

ORDINANCE NO. 7558-19

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-2019-0005 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF ALLOWING THE INSTALLATION OF AN ELECTRONIC DISPLAY SIGN FOR A COMMUNITY FACILITY IN A RESIDENTIAL DISTRICT.

WHEREAS, application number CU-2019-0005 has been made by **FIRST BAPTIST CHURCH, owner and applicant**, for a conditional use permit for the hereinafter described property for the purpose of allowing the installation of an electronic display sign for a community facility in a residential 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-2019-0005 is hereby granted for the property described in paragraph (b) hereof for the purpose of allowing the installation of an electronic display sign for a community facility in a residential 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, tract or parcel of land, situate lying and being the City of Newport News, State of Virginia, and containing 5.26 acres, and being known and designated as 5.26 acres on a certain plat entitled, "PLAT OF PART OF THE PROPERTY OF HAZEL E. WOOD, 5.26 AC., NEWPORT NEWS, VIRGINIA" made by E. E. Paine, Inc., Engineering & Surveying, dated July 7, 1977, a copy of said plat being attached to that certain deed from Hazel E. Wood, Single, to Dennis B. Edwards, et al, etc., which said deed is duly recorded in the Clerk's Office of the Circuit Court for the City of Newport News, Virginia, in Deed Book 962, page 250, and to which reference is here made for a more particular description.

And

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 "A", 5.64 acres, as shown on a certain plat entitled, 'PLAT OF THE PROPERTY OF ALMA HINER & FIRST UNITED METHODIST CHURCH, PARCEL "B": 5.64 AC FORMERLY PROPERTY OF HAZEL E. WOOD, NEWPORT NEWS, VIRGINIA", made by James K. Alvis, Jr., Land Surveyor, dated May 28, 1981, which said plat is recorded in the aforesaid Clerk's Office in Deed Book 1039, page 618, and to which reference is here made for a more particular description.

The property has a common street address of 12716 Warwick Boulevard and is assigned Real Estate Assessor's Tax I.D.# 182.00-01-40.

(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 design, size, height and illumination of the sign shall be in accordance with the submitted rendering prepared by SignMedia Inc. dated November 15, 2018 an identified s Appendix A-3, which is attached hereto and made a part hereof. The sign shall conform to this conditional use permit and the sign ordinance.
2. The electronic portion of the sign shall not exceed 32 square feet.
3. The sign shall not be illuminated between the hours of 10:00 PM and 6:00 AM.
4. All electronic displays shall remain static for a period of at least 5 seconds, and automatic change sequences shall be accomplished by means of instantaneous re-pixelization. Flashing, scrolling, blinking or any other type of intermittent illumination of elements of the display shall be prohibited.
5. Audio speakers on, or electronically connected to, the sign shall be prohibited.
6. The illumination of the sign shall be no greater than 10,000 foot candles from sunrise to sunset, nor 700 foot candles between sunset and sunrise; however, illumination of the sign shall, under all circumstances, conform to condition 3 of this conditional use permit. The sign shall be equipped with automatic brightness control which shall always be operational when the sign is illuminated.
7. The electronic service lines providing power to the sign shall be underground.
8. If approved, the ordinance approving this conditional use permit shall be

prominently displayed within the establishment at all times until the use is abandoned.

9. 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.
10. 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.
11. 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.
12. 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.
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 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.
14. 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 25, 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 JUNE 25, 2019

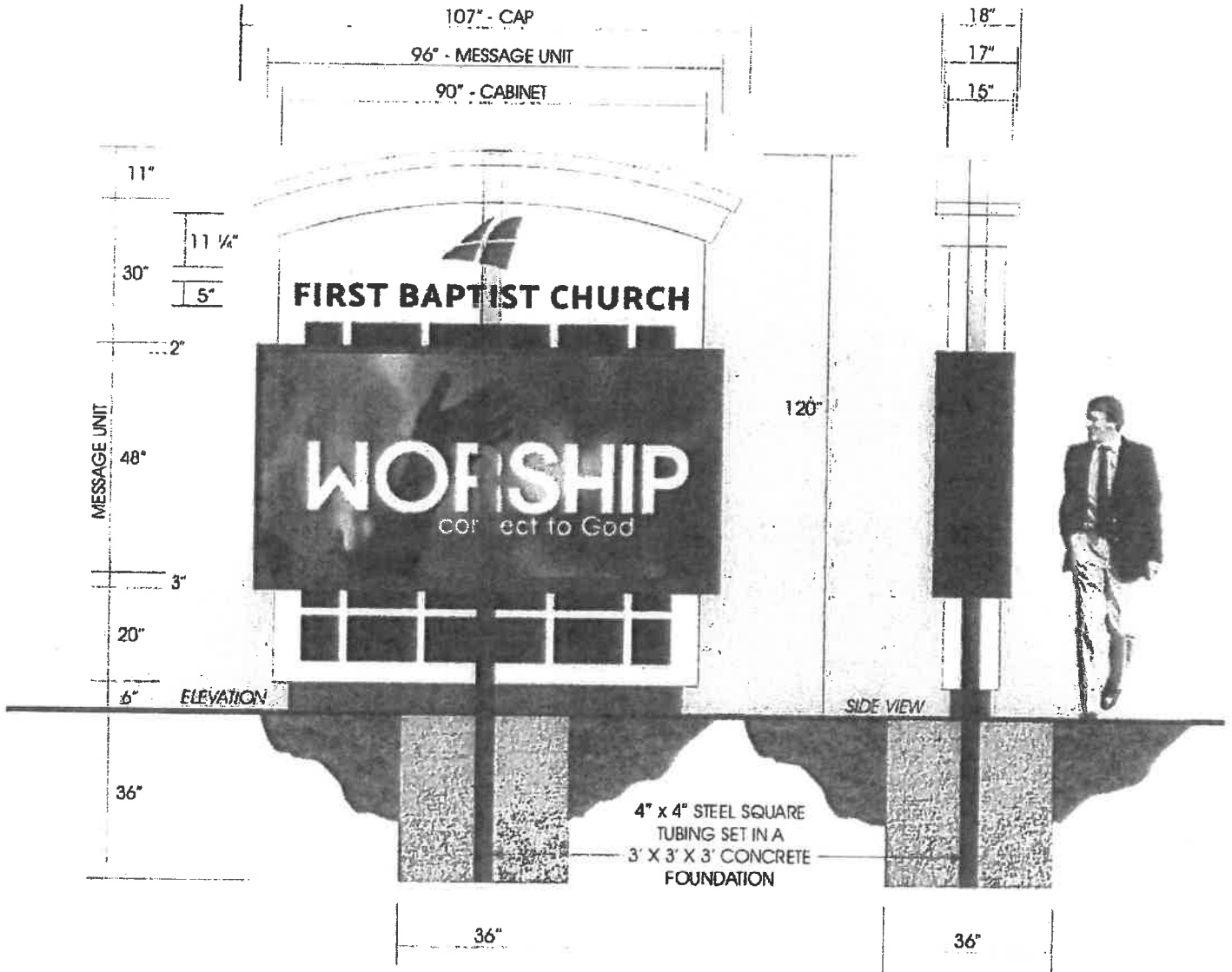
Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk

FIRST BAPTIST CHURCH NEWPORT NEWS
12716 WARWICK BOULEVARD
PROPERTY FRONTAGE: 1,400' ±
MESSAGE UNIT SQUARE FOOTAGE: 32sq.ft.
TOTAL SIGN SQUARE FOOTAGE: 57.75sq.ft.
WARWICK BLVD. (FRONT) SETBACK: 48' - 0"
CITY CENTER BLVD. (SIDE) SETBACK: 150' - 0"
OVERALL HEIGHT: 10' - 0"



INTERNALLY LIT DOUBLE-SIDED MONUMENT SIGN WITH FULL COLOR MESSAGE UNIT

SIGNMEDIA
INCORPORATED

2109 Mingee Drive - Hampton, VA 23661

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RBA - FIRST BAPTIST CHURCH

12716 WARWICK BLVD. NN

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GET NOTICED