

**ORDINANCE NO. 7907-23**

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-2023-0002 has been made by **COTTAGE GROVE ACQUISITION LLC, owner, and FS COTTAGE GROVE, LLC, STONE COTTAGE GROVE LLC, AND COLLINS COTTAGE GROVE LLC, applicants**, for the rezoning of the hereinafter described property from the present C2 General Commercial District, to R7 Medium Density Multiple-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 C2 General Commercial District, to R7 Medium Density Multiple-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 5416 Jefferson Avenue and assigned Real Estate Assessor's Tax I.D. # 288.00-03-05.

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 one (1) page 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.

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PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON JUNE 27, 2023

Mabel Washington Jenkins,  
MMC City Clerk

Phillip D. Jones  
Mayor

A true copy, teste:

City Clerk

Exhibit "A"

ALL that certain lot or parcel of land, with improvements thereon and appurtenances thereto belonging, lying and being in the City of Newport News, Virginia and described as follows:

Beginning at a pin in the Western right-of-way line of Marshall Avenue at its intersection with the southern line of Block "F" on the plat entitled, "MAP OF BETSY LEE GARDENS," recorded in Plat Book 1 at page 116 in the Clerk's Office of the Circuit Court of the City of Newport News, Virginia; thence from said point of beginning S 26° 22' 16" E, 1,690.00' along said western right-of-way line of Marshall Avenue to a concrete monument in the northern line of Block "B" on the plat entitled "NEWSOME PARK TOWNHOUSES," recorded in the aforementioned Clerk's Office in Plat Book 7 at page 44; thence along said northern line of "NEWSOME PARK TOWNHOUSES" S 63° 31' 55" W 700.00' to a pin; thence leaving said line of "NEWSOME PARK TOWNHOUSES" and along the eastern line of the property now or formerly belonging to Ester M. Rodgers, as recorded in Deed Book 1166 at page 50, N 26° 22' 35" W, 100.31' to a pin in the southern line of Lot 2 on the plat entitled "SPENCER COURT," recorded in Plat Book 6 at page 86; thence along the aforementioned southern line of Lot 2 N 63° 37' 25" E, 20.00' to a pin and along the eastern line of Lots 1 and 2 in Spencer Court and the eastern line of properties of various owners N 26° 22' 35" W, 340.00' to a pin at the northeast corner of the property now or formerly belonging to Oscar and Mildred S. Jennings, as recorded in Deed Book 531 at page 95; thence S 63° 33' 20" W, 850.00' along the northern line of the aforementioned Jennings property, along the northern line of Lots 11 through 15 on the aforementioned "SPENCER COURT" plat and along the northern line of the property now or formerly belonging to David W. Treschuk and Arturo R. Molina, as recorded in Deed Book 1082 at page 192, to a pin; thence along the eastern and northern lines of the property now or formerly belonging to Stacy A. Martin, as recorded in Deed Book 1231 at page 2021 and Slim Williams Auto, Inc., in Deed Book 1421 at page 56, N 26° 22' 11" W, 245.00' to a drill hole and S 63° 33' 20" W, 137.89' to a pin in the eastern right-of-way line of Jefferson Avenue; thence along said eastern right-of-way line N 26° 23' 51" W, 540.00' to a pin in the southern line of the property now or formerly belonging to Phillip J. Klich, et ux, as recorded in Deed Book 1128 page 1731, thence leaving Jefferson Avenue and along the southern and eastern lines of the aforementioned Klich property and along the eastern line of other owners N 63° 33' 20" E, 138.15' to a pin and N 26° 22' 11" W, 465.00' to a pipe in the southern line of Block "G" on the plat entitled "MAP OF BETSY LEE GARDENS," as recorded in Plat Book 1 at page 116; thence N 63° 33' 20" E, 1,530.00' along the southern line of Blocks "G" and "F" on the aforementioned "MAP OF BETSY LEE GARDENS," to a pin, the point of beginning.

LESS, SAVE AND EXCEPT: Those certain streets conveyed to the County of Warwick (now City of Newport News) by Deeds dated August 15, 1949, and February 6, 1950, and recorded in the Clerk's Office of the Circuit Court of the City of Newport News, Virginia, in Deed Book 151 at page 325 and in Deed Book 156 at page 261.

And

LESS, SAVE AND EXCEPT: That certain Parcel "B" as conveyed to Sanders Food, Inc., by Deed dated January 17, 2002, and recorded in the Clerk's Office of the Circuit Court of the City of Newport News, Virginia, in Deed Book 1698 at page 2405.

And

LESS, SAVE AND EXCEPT: That certain Parcel "C" as conveyed to the City of Newport News, Virginia, by Deed dated August 4, 1986, and recorded in the Clerk's Office of the Circuit Court of the City of Newport News, Virginia, in Deed Book 1127 at page 480.

And

LESS, SAVE AND EXCEPT THE PARCEL OF LAND DESCRIBED AS FOLLOWS:

Commence at a pin in the eastern right-of-ways line of Jefferson Avenue said point also being the southwest corner of Lot 1, Block "G" of the plat entitled, "MAP OF BETSY LEE GARDENS", recorded in Plat Book 1 at Page 116 in the Clerk's Office of the Circuit Court of the City of Newport News, Virginia; S 26 degrees 20' 33" E along said eastern right-of-way line of Jefferson Avenue a distance of 465.25 feet to the point of beginning, said point being a set 1/2" iron pin; thence departing said eastern right-of-way line of Jefferson Avenue run N 63 degrees 34' 01" E, a distance of 138.15 feet to a found 1" iron pin; thence S 26 degrees 01' 03" E, a distance of 100.03 feet to a found 5/8" iron pin, said point also being in the northern right-of-way line of Peninsula Drive; thence S 63 degrees 35' 05" W along said northern right-of-way line of Peninsula Drive a distance of 137.58 feet to a set 1/2" iron pin in the aforementioned eastern right-of-way line of Jefferson Avenue; thence N 26 degrees 20' 33" W, along said eastern right-of-way line of Jefferson Avenue a distance of 99.98 feet to the point of beginning.

Containing: 13,786 square feet or 0.317 acres, more or less.

IT BEING the same property conveyed to Brookridge Apartments LLC by deed from Newport Brookridge, LLC dated September 18, 2013 and recorded in the Clerk's Office of the Circuit Court of the City of Newport News, Virginia as Instrument Number 130018212.



**Conditioned  
Proffer Statement for Change of Zoning**

To: The Honorable Newport News City Council

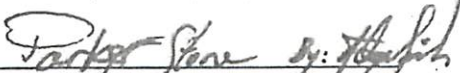
Date: 5/8/2023

Application Number: CZ-2023-0002


In reference to the above request for a change of zoning:

Conditioned: "I hereby proffer that the development of the subject property shall be in accordance with the conditions set forth in this submission."

1. The site will be developed generally in accordance with the "Preliminary Layout for Clubhouse and Fitness Center for Cottage Grove Apartments" prepared by CECS dated September 2, 2022 and shall be subject to the review and approval of the Director of Planning.
2. A final landscape plan shall be provided to fully comply with the city's zoning ordinance and site development regulations and subject to the review and approval of the Planning Director and all plantings shall be maintained in perpetuity.
3. All structures will be developed generally in accordance with the "Cottage Grove Clubhouse - Floor Plan and Elevations" drawing prepared by RBA dated September 6, 2022 and architectural detailing and materials shall be subject to the review and approval of the Director of Planning.
4. No additional residential units will be constructed on the property with parcel id 288.00.03.05 and the property will remain a separate parcel from the overall development that it serves.

  
 Parker Stone, Manager, Stone Cottage Grove LLC  
 By: Adam Saich, Attorney-In-Fact

  
 Chris Collins, Manager, Collins Cottage Grove LLC  
 By: Adam Saich, Attorney-In-Fact

  
 Charles R. Patty, Jr., Manager, Cottage Grove Acquisition LLC

  
 Charles R. Patty, Jr., Manager, FS Cottage Grove LLC