

ORDINANCE NO. 7279-16

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-15-353 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF PERMITTING THE CONSTRUCTION AND OPERATION OF A MINI-STORAGE WAREHOUSE - SINGLE ENTRANCE IN A C1 RETAIL COMMERCIAL DISTRICT.

WHEREAS, application number CU-15-353 has been made by **CENTRE COURT RACQUET CLUB, applicant**, for a conditional use permit for the hereinafter described property for the purpose of permitting the construction and operation of a mini-storage warehouse - single entrance 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-15-353 is hereby granted for the property described in paragraph (b) hereof for the purpose of permitting the construction and operation of a mini-storage warehouse - single entrance 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:

Parcel I

All that certain lot, piece or parcel of land, situate, lying and being in the City of Newport News, Virginia, known and designated as Parcel "B", containing 114,153 square feet, as shown on that certain plat entitled, "SUBDIVISION OF THE PROPERTY OF JOHN MALLICOTTE, CITY OF NEWPORT NEWS, VIRGINIA", made by C. K. Tudor, Engineers, dated June 22, 1972, and recorded in the Clerk's Office of the Hustings Court for the City of Newport News, Virginia, in Plat Book 8, page 138, to which reference is here made.

Parcel II

All that certain lot, piece or parcel of land, situate, lying and being in the City of Newport News, Virginia, containing 1.1728 acres, more or less, as shown on that certain plat of survey entitled "Plat

of the Property to be Conveyed to Centre Court Racquet Club, 1.1728 Acres, Part of Parcel B, Property of Newport News School Board, Newport News, Virginia” dated June 20, 1991 and prepared by C. K. Tudor Engineers, Inc.

The Property has a common street address of 12445 and 12447 Warwick Boulevard and a Real Estate Assessor’s Tax I.D.’s #220.00-02-03 and 211.00-01-83.

(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 submit a class 1 Site Plan to the Department of Engineering for review by the Site Plan Review Committee and approval by the Director of Engineering. This site plan shall be in general conformance with the Conceptual Site Plan prepared by Alfonso & Associates, Inc. dated April 18, 2016, found in Appendix A-2, 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.
2. The applicant shall submit to the Department of Planning building elevations and exterior building materials consistent with the elevation drawings dated September 1, 2015 prepared by Michael Henry Architect and found in Appendix A-3, 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. The building shall be constructed in substantial conformance with the approved elevations and materials.
3. The applicant shall submit a landscape plan, which is consistent with the requirements of the Site Regulations and this permit, to be approved by the Director of Planning prior to conditional site plan approval. This landscape plan shall be in general conformance with the conceptual plan prepared by Alfonso & Associates dated April 18, 2016, found in Appendix A-2. All landscaping shall be installed in accordance with the approved plan and shall be maintained in a healthy condition in perpetuity. The use approved by this permit shall not commence until the landscaping has been installed.
4. The applicant shall cause a 30-foot transitional buffer area to be installed and maintained in perpetuity along the property’s western boundary. The applicant shall retain and maintain in perpetuity the additional approximately 60-foot open area adjacent to the buffer.
5. The applicant shall provide fire access to the site in accordance with applicable code requirements. The proposed fire access shall be submitted

to the City's Fire Marshall Office for review and approval prior to final site plan approval and shall be consistent with the conceptual plan prepared by Alfonso & Associates dated April 19, 2016, found in Appendix A-2.

6. All new building sign placement, design and materials shall be reviewed and approved by the Director of Planning prior to the issuance of a sign permit.
7. Temporary signage shall be permitted on the property in accordance with the City's sign ordinance. No portable signs shall be permitted on the Property. Signage placed in or on any window of a building shall be limited to no more than 25 percent of each window.
8. No businesses shall be located or operated out of units within the facility. All business and other use of the units shall be for storage use only.
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 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. 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.

12. 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.
13. 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.
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. 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.
16. 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 June 28, 2016, or,
2. In the event of the continuous nonuse of the property as herein permitted for a period of twelve (12) months.

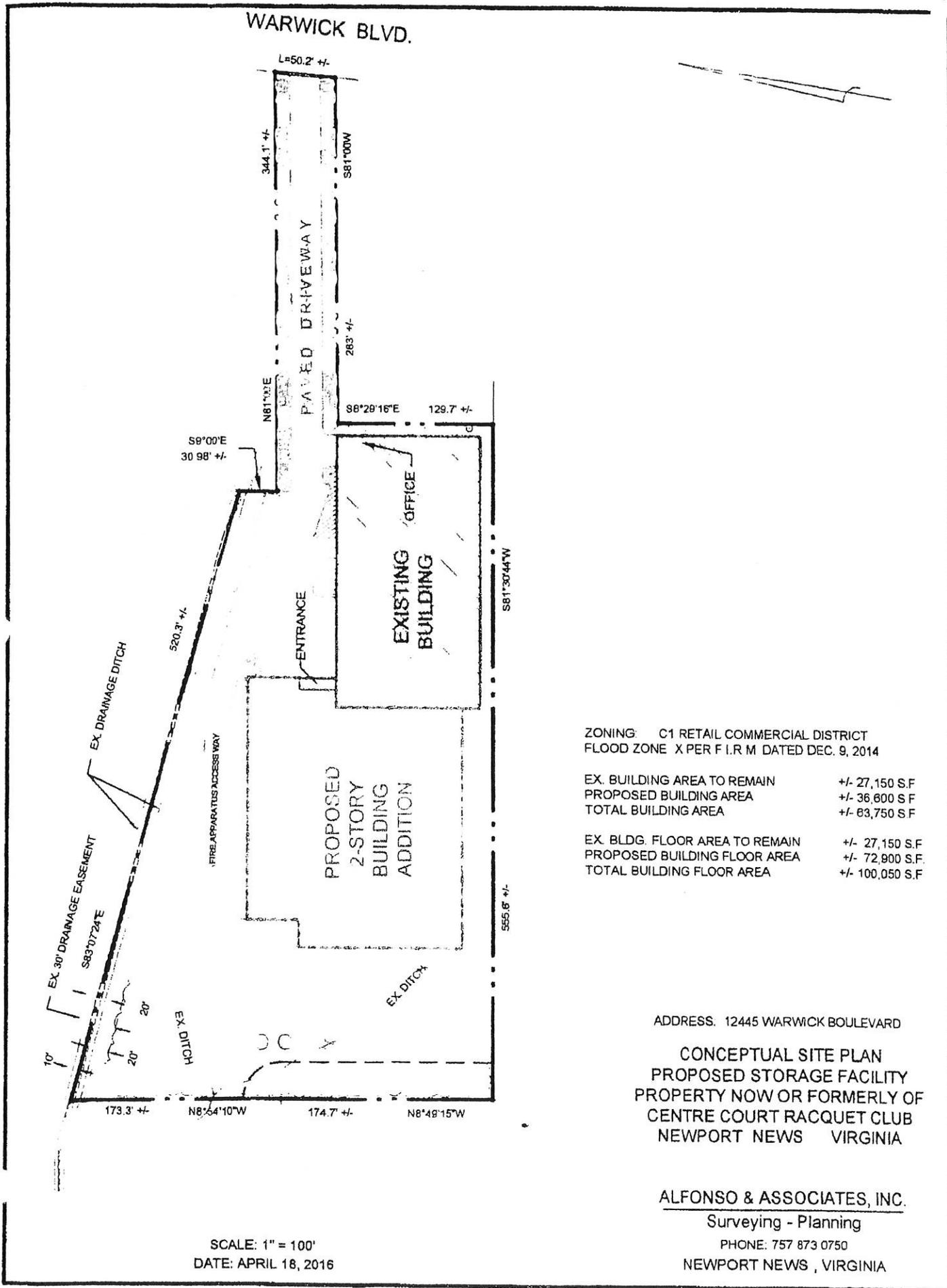
PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON JUNE 28, 2016

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk



ZONING: C1 RETAIL COMMERCIAL DISTRICT
 FLOOD ZONE X PER F.I.R.M. DATED DEC. 9, 2014

EX. BUILDING AREA TO REMAIN	+/- 27,150 S.F.
PROPOSED BUILDING AREA	+/- 36,600 S.F.
TOTAL BUILDING AREA	+/- 63,750 S.F.

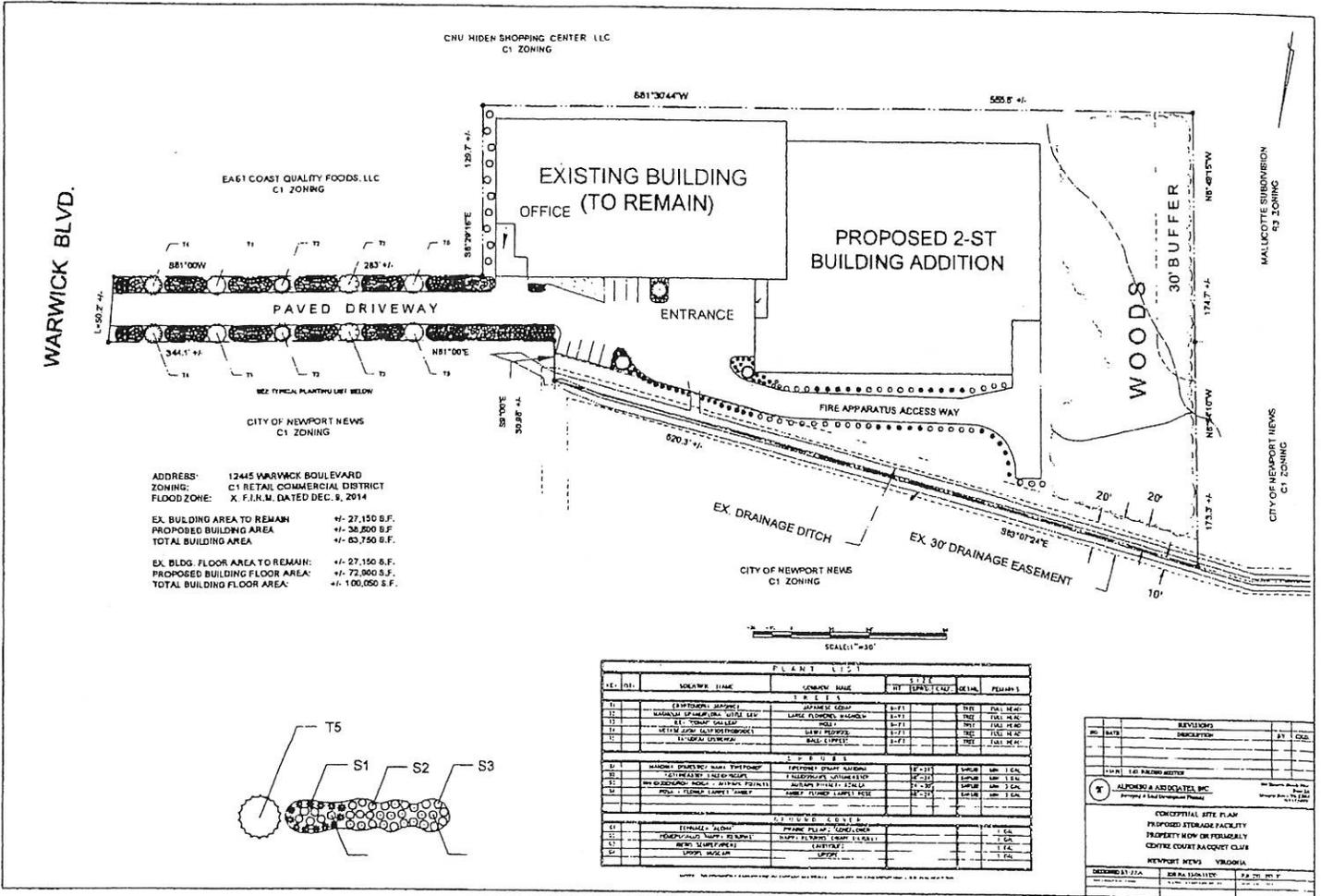
EX. BLDG. FLOOR AREA TO REMAIN	+/- 27,150 S.F.
PROPOSED BUILDING FLOOR AREA	+/- 72,900 S.F.
TOTAL BUILDING FLOOR AREA	+/- 100,050 S.F.

ADDRESS: 12445 WARWICK BOULEVARD

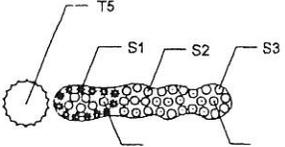
CONCEPTUAL SITE PLAN
 PROPOSED STORAGE FACILITY
 PROPERTY NOW OR FORMERLY OF
 CENTRE COURT RACQUET CLUB
 NEWPORT NEWS VIRGINIA

ALFONSO & ASSOCIATES, INC.
 Surveying - Planning
 PHONE: 757 873 0750
 NEWPORT NEWS, VIRGINIA

SCALE: 1" = 100'
 DATE: APRIL 18, 2016



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