

ORDINANCE NO. 7281-16

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-16-366 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF THE OPERATION OF A TRANSIT TERMINAL WITH SERVICE/MAINTENANCE FACILITY (MULTIMODAL TRANSPORTATION CENTER) IN P1 PARK, R8 HIGH DENSITY MULTIPLE-FAMILY DWELLING, R7 MEDIUM DENSITY MULTIPLE-FAMILY DWELLING AND R4 SINGLE-FAMILY DWELLING DISTRICTS.

WHEREAS, application number CU-16-366 has been made by **CITY OF NEWPORT NEWS AND YMDEV-10, LLC, owners and applicants**, for a conditional use permit for the hereinafter described property for the purpose of the operation of a transit terminal with service/maintenance facility (multimodal transportation center) in P1 Park, R8 High Density Multiple-Family Dwelling, R7 Medium Density Multiple-Family Dwelling and R4 Single-Family Dwelling Districts; 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-16-366 is hereby granted for the property described in paragraph (b) hereof for the purpose of the operation of a transit terminal with service/maintenance facility (multimodal transportation center) in P1 Park, R8 High Density Multiple-Family Dwelling, R7 Medium Density Multiple-Family Dwelling and R4 Single-Family Dwelling Districts; and

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

PARCEL 1

ALL THAT certain lot, piece or parcel of land situate, lying and being in the City of Newport News, State of Virginia, containing 30.040 acres and being a portion of the land conveyed on plat entitled "Plat Showing Acquisition for Eastwood/Bland Connection from Knollwood Corporation", prepared by MMM Design Group, Architects + Engineers + Planners, dated January 25, 1988 and revised on March 17, 1988, which plat is attached to Certificate of Take recorded on October 31, 1988 in Deed Book 1187, page 948

in the Clerk's Office of the Circuit Court for Newport News to which reference is here made.

The Property has a common street address of 500 Bland Boulevard and Real Estate Assessor's Tax I.D. #120.00-01-05.

PARCEL 2

All that certain lot, piece or parcel of land situate, lying and being in the City of Newport News, Virginia, containing 30.189 acres, known and designed as Parcel "X" as shown on that certain plat entitled, "PLAT OF THE PROPERTY OF YOUNG'S MILL INVESTORS PARCEL "X", 30.189 ACRES, NEWPORT NEWS, VIRGINIA", dated January 23, 1989, and recorded in the Clerk's Office of the Circuit Court for the City of Newport News, Virginia, in Deed Book 1194, page 2070 and 2071 to which reference is here made.

The Property has a common street address of 490 Young's Mill Lane and Real Estate Assessor's Tax I.D. #140.00-01-08.

PARCEL 3

All that certain lot, piece or parcel of land situate, lying and being in the City of Newport News, Virginia, containing 4.031 acres, known and designated as PARCEL "X-3", as shown on that certain plat entitled, "PLAT OF THE PROPERTY OF YOUNG'S MILL INVESTORS, PARCEL 'X-3', NEWPORT NEWS, VIRGINIA", dated February 23, 1995, made by Coenen & Associates, Inc. and attached to that certain Deed of Correction dated December 1, 1994 and recorded on March 22, 1995, in the Clerk's Office of the Circuit Court for the City of Newport News, Virginia in Deed Book 1394, page 1433, to which reference is here made.

The Property has a common street address of 550 Young's Mill Lane and Real Estate Assessor's Tax I.D. #140.00-01-09.

PARCEL 4

All that certain lot, piece or parcel of land situate, lying and being in the City of Newport News, Virginia, containing 8.66 acres, known and designed as Parcel "Y" as shown on that certain plat entitled, "PLAT OF THE PROPERTY OF YOUNG'S MILL INVESTORS PARCEL "Y", 8.66 ACRES, NEWPORT NEWS,

VIRGINIA”, dated May 5, 1989, and recorded in the Clerk’s Office of the Circuit Court for the City of Newport News, Virginia, attached to that certain deed in Deed Book 1194, page 2070 and 2071 to which reference is here made.

The Property has a common street address of 13020 Mitchell Point Road and Real Estate Assessor’s Tax I.D.# 150.00-01-25.

PARCEL 5

All that certain 30' right of way, on the West side of the C & O Railroad tracks between Catina Way and Warwick Springs Drive in the City of Newport News, State of Virginia, containing approximately 3.76 ac and being approximately 5,392 feet in length.

The Property has a common street address of 199 Motoka Drive and Real Estate Assessor’s Tax I.D.# 109.00-08-24.

PARCEL 6

All that certain 30' right of way, on the West side of the C & O Railroad tracks running in a Southerly direction from the South lot line of 13340 Warwick Drive and Northerly lot line of 13020 Mitchell Point Road in the City of Newport News, State of Virginia, containing approximately 1.60 ac and being approximately 2,319 feet in length.

The Property has a common street address of 201 Motoka Drive and Real Estate Assessor’s Tax I.D.#140.00-01-04.

(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 plans prepared by Parsons Brinckerhoff, dated November and December, 2015 and March, 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 December 23, 2015 prepared by Niles Bolton Associates 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 plans prepared by Parsons Brinckerhoff, dated November and December, 2015 and March, 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 20-foot transitional buffer area to be installed and maintained in perpetuity along the north, west and south sides of the service and maintenance facility property as shown on the plans prepared by Parsons Brinckerhoff dated November, 2015, found in Appendix A-2.
5. A combination noise and screening wall will be installed along the transitional buffer area. The location will be in general conformance with Figure 2: Proposed Noise Wall and Screening all Locations of the Newport News Transportation Center (NNTC) Service Area noise wall analysis prepared by Parsons Brinckerhoff dated April, 2016 and found in Appendix A-4, which is attached hereto and made a part hereof. The walls' design and materials shall be reviewed and approved by the Director of Planning.
6. Freestanding signs shall be monument style not to exceed eight (8) feet in height, including the base. The design of the freestanding signs and all building signs shall be submitted to the Department of Planning and approved by the Director of Planning prior to the issuance of a sign permit. No portable signs shall be permitted on the Property.
7. The applicant shall submit the proposed elevations and exterior surface materials for a masonry dumpster enclosure to the Department of Planning to be reviewed and approved by the Director of Planning prior to the issuance of a building permit. The applicant shall construct the dumpster enclosure in substantial conformance with the approved elevations and materials. The container within the enclosure shall be a closed container.

8. The applicant shall screen all heating, ventilation, and air conditioning equipment from view from the public rights-of-way and adjacent properties in a manner reviewed and approved by the Director of Planning.
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 time 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.

Ordinance No. 7281-16
Page Seven

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

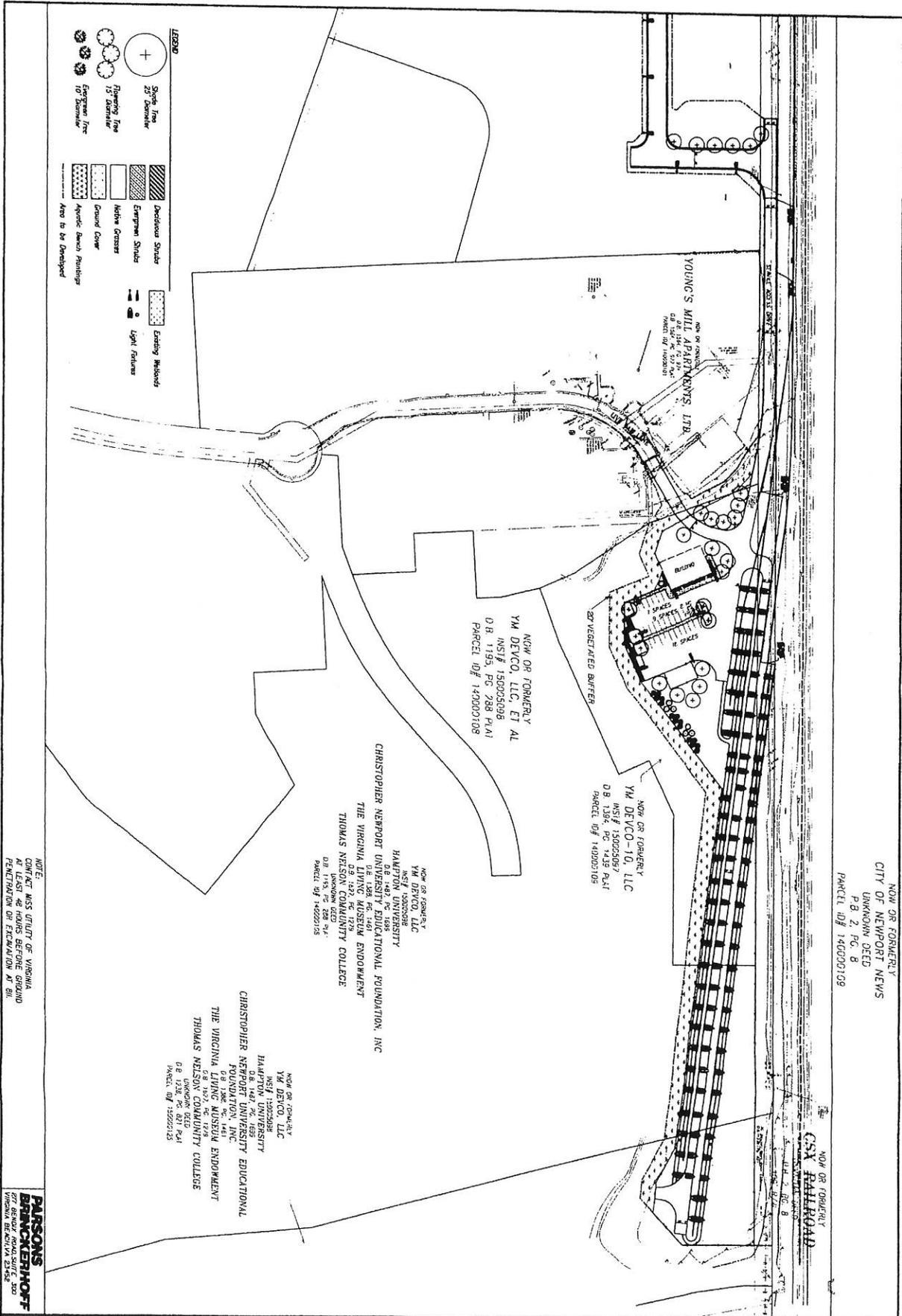
Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk

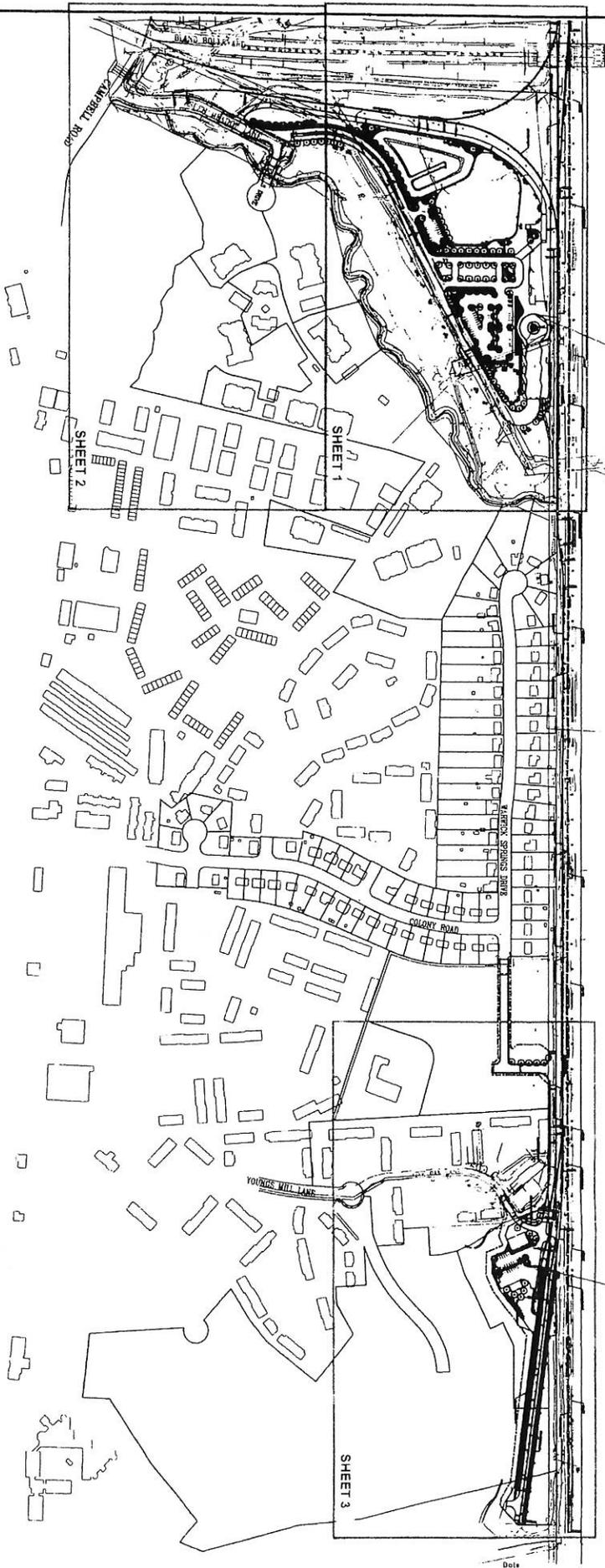




<p>NEWPORT NEWS TRANSPORTATION CENTER</p>	<p>CITY OF NEWPORT NEWS DEPARTMENT OF ENGINEERING</p> <p>2400 WASHINGTON AVE 7TH FLOOR</p> <p>NEWPORT NEWS, VA PHONE: 926-8611</p>	<p>DATE</p>	<p>DESIGNED XXXX XXXX XXXX</p>	<p>APPROVED DIRECTOR OF ENGINEERING</p>	
		<p>REVISIONS</p>	<p>DRAWN by XXXX XXXX XXXX</p> <p>CHECKED XXXX XXXX XXXX</p> <p>DATE</p>		

STATION SITE

SERVICE SITE



NEWPORT NEWS
TRANSPORTATION CENTER

CITY OF NEWPORT NEWS
DEPARTMENT OF ENGINEERING
2400 WASHINGTON AVE.
7TH FLOOR
NEWPORT NEWS, VA.
PHONE: 928-8811

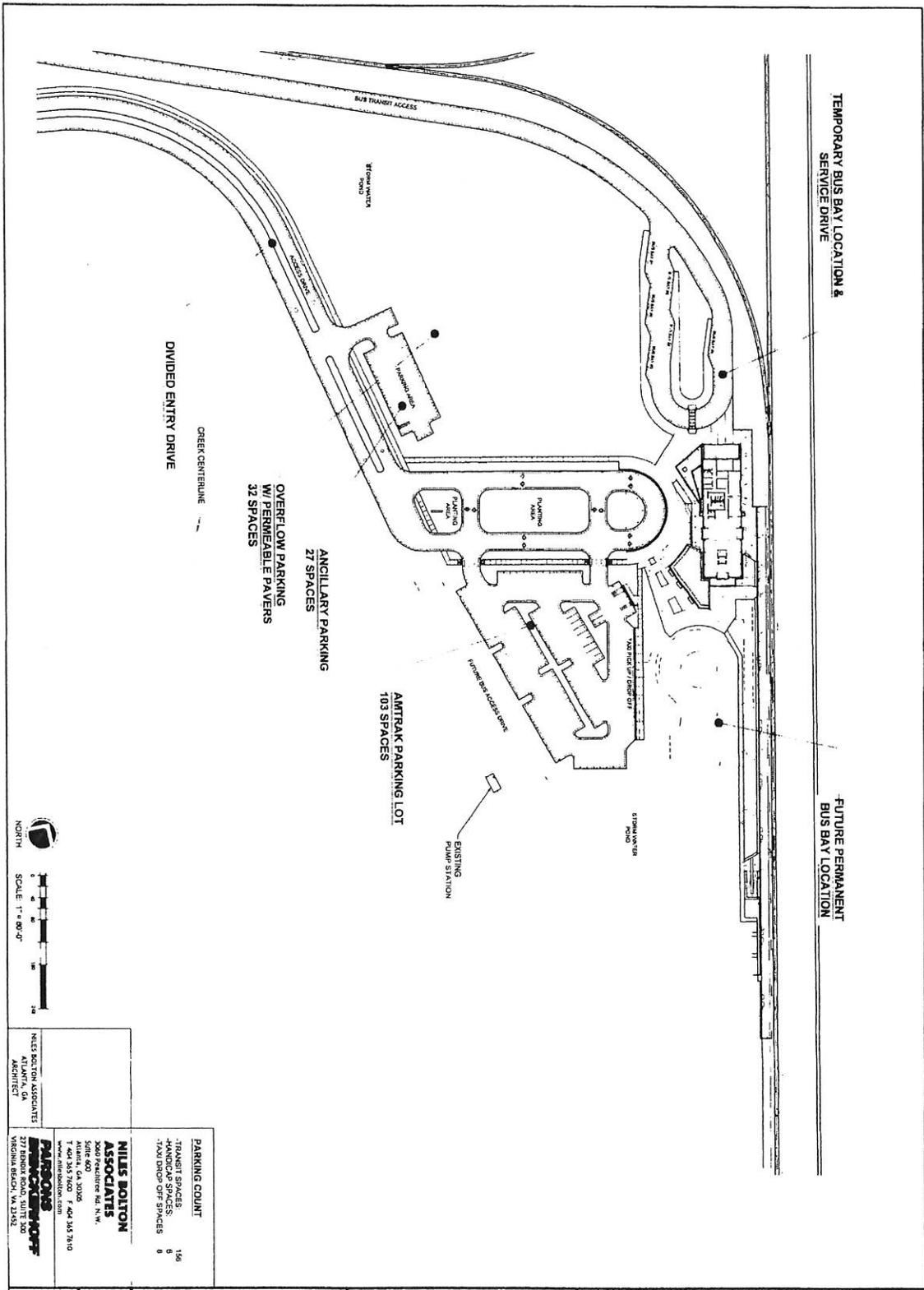
NOTE: MISS UTILITY OF URGRUUA
CONTACT HOUSE BEFORE CIRCUIT
REFERENCE OR EXCAVATION AT ALL.

DATE	REVISIONS	DESIGNED	DRAWN BY

APPROVED: DIRECTOR OF ENGINEERING
DATE:

PARSONS BRINCKERHOFF
A DIVISION OF CH2M HILL

DATE: March 2016
SCALE:



NILES BOLTON ASSOCIATES
 ATLANTA, GA
 ARCHITECT

PARSONS
BRINCKERHOFF
 277 RENOVA ROAD, SUITE 200
 VIRGINIA BEACH, VA 23462

PARKING COUNT	
-TRANSIT SPACES	156
-ANCILLARY SPACES	8
-TRUCK DROP OFF SPACES	8

NILES BOLTON ASSOCIATES
 ARCHITECTS
 1000 W. BROADWAY
 ATLANTA, GA 30335
 TEL: 404.525.7000 FAX: 404.535.7510

JOB TITLE: NEWPORT NEWS
 TRANSPORTATION CENTER
 SHEET: L1.00
 DESIGN: SCHEMATIC DESIGN
 DATE: 12/23/2015

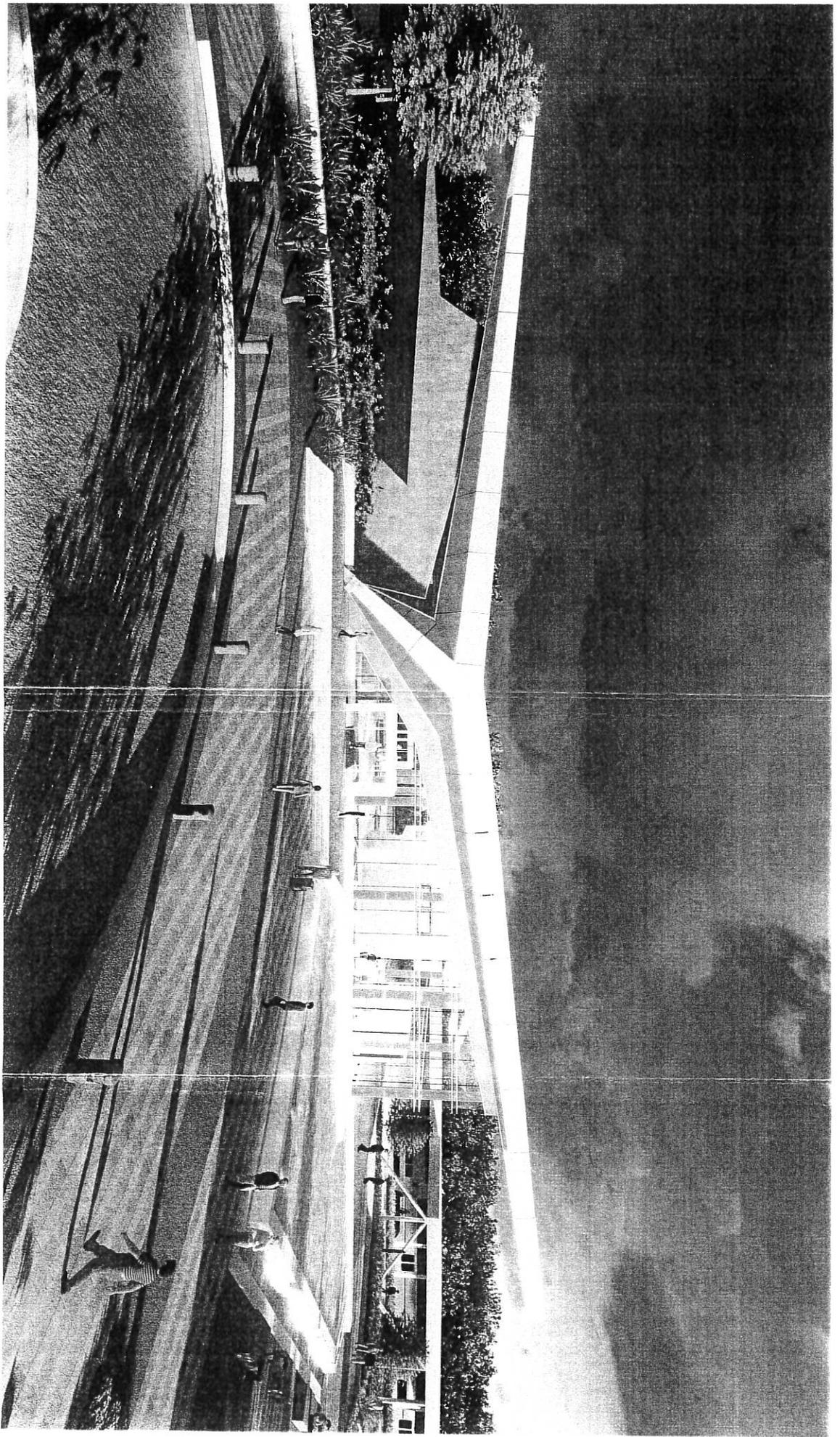
CITY OF NEWPORT NEWS
 DEPARTMENT OF ENGINEERING
 2400 WASHINGTON AVE
 7th FLOOR
 NEWPORT NEWS, VA
 PHONE: 526-5511

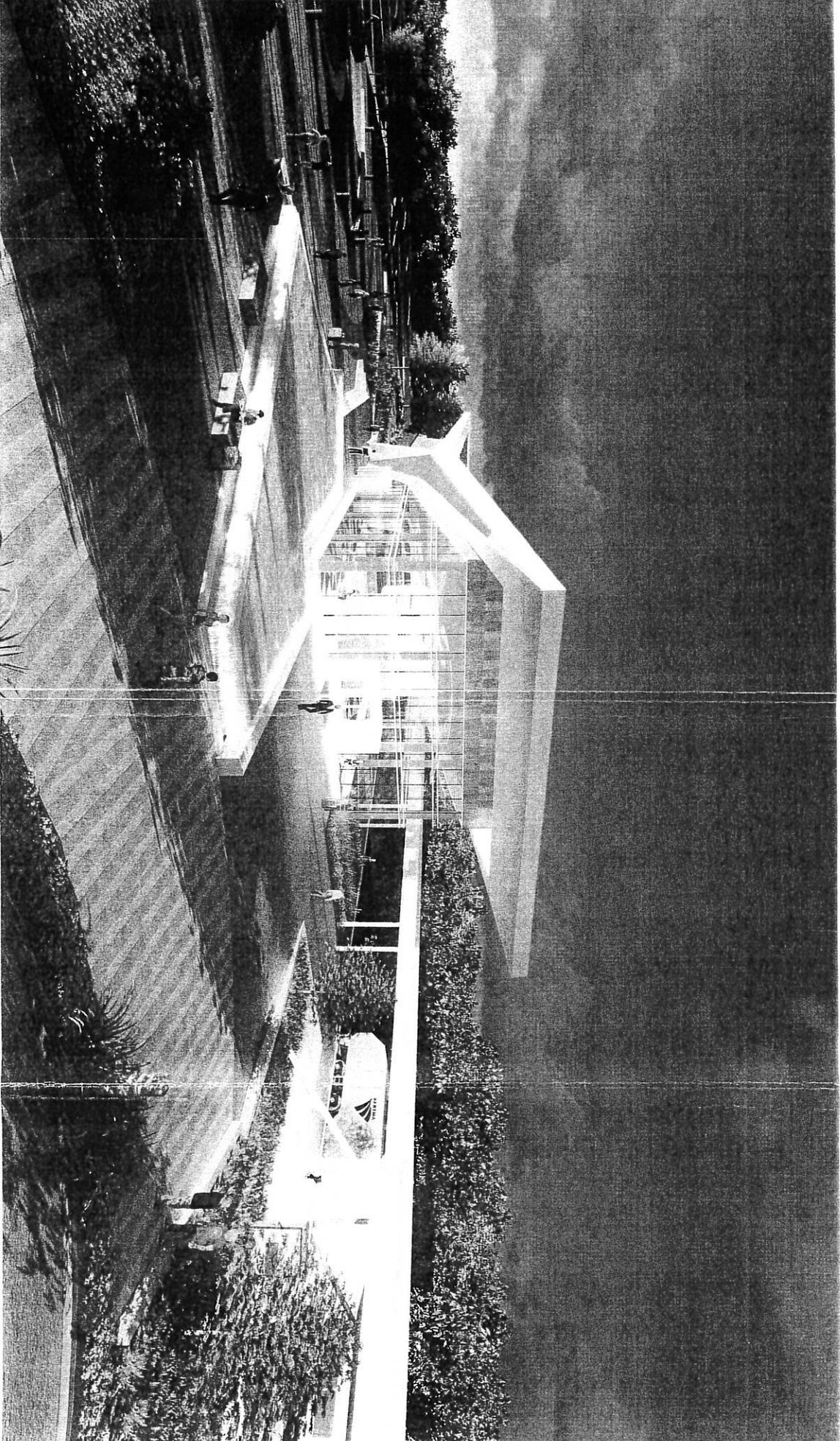
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3	Issue	

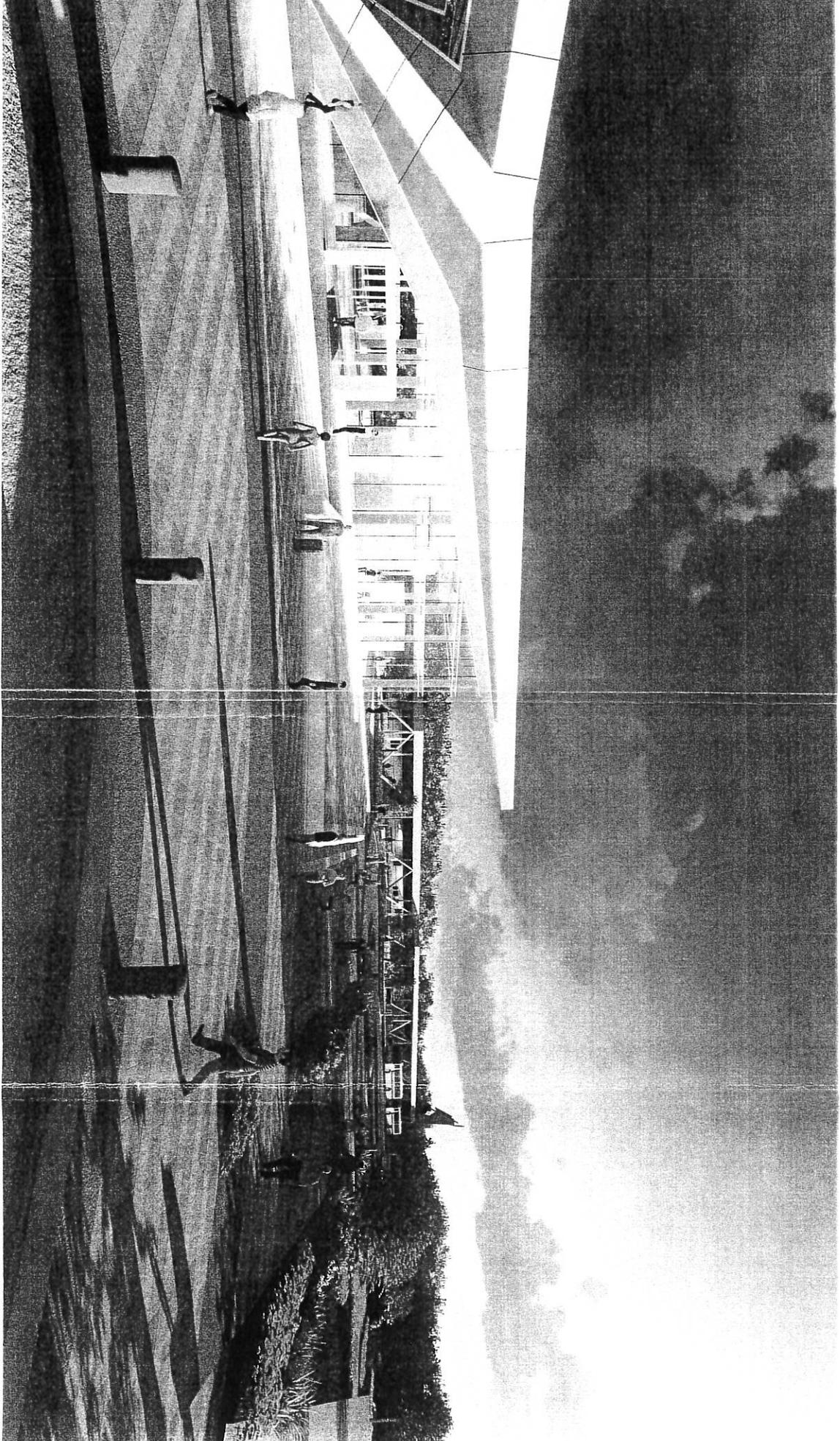
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 CHECKED BY: PML
 APPROVED BY:
 DATE: 12/23/2015

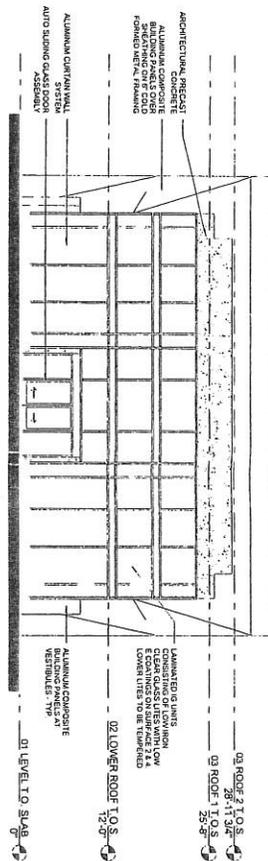


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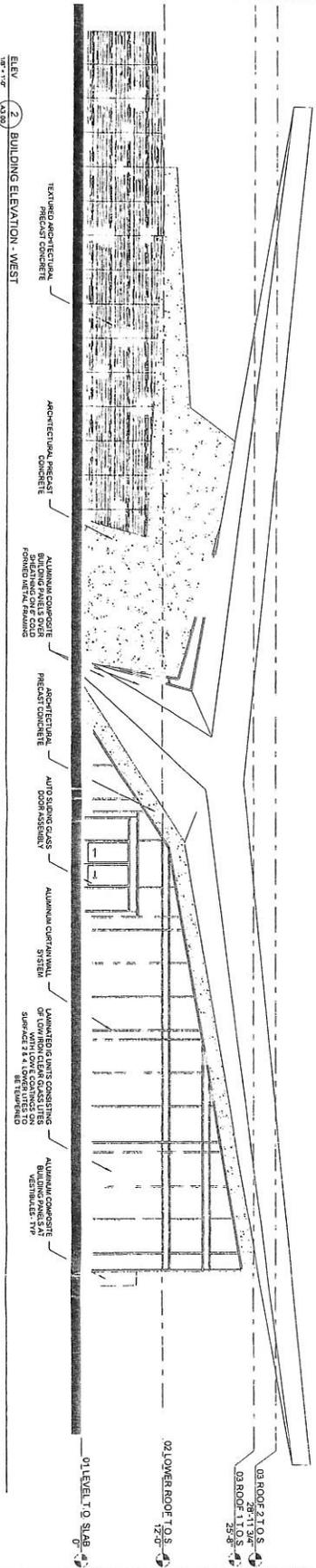








ELEV 1 BUILDING ELEVATION - SOUTH



ELEV 2 BUILDING ELEVATION - WEST

NILES BOLTON ASSOCIATES
ARCHITECTS
ATLANTA, GA

PARSONS BRINCKERHOFF
ARCHITECTS
VIRGINIA BEACH, VA 23502

NILES BOLTON ASSOCIATES
ARCHITECTS
ATLANTA, GA

PARSONS BRINCKERHOFF
ARCHITECTS
VIRGINIA BEACH, VA 23502

NEWPORT NEWS
TRANSPORTATION CENTER
STATION ELEVATIONS

CITY OF NEWPORT NEWS
DEPARTMENT OF ENGINEERING

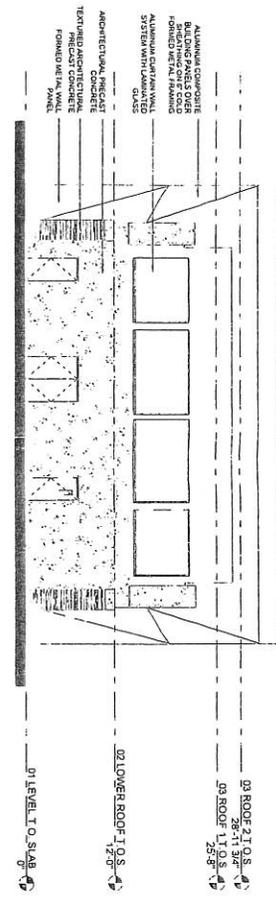
2400 WASHINGTON AVE.
7th FLOOR

NEWPORT NEWS, VA
PHONE: 826-8611

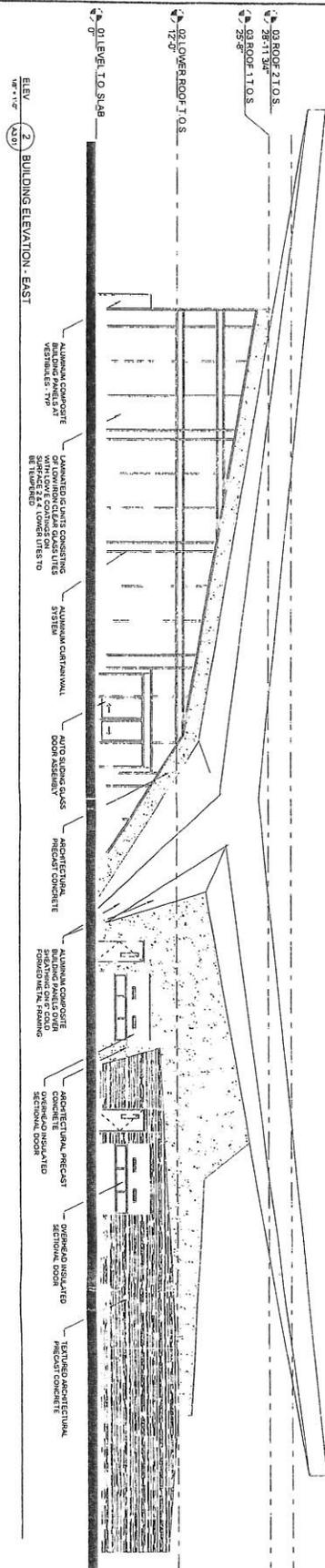
No.	Description	Date
1	SCHEMATIC DESIGN	12/23/15

PROJECT #: 113009
DRAWN BY: AJM
CHECKED BY: LL
APPROVED: _____
DATE: 12/23/2015





ELEV 1 BUILDING ELEVATION - NORTH
1/8" = 1'-0"
A3.01



ELEV 2 BUILDING ELEVATION - EAST
1/8" = 1'-0"
A3.01

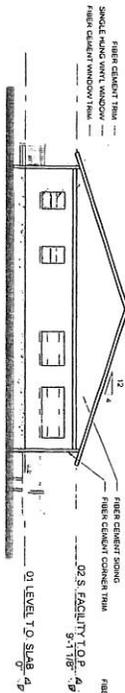
NILES BOLTON ASSOCIATES
ARCHITECT
ATLANTA, GA
777 BOND ROAD, SUITE 300
VIRGINIA BEACH, VA 23582

NILES BOLTON ASSOCIATES
ARCHITECTS
2000 RIVERVIEW BLVD., N.W.
SUITE 600
ATLANTA, GA 30305
T. 404.365.7600 F. 404.365.7610
WWW.NILSBOLTON.COM

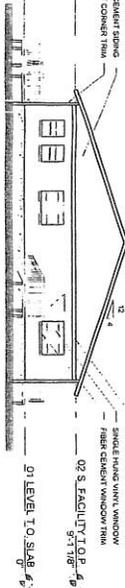
PARSONS BRINCKERHOFF
ARCHITECTS
277 BOND ROAD, SUITE 300
VIRGINIA BEACH, VA 23582

SHEET A3.01	SCHEMATIC DESIGN 12/23/2015	JOB TITLE NEWPORT NEWS TRANSPORTATION CENTER	CITY OF NEWPORT NEWS DEPARTMENT OF ENGINEERING	2400 WASHINGTON AVE 7th FLOOR	NEWPORT NEWS, VA PHONE: 926-6611	PROJECT #: 113009 DRAWN BY: AJM CHECKED BY: LL APPROVED: _____ DATE: 12/23/2015	
		SHEET TITLE STATION ELEVATIONS	Description SCHEMATIC DESIGN SIB 12/23/15	2400 WASHINGTON AVE 7th FLOOR	NEWPORT NEWS, VA PHONE: 926-6611	PROJECT #: 113009 DRAWN BY: AJM CHECKED BY: LL APPROVED: _____ DATE: 12/23/2015	

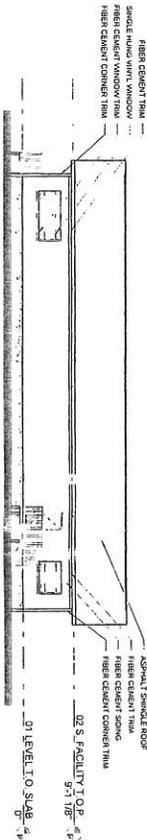
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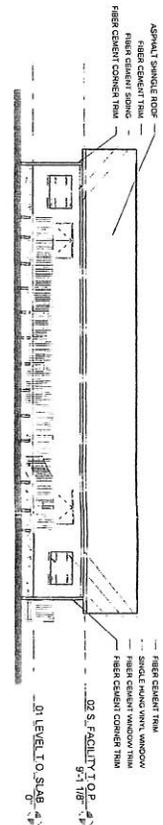
ELEV. 3 SERVICE FACILITY - NORTH
SCALE: 1/8" = 1'-0"



ELEV. 4 SERVICE FACILITY - WEST
SCALE: 1/8" = 1'-0"



ELEV. 5 SERVICE FACILITY - EAST
SCALE: 1/8" = 1'-0"



<p>NILES BOLTON ASSOCIATES ALBANY, GA ARCHITECT</p>	<p>NILES BOLTON ASSOCIATES ARCHITECTS 3080 Peachtree Rd. N.W. Atlanta, GA 30305 1-404-355-7800 F-404-355-7510 www.nilesbolton.com Suite 400 BRINCKERSHOFF 277 BRINDS ROAD, SUITE 300 WINSTON-SALEM, VA 23392</p>
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SHEET
A7.00

00 TITLE	NEWPORT NEWS TRANSPORTATION CENTER
01 TITLE	SERVICE FACILITY

CITY OF NEWPORT NEWS
DEPARTMENT OF ENGINEERING
2400 WASHINGTON AVE.
7th FLOOR
NEWPORT NEWS, VA
PHONE: 926-8611

Revision	Description	Date
1	SCHEMATIC DESIGN	12/23/15

PROJECT #:	113009
DRAWN BY:	KR
CHECKED BY:	LL
APPROVED:	
DATE:	12/23/2015



Figure 2: Proposed Noise Wall and Screening Wall Locations

