



CITY COUNCIL AGENDA

TUESDAY, DECEMBER 13, 2016

Work Session Agenda

5:00 PM – City Hall - 10th Floor Conference Room

Dinner

Closed Session

- Legal Matter
- Real Estate Matters

Agenda Overview

Douglas L. Smith, Interim City Manager

- Review of Consent Agenda

Council Interests

CY 2017 City Council Calendar

Douglas L. Smith, Interim City Manager

Legislative Priorities

Michelle Washington, Public and Government Relations Manager

Additional Documents

Documents:

[12-13-16 CITY PLANNING COMMISSION PUBLIC HEARING RESULTS FROM DECEMBER 8.PDF](#)
[12-13-16 MEMO - TRAFFIC CONTROL SIGNS.PDF](#)
[12-13-16 MINUTES OF CITY COUNCIL MEETING OF NOVEMBER 22.PDF](#)
[12-13-16 PENDING LAND USE ACTIONS.PDF](#)

Announcement Of Meeting

Documents:

Formal Session

7:00 PM - Council Chambers, City Hall, 11th Floor

Prayer

Prayer to be offered by Senior Pastor Aaron Dininny, [OV] Church, followed by the Pledge of Allegiance.

Consent Agenda

ALL MATTERS LISTED UNDER THE CONSENT AGENDA WILL BE ENACTED BY ONE MOTION IN THE FORM LISTED. IF DISCUSSION IS DESIRED ON ANY ITEM, IT WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a consignment shop named 'Urban Castaways' on property located at **114 West 20th Street** .

Documents:

[C-01 SPECIAL EXCEPTION - URBAN CASTAWAYS.PDF](#)

C-2

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a micro-distillery named 'Dead Reckoning Distillery' on property located at **310 and 312 West 24th Street** .

Documents:

[C-02 SPECIAL EXCEPTION - DEAD RECKONING DISTILLERY.PDF](#)

C-3

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a tattoo parlor named 'Independence Tattoo III' on property located at **952 West 21st Street** .

Documents:

[C-03 SPECIAL EXCEPTION - INDEPENDENCE TATTOO III.PDF](#)

C-4

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as 'Jhane's Sweet Lounge' on property located at **731 Granby Street** .

Documents:

[C-04 SPECIAL EXCEPTION - JHANES SWEET LOUNGE.PDF](#)

C-5

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as 'Dorothy's BBQ Smokehouse' on property located at **4110 Colley Avenue**.

Documents:

[C-05 SPECIAL EXCEPTION - DOROTHYS BBQ SMOKEHOUSE.PDF](#)

C-5A

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named 'Dorothy's BBQ Smokehouse' on property located at **4110 Colley Avenue**.

C-6

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a \$31,327 **Commonwealth of Virginia Department of Environmental Quality Grant** for Litter Prevention, Recycling and Environmental Educational Programs, and appropriating and authorizing the expenditure of the grant funds for the programs.

Documents:

[C-06 ACCEPTANCE OF FY 2017 LITTER PREVENTION AND RECYCLING GRANT - 31,327.PDF](#)

Regular Agenda

R-1

Letter from the City Manager and an Ordinance entitled, "An Ordinance permitting **Wave Church** to encroach into the right-of-way of College Place with an emergency (egress only) door," will be introduced in writing and read by its title.

Documents:

[R-01 ENCROACHMENT AT 120 COLLEGE PL - WAVE CHURCH.PDF](#)

R-2

Letter from the City Manager and an Ordinance entitled, "An Ordinance permitting **244 Granby, LLC** to encroach into the rights-of-way of **Granby Street and Tazewell Street** with cornices, awning and a sign," will be introduced in writing and read by its title.

Documents:

[R-02 ENCROACHMENT AT 244 GRANBY STREET - 244 GRANBY LLC.PDF](#)

R-3

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting **Baker Real Properties, Inc.** permission to encroach into the right-of-way at **760 W. 22nd Street** approximately 244 square feet for the purpose of outdoor dining and approving the terms and conditions of the Encroachment Agreement," will be introduced in writing and read by its title.

Documents:

[R-03 ENCROACHMENT FOR OUTDOOR DINING AT 760 W 22ND ST - BAKER REAL PROPERTIES INC.PDF](#)

R-4

Letter from the City Manager and an Ordinance entitled, "An Ordinance to repeal two subsections of Section 25-653 and to amend and reordain 25-646 and 654 of the ***Norfolk City Code, 1979, SO AS TO*** add one new speed limit and eight new stop intersections," will be introduced in writing and read by its title.

Documents:

[R-04 TRAFFIC CONTROL SIGNS.PDF](#)

R-5

Letter from the City Manager and an Ordinance entitled, "An Ordinance approving the conveyance by **Poplar Halls Civic** League to the City of Norfolk of any interest the civic league may have in and to that certain lake known as **Silver Lake** located in the City of Norfolk; and authorizing the City Manager to accept the Deed of Quitclaim on behalf of the City," will be introduced in writing and read by its title.

Documents:

[R-05 QUITCLAIM CONVEYANCE BY POPLAR HALLS CIVIC LEAGUE.PDF](#)

R-6

Letter from the City Manager and a Resolution entitled, "A Resolution supporting the **2017 Legislative Priorities** for the City of Norfolk," will be introduced in writing and read by its title.

Documents:

[R-06 CITY OF NORFOLK 2017 PRIORITIES PACKAGE.PDF](#)

R-7

Letter from the City Manager and an Ordinance entitled, "An Ordinance approving a Right of Entry permitting Colston Jones to go upon and use certain city owned property numbered and designated as **1351 and 1371 Hanson Avenue** for the Rustbucket Races Cyclocross Event," will be introduced in writing and read by its title.

Documents:

[R-07 RIGHT OF ENTRY AGREEMENT WITH COLSTON JONES - 1351 AND 1371 HANSON AVE.PDF](#)



MEMORANDUM

TO: City Council

CC TO: Douglas L. Smith, Interim City Manager; City Attorney; City Clerk

FROM: George M. Homewood, FAICP, CFM, Director, City Planning *ZMH/TH*

SUBJECT: December 8, 2016 City Planning Commission Public Hearing Results

DATE: December 9, 2016

Attached are the results from the December 8, 2016 Norfolk City Planning Commission public hearing. This report will be prepared on a monthly basis, following each Planning Commission public hearing, to ensure you are informed of Planning Commission actions. No action is required on this report.

If you have any questions about these items, please contact me.

**NORFOLK CITY PLANNING COMMISSION PUBLIC HEARING AGENDA
DECEMBER 8, 2016**

RESULTS

The Norfolk City Planning Commission will hold a public hearing on December 8, 2016 at 2:30 p.m. in the City Council Chamber, 11th Floor, City Hall Building, Civic Center, Norfolk, Virginia to consider the following applications:

i. Public Hearing items:

CONTINUED AGENDA

WITHDRAWN

1. **MEADOWSTONE APARTMENTS**, for the following applications at 200-230 Amarillo Avenue, 201-237 Bristol Avenue, 202-248 Bristol Avenue and 6000 Curlew Drive:
 - a. Amendment to the future land use designation in the general plan, *plaNorfolk2030*, from Single Family Suburban to Multifamily.
 - b. Change of zoning from R-6 (Single-Family) to conditional TOD-S (Transit-Oriented Development Support) district.
 - c. Special exception for a multi-family development consisting of more than seven units.
 - d. For the closing, vacating, and discontinuing of an undeveloped portion of Bristol Avenue from the northern line of Cleveland Street and extending northwardly to its terminus.
 - e. Transit-Oriented Development (TOD) Development Certificate to permit a waiver of the minimum lot coverage requirement for a proposed multi-family development within the Transit-Oriented Development Support (TOD-S) zoning district.

Staff contact: Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov

WITHDRAWN

2. **COMMUNE – REAL FOOD**, for a special exception to operate an eating and drinking establishment at 2406 Colley Avenue.

Staff contact: Susan Pollock Hart at (757) 664-4765, susan.pollock@norfolk.gov

CONTINUED TO THE JANUARY 26th, 2017 PUBLIC HEARING

3. **PALACE SHOPS SOUTH, LLC**, for the following applications:
 - a. Text amendment to repeal section 11-22, "Palace Shops Localized Alternative Sign Overlay District," of the *Zoning Ordinance*.
 - b. Special exception to permit alternative signage within the Palace Shops at 300-328 W. 20th Street, 301-333 and 300-350 W. 21st Street, 341 W. 22nd Street, 2019 Llewellyn Avenue and 2112-2114 Debree Avenue.

Staff contact: Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov

CONTINUED TO THE JANUARY 26th, 2017 PUBLIC HEARING

4. **ORIGAMI ASIAN BISTRO**, for a special exception to operate an entertainment establishment with alcoholic beverages at 5957 E. Virginia Beach Boulevard, Suite 18.

Staff contact: Susan Pollock Hart at (757) 664-4765, susan.pollock@norfolk.gov

REGULAR AGENDA

APPROVAL RECOMMENDED, 6-0

1. **CITY PLANNING COMMISSION**, to modify Appendix C in the Table of Contents within *plaNorfolk2030* to adopt by reference the *Military Circle / Military Highway Urban Development Area: A Vision for the Future* and to modify several actions in the Neighborhood chapter pertaining to the Military Circle / Military Highway area.

Staff contact: Paula Shea at (757) 664-4772, paula.shea@norfolk.gov

APPROVAL RECOMMENDED, 6-0

2. **COLE ROBERTS**, for a change of zoning from R-5 (Single-Family) district to R-8 (Single-Family) district at 5813-5815 Barte Street.

Staff contact: Susan Pollock Hart at (757) 664-4765, susan.pollock@norfolk.gov

APPROVAL RECOMMENDED, 6-0

3. **117 INVESTMENT, LLC**, for a Granby Development Certificate to permit a substantial improvement of an existing historic structure; requesting waivers from the maximum lot coverage and open space development standards within the G-1 (Granby/Monticello Corridor Mixed Use) district at 117 E. Princess Anne Road.

Staff contact: Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov

APPROVAL RECOMMENDED, 6-0

4. **WENDY'S**, for a special exception for a commercial drive-through at 6110 N. Military Highway.

Staff contact: Chris Whitney at (757) 823-1253, chris.whitney@norfolk.gov

APPROVAL RECOMMENDED, 6-0

5. **APPLEBEE'S NEIGHBORHOOD GRILL AND BAR**, for a special exception to operate an eating and drinking establishment at 420 Monticello Avenue.

Staff contact: Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov

APPROVAL RECOMMENDED, 6-0

6. **PENDULUM FINE MEATS**, for the following special exceptions at 820 Shirley Avenue:
- Eating and drinking establishment.
 - Sale of alcoholic beverages for off-premises consumption.

Staff contact: Chris Whitney at (757) 823-1253, chris.whitney@norfolk.gov

APPROVAL RECOMMENDED, 6-0

7. **ADAMS OUTDOOR ADVERTISING**, for a special exception to permit an electronic outdoor advertising sign (billboard) at 1093 N. Military Highway.

Staff contact: Susan Pollock Hart at (757) 664-4765, susan.pollock@norfolk.gov

APPROVAL RECOMMENDED, 6-0

8. **TASTE UNLIMITED**, for the following special exceptions at premises now or formerly numbered 407 West 21st Street:
- Entertainment establishment with alcoholic beverages.
 - Sale of alcoholic beverages for off-premises consumption.

Staff contact: Susan Pollock Hart at (757) 664-4765, susan.pollock@norfolk.gov

APPROVAL RECOMMENDED, 6-0

9. **DEBORAH FOREHAND**, for a street closure of that portion of Cleveland Street from the western line of Abilene Avenue westwardly 150 feet, more or less.

Staff contact: Jeff Raliski at (757) 664-4766, jeffrey.raliski@norfolk.gov

II. New Business

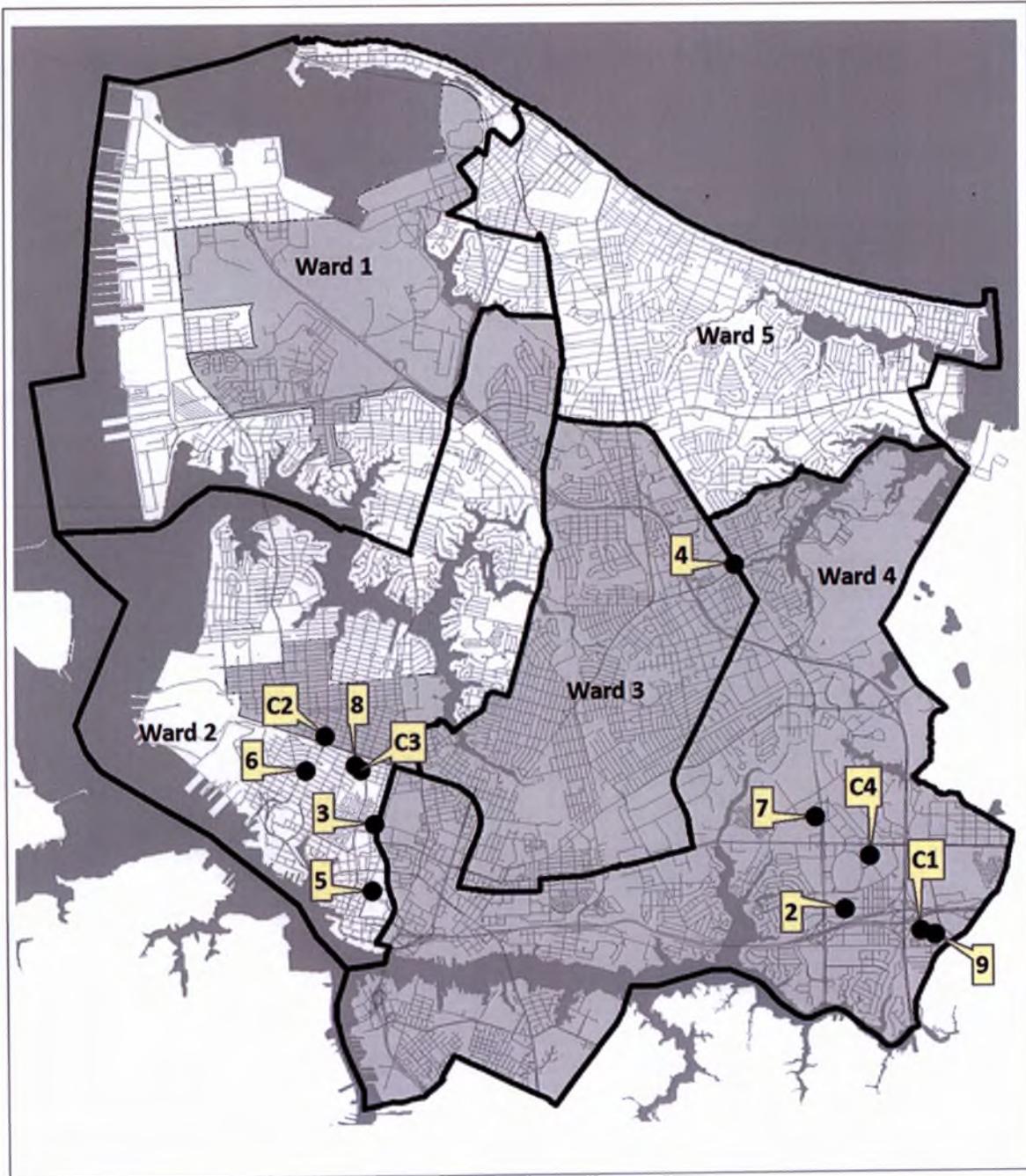
1. Initiate Zoning Text Amendment –

CONTINUED TO THE JANUARY 26TH, 2017 PUBLIC HEARING

- To reduce the minimum lot area for day care homes from 10,000 sq. ft. to 7,000 sq. ft.

Maps, plats, and other information concerning the above proposals may be seen at the office of the Department of City Planning, Room 508, City Hall Building, Norfolk, Virginia 23510 or you may telephone (757) 664-4752. All interested parties are invited to be present at the time and place noted above. Additional information may be obtained online at: http://www.norfolk.gov/planning/city_planning_commission.asp

George M. Homewood, FAICP, CFM
Executive Secretary



Planning Commission Items
DECEMBER

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This map is for graphic purposes only.
 Map compiled, designed and produced by
 the Department of City Planning.

MEMORANDUM

TO: City Council

CC TO: Doug Smith, Interim City Manager; Wynter Benda, Deputy City Manager; Richard Broad, Assistant Director; Rob Brown, City Transportation Engineer

FROM: David Ricks, Director of Public Works

SUBJECT: Traffic Control Signs – Additional Information

DATE: December 9, 2016

On the December 13, 2016 regular agenda, City Council will be reviewing an ordinance authorizing the change of speed limit on Northampton Boulevard and eight new stop signs within the City. These agenda items are being submitted in response to requests from residents and civic leagues concerned with the speed levels of traffic, neighborhood safety and intersection approach sight visibility in neighborhoods.

The change of speed limit along Northampton Boulevard is recommended by the Division of Transportation as a measure to improve traffic flow and safety in conjunction with the roadway and I-64 ramp reconfigurations in support of the new businesses on the corridor. Based on the new interstate ramp design and approach maneuvers onto Northampton Boulevard, the division recommends the reduction of speed limit from 45 to 40 miles per hour on Northampton Boulevard from Military Highway to Wesleyan Drive. (Map 2)

At the request of an area resident, the Division of Transportation investigated measures to help increase traffic safety at the 2nd Street and Front Street intersection. Based on the division's review of the intersection, the existing yield sign control is recommended to be replaced with stop sign at the intersection. (Map 1)

The measure has support from the The Pier Condo Owners Association.

At the request of an area resident, the Division of Transportation investigated measures to help increase traffic safety at the Elm Street and Trant Avenue intersection. Based on the division's review of the intersection, stop sign control is recommended at the intersection. (Map 2)

The measure has support from the Ingleside Civic League.

At the request of Colonial Place Civic League and area residents, the Division of Transportation investigated measures to help increase traffic safety at the intersections of Mayflower Road at W 40th Street, Virginia Avenue at Mayflower Road and W 42nd Street at Mayflower Road. Based

on the division's review of the intersections, stop sign control is recommended at the intersections. (Map 2)

These measures have support from the Colonial Place Civic League.

At the request of residents and Department of Public Works, Operations Division, the Division of Transportation investigated measures to help increase traffic safety within the Ballentine neighborhood. Based on the review of the area, the division recommends the change of yield sign to stop sign control at the intersection of McKann Avenue at Cape Henry Avenue. (Maps 1)

This measure has support from the Ballentine Civic League.

At the request of area residents, the Division of Transportation investigated measures to help increase traffic safety on Old Ocean View Road. Based on the review of the area, the division recommends the installation of all-way stop sign control at the intersection of Old Ocean View Road and Dune Street. (Map 2)

This measure has support from the Northside Civic League.

The Department of Public Works follows well developed, nationally recognized guidelines to assess traffic control sign requests. Upon receiving a request for traffic control devices, Division of Transportation staff analyzes the request and conducts a field investigation. The purpose of the investigation and analysis is to ensure adherence with Manual on Uniform Traffic Control Devices (MUTCD) regulations and to determine if the installation of the requested traffic control sign(s) is warranted.



Inter Department Correspondence Sheet

TO: Members of Council

FROM: City Clerk

COPIES TO: _____

SUBJECT: Minutes of City Council Meeting

December 9, 2016

Attached are the minutes from the City Council meeting held on November 22, 2016.

A handwritten signature in black ink, appearing to read "R. Breckenridge Daughtrey".

R. Breckenridge Daughtrey

NORFOLK, VIRGINIA

BUSINESS MEETING OF COUNCIL

TUESDAY, NOVEMBER 22, 2016

Mayor Alexander called the meeting to order at 4:07 p.m. with the following members present: Mrs. Graves, Ms. Johnson, Ms. McClellan, Mr. Riddick, Mr. Smigiel, and Mr. Thomas, and Dr. Whibley.

He thereupon called for Council to convene in closed meeting.

A. CLOSED SESSION

Motion for closed session was approved for purposes which are set out in **Clause (s) 1 and 7 of subsection (A) of Section 2.2-3711 of the Virginia Freedom of Information Act**, as amended:

- (1) Discussion of candidates for appointment to city boards, commissions and authorities.

- (7) Consultation with legal counsel and briefings by staff members regarding one legal matter regarding the amendment of a development agreement.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

B. COUNCIL INTERESTS

1. Councilman Riddick:

- Expressed concern with the heroin epidemic and suggested we start targeting our youth with a campaign similar to "Say No to Drugs and Alcohol".

2. Councilman Smigiel:

- Suggested appointing a real estate assessor ASAP and to conduct annual reviews of all appointees.

- Observed that we have 15 vacant storefront churches around the city and asked if there is a provision on how long these tax-exempt properties can sit vacant before being put back on the tax rolls.
- With regard to PH-7, asked for an update on other projects around the city that are taking a long time to be built.

3. Councilwoman Graves:

- With regard to rental properties that list on Airbnb and similar sites, she suggested examining what other cities are doing and then implement a plan to regulate them. She relayed that Delta Airlines is advertising a special to receive frequent flyer miles if you book an Airbnb rental.

4. Councilwoman Whibley:

- With the elimination of the Third Crossing, she suggested asking the state for funding to address street repairs and safety concerns affecting Hampton Boulevard.
- Asked Council for their support and ideas on addressing gun violence.

5. Councilwoman Johnson:

- Asked to address safety concerns and truck traffic on Tidewater Drive, Lafayette Boulevard, Norview Avenue, Hampton Boulevard, Princess Anne Road and Virginia Beach Boulevard. She asked for data on the number of accidents occurring along the major corridors and intersections for those streets.

6. Councilwoman McClellan:

- Asked to include on the agenda for the joint meeting with the School Board time to discuss equipping school buses with GPS. Based on her research, the cost would be between \$70,000 and \$100,000. Councilman Smigiel suggested earmarking funding for the purchase of buses in the budget.
- Asked for a traffic study of the bike lanes. Vice Mayor Whibley asked that timing of the traffic signals be included in the study.
- Reiterated an earlier request to consider televising City Council meetings in their entirety.

7. Councilman Thomas:

- Asked that appropriate staff look at the bike lane just over the Granby Street Bridge. He noted that it was confusing as to where the bike lane actually begins.
- Reiterated an earlier request for Council to consider a consent agenda for special exceptions that come from the Planning Commission with a unanimous recommendation and also for the tax rebates.
- Noted that the School Board will likely bring forth a large budget request at the joint meeting. He asked Ms. Joy-Hogg to provide Council with our funding formula and a couple of other formulas from other large municipalities in Virginia for comparison.

C. SAFE, HEALTHY AND INCLUSIVE COMMUNITIES UPDATE

James Rogers, Director of Neighborhood Development and Michael G. Goldsmith, Chief of Police, reported as follows:

Mr. Rogers stated that they have been working on initiatives to build and strengthen our neighborhoods for approximately two years. Two such initiatives are Backyard Conversations and Hoops not Guns that equate to having conversations with citizens, listening, and then building and enhancing relationships. He added that he and Chief Goldsmith are also involved with Vision 2100. Chief Goldsmith added that the partnership with Neighborhood Development has allowed them to work jointly with neighborhood specialists, community resource officers and community outreach.

Chief Goldsmith reported on several initiatives his department has been working on.

- Be the S.H.I.E.L.D Program – contracted with the International Association of Chiefs of Police to bring the Leading in Police Organizations program to the department, which is an extensive leadership training program.
- The Plus Program - a partnership with the Life Enrichment Center, where over 60 officers are teaching in our schools.
- Cops and Kids Eating Program - a partnership with Southeastern Virginia Boys and Girls Club.

- Cops and Curls - a partnership with a local sorority and the Commonwealth's Attorney's office, where they work with young girls from some of our challenged neighborhoods.

Chief Goldsmith added that they have aligned the department with the Six Pillars of President Obama's 21st Century Commission Policing Report. Future programs include two grants: a policing equity grant and a procedural justice grant, both in partnership with Old Dominion University. The department received national accreditation in April of 2016. There are now 293 officers trained in crisis intervention.

With regard to discussion at the retreat about an outside study being conducted of the department to determine what resources, equipment and technology the department needs going forward, Councilman Thomas asked for a status report. Chief Goldsmith answered that they have received and are reviewing the first draft. He expects the final report to be available by the end of the year.

Chief Goldsmith also addressed speeding concerns and reported on statistics. Over the last year the traffic division has done well over 6,000 traffic enforcement details throughout the city:

- 20,000 traffic summonses
- DMV saturation patrols to alcohol-related offenses, 374 summonses
- DUI checkpoints, 334 summonses
- Speeding saturation patrols, 1,148 summonses

Vice Mayor Whibley asked for information on how we compare to the other cities in Hampton Roads.

D. PREPARATION FOR MID-YEAR REPORT

David Freeman, Director of General Services, Katerina Oskarsson, Deputy Resilience Officer and Steven DeBerry, Chief Information Officer, reported as follows:

INFRASTRUCTURE

Mr. Freeman, reported on infrastructure costs and noted that the average age of existing city buildings are 40 years which translates into frequent maintenance repairs related to roofs, heating, ventilating and air-conditioning systems and electrical work. Financial challenges created by the recession resulted in a higher level of deferred maintenance for city facilities and roads and a reduction in technology upgrades and vehicle replacements. A breakdown of future costs is as follows:

- Curb, gutter and sidewalks (new) - \$303 million
- Curb, gutter and sidewalks (existing) - repairs, \$5 million
- Computer, phones, IT infrastructure - \$19 million
- General Services facility maintenance - \$39 million
- Fleet Maintenance - \$32 million
- Public Works - \$402 million
- Utilities maintenance - \$590 million

City departments will continue to be engaged in innovative techniques to manage infrastructure such as roadway micro-surfacing techniques, recycling repurposed underutilized vehicles and facility assessment studies. They will continue to centralize resources and manage repairs through general services.

E. RESILIENCY UPDATE

Ms. Oskarsson, reported on the activities of the Office of Resilience. The work of the Resilience Office is to coordinate the work of the city departments and city partners around the goals of the resilience strategy that was released one year ago with the Rockefeller Foundation, 100 Resilient Cities Program. Key initiatives underway include:

- \$120 million National Disaster Resilience Competition Grant - Ohio Creek Watershed Project.
- Retaining rain – workshops held throughout the city and partnered with Public Works, Norfolk Botanical Gardens, Communications and Technology and other departments; encouraging the installation of rain barrels, rain gardens and other water retention features.
- Working with partner organizations - Master Gardeners, Elizabeth River Project and others.
- Vision 2100 - residents work with Planning staff, neighborhood specialists, communications staff and the Resilience Office to identify community assets.
- Joint Land Use Study - partnering with the Navy, City of Virginia Beach, Department of Defense Office of Economic Adjustment and the Hampton Roads Planning District Commission.
- U.S. Army Corps of Engineers - supporting the Coastal Storm Management Study.

- NATO Strategy Plans and Policy Branch - supporting a global symposium on resilience, April 2017

Vice Mayor Whibley asked to broadcast to our citizens that rain barrels are available through the Environmental Commission.

F. TECHNOLOGY UPDATE

Steven DeBerry, Director of Communications and Technology reported that work continues on building a connected city. He presented a short video.

The Center for Digital Government has named Norfolk one of America's Top Ten Digital Cities. In 2015, Google named Norfolk an e-city for its strong online business community.

INITIATIVES INCLUDE:

- Rebuilding the city's technology infrastructure and expanding the amount of city-owned fiber network providing ultra high-speed internet to city facilities.
- Free public Wi-Fi for residents and visitors
- Storm Mobile
- E-permitting and inspection
- Smart parking meters

Moving forward, efforts will include expanding technological innovation across the region, connecting Norfolk's fiber network to the region, expanding free Wi-Fi in Town Point Park and other public places.

NORFOLK, VIRGINIA

DOCKET FOR THE COUNCIL

TUESDAY, NOVEMBER 22, 2016 – 7:00 P.M.

President Alexander called the meeting to order at 7:00 p.m.

The opening prayer was offered by Pastor Jim Wood, First Presbyterian Church, followed by the Pledge of Allegiance.

The following members were present: Ms. Graves, Ms. Johnson, Ms. McClellan, Mr. Riddick, Mr. Smigiel, Mr. Thomas, Dr. Whibley, and Mr. Alexander.

President Alexander moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective November 22, 2016

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley and Alexander.

No: None.

CEREMONIAL MATTER

Tom Jones, Friends of the Library, presented Council the 2017 Historical Calendar of Norfolk.

INVITATION TO BID

IB-1 **INVITATION TO BID** scheduled this day pursuant under State Law, public notice having been inserted in the local press by the City Clerk to accept bids for a long term ten foot non-exclusive access easement and a three foot non-exclusive underground utility easement, for a term of forty years, over certain property located at **723 Spotswood Avenue**, subject to certain terms and conditions.

ACTION: WITHDRAWN.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

PUBLIC HEARINGS

PH-1 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **East Beach Company, LLC**, to amend the Future Land Use Designation in the general plan, *planorfolk2030*, from Commercial to Residential Mixed and for a change of zoning from conditional C-2 (Corridor Commercial) district to PD-MUEB (East Beach Planned Development Mixed Use) district on property located at **9510** and the northern portion of **9500 30th Bay Street**.

Thereupon, an Ordinance entitled, "An Ordinance to amend the City's General Plan *planorfolk2030*, **SO AS TO** change the land use designation for property located at **9510** and a portion of **9500 30th Bay Street** from commercial to residential mixed," was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

PH-1A

An Ordinance entitled “An Ordinance to rezone properties located at **9510 and a portion of 9500 30th Bay Street** from Conditional C-2 (Corridor Commercial) District to PD-MU-EAST BEACH (East Beach Planned Development Mixed Use) District,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **C. Christopher Nicholas**, for a closure of an irregular-shaped portion of the public right-of-way, located 30.00 feet south, more or less, of the 20' Lane located west of **Gunn Court**; and north of **7000 Gunn Court**.

Christopher Nicholas, 7000 Gunn Court, the applicant, was present to answer questions and Robert Kellam, 500 Central Park Drive, Suite 113, Virginia Beach, the Real Estate Agent, was also present to support this matter.

Thereupon, an Ordinance entitled, “An Ordinance closing, vacating and discontinuing a portion of **Gunn Court**; and authorizing the City Manager to accept the conveyance of Drainage Easement by **C. Christopher Nicholas**,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 23, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No. None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Melia Ingram**, for a closure of all that certain lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being a portion of **Wise Street** and an unnamed 15' lane, all lying east of **N. Military Highway**.

David Dallman, 4500 Main Street, the attorney, Virginia Beach, was present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance closing, vacating and discontinuing a portion of **Wise Street** and an unnamed 15' lane," was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective December 23, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

PH-4

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **The Monument Companies**, to designate the existing structures as a **Norfolk Historic Landmark** on property located at **204-222 W. 22nd Street and 201 W. 23rd Street**.

Thomas Dickey, 1425 East Cary Street, Richmond, VA, the applicant, was present to answer questions, and Allan Sullivan, 429 York St., was present to support this matter.

Thereupon, an Ordinance entitled, "An Ordinance to designate the properties located at **204 and 222 West 22nd Street and 201 West 23rd Street as a Norfolk Historic Landmark** and to amend the zoning map to show the designation," was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

PH-4A

An Ordinance entitled, “An Ordinance granting a **Special Exception** to construct a multi-family Development on property located at **204 to 222 West 22nd Street and 201 West 23rd Street,**” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

PH-5

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Old Dominion University Real Estate Foundation**, for a change of zoning from C-2 (Corridor Commercial) to Conditional C-2 District on portions of properties now or formally numbered **4200-4220 Hampton Boulevard, ES Hampton Boulevard, SS 43rd Street, and NS W. 42nd Street (closed)** and for a change of zoning from UV (University Village District) to Conditional C-2 (Corridor Commercial) District on portions of properties now or formally numbered **SS 43rd Street, and NS W. 42nd Street (closed)**.

Thereupon, an Ordinance entitled, “An Ordinance to rezone properties located at **4200 and 4220 Hampton Boulevard** and certain other properties on the east side of **Hampton Boulevard**, on the south side of **43rd Street and on the north side of a closed portion of West 42nd Street** from C-2 (Corridor Commercial) District to Conditional C-2 (Corridor Commercial) District,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

PH-5A

An Ordinance entitled, “An Ordinance to rezone properties located on the south side of **43rd Street on the north side of a closed portion of West 42nd Street from UV** (University Village District) to Conditional C-2 (Corridor Commercial) District,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

PH-5B

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit alternative signage for an **Art Museum at Old Dominion University** on properties located at **4200 and 4220 Hampton Boulevard** and certain other properties on the east side of Hampton Boulevard, on the south side of **43rd Street**, and on the north side of a closed portion of **West 42nd Street**,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

PH-6

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Cook Out Restaurant**, for a change of zoning from R-8 (Single-Family) district to C-2 (Corridor Commercial) district at **7918 Orchid Avenue**.

The following proponents spoke:

Henry Brown, 8051 Chesapeake Blvd., stated that this was the opportunity that the community had been waiting for and asked Council to support the project.

Marlene Brown, 8051 Chesapeake Blvd., expressed concerns about the increase in traffic in the community, but supports this matter.

Dino Seretis, 3406 East Princess Anne Road, of Hallo Properties, LLC, stated that he has apartments across from the restaurant and expressed two concerns; maintaining the integrity of the community and addressing the traffic concerns.

Warren Tisdale, 440 Monticello Avenue, the attorney, spoke on behalf of Cookout. He stated that it was important to see what the access issues are first and then address them. Since this will be new construction and will be a great addition to the community he does not see that this business will be a problem as an Arby's is nearby.

The following persons spoke in opposition to:

Brian Meyer, 7946 Orchid Avenue, stated that he will suffer from the increase in traffic, the neighborhood cannot sustain that amount of additional traffic and that the only alternative is to block off Orchid Street.

Thereupon, an Ordinance entitled, "An Ordinance to rezone property located at **7918 Orchid Avenue** from R-8 (Single-Family Residential) District to C-2 (Corridor Commercial) District," was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley, and Alexander.

No: Riddick.

PH-6A An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a commercial drive-through for ‘**Cook Out**’ on properties located at **720 East Little Creek Road and 7918 Orchid Avenue,**” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Smigiel, Thomas, Whibley, and Alexander.

No: Riddick.

PH-7 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Royal Farms**, to amend the Future Land Use Designation in the General Plan, *plaNorfolk2030*, from Institutional to Commercial and for a change of zoning from IN-1 (Institutional) District to C-2 (Corridor Commercial) District on property located at **5516 Raby Road**.

The following proponents spoke:

Grady Palmer, 999 Waterside Drive, the attorney, was present to answer questions.

Mark Rinaldi, 4029 Ironbound Round, Williamsburg, VA, adjacent property owner, was present to support this matter stating that the community is worried about storm water issues.

Reynaldo Hayes, 836 Trice Terrace, stated that he is not opposed to new jobs coming to the community, but as an advocate for children and a mentor he would like to see more resources for the youth.

Thereupon, an Ordinance entitled, “An Ordinance to amend the **City’s General Plan**, *plaNorfolk2030*, **SO AS TO** change the land use designation for property locate at **5516 Raby Road** from Institutional to Commercial,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No: None.

PH-7A An Ordinance entitled, “An Ordinance to rezone property located at **5516 Raby Road** from IN-1 (Institutional) District to C-2 (Corridor Commercial) District,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No. None.

PH-7B An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a Convenience Store, 24-hours (with fuel sales) known as ‘**Royal Farms**’ on property located at **5516 Raby Road**,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No. None.

PH-7C An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a car wash named ‘**Royal Farms**’ on property located at **5516 Raby Road**,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No. None.

PH-7D An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as ‘**Royal Farms**’ on property located at **5516 Raby Road**,” was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No. None.

PH-8

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, to modify the **Table of Contents** within the City's General Plan, *planorfolk2030*, to add **Vision2100** and to incorporate the plan by reference within **Appendix B** of *planorfolk2030*.

Adam Tharp, 7720 Argyle Avenue, Lochhaven Civic League, indicated he had the opportunity to read the Vision2100 plan and expressed concern about the plan dividing the City into zones and links allocation of resources to zones, specifically about the plan's potential impact on residential properties in the higher risk flood zones. He also offered criticism of the plan's assumptions and offered recommendations on the process including securing outside assistance.

Thereupon, an Ordinance entitled, "An Ordinance to amend the **City's General Plan** *planorfolk2030* **SO AS TO** adopt and incorporate 'Vision 2100'," was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No. None.

PH-9

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **City Planning Commission**, for a text amendment to **Section 25-10.9, "Tattoo Parlor and Tattoo School"** of the *Zoning Ordinance* in order to remove the minimum distance requirement for Tattoo Parlors and Schools from the boundary of any Residential District.

David Voegeli, 4813 Peach Creek Lane, VB, requested information on the ordinance.

Thereupon, an Ordinance entitled, "An Ordinance to amend Section 25-10.9 of the Zoning Ordinance of the **City of Norfolk, 1992, SO AS TO** eliminate the 100 foot minimum separation requirement between a '**tattoo parlor/school**' and any residential Zoning District," was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Johnson, McClellan, Smigiel, Thomas, Whibley and Alexander.

No. Graves and Riddick.

PH-10

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, for a text amendment to **Table 4-A, "Table of Land Uses" for Residential Districts**, in order to allow **Bed and Breakfast** as a land use permitted by **Special Exception** within the R-15 (High Density Multi-Family Housing) Zoning District.

Thereupon, an Ordinance entitled, "An Ordinance to amend Table 4-A of the Zoning Ordinance of the **City of Norfolk, 1992, SO AS TO** allow '**Bed and Breakfast Home**' as a use permitted by **Special Exception** in the R-15 (Multi-Family Residential) District," was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No. None.

PH-11

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, for a text amendment to **Table 8-A, "Downtown Districts Table of Land Uses,"** within the City's *Zoning Ordinance* to allow Vendors on private property in the D-2 (Downtown Regional Center) and D-4 (Downtown Arts and Design) Districts.

Mary Miller, Executive Director, Downtown Norfolk Council, 223 East City Hall Avenue, #212, was present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance to amend Table, 8-A of the Zoning Ordinance of the City of Norfolk, 1992, SO AS TO allow "vendor" as a permitted use in the D-2 (Downtown Regional Center) and D-4 (Downtown Arts and Design) Districts," was introduced and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No. None.

PH-12

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance to the City of Norfolk by **Jesse Riley** of property located adjacent to **6100 Bromley Court**.

ACTION: Continued to December 20, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No. None.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named '**Mi Tierra Maya Mexican Grill**' on property located at **7920 Chesapeake Boulevard, Suite A,**" was introduced in writing and read by its title.

The following persons spoke in support of this matter:

Jackie Rochelle, 3314 Sewells Point Road, President, Greenwood/Elmhurst/Norview Heights Civic League, stated that Mr. Ayala, owns several businesses in the area and they are good neighbors. Joseph Angelletta, 7920 Chesapeake Blvd., #A, Peggy Russell, 1147 Elk Avenue, President, Bayview Civic League and Gabriela Angelletta, 7920 Chesapeake Blvd, #B, representative, spoke in support of the applicant.

The following opponents spoke on this matter.

Marlene Brown, 8051 Chesapeake Blvd, Treasurer of Crossroads Civic League, stated there are several establishments in the area already that are open to 2:00 a.m. that serve alcohol, and that another such establishment is not needed. She asked that the City stop pushing paperwork and resolve some of the issues that are already present.

Henry Brown, 8051 Chesapeake Blvd, president of Crossroads Civic League, stated that with the joined support of Oakwood Civic League, the majority is not in favor of this establishment closing at to 2 a.m. Both civic leagues would support a 12 a.m. closing if the applicant would be willing to change their hours of operation. He commented that this area was the gate way to Ocean View and stressed the importance of curb appeal at this place of business.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No. None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an **Automobile Sales and Service** establishment named ‘**Priority Ford**’ on property located at **3340 to 3420 North Military Highway**,” was introduced in writing and read by its title.

David Dallman, 4500 Main Street, Virginia Beach, the attorney representing the applicant, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No. None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a right of entry permitting the **New Hope Church of God in Christ** to go upon and use certain City owned property numbered and designated as **616, 618, and 620 West 35th Street**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No. None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting **Corner Shops, LLC** permission to encroach into the right-of-way of **Colonial Avenue at 2000 Colonial Avenue** approximately 305 square feet for the purposes of an entrance walkway, canopy and outdoor dining and approving the terms and conditions of the **Encroachment Agreement**,” was introduced in writing and read by its title.

Jeff Cooper, 804 Botetourt Gardens and Erik Cooper, 414 Brackenridge Avenue, the applicants, were present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No. None.

R-5 Letter from the City Manager and an Ordinance entitled, “An Ordinance to schedule a meeting between the **City Council** and the **Norfolk School Board on Wednesday, December 7, 2016 at 5:00 p.m.** and to move the location of said meeting from the Council Chamber of the City Hall Building to the **Norview Middle School Auditorium,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No. None.

R-6 Letter from the City Manager and an Ordinance entitled, “An Ordinance to approve an Amendment to the **Lease Agreement** for certain City property located at **1361 and 1371 Hanson Avenue** with **Norfolk NATO Festival, Inc. SO AS TO** change the description of the demised premises, to qualify the access and use of the entrance, to qualify the access and use of the entrance and exit ways and the paved areas and to authorize the execution of the **Lease Agreement,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No. None.

R-7 Letter from the City Manager and an Ordinance entitled, “An Ordinance to approve the terms and conditions of an Amendment to the current **Encroachment Agreement** with **D L C, L.L.C. SO AS TO** include **Mega J. Properties, LLC** as a party to the **Agreement**, to reflect that **D L C, L.L.C.** is now doing business as **Red Dog Saloon**, to correct the size of the encroachment area, and to reflect the amended encroachment fee,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No. None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a grant award in the amount of \$100,000.00 from the **Commonwealth of Virginia, Department of Criminal Justice Services**, to support the establishment of a new **Community Collaboration Center Satellite Office in Norfolk for the Crime Victim Assistance Program** and appropriating and authorizing the expenditure of \$80,000.00 in grant funds and \$20,000.00 in a local in-kind match being the services of an **Assistant Commonwealth’s Attorney and a Paralegal at the Community Collaboration Center**,” was introduced in writing and read by its title.

Betsy Powell, Commonwealth’s Attorney’s Office, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No. None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing revisions to terms of a **Cooperation Agreement** between the **City of Norfolk** and the **Economic Development Authority** of the City of Norfolk,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No. None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the City to enter into a **Performance Agreement** with the **Economic Development Authority** of the **City of Norfolk** and **Movement Mortgage, LLC.**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No. None.

R-11

An Ordinance entitled, “An Ordinance setting, salary, benefits and duties of **Douglas Smith as Interim City Manager** between December 1, 2016 and the commencement of a new City Manager,” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, stated that he supports the new City Manager and that the Norfolk Team performed well under the departing City Manager Marcus Jones and wished him well.

ACTION: The Ordinance as introduced was **adopted**, effective November 22, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Thomas, Whibley, and Alexander.

No. None.

NEW BUSINESS

1. Renee LoSapio, 1013 Brandon Avenue, highlighted some of the accomplishments of the Bicycle and Pedestrian Trails Commission. She stated that that they have had several bike events such as the Glow Ride, Elizabeth River Trail and the ODU-Swap that were well attended.
2. Mary Simpson Jones, 7505 Paulin Court, thanked Marcus Jones for his leadership, and praised Councilman Riddick for his continuous service to the City and stating he has been a Councilmember longer than any other member on council.
3. Laurie Naismith, 609 Trouville Avenue, stated that when she read Council concerns she was thrilled that Ms. McClellan stated that Council needs to revisit the Dog Park Policy. Also she said that she’s been living in the Meadowbrook area for 46 years and to have a plan to develop a new neighborhood park is a wonderful opportunity. She went on to say that this is very controversial because Ghent has just been through a similar situation with property owners who lived adjacent to the property of a dog park and think they have a say to what goes on, but they don’t. So she asked that the Department of Parks and Open Space put a pause on the dog park until the Dog Policy is revisited and come up with something that can connect the Civic League and Dog Park Organizations together. Since they never had a brainstorming session she wanted to see if something like this could be done before any money is invested and that the money allocated by City should not be spent for a dog park.

4. Danny Lee Ginn, 3844 Dare Circle, commented on an article that appeared in the *Virginia Pilot* on November 16, 2016 concerning Mr. Burfoot, City Treasurer. The headline read, “Norfolk Councilman says developer told him Burfoot was soliciting bribes.”



MEMORANDUM

TO: City Council

FROM: George M. Homewood, FAICP, CFM, Planning Director

COPIES TO: Douglas L. Smith, Interim City Manager, City Attorney, City Clerk

SUBJECT: Pending Land Use Actions

DATE: December 9, 2016

Attached for your review is the Pending Land Use Report, identifying applications received and site plans approved from November 16, 2016 through December 6, 2016. The report reflects items that are tentatively scheduled to be heard at the January 9, 2017 Architectural Review Board meeting and the January 26, 2017 City Planning Commission meeting. In an effort to provide advance notice, this report is prepared prior to City Council meetings. No action is required on this report.

If you have any questions about these items, please contact me.

Architectural Review Board – January 9, 2017

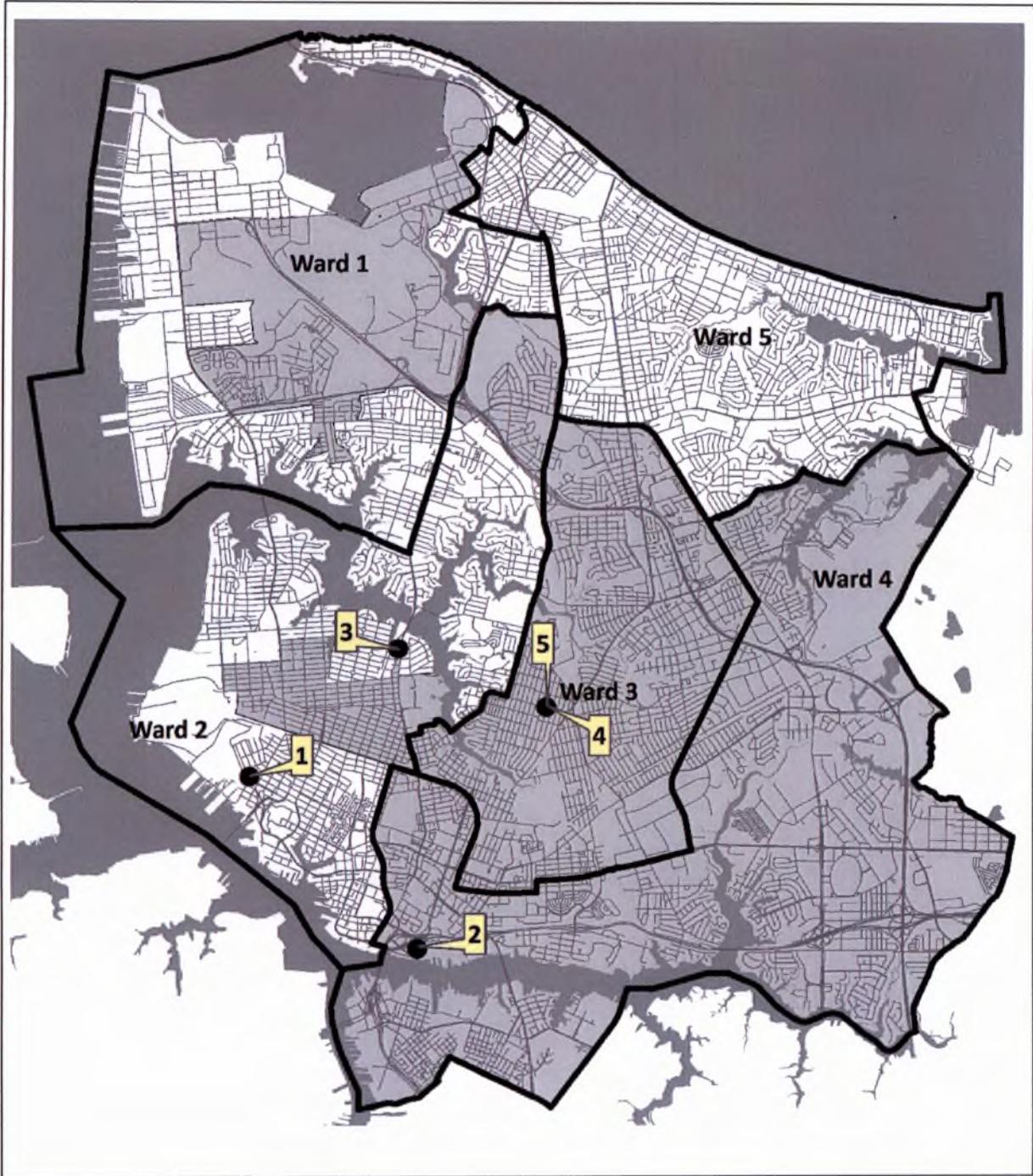
Number	Applicant	Location	Action	Ward	SW	Neighborhood
1	Crista Pickerell	1300 Redgate Avenue	Business sign encroachment	2	6	West Ghent
2	Suzy Stelmaszek	150 Park Avenue	Ticket booth addition at Harbor Park	4	7	n/a

City Planning Commission – January 26, 2017

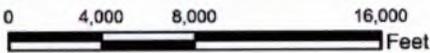
Number	Applicant	Location	Request	Ward	SW	Neighborhood
3	The Barking Dog at Riverview	4117 Granby Street, Suite A	Operate an eating and drinking establishment	2	6	Downtown
4	Lloyd Williams	2701 Lafayette Boulevard	Development certificate to turn a commercial building into a single-family residential dwelling that is on the property line	3	7	Fairmont Park

Approved Site Plans

Number	Site Plan #	Project	Ward	SW	Neighborhood
5	16-0056	Fairmount Park Ph. 14A - Water & Sewer Replacement	3	7	Fairmount Park



**Pending Land Use Actions
NOVEMBER 16 - DECEMBER 6**



Superwards	
	6
	7



This map is for graphic purposes only.
Map compiled, designed and produced by
the Department of City Planning.



CITY OF NORFOLK
OFFICE OF THE MAYOR

KENNETH COOPER ALEXANDER
MAYOR

December 9, 2016

The Honorable Angelia Williams Graves
The Honorable Mamie B. Johnson
The Honorable Andria P. McClellan
The Honorable Paul R. Riddick
The Honorable Thomas R. Smigiel, Jr.
The Honorable Martin A. Thomas, Jr.
The Honorable Theresa W. Whibley

Ladies and Gentlemen:

Pursuant to Section 12 of the City Charter, I hereby call a special meeting of the Council to meet at 5:00 P.M., December 13, 2016, in the 10th floor conference room at City Hall for a Business Meeting.

Thank you,

Kenneth C. Alexander
Mayor

cc: Mr. Douglas L. Smith, Interim City Manager
Mr. Bernard A. Pishko, City Attorney
Mr. R. Breckenridge Daughtrey, City Clerk



CITY OF NORFOLK
OFFICE OF THE MAYOR

KENNETH COOPER ALEXANDER
MAYOR

December 9, 2016

The following meetings will take place on Tuesday, December 13, 2016:

1. 5:00 P.M. Council to assemble in the 10th floor conference room at City Hall for a Business Meeting.
2. 7:00 P.M. Regular Council Meeting, 11th Floor, Council Chamber.

NORFOLK, VIRGINIA

DOCKET FOR THE COUNCIL

TUESDAY, DECEMBER 13, 2016 – 7:00 P.M.

Prayer to be offered by Senior Pastor Aaron Dininny, [OV] Church, followed by the Pledge of Allegiance.

CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA WILL BE ENACTED BY ONE MOTION IN THE FORM LISTED. IF DISCUSSION IS DESIRED ON ANY ITEM, IT WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a consignment shop named ‘Urban Castaways’ on property located at **114 West 20th Street**.
- C-2 Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a micro-distillery named ‘Dead Reckoning Distillery’ on property located at **310 and 312 West 24th Street**.
- C-3 Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a tattoo parlor named ‘Independence Tattoo III’ on property located at **952 West 21st Street**.
- C-4 Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as ‘Jhane’s Sweet Lounge’ on property located at **731 Granby Street**.

C-5 Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as ‘Dorothy’s BBQ Smokehouse’ on property located at **4110 Colley Avenue**.

C-5A An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named ‘Dorothy’s BBQ Smokehouse’ on property located at **4110 Colley Avenue**.

C-6 Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a \$31,327 **Commonwealth of Virginia Department of Environmental Quality Grant** for Litter Prevention, Recycling and Environmental Educational Programs, and appropriating and authorizing the expenditure of the grant funds for the programs.

REGULAR AGENDA

R-1 Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Wave Church** to encroach into the right-of-way of College Place with an emergency (egress only) door,” will be introduced in writing and read by its title.

R-2 Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **244 Granby, LLC** to encroach into the rights-of-way of **Granby Street and Tazewell Street** with cornices, awning and a sign,” will be introduced in writing and read by its title.

R-3 Letter from the City Manager and an Ordinance entitled, “An Ordinance granting **Baker Real Properties, Inc.** permission to encroach into the right-of-way at **760 W. 22nd Street** approximately 244 square feet for the purpose of outdoor dining and approving the terms and conditions of the Encroachment Agreement,” will be introduced in writing and read by its title.

- R-4 Letter from the City Manager and an Ordinance entitled, “An Ordinance to repeal two subsections of Section 25-653 and to amend and reordain 25-646 and 654 of the ***Norfolk City Code, 1979, SO AS TO*** add one new speed limit and eight new stop intersections,” will be introduced in writing and read by its title.
- R-5 Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the conveyance by **Poplar Halls Civic League** to the City of Norfolk of any interest the civic league may have in and to that certain lake known as **Silver Lake** located in the City of Norfolk; and authorizing the City Manager to accept the Deed of Quitclaim on behalf of the City,” will be introduced in writing and read by its title.
- R-6 Letter from the City Manager and a Resolution entitled, “A Resolution supporting the **2017 Legislative Priorities** for the City of Norfolk,” will be introduced in writing and read by its title.
- R-7 Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a Right of Entry permitting Colston Jones to go upon and use certain city owned property numbered and designated as **1361 and 1371 Hanson Avenue** for the Rustbucket Races Cyclocross Event,” will be introduced in writing and read by its title.

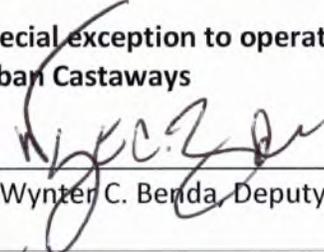


To the Honorable Council
City of Norfolk, Virginia

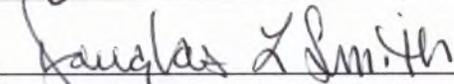
December 13, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Special exception to operate a consignment shop at 114 West 20th Street –
Urban Castaways**

Reviewed: 
Wynter C. Benda, Deputy City Manager

Ward/Superward: 2/6

Approved: 
Douglas L. Smith, Interim City Manager

Item Number: **C-1**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special exception to operate a consignment shop at 114 W. 20th Street.
- IV. **Applicant:** Ann Corletto
- V. **Description:**
 - The site is located in a small shopping strip in the 100 block of W. 20th Street, on the north side of the street between Granby Street and Omohundro Avenue, within the Ghent Business District.
 - The request, if approved, would allow the Urban Castaways consignment shop to operate within a new location at 114 W. 20th Street.
- VI. **Historic Resources Impacts:**
The site is not located within a federal, state, or local historic district.
- VII. **Public Schools Impacts**
N/A

Staff point of contact: Matt Simons at 664-4750 or Matthew.Simons@norfolk.gov

Attachments:

- Proponents and Opponents
- Staff Report to CPC dated November 10, 2016 with attachments
- Letters of support – Ghent Neighborhood League and Ghent Business Association
- Ordinance

Planning Commission Public Hearing: November 10, 2016

Executive Secretary: George M. Homewood, FAICP, CFM

Planner: Matthew Simons, AICP, CZA, CFM

Staff Report	Item No. 7	
Address	114 W. 20th Street	
Applicant	Urban Castaways	
Request	Special Exception	To operate a consignment shop
Property Owner	Robert E. & Son Schlegel, LLC	
Site Characteristics	Site Area/Space Area	Site: 22,000 sq. ft. Space: 2,600 sq. ft. space within 7,572 sq. ft. building
	Future Land Use Map	Commercial
	Zoning	C-2 (Corridor Commercial) and 21 st Street Pedestrian Commercial Overlay (PCO-21 st Street) districts
	Neighborhood	Ghent Business District
	Character District	Traditional
Surrounding Area	North	C-2, PCO-21 st Street: Speedy Auto Services, Gallery 21
	East	C-2, PCO-21 st Street: Anjella Paulette Spa, Dentist office
	South	C-2: Fresenius Kidney Care Greater Norfolk, Pediatric Associates and Biomedical Applications of Greater Norfolk
	West	C-2, PCO-21 st Street: Parking for 80/20 Burger Bar



A. Summary of Request

- The site is located in a small shopping strip in the 100 block of W. 20th Street, on the north side of the street between Granby Street and Omohundro Avenue, within the Ghent Business District.
- The request, if approved, would allow the Urban Castaways consignment shop to operate within a new location at 114 W. 20th Street.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as Commercial.

C. Zoning Analysis

i. General

- This site is located in the Traditional Character District at the northwest corner of W. 20th Street and Granby Street, which is primarily developed with commercial, office and institutional uses, with some residential exposure to the west and south of the site within the 201 Twenty One and Element at Ghent apartment buildings.
- In 2011, the City Council approved a zoning text amendment to create a definition for Consignment Shop, and to allow consignment within the PCO-Colley Avenue and PCO-21st Street districts by special exception.
 - Prior to 2011, a few stores had already been operating primarily as consignment shops (2nd Act, White Rabbit, Wild Hare) in the 21st Street PCO.
- Since the text amendment was approved in 2011, only one application has been presented for a consignment shop within the Ghent Business District (Double Take II), which was approved by City Council in 2011.
- There are two consignment shops located within 1,000 feet of the proposed location for Urban Castaways: 2nd Act Consignment Shop located at 110 W. 21st Street, and the existing Urban Castaways shop which is located at 1904 Granby Street.
- If the request is approved, there will be a further concentration of this type of land use within a 1,000-foot radius of this site.

	Proposed
Hours of Operation	10:00 a.m. to 6:00 p.m. Seven days a week

ii. Parking

- The site is located in the PCO-21st Street district which requires one parking space per 666 square feet for antique stores, furniture stores, and arts-related retail goods and services.
- The previous use of this space was for a medical office, which has a parking requirement of one parking space per 250 square feet.
 - The new use will result in a net decrease in the parking demand by eight spaces; four spaces required for a consignment shop as opposed to twelve spaces for a medical office.

- Given the size of the shop, space will need to be provided on the site to accommodate parking for at least one bicycle.

iv. Flood Zone

The property is located in the X (Low to Moderate) Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers figures estimate the proposed change from office to retail use on this site will generate 91 new vehicle trips a day.
- The site is near transit service with Hampton Roads Transit bus routes 1 (Granby), 3 (Chesapeake) and 4 (Church) operating near to the site.
- W. 20th Street adjacent to the site is not an identified priority corridor in the *City of Norfolk Bicycle and Pedestrian Strategic Plan*.

E. Historic Resources Impacts

The site is not located within a federal, state, or local historic district.

F. Public Schools Impacts

N/A

G. Environmental Impacts

- Should the special exception be granted, the applicant and property owner have agreed to make improvements to the site as a condition of approval:
 - Installation of a 4-foot wide landscape buffer along the western property line adjacent to the parking area.
 - Installation of a 6-foot wide landscape island at the southwest corner of the site to provide some screening between the sidewalk and the adjacent dumpster.
 - Replace/repair the westernmost driveway apron to repair the broken sidewalk and driveway.
 - Remove the nonconforming abandoned pole sign located along the street frontage and install a landscape island in the dead space surrounding the pole sign foundation.
 - Add new parking/bumper stops at the ends of parking spaces directly adjacent to the sidewalk in order to prevent vehicles from project onto the sidewalk and blocking pedestrian access.
- All landscape will be reviewed and approved through the City's landscape architect within the Department of Recreation, Parks and Open Space.

H. AICUZ Impacts

N/A

I. Surrounding Area/Site Impacts

- By requiring this use to conform to the conditions listed below granting the special exception should not have a negative effect on the surrounding area.
- In the past year, there have only been three calls for emergency service, with no arrests made.

J. Payment of Taxes

The owners of the property are current on all real estate taxes.

K. Civic League

- Notice was sent to the Ghent Neighborhood League and Ghent Business Association on September 28.
- Letters of support was received from the Ghent Business Association and Ghent Neighborhood League.

L. Communication Outreach/Notification

- Legal notice was posted on the property on October 4.
- Letters were mailed to all property owners within 300 feet of the property on October 25.
- Legal notification was placed in *The Virginian-Pilot* on October 27 and November 3.

M. Recommendation

Given the improvements that will be made to the site, staff recommends that the special exception request be **approved**, subject to the conditions shown below:

Consignment Shop Special Exception Conditions

- (a) The hours of operation for the facility shall be from 10:00 a.m. until 6:00 p.m., seven days a week. No use of the facility outside of the hours of operation listed herein shall be permitted.
- (b) The site shall be improved in accordance with the conceptual site plan attached hereto and marked "Exhibit A," with exact landscape species, placement and height upon installation to be reviewed and approved by the City's Department of Recreation, Parks and Open Space. No less than the following minimum site improvements shall be made:
 - i. A 4-foot wide landscape buffer shall be installed along the western property where shown on the attached site plan, Exhibit A.
 - ii. A 6-foot wide landscape island shall be installed at the southwest corner of the site along the sidewalk edge, west of the westernmost driveway, and shall be planted with landscaping sufficient to screen the existing dumpster.

- iii. The abandoned sign pole located along the southern property line shall be removed and replaced with a landscape island to be reviewed and approved by the City's Department of Recreation, Parks and Open Space.
 - iv. The westernmost driveway apron shall be replaced with a new driveway apron.
 - v. Tire stops shall be installed along the parking spaces immediately adjacent to the West 20th Street sidewalk in order to discourage automobiles from encroaching into the sidewalk.
- (c) All site improvements outlined within condition (b) shall be made within nine months from the date of adoption of this ordinance.
- (d) All landscaping installed on the site shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (e) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, snow, ice, and any bodily discharge.
- (f) The property shall be kept in a clean and sanitary condition at all times.

Attachments

- Location map
- Zoning map
- Similar establishments proximity map
- Application
- Notification list of all property owners within 300 feet of the site
- Notice to the Ghent Neighborhood League and Ghent Business Association
- Letters of support from the Ghent Business Association and Ghent Neighborhood League

Proponents and Opponents

Proponents

Ann Corletto – Applicant
114 W. 20th Street
Norfolk, VA 23517

Opponents

None

Form and Correctness Approved:

BAP

Contents Approved:

M.A.R.

By

[Signature]

Office of the City Attorney

By

[Signature]

DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A CONSIGNMENT SHOP NAMED "URBAN CASTAWAYS" ON PROPERTY LOCATED AT 114 WEST 20TH STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing the operation of a consignment shop named "Urban Castaways" on property located at 114 West 20th Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 25 feet, more or less, along the northern line of West 20th Street beginning 100 feet, more or less, from the eastern line of Omohundro Avenue and extending eastwardly; premises numbered 114 West 20th Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the facility shall be limited to 10:00 a.m. until 6:00 p.m., seven days per week. No use of the facility outside of the hours of operation listed herein is permitted.
- (b) The site shall be improved in accordance with the conceptual site plan attached hereto and marked "Exhibit A," with exact landscape species, placement and height upon installation to be reviewed and approved by the City's Department of Recreation, Parks and Open Space. All of the following minimum site improvements are required:
 - (1) A 4-foot wide landscape buffer shall be installed along the western property line where shown on "Exhibit A."

- (2) An 6-foot wide landscape island shall be installed at the southwest corner of the property along the edge of the existing sidewalk and west of the westernmost driveway, and shall be planted with landscaping sufficient to screen the existing dumpster.
 - (3) The abandoned sign pole located along the southern property line shall be removed and replaced with a landscape island in a manner that is reviewed and approved by the City's Department of Recreation, Parks and Open Space.
 - (4) The westernmost driveway apron shall be replaced or repaired to meet the standards required by the Department of Public Works.
 - (5) Tire stops shall be installed along the parking spaces immediately adjacent to the sidewalk along West 20th Street and located so as to prevent parked automobiles from encroaching over the sidewalk.
- (c) All site improvements outlined within condition (b) shall be completed within nine (9) months from the date of adoption of this ordinance.
 - (d) All landscaping installed on the site shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
 - (e) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
 - (f) The property shall be kept in a clean and sanitary condition at all times.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of

Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is

considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

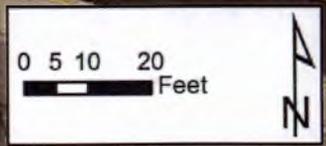
ATTACHMENT:
EXHIBIT A (1 page)

Location Map

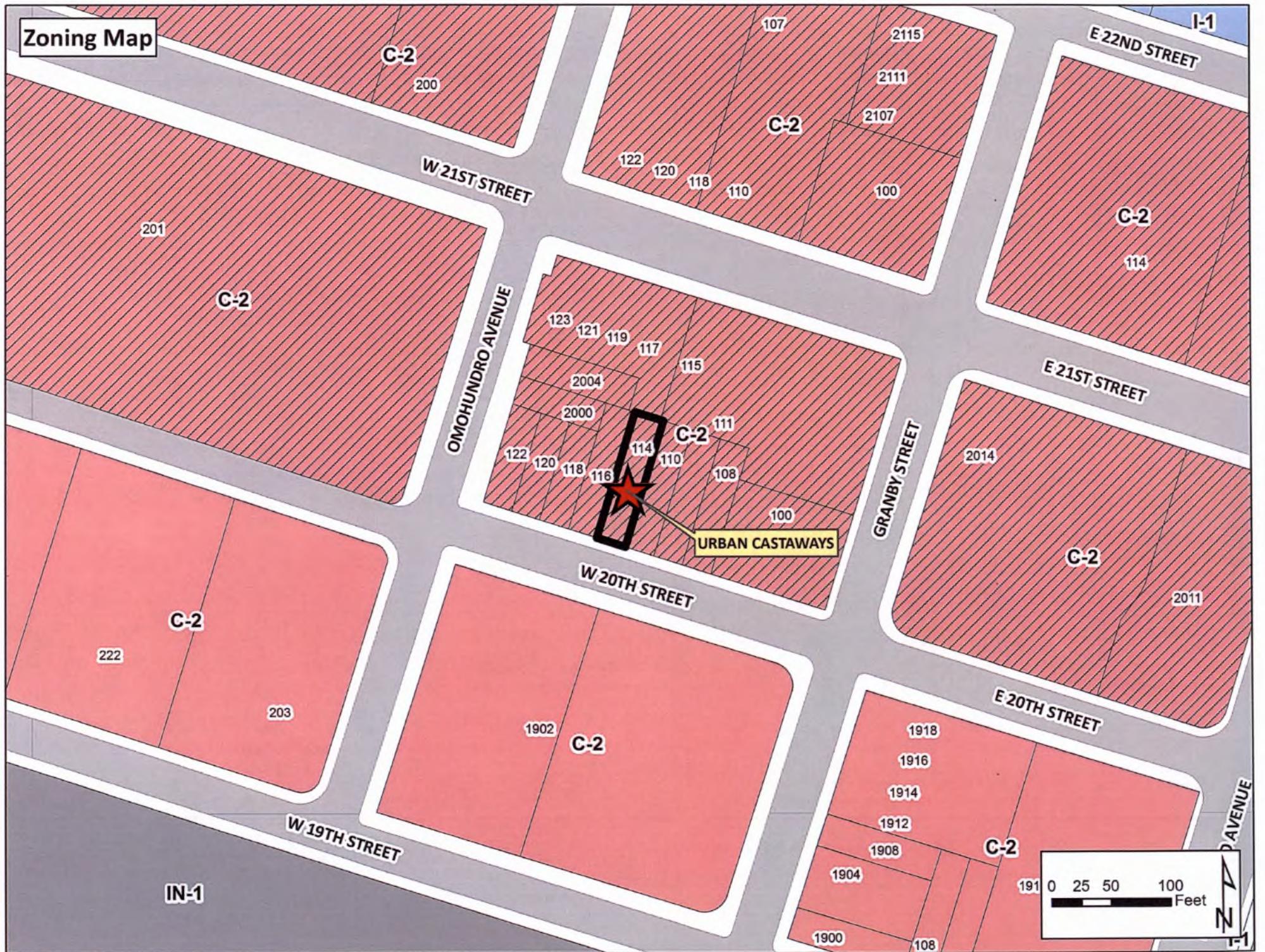
OMOHUNDR AVENUE

URBAN CASTAWAYS

W 20TH STREET



Zoning Map



C-2

200

107

2115

E 22ND STREET I-1

C-2

2111

2107

W 21ST STREET

122

120

118

110

100

C-2

114

201

C-2

OMOHUNDR O AVENUE

123

121

119

117

115

E 21ST STREET

2004

2000

111

122

120

118

116

114

110

108

C-2

GRANBY STREET

2014

URBAN CASTAWAYS

100

C-2

2011

C-2

222

W 20TH STREET

203

1902

C-2

E 20TH STREET

IN-1

W 19TH STREET

1918

1916

1914

1912

1908

C-2

1904

1910

0 25 50 100 Feet

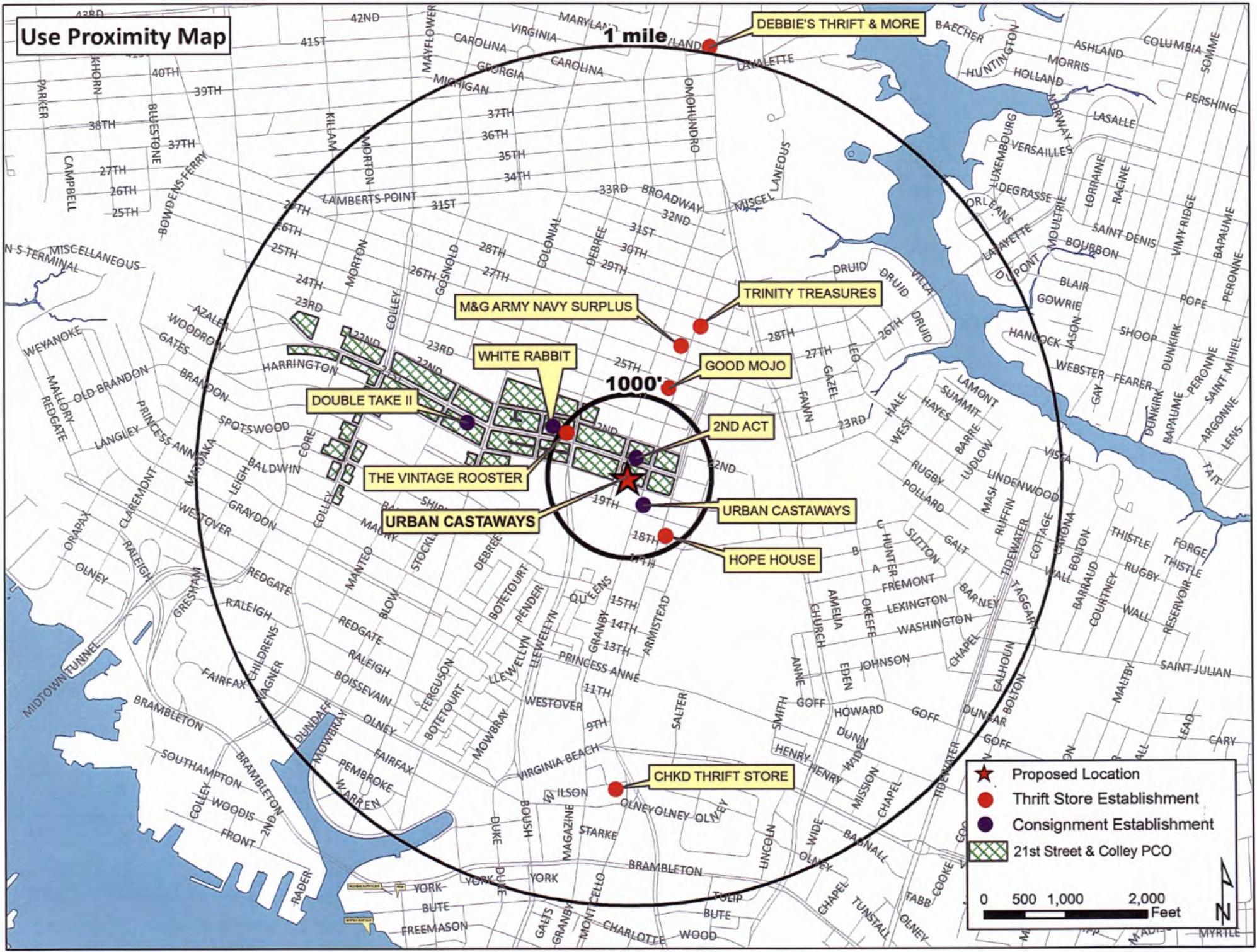
1900

108

D AVENUE

I-1

Use Proximity Map



M&G ARMY NAVY SURPLUS

TRINITY TREASURES

WHITE RABBIT

GOOD MOJO

DOUBLE TAKE II

2ND ACT

THE VINTAGE ROOSTER

URBAN CASTAWAYS

URBAN CASTAWAYS

HOPE HOUSE

CHKD THRIFT STORE

★ Proposed Location
● Thrift Store Establishment
● Consignment Establishment
 21st Street & Colley PCO

0 500 1,000 2,000 Feet

N



**APPLICATION
SPECIAL EXCEPTION**

Special Exception for: Consignment Shop

Date of application: 9-16-16

DESCRIPTION OF PROPERTY

Property location: (Street Number) 114 (Street Name) West 20th Street

Existing Use of Property Office

Current Building Square Footage 2900

Proposed Use Consignment Shop

Proposed Square Footage SAME

Proposed Hours of Operation:

Weekday From 10 To 6

Friday From 10 To 6

Saturday From 10 To 6

Sunday From 10 To 6

Trade Name of Business (If applicable) Urban Castaways

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

Annie C LLC

1. Name of applicant: (Last) Corletto (First) Ann (MI) J

Mailing address of applicant (Street/P.O. Box): 114^W 20th Street

(City) Norfolk (State) Va (Zip Code) 23517

Daytime telephone number of applicant (757) 714-5987 Fax () _____

E-mail address of applicant: urbancoastaways@gmail.com

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) _____ (First) _____ (MI) _____

Mailing address of applicant (Street/P.O. Box): _____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of applicant () _____ Fax () _____

E-mail address of applicant: _____

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

Robert E Schlegel & Son LLC

3. Name of property owner: (Last) Schlegel (First) Bobby (MI) _____

Mailing address of property owner (Street/P.O. box): 841 45th Street

(City) Norfolk (State) Va (Zip Code) 23508

Daytime telephone number of owner (757) 287-3667 email: mschlegel@resandson LLC.com

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

CIVIC LEAGUE INFORMATION

Civic League contact: GNL

Date(s) contacted: 9-19-16

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to the City of Norfolk).
 - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- ✓ One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: ROBERT E. SCHIEGER Sign: by R.E.S. ^{+ Son LLC} ^{myr} 19-17-2016
(Property Owner) (Date)

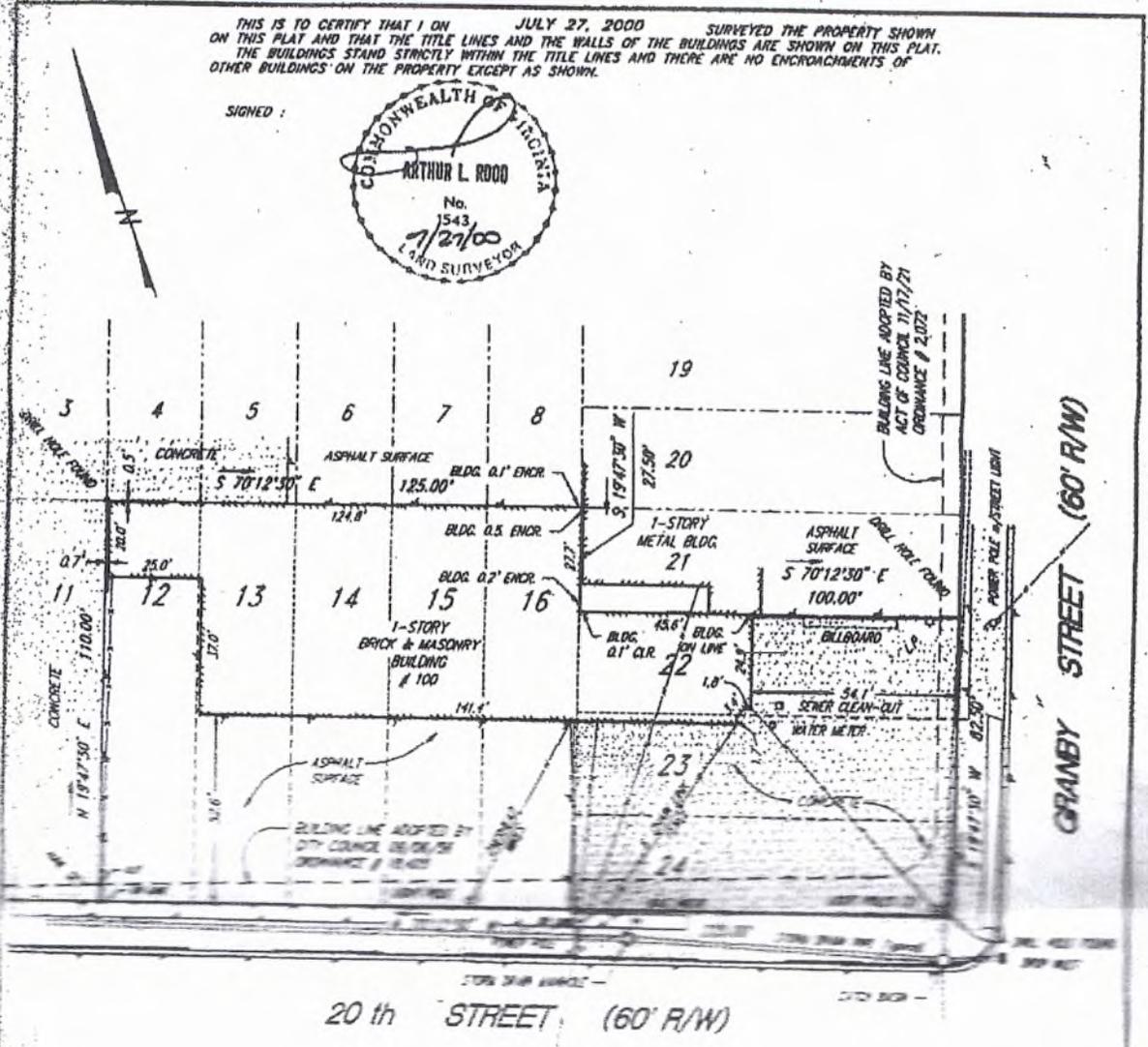
Print name: Ann J Corletto Sign: [Signature] 9/17/2016
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: _____ Sign: _____ / ____ / ____
(Authorized Agent Signature) (Date)

THIS IS TO CERTIFY THAT I ON JULY 27, 2000 SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS ARE SHOWN ON THIS PLAT. THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY EXCEPT AS SHOWN.

SIGNED :



Physical Survey of LOTS 12, 13, 14, 15, 16, 22, 23 & 24, BLOCK 29, WILLIAMSTON Norfolk, Virginia for ROBERT E. SCHLEGEL & SON

TOTAL LOT AREA : 22,000 Square Feet or 0.505 Acre

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY / ALL ENCROACHMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN.

LEE S. ROOD, P.C. Land Surveyors 5737 BARTEE STREET NORFOLK, VIRGINIA 23502 Ph. (757) 488-1111

NOTE: AS SHOWN ON THE FLOOD INSURANCE RATE MAP, THIS PROPERTY APPEARS TO FALL IN : FLOOD ZONE (S) "C" COMMUNITY NO. 310104 PANEL NO. 17-D DATED 04/17/84 BASE FLOOD ELEVATION = N/A

SCALE: 1"=30' DATE: 07/27/00 REFERENCE: M.B. 1, Pg. 40a & 45 (Norf.)

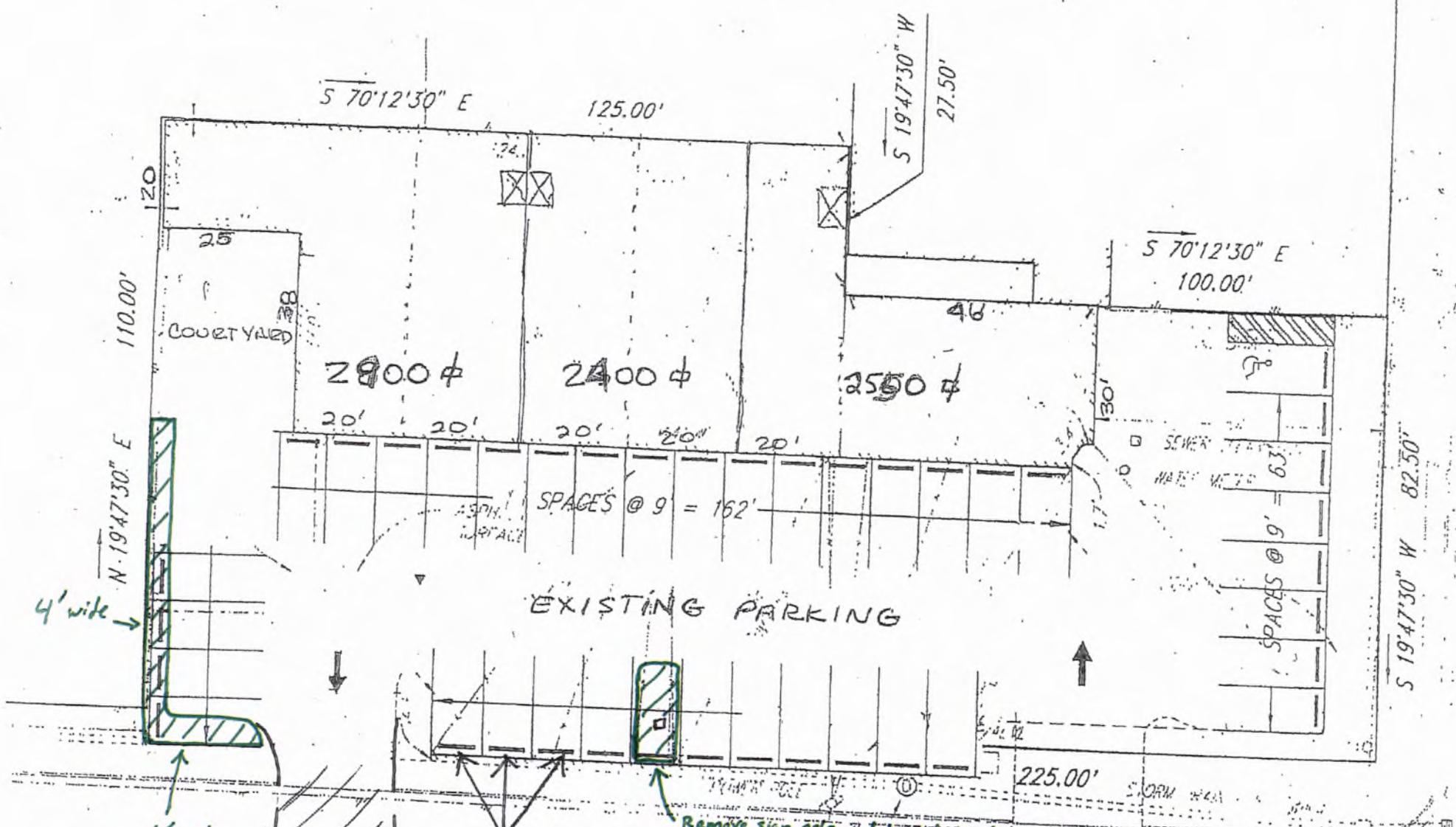
Tab: J, B, 208 / 5-342

52,642-00 S-5107

F.B. 769 Pg. 1

F.B. 156, Pg. 5-11

OPTION C.



4' wide

6' wide

Add landscape strip

Remove sign pole and install landscape island.

Add parking stops to keep vehicles out of R.O.W.

20th STREET (60' R/W)

Install new driveway apron to replace broken apron and sidewalk.

Urban Castaways - Notification sent to all Property Owners within 300 feet

<u>Property Owner</u>	<u>Property Address</u>	<u>Mailing Address</u>		
Christie, Angelo Et Al	122 W 20th St	3845 Old Shell Rd	Virginia Beach	VA
Christie, Angelo S Et Al	118 W 20th St	3845 Old Shell Rd	Virginia Beach	VA
Christie, Angelo S Et Al	120 W 20th St	3845 Old Shell Rd	Virginia Beach	VA
Christie, Angelo S Et Al	2000 Omohundro Av	3845 Old Shell Rd	Virginia Beach	VA
Christie, Angelo S Et Al	E S Omohundro Av	3845 Old Shell Rd	Virginia Beach	VA
Doumars Barbecue, Inc	1908 Granby St	1919 Monticello Ave	Norfolk	VA
Levin, Richard G & Judy W	118 W 21st St	2106 Llewellyn Ave	Norfolk	VA
2109-2111 Granby Street, Llc	2115 Granby St	2349 Haversham Close	Virginia Beach	VA
Virginia Safety Supply Co Inc	1912 Granby St	104 Belvedere Rd	Norfolk	VA
Doumar's Barbecue Inc	1904 Granby St	1919 Monticello Ave	Norfolk	VA
6 Llc	114 E 21st St	810 Kerr Pl	Smithfield	VA
Levin, Richard G & Judy A	110 W 21st St	2106 Llewellyn Ave	Norfolk	VA
Schlegel, Robert E & Son Llc	100 W 20th St	841 45th St	Norfolk	VA
Schlegel, Robert E & Son Llc	N S W 20th St	841 45th St	Norfolk	VA
Schlegel, Robert E & Son Llc	116 W 20th St	841 45th St	Norfolk	VA
Schlegel, Robert E & Son Llc	114 W 20th St	841 45th St	Norfolk	VA
Schlegel, Robert E & Son Llc	110 W 20th St	841 45th St	Norfolk	VA
Schlegel, Robert E & Son Llc	108 W 20th St	841 45th St	Norfolk	VA
Roseland Galiani Associates, Llc	201 W 21st St	233 Canoe Brook Rd	Short Hills	NJ
Granby Commons Llc	1909 Granby St	248 W Bute St Ste 200	Norfolk	VA
Threebee Associates Llc	1902 Omohundro Av	1902 Omohundro Ave	Norfolk	VA
111 W 21st Street, Llc	111 W 21st St	3810 Atlantic Ave	Virginia Beach	VA
Snyder, Steven Barry	100 W 21st St	817 Mowbray Arch	Norfolk	VA
Keywood, Albert W & Mary V Revocable Trust	200 W 21st St	210b 52nd St	Virginia Beach	VA
Salvation Army	1901 Omohundro Av	5516 Raby Rd	Norfolk	VA
Ch Office, Llc	2014 Granby St	1100 Granby St Ste 100	Norfolk	VA
Christie, Angelo S Et Al	117 W 21st St	3845 Old Shell Rd	Virginia Beach	VA

Simons, Matthew

From: McDonald, Colette
Sent: Wednesday, September 28, 2016 11:55 AM
To: 'info@ghentva.org'; Douglas Knack; Ted Enright
Cc: Whibley, Terry; McClellan, Andria; Wilson, Denise; Simons, Matthew
Subject: New Planning Commission Application - 114 W. 20th Street
Attachments: Application.pdf

Ms. Birknes, Mr. Knack and Mr. Enright,

Attached please find an application for **URBAN CASTAWAYS**, for a special exception to operate a consignment shop at 114 W. 20th Street.

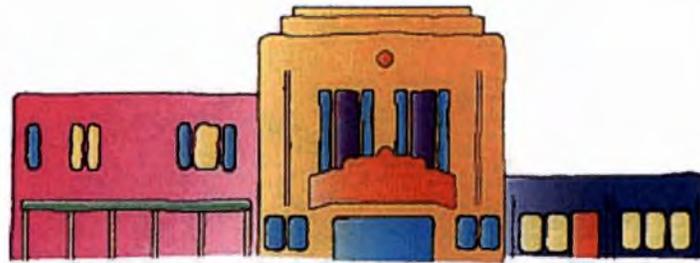
Staff contact: Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov

The item is tentatively scheduled for the November 10, 2016 Planning Commission public hearing.

Thank you,

Colette McDonald
City of Norfolk Planning Technician


Planning Department
810 Union Street | Suite 508
Norfolk, VA 23510
Email | Colette.McDonald@Norfolk.gov
Phone | (757) 664-6771



Ghent Business Association

October 21, 2016

City Council
Planning Commission
City of Norfolk
City Hall
Norfolk, VA 23510

To whom it may concern,

The GBA would like to express its support for the Special Exception requested by Urban Castaways.

Sincerely,

Ted Enright
Corresponding Secretary
Development Committee Chairman
Ghent Business Association

Dear Mr. Homewood:

This email is to forward comments from the Ghent Neighborhood League (GNL) in regard to projects scheduled for discussion at the November 10 Planning Commission Public Hearing. The GNL Project Review Committee met on November 2 and we offer the following comments on these four projects on the agenda:

- Item 3 – Palace Shops South – Ms. Robyn Thomas presented the proposed alternative signage to the Committee at our October meeting on behalf of the owner and showed examples of what electronic signage might look like. At the time, we understand that Planning Commission was still considering various signage details such as size, location, hours, brightness, etc. The GNL Committee recognized that electronic signage is attractive to the business community and likely a growing trend and had no objections to the proposed signage in Ghent, within the parameters defined by the Planning Commission. This topic was also addressed at the October 20 general Civic League meeting without opposition.
- Item 4 – Monument Development Four – Mr. Chris Johnson of the Monument Companies attended GNL's November 2 meeting to present the proposed project. There was some discussion about potential commercial use, but the Committee supported the residential re-use as proposed with the recognition of the value of additional residents to existing commercial businesses and the activation of this area in general.
- Item 6 – Independence Tattoo III – Owner Mr. Don Rockwell attended GNL's October meeting to present the proposed project. While individuals still have varied opinions of the tattoo industry in general, the Committee recognized that Mr. Rockwell had carefully selected his site to be in compliance with current zoning regulations and supported the proposed project. Mr. Rockwell subsequently attended GNL's general meeting in October and no opposition was registered.
- Item 7 – Urban Castaways – Owner Ms. Ann Corletto attended GNL's November meeting to present the proposed move of her existing business. The Committee supported the application as presented.

Thank you for your consideration of these comments.

Sincerely,

Nat McCormick
Ghent Neighborhood League
Project Review Committee Chairman



To the Honorable Council
City of Norfolk, Virginia

December 13, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Special Exception to operate a micro-distillery at 310-312 W. 24th Street – Dead Reckoning Distillery**

Reviewed: Wynter C. Benda
Wynter C. Benda, Deputy City Manager

Ward/Superward: 2/7

Approved: Douglas L. Smith
Douglas L. Smith, Interim City Manager

Item Number: **C-2**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special exception to operate a micro-distillery.
- IV. **Applicant:** Derek Ungerecht
- V. **Description:**
 - The site is located on the north side of W. 24th Street, near the intersections of W. 24th Street and Llewellyn and DeBree Avenues, within the Park Place neighborhood.
 - This request allows Dead Reckoning Distillery to open a new micro-distillery on this site and serve rum for on-premises and off-premises consumption.
 - A micro-distillery is a facility that produces and distributes spirits, as defined by State Code, and may include a tasting room and the retail sale of alcoholic beverages for off-premises consumption but does not include the preparation or service of food.
 - All alcohol served for on and off-premises consumption must have been produced on site.

	Proposed
Hours of Operation and for the Sale of Alcohol for On and Off-Premises Consumption	9:00 a.m. until 10:00 p.m., Seven days a week
Seating	26 seats indoors 12 seats outdoors 49 total capacity

VI. Historic Resources Impacts:

The site is located within the Park Place federal and state historic district. The building on site was constructed in 1988 and is a non-contributing structure to the district.

VII. Public Schools Impacts

According to the Existing ABC Establishments and Norfolk Public Schools Proximity Map (see attached), the proposed property is not within 1,000 feet of a Norfolk Public School.

Staff point of contact: Chris Whitney at 823-1253, Chris.Whitney@norfolk.gov

Attachments:

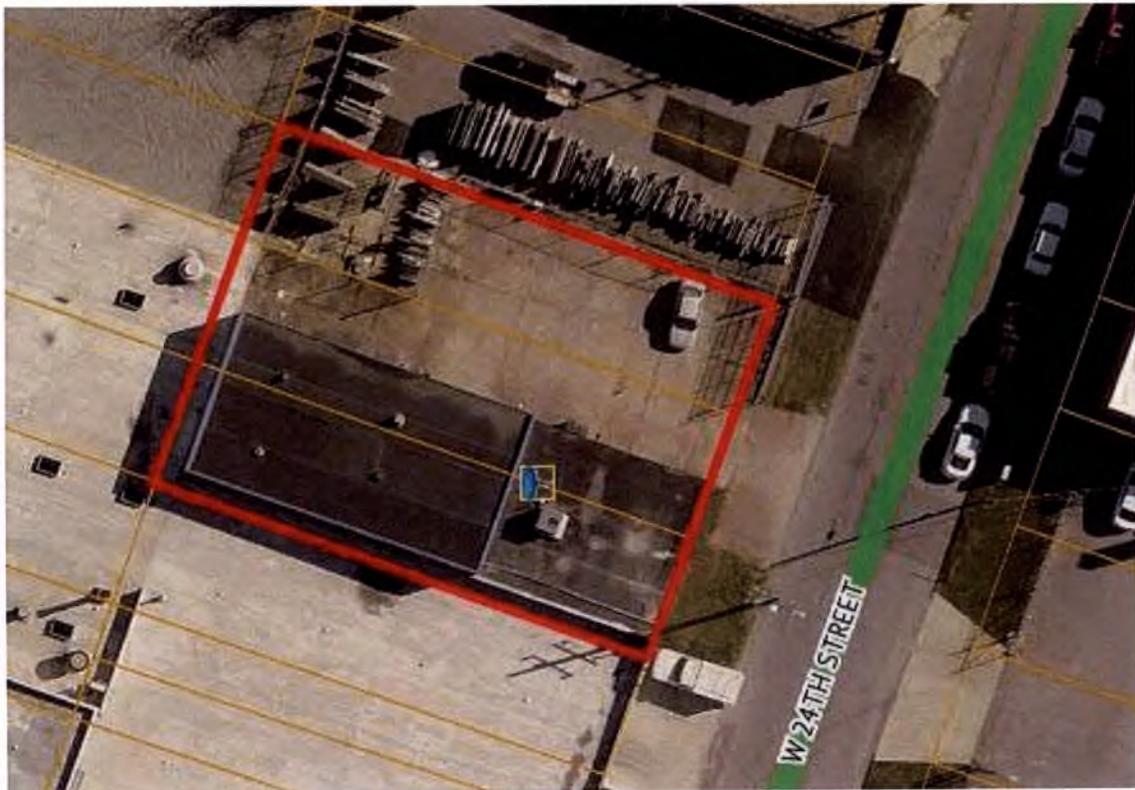
- Proponents and Opponents
- Staff Report to CPC dated November 10, 2016 with attachments
- Ordinance

Planning Commission Public Hearing: November 10, 2016

Executive Secretary: George M. Homewood, FAICP, CFM *GH*

Planner: Chris Whitney, CZA, CFM *CW*

Staff Report	Item No. 10	
Address	310-312 W. 24th Street	
Applicant	Dead Reckoning Distillery	
Request	Special Exception	Micro-distillery
Property Owner	Well Gone One, LLC (Robert T. Parker)	
Site Characteristics	Site/Building Area	7,943 sq. ft./3,200 sq. ft.
	Future Land Use	Industrial
	Zoning	I-2 (Light Industrial District)
	Neighborhood	Park Place
	Character District	Traditional
Surrounding Area	North	I-2: Vacant
	East	I-2: Absolute Kitchen & Bath
	South	I-2: Best Repair Co.
	West	I-2: Best Repair Co.



A. Summary of Request

- The site is located on the north side of W. 24th Street, near the intersections of W. 24th Street and Llewellyn and Debree Avenues, within the Park Place neighborhood.
- This request allows Dead Reckoning Distillery to open a new micro-distillery on this site and serve distilled spirits for on-premises and off-premises consumption.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as Industrial.

C. Zoning Analysis

i. General

- The site is located in the I-2 zoning district, which permits the proposed use by special exception.
- The Virginia General Assembly has recently allowed the production and sale of distilled spirits by individuals other than the State subject to appropriate ABC licensure.
- In May of this year, the City Council approved a text amendment to the *Zoning Ordinance of the City of Norfolk, 1992, as amended*, to create a definition for micro-distilleries and to allow the on-premises consumption and off-premises sales of distilled spirits produced on site by special exception in certain Business and Commerce Districts (BC-1, BC-2), Commercial Districts (C-2, C-3), Industrial Districts (I-1, I-2), and Downtown Districts (D-1, D-2, D-3, D-4, and D-5).
- A micro-distillery is a facility that produces and distributes spirits, as defined by State Code, and may include a tasting room and the retail sale of alcoholic beverages for off-premises consumption but does not include the preparation or service of food.
 - All alcohol served for on and off-premises consumption must have been produced on site.

	Proposed
Hours of Operation and for the Sale of Alcohol for On and Off-Premises Consumption	9:00 a.m. until 10:00 p.m., Seven days a week
Seating	26 seats indoors 12 seats outdoors 49 total capacity

ii. Parking

- The site is located in the Traditional Character District, which requires one parking space per 300 square feet of building area used for retail and 850 square feet of building area used for manufacturing.
 - Given the square footage of the retail area inside the building, four spaces are required.

- Given the square footage of the manufacturing operations inside the building, two spaces are required.
- Six parking spaces are required and six are provided on site.

iii. Flood Zone

The property is located in the X (Low to Moderate) Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers (ITE) figures estimate that that this proposed distillery use including a retail component will generate 20 new vehicle trips per day.
- Based upon ITE data, the existing 3,200 square foot office/warehouse use on this site would be expected to generate 11 weekday trips while the proposed new distillery with retail would be expected to generate 31 trips on weekdays.
- W. 24th Street adjacent to the site is not an identified priority corridor in the *City of Norfolk Bicycle and Pedestrian Strategic Plan*.

E. Historic Resources Impacts

The site is located within the Park Place federal and state historic district. The building on site was constructed in 1988 and is a non-contributing structure to the district.

F. Public Schools Impacts

According to the *Existing ABC Establishments and Norfolk Public Schools Proximity Map* (see attached), the proposed property is not within 1,000 feet of a Norfolk Public School.

G. Environmental Impacts

- Site improvements include:
 - Landscape buffering along the W. 24th Street frontage, as approved by the Department of Recreation, Parks and Open Space.
 - Existing driveway apron to be repaired.

H. AICUZ Impacts

N/A

I. Surrounding Area/Site Impacts

- The site is surrounded by industrial uses, including a microbrewery in close proximity (O'Connor Brewing Company).
- The opening of a micro-distillery at this location should not have a negative impact on the surrounding area.
- Over the past year, there has been one call for police service with no arrest made.

J. Payment of Taxes

The owner of the property is current on all real estate taxes.

K. Civic League

Notice was sent to the Park Place Civic League on September 28.

L. Communication Outreach/Notification

- Legal notice was posted on the property on October 4.
- Letters were mailed to all property owners within 300 feet of the property on October 25.
- Legal notification was placed in *The Virginian-Pilot* on October 27 and November 3.

M. Recommendation

Staff recommends that the special exception be **approved**, subject to the following conditions:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages for off-premises consumption shall be limited to 9:00 a.m. until 10:00 p.m., seven days a week. The establishment shall not be open to the public outside of the hours of operation listed herein.
- (b) The seating for the establishment shall not exceed 26 seats indoors, 12 seats outdoors, and the total occupant capacity, including employees, shall not exceed 49 people. The use authorized by this Special Exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (c) Landscaping shall be installed and maintained in accordance with the attached site/landscape plan, marked "Exhibit B," and attached hereto, subject to any revisions required by the Department of Recreation, Parks, and Open Space.
- (d) Landscaping shall be installed and maintained at the base of any freestanding sign in accordance with the provisions of section 16-6 of the *Zoning Ordinance of the City of Norfolk, 1992* (as amended). The landscaping shall be maintained at all times.
- (e) All landscaping installed on the site shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (f) The existing driveway apron along West 24th Street shall be repaired as required by the Department of Public Works, Right of Ways Division.
- (g) The parking lot shall be striped in accordance with the site/landscape plan attached hereto and marked as "Exhibit B."
- (h) There shall be no entertainment, no dancing, and no dance floor provided, except as may be authorized by a special exception permitting the operation of an entertainment establishment granted to the same operator as holds this special exception.

- (i) No smoking shall be permitted anywhere in the outdoor dining area. Signage notifying patrons of this restriction shall be conspicuously posted.
- (j) All nonconforming fences and signs on the site shall be removed.
- (k) There shall be no razor wire permitted on the site and any existing razor wire shall be removed.
- (l) All bollards on the site shall be painted and maintained free of visible corrosion.
- (m) This special exception shall terminate in the event of a change in ownership of the facility and may be revoked in the event of a change in the operation of the facility as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the facility shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (n) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (o) No alcoholic beverages other than distilled spirits shall be sold.
- (p) The only alcoholic beverages that may be sold for off-premises consumption are those produced on site.
- (q) No alcoholic beverage having more than 21% alcohol by volume shall be sold for off-premises consumption.
- (r) The facility shall maintain a current, active business license at all times while in operation.
- (s) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.
- (t) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, and both solid and liquid

waste.

- (u) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (v) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (w) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, snow, ice, and any bodily discharge.
- (x) The property shall be kept in a clean and sanitary condition at all times.
- (y) The establishment shall maintain a current, active business license at all times while in operation.
- (z) No business license shall be issued until conditions (c), (d), (f), (g), (j), (k), and (l) have been implemented fully on the site.

Attachments

Location Map

Zoning Map

1000' radii map of similar ABC establishments and Norfolk Public Schools

Application

Site/Landscape Plan

Notification list of all property owners within 300 feet of the site

Notice to the Park Place Civic League

Proponents and Opponents

Proponents

Derek Ungerecht – Applicant
100 Columbus Avenue
Chesapeake, VA 23321

Opponents

None

Form and Correctness Approved: *RAP*

Contents Approved: *CW*

By *[Signature]*
Office of the City Attorney

By *[Signature]*
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A MICRO-DISTILLERY NAMED "DEAD RECKONING DISTILLERY" ON PROPERTY LOCATED AT 310 AND 312 WEST 24TH STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Dead Reckoning Distillery, Inc. authorizing the operation of a micro-distillery named "Dead Reckoning Distillery" on property located at 310 and 312 West 24th Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 75 feet, more or less, along the northern line of West 24th Street beginning 125 feet, more or less, from the western line of Llewellyn Avenue and extending westwardly; premises numbered 310 and 312 West 24th Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages for off-premises consumption shall be limited to 9:00 a.m. until 10:00 p.m., seven days per week. The establishment shall not be open to the public outside of the hours of operation listed herein.
- (b) The seating for the establishment shall not exceed 26 seats indoors, 12 seats outdoors, and the total occupant capacity, including employees, shall not exceed 49 people.
- (c) Landscaping shall be installed and maintained in accordance with the attached Architectural Site Plan, dated September 7, 2016, marked "Exhibit B,"

and attached hereto, subject to any revisions required by the Department of Recreation, Parks, and Open Space.

- (d) Landscaping shall be installed and maintained at the base of any freestanding sign in accordance with the provisions of section 16-6 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).
- (e) All landscaping installed on the site shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (f) The existing driveway apron along West 24th Street shall be replaced or repaired to meet the standards required by the Department of Public Works.
- (g) The parking lot shall be striped in conformity with the Architectural Site Plan, dated September 7, 2016, marked "Exhibit B," and attached hereto.
- (h) There shall be no entertainment, no dancing, and no dance floor provided, except as may be authorized by a special exception permitting the operation of an entertainment establishment granted to the same operator as holds this special exception.
- (i) No smoking shall be permitted anywhere in the outdoor dining area. Signage notifying patrons of this restriction shall be conspicuously posted.
- (j) All nonconforming fences and signs on the site shall be removed.
- (k) There shall be no razor wire permitted on the site and any existing razor wire shall be removed.
- (l) All bollards on the site shall be painted and maintained free of visible corrosion.
- (m) This special exception shall terminate in the event of a change in ownership of the facility and may be revoked in the event of a change in the operation of the facility as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event

of a change in ownership of the facility shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

- (n) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (o) No alcoholic beverages other than distilled spirits shall be sold.
- (p) The only alcoholic beverages that may be sold for off-premises consumption are those produced on site.
- (q) The facility shall maintain a current, active business license at all times while in operation.
- (r) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.
- (s) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (t) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked

for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (u) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (v) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (w) The property shall be kept in a clean and sanitary condition at all times.
- (x) The establishment shall maintain a current, active business license at all times while in operation.
- (y) No business license shall be issued until conditions (c), (d), (f), (g), (j), (k), and (l) have been implemented fully on the site.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing

such use; and

- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (2 pages)

Exhibit B (1 page)



EXHIBIT "A"

Description of Operations
Brewery/Microbrewery/Brewpub/Micro-distillery

Date of Application: 2/19/16
Name of business: Dead Rocking Distillery
Address of business: 312 W 24th St
Name(s) of business owner(s)*: Derek Ungerecht
Name(s) of property owner(s)*: Robert T Parker
Name(s) of business manager(s)/operator(s): _____
Daytime telephone number (757): 620-3182

*If business or property owner is partnership, all partners must be listed.
*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of open to the public:

ABC Off-Premises Sales
(Only for alcohol brewed on-site)

On-Premises Alcohol Sales (other than tastings)
(Only for Microbrewery/Brewpub/Micro-distillery)

Weekday From 9am To 10pm
Friday From 9am To 10pm
Saturday From 9am To 10pm
Sunday From 9am To 10pm
(Brewing operations permitted 24 hours)

Weekday From _____ To _____
Friday From _____ To _____
Saturday From _____ To _____
Sunday From _____ To _____

Exhibit A – Page 2

Brewery/Microbrewery/Brewpub/Micro-distillery

3. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

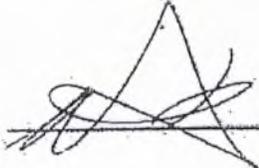
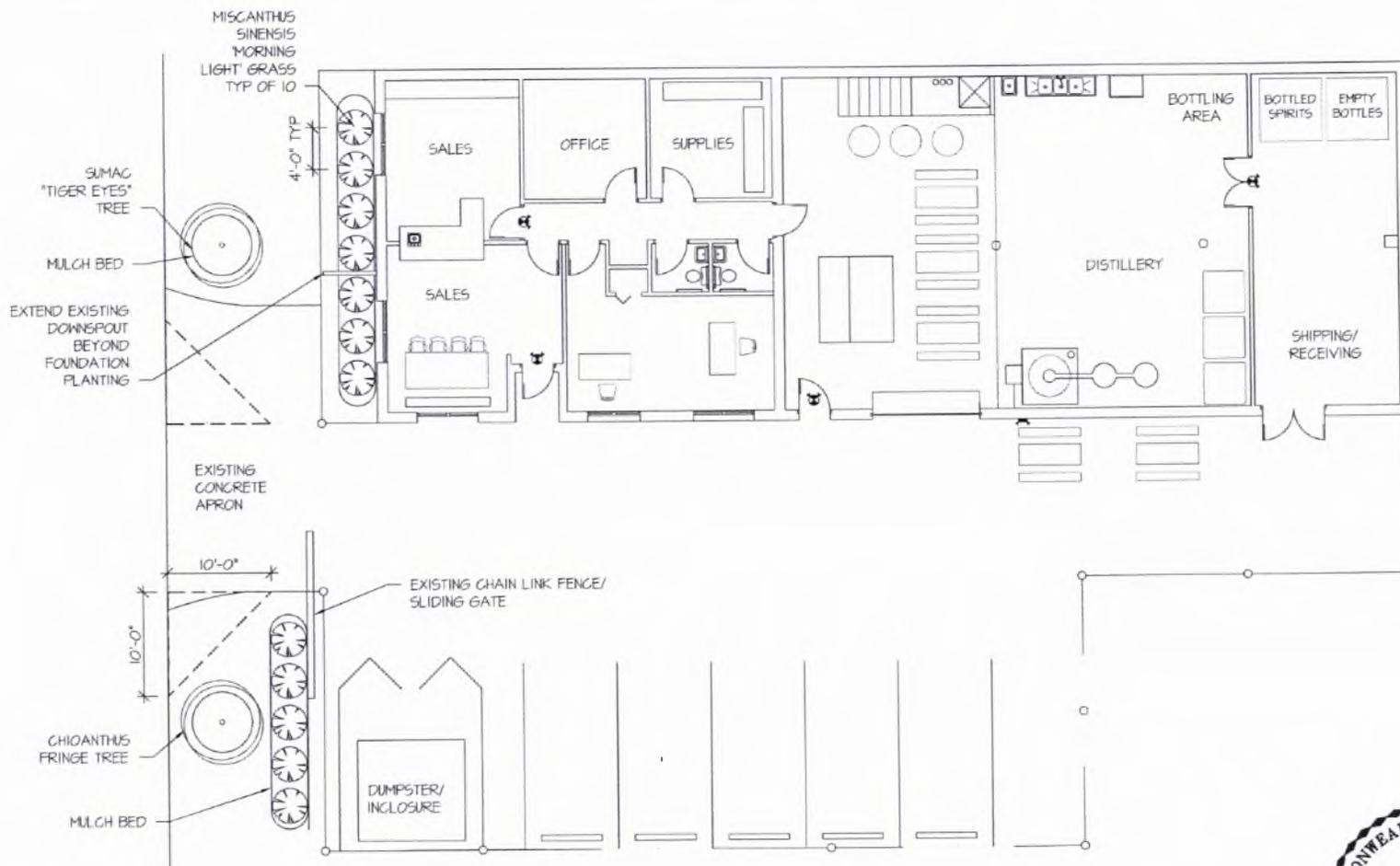
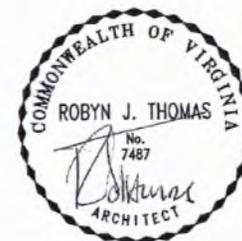
 8.19.16
(Date)

Exhibit B



ARCHITECTURAL SITE PLAN
CONSTRUCTION TYPE- 3B

3/32" = 1'-0"
USE GROUP - NON SEPERATED MIXED USE B/F-2



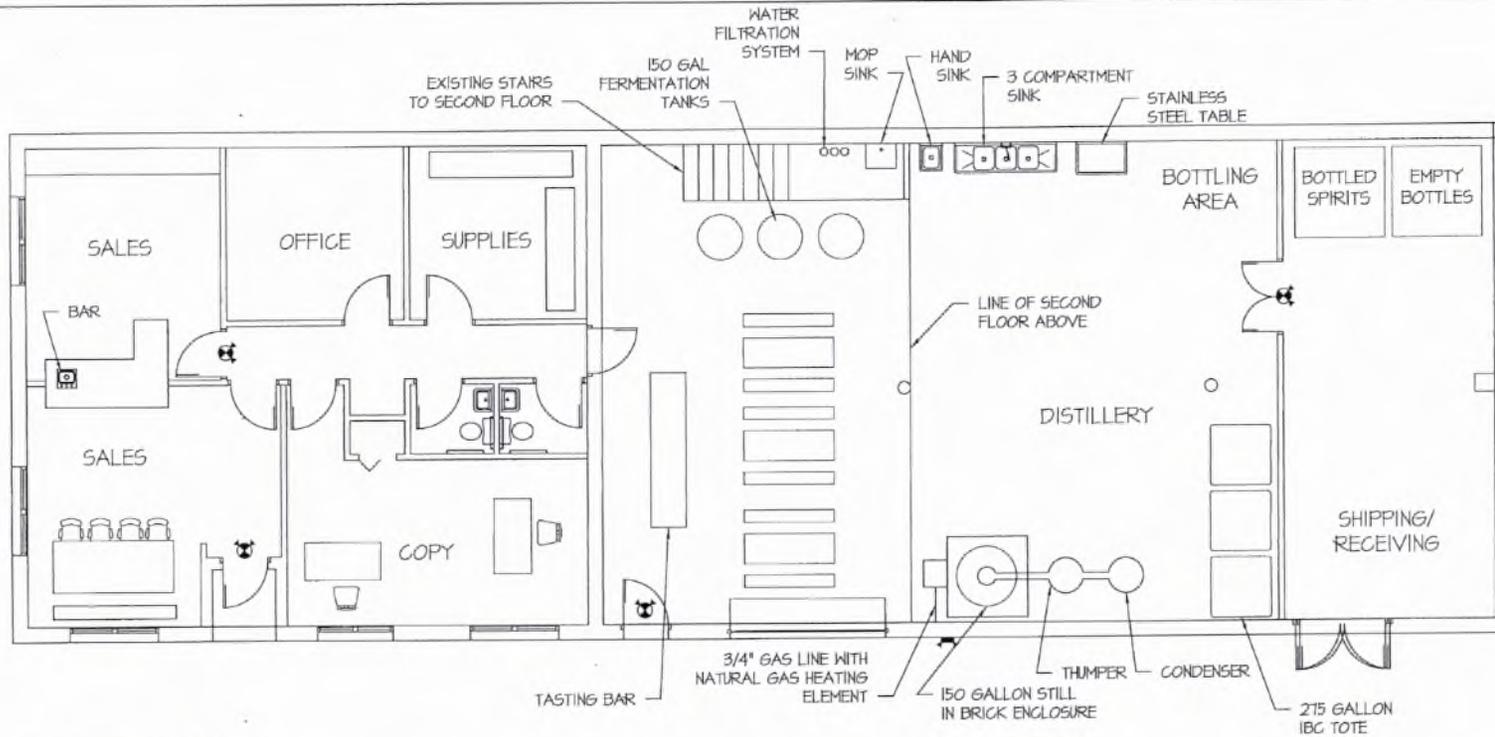
**ROBYN THOMAS
ARCHITECTURE**
913 W. 21st Street, Suite C
Norfolk, VA 23517
Of: 757.622.7100
Fax: 757.640.1014

DEAD RECKONING DISTILLERY
312 W 24TH ST
NORFOLK, VIRGINIA

REVISIONS

△ DATE	COMMENTS

2 OF 2	A2
04/07/16	
16-051	
DRAWN KING	
CHECKED RJT	



FLOOR PLAN

CONSTRUCTION TYPE- 3B

1/8" = 1'-0"

USE GROUP - NON SEPERATED MIXED USE B/F-2

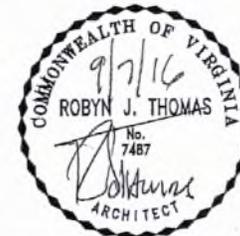
CODE COMPLIANCE

IBC 2012 (VUSBC 2012)
 CONSTRUCTION TYPE 3B
 USE GROUP - NON SEPERATED MIXED USE B/F-2
 TOTAL BUILDING AREA : 3165.5 SF
 B
 ALLOWABLE HEIGHT/ AREA: 3 STORIES / 19000 SF
 ACTUAL HEIGHT/ AREA: 1 STORY / 1185 SF
 F-2
 ALLOWABLE HEIGHT/ AREA: 3 STORY/ 18,000 SF
 ACTUAL HEIGHT/ AREA: 2 STORY /

NOTE: NO SEPARATION REQUIRED BETWEEN OCCUPANCIES PER VUSBC SECTION 508.3, WHEN BUILDING COMPLIES THROUGHOUT WITH MORE RESTRICTIVE CODE REQUIREMENTS

OCCUPANCY CALCULATIONS

7 INDOOR STANDING
 18 INDOOR SEATING (DISTILLERY)
 8 INDOOR SEATING (RETAIL SALES)
 12 OUTDOOR SEATING
 3 STAFF
 49 TOTAL.



ROBYN THOMAS
 ARCHITECTURE

813 W. 21st Street, Suite C
 Norfolk, VA 23517

Off: 757.622.7100
 Fax: 757.640.1014

DEAD RECKONING DISTILLERY
 312 W 24TH ST
 NORFOLK, VIRGINIA

REVISIONS

DATE	COMMENTS

1 OF 2	
DATE	AI
16-051	
COMV. NO.	
DRAWN	KMB
CHECKED	RJT

Location Map



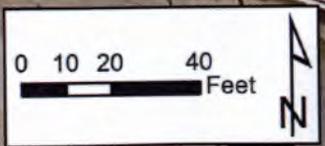
DEBREE AVENUE

W 25TH STREET

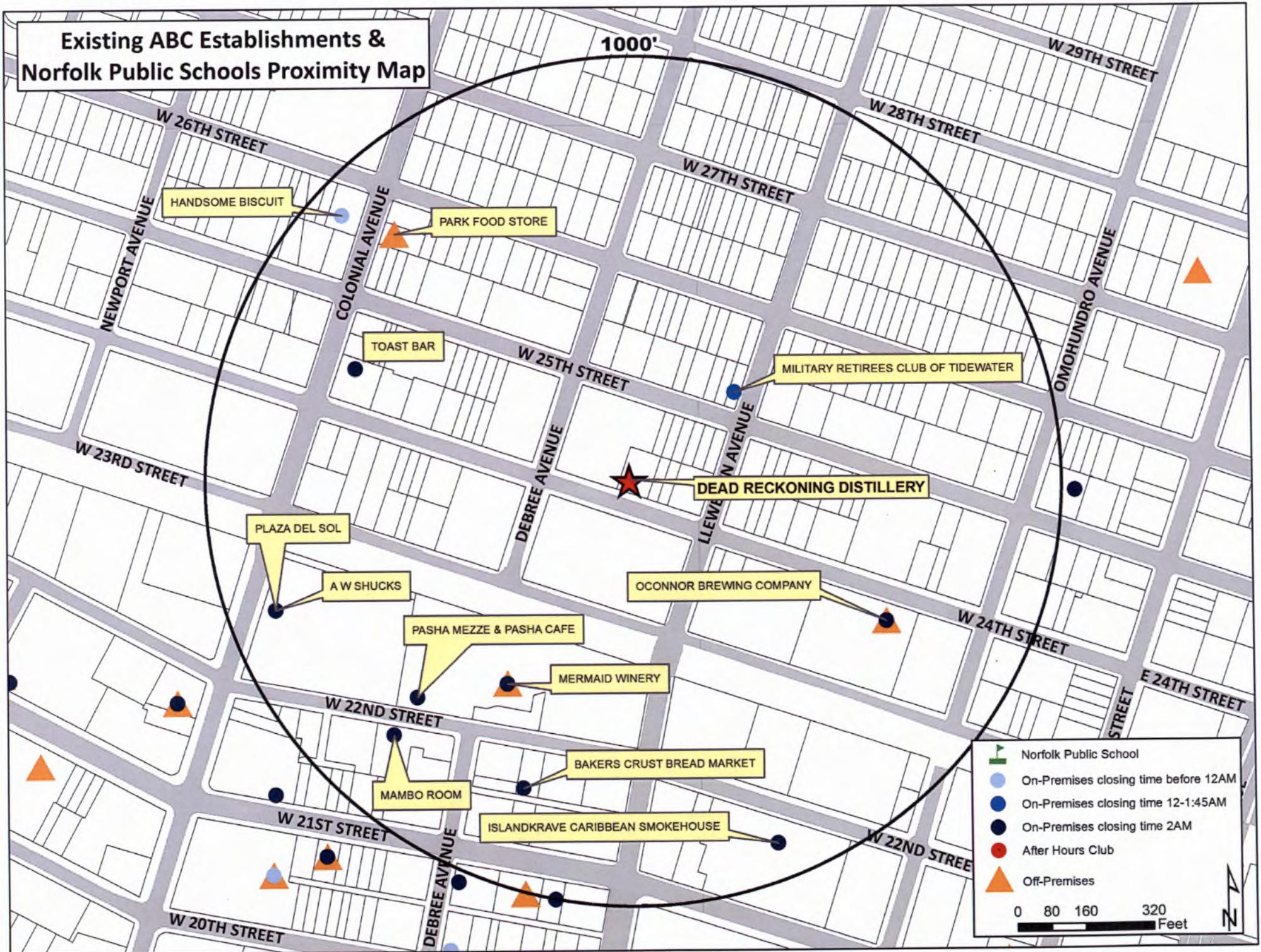
DEAD RECKONING DISTILLERY

W 24TH STREET

LLEWELLYN AVENUE



Existing ABC Establishments & Norfolk Public Schools Proximity Map





**APPLICATION
BREWERY/MICROBREWERY/BREW PUB/MICRO-DISTILLERY**

Date of Application: 8/17/16

DESCRIPTION OF PROPERTY

Property location: (Street Number) 312 (Street Name) W 24th St

Existing Use of Property Office / Warehouse

Current Building Square Footage 3,200

Proposed Use Micro-Distillery

Proposed Building Square Footage 3,200

Trade Name of Business (If applicable) Dead Reckoning Distillery

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Ungericht (First) Derek (MI) J

Mailing address of applicant (Street/P.O. Box): 100 Columbus Ave

(City) Chesapeake (State) VA (Zip Code) 23321

Daytime telephone number of applicant (757) 620-3187 Fax () _____

E-mail address of applicant: derek@deadreckoningdistillery.com

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised June, 2016)

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) Hageracht (First) Dere (MI) J

Mailing address of applicant (Street/P.O. Box): 100 Columbus Ave

(City) Chesapeake (State) VA (Zip Code) 23321

Daytime telephone number of applicant (757) 620-3182 Fax () _____

E-mail address of applicant: derek@deadreckoningdistillery.com

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) Parker (First) Robert (MI) Tc

Mailing address of property owner (Street/P.O. box): 688 Lakeview Cir. E.

(City) Breckenridge (State) Co. (Zip Code) 80424

Daytime telephone number of owner (970) 485-9891 email: bobasaki@gmail.com

CIVIC LEAGUE INFORMATION

Civic League contact: Charles Johnson 757-242-1045

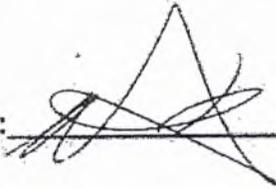
Date(s) contacted: 8/15/16

Ward/Super Ward information: Word 2 superword 7

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Robert T Parker Sign:  8/19/16
(Property Owner) (Date)

Print name: Derek Anagnost Sign:  8/19/16
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: _____ Sign: _____ / ____ / ____
(Authorized Agent Signature) (Date)



EXHIBIT "A"
Description of Operations
Brewery/Microbrewery/Brewpub/Micro-distillery

Date of Application: 8/19/16
 Name of business: Dead Ruckoning Distillery
 Address of business: 312 W 24th St
 Name(s) of business owner(s)*: Derek Ungerecht
 Name(s) of property owner(s)*: Robert T Parker
 Name(s) of business manager(s)/operator(s): _____
 Daytime telephone number (757): 650-3182

*If business or property owner is partnership, all partners must be listed.
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1. Proposed Hours of open to the public:

ABC Off-Premises Sales
 (Only for alcohol brewed on-site)

On-Premises Alcohol Sales (other than tastings)
 (Only for Microbrewery/Brewpub/Micro-distillery)

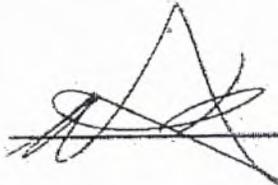
Weekday From 9am To 10pm
 Friday From 9am To 10pm
 Saturday From 9am To 10pm
 Sunday From 9am To 10pm
 (Brewing operations permitted 24 hours)

Weekday From _____ To _____
 Friday From _____ To _____
 Saturday From _____ To _____
 Sunday From _____ To _____

Exhibit A – Page 2

Brewery/Microbrewery/Brewpub/Micro-distillery

3. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

 8/19/16
(Date)

SECURITY PLAN
OF
DEREK UNGERECHT
FOR
DEAD RECKONING DISTILLERY
312 W 24TH ST
Norfolk, VA 23517
Definition of "Security"

se·cu·ri·ty – noun

1. freedom from danger, risk, etc.; safety.
2. freedom from worry, anxiety, or doubt; well-founded confidence.
3. something that secures or makes safe; protection; defense.
4. precautions taken to guard against crime, attack, etc.

Goals:

- To create a safe and secure environment within Dead Reckoning Distillery patrons.
- To provide a level of control and safety for all arriving and departing guests of Dead Reckoning Distillery.
- To mitigate any noise or inappropriate conduct by patrons of Dead Reckoning Distillery entering or leaving the facility which impairs the quiet enjoyment of immediate neighbors, particularly residents living nearby.
- To peacefully and effectively resolve all dangerous situations before any injury to any person or property may occur. The Dead Reckoning Distillery staff or security team shall provide an assertive presence by displaying integrity and professionalism while executing their duties and responsibilities in an effort to maintain security, protection, and safety of members of the public.
- To ensure a complete, orderly, safe, and swift evacuation of the facility in case of fire, explosion, or any other uncontrolled dangers within the building.
- To protect and promote the courteous, inviting, and hospitable character of the neighborhood and the City of Norfolk generally.

Features of the Plan:

Security Team:

The security team will be made up of all staff members on site including the tasting room manager, the gift shop manager, the head distiller and director of marketing.

Rules and Regulations:

Carrying of controlled substances is strictly prohibited. If a patron is found to be in possession of a controlled substance they will be told to leave and the police will be called.

No patron carrying a weapon of any sort will be served alcohol. Any member of the security team that identifies a weapon will notify the head of security and the gift shop manager to ensure a tasting ticket is not sold to the patron.

No patron will be allowed to consume more than 3 ounces with no single sample exceeding ½ ounce per spirits product unless served as a mixed beverage cocktail, in which case a single sample may contain up to 1½ ounces of spirits. Intoxicated persons will be asked to leave in a safe manner either by ensuring they are driven by someone that is not intoxicated or by hailing a cab or uber for them.
Only one tasting per person per day is allowed. Staff will check ID for all patrons purchasing a tasting ticket and will write their name down and check the list to ensure a tasting has not already been done that day.

Access:

Parking will be clearly marked for patrons.

Integration:

Staff and employees of Dead Reckoning Distillery will fully cooperate with local law enforcement in situations which either involve the possible commission of a crime or which warrant police intervention.

Uniform for Security Team

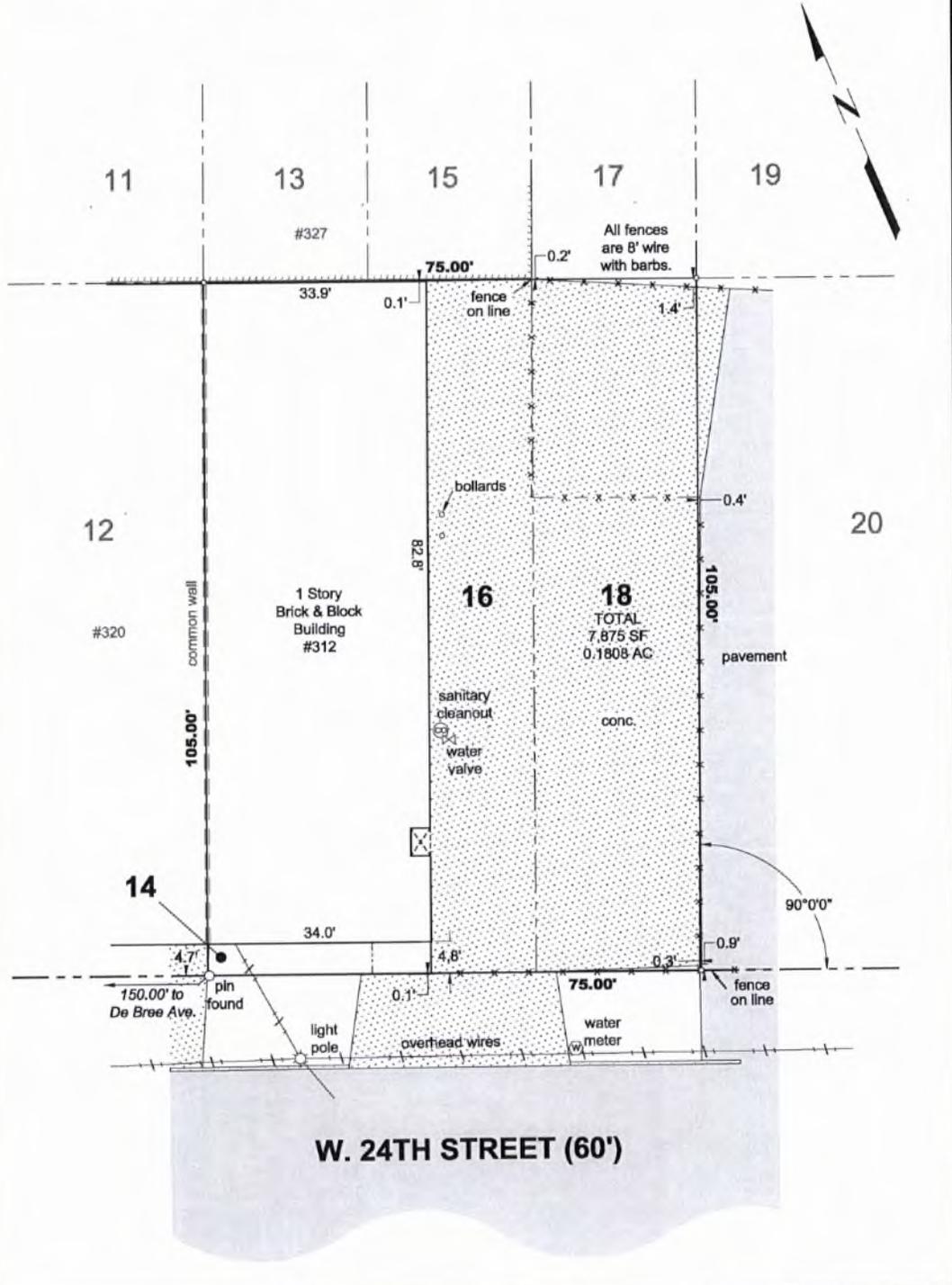
All members of the security team will wear a shirt with the Dead Reckoning Distillery logo on it.

Security Team:

General Duties and Responsibilities:

IT IS THE DUTY OF EVERY MEMBER OF THE TEAM TO PROTECT THE ESTABLISHMENT, ITS PATRONS, AND EMPLOYEES FROM ANY AND ALL PERCEIVED AND REAL THREATENING SITUATIONS.

1. The land boundary survey shown hereon is based on a current field survey performed on October 25, 2016 and in combination with the plat(s) and/or deed(s) referenced herein. This survey was performed without the benefit of a current title report. The easements appearing on this survey, if any, were depicted and/or noted in the referenced plat(s) and/or deed(s) unless otherwise noted.
2. This property appears to fall in flood zone(s) X as shown on the NFIP map for the city of Norfolk, map/panel 510104 0130 G, effective 12/16/14. Base Flood Elevation = N/A Finished Floor Elevation = N/A



DKT Associates
LAND SURVEYORS

1100 Granby Street
Suite 100
Norfolk, VA 23510

DKTAssociates.com Tel (757) 568-5888

COMMONWEALTH OF VIRGINIA

Dennis T. Lambas

DENNIS T. LAMBAS
LAND SURVEYOR

Lic. No. 002189
11/1/16

Physical Survey of

Lots 14, 16, & 18, Block 56,
Park Place
(M.B.3 P.96 & 97 - Chesapeake)

Norfolk, Virginia November 1, 2016

For: **Dead Reckoning Distillery Inc.**

Job No:	13446	Scale:	1" = 20'
FB:	192	Size:	8.5 x 14
Drawn:	KR	Revised:	-
Check:	DT	Sheet:	1 of 1

Dead Reckoning Distillery - Notification sent to all Property Owners within 300 feet

<u>Property Owner</u>	<u>Property Address</u>	<u>Mailing Address</u>		
Chappell, John J Sr Etals	330 W 25th St	5168 Shenstone Dr	Virginia Beach	VA
Best Repair Co, Inc	2406 Debree Av	Po Box 11107	Norfolk	VA
Staton Properties Llc	403 W 24th St	2406 Debree Ave	Norfolk	VA
Armstrong, Julius V Iii	317 W 26th St	1141 Killington Arch	Chesapeake	VA
Sternberg, Barron W	315 W 26th St	1307 Cambridge Way	Chesapeake	VA
Northbrook Properties Inc	301 W 24th St	555 Skokie Blvd Sute 555	Northbrook	IL
Martin, Marisa Ann	307 W 26th St	307 W 26th St	Norfolk	VA
Chappell, John J Sr & John J Jr	303 W 25th St	5168 Shenstone Dr	Virginia Beach	VA
Chappell, John J Sr & John J Jr	S S W 26th St	5168 Shenstone Dr	Virginia Beach	VA
Steele, Martin L & Sandra E	309 W 26th St	9264 Adolphia St	San Diego	CA
Nguyen, Thiep N & Vy T	310 W 25th St	1434 N Veaux Loop	Norfolk	VA
City Wide Enterprises Inc	320 W 25th St	320 W 25th St	Norfolk	VA
Nguyen, Thiep N & Vy T	312 W 25th St	1434 N Veaux Loop	Norfolk	VA
Jlg Properties, Llc	309 W 25th St	2406 Debree Ave	Norfolk	VA
Jlg Properties, Llc	311 W 25th St	2406 Debree Ave	Norfolk	VA
Chappell, John J Jr & John J Sr	304 W 25th St	5168 Shenstone Dr	Virginia Beach	VA
Chappell, John J Jr & John J Sr	308 W 25th St	5168 Shenstone Dr	Virginia Beach	VA
Chappell, John J Jr & John J Sr	302 W 25th St	5168 Shenstone Dr	Virginia Beach	VA
Michael Llc	245 W 24th St	4125 Portsmouth Blvd	Portsmouth	VA
Comartos, Stacey	248 W 24th St	1159 Lance Rd Ste B	Norfolk	VA
Comartos, Stacey	2400 Llewellyn Av	1159 Lance Rd Ste B	Norfolk	VA
Chappel, John J Sr & John J Jr	327 W 26th St	5169 Shenstone Dr	Virginia Beach	VA
Jay Investment Corporation	321 W 26th St	321 W 26th St	Norfolk	VA
Miller, Alicia Et Als	311 W 26th St	2059 Huntington Ave Apt 309	Alexandria	VA
Chappell, John J Sr Et Als	2501 Llewellyn Av	5168 Shenstone Dr	Virginia Beach	VA
Capital Finance Inc	238 W 24th St	4125 Portsmouth Blvd	Portsmouth	VA
Chappell, John J Sr & John J Jr	301 W 25th St	5168 Shenstone Dr	Virginia Beach	VA
Kerr, Gerald L, Iii	319 W 26th St	2032 Ridge End Rd	Virginia Beach	VA
Swain, Rachel B Life &	301 W 26th St	301 W 26th St	Norfolk	VA
Dover Properties Llc	300 W 24th St	139 Dover Cir	Norfolk	VA
Dover Properties Llc	308 W 24th St	139 Dover Cir	Norfolk	VA
Well Gone One, Llc	312 W 24th St	201 W 21st St Unit 256	Norfolk	VA
Dover Properties Llc	306 W 24th St	139 Dover Cir	Norfolk	VA
Chappell, John J Sr & John J Jr	307 W 25th St	5168 Shenstone Dr	Virginia Beach	VA
Chappell, John J Sr & John J Jr	305 W 25th St	5168 Shenstone Dr	Virginia Beach	VA
Virginia Safety Supply Co, Inc	239 W 25th St	1235 W Olney Rd	Norfolk	VA
Virginia Safety Supply Co, Inc	249 W 25th St	1235 W Olney Rd	Norfolk	VA
Virginia Safety Supply Co, Inc	247 W 25th St	1235 W Olney Rd	Norfolk	VA
75/25 Llc	237 W 24th St	2106 Llewellyn Ave	Norfolk	VA
Michael Llc	S S W 24th St	4125 Portsmouth Blvd	Portsmouth	VA
Chappell, John J Sr & John J Jr	244 W 25th St	5168 Shenstone Dr	Virginia Beach	VA
Sanders, Alice L	305 W 26th St	305 W 26th St	Norfolk	VA
Sbw Llc	400 W 24th St	400 W 24th St	Norfolk	VA
Cathedral Of Praise Church Trs	406 W 25th St	Po Box 1770	Norfolk	VA
Capital Finance Inc	240 W 24th St	4125 Portsmouth Blvd	Portsmouth	VA

Markowski, Kimberly K.

From: Rogers, James
Sent: Wednesday, November 30, 2016 11:17 AM
To: Markowski, Kimberly K.
Cc: Benda, Wynter
Subject: Dead Reckoning Follow-up with Park Place Civic League

Good Morning Kim,

Spoke to Mr. Charles Johnson, president of Park Place Civic League today as requested. The owners of Dead Reckoning Distillery have presented to the Civic League twice and they are in support of the project as proposed.

Thank you and enjoy your day.

James

Sent from my iPhone

Whitney, Chris

From: McDonald, Colette
Sent: Wednesday, September 28, 2016 12:03 PM
To: 'kudoscej@yahoo.com'
Cc: Williams, Angelia M.; Whibley, Terry; Wilson, Denise; Whitney, Chris
Subject: New Planning Commission Application - 312 W. 24th Street.
Attachments: Application.pdf

Mr. Johnson,

Attached please find an application for **DEAD RECKONING DISTILLERY**, for a special exception to operate a micro-distillery at 312 W. 24th Street.

Staff contact: Chris Whitney at (757) 823-1253, chris.whitney@norfolk.gov

The item is tentatively scheduled for the November 10, 2016 Planning Commission public hearing.

Thank you,

Colette McDonald
City of Norfolk Planning Technician


Planning Department
810 Union Street | Suite 508
Norfolk, VA 23510
Email | Colette.McDonald@Norfolk.gov
Phone | (757) 664-6771

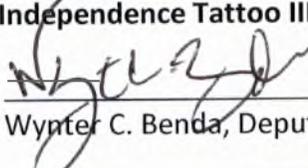


To the Honorable Council
City of Norfolk, Virginia

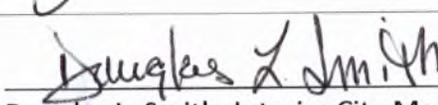
December 13, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Special exception to operate a tattoo parlor/school at 952 W. 21st Street – Independence Tattoo III**

Reviewed: 
Wynter C. Benda, Deputy City Manager

Ward/Superward: 2/6

Approved: 
Douglas L. Smith, Interim City Manager

Item Number:

C-3

- I. **Staff Recommendation: Approval.**
- II. **Commission Action: By a vote of **7 to 0**, the Planning Commission recommends **Approval**.**
- III. **Request: Special exception to operate a tattoo parlor/school.**
- IV. **Applicant: Donald Rockwell**
- V. **Description:**
 - The property is located along the north side of W. 21st Street, east of the intersection with Hampton Boulevard, within the Ghent Business District.
 - This request allows a new tattoo parlor/school to occupy this space, previously occupied by a hair salon.
 - The site is along the 21st Street corridor, which is developed with a variety of commercial and mixed uses.
 - The site is not located within 100 feet of the boundary of a residential district.
 - Site improvements include landscaping along W. 21st Street and the existing driveway aprons will be repaired.
- VI. **Historic Resources Impacts:**

The site is located within the Norfolk and Western Railroad national and state historic district and the building is a contributing structure to the district.
- VII. **Public Schools Impacts**

N/A

Staff point of contact: Chris Whitney at 823-1253, Chris.Whitney@norfolk.gov

Attachments:

- Proponents and Opponents
- Staff Report to CPC dated November 10, 2016 with attachments
- Letter of support – Ghent Neighborhood League
- Ordinance

Planning Commission Public Hearing: November 10, 2016

Executive Secretary: George M. Homewood, FAICP, CFM *GH*

Planner: Chris Whitney, CZA, CFM *CW*

Staff Report	Item No. 6	
Address	952 W. 21st Street	
Applicant	Independence Tattoo III	
Request	Special Exception	Tattoo Parlor/School
Property Owner	Jura Corporation et al.	
Site Characteristics	Building/Space Area	5,720 sq. ft./996 sq. ft.
	Future Land Use	Commercial
	Zoning	I-1 (Limited Industrial)
	Neighborhood	Ghent Business District
	Character District	Traditional
Surrounding Area	North	I-3 (General Industrial): Norfolk Southern railroad
	East	C-2, PCO-21 st (Pedestrian Commercial Overlay District – 21 st Street): Bon Secours Medical Group offices, The Fresh Market
	South	C-2: Ghent Physical Therapy, Ghent Veterinary
	West	OSP (Open Space Preservation): City property



A. Summary of Request

- The property is located along the north side of W. 21st Street, east of the intersection with Hampton Boulevard, within the Ghent Business District.
- This request allows a new tattoo parlor/school to occupy this space, previously occupied by a hair salon.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as Commercial.

C. Zoning Analysis

i. General

- The site is currently developed with a three-unit building, with the other two suites consisting of an insurance office and a kennel and pet care services establishment.
- The site is along the 21st Street corridor, which is developed with a variety of commercial and mixed uses.
- Tattoo parlors are allowed in the I-1 zoning district with a special exception.
- The site is not located within 100 feet of the boundary of a residential district.

ii. Parking

- The site is located in the Traditional Character District which requires one off-street parking space per 300 square feet of commercial space.
- Given the proposed size of the space, three off-street parking spaces will need to be provided on the site.
- Since this tattoo parlor would be replacing a hair salon, another retail service, the parking requirement is the same and no additional parking is required.

iii. Flood Zone

The property is located in the X (Low to Moderate) Flood Zone which is a low-risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers figures estimate that no new trips will be generated by changing operations at this existing site.
- W. 21st Street near the site is not identified as a severely congested corridor in either the AM or PM peak hours in the current update to regional Hampton Roads Congestion Management analysis.
- The site is near transit service with Hampton Roads Transit bus route 2 (Hampton) operating near the site.
- W. 21st Street adjacent to the site is not an identified priority corridor in the *City of Norfolk Bicycle and Pedestrian Strategic Plan*.

E. Historic Resources Impacts

The site is located within the Norfolk and Western Railroad national and state historic district and the building is a contributing structure to the district.

F. Public Schools Impacts

N/A

G. Environmental Impacts

- Site improvements include:
 - Landscaping to be installed along the W. 21st Street frontage, as approved by the Department of Parks, Recreation, and Open Space and shown on the attached landscape plan.
 - Existing driveway aprons to be repaired.

H. AICUZ Impacts

N/A

I. Surrounding Area/Site Impacts

- The site is surrounded by commercial uses with some industrial uses nearby.
- The opening of a tattoo parlor at this location should not have a negative impact on the surrounding area, as it is a retail service use similar to a hair salon, dry cleaner, shoe repair, etc.
- Over the past year, there have been no calls for police service.

J. Payment of Taxes

The owner of the property is current on all real estate taxes.

K. Civic League

- Notice was sent to the Ghent Neighborhood League and Ghent Business Association on September 28.
- A letter of support was received from the Ghent Neighborhood League on November 8.

L. Communication Outreach/Notification

- Legal notice was posted on the property on October 4.
- Letters were mailed to all property owners within 300 feet of the property on October 25.
- Legal notification was placed in *The Virginian-Pilot* on October 27 and November 3.

M. Recommendation

Staff recommends that the special exception be **approved**, subject to the following conditions:

- (a) The hours of operation for the facility shall be limited to 12:00 p.m. until 10:00 p.m., seven days per week. No use of the facility outside of the hours of operation listed herein shall be permitted.

- (b) Landscaping shall be installed and maintained in accordance with the attached landscape plan, marked "Exhibit A," and attached hereto, subject to any revisions required by the Department of Recreation, Parks, and Open Space.
- (c) The two existing driveway aprons along West 21st Street shall be repaired as required by the Department of Public Works, Right of Ways Division.
- (d) Landscaping shall be installed and maintained at the base of any freestanding sign in accordance with the provisions of section 16-6 of the *Zoning Ordinance of the City of Norfolk, 1992* (as amended). The landscaping shall be maintained at all times.
- (e) All landscaping installed on the site shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (f) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.
- (g) The use of temporary signs shall comply with Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended). The use of feather flags, pennants, and streamers is prohibited.
- (h) All nonconforming fences and signs on the site shall be removed.
- (i) There shall be no razor wire permitted on the site and any existing razor wire shall be removed.
- (j) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, snow, ice, and any bodily discharge.
- (k) The property shall be kept in a clean and sanitary condition at all times.
- (l) The establishment shall maintain a current, active business license at all times while in operation.
- (m) No business license shall be issued until conditions (b) and (c) have been implemented fully on the site.

Attachments

Location Map

Zoning Map

Proximity Map showing distance from residential districts

Application

Landscape Plan

Notification list of all property owners within 300 feet of the site

Notice to the Ghent Neighborhood League and Ghent Business Association

Letter of support from the Ghent Neighborhood League

Proponents and Opponents

Proponents

Donald Rockwell – Applicant
952 W. 21st Street
Norfolk, VA 23501

Opponents

None

11/09/2016 lds

Form and Correctness Approved: *RAP*

By *[Signature]*
Office of the City Attorney

Contents Approved: *cw*

By *[Signature]*
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A TATTOO PARLOR NAMED "INDEPENDENCE TATTOO III" ON PROPERTY LOCATED AT 952 WEST 21ST STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing the operation of a tattoo parlor named "Independence Tattoo III" on property located at 952 West 21st Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 104 feet, more or less, along the northern line of West 21st Street beginning 383 feet, more or less, from the eastern line of Hampton Boulevard and extending eastwardly; premises numbered 952 West 21st Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the facility shall be limited to 12:00 p.m. until 10:00 p.m., seven days per week. No use of the facility outside of the hours of operation listed herein shall be permitted.
- (b) Landscaping shall be installed and maintained in accordance with the landscape plan marked "Exhibit A" and attached hereto, subject to any revisions required by the Department of Recreation, Parks, and Open Space.
- (c) The two, existing driveway aprons located along West 21st Street shall be repaired to meet the standards required by the Department of Public Works.

- (d) Landscaping shall be installed and maintained at the base of any freestanding sign in accordance with the provisions of section 16-6 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).
- (e) All landscaping installed on the site shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (f) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.
- (g) The use of temporary signs shall comply with Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended). The use of feather flags, pennants, and streamers is prohibited.
- (h) All nonconforming fences and signs on the site shall be removed.
- (i) There shall be no razor wire permitted on the site and any existing razor wire shall be removed.
- (j) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (k) The property shall be kept in a clean and sanitary condition at all times.
- (l) The establishment shall maintain a current, active business license at all times while in operation.
- (m) No business license shall be issued for any business to operate on the property until conditions (b) and (c) have been implemented fully on the site.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

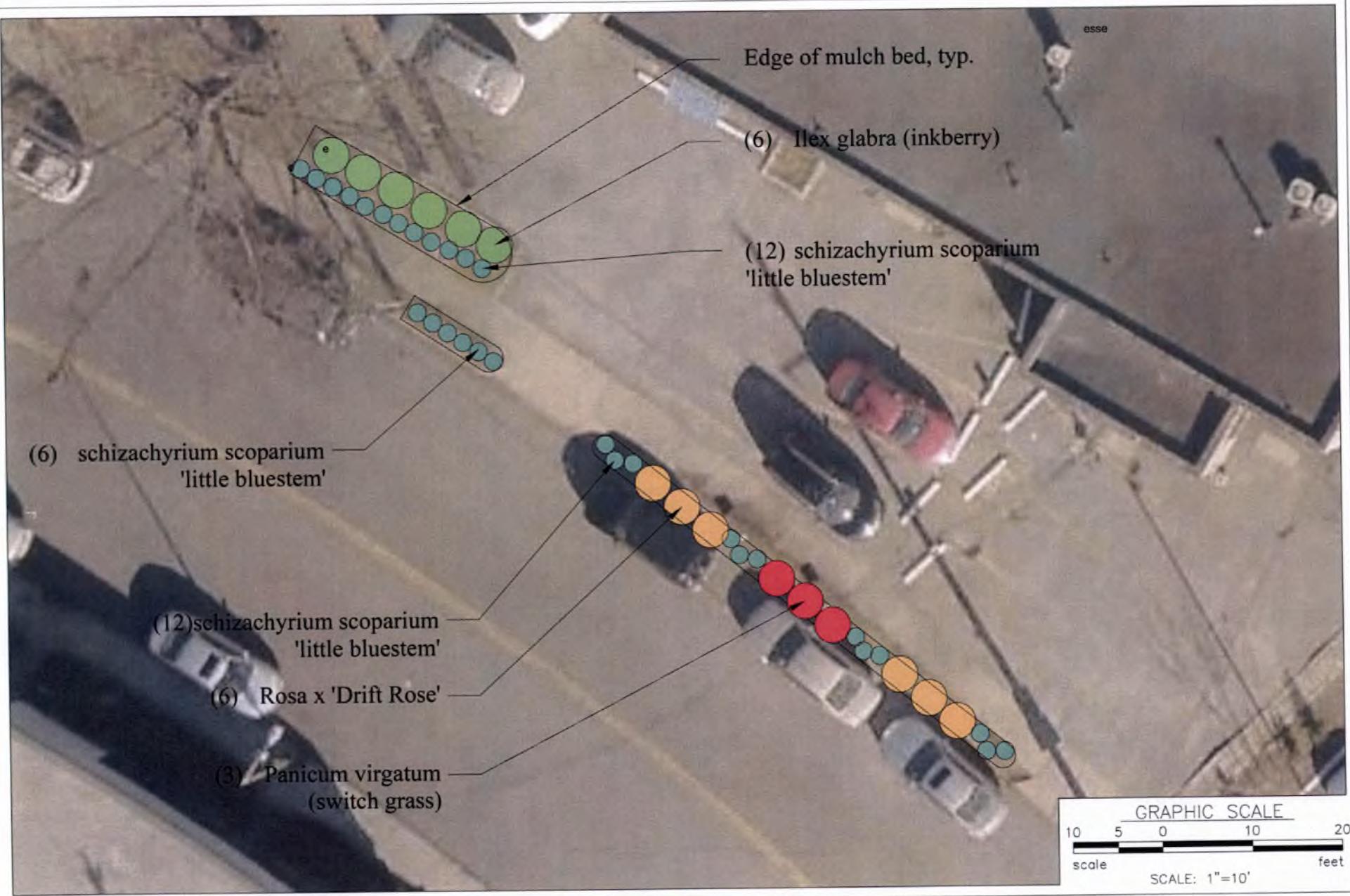
- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or

other types of pollution which cannot be mitigated;

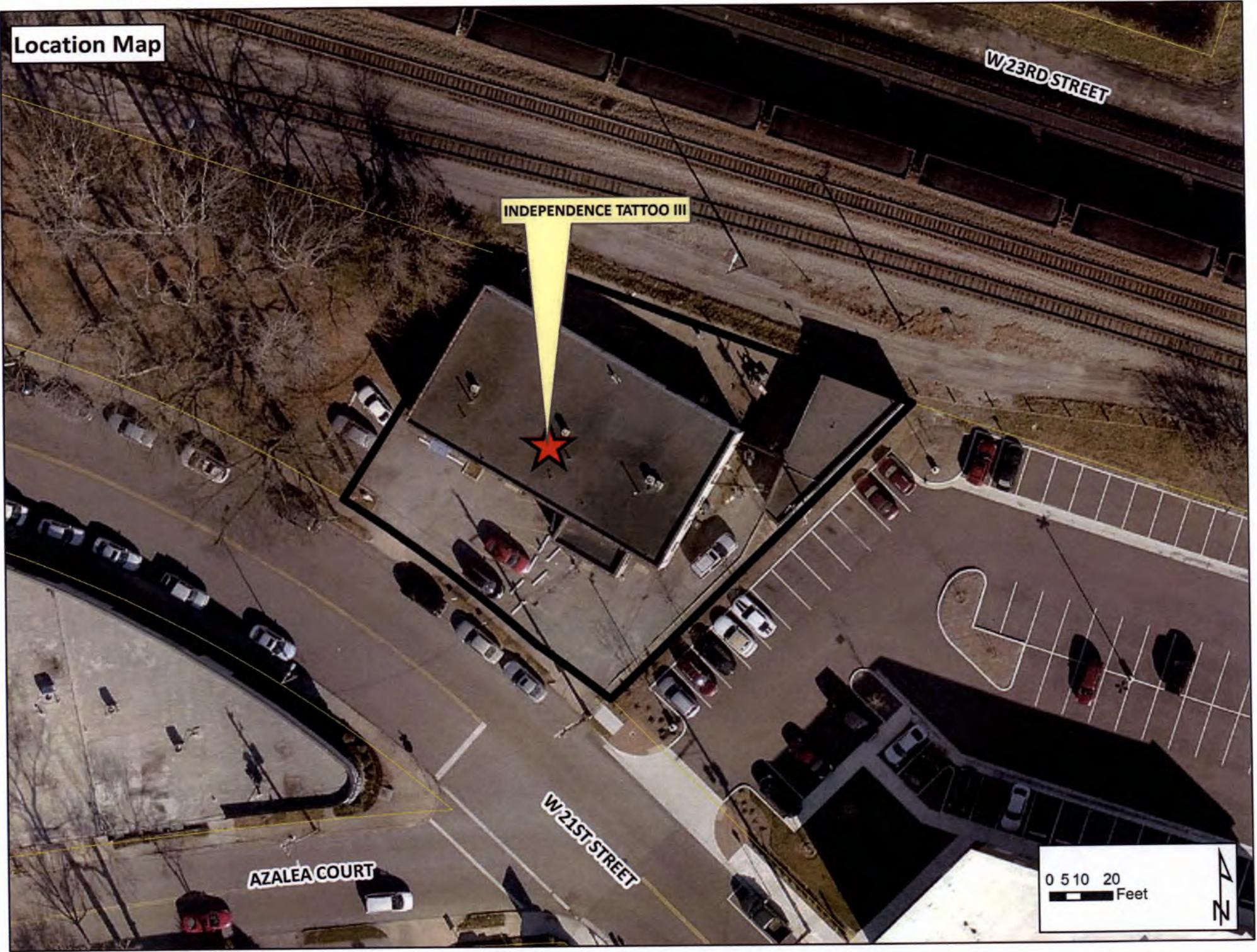
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (1 page)



Location Map



INDEPENDENCE TATTOO III

W23RD STREET

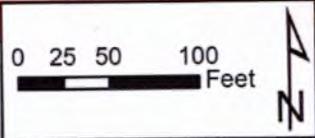
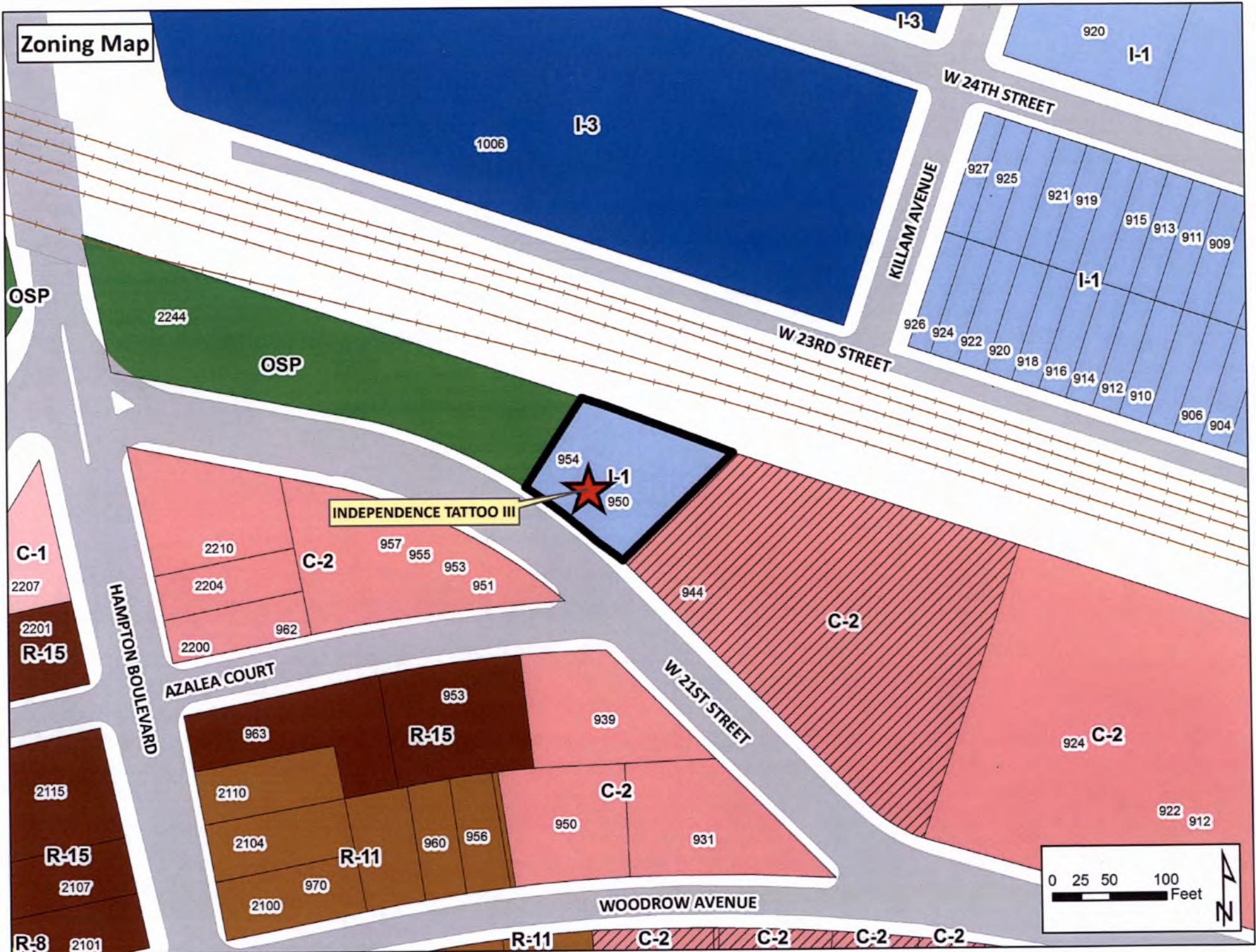
AZALEA COURT

W21ST STREET

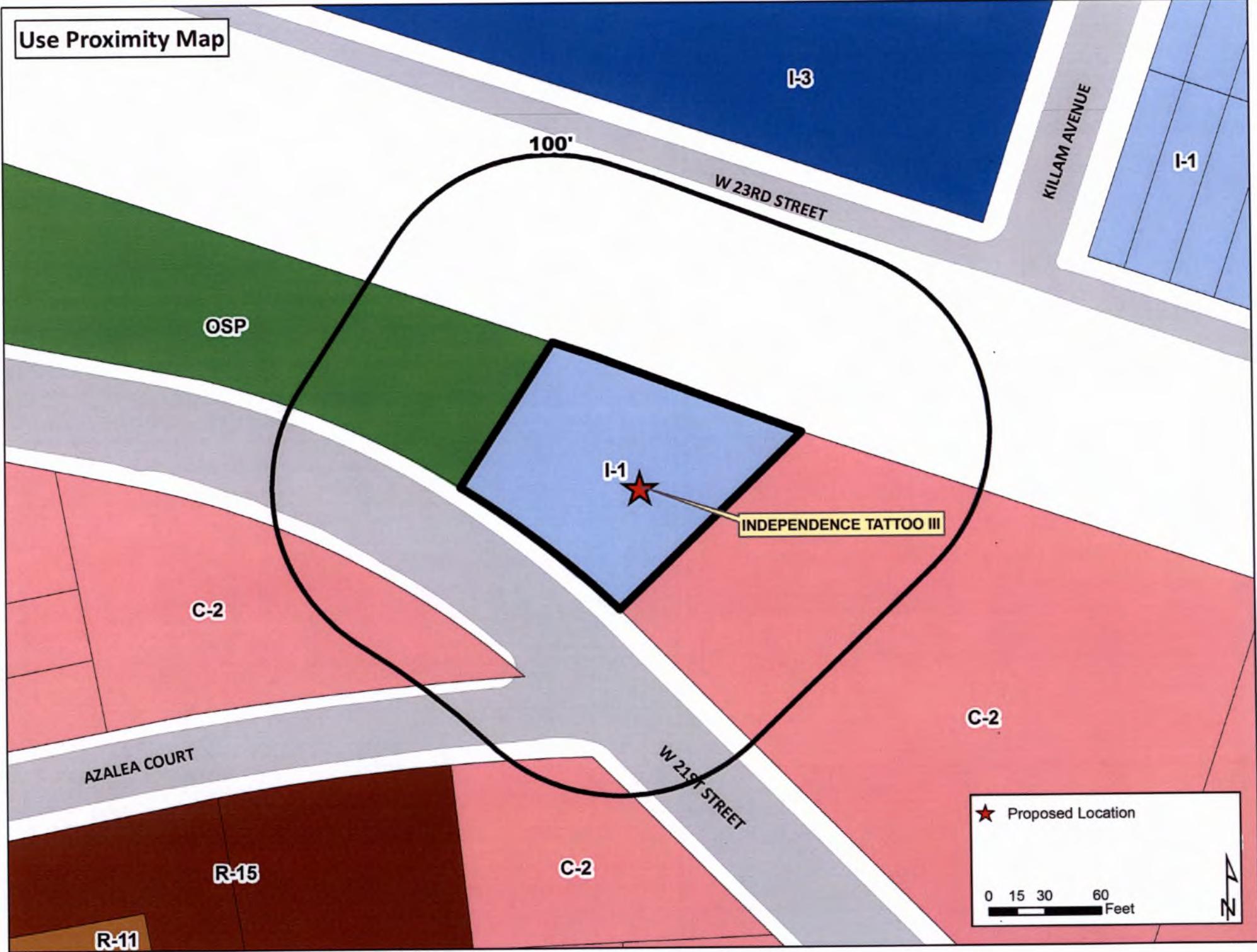
0 5 10 20 Feet



Zoning Map



Use Proximity Map



I-3

I-1

100'

W 23RD STREET

KILLAM AVENUE

OSP

I-1

INDEPENDENCE TATTOO III

C-2

C-2

AZALEA COURT

W 21ST STREET

R-15

C-2

R-11

★ Proposed Location

0 15 30 60 Feet

N



**APPLICATION
SPECIAL EXCEPTION**

Special Exception for: Tattoo Shop

Date of application: 9/22/16

DESCRIPTION OF PROPERTY

Property location: (Street Number) 952 (Street Name) W. 21st

Existing Use of Property Vacant

Current Building Square Footage 996 sq ft.

Proposed Use Tattoo Parlor

Proposed Square Footage 996 sq ft.

Proposed Hours of Operation:

Weekday From 12pm - To 10pm

Friday From 12pm - To 10pm

Saturday From 12pm - To 10pm

Sunday From 12pm - To 10pm

Trade Name of Business (If applicable) INDEPENDENCE TATTOO III

**Application
Special Exception
Page 2**

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Rockwell (First) Donald (MI) E.
Mailing address of applicant (Street/P.O. Box): 1511 Bolling Ave.
(City) Norfolk (State) VA (Zip Code) 23508
Daytime telephone number of applicant (757) 478-4111 Fax () N/A
E-mail address of applicant: MOJUBONESOV@Gmail.com

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) Rockwell (First) Donald (MI) E.
Mailing address of applicant (Street/P.O. Box): 1511 Bolling Ave.
(City) Norfolk (State) VA (Zip Code) 23508
Daytime telephone number of applicant (757) 478-4111 Fax () N/A
E-mail address of applicant: MOJUBONESOV@Gmail.com

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) GYGI (First) MARK (MI) D.
Mailing address of property owner (Street/P.O. box): 119 Beverly Ave
(City) Norfolk (State) VA (Zip Code) 23505-4419
Daytime telephone number of owner (757) 423-0341 email: N/A

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

CIVIC LEAGUE INFORMATION

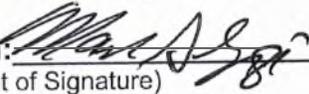
Civic League contact: GNL / GBA

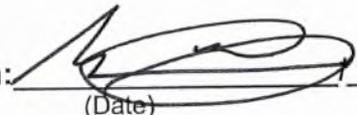
Date(s) contacted: 9/13, 9/16, 9/18, 9/19, 9/21, 9/28

Ward/Super Ward information: _____

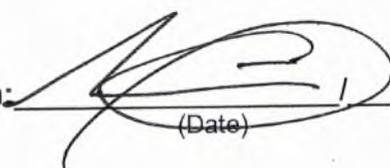
CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: MARL D. GYGI Sign:  9/22/16
(Property Owner or Authorized Agent of Signature) (Date)

Print name: DONALD ROCKWELL Sign:  9/22/16
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: DONALD ROCKWELL Sign:  9/22/16
(Authorized Agent Signature) (Date)

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

INDEPENDENCE TATTOO III

925 W. 21st, Norfolk VA 23508

Proposal Introduction

Independence Tattoo wishes to bring a new and vibrant Tattoo Studio to the City of Norfolk. Independence Tattoo will be requesting a special exception to allow the use of a Tattoo Studio located a 952 W21st. Independence Tattoo plans to operate a safe and successful business with the help and guidance of designers, bankers, city staff and counsel for years to come. The property will be leased by Donald Rockwell, an ODU alum, longtime Larchmont resident, and restaurant proprietor here in Norfolk. Don has owned and operated MOJO BONES for over ten years in Ocean View and in the ODU University Village. Also, Don has owned and operated Independence Tattoo I&II in Virginia Beach since 2014. Since the opening, both tattoo parlor locations were met with welcome and success. Independence Tattoo hopes to bring that success and energy back to Norfolk.

The space is 996 sq ft and located in the center of a small strip of buildings with Colonial Insurance and Wags Dog Wash on either side. The services will include tattooing, the sale of local art, clothing, and tattoo after care products. Independence Tattoo will typically consist of 6 individuals including artists, counter service, and management. The hours of operation shall be from noon to ten pm Monday through Sunday. The sight of actual tattooing will be limited from the outside of the street and the common building area.

Attached on the renderings, located immediately at the entrance to the studio will be a retail sales area consisting of a guest sign in and appointment desk, waiting area, A.D.A. compliant rest room and sales displays. The continuing one third of the space will be reserved for five tattoo artists and a drawing area. The remaining one third of the space will contain utility/cleaning product storage and office.

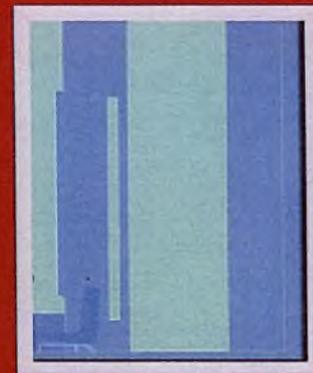
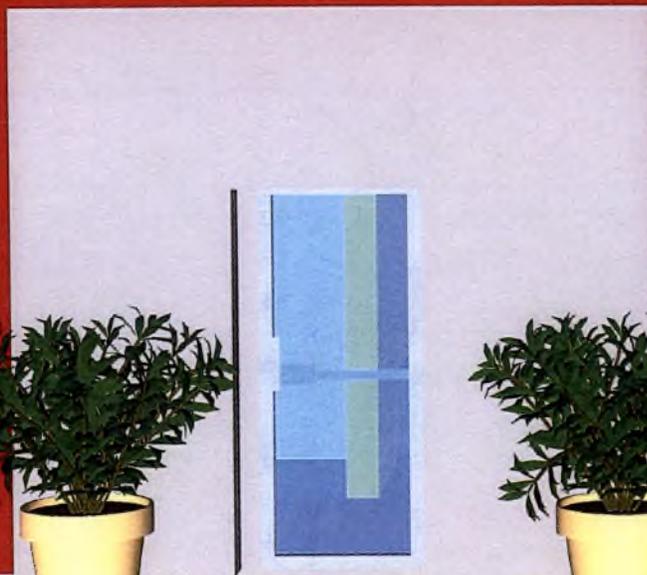
As shown on the submitted renderings, the building will have a freshly updated interior consisting of new wood flooring, premium painting, overhead/recessed lighting, and antique fixtures. The exterior of the building will be a burgundy color with a gold and silver trim. A decal depicting a rose with the studio name will adorn the window and a welcome mat will rest in front of the door. The signage will be unobtrusive in nature and consist of individual letters that will be illuminated by overhanging lanterns. Finally, two planters will be placed on either side of the door to complete the exterior of the space.

Independence Tattoo will work diligently to create a positive relationship with its community leaders, neighbors, and the City of Norfolk to operate and maintain a successful new business in the area. Thank for your consideration on this proposal!

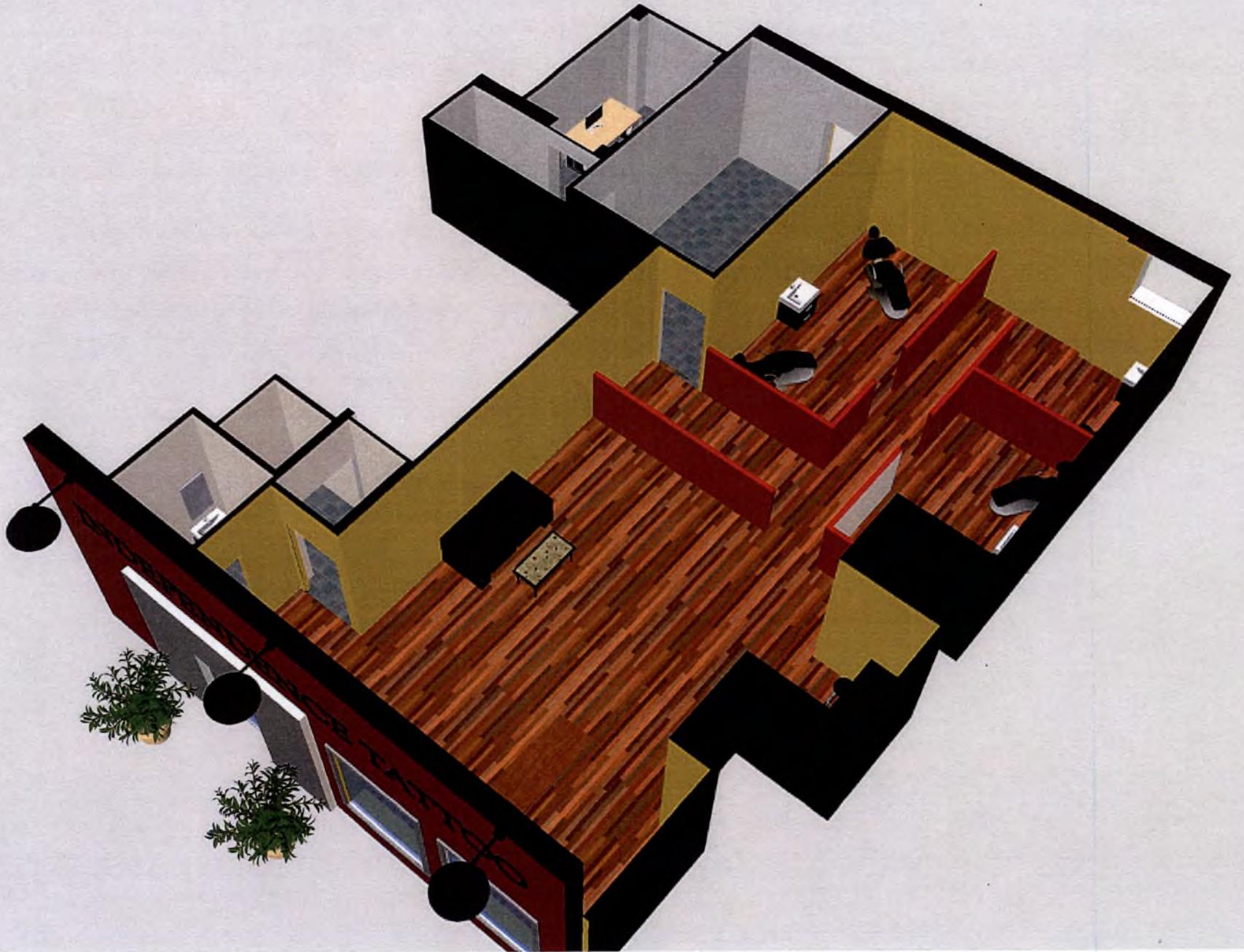
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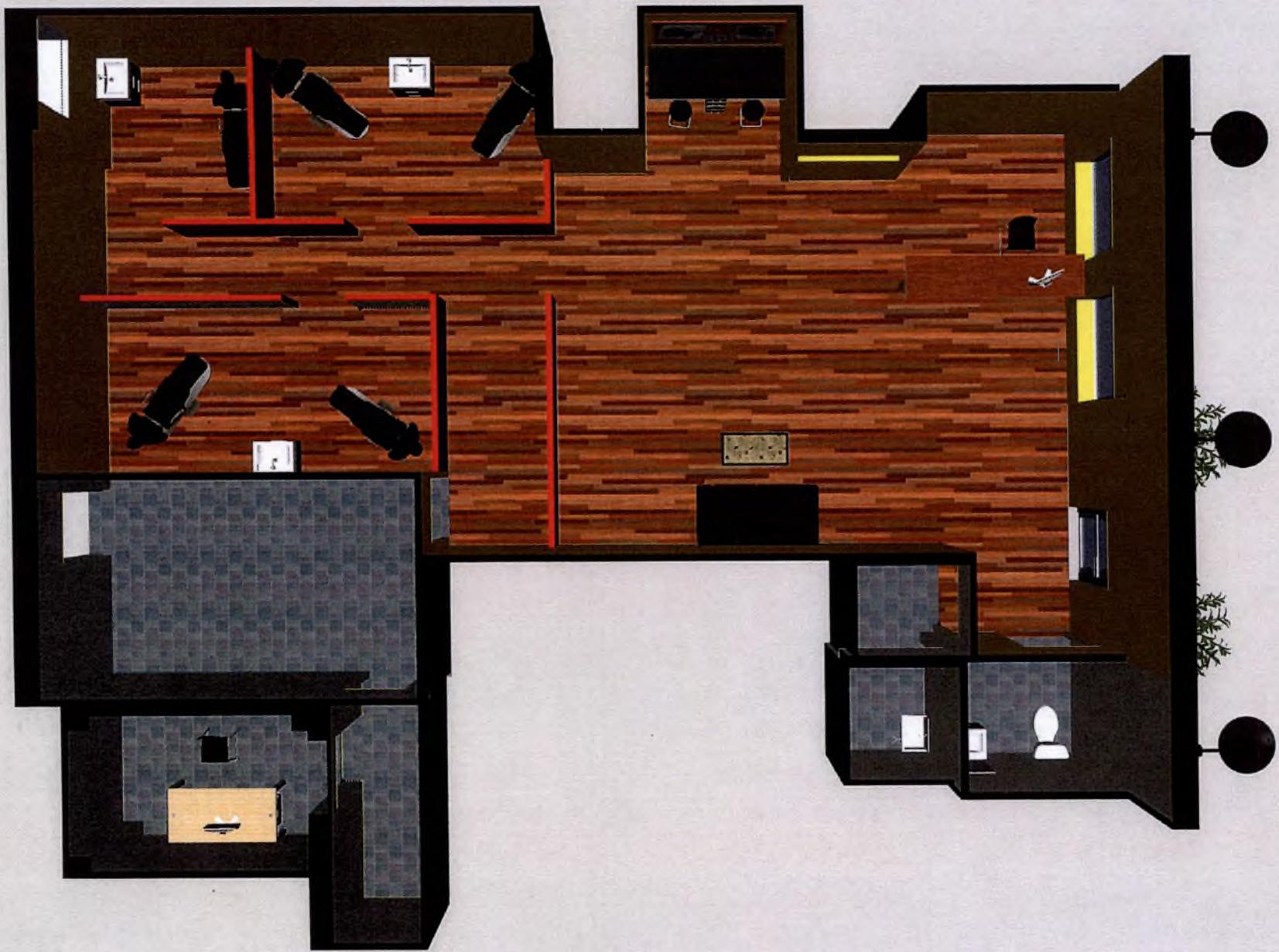
INDEPENDENCE TATTOO

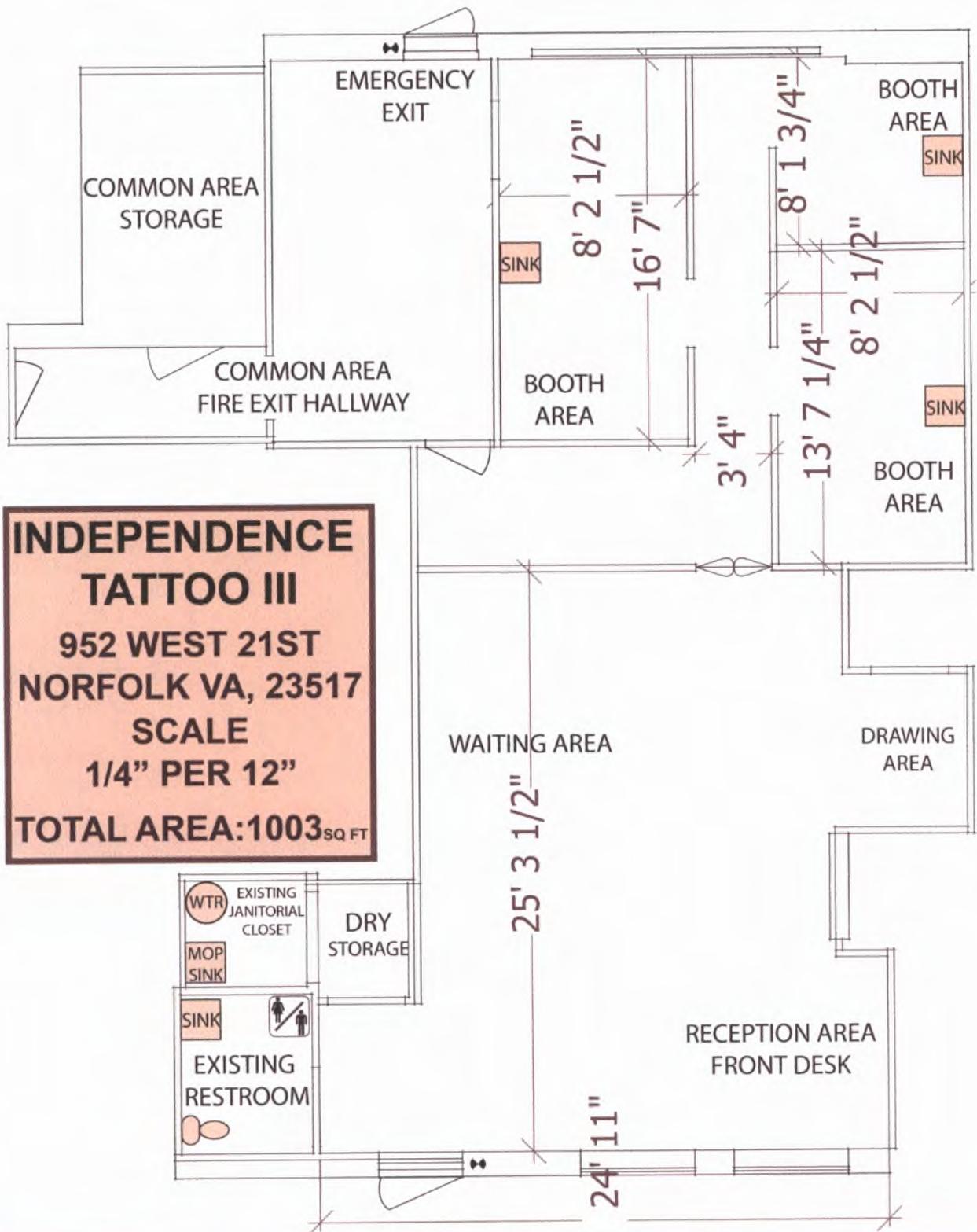






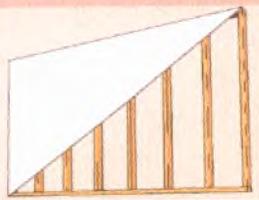






**INDEPENDENCE
TATTOO III**
 952 WEST 21ST
 NORFOLK VA, 23517
 SCALE
 1/4" PER 12"
 TOTAL AREA: 1003^{SQ FT}

WALL DETAIL
 Wood Frame & Drywall



CONSTRUCTION GUIDELINES

- 48" WALLS SEPERATING BOOTHS
- FULL WALLS SEPERATING JANI, SANI, R/R, WTR HTR, & MOP SINK
- FULL WALL ACROSS LOBBY W/40" MID LEVEL SWING DOORS
- WALLS TO BE MADE WITH STANDARD WOOD FRAMING
- WALLS WILL BE FINISHED WITH HIGH GLOSS DURABLE & WIPEABLE PAINT
- FLOOR WILL BE COVERED WITH HIGH IMPACT LAMINATE
- TATTOO AREA WORK COUNTERS WILL BE SOLID NON-POROUS TOPS
- ADEQUATE LIGHTING WITH AT LEAST 50 FOOT-CANDLES OF ILLUMINATION PER DPOR
- UTILITY LINES WILL BE ELEVATED ABOVE FLOOR
- EACH BOOTH WILL CONTAIN: HAND SINK, FOOT OPERATED WASTE RECEPTACLE, SHARPS CONTAINER, & STORAGE BOX.
- JANITORIAL CLOSET WILL CONTAIN MOP SINK

***RESTROOMS, JANITORIAL, MECHANICAL, EXITS, & ELECTRICAL ARE ALL PRE-EXISTING. EIGHT KNEE HIGH WALLS & THREE SINKS TO BE INSTALLED**

Independence Tattoo - Notification sent to all Property Owners within 300 feet

<u>Property Owner</u>	<u>Property Address</u>	<u>Mailing Address</u>		
21st Associates, Llc	939 W 21st St	1506 Powhatan Ct	Norfolk	VA
Jura Corporation Et Al	952 W 21st St	119 Beverly Ave	Norfolk	VA
Wharton, John R Et Al	2110 Hampton Blvd	2110 Hampton Blvd	Norfolk	VA
Hidalgo, Manuel A & Roberta D Et Al	956 Woodrow Av	956 Woodrow Ave	Norfolk	VA
Hidalgo, Manuel A & Roberta D Et Al	N S Woodrow Av	956 Woodrow Ave	Norfolk	VA
Foley, Timothy F	926 W 23rd St	1645 Flanagans Ln	Virginia Beach	VA
Foley, Timothy F	924 W 23rd St	1645 Flanagans Ln	Virginia Beach	VA
Foley, Timothy F	922 W 23rd St	1645 Flanagans Ln	Virginia Beach	VA
Foley, Timothy F	920 W 23rd St	1645 Flanagans Ln	Virginia Beach	VA
Foley, Timothy F	918 W 23rd St	1645 Flanagans Ln	Virginia Beach	VA
Foley, Timothy F	916 W 23rd St	1645 Flanagans Ln	Virginia Beach	VA
Foley, Timothy F	914 W 23rd St	1645 Flanagans Ln	Virginia Beach	VA
Foley, Timothy F	927 W 24th St	1645 Flanagans Ln	Virginia Beach	VA
Foley, Timothy F	925 W 24th St	1645 Flanagans Ln	Virginia Beach	VA
Foley, Timothy F	923 W 24th St	1645 Flanagans Ln	Virginia Beach	VA
Willard Properties Of Norfolk. Llc	953 Azalea Ct	4533 Templar Dr	Portsmouth	VA
Thurwood Properties, Llc	2210 Hampton Blvd	1805 Kempsville Rd	Virginia Beach	VA
Kings Crest, Llc	951 W 21st St	5400 Glen Alden Dr	Richmond	VA
Brooks, Robert G Jr & Pamela F	963 Azalea Ct	963 Azalea Ct	Norfolk	VA
Lillel Farms Inc	E S Hampton Blvd	1805 Kempsville Rd	Virginia Beach	VA
Lillel Farms Inc	2204 Hampton Blvd	1805 Kempsville Rd	Virginia Beach	VA
Danker, Rebecca	931 W 21st St	931 W 21st St Unit C	Norfolk	VA
Ling, Chwee Kin	964 Woodrow Av	Po Box 11182	Norfolk	VA
Coleman, Sarah K	960 Woodrow Av	960 Woodrow Ave	Norfolk	VA
Kings Crest, Llc	950 Woodrow Av	5400 Glen Alden Dr	Richmond	VA
Foley, Timothy F	1006 W 23rd St	1645 Flanagans Ln	Virginia Beach	VA
Ghent Station Market, Llc	924 W 21st St	2820 Selwyn Ave Ste 425	Charlotte	NC
21st Street Partners, Lc	930 W 21st St	150 W Main St Ste 1100	Norfolk	VA
A & A Associates	4100 Colley Av	4701 Columbus St Ste 300	Virginia Beach	VA
A & A Associates	4106 Colley Av	4701 Columbus St Ste 300	Virginia Beach	VA
Odu Research Foundation	S S 43rd St	800 W 46th St	Norfolk	VA
Odu Research Foundation	813 43rd St	800 W 46th St	Norfolk	VA
Odu Research Foundation	815 43rd St	800 W 46th St	Norfolk	VA
Odu Research Foundation	4211 Colley Av	800 W 46th St	Norfolk	VA
Marscheider Properties, Llc	4006 Mayflower Rd	1062 Laskin Rd Ste 13a	Virginia Beach	VA
4201 Colley, Llc	W S Colley Av	6950 N Military Hwy	Norfolk	VA
Off Boulevard Llc	4110 Colley Av	109 East Main St Ste 200	Norfolk	VA
Pruitt, Thomas W & Patricia	4101 Colley Av	1024 Whippingham Pkwy	Carrollton	VA
Boyce, James M	4012 Colley Av	4472 Lee Ave	Virginia Beach	VA
Boyd, Dennis W	4003 Colley Av	3601 Riverwood Cres	Chesapeake	VA
Longman, Jonathan S & Linda K	4204 Mayflower Rd	5440 Chatham Lake Dr	Virginia Beach	VA
Britton, Andrea J	726 Carolina Av	726 Carolina Ave	Norfolk	VA
Norfleet, James E Jr	819 W 42nd St	425 Delaware Ave	Norfolk	VA
Karcher, Karen	811 W 41st St	3021 Lynnhaven Dr	Virginia Beach	VA
Wright, Wilbur A & Lois S	822 W 41st St	822 W 41st St	Norfolk	VA
Jafri, Syed J A & S Ghazala S	733 Virginia Av	808 48th St	Norfolk	VA
4201 Colley, Llc	812 W 42nd St	6950 N Military Hwy	Norfolk	VA
4201 Colley, Llc	N S W 42nd St	6950 N Military Hwy	Norfolk	VA
Colley Ave Copy & Graphic Lessee	4211 Colley Av	4211 Colley Ave	Norfolk	VA
Mccue, Matthew J	733 Carolina Av	733 Carolina Ave	Norfolk	VA
Fornes, Patrick L & Mandi	729 Carolina Av	729 Carolina Ave	Norfolk	VA
4201 Colley, Llc	4201 Colley Av	6950 N Military Hwy	Norfolk	VA
Kings Crest, Llc	4200 Colley Av	5400 Glen Alden Dr	Richmond	VA

Whitney, Chris

From: McDonald, Colette
Sent: Wednesday, September 28, 2016 11:49 AM
To: 'info@ghentva.org'; Douglas Knack; Ted Enright
Cc: Whibley, Terry; McClellan, Andria; Whitney, Chris; Wilson, Denise
Subject: New Planning Commission Application - 952 W. 21st Street.
Attachments: Application.pdf

Ms. Birknes, Mr. Knack and Mr. Enright,

Attached please find an application for **INDEPENDENCE TATTOO III**, for a special exception to operate a tattoo parlor/school at 952 W. 21st Street.

Staff contact: Chris Whitney at (757) 823-1253, chris.whitney@norfolk.gov

The item is tentatively scheduled for the November 10, 2016 Planning Commission public hearing.

Colette McDonald
City of Norfolk Planning Technician



Planning Department
810 Union Street | Suite 508
Norfolk, VA 23510
Email | Colette.McDonald@Norfolk.gov
Phone | (757) 664-6771



To the Honorable Council
City of Norfolk, Virginia

December 13, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Special exception to operate an entertainment establishment with alcoholic beverages at 731 Granby Street – Jhané’s Sweet Lounge**

Reviewed: *W.C. Benda*
Wynter C. Benda, Deputy City Manager

Ward/Superward: 2/6

Approved: *Douglas L. Smith*
Douglas L. Smith, Interim City Manager

Item Number: **C-4**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special exception to operate an entertainment establishment with alcoholic beverages.
- IV. **Applicant:** **Stephanie Wadnola**
- V. **Description:**
 - The property is located on the west side of Granby Street between Brambleton Avenue and W. Olney Road.
 - The applicant is proposing to reutilize the former Garage nightclub as an entertainment establishment with alcohol.

	Proposed
Hours of Operation	8:00 a.m. until 2:00 a.m., Seven days a week
Hours for the Sale of Alcohol	11:00 a.m. until 2:00 a.m., Seven days a week
Seating	197 seats indoors 0 seats outdoors 295 total capacity
Entertainment	3 member live band, karaoke, comedian, poetry reading, cultural dance, salsa, disc jockey, model painting

VI. Historic Resources Impacts:

The site is not located within a local, federal or state historic district.

VII. Public Schools Impacts

According to the Existing ABC Establishments and Norfolk Public Schools Proximity Map (see attached), the proposed property is not within 1,000 feet of a Norfolk Public School.

Staff point of contact: Susan Pollock at (757) 664-4765, susan.pollock@norfolk.gov

Attachments:

- Proponents and Opponents
- Staff Report to CPC dated November 10, 2016 with attachments
- Ordinance

Planning Commission Public Hearing: November 10, 2016

Executive Secretary: George M. Homewood, FAICP, CFM *GH*

Planner: Susan Pollock Hart, CFM *sp*

Staff Report	Item No. 12	
Address	731 Granby Street	
Applicant	Jhane's Sweet Lounge	
Request	Special Exception	Entertainment establishment with alcoholic beverages
Property Owner	Stephanie Wadnola	
Site Characteristics	Building/Suite Area	2,740 sq. ft./ 3,189 sq. ft.
	Future Land Use	Downtown
	Zoning	D-4 (Downtown Arts and Design District)
	Neighborhood	Downtown
	Character District	Downtown
Surrounding Area	North	D-4: O.J. Wholesale, Stark and Legum Mens Wear; Virginia Furniture Company
	East	D-4: Bob's Gun and Tackle Shop
	South	D-4: Fuzion Ink; Bress Pawn Shop
	West	D-4: Parking



A. Summary of Request

- The property is located on the west side of Granby Street between Brambleton Avenue and W. Olney Road.
- The applicant is proposing to reutilize the former Garage nightclub as an entertainment establishment with alcohol.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as Downtown.

C. Zoning Analysis

i. General

The site is located in a D-4 zoning district, which permits the proposed use by special exception.

	Jhane's Sweet Lounge
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ii. Parking

- Currently there is no parking associated with this site; the parking regulations for an entertainment establishment within a Downtown location require one space per 250 square feet.
- Given the proposed entertainment establishment is 2,740 square feet, it is required to accommodate 11 off-street parking spaces.
- The *Zoning Ordinance* promotes the reuse of existing building throughout the City by acknowledging all buildings constructed prior to 1992 as being vested from the basic parking minimum parking requirement of one space per 250 square feet; therefore the proposed entertainment establishment is vested for 11 spaces.

iii. Flood Zone

The property is located in the AE Flood Zone which is a high-risk flood zone.

D. Transportation Impacts

Trip Generation Analysis

- Institute of Transportation Engineers figures estimate that this restaurant will generate 952 vehicle trips per day.
- Granby Street adjacent to the site is not identified as a severely congested corridor in either the AM or PM peak hours in the current update to regional Hampton Roads Congestion Management analysis.
- The site is near transit service with Hampton Roads Transit bus routes 1 (Granby) and 3 (Chesapeake) operating near to the site.
- Granby Street adjacent to the site is an identified priority corridor in the City of Norfolk *Bicycle and Pedestrian Strategic Plan*.

E. Historic Resources Impacts

- The site is not located in any local, state, or federal historic district.

F. Public Schools Impacts

According to the *Existing ABC Establishments and Norfolk Public Schools Proximity Map* (see attached), the proposed property is not within 1,000 feet of a Norfolk Public School.

G. Environmental Impacts

There are no opportunities for landscaping for this site.

H. AICUZ Impacts

N/A

I. Surrounding Area/Site Impacts

- This was previously operated as the Garage, which was a nightclub, but has been vacant for several years.

J. Payment of Taxes

The owner of the property is current on all real estate taxes.

K. Civic League

- Notice was sent to the Downtown Norfolk Civic League and Downtown Norfolk Council on September 28.
- A letter of no objection was received from the Downtown Norfolk Civic League on September 28.

L. Communication Outreach/Notification

- Legal notice was posted on the property on October 4.
- Letters were mailed to all property owners within 300 feet of the property on October 25.
- Legal notification was placed in *The Virginian-Pilot* on October 27 and November 3.

M. Recommendation

Staff recommends that the special exception be **approved** subject to the following conditions:

- (a) The hours of operation for the establishment shall be limited to 8:00 a.m. until 2:00 a.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours of operation for the sale of alcoholic beverages, and for entertainment shall be limited to 11:00 a.m. until 2:00 a.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (c) The seating for the establishment shall not be less than 182 seats indoors, shall not be more than 0 seats outdoors, and the total occupant capacity, including employees, shall not exceed 295 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (e) Entertainment shall only be provided indoors and shall be limited to live bands with no more than 3 member, karaoke, comedian, poetry reading, salsa, disc jockey, model painting, and Cultural Dance, defined for the purposes of this ordinance alone as a form of dance unique in style and appearance to a specific cultural group. Examples include, but are not limited to, belly dance, flamenco dance, hula, and geisha dance. No form of dance which does not meet all of the following characteristics shall be considered cultural dance for purposes of this ordinance:
 - i. Cultural dancers shall not perform nude or semi-nude, but shall perform in a state of dress more modest than semi-nude, as those terms are defined herein.

- ii. For the purposes of this ordinance, the term “nude” means to be undressed completely, and the term “semi-nude” means to be in any state of dress in which opaque clothing covers no more than the genitals, pubic region, buttocks, areola and nipple of the breast, as well as portions of the body covered by supporting straps or devices. Examples of “semi-nude” dress include but are not limited to a state of dress consisting of a bikini or equivalent clothing.
 - iii. Cultural dancers shall not physically touch or be physically touched by spectators while performing.
- (f) In addition to the above, the following restrictions shall apply to all cultural dance performances:
- i. Cultural dancers shall not use the following items and accessories when performing, for safety reasons: swords, weapons of any kind, lit candles, or lit torches. Notwithstanding this provision, at the discretion of the grantee of this special exception, dancers may use prop swords and prop weapons. For purposes of this ordinance, the adjective “prop” means a fake sword or weapon, similar to those used by actors on the stage, not designed for or capable of causing injury. Such “prop” swords or weapons shall be either made of wood, or if made of metal, shall be blunt with no cutting edge.
 - ii. At the discretion of the grantee of this special exception, customers may tip dancers at the conclusion of a performance. Spectators shall not physically touch a dancer when tipping.
- (g) The provisions of this ordinance concerning cultural dance are not intended, nor shall they be applied, to impose any limitation or restriction on the content of cultural dance performances at the subject property. Cultural dance performances, should they degenerate to the point of involving obscenity or nude or semi-nude dance performances, shall be subject to all the usual prohibitions upon such performances in bars and restaurants selling alcohol under the laws and regulations of the Commonwealth of Virginia and the ordinances and regulations of the City of Norfolk. These restrictions include but are not limited to such prohibitions upon obscene performances as are found in Chapter 28 of the Code of the City of Norfolk (1979), as amended, or Chapter 8, Article 5 of Title 18.2 of the Code of Virginia, (1950), as amended (both concerning obscenity). These restrictions also include all prohibitions upon nude and semi-nude dancing, designed to alleviate the negative secondary effects thereof, as authorized in such cases as *Barnes v. Glen Theatre, Inc.*, 501 US 560 (1991) and *City of Erie v. Pap’s A.M.*, 529 US 277

(2000), as may be found in the statutes, regulations, or ordinances of the Commonwealth of Virginia and the City of Norfolk, including but not limited to Sections 28-11 and 28-12 of the Code of the City of Norfolk (1979), as amended, concerning public nudity and indecent exposure, and the regulations of the Alcoholic Beverage Control Board of the Commonwealth of Virginia, as amended.

- (h) The dance floor shall not exceed 120 square feet and shall be located as indicated on the basic floor plan attached hereto and marked as "Exhibit B." The dance floor shall be constructed of a different material than the primary floor material.
- (i) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B." Any tables, chairs, booths, stools or other movable furniture may be relocated provided that it remains only within the shaded areas and the unshaded accesses, aisles, and other areas shown on the floor plans remain unobstructed.
- (j) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (k) The establishment shall maintain a current, active business license at all times while in operation.
- (l) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (m) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (n) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (o) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

- (p) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (q) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (r) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (s) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (t) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (u) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.
- (v) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be

produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

- (1) This special exception;
 - (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;
 - (6) Any health department permit(s);
 - (7) The emergency action plan required under the Fire Prevention Code;
 - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
 - (9) The establishment's designated driver program; and
 - (10) The establishment's Security Plan.
- (w) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 200 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- (x) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Attachments

Location Map

Zoning Map

1000' radii map of similar ABC establishments and Norfolk Public Schools

Application

Notification list of all property owners within 300 feet of the site

Notice to the Downtown Norfolk Civic League and the Downtown Norfolk Council

Letter of no objection from the Downtown Norfolk Civic League

VI. Historic Resources Impacts:

The site is not located within a local, federal or state historic district.

VII. Public Schools Impacts

According to the Existing ABC Establishments and Norfolk Public Schools Proximity Map (see attached), the proposed property is not within 1,000 feet of a Norfolk Public School.

Staff point of contact: Susan Pollock at (757) 664-4765, susan.pollock@norfolk.gov

Attachments:

- Proponents and Opponents
- Staff Report to CPC dated November 10, 2016 with attachments
- Ordinance

Proponents and Opponents

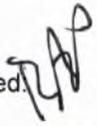
Proponents

Stephanie Wadnola – Applicant
3305 George Court
Chesapeake VA

Opponents

None

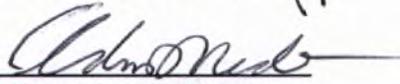
Form and Correctness Approved:



Contents Approved:

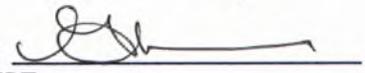


By



Office of the City Attorney

By



DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT WITH ALCOHOLIC BEVERAGES KNOWN AS "JHANE'S SWEET LOUNGE" ON PROPERTY LOCATED AT 731 GRANBY STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Stephanie Wadnola authorizing the operation of an entertainment establishment with alcoholic beverages known as "Jhane's Sweet Lounge" on property located at 731 Granby Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 25 feet, more or less, along the western line of Granby Street beginning 274 feet, more or less, from the southern line of West Olney Road and extending southwardly; property also fronts 25 feet, more or less, along the eastern line of Magazine Lane; premises numbered 731 Granby Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be limited to 8:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours of operation for the sale of alcoholic beverages for on-premises consumption and for entertainment shall be limited to 11:00 a.m. until 2:00 a.m. the following morning, seven days per week.
- (c) The seating for the establishment shall not be less than 182 seats indoors, shall not include any seats

outdoors, and the total occupant capacity, including employees, shall not exceed 295 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (e) Entertainment shall only be provided indoors and shall be limited to live bands with no more than three (3) members, karaoke, comedian, poetry reading, disc jockey, modeling and Cultural Dance, defined for the purposes of this ordinance alone as a form of dance unique in style and appearance to a specific cultural group. Examples include, but are not limited to, belly dance, salsa, flamenco dance, hula, and geisha dance. No form of dance which does not meet all of the following characteristics shall be considered cultural dance for purposes of this ordinance:
 - i. Cultural dancers shall not perform nude or semi-nude, but shall perform in a state of dress more modest than semi-nude, as those terms are defined herein.
 - ii. For the purposes of this ordinance, the term "nude" means to be undressed completely, and the term "semi-nude" means to be in any state of dress in which opaque clothing covers no more than the genitals, pubic region,

buttocks, areola and nipple of the breast, as well as portions of the body covered by supporting straps or devices. Examples of "semi-nude" dress include but are not limited to a state of dress consisting of a bikini or equivalent clothing.

iii. Cultural dancers shall not physically touch or be physically touched by spectators while performing.

(f) In addition to the above, the following restrictions shall apply to all cultural dance performances:

i. Cultural dancers shall not use the following items and accessories when performing, for safety reasons: swords, weapons of any kind, lit candles, or lit torches. Notwithstanding this provision, at the discretion of the grantee of this special exception, dancers may use prop swords and prop weapons. For purposes of this ordinance, the adjective "prop" means a fake sword or weapon, similar to those used by actors on the stage, not designed for or capable of causing injury. Such "prop" swords or weapons shall be either made of wood, or if made of metal, shall be blunt with no cutting edge.

ii. At the discretion of the grantee of this special exception, customers may tip dancers at the conclusion of a performance. Spectators shall not physically touch a dancer when tipping.

(g) The provisions of this ordinance concerning cultural dance are not intended, nor shall they be applied, to impose any limitation or restriction on the content of cultural dance performances at the subject property. Cultural dance performances, should they degenerate to the point of involving obscenity or nude or semi-nude dance performances, shall be subject to all the usual prohibitions upon such performances in bars and restaurants selling alcohol under the laws and regulations of the Commonwealth of Virginia and the ordinances and

regulations of the City of Norfolk. These restrictions include but are not limited to such prohibitions upon obscene performances as are found in Chapter 28 of the Code of the City of Norfolk (1979), as amended, or Chapter 8, Article 5 of Title 18.2 of the Code of Virginia, (1950), as amended (both concerning obscenity). These restrictions also include all prohibitions upon nude and semi-nude dancing, designed to alleviate the negative secondary effects thereof, as authorized in such cases as *Barnes v. Glen Theatre, Inc.*, 501 US 560 (1991) and *City of Erie v. Pap's A.M.*, 529 US 277 (2000), as may be found in the statutes, regulations, or ordinances of the Commonwealth of Virginia and the City of Norfolk, including but not limited to Sections 28-11 and 28-12 of the Code of the City of Norfolk (1979), as amended, concerning public nudity and indecent exposure, and the regulations of the Alcoholic Beverage Control Board of the Commonwealth of Virginia, as amended.

- (h) The dance floor shall not exceed 120 square feet and shall be located as indicated on the basic floor plan attached hereto and marked as "Exhibit B." The dance floor shall be constructed of a different material than the primary floor material.
- (i) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."
- (j) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (k) The establishment shall maintain a current, active business license at all times while in operation.
- (l) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (m) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent

to the premises regulated by the special exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.

- (n) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (o) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (p) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (q) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (r) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter

shall be permitted to use, operate, rent, or host any event on the premises.

- (s) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (t) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (u) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.
- (v) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
 - (1) This special exception;
 - (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;
 - (6) Any health department permit(s);

- (7) The emergency action plan required under the Fire Prevention Code;
 - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
 - (9) The establishment's designated driver program; and
 - (10) The establishment's Security Plan.
- (w) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 200 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- (x) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the

property within the neighborhood in which it is located;

- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (4 pages)

Exhibit B (1 page)



EXHIBIT "A"
Description of Operations
Entertainment Establishment
(Please Print)

Date 9/20/2016

Trade name of business JHANE' LOUNGE

Address of business 731 GRANBY STREET

Name(s) of business owner(s)* JHANE'S LLC

Name(s) of property owner(s)* Stephanie Wadnola

Name(s) of business manager(s)/operator(s) Stephanie Wadnola, Alexiah Wadnola, IRIS MARTIN, SIMON ATKINS

Daytime telephone number (757) 359-1902

*If business or property owner is a partnership, all partners must be listed.
 *If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility	Alcoholic Beverage Sales and Entertainment
Weekday From <u>8AM</u> To <u>2am</u>	Weekday From <u>11am</u> To <u>2am</u>
Friday From <u>8AM</u> To <u>2am</u>	Friday From <u>11 am</u> To <u>2am</u>
Saturday From <u>8AM</u> To <u>2am</u>	Saturday From <u>11 am</u> To <u>2 am</u>
Sunday From <u>8AM</u> To <u>2am</u>	Sunday From <u>11am</u> To <u>2am</u>

2. Type of ABC license applied for (check all applicable boxes):
 On-Premises Off-Premises (second application required)

3. Type of alcoholic beverage applied for:
 Beer Wine Mixed Beverage

Exhibit A – Page 2
Entertainment Establishment

4. Will video games, pool tables, game boards or other types of games be provided?
 Yes (If more than 4, additional application required) No

4a If yes, please describe type and number of each game to be provided:

5. Will patrons ever be charged to enter the establishment?
 Yes No

5a. If yes, why:
IF we have a special event or occasion

5b. Which days of the week will there be a cover charge (circle all applicable days):

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

6. Will the facility or a portion of the facility be available for private parties?
 Yes No

6a. If yes, explain:
we can host any private events such as corporate, baby showers, engagement, birthdays, ect.

7. Will a third party (promoter) be permitted to lease, let or use the establishment?
 Yes No

7a. If yes, explain:

8. Will there ever be a minimum age limit?
 Yes No

Exhibit A – Page 3
Entertainment Establishment

9. Additional comments/description/operational characteristics or prior experience:

Phase' will be a full service restaurant with special events hosted on weekly basis. Speciality classes will be available during hours of operations

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

Stephanie Woodmole
Signature of Applicant

**Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity

a. **Indoor**

Number of seats (not including bar seats)	185
Number of bar seats	12
Standing room	88

b. **Outdoor**

Number of seats	0
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c. **Number of employees**

	10
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Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 295

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

Central dance, salsa, DJ, artist models,
Fashion show, charity event

3. Will a dance floor be provided?

Yes No

3a. If yes,

Square footage of establishment	2740
Square footage of dance floor	120

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF CITY PLANNING

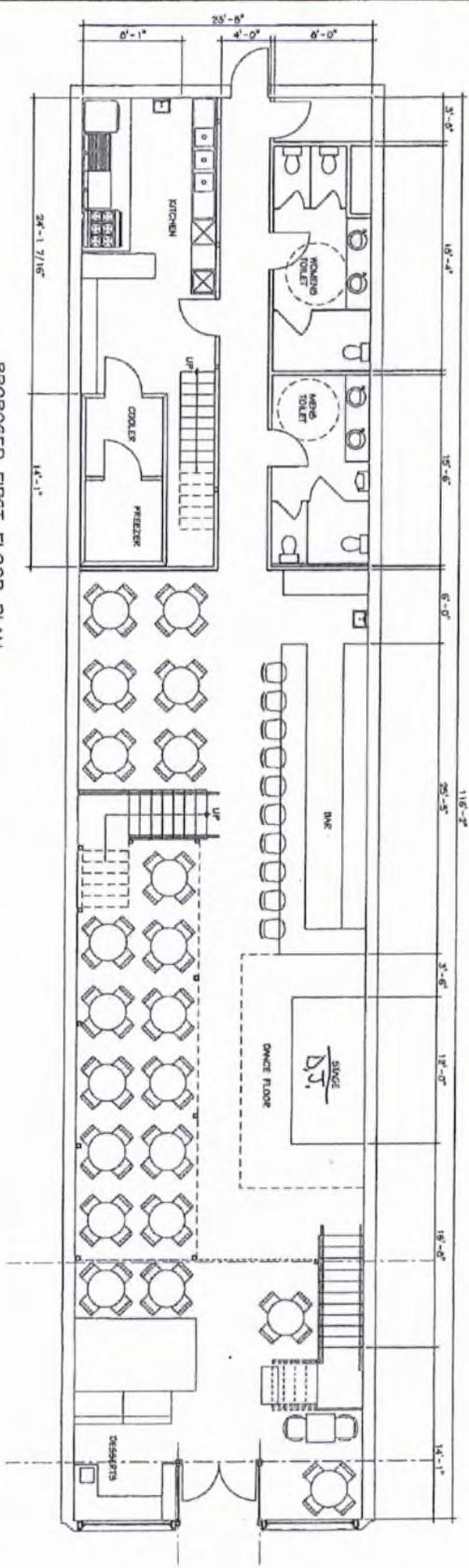
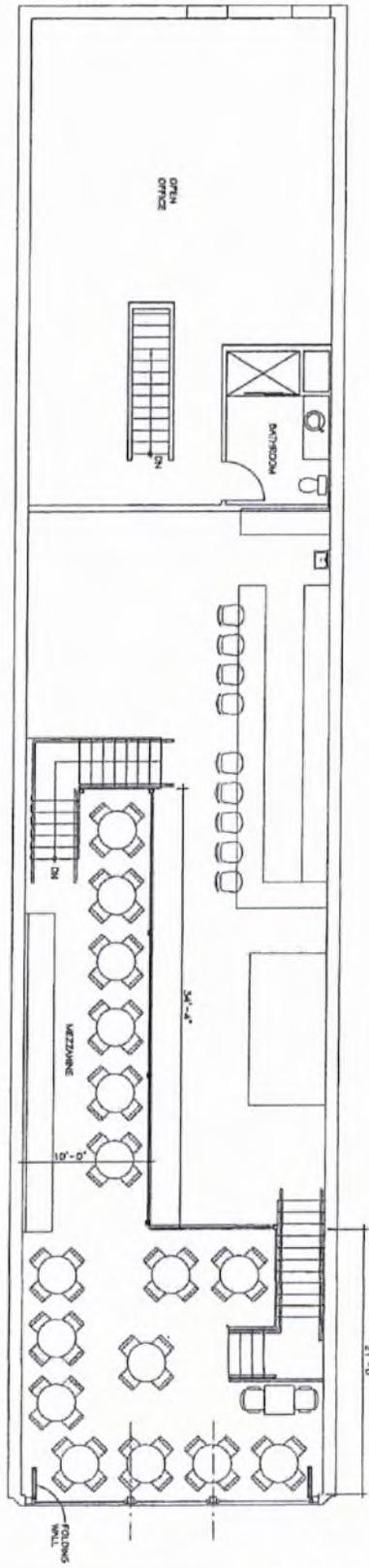
810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January 2015)

Exhibit B



A-11 <small>3 1/2" x 11"</small>	Jhane' Sweet Lounge 731 GRANBY STREET, NORFOLK, VIRGINIA FIRST AND SECOND FLOOR PLANS	PROJECT NO 18043	DATE 26 SEPT 2016	REVISION 1 2 3 4 5	CHECKED BY [Signature]	DRAWN BY [Signature]	SPECIAL SPECIAL SPECIAL 9-26-16
		LICENSE ARCHITECTS 731 GRANBY STREET NORFOLK, VIRGINIA 23510 TEL: 757-622-1111 FAX: 757-622-1112 WWW.JHANE.COM	SCALE 1/4" = 1'-0"	SHEET NO A-11	TOTAL SHEETS 11		

Location Map



MAGAZINE LANE

JHANE'S SWEET LOUNGE

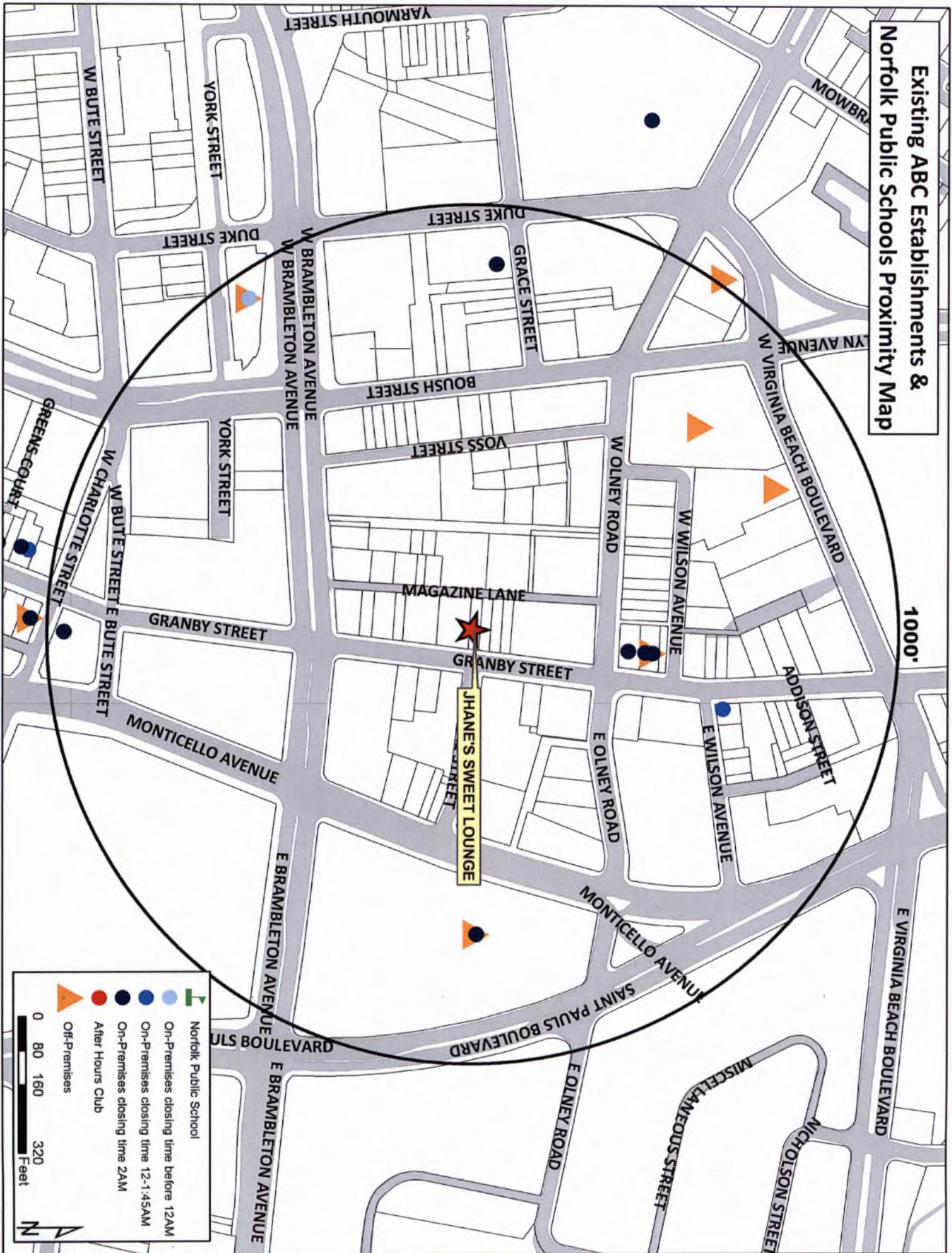
GRANBY STREET

STARKE STREET

0 5 10 20
Feet



Existing ABC Establishments & Norfolk Public Schools Proximity Map



1000'

	Norfolk Public School
	On-Premises closing time before 12AM
	On-Premises closing time 12-1:45AM
	On-Premises closing time 2AM
	After Hours Club
	Off-Premises

0 80 160 320 Feet

N



APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)

Date 9/20/2016

DESCRIPTION OF PROPERTY

Address 731 GRANDY STREET
Existing Use of Property Restaurant and Bar
Proposed Use Restaurant and dessert cafe
Current Building Square Footage 2740
Proposed Building Square Footage 2740
Trade Name of Business (If applicable) JHANE LOUNGE

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Wadnola (First) Stephanie (MI) A
Mailing address of applicant (Street/P.O. Box): 3305 Georgie Court
(City) Chesapeake (State) VA (Zip Code) 23323
Daytime telephone number of applicant 757-359-1902 Fax () -
E-mail address of applicant: JSVBLU1207@yahoo.com

**Application
Entertainment Establishment
Page 2**

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) _____ (First) _____ (MI) _____

Mailing address of applicant (Street/P.O. Box): _____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of applicant () _____ Fax () _____

E-mail address of applicant: _____

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) WADNOLA (First) Stephanie (MI) A

Mailing address of property owner (Street/P.O. box): 3305 Geologie Court

(City) Chesapeake (State) VA (Zip Code) 23323

Daytime telephone number of owner 757 359-1902 email: JSVBLV1207@yahoo.com

CIVIC LEAGUE INFORMATION

Civic League contact: _____ N/A _____

Date(s) contacted: _____

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Stephanie Wadrola Sign: Stephanie Wadrola 9/20/2011
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Stephanie Wadrola Sign: Stephanie Wadrola 9/20/2011
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: _____ Sign: _____ / _____ / _____
(Authorized Agent Signature) (Date)

**Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity when D.J.

a. Indoor

Number of seats (not including bar seats)
Number of bar seats
Standing room

162
~~182~~
20
18

b. Outdoor

Number of seats

c. Number of employees

20

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = ~~200~~ 220

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, (karaoke, comedian) or poetry reading.

D.J., carnival dance, salsa, paint nite,
fashion show

3. Will a dance floor be provided?

Yes No

3a. If yes,

Square footage of establishment _____

Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January 2015)

Jhane's
SECURITY PLAN ~~LEIAUNTES~~

Definition of "Security"

Security—noun

1. Freedom from danger, risk, etc.; safety.
2. Freedom from worry, anxiety, or doubt; well-founded confidence.
3. Something that secures or makes safe; protection; defense.
4. Precautions taken to guard against crime, attack, etc.

Goals:

- To create a safe and secure environment within ~~Leiauntes~~ *Jhane's* for all patrons.
- To provide a level of control and safety for all arriving and departing guests of ~~Leiauntes~~ *Jhane's*.
- To mitigate any noise or inappropriate conduct by patrons of ~~Leiauntes~~ *Jhane's* entering and/exiting the facility which impairs the quiet enjoyment of immediate neighbors, particularly residents living nearby.
- To peacefully and effectively resolve all dangerous situations before any injury to any person or property may occur. The ~~Leiauntes~~ *Jhane's* staff or security team shall provide an assertive presence by displaying integrity and professionalism while executing their duties and responsibilities in an effort to maintain security, protection and safety of members of the public.
- To ensure a complete, orderly, safe and swift evacuation of the facility in case of fire, explosion, or any other uncontrolled dangers within the building.
- To protect and promote the courteous, inviting and hospitable character of the neighborhood and the City of Norfolk generally.

Features of the Plan:

Security Team: Security will be provided, if necessary, by Elite Security.

Rules and Regulations:

A mature, responsible dress code will be enforced at all times and no weapons will be permitted in the establishment.

Drinks will not be served to any intoxicated patrons at any time. Unruly patrons will be asked to leave. The facility is a smoke-free restaurant.

Uniform for Security Team:

Uniforms are intended to help patrons, law enforcement, and emergency responders readily identify who from the facility is designated as responsible for maintaining security and empowered to implement or impose the facilities rules and regulations.

All Elite Security and staff will be in full company uniform at all times.

Security Team:

Door/Mobile Security:

*Control activity at main entrance(s) at all times, monitoring entry of patrons and maintaining a clear egress.

*Control access to the venue.

*Check for proper identification of patrons seeking admission.

*Enforce dress code, age limitation, legitimacy of identification cards (watching out for counterfeit ID's) and code of conduct.

*Enforce restrictions on contraband by employing one or more of the following techniques: searching of bags/purses, metal detector wands, pat-downs, etc.

*During emergency evacuation, direct patrons out of exits and to a location far enough from the building to be safe and to allow room for other patrons to continue to move away from the building to assemble.

*Maintain CPR Certification.

Communication:

Security Team members will carry a hand-held radio (i.e. walkie-talkie). Surveillance attachments (ear piece/microphone) will be utilized as warranted, particularly for personnel who need to have both hands free in order to execute their responsibilities. The security team leader will monitor all radio traffic. Flashlights will

be utilized by all security staff members as a back-up form of communication inside the facility whenever the situation warrants.

Emergency Evacuation Plan:

Evacuation, if necessary, will be handled in an orderly manner by utilizing the nearest outdoor exit.

Jhanes - Notification sent to all Property Owners within 300 feet

<u>Property Owner</u>	<u>Property Address</u>	<u>Mailing Address</u>		
731 Monticello Ave Llc	729 Monticello Av	109 E Main St Ste 200	Norfolk	VA
731 Monticello Ave Llc	727 Monticello Av	109 E Main St Ste 200	Norfolk	VA
Seven Eleven Granby St Llc	711 Granby St	109 E Main St Ste 200	Norfolk	VA
Seven Eleven Granby St Llc	713 Granby St	201 E Plume St	Norfolk	VA
Commonwealth Building Co	717 Magazine La	150 W Brambleton Ave	Norfolk	VA
Virginian-Pilot Media Companies, Llc	713 Magazine La	150 W Brambleton Ave	Norfolk	VA
Rgm Real Estate, Llc	746 Granby St	746 Granby St	Norfolk	VA
Rgm Real Estate, Llc	748 Granby St	746 Granby St	Norfolk	VA
Rgm Real Estate, Llc	N S Starke St	746 Granby St	Norfolk	VA
Bress Realty, Llc	719 Granby St	721 Granby St	Norfolk	VA
Seven Forty-One Monticello Llc	741 Monticello Av	248 W Bute St Ste 200	Norfolk	VA
Seven-Forty-One Monticello Llc	125 E Olney Rd	248 W Bute St Ste 200	Norfolk	VA
Seven-Forty-One Monticello Llc	115 E Olney Rd	248 W Bute St Ste 200	Norfolk	VA
Magazine Lane Properties, Llc	735 Granby St	746 Granby St	Norfolk	VA
Greyhound Lines Inc-Lessee	701 Monticello Av	Po Box 52427	Atlanta	GA
Seven Eleven Granby St Llc	E S Granby St	201 E Plume St	Norfolk	VA
731 Monticello Ave, Llc	723 Monticello Av	109 E Main St Ste 200	Norfolk	VA
Magazine Lane Properties, Llc	733 Granby St	746 Granby St	Norfolk	VA
Virginian-Pilot Media Companies, Llc	150 W Brambleton Av	150 W Brambleton Ave	Norfolk	VA
Virginian-Pilot Media Companies, Llc	128 W Brambleton Av	150 W Brambleton Ave	Norfolk	VA
Virginian-Pilot Media Companies, Llc	719 Magazine La	150 W Brambleton Ave	Norfolk	VA
Virginian-Pilot Media Companies, Llc	723 Magazine La	150 W Brambleton Ave	Norfolk	VA
Virginian-Pilot Media Companies, Llc	710 Voss St	150 W Brambleton Ave	Norfolk	VA
Virginian-Pilot Media Companies, Llc	748 National La	150 W Brambleton Ave	Norfolk	VA
Virginian-Pilot Media Companies, Llc	726 Voss St	150 W Brambleton Ave	Norfolk	VA
Virginian-Pilot Media Companies, Llc	716 Voss St	150 W Brambleton Ave	Norfolk	VA
Virginian-Pilot Media Companies, Llc	724 Voss St	150 W Brambleton Ave	Norfolk	VA
Virginian-Pilot Media Companies, Llc	734 Voss St	150 W Brambleton Ave	Norfolk	VA
Virginian-Pilot Media Companies, Llc	715 Magazine La	150 W Brambleton Ave	Norfolk	VA
Virginian-Pilot Media Companies, Llc	721 Magazine La	150 W Brambleton Ave	Norfolk	VA
Virginian-Pilot Media Companies, Llc	157 W Olney Rd	150 W Brambleton Ave	Norfolk	VA
Virginian-Pilot Media Companies, Llc	121 W Olney Rd	150 W Brambleton Ave	Norfolk	VA
Virginian-Pilot Media Companies, Llc	756 Voss St	150 W Brambleton Ave	Norfolk	VA
Virginian-Pilot Media Companies, Llc	750 Voss St	150 W Brambleton Ave	Norfolk	VA
Virginian-Pilot Media Companies, Llc	720 Voss St	150 W Brambleton Ave	Norfolk	VA
Seven Forty-One Monticello Llc	734 Granby St	248 W Bute St Ste 200	Norfolk	VA
Bress Realty, Llc	725 Granby St	721 Granby St	Norfolk	VA
Lain Realty Co Llc	739 Granby St	745 Granby St	Norfolk	VA
Lain Realty Co Llc	741 Magazine La	745 Granby St	Norfolk	VA
Lain Realty Co Llc	117 W Olney Rd	745 Granby St	Norfolk	VA
Starke Street Llc	730 Granby St	201 E Plume St	Norfolk	VA
Virginian-Pilot Media Companies, Llc	114 W Brambleton Av	150 W Brambleton Ave	Norfolk	VA
Virginian-Pilot Media Companies, Llc	N S W Brambleton Av	150 W Brambleton Ave	Norfolk	VA
Virginian-Pilot Media Companies, Llc	124 W Brambleton Av	150 W Brambleton Ave	Norfolk	VA
Virginian-Pilot Media Companies, Llc	711 Magazine La	150 W Brambleton Ave	Norfolk	VA
Jawhar, Omar	737 Granby St	737 Granby St	Norfolk	VA
Rojon Incorporated	724 Granby St	P O Box J G	Williamsburg	VA
Wadnola, Stephanie	731 Granby St	731 Granby St	Norfolk	VA
711 Granby Llc	707 Granby St	201 E Plume St	Norfolk	VA
Seven Eleven Granby St, Llc	717 Granby St	109 E Main St Ste 200	Norfolk	VA
Kings Crest, Llc	4200 Colley Av	5400 Glen Alden Dr	Richmond	VA

Pollock, Susan

From: Kevin R. Murphy <krmurphy@verizon.net>
Sent: Wednesday, September 28, 2016 4:35 PM
To: McDonald, Colette; Miller, Mary
Cc: Whibley, Terry; McClellan, Andria; Howard, Oneiceia; Pollock, Susan
Subject: RE: New Planning Commission Application - 731 Granby Street
Attachments: application.pdf

Hi Colette,

The DNCL will not object to this application.

Thank you,

Kevin

From: McDonald, Colette [mailto:Colette.McDonald@norfolk.gov]
Sent: Wednesday, September 28, 2016 12:20 PM
To: dncl@welovenorfolk.org; Miller, Mary <mmiller@downtownnorfolk.org>
Cc: Whibley, Terry <Theresa.Whibley@norfolk.gov>; McClellan, Andria <Andria.McClellan@norfolk.gov>; Howard, Oneiceia <Oneiceia.Howard@norfolk.gov>; Pollock, Susan <susan.pollock@norfolk.gov>
Subject: New Planning Commission Application - 731 Granby Street

Mr. Murphy and Ms. Miller,

Attached please find an application for **JHANÉ'S SWEET LOUNGE**, for a special exception to operate an eating and drinking establishment at 731 Granby Street.

Staff contact: Susan Pollock Hart at (757) 664-4765, susan.pollock@norfolk.gov

The item is tentatively scheduled for the November 10, 2016 Planning Commission public hearing.

Thank you,

Colette McDonald
City of Norfolk Planning Technician



Planning Department
810 Union Street | Suite 508
Norfolk, VA 23510
Email | Colette.McDonald@Norfolk.gov
Phone | (757) 664-6771

Pollock, Susan

From: McDonald, Colette
Sent: Wednesday, September 28, 2016 12:19 PM
To: 'dncl@welovenorfolk.org'; Miller, Mary
Cc: Whibley, Terry; McClellan, Andria; Howard, Oneiceia; Pollock, Susan
Subject: New Planning Commission Application - 731 Granby Street
Attachments: application.pdf

Mr. Murphy and Ms. Miller,

Attached please find an application for **JHANÉ'S SWEET LOUNGE**, for a special exception to operate an eating and drinking establishment at 731 Granby Street.

Staff contact: Susan Pollock Hart at (757) 664-4765, susan.pollock@norfolk.gov

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Thank you,

Colette McDonald
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Norfolk, VA 23510
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Phone | (757) 664-6771

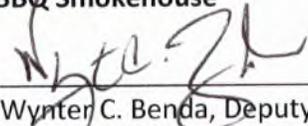


To the Honorable Council
City of Norfolk, Virginia

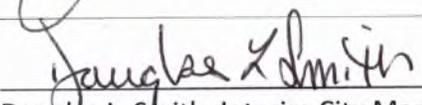
December 13, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Special exceptions to operate an eating and drinking establishment and for the sale of alcoholic beverages for off-premises consumption at 4110 Colley Avenue – Dorothy’s BBQ Smokehouse**

Reviewed: 
Wynter C. Benda, Deputy City Manager

Ward/Superward: 2/7

Approved: 
Douglas L. Smith, Interim City Manager

Item Number: **C-5**

I. **Staff Recommendation:** Approval.

II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.

III. **Request:** Special exceptions to operate an eating and drinking establishment and for the sale of alcoholic beverages for off-premises consumption.

IV. **Applicant:** Dorothy Lovell

V. **Description:**

- The site is located on the southeast corner of Colley Avenue and W. 42nd Street, within the Highland Park neighborhood.
- This request allows a new restaurant, Dorothy’s BBQ Smokehouse, to open in a space previously occupied by The Dirty Buffalo and serve alcohol for on-premises and off-premises consumption.

	Prior (The Dirty Buffalo)	Proposed (Dorothy’s BBQ Smokehouse)
Hours of Operation	11:00 a.m. until 12:00 midnight, Sunday through Thursday 11:00 a.m. until 4:00 a.m., Friday through Saturday	11:00 a.m. until 11:00 p.m., Monday through Thursday 11:00 a.m. until 12:00 midnight, Friday 9:00 a.m. until 12:00 midnight, Saturday 9:00 a.m. until 11:00 p.m., Sunday
Hours for the Sale of Alcohol for On-Premises Consumption	11:00 a.m. until 12:00 midnight, Seven days a week	11:00 a.m. until 11:00 p.m., Monday through Thursday 11:00 a.m. until 12:00 midnight, Friday 9:00 a.m. until 12:00 midnight, Saturday 9:00 a.m. until 11:00 p.m., Sunday

Hours for the Sale of Alcohol for Off-Premises Consumption	N/A	11:00 a.m. until 11:00 p.m., Monday through Thursday 11:00 a.m. until 12:00 midnight, Friday 9:00 a.m. until 12:00 midnight, Saturday 9:00 a.m. until 11:00 p.m., Sunday
Off-Premises Alcohol Container Sizes	N/A	6 pack of beer and wine in containers of a minimum of 375 ml each
Seating	60 seats indoors 0 seats outdoors 90 total capacity	Same

VI. Historic Resources Impacts:

- The site is not located within a federal, state, or local historic district.
 - Since the structure on the site is at least 50 years old, the site could potentially meet the criteria for designation as a federal, state or local historic resource under the Department of Historic Resources guidelines.

VII. Public Schools Impacts

According to the Existing ABC Establishments and Norfolk Public Schools Proximity Map (see attached), the proposed property is not within 1,000 feet of a Norfolk Public School.

Staff point of contact: Chris Whitney at 823-1253, Chris.Whitney@norfolk.gov

Attachments:

- Proponents and Opponents
- Staff Report to CPC dated November 10, 2016 with attachments
- Ordinance

Planning Commission Public Hearing: November 10, 2016

Executive Secretary: George M. Homewood, FAICP, CFM

Planner: Chris Whitney, CZA, CFM

Staff Report	Item No. 9	
Address	4110 Colley Avenue	
Applicant	Dorothy's BBQ Smokehouse	
Requests	Special Exceptions	Eating and Drinking Establishment
		Sale of Alcoholic Beverages for Off-Premises Consumption
Property Owner	Off Boulevard, LLC	
Site Characteristics	Site/Building Area	11,385 sq. ft./1,865 sq. ft.
	Future Land Use	Commercial
	Zoning	C-2 (Corridor Commercial)
	Neighborhood	Highland Park
	Character District	Traditional
Surrounding Area	North	C-2: For Kids offices
	East	R-8 (Single-Family): Vacant land
	South	C-2: T&T Seafood Market
	West	C-2: Wave restaurant and nightclub



A. Summary of Request

- The site is located on the southeast corner of Colley Avenue and W. 42nd Street, within the Highland Park neighborhood.
- This request allows a new restaurant, Dorothy’s BBQ Smokehouse, to open in a space previously occupied by The Dirty Buffalo and serve alcohol for on and off-premises consumption.

B. Plan Consistency

- The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as Commercial.
- The *Central Hampton Boulevard Area Plan* identifies this site as a location for office, research, retail, and/or multi-family residential uses and calls for the impact of parking to be minimized, with parking areas screened from view by fencing or plantings of up to four feet in height to help screen the parking from the sidewalk.
- A condition was added to The Dirty Buffalo’s special exception requiring the installation and maintenance of a planting strip with a fence, wall, or hedge along the rear edge of the sidewalk fronting Colley Avenue to properly screen the parking areas.
 - The applicant has provided a site plan that meets this condition and it will be a requirement of the proposed special exception to install and maintain the landscaping shown on the site plan prior to the issuance of any business license.

C. Zoning Analysis

i. General

- This portion of Colley Avenue is developed with a mixture of commercial uses.
- The site is located in a C-2 zoning district, which permits the proposed use by special exception.

	Prior (The Dirty Buffalo)	Proposed (Dorothy’s BBQ Smokehouse)
Hours of Operation	11:00 a.m. until 12:00 midnight, Sunday through Thursday 11:00 a.m. until 4:00 a.m., Friday through Saturday	11:00 a.m. until 11:00 p.m., Monday through Thursday 11:00 a.m. until 12:00 midnight, Friday 9:00 a.m. until 12:00 midnight, Saturday 9:00 a.m. until 11:00 a.m., Sunday
Hours for the Sale of Alcohol for On-Premises Consumption	11:00 a.m. until 12:00 midnight, Seven days a week	11:00 a.m. until 11:00 p.m., Monday through Thursday 11:00 a.m. until 12:00 midnight, Friday 9:00 a.m. until 12:00 midnight, Saturday 9:00 a.m. until 11:00 a.m., Sunday
Hours for the Sale of Alcohol for Off-Premises Consumption	N/A	11:00 a.m. until 11:00 p.m., Monday through Thursday 11:00 a.m. until 12:00 midnight, Friday 9:00 a.m. until 12:00 midnight, Saturday 9:00 a.m. until 11:00 a.m., Sunday

Off-Premises Alcohol Container Sizes	N/A	<ul style="list-style-type: none"> • 6 pack of beer • Specialty-sized single-servings
Seating	60 seats indoors 0 seats outdoors 90 total capacity	Same

- Special Exception history:

City Council Approval	Applicant	Action
2011	The Peppermill Diner	Eating and Drinking Establishment
2012	The Dirty Buffalo	Eating and Drinking Establishment
2013	The Dirty Buffalo	<ul style="list-style-type: none"> • Expand seating • Extend hours
Pending	Dorothy's BBQ Smokehouse	<ul style="list-style-type: none"> • Eating and Drinking Establishment • Sale of Alcohol for Off-Premises Consumption

ii. Parking

- The site is located in the Traditional Character District which requires one parking space per 175 square feet of building area.
 - 11 parking spaces are required and 15 are provided on site.
 - In order to meet the bike parking requirements for a commercial space of this size, a bike rack will be required to be installed on the site, sufficient to accommodate at least one bicycle.

iii. Flood Zone

The property is located in the AE (High Risk), X (Shaded), and X (Low to Moderate) Flood Zones.

D. **Transportation Impacts**

- Institute of Transportation Engineers figures calculate forecast travel for restaurants based upon the total seating of an establishment.
- Since no increase in indoor seating is being proposed for the site, no additional trips are projected.
- Also, no new trips are forecast related to the proposed addition of off-premises alcohol sales at this existing restaurant location.

- Colley Avenue near the site is not identified as a severely congested corridor in either the AM or PM peak hours in the current update to regional Hampton Roads Congestion Management analysis.
- Colley Avenue adjacent to the site is an identified priority corridor in the *City of Norfolk Bicycle and Pedestrian Strategic Plan*.

E. Historic Resources Impacts

- The site is not located within a federal, state, or local historic district.
 - Since the structure on the site is at least 50 years old, the site could potentially meet the criteria for designation as a federal, state or local historic resource under the Department of Historic Resources guidelines.

F. Public Schools Impacts

According to the *Existing ABC Establishments and Norfolk Public Schools Proximity Map* (see attached), the proposed property is not within 1,000 feet of a Norfolk Public School.

G. Environmental Impacts

- The previous operator, The Dirty Buffalo, made significant site/landscape improvements through the special exception process.
 - The site will be required to maintain the site improvements, which include replacing/maintaining the landscaping.
 - A masonry dumpster enclosure was installed but a gate was never completed.
 - Completion of the gate will be a condition of this special exception before issuance of a business license.

H. AICUZ Impacts

N/A

I. Surrounding Area/Site Impacts

- By requiring the uses to conform to the conditions listed below, the proposed restaurant should not have a negative effect on the surrounding area.
- Over the past year there have been six calls for police service to with one arrest made.

J. Payment of Taxes

The owner of the property is current on all real estate taxes.

K. Civic League

Notice was sent to the Highland Park Civic League on September 28.

L. Communication Outreach/Notification

- Legal notice was posted on the property on October 4.
- Letters were mailed to all property owners within 300 feet of the property on October 25.
- Legal notification was placed in *The Virginian-Pilot* on October 27 and November 3.

M. Recommendation

Staff recommends that the special exception be **approved** subject to the following conditions:

Eating and Drinking Establishment

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 11:00 a.m. until 11:00 p.m. Monday through Thursday, from 11:00 a.m. until 12:00 a.m. Friday, from 9:00 a.m. until 12:00 a.m. Saturday, and from 9:00 a.m. until 11:00 p.m. Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 60 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 90 people.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (d) A landscaped buffer area shall be installed in the area where the property abuts Colley Avenue, in accordance with the plan attached hereto and marked as "Exhibit B."
- (e) All landscaping installed on the site shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (f) The parking lot shall be striped in accordance with the plan attached hereto and marked as "Exhibit B."
- (g) The dumpster shall be enclosed in with a gate, and landscaping material shall be installed in accordance with the plan attached hereto and marked as "Exhibit B."
- (h) A bicycle rack shall be installed sufficient to accommodate at least one bicycle within clear view of the principal entrance of the building.
- (i) The establishment shall maintain a current, active business license at all times while in operation.
- (j) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.

- (k) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (l) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (m) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (n) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (o) There shall be no entertainment, no dancing, and no dance floor provided.
- (p) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (q) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (r) No business license shall be issued until conditions (d), (f), (g), and (h) have been implemented fully on the site.

Sale of Alcoholic Beverages for Off-Premises Consumption

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 11:00 a.m. until 11:00 p.m. Monday through Thursday, 11:00 a.m. until 12:00 a.m. Friday, 9:00 a.m. until 12:00 a.m. Saturday, and 9:00 a.m. until 11:00 p.m. Sunday.
- (b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in any package containing fewer than six (6) bottles or cans, with the exception of those bottled beers which are exclusively produced in bottles greater than 12 ounces but less than 32 ounces in size. No wine shall be sold in containers less than 375 ml each.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (j) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, solid waste, snow, ice, and any bodily discharge.
- (k) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Attachments

Location Map

Zoning Map

1000' radii map of similar ABC establishments and Norfolk Public Schools

Applications

Landscape/Site Plan

Notification list of all property owners within 300 feet of the site

Notice to the Highland Park Civic League

Proponents and Opponents

Proponents

Dorothy Lovell – Applicant
4110 Colley Avenue
Norfolk, VA 23517

Opponents

None

Form and Correctness Approved

RAP

By *Adrian Newton*
Office of the City Attorney

Contents Approved: *CW*

By *[Signature]*
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "DOROTHY'S BBQ SMOKEHOUSE" ON PROPERTY LOCATED AT 4110 COLLEY AVENUE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Allspice, Inc. authorizing the operation of an eating and drinking establishment named "Dorothy's BBQ Smokehouse" on property located at 4110 Colley Avenue. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 100 feet, more or less, along the eastern line of Colley Avenue and 105 feet, more or less, along the southern line of West 42nd Street; premises numbered 4110 Colley Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be limited to 11:00 a.m. until 11:00 p.m. Monday through Thursday, 11:00 a.m. until 12:00 midnight on Friday, 9:00 a.m. until 12:00 midnight on Saturday, and 9:00 a.m. until 11:00 p.m. on Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 60 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 90 people.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the

operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

- (d) A landscaped buffer area shall be installed in the area where the property abuts Colley Avenue in conformity with the plan attached hereto and marked as "Exhibit B."
- (e) All landscaping installed on the site shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (f) The parking lot shall be striped in conformity with the plan attached hereto and marked as "Exhibit B."
- (g) The dumpster shall be located in a gated enclosure and landscaped in conformity with the plan attached hereto and marked as "Exhibit B."
- (h) A bicycle rack shall be installed within plain view of the principal entrance of the building.
- (i) The establishment shall maintain a current, active business license at all times while in operation.
- (j) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.
- (k) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (l) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

- (m) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (n) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (o) There shall be no entertainment, no dancing, and no dance floor provided.
- (p) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (q) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

- (r) No business license shall be issued until conditions (d), (f), (g), and (h) have been implemented fully on the site.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic

or historic features of significant importance;

- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exceptions permitting an eating and drinking establishment on this property, adopted on February 3, 2014 (Ordinance No. 41,297) and on December 10, 2013 (Ordinance No. 45,372). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

- Exhibit A (4 pages)
- Exhibit B (1 page)



EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 9/22/2014

Trade name of business DOROTHY'S BBQ SMOKEHOUSE

Address of business 4110 Colley Avenue

Name(s) of business owner(s)* ALLSPICE, INC - DOROTHY & EDWARD LOVELL

Name(s) of property owner(s)* OFF BOULEVARD LLC - DEGENERS

Daytime telephone number (718) 877-8907

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

<u>Facility</u>		<u>Alcoholic Beverage Sales</u>	
Weekday	From <u>11</u> To <u>11</u>	Weekday	From <u>11</u> To <u>11</u>
Friday	From <u>11</u> To <u>12</u>	Friday	From <u>11</u> To <u>12</u>
Saturday	From <u>9</u> To <u>12</u>	Saturday	From <u>9</u> To <u>12</u>
Sunday	From <u>9</u> To <u>11</u>	Sunday	From <u>9</u> To <u>11</u>

2. Type of ABC license applied for (check all applicable boxes)

On-Premises Off-Premises (additional application required)

3. Type of alcoholic beverage applied for

Beer Wine Mixed Beverage

4. Will indoor or outdoor entertainment be provided?

(Entertainment consists of anything more than one, unamplified musician)

Yes (Different application required) No

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January 2015)

Exhibit A – Page 2
Eating and Drinking Establishment

5. Will video games, pool tables, game boards or other types of games be provided?
 Yes (If more than 4, additional application required) No

5a. If yes, please describe type and number of each game to be provided

6. Will patrons ever be charged to enter the establishment?
 Yes No

6a. If yes, why

6b. Which days of the week will there be a cover charge (circle all applicable days)?

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

N/A

7. Will the facility or a portion of the facility be available for private parties?
 Yes No

7a. If yes, explain

8. Will a third party (promoter) be permitted to lease, let or use the establishment?
 Yes No

8a. If yes, explain

9. Will there ever be a minimum age limit?
 Yes No

Exhibit A – Page 3

Eating and Drinking Establishment

10. Additional comments/ description/operational characteristics or prior experience:

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

D. My Lord

Signature of Applicant

N/A

**Exhibit A – Floor Plan(s) Worksheet
Eating and Drinking Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Outdoor seating
 - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)	<u>50</u>
Number of bar seats	<u>10</u>
Standing room	<u> </u>

b. Outdoor

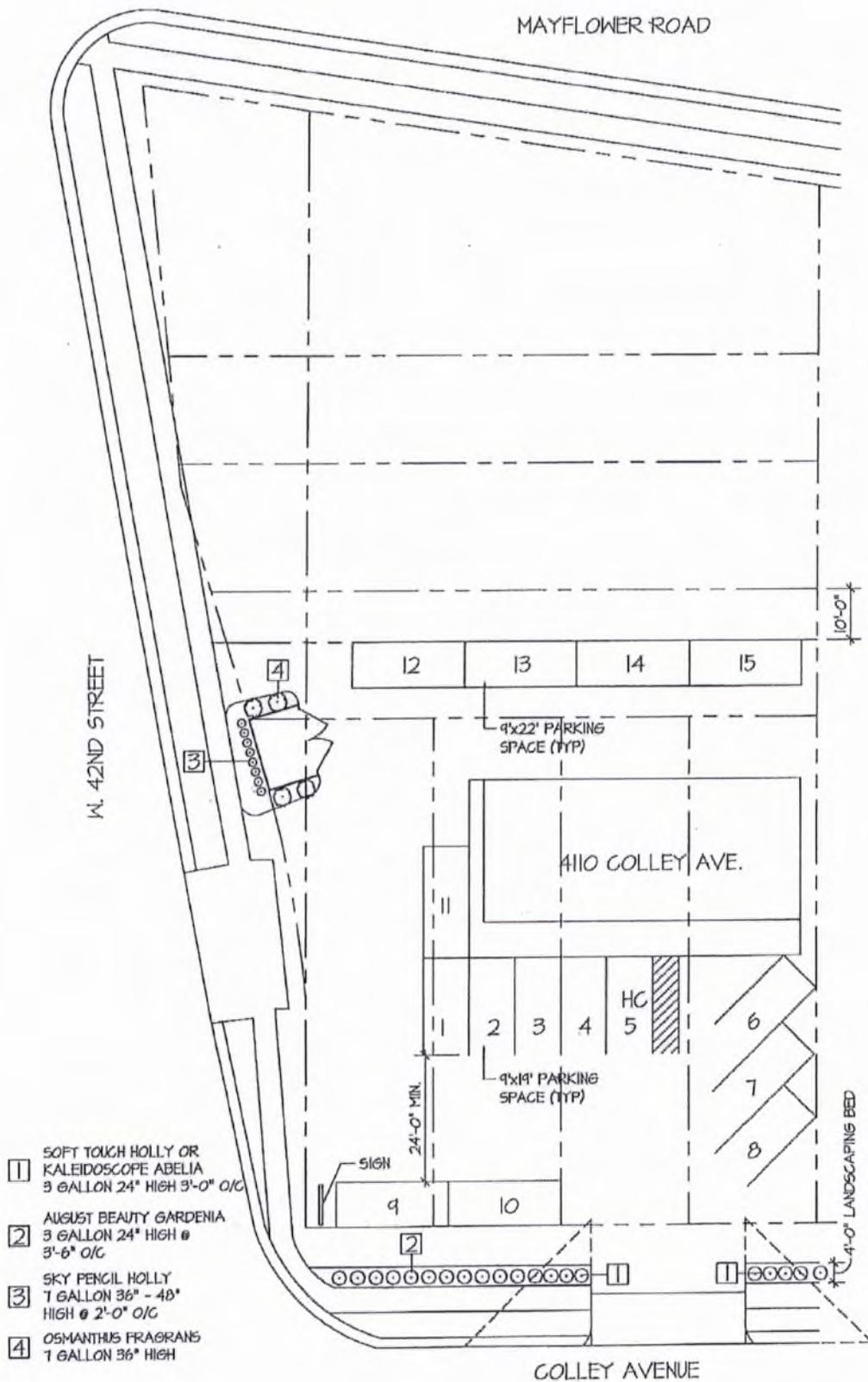
Number of seats	<u> </u>
-----------------	-------------------

c. Number of employees

<u>10</u>

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 90



- 1 SOFT TOUGH HOLLY OR KALEIDOSCOPE ABELIA
3 GALLON 24" HIGH 3'-0" O/C
- 2 AUGUST BEAUTY GARDENIA
3 GALLON 24" HIGH @ 3'-6" O/C
- 3 SKY PENCIL HOLLY
7 GALLON 36" - 48" HIGH @ 2'-0" O/C
- 4 OSMANthus FRAGRANS
7 GALLON 36" HIGH

4110 COLLEY AVE. SITE PLAN
1" = 30'-0"

Form and Correctness Approved

Contents Approved: *aw*

By *[Signature]*
Office of the City Attorney

By *[Signature]*
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "DOROTHY'S BBQ SMOKEHOUSE" ON PROPERTY LOCATED AT 4110 COLLEY AVENUE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Allspice, Inc. authorizing the sale of beer and wine for off-premises consumption at an establishment known as "Dorothy's BBQ Smokehouse" on property located at 4110 Colley Avenue. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 100 feet, more or less, along the eastern line of Colley Avenue and 105 feet, more or less, along the southern line of West 42nd Street; premises numbered 4110 Colley Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 11:00 a.m. until 11:00 p.m. Monday through Thursday, 11:00 a.m. until 12:00 midnight on Friday, 9:00 a.m. until 12:00 midnight on Saturday, and 9:00 a.m. until 11:00 p.m. on Sunday.
- (b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception

is granted showing the new owner, whichever is earlier.

- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) All beer sold for off premises consumption shall be in a package containing a minimum of six (6) bottles or cans and all wine shall be sold in containers with a minimum of 375 ml each.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times

for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

- (j) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (k) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be

constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (2 pages)



EXHIBIT "A"
Description of Operations
Off-Premises Sale of Alcoholic Beverage

Date of Application: 9/26/2011

Name of business: DOROTHY'S BAR SMOKEHOUSE

Address of business: 4110 COLLEY AVENUE, NORFOLK

Name(s) of business owner(s)*: ALL SPICE, INC. - EDWARD & Dorothy Lovell

Name(s) of property owner(s)*: OFF BOULEVARD, INC

Name(s) of business manager(s)/operator(s): BARBY ROSS / Dorothy Lovell

Daytime telephone number (713): 877-8907

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility		Alcoholic Beverage Sales	
Weekday	From <u>11</u> To <u>11</u>	Weekday	From <u>11</u> To <u>11</u>
Friday	From <u>11</u> To <u>12</u>	Friday	From <u>11</u> To <u>12</u>
Saturday	From <u>9</u> To <u>12</u>	Saturday	From <u>9</u> To <u>12</u>
Sunday	From <u>9</u> To <u>11</u>	Sunday	From <u>9</u> To <u>11</u>

2. Type of alcoholic beverage applied for:
 Beer Wine Mixed Beverage

3. Alcoholic beverages to be sold:
 Room temperature Refrigerated

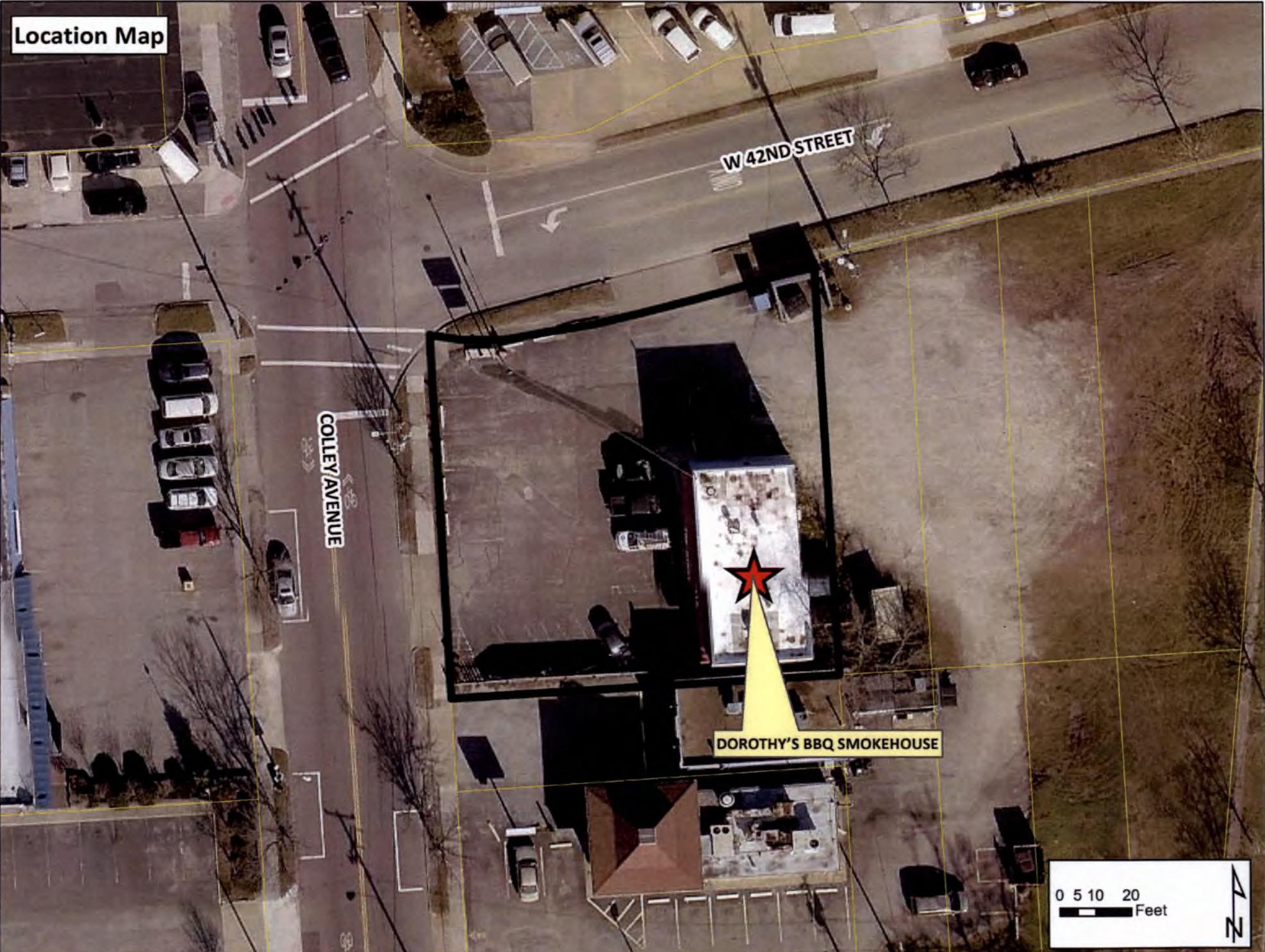
Exhibit A – Page 2
ABC-Off

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

Dorothy Lovel

Signature of applicant/owner

Location Map



W 42ND STREET

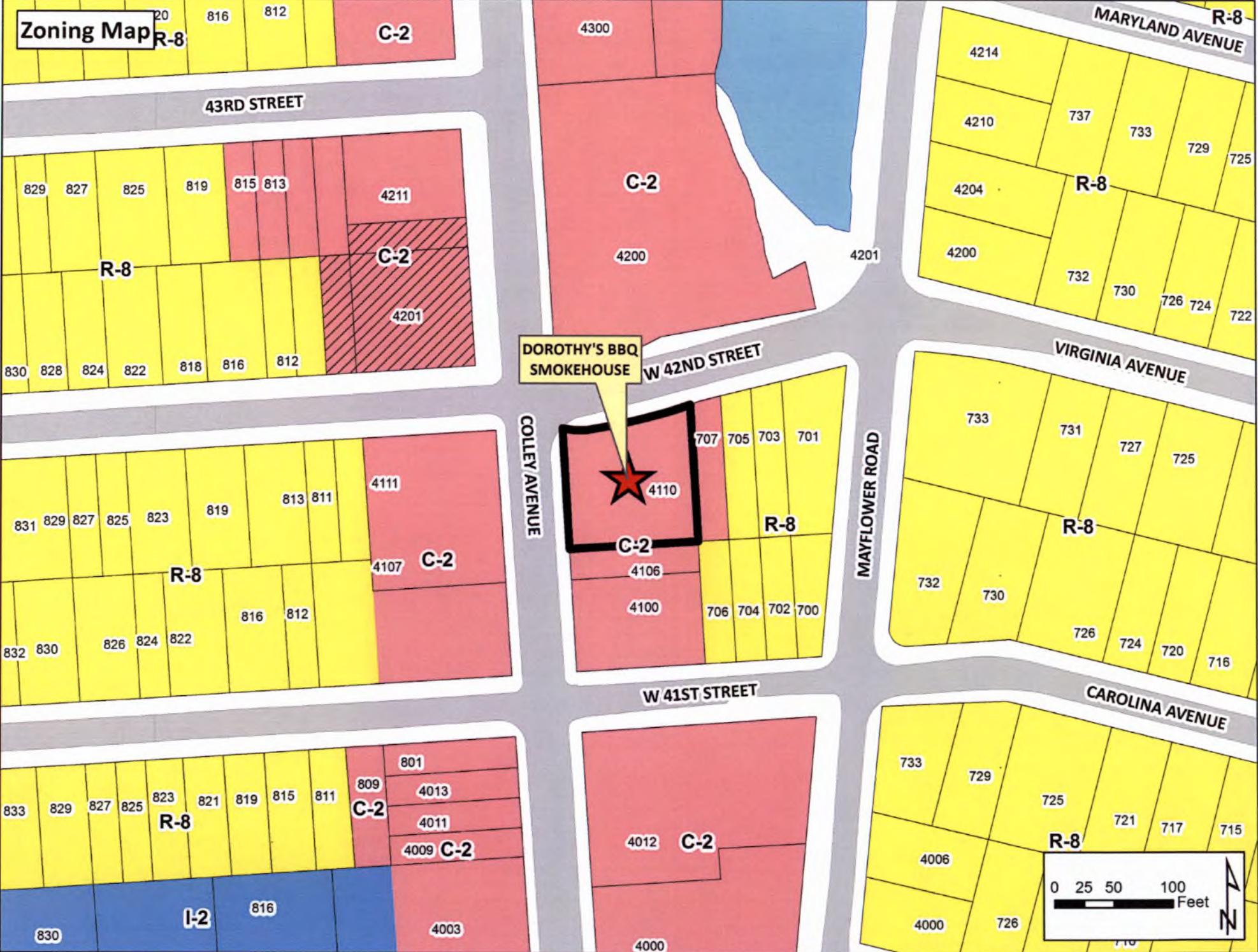
COLLEY AVENUE

DOROTHY'S BBQ SMOKEHOUSE

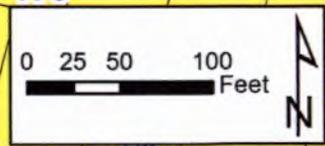
0 5 10 20
Feet



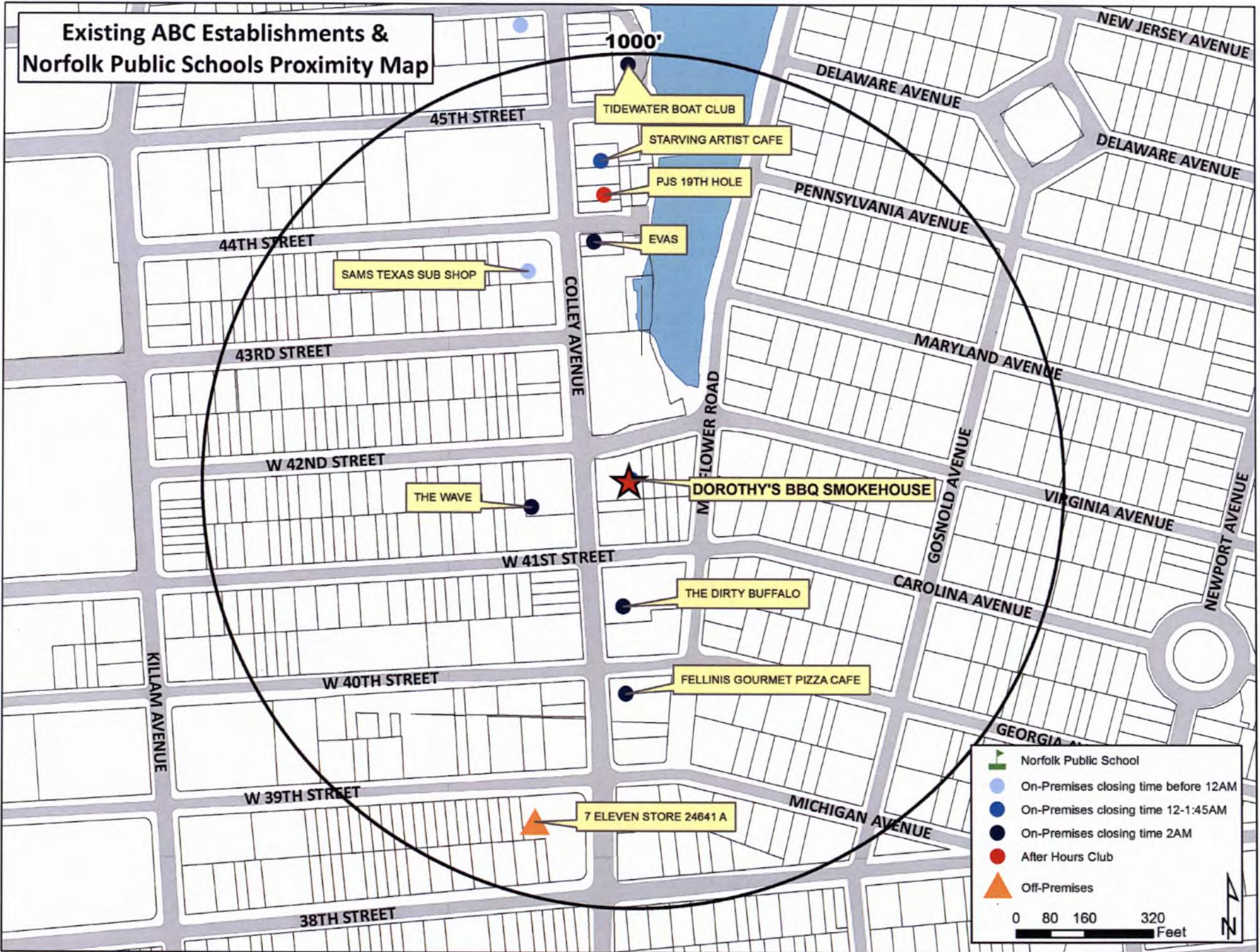
Zoning Map



DOROTHY'S BBQ SMOKEHOUSE



Existing ABC Establishments & Norfolk Public Schools Proximity Map





APPLICATION
ADULT USE SPECIAL EXCEPTION
EATING AND DRINKING ESTABLISHMENT
(Please print)

Date 9/26/2020

DESCRIPTION OF PROPERTY

Address 4110 North Colley Avenue

Existing Use of Property Previous Dirty Buffalo

Proposed Use Restaurant

Current Building Square Footage 1800

Proposed Building Square Footage 1800

Trade Name of Business (if applicable) Dorothy's BBQ Smokehouse

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) LOVELL (First) Dorothy (MI) MM

Mailing address of applicant (Street/P.O. Box): 117 Nina Drive - unit 202

(City) VIRGINIA BEACH (State) VA (Zip Code) 23462

Daytime telephone number of applicant (718) 877-8907 Fax () N/A

E-mail address of applicant: DorothyL1@GMAIL.COM

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) LOVELL (First) DOLOREY (MI) MI

Mailing address of applicant (Street/P.O. Box): 117 NINA DRIVE - UNIT 202

(City) NORFOLK VA (State) VA (Zip Code) 23462

Daytime telephone number of applicant (712) 8778907 Fax () N/A

E-mail address of applicant: _____

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

OFF Boulevard, LLC - c/o

3. Name of property owner: (Last) Weintraub (First) H. Joel (MI) _____

Mailing address of property owner (Street/P.O. box): 4110 ~~Elley Ave~~ ^{109 E. Main St.}

(City) Norfolk (State) Va (Zip Code) 23510

Daytime telephone number of owner (757) 622-3317 email: joel@decklaw.com

CIVIC LEAGUE INFORMATION

Civic League contact: HIGHLAND PARK / COLONIAL PLACE / RIVERVIEW

Date(s) contacted: _____

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS

- Required application fee, **\$355.00** (if check, make payable to the City of Norfolk).
 - Application fee includes a non-refundable \$5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

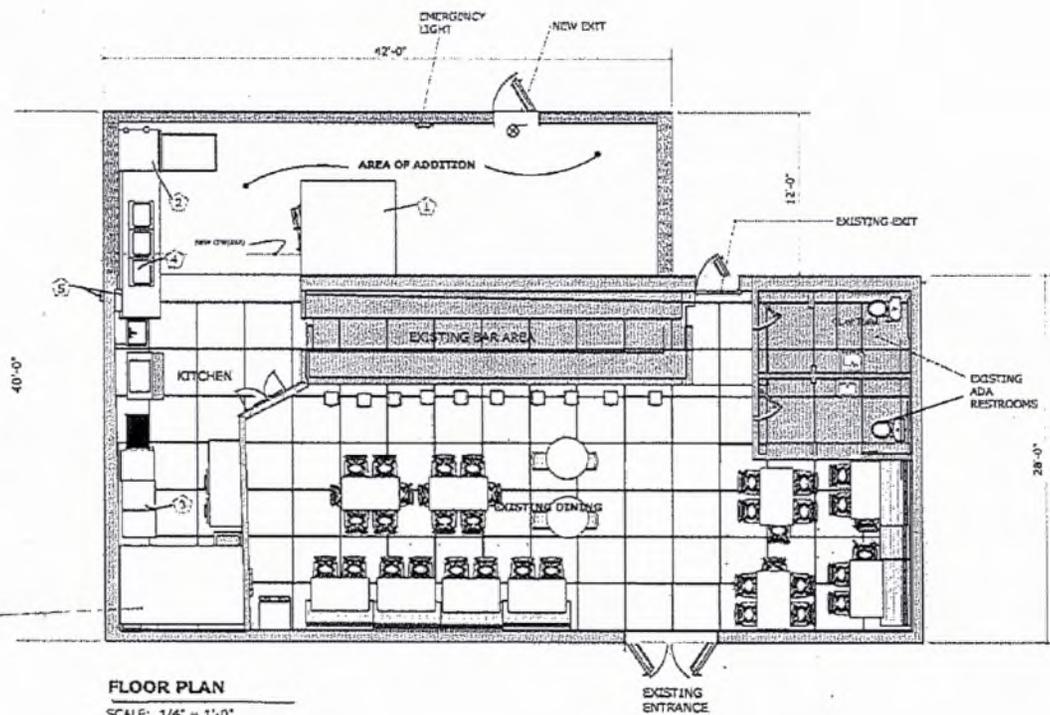
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Off Boulevard LLC Sign: ^{By} H. J. Wainstead, Sept 26, 2016
(Property Owner) Manager (Date)

Print name: DOROTHY LOVELL Sign: Dorothy Lovell 9/26/2016
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE: N/A

Print name: _____ Sign: _____ / _____ / _____
(Authorized Agent Signature) (Date)



BUILDING CODE STATEMENT

PROJECT SCOPE: ADDITION OF NEW 12' X 42' ADDITION TO EXISTING RESTAURANT. RECONFIGURATION OF KITCHEN EQUIPMENT TO INSTALL NEW FURNISHINGS AND EQUIPMENT

THIS PROJECT WAS DESIGNED IN ACCORDANCE WITH THE 2009 VIRGINIA CONSTRUCTION CODE

USE GROUP A-2

CONSTRUCTION CLASS TYPE II B

BUILDING AREA: 2209SF

OCCUPANT LOAD: 98 OCCUPANTS

FLOOR PLAN
SCALE: 1/4" = 1'-0"

- KITCHEN EQUIPMENT**
- 1 WALK IN REFRIGERATOR AND FREEZER
 - 2 NEW DISH WASHER
 - 3 RELOCATED 3 DOOR REFRIGERATOR
 - 4 RELOCATED 3 COMPARTMENT SINK
 - 5 RELOCATED ELECTRICAL PANEL AND METER

DIRTY BUFFALO RESTAURANT, NORFOLK VIRGINIA

FLOOR PLAN, BUILDING CODE STATEMENT, NOTES

drive architecture + interiors
One Courthouse Center, Suite 610
18-0119 Street, VA 23462
757.232.7233
www.drive.com



SHEET 3

A101

OF 1 A DL

"A"

THIS IS TO CERTIFY THAT I, ON 7-19-99, SURVEYED THE PROPERTY SHOWN HEREON AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN HEREON. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

SIGNED: *Ward M. Holmes*

NOTE: THE PROPERTY SHOWN HEREON APPEARS TO LIE IN "A" & "B" FLOOD ZONE ACCORDING TO F.E.M.A. MAP PANEL NO. 510104-0016D & 510104-0017D, REVISED APRIL 17, 1984.

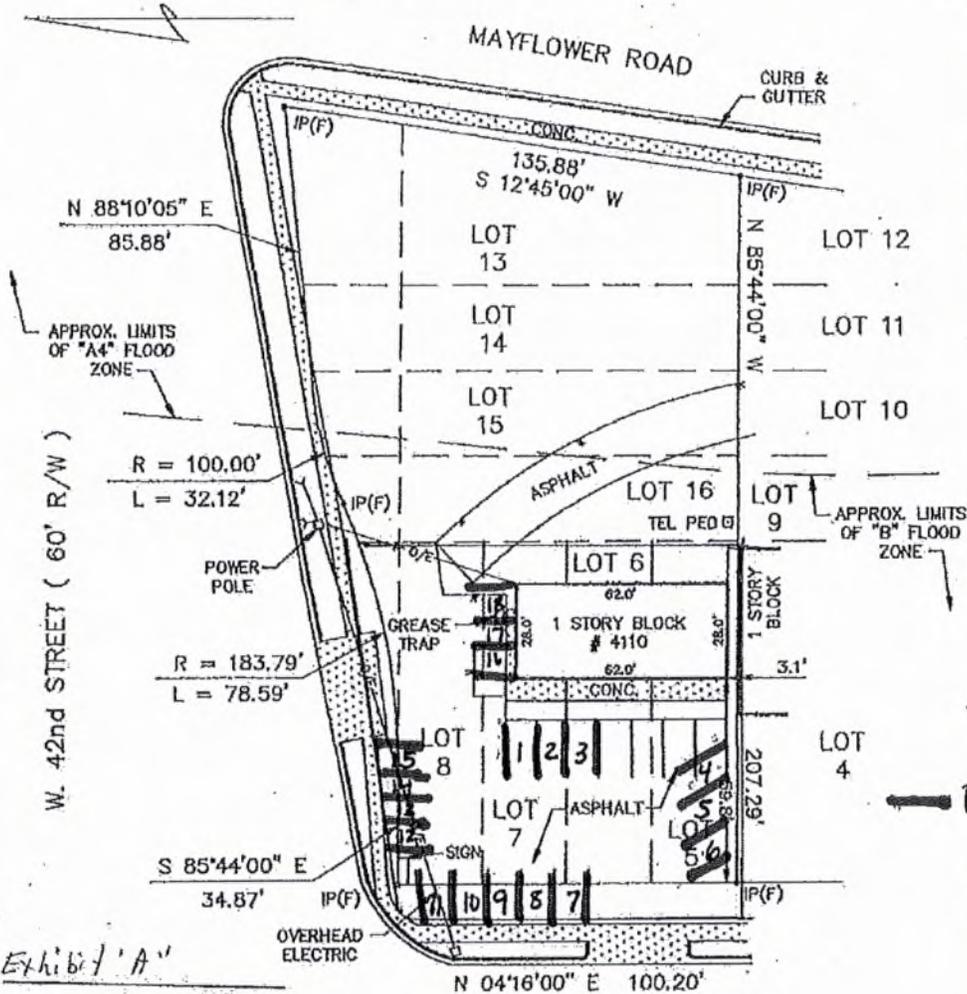


Exhibit 'A'

PREMISIS

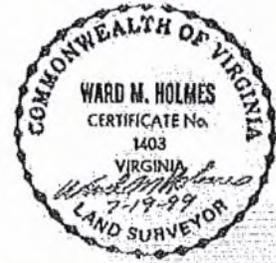
Lots 5, 6, 7 & 8

COLLEY AVENUE (80' R/W)

PHYSICAL SURVEY
 OF
 LOTS 5,6,7,8,13,14,15 & 16, BLOCK 311
 REVISED PLAT OF LAMBERTS POINT INVESTMENT CO.
 LAMBERTS POINT
 NORFOLK, VIRGINIA
 FOR
 OFF BOULEVARD, L.L.C.

DATE: JULY 19, 1999
 SCALE: 1" = 40'
 NOTE: FOR PLAT SEE
 M.B.5 PG.30-31 &
 N.B.21 PG.79
 NORFOLK, VA.

WARD M. HOLMES
 LAND SURVEYOR, P.C.
 9225 GRANBY STREET
 NORFOLK, VIRGINIA 23503
 757-480-1230



438/123

(463)

PROJECT NO. 991699



APPLICATION
ADULT USE SPECIAL EXCEPTION
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION

Date of Application: 9/26/2012

DESCRIPTION OF PROPERTY

Property location: (Street Number) 4110 (Street Name) Golley Avenue

Existing Use of Property Previous Restaurant

Current Building Square Footage 1800

Proposed Use RESTAURANT / BBQ SMOKEHOUSE

Proposed Building Square Footage 1800

Trade Name of Business (If applicable) DOROTHY'S SMOKEHOUSE BBQ

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) LOVELL (First) Dorothy (MI) M

Mailing address of applicant (Street/P.O. Box): 117 VINA DRIVE - UNIT 202

(City) VB (State) VA (Zip Code) 23462

Daytime telephone number of applicant (718) 877-8907 Fax () N/A

E-mail address of applicant: dorothy21@gmail.com

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

AUTHORIZED AGENT (if applicable) N/A
(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) _____ (First) _____ (MI) _____

Mailing address of applicant (Street/P.O. Box): _____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of applicant () _____ Fax () _____

E-mail address of applicant: _____

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) OFF BOULEVARD LLC, c/o
Weintraub (First) H. Joel (MI) _____

Mailing address of property owner (Street/P.O. box): 109 E. Main St. Suite 200

(City) Norfolk (State) Va. (Zip Code) 23510

Daytime telephone number of owner 757-622-3317 email: joel@decklaw.com

CIVIC LEAGUE INFORMATION

Civic League contact: HYGHLAND PARK - COLONIAL PLACE/RIVERVIEW

Date(s) contacted: _____

Ward/Super Ward information: _____

Dorothy's BBQ Smokehouse - Notification sent to all Property Owners within 300 feet

<u>Property Owner</u>	<u>Property Address</u>	<u>Mailing Address</u>		
Pruitt, Thomas W & Patricia	812 W 41st St	1024 Whippingham Pkwy	Carrollton	VA
Barnes, Elijah & Carolyn V	816 W 42nd St	2348 Court Cir	Virginia Beach	VA
Circle Six Corporation	4300 Colley Av	414 W Bute St	Norfolk	VA
Berstein, Morton P	4000 Colley Av 100	4000 Colley Ave Ste 100	Norfolk	VA
F O R Kid Inc	4000 Colley Av 200	Po Box 6044	Norfolk	VA
Haven Family Center, The	4000 Colley Av 300	Po Box 6044	Norfolk	VA
Brown, Esaias	730 Carolina Av	730 Carolina Ave	Norfolk	VA
Zam Properties, Inc	809 W 41st St	617 Whitehurst Landing Rd	Virginia Beach	VA
Brown, Stephen E	4200 Mayflower Rd	4200 Mayflower Rd	Norfolk	VA
Colley Associates	S S W 42nd St	213 62nd St	Virginia Beach	VA
Colley Associates	811 W 42nd St	213 62nd St	Virginia Beach	VA
Colley Associates	4107 Colley Av	1024 Whippingham Pkwy	Carrollton	VA
Pphg, Llc	816 W 41st St	Po Box 3768	Norfolk	VA
Dudones, Justin M	815 W 41st St	815 W 41st St	Norfolk	VA
Zam Properties, Inc	4011 Colley Av	617 Whitehurst Landing Rd	Virginia Beach	VA
Zam Properties, Inc	4009 Colley Av	617 Whitehurst Landing Rd	Virginia Beach	VA
Zam Properties, Inc	4013 Colley Av	617 Whitehurst Landing Rd	Virginia Beach	VA
Zam Properties, Inc	W S Colley Av	617 Whitehurst Landing Rd	Virginia Beach	VA
Bashara, Charles L	N S 43rd St	8110 Shore Dr	Norfolk	VA
Stroud Properties Llc	731 Virginia Av	2609 Wingfield Rd	Norfolk	VA
Everett, Oscar & Amanda E D	732 Carolina Av	732 Carolina Ave	Norfolk	VA
A & A Associates	706 W 41st St	4701 Columbus St Ste 300	Virginia Beach	VA
A & A Associates	704 W 41st St	4701 Columbus St Ste 300	Virginia Beach	VA
A & A Associates	702 W 41st St	4701 Columbus St Ste 300	Virginia Beach	VA
A & A Associates	N S W 41st St	4701 Columbus St Ste 300	Virginia Beach	VA
Off Boulevard Llc	701 W 42nd St	109 East Main St Ste 200	Norfolk	VA
Off Boulevard Llc	703 W 42nd St	109 East Main St Ste 200	Norfolk	VA
Off Boulevard Llc	705 W 42nd St	109 East Main St Ste 200	Norfolk	VA
Off Boulevard Llc	707 W 42nd St	109 East Main St Ste 200	Norfolk	VA
A & A Associates	4100 Colley Av	4701 Columbus St Ste 300	Virginia Beach	VA
A & A Associates	4106 Colley Av	4701 Columbus St Ste 300	Virginia Beach	VA
Odu Research Foundation	S S 43rd St	800 W 46th St	Norfolk	VA
Odu Research Foundation	813 43rd St	800 W 46th St	Norfolk	VA
Odu Research Foundation	815 43rd St	800 W 46th St	Norfolk	VA
Odu Research Foundation	4211 Colley Av	800 W 46th St	Norfolk	VA
Marscheider Properties, Llc	4006 Mayflower Rd	1062 Laskin Rd Ste 13a	Virginia Beach	VA
4201 Colley, Llc	W S Colley Av	6950 N Military Hwy	Norfolk	VA
Off Boulevard Llc	4110 Colley Av	109 East Main St Ste 200	Norfolk	VA
Pruitt, Thomas W & Patricia	4101 Colley Av	1024 Whippingham Pkwy	Carrollton	VA
Boyce, James M	4012 Colley Av	4472 Lee Ave	Virginia Beach	VA
Boyd, Dennis W	4003 Colley Av	3601 Riverwood Cres	Chesapeake	VA
Longman, Jonathan S & Linda K	4204 Mayflower Rd	5440 Chatham Lake Dr	Virginia Beach	VA
Britton, Andrea J	726 Carolina Av	726 Carolina Ave	Norfolk	VA
Norfleet, James E Jr	819 W 42nd St	425 Delaware Ave	Norfolk	VA
Karcher, Karen	811 W 41st St	3021 Lynnhaven Dr	Virginia Beach	VA
Wright, Wilbur A & Lois S	822 W 41st St	822 W 41st St	Norfolk	VA
Jafri, Syed J A & S Ghazala S	733 Virginia Av	808 48th St	Norfolk	VA
4201 Colley, Llc	812 W 42nd St	6950 N Military Hwy	Norfolk	VA
4201 Colley, Llc	N S W 42nd St	6950 N Military Hwy	Norfolk	VA
Colley Ave Copy & Graphic Lessee	4211 Colley Av	4211 Colley Ave	Norfolk	VA
Mccue, Matthew J	733 Carolina Av	733 Carolina Ave	Norfolk	VA
Fornes, Patrick L & Mandi	729 Carolina Av	729 Carolina Ave	Norfolk	VA
4201 Colley, Llc	4201 Colley Av	6950 N Military Hwy	Norfolk	VA
Kings Crest, Llc	4200 Colley Av	5400 Glen Alden Dr	Richmond	VA

Whitney, Chris

From: McDonald, Colette
Sent: Wednesday, September 28, 2016 12:09 PM
To: 'ryderd@verizon.net'; 'highlandpark_cl@yahoo.com'
Cc: Whibley, Terry; Williams, Angelia M.; Wilson, Denise; Whitney, Chris
Subject: New Planning Commission Application - 4110 North Colley Avenue
Attachments: Application.pdf

Mr. Ryder,

Attached please find an application for **DOROTHY'S BBQ SMOKEHOUSE**, for the following special exceptions at 4110 North Colley Avenue:

- a. Eating and drinking establishment.
- b. Sale of alcoholic beverages for off-premises consumption.

Staff contact: Chris Whitney at (757) 823-1253, chris.whitney@norfolk.gov

The item is tentatively scheduled for the November 10, 2016 Planning Commission public hearing.

Thank you,

Colette McDonald
City of Norfolk Planning Technician


Planning Department
810 Union Street | Suite 508
Norfolk, VA 23510
Email | Colette.McDonald@Norfolk.gov
Phone | (757) 664-6771



City of NORFOLK

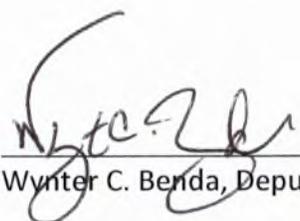
C: Dir., Public Works

To the Honorable Council
City of Norfolk, Virginia

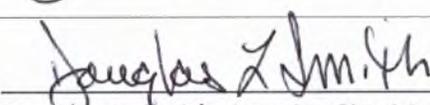
December 13, 2016

From: David Ricks, Director of Public Works

Subject: Acceptance of Department of Environmental Quality Grant of \$31,327 for litter prevention, recycling, and environmental educational programs

Reviewed: 
Wynter C. Benda, Deputy City Manager

Ward/Superward: Citywide

Approved: 
Douglas L. Smith, Interim City Manager

Item Number: C-6

- I. **Recommendation:** Adopt Ordinance
- II. **Applicant:** City of Norfolk, Department of Public Works
- III. **Description:**

This agenda item is an ordinance to accept a FY 2017 Litter Prevention and Recycling Grant (the "grant") in the amount of \$31,327 from the Commonwealth of Virginia, Department of Environmental Quality ("DEQ") for litter prevention, recycling, and environmental educational programs and to appropriate and authorize the expenditure of the grant funds for such programs.
- IV. **Analysis:**

This non-competitive grant shall be used for the City of Norfolk's (the "City's") litter prevention and recycling program implementation, continuation, and/or expansion. Specifically, the grant funds are to be used to support the educational activities of the City's new Clean Neighborhood Plan and the expansion and enhancement of its recycling programs. The grant will be administered by the staff of Keep Norfolk Beautiful through the Department of Public Works.
- V. **Financial Impact:**

This grant does not require matching funds and is administered utilizing current Public Works staff.
- VI. **Environmental:**

N/A

VII. Community Outreach/Notification:

This project has been coordinated with the Norfolk Environmental Commission, Division of Waste Management, and Division of Storm Water Management. Public notification for this agenda item was conducted through the City's agenda notification process.

VIII. Board/Commission Action:

N/A

IX. Coordination/Outreach:

This letter has been coordinated with the Department of Public Works and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- DEQ Grant Award Letter
- Signed FY2016 DEQ Application and Contract

Form and Correctness Approved:

By [Signature]
Office of the City Attorney

Contents Approved:

By [Signature]
DEPT. Department of Public Works

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

SH 11/15/16 \$ 31,327.00 2275 10 8955-9218
Account FY17
Christine Sauvageau
Director of Finance 11/16/16
Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE ACCEPTING A \$31,327 COMMONWEALTH OF VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT FOR LITTER PREVENTION, RECYCLING AND ENVIRONMENTAL EDUCATIONAL PROGRAMS AND APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF THE GRANT FUNDS FOR THE PROGRAMS.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a \$31,327 grant from the Commonwealth of Virginia, Department of Environmental Quality, for Litter Prevention, Recycling and Environmental Education Programs, is hereby accepted.

Section 2:- That \$31,327 in grant funds are hereby appropriated and authorized to be expended for Litter Prevention, Recycling and Environmental Education Programs, according to the terms and conditions of the Virginia Department of Environmental Quality Grant, if and when the funds are made available from the Commonwealth of Virginia, Department of Environmental Quality.

Section 3:- That this ordinance shall be in effect from and after the date of its adoption.

Virginia Department of Environmental Quality

FY 2017 APPLICATION AND CONTRACT FOR A VIRGINIA LITTER PREVENTION AND RECYCLING GRANT

Grant Period: July 1, 2016 through June 30, 2017

Deadline for application: June 30, 2016

Applicant Status: Are you applying as a single locality? Yes or No (If yes, fill in ONLY your local government name on the line for The Primary Agency)

OR -
Are you applying as a co-op? Yes or No (If yes, fill in your agency as the primary agency and the localities that you are representing in addition to your own on the "Localities of" line)

The Primary Agency City of Norfolk representing the
Localities of _____

The Agency is applying for FY 2017 grant funding and agrees to use these grant funds to perform the litter prevention and recycling activities listed below: (Note: for an agency to qualify, a minimum of two items must be selected.)

- | | | | |
|-------------------------------------|-------------------------------------|--|--------------------------|
| Yes | No | Yes | No |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Planning & Organization | | Adopt-A Programs (if more than one, please list) | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | |
| Recycling | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | |
| Youth Education | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | |
| Cleanups | | <input checked="" type="checkbox"/> | Other activities (List) |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | <u>cyster shell</u> |
| Law Enforcement | | | <u>recycling</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | |
| Public Communication | | | |

I certify that the above information is correct and agree to the terms and conditions contained herein and in the Guidelines (DEQ-LPR-2) for this grant program. For Co-op applications, I certify that a written agreement between the Coordinating Agency and each participating locality is on file.

Name of Organization: Keep Norfolk Beautiful - City of Norfolk

Name of Authorized Official: Marcus D Jones city.manager@norfolk.gov
(Please print) Email Address for Grant Notifications

Secondary email address, if needed, for grant notifications: _____

Circle correct title: (County Administrator, City Manager, Town Manager or Coordinating Agency's Executive Director)

Signature: [Signature] Date: 3/31/16
Address: 610 Lincoln St. FIN# 546001455
Norfolk, VA 23510 FIPS# 710
Phone: 757-664-4242

As long grant funds are committed by June 30, they can be reported as committed funds (outstanding invoices) on your accounting report as having been spent. Unspent funds will be deducted from the locality's FY 2016 - 2017 grant.

Do you expect to have any unspent grant money remaining? Yes No

INFORMATION BELOW IS FOR DEPARTMENT OF ENVIRONMENTAL QUALITY USE ONLY

Signature of DEQ Official: _____ Date: _____



TRANS	AGENCY	FUND FUND DET	FFY	PROGRAM PROG SUB ELE	OBJECT	AMOUNT	COST CODE
325	440	0925	2017	515 09 00	1451		501
INVOICE NUMBER			PROJECT CODE	DESCRIPTION			
			90024	LITTER PREVENTION AND RECYCLING			
GRANTS							

Mail to: DEQ, Litter and Recycling Grants Program, P.O. Box 1105, Richmond, VA 23218



City of Norfolk
Office of Grants Management
Grant Writing Permission Form

PART I – Content Review

Title of Grant: DEQ Litter Prevention & Recycling Grant-FY17

Department(s): Public Works
(List lead department first)

Contact Person & Phone: June Whitehurst, 823-4005

Granting Agency: Virginia Dept. of Environmental Quality

PART II – Application Approval

Application Due Date: 6/30/16

Grant Period: July 1, 2016 to June 30, 2017

Type of Application: New Continuation On-line

If continuation, number of years previously awarded: 22

Are you anticipating Level Funding with no changes from previous year? Yes or No

Match Required: NONE

In-Kind-provide summary

Cash-identify source (budget line item)

Describe the City's Obligation/Provision to continue Program after Grant Expires:
None, however any balance of funds must be returned or will be subtracted from the subsequent year's grant amount.

Brief Description of the Program you will be applying for: DEQ provides funds for litter prevention and recycling grants to localities under a non-competitive grant program based on population and road miles. These grants have been awarded annually, since 1980, to localities for local litter prevention and recycling program implementation, continuation, and/or expansion. In 2013, \$1,894,675 was disbursed among 190 applicants (representing 308 local government programs). Since 1981, Virginia businesses, who pay into a trust fund, have contributed \$54,018,250 to the fund to support local government litter control and recycling programs.

PART III-Approval Signature:

Signature

Date

Department Head

[Handwritten Signature]

3/21/16

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

GUIDELINES FOR LITTER PREVENTION AND RECYCLING GRANTS

I. INTRODUCTION

Funding is available to Virginia localities from the Litter Prevention and Recycling Fund as non-competitive grants based on population and road miles, *if* the locality has an eligible program as identified in Section II.B and C below.

Grant applications for FY 2016 must be submitted to DEQ by June 30, 2015. Please follow the guidelines and print a copy of your application and mail it with an original, authorized signature to DEQ.

The Accounting Report must be postmarked by **August 1, 2015. Incomplete forms will be returned.**

The Performance Report must be submitted by **August 1, 2015.** Local governments are required to submit their report electronically through SurveyMonkey. Access link will be found on DEQ's Recycling and Litter Grants web page. DEQ will process applicants in the order that they are received.

To be eligible to receive a grant, you must submit the following regardless of whether or not you have received a grant in the past:

1. Application – Must be postmarked by **June 30, 2015**
2. Performance Report – Must be submitted electronically by **August 1, 2015**
3. Accounting Report – Must be postmarked by **August 1, 2015**

Please do not leave questions blank or partially answered or the application will be considered incomplete and returned.

These grants are provided by funds generated by taxes enacted under Section 58.1-1700 to 58.1-1710 of the Code of Virginia and through authority granted to the Department of Environmental Quality (DEQ) under Section 10.1-1422 of the Code of Virginia. These guidelines supersede all previous regulations and guidelines relating to these grant funds.

II. ELIGIBILITY

- A. All cities, counties, and incorporated towns in Virginia are eligible if they have eligible litter prevention and/or recycling program.
- B. An eligible program must include at least two elements of a comprehensive program. The elements of a comprehensive program are: 1) Planning and Organization, 2) Recycling, 3) Youth Education, 4) Cleanups, 5) Law Enforcement, 6) Public Communication, and 7) "Adopt-A" Programs sponsored by the locality.
- C. An eligible program may also include any of the non-disposal elements of waste management (Source reduction, reuse, and recycling) in the locality's approved Solid Waste Management Plan. Procurement of recycled goods may also be included.

- A. The grant amount will be sent directly to each locality. For localities participating in a Cooperative Program, the total grant amount will be sent directly to the Coordinating Agency designated on the application form. Notifications of award will be sent electronically to the authorized Signatory on the grant application unless another email address is provided.
- B. This grant program year runs from July 1, 2015, through June 30, 2016.
- C. Any unexpended funds at the end of the FY 2015 grant program year will be deducted from the new grant amount that is to be awarded in FY 2016.
- D. If a locality receives money from a previous year but does not submit a Performance Report and an Accounting Report, the Fund Board may request that DEQ submit an invoice to those localities for their unreported funds.
- E. Funds will not be released/awarded to the locality/applicant until a **completed** Performance Report and Accounting Report for the previous grant program year is submitted by the proper authority, and accepted by DEQ.
- F. Awards will be processed out as funds are released to DEQ by the Treasurer. This occurs after the close of the Commonwealth's Fiscal Year, and reconciliations by the Treasurer. Until the funds are released, no grant payments can be processed. Grants are typically awarded beginning in September of each year.

IV. AUTHORIZED USES OF FUNDS

- A. The grant shall be used for litter prevention and recycling program implementation, continuation, and/or expansion. Authorized uses of the grant funds include:
 - 1. Salaries, wages, or other personnel costs
 - 2. Office supplies, postage, telephone
 - 3. Printing and program materials
 - 4. Travel expenses
 - 5. Locally conducted meetings, workshops, and awards
 - 6. Audiovisual material on litter or recycling
 - 7. Equipment such as: educational, litter receptacles, recycling, source reduction, and reuse equipment, audiovisual, safety, and the renting of such equipment
 - 8. Award materials
 - 9. Cleanup supplies
 - 10. Annual dues for solid waste related associations (Maximum cap of \$100)
 - 11. Litter collection and/or recycling collection contracts
 - 12. Solid Waste Disposal fees, fuel and transportation ONLY ASSOCIATED with a volunteer cleanup.
- B. **Grant Fund Expense Categories:**
 - 1. Salary, wages & Fringe Benefits
 - 2. Supplies
 - 3. Contractual Services

- of funds for such purposes.
- B. Purchase of mass media time or space.-
 - C. For any project or item not directly related to litter prevention or recycling, including (but not limited to):
 - 1. Beautification projects, landscaping, purchase of trees or shrubs, or lawn services.
 - 2. Purchase of equipment for lawn maintenance or for collection, transportation, and disposal of solid waste.

VI. GENERAL ACCOUNTABILITY: PERFORMANCE AND ACCOUNTING REPORT

The Applicant shall keep accounting records for the grant funds. A Performance Report (electronically via Survey Monkey) and an Accounting Report (via mail) for the previous grant program year (FY 2015) shall be submitted to DEQ no later than August 1, 2015. Subsequent grants shall not be approved until the Performance Report and Accounting Report Form for the previous grant program year have been received by DEQ. The Performance Report and Accounting Report must be signed by the County Administrator, City Manager, Town Manager or the locality's or Coordinating Agency's Chief Financial Officer. For a non-governmental agency, the Performance Report and Accounting Report form shall be signed by the agency's Executive Director or Chief Financial Officer.

VII. RETURN OF GRANT FUNDS

Funds not used or accounted for in compliance with these Guidelines and the Application shall be returned by the Applicant to DEQ. A locality participating in a Cooperative Program shall be liable for its pro rata share of the total liability.

VIII. SUBMISSION

Mail Completed forms to:

Virginia Department of Environmental Quality
Litter Prevention and Recycling Grants Program
P.O. Box 1105
Richmond, VA 23218

For Certified Mail, you may send it to DEQ's Street Address at:

629 East Main Street
Richmond, Virginia 23219

For information, contact:

Steve Coe (804) 698-4029 email: steve.coe@deq.virginia.gov

Please call before the deadline if you have questions.

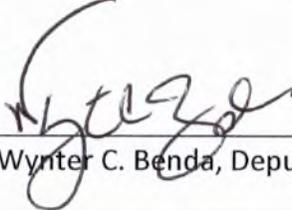


To the Honorable Council
City of Norfolk, Virginia

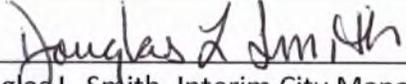
December 13, 2016

From: David Ricks, Director of Public Works

Subject: Encroach into the right-of-way of College Place with an emergency door

Reviewed: 
Wynter C. Benda, Deputy City Manager

Ward/Superward: 2/6

Approved: 
Douglas L. Smith, Interim City Manager

Item Number: **R-1**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Wave Church
120 College Place
Norfolk, Virginia 23510

III. **Description:**
This agenda item is an encroachment permitting Wave Church to encroach into the City of Norfolk's (the "City's") right-of-way at 120 College Place with an emergency (egress only) door.

IV. **Analysis:**
An encroachment is an object or structure that infringes into the City's rights-of-way or property. *Norfolk City Code*, § 42-10, requires that all encroachments into the rights-of-way be approved by City Council. The encroachment in this location will allow Wave Church to have emergency egress access to College Place.

V. **Financial Impact:**
Liability insurance has been provided naming the City as additional insured in the amount of \$1,000,000; therefore, there should be no financial risk to the City. The City did not charge a fee for this encroachment.

VI. **Environmental:**
N/A

VII. Community Outreach/Notification:

Public notification for this agenda item was conducted through the City's agenda notification process.

VIII. Board/Commission Action:

The Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office have reviewed this request for encroachment and offer no objections. Review and approval by the Architectural Review Board and the City Planning Commission is not required.

IX. Coordination/Outreach:

This letter and ordinance has been coordinated with Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A

Form and Correctness Approved

RP

JW

Contents Approved:

By *[Signature]*
Office of the City Attorney

By *[Signature]*
DEPT. Public Works

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE PERMITTING WAVE CHURCH TO ENCROACH INTO THE RIGHT-OF-WAY OF COLLEGE PLACE WITH AN EMERGENCY (EGRESS ONLY) DOOR.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Wave Church ("Wave") to encroach into the right-of-way at 120 College Place with an emergency (egress only) door, as shown on Exhibit A attached hereto. Such permission being further subject to the following conditions:

- (1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, Wave, or its successors and assigns, shall immediately remove the encroaching structures.
- (2) That upon the removal of the encroaching structures or any part thereof, the authority hereby granted shall cease and terminate.
- (3) That Wave, or its successors and assigns, at its own cost and expense, shall take out and keep in full force and effect during the term of the encroachment general liability insurance with a company authorized to do business in the Commonwealth of Virginia, insuring and naming the City of Norfolk ("City") as an additional insured in the amount of at least \$1,000,000.00 each occurrence and \$2,000,000.00 general aggregate against liability from claims, actions and suits that may be asserted or brought against the City and/or Wave, and its successors and assigns, for any injury to, or death of any person or persons, or for any damage to, or destruction of property resulting from the installation, maintenance, or existence of said encroaching structures, with

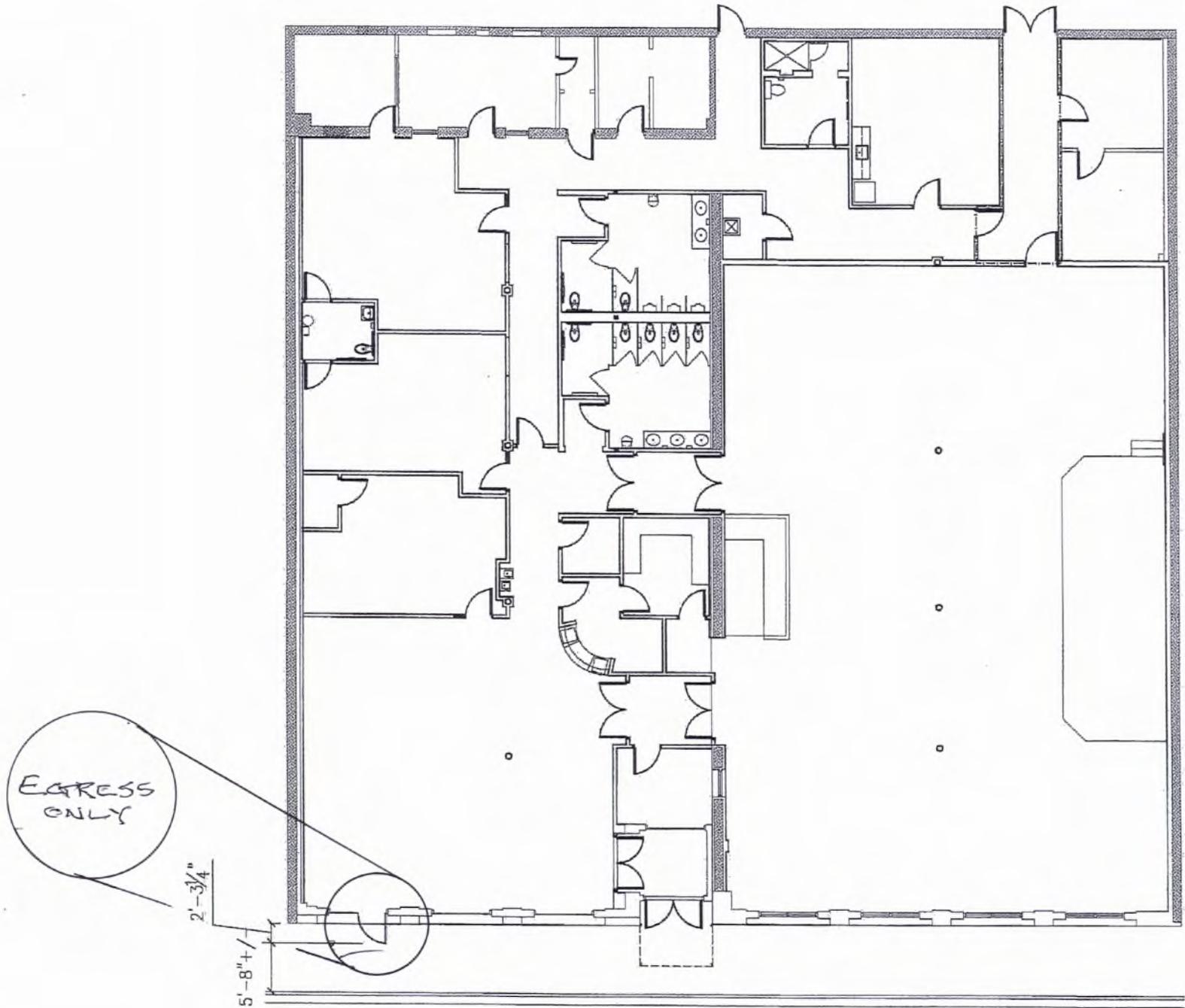
evidence of such insurance being provided to the City.

- (4) That the City shall not be responsible for any damage to the encroaching structures, including replacement and reinstallation costs, resulting from the City's operation, maintenance, repair, or replacement of any utilities located in the right-of-way at the property address of 120 College Place.

Section 2:- That the failure of Wave, or its successors and assigns, to fully comply with all requirements and conditions set forth herein shall act as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structures shall be deemed an acceptance by Wave, and its successors and assigns, of all conditions to which the permissions herein are granted.

Section 4:- That this ordinance shall be in effect from and after its adoption.



1 ENCROACHMENT EXHIBIT
1/16" = 1'-0"

COLLEGE PLACE

06 OCT 2018

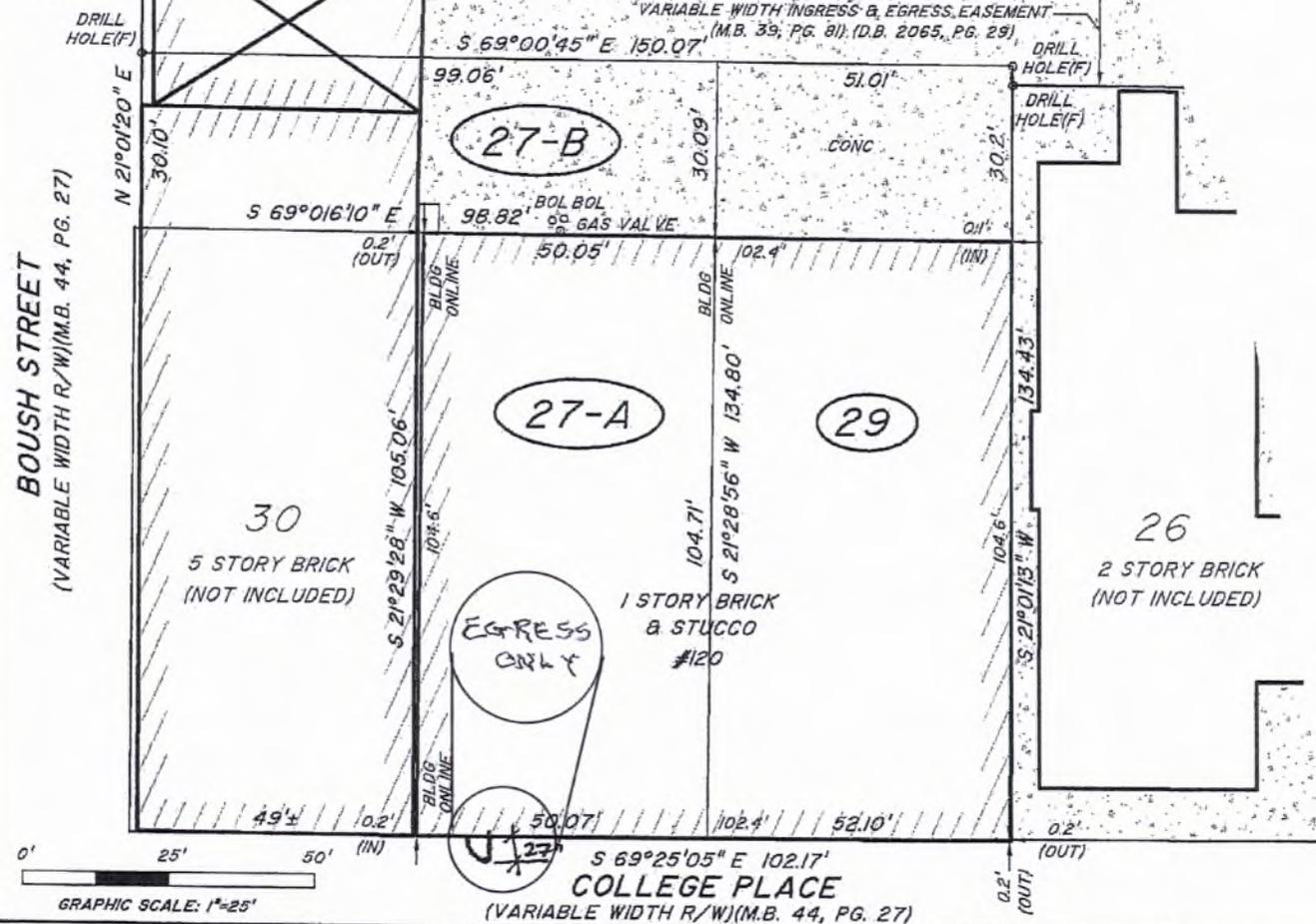
WAVE CHURCH
120 COLLEGE PLACE
NORFOLK, VA
23510

THIS IS TO CERTIFY THAT ON JUNE 02, 2014, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDING ARE AS SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS, EXCEPT AS SHOWN. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND CONSEQUENTLY MAY NOT DEPICT ALL MATTERS AFFECTING THE TITLE OF THE PROPERTY SHOWN.

THE PROPERTY APPEARS TO LIE IN ZONE 'X' AS SCALED FROM COMMUNITY PANEL #510104 0130 F. THIS IS TO CERTIFY THAT THIS PLAN REFERS TO THE SAME LOT AS SET FORTH BY PLAT DATED 12-20-2002 AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF NORFOLK, VIRGINIA IN M.B. 44, PAGE 27.

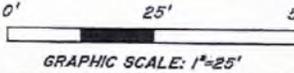
SIGNED

[Signature]



PHYSICAL SURVEY
OF
PARCELS 29, 27-A AND 27-B
PLAT SHOWING
DISPOSITION PARCELS 27 & 29
DOWNTOWN WEST
CONSERVATION PROJECT VA A-1-7
NORFOLK, VIRGINIA

FOR
L.R. HILL
HASSELL & FOLKES, P.C.
ENGINEERS-SURVEYORS-PLANNERS
325 VOLVO PARKWAY
CHESAPEAKE, VIRGINIA 23320
PHONE: (757) 547-9531 FAX: (757) 547-9481
www.htpc-online.com



DATE: 06/04/14 WORK ORDER NO. 49907



EGRESS
ONLY

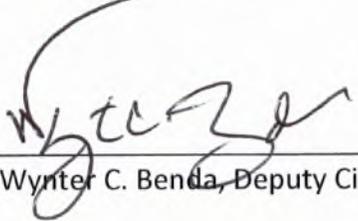


To the Honorable Council
City of Norfolk, Virginia

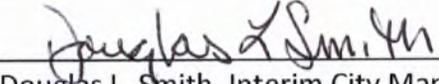
December 13, 2016

From: David Ricks, Director of Public Works

Subject: Encroach into the rights-of-way of Granby Street and Tazewell Street with cornices, awnings and a sign

Reviewed: 
Wynfer C. Benda, Deputy City Manager

Ward/Superward: 2/6

Approved: 
Douglas L. Smith, Interim City Manager

Item Number: R-2

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** 244 Granby, LLC
244 Granby Street
Norfolk, Virginia 23510

III. **Description:**
This agenda item is an ordinance to permit 244 Granby, LLC ("244 Granby") to encroach into the City of Norfolk's (the "City's") rights-of-way of Granby Street and Tazewell Street with cornices, awnings and a sign.

Analysis:

An encroachment is an object or structure that infringes into the City's rights-of-way or property. *Norfolk City Code*, § 42-10, requires all encroachments into the rights-of-way to be approved by City Council. The encroachment in this location will allow 244 Granby to enhance the façade of their building along Granby Street and Tazewell Street.

IV. **Financial Impact:**

Liability insurance has been provided naming the City as additional insured in the amount of \$1,000,000; therefore, there should be no financial risk to the City. The City did not charge a fee for this encroachment.

V. **Environmental:**

N/A

VI. Community Outreach/Notification:

Public notification for this agenda item was conducted through the City's agenda notification process.

VII. Board/Commission Action:

The Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office have reviewed this request for encroachment and offer no objections. The encroachment was reviewed and recommended by the Norfolk Architectural Review Board and the City Planning Commission.

VIII. Coordination/Outreach:

This letter and ordinance have been coordinated with Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A (3 sheets)

Form and Correctness Approved

RAP

By *Oliver A. Enciso*
Office of the City Attorney

FW

Contents Approved:

By _____
DEPT. Public Works

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE PERMITTING 244 GRANBY, LLC TO ENCROACH INTO THE RIGHTS-OF-WAY OF GRANBY STREET AND TAZEWELL STREET WITH CORNICES, AWNINGS AND A SIGN.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to 244 Granby, LLC ("244") to encroach into the rights-of-way of Granby Street and Tazewell Street with cornices, awnings and a sign, as shown on Exhibit A attached hereto. Such permission being further subject to the following conditions:

- (1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, 244, or its successors and assigns, shall immediately remove the encroaching structures.
- (2) That upon the removal of the encroaching structures or any part thereof, the authority hereby granted shall cease and terminate.
- (3) That 244, or its successors and assigns, at its own cost and expense, shall take out and keep in full force and effect during the term of the encroachment general liability insurance with a company authorized to do business in the Commonwealth of Virginia, insuring and naming the City of Norfolk ("City") as an additional insured in the amount of at least \$1,000,000.00 each occurrence and \$2,000,000.00 general aggregate against liability from claims, actions and suits that may be asserted or brought against the City and/or 244, and its successors and assigns, for any injury to, or death of any person or persons, or for any damage to, or destruction of property resulting from the installation, maintenance, or existence of said encroaching structures, with

evidence of such insurance being provided to the City.

- (4) That the City shall not be responsible for any damage to the encroaching structures, including replacement and reinstallation costs, resulting from the City's operation, maintenance, repair, or replacement of any utilities located in the right-of-way at the property address of 244 Granby Street.

Section 2:- That the failure of 244, or its successors and assigns, to fully comply with all requirements and conditions set forth herein shall act as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structures shall be deemed an acceptance by 244, and its successors and assigns, of all conditions to which the permissions herein are granted.

Section 4:- That this ordinance shall be in effect from and after its adoption.

EXHIBIT A TO ORDINANCE

Description of Encroachment

The existing 4 story building is located at 244 & 250 Granby Street (known as the Shulman Building) on the corner of Granby and Tazewell Streets. The existing width of the sidewalk (to back of curb) along the Granby Street façade is 12'-0" +/- and 9'-10" +/- along the Tazewell Street façade.

The requested encroachment is for the following:

- Existing cornice occurring at the roof line along the Granby façade.
- Existing "Harry's" sign located above entrance to 244 Granby.
- New awning along the Granby and Tazewell facades.

Upper Level Cornice: occurs at a height of 58'-0" +/- (at the 4th floor roof line) with a cantilever of 2'-0" +/- into the public right of way along the Granby façade. The existing cornice extends 50'-0" +/- linear feet on the 244 Granby section of the façade.

"Harry's" Sign: occurs at a height of 10'-1" +/- above the sidewalk with a cantilever of 6'-0" +/- into the public right of way on the Granby façade.

New Aluminum Awning: occurs at a height 9'-8" +/- above the sidewalk with a cantilever of 3'-0" +/- into the public right of way on the Granby and Tazewell façades. The awning extends 50'-0" +/- linear feet along Granby and 20'-0" +/- linear feet along the Tazewell on the 245 Granby section of the façade.

Please refer to attached ALTA site plan and elevations showing the elements of encroachment.

244 & 250 Granby Street – The Shulman



West Elevation – Granby Street



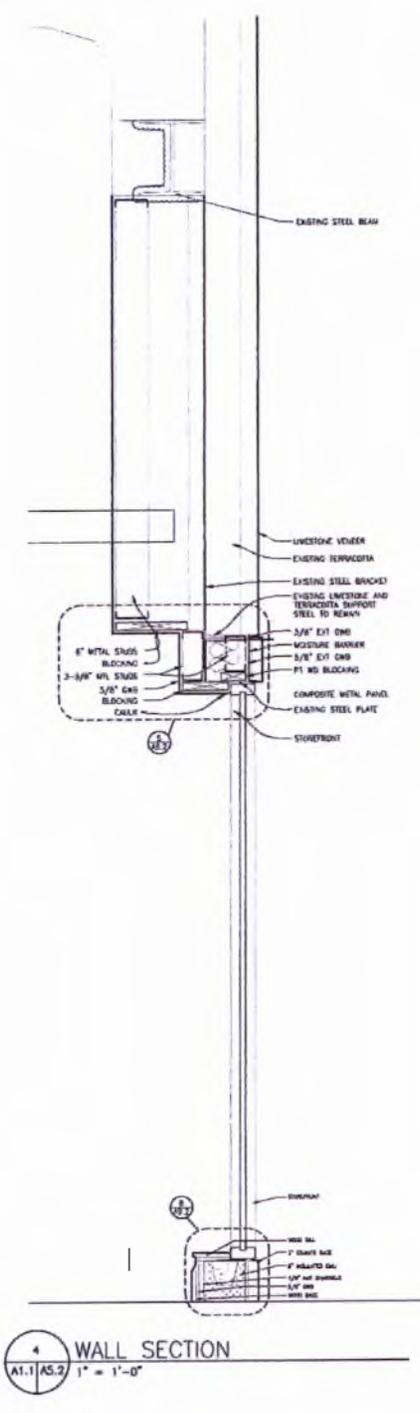
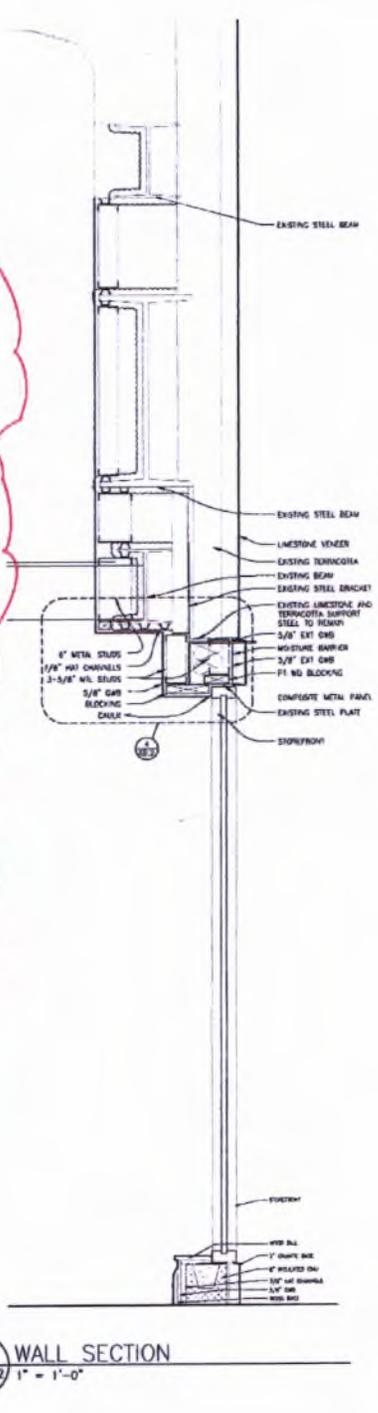
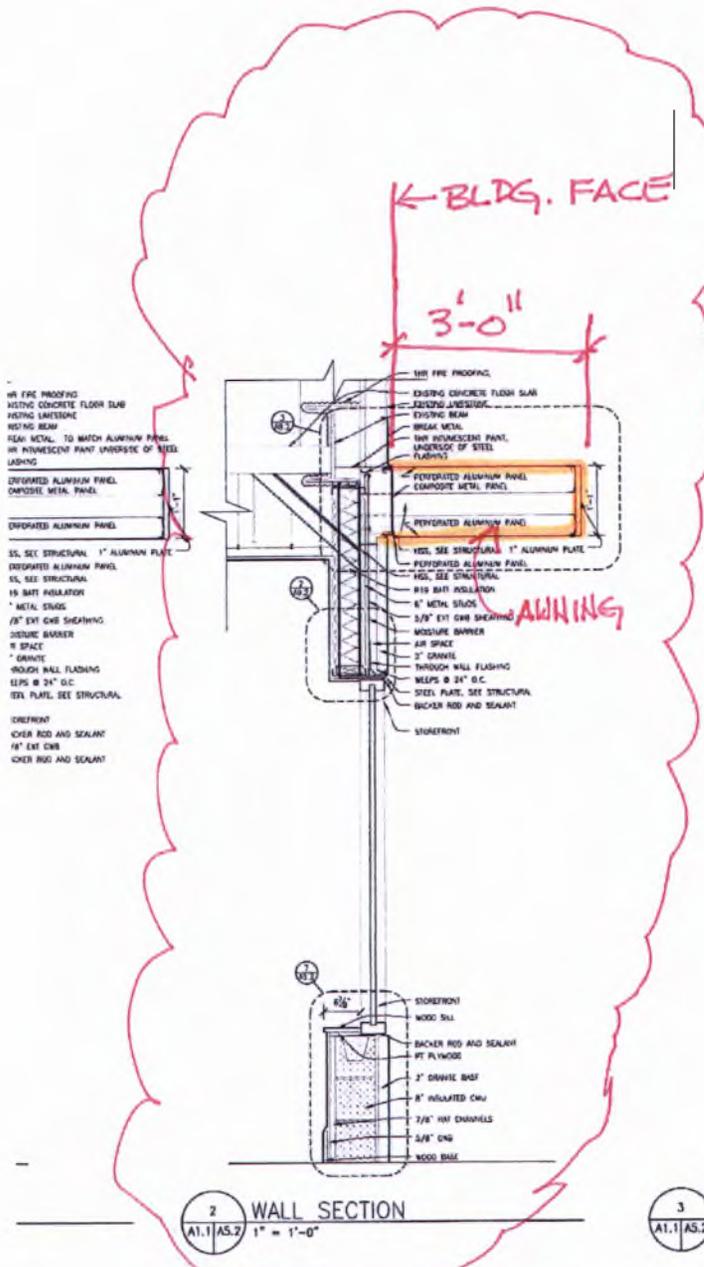
Southwest Elevation – Corner of Granby and Tazewell



PERMIT SET
 15 July 2016

A5.2
 Section

SHULMAN
 Renovation





To the Honorable Council
City of Norfolk, Virginia

December 13, 2016

From: David S. Freeman, AICP
Director of General Services

Subject: Encroachment Agreement
with Baker Real Properties, Inc. for
Outdoor Dining at 760 W. 22nd Street

Reviewed: Sabrina Joy Hogg
Sabrina Joy-Hogg, Chief Deputy City Manager

Ward/Superward: 2/6

Approved: Douglas L. Smith
Douglas L. Smith, Interim City Manager

Item Number: **R-3**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Baker Real Properties, Inc.
Attn: Ted Baker
760 W. 22nd Street
Norfolk, VA 23517

III. **Description:**
This agenda item is an ordinance to approve an encroachment agreement to permit Baker Real Properties, Inc. ("Baker") to encroach into the City of Norfolk's (the "city's") right-of-way at 760 W. 22nd Street with an area measuring approximately 244 square feet for use as an outdoor dining area and for no other purpose.

IV. **Analysis**
This encroachment will permit Baker and its tenant, Coelacanth Brewery, to utilize 244 square feet of the city's right-of-way for outdoor dining in addition to the establishment's indoor seating options. The term of the encroachment is no longer than five years, commencing on December 1, 2016, or the date of any authorizing ordinance, and terminating on November 30, 2021. The permission granted for this encroachment is subject to the right of revocation by the Norfolk City Council.

V. **Financial Impact**

Encroachment Fee	Annual Rent: \$1,464.00 (\$122.00 – to be paid monthly by Baker)
Liability insurance	Baker has named the City as an additional insured in the amount of \$1,000,000 per occurrence; therefore, there should be no financial risk to the City

VI. Environmental

There are no known environmental issues associated with this property.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the city's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the Department of General Services – Office of Real Estate, the Department of Public Works and the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance
- Proposed Encroachment Agreement

Form and Correctness Approved

RAP

By *Nathaniel Saman*
Office of the City Attorney

Contents Approved:

By *Kim Tucker For DSF*
DEPT. General Services

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING BAKER REAL PROPERTIES, INC. PERMISSION TO ENCROACH INTO THE RIGHT-OF-WAY AT 760 W. 22ND STREET APPROXIMATELY 244 SQUARE FEET FOR THE PURPOSE OF OUTDOOR DINING AND APPROVING THE TERMS AND CONDITIONS OF THE ENCROACHMENT AGREEMENT.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the terms and conditions of the Encroachment Agreement between the City of Norfolk and Baker Real Properties, Inc. ("Baker"), a copy of which is attached hereto as Exhibit A, are hereby approved, and in accordance therewith, permission is hereby granted to Baker to encroach into the right-of-way at 760 W. 22nd Street approximately 244 square feet for the purpose of outdoor dining and for no other purpose.

Section 2:- That the City Manager and other proper officers of the City are hereby authorized to execute the Encroachment Agreement and do all things necessary for its implementation.

Section 3:- That the City Manager is further authorized to correct, amend or revise the Encroachment Agreement as he may deem advisable consistent with the intent of the Council as expressed therein.

Section 4:- That this ordinance shall be in effect from and after its adoption.

EXHIBIT A TO ORDINANCE

ENCROACHMENT AGREEMENT

This **ENCROACHMENT AGREEMENT** ("Agreement") is made and entered into this ____ day of _____, 2016, by and between the **CITY OF NORFOLK**, a municipal corporation of the Commonwealth of Virginia ("City") and **BAKER REAL PROPERTIES, INC.**, a Virginia corporation, ("Baker"), whose address is 760 W. 22nd Street, Norfolk, Virginia 23517.

WITNESSETH:

1. **ENCROACHMENT AREA:** City hereby grants permission to Baker and/or its tenant(s) to encroach into the right-of-way at 760 W. 22nd Street approximately 244 +/- square feet, as shown on Exhibit A attached hereto ("Encroachment Area").
2. **USE:** Subject to any applicable legal requirements and limitations, Baker, and its tenant(s), shall be permitted to occupy the Encroachment Area solely for purposes of outdoor beverage tasting in conjunction with the operation of a tasting area as part of the tenant's brewing operation, and for no other purpose.
3. **TERM; TERMINATION:** The term of the permission to encroach granted hereby shall be no longer than five (5) years and shall commence on December 1, 2016, or upon the effective date of any authorizing ordinance, whichever shall last occur, and shall terminate on November 30, 2021. However, it is expressly understood that the permission granted hereby is subject to the right of revocation by the Norfolk City Council, and that in the event of such revocation, Baker, and its tenant(s), shall remove the encroaching structures and shall cease using the Encroachment Area.
4. **COMPENSATION:** As compensation for the privilege of encroaching into the right of way, Baker shall pay City an annual encroachment fee in the amount of **One Thousand Four Hundred Sixty-Four Dollars and 0/100 (\$1,464.00)**, payable in monthly installments of

One Hundred Twenty-Two Dollars and 0/100 (\$122.00), beginning on the first day of November, 2016 and monthly thereafter. The encroachment fee shall be paid by check payable to the "Norfolk City Treasurer" and sent to the Department of General Services, 232 E. Main Street, Suite 250, Norfolk, VA 23510, Attn: Mr. Jim Resolute.

5. **LATE FEES:** For any late payments received 15 days after the first of each month, Baker shall pay a late fee of five percent (5%) of the amount not paid when due.

6. **UTILITIES:** City shall not be responsible for utilities of any type used within the Encroachment Area. Baker shall pay all utility meter and utility services charges for all utilities, including but not limited to, gas, electricity, water, telephone, sewer, and any other utilities necessary to serve the Encroachment Area.

7. **REPAIRS:** Baker, and its tenant(s), shall keep and maintain the Encroachment Area in good and complete state of repair and condition. Baker, and its tenant(s), shall make all repairs and replacements of every kind to the sidewalks and paved areas of the Encroachment Area in order to preserve and maintain the condition of the Encroachment Area. All such repairs and maintenance shall be performed in a good and competent manner, be at least equal in quality and usefulness to the original components, and not diminish the overall value of the Encroachment Area.

8. **REQUIREMENTS OF PUBLIC LAWS:** Baker, and its tenant(s), shall suffer no waste or injury to the Encroachment Area and shall comply with all federal, state, and municipal laws, ordinances and regulations applicable to the structure, use, and occupancy of the Encroachment Area. In addition, Baker, and its tenant(s), shall be responsible for the correction, prevention and abatement of nuisances, violations or other grievances in, upon or connected with the Encroachment Area.

9. **RIGHT TO ENTER AND CURE:** City shall retain the right to enter upon the Encroachment Area at any time for the purpose of inspecting the Encroachment Area, ascertaining compliance with this Agreement, and making any repairs, which City deems necessary because of any failure of Baker, and/or its tenant(s), to meet their obligations under this Agreement. The cost of any such repairs shall be deemed additional compensation payable to the City on demand. Any entry upon the Encroachment Area for cure and repair shall be accomplished by City at reasonable times and in the exercise of reasonable discretion by the City. The making of any repairs by City shall not constitute a waiver by City of any right or remedy upon Baker's, and/or its tenant(s)', default in making repairs.

10. **NOTICE:** Any notice shall be in writing and shall be delivered by hand or sent by United States Registered or Certified Mail, postage prepaid, addressed as follows:

City: Department of General Services
Attn: Mr. James Resolute, Jr.
232 E. Main Street, Suite 250
Norfolk, Virginia 23510

Baker: Baker Real Properties, Inc.
Attn: Mr. Ted Baker
760 W. 22nd Street
Norfolk, Virginia 23517

With copies to: City Attorney
900 City Hall Building
810 Union Street
Norfolk, Virginia 23510

Either party hereto may change its address to which said notice shall be delivered or mailed by giving notice of such change as provided above. Notice shall be deemed given when delivered (if delivered by hand) or when postmarked (if sent properly by mail).

11. **DESTRUCTION:** If the encroaching structures or any part thereof shall be damaged or destroyed by fire, lightning, vandalism, or by any other casualty or cause, the

permission granted hereby shall be automatically terminated unless the parties agree, in writing, to continue to permit the encroachments granted by this Agreement.

12. **NON-LIABILITY OF CITY:** City shall not be liable for any damage or injury which may be sustained by Baker, its tenant(s), or any other person as a consequence of the failure, breakage, leakage or obstruction of the water, plumbing, steam, gas, sewer, waste or spoil pipes, roof, drains, leaders, gutters, valleys, downspouts or the like, or of the electrical, ventilation, air conditioning, gas, power, conveyor, refrigeration, sprinkler, hearing or other systems, elevators or hoisting equipment, if any, upon the Encroachment Area, or by reason of the elements, or resulting from acts, conduct or omissions on the part of Baker, its tenant(s), or their agents, employees, guests, licensees, invitees, assignees or successors, or on the part of any other person or entity.

13. **REMOVAL OF SNOW:** Baker, and its tenant(s), agree to remove or cause to be removed, as the need for the same arises, snow and ice from the Encroachment Area.

14. **ALTERATIONS:** Baker, and its tenant(s), covenant and agree that they will not make any improvements, changes installations, renovations, additions, or alterations in and about the Encroachment Area without the prior written consent of the City other than the approval given by Norfolk's Design Review Committee and Norfolk's Planning Commission. If Baker, and/or its tenant(s), install or make any improvements, additions, installations, renovations, changes on or to the Encroachment Area with the approval of City, Baker, and its tenant(s), hereby agree to remove, if requested by City, any improvements, additions, installations, and renovations, changes on or to the Encroachment Area upon termination of this Agreement. In the event Baker, and/or its tenant(s), fail to remove the improvements, additions, installations, renovations, and changes on or to the Encroachment Area when requested to do so by City, then the City may remove the improvements, additions, installations, renovations, and changes. Baker, and its tenant(s), shall be jointly and severally liable for paying for the cost of such removal.

15. **ASSIGNMENT AND SUBLETTING:** City and Baker agree that the permission to encroach granted hereby is for the benefit of Baker and its tenant(s), and may not be assigned by Baker without express authorization by the City. Further, upon Baker lease of the premises (adjoining the Encroachment Area) to a tenant, Baker shall have any such tenant execute a copy of this Agreement, acknowledging acceptance of the terms and conditions set forth herein.

16. **SURRENDER:** Baker, and its tenant(s), will surrender possession of the Encroachment Area to City and remove all goods and chattels and other personal property therefrom upon termination of the permission granted hereby. Baker, and its tenant(s), shall return the Encroachment Area to the City in as good order and condition as it was at the beginning of Baker use of the Encroachment Area. If Baker, and its tenant(s), have been requested to remove and fail to remove all items from the Encroachment Area upon termination hereof, City is authorized to remove and dispose of any such personal property and Baker, and its tenant(s), shall be jointly and severally liable to City for the cost of any removal and disposal.

17. **INSURANCE:** Baker, and/or its tenant(s), shall maintain in full force and effect Commercial General Liability ("CGL") insurance with a combined single limit policy of bodily injury, death and property damage insurance of One Million and 0/100 Dollars (\$1,000,000) per occurrence and Two Million and 0/100 Dollars (\$2,000,000) general aggregate insuring against all liability arising out of the use, occupancy, or maintenance of the Encroachment Area and appurtenant areas. CGL insurance shall be written on an approved ISO form for coverage in the Commonwealth of Virginia, and shall cover liability arising from premises, operations, independent contractors, products-completed operations, personal injury, and liability assumed under insured contract. The City, its officers, employees, agents and representatives shall be named as additional insured on any such policy. Coverage shall be evidenced by a Certificate of Insurance provided to the City within thirty (30) days after adoption of this Agreement. All insurance policies

and certificates shall provide for thirty (30) days advance notice in writing to City if the insurance is cancelled or modified. Baker, and its tenant(s), shall inform the City Attorney and the Department of General Services within fifteen (15) days of receiving such notice or cancellation, and immediately obtain coverage compliant with this agreement.

Further, Baker, or its tenant(s), shall maintain the applicable statutory Workers' Compensation Insurance, and Employer's Liability Insurance with a limit of at least \$500,000 per accident/disease, and policy limit of \$500,000 covering any of Baker employees, as well as its tenant's employees, whose work occurs within the premises which are subject to this agreement.

18. **INDEMNIFICATION:** Baker, and its tenant(s), shall indemnify and save harmless City from all fines, penalties, costs, suits, proceedings, liabilities, damages, claims and actions of any kind arising out of the use and occupation of the Premises by reason of any breach or nonperformance of any covenant or condition of this Agreement by Baker, or its tenant(s), or by Baker's, or its tenant(s)', intentional act or negligence, and not caused in whole or in part by City. This indemnification shall extend to all claims of any person or party for death or injury to persons and damage to any property, and to legal expenses, including reasonable attorney's fees, incurred by City in the defense of such claims or incurred by City as a result of a breach of any provision of this Agreement by Baker, and/or its tenant(s), but does not extend to circumstances caused in whole or in part by City.

19. **FIXTURES:** City covenants and agrees that no part of the improvements constructed, erected or placed by Baker, or its tenant(s), in the Encroachment Area shall be or become, or be considered as being, affixed to or a part of the right of way, and any and all provisions and principles of law to the contrary notwithstanding, it being the specific intention of City and Baker, and its tenant(s), to covenant and agree that all improvements of every kind and nature constructed, erected or placed by Baker, and/or its tenant(s), in the Encroachment Area shall

be and remain the property of Baker, and/or its tenant(s), unless such improvements are not removed upon termination of this Agreement.

20. **ENVIRONMENTAL:**

(a) For purposes of this section:

(i) "Hazardous Substances" include any pollutants, dangerous substances, toxic substances, hazardous wastes, hazardous materials or hazardous substances as defined in or pursuant to the Resource and Conservation Recovery Act (42 U.S.C. § 6901 et seq.) (RCRA), the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. § 9601 et seq.) (CERCLA) or any other federal, state, or local environmental law, ordinance, rule or regulation.

(ii) "Release" means releasing, spilling, leaking, pumping, pouring, emitting, emptying, discharging, injection, escaping, leaching, disposing, or dumping.

(iii) "Notice" means any summons, citation, directive, order, claim, litigation, investigation, proceeding, judgment, letter or other communication, written or oral, actual or threatened, from any authority of the Commonwealth of Virginia, the United States Environmental Protection Agency (USEPA) or other federal, state or local agency or authority, or any other entity or any individual, concerning any intentional act or omission resulting or which may result in the Release of Hazardous Substances into the waters or onto the lands of the Commonwealth of Virginia, or into waters outside the jurisdiction of the Commonwealth of Virginia or into the "environment," as such terms are defined in CERCLA. "Notice" shall include the imposition of any lien on any real property, personal property or revenues of Baker, and/or its tenant(s), including but not limited to the Baker's, or its tenant(s)', interest in the Encroachment Area or any of Baker's, and/or its tenant(s), property located thereon, or any violation of federal, state or local environmental laws, ordinances, rules, regulations, governmental actions, orders or

permits, or any knowledge, after due inquiry and investigation, or any facts which could give rise to any of the above.

(b) To the extent that Baker, and its tenant(s), may be permitted under applicable law to use the Encroachment Area for the generating, manufacture, refining, transporting, treatment, storage, handling, disposal, transfer or processing of Hazardous Substances, solid wastes or other dangerous or toxic substances, Baker, and its tenant(s), shall insure that said use shall be conducted at all times strictly in accordance with applicable statutes, ordinances and governmental rules and regulations. Baker, and its tenant(s), shall not cause or permit, because of any intentional or unintentional act or omission, a Release of Hazardous Substances in the Encroachment Area. If any such intentional or unintentional act or omission causes a Release of Hazardous Substance in the Encroachment Area, Baker, and its tenant(s), shall promptly clean up and remediate such Release in accordance with the applicable federal, state and local regulations and to the reasonable satisfaction of City.

(c) Baker, and its tenant(s), shall comply with all applicable federal, state, and local environmental laws, ordinances, rules and regulations, and shall obtain and comply with all permits required thereunder, as well as under any successor or new environmental laws. Upon the receipt of any Notice, Baker, and its tenant(s), shall notify City promptly in writing, detailing all relevant facts and circumstances relating to the Notice.

(d) The requirements of this section shall apply to any successor in interest to Baker, and/or its tenant(s), whether due to merger, sale of assets or other business combination or change of control.

(e) Baker, and its tenant(s), hereby agrees to defend (with counsel satisfactory to City) and indemnify and hold City harmless from and against any and all claims, losses, liabilities, damages and expenses (including, without limitation, reasonable cleanup costs and

attorney's fees arising under this indemnity) which may arise directly or indirectly from any use or Release of Hazardous Substances in the Encroachment Area and losses and claims against City resulting from Baker, and/or its tenant(s), failure to comply strictly with the provisions of this section. The provisions of this section shall survive the termination of this permission granted by this Agreement.

21. **LIENS OR ENCUMBRANCES:** If because of any act or omission of Baker, and/or its tenant(s), any mechanic's lien or other lien, charge or order for the payment of money shall be filed against any portion of the Encroachment Area, Baker, and its tenant(s), shall, at its own cost and expense, cause the same to be discharged of record or bonded within ninety (90) days after written notice from the City to Baker, and/or its tenant(s), of the filing thereof, and Baker, and/or its tenant(s), shall have the right to contest the validity of such lien if they so choose.

22. **APPLICABLE LAW:** The permission granted by this Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia. Any suit or legal proceeding relating to permission granted hereby shall be brought only in the state or federal courts located in Norfolk, Virginia.

23. **WAIVER OF TRIAL BY JURY:** To the extent permitted by law, City and Baker, and its tenant(s), mutually waive their rights to trial by jury in any action, proceeding, or counterclaim brought by either party against the other with respect to any dispute or claim arising out of the permission to encroach granted to Baker, and its tenant(s), by this agreement.

24. **OTHER REQUIREMENTS:**

(a) Baker, and its tenant(s), shall comply with the City of Norfolk's Downtown Outdoor Dining Policy, as amended from time to time.

(b) Baker, and its tenant(s), shall comply with all requirements of the City of Norfolk Department of Public Health with respect to the use of the Encroachment Area.

(c) The use of the Encroachment Area shall be subject to the jurisdiction and review of the City of Norfolk's Design Review Committee.

(d) Baker's, and its tenant(s)', use of the Encroachment Area shall not interfere with any water meters or sewer cleanouts.

(e) A trashcan compatible in design and style with the table and chairs will be provided for the outdoor dining, and trash shall be removed daily.

(f) Tables and chairs will be arranged according to plan approved by Norfolk's Design Review Committee.

25. **TITLES AND HEADINGS**: Titles and headings are inserted in this Agreement for reference purposes only, and shall not be used to interpret the Agreement.

26. **SEVERABILITY**: Each provision of this Agreement must be interpreted in a way that is valid under applicable law. In the event that any provision or portion of this Agreement is determined by a court of competent jurisdiction to be void, invalid, or otherwise unenforceable, such provision or portion shall be deemed reformed, insofar as is possible, to cure the defect and give maximum effect to the intent of the City and Baker, and its tenant(s), entering into this Agreement, and in any event the remainder of the Agreement shall continue in full force and effect.

27. **ENTIRE UNDERSTANDING**: This Agreement constitutes the entire understanding between or on behalf of the City and Baker, and its tenant(s), and supersedes any prior understandings and/or written or oral agreements between them or on their behalf respecting the subject matter herein. There are no representations, agreements, arrangements, or understandings, oral or written, between and among the parties hereto relating to the subject matter of this Agreement, which are not fully expressed herein.

This Agreement may be modified or amended only by a writing signed and dated by both parties. All amendments shall be incorporated and made a part of this Agreement, and attached hereto.

28. **SUCCESSORS AND ASSIGNS:** In the event Baker assigns, conveys, sells, or otherwise disposes of its interest in the property located at 760 W. 22nd Street to a party other than an affiliated entity, the permission granted by this Agreement shall immediately terminate. Any such successor in interest to Baker that desires to encroach into the right-of-way must submit a new application for approval by the City.

29. **COMPLIANCE WITH FEDERAL IMMIGRATION LAW:** At all times during which any term of this Agreement is in effect, Baker, and its tenant(s), do not and shall not knowingly employ any unauthorized alien. For purposes of this section, an “unauthorized alien” shall mean any alien who is neither lawfully admitted for permanent residence in the United States nor authorized to be employed either by Title 8, Section 1324a of the United States Code or the U.S. Attorney General.

30. **AUTHORITY TO EXECUTE:** The terms of this Agreement are contractual and not mere recital, and the individuals executing this Agreement hereby represent and warrant that they have full and complete authority to covenant and agree as herein provided and to execute this Agreement on behalf of the Parties hereto.

31. **AUTHORIZATION TO TRANSACT BUSINESS IN THE COMMONWEALTH:** Baker, and its tenant(s), hereby represent that they are organized as a stock or non-stock corporation, limited liability company, business trust, or limited partnership or registered as a registered limited liability partnership and is authorized to transact business in the Commonwealth as a domestic or foreign business entity if so required by Title 13.1 or Title 50 or as otherwise required by law.

32. **COUNTERPARTS:** The Agreement may be signed in counterparts. The Parties hereto agree that facsimile or email signatures shall have the full force and effect of original signatures.

IN WITNESS WHEREOF, the parties hereto have executed or have caused this Encroachment Agreement to be executed by their duly authorized officers and their corporate seals to be hereunto affixed and attested, all as of the day and year first above written.

CITY OF NORFOLK

By: _____
City Manager

Attest:

City Clerk

**COMMONWEALTH OF VIRGINIA
CITY OF NORFOLK, to-wit:**

I, _____, a Notary Public in and for the City of Norfolk, in the Commonwealth of Virginia, do hereby certify that _____, City Manager, and R. Breckenridge Daughtrey, City Clerk, respectively, of the City of Norfolk, whose names as such are signed to the foregoing Encroachment Agreement, have acknowledged the same before me in my City and State aforesaid.

Given under my hand this ___ day of _____, 2016.

Notary Public
Registration: _____

Approved as to Contents:

Director of General Services

Approved as to Form and Correctness

Deputy City Attorney

BAKER REAL PROPERTIES, INC.

By: _____
Name (Printed): _____
Title: _____

COMMONWEALTH OF VIRGINIA
CITY OF _____, to-wit:

I, _____, a Notary Public in and for the City of _____, in the Commonwealth of Virginia, do hereby certify that _____, _____ (Title) of Baker Real Properties, Inc., whose name is signed to the foregoing Encroachment Agreement, has acknowledged the same before me in my City and State aforesaid. He/She is personally known to me or has produced a driver's license as identification.

Given under my hand this ____ day of _____, 2016.

Notary Public
Registration: _____

ACKNOWLEDGED AND AGREED:

TENANT:

COELACANTH BREWING COMPANY, LLC

By: _____
Name (Printed): _____
Title: _____

COMMONWEALTH OF VIRGINIA
CITY OF _____, to-wit:

I, _____, a Notary Public in and for the City of _____, in the Commonwealth of Virginia, do hereby certify that _____, _____ (Title) of Coelacanth Brewing Company, LLC, whose name is signed to the foregoing Encroachment Agreement, has acknowledged the same before me in my City and State aforesaid. He/She is personally known to me or has produced a driver's license as identification.

Given under my hand this ____ day of _____, 2016.

Notary Public
Registration: _____



BARDOUN DESIGN P.C.
 714 GRAYDON AVENUE
 NORFOLK, VIRGINIA 23507
 PHONE: 757.622.7327
 EMAIL: BARDOUNDESIGN@GMAIL.COM

COELACANTH BREWING COMPANY
 OUTDOOR TERRACE
 NORFOLK VIRGINIA

EXHIBIT A



PROJ. NO.
16.16
 DATE
June 3, 2016
(REV. 9-12-16)

DRAWING
A1

GENERAL NOTES

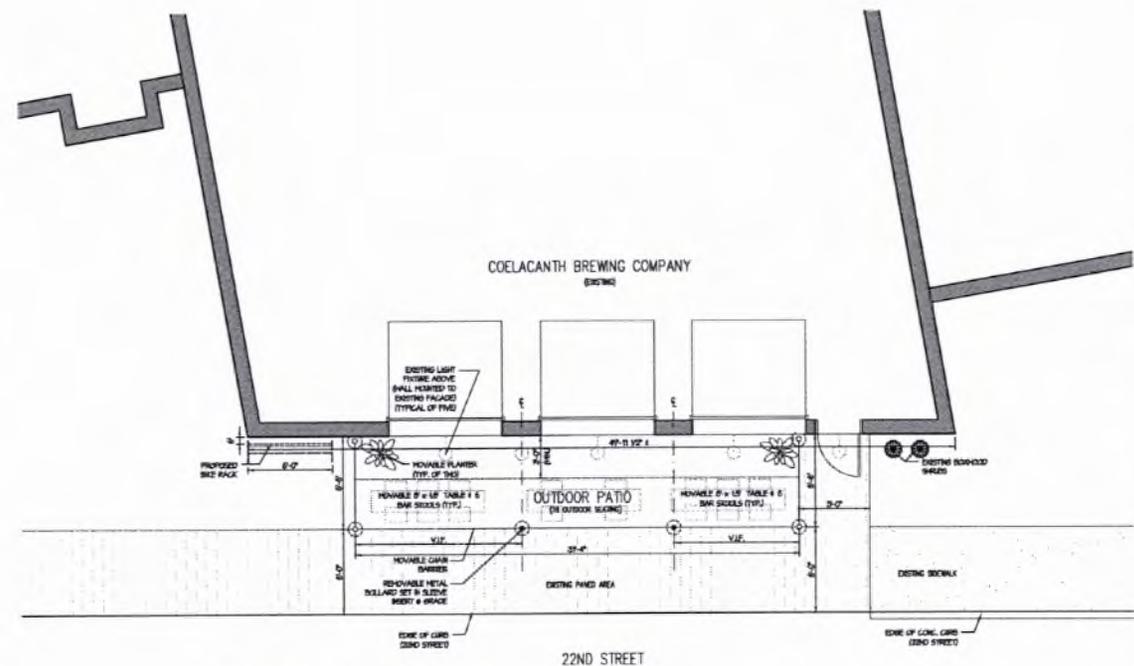
1. ALL PLAN DIMENSIONS & EXTERIOR WALLS ARE TO THE EXTERIOR FACE OF MASONRY.
2. EXISTING WALLS SHOWN ON PLANS WERE TAKEN FROM ORIGINAL COELACANTH BREWERY AS-BUILT PLANS.

LEGEND



CODE INFORMATION

LOCATION	790 A WEST 22ND STREET NORFOLK, VIRGINIA
OCCUPANCY TYPE	A-2
CONSTRUCTION TYPE	NO UNPROTECTED
NUMBER OF STORES	1
DESCRIPTION OF PROJECT	OUTDOOR TERRACE FOR EXISTING BREWERY/TASTING ROOM
APPLICABLE CODES	
VERSION	2016 DEC 2016



FLOOR PLAN - OUTDOOR TERRACE
 VP - 100

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BARDOUN DESIGN P.C.
 714 GRAYDON AVENUE
 NORFOLK, VIRGINIA 23507
 PHONE: 757.622.7227
 EMAIL: BARDOUNDESIGN@GMAIL.COM

COELACANTH BREWING COMPANY
 OUTDOOR TERRACE

VIRGINIA

NORFOLK



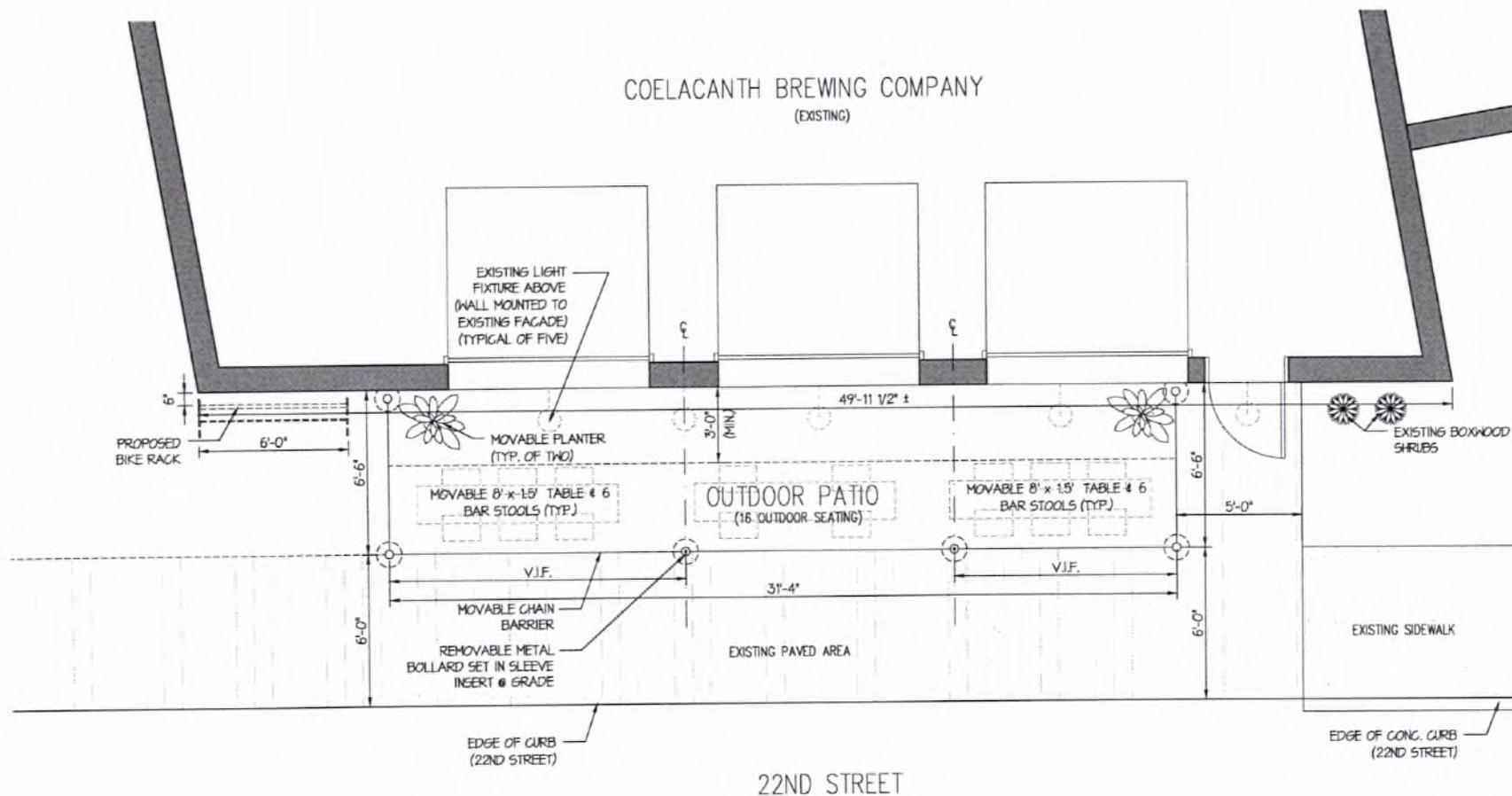
PROJ. NO.
16.16

DATE
June 3, 2016
(REV. 9-12-16)

DRAWING

A2

COELACANTH BREWING COMPANY
(EXISTING)



FLOOR PLAN - OUTDOOR TERRACE
12.16

22ND STREET

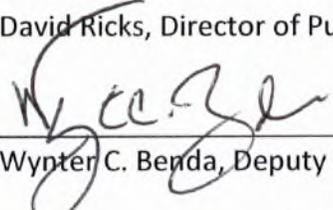


To the Honorable Council
City of Norfolk, Virginia

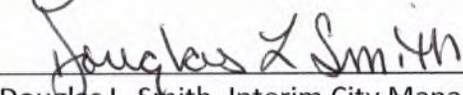
December 13, 2016

From: David Ricks, Director of Public Works

Subject: Traffic Control Signs – Various Locations (11)

Reviewed: 
Wynter C. Benda, Deputy City Manager

Ward/Superward: 2/6, 3/7, 4/7, 5/6

Approved: 
Douglas L. Smith, Interim City Manager

Item Number: R-4

- I. **Recommendation:** Adopt Ordinance
- II. **Applicant:** City of Norfolk, Department of Public Works

III. **Description:**
 This agenda item is in response to requests from area residents and various civic leagues. The Department of Public Works' Division of Transportation has conducted investigations regarding the posting of traffic control signs at the locations listed below and recommends the following amendments to the *Norfolk City Code* to reflect changes to existing regulations at these locations:

Location	Proposed Amendment
1. 2nd Street at its intersection with Front Street	Repeal Yield
2. McKann Avenue at its intersection with Cape Henry Avenue	Repeal Yield
3. Northampton Boulevard, forty (40) miles per hour	Add Speed Limit
4. 2nd Street at its intersection with Front Street	Add Stop
5. Ellsmere Avenue at its intersection with Henneman Drive	Add Stop
6. Elm Street at its intersection with Trant Avenue	Add Stop
7. Mayflower Road at its intersection with W 40 th Street	Add Stop
8. McKann Avenue at its intersection with Cape Henry Avenue	Add Stop
9. Old Ocean View Road at its intersection with Dune Street	Add Stop
10. Virginia Avenue at its intersection with Mayflower Road	Add Stop
11. W 42 nd Street at its intersection with Mayflower Road	Add Stop

IV. Analysis:

The investigations consider the flow and volume of traffic of the intersections. The recommendations will improve the traffic flow on city streets.

V. Financial Impact:

There will be minimal impact to the City of Norfolk's (the "City's") budget for the installation or removal of these traffic control signs. There will be ongoing maintenance costs associated with the average 10-year life span of the signs and replacement costs for any knockdowns.

VI. Environmental:

N/A

VII. Community Outreach/Notification:

The stop sign installations have been coordinated with the area civic leagues. The speed limit measure does not lie within civic league boundaries. Public notification for this agenda item was conducted through the City's agenda notification process.

VIII. Board/Commission Action:

N/A

IX. Coordination/Outreach:

This letter and ordinance have been coordinated with the Department of Public Works and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Location Maps

MEMORANDUM

TO: City Council

CC TO: Doug Smith, Interim City Manager; Wynter Benda, Deputy City Manager; Richard Broad, Assistant Director; Rob Brown, City Transportation Engineer

FROM: David Ricks, Director of Public Works

SUBJECT: Traffic Control Signs – Additional Information

DATE: December 9, 2016

On the December 13, 2016 regular agenda, City Council will be reviewing an ordinance authorizing the change of speed limit on Northampton Boulevard and eight new stop signs within the City. These agenda items are being submitted in response to requests from residents and civic leagues concerned with the speed levels of traffic, neighborhood safety and intersection approach sight visibility in neighborhoods.

The change of speed limit along Northampton Boulevard is recommended by the Division of Transportation as a measure to improve traffic flow and safety in conjunction with the roadway and I-64 ramp reconfigurations in support of the new businesses on the corridor. Based on the new interstate ramp design and approach maneuvers onto Northampton Boulevard, the division recommends the reduction of speed limit from 45 to 40 miles per hour on Northampton Boulevard from Military Highway to Wesleyan Drive. (Map 2)

At the request of an area resident, the Division of Transportation investigated measures to help increase traffic safety at the 2nd Street and Front Street intersection. Based on the division's review of the intersection, the existing yield sign control is recommended to be replaced with stop sign at the intersection. (Map 1)

The measure has support from the The Pier Condo Owners Association.

At the request of an area resident, the Division of Transportation investigated measures to help increase traffic safety at the Elm Street and Trant Avenue intersection. Based on the division's review of the intersection, stop sign control is recommended at the intersection. (Map 2)

The measure has support from the Ingleside Civic League.

At the request of Colonial Place Civic League and area residents, the Division of Transportation investigated measures to help increase traffic safety at the intersections of Mayflower Road at W 40th Street, Virginia Avenue at Mayflower Road and W 42nd Street at Mayflower Road. Based

on the division's review of the intersections, stop sign control is recommended at the intersections. (Map 2)

These measures have support from the Colonial Place Civic League.

At the request of residents and Department of Public Works, Operations Division, the Division of Transportation investigated measures to help increase traffic safety within the Ballentine neighborhood. Based on the review of the area, the division recommends the change of yield sign to stop sign control at the intersection of McKann Avenue at Cape Henry Avenue. (Maps 1)

This measure has support from the Ballentine Civic League.

At the request of area residents, the Division of Transportation investigated measures to help increase traffic safety on Old Ocean View Road. Based on the review of the area, the division recommends the installation of all-way stop sign control at the intersection of Old Ocean View Road and Dune Street. (Map 2)

This measure has support from the Northside Civic League.

The Department of Public Works follows well developed, nationally recognized guidelines to assess traffic control sign requests. Upon receiving a request for traffic control devices, Division of Transportation staff analyzes the request and conducts a field investigation. The purpose of the investigation and analysis is to ensure adherence with Manual on Uniform Traffic Control Devices (MUTCD) regulations and to determine if the installation of the requested traffic control sign(s) is warranted.

Form and Correctness Approved:

RAP

By _____
Office of the City Attorney

Contents Approved:

[Signature]

By _____
DEPT. Public Works

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO REPEAL TWO SUBSECTIONS OF SECTION 25-653 AND TO AMEND AND REORDAIN SECTIONS 25-646 AND 654 OF THE NORFOLK CITY CODE, 1979, **SO AS TO** ADD ONE NEW SPEED LIMIT AND EIGHT NEW STOP INTERSECTIONS.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That two subsections of Section 25-653 of the Norfolk City Code, 1979, regarding the yield intersections at 2nd Street at its intersection with Front Street, and McKann Avenue at its intersection with Cape Henry Avenue, are hereby repealed.

Section 2:- That Section 25-646 of the Norfolk City Code, 1979, regarding speed limits, is hereby amended and reordained so as to add the following new subsection:

Northampton Boulevard, forty (40) miles per hour.

Section 3:- That Section 25-654 of the Norfolk City Code, 1979, regarding stop intersections, is hereby amended and reordained so as to add the following new subsections:

2nd Street at its intersection with Front Street.

Ellsmere Avenue at its intersection with Henneman Drive.

Elm Street at its intersection with Trant Avenue.

Mayflower Road at its intersection with W. 40th Street.

McKann Avenue at its intersection with Cape Henry Avenue.

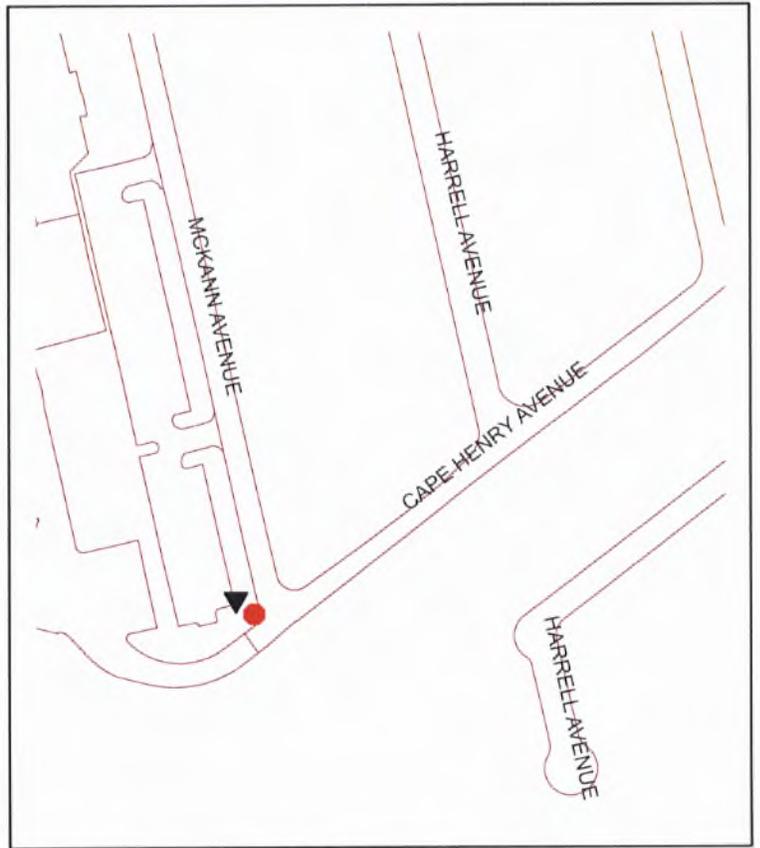
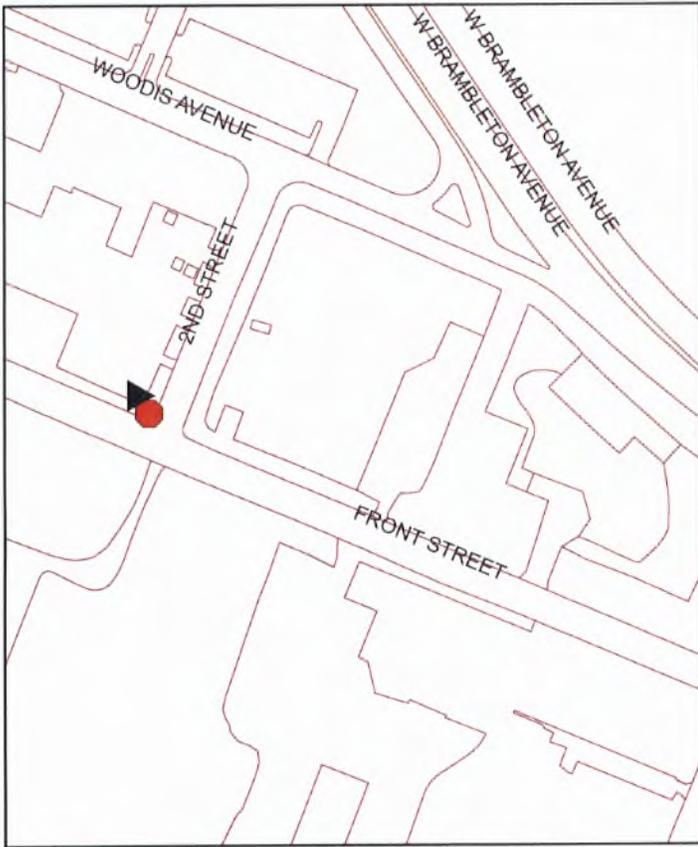
Old Ocean View Road at its intersection with Dune Street.

Virginia Avenue at its intersection with Mayflower Road.

W. 42nd Street at its intersection with Mayflower Road.

Section 4:- That this ordinance shall be in effect from and after the date of its adoption.

MAP 1

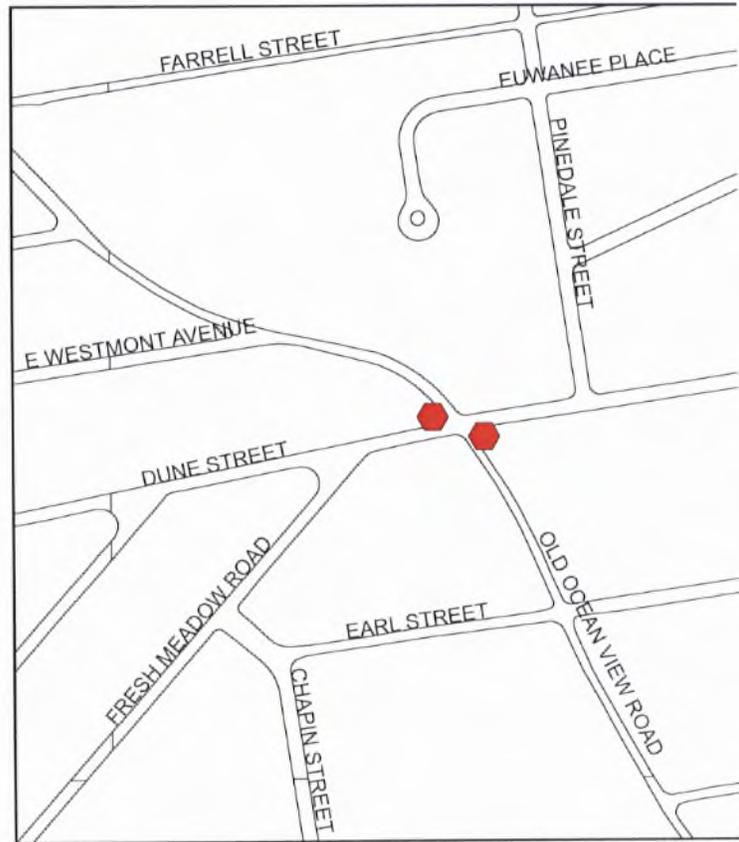


- 2. 2nd Street at Front Street. (Repeal Yield)
- 4. 2nd Street at Front Street. (Stop)

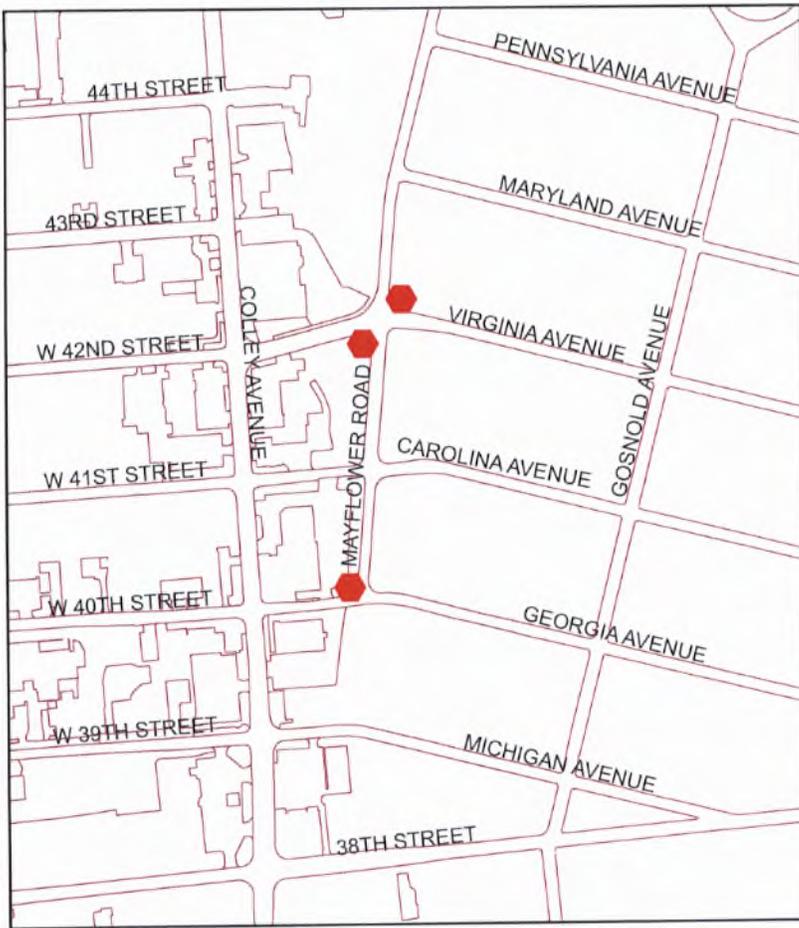
- 3. McKann Avenue at Cape Henry Avenue. (Repeal Yield)
- 8. McKann Avenue at Cape Henry Avenue. (Stop)



- 5. Ellsmere Avenue at Henneman Drive. (Stop)

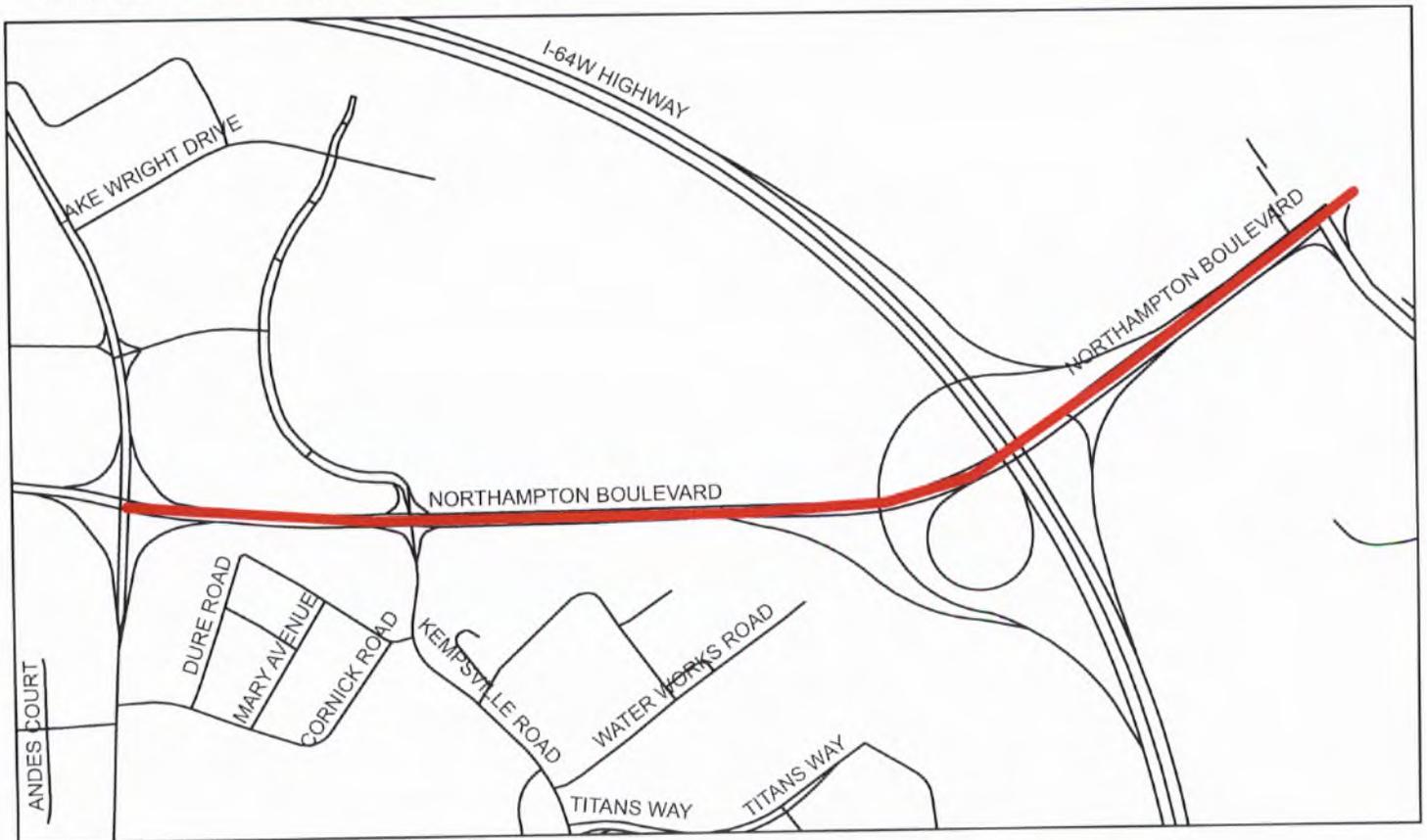


- 9. Old Ocean View Road at Dune Street. (Stop)



5. Elm Street at Trant Avenue. (Stop)

- 7. Mayflower Road at W 40th Street. (Stop)
- 10. Virginia Avenue at Mayflower Road. (Stop)
- 11. W 42nd Street at Mayflower Road. (Stop)



1. Northampton Boulevard. (40 MPH Speed Limit)



City of
NORFOLK

C: Dir., Department of General Services

To the Honorable Council
City of Norfolk, Virginia

December 13, 2016

From: David S. Freeman, AICP
Director of General Services

Subject: Ordinance Approving the
Conveyance by Quitclaim of Poplar
Hall Civic League's Interest in Silver
Lake to the City of Norfolk

Reviewed: Sabrina Joy Hogg
Sabrina Joy-Hogg, Chief Deputy City Manager

Ward/Superward: 4/7

Approved: Douglas L. Smith
Douglas L. Smith, Interim City Manager

Item Number:

R-5

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**

This agenda item is an ordinance to approve the conveyance by quitclaim from the Poplar Halls Civic League ("Poplar Halls") to the City of Norfolk (the "city") of any interest Poplar Halls has in Silver Lake.

IV. **Analysis**

Silver Lake was dedicated for drainage and public utilities by that certain plat entitled "Survey of Silver Lake and Meadow Lake "Poplar Halls" Norfolk, Virginia," dated February 1960 and recorded in the Clerk's Office of the Circuit Court of the City of Norfolk in Map Book 18, page 6 and 7. The dedication by plat was not reflected in the city real estate records and still reflected ownership by Poplar Halls. Poplar Halls has agreed to quitclaim any interest it has in Silver Lake so that the city may execute its storm water management efforts in this area to include dredging, outfall repairs and maintenance, and any studies necessary to better accomplish the city's stormwater maintenance goals.

V. **Financial Impact**

There is no financial impact associated with this matter.

VI. **Environmental**

There are no known environmental issues associated with this property.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the city's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the Department of General Services – Office of Real Estate, the Department of Public Works, the Department of Utilities and the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance
- Exhibit A to Ordinance

Form and Correctness Approved

RAP

By *Nathanial Samanta*
Office of the City Attorney

Contents Approved:

By *Kris Tucker For DSF*
DEPT. General Services

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE APPROVING THE CONVEYANCE BY THE POPLAR HALLS CIVIC LEAGUE TO THE CITY OF NORFOLK OF ANY INTEREST THE CIVIC LEAGUE MAY HAVE IN AND TO THAT CERTAIN LAKE KNOWN AS SILVER LAKE LOCATED IN THE CITY OF NORFOLK; AND AUTHORIZING THE CITY MANAGER TO ACCEPT THE DEED OF QUITCLAIM ON BEHALF OF THE CITY.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the conveyance by the Poplar Halls Civic League ("Civic League") to the City of Norfolk of any and all interest the Civic League may have in and to that certain lake known as Silver Lake located in the City of Norfolk ("City"), said lake being shown on that certain plat entitled "Survey of Silver Lake and Meadow Lake "Poplar Halls" Norfolk, Virginia," dated February 1960, and recorded in the Clerk's Office of the Circuit Court of the City of Norfolk in Map Book 18, Pages 6 and 7, a copy of which is attached hereto as Exhibit A, is hereby approved.

Section 2:- That the City Manager and other proper officers of the City are hereby authorized to accept the Deed of Quitclaim from the Civic League and to do all other things necessary and proper to effect the conveyance to the City of any interest the Civic League may have in and to Silver Lake.

Section 3:- That this ordinance shall be in effect from and after the date of its adoption.

EXHIBIT

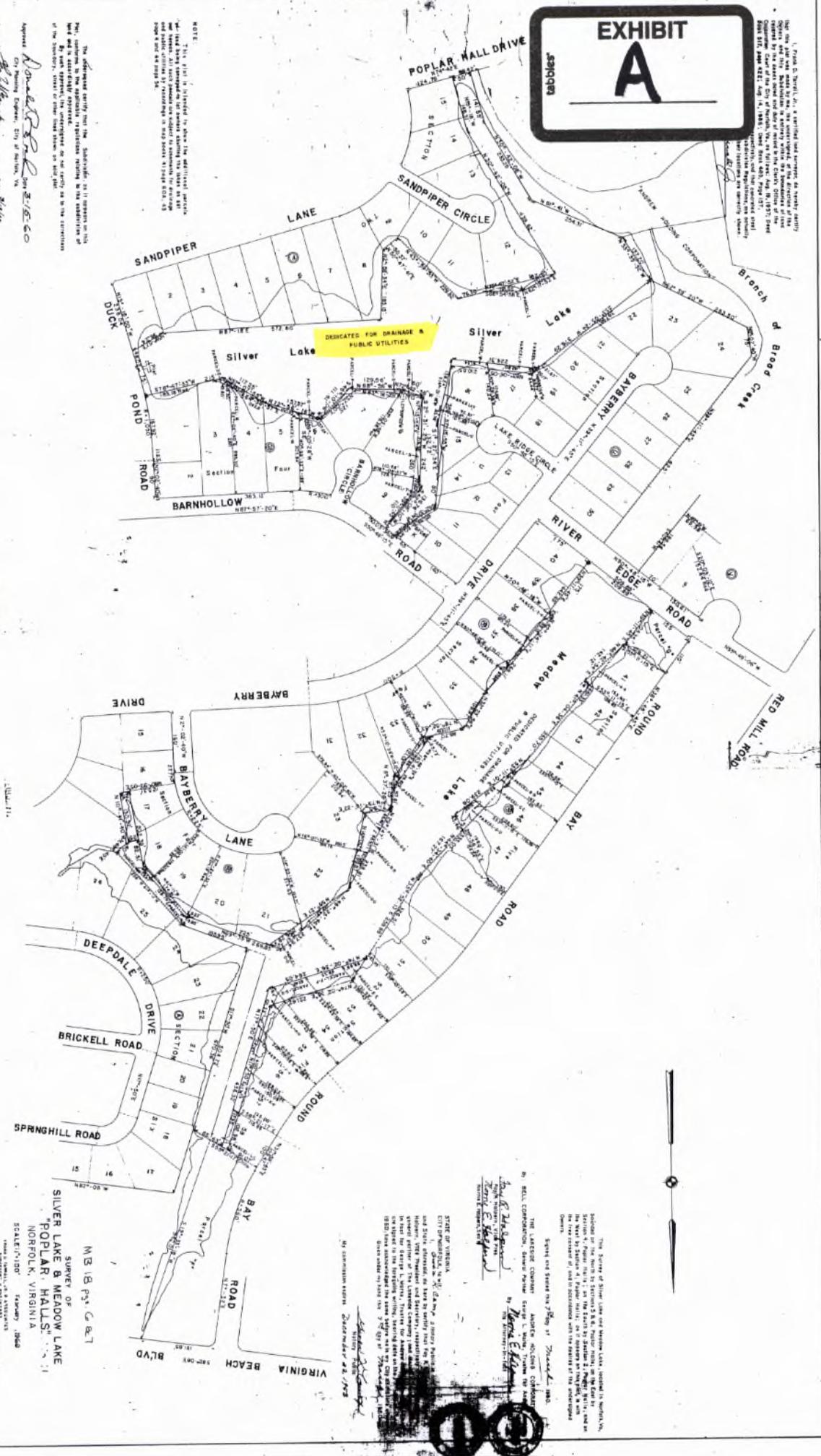
A

NOTE: This plan is intended to show the delineated sections of the Silver Lake and Meadow Lake areas, which have been surveyed for the purpose of showing the location of the various sections and the location of the various streets and roads. It is not intended to show the location of the various lots or the location of the various buildings or other structures. The location of the various streets and roads is shown by the lines and the location of the various lots is shown by the numbers. The location of the various buildings or other structures is shown by the letters.

NOTE: This plan is intended to show the delineated sections of the Silver Lake and Meadow Lake areas, which have been surveyed for the purpose of showing the location of the various sections and the location of the various streets and roads. It is not intended to show the location of the various lots or the location of the various buildings or other structures. The location of the various streets and roads is shown by the lines and the location of the various lots is shown by the numbers. The location of the various buildings or other structures is shown by the letters.

The adjoining territory, including the sections of the Silver Lake and Meadow Lake areas, which have been surveyed for the purpose of showing the location of the various sections and the location of the various streets and roads. It is not intended to show the location of the various lots or the location of the various buildings or other structures. The location of the various streets and roads is shown by the lines and the location of the various lots is shown by the numbers. The location of the various buildings or other structures is shown by the letters.

Approved: *[Signature]*
City Planning Director, City of Norfolk, VA
Approved: *[Signature]*
City Engineer, City of Norfolk, VA
Approved: *[Signature]*
Mayor, City of Norfolk, VA



702 P.A. 137

M.B. PA. C.B.T.
SURVEY OF
SILVER LAKE & MEADOW LAKE
"POPLAR HALLS"
NORFOLK, VIRGINIA
SCALE: 1"=100'
FEBRUARY, 1968

STATE OF VIRGINIA
CITY OF NORFOLK
I, *[Signature]*, Mayor of the City of Norfolk, Virginia, do hereby certify that the foregoing plat is a true and correct copy of the original plat on file in the City Clerk's Office, and that the same has been duly recorded in the City Clerk's Office.

THE LATEST COMPANY
ANDERSON HOLDINGS COMPANY
1000 BROADWAY
NEW YORK, N.Y. 10018
BY: *[Signature]*
VICE PRESIDENT





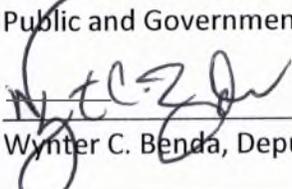
City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

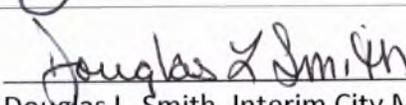
December 13, 2016

From: Michelle Washington
Public and Government Relations Manager

Subject: City of Norfolk 2017 Priorities Package

Reviewed: 
Wynter C. Benda, Deputy City Manager

Ward/Superward: N/A

Approved: 
Douglas L. Smith, Interim City Manager

Item Number:

R-6

I. **Recommendation:** Adopt Resolution approving the City of Norfolk's (the "city's") 2017 Priorities Package.

II. **Applicant:** City of Norfolk

III. **Description:**
This is a resolution affirming Norfolk City Council's ("City Council's") final passage of the city's 2017 Priorities Package in its entirety.

IV. **Analysis:**
Please see the attached package for the city's 2017 legislative priorities for the Commonwealth of Virginia and the United States government.

V. **Financial Impact**
N/A

VI. **Environmental**
N/A

VII. **Community Outreach/Notification**
City Council discussed the proposed legislative priorities at the City Council retreat on September 19 and 20, then again at the City Council meeting on October 11, 2016, and also at the Annual Legislative Dinner on November 1, 2016. Additionally, city staff posted a draft version of the legislative priorities on the city's website on November 22, 2016, along with contact information for residents to leave questions or comments. Public notification for this agenda item was also conducted through the city's agenda notification process.

VIII. Board/Commission Action

These priorities were developed in conjunction with, and with input from, Norfolk Public Schools, along with guidance from city staff as well as from regional partnership groups such as the Hampton Roads Planning District Commission, the Virginia Municipal League and Virginia First Cities.

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the City Attorney's Office, and the Office of Communications and Public Relations.

Supporting Material from the City Attorney's Office:

- Resolution
- 2017 Legislative Priorities Package

Form and Correctness Approved:

RAP

By

Jack E. Clark
Office of the City Attorney

Contents Approved:

By

Marilee Westing
DEPT.

NORFOLK, VIRGINIA

Resolution

A RESOLUTION SUPPORTING THE 2017 LEGISLATIVE PRIORITIES FOR THE CITY OF NORFOLK.

- - -

WHEREAS, the Council carefully considered each of the City's Legislative Priorities for 2017 and wishes now to formally approve and adopt them; and

WHEREAS, the City of Norfolk's 2017 Legislative Priorities Package has been advertised and made available to the public for review and comment; now, therefore,

BE IT RESOLVED by the Council of the City of Norfolk:

Section 1:- That the Council hereby approves the 2017 Legislative Priorities Package in its entirety, a copy of which is attached to this Resolution.

Section 2:- That the Council authorizes and directs the proper City officials to take all necessary actions to present this Resolution, together with any supporting documentation, to the appropriate Commonwealth and Federal officials.

Section 3:- That this Resolution shall be in effect from and after the date of its adoption.

Norfolk strives to create and improve safe, healthy and inclusive communities, a strong foundation for lifelong learning, and a robust, diverse economy with opportunity and prosperity for all.

To forge that vision, our city supports policies and legislation to uphold five core principals and priorities:

Resilience Norfolk and its residents will continue to design the coastal community of the future. We will create economic opportunity by advancing efforts to grow new and existing industry sectors. We will advance initiatives to connect communities, deconcentrate poverty and strengthen neighborhoods.

Transportation Norfolk and its residents will continue to create a transportation network that provides access and connectivity across every platform – air, land and sea – as well as across neighborhoods, our region, our state, our nation and our globe. We will integrate that network with a system of complete streets that allow access for all.

Education Norfolk’s residents will benefit from world-class learning opportunities at every age and in every neighborhood, in our schools, our libraries, our colleges, and our job centers. We will nurture a network for lifelong learning.

Safety Norfolk residents will live in communities free from crime and other threats, with protection and service from trained, skilled, and seasoned police officers, firefighters, utility workers and other emergency responders.

Healthy Neighborhoods Norfolk and its residents will work together to develop greater quality of life for all neighborhoods, with efficient and effective services, high citywide standards and support for community-based organizations.

Current legislative concerns

Resilience

Continue momentum in the push for a comprehensive approach to flood control and water infrastructure priorities, including support for:

- A State Office of Resiliency
- Additional funding for flood control and water infrastructure projects
- Identify a dedicated funding source for the Virginia Shoreline Resiliency Fund
- Advance recommendations of the Joint Subcommittee on Coastal Flooding

Transportation

Pursue policies that will build on recent gains in transportation funding to accomplish significant projects:

- Establish a protective floor on the 2.1 percent regional gas tax, much as was done for the statewide fuels tax in 58.1-2217. Such a floor concept is essential to provide a more stable,

dedicated revenue source needed for long-term financing of regional projects at the most competitive rates possible.

- Amend the Code of Virginia so motor vehicle travel lanes that have been converted to bicycle travel lanes shall continue to be included in the “moving-lane-miles” calculation used by the Department of Transportation for determining urban street maintenance payments.

Education

- Preserve FY '17-18 K-12 state funding increases. Preserve funding in At-Risk Add on programs, Teacher Improvement funds, and Virginia Teacher Residency Program. Preserve funding to support teacher raises, and the “flexible” lottery funding.
- Support for a Career and Technical High School

Safety and Healthy Neighborhoods

- Maintain local authority to regulate internet-based businesses, including short term rental platforms such as AirBnB.

Naval Station Norfolk Centennial

- A resolution in celebration and gratitude for 100 years of service and security from Naval Station Norfolk

Continuing Commonwealth legislative concerns

- Authorize a state study of Hampton Roads Transportation to identify **funding mechanisms for transit**.
- Support **redistricting reforms** that include the use of a non-partisan independent commission to draw state legislative and congressional districts that preserve the integrity of existing local government political boundaries and precincts.
- **Fully expand Medicaid** as provided by the Affordable Care Act to provide medical insurance coverage for a significant number of Virginia and Norfolk’s uninsured citizens.
- Oppose all legislative proposals to overhaul the **Business, Professional and Occupational License Tax** that do not provide the replacement of the locality’s lost tax and/or revenue generating authority.
- Protect historic rehabilitation tax credits.
- Reinsert in the procedural resolution that governs the conduct of the 2017 General Assembly session the requirement that all legislative **bills with local government fiscal impacts** to have their impacts identified within a week of their introduction to the General Assembly.
- Oppose legislation that removes **Virginia local government nutrient allocations** currently assigned to existing municipal wastewater treatment plants.
- Place reasonable **limits on eligible deferred roadway maintenance** for all future Public Private Transportation projects.
- Uphold the **moratorium on uranium mining** in Virginia.

Federal concerns

- Continue momentum in the push for a comprehensive approach to flood control and water infrastructure priorities, including continued funding for Army Corps of Engineers projects for beach replenishment at Willoughby Spit, the Norfolk Flood Control study, and the Joint Land Use Study.
- Pursue restoration of Urban Area Security Initiative funding to Hampton Roads.
- Continue support for significant transportation projects including completion of the Tier II EIS for passenger rail from Hampton Roads to Richmond, and Trains 2 and 3 from Norfolk to Richmond
- Maintain progress on significant transportation projects including Interstate 64 widening from Hampton Roads to Richmond and an additional Harbor Crossing to ensure shovel-readiness for federal infrastructure investments.

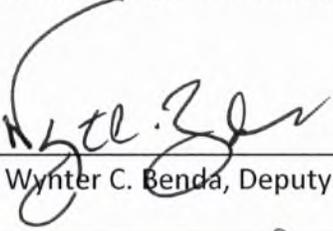


To the Honorable Council
City of Norfolk, Virginia

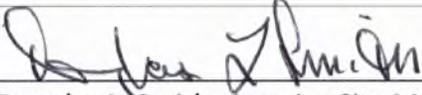
December 13, 2016

From: David Ricks, Director of Public Works

Subject: Right of Entry Agreement for
the use of property located at 1351
and 1371 Hanson Avenue

Reviewed: 
Wynter C. Benda, Deputy City Manager

Ward/Superward: 3/7

Approved: 
Douglas L. Smith, Interim City Manager

Item Number:
R-7

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk, Department of Public Works

III. **Description:**

This is an ordinance approving a right of entry agreement to permit Colston Jones ("Jones") the use of City of Norfolk (the "City") property located at 1351 and 1371 Hanson Avenue for the purpose of conducting a bicycle race known as the Rustbucket Races Cyclocross Event (the "race") on December 17, 2016.

IV. **Analysis**

City staff has been working with Jones for several months to secure a site in the City to conduct the race which requires use of bicycles on a mixed terrain with obstacles on a defined course. As this type of racing may result in some minor turf disruptions, City staff determined that the race is unsuitable for a public park. Therefore, the Hanson site, a former trash transfer facility, was selected based on its industrial nature, available parking, controlled access and varied terrain.

Jones has secured liability insurance to cover this one-day race, in addition to five days for set up/staging and cleanup/breakdown, and has listed the City and Norfolk NATO Festival, the lessee of two warehouses located on the property, as additional insureds on the policy. The race has been reviewed and endorsed by the Norfolk Bicycle and Pedestrian Trails Commission.

Similar races are held yearly in Virginia Beach at Mt. Trashmore and it is possible that the race could become an annual event in the City. Events like this help to grow interest in and support

grass roots cycling, enhance the City’s recognition regionally as a bicycle friendly city and promote alternative transportation.

Schedule of Events

Date	Time	Action
December 14 - 16, 2016	7:00 am – 3:00 pm	Set Up and Staging
December 17, 2016	5:00 am – 5:00 pm	Rustbucket Race Cyclocross Event
December 18 – 19, 2016	7:00 am – 3:00 pm	Cleanup and Breakdown

V. Financial Impact

There is no direct financial impact anticipated. The City will provide limited logistical support such as traffic cones or barrels. As the race will be a USA Cycling sanctioned event there could be positive out-of-town visitor impacts.

VI. Environmental

N/A

VII. Community Outreach/Notification

Coordination with the Norfolk Police Department and the neighborhood have been accomplished. Public notification for this agenda item was conducted through the City’s agenda notification process.

VIII. Board/Commission Action

The City and Jones briefed the Norfolk Bicycle and Pedestrian Trails Commission on December 1, 2016 and the Commission has endorsed the event.

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the Department of Public Works, Norfolk Police Department and the City Attorney’s Office.

Supporting materials provided by the Department of Public Works:

- Ordinance
- Right of Entry Agreement
- Site Map
- Event Flyer
- Cyclocross Event Description

RAP

Form and Correctness Approved:

By *[Signature]*
Office of the City Attorney

Contents Approved:

By *[Signature]*
DEPT. Public Works

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE APPROVING A RIGHT OF ENTRY PERMITTING COLSTON JONES TO GO UPON AND USE CERTAIN CITY OWNED PROPERTY NUMBERED AND DESIGNATED AS 1351 AND 1371 HANSON AVENUE FOR THE RUSTBUCKET RACES CYCLOCROSS EVENT.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the Right of Entry Agreement ("Agreement") between the City of Norfolk ("City") and Colston Jones ("Jones") that permits Jones to go upon and use the property owned by the City known as 1351 and 1371 Hanson Avenue for the Rustbucket Races Cyclocross Event, a copy of which Agreement is attached hereto and incorporated herein as Exhibit A, is hereby approved.

Section 2:- That the City Manager and other proper officers of the City are authorized to execute the Agreement on behalf of the City and to do all things necessary and proper in furtherance thereof.

Section 3:- That the City Manager is further authorized to correct, amend or revise the Agreement as he may deem appropriate, consistent with the Council's intent as expressed herein.

Section 4:- That this ordinance shall be in effect from and after the date of its adoption.

EXHIBIT A TO ORDINANCE

THIS RIGHT OF ENTRY AGREEMENT (“Agreement”), made this ____ day of _____, 2016, by and between the **CITY OF NORFOLK**, a municipal corporation of the Commonwealth of Virginia (“City”), Grantor, and **COLSTON JONES** (“Jones”), Grantee.

WITNESSETH:

The City does hereby grant to Jones permission to enter upon and use certain City-owned property located at 1351 and 1371 Hanson Avenue (“Property”) on dates between December 14, 2016 and December 19, 2016, for the purpose of hosting the “Rustbucket Races Cyclocross Event” (“Event”), which is a mixed-terrain bicycle race, sanctioned by USA Cycling, where participants will compete against the clock over varied obstacles to complete a closed course. The event is open to the public for a participation fee (\$30.00 for adults, \$15.00 for Juniors – ages 14 – 18, and free for ages 13 and under).

This Agreement shall be subject to the following terms and conditions:

1. The Event term and schedule authorized by this Agreement shall be as follows:

December 14, 2016 December 15, 2016 December 16, 2016	7:00 AM – 3:00PM	Set Up & Staging
December 17, 2016	5:00 AM – 5:00PM	Event
December 18, 2016 December 19, 2016	7:00AM – 3:00PM	Cleanup & Breakdown

2. The Right of Entry for the Event is subject to the City’s right of revocation, at any time, and in its sole discretion.
3. The City shall have access to the Property at all times.
4. Prior to entering upon the Property, Jones shall obtain all necessary permits and authorizations required for their intended use of the Property.

5. Jones expressly agrees to indemnify and save harmless the City of Norfolk, Virginia, and its representatives, and the Norfolk NATO Festival, Inc. from and against losses and claims, demands, suits, actions, payments and judgments, including any and all expense, legal and otherwise, incurred by the City, or its representatives, and the Norfolk NATO Festival, Inc. in the defense of any claim or suit brought or recovered against the City and the Norfolk NATO Festival, Inc., as a result of the use of City Property by Jones, its agents, servants or employees, vendors, or event participants under this Agreement.

6. Jones, will maintain during the term of this agreement insurance of the types and in the amounts described below. All insurance policies affected by this agreement will be primary and noncontributory to any other insurance or self-insurance maintained by the City, and will be written in an ISO "occurrence-based" form approved for coverage in the Commonwealth of Virginia. Policy limits may be met via either a singular policy, or in combination with primary and excess, or umbrella, insurance policies. All policies will provide that Jones and any additional insured, will receive at least thirty (30) days written notice in the event of cancellation of, or material change in, any of the policies. Unless otherwise specifically approved by the City, all public, general liability and automobile/vehicle liability policies will include the City of Norfolk and its employees, and Norfolk NATO Festival, Inc. as "Additional Insured" on each policy. If Jones fails to maintain the insurance as set forth in this Agreement, the City has the right, but not the obligation, to purchase such insurance at Jones' expense.

COMMERCIAL GENERAL LIABILITY INSURANCE and, if necessary, commercial umbrella insurance with a limit of not less than \$1,000,000 each occurrence, \$3,000,000 general aggregate. CGL insurance shall cover liability arising from premises, operations, independent

contractors, products-completed operations, personal injury and liability assumed under this Agreement.

AUTOMOBILE/MOTOR VEHICLE LIABILITY INSURANCE maintained either by purchasing it directly or contracting with a third-party to provide transportation and insurance for the coverage of vehicles used in the performance of the Event. Automobile liability insurance must be maintained with a limit of not less than \$2,000,000 combined single limit; or, bodily injury \$1,000,000 each person, \$2,000,000 each accident, and property damage \$100,000 each accident. Such insurance shall cover liability arising from any motor vehicle as defined by Commonwealth of Virginia laws and shall include coverage for owned, hired and non-owned motor vehicles, as well as uninsured and underinsured motorists.

WORKER'S COMPENSATION INSURANCE AND EMPLOYER'S LIABILITY INSURANCE as required by statute with limits of at least \$500,000 per accident/disease, and policy limit of \$500,000.

SUBCONTRACTOR'S INSURANCE: Jones will require each of its subcontractors for work performed in association with this Agreement, and not covered under Jones' insurance policies, to take out and maintain during the term of this Agreement, subcontract insurance coverage of the same type and limits required of Jones for work performed by the subcontractor. Each subcontractor will furnish to Jones two (2) copies of the policies, or certificates of insurance, evidencing the applicable insurance. The subcontractor will comply with the same requirements regarding indications of coverage, renewal and submission of policies as is required of Jones. Jones will furnish at least one copy the subcontractor's policies/certificate to the City.

Jones shall provide certificate(s) of insurance to the City, through the City Attorney's Office, on or before December 14, 2016. Failure to provide the required insurance certificate(s) may result in termination of this Agreement at the sole discretion of the City.

7. Upon the expiration of this Right of Entry, Jones shall restore the property to its original condition, as it existed prior to entry, and shall repair any damage that results from Jones', and/or their agents', vendors' or event participants' use of the Property.

8. This Agreement and the Right of Entry may not be assigned by Jones to another entity.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officials as of the day and year first above written.

COLSTON JONES

COMMONWEALTH OF VIRGINIA,
CITY OF _____, to wit:

I, _____, a Notary Public of the City of _____, Commonwealth of Virginia, whose term of office expires on the ___ day of _____, 20___, do hereby certify that Colston Jones, whose name is signed in the foregoing Right of Entry Agreement, has acknowledged the same before me in my City and State aforesaid.

Given under my hand this ___ day of _____, 2016.

Notary Public
Registration No.: _____

CITY OF NORFOLK

By: _____ (SEAL)
Interim City Manager

ATTEST:

City Clerk

**COMMONWEALTH OF VIRGINIA,
CITY OF NORFOLK, to-wit:**

I, _____, a Notary Public of the City of Norfolk, Commonwealth of Virginia, whose term of office expires on the ____ day of _____, 20____, do hereby certify that Douglas L. Smith, Interim City Manager, and R. Breckenridge Daughtrey, City Clerk, respectively, of the City of Norfolk, whose name is signed in the foregoing Right of Entry Agreement, has acknowledged the same before me in my City and State aforesaid.

Given under my hand this ____ day of _____, 2016.

Notary Public
Registration No.: _____

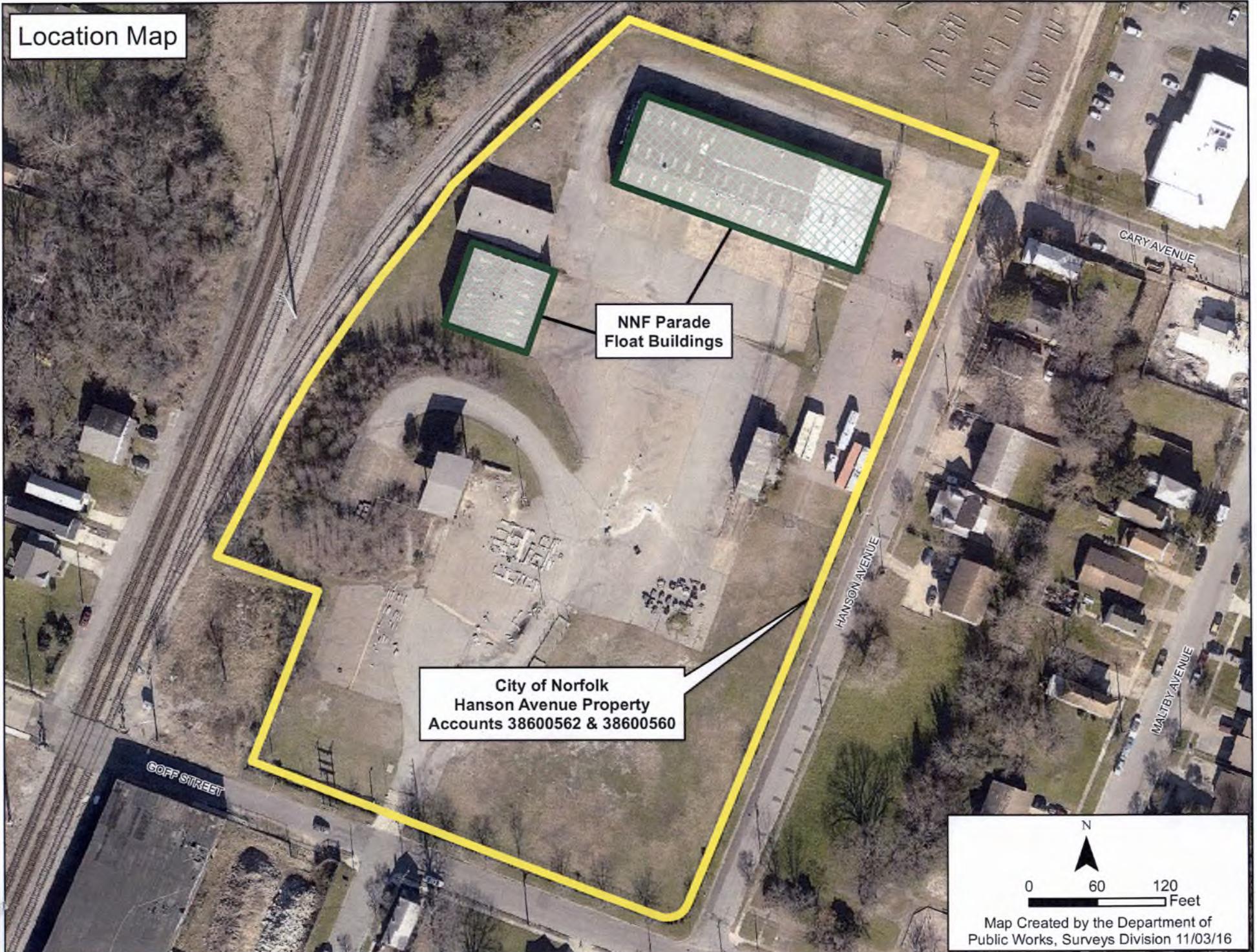
APPROVED AS TO CONTENT:

Director of Public Works

APPROVED AS TO FORM AND CORRECTNESS:

Assistant City Attorney

Location Map



NNF Parade
Float Buildings

City of Norfolk
Hanson Avenue Property
Accounts 38600562 & 38600560

N

0 60 120 Feet

Map Created by the Department of
Public Works, Surveys Division 11/03/16

RUSTBUCKET RACES

Norfolk, VA – Saturday, December 17, 2016
Held Under USA Cycling Event Permit #2016-2707

Presented by



Cyclocross is coming to Norfolk! Come ride in the inaugural Rustbucket Races! The venue, featuring one of the biggest hills in Norfolk, is located at the intersection of Goff Street and Hanson Avenue. Riders weighing 215 lbs. (1.57 Contadors) or more are invited to compete for the World Heavyweight Championship of Cycling!

Category	Time/Dist	Start Time	Fee	Prizes
Novice Women (Cat 4)	4 Laps	9:00 a.m.	15	Merch/3
Novice Men (Cat 5)	4 Laps	9:40 a.m.	15	Merch/3
Juniors 9-14	30 min.	10:20 a.m.	Free	Merch/3
Juniors 15-18	30 min.	10:50 a.m.	Free	Merch/3
Intermed. Men (Cat 3/4/5)	35 min.	11:20 a.m.	20	Merch/3
Intermed. Women (Cat 3/4)	35 min.	11:55 a.m.	20	Merch/3
World Championship	30 min.	12:30 p.m.	20	Merch/3
Singlespeed (Open)	30 min.	12:31 p.m.	15	Merch/3
BREAK				
Elite Men (Cat 1/2/3)	50 min.	1:30 p.m.	25	\$200/5
Elite Women (Cat 1/2/3)	50 min	2:25 p.m.	25	\$200/5

Event Day Registration Opens at 8:15 a.m.

On-line registration on Bikereg.com closes at noon on Friday, December 16. Race day registration closes 20 minutes prior to start of race. No mail-ins and no refunds. Race day registration fees increase by \$5.00 (does not apply to Junior and Novice categories). First race full price per event, all extra races \$5.00 each.

Event held under USAC Permit; USAC rules apply. **Helmets required.** All riders must have a USAC license. USAC one-day license can be purchased at the event. Race director and race officials reserve right to cancel and/or modify segments of the event as deemed necessary for safety. **Severe weather may cancel race; no rain date.** This event is not part of the Virginia Cyclocross Series.

Questions? Email the organizers at rustbucketraces@gmail.com.





Imagery ©2016 Google, Map data ©2016 Google 100 ft

Measure distance

Total area: 134,366.94 ft² (12,483.10 m²)

Total distance: 1.33 mi (2.13 km)

NorfolcX

A Proposal for a Cyclocross Race in Norfolk

What is Cyclocross?

Cyclocross is a mixed-terrain bicycle race. Most of the race should take place on grass, but other surfaces, like gravel and pavement, are included as well. Riders compete for a fixed time (between 30 and 60 minutes) by completing laps of a closed course. Obstacles that force riders to run past while carrying their bikes are placed throughout the course.

When Will the Event Be Held?

Cyclocross is traditionally a fall and winter sport. Saturday, December 17, 2016 is the preferred date for the race. The event will begin no later than 10:00 a.m. and conclude no later than 4:00 p.m.

Event Organization

Riders will be divided into different categories for racing. Proposed categories include Kids (ages 9-14), Juniors (ages 14-18), Novice Men, Novice Women, Open Men, and Open Women. Each category of rider will race at a different time. After each race, the course will be cleared before the next race begins.

The fee to participate will be no more than \$30 per adult, with a \$15 fee for Juniors and free entry for the Kids division.

About the Course

City staff members have identified an excellent race site at the City's property on Hanson Avenue and Goff Street. A proposed course map is submitted with this proposal.

Please note that the course design is flexible and can always be amended to address any concerns. The most significant requirements are that the course be at least 3 meters (10 feet wide) at all times and that the finish line be wide enough for at least six riders to cross at one time (6 meters / 20 feet).

The course is marked by barricade or caution tape, which will be secured to temporary step-in fence posts.

Sanctioning the Race

The race will be sanctioned through USA Cycling (usacycling.org). This will allow race organizers to purchase insurance through USA Cycling. The City of Norfolk and other entities can be added to the policy as additional insureds.

USA Cycling race officials (who are not the organizers) will visit the site and approve the final course design prior to the race to ensure a safe and appropriate course for all riders.

Safety Requirements

All riders will be required to wear a helmet. All riders will be required to sign a USA Cycling waiver form.

Goals for the Event

The organizers of NorfolkCX are Norfolk residents who want to stage a fun, safe, and family-friendly event that will increase interest in cycling in general and cyclocross in particular. This fits with the City's emphasis on growing cycling here in Norfolk, as demonstrated by Bike Month and other events. In addition, Norfolk is a city where new and exciting events and businesses are springing up every day. This event will seek to partner with local businesses as sponsors to show riders from other cities many of the great things going on here in Norfolk.

We hope that this will become an annual event and eventually be included in the Virginia Cyclocross Series (vacyclocross.com), which includes races in Suffolk and Virginia Beach this season.