

ZONING AMENDMENT ORDINANCE Z-20-04

BE IT ORDAINED by the Council of the City of Portsmouth, Virginia:

1. That the existing proffers to which the property described in this ordinance is subject as a result of Zoning Amendment Ordinance Z-15-08 enacted by City Council on February 23, 2016 as Ordinance 2016-12 are amended as set forth herein.
2. That the property affected by this ordinance is furthermore described as follows:

Z-20-04

1817 Frederick Boulevard (Tax Parcel 0189-0320)

ALL THAT certain lot, piece or parcel of land lying, situate and being in the City of Portsmouth, Virginia and being known, numbered and designated as “RESIDUAL PARCEL D-1” as shown on that certain plat entitled, “Subdivision of Seaboard Square/Phase 2/Portsmouth, Virginia” dated October 15, 2010, prepared by Horton & Dodd, P.C., Surveyors, Engineers & Planners, duly recorded in the Clerk’s Office of the Circuit Court of the City of Portsmouth, Virginia in Map Book 23 at pages 27-36.

IT BEING the same property conveyed to Portsmouth ARD CGP, LLC by Deed of Bargain and Sale from Portsmouth Redevelopment and Housing Authority dated March 12, 2020 and recorded as Instrument Number 202004626 in the Portsmouth Circuit Court Clerk’s Office.

3. That the subject property shall be subject to the following conditions as proffered by the applicant and owner of the property for amendment of the existing proffers:
 - (a) The Property, when developed, shall be developed in substantial conformity with the Concept Plan prepared by Vanasse Hangen Brustlin, Inc. entitled “Capital Growth Buchalter, 1817 Frederick Blvd., Portsmouth, Virginia, Multi-Tenant Concept Plan” and dated September 24, 2020, which is on file with the City Planning Department and has been exhibited to City Council, subject to any minor modifications required to comply with the Zoning Ordinance and other City requirements. The Property may be

developed in multiple separate phases and may be subdivided as indicated on the Concept Plan.

- (b) The architectural design and quality of materials used for any buildings constructed on the lot labeled “Lot E” on the Concept Plan, when constructed, shall be in substantial conformity with the renderings prepared by TS3 Architects, P.C., entitled “Seaboard Commons” and dated October 16, 2015, which are on file with the City Planning Department and have been exhibited to City Council.
- (c) The architectural design and quality of materials used for the building labeled “Car Wash by Others”, when constructed on the lot labeled “Lot C”, if developed as a car wash, shall be in substantial conformity with the renderings prepared by SBA Studios Architectural Design, entitled “Green Clean Auto Wash, Portsmouth, VA” and dated August 20, 2020, which are on file with the City Planning Department and have been exhibited to the City Council.
- (d) All buildings located on the property, other than those described in Proffers 2 & 3 herein and those subject to use permits granted by City Council, will be made of colored brick, EIFS or stucco, storefront glass, textured/decorative metal panels, hardie board, and cement siding.
- (e) The landscape buffer along Depot Drive between the property and the adjacent residential development, Seaboard Square, shall be thirty (30) feet wide and landscaped in accordance with Type C, Option 1 landscaping requirements on Lot C (“Lot C Landscape Buffer”) and twenty (20) feet wide and landscaped in accordance with Type C, Option 1 landscaping requirements on Lot E (“Lot E Landscape Buffer”). The Lot C Landscape Buffer will be completed in connection with the construction of the building labeled “Car Wash by Others” on the Concept Plan. The Lot E Landscape Buffer will be completed in connection with the construction of improvements on Lot E. Notwithstanding the foregoing, if Lot C is not developed as a car wash, the Lot C Landscape Buffer will be identical to the Lot E Landscape Buffer.
- (f) The following uses as defined in the Zoning Ordinance shall be prohibited on the Property:
 - (i) All residential uses;
 - (ii) Religious institutions;
 - (iii) All Adult Uses;

- (iv) All Self Service Storage uses;
 - (v) All Heavy Vehicle Sales and Service uses;
 - (vi) Light Vehicle Sales and Service uses, except for Automotive Parts and Installation and Car Wash or Auto Detailing;
 - (vii) All Visitor Accommodations; and
 - (viii) All Industrial Use Classifications.
- (g) Optimized signal timing will be provided at the intersection of Frederick Boulevard and Turnpike Road, prior to the issuance of the certificate of occupancy for the first building constructed on the property.
4. That all existing proffers affecting the property other than those set forth in Section 3 above shall be null, void and of no further force or effect.
5. That this ordinance shall take effect on the date of its adoption.

ADOPTED by the Council of the City of Portsmouth, Virginia, at an electronic meeting held on November 24, 2020.

Teste:

City Clerk