



**Tuesday, January 26, 2016**

**Work Session Agenda**

4:00 PM – City Hall - 10th Floor Conference Room

**Joint Meeting With Norfolk Public Schools**

**FY 2015 Audit Results & CAFR Presentation**

*Presenter: Cheryl Xystros, KPMG; John Sanderlin, City Auditor; & Christine Garczynski, Director of Finance*

**Break For Dinner**

5:15 PM

**Closed Session**

- Real Estate Matters

**Safe, Healthy, And Inclusive Communities - 2015 Review**

*Presenter: Mike Goldsmith, Chief of Police*

**Sand Management Plan**

*Presenter: Ron Williams, Deputy City Manager*

**Announcement Of Meeting**

Documents: [01-26-16 ANNOUNCEMENT OF MEETING.PDF](#)

**Formal Session Agenda**

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

**Prayer**

Prayer to be offered by Councilman Paul R. Riddick, followed by the Pledge of Allegiance.

**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 **Jon Rizzo**, for a change of zoning from R-8 (Single-Family) District to Conditional R-9 (Single-

Family) District at **1345 Melrose Parkway**.

Documents: [PH-1 CHANGE OF ZONING - JON RIZZO.PDF](#)

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 **D.T. Builders, LLC**, for a change of zoning from R-8 (Single-Family) District to Conditional R-9 (Single-Family) District on property located at **1510 Colon Avenue**.

Documents: [PH-2 CHANGE OF ZONING - DT BUILDERS.PDF](#)

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 the **City Planning Commission**, for amendments to **Chapter 3, Goal 5** within *plaNorfolk2030*, to add and modify actions to support community-led redevelopment efforts in four **'emerging districts'** in the city, including the **Chelsea Business District, the Downtown Arts District, Park Place, and Greater Norview/Five Points**.

Documents: [PH-3 AMEND PLANORFOLK2030 - FOUR EMERGING DISTRICTS.PDF](#)

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 **City Planning Commission**, to modify **Appendix B** in the **Table of Contents** within *plaNorfolk2030* to add the **Complete Streets Policy** and to modify several actions in the Transportation Chapter pertaining to complete streets.

Documents: [PH-4 MODIFY PLANORFOLK2030 TO ADD COMPLETE STREETS POLICY.PDF](#)

PH-5

**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 **Norfolk Redevelopment and Housing Authority** of those certain parcels of property described as **Lots 4, 5, 6, 17, 18, 19, 20 and 21 in Block 2**, as shown on that certain plat entitled, "**Plan Showing the Property of Ocean View Cottage Co.**"

Documents: [PH-5 CONVEYANCE OF PROPERTY TO NRHA - LOTS 3 \(PORTION OF\),4,5,6,17,18,19,20,21 IN BLK 2.PDF](#)

PH-6

**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 **Balance Builders, Inc.** of a certain parcel of property located at **1444 & 1446 W. 37th Street**.

Documents: [PH-6 SALE OF PROPERTY TO BALANCE BUILDERS, INC. - 1444 AND 1446 W 37TH ST.PDF](#)

## Regular Agenda

R-1

Matter of a letter from the City Manager and an Ordinance entitled, "An Ordinance to amend and reordain **Chapter 5, Article II** of the **Norfolk City Code, 1979**, is hereby amended and reordained **SO AS TO** remove the mandatory minimum seating requirements and the prohibition of minors whenever alcoholic beverages are served or sold at public dance halls," will be introduced in writing and read by its title.

(PASSED BY AT THE MEETING OF JANUARY 12, 2016)

Documents: [R-1 AMENDMENT TO CHAPTER 5 OF THE NORFOLK CITY CODE RELATING TO PUBLIC DANCE HALLS.PDF](#)

R-2

Letter from the City Manager and an Ordinance entitled, "An Ordinance approving an **Encroachment Agreement** with **EDR Enterprises, Inc.**, dba **Pimento Island Bistro**, for property located at **1902 Colley Avenue**," will be introduced in writing and read by its title.

Documents: [R-2 ENCROACHMENT FOR OUTDOOR DINING AT 1902 COLLEY AVE - PIMENTO ISLAND BISTRO.PDF](#)

R-3

Letter from the City Manager and an Ordinance entitled, "An Ordinance permitting **Poseidon Properties, LLC** to encroach into the right-of-way of **9th View Street** at **902 W. Ocean View Avenue** with a covered wooden patio, swing set, wooden walkway with bollards, staircase, water foundation with **PVC** piping, low voltage electrical lighting and a concrete driveway," will be introduced in writing and read by its title.

Documents: [R-3 ENCROACHMENT AT 902 W OCEAN VIEW AVE - POSEIDON PROPERTIES.PDF](#)

R-4

Letter from the City Manager and an Ordinance entitled, "An Ordinance permitting **Thalassa, LLC** to encroach into the right-of-way of **9th View Street** at **900 W. Ocean View Avenue** with a driveway," will be introduced in writing and read by its title.

Documents: [R-4 ENCROACHMENT AT 900 W OCEAN VIEW AVE - THALASSA, LLC.PDF](#)

R-5

Letter from the City Manager and an Ordinance entitled, "An Ordinance permitting **207 Granby, LLC** to encroach into the right-of-way known as **McCulloughs Lane**, along the western boundary line of **Lots 211 and 213 Granby Street** with an exhaust duct, roof drains, electric cables and boxes and doors," will be introduced in writing and read by its title.

Documents: [R-5 ENCROACHMENT AT 211-213 GRANBY ST - 207 GRANBY LLC.PDF](#)

R-6

Letter from the City Manager and an Ordinance entitled, "An Ordinance permitting **Barry J. Knapp** and **Lori A Givonetti** to encroach into the right-of way at **9721 Dolphin Run** with **PVC** irrigation piping," will be introduced in writing and read by its title.

Documents: [R-6 ENCROACHMENT AT 9721 DOLPHIN RUN - BARRY KNAPP.PDF](#)

R-7

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting the gift of certain lots located in the **Estabrook Section** of the **City of Norfolk** that were devised to the **City of Norfolk** by **Albert H. Garrison**, deceased," will be introduced in writing and read by its title.

Documents: [R-7 DONATION OF PROPERTY BY ALBERT H. GARRISON, DECEASED.PDF](#)

R-8

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a grant in the sum of \$352,000.00 from the **Virginia Department of Transportation, Transportation Alternatives Program Fund**, for the **Elizabeth River Trail Phase IVC/V**; and appropriating and authorizing the expenditure of the sum of \$352,000.00 for the Elizabeth River Trail, Phase IVC/V, when and if the grant funds are received," will be introduced in writing and read by its title.

Documents: [R-8 ACCEPTANCE OF FUNDS FROM VDOT - ELIZABETH RIVER TRAIL PHASE IVC - V.PDF](#)

R-9

Letter from the City Manager and a Resolution entitled, "A Resolution in support of a **Rail Enhancement Fund Application** for the **Commonwealth Railway Rail Expansion Project**," will be introduced in writing and read by its title.

Documents: [R-9 RESOLUTION TO SUPPORT RAIL ENHANCMENT FUND GRANT APPLICATION.PDF](#)

R-10

Letter from the City Manager and a Resolution entitled, "A Resolution to designate the area to east of **St. Paul's Boulevard**, to the south of **East Princess Anne Road, Goff Street**, and **Saint Julian Avenue**, to the west of Roberts Road and Park Avenue and to the north Holt Street and the southernmost portion of **Tidewater Drive** in the City of Norfolk as the **Greater St. Paul's Revitalization Area**," will be introduced in writing and read by its title.

Documents: [R-10 RESOLUTION DESIGNATING GREATER ST. PAULS REVITALIZATION AREA.PDF](#)



CITY OF NORFOLK  
OFFICE OF THE MAYOR

PAUL D. FRAIM  
MAYOR

January 22, 2016

The Honorable Angelia Williams Graves  
The Honorable Mamie B. Johnson  
The Honorable Andrew A. Protogyrou  
The Honorable Paul R. Riddick  
The Honorable Thomas R. Smigiel, Jr.  
The Honorable Theresa W. Whibley  
The Honorable Barclay C. Winn

Ladies and Gentlemen:

Pursuant to Section 12 of the City Charter, I hereby call a special meeting of the Council to meet at 4:00 P.M., January 26, 2016, in the 10<sup>th</sup> floor conference room at City Hall for a Business Meeting.

Thank you,

Paul D. Frain  
Mayor

cc: Mr. Marcus Jones, City Manager  
Mr. Bernard A. Pishko, City Attorney  
Mr. R. Breckenridge Daughtrey, City Clerk



**CITY OF NORFOLK  
OFFICE OF THE MAYOR**

Paul D. Fraim  
Mayor

January 22, 2016

The following meetings will take place on Tuesday, January 26, 2016:

1. 4:00 P.M. Council to assemble in the 10<sup>th</sup> floor conference room at City Hall for a Business Meeting with the Norfolk School Board.
2. 7:00 P.M. Regular Council Meeting.

# NORFOLK, VIRGINIA

## DOCKET FOR THE COUNCIL

**TUESDAY, JANUARY 26, 2016 – 7:00 P.M.**

Prayer to be offered by Councilman Paul R. Riddick, followed by the Pledge of Allegiance.

### 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 **Jon Rizzo**, for a change of zoning from R-8 (Single-Family) District to Conditional R-9 (Single-Family) District at **1345 Melrose Parkway**.
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### **REGULAR AGENDA**

- R-1 Matter of a letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Chapter 5, Article II** of the **Norfolk City Code, 1979**, is hereby amended and reordained **SO AS TO** remove the mandatory minimum seating requirements and the prohibition of minors whenever alcoholic beverages are served or sold at public dance halls,” will be introduced in writing and read by its title.
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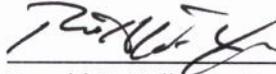


To the Honorable Council  
City of Norfolk, Virginia

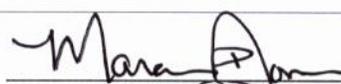
January 26, 2016

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

Subject: **Change of Zoning from R-8 (Single-Family) to Conditional R-9 (Single-Family) – 1345 Melrose Parkway – Jon Rizzo**

Reviewed:   
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved:   
Marcus D. Jones, City Manager

Item Number: **PH-1**

**I. Staff Recommendation: Denial.**

- Staff recommended denial based on the following criteria:
  - The proposal's inconsistency of the City's adopted Future Land Use Map within *plaNorfolk2030*.
  - The results of the lot pattern analysis showing the inappropriateness of the proposed lot sizes.
  - The inability to ensure that the new homes will not increase the opportunities for more transient housing within the neighborhood due to the close proximity to ODU.

**II. Commission Action: By a vote of **6 to 0**, the Planning Commission recommends **Approval**.**

The Planning Commission voted for approval based on the developer agreeing to obtain a zoning certificate from the City's Senior Neighborhood Design Specialist to ensure architectural compatibility with the other homes, and the applicant's promise that the homes would be owner-occupied.

**III. Request: Change of Zoning from R-8 (Single-Family) to Conditional R-9 (Single-Family)**

**IV. Applicant: Jon Rizzo**

**V. Description:**

- This application requests to rezone property to allow a resubdivision into two parcels and the development of two single-family homes on the site.
- 57 percent of the single-family homes are likely not owner-occupied, according to City Real Estate records which show property tax bills having different a mailing address than the address of the homes.
- A rezoning to R-9 would also establish an undesirable precedent which may encourage potential rezoning requests in the future.

Staff point of contact: Matthew Simons at 664-4750, [matthew.simons@norfolk.gov](mailto:matthew.simons@norfolk.gov)

**Attachments:**

- Staff Report to CPC dated December 10, 2015 with attachments
- Proponents and Opponents
- Ordinance

**Planning Commission Public Hearing: December 10, 2015**

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Matthew Simons, AICP, CZA, CFM

*GS*  
*M.S.*

Staff Report	Item No. 5	
Address	1345 Melrose Parkway	
Applicant	Jon Rizzo	
Request	Change of Zoning	Change of Zoning from R-8 (Single-Family) to Conditional R-9 (Single-Family)
Property Owner	Margaret R. Wingfield	
Site Characteristics	Site Area	9,087 square feet
	Zoning	R-8; Institutional Residential Impact Overlay (IRIO)
	Future Land Use Map	Single-Family Traditional
	Character District	Traditional
	Neighborhood	Larchmont/Edgewater
Surrounding Area	North	R-8/IRIO: single-family homes, duplex, fourplex
	East	R-8/IRIO: single-family homes
	South	R-8/IRIO: Wesleyan House, Baptist Collegiate Ministries; IN-2 (Institutional Campus): ODU
	West	R-8/IRIO: single-family homes



**A. Summary of Request**

- This application requests to rezone property to allow a resubdivision into two parcels and the development of an additional single-family.
  - The site would remain within the Institutional Residential Impact Overlay (IRIO) district, which requires extra off-street parking to be provided given the proximity of the site to Old Dominion University.
- The site is located within the Larchmont/Edgewater neighborhood, near the northeast corner of Melrose Parkway and Quarantine Road.

**B. Plan Consistency**

- *plaNorfolk2030* identifies this site as Single-Family Traditional.
  - The Identifying Land Use Strategies chapter of *plaNorfolk2030* identifies the Single-Family Traditional land use category as a location for single-family detached development characterized by houses set back a moderate distance from the street with driveways leading to rear garages on lots of 50 to 70 feet wide and approximately 4,000 to 7,500 square feet.
- Given that the proposed rezoning intends to permit the construction of two single-family homes on lots less than 50 feet wide, the proposed rezoning is inconsistent with *plaNorfolk2030*.

**C. Zoning Analysis**

**i. General**

The site is located within the Larchmont/Edgewater neighborhood, an area developed primarily with single-family homes, with some multi-family and institutional uses to the south near Old Dominion University.

**ii. Lot Pattern Analysis – 1345 Melrose Parkway**

- The site is currently zoned R-8 which requires a minimum lot width of 50 feet and a minimum lot size of 5,000 square feet.
- The applicant is proposing to resubdivide the existing 90 foot wide lot into two lots, each with approximately 45 feet in width and less than 5,000 square feet in lot area.
- A Lot-Pattern Analysis shows the following range of similar residential lots and their percentages within the area:

**Lot Pattern Analysis (R-8 to R-9)**

Lot-Size Range	Within 1,000 feet radius		Along same block (Melrose Parkway)	
	Number	Percentage	Number	Percentage
<b>Lots in character with the proposal or smaller</b> (Less than 50 ft. in width, or less than 5,000 sq. ft.)	30	18%	27	29%
<b>Lots in character with the existing R-8 zoning</b> (Greater than or equal to 50 ft. in width, and greater than or equal to 5,000 sq. ft. of lot area)	139	82%	66	71%

- Melrose Parkway is located one block north of Old Dominion University.
  - The 1300-1500 blocks of Melrose Parkway (Bluestone Avenue to Powhatan Avenue) consists of 68 single-family homes and several nonconforming duplexes and multi-family dwellings.
    - 57 percent of the single-family homes are likely not owner-occupied, according to City Real Estate records which show property tax bills having different a mailing address than the address of the homes.
    - The proposed homes on the site will have parking located in the rear, sufficient to accommodate a parking space for each bedroom (four bedrooms per home).
- The proposed rezoning would be inappropriate for this area given that the lot pattern consists predominately of lots larger than the R-9 standards.
  - R-9 would consist of lots having less than 50 feet in width, and less than 5,000 square feet of lot area.

**iii. Parking**

- The site is located within the Traditional Character district which requires two parking spaces per dwelling unit.
- The site is located within the Institutional Residential Impact Overlay (IRIO) district which requires three parking spaces per dwelling unit.
- The IRIO district also requires that parking spaces shall be required with sufficient maneuvering space so any automobile may be moved without moving another automobile or without maneuvering or parking on any required yard, public street, alley or sidewalk.
  - The *Zoning Ordinance* exempts single-family detached dwelling units from the additional off-street parking requirements of the IRIO.
  - However, the applicant has proffered a site plan layout that meets the requirements of the IRIO district; providing three off-street parking spaces per dwelling unit.

**iv. Flood Zone**

The property is located in the X Flood Zone, which is a low risk flood zone.

**D. Transportation Impacts**

Institute of Transportation Engineers figures estimate that the net addition of one new single-family home on this site will generate 10 additional vehicle trips per day.

**E. Impact on the Environment**

- The new houses will comply with all standards set forth in the *Zoning Ordinance*, and will comply with the City's stormwater requirements in order to mitigate any potential impacts of the development.
- Two trees will be required to be either preserved or installed and maintained for each lot as well as three feet of foundation plantings along the front facing façades of each home prior to the proposed homes receiving a Certificate of Occupancy.

#### F. Impact on Surrounding Area/Site

- Melrose Parkway between Bluestone Avenue and Powhatan Avenue consists of primarily of original older homes.
- The street has a few newer homes and styles, however the majority of the homes are in keeping with the one-story bungalow style that the applicant is proposes.
  - The Larchmont/Edgewater neighborhood is a stable community and is not considered to be in transition.
  - The neighborhood consists primarily of single-family homes that are owner-occupied.
- The proposed development will result in two new lots that are smaller than the majority of lots in the neighborhood, which may have a negative impact on the neighborhood.
  - The development of the new homes will be required to obtain a zoning certificate, in order to help ensure that the proposed homes are compatible with the surrounding architectural character of the neighborhood.
- The additional homes on the site will increase the availability of dwellings units within the Larchmont/Edgewater neighborhood, on lots smaller than what would otherwise be permitted along this portion of Melrose Parkway.

#### G. Payment of Taxes

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

#### H. Civic League

Notice was sent to the Larchmont Civic League on October 27.

#### I. Communication Outreach/Notification

- Legal notice was posted on the property on November 3.
- Letters were mailed to all property owners within 300 feet of the property on November 25.
- Legal notification was placed in *The Virginian-Pilot* on November 26 and December 3.

#### J. Recommendation

- Approval of a rezoning which is out of character with the existing lot pattern would impose an inappropriate lot pattern that is out of character with the majority of residential lots located along this portion of Melrose Parkway.
- A rezoning to R-9 would also establish an undesirable precedent which may encourage potential rezoning requests in the future.
- The additional dwellings units will be located directly adjacent to Old Dominion University and the units appear likely to represent a further encroachment of students within the single-family neighborhood.
- According to the Community Resource Officer for the Larchmont/Edgewater neighborhood, issues with the student renters have been associated with reoccurring complaints that are routinely processed by the City's Bureau of Neighborhood Quality as well as the Norfolk Police Department.
- For all of these reasons Staff recommends that the request for rezoning be **denied**.

**Conditions as Proffered by the Applicant**

1. The site shall be developed in accordance the conceptual site plan entitled "Conceptual Site Plan of Edgemere lots 177 and 178 and a portion of Norfolk Waterfront Devel't Co., Block 144, Lots 39, 40, 41 and 42, GPIN: 142930205, Norfolk, Virginia, for Jon Rizzo, JRML Associates, Inc.," as prepared by Site Improvement Associates, Inc., dated December 16, 2015, attached hereto and marked as "Exhibit A."
2. No building permit shall be issued until a zoning certificate has been granted by the Department of City Planning, which verifies that the proposed single-family dwellings to be built on the parcels are consistent with the prevailing pattern in the neighborhood with respect to the footing, massing, scale, appearance, fenestration, roof lines and other exterior elements.
3. To offset stormwater impacts of the development, the following landscaping shall be installed prior to the issuance of a Certificate of Occupancy:
  - i. Foundation plantings a minimum of three feet in depth shall be provided and maintained for foundations facing the public right of way.
  - ii. Two trees shall be preserved or planted and maintained for each new zoning lot created.

**Attachments**

Location map  
Zoning map  
*plaNorfolk2030* Future Land Use map  
Lot Pattern Analysis map  
Application  
Notice to the civic league

**Proponents and Opponents**

**Proponents**

Jon Rizzo – Applicant  
6239 Powhatan Avenue  
Norfolk, VA 23508

**Opponents**

None

Form and Correctness Approved

Contents Approved

By [Signature]  
Office of the City Attorney

By [Signature]  
DEPT.

NORFOLK, VIRGINIA

**ORDINANCE No.**

AN ORDINANCE TO REZONE PROPERTY LOCATED AT 1345 MELROSE PARKWAY FROM R-8 (SINGLE-FAMILY RESIDENTIAL) TO CONDITIONAL R-9 (SINGLE-FAMILY RESIDENTIAL) DISTRICT.

- - -

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

Section 1:- That the property located at 1345 Melrose Parkway is hereby rezoned from R-8 (Single-Family Residential) District to conditional R-9 (Single-Family Residential) District. The property which is the subject of this rezoning is more fully described as follows:

Property fronts 90 feet, more or less, along the southern line of Melrose Parkway, beginning 95 feet, more or less, from the western line of Quarantine Road and extending westwardly; premises numbered 1345 Melrose Parkway.

Section 2:- That the property rezoned by this ordinance shall be subject to the following condition:

- (a) The site shall be developed in accordance with the conceptual site plan entitled "Conceptual Site Plan of Edgemere lots 177 and 178 and a portion of Norfolk Waterfront Devel't Co., Block 144, Lots 39, 40, 41 and 42, GPIN: 1429309205, Norfolk, Virginia, for Jon Rizzo, JRML Associates, Inc.," as prepared by Site Improvement Associates, Inc., dated December 16, 2015, attached hereto and marked as "Exhibit A."
- (b) No building permit shall be issued until a zoning certificate has been issued by the Department of City Planning verifying that the proposed single-family dwellings to be built on the property are consistent with the prevailing pattern in the neighborhood with respect to the footing, massing, scale, appearance, fenestration, roof lines and

other exterior elements.

(c) To offset stormwater impacts of the development, the following landscaping shall be installed prior to the issuance of a Certificate of Occupancy:

- (1) Foundation plantings a minimum of three feet in depth shall be provided and maintained for foundations facing the public right of way.
- (2) Two trees shall be preserved or planted and maintained for each new zoning lot created.

Section 3:- That the official Zoning Map for the City of Norfolk is hereby amended and reordained so as to reflect this rezoning.

Section 4:- The Council hereby finds that this zoning amendment is required by public necessity, convenience, general welfare, or good zoning practice.

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

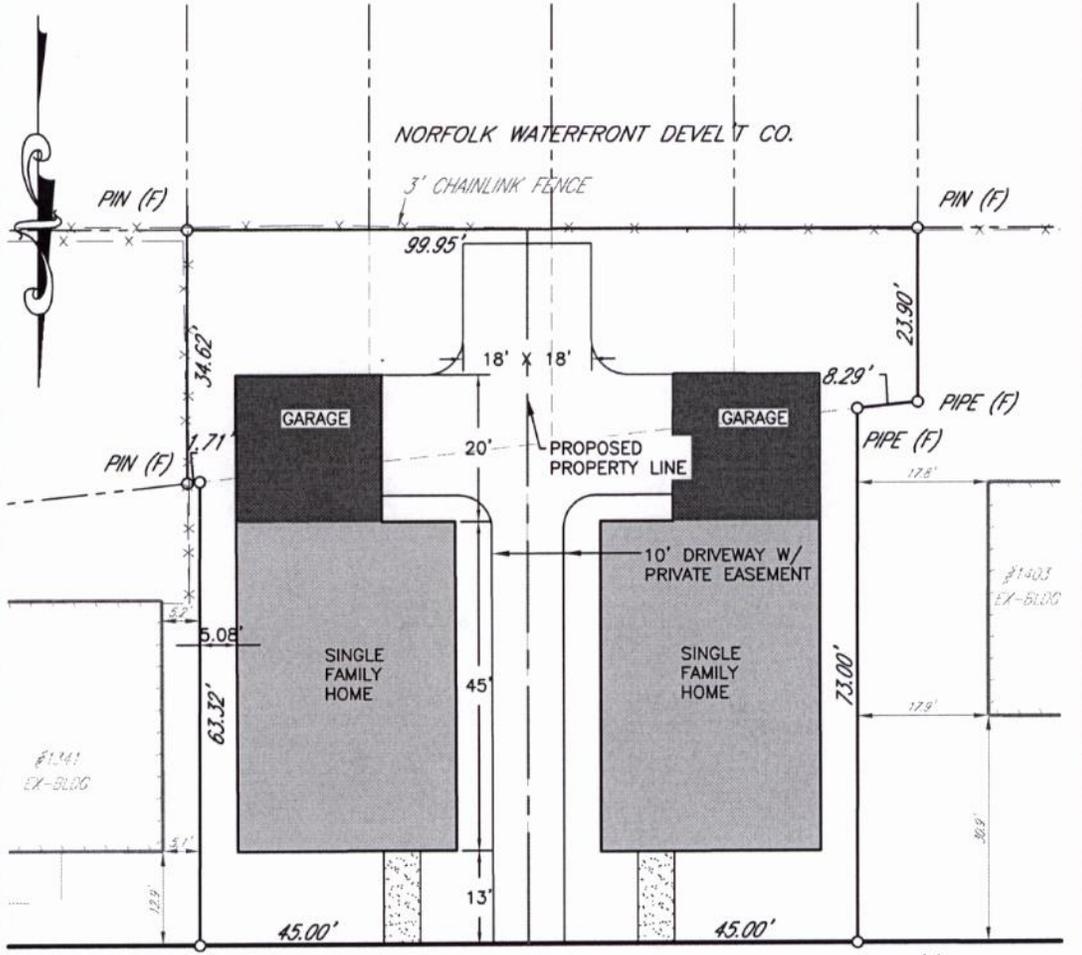
ATTACHMENT:  
Exhibit A (2 pages)

THIS DOCUMENT IS THE SOLE PROPERTY OF (SIA) SITE IMPROVEMENT ASSOCIATES, INC. THE REPRODUCTION IN WHOLE OR IN PART OR THE MODIFICATION OF ANY DETAIL OR DESIGN MAY NOT BE MADE WITHOUT EXPRESS WRITTEN CONSENT FROM AN OFFICER OF (SIA) SITE IMPROVEMENT ASSOCIATES, INC.

THIS IS TO CERTIFY THAT ON SEPTEMBER 22, 2015, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS ARE AS SHOWN ON THIS PLAT. THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

NOTES:

- REFERENCE PLAT: MAP BOOK 3 PAGE 11, MAP BOOK 9, PAGE 47
- PROPERTY IS LOCATED IN FLOOD ZONE X AS SHOWN ON FEMA MAP 5101040090F DATED SEPTEMBER 1, 2009.
- PROPERTY ADDRESS: 1345 MELROSE PARKWAY, NORFOLK, VIRGINIA 23508-1758



**MELROSE PARKWAY**

(FORMERLY 50TH STREET) EXISTING FRONT BUILDING SETBACKS  
 (FORMERLY CORTLANDT PLACE) 174 = 14.7' (LEFTSIDE/FRONT) - 25.1' (RIGHTSIDE/FRONT)

**CONCEPTUAL SITE PLAN**

OF  
**EDGEMERE**  
**LOTS 177 AND 178**

AND A PORTION OF  
**NORFOLK WATERFRONT DEVEL'T CO.**  
**BLOCK 144, LOTS 39, 40, 41 AND 42**

GPIN: 1429309205  
 NORFOLK, VIRGINIA

FOR  
**JON RIZZO, JRML ASSOCIATES, INC.**

SCALE: 1"=20'

- 173 = 15.8' - 16.0''
- 172 = 16.0' - 16.1''
- 171 = 16.2
- 170 = 9.7

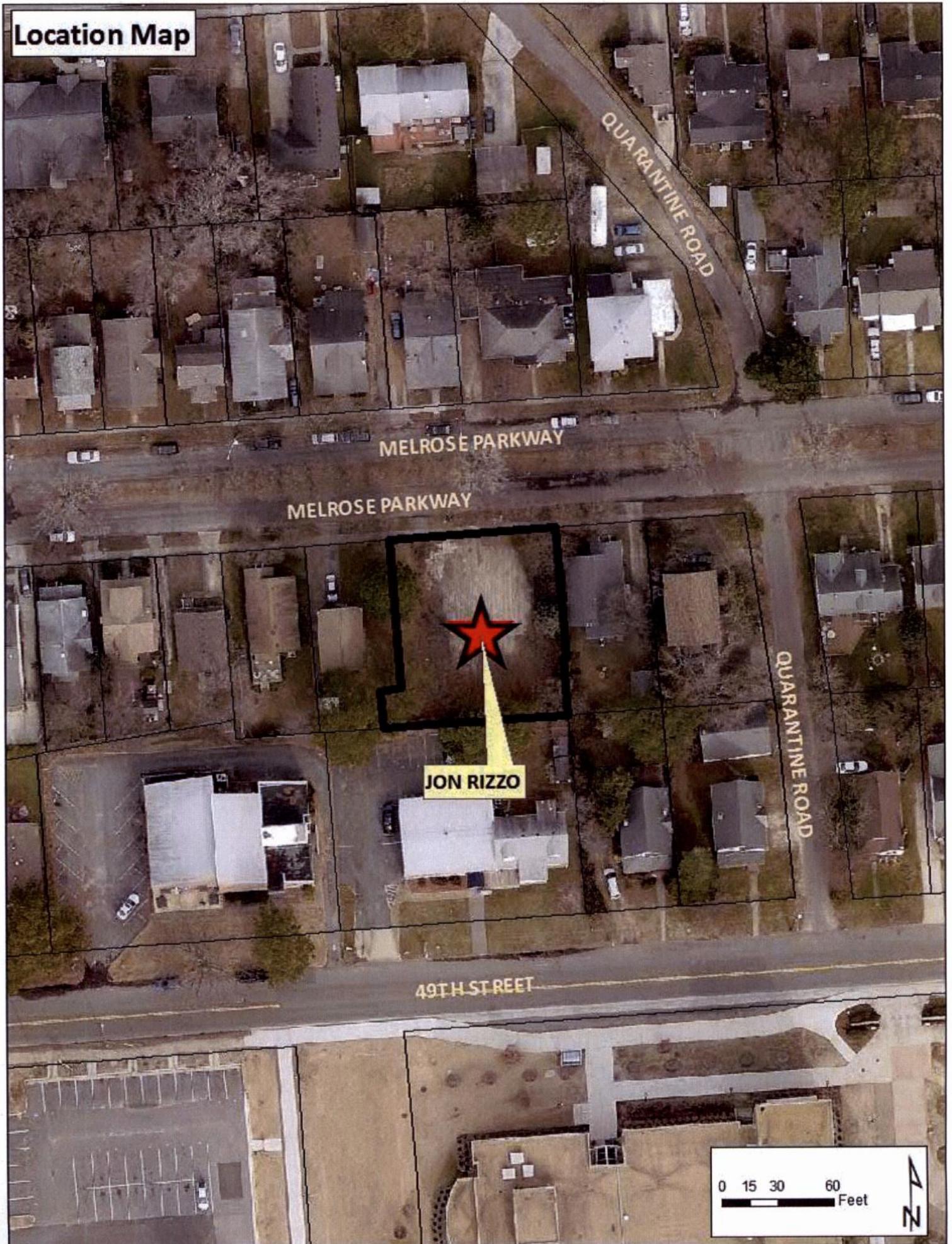
**SIA** Site Improvement Associates, Inc.  
 Civil Engineers, Surveyors, & Site Contractors  
 Where Engineering and Construction Come Together

**SITE IMPROVEMENT ASSOCIATES INC.**

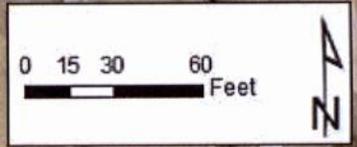
Civil Engineers, Surveyors & Site Contractors  
 800 Juniper Crescent, Suite A, Chesapeake, Va. 23320  
 OFFICE: 757.671.9000 FAX: 757.671.9288

SHEET 2 of 3  
 12-16-15

**Location Map**



**JON RIZZO**



# Zoning Map



R-8

R-8

QUARANTINE ROAD

LONGWOOD DRIVE

R-8

R-8

MELROSE PARKWAY

MELROSE PARKWAY



JON RIZZO

R-8

R-8

IN-2

49TH STREET

IN-2

ELKHORN AVENUE

IN-2

MISCELLANEOUS STREET



# Future Land Use Map

QUARANTINE ROAD

LONGWOOD DRIVE

MELROSE PARKWAY

MELROSE PARKWAY

QUARANTINE ROAD

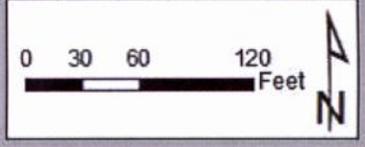
49TH STREET

ELKHORN



JON RIZZO

 Commercial	 Multifamily	 Single Family Suburban
 Downtown	 Multifamily Corridor	 Single Family Traditional
 Industrial	 Office	 Single Family Urban
 Institutional	 Open Space/Recreation	 Utility/Transportation
 Military	 Residential Mixed	



# Jon Rizzo Lot Pattern Analysis

1000'

ROLFE AVENUE

ARGALL AVENUE

MONTEREY AVENUE

CARILLO AVENUE

HAMPTON BOULEVARD  
HAMPTON BOULEVARD

BLUESTONE AVENUE

CEDAR LANE

LONGWOOD DRIVE

QUARANTINE ROAD

MELROSE PARKWAY

QUARANTINE ROAD

MELROSE PARKWAY

49TH STREET

48TH STREET

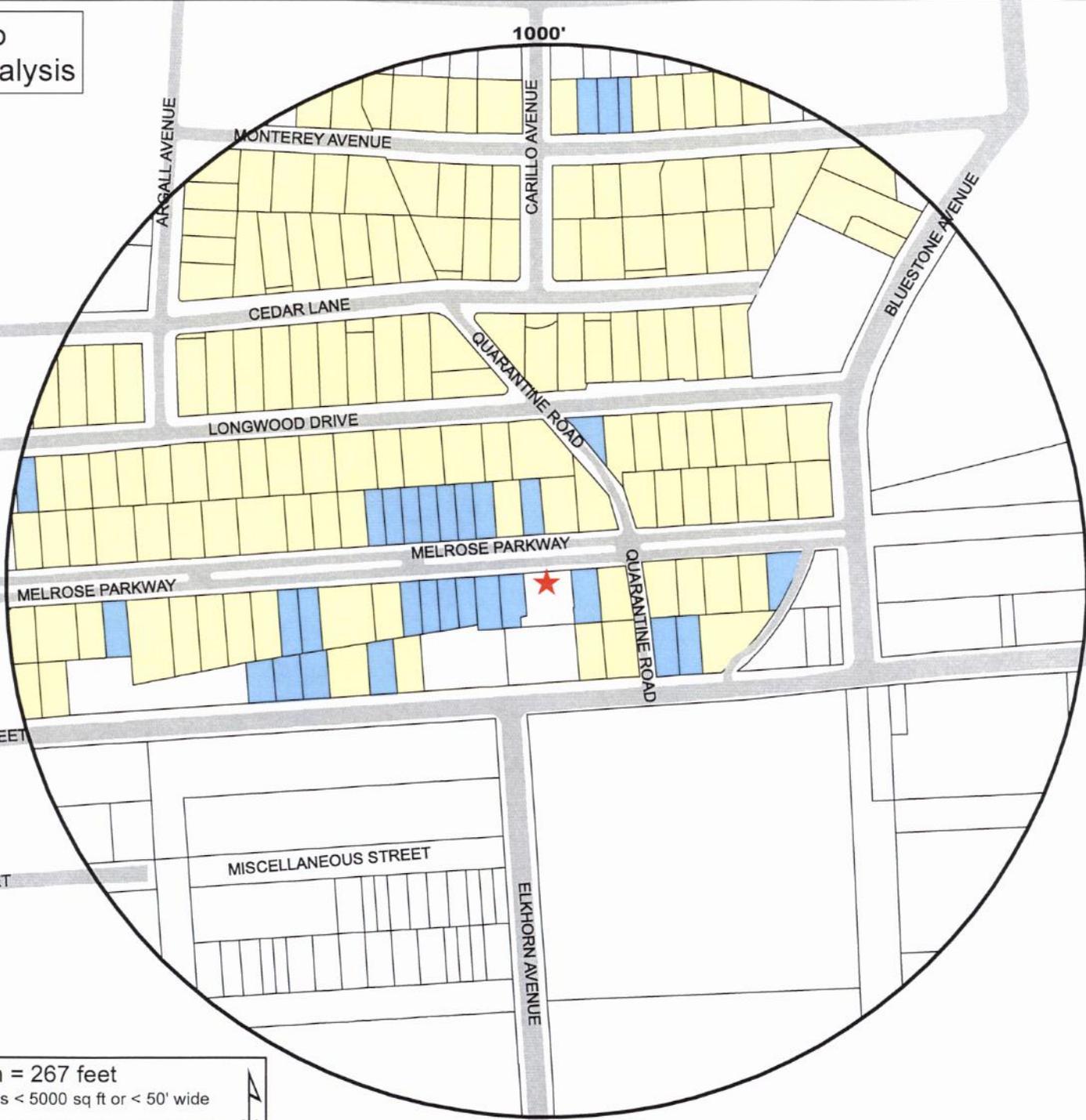
MISCELLANEOUS STREET

ELKHORN AVENUE

TAN AVENUE

1 inch = 267 feet

- Residential Parcels < 5000 sq ft or < 50' wide
- Residential Parcels ≥ 5000 sq ft and ≥ 50' wide





**APPLICATION  
CONDITIONAL CHANGE OF ZONING**

Date of application: 10.23.15

**Conditional Change of Zoning**

From: N-8 Zoning To: Conditional N-9 Zoning

**DESCRIPTION OF PROPERTY**

Property location: (Street Number) 1345 (Street Name) MELROSE PARKWAY

Existing Use of Property: VACANT LOT

Current Building Square Footage N/A

Proposed Use 2 SINGLE FAMILY DWELLING UNITS

Proposed Building Square Footage N/A

Trade Name of Business (If applicable) \_\_\_\_\_

**APPLICANT**

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

1. Name of applicant: (Last) RIZZO (First) JOHN (MI) A

Mailing address of applicant (Street/P.O. Box): 6239 POWHATAN AVE

(City) NORFOLK (State) VA (Zip Code) 23508

Daytime telephone number of applicant (757) 437-9371 Fax (757) 425-9965

E-mail address of applicant: JRIZZO@JRMALASSOCIATES.COM

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508  
Norfolk, Virginia 23510

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

(Revised January, 2015)

**Application  
Rezoning  
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) Wingfield (First) Margaret (MI) R

Mailing address of property owner (Street/P.O. box): 1616 Joan Dr.

(City) Norfolk (State) VA (Zip Code) 23502

Daytime telephone number of owner (757) 461-0414 email: jameswing33@aol.com

**CIVIC LEAGUE INFORMATION**

Civic League contact: DAVID ODGILL

Date(s) contacted: 9/17/15

Ward/Super Ward information: WARD 2; WINN, WARD 6

FROM : 06/18/2008 15:49 17574177578

FAX NO. :

Oct. 22 2015 05:29PM P1

**Application  
Rezoning  
Page 3**

**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: MARGARET R. WINGFIELD Sign: Margaret R. Wingfield 10/22/2015  
(Property Owner or Authorized Agent of Signature) (Date)

Print name: \_\_\_\_\_ Sign: \_\_\_\_\_  
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: \_\_\_\_\_ Sign: \_\_\_\_\_  
(Authorized Agent Signature) (Date)

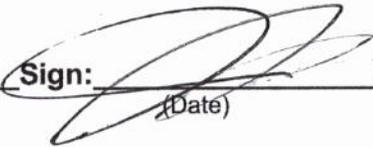
**DEPARTMENT OF CITY PLANNING**  
810 Union Street, Room 508  
Norfolk, Virginia 23510  
Telephone (757) 664-4752 Fax (757) 441-1569  
(Revised January, 2010)

---

**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: \_\_\_\_\_ Sign: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Jon Rizzo Sign:  / \_\_\_\_\_ / \_\_\_\_\_  
(Applicant) (Date) 10/26/15

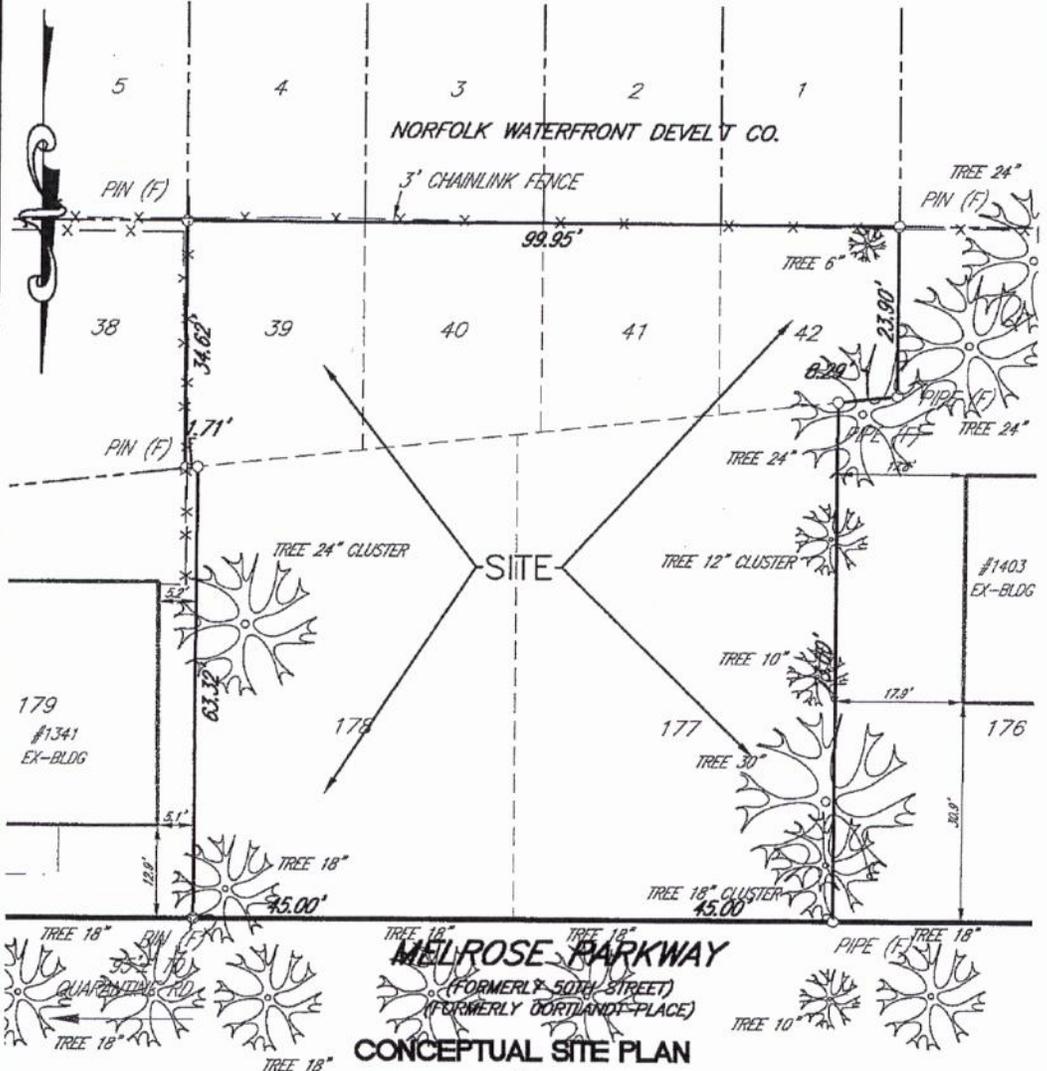
ONLY NEEDED IF APPLICABLE:

Print name: \_\_\_\_\_ Sign: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(Authorized Agent Signature) (Date)

THIS DOCUMENT IS THE SOLE PROPERTY OF (SIA) SITE IMPROVEMENT ASSOCIATES, INC. THE REPRODUCTION IN WHOLE OR IN PART OR THE MODIFICATION OF ANY DETAIL OR DESIGN MAY NOT BE MADE WITHOUT EXPRESS WRITTEN CONSENT FROM AN OFFICER OF (SIA) SITE IMPROVEMENT ASSOCIATES, INC.

THIS IS TO CERTIFY THAT ON SEPTEMBER 22, 2015, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS ARE AS SHOWN ON THIS PLAT. THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

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  - PROPERTY ADDRESS: 1345 MELROSE PARKWAY, NORFOLK, VIRGINIA 23508-1758



**CONCEPTUAL SITE PLAN**  
 OF  
**EDGEMERE**  
**LOTS 177 AND 178**  
**AND A PORTION OF**  
**NORFOLK WATERFRONT DEVEL'T CO.**  
**BLOCK 144, LOTS 39, 40, 41 AND 42**  
 GPIN: 1429309205  
 NORFOLK, VIRGINIA  
 FOR  
**JON RIZZO, JRML ASSOCIATES, INC.**  
 SCALE: 1"=20'

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A

**Site Improvement Associates, Inc.**  
Civil Engineers, Surveyors, & Site Contractors  
 Where Engineering and  
 Construction Come Together

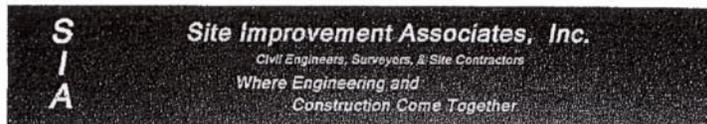
**SITE IMPROVEMENT ASSOCIATES INC.**  
 Civil Engineers, Surveyors & Site Contractors  
 800 Juniper Crescent, Suite A, Chesapeake, Va. 23320  
 OFFICE: 757.671.9000 FAX: 757.671.9288

SHEET 1 of 3  
 9-24-15

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1345 Melrose Parkway  
Proffered Conditions

1. The site shall be developed in accordance with the conceptual site plan entitled "Conceptual Site Plan of Edgemere lots 177 and 178 and a portion of Norfolk Waterfront Devel't Co. block 144, lots 39, 40, 41 and 42 GPIN: 1429309205 Norfolk, Virginia for Jon Rizzo, JRML Associates, Inc." as prepared by Site Improvement Associates, Inc., dated September 24, 2015, attached hereto and marked as "Exhibit A."
2. No building permit shall be issued until a zoning certificate has been granted by the Department of City Planning, which verifies that the proposed single-family dwellings to be built on the parcels are consistent with the prevailing pattern in the neighborhood with respect to the footing, massing, scale, appearance, fenestration, roof lines and other exterior elements.
3. To offset stormwater impacts of the development, the following landscaping shall be installed prior to the issuance of a Certificate of Occupancy:
  - i. Foundation plantings a minimum of three feet in depth shall be provided and maintained for foundations facing the public right of way.
  - ii. Two trees shall be preserved or planted and maintained for each new zoning lot created.



**SITE IMPROVEMENT ASSOCIATES INC.**

Civil Engineers, Surveyors & Site Contractors  
800 Juniper Crescent, Suite A, Chesapeake, Va. 23320  
OFFICE: 757.671.9000 FAX: 757.671.9288

SHEET 3 of 3  
9-24-15

## Blough, Christopher

---

**From:** Straley, Matthew  
**Sent:** Tuesday, October 27, 2015 4:27 PM  
**To:** 'davidodell2@cox.net'  
**Cc:** Whibley, Terry; Winn, Barclay; Wilson, Denise; Simons, Matthew  
**Subject:** new Planning Commission application - 1345 Melrose Parkway  
**Attachments:** Jon Rizzo.pdf

Mr. O'Dell,

Attached please find the application for a change of zoning from R-8 (Single-Family) district to conditional R-9 (Single-Family) district at 1345 Melrose Parkway.

The purpose of this request is to allow for the construction of two single-family homes where only one is permitted under the current zoning district.

The item is tentatively scheduled for the December 10, 2015 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Matt Simons* at (757) 664-4750, [matthew.simons@norfolk.gov](mailto:matthew.simons@norfolk.gov)

Thank you.

**Matthew Straley**

GIS Technician II

Norfolk Department of City Planning

810 Union Street, Suite 508 | Norfolk, Virginia 23510

[Matthew.Straley@norfolk.gov](mailto:Matthew.Straley@norfolk.gov) | Tel: 757-664-4769 | Fax: 757-441-1569



To the Honorable Council  
City of Norfolk, Virginia

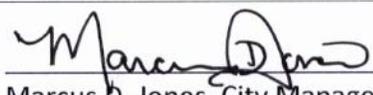
January 26, 2016

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

Subject: **Change of Zoning from R-8 (Single-Family) to Conditional R-9 (Single-Family) – 1510 Colon Avenue - DT Builders**

Reviewed:   
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/7

Approved:   
Marcus D. Jones, City Manager

Item Number: **PH-2**

I. **Staff Recommendation:** Denial.

II. **Commission Action:** By a vote of **5 to 1**, the Planning Commission recommends **Denial**.

- Majority voted for denial based on staff recommendation of denial, neighborhood opposition and the incompatibility of the proposal with the existing character of the neighborhood.
- Minority voted for approval based on the desire to allow more development to occur within the neighborhood.

III. **Request:** Change of Zoning from R-8 (Single-Family) to Conditional R-9 (Single-Family)

IV. **Applicant:** DT Builders, LLC

V. **Description:**

- This application requests to rezone property to allow a resubdivision into two parcels and the development of an additional single-family home.
  - The site is currently under development with one single-family home.
- The applicant acquired the property, demolished the existing house, and commenced construction of a new house on the western half of the site prior to seeking a rezoning in order to erect an additional house on the remaining eastern half of the site.
- This rezoning, if approved, would impose an inappropriate lot pattern that is out of character with the majority of residential lots located along this portion of Colon Avenue, and especially the north side of the street.
- Rezoning to R-9 would establish an undesirable precedent which would encourage potential rezoning requests in the future.
  - There are several existing single-family houses along this block which could be acquired and demolished, and also rezoned to R-9 in order to permit two new houses on sites that currently only have one house, further disrupting the existing character along Colon Avenue.
  - Currently, the Campostella neighborhood is not considered a neighborhood in transition for which this type of character-changing development would be appropriate.

Attachments:

- Staff Report to CPC dated December 10, 2015 with attachments
- Letter of opposition – Campostella Civic League
- Proponents and Opponents
- Ordinance

**Planning Commission Public Hearing: December 10, 2015**

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

Planner: Matthew Simons, AICP, CZA, CFM *M.S.*

<b>Staff Report</b>	<b>Item No. 4</b>	
<b>Address</b>	<b>1510 Colon Avenue</b>	
<b>Applicant</b>	<b>D.T. Builders, LLC (Lashaun Robinson)</b>	
<b>Request</b>	<b>Change of Zoning</b>	<b>Change of Zoning from R-8 (Single-Family) to Conditional R-9 (Single-Family)</b>
<b>Property Owner</b>	GPMC Properties, LLC (Jeffrey Maynor)	
<b>Site Characteristics</b>	Site Area	11,068 square feet
	Zoning	R-8
	Future Land Use Map	Single-Family Traditional
	Character District	Traditional
	Neighborhood	Campostella
<b>Surrounding Area</b>	North	R-11 (Moderate Density Multi-Family): single-family homes, duplexes
	East	R-8: single-family homes
	South	R-8: single-family homes, duplex, triplex
	West	R-8: single-family homes



**A. Summary of Request**

- This application requests to rezone property to allow a resubdivision into two parcels and the development of an additional single-family home.
  - The site is currently under development with one single-family home.
  - Construction of the additional home, after rezoning and resubdivision, will bring the total number of homes on the site to two.
- The site is located within the Campostella neighborhood on Colon Avenue between Campostella Road and Wilson Road.

**B. Plan Consistency**

- *plaNorfolk2030* identifies this site as Single-Family Traditional.
  - The Identifying Land Use Strategies chapter of *plaNorfolk2030* identifies the Single-Family Traditional land use category as a location for single-family detached development characterized by houses set back a moderate distance from the street with driveways leading to rear garages on lots of 50 to 70 feet wide and approximately 4,000 to 7,500 square feet.
- Given that the proposed rezoning intends to permit the construction of two single-family homes on lots less than 50 feet wide, the proposed rezoning is inconsistent with *plaNorfolk2030*.

**C. Zoning Analysis**

**i. General**

The site is located within the Campostella neighborhood, an area developed with single-family homes and consisting of a few multi-family and institutional uses.

**ii. Lot Pattern Analysis – 1510 Colon Avenue**

- The site is currently zoned R-8 which requires a minimum lot width of 50 feet and a minimum lot size of 5,000 square feet.
- The applicant is proposing to resubdivide the existing 87.5 foot wide lot into two lots, each with approximately 44 feet in width and less than 5,000 square feet in lot area.
- A Lot-Pattern Analysis shows the following range of similar residential lots and their percentages within the area:

**Lot Pattern Analysis (R-8 to R-9)**

Lot-Size Range	Within 1,000 feet radius		Along same block (Colon Avenue)	
	Number	Percentage	Number	Percentage
<b>Lots in character with the proposal or smaller</b> (Less than 50 ft. in width, or less than 5,000 sq. ft.)	39	<b>34%</b>	15	<b>45%</b>
<b>Lots in character with the existing R-8 zoning</b> (Greater than or equal to 50 ft. in width, and greater than or equal to 5,000 sq. ft. of lot area)	75	<b>66%</b>	18	<b>55%</b>

- The proposed rezoning would be inappropriate for this area, and especially the north side of Colon Avenue, given that the lot pattern consists predominately of lots larger than the R-9 standards.
  - R-9 would consist of lots having less than 40 feet in width, and less than 4,000 square feet of lot area.
- The proposed development will result in lots smaller than the majority of lots in the neighborhood, including the majority of lots along Colon Avenue, and especially the north side of Colon Avenue, which may have a negative impact on the neighborhood, and spur further requests to reduce lot sizes in a traditional neighborhood.

ii. Parking

The site is located within the Traditional Character district which requires two parking spaces per dwelling unit.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low risk flood zone.

**D. Transportation Impacts**

Institute of Transportation Engineers (ITE) figures estimate that the net addition of one new single-family home on this site will generate 10 additional vehicle trips per day.

**E. Impact on the Environment**

- The new houses will comply with all standards set forth in the *Zoning Ordinance*, and will comply with the City's stormwater requirements in order to mitigate any potential impacts of the development.
- Two trees will be required to be either preserved or installed and maintained for each lot as well as three feet of foundation plantings along the front facing façades of each home prior to the proposed homes receiving a Certificate of Occupancy.

**F. Impact on Surrounding Area/Site**

- The 1500 block of Colon Avenue consists primarily of original older homes, however the block has homes of various ages and styles and can be considered to be a street within transition.
  - Although the street continues to transition with some newer homes being constructed, this does not represent a justification for the proposed increase in density along this portion of Colon Avenue.
- The proposed development will result in two new lots that are smaller than the majority of lots in the neighborhood, which may have a negative impact on the neighborhood.
  - The development of the new home will be required to obtain a zoning certificate, in order to help ensure that the proposed home is compatible with the surrounding architectural character of the neighborhood.
  - The home currently under construction was placed on the western portion of the site and permitted under the existing R-8 zoning requirements, with the anticipation

that R-9 zoning would be approved and permit the second home on the other half of the site.

- Since the existing home was permitted under the current R-8 zoning, the home was not required to obtain a zoning certificate and no design review was performed to ensure that the home would be built to be compatible with the surrounding architectural character of the neighborhood.

**G. Payment of Taxes**

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

**H. Civic League**

- Notice was sent to Campostella Civic League on October 27.
- A letter of opposition was received from the Campostella Civic League.

**I. Communication Outreach/Notification**

- Legal notice was posted on the property on November 3.
- Letters were mailed to all property owners within 300 feet of the property on November 25.
- Legal notification was placed in *The Virginian-Pilot* on November 26 and December 3.

**J. Recommendation**

- Approval of a rezoning which is out of character with the existing lot pattern would further impose an inappropriate lot pattern that is out of character with the majority of residential lots located along this portion of Colon Avenue, and especially the north side of the street.
- A rezoning to R-9 would also establish an undesirable precedent which may encourage potential rezoning requests in the future.

For all these reasons, Staff recommends that the request for rezoning be **denied**.

**Conditions as Proffered by the Applicant**

1. The site shall be developed in accordance with the conceptual site plan entitled "Physical Survey of 1510 Colon Avenue, Norfolk, VA, Lots 13, 14 and north 17.5 feet of Lot 15" as prepared by *Beck Associates* dated May 29, 2015, attached hereto and marked as "Exhibit A".
2. No building permit shall be issued until a zoning certificate has been granted by the Department of City Planning, which verifies that the proposed single-family dwellings to be built on the parcels are consistent with the prevailing pattern in the neighborhood with respect to the footing, massing, scale, appearance, fenestration, roof lines and other exterior elements.

3. To offset stormwater impacts of the development, the following landscaping shall be installed prior to the issuance of a Certificate of Occupancy:
  - i. Foundation plantings a minimum of three feet in depth shall be provided and maintained for foundations facing the public right of way.
  - ii. Two trees shall be preserved or planted and maintained for each new zoning lot created.

**Attachments**

Location map

Zoning map

*plaNorfolk2030* Future Land Use map

Lot Pattern Analysis map

Application

Notice to the civic league

Letter of opposition – Campostella Civic League

## **Proponents and Opponents**

### **Proponents**

Laushaun Robinson – Applicant  
1510 Colon Avenue  
Norfolk, VA 23523

### **Opponents**

Janice McKee – Campostella Civic League president  
903 Hatton Street  
Norfolk, VA 23523

Form and Correctness Approved:

By Admiral  
Office of the City Attorney

Contents Approved:

By Karen M. Newland  
DEPT.

NORFOLK, VIRGINIA

### ORDINANCE No.

AN ORDINANCE TO REZONE PROPERTY LOCATED AT 1510 COLON AVENUE FROM R-8 (SINGLE-FAMILY RESIDENTIAL) TO CONDITIONAL R-9 (SINGLE-FAMILY RESIDENTIAL) DISTRICT.

- - -

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

Section 1:- That the property located at 1510 Colon Avenue is hereby rezoned from R-8 (Single-Family Residential) District to conditional R-9 (Single-Family Residential) District. The property which is the subject of this rezoning is more fully described as follows:

Property fronts 87.5 feet, more or less, along the northern line of Colon Avenue, beginning 625 feet, more or less, from the western line of Campostella Road and extending westwardly; premises numbered 1510 Colon Avenue.

Section 2:- That the property rezoned by this ordinance shall be subject to the following condition:

- (a) The site shall be developed in accordance with the conceptual site plan entitled "Proposed Rezoning of Lots 13, 14, and North West 17.5 feet of Lot 15," prepared by Beck Associates, dated May 29, 2015, attached hereto and marked as "Exhibit A."
- (b) No building permit shall be issued until a zoning certificate has been issued by the Department of City Planning verifying that the proposed single-family dwellings to be built on the property are consistent with the prevailing pattern in the neighborhood with respect to the footing, massing, scale, appearance, fenestration, roof lines and other exterior elements.
- (c) To offset stormwater impacts of the development, the following landscaping shall be installed prior

to the issuance of a Certificate of Occupancy:

- (1) Foundation plantings a minimum of three feet in depth shall be provided and maintained for foundations facing the public right of way.
- (2) Two trees shall be preserved or planted and maintained for each new zoning lot created.

Section 3:- That the official Zoning Map for the City of Norfolk is hereby amended and reordained so as to reflect this rezoning.

Section 4:- The Council hereby finds that this zoning amendment is required by public necessity, convenience, general welfare, or good zoning practice.

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

ATTACHMENT:  
Exhibit A (1 page)

9-89-4201/19-212-13,051/FOLDER

**MOD NOTE:**  
GRAPHIC PLOTTING AND SCALING FROM FEMA MAPS ONLY AND NOT  
LECTING ANY LETTERS OF MAP CHANGE THAT MAY HAVE BEEN ISSUED  
FEMA, THIS SITE WAS DETERMINED TO BE IN ZONE X (UNSHADED)  
SHOWN ON FEMA MAP, COMMUNITY-PANEL NUMBER  
104 0165-F, EFFECTIVE: 9/02/09

**OPPOSED REZONING:**  
IS SITE IS CURRENTLY ZONED R-8. IT IS HEREBY PROPOSED THAT  
IS SITE BE RE-ZONED TO R-9. THE SITE WILL BE SUBDIVIDED TO  
EATE TWO BUILDING SITES TO BE USED FOR THE CONSTRUCTION  
TWO SINGLE FAMILY DWELLINGS.

GREATER NORFOLK LAND CO.  
(M.B. 4, P. 8)

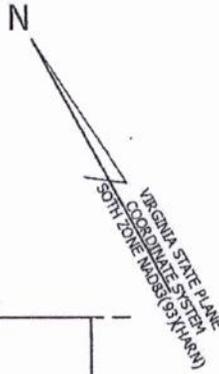
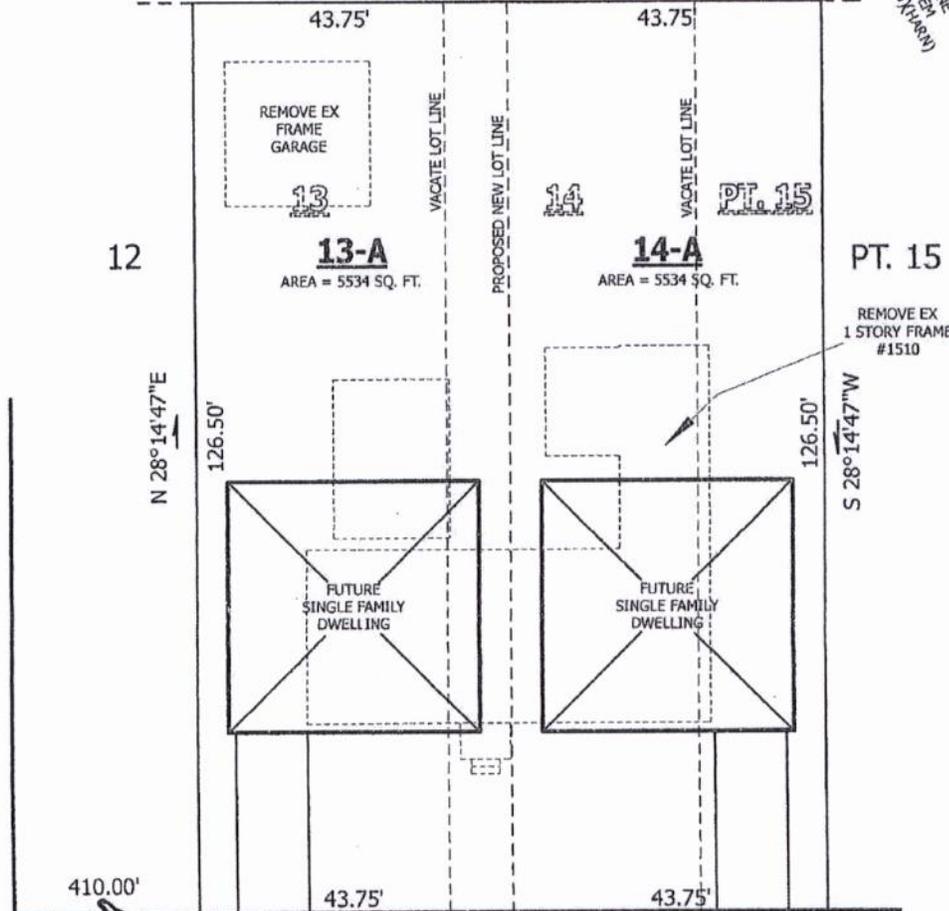


Exhibit A

S 61°37'28"E — 87.50'

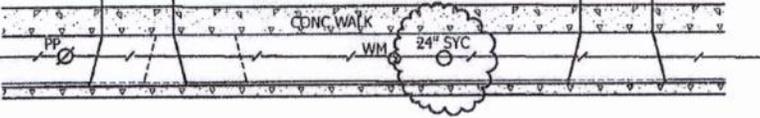


WILSON RD (VARIABLE R/W)

410.00'

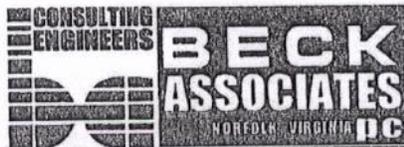
87.50' — N 61°45'13\"/>

O/H WIRES



COLON AVE (60' R/W)

BECK ASSOCIATES, PC  
**CIVIL ENGINEERS AND LAND SURVEYORS**  
7442 TIDEWATER DRIVE  
NORFOLK, VA 23505



**PROPOSED REZONING**  
OF

LOTS 13, 14, & NORTH WEST 17.5'  
OF LOT 15, PROPERTY OF  
W. H. HOFHEIMER CO. INC.  
(M.B. 7 P. 82 CHES)  
NORFOLK, VIRGINIA

FOR  
LAUSHAWN ROBINSON

DEED & TITLE REPORT NOT  
FURNISHED BY CLIENT

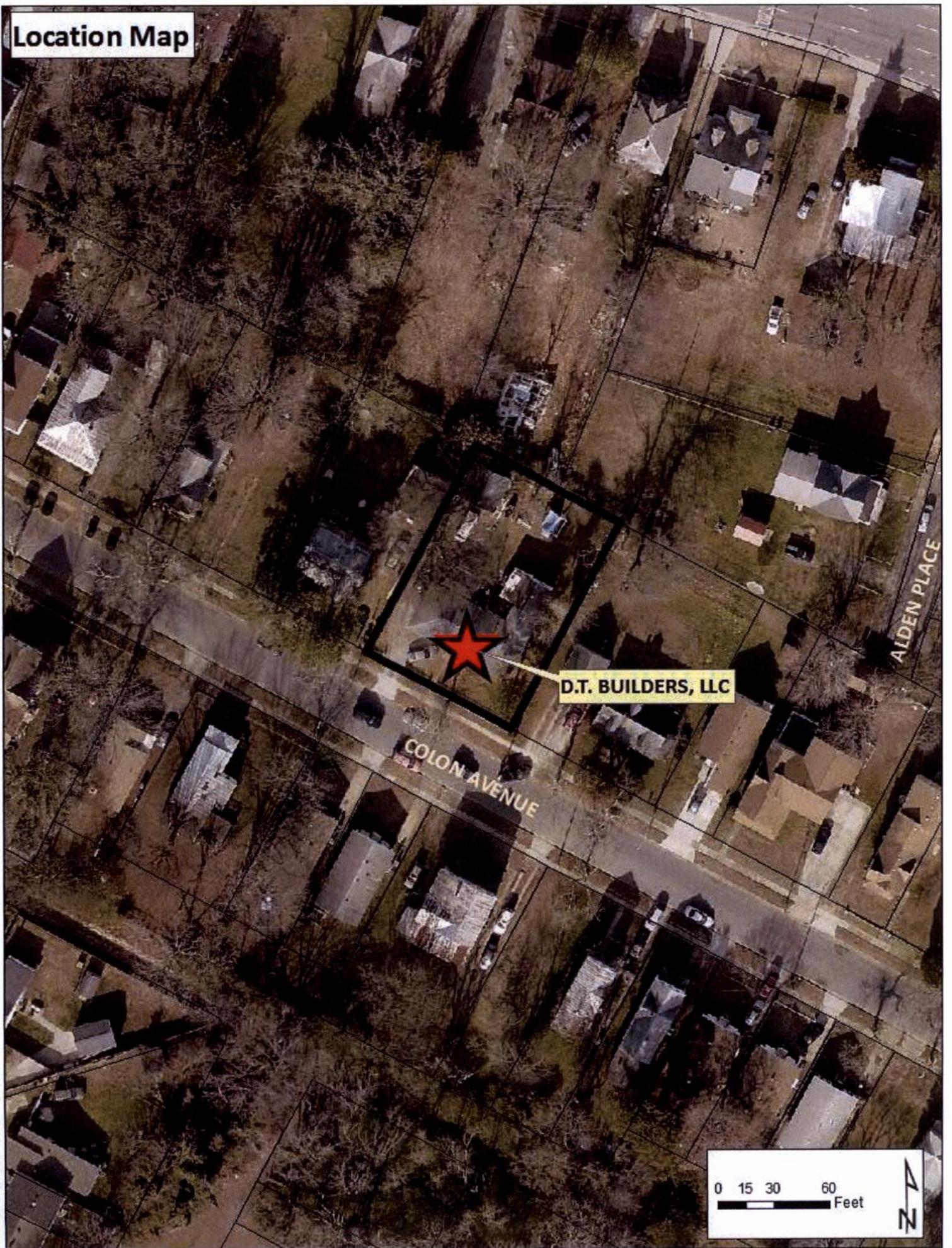
MAY 29, 2015

SCALE: 1" = 20'

19-215-13,059



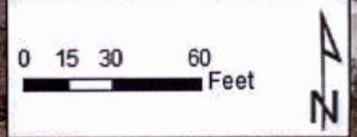
**Location Map**



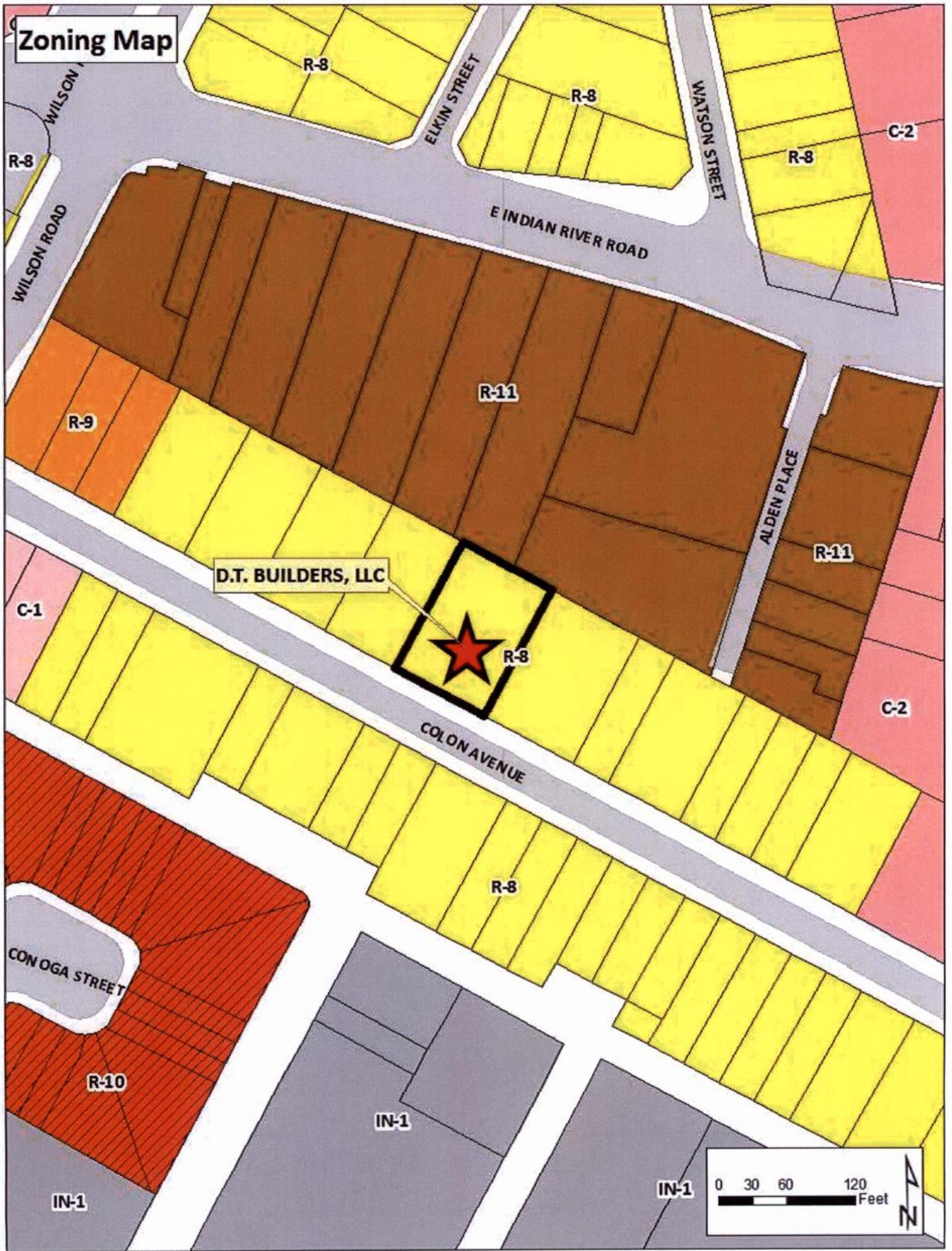
**D.T. BUILDERS, LLC**

COLON AVENUE

ALDEN PLACE

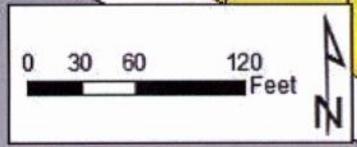


# Zoning Map

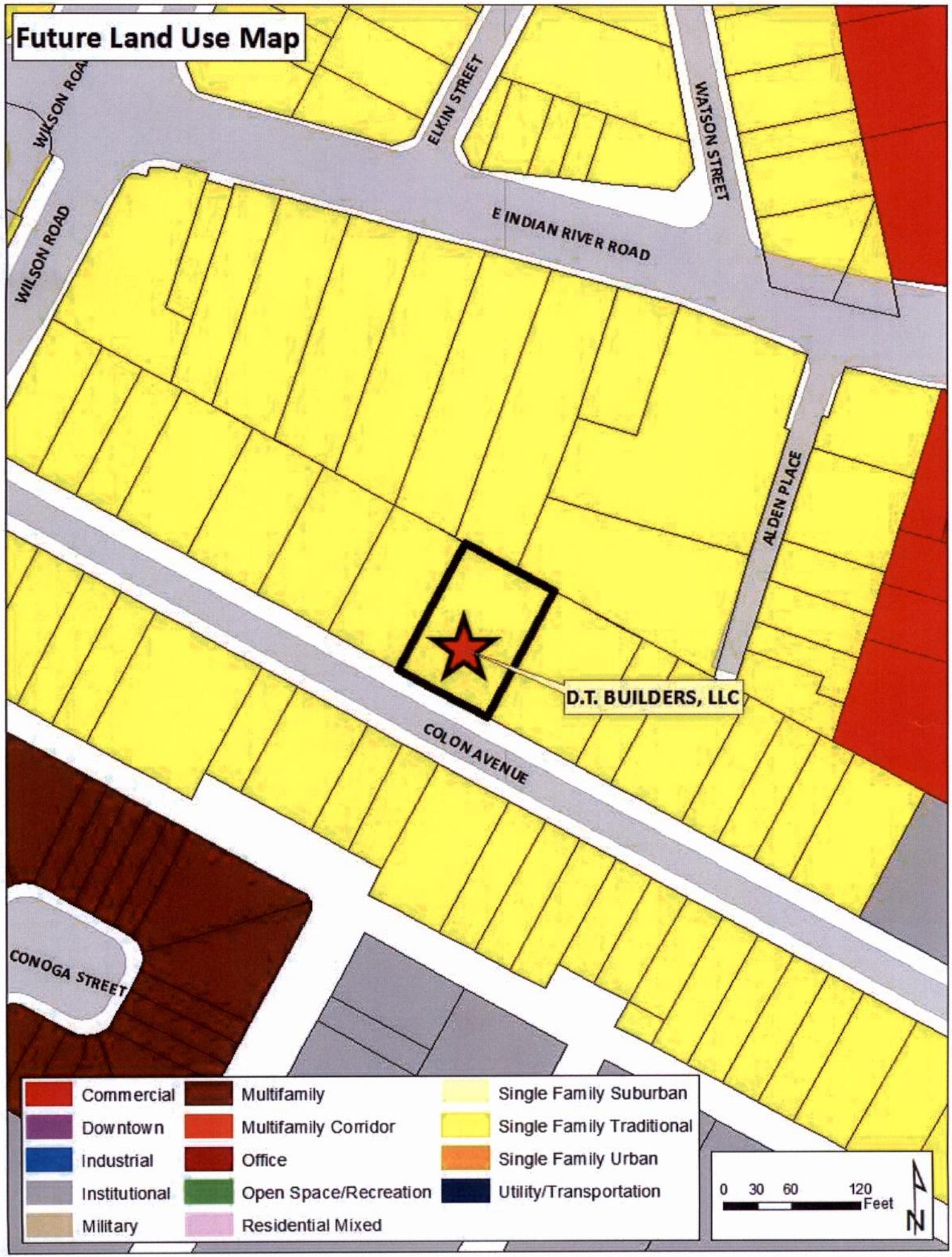


D.T. BUILDERS, LLC

COLON AVENUE

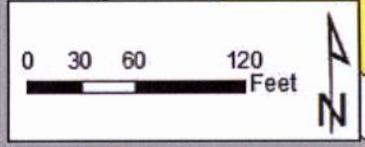


# Future Land Use Map

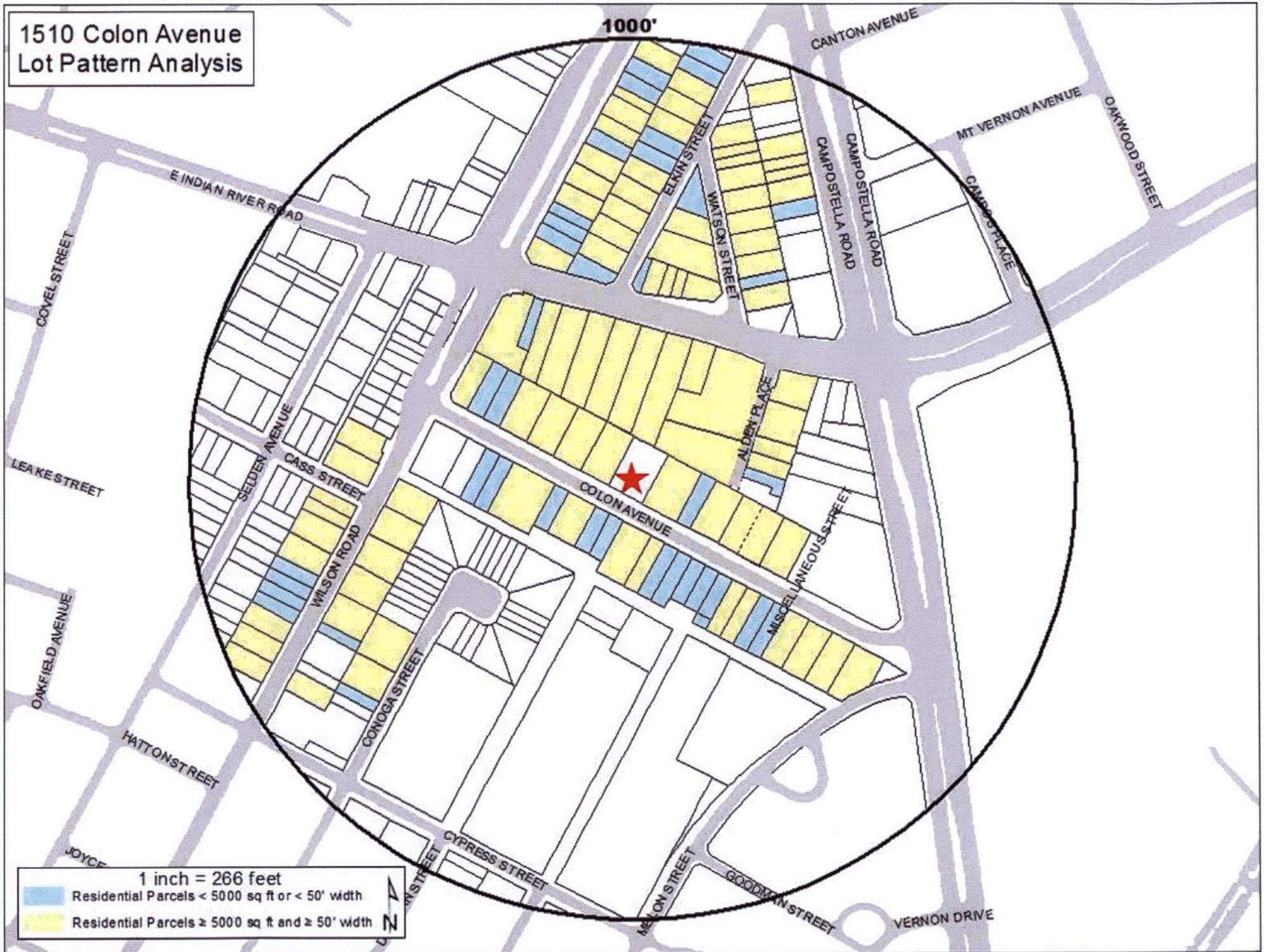


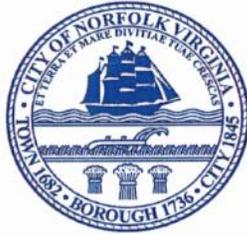
D.T. BUILDERS, LLC

	Commercial		Multifamily		Single Family Suburban
	Downtown		Multifamily Corridor		Single Family Traditional
	Industrial		Office		Single Family Urban
	Institutional		Open Space/Recreation		Utility/Transportation
	Military		Residential Mixed		



# 1510 Colon Avenue Lot Pattern Analysis





APPLICATION  
CONDITIONAL CHANGE OF ZONING

Date of application: 10-14-15

Conditional Change of Zoning

From: 8 Zoning To: Conditional R9 Zoning

DESCRIPTION OF PROPERTY

Property location: (Street Number) 1510 (Street Name) Colon Ave  
Norfolk, 23523

Existing Use of Property: Vacant lot existing

Current Building Square Footage 2200 sqft

Proposed Use Single Family Home

Proposed Building Square Footage 2200 sqft

Trade Name of Business (If applicable) D.T. Builders LLC.

APPLICANT

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

1. Name of applicant: (Last) Robinson (First) IAVSHAUN (MI) W

Mailing address of applicant (Street/P.O. Box): 1121 Campostella Road

(City) Norfolk (State) VA (Zip Code) 23523

Daytime telephone number of applicant (757) 309-9906 Fax (757) 689-1053

E-mail address of applicant: CAI Builders 41 @ VA.Hoo.com

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

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

(Revised September, 2015)

Application  
Conditional Rezoning  
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) Robinson (First) LAUSHAUN (MI) W

Mailing address of applicant (Street/P.O. Box): 1121 Campostella Rd.

(City) NORFOLK (State) VA (Zip Code) 23523

Daytime telephone number of applicant (757) 309-9906 Fax ( ) \_\_\_\_\_

E-mail address of applicant: CN1BUILDERS41@YA.HOO.COM

**PROPERTY OWNER**

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

(GPMC Properties, LLC)

3. Name of property owner: (Last) Maynor (First) Jeffrey (MI) \_\_\_\_\_

Mailing address of property owner (Street/P.O. box): 1121 Campostella Rd.

(City) NORFOLK (State) VA (Zip Code) 23523

Daytime telephone number of owner ( ) \_\_\_\_\_ email: \_\_\_\_\_

**CIVIC LEAGUE INFORMATION**

Civic League contact: ROSCOE CALLAWAY

Date(s) contacted: 6-1-15

Ward/Super Ward information: \_\_\_\_\_

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

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

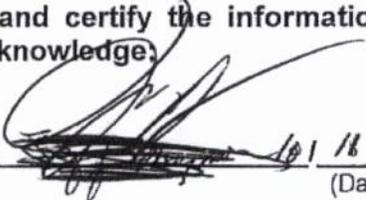
(Revised September, 2015)

**REQUIRED ATTACHMENTS**

- ✓ Required application fee, **\$705.00** (if check, make payable to the City of Norfolk).
  - Application fee includes a non-refundable \$5 technology surcharge.
  - If accompanied with a necessary map amendment to the City's adopted general plan, *plaNorfolk2030*, an additional technology surcharge of **\$5** will be required.
- ✓ 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 8½ 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.
- ✓ Proffered conditions.
- ✓ Written description and details of the operation of the business (i.e., # of employees, # of bays, reason for rezoning, etc...)

**CERTIFICATION:**

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

*J. Maynor Construction*  
Print name: Jeff Maynor Sign:  10/18/16  
(Property Owner) (Date)

*LaShawn Robison*  
Print name: LaShawn Robison Sign:  10/14/16  
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: \_\_\_\_\_ Sign: \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
(Authorized Agent Signature) (Date)

1. The site shall be developed in accordance with the conceptual site plan entitled "Physical Survey of 1510 Colon Avenue, Norfolk, VA, Lots 13, 14 and north 17.5 feet of Lot 15" as prepared by *Beck Associates* dated May 29, 2015, attached hereto and marked as "Exhibit A."
2. No building permit shall be issued until a zoning certificate has been granted by the Department of City Planning, which verifies that the proposed single-family dwellings to be built on the parcels are consistent with the prevailing pattern in the neighborhood with respect to the footing, massing, scale, appearance, fenestration, roof lines and other exterior elements.
3. To offset stormwater impacts of the development, the following landscaping shall be installed prior to the issuance of a Certificate of Occupancy:
  - i. Foundation plantings a minimum of three feet in depth shall be provided and maintained for foundations facing the public right of way.
  - ii. Two trees shall be preserved or planted and maintained for each new zoning lot created.

*Lanier Robinson*  
10-14-15



GPMC PROPERTIES, LLC

4521 Professional Circle Virginia Beach, VA 23455

Office: (757) 855-0416 Fax: (757) 557-0460

October 13, 2015

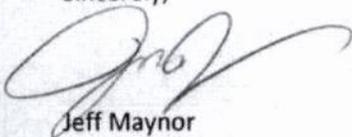
Re: Resubdivision of 1510 Colon Avenue, Norfolk, Virginia

To Whom It May Concern,

This letter is to acknowledge that, Shawn Robinson, has my permission to resubdivide the above listed property in order to create 2 buildable lots.

I can be reached at 757.580.2532 or [jmaynor@jmaynor.com](mailto:jmaynor@jmaynor.com) with any questions.

Sincerely,



Jeff Maynor

Owner

J Maynor Construction

GPMC Properties, LLC

4521 Professional Circle

Virginia Beach, VA 23455

BECK ASSOCIATES, P.C.  
7442 TIDEWATER DRIVE  
NORFOLK, VIRGINIA 23505  
(757) 588-0555

## Purpose of Rezoning

LOTS 13, 14, & NORTH 17.5' OF LOT 15,  
PROPERTY OF W.H. HOFHEIMER CO., INC. (M.B. 7 P. 82 CHES)  
1510 Colon Avenue

September 16, 2015

### **DESIRED REZONING:**

It is the desire of the land owner to rezone the above site from R8 to R9.

### **DESCRIPTION OF SITE:**

The site consists of two and one half lots. Each full lot is 35' wide. The total width of the site is 87.5 feet. A new single family dwelling is under construction on the western portion of the site, leaving room for the construction of another new single family dwelling to be constructed beside it.

### **PROPOSED SUBDIVISION:**

The land owner desires to subdivide the existing site into two new lots that will be conforming in the new R9 zone.

### **PROPOSED SINGLE FAMILY DWELLING:**

After the land is rezoned to R9 and subdivided into two lots, the land owner will construct a second, new single family house on the site, bringing the total to two new single family houses.

Sincerely,

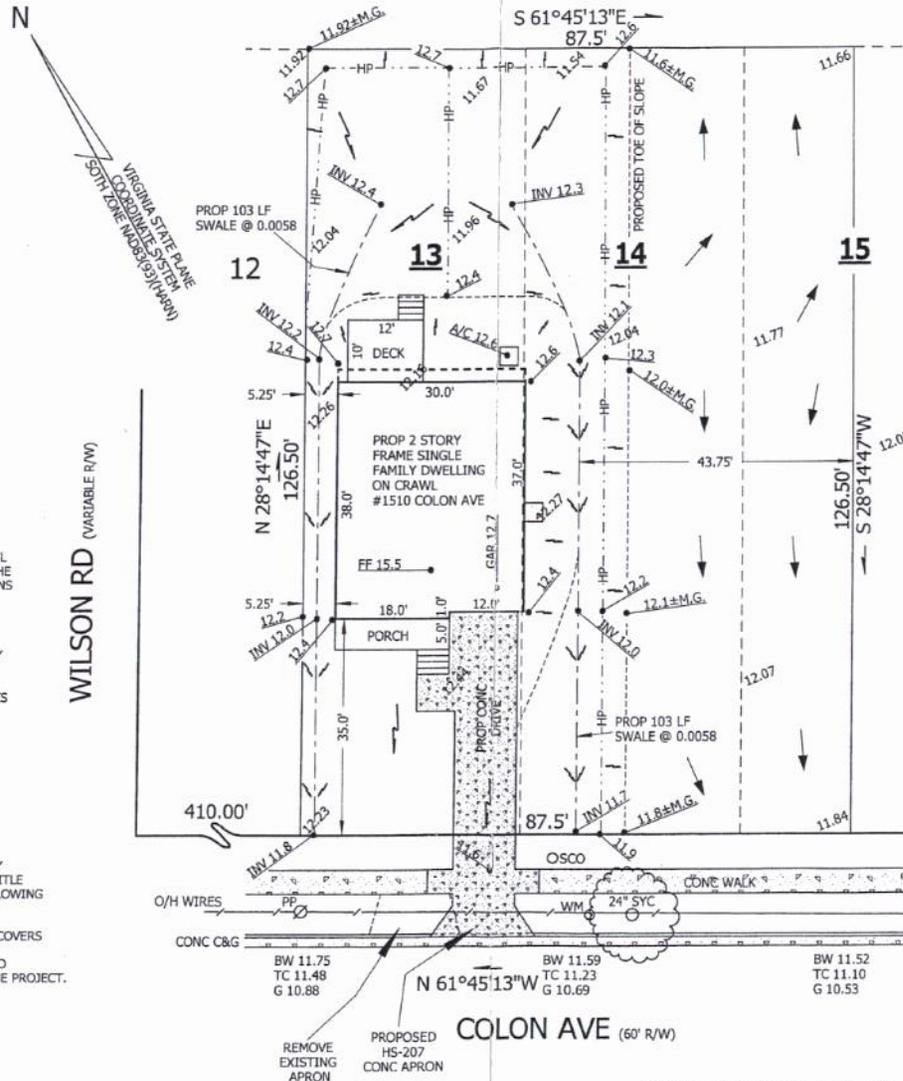


Joseph A. Beck, Professional Engineer  
Certified Land Surveyor

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**GENERAL NOTES:**

- ALL LOCAL, STATE AND FEDERAL CODES AND/OR ORDINANCES MUST BE ADHERED TO.
- DIMENSIONS SHOWN SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR.
- THE CONTRACTOR WILL INDEMNIFY AND SAVE HARMLESS THE OWNER, THE ARCHITECT, THE ENGINEER AND ANY OF THEIR RESPECTIVE AGENTS OR EMPLOYEES AGAINST ANY LIABILITY, LOSS OR EXPENSE (INCLUDING ATTORNEY'S FEES) INCURRED OR SUFFERED IN CONSEQUENCE EITHER OF BODILY INJURY (INCLUDING DEATH AT ANY TIME RESULTING THEREFROM) TO ANY PERSON OR DAMAGES TO ANY PROPERTY (INCLUDING LOSS OF USE THEREOF) DUE TO ANY ACT OR OMISSION OF THE CONTRACTOR OR ANY OF HIS SUBCONTRACTORS OR ANY OF THEIR RESPECTIVE EMPLOYEES IN CONNECTION WITH THE WORK OF THE CONTRACTOR, HEREUNDER.
- ELEVATIONS ARE IN FEET AND REFER TO NAVD '88(92) DATUM.
- THIS PLAN DOES NOT GUARANTEE THE LOCATION OR THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND OR OVERHEAD UTILITIES. PRIOR TO CONSTRUCTION OR EXCAVATION, THE CONTRACTOR SHALL ASSUME THE RESPONSIBILITY OF LOCATING ANY UNDERGROUND OR OVERHEAD UTILITIES (PUBLIC OR PRIVATE) THAT MAY EXIST AND CROSS THROUGH THE AREA OF CONSTRUCTION, WHETHER OR NOT SHOWN ON THESE PLANS. BEFORE YOU DIG, CALL "MISS UTILITY" OF TIDEWATER AT 1-800-552-7001. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING AT HIS EXPENSE ANY EXISTING UTILITIES DAMAGED DURING CONSTRUCTION.
- ALL CONCRETE SHALL BE 3000 P.S.I. (CLASS A-3 AIR ENTRAINED).
- BEFORE CONSTRUCTION BEGINS, THE CONTRACTOR OR THE OWNER (AS APPLICABLE) MUST:
  - OBTAIN ALL INFORMATION CONCERNING THE EXISTENCE OF EASEMENTS, OTHER IMPEDIMENTS, BURIED TANKS, HAZARDOUS MATERIALS, ETC. WHICH AFFECT THE BUILDING SITE AND ASSUME RESPONSIBILITY FOR ANY CONFLICTS ARISING FROM THESE ITEMS. THE OWNERS TITLE REPORT/LETTER MAY SHOW SOME OF THE ABOVE.
  - VERIFY ZONING RESTRICTIONS AND SETBACK LINES ON THE DATE THAT THE CITY PERMIT AUTHORIZING CONSTRUCTION IS ISSUED.
- ANY ERRORS, OMISSIONS, DISCREPANCIES, ETC. SHOULD BE BROUGHT TO THE ATTENTION OF THIS OFFICE IMMEDIATELY. WORK SHOULD NOT CONTINUE UNTIL THIS OFFICE HAS ISSUED WRITTEN INSTRUCTIONS.
- HOUSE PLANS WERE PROVIDED TO THIS OFFICE ENTITLED "OLINGER MODEL HOME" BY DESIGNS BY MARK, UNDATED. IT IS THE RESPONSIBILITY OF THE CLIENT TO STUDY THIS PLAN AND ASSURE THAT IT ALL OF THE DIMENSIONS AND DETAILS OF THE PROPOSED HOUSE ARE SHOWN AS DESIRED BY THE CLIENT AND THAT ALL FEATURES OF THE HOUSE, INCLUDING NUMBER OF STORIES, LOCATION OF PORCHES, WALKS AND DRIVEWAYS, AND ANY HORIZONTAL PROJECTIONS SUCH AS BAY WINDOWS OR CANTILEVERED ROOMS ARE SHOWN HEREON AS DESIRED BY THE CLIENT BEFORE THIS PLAN IS SUBMITTED TO THE CITY FOR REVIEW.
- THE HOUSE DIMENSIONS AND HOUSE LOCATION DISTANCES SHOWN HEREON ARE TO OUTSIDE OF THE WOOD FRAMING. THE HOUSE PLAN DOES NOT PROPOSE A BRICK VENEER.
- NO DEED, TITLE REPORT, CONTRACT OF SALE OR OTHER INFORMATION INDICATING WHICH PIECE OF LAND THE CLIENT OWNS, INTENDS TO BUY OR INTENDS TO BUILD ON WAS SUPPLIED TO THIS OFFICE. IT IS THE RESPONSIBILITY OF THE CLIENT TO STUDY THIS PLAN AND ASSURE THAT THE LAND PARCEL DEPICTED HEREON IS THE ONE INTENDED FOR CONSTRUCTION BEFORE BEGINNING CONSTRUCTION.
- NO BOUNDARY MONUMENTS WERE MARKED AND NO LAYOUT WAS PERFORMED AS A PART OF THE PREPARATION OF THIS PLAN. THIS OFFICE WILL SET LAYOUT MARKERS IF CONTRACTED TO DO SO.
- THIS SITE PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE POLICY AND, CONSEQUENTLY, MAY NOT SHOW ALL EASEMENTS AND MATTERS OF TITLE THAT AFFECT THE SITE. THE CLIENT IS HEREBY DIRECTED TO DO THE FOLLOWING BEFORE CONSTRUCTION:
  - OBTAIN TITLE INSURANCE.
  - OBTAIN ASSURANCE FROM A TITLE ATTORNEY THAT THE TITLE POLICY COVERS ALL OF THE LAND SHOWN ON THIS PLAN.
  - OBTAIN ASSURANCE FROM A TITLE ATTORNEY THAT THE EXCEPTIONS TO COVERAGE LISTED IN THE TITLE POLICY DO NOT ADVERSELY AFFECT THE PROJECT.



**FLOOD NOTE:**

BY GRAPHIC PLOTTING AND SCALING FROM FEMA MAPS ONLY AND NOT REFLECTING ANY LETTERS OF MAP CHANGE THAT MAY HAVE BEEN ISSUED BY FEMA, THIS SITE WAS DETERMINED TO BE IN ZONE X (UNSHADED) AS SHOWN ON FEMA MAP, COMMUNITY-PANEL NUMBER 510104 0165 F, EFFECTIVE: 9/02/09.

**LEGEND:**

CONC	CONCRETE
PROP	PROPOSED
O/H	OVERHEAD
C&G	CURB & GUTTER
SCO	SEWER CLEAN OUT
BW	BACK OF WALK
EX	EXISTING
EP	EDGE OF PAVEMENT
CL	CENTER LINE
FF	FINISHED FLOOR
LP	LIGHT POLE
PP	POWER POLE
TC	TOP OF CURB
G	GUTTER
9.8	EXISTING ELEVATIONS
9.9	PROPOSED ELEVATIONS
↖	PROPOSED DIRECTION OF FLOW
→	EXISTING DIRECTION OF FLOW
INV	INVERT
MG	MATCH GRADE
HP	PROPOSED HIGH POINT



**SITE PLAN  
OF  
LOTS 13, 14, & NORTH  
WEST 17.5' OF LOT 15  
PROPERTY OF W.H.  
HOFHEIMER CO., INC.  
(M.B. 7, P. 82 CHES)  
NORFOLK, VIRGINIA**

**FOR: LAUSHAUN ROBINSON**

REVISED: 8-31-15 (GRADING AT REAR OF LOT)  
REVISED: 8-27-15 (FLOOR ELEV)  
AUGUST 12, 2015

SCALE: 1" = 20'

BECK ASSOCIATES, PC  
**CIVIL ENGINEERS AND LAND SURVEYORS**  
7442 TIDEWATER DRIVE  
NORFOLK, VA 23505



## Blough, Christopher

---

**From:** Straley, Matthew  
**Sent:** Tuesday, October 27, 2015 3:03 PM  
**To:** 'msjan56@yahoo.com'; 'campostellacivicleague@gmail.com'  
**Cc:** Riddick, Paul; Williams, Angelia M.; Goldin, Jamie; Simons, Matthew  
**Subject:** new Planning Commission application - 1510 Colon Avenue  
**Attachments:** DT Builders.pdf

Ms. McKee,

Attached please find the application for a change of zoning from R-8 (Single-Family) district to conditional R-9 (Single-Family) district at 1510 Colon Avenue.

The purpose of this request is to allow for the construction of two single-family homes where only one is permitted under the current zoning district.

The item is tentatively scheduled for the December 10, 2015 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Matt Simons* at (757) 664-4750, [matthew.simons@norfolk.gov](mailto:matthew.simons@norfolk.gov)

Thank you.

**Matthew Straley**

GIS Technician II

Norfolk Department of City Planning

810 Union Street, Suite 508 | Norfolk, Virginia 23510

[Matthew.Straley@norfolk.gov](mailto:Matthew.Straley@norfolk.gov) | Tel: 757-664-4769 | Fax: 757-441-1569

**CAMPOSTELLA CIVIC LEAGUE**  
Norfolk, VA 23523  
Ms. Janice McKee, President  
campostellacivicleague@gmail.com  
(757) 515-9037

Department of City Planning  
810 Union Street, Room 508  
Norfolk, VA 23510

December 1, 2015

ATTN: Mr. Matthew Simons, City Planner

CC: Mr. Robinson, D.T. Builders

RE: Application (10-14-2015) for Conditional Change of Zoning from 8 to R9  
Location: 1510 Colon Avenue, Norfolk, VA 23523  
Submitted by: Mr. Laushaun Robinson, D.T. Builders  
1121 Campostella Road, Norfolk, VA 23523

Dear Mr. Simons,

On November 9, 2015, Mr. Laushaun Robinson of D.T. Builders presented the above application to the Campostella Civic League. After review and discussion, the Campostella Civic League members voted to DENY the application for the following reasons.

- Approval of this rezoning is not satisfactory with the lot pattern of the Campostella Neighborhood. Re-zoning to R-9 would establish an undesirable precedent for potential rezoning requests in the future.
- This re-zoning application submitted by D.T. Builders is *NOT* satisfactory with the plan for the community.
- The Campostella Civic League is working hard to improve our neighborhood, to include renovations, new construction and economic development.

We encourage and invite Mr. Robinson to become a partner with the Campostella Civic League so that we can work together on future neighborhood projects.

**FOR YOUR INFORMATION**

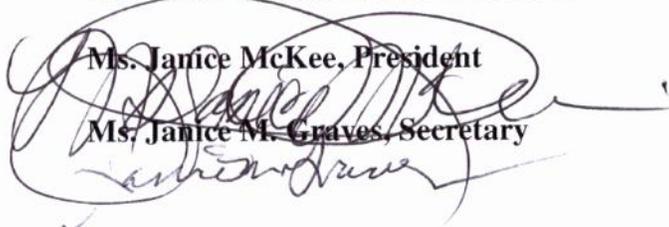
In June of 2015, Campostella Civic League elected new Officers. The President is now Ms. Janice McKee. Please direct future requests, applications and proposals for Campostella to Ms. Janice McKee at (757) 515-9037 and/or email to campostellacivicleague@gmail.com

Thank You,

**CAMPOSTELLA CIVIC LEAGUE**

Ms. Janice McKee, President

Ms. Janice M. Graves, Secretary



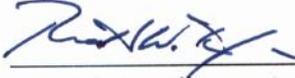


To the Honorable Council  
City of Norfolk, Virginia

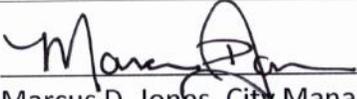
January 26, 2015

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

Subject: To amend Chapter 3, Goal 5 within *plaNorfolk2030*, to add and modify actions to support community-led redevelopment efforts in four "emerging districts" in the city, including the Chelsea Business District, the Downtown Arts District, Park Place, and Greater Norview/Five Points

Reviewed:   
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: Citywide

Approved:   
Marcus D. Jones, City Manager

Item Number: **PH-3**

- I. **Staff Recommendation: Approval.**
- II. **Commission Action: By a vote of 6 to 0, the Planning Commission recommends **Approval**.**
- III. **Request: To add and amend the actions in *plaNorfolk2030* for four "emerging districts"**
- IV. **Applicant: City Planning Commission**
- V. **Description:**
  - The proposed amendments will establish new sections in *plaNorfolk2030* for the Chelsea Business District and the Downtown Arts District and will modify actions in the existing Park Place and Greater Norview sections.
  - These amendments will provide additional guidance to staff, City Planning Commission, and City Council when considering proposals for these areas.
  - These amendments capture the spirit of a variety of development proposals, including the three Better Block events (Arts District, 35<sup>th</sup> Street, and Five Points) held in 2013-2014 and a small area plan created for Chelsea in 2014.

Staff point of contact: Jeremy Sharp at 823-1087, [Jeremy.sharp@norfolk.gov](mailto:Jeremy.sharp@norfolk.gov)

**Attachments:**

- Staff Report to CPC dated December 10, 2015 with attachments
- Proponents and Opponents
- Ordinance

**Planning Commission Public Hearing: December 10, 2015**

Executive Secretary: George M. Homewood, AICP, CFM

Staff: Jeremy E. Sharp, AICP



Staff Report		Item No. 1
Applicant	City Planning Commission	
Request	Text Amendment	For amendments to Chapter 3, Goal 5 within <i>plaNorfolk2030</i> , to add and modify actions to support community-led redevelopment efforts in four "emerging districts" in the city, including Chelsea Business District, the Downtowns Arts District, Park Place, and Greater Norview/Five Points.

**A. Summary of Request**

- This agenda item is to update *plaNorfolk2030* to capture new visions that have emerged in select areas of the city.
  - The proposed amendments will establish new sections in Chapter 3 of *plaNorfolk2030* for the Chelsea Business District and the Downtown Arts District, and will modify action items in the existing Park Place and Greater Norview sections of Chapter 3.
  - These amendments will provide additional guidance to staff, City Planning Commission, and City Council when considering proposals for these areas.
- These amendments capture the spirit of a variety of development proposals advanced for 35<sup>th</sup> Street, Five Points, the Chelsea Business District, and the Downtown Arts District in recent years:
  - The Better Block group conducted community development efforts in the 35<sup>th</sup> Street area, the Five Points area, and the Downtown Arts District in 2013-2014, culminating in new visions for development and recommended policy changes.
  - A Virginia Commonwealth University student prepared a small area plan for the Chelsea Business District, in coordination with area residents and business leaders, in 2014.
- The City Planning Commission discussed potential plan amendments building on this new information during a September 2015 work session.
- In September and October 2015, detailed follow-up reports on the 35<sup>th</sup> Street and Five Points Better Block events were prepared and made available.
  - These reports expand on strengths and opportunities within the 35<sup>th</sup> Street corridor and the Five Points area, and provide detailed community visions for these areas.

**B. Plan Consistency**

The preparation of amendments such as these, driven by community-led planning efforts, is directly in keeping with Neighborhoods Goal 1 of *plaNorfolk2030*, which calls for enabling residents to take ownership of their neighborhoods.

**C. Financial Impact**

- The majority of the actions being added to *plaNorfolk2030* can be accomplished through existing resources.
  - Those actions that will require additional city resources generally reflect activities already underway that are simply being recognized as a part of *plaNorfolk2030*.
- The proposed amendments should help to make the emerging districts more viable for economic development.

**D. Traffic Impact**

The impact of the proposed amendments on the city's transportation networks should be minimal.

**E. Impact on the Environment**

The proposed actions should lead to improved stormwater management as individual parcels are redeveloped utilizing more efficient collection and treatment methods.

**F. Communication Outreach/Notification**

- The planning department sent letters summarizing the proposed amendments to Civic leagues and business groups within the boundaries of the Emerging Districts on October 20.
- Legal notification was placed in *The Virginian-Pilot* on November 26 and December 3

**G. Recommendation**

Staff recommends that the requested amendments to *plaNorfolk2030* be **approved**.

**Attachments:**

Proposed text

Proposed implementation table

**Proponents and Opponents**

**Proponents**

Mary Miller  
7600 Gleneagles Road  
Norfolk, VA 23505

**Opponents**

None

Form and Correctness Approved

Contents Approved:

By   
Office of the City Attorney

By   
DEPT.

NORFOLK, VIRGINIA

### ORDINANCE No.

AN ORDINANCE TO AMEND THE CITY'S GENERAL PLAN, PLANORFOLK2030, SO AS TO ADOPT GOALS AND ACTIONS TO SUPPORT REDEVELOPMENT IN FOUR EMERGING DISTRICTS WITHIN THE CITY.

- - -

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

Section 1: That the general plan of Norfolk, plaNorfolk2030, shall be amended so as to adopted new goals and actions intended to support community-led redevelopment in the four emerging districts of Chelsea Business District, Downtown Arts District, Greater Norview/Five Points, and Park Place. The general plan is hereby amended as follows:

- (a) In Chapter 3, Goal 5, add new actions to Action N5.1 in order to support community-led redevelopment in the Chelsea Business District. The new actions, with associated map, shall read as set forth in "Exhibit A," attached hereto.
- (b) In Chapter 3, Goal 5, add new actions to Action N5.1 in order to support community-led redevelopment in the Downtown Arts District. The new actions, with associated map, shall read as set forth in "Exhibit B," attached hereto.
- (c) In Chapter 3, Goal 5, modify Actions N5.1.11(a) and N5.1.11(f) and add new actions N5.1.11(g) through (j). The amended and new actions, with associated map, shall read as set forth in "Exhibit C," attached hereto.
- (d) In Chapter 3, Goal 5, modify Action N5.1.17(c) and add new actions N5.1.17(i) through (k). The amended and new actions, with associated map, shall read as set forth in "Exhibit D," attached hereto.

- (e) In Chapter 3, Goal 5, modify the map for Greater Ghent to remove the Chelsea Business District. The map shall appear as set forth in "Exhibit E," attached hereto.
- (f) In Chapter 3, Goal 5, modify the map for the Downtown Area to remove the Downtown Arts District. The map shall appear as set forth in "Exhibit F," attached hereto.
- (g) In Chapter 13, "Implementing plaNorfolk2030," amend the several rows and all information contained in those rows in conjunction with the amendments and adjustments indicated above as set forth in "Exhibit G," attached hereto.

Section 2:- The Council hereby finds that this general plan amendment is required by public necessity, convenience, general welfare, or good zoning practice.

Section 3:- That this ordinance shall be in effect from the date of its adoption.

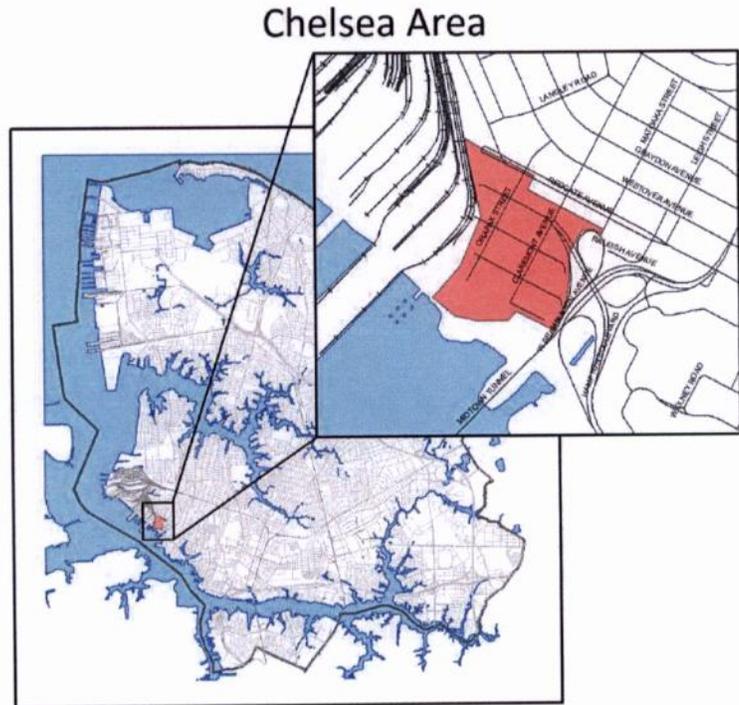
ATTACHMENTS:

- Exhibit A (1 page)
- Exhibit B (1 page)
- Exhibit C (1 page)
- Exhibit D (1 page)
- Exhibit E (1 page)
- Exhibit F (1 page)
- Exhibit G (3 pages)

## Exhibit A

Action N5.1.x. Implement the following actions for the **Chelsea Business District** area.

- N5.1.x(a). Create a pedestrian and bicycle friendly streetscape by improving sidewalks and lighting, installing new pedestrian-scale signage, benches, trash receptacles, and bike racks, and enhancing crosswalks and sharrows/bicycle lanes where appropriate.
- N5.1.x(b). Focus short-term streetscape improvements on the west side of Orapax Avenue, emphasizing its role as the primary pedestrian corridor into the business district.
- N5.1.x(c). Consider extending the Enterprise Zone to include the Chelsea Business District.
- N5.1.x(d). Consider zoning modifications to support the development of vendors and pop-up businesses.
- N5.1.x(e). Encourage the re-use of existing vacant buildings.
- N5.1.x(f). Consider changing the zoning designations of industrially-zoned properties utilized for commercial or residential purposes to better reflect current and potential uses.
- N5.1.x(g). Support neighborhood efforts to make the Chelsea Business District a testing ground for innovative sustainability approaches, such as wind and solar energy installations, rain gardens, and other similar methods.
- N5.1.x(h). Support the placement of public art throughout the business district, with an emphasis on wayfinding.

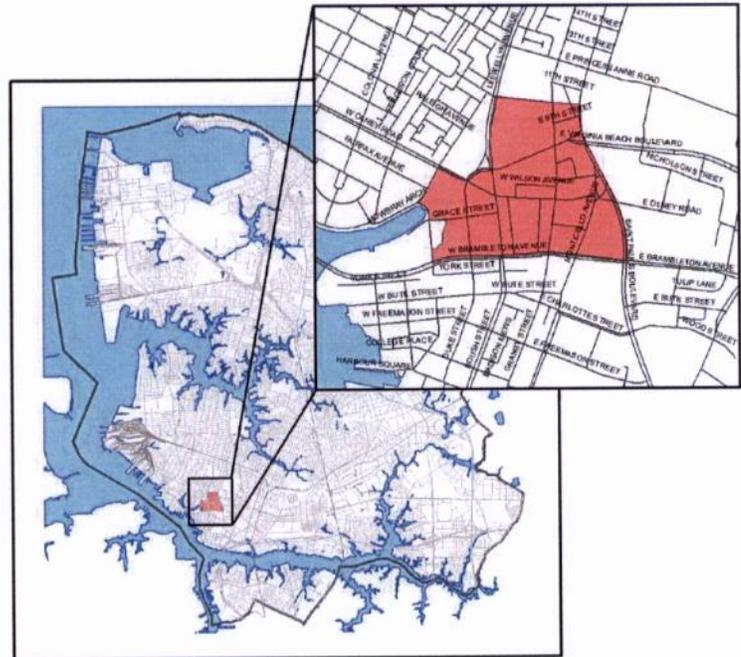


## Exhibit B

### Action N5.1.X. Implement the following actions for the **Downtown Arts District**.

- N5.1.x(a). Create a pedestrian and bicycle friendly streetscape by improving sidewalks, installing new pedestrian-scale lighting and landscape planting areas, enhancing crosswalks and sharrows/bicycle lanes, and reducing speed limits where appropriate.
- N5.1.x(b). Consider converting two travel lanes of W. Virginia Beach Boulevard between Granby Street and Boush Street to on-street parking defined by landscaping.
- N5.1.x(c). Evaluate options for re-configuring or redeveloping the Harrison Opera House parking lot to create a more active, green street edge along W. Virginia Beach Boulevard.
- N5.1.x(d). Consider re-configuring Monticello Avenue to create new on-street parking areas that could potentially double as spaces for pop-up retail or a farmer's market.
- N5.1.x(e). Create gateways to the district at the intersections of Granby Street with Brambleton Avenue and Virginia Beach Boulevard, Llewellyn Avenue with W. Virginia Beach Boulevard, and E. Olney Road with Monticello Avenue and St. Paul's Boulevard.
- N5.1.x(f). Explore the possibility of transforming Magazine Lane into a small-scale market street and central square for the district.
- N5.1.x(g). Encourage the re-use of existing buildings and the development of new buildings on excess surface parking.
- N5.1.x(h). Support the development of innovative art installations.
- N5.1.x(i). Consider zoning modifications to support the development of artist studios and arts entertainment venues, vendors and pop-up businesses, and artist housing.

### Downtown Arts District Area

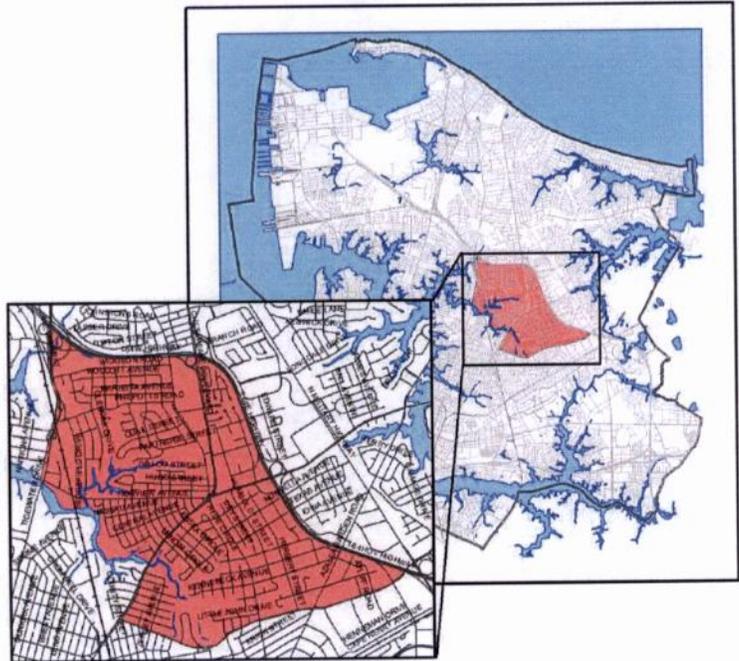


## Exhibit C

Action N5.1.11. Continue to implement the following actions for the **Greater Norview/Five Points area**.

- N5.1.11(a). Work to attract new businesses to the district that would improve pedestrian use of Sewells Point Road, as indicated by an area market study.
- N5.1.11(b). Encourage the improvement of the existing post office and its parking lot.
- N5.1.11(c). Evaluate the traffic pattern at the interchange of Chesapeake Boulevard with Interstate 64.
- N5.1.11(d). Working with property owners, create opportunities for commercial redevelopment in Five Points through land assembly and acquisition.
- N5.1.11(e). Study and implement traffic circulation improvements on Chesapeake Boulevard, north of the Five Points intersection, to improve safety, access, and circulation for commercial properties.
- N5.1.11(f). Implement the streetscape plan for Sewell's Point Road to improve pedestrian safety and provide an attractive environment for development of neighborhood-serving commercial establishments, such as lighting, plantings, and signage.
- N5.1.11(g). Evaluate the effectiveness of the PCO to and amend as needed to best fit the needs of future neighborhood development.
- N5.1.11(h). Evaluate the need and potential locations for a city parking facility to provide additional parking for area businesses.
- N5.1.11(i). Consider modifying code requirements to encourage economic development and the reuse of vacant structures.
- N5.1.11(j). Evaluate the potential for converting Hugo Street from a one way to a two way street.

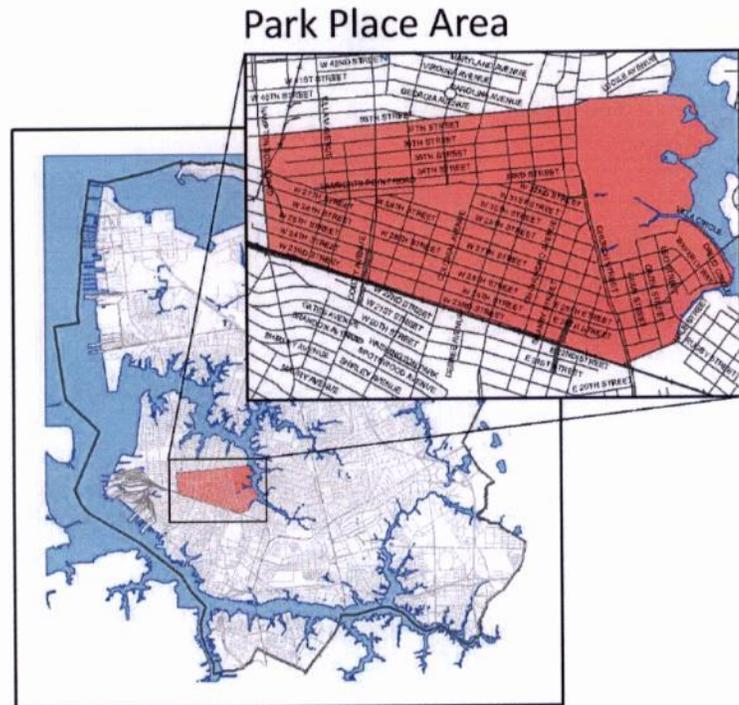
### Greater Norview/Five Points Area



## Exhibit D

Action N5.1.17. Continue to implement the following actions for the **Park Place** area.

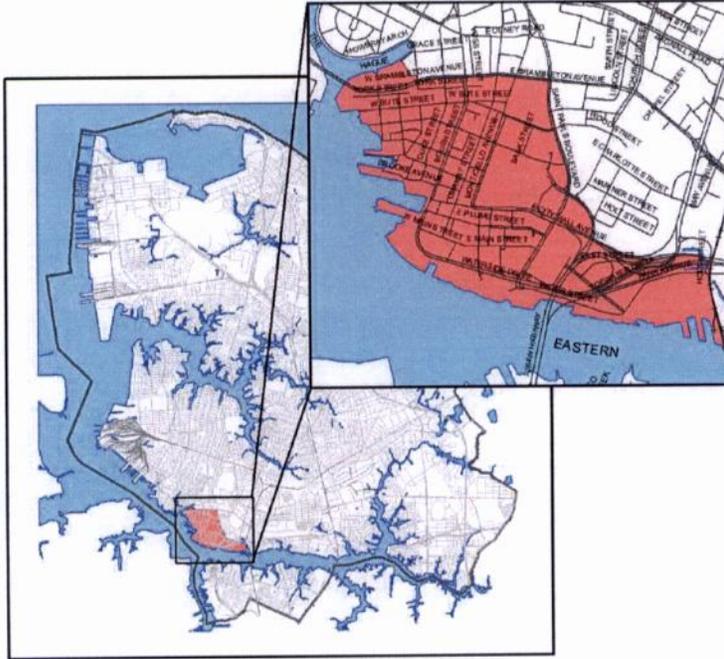
- N5.1.17(a). Do not permit fast food restaurants with drive-throughs and businesses that sell alcohol for off premise consumption.
- N5.1.17(b). Evaluate the potential conversion of Llewellyn and Colonial Avenues to 2-lane roadways with raised medians.
- N5.1.17(c). Develop and implement streetscape plans for 35<sup>th</sup> Street, Granby Street, Colonial Avenue, and Llewellyn Avenue that support enhanced pedestrian activity and safety.
- N5.1.17(d). Work with Norfolk Public Schools to evaluate the creation of an early childhood center at the Monroe Elementary School site.
- N5.1.17(e). Promote the transition of Colonial Avenue between the railroad tracks and W. 26th Street from predominantly industrial uses to a mixture of commercial, office, and residential uses.
- N5.1.17(f). Ensure that all new development and substantial redevelopment along Colonial Avenue between the railroad tracks and W. 26th Street provides an active streetscape by providing buildings set back no more than 10 feet from the right-of-way line with substantial first floor transparency, locating parking areas to the side or rear of buildings and screening parking areas that must be located adjacent to the right-of-way, and by limiting uses to those of a pedestrian-oriented nature.
- N5.1.17(g). Promote the transition of Granby Street between the railroad tracks and 29th Street from predominantly industrial uses to a mixture of commercial, office, and residential uses.
- N5.1.17(h). Ensure that all new development and substantial redevelopment along Granby Street between the railroad tracks and 29th Street provides an active streetscape by providing buildings set back no more than 10 feet from the right-of-way line with substantial first floor transparency, providing building facades of at least two stories along Granby Street, locating parking areas to the side or rear of buildings and screening parking areas that must be located adjacent to the right-of-way, by providing street trees or other similar landscaping between the sidewalk and the road, and by limiting uses to those of a pedestrian-oriented nature.
- N5.1.17(i). Continue efforts to promote economic development by supporting business education and networking opportunities.
- N5.1.17(j). Monitor the availability and location of automobile parking on the 35<sup>th</sup> Street Corridor.
- N5.1.17(k). Evaluate the need for traffic calming measures along the 35<sup>th</sup> St. Corridor.





# Exhibit F

## Downtown Area



# Exhibit G

Table IP-1. Implementation Matrix

IMPLEMENTATION ITEM	ACTION	LEAD RESPONSIBILITY	TIMEFRAME FOR COMPLETION	COST CATEGORY	COMMENTS	
<b>Neighborhoods Goal 5. Continue the implementation of area plans.</b>						
Chelsea Business District	N5.1.x	Implement the following actions in the Chelsea Business District area.				
	N5.1.x(a).	Create a pedestrian and bicycle friendly streetscape by improving sidewalks and lighting, installing new pedestrian-scale signage, benches, trash receptacles, and bike racks, and enhancing crosswalks and sharrows/bicycle lanes where appropriate.	PW	*	*	Part of work program for T1.3.1.
	N5.1.x(b).	Focus short-term streetscape improvements on the west side of Orapax Avenue, emphasizing its role as the primary pedestrian corridor into the business district.	PW	*	*	Part of work program for T1.3.1.
	N5.1.x(c).	Consider extending the Enterprise Zone to include the Chelsea Business District.	Development	Immediate	Existing Resources	
	N5.1.x(d).	Consider zoning modifications to support the development of vendors and pop-up businesses.	Planning	*	*	Part of work program for LU1.2.1.
	N5.1.x(e).	Encourage the re-use of existing vacant buildings.	Development	Ongoing	Existing Resources	
	N5.1.x(f).	Consider changing the zoning designations of industrially-zoned properties utilized for commercial or residential purposes to better reflect current and potential uses.	Planning	*	*	Part of work program for LU1.2.1.
	N5.1.x(g).	Support neighborhood efforts to make the Chelsea Business District a testing ground for innovative sustainability approaches, such as wind and solar energy installations, rain gardens, and other similar methods.	PW; RPOS; Planning	Ongoing	Existing Resources	
	N5.1.x(h).	Support the placement of public art throughout the business district, with an emphasis on wayfinding.	CF	Ongoing	Up to \$100,000	
	N5.1.x	Implement the following actions in the Downtown Arts District area.				
	N5.1.x(a).	Create a pedestrian and bicycle friendly streetscape by improving sidewalks, installing new pedestrian-scale lighting and landscape planting areas, enhancing crosswalks and sharrows/bicycle lanes, and reducing speed limits where appropriate.	PW	*	*	Part of work program for T1.3.1.
	N5.1.x(b).	Consider converting two travel lanes of W. Virginia Beach Boulevard between Granby Street and Boush Street to on-street parking defined by landscaping.	PW	Mid-Term	Over \$1 Million	
	N5.1.x(c).	Evaluate options for re-configuring or redeveloping the Harrison Opera House parking lot to create a more active, green street edge along W. Virginia Beach Boulevard.	CF	Mid-Term	Over \$1 Million	
	N5.1.x(d).	Consider re-configuring Monticello Avenue to create new on-street parking areas that could potentially double as spaces for pop-up retail or a farmer's market.	PW	Mid-Term	Over \$1 Million	
N5.1.x(e).	Create gateways to the district at the intersections of Granby Street with Brambleton Avenue and Virginia Beach Boulevard, Llewellyn Avenue with W. Virginia Beach Boulevard, and E. Olney Road with Monticello Avenue and St. Paul's Boulevard.	ND; RPOS	Short-Term	\$250,000 to \$1 Million		
N5.1.x(f).	Explore the possibility of transforming Magazine Lane into a small-scale market street and central square for the district.	PW	Mid-Term	Over \$1 Million		
N5.1.x(g).	Encourage the re-use of existing buildings and the development of new buildings on excess surface parking.	Development	Ongoing	Existing Resources		
N5.1.x(h).	Support the development of innovative art installations.	CF	Ongoing	Up to \$100,000		
N5.1.x(i).	Consider zoning modifications to support the development of artist studios and arts entertainment venues, vendors and pop-up businesses, and artist housing.	Planning	*	*	Part of work program for LU1.2.1.	
N5.1.11	Continue to implement the following actions for the Greater Norview/Five Points area.					

\* Cost for this action included in another action as noted under comments.

# Exhibit G

Table IP-1. Implementation Matrix

IMPLEMENTATION ITEM	ACTION	LEAD RESPONSIBILITY	TIMEFRAME FOR COMPLETION	COST CATEGORY	COMMENTS	
Outcome N5.1. Support for the following actions in designated areas.	Greater Norview/Five Points	N5.1.11(a). Work to attract new businesses to the district that would improve pedestrian use of Sewells Point Road, as indicated by an area market study.	Development	Ongoing	Existing Resources	
		N5.1.11(b). Encourage the improvement of the existing post office and its parking lot.	IGR	Ongoing	Existing Resources	
		N5.1.11(c). Evaluate the traffic pattern at the interchange of Chesapeake Boulevard with Interstate 64.	PW	Mid-Term	\$250,000 to \$1 Million	
		N5.1.11(d). Working with property owners, create opportunities for commercial redevelopment in Five Points through land assembly and acquisition.	Development	Long-Term	Several Million	
		N5.1.11(e). Study and implement traffic circulation improvements on Chesapeake Boulevard, north of the Five Points intersection, to improve safety, access, and circulation for commercial properties.	PW	Mid-Term	Several Million	
		N5.1.11(f). Implement the streetscape plan for Sewell's Point Road to improve pedestrian safety and provide an attractive environment for development of neighborhood serving commercial establishments, such as lighting, plantings, and signage.	PW; RPOS	Mid-Term	Over \$1 Million	
		N5.1.11(g). Evaluate the effectiveness of the PCO to and amend as needed to best fit the needs of future neighborhood development.	Planning	Short-Term	Existing Resources	
		N5.1.11(h). Evaluate the need and potential locations for a city parking facility to provide additional parking for area businesses.	PW; Development	Short-Term	Several Million	
		N5.1.11(i). Consider modifying code requirements to encourage economic development and the reuse of vacant structures.	Planning	*	*	Part of work program for LU1.2.1.
		N5.1.11(j). Evaluate the potential for converting Hugo Street from a one way to a two way street.	PW	Mid-Term	Several Million	
	N5.1.17	Continue to implement the following actions for the Park Place area.				
	Park Place	N5.1.17(a). Do not permit fast food restaurants with drive-throughs and businesses that sell alcohol for off-premise consumption.	Planning	Ongoing	Existing Resources	
		N5.1.17(b). Evaluate the potential conversion of Llewellyn and Colonial Avenues to 2-lane roadways with raised medians.	PW	Mid-Term	Over \$1 Million	
		N5.1.17(c). Develop and implement streetscape plans for 35th Street Granby Street, Colonial Avenue, and Llewellyn Avenue that support enhanced pedestrian activity and safety.	RPOS; PW; Planning	Short-Term	Several Million	
		N5.1.17(e). Promote the transition of Colonial Avenue between the railroad tracks and W. 26th Street from predominantly industrial uses to a mixture of commercial, office, and residential uses.	Planning; Development	Ongoing	Existing Resources	
		N5.1.17(f) Ensure that all new development and substantial redevelopment along Colonial Avenue between the railroad tracks and W. 26th Street provides an active streetscape by providing buildings set back no more than 10 feet from the right-of-way line with substantial first floor transparency, locating parking areas to the side or rear of buildings and screening parking areas that must be located adjacent to the right-of-way, and by limiting uses to those of a pedestrian-oriented nature.	Planning	Ongoing	Existing resources	
		N5.1.17(g) Promote the transition of Granby Street between the railroad tracks and 29th Street from predominantly industrial uses to a mixture of commercial, office, and residential uses.	Planning; Development	Ongoing	Existing Resources	

\* Cost for this action included in another action as noted under comments.

# Exhibit G

Table IP-1. Implementation Matrix

IMPLEMENTATION ITEM	ACTION	LEAD RESPONSIBILITY	TIMEFRAME FOR COMPLETION	COST CATEGORY	COMMENTS
	<p>N5.1.17(h) Ensure that all new development and substantial redevelopment along Granby Street between the railroad tracks and 29th Street provides an active streetscape by providing buildings set back no more than 10 feet from the right-of-way line with substantial first floor transparency, providing building facades of at least two stories along Granby Street, locating parking areas to the side or rear of buildings and screening parking areas that must be located adjacent to the right-of-way, by providing street trees or other similar landscaping between the sidewalk and the road, and by limiting uses to those of a pedestrian-oriented nature.</p>	Planning	Ongoing	Existing resources	
	<p>N5.1.17(i). Continue efforts to promote economic development by supporting business education and networking opportunities.</p>	PW	Ongoing	Existing Resources	
	<p>N5.1.17(j). Monitor the availability and location of automobile parking on the 35th Street Corridor.</p>	PW; Planning	Ongoing	Existing Resources	
	<p>N5.1.17(k). Evaluate the need for traffic calming measures along the 35th St. Corridor.</p>	PW	Short-Term	Up to \$100,000	

\* Cost for this action included in another action as noted under comments.



To the Honorable Council  
City of Norfolk, Virginia

January 26, 2015

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

Subject: **To modify Appendix B in the Table of Contents within *plaNorfolk2030* to add the *Complete Street Policy* and to modify an action in the Transportation chapter pertaining to Complete Streets**

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: Citywide

Approved:

Marcus D. Jones, City Manager

Item Number:

**PH-4**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval as modified at the public hearing.**
- III. **Request:** To adopt the *Complete Streets Policy*
- IV. **Applicant:** City Planning Commission
- V. **Description:**
  - *plaNorfolk2030* calls for the development of Complete Streets that include provisions for all users.
  - The City needs additional policy guidance to fully implement Complete Streets aimed at developing a more comprehensive, integrated and connected transportation network that offers a wide variety of choices.
  - Utilizing best practices as outlined by Smart Growth America and other national resources, staff developed a Complete Streets Policy to be adopted by reference into *plaNorfolk2030*.
  - Based on suggestions provided by DNC at the public hearing, the Planning Commission modified the policy to strengthen its applicability and clarify the metrics.

Staff point of contact: Paula Shea at 664-4772, paula.shea@norfolk.gov

Attachments:

- Staff Report to CPC dated December 10, 2015 with attachments
- Letter of support – Downtown Norfolk Council
- Proponents and Opponents
- Ordinance

**Planning Commission Public Hearing: December 10, 2015**

Executive Secretary: George M. Homewood, AICP, CFM 

Staff: Paula M. Shea, AICP (PS)

<b>Staff Report</b>		<b>Item No. 2</b>
<b>Applicant</b>	<b>City Planning Commission</b>	
<b>Request</b>	<b>Text Amendment</b>	To modify Appendix B in the Table of Contents within <i>plaNorfolk2030</i> to add the <i>Complete Streets Policy</i> and to modify an action in the Transportation chapter pertaining to Complete Streets.

**A. Summary of Request**

- *plaNorfolk2030* calls for the development of Complete Streets that include provisions for all users.
- The City needs additional policy guidance to fully implement Complete Streets aimed at developing a more comprehensive, integrated and connected transportation network that offers a wide variety of choices.
- Utilizing best practices as outlined by Smart Growth America and other national resources, staff developed a *Complete Streets Policy* to be adopted by reference into *plaNorfolk2030*.

**B. Plan Consistency**

The *Complete Streets Policy* is an important implementation step in *plaNorfolk2030* and is consistent with the plan.

**C. Financial Impact**

- There will be additional costs to the City when adding infrastructure to streets, such as sidewalks, bike facilities, and other elements.
- There are opportunities to seek additional funding through grants and other sources to help fund improvements.
- There is evidence that the addition of Complete Streets elements, particularly in the form of bike facilities and other transportation options, actually increases public revenues in the form of real estate and sales tax.

**D. Traffic Impact**

One of the goals of Complete Streets is to increase transportation options and improve general mobility, thus making Norfolk more livable for more citizens.

**E. Impact on the Environment**

- Not only do Complete Streets offer the chance to introduce green infrastructure, they could lead to reduced fuel consumption and reduced demand for motor vehicle infrastructure.
- Complete Streets also allow for the addition of sustainable stormwater management strategies in street infrastructure.

**F. Communication Outreach/Notification**

- Legal notification was placed in *The Virginian-Pilot* on November 26 and December 3.
- This policy has been coordinated with the Department of Public Works.

**G. Recommendation**

Staff recommends that the amendment to *plaNorfolk2030* request be **approved**.

**Attachments:**

*Complete Streets Policy*

Proposed text and implementation table

**Proponents and Opponents**

**Proponents**

Mary Miller  
7600 Gleneagles Road  
Norfolk, VA 23505

Gregory Reck  
219 Granby Street, Unit 30  
Norfolk, VA 23510

**Opponents**

None

Form and Correctness Approved:

Contents Approved:

PS

By   
Office of the City Attorney

By   
DEPT.

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE TO AMEND THE CITY'S GENERAL PLAN, PLANORFOLK2030, SO AS TO ADOPT A "COMPLETE STREET POLICY" AND TO MODIFY ACTIONS TO SUPPORT THE POLICY.

- - -

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

Section 1: That the "Complete Streets Policy" is hereby adopted and made part of the general plan of Norfolk, plaNorfolk2030. The Policy shall read as set forth in "Exhibit A," attached hereto.

Section 2: and the general plan is hereby amended so as to incorporate said Complete Streets Policy and to modify certain actions in plaNorfolk2030 as follows:

- (a) Modify the Table of Contents to change "Appendix B" to read as follows:

**Appendix B. Plans, Policies and Supplements**

- City of Norfolk Chesapeake Bay Preservation Area Program Supplement*
- City of Norfolk Bicycle and Pedestrian Strategic Plan*
- Complete Streets Policy*

- (b) In Chapter 4, Goal 1, modify Action T1.3.1 so that it reads as set forth in "Exhibit B," attached hereto.

- (c) In Chapter 13, "Implementing plaNorfolk2030," amend the row and all information contained in the row related to the amendments and adjustments indicated above, as set forth in "Exhibit C," attached hereto.

Section 3:- The Council hereby finds that this general plan amendment is required by public necessity, convenience, general welfare, or good zoning practice.

Section 4:- That this ordinance shall be in effect from the

date of its adoption.

ATTACHMENTS:

Exhibit A (3 pages)

Exhibit B (1 page)

Exhibit C (1 page)

# Exhibit A

## COMPLETE STREETS POLICY

### Definition

Complete Streets are streets that are designed—or redesigned—and operated to allow safe access to all people, regardless of age, ability, income, ethnicity, or chosen mode of travel, including pedestrians, bicyclists, motorists and transit riders.

### Purpose and Need

The adoption of a Complete Streets policy will facilitate the following:

- Develop a more comprehensive, integrated and connected transportation network that offers a wide variety of choices, as outlined in the City's comprehensive plan, *plaNorfolk2030*;
- Improve safety for all users of transportation;
- Embrace streets as public spaces promoting placemaking and creating a sense of community;
- Improve aesthetics of streets by designing them as a whole, from building face to building face, not just pavement;
- Stimulate the local economy by spurring private investment and raising property values by giving people options to commute and improving aesthetics;
- Promote better health through more options for healthy lifestyles that include walking and bicycling;
- Combine transportation choice with environmental strategies, increasing opportunities for environmental stewardship through the addition of green infrastructure, reduction of fuel consumption and reduced demand for motor vehicle infrastructure;
- Incorporate sustainable stormwater management strategies in street infrastructure; and
- Optimize the effectiveness of the transportation network by maximizing the number of transportation options available within the public right-of-way.

### Policy

Norfolk shall develop, operate and maintain an integrated, connected network of streets that are safe and accessible for all people, regardless of age, ability, income, ethnicity, or chosen mode of travel, including pedestrians, bicyclists, motorists and transit riders, in a balanced, responsible and equitable manner consistent with and supportive of the surrounding community.

Norfolk shall incorporate Complete Streets infrastructure in keeping with surrounding uses and sufficient to enable reasonably safe travel along and across the right-of-way. Every street in Norfolk shall strive to have:

- Sidewalks
- An area (verge or splash area) separating sidewalks from road lanes, as well as other innovative approaches to address environmental stewardship and stormwater management
- Safe pedestrian crossings and intersections that accommodate all users

- Vehicle and bicycle parking accommodations appropriate to both serve adjacent land uses and as traffic calming
- Bike facilities or identified reasonable alternatives, such as a parallel street with facilities
- Transit accommodations where part of transit routes
- Travel lanes appropriate to serve the adjacent land uses and the overall function of the road

## Scope

The Norfolk Complete Streets Policy shall apply to all phases of design, planning, construction, maintenance, and operations of all transportation projects within the City by public or private entities including:

- New construction of streets or street segments
- Reconstruction of streets or street segments, including utility upgrades and resurfacing projects

Where projects involve other jurisdictions or other transportation agencies, Norfolk will work with those jurisdictions or agencies to implement this policy.

## Exceptions

Any exception to this policy will be considered by the Director of Public Works and the Director of City Planning. Any exceptions granted will be documented with supporting data that indicates the basis for the decision. Such documentation shall be publicly available.

Circumstances for exceptions may include:

- Emergency repairs. However, all existing Complete Streets infrastructure will remain or be replaced in the instance of emergency repair.
- Affected transportation facility prohibits, by law, use by specified users (such as an interstate freeways or pedestrian malls)
- Cost would be excessively disproportionate to the need or probable future use
- Inclusion of such infrastructure would be contrary to public safety
- Environmental or social impacts outweigh the need for these accommodations

## Design Guidelines

Norfolk shall follow accepted or adopted design guidelines, using the best and latest design guidelines available. These guidelines include, but are not limited to:

- The National Association of City Transportation Officials (NACTO) Bike and Urban Street Design Guides;
- International Transportation Engineers (ITE) "Designing Walkable Urban Thoroughfares: A Context Sensitive Approach";
- American Association of State Highway and Transportation Officials (AASHTO) guides;
- US Access Board Public Right-of-Way Accessibility Guidelines (PROWAG) ; and
- FHWA Separated Bike Lane Planning and Design Guide

In recognition of context sensitivity and the need to introduce Complete Street infrastructure into an already built environment, Norfolk shall consider both the Character District (as outlined in *plaNorfolk2030*) and the street type in implementing a flexible, innovative and balanced approach that follows appropriate design guidelines and provides a comparable level of safety for all users.

## Implementation

Norfolk shall incorporate Complete Streets into City decision-making processes with the following actions:

- **Plans, Manuals, etc.** The Department of Public Works, the Department of City Planning and other relevant departments shall incorporate Complete Streets principles into all plans, manuals, checklists, decision-trees, rules, regulations, and programs as appropriate
- **Street Design Guidelines.** The Department of Public Works shall create Street Design Guidelines, incorporating Character District and appropriate street network typologies as decision making components for Complete Streets infrastructure
- **Asset Inventory.** The Department of Public Works shall develop and maintain an inventory of sidewalks, street lanes and widths, bicycle facilities and crosswalks
- **Multi-Disciplinary Design Team.** The City shall utilize a multi-disciplinary design team to:
  - Coordinate the implementation of the complete street policy
  - Collaboratively approach each street design decision process
  - Promote the most responsible and efficient use of fiscal resources for activities that occur within the public right-of-way
  - Identify Complete Street opportunities
- **Funding.** The City shall actively seek funds necessary for improvements in the right-of-way in support of this policy
- **Training.** The City shall train pertinent staff in the engineering, parks and recreation, planning, and transportation on the content of the Complete Street principles
- **Additional Opportunities.** The City shall develop a process to involve the private sector in implementing complete streets infrastructure.

## Performance Measures and Reporting

Norfolk shall measure the success of this Complete Streets policy using, but not limited to, the following performance measures:

- Total miles of new bike lanes or sharrows
- Total number of new bike racks installed, both public and private
- Total linear feet of new pedestrian sidewalk accommodation
- Total number of new curb ramps installed along city streets
- Total number of new pedestrian countdown signals installed

An annual report will be made to the City Council showing progress made in implementing this policy. This report will also be posted online for each of the above measures.

## Exhibit B

Action T1.3.1. Implement the Complete Streets Policy (Appendix B) in order to develop, operate and maintain an integrated, connected network of streets that are safe and accessible for all people or chosen mode of travel, in a balanced, responsible and equitable manner consistent with and supportive of the surrounding community. ~~Support the development of "complete streets" that include provisions for bicycles and pedestrians, as well as cars and transit, in improvement projects along designated road segments (see Map T-7).~~

*Comments: Complete streets are designed and operated to provide safe access for all users including pedestrians, bicyclists, motorists, and transit users of all ages and abilities both along and across the corridor. For example, bicycles can be accommodated through shared lanes (sharrows), dedicated lanes, or separate multi-use paths in a complete street.*

# Exhibit C

Table IP-1. Implementation Matrix

IMPLEMENTATION ITEM	ACTION	LEAD RESPONSIBILITY	TIMEFRAME FOR COMPLETION	COST CATEGORY	COMMENTS	
<b>Transportation Goal 1. Connect residents and visitors with business, employment, shopping, educational, and activity centers through a safe and efficient multi-modal regional transportation system.</b>						
<b>Outcome T1.3. An expanded pedestrian and bicycle network that promotes improved public health and provides opportunities for alternative forms of transportation.</b>	T1.3.1	Implement the Complete Streets Policy (Appendix B) in order to develop, operate and maintain an integrated, connected network of streets that are safe and accessible for all people or chosen mode of travel, in a balanced, responsible and equitable manner consistent with and supportive of the surrounding community.	Planning; PW	Ongoing	Several Million	

# Downtown Norfolk

## COUNCIL

December 10, 2015

George Homewood, AICP  
Director  
Department of Planning  
City of Norfolk  
810 Union Street, 5th Floor  
Norfolk, VA 23510

Dear George,

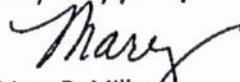
On behalf of the Board of Directors of the Downtown Norfolk Council (DNC), I wish to convey to the Norfolk Planning Commission the support of the DNC for the draft Complete Streets Policy scheduled for presentation to the commission by the Department of Planning. The DNC believes that the concepts embodied in Complete Streets (CS) are vital elements of a progressive community and that the draft CS policy will provide the basis and structure for a transition to Complete Streets in Norfolk.

The Downtown Norfolk Council established a Complete Streets Committee in 2012 and that committee has advocated CS policies and practices for Norfolk since then. The CS committee has supported the DNC sharrow program for Granby St. and jointly funded the bike rack program with the city that placed bike racks throughout the downtown district.

We have examined the draft CS policy from the perspective of the 10 elements recommended by the Smart Growth America/National Complete Streets Coalition as critical elements in successful CS policies. The Norfolk draft policy addresses all of the central elements recommended by the CS coalition. But we have identified in the attachment several elements in the Norfolk draft policy that we believe should be strengthened and we provide suggested changes.

While we support the intent and the general content of the draft CS Policy, we are concerned that the policy will be fully embraced by all of the city departments that play important roles in implementing the policy. In addition, the Multi-Disciplinary Design Team described in the policy is crucial to the successful implementation of the policy, and the Team leader should be the primary advocate for Complete Streets. We believe that the structure and composition of this team must be identified in the policy.

Very Truly yours,



Mary B. Miller  
President & CEO

Attachment: Specific Elements that should be strengthened, modified or clarified

Specific Elements of the draft Complete Streets Policy that should be strengthened, modified, or clarified:

1. In the second paragraph of the Policy section, the statement that "Norfolk shall incorporate" is very positive, but the phrase "to the extent possible" equivocates the resolve. The Exceptions section identifies specific instances when CS does not apply and the Multi-Disciplinary Design Team will identify the "most responsible and efficient use of fiscal resources". Also, delete "reasonably" from the safe travel comment.

Also, in the Policy section, revise the 4<sup>th</sup> bullet to "Vehicle and bike parking accommodations . . ."

Also, in the Policy section, an example of an "identified reasonable alternative" to bike facilities would be helpful.

2. In the Exceptions section, "Emergency repairs" is an unusual inclusion. It is reasonable that an emergency repair would not be considered a candidate for new complete streets facilities, but it is also reasonable that any pre-existing CS facilities be replaced after the repairs are completed.

Also in the Exceptions section, delete the exception for infrastructure that would be "contrary to public safety", as it would be contrary to the CS policy.

Also in the Exceptions section, many "severe topographical constraints" would be cost prohibitive, but there may be other considerations.

3. The items in the Implementation section should all include a responsible department or manager, and also an associated date for initial completion (some items are ongoing or to be maintained).

4. In the Performance Measures and Reporting section, the metrics don't convey the actual changes in facilities from year to year. We suggest that for each measure, delete the word "Change". For example, the "Total miles of new bike lanes" is sufficient to measure progress, and a chart or graph of prior years can identify trends.

5. In the Performance Measures and Reporting section, the last item should identify a responsible department or individual, and a date when the annual report will be delivered to City Council and posted online (example: 2 months after end of fiscal year?).



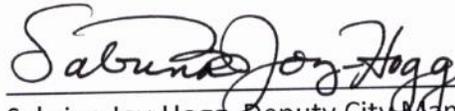
To the Honorable Council  
City of Norfolk, Virginia

January 26, 2016

From: David S. Freeman, AICP  
Director of General Services

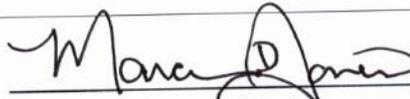
**Subject:** Conveyance to the Norfolk  
Redevelopment and Housing Authority  
of certain city-owned parcels of  
property

Reviewed:

  
Sabrina Joy-Hogg, Deputy City Manager

**Ward/Superward:** 5/6

Approved:

  
Marcus D. Jones, City Manager

**Item Number:**

**PH-5**

- I. **Recommendation:** Adopt Ordinance
- II. **Applicant:** Norfolk Redevelopment and Housing Authority
- III. **Description:**  
This agenda item is an ordinance to authorize the conveyance of certain city-owned properties to the Norfolk Redevelopment and Housing Authority ("NRHA").
- IV. **Analysis**  
NRHA has requested conveyance of certain parcels of city-owned property described as a portion of Lot 3, and Lots 4, 5, 6, 17, 18, 19, 20 and 21, in Block 2, as shown on a plat entitled "Plan Showing The Property of Ocean View Cottage Co." in furtherance of the Cottage Line Conservation Project.
- V. **Financial Impact**  
This conveyance will enable the city to place the property back on the tax rolls, and it will alleviate any financial responsibility of the city regarding maintenance of these grounds.
- 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 and the City Attorney’s Office.

**Supporting Material from the City Attorney’s Office:**

- Ordinance
- Exhibit A – Legal Description of the Property
- Exhibit B – Special Warranty Deed
- Aerial View of Property

Form and Correctness Approved:

By Nathaniel Saman  
Office of the City Attorney

Contents Approved:

By [Signature]  
DEPT.

NORFOLK, VIRGINIA

**ORDINANCE No.**

AN ORDINANCE AUTHORIZING THE CONVEYANCE TO NORFOLK REDEVELOPMENT AND HOUSING AUTHORITY OF THOSE CERTAIN PARCELS OF PROPERTY DESCRIBED AS A PORTION OF LOT 3, AND LOTS 4, 5, 6, 17, 18, 19, 20 AND 21, IN BLOCK 2, AS SHOWN ON THAT CERTAIN PLAT ENTITLED, "PLAN SHOWING THE PROPERTY OF OCEAN VIEW COTTAGE CO."

- - -

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

Section 1:- That the conveyance to Norfolk Redevelopment and Housing Authority of those certain parcels of property owned by the City of Norfolk and described hereinafter is hereby authorized and approved.

**PARCEL ONE**

ALL THOSE certain lots, pieces or parcels of land, with the buildings and improvements thereon, situate, lying and being in the City of Norfolk, Virginia and being known, numbered and designated as Lot 4 and a portion of Lot 3, Block 2, as shown on the plat entitled "PLAN SHOWING THE PROPERTY OF OCEAN VIEW COTTAGE CO.", which plat is recorded in the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia ("Chesapeake Clerk's Office") in Map Book 5, at page 24; said property being more particularly bounded and described as follows:

BEGINNING at a point on the northerly side of Hillside Avenue 100 feet westerly from the northwesterly intersection of Hillside Avenue and Chesapeake Street, as laid down on the aforesaid plat. The said point of beginning being the southwest corner of Lot Two in Block Two on the aforesaid plat and from said point of beginning running thence northerly parallel with Chesapeake Street 95 feet to a point; thence westerly parallel with Hillside Avenue 42.51 feet to a point; thence northerly parallel with Chesapeake Street 55 feet; thence westerly parallel with Hillside Avenue

57.50 feet to the northeast corner of Lot Five in Block Two; thence southerly along the easterly side of said Lot Five in said Block Two and parallel with Chesapeake Street 150 feet to the northerly side of Hillside Avenue; thence 100 feet to the point of beginning.

**PARCEL TWO**

ALL THAT certain lot, piece or parcel of land, with the buildings and improvements thereon, situate, lying and being in the City of Norfolk, Virginia, and known, numbered and designated as Lot 5, Block 2, as shown on the plat entitled "PLAN SHOWING THE PROPERTY OF OCEAN VIEW COTTAGE CO.", which plat is recorded in the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia in Map Book 5, at page 24.

**PARCEL THREE**

ALL THAT certain lot, piece or parcel of land, with the buildings and improvements thereon, situate, lying and being in the City of Norfolk, Virginia, and known, numbered and designated as Lot 17, Block 2, as shown on the plat entitled "PLAN SHOWING THE PROPERTY OF OCEAN VIEW COTTAGE CO.", which plat is recorded in the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia in Map Book 5 at page 24.

**PARCEL FOUR**

ALL THOSE certain lots, pieces or parcels of land, with the buildings and improvements thereon, situate, lying and being in the City of Norfolk, Virginia and being known, numbered and designated as Lot 18, 19, 20 and 21, Block 2, as shown on the plat entitled "PLAN SHOWING THE PROPERTY OF OCEAN VIEW COTTAGE CO.", which plat is recorded in the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia in Map Book 5 at page 24.

IT BEING the same property conveyed to Swank Properties, Inc., a Virginia Corporation, by deed from Economos Properties, Inc., a Virginia corporation (formerly Bonney Road Hotel, Inc.), dated January 12, 1990, and recorded January 24, 1990 in the Clerk's Office of the Circuit Court of City of Norfolk, Virginia, in Deed Book 2235, Page 680.

**PARCEL FIVE**

ALL THAT certain lot, piece or parcel of land, with the buildings and improvements thereon, situate in the City of Norfolk, Virginia, and being known, numbered and designated as Lot 6, in Block 2, as shown on that certain plat entitled "PLAN SHOWING THE PROPERTY OF OCEAN VIEW COTTAGE CO.", which said plat is duly recorded in the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia, in Map Book 5 at page 24.

IT BEING the same property conveyed to Swank Properties, Inc., a Virginia Corporation, by deed from Bank of America, N.A., a national banking association, Executor and Trustee under the Will of Howard F. Williford, deceased and Evelyn B. Williford, dated November 25, 2002, and recorded December 2, 2002 in the Clerk's Office of the Circuit Court of City of Norfolk, Virginia, as Document Number 020037502.

Section 2: - That the City Manager is authorized to deliver a deed, with Special Warranty of Title, in form satisfactory to the City Attorney, to Norfolk Redevelopment and Housing Authority, or whomever they shall designate, conveying the said parcels of property, and the City Manager is further authorized to do all things necessary and proper to effect the conveyance of the said parcels of property.

Section 3: - That this ordinance shall be in effect from and after thirty (30) days from the date of its adoption.



# City of NORFOLK

C: Dir., Department of General Services

To the Honorable Council  
City of Norfolk, Virginia

January 26, 2016

From: David S. Freeman, AICP  
Director of General Services

**Subject:** Sale of city-owned properties located at 1444 and 1446 W. 37<sup>th</sup> Street to Balance Builders, Inc.

Reviewed: Sabrina Joy Hogg  
Sabrina Joy-Hogg, Deputy City Manager

**Ward/Superward:** 2/7

Approved: Marcus D. Jones  
Marcus D. Jones, City Manager

**Item Number:** PH-6

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Balance Builders, Inc.

III. **Description:**

This agenda item is an ordinance to sell the vacant parcels of land owned by the city of Norfolk ("city"). The parcels, located at 1444 and 1446 W. 37<sup>th</sup> Street, will be developed into one lot containing a single-family, owner-occupant home enforced through Deed restriction.

IV. **Analysis**

Balance Builders, Inc. ("Balance") seeks to purchase and develop the properties located at 1444 and 1446 W. 37<sup>th</sup> Street. The cost to Balance for purchase of the properties from the city is \$18,000 as this is the *combined appraised value* for both lots. The city has owned these lots since 1952. Development of these parcels with a quality home built upon them will exemplify the continued expansion efforts in the area as well as adding to local comparable real estate values.

V. **Financial Impact**

Purchase Price	\$18,000.00
Typical Costs of Closing	Each party to this transaction shall pay its own legal fees.
Appraised Value of Lots	\$18,000.00 for both lots
FY2016 Assessed Value of Parcel	1444 (\$15,400.00) and 1446 (\$18,000.00)
Annual Real Property Tax Revenue	<ul style="list-style-type: none"> <li>\$384.10 annually (current total revenue for both lots)</li> <li>Potential \$2,070.00 annually (with land and improvements at a proposed value of \$180,000)</li> </ul>

**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

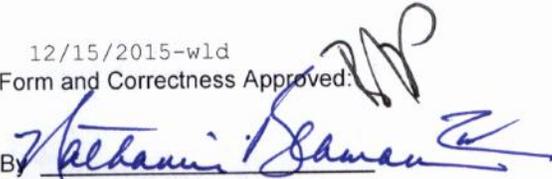
**IX. Coordination/Outreach**

This letter and ordinance have been coordinated with the Department of General Services – Office of Real Estate and the City Attorney's Office.

**Supporting Material from the City Attorney's Office:**

- Ordinance
- Exhibit A – Legal Description of the Property
- Exhibit B – Proposed Purchase and Sales Agreement
- Aerial View of Property

12/15/2015-wld  
Form and Correctness Approved:

By   
Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

By   
DEPT. General Services

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## ORDINANCE No.

AN ORDINANCE AUTHORIZING THE CONVEYANCE TO BALANCE BUILDERS, INC. OF A CERTAIN PARCEL OF PROPERTY LOCATED AT 1444 & 1446 W. 37<sup>TH</sup> STREET FOR THE TOTAL SUM OF \$18,000.00 IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE PURCHASE AND SALE AGREEMENT.

- - -

WHEREAS, the City of Norfolk owns certain properties known as 1444 & 1446 W. 37<sup>th</sup> Street; and

WHEREAS, Balance Builders, Inc. ("BB") has offered to purchase the said properties being described in Exhibit A attached hereto, from the City of Norfolk for the sum of \$18,000.00; and

WHEREAS, Section 2(5) of the Norfolk City Charter provides the City with broad authority for the disposition of its real property; and

WHEREAS, Council has determined that the public interest is best served by the conveyance of the properties to BB for the sum of \$18,000.00 upon the terms and conditions set forth in the Purchase and Sale Agreement attached hereto as Exhibit B; now, therefore,

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

Section 1:- That the sale to BB of those certain parcels of properties described in Exhibit A, for the sum of \$18,000.00, is hereby authorized and the Purchase

and Sale Agreement, a copy of which is attached as Exhibit B, is hereby approved.

Section 2:- That upon receipt of the sum of \$18,000.00 and the satisfaction of all terms and conditions set forth in the Purchase and Sale Agreement, the City Manager is authorized to deliver a deed conveying the said properties to BB, with Special Warranty of Title, in form satisfactory to the City Attorney, and the City Manager is further authorized to do all things necessary and proper to carry out the terms of the Purchase and Sale Agreement.

Section 3:- That the City Manager, with the advice and counsel of the City Attorney, may correct, revise or amend the Purchase and Sale Agreement as he may deem advisable in order to carry out the intent of the Council as expressed herein.

Section 4:- That this ordinance shall be in effect from and after thirty (30) days from the date of its adoption.

## EXHIBIT A TO ORDINANCE

### **1444 and 1446 37<sup>th</sup> Street Part of Lots 25, 26, and 28 – Block 7 – Lamberts Point**

A rectangular-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being composed of parts of Lots 25, 26, and 27 in Block 6 as shown on the plat entitled, "Lamberts Point Company" said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk (formerly Norfolk County), Virginia, in Map Book 4 at Page 91, which said parts of lot taken together are described as follows: Beginning at a corner of the eastern line of Parker Avenue and the northern line of 37<sup>th</sup> Street and extending northerly along the eastern line of Parker Avenue for a distance of 75.00 feet; thence, southerly and parallel with Parker Avenue a distance of 87.00 feet; thence, westerly and parallel with 37<sup>th</sup> street, a distance of 75.00 feet to the point of beginning, all as described by deed duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk (formerly Norfolk County), Virginia, in Deed Book 614 at Pages 44-46.

The above described parcel contains 0.15 of an acre, more or less.

*September 28, 2015*

EXHIBIT B TO ORDINANCE

**PURCHASE AND SALE AGREEMENT**

**THIS AGREEMENT** made this \_\_\_ day of \_\_\_\_\_, 2015, by and between the **CITY OF NORFOLK**, a municipal corporation of the Commonwealth of Virginia ("City"), and **BALANCE BUILDERS, INC.**, a Virginia corporation ("BB"), whose address is 2525 Oconee Avenue, #101, Virginia Beach, Virginia 23454.

**RECITALS:**

A. City is the owner in fee simple of certain real property known as 1444 & 1446 37<sup>th</sup> Street, together with all improvements thereon and all rights and appurtenances thereunto pertaining, located in the City of Norfolk, Virginia, said property being described in Exhibit A, which is attached hereto and made a part hereof ("Property").

B. BB desires to purchase the property from City and City desires to sell the Property to BB in accordance with the terms and conditions of this Agreement.

C. These recitals are incorporated by this reference into this Agreement.

D. The conveyance of the Property to BB will enable BB to combine both lots and construct attractive and affordable housing that will enhance the Property, as well as the neighborhood generally, and will return the Property to the real estate tax rolls.

**NOW, THEREFORE**, in consideration of the purchase price and the mutual promises contained in this Agreement, the parties agree as follows:

1. SALE. City agrees to sell and BB agrees to purchase the Property, together with all easements, rights, and appurtenances thereto, and all buildings and improvements now located thereon.

2. PURCHASE PRICE. The purchase price (the "Purchase Price") for the Property is **Eighteen Thousand Dollars and 0/100 (\$18,000.00)**, and the Purchase Price will be paid in the form of a certified check or by wire transfer of funds at Closing.

3. DEPOSIT. Within five (5) business days from the date this Agreement is fully executed by City, BB shall deposit with an escrow agent selected by City ("Escrow Agent") the sum of **One Thousand Eight Hundred Dollars and 0/100 (\$1,800.00)** in cash as earnest money ("Deposit"). The Deposit shall be deposited by the Escrow Agent in a fully federally insured interest bearing account and all interest accruing on the Deposit shall belong to BB in all events. The Deposit shall be non-refundable except as specifically set forth herein.

4. CONVEYANCE.

a. City agrees to convey the Property "AS IS" to BB by Special Warranty Deed, subject to applicable easements and restrictive covenants of record.

b. Possession of the Property will be given to BB at closing.

c. City agrees to pay the expenses of preparing the deed and to pay any fees or costs that are normally the responsibility of the Grantor. BB will pay all other fees and costs charged in connection with the transfer of the Property and the recordation of the deed.

d. City and BB agree that the attorney or title insurance company ("Title Company") selected by BB shall act as the settlement agent ("Settlement Agent") at BB's expense. The Settlement Agent shall prepare the settlement statement, update and record the deed, collect and disburse settlement funds in accordance with this Agreement and the settlement statement, and file any required state and federal tax forms or other certifications in accordance with Paragraph 19.

5. FEASIBILITY PERIOD. BB shall have 120 days from the date the Purchase and Sale Agreement is executed by all parties in which to complete its assessment of the Property, including title examination and environmental assessment.

6. CLOSING. Closing will be made at the offices of the Norfolk City Attorney, 810 Union Street, Suite 900, Norfolk, Virginia 23510, or such other location as the parties may agree, within 120 days of the effective date of the ordinance authorizing the conveyance of the property by City ("Effective Date"), or as soon thereafter as settlement documents can be prepared and any title issues can be resolved.

7. CONDITIONS. BB's obligations are expressly conditioned upon the satisfaction of each of the following conditions in the sole determination of BB, it being understood that City is under no obligation whatsoever to expend any funds to satisfy any of these conditions. If any one of the following conditions cannot be met within the Feasibility Period, BB may unilaterally terminate this Agreement:

a. Receipt of a satisfactory title commitment.

b. Receipt of a Phase I Environmental Assessment and Report ("Phase I Report") conducted and prepared by an environmental engineering and inspection company selected by BB at BB's expense, and such other testing and reports as may be reasonably required by BB or recommended in the Phase I Report, any such additional testing and reports will be at the BB's expense.

c. Satisfaction by City of all obligations under this Agreement.

8. SOLD "AS IS"; NO REPRESENTATIONS AND WARRANTIES BY CITY. BB acknowledges that City has made no representations or warranties whatsoever in regard to the Property, except for Special Warranty of Title. BB agrees that they have inspected and are thoroughly familiar with the Property and are acquiring the Property in its "as is" condition. BB understands and agrees that City has not made and makes no representations or warranties of any kind with respect to the condition of the Property or its fitness, suitability or acceptability for any particular use or purpose, and City shall not be liable for any latent or patent defects therein.

9. LOT NOT BUILDABLE. BB acknowledges that each lot being conveyed, standing alone, is not of sufficient size or dimension to permit the construction of a single family dwelling under the regulations of the City of Norfolk currently in effect.

10. DEVELOPMENT. BB understands and agrees that no building permit shall be issued for the development of a single-family dwelling on the parcel until a zoning certificate has been granted by the Department of City Planning, which verifies that the proposed single-family dwelling to be built on the parcel is consistent with the prevailing pattern in the neighborhood with respect to the footing, massing, scale, appearance, fenestration, roof lines and other exterior elements.

11. OWNER OCCUPIED. The deed shall contain a restrictive covenant limiting construction upon and use of the property to single-family, owner occupied dwellings and structures appurtenant thereto.

12. NOTICES. All notices to the parties hereto will be delivered by hand, via certified mail return receipt requested, or via facsimile and all be deemed effective upon delivery if by hand and upon confirmation of receipt if by other means, to the following address until the address is changed by notice in writing to the other party:

Purchaser: Geoffrey Wallace  
Balance Builders, Inc.  
2525 Oconee Avenue, #101  
Virginia Beach, Virginia 23454

City: City of Norfolk  
Attn: Bernard Pishko, City Attorney  
810 Union Street, Suite 900  
Norfolk, Virginia 23510

13. SURVIVAL. The provisions contained in this Agreement will be true as of the date of this Agreement and as of the date of Closing and will survive the Closing.

14. BROKERAGE OR AGENT'S FEES. Neither City nor BB are represented by a real estate broker, agent or finder in this transaction. No fees or commissions are or will be due from or payable by City as a result of this transaction. City shall not have any obligation whatsoever to

pay any brokers or agent's fees or commissions, nor shall City have any obligation whatsoever to see that any such fees or commissions are paid.

15. DEFAULT AND REMEDIES.

a. If the conveyance contemplated by this Agreement is not consummated because of City's or BB's default, the non-defaulting party may elect to:

- i. Terminate this Agreement;
- ii. Seek and obtain specific performance of this Agreement; or

16. ENTIRE AGREEMENT. This Agreement contains the entire agreement of the parties and will supersede the terms and conditions of all prior written and oral agreements, if any, concerning the matters it covers. The parties acknowledge there are no oral agreements, understandings, representations, or warranties that supplement or explain the terms and conditions contained in this Agreement. This Agreement may not be modified except by an agreement in writing signed by the parties.

17. GOVERNING LAW. This Agreement is to be construed in accordance with the laws of the Commonwealth of Virginia.

18. SUCCESSOR/ASSIGNMENT. This Agreement will be binding upon and the obligations and benefits hereof will accrue to the parties hereto, their heirs, personal representatives, successors and assigns.

19. IRS REPORTING REQUIREMENTS. For the purpose of complying with any information reporting requirements or other rules and regulations of the Internal Revenue Service ("IRS") that are or may become applicable as a result of or in connection with the transaction contemplated by this Purchase and Sale Agreement including, but not limited to, any requirements set forth in proposed Income Tax Regulation Section 1.6045-4 and any final or successor version thereof (collectively the "IRS Reporting Requirements"), City and BB hereby designate and appoint BB's attorney or Title Company to act as the "Reporting Person" (as that term is defined in the IRS Reporting Requirements) to be responsible for complying with any IRS Reporting Requirements. The attorney or Title Company hereby acknowledges and accepts such designation and appointment and agrees to fully comply with any IRS Reporting Requirements that are or may become applicable as a result of or in connection with the transaction contemplated by this Purchase and Sale Agreement. Without limiting the responsibility and obligations of the attorney or Title Company as the Reporting Person, City and BB hereby agree to comply with any provisions of the IRS Reporting Requirements that are not identified therein as the responsibility of the Reporting Person, including but not limited to, the requirement that City and BB each retain an original counterpart of this Purchase and Sale Agreement for at least four (4) years following the calendar year of the Closing.

WITNESS the following duly authorized signatures and seals:

**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, whose term of office expires on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, do hereby certify that Marcus D. Jones, City Manager, and R. Breckenridge Daughtrey, City Clerk, respectively, of the City of Norfolk, whose names as such are signed to the foregoing Purchase and Sale Agreement dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, have acknowledged the same before me in my City and State aforesaid.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

Registration No. \_\_\_\_\_

APPROVED AS TO CONTENTS:

\_\_\_\_\_  
Director, Department of General Services

APPROVED AS FORM AND CORRECTNESS:

\_\_\_\_\_  
Deputy City Attorney

**PURCHASER:**

**BALANCE BUILDERS, INC.**

**By:** \_\_\_\_\_

**Title:** \_\_\_\_\_

COMMONWEALTH OF VIRGINIA  
CITY OF NORFOLK, to-wit:

I, \_\_\_\_\_, a Notary Public in and for the City of \_\_\_\_\_, in the Commonwealth of Virginia, whose term of office expires on \_\_\_\_\_, do hereby certify that \_\_\_\_\_, the \_\_\_\_\_ of Balance Builders, Inc., whose name is signed to the foregoing Purchase and Sale Agreement dated \_\_\_\_\_, has acknowledged the same before me in my City and State aforesaid. He is personally known to me or has produced a driver's license as identification.

Given under my hand this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

Registration No. \_\_\_\_\_

## EXHIBIT A

### **1444 and 1446 37<sup>th</sup> Street Part of Lots 25, 26, and 28 – Block 7 – Lamberts Point**

A rectangular-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being composed of parts of Lots 25, 26, and 27 in Block 6 as shown on the plat entitled, "Lamberts Point Company" said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk (formerly Norfolk County), Virginia, in Map Book 4 at Page 91, which said parts of lot taken together are described as follows: Beginning at a corner of the eastern line of Parker Avenue and the northern line of 37<sup>th</sup> Street and extending northerly along the eastern line of Parker Avenue for a distance of 75.00 feet; thence, southerly and parallel with Parker Avenue a distance of 87.00 feet; thence, westerly and parallel with 37<sup>th</sup> street, a distance of 75.00 feet to the point of beginning, all as described by deed duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk (formerly Norfolk County), Virginia, in Deed Book 614 at Pages 44-46.

The above described parcel contains 0.15 of an acre, more or less.

*September 28, 2015*





To the Honorable Council  
City of Norfolk, Virginia

January 26, 2016

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

Subject: **Amendments to the Code of the City of Norfolk, Virginia, 1979, as amended; Chapter 5. – “Amusements;” Article II. – “Public Dance Halls;”** to remove Section 5-23 “Minimum seating requirements”, and Section 5-26 “Minors prohibited if alcoholic beverages are sold; exception”; and to amend Section 5-22.1 “Security requirements”, section 5-24 “Closing hours”, Section 5-40 “Application generally”, and Section 5-42 “Referral of application to city manager.”

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: Citywide

Approved:

Marcus D. Jones, City Manager

Item Number:

**R-1**

- I. **Staff Recommendation: Approval**
- II. **Request:** An ordinance to remove the mandatory minimum seating requirements and the prohibition of minors whenever alcoholic beverages are served or sold at public dance halls.
- III. **Applicant: City of Norfolk**
- IV. **Description:**
  - This agenda item is to amend Chapter 5, Article II of the City Code in order to remove certain operational requirements for public dance halls that have been largely superseded by the modern practice of regulating through the special exception permit process.
    - In particular, an application for a special exception to authorize the operation of an Entertainment Establishment known as “Mambo Room” at 419 West 22<sup>nd</sup> Street includes a full roster of operational conditions to mitigate any negative impacts that might otherwise result.
    - Although the Mambo Room is essentially a dance school, it technically meets the definition of a “public dance hall” under City Code because it will be open to the public on occasions when special events and performances are being held and it proposes a dance floor with an area exceeding ten percent of the total floor area of the establishment.

**V. Analysis**

- The City first began regulating the operation of public dance halls in 1919.
  - The law at that time prohibited people who were “under the influence of liquor” or “not of good fame” from being inside the dance hall.
- In 1944, the City added more limitations, including a rule prohibiting minors in the hall whenever “alcoholic beverages are sold or dispensed for consumption.”
- The next amendment to these rules, adopted in 1967, added a requirement that the dance hall provide one seat for every patron “present at any one time.”
- A survey of other Virginia cities shows that, in addition to Norfolk, Newport News, Richmond, Roanoke, Suffolk, and Virginia Beach all impose operational rules for dance halls.
  - However, none of the other cities impose a mandatory minimum seating requirement.
  - Because Norfolk carefully regulates Entertainment Establishments through its special exception process, the minimum seating rule adopted in 1967 and the prohibition against minors adopted in 1944 have effectively been obviated by the more specialized conditions imposed in the special exception.
  - Therefore, it is recommended that these older, less precise attempts to mitigate negative impacts that may be caused by public dance halls be eliminated.
  - This ordinance accomplishes that change.

**VI. Financial Impact**

Not applicable.

**VII. Environmental**

Not applicable.

**VIII. Community Outreach/Notification**

Not applicable.

**IX. Board/Commission Action**

No Board or Commission actions are required.

**X. Coordination/Outreach**

This letter has been coordinated with the Department of Law.

Staff points of contact: Matthew Simons, CFM, City Planner II – Land Use Services at 664-4750, [matthew.simons@norfolk.gov](mailto:matthew.simons@norfolk.gov) and Adam D. Melita, Deputy City Attorney – Law Department at 664-4366, [adam.melita@norfolk.gov](mailto:adam.melita@norfolk.gov)

**Supporting Material from the City Attorney’s Office:**

- Ordinance

RAP

Form and Correctness Approved:

Contents Approved:

By [Signature]  
Office of the City Attorney

By [Signature]  
DEPT.

NORFOLK, VIRGINIA

### ORDINANCE No.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 5, ARTICLE II OF THE NORFOLK CITY CODE, 1979, IS HEREBY AMENDED AND REORDAINED SO AS TO REMOVE THE MANDATORY MINIMUM SEATING REQUIREMENTS AND THE PROHIBITION OF MINORS WHENEVER ALCOHOLIC BEVERAGES ARE SERVED OR SOLD AT PUBLIC DANCE HALLS.

R-1

- - -

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

Section 1:- That Chapter 5, Article II of the Norfolk City Code, 1979, is hereby amended and reordained so as to remove the mandatory minimum seating requirements and the prohibition of minors whenever alcoholic beverages are served or sold at public dance halls. The amendments shall read as follows:

**ARTICLE II. PUBLIC DANCE HALLS <sup>(2)</sup>**

**DIVISION 1. GENERALLY**

Sec. 5-19. Definition.

Sec. 5-20. Violations of article.

Sec. 5-21. Reserved.

Sec. 5-22. Right of entry of police.

Sec. 5-22.1. Security requirements.

Sec. 5-23. Minimum seating requirements.

Sec. 5-24. Reserved.

Sec. 5-25. Operator not to permit intoxicated or disorderly persons on premises.

Sec. 5-26. Reserved.

Sec. 5-27. Lewd, indecent, etc., dances, etc.

Secs. 5-28-5-38. Reserved.

(2) License tax for dance halls, § 24-100.

Authority of city to regulate public dance halls. Code of Virginia, § 15.2-912.3.

...

**Sec. 5-22.1. Security requirements.**

Each such place authorized shall provide minimum security as follows: one uniformed security guard per one hundred (100) attendees with a minimum of five (5) uniformed security guards for the first three hundred (300) attendees.

**Sec. 5-23. Reserved.**

**Sec. 5-24. Closing hours.**

The closing hour of any place used as a public dance halls shall not be later than 2:00 a.m. and such place shall not open as a public dance hall until 12:00 noon. (Code 1958, § 15.1-12)

...

**Sec. 5-26. Reserved.**

...

**Sec. 5-40. Application generally.**

Any person desiring to obtain a permit for the operation of a public dance hall shall make written application therefor to the city council. Such application shall be filed with the department of planning and shall contain the following information:

- (1) The location of the proposed dance hall.
- (2) The names and addresses of all persons who are owners, operators or managers of such dance hall, together with the names and addresses of all persons having a financial interest in such dance hall, including stockholders, lien

holders or partners.

- (3) If the owner or operator is a corporation, the names and addresses of the true or equitable owners of the stock of such corporation.
- (4) A detailed statement of the facilities to be provided, including type of food or beverages to be offered, the seating capacity of the dance hall and the amount of off-street parking space available for patrons. (Code 1958, § 15.1-3)

...

**Sec. 5-42. Referral of application to city manager.**

The department of planning is hereby authorized and directed to transmit directly to the city manager, for review and report to the council at a subsequent meeting, each application for a permit under this division, without first submitting the same to the council. (Code 1958, § 2-6)

Section 2:- That this ordinance shall be in effect from the date of its adoption.



To the Honorable Council  
City of Norfolk, Virginia

January 26, 2016

From: David S. Freeman, AICP  
Director of General Services

**Subject:** Encroachment Agreement  
with Pimento Island Bistro for  
Outdoor Dining at 1902 Colley Avenue

Reviewed: *Sabrina Joy Hogg*  
Sabrina Joy Hogg, Deputy City Manager

**Ward/Superward:** 2/6

Approved: *Marcus D. Jones*  
Marcus D. Jones, City Manager

**Item Number:**  
**R-2**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** EDR Enterprises, Inc.  
d/b/a Pimento Island Bistro

III. **Description:**  
This agenda item is an ordinance to permit EDR Enterprises, Inc. d/b/a Pimento Island Bistro ("Bistro") to encroach into the City of Norfolk's ("city's") right-of-way at 1902 Colley Avenue with an area measuring 107.8 square feet for use as an outdoor dining area and for no other purpose.

IV. **Analysis**  
Bistro will use this encroachment area to extend their establishment's seating options and offer outdoor dining in addition to their indoor seating. The design and space allotted for the encroachment has been approved by the Architectural Review Board. The city will be an insured party throughout Bistro's use of the encroachment.

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.

Cost for Encroachment (Colley Ave.)	Annual Rent: \$646.80 (to be paid quarterly: \$161.70 per quarter)
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**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**

The Department of Public Works, Department of General Services - Office of Real Estate, and the City Attorney's Office have reviewed this request for encroachment and offer no objections. The Architectural Review Board has approved.

**IX. Coordination/Outreach**

This ordinance has been coordinated with the Department of General Services – Office of Real Estate and the City Attorney's Office.

**Supporting Material from the City Attorney's Office:**

- Ordinance
- Exhibit A – Proposed Encroachment Agreement

12/22/15 lds

Form and Correctness Approved

RAP

By [Signature]  
Office of the City Attorney

Contents Approved:

By [Signature]  
DEPT.

NORFOLK, VIRGINIA

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## ORDINANCE No.

AN ORDINANCE APPROVING AN ENCROACHMENT AGREEMENT WITH EDR ENTERPRISES, INC., DBA PIMENTO ISLAND BISTRO, FOR PROPERTY AT 1902 COLLEY AVENUE.

- - -

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

Section 1:- That the terms and provisions of the Encroachment Agreement between the City of Norfolk and EDR Enterprises, Inc., dba Pimento Island Bistro, a copy of which is attached hereto as Exhibit A, by which the City of Norfolk authorizes EDR Enterprises, Inc. to encroach into the right of way at 1902 Colley Avenue, with an area measuring 107.8 square feet on Colley Avenue, upon certain conditions specifically set forth therein, is hereby approved.

Section 2:- That the terms and conditions of the Encroachment Agreement are hereby approved and the City Manager is hereby authorized to execute the Encroachment Agreement and do all things necessary for its implementation.

Section 3:- That this ordinance shall be in effect from and after its adoption.

## ENCROACHMENT AGREEMENT

This Encroachment Agreement (hereinafter "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 (hereinafter "City"), and **EDR Enterprises, Inc.**, a Virginia corporation, dba **Pimento Island Bistro** (hereinafter "Bistro").

### WITNESSETH:

1.     **ENCROACHMENT AREA.** City hereby grants permission to Bistro to encroach into the right of way of Colley Avenue at 1902 Colley Avenue, with an area measuring approximately 107.8 square feet, as shown on **Exhibit A** attached hereto ("Patio"), for the purpose of outdoor dining and no other purpose.

2.     **USE.** Bistro shall be permitted to occupy the Patio for outdoor dining uses in conjunction with the operation of the restaurant as an eating and drinking establishment.

3.     **TERM; TERMINATION.** The term of the permission to encroach granted hereby shall be no longer than five (5) years and shall commence on February 1, 2016, or upon the effective date of any authorizing ordinance, whichever shall last occur, and shall terminate on January 31, 2021. However, it is expressly understood that the permission granted hereby is expressly subject to the right of revocation by the Norfolk City Council, and that in the event of such revocation, Bistro, or its successors or assigns, if requested by City, shall remove the encroaching structures and shall cease using the Patio.

4.     **COMPENSATION.** As compensation for the privilege of encroaching into the right of way, Bistro shall pay City annual rent in the amount of Six Hundred Forty-Six and 80/100 Dollars (\$646.80) in quarterly installments of \$161.70 beginning on the first day of February, 2016 or the day the ordinance is effective whichever is later and every three months thereafter. The rent shall be paid by check payable to the Norfolk City Treasurer and sent to the

Real Estate Office, Department of General Services, 232 E. Main Street, Suite 250, Norfolk, Virginia 23510.

5. **LATE FEES.** For any late payments received 15 days after the date due, Bistro 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 Patio. Bistro 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 necessary to serve the Patio.

7. **REPAIRS.** Bistro shall keep and maintain the Patio in good and complete state of repair and condition. Bistro shall make all repairs and replacements of every kind to the sidewalks and paved areas of the Patio in order to preserve and maintain the condition of the Patio. All such repairs and maintenance shall be performed in a good and workmanlike manner, be at least equal in quality and usefulness to the original components, and not diminish the overall value of the Patio.

8. **REQUIREMENTS OF PUBLIC LAWS.** Bistro shall suffer no waste or injury to the Patio and shall comply with all federal, state and municipal laws, ordinances and regulations applicable to the structure, use and occupancy of the Patio. In addition, Bistro shall effect the correction, prevention and abatement of nuisances, violations or other grievances in, upon or connected with the Patio.

9. **CITY'S RIGHT TO ENTER AND CURE.** City shall retain the right to enter upon the Patio at any time for the purpose of inspecting the Patio, ascertaining compliance with this Agreement, and making any repairs which City deems necessary as a consequence of any failure of Bistro to meet its 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

Patio or 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 Bistro 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:

To City: Department of General Services – Real Estate Office  
232 E. Main Street, Suite 250  
Norfolk, Virginia 23510

To Bistro: EDR Enterprises, Inc.  
1902 Colley Avenue  
Norfolk, Virginia 23517

With copy 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. **ENVIRONMENTAL MATTERS.** Bistro agrees that it will not introduce onto the Patio any toxic, hazardous or dangerous materials unless such material is stored, safeguarded, or used in accordance with applicable laws and regulations. Bistro will not allow any air, water or noise pollution to occur in the Patio. Bistro hereby agrees to use and occupy the Patio in a safe and reasonable manner and in accordance with applicable law.

City in turn agrees that Bistro shall not be responsible or assume liability for environmental conditions existing on or about the Patio prior to occupancy by Bistro.

12. **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.

13. **NON-LIABILITY OF CITY.** City shall not be liable for any damage or injury which may be sustained by Bistro 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, if any, upon the Patio, or by reason of the elements.

14. **REMOVAL OF SNOW.** Bistro agrees to remove or cause to be removed, as the need for the same arises, snow and ice from the Patio.

15. **ALTERATIONS.** Bistro covenants and agrees that it will not make any improvements, changes installations, renovations, additions or alterations in and about the Patio without the prior written consent of the City other than the approval given by Norfolk's Architectural Review Board and Norfolk's Planning Commission. If Bistro installs or makes any improvements, additions, installations, renovations, changes on or to the Patio with the approval of City, Bistro hereby agrees to remove, if requested by City, any improvements, additions, installations, renovations, changes on or to the Patio upon termination of this Agreement. In the event Bistro fails to remove and is requested to do so by City, then City may remove the improvements, additions, installations, renovations, changes and Bistro shall pay for the cost of such removal.

16. **ASSIGNMENT AND SUBLETTING.** City and Bistro agree that the permission to encroach granted hereby may not be assigned by Bistro without written approval from Norfolk's City Manager.

17. **SURRENDER BY BISTRO.** Bistro will surrender possession of the Patio to City and remove all goods and chattels and other personal property therefrom upon termination of the permission granted hereby. Bistro shall return the Patio to the City in as good

order and condition as it was at the beginning of Bistro use of the Patio. If Bistro has been requested to remove and fails to remove all items from the Patio upon termination hereof, City is authorized to remove and dispose of any such personal property and Bistro shall be liable to City for the cost of any removal and disposal.

18. **INSURANCE.** Bistro shall maintain in full force and effect a Commercial General Liability insurance policy, occurrence form, for the duration of this agreement. The policy will provide combined single limit for bodily injury, death and property damage insurance in the amount of one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) aggregate, insuring City and Bistro against liability claims and suits arising out of the use, occupancy, or maintenance of the Patio and appurtenant areas. The policy shall be endorsed as primary insurance in favor of City naming the City, its officers, employees, agents and representatives as additional named insured, as 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 the City Manager if the insurance is cancelled or modified.

19. **INDEMNIFICATION.** Bistro 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 Patio by reason of any breach or nonperformance of any covenant or condition of this Agreement by Bistro, or by Bistro's act of negligence, and not caused in whole or in part by City.

20. **FIXTURES.** City covenants and agrees that no part of the improvements constructed, erected or placed by Bistro in the Patio 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 Bistro to covenant and

agree that all improvements of every kind and nature constructed, erected or placed by Bistro in the Patio shall be and remain the property of Bistro, unless such improvements are not removed upon termination of this Agreement.

21. **LIENS OR ENCUMBRANCES.** If because of any act or omission of Bistro, any mechanic's lien or other lien, charge or order for the payment of money shall be filed against any portion of the Patio, Bistro 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 Bistro of the filing thereof, and Bistro shall have the right to contest the validity of such lien if it so chooses.

23. **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 the City of Norfolk, Virginia.

24. **WAIVER OF TRIAL BY JURY.** To the extent permitted by law, City and Bistro 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 Bistro by this agreement.

25. **OTHER REQUIREMENTS.**

(a) Bistro shall comply with all requirements of the City of Norfolk Department of Public Health with respect to the use of the Patio.

(b) The use of the Patio shall be subject to the jurisdiction and review of the City of Norfolk's Architectural Review Board.

(c) Bistro use of the Patio shall not interfere with any water meters or sewer cleanouts.

(d) A trash can compatible in design and style with the table and chairs will be provided for the outdoor dining, and trash shall be removed daily.

(e) Tables and chairs will be arranged according to plan approved by Norfolk's Architectural Review Board.

**IN WITNESS WHEREOF**, Parties 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.

**THE CITY OF NORFOLK**

By: \_\_\_\_\_  
Marcus, D. Jones, City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

**EDR ENTERPRISES, INC.  
DBA PIMENTO ISLAND BISTRO**

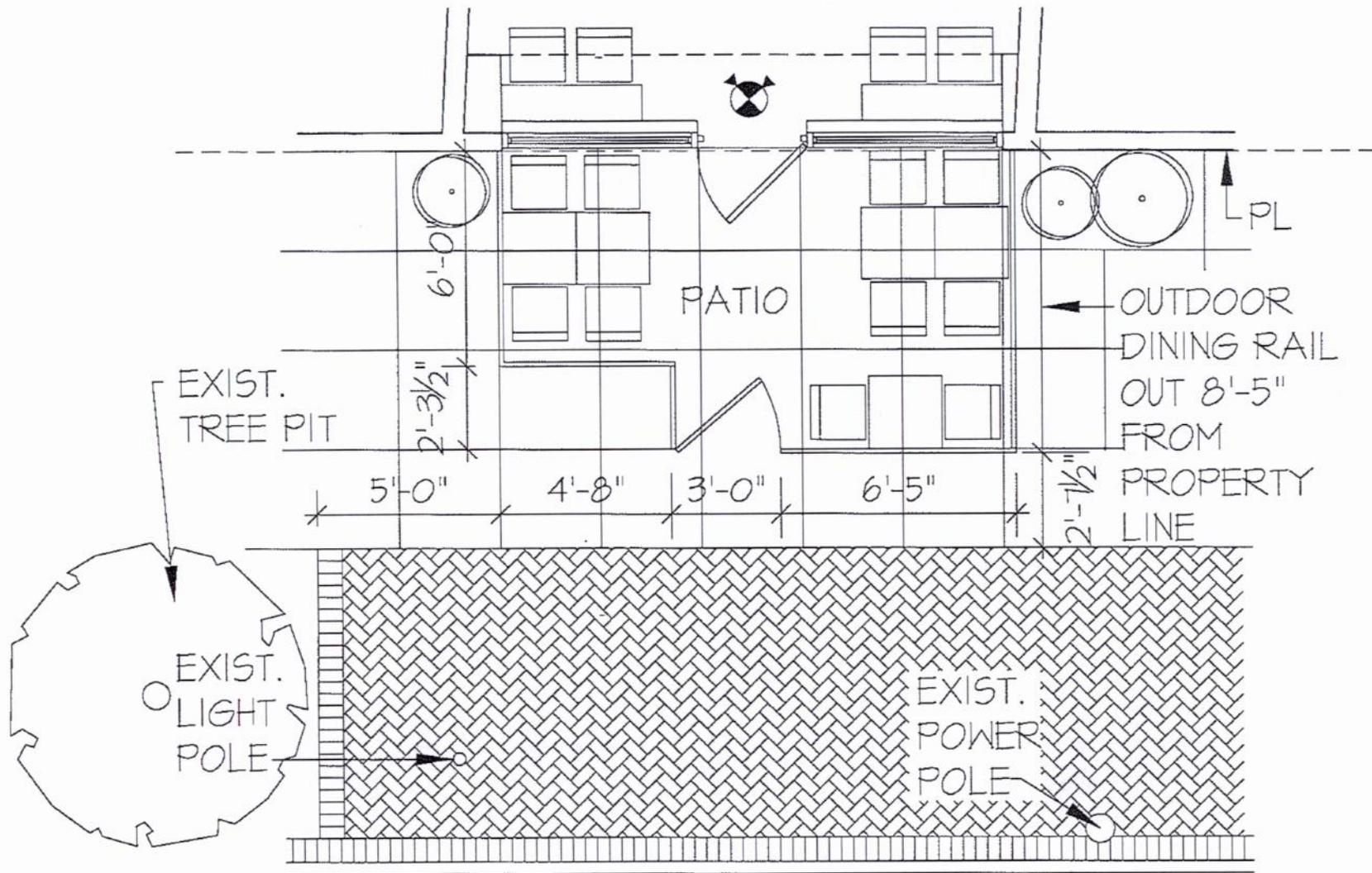
By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Print Title: \_\_\_\_\_

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Director, General Services

FORM & CORRECTNESS APPROVED:

\_\_\_\_\_  
Deputy City Attorney



PIMENTO ISLAND BISTRO: 1902 COLLEY AVENUE, NORFOLK, VA 23517

1/4" = 1'-0"

REVISED 9-1-2015



To the Honorable Council  
City of Norfolk, Virginia

January 26, 2016

From: David L. Ricks, Director of Public Works

**Subject:** Encroach into the right-of-way of 9<sup>th</sup> View Street at 902 W. Ocean View Avenue with a covered wooden patio, swing set, wooden walkway with bollards, staircase, water fountain with PVC piping, low voltage electrical lighting and a concrete driveway

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

**Ward/Superward:** 1/6

Approved:

Marcus D. Jones, City Manager

**Item Number:**

**R-3**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Poseidon Properties, LLC  
902 W. Ocean View Avenue  
Norfolk, Virginia 23503

III. **Description:**

This agenda item is an ordinance permitting Poseidon Properties, LLC to encroach into the right-of-way of 9<sup>th</sup> View Street at 902 W. Ocean View Avenue with an existing covered wooden patio, swing set, wooden walkway with bollards, staircase, water fountain with PVC piping, low voltage electrical lighting and a concrete driveway.

IV. **Analysis:**

The encroachment in this location will allow Poseidon Properties, LLC keep existing accessory encroachments.

V. **Financial impact:**

Liability insurance has been provided naming the City of Norfolk ("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 has reviewed this request for encroachment and offer no objections. Review and approval by the Norfolk Design Review Committee and the City Planning Commission is not required.

**IX. 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

Form and Correctness Approved:

*RAP*

By *Natasha Seaman*  
Office of the City Attorney

*ASD*

Contents Approved:

By *ASD*  
DEPT. Public Works

NORFOLK, VIRGINIA

### ORDINANCE No.

AN ORDINANCE PERMITTING POSEIDON PROPERTIES, LLC TO ENCROACH INTO THE RIGHT-OF-WAY OF 9<sup>TH</sup> VIEW STREET AT 902 W. OCEAN VIEW AVENUE WITH A COVERED WOODEN PATIO, SWING SET, WOODEN WALKWAY WITH BOLLARDS, STAIRCASE, WATER FOUNDATION WITH PVC PIPING, LOW VOLTAGE ELECTRICAL LIGHTING AND A CONCRETE DRIVEWAY.

- - -

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

Section 1:- That permission is hereby granted to Poseidon Properties, LLC ("Poseidon") to encroach into the right-of-way of 9<sup>th</sup> View Street at 902 W. Ocean View Avenue with a variable width concrete driveway, covered wooden patio, swing set, wooden walkway with bollards, staircase, water fountain with PVC piping and low voltage electrical lighting, as shown on Exhibit A attached hereto, such permission being further subject to the following conditions:

- (A) That this permission is expressly subject to the right of revocation by the Council at any time in its sole discretion, and that in the event of such revocation, Poseidon, or its successors and assigns, shall immediately remove the encroaching structures.
- (B) That upon the removal of the encroaching structures or any part thereof, the authority hereby granted shall cease and terminate.
- (C) That Poseidon, 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 this encroachment commercial general liability insurance with a company authorized to do business in the Commonwealth of Virginia. The amount of insurance shall be 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 of Norfolk ("City") and/or Poseidon, 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. City shall be named as additional insured under such insurance, and a copy of the insurance policy, or a certificate of insurance, evidencing the insurance coverage, including any renewals or significant changes in coverage, shall be provided to the City Law Department.

- (D) That 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 at 902 W. Ocean View Avenue and the right-of-way of 9<sup>th</sup> View Street.

Section 2:- That the failure of Poseidon, 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 Poseidon, 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.

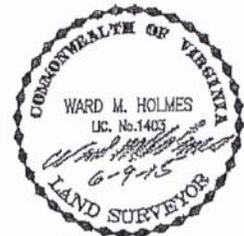
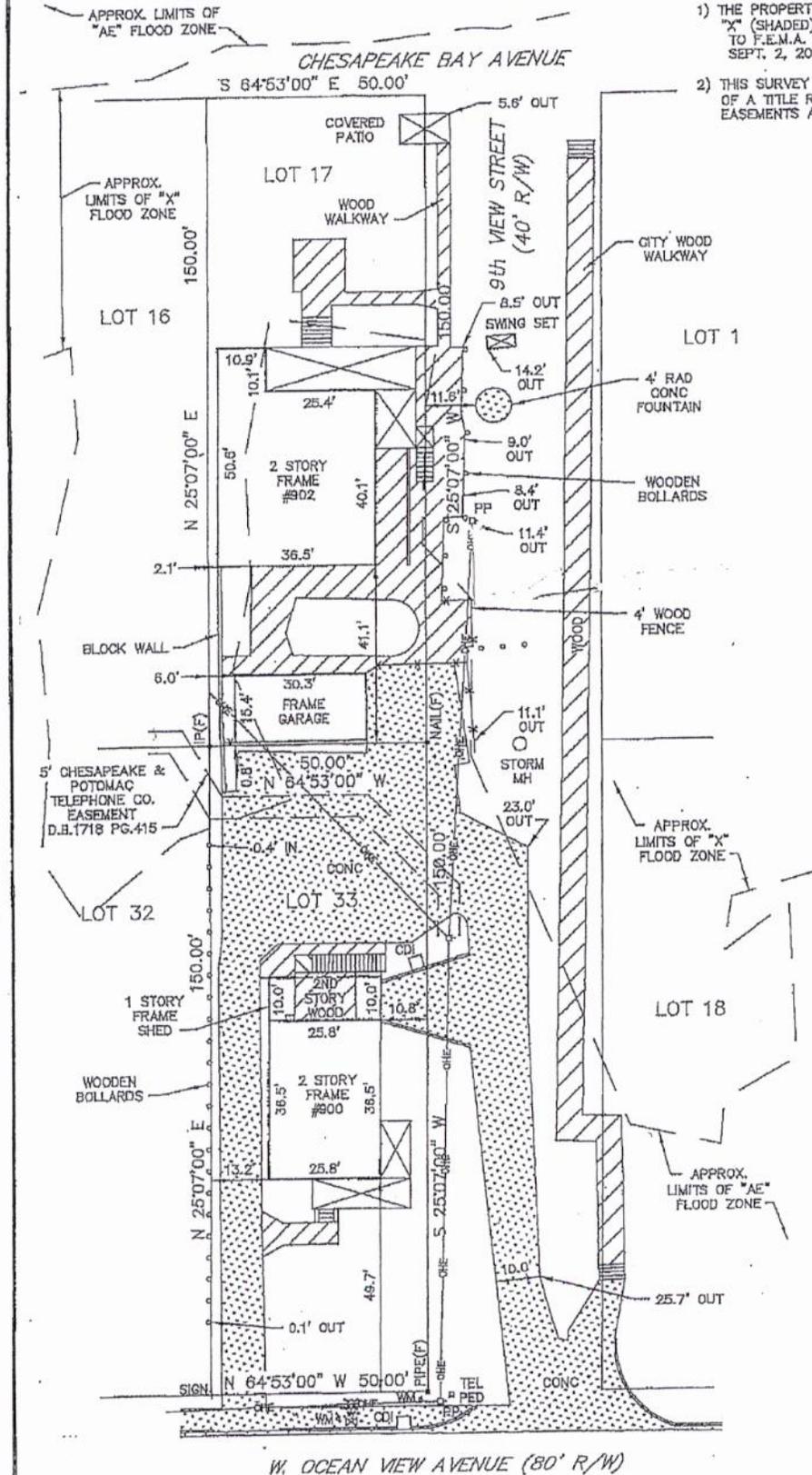
# EXHIBIT A TO ORDINANCE

THIS IS TO CERTIFY THAT I, ON JUNE 9, 2015, 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*

**NOTES:**

- 1) THE PROPERTY SHOWN HEREON APPEARS TO LIE IN "X" (SHADED) & "AE" (9.1) FLOOD ZONE ACCORDING TO F.E.M.A. MAP PANEL NO. 510104-0020F REVISED SEPT. 2, 2009.
- 2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, AND MAY NOT SHOW ANY/ALL EASEMENTS AFFECTING THE PROPERTY.



NOTE: FOR PLAT SEE  
M.B. 5 PG. 80-81  
M.B. 4 PG. 16-17  
NORFOLK, VA

**PHYSICAL SURVEY  
OF  
LOTS 17 & 33, BLOCK 21  
CORRECTED MAP OF  
WILLOUGHBY BEACH  
NORFOLK, VIRGINIA  
FOR  
JOHN HADJIKAKOS**

WARD M. HOLMES LAND SURVEYOR, P.C. 9225 GRANBY STREET NORFOLK, VIRGINIA 23503 757-480-1230	DRAWN BY: WTL SCALE: 1" = 25' DATE: JUNE 9, 2015 JOB NO. 15-098
SHEET 1 OF 1	



To the Honorable Council  
City of Norfolk, Virginia

January 26, 2016

From: David Ricks, Director of Public Works

**Subject:** Encroach into the right-of-way of 9<sup>th</sup> View Street at 900 W. Ocean View Avenue with a driveway.

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

**Ward/Superward:** 1/6

Approved:

Marcus D. Jones, City Manager

**Item Number:**

**R-4**

- I. **Recommendation:** Adopt Ordinance
- II. **Applicant:** Thalassa, LLC  
900 W. Ocean View Avenue  
Norfolk, Virginia 23503
- III. **Description:**  
This agenda item is an ordinance permitting Thalassa, LLC to encroach into the City of Norfolk ("city") right-of-way of 9<sup>th</sup> View Street at 900 W. Ocean View Avenue with a driveway.
- IV. **Analysis:**  
The encroachment in this location will allow Thalassa, LLC to access the rear of their property with a driveway at 900 W. Ocean View Avenue.
- 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 Norfolk Design Review Committee and the City Planning Commission is not required.

**IX. 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

Form and Correctness Approved:

*gaw*

Contents Approved:

By *Natasha S. Adams*  
Office of the City Attorney

By *[Signature]*  
DEPT. Public Works

NORFOLK, VIRGINIA

### ORDINANCE No.

AN ORDINANCE PERMITTING THALASSA, LLC TO ENCROACH INTO THE RIGHT-OF-WAY OF 9<sup>TH</sup> VIEW STREET AT 900 W. OCEAN VIEW AVENUE WITH A DRIVEWAY.

- - -

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

Section 1:- That permission is hereby granted to Thalassa, LLC ("Thalassa") to encroach into the right-of-way of 9<sup>th</sup> View Street at 900 W. Ocean View Avenue with a variable width concrete driveway, its widest point being 25.7', as shown on Exhibit A attached hereto, such permission being further subject to the following conditions:

- (A) That this permission is expressly subject to the right of revocation by the Council at any time in its sole discretion, and that in the event of such revocation, Thalassa, or its successors and assigns, shall immediately remove the encroaching structures.
- (B) That upon the removal of the encroaching structures or any part thereof, the authority hereby granted shall cease and terminate.
- (C) That Thalassa, 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 this encroachment commercial general liability insurance with a company authorized to do business in the Commonwealth of Virginia. The amount of insurance shall be 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 of Norfolk ("City") and/or Thalassa, 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. City shall be named as additional insured under such insurance, and a copy of the insurance policy, or a certificate of insurance, evidencing the insurance coverage, including any renewals or significant changes in coverage, shall be provided to the City Law Department.

- (D) That 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 at 900 W. Ocean View Avenue and the right-of-way of 9<sup>th</sup> View Street.

Section 2:- That the failure of Thalassa, 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 Thalassa, 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.

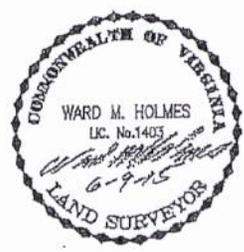
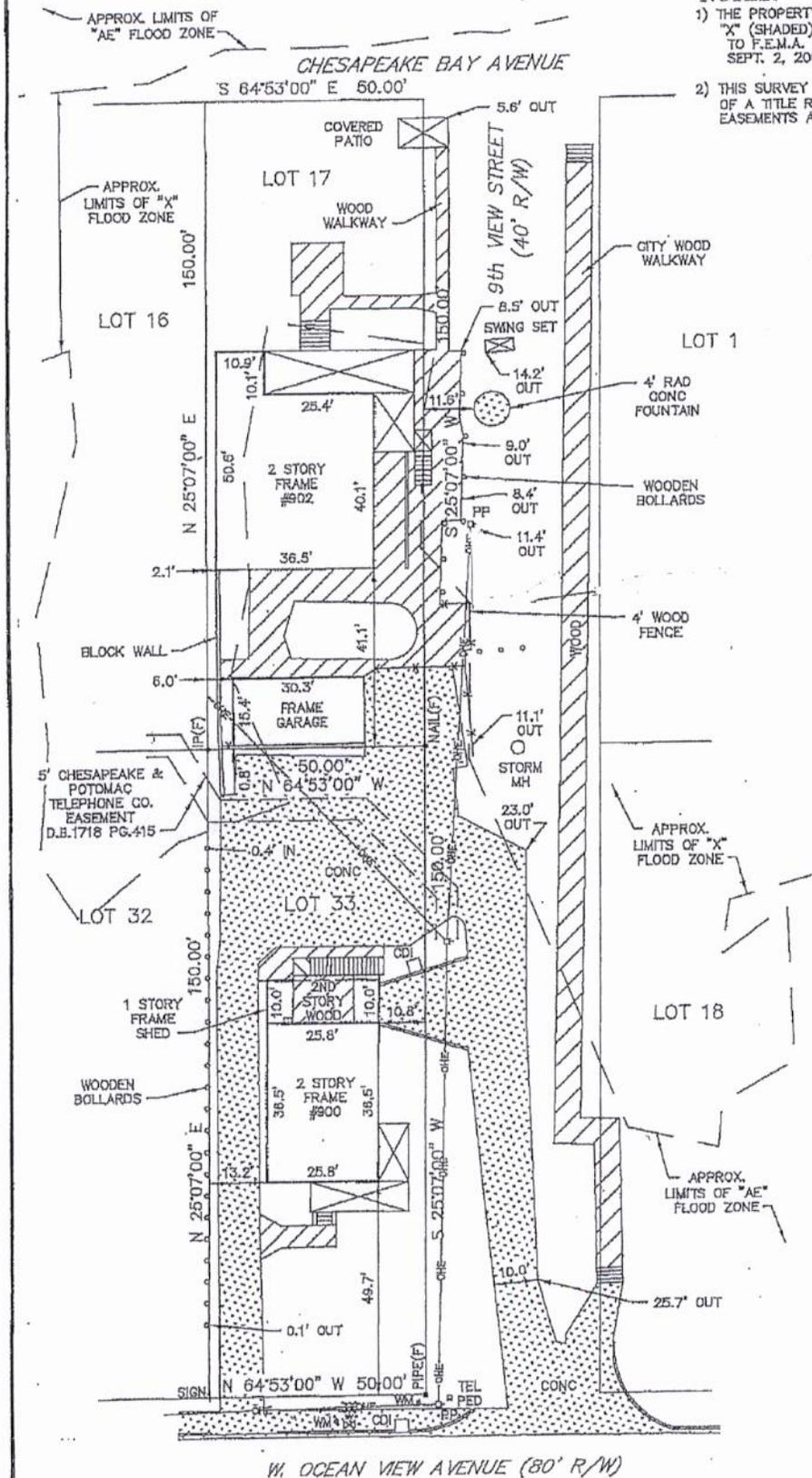
# EXHIBIT A TO ORDINANCE

THIS IS TO CERTIFY THAT I, ON JUNE 9, 2015, 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*

**NOTES:**

- 1) THE PROPERTY SHOWN HEREON APPEARS TO LIE IN "X" (SHADED) & "AE" (9.1) FLOOD ZONE ACCORDING TO F.E.M.A. MAP PANEL NO. 510104-0020F REVISED SEPT. 2, 2009.
- 2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, AND MAY NOT SHOW ANY/ALL EASEMENTS AFFECTING THE PROPERTY.



NOTE: FOR PLAT SEE  
M.B. 5 PG. 80-81  
M.B. 4 PG. 16-17  
NORFOLK, VA

**PHYSICAL SURVEY  
OF  
LOTS 17 & 33, BLOCK 21  
CORRECTED MAP OF  
WILLOUGHBY BEACH  
NORFOLK, VIRGINIA  
FOR  
JOHN HADJIKAKOS**

WARD M. HOLMES LAND SURVEYOR, P.C. 9225 GRANBY STREET NORFOLK, VIRGINIA 23503 757-480-1230	DRAWN BY: WTL SCALE: 1" = 25' DATE: JUNE 9, 2015 JOB NO. 15-098
	SHEET 1 OF 1



To the Honorable Council  
City of Norfolk, Virginia

January 26, 2016

From: David L. Ricks, Director of Public Works

**Subject:** Encroach into the right-of-way known as McCulloughs Lane, along western boundary line of Lots 211 and 213 Granby Street with an exhaust duct, roof drains, electric cables and boxes, and doors.

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

**Ward/Superward:** 2/6

Approved:

Marcus D. Jones, City Manager

**Item Number:**

**R-5**

- I. **Recommendation:** Adopt Ordinance
- II. **Applicant:** R. Craig Burns  
211-213 Granby Street  
Norfolk, Virginia 23517
- III. **Description:**  
This agenda item is an ordinance permitting 207 Granby, LLC to encroach into the right-of-way known as McCulloughs Lane, along western boundary line of Lots 211 and 213 Granby Street with an exhaust duct, roof drains, electric cables and boxes, and doors.
- IV. **Analysis**  
This encroachment in this location will allow 207 Granby Street, LLC to install exhaust ducts to improve their restaurants exhaust system and address old existing encroachments at 211-213 Granby Street.
- V. **Financial Impact**  
Liability insurance has been provided naming the City of Norfolk ("city") as additional insured in the amount of \$500,000; 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 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.

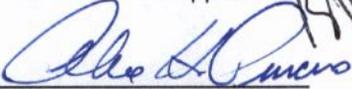
**IX. Coordination/Outreach**

This letter and ordinance have been coordinated with Department of Public Works, the Department of Planning and Community Development, and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A and B

Form and Correctness Approved:

By   
Office of the City Attorney



Contents Approved:

By   
DEPT. Public Works

NORFOLK, VIRGINIA

**ORDINANCE No.**

AN ORDINANCE PERMITTING 207 GRANBY, LLC TO ENCROACH INTO THE RIGHT-OF-WAY KNOWN AS MCCULLOUGH'S LANE, ALONG THE WESTERN BOUNDARY LINE OF LOTS 211 AND 213 GRANBY STREET WITH AN EXHAUST DUCT, ROOF DRAINS, ELECTRIC CABLES AND BOXES, AND DOORS.

- - -

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

Section 1:- That permission is hereby granted to 207 Granby, LLC ("207 Granby") to encroach into the right-of-way of McCullough's Lane, along the western boundary line and being the rear of Lots 211 and 213 on Granby Street, with an exhaust duct, roof drains, electric cables and boxes, and doors; all of which are shown on Exhibits A and B 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, 207 Granby, 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 207 Granby, or its successors and assigns, at its own cost and expense, shall take out and keep in full force and effect commercial 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 \$500,000.00 each occurrence and \$1,000,000.00 general aggregate against liability from any and all claims, actions and suits that may be asserted or brought against the City of Norfolk and/or 207 Granby, 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 filed with the Director of Risk Management for 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 encroachment area of Granby Street.

Section 2:- That the failure of 207 Granby, 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 207 Granby, 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.

SEARCH



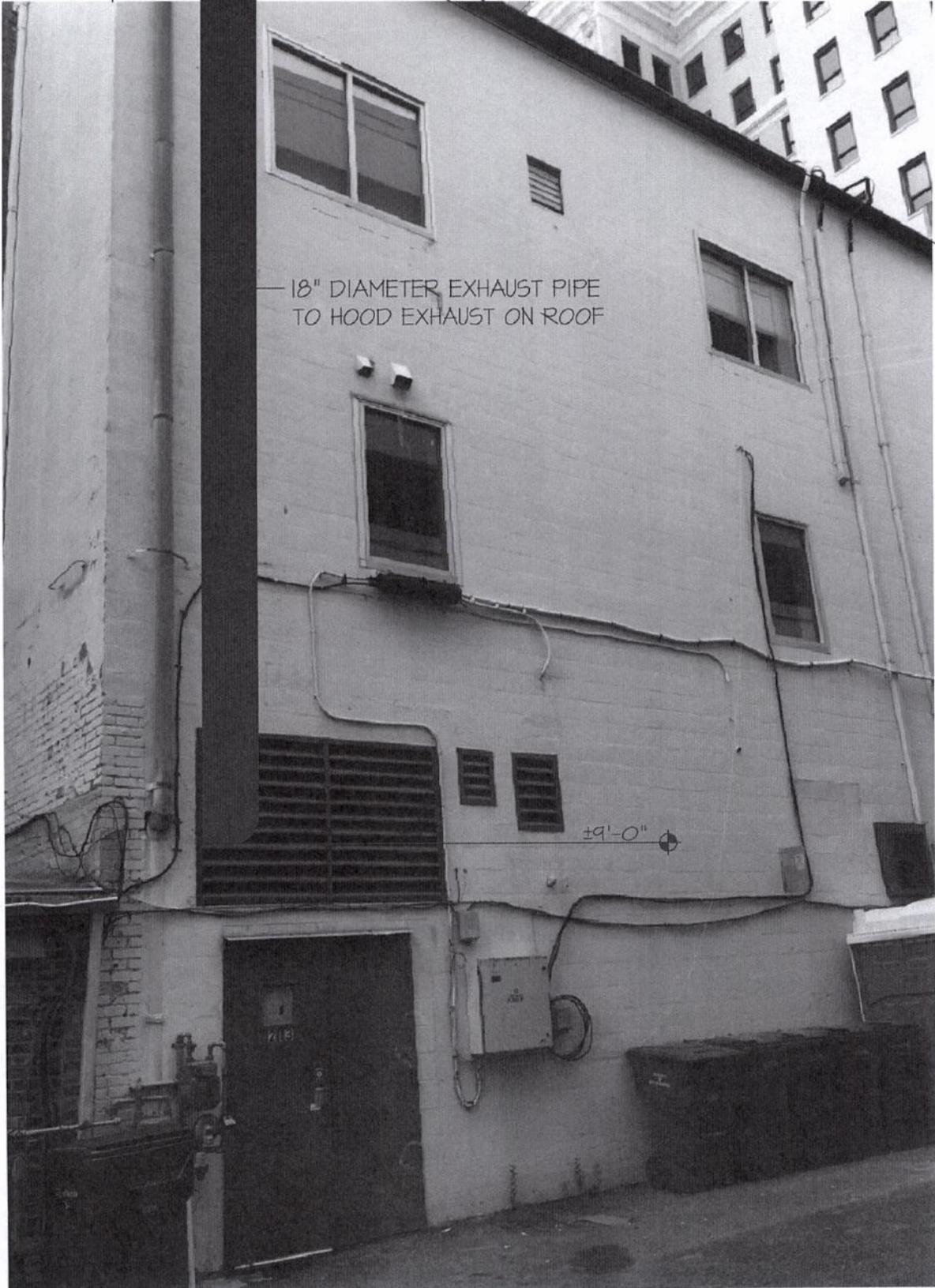
tabbles<sup>®</sup>  
**EXHIBIT**  
**A**

EXHAUST DUCT TRANSITIONS AROUND GUTTER  
TO EXHAUST FAN LOCATED ON ROOF

tabbles®  
**EXHIBIT**  
**B**

18" DIAMETER EXHAUST PIPE  
TO HOOD EXHAUST ON ROOF

±9'-0" ⊕





# City of NORFOLK

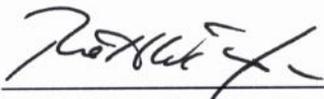
C: Dir., Department of Public Works

To the Honorable Council  
City of Norfolk, Virginia

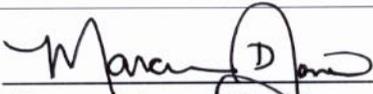
January 26, 2016

From: David L. Ricks, Director of Public Works

**Subject:** Encroach into the right of way at 9721 Dolphin Run with PVC irrigation piping.

Reviewed:   
Ronald H. Williams, Jr., Deputy City Manager

**Ward/Superward:** 1/6

Approved:   
Marcus D. Jones, City Manager

**Item Number**

**R-6**

- I. **Recommendation:** Adopt Ordinance
- II. **Applicant:** Barry J. Knapp  
9721 Dolphin Run  
Norfolk, Virginia
- III. **Description:**  
This agenda item is an ordinance permitting Barry J. Knapp and Lori A. Givonetti to encroach into the right-of-way at 9721 Dolphin Run with PVC irrigation piping.
- IV. **Analysis:**  
This encroachment in this location will allow Barry J. Knapp and Lori A. Givonetti to install underground PVC piping to facilitate drainage away from their home at 9721 Dolphin Run.
- V. **Financial Impact:**  
Liability insurance has been provided naming the City of Norfolk ("city") as additional insured in the amount of \$250,000; 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 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 have been coordinated with Department of Public Works, the Department of Planning and Community Development, and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A

Form and Correctness Approved

By *[Signature]*  
Office of the City Attorney

*[Signature]*

Contents Approved:

By                       
DEPT. Public Works

NORFOLK, VIRGINIA

### ORDINANCE No.

AN ORDINANCE PERMITTING BARRY J. KNAPP AND LORI A. GIVONETTI TO ENCROACH INTO THE RIGHT-OF-WAY AT 9721 DOLPHIN RUN WITH PVC IRRIGATION PIPING.

- - -

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

Section 1:- That permission is hereby granted to Barry J. Knapp and Lori A. Givonetti ("Knapp/Givonetti") to encroach into the right-of-way at 9721 Dolphin Run with PVC irrigation piping, 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, Knapp/Givonetti, or their 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 Knapp/Givonetti, or their successors and assigns, at their 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 \$250,000.00 each occurrence and \$500,000.00 general aggregate against liability from claims, actions and suits that may be asserted or brought against the City of Norfolk and/or Knapp/Givonetti, and their 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 9721 Dolphin Run.

Section 2:- That the failure of Knapp/Givonetti, or their 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 Knapp/Givonetti, 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.

THIS SURVEY IS BASED ON A PLAT RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF NORFOLK, VIRGINIA, IN MAP BOOK 63, AT PAGES 99, 100, 101, 102 AND 103.

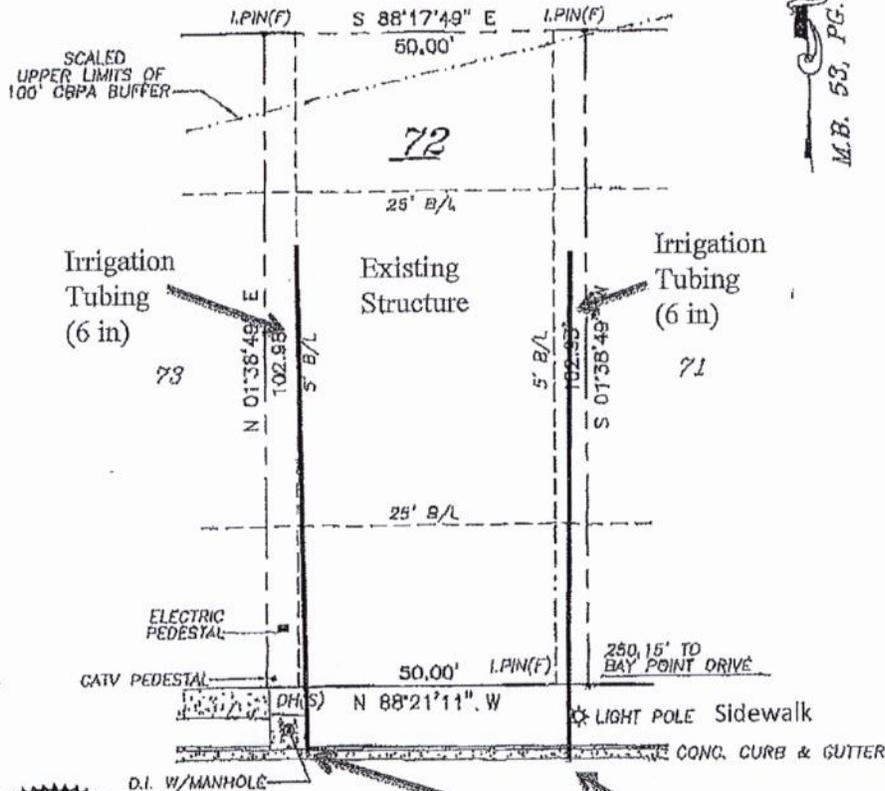
THIS IS TO DECLARE THAT WE, ON SEPTEMBER 9, 2005, SURVEYED THE PROPERTY SHOWN HEREON, AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

THE PROPERTY ENBRACED WITHIN THE LIMITS OF THIS SURVEY APPEARS TO LIE WITHIN FLOOD ZONE "C" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY- NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY NUMBER 510104-0001 E, DATED APRIL 17, 1984.

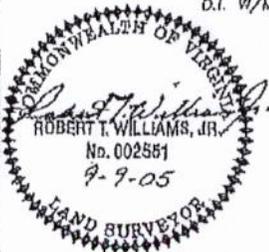
THIS SURVEY PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT AND CONSEQUENTLY MAY NOT DEFICI ALL TITLE MATTERS AFFECTING THE PROPERTY SHOWN HEREON.

THE EXISTENCE OF HAZARDOUS WASTE, VEGETATED WETLANDS, OR TIDAL WETLANDS, WAS NEITHER INVESTIGATED, NOR CONFIRMED DURING THE PERFORMANCE OF THIS SURVEY.

PARCEL "A"



M.B. 53, PG. 101

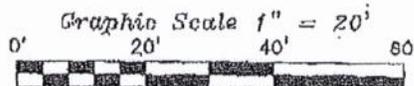


PHYSICAL SURVEY  
OF  
LOT 72  
SUBDIVISION PLAT OF  
**BAY POINT**  
PHASE TWO  
NORFOLK, VIRGINIA  
FOR

Openings in curb for PVC piping

BARRY J. KNAPP, II AND LORI A. GIVONETTI

Causeway Consultants, P.C.  
Land Surveyors  
1005 S. BATTLEFIELD BLVD.  
SUITE B  
CHESAPEAKE, VA. 23322  
PHONE: 757-482-0474



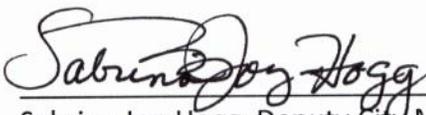


**To the Honorable Council  
City of Norfolk, Virginia**

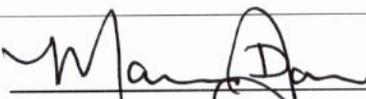
January 26, 2016

From: David S. Freeman, AICP  
Director of General Services

**Subject:** Acceptance of Gift of  
Property to the City of Norfolk by  
Codicil to the Last Will and Testament  
of Albert H. Garrison

Reviewed:   
Sabrina Joy-Hogg, Deputy City Manager

**Ward /Superward:** 3/7

Approved:   
Marcus D. Jones, City Manager

**Item Number:**

**R-7**

- I. **Recommendation:** Adopt Ordinance
- II. **Applicant:** City of Norfolk
- III. **Description:**  
This agenda item is an ordinance requesting Council to accept the gift of lots 1-4, 7-12, 15-18 in Block A of the Estabrook section of Norfolk.
- IV. **Analysis**  
The lots are being transferred to the City by the deceased, Albert H. Garrison, by codicil to his Last Will and Testament. The Public Works Storm Water Division ("Public Works") will utilize these lots to convert the existing managed turf into forested land, increasing Total Maximum Daily Load ("TMDL") storm water credits.
- V. **Financial Impact**  
There is no direct financial impact, however, the receipt of this property will provide Public Works the additional property necessary to insure compliance with TMDL, increasing its storm water credits and low maintenance tree canopy growth.
- 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 of Norfolk's agenda notification process.

**VIII. Board/Commission Action**

N/A

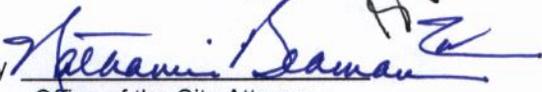
**IX. Coordination/Outreach**

This letter and ordinance have been coordinated with the Department of General Services – Office of Real Estate, Department of Public Works and the City Attorney's Office.

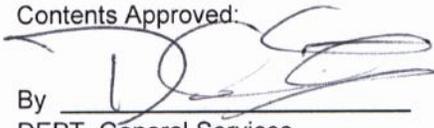
**Supporting Material from the City Attorney's Office:**

- Ordinance

1/6/2016-wld  
Form and Correctness Approved:

By   
Office of the City Attorney

Contents Approved:

By   
DEPT. General Services

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE ACCEPTING THE GIFT OF CERTAIN LOTS LOCATED IN THE ESTABROOK SECTION OF THE CITY OF NORFOLK THAT WERE DEVISED TO THE CITY OF NORFOLK BY ALBERT H. GARRISON, DECEASED.

- - -

WHEREAS, Albert H. Garrison ("Garrison") was the owner of certain lots located in the City of Norfolk and more particularly described as Lots 1 through 4, Lots 7 through 12, and Lots 15 through 18, in Block A, Estabrook section of Norfolk, Virginia; and

WHEREAS, Garrison passed away on March 14, 2012; and

WHEREAS, Garrison, by codicil to his Last Will and Testament, devised the said lots to the City of Norfolk ("City"); and

WHEREAS, upon due consideration, the Council is agreeable to accepting the gift of the said lots; now, therefore,

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

Section 1:- That the gift to the City of Lots 1 through 4, Lots 7 through 12, and Lots 15 through 18, in Block A, Estabrook section of Norfolk, Virginia, by Albert H. Garrison, deceased, by codicil to his Last Will and Testament, is hereby accepted.

Section 2:- That the City Manager, and other proper officers of the City, are hereby authorized to do all things necessary and proper to effect the conveyance of the said lots to the City.

Section 3:- That this ordinance shall be in effect from and after the day of its adoption.



To the Honorable Council  
City of Norfolk, Virginia

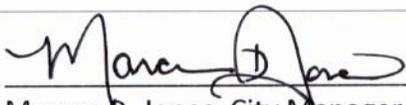
January 26, 2016

From: David Ricks, Director of Public Works

**Subject:** VDOT FY2016 Transportation  
Alternatives Program – Elizabeth River  
Trail, Phase IVC/V

Reviewed:   
Ronald H. Williams, Jr., Deputy City Manager

**Ward/Superward:** 2, 6 and 7

Approved:   
Marcus D. Jones, City Manager

**Item Number:**

**R-8**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**

This agenda item is an ordinance to accept additional FY 2016 Transportation Alternatives Program ("TAP") funding from Virginia Department of Transportation ("VDOT") for the Elizabeth River Trail, Phase IVC/V Project ("Project").

IV. **Analysis:**

The Project connects the existing eastern and western parts of the Elizabeth River Trail, and includes three areas of construction: 1) Linkage of Jeff Robertson Park to Claremont Avenue and Hampton Boulevard, 2) ADA connectivity at the intersection of 25<sup>th</sup> Street and Hampton Boulevard, and 3) bridging the trail from 25<sup>th</sup> Street to connect with existing segment at the Community Gardens in Lamberts Point.

V. **Financial Impact:**

- VDOT 80% funding of up to \$352,000 will come from TAP funds.
- Funding participation of the City of Norfolk's ("city's") 20% match, in the amount of \$88,000, will come from the city's provision of land previously donated to the city by Norfolk Southern Corporation.

**Cost Breakdown**

<b>Project</b>	<b>VDOT Funding (80% Allocation)</b>	<b>Required 20% City In-kind Match</b>	<b>Total Additional Project Funding</b>
Elizabeth River Trail, Phase IVC/V	\$ 352,000	\$ 88,000	\$440,000

**VI. Environmental:**

A Joint Permit Application has been approved by the Virginia Department of Environmental Quality

**VII. Community Outreach/Notification:**

Coordination with Civic Leagues, nearby businesses and other stakeholders will be made prior to construction of these improvements.

**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 and City Attorney's Office:

- Ordinance
- Project Executive Summary

Form and Correctness Approved:

By *Abdouni Saman*  
Office of the City Attorney

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. *de*

Contents Approved:

By *Richard Broad* for D. Ricks  
DEPT. Public Works

\$ 352,000.00      2275-10-8731

*Christine Sawyer*      Account  
Acting Director of Finance      12/28/15  
Date

NORFOLK, VIRGINIA

### ORDINANCE No.

AN ORDINANCE ACCEPTING A GRANT IN THE SUM OF \$352,000.00 FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION, TRANSPORTATION ALTERNATIVES PROGRAM FUND, FOR THE ELIZABETH RIVER TRAIL PHASE IVC/V; AND APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF THE SUM OF \$352,000.00 FOR THE ELIZABETH RIVER RAIL, PHASE IVC/V, WHEN AND IF THE GRANT FUNDS ARE RECEIVED.

- - -

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

Section 1:- That a grant from the Virginia Department of Transportation, Transportation Alternatives Program Fund, in the amount of \$352,000.00 for the Elizabeth River Trail, Phase IVC/V, is hereby accepted.

Section 2:- That the sum of \$352,000.00 is hereby appropriated and authored to be expended for the Elizabeth River Trail, Phase IVC/V, when and, if the grant funds from the Virginia Department of Transportation, Transportation Alternatives Program Fund, are received.

Section 3:- That the City Manager and the other proper officers of the City are authorized to execute any and all documents related to this project and receipt and disbursement of the grant funds.

Section 4:- That this ordinance shall be in effect from and after its adoption.



To the Honorable Council  
City of Norfolk, Virginia

January 26, 2016

From: Kristen M. Lentz, P.E., Director of Utilities

**Subject:** Resolution in Support of a Rail Enhancement Fund Grant Application

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

**Ward/Superward:** Citywide

Approved:

Marcus D. Jones, City Manager

**Item Number:**

**R-9**

I. **Recommendation:** Adopt Resolution

II. **Applicant:** City of Norfolk, Department of Utilities

III. **Description:**

This agenda item is a resolution to support a Rail Enhancement Fund Application for the Commonwealth Railway Rail Expansion Project which includes an obligation by the City of Norfolk to fund 30% of the cost of a water transmission main relocation.

IV. **Analysis**

Commonwealth Railway is preparing a grant application to expand their rail yard in Suffolk in support of a larger project to grow rail capacity at the Virginia International Gateway Terminal. The rail yard expansion will require relocation of Norfolk's and Portsmouth's water transmission mains that are currently located on Commonwealth Railway property and must be moved at the localities' expense. Commonwealth Railway has agreed to include relocation of the transmission mains in the grant application such that the grant will cover 70% of cost to relocate. It is anticipated that Norfolk and Portsmouth will develop an agreement to work collaboratively on the waterline relocations to keep costs as low as possible.

V. **Financial Impact**

The grant application requires a 30% locality match, which is estimated to be approximately \$2.7 million for Norfolk and would be funded through existing Water Fund budget authorizations.

VI. **Environmental**

N/A

**VII. Community Outreach/Notification**

Representatives from the Cities of Suffolk and Portsmouth, and the Virginia Port Authority have been included in meetings on the project.

**VIII. Board/Commission Action**

N/A

**IX. Coordination/Outreach**

This letter and resolution has been coordinated with the Department of Utilities and the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Resolution

Form and Correctness Approved:

By Nathaniel Beaman  
Office of the City Attorney

Contents Approved:

By Kristin M. Kelly  
DEPT. Utilities

NORFOLK, VIRGINIA

## Resolution

A RESOLUTION IN SUPPORT OF A RAIL ENHANCEMENT FUND APPLICATION FOR THE COMMONWEALTH RAILWAY RAIL EXPANSION PROJECT.

- - -

WHEREAS, Commonwealth Railway ("Railway") desires to file an application for funding assistance from the Rail Enhancement Fund ("REF") for a Marshalling Yard Expansion Project ("Project") on the Commonwealth Railway, in support of the Virginia International Gateway On-Dock Rail Expansion; and

WHEREAS, the City of Norfolk ("Norfolk") and the City of Portsmouth ("Portsmouth") are stakeholders in this Project due to water transmission mains which must be relocated by agreement with the Railway to accommodate the yard expansion; and

WHEREAS, Norfolk and Portsmouth estimate that the relocation of their water mains will cost approximately \$15,000,000; and

WHEREAS, the Project application for REF funding will include 70 percent of the estimated utility relocation cost as part of the Project budget, with the remaining 30 percent of the estimated utility relocation cost apportioned between Norfolk and Portsmouth; and

WHEREAS, Norfolk recognizes the Project is an important element of the regional, state and national freight transportation system; and

WHEREAS, the Virginia International Gateway is vital to economic development in the area, and increased rail capacity provides relief to the highway system by transporting freight, and provides an alternative means of transportation of commodities; and

WHEREAS, Norfolk supports the Project and the expansion of on-dock rail service to maintain economic competitiveness in the world economy; now, therefore

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

Section 1:- That Norfolk does hereby request that the Commonwealth Transportation Board give priority consideration to the Project for funding through the REF.

Section 2:- That this resolution shall be in effect from and after the date of its adoption.

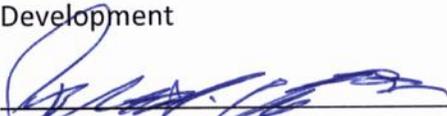


To the Honorable Council  
City of Norfolk, Virginia

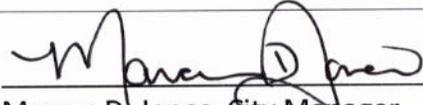
January 26, 2016

From: Daniel H. Cohen, Assistant Director of  
Development

**Subject:** Resolution designating the  
Greater St. Paul's Revitalization Area

Reviewed:   
Peter H. Chapman, Deputy City Manager

**Ward/Superward:** 4/7

Approved:   
Marcus D. Jones, City Manager

**Item Number:**

**R-10**

- I. **Recommendation:** Adopt Resolution
- II. **Applicant:** City of Norfolk, Department of Development
- III. **Description**

This agenda item is a resolution adopting the designation of the Greater St. Paul's Revitalization Area, as encompassed by the area to the east of St. Paul's Boulevard, to the south of Goff Street/Saint Julian Avenue, to the west of Roberts Road/Park Avenue, and to the north of Holt Street and the southernmost portion of Tidewater Drive, pursuant to § 36-55.30:2 of the *Code of Virginia*, 1950, as amended.

The resolution will formally designate a revitalization area for Greater St. Paul's for purposes of supporting development projects that are seeking low-income housing tax credits. The Virginia Housing and Development Authority ("VHDA") administers the Low-Income Housing Tax Credit ("LIHTC") program and annually adopts a Qualified Allocation Plan ("QAP"), which governs the distribution of available tax credits to eligible developments. Under the QAP, a project can receive points if it is located in a Revitalization Area. The proposed resolution will fulfill the requirements of § 36-55.30:2 of the *Code of Virginia* and allow tax credit projects located in the revitalization area to receive QAP distributed points.

IV. **Analysis**

- § 36-55.30:2 of the *Code of Virginia*, 1950, as amended defines requirements to support development projects submitting LIHTC applications.
- This resolution establishes the revitalization area pursuant to § 36-55.30:2 of the *Code of Virginia*, 1950.

**V. Financial Impact**

There are no local incentives provided with the designation of the revitalization area.

**VI. Environmental**

N/A

**VII. Community Outreach/Notification**

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

**VIII. Board/Commission Action:**

N/A

**IX. Coordination/Outreach**

This letter and ordinance have been coordinated with the Department of Development, the City Attorney's Office and the City Manager's office.

Supporting Material from the Office of the City Attorney:

- Resolution
- Exhibit A, Map of Revitalization Area

10/27/15mr

Form and Correctness Approved: *RAP*

By *Michelle J. Tox*  
Office of the City Attorney

Contents Approved:

By *[Signature]*  
DEPT. Development

NORFOLK, VIRGINIA

**RESOLUTION No.**

A RESOLUTION TO DESIGNATE THE AREA TO THE EAST OF ST. PAUL'S BOULEVARD, TO THE SOUTH OF EAST PRINCESS ANNE ROAD, GOFF STREET, AND SAINT JULIAN AVENUE, TO THE WEST OF ROBERTS ROAD AND PARK AVENUE AND TO THE NORTH OF HOLT STREET AND THE SOUTHERNMOST PORTION OF TIDEWATER DRIVE IN THE CITY OF NORFOLK AS THE GREATER ST. PAUL'S REVITALIZATION AREA.

- - -

WHEREAS, pursuant to the terms of Action N2.4.2 of plaNorfolk2030, the City Council has determined that it would be advantageous to establish "neighborhoods of choice that embrace people from a diversity of incomes and ethnicities" by ensuring "affordable housing is located in proximity to employment centers, service centers and public transit"; and

WHEREAS, in furtherance of the goals set forth in plaNorfolk2030, the City Council desires to designate and to establish the area of the City within the boundary lines shown on Exhibit A attached hereto as a revitalization area to be known as the "Greater St. Paul's Revitalization Area" pursuant to § 36-55.30:2 of the Code of Virginia, 1950, as amended; and

WHEREAS, the area of the City encompassed by the Greater St. Paul's Revitalization Area is to be determined in accordance with Exhibit A attached hereto but can be described generally as

the area to the east of St. Paul's Boulevard, to the south of East Princess Anne Road, Goff Street and Saint Julian Avenue, to the west of Roberts Road and Park Avenue and to the north of Holt Street and the southernmost portion of Tidewater Drive; and

WHEREAS, goals of the City within the Greater St. Paul's Revitalization Area include the establishment of both market rate and affordable housing, the assemblage of lots or parcels owned by different parties, the buyout of leases to facilitate redevelopment, substantial infrastructure improvements such as new or relocated traffic signals, a public street, and a public park, the demolition of existing non-historic structures that have been vacant for at least one year, and to provide space for a business incubator, innovation center, community center, resilience lab, or similar public-benefit use; now, therefore

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

Section 1:- That in furtherance of the above-stated desire and intent of the City Council, the City Council hereby designates that area shown on Exhibit A attached hereto as the Greater St. Paul's Revitalization Area.

Section 2:- That the City Council hereby finds (i) the Greater St. Paul's Revitalization Area is (1) blighted, deteriorated, deteriorating or, if not rehabilitated, likely to deteriorate by reason that the buildings, improvements, or other facilities in such area are subject to one or more of the following conditions: dilapidation, obsolescence, overcrowding, inadequate ventilation, light or sanitation, excessive land coverage, deleterious land use, or faulty or otherwise inadequate design, quality or condition, and (2) the industrial, commercial or other economic development of the Greater St. Paul's Revitalization

Area will benefit the City but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or to remain in such area; and (ii) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the Greater St. Paul's Revitalization Area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

Section 3: This ordinance shall be in effect from and after the date of its adoption.

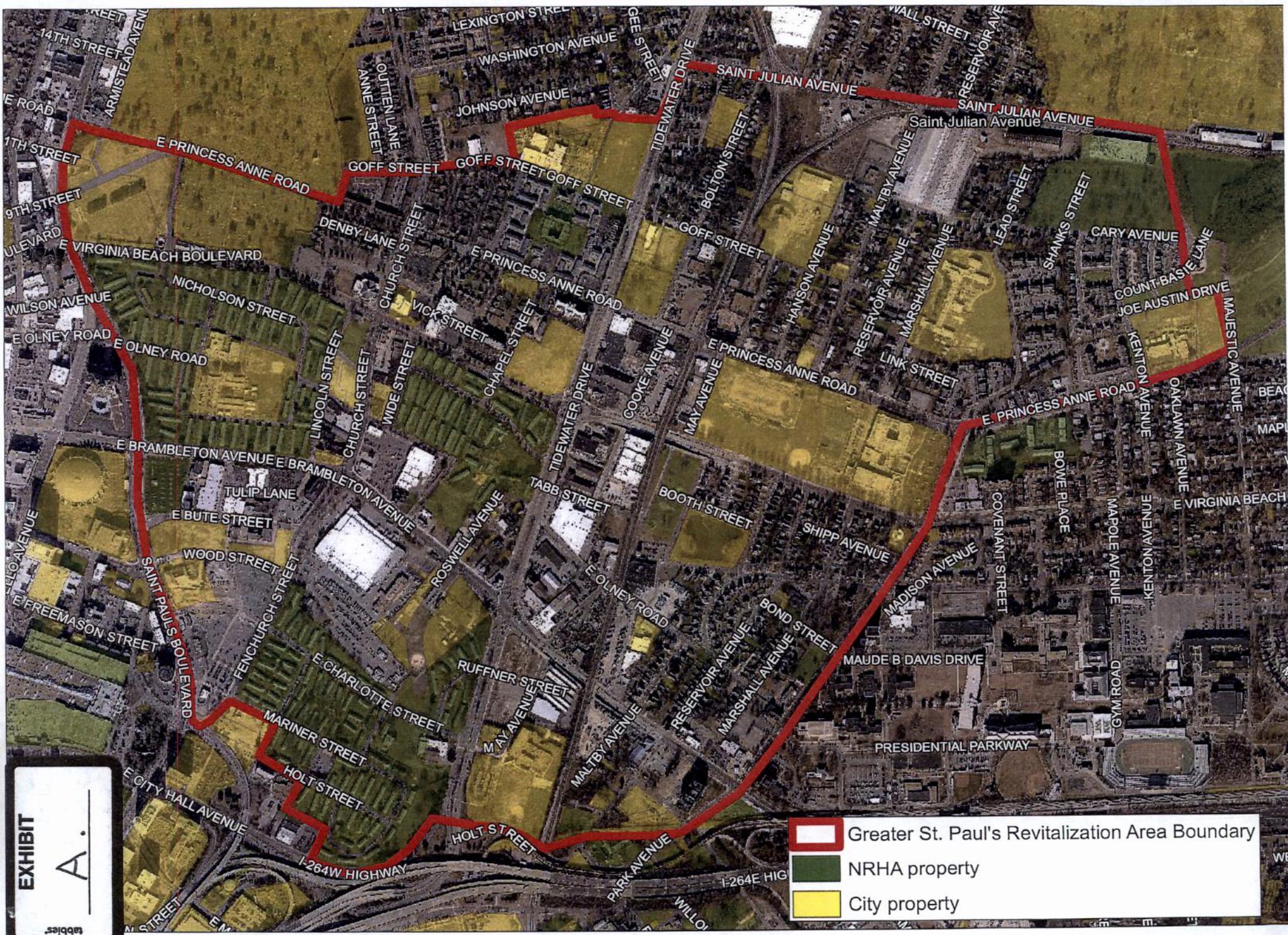


EXHIBIT  
A.

- Greater St. Paul's Revitalization Area Boundary
- NRHA property
- City property