

ORDINANCE NO. 7909-23

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-2023-0004 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF ALLOWING THE OPERATION OF A BANQUET/FUNCTION HALL IN A C1 RETAIL COMMERCIAL DISTRICT.

WHEREAS, application number CU-2023-0004 has been made by **BOXWOOD INN, LLC, owner and applicant**, for a conditional use permit for the hereinafter described property for the purpose of allowing the operation of a banquet/function hall in a 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-2023-0004 is hereby granted for the property described in paragraph (b) hereof for the purpose of allowing the operation of a banquet/function hall in a 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 piece of parcel of land, situate, lying and being in the City of Newport News, State of Virginia, known as Parcel 4, containing 1.633 acres, fronting on Elmhurst Street, as shown on that certain plat entitled, "PLAT OF THE PROPERTY OF JOHN ROBERT AND BARBARA W. LUCAS PARCEL 4 1.6333 ACRES S. R. CURTIS ESTATE, NEWPORT NEWS, VIRGINIA", dated October 17, 1995, made by C. K. Tudor Engineers, Inc. Newport News, Virginia, a copy of which plat was duly recorded in the Clerk's Office of the Circuit Court of the City of Newport News in Book 1431, page 165 (erroneously referenced as page 164).

LESS AND EXCEPT that certain property conveyed to the City of Newport News in Deed Book 1515, page 678 and corrected and recorded in document number 080010576.

The Property has a common street address of 10 Elmhurst Street and a Real Estate Assessor's Tax I.D. #021.00-01-13.

(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 Lee Hall Corridor Overlay District Design Review Committee shall review and approve the addition and landscape proposal for compliance with the Lee Hall Corridor Overlay District development and design guidelines, prior to site plan approval or the issuance of a building permit.
2. The applicant shall submit a 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 concept site plan prepared by Davis and Associates P.C. dated March 20, 2023, 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 the Zoning Ordinance.
3. A landscape plan which is in conformance with the requirements of the Zoning Ordinance, site regulations, as well as this permit shall be submitted to and approved by the Director of Planning prior to the conditional site plan approval. This landscape plan shall be in general conformance with the conceptual plan prepared by Davis and Associates P.C. dated March 20, 2023 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.
4. The applicant shall submit to the Department of Planning building elevations and exterior building materials consistent with the elevation drawings dated March 29, 2023, 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.
5. 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. The total occupancy of the banquet/function hall shall be determined by the Fire Marshal, and shall be limited by that determination.
6. All banquet/function hall events shall end by 11:00 PM Sunday through Thursday and 11:30 PM Friday and Saturday and the premises shall be vacated at 11:30 PM and 12:200 AM, respectively.
7. Signage shall be limited to the existing signage on the Property.
8. There shall be no outdoor storage on the Property.
9. 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.

10. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
11. 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.
12. 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.
13. 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.
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.

16. 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

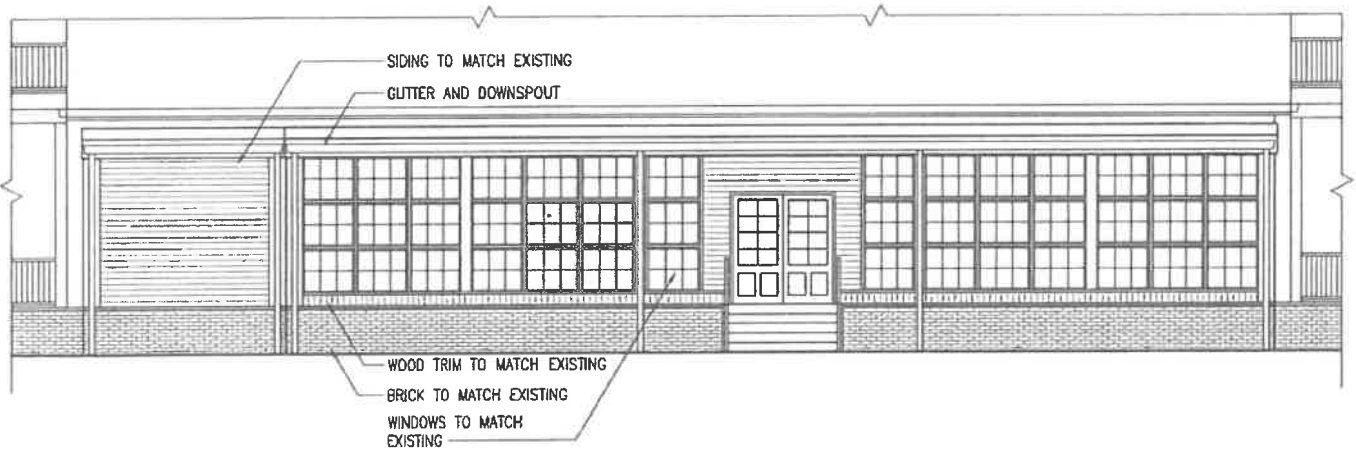
Mabel Washington Jenkins, MMC
City Clerk

Phillip D. Jones
Mayor

A true copy, teste:

City Clerk

BOXWOOD INN
29 MARCH 2023

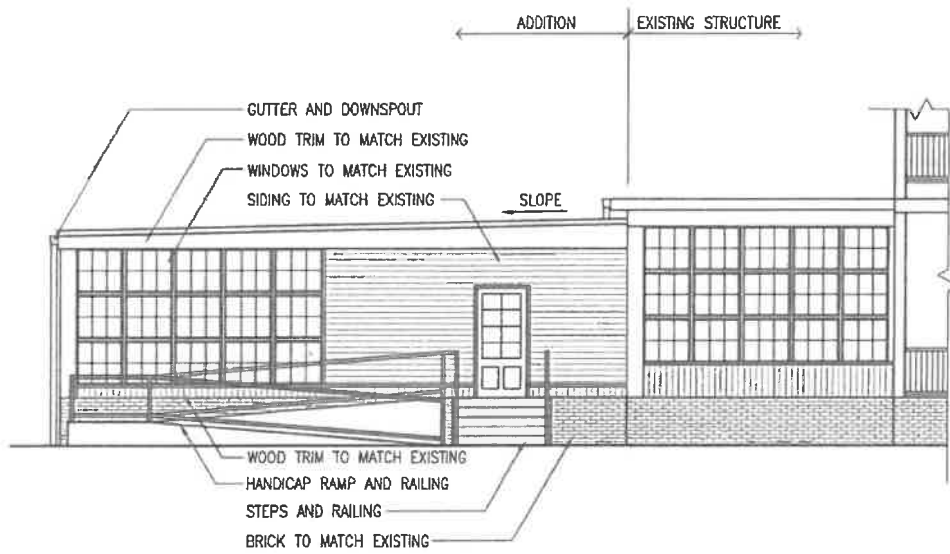


ELEVATION - NORTH

SCALE: 3/16"=1'-0"



BOXWOOD INN
29 MARCH 2023

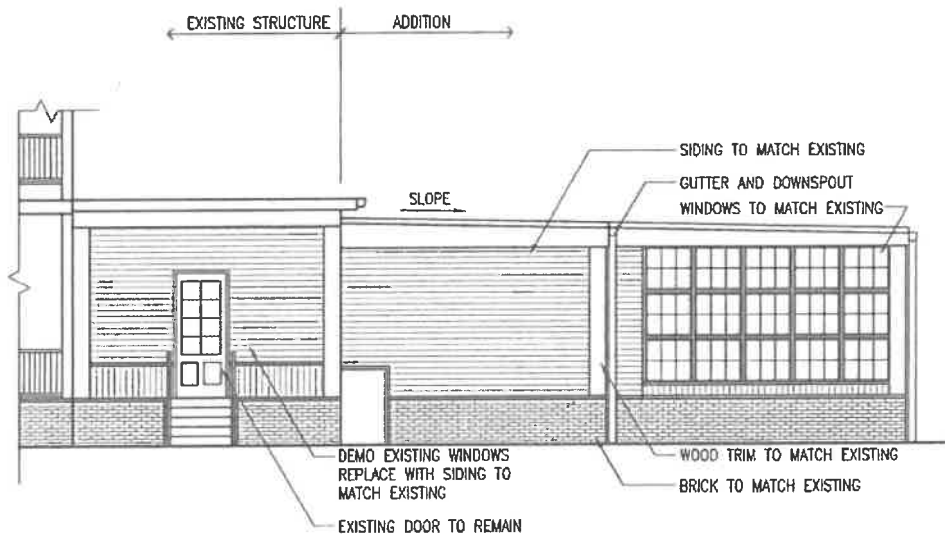


ELEVATION - EAST

SCALE: 3/16"=1'-0"



BOXWOOD INN
29 MARCH 2023



ELEVATION - WEST

SCALE: 3/16"=1'-0"

