

ORDINANCE NO. 7930-23

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-2023-0007 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF OPERATING A CAR WASH ON A SITE ZONED C1 RETAIL COMMERCIAL.

WHEREAS, application number CU-2023-0007 has been made by **WAVE PROPERTIES COLONY, LLC, owner and applicant**, for a conditional use permit for the hereinafter described property for the purpose of operating a car wash on a site zoned C1 Retail Commercial; 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-2023-0007 is hereby granted for the property described in paragraph (b) hereof for the purpose of operating a car wash on a site zoned C1 Retail Commercial; 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 together with any improvements thereon and all appurtenances thereunto belonging, lying, situate and being in the City of Newport News, Virginia, and being known, designated and described as "Parcel 'B' 19600 SQ. FT (.45 ACRES)" on that certain survey entitled, "SUBDIVISION OF REMAINING PORTION OF PARCEL 1 PLAT OF PROPERTY TO BE CONVEYED TO HORSE RUN ASSOCIATES (Deed Book 1012, page 207) NEWPORT NEWS, VIRGINIA", Scale 1"=100', made by Baldwin and Gregg, Ltd, dated August 2, 1982 (and also shown on survey entitled, "LEASING PLAN, VILLAGE SQUARE SHOPPING CENTER NEWPORT NEWS VA" Scale 1" = 30', made by Spiegel Carter Zinkl Herman, Architects, dated May 2, 1978, as last revised May 29, 1979), with reference to which surveys said parcel is more particularly bounded and described as follows:

To establish a point of beginning, proceed from the intersection of the southern right of way line of Colony Road with the eastern right of way line resulting from the widening of Warwick Boulevard,

thence along said eastern right of way line resulting from the widening of Warwick Boulevard, South 24° 0' 25" East a distance of 421' to a point of beginning; and from said point of beginning thus established, thence running North 65° 58' 35" East a distance of 140.00' to a point; thence turning and running South 24° 01' 25" East a distance of 140.00' to a point; thence turning and running South 65° 5' 35" West a distance of 140.00' to a point in the eastern right of way line of Warwick Boulevard, as widened; thence turning and running along the eastern right of way line of Warwick Boulevard, as widened, North 24° 01' 25" West a distance of 140.00' to a point, the point of beginning.

The Property has a common street address of 13260 Warwick Boulevard and Real Estate Assessor's Tax I.D. # 139.00-06-11.

(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 substantial conformance with the conceptual site plan prepared by AES, dated June 12, 2023 and found in Appendix A-4, 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. All existing trees and landscaping along the perimeter of the Property shall be retained and be complimented as necessary. A landscape plan which is in conformance with the requirements of the Zoning Ordinance, site regulations, as well as this conditional use permit shall be submitted to and approved by the Director of Planning prior to conditional site plan approval. This landscape plan shall be in general conformance to the conceptual landscape plan prepared by AES, dated June 12, 2023 and 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.
3. The applicant shall submit to the Department of Planning building elevations and exterior building materials consistent with the conceptual elevation drawings found in Appendix A-6, 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.
4. The dumpster shall be screened from adjacent properties and rights-of-way with materials that complement those utilized on the proposed structure. The materials, style and design of the enclosure shall be reviewed and approved by the Director of Planning, prior to the issuance of a building permit.
5. Existing freestanding signs shall be removed and only one freestanding sign will be permitted on the Property. The sign shall be a monument style sign in

accordance with the details in Appendix A-7, which is attached hereto and made a part hereof, and shall be no taller than seven (7) feet measured from the curb to the highest point of the sign structure. The sign area shall be no more than thirty-two (32) 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.

6. Any proposed building signage shall be reviewed and approved by the Director of Planning prior to the issuance of a sign permit.
7. All outside storage and displays of saleable items shall be prohibited.
8. No temporary or portable signs shall be permitted on the Property. Signage placed in or on any window of the building shall be limited to no more than twenty-five (25) percent of each window.
9. The exterior of the car wash shall be patrolled by the operator each day and all debris, litter and graffiti identified during this process must be removed immediately.
10. There shall be no outdoor speakers or sound systems. The playing of music on any speakers by the Property owner or operator in the car wash tunnel shall be prohibited.
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 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.
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. 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.

14. 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.
15. 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.
16. 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.
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.

(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 August 8, 2023, or,
2. In the event of the continuous nonuse of the property as herein permitted for a period of twenty-four (24) months.

ORDINANCE NO. 7930-23

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON AUGUST 8, 2023

Mabel Washington Jenkins, MMC
City Clerk

Phillip D. Jones
Mayor

A true copy, teste:

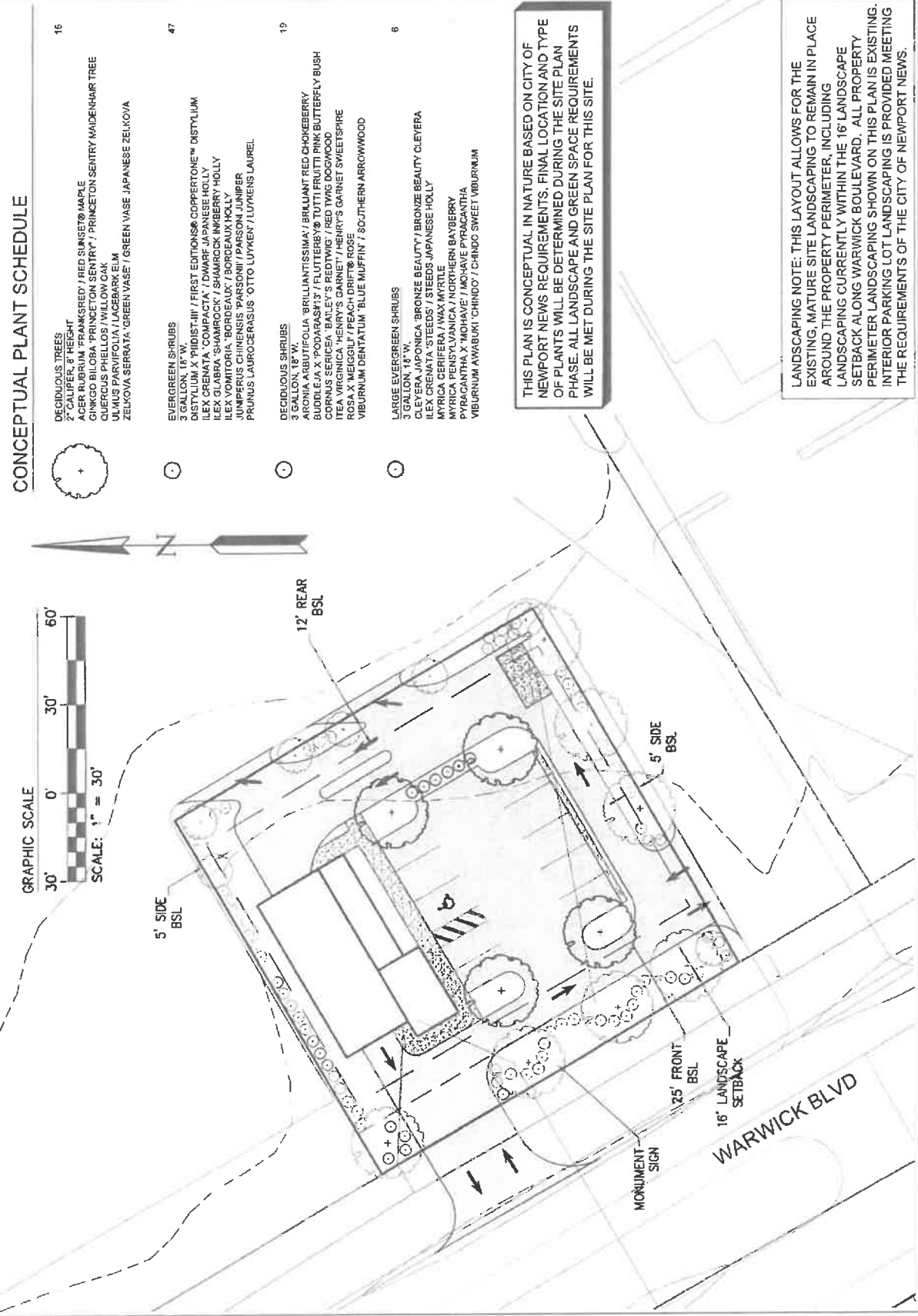
City Clerk

Sheet No.	2
Project No.	
Scale	1" = 30'
Date	
Author	
Checker	
Appr'd	



CITY OF NEWPORT NEWS
 13266 WARWICK BLVD.
COOL WAVE CARWASH
 CONCEPTUAL SITE PLAN FOR

Project Name: COOL WAVE CARWASH
 Site: 13266 WARWICK BLVD.
 Scale: 1" = 30'
 Date: 10/1/2010
 Project No.: 1000000000
 Drawing No.: CONCEPTUAL LANDSCAPE PLAN
 Sheet No.: 2

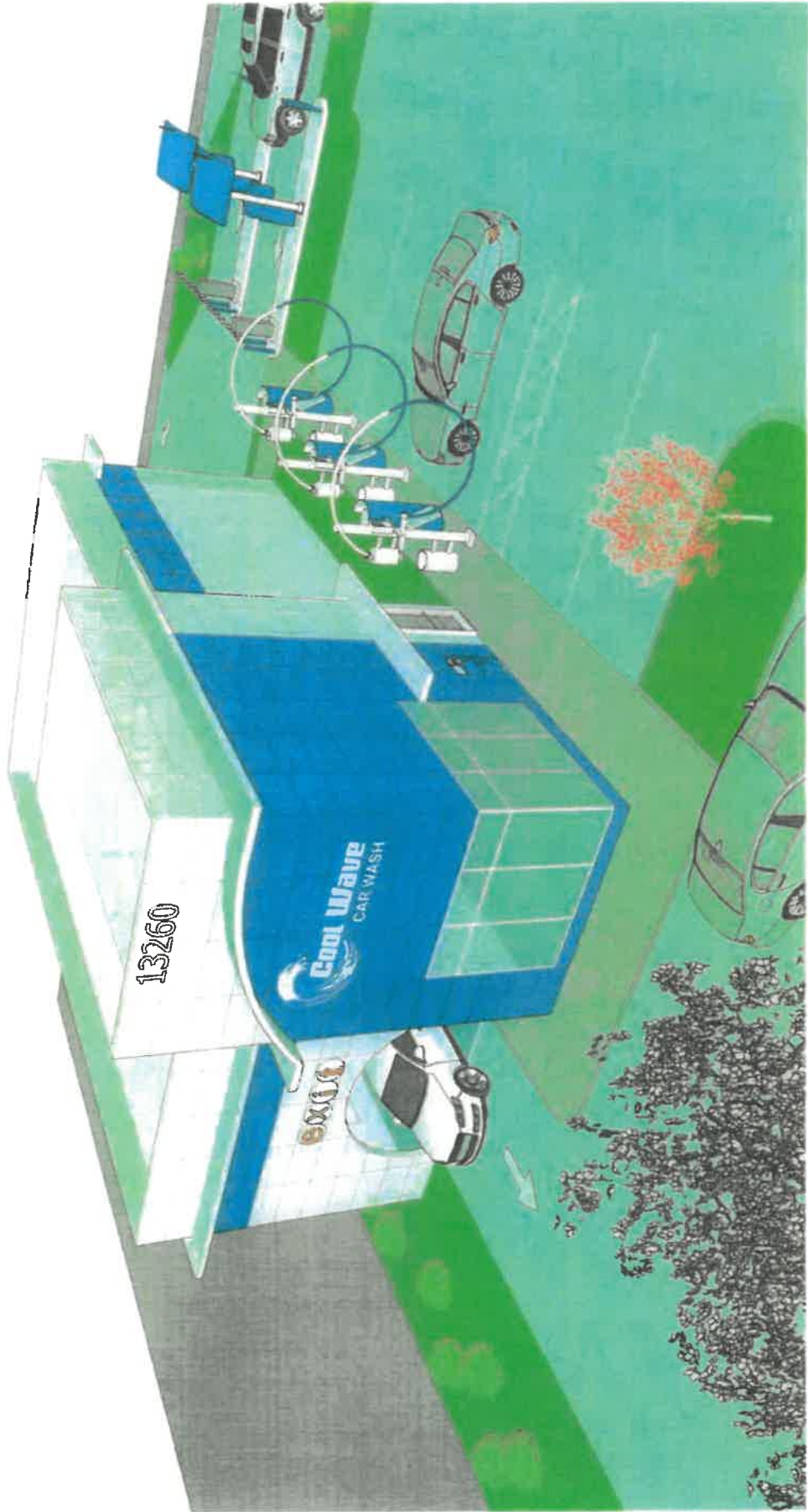


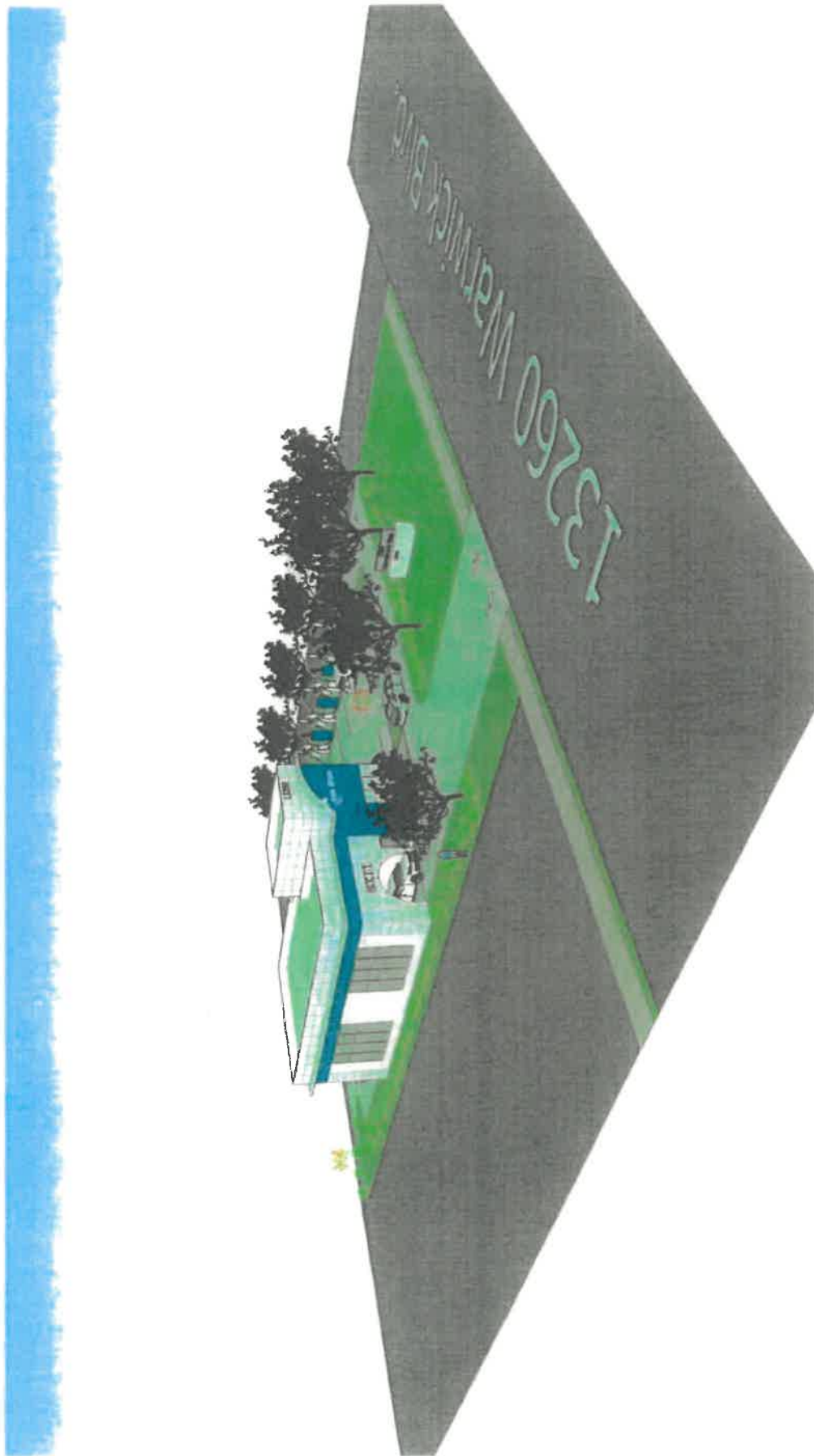
CONCEPTUAL PLANT SCHEDULE

- 16 DECIDUOUS TREES
 2' CALIFORNIA REDWOOD / RED SUNSET MAPLE
 ACER RUBRUM / PRINCETON SENTRY / PRINCETON SENTRY MAIDENHAIR TREE
 QUILCERUS PHELLOIDES / WILLOW OAK
 ULMUS PARVIFOLIUS / LACINIAE ELM
 ZELKOVA SERRATA / GREEN VASE JAPANESE ZELKOVA
- 47 EVERGREEN SHRUBS
 3 GALLON, 18" W.
 DISTYLIUM X 'PHIDIST-III' / FIRST EDITIONS COPPERTONE™ DISTYLIUM
 ILEX GRENATA 'COMPACTA' / DWARF JAPANESE HOLLY
 ILEX GLABRA 'SHAMROCK' / SHAMROCK INKBERY HOLLY
 ILEX YONITORIA 'BORDEAUX' / BORDEAUX HOLLY
 JUNIPERUS CHINENSIS 'PARSONII' / PARSON JUNIPER
 PRUNUS LAUROCERRISUS 'OTTO LUTKEN' / LUTKENS LAUREL
- 19 DECIDUOUS SHRUBS
 3 GALLON, 18" W.
 ARONIA ARBUTIFOLIA 'BRILLIANTISSIMA' / BRILLIANT RED CHOKEBERRY
 BUDDLEIA X 'PODARASHI' / FLUTTERBY TUTTI FRUTTI PINK BUTTERFLY BUSH
 CORNUS SERICEA 'BAILEY'S GARNET' / RED TWIG DOGWOOD
 ITEA VIRGINICA 'HENRY'S GARNET' / HENRY'S GARNET SWEETSPIRE
 ROSA X 'WEGGILL' / PEACH DRIFT ROSE
 VIBURNUM DENTATUM 'BLUE MUFFIN' / SOUTHERN ARROWWOOD
- 6 LARGE EVERGREEN SHRUBS
 3 GALLON, 18" W.
 CLEYERA JAPONICA 'BRONZE BEAUTY' / BRONZE BEAUTY CLEYERA
 ILEX GRENATA 'STEEDS' / STEEDS JAPANESE HOLLY
 MYRTICA CERIFERA / WAX MYRTLE
 MYRTICA PENNSYLVANICA / NORTHERN BAYBERRY
 PYRACANTHA X 'MOHAVE' / MOHAVE PYRACANTHA
 VIBURNUM AWABUKI 'CHINDO' / CHINDO SWEET VIBURNUM

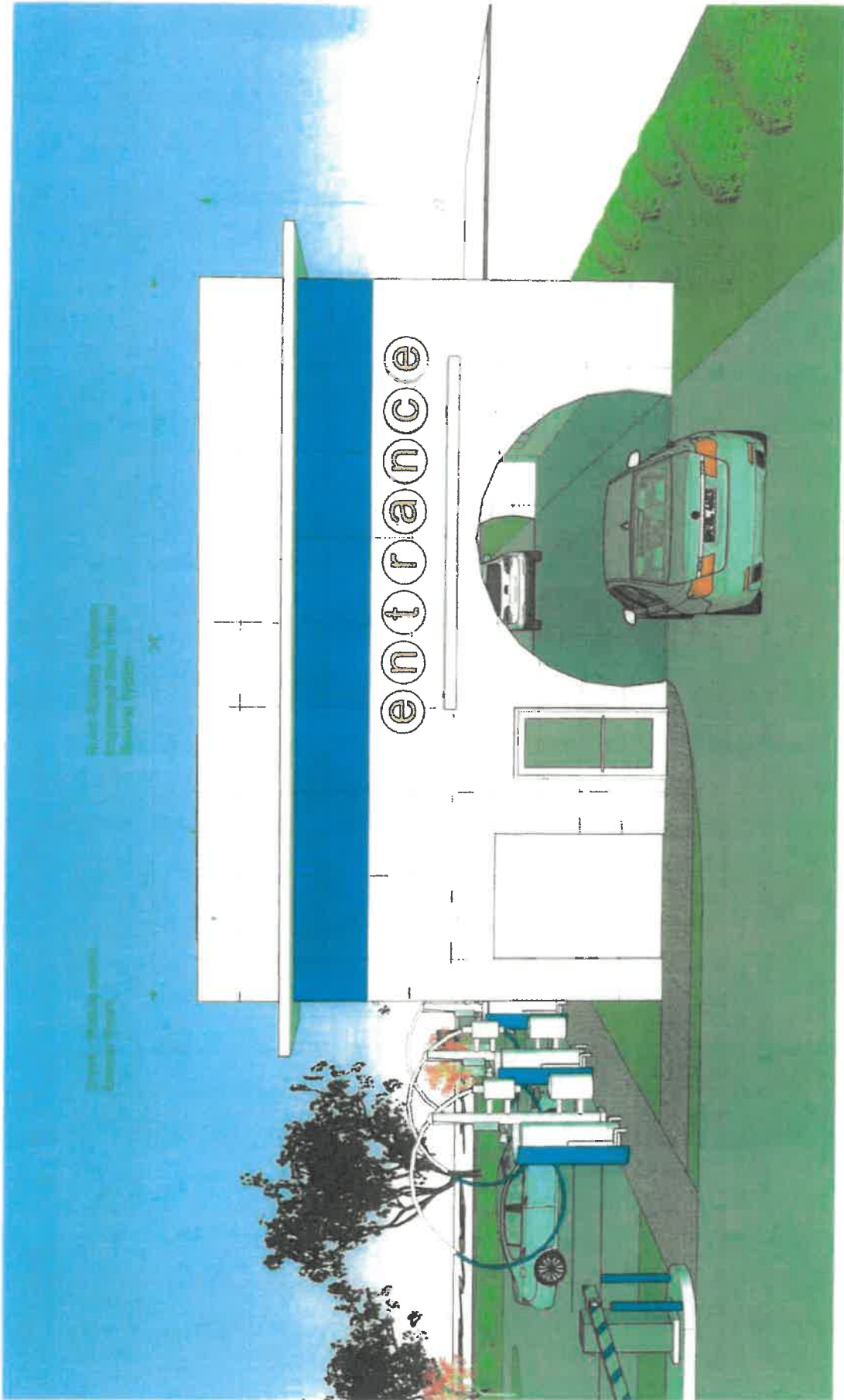
THIS PLAN IS CONCEPTUAL IN NATURE BASED ON CITY OF NEWPORT NEWS REQUIREMENTS. FINAL LOCATION AND TYPE OF PLANTS WILL BE DETERMINED DURING THE SITE PLAN PHASE. ALL LANDSCAPE AND GREEN SPACE REQUIREMENTS WILL BE MET DURING THE SITE PLAN FOR THIS SITE.

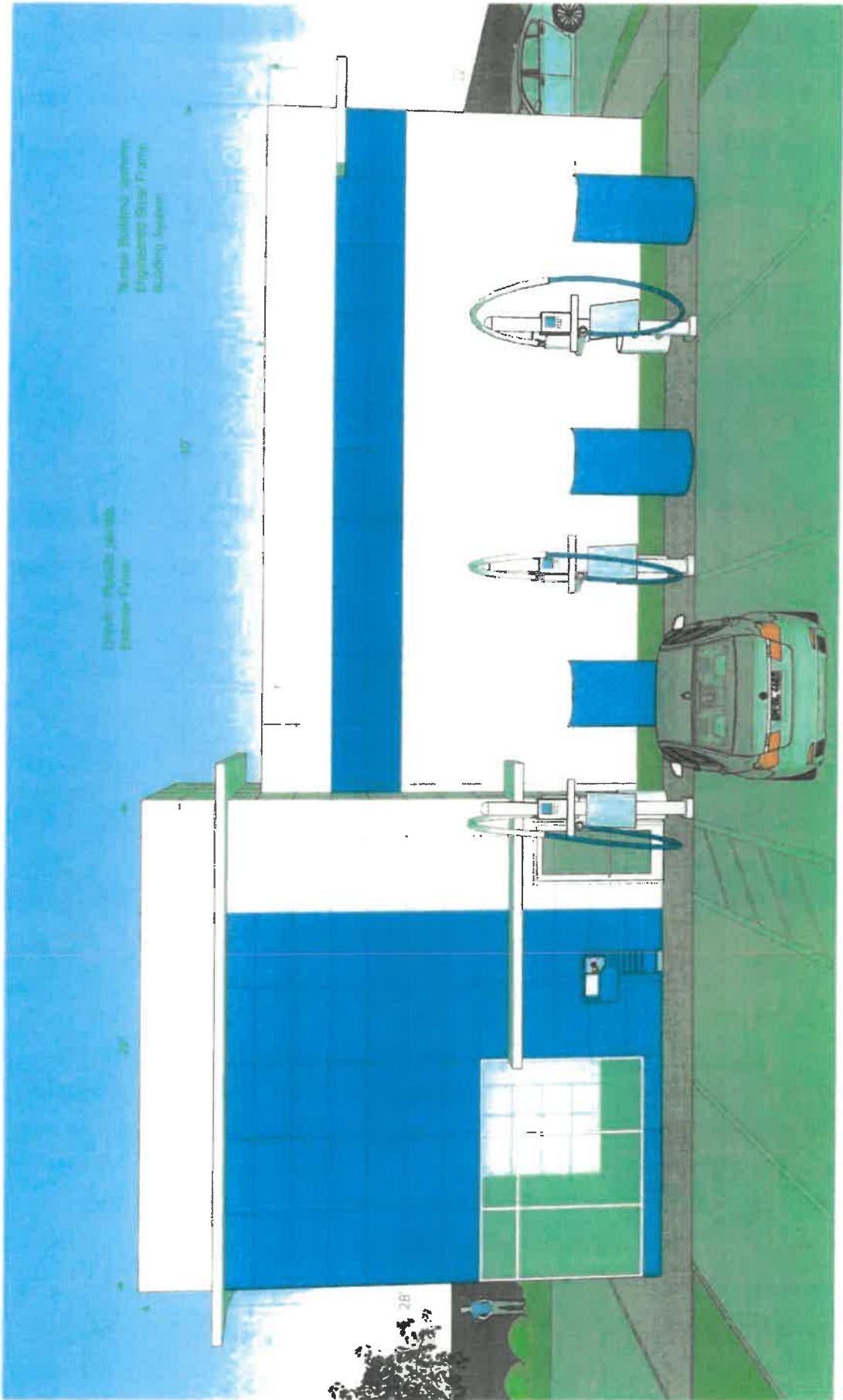
LANDSCAPING NOTE: THIS LAYOUT ALLOWS FOR THE EXISTING MATURE SITE LANDSCAPING TO REMAIN IN PLACE AROUND THE PROPERTY PERIMETER, INCLUDING LANDSCAPING CURRENTLY WITHIN THE 16' LANDSCAPE SETBACK ALONG WARWICK BOULEVARD. ALL PROPERTY PERIMETER LANDSCAPING SHOWN ON THIS PLAN IS EXISTING. INTERIOR PARKING LOT LANDSCAPING IS PROVIDED MEETING THE REQUIREMENTS OF THE CITY OF NEWPORT NEWS.





13260 WARMICK BLVD





Service Building, Jeremy
Engineered Steel Frame
Building System

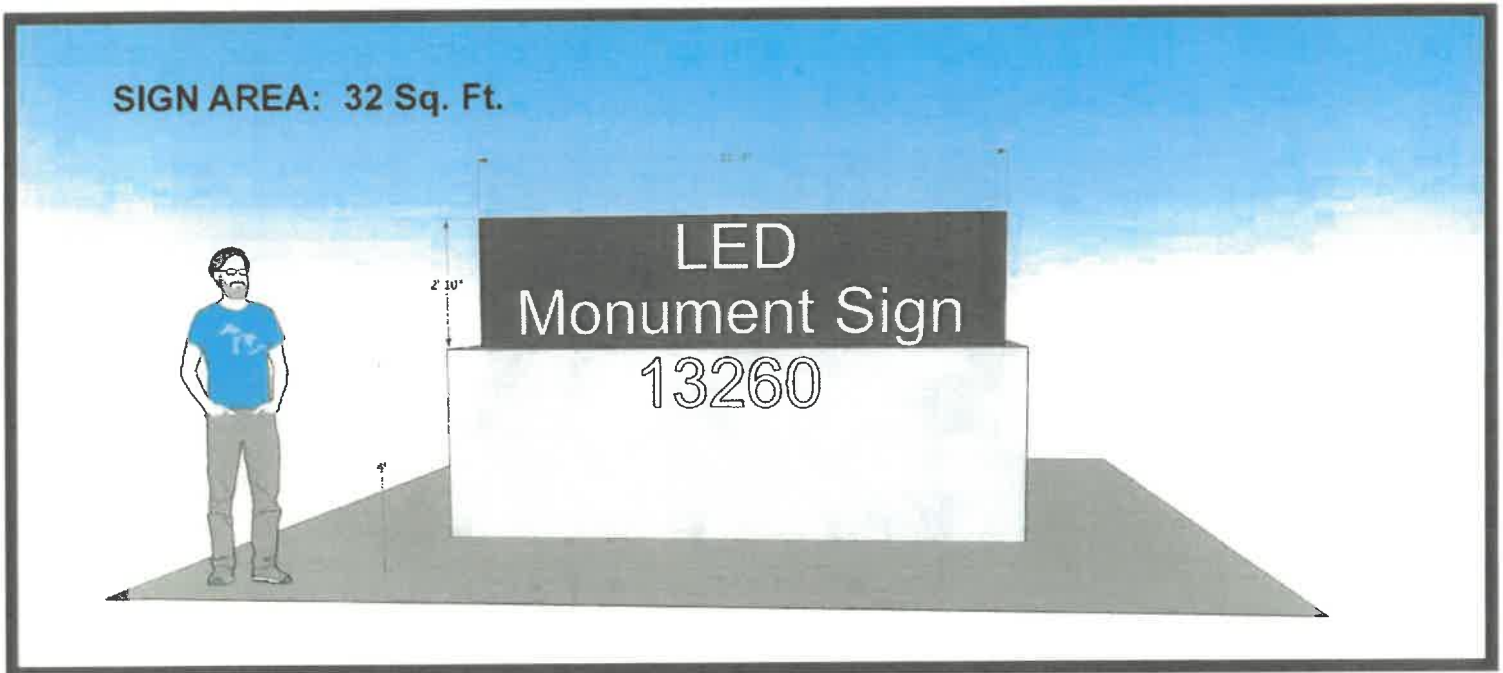
Direct Plastic Panels
Exterior Finish

28

**Proposed Cool Wave Car Wash
Monument Sign
13260 Warwick Blvd
Newport News, VA 23602**

SPECIFICATIONS:

Fabricate and install one double sided flat faced LED monument sign on concrete footing with concrete base with 2'-10' X 11'-4" LED sign.



CONSTRUCTION:

Sign Base - 4' x 12' concrete pad
Frame - Steel 1 1/2" angle
Retainers - 1 1/2"
Illumination - LED back light
Voltage - 120

Face - .188" White Acrylic
Graphics - Address # - vinyl overlay
Metal finish - Gloss polyurethane
Support - Steel Pipe
Foundation - Concrete

COLORS:

Base - finished concrete, smooth
Face Background - LED Panel

