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

Council Interests

Documents: 01-26-16 COUNCIL INTERESTS.PDF

Safe, Healthy, And Inclusive Communities - 2015 Review

Presenter: *Mike Goldsmith, Chief of Police*

Sand Management Plan

Presenter: *Ron Williams, Deputy City Manager*

Additional Documents

Documents: 01-26-16 MEMO - RAIL ENHANCEMENT FUND GRANT APPLICATION.PDF, 01-26-16 MINUTES OF COMMITTEE AND CITY COUNCIL MEETING OF JANUARY 12.PDF, 01-26-16 PENDING LAND USE ACTIONS.PDF, 01-26-16 REQUEST TO AMEND CHAPTER 5 ARTICLE II OF NORFOLK CITY CODE PUBLIC DANCE HALLS.PDF, 01-26-16 DT BUILDERS - REZONING OF 1510 COLON AVE.PDF, 01-26-16 JON RIZZO - REZONING OF 1345 MELROSE PKWY.PDF, 01-26-16 2016 GENERAL ASSEMBLY ACTIVITY REPORT.PDF

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

THE CITY OF NORFOLK

MEMORANDUM

TO:	City Council
FROM:	Lori A. Crouch, Public Relations Manager
COPIES TO:	City Clerk, City Attorney
SUBJECT:	Council Interests
DATE:	January 25, 2016

It certainly was an exciting week! We broke ground on the new Ocean View Elementary School last Wednesday then on Thursday celebrated Virginia and Norfolk's big win in the National Disaster Resilience Competition. $120,549,000 is the largest grant the City has ever received. Photos of both events are included in today's memo as well as information for your review.

Ballistic Vests Update: The vendor is scheduled to deliver the vests the second week of April.

Special Exception Enhancements: Planning staff added additional information to the Planning Commission staff report for applications that impact historic and school properties. For residential proposals the application now includes the school zone and capacity information. For requests involving alcohol, the application will include the proximity to school property.

Historical impact applications will indicate whether or not the property is in a federal, state or local historic district. If not, staff will indicate whether or not the building subject to the proposal is eligible for listing on the federal or state register of historic places.

Church Street Lighting: Lighting on Church Street was reported to Dominion Virginia Power (DVP). DVP determined there is an underground issue which may take a little longer to repair but will be done in the near future.

Church Street On-Street Parking: Public Works staff reviewed the request to add on-street parking on Church Street from Virginia Beach Blvd. to B Avenue. As you are aware, the planned Maplewood Plaza development is a three story mixed-use building consisting of 13 residential units and 7400 square feet of commercial space. The developer is planning to install 47 on-site parking spaces. Zoning requires a minimum of 43 parking spaces. Since the developer exceeds the minimum parking requirements and given the close proximity of side street parking, the Department of Public Works does not recommend on-street parking on Church Street. In addition to the new development, staff expects the Church Street area to see more traffic with

new business and residential growth and Church Street is part of the citywide bike network with marked bike lanes.

Police Officer Memorial – The widow of Officer Brian Jones has completed and submitted an encroachment application for a permanent memorial in her husband's honor. City staff is reviewing the application now.

In addition, Public Works offers roadside memorial sign and Adopt-A-Spot programs for families who wish to memorialize a loved one.

School Resource Officer Training – School Resource Officer (SRO) primary role inside public schools is to maintain school safety and serve as a mentor. SRO's coordinate with the school principal and are not part of the disciplinary process. In addition, SRO's attend Department Criminal Justice Services training every summer. The training fundamentals include student success in a safe and secure learning environment.

THE CITY OF NORFOLK

MEMORANDUM

TO: The Honorable City Council
Marcus D. Jones, City Manager
CC TO: Ronald H. Williams, Deputy City Manager

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

SUBJECT: A Resolution to Support a Rail Enhancement Fund Grant Application

DATE: January 20, 2016

On the January 26, 2016 Regular Agenda, City Council will be considering a resolution to support a Rail Enhancement Fund grant application by Commonwealth Railway which incorporates relocation of a City of Norfolk water transmission main into a rail yard expansion project. If approved by Virginia Department of Rail and Public Transportation, the grant would cover 70% of the water main relocation and the City of Norfolk would be responsible for the other 30%, which is estimated at approximately $2.7 million.

Commonwealth Railway is preparing a grant application to expand their rail yard in the City of Suffolk in support of a larger project to grow rail capabilities at the Virginia International Gateway Terminal. The cities of Norfolk and Portsmouth both have water transmission mains located on railroad property in the area where the rail yard is to be expanded. Under existing license agreements, each city is required to relocate its water main out of the railroad property at 100% city expense upon request of the railroad. Commonwealth Railway is including the water main relocations in their application so that Norfolk and Portsmouth will only have to bear 30% of the cost of the water pipeline relocation. Department of Utilities staff from Norfolk and Portsmouth are planning to partner on land acquisition, design, and construction to further reduce costs.

Norfolk will fund its 30% from existing authorizations for improving water pipeline infrastructure. The due date for the grant application is February 1, 2016 for funding in FY 2017.

Staff points of contact:

Nathaniel Beaman IV, Deputy City Attorney II – Law Department at 664-4205, chip.beaman@norfolk.gov

Kristen M. Lentz, P.E., Director – Department of Utilities at 664-6722, kristen.lentz@norfolk.gov

City of Norfolk

Inter Department Correspondence Sheet

TO: Members of City Council

FROM: Breck Daughtrey, City Clerk

COPIES TO:

SUBJECT: Minutes of City Council Meeting

January 21, 2015

Attached are the minutes of the Finance, Administration and Economic Development Committee and the City Council meeting held on Tuesday, January 12, 2016.

Breck

NORFOLK, VIRGINIA

FINANCE, ADMINISTRATION AND ECONOMIC DEVELOPMENT COMMITTEE

TUESDAY, JANUARY 12, 2016

Mayor Fraim called the committee meeting to order at 4:00 p.m. with the following members present: Mr. Protogyrou, Mr. Riddick, Mr. Winn, Ms. Johnson, Ms. Graves.

Present for the Employees Retirement System Board: Ms. Stephanie Calliott (Chairman), Mr. Nicholas Nelson, Mr. Eric Tucker, Mr. Kenneth Crowder, Ms. Yvonne Allmond and Mr. Lawrence Bernert, III.

Opening remarks were offered by Mr. Jones, Ms. Calliott and Mr. Bernert. Ms. Calliott noted at the present time the city's fund is at $972 million.

Ms. Fiona E. Liston, FSA, EA, from Cheiron gave an overview of the pension plan and its funding. There are two levels of defined pension plans: general employees and public safety employees. The plans differ in the size of the benefit that the employee earns for each year of service and also the retirement age at which the employee can receive it.

Ms. Liston next explained the graph handouts showing the historical funding, projected funding, and the financial impact of ad hoc COLAs.

Ms. Liston added that from June 30, 2001 to June 30, 2008 there had been a regular pattern of COLAs, but in 2008, the GASB rules changed. Then in 2014 and 2015 a supplement of $300 was granted and if the city continues that practice there is a danger of establishing another pattern.

Councilman Protogyrou asked if the bonding agencies consider our fund ratios when giving us our AA^+ ratings. Mr. Pishko answered yes.

Mayor Fraim commented that the city's defined benefit plan does not include a benefit for a COLA. However, there are other plans that do and they typically ask employees to contribute more than 5 percent. Ms. Liston added that she is aware of some plans that have COLAs where the total cost of the plan is split with the members 50/50.

Councilman Riddick asked what the dollar amount was for the 15 percent deficit with 85 percent funding. Ms. Liston answered the system is $181 million under-funded.

Councilman Riddick asked what the impact would be for giving retirees a 1.5 percent COLA in 2016. Ms. Liston answered that it would cost approximately $12 million upfront and approximately $3 million per year in cost for the next five years.

Councilman Winn asked if the Board is comfortable with the assumed 7 or 6.3 percent return and is that in line with other municipalities. Ms. Calliott answered that they are comfortable with the 6.3 percent. She noted that the 7 percent that is assumed today is not out of line but is not projected based on asset allocations. Ms. Liston added that the average actuarial return assumption for public sector pension plans in general right now tends to be around 7.5.

Vice Mayor Graves asked to see a comparison of Norfolk's plan against other cities in the region as relates to retirees and also how Norfolk's plan affects retention and recruiting practices.

NORFOLK, VIRGINIA

BUSINESS MEETING OF COUNCIL

TUESDAY, JANUARY 12, 2016

President Fraim called the meeting to order at 5:04 p.m. with the following members present: Ms. Graves, Ms. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley and Mr. Winn.

He thereupon reviewed the work session agenda and called for council interests.

A. COUNCIL INTERESTS

1. Councilman Protogyrou:

   - Asked for an after-action review to examine the practices and culture of City Hall following the indictment of City Treasurer and former Councilman Anthony Burfoot.
   - Asked the administration for a definitive response regarding police vests, stating that the money has been allocated and he wants to know if they have been ordered and when will they be distributed.
   - In response to concerns regarding the removal of a makeshift memorial for a fallen officer, he asked the administration to examine the possibility of installing by ordinance a permanent marker or plaque for fallen officers in a safe place closest to the spot where the tragedy occurred.

Councilwoman Whibley stated that it is a grand idea, but she does not want to do for one and not for others. She also stated that she would like to see some consistency on this because it is a very important issue and it needs to be done right.

2. Councilman Winn:

   - Asked for an update on the parking issue in Riverview where they are with it and where they are heading, stating that he has been working with the Riverview Business Association on this issue.

3. Councilwoman Whibley:

   - Commented about the heroin epidemic and asked if there are plans to provide officers with Naloxone to have available in the case of a heroin overdose.

Chief Goldsmith stated that they have looked at it and are evaluating it and they will keep Council advised.

   - Asked when they have a proposal for a development project to include not only environmental and financial concerns but also the impact the project would have on the schools. Also, would like to know ahead of time what the historical significance is if any.

   - She stated that they should be looking at some of the causes for the city's flooding concerns as it relates to greenhouse gas emissions.

   - Asked for an update on the landscape company at the north end of Colley Avenue.

4. Councilwoman Johnson:

   - Received calls from citizens regarding foxes running around the city.

5. Vice Mayor Graves:

   - Asked that they take a look at the city's schools to see if there are any issues with disciplinary actions and the criminalizing of non-criminal behavior. She would like to know where they are with the relationship with school resource officers with regard to disciplinary action and any criminal charges that may stem from those activities.

6. Councilman Smigiel:

   - Asked for a discussion on the CTE School.

Mayor Fraim suggested they schedule a 2:00 work session within the next 3 to 4 weeks and meet with NPS to discuss CTE schools.

Manager Jones stated that they could set aside some time on the 26th to discuss with NPS.

   - He commented with respect to an ordinance that Council enacted that states if a member of Council runs for Mayor they have to resign their seat if they lose the election. He stated that he would like to see that changed.

Mr. Smigiel reported that Rodney Jordan, chair of the schoolboard, is meeting with the Health, Education & Families Subcommittee and as part of that discussion there was an invitation presented to Council to do a joint meeting with them. He stated that in the past the schoolboard has always come to Council and that maybe this time they could go to one of their events and support them. He noted that Mr. Jordan requested that Council meet with them at 4:00 on January 27th.

Manager Jones stated that Mr. Benda has been working on scheduling a joint meeting with the schoolboard.

Mr. Benda stated that they are looking at the 26th here at City Hall.

Mayor Fraim stated that he wouldn't mind coming in at 2:00 to discuss NPS. He suggested they schedule a work session at 2:00 within the next three or four weeks.

Manager Jones stated that even if there is something on the 27th the concept would be to set aside some time on the 26th to discuss Norfolk Public Schools.

B. CLOSED SESSION

Motion for closed session was approved for purposes which are set out in **Clause 3 of subsection (A) of Section 2.2-3711** of **the Virginia Freedom of Information Act**, as amended:

(3) Discussion of the disposition of publicly owned real property in areas of Downtown, North Military Highway and Central Business Park.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, JANUARY 12, 2016 – 7:00 P.M.

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

Prayer offered by Vice Mayor Angelia Williams Graves, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

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

Motion adopted.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

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

ACTION: The Resolution as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

CEREMONIAL MATTER

President Fraim recognized James Johnson from Troop 303, St. Matthew's Catholic Church, who was present to earn his Citizenship in the Community Badge from the Boy Scouts.

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, to hear comments on approving a **Lease Agreement** between the City of Norfolk and Tidewater Utility Construction, Inc., for the Lease of certain city owned property located at **1000 Monticello Avenue, 830 Holt Street, and 317 Chapel Street.**

Thereupon, an Ordinance entitled, "An Ordinance approving a **Lease Agreement** between the City of Norfolk and **Tidewater Utility Construction, Inc.**, for the **Lease** of certain city owned property located at **1000 Monticello Avenue, 830 Holt Street, and 317 Chapel Street,**" was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving the release of a **Utility and Drainage Easement** over a portion of the former right-of-way of **South Cape Henry Avenue.**

Thereupon, an Ordinance entitled, " An Ordinance approving the release of a Utility and Drainage Easement over a portion of the former right-of-way of South Cape Henry Avenue," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

REGULAR AGENDA

R-1 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named **'Jessy's Taco Bistro'** on property located at **328 West 20th Street**," was introduced in writing and read by its title.

Tracy Holland, 2200 Colonial Place, applicant, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-2 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named **'The Pancake House and Grill'** on property located at **7633 Granby Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as **'Mambo Room Latin Dance Studio'** on property located at **419 West 22nd Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment, not yet named, on property located at **428 and 430 West 24th Street, Suite A**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-5 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as **'Grace O' Malley's Irish Pub and Restaurant'** on property located at **207 Granby Street, Suites 211 and 213**," was introduced in writing and read by its title.

Rick Henn, 1400 Granby Street, Unit 406, applicant's representative, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-6 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as **'Toast'** on property located at **2406 Colonial Avenue, Unit A**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-7 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the resumption of a nonconforming use in accordance with the provisions of **Section 12-9** of the **Zoning Ordinance of the City of Norfolk, 1992**, as amended on property located at **517 Warren Crescent and 533 Mill Street,**" was introduced in writing and read by its title.

Peter Johnston, 208 E. Plume Street, applicant, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-8 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known **as 'Starving Artist Café'** on property located at **4408 Colley Avenue,**" was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-9 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of an **Automobile and Truck Repair** facility named **'J M & M Automotive'** on property located at **5633 East Virginia Beach Boulevard,**" was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-10 Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as **'Mermaid Vineyard and Winery'** on property located at **330 West 22nd Street, Suites 104, 105 and 106**," was introduced in writing and read by its title.

Jennifer Eichert, 305 Brooke Avenue, applicant was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-10A An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as **'Mermaid Vineyard and Winery'** on property located at **330 West 22nd Street, Suites 104, 105 and 106**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-11 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," was introduced in writing and read by its title.

ACTION: Continued to January 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-12 Letter from the City Manager and an Ordinance entitled, "An Ordinance finding a public necessity for the acquisition in fee simple of certain property located at **107 North Shore Road** for the purpose of construction of a new wastewater pump station; approving the acquisition of the property by **Purchase Agreement** or condemnation; and authorizing the expenditure of a sum of up to $195,000.00 from funds heretofore appropriated for acquisition of the property and all related transactional costs," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-13 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a $32,516 **Commonwealth of Virginia, Department of Environmental Quality Grant for Litter Prevention, Recycling and Environmental Educational Programs** and appropriating and authorizing the expenditure of the grant funds for the programs," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-14 Letter from the City Manager and an Ordinance entitled, "An Ordinance permitting the **Colonial Place/Riverview Civic League** to encroach into the right of way at the traffic circle at the corner of **Colonial Avenue and Delaware Avenue** with the placement of a mermaid sculpture," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-15 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a $32,600.00 grant award from the **U.S. Department of Homeland Security Federal Emergency Management Agency** through the **Virginia Department of Emergency Management**, appropriating and authorizing the expenditures of the funds for the **FY15 State Homeland Security Program** and authorizing the expenditure for the purchase of hazardous materials team equipment for the **Department of Fire-Rescue**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-16 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting an additional grant award in the amount of $137,327.00 from the **Federal Emergency Management Agency** through **the Hazard Mitigation Grant Program** which includes $27,465.40 from the **Commonwealth of Virginia** and $6,866.35 as a cash match from the property owners through the **Hazard Mitigation Grant Program** for the City of Norfolk elevation of four (4) residential structures project and appropriating and authorizing the expenditure of the funds for the project," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-17 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting the sum of $126,522.00 to the **D 'Art Center**, appropriating the grant funds, authorizing their expenditure, and authorizing the City Manager to enter into a **Grant Agreement** with the **D 'Art Center**," was introduced in writing and read by its title.

Carolyn Phillips and Charity Volman, were present on behalf of the D'Art Center.

ACTION: The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

NEW BUSINESS

Tracy Hogge, 7600 Azalea Garden Road, commented on the excessive speeding, and accidents on Azalea Garden Road at the curve and the recently replaced guard rail at that spot was shorter the previous one. He stated speeding vehicles that hit the guard rail have nearly ended up in his house. He asked that action be taken to prevent speeding at this location.

Dante Davis, 4525 Turnworth Arch, Virginia Beach, student from Virginia Wesleyan College, suggested that some of the language in Norfolk City Code should changed for the followings Sections: License & Taxation; Motor Vehicle and 2 Sections for Streets & Sidewalks. He submitted copies of the suggested changes.

Alphonso King, 2506 Ruffin Street, stated that the house next door to him that fell onto his house and that asbestos was everywhere and he feared his family might have been exposed to it.

John Smiley, 1709 Banning Road, commented that the Norview Recreation Center's equipment was outdated and needs repair before someone gets seriously injured.

John W. Hill, 2906 Mapleton Avenue, spoke regarding his injunction against the City Treasurer from 2008 and asked for an audit and review of that Constitutional office and for a recall of the City Treasurer in light of the recent allegations.

Danny Lee Ginn, 3844 Dare Circle, commented on good government.

THE CITY OF NORFOLK
CITY PLANNING

MEMORANDUM

TO:	City Council
THROUGH:	Marcus D. Jones, City Manager
FROM:	George M. Homewood, AICP, CFM, Planning Director
COPIES TO:	City Attorney, City Clerk
SUBJECT:	Pending Land Use Actions
DATE:	January 22, 2016

Attached for your review is the Pending Land Use Report, identifying applications received from January 6, 2015 through January 19, 2016. The report reflects items that are tentatively scheduled to be heard at the January 25, 2016 Architectural Review Board and the February 25, 2016 City Planning Commission meeting. In an effort to provide advance notice, this report is prepared prior to City Council meetings. No action is required on this report.

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

Architectural Review Board – January 25, 2016

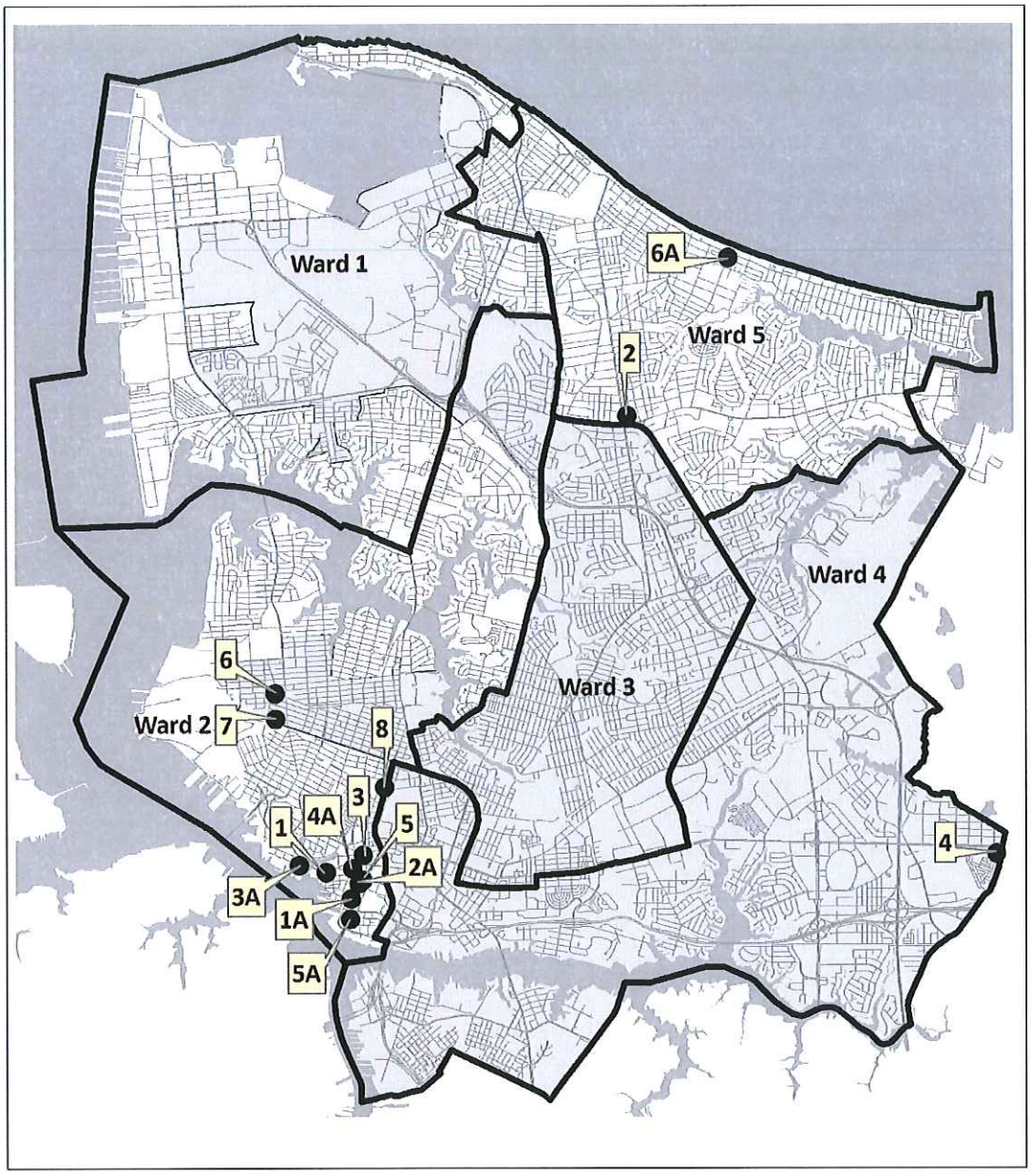
Number	Applicant	Location	Action	Ward	SW	Neighborhood
1A	Cardinal Sign	265 Granby Street	Business signage	2	6	Downtown
2A	WPA Architects	401 Granby Street	Outdoor dining	2	6	Downtown
3A	James Riedy	519 Front Street	Convert warehouse to residential	2	6	n/a
4A	Michael S. Allen	501B Boush Street	Signage	2	6	Downtown
5A	Tammy Halstead	100 E. Main Street	Sign package	2	6	Downtown
6A	Michael Schnekser	1901 E. Ocean View Avenue	Building renovations	5	6	Cottage Line

City Planning Commission – February 25, 2016

Number	Applicant	Location	Action	Ward	SW	Neighborhood
1	The Cure Coffeehouse & Brasserie	503 Botetourt Street, Suites 503-507	Amend a previously granted special exception to operate an entertainment establishment with alcoholic beverages.	2	6	West Freemason
2	Lost & Found Treasures	7924 Chesapeake Boulevard, Suite A	Special exception to operate a used merchandise sales establishment.	5	6	South Bayview
3	Bearded Bird Brewing Co.	727 Granby Street	• Special exception to operate an entertainment establishment with alcoholic beverages. • Special exception to operate a microbrewery.	2	6	Downtown

4	NSJ Foundation	953 Newtown Road	Special exception to operate a used merchandise sales establishment.	4	7	Newtown South
5	The Barrel Room	437 Granby Street	• To renew a previously granted special exception to operate an entertainment establishment with alcoholic beverages. • Special exception for the sale of alcohol for off-premises consumption.	2	6	Downtown
6	Andalousi	2729 Bowdens Ferry Road	• Change of zoning from R-8 (Single-Family) district to C-1 (Limited Commercial) district. • Special exception to operate an entertainment establishment with alcoholic beverages.	2	7	Lamberts Point
7	Vistacor Advisors, LLC	2315, 2401, 2419, 2501, 2517 2601, 2605, and 2613 Hampton Boulevard, 1250 West 24th Street, 1215, 1217, 1221, and 1225 West 25th Street, 1204, 1207 and 1209 West 26th Street, and 2330 Bowdens Ferry Road.	Change of zoning to modify the conditions on property zoned conditional C-2 (Corridor Commercial) district.	2	7	Lamberts Point
8	Wendy's	1805 Monticello Avenue	Special exception to operate a commercial drive-through.	2	6	N/A

9	City Planning Commission	citywide	Text amendment to the City's *Zoning Ordinance* to allow Tattoo Parlor/School in the C-2 (Corridor Commercial) district by special exception.	N/A	N/A	citywide



Pending Land Use Actions
JANUARY 6 - JANUARY 19

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Superwards
6
7

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This map is for graphic purposes only.

Map compiled, designed and produced by the Department of City Planning.

THE CITY OF NORFOLK

MEMORANDUM

TO: The Honorable City Council

CC: Marcus D. Jones, City Manager
Ronald H. Williams, Jr. Deputy City Manager

FROM: George M. Homewood, AICP, CFM, Director, Department of City Planning

SUBJECT: 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

DATE: January 15, 2016

On the January 26, 2016 Regular Agenda, City Council will again be reviewing a request 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.

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.

An application for a special exception to authorize the operation of an Entertainment Establishment includes a full roster of operational conditions to mitigate any negative impacts that might otherwise result. In addition, special exception uses, as defined by the *Zoning Ordinance*, "are those uses having some potential impact or uniqueness which requires a careful review of their location, design, configuration and impacts to determine, against fixed standards, the desirability of permitting their establishment on any given site."

The types of events likely to be held in Entertainment Establishments where both children and alcohol could be present together with a dance floor include wedding receptions, wakes, birthday parties, anniversary celebrations, family reunions and the like. Children are similarly permitted in restaurants where alcohol is served as well as at events at Norfolk's Seven Venues facilities.

At the January 12, 2016 City Council public hearing, a special exception request for an Entertainment Establishment with alcoholic beverages from the Mambo Room Latin Dance Studio ("Mambo Room") was approved. Although the Mambo Room, located at 419 West 22nd Street, 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. Although this special exception request was approved, the above referenced City Code amendment was continued to the January 26, 2016 City Council public hearing. This has presented operational difficulties for the Mambo Room, as the proposed operation of the establishment is in part dependent upon the approval of this City Code amendment.

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.

Staff points of contact:

Adam D. Melita, Deputy City Attorney – Law Department at 664-4366, adam.melita@norfolk.gov and;

Matthew Simons, CFM, City Planner II – Land Use Services at 664-4750, matthew.simons@norfolk.gov

THE CITY OF NORFOLK
CITY PLANNING

Inter Departmental Memorandum

TO:	The Honorable City Council
REVIEWED:	Ronald H. Williams, Jr. Deputy City Manager
FROM:	George M. Homewood, AICP, CFM, Director, Department of City Planning
COPIES TO:	Leonard M. Newcomb III, CFM, Assistant Director, Department of City Planning Susan Pollock, CFM, Principal Planner, Department of City Planning
SUBJECT:	Rezoning from R-8 (Single-Family) to Conditional R-9 (Single-Family) – 1510 Colon Avenue - DT Builders
DATE:	January 8, 2016

On the January 26, 2016 public hearing agenda, City Council will be reviewing a request to rezone the property located at 1510 Colon Avenue from R-8 (Single-Family) to Conditional R-9 (Single-Family). This site is located within the Campostella neighborhood on Colon Avenue between Campostella Road and Wilson Road on land that has recently had a single-family home constructed on the western half of the property. 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.

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. Approval of the rezoning to R-9 would allow the applicant to resubdivide the existing 87.5 foot wide lot into two lots, each with approximately 44 feet in width with less than 5,000 square feet in lot area per lot. While the direct impact – 6-foot narrower lots – may seem minimal, it begins to change the character of an area as well as sets a precedent for future requests.

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. This type of development would further disrupt 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.

Planning staff recommended **denial** of the application because the rezoning request is inappropriate for this area given that the lot pattern consists predominately of lots that are larger and wider than lots permitted within the R-9 district.

The proposed development will result in two new lots being smaller than the majority of lots in the neighborhood, which could have a negative visual impact on the neighborhood. While the development of the new home will be required to go through the administrative design process, the home on the western portion of the parcel did not because of the manner in which the rezoning application was timed. The purpose of the "narrow lot" administrative design process is to help ensure that homes proposed on lots that are narrower than the predominate character are compatible with the surrounding architectural character of the neighborhood. This request is atypical of previous rezoning requests which normally include a proffer that both new homes will be required to obtain the zoning certificate.

Approval of a rezoning which is out of character with the existing lot pattern may establish an undesirable precedent for future inappropriate rezoning requests. 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
Lots in character with the proposal or smaller (Less than 50 ft. in width, or less than 5,000 sq. ft.)	39	**34%**	15	**45%**
Lots in character with the existing R-8 zoning (Greater than or equal to 50 ft. in width, and greater than or equal to 5,000 sq. ft. of lot area)	75	**66%**	18	**55%**

The applicant appeared before the Campostella Civic League on November 9th to present the proposal to the community. A letter was received from the civic league which expressed that the civic league voted to **deny** the rezoning application.

After conducting a duly advertised public hearing on December 10, 2015, at which the applicant provided comments, the City Planning Commission voted **5 to 1** to recommend **denial** of the application. The 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. The minority voted for approval based on the desire to allow more development to occur within the neighborhood.

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

THE CITY OF NORFOLK
CITY PLANNING

Inter Departmental Memorandum

TO:	The Honorable City Council
REVIEWED:	Ronald H. Williams, Jr. Deputy City Manager
FROM:	George M. Homewood, AICP, CFM, Director, Department of City Planning
COPIES TO:	Leonard M. Newcomb III, CFM, Assistant Director, Department of City Planning Susan Pollock, CFM, Principal Planner, Department of City Planning
SUBJECT:	Rezoning from R-8 (Single-Family) to Conditional R-9 (Single-Family) – 1345 Melrose Parkway – Jon Rizzo
DATE:	January 22, 2016

On the January 26, 2016 public hearing agenda, City Council will be reviewing a request to rezone the property located at 1345 Melrose Parkway from R-8 (Single-Family) to Conditional R-9 (Single-Family). This site is located within the Larchmont/Edgewater neighborhood, near the northeast corner of Melrose Parkway and Quarantine Road. While the City Planning Commission unanimously recommends approval, Staff had recommended and continues to recommend denial.

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. Approval of the rezoning to R-9 would allow the applicant to resubdivide the existing 90 foot wide lot into two lots, each with approximately 45 feet in width with less than 5,000 square feet in lot area per lot.

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. Of the single-family homes, 57 percent 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.

Larchmont/Edgewater is an historic neighborhood which is eligible for designation on both the National and Virginia Registers of Historic Places and there are some individual home within the neighborhood that are individually eligible for consideration. It is very much not yet a neighborhood in transition; however, it has begun suffering the effects of its proximity to Old Dominion University with its

burgeoning enrollment that exceeds its dormitory capacity—the high percentage of rental properties attests to this. The proposed development will result in two new lots being smaller than the majority of lots in the neighborhood.

Where a neighborhood is relatively stable and there is a desire to keep it that way, good planning practice suggests that the existing pattern be protected and preserved and that introducing either a lot pattern or a building type which is out of character with the existing pattern can contribute to future instability. Consequently, staff prepares a Lot-Pattern Analysis to determine if there is a predominant character within the neighborhood within which a rezoning is proposed. For this proposal, the analysis shows the following range of residential lot sizes 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
Lots in character with the proposal or smaller (Less than 50 ft. in width, or less than 5,000 sq. ft.)	30	**18%**	27	**29%**
Lots in character with the existing R-8 zoning (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%**

In this case, the character is overwhelming and this proposal would result in lots 10% narrower than the clear majority. While there are ways to ameliorate the appearance of narrower lots through the administrative design review process, Staff remains concerned that the additional dwellings units will be located directly adjacent to Old Dominion University and, in spite of the developer's stated best intentions of having owner-occupied homes, the units appear likely to continue ultimately the further encroachment of student housing into this single-family neighborhood. As the City has become aware, it is exceedingly difficult to maintain or enforce owner-occupancy where there is a strong market for student rentals. 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.

There is also the potential that in addition to the increased density and potential for more student housing encroachment, the homes constructed could be out of character with the surrounding community and thus have a negative visual impact on the neighborhood. Thus, the Planning Commission requested and the applicant agreed to condition the application with the requirement to obtain a zoning certificate through the administrative design review process, in order to help ensure that the proposed homes are compatible with the surrounding architectural character of the neighborhood.

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

Staff's recommendation of **denial** is based on the following criteria:

- The proposal is inconsistent with the City's adopted Future Land Use Map within *plaNorfolk2030*.
- Larchmont/Edgewater is not a neighborhood in transition; the lot pattern analysis shows the proposed lot sizes to be inappropriate for the neighborhood.
- The inability to ensure with any degree of certainty that the new homes will not increase the opportunities for more student housing with all the attendant concerns that arise from such housing within the neighborhood due to the close proximity to ODU.

After conducting a duly advertised public hearing on December 10, 2015, at which the applicant provided extended comments and responded to questions from Commissioners, the City Planning Commission voted **6 to 0** to recommend **approval** of the application.

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.

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

THE CITY OF NORFOLK
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: Norfolk City Council

CC TO: Norfolk General Assembly Delegation; Norfolk Constitutional Officers; City Manager, and Norfolk Senior Executive Team

FROM: Bryan Pennington, Director, Intergovernmental Relations Office

SUBJECT: 2016 General Assembly Activity Report #1

DATE: January 22, 2016

Each Friday of the 2016 General Assembly Session, the Administration will send the Council and Norfolk's General Assembly Delegation a weekly legislative activity report covering the ongoing 2016 legislative issues of importance or interest to the City of Norfolk and Virginia local governments.

These weekly reports are not intended to be all-inclusive. Rather, the Administration is attempting to provide an executive-level summary of important local-government related legislative developments and to provide an update on Norfolk's 2016 General Assembly requests and priorities.

***2016 Session Underway**:*

The General Assembly opened the 2016 legislative session on Wednesday, January 13 with an expected adjournment date of March 12. The largest matter for the Session will be the adoption of the 2016-2018 biennial state budget. Governor Terry McAuliffe on December 17 introduced Virginia's first budget north of the $100 billion mark.

The 2016-18 Budget Bill (HB/SB 30) calls for spending of $109.2 billion, beginning next July 1. Of this amount, $68.6 billion, or 63%, is derived from non-general fund revenues like federal grants and contracts, motor fuel taxes, college tuition, ABC sales, and special licenses and fees.

The state's increasing reliance on non-general funds has fueled appropriations from the 2008-10 biennium through the proposed 2016-2018 biennium (FY 2017 and FY 2018.) While total appropriations will rise by 43% by the end of the next biennium, non-general fund spending will have jumped by 50%, meaning general fund spending is slated to grow 32%.

Governor's Introduced Budget Highlights:

Ten items account for 75% of the new spending. The largest single item is $789.1 million for Medicaid healthcare cost inflation and increased utilization followed by a $605 million deposit to the State Rainy Day

Fund. Four of the top ten are K-12 education items (totaling $705 million) with state employee pay raises and health insurance increases ($213.5 million), debt service payments ($107.8 million) and a deposit to the ($61.7 million) Virginia Water Quality Improvement Fund rounding out the list.

While the General Assembly may disagree at the margins as the session gets underway, the overall policy priorities imbedded in the Governor's proposed budget will likely remain intact.

Norfolk Priority Legislative Requests w/ Hyperlinks:

1. Reauthorize the Virginia General Assembly Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding. HJ 84 (Stolle)-Reauthorize the Joint Virginia General Assembly Subcommittee to Formulate Recommendations for the Development of a Comprehensive and Coordinated Planning Effort to Address Recurrent Flooding

2. Authorize the Commonwealth to participate in the Regional Greenhouse Gas Initiative (RGGI) and create the Virginia Coastal Resiliency Fund. HB 351 (Villanueva)-Create the Virginia Alternative Energy and Coastal Protection Act.

3. Amend the Code of Virginia so that motor vehicle travel lanes that have been converted to bicycle travel lanes shall continue to be included in the "moving –lane-miles" calculation used by VDOT for determining urban street maintenance payments. SB 669 (Alexander)-Highway Maintenance Payments for Bicycle Lanes; HB 1335 (Taylor)-Highway Maintenance Payments for Bicycle Lanes

4. Authorize the creation of local option incentive programs to encourage retailers' reduction in the provision of single-use plastic shopping bags and encourage the use of reusable bags (Senator Lewis).

5. Authorize the Virginia Maritime Resource Commission to issue local governments an expedited permit for emergency sand placement / replenishment under certain conditions when an emergency declaration has been made. SB 307 (Lewis)-Expedited Permitting for Emergency Beach Restoration; HB (Bloxom)-Expedited Permitting for Emergency Beach Restoration.

6. Change the composition of the Commonwealth Transportation Board to include representation from the Hampton Roads Transportation Accountability Commission and Northern Virginia Transportation Authority. SB 471 (Wagner)-Increase Regional Membership on the Commonwealth Transportation Board.

City of Norfolk and Virginia Urban Crescent Supported Public Education Commonwealth Requests for Appropriations:

1. *SOQ Re-benchmarking* - Provide full funding for the biennial Standards of Quality funding re-benchmarking as adopted by the State Board of Education. Every two years the State Board of Education reviews and updates the prevailing (statewide average based on the previous two years) costs of state recognized and required expenditures for public education. *$190.4 million in FY 2017 and $239.4 million in FY 2017 is included in the introduced budget to fully fund the cost of rebenchmarking.*

2. *SOQ Basic Aid Funding* – Restore Standards of Quality basic aid funding in all categories to FY 09 levels. Since 2009 the Commonwealth has reduced its share of funding for public education by approximately $1 billion and state per pupil inflation adjusted funding for K-12 has decreased from $4,275 per pupil in 2009 to $3,655 per pupil in 2015. These funds are in addition to the SOQ re-benchmarking funding. *The City of Norfolk lobbying team has been deeply involved in the Urban Crescent Coalition K-12 funding efforts in partnership with the*

Virginia Municipal League, the Virginia Association of Counties. As a result of those efforts, budget amendments have been submitted for the following:

Item	***FY 2017***	***FY 2018***	***House Patron***	***Senate Patron***
Instructional Aides	*$156,000,000*	*$156,000,000*	*Hester Norfolk*	*Vogel Fauquier*
Assistant Principals	*$70,000,000*	*$70,000,000*	*Carr Richmond*	*None*
Linear Weighted Average (Zeros)	*$40,000,000*	*$40,000,000*	*Plum Fairfax*	*Lucas Portsmouth*
English Language Learners	*$10,000,000*	*$10,000,000*	*None*	*Howell Fairfax*
Capital Maintenance and Operation	*$50,000,000*	*$50,000,000*	*None*	*Lucas Portsmouth*
Education Study	*Budget Language*	*Budget Language*	*None*	*Vogel Fauquier*

Education Funding Details:

Increased funding for public education was the signature item in the Governor's introduced biennial budget. Major funding increases were provided in the following areas:

- Funding for the state's share of a two percent salary increase for instructional and support positions recognized by the Standards of Quality (SOQ) funding model, effective July 10, 2017. FY 2018: $83,152,074 (This will have a significant fiscal impact for the City as the state share is Local Composite Index (LCI) based for SOQ teachers and staff, but it all falls on CPS for non SOQ personnel.)
- Updates costs of the Standards of Quality (SOQ) for the 2016-2018 biennium. The SOQ programs are updated biennially to reflect changes in enrollment, funded instructional salaries, school instructional and support expenditures, and other technical factors. These adjustments address the cost of continuing current programs with the required data revisions and do not reflect changes in policy. FY 2017: $183,204,394; FY 2018: $214,902,227

- Updates accounts in Direct Aid for Public Education based on a biennial recalculation of the LCI, a measure of local ability-to-pay used to distribute funding to local school divisions. FY 2017: $25,175,521; FY 2018: $25,315,414

- Enhances funding for the At-Risk program, which provides funding as a percentage add-on to basic aid to support the additional costs of educating at-risk students. FY 2017: $24,806,792; FY 2018: $24,886,579

- Adds funding for local school divisions to hire additional instructional positions based on the funded Standards of Quality (SOQ) salaries and benefits for elementary and secondary teachers, including full and partial Cost of Competing Adjustment (COCA). Provides funding to add approximately 2,500 instructional positions statewide. 2017: $42,675,933; FY 2018: $96,410,489 (This will also have a local fiscal impact depending on how many new positions are for CPS. There are roughly 5,000 fewer state funded teachers than in 2008-2009.)

- Adjusts funding to support employer rate changes for teacher retirement from 14.06 percent to 14.66 percent, retiree health care credit from 1.06 percent to 1.11 percent, and group life from 0.48 percent to 0.47 percent. This update reflects the cost to continue funding retiree health care credit and group life at 90.00 percent of the board certified full employer contribution rate and teacher retirement at 89.84 percent of the full rate. This adjustment also includes a reduction from 9.40 percent to 7.11 percent in the employer rate for retirement contributions paid on behalf of nonprofessional support positions. FY 2017: $15,857,781; FY 2018: $15,959,609

- Provides funding in 2018 to support the cost of competing adjustment for support salaries in Virginia school divisions located within the common labor market of the Washington-Baltimore-Northern Virginia, DC-MD-VA-WV Combined Statistical Area. FY 2018: $40,612,935

- Adjusts funding to support employer rate changes for teacher retirement from 14.66 percent to 16.32 percent, retiree health care credit from 1.11 percent to 1.23 percent, and group life from 0.47 percent to 0.52 percent. These rates are 100 percent of the board certified full employer contribution rates. FY 2018: $55,058,875

- Updates funding provided to local school divisions based on the latest sales tax projections provided by the Department of Taxation. FY 2017: $31,285,554; FY 2018: $53,317,636

Additional Budget Amendments of Interest:

1. <u>*Community Wealth Building*</u> – Provide $10 million each year for a State Community Wealth Building Fund to incentivize localities to develop and begin implementing comprehensive plans aimed at reducing poverty and extending more and higher quality opportunities to residents of high-poverty communities*. Working with Virginia First Cities on this. Delegate Carr and Senator Lucas have submitted budget amendments for $1.0 million in FY 2017 and $10 million for FY 2018.*

2. <u>*Affordable Housing Trust Fund*</u> - Provide increased funding for the State Affordable Housing Trust Fund. *– $6.0 million increase in FY 2017 and $6.0 million in FY 2018 included in the introduced budget.*

3. *Mental health* services - Increase funding to address the statewide growing unmet need for mental health and substance abuse treatment services including:

    - Waiver slots and family support for the intellectually and developmentally disabled;
    - Medical Assisted Treatment (MAT), medical detoxification, psychiatric services and reintegration services for behavioral health;
    - Early intervention services for early childhood disabilities, and suicide prevention;
    - Recruitment and retention of Licensed Mental Health Professionals (LMHP) and licensed eligible staff and increased peer support.

    $14.2 million has been appropriated in GF in FY 2017 and $31.8 million GF in FY 2018 and an equal amount of federal Medicaid matching funds is included in the introduced budget to add 855 new ID and DD waiver slots over the biennium.

    The introduced budget also proposes language to add the following services through the existing Medicaid State Plan or through a demonstration waiver: inpatient detoxification and substance abuse treatment, residential detoxification and substance abuse treatment, and peer support services.

    $4.3 million GF the first year and $5.3 million GF the second year is in the introduced budget to improve crisis programs to comply with requirements of the DOJ settlement agreement. This funding will support two eight-bed therapeutic homes, mobile crisis services, respite services for children, and regional crisis coordinators.

    Budget language would require the DBHDA to develop a plan for a performance based contracting system for Community Services Boards. Such a system would include funding incentives and disincentives based on achievement of outcomes.

4. *Food deserts* – Provide continued funding for the Commonwealth Council on Bridging the Nutritional Divide to implement the recommendations of the Department of Agriculture and Consumer Services report on food deserts including establishing incentives for:

    - Production, distribution and procurement of foods from local farms;
    - Public-private partnerships to open and sustain full-service grocery stores in communities without access to healthy food (food deserts);
    - Encouraging food retailers to locate in and/or food and beverage choices in underserved areas.

    $5.0 million in both FY 2017 and FY 2018 included in the introduced budget to launch a program to create 10 retail food establishments in areas without supermarkets or other places where citizens can access fresh and nutritious foods.

    $0.25 million in both FY 2017 and FY 2018 and two positions to promote Virginia grown products and to establish a specialist position for the emerging organic grown products market.

5. *Prisoner re-entry* - Provide increased resources to support re-entry services for individuals scheduled for release from state prisons.

    $1.6 million GF and 19 positions each year is included in the introduced budget for pilot jail re-entry programs to assist state-responsible offenders housed in local or regional jails to improve their transition back to their

communities. Another $1.2 million each year is added to maintain the level of contracted community residential placement beds available, on a short-term basis, for offenders on community supervision who do not have a place to live.

6. *Stormwater Funding*:

   - Item C-47 #12S (Hanger)/ Item C-47 #5h (Landes). This amendment would provide **$50.0 million in bond proceeds in each year of the biennium for the Stormwater Local Assistance Fund**.
   - Item 370 #1h (Lopez). **This amendment provides $50 million each year to the SLAF.**
   - Item 370 #2h (Lindsey). **This amendment provides $50 million in the first year to the SLAF.**
   - Item 370 #5S (Hanger). **This amendment expands the use of the SLAF to include acquisition of nonpoint nutrient credits.**
   - Item 370 #3h (Wilt). **This amendment removes requirement that each locality with a stormwater service charge file a report with DEQ** as to the programs funded by these fees and the expected nutrient and sediment reductions for each of these program.

7. *Transportation Funding:*

   - **Rail EIS for Richmond to Hampton Rds Rail** Item 449 #1h (Villanueva, Davis, Lindsay, Stolle, Ward, Spruill, Heretick, Bloxom); Item 449 #4s (Wagner, Alexander, Cosgrove, DeStaph, Locke) – this amendment allocates $10 million in the first year and $10 million in the second year from the Dept. of Rail and Public Transportation to the HRTPO to conduct the Richmond to Hampton Roads Tier II Passenger Rail Environmental Impact Study.
   - **Increase passenger train frequencies to Norfolk & Roanoke** Item 449 #5s (Wagner, Alexander, Cosgrove, DeStaph, Locke) – this amendment calls for the Dept. of Rail and Public Transportation to complete projects currently underway to deliver train capacity improvements to serve Norfolk and Roanoke prior to any further investments in passenger rail capacity to serve markets in North Carolina.

Legislation of Interest:

HB 1253 (Hester)-Repeal of Obsolete Provisions for appointment of Norfolk School Board Members. Repeals obsolete provisions for the appointment of members to the school board of the City of Norfolk. The selection of members of such school board was changed to direct election by the voters by referendum in 2014 pursuant to § 22.1-57.2 of the Code of Virginia.

HJ 158 (Hester)-Resolution Celebrating the life of Honorable Thomas W. Moss, Jr.

Redistricting:

HB 555 (Landes) and SB 59 (Vogel & Howell) appear to be the redistricting bills gaining the most momentum. The bills state criteria for the General Assembly to observe in future drawing of political districts, including the consideration of

existing local government political boundaries, equal population, racial and ethnic fairness, contiguity, compactness, and communities of interest. HB 555 / SB 59 prohibits the use of political data or election results unless the use is necessary to determine if racial or ethnic minorities have a realistic opportunity to elect candidates of their choice.

Local Government Revenue:

HB 223 (Solle)-Courthouse and Courtroom Security Fee: Increases from $10 to $20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district court to fund courthouse and courtroom security.

HB 1337 (James)-Review of Local Government Fiscal Stress and State Mandates. Provides that a task force appointed by the Governor to review state mandates imposed on localities and to recommend temporary suspension or permanent repeal of such mandates, in making its recommendations, shall consider the measure for Fiscal Stress published by the Commission on Local Government of the Department of Housing and Community Development and the impact of such fiscal stress upon the ability of certain localities to meet state mandates.

Flooding:

HB 739 (Stolle)-Establish a Virginia Flooding Adaption Office: Directs the Secretary of Public Safety and Homeland Security to establish the Virginia Flooding Adaptation Office and designate a Chief Resiliency Officer to oversee the operations of such office. The Chief Resiliency Officer, who shall hold no other position, shall serve as the primary coordinator of resilience and adaptation initiatives in Virginia and as the primary point of contact regarding issues related to resilience, sea-level rise, and flooding.

HB 903 (Stolle)-Establish the Commonwealth Center for Recurrent Flooding Resiliency: Designates the Commonwealth Center for Recurrent Flooding Resiliency jointly at Old Dominion University, the Virginia Institute of Marine Science, and The College of William and Mary to (i) serve, advise, and support the Commonwealth by conducting interdisciplinary studies and investigations and (ii) provide training, technical and nontechnical services, and outreach in the area of recurrent flooding and resilience research to the Commonwealth and its political subdivisions. Companion Bill:

HJ 84 (Stolle)-Reauthorize the Joint Virginia General Assembly Subcommittee to Formulate Recommendations for the Development of a Comprehensive and Coordinated Planning Effort to Address Recurrent Flooding: Continues the study of recurrent flooding for two additional years and renames the Joint Subcommittee as the joint subcommittee on coastal flooding to more accurately reflect its mission.

SB 282 (Lewis)-Establishes the Virginia Shoreline Resiliency Fund: Establishes the Virginia Shoreline Resiliency Fund for the purpose of creating a low-interest loan program to help residents and businesses that are subject to recurrent flooding. Moneys from the Fund may be used to mitigate future flood damage.

HB 477 (Stolle)-Authorize the Issuance of $29.3 Million in Bonds for Northern Virginia and Hampton Roads Veterans Care Centers: Authorizes the Virginia Public Building Authority to issue bonds in the amount of $29.3 million plus financing costs to construct veterans care centers in Northern Virginia and Hampton Roads

Transportation:

SB 477 (Wagner)-*HRTF Fuel Tax Revenues and Gas Tax Floor*-As you'll recall, HB 2313 was signed into law May 2013 to address Hampton Roads' unfunded transportation needs. As triggered by HB 2313, Hampton Roads Transportation Fund (HRTF) included revenue streams, to include an additional 0.7% sales tax increase as well as an additional 2.1% fuels tax added to the wholesale price of motor fuels sold in the region. While FY15 HRTF revenues were expected to generate $200 million in revenues, actual revenues fell $30 million short of legislative expectations due to the

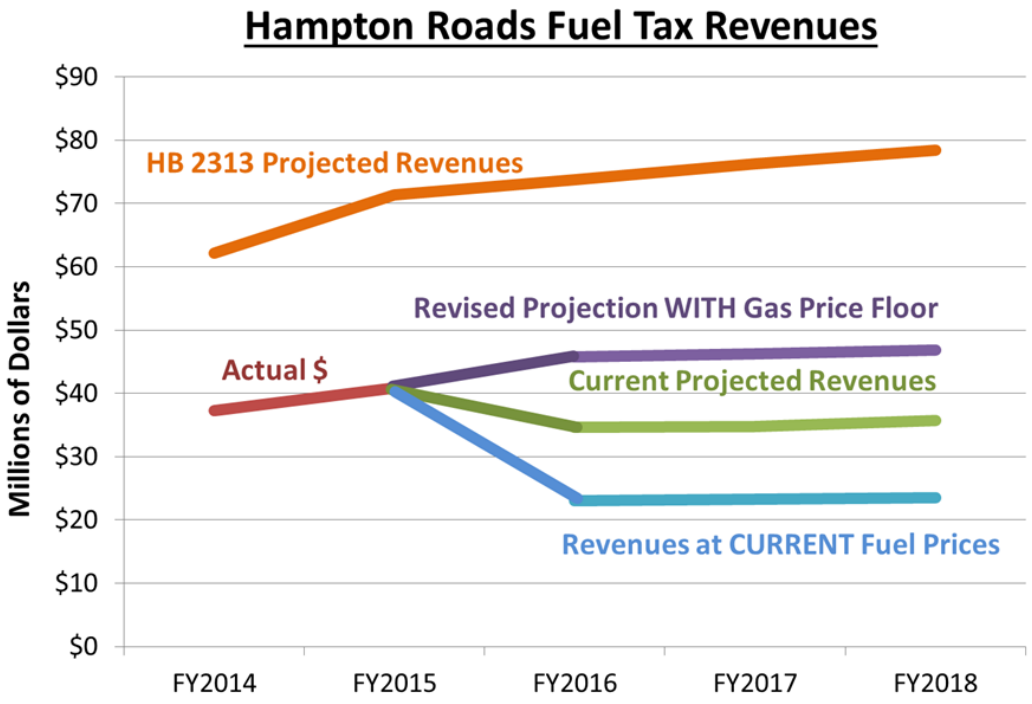
unexpected decline in gasoline costs. In order to protect revenues from declining fuel costs, a gas floor bill calculating taxes based on the wholesale fuel cost is being introduced, in efforts to prevent further shortfalls (see Figure 1 on next page.

SB 470 (Wagner)-Increase Hampton Roads Motor Vehicle Fuels Sales Tax. Would increase the tax on the distributor sales price charged to a retail dealer from 2.1% to 5.1%. As of this week, despite having a regional gas tax, gas prices in Hampton Roads ($1.658) are lower than Richmond, Roanoke, and Charlottesville; additionally, price per gallon is lower than the state ($1.715) and nation ($1.882).

HJ 77 (James)-Commonwealth Transportation Board Study on Strategies to Reduce or Eliminate Tolls on the Midtown-Downtown Tunnels. Requests the Commonwealth Transportation Board to study the feasibility of reducing or eliminating tolls on the Midtown and Downtown Tunnels in Hampton Roads.

HB2 Update. On January 19, statewide transportation project scoring results were presented by Secretary Layne before the Commonwealth Transportation Board (CTB). HB 2 out of the 2013 General Assembly session facilitated development of a new transportation revenue allocation formula which required use of an outcome-based prioritization process. A total of 287 project applications were scored in the areas of congestion mitigation, safety, accessibility, economic development, environment, and support of efficient land use. Benefitting HRTPO, the I-64 widening project ($145 million recommended funding) was one of five top-scoring projects. The I-64/I-264 Interchange Improvements project was amongst the top-rated projects for land use. In Norfolk specifically, I-64/Northampton Blvd., U.S. 58 Corridor Safety, and traffic control upgrade projects were recommended funded projects. Next steps will include Spring public hearings on CTB-recommended scenarios and revised funding scenario prior to adoption of a Six-Year Program at the June CTB meeting.

Figure 1



Important Dates:

VML Day is on Wednesday, January 27th from 3p-6:30p at the Library of Virginia.

Hampton Roads Regional Day is on Thursday, January 28th from 8am-2p at the State Capitol.

Conclusion

Next Friday's General Assembly Activity Report will cover additional emerging legislative topics and provide updates on all of Norfolk's priority legislative requests and budget amendments. During Session, please do not hesitate to email me at bryan.pennington@norfolk.gov if I can help with answering any legislative questions.

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 10th floor conference room at City Hall for a Business Meeting.

Thank you,

Paul D. Fraim
Mayor

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

810 Union Street • Suite 1001 • Norfolk, Virginia 23510 • (757) 664-4679 • (757) 441-2909 • paul.fraim@norfolk.gov

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 10th floor conference room at City Hall for a Business Meeting with the Norfolk School Board.

2. 7:00 P.M. Regular Council Meeting.

810 Union Street • Suite 1001 • Norfolk, Virginia 23510 • (757) 664-4679 • (757) 441-2909 • paul.fraim@norfolk.gov

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**.

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**.

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**.

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.

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."**

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**.

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)

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.

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.

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.

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.

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.

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.

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.

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.

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.

City of NORFOLK

C: Dir., Department of City Planning

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

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

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: December 10, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Matthew Simons, AICP, CZA, CFM

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
Lots in character with the proposal or smaller (Less than 50 ft. in width, or less than 5,000 sq. ft.)	30	**18%**	27	**29%**
Lots in character with the existing R-8 zoning (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

12/08/2015 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved: M.S.

By _____
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.

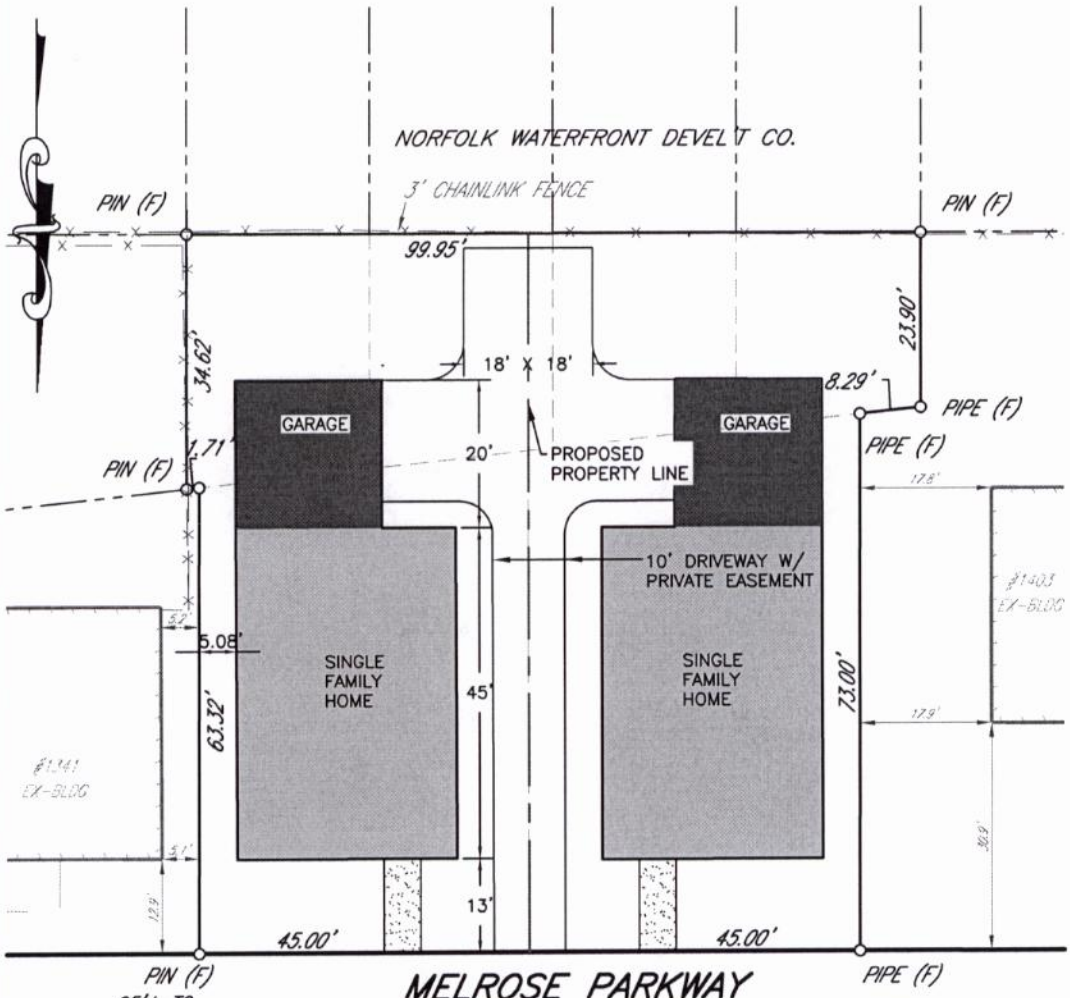
Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (2 pages)

Exhibit A

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



EXISTING FRONT BUILDING SETBACKS

174 =14.7'(LEFTSIDE/FRONT)-25.1'(RIGHTSIDE/FRONT)
173 =15.8'-16.0'
172 =16.0'-16.1'
171 =16.2
170 =9.7

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'

S I 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

JOB NO. 15177

PS 15177 EXHIBIT 1345 MELROSE PARKWAY.dwg

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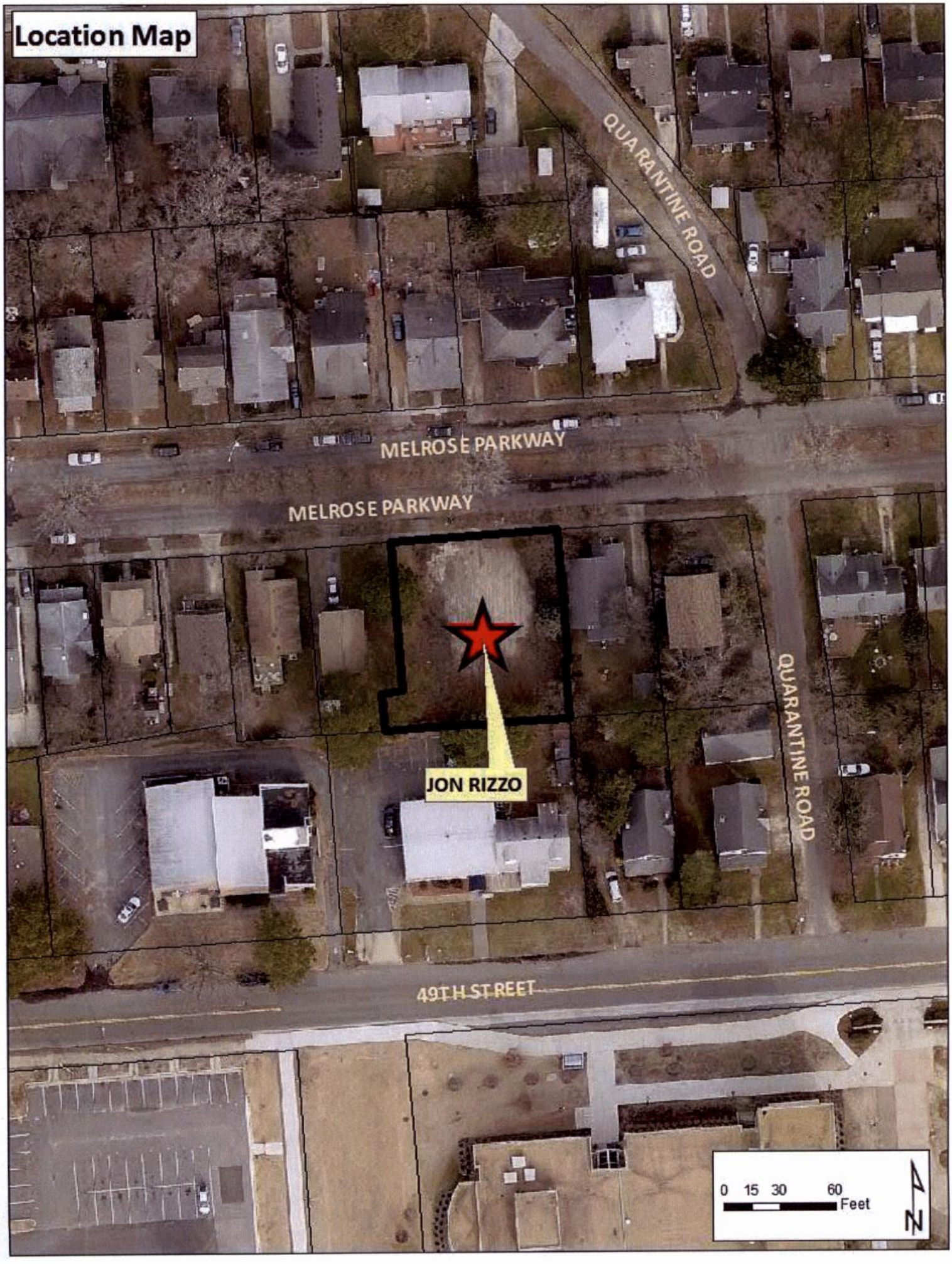
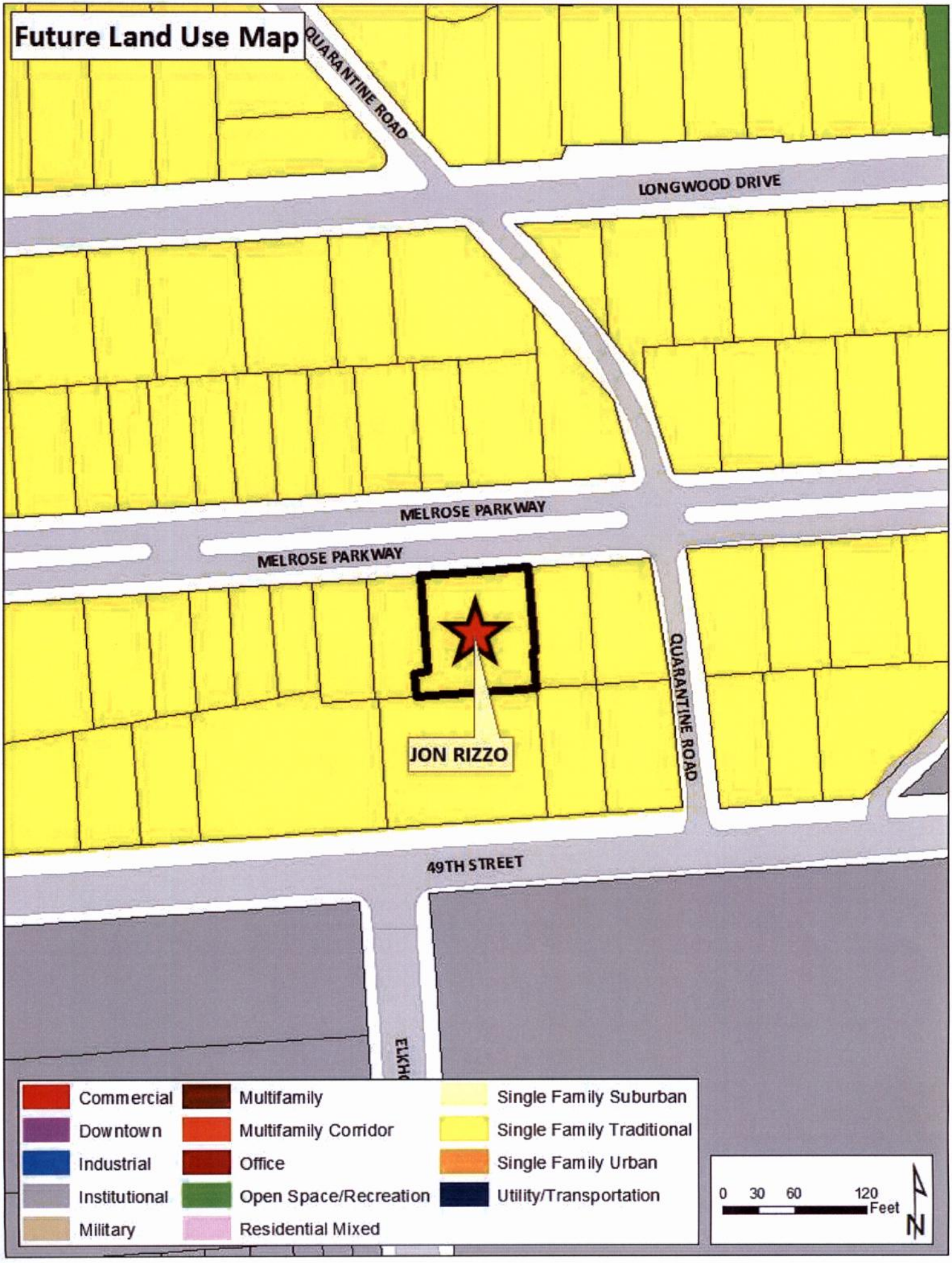
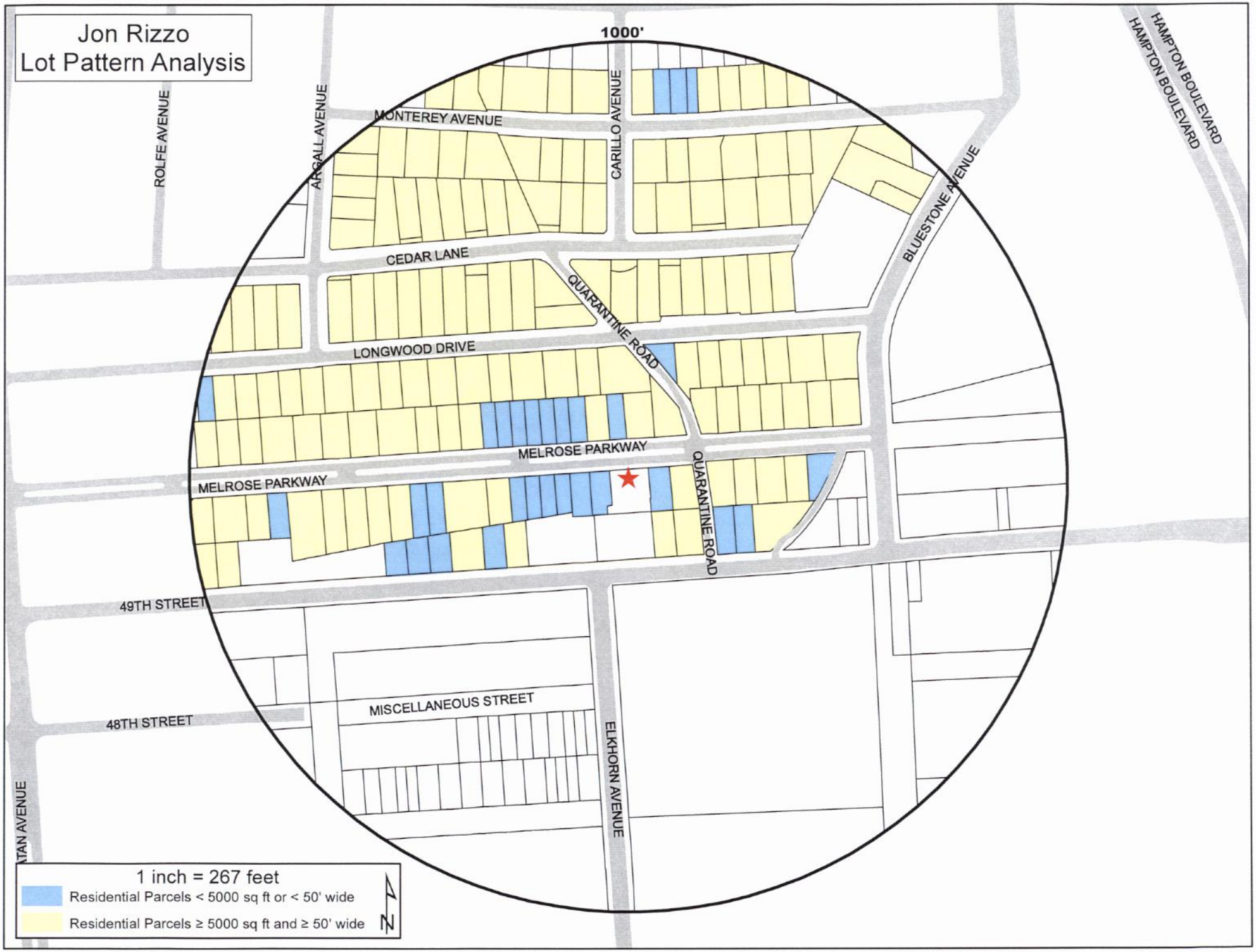

Location Map
QUARANTINE ROAD
MELROSE PARKWAY
MELROSE PARKWAY
JON RIZZO
QUARANTINE ROAD
49TH STREET
0 15 30 60
Feet
N

Zoning Map
R-8
QUARANTINE ROAD
R-8
LONGWOOD DRIVE
R-8
R-8
MELROSE PARKWAY
MELROSE PARKWAY
R-8
JON RIZZO
QUARANTINE ROAD
R-8
IN-2
R-8
49TH STREET
IN-2
ELKHORN AVENUE
IN-2
MISCELLANEOUS STREET
0 25 50 100
Feet
N


Future Land Use Map
QUARANTINE ROAD
LONGWOOD DRIVE
MELROSE PARKWAY
MELROSE PARKWAY
JON RIZZO
QUARANTINE ROAD
49TH STREET
Commercial
Downtown
Industrial
Institutional
Military
Multifamily
Multifamily Corridor
Office
Open Space/Recreation
Residential Mixed
Single Family Suburban
Single Family Traditional
Single Family Urban
Utility/Transportation
0 30 60 120
Feet
N


Jon Rizzo
Lot Pattern Analysis
1000'
ROLFE AVENUE
ARGALL AVENUE
MONTEREY AVENUE
CARILLO AVENUE
HAMPTON BOULEVARD
HAMPTON BOULEVARD
BLUESTONE AVENUE
CEDAR LANE
QUARANTINE ROAD
LONGWOOD DRIVE
MELROSE PARKWAY
MELROSE PARKWAY
QUARANTINE ROAD
49TH STREET
MISCELLANEOUS STREET
48TH 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
N

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 1 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) NIZZO (First) JON (MI) A

Mailing address of applicant (Street/P.O. Box): 6739 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: JNIZZO@JNILASSOCIATES.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 ODELL

Date(s) contacted: 9/17/15

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

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, 2015)

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 Nixon **Sign:** 10/26/15
(Applicant) (Date)

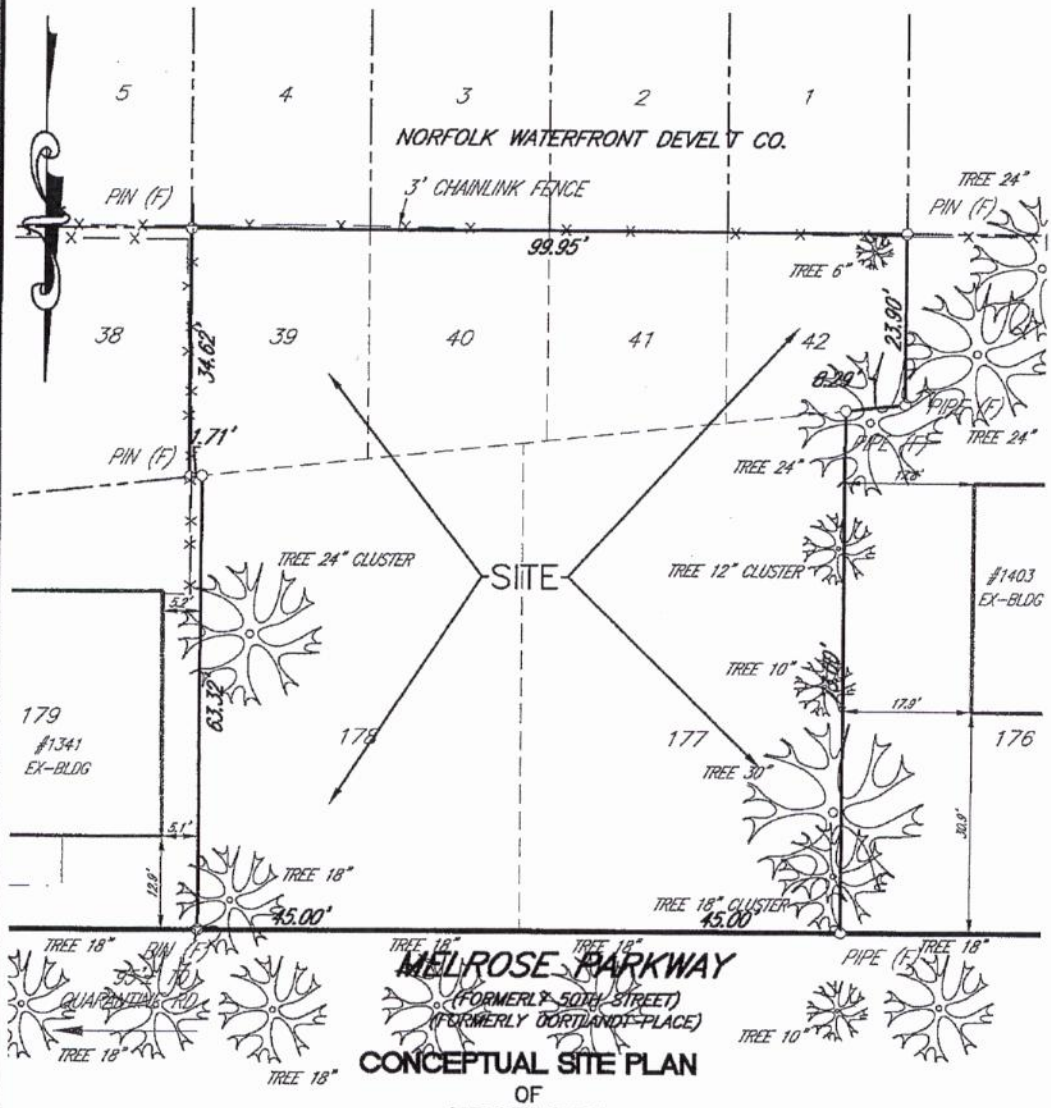
ONLY NEEDED IF APPLICABLE:

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, 2015)

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



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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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.

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

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*

Thank you.

Matthew Straley
GIS Technician II
Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510
Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569

City of NORFOLK

C: Dir., Department of City Planning

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

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: December 10, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Matthew Simons, AICP, CZA, CFM

Staff Report	**Item No. 4**	
Address	**1510 Colon Avenue**	
Applicant	**D.T. Builders, LLC (Lashaun Robinson)**	
Request	**Change of Zoning**	**Change of Zoning from R-8 (Single-Family) to Conditional R-9 (Single-Family)**
Property Owner	GPMC Properties, LLC (Jeffrey Maynor)	
Site Characteristics	Site Area	11,068 square feet
	Zoning	R-8
	Future Land Use Map	Single-Family Traditional
	Character District	Traditional
	Neighborhood	Campostella
Surrounding Area	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
Lots in character with the proposal or smaller (Less than 50 ft. in width, or less than 5,000 sq. ft.)	39	**34%**	15	**45%**
Lots in character with the existing R-8 zoning (Greater than or equal to 50 ft. in width, and greater than or equal to 5,000 sq. ft. of lot area)	75	**66%**	18	**55%**

- 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

12/08/2015 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved: M. S.

By _____
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.

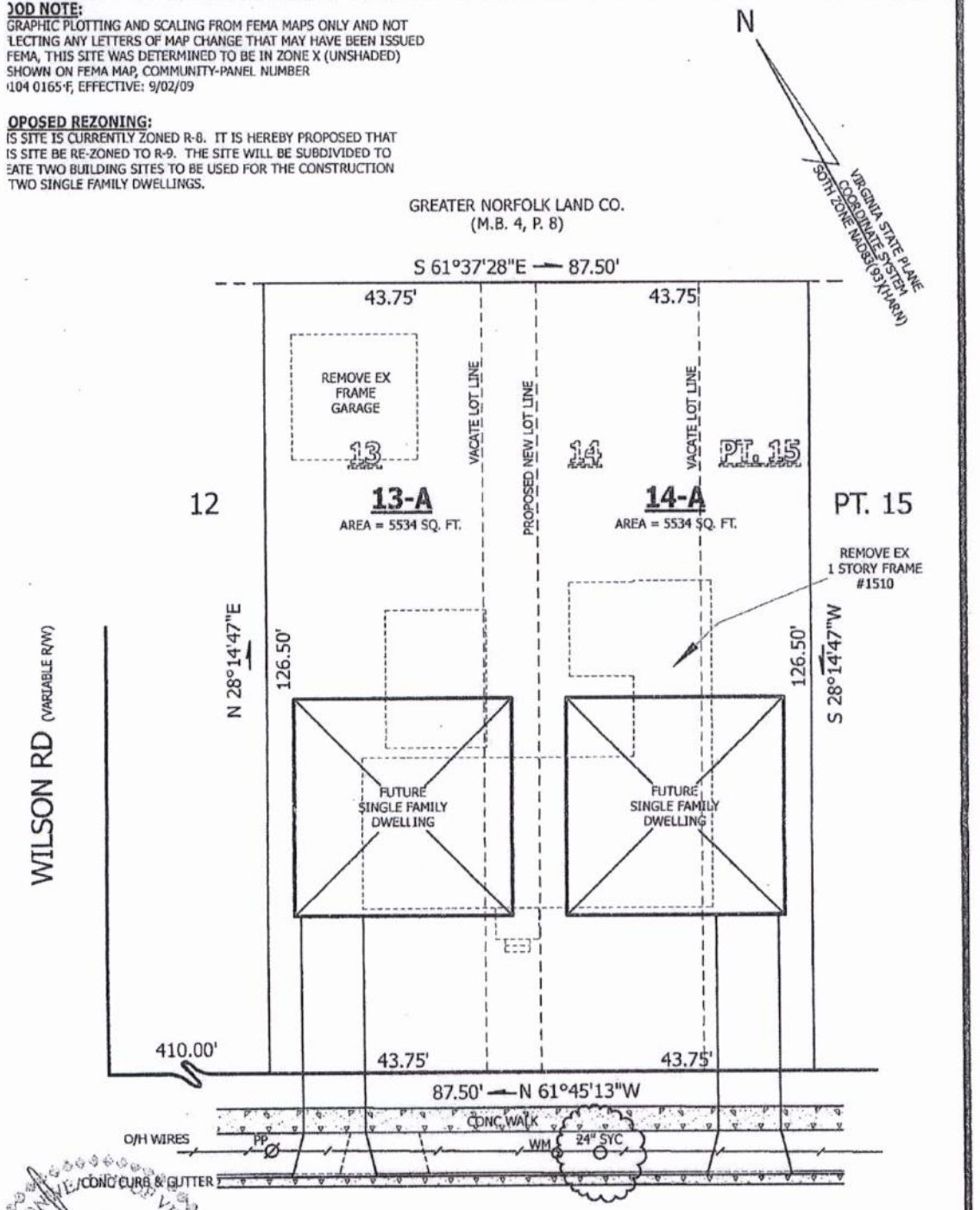
ATTACHMENT:
Exhibit A (1 page)

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

Exhibit A

OD 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

OPOSED 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.



JOSEPH ANTHONY BECK
NO. 26697
PROFESSIONAL ENGINEER
COMMONWEALTH OF VIRGINIA
JOSEPH ANTHONY BECK
NO 2030
LAND SURVEYOR

DEED & TITLE REPORT NOT FURNISHED BY CLIENT

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

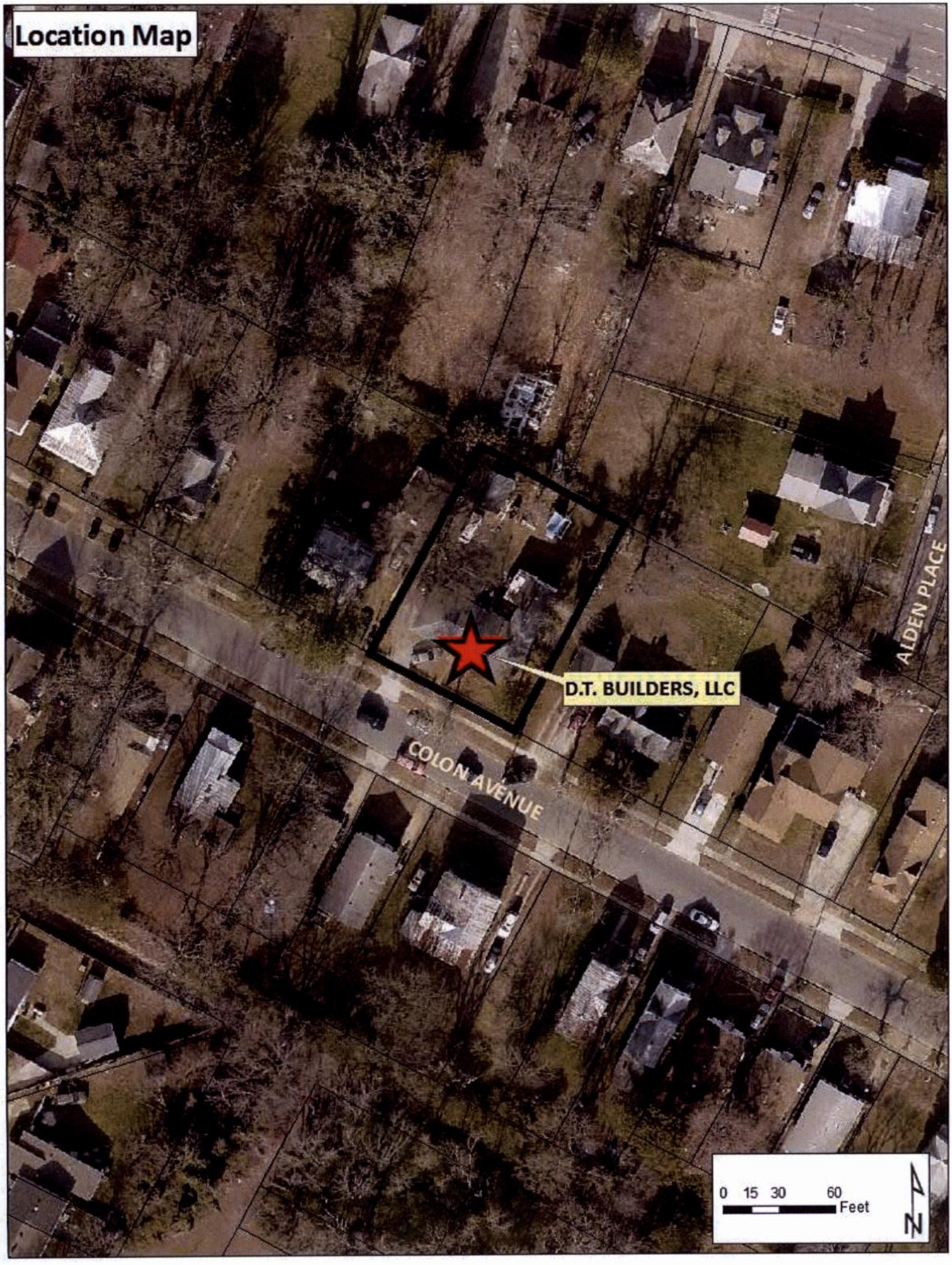
CONSULTING ENGINEERS BECK ASSOCIATES NORFOLK VIRGINIA PC

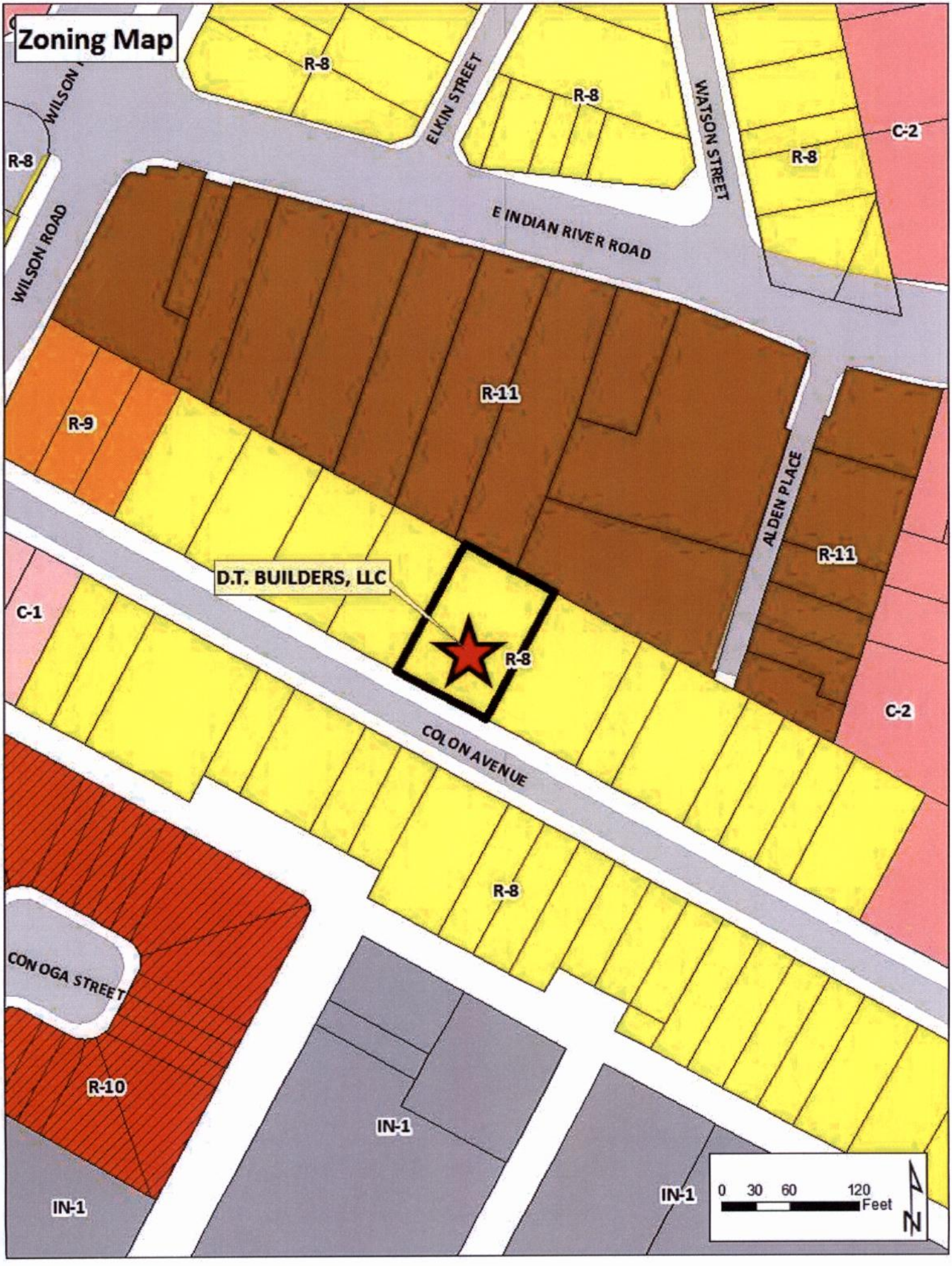
PROPOSED REZONING
OF
LOTS 13, 14, & NORTH WEST 17.5' OF LOT 15, POPERTY OF W. H. HOFHEIMER CO. INC. (M.B. 7 P. 82 CHES) NORFOLK, VIRGINIA

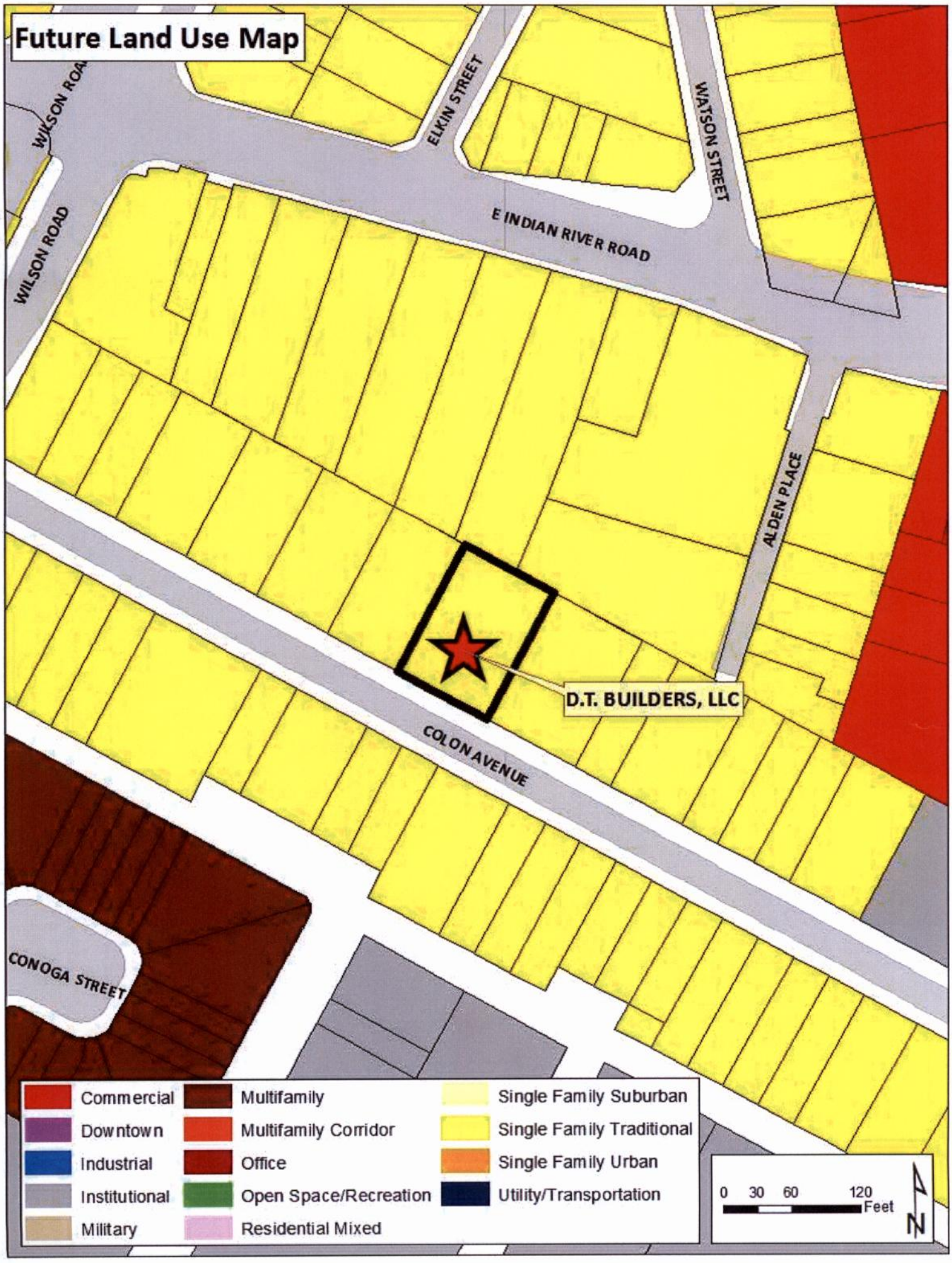
FOR
LAUSHAWN ROBINSON

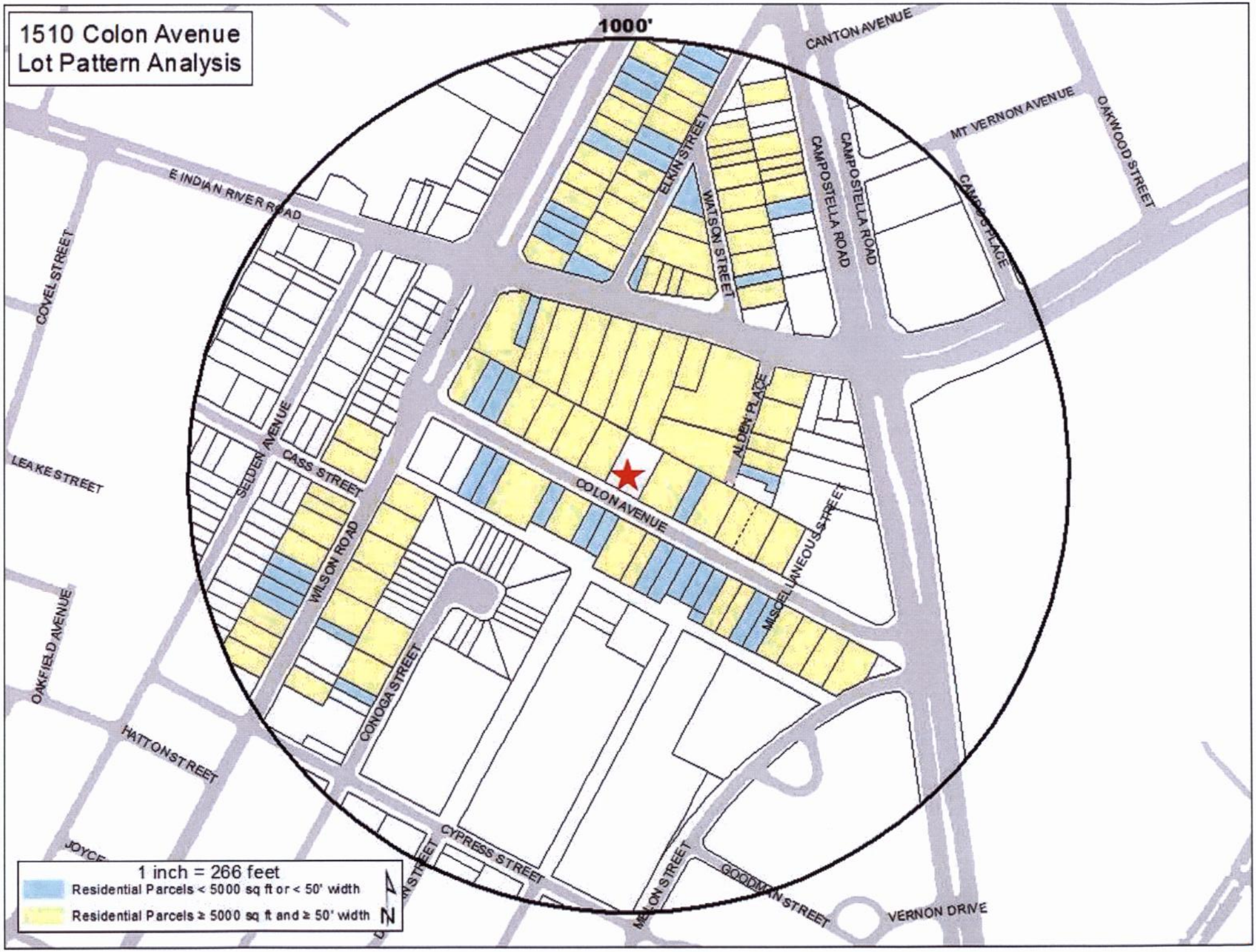
MAY 29, 2015 **SCALE: 1" = 20'**

19-215-13,059


Location Map
D.T. BUILDERS, LLC
COLON AVENUE
ALDEN PLACE
0 15 30 60
Feet
N


Zoning Map
R-8
ELKIN STREET
R-8
WATSON STREET
C-2
R-8
WILSON ROAD
R-8
E INDIAN RIVER ROAD
WILSON ROAD
R-11
R-9
ALDEN PLACE
R-11
D.T. BUILDERS, LLC
C-1
R-8
C-2
COLON AVENUE
R-8
CONOGA STREET
R-10
IN-1
IN-1
IN-1
0 30 60 120
Feet
N


Future Land Use Map
WILSON ROAD
ELKIN STREET
WATSON STREET
E INDIAN RIVER ROAD
WILSON ROAD
ALDEN PLACE
D.T. BUILDERS, LLC
COLON AVENUE
CONOGA STREET
Commercial
Downtown
Industrial
Institutional
Military
Multifamily
Multifamily Corridor
Office
Open Space/Recreation
Residential Mixed
Single Family Suburban
Single Family Traditional
Single Family Urban
Utility/Transportation
0 30 60 120
Feet
N


1510 Colon Avenue
Lot Pattern Analysis
1000'
CANTON AVENUE
MT VERNON AVENUE
OAKWOOD STREET
E INDIAN RIVER ROAD
COVEL STREET
ELKIN STREET
WATSON STREET
CAMPOSTELLA ROAD
CAMPOSTELLA PLACE
ALDEN PLACE
SELDEN AVENUE
CASS STREET
LEAKE STREET
WILSON ROAD
COLON AVENUE
MISCELLANEOUS STREET
OAKFIELD AVENUE
CONOGA STREET
HATTON STREET
CYPRESS STREET
MELON STREET
GOODMAN STREET
VERNON DRIVE
1 inch = 266 feet
Residential Parcels < 5000 sq ft or < 50' width
Residential Parcels ≥ 5000 sq ft and ≥ 50' width
N

APPLICATION
CONDITIONAL CHANGE OF ZONING

Date of application: 10-14-15

Conditional Change of Zoning

From: R8 **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 Exsisting

Current Building Square Footage 2200 sq ft.

Proposed Use Single family Home

Proposed Building Square Footage 2200 SQF.

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) Rushawn (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) 689-1033

E-mail address of applicant: CAI BuilderS 41@YA.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)

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) Iaushaun (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: cnlbuilders41@yahoo.com

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

(GDMC 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 Calloway

Date(s) contacted: 6-1-15

Ward/Super Ward information: _____

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 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- ✓ 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.

Print name: J Mayner Construction Jeff Mayner (Property Owner) **Sign:** [signature] 10 / 18 / 16 (Date)

Print name: LaShawn Robinson (Applicant) **Sign:** [signature] 10 / 14 / 16 (Date)

ONLY NEEDED IF APPLICABLE:

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

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised September, 2015)

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.

Lambert 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 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.

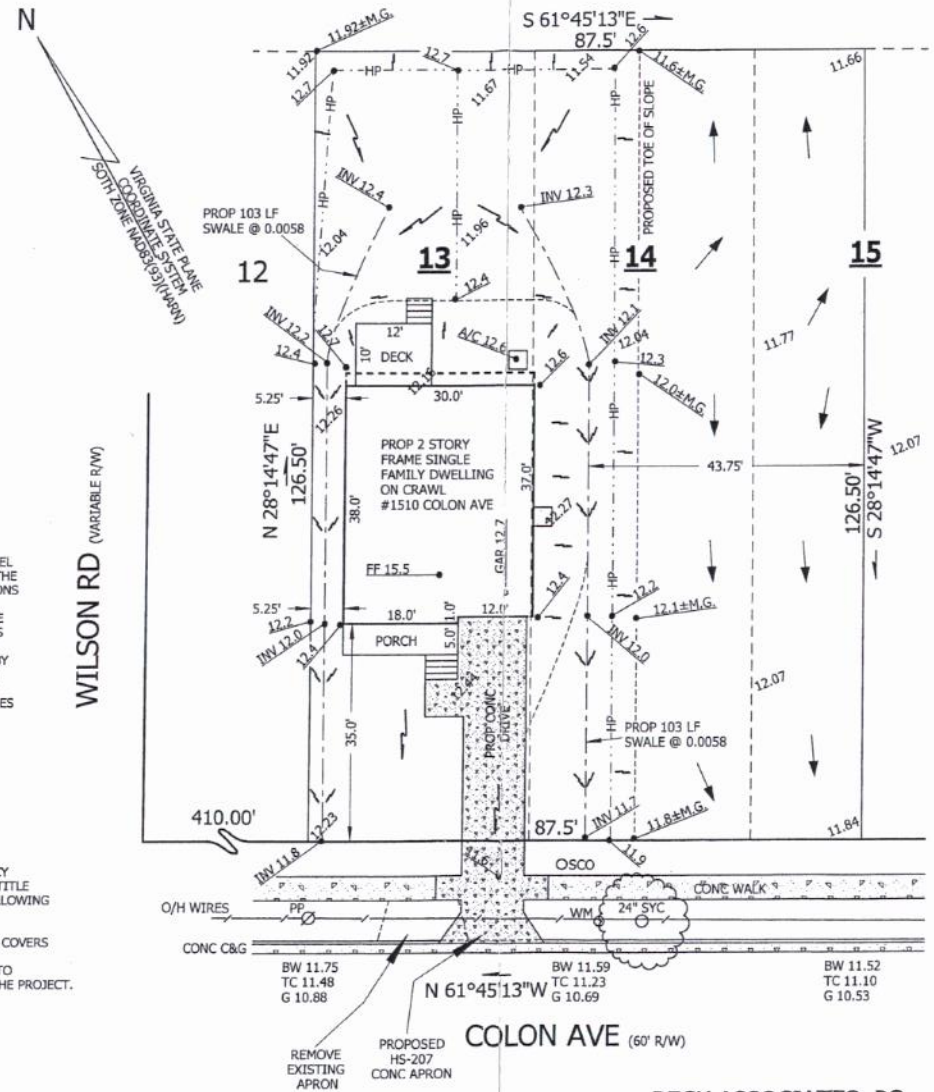
PROPOSED SINGLE FAMILY DWELLING:
After the land is rezoned to R9 and subdivided into two lots, the land owner will construct a second, new single family house on the site, bringing the total to two new single family houses.

Sincerely,

Joseph A. Beck, Professional Engineer
Certified Land Surveyor

GENERAL NOTES:

1. ALL LOCAL, STATE AND FEDERAL CODES AND/OR ORDINANCES MUST BE ADHERED TO.
2. DIMENSIONS SHOWN SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR.
3. 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.
4. ELEVATIONS ARE IN FEET AND REFER TO NAVD '88(92) DATUM.
5. 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.
6. ALL CONCRETE SHALL BE 3000 P.S.I. (CLASS A-3 AIR ENTRAINED).
7. BEFORE CONSTRUCTION BEGINS, THE CONTRACTOR OR THE OWNER (AS APPLICABLE) MUST:
   A. 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.
   B. VERIFY ZONING RESTRICTIONS AND SETBACK LINES ON THE DATE THAT THE CITY PERMIT AUTHORIZING CONSTRUCTION IS ISSUED.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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:
    1. OBTAIN TITLE INSURANCE.
    2. OBTAIN ASSURANCE FROM A TITLE ATTORNEY THAT THE TITLE POLICY COVERS ALL OF THE LAND SHOWN ON THIS PLAN.
    3. 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

CONSULTING ENGINEERS
BECK ASSOCIATES
NORFOLK, VIRGINIA pc

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*

Thank you.

Matthew Straley
GIS Technician II
Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510
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 2 3523

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

City of NORFOLK

C: Dir., Department of City Planning

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, 35th 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

Attachments:

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

THE CITY OF NORFOLK
CITY PLANNING

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 *plaNorfolk2030*, 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 35th 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 35th 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 35th Street and Five Points Better Block events were prepared and made available.
  - These reports expand on strengths and opportunities within the 35th 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

12/09/2015 lds

Form and Correctness Approved: RAP

By _____
Office of the City Attorney

Contents Approved:

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.

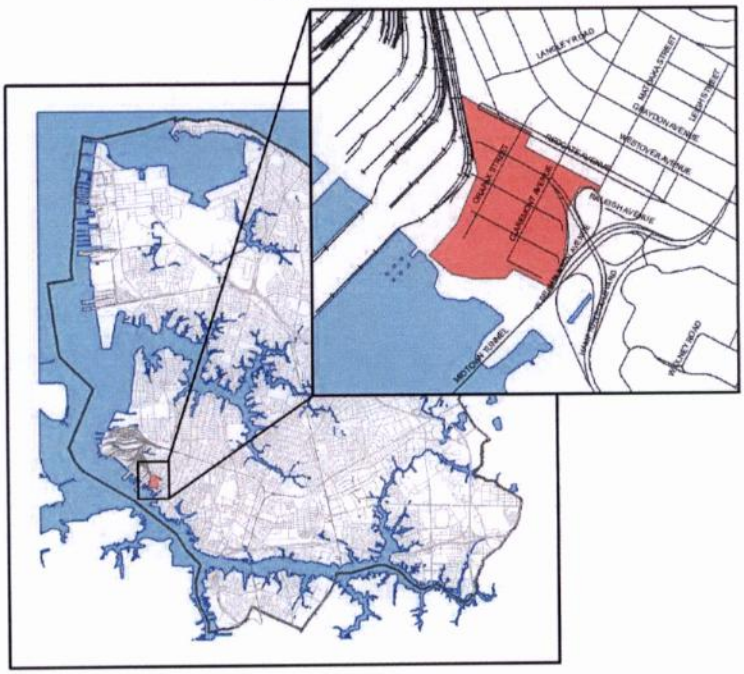
ATTACHMENTS:
Exhibit A (1 page)
Exhibit B (1 page)
Exhibit C (1 page)
Exhibit D (1 page)
Exhibit E (1 page)
Exhibit F (1 page)
Exhibit G (3 pages)

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.

Chelsea Area



- 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

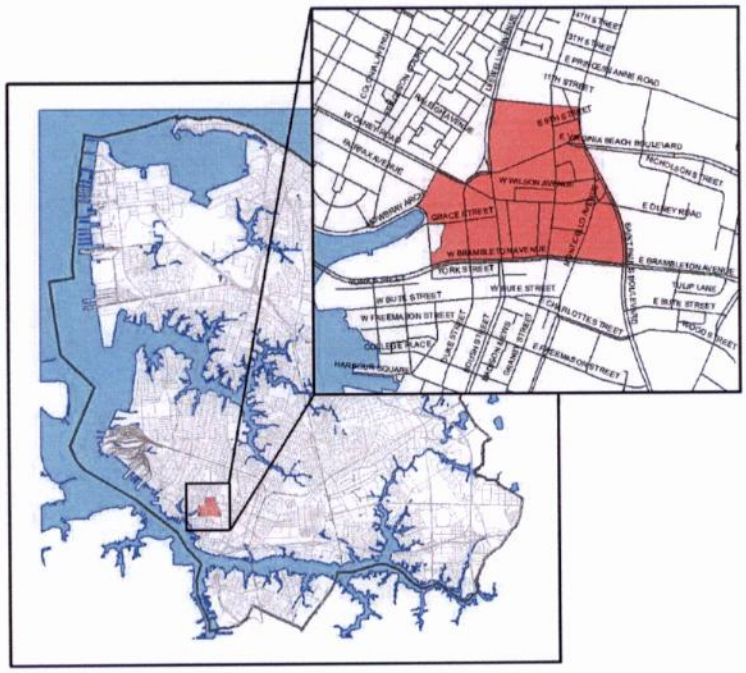
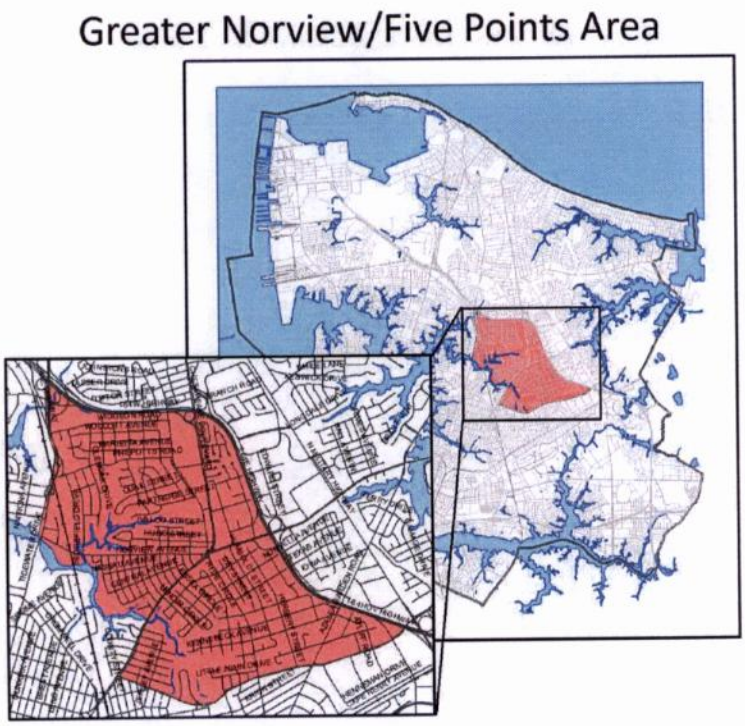


Exhibit C

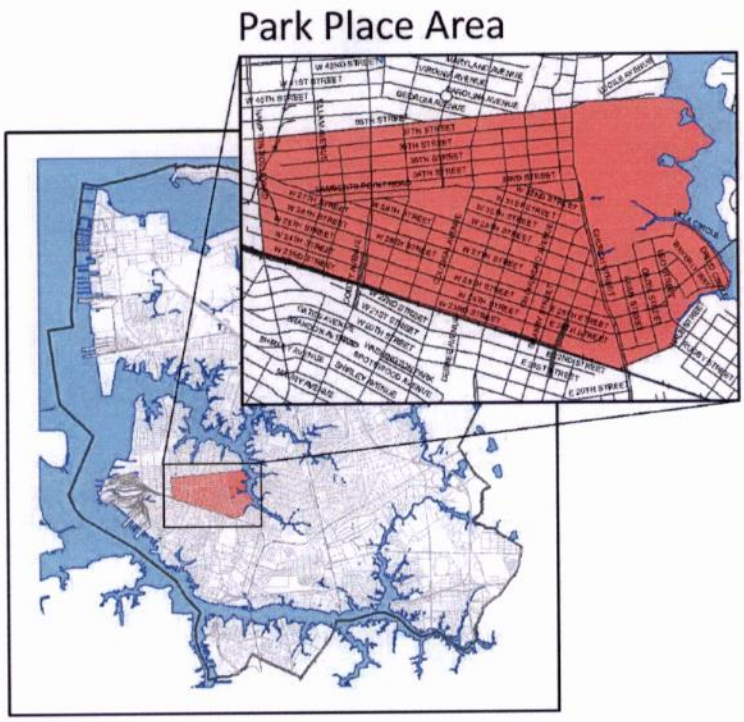
Action N5.1.11. Continue to implement the following actions for the **Greater Norview/Five Points area**.



- 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.

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 35th 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 35th Street Corridor.
- N5.1.17(k). Evalaute the need for traffic calming measures along the 35th St. Corridor.

Exhibit E

Greater Ghent Area

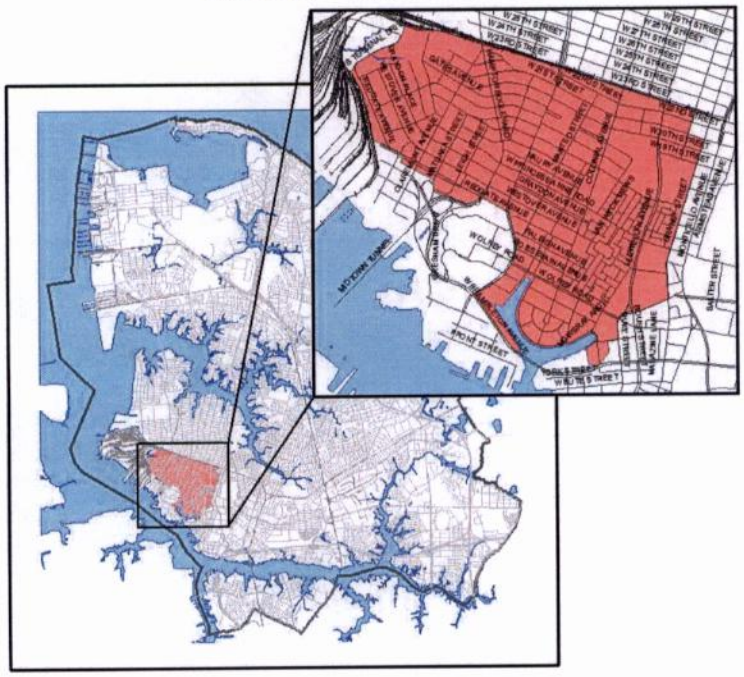


Exhibit F

Downtown Area

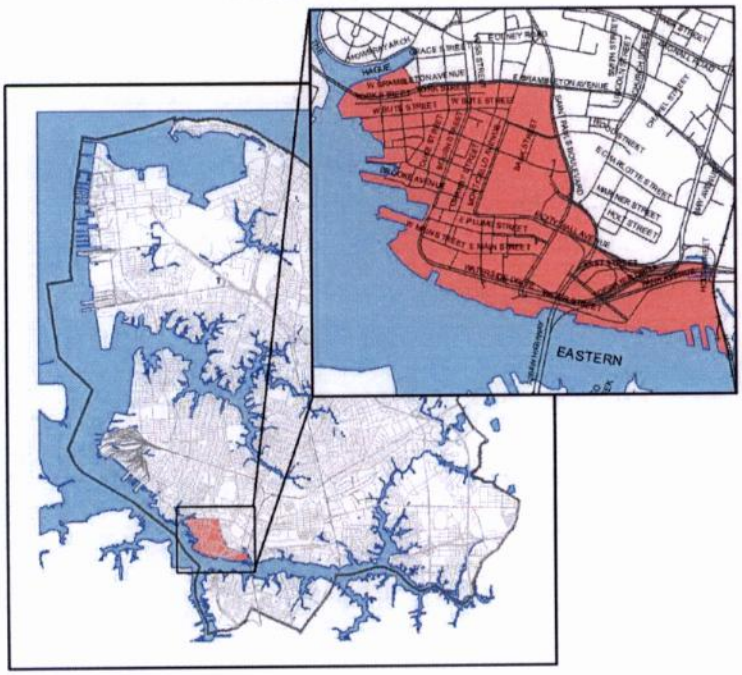


Exhibit G

Table IP-1. Implementation Matrix

IMPLEMENTATION ITEM		ACTION	LEAD RESPONSIBILITY	TIMEFRAME FOR COMPLETION	COST CATEGORY	COMMENTS
Neighborhoods Goal 5. Continue the implementation of area plans.						
	N5.1.x	Implement the following actions in the Chelsea Business District area.				
	Chelsea Business District	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.				
	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.	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
		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.	Planning	Ongoing	Existing resources	
		N5.1.17(i). Continue efforts to promote economic development by supporting business education and networking opportunities.	PW	Ongoing	Existing Resources	
		N5.1.17(j). Monitor the availability and location of automobile parking on the 35th Street Corridor.	PW; Planning	Ongoing	Existing Resources	
		N5.1.17(k). Evalaute the need for traffic calming measures along the 35th St. Corridor.	PW	Short-Term	Up to $100,000	

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

City of NORFOLK

C: Dir., Department of City Planning

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

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: December 10, 2015
Executive Secretary: George M. Homewood, AICP, CFM
Staff: Paula M. Shea, AICP (PS)

Staff Report		**Item No. 2**
Applicant	**City Planning Commission**	
Request	**Text Amendment**	To modify Appendix B in the Table of Contents within *plaNorfolk2030* to add the *Complete Streets Policy* 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

12/09/2015 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

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 with 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 Official (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
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.						
Outcome T1.3. An expanded pedestrian and bicycle network that promotes improved public health and provides opportunities for alternative forms of transportation.	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 dn

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

Mary B. Miller
President & CEO

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

223 East City Hall Ave., Suite 212 / Norfolk, Virginia 23510-1818 /757-623-1757 / fax: 757-623-1756 / DowntownNorfolk.org

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 4th 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?).

C: Dir., Department of General Services

City of NORFOLK

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.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

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

4/28/2015-km

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
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.

C: Dir., Department of General Services

City of NORFOLK

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. 37th 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. 37th 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. 37th 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	• $384.10 annually (current total revenue for both lots) • Potential $2,070.00 annually (with land and improvements at a proposed value of $180,000)

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

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

Contents Approved:

By _____
DEPT. General Services

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE AUTHORIZING THE CONVEYANCE TO BALANCE BUILDERS, INC. OF A CERTAIN PARCEL OF PROPERTY LOCATED AT 1444 & 1446 W. 37TH 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. 37th 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 37th 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 37th 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 37th 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 37th 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 1 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 37th 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 37th 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 37th 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

1422
1426
1428
1430
1432
1434
1436
1440
1444
1446
1457
3700
1431
1433
1435
1439
1441
1445
1447
37TH STREET
PARKER AVENUE
14
13
2719
3719

City of NORFOLK

C: Director, Department of City Planning

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 22nd 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.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

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 and Adam D. Melita, Deputy City Attorney – Law Department at 664-4366, adam.melita@norfolk.gov

Supporting Material from the City Attorney's Office:

- Ordinance

10/06/2015 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

R-1

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.

- - -

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 (2)

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.

C: Dir., Department of General Services

City of NORFOLK

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, Deputy City Manager

Ward/Superward: 2/6

Approved: 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)

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

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 _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

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: _____

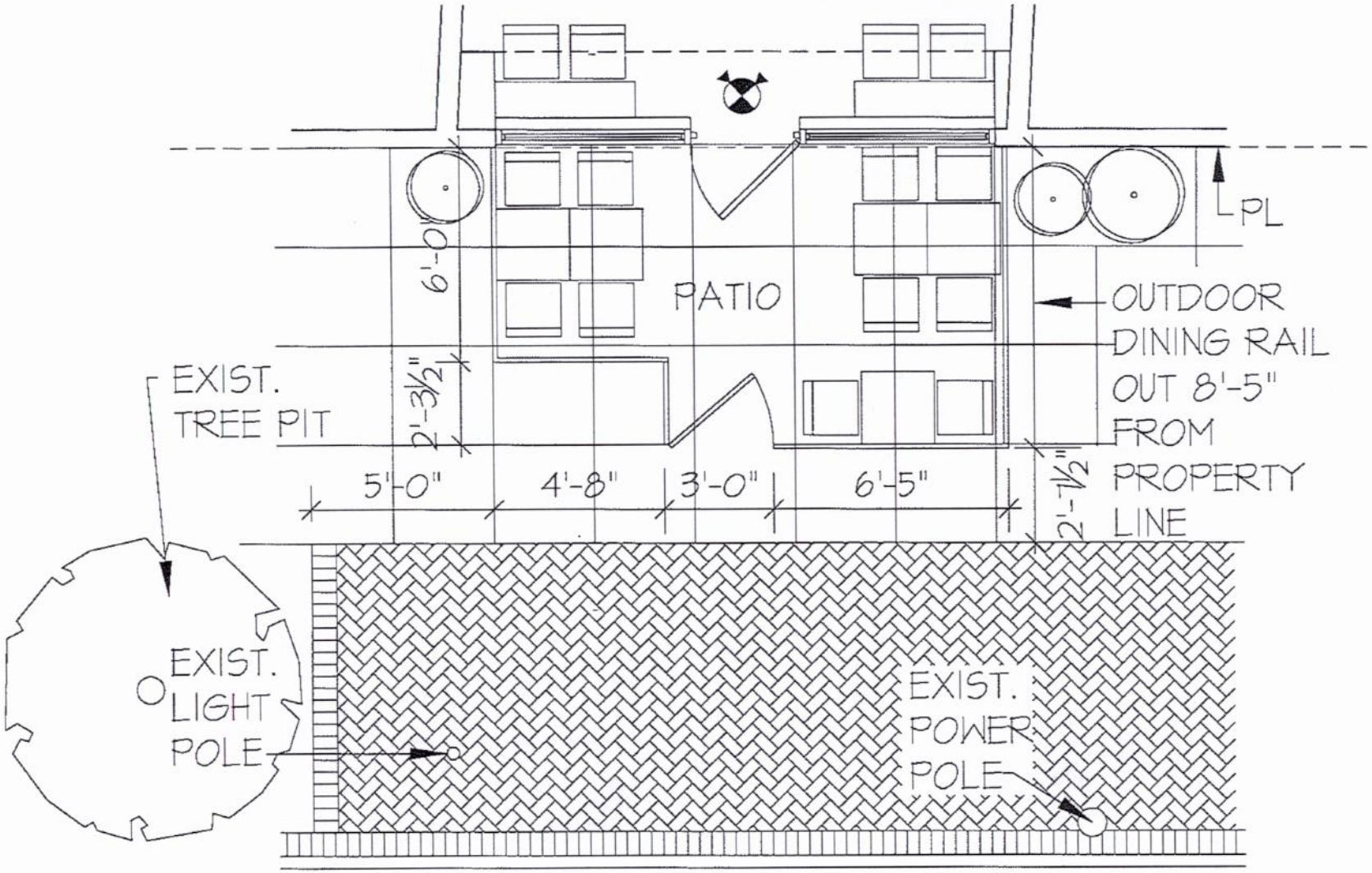
Print Title: _____

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

Exhibit A

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 of 9th 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 9th 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.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

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

12/21/2015 - wld

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Public Works

NORFOLK, VIRGINIA

ORDINANCE No.

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.

- - -

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 9th 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 9th 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

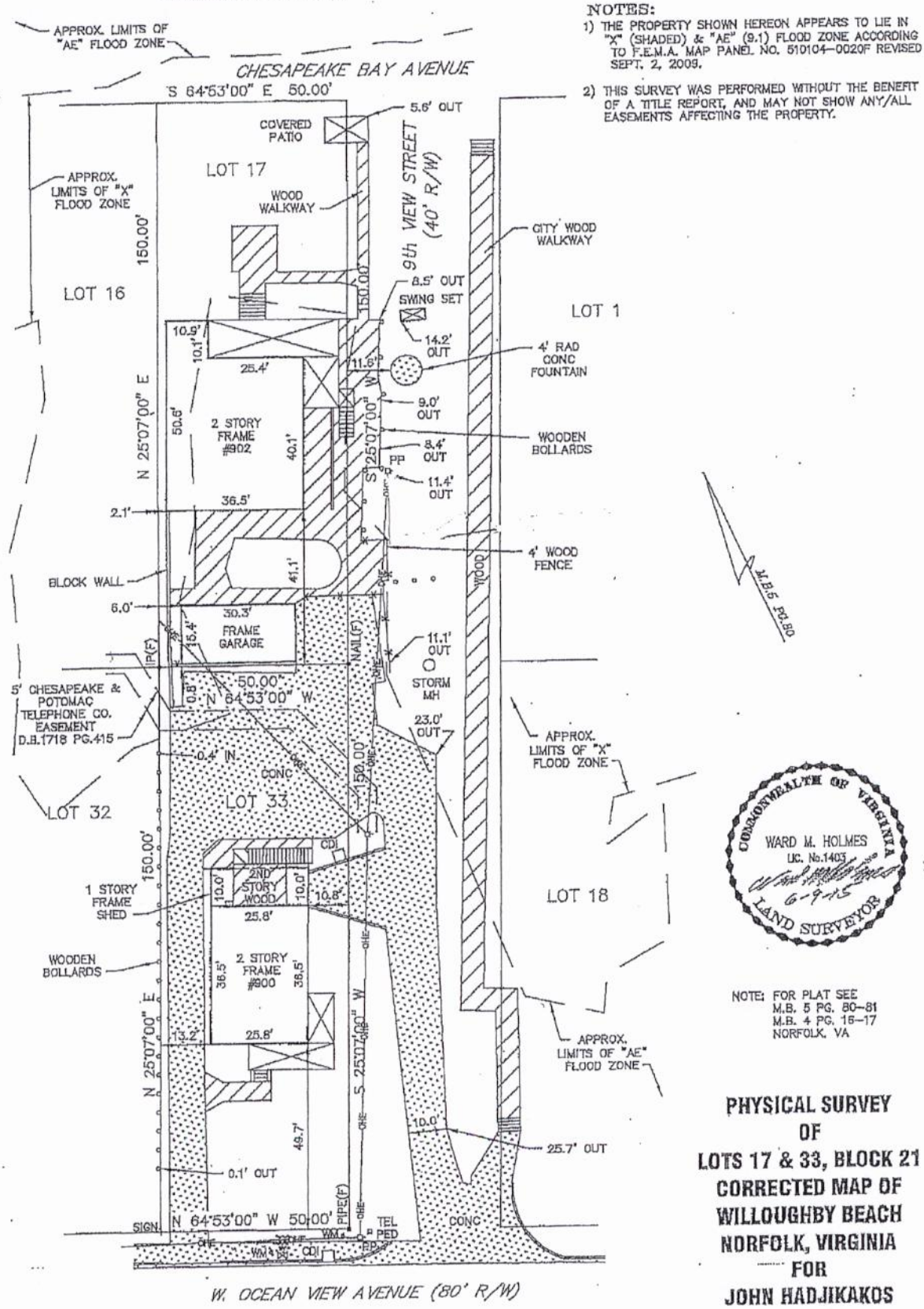
THIS IS TO CERTIFY THAT I, ON JUNE 9, 2015, SURVEYED THE PROPERTY SHOWN HEREON AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN HEREON. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

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.



COMMONWEALTH OF VIRGINIA
WARD M. HOLMES
LIC. No.1403
6-9-15
LAND SURVEYOR

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

609/10 & 947/88

C: Dir., Department of Public Works

City of NORFOLK

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 9th 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 9th 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

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

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

12/21/2015 - wld

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Public Works

NORFOLK, VIRGINIA

ORDINANCE No.

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.

- - -

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 9th 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 9th 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

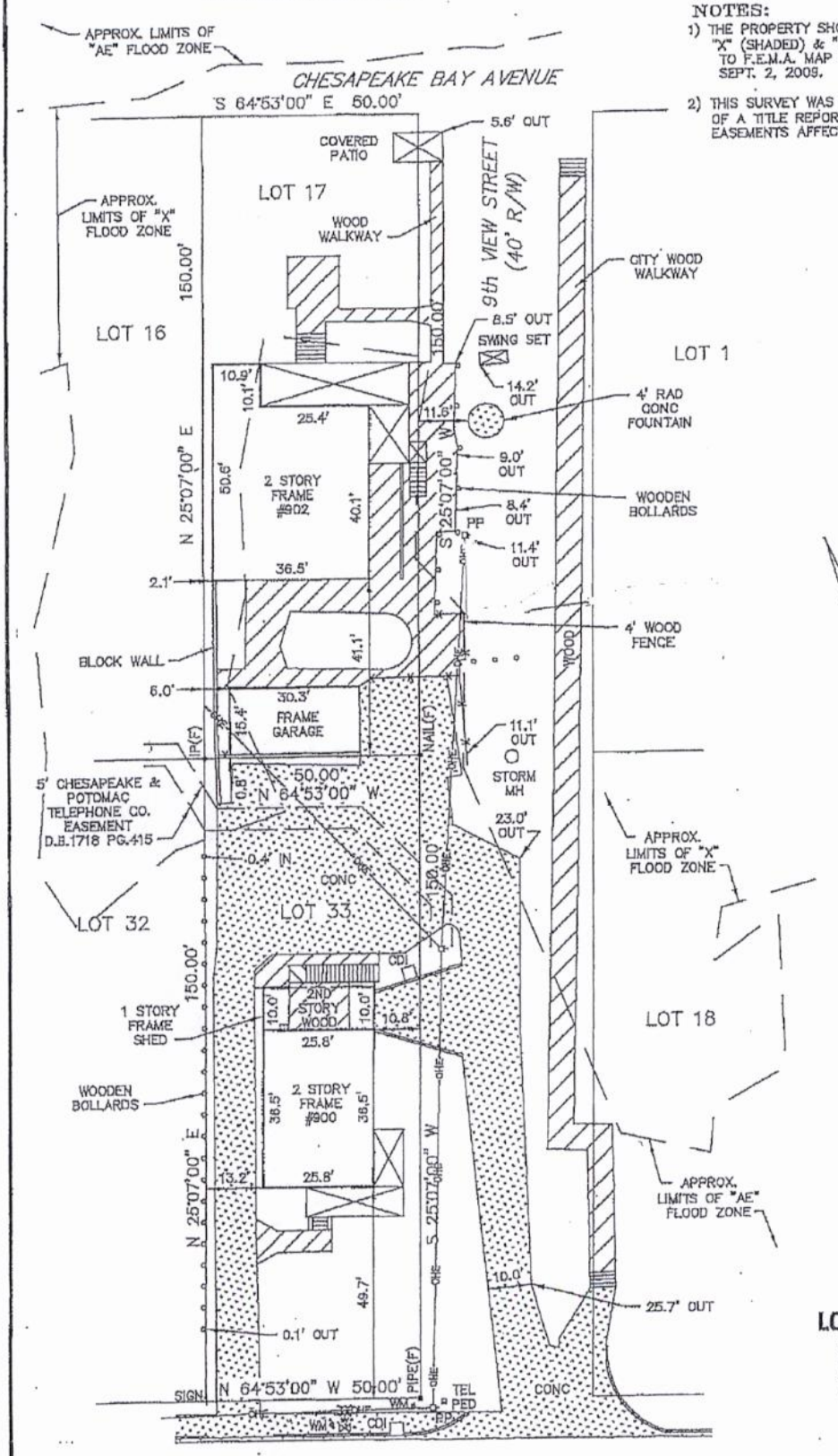
THIS IS TO CERTIFY THAT I, ON JUNE 9, 2015, SURVEYED THE PROPERTY SHOWN HEREON AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN HEREON. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

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.



COMMONWEALTH OF VIRGINIA
WARD M. HOLMES
LIC. No.1403
6-9-15
LAND SURVEYOR

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

609/10 & 947/88

C: Dir., Department of Public Works

City of NORFOLK

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

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

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

1/6/2016 - wld

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 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.

- - -

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 McCulloughs 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.

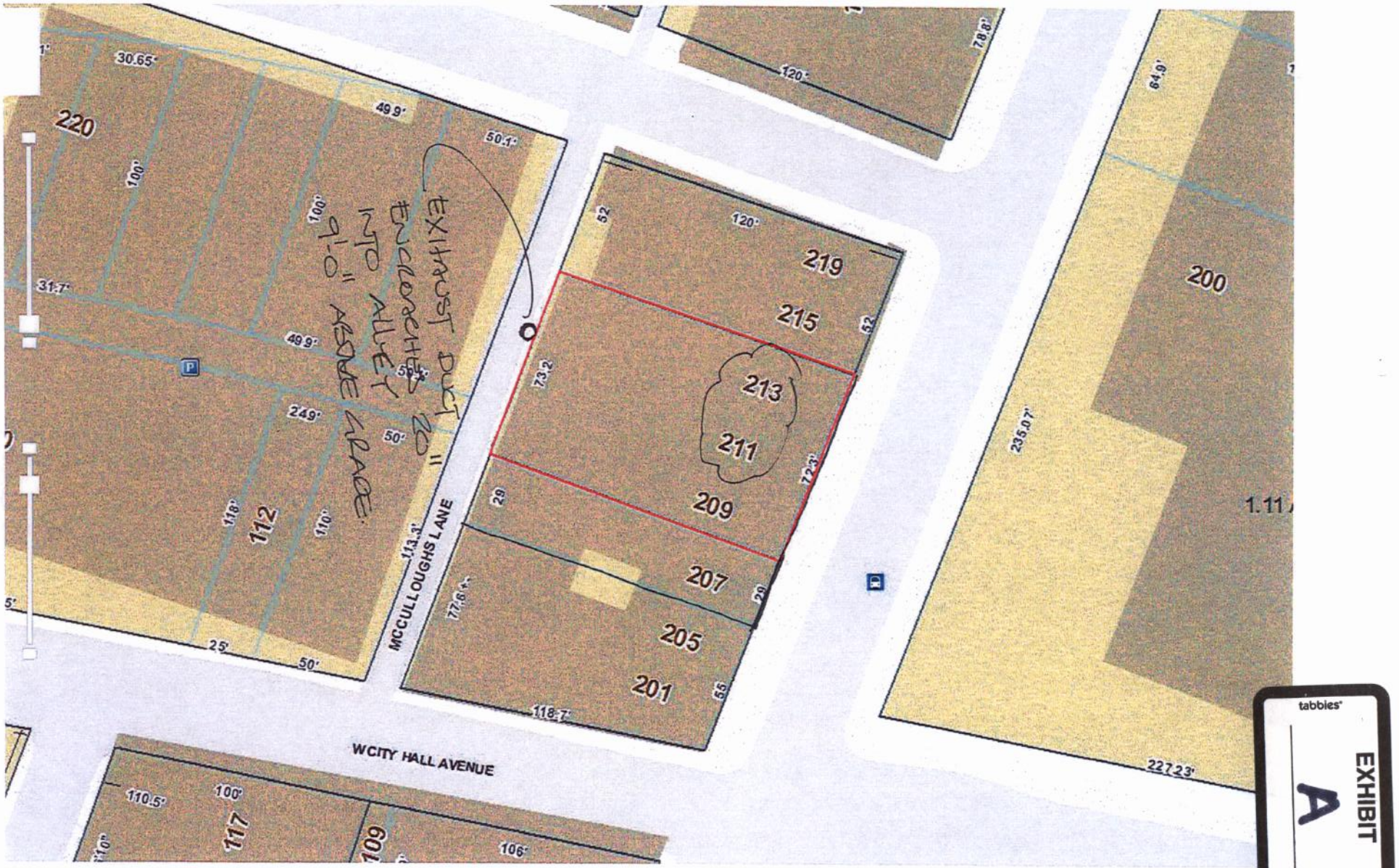
(4) That the City shall not be responsible for any damage to the encroaching structures, including replacement and reinstallation costs, resulting from the City's operation, maintenance, repair, or replacement of any utilities located in the encroachment area of Granby Street.

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


220
112
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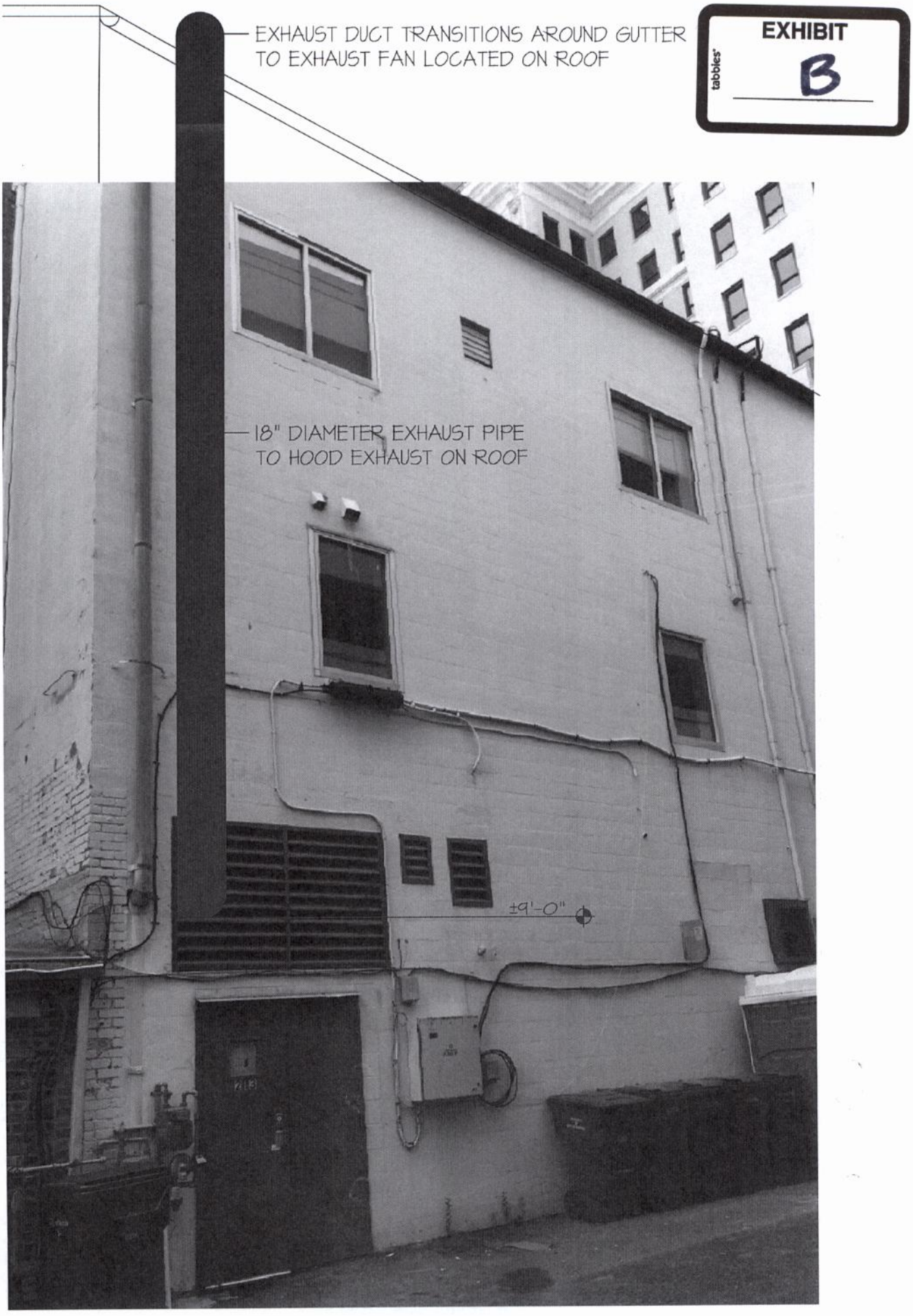
MCCULLOUGHS LANE
W CITY HALL AVENUE
EXHAUST DUCT TO ENCROACH 2' INTO ALLEY 9'-0" ABOVE GRADE.
30.65'
49.9'
50.1'
100'
31.7'
118'
110'
113.3'
120'
52
73.2'
72.3'
29
77.6'
118.7'
55
235.07'
64.9'
227.23'
110.5'
106'
25'
50'
tabbies
EXHIBIT
A



tabbies
EXHIBIT
B

C: Dir., Department of Public Works

City of NORFOLK

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.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

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

1/6/2016 - wld

Form and Correctness Approved:

By _____
Office of the City Attorney

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.

EXHIBIT A TO ORDINANCE

CAUSEWAY SURVEYORS PAGE 82

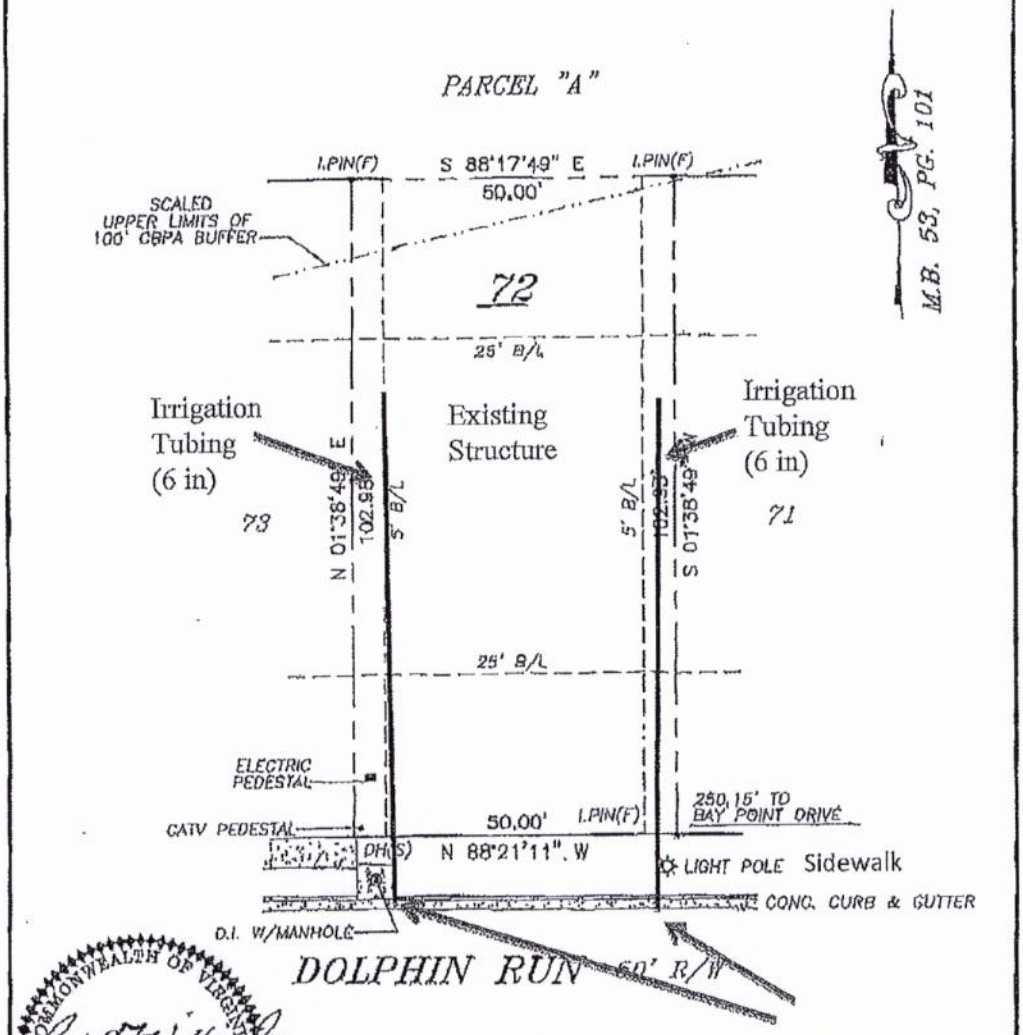
THIS SURVEY IS BASED ON A PLAT RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF NORFOLK, VIRGINIA, IN MAP BOOK 53, AT PAGES 99, 100, 101, 102 AND 103.

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 EMBRACED 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 F, DATED APRIL 17, 1984.

THIS SURVEY PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT AND CONSEQUENTLY MAY NOT DEPICT 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.



COMMONWEALTH OF VIRGINIA
ROBERT T. WILLIAMS, JR.
No. 002551
9-9-05
LAND SURVEYOR

PHYSICAL SURVEY
OF
LOT 72
SUBDIVISION PLAT OF
BAY POINT
PHASE TWO
NORFOLK, VIRGINIA
FOR
BARRY J. KNAPP, II AND LORI A. GIVONETTI

Openings in curb for PVC piping

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

Graphic Scale 1" = 20'
0' 20' 40' 80'

CAUSEWAY CONSULTANTS, P.C. 2005 RTW

PROJECT NUMBER: 250692 FIELD BOOK: 215 PAGE: 20 LOCATION: 200 AZ. N

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: 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
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.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

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.

C: Dir., Public Works

City of NORFOLK

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 25th Street and Hampton Boulevard, and 3) bridging the trail from 25th 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.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

Cost Breakdown

Project	VDOT Funding (80% Allocation)	Required 20% City In-kind Match	Total Additional Project Funding
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

12/10/15 - wld

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Public Works

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

$ 352,000.00 2275-10-8731
Account

_____ 12/28/15
Acting Director of Finance 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.

C: Dir., Department of Utilities

City of NORFOLK

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

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

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

1/7/2016-wld

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
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.

C: Director, Department of Development

City of NORFOLK

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.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

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:

By _____
Office of the City Attorney

Contents Approved:

By _____
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.
tabbies
Greater St. Paul's Revitalization Area Boundary
NRHA property
City property
E PRINCESS ANNE ROAD
GOFF STREET
SAINT JULIAN AVENUE
Saint Julian Avenue
TIDEWATER DRIVE
BOLTON STREET
MALTBY AVENUE
LEAD STREET
SHANKS STREET
CARY AVENUE
COUNT BASIE LANE
JOE AUSTIN DRIVE
MAJESTIC AVENUE
OAKLAWN AVENUE
KENTON AVENUE
MAPOLE AVENUE
BOWE PLACE
COVENANT STREET
MADISON AVENUE
BOND STREET
SHIPP AVENUE
BOOTH STREET
TABB STREET
E VIRGINIA BEACH
MAUDE B DAVIS DRIVE
PRESIDENTIAL PARKWAY
GYM ROAD
PARK AVENUE
I-264E HIG
I-264W HIGHWAY
HOLT STREET
MARINER STREET
E CHARLOTTE STREET
RUFFNER STREET
E CITY HALL AVENUE
SAINT PAULS BOULEVARD
FENCHURCH STREET
E FREEMASON STREET
WOOD STREET
E BUTE STREET
TULIP LANE
E BRAMBLETON AVENUE
ROSWELL AVENUE
E OLNEY ROAD
LINCOLN STREET
CHURCH STREET
WIDE STREET
CHAPEL STREET
COOKE AVENUE
MAY AVENUE
LINK STREET
HANSON AVENUE
RESERVOIR AVENUE
MARSHALL AVENUE
NICHOLSON STREET
VICK STREET
DENBY LANE
E VIRGINIA BEACH BOULEVARD
WILSON AVENUE
9TH STREET
14TH STREET
ARMISTEAD AVENUE
OUTTEN LANE
ANNE STREET
WASHINGTON AVENUE
LEXINGTON STREET
JOHNSON AVENUE
WALL STREET