

ORDINANCE NO. 7898-23

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-2023-0002 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF OPERATING AN AUTOMOBILE SALES/NEW CAR DEALERSHIP AND AUTOMOBILE LEASING FACILITY FOR WHEELCHAIR ACCESSIBLE VEHICLES ON A SITE ZONED C1 RETAIL COMMERCIAL DISTRICT.

WHEREAS, application number CU-2023-0002 has been made by **STEPHANIE, INC., owner, and WMK, LLC, applicant**, for a conditional use permit for the hereinafter described property for the purpose of operating an automobile sales/new car dealership and automobile leasing facility for wheelchair accessible vehicles 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-2023-0002 is hereby granted for the property described in paragraph (b) hereof for the purpose of operating an automobile sales/new car dealership and automobile leasing facility for wheelchair accessible vehicles on a site zoned C1 Retail Commercial District; and

(b) That the property, containing .46 acres and hereinafter referred to as the "Property," to which the conditional use permit applies is particularly described below:

ALL that certain piece or parcel of land situate, lying and being in the City of Newport News, Virginia, shown and designated as Parcel A, 19,950 + square feet, as shown on that certain plat entitled, "RESUBDIVISION OF PART OF LOTS 18 & 19, BLOCK 5, PARKVIEW, PROPERTY OF RANDOLPH D. ROUSE, NEWPORT NEWS, VIRGINIA", made by Alfonso & Associates, Inc., dated June 1, 1987, and duly recorded in the Clerk's Office of the Circuit Court for the City of Newport News, Virginia in Deed Book 1150, page 1826, to which reference is here made.

The Property has a common street address of 6099 Jefferson Avenue and is assigned Real Estate Assessor's Tax I.D. # 273.00-03-19.

(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 sale and leasing of automobiles at this location shall be limited to wheelchair-accessible vehicles.
2. The applicant shall provide plans in general conformance with the plans entitled, "Mobility Works: Newport News, Floor Plan," prepared by Ionic DeZign Studios dated 10-11-22 as found in Appendix A-6, which is attached hereto and made a part hereof, for review and approval by the Department of Codes Compliance.
3. A landscape plan which is in conformance with the requirements of the Zoning Ordinance, site regulations, and this permit shall be submitted to and approved by the Director of Planning. This landscape plan shall be in general conformance to the plan prepared by the Timmons Group dated March 31, 2023, found in Appendix A-4, 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.
4. One freestanding sign shall be permitted on the Property. The existing sign shall be removed and replaced, with a new monument style sign no taller than eight (8) feet measured from the highest point of the sign structure to the top of the curb, and shall not exceed fifty (50) square feet of sign area. Sign design and materials shall be reviewed and approved by the Director of Planning prior to the issuance of a sign permit.
5. Proposed building sign placement, design and materials shall be reviewed and approved by the Director of Planning prior to the issuance of a sign permit by the Department of Codes Compliance.
6. Signage placed in or on any window of the building shall be limited to no more than twenty-five (25) percent of each window.
7. No flags, banners, balloons, or window advertising shall be affixed to any vehicles on display.
8. The applicant shall restripe the parking lot to show no more than twenty-two (22) parking spaces. All spaces shall be van-accessible spaces.
9. There shall be no more than ten (10) new vehicles stored on-site at any one time. Vehicles for sale shall be displayed only in marked parking spaces and shall not be double-parked.
10. The vehicles displayed on the Property shall not encroach into the public right-of-way, landscape strip or any other green areas.
11. 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.

12. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
13. 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.
14. The applicant, as well as successors, assigns, and agents, shall comply with all codes, ordinances and regulations of federal, state and local government.
15. 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.
16. 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 there in, being ruled invalid, unconstitutional or otherwise unenforceable, the property owner shall be afforded the right to reapply for a conditional use permit.

17. 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.
18. 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.

(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 23, 2023, or,
2. In the event of the continuous nonuse of the Property as herein permitted for a period of twenty-four (24) months.

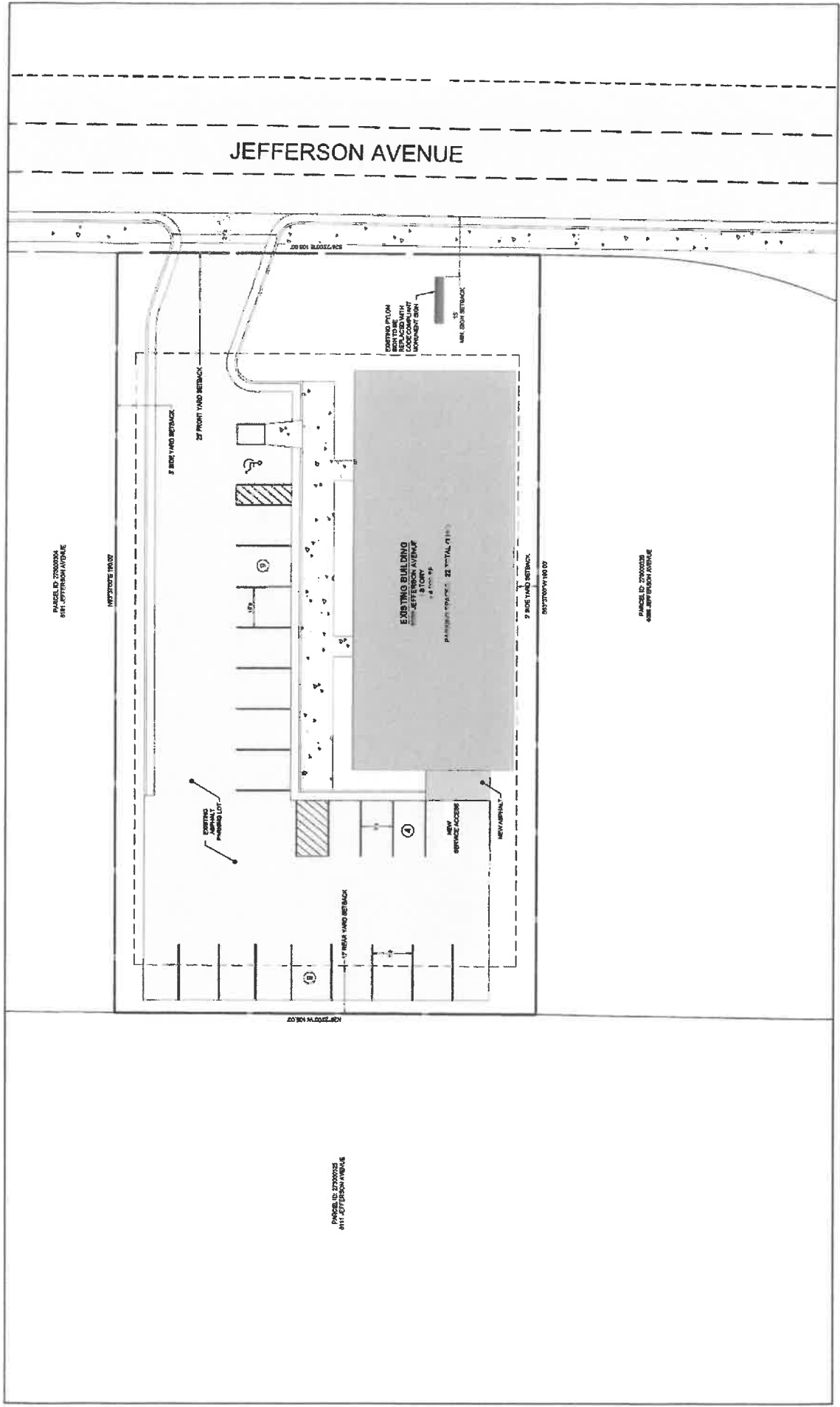
PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON MAY 23, 2023

Mabel Washington Jenkins, MMC
City Clerk

Phillip D. Jones
Mayor

A true copy, teste:

City Clerk

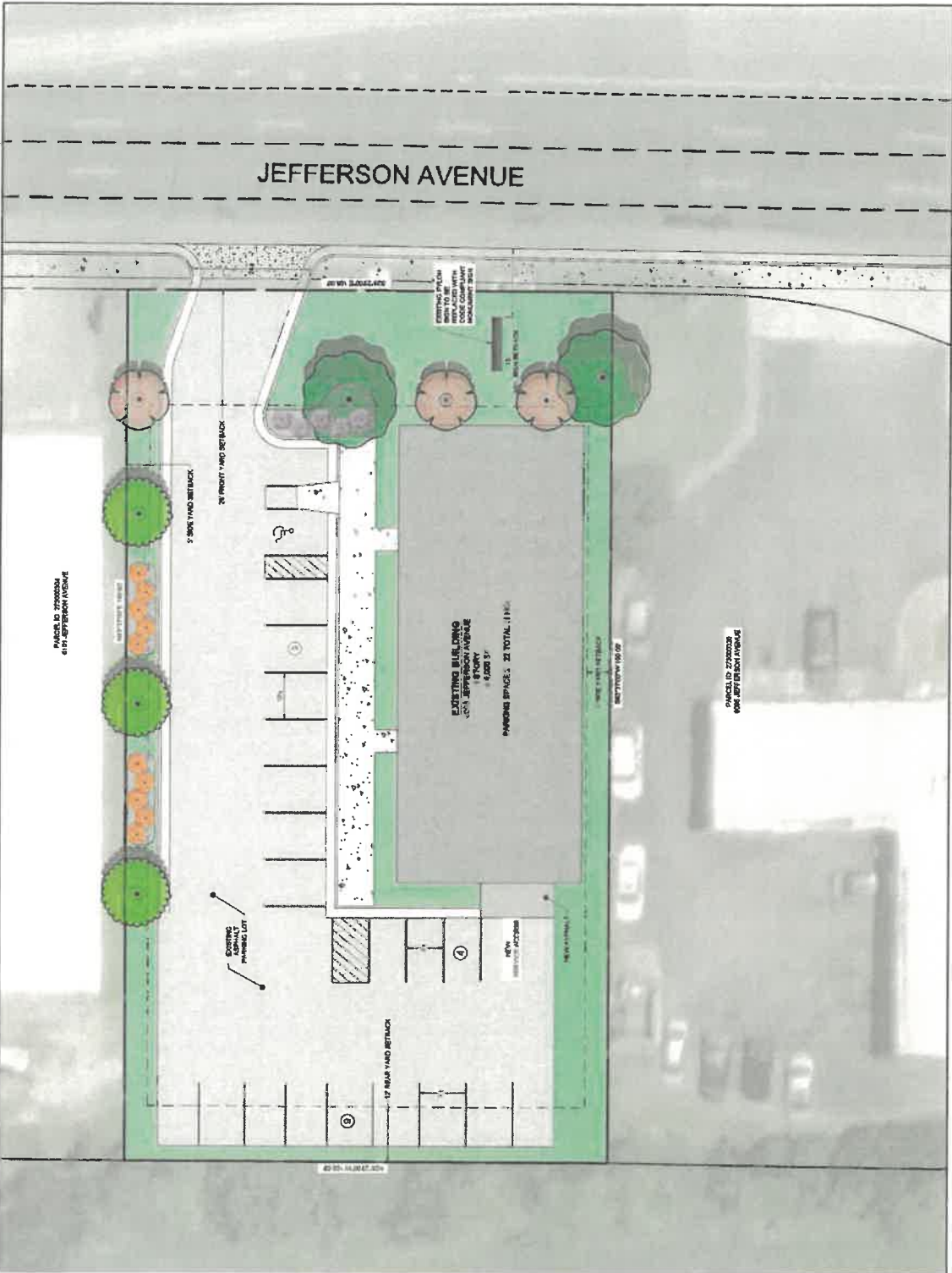


TIMMONS GROUP
YOUR VISION. ACHIEVED THROUGH OURS.

SCALE 1" = 10'

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EXISTING SITE LAYOUT
MOBILITY WORKS - MARCH 22, 2023



NEWPORT NEWS LANDSCAPE REQUIREMENTS

1. LANDSCAPING AND GREEN AREA CALCULATIONS ARE TO BE IN ACCORDANCE WITH THE CITY OF NEWPORT NEWS LANDSCAPE REQUIREMENTS. THE CITY ENGINEER SHALL BE CONSULTED FOR A SITE COMPLIANCE LETTER FOR THE PROPOSED LANDSCAPING PLAN.

2. THE LANDSCAPING PLAN SHALL INCLUDE AT LEAST (1) TREE, (2) SHRUB, AND (3) PERENNIAL PLANT FOR EVERY FOUR SQUARE FEET OF LANDSCAPING AREA. THE LANDSCAPING PLAN SHALL ALSO INCLUDE PERENNIALS AND GREEN ARTS SHALL BE PROVIDED.

3. TOTAL SITE AREA SHALL BE 10,000 SQ. FT. MIN. 10% OF LANDSCAPE GREEN AREA SHALL BE PERENNIALS.

4. PERENNIALS SHALL BE PROVIDED IN THE EXISTING LANDSCAPE AREA TO SATISFY GREEN AREA REQUIREMENTS.

5. PERENNIALS SHALL BE PROVIDED IN THE EXISTING LANDSCAPE AREA TO SATISFY GREEN AREA REQUIREMENTS.

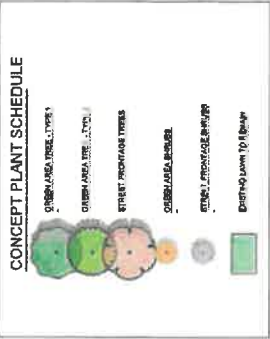
6. PERENNIALS SHALL BE PROVIDED IN THE EXISTING LANDSCAPE AREA TO SATISFY GREEN AREA REQUIREMENTS.

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CONCEPTUAL LANDSCAPE PLAN
 MOBILITY WORKS - March 31, 2023

SCALE 1" = 10'

TIMMONS GROUP
 YOUR VISION ACHIEVED THROUGH Ours.

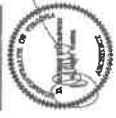
MOBILITY WORKS:
NEWPORT NEWS

FLOOR PLAN
Sheet Number **A1.1**

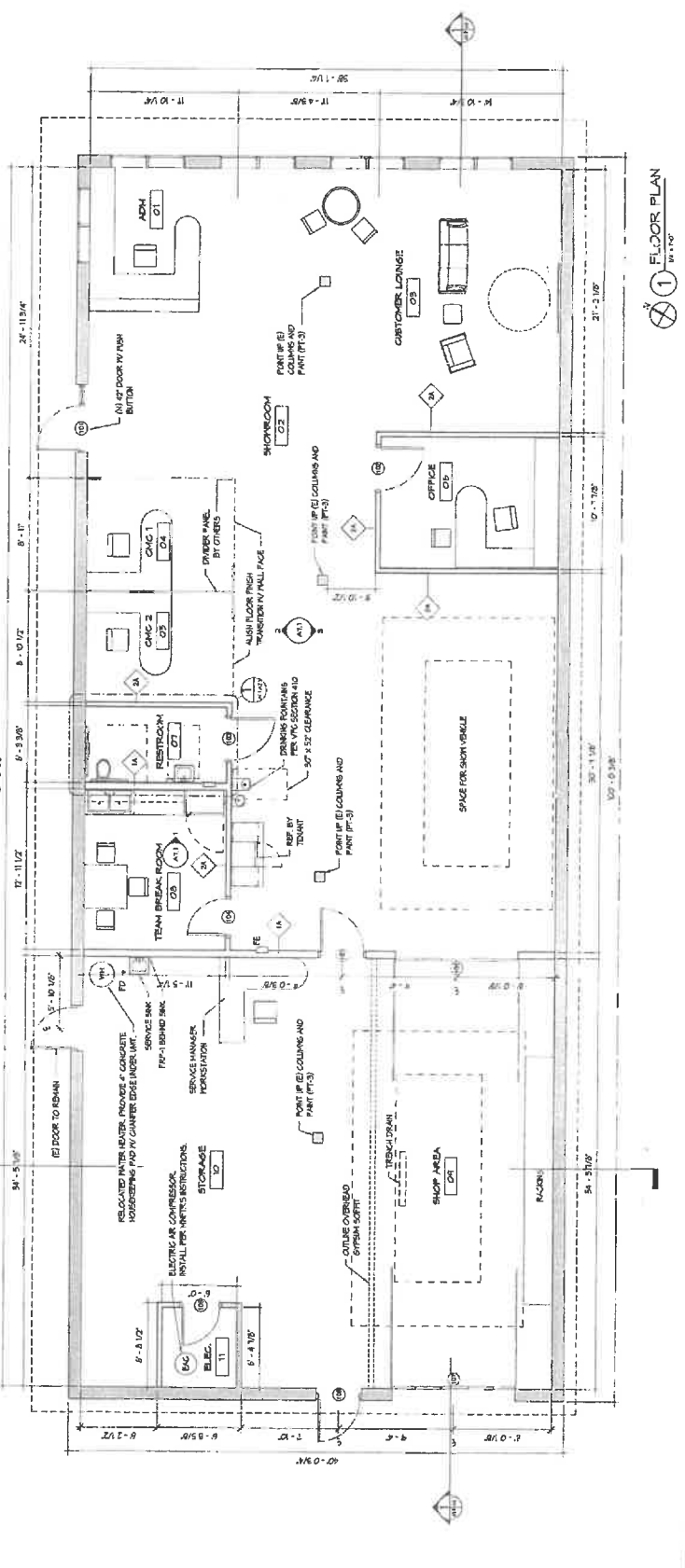
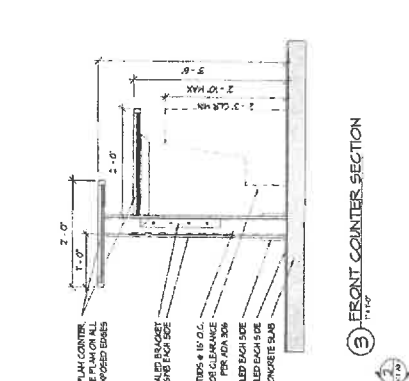
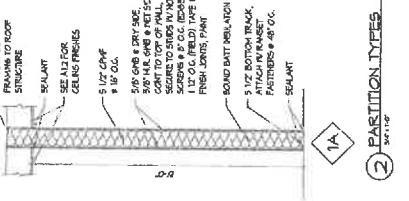
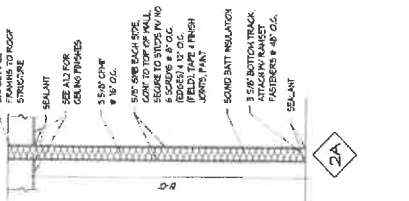
401 STEWART HWY - NEWPORT NEWS, VA 23606
801 WILSON AVE - NEWPORT NEWS, VA 23606

IONIC DESIGN STUDIOS
ARCHITECTURE • INTERIORS • GRAPHICS
3507 CROWN ROAD, RICHMOND, VA 23234
703.424.3100 FAX: 703.424.3110
504.760.0075 FAX: 504.760.1124

2008E
SCALE
As Indicated
Designed by: ONK
Drawn by: ONK
Checked by: CC
DATE: 04/23/12
PROJECT: MOBILITY WORKS
PROGRAM SET: 08/03/12
PERMIT SET: 10/11/12



- GENERAL NOTES**
1. OWNER TO PROVIDE FURNITURE, FIXTURES, AND EQUIPMENT
 2. SEE THIS SHEET FOR WALL TYPES
 3. SEE ALSO FOR INTERIOR FINISH LEGEND / SCHEDULE
 4. ALL NEW WALLS ARE IMPROVED TO FRONT FACE OF STUD. EXISTING WALLS ARE DETERMINED TO FRONT FACE OF PANEL.



MOBILITY WORKS: NEWPORT NEWS

FLOOR PLAN

Sheet Number **A1.1**