

ORDINANCE NO. 6549-08

AN ORDINANCE TO AMEND AND REORDAIN ORDINANCE NO. 5028-97 BY AMENDING THAT CERTAIN MAP ENTITLED, "ZONING DISTRICT MAP" (CONSISTING OF REAL ESTATE TAX ASSESSMENT MAPS 001 THROUGH 322 AND KEPT ON FILE IN THE OFFICES OF THE DEPARTMENTS OF CODES COMPLIANCE AND PLANNING) DATED THE 10TH DAY OF JUNE, 1997, WHICH SAID MAP IS MADE A PART OF THE SAID ORDINANCE NO. 5028-97.

WHEREAS, conditional zoning application CZ-08-265 has been made by **EMMANUEL BAPTIST CHURCH** for the rezoning of the hereinafter described property from the present C2 General Commercial District and R4 Single-Family Dwelling District to R8 High Density Multiple-Family Dwelling District, conditioned by written and voluntary proffers; and

WHEREAS, the application has been considered by the Planning Commission for 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, Virginia:

Section 1. That Ordinance No. 5028-97 is hereby amended and reordained by amending that certain map entitled, "Zoning District Map" (Consisting of Real Estate Tax Assessment Maps 001 through 322 and kept on file in the offices of the Departments of Codes Compliance and Planning) dated the 10th day of June, 1997, which said Map is made a part of Ordinance No. 5028-97 by changing the following described property from the present C2 General Commercial District and R4 Single-Family Dwelling District to R8 High Density Multiple-Family Dwelling District, conditioned by written and voluntary proffers:

Legal Description:

LOT 1

All that certain lot, piece or parcel of land situate, lying and being in the City of Newport News, Virginia, and known and designated as Lot E in Block 25, as shown on the "Map of the Land of the North Newport News Improvement Company," and recorded in the Clerk's Office of the Hustings Court for the City of Newport News, Virginia, in Plat Book 2, Page 2. (The parcel has a common street

address of 521 North Avenue and is assigned Real Estate Assessor's Tax ID # 267.00-02-32.)

LOT 2

All that certain lot, piece or parcel of land situate, lying and being in the City of Newport News, Virginia, containing 1.0932 acres, more or less, and being shown and designated "PARCEL 2 1.0932 AC." on that certain plat entitled "PLAT SHOWING THE SUBDIVISION OF THE PROPERTY OF BEATRICE H. FITCHETT NEWPORT NEWS, VIRGINIA" which plat is dated March 19, 1992, and prepared by Becouvarakis and Assoc., a copy of which plat is recorded in the Clerks's Office of the Circuit Court for the City of Newport News, Virginia, in Deed Book 1275, page 1454, and to which reference is here made. (The parcel has a common street address of 9651 Jefferson Avenue and is assigned Real Estate Assessor's Tax ID # 267.00-02-79.)

Section 2. That the rezoning approved hereby is conditioned by written and voluntarily proffered conditions contained in the application and binding the development of the property as set forth in the exhibit, consisting of two pages with an attachment and labeled "Revised Proffer Statement dated November 14, 2008" attached hereto and made a part hereof. These conditions shall continue in effect until a subsequent amendment to the zoning of the property described in Section 1 hereof is adopted; provided, however, that the conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

Section 3. 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.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON
NOVEMBER 25, 2008

Mabel V. Washington, CMC
City Clerk

Joe S. Frank
Mayor

A true copy, teste:

City Clerk

REVISED PROFFER STATEMENT
DATED NOVEMBER 14, 2008

Conditioned
Proffer Statement For Petition For Change Of Zoning
for property located at
9651 JEFFERSON AVENUE AND 521 NORTH AVENUE

TO: The Honorable Newport News City Council
Date: November 14, 2008
Application No: CZ-08-265

In reference to the above request for change of zoning:
Conditioned – “I hereby proffer that the development of the subject property shall be in accordance with the conditions set forth in this submission.”

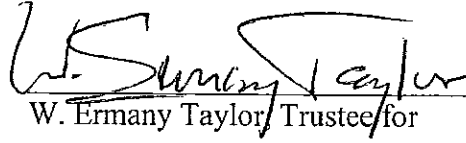
As a condition for the change of zoning requested from the C-2 and R-4 districts to the R-8 district, property owner proffers that the following conditions will be required for the change of zoning:

1. The property to be known as Lot 2, upon recordation of the submitted subdivision plat, shall be used and designed only for a residential home for adults, aged fifty-five (55) and older, for independent living.
2. The building (the “Senior Home”) constructed on Lot 2 shall have no more than sixty eight (68) residential units and shall be no more than three (3) stories high and shall be constructed generally in accordance with the attached building elevation showing the maximum height of the Senior Home. Materials, colors and design must be reviewed and approved by the Director of Planning prior to the release of any permit. Any change to the elevation of the Senior Home must be approved by the Director of Planning.
3. Once the two parcels which are the subject of the referenced rezoning are subdivided, a cross access easement shall be recorded permitting pedestrian, utilities and vehicular access between the two parcels and parking from the uses on each parcel.
4. A landscaping plan shall be submitted in accordance with the site plan ordinance and subject to the review and approval of the director of planning.
5. Freestanding signs shall be limited to two ground signs one on North Avenue and one on Jefferson Avenue and the signs shall be reviewed and approved by the Director of Planning prior to the issuance of a sign permit.
6. A lighting plan shall be submitted and shall be subject to approval by the Director of Planning.
7. The parcel to be known as Lot 1 upon recordation of the subdivision plat shall be used only for a church, gymnasium and related classrooms and gathering spaces and parking.
8. The Senior Home will be constructed with a full NFPA-13 compliant fire sprinkler system, stand pipes in the stairwells and a fire hydrant located within 100 feet of the fire department

connections, a mid-building emergency egress, for all floors, on the southerly side of the building, and any such fire hydrants as are required by the Site Plan Ordinance.

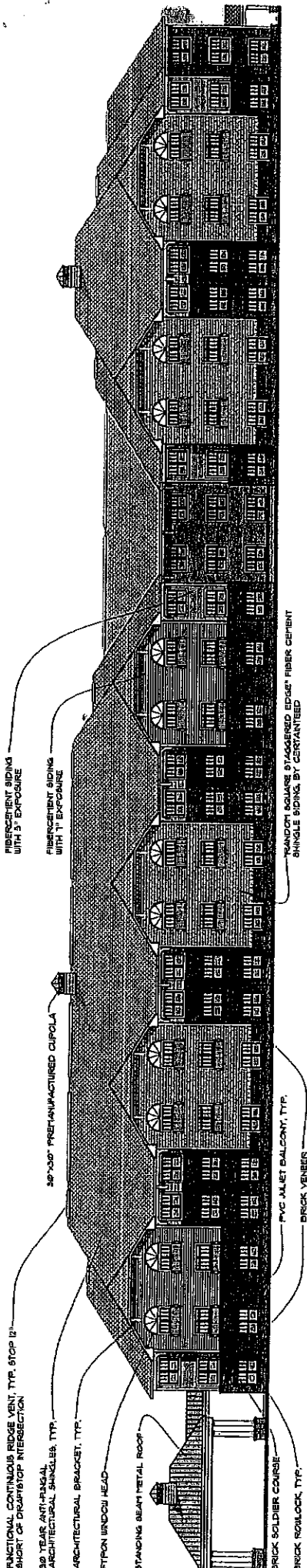
9. These proffers are in addition to the normal building code requirements.

Owner or bona fide representative:



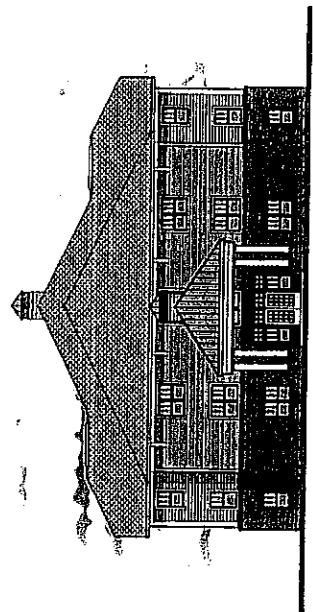
W. Ermany Taylor, Trustee for

Emmanuel Baptist Church

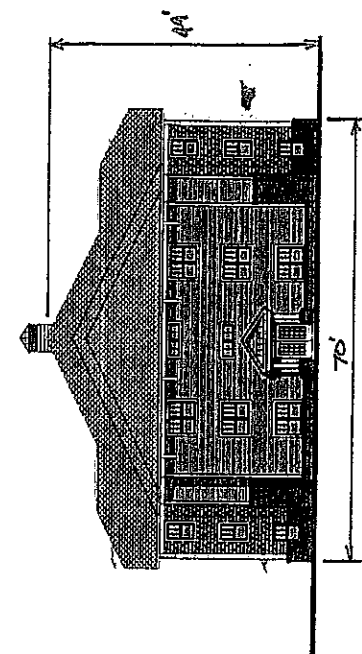


LEFT ELEVATION (RIGHT ELEVATION IS OPPOSITE HAND - ALL MATERIALS THE SAME)

320' OVERALL LENGTH



REAR ELEVATION (SECONDARY ENTRANCE)



FRONT ELEVATION (JEFFERSON AVE)

DATE	2007-01
BY	JRM/DB
CHKD	MR/RT
NO	00

MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
 25 CHURCH STREET SUITE 200 DECATUR GEORGIA 30030-1129 404-375-2800
EMMANUEL PLACE APARTMENTS
 NEWPORT NEWS, VA

MARA
 ELEVATIONS