

ORDINANCE NO. 7552-19

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-2019-0003 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF OPERATING A PRIVATE SCHOOL WITH LESS THAN 200 STUDENTS ON A SITE ZONED C4 OYSTER POINT BUSINESS DISTRICT.

WHEREAS, application number CU-2019-0003 has been made by **TAYLOR MADE HOLDINGS NN, LLC, owner, and THE FAISON CENTER, INC., applicant**, for a conditional use permit for the hereinafter described property for the purpose of operating a private school with less than 200 students on a site zoned C4 Oyster Point Business 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-2019-0003 is hereby granted for the property described in paragraph (b) hereof for the purpose of operating a private school with less than 200 students on a site zoned C4 Oyster Point Business District; 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, and improvements thereon, situate, lying and being in the City of Newport News, Virginia, known and designated as Lot 250-B as shown on a certain plat entitled, "RESUBDIVISION OF LOT 250 OYSTER POINT SECTION TWO, CITY OF NEWPORT NEWS, VIRGINIA" dated March 26, 1990, and made by Sledd & Associates, P.C. Engineers Planners Surveyors and recorded August 13, 1998, in the Clerk's Office of the Circuit Court of the City of Newport News, Virginia, in Deed Book 1516 page 317, to which reference is here made.

The Property has a common street address of 803 Diligence Drive and Real Estate Assessor's Tax I.D. #196.00-01-23.

(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 total number of students permitted at this location shall not exceed 80.
2. Signage shall be restricted to the existing sign. If the sign is to be replaced at any point, the new sign shall be a monument style sign no taller than 8 feet measured from the highest point of the sign area structure to the top of the curb. The sign shall be no more than 50 square feet. The sign placement, design and materials, shall be reviewed and approved by the Director of Planning and the Economic Development Authority prior to the issuance of a sign permit.
3. The site shall be maintained in general conformance with the Schematic Site Plan prepared by Timmons Group and dated February 1, 2019, found in Appendix A-2, a copy of which is attached hereto and made a part hereof. All existing landscaping shall be maintained in a healthy condition in perpetuity. Changes to the site shall be reviewed and approved by the Director of Planning and the Economic Development Authority prior to performing any work, including removal of existing trees.
4. 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.
5. If approved, the ordinance approving this conditional use permit shall be prominently displayed with the establishment at all times until the use is abandoned.
6. 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. 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 May 28, 2019, or,
2. In the event of the continuous nonuse of the property as herein permitted for a period of twelve (12) months.

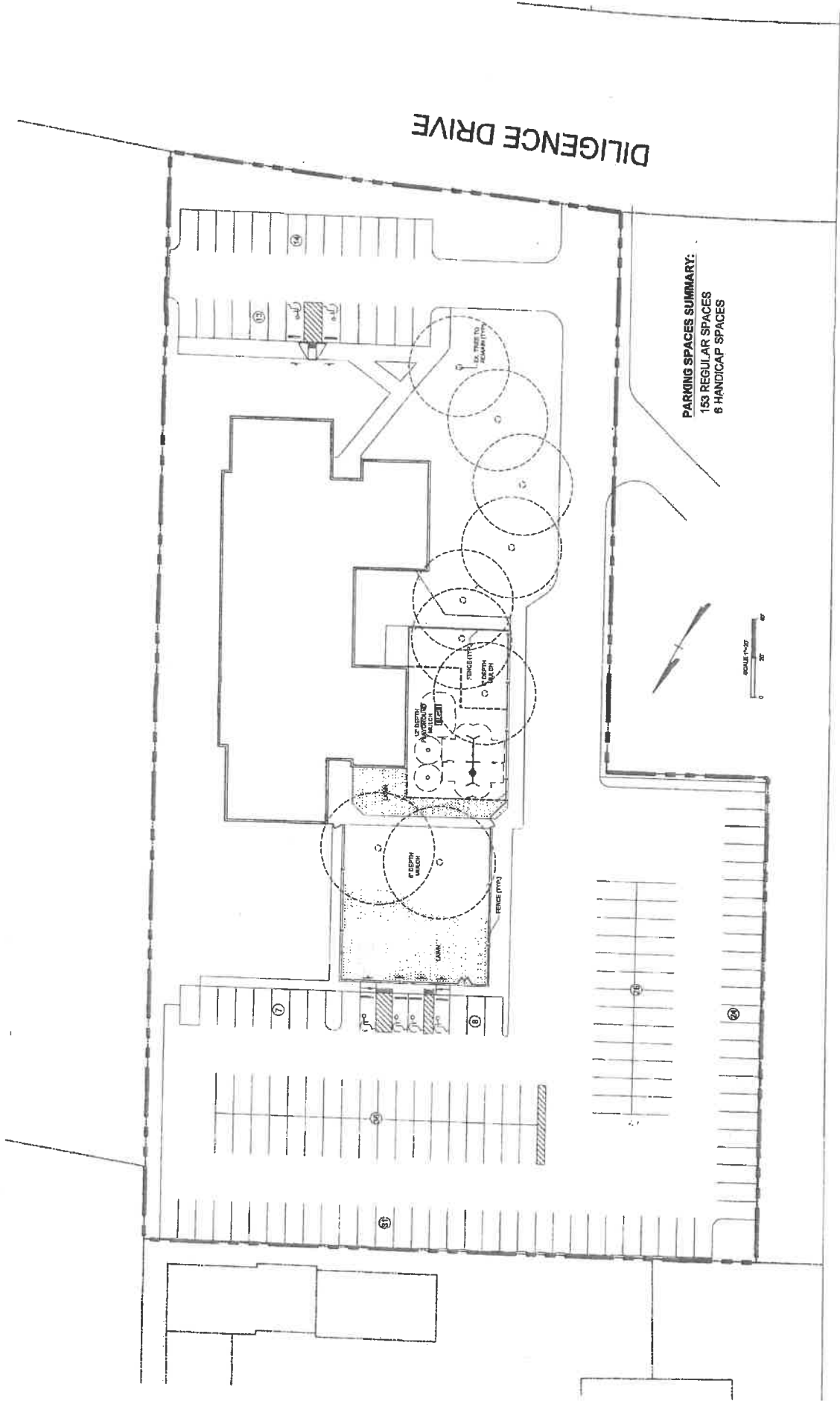
PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON May 28, 2019

Mabel Washington Jenkins, MMC  
City Clerk

McKinley L. Price, DDS  
Mayor

A true copy, teste:

City Clerk



### SCHEMATIC SITE PLAN

FAISON 803 DILIGENCE DRIVE, NEWPORT NEWS - FEBRUARY 1, 2019

# Baskervill

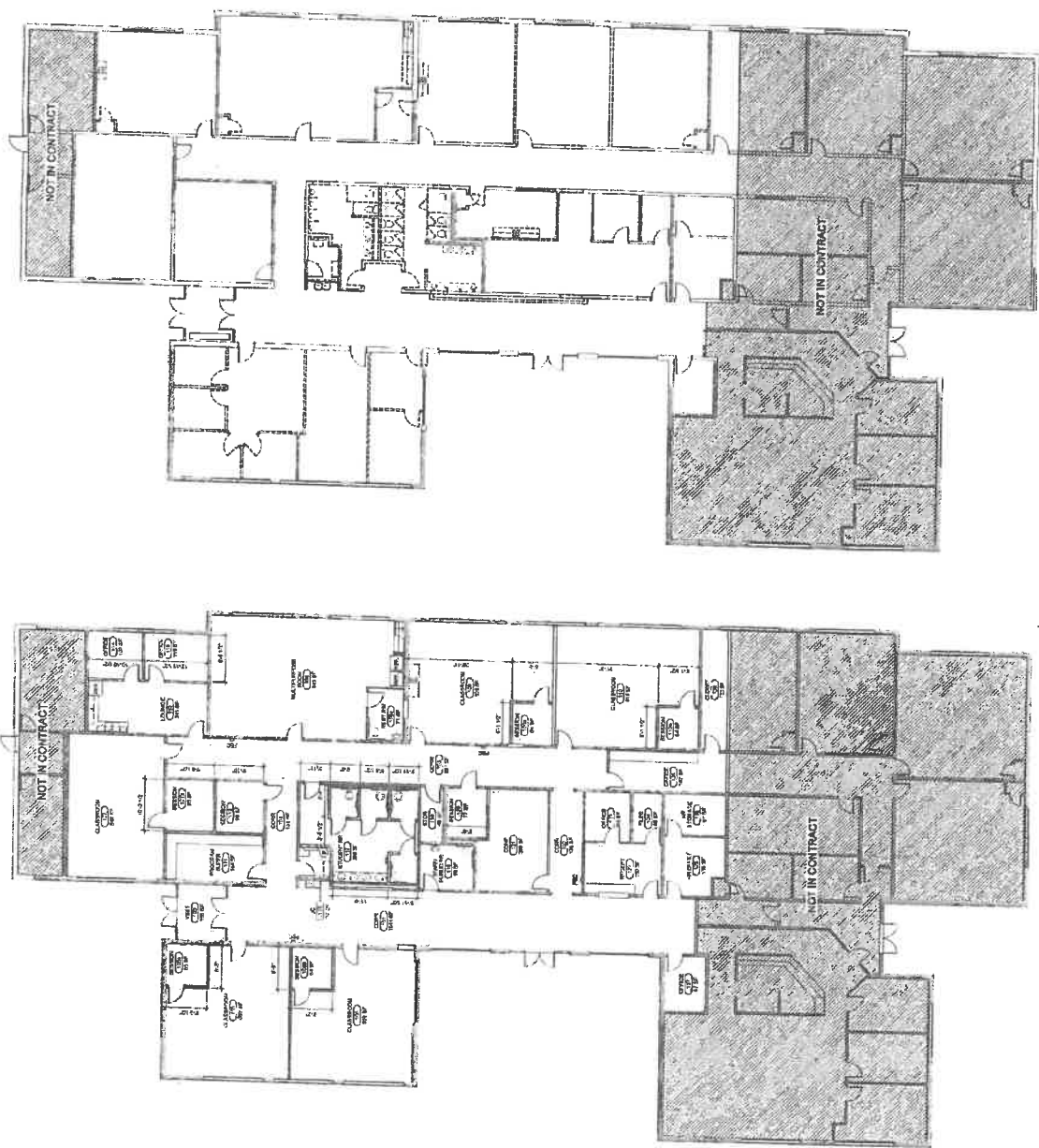
NOT FOR CONSTRUCTION

PROJECT NO. 2-19888.0

PENINSULA SCHOOL AT THE FAISON CENTER

DATE: 01/28/2018 - CONDITIONAL USE PERMIT

NEW WORK & EXISTING CONDITIONS PLANS  
**A111**



- GENERAL DEMOLITION NOT**
1. CONSTRUCTION SHALL DEMOLISH EXISTING PARTS TO BE DEMOLISHED OR NOT DEMOLISHED AS SHOWN ON THESE PLANS.
  2. DEMOLITION SHALL BE ACCORDING TO THE DEMOLITION SPECIFICATIONS AND THE DEMOLITION PERMIT.
  3. DEMOLITION SHALL BE ACCORDING TO THE DEMOLITION SPECIFICATIONS AND THE DEMOLITION PERMIT.
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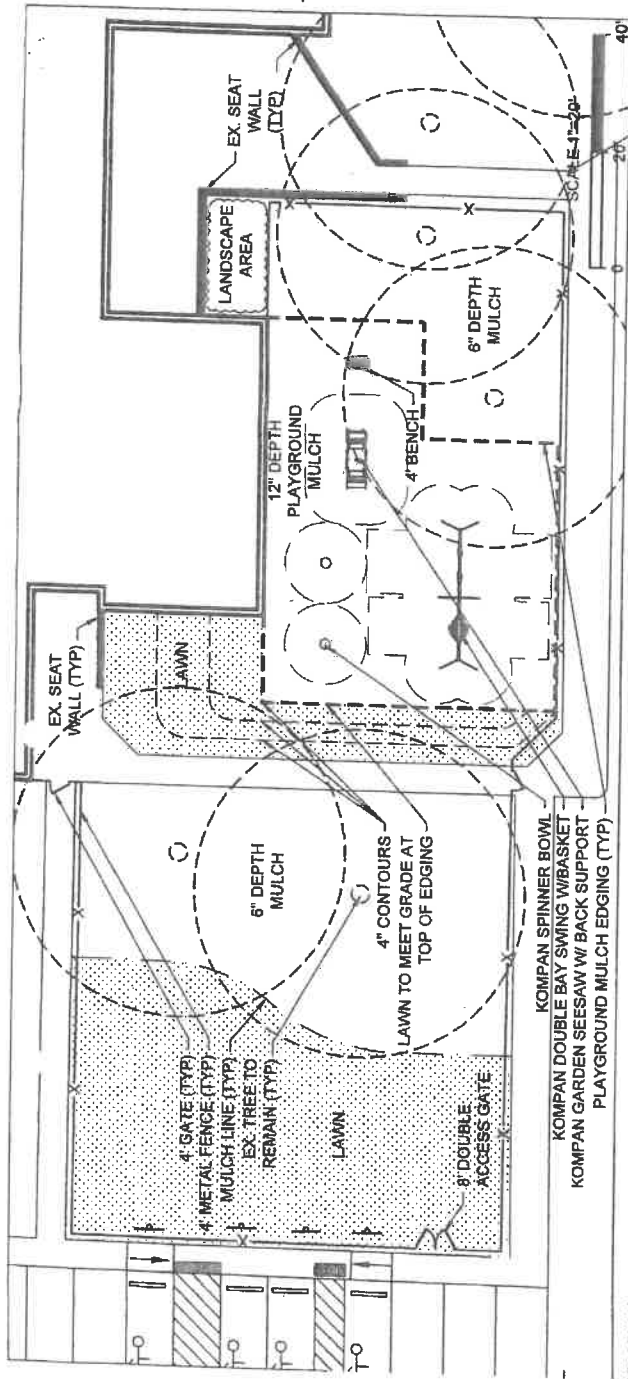
- PATCH & REPAIR NOTES**
1. ALL PATCHES SHALL BE ACCORDING TO THE DEMOLITION SPECIFICATIONS AND THE DEMOLITION PERMIT.
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**PARTITION PHASE LEGEND**

[Symbol]	NEW PARTITION
[Symbol]	EXISTING PARTITION
[Symbol]	DEMOLITION

5A NEW WORK & EXISTING CONDITIONS

3A EXISTING CONDITIONS



- KOMPAN SPINNER BOWL
- KOMPAN DOUBLE BAY SWING W/BASKET
- KOMPAN GARDEN SEESAW W/ BACK SUPPORT
- PLAYGROUND MULCH EDGING (TYP)



MULCH EDGING



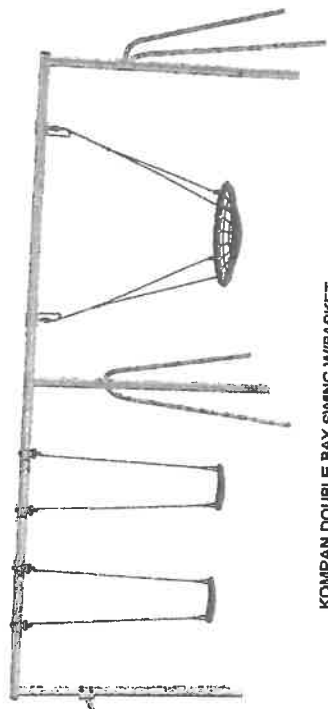
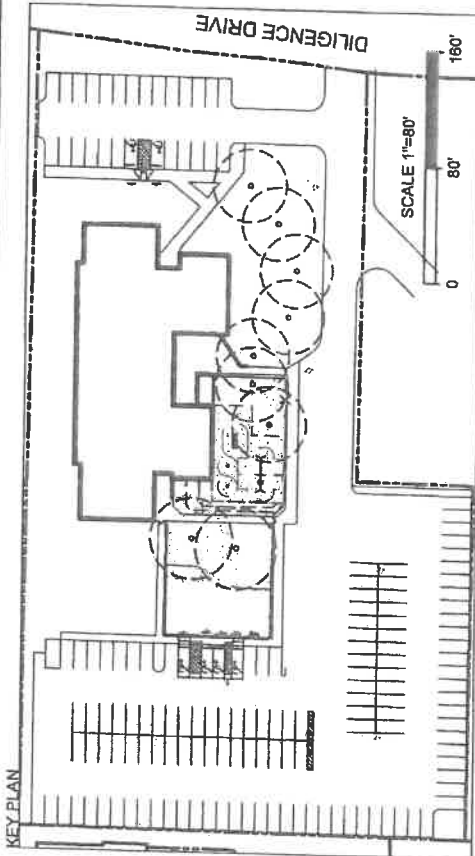
BLACK ALUMINUM FENCING



KOMPAN SPINNER BOWL



KOMPAN GARDEN SEESAW W/BACK SUPPORT



KOMPAN DOUBLE BAY SWING W/BASKET

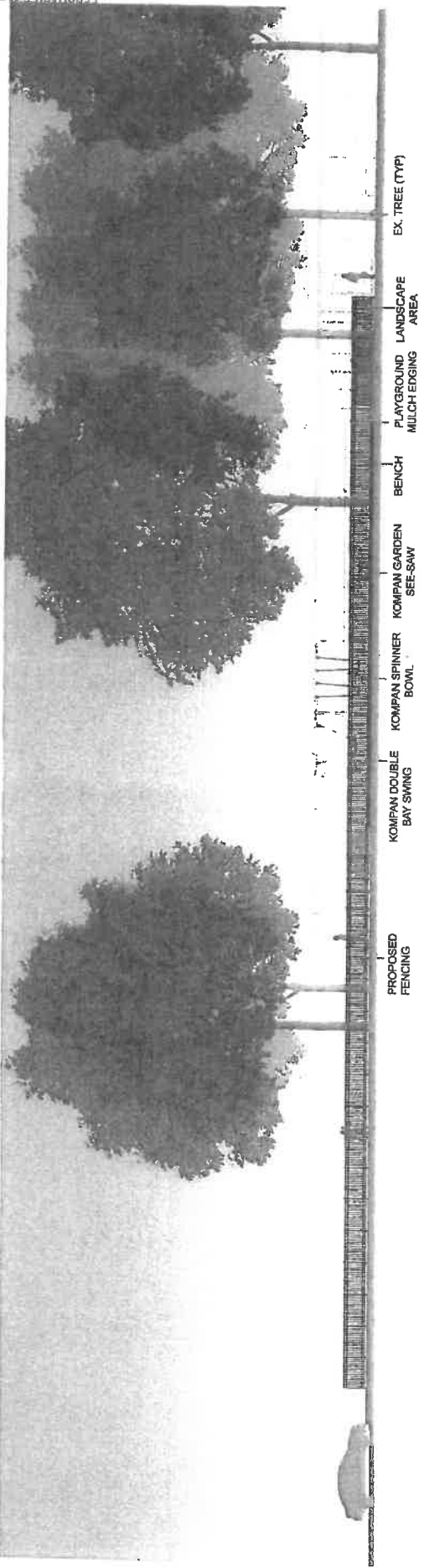


4' METAL BENCH

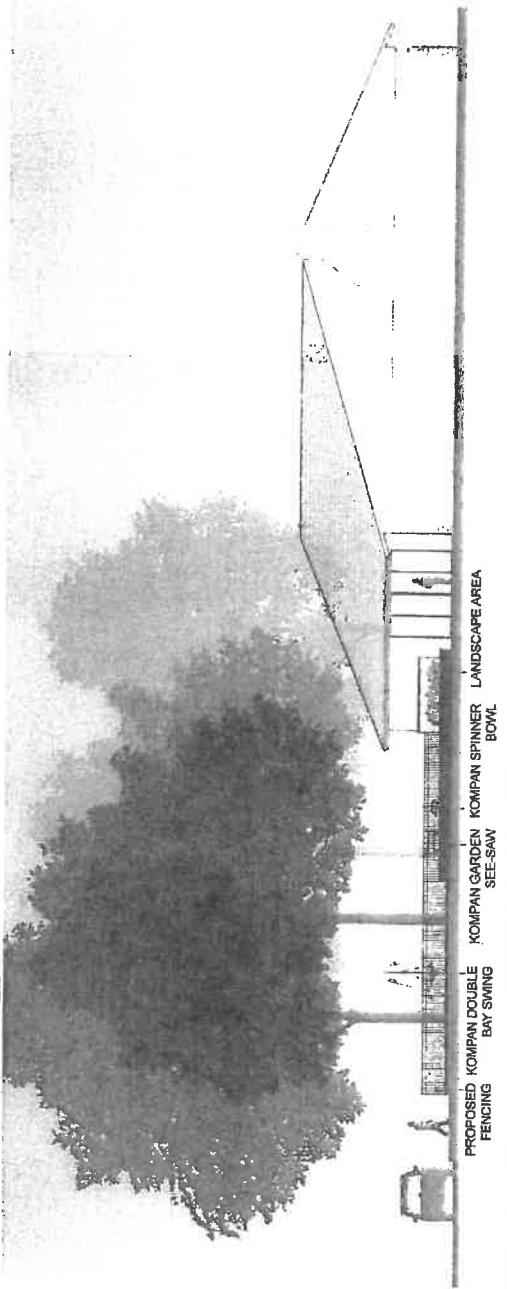
# PLAYGROUND LAYOUT EXHIBIT

FAISON 803 DILIGENCE DRIVE, NEWPORT NEWS - JANUARY 30, 2019

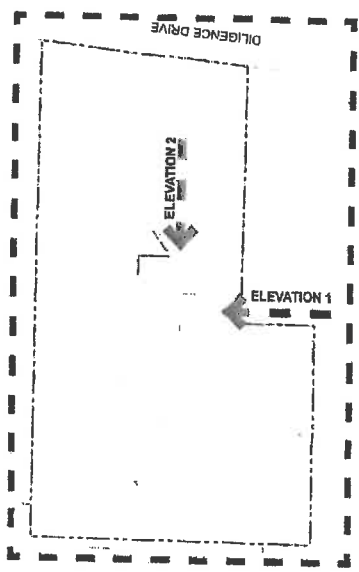
ELEVATION 1 - FROM PARKING LOT



ELEVATION 2 - FROM DILIGENCE DRIVE



SITE KEY



### SCHEMATIC SITE PLAN ELEVATIONS

FAISON, 803 DILIGENCE DR. NEWPORT NEWS - FEBRUARY 1, 2019

FEBRUARY 1, 2019