

ORDINANCE NO. 7616-20

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-2020-0001 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF OPERATING A VOCATIONAL SCHOOL ON A SITE ZONED C4 OYSTER POINT BUSINESS DISTRICT.

WHEREAS, application number CU-2020-0001 has been made by the **ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF NEWPORT NEWS, owner and applicant**, for a conditional use permit for the hereinafter described property for the purpose of operating a vocational school 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-2020-0001 is hereby granted for the property described in paragraph (b) hereof for the purpose of operating a vocational school 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 situate, lying and being in the City of Newport News, Virginia, known and designated as Lot Numbered TWO HUNDRED FIFTY-SEVEN (257), as shown on a certain plat entitled, "SUBDIVISION OF A PART OF PARCEL C, OYSTER POINT, SECTION TWO, NEWPORT NEWS, VIRGINIA" dated October 19, 1981, made by Coenen & Associates, Inc., Engineers, Planner, Surveyors and recorded May 5, 1982, in the Clerk's Office of the Circuit Court for the City of Newport News, Virginia, in Plat Book 12 page 101, to which reference is here made.

The property has a common street address of 809 Omni Boulevard and is assigned Real Estate Assessor's Tax I.D. # 185.00-02-20.

(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 proposed freestanding sign shall be installed in accordance with the drawing prepared by A&E Signs included in Appendix-8, which is attached

hereto and made a part hereof. The sign shall be no taller than 5 feet in height as measured from the top of curb to the highest point of the sign structure. The sign area shall be no more than 50 square feet. The sign placement, design and materials shall be reviewed and approved by the Director of Planning prior to the issuance of a sign permit.

2. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
3. 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 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.
4. Violation of any of the above conditions and safeguards attached thereto shall be deemed a violation of the zoning ordinance, and, in addition, shall serve as grounds for revocation of the conditional use permit by the City Council.
5. 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.
6. 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.
7. 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.

8. 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.
9. 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 April 14, 2020, 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 APRIL 28, 2020

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk



100 Aragona Blvd., Ste. 103
Virginia Beach, VA 23462
757-518-0009

Drawn By:

Company Name:
**Virginia Technical
Academy**

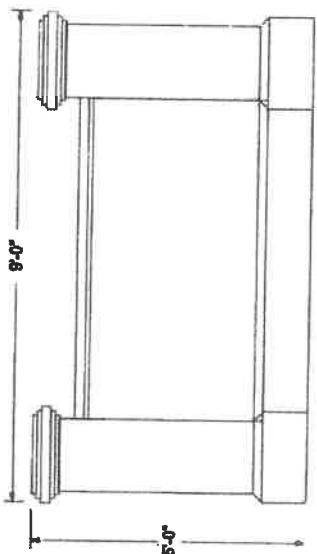
Item:
**Monument
Sign**

Date:
01.03.2020

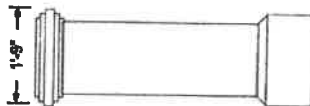
Mock-Up #: **1**

Sheet #: **1**

Front and Back View



End View



**Cambridge Brick
Standard Model #1
Size: 5'0 x 9'0**

Approved by: [Signature]
2/17/2020
Subject to all applicable
City Codes and regulations