

ORDINANCE NO. 7908-23

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-2023-0001 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF THE OPERATION OF A GROUP HOME (B) IN AN O1 OFFICE DISTRICT.

WHEREAS, application number CU-2023-0001 has been made by **NEWPORT NEWS SHIPBUILDING EMPLOYEES' CREDIT UNION, INC., owner, and PENINSULA RESCUE MISSION, INC., applicant**, for a conditional use permit for the hereinafter described property for the purpose of the operation of a group home (b) in an O1 Office 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-2023-0001 is hereby granted for the property described in paragraph (b) hereof for the purpose of the operation of a group home (b) in an O1 Office District; and

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

All those certain lots, pieces or parcels of land situate, lying and being in the City of Newport News, Virginia, known and designated as Lots Numbered THREE (3), FOUR (4), and FIVE (5), as shown on a certain plat entitled, "PROFESSIONAL VILLAGE, CITY OF NEWPORT NEWS, VIRGINIA", dated February 12, 1973, made by Coenen & Associates, Engineers-Planners-Surveyors, and duly recorded in the Clerk's Office of the Circuit Court for the City of Newport News, Virginia, on April 19, 1973, in Plat Book 9, page 1, to which reference is here made.

The Property has a common street address of 9308 Warwick Boulevard and a Real Estate Assessor's Tax I.D. #269.00-04-16.

(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 group home shall be owned and operated by Peninsula Rescue Mission (PRM). PRM's administrative offices shall occupy the building while the use is being operated and sleeping rooms shall be limited to the second floor.

2. The facility shall house only female residents.
3. There shall be no more than twenty (20) residents in the program at any given time.
4. There shall be no on-site intakes or walk-ins. The intake process for residents shall be conducted off-site.
5. There shall be no more than two (2) residents per room. All rooms shall be accessible and sized in accordance to 12VAC35-105-340 providing no less than sixty (60) square feet of floor space per individual and no less than one hundred twenty (120) square feet of floor space per two (2) resident sleeping room.
6. A commercial kitchen shall be installed.
7. All requirements prescribed by the Statewide Fire Prevention Code (SFPC) and the Uniform Statewide Building Code (USBC) regarding fire and life safety systems shall be implemented and installed prior to the commencement of the approved use. These shall include but are not limited to a full sprinkler system for the entire structure.
8. There shall be no additional residential structures constructed on site.
9. There shall be only one (1) freestanding sign permitted on the Property. If the existing freestanding sign is replaced, the replacement sign shall be a monument style sign no taller than five (5) feet measured from the highest point of the sign structure to the top of the curb, and shall not exceed twenty (20) 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.
10. 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.
11. The Property shall be maintained in good order and repair and free from litter. No loitering shall be permitted outside of the building(s) on the Property, except that employees and residents may utilize a screened area located in the rear of the Property for rest and recreation.
12. 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 (30) days.

13. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
14. 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.
15. 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 government.
16. 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.
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 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.
18. 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.

19. 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 June 27, 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 JUNE 27, 2023

Mabel Washington Jenkins, MMC
City Clerk

Phillip D. Jones
Mayor

A true copy, teste:

City Clerk