

A RESOLUTION GRANTING A USE PERMIT (UP-26-03) TO M. VENABLE TO CONSTRUCT ONE-OVER-ONE CONDOMINIUMS, TOWNHOUSE DWELLINGS, AND MULTI-FAMILY DWELLINGS AT 109 MISSY ELLIOTT BOULEVARD (TAX PARCEL 0523-0010).

WHEREAS, M. Venable, authorized agent for Ella Homes Investors Group LLC, the owner of the subject property, has made application pursuant to Section 40.2-533 of the Code of the City of Portsmouth, Virginia for the granting of a use permit to construct one-over-one condominiums, townhouse dwellings, and multi-family dwellings at 109 Missy Elliott Boulevard (Tax Parcel 0523-0010); and

WHEREAS, the applicant and the Planning Director have done all things required to be done in connection with said application; and

WHEREAS, the Planning Commission has recommended the approval with conditions of the application for a use permit.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Portsmouth, Virginia:

1. That it has reviewed and considered the application materials, the City staff report, the proceedings and recommendation of the Planning Commission, all comments made at the public hearing, and the discussion of the Council regarding the application.

2. That it has considered factors it deemed applicable and consistent with the Code of Virginia, which may include, without limitation, the nature, extent, external effects, location, design or method of operation of the requested use, the City's comprehensive plan, and the public health, safety, and general welfare.

3. That it has considered the imposition of conditions regarding the location, character, and other features of the proposed use and finds and determines that the conditions imposed by this Resolution are necessary to ensure compliance with the general intent and purposes of the Zoning Ordinance and to prevent or minimize adverse effects from the proposed use.

4. That based on its review and consideration, it has determined that the use permit requested by the subject application should be **GRANTED WITH CONDITIONS** as provided in this Resolution.

5. That a use permit is hereby granted pursuant to Section 40.2-533 of the Code of the City of Portsmouth, Virginia to construct one-over-one condominiums, townhouse dwellings, and multi-family dwellings at 109 Missy Elliott Boulevard (Tax Parcel 0523-0010), the said property being more particularly described as:

UP-26-03

**109 Missy Elliott Boulevard
(Tax Parcel 0523-0010)**

THE PARCEL of real property designated as 109 Missy Elliott Boulevard (Tax Parcel No. 0523-0010), and constituting the 30.49 acres, more or less, portion of the following property that is located to the north and west of Interstate 264: BEING a portion of the same real estate conveyed to Cygnus Newport – Phase 3, LLC, a Georgia limited liability company, by Deed from Cygnus Newport, LLC, a Georgia limited liability company, dated June 14, 2012, recorded June 15, 2012 in the Clerk's Office, Circuit Court, City of Portsmouth, Virginia, as Instrument No. 120006305.

IT BEING that certain property conveyed to Ella Homes Investors Group LLC by Special Commissioner's Deed dated January 6, 2025 from Jason A. Dunn, Special Commissioner, and recorded in the Clerk's Office of the Circuit Court for the City of Portsmouth, Virginia as Instrument Number 202500262.

6. That the use permit is approved subject to the following conditions which shall be observed by the applicant and any successor in interest:

- (a) The development shall be in substantial compliance with the site plan concept entitled "New Port – Phase 3 Conceptual Master Plan", prepared by Land Planning Solutions, dated March 19, 2026, except where modifications may be required to comply with all applicable local, state, and federal codes and regulations.
- (b) The development shall be in substantial compliance with the rendered concept elevations entitled "New Port – Phase 3 Proposed Residential Products and Elevations", prepared by Land Planning Solutions, submitted March 24, 2026, except where modifications may be required to comply with all applicable local, state, and federal codes and regulations.
- (c) Before initially operating any multi-family dwelling development as apartments (rental units), the applicant shall install digital video equipment with recording devices and capability sufficient to include the date and time that recording is made with surveillance coverage encompassing the front, sides, and rear exteriors of the rental unit development for twenty-four (24) hours per day, seven (7) days a week. Recorded data must be maintained in a condition permitting review of the information for no less than thirty (30) days.

- (d) The development shall be constructed in compliance with all applicable codes, ordinances, and regulations of federal, state, and local government, and all required licenses and permits shall be obtained and remain in effect during the operation of the development.
- (e) All taxes/fees associated with the property shall be paid when due, as determined by the City Treasurer.
- (f) This Use Permit shall automatically expire and become void three (3) years from the date of approval by City Council if the use is inactive or changed to a different use, unless within such three-year period: (i) a building permit is obtained, and erection or alteration of a structure is started; or (ii) a certificate of occupancy is obtained, and the approved use is commenced.

7. **REVOCATION OF PERMIT:** Violation of any of the conditions set forth herein may serve as grounds for revocation of the use permit by City Council.

ADOPTED by the Council of the City of Portsmouth, Virginia, at a meeting held on July 14, 2026.

Teste:

City Clerk