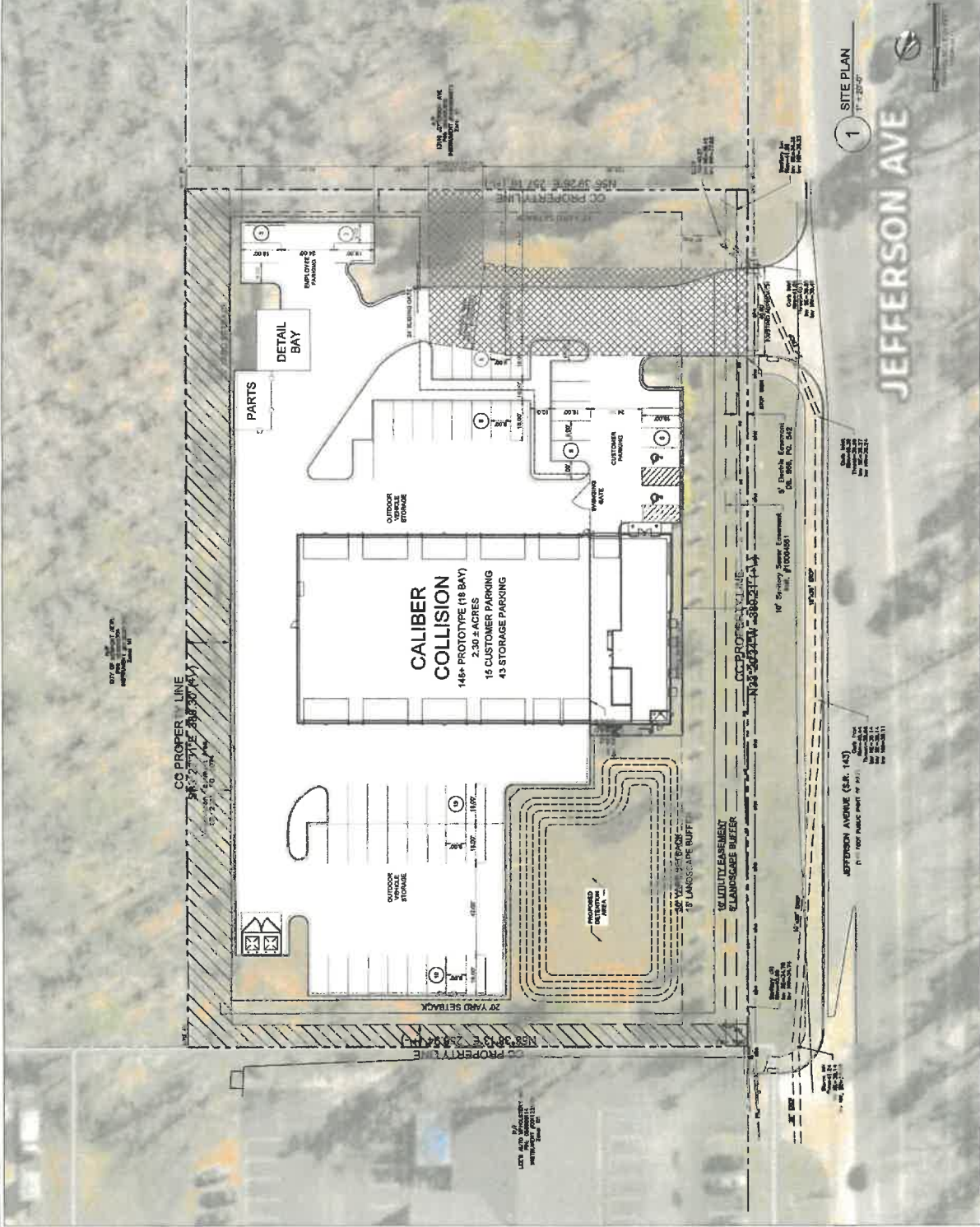


BRET FLORY
 1915 GARDENROVE COURT
 PLANO, TEXAS 75075
 PC 872.467.9749

MCNEEL PROPERTIES

CONCEPTUAL SITE PLAN 24
 13130 JEFFERSON AVE.
 NEWPORT NEWS, VA

OWNER: SGM PROJECT: 21047 DATE: 23.03.27



1 SITE PLAN
 1" = 20' 0"

JEFFERSON AVE

Bret ARCHITECT
1913 GARDEN GROVE COURT
PLANO, TEXAS 75075
PH: 972.867.9719
info@bretarchitect.com

CALIBER COLLISION
CONCEPTUAL ELEVATIONS
NEWPORT NEWS, VA

PROJECT NO. CITY PROJECT NO. SHEET NO.
21347

DATE: 2/13/21

FRONT ELEVATION SCALE: 1/8" = 1'-0"
REAR ELEVATION SCALE: 1/8" = 1'-0"
LEFT ELEVATION SCALE: 1/8" = 1'-0"
RIGHT ELEVATION SCALE: 1/8" = 1'-0"

DETAIL BAY
07 FRONT ELEVATION SCALE: 1/8" = 1'-0"
05 RIGHT ELEVATION SCALE: 1/8" = 1'-0"
04 REAR ELEVATION SCALE: 1/8" = 1'-0"
02 RIGHT ELEVATION SCALE: 1/8" = 1'-0"

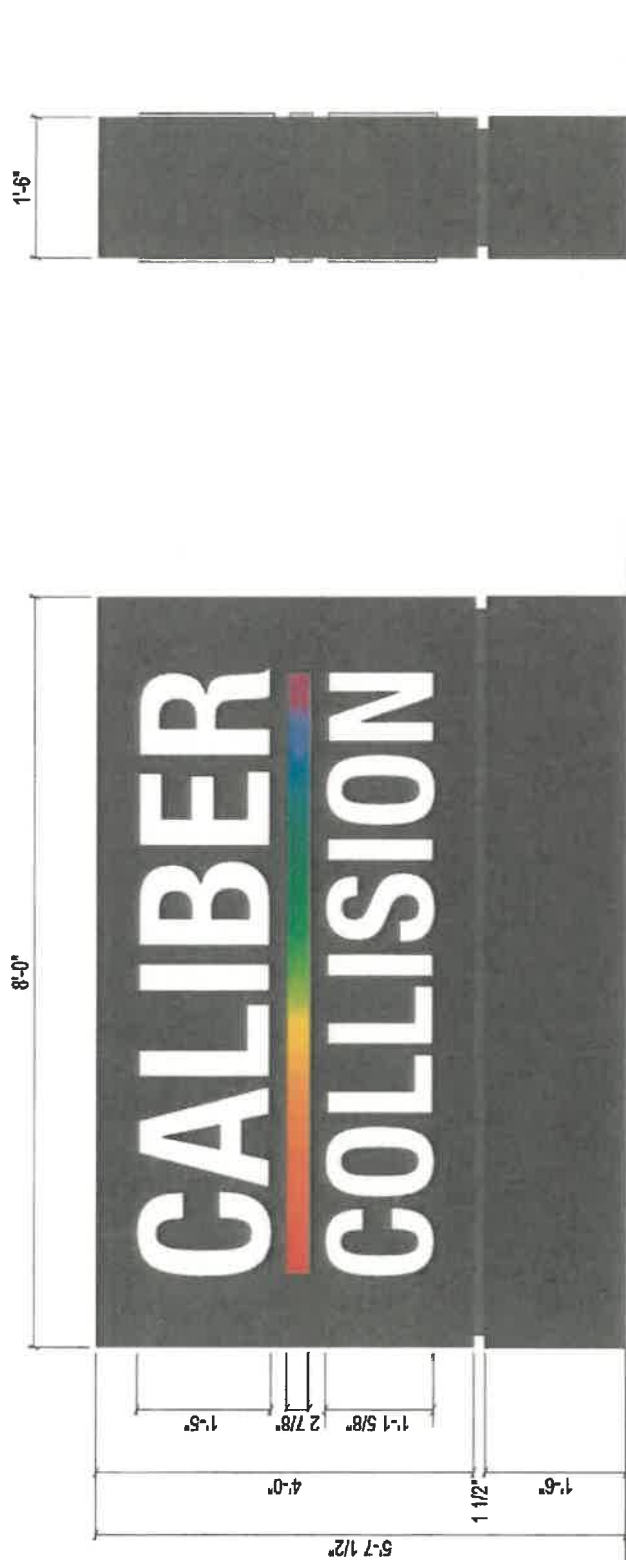
MATERIAL LEGEND

TRICOLORED BLACK	TRICOLORED DESERT	POCKA	NONADIC DESERT	PRE-PRESSED METAL PANEL	PRE-PRESSED METAL PANEL
TRICOLORED BLACK	TRICOLORED DESERT	POCKA	NONADIC DESERT	PRE-PRESSED METAL PANEL	PRE-PRESSED METAL PANEL

GENERAL NOTES:
1. REFER TO ALL NOTES ON SHEETS FOR SIZE, QUANTITY, AND APPROXIMATE LOCATION ONLY.
2. FOLLOW METAL ELEVATION, FINISHES, AND COLOR MATCHING REQUIREMENTS.
3. CONSTRUCTION TO PROVIDE PROTECTIVE COATING TO ALL EXPOSED METAL SURFACES.
4. REFER TO ALL NOTES ON SHEETS FOR MATERIALS, FINISHES, AND COLOR MATCHING REQUIREMENTS.
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AIA, ASPEC, AND OTHER APPLICABLE STANDARDS.
6. BACKLASH TO BE PROVIDED AND ANCHORED TO THE STRUCTURE.
7. TOP OF FINISHING MUST BE AT LEAST 1" ABOVE FIN.

MS.1 D/F MONUMENT SIGN (QTY. 1)

SQUARE FOOTAGE: 32



FRONT VIEW
SCALE: 1/2" = 1'-0"

SIDE VIEW
SCALE: 1/2" = 1'-0"

SPECIFICATIONS

1. FRAMED CABINET W/ALUMINUM SKIN / PAINTED P-1
2. ROUTED ALUMINUM FACES / PAINTED P-1 WITH WHITE PUSH-THRU ACRYLIC COPY
3. DIGITALLY PRINTED GRADIENT VINYL APPLIED 1ST SURFACE TO ACRYLIC/POLYCARBONATE DP-3
4. INTERNALLY LIT W/WHITE LEDS
5. STEEL SUPPORTS / PAINTED P-1
6. 1/2" RECESS / PAINTED P-1
7. BASE TO BE ALUMINUM SHROUD

COLORS / FINISHES

- DP-3 CMYK GRADIENT
- P-1 BLACK

NOTES

JONES SIGN Your Vision. Accomplished. WWW.JONESIGN.COM		JOB #: 276312-R2 DATE:		CLIENT APPROVAL		CALIBER COLLISION Newport News, VA		SHEET NUMBER 4.0	
DESIGNER: L. Holton		DATE: 11/22/20		LANDLORD APPROVAL		DATE:		PERM	
SALES REP: R. Walker		DATE: 11/23/20							
PROJ MGR: S. Carter / C. Herzog		DATE: 11/24/20							
		DATE: 11/25/20							
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