

ORDINANCE NO. 7646-20

AN ORDINANCE GRANTING CONDITIONAL USE PERMIT NUMBER CU-2020-0005 FOR THE HEREINAFTER DESCRIBED PROPERTY FOR THE PURPOSE OF OPERATING A RESTAURANT WITH DRIVE-THROUGH SERVICE ADJACENT TO RESIDENTIAL PROPERTY IN A C1 RETAIL COMMERCIAL ZONING DISTRICT.

WHEREAS, application number CU-2020-0005 has been made by **SAMUEL PAGE STEWART, owner and applicant**, for a conditional use permit for the hereinafter described property for the purpose of operating a restaurant with drive-through service adjacent to residential property in a C1 Retail Commercial Zoning 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-2020-0005 is hereby granted for the property described in paragraph (b) hereof for the purpose of operating a restaurant with drive-through service adjacent to residential property in a C1 Retail Commercial Zoning 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 lettered "B" as shown on that certain plat entitled, "Resubdivision of Easterly Part of Lots 121 & 122, ROBINSON TRACT, City of Newport News, Virginia", dated March 6, 1978, and made by Coenen and Associates, Inc., Engineers-Planners-Surveyors, said plat being of record in the office of the Circuit Court of the City of Newport News, Virginia, in Plat Book 10, page 109.

The property has a common street address of 692 J. Clyde Morris Boulevard and is assigned Real Estate Assessor's Tax I.D.# 214.00-02-25.

(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 II Site Plan to the Department of Planning showing all appropriate lighting, other structures and required landscaping to be reviewed and approved by the Director of Planning prior to the

issuance of any permits.

2. The applicant shall submit to the Department of Planning building elevations and exterior building materials consistent with the conceptual rendering dated April 30, 2020 prepared by QSR|R Design Group LLC and found in Appendix A-5, 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 rehabilitated in substantial conformance with the approved elevations and materials.
3. The applicant shall cause a 30-foot transitional buffer area to be installed and maintained in perpetuity along the north property line where it abuts residentially zoned property. The transitional buffer area shall be planted in accordance with the Zoning Ordinance.
4. The applicant shall install an eleven (11) foot landscape strip to be maintained in perpetuity along the property's J. Clyde Morris Boulevard frontage. The landscape strip shall be planted in accordance with the Site Regulations.
5. The applicant shall lower the existing freestanding pylon sign, not to exceed eight (8) feet in height measured from the highest point of the sign area structure to the top of curb, and the sign area shall be limited to fifty (50) square feet. If removed, the existing pylon sign shall be replaced with no more than one freestanding sign. The sign shall be monument style not to exceed eight (8) feet in height, including the base, and the size shall be limited to fifty (50) square feet. The design of the freestanding sign 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.
6. Signage placed in or on any window of the building shall be limited to no more than 25 percent of each window.
7. The applicant shall install a closed container within the existing dumpster. Refuse may only be collected from the dumpster during normal daylight business hours.
8. The exterior of the restaurant including the buffer area shall be patrolled by the operator at every shift change each day and all debris, litter and graffiti identified during this process must be removed immediately.
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. 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.
11. If approved, the ordinance approving this conditional use permit shall be prominently displayed within the establishment at all times until the use is abandoned.
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. 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. 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.
15. 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.

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 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.
17. 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 September 8, 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 SEPTEMBER 8, 2020

Mabel Washington Jenkins, MMC  
City Clerk

McKinley L. Price, DDS  
Mayor

A true copy, teste:

City Clerk



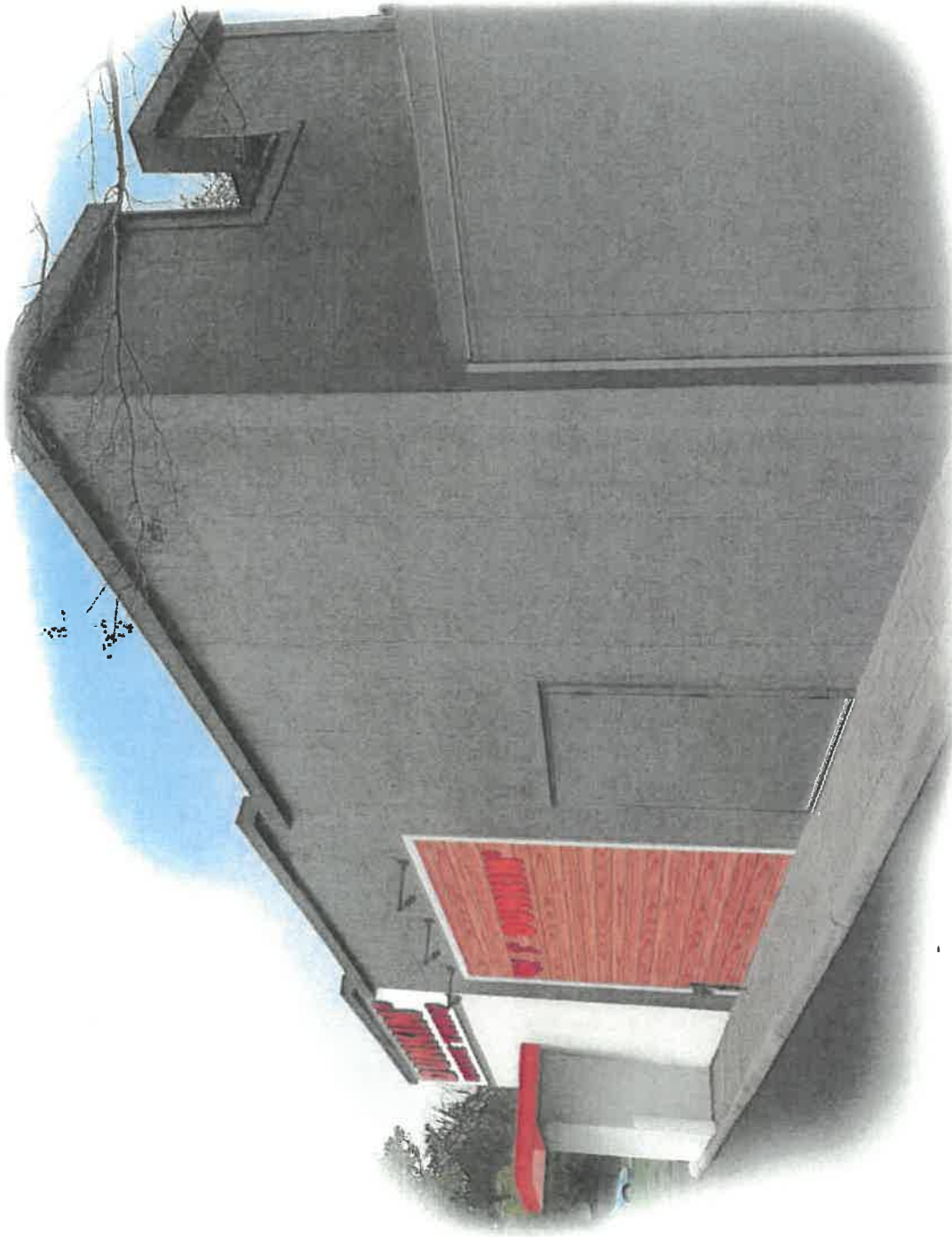



Quick Service Restaurant and Retail  
**Design Group, LLC**  
2500 Lee Road, Suite 100, Arlington, VA 22202  
 Tel: (703) 461-7800



No.	DATE	REVISION	
		DESCRIPTION	DATE

<b>DUNKIN' DONUTS</b>		FLAVOR PALETTE
NAME: DUNKIN' 477 J. C. ST. - ALEXANDRIA, VA 22304 CONCEPTUAL REVIEWERS: NORTH VEST STORE NUMBER: 2424		NEW YORK DATE: 04/24/2008

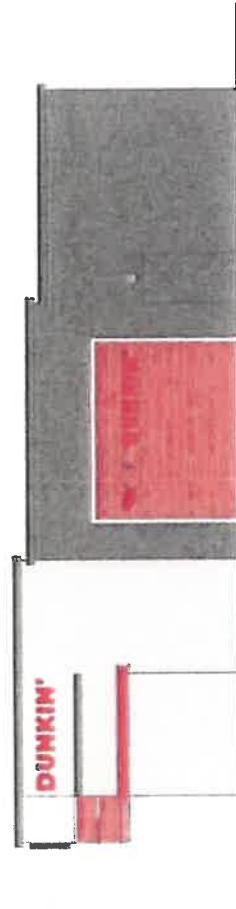


<b>DUNKIN' DONUTS</b>	
DUNKIN' DONUTS 472 J. CLYDE MOORE BLVD NEWPORT NEWS, VA 23606	FLAVOR PALETTE NEXT GEN
CONCEPTUAL RENDERING, SOUTH VIEW STORE NUMBER - 1240	DATE: 04/02/2020

NO.	DATE	REVISION	DESCRIPTION




 Quick Service Restaurant and Retail  
 Design Group, LLC  
524 Belknap Road, Suite 30 Annapolis, MD 21403  
 Ph: (410) 304-1800



 Quick Service Restaurant and Retail Design Group, LLC 20000 West 10th Avenue, Suite 100 Denver, CO 80233		<table border="1"><tr><td colspan="2">DUNKIN' DONUTS</td></tr><tr><td>Project Name</td><td></td></tr><tr><td>Project No.</td><td></td></tr><tr><td>Project Location</td><td></td></tr><tr><td>Project Status</td><td></td></tr><tr><td>Project Manager</td><td></td></tr><tr><td>Project Engineer</td><td></td></tr><tr><td>Project Architect</td><td></td></tr><tr><td>Project Designer</td><td></td></tr><tr><td>Project Date</td><td></td></tr><tr><td>Project Scale</td><td></td></tr></table>	DUNKIN' DONUTS		Project Name		Project No.		Project Location		Project Status		Project Manager		Project Engineer		Project Architect		Project Designer		Project Date		Project Scale	
DUNKIN' DONUTS																								
Project Name																								
Project No.																								
Project Location																								
Project Status																								
Project Manager																								
Project Engineer																								
Project Architect																								
Project Designer																								
Project Date																								
Project Scale																								