

ORDINANCE NO. 7256-16

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-16-361 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF THE OPERATION OF A SMALL MOTOR VEHICLE REPAIR AND SERVICE FACILITY AND AN AUTOMOBILE LEASING FACILITY.

WHEREAS, application number CU-16-361 has been made by **DED, LLC, owner and applicant**, for a conditional use permit for the hereinafter described property for the purpose of the operation of a small motor vehicle repair and service facility and an automobile leasing facility; 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-16-361 is hereby granted for the property described in paragraph (b) hereof for the purpose of the operation of a small motor vehicle repair and service facility and an automobile leasing facility; 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 situate, lying and being in the City of Newport News (formerly Newport Magisterial District, Warwick County), Virginia, containing 1.774 acres, more or less, as shown and delineated on that certain plat attached to deed dated October 11, 1945, from James A. Argabright, et ux, to C. O. Becker, which said deed is recorded in the Clerk's Office of the Circuit Court (formerly Hustings Court) for the City of Newport News, Virginia, in Deed Book 105, page 391; said plat being entitled, "Plat Showing a Tract of Land Situated in the Newport District of Warwick County, Virginia, as conveyed to C. O. Becker, by J. A. Argabright, as of Oct. 11, 1945", made by J. M. Cochran, Certified Civil Engineer, dated Oct. 8, 1945.

LESS, SAVE AND EXCEPT that certain parcel of land conveyed to the City of Newport News, a Municipal Corporation, by deed dated January 17, 1969, and recorded in the Clerk's Office aforesaid

in Deed Book 696, at page 491.

The Property has a common street address of 11606 Jefferson Avenue and a Real Estate Assessor's Tax I.D.#213-00.06-09.

(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 applicant shall improve the site in general conformance with the plan prepared by Alfonso & Associates, Inc., dated February 2, 2016, found in Appendix A-2, which is attached hereto and made a part hereof, and shall conform to this conditional use permit.
2. The applicant shall install landscaping in general conformance with the plan prepared by Alfonso & Associates, Inc., dated February 2, 2015, found in Appendix A-2 and shall conform to this conditional use permit. All landscaping shall be maintained in a healthy condition in perpetuity. The uses approved by this permit shall not commence until the landscaping has been installed.
3. The applicant shall install a decorative opaque metal fence in general conformance with the photograph submitted found in Appendix A-3, which is attached hereto and made a part hereof, and its location shall generally conform with the plan prepared by Alfonso & Associates, Inc., dated February 2, 2016, found in Appendix A-2.
4. The applicant shall lower the existing freestanding pole sign to be no taller than fifteen (15) feet. If the sign is replaced, the new sign shall be consistent with requirements of the sign ordinance. The design of such sign shall be submitted to the Department of Planning and approved by the Director of Planning prior to the issuance of a sign permit.
5. All repair and service work shall be performed indoors.
6. Storage of cars in a state of obvious disrepair shall be screened from public view.
7. 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 days.

8. 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 governments.
9. 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.
10. 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.
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. 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.

13. 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 March 22, 2016, or,
2. In the event of the continuous nonuse of the property as herein permitted for a period of twelve (12) months.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON MARCH 22, 2016

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

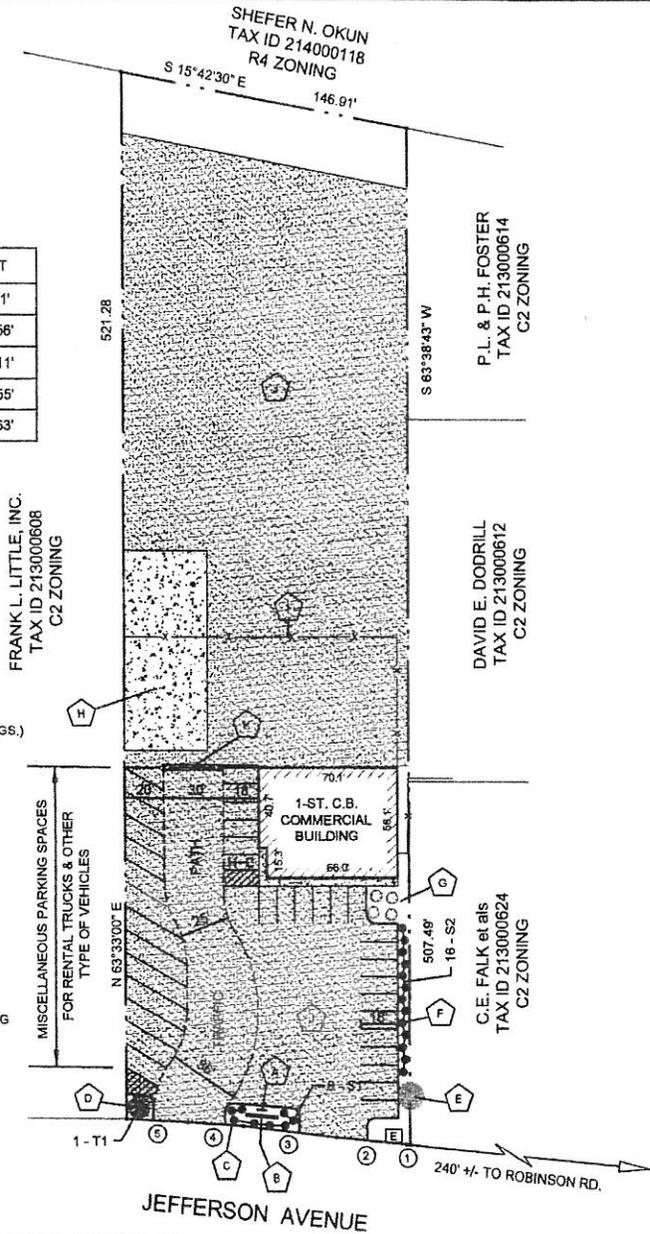
City Clerk

No.	BEARING	DIST
1	N 27°04'07" W	0.81'
2	N 23°13'43" W	29.56'
3	N 22°22'26" W	28.11'
4	N 19°09'16" W	47.55'
5	N 20°32'30" W	37.63'

LEGEND

- A - REMOVE EXISTING SIGN
- B - NEW MONUMENT SIGN (PER CNN REGS.)
- C - NEW SHRUBS
- D - NEW TREE
- E - EX. TREE TO REMAIN
- F - NEW SHRUBS
- G - EX. SHRUBS TO REMAIN
- H - EX. CONCRETE PAD TO REMAIN
- I - EXISTING FENCE TO REMAIN
- J - EX. PAVED SURFACE TO REMAIN
- K - NEW SECURITY FENCE WITH ROLLING GATE

SEE PLANT LIST



PROPERTY APPEARS WITHIN FLOOD ZONE X AS DEPICTED ON PANEL 12B, F.I.R.M. FOR COMMUNITY No. 510103, DATED DECEMBER 9, 2014.

PLAT PREPARED WITHOUT BENEFIT OF A TITLE SEARCH REPORT AND THEREFORE IT IS SUBJECT TO ALL ENCUMBRANCES ON THE PROPERTY

OWNER: DED, LLC - DOC. #12001245
 BUILDING AREA: 3,856 S.F.
 ZONING: C2 GENERAL COMMERCIAL DISTRICT
 TAX ID: 213000609

PARKING REQUIRED: 10 SPCS

PARKING PROVIDED: 28 R (8x18') + 1 H-C (8x18') = 29 SPCS & M'SC.
 RENTAL TRUCKS [(10x25') & (10x30')] = 7 SPCS.
 TOTAL PARKING 36 SPCS.

GREEN AREA: +/- 10,548 S.F.

LAND USE PLAT

ADDRESS: 11606 JEFFERSON AVE.

PROPERTY OF DED, LLC
 CONTAINING 1.70 AC.
 FORMERLY PROPERTY OF
 J.A. ARGABRIGHT, et als
 (D.B. 105 - PG. 391)
 NEWPORT NEWS - VIRGINIA

SCALE: 1" = 60'

Job No. 16-02-11144



DATE: FEB. 2, 2016

F.B. 296 - PG. 12

ALFONSO & ASSOCIATES, INC.
 SURVEYING - PLANNING

PHONE: 757 873 0750
 NEWPORT NEWS, VIRGINIA

