CITY COUNCIL AGENDA
TUESDAY, FEBRUARY 9, 2016

Work Session Agenda

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

Transportation And Infrastructure Committee

- I-564 Update
- Midtown Tunnel Update
- Norfolk International Terminals Update

Work Session Agenda Continued

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

Council Interests

Documents: 02-09-16 COUNCIL INTERESTS.PDF

Break For Dinner

Closed Session

- Real Estate Matters

Safe, Healthy, And Inclusive Communities FY 2015 Update Continued

Presenter: *Michael Goldsmith, Chief of Police*

Sand Management Plan

Presenter: *George Homewood, Director of City Planning and Adam Melita, Deputy City Attorney*

Additional Documents

Documents: 02-09-16 NON STANDARD LOT CERTIFICATE - 3127 MONTANA AVE.PDF, 02-09-16 PENDING LAND USE ACTIONS.PDF, 2016 GENERAL ASSEMBLY ACTIVITY REPORT NO. 2.PDF, 02-09-16 CITY PLANNING COMMISSION PUBLIC HEARING RESULTS OF JANUARY 28.PDF, 02-09-16 ELEGANT OCCASIONS - 9605 GRANBY STREET.PDF, 02-09-16 MINUTES OF CITY COUNCIL MEETING OF JANUARY 26.PDF

Announcement Of Meeting

Documents: 02-09-16 ANNOUNCEMENT OF MEETING.PDF

Formal Session Agenda

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

Prayer

Prayer to be offered by Councilwoman Dr. Theresa Whibley, followed by the Pledge of Allegiance.

Invitation To Bid

IB-1

INVITATION TO BID scheduled this day pursuant under State Law, public notice having been inserted in the local press by the City Clerk to accept bids for a **Long-Term Garage Parking Agreement**, with a term of twenty years for the lease of 400 parking spaces in the parking garage located at **130 Bank Street** in the City of Norfolk.

Documents: IB-1 ACCEPTANCE OF BID FOR LONG TERM PARKING AGREEMENT.PDF

Regular Agenda

R-1

Matter of a 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.

(PASSED BY AT THE MEETING OF JANUARY 26, 2016)

Documents: R-01 ENCROACHMENT FOR OUTDOOR DINING - 1902 COLLEY AVE - PIMENTO ISLAND BISTRO.PDF

R-2

Matter of a 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.

(PASSED BY AT THE MEETING OF JANUARY 26, 2016) (IT HAS BEEN REQUESTED TO WITHDRAW THIS MATTER)

Documents: R-02 WITHDRAWN.PDF

R-3

Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing the City of Norfolk to enter into a **Cooperation Agreement** for the payment of certain funds to enable the **Economic Development Authority of the City of Norfolk** to enter into and fulfill its obligations under a Grant Agreement with ADP, LLC," will be introduced in writing and read by its title.

Documents: R-03 APPROVING A COOPERATION AGREEMENT BETWEEN CITY AND EDA.PDF

R-4

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as "Peck and Pour, Work Class Wings and Beer" on property located at **1310 Colley Avenue**," will be introduced in writing and read by its title.

Documents: R-04 SPECIAL EXCEPTION - PECK AND POUR.PDF

R-5

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a commercial drive-through for 'Chick-Fil-A' on property located at **1205 North Military Highway**," will be introduced in writing and read by its title.

Documents: R-05 SPECIAL EXCEPTION - CHICK-FIL-A.PDF

R-6

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to operate an entertainment establishment with alcoholic beverages known as 'The Muse Writers Center' on property located at **2200 Colonial Avenue, Suite 3**," will be introduced in writing and read by its title.

Documents: R-06 SPECIAL EXCEPTION - THE MUSE WRITERS CENTER.PDF

R-7

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 'Tap It Local' on property located at **244 Granby Street**," will be introduced in writing and read by its title.

Documents: R-07 SPECIAL EXCEPTION - TAP IT LOCAL.PDF

R-8

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 'Glass Wheel Studio' on property located at **116 to 128 West Olney Road**," will be introduced in writing and read by its title.

Documents: R-08 SPECIAL EXCEPTION - GLASS WHEEL STUDIO.PDF

R-9

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a Day Care Home on property located at **3611 Bell Street**," will be introduced in writing and read by its title.

Documents: R-09 SPECIAL EXCEPTION - BETTINAS BLISSFUL HOME DAY CARE.PDF

R-10

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 'Granny's Country Cooking' on property located at **628 35th Street, Suites 636-A and 636-B**," will be introduced in writing and read by its title.

Documents: R-10 SPECIAL EXCEPTION - GRANNYS COUNTRY COOKING.PDF

R-11

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 'Juicebar Juices' on property located at **245 Granby Street, Suite 247**," will be introduced in writing and read by its title.

Documents: R-11 SPECIAL EXCEPTION - JUICEBAR JUICES INC..PDF

R-12

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 'Lamia's Crepes' on property located at **401 Granby Street, Suite B**," will be introduced in writing and read by its title.

Documents: R-12 SPECIAL EXCEPTION - LAMIAS CREPES.PDF

R-13

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a Commercial Drive-Through for 'Steak 'n Shake' on property located at **2437 East Little Creek Road**," will be introduced in writing and read by its title.

Documents: R-13 SPECIAL EXCEPTION - STEAK N SHAKE.PDF

R-14

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 'Starbucks' on property located at **7550 Granby Street, Suite 10**," will be introduced in writing and read by its title.

Documents: R-14 SPECIAL EXCEPTION - STARBUCKS - 7550 GRANBY ST.PDF

R-15

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 'Starbucks' on property located at **143 Granby Street, Suites 141 and 143**," will be introduced in writing and read by its title.

Documents: R-15 SPECIAL EXCEPTION - STARBUCKS - 143 GRANBY ST.PDF

R-16

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 'Rama Garden' on property located at **441 Granby Street**," will be introduced in writing and read by its title.

Documents: R-16 SPECIAL EXCEPTION - RAMA GARDEN.PDF

R-17

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a S**pecial Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as 'Elegant Occasions by Krista' on property located at **9605 Granby Street**," will be introduced in writing and read by its title.

Documents: R-17 SPECIAL EXCEPTION - ELEGANT OCCASIONS.PDF

R-18

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a Commercial Drive-Through for 'Chartway Federal Credit Union' on property located at **132 Kempsville Road**," will be introduced in writing and read by its title.

(THE APPLICANT HAS REQUESTED A CONTINUANCE TO FEBRUARY 23, 2016)

Documents: R-18 SPECIAL EXCEPTION - CHARTWAY FEDERAL CREDIT UNION.PDF

R-19

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named 'Humboldt Steel Corporation II' on property located at **150 Boush Street**," will be introduced in writing and read by its title.

Documents: R-19 SPECIAL EXCEPTION - HUMBOLDT STEEL CORP II.PDF

R-19A

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as 'Humboldt Steel Corporation II' on property located at **150 Boush Street**," will be introduced in writing and read by its title.

R-20

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** to permit a convenience store 24-hours (no fuel sales) known as '7-Eleven' on property located at **1877 East Ocean View Avenue**," will be introduced in writing and read by its title.

Documents: R-20 SPECIAL EXCEPTION - 7-ELEVEN.PDF

R-20A

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as '7-Eleven' on property located at **1877 East Ocean View Avenue**," will be introduced in writing and read by its title.

R-21

Letter from the City Manager and the following two Ordinances: An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as 'O'Connor Brewing Company' on property located at **211 West 24th Street**," will be introduced in writing and read by its title.

Documents: R-21 SPECIAL EXCEPTION - OCONNOR BREW CO..PDF

R-21A

An Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a microbrewery named 'O'Connor Brewing Company' on property located at **211 West 24th Street**," will be introduced in writing and read by its title.

R-22

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as 'Mack's Barge' on property located at **4300 Colley Avenue**," will be introduced in writing and read by its title.

Documents: R-22 SPECIAL EXCEPTION - MACKS BARGE.PDF

R-22A

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as 'Mack's Barge' on property located at **4300 Colley Avenue**," will be introduced in writing and read by its title.

R-23

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting and appropriating the sum of $50,000 from the **Virginia Brownfield Assistance Fund** for additional environmental assessments at **Harbor Park and Shoreline area** ," will be introduced in writing and read by its title.

Documents: R-23 ACCEPTANCE OF VIRGINIA BROWNFIELD ASSISTANCE FUND GRANT.PDF

R-24

Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing a **Cost Sharing Agreement** with Hampton Roads Sanitation District for the relocation and replacement of Force Main SF-007 at Buckman Avenue," will be introduced in writing and read by its title.

Documents: R-24 AUTHORIZE A COST SHARE AGREEMENT WITH HRSD.PDF

R-25

Letter from the City Manager and a Resolution entitled, "A Resolution naming the public City Park located at southwest corner of Duke and York Streets for **Admiral David Farragut**," will be introduced in writing and read by its title.

Documents: R-25 RESOLUTION TO RENAME CITY PARK TO HONOR ADMIRAL DAVID G. FARRAGUT.PDF

R-26

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund to **Metal Concepts, Inc.**, in the amount of $46,770.69, plus interest, based upon the **overpayment of its machinery and tools tax for the years 2012 through 2015**," will be introduced in writing and read by its title.

Documents: R-26 TAX OVERPAYMENT - METAL CONCEPTS INC..PDF

R-27

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund to **SureID, Inc., f/k/a EID Passport, Inc.**, in the amount of $7,325.62, plus interest, based upon the **overpayment of its Business Personal Property Tax for the years 2013 and 2014**," will be introduced in writing and read by its title.

Documents: R-27 TAX OVERPAYMENT - SUREID INC..PDF

R-28

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund to L**ondon Plaza Coin Laundry, Inc.**, in the amount of $2,693.46, plus interest, based upon the o**verpayment of its Business Personal Property Tax for the years 2012 through 2014**," will be introduced in writing and read by its title.

Documents: R-28 TAX OVERPAYMENT - LONDON PLAZA COIN LAUNDRY INC..PDF

R-29

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund to **All Carolina Crane & Equipment, L.L.C.** in the amount of $13,191.61, plus interest, based upon the **overpayment of its Business Personal Property Tax for the year 2015**," will be introduced in writing and read by its title.

Documents: R-29 TAX OVERPAYMENT - ALL CAROLINA CRANE EQUIPMENT LLC.PDF

R-30

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund to **Bayview Plaza Pharmacy Inc**, in the amount of $31,476.05, plus interest, based upon the **overpayment of its Business License Tax for the year 2015**," will be introduced in writing and read by its title.

Documents: R-30 TAX OVERPAYMENT - BAYVIEW PLAZA PHARMACY.PDF

R-31

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund to **ABNB Federal Credit Union** in the amount of $3,290.96, plus interest, based upon the **overpayment of its Business Personal Property Tax for the year 2014**," will be introduced in writing and read by its title.

Documents: R-31 TAX OVERPAYMENT - ABNB FEDERAL CREDIT UNION.PDF

R-32

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund to **AT&T Capital Services, Inc.**, in the amount of $18,703.77, plus interest, based upon the **overpayment of its Business Personal Property Tax for the years 2013 through 2015**," will be introduced in writing and read by its title.

Documents: R-32 TAX OVERPAYMENT - ATT CAPITAL SERVICES INC..PDF

R-33

Letter from the City Manager and an Ordinance entitled, "An Ordinance to amend and reordain Section 25.1-37, Section 25.1-75 and Section 25.1-87 of the *Norfolk City Code, 1979*, as amended, concerning parking rates for residents of the **Central Business District**, rates for parking in off-street facilities and designating a parking garage," will be introduced in writing and read by its title.

Documents: R-33 AMEND NORFOLK CITY CODE TO SET RATES FOR NEW GARAGE.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:	February 5, 2016

I hope you all had a nice week. In today's memo you will find information on several Council Interest items and an update on the Norfolk Animal Care and Adoption Center and the launch of the new Norfolk Alert system.

Northside Bus Stop – HRT and Public Works analyzed the stop and agreed to eliminate the stop in front of the school. The determination was based on the presence of other bus stops nearby.

Tidewater Drive Underpass - There are three locations on Tidewater Drive with damaged fencing. General Services has repaired the section between Gilpin Avenue and Granby overpass. Public Works is working with a contractor to repair the fencing at Granby Street over Tidewater Drive and 1st View Street over Tidewater Drive.

Pretty Lake Bridge Tree Replacement – Recreation, Parks and Open Space staff is following up with Norfolk Police to see if an accident report was filed so the City can seek damages for the value of the trees and other damage to city property. Staff is currently seeking to replace the Caliper trees which at the time of the accident were approximately 2 inches in diameter. Parks and Forestry plan to plant new, similar sized Caliper trees by March.

Landscaping in Median Gateways - Staff is currently evaluating the gateway medians to determine the appropriate landscaping options. This includes beautification while addressing any potential safety hazards. Staff plans to complete landscaping by March.

Number of Rape Cases Closed – Norfolk Police researched rape case data (rape, forcible sodomy and object sexual penetration). 126 incidents were reported in 2015. In 17 cases the offender has not been identified. The remaining investigations, 86.5%, the offender was identified and either arrested or a circumstance takes place out of police control; for example, the victim drops the charges and the case closed.

According to the most recent statistics from the Federal Bureau of Investigation, the national average clearance rate for these cases is 38.5%.

THE CITY OF NORFOLK

Aggravated Domestic Assaults Involving Military Personnel - Norfolk Police researched the number of military personnel involved in Domestic Aggravated Assaults. In 2015, there was a total of 25 incidents in which 27 military personnel were involved as either a victim (12) or suspect (15). Two incidents involved both a victim and suspect who were service members. The 25 incidents account for 21% of the total 120 Domestic Aggravated Assaults that were reported in the 2015 year end stats.

According to the Naval Criminal Investigative Service (NCIS), all domestic assaults, simple or aggravated, must be reported to the service member's command and tracked. They have monitored the number of domestic assaults among service members for several years and reported no significant increase in domestic aggravated assaults when service members return from deployment.

NCIS plays an active role in the 'Return/Reunion Program' which involves proactive training relating to domestic violence prior to the service members returning home.

Norfolk Animal Care and Adoption Center – Over the years, the Norfolk Animal Care and Adoption Center has worked to improve shelter outcomes and place animals into loving, forever families. Since 2010, the shelter posted steady improvements in animal adoptions and fewer euthanasia incidents. Cat adoptions saw the largest gains from a low of 279 in 2007 to more than 1,000 adoptions every year since 2012. 2015 marks the first time the number of adoptions surpassed the number of euthanasia incidents. The shelter took in 5,229 animals (cats, dogs, small animals, poultry and livestock) in 2015. Of that number 2,201 were adopted and 1,822 were euthanatized. The outcomes for the remaining animals include: returned to owner (913), transition to another shelter (100), died (38) and remaining in shelter care (155). The shelter will continue to work towards 100% placement of all adoptable animals.

Norfolk Alert – Don't miss important information about the next severe storm, flood or event that impacts your neighborhood. Norfolk Alert is an enhanced alert system that allows subscribers to customize their account. This flexibility allows subscribers the option to have important public safety and preparedness information sent directly to an email, voicemail, text message or all. Encourage your constituents to sign up at www.norfolk.gov.

NORFOLK

Inter Departmental Memorandum

TO:	City Council
THROUGH:	Marcus D. Jones, City Manager
FROM:	George Homewood, AICP, Director of City Planning
COPIES TO:	Ronald G. Moore, Sr. Design & Rehabilitation Consultant
SUBJECT:	Non Standard Lot Certificate – 3127 Montana Avenue
DATE:	January 29, 2016

Attached is a Certificate for a Nonstandard Lot authorizing development of a nonstandard lot consistent with the process authorized by Council in 2009. The approved design has been determined to be consistent with the character of the neighborhood in which it will be located.

Council requested this information be provided whenever development of a nonstandard lot has been authorized at the time the new ordinance was adopted.

Property Information

Location:	3127 Montana Avenue	**Neighborhood:**	East Fairmount Park
Zoning:	R-7	**Standard Lot Size:**	60 Ft. x 100 Ft.
House Type:	1 Story Single Family	**Proposed Lot Size:**	30 Ft. x 100 Ft.
House Size: (Width x Depth)	23.9 Ft. x 54 Ft.	**Square Footage:**	1,296 Sq. Ft.

A copy of the Survey and the Front Elevation is included for your review.

For more information, please contact George Homewood, City Planning Director at 664-4747 or Ronald Moore, Sr. Design & Rehabilitation Consultant at 664-6778.

NORFOLK

Life. Celebrated Daily.

Office of Housing
Department of Planning and Community Development
Development Certification for Non-Standard Lots

Applicant Information

Applicant Name:	James R. Overbey Jr.	**Date of Application:**	June 2, 2015
Mailing Address:	278 Fair Meadows Road		
City, State, Zip Code:	Virginia Beach, VA 23462		
Phone Number:	757.477.2493	**E-Mail:**	

Property Information

Location:	3127 Montana Avenue	**Neighborhood:**	East Fairmount Park
Zoning:	R-7	**Standard Lot Size:**	60 Feet x 100 Feet
House Type:	1Story Single Family	**Proposed Lot Size:**	30 Feet X 100 Feet
Proposed House Size:	23.9 Feet x 54 Feet	**Square Footage:**	1,296 SF

The proposed building plans and elevations for development of the site at 3127 Montana Avenue and located in the East Fairmount Park neighborhood in Norfolk, Virginia has been determined to be in keeping with the character of the neighborhood using the standards established by City Council in Section 4-0.15 of the Zoning Ordinance, which include but are not limited to location and placement of windows, doors, roof(s), porch (es), columns, driveways, garage(s), and building height.

Please submit three sets of final plans and elevations to the Department of Planning and Community Development to be stamped "approved". After plans have been stamped, two sets of the approved plans will need to be presented to the Building Safety Division for consistency with Building Code requirements and for issuance of the required building permits.

George Homewood, AICP, Director
City Planning

January 25, 2016
Date

BC: City Manager's Office
City Planning Director
Program Manager
Building Official

FRONT ELEVATION

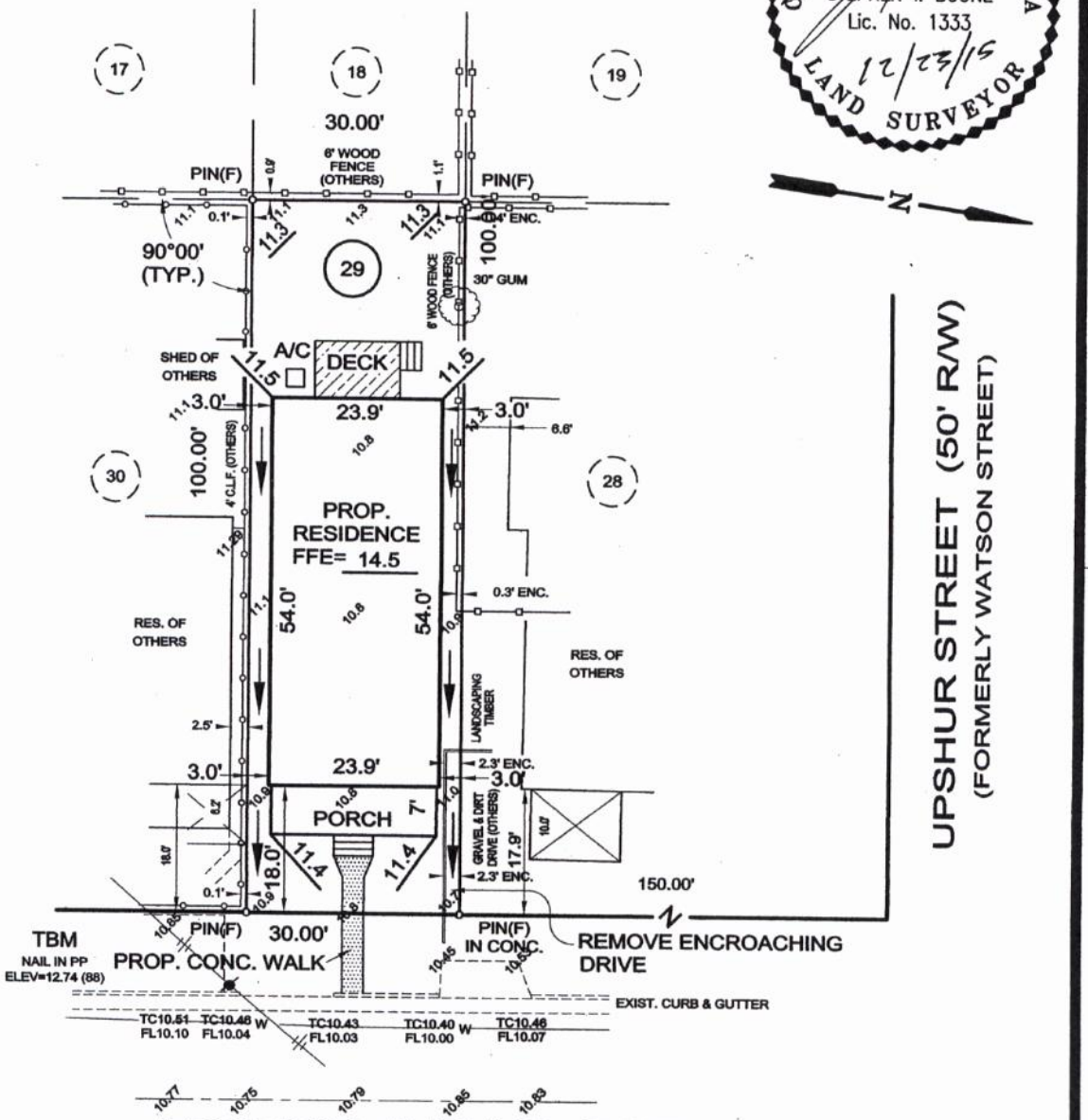
SCALE: 1/4" = 1'-0"

NOTE:
1) ELEVATIONS BASED ON CITY OF NORFOLK DATUM (NAVD88)
2) THIS SITE TO BE SERVED BY CITY WATER & SEWER
3) THIS SURVEY MAY NOT SHOW ALL EASEMENTS AND UTILITIES THAT AFFECT THIS PROPERTY.
4) IT SHALL BE THE RESPONSIBILITY OF THE OWNER /CONTRACTOR TO VERIFY ALL BUILDING DIMENSIONS, BUILDING SETBACKS, AND DEED RESTRICTIONS.
5) FOR BUILDING DIMENSIONS, SEE ARCHITECTURAL PLANS.

THE PROPOSED RESIDENCE SHOWN HEREON IS IN FLOOD ZONE "X"
FIRM MAP CITY OF NORFOLK COMMUNITY NO. 510104
MAP REVISION: SEPT. 2, 2009 PANEL NO. 0105F

EXISTING ELEV. 00.0
PROPOSED ELEV. 00.0
DRAINAGE FLOW
PROPOSED SWALE
MATCH GRADE M.G.
TREE TO BE REMOVED

COMMONWEALTH OF VIRGINIA
STEPHEN I. BOONE
Lic. No. 1333
12/23/15
LAND SURVEYOR



SITE PLAN

OF

3127 MONTANA AVENUE, NORFOLK, VIRGINIA
LOT 29, BLOCK S

EAST FAIRMOUNT

M.B. ,6, PG. 72 (CHESAPEAKE)

FOR: MAVERICKS

STEPHEN I. BOONE & ASSOCIATES, P.C.
LAND SURVEYORS
PORTSMOUTH, VIRGINIA

SCALE: 1" = 20'

DATE: DECEMBER 23, 2015

DRAFT: L.L.B.

F.B. 662, PG. 6

JOB #: 15-0585SP

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:	February 5, 2016

Attached for your review is the Pending Land Use Report, identifying applications received from January 20, 2016 through February 2, 2016. The report reflects items that are tentatively scheduled to be heard at the February 8, 2016 Architectural Review Board and the March 24, 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.

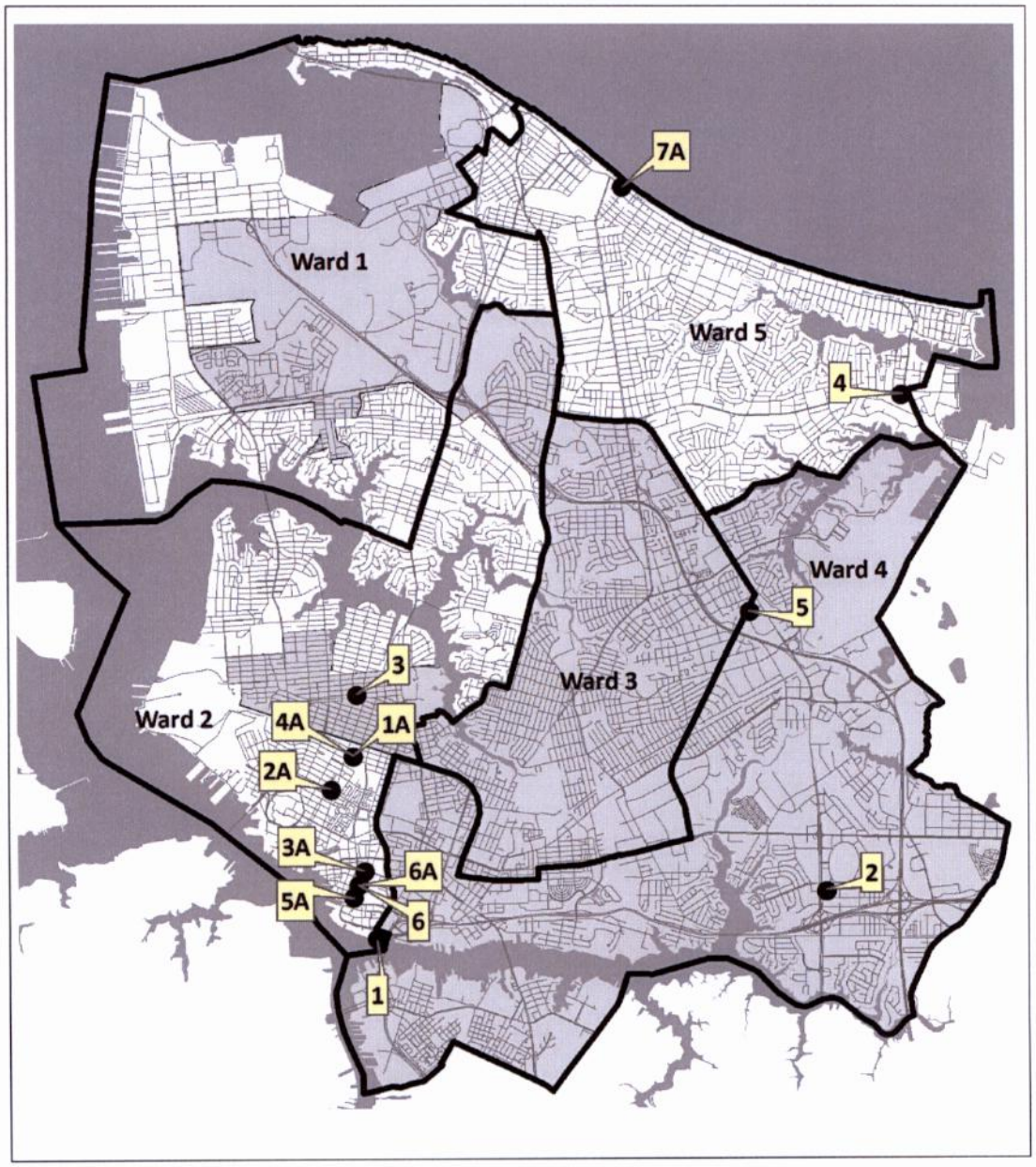
Architectural Review Board – February 8, 2016

Number	Applicant	Location	Request	Ward	SW	Neighborhood
1A	Bonnie Lawrence	419 W 21st Street	Business signage	2	6	Ghent
2A	George A. Yancy	1201 Colonial Avenue	Business sign, planters, window replacement & awning	2	6	Ghent
3A	Matthew Wallace	433 Granby Street	Business sign & encroachment	2	6	Downtown
4A	Rungsi Adalem	419 W 21St Street	Business signage	2	6	Ghent
5A	Martin Marrow	211 Granby Street	Amend a previously approved COA, signage	2	6	Downtown
6A	California Burrito	319 Granby Street	Business signage	2	6	Downtown
7A	Captain's Landing LLC	923-929 E Ocean View Avenue	Windows	5	6	Cottage Line

City Planning Commission – March 24, 2016

Number	Applicant	Location	Request	Ward	SW	Neighborhood
1	Tinto Wine & Cheese, Etc.	999 Waterside Drive, Suite 113	Special exception to operate an eating and drinking establishment	2	6	Downtown
2	Artisan Body Piercing	5720 Hoggard Road	Special exception to operate a tattoo parlor	4	7	Glenrock
3	Marcelle Checkley Home Care	533 34th Street	Special exception to operate a day care home	2	7	Park Place
4	Wells Fargo Bank ATM	4231 E Little Creek Road	Special exception to operate a commercial drive-through.	5	6	N/A

5	FMC Garden Café	5511 Faris Street	Special exception to operate an eating and drinking establishment	4	7	Idlewood / Sandy Heights
6	California Burrito	319 Granby Street, Ste 319	Special exception to operate an eating and drinking establishment	2	6	Downtown



Pending Land Use Actions
JANUARY 20 - FEBRUARY 2

0 4,000 8,000 16,000 Feet

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
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 # 2

DATE: January 29, 2016

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. Update: Passed House Subcommittee on 1/28/16.

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. Update: Assigned to a Special House Subcommittee on Energy.

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; Update: Referred to Senate Transportation Committee. HB 1335 (Taylor)-Highway Maintenance Payments for Bicycle Lanes. Update: Assigned to House Transportation Committee Subcommittee # 3 on 1/29.

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. SB 720 (Lewis)-Local Option Environmental Cleanup Programs. Update: Assigned to Senate Local Government Committee.

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. Update: Passed full Senate 40Y-0N on 1/27. HB 327 (Bloxom)-Expedited Permitting for Emergency Beach Restoration. Update: Passed full House 2nd time and Engrossed on 1/29.

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. Update: Referred to Senate Rules Committee on 1/12.

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*

Instructional Aides:

- This budget amendment would change the Standards of Quality to establish a new prevailing cost standard for all teacher aides.
- Currently, the SOQ recognizes only certain kindergarten aides and special education aides, and as a result, the SOQ recognizes only about 2,600 positions out of the 19,000 that are employed by school divisions.
- Instructional aides provide an essential and economical service to improving classroom instruction by allowing for more individualized attention.
- Without this funding, it is likely that school divisions will have to reduce the number of aides, with a detrimental effect on student learning and SOL/SOA scores.

Assistant Principals:

- The Board of Education in 2003 adopted the standard that there should be one assistant principal per 400 students.
- As more administrative requirements on Virginia schools are promulgated, assistant principals are even more essential. Assistant principals are responsible for a range of activities including parental concerns, court appearances, disciplinary policies, school safety and coordination of school support services – transportation, food services, custodial services, and other items.
- There are currently over 2,500 assistant principals employed by Virginia school divisions with state SOQ funding provided for only about 950. The state needs to pay its fair share.

SOQ funding formula boost – Linear Weighted Average:

- Back during the recession, the state made a number of K-12 budget decisions that reduced state funding and moved further away from the idea that state appropriations should reflect the actual costs of operating a school division, as required by the Standards of Quality.
- These budget cuts were not tied to educational policy or administration reforms. Nor were there any reductions in state accountability standards. In fact, those standards have increased.
- Localities pay $3.6 billion above the amounts required under the SOQ. Many localities simply do not have the tax base to pay their share and part of the State's as well.
- This amendment simply reverses an action that was based on revenue collections and not on sound educational policies. By accepting this amendment to recognize prevailing costs, the state will begin to reclaim its former role as the chief funder of public education.

Additional Budget Amendments of Interest:

1. *Community Wealth Building* – 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. *Affordable Housing Trust Fund* - 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 license 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**.
     - Supports dedicated and adequate state appropriations to the Stormwater Local Assistance Fund (SLAF) to address costs associated with the permit requirements of Municipal Separate Storm Sewer Systems (MS4) and new EPA regulations.
   - 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.

Transportation Funding:

Delegate Villanueva was going to introduce a gas floor bill that was less impactful than Senator Wagner's bill. It had the blessings of both the Speaker and Delegate Chris Jones with several co-patrons on the bill. However, at the last minute, the Speaker withdrew his support and the bill was not introduced. There are still gas floor bills in the Senate including Senator Frank Wagner's bill.

HB 757 (Bell) is effectively dead for this legislative session after consideration by House Counties, Cities, and Towns Subcommittee #2. This bill would have required that the public be able to speak for at least five minutes on all agenda items. This legislation, as proposed, would have applied to all local and regional boards, commissions, city councils, boards of supervisors, school boards, etc.

The first HRTAC bill, HB 274 (Yancey), from their legislative package unanimously passed the House Appropriations Committee. This bill clarifies the code to state that Hampton Roads Transportation Fund monies are to be sent immediately to HRTAC, allowing excess funds to be invested by HRTAC. This legislation provides clarification so as to allow HRTAC to administer funds in the same manner as Northern Virginia Transportation Authority (NVTA) funds.

- **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.

Norfolk 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

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.

- Voters should choose their legislators instead of legislators choosing their voters.

- Existing political boundaries should be respected to the greatest extent possible.

- Redistricting should be done objectively with boundaries drawn on the basis of legal, demographic and commonsense criteria that ignore the political interests of incumbents or political parties.

- The current redistricting process encourages legislators to focus on the far left or far right voters in their district – the ones who tend to vote in primaries – instead of the interests of the broader range of voters who participate in the general election.

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.

- Supportive of an amendment to Virginia Code § 58.1-2295 which would establish a protective floor price for the 2.1 percent regional gas taxes, much as was done for the statewide fuels tax in §58.1-2217.
- The requested floor for regional gas taxes is essential to provide a more stable, dedicated revenue source needed for long-term financing of regional projects.

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.

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.

THE CITY OF NORFOLK

MEMORANDUM

TO: City Council

THROUGH: Marcus D. Jones, City Manager

CC TO: City Attorney, City Clerk

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

SUBJECT: January 28, 2016 City Planning Commission Public Hearing Results

DATE: January 29, 2016

Attached is the Results Agenda from the January 28, 2016 Norfolk City Planning Commission public hearing. This report will be prepared on a monthly basis, following each Planning Commission public hearing, to ensure you are informed of Planning Commission actions. No action is required on this report.

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

THE CITY OF NORFOLK
CITY PLANNING

CITY PLANNING COMMISSION PUBLIC HEARING AGENDA
JANUARY 28, 2016
RESULTS

The Norfolk City Planning Commission will hold a public hearing on January 28, 2016 at 2:30 p.m. in the City Council Chamber, 11th Floor, City Hall Building, Civic Center, Norfolk, Virginia to consider the following applications:

CONTINUED AGENDA

APPROVAL RECOMMENDED, 7-0

1. **CITY PLANNING COMMISSION,** for a zoning text amendment to permit, by special exception, any one use listed in Table 4-A or Table 6-A of the *Zoning Ordinance of the City of Norfolk, 1992*, as amended, in a building which has been designated as a Norfolk Historic Landmark under Chapter 9 of the *Zoning Ordinance*, even when the use does not appear on the use table for the zoning district in which the building is located.

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

REGULAR AGENDA

APPROVAL RECOMMENDED, 7-0

1. **CITY PLANNING COMMISSION,** for the following applications:
   a. Amend *plaNorfolk2030* so as to adopt the *Coastal Character District* with associated Actions.
   b. Zoning text amendment to Section 2-3, "Definitions," Table 4-B, "Yard Requirements in Residential Districts," Section 15-4, "Motor vehicle parking design standards," Table 15-A, "Table of Minimum Parking Requirements," and Table 15-B, "Table of Bicycle Parking Requirements," of the *Zoning Ordinance* to define "Character district, coastal," to amend the Zoning Map to adopt the Coastal Character District boundaries and to amend various development and design standards within the district.

   Staff contact: Jeremy Sharp at (757) 823-1087, jeremy.sharp@norfolk.gov

APPROVAL RECOMMENDED, 7-0

2. **BROCK VENTURES, INC.,** for the following applications at 435 Virginia Avenue:
   a. Amendment to the future land use designation in the general plan, *plaNorfolk2030*, from Institutional to Multifamily.
   b. Change of zoning from IN-1 (Institutional) district to R-13 (Moderately High Density Multi-Family) district.

   The purpose of this request is to allow for the construction of an apartment complex with up to 68 units.

   Staff contact: Bobby Tajan at (757) 664-4756, robert.tajan@norfolk.gov

APPROVAL RECOMMENDED, 7-0

3. **THE AUTO CONNECTION,** for the following applications at 6336-6352 E. Virginia Beach Boulevard:
   a. Change of zoning from R-8 (Single-Family) district to conditional C-2 (Corridor Commercial) district on an approximately 80-foot by 125-foot portion of the property; located to the northwest of the site.
   b. Special exception to operate an automobile sales and service facility.

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

APPROVAL RECOMMENDED, 7-0

4. **BETTINA'S BLISSFUL HOME DAYCARE,** for a special exception to operate a day care home at 3611 Bell Street.

   The purpose of this request is to allow for the care of up to nine children at the existing day care home.

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

APPROVAL RECOMMENDED, 7-0

5. **CHICK-FIL-A,** to amend a previously granted special exception in order to expand an existing commercial drive-through at 1205 N. Military Highway.

   The purpose of this request is to add a second drive-through lane to the existing restaurant.

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

APPROVAL RECOMMENDED, 7-0

6. **STEAK N' SHAKE,** for a special exception to operate a commercial drive-through at 2437 E. Little Creek Road.

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

DENIAL RECOMMENDED, 7-0

7. **CHARTWAY FEDERAL CREDIT UNION,** for a special exception to operate a commercial drive-through at 132 Kempsville Road.

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

APPROVAL RECOMMENDED, 7-0

8. **7-ELEVEN,** for the following applications at 1877 E. Ocean View Avenue, Suite 1881:
   a. Special exception to operate a convenience store, 24-hours (no fuel sales).
   b. Special exception for the sale of alcoholic beverages for off-premises consumption.

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

APPROVAL RECOMMENDED, 7-0

9. **STARBUCKS,** for a special exception to operate an eating and drinking establishment at 7550 Granby Street, Suite 10.

   Staff contact: Sarah Richards at (757) 664-7470, sarah.richards@norfolk.gov

APPROVAL RECOMMENDED, 7-0

10. **STARBUCKS,** for a special exception to operate an eating and drinking establishment at 143 Granby Street, Suites 141 and 143.

    Staff contact: Sarah Richards at (757) 664-7470, sarah.richards@norfolk.gov

APPROVAL RECOMMENDED, 7-0

11. **RAMA GARDEN,** to amend a previously granted special exception to permit an existing eating and drinking establishment to operate under new management at 441 Granby Street.

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

APPROVAL RECOMMENDED, 7-0

12. **LAMIA'S CREPES,** for the following applications at 401 Granby Street, Suite B:
    a. Special exception to operate an eating and drinking establishment.
    b. Special exception for the sale of alcoholic beverages for off-premises consumption.

    Staff contact: Chris Blough at (757) 664-6771, christopher.blough@norfolk.gov

APPROVAL RECOMMENDED, 7-0

13. **HUMBOLDT STEEL CORP. II,** for the following applications at 150 Boush Street:
    a. Special exception to operate an eating and drinking establishment.
    b. Special exception for the sale of alcoholic beverages for off-premises consumption.

    Staff contact: Chris Blough at (757) 664-6771, christopher.blough@norfolk.gov

APPROVAL RECOMMENDED, 7-0

14. **GRANNY'S COUNTRY COOKING,** for a special exception to operate an entertainment establishment with alcoholic beverages at 628 35th Street, Suites A and B.

    Staff contact: Chris Blough at (757) 664-6771, christopher.blough@norfolk.gov

APPROVAL RECOMMENDED, 7-0

15. **JUICEBAR JUICES,** for a special exception to operate an entertainment establishment with alcoholic beverages at 245 Granby Street, Suite 247.

    The purpose of this request is to add alcohol sales to the existing entertainment establishment.

    Staff contact: Chris Blough at (757) 664-6771, christopher.blough@norfolk.gov

APPROVAL RECOMMENDED, 7-0

16. **TAP IT LOCAL,** for the following applications at 244 Granby Street, Suite 244:
    a. Special exception to operate an entertainment establishment with alcoholic beverages.
    b. Special exception for the sale of alcohol for off-premises consumption.

    Staff contact: Chris Blough at (757) 664-6771, christopher.blough@norfolk.gov

DENIAL RECOMMENDED, 7-0

17. **ELEGANT OCCASIONS BY KRISTA,** for a special exception to operate an entertainment establishment with alcoholic beverages at 9605 Granby Street, Suite A.

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

APPROVAL RECOMMENDED, 7-0

18. **PECK AND POUR, WORLD CLASS WINGS AND BEER,** to renew a previously granted special exception for an entertainment establishment with alcoholic beverages at 1310 Colley Avenue.

    The purpose of this request is to renew the existing entertainment special exception following its 18-month expiration.

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

APPROVAL RECOMMENDED, 7-0

19. **MACK'S BARGE,** for the following applications at 4300 Colley Avenue:
    a. Special exception to operate an entertainment establishment with alcoholic beverages.
    b. Special exception for the sale of alcohol for off-premises consumption.

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

APPROVAL RECOMMENDED, 7-0

20. **GLASS WHEEL STUDIO,** for a special exception to operate an entertainment establishment with alcoholic beverages at 116-128 W. Olney Road.

    Staff contact: Bobby Tajan at (757) 664-4756, robert.tajan@norfolk.gov

APPROVAL RECOMMENDED, 7-0

21. **THE MUSE WRITERS CENTER,** for a special exception to operate an entertainment establishment with alcoholic beverages at 2200 Colonial Avenue, Suite 3.

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

APPROVAL RECOMMENDED, 7-0

22. **O'CONNOR BREWING CO.,** for the following applications at 211 W. 24th Street:
    a. To amend a previously granted special exception for an existing entertainment establishment with alcoholic beverages to operate with expanded capacity.
    b. Special exception to operate a microbrewery.

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

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

George M. Homewood, AICP, CFM
Executive Secretary

THE CITY OF NORFOLK

MEMORANDUM

TO: The Honorable City Council

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

CC TO: Leonard M. Newcomb III, CFM, Assistant Director, City Planning
Susan Pollock Hart, CFM, Principal Planner, City Planning

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

SUBJECT: Special Exception for an entertainment establishment with alcoholic beverages at 9605 Granby Street, Suite A – Elegant Occasions

DATE: February 5, 2016

On the February 9, 2016 Regular Agenda, City Council will be reviewing a special exception request by Elegant Occasions to operate an entertainment establishment with alcoholic beverages at 9605 Granby Street, Suite A. The property is located on the west side of Granby Street, between W. Balview Avenue and W. Seaview Avenue, in the West Ocean View. The site was most recently occupied by East Coast Bicycles (retail) and Arianna's Café (take-away café), and is currently zoned C-2 (Corridor Commercial), which allows entertainment establishments with a special exception.

All land uses near Naval Station Norfolk Chambers Field have been evaluated in an adopted report known as the 2005 Hampton Roads Joint Land Use Study (HR JLUS); the subject site is located within an Accident Potential Zone (APZ-II) and the 65-70 DNL noise zone [2005 HR JLUS, revised 2010]. The Identifying Land Use Strategies chapter of *plaNorfolk2030* replicates the HR JLUS map and includes an action calling for the City to not support any increase in intensity of incompatible uses in those zones. The site is designated commercial; however, since the proposed special exception would permit the existing retail sales and service space to be intensified and used as a place of assembly, it is not consistent with *plaNorfolk2030*.

In 2005, the City Council adopted Resolution 1,276, approving the HR JLUS. The Resolution states that "... the City Council recognizes that the findings and recommendations contained in the report will help protect the public health, safety and welfare of our citizens..." [2005 City Council Resolution 1,276]. The proposed use of the site for a "public assembly" is listed as a prohibited

use within the APZ-II and is, by definition, an intensification in use from the prior use as a retail establishment. The HR JLUS recommend land uses with "low density" occupancy levels; occupancy levels should in general be restricted to "50 persons per acre in APZ-II are...considered to be low density." Additionally, the HR JLUS indicates that "meeting places, auditoriums, etc. are not recommended." The approximately quarter acre site with a proposed occupant load of 80 persons equates to roughly 320 persons per acre on the site, which is more than six times more dense than the HR JLUS recommendation. The 3,543 square foot tenant space itself would potentially congregate patrons at a level over 20 times more dense than the HR JLUS recommendation.

Currently there are ten parking spaces available on-site. Off-street parking is shared amongst two uses in one structure. However, at times when the entertainment establishment is operating the remaining office space will be closed. The adjacent dentist office has agree to lease two additional off-street parking spaces at times when the dentist office is closed.

The C-2 district permits dozens of office and retail opportunities as a matter of right, all of which would be allowed in the location for which this application has been submitted. Thus, the existence of the APZ and noise zones from Chambers Field do not, as has been alleged, diminish the economic value of the investment. Special Exceptions are a privilege, not a right. The decision as to whether to grant or not depends on the specific situation and location and whether or not conditions can be applied that would ameliorate the concerns that arise from location and type of enterprise; in this case there are no conditions that can address the location within the APZ and the inherent added danger to the public from establishing a new public assembly use in the existing building.

Citing the 2005 City Council approved Resolution, which recognized that the HR JLUS report recommendations will help protect the public health, safety and welfare of our citizens, and given that *plaNorfolk2030* discourages any increase in intensity of incompatible uses within the Accident Potential Zones, staff recommends **denial** of the special exception request.

After conducting a duly advertised public hearing on January 28, 2016, at which representatives for the applicant and from the United States Navy provided comments and responded to questions from Commissioners, the City Planning Commission voted **7 to 0** to recommend **denial** of the application.

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

February 5, 2015

Attached are the minutes of the City Council meeting held on Tuesday, January 26, 2016.

Breck

Breck

NORFOLK, VIRGINIA

BUSINESS MEETING OF COUNCIL

TUESDAY, JANUARY 26, 2016

President Fraim called the meeting to order at 4:00 p.m. with the following members present: Ms. Graves, Ms. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley and Mr. Winn.

A. JOINT MEETING WITH THE SCHOOL BOARD

Members of the School Board present, Rodney Jordan, Chair, Noelle Gabriel, M.D., Courtney Doyle, Tanya Bhasin, Reverend Edward Haywood, Superintendent Dr. Melinda Boone was also present.

Mayor Fraim welcomed the members of the schoolboard and thereupon called on the chair, Mr. Rodney Jordan to begin with a few opening remarks.

Mr. Rodney Jordan thanked the Council for providing this opportunity and stated that they will be back soon as the budget process proceeds.

Dr. Melinda Boone, superintendent, thanked Council for the opportunity to be here early on in her tenure in Norfolk and stated that she is most appreciative of the welcome and the support that she's received from the City. She noted that she will be scheduling one-on-one meetings with councilmembers in the coming weeks.

Manager Jones stated that he and Dr. Boone met and discussed how the school system and the city can work together. He highlighted examples where the city is partnering with the school system, including Norfolk emerging leaders, helping to fund in United for Children and Mayor's Commission on Poverty Reduction. He also noted that it is very important to talk about what's evolving in the terms of Military families. The Military Child Education Coalition (MCEC) is basically a worldwide nonprofit association that is focusing on education opportunities for children.

Dr. Boone commented the budget she will present to the School Board will focus on wraparound services and how they are supporting children and families in a way to be successful. She noted two new schools are under construction and will open two other schools this fall. In terms of the

Governor's proposed budget, information was provided on January 6th to the board on their early assessment of the impact of the Governor's proposed budget for Norfolk Public Schools. Their current approved budget is almost $315 million.

They began their base planning with a $6.7 million deficit due to one-time funds that were used for the current budget. As they plan for FY-16, there were two pots of money that created that $6.7 million that closed significant budget gaps for the current fiscal year and those were prior years CTI funds for technology purchases and then reappropriation of $4.4 million in carryover funds.

The key recommendations impacting public education include:

- Updates to the SOQ funding in direct aid
- Incentive and categorical funds
- New sales tax revenue estimates
- New composite indices based on the 2014-2016 biennium
- Increase to the employer district contributions paid to the Virginia Retirement System (VRS)
- Funding for additional school-based positions

Dr. Boone noted that this does not include any state contribution to raises in the first year of the biennium. When looking at those assumptions in the Governor's budget, they actually stand to gain through the SOQ adjustments primarily because there is a bit of a loss of funding in the incentive and categorical and lottery funding. When they look at all of this coming together, the district stands to gain an increase of $6.7 million in revenue, which essentially offsets the beginning deficit that they had based on the one time funds that were used in the budget. The good news is that they closed the gap but the challenge is they now have no money for growth and other needs and services and programs that they have.

The major variables impacting the Norfolk budget based on the state: Student enrollment project, local composite index change, re-benchmarking of the SOQ and the increase in VRS contribution rates. They are projected to show a declining enrollment in FY-17 of about 300 students which certainly impacts Norfolk because enrollment is a significant driver of funding. The loss of enrollment equates to approximately $1.5 million, but that begins to be offset by things such as re-benchmarking as it relates to the standards of quality as well as the shift now in the composite index.

Their ability to pay as presented in the Governor's budget for the next biennium will be a little bit less in terms of the composite index. The impact of the lower composite index is an additional $2.5 million to the schools which again

is a significant piece. The $6.7 million deficit that they began with balanced by the $6.7 million in new revenue through the Governor's proposed budget creates the balance in that portion of the budget. There are other expenditure considerations that they have to face with the district:

- Cost of a 1% salary increase is approximately $2.5 million
- Cost of VRS increase is $1.0 million
- Additional State-funded instructional positions is $1.3 million
- Additional Instructional Technology Resource Teaching positions $1.5 million
- Health insurance cost
- Other general operational needs

Dr. Boone will present a budget to the School Board on March 1st. Every week in March the Board will be engaged in work sessions, public hearings and other actions moving towards adopting the budget by the end of March so that they will meet the requirement to have a budget submitted to the city by April 1st.

Councilwoman Johnson stated that this was good conversation. She noted that in the past City Council discussed finding ongoing revenue for the school system. Many people don't see Norfolk Public Schools as a business, but it is a multimillion dollar business and they should be treating it as such.

Councilman Smigiel stated that he asked at the last Council meeting about their seriousness of continuing forward with the CTE School and how Council can continue working on that. He also asked if it is still on the School Board's radar as an important priority.

Dr. Boone stated that the CTE School is something that she deeply believes in and she has engaged in conversations about the CTE School with the board members.

Mayor Fraim stated that they could schedule some time on a Tuesday at 2:00 when they don't have a City Council meeting and talk about the CTE School.

B. FY 2015 AUDIT RESULTS & CAFR

Cheryl Xystros, KPMG; John Sanderlin, City Auditor; & Christine Garczynski, Director of Finance, reported as follows:

Ms. Xystros stated that the audit of the June 30, 2015 financial statements has been completed. She added that the report required under government auditing standards related to compliance and internal controls has also been completed. Both reports were issued unmodified with no findings.

A letter dated December 23, 2015 was provided to Council listing in detail the required communications related to the audit. They looked at accounting policies and alternative treatments and there were no disagreements with management on financial accounting and reporting matters. There have been no consultations with other accountants and no significant difficulties encountered in completing the audit.

With regard to internal control and the A-133 audit, there were no material weaknesses at the financial statement level. Suggestions for improvement in internal control were discussed with management.

The city expended $94.2 million in Federal assistance during FY15. Ten programs were audited; three at Norfolk Public Schools and seven at the city. All programs that receive Federal assistance in excess of $2,800,000 are subject to audit at least once every three years. Certain smaller programs are audited each year based on their individual and collective risk profiles. Scoping will change in FY 2016 with implementation of the Uniform Guidance.

The A-133 audit findings are described in the Compliance Section of the CAFR. Ms. Xystros briefly described findings with regard to: CDBG, Title 1, Special Education, TANF and HIV. Four findings were noted based on procedures required by the Virginia APA.

C. 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 the areas of South Military Highway area where discussion in open meeting would adversely affect the bargaining position of the public body.

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

No: None.

D. COUNCIL INTERESTS

1. Councilman Protogyrou:

With reference to his request for an after-action review to examine the practices and culture of City Hall following the indictment of City Treasurer Anthony Burfoot, he asked to meet with the auditor to discuss how to move forward. Councilman Winn asked for an internal audit of the City Treasurer's office be conducted.

2. Councilman Riddick:

- Asked the City Manager for a report on the Employee Compensation Plan, noting that some employees are not eligible for raises because they are at the top of their pay scale. Mayor Fraim commented that approximately 100 employees will be affected by this and he stressed that it needs to be corrected. Vice-Mayor Williams-Graves suggested comparing our plan to other plans in the region to ensure the city is paying competitive salaries.

- Asked for a report on the tax exempt status of the St. Thomas AME Zion Church and he forwarded documents to the City Attorney. Councilman Smigiel and Councilwoman Johnson asked for more information on churches and exemptions in general. The City Manager suggested having the City Assessor address City Council.

- Asked to re-examine the St. Paul's Boulevard quadrant, commenting that the boundaries have expanded and expressing opposition to that. Mayor Fraim echoed his request and asked the City Manager for a full presentation.

3. Councilwoman Whibley:

- With regard to Docket Item R-2, asked that Mr. Ricks look at the configuration of the outdoor seating to make sure that the pedestrian access is ADA compliant and meets the Complete Streets Policy.

- With regard to Docket Item PH-1, reiterated her concerns with regard to rental housing in that area. Mayor Fraim echoed her concerns.

- Asked what is being done to address regional issues. Mayor Fraim asked the City Manager to schedule time for discussion.

4. Councilwoman Johnson asked that the Administration respond to citizens' emails concerning the Love Locks.

5. Vice-Mayor Williams-Graves asked for an update on the Renovate Norfolk Program.

6. Councilman Smigiel asked for an update on earlier requests as follows:

   - When will the HRT sign in front of Northside Middle School be relocated?
   - When will repairs be made to the fencing around the Tidewater Drive underpasses in Ocean View?
   - What caliper trees will replace the trees that were lost near the Pretty Lake Bridge and who will be responsible for the replacement cost?
   - Will trees replace the bushes that were removed from our gateways to the city? In addition, he asked that appropriate staff explore using our new logo at the city's gateways.

Councilman Smigiel asked that requests such as those mentioned above be answered in Council's weekly memos.

E. SAFE, HEALTHY, AND INCLUSIVE COMMUNITIES - 2015 REVIEW

Chief of Police, Mike Goldsmith, reported as follows:

The majority of crime is related to property crime; in particular, larceny at 71 percent.

Homicides increased from 30 in 2014 to 35 in 2015. There are 15 open cases, 4 of which occurred in December 2015. The 10-year trend shows we are still seeing a downward trend in violent crimes. Rapes increased from 120 in 2014 to 128 in 2015; in 74 percent of these cases the victim and the suspect are somehow related to one another. The 10-year trend shows we are just about even with rapes and sexual assaults.

Our 5-year and 10-year robbery trend is still trending downwards, but this year there was an increase in reports from 412 to 494. The department has taken specific actions to deal with the increase such as enforcement tactics and meeting with store owners.

Aggravated assaults have increased and are primarily domestic in nature. These are difficult for the department to get a handle on because almost all of them occur behind closed doors. However, the department does engage with the Commonwealth Attorney's office to offer services to victims in order to get them out of a dangerous situation.

Violent crime increased from 1,249 reports in 2014 to 1,388 reports in 2015, and that is due to robbery numbers. Even with the uptick in 2015, the 10-year trend is still downward. Violent crime, in general, has increased in some urban areas countrywide.

There has been a significant drop in property crime between 2014 and 2015. The 5-year trend shows we are still trending downwards. The 5-year larceny trend is also down. In 2014, there was a spike in stolen vehicles, but it decreased in 2015 due to public education efforts. Total property crime is still on a downward trend for the 5- and 10-year trends.

The department is involved with many community partnerships. The Field Operations Strategic Plan includes hot-spot mapping, enforcement sweeps, high visibility patrols and predictive policing. Officers regularly attend neighborhood watch and civic league meetings and they provide community policing using community resource officers. With regard to the Ferguson Effect, data indicates no effect on the department.

The Fair and Impartial Policing (FIP) training in May 2015 included command staff, members of faith-based organizations and other community stakeholders. Several priorities were identified and a workgroup was established from trained participants to promote fair and impartial policing. The workgroup meets monthly to review policies and procedures. The CAKE Program (Cops and Kids) with the Southeastern Virginia Boys and Girls Club is a program that fosters a fun environment for mutual trust and provides youth an opportunity to recognize the police as their friends and mentors.

Milestones for the department include:

A Virginia CIT Coalition Award for Norfolk's Crisis Intervention Team (CIT) and accreditation through the Commission on Accreditation for Law Enforcement Agencies (CALEA).

Vice-Mayor Williams-Graves asked:

- With regard to rapes, how many cases are solved and how many are unsolved?

- Are there grants available for small business owners to upgrade security equipment?

Councilman Protogyrou asked:

- With regard to domestic assaults, what are the trends involving military personnel returning from deployments in Iraq and Afghanistan? Does the military have solutions or programs in place to assist them?

- To schedule time at Council's next meeting for further discussion with Chief Goldsmith about his presentation.

Councilman Smigiel asked:

- How do our crime trends compare with population increases?

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, JANUARY 26, 2016 – 7:00 P.M.

President Fraim called the meeting to order at 7:10 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 26, 2016.

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

No: None.

PUBLIC HEARINGS

PH-1 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Jon Rizzo**, for a change of zoning from R-8 (Single-Family) District to Conditional R-9 (Single-Family) District at **1345 Melrose Parkway**.

Jon Rizzo, 6239 Powattan Avenue, the applicant, spoke in favor of this matter.

Thereupon, an Ordinance entitled, "An Ordinance to rezone property located at **1345 Melrose Parkway** from R-8 (Single-Family Residential) to Conditional R-9 (Single-Family Residential) District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced LOST.

Yes: None.

No: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

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**.

The following people spoke in favor of this matter: Pauline Wilson, 1520 Colon Avenue, Laushaun Robinson, the applicant, 1617 Canola Street, Shawana Revell, 1100 Berkley Avenue Extension, James Allen, the applicant's realtor, 1121 Campostella Road and Roscoe Callaway, 1121 Campostella Road.

Janice McKee, President of Campostella Civic League, 903 Hatton Street, spoke in opposition to the matter by unanimous vote from the Campostella Civic League.

Thereupon, an Ordinance entitled, "An Ordinance to rezone property located at **1510 Colon Avenue** from R-8 (Single-Family Residential) to Conditional R-9 (Single-Family Residential) District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced LOST.

Yes: None.

No: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

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**.

Thereupon, an Ordinance entitled, "An Ordinance to amend the City's General Plan, *planNorfolk2030*, **SO AS TO** adopt goals and actions to support redevelopment in four emerging district within the city," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 26, 2016.

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

No: None.

PH-4 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the 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.

Greg Reck, 219 Granby Street, Unit 30, was present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance to amend the City's General Plan, *planNorfolk2030*, **SO AS TO** adopt a "**Complete Street Policy**" and to modify actions to support the policy," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 26, 2016.

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

No: None.

PH-5 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, 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."**

Thereupon, an Ordinance entitled, "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.**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 26, 2016.

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

No: None.

PH-6 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance to **Balance Builders, Inc.** of a certain parcel of property located at **1444 & 1446 W. 37th Street**.

Thereupon, an Ordinance entitled, "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," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 26, 2016.

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

No: None.

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

(Passed by at the January 12, 2016 meeting)

Richard Levine, 610 Pembroke Avenue, Tracy Holland 2200 Colonial Avenue and Tanya Fiske, 2200 Colonial Avenue, spoke in favor of this matter.

ACTION: The Ordinance as introduced was **adopted**, effective January 26, 2016.

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

No: Riddick.

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**," was introduced in writing and read by its title.

ACTION: Continued to February 9, 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 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," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 26, 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 permitting **Thalassa, LLC** to encroach into the right-of-way of **9th View Street** at **900 W. Ocean View Avenue** with a driveway," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 26, 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 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," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 26, 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 permitting **Barry J. Knapp** and **Lori A Givonetti** to encroach into the right-of way at **9721 Dolphin Run** with **PVC** irrigation piping," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 26, 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 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," was be introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 26, 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 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," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective January 26, 2016.

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

No: None.

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**," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective January 26, 2016.

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

No: None.

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**," was introduced in writing and read by its title.

ACTION: Continued to February 9, 2016.

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

No: None.

R-11 A Resolution entitled, "A Resolution appointing 2 persons to one Board and one Authority for certain terms," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective January 26, 2016.

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

No: None.

NEW BUSINESS

Tom Luckman, 3192 Gallahad Drive, Virginia Beach, spoke in favor of retirees receiving a cost of living adjustment and asked that the council please consider that in the next fiscal year budget discussions.

John W. Hill, 2906 Mapleton Avenue, asked for an audit of the Treasurer's office and for a recall of the City Treasurer in light of the recent allegations.

Charles Brewer, 222 Beck Street, echoed the topic of a COLA for the retirees and asked that the council make an official statement regarding the Treasurer stepping aside from his position while the alleged indictments were pursued.

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

CITY OF NORFOLK
OFFICE OF THE MAYOR

PAUL D. FRAIM
MAYOR

February 5, 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., February 9, 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

February 5, 2016

The following meetings will take place on Tuesday, February 9, 2016:

1. 4:00 P.M. Transportation and Infrastructure (TI), 10th floor conference room at City Hall.

2. 5:00 P.M. Council to assemble in the 10th floor conference room at City Hall for a Business Meeting.

3. 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, FEBRUARY 9, 2016 – 7:00 P.M.

Prayer to be offered by Councilwoman Dr. Theresa Whibley, followed by the Pledge of Allegiance.

INVITATION TO BID

IB-1 **INVITATION TO BID** scheduled this day pursuant under State Law, public notice having been inserted in the local press by the City Clerk to accept bids for a **Long-Term Garage Parking Agreement**, with a term of twenty years for the lease of 400 parking spaces in the parking garage located at **130 Bank Street** in the City of Norfolk.

REGULAR AGENDA

R-1 Matter of a 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.

(PASSED BY AT THE MEETING OF JANUARY 26, 2016)

R-2 Matter of a 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.

(PASSED BY AT THE MEETING OF JANUARY 26, 2016)
(IT HAS BEEN REQUESTED TO WITHDRAW THIS MATTER)

R-3 Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing the City of Norfolk to enter into a **Cooperation Agreement** for the payment of certain funds to enable the **Economic Development Authority of the City of Norfolk** to enter into and fulfill its obligations under a Grant Agreement with ADP, LLC," will be introduced in writing and read by its title.

R-4 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as "Peck and Pour, Work Class Wings and Beer" on property located at **1310 Colley Avenue**," will be introduced in writing and read by its title.

R-5 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a commercial drive-through for 'Chick-Fil-A' on property located at **1205 North Military Highway**," will be introduced in writing and read by its title.

R-6 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to operate an entertainment establishment with alcoholic beverages known as 'The Muse Writers Center' on property located at **2200 Colonial Avenue, Suite 3**," will be introduced in writing and read by its title.

R-7 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 'Tap It Local' on property located at **244 Granby Street**," will be introduced in writing and read by its title.

R-8 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 'Glass Wheel Studio' on property located at **116 to 128 West Olney Road**," will be introduced in writing and read by its title.

R-9 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a Day Care Home on property located at **3611 Bell Street**," will be introduced in writing and read by its title.

R-10 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 'Granny's Country Cooking' on property located at **628 35th Street, Suites 636-A and 636-B**," will be introduced in writing and read by its title.

R-11 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 'Juicebar Juices' on property located at **245 Granby Street, Suite 247**," will be introduced in writing and read by its title.

R-12 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 'Lamia's Crepes' on property located at **401 Granby Street, Suite B**," will be introduced in writing and read by its title.

R-13 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a Commercial Drive-Through for 'Steak 'n Shake' on property located at **2437 East Little Creek Road**," will be introduced in writing and read by its title.

R-14 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 'Starbucks' on property located at **7550 Granby Street, Suite 10,**" will be introduced in writing and read by its title.

R-15 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 'Starbucks' on property located at **143 Granby Street, Suites 141 and 143**," will be introduced in writing and read by its title.

R-16 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 'Rama Garden' on property located at **441 Granby Street**," will be introduced in writing and read by its title.

R-17 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 'Elegant Occasions by Krista' on property located at **9605 Granby Street**," will be introduced in writing and read by its title.

R-18 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a Commercial Drive-Through for 'Chartway Federal Credit Union' on property located at **132 Kempsville Road**," will be introduced in writing and read by its title.

(THE APPLICANT HAS REQUESTED A CONTINUANCE TO FEBRUARY 23, 2016)

R-19 Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named 'Humboldt Steel Corporation II' on property located at **150 Boush Street,**" will be introduced in writing and read by its title.

R-19A An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as 'Humboldt Steel Corporation II' on property located at **150 Boush Street,**" will be introduced in writing and read by its title.

R-20 Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** to permit a convenience store 24-hours (no fuel sales) known as '7-Eleven' on property located at **1877 East Ocean View Avenue,**" will be introduced in writing and read by its title.

R-20A An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as '7-Eleven' on property located at **1877 East Ocean View Avenue,**" will be introduced in writing and read by its title.

R-21 Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as 'O'Connor Brewing Company' on property located at **211 West 24th Street,**" will be introduced in writing and read by its title.

R-21A An Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a microbrewery named 'O'Connor Brewing Company' on property located at **211 West 24th Street,**" will be introduced in writing and read by its title.

R-22 Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as 'Mack's Barge' on property located at **4300 Colley Avenue**," will be introduced in writing and read by its title.

R-22A An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as 'Mack's Barge' on property located at **4300 Colley Avenue**," will be introduced in writing and read by its title.

R-23 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting and appropriating the sum of $50,000 from the **Virginia Brownfield Assistance Fund** for additional environmental assessments at **Harbor Park and Shoreline area**," will be introduced in writing and read by its title.

R-24 Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing a **Cost Sharing Agreement** with Hampton Roads Sanitation District for the relocation and replacement of Force Main SF-007 at Buckman Avenue," will be introduced in writing and read by its title.

R-25 Letter from the City Manager and a Resolution entitled, "A Resolution naming the public City Park located at southwest corner of Duke and York Streets for **Admiral David Farragut**," will be introduced in writing and read by its title.

R-26 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund to **Metal Concepts, Inc.**, in the amount of $46,770.69, plus interest, based upon the **overpayment of its machinery and tools tax for the years 2012 through 2015**," will be introduced in writing and read by its title.

R-27 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund to **SureID, Inc., f/k/a EID Passport, Inc.**, in the amount of $7,325.62, plus interest, based upon the **overpayment of its Business Personal Property Tax for the years 2013 and 2014**," will be introduced in writing and read by its title.

R-28 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund to **London Plaza Coin Laundry, Inc.**, in the amount of $2,693.46, plus interest, based upon the **overpayment of its Business Personal Property Tax for the years 2012 through 2014**," will be introduced in writing and read by its title.

R-29 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund to **All Carolina Crane & Equipment, L.L.C.** in the amount of $13,191.61, plus interest, based upon the **overpayment of its Business Personal Property Tax for the year 2015**," will be introduced in writing and read by its title.

R-30 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund to **Bayview Plaza Pharmacy Inc,** in the amount of $31,476.05, plus interest, based upon the **overpayment of its Business License Tax for the year 2015**," will be introduced in writing and read by its title.

R-31 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund to **ABNB Federal Credit Union** in the amount of $3,290.96, plus interest, based upon the **overpayment of its Business Personal Property Tax for the year 2014**," will be introduced in writing and read by its title.

R-32 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund to **AT&T Capital Services, Inc.,** in the amount of $18,703.77, plus interest, based upon the **overpayment of its Business Personal Property Tax for the years 2013 through 2015**," will be introduced in writing and read by its title.

R-33 Letter from the City Manager and an Ordinance entitled, "An Ordinance to amend and reordain Section 25.1-37, Section 25.1-75 and Section 25.1-87 of the *Norfolk City Code, 1979*, as amended, concerning parking rates for residents of the **Central Business District**, rates for parking in off-street facilities and designating a parking garage," will be introduced in writing and read by its title.

C: Dir., Department of General Services

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

February 9, 2016

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

Subject: Acceptance of Bid for Long Term Parking Agreement for 400 parking spaces in the parking garage at 130 Bank Street

Reviewed: Sabrina Joy-Hogg, Deputy City Manager

Ward/Superward: 2/6

Approved: Marcus D. Jones, City Manager

Item Number: **IB-1**

I. **Recommendation:** Accept highest bid from a responsible bidder and adopt ordinance

II. **Applicant:** City of Norfolk

III. **Description:**
This agenda item is an Ordinance accepting a Long Term Parking Agreement for four hundred (400) parking spaces in the parking garage located at 130 Bank Street for residential parking. The parking garage at 130 Bank Street has sufficient available capacity to accommodate the 400 parking spaces required by this agreement.

IV. **Analysis**
As stated above, sufficient capacity is available in the parking garage located at 130 Bank Street to accommodate the potential demand of up to 400 total spaces. The term of the parking agreement will be twenty (20) years. Because the term is in excess of five (5) years, the proposed lease must be bid in accordance with the requirements of sections 15.2-2100, 15.2-2101 and 15.2-2102 of the *Code of Virginia*.

V. **Financial Impact**
Revenues from this agreement will support debt service and operations of the parking garage.

VI. **Environmental**
N/A

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

VII. Community Outreach/Notification

In accordance with the *Norfolk City Charter* and *Code of Virginia*, legal notice was posted in *The Virginian-Pilot*. In addition, public notification for the 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, the Department of Development, and the City Attorney's Office.

Supporting Material from the Department of General Services:

- Ordinance
- Exhibit A - Terms and Conditions of Proposed Long Term Parking Agreement
- Invitation to Bid

1/21/2016mr

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. General Services

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE ACCEPTING THE BID SUBMITTED BY _____ FOR A LONG TERM GARAGE PARKING AGREEMENT, WITH A TERM OF TWENTY YEARS, FOR THE LEASE OF 400 PARKING SPACES IN THE PARKING GARAGE LOCATED AT 130 BANK STREET IN THE CITY OF NORFOLK.

- - -

WHEREAS, pursuant to the provisions of Section 15.2-2100, et seq., of the Code of Virginia, 1950, as amended, the City of Norfolk has invited bids for a lease of 400 parking spaces in the parking garage located at 130 Bank Street for a term of twenty (20) years, subject to certain terms and conditions; and

WHEREAS, the requirements of Sections 15.2-2101 and 15.2-2102 of the Code of Virginia, 1950, as amended, have been met and the Council has carefully considered all bids submitted; now, therefore,

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

Section 1:- That _____, being the highest responsible bidder, its bid for a parking agreement, with a term of twenty (20) years, in accordance with the terms and conditions set forth in Exhibit A attached hereto, for 400 spaces in the parking garage located at 130 Bank Street in the City of Norfolk, is hereby accepted.

Section 2:- That pursuant to Section 15.2-2104 of the Code of Virginia, 1950, as amended, the Council has determined that a bond in the sum of One Hundred Thousand

and 00/100 Dollars ($100,000.00) shall be executed in favor of the City of Norfolk.

Section 3:- That the City Manager is authorized to correct, amend, or revise the attached Garage Parking Agreement as he may deem necessary in order to carry out the intent of the Council and to execute the Garage Parking Agreement, as corrected, amended, or revised in accordance herewith, for and on behalf of the City, subject however to approval as to form and correctness by the Office of the City Attorney.

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

EXHIBIT A

TERMS AND CONDITIONS OF PROPOSED LONG TERM GARAGE PARKING AGREEMENT

1. PROVISION OF PARKING.

During the Term of this Agreement, the City shall provide Tenant parking in the Garage subject to the following conditions:

(a) Parking capacity in the Garage of four hundred (400) parking spaces (the "Maximum Allocated Amount") will be made available by the City to be set aside exclusively to Tenant to provide long term parking for the benefit of Tenant and/or Tenant's residents and office tenants pursuant to this Agreement. The parking spaces leased by Tenant pursuant to this Agreement shall be unreserved.

(b) Any of the parking capacity in the Garage that has not been designated for allocation to Tenant may be made available by City to the general public (including Tenant's guests) for transient parking on a non-exclusive, unreserved, first-come, first-served, open occupancy basis. Tenant specifically understands that maximum utilization of all parking spaces is extremely important to City, and Tenant covenants to do all things reasonably necessary to permit City to obtain such maximum utilization. On any given day, City shall have no obligation to make available to Tenant any parking in excess of the Maximum Allocated Amount.

(c) Subject to paragraph (e) below, the City shall charge Tenant Eighty-Five and 00/100 Dollars ($85.00) per month ("Parking fee") for each of the parking spaces leased. Tenant shall not permit any parking spaces that are leased by Tenant to be used for any purpose other than parking for Tenant or Tenant's tenants without the express consent of the City. In the event such consent is given, Tenant shall obtain the necessary Parking Permit and shall pay the standard, residential parking rate for any such parking space. Guests of Tenant or Tenant's tenants shall obtain Guest Parking Permits through the City's Parking Division at the standard, residential parking rate set by the City Council.

(d) The Term of City's obligation to provide parking under this Agreement shall commence on March 10, 2016 and shall continue for a period of approximately twenty (20) years until February 29, 2036. A memorandum of this Agreement may be recorded in the land records of the City of Norfolk, Virginia, and the City agrees to execute and deliver to Tenant any such memorandum that accurately reflects the terms of this Agreement. Tenant may terminate this Agreement at any time by giving City not less than thirty (30) days prior written notice. Tenant may, at any time, lower the number of leased spaces with thirty (30) days' written notice to City and to Tenant's lender, if any. Such notice shall include a written statement by Tenant's lender, if any, that the Lender agrees to the reduction in the number of leased spaces to Tenant. The number of spaces leased by Tenant after any such reduction shall constitute the new Maximum Allocated Amount, which number shall not thereafter be increased without the written approval of the City Manager.

(e) Tenant understands, acknowledges and agrees that the Parking Fee may be increased from time to time by written notice from the City to Tenant in amounts proportionate to

rate increases enacted by the City Council of the City of Norfolk; however, the City agrees that such rates shall not exceed the standard rates charged to other commercial tenants in the Garage.

(f) Tenant may not charge Tenant's residents or office tenants any parking related fees in excess of those established by the City.

(g) Tenant agrees to cooperate in all reasonable respects with the City and use such systems as the City may reasonably adopt from time to time, after consulting with Tenant, in order to track actual use of parking spaces and the number of vehicles parked in the Garage, so long as such systems are generally consistent with those used in other comparable City owned garages to track similar uses of parking. Tenant agrees to, and agrees to cause its agents, employees and contractors to, use good faith in the use and administration of any such tracking systems in order to insure that each vehicle parked in the Garage through the Project-validated guest self-parking is accounted for pursuant to the terms of this Agreement. Tenant acknowledges and agrees that attempts by Tenant, its agents, employees or contractors to circumvent such tracking systems and park additional vehicles without payment therefor may constitute grounds for termination of this Agreement.

2. OPERATION AND USE.

(a) The City or its designated operator shall continue to operate the Garage with all services and facilities normally associated with comparable public parking areas in the City of Norfolk.

(b) The City shall allow unimpeded and open access to Tenant's tenants to and from the Garage at all times, i.e., twenty-four (24) hours per day, seven (7) days per week, including holidays.

(c) In addition to the parking spaces leased to Tenant, other parking spaces will be available on a non-exclusive, unreserved, self-parking, first-come, first-served, open-occupancy basis subject to such short-term and daily rates as the City establishes.

(d) Upon giving reasonable notice to Tenant, the City or its designated operator may restrict access to the Garage for the performance of necessary repairs or maintenance and such repairs or maintenance shall be completed as quickly as reasonably possible. If requested by Tenant, the City will provide replacement parking during such maintenance and repairs at other parking facilities owned by the City, and such facilities will be located as conveniently to Tenant's Building as reasonably possible.

(e) Use of the Garage by Tenant, its tenants, agents, employees, contractors and guests shall be subject to such reasonable rules and regulations as the City may adopt from time to time. The City shall reasonably and equitably enforce such rules and regulations.

3. MAINTENANCE AND REPAIR.

(a) The City shall continue to maintain the Garage, or contract for the maintenance thereof, at all times in good order and condition, clean and free of rodents, in accordance with maintenance standards employed at comparable public parking areas in the City

of Norfolk, so that the Garage shall comply with all building codes, ordinances, regulations, and laws of any governmental authority having jurisdiction thereof. The City shall be responsible for maintenance and repair of the Garage and shall pay all charges for water, sewer, gas, electricity and other utilities. The term "maintenance" shall include, but not be limited to, painting, operation, inspection, testing, repair, replacement of mechanical, electrical or similar components and/or cleaning the Garage, including any of its elevators and appurtenant facilities.

(b) In the event of any damage or destruction of all or any portion of the Garage, the City shall undertake promptly to repair or rebuild the Garage to provide as promptly as reasonably possible after the date of such damage or destruction, the Maximum Allocated Amount of parking. During the period of any such repair or rebuilding, the City shall provide replacement parking as provided by paragraph 2(d).

(c) The City shall provide and maintain interior and exterior illumination sufficient to illuminate the Garage and all means of pedestrian and vehicular access and egress thereto and therefrom, between twilight and one hour after dawn.

(d) The City shall provide suitable and sufficient signs in and around the Garage as required for safe and orderly flow of pedestrian and vehicular traffic, including signage directing garage users to appropriate entrances and on any general directories provided by the City in the Garage.

(e) The City shall have the right to make and complete, using high quality workmanship and materials, such replacements, repairs, alterations and improvements to the Garage as it deems necessary or desirable in connection with the aforementioned usage consistent with applicable zoning laws. During the period of such replacements, repairs, alterations and improvements, the City shall provide replacement parking as provided by paragraph 2(d).

(f) In performing maintenance, the City shall use reasonable efforts to interfere as little as possible with the use, occupation and enjoyment of the Garage by Tenant. If possible, maintenance shall be confined to the area actually being so maintained.

4. TAX LIABILITY.

The provisions of this Agreement shall not be deemed to require Tenant to pay, by whatever name called, income or receipts or excess profits taxes assessed against the City, or any capital levy, rent, gift or transfer taxes incurred by the City, pertaining to the ownership or operation of the Garage.

5. TITLE TO PROPERTY

The City covenants that it has full right to enter into this Agreement as of the date hereof and the City is or will be seized in fee simple of and have good and marketable title to the Property and any improvements thereon, subject to any recorded liens, leases, encumbrances, easements, covenants, conditions and restrictions and existing zoning and other state and local requirements, none of which shall prevent the City from performing its obligations hereunder.

6. INTEREST; ATTORNEYS' FEES.

If Tenant fails to pay the City any amounts payable under this Agreement when due, following receipt by Tenant of notice thereof from the City, such past-due payments shall bear interest from the date due until paid at the rate of six percent (6%) per annum. In addition, Tenant shall pay all reasonable out-of-pocket costs and expenses of collection (including court costs and reasonable attorneys' fees) incurred by the City in collecting sums due under this Agreement.

7. INSURANCE; LIABILITY.

The City shall not be liable to Tenant or Tenant's tenants, employees, agents or contractors for any injury, damage, compensation or claim directly or indirectly relating to or arising out of any use of the Garage by Tenant tenants, employees, agents or contractors unless such injury, damage, compensation or claim results from the City's gross negligence or willful misconduct.

8. ASSIGNMENT AND LEASING.

(a) Tenant may not assign this Agreement, in whole or in part, or lease all or any part of the Maximum Allocated Amount of parking provided in the Garage for Tenant's tenants, except to (i) a purchaser either One Commercial Place or Two Commercial Place in the event of a sale thereof (ii) an Affiliate of Tenant, (iii) any lender as collateral for financing or (iv) any purchaser at a foreclosure sale, transferee pursuant to a deed in lieu of foreclosure, or any receiver appointed for the property. For purposes hereof, "Affiliate" shall mean as to any person, any other person that, directly or indirectly, controls, is controlled by or is under common control with such person. For purposes of this definition, the term "control" (including the terms "controlling", "controlled by" and "under common control with") of a person means the possession, directly or indirectly, of the power to vote more than 50% of the voting stock or membership interests of such person or to direct or cause the direction of the management and policies of such person, whether through the ownership of voting stock or membership interests, or by contract or otherwise. The City agrees to enter into any agreement reasonably requested by any lender or prospective lender to confirm that the assignment of this Agreement to the lender is permitted and to agree to give such lender notice of Tenant's default and a reasonable opportunity to cure such default.

9. NOTICES.

All notices or other communications required or desired to be given with respect to this Agreement shall be in writing and shall be addressed as follows:

To the City:

City Manager
City of Norfolk
1100 City Hall Building
810 Union Street
Norfolk, VA 23510

with copies to:

Director of General Services
232 East Main Street, Suite 250
Norfolk, Virginia 23510

Director of City Planning
500 City Hall
810 Union Street
Norfolk, Virginia 23510

City Attorney
Office of the City Attorney
900 City Hall Bldg.
810 Union Street
Norfolk, VA 23510

To Tenant:

_____
_____
_____
_____

with a copy to:

_____
_____
_____
_____

Any communication so addressed shall be deemed duly served when received or when mailed by certified mail, postage prepaid, return receipt requested.

10. TERMINATION.

In the event Tenant violates any provision of this Agreement or defaults in any of its obligations hereunder, the City may terminate this Agreement if Tenant fails to cure such violation or default within thirty (30) days after Tenant's receipt of written notice of the violation or default. The City agrees to give a simultaneous duplicate notice of default to any of Tenant's lenders for which Tenant has provided the City a notice address. Tenant shall have the right to terminate this Agreement at any time by giving the City thirty (30) days written notice prior to the effective date of the termination.

11. EASEMENT.

This Lease is subject to the rights, if any, of the grantee under that certain Easement Agreement dated as of June 4, 1997 by and between NationsBank, N.A. and Three Commercial Place Associates recorded in the Clerk's office of the Circuit Court of the City of Norfolk in Deed Book 2909 at page 0211.

12. ENTIRE AGREEMENT.

This Agreement constitutes the entire agreement between the parties hereto and supersedes all prior understandings and writings, and this Agreement may be amended or modified only by a writing signed by the City and Tenant.

13. COMPLIANCE WITH FEDERAL IMMIGRATION LAW.

At all times during which any term of this Agreement is in effect, Tenant shall not knowingly employ any unauthorized alien. For purposes of this section, an "unauthorized alien" shall mean any alien who is neither lawfully admitted for permanent residence in the United States nor authorized to be employed by either Title 8, section 1324a of the United States Code or the U.S. Attorney General.

14. AUTHORIZATION TO TRANSACT BUSINESS IN THE COMMONWEALTH.

Tenant hereby represents that it is organized as a stock or non-stock corporation, limited liability company, business trust, or limited partnership or registered as a registered limited liability partnership and is authorized to transact business in the Commonwealth as a domestic or foreign business entity if so required by Title 13.1 or Title 50 or as otherwise required by law.

15. MISCELLANEOUS.

(a) The obligations of this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns who shall be only those persons to whom this Agreement is permitted to be assigned in accordance with the terms and conditions of such agreement. Any such successors and assigns shall be deemed to have assumed and agreed to perform all obligations under this Agreement arising from and after such assignment.

(b) In the event that any provisions of this Agreement shall be held invalid, the same shall not affect in any respect whatsoever the validity of the remaining provisions of this Agreement.

(c) This Agreement and the rights of the parties hereunder shall be interpreted in accordance with the laws of the Commonwealth of Virginia. Venue shall be in the Circuit Court of the City of Norfolk, Virginia.

(d) This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall comprise but a single document.

January 26, 2016

Invitation to Bid and Notice of Public Hearing

INVITATION TO BID AND NOTICE OF PUBLIC HEARING FOR A LONG TERM GARAGE PARKING AGREEMENT, WITH A TERM OF TWENTY YEARS, FOR 400 PARKING SPACES IN THE PARKING GARAGE LOCATED AT 130 BANK STREET, SUBJECT TO CERTAIN TERMS AND CONDITIONS

Pursuant to Section 15.2-2101 of the Code of Virginia, 1950, as amended, the City of Norfolk invites bids for a long term garage parking agreement, with a term of twenty years, for four hundred (400) parking spaces in the parking garage located at 130 Bank Street in accordance with the ordinance entitled "An Ordinance Accepting The Bid Submitted By _____ For A Long Term Garage Parking Agreement, With A Term Of Twenty Years, For The Lease Of 400 Parking Spaces In The Parking Garage Located At 130 Bank Street In The City Of Norfolk," a copy of the full text of the ordinance, including all terms and conditions, being on file in the Office of the Clerk of the City of Norfolk, 10th Floor, City Hall Building.

All bids shall be subject to the terms and conditions set forth in Exhibit A to the Ordinance.

A bond will be required of the successful bidder.

Minimum acceptable bid: $85.00 per space.

All bids must be in writing and will be received and opened at the regular meeting of Norfolk City Council on **TUESDAY, February 9, 2016.**

Pursuant to Section 15.2-1800 of the Code of Virginia, 1950, as amended, the Norfolk City Council will hold a public hearing on **Tuesday, February 9, 2016 at 7:00 p.m.** in the Council Chambers, 11th Floor, City Hall Building, Norfolk, Virginia, at the regular meeting of the City Council, on the adoption of the above described ordinance.

The cost of this advertisement shall be reimbursed to the City of Norfolk by the person whose bid is accepted.

The City of Norfolk specifically reserves the right to reject any and all bids.

R. Breckenridge Daughtrey
City Clerk

Virginian Pilot – Tuesday, January 26, 2016
Virginian Pilot – Tuesday, February 2, 2016

C: Dir., Department of General Services

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

February 9, 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-1**

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. Bistro will be utilizing this encroachment for an outdoor dining area and for no other purpose. The approved square footage, based on recommended adjustments to the encroachment, is now 84 square feet.

At the request of City Council, this matter was continued at the January 26th Council meeting to February 9th. Further investigation was requested into the size of the encroachment as proposed, as well as its non-contiguous design. The matter has since been resolved as the encroachment size has been reduced, and the design altered, with the removal of a table from the proposed outdoor dining area. The applicant has agreed to these changes.

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.

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

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: $504.00 (to be paid quarterly: $126.00 per quarter)

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 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

2/2/16 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 84 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.

EXHIBIT A

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 84 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 Five Hundred Four Dollars ($504.00) in quarterly installments of $126.00 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: _____

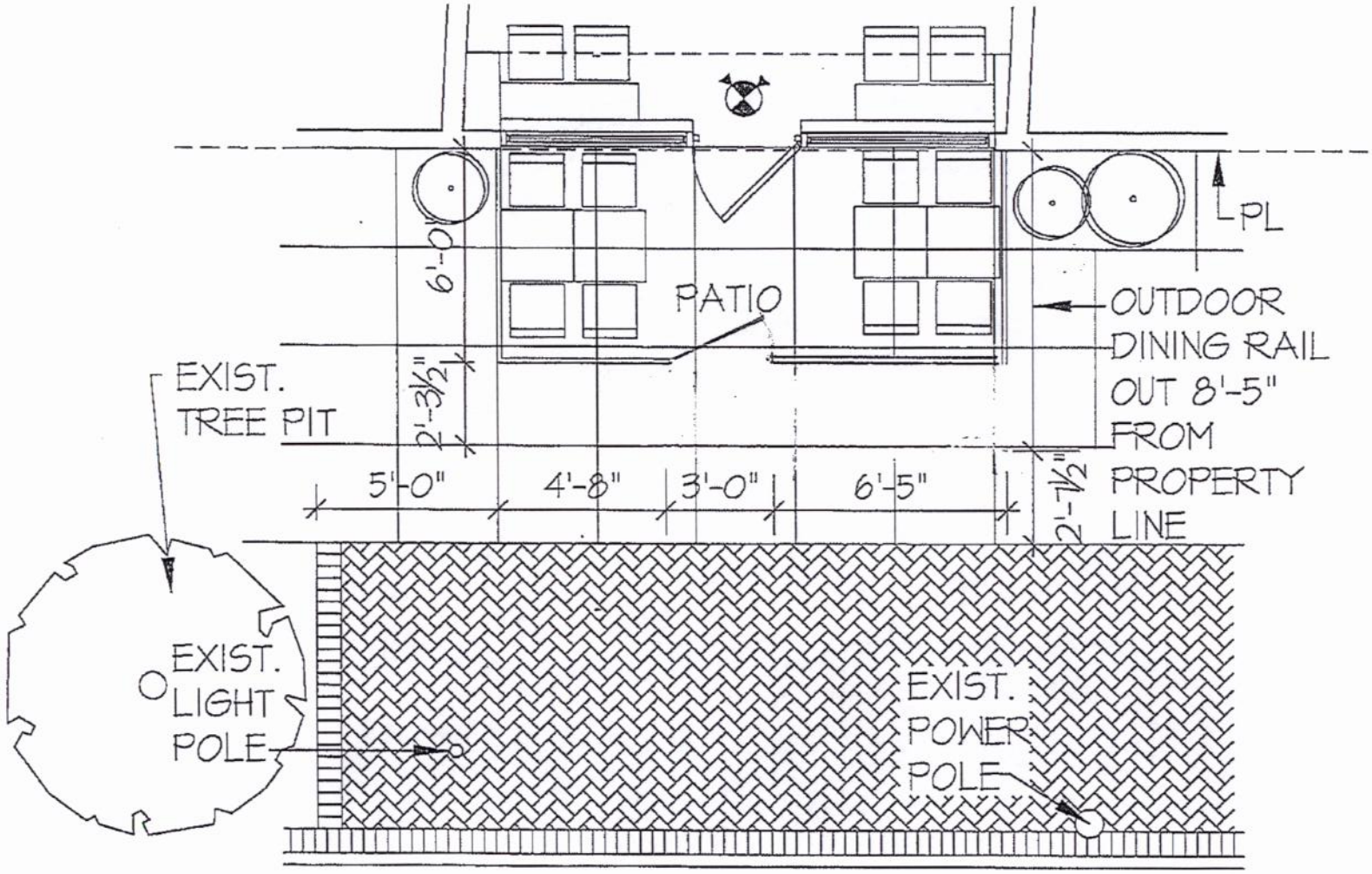
Print Title: _____

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

R-2 Resolution to Designate the Greater St. Paul's Revitalization Area

A REQUEST HAS BEEN MADE TO WITHDRAW THIS MATTER

C: Dir., Department of Development
Dir., Office of Budget & Strategic Planning

THE CITY OF NORFOLK

To the Honorable Council
City of Norfolk, Virginia

February 9, 2016

From: Jared Chalk, Senior Business Development Manager

Subject: An ordinance approving up to $5,000,000 in payments to the Economic Development Authority to incentivize economic development in Downtown

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

Ward/Superward: 2/6

Approved: Marcus D. Jones, City Manager

Item Number: **R-3**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** ADP, LLC.

III. **Description:**
This agenda item is an ordinance to authorize the City Manager to make certain payments annually in an aggregate amount of $5,000,000 to the Norfolk Economic Development Authority (EDA) to incentivize the relocation of a significant number of jobs to Norfolk by ADP, LLC.

IV. **Analysis**
ADP, LLC, a leading global provider of human capital management solutions, is considering the relocation of a significant number of professional service jobs. Norfolk's incentive package is qualified to leverage additional support from the Commonwealth of Virginia to ADP, LLC. The combined package will enable the City and Commonwealth to successfully partner with ADP, LLC on this business venture.

V. **Financial Impact**
The incentive will be realized through a performance based grant agreement between the EDA and ADP, LLC, and will be subject to annual appropriation by City Council. ADP, LLC's potential investment will provide for capital improvements and a lease of Class A office space in Downtown. This grant enables the City of Norfolk to remain competitive for the relocation of professional service jobs that can generate significant increases in annual local taxes. Funds for the performance based grant will be completely generated by the tax revenues from ADP, LLP's operations in Norfolk.

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 of Norfolk's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the Economic Development Authority, the Department of Development, the Office of Budget and Strategic Planning, and the City Attorney's Office.

Supporting Material from the Department of Development:

- Ordinance
- Cooperation Agreement
- Grant Agreement

1/26/2016mr

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
Department of Development

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE AUTHORIZING THE CITY OF NORFOLK TO ENTER INTO A COOPERATION AGREEMENT FOR THE PAYMENT OF CERTAIN FUNDS TO ENABLE THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF NORFOLK TO ENTER INTO AND FULFILL ITS OBLIGATIONS UNDER A GRANT AGREEMENT WITH ADP, LLC.

– – –

WHEREAS, the Authority and the City are vitally concerned with the attraction and retention of new businesses; and

WHEREAS, the Authority has received a request from ADP, LLC (the "Grantee"), for a multi-year grant not to exceed $5,000,000.00 (the "Grant") to induce the Grantee to assist in equipping an office building (the "Building") in the City of Norfolk (the "Project"); and

WHEREAS, in consideration of the receipt of the Grant from the Authority, the Grantee has agreed to locate its business operations at the Building and has represented to the Authority that the Project is expected to provide a significant number of new permanent full time jobs, which will benefit the residents and businesses in downtown Norfolk, the City, South Hampton Roads and the Commonwealth of Virginia; and

WHEREAS, pursuant to the terms of the Cooperation Agreement and subject to appropriation, the City will make payments to the Authority, upon the terms and conditions set forth in the Grant Agreement, to be up to a maximum aggregate amount over the term of the grant of $5,000,000.00, in annual installments the amount of which will be determined in accordance with the formula set forth in the Grant Agreement; and

WHEREAS, the parties hereto desire to enter into the Cooperation Agreement for the purpose of setting forth their understandings and agreements in connection with the Grant Agreement; now, therefore

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

Section 1:- That the City Manager is authorized to enter into, correct, amend, or revise the Cooperation Agreement as he may deem necessary in order to carry out the intent of the Council and to execute the Cooperation Agreement, as corrected, amended, or revised in accordance herewith, for and on behalf of the City, subject however to approval as to form and correctness by the Office of the City Attorney.

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

COOPERATION AGREEMENT

(EDA – City of Norfolk)

THIS COOPERATION AGREEMENT ("Cooperation Agreement") is made and entered into as of the 9th day of February, 2016, by and between the **ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF NORFOLK,** a duly organized and existing body corporate and politic constituting a political subdivision of the Commonwealth of Virginia (the "EDA" or the "AUTHORITY"), and the **CITY OF NORFOLK, VIRGINIA,** a municipal corporation of the Commonwealth of Virginia (the "City").

RECITALS

WHEREAS, the Authority is duly established and its existence was validated pursuant to the Virginia Industrial Development and Revenue Bond Act (the "Act"), Chapter 49, Title 15.2 of the Code of Virginia of 1950, as amended (the "Code"); and

WHEREAS, the Authority is empowered under the Act to cooperate with the City in actions taken for the purpose of promoting economic development and the commerce, safety, health, welfare, convenience or prosperity of citizens of Virginia within the Authority's area of operation (which in the Authority's case includes the territorial boundaries of the City); and

WHEREAS, the Authority and the City are vitally concerned with the attraction and retention of new businesses; and

WHEREAS, the Authority has received a request from ADP, LLC (the "Grantee"), for a multi-year grant not to exceed $5,000,000.00 (the "Grant") to induce the Grantee to locate its business in downtown Norfolk (the "Project");

WHEREAS, the Grantee has represented to the Authority that the Project will provide a substantial number of additional permanent full time jobs;

WHEREAS, Section 15.2-4905 (12) of the Code authorizes the Authority:

> to accept contributions, grants and other financial assistance from . . . the Commonwealth, or any political subdivision, agency, or public instrumentality of the Commonwealth, for or in aid of the construction, acquisition, ownership, maintenance or repair of the authority facilities, . . . or in order to make loans in furtherance of the purposes of this chapter of such money, contributions, grants, and other financial assistance, and to this end the authority shall have the power to comply with such conditions and to execute such agreements . . . as may be necessary, convenient or desirable and to agree to such terms and conditions as may be imposed; and

WHEREAS, Section 15.2-4905 (13) of the Code authorizes the Authority:

To make loans or grants to any person, partnership, association, corporation, business, or governmental entity in furtherance of the purposes of this chapter including for the purposes of promoting economic development, provided that such loans or grants shall be made only from revenues of the authority which have not been pledged or assigned for the payment of any of the authority's bonds, and to enter into such contracts, instruments, and agreements as may be expedient to provide for such loans and any security therefor.

WHEREAS, Section 15.2-4901 of the Code concludes with the statement that "This chapter shall be liberally construed in conformity with these intentions," evidencing the legislative intent that all aspects of Title 15.2, Chapter 49 be broadly interpreted in order to promote and facilitate economic development in the Commonwealth and its localities; and

WHEREAS, the City has agreed to transfer up to $5,000,000.00 to the Authority, subject to appropriation, upon the terms and conditions set forth in this Cooperation Agreement; and

WHEREAS, the parties hereto desire to enter into this Cooperation Agreement for the purpose of setting their understandings and agreements in connection with the Grant Agreement between the Authority and the Grantee (the "Grant Agreement") ; and

WHEREAS, on February 9, 2016, the Council of the City adopted Ordinance No. ____, approving the form and substance of this Cooperation Agreement, authorizing the execution and delivery hereof on behalf of the City and the performance of all obligations undertaken by the City under this Cooperation Agreement; and

WHEREAS, on February 10, 2016, the Board of Directors of the Authority adopted a resolution approving the form and substance of the Grant Agreement and this Cooperation Agreement, authorizing the execution and delivery thereof and hereof on behalf of the Authority, and authorizing the performance of, and agreeing to perform, all obligations undertaken by the Authority under the Grant Agreement and this Cooperation Agreement; and

WHEREAS, in consideration of the receipt of the Grant from the Authority, the Grantee has agreed to locate and to continuously occupy and to conduct its business operations in downtown Norfolk, which location, occupancy and use will benefit both residents and businesses in downtown Norfolk, the City, South Hampton Roads and the Commonwealth.

NOW, THEREFORE, in consideration of the public benefits to accrue to the City, South Hampton Roads and the Commonwealth, and the inhabitants thereof as a result of Grantee locating its business operations at the Project, the new jobs created, and of the mutual covenants hereinafter set forth, the Authority and the City agree as follows:

AGREEMENT

1. Authorization of Expenditure and Appropriation of Funds. In order to induce Grantee's location to the City and the development, construction and equipping of the Project and subject to appropriation and to the terms and conditions of the Grant Agreement, the City agrees to transfer to the EDA annually over the term of the Grant Agreement such amounts that are sufficient to enable the Authority to make the required annual grant payments to Grantee in accordance with the terms of the Grant Agreement, as copy of which is attached hereto as Exhibit A; provided, however, in no event shall the City's obligation to make payments to the EDA pursuant to this Agreement or the EDA's obligation to make Grant payments to Grantee pursuant to the Grant Agreement exceed an aggregate amount of Five Million and 00/100 Dollars ($5,000,000.00) over the term of the Grant Agreement. The City shall have no obligation to transfer funds to the EDA for any Grant payment if the conditions to payment set forth in the Grant Agreement have not be met.

The amount of each annual payment by the City to the Authority shall be determined in accordance with the formula for calculating the Authority's Grant to the Grantee set forth in Section 2.1 of the Grant Agreement. Transfer of funds by the City to the Authority for each annual installment of the Grant shall be subject to the appropriation of funds by the City Council of the City of Norfolk. No funds have been appropriated, and, unless and until such future appropriation is made, the City is without funding obligation.

2. EDA Obligations. The Authority agrees that the funds transferred by the City to the Authority pursuant to this Agreement shall be used exclusively for the purposes of making the Grant to Grantee. The Authority shall not be obligated to make the Grant payment in any year unless it has first received funds from the City sufficient to enable the Authority to fulfill its payment obligations under the Grant Agreement.

3. Grant Agreement. The Authority shall not enter into a Grant Agreement materially different from the Grant Agreement attached hereto without the prior written approval (which may be in letter form) of the City Attorney of the City of Norfolk. Once the Grant Agreement has been executed and delivered by the Authority and the Grantee, the Authority shall not amend, supplement or modify or permit the amendment, supplementation or modification of any provision of the Grant Agreement without obtaining the prior written consent of the City Attorney of the City of Norfolk.

4. Non-Discrimination. In carrying out this Cooperation Agreement, the EDA and the City agree not to discriminate against any employee or applicant for employment because of race, color, religion, sex, age or national origin and agree to take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to race, color, religion, sex, age or national origin. Such action shall include, but not be limited to employment, promotion, demotion, termination, rates of pay, other compensation, and selection for training including apprenticeship.

5. Applicable Law. This Cooperation Agreement and the performance thereof shall be governed, interpreted, construed and regulated by the laws of the Commonwealth of Virginia. In the event of litigation hereunder, venue shall be in the Circuit Court of the City of Norfolk.

6. Notices. All notices or other communications required or desired to be given with respect to this Cooperation Agreement shall be in writing and shall be delivered by hand or by courier service, sent by registered or certified mail, return receipt requested, bearing adequate postage, or by reputable overnight carrier (such as Federal Express) and properly addressed as provided below. Each notice given by mail or overnight carrier shall be deemed to be given by the sender when received or refused by the party intended to receive such notice; each notice delivered by hand or by courier service shall be deemed to have been given and received when actually received by the party intended to receive such notice or when such party refuses to accept delivery of such notice. Upon a change of address by either party, such party shall give written notice of such change to the other party in accordance with the foregoing. Inability to deliver because of changed address or status of which no notice was given shall be deemed to be receipt of the notice sent, effective as of the date such notice would otherwise have been received.

If to the EDA:

Economic Development Authority of the City of Norfolk
500 East Main Street, Suite 1500
Norfolk, VA 23510
Attention: Executive Director

With a copy to:

Kaufman & Canoles
150 W. Main Street, Suite 2100
Norfolk, Virginia 23510
Attention: George Consolvo, Esq.

If to the City:

City Manager
City of Norfolk
1101 City Hall Building
810 Union Street
Norfolk, Virginia 23510

With a copy to:

City Attorney
City of Norfolk
810 Union Street, Suite 900
Norfolk, Virginia 23510

7. Binding on Successors in Interest. This Cooperation Agreement shall be binding upon and shall inure to the benefit of the successors and permitted assigns of the parties hereto; provided, however, that in no event may this Cooperation Agreement or any of the rights, benefits, duties or obligations of the parties hereto be assigned, transferred or otherwise disposed of without the prior written consent of the other, which consent neither party shall be obligated to give.

8. Entire Agreement. This Cooperation Agreement constitutes the final, complete and exclusive written expression of the intents of the parties with respect to the subject matter hereof which will supersede all previous communications, representations, agreements, promises or statements.

9. Severability. If any one or more of the provisions contained in this Cooperation Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Cooperation Agreement shall be construed as if such invalid, illegal or unenforceable provision was not contained herein.

10. Amendment, Modification, Alteration. No amendment, modification or alteration of the terms of this Cooperation Agreement shall be binding unless in writing, dated subsequent to the date hereon and duly executed by the parties herein.

11. Headings. The titles of articles and sections of this Cooperation Agreement are for reference purposes only and shall be of no binding effect.

12. Waiver. The waiver by either party of any default or breach by the other party of any of the provisions of this Cooperation Agreement shall not be deemed a continuing waiver or waiver of any other breach by the other party of the same or another provision of this Cooperation Agreement.

13. Compliance with Laws. The parties shall comply with all applicable laws, ordinances and regulations with regard to any work, use, construction, and operation done or conducted with regard to this Cooperation Agreement.

14. Rights and Remedies Cumulative. The rights and remedies provided by this Cooperation Agreement are cumulative and the use of any right or remedy by either party shall not preclude or waive its rights to use any and all other remedies. Said rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

15. Authority to Execute Agreement. Each party represents that it has obtained all necessary approvals, consents and authorizations to enter into this Cooperation Agreement and to perform its duties under this Cooperation Agreement; the person executing this Cooperation Agreement on its behalf has the authority to do so; upon execution and delivery of this Cooperation Agreement by the parties, it is a valid and binding contract, enforceable in accordance with its terms; and the execution, delivery, and performance of this Cooperation Agreement does not violate any bylaw, charter, regulation, law or other governing authority of the party.

16. Counterparts. This Cooperation Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall comprise but a single document.

17. No Third Party Beneficiaries. This Cooperation Agreement is intended solely for the benefit of the parties hereto. This Cooperation Agreement is not intended and shall not be construed to benefit or create any rights for any third party, including, without limitation, the Grantee. It is the express intent of the parties hereto that there be no third party beneficiaries hereof.

18. Discrepancy. In the event of any conflict or discrepancy between the foregoing provisions of this Cooperation Agreement and any provisions of the Grant Agreement, the provisions of this Cooperation Agreement shall prevail with respect to the obligations of the City.

WITNESS the execution of this Cooperation Agreement (EDA – City of Norfolk) by the duly authorized officials of the City and the EDA as of the day and year first set forth above.

CITY OF NORFOLK

By: _____
City Manager

ATTEST:

_____
City Clerk

APPROVED AS TO CONTENTS:

_____
Director, Department of Development

APPROVED AS TO FORM AND CORRECTNESS:

_____

Assistant City Attorney

[SIGNATURE PAGES CONTINUE ON NEXT PAGE]

[CONTINUATION OF SIGNATURE PAGES TO COOPERATION AGREEMENT (EDA – CITY OF NORFOLK)]

ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF NORFOLK

By:_____
Name :_____
Title :_____

APPROVED AS TO CONTENTS:

_____
Executive Director, Economic Development
Authority of the City of Norfolk

APPROVED AS TO FORM AND CORRECTNESS:

_____
Counsel to the Economic Development
Authority of the City of Norfolk

GRANT AGREEMENT

THIS GRANT AGREEMENT is made as of the 9th day of February, 2016, between the ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF NORFOLK a duly organized and existing political subdivision of the Commonwealth of Virginia (the "Authority"), and ADP, LLC, a limited liability company ("Grantee").

WITNESSETH:

WHEREAS, the Grantee approached the Authority and the City of Norfolk, Virginia ("City") concerning the possibility of expanding its business into a new location ("Premises") in Downtown Norfolk.

WHEREAS, occupancy of the Premises by the Grantee and the number of new jobs created thereby has been found by both the Directors of the Authority and the City Council of the City (the "City Council") to constitute a significant economic development opportunity for the City, a positive factor in achieving the economic development objectives of the City, and worthy of inducement, as set forth in the resolutions adopted by the Authority and actions taken by the City Council approving the terms herein; and

NOW, THEREFORE, WITNESSETH:

1. Definitions.

The following terms shall have the meanings set forth unless the context clearly requires otherwise:

1.1. "Premises" means a location in downtown Norfolk to be renovated and equipped as first-class office space and occupied and operated by Grantee on a continuous basis in connection with Grantee's business operations.

1.2. "Calendar Year" means the calendar year beginning January 1 and ending December 31.

1.3. "Maximum Grant Amount" means the maximum cumulative amount to be paid to Grantee over the term of the grant which shall be Five Million and 00/100 Dollars ($5,000,000.00).

1.4. "Grant" means the annual sums to be transferred to the Grantee pursuant to the terms of this Agreement as an inducement for the Grantee to enter into a lease agreement for the Premises, subject to the Maximum Grant Amount.

2. The Grant.

2.1. *Amount of the Grant.* Subject to the conditions and limits set forth in Sections 3.1 and 3.2 below, subject to the Maximum Grant Amount, and subject to annual appropriation and transfer of funds to the Authority by the City, the Authority will pay to Grantee a sum of money each year during the Grant Term predicated upon the Grantee's occupancy and

renovation of the Premises and the Grantee's use of the Premises for its business operations, which annual grant payments shall be calculated using the following performance-based formula:

A. 0.18% of all gross receipts from the Grantee's business operations at the Premises during the applicable Calendar Year;

B. 2.125% of the increase in the assessed value of the Grantee's business tangible personal property at the Premises during the applicable Calendar Year;

C. 0.655% of the increase in the assessed value of real estate constituting the Premises during the applicable Calendar Year.

2.2. *Term of the Grant.* The term of the Grant shall commence upon Premises occupancy by Grantee, as evidenced by (a) final Certificates of Occupancy issued by the City and (b) satisfactory completion of final inspections under each permit issued by the City for Premises, and opening of the Grantee's business operations in the Premises. The Grant payments shall commence on August 1 after the end of the first full Calendar Year of occupancy and operation of the Premises and shall be paid on August 1 thereafter during the term of the Grant. The term of the Grant shall terminate when the Maximum Grant Amount has been paid to Grantee.

3. Conditions of the Grant.

The obligation of the Authority to disburse the Grant is subject to the satisfaction of the conditions set forth below.

3.1. *Conditions to Initial Disbursement.* The initial disbursement of the Grant by the Authority shall be subject to the satisfaction of the following conditions:

A. The renovation and equipping of the Premises has been completed, as evidenced by the final certificate of occupancy and building permit issued by the City for such work, documentation reasonably satisfactory to the Authority of such qualifying costs for renovating and equipping the Premises, and by such other evidence, certified as complete and accurate by the project architect and Grantee, as the Authority may reasonably request. Grantee shall furnish such documentation as is reasonably necessary for the Authority to verify that there are no fewer than _____ full-time employees employed by the Grantee at the Premises (the "New Jobs").

B. The Premises shall be fully operational and open for business, and the Grantee shall have commenced its business operations at the Premises.

C. The representations and warranties set forth below shall be true and correct as of the date of this Agreement and shall continue to be true and correct at the time of the proposed disbursement of the initial Grant payment.

D. The real estate tax assessment(s) for the Premises for the two preceding tax years (July 1 to June 30) shall have been established and the Grantee shall have delivered, or caused to be delivered, to the real estate assessor all information reasonably requested

by him or her to establish the real estate tax assessment for the property comprising the Premises in the tax year in which the Grantee opens for business at the Premises.

E. The City shall have calculated and advised the Authority in writing of the amount of the initial disbursement, the City Council of the City shall have appropriated funds for the then current Grant payment and shall have transferred such funds to the Authority. The City's calculation of the amount of the initial Grant payment shall be deemed accurate and correct absent manifest error.

3.2. *Conditions to Each Annual Grant Payment*. Each subsequent disbursement of the Grant shall be subject to the satisfaction of the following conditions:

A. The conditions to the initial annual Grant payment shall have been satisfied.

B. Grantee shall have continuously operated its business at the Premises, shall have maintained at least ninety-five percent (95%) of the New Jobs created by Grantee's occupancy of the Premises, and shall not have modified its lease for the Premises to reduce the level of Grantee's occupancy of the Premises or assigned or otherwise transferred all or any portion of the Premises such that Grantee is no longer occupying the entirety of the Premises. Upon the expiration or sooner termination of Grantee's lease of the Premises, upon a modification of the lease for the Premises resulting in a reduction in the level of Grantee's occupancy of the Premises, or upon the assignment of the lease or a sublease of all or any portion of the Premises by Grantee such that Grantee is no longer fully occupying the entirety of Premises, or if Grantee abandons the Premises or fails to continuously operate its business from the Premises, the Grant term shall terminate immediately and no further Grant payments shall be made by the Authority. Further, in the event of a default by Grantee in the payment of rent under the its lease of the Premises, which default continues for a period in excess of twenty (20) days after the due date, the Authority shall be notified in writing of such failure to pay and the Authority shall make no further Grant payments to Grantee until such time the default in payment is remedied; provided, however, the Authority shall not resume payments to Grantee if Grantee is not then occupying the Premises. The execution and delivery of the lease by Grantee for the Premises shall occur on or before April 1, 2016. For purposes of this Agreement, "continuously operate" shall mean every weekday during normal business hours, excluding holidays.

C. The representations and warranties set forth below shall be true and correct as of the date of this Agreement, and shall continue to be true and correct at the time of the proposed disbursement of each year's Grant payment.

D. Based upon such documentation as the City deems appropriate, the City shall have calculated and advised the Authority in writing of the amount of the current Grant payment, the City Council of the City shall have appropriated funds for the Grant, and the City shall have transferred such funds to the Authority. The City's calculation of the amount of each annual Grant payment shall be deemed accurate and correct absent manifest error.

3.3. *Reduction in Size of Premises or Number of Employees*. In the event the Grantee fails to continuously maintain at least ninety-five percent (95%) of the New Jobs resulting

from Grantee's occupancy of the Premises or in the event Grantee reduces the level of Grantee's occupancy of its Premises or assigns, subleases or otherwise transfers its lease for the Premises or rights to all or any part of the Premises, the Maximum Grant Amount shall be prorated to reflect the decreased number of new jobs and reduced area of occupancy of the Premises.

4. Representations and Warranties.

GRANTEE represents and warrants to the Authority that:

4.1. *Due Organization, Authority and Qualification.* Grantee is a duly organized and validly existing limited liability company under the laws of the State of its organization, is registered to do business in Virginia, is in good standing in the State of its organization, and has the full power and authority to own its properties and other assets and to transact the business in which it proposes to engage at the Premises.

4.2. *Taxes.* GRANTEE has filed and shall file all tax returns which are required to be filed in the Commonwealth of Virginia and elsewhere and has paid all taxes (including interest and penalties) which have become due pursuant to such returns or pursuant to any assessment or notice of tax claim or deficiency received by it. All tax liabilities within the Commonwealth of Virginia and elsewhere were adequately provided for when due and are now shown current on the books of Grantee. No material tax liability has been asserted by the Internal Revenue Service, the Commonwealth of Virginia, the City, or any other jurisdiction for taxes (or interest or penalties thereon) in excess of those already paid.

4.3. *Compliance with Laws.* To Grantee's best knowledge, Grantee and all of its assets and properties located in the Commonwealth of Virginia, including without limitation the Premises, are and shall be in compliance in all material respects with all applicable laws, rules and regulations of each Federal, state, municipal or other governmental department, agency or authority, including without limitation the Americans with Disabilities Act of 1990, the regulations promulgated thereunder, and all applicable environmental, land use and zoning laws and regulations, to the extent applicable.

4.4. *Information Necessary to Calculate Grant Payments.* Reports of gross receipts and business tangible personal property required by law to be filed with the Tax Commissioner of the Commonwealth of Virginia or the Commissioner of Revenue of the City for the applicable tax year have and will be timely filed and copies delivered to the Authority, and Grantee shall have provided all information needed by the City, the State Tax Commissioner, the City Assessor, the City Commissioner of Revenue, the City Treasurer, and the Office of the City Manager to calculate each Grant payment.

5. General Matters.

5.1. *Authority Obligations Subject to Appropriation; Exculpation.*

A. All obligations of the Authority hereunder for the disbursement of the Grant and any other payment of money are subject to and expressly conditioned upon funds being appropriated, calculated and approved for such purpose by the City Council, the amount of Grantee's grant payment being calculated and approved by the City, and the funds being delivered

to the Authority, and shall not at any time constitute a legal obligation of the Authority for the disbursement of the Grant or the payment of money except to the extent so appropriated and delivered.

B. Neither the directors of the Authority nor any person executing this Agreement on behalf of either party shall be liable personally thereon by reason of the execution and delivery hereof. This Agreement is not, and shall not be deemed to constitute, a general obligation of the Commonwealth of Virginia or any political subdivision thereof, including the Authority and the City, and neither the Commonwealth of Virginia nor any such political subdivision thereof shall be liable thereon, nor in any event shall this Agreement be payable out of funds or properties other than as set forth herein. This Agreement shall not constitute an indebtedness within the meaning of any Commonwealth of Virginia municipal debt limitation or restriction.

C. No covenant, agreement or obligation contained in this Agreement shall be deemed to be a covenant, agreement or obligation of any present or future director, officer, employee or agent of the Authority or Grantee in his or her individual capacity, and no such director, officer, employee or agent shall be subject to any liability under this Agreement or with respect to any other action taken by him or her.

5.2. *Assignment*. Grantee may not assign its rights under this Agreement without the prior written consent of the Authority and the City.

5.3. *Waiver*. The failure of the Authority or Grantee to insist upon strict performance of any of the terms or provisions of this Agreement or to exercise any option, right or remedy contained in this Agreement, shall not be construed as a waiver or as a relinquishment for the future of such term, provision, option, right or remedy. No waiver by the Authority or Grantee of any term or provision of this Agreement shall be deemed to have been made unless expressed in writing and duly signed by the Authority or Grantee, as applicable.

5.4. *Severability*. If any clause or provision of this Agreement is or becomes illegal, invalid or unenforceable because of present of future laws or any rule or regulation of any governmental body or entity, then the remaining parts of this Agreement shall not be affected, and said remaining parts of this Agreement shall be enforceable, to the extent they are consistent with the spirit and intent of this Agreement in its original form.

5.5. *Licensee and Permits*. It shall be the ultimate responsibility of Grantee at its expense to secure all licenses and permits required to be obtained by it with respect to renovation, improvement, completion, equipping and occupancy of the Premises.

5.6. *Notices Applicable Law*. This Agreement shall be construed under and shall be governed by the laws of the Commonwealth of Virginia. In the event of a conflict arising under this Agreement, venue shall be in the Circuit Court of the City of Norfolk.

5.7. *Interpretation*. For the purpose of construing this Agreement, unless the context indicates otherwise, words in the singular number shall be deemed to include words in the plural number and vice versa, words in one gender shall be deemed to include words in other genders, and the word "person" shall be deemed to include a corporation or partnership. Headings

or Articles and Sections are inserted only for convenience and are not, and shall not be deemed a limitation on the scope of the particular Articles or Sections to which they refer.

5.8. *Notices.* All notices or other communications required or desired to be given with respect to this Agreement shall be in writing and shall be delivered by hand or by courier service (including reputable overnight courier service such as UPS), or sent by registered or certified mail, return receipt requested, bearing adequate postage and properly addressed as provided below. Each notice given by mail shall be deemed to be given by the sender when received or refused by the party intended to receive such notice; each notice delivered by hand or by courier service shall be deemed to have been given and received when actually received by the party intended to receive such notice or when such party refuses to accept delivery of such notice. Upon a change of address by either party, such party shall give written notice of such change to the other party in accordance with the foregoing. Inability to deliver because of changed address or status of which no notice was given shall be deemed to be receipt of the notice sent, effective as of the third day after such notice is sent.

To the Authority:	Economic Development Authority of the City of Norfolk 500 E. Main Street, Suite 1500 Norfolk, VA 23510
With a copy to:	Kaufman & Canoles, P.C. 150 W. Main Street, Suite 2100 Norfolk, VA 23510 Attn: George L. Consolvo
Copy to:	City Attorney City of Norfolk 810 Union Street, Suite 900 Norfolk, VA 23510
To Grantee:	Cassidy Turley, Inc. d/b/a Cushman & Wakefield Attn: ADP Lease Administration 721 Emerson Road, Suite 300 St. Louis, MO 63141
Copy to:	ADP, LLC One ADP Boulevard, MS 325 Roseland, NJ 07068 Attn: General Counsel

5.9. *Non-Discriminatory Policies.*

A. Grantee will comply with all applicable laws regarding the discrimination of employees or applicants for employment because of the race, religion, color, sex or national origin of the employee or applicant for employment. Grantee agrees to post, to the extent required by any applicable laws, in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

B. Grantee, in all solicitations or advertisements for employees placed by or on behalf of Grantee, will state, to the extent required by any applicable laws, that Grantee is an equal opportunity employer.

C. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

5.10. *Third Party Beneficiaries*. The City shall be a third party beneficiary of this Agreement. Except for the City, this Agreement is intended solely for the benefit of the parties hereto. Except for the City, this Agreement is not intended and shall not be construed to benefit or create any rights for any third party, including, without limitation, the developer or owner of the Premises. It is the express intent of the parties hereto that there be no third party beneficiaries hereof, except for the City.

5.11. *Entire Agreement*. This Agreement constitutes the entire agreement between the parties with respect to the Grant, supersedes all prior understandings and writings and may be amended or modified only by a writing signed by the Authority and Grantee.

[Signature Page Follows]

WITNESS the following signatures, thereunto duly authorized:

ECONOMIC DEVELOPMENT
AUTHORITY OF THE CITY OF NORFOLK

By: _____
Name: _____
Title: _____
Date: _____

ADP, LLC

By: _____
Name: _____
Title: _____
Date: _____

APPROVED AS TO CONTENTS:

_____
Executive Director, Economic Development Authority of the City of Norfolk

APPROVED AS TO FORM AND CORRECTNESS:

_____
Counsel to the Economic Development Authority of the City of Norfolk

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

February 9, 2016

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

Subject: **To renew a previously granted special exception for an entertainment establishment with alcoholic beverages at 1310 Colley Avenue – Peck and Pour**

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

Ward/Superward: 2/6

Approved: _____
Marcus D. Jones, City Manager

Item Number: R-4

I. **Staff Recommendation: Approval.**

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

III. **Request:** Special exception – entertainment establishment with alcoholic beverages

IV. **Applicant: Peck and Pour World Class Wings and Beer**

V. **Description:**

- The site is located on the east side of Colley Avenue, between Baldwin Avenue and Maury Avenue, in the Ghent Business District.
- Granting this request will allow the existing establishment, Peck and Pour World Class Wings and Beer, to renew their previously granted Special Exception with no proposed changes in operation or management.

	Prior (Peck and Pour)	Proposed
Hours for Alcoholic Beverages	11:00 a.m. until 2:00 a.m., seven days a week	Same
Hours for Entertainment	11:00 a.m. until 11:00 p.m., seven days a week	Same
Entertainment Options	Karaoke	Same

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: January 28, 2016

Executive Secretary: George M. Homewood, AICP, CFM

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

Staff Report	**Item No. 18**	
Address	**1310 Colley Avenue**	
Applicant	**Peck and Pour World Class Wings and Beer**	
Request	**Special Exception**	**Renew a previously granted entertainment establishment with alcoholic beverages**
Property Owner	L & H Real Property, LLC (Richard Levin)	
Site Characteristics	Site/Building Area	3,333 sq. ft./2,000 sq. ft.
	Future Land Use Map	Commercial
	Zoning	C-2 (Corridor Commercial) and PCO-21st Street
	Neighborhood	Ghent Business District
	Character District	Traditional
Surrounding Area	North	C-2 and PCO-21st Street: Colley Cantina and Starbucks
	East	R-8 (Single-Family): single-family homes
	South	C-2 and PCO-21st Street: AT&T and Color Me Mine
	West	IN-1 (Institutional): First Lutheran Church

A. Summary of Request

- The site is located on the east side of Colley Avenue, between Baldwin Avenue and Maury Avenue, in the Ghent Business District.
- Granting this request will allow the existing establishment, Peck and Pour World Class Wings and Beer, to renew their previously granted Special Exception with no proposed changes in operation or management.

B. Plan Consistency

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

C. Zoning Analysis

i. General

- The site is located in C-2 (Corridor Commercial) and Pedestrian Commercial Overlay District – Colley Avenue (PCO-Colley) zoning districts, which permit the proposed use with a special exception.

	Prior (Peck and Pour)	Proposed
Hours of Operation	10:00 a.m. until 2:00 a.m., seven days a week	Same
Hours for Alcoholic Beverages	11:00 a.m. until 2:00 a.m., seven days a week	Same
Hours for Entertainment	11:00 a.m. until 11:00 p.m., seven days a week	Same
Entertainment Options	Karaoke	Same
Seating	• 72 seats indoors • 16 seats outdoors • 102 total capacity	Same

- Special exception history:

City Council Approval	Applicant	Changes
2004	Bella Pizzeria	Eating and drinking establishment
2014	Peck and Pour – World Class Wings and Beer	• Change in owner/operator • Additional hours • Addition of karaoke
Pending	Peck and Pour – World Class Wings and Beer	• Renewal of special exception

ii. Parking

- The adjacent parking lot to the rear is developed with 20 spaces, sufficient to accommodate the parking requirements for the establishment.
- There are two existing bicycle racks within the public right-of-way, which are able to accommodate four bicycles.
- Since no increase in indoor seating or square footage is being proposed for the establishment, no additional parking is required.

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 figures calculate forecast travel for restaurants based upon the total seating of an establishment.
- Since no increase in indoor seating is being proposed for the site, no additional trips are projected.

E. Historic Resources Impacts

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

F. Public Schools Impacts

This site is located within the Taylor Elementary School, Blair Middle School, and Maury High School Attendance Zones.

G. Environmental Impacts

- Several site improvements were required as part of the original special exception approval:
  - A six-foot solid wood fence has been installed along the rear property line, immediately adjacent to the single-family home to the east.
  - Landscaping has been installed and maintained between the parking lot and the Baldwin Avenue sidewalk edge, as well as along the rear property line, separating the parking lot from the immediately adjacent residence.
  - A trashcan enclosure has been installed and maintained along the western property line, adjacent to the rear edge of the Colley Cantina and Starbucks.
  - All landscaping has been installed in accordance with a landscape plan, which has been reviewed and approved by the City's landscape architect, to ensure an evergreen species is planted of sufficient height and density to adequately buffer the site.

H. Surrounding Area/Site Impacts

- The site is located in a district surrounded by a mix of commercial, residential and institutional uses nearby.
- A security survey was performed by the Norfolk Police Department (NPD) in the Spring of 2015.
  - All required site improvements to address the NPD's CPTED (Crime Prevention Through Environmental Design) concerns were completed and approved prior to the initial opening of the establishment.
- Over the past year there has been one call for police service with no arrest made.
  - The call for service concerned a report by the establishment of an act of vandalism.

I. Payment of Taxes

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

J. Civic League

Notice was sent to the Ghent Neighborhood League and Ghent Business Association on December 16.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

L. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

Entertainment Establishment – Conditions

(a) The hours of operation for the establishment shall be limited to 10:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours for the sale of alcoholic beverages shall be limited to 11:00 a.m. until 2:00 a.m. the following morning, seven days per week.

(c) The hours for entertainment shall be limited to 11:00 a.m. until 11:00 p.m., seven days per week.

(d) The seating for the establishment shall not be less than 48 seats indoors, shall not be more than 16 seats outdoors, and the total occupant capacity, including employees, shall not exceed 102 people.

(e) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B." Any tables, chairs, booths, stools or other movable furniture may be relocated provided that it remains only within the shaded areas, and the unshaded accesses, aisles, and other areas shown on the floor plans shall remain unobstructed.

(f) No portion of the outdoor dining area shall be enclosed and any covering must leave the dining space open on at least three sides.

(g) The site shall be maintained in accordance with the attached site and landscape plan, attached hereto and marked as "Exhibit C," which includes the following elements:

(1) Plantings that form a continuous hedge along the property line and south of the sidewalk along Baldwin Avenue, limited to no more than 24 inches in height.

(2) In order to shield the adjacent residential property, a continuous hedge shall be maintained along the eastern property line adjacent to the parking lot where shown on the attached plan, attached hereto and marked as "Exhibit C," which includes a six (6) foot tall wooden privacy fence installed along the eastern property line extending from the northernmost point of the existing fence and continuing northwardly to a point approximately 10 feet from the northern property line, in line with the front face of the adjacent home on Baldwin Avenue.

(3) The street trees within the landscape verge between the sidewalk and curb along Baldwin Avenue shall be continually maintained and shall be replaced by the operator at the operator's expense in the event any one of them dies or is destroyed.

(4) A dumpster or trash enclosure shall be installed and maintained where indicated on the site plan marked as "Exhibit C" and attached hereto and shall include a six (6) foot solid wood fence with a locking gate, as shown in "Exhibit C". Landscaping to surround the dumpster or trash enclosure shall be installed and maintained as indicated in "Exhibit C".

(h) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.

(i) Only one sign, no bigger than six (6) square feet and no higher than 24 inches high, shall be permitted for the purpose of identifying and regulating patrons' use of the parking area. The sign must be located on the west side of the driveway apron within the verge between the parking area and the sidewalk along Baldwin Avenue.

(j) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(k) Entertainment shall only be provided indoors and shall be limited to karaoke. No other form of entertainment is permitted.

(l) There shall be no dancing and no dance floor provided.

(m) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B".

(n) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(o) The establishment shall maintain a current, active business license at all times while in operation.

(p) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(q) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(r) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(s) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(t) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(u) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(v) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(w) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(x) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(y) In addition to the ABC manager or supervisor, the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(z) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.

(aa) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This Special Exception;
(2) Any ABC license(s);
(3) Any occupancy permit(s);
(4) Certifications of all persons who work on the premises as a security guard;
(5) All fire code certifications, including alarm and sprinkler inspection records;
(6) Any health department permits;
(7) The emergency action plan required under the Fire Prevention Code;
(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
(9) The establishment's designated driver program; and
(10) The establishment's Security Plan.

(bb) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 76 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshall, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(cc) The written security plan submitted to the City as part of the application for this Special Exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Attachments

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
Site/landscape plan
Notice to the Ghent Neighborhood League and Ghent Business Association

Proponents and Opponents

Proponents

Grace Yoo
1310 Colley Avenue
Norfolk, VA 23517

Richard Levin
610 Pembroke
Norfolk, VA 23517

Opponents

None

01/26/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT WITH ALCOHOLIC BEVERAGES KNOWN AS "PECK AND POUR, WORLD CLASS WINGS AND BEER" ON PROPERTY LOCATED AT 1310 COLLEY AVENUE.

- - -

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

Section 1:- That a Special Exception is hereby granted to PNP Norfolk, LLC authorizing the operation of an entertainment establishment with alcoholic beverages named "Peck And Pour, World Class Wings and Beer" on property located at 1310 Colley Avenue. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 31 feet, more or less, along the eastern line of Colley Avenue, beginning 105 feet, more or less, from the southern line of Baldwin Avenue and extending southwardly; premises numbered 1310 Colley Avenue.

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

(a) The hours of operation for the establishment shall be limited to 10:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours for the sale of alcoholic beverages shall be limited to 11:00 a.m. until 2:00 a.m. the following morning, seven days per week. No alcoholic beverages shall be sold outside of the hours of operation listed herein.

(c) The hours for entertainment shall be limited to 11:00 a.m. until 11:00 p.m., seven days per week.

(d) The seating for the establishment shall not exceed 48 seats indoors, 16 seats outdoors, and the total occupant capacity, including employees, shall not exceed 102 people.

(e) No smoking shall be permitted anywhere in the outdoor dining area.

(f) No portion of the outdoor dining area shall be enclosed and any covering must leave the dining space with open ventilation on at least three sides.

(g) The site shall be maintained in accordance with the site and landscape plan attached hereto and marked as "Exhibit C," including all of the following elements:

(1) Plantings that form a continuous hedge along the property line and south of the sidewalk along Baldwin Avenue, limited to no more than 24 inches in height.

(2) In order to shield the adjacent residential property, a continuous hedge shall be maintained along the eastern property line adjacent to the parking lot where shown on the attached plan, attached hereto and marked as "Exhibit C," which includes a six (6) foot tall wooden privacy fence installed along the eastern property line extending from the northernmost point of the existing fence and continuing northwardly to a point approximately 10 feet from the northern property line, in line with the front face of the adjacent home on Baldwin Avenue.

(3) The street trees within the landscape verge between the sidewalk and curb along Baldwin Avenue shall be continually maintained and shall be replaced by the operator at the operator's expense in the event any one of them dies or is destroyed.

(4) A dumpster or trash enclosure shall be installed and maintained where indicated on the site plan marked as "Exhibit C" and

attached hereto and shall include a six (6) foot solid wood fence with a locking gate, as shown in "Exhibit C". Landscaping to surround the dumpster or trash enclosure shall be installed and maintained as indicated in "Exhibit C".

(h) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.

(i) Only one sign, no bigger than six (6) square feet and no higher than 24 inches high, shall be permitted for the purpose of identifying and regulating patrons' use of the parking area. The sign must be located on the west side of the driveway apron within the verge between the parking area and the sidewalk along Baldwin Avenue.

(j) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(k) Entertainment shall only be provided indoors and shall be limited to karaoke. No other form of entertainment is permitted.

(l) There shall be no dancing and no dance floor provided.

(m) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B".

(n) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(o) The establishment shall maintain a current, active business license at all times while in operation.

(p) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(q) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(r) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(s) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(t) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(u) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception.

Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(v) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(w) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(x) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(y) In addition to the ABC manager or supervisor, the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(z) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.

(aa) A binder or folder containing documentation relating to the operation of the establishment

shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This Special Exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permits;

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(bb) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 76 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshall, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(cc) The written security plan submitted to the City as part of the application for this Special Exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

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

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

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in

the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting an entertainment establishment on this property, adopted on November 25, 2014 (Ordinance NO. 45,791). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

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

ATTACHMENTS:
Exhibit A (4 pages)
Exhibit B (3 pages)
Exhibit C (1 page)

Exhibit A

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

Date 12/11/15

Trade name of business Peck and Pour, World Class Wings and Beer.

Address of business 1310 Colley Ave. Norfolk, Va 23517.

Name(s) of business owner(s)* Grace Yoo. dba PNP Norfolk, LLC

Name(s) of property owner(s)* L + H Real Property, LLC - Richard Levin

Name(s) of business manager(s)/operator(s) Grace Yoo, Younsik Yoo.

Daytime telephone number (757) 869-8316.

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

1. Proposed Hours of Operation:

Hours modified per applicants request. M.S. 10/8/14

Facility			Alcoholic Beverage Sales and Entertainment *		
Weekday	From 10 am	To 2 am	Weekday	From 11 am	To 2 am
Friday	From 10 am	To 2 am	Friday	From 11 am	To 2 am
Saturday	From 10 am	To 2 am	Saturday	From 11 am	To 2 am
Sunday	From 10 am	To 2 am	Sunday	From 11 am	To 2 am

* Entertainment shall cease at 11pm - seven days a week.

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

3. Type of alcoholic beverage applied for:
☑ Beer ☑ Wine ☑ Mixed Beverage
(per applicant's request. MS 11-10-14)

*No rear outdoor dining permitted. ~~Also amplified sound permitted in the rear outdoor dining area after 11pm seven days a week.~~

— Modifications made per discussion with applicant on 10/16/14 M.S.
*Updated 11-10-14 M.S.

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised July 2013)

Exhibit A – Page 2
Entertainment Establishment

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

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

   _____

   _____

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

   5a. If yes, why:

   _____

   _____

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

   Monday Tuesday Wednesday Thursday Friday
   Saturday Sunday

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

   6a. If yes, explain: Birthdays, Anniversaries, Showers (Private only)

   _____

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

   7a. If yes, explain:

   _____

   _____

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

Exhibit A – Page 3
Entertainment Establishment

9. Additional comments/description/operational characteristics or prior experience:
Korean + Japanes Restaurant.
Subway franchise Business

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

Signature of Applicant

Exhibit A -- Floor Plan(s) Worksheet
Entertainment Establishment

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

1. Total capacity

   a. **Indoor**
   Number of seats (not including bar seats) 40
   Number of bar seats 16
   Standing room 0

   b. **Outdoor**
   Number of seats * ~~38~~ 16

   c. **Number of employees** 8.

   * Rear outdoor dining removed per applicant's request. 11/10/14 M.S.

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 102

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

   * ~~5 member band~~, karaoke only *

   * Modifications made per discussion with applicant - 10/16/14 M.S.

3. Will a dance floor be provided?
   ☐ Yes ☑ No

   3a. If yes,
   Square footage of establishment _____
   Square footage of dance floor _____

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

Exhibit B

No Entertainment

CODE COMPLIANCE INFORMATION

BASED ON VUSBC
(IBC 2009, IGC/ANSI A117.1-2009, IPC 2009)

CONSTRUCTION TYPE: 5B (NOT SPRINKLERED)
USE GROUP: A2-RESTAURANT (NO CHANGE IN USE)

ALLOWABLE HEIGHT AND AREA
2 STORY, 9500 S.F.

ACTUAL HEIGHT AND AREA
1 STORY, 2300 S.F.

OCCUPANCY CALCULATIONS

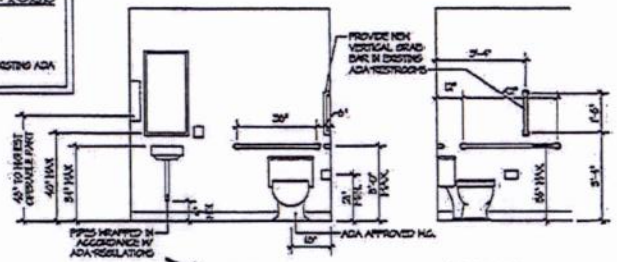
INDOOR DINING SEATS	40
BAR SEATS	8
STAFF	6
OUTDOOR DINING SEATS	78
TOTAL	132

	PLUMBING FIXTURES REQUIRED	PLUMBING FIXTURES PROVIDED
WATER CLOSETS (UNISEX)	2	2
LAVATORIES (UNISEX)	2	2
SERVICE SINK	1	1

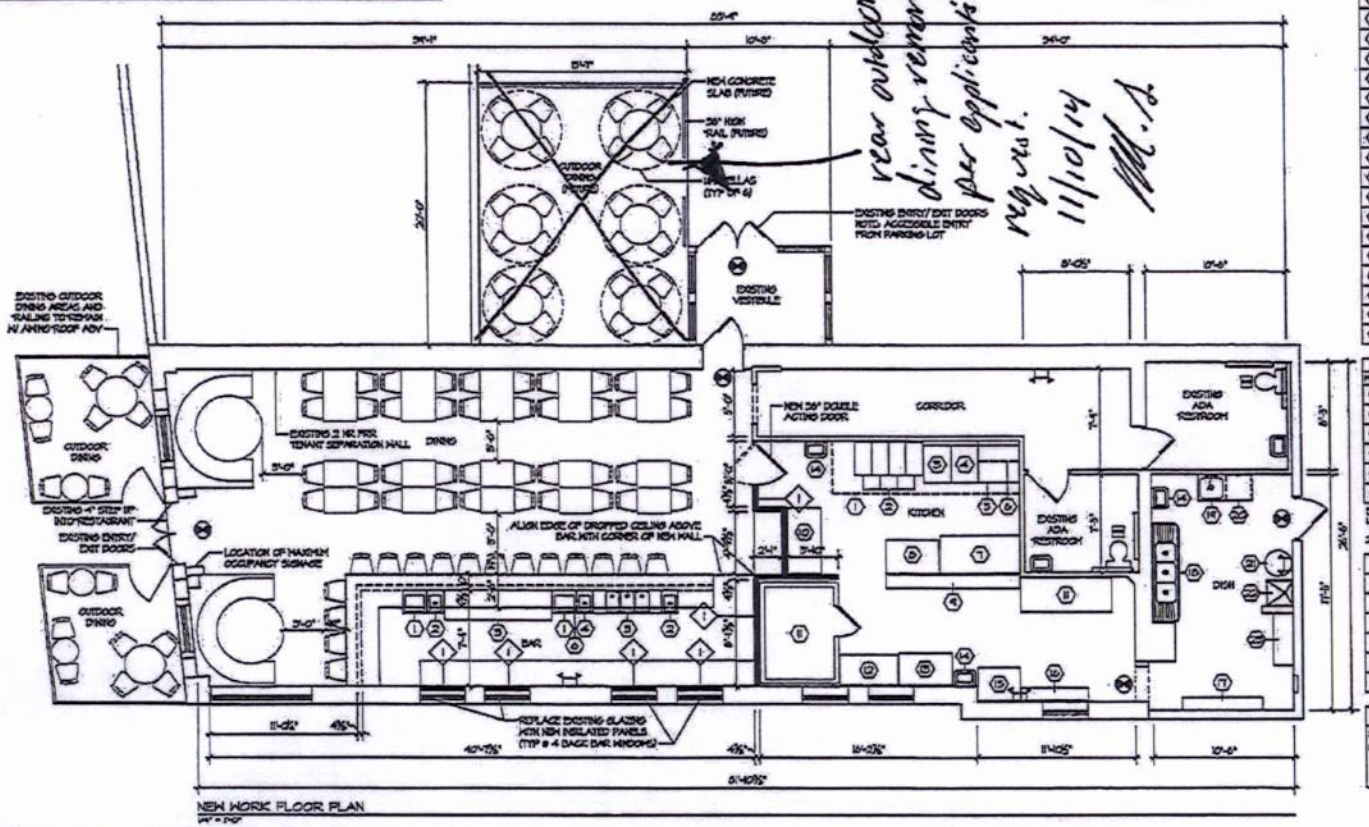
*REQUIRED DRINKING FOUNTAIN: NOT REQUIRED IN RESTAURANT SERVING WATER.

SCOPE OF WORK/SERVICES

- RESTAURANT INTERIOR BUILD-OUT
- INSTALLATION OF NEW KITCHEN AND BAR EQUIPMENT
- INSTALLATION OF NEW 18" VERTICAL GRAB BARS IN EXISTING ADA RESTROOMS



TYPICAL NON LOAD BEARING WALL



NEW WORK FLOOR PLAN
1/4" = 1'-0"

rear outdoor dining removal per applicant's req. 11/10/14 M.S.

KITCHEN EQUIPMENT LIST	
MARK	DESCRIPTION
1	EXISTING 14' EXHAUST HOOD
2	FRYER
3	24" FLAT TOP
4	24" CHARBROILER
5	36" RANGE
6	SALAMANDER
7	72"x 32" REFRIGERATED SANDWICH UNIT
8	48"x 32" WORK TOP REFRIGERATOR
9	30"x 32" PICK UP/ PASS THRU
10	60"x 30" WORK TABLE
11	3'-0"x 7'-0" WALK IN COOLER WITH THRU WALL DOOR TAPS/ DRAIN WITH DRAIN
12	32"x 28" REACH-IN REFRIGERATOR
13	48"x 30" WORK TABLE
14	HAND SINK PROVIDE SPLASH GUARDS AS NECESSARY
15	ICE MACHINE
16	STORAGE SHELVING (BOTTOM MIN 6" ABOVE FLOOR)
17	STORAGE SHELVING (BOTTOM MIN 6" ABOVE FLOOR)
18	3-COMPARTMENT SINK 18" DRAIN BOARDS SINGLE DRAIN BAR, GREASE INTERCEPTOR, DIRECT DRAIN
19	PREP SINK
20	UNDERCOUNTER COMMERCIAL DISHWASHER
21	WATER HEATER
22	MOP SINK
23	EMD IN 30K 300A SYSTEM

BAR EQUIPMENT LIST	
MARK	DESCRIPTION
1	ICE WELL
2	HAND SINK
3	48" BOTTLE COOLER
4	DUMP SINK
5	60" 3 COMPARTMENT BAR SINK WITH DIRECT DRAIN
6	SODA GUN

EQUIPMENT PLUMBING NOTES:
1. PROVIDE BACK FLOW PREVENTERS AT PLUMBING FIXTURES REQUIRING HOT AND COLD WATER.
2. PIPE SINKS EXCEPT HANDSINKS TO FLOOR DRAIN WITH AIR GAP

FINISH SCHEDULE				
ROOM	FLOOR	BASE	WALLS	CEILING
DINING	TILE	WOOD	THIN BAGE AND PAINTED (TYP TO)	2x4 ACT
BAR	TILE	TILE	SEALED THIN BAGE AND PAINTED (TYP TO)	GYP BD PAINT FINISH
KITCHEN/ DISH AREA	TILE	TILE	GYP BD PAINT FINISH FRP BOARD TO 8'-0"	2x4 VINYL FACED GYP BD TILE
CORRIDOR	TILE	TILE	GYP BD PAINT FINISH	2x4 ACT
RESTROOMS	TILE	TILE	GYP BD PAINT FINISH	2x4 VINYL FACED GYP BD TILE

LEGEND
- EXISTING WALLS
- NEW NON-LOAD BEARING WALLS
- EXISTING DRINKING FOUNTAIN TO REMAIN
- EXIT SIGN
- WALL TYPE
- EQUIPMENT MARK

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

COMMONWEALTH OF VIRGINIA
6/26/14
ROBYN J. THOMAS
TYPE OR PRINT NAME
ARCHITECT

PECK & POUR
1308 COLLEY AVENUE
NORFOLK, VIRGINIA

REVISIONS		
△	DATE	COMMENTS

1 OF 1	
6/26/14 DATE	A1
14-065 DRAWING NO.	
DRAWN KMO	
CHECKED RJT	

Entertainment Option 1

CODE COMPLIANCE INFORMATION

BASED ON VUSBC
(IBC 2009, IGC/ANSI A117.1-2009, IPC 2009)

CONSTRUCTION TYPE: 2B (NOT SPRINKLERED)
USE GROUP: A2-RESTAURANT (NO CHANGE IN USE)

ALLOWABLE HEIGHT AND AREA
2 STORY, 9,000 S.F.

ACTUAL HEIGHT AND AREA
1 STORY, 2,100 S.F.

OCCUPANCY CALCULATIONS:

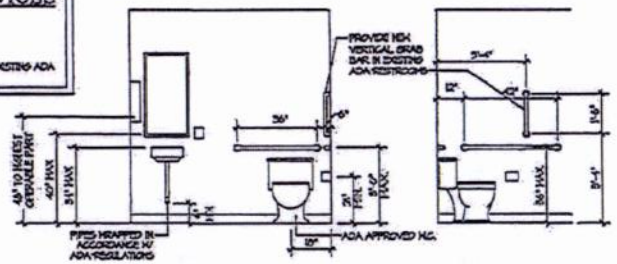
INDOOR DINING SEATS	40
BAR SEATS	6
STAFF	6
OUTDOOR DINING SEATS	36
TOTAL	88

	PLUMBING FIXTURES REQUIRED	PLUMBING FIXTURES PROVIDED
WATER CLOSETS (F/M)	2	2
LAVATORIES (F/M)	2	2
SERVICE SINK	1	1

REQUIRED DRINKING FOUNTAINS NOT REQUIRED IN RESTAURANT SERVING WATER.

SCOPE OF WORK/SERVICES

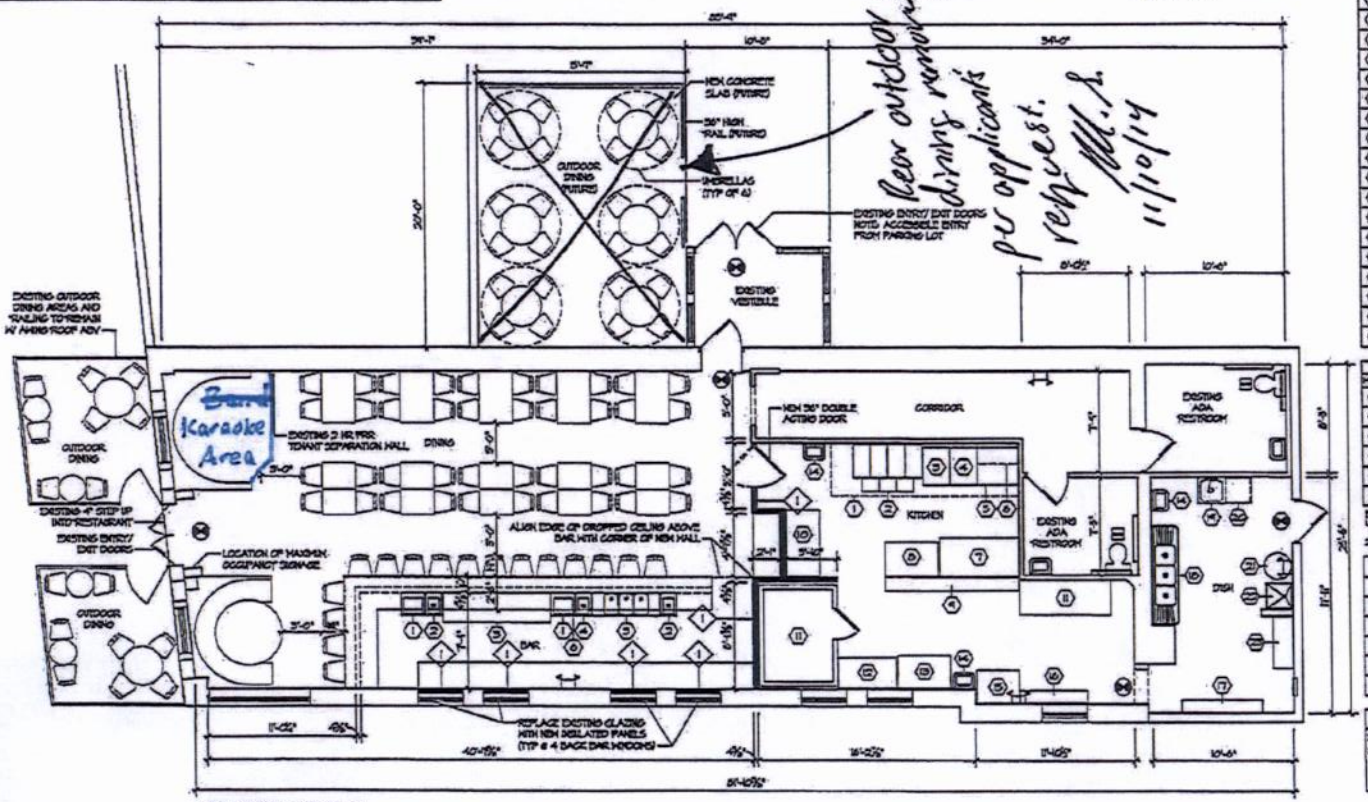
- RESTAURANT INTERIOR BUILD-OUT
- INSTALLATION OF NEW KITCHEN AND BAR EQUIPMENT
- INSTALLATION OF NEW 15" VERTICAL GRAB BARS IN EXISTING ADA RESTROOMS



1 TYPICAL NON LOAD BEARING WALL

A ELEVATION 1/2" = 1'-0"

B ELEVATION 1/2" = 1'-0"



Floor outdoor dining removed per applicant's request. 11/10/14

KITCHEN EQUIPMENT LIST	
MARK	DESCRIPTION
1	EXISTING 14' EXHAUST HOOD
2	RANGE
3	24" FLAT TOP
4	24" CHARBROILER
5	36" RANGE
6	SALAMANDER
7	77"x 27" REFRIGERATED SANDWICH UNIT
8	48"x 27" HOME TOP REFRIGERATOR
9	20"x 13" PICK-OFF PASS THRU
10	60"x 30" WORK TABLE
11	5'-6"x 7'-0" WALK IN COOLER W/ SHV WALL DECK SLAB/ SHOW WITH DRAIN
12	32"x 28" REACH-IN REFRIGERATOR
13	48"x 30" WORK TABLE
14	HAND SINK (PROVIDE SPLASH GUARDS AS NECESSARY)
15	ICE MACHINE
16	STORAGE SHELVING (BOTTOM MIN 6" ABOVE FLOOR)
17	STORAGE SHELVING (BOTTOM MIN 6" ABOVE FLOOR)
18	3 COMPARTMENT SINK 18" DRAIN BOARDS EACH END, GREASE INTERCEPTOR, MINIMUM DRAIN
19	PREP SINK
20	UNDERCOUNTER COMMERCIAL DISHWASHER
21	WATER HEATER
22	MOP SINK
23	BAG IN BOX SODA SYSTEM

BAR EQUIPMENT LIST	
MARK	DESCRIPTION
1	ICE WELL
2	HAND SINK
3	48" BOTTLE COOLER
4	DUMP SINK
5	60" 3 COMPARTMENT BAR SINK WITH INDIRECT DRAIN
6	SODA GUN

EQUIPMENT FITTINGS NOTES:
1. PRIVATE BACK FLOW PROTECTORS AT PLUMBING FIXTURES REQUIRING HOT AND COLD WATER.
2. TYPE SINKS EXACT HARDWARE TO HAS DRAIN WITH AIR GAP

FINISH SCHEDULE				
ROOM	FLOOR	BASE	WALLS	CEILING
DINING	TILE	WOOD	TRIM BRICK AND PAINTED (TYP TO)	2x4 ACT
BAR	TILE	TILE	SEALED TRIM BRICK AND PAINTED (TYP TO)	GYP BD PAINT FINISH
KITCHEN DISH AREA	TILE	TILE	GYP BD PAINT FINISH FRP (TYPICAL TO FLOOR)	2x4 VINYL FACED CEILING TILE
CORRIDOR	TILE	TILE	GYP BD PAINT FINISH	2x4 ACT
RESTROOMS	TILE	TILE	GYP BD PAINT FINISH	2x4 VINYL FACED CEILING TILE

LEGEND

- EXISTING WALLS
- NEW NON-LOAD BEARING WALLS
- EXISTING EXHAUST FAN TO EXTERIOR
- EXIT SIGN
- WALL TYPE
- EQUIPMENT MARK

ROBYN THOMAS ARCHITECTURE
913 W. 21st Street, Suite C
Norfolk, VA 23517
Ofc: 757.622.7100
Fax: 757.640.1214

COMMONWEALTH OF VIRGINIA
DOMM
ROBYN L. THOMAS
ARCHITECT

PECK & POUR
1308 COLLEY AVENUE
NORFOLK, VIRGINIA

REVISIONS

△	DATE	COMMENTS

1 OF 1
DATE: 06/06/14
CONV NO: 14-060
DRAWN: RLT
CHECKED: RLT

A1

Entertainment Option 2

CODE COMPLIANCE INFORMATION

BASED ON VUSBC
(IBC 2009, IGC/ANSI A117.1–2009, IPC 2009)

CONSTRUCTION TYPE: 5B (NOT SPRINKLERED)
USE GROUP: A2-RESTAURANT (NO CHANGE IN USE)

ALLOWABLE HEIGHT AND AREA
2 STORY, 9,000 S.F.

ACTUAL HEIGHT AND AREA
1 STORY, 2,300 S.F.

OCCUPANCY CALCULATIONS

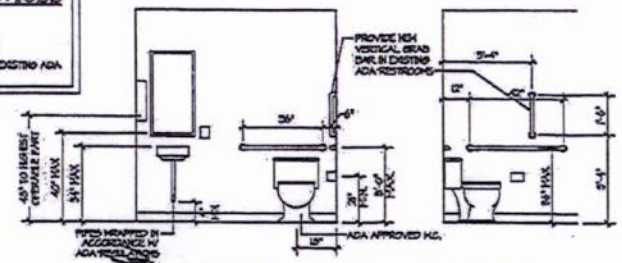
INDOOR DINING SEATS	40
BAR SEATS	15
STAFF	5
OUTDOOR DINING SEATS	32
TOTAL	102

	FIXTURES REQUIRED	FIXTURES PROVIDED
WATER CLOSETS (F/M)	2	2
LAVATORIES (F/M)	2	2
SERVICE SINK	1	1

*REQUIRED DRINKING FOUNTAINS NOT REQUIRED IN RESTAURANT SERVING WATER

SCOPE OF WORK/SERVICES

- RESTAURANT INTERIOR BUILD-OUT
- INSTALLATION OF NEW KITCHEN AND BAR EQUIPMENT
- INSTALLATION OF NEW 18" VERTICAL GRAB BARS IN EXISTING ADA RESTROOMS

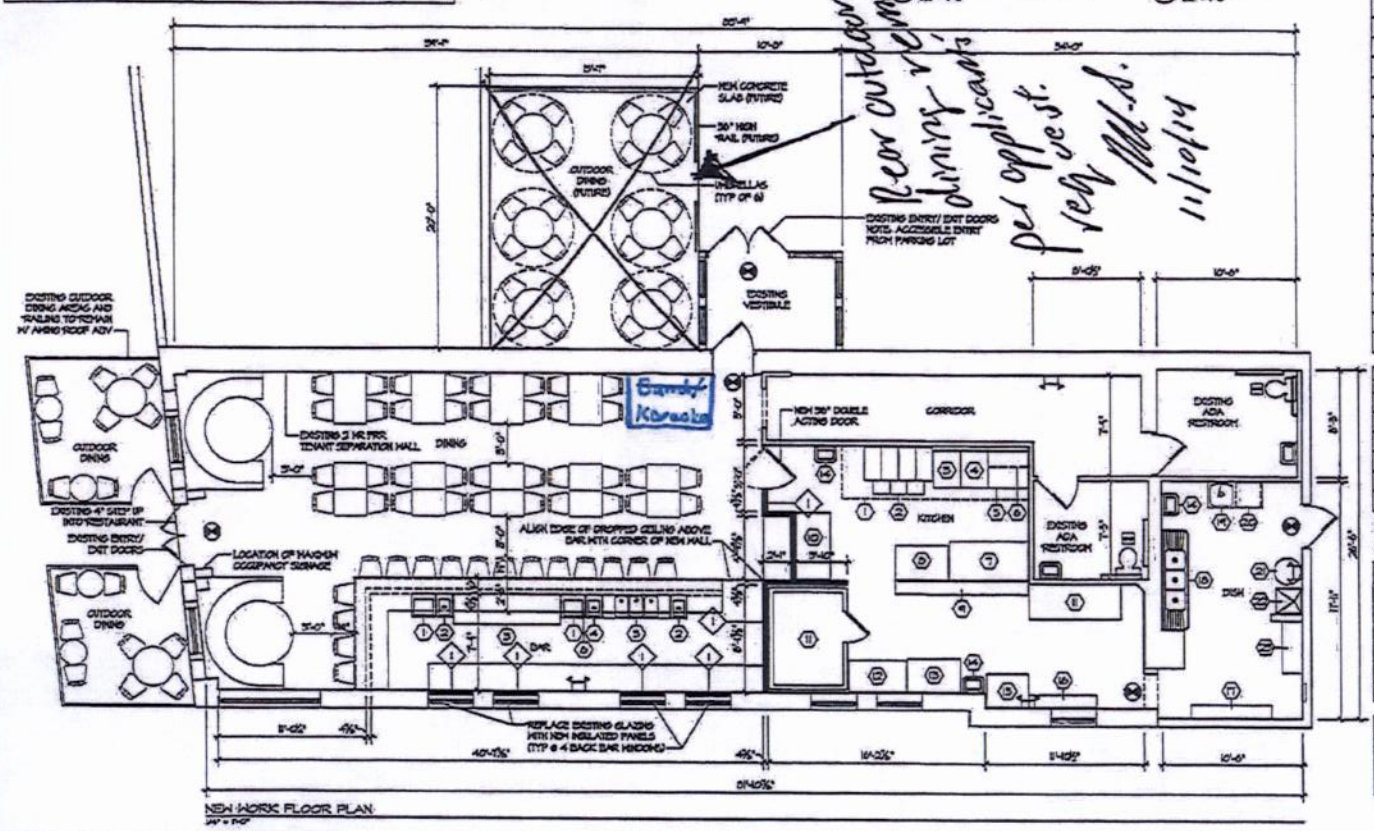


12" GYP BD ON EACH SIDE OF 3 5/8" 20 GA. METAL STUDS @ 16" O/C

1 TYPICAL NON LOAD BEARING WALL

A ELEVATION 1/2" = 1'-0"

B ELEVATION 1/2" = 1'-0"



NEW WORK FLOOR PLAN

Floor outdoor dining area per applicant's request. rev. MLS. 11/10/14

KITCHEN EQUIPMENT LIST

MARK	DESCRIPTION
1	EXISTING 14" EXHAUST HOOD
2	FRYER
3	24" FLAT TOP
4	24" CHARBROILER
5	36" RANGE
6	SALAMANDER
7	72"x 32" REFRIGERATED SANDWICH UNIT
8	48"x 31" WORK TOP REFRIGERATOR
9	120"x 12" PREP TOP (TWO TIER)
10	60"x 30" WORK TABLE
11	3-PANEL 72" WALL IN GOOSENECK TYPE WALL BACK SINK OPEN WITH DRAIN
12	32"x 28" REACH-IN REFRIGERATOR
13	48"x 30" WORK TABLE
14	HAND SINK (PROVIDE SPLASH GUARDS AS NECESSARY)
15	ICE MAKER
16	STORAGE SHELVING (BOTTOM MIN 6" ABOVE FLOOR)
17	STORAGE SHELVING (BOTTOM MIN 6" ABOVE FLOOR)
18	3 COMPARTMENT SINK, 18" DRAIN BOARD ON EACH END, GREASE INTERCEPTOR, INDIRECT DRAIN
19	PREP SINK
20	UNDERCOUNTER COMMERCIAL DISHWASHER
21	WATER HEATER
22	MOP SINK
23	DAD IN BOX SODA SYSTEM

BAR EQUIPMENT LIST

MARK	DESCRIPTION
1	ICE MELL
2	HAND SINK
3	48" BOTTLE COOLER
4	24"x 18" SINK
5	60" 3 COMPARTMENT BAR SINK WITH INDIRECT DRAIN
6	SODA GUN

PLUMBING FIXTURE NOTES:
1. PROVIDE BACK FLOW PREVENTERS AT PLUMBING FIXTURES REQUIRING HOT AND COLD WATER
2. PIPE DRAIN EXHAUST MANDREL TO THE DRAIN WITH AIR GAP

FINISH SCHEDULE

ROOM	FLOOR	BASE	WALLS	CEILING
DINING	TILE	WOOD	THIN BRICK AND PAINTED (TYP TO)	2HR ACT
BAR	TILE	TILE	SEALED THIN BRICK AND PAINTED (TYP TO)	(TYP TO) PAINT FINISH
KITCHEN (DISH AREA)	TILE	TILE	(TYP TO) PAINT FINISH (WAINSCOTED TO 8'-0")	2HR VINYL FACED CEILING TILE
CORRIDOR	TILE	TILE	(TYP TO) PAINT FINISH	2HR ACT
RESTROOMS	TILE	TILE	(TYP TO) PAINT FINISH	2HR VINYL FACED CEILING TILE

LEGEND

- EXISTING WALLS
- NEW NON-LOAD BEARING WALLS
- EXISTING EXHAUST FAN TO EXTERIOR
- EXIT SIGN
- HALL TYPE
- EQUIPMENT MARK

ROBYN THOMAS ARCHITECTURE
813 W. 21st Street, Suite C
Norfolk, VA 23517
Ofc: 757.622.7100
Fax: 757.640.1094

COMMONWEALTH OF VIRGINIA
ROBYN J. THOMAS
ARCHITECT

PECK & POUR
1308 COLLEY AVENUE
NORFOLK, VIRGINIA

REVISIONS

DATE	COMMENTS

1 OF 1	A1
DATE 11/20/14	
JOB NO. 14-060	
DRAWN KMB	
CHECKED RJT	

Exhibit C

THIS IS TO CERTIFY THAT I ON OCTOBER 13, 2003 SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS ARE SHOWN ON THIS PLAT. THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY EXCEPT AS SHOWN.

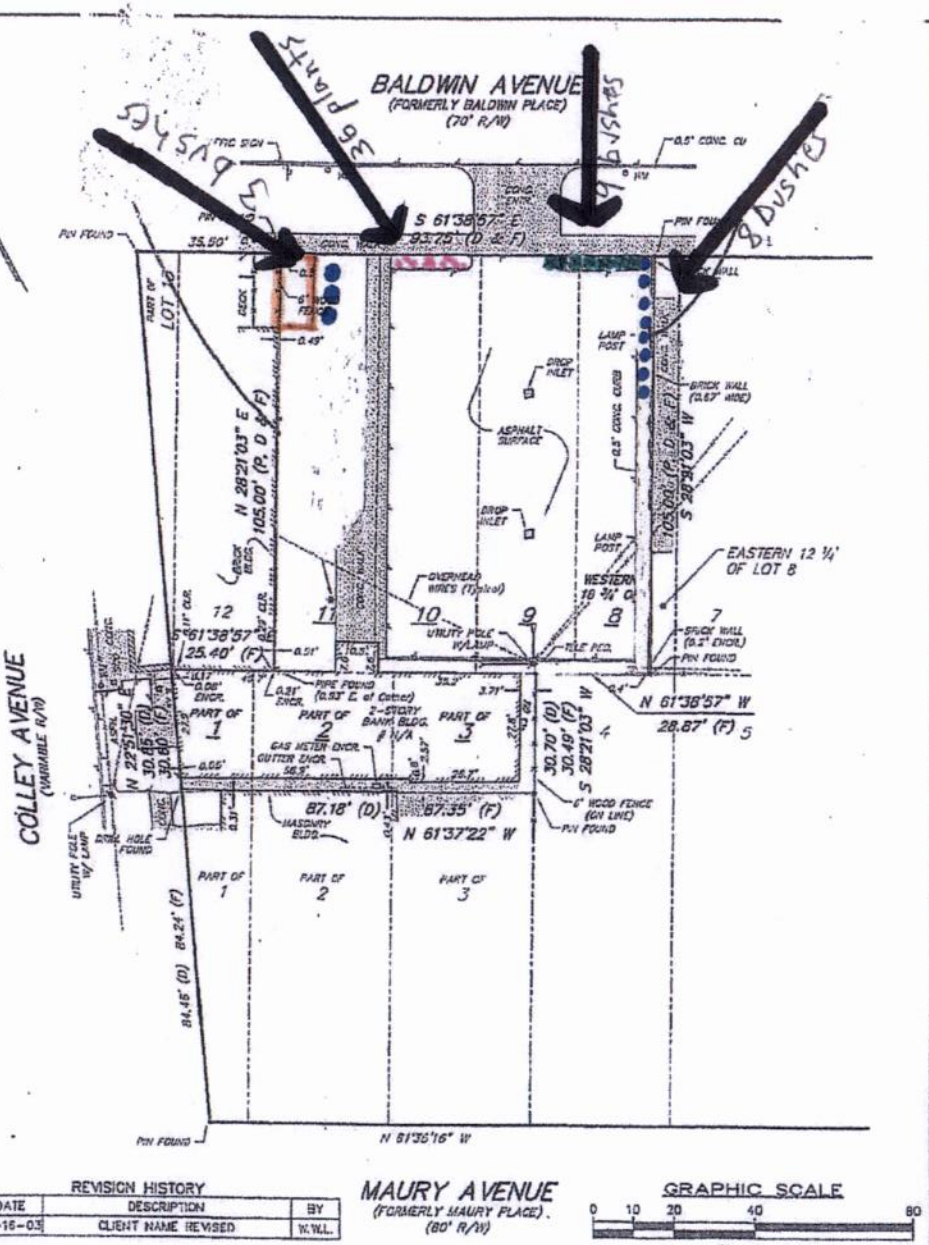
SIGNED :

COMMONWEALTH OF VIRGINIA
ARTHUR L. ROOD
10/16/03
No. 1543
LAND SURVEYOR

Trash Enclosure
Loropetalum Darwma
Kaleidoscope Abelia
Liriope Spicata

LEGEND

SYMBOL	ABBREV.	DESCRIPTION
	C&G	CURB & GUTTER
	CALC	CALCULATED DATA
℄	℄	CENTERLINE
•	CO	CLEAN OUT
	CONC	CONCRETE
	CB	CURB BASIN
(D)	(D)	DEED DATA
	DI	DROP INLET
	EP	EDGE OF PAVEMENT
	ELEC.	ELECTRIC
	ENCR.	ENCROACHING
	EMH	ELECTRIC MANHOLE
	EX.	EXISTING
(F)	(F)	FIELD DATA
	FH	FIRE HYDRANT
	GM	GAS METER
	GV	GAS VALVE
	GUY	GUY WIRE ANCHOR
	JBOX	JUNCTION BOX
	LP	LAMP POST
	OHW	COMBINATION OVERHEAD UTILITY LINES
	℄	OH LINE
	PED	PEDESTAL
(P)	(P)	PLAT DATA
	℄	PROPERTY LINE
R/W	R/W	RIGHT-OF-WAY
	SSCO	SANITARY CLEAN OUT
	SDMH	STORM DRAIN MANHOLE
	S.F.	SQUARE FEET
	SFMV	SANITARY FORCE MAIN VALVE
	SIGN	SIGN
	SSMH	SANITARY SEWER MANHOLE
	TELE	TELEPHONE
	TRANS.	TRANSFORMER
	UP	UTILITY POLE WITH LIGHT
	VAULT	VAULT
	WM	WATER METER
	WV	WATER VALVE



NOTES :

1. THE MERIDIAN SOURCE OF THIS SURVEY IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83 (1993) HARN, UTILIZING THE CITY OF NORFOLK, VIRGINIA HORIZONTAL CONTROL NETWORK STATIONS GPS 023, GPS 024, GPS 025 AND GPS 056. COORDINATE VALUES SHOWN ARE EXPRESSED IN U.S. SURVEY FEET.
2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN.
3. THE PROPERTY SHOWN HEREON APPEARS TO FALL INSIDE ZONE (S) "C" AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF NORFOLK, VIRGINIA. COMMUNITY No. 510104 0017 D, PANEL No. 17 D, DATED: APRIL 17, 1984.
4. LEE S. ROOD, P.C. IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. THIS SURVEY DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE SUBJECT TO FLOODING. FOR FURTHER INFORMATION, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.
5. ADDRESS WAS NOT POSTED ON BLDG. AT TIME OF SURVEY.

REVISION HISTORY

NO.	DATE	DESCRIPTION	BY
1	10-16-03	CLIENT NAME REVISED	W.W.L.

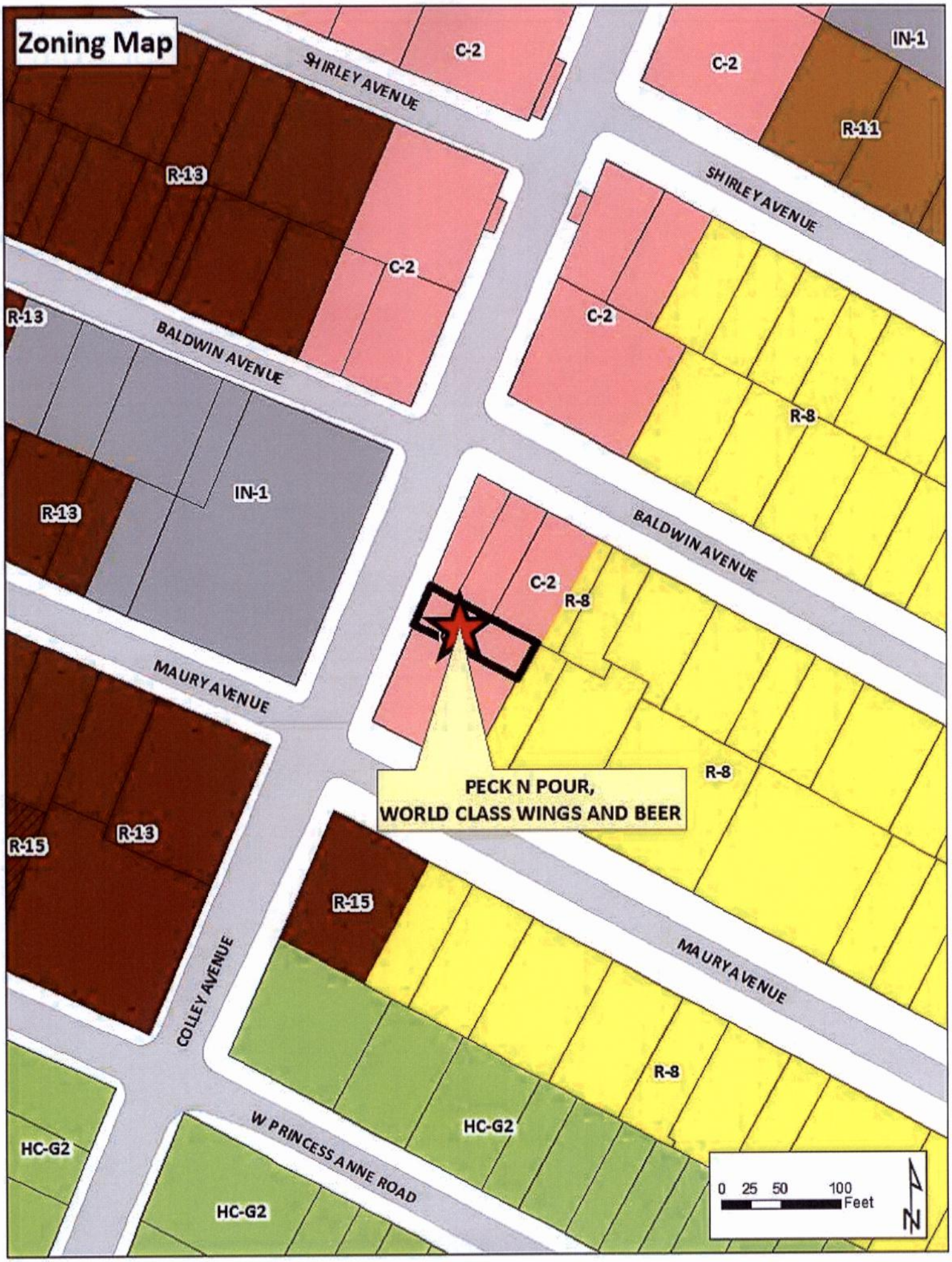
GRAPHIC SCALE
0 10 20 40 80
(IN FEET)

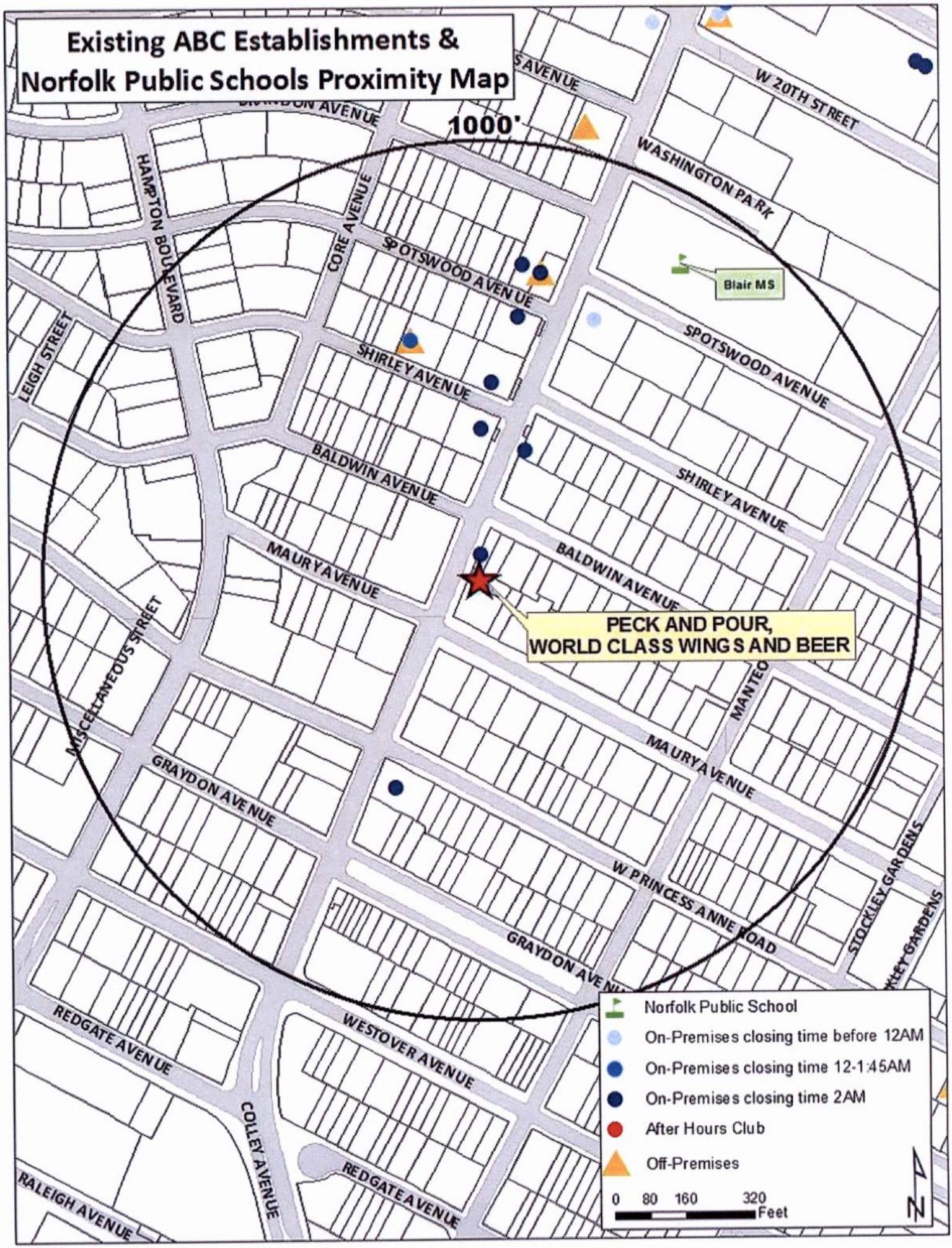
LEE S. ROOD, P.C.
LAND SURVEYORS
5737 BARTEE STREET
NORFOLK, VIRGINIA 23502
TELE: (757) 466-1111
FAX : (757) 466-6394

PHYSICAL SURVEY OF
PART OF LOTS 1, 2 & 3, THE WESTERN 18 3/4' OF LOT 8, ALL OF LOTS 9, 10 & 11, BLOCK B, MAP OF GREATER GHENT ADDITION AND ADJACENT PROPERTIES
NORFOLK, VIRGINIA
FOR
L & H REAL PROPERTY, LLC

DRAWN BY:	W.W.L.
CHECKED BY:	A.L.R.
SCALE:	1"=20'
DATE:	10-13-03
JOB NO.:	56,993
FILE NO.:	SS-5601
REF.:	M.B. 3, Pg. 6
F.B.	T-54, Pg. 76
SHEET 1 OF 1	

Location Map
BALDWIN AVENUE
BALDWIN AVENUE
COLLEY AVENUE
PECK N POUR,
WORLD CLASS WINGS AND BEER
MAURY AVENUE
0 10 20 40
Feet
N


Zoning Map
SHIRLEY AVENUE
C-2
C-2
IN-1
R-11
R-13
SHIRLEY AVENUE
C-2
C-2
R-13
BALDWIN AVENUE
R-8
IN-1
R-13
BALDWIN AVENUE
C-2
R-8
MAURY AVENUE
R-8
PECK N POUR,
WORLD CLASS WINGS AND BEER
R-15
R-13
R-15
MAURY AVENUE
COLLEY AVENUE
R-8
HC-G2
W PRINCESS ANNE ROAD
HC-G2
HC-G2
0 25 50 100
Feet
N


Existing ABC Establishments &
Norfolk Public Schools Proximity Map
1000'
W 20TH STREET
WASHINGTON PARK
HAMPTON BOULEVARD
CORE AVENUE
SPOTSWOOD AVENUE
Blair MS
LEIGH STREET
SHIRLEY AVENUE
BALDWIN AVENUE
MAURY AVENUE
PECK AND POUR,
WORLD CLASS WINGS AND BEER
MISCELLANEOUS STREET
GRAYDON AVENUE
W PRINCESS ANNE ROAD
STOCKLEY GARDENS
REDGATE AVENUE
WESTOVER AVENUE
COLLEY AVENUE
RALEIGH AVENUE
Norfolk Public School
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)

Date 12/11/15

DESCRIPTION OF PROPERTY

Address 1310 Colley Ave. Norfolk, Va 23517.

Existing Use of Property Restaurant.

Proposed Use Restaurant.

Current Building Square Footage 2000

Proposed Building Square Footage 2000

Trade Name of Business (If applicable) Peck and Pour, World class wings and Beer.

APPLICANT/ PROPERTY OWNER

1. Name of applicant (Last) Yoo (First) Grace (MI) ____

Mailing address of applicant (Street/P.O. Box) 2364 Nettleford Way.

(City) Virginia Beach (State) VA (Zip Code) 23453.

Daytime telephone number of applicant (757) 869-8316 Fax number (757) 301-7437

E-mail address of applicant gyoo1218@cox.net.

2. Name of property owner (Last) Levin (First) Richard (MI) ____ - L + M Real Property L.L.C.

Mailing address of property owner (Street/P.O. box) 2106 Llewellyn Ave

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

Daytime telephone number of owner (757) 630-2342 Fax number ( ) ____

REQUIRED ATTACHMENTS

- Required application fee, **$355.00** (if check, make payable to the City of Norfolk).
  - Application fee includes a non-refundable $5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
  - Existing and proposed building structures
  - Driveways
  - Parking
  - Landscaping
  - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

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

Print name: _____ **Sign:** Richard Levin 12/11/15
(Property Owner) (Date)

Print name: Grace Yoo **Sign:** 12/11/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

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

Security Plan

Of

PNP Norfolk, LLC

For

PECK AND POUR

WORLD CLASS WINGS AND BEER

1310 Colley Ave.

Norfolk, VA 23517

Definition of Security:

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

Goals:

- To create a safe & secure environment for both Peck and Pour Patrons and the neighboring homes and businesses in.
- To constantly maintain a level of control and safety for staff and guests arriving and departing the premises.
- To consistently mitigate any noise or inappropriate conduct by Peck and Pour patrons. This includes maintaining order inside the restaurant as well as outside, as to not to disturb the business or residents nearby.
- To peacefully resolve all dangerous situations before anyone is injured or property damage that can occur. Peck and Pour staff shall maintain an assertive presence by displaying integrity and professionalism while executing their duties and responsibilities in an effort to maintain security, protection and safety of members of the public.
- To ensure a safe evacuation in case of an emergency.
- To protect and promote the courteous, inviting and hospitable character of the neighborhood and the City of Norfolk generally.

Security Team:

- Peck and Pour will maintain a security staff consisted of employees that include a Security Team Leader (Certified) and the required addition staff members required in accordance city requirements.

General Duties and Responsibilities:

Each member of the security team will be made aware of the rules and setup in accordance with any floor plans approved through the City's special exception process. Security staff will work in concert to maintain order within the facility and outside to prevent any disturbances of nearby property owners or leaseholders.

All members will be made aware of the capacity and will have to abide by that number. It is the duty of every member of the team to protect the establishment, its patrons, and employees from any and all perceived and real threating situations.

Rules and Regulations:

Guns, knives, Tasers, or any form of controlled substances will not be allowed to be brought in by any guests. Anybody who is found to have them will be escorted out of the building.

Va. ABC laws and regulations will be consistently enforced. Intoxicated patrons will not be served alcohol. If they cause a disturbance they will be escorted off premises. The restaurant is a smoke free establishment. Patrons who smoke in doors will be warned and then escorted out.

Access: Vehicular and pedestrian traffic will enter and exit from back side-parking space of premises.

Integration:

All staff will comply with local law enforcement in situations which involve police intervention. Peck and Pour will actively participate in the local businesses and business associations in order to facilitate communication to address any related issues that may develop in corridor.

Uniforms:

All security team members will be required to wear clothing clearly depicting Peck and Pour logo on the front of the garment along with the designation STAFF in large letters on the back so as to be clearly identified to patrons, law enforcement and emergency responders.

Personnel:

The security team utilized in accordance with the special exception requirements and will be structured as follows:

1 Security team leaders

1-2 Door security team Member(s)

1-2 Roving security team Member(s)

General Duties and Responsibilities:

Security team members will be trained to set up and control queuing in accordance with any floor plans approved through the city's special exception process. Team member will communicate and work together to maintain order on premise and outside in the immediate surroundings so as to prevent any activity which could interfere with the quiet enjoyment of nearby residents.

Security team members will coordinate with any personnel hired by owner to provide security outside premises. Team members will also be responsible for communicating wait times and cut offs for any prospective patron queuing up to gain entry.

Security team members will be trained and knowledgeable of each other's respective duties and responsibilities so as to be able to assist other team members when necessary.

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

Security Team Leader Responsibilities:

Supervise all other security team members and monitor member compliance with this security plan.

Enforce occupancy limits in accordance with any floor plans approved through the city's special exception process. The leader may rely on information about the occupancy from other members of the security team.

The security team leader reports directly to the General Manager

Rove entire venue during operating hours to ensure flow and maintenance of open aisles and clear pathways to exits

Liaison to state and city enforcement officers and emergency responders

Coordinate configuration of the floor plan on a daily basis under the direction of the General Manager and in accordance with any floor plans approved through the city's special exception process.

Provide or arrange security accompaniment for employees departing at the end of their shift

During emergency evacuation, ensure that all security team members are properly executing emergency duties and responsibilities.

Maintain CPR certification

Door Security Team Members:

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

Control access to the venue.

Check for proper identification of patrons seeking admission.

Enforce dress code, age limit, legitimacy of identification cards.

Enforce restrictions on contraband by employing one or more of the following techniques searching bags/purses, metal detector wands, walk through metal detectors.

Keep count of number of people entering and exiting establishment.

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

Maintain security presence in restroom corridor.

Maintain CPR certification.

Stationary and Roving Security Team Members.

Monitor continual compliance with VA ABC regulations.

Identify and address hazards as they arise throughout the facility.

Maintain security throughout the establishment.

Rove establishment during operating hours to ensure patron flow and maintenance of open isles and clear pathways to exits.

Regularly check emergency exits to ensure they are clear and accessible.

During emergency evacuation direct patrons to the clearest most accessible exit.

Maintain CPR certification.

Communication:

Flashlights will be provided to security team members. Handheld counters will be provided to door security team members to ensure an accurate occupancy count.

Electronic security:

The premise will be monitored by security cameras 24 hours a day. Cameras capable of recording at night will monitor the parking lot and adjacent area.

Emergency Evacuation Plan:

There are three emergency exits, face front, middle, and back side of the premises.

Door security team members will direct dining room patrons to the nearest available exit, either through the main entrance or the exit in front of building also servicing side and back of the building.

Door security team members will also be responsible for directing staff to the nearest available exit.

All building occupants will be directed to assemble across the building to await further instruction from emergency responders.

A copy of evacuation plan will be posted in establishment.

Simons, Matthew

From:	Straley, Matthew
Sent:	Wednesday, December 16, 2015 12:44 PM
To:	'info@ghentva.org'; 'Emily Birknes'; 'Ian_holder@ml.com'
Cc:	Whibley, Terry; Winn, Barclay; Wilson, Denise; Simons, Matthew
Subject:	new Planning Commission application - 1310 Colley Avenue
Attachments:	PeckNPour.pdf

Ms. Birknes and Mr. Holder,

Attached please find the application for a special exception to operate an entertainment establishment with alcoholic beverages at 1310 Colley Avenue.

The purpose of this request is to renew the existing entertainment special exception following its 18-month expiration.

The item is tentatively scheduled for the January 28, 2016 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

February 9, 2016

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

Subject: **Special Exception to add an additional drive-thru lane at 1205 N. Military Highway – Chick-fil-A**

Reviewed: _____ **Ward/Superward: 4/7**
Ronald H. Williams, Jr., Deputy City Manager

Approved: _____ **Item Number: R-5**
Marcus D. Jones, City Manager

I. **Staff Recommendation:** **Approval**.

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

III. **Request:** Special exception – commercial drive-through

IV. **Applicant:** **Chick-fil-A**

V. **Description:**
- The site is located on the west side of N. Military Highway, just north of Lowry Road.
- Granting this request will allow for an expansion of a previously approved drive-through restaurant, Chick-fil-A, from one drive-through lane to a double drive-through lane.

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:
- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: January 28, 2016

Executive Secretary: George M. Homewood, AICP, CFM

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

Staff Report	**Item No. 5**	
Address	**1205 N. Military Highway**	
Applicant	**Chick-fil-A**	
Request	**Special Exception**	**Amend a previously approved special exception to expand an existing commercial drive-through**
Property Owner	American Diabetes Association Pth. Corp. (c/o S.L. Nusbaum Realty Corp.)	
Site Characteristics	Site/Building Area	40,760 sq. ft./4,197 sq. ft.
	Future Land Use Map	Commercial
	Zoning	C-2 (Corridor Commercial)
	Neighborhood	JANAF
	Character District	Suburban
Surrounding Area	North	C-2: Broad Creek Shopping Center
	East	C-2: Farm Fresh grocery store and gas station
	South	C-2: Ruby Tuesday restaurant
	West	C-2: Broad Creek Shopping Center

A. Summary of Request

- The site is located on the west side of N. Military Highway, just north of Lowry Road.
- Granting this request will allow for an expansion of a previously approved drive-through restaurant, Chick-fil-A, from one drive-through lane to a double drive-through lane.

B. Plan Consistency

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

C. Zoning Analysis

i. General

- The use is permitted in the C-2 district by special exception.
- The site is located along a commercial corridor with no residential exposure.
- The conceptual plan submitted by the applicant demonstrates compliance with *Zoning Ordinance* standards for a commercial drive-through with two drive-through lanes.

	Proposed
Hours of Operation	6:30 a.m. until 10:00 p.m., Monday through Saturday

ii. Parking

Since no increase in indoor seating or square footage is being proposed for the establishment, no additional parking is required.

iii. Flood Zone

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

D. Transportation Impacts

No new trips are forecast related to the proposed addition of a second drive-through ordering lane at this existing restaurant.

E. Historic Resources Impacts

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

F. Public Schools Impacts

N/A

G. Impact on the Environment

- No environmental impacts are anticipated with the proposed additional drive-through lane.
- Over the past year there were no calls for police service.

H. Impact on Surrounding Area/Site

The site will be required to maintain compliance with the previously approved site plan.

I. Payment of Taxes

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

J. Civic League

Notice was sent to the Lake Taylor Civic League on December 16.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

L. Recommendation

Staff recommends **approval** of the special exception request, considering compliance with *Zoning Ordinance* requirements, subject to the conditions below:

(a) The site shall be generally designed in accordance with the conceptual site plan prepared by Bohler Engineering, undated, entitled, "Chick-fil-a Broad Creek Crossing," attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the building permit plan review processes.

(b) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.

(c) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.

(d) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(e) The property shall be kept in a clean and sanitary condition at all times.

Attachments

Location Map
Zoning Map
Application
Site Plan
Notice to the Lake Taylor Civic League

Proponents and Opponents

Proponents

Daniel Hines
Bohler Engineering
28 Blackwell Park Lane
Warrenton, VA 20186

Opponents

None

01/29/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A COMMERCIAL DRIVE-THROUGH FOR "CHICK-FIL-A" ON PROPERTY LOCATED AT 1205 NORTH MILITARY HIGHWAY.

- - -

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

Section 1:- That a Special Exception is hereby granted authorizing the operation of a Commercial Drive-Through for "Chick-Fil-A" on property located at 1205 North Military Highway. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 187 feet, more or less, along the western line of North Military Highway beginning 138 feet, more or less, from the northern line of Lowery Road and extending northwardly; premises numbered 1205 North Military Highway.

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

(a) The site shall be improved generally in accordance with the conceptual site plan prepared by Bohler Engineering, dated November 4, 2015, entitled "Chick-Fil-A; Broad Creek Crossing; Special Exception Plan," attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the building permit plan review processes.

(b) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.

(c) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as

amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.

(d) All bollards on the site shall be painted and maintained free of visible corrosion.

(e) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.

(f) The property shall be kept in a clean and sanitary condition at all times.

(g) The establishment shall maintain a current, active business license at all times while in operation.

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

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

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be

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

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

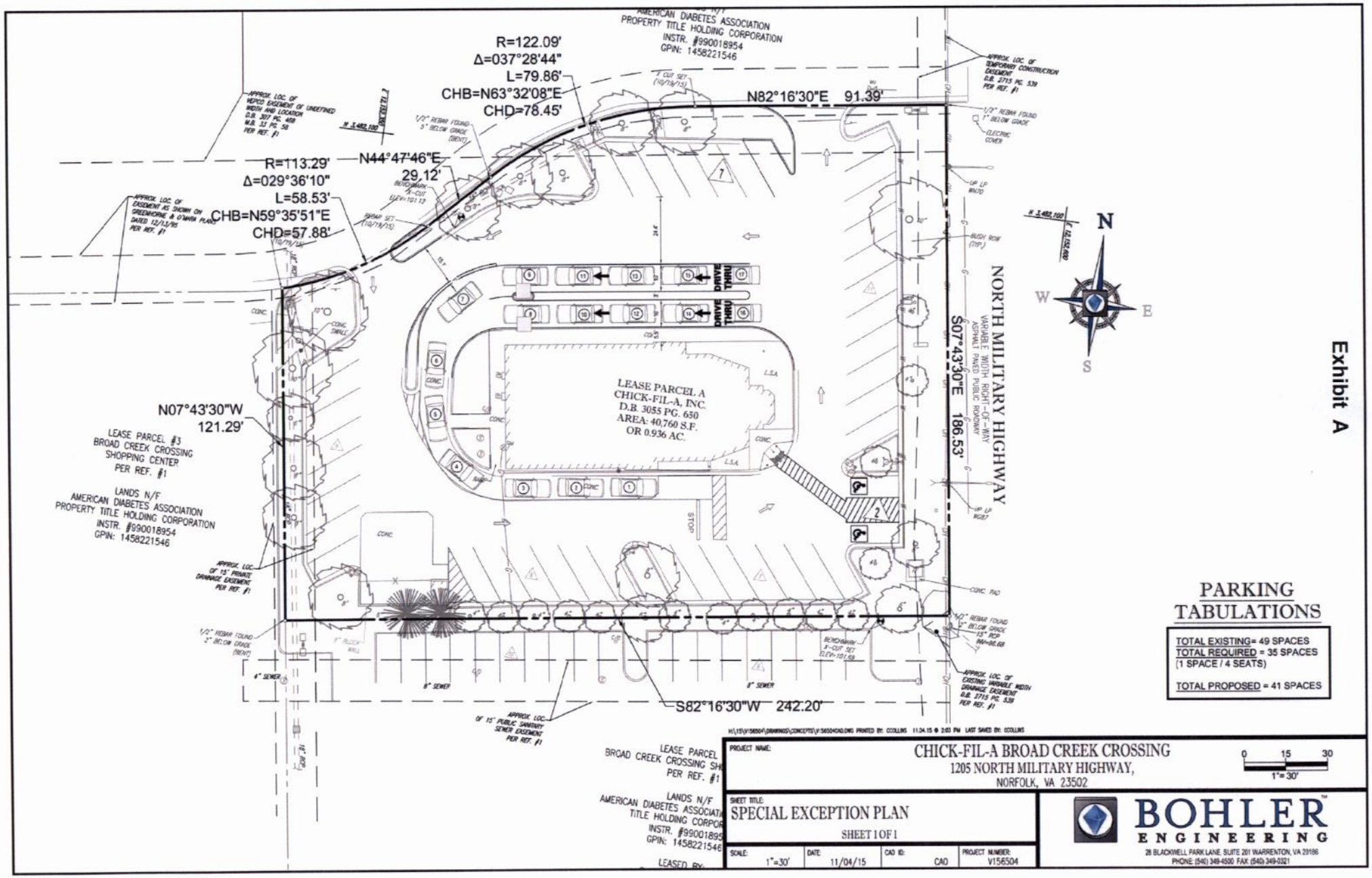
(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting the operation of a commercial drive-through on this property, adopted on April 28, 1998 (Ordinance No. 39,126). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

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

ATTACHMENT:
Exhibit A (1 page)

Exhibit A



PARKING TABULATIONS

TOTAL EXISTING= 49 SPACES
TOTAL REQUIRED = 35 SPACES
(1 SPACE / 4 SEATS)

TOTAL PROPOSED = 41 SPACES

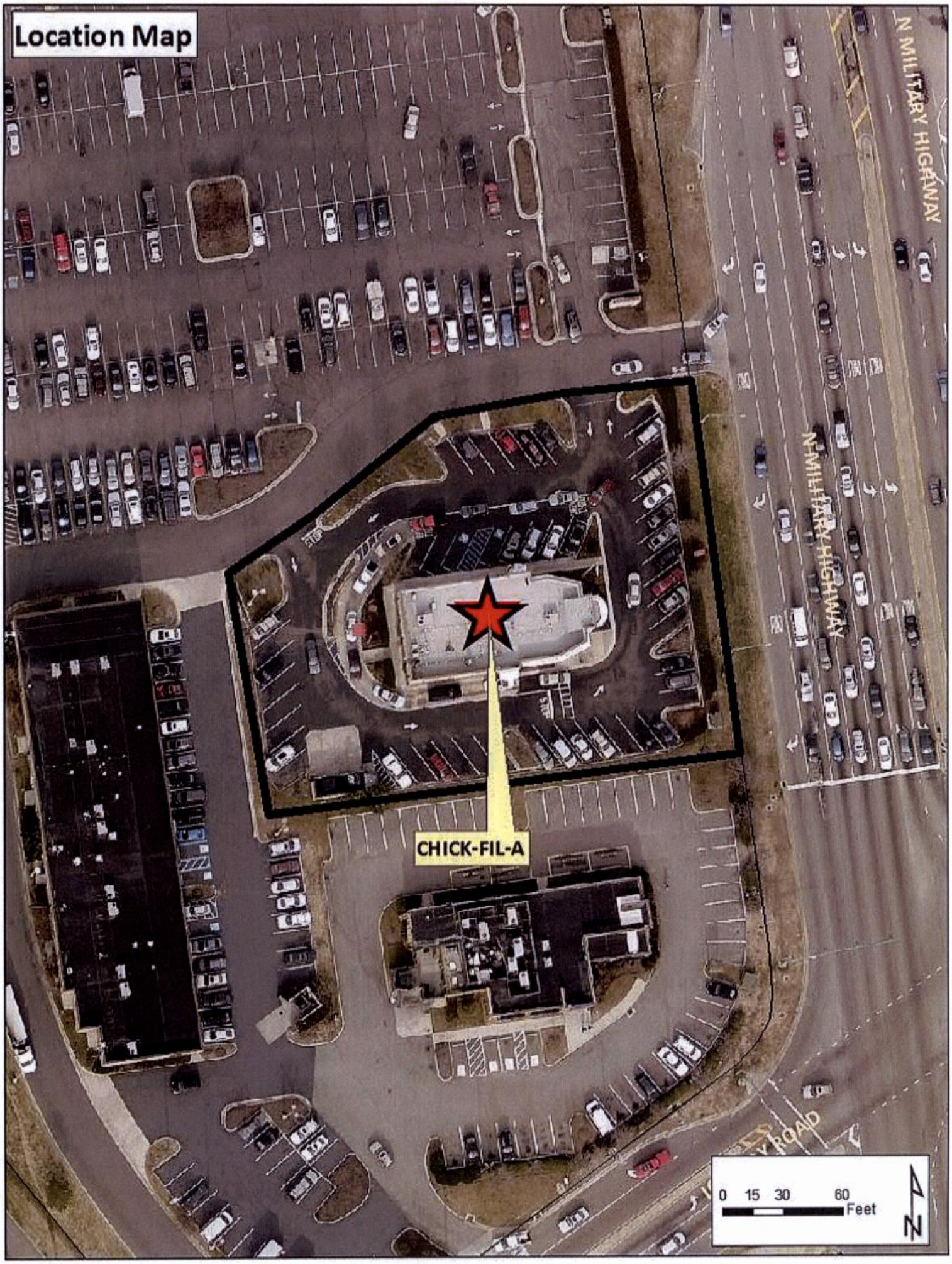
PROJECT NAME: CHICK-FIL-A BROAD CREEK CROSSING
1205 NORTH MILITARY HIGHWAY,
NORFOLK, VA 23502

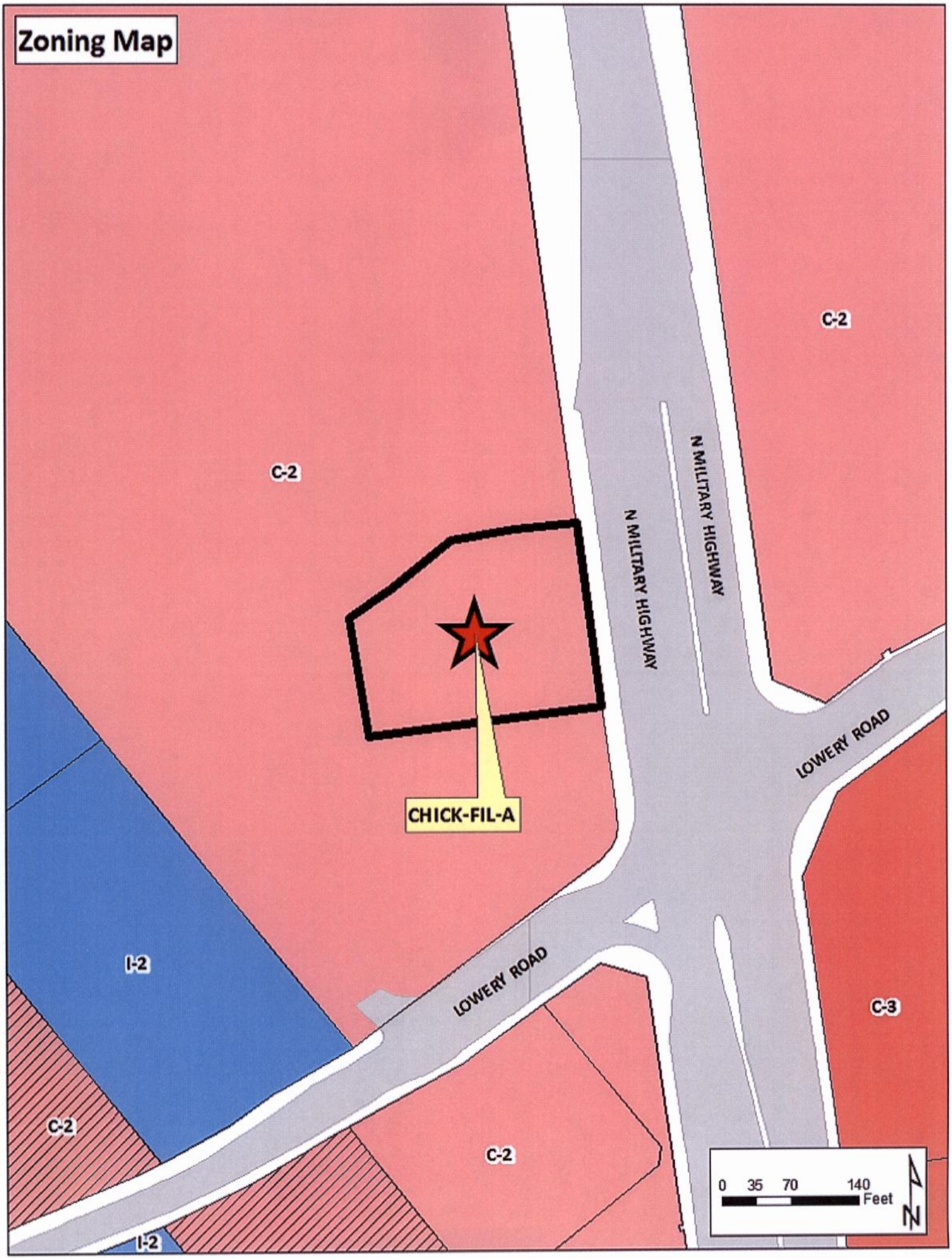
0 15 30
1"= 30'

SHEET TITLE: SPECIAL EXCEPTION PLAN
SHEET 1 OF 1

SCALE:	DATE:	CAD ID:	PROJECT NUMBER:
1"=30'	11/04/15	CAO	V156504

BOHLER ENGINEERING
26 BLACKWELL PARK LANE, SUITE 201 WARRENTON, VA 20186
PHONE (540) 349-4500 FAX (540) 349-0321


Location Map
N MILITARY HIGHWAY
N MILITARY HIGHWAY
CHICK-FIL-A
0 15 30 60
Feet
N


Zoning Map
C-2
C-2
N MILITARY HIGHWAY
N MILITARY HIGHWAY
CHICK-FIL-A
LOWERY ROAD
LOWERY ROAD
I-2
C-3
C-2
C-2
I-2
0 35 70 140
Feet
N

APPLICATION
SPECIAL EXCEPTION

Special Exception for: 2nd order point/drive-thru lane for an existing Chick-fil-A restaurant

Date of application: 11/5/15

DESCRIPTION OF PROPERTY

Property location: (Street Number) 1205 (Street Name) N. Military Highway

Existing Use of Property Chick-fil-A restaurant

Current Building Square Footage 4,197

Proposed Use

Chick-fil-A restaurant, no change in use is proposed.

Proposed Square Footage 4,197

Proposed Hours of Operation:

Weekday	From	6:30	To	10:00
Friday	From	6:30	To	10:00
Saturday	From	6:30	To	10:00
Sunday	From	CLOSED	To	CLOSED

Trade Name of Business (If applicable)

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

APPLICANT

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

1. Name of applicant: (Last) Foster (First) Evan (MI) J

Mailing address of applicant (Street/P.O. Box): 5200 Buffington Rd.

(City) Atlanta (State) GA (Zip Code) 30349

Daytime telephone number of applicant (770) 842-9758 Fax ( )

E-mail address of applicant: evan.foster@cfacorp.com

AUTHORIZED AGENT (if applicable)

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

2. Name of applicant: (Last) Hines (First) Daniel (MI) R

Mailing address of applicant (Street/P.O. Box): 28 Blackwell Park Lane Ste 201

(City) Warrenton (State) VA (Zip Code) 20186

Daytime telephone number of applicant (540) 349-4500 Fax (540) 349-0321

E-mail address of applicant: dhines@bohlereng.com

PROPERTY OWNER

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

3. Name of property owner: (Last) American Diabetes Assoc. (First) Attn: Rob Stanton (MI)

Mailing address of property owner (Street/P.O. box): c/o SL Nusbaum Realty Corp PO Box 2491

(City) Norfolk (State) VA (Zip Code) 23501

Daytime telephone number of owner (757) 640-5434 email: rstanton@slnusbaum.com

CIVIC LEAGUE INFORMATION

Civic League contact: Anthony Speight

Date(s) contacted:

Ward/Super Ward information: Lake Taylor

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: Evan Foster **Sign:** Evan D. Foster / 11 / 23 / 15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: DANIEL R. HINES **Sign:** 12 / 03 / 15
(Authorized Agent Signature) (Date)

CIVIC LEAGUE INFORMATION

Civic League contact: Anthony Speight

Date(s) contacted:

Ward/Super Ward information: Lake Taylor

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)

BY: AMERICAN DIABETES ASSOCIATION, OWNER
BY: S.L. NUSBAUM REALTY CORP, MANAGING AGENT "

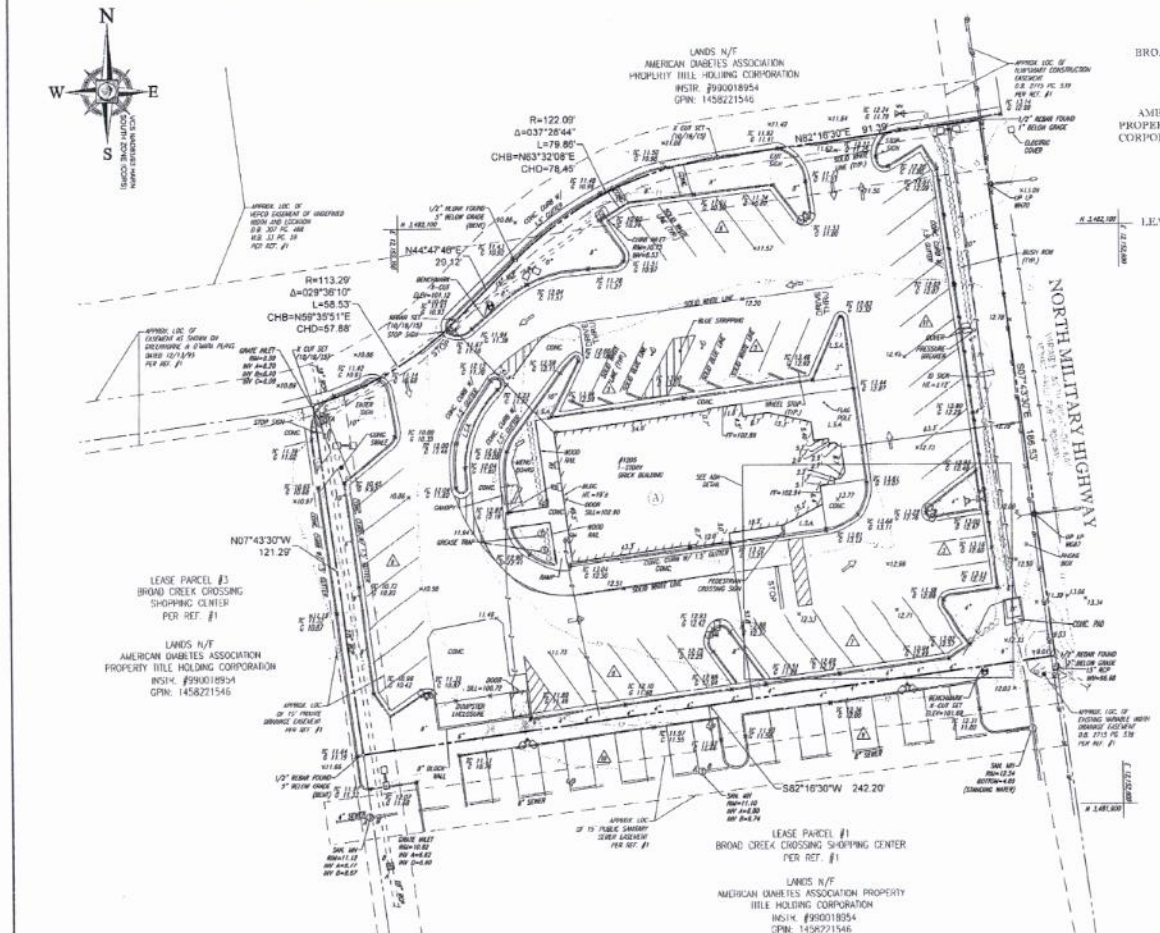
Print name: ROB STANTON **Sign:** _____/ 19 / 2015
~~(Applicant)~~ (Date)

ONLY NEEDED IF APPLICABLE:

Print name: ROB STANTON **Sign:** _____/ 11/19/15
(Authorized Agent Signature) (Date)

Rob Stanton is the owner representative for the subject parcel.

Thank you,
Bohler Engineering



(A)

LEASE PARCEL #2
BROAD CREEK CROSSING SHOPPING
CENTER
PER REF. #1

PART OF THE LANDS N/F
AMERICAN DIABETES ASSOCIATION
PROPERTY TITLE HOLDING
CORPORATION
INSTR. #990018954
GPIN: 1458221546

LEASED BY
CHICK-FIL-A, INC.
INSTR. # 150008642
LEASE AREA = 40,760 S.F. OR 0.936AC.

NOTES:

1. PROPERTY IS OUT PARCEL #2, BROAD CREEK CROSSING SHOPPING CENTER AND BEING THE LANDS OF AMERICAN DIABETES ASSOCIATION PROPERTY TITLE HOLDING CORPORATION AS RECORDED IN INSTRUMENT NUMBER #990018954, AND LEASED BY CHICK-FIL-A, INC. AS RECORDED IN INSTRUMENT NUMBER 150018642. ALL AMONG THE LAND RECORDS OF THE CITY OF NORFOLK, VIRGINIA AND HAVING A GPIN OF 1458-22-1546 PER THE DEPARTMENT OF ASSESSMENTS.

2. LEASE AREA = 40,760 SQUARE FEET OR 0.936 ACRES

3. LOCATION OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE. SOURCE INFORMATION FROM PLANS AND MARKINGS HAS BEEN COMBINED WITH OBSERVED EVIDENCE OF UTILITIES TO DEVELOP A VIEW OF THOSE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY.

UTILITIES ARE SHOWN PER FIELD LOCATION OF ABOVE GROUND STRUCTURE AND PLANS PROVIDED.

4. THIS SURVEY WAS PERFORMED IN THE FIELD ON THE GROUND UTILIZING THE REFERENCE MATERIAL AS LISTED HEREON AND DEPICTS BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS THEREON, ON OCTOBER 16, 2015, BY BOHLER ENGINEERING.

5. THIS PROPERTY MAY BE SUBJECT TO RESTRICTIONS, COVENANTS AND/OR EASEMENTS, WRITTEN OR IMPLIED. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

6. THE EXISTENCE OF UNDERGROUND STORAGE TANKS, IF ANY, WAS NOT KNOWN AT THE TIME OF THE FIELD SURVEY, HOWEVER, NO PHYSICAL INDICATIONS OF SUCH WERE FOUND AT THE TIME OF THE FIELD INSPECTION OF THIS SITE.

7. ELEVATIONS ARE BASED ON NAVD88 PER THE CITY OF NORFOLK CONTROL STATION GPS129A WITH A PUBLISHED ELEVATION OF 12.195 FEET.

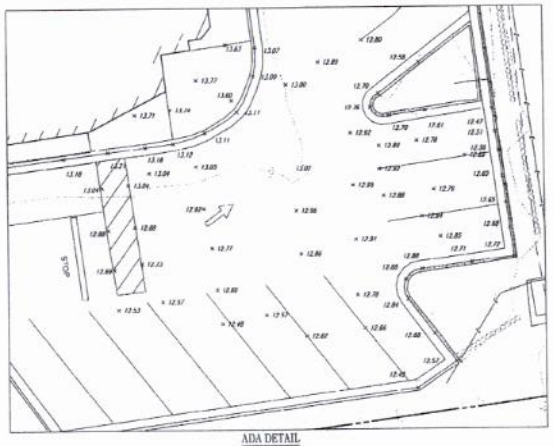
8. THE PROPERTY IS LOCATED IN OTHER AREAS ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER MAP ENTITLED "FIRM, FLOOD INSURANCE RATE MAP, CITY OF NORFOLK, VIRGINIA INDEPENDENT CITY, PANEL 145 OF 188", MAP NUMBER 5101040145F, WITH A MAP REVISED DATE OF SEPTEMBER 2, 2009.

9. ZONING C2 (CORRIDOR COMMERCIAL DISTRICT)
BUILDING SETBACKS
FRONT 10 FEET
SIDE 0 FEET
SIDE 0 FEET
REAR 0 FEET

ZONING INFORMATION IS PER CITY OF NORFOLK ZONING ORDINANCE AND SHOULD BE VERIFIED PRIOR TO USE TO CONFIRM IT REPRESENTS CURRENT INFORMATION.

10. PARKING COUNT
46 STANDARD SPACES
2 ADA SPACES
48 TOTAL SPACES

LOCATION MAP
COPYRIGHT 2002
DELORME STREET ATLAS 2004 PLUS USA
SCALE 1"=2000'



ADA DETAIL
SCALE 1" = 10'

LEGEND

	EXISTING CONTOUR		SIGN
X 123.45	EXISTING SPOT ELEVATION		BOLLARD
X TC 123.45	EXIST. TOP OF CURB ELEVATION		FENCE
X G 123.45	EXIST. GUTTER ELEVATION		LANDSCAPED AREA
	APPROX. LOC. UNDERGROUND GAS LINE		AREA LIGHT
	APPROX. LOC. UNDERGROUND WATER LINE		CLEAN OUT
	APPROX. LOC. UNDERGROUND ELEC. LINE		PAINTED ARROWS
	OVERHEAD WIRES		DENOTES PARKING SPACE COUNT
	ELECTRIC METER		BENCHMARK
	ELECTRIC BOX		TREE (SIZE AS NOTED)
	TRANSFORMER		UTILITY POLE
	SANITARY MANHOLE		HYDRANT
	STORM DRAIN MANHOLE		WATER VALVE
	GAS METER		TRANSFORMER
	GUY WIRE		

REFERENCES:

1. MAP ENTITLED "UTILITY PLAN FOR LEASE PARCELS 1, 2 AND 3 AND BROAD CREEK CROSSING PHASE 1 OF BROAD CREEK CROSSING SHOPPING CENTER" PREPARED BY LANDMARK SURVEYS, INC., DATED MARCH 4, 1998.

UTILITIES:
THE FOLLOWING COMPANIES WERE NOTIFIED BY DELMARVA MISS UTILITY SYSTEM 1-800-552-7001 AND REQUESTED TO MARK OUT UNDERGROUND FACILITIES AFFECTING AND SERVICING THIS SITE. THE UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS BASED UPON THE UTILITY COMPANIES RESPONSE TO THIS REQUEST. SERIAL NUMBER(S) A3259074S-00A

UTILITY COMPANY	PHONE NUMBER
CITY OF NORFOLK	(757) 823-1010
CITY OF NORFOLK	(757) 647-4793
COX COMMUNICATIONS	(757) 551-7211
DOMINION VA POWER	(804) 808-5840
LEVEL 3 COMMUNICATIONS	(877) 366-8344
CITY OF NORFOLK	(757) 802-3060
VA NATURAL GAS	(757) 551-7211
VA NATURAL GAS	(757) 551-7211
VERIZON	(804) 558-5640

SITE UTILITIES

SANITARY SEWER
CITY OF NORFOLK DEPARTMENT OF UTILITIES
400 GRANBY STREET
NORFOLK, VA 23510
TWANA
PHONE #: 757-664-6701

WATER
CITY OF NORFOLK DEPARTMENT OF UTILITIES
400 GRANBY STREET
NORFOLK, VA 23510
TWANA
PHONE #: 757-664-6701

STORM DRAINAGE
CITY OF NORFOLK PUBLIC WORKS OPERATIONS
2205 MCKANN AVENUE
NORFOLK, VA 23509
FLETA JACKSON (STORMWATER SPECIALIST)
PHONE #: 757-823-4006

GAS UTILITY
NATURAL GAS OF VIRGINIA
VICTORIA DUFFER
PHONE #: 757-455-5441

ELECTRIC
DOMINION VIRGINIA POWER
2700 CROMWELL ROAD
NORFOLK, VA 23509
PHONE #: 757-857-2372

TELEPHONE
VERIZON
WAYNE HIGGENBACKSH
PHONE #: 757-867-4099

1" = 20'

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN PERFORMED IN THE FIELD UNDER MY SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE, BELIEF, AND INFORMATION, THAT THIS SURVEY HAS BEEN PERFORMED IN ACCORDANCE WITH CURRENTLY ACCEPTED ACCURACY STANDARDS, THAT THE PROPERTY LINES AND RELATIONSHIP OF BUILDINGS AND OTHER STRUCTURES TO THE PROPERTY LINES AND THE LAND INDICATED HEREON IS CORRECT AND THAT THERE ARE NO ENCROACHMENTS OF BUILDINGS OR STRUCTURES ONTO SAID LAND EXCEPT AS SHOWN.
THE OFFSETS SHOWN HAVE BEEN USED FOR THE CONSTRUCTION OF ANY STRUCTURE, FENCE, PERMANENT EASEMENT, ETC.

ROBERT D. HARN, JR.
LIC. NO. 3111
901 VALIDATE SEALED

ROBERT D. HARN, JR.
VIRGINIA LICENSED PROFESSIONAL ENGINEER NO. 3111

10/20/15
DATE

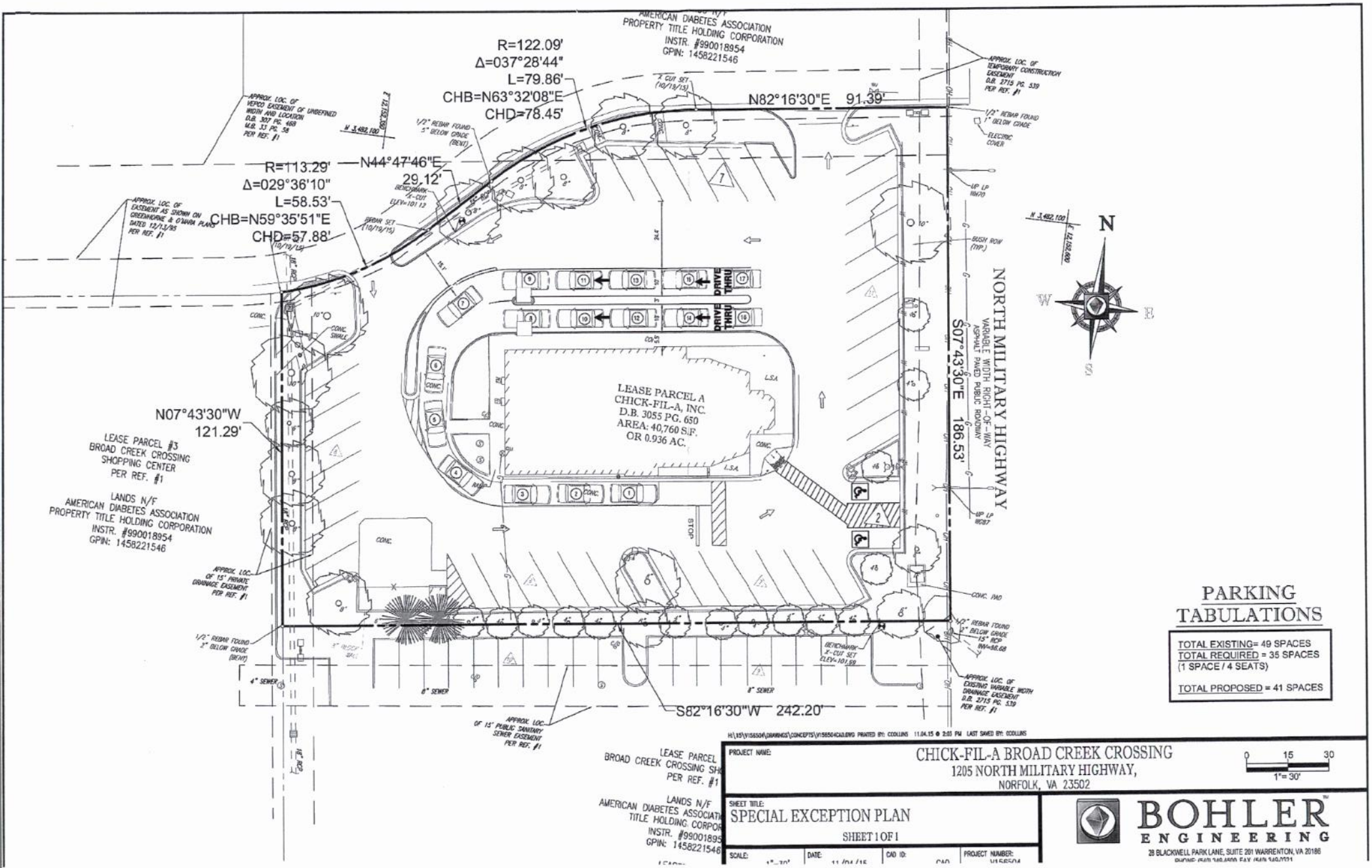
BOUNDARY & TOPOGRAPHIC SURVEY

CHICK-FIL-A, INC.
1205 NORTH MILITARY HIGHWAY
BROAD CREEK
CITY OF NORFOLK, VIRGINIA

BOHLER ENGINEERING

FILE NO.					
SV 150504					
SITE					
10/23/15					
FIELD DATE	CREW CHIEF	DRAWN	REVIEWED	APPROVED	SCALE	DWG. NO.
10/16/15	JW	BASSI	KAW	JSC	1"=20'	1 of 1

THIS PLAN CONTAINS ALL RIGHTS RESERVED
© 2015 BOHLER ENGINEERING, ALL RIGHTS RESERVED
THIS DOCUMENT, AND THE INFORMATION CONTAINED HEREIN, IS THE PROPERTY OF BOHLER ENGINEERING AND MAY NOT BE REPRODUCED OR TRANSMITTED IN WHOLE OR IN PART WITHOUT THE EXPRESS WRITTEN PERMISSION OF BOHLER ENGINEERING.



PARKING TABULATIONS

TOTAL EXISTING= 49 SPACES
TOTAL REQUIRED = 35 SPACES
(1 SPACE / 4 SEATS)

TOTAL PROPOSED = 41 SPACES

H:\15\V15550\DRAWINGS\CONCEPTS\V15550-CAD.DWG PLOTTED BY: CCOLLINS 11.04.15 @ 2:03 PM LAST SAVED BY: CCOLLINS

PROJECT NAME: CHICK-FIL-A BROAD CREEK CROSSING
1205 NORTH MILITARY HIGHWAY,
NORFOLK, VA 23502

0 15 30
1"= 30'

SHEET TITLE: SPECIAL EXCEPTION PLAN
SHEET 1 OF 1

SCALE:	DATE:	CAD ID:	PROJECT NUMBER:
1"=30'	11/04/15	CAD	V15550

BOHLER ENGINEERING
28 BLACKWELL PARK LANE, SUITE 201 WARRENTON, VA 20186
PHONE: (540) 349-4899 FAX: (540) 349-2031

Simons, Matthew

From:	Straley, Matthew
Sent:	Wednesday, December 16, 2015 11:16 AM
To:	laketaylorcivicleague@gmail.com
Cc:	Riddick, Paul; Williams, Angelia M.; Howard, Oneiceia; Simons, Matthew
Subject:	new Planning Commission application - 1205 N Military Highway
Attachments:	ChickfilA.pdf

Mr. Speight,

Attached please find the application for a special exception to operate a commercial drive-through at 1205 N. Military Highway.

The purpose of this request is to add a second drive-through lane to the existing restaurant.

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

February 9, 2016

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

Subject: **Special Exception to operate an entertainment establishment with alcoholic beverages at 2200 Colonial Avenue – The Muse Writers Center**

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

Ward/Superward: 2/6

Approved: _____
Marcus D. Jones, City Manager

Item Number: R-6

I. **Staff Recommendation: Approval**.

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

III. **Request: Special Exception to operate an entertainment establishment with alcoholic beverages**

IV. **Applicant: The Muse Writers Center**

V. **Description:**

	Proposed
Hours of Operation and hours for alcohol and Entertainment	9:00 a.m. until 12:00 midnight, seven days a week
Capacity	46 seats indoors 0 seats outdoors 49 total capacity
Entertainment	• 3 member live band • Literary Reading

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

Attachments:

- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: January 28, 2016

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Susan Pollock Hart, CFM

Staff Report	**Item No. 21**	
Address	**2200 Colonial Avenue, Suite 3**	
Applicant	**The Muse Writers Center**	
Request	**Special Exception**	**Entertainment establishment with alcoholic beverages**
Property Owner	Ghent Development Group, LLC	
Site Characteristics	Building/Space Area	39,065 sq. ft./2,707 sq. ft.
	Future Land Use Map	Commercial
	Zoning	C-2 (Corridor Commercial) and PCO-21st Street
	Neighborhood	Ghent Business District
	Character District	Traditional
Surrounding Area	North	C-2 & I-2 (Light Industrial): Norfolk Southern Railway
	East	C-2 & PCO-21st Street: Vacant retail space, hair salons
	South	C-2 & PCO-21st Street: BB&T Bank
	West	C-2 & PCO-21st Street: Aapecs Eye Care, Plaza del Sol

A. Summary of Request

- The site is located on the northeast corner of W. 22nd Street and Colonial Avenue in the Ghent Market Shoppes.
- The applicant proposes to relocate from the Chelsea neighborhood to 2200 Colonial Avenue in the bay next to the former Mambo Room.
- The applicant proposes to operate a literary center and would like to have events that are open to the public with alcoholic beverages.

B. Plan Consistency

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

C. Zoning Analysis

i. General

- The use is permitted in the 21st Street PCO district by special exception.

	Proposed
Hours of Operation and hours for alcohol and Entertainment	9:00 a.m. until 12:00 midnight, seven days a week
Capacity	46 seats indoors 0 seats outdoors 49 total capacity
Entertainment	• 3 member live band • Literary Reading

ii. Parking

The shopping center has more parking than is required so the conversion of this space from an office to an entertainment establishment would comply with parking standards.

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 this use will generate 191 new vehicle trips per day.
- Based upon ITE data, the prior office use on this site would be expected to generate 31 weekday trips while the proposed entertainment use would be expected to generate 222 trips on weekdays.

E. Historic Resources Impacts

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

F. Public School Impact

The site is located in the Larchmont Elementary School, Blair Middle School and Maury High School Districts.

G. Environmental Impacts

The entertainment establishment is located in a shopping center that is well landscaped, has a limited number of accesses from the right of way, and should not negatively impact the environment.

H. Surrounding Area/Site Impacts

- The entertainment establishment is located within a commercial shopping center, which abuts other commercial uses and railroad tracks to the north, and would not negatively impact the surrounding area.
- Over the past year there have been 36 calls for police service with one arrest made for suspicious behavior to the shopping center.

I. Payment of Taxes

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

J. Civic League

Notice was sent to the Ghent Neighborhood League and the Ghent Business Association on December 16.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

L. Recommendation

Staff recommends **approval** of the special exceptions subject to all of the following conditions:

(a) The hours of operation for the establishment and for entertainment shall be limited to 9:00 a.m. until 12:00 midnight, seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The seating for the establishment shall not be less than 44 seats indoors, no more than no seats outdoors, and the total occupant capacity, including employees, shall not exceed 49 people. The use authorized by this special

exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

(c) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B." Any tables, chairs, booths, stools or other movable furniture may be relocated provided that it remains only within the shaded areas, and the unshaded accesses, aisles, and other areas shown on the floor plans shall remain unobstructed.

(d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(e) Entertainment shall be limited to live bands having no more than 3 members and literary readings. No other form of entertainment is permitted.

(f) There shall be no dancing and no dance floor provided.

(g) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(h) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(i) The establishment shall maintain a current, active business license at all times while in operation.

(j) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(k) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted

within any restroom.

(l) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(m) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(n) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(o) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(p) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(q) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(r) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(s) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.

(t) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

Attachments

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
Notice to the Ghent Neighborhood League and the Ghent Business Association

Proponents and Opponents

Proponents

Michael Khandelwal
635 W. Princess Anne Road
Norfolk, VA 23517

Richard Levin
610 Pembroke Avenue
Norfolk, VA 23517

Opponents

01/26/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO OPERATE AN ENTERTAINMENT ESTABLISHMENT WITH ALCOHOLIC BEVERAGES KNOWN AS "THE MUSE WRITERS CENTER" ON PROPERTY LOCATED AT 2200 COLONIAL AVENUE, SUITE 3.

- - -

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

Section 1:- That a Special Exception is hereby granted to Michael Khandelwal authorizing the operation of an entertainment establishment with alcoholic beverages named "The Muse Writers Center" on property located at 2200 Colonial Avenue, Suite 3. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 270 feet, more or less, along the eastern line of Colonial Avenue and 365 feet, more or less, along the northern line of West 22nd Street; premises numbered 2200 Colonial Avenue, Suite 3.

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

(a) The hours of operation for the establishment, for the sale of alcoholic beverages, and for entertainment shall be limited to 9:00 a.m. until 12:00 midnight, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The seating for the establishment shall not be less than 44 seats indoors, shall not include any seats outdoors, and the total occupant capacity, including employees, shall not exceed 49 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

(c) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(e) Entertainment shall be limited to live bands having no more than three (3) members, poetry readings, and other literary readings. No other form of entertainment is permitted.

(f) There shall be no dancing and no dance floor provided.

(g) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(h) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(i) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(j) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by

sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.

(k) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(l) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(m) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(n) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall

perform this function.

(o) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(p) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.

(q) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code; and

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time.

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

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and

specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

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

ATTACHMENTS:
Exhibit A (5 pages)
Exhibit B (1 page)

Exhibit A

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

Date December 14, 2015

Trade name of business The Muse Writers Center

Address of business 2200 Colonial Ave. Suite #3, Norfolk, VA, 23517

Name(s) of business owner(s)* 501(c)3 nonprofit organization. Board list attached.

Name(s) of property owner(s)* Richard Levin

Name(s) of business manager(s)/operator(s) See board list.

Daytime telephone number (757) 818-9880

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

1. Proposed Hours of Operation: See attachment page.

We do not plan on selling alcohol.

Facility			~~Alcoholic Beverage Sales and~~ Entertainment (not sold)		
Weekday	From 9 a.m.	To 12 a.m.	Weekday	From ~~9 a.m.~~	To ~~12 a.m.~~
Friday	From 9 a.m.	To 12 a.m.	Friday	From 9 a.m.	To 12 a.m.
Saturday	From 9 a.m.	To 12 a.m.	Saturday	From 9 a.m.	To 12 a.m.
Sunday	From 9 a.m.	To 12 a.m.	Sunday	From 9 a.m.	To 12 a.m.

2. Type of ABC license applied for (check all applicable boxes):
   ☒ On-Premises ☐ Off-Premises (second application required)
   We will apply for ABC banquet special event licenses when needed.
3. Type of alcoholic beverage applied for:
   ☒ Beer ☒ Wine ☒ Mixed Beverage

   Mostly wine and beer; we might have a mixeed beverage special event.

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

Exhibit A – Page 2
Entertainment Establishment

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

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

   _____

   _____

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

   5a. If yes, why:

   _____

   _____

   5b. Which days of the week will there be a cover charge (circle all applicable days):
   None.

   Monday Tuesday Wednesday Thursday Friday
   Saturday Sunday

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

   6a. If yes, explain: Members-only parties, special fundraisers.

   _____

   _____

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

   7a. If yes, explain:

   _____

   _____

8. Will there ever be a minimum age limit?
   ☐ Yes ☒No Most of our events are for students 9-17.
   Our special events are open to all ages.

Exhibit A – Page 3
Entertainment Establishment

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

Please see below. We have been in operation for more than 10 years.

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

Signature of Applicant

Additional Information:

-For Board Member List, see next page.

-For question #1: We typically have 2-6 readings or events each month. Most of them are on Saturday and Sunday afternoons, but some are on Friday evenings or another weekday evening. We do not want to rule out flexibility in our scheduling. Also, our facility hours will mostly be open to members only.

General Information:

The Muse Writers Center has been recognized as one of the top literary centers in the nation and has become the literary hub of Norfolk and Hampton Roads.

In our new center, we anticipate hosting 10-25 events each year. We like to make our events open to the public to fulfill our charter as well as our obligations as a nonprofit arts and education organization. Our classes are only open to registered class members.

Types of repeating events include: Young Writers Readings (ages 9-11), Teen Readings (ages 12-17), and Teen Literary Open Mics (ages 12-17). They are usually 1 to 1-1/2 hours in length, and we will have 6-12 of these a year. They are usually in the afternoons on weekends. Also: Muse Jams (open to all, including poetry and music--nothing formal, not an open mic, more of a collaborative creation) on the second Friday evening of each month.

We only serve alcohol at a small number of special events, and we always get an ABC license for these. These include: Summer Party (a Friday evening in the summer, sometimes the same night as the Jam) and Winter Party (a Friday evening in December, sometimes the same night as the Jam). These are basically open houses. Other events (days/times vary) include: visiting author readings (1-4 a year) and a few special events.

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

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

1. Total capacity

   a. **Indoor**
   Number of seats (not including bar seats) 46
   Number of bar seats 0
   Standing room 0

   b. **Outdoor**
   Number of seats 0

   c. **Number of employees** 3

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 49

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

We will have student holiday parties, Muse Jams (which is a poetry reading plus music), other special literary events, but for the most part, our "entertainment" is poetry, fiction, & nonfiction readings.

3. Will a dance floor be provided?
   ☐ Yes ☒ No

   3a. If yes,
   Square footage of establishment _____
   Square footage of dance floor _____

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

The Muse Writers Center:
Members of the Board of Directors

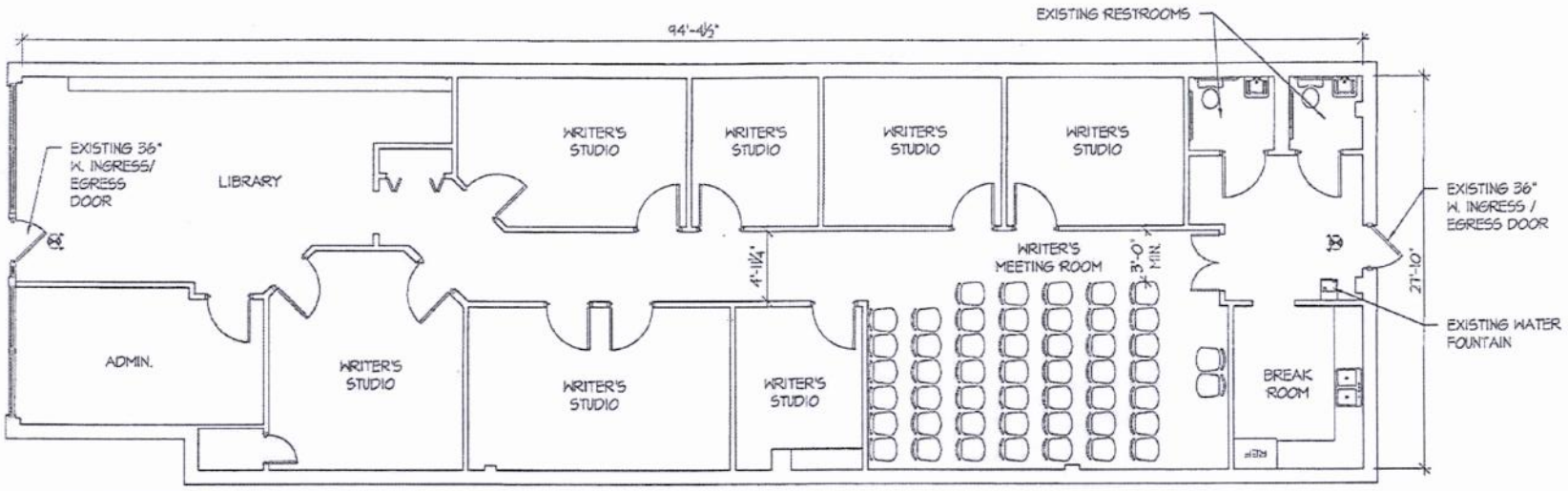
2015-17 class

Steve Burgess, Chairperson
Stephanie Catherines
Kathryn Copeland, Treasurer
Alicia Dekker, 2nd Vice Chairperson
Charles Hecht-Leavitt, 1st Vice Chairperson
Patti Hinson, Secretary
Michael Khandelwal, Executive Director
Dennis Bradford McMurran
Tim Seibles
Ann Sullivan

2016-18 class:

Kelly Sokol Avery
Ellen Bryson
Holly Chacon
Karen Corrigan
Lisa Grimes
Tommy Leeman
Richard Levin
Reeves W. Mahoney

Exhibit B



FLOOR PLAN

SCALE: 1/8" = 1'-0"

CODE COMPLIANCE

DRAWINGS + SPECIFICATIONS ARE INTENDED TO COMPLY WITH THE FOLLOWING CODES:
A. 2012 VIRGINIA UNIFORM STATEWIDE BUILDING CODE (VUSBC)
B. 2012 INTERNATIONAL BUILDING CODE

CONSTRUCTION TYPE: III-B, (NOT SPRINGLERED)
USE GROUP: B (NO CHANGE IN USE) - WRITER'S MEETING SPACE W/ LESS THAN 50 OCCUPANTS

ALLOWABLE HEIGHT AND AREA (PER IBC 2012 TABLE 503)
3 STORY- 14,000 S.F.
ACTUAL HEIGHT AND AREA
1 STORY- 2,587 S.F.

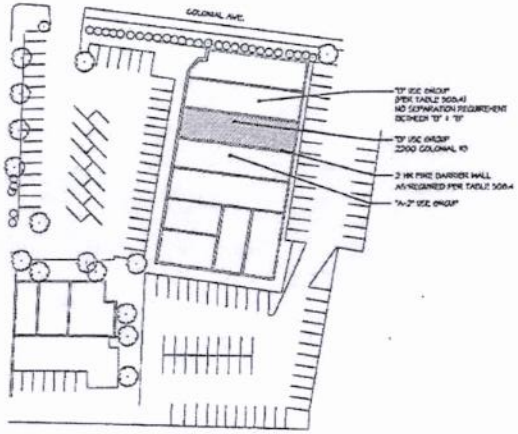
OCCUPANCY: 49 PERSONS (MAX)

PLUMBING FIXTURES:

	REQUIRED	PROVIDED
WATER CLOSETS	2	2
LAVATORIES	2	3
WATER FOUNTAIN	1	1

SCOPE OF WORK

TO ESTABLISH OCCUPANCY



KEY PLAN

N.T.S.

COMMONWEALTH OF VIRGINIA
12/4/2015
ROBYN J. THOMAS
No. 7487
ARCHITECT

ROBYN THOMAS ARCHITECTURE
912 W. 21st Street, Suite C
Norfolk, VA23517
Ofc: 757.622.7100
Fax: 757.640.1914

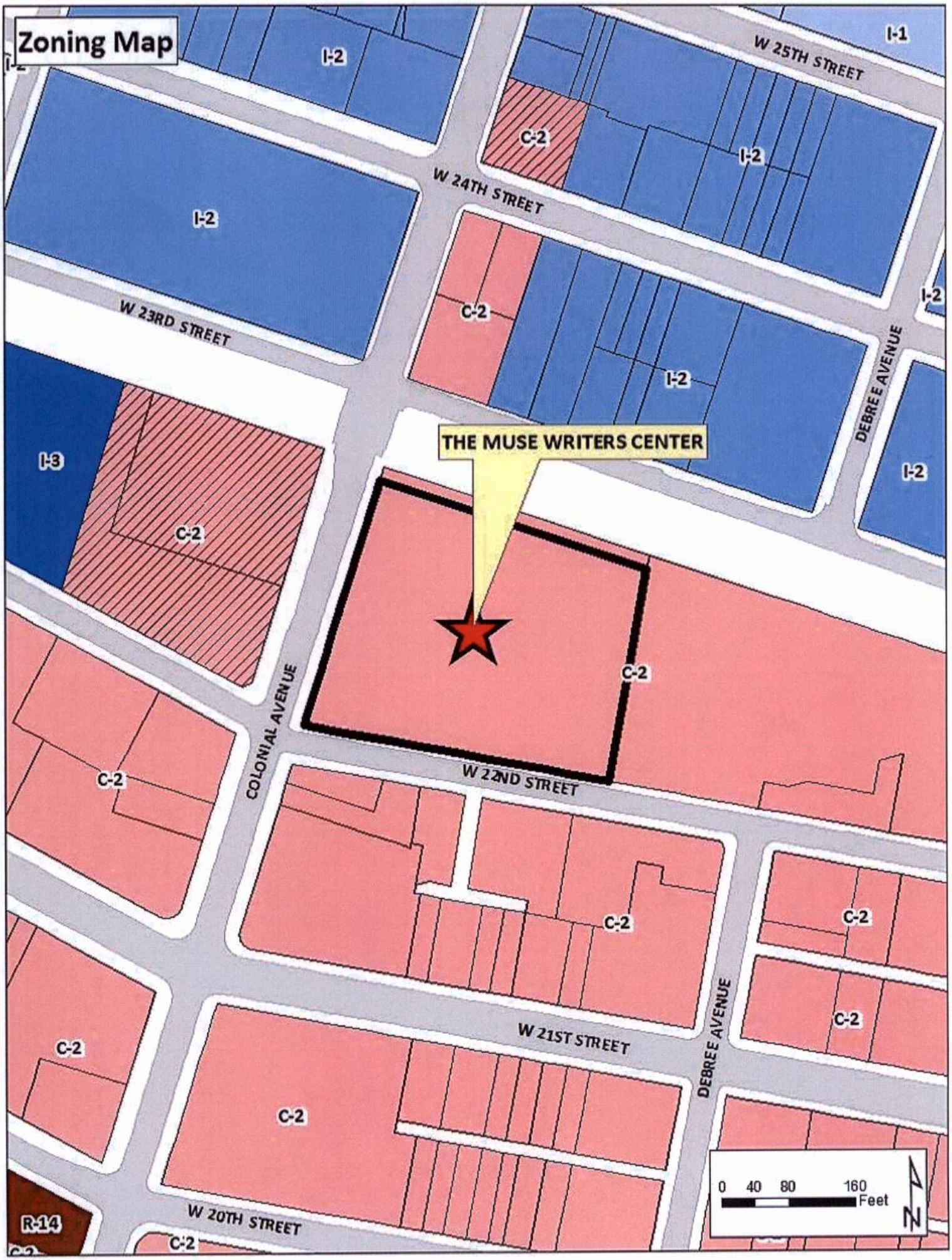
THE MUSE
2200 COLONIAL AVE. #3
NORFOLK, VIRGINIA

REVISIONS

△	DATE	COMMENTS

1 OF 1	
12/4/2015 DATE	A1
15-071 COMM. NO.	
DRAWN JRC	
CHECKED RJT	

Location Map
THE MUSE WRITERS CENTER
W 23RD STREET
COLONIAL AVENUE
W 22ND STREET
0 20 40 80
Feet
N


Zoning Map
I-2
I-1
W 25TH STREET
C-2
I-2
W 24TH STREET
I-2
I-2
W 23RD STREET
C-2
I-2
DEBREE AVENUE
I-3
THE MUSE WRITERS CENTER
I-2
C-2
C-2
COLONIAL AVENUE
W 22ND STREET
C-2
C-2
C-2
C-2
W 21ST STREET
DEBREE AVENUE
C-2
C-2
C-2
R-14
W 20TH STREET
C-2
0 40 80 160
Feet
N

Existing ABC Establishments &
Norfolk Public Schools Proximity Map
1000'
W 27TH STREET
W 26TH STREET
W 25TH STREET
GOSNOLD AVENUE
NEWPORT AVENUE
COLONIAL AVENUE
DEBREE AVENUE
W 24TH STREET
W 23RD STREET
W 22ND STREET
THE MUSE WRITERS CENTER
MANTEO STREET
W 21ST STREET
W 20TH STREET
WASHINGTON PARK
WASHINGTON PARK
WASHINGTON PARK
SPOTSWOOD AVENUE
SHIRLEY AVENUE
Norfolk Public School
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)

Date December 14, 2015

DESCRIPTION OF PROPERTY

Address 2200 Colonial Ave., Suite #3, Norfolk, VA, 23517

Existing Use of Property Last use was ReMax Office

Proposed Use Literary Center

Current Building Square Footage 2707.5 sq. feet

Proposed Building Square Footage N/A

Trade Name of Business (If applicable) The Muse Writers Center

APPLICANT

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

1. Name of applicant: (Last) Khandelwal (First) Michael (MI) Jon

Mailing address of applicant (Street/P.O. Box): 635 W. Princess Anne Rd.

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

Daytime telephone number of applicant (757) 625-0001 Fax ( ) N/A

E-mail address of applicant: michael@the-muse.org

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

Same as previous.

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) Levin (First) Richard (MI) G.

Mailing address of property owner (Street/P.O. box): Sam Segar & Associates, 315 Edwin Drive, Suite 103

(City) Virginia Beach (State) VA (Zip Code) 23462

Daytime telephone number of owner (757) 630-2342 email: richardglevin@gmail.com

CIVIC LEAGUE INFORMATION

Civic League contact: at the GBA: Ian Holder and Ted Enwright
at the GNL: Emily Birknes

Date(s) contacted: 11/5/15, 12/6/15, and other dates

Ward/Super Ward information: Ward: 2; Superward: 6

REQUIRED ATTACHMENTS

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

Print name: Richard Levin **Sign:** _____ 12 / 11 / 2015
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Michael Khandelwal **Sign:** _____ 12 / 14 / 2015
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: _____ **Sign:** Richard G Levin 12 / 11 / 2015
(Authorized Agent Signature) (Date)

The Muse Writers Center:
Members of the Board of Directors

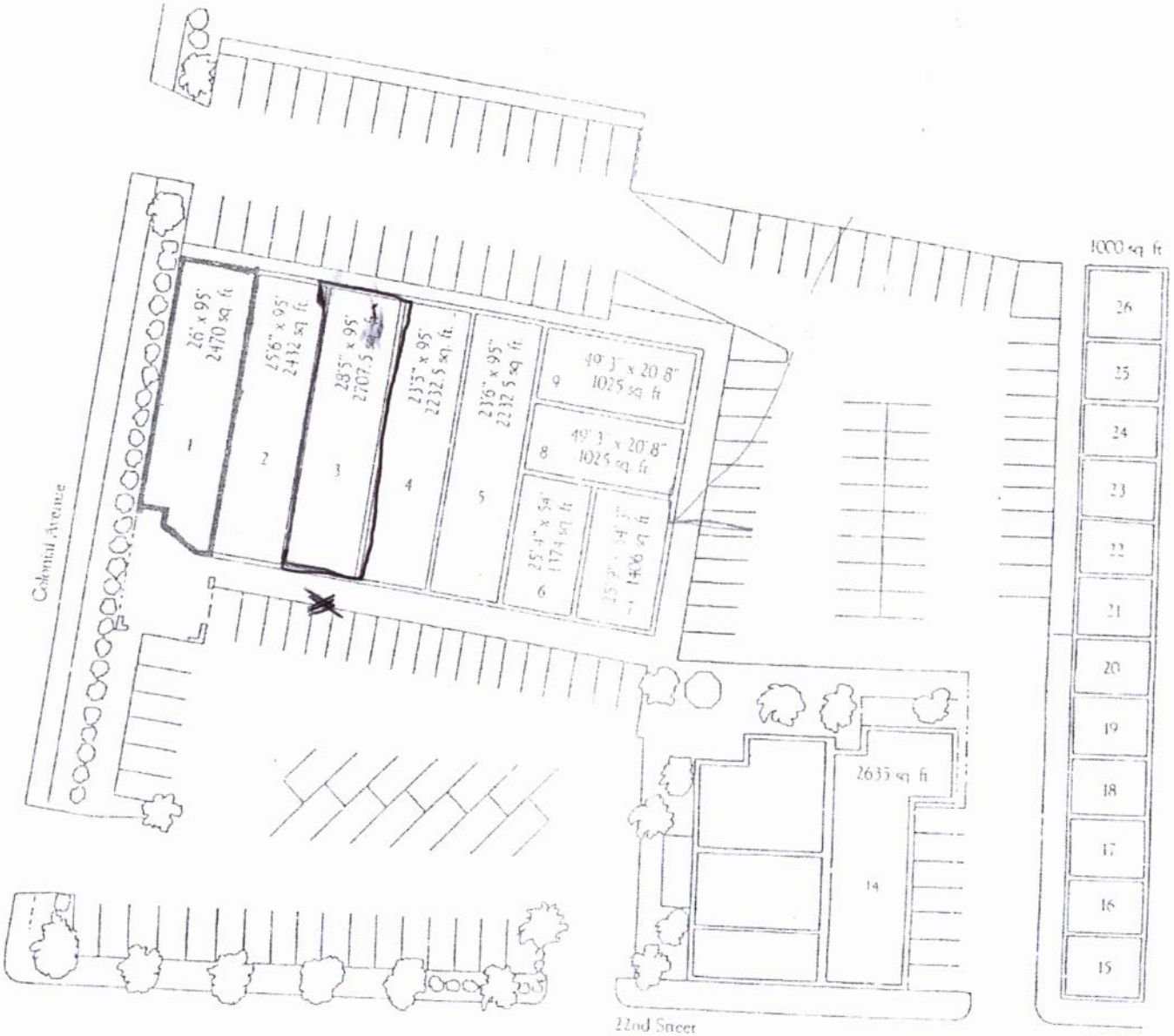
2015-17 class

Steve Burgess, Chairperson
Stephanie Catherines
Kathryn Copeland, Treasurer
Alicia Dekker, 2nd Vice Chairperson
Charles Hecht-Leavitt, 1st Vice Chairperson
Patti Hinson, Secretary
Michael Khandelwal, Executive Director
Dennis Bradford McMurran
Tim Seibles
Ann Sullivan

2016-18 class:

Kelly Sokol Avery
Ellen Bryson
Holly Chacon
Karen Corrigan
Lisa Grimes
Tommy Leeman
Richard Levin
Reeves W. Mahoney

GHENT MARKET SHOPPES



Simons, Matthew

From:	Straley, Matthew
Sent:	Wednesday, December 16, 2015 12:54 PM
To:	'info@ghentva.org'; 'Emily Birknes'; 'Ian_holder@ml.com'
Cc:	Whibley, Terry; Winn, Barclay; Wilson, Denise; Pollock, Susan
Subject:	new Planning Commission application - 2200 Colonial Avenue, Suite 3
Attachments:	TheMuseWriters.pdf

Ms. Birknes and Mr. Holder,

Attached please find the application for a special exception to operate an entertainment establishment without alcoholic beverages at 2200 Colonial Avenue, Suite 3.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Susan Pollock Hart at (757) 664-4765, susan.pollock@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

Ghent Business Association

January 19, 2016

City Council
City of Norfolk
City Hall
Norfolk, VA 23510

To whom it may concern,

The GBA would like to express its support for the request for special exceptions by The Muse Writers Center. This is exactly the kind of establishment that fits perfectly in our diverse neighborhood and business district.

Sincerely,

Ted Enright
Corresponding Secretary
Development Committee Chairman
Ghent Business Association

P.O. Box 11571 • Norfolk, VA 23517

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

February 9, 2016

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

Subject: **Special Exceptions to operate an entertainment establishment and sell alcoholic beverages for off-premises consumption at 244 Granby Street, Suite 244 – Tap It Local**

Reviewed: _____ **Ward/Superward: 2/6**
Ronald H. Williams, Jr., Deputy City Manager

Approved: _____ **Item Number: R-7**
Marcus D. Jones, City Manager

I. **Staff Recommendation: Approval.**

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

III. **Request:** Special Exceptions to operate an entertainment establishment and sell alcoholic beverages for off-premises consumption.

IV. **Applicant: Tap It Local**

V. **Description:**

- The site is located on the northeast corner of East Tazewell Street and Granby Street.
- Granting this request will allow a new entertainment establishment, Tap it Local, to serve alcoholic beverages for both on and off-premises consumption to its patrons in a space previously occupied by AJ Gator's.
    - AJ Gator's was granted a special exception for an entertainment establishment in 2002.
- The applicant proposes to sell and fill 32 and 64 ounce growlers for off-premises consumption.

Staff point of contact: Chris Blough at 664-6771, Christopher.blough@norfolk.gov

Attachments:

- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinances

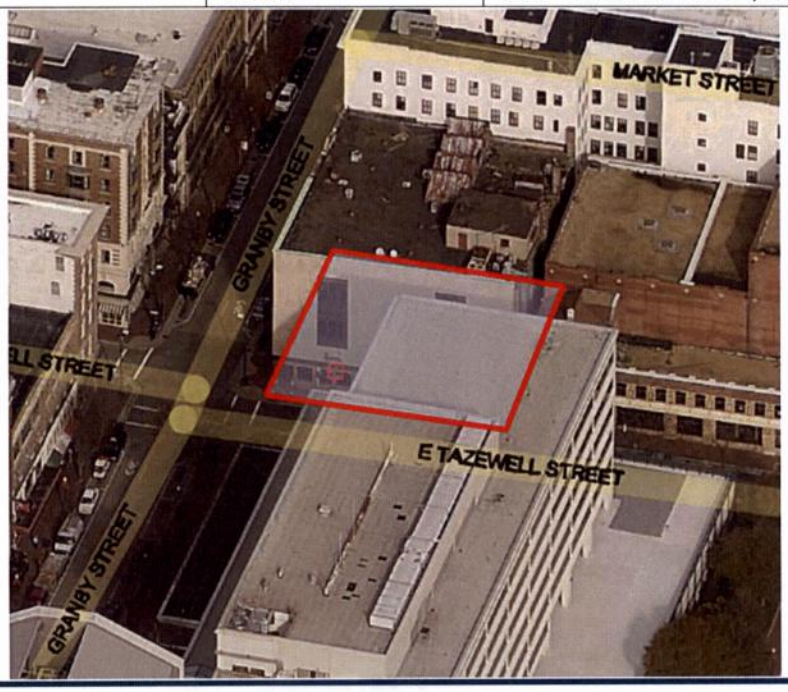
THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: January 28, 2016

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Chris Blough CB

Staff Report	**Item No. 16**	
Address	**244 Granby Street, Suite 244**	
Applicant	**Tap It Local**	
Request	**Special Exception**	**a. Entertainment Establishment** **b. Sale of Alcoholic Beverages for Off-Premises Consumption**
Property Owner	Leans Partnership	
Site Characteristics	Building Area/Space	9,096 sq. ft./4,600 sq. ft.
	Future Land Use Map	Downtown
	Zoning	D-3 (Freemason/Granby Conservation and Mixed Use District) and HO-D (Downtown Historic Overlay District
	Neighborhood	Downtown
	Character District	Downtown
Surrounding Area	North	D-3: Vacant Harry's Barbecue Space
	East	D-3: Wells Theatre
	South	D-3: Norfolk Federal Building
	West	D-3: Tazewell Hotel, Luce, Juicebar Juices



A. Summary of Request

- The site is located on the northeast corner of East Tazewell Street and Granby Street.
- Granting this request will allow a new entertainment establishment, Tap it Local, to serve alcoholic beverages for both on and off-premises consumption to its patrons in a space previously occupied by AJ Gator's.
    - AJ Gator's was granted a special exception for an entertainment establishment in 2002.
- The applicant proposes to sell and fill 32 and 64 ounce growlers for off-premises consumption.

B. Plan Consistency

The proposed special exceptions are consistent with *plaNorfolk2030*, which designates this site as downtown.

C. Zoning Analysis

i. General

- The site is located in the D-3 district, which permits the proposed use by special exception.

	Previous (AJ Gator's)	Proposed (Tap It Local)
Hours of Operation and Hours for the Sale of Alcoholic Beverages	11:00 a.m. until 2:00 a.m., Seven Days a Week	Same
Hours for the Sale of Alcoholic Beverages for Off-Premises Consumption	N/A	11:00 a.m. until 12:00 midnight
Capacity	150 total capacity	147 seats indoors 0 seats outdoors 225 total capacity
Entertainment	• Karaoke • Acoustical Music • Video Games • Pool Tables • Golf Game • Trivia Games • Children's Games	• 5 member live band • Karaoke • Video Games • Pool Tables • Golf Game • Children's Games

- Special Exception history:

City Council Approval	Applicant	Request
2002	AJ Gator's	Entertainment establishment and Commercial recreation center
Pending	Tap It Local	• Entertainment establishment • Sale of alcoholic beverages for off-premises consumption

ii. Parking
The site is located within the D-3 zoning district, which does not require off-street parking.

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 figures estimate that this new restaurant will generate 14 fewer vehicle trips per day by decreasing total indoor seating at this location by 3 seats below currently approved levels.

E. Historic Resources Impacts
- The building is located within the Downtown Historic Overlay District and is a contributing structure within a federal and state designated historic district.
- Any modifications to the exterior of the building shall be subject to the Architectural Review Board for review and approval.

F. Public Schools Impacts
This site is located within the Tidewater Park Elementary School, Blair Middle School, and Maury High School Attendance Zones.

G. Environmental Impacts
- There are currently no opportunities for landscaping site improvements to this existing site.
  - There were 14 calls for service made to the site over the past year, with no arrests made.

H. Surrounding Area/Site Impacts
By requiring this use to conform to the conditions listed below, the proposed entertainment establishment should not have a negative effect on the surrounding neighborhood.

I. Payment of Taxes

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

J. Civic League

The application was sent to Downtown Norfolk Council and the Downtown Norfolk Civic League on December 16.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

L. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

Entertainment Establishment Conditions:

(a) The hours of operation for the establishment, for the sale of alcoholic beverages for on-premises consumption, and for entertainment shall be limited to 11:00 a.m. until 2:00 a.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The seating for the establishment shall not exceed 147 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 225 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

(c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(d) Entertainment shall be limited to live bands having no more than 5 members, acoustic music, and karaoke. No other form of entertainment is permitted.

(e) There shall be no dancing and no dance floor provided.

(f) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(g) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(h) The establishment shall maintain a current, active business license at all times while in operation.

(i) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(j) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(k) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(l) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(m) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(n) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(o) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(p) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(q) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(r) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(s) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.

(t) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(u) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 169 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(v) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Sale of Alcoholic Beverages for Off-Premises Consumption - Conditions

(a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 11:00 a.m. until 12:00 a.m., seven days a week.

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

(c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.

(d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.

(e) Beer shall be sold only in growler containers, either sold on-premises or provided by the customer for refill, which are exclusively produced in bottles of 32 ounces or greater. No wine shall be sold or refilled in containers less than 375 ml each.

(f) The facility shall maintain a current, active business license at all times while in operation.

(g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a

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

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

(j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
Notice to the Downtown Norfolk Council and Downtown Norfolk Civic League

Proponents and Opponents

Proponents

Rick Henn
1400 Granby Street
Norfolk, VA 23510

Opponents

01/25/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT WITH ALCOHOLIC BEVERAGES KNOWN AS "TAP IT LOCAL" ON PROPERTY LOCATED AT 244 GRANBY STREET.

- - -

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

Section 1:- That a Special Exception is hereby granted to Granby Street Sports Bar, Inc. authorizing the operation of an entertainment establishment with alcoholic beverages named "Tap It Local" on property located at 244 Granby Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 96 feet, more or less, along the northern line of East Tazewell Street and 100 feet, more or less, along the eastern line of Granby Street; premises numbered 244 Granby Street, Suite 244.

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

(a) The hours of operation for the establishment, for the sale of alcoholic beverages for on-premises consumption, and for entertainment shall be limited to 11:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The seating for the establishment shall not be less than 135 seats indoors, shall not include any seats outdoors, and the total occupant capacity, including employees, shall not exceed 225 people.

(c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the

operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(d) Entertainment shall be limited to live bands having no more than five (5) members and karaoke. No other form of entertainment is permitted.

(e) There shall be no dancing and no dance floor provided.

(f) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(g) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(h) The establishment shall maintain a current, active business license at all times while in operation.

(i) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(j) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(k) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent

to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(l) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(m) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(n) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(o) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(p) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter

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

(q) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(r) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(s) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.

(t) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(u) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 169 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(v) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

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

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

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent

real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exceptions permitting entertainment establishments on this property, adopted on March 14, 1989 (Ordinance No. 35,417) and on May 14, 2002 (Ordinance No. 40,685). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

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

ATTACHMENTS:
Exhibit A (5 pages)
Exhibit B (3 pages)

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

Date 12/10/15

Trade name of business TAP IT LOCAL

Address of business 244 GRANBY STREET

Name(s) of business owner(s)* CHRIS McGRATH, ASHLEY McGRATH, Granby Sports Bar, LLC, ROONEY ROUNTREE, JEFF SHARER, AL ZULLOWS

Name(s) of property owner(s)* LEING PARTNERSHIP LLC, BARRY ORLEANS, ROY ORLEANS

Name(s) of business manager(s)/operator(s) CHRIS McGRATH, ASHLEY McGRATH

Daytime telephone number (757) 510-6200

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

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales and Entertainment		
Weekday	From 11 AM	To 2 AM	Weekday	From 11 AM	To 2 AM
Friday	From 11 AM	To 2 AM	Friday	From 11 AM	To 2 AM
Saturday	From 11 AM	To 2 AM	Saturday	From 11 AM	To 2 AM
Sunday	From 11 AM	To 12 AM	Sunday	From 11 AM	To 12 AM

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

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

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

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

   4a If yes, please describe type and number of each game to be provided:
   2 POOL TABLES, 1 GOLF GAME

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

   5a. If yes, why:

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

   Monday Tuesday Wednesday Thursday Friday
   Saturday Sunday

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

   6a. If yes, explain: GOLF GROUPS, BIRTHDAYS ETC.

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

   7a. If yes, explain:

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

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

I HAVE BEEN IN THE RESTAURANT BUSINESS 22 YEARS
AS AN OWNER OPERATOR

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

Signature of Applicant

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

No Entertainm

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

1. Total capacity

   a. **Indoor**
   Number of seats (not including bar seats) 129
   Number of bar seats 18
   Standing room 63

   b. **Outdoor**
   Number of seats 0

   c. **Number of employees** 15

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 225

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

   None

3. Will a dance floor be provided?
   ☐ Yes ☒ No

   3a. If yes,
   Square footage of establishment _____
   Square footage of dance floor _____

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

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

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

Entertainment Plan

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

1. Total capacity

   a. **Indoor**
   Number of seats (not including bar seats) 117
   Number of bar seats 18
   Standing room 63
   5 member band

   b. **Outdoor**
   Number of seats 0

   c. **Number of employees** 15

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 218

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

5 member LIVE BANDS, ACOUSTIC MUSIC, KARAOKE

3. Will a dance floor be provided?
   ☐ Yes ☒ No

   3a. If yes,
   Square footage of establishment _____
   Square footage of dance floor _____

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

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
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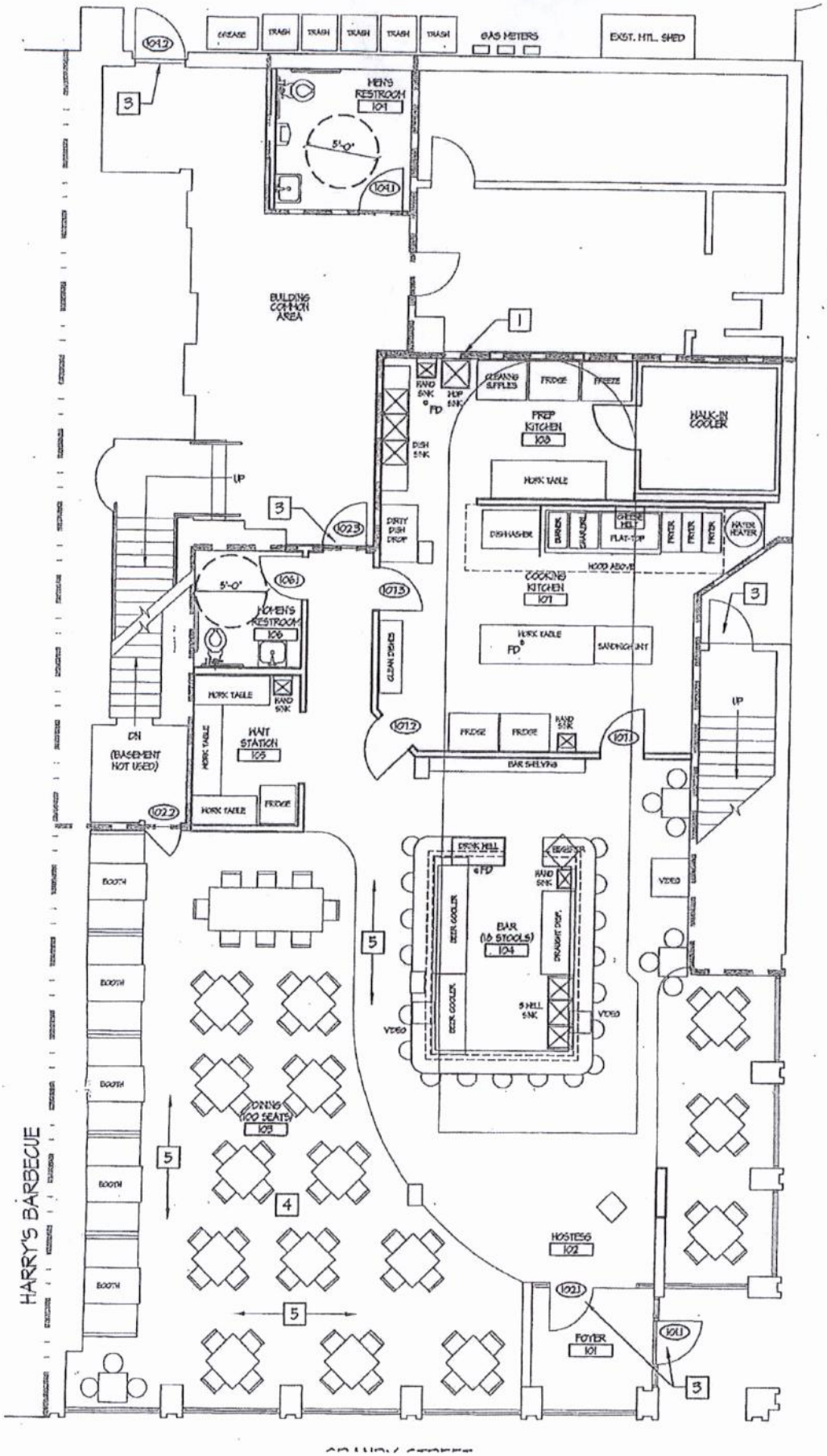
(Revised January 2015)

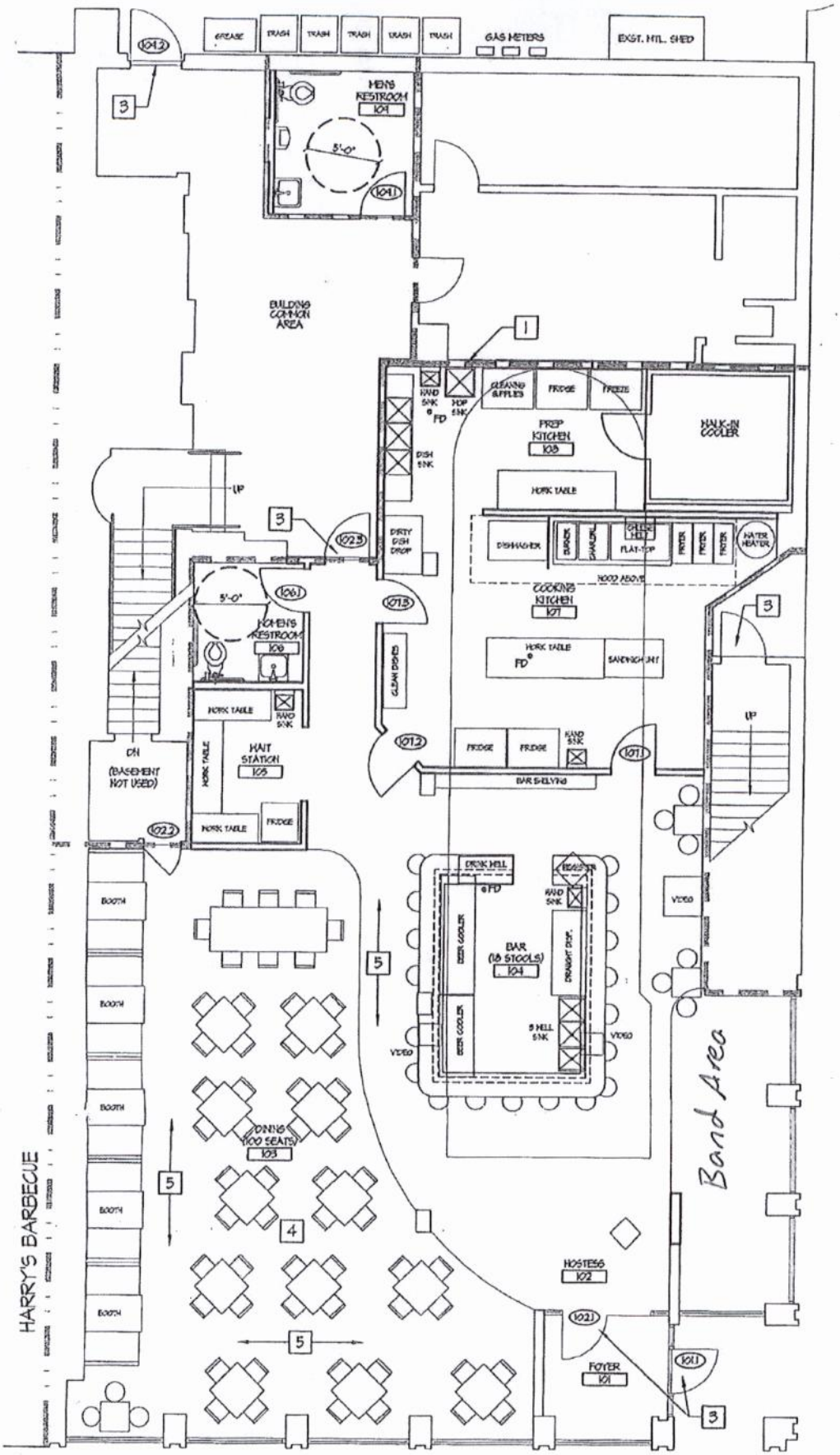
Exhibit B



CODE, ACCESSIBILITY, FURNITURE
FIRST FLOOR / FURNITURE PLAN

1/8" = 1'-0"

1
A1.02

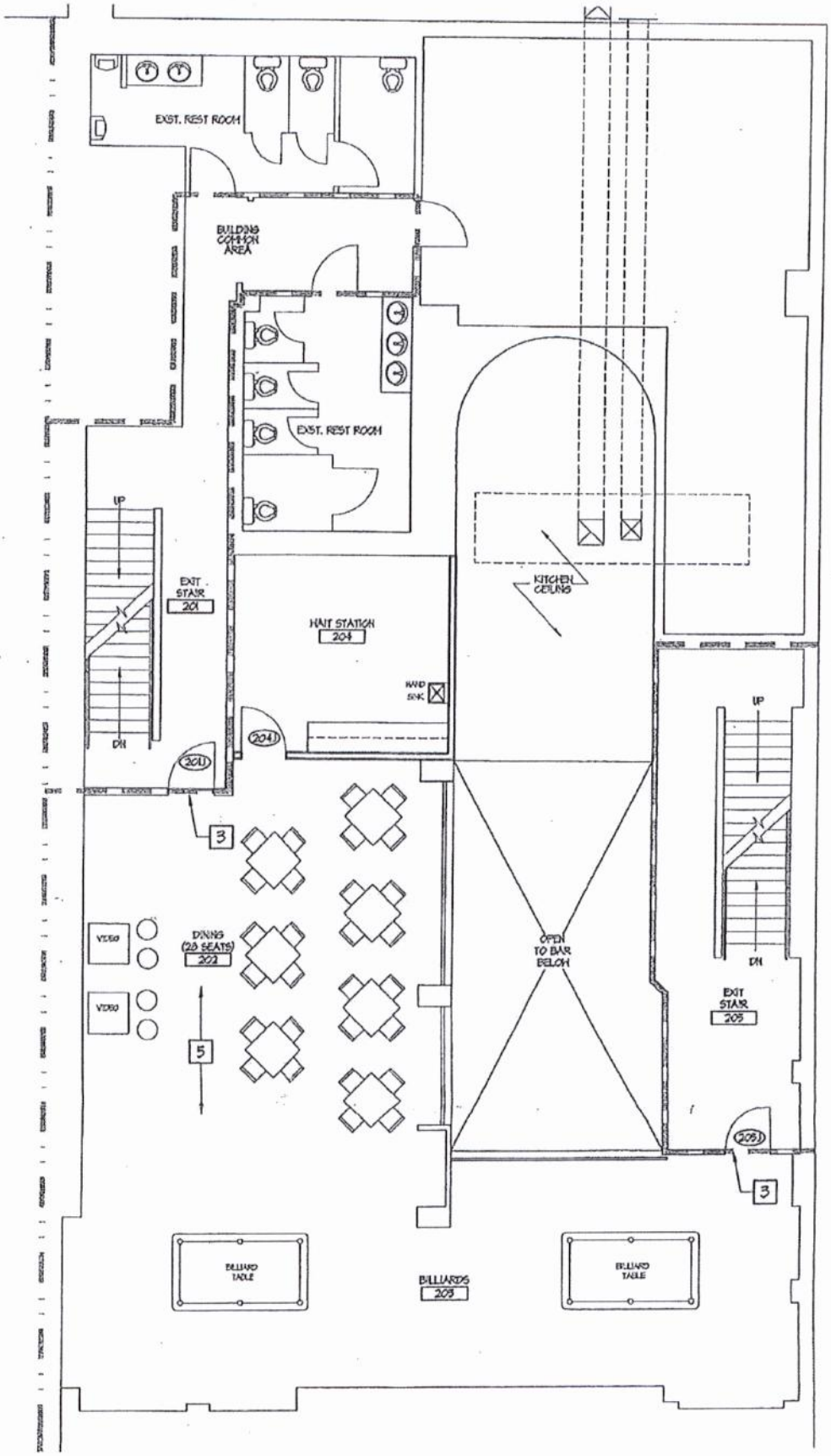


CODE, ACCESSIBILITY, FURNITURE
FIRST FLOOR / FURNITURE PLAN

1/8" = 1'-0"

1
A1.02

Mezzanine



CODE, ACCESSIBILITY, FURNITURE
SECOND FLOOR / FURNITURE PLAN

1/8" = 1'-0"

2
A1.02

01/25/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "TAP IT LOCAL" ON PROPERTY LOCATED AT 244 GRANBY STREET.

- - -

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

Section 1:- That a Special Exception is hereby granted to Granby Street Sports Bar, Inc. authorizing the sale of beer and wine for off-premises consumption at an establishment known as "Tap It Local" on property located at 244 Granby Street. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 96 feet, more or less, along the northern line of East Tazewell Street and 100 feet, more or less, along the eastern line of Granby Street; premises numbered 244 Granby Street, Suite 244.

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

(a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 11:00 a.m. until 12:00 a.m., seven days a week. No alcoholic beverages shall be sold for off-premises consumption outside the hours listed herein.

(b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception

is granted showing the new owner, whichever is earlier.

(c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.

(d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.

(e) No refillable containers or containers that are filled one time, on site, and which have less than 32 oz. capacity shall be sold. No wine shall be sold in containers less than 375 ml each.

(f) The facility shall maintain a current, active business license at all times while in operation.

(g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times

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

(j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

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

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

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities,

drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

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

ATTACHMENT:
Exhibit A (2 pages)

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

Date of Application: 12/10/15

Name of business: Tap It Local

Address of business: 244 Granby Street

Name(s) of business owner(s)*: Chris McGrath, Ashley McGrath, Rodney Rountree, Granby Street Sports Bar, Inc. Al Zuhars, Jeff Shirer

Name(s) of property owner(s)*: Barry Orleans, Roy Orleans Leans Partnership

Name(s) of business manager(s)/operator(s): Chris McGrath, Ashley McGrath

Daytime telephone number (757): 510-6200

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

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales		
Weekday	From 11 AM	To 2 AM	Weekday	From 11 AM	To 12 AM
Friday	From 11 AM	To 2 AM	Friday	From 11 AM	To 12 AM
Saturday	From 11 AM	To 2 AM	Saturday	From 11 AM	To 12 AM
Sunday	From 11 AM	To ~~2~~ AM	Sunday	From 11 AM	To ~~2~~ 12 AM

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

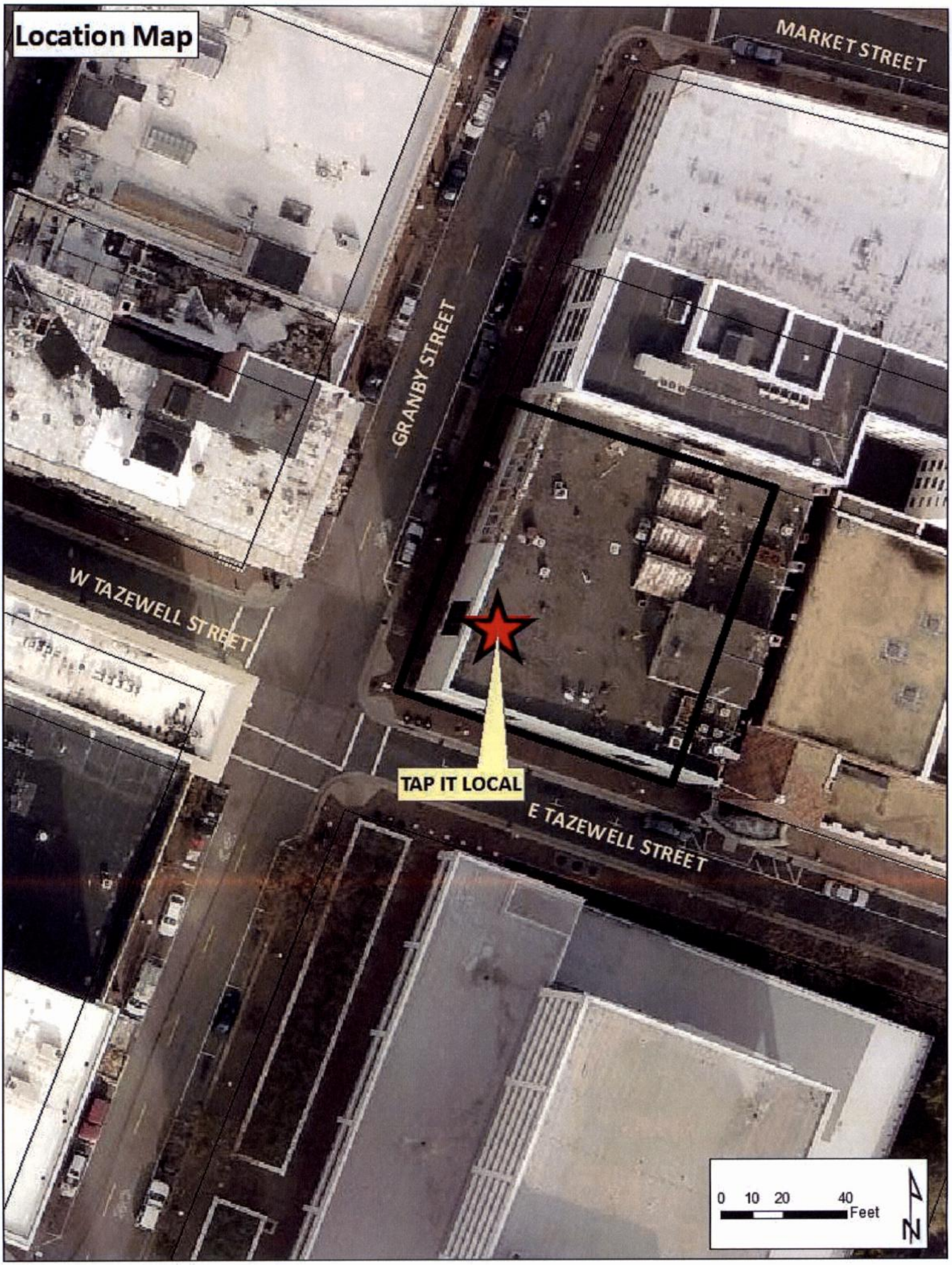
3. Alcoholic beverages to be sold:
   ☐ Room temperature ☑ Refrigerated

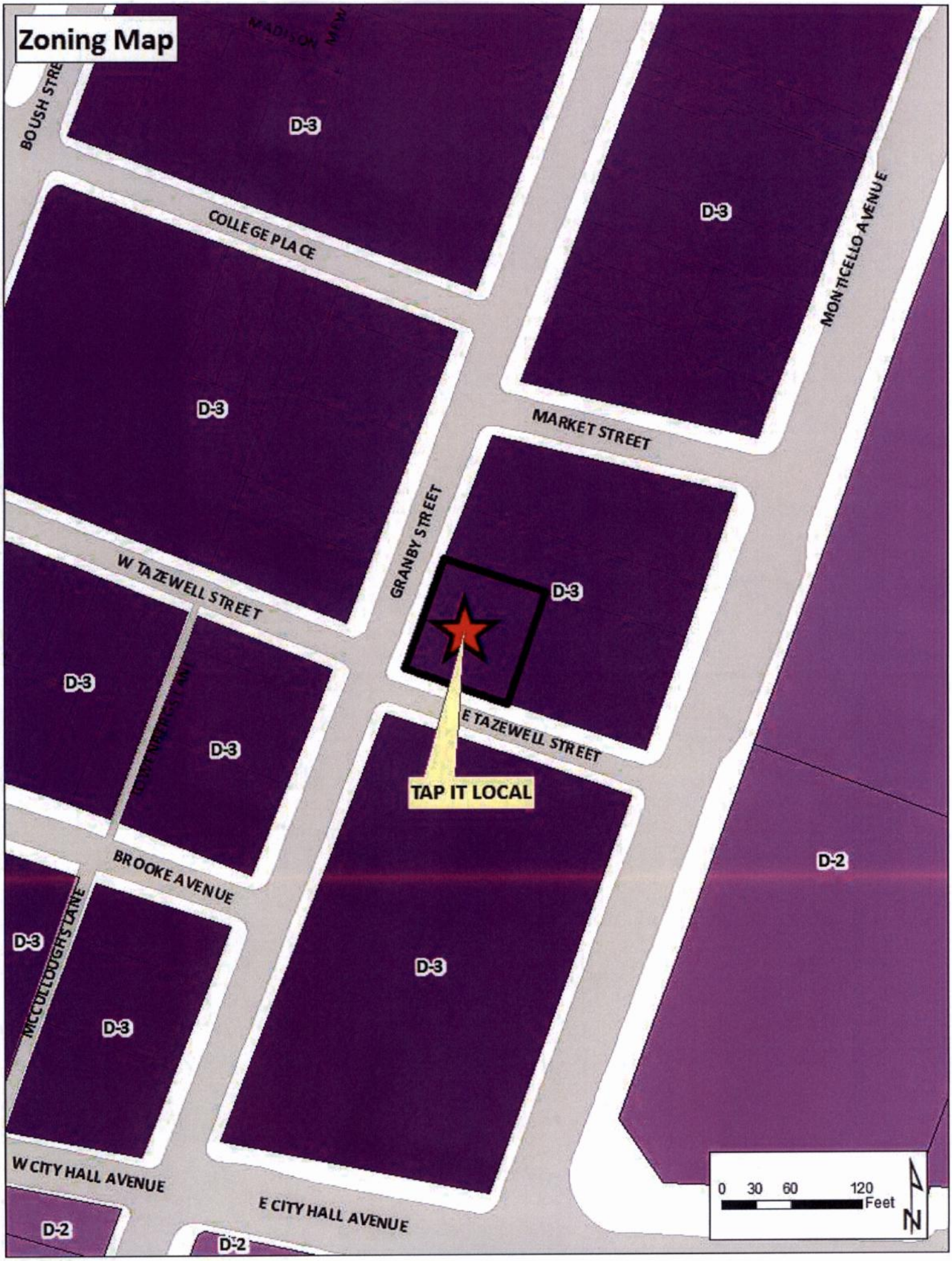
DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

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

32 - 64 oz. Growlers

Signature of applicant/owner


Location Map
MARKET STREET
GRANBY STREET
W TAZEWELL STREET
TAP IT LOCAL
E TAZEWELL STREET
0 10 20 40
Feet
N


Zoning Map
MADISON
BOUSH STRE
D-3
COLLEGE PLACE
D-3
MONTICELLO AVENUE
D-3
MARKET STREET
GRANBY STREET
W TAZEWELL STREET
D-3
D-3
D-3
E TAZEWELL STREET
TAP IT LOCAL
BROOKE AVENUE
D-2
D-3
MCCULLOUGHS LANE
D-3
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W CITY HALL AVENUE
E CITY HALL AVENUE
D-2
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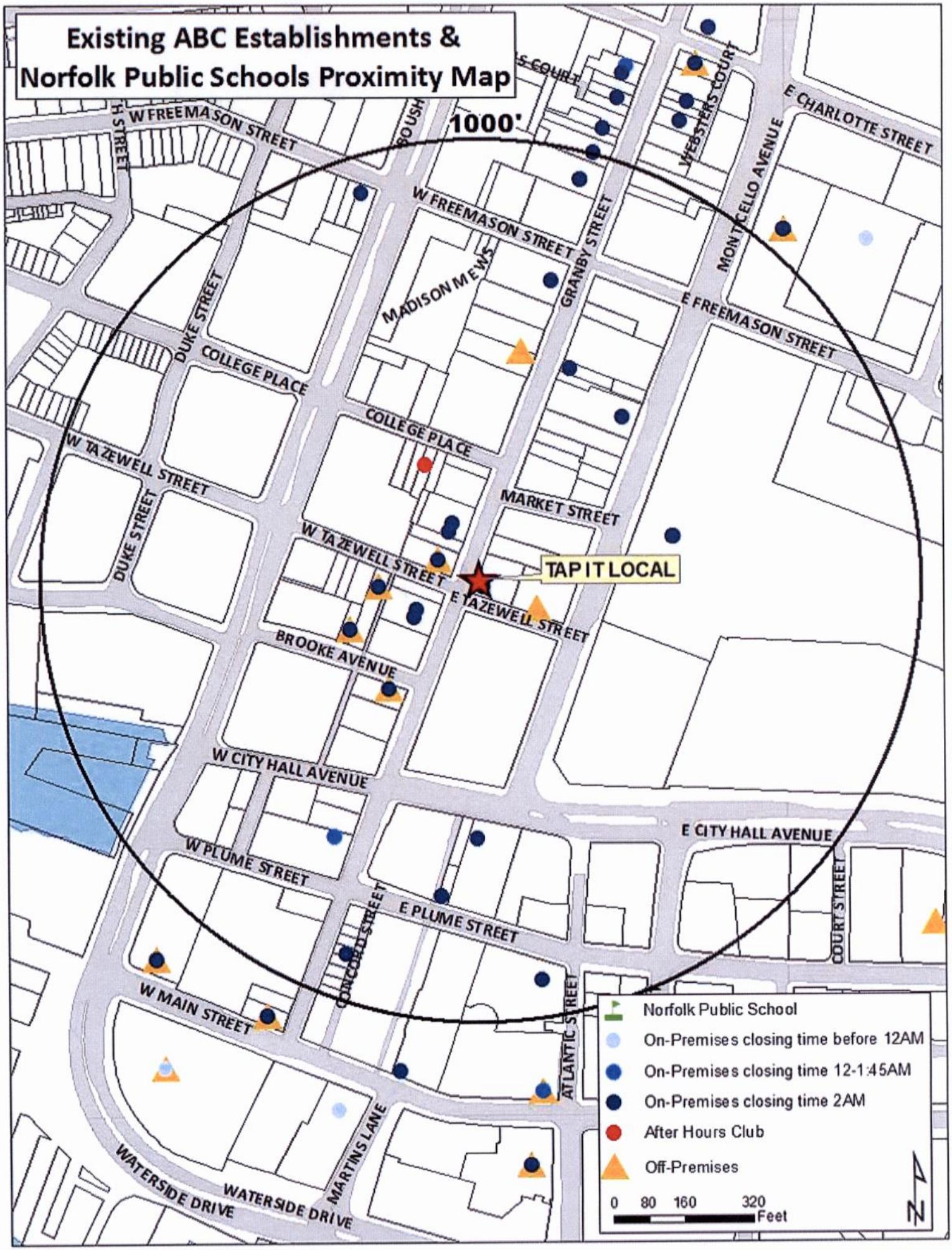
Existing ABC Establishments &
Norfolk Public Schools Proximity Map
1000'
W FREEMASON STREET
H STREET
BOUSH
WEBSTERS COURT
E CHARLOTTE STREET
MONTICELLO AVENUE
GRANBY STREET
MADISON MEWS
E FREEMASON STREET
DUKE STREET
COLLEGE PLACE
W TAZEWELL STREET
MARKET STREET
TAP IT LOCAL
E TAZEWELL STREET
BROOKE AVENUE
W CITY HALL AVENUE
E CITY HALL AVENUE
W PLUME STREET
E PLUME STREET
CONCORD STREET
COURT STREET
W MAIN STREET
ATLANTIC STREET
MARTINS LANE
WATERSIDE DRIVE
Norfolk Public School
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)

Date 12/10/15

DESCRIPTION OF PROPERTY

Address 244 GRANBY STREET

Existing Use of Property ENT ESTABLISHMENT

Proposed Use ENT ESTABLISHMENT

Current Building Square Footage 4600

Proposed Building Square Footage 4600

Trade Name of Business (If applicable) TAP IT LOCAL

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

1. Name of applicant: (Last) McGRATH (First) CHRISTOPHER (MI) M

Mailing address of applicant (Street/P.O. Box): 244 GRANBY STREET

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of applicant (757) 510-6200 Fax ( )

E-mail address of applicant: TAPITLOCAL@GMAIL.COM

cation
tainment Establishment
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) HEWN (First) Rick (MI) J

Mailing address of applicant (Street/P.O. Box): 1400 Granby St

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of applicant ( ) 6156905 Fax ( )

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

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

3. Name of property owner: (Last) LEINS PARTNERSHIP LLC. (First) (Roy Orleans + Barry Orleans) (MI)

Mailing address of property owner (Street/P.O. box): 3840 Robin Hood Rd

(City) Norfolk (State) VA (Zip Code) 23513

Daytime telephone number of owner (757) 619-6732 email:

CIVIC LEAGUE INFORMATION

Civic League contact: Kevin Murphy

Date(s) contacted:

Ward/Super Ward information:

REQUIRED ATTACHMENTS

CERTIFICATION

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

Print name: Roy P Orleans **Sign:** 12/11/15
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Chris McGrath **Sign:** 12/10/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: _____ **Sign:** Rick Herring 12/10/15
(Authorized Agent Signature) (Date)

APPLICATION
ADULT USE SPECIAL EXCEPTION
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION

Date of Application: 12/9/15

DESCRIPTION OF PROPERTY

Property location: (Street Number) 244 (Street Name) Granby Street

Existing Use of Property ~~Rest~~ Entertainment Establishment

Current Building Square Footage 4600

Proposed Use Entertainment Establishment

Proposed Building Square Footage 4600

Trade Name of Business (If applicable) Tap It Local

APPLICANT

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

1. Name of applicant: (Last) McGrath (First) Christopher (MI) M

Mailing address of applicant (Street/P.O. Box): 244 Granby Street

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of applicant (757) 516 6200 Fax ( )

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

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

2. Name of applicant: (Last) HEAN (First) RICK (MI) J

Mailing address of applicant (Street/P.O. Box): 1400 Granby St

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of applicant ( ) 6156900 Fax ( )

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

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

Leans Partnership LLC (Roy Orleans)

3. Name of property owner: (Last) (First) Barry + Orleans (MI)

Mailing address of property owner (Street/P.O. box): 3840 Robinhood Rd

(City) Norfolk (State) VA (Zip Code) 23513

Daytime telephone number of owner (757) 619-6732 email:

CIVIC LEAGUE INFORMATION

Civic League contact: Kevin Murphy

Date(s) contacted:

Ward/Super Ward information:

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

Print name: Roy D Orleans **Sign:** R D Orleans 12/11/15
(Property Owner) (Date)

Print name: Chris McGrath **Sign:** 12/10/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: Rick Hemr **Sign:** 12/10/15
(Authorized Agent Signature) (Date)

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

Date of Application: 12/10/15

Name of business: Tap It Local

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Saturday	From 11 AM	To 2 AM	Saturday	From 11 AM	To 12 AM
Sunday	From 11 AM	To ~~12~~ 2 AM	Sunday	From 11 AM	To ~~12~~ 2 AM

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

3. Alcoholic beverages to be sold:
☐ Room temperature ☑ Refrigerated

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
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Telephone (757) 664-4752 Fax (757) 441-1569
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32 - 64 oz. Growlers

Signature of applicant/owner

Security Plan of Tap It Local
244 Granby Street
Norfolk Va 23510

Definition of Security
Noun

- Freedom from danger
- freedom from worry, anxiety, or doubt, well-founded confidence
- something that secures or makes safe, protection, defense.
- precautions taken to guard against crime, attack, etc.

Goals

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

Security Team
We use On Point Security for our security team. All members are DCJS certified and in their security uniform with their badge displayed.

Rules and Regulations
We do not allow anyone to carry any weapons outside of the law. If someone is observed with a weapon the security officer will approach them to see if they have a concealed carry permit. If they do not they will be asked to leave and will be escorted out by our security staff.

We send our staff to be TIPS certified to ensure they are capable of noticing if someone is too intoxicated. We will not continue to serve any individual showing signs of being intoxicated. We will offer to call a cab for anyone who is intoxicated. If a patron tries to come in and is already intoxicated we will deny them entry and explain that they have already had enough to drink tonight. We are a smoke free environment. We have no smoking signs displayed throughout the building. If anyone tries to smoke inside they will be asked to leave.

Upstairs and Roving Security

- Monitor continual compliances with ABC regulations
- Identify and address hazards as they arise throughout the facility
- Maintain security around bar area
- Maintain security around restrooms
- Rove entire venue during operating hours to ensure patron flow and maintenance of open aisles and clear pathways to exits
- During emergency evacuation report to stairways to direct patrons to exits
- Maintain CPR certification

Communication

Security team members carry a handheld radio with earpiece and microphone to keep their hands free in order to execute their responsibilities. Flashlights will be utilized by all team members as a backup form of communication inside the facility whenever the situation warrants.

Electronic Security

Our security system tracks every time the system is armed or disarmed by individual user. It also tracks power outages and when power is restored. This information is readily available through an internet connection and can be provided to law enforcement whenever necessary. Contact on that is Chris McGrath.

Emergency Evacuation Plan

If the facility has to be evacuated due to an emergency patrons will be directed to the nearest emergency exit. If an exit is blocked they will be directed to the next closest exit and told to assemble across Tazwell street in front of the federal building to maintain a safe distance.

Blough, Christopher

From:	Straley, Matthew
Sent:	Wednesday, December 16, 2015 12:03 PM
To:	'dncl@welovenorfolk.org'; Miller, Mary
Cc:	Whibley, Terry; Winn, Barclay; Howard, Oneiceia; Blough, Christopher
Subject:	new Planning Commission applications - 244 Granby Street
Attachments:	TapItLocal_entertainment.pdf; TapItLocal_off-premises.pdf

Mr. Murphy and Ms. Miller,

Attached please find the following applications at 244 Granby Street:

a. Special exception to operate an entertainment establishment with alcoholic beverages.
b. Special exception for the sale of alcohol for off-premises consumption.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Chris Blough at (757) 664-6771, christopher.blough@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

February 9, 2016

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

Subject: **Special Exception to operate an entertainment establishment with alcoholic beverages at 128 West Olney Road – Glass Wheel Studio**

Reviewed: _____ **Ward/Superward: 2/6**
Ronald H. Williams, Jr., Deputy City Manager

Approved: _____ **Item Number: R-8**
Marcus D. Jones, City Manager

I. **Staff Recommendation: Approval.**

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

III. **Request: Special Exception to operate an entertainment establishment with alcoholic beverages**

IV. **Applicant: Glass Wheel Studio**

V. **Description:**

- Granting this request will allow Glass Wheel Studio to add the following entertainment to their existing art studio use:
  - Live band with 12 members or less
  - Indoor and outdoor film screenings
  - Art fashion shows
  - Live performances in collaboration with other NEON District arts organizations
- The site is located on West Olney Road within the Arts District.
- Outdoor entertainment will be provided in the parking area within a tent.
  - Entertainment in the parking area will be limited to ten times per year.
  - Entertainment and the sale of alcoholic beverages will end at 10:00 p.m. nightly.

Staff point of contact: Robert Tajan at 664-4756, Robert.Tajan@norfolk.gov

Attachments:

- Staff Report to CPC dated January 28, 2015 with attachments
- Proponents and Opponents
- Ordinance

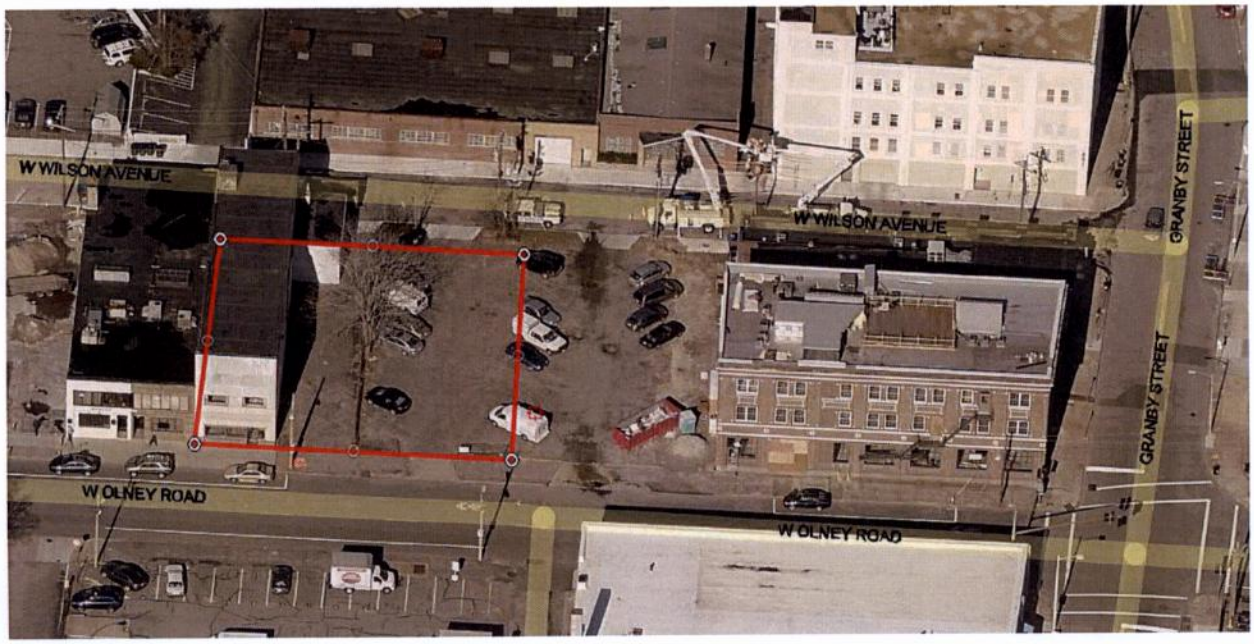
THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: January 28, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Robert J. Tajan, AICP, CFM RJT

Staff Report	**Item No. 20**	
Address	**128 West Olney Road**	
Applicant	**Glass Wheel Studio**	
Request	**Special Exception**	**Entertainment Establishment with alcoholic beverages**
Property Owner	Glass Wheel Studio, LLC.	
Site Characteristics	Site/Building Area	11,465 sq. ft./8,500 sq. ft.
	Zoning	D-4 (Downtown Arts and Design)
	Future Land Use Map	Downtown
	Character District	Downtown
	Neighborhood	Downtown
Surrounding Area	North	D-4: The Hurrah Players
	East	D-4: Work Release, Push Comedy Theater, The Parlor on Granby
	South	D-4: Virginian Pilot
	West	D-4: offices



A. Summary of Request

- Granting this request will allow Glass Wheel Studio to add the following entertainment to their existing art studio use:
  - Live band with 12 members or less
  - Indoor and outdoor film screenings
  - Art fashion shows
  - Live performances in collaboration with other NEON District arts organizations
- The site is located on West Olney Road within the Arts District.

B. Plan Consistency

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

C. Zoning Analysis

i. General

- The use is permitted in the D-4 district by special exception.

	Proposed
Hours of Operation	11:00 a.m. until 10:00 p.m., seven days a week
Hours for the Sale of Alcohol and for Entertainment	5:00 p.m. until 10:00 p.m., Monday through Thursday 11:00 a.m. until 10:00 p.m., Friday through Sunday
Capacity	48 seats indoors 60 seats outdoors 120 total capacity
Entertainment	• 12 member live band • Theater performances • Film Screenings • Art fashion shows

- Special exception history:

City Council Approval	Applicant	Changes
Pending	Glass Wheel Studio, LLC	Initial Application

ii. Parking

- There are currently fifteen parking spaces on site.
  - The proposed addition of the entertainment use will not require additional parking spaces.

- The parking area meets *Zoning Ordinance* requirements in regards to landscaping.
  - Landscaping was required to be installed in the parking area as part of the approval of the addition and renovation of the building.

iii. Flood Zone

- The property is located in the AE (Elevation 7.6) Flood Zone, which is a high-risk flood zone.
- The building was required to meet the floodplain regulations during the renovation and addition.

D. Transportation Impacts

No new trips are forecast related to the proposed addition of entertainment at this existing art gallery use.

E. Historic Resources Impacts

- The building is not located within a local historic district, but it is listed as a contributing structure within a federal and state designated historic district.
  - Modifications to the exterior of the building are not subject to any approval from the Architectural Review Board.

F. Public Schools Impacts

This site is located within the Taylor Elementary School, Blair Middle School, and Maury High School Attendance Zones.

G. Environmental Impacts

- The parking area was required to provide landscape screening when the building renovation and addition was approved.
  - The landscaping reduces the impact of the vehicles in the parking area from the adjacent properties.

H. Surrounding Area/Site Impacts

- Over the past year there have been three calls for police service with no arrest made.
  - One call for service concerned a larceny report.
- The proposed indoor and outdoor entertainment aligns with the uses in the Arts and Design district with the hours of entertainment to be no later than 10:00 p.m.
  - The proposed hours of operations will limit the impact on the adjacent properties.
  - The outdoor entertainment in the parking area will be used for special events no more than ten times a year.
  - All outdoor uses associated with the art gallery/studio use will not be limited to ten times a year.
- Given the conditions which limits the hours of entertainment and the number of outdoor entertainment events in the parking area to ten times per year, the proposal should not have an adverse impact on the neighborhood.

I. Payment of Taxes

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

J. Civic League

Notice was sent to the Downtown Civic league, Downtown Norfolk Council, Ghent Square Homeowners Association and Ghent Neighborhood League on December 16.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

L. Recommendation

Staff recommends **approval** of the special exception request subject to all of the following conditions being adopted.

Entertainment Establishment – Conditions

(a) The hours of operation for the sale of alcoholic beverages and for entertainment shall be limited to 5:00 p.m. until 10:00 p.m. Monday through Thursday and 11:00 a.m. until 10:00 p.m. Friday through Sunday. No use of the establishment for the sale of alcoholic beverages and for entertainment outside of the hours of operation listed herein shall be permitted.

(b) The seating for the establishment shall not be less than 0 seats indoors, shall not be more than 60 seats outdoors, and the total occupant capacity, including employees, shall not exceed 120 people

(c) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B." Any tables, chairs, booths, stools or other movable furniture may be relocated provided that it remains only within the shaded areas, and the unshaded accesses, aisles, and other areas shown on the floor plans shall remain unobstructed.

(d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is

earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(e) Entertainment shall be limited to live bands having no more than 12 members, theater performances, film screenings, and fashion shows. No other form of entertainment is permitted.

(f) The outdoor entertainment located in the parking area shall be limited to no more than ten times per year. In addition to the entertainment listed in condition (f) above, a Disc Jockey and dance floor may be provided only for this use.

(g) There shall be no dance floor provided inside the building.

(h) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(i) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(j) The establishment shall maintain a current, active business license at all times while in operation.

(k) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(l) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(m) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(n) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in

writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(o) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(p) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(q) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(r) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

Notwithstanding anything to the contrary, the requirements of this subsection shall not apply to the following entities, who may lease or otherwise use the establishment for events that are permitted by and comply with this ordinance in all other respects:

(1) Any federal, state, or local government or governmental agency;

(2) Any party that receives a grant or other direct funding from a state or local government; and

(3) Any party that is recognized as a charitable organization in good standing under § 501(c)(3) of the Internal Revenue Code of the United States Code at the time of the event.

Collectively, the parties identified in items 1, 2 and 3 above are defined as "Authorized Entities".

(s) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.

(t) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(u) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 90 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality

Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(v) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
Notice to the Downtown Civic League, Downtown Norfolk Council, Ghent Square Homeowners Association and Ghent Neighborhood League

Proponents and Opponents

Proponents
None

Opponents
None

01/26/2016 lds

Form and Correctness Approved: VR

By _____
Office of the City Attorney

Contents Approved: RM

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT WITH ALCOHOLIC BEVERAGES KNOWN AS "GLASS WHEEL STUDIO" ON PROPERTY LOCATED AT 116 TO 128 WEST OLNEY ROAD.

- - -

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

Section 1:- That a Special Exception is hereby granted to Glass Wheel Studio, LLC authorizing the operation of an entertainment establishment with alcoholic beverages named "Glass Wheel Studio" on property located at 116 to 128 West Olney Road. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 100 feet, more or less along the northern line of West Olney Road beginning 175 feet, more or less, from the eastern line of West Wilson Avenue and extending eastwardly; property also fronts 100 feet, more or less, along the southern line of West Wilson Avenue; premises numbered 116 to 128 West Olney Road.

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

(a) The hours of operation for the sale of alcoholic beverages and for entertainment shall be limited to 5:00 p.m. until 10:00 p.m. Monday through Thursday and 11:00 a.m. until 10:00 p.m. Friday through Sunday. No use of the establishment for the sale of alcoholic beverages or for entertainment outside of the hours of operation listed herein shall be permitted.

(b) The seating for the establishment shall not include more than 60 seats outdoors and the total occupant capacity, including employees, shall not exceed 120 people.

(c) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B." Any tables, chairs, booths, stools or other movable furniture may be relocated provided that it remains only within the shaded areas, and the unshaded accesses, aisles, and other areas shown on the floor plans shall remain unobstructed.

(d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(e) Entertainment shall be limited to live bands having no more than 12 members, theater performances, performance art, film screenings, and fashion shows. The nature and style of performance art are hereby limited so that no lewd, obscene, erotic or other form of performance or display which violates § 5-27 of the Norfolk City Code (1979) is permitted. No other form of entertainment is permitted.

(f) The outdoor entertainment located in the parking area shall be limited to no more than 10 times per year. In addition to the entertainment listed in condition (e) above, a disc jockey and dance floor may be provided but only in conjunction with this occasional outdoor entertainment activity.

(g) There shall be no dance floor provided inside the building.

(h) No door to the establishment which opens onto or

faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(i) The establishment shall maintain a current, active business license at all times while in operation.

(j) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(k) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(l) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.

(m) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(n) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by

reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(o) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

Notwithstanding anything to the contrary, the requirements of this subsection shall not apply to the following entities, who may lease or otherwise use the establishment for events that are permitted by and comply with this ordinance in all other respects:

(1) Any federal, state, or local government or governmental agency;

(2) Any party that receives a grant or other direct funding from a state or local government; and

(3) Any party that is recognized as a charitable organization in good standing under § 501(c)(3) of the Internal Revenue Code of the United States Code at the time of the event.

Collectively, the parties identified in items 1, 2 and 3 above are defined as "Authorized Entities".

(p) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected or any event held by an Authorized Entity which leases, lets, or uses the establishment.

(q) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time; and

(9) The establishment's Security Plan.

(r) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 90 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(s) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the

requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

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

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a

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

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

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

ATTACHMENTS:
Exhibit A (3 pages)
Exhibit B (5 pages)

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

Date 1/8/16

Trade name of business

Address of business 128 West Olney Road

Name(s) of business owner(s)* Glass Wheel Studio, LLC

Name(s) of property owner(s)* Doug Perry

Name(s) of business manager(s)/operator(s) Cheryl White

Daytime telephone number (757) 819.4150

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

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales and Entertainment		
Weekday	From 11A	To 5P/10P events	Weekday	From 5P	To 10P
Friday	From 11A	To 5P/10P events	Friday	From 11A	To 10P
Saturday	From 11A	To 5P/10P events	Saturday	From 11A	To 10P
Sunday	From 11A	To 5P/10P events	Sunday	From 11A	To 10P

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

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

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

Exhibit A – Page 2
Entertainment Establishment

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

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

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

5a. If yes, why:

~~For limited special exhibitions, gallery talks/lecture or art~~
performances.

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

☑Monday ☑Tuesday ☑Wednesday☑Thursday ☑Friday
☑Saturday ☑Sunday

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

6a. If yes, explain:

~~Gallery and courtyard may be available for private~~
events/meetings of 100 or less.

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

7a. If yes, explain:

~~For non-profit organizations.~~

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

Exhibit A – Page 3
Entertainment Establishment

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

Examples of entertainment we may feature: Live bands w/12 members or less; DJ; Performance art projects that may include sound and movement classified as works of art; Community art-making projects; Mobile hot shop performance (exterior only); Film screenings indoor and/or outdoor; Art fashion shows; Live performances in collaboration with other NEON District Arts Organizations.

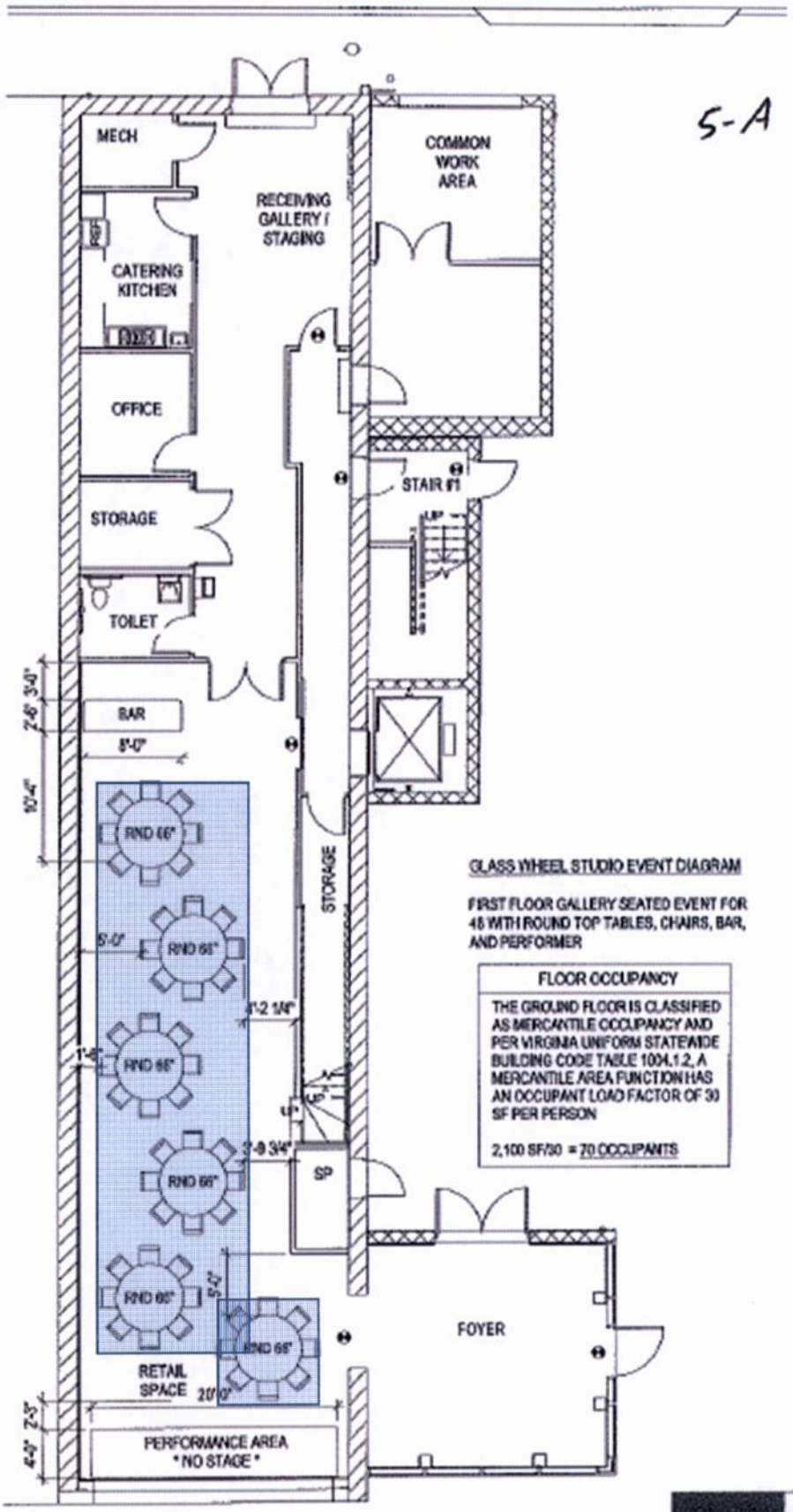
Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

Cheryl S White

Digitally signed by Cheryl S White
DN: cn=Cheryl S White, o=Glass Wheel Studio, ou, email=cheryl@glasswheelstudio.com, c=US
Date: 2016.01.08 13:09:19 -05'00'

Signature of Applicant

Exhibit B

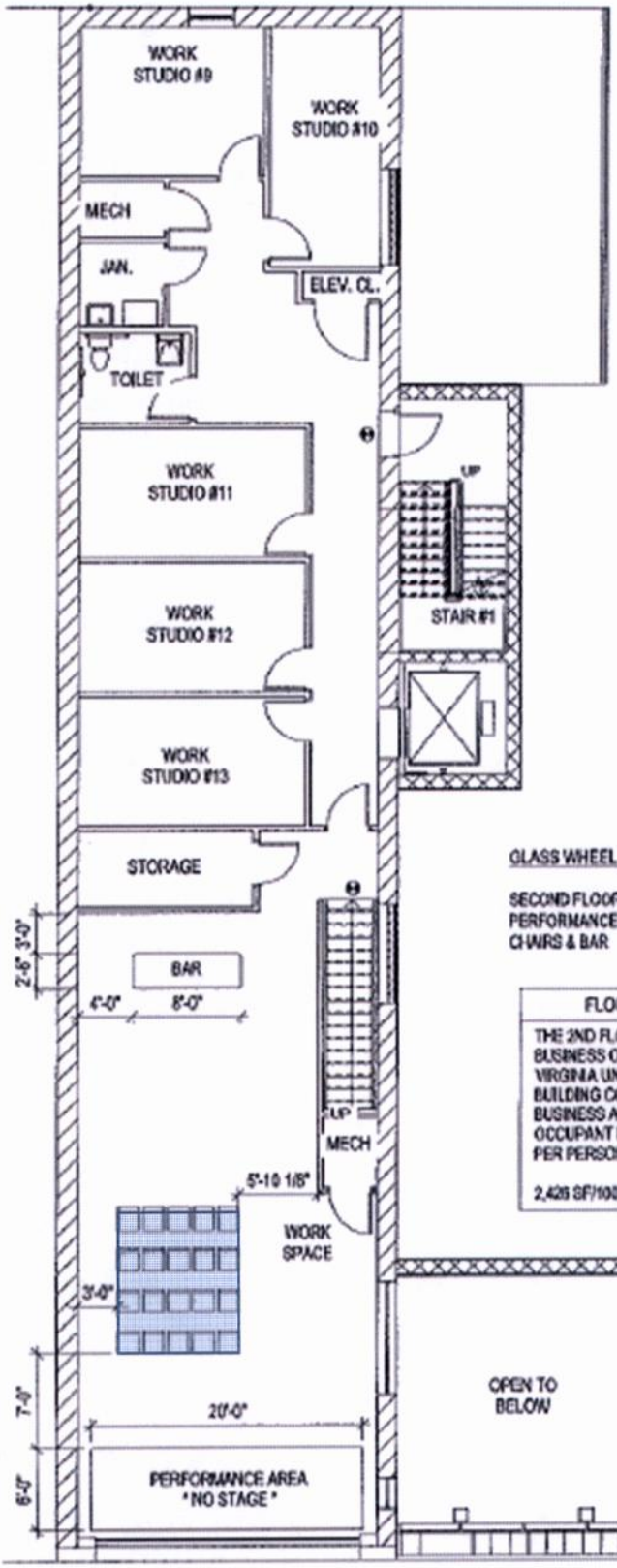


PROJECT NO. 14013.004 PROJECT: GLASS WHEEL STUDIO

DATE: 12/9/2015

saunders + crouse ARCHITECTS

6-F



GLASS WHEEL STUDIO EVENT DIAGRAM

SECOND FLOOR GALLERY SEATED PERFORMANCE WITH TWENTY (20) CHAIRS & BAR

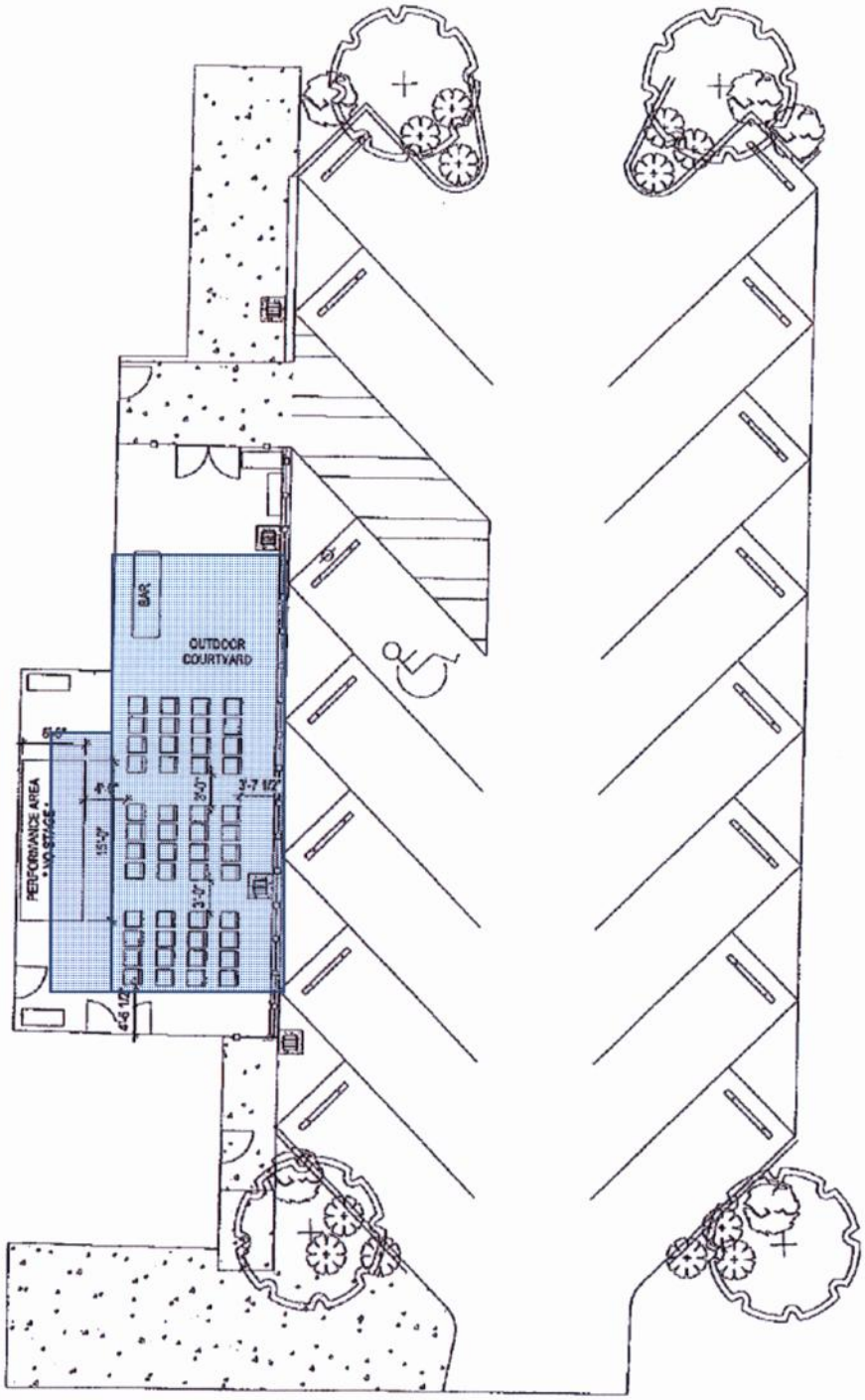
FLOOR OCCUPANCY
THE 2ND FLOOR IS CLASSIFIED AS BUSINESS OCCUPANCY AND PER VIRGINIA UNIFORM STATEWIDE BUILDING CODE TABLE 1004.1.2, A BUSINESS AREA FUNCTION HAS AN OCCUPANT LOAD FACTOR OF 100 SF PER PERSON 2,426 SF/100 = 25 OCCUPANTS

PROJECT NO. 14013.004 PROJECT: GLASS WHEEL STUDIO

DATE: 8/31/2015

saunders +crouse ARCHITECTS

8-5



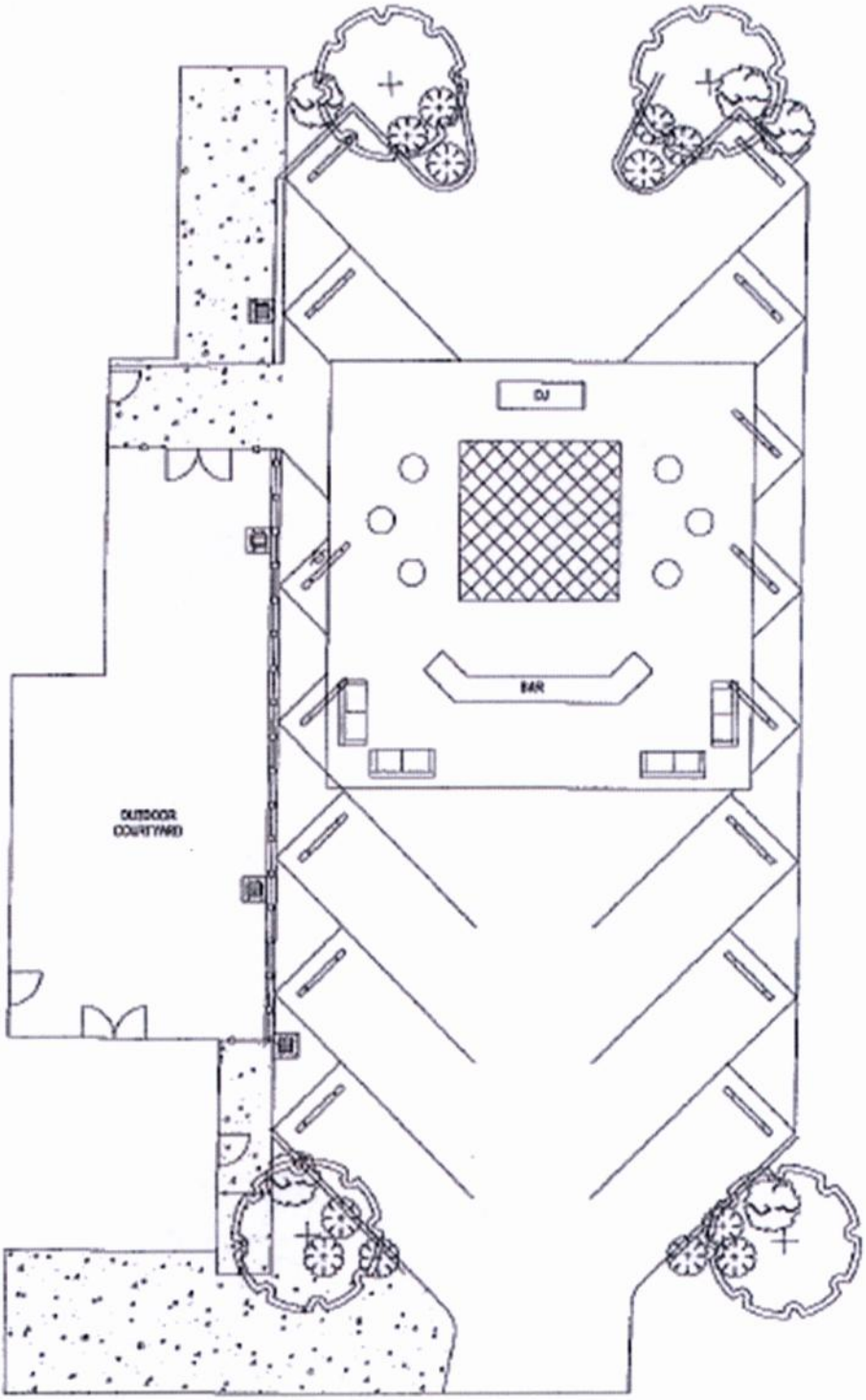
NOTE:
COURTYARD FENCE TO BE 4'-0" TALL

GLASS WHEEL STUDIO EVENT DIAGRAM

OUTDOOR COURTYARD EVENT WITH BAR, PERFORMER, 4 BENCHES, & FORTY-EIGHT (48) CHAIRS

PROJECT NO. 14013.004 PROJECT: GLASS WHEEL STUDIO

DATE: 9/4/2015



NOTE:
COURTYARD FENCE TO
BE 4'-6" TALL

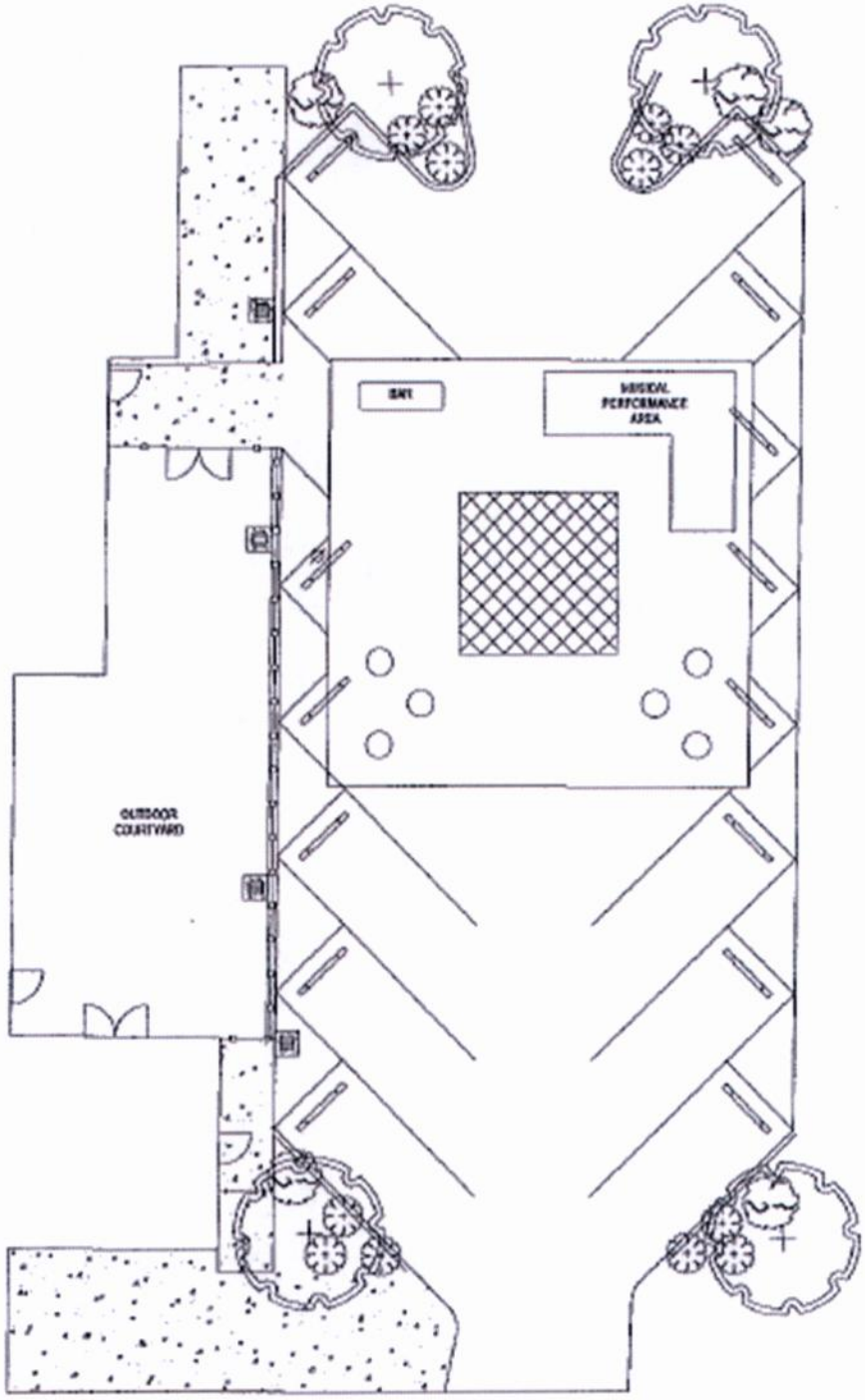
GLASS WHEEL STUDIO EVENT DIAGRAM

OUTDOOR EVENT IN PARKING LOT

40000 TENT
LOUNGE AREA
SIX (6) HIGHTOP TABLES
DJ (8-FT TABLE)
1500 DANCE FLOOR
BAR AREA

PROJECT NO. 14013.004 PROJECT: GLASS WHEEL STUDIO

8-B



NOTE:
COURTYARD FENCE TO BE 4'-0" TALL

GLASS WHEEL STUDIO EVENT DIAGRAM

OUTDOOR EVENT IN PARKING LOT

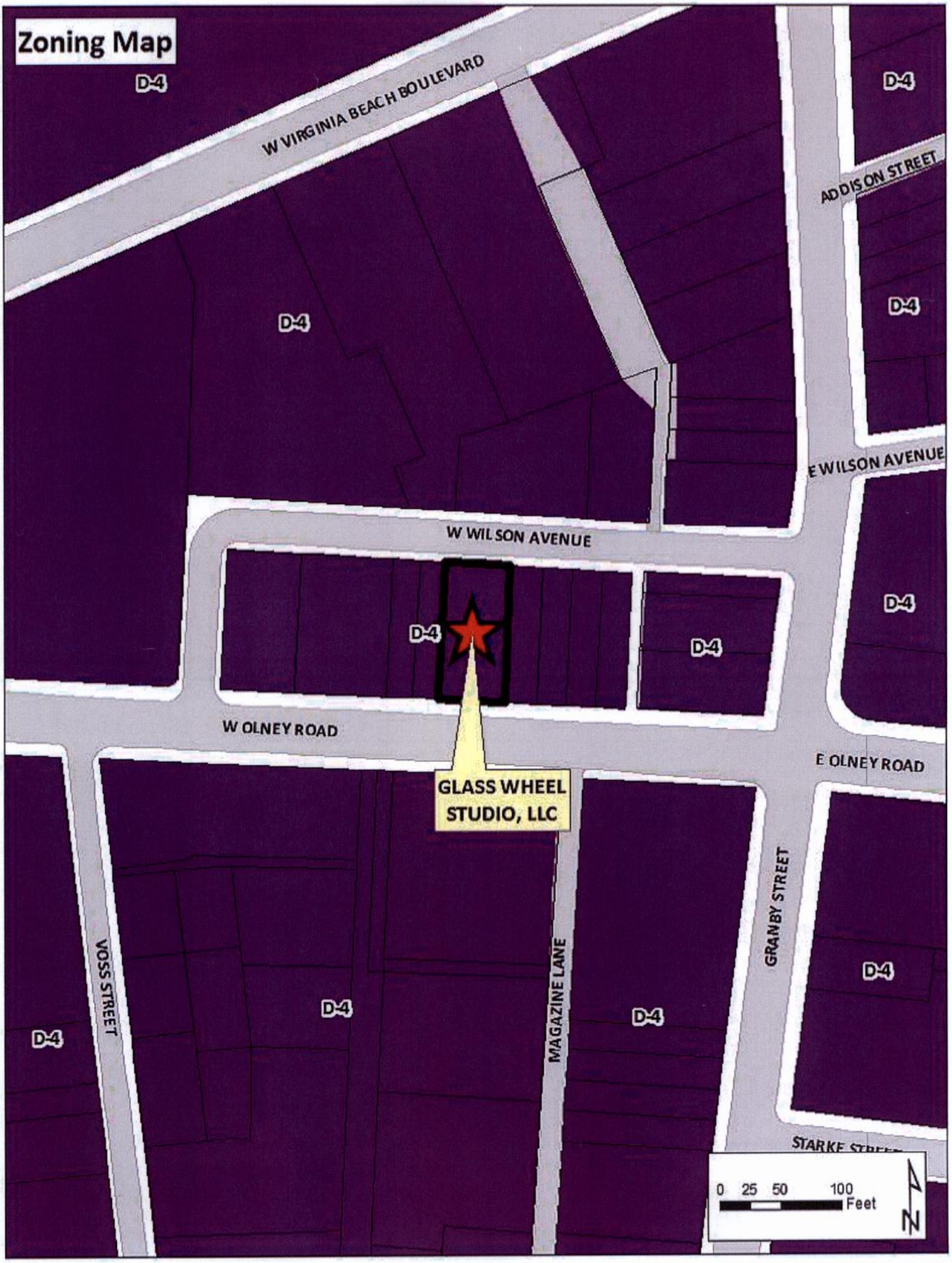
40X40 TENT
SIX (6) HIGHTOP TABLES
MUSIC AREA
10X10 DANCE FLOOR
BAR AREA

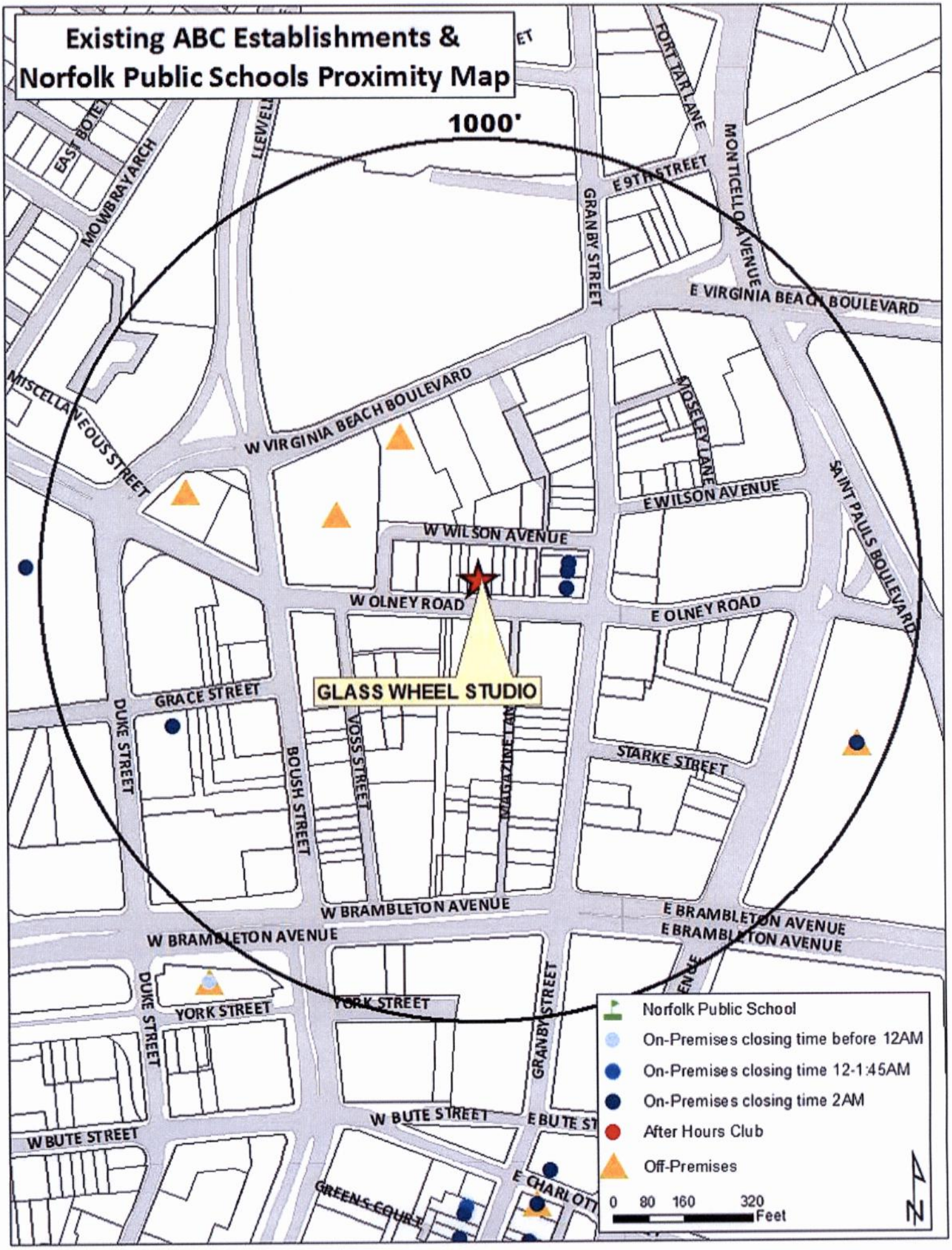
PROJECT NO. 14013.004 PROJECT: GLASS WHEEL STUDIO

DATE: 9/4/2015

saunders + crouse ARCHITECTS

Location Map
W WILSON AVENUE
W OLNEY ROAD
GLASS WHEEL STUDIO, LLC
MAGAZINE LANE
0 10 20 40
Feet
N


Zoning Map
D-4
W VIRGINIA BEACH BOULEVARD
ADDISON STREET
E WILSON AVENUE
W WILSON AVENUE
W OLNEY ROAD
E OLNEY ROAD
GLASS WHEEL STUDIO, LLC
VOSS STREET
MAGAZINE LANE
GRANBY STREET
STARKE STREET
0 25 50 100 Feet
N


Existing ABC Establishments &
Norfolk Public Schools Proximity Map
1000'
GLASS WHEEL STUDIO
EAST BOTE
MOWBRAY ARCH
LLEWELL
FORT TAR LANE
MONTICELLO AVENUE
E 9TH STREET
GRANBY STREET
E VIRGINIA BEACH BOULEVARD
MISCELLANEOUS STREET
W VIRGINIA BEACH BOULEVARD
MOSELEY LANE
E WILSON AVENUE
W WILSON AVENUE
SAINT PAULS BOULEVARD
W OLNEY ROAD
E OLNEY ROAD
GRACE STREET
DUKE STREET
BOUSH STREET
VOSS STREET
MAGAZINE LAN
STARKE STREET
W BRAMBLETON AVENUE
E BRAMBLETON AVENUE
W BRAMBLETON AVENUE
E BRAMBLETON AVENUE
DUKE STREET
YORK STREET
YORK STREET
GRANBY STREET
W BUTE STREET
E BUTE ST
W BUTE STREET
E CHARLOTT
GREENS COURT
Norfolk Public School
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)

Date 1/8/16

DESCRIPTION OF PROPERTY

Address 128 West Olney Road

Existing Use of Property Art Gallery

Proposed Use Art Gallery with alcohol and entertainment

Current Building Square Footage 8500

Proposed Building Square Footage

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) White (First) Cheryl (MI) S

Mailing address of applicant (Street/P.O. Box): 128 West Olney Road

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of applicant (757) 819.4150 Fax ( )

E-mail address of applicant: cheryl@glasswheelstudio.com

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

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

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

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

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

E-mail address of applicant: _____

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

3. Name of property owner: (Last) Perry (First) J (MI) D

Mailing address of property owner (Street/P.O. box): 289 Independence Blvd Suite #300

(City) VA Beach (State) VA (Zip Code) 23462

Daytime telephone number of owner (757) 617.1700 email: terri@suburbanmg.com

CIVIC LEAGUE INFORMATION

Civic League contact: Kevin Murphy, Downtown Norfolk Civic League

Date(s) contacted: 8/17/15, 9/21/15, and 12/10/15

Ward/Super Ward information: Ward 2

REQUIRED ATTACHMENTS

- Required application fee, **$355.00** (if check, make payable to the City of Norfolk).
    - Application fee includes a non-refundable $5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
    - Existing and proposed building structures
    - Driveways
    - Parking
    - Landscaping
    - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

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

Print name: J.D Perry **Sign:** _____ 12/ 14 /2015
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Cheryl S. White **Sign:** Cheryl S White 12/ 14 / 2015
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

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

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

Plan 5-A (Ent.)

- Complete this worksheet based for each floor plan submitted with application.

- Floor plan must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Outdoor seating
  - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)	48
Number of bar seats	—
Standing room	62

b. Outdoor

Number of seats	—

c. Number of employees 10

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 120

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

Plan 6-F
(2nd Floor Ent.)

- Complete this worksheet based for each floor plan submitted with application.

- Floor plan must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Outdoor seating
  - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)	20
Number of bar seats	—
Standing room	90

b. Outdoor

Number of seats	—

c. Number of employees 10

Includes 3 security staff

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 120

Plan 8-A
(Outdoor Ent.)

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

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

Total capacity

a. Indoor

Number of seats (not including bar seats)	–
Number of bar seats	–
Standing room	97

b. Outdoor

Number of seats	8

c. Number of employees 15

Includes 5 Security Staff

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 120

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

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

Plan 8-B
(outdoor ent.)

- Complete this worksheet based for each floor plan submitted with application.

- Floor plan must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Outdoor seating
  - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)	—
Number of bar seats	—
Standing room	97

b. Outdoor

Number of seats	8

c. Number of employees 15

Includes 5 security staff

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 120

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

Plan 8 - J
(outdoor Ent.)

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

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

Total capacity

a. Indoor

Number of seats (not including bar seats)	—
Number of bar seats	—
Standing room	50

b. Outdoor

Number of seats	60

c. Number of employees 10

Includes 5 security staff

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 120

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

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

February 9, 2016

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

Subject: **Special Exception for a Day Care Home with up to nine children at 3611 Bell Street – Bettina's Blissful Home Day Care**

Reviewed: _____ **Ward/Superward: 4/7**
Ronald H. Williams, Jr., Deputy City Manager

Approved: _____ **Item Number: R-9**
Marcus D. Jones, City Manager

I. **Staff Recommendation: Approval**.

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

III. **Request:** Special exception – day care home with up to nine children on a residential property between 5,000-6,000 square feet.

IV. **Applicant: Bettina's Blissful Home Day Care**

V. **Description:**

- The subject property is located on the western side of Bell Street, between Norvella Avenue and Hampshire Avenue, in the Brandon Place neighborhood.
- Granting this request will allow the existing home business, Bettina's Blissful Home Day Care, to expand its capacity from five children to nine children.
- In order to address any potential impacts to neighbors, a special exception is required for day care homes with between six to nine children on any residential lot between 5,000-5,999 square feet in lot area.
- A new Certificate of Occupancy will be required to ensure that the home can safely accommodate an increase from a five-child to nine-child day care home.

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Letter of Support – Greenwood/Elmhurst/Norview Heights Civic League
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: January 28, 2016

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Matthew Simons, AICP, CZA, CFM

Staff Report	**Item No. 4**	
Address	**3611 Bell Street**	
Applicant	**Bettina's Blissful Home Day Care**	
Request	**Special Exception**	**Day Care Home with up to nine children on a residential property between 5,000-6,000 sq. ft.**
Property Owner	Bettina J. Myrick-Bergan	
Site Characteristics	Site/Building Area	5,000 sq. ft./1,255 sq. ft.
	Future Land Use Map	Single-Family Traditional
	Zoning	R-8 (Single-Family)
	Neighborhood	Brandon Place
	Character District	Suburban
Surrounding Area	North	R-8: single-family homes
	East	R-8: single-family homes
	South	R-8: single-family homes
	West	R-8: single-family homes

A. Summary of Request

- The subject property is located on the western side of Bell Street, between Norvella Avenue and Hampshire Avenue, in the Brandon Place neighborhood.
- Granting this request will allow the existing home business, Bettina's Blissful Home Day Care, to expand its capacity from five children to nine children.
- In order to address any potential impacts to neighbors, a special exception is required for day care homes with between six to nine children on any residential lot between 5,000-5,999 square feet in lot area.

B. Plan Consistency

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

C. Zoning Analysis

i. General

- The site is located in an R-8 (Single-Family) zoning district on a lot with 5,000 square feet of lot area, which permits the proposed use with a special exception.

	Proposed
Hours of Operation	5:30 a.m. to 6:30 p.m., Monday through Friday
Hours for Outdoor Play Area	8:00 a.m. to 6:00 p.m., Monday through Friday

- A new Certificate of Occupancy will be required to ensure that the home can safely accommodate an increase from a five-child to nine-child day care home.

ii. Parking

The site accommodates two off-street parking spaces, which complies with *Zoning Ordinance* requirements.

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 figures estimate that proposed daycare operation on this site will generate 40 new vehicle trips per day.
- Since every child drop-off consist of two trips (arriving and departing), the additional child capacity should only represent about five new cars arriving and departing twice per day.
    - The increased intensity will likely have only negligible impacts.

E. Historic Resources Impacts

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

F. Public Schools Impacts

N/A

G. Environmental Impacts

No environmental impacts are anticipated with the proposed day care home expansion.

H. Surrounding Area/Site Impacts

- A six-foot solid fence will be required to be installed and maintained prior to Zoning Approval for the increased occupancy.
- It is unlikely that there will be any new impacts to the surrounding neighbors.

I. Payment of Taxes

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

J. Civic League

Notice was sent to the Greenwood/Elmhurst/Norview Heights Civic League on December 16.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

L. Recommendation

Staff recommends **approval** of the special exception request subject to shown below:

(a) The number of children shall be limited to a maximum of nine (9), excluding any children who are members of the family which reside at the home.

(b) No zoning approval shall be granted to permit the use authorized by this special exception unless and until the applicant obtains a new certificate of occupancy to reflect the maximum occupancy allowed hereunder.

(c) The hours of operation for the day care home shall be limited to 5:30 a.m. until 6:30 p.m. Monday through Friday and closed Saturday and Sunday. The hours for use of the outdoor play area shall be limited to 8:00 a.m. until 6:00 p.m. Monday through Friday. No use of the residence as a day care home shall be permitted outside the hours of operation listed herein.

(d) An opaque fence not less than six (6) feet in height shall be installed around the outdoor play area and shall be located in conformity with the regulations of section 13-2.3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).

Attachments

Location Map
Zoning Map
Application
Physical Survey
Notice to the Greenwood/Elmhurst/Norview Heights Civic League

Proponents and Opponents

Proponents

Bettina Myrick Bergan
3611 Bell Street
Norfolk, VA 23513

Patricia Temple
2261 Jeffrey Drive
Norfolk, Virginia 23518

Opponents

None

01/25/16 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved: M. S.

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A DAY CARE HOME ON PROPERTY LOCATED AT 3611 BELL STREET.

- - -

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

Section 1:- That a Special Exception is hereby granted to permit the operation of a Day Care Home on property located at 3611 Bell Street. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 50 feet, more or less, along the western line of Bell Street beginning 100 feet, more or less, from the northern line of Norvella Avenue and extending northwardly; premises numbered 3611 Bell Street.

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

(a) The number of children shall be limited to a maximum of nine (9), excluding any children who are members of the family which resides at the home.

(b) No zoning approval shall be granted to permit the use authorized by this special exception unless and until the applicant obtains a new certificate of occupancy to reflect the maximum occupancy allowed hereunder.

(c) The hours of operation for the day care home shall be limited to 5:30 a.m. until 6:30 p.m. Monday through Friday and closed on Saturday and Sunday. The hours for use of the outdoor play area shall be limited to 8:00 a.m. until 6:00 p.m. Monday through Friday. No use of the residence as a day care home shall be permitted outside the hours of operation listed herein.

(d) An opaque fence not less than six (6) feet in height shall be installed around the outdoor play area and shall be located in conformity with the regulations of section 13-2.3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).

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

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

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in

the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

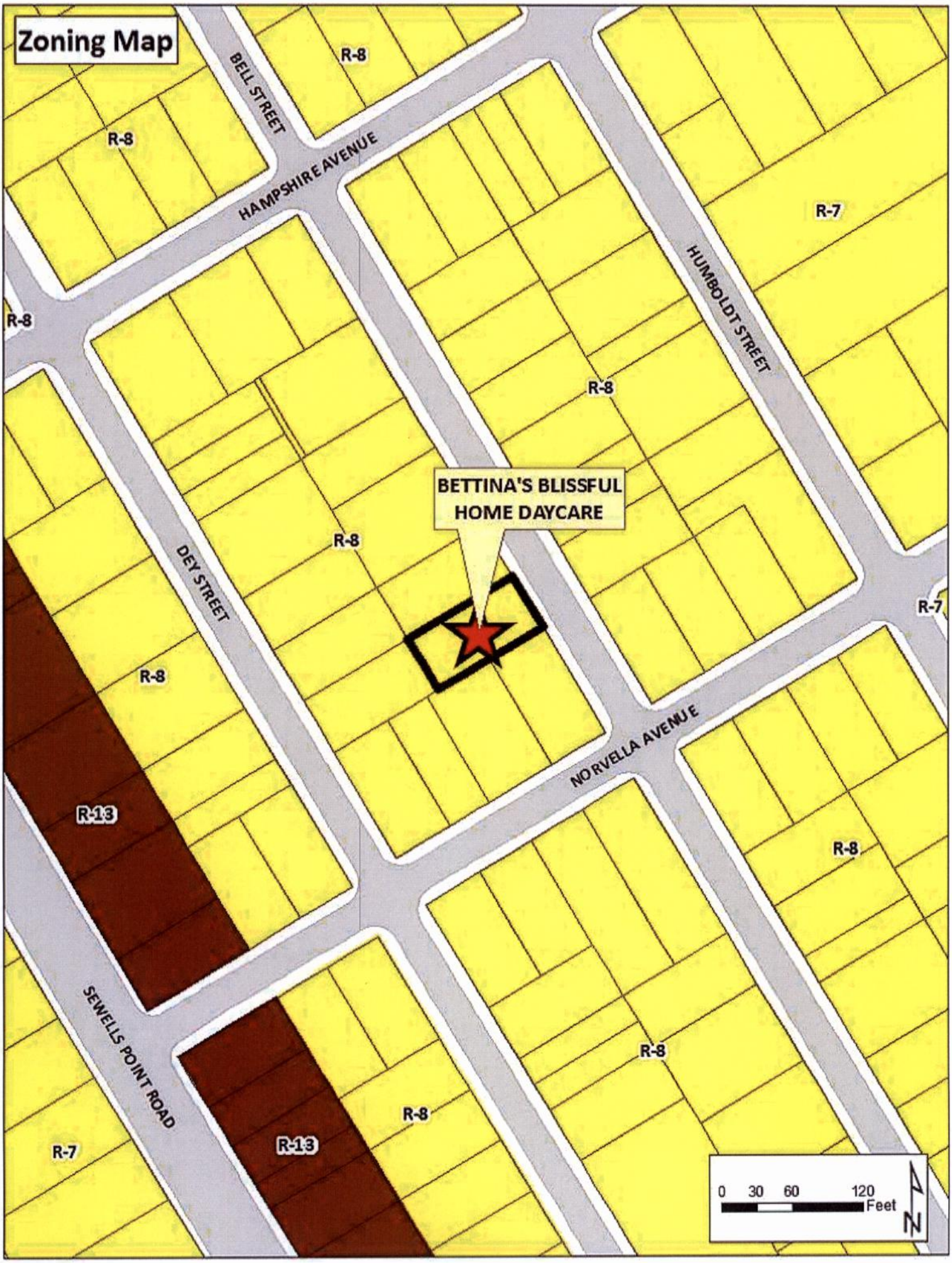
(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

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

Location Map
BELL STREET
BETTINA'S BLISSFUL
HOME DAYCARE
DEY STREET
NORVELLA AVENUE
0 10 20 40
Feet
N


Zoning Map
BELL STREET
HAMPSHIRE AVENUE
HUMBOLDT STREET
DEY STREET
NORVELLA AVENUE
SEWELLS POINT ROAD
BETTINA'S BLISSFUL HOME DAYCARE
R-8
R-7
R-13
0 30 60 120 Feet
N

APPLICATION
SPECIAL EXCEPTION

Special Exception for: Day Care Home - up to 9 children

Date of application: 11/5/15

DESCRIPTION OF PROPERTY

Property location: (Street Number) 3601 (Street Name) Bell St

Existing Use of Property Day Care Home - 5 children

Current Building Square Footage 1,255

Proposed Use Day Care Home - up to 9 children

Proposed Square Footage same

Proposed Hours of Operation:

Weekday	From	5:30 am	To	6:30 pm
Friday	From	"	To	"
Saturday	From	none	To	none
Sunday	From	none	To	none

Trade Name of Business (If applicable) Bettina's Blissful Home Daycare

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

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

1. Name of applicant: (Last) Myrick-Bergan (First) Bettina (MI) J

Mailing address of applicant (Street/P.O. Box): 3611 Bell St

(City) Norfolk (State) VA (Zip Code) 23513

Daytime telephone number of applicant (757) 747-7496 Fax ( )

E-mail address of applicant: Kitteon11@aol.com

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

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

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

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

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

E-mail address of applicant: _____

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

3. Name of property owner: (Last) Myrick-Bergan (First) Bettina (MI) J

Mailing address of property owner (Street/P.O. box): 3611 Bell Street

(City) Norfolk (State) VA (Zip Code) 23513

Daytime telephone number of owner (757) 747-7496 email: Kitteon11@aol.com

CIVIC LEAGUE INFORMATION

Civic League contact: Greenwood/Elmhurst/Norview Heights - Jackie Rochelle 435-2302

Date(s) contacted: Oct. 23, 2015

Ward/Super Ward information: ward - 3 / superward - 7

REQUIRED ATTACHMENTS:

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

CERTIFICATION:

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

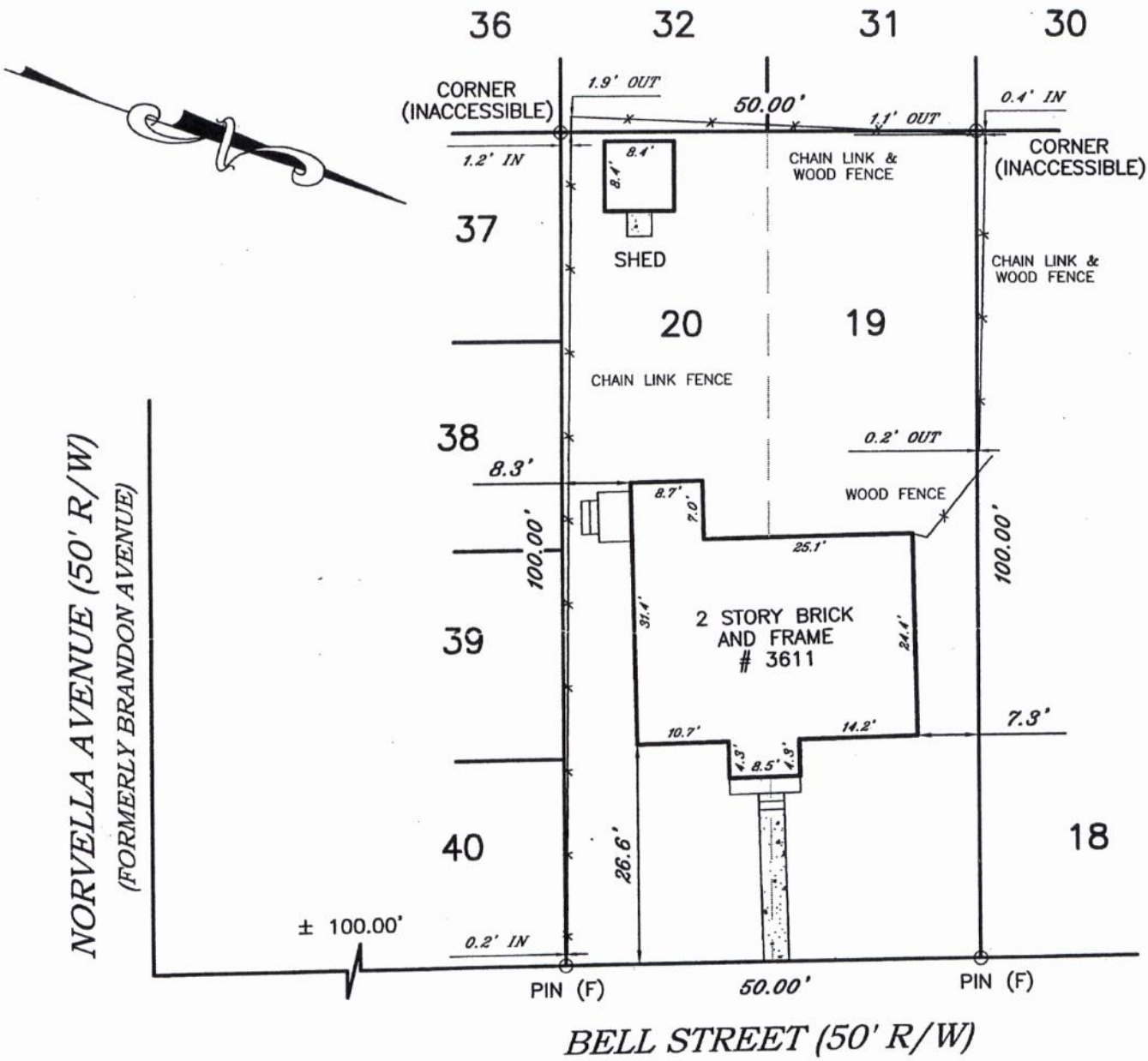
Print name: Bettina Bergan (Property Owner) **Sign:** B Bergan / 11 / 5/2015 (Date)

Print name: Bettina Bergan (Applicant) **Sign:** B Bergan / 11 / 5/2015 (Date)

ONLY NEEDED IF APPLICABLE:

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

HEREON, EXCEPT AS NOTED.



AREA= 5000 SQ. FT.

HUNT CLUB CONSULTING

HUNT CLUB CONSULTING
820 GREENBRIER CIRCLE, SUITE 12
CHESAPEAKE, VIRGINIA 23320
PHONE (757) 424-5833
FAX (757) 424-5835

FLOOD INFORMATION:
THIS PROPERTY APPEARS TO FALL IN FLOOD ZONE C
AS SHOWN ON NATIONAL FLOOD INSURANCE RATE MAP,
COMMUNITY # 510104 PANEL # 0006D
NORFOLK, VIRGINIA
DATED 4-17-84

COMMONWEALTH OF VIRGINIA
SCOTT A. SMITH
No.

SCALE 1"= 20'

DATE: 11-22-04

PROJECT # 04-1329

PHYSICAL SURVEY OF LOTS 19 & 20, BLOCK 6, SECTION 1 BRANDON PLACE 3611 BELL STREET NORFOLK, VIRGINIA

Simons, Matthew

From: Straley, Matthew
Sent: Wednesday, December 16, 2015 11:20 AM
To: 'greenwoodcivic1@aol.com'
Cc: Johnson, Mamie; Williams, Angelia M.; Herbst, James; Simons, Matthew
Subject: new Planning Commission application - 3611 Bell Street
Attachments: Bettinas Daycare.pdf

Ms. Rochelle,

Attached please find the application for a special exception to operate a day care home at 3611 Bell Street.

The purpose of this request is to allow for the care of up to nine children at the existing day care home.

The item is tentatively scheduled for the January 28, 2016 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

Simons, Matthew

From: Straley, Matthew
Sent: Wednesday, January 20, 2016 1:51 PM
To: Simons, Matthew
Subject: FW: new Planning Commission application - 3611 Bell Street

FYI

From: Jackie Rochelle [mailto:greenwoodcivic1@aol.com]
Sent: Tuesday, January 19, 2016 1:28 PM
To: Straley, Matthew; Pollock, Susan
Subject: Re: new Planning Commission application - 3611 Bell Street

Hello Mathew

Please be advised that Bettina Bergen attended the GENH Civic League meeting Jan 18 and presented her application for increasing the number of children she can have at her in-home daycare on Bell Street.

Prior to our meeting, Bettina had been in communication with our civic league and she has, in fact, joined the League. Additionally, after her application to planning, three members of our civic league went to the daycare during business hours to observe first-hand the current environment.

I am pleased to tell you that we found the daycare to be a clean, safe and healthy environment conducive to child care and Pre-Kindergarten/Kindergarten instruction. We observed the children to be well fed and comfortable within the existing environment. Further we found Bettina to be genuinely concerned for the health and well-being of the children currently enrolled in her daycare. The instructional program was age-appropriate.

In our opinion, the addition of four additional children will not crowd or negatively impact the welfare of children in the daycare or the community itself. Bell Street is frequently used by residents as a cut-thru within the neighborhood. The addition of four more vehicles daily on a street that has always had on-street parking will not create problems for the residents particularly since Bettina enforces strict rules relative to the parents not blocking driveways while they run in to drop-off or collect their child. Additionally, Bell Street is wide enough to accommodate the passage of emergency vehicles even if cars are parked along both sides of the street.

After consideration of these facts, GENH Civic League has voted unanimously to SUPPORT this application as detailed within the documents provided.

As always, if you have any questions or concerns, please contact me directly.

With kindest regards we wish you Happy New Year,

Jackie Rochelle
GENH Civic League
757-435-2302

-----Original Message-----
From: Straley, Matthew <Matthew.Straley@norfolk.gov>
To: greenwoodcivic1 <greenwoodcivic1@aol.com>
Cc: Johnson, Mamie <Mamie.Johnson@norfolk.gov>; Williams, Angelia M. <angelia.williams@norfolk.gov>; Herbst, James <James.Herbst@norfolk.gov>; Simons, Matthew <Matthew.Simons@norfolk.gov>
Sent: Wed, Dec 16, 2015 11:20 am
Subject: new Planning Commission application - 3611 Bell Street

Ms. Rochelle,

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

February 9, 2016

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

Subject: **Special Exception to operate an entertainment establishment with alcoholic beverages at 628 35th Street, Suites A & B – Granny's Country Cooking**

Reviewed: _____ **Ward/Superward: 2/7**
Ronald H. Williams, Jr., Deputy City Manager

Approved: _____ **Item Number: R-10**
Marcus D. Jones, City Manager

I. **Staff Recommendation: Approval.**

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

III. **Request:** Special Exception to operate an entertainment establishment with alcoholic beverages

IV. **Applicant: Granny's Country Cooking**

V. **Description:**
- The site is located on the north side of 35th Street, east of Gosnold Avenue.
- Granting this request will allow an existing restaurant, Granny's Country Cooking, to increase capacity by expanding into an adjacent suite and provide entertainment.
- Granny's Country Cooking was previously granted a special exception for an eating and drinking establishment in 2013.

Staff point of contact: Chris Blough at 664-6771, Christopher.blough@norfolk.gov

Attachments:
- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: January 28, 2016

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Chris Blough

Staff Report	**Item No. 14**	
Address	**628 35th Street**	
Applicant	**Granny's Country Cooking, Suites A and B**	
Request	**Special Exception**	**Entertainment establishment**
Property Owner	Riverview Development Group, LLC	
Site Characteristics	Building Area/Space	30,243 sq. ft./3,657 sq. ft.
	Future Land Use Map	Commercial
	Zoning	C-2 (Corridor Commercial); 35th Street Pedestrian Commercial Overlay District (PCO-35th Street)
	Neighborhood	Park Place
	Character District	Suburban
Surrounding Area	North	R-6 (Single-Family): Single-family homes
	East	C-2: Vacant lot
	South	C-2: Abundant Life Christian Center
	West	C-2: Parking lot

A. Summary of Request

- The site is located on the north side of 35th Street, east of Gosnold Avenue.
- Granting this request will allow an existing restaurant, Granny's Country Cooking, to increase capacity by expanding into an adjacent suite and provide entertainment.
- Granny's Country Cooking was previously granted a special exception for an eating and drinking establishment in 2013.

B. Plan Consistency

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

C. Zoning Analysis

i. General

- The site is located in the C-2 and 35th Street Pedestrian Commercial Overlay district, which permit the proposed use by special exception.

	Prior	Proposed
Hours of Operation and Hours for the Sale of Alcoholic Beverages	11:00 a.m. until 11:00 p.m., Seven Days a Week	11:00 a.m. until 2:00 a.m., Seven Days a Week
Capacity	44 seats indoors 12 seats outdoors 49 total capacity	85 seats indoors 0 seats outdoors 246 total capacity
Entertainment	N/A	• 4 member live band • Karaoke • Comedian • Poetry Reading

- Special Exception history:

City Council Approval	Applicant	Request
2013	Granny's Country Cooking	Eating and drinking establishment
Pending	Granny's Country Cooking	Entertainment establishment with alcohol

ii. Parking

- The site is located in the 35th Street Pedestrian Commercial Overlay, which exempts buildings constructed prior to 2002 from standard minimum parking requirements.
    - Parking is available on-site as well as on the adjacent portion of 35th Street.

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 figures estimate that this new restaurant will generate 179 additional vehicle trips per day by increasing total indoor seating at this location by 37 seats above currently approved levels.
- 35th Street near the site is not identified as a severely congested corridor in either the AM or PM peak hours in the current update to regional Hampton Roads Congestion Management analysis.
- The site is near transit services with Hampton Roads Transit bus routes 11 (Colonial)) operating nearby.

E. Historic Resources Impacts

- The building is not located within a local historic district, but it is listed as a contributing structure within a federal and state designated historic district.
  - Modifications to the exterior of the building are not subject to any approval from the Architectural Review Board.

F. Public Schools Impacts

This site is located within the James Monroe Elementary School, Blair Middle School, and Maury High School Attendance Zones.

G. Environmental Impacts

There are currently no opportunities for landscaping site improvements to this existing building.

H. Surrounding Area/Site Impacts

- By requiring this use to conform to the conditions listed below, the proposed entertainment establishment should not have a negative effect on the surrounding neighborhood.
- There were no calls for service made to this site over the past year.

I. Payment of Taxes

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

J. Civic League

The application was sent to Park Place Civic League and Kensington/Old Dominion Civic League, and Park Place Business Association on December 16.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.

- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

L. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

(a) The hours of operation for the establishment, for the sale of alcoholic beverages, and for entertainment shall be limited to 11:00 a.m. until 2:00 a.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The seating for the establishment shall not exceed 85 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 246 people.

(c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(d) Entertainment shall be limited to live bands having no more than 4 members, karaoke, poetry readings, and comedians. No other form of entertainment is permitted.

(e) The dance floor shall not exceed 324 square feet and shall be located as indicated on the basic floor plan attached hereto and marked as "Exhibit B." The dance floor shall be constructed of a different material than the primary floor material.

(f) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(g) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(h) The establishment shall maintain a current, active business license at all times while in operation.

(i) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(j) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(k) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(l) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(m) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(n) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(o) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by

reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(p) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(q) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(r) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(s) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.

(t) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(u) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 185 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(v) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
Notice to the Park Place Civic League and Kensington/Old Dominion Civic League
Notice to the Park Place Business Association

Proponents and Opponents

Proponents

Randy Baker (Applicant)
7446 Dakota Avenue
Norfolk, VA 23505

Kennita Baker (Applicant)
636 West 35th Street
Norfolk, VA 23588

Richard Levin
610 Pembroke Avenue
Norfolk, VA

Opponents

01/25/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT WITH ALCOHOLIC BEVERAGES KNOWN AS "GRANNY'S COUNTRY COOKING" ON PROPERTY LOCATED AT 628 35TH STREET, SUITES 636-A AND 636-B.

- - -

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

Section 1:- That a Special Exception is hereby granted to Kennita Reed-Baker authorizing the operation of an entertainment establishment with alcoholic beverages named "Granny's Country Cooking" on property located at 628 35th Street, Suites 636-A and 636-B. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronting 150 feet, more or less, along the northern line of 35th Street, beginning 75 feet, more or less, from the eastern line of Gosnold Avenue and extending eastwardly; premises numbered 628 35th Street, Suites A and B.

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

(a) The hours of operation for the establishment, for the sale of alcoholic beverages, and for entertainment shall be limited to 11:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The seating for the establishment shall not exceed 83 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 246 people.

(c) This special exception shall terminate in the event

of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(d) Entertainment shall be limited to live bands having no more than four (4) members, karaoke, poetry readings, and comedians. No other form of entertainment is permitted.

(e) The dance floor shall not exceed 324 square feet and shall be located as indicated on the basic floor plan attached hereto and marked as "Exhibit B." The dance floor shall be constructed of a different material than the primary floor material.

(f) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(g) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(h) The establishment shall maintain a current, active business license at all times while in operation.

(i) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(j) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff

and shall not be permitted within any restroom.

(k) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.

(l) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(m) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(n) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(o) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from

requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(p) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(q) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(r) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(s) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.

(t) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(u) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 185 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(v) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

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

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific

purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting an eating and drinking establishment on this property, adopted on January 29, 2013 (Ordinance No. 44,989). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

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

ATTACHMENTS:
Exhibit A (4 pages)
Exhibit B (1 page)

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

Date 11/16/2016

Trade name of business Granny's Country Cooking

Address of business 6316 W. 35th St.

Name(s) of business owner(s)* Kennita Reed-Baker

Name(s) of property owner(s)* _____

Name(s) of business manager(s)/operator(s) _____

Daytime telephone number (757) 412-9300

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

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales and Entertainment		
Weekday	From 11:00 am	To 2:00 am	Weekday	From 11:00 am	To 2:00 am
Friday	From 11:00 am	To 2:00 am	Friday	From 11:00 am	To 2:00 am
Saturday	From 11:00 am	To 2:00 am	Saturday	From 11:00 am	To 2:00 am
Sunday	From 11:00 am	To 2:00 am	Sunday	From 11:00 am	To 2:00 am

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

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

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

Exhibit A – Page 2
Entertainment Establishment

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

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

   _____

   _____

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

   5a. If yes, why: To help pay for Entertainment

   _____

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

   Monday Tuesday Wednesday Thursday Friday
   Saturday Sunday

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

   6a. If yes, explain: only the addition will be open for private parties

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

   7a. If yes, explain:

   _____

   _____

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

Exhibit A – Page 3
Entertainment Establishment

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

_____

_____

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

Kenneth Butler

Signature of Applicant

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

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

1. Total capacity

   a. **Indoor**
   Number of seats (not including bar seats) 77
   Number of bar seats 4
   Standing room 145

   b. **Outdoor**
   Number of seats —

   c. **Number of employees** 20

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = _____

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

4 MEMBER BAND

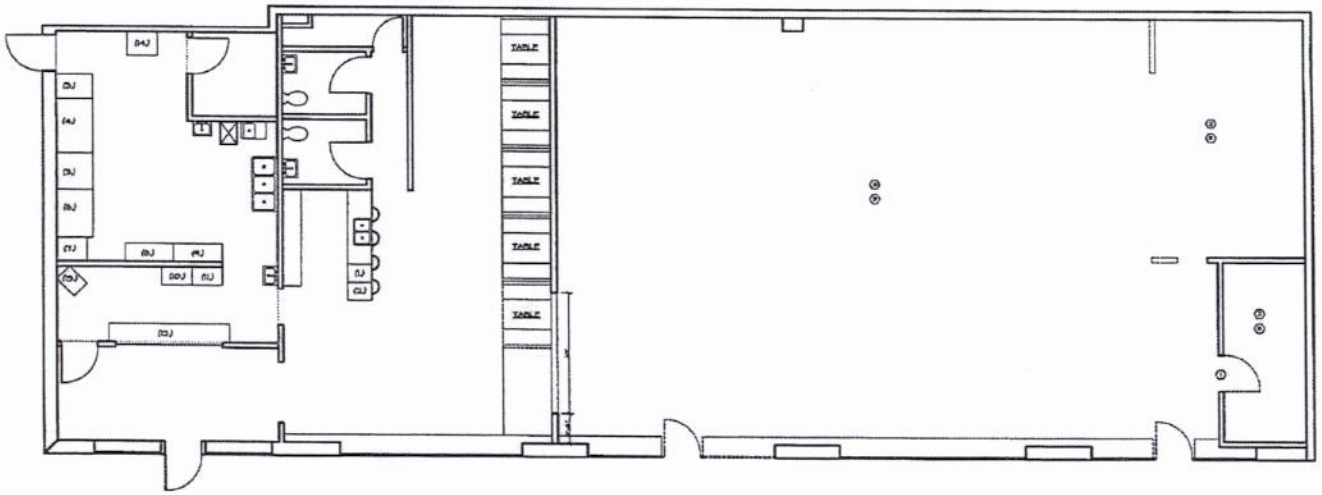
3. Will a dance floor be provided?
   ☑ Yes ☐ No

   3a. If yes,
   Square footage of establishment 3,657
   Square footage of dance floor 324

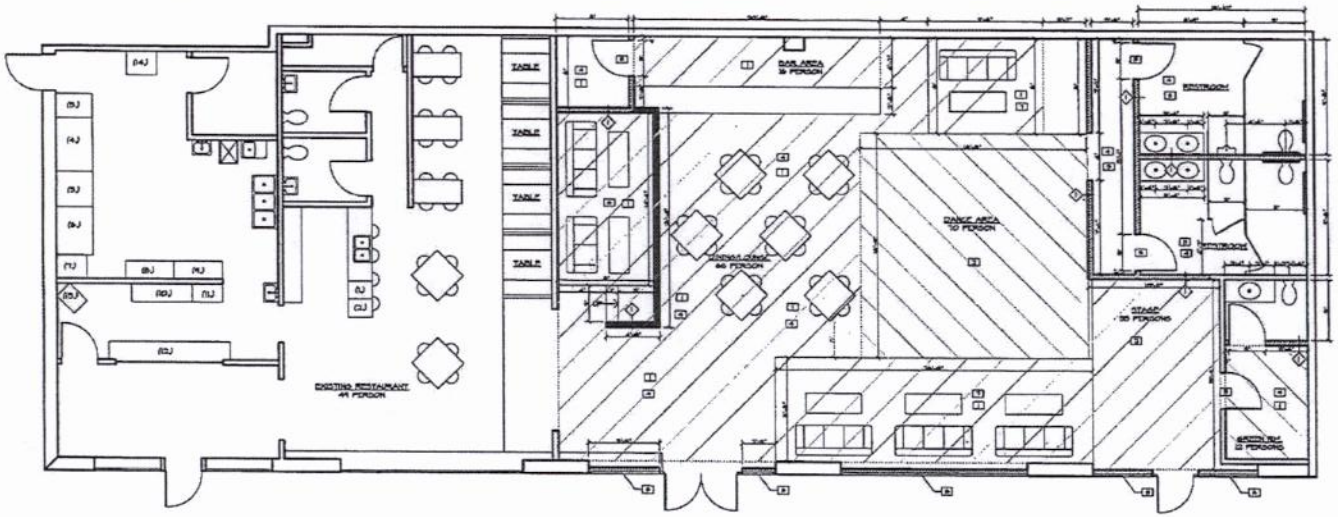
- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

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

Exhibit B



1 A-1.0 FLOOR PLAN - DEMOLITION
SCALE: 1/4" = 1'-0"



2 A-1.0 FLOOR PLAN - NEW WORK
SCALE: 1/4" = 1'-0"

GENERAL NOTES

1. THE CONTRACTOR SHALL FIELD VERIFY & COORDINATE AS BUILT CONDITIONS.
2. THE CONTRACTOR MUST VERIFY EXISTING DIMENSIONS PRIOR TO CONSTRUCTION.

DEMOLITION NOTES

1. REMOVE EXISTING DOORS & FRAMES
2. REMOVE EXISTING FLOOR FINISH
3. REMOVE EXISTING BASE

LEGEND

- DEMOLITION NOTE SYMBOL
- DEMOLISH
- EXISTING WALLS

NEW WORK NOTES

1. PROVIDE CARPET AND VINYL BASE FOR FLOOR FOR OWNER SELECTION
2. PROVIDE HARDWOOD FLOORING FOR OWNER SELECTION
3. PROVIDE CERAMIC TILE
4. PAINT 6YP ED. CEILING AND WALLS THROUGHOUT
5. PROVIDE 3'X7' SOLID CORE DOOR W/ H.M. FRAMING
6. ELEVATED FLOOR 21"
7. ELEVATED FLOOR 7"
8. PROVIDE LINO TINT

LEGEND

- NEW WALL
- NEW WALL (50" HALF WALL)

PARTITION TYPES

GRAPHIC	TYPE	UL LABEL	DESCRIPTION
	1	U484	NEW 3 5/8" METAL STUD WALL W/ 5" SOUND ATT. INSULATION AND 1 LAYERS OF 5/8" TYPE X 6YP. ED. ON EACH SIDE.

OCCUPANCY

EXISTING RESTAURANT
44 PERSONS

NEWORK

DINING AND LOUNGE
66 PERSONS

BAR AREA
17 SEATS

DANCE AREA
10 PERSON

STAGE AREA
35 PERSONS

GREEN ROOM
12 PERSONS

TOTAL
246 OCCUPANTS

EQUIPMENT SCHEDULE

1. ICE HOLDER
2. ICE HOLDER
3. FREEZER
4. 10 EYE STOVE TOP
5. GRIDDLE
6. 3 FRYER
7. WARM HOLDER
8. FREEZER
9. TALL FRIDGE
10. PREP COUNTER
11. WARM HOLD
12. WARM HOLD (COUNTER)
13. DISPLAY FRIDGE
14. FREEZER

KEY PLAN

GRANNY'S COUNTRY COOKING
636 35TH STREET
NORFOLK VA 23508

THE
LIVAS GROUP
ARCHITECTS P.C.

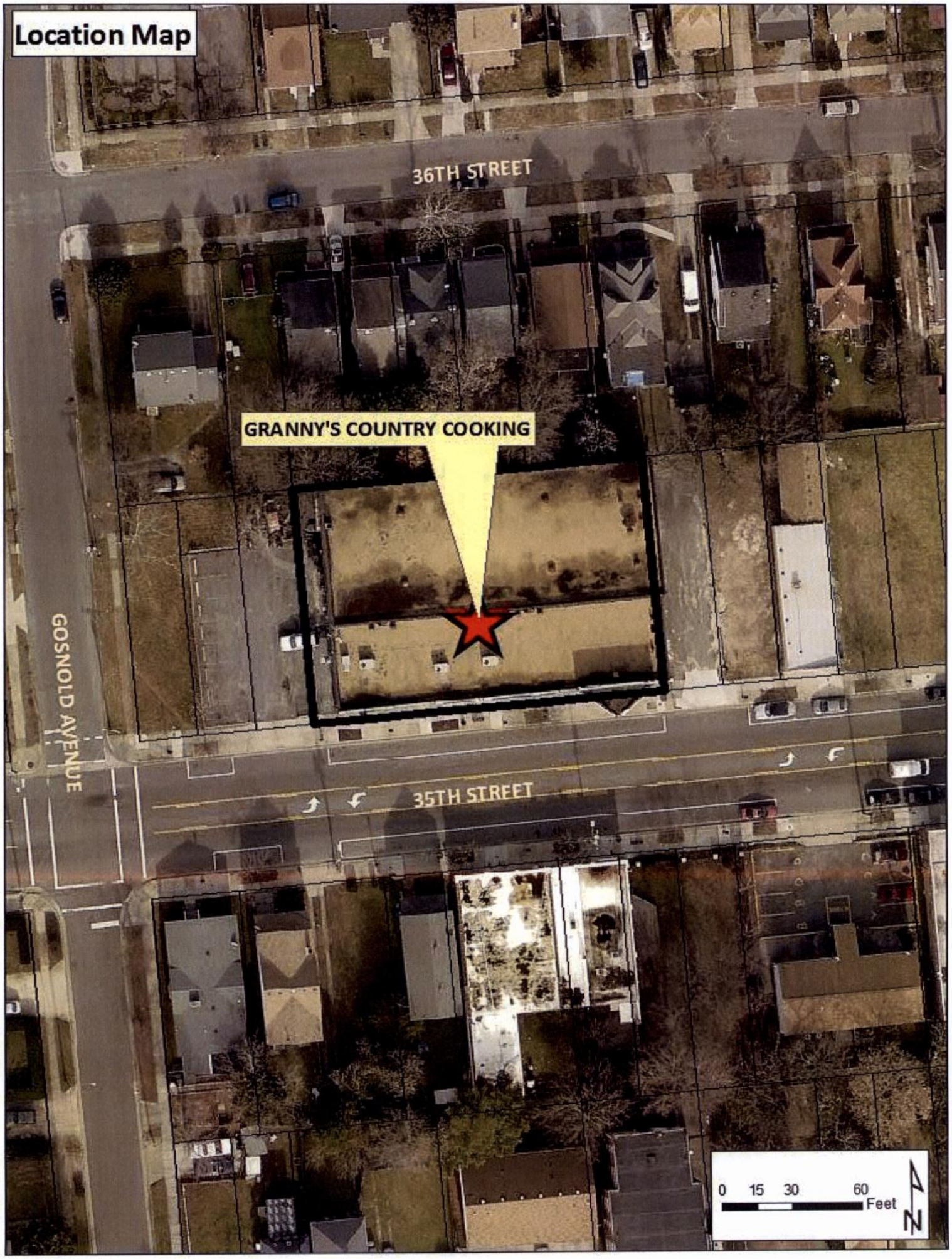
ARCHITECTS AND PLANNERS
246 WEST FREEMASON STREET
NORFOLK, VA 23510
TEL: (757) 627-7000
FAX: (757) 627-7001
WWW.LIVASGROUP.COM

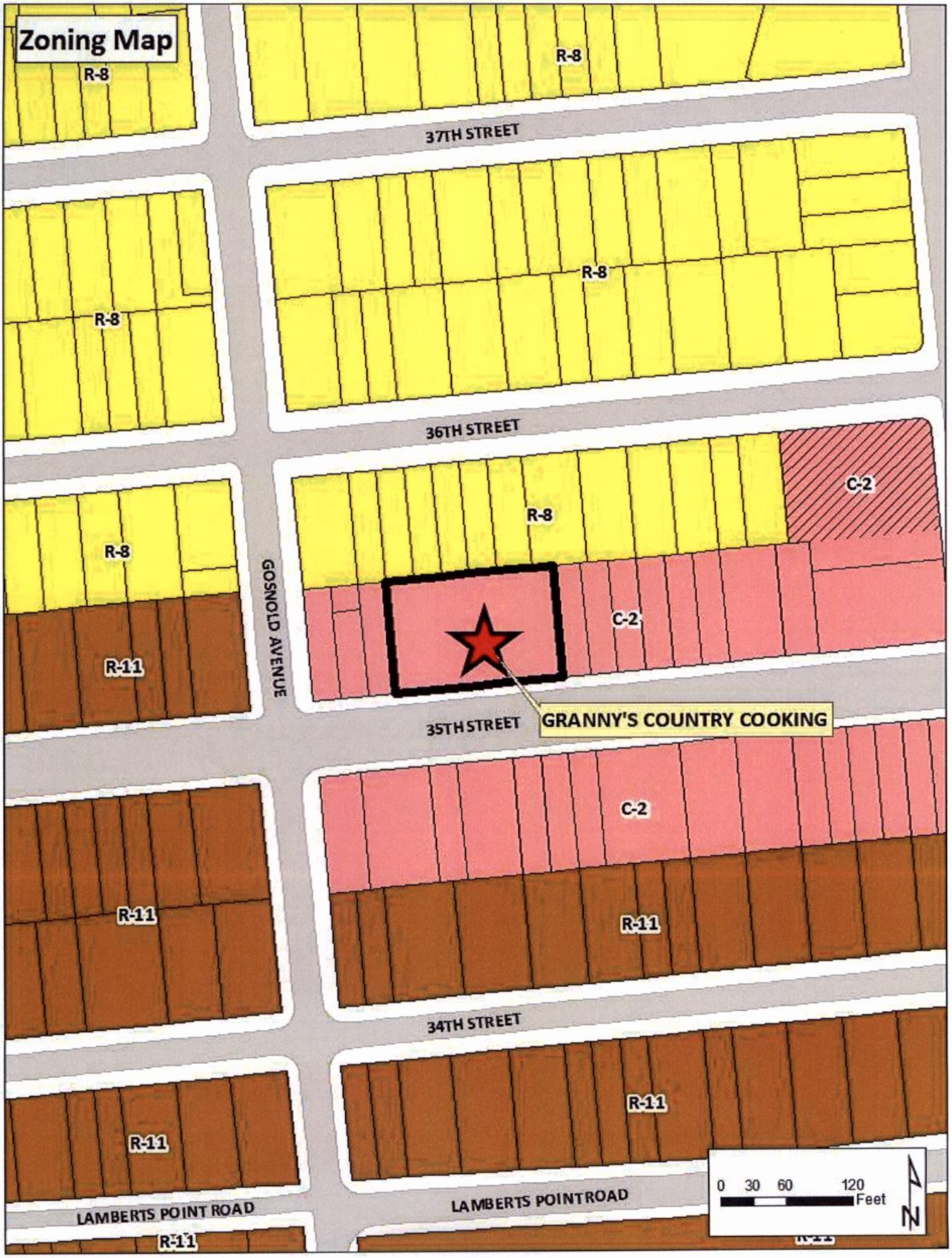
REVISIONS

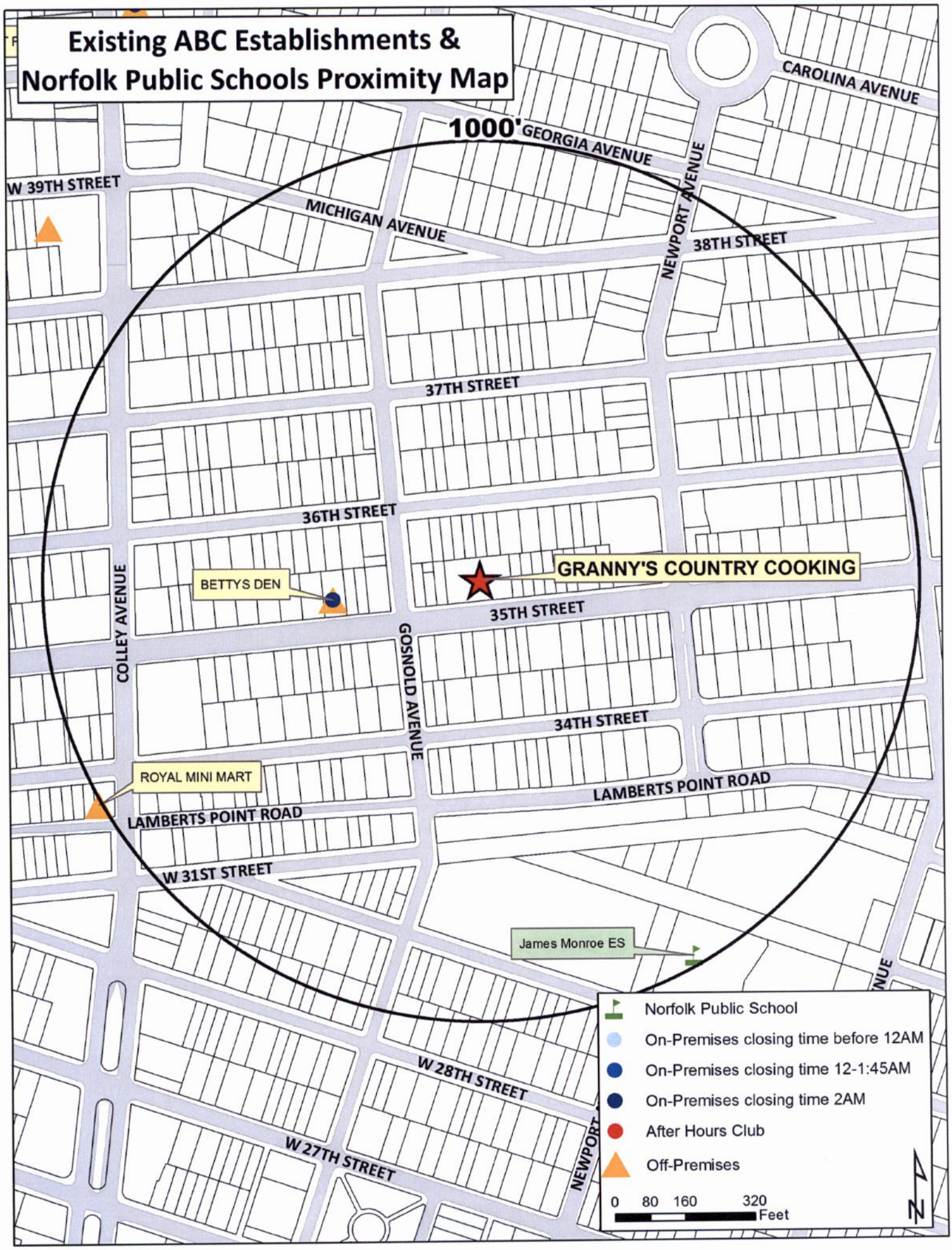
NO	DATE	DESCRIPTION

TITLE
DEMOLITION AND
NEW LAYOUT PLAN

DATE: NOVEMBER 2, 2015
DRAWN BY: D & MILES
CHECKED BY: MMSIII, DGM
SHEET
A-1.0


Location Map
36TH STREET
GRANNY'S COUNTRY COOKING
GOSNOLD AVENUE
35TH STREET
0 15 30 60
Feet
N


Zoning Map
R-8
R-8
37TH STREET
R-8
R-8
36TH STREET
C-2
R-8
R-8
GOSNOLD AVENUE
C-2
R-11
35TH STREET
GRANNY'S COUNTRY COOKING
C-2
R-11
R-11
34TH STREET
R-11
R-11
LAMBERTS POINT ROAD
LAMBERTS POINT ROAD
R-11
0 30 60 120
Feet
N


Existing ABC Establishments &
Norfolk Public Schools Proximity Map
1000'
GEORGIA AVENUE
CAROLINA AVENUE
W 39TH STREET
MICHIGAN AVENUE
NEWPORT AVENUE
38TH STREET
37TH STREET
36TH STREET
GRANNY'S COUNTRY COOKING
BETTYS DEN
35TH STREET
COLLEY AVENUE
GOSNOLD AVENUE
34TH STREET
ROYAL MINI MART
LAMBERTS POINT ROAD
LAMBERTS POINT ROAD
W 31ST STREET
James Monroe ES
W 28TH STREET
W 27TH STREET
NEWPORT
Norfolk Public School
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)

Date 11/16/2015

DESCRIPTION OF PROPERTY

Address 6340 W. 35th st

Existing Use of Property Restaurant

Proposed Use eating and drinking / vacant.

Current Building Square Footage 1,411

Proposed Building Square Footage 3657

Trade Name of Business (If applicable) Granny's Country Cooking

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

1. Name of applicant: (Last) BAKER (First) Kennitha (MI) D

Mailing address of applicant (Street/P.O. Box): 636 West 18

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

Daytime telephone number of applicant (757) 412-9300 Fax (757) 626-3425

E-mail address of applicant: grannysbbq1@gmail.com

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

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

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

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

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

E-mail address of applicant: _____

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

3. Name of property owner: (Last) Levin (First) Richard (MI) G

Mailing address of property owner (Street/P.O. box): 2106 Llewellyn Ave

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

Daytime telephone number of owner (757) 630-7342 email: RGLevin@Cox.Net

CIVIC LEAGUE INFORMATION

Civic League contact: Park Place Frank Kriston. 354-1669

Date(s) contacted: _____

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS

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

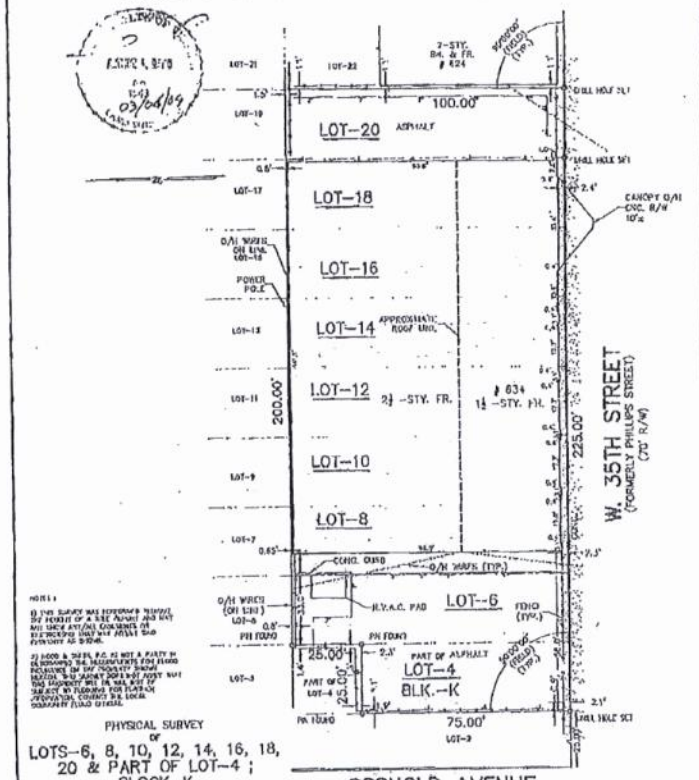
Print name: Richard Levin **Sign:** _____ / 11/9/15
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Kennita Baker **Sign:** _____ / 11 / 16 / 15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

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

THIS IS TO CERTIFY THAT I, ON 03/04/05 SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS ARE SHOWN ON THIS PLAT. THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY EXCEPT AS SHOWN.



NOTES:

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

2) ROOD & SMITH, P.C. IS NOT A PARTY IN DESIGNING THE INSURANCE FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. THIS SURVEY DOES NOT AVOID THE PROPERTY FROM THE WAY NOT BE SUBJECT TO FLOODING FOR FLATTER INFORMATION CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.

PHYSICAL SURVEY
OF
LOTS-6, 8, 10, 12, 14, 16, 18, 20 & PART OF LOT-4 ;
BLOCK-K
KENSINGTON
NORFOLK, VIRGINIA
for
RIVERVIEW DEVELOPMENT GROUP, L.L.C.

FLOOD ZONE INFORMATION : ACCORDING TO F.E.M.A.'S FLOOD INSURANCE RATE MAP (F.I.R.M.), THE PROPERTY SHOWN HEREON APPEARS TO FALL WITHIN FLOOD ZONE(S) "C".
COMMUNITY-PANEL NO. 510104 0017 D MAP REVISED: 4-17-84 BASE FLOOD ELEVATION = N/A

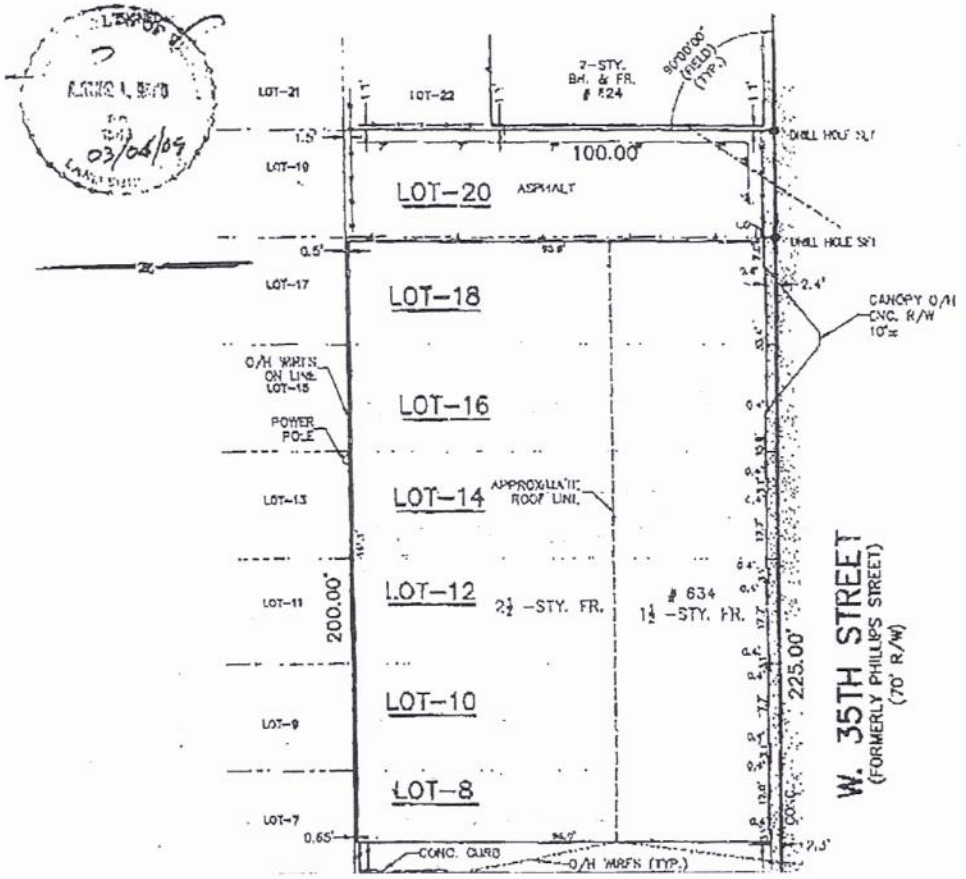
ROOD & SMITH, P.C.
LAND SURVEYORS
5737 BARTEE STREET
NORFOLK, VA 23502
TEL: 757.466.1111
FAX: 757.466.9384

GRAPHIC SCALE
0 12.5 25 50 75

SCALE:	1"=25'	DRAWN BY:	JS
DATE:	03/04/05	F.B. 841	PG. 27
REF:	CHES. M.B. 4, PG. 78		

58,728 S-5835

THIS IS TO CERTIFY THAT I ON 03/04/05 SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS ARE SHOWN ON THIS PLAT. THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY EXCEPT AS SHOWN.



Our goals for security are:

1) 8 man team (4 inside, 2 at the door, 1 outside for crowd control and 1 for protection of parkcars.

2) We will have trained security who are license and Bonded. We will go over exit plans in case of emergenajes.

3) The security and staff will be organize and held responsible for each post.

4) At closing we will form a strategic plan so everyone leave and get to there car respectfully and safe.

5) Safety is very important so we stand by this.

Blough, Christopher

From:	Straley, Matthew
Sent:	Wednesday, December 16, 2015 12:06 PM
To:	'fjkriston@gmail.com'; 'reggie.king@gmail.com'
Cc:	Whibley, Terry; Williams, Angelia M.; Wilson, Denise; Blough, Christopher
Subject:	new Planning Commission application - 628 35th Street, Suites 636-A and 636-B
Attachments:	GrannysCountryCooking.pdf

Mr. Kriston and Mr. King,

Attached please find the application for a special exception to operate an entertainment establishment with alcoholic beverages at 628 35th Street, Suites 636-A and 636-B.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Chris Blough at (757) 664-6771, christopher.blough@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

Blough, Christopher

To: mwsalaam@yahoo.com
Cc: Straley, Matthew
Subject: new Planning Commission application - 628 35th Street, Suites 636-A and 636-B
Attachments: application.pdf

Mr. Fareed,

Attached please find the application for a special exception to operate an entertainment establishment with alcoholic beverages at 628 35th Street, Suites 636-A and 636-B.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *me at (757) 664-6771.*

Thank you.

Chris Blough
Planner I
City of Norfolk
Department of City Planning
757.664.6771

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

February 9, 2016

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

Subject: **Special Exception to operate an entertainment establishment with alcoholic beverages – Juicebar Juices, Inc.**

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

Ward/Superward: 2/6

Approved: _____
Marcus D. Jones, City Manager

Item Number: R-11

I. **Staff Recommendation: Approval.**

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

III. **Request: Special Exception to operate an entertainment establishment with alcoholic beverages**

IV. **Applicant: Juicebar Juices, Inc.**

V. **Description:**

- This property is located on the northeast corner of East Tazewell Street and Granby Street
- Granting this request will allow an existing entertainment establishment, Juicebar Juices, to serve alcoholic beverages to its patrons.
- Juicebar Juices was previously granted a special exception for an entertainment establishment with alcoholic beverages in 2014.
- The applicant proposes to maintain the same capacity and entertainment options as before, but will modify hours of operation to open earlier.

Staff point of contact: Chris Blough at 664-6771, Christopher.blough@norfolk.gov

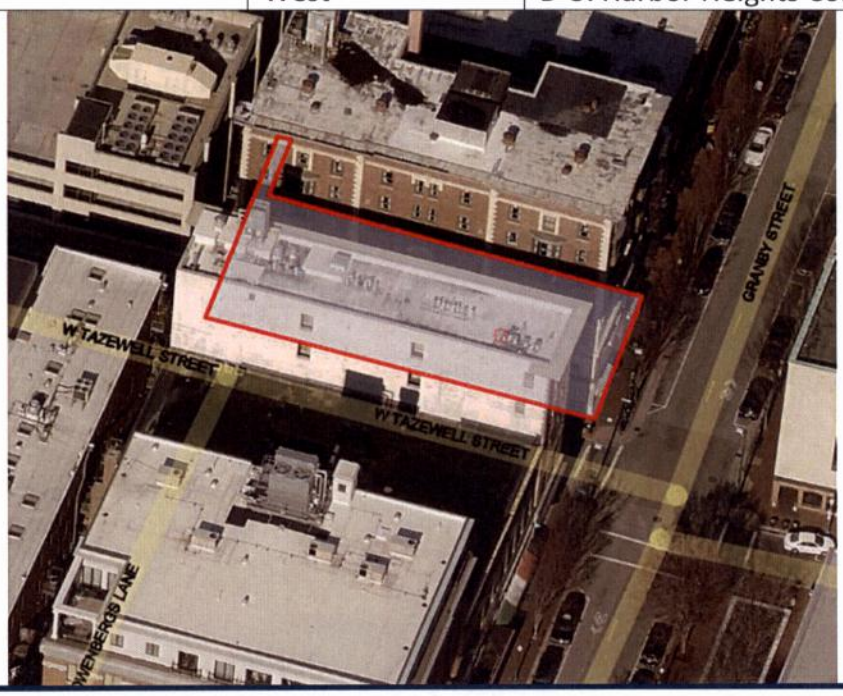
Attachments:

- Staff Report to CPC dated January 28, 2015 with attachments
- Proponents and Opponents
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: January 28, 2016
Executive Secretary: George M. Homewood, AICP, CFM
Planner: Chris Blough

Staff Report	**Item No. 15**	
Address	**245 Granby Street, Suite 247**	
Applicant	**Juicebar Juices, Inc.**	
Request	**Special Exception**	**Entertainment establishment**
Property Owner	245 Granby Street, LLC	
Site Characteristics	Building Area/Space	7,350 sq. ft./1,924 sq. ft.
	Zoning	D-3 (Freemason/Granby Conservation and Mixed Use District) and HO-D (Downtown Historic Overlay District)
	Future Land Use Map	Downtown
	Neighborhood	Downtown
	Character District	Downtown
Surrounding Area	North	D-3: Ciniva Web Agency
	East	D-3: Tap It Local
	South	D-3: Brick Anchor Brew House
	West	D-3: Harbor Heights Condo Building



A. Summary of Request

- This property is located on the northeast corner of East Tazewell Street and Granby Street
- Granting this request will allow an existing entertainment establishment, Juicebar Juices, to serve alcoholic beverages to its patrons.
- Juicebar Juices was previously granted a special exception for an entertainment establishment with alcoholic beverages in 2014.
- The applicant proposes to maintain the same capacity and entertainment options as before, but will modify hours of operation to open earlier.

B. Plan Consistency

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

C. Zoning Analysis

i. General

- The site is located in the D-3 district, which permits the proposed use by special exception.

	Prior	Proposed
Hours of Operation and Hours	10:00 a.m. until 2:00 a.m., Seven Days a Week	8:00 a.m. until 2:00 a.m., Seven Days a Week
Hours for the Sale of Alcoholic Beverages	N/A	10:00 a.m. until 2:00 a.m., Seven Days a Week
Capacity	31 seats indoors 0 seats outdoors 91 total capacity	Same
Entertainment	• 3 member live band • Karaoke • Comedian • Poetry reading • Open microphone	Same

- Special Exception history:

City Council Approval	Applicant	Request
2014	Juicebar Juices Inc	Entertainment Establishment (without alcohol)
Pending	Juicebar Juices Inc	Entertainment Establishment (with alcohol)

ii. Parking

The site is located within the D-3 zoning district, which does not require off-street parking.

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 figures calculate forecast travel for restaurants based upon the total seating of an establishment.
- Since no increase in indoor seating is being proposed for the site, no additional trips are projected.

E. Historic Resources Impacts

- The building is located within the Downtown Historic Overlay District and is a contributing structure within a federal and state designated historic district.
- Any modifications to the exterior of the building shall be subject to the Architectural Review Board for review and approval.

F. Public Schools Impacts

This site is located within the Tidewater Park Elementary School, Blair Middle School, and Maury High School Attendance Zones.

G. Environmental Impacts

- There are currently no opportunities for landscaping site improvements to this existing site.
  - There were 25 calls for service over the past year for this site, with no arrests made.

H. Surrounding Area/Site Impacts

By requiring this use to conform to the conditions listed below, the proposed entertainment establishment should not have a negative effect on the surrounding neighborhood.

I. Payment of Taxes

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

J. Civic League

The application was sent to Downtown Norfolk Council and Downtown Norfolk Civic League on December 16.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

L. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

(a) The hours of operation for the establishment shall be limited to 8:00 a.m. until 2:00 a.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours for the sale of alcoholic beverages and for entertainment shall be limited to 10:00 a.m. until 2:00 a.m., seven days a week.

(c) The seating for the establishment shall not exceed 31 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 91 people.

(d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(e) Entertainment shall be limited to live bands having no more than 3 members, karaoke, comedians, open microphone, and poetry reading. No other form of entertainment is permitted.

(f) There shall be no dancing and no dance floor provided.

(g) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(h) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(i) The establishment shall maintain a current, active business license at all times while in operation.

(j) The establishment shall remain current on all food and beverages taxes and

business personal property taxes which may become due while it is in operation.

(k) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(l) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(m) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(n) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(o) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(p) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(q) Neither the establishment nor any portion of it shall be leased, let, or used

by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(r) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(s) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(t) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.

(u) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(v) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 68 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(w) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
Notice to the Downtown Norfolk Council and Downtown Norfolk Civic League

Proponents and Opponents

Proponents

Jodie Wilson (Applicant)
9637 Capeview Avenue
Norfolk, VA 23503

Rick Henn
1400 Granby Street
Norfolk, VA 23510

Opponents

01/25/2016 lds

Form and Correctness Approved:

By
Office of the City Attorney

Contents Approved:

By
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT WITH ALCOHOLIC BEVERAGES KNOWN AS "JUICEBAR JUICES" ON PROPERTY LOCATED AT 245 GRANBY STREET, SUITE 247.

- - -

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

Section 1:- That a Special Exception is hereby granted to Juice Bar Juices, Inc. authorizing the operation of an entertainment establishment with alcoholic beverages named "Juicebar Juices" on property located at 245 Granby Street, Suite 247. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 57 feet, more or less, along the western line of Granby Street and 120 feet, more or less, along the northern line of West Tazewell Street; premises numbered 245 Granby Street, Suite 247.

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

(a) The hours of operation for the establishment shall be limited to 8:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours for the sale of alcoholic beverages and for entertainment shall be limited to 10:00 a.m. until 2:00 a.m. the following morning, seven days per week.

(c) The seating for the establishment shall not exceed 31 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 91 people.

(d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(e) Entertainment shall be limited to live bands having no more than three (3) members, karaoke, comedians, open microphone, and poetry reading. No other form of entertainment is permitted.

(f) There shall be no dancing and no dance floor provided.

(g) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(h) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(i) The establishment shall maintain a current, active business license at all times while in operation.

(j) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(k) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(l) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.

(m) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(n) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(o) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(p) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(q) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(r) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(s) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(t) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.

(u) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(v) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 69 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(w) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

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

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and

for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting an entertainment establishment with no alcoholic beverages on this property, adopted on October 14, 2014 (Ordinance No. 45,712). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

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

ATTACHMENTS:
Exhibit A (4 pages)
Exhibit B (1 page)

Exhibit A

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

Date 12/1/15

Trade name of business Juicebar Juices

Address of business 245 GRANBY St

Name(s) of business owner(s)* Jodie Wilson / Joseph WRIGHT - Juicebar Juices INC

Name(s) of property owner(s)* BUDDY GADAMS

Name(s) of business manager(s)/operator(s) Jodie Wilson Joseph WRIGHT

Daytime telephone number (347) 828-4081

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

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales and Entertainment		
Weekday	From 8AM	To 2AM	Weekday	From 10AM	To 2AM
Friday	From 8AM	To 2AM	Friday	From 10AM	To 2AM
Saturday	From 8AM	To 2AM	Saturday	From 10AM	To 2AM
Sunday	From 8AM	To 2AM	Sunday	From 10AM	To 2AM

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

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

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Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January 2015)

Exhibit A – Page 2
Entertainment Establishment

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

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

_____

_____

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

5a. If yes, why: SPECIAL EVENTS

TO CATER EVENT COST

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

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

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

6a. If yes, explain: SPACE IS AVAILABLE FOR SPECIAL EVENTS

_____

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

7a. If yes, explain:

_____

_____

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

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Exhibit A – Page 3
Entertainment Establishment

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

HAVE BEEN OPEN FOR 18 MONTHS

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

Signature of Applicant

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

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

1. Total capacity

a. Indoor
Number of seats (not including bar seats) 25
Number of bar seats 6
Standing room 57 WITHOUT BAND
54 WITH BAND

b. Outdoor
Number of seats X

c. Number of employees 3

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 91

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

OPEN MICROPHONE

3. Will a dance floor be provided?
~~☐~~ Yes ☒ No

3a. If yes,
~~Square footage of establishment~~ 1924
~~Square footage of dance floor~~ 120

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

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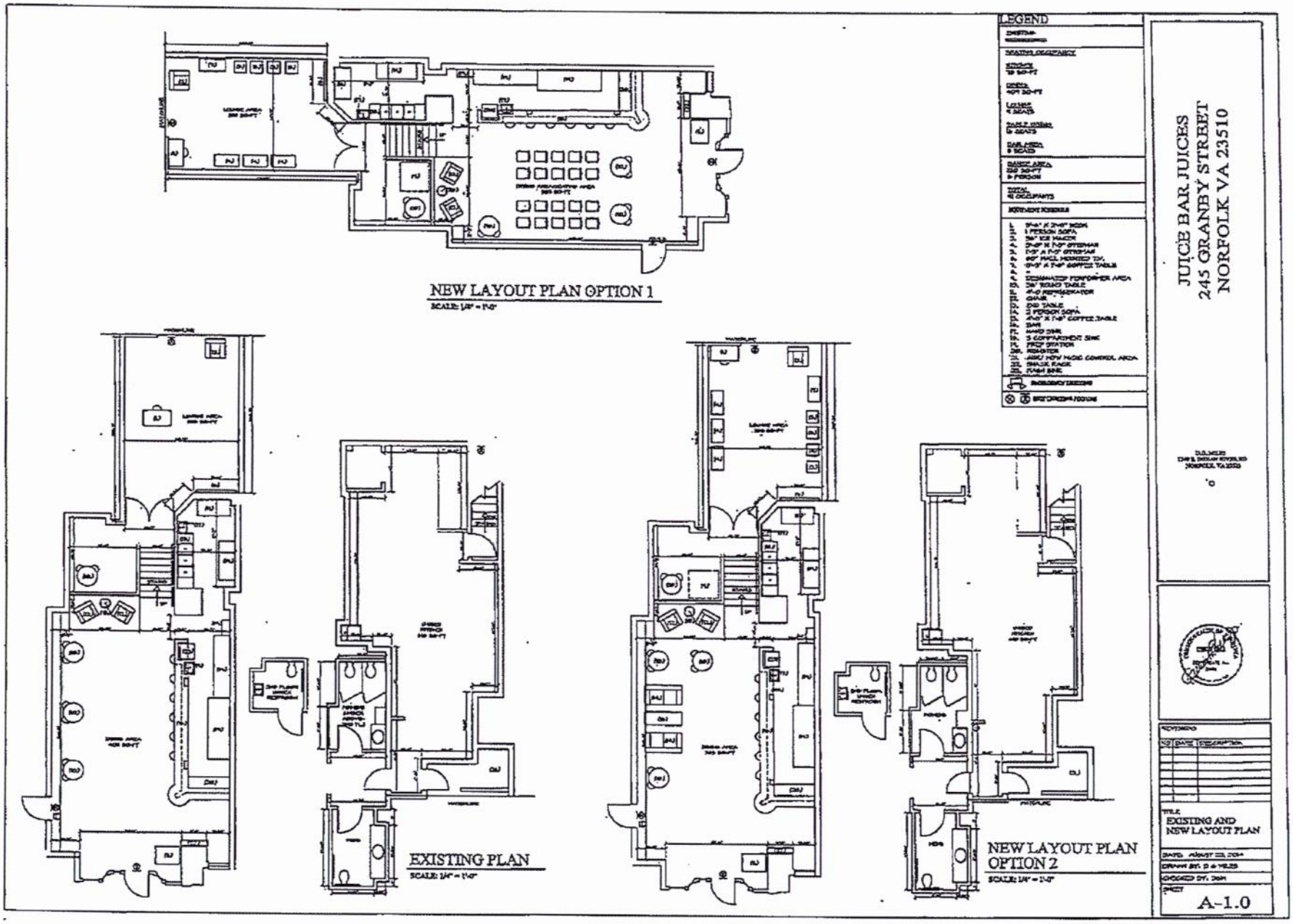
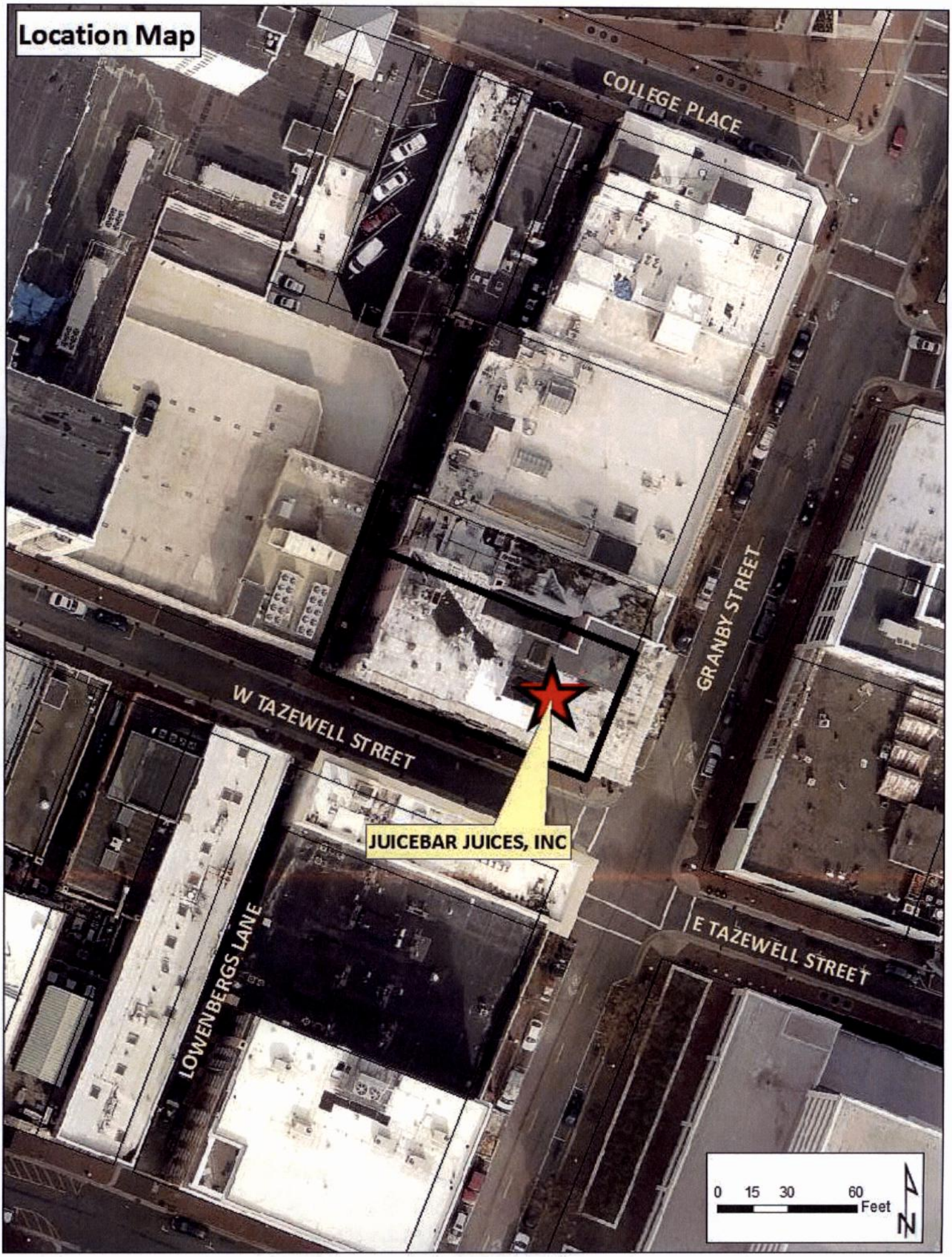
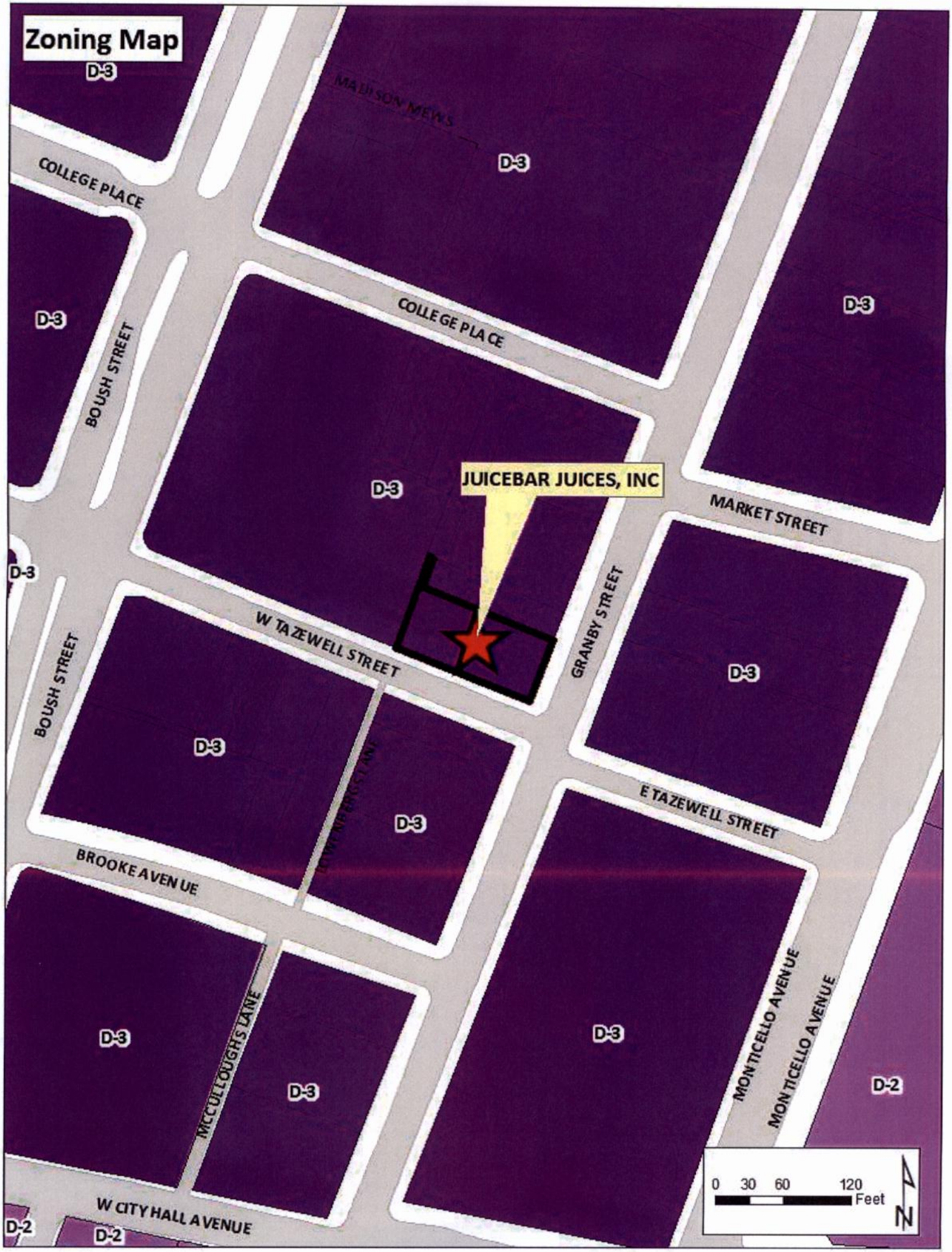
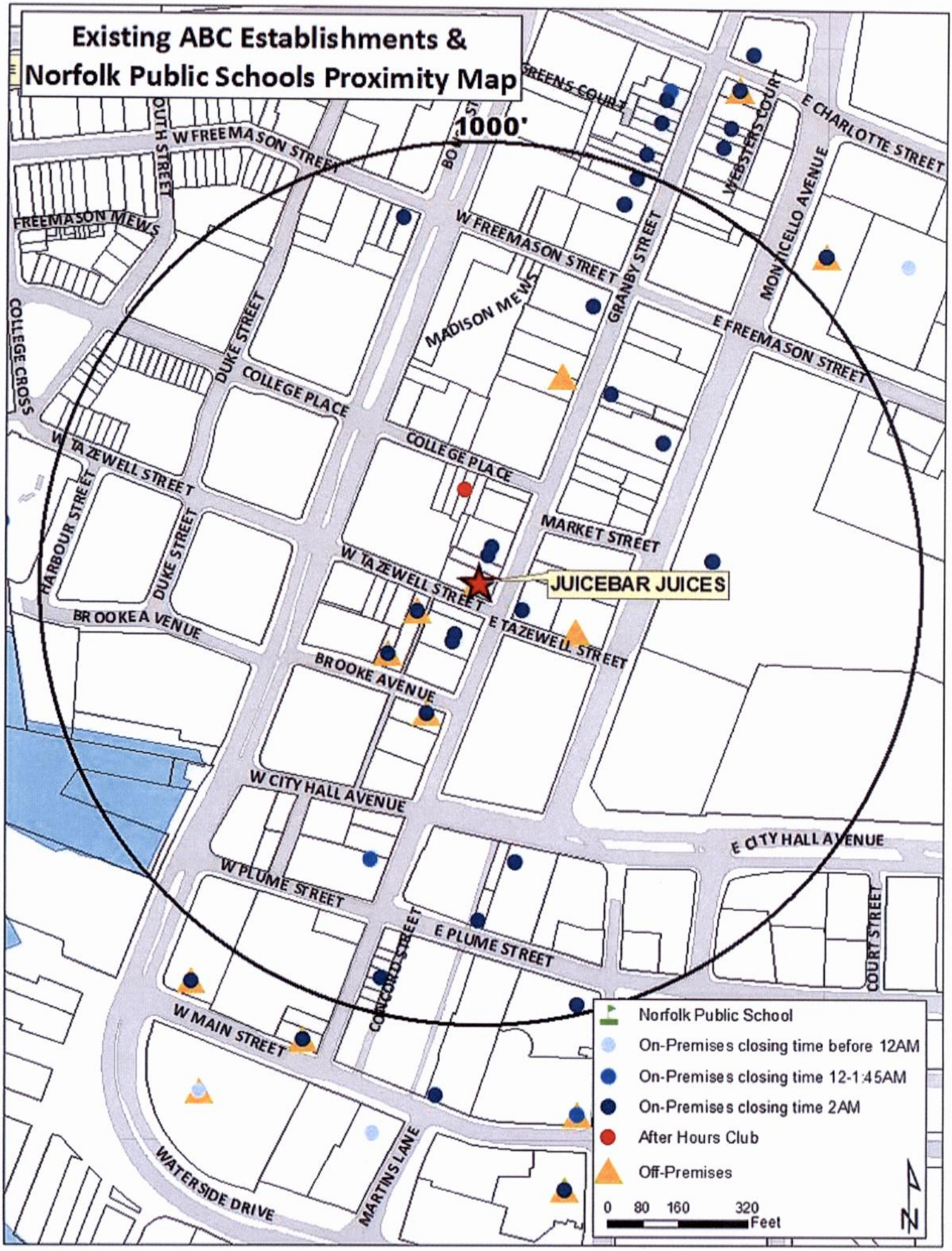
Exhibit B


NEW LAYOUT PLAN OPTION 1
EXISTING PLAN
NEW LAYOUT PLAN OPTION 2
LEGEND
JUICE BAR JUICES
245 GRANBY STREET
NORFOLK VA 23510
EXISTING AND NEW LAYOUT PLAN
A-1.0


Location Map
COLLEGE PLACE
GRANBY STREET
W TAZEWELL STREET
JUICEBAR JUICES, INC
LOWENBERGS LANE
E TAZEWELL STREET
0 15 30 60
Feet
N


Zoning Map
D-3
MADISON MEWS
COLLEGE PLACE
BOUSH STREET
JUICEBAR JUICES, INC
MARKET STREET
GRANBY STREET
W TAZEWELL STREET
E TAZEWELL STREET
BROOKE AVENUE
MCCULLOUGH'S LANE
MONTICELLO AVENUE
W CITY HALL AVENUE
D-2
0 30 60 120 Feet
N


Existing ABC Establishments &
Norfolk Public Schools Proximity Map
1000'
W FREEMASON STREET
FREEMASON MEWS
COLLEGE CROSS
DUKE STREET
COLLEGE PLACE
W TAZEWELL STREET
HARBOUR STREET
BROOKE AVENUE
MADISON MEWS
GRANBY STREET
E FREEMASON STREET
MONTICELLO AVENUE
WEBSTERS COURT
E CHARLOTTE STREET
MARKET STREET
JUICEBAR JUICES
E TAZEWELL STREET
W CITY HALL AVENUE
E CITY HALL AVENUE
W PLUME STREET
E PLUME STREET
CONCORD STREET
COURT STREET
W MAIN STREET
WATERSIDE DRIVE
MARTINS LANE
Norfolk Public School
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)

Date 12/1/15

DESCRIPTION OF PROPERTY

Address 245 GRANBY ST.

Existing Use of Property Juicebar

Proposed Use Juice bar

Current Building Square Footage 1924

Proposed Building Square Footage SAME

Trade Name of Business (If applicable) Juicebar Juices INC.

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

1. Name of applicant: (Last) Wilson (First) Jodie (MI) F

Mailing address of applicant (Street/P.O. Box): ~~3877 Hollands Rd~~ 245 GRANBY ST

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of applicant (~~347~~ 347 828 4081 Fax ( )

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

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Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January 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) HENN (First) Rick (MI) J

Mailing address of applicant (Street/P.O. Box): 1400 Granby st 407

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of applicant ( ) 615-6905 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) Gadanes (First) Buddy (MI) ____

Mailing address of property owner (Street/P.O. box): 407 Granby St

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of owner ( ) _____ email: _____

CIVIC LEAGUE INFORMATION

Civic League contact: _____

Date(s) contacted: _____

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS

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

Print name: Frank Gadome **Sign:** 12 / 1 / 15
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Jodie Wilson **Sign:** 12/1/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: Rick Hemr **Sign:** 12/1/15
(Authorized Agent Signature) (Date)

Security Plan
of
Joseph Wright
for
Juice Bar Juices
245 Granby Street
Norfolk, VA 23510

Definition of "Security"

1. Freedom from worry, risk, danger, anxiety, or doubt; safety
2. Precautions taken to guard against attack or crime.

Goals:

- To create a safe and secure work environment for all personnel, employees and customers, entering and leaving Juice Bar Juices
- To provide a method of preventative measures to resolve any dangerous situations which could result in injury within Juice Bar Juices
- The Juice Bar Juices staff will provide the assertive presence through the display of integrity and professionalism, while carrying out their respective duties and responsibilities.
- To protect and promote the courteous, inviting, and hospitable character of the City of Norfolk.

Features of the Plan:

Security Team:
The nature of the security plan and its implementation will be executed by the Juice Bar Juices staff. The staff will ensure the goals of the security plan are carried out to their fullest extent when required to act.

Rules and Regulations:
Juice Bar Juices staff is required to be 18 years of age, dress code is casual with a

Juice Bar Juices T-shirt and a visor or cap. While working, no controlled substances are carried on any of the staff.

Access:
Parking is temporary directly outside the Juice Bar Juices facility. Curb side drop off and pick up is the means of vehicular traffic. Most traffic flow is on foot.

Integration:
Juice Bar Juices will communicate with all neighboring businesses in any law enforcement situations and cooperate to the fullest extent with the police force.

Uniform for Security Team
The uniforms are the same as the uniforms the staff wears. The staff of Juice Bar Juices is who will act on and carry out the security plan. Their uniform consists of casual jeans, pants, or shorts, along with a Juice Bar Juices T-shirt and Juice Bar Juices logo visor or cap.

Security Team:

Personnel:

- Security Team Leader

General Duties and Responsibilities:
Each member of the security team will be trained to set up queuing in accordance through the city. All members will work together to maintain order within the facility and outside in the immediate surroundings as to prevent activity which would interfere with the peaceful atmosphere of the nearby property owners or leaseholders.

Security Team Leader:

- Enumerate each duty which falls within the role of this position.
- Liaison to state and city law enforcement officers and emergency responders.

Communication:
There are computers and telephones within the facility to allow security personnel to effectively communicate to the proper authorities related to the situation.

Electronic Security:

There are multiple cameras set up at various position and angles thoughout the facility allowing full coverage against attack or crime in the facility. Cameras are placed above the register, near the door at the entrance, in the area behind the bar, in the back rooms of office and storage.

Emergency Evacuation Plan:

There is a back door exit through the back offices and kitchen leading in the alleyway with the dumpsters. In the event of an emergency that requires evacuation, the staff and any customers would be lead through the facility and out this back door to safety. Once outside and away from the immediate threat, people will be at least 100 feet away in all directions allowing emergency responders to enter onto the scene.

Blough, Christopher

From:	Straley, Matthew
Sent:	Wednesday, December 16, 2015 12:03 PM
To:	'dncl@welovenorfolk.org'; Miller, Mary
Cc:	Whibley, Terry; Winn, Barclay; Howard, Oneiceia; Blough, Christopher
Subject:	new Planning Commission application - 245 Granby Street, Suite 247
Attachments:	JuiceBarJuices.pdf

Mr. Murphy and Ms. Miller,

Attached please find the application for a special exception to operate an entertainment establishment with alcoholic beverages at 245 Granby Street, Suite 247.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Chris Blough at (757) 664-6771, christopher.blough@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

February 9, 2016

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

Subject: **Special Exceptions to operate an eating and drinking establishment and sell alcohol for off-premises consumption at 401 Granby Street, Suite B – Lamia's Crepes**

Reviewed: _____ **Ward/Superward: 2/6**
Ronald H. Williams, Jr., Deputy City Manager

Approved: _____ **Item Number:** **R-12**
Marcus D. Jones, City Manager

I. **Staff Recommendation:** **Approval**.

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

III. **Request:** Special Exceptions to operate an eating and drinking establishment and sell alcohol for off-premises consumption

IV. **Applicant:** **Lamia's Crepes**

V. **Description:**

- Granting this request will allow a new restaurant, Lamia's Crepes, to open and serve alcoholic beverages to its patrons in a vacant suite in the Metro on Granby building.
- The applicant also proposes to sell alcoholic beverages for off-premises consumption.
- The establishment is primarily a take-away restaurant
- This application is part of the Downtown Norfolk Council's Vibrant Spaces Program.

Staff point of contact: Chris Blough at 664-6771, Christopher.blough@norfolk.gov

Attachments:

- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinances

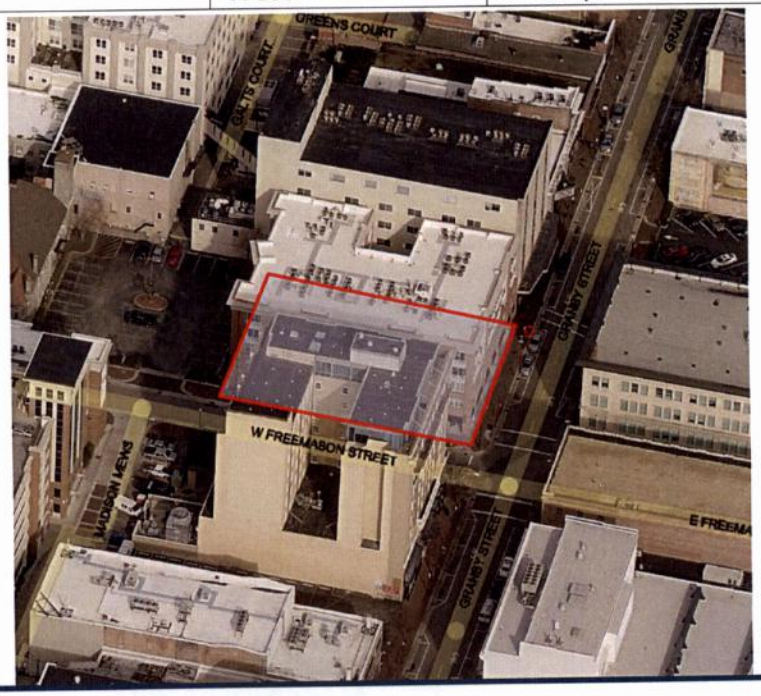
THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: January 28, 2016

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Chris Blough

Staff Report	**Item No. 12**	
Address	**401 Granby Street, Suite B**	
Applicant	**Lamia's Crepes**	
Request	**Special Exception**	**a. Eating and drinking establishment** **b. Sale of alcoholic beverages for off-premises consumption**
Property Owner	GNK, LLC	
Site Characteristics	Building Area/Space	15,856 sq. ft./564 sq. ft.
	Future Land Use Map	Downtown
	Zoning	D-3 (Freemason/Granby Conservation and Mixed Use District) and HO-D (Downtown Historic Overlay District
	Neighborhood	Downtown
	Character District	Downtown
Surrounding Area	North	D-3: Vacant adjacent suite/Sweet Teas
	East	D-3: Granby Municipal Building
	South	D-3: The Greenhouse Kitchen
	West	D-3: Apartment units and parking lot



A. Summary of Request

- Granting this request will allow a new restaurant, Lamia's Crepes, to open and serve alcoholic beverages to its patrons in a vacant suite in the Metro on Granby building.
- The applicant also proposes to sell alcoholic beverages for off-premises consumption.
- The establishment is primarily a take-away restaurant
- This application is part of the Downtown Norfolk Council's Vibrant Spaces Program.

B. Plan Consistency

The proposed special exceptions are consistent with *plaNorfolk2030*, which designates this site as downtown.

C. Zoning Analysis

i. General

- The site is located in the D-3 district, which permits the proposed use by special exception.

	Proposed
Hours of Operation	7:00 a.m. until 12:00 midnight, Seven Days a Week
Hours for the Sale of Alcoholic Beverage for On-Premises and Off-Premises Consumption	10:00 a.m. until 12:00 midnight, Seven Days a Week
Capacity	4 seats indoors 9 seats outdoors 14 total capacity

- Special Exception history:

City Council Approval	Applicant	Request
Pending	Lamia's Crepes	• Eating and drinking establishment • Sale of alcoholic beverages for off-premises consumption

ii. Parking

The site is located within the D-3 zoning district, which does not require off-street parking.

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 this primarily take-away restaurant will generate 380 new vehicle trips per day
- Based upon ITE data, the prior retail use of the site would be expected to generate 24 weekday trips while the proposed new restaurant would be expected to generate 404 trips on weekdays.
- The site is near transit services with the Monticello Avenue TIDE light rail station located just to the east of this location.

E. Historic Resources Impacts

- The building is located within the Downtown Historic Overlay District and is a contributing structure within a federal and state designated historic district.
- Any modifications to the exterior of the building shall be subject to the Architectural Review Board for review and approval.

F. Public Schools Impacts

This site is located within the Tidewater Park Elementary School, Blair Middle School, and Maury High School Attendance Zones.

G. Environmental Impacts

There are currently no opportunities for landscaping site improvements to this existing building.

H. Surrounding Area/Site Impacts

- By requiring this use to conform to the conditions listed below, the proposed eating and drinking establishment should not have a negative effect on the surrounding neighborhood.
- The proposed outdoor dining and signage requires that the applicant obtain approval for signage and a Certificate of Approval from the Architectural Review Board

I. Payment of Taxes

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

J. Civic League

The application was sent to Downtown Norfolk Council and Downtown Norfolk Civic League on December 16.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

L. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

Eating and Drinking Establishment – Conditions

(a) The hours of operation for the establishment shall be from 7:00 a.m. until 12:00 a.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours for the sale of alcoholic beverages for on-premises consumption shall be from 10:00 a.m. until 12:00 a.m., seven days a week.

(c) The seating for the establishment shall not exceed 4 seats indoors, 6 seats outdoors, and the total occupant capacity, including employees, shall not exceed 14 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

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

(e) The establishment shall maintain a current, active business license at all times while in operation.

(f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the

premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(j) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(l) There shall be no entertainment, no dancing, and no dance floor provided.

(m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(n) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Sale of Alcoholic Beverages for Off-Premises Consumption - Conditions

(a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 10:00 a.m. until 12:00 a.m., seven days a week.

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

(c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.

(d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.

(e) No beer shall be sold for off-premises consumption in any package containing fewer than six (6) bottles or cans and no wine shall be sold in containers less than 375 ml each.

(f) The facility shall maintain a current, active business license at all times while in operation.

(g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by

reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

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

(j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
Notice to the Downtown Norfolk Council and Downtown Norfolk Civic League

Proponents and Opponents

Proponents

Michael Pitner - Applicant
401 Granby Street, Suite B
Norfolk, VA 23510

Lamia Pappas
401 Granby Street, Suite B
Norfolk, VA 23510 – Applicant

Rick Henn
1400 Granby Street, Unit 407
Norfolk, VA 23510

Opponents

01/25/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

GB

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "LAMIA'S CREPES" ON PROPERTY LOCATED AT 401 GRANBY STREET, SUITE B.

- - -

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

Section 1:- That a Special Exception is hereby granted to The Palmier Group, LLC authorizing the operation of an eating and drinking establishment named "Lamia's Crepes" on property located at 401 Granby Street, Suite B. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 113 feet, more or less, along the western line of Granby Street and 140 feet, more or less, along the northern line of West Freemason Street; premises numbered 401 Granby Street, Suite B.

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

(a) The hours of operation for the establishment shall be limited to 7:00 a.m. until 12:00 midnight, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours for the sale of alcoholic beverages for on-premises consumption shall be limited to 10:00 a.m. until 12:00 midnight, seven days per week. No sales of alcoholic beverages outside the hours of operation set listed herein shall be permitted.

(c) The seating for the establishment shall not exceed 4 seats indoors, 6 seats outdoors, and the total occupant capacity, including employees, shall not exceed 14 people. The use authorized by this special exception shall not commence until a

certificate of occupancy reflecting these limits has been issued by the Department of Planning.

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

(e) The establishment shall maintain a current, active business license at all times while in operation.

(f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.

(i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(j) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage

the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(l) There shall be no entertainment, no dancing, and no dance floor provided.

(m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(n) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

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

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted

General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on

the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

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

ATTACHMENT:
Exhibit A (4 pages)

Exhibit A

EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 11/24/15

Trade name of business LANIA'S CREPES

Address of business 401 GRANBY ST, SUITE B, NORFOLK, VA 23510

Name(s) of business owner(s)* THE PALMIER GROUP, LLC MICHAEL PITNEY, LANIA PAPPAS

Name(s) of property owner(s)* _____

Daytime telephone number (757) 332-3753

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

1. Proposed Hours of Operation:

Facility				Alcoholic Beverage Sales			
Weekday	From 0700	To ~~2400~~ 12:00 midnight		Weekday	From 1000	To ~~2400~~ 12:00 midnight	
Friday	From 0700	To 2400 12:00 midnight		Friday	From 1000	To ~~2400~~ 12:00 midnight	
Saturday	From 0700	To 2400 12:00 midnight		Saturday	From 1000	To ~~2400~~ 12:00 midnight	
Sunday	From 0700	To 2400 12:00 midnight.		Sunday	From 1000	To ~~2400~~ 12:00 midnight.	

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

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

4. Will indoor or outdoor entertainment be provided?
(Entertainment consists of anything more than one, unamplified musician)
☐ Yes (Different application required) ☒ No

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

Exhibit A – Page 2
Eating and Drinking Establishment

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

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

_____

_____

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

6a. If yes, why

_____

_____

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

Monday Tuesday Wednesday Thursday Friday

Saturday Sunday

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

7a. If yes, explain

_____

_____

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

8a. If yes, explain

_____

_____

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

Exhibit A – Page 3

Eating and Drinking Establishment

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

PRINCIPALS HAVE 10 YRS EXPERIENCE IN FULL-SERVICE RESTAURANT OPERATIONS

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

Signature of Applicant

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

- Complete this worksheet based for each floor plan submitted with application.

- Floor plan must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Outdoor seating
  - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)	4
Number of bar seats	0
Standing room	0

b. Outdoor

Number of seats	6

c. Number of employees 4

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 14

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

01/25/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "LAMIA'S CREPES" ON PROPERTY LOCATED AT 401 GRANBY STREET, SUITE B.

- - -

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

Section 1:- That a Special Exception is hereby granted to The Palmier Group, LLC authorizing the sale of beer and wine for off-premises consumption at an establishment known as "Lamia's Crepes" on property located at 401 Granby Street, Suite B. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 113 feet, more or less, along the western line of Granby Street and 140 feet, more or less, along the northern line of West Freemason Street; premises numbered 401 Granby Street, Suite B.

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

(a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 10:00 a.m. until 12:00 midnight, seven days per week.

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

earlier.

(c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.

(d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.

(e) All beer sold for off premises consumption shall be in a package containing a minimum of six (6) bottles or cans and all wine shall be sold in containers with a minimum of 375 ml each.

(f) The facility shall maintain a current, active business license at all times while in operation.

(g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this

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

(j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

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

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

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection,

refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

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

ATTACHMENT:
Exhibit A (2 pages)

Exhibit A

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

Date of Application: 11/24/15

Name of business: LAMIA'S CREPES

Address of business: 401 GRANDY ST, SUITE B, NORFOLK, VA 23510

Name(s) of business owner(s)*: THE PALMER GROUP, LLC MICHAEL PITNEY, LAMIA PAPPAS

Name(s) of property owner(s)*: Buddy Gadams

Name(s) of business manager(s)/operator(s): MICHAEL PITNEY, LAMIA PAPPAS

Daytime telephone number (757): 332-3753

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

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales		
Weekday	From 0700	To ~~2400~~ 12:00 midnight	Weekday	From 1000	To ~~2400~~ 12:00 midnight
Friday	From 0700	To ~~2400~~ 12:00 midnight	Friday	From 1000	To ~~2400~~ 12:00 midnight
Saturday	From 0700	To ~~2400~~ 12:00 midnight	Saturday	From 1000	To ~~2400~~ 12:00 midnight
Sunday	From 0700	To 2400 12:00 midnight	Sunday	From 1000	To ~~2400~~ 12:00 midnight

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

3. Alcoholic beverages to be sold:
   ☒ Room temperature ☒ Refrigerated

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

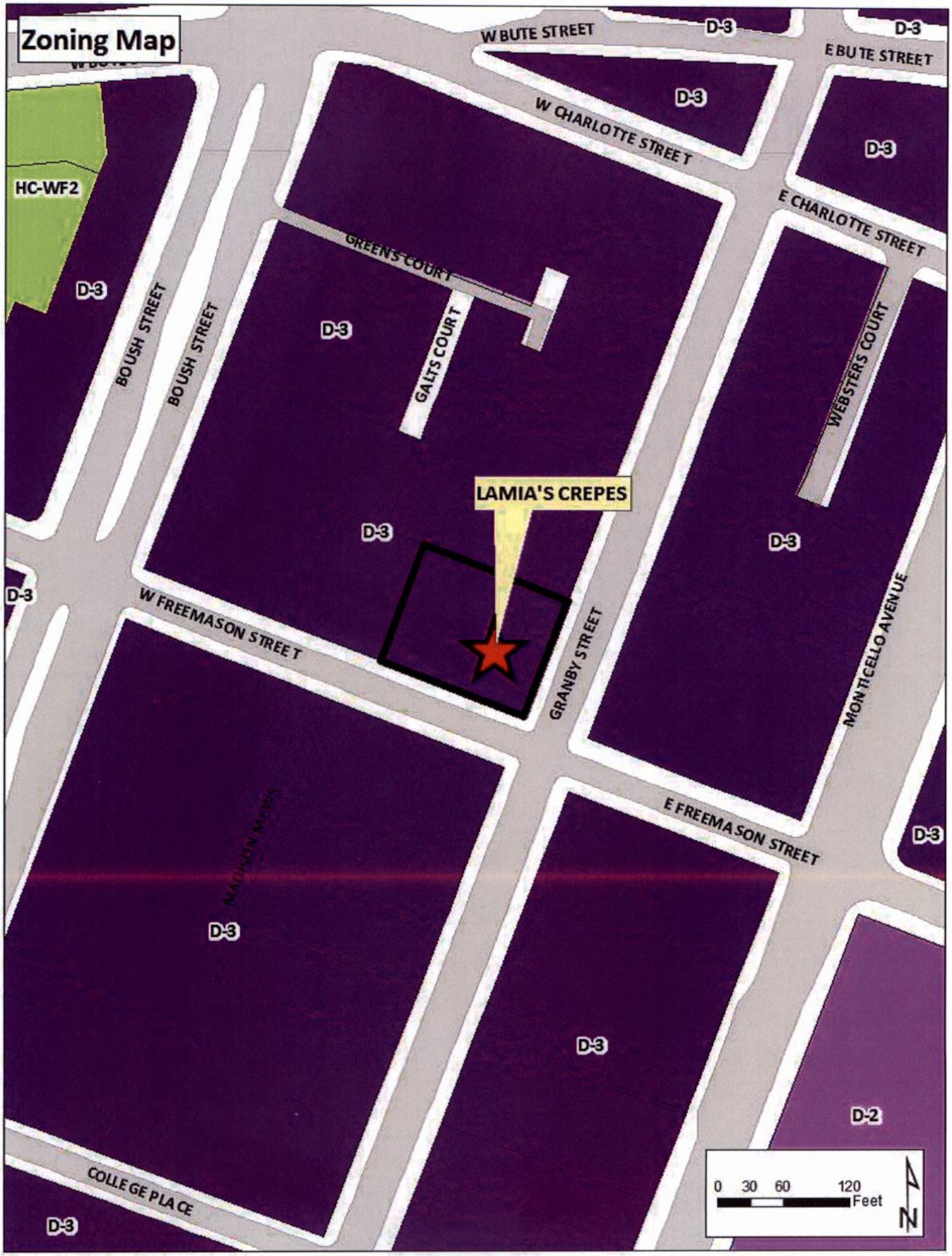
4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes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

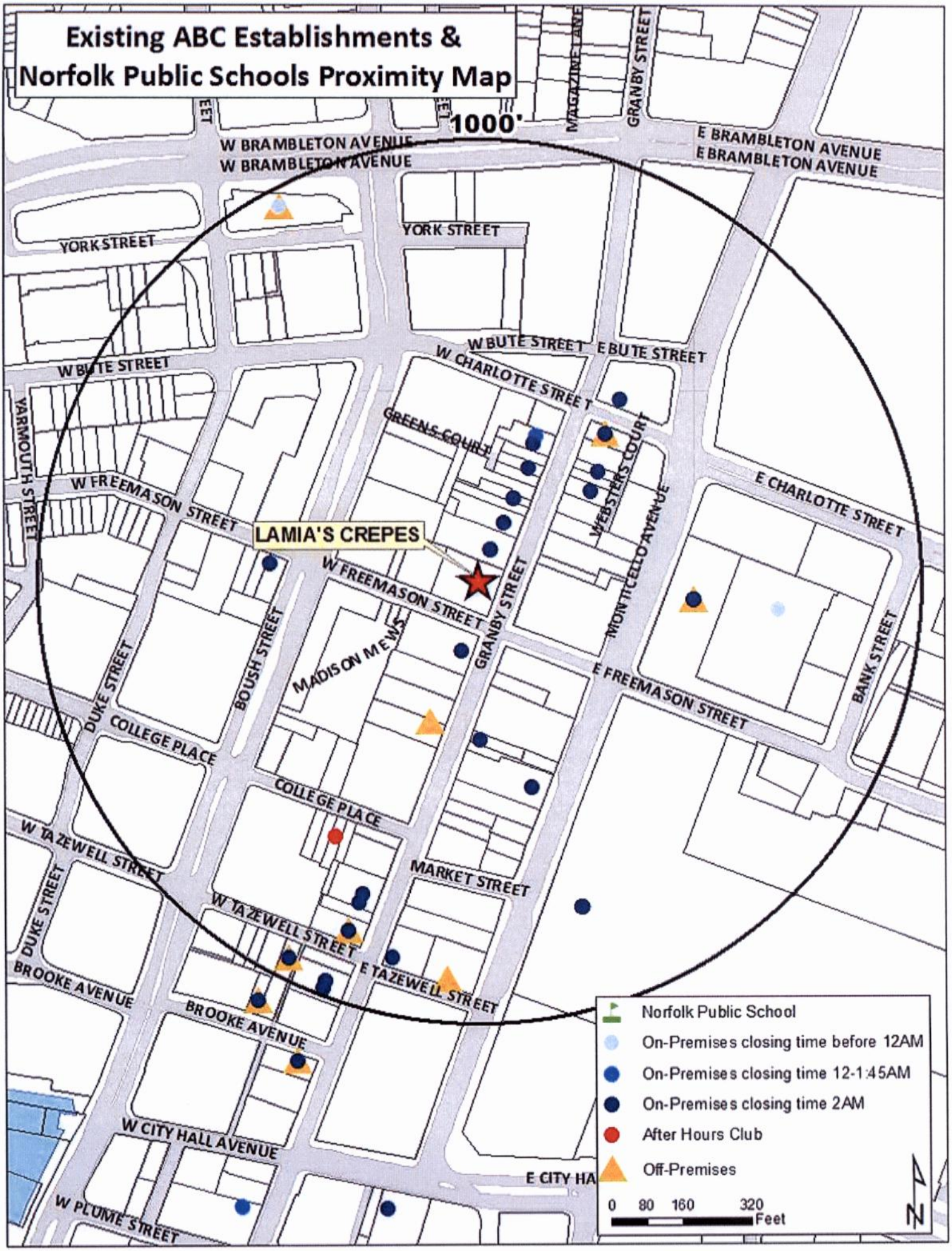
_____

_____

Signature of applicant/owner

Location Map
MADISON MEWS
W FREEMASON STREET
GRANBY STREET
LAMIA'S CREPES
E FREEMASON STREET
0 10 20 40
Feet
N


Zoning Map
W BUTE STREET
E BUTE STREET
W CHARLOTTE STREET
E CHARLOTTE STREET
GREENS COURT
GALTS COURT
WEBSTERS COURT
BOUSH STREET
BOUSH STREET
W FREEMASON STREET
E FREEMASON STREET
GRANBY STREET
MONTICELLO AVENUE
MADISON MEWS
COLLEGE PLACE
LAMIA'S CREPES
HC-WF2
D-3
D-2
0 30 60 120
Feet
N


Existing ABC Establishments &
Norfolk Public Schools Proximity Map
1000'
W BRAMBLETON AVENUE
W BRAMBLETON AVENUE
E BRAMBLETON AVENUE
E BRAMBLETON AVENUE
MAGAZINE LANE
GRANBY STREET
YORK STREET
YORK STREET
W BUTE STREET
W BUTE STREET
E BUTE STREET
W CHARLOTTE STREET
E CHARLOTTE STREET
GREENS COURT
WEBSTERS COURT
MONTICELLO AVENUE
YARMOUTH STREET
W FREEMASON STREET
W FREEMASON STREET
E FREEMASON STREET
LAMIA'S CREPES
GRANBY STREET
BANK STREET
DUKE STREET
BOUSH STREET
MADISON MEWS
COLLEGE PLACE
COLLEGE PLACE
W TAZEWELL STREET
MARKET STREET
W TAZEWELL STREET
E TAZEWELL STREET
DUKE STREET
BROOKE AVENUE
BROOKE AVENUE
W CITY HALL AVENUE
E CITY HA
W PLUME STREET
Norfolk Public School
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

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

Date 11/24/15

DESCRIPTION OF PROPERTY

Address 401 GRANBY ST, SUITE B, NORFOLK, VA 23510

Existing Use of Property VACANT

Proposed Use TAKE-AWAY CREPERIE

Current Building Square Footage ± 564

Proposed Building Square Footage ± 564

Trade Name of Business (if applicable) LANIA'S CREPES

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

1. Name of applicant: (Last) PITNEY (First) MICHAEL (MI) P

Mailing address of applicant (Street/P.O. Box): 1513 BOSTLYCK PLACE #303

(City) CHESAPEAKE (State) VA (Zip Code) 23320

Daytime telephone number of applicant (757) 332-3753 Fax ( )

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

Application
Eating and Drinking Establishment
Page 2

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

2. Name of applicant: (Last) HENN (First) RICK (MI) J

Mailing address of applicant (Street/P.O. Box): 1400 GRANBY ST NORFOLK VA 23510

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of applicant (757) 615 6905 Fax ( )

E-mail address of applicant: RICKHENN consultina@Gmail.com

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

GADAMES Buddy

3. Name of property owner: (Last) HENN (First) RICK (MI) S

Mailing address of property owner (Street/P.O. box): 1407 GRANBY

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of owner ( ) _____ email: _____

CIVIC LEAGUE INFORMATION

Civic League contact: Kevin

Date(s) contacted: _____

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS

- Required application fee, **$355.00** (if check, make payable to the City of Norfolk).
    - Application fee includes a non-refundable $5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
    - Existing and proposed building structures
    - Driveways
    - Parking
    - Landscaping
    - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

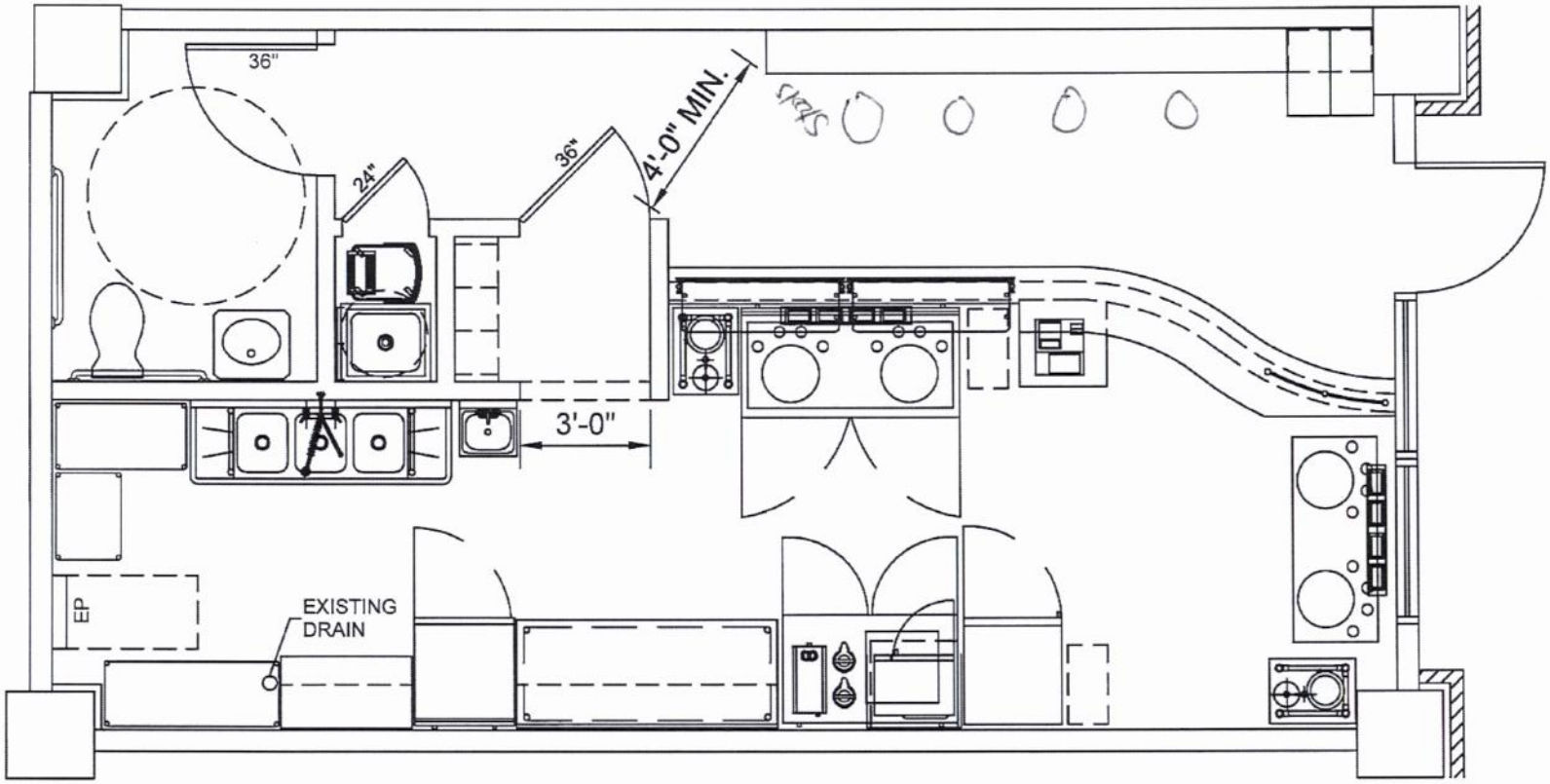
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Frank Goodams **Sign:** 11/ 30/ 15
(Property Owner) (Date)

Print name: MICHAEL PITNEY **Sign:** 11/ 24/ 15
(Applicant) (Date)

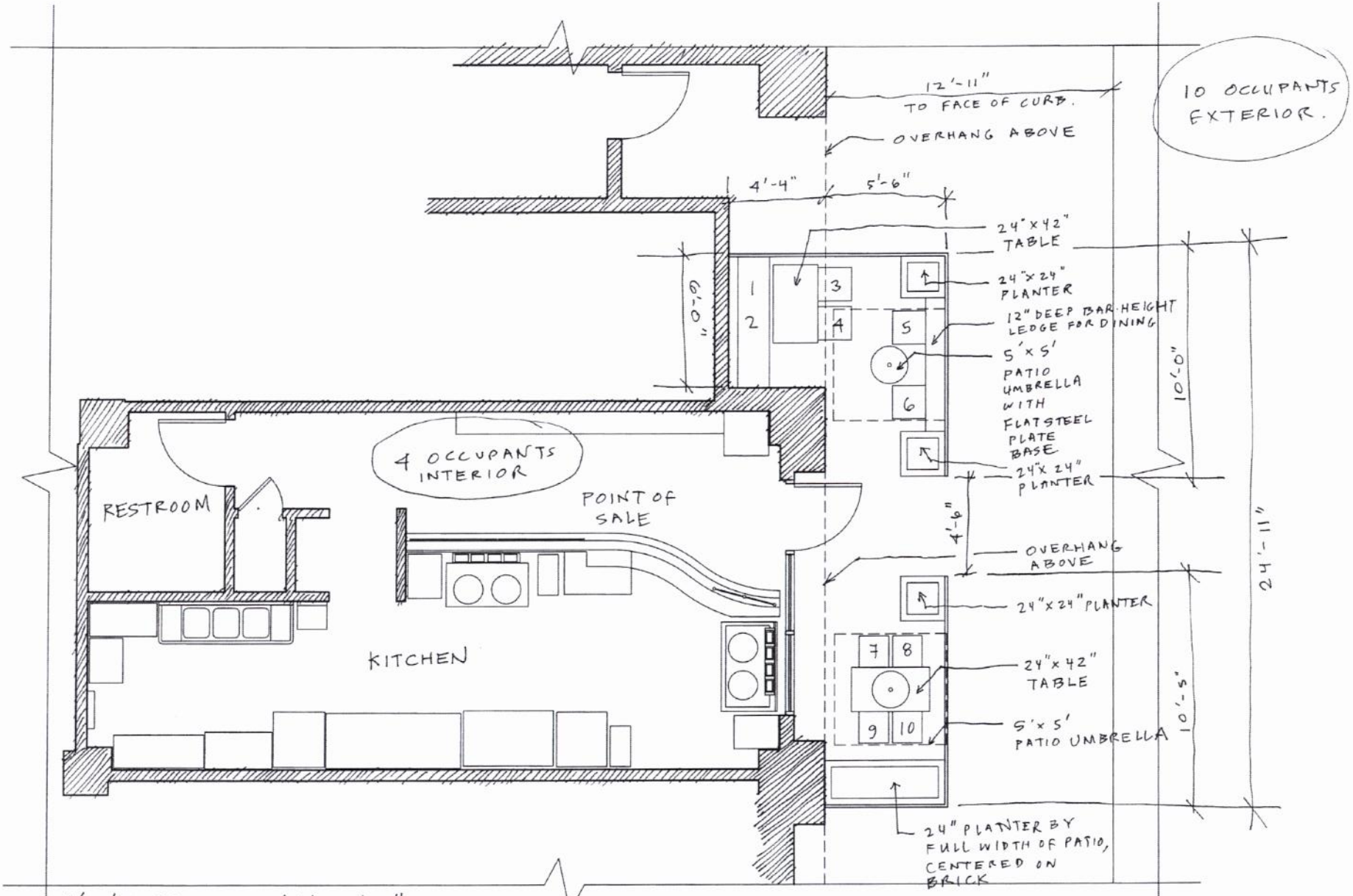
ONLY NEEDED IF APPLICABLE:

Print name: **Sign:** Rick Hasen 11/24/15
(Authorized Agent Signature) (Date)



LAMIA'S CREPES

FOODSERVICE SOLUTIONS DESIGN CONSULTANTS 12-7-15



1/8/2016 1/4" = 1'-0"

LAMIA'S CREPES PATIO LAYOUT

FOR REVIEW

APPLICATION
ADULT USE SPECIAL EXCEPTION
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION

Date of Application: 11/24/15

DESCRIPTION OF PROPERTY

Property location: (Street Number) 401 (Street Name) GRANDY ST, SUITE B

Existing Use of Property VACANT

Current Building Square Footage ± 564

Proposed Use TAKE-AWAY CREPERIE

Proposed Building Square Footage ± 564

Trade Name of Business (If applicable) LAMIA'S CREPES

APPLICANT

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

1. Name of applicant: (Last) PITNEY (First) MICHAEL (MI) P

Mailing address of applicant (Street/P.O. Box): 1513 BOSTWICK PL #303

(City) CHESAPEAKE (State) VA (Zip Code) 23320

Daytime telephone number of applicant (757) 332-3753 Fax ( )

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

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

2. Name of applicant: (Last) HEW (First) Rick (MI) J

Mailing address of applicant (Street/P.O. Box): 1400 GRANBY

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of applicant ( ) 6156905 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) GADAMS (First) Buddy (MI)

Mailing address of property owner (Street/P.O. box): 207 GRANBY ST

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of owner (757) 672-9055 email: BGADAMS@MARATHONDEVELOPER.COM

CIVIC LEAGUE INFORMATION

Civic League contact: Kevin

Date(s) contacted:

Ward/Super Ward information:

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

Print name: Frank Gadams **Sign:** 11/30/15
(Property Owner) (Date)

Print name: MICHAEL PITNEY **Sign:** 11/24/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: **Sign:** Rick Henk 12/7/15
(Authorized Agent Signature) (Date)

Blough, Christopher

From:	Straley, Matthew
Sent:	Wednesday, December 16, 2015 11:54 AM
To:	'dncl@welovenorfolk.org'; Miller, Mary
Cc:	Whibley, Terry; Winn, Barclay; Howard, Oneiceia; Blough, Christopher
Subject:	new Planning Commission applications - 401 Granby Street
Attachments:	Lamias_ABC-OFF.pdf; Lamias_eatinganddrinking.pdf

Mr. Murphy and Ms. Miller,

Attached please find the following applications at 401 Granby Street, Suite B:

a. Special exception to operate an eating and drinking establishment.
b. Special exception for the sale of alcoholic beverages for off-premises consumption.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Chris Blough at (757) 664-6771, christopher.blough@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

February 9, 2016

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

Subject: **Special exception to operate a commercial drive-through at 2437 E. Little Creek Road – Steak N' Shake**

Reviewed: _____ **Ward/Superward: 5/6**
Ronald H. Williams, Jr., Deputy City Manager

Approved: _____ **Item Number: R-13**
Marcus D. Jones, City Manager

I. **Staff Recommendation:** **Approval**.

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

III. **Request:** Special exception – commercial drive-through

IV. **Applicant:** **Don Baruch**

V. **Description:**

- The property is located along E. Little Creek Road, west of the intersection with Azalea Garden Road.
- This request would allow Steak N' Shake to construct a new fast food restaurant on the site with a commercial drive-through.
- The applicant proposes to demolish the existing Shoney's restaurant in order to redevelop the site with a new 4,040 square foot fast-food restaurant with a single drive-through lane.
- The conceptual plan submitted by the applicant demonstrates compliance with *Zoning Ordinance* standards for a commercial drive-through, including appropriate buffering between the development of the site and the residential zoning to the south.

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

Attachments:

- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: January 28, 2016

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Chris Whitney, CFM CW

Staff Report	**Item No. 6**	
Address	**2437 East Little Creek Road**	
Applicant	**Steak N' Shake**	
Request	**Special Exception**	**Commercial drive-through**
Property Owner	#20, LLC	
Site Characteristics	Site/Building Area	61,108 sq. ft. (1.4 acres)/4,040 sq. ft. (proposed)
	Future Land Use Map	Commercial
	Zoning	C-2 (Corridor Commercial)
	Neighborhood	East Lynne/Saratoga
	Character District	Suburban
Surrounding Area	North	C-3 (Retail Center): Little Creek Plaza Shopping Center
	East	C-2: AMF Norfolk Lanes
	South	R-6 (Single-Family): Single-family homes
	West	IN-2 (Institutional Campus): Calvary Christian School

A. Summary of Request

- The property is located along E. Little Creek Road, west of the intersection with Azalea Garden Road.
- This request would allow a new business, Steak N' Shake, to construct a new fast food restaurant on the site with a commercial drive-through.
- The applicant proposes to demolish the existing Shoney's restaurant in order to redevelop the site with a new 4,040 square foot fast-food restaurant with a single drive-through lane.

B. Plan Consistency

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

C. Zoning Analysis

i. General

- The use is permitted in the C-2 district by special exception.
- The site is located along a commercial corridor with limited residential exposure to the south.
- The conceptual plan submitted by the applicant demonstrates compliance with *Zoning Ordinance* standards for a commercial drive-through, including appropriate buffering between the development of the site and the residential zoning to the south.
- The attached conditions ensure compliance with the adopted general plan and all *Zoning Ordinance* requirements.

ii. Parking

- For an eating establishment of this size located within the Suburban Character District, the *Zoning Ordinance* requires that the site provides a minimum of 27 parking spaces and sufficient room to accommodate two bicycles.
    - The applicant proposes to accommodate 51 parking spaces.
    - The proposed number of parking spaces, based on the proposed square footage of the building, exceeds the parking maximum for commercial uses established in the *Zoning Ordinance*.
        - Prior to obtaining Site Plan approval, the applicant will be required to provide landscaping and stormwater improvements to off-set the impervious parking proposed on the site.

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 that this proposal will generate 63 new vehicle trips per day.
- Based upon ITE data, the existing restaurant on this site would be expected to generate 451 weekday trips while the proposed new and expanded restaurant with a drive-through would be expected to generate 514 trips on weekdays.
- The site is near transit service with Hampton Roads Transit bus route 21 (Little Creek) operating along Little Creek Road adjacent to the site.

E. Historic Resources Impacts

- The site is not located within a federal, state, or local historic district.
- The building to be removed and replaced is not individually eligible for listing on the federal or state register.

F. Public Schools Impacts

N/A

G. Environmental Impacts

- The construction of a fast food restaurant with a drive-through lane should not adversely impact the surrounding uses.
- The proposed facility will undergo the Site Plan Review process, which will require all site development to adhere to the regulations of the *Zoning Ordinance*, including landscaping, vehicular circulation, and stormwater improvements.
- There is a stormwater retention pond on-site, which will be retained in the development proposal.
- The applicant will be required to install a six to eight foot fence or wall within the transitional buffer zone between the parking lot and residential properties to the south.
- As part of the site redevelopment, increased landscaping will be installed around the perimeter of the site to screen the parking and will provide adequate buffering between the site and the residential properties to the south.
    - In addition, the current number of parking spaces (99) will be reduced significantly (51); this will reduce total impervious surface on the site.

H. Surrounding Area/Site Impacts

Over the past year there have been eight calls for police service with no arrests made.

I. Payment of Taxes

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

with masonry walls that complement the proposed building.

(j) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(k) The property shall be kept in a clean and sanitary condition at all times.

(l) The establishment shall maintain a current, active business license at all times while in operation.

(m) No business license shall be issued until conditions (a), (d), (e), (f), (g), (h), and (i), have all been implemented fully on the site.

Attachments

Location Map
Zoning Map
Application
Notice to the Civic Leagues
Letter of Support from the Roosevelt Area Civic League

J. Civic League

- Notice was sent to the East Lynne/Saratoga, Larrymore Lawns, North Camellia Acres, and Roosevelt Area Civic Leagues on December 16.
- The applicant contacted the East Lynne/Saratoga Civic League on November 24 and set a meeting to present the proposal on January 7.
- A letter of support was received from the Roosevelt Area Civic League on December 21.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

L. Recommendation

Staff recommends **approval** of the special exception request, considering compliance with *Zoning Ordinance* requirements, subject to the conditions below:

(a) The site shall be generally designed in accordance with the conceptual site plan prepared by SekivSolutions, undated, entitled, "Steak N' Shake Little Creek – Layout, Utility, and Striping Plan," attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.

(b) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.

(c) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.

(d) All nonconforming fences and signs on the site shall be removed.

(e) All bollards on the site shall be painted and maintained free of visible corrosion.

(f) On-site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties.

(g) Two bicycle parking spaces shall be provided on the site.

(h) An opaque fence or wall between six (6) and eight (8) feet in height shall be installed and maintained in the required landscape buffer area located along the southern property line.

(i) Dumpsters shall be gated and not visible from any public right-of-way, and will be screened

Proponents and Opponents

Proponents
Don Baruch – Applicant
316 Chimborazo Boulevard
Richmond, VA 23223

Stuart Little
11607 Hardwood Drive
Midlothian, VA 23114

Opponents
None

01/25/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved: CW

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A COMMERCIAL DRIVE-THROUGH FOR "STEAK 'N SHAKE" ON PROPERTY LOCATED AT 2437 EAST LITTLE CREEK ROAD.

- - -

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

Section 1:- That a Special Exception is hereby granted authorizing the operation of a Commercial Drive-Through for "Steak 'N Shake" on property located at 2437 East Little Creek Road. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 150 feet, more or less, along the southern line of East Little Creek Road beginning 880 feet, more or less, from the western line of Azalea Garden Road and extending westwardly; premises numbered 2437 East Little Creek Road.

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

(a) The site shall be improved generally in accordance with the conceptual site plan prepared by SekivSolutions, entitled "Steak N' Shake, Little Creek; Layout, Utility, and Striping Plan," attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.

(b) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.

(c) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of

the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.

(d) All nonconforming fences and signs on the site shall be removed.

(e) All bollards on the site shall be painted and maintained free of visible corrosion.

(f) On-site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties.

(g) Two bicycle parking spaces shall be provided on the site.

(h) An opaque fence or wall between six (6) and eight (8) feet in height shall be installed and maintained in the required landscape buffer area located along the southern property line.

(i) Dumpsters shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the proposed building.

(j) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.

(k) The property shall be kept in a clean and sanitary condition at all times.

(l) The establishment shall maintain a current, active business license at all times while in operation.

(m) No business license shall be issued until conditions (a), (d), (e), (f), (g), (h) and (i) have all been implemented fully on the site.

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

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

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

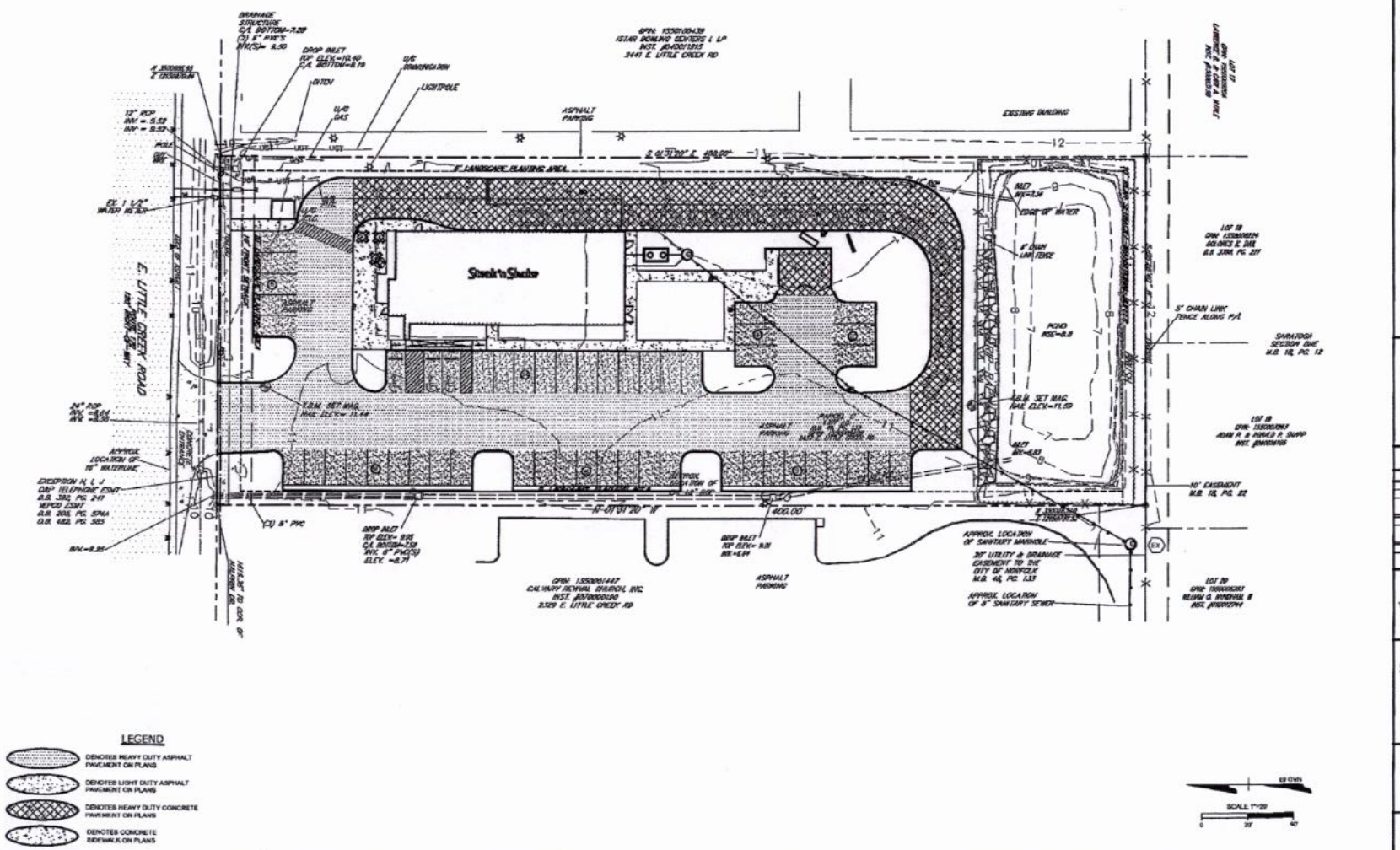
(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

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

ATTACHMENT:
Exhibit A (1 page)

Exhibit A



sēkivsolutions
OPTIMIZING YOUR DEVELOPMENT WORLD
14207 POND CHASE PLACE | MIDLOTHIAN, VA | 23113
TELEPHONE NO. 804.938.8864 | www.sekivsolutions.com

SCALE : AS SHOWN | PROJECT NO. : 10194 | PROJECT MANAGER : STUART LITTLE | QUALITY ASSURANCE : STIG OWENS

DATE :

REVISION BLOCK

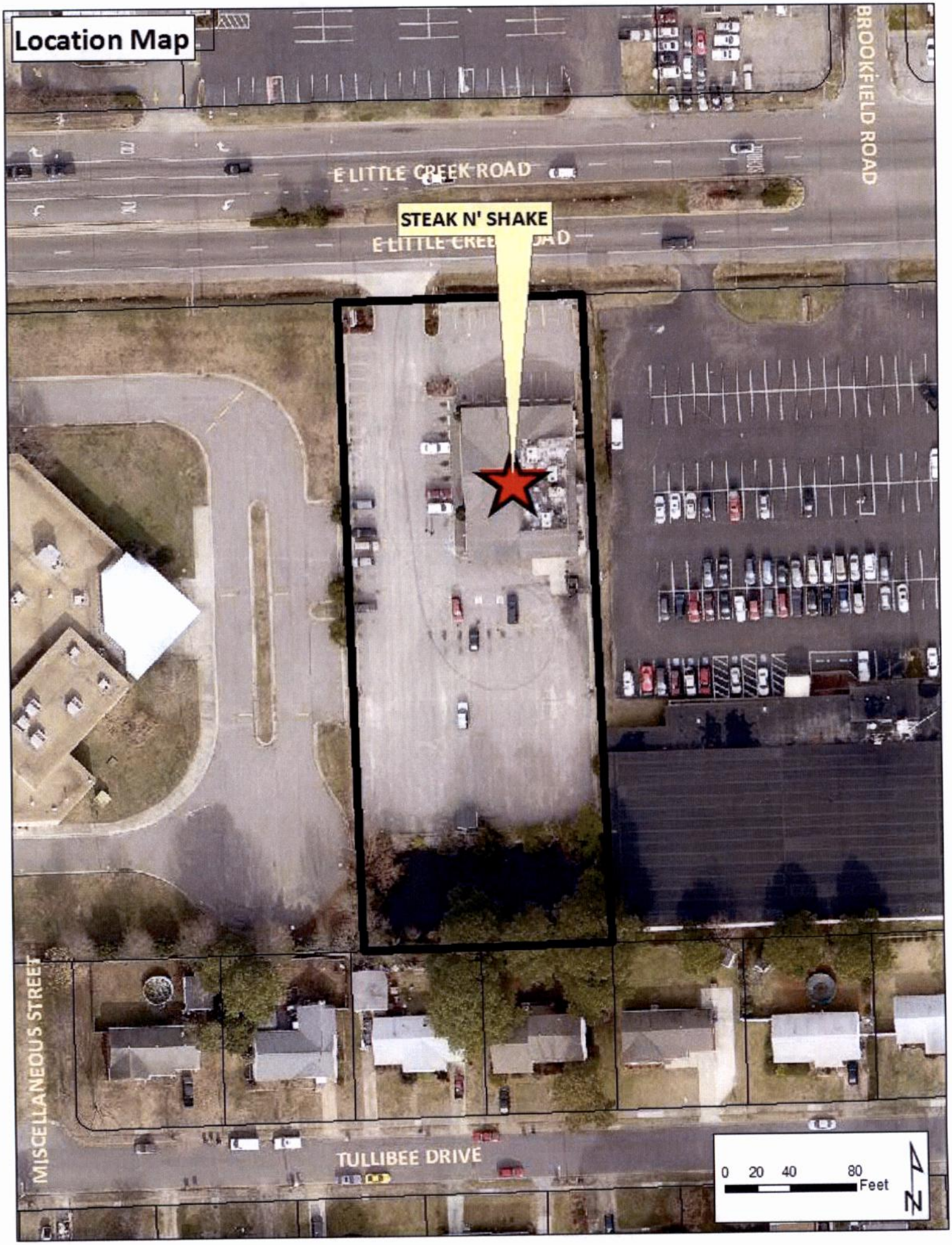
DATE	DESCRIPTION

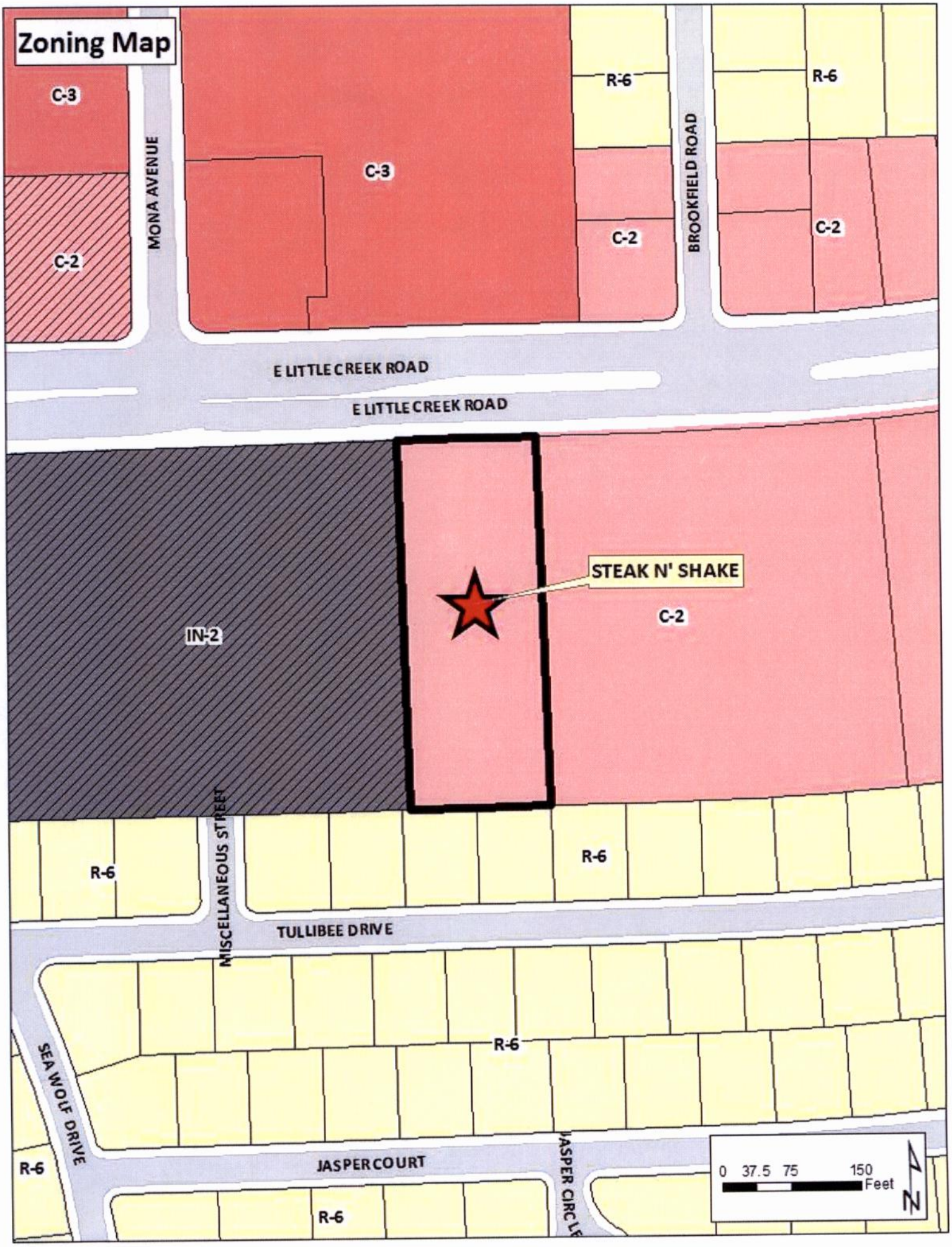
BURGER BUSTERS VIII, LLC.
2242 W. GREAT NECK ROAD
VIRGINIA BEACH, VIRGINIA 23451
ATTN : TOM COOK
TELEPHONE : 336.409.8581

STEAK N' SHAKE LITTLE CREEK
CITY OF NORFOLK, VIRGINIA

LAYOUT, UTILITY AND STRIPING PLAN

SHEET NO.
C5.0


Location Map
E LITTLE CREEK ROAD
STEAK N' SHAKE
BROOKFIELD ROAD
MISCELLANEOUS STREET
TULLIBEE DRIVE
0 20 40 80
Feet
N


Zoning Map
C-3
C-2
MONA AVENUE
C-3
R-6
C-2
BROOKFIELD ROAD
R-6
C-2
E LITTLE CREEK ROAD
E LITTLE CREEK ROAD
STEAK N' SHAKE
C-2
IN-2
R-6
MISCELLANEOUS STREET
R-6
TULLIBEE DRIVE
R-6
SEA WOLF DRIVE
R-6
JASPER COURT
JASPER CIRCLE
R-6
0 37.5 75 150 Feet
N

APPLICATION
SPECIAL EXCEPTION

Special Exception for: Steak N' Shake Little Creek

Date of application: 12/14/15

DESCRIPTION OF PROPERTY

Property location: (Street Number) 2437 (Street Name) E. Little Creek Road

Existing Use of Property Abandoned Restaurant (Shoney's)

Current Building Square Footage 3,545 sq. ft.

Proposed Use

Fast food restaurant with drive thru

Proposed Square Footage 4,040 sq. ft.

Proposed Hours of Operation:

Weekday	From 6 am	To 2 am
Friday	From 6 am	To 2 am
Saturday	From 6 am	To 2 am
Sunday	From 6 am	To 2 am

Trade Name of Business (If applicable) Steak N' Shake

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

Application
Special Exception
Page 2

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

SOV, LLC

1. Name of applicant: (Last) Baruch (First) Don (MI)

Mailing address of applicant (Street/P.O. Box): 2242 W. Great Neck Road

(City) Virginia Beach (State) VA (Zip Code) 23451

Daytime telephone number of applicant (804) 385-4430 Fax ( )

E-mail address of applicant: dbaruch@burgerbusters.com

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

Sekiv Solutions, LLC

2. Name of applicant: (Last) Little (First) Stuart (MI) G

Mailing address of applicant (Street/P.O. Box): 14207 Pond Chase Place

(City) Midlothian (State) VA (Zip Code) 23113

Daytime telephone number of applicant (804) 955-5572 Fax ( )

E-mail address of applicant: slittle@sekivsolutions.com

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

Lynn Schoenbaum, manager

3. Name of property owner: (Last) #20 LLC (First) (MI)

Mailing address of property owner (Street/P.O. box): 305 Brooke Ave #401

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of owner (757) 412 2202 email: hippo4S@hot.com

Application
Special Exception
Page 3

CIVIC LEAGUE INFORMATION

Civic League contact: Pamela S. Owens

Date(s) contacted: 11/24/15: Meeting set for 01/07/16 @ 6:30 pm

Ward/Super Ward information:

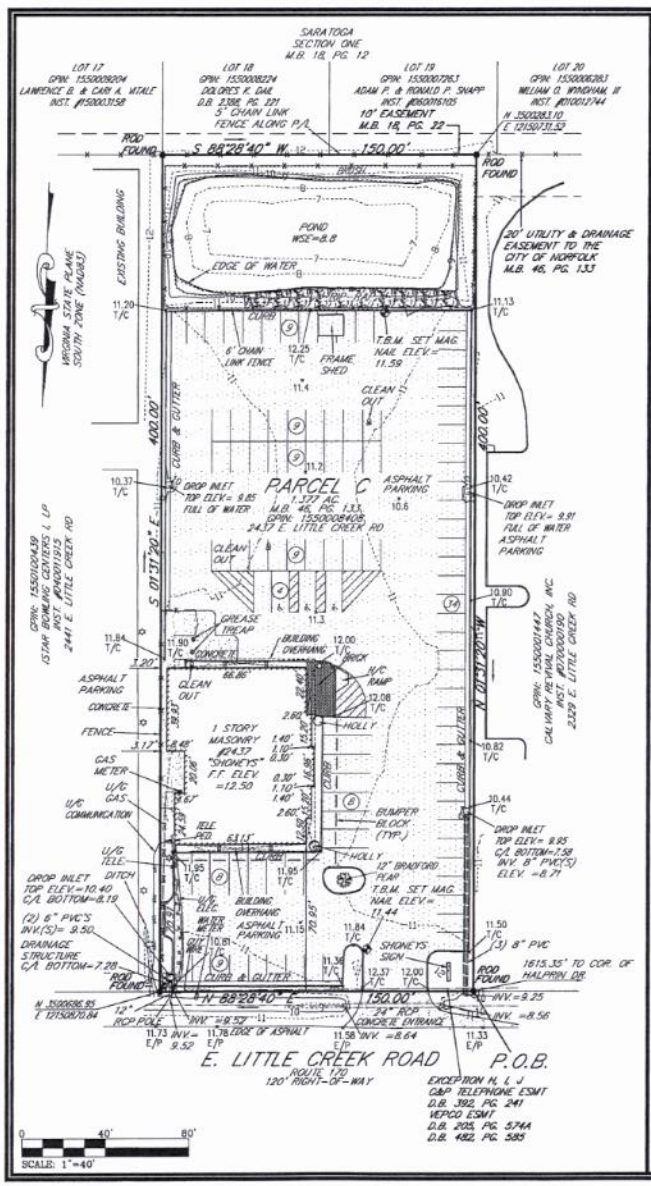
CERTIFICATION:
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Lynn Schoenbaum **Sign:** Manager / 12 / 14 / 2015
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Don Baruch **Sign:** for / 12 / 14 / 15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: Stuart Little **Sign:** / 12 / 14 / 15
(Authorized Agent Signature) (Date)



LEGAL DESCRIPTION

ALL THAT certain lot, piece or parcel of land, situate, in the City of Norfolk, Virginia, and known, numbered and designated as Parcel C as shown on the plat entitled "Subdivision of Parcel 'A', Property standing in the name of William W. Oliver, Jr., Executor of the Estate of Margie K. Oliver, deceased", which said plat is duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, in Map Book 46, Page 133.

IT BEING the same property conveyed to #20 LLC, a Virginia limited liability company, by deed from Leon Schoenbaum, dated March 11, 1997, and recorded in the Clerk's Office of the Circuit Court for the City of Norfolk, Virginia, in Deed Book 2889, at page 295.

METES & BOUNDS DESCRIPTION

Commencing at a found rod situated at the intersection of the south line of E. Little Creek Road, Route 170 and the west line of the subject parcel, said rod being 1615.35' east of the corner of Halprin Drive and being THE PLACE OF BEGINNING; thence along the south line of E. Little Creek Road, Route 170 N 88° 28' 40" E, a distance of 150.00' to a found rod; thence leaving the south line of E. Little Creek Road, Route 170 along the east line of the subject parcel S 01° 31' 20" E, a distance of 400.00' to a found rod; thence along the south line of the subject parcel S 88° 28' 40" W, a distance of 150.00' to a found rod; thence N 01° 31' 20" W, a distance of 400.00' to a found rod, said rod being situated on the south line of E. Little Creek Road, and being THE PLACE OF BEGINNING and containing 1.377 acres of land more or less.

SCHEDULE B, EXCEPTIONS

a. Rights or claims of parties in possession and easements or claims of easements not shown by the public records. **(None known at time of survey)**

b. Any lien, claim or right to a lien, for serves, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records. **(Not a survey item)**

c. Defects, liens, encumbrances, adverse claims or other matters, if any, created first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment. **(Not a survey item)**

d. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments on the Land of existing improvements located on adjoining land. **(None known at time of survey)**

e. Taxes for the first quarter of the fiscal year 2015 / 2016, a lien not yet due and payable and taxes for all subsequent fiscal years and/all supplemental taxes on improvements posted subsequent to the effective date of this Commitment/Policy. **(Not Survey Item)**

f. Storm water fees, a lien, but not yet due and payable.

g. Easement granted Virginia Electric and Power Company by instrument recorded in Deed Book 331 at page 406. **(Does not affect subject parcel)**

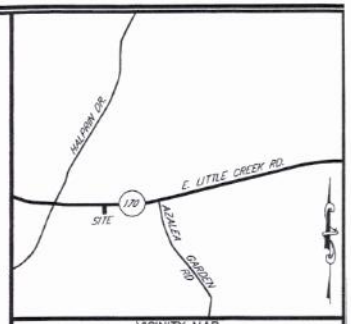
h. Easement granted Chesapeake and Potomac Telephone Company by instrument recorded in Deed Book 392 at page 241. **(Affects subject parcel, shown hereon.)**

i. Easement granted Virginia Electric and Power Company by instrument recorded in Deed Book 205 at page 574A. **(Affects subject parcel, shown hereon.)**

j. Easement granted Virginia Electric and Power Company by instrument recorded in Deed Book 482 at page 585. (Quitclaim Deed for a portion of said easement was recorded in Deed Book 1179, at page 5. **(Affects subject parcel, shown hereon.)**

NOTES

1. THIS SURVEY WAS MADE WITH THE BENEFIT OF A TITLE COMMITMENT FROM FIDELITY NATIONAL TITLE INSURANCE COMPANY #1507175590 DATED: JULY 20, 2015 AT 08:00 am.
2. THE SUBJECT PROPERTY APPEARS NOT TO BE LOCATED WITHIN THE LIMITS OF THE 100 YEAR FLOOD PLAIN BOUNDARY AS DEFINED BY THE FEDERAL INSURANCE ADMINISTRATION. COMMUNITY PANEL NO. 51010400170F EFFECTIVE DATE: 09-02-2009. ZONE: "X"
3. ONLY SURFACE INDICATIONS OF UNDERGROUND UTILITIES WERE LOCATED ON THIS SURVEY. ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN.
4. NO ENCROACHMENTS EXIST ON THIS PROPERTY.
5. ZONING: C-2
6. 96 REGULAR PARKING SPACES
   3 ACCESSIBLE PARKING SPACES
   99 TOTAL PARKING SPACES
7. HORIZONTAL DATUM - NAD83
   VERTICAL DATUM - NAVD88



TOPOGRAPHIC CERTIFICATION

THIS ALTA/ACSM LAND TITLE SURVEY OF PARCEL C, 1.377 ACRES, SUBDIVISION OF PARCEL A, PROPERTY STANDING IN THE NAME OF WILLIAM W. OLIVER, JR., EXECUTOR OF THE ESTATE OF MARGIE K. OLIVER, DECEASED, CITY OF NORFOLK, VIRGINIA WAS COMPLETED UNDER THE DIRECT AND RESPONSIBLE CHARGE OF "RONALD L. LANG, LS" FROM AN ACTUAL GROUND SURVEY MADE UNDER MY SUPERVISION; THAT THE ORIGINAL DATA WAS OBTAINED ON AUGUST 24, 2015; AND THAT THIS PLAT, MAP OR DIGITAL GEOSPATIAL METADATA MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED.

RONALD L. LANG

CERTIFICATION

TO: SOV, LLC & Fidelity National Title Insurance Company, it's successors and assigns.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-5, 6a, 7a, 8, 9, 11a, 13, 14, of Table A thereof. The field work was completed on August 24, 2015.

DATE: AUGUST 27, 2015

Registration Nbr. 003004

COMMONWEALTH OF VIRGINIA
RONALD L. LANG
Lic. No. 003004
LAND SURVEYOR

LEGEND

(S)	GREASE TRAP MANHOLE
	POWER POLE
	LIGHT POLE
GV	GAS VALVE
	TREE
	ACCESSIBLE PARKING
CO	CLEAN OUT
	HOLLY TREE
	BENCH MARK
T/C	TOP OF CURB
E/P	EDGE OF ASPHALT
C/L	CENTERLINE
U/G	UNDERGROUND
ESMT	EASEMENT
ELEV.	ELEVATION
INV.	INVERT
COR.	CORNER
WSE	WATER SURFACE ELEVATION

ALTA/ACSM LAND TITLE SURVEY

OF PARCEL C, 1.377 ACRES
"SUBDIVISION OF PARCEL A
PROPERTY STANDING IN THE NAME OF
WILLIAM W. OLIVER, JR.
EXECUTOR OF THE ESTATE OF
MARGIE K. OLIVER, DECEASED"
CITY OF NORFOLK, VIRGINIA

SCALE: 1"=40' DATE: AUGUST 27, 2015

HALDER SURVEYS P.C.
10400 CHESTER ROAD
CHESTER, VA. 23831
PHONE: 804-748-8707
FAX: 804-748-8708

DRAWN BY: RLL
CHECKED BY: RLL
DWG NAME: LITTLE CREEK ALTA

Whitney, Chris

From:	Straley, Matthew
Sent:	Wednesday, December 16, 2015 11:28 AM
To:	'pamglenn1@cox.net'; 'ncacl.norfolk@gmail.com'; 'paul.ballance@cox.net'; 'tasoschrist@yahoo.com'
Cc:	Smigiel, Thomas; Winn, Barclay; Herbst, James; Whitney, Chris
Subject:	new Planning Commission application - 2437 E Little Creek Road
Attachments:	SteakNShake.pdf

Ms. Owens, Ms. Hartmann, Mr. Ballance, and Mr. Christ:

Attached please find the application for a special exception to operate a commercial drive-through at 2437 E. Little Creek Road.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Chris Whitney at (757) 823-1253, chris.whitney@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

Whitney, Chris

From: Paul Ballance <paul.ballance@cox.net>
Sent: Monday, December 21, 2015 6:20 PM
To: Whitney, Chris
Subject: Steak and Shake

Follow Up Flag: Follow up
Flag Status: Flagged

Matthew,
The Roosevelt Area Civic League has no objection whatsoever with this application for a commercial drive-thru.

Paul Ballance

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

February 9, 2016

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

Subject: **Special Exception for an eating and drinking establishment at 7550 Granby Street – Starbucks**

Reviewed: _____ **Ward/Superward: 2/6**
Ronald H. Williams, Jr., Deputy City Manager

Approved: _____ **Item Number: R-14**
Marcus D. Jones, City Manager

I. **Staff Recommendation: Approval**

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

III. **Request:** Special Exception for an eating and drinking establishment

IV. **Applicant: Starbucks**

V. **Description:**
- Granting this request will allow the existing Starbucks coffeehouse at 7550 Granby Street to add alcoholic beverages to their menu.
- The applicant was granted a special exception for an eating and drinking establishment with alcoholic beverages at their current location.

Staff point of contact: Sarah Richards at 664-7470, sarah.richards@norfolk.gov

Attachments:
- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: January 28, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Sarah Richards SGR

Staff Report	**Item No. 9**	
Address	**7550 Granby Street, K&K Square Shopping Center**	
Applicant	**Starbucks**	
Request	**Special Exception**	**Eating and drinking establishment**
Property Owner	SAM Wards Corner, LLC	
Site Characteristics	Site/Space	323,607 sq. ft./2,359 sq. ft.
	Future Land Use	Commercial
	Zoning	C-3 (Retail Center District)
	Neighborhoods	Wards Corner
	Character District	Suburban
Surrounding Area	North	C-3: Wards Corner Shopping Center
	East	C-2 (Corridor Commercial), R-8 (Single-Family Residential): strip shopping center, single-family residential
	South	R-7: single-family residential
	West	C-2: Walgreen's

A. Summary of Request

- A previous special exception was granted to permit the operation of a commercial drive-through facility for this user.
- This special exception would allow the establishment to serve alcoholic beverages for on-premises consumption.
- Starbucks would like to start offering beer and wine to their customers in select locations, along with an expanded food menu.

B. Plan Consistency

- The proposed special exception is consistent with plaNorfolk2030, which designates this site as commercial.

C. Zoning Analysis

i. General

- The site is located in the C-3 District, which permits the proposed use by special exception.

	Proposed (Starbucks)
Hours of Operation	4:30 a.m. to 10:00 p.m., Monday through Friday 5:00 a.m. to 10:00 p.m. Saturday 5:30 a.m. to 9:00 p.m. Sunday
Hours for the Sale of Alcoholic Beverages	2:00 p.m. to 10:00 p.m., Monday through Friday 12:00 p.m. to 10:00 p.m. Saturday 12:00 p.m. to 9:00 p.m. Sunday
Capacity	39 seats indoors 24 seats outdoors 131 total capacity

- Special Exception history:

City Council Approval	Applicant	Request
April 2012	Starbucks	• Commercial drive-through
Pending	Starbucks	• Eating and Drinking Establishment

ii. Parking

- Adding the sale of alcoholic beverages to an existing eating establishment does not require additional parking.
- The proposed establishment is not proposing an increase in occupancy or building floor area and no additional parking impacts are anticipated.

iii. Flood Zone

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

D. Transportation Impact

No new trips are forecast related to the proposed addition of alcohol sales at this existing restaurant.

E. Historic Resources Impacts

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

F. Public Schools Impacts

The site is located within the Suburban Park Elementary School, Northside Middle School, Granby High School Attendance Zones.

G. Environmental Impacts

The site was developed under current development standards, including current standards for landscaping and parking.

H. Surrounding Area/Site Impacts

- By requiring this use to conform to the conditions listed below, the proposed eating and drinking establishment should not have a negative impact on the surrounding neighborhood.
- There have been multiple calls for service to this shopping center, including larceny and robbery, and two arrests.

I. Payment of Taxes

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

J. Civic League

The application was sent to the Wards Corner Civic League, the Suburban Acres Civic League, and the Greater Wards Corner Business Association on December 16th.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

L. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

(a) The hours for the sale of alcoholic beverages shall be from 2:00 p.m. to 10:00 p.m., Monday through Friday, 12:00 p.m. to 10:00 p.m. Saturday, and 12:00 p.m. to 9:00 p.m. Sunday.

(b) The seating for the establishment shall not exceed 39 seats indoors, 24 seats outdoors, and the total occupant capacity, including employees, shall not exceed 131 people.

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

(d) The establishment shall maintain a current, active business license at all times while in operation.

(e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(h) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(i) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(k) There shall be no entertainment, no dancing, and no dance floor provided.

(l) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(m) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
Notice to the Wards Corner Civic League
Notice to the Greater Wards Corner Business Association
Notice to the Suburban Acres Civic League
Letter of endorsement from the Greater Wards Corner Business Association

Proponents and Opponents

Proponents

Rick Henn—Representative
1400 Granby St., Unit 407
Norfolk, VA 23510

Maureen Smith—Representative
210 E. Main St.
Norfolk, VA 23510

Thomas Lisk—Representative
919 E. Main St., Ste. 1300
Richmond, VA 23219

Kevin L. Sutton—Representative
1026 Silver Charm Circle
Suffolk, VA 23435

Opponents

None

01/25/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved: SGR

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "STARBUCKS" ON PROPERTY LOCATED AT 7550 GRANBY STREET, SUITE 10.

- - -

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

Section 1:- That a Special Exception is hereby granted to Coffee House Holdings, Inc. authorizing the operation of an eating and drinking establishment named "Starbucks" on property located at 7550 Granby Street, Suite 10. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 201 feet, more or less, along the eastern line of Granby Street, 612 feet, more or less, along the southern line of East Little Creek Road, 608 feet, more or less, along the western line of Virginian Avenue, and 573 feet, more or less, along the northern line of Louisiana Drive; premises numbered 7550 Granby Street, Suite 10.

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

(a) The hours of operation for the establishment shall be limited to 4:30 a.m. until 10:00 p.m. Monday through Friday, 5:00 a.m. until 10:00 p.m. on Saturday, and 5:30 a.m. until 9:00 p.m. on Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours for the sale of alcoholic beverages for on-premises consumption shall be limited to 2:00 p.m. until 10:00 p.m. Monday through Friday, 12:00 noon until 10:00 p.m. on Saturday, and 12:00 noon until 9:00 p.m. on Sunday. No sales of alcoholic beverages outside the hours of operation set listed herein shall be permitted.

(c) The seating for the establishment shall not exceed 39 seats indoors, 24 seats outdoors, and the total occupant capacity, including employees, shall not exceed 131 people.

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

(e) The establishment shall maintain a current, active business license at all times while in operation.

(f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.

(i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(j) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A,"

attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(l) There shall be no entertainment, no dancing, and no dance floor provided.

(m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(n) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

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

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

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative

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

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

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

ATTACHMENT:
Exhibit A (4 pages)

Exhibit A

EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date _____

Trade name of business Starbucks #20263

Address of business 7550 Granby Street, Unit 10, Norfolk, VA

Name(s) of business owner(s)* Coffee House Holdings, Inc.

Name(s) of property owner(s)* Sam Wards Corner, LLC

Daytime telephone number (757) 480-3893

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

1. Proposed Hours of Operation:
   Mon-Thu 4:30am–9pm; Fri 4:30am–10pm; Sat 5am-10pm; Sun 5:30am-9pm

Facility			Alcoholic Beverage Sales		
Weekday	From _____	To _____	Weekday	From 2:00 pm	To 10:00 pm
Friday	From _____	To _____	Friday	From 2:00 pm	To 10:00 pm
Saturday	From _____	To _____	Saturday	From 12:00 pm	To 10:00 pm
Sunday	From _____	To _____	Sunday	From 12:00 pm	To 9:00 pm

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

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

4. Will indoor or outdoor entertainment be provided?
   (Entertainment consists of anything more than one, unamplified musician)
   ☐ Yes (Different application required) X☐ No

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

Exhibit A – Page 2
Eating and Drinking Establishment

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

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

   _____

   _____

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

   6a. If yes, why

   _____

   _____

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

   Monday Tuesday Wednesday Thursday Friday

   Saturday Sunday

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

   7a. If yes, explain

   _____

   _____

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

   8a. If yes, explain

   _____

   _____

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

Exhibit A – Page 3
Eating and Drinking Establishment

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

_____

_____

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

Signature of Applicant:

Signature: _____

Name: Stephanie Meier

Title: Assistant Secretary of Coffee House Holdings, Inc.

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

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

- Complete this worksheet based for each floor plan submitted with application.

- Floor plan must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Outdoor seating
  - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)	39
Number of bar seats	0
Standing room	48

b. Outdoor

Number of seats	24

c. Number of employees 20

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 131

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
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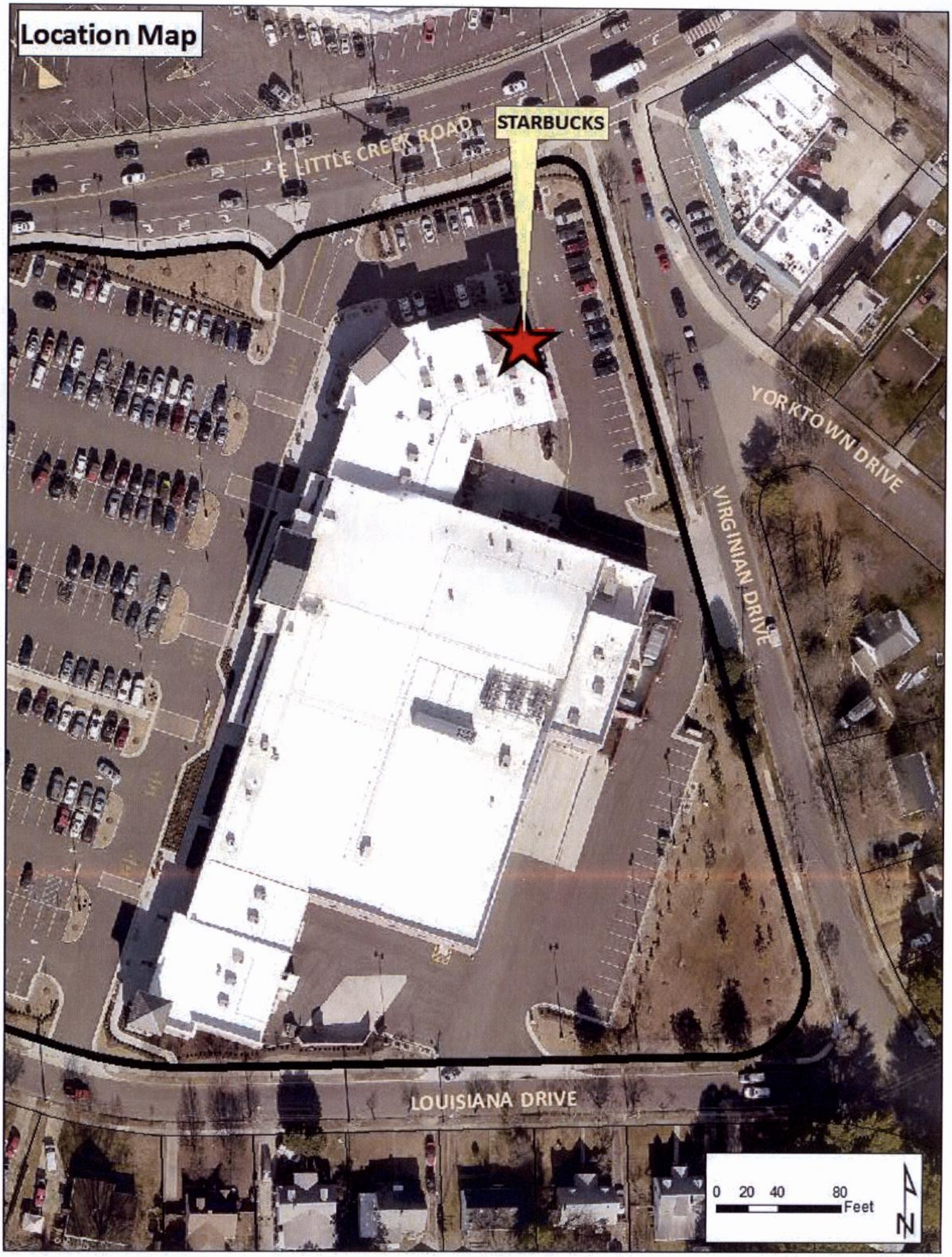
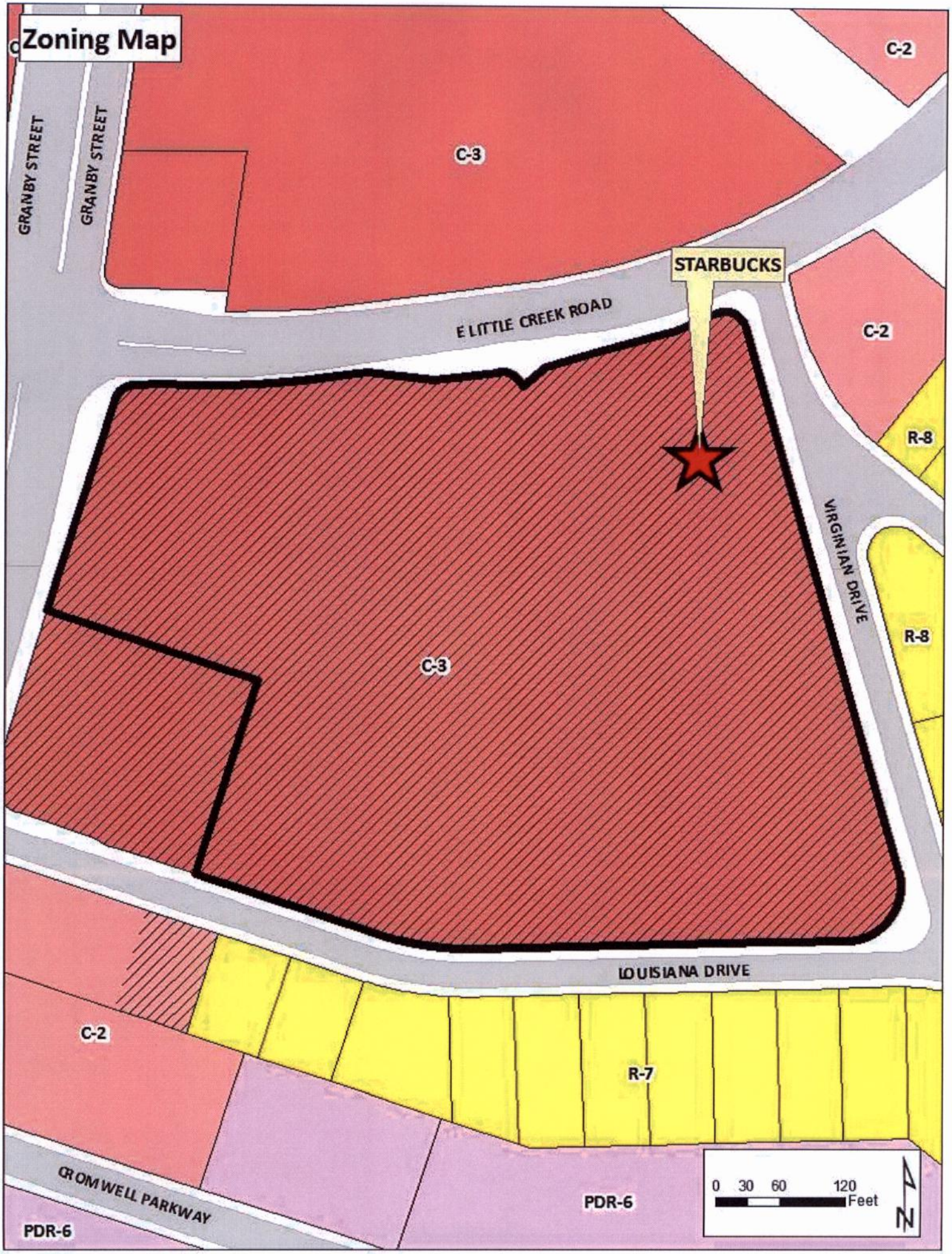
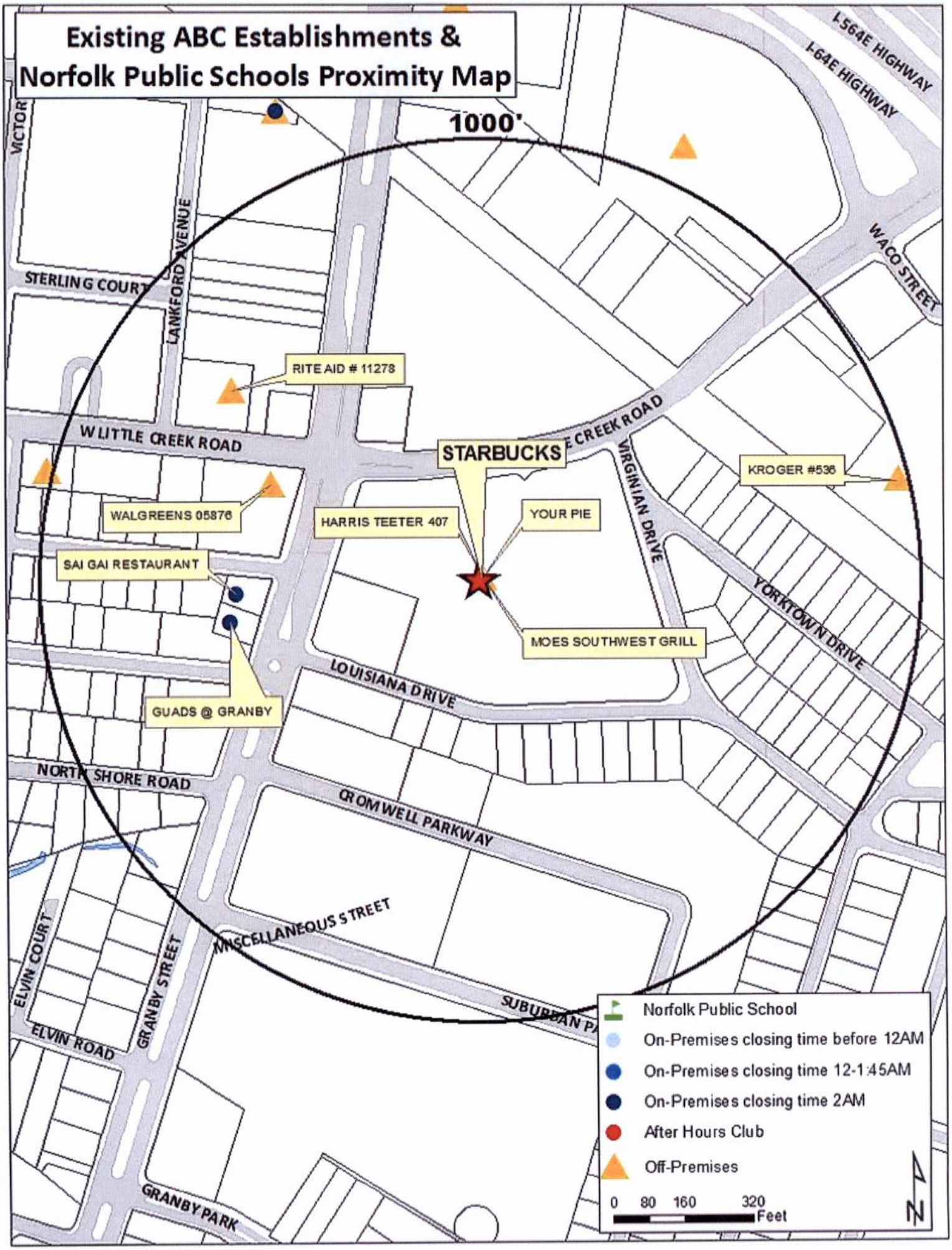

Location Map
STARBUCKS
E LITTLE CREEK ROAD
YORKTOWN DRIVE
VIRGINIAN DRIVE
LOUISIANA DRIVE
0 20 40 80
Feet
N


Zoning Map
GRANBY STREET
GRANBY STREET
C-3
C-2
STARBUCKS
E LITTLE CREEK ROAD
C-2
R-8
VIRGINIAN DRIVE
R-8
C-3
LOUISIANA DRIVE
C-2
R-7
CROMWELL PARKWAY
PDR-6
PDR-6
0 30 60 120
Feet
N


Existing ABC Establishments &
Norfolk Public Schools Proximity Map
1000'
I-564E HIGHWAY
I-64E HIGHWAY
WACO STREET
VICTOR
LANKFORD AVENUE
STERLING COURT
RITE AID # 11278
W LITTLE CREEK ROAD
E CREEK ROAD
STARBUCKS
VIRGINIAN DRIVE
KROGER #536
WALGREENS 05876
HARRIS TEETER 407
YOUR PIE
SAI GAI RESTAURANT
YORKTOWN DRIVE
MOES SOUTHWEST GRILL
LOUISIANA DRIVE
GUADS @ GRANBY
NORTH SHORE ROAD
CROMWELL PARKWAY
MISCELLANEOUS STREET
ELVIN COURT
GRANBY STREET
SUBURBAN PA
ELVIN ROAD
GRANBY PARK
Norfolk Public School
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

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

Date 12-4-15

DESCRIPTION OF PROPERTY

Address 7550 Granby Street, Suite 10, Norfolk, VA

Existing Use of Property Starbucks Coffee

Proposed Use Starbucks #20263 with Wine & Beer On premises

Current Building Square Footage 2359

Proposed Building Square Footage 2359

Trade Name of Business (if applicable) Starbucks #20263

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

1. Name of applicant: (Last) Meier (First) Stephanie (MI) J

Mailing address of applicant (Street/P.O. Box): Attn: Mailstop S-TAX2 License Services, P.O.Box 34442

(City) Seattle (State) WA (Zip Code) 98124

Daytime telephone number of applicant (206) 318-6511 Fax (206) 903-3583

E-mail address of applicant: aglover@starbucks.com

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

2. Name of applicant: (Last) Lisk (First) Tom (MI) ____

Mailing address of applicant (Street/P.O. Box): SunTrust Center Ste. 1300, 919 E. Main St.

(City) Richmond (State) VA (Zip Code) 23219

Daytime telephone number of applicant (804) 788-7550 Fax (804) 689-2950

E-mail address of applicant: tlisk@eckertseamans.com

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

SAM Wards Corner, LLC
3. Name of property owner: (Last) Gurnee (First) Bob (MI) ____ (Partner)

Mailing address of property owner (Street/P.O. box): 289 Independence Blvd

(City) Virginia Beach (State) VA (Zip Code) 23462

Daytime telephone number of owner (757) 671-1700 email: ____

CIVIC LEAGUE INFORMATION

Civic League contact: ____

Date(s) contacted: ____

Ward/Super Ward information: ____

REQUIRED ATTACHMENTS

- Required application fee, **$355.00** (if check, make payable to the City of Norfolk).
    - Application fee includes a non-refundable $5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
    - Existing and proposed building structures
    - Driveways
    - Parking
    - Landscaping
    - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

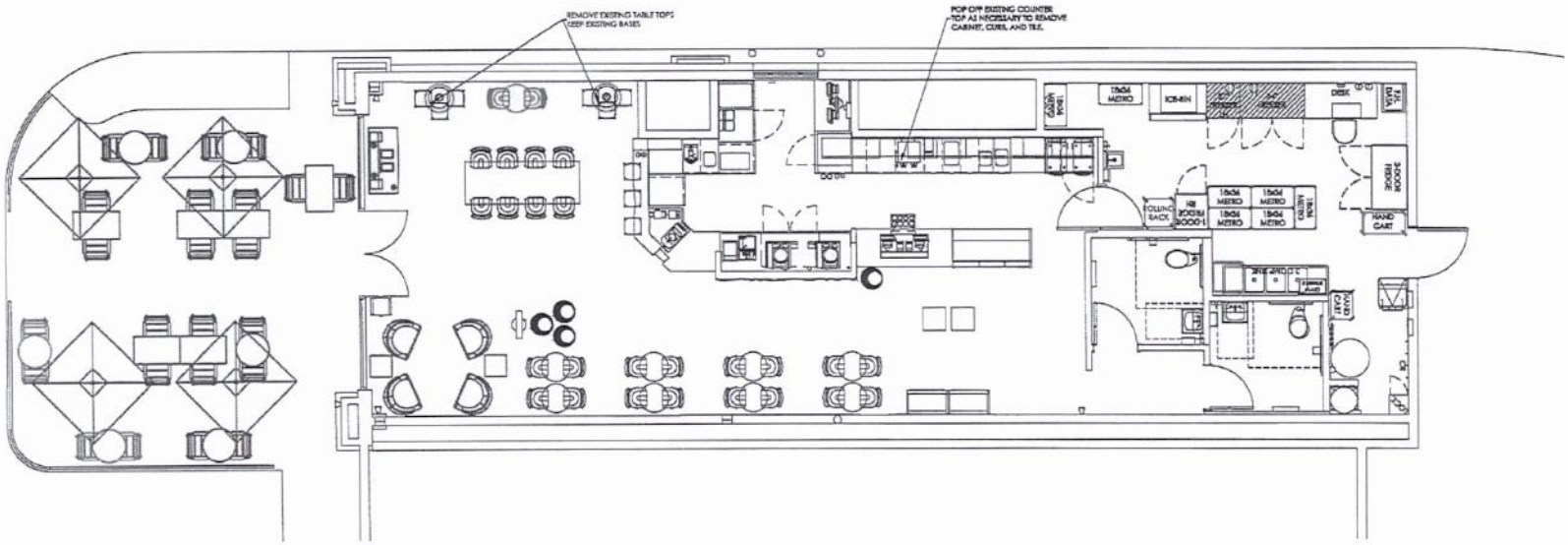
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Robert G. Gwynee **Sign:** [signature] 12 / 02 / 2015
(Property Owner) Partner (Date)

Print name: **Stephanie Meier** **Sign:** [signature] 12 / 4 / 15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

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



20' 15' 10' 5' 0

STORE TYPE: CORE

LEGEND
EXISTING ITEMS TO REMAIN
NEW ITEMS
REMOVED ITEMS
RELOCATED ITEMS
NEW ARTWORK

STORAGE RACK COUNT		
DESCRIPTION	EXISTING	PROPOSED
18"X36" STORAGE RACK	7	7

STORE INFORMATION	
STORE INTERIOR SEATING -	EXISTING: 39 PROPOSED: 39
STORE INTERIOR SQ. FT. -	1,697 SF (INTERIOR FACE OF STUDS)
STORE PATIO SEATING -	EXISTING: 24 PROPOSED: 23
PATIO SQ. FT. -	642 SF (ON "GO" PATIOS ONLY)

EQUIPMENT / MILLWORK REMOVED		
QTY.	DESCRIPTION	FINISH/NOTES
-	UNDER COUNTER CABINET PER PLANS	
-	STORAGE CUBBIES PER PLANS	
1	SANITIZER	
-	CHAIRS AND TABLES PER PLANS	

01 EXISTING & DEMOLITION PLAN
SEE PLAN

STARBUCKS EVENINGS
STORE #20263
7550 GRANBY STREET
NORFOLK, VA 23505

PM DESIGN
Architectural Solutions Group

Drawn By: RDR

MARK	DATE	ISSUE

MARK	DATE	ISSUE
△	09/28/15	OPS APPROVED DRAWINGS
△	09/12/15	COMPLETE REVIEW PACKAGE
△	08/30/15	FUNCTIONAL DESIGN
△	07/21/15	PRELIMINARY

Project Number: DAV15002.0

Store Number: 20263

LIGHT SCHEDULE

- LARGE PENDANT
- SMALL PENDANT
- WALL MOUNT
- CAN LIGHT
- SPECIALTY LIGHT
- TRACK LIGHT

EXISTING LIGHTS
DIMMERS TO BE ADDED
DD = UNABLE TO LOCATE SWITCH

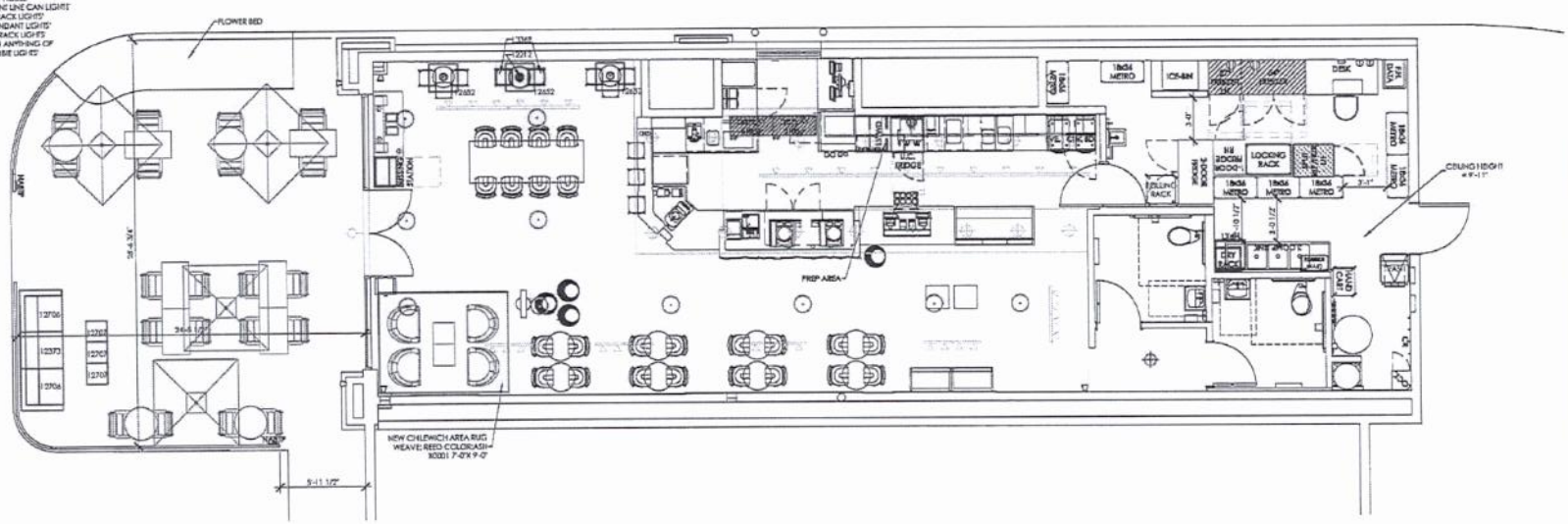
PATIO USE	GO	EXISTING PATIO IS IN COMPLIANCE FOR EVENINGS PROGRAM AND NO WORK IS REQUIRED. CONFIRM ALL APPROVALS REQUIRED PER STORE TRACKER.

EXISTING RAILING

LOCATION OF SWITCHES:
(BOXES ARE LISTED LEFT TO RIGHT, TOP TO BOTTOM)

SWITCH	BOX	DIMMER	LABEL
1	1	NO	"BACK OF HOUSE"
1	1	NO	"BACK LINE AND FRONT LINE CAN LIGHTS"
1	1	NO	"BACK LINE TRACK LIGHTS"
2	2	NO	"CAFE AREA PENDANT LIGHTS"
2	2	NO	"CAFE AREA TRACK LIGHTS"
2	2	NO	"DOES NOT TURN ANYTHING OF UNDER CUBBIE LIGHTS"

ELECTRICAL NOTE:
THIS STORE CONTAINS AN EXISTING BLUE BOX LIGHTING CONTROL SYSTEM.



STORE TYPE: CORE

LEGEND
- EXISTING ITEMS TO REMAIN
- NEW ITEMS
- REMOVED ITEMS
- RELOCATED ITEMS
- NEW ARTWORK

01 PROPOSED PLAN

SEE PLAN

BACK OF HOUSE / STORAGE ITEMS ADDED

QTY.	DESCRIPTION	FINISH/NOTES
1	TRUE REFRIGERATOR/FREEZER.	2HS-LH-STAR ID#10767
1	LOCKING STORAGE RACK 27DX48.25H	ID#10217
2	WALL MOUNTED DRYING RACKS WMRS-21	ID#13578
1	SANITIZER - HOBART LXeH	ID#13697

ENGINE / BACK LINE ITEMS ADDED

QTY.	DESCRIPTION	FINISH/NOTES
2	BACKLINE DISPLAY SHELVES	36"
1	TRUE 1-DOOR UNDER COUNTER LOCKING REFRIGERATOR, 27 5/8"W	ID#14064
1	CHALK BOARD	ID#12838 ID#12839 MOUNT

QTY.	DESCRIPTION	FINISH/NOTES
1	SHEET LAM. FOR END OF CUBBIES & END OF EXPOSED UC CABINETS	MONTANA WALNUT
X	BACK BAR TILE (FOR REFERENCE ONLY)	ID# 12886 PER SBUX
1	GALLON PAINT FOR BACK BAR	P5552
10	± SF OF FRP	BEHIND UC FRIDGE
1	15" WARE DRAWER W/LEGS @BACK BAR (CAB. TO BE LAMINATED ON BOTH SIDES)	CABINET ID#13412 MONTANA WALNUT

CAFE / SEATING AREA / PATIO ITEMS ADDED

QTY.	DESCRIPTION	FINISH/NOTES
1	BUSSING CART STATION #13111 (FRAME), #13360 (PANELS), #13453 (TOP)	CORIAN: CP 005 LAMINATE: WD004T
2	"NO ALCOHOL BEYOND THIS POINT" SIGN	ID#14913

QTY.	DESCRIPTION	FINISH/NOTES
3	TABLE TOPS	ID#12652 WD0001
1	TABLE BASE	ID#12212
2	BAR STOOL	ID#13369
2	OUTDOOR LOUNGE	ID#12706
1	OUTDOOR LOUNGE	ID#12373
1	CHILEWICH CUSTOM AREA RUG 7' W X 9' L	ID#X0001
3	OUTDOOR SIDE TABLES	ID#12707

STARBUCKS EVENINGS
STORE #20263
7550 GRANBY STREET
NORFOLK, VA 23505

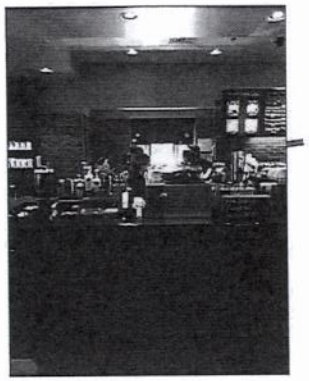
PM DESIGN
Architectural Solutions Group

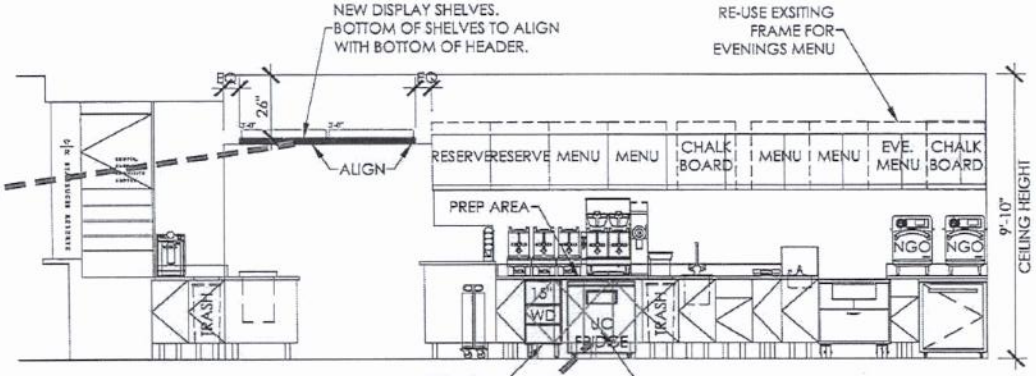
Drawn by: RDR

MARK	DATE	ISSUE
1	09/28/15	OPS APPROVED DRAWINGS
2	09/12/15	COMPLETE REVIEW PACKAGE
3	08/30/15	FUNCTIONAL DESIGN
4	07/24/15	PRELIMINARY

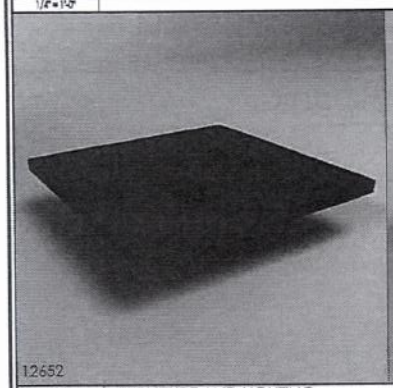
Project number: DAV15002.0

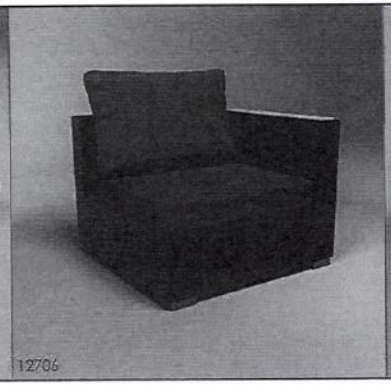
Store number: 20263

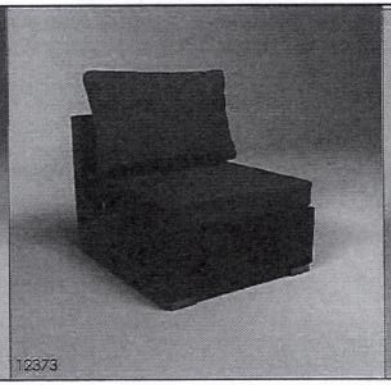


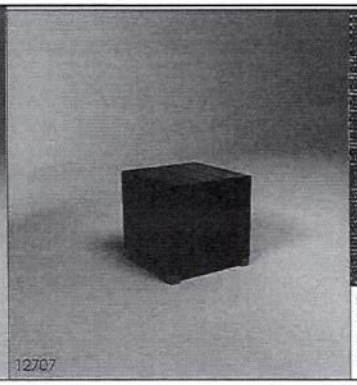


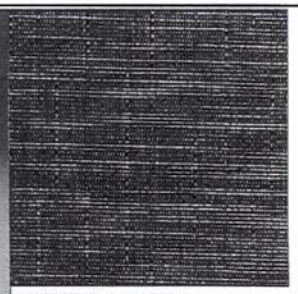
01 BACK LINE ELEVATIONS
1/4"=1'-0"











CHILEWICH RUGX0001
WEAVE: REED
COLOR: ASH
SOURCED FROM WWW.CHILEWICH.COM

03 FURNITURE AND LIGHTING
N.T.S.

STARBUCKS EVENINGS
STORE #20263
7550 GRANBY STREET
NORFOLK, VA 23505

PM DESIGN
Architectural Solutions Group

Drawn By: RDR

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Project Number: DAV15002.0

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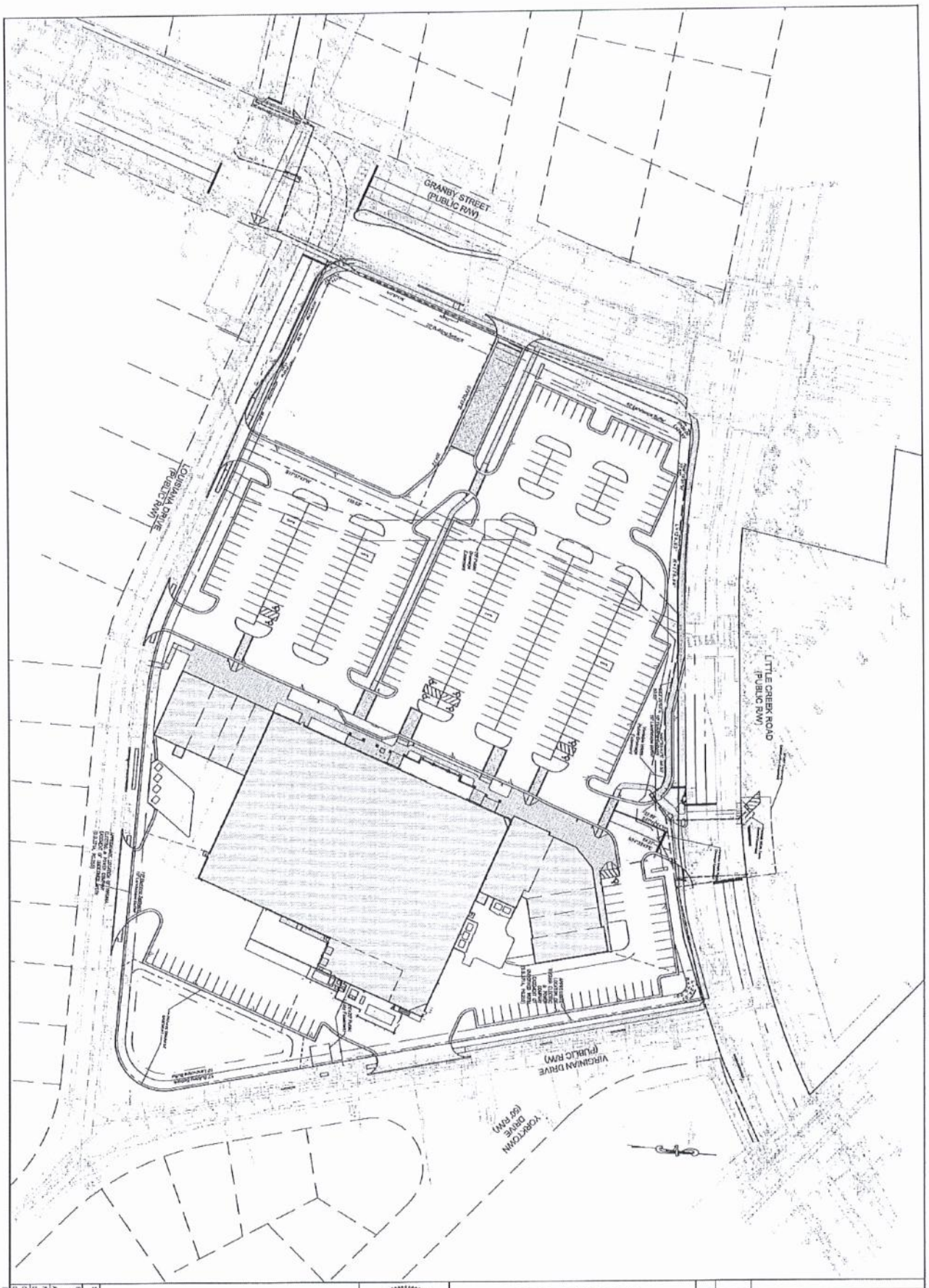


Overall

engineering services inc
Civil Engineering - Land Surveying
3351 Glenshore Road, Virginia Beach, VA. 23452
(757) 468-8600 FAX (757) 468-4955
E-mail: email@sslofve.com

COMMONWEALTH OF VIRGINIA
K. R. KESSLER
Lic. No. 7353
PROFESSIONAL ENGINEER

SUBURBAN PARK
SHOPPING CENTER

NORFOLK, VIRGINIA

NO.	DATE	REVISIONS

SCALE 0 40 80 120

SCALE: 1"=40'

FILE NAME: K:\11\11515a Pkwy\1515 2a Pkwy.dwg

APPROVAL DATE: 03-03-03

PROJECT: 11515

DRAWN: RAYP

CHECKED: WPB

DATE: 11/20/02

SHEET 2

FINAL SITE & CIVIL PLANS

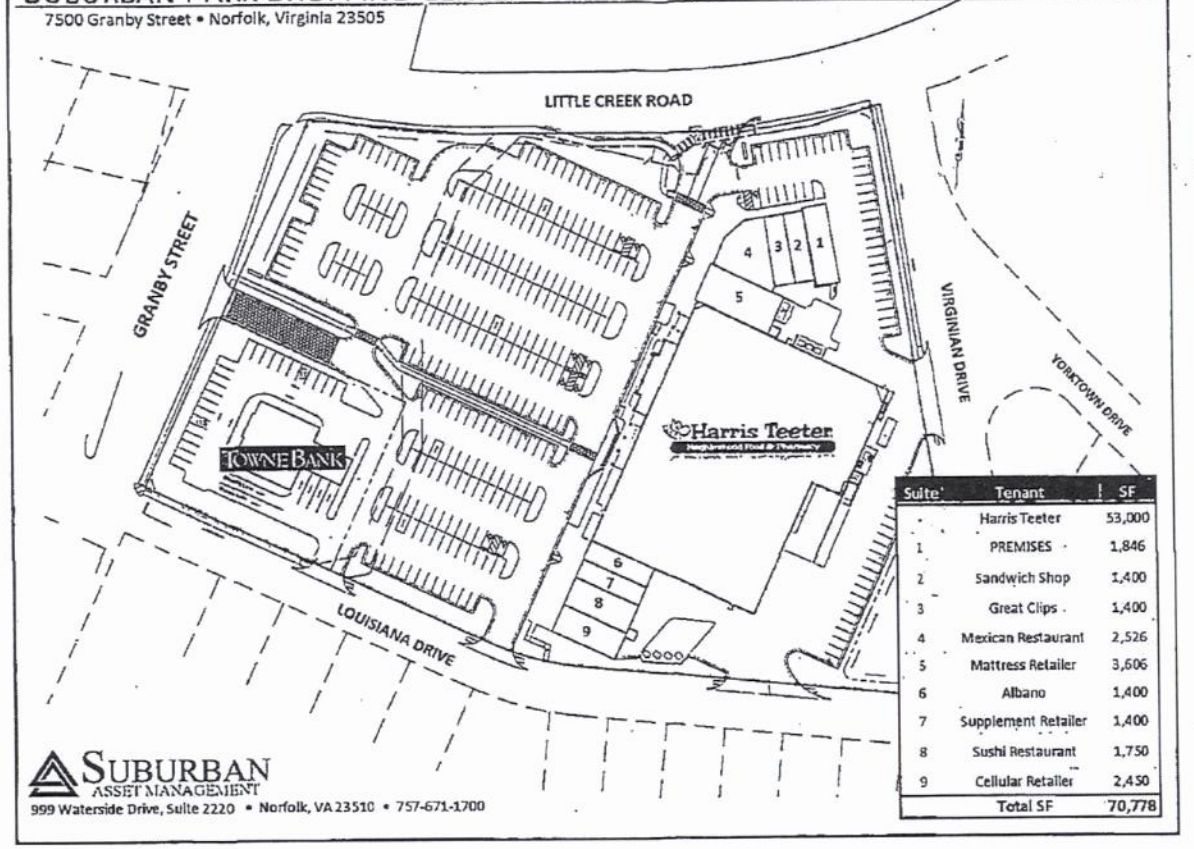
EXHIBIT B

SHOPPING CENTER SITE PLAN IDENTIFYING PREMISES

SUBURBAN PARK SHOPPING CENTER

UPDATED: 12/6/2012

7500 Granby Street • Norfolk, Virginia 23505



Suite	Tenant	SF
	Harris Teeter	53,000
1	PREMISES	1,846
2	Sandwich Shop	1,400
3	Great Clips	1,400
4	Mexican Restaurant	2,526
5	Mattress Retailer	3,606
6	Albano	1,400
7	Supplement Retailer	1,400
8	Sushi Restaurant	1,750
9	Cellular Retailer	2,450
	Total SF	70,778

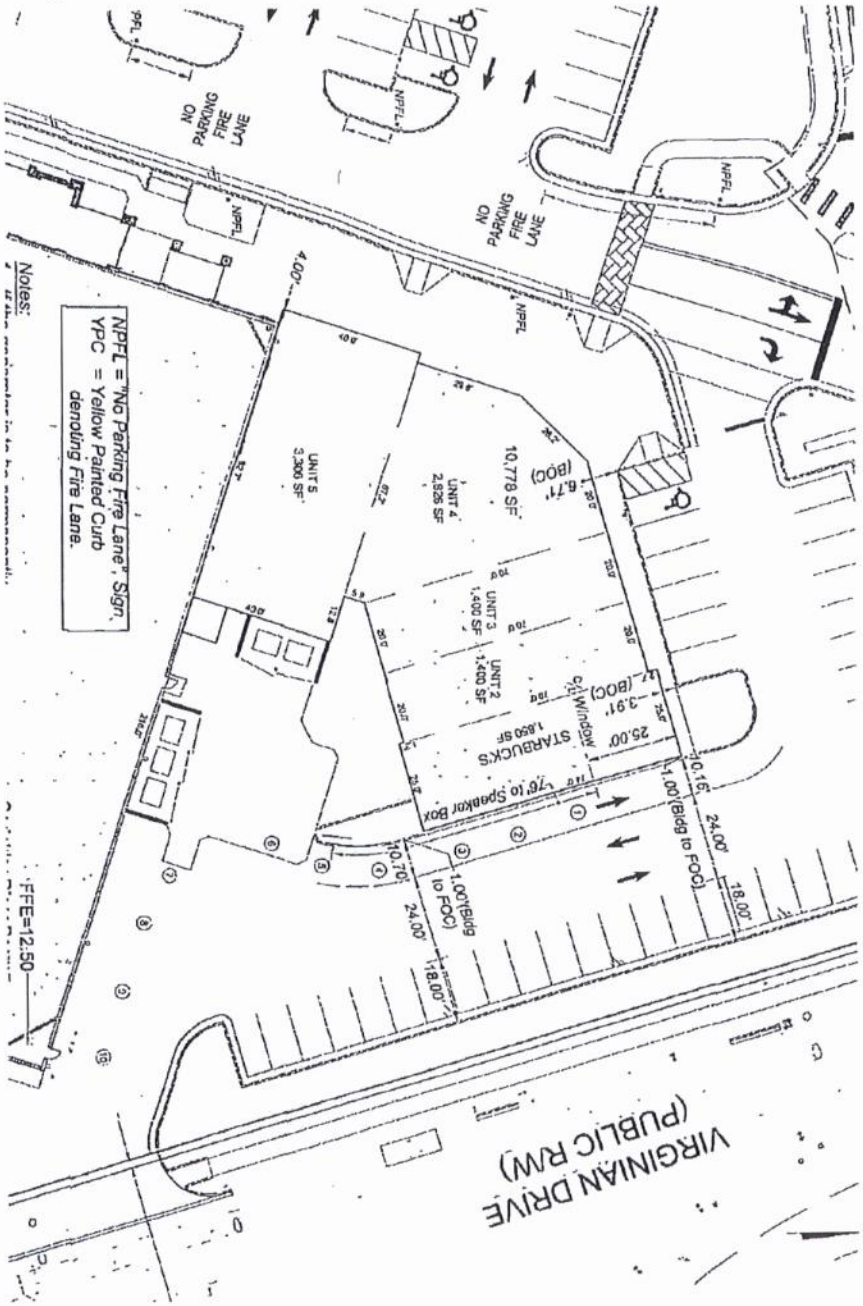
SUBURBAN ASSET MANAGEMENT

999 Waterside Drive, Suite 2220 • Norfolk, VA 23510 • 757-671-1700

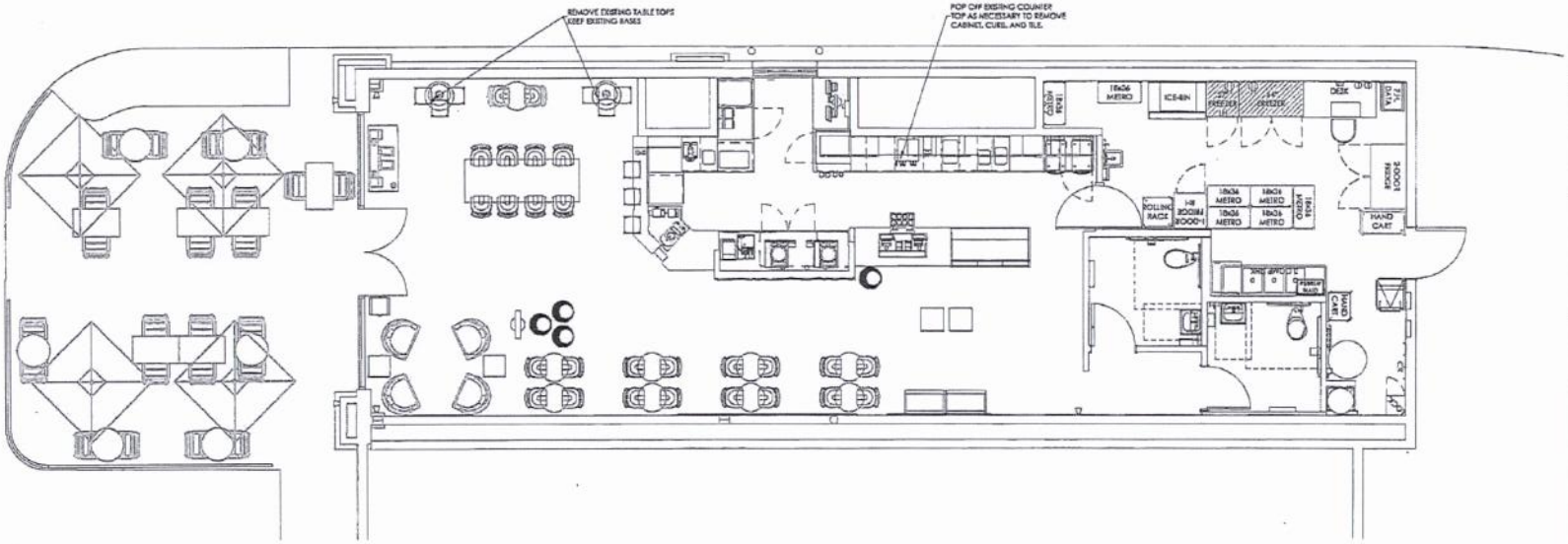
© 2001 Starbucks Corporation
Revised June 2001
STARBUCKS

EXHIBIT B-1

DIAGRAM OF PREMISES, DRIVE THROUGH LANES, PARKING, TRASH ENCLOSURES AND OUTDOOR SEATING



© 2001 Starbucks Corporation
Revised June 2001
STARBUCKS



STORE TYPE: CORE

LEGEND
EXISTING ITEMS TO REMAIN
NEW ITEMS
REMOVED ITEMS
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STORAGE RACK COUNT		
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EQUIPMENT / MILLWORK REMOVED		
QTY.	DESCRIPTION	FINISH/NOTES
-	UNDER COUNTER CABINET PER PLANS	
-	STORAGE CUBBIES PER PLANS	
1	SANITIZER	
-	CHAIRS AND TABLES PER PLANS	

01 EXISTING & DEMOLITION PLAN
SEE PLAN

STARBUCKS EVENINGS
STORE #20263
7550 GRANBY STREET
NORFOLK, VA 23505

PM DESIGN
Architectural Solutions Group

Drawn by: RDR

MARK	DATE	ISSUE

MARK	DATE	ISSUE
△	05/28/15	OPS APPROVED DRAWINGS
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△	06/30/15	FUNCTIONAL DESIGN
△	07/21/15	PRELIMINARY

Project Number: DAV15002.0

Store Number: 20263

Richards, Sarah

From:	Straley, Matthew
Sent:	Wednesday, December 16, 2015 11:47 AM
To:	saclpresident@gmail.com; ajim.english@gmail.com; gwcaba@cox.net
Cc:	Whibley, Terry; Winn, Barclay; Ransom, Carlton; Richards, Sarah
Subject:	new Planning Commission application - 7550 Granby Street, Suite 10
Attachments:	Starbucks_WardsCorner.pdf
Follow Up Flag:	Follow up
Flag Status:	Flagged

Mr. Janney, Mr. English, and Ms. Kalfus:

Attached please find the for a special exception to operate an eating and drinking establishment at 7550 Granby Street, Suite 10.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Sarah Richards at (757) 664-7470, sarah.richards@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

Greater Wards Corner Area Business Association
301 Suburban Parkway
Norfolk, Virginia 23505-4224
757-587-7975

January 26th, 2016

Christopher Blough
Norfolk Department of City Planning
810 Union Street, Suite 508
Norfolk, Virginia 23510

RE: Starbucks Wards Corner

Dear Mr. Blough;

The Greater Wards Corner Area Business Association fully endorses the application for a liquor license by Starbucks Wards Corner to sell beer and wine. Starbucks has been a welcomed addition to our business community. They have the type of operation that draws the clientele that we in encourage.

The Business Association welcomes the opportunity to assist in the creation of a desirable evening clientele. With the help of the city, the property owners and the merchants Wards Corner is beginning to reestablish itself as a shopping destination.

Most sincerely,

Elyse R. Kalfus, President

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

February 9, 2016

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

Subject: **Special Exception for an eating and drinking establishment at 143 Granby Street – Starbucks**

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

Ward/Superward: 2/6

Approved: _____
Marcus D. Jones, City Manager

Item Number: R-15

I. **Staff Recommendation: Approval**

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

III. **Request:** Special Exception for an eating and drinking establishment

IV. **Applicant: Starbucks**

V. **Description:**

- Granting this request will allow the new Starbucks coffeehouse moving into the commercial suite at 143 Granby Street, the space formerly occupied by the Bobbywood restaurant, to add alcoholic beverages to their menu.
- The applicant was granted a special exception for an eating and drinking establishment with alcoholic beverages at their new location.

Staff point of contact: Sarah Richards at 664-7470, sarah.richards@norfolk.gov

Attachments:

- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: January 28, 2015

Executive Secretary: George M. Homewood, AICP, CFM GS

Planner: Sarah Richards SGR

Staff Report	**Item No. 10**	
Address	**143 Granby Street**	
Applicant	**Starbucks**	
Request	**Special Exception**	**Eating and drinking establishment**
Property Owner	Seaboard Building, LLC (Raffaele Allen)	
Site Characteristics	Building Area/Space	22,282 sq. ft./2,560 sq. ft.
	Future Land Use Map	Downtown
	Zoning	D-2 (Downtown Regional Center District), Downtown Historic District Overlay
	Neighborhoods	Downtown
	Character District	Downtown
Surrounding Area	North	D-2: Littman's Pawn Shop
	East	D-2: Dominion Enterprises
	South	D-2: Smoothie King
	West	D-2: The Law Building apartments

A. Summary of Request

- This special exception would allow the establishment to serve alcoholic beverages for on-premises consumption.
- Starbucks would like to start offering beer and wine to their customers in select locations, along with an expanded food menu.

B. Plan Consistency

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

C. Zoning Analysis

i. General

- The site is located in the D-2 District, which permits the proposed use by special exception.

	Previous (Bobbywood)	Proposed (Starbucks)
Hours of Operation	11:00 a.m. until 2 a.m., seven days a week	4:30 a.m. to 10:00 p.m., Monday through Friday 5:00 a.m. to 10:00 p.m. Saturday 5:30 a.m. to 9:00 p.m. Sunday
Hours for the Sale of Alcoholic Beverages	11:00 a.m. until 2 a.m., seven days a week	2:00 p.m. to 10:00 p.m., Monday through Friday 12:00 p.m. to 10:00 p.m. Saturday 12:00 p.m. to 9:00 p.m. Sunday
Capacity	75 seats indoors 22 seats outdoors 112 total capacity	54 seats indoors 0 seats outdoors 95 total capacity

- Special Exception history:

City Council Approval	Applicant	Request
June 2014	Robert Huber	• Eating and Drinking Establishment
Pending	Starbucks	• Eating and Drinking Establishment

ii. Parking

The site is located within the D-2 zoning district, which does not require off-street parking.

iii. Flood Zone

The property is located mainly in the X (Shaded) Flood Zone, which is a moderate-risk flood zone.

- Any substantial modifications to the building would require the building to comply with current flood regulations.

D. Transportation Impacts

No new trips are forecast related to the proposed addition of alcohol sales at this existing restaurant.

E. Historic Resources Impacts

- The building lies within the Downtown Historic Overlay, and is considered a contributing structure.
- Any modifications to the exterior of the building shall be subject to the City's Design Review Process and/or Architectural Review Board approval for a Certificate of Appropriateness.

F. Public Schools Impacts

This site is located within the Tidewater Park Elementary School, Blair Middle School, and Maury High School Attendance Zones.

G. Environmental Impacts

There are currently no opportunities for landscaping improvements for the existing site.

H. Surrounding Area/Site Impacts

- By requiring this use to conform to the conditions listed below, the proposed eating and drinking establishment should not have a negative effect on the surrounding neighborhood.
- Signage and awnings were approved by the Architectural Review Board on October 19th.
- There have been no calls for service to this property.

I. Payment of Taxes

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

J. Civic League

The application was sent to the Downtown Norfolk Council and the Downtown Norfolk Civic League on December 12th.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

L. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

(a) The hours for the sale of alcoholic beverages shall be from 2:00 p.m. to 10:00 p.m., Monday through Friday, 12:00 p.m. to 10:00 p.m. Saturday, and 12:00 p.m. to 9:00 p.m. Sunday.

(b) The seating for the establishment shall not exceed 54 seats indoors, 0 seats outdoors, and the total occupant capacity, including employees, shall not exceed 95 people.

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

(d) The establishment shall maintain a current, active business license at all times while in operation.

(e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(h) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(i) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(k) There shall be no entertainment, no dancing, and no dance floor provided.

(l) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(m) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
Notice to the Downtown Norfolk Council
Notice to the Downtown Norfolk Civic League

Proponents and Opponents

Proponents

Rick Henn—Representative
1400 Granby St., Unit 407
Norfolk, VA 23510

Maureen Smith—Representative
210 E. Main St.
Norfolk, VA 23510

Thomas Lisk—Representative
919 E. Main St., Ste. 1300
Richmond, VA 23219

Kevin L. Sutton—Representative
1026 Silver Charm Circle
Suffolk, VA 23435

Opponents

None

01/25/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved: SGR

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "STARBUCKS" ON PROPERTY LOCATED AT 143 GRANBY STREET, SUITES 141 AND 143.

- - -

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

Section 1:- That a Special Exception is hereby granted to Coffee House Holdings, Inc. authorizing the operation of an eating and drinking establishment named "Starbucks" on property located at 143 Granby Street, Suites 141 and 143. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronting 100 feet, more or less, along the western line of Granby Street and 213 feet, more or less, along the northern line of West Plume Street; premises numbered 143 Granby Street, Suites 141 and 143.

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

(a) The hours of operation for the establishment shall be limited to 4:30 a.m. until 10:00 p.m. Monday through Friday, 5:00 a.m. until 10:00 p.m. on Saturday, and 5:30 a.m. until 9:00 p.m. on Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours for the sale of alcoholic beverages for on-premises consumption shall be limited to 2:00 p.m. until 10:00 p.m. Monday through Friday, 12:00 noon until 10:00 p.m. on Saturday, and 12:00 noon until 9:00 p.m. on Sunday. No sales of alcoholic beverages outside the hours of operation set listed herein shall be permitted.

(c) The seating for the establishment shall not exceed

54 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 95 people.

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

(e) The establishment shall maintain a current, active business license at all times while in operation.

(f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.

(i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(j) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners,

operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(l) There shall be no entertainment, no dancing, and no dance floor provided.

(m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(n) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

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

(a) The proposed use and development will be in harmony

with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect

of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting an eating and drinking establishment on this property, adopted on July 8, 2014 (Ordinance No. 45,607). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

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

ATTACHMENT:
Exhibit A (4 pages)

Exhibit A

EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 12/10/15

Trade name of business Starbucks #7478

Address of business 145 Granby Street, Norfolk, VA 23510

Name(s) of business owner(s)* Coffee House Holdings, Inc.

Name(s) of property owner(s)* Seaboard Building, LLC; Raffaele Allen

Daytime telephone number (757) 625-0600

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

1. Proposed Hours of Operation:
Mon-Thu 4:30am–~~9pm~~ 10:00; Fri 4:30am–10pm; Sat 5am-10pm; Sun 5:30am-9pm

Facility			Alcoholic Beverage Sales		
Weekday	From 4:30 am	To 10:00 p.m.	Weekday	From 2:00 pm	To 10:00 pm
Friday	From 4:30 am	To 10:00 p.m.	Friday	From 2:00 pm	To 10:00 pm
Saturday	From 5:00 a.m	To 10:00 p.m.	Saturday	From 12:00 pm	To 10:00 pm
Sunday	From 5:30 a.m	To 9:00 p.m.	Sunday	From 12:00 pm	To 9:00 pm

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

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

4. Will indoor or outdoor entertainment be provided?
(Entertainment consists of anything more than one, unamplified musician)

☐ Yes (Different application required) X☐ No

Exhibit A – Page 2
Eating and Drinking Establishment

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

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

_____

_____

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

6a. If yes, why

_____

_____

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

Monday Tuesday Wednesday Thursday Friday

Saturday Sunday

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

7a. If yes, explain

_____

_____

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

8a. If yes, explain

_____

_____

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

Exhibit A – Page 3
Eating and Drinking Establishment

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

_____

_____

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

Signature of Applicant:

Signature: _____

Name: Stephanie Meier

Title: Assistant Secretary of Coffee House Holdings, Inc.

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

- Complete this worksheet based for each floor plan submitted with application.

- Floor plan must be prepared by a registered design professional and include:
    - Tables/seats
    - Restroom facilities
    - Bar
    - Ingress and egress
    - Standing room
    - Outdoor seating
    - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)	48
Number of bar seats	6
Standing room	31

b. Outdoor

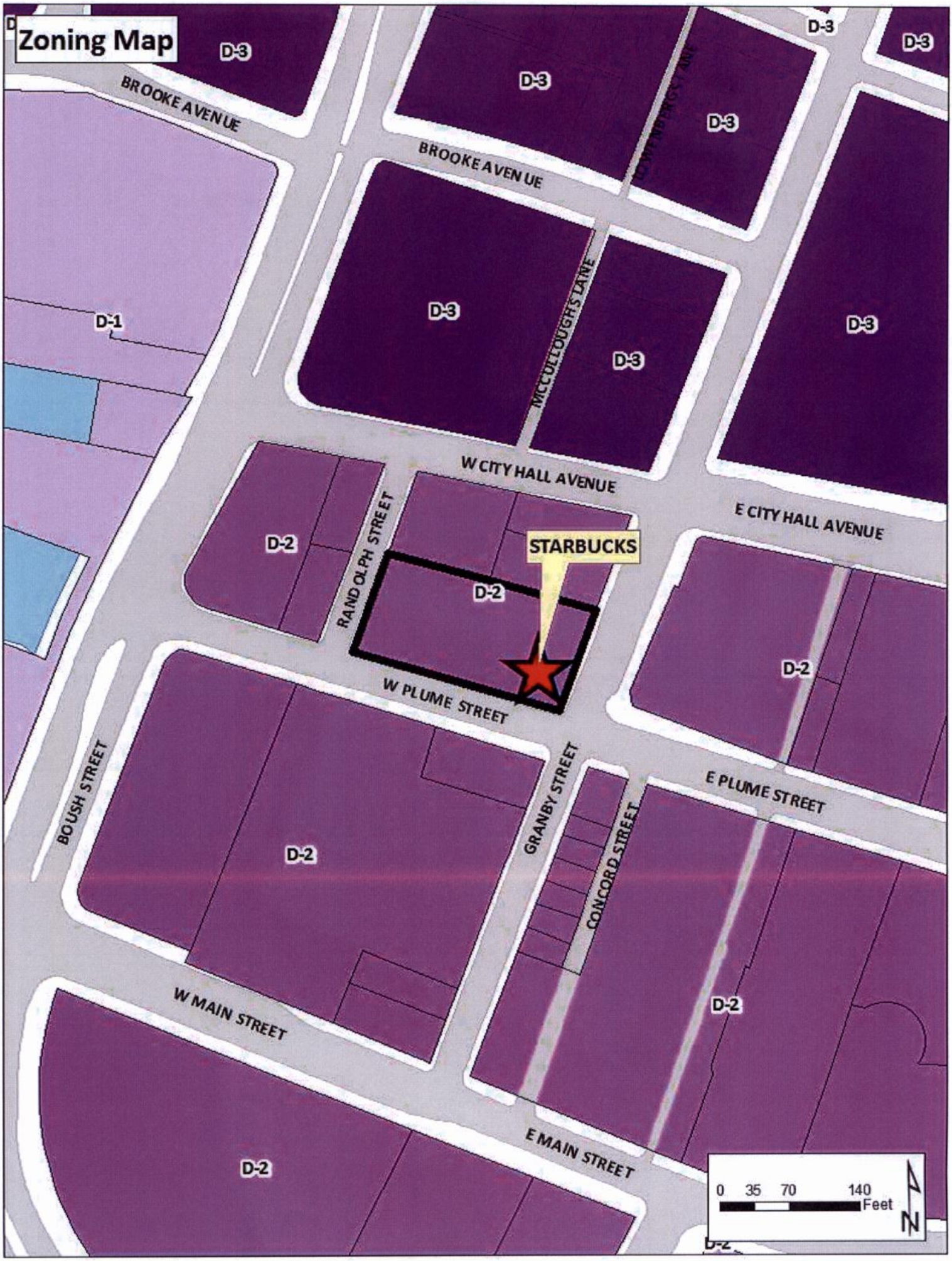
Number of seats	0

c. Number of employees 10

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 95

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

Location Map
MCCULLOUGHS LANE
W CITY HALL AVENUE
RANDOLPH STREET
W PLUME STREET
GRANBY STREET
STARBUCKS
E PLUME STREET
CONCORD STREET
0 15 30 60
Feet
N


Zoning Map
D-3
D-3
D-3
D-3
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D-3
D-1
D-2
D-2
D-2
D-2
D-2
D-2
BROOKE AVENUE
BROOKE AVENUE
MCCULLOUGHS LANE
W CITY HALL AVENUE
E CITY HALL AVENUE
RANDOLPH STREET
STARBUCKS
W PLUME STREET
E PLUME STREET
BOUSH STREET
GRANBY STREET
CONCORD STREET
W MAIN STREET
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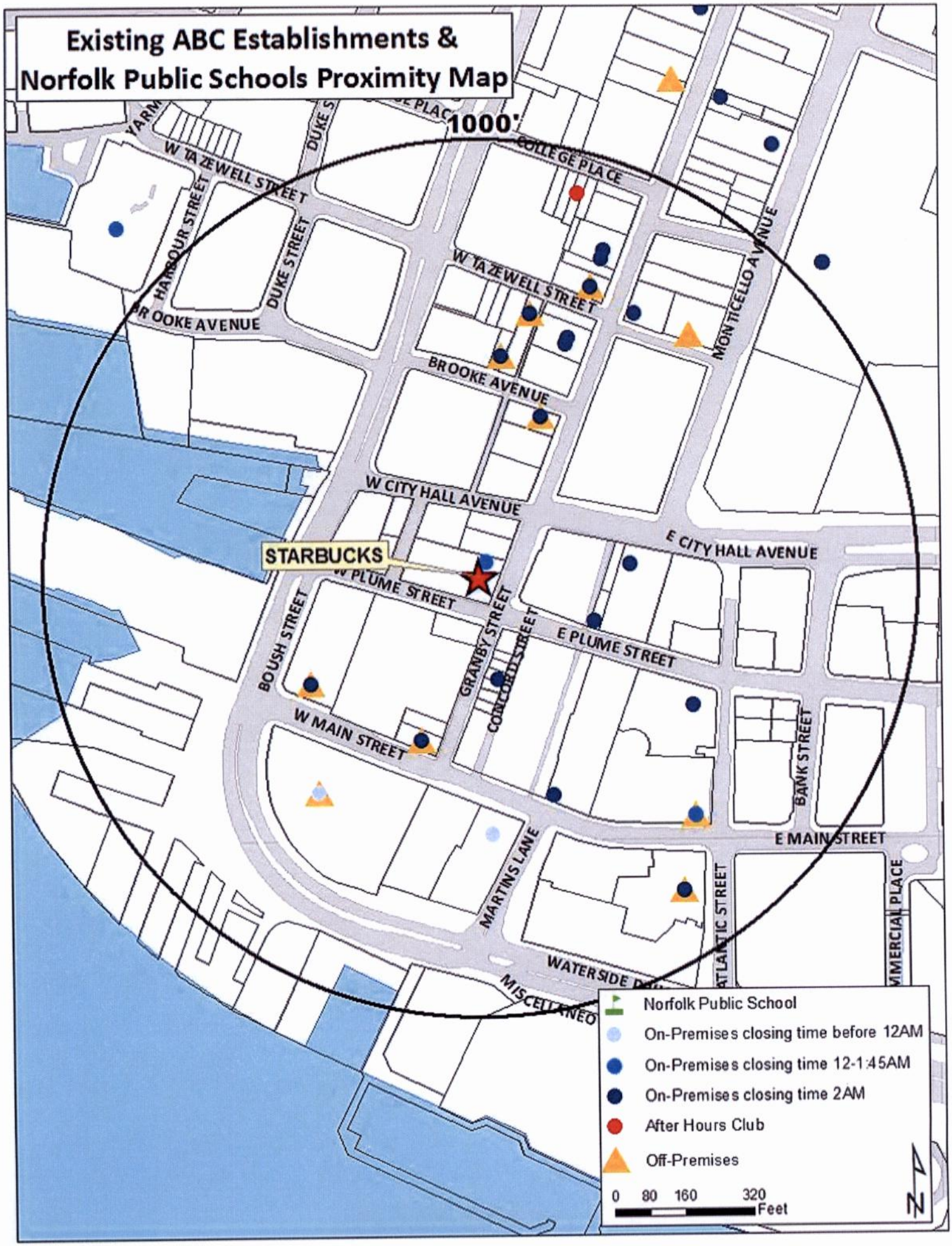

Existing ABC Establishments &
Norfolk Public Schools Proximity Map
1000'
W TAZEWELL STREET
COLLEGE PLACE
HARBOUR STREET
DUKE STREET
BROOKE AVENUE
MONTICELLO AVENUE
W CITY HALL AVENUE
E CITY HALL AVENUE
STARBUCKS
W PLUME STREET
E PLUME STREET
BOUSH STREET
GRANBY STREET
CONCORD STREET
W MAIN STREET
BANK STREET
E MAIN STREET
MARTINS LANE
ATLANTIC STREET
COMMERCIAL PLACE
WATERSIDE DR
MISCELLANEO
Norfolk Public School
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

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

Date 12/10/15

DESCRIPTION OF PROPERTY

Address 145 Granby Street, Norfolk, VA 23510

Existing Use of Property Starbucks Coffee

Proposed Use Starbucks #7478 with Wine & Beer On premises

Current Building Square Footage 2560

Proposed Building Square Footage 2560

Trade Name of Business (if applicable) Starbucks #7478

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

1. Name of applicant: (Last) Meier (First) Stephanie (MI) J

Mailing address of applicant (Street/P.O. Box): Attn: Mailstop S-TAX2 License Services, P.O.Box 34442

(City) Seattle (State) WA (Zip Code) 98124

Daytime telephone number of applicant (206) 318-6511 Fax (206) 903-3583

E-mail address of applicant: aglover@starbucks.com

REQUIRED ATTACHMENTS

- Required application fee, **$355.00** (if check, make payable to the City of Norfolk).
    - Application fee includes a non-refundable $5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
    - Existing and proposed building structures
    - Driveways
    - Parking
    - Landscaping
    - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

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

Print name: Frank Gadams **Sign:** _____ 12 / 7 / 2015
(Property Owner) (Date)

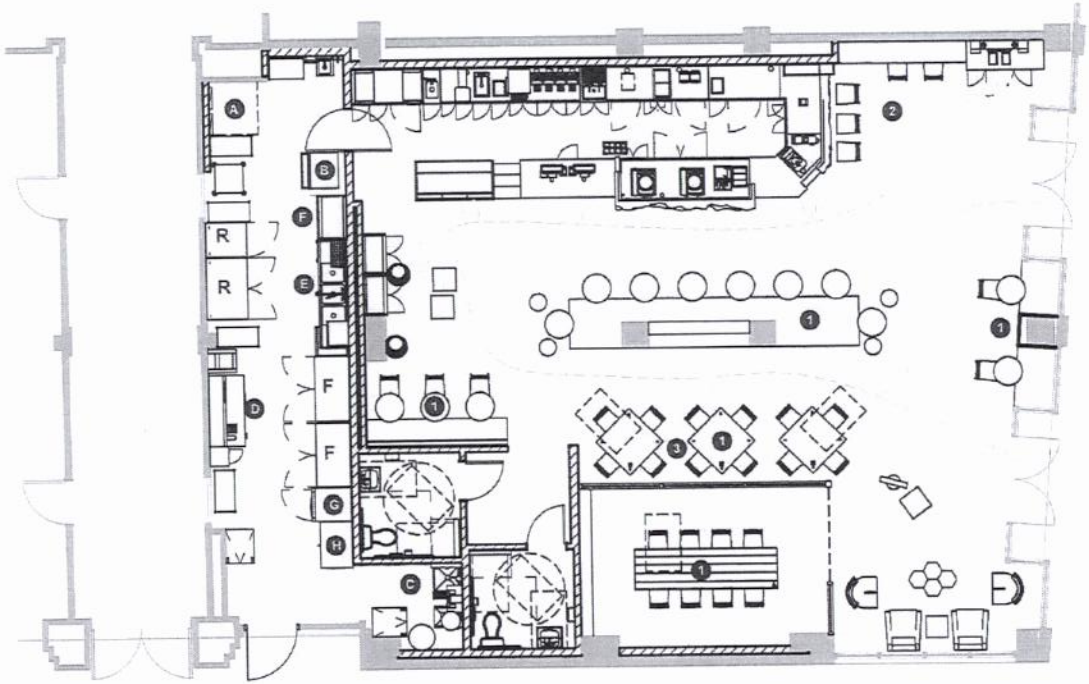
Print name: **Stephanie Meier** **Sign:** _____ 12 / 7 / 2015
(Applicant) (Date)

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

- A ELECTRICAL PANELS
- B ICE MACHINE
- C MOP SINK / FILTRATION SYSTEM
- D MANAGER'S DESK
- E 3-COMP SINK
- F EVENINGS PRE-WASH STATION
- G EVENINGS FRIDGE/ FREEZER
- H EVENINGS STORAGE CAGE



N

PROPOSED SEATING COUNT
INTERIOR: 51, ADA INCLUDED
EXTERIOR: NOT ENOUGH SPACE WITH SIDEWALK FOR SEATING

SCALE: 1/8": 1'-0"

1 CAFE HEIGHT 2 BAR HEIGHT 3 EVENING ZONE

PROPOSED FLOOR PLAN

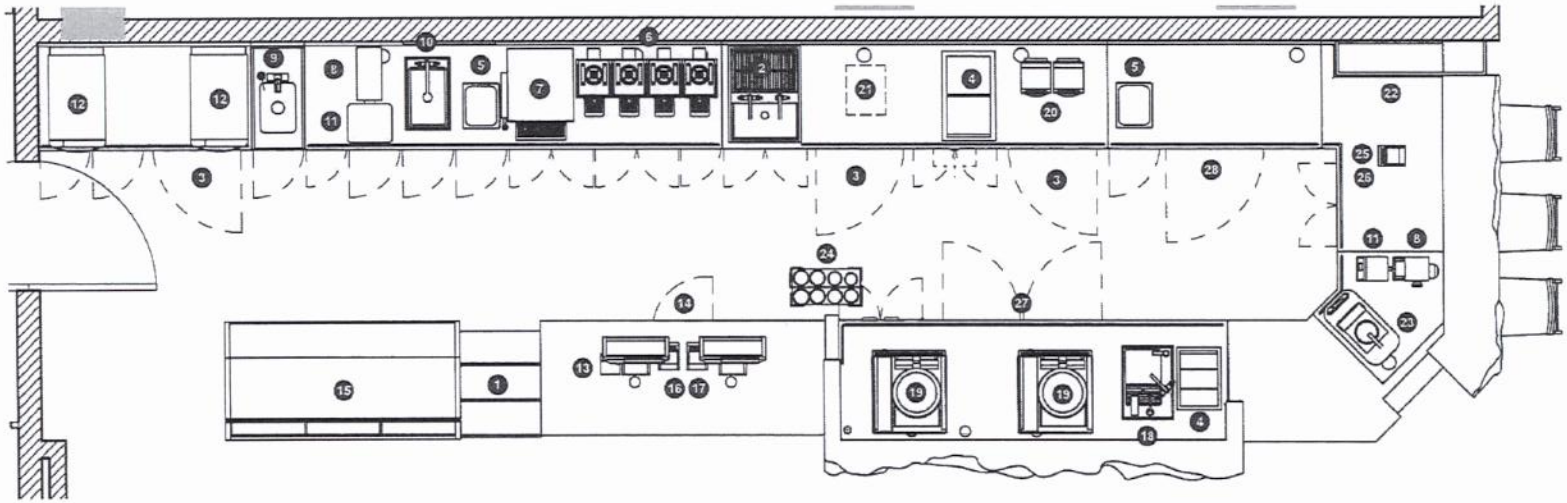
SCHEMATIC DESIGN PHASE 1

CORE 05457-038 GRANBY & PLUME

DESIGN TEAM: E. ZAKAMAREK / L. BRITO

08/06/2015

1. FOOD INSERT
2. PITCHER, RINSER, SINK
3. 1-DOOR U/C FRIDGE
4. ICE BIN
5. TRASH DROP
6. SHUTTLES
7. DUAL BREWER
8. GRINDER
9. HAND SINK
10. WORK SINK
11. SCALE
12. OVEN
13. MOP CUP LABELER
14. SAFE
15. PASTRY CASE
16. PRINTERS
17. POS
18. ALL-IN-ONE SINK
19. MASTRENA
20. BLENDERS
21. FUTURE FIZZIO EQUIPMENT
22. RESERVE TOWER
23. CLOVER
24. MOBILE CUP CADDY
25. MOP PRINTER
26. MOP STAGING
27. 2-DOOR FRIDGE
28. 1-DOOR EVENINGS LOCKABLE FRIDGE



SCALE: 3/8" : 1'-0"

SCHEMATIC DESIGN PHASE 1

ENLARGED ENGINE PLAN

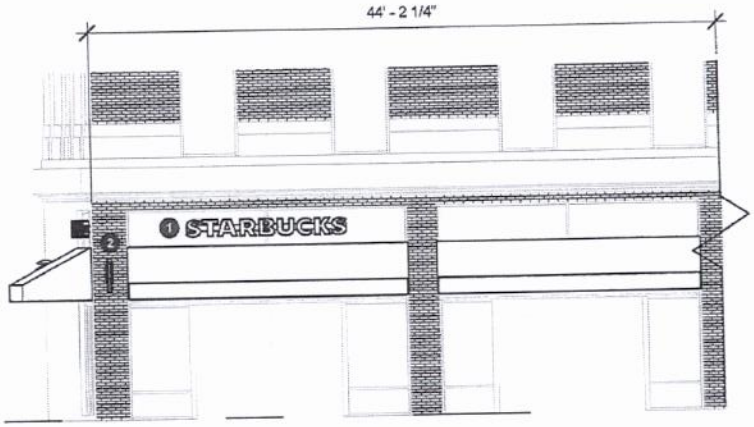
1. 14" ILLUMINATED WORDMARK ON RACEWAY
2. 24" ILLUMINATED BLADE SIGN

SIGNAGE REQUIREMENTS

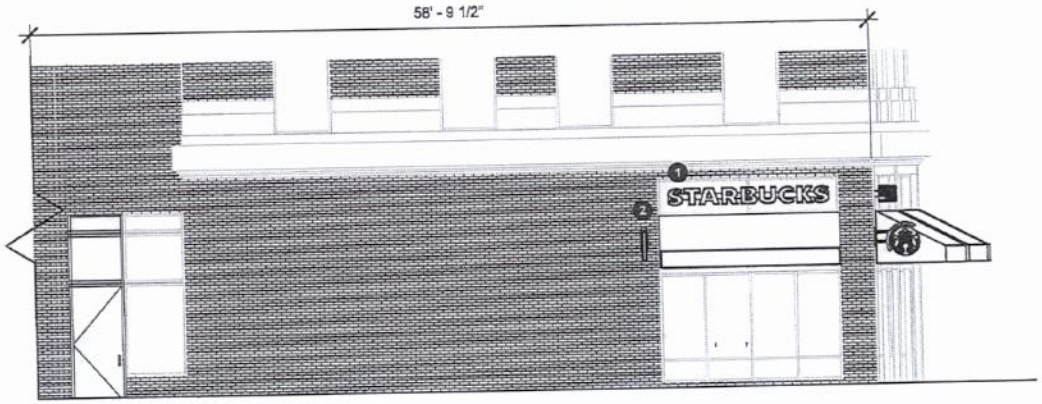
- FOR SIGNS BELOW 20 FT. FROM CURB LEVEL EACH BUSINESS IS ALLOWED 1.5 SQ. FT. OR SIGNAGE PER LINEAR FEET OF FRONTAGE
- NO WINDOW DISKS ALLOWED

PROPOSED SIGNAGE:
EAST ELEVATION
- ALLOWED: 66 SQ. FT.
- PROPOSED: 28 SQ. FT.

SOUTH ELEVATION
- ALLOWED: 88 SQ. FT.
- PROPOSED: 28 SQ. FT.



EAST ELEVATION
SCALE: 1/8" : 1'-0"



SOUTH ELEVATION
SCALE: 1/8" : 1'-0"

SCHEMATIC DESIGN PHASE 1

SIGNAGE & EXTERIOR ELEVATIONS

CORE 05457-038 GRANBY & PLUME

DESIGN TEAM: E. ZAKAMAREK / L. BRITO

08/05/2015

Richards, Sarah

From:	Straley, Matthew
Sent:	Wednesday, December 16, 2015 11:48 AM
To:	dncl@welovenorfolk.org; Miller, Mary
Cc:	Whibley, Terry; Winn, Barclay; Howard, Oneiceia; Richards, Sarah
Subject:	new Planning Commission application - 143 Granby Street, Suites 141 and 143
Attachments:	Starbucks_downtown.pdf
Follow Up Flag:	Follow up
Flag Status:	Flagged

Mr. Murphy and Ms. Miller,

Attached please find the application for a special exception to operate an eating and drinking establishment at 143 Granby Street, Suites 141 and 143.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Sarah Richards at (757) 664-7470, sarah.richards@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

C: Dir., Department of City Planning

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

February 9, 2016

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

Subject: **Special exception for an eating and drinking establishment at 441 Granby Street – Rama Garden**

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

Ward/Superward: 2/6

Approved: Marcus D. Jones, City Manager

Item Number: R-16

I. **Staff Recommendation:** **Approval**.

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

III. **Request:** Special exception – eating and drinking establishment

IV. **Applicant:** **Muthita Wiriya-Amnuayporn**

V. **Description:**

- The site is located on the west side of Granby Street south of W. Charlotte Street.
- Granting this request will allow an existing restaurant, Rama Garden, to serve alcoholic beverages to its patrons for on-premises consumption under new ownership.

	Previous	Proposed
Hours of Operation and for the Sale of Alcoholic Beverages	11:00 a.m. until 2:00 a.m., Seven Days a Week	11:30 a.m. until 10:00 p.m., Monday through Saturday 12:00 noon until 9:00 p.m., Sunday
Capacity	90 seats indoors 0 seats outdoors 104 total capacity	98 seats indoors 0 seats outdoors 103 total capacity

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

Attachments:

- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: January 28, 2016

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Chris Whitney, CFM

Staff Report	**Item No. 11**	
Address	**441 Granby Street**	
Applicant	**Rama Garden**	
Request	**Special Exception**	**Eating and drinking establishment**
Property Owner	Anna Jerabek	
Site Characteristics	Building Area/Space	9,898 sq. ft./2,900 sq. ft.
	Future Land Use Map	Downtown
	Zoning	D-3 (Freemason/Granby Conservation and Mixed Use) and HO-D (Downtown Historic Overlay)
	Neighborhood	Downtown
	Character District	Downtown
Surrounding Area	North	D-3: Monastery Restaurant, Leone's
	East	D-3: Bodega, Platinum Salon, Scotty Quixx
	South	D-3: The Barrel Room
	West	D-3: Parking lot, vacant building

A. Summary of Request

- The site is located on the west side of Granby Street south of W. Charlotte Street.
- Granting this request will allow an existing restaurant, Rama Garden, to serve alcoholic beverages to its patrons for on-premises consumption under new ownership.

B. Plan Consistency

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

C. Zoning Analysis

i. General

- The use is permitted in the D-3 district by special exception.

	Previous	Proposed
Hours of Operation and for the Sale of Alcoholic Beverages	11:00 a.m. until 2:00 a.m., Seven Days a Week	11:30 a.m. until 10:00 p.m., Monday through Saturday 12:00 noon until 9:00 p.m., Sunday
Capacity	90 seats indoors 0 seats outdoors 104 total capacity	98 seats indoors 0 seats outdoors 103 total capacity

- Special Exception history:

City Council Approval	Applicant	Request
2006	Rama Garden	Eating and drinking establishment
Pending	Rama Garden	Eating and drinking establishment

ii. Parking

The site is located within the D-3 zoning district, which does not require off-street parking.

iii. Flood Zone

The property is located in the X (Low to Moderate) and X (Shaded) Flood Zones, which are low-risk flood zones.

D. Transportation Impacts

Institute of Transportation Engineers figures estimate that this restaurant will generate 39 additional vehicle trips per day by increasing total indoor seating at this location by 8 seats above currently approved levels.

E. Historic Resources Impacts

- The building is located within the Downtown Historic Overlay District and is a contributing structure within a federal and state designated historic district.
- Any modifications to the exterior of the building shall be subject to the Architectural Review Board for review and approval.

F. Public Schools Impacts

This site is located within the Tidewater Park Elementary School, Blair Middle School, and Maury High School Attendance Zones.

G. Environmental Impacts

There are currently no opportunities for landscaping site improvements to this existing building.

H. Surrounding Area/Site Impacts

- By requiring this use to conform to the conditions listed below, the proposed eating and drinking establishment should not have a negative effect on the surrounding neighborhood.
- Over the past year there has been one call for police service with no arrest made.

I. Payment of Taxes

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

J. Civic League

Notice was sent to the Downtown Norfolk Civic League and Downtown Norfolk Council on December 16.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

L. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

(a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 11:30 a.m. until 10:00 p.m. Monday through Saturday, and from 12:00 p.m. until 9:00 p.m. Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The seating for the establishment shall not exceed 98 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 103 people.

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

(d) The establishment shall maintain a current, active business license at all times while in operation.

(e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(g) Dumpsters shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the current existing building.

(h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(j) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(l) There shall be no entertainment, no dancing, and no dance floor provided.

(m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(n) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Attachments

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
Notice to the Downtown Norfolk Civic League and Downtown Norfolk Council

Proponents and Opponents

Proponents

Joseph Liberatore, Esq. – Representative
150 Boush Street, Suite 150
Norfolk, VA 23510

Opponents

None

01/25/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved: CW

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "RAMA GARDEN" ON PROPERTY LOCATED AT 441 GRANBY STREET.

- - -

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

Section 1:- That a Special Exception is hereby granted to Maruay, LLC authorizing the operation of an eating and drinking establishment named "Rama Garden" on property located at 441 Granby Street. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 18 feet, more or less, along the western line of Granby Street beginning 88 feet, more or less, from the southern line of West Charlotte Street and extending southwardly; premises numbered 441 Granby Street.

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

(a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be limited to 11:30 a.m. until 10:00 p.m. Monday through Saturday and 12:00 noon until 9:00 p.m. on Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The seating for the establishment shall not exceed 98 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 103 people.

(c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the

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

(d) The establishment shall maintain a current, active business license at all times while in operation.

(e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(g) Dumpsters shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the current existing building.

(h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(j) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception.

Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(l) There shall be no entertainment, no dancing, and no dance floor provided.

(m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(n) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

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

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and

specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

Section 4:- That the Special Exception granted hereby amends the previously granted special exceptions permitting an eating and drinking establishment, adopted on April 11, 2006 (Ordinance No. 42,243), and the sale of alcoholic beverages for on-premises consumption, adopted on November 21, 1995 (Ordinance No. 38,205). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

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

ATTACHMENT:
Exhibit A (4 pages)

Exhibit A

EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 06/25/2015

Trade name of business RAMA GARDEN

Address of business 441 GRANBY ST, NORFOLK, VA 23510

Name(s) of business owner(s)* MUTHETA WIRIYA-AMNUAYPORN - Marvay, LLC

Name(s) of property owner(s)* ANNA JERABEK

Daytime telephone number (757) 616 0533

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

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales		
Weekday	From 11:30 AM	To 10:00 PM	Weekday	From 11:30 AM	To 10:00 PM
Friday	From 11:30 AM	To 10:00 PM	Friday	From 11:30 AM	To 10:00 PM
Saturday	From 11:30 AM	To 10:00 PM	Saturday	From 11:30 AM	To 10:00 PM
Sunday	From 12:00	To 9:00 PM	Sunday	From 12:00	To 9:00 PM

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

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

4. Will indoor or outdoor entertainment be provided?
   (Entertainment consists of anything more than one, unamplified musician)
   ☐ Yes (Different application required) ☑ No

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

Exhibit A – Page 2
Eating and Drinking Establishment

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

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

   _____

   _____

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

   6a. If yes, why

   _____

   _____

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

   Monday Tuesday Wednesday Thursday Friday

   Saturday Sunday

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

   7a. If yes, explain

   _____

   _____

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

   8a. If yes, explain

   _____

   _____

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

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810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

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

_____

_____

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

_____
Signature of Applicant

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

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

Total capacity

a. Indoor

Number of seats (not including bar seats)	90
Number of bar seats	8
Standing room	0

b. Outdoor

Number of seats	0

c. Number of employees 5

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 103

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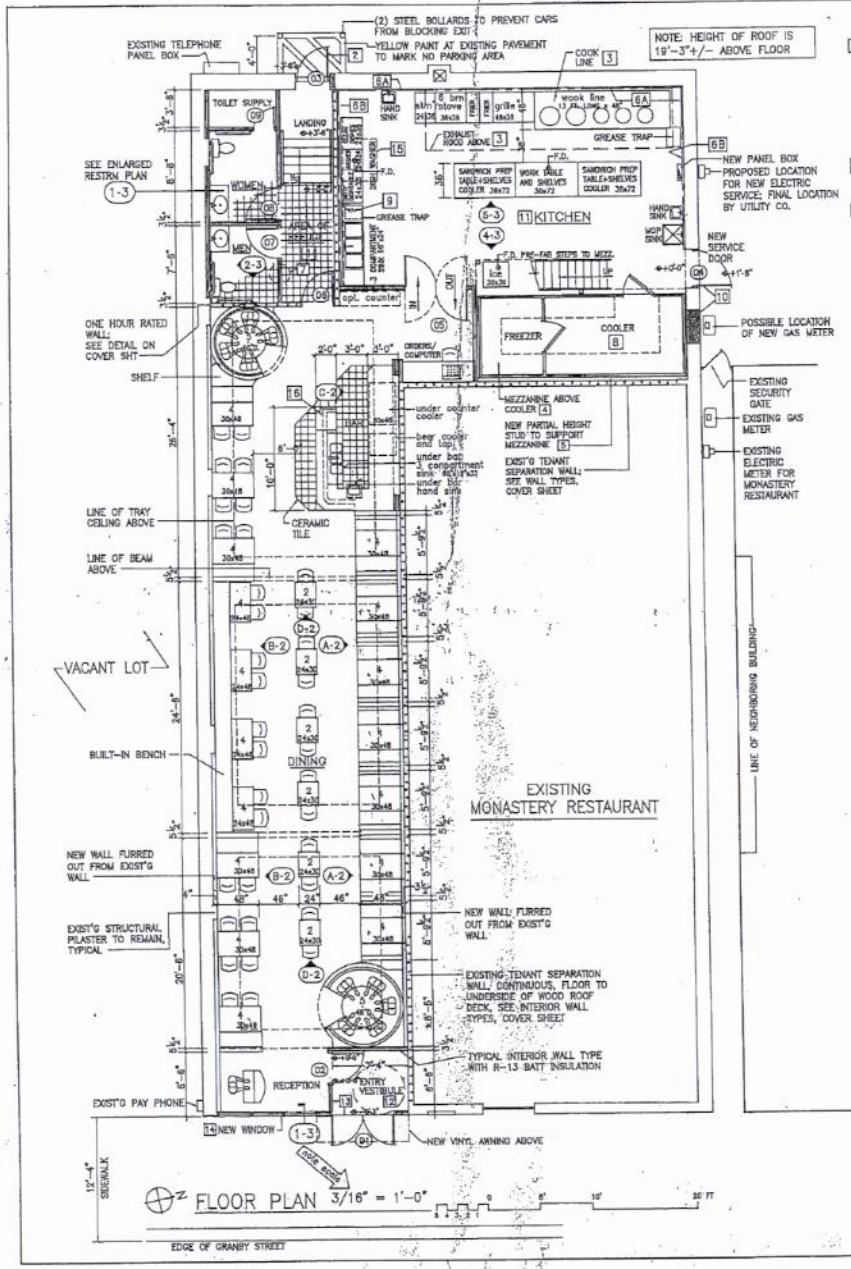
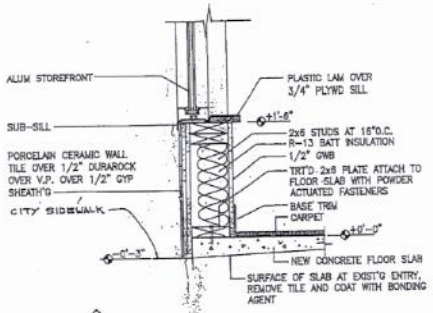
(Revised January 2015)



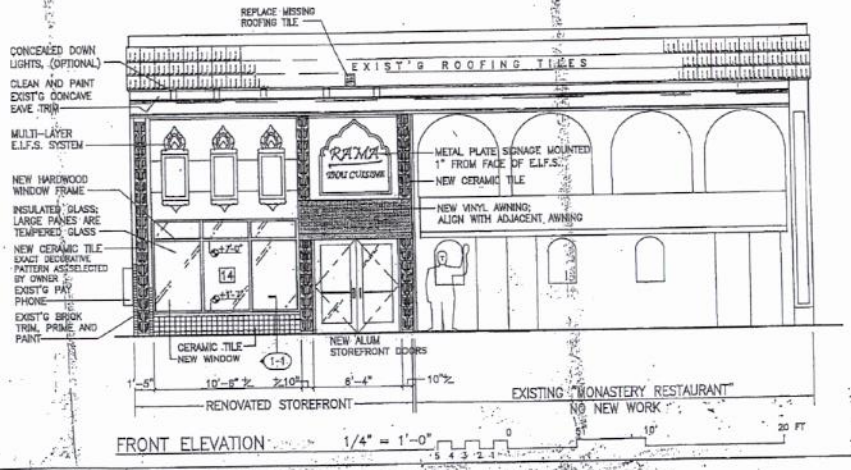
FLOOR PLAN 3/16" = 1'-0"

PLAN NOTES

1. AREA OF REFUGE TO ALLOW HANDICAPPED OCCUPANTS ADDITIONAL TIME TO NEGOTIATE THE STEPS TO EXIT; PROVIDE ONE HOUR INTERIOR PARTITIONS AND ONE HOUR CEILING ASSEMBLY, SEE WALL AND CEILING TYPES, COVER SHEET.
   PROTECT ALL PIPE / DUCT PENETRATIONS THRU RATED WALLS OR CEILING WITH A RATED PENETRATION SYSTEM, (SEE COVER SHEET), OR MECHANICAL DUCT FIRE DAMPER
2. REMOVE BRICK AND DOOR AS REQ'D TO EXPOSE EXISTING DOOR OPENING; REWORK OPENING TO ACCOMMODATE NEW 36" WIDE DOOR; SEE DOOR SCHEDULE
3. COOK LINE WITH EXHAUST HOOD ABOVE, (HOOD DIMENSIONS = 24'x 6'), DISCHARGE EXHAUST THRU ROOF; PROTECT HOOD WITH EMERGENCY FIRE SUPPRESSION SYSTEM, SUSPEND HOOD FROM ROOF JOIST; PROVIDE RFP PANELS ABOVE HOOD TO CEILING, SEE DETAIL 4, SHEET 3
4. PRE-FAB METAL MEZZANINE ABOVE COOLER MAX AREA OF MEZZANINE AS LIMITED TO 1/3 KITCHEN AREA IS 302 S.F. (AREA OF MEZZANINE AS DRAWN = 170 S.F.)
5. NEW STUD WALL, 2x4's AT 16" O.C. WITH TRT'D WOOD PLATE, 1/2" GWB ON KITCHEN SIDE. CONTINUE WALL TO +10'+/- AS REQ'D TO PROVIDE SUPPORT TO NEW METAL MEZZANINE FLOOR, CAP TOP OF WALL
6A. DOTTED LINE DENOTES STAINLESS STEEL LINER PANELS ON WALL BEHIND AND TO THE IMMEDIATE RIGHT OF COOK LINE; EXTEND PANEL FROM FLOOR (OR TILE BASE) TO +8'-0"
6B. ALL OTHER EXPOSED WALLS IN KITCHEN MAY BE FIBER GLASS REINFORCED PANELS, (RFP), FROM FLOOR OR BASE TO +8'-0" (-OR- THESE WALLS MAY BE STAINLESS STEEL OR GLOSS PAINT AS DIRECTED BY OWNER).
7. GAS WATER HEATER LOCATED CENTER ABOVE WALL OF REFUGE AREA; PLACE W.H. ON SMALL WOOD PLATFORM WITH LEAK PAN AND DRAIN
8. PRE-FAB INSULATED COOLER / FREEZER BOX; SUSPEND COMPRESSOR ABOVE MEZZANINE AT 7'-4" MIN ABOVE MEZZANINE FLOOR. OVERALL OUTSIDE DIMENSIONS OF UNIT SHOWN IN PLAN ARE 20'x8'. FINAL DIMENSIONS BY CONTRACTOR - APPROVED BY OWNER
9. NOT DO RUN PLUMBING FOR 3 COMPARTMENT SINK AND DISHWASHER INSIDE RATED WALL -OR- IF PLUMBING DOES PENETRATE WALL FIRE STOP PENETRATION AS SHOWN ON COVER SHEET.
10. REMOVE EXIST'G DOOR AND FILL OPENING WITH NEW MASONRY; SAW CUT NEW DOOR OPENING IN EXISTING MASONRY WALL AND INSTALL NEW SERVICE DOOR; SEE DOOR SCHEDULE, SHEET 4
11. SEE "GENERAL KITCHEN NOTES", SHEET 5
12. REWORK EXIST'G SLAB AS REQ'D FOR NEW ENTRY VESTIBULE; PROVIDE GRADUALLY SLOPE FROM SIDEWALK TO NEW INTERIOR DOOR, INSTALL NEW 1x1 OR 2x2 CERAMIC TILE FLOORING
13. PROVIDE ALUM STOREFRONT ENTRY VESTIBULE. (ALSO SEE DOOR SCHEDULE, SHEET 4)
14. PROVIDE NEW WINDOW AT FRONT ELEVATION; ALUM STOREFRONT WITH SINGLE PANE OR INSULATED GLASS AS DIRECTED BY OWNER
    -OR- CUSTOM MADE WINDOW WITH HARDWOOD FRAME; WORK TO EXISTING HEADER AT+8'-9" ABOVE SIDEWALK
15. PROVIDE EXHAUST HOOD, (TYPE 2, W/O FIRE SUPPRESSION SYSTEM) ABOVE DISH WASHER TO REMOVE HUMIDITY FROM KITCHEN; EXHAUST THRU ROOF, SS HOOD AND DUCTS; SIZE HOOD AS REQ'D TO CAPTURE RISING STEAM, HOOD DIM. 48"x42" APPROX 28" ABOVE TOP OF DISH WASHER
16. ACCESSIBLE PORTION OF BAR AT +34"



1-1 PARTIAL WALL SECTION 1 1/2" = 1'-0"



FRONT ELEVATION 1/4" = 1'-0"

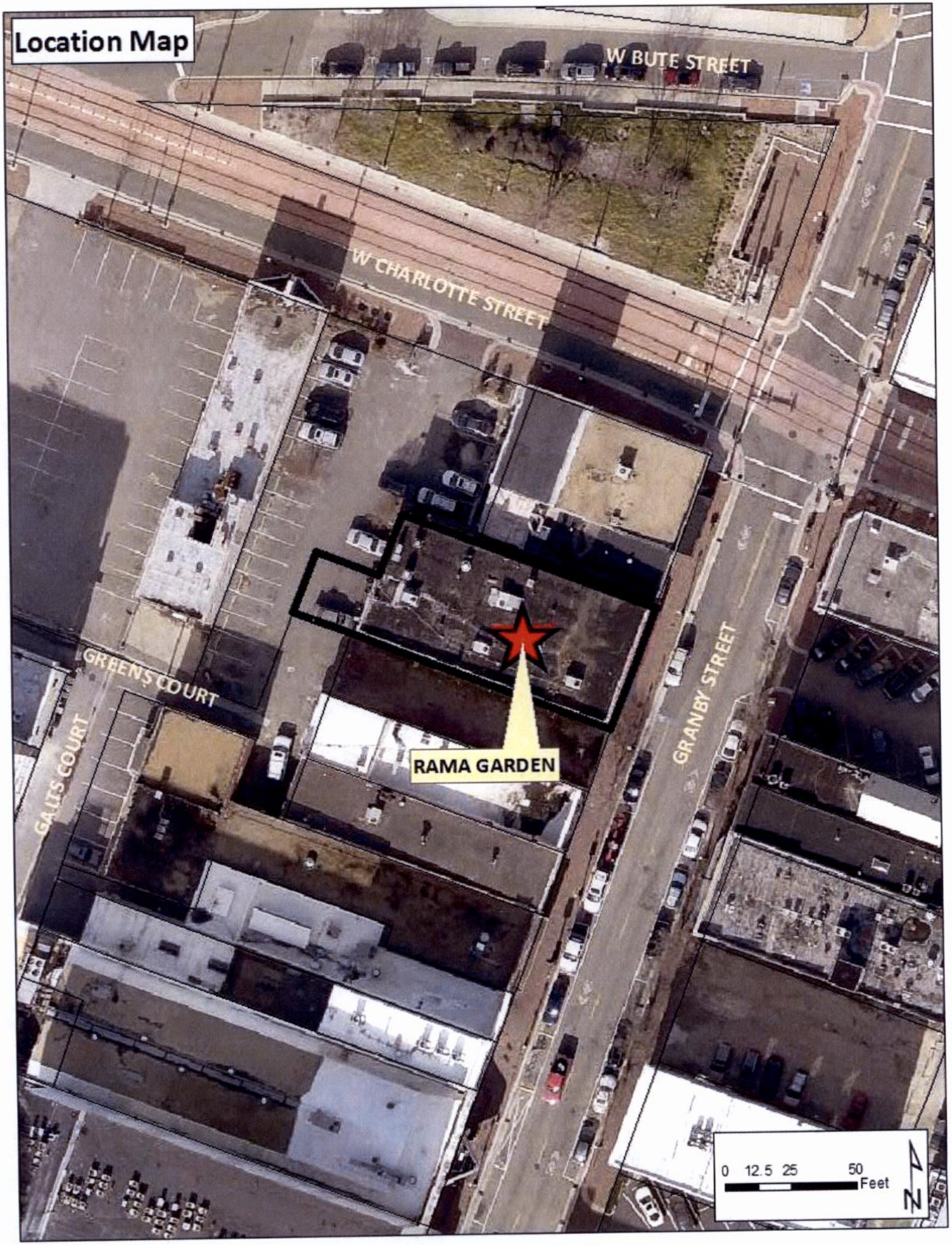
CROW ARCHITECTURAL SERVICES
708 Battlefield Blvd S #202
Chesapeake, VA 23322-5404
(757) 482-1551

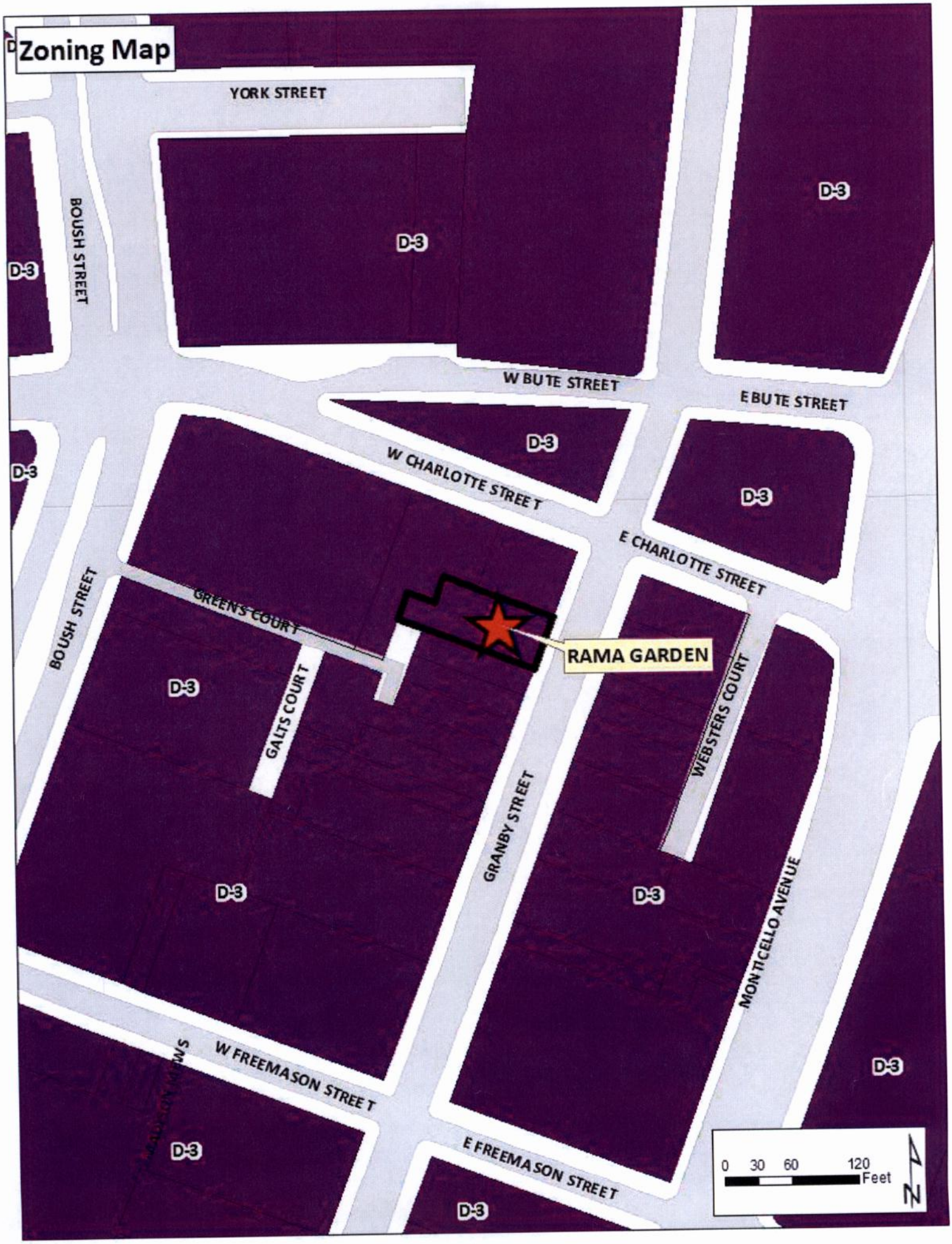
12-15-05

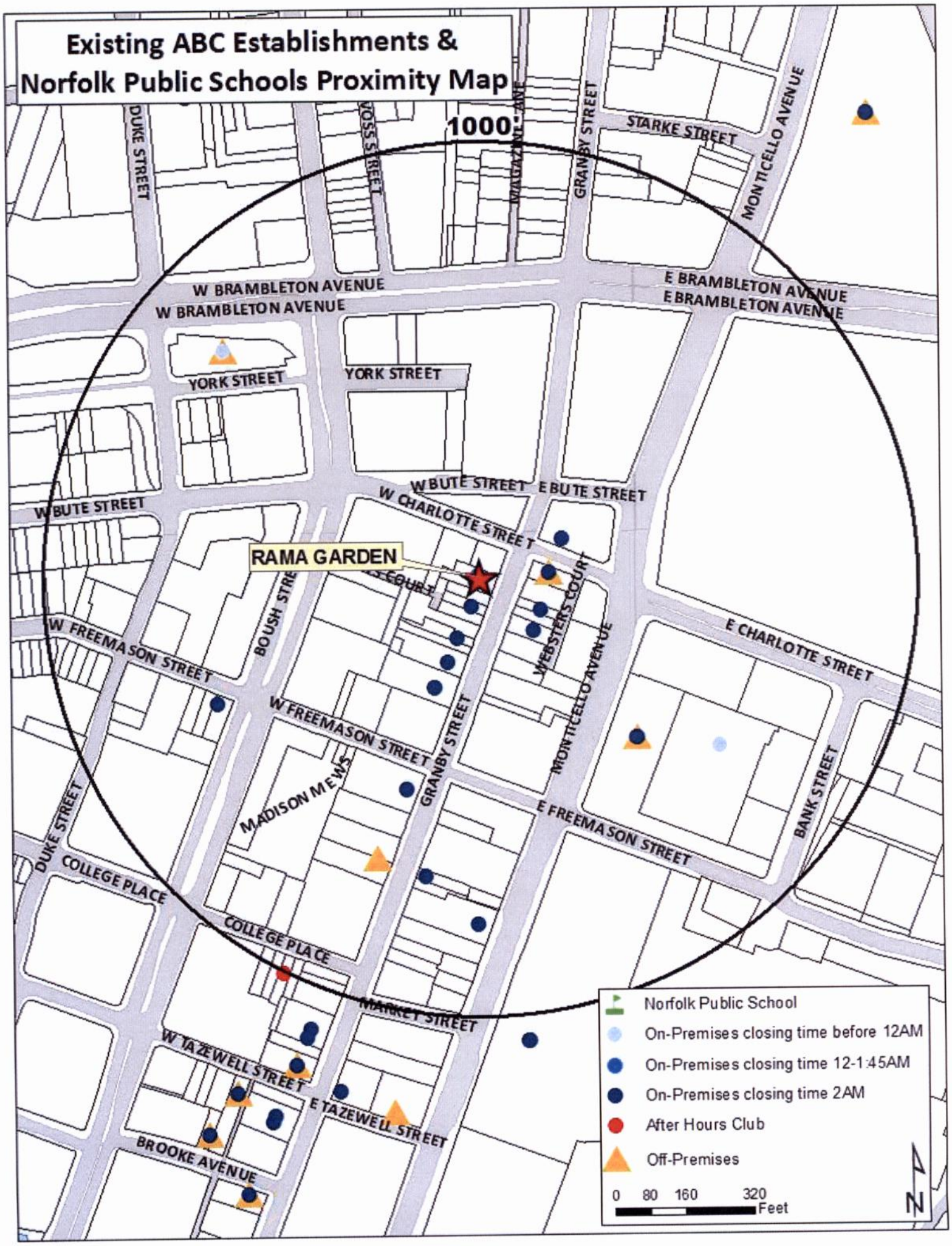
RAMA GARDEN THAI CUISINE
441 GRANBY STREET NORFOLK VIRGINIA
OWNER: MR. BOONRIT NGAMSA ARD
GENERAL CONTRACTOR: LTN CONSTRUCTION

DATE: 12-15-05
PROJECT: C-RAMA THAI
REVISED:

SHEET 1 OF 5


Location Map
W BUTE STREET
W CHARLOTTE STREET
GREENS COURT
GALLIS COURT
GRANBY STREET
RAMA GARDEN
0 12.5 25 50
Feet
N


Zoning Map
YORK STREET
BOUSH STREET
D-3
W BUTE STREET
E BUTE STREET
W CHARLOTTE STREET
E CHARLOTTE STREET
GREENS COURT
GALTS COURT
RAMA GARDEN
WEBSTERS COURT
GRANBY STREET
MONTICELLO AVENUE
W FREEMASON STREET
E FREEMASON STREET
0 30 60 120 Feet
N


Existing ABC Establishments &
Norfolk Public Schools Proximity Map
1000'
RAMA GARDEN
DUKE STREET
VOSS STREET
MAGAZINE LANE
GRANBY STREET
STARKE STREET
MONTICELLO AVENUE
W BRAMBLETON AVENUE
W BRAMBLETON AVENUE
E BRAMBLETON AVENUE
E BRAMBLETON AVENUE
YORK STREET
YORK STREET
W BUTE STREET
W BUTE STREET
E BUTE STREET
W CHARLOTTE STREET
E CHARLOTTE STREET
W FREEMASON STREET
W FREEMASON STREET
E FREEMASON STREET
BOUSH STREET
WEBSTERS COURT
MADISON MEWS
BANK STREET
COLLEGE PLACE
COLLEGE PLACE
MARKET STREET
W TAZEWELL STREET
E TAZEWELL STREET
BROOKE AVENUE
Norfolk Public School
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

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

Date 06/25/2015

DESCRIPTION OF PROPERTY

Address 441 GRANBY ST, NORFOLK, VA 23510

Existing Use of Property THAI RESTAURANT

Proposed Use SAME - THAI RESTAURANT

Current Building Square Footage 2900 SQ FT

Proposed Building Square Footage 2900 SQ FT

Trade Name of Business (if applicable) RAMA GARDEN

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

MARUAY LLC

1. Name of applicant: (Last) WIRIYA-AMNUAYPORN (First) MUTHITA (MI) ____

Mailing address of applicant (Street/P.O. Box): 441 GRANBY ST

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of applicant (757) 616 0533 Fax (757) 616 0755

E-mail address of applicant: NONE

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

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

Attorney

2. Name of applicant: (Last) Liberatore (First) Joseph (MI) T

Mailing address of applicant (Street/P.O. Box): 150 Boush St - Ste 300, Norfolk, VA

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of applicant (757) 333-4503 Fax (757) 333-4512

E-mail address of applicant: jliberatore@clrbfirm.com

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

3. Name of property owner: (Last) JERABEK (First) ANNA (MI) X

Mailing address of property owner (Street/P.O. box): 1637 White Thorna RD

(City) Virginia Beach (State) VA (Zip Code) 23455

Daytime telephone number of owner (757) 460-1992 email: NO

CIVIC LEAGUE INFORMATION

Civic League contact: _____

Date(s) contacted: _____

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS

- Required application fee, **$355.00** (if check, make payable to the City of Norfolk).
  - Application fee includes a non-refundable $5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
  - Existing and proposed building structures
  - Driveways
  - Parking
  - Landscaping
  - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

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

Print name: ANNA JERABEC **Sign:** 0 / 07 / 05-15
(Property Owner or Authorized Agent of Signature) (Date)

MARUAY LLC BY:

Print name: MUTHITA WIRIYA-AMNUAYPORN **Sign:** 7/7 / 15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: Joseph J Liberatore **Sign:** 11/09 / 2015
(Authorized Agent Signature) (Date)

Whitney, Chris

From: Straley, Matthew
Sent: Wednesday, December 16, 2015 11:49 AM
To: 'dncl@welovenorfolk.org'; Miller, Mary
Cc: Whibley, Terry; Winn, Barclay; Howard, Oneiceia; Whitney, Chris
Subject: new Planning Commission application - 441 Granby Street
Attachments: RamaGarden.pdf

Mr. Murphy and Ms. Miller,

Attached please find the application for a special exception to operate an eating and drinking establishment at 441 Granby Street.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Chris Whitney at (757) 823-1253, chris.whitney@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

February 9, 2016

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

Subject: **Special Exception for an entertainment establishment with alcoholic beverages at 9605 Granby Street, Suite A – Elegant Occasions**

Reviewed: _____ **Ward/Superward: 5/6**
Ronald H. Williams, Jr., Deputy City Manager

Approved: _____ **R-17**
Marcus D. Jones, City Manager **Item Number:**

I. **Staff Recommendation: Denial.**

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

III. **Request:** Special exception – entertainment establishment with alcoholic beverages

IV. **Applicant: Elegant Occasions**

V. **Description:**

- Granting this request will allow a new banquet facility, Elegant Occasions, to serve alcoholic beverages and provide entertainment options to its patrons, in a space previously occupied East Coast Bicycles (retail) and Arianna's Café (take-away café).
- According to the 2005 Hampton Roads Joint Land Use Study (HR JLUS) evaluating the appropriate land uses near Naval Station Norfolk' Chambers Field, the site is located within an Accident Potential Zone (APZ-II) and the 65-70 DNL noise zone [2005 HR JLUS, revised 2010].
- The Identifying Land Use Strategies chapter of *plaNorfolk2030* replicates the HR JLUS map and includes an action calling for the City to not support any increase in intensity of incompatible uses in those zones.
- Citing the 2005 City Council approved Resolution which recognized that the HR JLUS report recommendations will help protect the public health, safety and welfare of our citizens, and given that *plaNorfolk2030* discourages any increase in intensity of incompatible uses within the Accident Potential Zones, staff recommends **denial** of the special exception request.

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: January 28, 2016

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Matthew Simons, AICP, CZA, CFM

Staff Report	**Item No. 17**	
Address	**9605 Granby Street, Suite A**	
Applicant	**Elegant Occasions By Krista**	
Request	**Special Exception**	**Entertainment establishment with alcoholic beverages**
Property Owner	Blue Sky I, LLC (Michael Shipp)	
Site Characteristics	Site/Building Area	11,103 sq. ft./3,543 sq. ft. of 5,420 sq. ft. retail space
	Future Land Use Map	Commercial
	Zoning	C-2 (Corridor Commercial) and APZ-2 (Accident Potential Zone)
	Neighborhood	West Ocean View/Pinewell
	Character District	Suburban
Surrounding Area	North	C-2: Ocean View Democratic Social Club
	East	C-2 and R-8 (Single-Family): offices and single-family home
	South	C-2: dentist office
	West	C-2 and R-12 (Medium Density Multi-Family): parking lot and fourplex

A. Summary of Request

- The site is located on the west side of Granby Street, between W. Balview Avenue and W. Seaview Avenue, in the West Ocean View.
- Granting this request will allow a new banquet facility, Elegant Occasions, to serve alcoholic beverages and provide entertainment options to its patrons, in a space previously occupied East Coast Bicycles (retail) and Arianna's Café (take-away café).

B. Plan Consistency

- *plaNorfolk2030* designates this site as commercial.
- According to the 2005 Hampton Roads Joint Land Use Study (HR JLUS) evaluating the appropriate land uses near Naval Station Norfolk' Chambers Field, the site is located within an Accident Potential Zone (APZ-II) and the 65-70 DNL noise zone [2005 HR JLUS, revised 2010].
- The Identifying Land Use Strategies chapter of *plaNorfolk2030* replicates the HR JLUS map and includes an action calling for the City to not support any increase in intensity of incompatible uses in those zones.
  - Retail sales and service uses are considered conditionally compatible within the APZ-II.
  - Assembly uses, such as churches, schools, and outdoor amphitheaters are not considered compatible within the APZ-II.
- While the site is designated commercial, since the proposed special exception would permit the existing retail sales and service space to be intensified and used as a place of assembly, it is not consistent with *plaNorfolk2030*.

C. Zoning Analysis

i. General

- The use is permitted in the C-2 district by special exception.
- In 2005, the City Council adopted Resolution 1,276, approving the HR JLUS.
  - "Whereas, the City Council recognizes that the findings and recommendations contained in the report will help protect the public health, safety and welfare of our citizens..." [2005 City Council Resolution 1,276].
- Within Table 3 – Air Installations Compatible Use Zones of the HR JLUS (Table 3), land uses are identified within APZ's as either:
  - "Yes," (compatible without restriction),
  - "Yes with restrictions" (generally compatible with restrictions),
  - "No" (prohibited) or,
  - "No with exception" (generally not ever permitted).
- The proposed use of the site for a "public assembly" is listed as a prohibited use within the APZ-II.
  - Notes for Table 3 within the HR JLUS recommend land uses with "low density" occupancy levels.
  - The Table 3 notes further indicate that occupancy levels should in general be restricted to "50 per acre in APZ-II are...considered to be low density,"

- Additionally, the Table 3 notes indicate that "meeting places, auditoriums, etc. are not recommended."
  - The approximately quarter acre site with a proposed occupant load of 80 persons equates to roughly 320 persons per acre on the site, which is more than six times more dense than the HR JLUS recommendation.
  - The 3,543 square foot tenant space itself would potentially congregate patrons at a level over 20 times more dense than the HR JLUS recommendation.

	Previous (East Coast Bicycles)	Proposed (Elegant Occasions)
Hours of Operation and Hours for the Sale of Alcoholic Beverages	N/A	9:00 a.m. until 10:00 p.m., Sunday through Thursday 9:00 a.m. until 12:00 a.m., Friday and Saturday
Capacity	N/A	75 seats indoors 0 seats outdoors 80 total capacity
Entertainment	None	• Karaoke • Comedian • Poetry reading • Disc jockey

ii. Parking

Automobile Parking

- The site is located in an area zoned for commercial uses within the Suburban Character District, which requires one parking space per 150 square feet of enclosed building area for entertainment establishments.
- Currently there are ten parking spaces available on-site.
- The *Zoning Ordinance* promotes the reuse of existing buildings throughout the City by acknowledging all buildings constructed prior to 1992 as being vested from the basic parking minimum parking requirement of one space per 250 square feet. Therefore, the entire 5,420 square foot facility is vested for 22 parking spaces.
- The current parking regulations require 24 parking spaces for the proposed 3,543 square foot establishment, of which ten spaces are provided on-site and the remaining are considered vested under the current parking requirements.
- Off-street parking is shared amongst two uses in one structure.
  - However, at times when the entertainment establishment is operating the remaining office space will be closed.

Bicycle Parking

- Given the square footage of the establishment, the total bicycle parking requirement within the Suburban Character District is for two bike spaces.
  - A bike rack or pole will have to be provided sufficient to accommodate at least two bicycles on the site within clear view of the main entrance.

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 this use will generate 129 new vehicle trips per day.
- Based upon ITE data, the prior retail use on this site would be expected to generate 233 weekday trips while the proposed entertainment use on the site would be expected to generate 362 trips on weekdays.

E. Historic Resources Impacts

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

F. Public Schools Impacts

This site is located within the Ocean View Elementary School, Northside Middle School, and Granby High School Attendance Zones.

G. Environmental Impacts

- The site has adequate landscaping installed along Granby Street and there doesn't appear to be any more opportunities for additional landscaping to this existing site.
  - A condition will be added that requires that the existing landscaping be maintained.
- The new trash enclosure will be screened and landscaping installed along the base.

H. Surrounding Area/Site Impacts

- The site is located along a busy thoroughfare and is surrounded by a mix of commercial, office and residential uses nearby.
- An opaque landscape buffer exists, and must be maintained, along the western property line to shield the parking area from the limited residential exposure to the southwest.
- By requiring this use to conform to the conditions listed below, the proposed entertainment establishment should not have a negative impact on the surrounding neighborhood.
- Over the past year there have been two calls for police service with no arrests made.
  - The calls were both related to issues with the building's alarm system.

I. Payment of Taxes

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

J. Civic League

Notice was sent to the West Ocean View and Pinewell Civic League on December 16.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Notice was sent to Naval Station Norfolk – Chambers Field on January 11.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

L. Recommendation

- Citing the 2005 City Council approved Resolution which recognized that the HR JLUS report recommendations will help protect the public health, safety and welfare of our citizens, and given that *plaNorfolk2030* discourages any increase in intensity of incompatible uses within the Accident Potential Zones, staff recommends **denial** of the special exception request.
- Should the special exception request be approved, staff recommends the following conditions:

Entertainment Establishment – Conditions

(a) The hours of operation for the establishment, for the sale of alcoholic beverages, and for entertainment shall be limited to 9:00 a.m. until 10:00 p.m., Sunday through Thursday, and from 9:00 a.m. until 12:00 midnight, Friday and Saturday. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The seating for the establishment shall not be less than 65 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 80 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

(c) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B." Any tables, chairs, booths, stools or other movable furniture may be relocated provided that it remains only within the shaded areas, and the unshaded accesses, aisles, and other areas shown on the floor plans shall remain unobstructed.

(d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever

is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(e) Entertainment shall be limited to karaoke, comedian, poetry reading and disc jockey. No other form of entertainment is permitted.

(f) The dance floor shall not exceed 144 square feet and shall be located as indicated on the basic floor plan attached hereto and marked as "Exhibit B." The dance floor shall be constructed of a different material than the primary floor material.

(g) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(h) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(i) The establishment shall maintain a current, active business license at all times while in operation.

(j) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(k) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(l) If located anywhere outside the building, the trashcan receptacles shall be screened by a trash receptacle enclosure to meet the following standards:

a. The trash receptacle enclosure shall not be located within any required yard.

b. Any outdoor trash receptacle enclosure shall include a six (6) foot solid wood fence with a locking gate and a concrete walkway.

c. A six (6) foot wide landscaped perimeter shall be installed and maintained around any outdoor trash receptacle enclosure with final landscape species, placement and condition upon installation to be reviewed and approved by the Department of Recreation, Parks and Open Space.

(m) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.

(n) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(o) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(p) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(q) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(r) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(s) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(t) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(u) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(v) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.

(w) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(x) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 60 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(y) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Attachments

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
2005 City Council adopted Resolution 1,276 to adopt the HR JLUS
AICUZ map
HR JLUS – Suggested Land Use Compatibility in APZs
Notice to the West Ocean View and Pinewell Civic League
Notice to the Commanding Officer, Naval Station Norfolk

Proponents and Opponents

Proponents

Jen Stringer
8834 Granby Street
Norfolk, VA 23503

Richard Levin
610 Pembroke Avenue
Norfolk, VA 23517

Michael Shipp
9605 Granby Street
Norfolk, VA 23503

Krista Hines
9605 Granby Street
Norfolk, VA 23503

Kenneth Hines
9605 Granby Street
Norfolk, VA 23503

Opponents

Steve Jones
1530 Gilbert Street
Norfolk, VA 23511

Commander Albon Head
Air Operations Officer
1530 Gilbert Street
Norfolk, VA 23511

01/25/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT WITH ALCOHOLIC BEVERAGES KNOWN AS "ELEGANT OCCASIONS BY KRISTA" ON PROPERTY LOCATED AT 9605 GRANBY STREET.

- - -

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

Section 1:- That a Special Exception is hereby granted to Elegant Occasions by Krista, LLC authorizing the operation of an entertainment establishment with alcoholic beverages named "Elegant Occasions By Krista" on property located at 9605 Granby Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 98 feet, more or less, along the western line of Granby Street beginning 50 feet, more or less, from the southern line of West Balview Avenue and extending southwardly; premises numbered 9605 Granby Street, Suite A.

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

(a) The hours of operation for the establishment, for the sale of alcoholic beverages, and for entertainment shall be limited to 9:00 a.m. until 10:00 p.m. Sunday through Thursday and from 9:00 a.m. until 12:00 midnight on Friday and Saturday. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The seating for the establishment shall not be less than 65 seats indoors, shall not include any seats outdoors, and the total occupant capacity, including employees, shall not exceed 80 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the

Department of Planning.

(c) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(e) Entertainment shall be limited to karaoke, comedian, poetry reading and disc jockey. No other form of entertainment is permitted.

(f) The dance floor shall not exceed 144 square feet and shall be located as indicated on the "Option A" floor plan attached hereto and marked as "Exhibit B." The dance floor shall be constructed of a different material than the primary floor material.

(g) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(h) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(i) The establishment shall maintain a current, active business license at all times while in operation.

(j) The establishment shall remain current on all food and beverages taxes and business personal property

taxes which may become due while it is in operation.

(k) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(l) If trash containers are located anywhere outside the building, they shall be screened by an enclosure that complies with all of the following:

(1) The enclosure shall not be located within any required yard.

(2) Any enclosure shall consist if a solid, wood fence not less than six (6) feet in height with a locking gate and a concrete walkway for access.

(3) A landscaped perimeter not less than six (6) feet in width shall be installed and maintained around the enclosure, and the species, placement, and condition upon installation of the plants used must be approved by the Department of Recreation, Parks and Open Space prior to installation.

(m) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.

(n) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.

(o) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on

the bar or a description printed on the menu.

(p) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(q) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(r) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(s) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(t) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the

establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(u) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(v) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.

(w) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(x) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 60 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(y) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

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

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

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be

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

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

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

ATTACHMENTS:
Exhibit A (5 pages)
Exhibit B (2 pages)

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

Date October 21, 2015

Trade name of business Elegant Occasions By Krista

Address of business 9605 Granby St.

Name(s) of business owner(s)* Krista & Kenneth Hines - Elegant occasions By Krista, LLC

Name(s) of property owner(s)* Michael Shipp - Blue Sky 1, Inc

Name(s) of business manager(s)/operator(s) Krista & Kenneth Hines

Daytime telephone number (757) 610-3856

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

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales and Entertainment		
Weekday	From 9 am	To 10 pm	Weekday	From 9am	To 10pm
Friday	From 9am	To 12am	Friday	From 9am	To 12am
Saturday	From 9 am	To 12am	Saturday	From 9am	To 12am
Sunday	From 9am	To 10 pm	Sunday	From 9am	To 10 pm

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

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

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

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

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

   _____

   _____

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

   5a. If yes, why:

   _____

   _____

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

   Monday Tuesday Wednesday Thursday Friday
   Saturday Sunday

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

   6a. If yes, explain:
   Weddings, rehearal dinners, bridal showers, Baby showers, meetings, and birthday parties

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

   7a. If yes, explain:

   _____

   _____

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

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

_____

_____

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

Signature of Applicant

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

Plan A: Entertainment

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

1. Total capacity

   a. Indoor
   Number of seats (not including bar seats) 65
   Number of bar seats Ø
   Standing room 10

   b. Outdoor
   Number of seats Ø

   c. Number of employees 5

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 80

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

   DJ

3. Will a dance floor be provided? (TEMPORARY / REMOVABLE DANCE FLOOR)
   ☒ Yes ☐ No

   3a. If yes,
   Square footage of establishment 3,545 SF
   Square footage of dance floor 144 SF (04%)

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

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

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

Plan B: NO Entertainment

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

1. Total capacity

   a. **Indoor**
   Number of seats (not including bar seats) 75
   Number of bar seats Ø
   Standing room Ø

   b. **Outdoor**
   Number of seats Ø

   c. **Number of employees** 5

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 80

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

NONE

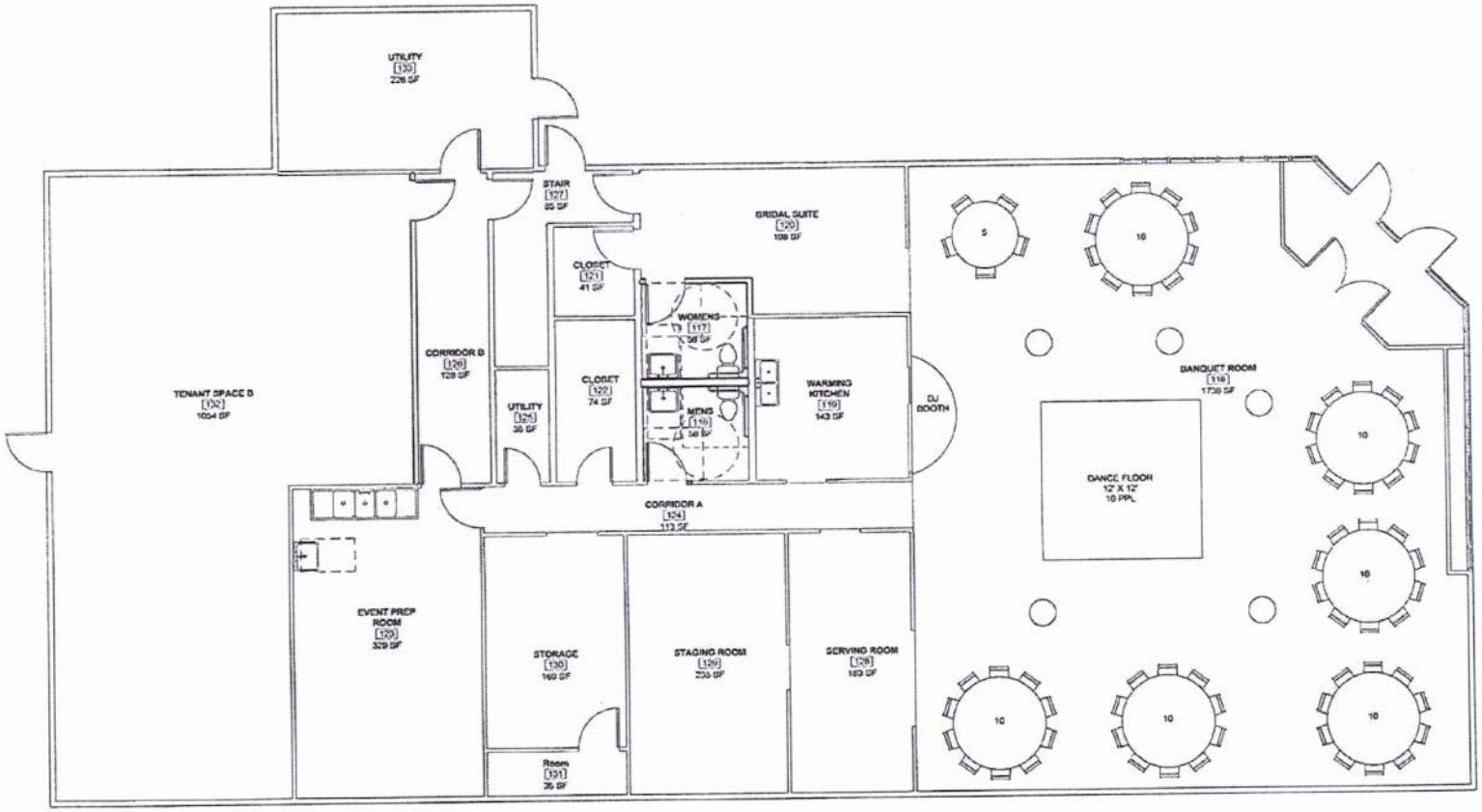
3. Will a dance floor be provided?
   ☐ Yes ☒ No

   3a. If yes,
   Square footage of establishment 3,543 ft
   Square footage of dance floor 0 SF.

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

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

Exhibit B



FIRST FLOOR PLAN - OPTION A ENTERTAINMENT
1/4" = 1'-0"

FOR THE PEOPLE PROJECTS, LLC
PROJECT MANAGEMENT | OWNER REPRESENTATION
4934 GRANBY STREET | NORFOLK, VA 23503
757.878.3911
AN WPOWNERSHIPPROJECTS.COM

REVISIONS:

DESIGNER OF RECORD:
Architectural Innovations

RENOVATIONS TO 9605 GRANBY ST.

9605 GRANBY ST.
NORFOLK, VA 23503

FIRST FLOOR PLAN OPTION A

DATE: 12-14-15

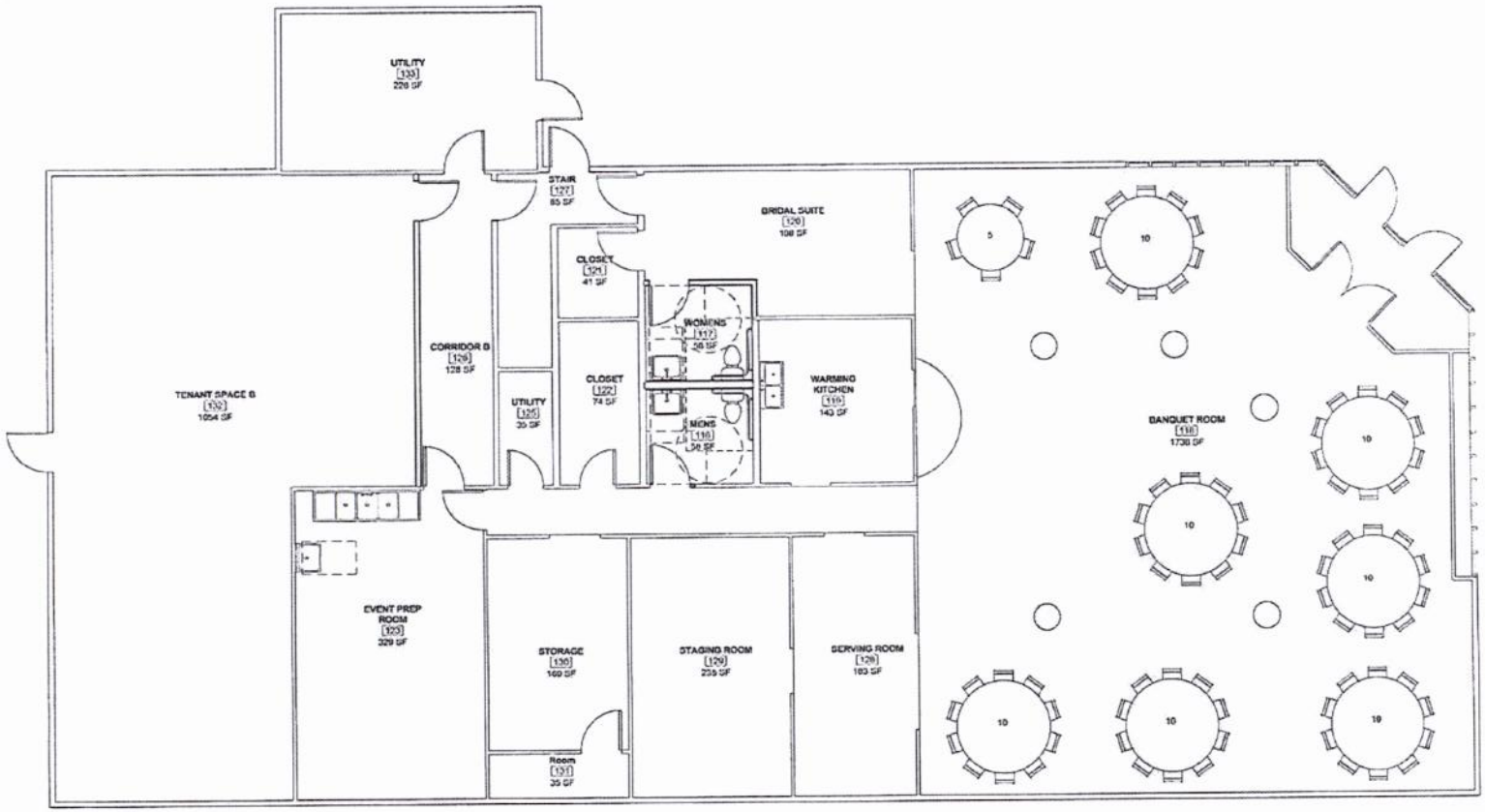
PROJECT NO: 2015 - 116

DRAWN BY: JCS

A101

01 of 2

2015-12-11 9:24:03 AM



FIRST FLOOR - OPTION B NO ENTERTAINMENT
1/4" = 1'-0"

FOR THE PEOPLE PROJECTS, LLC

REVISIONS:

DESIGNER OF RECORD:

Architectural Innovations

RENOVATIONS TO 9605 GRANBY ST.

9605 GRANBY ST.
NORFOLK, VA 23503

FIRST FLOOR PLAN OPTION B

DATE: 12-14-15

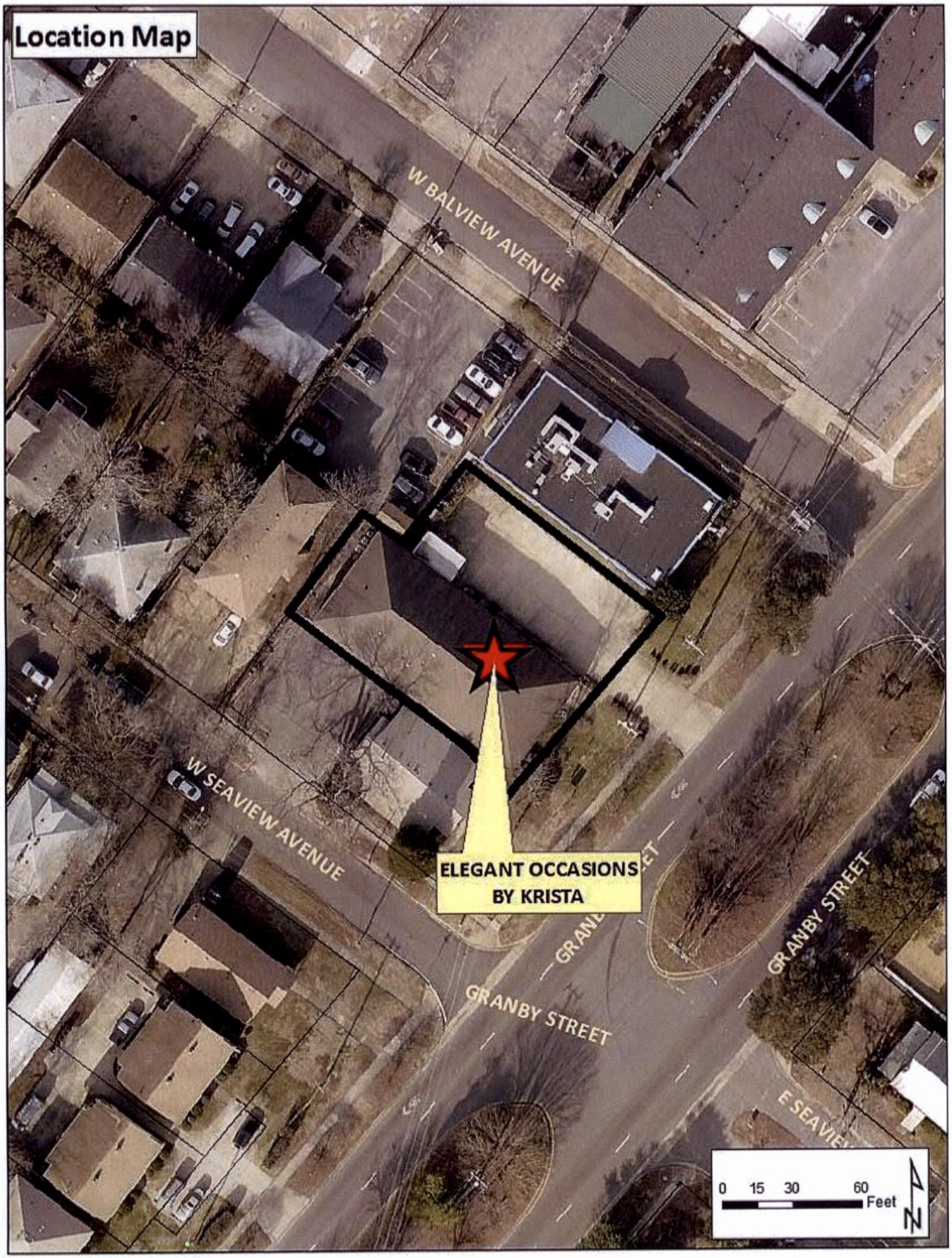
PROJECT NO: 2015 - 116

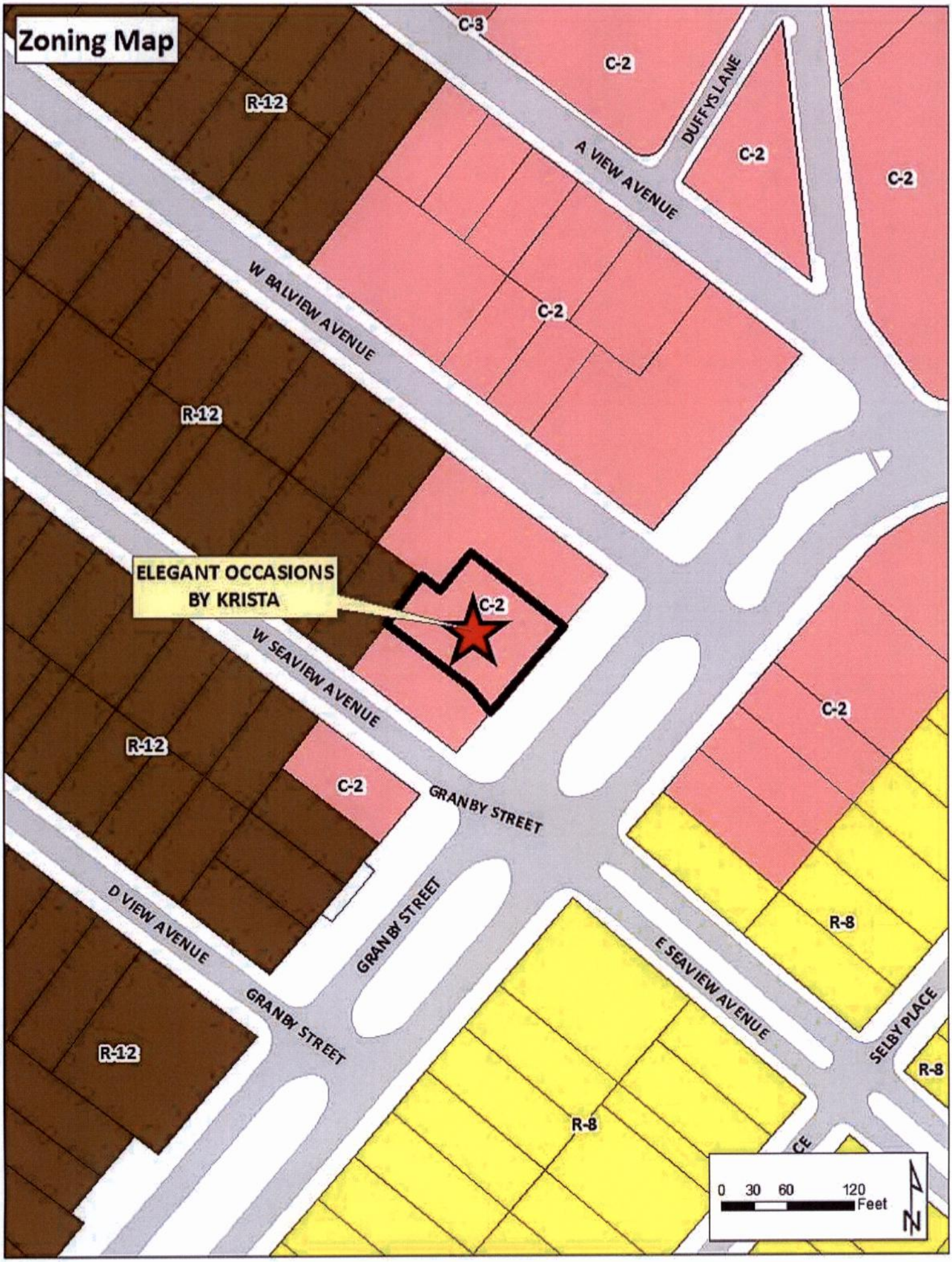
DRAWN BY: JCS

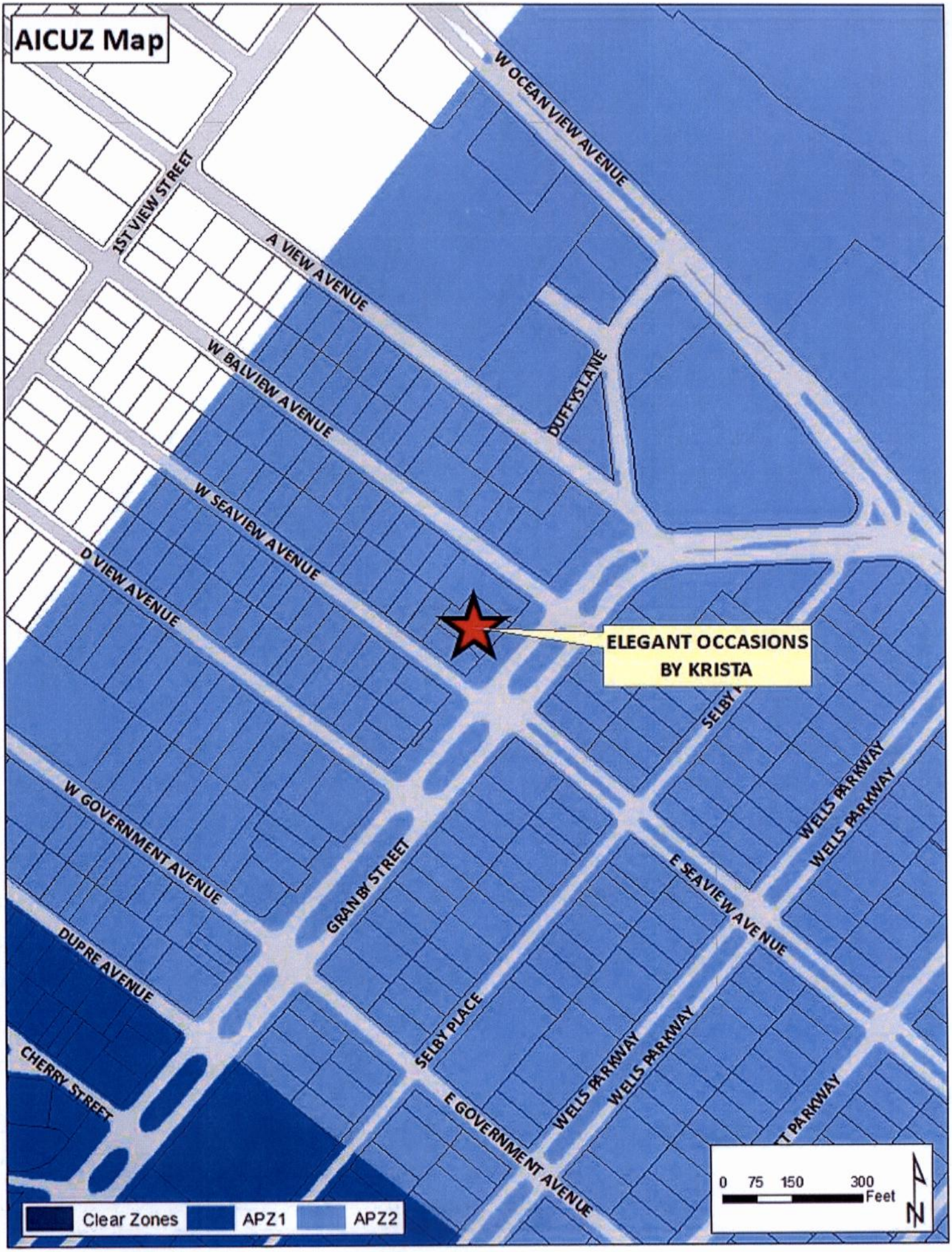
A102

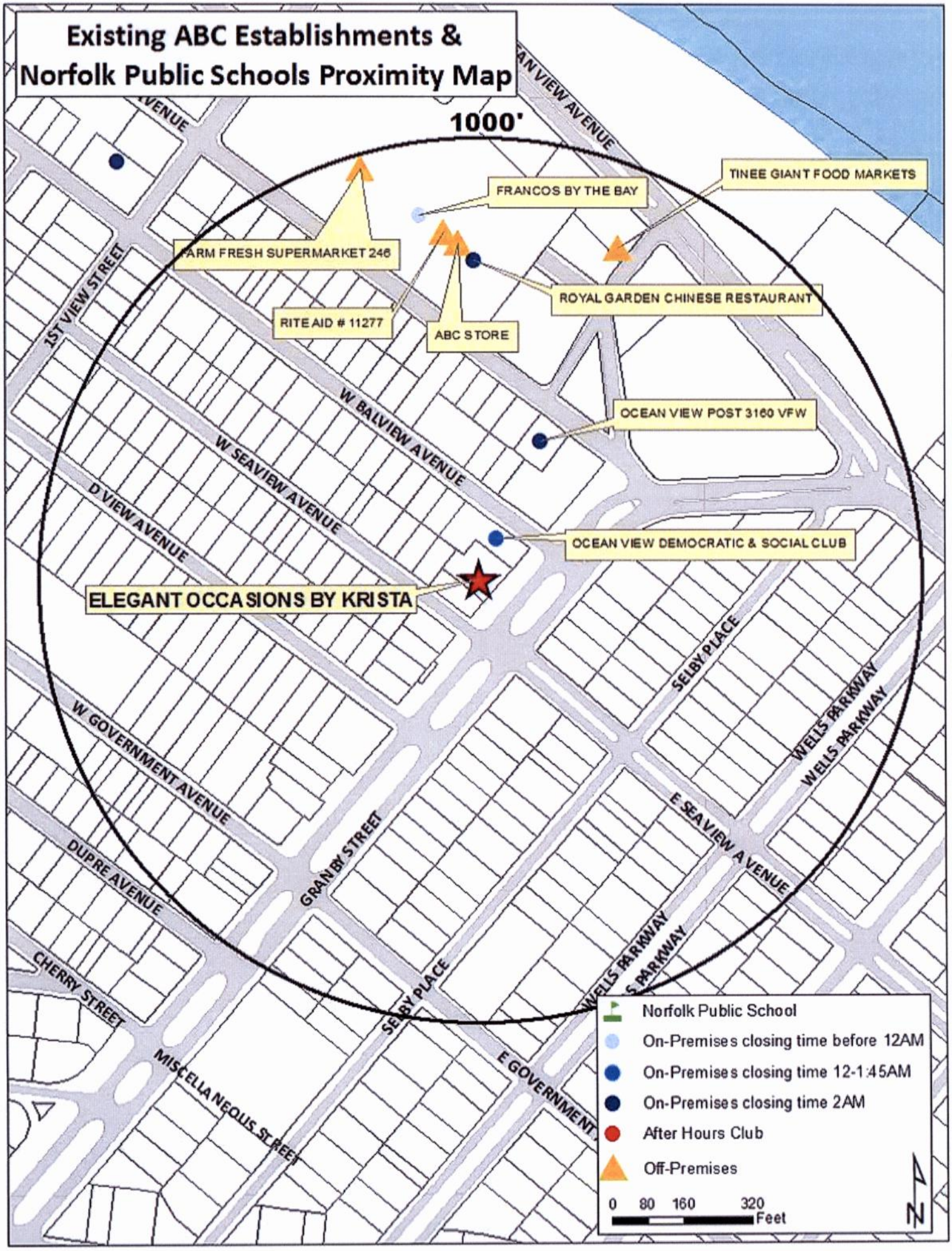
2 of 2

2015-12-15 2:31 AM


Location Map
W BALVIEW AVENUE
W SEAVIEW AVENUE
ELEGANT OCCASIONS
BY KRISTA
GRANBY STREET
GRANBY STREET
GRANBY STREET
0 15 30 60
Feet
N


Zoning Map
C-3
C-2
DUFFYS LANE
A VIEW AVENUE
C-2
C-2
R-12
W BALVIEW AVENUE
C-2
R-12
ELEGANT OCCASIONS
BY KRISTA
C-2
W SEAVIEW AVENUE
C-2
R-12
C-2
GRANBY STREET
D VIEW AVENUE
GRANBY STREET
R-8
E SEAVIEW AVENUE
GRANBY STREET
SELBY PLACE
R-12
R-8
R-8
0 30 60 120
Feet
N


AICUZ Map
W OCEAN VIEW AVENUE
1ST VIEW STREET
A VIEW AVENUE
W BALVIEW AVENUE
DUFFYS LANE
W SEAVIEW AVENUE
D VIEW AVENUE
ELEGANT OCCASIONS
BY KRISTA
SELBY
WELLS PARKWAY
WELLS PARKWAY
W GOVERNMENT AVENUE
GRANBY STREET
E SEAVIEW AVENUE
DUPRE AVENUE
SELBY PLACE
CHERRY STREET
WELLS PARKWAY
WELLS PARKWAY
E GOVERNMENT AVENUE
Clear Zones
APZ1
APZ2
0 75 150 300
Feet
N


Existing ABC Establishments &
Norfolk Public Schools Proximity Map
1000'
TINEE GIANT FOOD MARKETS
FRANCOS BY THE BAY
FARM FRESH SUPERMARKET 246
ROYAL GARDEN CHINESE RESTAURANT
RITE AID # 11277
ABC STORE
OCEAN VIEW POST 3160 VFW
OCEAN VIEW DEMOCRATIC & SOCIAL CLUB
ELEGANT OCCASIONS BY KRISTA
1ST VIEW STREET
W BALVIEW AVENUE
W SEAVIEW AVENUE
D VIEW AVENUE
SELBY PLACE
WELLS PARKWAY
W GOVERNMENT AVENUE
E SEAVIEW AVENUE
GRANBY STREET
DUPRE AVENUE
CHERRY STREET
MISCELLANEOUS STREET
E GOVERNMENT
Norfolk Public School
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)

Date October 21, 2015

DESCRIPTION OF PROPERTY

Address 9605 Granby Street

Existing Use of Property Retail and Cafe

Proposed Use Meeting Space for less than 70 people

Current Building Square Footage 5420

Proposed Building Square Footage 3543

Trade Name of Business (If applicable) Elegant Occasions By Krista, 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) Hines (First) Krista and Kenneth (MI) S.

Mailing address of applicant (Street/P.O. Box): 4008 River Breeze Circle

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

Daytime telephone number of applicant (757) 610-3856 Fax ( )

E-mail address of applicant: elegantoccasionsbykrista@yahoo.com

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

2. Name of applicant: (Last) STRINGER (First) JENNIFER (MI) C.

Mailing address of applicant (Street/P.O. Box): 8834 GRANBY ST.

(City) NORFOLK (State) VA (Zip Code) 23503

Daytime telephone number of applicant (757) 828-5911 Fax ( )

E-mail address of applicant: jen@forthepeopleprojects.com.

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

3. Name of property owner: (Last) Shipp (First) Michael (MI)

Mailing address of property owner (Street/P.O. box): 407 Sinclair Street

(City) Norfolk (State) VA (Zip Code) 23505

Daytime telephone number of owner (757) 692-8885 email: mike@eastcoastbicycles.com

CIVIC LEAGUE INFORMATION

Civic League contact: Ocean View C.L. + Greater Pinewell C.L.

Date(s) contacted: 12·2·15

Ward/Super Ward information: WARD 2 / SUPER WARD 6.

REQUIRED ATTACHMENTS

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

Print name: Michael **Sign:** _____ / 10 / 23 / 15
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Krista Hines **Sign:** _____ 10 / 22 / 15
(Applicant) (Date)
Kenneth Hines _____ 10/22/15

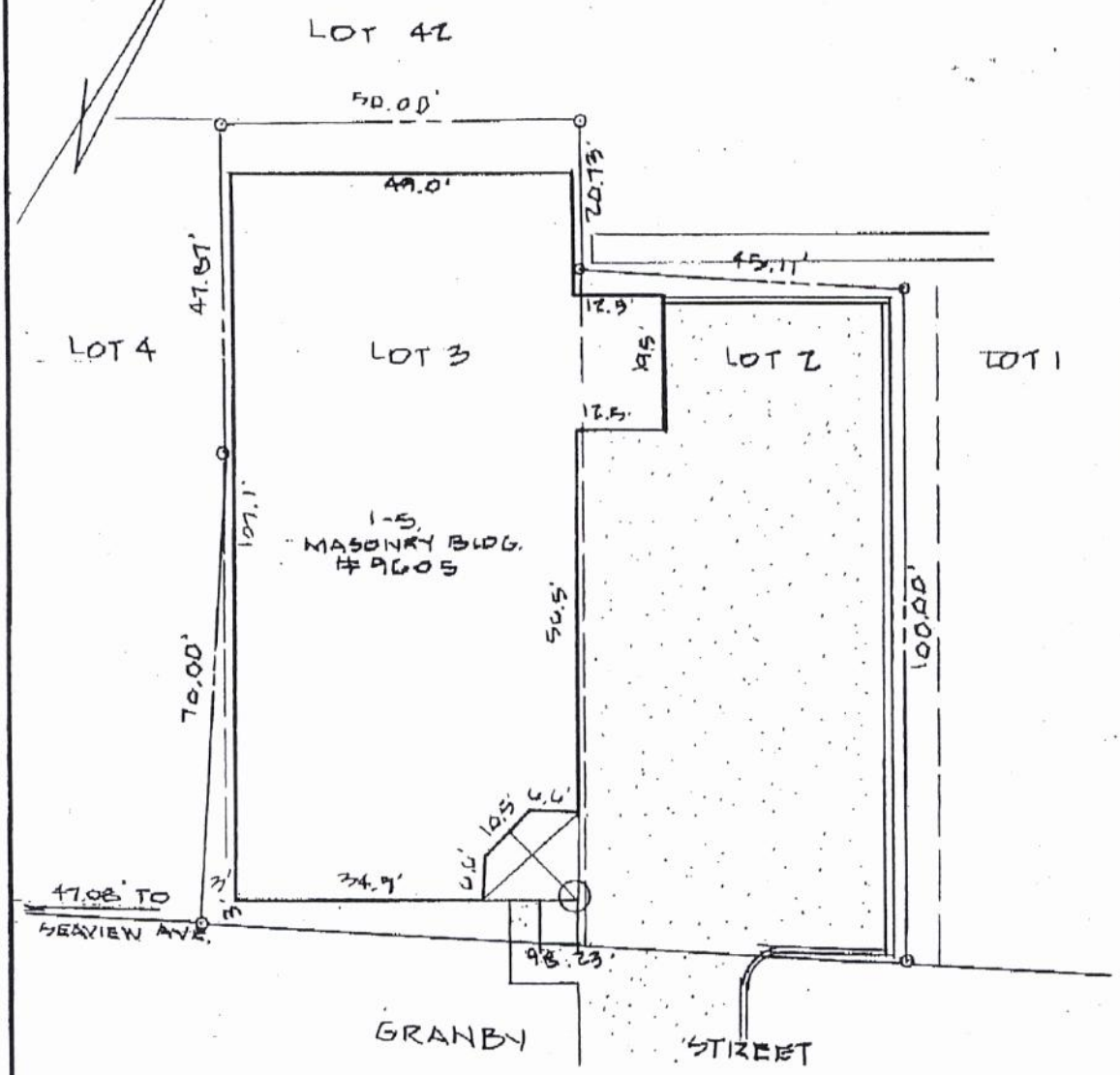
ONLY NEEDED IF APPLICABLE:

Print name: JENNIFER STRINGER **Sign:** _____ 12 / 13 / 15
(Authorized Agent Signature) (Date)

THIS IS TO CERTIFY THAT I, ON 7/5/06 SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND WALLS OF THE BUILDINGS 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.

G. CLIFFORD FREEMAN, II



THIS LOT APPEARS TO BE LOCATED IN FLOOD HAZARD ZONE C AS DETERMINED BY THE F.I.A. FLOOD HAZARD MAP IN EFFECT.

THIS IS TO CERTIFY THAT THIS SURVEY REFERS TO THE SAME LOT AS SET FORTH BY PLAT DATED - AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF CHESAPEAKE VIRGINIA IN MAP BOOK 7 PAGE 90.

COMMONWEALTH OF VIRGINIA
G. Clifford Freeman, II
Certificate No. 1107 & 1430-B
7/5/06
CERTIFIED LAND SURVEYOR

PHYSICAL SURVEY
OF

LOT 3 & PART OF LOTS 2 & 4
PLAT SHOWING SUBDIVISION OF
LOTS 21, 22, 43 & 44, BLOCK C
OCEAN VIEW RESIDENCE PARK CORP.
NORFOLK, VIRGINIA
FOR
BLUE SKY, INC.

FREEMAN AND ASSOCIATES
LAND SURVEYORS
PORTSMOUTH, VIRGINIA
TEL: (757) 399-8105

SURVEYED: 7/5/06 SCALE: 1" = 20'

12/14/15

To Whom it May Concern:

I am the property owner of Family Dentistry John B. Lapetina, D.D. S. & Associates at 9601 Granby Street Norfolk, Va. 23503 and I give permission for Elegant Occasions by Krista LLC. to use 2 parking spaces as needed at 9605 Granby Street Norfolk, Va.23503. During Business hours when business is not being operated at 9601 Granby Street, all open parking spots may be used. Please contact me with any questions.

Respectfully,

John B. Lapetina Jr
D.D.S

13 December 2015

SECURITY PLAN

FOR

Elegant Events By Krista
9605 Granby St.
Norfolk, VA 23503

Definition of "Security"

Security is the act of protecting against any violation of the law as defined by the U. S. Constitution, Federal Regulations, and State Regulation. Security is also the act of protecting against anything that is seen harmful or offensive as well as anything perceived in that manner.

Goals:

- Lay out the structure of the security team
- Defines how members of the security team are to interact with the establishment and patrons of the establishment
- Establish a security plan
- Explain the way to execute the plan
- Define and execute internal and external procedures to mitigate issues

Features of the Plan:

Security Team:

The security will be provided by a Virginia Department of Criminal Justice Service registered agency, licensed to provide armed security protection to businesses under a contract.

Rules and Regulations:

The age limits will vary. We will be doing pat downs to prevent the admittance of any weapons or controlled substances. If those items are found or any violation the individual will be asked to leave the premise. If there continue to be violations the Norfolk Police Department will be contacted at (757) 441-5610 to provide with assistance.

Dress Code:

- No White Tees
- No baggy clothes
- No Gang associated appeal
- No backwards facing ball caps
- Nice polo or button up shirt
- Nice jeans or casual dress pants

Once someone has one has been identified as an over intoxicated individual they will be cut off by Catering staff. If the catering staff is not aware of this, the security team will bring this to their attention then handle accordingly. If an individual becomes unruly they will be escorted off the premises. If an individual is in a smoke free part of the establishment they will be asked to move to a smoking section of the establishment.

Access:

There is onsite parking and it will be patrolled by an armed security officer. There is pedestrian access that is public access area that is protected by Norfolk Police Department.

Integration:

There will be complete cooperation with any Federal, State, or Local agent that is properly identified themselves as so. If there is issues or concerns from the neighborhood or businesses will be handled accordingly.

Uniform for Security Team

Proper Staffing Security's uniforms consist of a solid color shirt that has 'SECURITY' across the chest and back with professional looking pants or nice looking jeans. On special event that are upscale type of events then nice button down shirt and dress pants with a badge that says security enforcement officer either clipped to their belt or on a necklace device that hangs around the neck. Jacket and or suit are applicable.

Security Team:

Personnel:

[Describe the composition of the security and/or staff team, indicating the title of each position, the number of persons assigned to each position and the duties and responsibilities of each position.]

- At least 1 Door Security Person.
- At least 1 Roving Security Person.

At all times, at least one of the persons in each of the designated positions shall be certified by the Virginia Department of Criminal Justice Services (DCJS).

General Duties and Responsibilities:

Each member of the Security Team will be trained to set up and control queuing in accordance with any floor plans approved through the City's special exception process. All members shall work in concert to maintain order within the facility and outside in the immediate surroundings so as to prevent any activity which would interfere with the quiet enjoyment of nearby property owners or leaseholders.

All team members will coordinate with any personnel who may be hired by the property owner to provide security immediately outside of the facility and will be responsible for communicating wait times and cut-offs for any prospective patron queuing up to gain entry.

Security Team Leader:

- Maintains communication with staff of establishment
- Maintain communication with any agency that is needed
- Maintain communication with leadership with Proper Staffing Security
- Will confirm with the establishment's management and the Proper Staffing Security staff to have a schedule for the week

- Supervise all other security team members and monitors all members' compliance with this Security Plan
- Enforce occupancy limits in accordance with any floor plans approved through the City's special exception process. The Leader may rely on information about the number of patrons entering and leaving the facility that might be gathered by other members of the security team.
- Rove entire venue during operating hours to ensure patron flow and maintenance of open aisles and clear pathways to exits.
- Coordinate configuration of the floor plan on a daily basis under the direction of the General Manager and in accordance with any floor plans approved through the City's special exception process.
- Provide or arrange security accompaniment for employees departing at the end of their shift.
- During emergency evacuation, ensure that all security team members are properly executing emergency duties and responsibilities.
- Maintain CPR certification.

Door Security:

- Enumerate each duty which falls exclusively within the role of this position.
- Control activity at main entrance(s) at all times, monitoring entry of patrons and maintaining a clear egress.
- Control access to the venue.
- Check for proper identification of patrons seeking admission.
- Enforce dress code, age limitation, legitimacy of identification cards and code of conduct.
- Enforce restrictions on contraband by employing one or more of the following techniques: searching of bags/purses, metal-detector wands, pat-downs, walk-through metal detectors.
- Keep count all persons entering and leaving the club.
- During emergency evacuation, direct patrons out of exits and to a location far enough from the building to be safe and to allow room for other patrons to continue to move away from the building and assemble.
- Maintain CPR certification.

Stationary and Roving Security:

- Enumerate each duty which falls exclusively within the role of this position.
- Monitor continual compliance with Virginia ABC regulations.
- Identify and address hazards as they arise throughout the facility.
- Maintain security around bar area(s).
- Maintain security in restroom corridor.
- Rove entire venue during operating hours to ensure patron flow and maintenance of open aisles and clear pathways to exits.
- Regularly check emergency exits to ensure they are clear and accessible.
- During emergency evacuation, report to direct those in dance floor and stage areas to use rear exits.
- Maintain CPR certification.

Communication:

Officer will use line of sight, word or mouth, and flash lights to communicate with each other. To contact for support to the facility will be conduct via a phone to the appropriate team for that support.

Electronic Security:

No electronic security is provided at this time.

Emergency Evacuation Plan:

The team will be placed at key location in the establishment and or premises to effectively get everyone out calmly and peacefully.

03/07/04-nrk

Form and Correctness Approved:

By
Office of the City Attorney

Form CCO-005

Contents Approved:

By
DEPT.

NORFOLK, VIRGINIA

Resolution 1,276

R-10

A RESOLUTION APPROVING THE REPORT OF THE JOINT LAND USE STUDY IN WHICH THE CITY PARTICIPATED WITH THE CITIES OF CHESAPEAKE AND VIRGINIA BEACH, AND WITH THE UNITED STATES NAVY AND THE HAMPTON ROADS PLANNING DISTRICT COMMISSION.

- - -

WHEREAS, by ordinance number 41,331 adopted on February 24, 2004, the City Council authorized the City's participation in a Joint Land Use Study initiated and coordinated by the Office of Economic Adjustment of the Department of Defense, with the participation also of the Navy, the Hampton Roads Planning District Commission and the cities of Chesapeake and Virginia Beach; and

WHEREAS, a final Joint Land Use Study report was issued in March 2005; and

WHEREAS, the report includes recommendations for the adoption of regional goals and local policies intended to promote cooperative and compatible land use planning, to minimize the impact of military operations in proximity of naval air force bases, to prevent land use that would interfere with operations of the United States Navy and to increase citizen awareness of the impact of these operations; and

WHEREAS, the City Council recognizes that the findings and recommendations contained in the report will help protect the public health, safety and welfare of our citizens; now, therefore,

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

Section 1:- That the Council approves the final report of the Joint Land Use Study.

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

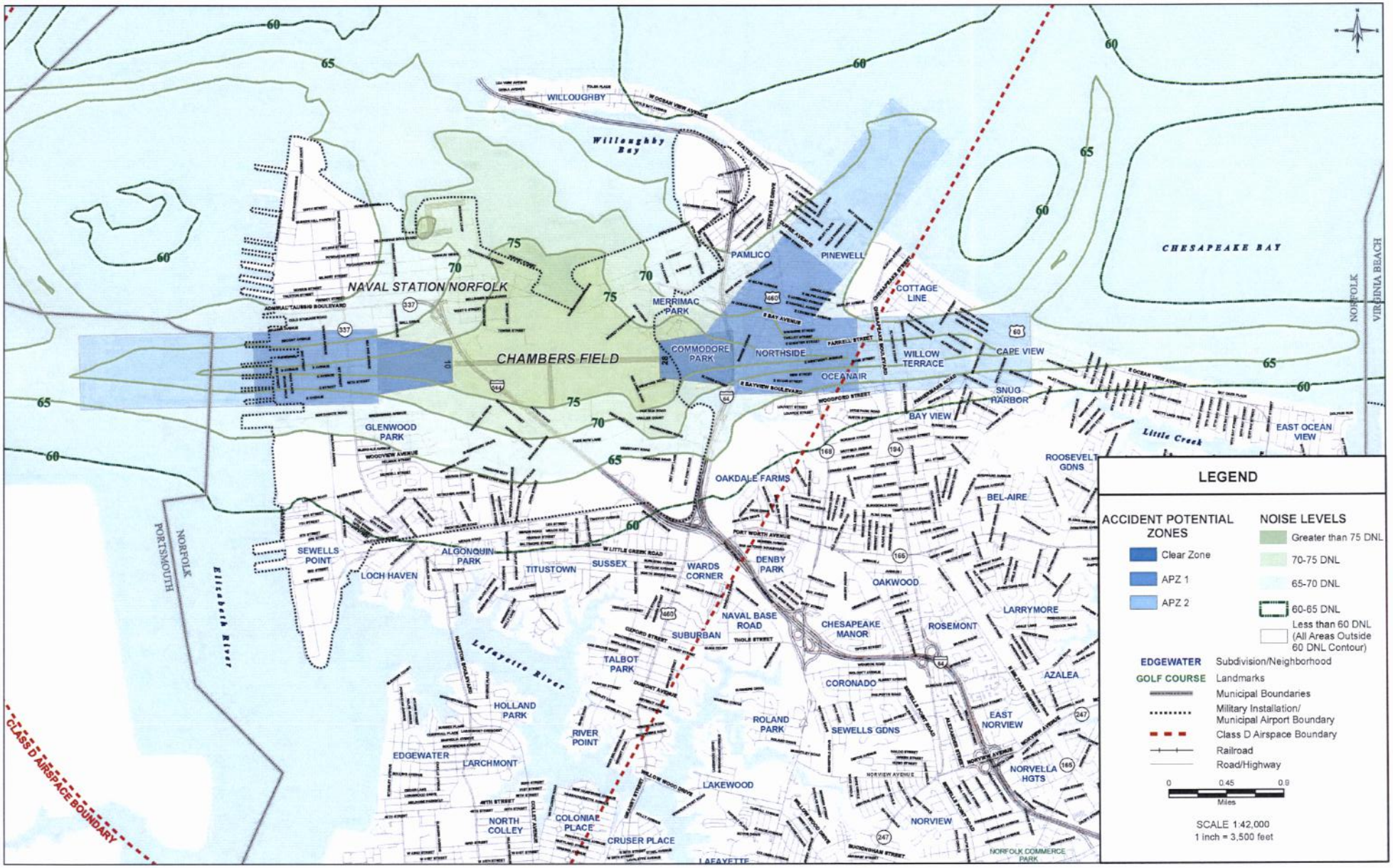

NAVAL STATION NORFOLK
CHAMBERS FIELD
CHESAPEAKE BAY
Willoughby Bay
Little Creek
Lafayette River
Elizabeth River
NORFOLK
PORTSMOUTH
VIRGINIA BEACH
CLASS D AIRSPACE BOUNDARY
WILLOUGHBY
PAMLICO
PINEWELL
COTTAGE LINE
MERRIMAC PARK
COMMODORE PARK
NORTHSIDE
OCEANAIR
WILLOW TERRACE
CAPE VIEW
SNUG HARBOR
BAY VIEW
EAST OCEAN VIEW
ROOSEVELT GDNS
BEL-AIRE
GLENWOOD PARK
OAKDALE FARMS
SEWELLS POINT
LOCH HAVEN
ALGONQUIN PARK
TITUSTOWN
SUSSEX
WARDS CORNER
DENBY PARK
OAKWOOD
NAVAL BASE ROAD
SUBURBAN
CHESAPEAKE MANOR
ROSEMONT
LARRYMORE
TALBOT PARK
CORONADO
AZALEA
HOLLAND PARK
ROLAND PARK
SEWELLS GDNS
EAST NORVIEW
RIVER POINT
EDGEWATER
LARCHMONT
NORVELLA HGTS
LAKEWOOD
NORVIEW
NORTH COLLEY
COLONIAL PLACE
CRUSER PLACE
NORFOLK COMMERCE PARK
LEGEND
ACCIDENT POTENTIAL ZONES
Clear Zone
APZ 1
APZ 2
NOISE LEVELS
Greater than 75 DNL
70-75 DNL
65-70 DNL
60-65 DNL
Less than 60 DNL (All Areas Outside 60 DNL Contour)
EDGEWATER Subdivision/Neighborhood
GOLF COURSE Landmarks
Municipal Boundaries
Military Installation/ Municipal Airport Boundary
Class D Airspace Boundary
Railroad
Road/Highway
0 0.45 0.9
Miles
SCALE 1:42,000
1 inch = 3,500 feet

TABLE 3-AIR INSTALLATIONS COMPATIBLE USE ZONES
SUGGESTED LAND USE COMPATIBILITY IN ACCIDENT POTENTIAL ZONES [1]

SLUCM NO.	LAND USE NAME	CLEAR ZONE Recommendation	APZ-I Recommendation	APZ-II Recommendation	Density Recommendation
10	***Residential***				
11	Household Units				
11.11	Single units: detached	N	N	Y[2]	Maximum density of 1-2 Du/Ac
11.12	Single units: semidetached	N	N	N	
11.13	Single units: attached row	N	N	N	
11.21	Two units: side-by-side	N	N	N	
11.22	Two units: one above the other	N	N	N	
11.31	Apartments: walk-up	N	N	N	
11.32	Apartment: elevator	N	N	N	
12	Group quarters	N	N	N	
13	Residential Hotels	N	N	N	
14	Mobile home parks or courts	N	N	N	
15	Transient lodgings	N	N	N	
16	Other residential	N	N	N	
20	***Manufacturing*** [3]				
21	Food & kindred products; manufacturing	N	N	Y	Maximum FAR 0.56
22	Textile mill products; manufacturing	N	N	Y	Same as above
23	Apparel and other finished products; products made from fabrics, leather and similar materials; manufacturing	N	N	N	
24	Lumber and wood products (except furniture); manufacturing	N	Y	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
25	Furniture and fixtures; manufacturing	N	Y	Y	Same as above
26	Paper and allied products; manufacturing	N	Y	Y	Same as above
27	Printing, publishing, and allied industries	N	Y	Y	Same as above
28	Chemicals and allied products; manufacturing	N	N	N	
29	Petroleum refining and related industries	N	N	N	

TABLE 3-AIR INSTALLATIONS COMPATIBLE USE ZONES
SUGGESTED LAND USE COMPATIBILITY IN ACCIDENT POTENTIAL ZONES [1] (Continued)

SLUCM NO.	LAND USE NAME	CLEAR ZONE Recommendation	APZ-I Recommendation	APZ II Recommendation	Density Recommendation
30	***Manufacturing [3] (continued)***				
31	Rubber and misc. plastic products; manufacturing	N	N	N	
32	Stone, clay and glass products; manufacturing	N	N	Y	Maximum FAR 0.56
33	Primary metal products; manufacturing	N	N	Y	Same as above
34	Fabricated metal products; manufacturing	N	N	Y	Same as above
35	Professional scientific, & controlling instrument; photographic and optical goods; watches & clocks	N	N	N	
39	Miscellaneous manufacturing	N	Y	Y	Maximum FAR of 0.28 in APZ I & 0.56 in APZ II
40	***Transportation, communication and utilities [4].***				See Note 3 below.
41	Railroad, rapid rail transit, and street railway transportation	N	Y[5]	Y	Same as above.
42	Motor vehicle transportation	N	Y[5]	Y	Same as above
43	Aircraft transportation	N	Y[5]	Y	Same as above
44	Marine craft transportation	N	Y[5]	Y	Same as above
45	Highway and street right-of-way	N	Y[5]	Y	Same as above
46	Auto parking	N	Y[5]	Y	Same as above
47	Communication	N	Y[5]	Y	Same as above
48	Utilities	N	Y[5]	Y	Same as above
485	Solid waste disposal (Landfills, incineration, etc.)	N	N	N	
49	Other transport, comm. and utilities	N	Y[5]	Y	See Note 3 below
50	***Trade***				
51	Wholesale trade	N	Y	Y	Maximum FAR of 0.28 in APZ I. & .56 in APZ II.
52	Retail trade - building materials, hardware and farm equipment	N	Y	Y	Maximum FAR of 0.14 in APZ I & 0.28 in APZ II

TABLE 3-AIR INSTALLATIONS COMPATIBLE USE ZONES
SUGGESTED LAND USE COMPATIBILITY IN ACCIDENT POTENTIAL ZONES [1] (Continued)

SLUCM NO.	LAND USE NAME	CLEAR ZONE Recommendation	APZ-I Recommendation	APZ-II Recommendation	Density Recommendation
50	*Trade (Continued)*				
53	Retail trade - shopping centers	N	N	Y	Maximum FAR of 0.22.
54	Retail trade - food	N	N	Y	Maximum FAR of 0.24
55	Retail trade - automotive, marine craft, aircraft and accessories	N	Y	Y	Maximum FAR of 0.14 in APZ I & 0.28 in APZ II
56	Retail trade - apparel and accessories	N	N	Y	Maximum FAR 0.28
57	Retail trade - furniture, home, furnishings and equipment	N	N	Y	Same as above
58	Retail trade - eating and drinking establishments	N	N	N	
59	Other retail trade	N	N	Y	Maximum FAR of 0.22
60	*Services* [6]				
61	Finance, insurance and real estate services	N	N	Y	Maximum FAR of 0.22 for "General Office/Office park"
62	Personal services	N	N	Y	Office uses only. Maximum FAR of 0.22.
62.4	Cemeteries	N	Y[7]	Y[7]	
63	Business services (credit reporting; mail, stenographic, reproduction; advertising)	N	N	Y	Max. FAR of 0.22 in APZ II
63.7	Warehousing and storage services	N	Y	Y	Max. FAR 1.0 APZ I; 2.0 in APZ II
64	Repair Services	N	Y	Y	Max. FAR of 0.11 APZ I; 0.22 in APZ II
65	Professional services	N	N	Y	Max. FAR of 0.22
65.1	Hospitals, nursing homes	N	N	N	
65.1	Other medical facilities	N	N	N	
66	Contract construction services	N	Y	Y	Max. FAR of 0.11 APZ I; 0.22 in APZ II
67	Government Services	N	N	Y	Max FAR of 0.24
68	Educational services	N	N	N	
69	Miscellaneous	N	N	Y	Max. FAR of 0.22

TABLE 3-AIR INSTALLATIONS COMPATIBLE USE ZONES
SUGGESTED LAND USE COMPATIBILITY IN ACCIDENT POTENTIAL ZONES [1] (continued)

SLUCM NO.	LAND USE NAME	CLEAR ZONE Recommendation	APZ-I Recommendation	APZ-II Recommendation	Density Recommendation
70	*Cultural, entertainment and recreational*				
71	Cultural activities	N	N	N	
71.2	Nature exhibits	N	Y[8]	Y[8]	
72	Public assembly	N	N	N	
72.1	Auditoriums, concert halls	N	N	N	
72.11	Outdoor music shells, amphitheaters	N	N	N	
72.2	Outdoor sports arenas, spectator sports	N	N	N	
73	Amusements - fairgrounds, miniature golf, driving ranges; amusement parks, etc	N	N	Y	
74	Recreational activities (including golf courses, riding stables, water recreation)	N	Y[8]	Y[8]	Max. FAR of 0.11 APZ I; 0.22 in APZ II
75	Resorts and group camps	N	N	N	
76	Parks	N	Y[8]	Y[8]	Same as 74
79	Other cultural, entertainment and recreation	N	Y[8]	Y[8]	Same as 74
80	***Resource production and extraction***				
81	Agriculture (except live stock)	Y[9]	Y[9]	Y[9]	
81.5, 81.7	Livestock farming and breeding	N	Y[9,10]	Y[9,10]	
82	Agriculture related activities	N	Y[9]	Y[9]	Max FAR of 0.28 APZ I; 0.56 APZ II no activity which produces smoke, glare, or involves explosives
83	Forestry Activities [11]	N	Y	Y	Same as Above
84	Fishing Activities [12]	N[12]	Y	Y	Same as Above
85	Mining Activities	N	Y	Y	Same as Above
89	Other resource production or extraction	N	Y	Y	Same as Above
90	*Other*				
91	Undeveloped Land	Y	Y	Y	
93	Water Areas	N[13]	N[13]	N[13]	

KEY TO TABLE 3 - SUGGESTED LAND USE COMPATIBILITY IN ACCIDENT POTENTIAL ZONES

SLUCM -	Standard Land Use Coding Manual, U.S. Department of Transportation
Y (Yes) -	Land use and related structures are normally compatible without restriction.
N (No) -	Land use and related structures are not normally compatible and should be prohibited.
Y^x - (Yes with restrictions)	the land use and related structures are generally compatible. However, see notes indicated by the superscript.
N^x - (No with exceptions)	the land use and related structures are generally incompatible. However, see notes indicated by the superscript.
FAR - Floor Area Ratio.	A floor area ratio is the ratio between the square feet of floor area of the building and the site area. It is customarily used to measure non-residential intensities.

Du/Ac - Dwelling Units per Acre. This metric is customarily used to measure residential densities.

NOTES FOR TABLE 3 - SUGGESTED LAND USE COMPATIBILITY IN ACCIDENT POTENTIAL ZONES

The following notes refer to Table 3.

1. A "Yes" or a "No" designation for compatible land use is to be used only for general comparison. Within each, uses exist where further evaluation may be needed in each category as to whether it is clearly compatible, normally compatible, or not compatible due to the variation of densities of people and structures. In order to assist installations and local governments, general suggestions as to floor/area ratios are provided as a guide to density in some categories. In general, land use restrictions which limit commercial, services, or industrial buildings or structure occupants to 25 per acre in APZ I, and 50 per acre in APZ II are the range of occupancy levels considered to be low density. Outside events should normally be limited to assemblies of not more that 25 people per acre in APZ I, and maximum assemblies of 50 people per acre in APZ II.

2. The suggested maximum density for detached single-family housing is one to two Du/Ac. In a Planned Unit Development (PUD) of single family detached units where clustered housing development results in large open areas, this density could possibly be increased provided the amount of surface area covered by structures does not exceed 20 percent of the PUD total area. PUD encourages clustered development that leave large open areas.

3. Other factors to be considered: Labor intensity, structural coverage, explosive characteristics, air-pollution, electronic interference with aircraft, height of structures, and potential glare to pilots.

4. No structures (except airfield lighting), buildings or aboveground utility/ communications lines should normally be located in Clear Zone areas on or off the installation. The Clear Zone is subject to severe restrictions. See NAVFAC P-80.3 or Tri-Service Manual AFM 32-1123(I); TM 5-803-7, NAVFAC P-971 "Airfield and Heliport Planning & Design" dated 1 May 99 for specific design details.

5. No passenger terminals and no major above ground transmission lines in APZ I.

6. Low intensity office uses only. Accessory uses such as meeting places, auditoriums, etc. are not recommended.

7. No Chapels are allowed within APZ I or APZ II.

8. Facilities must be low intensity, and provide no tot lots, etc. Facilities such as clubhouses, meeting places, auditoriums, large classes, etc. are not recommended.

9. Includes livestock grazing but excludes feedlots and intensive animal husbandry. Activities that attract concentrations of birds creating a hazard to aircraft operations should be excluded.

10. Includes feedlots and intensive animal husbandry.

11. Lumber and timber products removed due to establishment, expansion, or maintenance of Clear Zones will be disposed of in accordance with appropriate DOD Natural Resources Instructions.

12. Controlled hunting and fishing may be permitted for the purpose of wildlife management.

13. Naturally occurring water features (e.g., rivers, lakes, streams, wetlands) are compatible.

Simons, Matthew

From:	Straley, Matthew
Sent:	Wednesday, December 16, 2015 12:42 PM
To:	'leidingnorfolk@cox.net'; 'Gpclpresident@gmail.com'
Cc:	Smigiel, Thomas; Winn, Barclay; Ransom, Carlton; Simons, Matthew
Subject:	new Planning Commission application - 9605 Granby Street
Attachments:	Elegant Occasions.pdf

Mr. Saunders and Mr. Apatov,

Attached please find the application for a special exception to operate an entertainment establishment with alcoholic beverages at 9605 Granby Street.

The item is tentatively scheduled for the January 28, 2016 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

THE CITY OF NORFOLK
CITY PLANNING

January 12, 2016

Commanding Officer, Naval Station Norfolk
1530 Gilbert Street
Norfolk, VA 23511

The Norfolk Department of City Planning has recently received an application by **ELEGANT OCCASIONS** for a special exception to operate an entertainment establishment facility on property located at 9605 Granby Street, and located within the Accident Potential Zone (APZ-II) as identified on the Joint Land Use Study (JLUS) Air Installations Compatibility Use Zones (AICUZ) Planning Map, dated 2005, revised 2010.

The request, if approved, would permit the use of the property to be changed from a bicycle shop to a place of public assembly (a bicycle shop would be referred to in the JLUS Table 3 as "Retail trade – furniture, home furnishings and equipment" [Standard Land Use Coding Manual (SLUCM), U.S. DOT – SLUCM No. 57]). This change of use does not appear to be in concert with the life-safety goals of the JLUS/AICUZ program.

Furthermore, in 2013, the Norfolk City Council adopted the City's new comprehensive plan, *plaNorfolk2030*, which contains an action statement within the Identifying Land Use Strategies chapter which states: *Do not support any increase in intensity of uses located in incompatible noise and accident potential zones (see Map LU-3) and seek opportunities to reduce the intensity of those incompatible uses* [*plaNorfolk2030* LU1.2.11]. Map LU-3 referred to in the action is a reproduction of the JLUS/AICUZ Planning Map, dated 2005, revised 2010. Because of this action statement, the City of Norfolk Planning Department staff recommendation must be denial given the existing conditions and proposal.

This item is tentatively scheduled for the Norfolk City Planning Commission public hearing to be held on January 28, 2016 at 2:30 p.m. in the City Council Chamber, 11th Floor, City Hall Building, Civic Center, Norfolk, Virginia.

If you would like additional information on the request, you may contact the applicants, Krista and Kenneth Hines at (757) 610-3856, elegantoccasionsbykrista@yahoo.com, or you may telephone Matthew Simons, on my staff at (757) 664-4750, matthew.simons@norfolk. gov. A copy of the complete application is enclosed.

508 City Hall Building / Norfolk, Virginia 23510
Ph. (757) 664-4752 / Fax (757) 664-4748

The City of Norfolk Department of City Planning respectfully requests a formal response from the U.S. Navy in regards to the proposed special exception request.

Sincerely,

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

810 Union Street, Suite 500
Norfolk, VA 23510
757-664-4770 (O)
757-620-3630 (M)

cc: Matthew Simons, AICP CZA CFM
City Planner II – Land Use Services
(hand delivered)

cc: Steve G. Jones, RLA, ASLA, LEED AP BD+C
Community Plans Liaison Officer (CPLO)
Naval Station Norfolk
1530 Gilbert Street
Bldg N-26, Suite 2000
Norfolk, VA 23511

cc: Elegant Occasions
c/o Kenneth and Krista Hines
4008 River Breeze Circle
Chesapeake, VA 23321

cc: Property Owner for 9605 Granby Street
Blue Sky I, LLC
c/o Michael Shipp
407 Sinclair Street
Norfolk, VA 23505

DEPARTMENT OF THE NAVY
NAVAL STATION NORFOLK
1530 GILBERT STREET SUITE 2000
NORFOLK, VA 23511-2722

3700
Ser N00/0046
January 26, 2016

George M. Homewood, AICP CFM
Director, Department of City Planning
City of Norfolk
810 Union Street, Suite 500
Norfolk, VA 23510

Dear Mr. Homewood,

Thank you for the opportunity to review the Adult Use Special Exception Application for a Banquet Hall at 9605 Granby Street. From the information you provided the site is located approximately one and one half miles northeast of Chambers Field in the 65-70 decibel day-night average noise zone, Accident Potential Zone Two (APZ-2) and directly underneath a major departure corridor.

The Navy's Air Installation's Compatible Use Zones program and the 2005 (revised 2010) Hampton Roads Joint Land Use Study (JLUS) indicate this type of use is incompatible with air operations and should be prohibited in APZ-2 designated area. The City of Norfolk has adopted the JLUS recommendations into comprehensive plan in support of air operations at Chambers Field.

In summary, the Navy is concerned with any encroachment that could negatively impact the ability to operate, meet mission requirements and potentially endanger the public. We view development at this site as an encroachment upon operations on Naval Station Norfolk.

If you have any questions, please contact my Community Planning Liaison Officer, Mr. Steve Jones at (757) 322-2333.

Sincerely,

D. J. BEAVER
Captain, U.S. Navy
Commanding Officer

Copy to:
Mayor Paul Fraim
Norfolk City Council
Norfolk Planning Commission

Martin A. Thomas, Jr.
City of Norfolk
City Planning Commission Member
City Hall, 10th Floor
Norfolk, Virginia 23510

January 26th, 2016

Dear Mr. Martin:

My name is Carl E. Lee, Jr and I and my wife Janice reside at 151 Osborne Road in the Ocean View section of Norfolk.

I write to you today to disapprove of Agenda Item 17 of the January 28th, 2016 Norfolk City Planning Commission. Item 17 is a request for an Adult Use Special Exception for Elegant Occasions by Krista, LLC located at 9605 Granby Street. The application request to operate an ABC On establishment from 9AM – 10PM on workdays, 9AM – 12PM on Friday/Saturday and 9AM – 10PM on Sunday.

The proposed site is approximately a half mile from my house. It is my belief that the application is inappropriate for the community and the immediate residential neighborhood.

I support the Staff recommendation for **DENIAL** of the Special Exception request.

Thank you for your service to the city.

Carl E. Lee, Jr
151 Osborne Road
Norfolk, Virginia 23503
757-966-6067
CleePGK3548@gmail.com

Simons, Matthew

From: Kevin Easter <1ovdad@gmail.com>
Sent: Thursday, January 28, 2016 10:26 AM
To: Simons, Matthew
Subject: Planning commision 1/28

My name is Kevin Easter and I am the president of the Ocean View Democratic and Social Club. We are located next door to Elegant Occasions by Krista, which is on the agenda for today's meeting. I see that the staff will not be recommending the approval of the application. We are also against the approval and I was wondering if there was any reason for me to speak today or should I wait and bring our concerns up at the city council meeting in February.

Best Regards,

Kevin Easter
President- OVDSC

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

February 9, 2016

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

Subject: **Special exception to operate a commercial drive-through at 132 Kempsville Road – Chartway Federal Credit Union**

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

Ward/Superward: 4/7

Approved: _____
Marcus D. Jones, City Manager

Item Number: R-18

I. **Staff Recommendation: Approval.**

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

III. **Request:** Special exception – commercial drive-through

IV. **Applicant: John Blum**

V. **Description:**

- The site is located on the northwest corner of N. Newtown Road and Kempsville Road.
- This request would allow Chartway Federal Credit Union to construct a two-story banking branch with a commercial drive-through on the currently vacant site.
- The City's general plan, *plaNorfolk2030*, identifies this site as within a transit supportive area, where uses that promote transit, bicycle, and pedestrian activity are encouraged while low intensity auto-oriented uses are discouraged.
    - In order to be fully consistent with the plan, the site should be laid out in such a way as to encourage safe and easy pedestrian access from the adjacent light rail station.
    - The proposed site plan shows the building centrally located on the site with the drive-through along the side and back of the building.
    - Pedestrian improvements are also proposed near the street intersection, including a change in the pavement materials and elevation to match the sidewalks. Traffic circulation would be permitted in this area, however it would act as a traffic calming measure and provide a more inviting pedestrian environment than shown in the original submission.
- The Planning Commission voted to recommend denial of this application due to the perceived failure to meet the design standards set forth for transit supportive areas and to the incompatibility of this use within a transit supportive area.

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

Attachments:

- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: January 28, 2016

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Chris Whitney, CFM

Staff Report	**Item No. 7**	
Address	**132 Kempsville Road**	
Applicant	**Chartway Federal Credit Union**	
Request	**Special Exception**	**Commercial drive-through**
Property Owner	Chartway Federal Credit Union	
Site Characteristics	Site/Building Area	41,520 sq. ft. (0.95 acres)/5,015 sq. ft. (proposed)
	Future Land Use Map	Commercial; Transit Supportive Area
	Zoning	C-2 (Corridor Commercial)
	Neighborhood	N/A
	Character District	Suburban
Surrounding Area	North	C-2: Offices
	East	C-2: BP gas station (City of Virginia Beach)
	South	C-2: Parking lot for Newtown Road Light Rail station
	West	IN-1 (Institutional): Calvary Presbyterian Church

A. Summary of Request

- The site is located on the northwest corner of N. Newtown Road and Kempsville Road.
- This request would allow Chartway Federal Credit Union to construct a two-story banking branch on the currently vacant site with a commercial drive-through.

B. Plan Consistency

- *plaNorfolk2030* identifies this site as commercial.
    - It also identifies this site as within a transit supportive area, where uses that promote transit, bicycle, and pedestrian activity are encouraged while low intensity auto-oriented uses are discouraged.
- Given the commercial designation, the proposed use is consistent with *plaNorfolk2030*.
    - In order to be fully consistent with the plan, the site should be laid out in such a way as to encourage safe and easy pedestrian access from the adjacent light rail station.

C. Zoning Analysis

i. General

- The use as a financial institution is permitted in the C-2 district by right; it is the commercial drive-through that requires a special exception.
- The site was most recently occupied by a Shell gas station and convenience store.
- The proposed site plan shows the building centrally located on the site with the drive-through along the side and back of the building.
- Pedestrian improvements are also proposed near the street intersection.
    - These improvements include a change in the pavement materials and elevation to match the sidewalks. Traffic circulation would be permitted in this area, however it would act as a traffic calming measure and provide a more inviting pedestrian environment than shown in the original submission.
- The conceptual plan submitted by the applicant demonstrates compliance with *Zoning Ordinance* standards for a commercial drive-through, including appropriate landscape buffering.

ii. Parking

- For a financial institution of this size located within the Suburban Character District, the *Zoning Ordinance* requires that the site provides a minimum of 20 parking spaces and sufficient room to accommodate two bicycles.
    - Since this site is located within 1,500 feet of a light rail station, and is accommodating a nonresidential use, the required number of parking spaces shall be reduced by 25 percent.
        - The revised minimum parking requirement is 15 spaces.
    - 20 parking spaces are depicted on the proposed site plan.

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 figures estimate that that the proposed bank and drive-through on this site will generate 726 new vehicle trips per day.
- Newtown Road near the site is identified as a severely congested corridor in both the AM or PM peak hours in the current update to regional Hampton Roads Congestion Management analysis.
- The site is near frequent transit service with Hampton Roads Transit bus routes 20 (Virginia Beach), 22 (Haygood), 25 (Newtown), and 27 (Northampton) all operating along Newtown Road adjacent to the site and also the Newtown Road Light Rail station is located directly to the south.

E. Historic Resources Impacts

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

F. Public Schools Impacts

N/A

G. Environmental Impacts

- The construction of a financial institution with a drive-through lane should not adversely impact the surrounding uses.
- The proposed facility will undergo the Site Plan Review process, which requires all site development to adhere to the regulations of the *Zoning* Ordinance, including landscaping, vehicular circulation, and stormwater improvements.

H. Surrounding Area/Site Impacts

Over the past year there have been no calls for police service.

I. Payment of Taxes

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

J. Civic League

Notice was sent to the Easton Forest Civic League on December 16.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.
- Notice was sent to the City of Virginia Beach on January 11.

L. Recommendation

Staff recommends **approval** of the special exception request, considering compliance with *Zoning Ordinance* requirements, subject to the conditions below:

(a) The site shall be generally designed in accordance with the conceptual site plan prepared by Pennoni Associates, Inc. and Ionic DeZign Studios, dated January 4, 2016, entitled, "Chartway FCU Site Plan, Landscape Plan," attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.

(b) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.

(c) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.

(d) All nonconforming fences and signs on the site shall be removed.

(e) All bollards on the site shall be painted and maintained free of visible corrosion.

(f) Two bicycle parking spaces shall be provided on the site.

(g) Dumpsters shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the proposed building.

(h) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(i) The property shall be kept in a clean and sanitary condition at all times.

(j) The establishment shall maintain a current, active business license at all times while in operation.

(k) No business license shall be issued until conditions (a), (d), (e), (f), and (g) have all been implemented fully on the site.

Attachments

Location Map
Future Land Use Map
Zoning Map
Application
Notice to the Easton Forest Civic League
Letter to the Virginia Beach Department of Planning and Community Development

Proponents and Opponents

Proponents

John Richardson – Representative
2101 Parks Avenue #700
Virginia Beach, VA 23451

Scott Chewning
349 Southport Circle
Virginia Beach, VA 23452

Opponents

None

01/25/2016 lds

Form and Correctness Approved:

By
Office of the City Attorney

Contents Approved: CW

By
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A COMMERCIAL DRIVE-THROUGH FOR "CHARTWAY FEDERAL CREDIT UNION" ON PROPERTY LOCATED AT 132 KEMPSVILLE ROAD.

- - -

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

Section 1:- That a Special Exception is hereby granted authorizing the operation of a Commercial Drive-Through for "Chartway Federal Credit Union" on property located at 132 Kempsville Road. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 202 feet, more or less, along the western line of North Newtown Road and 135 feet, more or less, along the northern line of Kempsville Road; premises numbered 132 Kempsville Road.

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

(a) The site shall be improved generally in accordance with the conceptual site plan prepared by Pennoni Associates, Inc. and Ionic DeZign Studios, dated January 4, 2016, entitled "Chartway FCU Site Plan, Landscape Plan," attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.

(b) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.

(c) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992

(as amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.

(d) The use of temporary signs shall comply with Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended). The use of feather flags, pennants, and streamers is prohibited.

(e) All nonconforming fences and signs on the site shall be removed.

(f) All bollards on the site shall be painted and maintained free of visible corrosion.

(g) Two bicycle parking spaces shall be provided on the site.

(h) Dumpsters shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the proposed building.

(i) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.

(j) The property shall be kept in a clean and sanitary condition at all times.

(k) The establishment shall maintain a current, active business license at all times while in operation.

(l) No business license shall be issued until conditions (a), (e), (f), (g) and (h) have all been implemented fully on the site.

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

(a) The proposed use and development will be in harmony

with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect

of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

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

ATTACHMENT:
Exhibit A (1 page)

Exhibit A

Planting Schedule

SYMBOL	QTY	BOTANICAL & COMMON PLANT NAME	SIZE	COMMENTS
CANOPY TREES				
AR	13	Acer rubrum 'October Brilliance' (October Brilliance)	Min. 8' Ht Min. 2.5" Caliper	
QV	9	Fagus grandifolia (American Beech)	Min. 8' Ht Min. 2.5" Caliper	
GL	5	Gordonia lasianthus (Loblolly Bay)	Min. 8' Ht Min. 2.5" Caliper	
NS	7	Nyssa sylvatica (Black Gum)	Min. 8' Ht Min. 2.5" Caliper	
DECIDUOUS UNDERSTORY TREES				
AS	4	Acer saccharum subsp. leucoderme (Chalk Maple)	Min. 8' Ht Min. 2.5" Caliper	
SHRUBS				
IC	19	Ilex crenata 'Rotundifolia' (Roundleaf Japanese Holly)	18" Ht. Min.	
IG	39	Ilex glabra 'Shamrock' (Inkberry)	18" Ht. Min.	
LGP	33	Ligustrum sh. var. rubrum 'Cerasus Compact' (Ruby F. F.)	18" to 24" Ht.	
ND	43	Nandina domestica 'Firepower' (Firepower Heavenly Bamboo)	18" to 24" Ht.	
TO	5	Thuja occidentalis (Yellow Ribbon)	36" Ht. Min.	
GRASSES				
PA	41	Pennisetum alopecuroides 'Moudry' (Moudry Fountain Grass)	# 3 Container	

Yard Planting - Required Street Trees

1 Street Tree Required for every 35' of street frontage

Newtown Road Portion Applicable Frontage:	8 Trees required and provided
Kempsville Road Portion Applicable Frontage:	4 Trees required and provided

Open Space Area Requirements

Parcel Area -	39,967 S.F.
Parking areas, driveways & Sidewalks 3F -	23,445 S.F.
Required Open Space (Remaining Area X 10%)	1,652 S.F.
Provided Open Space -	15,420 S.F.

Interior Planting Requirements

Parking areas & driveways 3F -	19,215 S.F.
Required Interior Planting Space (Area X 10%)	1,922 S.F.
Provided Interior Planting Space -	3,875 S.F.
Required Interior Trees (1 / 144 S.F. of Required Interior Planting Space) -	14
Existing Trees to remain	0
Proposed Trees	14
Total Interior Trees Provided	14

Foundation Planting - Continuous Planting Required for Buildings Facing ROW - Provided

Parking Perimeter Planting - 6'-0" Continuous planted buffer with trees at 25' O.C. required for the parking lot or associated paved surfaces, and abutting property lines.

Trash Dispose Screening - Masonry Enclosure provided with screen planting provided.

Bioretention Seed Mix Calcs

1,491 S.F. / 43,560 = .0342 Acres
.0342 acres x 25 lbs = 1lb

BIORETENTION SEED MIX - 25 LBS/Ac

Botanical Name (COMMON NAME)	PERCENTAGE
Elymus virginicus (VIRGINIA WILD RYE)	25%
Poa palustris (FOWL BLUEGRASS)	20%
Carex vulpinoidea (FOX SEDGE)	20%
Carex crinaria (BLUNT BROOM SEDGE)	8%
Juncus effusus (SOFT RUSH)	4%
Juncus tenuis, PA ecotype (PATH RUSH, PA ECOTYPE)	1%
Mimulus ringens (SQUARE STEMMED MONKEY FLOWER)	3%
Scirpus cyperinus (WOOL GRASS)	3%
Verbena hastata (BLUE VERVAIN)	3%
Eupatorium fistulosum (JOE PYE WEED)	3%
Vernonia novaboracensis (IRONWEED)	2%
Agrostis perennans (AUTUMN BENT GRASS)	2%
Agrostis scabra (TICKLEGRASS - ROUGH BENT GRASS)	2%
Aster puniceus (PURPLE STEMMED ASTER)	1%
Bidens cernua (NODDING BUR MARIGOLD)	1%

BIORETENTION SEED MIXTURE: MIXTURE FOR TOLERATION OF PERIODS OF INUNDATION
Provide Straw coverage & regular water during seed germination time.

City of Norfolk Landscape Notes

1. All trees shall be a minimum of 2.5 inches in caliper and eight (8) feet in overall height at time of installation and of a variety which shall attain a mature spread of at least twenty(20) feet.
2. All plant materials shall meet the minimum specifications and standards prescribed in the most current edition of American Standard for Nursery Stock, 1986, published by American Association of Nurserymen, 1250 I Street, N.W., Suite 500, Washington, D.C. 20005.
3. Planting season restrictions:
   (i) All ball and burlap plant material shall be installed from October 15 to March 31, unless otherwise authorized by the department of neighborhood and leisure services.
   (ii) All container grown plant material shall be installed from September 15 to May 15, unless otherwise authorized by the department of neighborhood and leisure services.
   (iii) Any other dates not listed above in this section shall be considered out-of-season. In such cases, a bond or other form of surety covering the cost of installation of all landscape material and construction shall be required in conformance with provisions set forth in section 12-12.

Vertical Datum

ELEVATIONS ARE BASED ON NAVD88(88) CITY OF NORFOLK (2333)

NOT APPROVED FOR CONSTRUCTION

Graphic Scale

Pennoni

PENNONI ASSOCIATES INC.
349 Southport Circle, Suite 100
Virginia Beach, VA 23462
T 757 497 7472 F 757 497 0250

Ionic DeZign Studios
ARCHITECTURE • INTERIORS • GRAPHICS
2318 INDEPENDENCE BOULEVARD
VIRGINIA BEACH • VA 23454

Project # 140509
Scale 1" = 20'
Designed by T.H
Drawn by T.H
Checked by T.S
Date 01/24/2016

CHARTWAY FCU SITE PLAN

LANDSCAPE PLAN

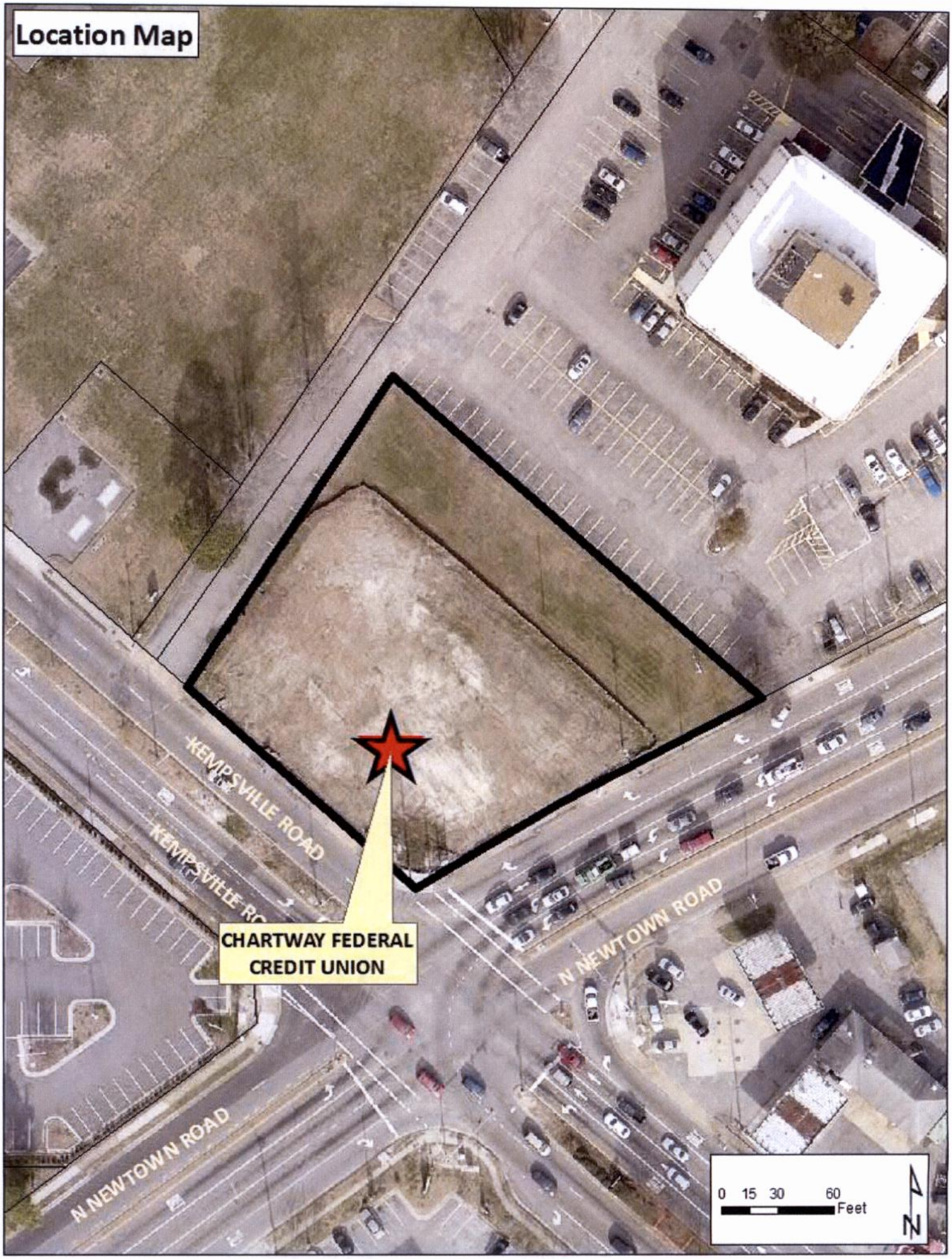
Sheet Number
CS2001

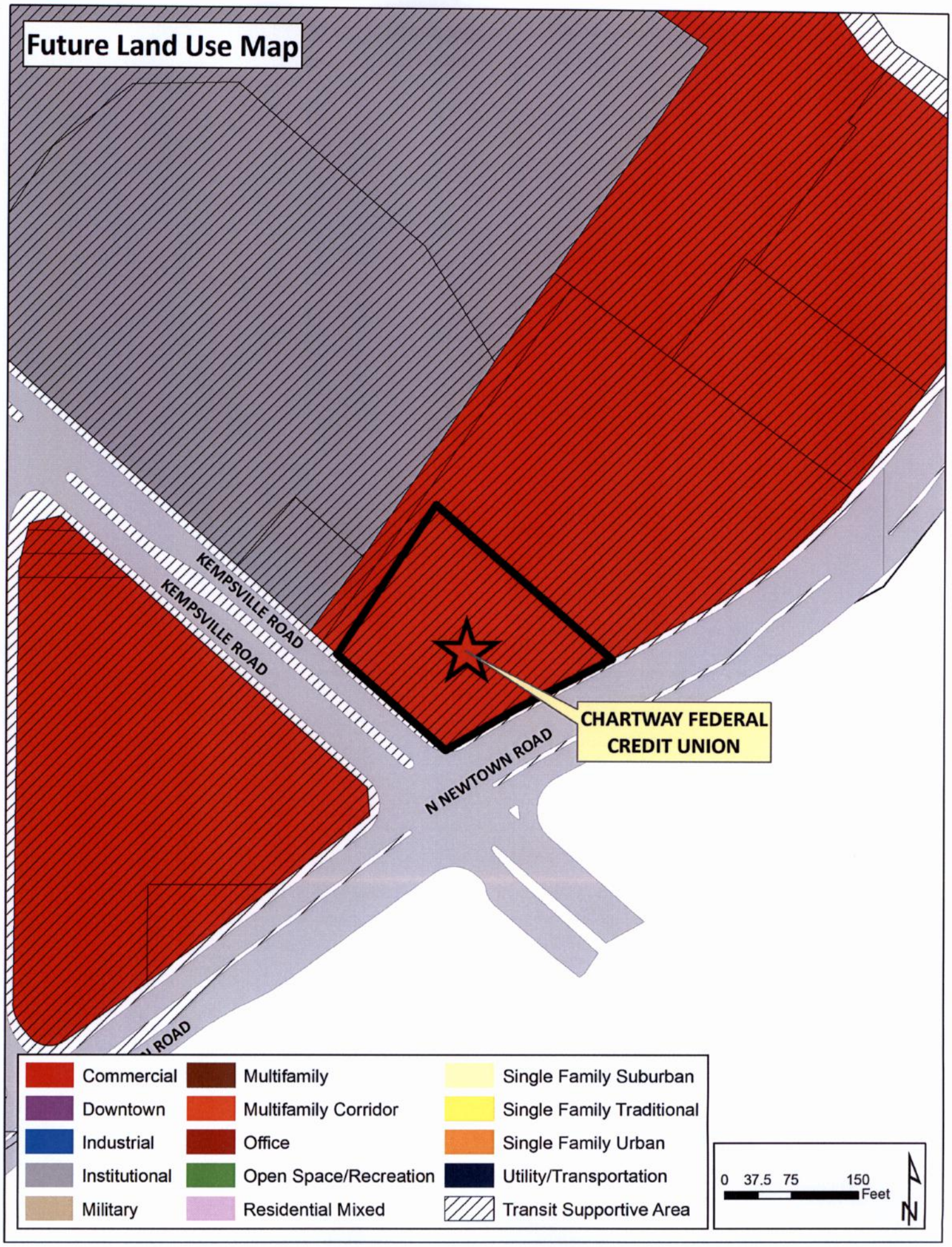
ionic dezign studios

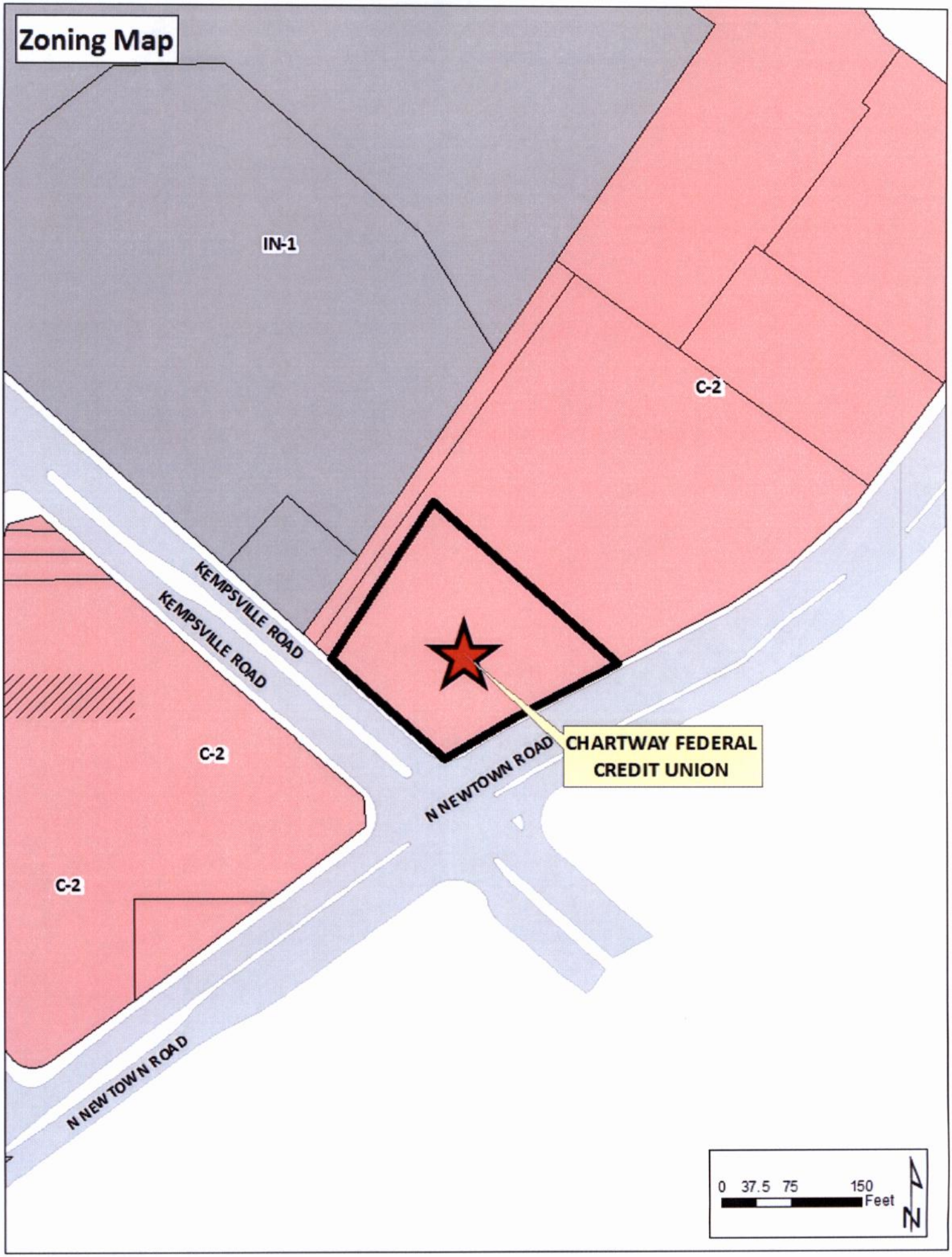
Chartway Federal Credit Union—Newtown Branch
Newtown Road
Norfolk, VA

Site Plan

Project No: 140509 Date: 01/26/16


Location Map
KEMPSVILLE ROAD
KEMPSVILLE RO
CHARTWAY FEDERAL
CREDIT UNION
N NEWTOWN ROAD
N NEWTOWN ROAD
0 15 30 60
Feet
N


Future Land Use Map
KEMPSVILLE ROAD
KEMPSVILLE ROAD
N NEWTOWN ROAD
CHARTWAY FEDERAL CREDIT UNION
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
Transit Supportive Area
0 37.5 75 150 Feet
N


Zoning Map
IN-1
C-2
C-2
C-2
KEMPSVILLE ROAD
KEMPSVILLE ROAD
N NEWTOWN ROAD
N NEW TOWN ROAD
CHARTWAY FEDERAL CREDIT UNION
0 37.5 75 150
Feet
N

APPLICATION
SPECIAL EXCEPTION

Special Exception for: Chartway Federal Credit Union

Date of application: December 14, 2015

DESCRIPTION OF PROPERTY

Property location: (Street Number) 132 (Street Name) Kempsville Road

Existing Use of Property Vacant Land (Former Service Station)

Current Building Square Footage Vacant Land

Proposed Use

Chartway Federal Credit Union 2-story branch with drive-thru

Proposed Square Footage 4,900

Proposed Hours of Operation:

Weekday	From	9:00 am	To	5:00 pm
Friday	From	9:00 am	To	6:00 pm
Saturday	From	9:00 am	To	1:00 pm
Sunday	From	Closed	To	

Trade Name of Business (If applicable)

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

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

1. Name of applicant: (Last) Blum (First) John (MI) W

Mailing address of applicant (Street/P.O. Box): 5700 Cleveland Street, Suite 400

(City) Virginia Beach (State) VA (Zip Code) 23462

Daytime telephone number of applicant (757) 552-1000 ext 43004 Fax (757) 671-1683

E-mail address of applicant: jwblum@chartway.com

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

2. Name of applicant: (Last) Mazzoni (First) Matthew (MI)

Mailing address of applicant (Street/P.O. Box): 293 Independence Blvd Pemboke 5, Suite 308

(City) Virginia Beach (State) VA (Zip Code) 23462

Daytime telephone number of applicant (757) 499-3510 Fax (757) 499-3110

E-mail address of applicant: MMazzoni@ionicdezigns.com

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

3. Name of property owner: (Last) Schools (First) Brian (MI) T

Mailing address of property owner (Street/P.O. box): 5700 Cleveland Street, Suite 400

(City) Virginia Beach (State) VA (Zip Code) 23462

Daytime telephone number of owner (757) 552-1000 email: btschools@chartway.com

CIVIC LEAGUE INFORMATION

Civic League contact: No Civic League

Date(s) contacted:

Ward/Super Ward information: 4 - Paul R. Riddick / 7 - Angelia Williams Graves

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: BRIAN T. SCHOOLS **Sign:** _____ 12/14/15
(Property Owner or Authorized Agent of Signature) (Date)

Print name: JOHN W. BLUM **Sign:** _____ 12/14/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: _____ **Sign:** _____ 12/14/15
(Authorized Agent Signature) (Date)
MATTHEW MAZZONI

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

MB 56 PG 48

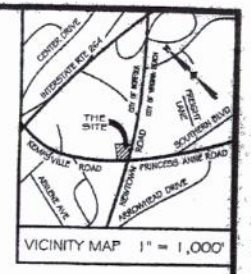
TO EXXONMOBIL OIL CORPORATION, BREEDEN AUTO CARE LLC, BANK OF HAMPTON ROADS, AND STEWART TITLE GUARANTY COMPANY, STEWART TITLE AND ASSOCIATES:
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999, AND INCLUDES ITEMS 1, 2, 3, 4, 7A, 8, 9, 10, 11A, AND 13 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NSPS, AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT PROPER FIELD PROCEDURES, INSTRUMENTATION, AND ADEQUATE SURVEY PERSONNEL WERE EMPLOYED IN ORDER TO ACHIEVE RESULTS COMPARABLE TO THOSE OUTLINED IN THE "MINIMUM ANGLE, DISTANCE, AND CLOSURE REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEYS."

DATE: Feb. 5, 2004

REGISTRATION NO. 1333

COMMONWEALTH OF VIRGINIA
STEPHEN I. BOONE
No. 1333
2/5/04
LAND SURVEYOR

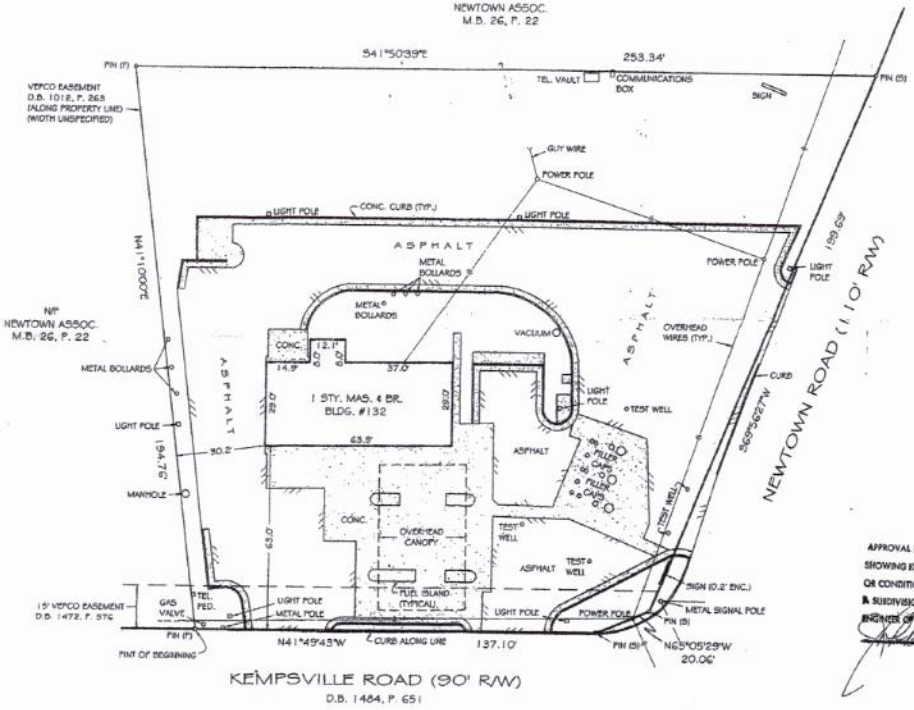
EXHIBIT "B"



VICINITY MAP 1" = 1,000'

LEGAL DESCRIPTION

BEGINNING AT A PIN ON THE EAST SIDE OF KEMPSVILLE ROAD; N 41°49'43" W, 137.10' FROM THE NORTH EAST INTERSECTION OF KEMPSVILLE ROAD AND NEWTOWN ROAD;
THENCE N 41°10'00" E, 194.75' TO A PIN;
THENCE S 41°50'39" E, 253.34' TO A PIN SET ON THE NORTHERN RIGHT OF WAY LINE OF NEWTOWN ROAD;
THENCE ALONG THE NORTHERN RIGHT OF WAY LINE OF NEWTOWN ROAD S 69°56'27" W, 199.69' TO A PIN SET;
THENCE CONTINUING ALONG THE RIGHT OF WAY OF NEWTOWN ROAD AND KEMPSVILLE ROAD N 65°05'29" W, 20.06' TO A PIN SET;
THENCE ALONG THE EASTERN RIGHT OF WAY LINE OF KEMPSVILLE ROAD N 41°49'43" W, 137.10' TO THE POINT OF BEGINNING.



APPROVAL FOR RECORDATION OF PLAT SHOWING EXISTING PROPERTY LINES AND/OR CONDITIONS AND NOT APPROVED AS A SUBDIVISION PLAT.
ENGINEER OF SURVEYS DATE

ALTA\ASCM SURVEY

OF

132 KEMPSVILLE ROAD, NORFOLK, VIRGINIA

A PORTION OF SITE A

MORSE REALTY CORPORATION

M.B. 21, P. 48

SCALE: 1" = 25' DATE: JANUARY 20, 2004

STEPHEN I. BOONE & ASSOCIATES, P.C.
LAND SURVEYORS
PORTSMOUTH, VIRGINIA

AREA OF SURVEY 0.89895 AC.

R.I.R. F.B. 436, P. 16 DR-50-265 PL 320 JOB #: 04-0005

ionic dezign studios

293 Independence Blvd.
Pembroke 5—Suite 308
Virginia Beach, VA 23462

Date: 26 JANUARY 2016
Project #: 140509

Chartway Federal Credit Union
Newtown Branch
Special Exemption Exhibits

ionic dezign studios
ARCHITECTURE
INTERIORS
GRAPHICS
751 INDEPENDENCE BOULEVARD
PEMBROKE FIVE - SUITE 200
VIRGINIA BEACH, VA 23462
P:757.490.5510 - Fax:757.499.3110
www.ionicdesigns.com
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Chartway Federal Credit Union—Newtown Branch

Newtown Road
Norfolk, VA

Newtown Road View

Project No: 140509 Date: 01/26/16

ionic dezign studios
ARCHITECTURE
INTERIORS
GRAPHICS
293 INDEPENDENCE BOULEVARD
PEMBROKE FIVE - SUITE 304
VIRGINIA BEACH, VA 23462
P:757.499.3516 - Fax:757.499.3116
www.ionicdezigns.com

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Chartway Federal Credit Union—Newtown Branch

Newtown Road
Norfolk, VA

Building View

Project No: 140509 Date: 01/26/16

ionic dezign studios
ARCHITECTURE
INTERIORS
GRAPHICS
203 INDEPENDENCE BOULEVARD
PEMBROKE FIVE SUITE 308
VIRGINIA BEACH, VA 23462
P:757.499.5516 - Fax:757.499.3118
www.ionicdezigns.com

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Chartway Federal Credit Union—Newtown Branch
Newtown Road
Norfolk, VA

Drive Thru—South View

Project No: 140509 Date: 01/26/16

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ARCHITECTURE
INTERIORS
GRAPHICS
253 INDEPENDENCE BOULEVARD
PEMBROKE FIVE · SUITE 308
VIRGINIA BEACH, VA 23462
P:757.499.3510 · Fax:757.499.3118
www.ionicdezigns.com

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Chartway Federal Credit Union—Newtown Branch

Newtown Road
Norfolk, VA

Drive Thru—North View

Project No: 140509 Date: 01/26/16

Planting Schedule

SYMBOL	QTY	BOTANICAL & COMMON PLANT NAME	SIZE	COMMENTS
CANOPY TREES				
AR	13	Acer rubrum 'October Brilliance' (October Brilliance)	Min. 8' Ht Min. 2.5" Caliper	
GV	8	Fagus grandifolia (American Beech)	Min. 8' Ht Min. 2.5" Caliper	
GL	5	Gleditsia triacanthus (Locksby-Bar)	Min. 8' Ht Min. 2.5" Caliper	
NS	7	Nyssa sylvatica (Black Gum)	Min. 8' Ht Min. 2.5" Caliper	
DECIDUOUS UNDERSTORY TREES				
AS	4	Acer saccharum subsp. leucoderme (Chalk Maple)	Min. 8' Ht Min. 2.5" Caliper	
SHRUBS				
IC	16	Ilex crenata 'Rotundifolia' (Roundleaf Japanese Holly)	18" Ht. Min.	
IG	26	Ilex glabra 'Shamrock' (Inkberry)	18" Ht. Min.	
LGP	53	Liriopeblum cn. var. rubrum 'Gimula Compact' (Ruby F. F.)	18" Ht. Min.	
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PA	41	Pennisetum alopecuroides 'Moudry' (Moudry Fountain Grass)	# 3 Container	

Yard Planting - Required Street Trees

1 Street Tree Required for every 25' of street frontage
Newtown Road Portion Applicable Frontage: 6 Trees required and provided
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Open Space Area Requirements

Parcel Area -	39,967 S.F.
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Proposed Trees	14
Total Interior Trees Provided	14

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.0342 acres x 25 lbs = 1lb.

BIORETENTION SEED MIX - 25 LBS/Ac

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Carex scoparia (BLUNT BROOM SEDGE)	10%
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Juncus tenuis, PA ecotype (PATH RUSH, PA ECOTYPE)	4%
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Scirpus cyperinus (WOOL GRASS)	3%
Verbena hastata (BLUE VERVAIN)	3%
Eupatorium fistulosum (JOE PYE WEED)	3%
Vernonia noveboracensis (IRONWEED)	3%
Agrostis perennans (AUTUMN BENT GRASS)	2%
Agrostis stolonifera (TICKLEGRASS - ROUGH BENT GRASS)	2%
Aster puniceus (PURPLE STEMMED ASTER)	2%
Bidens cernua (NODDING BUR MARIGOLD)	1%
	1%

BIORETENTION SEED MIXTURE MIXTURE FOR TOLERATION OF PERIODS OF INUNDATION.
Provide Straw coverage & regular water during seed germination time.

City of Norfolk Landscape Notes

1. All trees shall be a minimum of 2.5 inches in caliper and eight (8) feet in overall height at time of installation and of a variety which shall attain a mature spread of at least twenty(20) feet.
2. All plant materials shall meet the minimum specifications and standards described in the most current edition of American Standard for Nursery Stock, 1986 published by American Association of Nurserymen, 1250 I Street, N.W., Suite 500, Washington, D.C. 2005.
3. Planting season restrictions:
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   (d) All container grown plant material shall be installed from September 15 to May 15, unless otherwise authorized by the department of neighborhood and leisure services. In such cases, a bond or other form of surety covering the cost of installation of all landscape material and construction shall be required in conformance with provisions set forth in section 17-12.

Vertical Datum
ELEVATIONS ARE BASED ON NAVD88(99) CITY OF NORFOLK (2000)

Graphic Scale

NOT APPROVED FOR CONSTRUCTION

Pennoni
PENNONI ASSOCIATES INC.
349 Southport Circle, Suite 100
Virginia Beach, VA 23452
T 757.497.7472 F 757.497.0250

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2 N. INDEPENDENCE BOULEVARD
SUITE 5 ◇ VA BEACH, VA 23462
757-499-2500 ◇ fax 757-499-9160 ◇ www.ionicdesigns.com

STEPHEN L. STROTZ, No. 301342

Project # 100504
Scale 1" = 20'
Designed by TJH
Drawn by TJH
Checked by SLS
Date 01/26/16

CHARTWAY FCU SITE PLAN

LANDSCAPE PLAN

Sheet Number
CS2001

ionic dezign studios

Chartway Federal Credit Union—Newtown Branch

Newtown Road
Norfolk, VA

Site Plan

Project No: 140509 Date: 01/26/16

Whitney, Chris

From: Straley, Matthew
Sent: Wednesday, December 16, 2015 11:23 AM
To: 'dematchen@aol.com'
Cc: Riddick, Paul; Williams, Angelia M.; Goldin, Jamie; Whitney, Chris
Subject: new Planning Commission application - 132 Kempsville Road
Attachments: Chartway.pdf

Ms. Matchen,

Attached please find the application for a special exception to operate a commercial drive-through at 132 Kempsville Road.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Chris Whitney at (757) 823-1253, chris.whitney@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

THE CITY OF NORFOLK
CITY PLANNING

January 11, 2016

City of Virginia Beach
Department of Planning and Community Development
Barry Frankenfield
2405 Courthouse Drive, Building 2, Room 115
Virginia Beach, VA 23456

Dear Mr. Frankenfield,

The Norfolk Department of City Planning has recently received an application by **CHARTWAY FEDERAL CREDIT UNION** to operate a commercial drive-through facility on property located at 132 Kempsville Road, and located within one-half mile of the western corporate boundary of the City of Virginia Beach.

This item is tentatively scheduled for the Norfolk City Planning Commission public hearing to be held on January 28, 2016 at 2:30 p.m. in the City Council Chamber, 11th Floor, City Hall Building, Civic Center, Norfolk, Virginia.

If you would like additional information on the request, you may contact applicant, John Blum at (757) 552-1000, ext. 43004, jwblum@chartway.com, or you may telephone Chris Whitney on my staff at (757) 823-1253, chris.whitney@norfolk.gov. A copy of the complete application is enclosed.

This notice is being sent in accordance with the advertising requirements of the Code of Virginia, section 15.2-2204(c); pertaining to certain land use applications involving any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth. Because this notice is within the 10-day period before the scheduled date indicated above, you are asked to acknowledge your acceptance and receipt of this actual notice, in accordance with Virginia Code section 15.2-2204(c), either by signing a copy of this letter or by separate correspondence sent to this office.

Sincerely,

Leonard M. Newcomb III

Leonard M. Newcomb, III, CFM
Department of City Planning
Assistant Director

cc: Chris Whitney, CFM (email)

508 City Hall Building / Norfolk, Virginia 23510
Ph. (757) 664-4752 / Fax (757) 664-4748

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

February 9, 2016

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

Subject: **Special Exceptions to operate an eating and drinking establishment and sell alcohol for off-premises consumption at 150 Boush Street – Humboldt Steel Corp II**

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

Ward/Superward: 2/6

Approved: _____
Marcus D. Jones, City Manager

Item Number: R-19

I. **Staff Recommendation: Approval**.

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

III. **Request:** Special Exceptions to operate an eating and drinking establishment and sell alcohol for off-premises consumption

IV. **Applicant: Humboldt Steel Corp II**

V. **Description:**

- Granting this request will allow a new restaurant, Humboldt Steel Corp II, to open and serve alcoholic beverages to its patrons for both on-premises and off-premises consumption.
- The applicant proposes to follow the business model from their existing Portsmouth, VA location and sell 128-ounce growlers for off-premises consumption.
    - They also request permission to sell alcohol in different sized growlers and in six-packs and four-packs for future business model changes.

Staff point of contact: Chris Blough at 664-6771, Christopher.blough@norfolk.gov

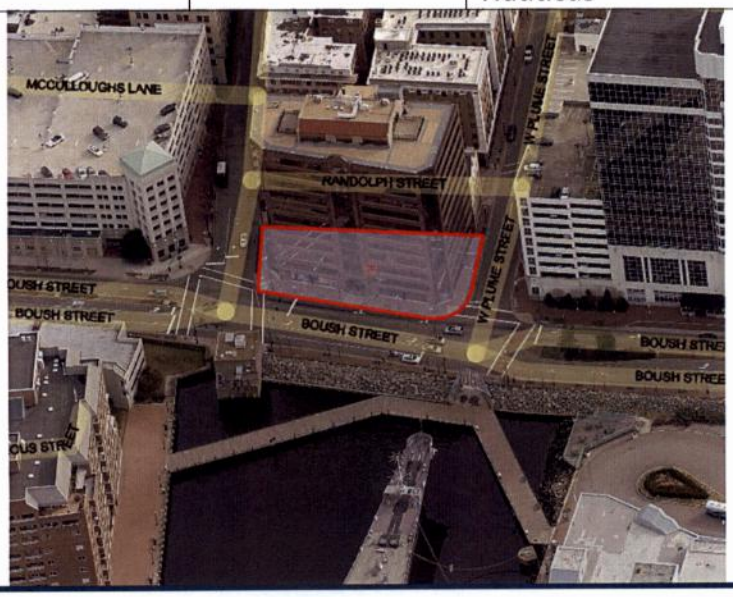
Attachments:

- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinances

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: January 28, 2016
Executive Secretary: George M. Homewood, AICP, CFM
Planner: Chris Blough

Staff Report	**Item No. 13**	
Address	**150 Boush Street**	
Applicant	**Humboldt Steel Corp II**	
Request	**Special Exception**	• **Eating and drinking establishment** • **Sale of alcoholic beverages for off-premises consumption**
Property Owner	CIG Town Point Center, LLC	
Site Characteristics	Building Area/Space	131,000 sq. ft./1,983 sq. ft.
	Future Land Use Map	Downtown
	Zoning	D-2 (Downtown Regional Center District)
	Neighborhood	Downtown
	Character District	Downtown
Surrounding Area	North	D-3 (Freemason/Granby Conservation and Mixed Use District): Boush Street Garage
	East	D-2: Residential Apartments
	South	D-2: Suntrust Building
	West	D-1 (Downtown Waterfront District): Nauticus



A. Summary of Request

- Granting this request will allow a new restaurant, Humboldt Steel Corp II, to open and serve alcoholic beverages to its patrons for both on-premises and off-premises consumption.
- The applicant proposes to follow the business model from their existing Portsmouth, VA location and sell 128-ounce growlers for off-premises consumption.
    - They also request permission to sell alcohol in different sized growlers and in six-packs and four-packs for future business model changes.

B. Plan Consistency

The proposed special exceptions are consistent with *plaNorfolk2030*, which designates this site as downtown.

C. Zoning Analysis

i. General

- The site is located in the D-2 district, which permits the proposed use by special exception.

	Proposed (Humboldt Steel Corp II)
Hours of Operation and Hours for the Sale of Alcoholic Beverages	10:00 a.m. until 2:00 a.m., Seven Days a Week
Hours for the Sale of Alcoholic Beverages for Off-Premises Consumption	10:00 a.m. until 2:00 a.m., Seven Days a Week
Capacity	52 seats indoors 0 seats outdoors 70 total capacity

- Special Exception history:

City Council Approval	Applicant	Request
Pending	Humboldt Steel Corp II	• Eating and Drinking Establishment • Sale of Alcoholic Beverages for Off-Premises Consumption

ii. Parking

The site is located within the D-2 zoning district, which does not require off-street parking.

iii. Flood Zone

- The property is located in the X, X (Shaded), and AE flood zones, which are low-to moderate and high risk flood zones.
- There are no planned structural changes to the property.

D. Transportation Impacts

Institute of Transportation Engineers (ITE) figures estimate that this new restaurant will generate 251 new vehicle trips per day.

E. Historic Resources Impacts

- The building is located within the Downtown Historic Overlay District and is a contributing structure within a federal and state designated historic district.
- Any modifications to the exterior of the building shall be subject to the Architectural Review Board for review and approval.

F. Public Schools Impacts

This site is located within the Tidewater Park Elementary School, Blair Middle School, and Maury High School Attendance Zones.

G. Environmental Impacts

There are currently no opportunities for landscaping site improvements to this existing building.

H. Surrounding Area/Site Impacts

By requiring this use to conform to the conditions listed below, the proposed eating and drinking establishment should not have a negative effect on the surrounding neighborhood.

I. Payment of Taxes

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

J. Civic League

The application was sent to the Downtown Norfolk Civic League, Downtown Norfolk Council, and Freemason Street Area Association on December 16.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

L. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

Eating and Drinking Establishment

(a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 10:00 a.m. until 2:00 a.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The seating for the establishment shall not exceed 52 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 70 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

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

(d) The establishment shall maintain a current, active business license at all times while in operation.

(e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(h) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(i) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(k) There shall be no entertainment, no dancing, and no dance floor provided.

(l) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(m) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Sale of Alcoholic Beverages for Off-Premises Consumption

(a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 10:00 a.m. until 2:00 a.m., seven days a week.

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

(c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.

(d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.

(e) Beer shall be sold only in growler containers, either sold on-premises or provided by the customer for refill, which are exclusively produced in bottles of 32 ounces or greater. No wine shall be sold or refilled in containers less than 375 ml each.

(f) The facility shall maintain a current, active business license at all times while in operation.

(g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

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

(j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
Notice to the Downtown Norfolk Civic League, Downtown Norfolk Council, and Freemason Street Area Association
Letter of No Opposition from the Downtown Norfolk Council and Downtown Norfolk Civic League

Proponents and Opponents

Proponents

Rick Henn
1400 Granby Street
Norfolk, VA 23510

Opponents

03

01/25/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "HUMBOLDT STEEL CORPORATION II" ON PROPERTY LOCATED AT 150 BOUSH STREET.

- - -

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

Section 1:- That a Special Exception is hereby granted to Humboldt Steel Corporation II authorizing the operation of an eating and drinking establishment named "Humboldt Steel Corporation II" on property located at 150 Boush Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 103 feet, more or less, along the southern line of West City Hall Avenue, 166 feet, more or less, along the eastern line of Boush Street, and 77 feet, more or less, along the northern line of West Plume Street; premises numbered 150 Boush Street.

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

(a) The hours of operation for the establishment and for the sale of alcoholic beverages for on-premises consumption shall be limited to 10:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The seating for the establishment shall not exceed 52 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 70 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

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

(d) The establishment shall maintain a current, active business license at all times while in operation.

(e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(h) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(i) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to

operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(k) There shall be no entertainment, no dancing, and no dance floor provided.

(l) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(m) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

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

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was

enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting the sale of alcoholic beverages for on-premises consumption on this property, adopted on May 26, 1987 (Ordinance No. 34,490). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

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

ATTACHMENTS:
Exhibit A (4 pages)
Exhibit B (1 page)

EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 12/2/2015

Trade name of business Humboldt steel corp II

Address of business 150

Name(s) of business owner(s)* Christopher Bowman

Name(s) of property owner(s)* CIG Town Point Center, LLC

Daytime telephone number (757) 635-6022

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

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales		
Weekday	From 10:00	To 2:00 AM	Weekday	From 10:00	To 2:00 AM
Friday	From 10:00	To 2:00 AM	Friday	From 10:00	To 2:00 AM
Saturday	From 10:00	To 2:00 AM	Saturday	From 10:00	To 2:00 AM
Sunday	From 10:00	To 2:00 AM	Sunday	From 10:00	To 2:00 AM

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

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

4. Will indoor or outdoor entertainment be provided?
(Entertainment consists of anything more than one, unamplified musician)
☐ Yes (Different application required) ☑ No

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(Revised January 2015)

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

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

2 Bar top games (in the Future)

Juke Box

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

6a. If yes, why

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

Monday Tuesday Wednesday Thursday Friday

Saturday Sunday

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

7a. If yes, explain

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

8a. If yes, explain

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

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(Revised January 2015)

Eating and Drinking Establishment

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

10 YEARS in Restraunt industry

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

Signature of Applicant

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

- Complete this worksheet based for each floor plan submitted with application.

- Floor plan must be prepared by a registered design professional and include:
    - Tables/seats
    - Restroom facilities
    - Bar
    - Ingress and egress
    - Standing room
    - Outdoor seating
    - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)	42
Number of bar seats	10
Standing room	4

b. Outdoor

Number of seats	0

c. Number of employees 14

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 70

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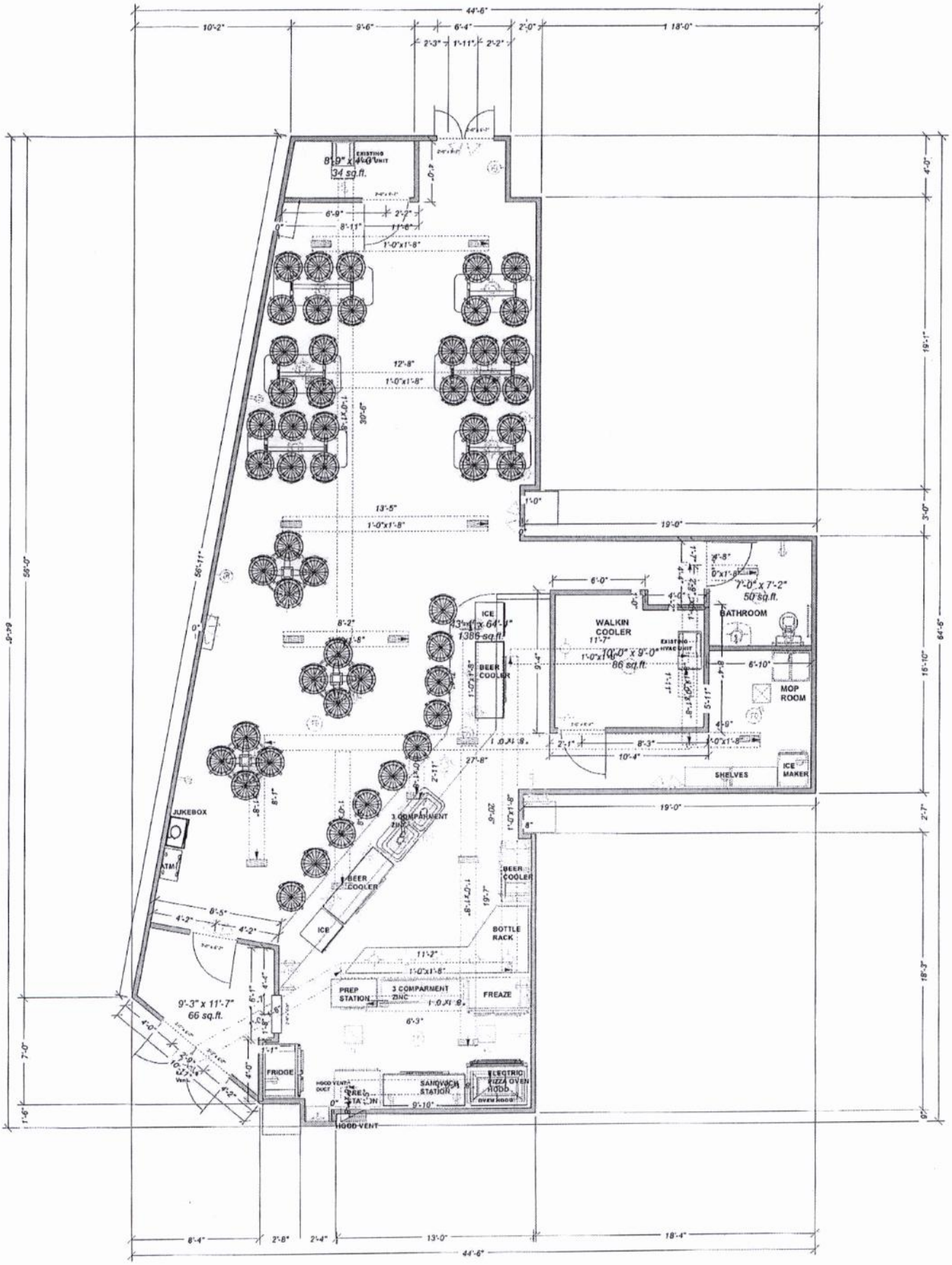
Exhibit B

HUMBOLDT STEEL CORP.
150 BOUSH STREET
NORFOLK, VA



GENERAL PLAN

01/25/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "HUMBOLDT STEEL CORPORATION II" ON PROPERTY LOCATED AT 150 BOUSH STREET.

- - -

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

Section 1:- That a Special Exception is hereby granted to Humboldt Steel Corporation II authorizing the sale of beer and wine for off-premises consumption at an establishment known as "Humboldt Steel Corporation II" on property located at 150 Boush Street. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 103 feet, more or less, along the southern line of West City Hall Avenue, 166 feet, more or less, along the eastern line of Boush Street, and 77 feet, more or less, along the northern line of West Plume Street; premises numbered 150 Boush Street.

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

(a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 10:00 a.m. until 12:00 midnight, seven days per week. No alcoholic beverages shall be sold for off-premises consumption outside the hours listed herein.

(b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days

after the change or until a new special exception is granted showing the new owner, whichever is earlier.

(c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.

(d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.

(e) No refillable containers or containers that are filled one time, on site, and which have less than 32 oz. capacity shall be sold. No wine shall be sold in containers less than 375 ml each.

(f) The facility shall maintain a current, active business license at all times while in operation.

(g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(i) A copy of this Special Exception ordinance and

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

(j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

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

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

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and

services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

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

ATTACHMENT:
Exhibit A (3 pages)

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

Date of Application: 12/2/2015

Name of business: Humboldt steel corp. II

Address of business: 150 Bousch Street

Name(s) of business owner(s)*: Christopher Bowman / Humboldt steel corp.

Name(s) of property owner(s)*: c/o Town Point Center, LLC

Name(s) of business manager(s)/operator(s): Christopher Bowman

Daytime telephone number (757): 635-6022

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

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales		
Weekday	From 10:00 am	To 2:00 Am	Weekday	From 10:00 Am	To 2:00 Am
Friday	From 10:00 AM	To 2:00 Am	Friday	From 10:00 Am	To 2:00 Am
Saturday	From 10:00 AM	To 2:00 Am	Saturday	From 10:00 AM	To 2:00 Am
Sunday	From 10:00 AM	To 2:00 Am	Sunday	From 10:00 AM	To 2:00 Am

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

3. Alcoholic beverages to be sold:
   ☑ Room temperature ☑ Refrigerated

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(Revised January, 2015)

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

Date of Application: 12/2/2015

Name of business: Humboldt steel corp. II

Address of business: 150 Boush Street

Name(s) of business owner(s)*: Christopher Bowman / Humboldt steel corp.

Name(s) of property owner(s)*: CIGTown Point Center, LLC

Name(s) of business manager(s)/operator(s): Christopher Bowman

Daytime telephone number (757): 635-6022

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

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales		
Weekday	From 10:00 am	To 2:00 Am	Weekday	From 10:00 Am	To 2:00 Am
Friday	From 10:00 Am	To 2:00 Am	Friday	From 10:00 Am	To 2:00 Am
Saturday	From 10:00 Am	To 2:00 Am	Saturday	From 10:00 Am	To 2:00 Am
Sunday	From 10:00 Am	To 2:00 Am	Sunday	From 10:00 Am	To 2:00 Am

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

3. Alcoholic beverages to be sold:
   ☑ Room temperature ☑ Refrigerated

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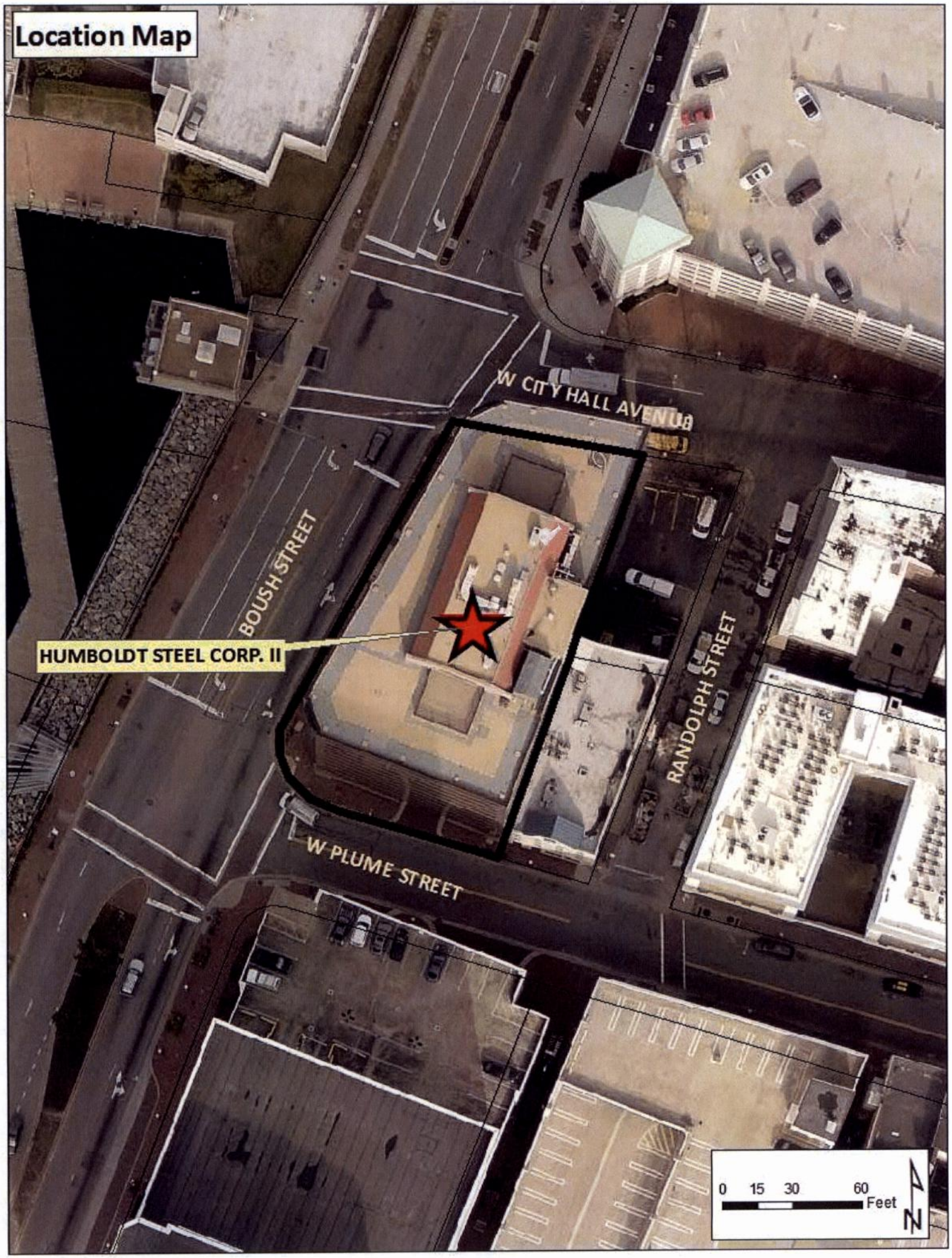
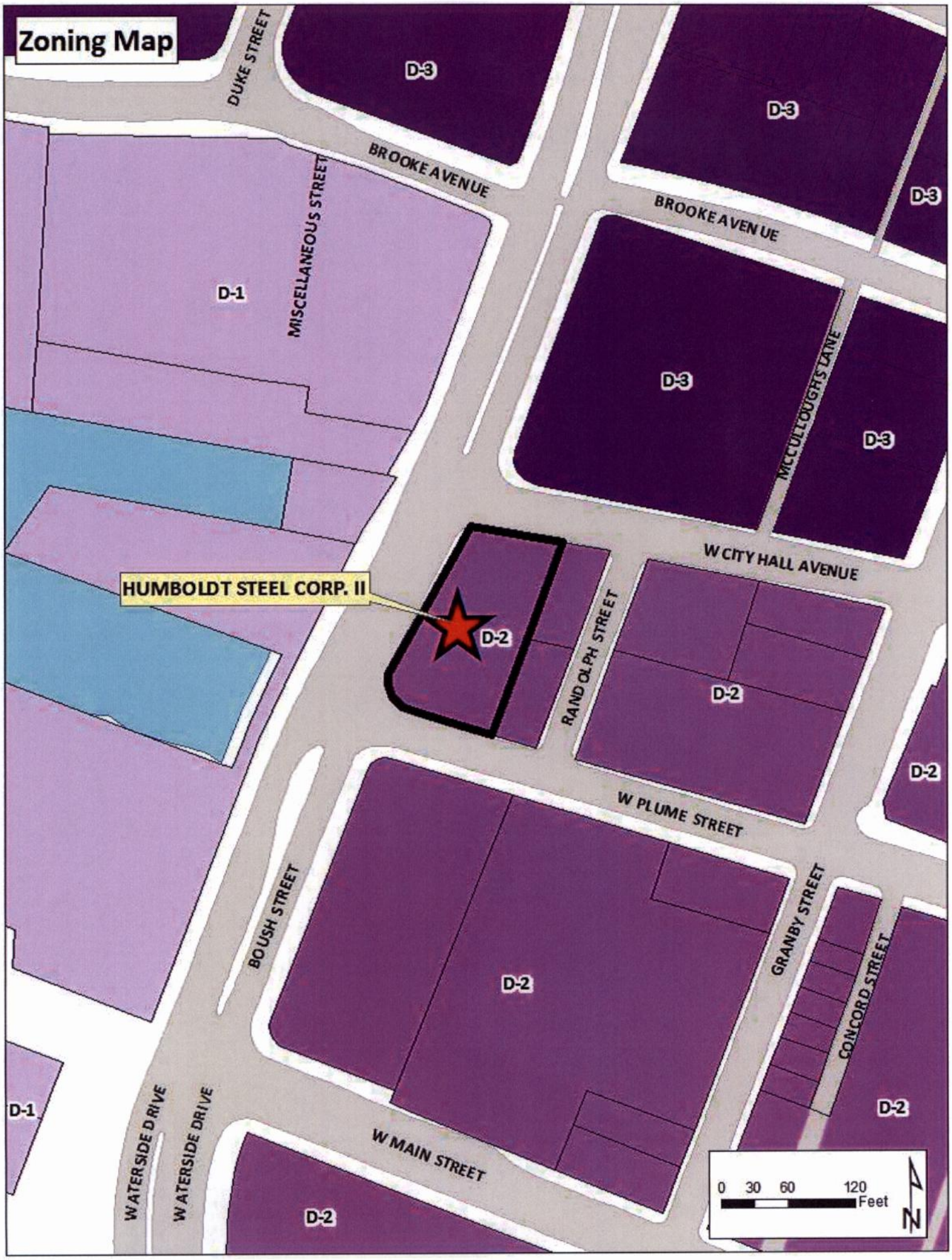
(Revised January, 2015)

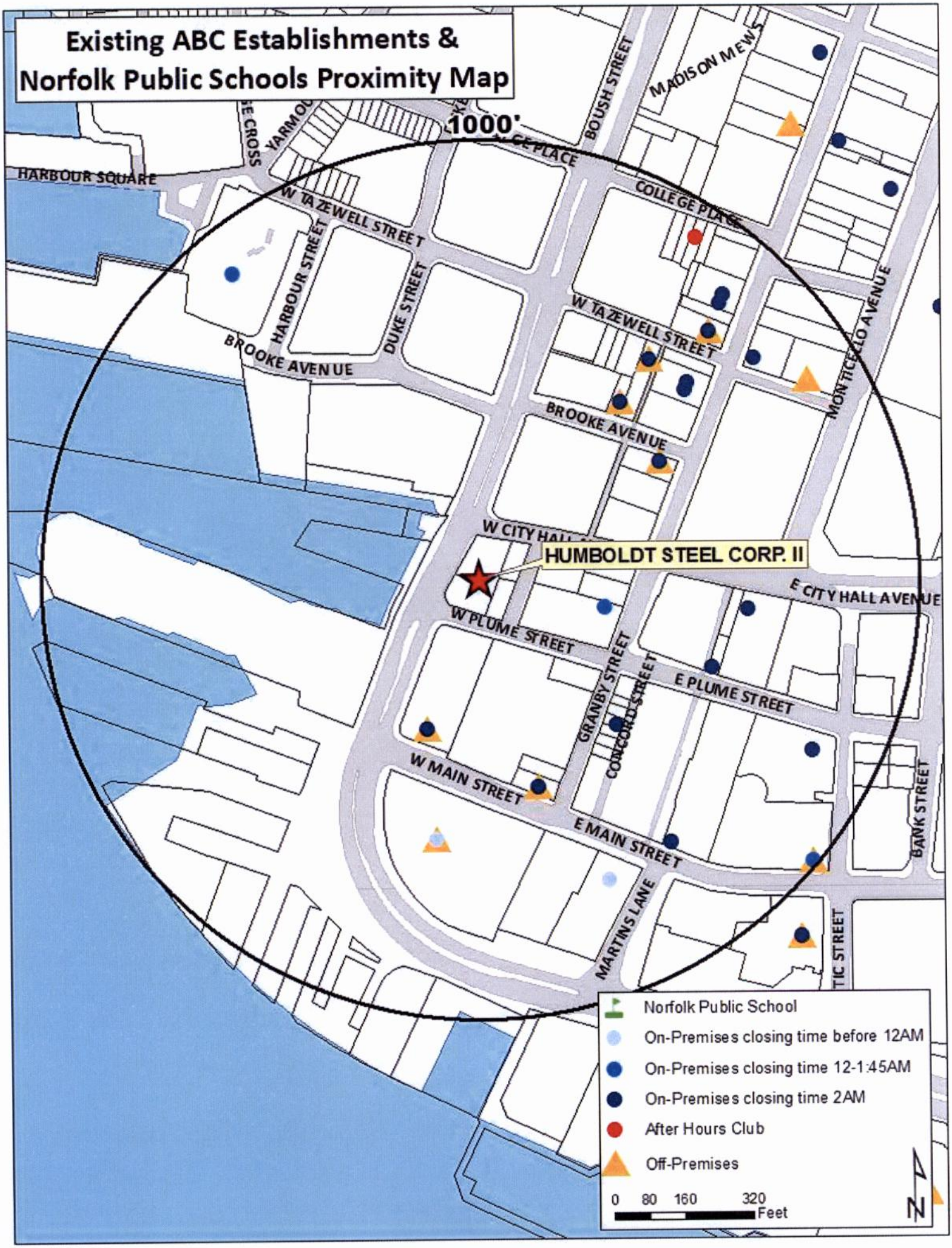
4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes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

128 oz GROWLERS

Signature of applicant/owner


Location Map
W CITY HALL AVENUE
BOUSH STREET
HUMBOLDT STEEL CORP. II
RANDOLPH STREET
W PLUME STREET
0 15 30 60
Feet
N


Zoning Map
DUKE STREET
D-3
D-3
D-3
BROOKE AVENUE
BROOKE AVENUE
MISCELLANEOUS STREET
D-1
D-3
D-3
MCCULLOUGHS LANE
W CITY HALL AVENUE
HUMBOLDT STEEL CORP. II
D-2
RANDOLPH STREET
D-2
D-2
W PLUME STREET
BOUSH STREET
GRANBY STREET
D-2
CONCORD STREET
D-1
D-2
WATERSIDE DRIVE
WATERSIDE DRIVE
W MAIN STREET
D-2
0 30 60 120
Feet
N


Existing ABC Establishments &
Norfolk Public Schools Proximity Map
1000'
HUMBOLDT STEEL CORP. II
HARBOUR SQUARE
W TAZEWELL STREET
HARBOUR STREET
DUKE STREET
BROOKE AVENUE
BOUSH STREET
MADISON MEWS
COLLEGE PLACE
MONTICELLO AVENUE
W CITY HALL AVENUE
E CITY HALL AVENUE
W PLUME STREET
E PLUME STREET
GRANBY STREET
CONCORD STREET
W MAIN STREET
E MAIN STREET
MARTINS LANE
BANK STREET
Norfolk Public School
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

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

Date 12/2/2015

DESCRIPTION OF PROPERTY

Address 150 Bousch Street

Existing Use of Property Office Bldg w/ ground floor retail

Proposed Use Same

Current Building Square Footage 131,000 1,983 LEAST Restaurant

Proposed Building Square Footage Same

Trade Name of Business (if applicable) CIG Town Point Center, 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) Bowman (First) Christopher (MI) J

Mailing address of applicant (Street/P.O. Box): PO Box 9423

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

Daytime telephone number of applicant (757) 635-6022 Fax ( )

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

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

2. Name of applicant: (Last) HENN (First) Rick (MI) J

Mailing address of applicant (Street/P.O. Box): 1400 Granby St Unit 407

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of applicant ( ) 6156905 Fax ( )

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

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

CIG Town Point Center, LLC

3. Name of property owner: (Last) Boehmke (First) Brian (MI) E

Mailing address of property owner (Street/P.O. box): 150 Boush Street, Suite 705

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of owner (757) 490-1193 email: Brian@cohenintestmentgrp.com

CIVIC LEAGUE INFORMATION

Civic League contact: _____

Date(s) contacted: _____

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS

- Required application fee, **$355.00** (if check, make payable to the City of Norfolk).
  - Application fee includes a non-refundable $5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
  - Existing and proposed building structures
  - Driveways
  - Parking
  - Landscaping
  - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

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

Print name: Brian Boehmcke **Sign:** _____ 12/2/15
(Property Owner) (Date)

Print name: Christopher Bowman **Sign:** _____ 12/2/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: Rick Hemm **Sign:** _____ 11/26/15
(Authorized Agent Signature) (Date)

NOTES:

1. THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF A TITLE REPORT PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO. [illegible], COMMITMENT DATE: MARCH 7, 2014 AT 8:00 A.M.

2. FLOOD ZONE INFORMATION SHOWN HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED FROM F.E.M.A. FLOOD MAPS. MSA, P.C. IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. FOR FURTHER INFORMATION AND TO CONFIRM THE FLOOD ZONE FOR THIS PROPERTY, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.

THIS PROPERTY APPEARS TO FALL IN
FLOOD ZONE: "SHADED X"
COMMUNITY NO.: 510104
PANEL: 0130F, DATED: SEPTEMBER 2, 2009

FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE.

3. THIS SURVEY DOES NOT ADDRESS THE EXISTENCE OR NONEXISTENCE OF WETLANDS, ENVIRONMENTAL HAZARDS, CEMETERIES OR ANY UNDERGROUND STRUCTURE NOT OBSERVED DURING THE COURSE OF THE SURVEY.

4. AS PER CITY OF NORFOLK ZONING DEPARTMENT, THIS SITE IS ZONED D-2 (DOWNTOWN [illegible] DISTRICT), NORFOLK'S SETBACK REQUIREMENTS AS PER ZONING ORDINANCE:

FRONT=0', REAR=0', SIDE=0'

5. EXISTING PAINTED PARKING SPACES OUTSIDE (PARCEL 2):

EXISTING PAINTED SPACES	=	3 SPACES
EXISTING HC SPACES	=	1 SPACES
TOTAL SPACES	=	4 SPACES

6. NORTH MERIDIAN SHOWN HEREON IS BASED ON DEED BOOK 1542, PAGE 187 & DEED BOOK 1443, PAGE 563.

7. LOCATION OF UNDERGROUND NON-QUALITY UTILITIES SHOWN ON THIS SURVEY ARE BASED ON SURFACE INDICATIONS OF SUBTERRANEAN USE. THIS SURVEY DOES NOT GUARANTEE THE EXISTENCE OR NONEXISTENCE OF UNDERGROUND UTILITIES.

SCHEDULE B – SECTION II, EXCEPTIONS

1. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT...IF ANY CREATED AT TIME OF SURVEY THEN SHOWN ON SURVEY

2. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS...NOT PLOTTABLE

3. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND. THE TERM "ENCROACHMENT" INCLUDES ENCROACHMENTS OF EXISTING IMPROVEMENTS LOCATED ON THE LAND ONTO ADJOINING LAND, AND ENCROACHMENTS ONTO THE LAND OF EXISTING IMPROVEMENTS LOCATED ON ADJOINING LAND...IF ANY OBSERVED AT TIME OF SURVEY THEN SHOWN ON SURVEY

4. EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS...IF ANY OBSERVED AT TIME OF SURVEY THEN SHOWN ON SURVEY

5. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS...NOT A SURVEY ITEM

6. TAXES OR SPECIAL ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE PUBLIC RECORDS...NOT A SURVEY ITEM

7. TAXES SUBSEQUENT TO THOSE FOR THE FOURTH (4TH) QUARTER OF FISCAL YEAR 2013/2014, A LIEN NOT YET DUE AND PAYABLE...NOT A SURVEY ITEM

8. TERMS, PROVISIONS AND CONDITIONS OF LEASE AGREEMENT BETWEEN THE RUNNYMEDE CORPORATION, LESSOR, AND ROBINSON, MCTUNE & ELLIS, INC., LESSEE, DATED OCTOBER 22, 1984, AMENDED SEPTEMBER 4, 1985, AS EVIDENCED BY MEMORANDUM OF LEASE RECORDED SEPTEMBER 25, 1985, IN DEED BOOK 1948, AT PAGE 933; AS ASSIGNED BY ASSIGNMENT RECORDED SEPTEMBER 25, 1985, IN DEED BOOK 1848, AT PAGE 942; AS AMENDED BY AMENDED AND RESTATED MEMORANDUM OF LEASE, DATED MARCH 13, 1987, RECORDED MARCH 17, 1987, IN DEED BOOK 1996, AT PAGE 636, ASSIGNED BY ASSIGNMENT OF LEASE DATED JUNE 23, 1992, RECORDED JULY 22, 1994, IN DEED BOOK 2038, AT PAGE 191, ASSIGNED TO TOWN POINT FINANCIAL ASSOCIATES, LLC AND 435 EAST TOWN POINT BY ASSIGNMENT AND ASSUMPTION OF DEED OF LEASE DATED JULY 15, 2008 AND RECORDED JULY 16, 2008 AT INSTRUMENT NO. [illegible]. (AS TO PROPERTY 1)...TERMS, PROVISIONS AND CONDITIONS NOT PLOTTABLE

9. EASEMENT GRANTED CITY OF NORFOLK BY INSTRUMENT RECORDED AT INSTRUMENT NO. [illegible], MATTERS SHOWN OR NOTED ON PLAT ATTACHED THERETO AND RIGHTS OF OTHERS IN AND TO THE USE OF THAT PORTION OF THE SUBJECT PROPERTY WHICH LIES WITHIN PEDESTRIAN TRAFFIC EASEMENTS. (AS TO PROPERTY 1)...SHOWN ON SURVEY

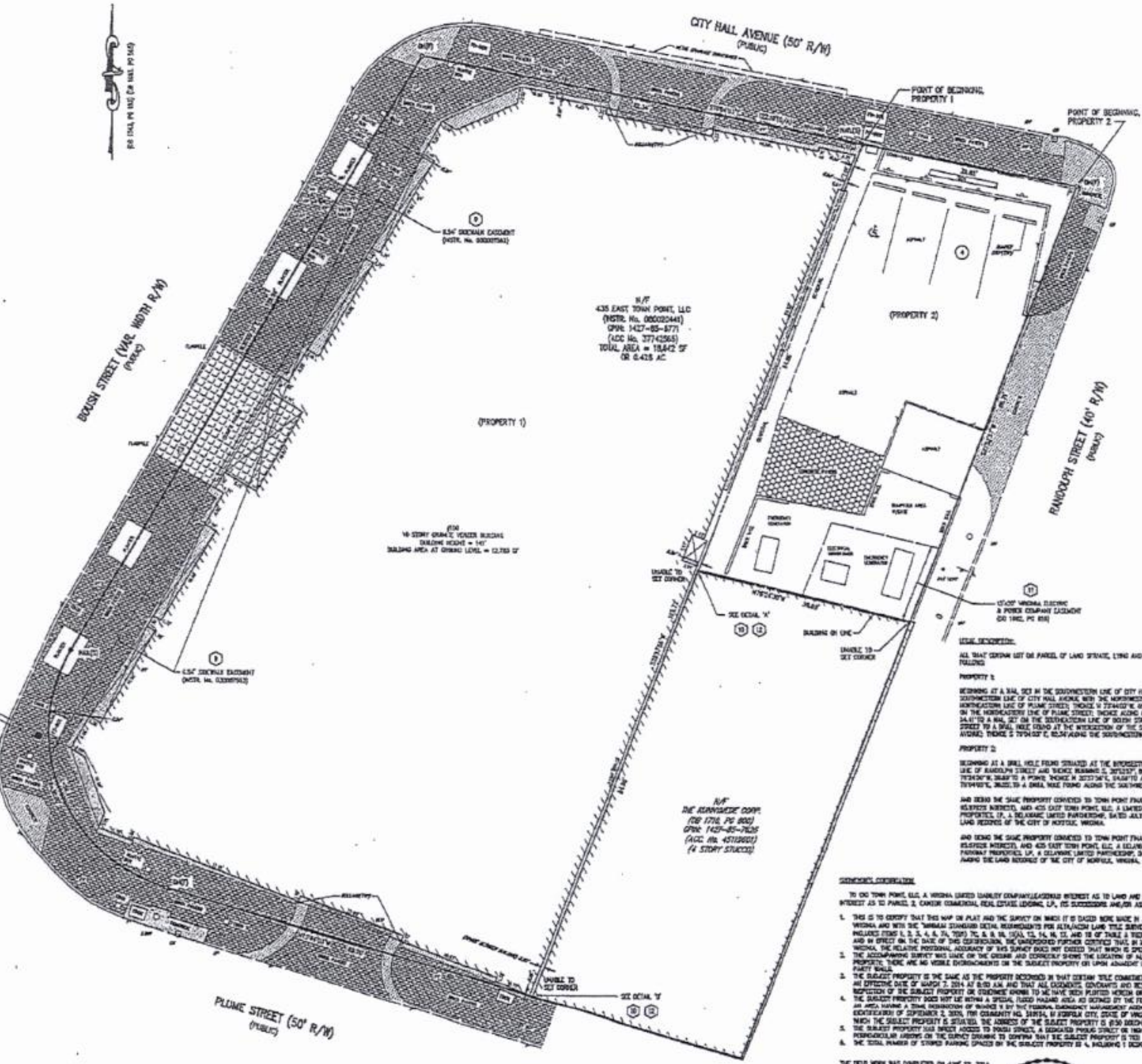
10. TERMS, PROVISIONS, CONDITIONS AND EASEMENTS AS SET FORTH IN ENCROACHMENT AGREEMENT RECORDED AT INSTRUMENT NO. [illegible]. (AS TO PROPERTY 1)...SHOWN ON SURVEY

11. EASEMENT GRANTED VIRGINIA ELECTRIC AND POWER COMPANY BY INSTRUMENT RECORDED IN DEED BOOK 1802, AT PAGE 858. (AS TO PROPERTY 2)...SHOWN ON SURVEY

12. TERMS, PROVISIONS, CONDITIONS AND EASEMENTS AS SET FORTH IN ENCROACHMENT AGREEMENT RECORDED AT INSTRUMENT NO. [illegible]. (AS TO PROPERTY 1)...SHOWN ON SURVEY

13. RIGHTS OF TENANTS IN POSSESSION UNDER UNRECORDED LEASES...NOT A SURVEY ITEM

14. MATTERS AS SHOWN OR NOTED ON PLAT OF SURVEY BY LANDMARK DESIGN GROUP, DESIGNATED AS DRAWING NO. 22105, DATED JUNE 18, 2008. SUCH STATE OF FACTS OCCURRING SUBSEQUENT TO JUNE 18, 2008 AS WOULD BE DISCLOSED BY AN ACCURATE SURVEY AND INSPECTION OF THE PREMISES...SHOWN ON SURVEY



CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	30.00'	54.41'	38.33'	47.55'	N21° 47' 36"W	103°54'27"

FB: 617, PG 25

LOCATION MAP – SCALE: 1" = 2,000'

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ALTA SURVEY LEGEND	
SYMBOL/ABBREVIATION	DESCRIPTION
○	MANHOLE
CO	SANITARY CLEANOUT
DI	DROP INLET
PP	POWER POLE
LP	LIGHT POLE
PED	PEDESTAL
	CURB AND GUTTER
	PROPERTY LINE
	BUILDINGS
OHE / OHT	ELECTRIC & TELEPHONE LINE
	MAIL BOX
	PAVEMENT
	CONCRETE
	IRON PIN FOUND – PN(F)
	IRON PIN SET – PN(S)
	DRILL HOLE SET – DH(S)
	MONUMENT FOUND – MON(F)
	MONUMENT SET – MON(S)
(#)	NUMBER OF PARKING SPACES
⬡	SCHEDULE B, EXCEPTION
(ENCR)	ENCROACHMENT
(F)	FIELD
(D)	DEED

LEGAL DESCRIPTION:

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF NORFOLK, VIRGINIA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PROPERTY 1:

BEGINNING AT A NAIL SET IN THE SOUTHWESTERN LINE OF CITY HALL AVENUE, N [illegible] FROM THE INTERSECTION OF THE SOUTHWESTERN LINE OF CITY HALL AVENUE WITH THE NORTHWESTERN LINE OF RANDOLPH STREET; THENCE S [illegible] TO A POINT ON THE NORTHEASTERN LINE OF PLUME STREET; THENCE N [illegible] ALONG THE NORTHEASTERN LINE OF PLUME STREET TO A DRILL HOLE FOUND ON THE NORTHEASTERN LINE OF PLUME STREET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET, AN ARC DISTANCE OF 54.41' TO A NAIL SET ON THE SOUTHEASTERN LINE OF BOUSH STREET; THENCE N [illegible] ALONG THE SOUTHEASTERN LINE OF BOUSH STREET TO A DRILL HOLE FOUND AT THE INTERSECTION OF THE SOUTHEASTERN LINE OF BOUSH STREET WITH THE SOUTHWESTERN LINE OF CITY HALL AVENUE; THENCE S [illegible] ALONG THE SOUTHWESTERN LINE OF CITY HALL AVENUE TO THE POINT OF BEGINNING.

PROPERTY 2:

BEGINNING AT A DRILL HOLE FOUND SITUATED AT THE INTERSECTION OF THE SOUTHWESTERN LINE OF CITY HALL AVENUE WITH THE NORTHWESTERN LINE OF RANDOLPH STREET AND THENCE RUNNING S [illegible] ALONG THE NORTHWESTERN LINE OF RANDOLPH STREET TO A POINT; THENCE N [illegible] TO A POINT; THENCE N [illegible] TO A NAIL SET ON THE SOUTHWESTERN LINE OF CITY HALL AVENUE; THENCE S [illegible] TO A DRILL HOLE FOUND ALONG THE SOUTHWESTERN LINE OF CITY HALL AVENUE TO THE POINT OF BEGINNING.

AND BEING THE SAME PROPERTY CONVEYED TO TOWN POINT FINANCIAL ASSOCIATES, LLC, A DELAWARE LIMITED LIABILITY COMPANY (AS TO A [illegible] INTEREST), AND 435 EAST TOWN POINT, LLC, A LIMITED LIABILITY COMPANY (AS TO A [illegible] INTEREST) BY DEED FROM PARKWAY PROPERTIES, LP, A DELAWARE LIMITED PARTNERSHIP, DATED JULY 15, 2008, RECORDED JULY 16, 2008 AT INSTRUMENT NO. [illegible] AMONG THE LAND RECORDS OF THE CITY OF NORFOLK, VIRGINIA.

AND BEING THE SAME PROPERTY CONVEYED TO TOWN POINT FINANCIAL ASSOCIATES, LLC, A DELAWARE LIMITED LIABILITY COMPANY (AS TO A [illegible] INTEREST), AND 435 EAST TOWN POINT, LLC, A DELAWARE LIMITED LIABILITY COMPANY (AS TO A [illegible] INTEREST) BY DEED FROM PARKWAY PROPERTIES, LP, A DELAWARE LIMITED PARTNERSHIP, DATED JULY 15, 2008, RECORDED JULY 16, 2008 AT INSTRUMENT NO. [illegible] AMONG THE LAND RECORDS OF THE CITY OF NORFOLK, VIRGINIA.

SURVEYOR'S CERTIFICATION

TO OD TOWN POINT, LLC, A VIRGINIA LIMITED LIABILITY COMPANY/LEASEHOLD INTEREST AS TO LAND AND FEE SIMPLE TITLE AS TO THE BUILDING AND IMPROVEMENTS PARCEL 1, FEE SIMPLE INTEREST AS TO PARCEL 2, CANTOR COMMERCIAL REAL ESTATE LENDING, LP, ITS SUCCESSORS AND/OR ASSIGNS AND FIDELITY NATIONAL TITLE INSURANCE COMPANY:

1. THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH ALL APPLICABLE LAWS REGULATING SURVEYING IN THE STATE OF VIRGINIA AND WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA, AND NSPS IN 2011, AND INCLUDES ITEMS 1, 2, 3, 4, 6, 7A, 7B(1) 7C, 8, 9, 10, 11(A), 13, 14, 16, 17, AND 18 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, THE UNDERSIGNED FURTHER CERTIFIES THAT, IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF VIRGINIA, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.
2. THE ACCOMPANYING SURVEY WAS MADE ON THE GROUND AND CORRECTLY SHOWS THE LOCATION OF ALL BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE SUBJECT PROPERTY; THERE ARE NO VISIBLE ENCROACHMENTS ON THE SUBJECT PROPERTY OR UPON ADJACENT LAND ABUTTING SUBJECT PROPERTY EXCEPT AS SHOWN HEREON; AND THERE ARE NO PARTY WALLS.
3. THE SUBJECT PROPERTY IS THE SAME AS THE PROPERTY DESCRIBED IN THAT CERTAIN TITLE COMMITMENT NO. [illegible], ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY WITH AN EFFECTIVE DATE OF MARCH 7, 2014 AT 8:00 A.M. AND THAT ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT OR APPARENT FROM A PHYSICAL INSPECTION OF THE SUBJECT PROPERTY OR OTHERWISE KNOWN TO ME HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE SUBJECT PROPERTY.
4. THE SUBJECT PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE SUBJECT PROPERTY IS LOCATED IN AN AREA HAVING A ZONE DESIGNATION OF "SHADED X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. [illegible] WITH A DATE OF IDENTIFICATION OF SEPTEMBER 2, 2009, FOR COMMUNITY NO. 510104, IN NORFOLK CITY, STATE OF VIRGINIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH THE SUBJECT PROPERTY IS SITUATED. THE ADDRESS OF THE SUBJECT PROPERTY IS 150 BOUSH STREET.
5. THE SUBJECT PROPERTY HAS DIRECT ACCESS TO BOUSH STREET, A DEDICATED PUBLIC STREET OR HIGHWAY. THE WIDTHS OF ALL ADJACENT RIGHTS-OF-WAY ARE INDICATED BY PERPENDICULAR ARROWS ON THE SURVEY DRAWING TO CONFIRM THAT THE SUBJECT PROPERTY IS TIED TO THE SAME.
6. THE TOTAL NUMBER OF STRIPED PARKING SPACES ON THE SUBJECT PROPERTY IS 4, INCLUDING 1 DESIGNATED HANDICAP SPACES.

THE FIELD WORK WAS COMPLETED ON JUNE 23, 2014.

DATE OF PLAT OR MAP: JULY 3, 2014

JEFFREY A. WERNETHER, L.S. 2306

COMMONWEALTH OF VIRGINIA
JEFFREY A. WERNETHER
Lic. No. 2306
LAND SURVEYOR

10' 0' 10' 20'

GRAPHIC SCALE
1" = 10'

MSA, P.C.
Environmental Sciences • Planning • Surveying
Civil & Environmental Engineering • Landscape Architecture
5033 Rouse Drive, Virginia Beach, VA 23462
757-490-9264 (Ofc) 757-490-0634 (Fax)
www.msaonline.com

DESIGNED	GJS
DRAWN	JW
CHECKED	JW
APPROVED	JW
DATE	7-3-14

REVISIONS

ALTA/ACSM LAND TITLE SURVEY
OF
150 BOUSH STREET

NORFOLK VIRGINIA

SHEET 1

1 of 1 Sheets

SCALE: 1" = 10'

PROJ. NO.: 14128

APPLICATION
ADULT USE SPECIAL EXCEPTION
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION

Date of Application: 12/2/2015

DESCRIPTION OF PROPERTY

Property location: (Street Number) 150 (Street Name) Boush Street

Existing Use of Property Office Building with ground floor retail

Current Building Square Footage 131,000

Proposed Use Same

Proposed Building Square Footage 1,983

Trade Name of Business (If applicable) Humboldt steel corp. II

APPLICANT

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

1. Name of applicant: (Last) Bowman (First) Christopher (MI) J

Mailing address of applicant (Street/P.O. Box): PO Box 9423

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

Daytime telephone number of applicant (757) 635-6022 Fax ( )

E-mail address of applicant: Humboldtsteelcorp.com

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

2. Name of applicant: (Last) HENN (First) RICK (MI) J

Mailing address of applicant (Street/P.O. Box): 1400 GRANBY ST 400 VAF

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of applicant ( ) 6156905 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)

CIG Town Point Center, LLC

3. Name of property owner: (Last) Boehmcke (First) Brian (MI) E

Mailing address of property owner (Street/P.O. box): 150 Bank Street, Suite 705

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of owner (757) 490-1193 email: Brian@cohenintestmentgrp.com

CIVIC LEAGUE INFORMATION

Civic League contact: _____

Date(s) contacted: _____

Ward/Super Ward information: _____

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

Print name: BRIAN E. BOEHMCKE **Sign:** 12 / 2 / 15
(Property Owner) (Date)

Print name: Christopher Bowman **Sign:** 12 / 2 / 2015
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: Rick Henn **Sign:** 11 / 26 / 15
(Authorized Agent Signature) (Date)

Blough, Christopher

From: Straley, Matthew
Sent: Wednesday, December 16, 2015 12:00 PM
To: dncl@welovenorfolk.org; Miller, Mary; ocs1062@cox.net
Cc: Whibley, Terry; Winn, Barclay; Howard, Oneiceia; Blough, Christopher
Subject: new Planning Commission applications - 150 Boush Street
Attachments: Humboldt_-eating_drinking.pdf; Humboldt-off premises.pdf

Mr. Murphy, Ms. Miller, and Mr. Kavanaugh:

Attached please find the following applications at 150 Boush Street:

a. Special exception to operate an eating and drinking establishment.
b. Special exception for the sale of alcoholic beverages for off-premises consumption.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Chris Blough at (757) 664-6771, christopher.blough@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

Blough, Christopher

From: Straley, Matthew
Sent: Thursday, December 17, 2015 8:48 AM
To: Blough, Christopher
Subject: FW: new Planning Commission applications - 150 Boush Street

Importance: High

FYI: a string of emails about Humboldt Steel Corp.

From: Jack Kavanaugh [mailto:ocs1062@cox.net]
Sent: Wednesday, December 16, 2015 11:36 PM
To: Straley, Matthew
Cc: 'Kevin R. Murphy'; Miller, Mary
Subject: RE: new Planning Commission applications - 150 Boush Street
Importance: High

We won't have comments until mid January Matthew. There is concerns on parking and off premise alcohol from the condos on the South end of Freemason.

From: Mary E. Miller [mailto:mmiller@downtownnorfolk.org]
Sent: Wednesday, December 16, 2015 12:51 PM
To: Kevin R. Murphy; 'Jack Kavanaugh'
Subject: RE: new Planning Commission applications - 150 Boush Street

I am good too!

Mary B. Miller
President & CEO
Downtown Norfolk Council
223 E. City Hall Avenue, Suite #212, Norfolk, VA 23510

Phone: (757) 623-1757
Fax: (757) 623-1756
Cell: (757) 342-6201
mmiller@downtownnorfolk.org
DowntownNorfolk.org

The Downtown Norfolk Council is the unifying voice of its members and stakeholders, and the primary catalyst for advancing the collective vision for the future of Downtown. We are committed to being a leader, an advocate and a resource for Downtown's continuing development as an attractive, dynamic and economically vital place.

From: Kevin R. Murphy [mailto:krmurphy@verizon.net]
Sent: Wednesday, December 16, 2015 12:44 PM
To: 'Jack Kavanaugh'; Mary E. Miller
Subject: RE: new Planning Commission applications - 150 Boush Street

Nope.

From: Jack Kavanaugh [mailto:ocs1062@cox.net]
Sent: Wednesday, December 16, 2015 12:43 PM
To: Mary Miller <mmiller@downtownnorfolk.org>; Kevin Murphy <krmurphy@verizon.net>
Subject: FW: new Planning Commission applications - 150 Boush Street

Mary, Kevin any problems with this Pizza place? Parking?

From: Straley, Matthew [mailto:Matthew.Straley@norfolk.gov]
Sent: Wednesday, December 16, 2015 12:00 PM
To: dncl@welovenorfolk.org; Miller, Mary; ocs1062@cox.net
Cc: Whibley, Terry; Winn, Barclay; Howard, Oneiceia; Blough, Christopher
Subject: new Planning Commission applications - 150 Boush Street

Mr. Murphy, Ms. Miller, and Mr. Kavanaugh:

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Should you have any questions, please e-mail or call *Chris Blough at (757) 664-6771, christopher.blough@norfolk.gov*

Thank You.

Matthew Straley
GIS Technician II
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City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

February 9, 2016

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

Subject: **Special Exceptions for a convenience store, 24-hours (no fuel sales) and for the sale of alcoholic beverages for off-premises consumption at 1877 E. Ocean View Avenue, Suite 1881 – 7-Eleven**

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

Ward/Superward: 5/6

Approved: Marcus D. Jones, City Manager

Item Number: R-20

I. **Staff Recommendation:** **Approval**.

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

III. **Request:** Special exceptions:
   a. Convenience store, 24-hours (no fuel sales)
   b. Sale of alcoholic beverages for off-premises consumption

IV. **Applicant:** **7-Eleven**

V. **Description:**
   - The site is located on the southwest corner of East Ocean View Avenue and Cape View Avenue, in the space currently occupied by the Cape View Food Mart.
   - The building contains two additional tenants, a cell phone store and a laundromat.
   - The applicant, 7-Eleven, proposes to operate a 24-hour convenience store with alcohol sales for off-premises consumption.
   - The new establishment will no longer be able to sell beer in single-serving packages or containers, which the establishment is currently allowed to sell.
   - As a condition of the special exception, prior to the commencement of the special exceptions the 7-Eleven store located at 2214 East Ocean View Avenue will be closed and the existing building shall be demolished within 120 days after the closure.

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:
- Staff Report to CPC dated January 28, 2016 with attachments
- Letter of Support – Cottage Line Civic League
- Proponents and Opponents
- Ordinance

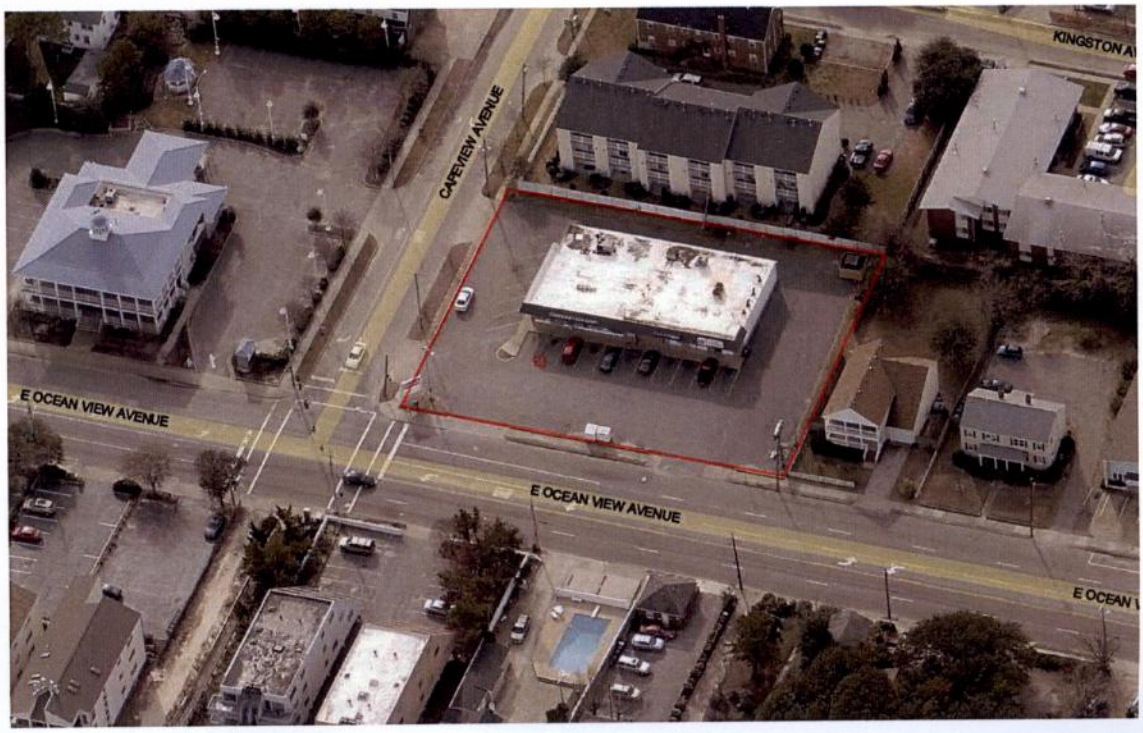
THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: January 28, 2016

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Matthew Simons, AICP, CZA, CFM

Staff Report	**Item No. 8**	
Address	**1877 East Ocean View Avenue, Suite 1881**	
Applicant	**7-Eleven**	
Requests	**Special Exceptions**	**a. Convenience store, 24-hours (no fuel sales)** **b. Sale of alcoholic beverages for off-premises consumption**
Property Owner	G & G Capeview, LLC	
Site Characteristics	Site/Space Area	29,106 sq. ft./3,374 sq. ft.
	Future Land Use Map	Commercial
	Zoning	C-2 (Corridor Commercial)
	Neighborhood	Bayview/Cottage Line
	Character District	Suburban
Surrounding Area	North	R-12 (Medium Density Multi-Family): Multi-family and single-family
	East	C-2: Vacant commercial building
	South	R-12: Multi-family
	West	R-12: Single-family



A. Summary of Request

- The site is located on the southwest corner of East Ocean View Avenue and Cape View Avenue, in the space currently occupied by the Cape View Food Mart.
- The building contains two additional tenants, a cell phone store and a laundromat.
- The applicant, 7-Eleven, proposes to operate a 24-hour convenience store with alcohol sales for off-premises consumption.

B. Plan Consistency

The proposed special exceptions are consistent with *plaNorfolk2030*, which designates this site as commercial.

C. Zoning Analysis

i. General

- The uses are permitted in the C-2 district with special exceptions.
- The site operated as a convenience store selling alcoholic beverages prior to the City's current regulations requiring a special exception for the sale of alcoholic beverages for off-premises consumption, and the use is a legally established nonconforming use (grandfathered) at this location.
- However the existing convenience store does not currently operate 24-hours.
- The applicant proposes to intensify the site by operating 24-hours.
  - This requires that the applicant comply by obtaining both a special exception for 24-hour operation and for the sale of alcoholic beverages for off-premises consumption.
- The new establishment will no longer be able to sell beer in single-serving packages or containers, which the establishment is currently allowed to sell.

	Previous (Cape View Food Mart)	Proposed (7-Eleven)
Hours of Operation	Not Available	24-hours a day, seven days a week
Hours for the Sale of Alcoholic Beverages for Off-Premise Consumption	6:00 a.m. until 12 midnight, seven days a week (single-sales permitted)	Same (no single-sales permitted)

ii. Parking

- Since no increase in square footage is being proposed for the establishment, no additional parking is required.
- By providing an engineered site plan that shows the closure of two driveway aprons, the site will be able to accommodate two additional parking spaces that are not currently available.
- The applicant will be required to accommodate two bicycle parking spaces on the site.

iii. Flood Zone

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

D. Transportation Impacts

No new trips are forecast related to the proposed redevelopment of the existing convenience store use on the site.

E. Historic Resources Impacts

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

F. Public Schools Impacts

This site is located within the Bay View Elementary School, Azalea Middle School, and Norview School Attendance Zones.

G. Environmental Impacts

- Site improvements are required in order to bring the site into closer conformity with the requirements of the *Zoning Ordinance*.
  - The site improvements will be required to obtain approval through the Site Plan Review process.
- To bring the site further into compliance with current regulations, the following improvements will be made:
  - In order to provide for better internal circulation and safety as vehicles enter and exit the site, the two ingress and egress driveway accesses closest to the intersection of East Ocean View Avenue and Cape View Avenue will be closed and landscaped.
  - The existing nonconforming sign located in the northeast corner of the site will be replaced with a conforming sign.
  - Landscaping will be introduced along both property lines adjacent to East Ocean View Avenue and Cape View Avenue.
  - The existing nonconforming wooden dumpster enclosure will be replaced with a masonry dumpster enclosure that will have an exterior finish that matches the building.
  - The site has residential exposure to the west and southeast.
    - Additional landscaping will be installed within the pervious areas along southern and western property lines adjacent to the residential uses.

H. Surrounding Area/Site Impacts

- Over the past year there have been four calls for police service with no arrests made.
  - The calls for service range from suspicious activity, an alarm issue, and a concern over an open door/window.
- The site is located along an active thoroughfare, however there is direct residential exposure to the north, west, and south of the site.

I. Payment of Taxes

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

J. Civic League

- Notice was sent to the Bayview and Cottage Line Civic League on December 16.
- A letter of support was received from the Cottage Line Civic League.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21

L. Recommendation

Staff recommends **approval** of the special exception request, considering compliance with *Zoning Ordinance* requirements, subject to the conditions below:

Convenience store, 24-hours (no fuel sales) - Conditions

(a) The improvements to the site shall be required to obtain Site Plan Approval through the Site Plan Review process and shall conform to all the requirements of Chapter 26, Site Plan Review, of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).

(b) The site shall be generally developed in accordance with the conceptual site plan prepared by Blakeway Corporation, dated December 28, 2015, revised January 7, 2016, attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.

(c) The use authorized by this special exception shall not commence unless and until the 7-Eleven store located at 2214 East Ocean View Avenue currently operating as both an Establishment for the Sale of Alcoholic Beverages for Off-premises Consumption and a Convenience Store, 24-hours (no fuel sales) is closed. The existing building shall be demolished within 120 days after the closure.

(d) All signage on the site shall conform to the material, size and placement standards depicted in the sign package prepared by Harbinger Signs, attached hereto, and marked as "Exhibit B," subject to any required revisions made during the Site Plan Review and building permit plan review processes.

(e) A solid, wood fence not less than six (6) feet in height shall be maintained in the required landscape buffer area located along the southern and western property line.

(f) Landscaping shall be installed and maintained at the base of any freestanding sign in accordance with the provisions of section 16-6 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).

(g) The two existing driveway aprons located closest to the intersection of East Ocean View Avenue and Cape View Avenue shall be closed and landscaped.

(h) All non-conforming fences and signs on the site shall be removed.

(i) All bollards on the site shall be painted and maintained free of visible corrosion.

(j) On-site lighting shall be directed and shielded so as to not cast glare onto any adjacent residential properties or public right-of-way.

(k) Two bicycle parking spaces shall be provided on the site.

(l) A new gated dumpster enclosure shall be installed in accordance with Chapter 17, Section 17-4.4 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended)

(m) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 80% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.

(n) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.

(o) No vehicle shall be parked within any sight triangle on the property, any public right-of-way, or any unimproved surface.

(p) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(q) The property shall be kept in a clean and sanitary condition at all times.

(r) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.

(s) The establishment shall maintain a current, active business license at all times while in operation.

(t) No business license shall be issued until conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) and (l) have all been implemented fully on the site.

Sale of Alcoholic Beverages for Off-Premises Consumption - Conditions

(a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 6:00 a.m. until 12:00 midnight, seven days a week.

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

(c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.

(d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.

(e) No beer shall be sold in any package containing fewer than six (6) bottles or cans and no wine shall be sold in containers less than 375 ml each.

(f) The facility shall maintain a current, active business license at all times while in operation.

(g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as

represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

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

(j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Attachments

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
Site/landscape plan
Notice to the Bayview and Cottage Line Civic Leagues
Letter of support from the Cottage Line Civic League

Proponents and Opponents

Proponents

Amada Schmidt
1881 E. Ocean View Avenue
Norfolk, VA

Jim Karides
2247 W. Great Neck Road #201
Virginia Beach, VA 23451

Stephen R. Romine
999 Waterside Drive
Norfolk, VA 23510

Jay Khorram
6337 Tuttle Avenue
Norfolk, VA 23502

Steve Blevins
770 Independence Circle
Virginia Beach, VA 23455

Opponents

None

01/25/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT A CONVENIENCE STORE, 24-HOURS (NO FUEL SALES) KNOWN AS "7-ELEVEN" ON PROPERTY LOCATED AT 1877 EAST OCEAN VIEW AVENUE.

- - -

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

Section 1:- That a Special Exception is hereby granted to permit the operation of a Convenience Store, 24-hours (no fuel sales) known as "7-Eleven" on property located at 1877 East Ocean View Avenue. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 190 feet, more or less, along the southern line of East Ocean View Avenue and 150 feet, more or less, along the western line of Capeview Avenue; premises numbered 1877 East Ocean View Avenue, Suite 1881.

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

(a) Any improvements to the site shall be required to obtain Site Plan Approval through the Site Plan Review process and shall conform to all the requirements of Chapter 26, Site Plan Review, of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).

(b) The site shall be developed generally in accordance with the conceptual site plan prepared by Blakeway Corporation, dated December 28, 2015, revised January 7, 2016, entitled Special Exception, attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.

(c) All signage on the site shall conform to the material, size and placement standards depicted in the sign package prepared by Harbinger, attached hereto and marked as "Exhibit B," subject to any required revisions made during the Site Plan Review and building permit plan review processes.

(d) A solid, wood fence not less than six (6) feet in height shall be maintained in the required landscape buffer area located along both the southern and western property lines.

(e) Landscaping shall be installed and maintained at the base of any freestanding sign in accordance with the provisions of section 16-7.1 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).

(f) Both the existing vehicular access located along Capeview Avenue nearest to the intersection with East Ocean View Avenue and the existing vehicular access located along East Ocean View Avenue Avenue nearest to the intersection with Capeview Avenue shall be closed and landscaped.

(g) The use authorized by this special exception shall not commence unless and until the 7-Eleven store located at 2214 East Ocean View Avenue currently operating as both an Establishment for the Sale of Alcoholic Beverages for Off-premises Consumption and a Convenience Store, 24-hours (no fuel sales) is closed. The existing building shall be demolished within 120 days after the closure.

(h) All non-conforming fences and signs on the site shall be removed.

(i) All bollards on the site shall be painted and maintained free of visible corrosion.

(j) On-site lighting shall be directed and shielded so as to not cast glare onto any adjacent residential properties or public right-of-way.

(k) Two bicycle parking spaces shall be provided on the site.

(l) A new, gated dumpster enclosure shall be installed in accordance with the provisions of Chapter 17, Section 17-4.4 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).

(m) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 80% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.

(n) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.

(o) No vehicle shall be parked within any sight triangle on the property, any public right-of-way, or any unimproved surface.

(p) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.

(q) The property shall be kept in a clean and sanitary condition at all times.

(r) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.

(s) The establishment shall maintain a current, active business license at all times while in operation.

(t) No business license shall be issued until conditions (a), (b), (c), (d), (e), (f), (h), (i), (j), (k) and (l) have all been implemented fully on the site.

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

Norfolk, 1992 (as amended), namely that:

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

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is

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

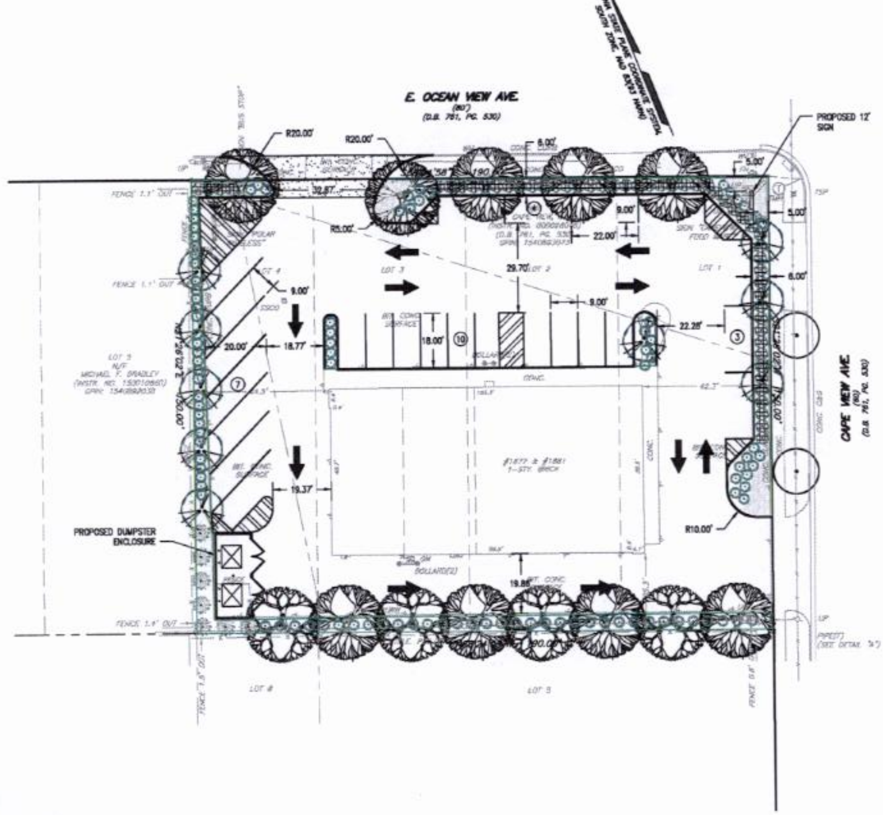
(j) The proposed use and development complies with all additional imposed on it by the particular provisions of the ordinance authorizing such use; and

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

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

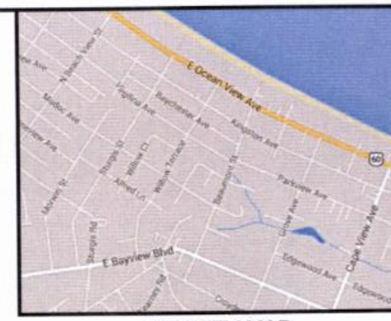
ATTACHMENTS:
Exhibit A (1 page)
Exhibit B (6 pages)

Exhibit A



AERIAL MAP

NOT TO SCALE



VICINITY MAP

1" = 1000'

SITE ANALYSIS

PROPOSED PARCEL AREA: 28,530± sf
0.66± ac.

PROPOSED ZONING: C–2

LANDSCAPE BUFFERS: REQUIRED
- FRONT: 6'
- SIDE: 0'
- SIDE(R/W): 6'
- REAR: 0'

PARKING:
- EXISTING: 24 SPACES
- PROVIDED: 24 SPACES

GENERAL NOTES

1. THE SITE IS DESIGNED IN ACCORDANCE WITH C–2 ZONING REQUIREMENTS OF THE CITY OF NORFOLK ZONING ORDINANCE.
2. BLAKEWAY ASSUMES BUT DOES NOT GUARANTEE THAT REQUIRED STORMWATER QUANTITY AND QUALITY IMPROVEMENTS WILL BE ACHIEVED WITH THE USE OF ONSITE STORMWATER DETENTION OR MANUFACTURED STORMWATER BMPS, AND THAT ADEQUATE STORMWATER INFRASTRUCTURE IS AVAILABLE WITHIN THE PUBLIC RIGHT OF WAY.
3. A SPECIAL EXCEPTION WILL BE REQUIRED FOR 24–HOUR CONVENIENCE STORE WITH FUEL SALES AND FOR ALCOHOL SALES FOR OFF–PREMISE CONSUMPTION AT THIS SITE.

PLANT SCHEDULE

TREES	QTY	COMMON NAME / BOTANICAL NAME	CONT	CAL	SIZE
	2	Existing Tree to Remain /	B & B		
	9	Catawba Tree Crape Myrtle Multi-Trunk / Lagerstroemia indica 'Catawba' Multi-trunk w/ min 3 canes	30 gal	2"Cal	7-8' H
	4	Southern Live Oak / Quercus virginiana	B & B	4"Cal	12-15' H
	5	Allee Lacebark Elm / Ulmus parvifolia 'Allee'	B & B	3"Cal	8-10' H
SHRUBS	**QTY**	**COMMON NAME / BOTANICAL NAME**	**SIZE**		
	100	William Penn Barberry / Berberis x gladwynensis 'William Penn'	Min. 24"H		
	51	Dwarf Burford Holly / Ilex cornuta 'Burfordii Nana'	Min. 18"H		
	7	Mary Nell Holly / Ilex x 'Mary Nell'	Min. 36"H		
GROUND COVERS	**QTY**	**COMMON NAME / BOTANICAL NAME**	**CONT**		**SPACING**
	77	Confederate Jasmine / Trachelospermum jasminoides 'Confederate'	4"pot		24" o.c.

CITY REQUIREMENTS:

		REQ.	PROV.
OPEN SPACE	10% OF THE SITE (EXCLUSIVE OF PARKING AREAS, DRIVES, & SIDEWALKS SHALL BE OPEN SPACE 9,632SF X 0.10 = 963SF	963	3,488
YARD LANDSCAPE	1 TREE REQUIRED IN FRONT YARD AND CORNER SIDE YARD PER 25LF OF LOT WIDTH 275LF / 25LF = 11 TREES REQ	11	11
	MINIMUM OF 25% AND MAXIMUM OF 50% OF THE TREES SHALL BE EVERGREEN 11 X 0.25 = 3 MIN. 11 X 0.50 = 5 MAX.		4
RESIDENTIAL BUFFER	1 TREE REQUIRED IN RESIDENTIAL BUFFER YARD PER 25LF OF LOT WIDTH SOUTH PL: 150LF / 25LF = 5 TREES REQ WEST PL: 150LF / 25LF = 6 TREES REQ	5 6	5 6
	1 SHRUB REQUIRED PER 3LF OF PARKING ADJACENT TO RESIDENTIAL LOT SOUTH PL: 79LF / 3LF = 27 TREES REQ WEST PL: 108LF / 3LF = 36 TREES REQ	27 36	37 36
PARKING LANDSCAPE	PARKING LOTS W/ 10 OR MORE SPACES SHALL PROVIDE 10% OF THE INTERIOR AREA IN LANDSCAPE 24,736SF X 0.10 = 2,474SF	2,474	2,049
	PROVIDE 1 TREE PER 144SF OF REQUIRED INTERIOR AREA 2,474SF / 144 = 17 TREES REQ *2 EXISTING TREES TO REMAIN INCLUDED	17	*24

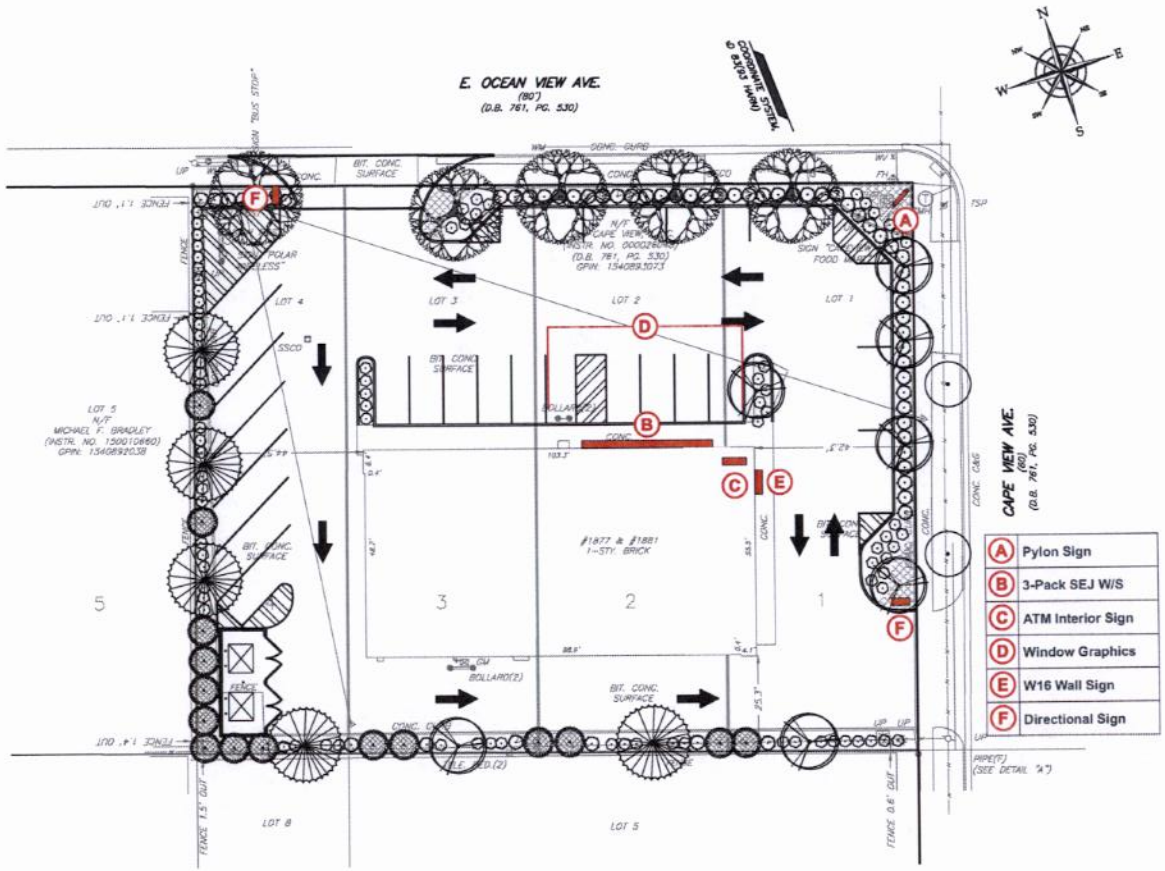
GRAPHIC SCALE

OCEAN VIEW

BlakewayCorp
surveying | engineering | project management

LOCATION: E. OCEAN VIEW AVE.
SHEET TITLE: SPECIAL EXCEPTION
SITE ADDRESS: 1881 E. OCEAN VIEW AVE NORFOLK, VA
DATE ISSUED: 12-28-15
DRAWN BY: GF
REVIEWED BY: SMB
DESIGNED BY: GF
01/07/2016 REVISED PER CITY COMMENTS
SHEET NO. A
SPECIAL EXCEPTION

Exhibit B



1 Site Plan
NTS

harbinger
sign of the future

5300 Shad Road, Jacksonville, FL 32257 • 904.268.4681
2301 Ohio Dr. Plano, TX 32257 • 972.905.9450

7-Eleven #37629
1881 E OCEAN VIEW AVE
NORFOLK, VA 23503

SVE4627-R1

F:\Customers\7 Eleven\Art
\SVE4627-R1 #37629.cdr

date	rev.	description	designer
11.12.15	00	Original Concept	vs
01.08.16	R1	add directional sign	qn

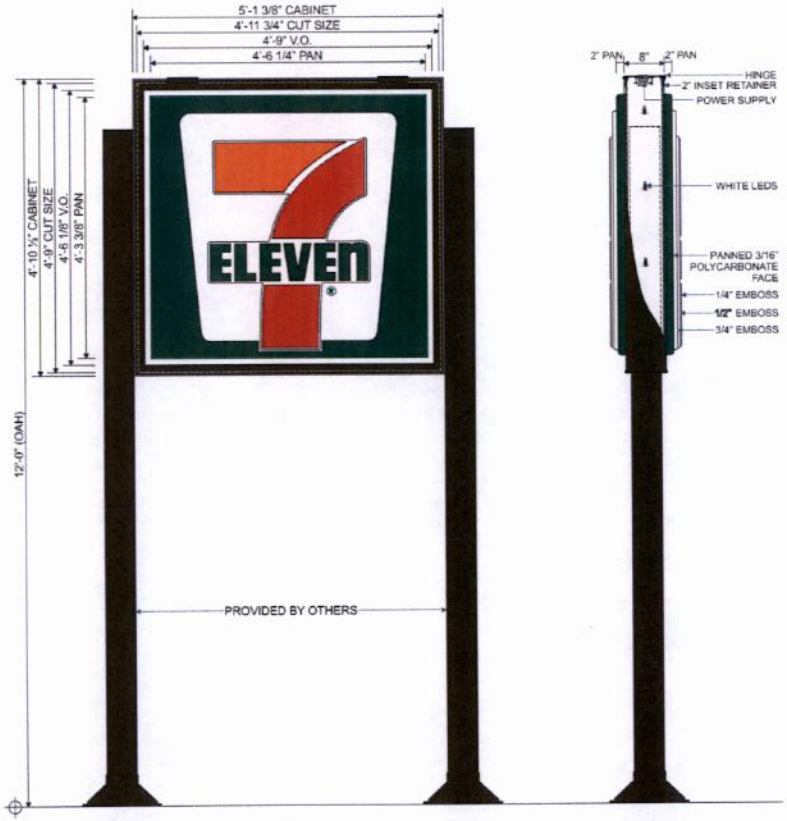
Salesperson: rg PM: mn Designer: vs Page: 1

customer approval date:

LISTED MET US
Complies with UL 48 CSA C22.2 No.207

THE SIGNS ON THESE PAGES HAVE BEEN DESIGNED TO MEET OR EXCEED ALL APPLICABLE CODES OR REQUIREMENTS OF THE NEC-2011 AND OR THE 2010 FBC AND OR THE 2007 SFBC

THIS DESIGN IS FOR THE SOLE PURPOSE OF ILLUSTRATION & CONCEPT DESIGN. THIS FILE IS NOT TO BE USED FOR PRODUCTION AND/OR FABRICATION. THIS DESIGN IS THE SOLE PROPERTY OF HARBINGER AND MAY NOT BE USED OR DUPLICATED IN ANY FORM WITHOUT THE EXPRESS WRITTEN PERMISSION OF HARBINGER.



MANUFACTURE & SHIP ONE (1) **M25 (03130797)** D/F INTERNALLY ILLUMINATED "MAIN ID" SIGN CABINET. 3/16" THICK PAN FORMED & EMBOSSED WHITE POLYCARBONATE FACES W/ TRANSLUCENT VINYL GRAPHICS APPLIED FIRST SURFACE. 8" DEEP EXTRUDED ALUM. CABINET W/ 2" INSET HINGED RETAINERS TO BE PAINTED **DURANODIC BRONZE**. CABINET TO BE INTERNALLY ILLUMINATED W/ WHITE LEDS. 2" INSET RETAINERS TO BE HINGED ON ONE SIDE OF CABINET.

7-ELEVEN VINYL SPECS: **3M 3630-44 ORANGE, 3M 3630-33 RED, 3M 3630-26 GREEN**

7-ELEVEN LOGO DIMENSIONS:
OAH: 47"
OAL: 42 15/16"

NOTE: STEEL MOUNTING TO BE PROVIDED BY OTHERS!

2 | Face & Side Detail - **M25** Pylon Sign Cabinet - **Sign A**
1/2" = 1'-0"

Display Square Footage (Cabinet): **24.9**

PROPOSED SIGNAGE (HEADING WEST ON E OCEAN VIEW):

PROPOSED SIGNAGE (HEADING EAST ON E OCEAN VIEW):

3 | Photo Overlay - **Sign A**
NTS

harbinger.
sign of the future

5300 Shad Road, Jacksonville, FL 32257 • 904.268.4681
2301 Ohio Dr, Plano, TX 32257 • 972.905.9450

7-Eleven #37629
1881 E OCEAN VIEW AVE
NORFOLK, VA 23503

SVE4627-R1

F:\Customers\7 Eleven\Art
\SVE4627-R1 #37629.cdr

date	rev.	description	designer
11.12.15	00	Original Concept	vs
01.08.16	R1	add directional sign	gh

Salesperson: rg PM: mn Designer: vs Page: 2

customer approval date:

Complies with UL 48 CSA C22.2 No.207

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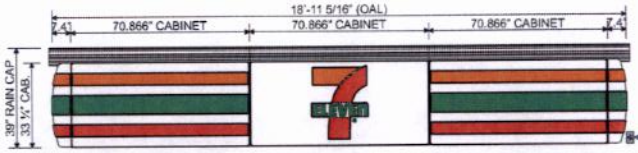


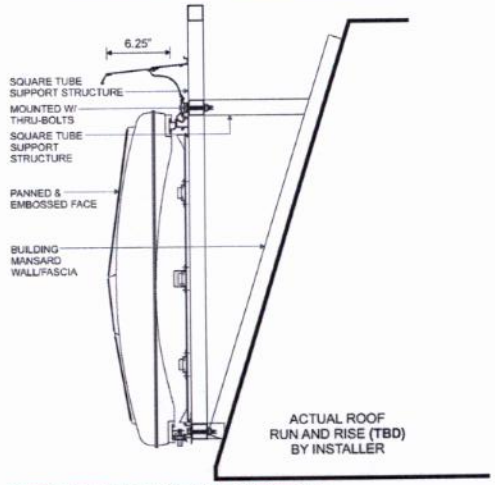
ONE (1) SET OF **33 1/4"** S/F INTERNALLY ILLUMINATED WALL SIGNS **(SEJ 1800 SERIES)**.

ELECTRICAL NOTE: EXPOSED EXTERIOR 20 AMP WEATHERPROOF ELECTRICAL DISCONNECT REQUIRED WITHIN VISUAL RANGE OF SIGN REQUIRED FOR EVERY 16 AMPS OF SIGNAGE. ACTUAL NUMBER OF CIRCUITS TO BE DETERMINED BY A LICENSED ELECTRICAL CONTRACTOR. ACTUAL LOCATION OF BOX MAY VARY. CIRCUITS AND SWITCH TO BE PROVIDED BY OTHERS. INPUT VOLTAGE - 120V
ALL SIGNAGE WILL BE (MET) LISTED,(U.L.) 48STD COMPLIANT AND CARRY (MET) LABELS.

NOTE: INSTALLER SUPPLIED BRACKET MUST BE ENCLOSED OF PAINTED TO MATCH ROOF COLOR

4 Front Elevation - SEJ 1800 Series Wall Sign Cabinets - **Sign B**
¼" = 1'-0"

Display Square Footage(Cabinets): **52.5**



NOTE: FOR COMPLETE INSTALL INSTRUCTIONS, REFER TO ENCLOSED MANUFACTURES' DOCUMENTS.

5 Side Mounting Detail - **Sign B**
NTS

NOTE: FIELD MEASUREMENTS TO BE PROVIDED FOR EXACT BUILDING DIMENSIONS.

EXISTING CONDITION:

PROPOSED SIGNAGE:

6 Photo Overlay (North Elevation) - **Signs B, C & D**
NTS

harbinger.
sign of the future

5300 Shad Road. Jacksonville. FL. 32257 • 904.268.4681
2301 Ohio Dr. Plano. TX. 32257 • 972.905.9450

7-Eleven #37629
1881 E OCEAN VIEW AVE
NORFOLK, VA 23503

SVE4627-RI

F:\Customers\7 Eleven\Art
\SVE4627-RI #37629.cdr

date	rev	description	designer
11.12.15	00	Original Concept	vs
01.06.16	R1	add directional sign	sh

Salesperson: rg PM: mn Designer: vs Page: 3

customer approval date:

Complies with UL 48 CSA C22.2 No.207

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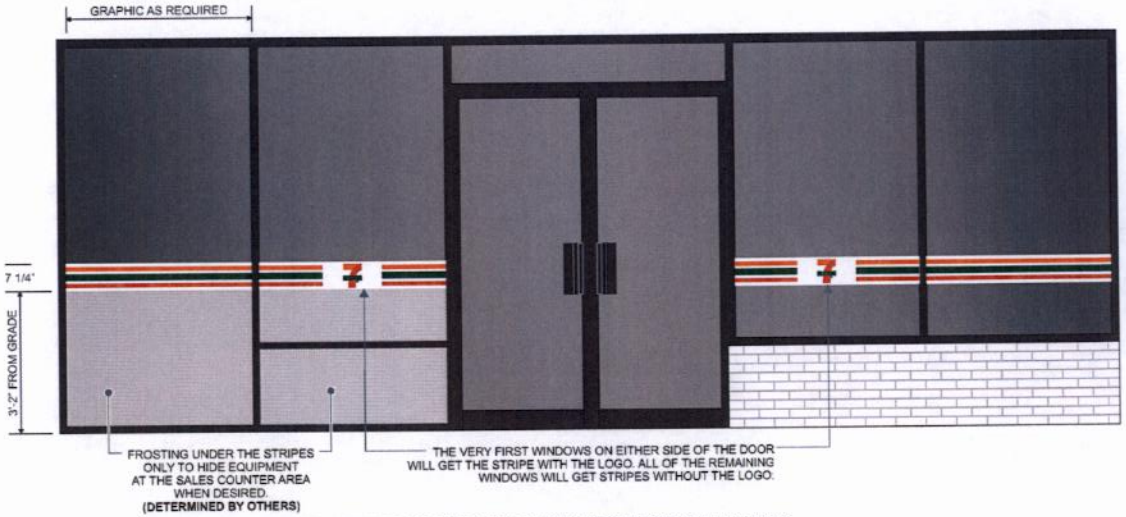
INSTALL ONE (1) **STANDARD INTERIOR** INTERNALLY ILLUMINATED S/F HANGING SIGN. 3/16" THICK FLAT WHITE ACRYLIC FACE W/ TRANSLUCENT VINYL GRAPHICS APPLIED FIRST SURFACE. CABINET TO BE INTERNALLY ILLUMINATED W/ T-8 H.O. FLUORESCENT LAMPS. 5 1/8" DEEP ALUM. CABINET & 1" RETAINERS ALL PAINTED **BLACK.** SIGN TO HANG INSIDE THE STORE BEHIND GLASS AS INDICATED IN PHOTO OVERLAY WITH EYE BOLTS.

VINYL SPECS: **3M 3630-157 BLUE, 3M 3630-33 RED, 3M 3630-126 GREEN**

NOTE: ATM WALL SIGN TO BE FABRICATED & PROVIDED BY OTHERS!
NOTE: EXACT INSTALL LOCATION **TBD**

7 | Front Elevation & Side Mounting Detail - **Standard** Interior ATM S/F Window Sign - **Sign C**
1"= 1'-0"
Display Square Footage: **3.2**



WINDOW VINYL GRAPHICS. VINYL GRAPHICS TO BE APPLIED SECOND SURFACE ONTO DESIGNATED STORE WINDOWS.
NOTE: WINDOW GRAPHICS KITS TO BE PROVIDED AND INSTALLED BY OTHERS. NOT PART OF HARBINGERS SCOPE OF WORK.
NOTE: FOR FULL INSTALLATION INSTRUCTIONS, REFER TO 7-ELEVEN SIGNAGE MANUAL.

8 | Front Elevation - Typical Window Vinyl Graphics - **Sign D**
3/8" = 1'-0"

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1681 E OCEAN VIEW AVE
NORFOLK, VA 23503

SVE4627-R1

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date	rev	description	designer
11.12.16	00	Original Concept	vs
01.06.16	R1	add directional sign	gh

Salesperson: rg PM: mn Designer: vs Page: 4

customer approval date:

Complies with UL 48 CSA C22.2 No.207

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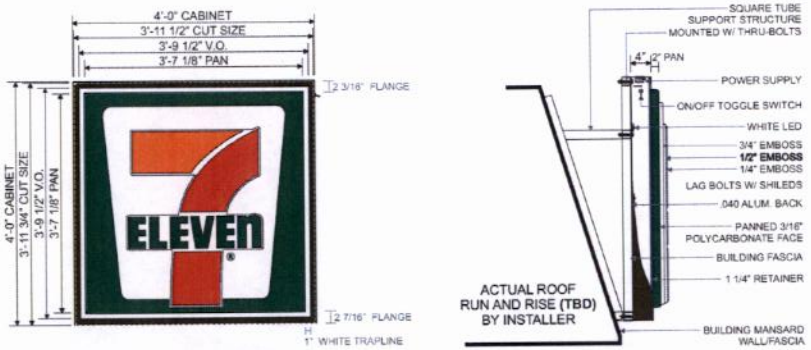


MANUFACTURE & SHIP ONE (1) **W16 (03130846)** INTERNALLY ILLUMINATED S/F WALL SIGN CABINET. 3/16" THICK PAN FORMED & EMBOSSED WHITE POLYCARBONATE FACE W/ TRANSLUCENT VINYL GRAPHICS APPLIED FIRST SURFACE. 4" DEEP EXTRUDED ALUM. CABINET W/ 1 1/4" RETAINERS TO BE PAINTED **DURANODIC BRONZE**. CABINET TO BE INTERNALLY ILLUMINATED W/ WHITE LEDS.

VINYL SPECS: **3M 3630-44 ORANGE, 3M 3630-33 RED, 3M 3630-26 GREEN**
PAINT SPECS: **DURANODIC BRONZE**

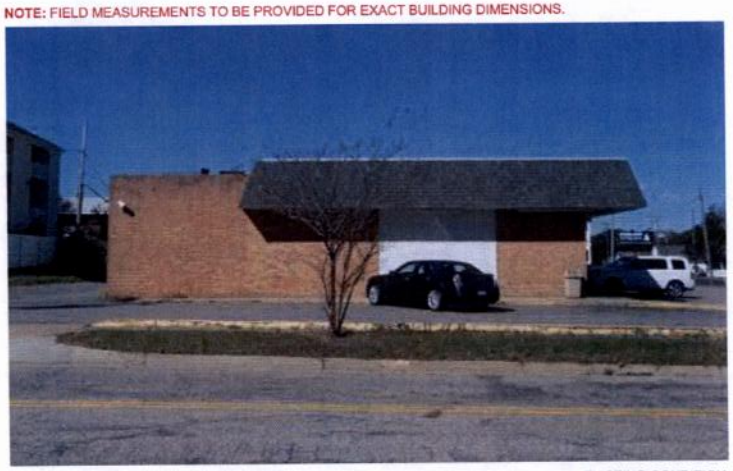
NOTE: INSTALLER SUPPLIED BRACKET MUST BE ENCLOSED OF PAINTED TO MATCH ROOF COLOR

7-ELEVEN LOGO DIMENSIONS:
OAH: 39 3/4"
OAL: 36 1/4"

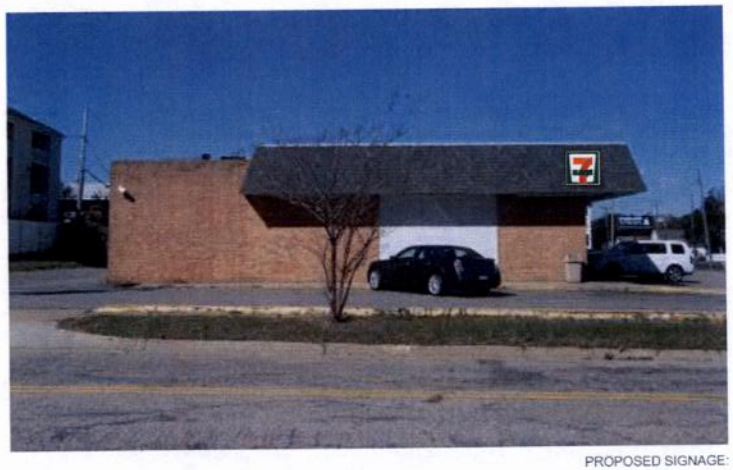
9 Face & Side Detail - **W16 (03130846)** Wall Sign Cabinet - **Sign E**
½" = 1'-0"

Display Square Footage(Cabinet): **16.0**

NOTE: FIELD MEASUREMENTS TO BE PROVIDED FOR EXACT BUILDING DIMENSIONS.



EXISTING CONDITION:



PROPOSED SIGNAGE:

10 Photo Overlay (East Elevation) - **Sign E**
NTS

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SVE4627-R1

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date	rev.	description	designer
11.12.15	00	Original Concept	vs
01.08.16	R1	add directional sign	sh

Salesperson: rg PM: mn Designer: vs Page: 5

customer approval date:

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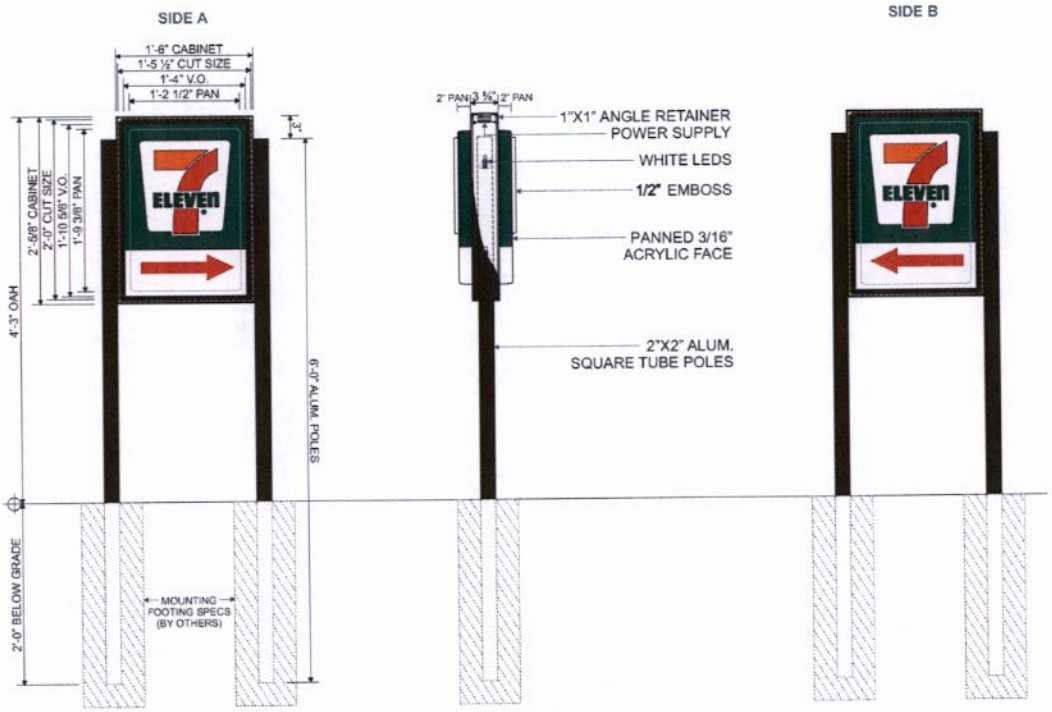

MANUFACTURE & SHIP TWO (2) **STANDARD** D/F INTERNALLY ILLUMINATED DIRECTIONAL SIGN CABINET. 3/16" THICK PAN & EMBOSSED WHITE POLYCARBONATE FACES W/ TRANSLUCENT VINYL GRAPHICS APPLIED FIRST SURFACE. 3 5/8" DEEP EXTRUDED ALUM. CABINET W/ 1" RETAINERS TO BE PAINTED **DURANODIC BRONZE**. CABINET TO BE INTERNALLY ILLUMINATED W/ WHITE LEDS.

7-ELEVEN VINYL SPECS: **3M 3630-44 ORANGE, 3M 3630-33 RED, 3M 3630-26 GREEN**

NOTE: ARROWS TO ALWAYS BE FACING TOWARDS STORE

11 Front View & Side Detail - **Standard D/F Directional** Sign Cabinets - **Sign F**
3/4" = 1'-0"

Display Square Footage: **3.0**

PROPOSED SIGNAGE (HEADING NORTH ON 60)

PROPOSED SIGNAGE (HEADING NORTH ON CAPE VIEW AVE)

12 Photo Overlay - **Sign F**
NTS

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NORFOLK, VA 23503

SVE4627-R1

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date	rev.	description	designer
11.12.15	00	Original Concept	VS
01.08.16	R1	add directional sign	VS

Salesperson: rg PM: mn Designer: vs Page: 6

customer approval date:

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01/25/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "7-ELEVEN" ON PROPERTY LOCATED AT 1877 EAST OCEAN VIEW AVENUE.

- - -

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

Section 1:- That a Special Exception is hereby granted to 7-Eleven, Inc. authorizing the sale of beer and wine for off-premises consumption at an establishment known as "7-Eleven" on property located at 1877 East Ocean View Avenue. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 190 feet, more or less, along the southern line of East Ocean View Avenue and 150 feet, more or less, along the western line of Capeview Avenue; premises numbered 1877 East Ocean View Avenue, Suite 1881.

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

(a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 6:00 a.m. until 12:00 midnight, seven days per week. No alcoholic beverages shall be sold for off-premises consumption outside the hours listed herein.

(b) The use authorized by this special exception shall not commence unless and until the 7-Eleven store located at 2214 East Ocean View Avenue currently operating as both an Establishment for the Sale of Alcoholic Beverages for Off-premises Consumption and a Convenience Store, 24-hours (no fuel sales) is closed. The existing building shall be demolished within 120 days after the closure.

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

(d) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.

(e) No alcoholic beverage having more than 21% alcohol by volume shall be sold.

(f) All beer sold for off premises consumption shall be in a package containing a minimum of six (6) bottles or cans and all wine shall be sold in containers with a minimum of 375 ml each.

(g) The facility shall maintain a current, active business license at all times while in operation.

(h) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(i) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission

shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

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

(k) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

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

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

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

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

ATTACHMENT:
Exhibit A (2 pages)

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

Date of Application: October 26, 2015

Name of business: 7-Eleven, Inc.

Address of business: 1877 E. Ocean View Avenue

Name(s) of business owner(s)*: 7-Eleven, Inc.

Name(s) of property owner(s)*: G & G Cape View, LLC

Name(s) of business manager(s)/operator(s): TBD

Daytime telephone number ( ) _____

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

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales		
Weekday	From 12 am	To 12 am	Weekday	From 6 am	To 12 midnight
Friday	From 12 am	To 12 am	Friday	From 6 am	To 12 midnight
Saturday	From 12 am	To 12 am	Saturday	From 6 am	To 12 midnight
Sunday	From 12 am	To 12 am	Sunday	From 6 am	To 12 midnight

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

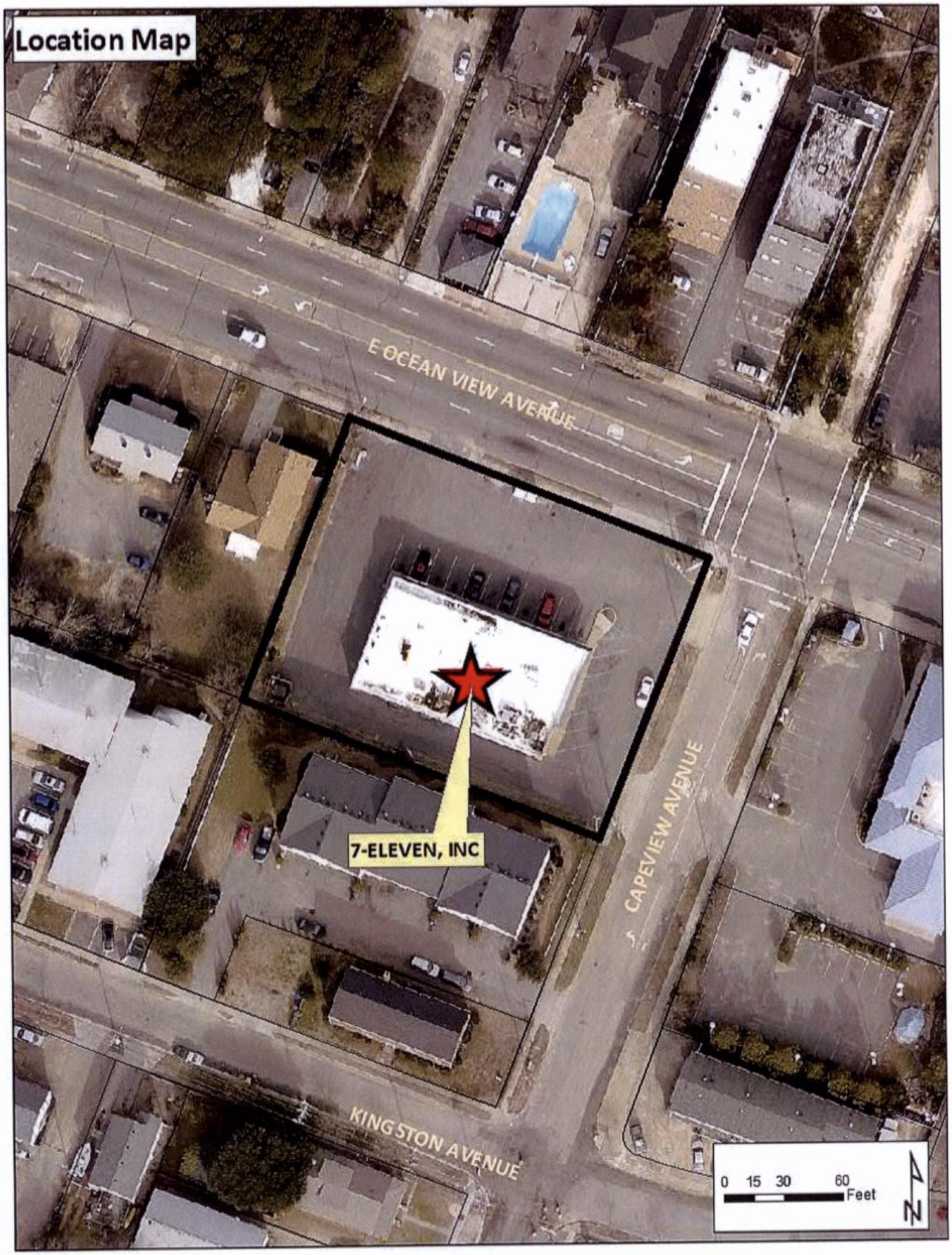
3. Alcoholic beverages to be sold:
   ☒ Room temperature ☒ Refrigerated

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

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

N/A

Signature of applicant/owner


Location Map
E OCEAN VIEW AVENUE
7-ELEVEN, INC
CAPEVIEW AVENUE
KINGSTON AVENUE
0 15 30 60
Feet
N

Zoning Map
OSP
OSP
R-12
R-12
R-12
R-12
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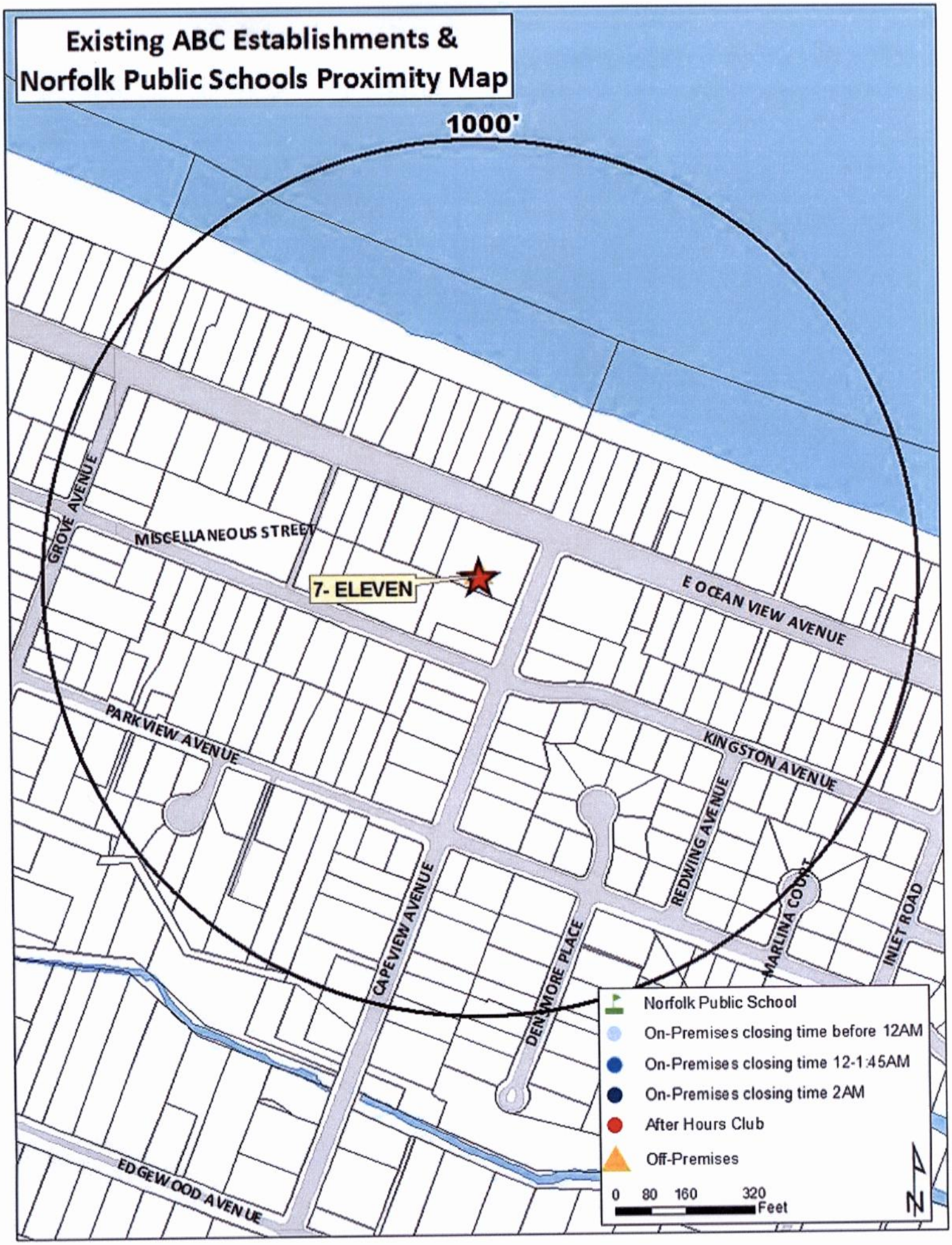
R-12
R-12
R-12
R-12
C-2
C-2
7-ELEVEN, INC
E OCEAN VIEW AVENUE
MISCELLANEOUS STREET
MISCELLANEOUS STREET
CAPEVIEW AVENUE
KINGSTON AVENUE
PARKVIEW AVENUE
R-7
R-7
R-8
R-8
0 35 70 140 Feet
N

Existing ABC Establishments & Norfolk Public Schools Proximity Map



APPLICATION
SPECIAL EXCEPTION

Special Exception for: 24 hours

Date of application: October 26, 2015

DESCRIPTION OF PROPERTY

Property location: (Street Number) 1877 (Street Name) E Ocean View Avenue

Existing Use of Property Convenience store

Current Building Square Footage 5,361

Proposed Use
Remodel of an existing convenience store.

Proposed Square Footage 3,374

Proposed Hours of Operation:

Weekday	From 12 am	To 12 am
Friday	From 12 am	To 12 am
Saturday	From 12 am	To 12 am
Sunday	From 12 am	To 12 am

Trade Name of Business (If applicable) 7-Eleven, Inc.

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

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

1. Name of applicant: (Last) 7-Eleven, Inc. (First) _____ (MI) ____

Mailing address of applicant (Street/P.O. Box): 1722 Routh Street, Suite 100

(City) Dallas (State) Texas (Zip Code) 75201

Daytime telephone number of applicant (757) 361-3253 Fax (757) 366-0993

E-mail address of applicant: javad.khorram@7-11.com

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

2. Name of applicant: (Last) Romine (First) Stephen (MI) R

Mailing address of applicant (Street/P.O. Box): 999 Waterside Drive, Suite 2100

(City) Norfolk (State) Virginia (Zip Code) 23510

Daytime telephone number of applicant (757) 441-8921 Fax (757) 441-8971

E-mail address of applicant: Stephen.Romine@LeClairRyan.com

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

3. Name of property owner: (Last) G & G Cape View, LLC (First) _____ (MI) ____

Mailing address of property owner (Street/P.O. box): 2247 W. Great Neck Road, Suite 201

(City) Virginia Beach (State) Virginia (Zip Code) 23451

Daytime telephone number of owner (804) 601-3090 email: jim@vtenep.com

CIVIC LEAGUE INFORMATION

Civic League contact: Cottage Line/Vic Yurkovic

Date(s) contacted:

Ward/Super Ward information: Ward 5/Tommy Smigiel, Jr. - Superward 6/Barclay Winn

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: James Karides **Sign:** 10/27/15
(Property Owner or Authorized Agent of Signature) (Date)

Print name: 7-Eleven, Inc By: Stephen R. Romine, Authorized Agent **Sign:** 10/26/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: Stephen R. Romine **Sign:** 10/26/15
(Authorized Agent Signature) (Date)

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

APPLICATION
ADULT USE SPECIAL EXCEPTION
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION

Date of Application: October 26, 2015

DESCRIPTION OF PROPERTY

Property location: (Street Number) 1877 (Street Name) E. Ocean View Avenue

Existing Use of Property Convenience Store

Current Building Square Footage 5,361

Proposed Use Convenience store remodel

Proposed Building Square Footage 3,374

Trade Name of Business (If applicable) 7-Eleven, Inc.

APPLICANT

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

1. Name of applicant: (Last) 7-Eleven, Inc. (First) (MI)

Mailing address of applicant (Street/P.O. Box): 1722 Routh Street, Suite 100

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Daytime telephone number of applicant (757) 361-3253 Fax (757) 366-0993

E-mail address of applicant: javad.khorram@7-11.com

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Mailing address of applicant (Street/P.O. Box): 999 Waterside Drive, Suite 2100

(City) Norfolk (State) Virginia (Zip Code) 23510

Daytime telephone number of applicant (757) 441-8921 Fax (757) 441-8971

E-mail address of applicant: Stephen.Romine@LeClairRyan.com

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(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) G & G Cape View, LLC (First) (MI)

Mailing address of property owner (Street/P.O. box): 2247 W. Great Neck Road, Suite 201

(City) Virginia Beach (State) Virginia (Zip Code) 23451804

Daytime telephone number of owner (804) 601-3090 email: jim@vtenep.com

CIVIC LEAGUE INFORMATION

Civic League contact: Cottage Line/Vic Yurkovic

Date(s) contacted:

Ward/Super Ward information: Ward 5/Tommy Smigiel, Jr. - Superward 6/Barclay Winn

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **$355.00** (if check, make payable to the City of Norfolk).
  - o Application fee includes a non-refundable $5 technology surcharge.
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
  - Existing and proposed building structures
  - Driveways
  - Parking
  - Landscaping
  - Property lines (see attached example)
- ✓ One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- ✓ One 8½ inch X 11 inch copy of a floor plan drawn to scale showing where cold and/or room temperature alcoholic beverages will be sold. (see attached example).
- ✓ Completed Exhibit A, Description of Operations (attached).
- ✓ Please provide a brief description of the business (i.e., # of employees, current locations, type of restaurant, etc…).

CERTIFICATION:

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

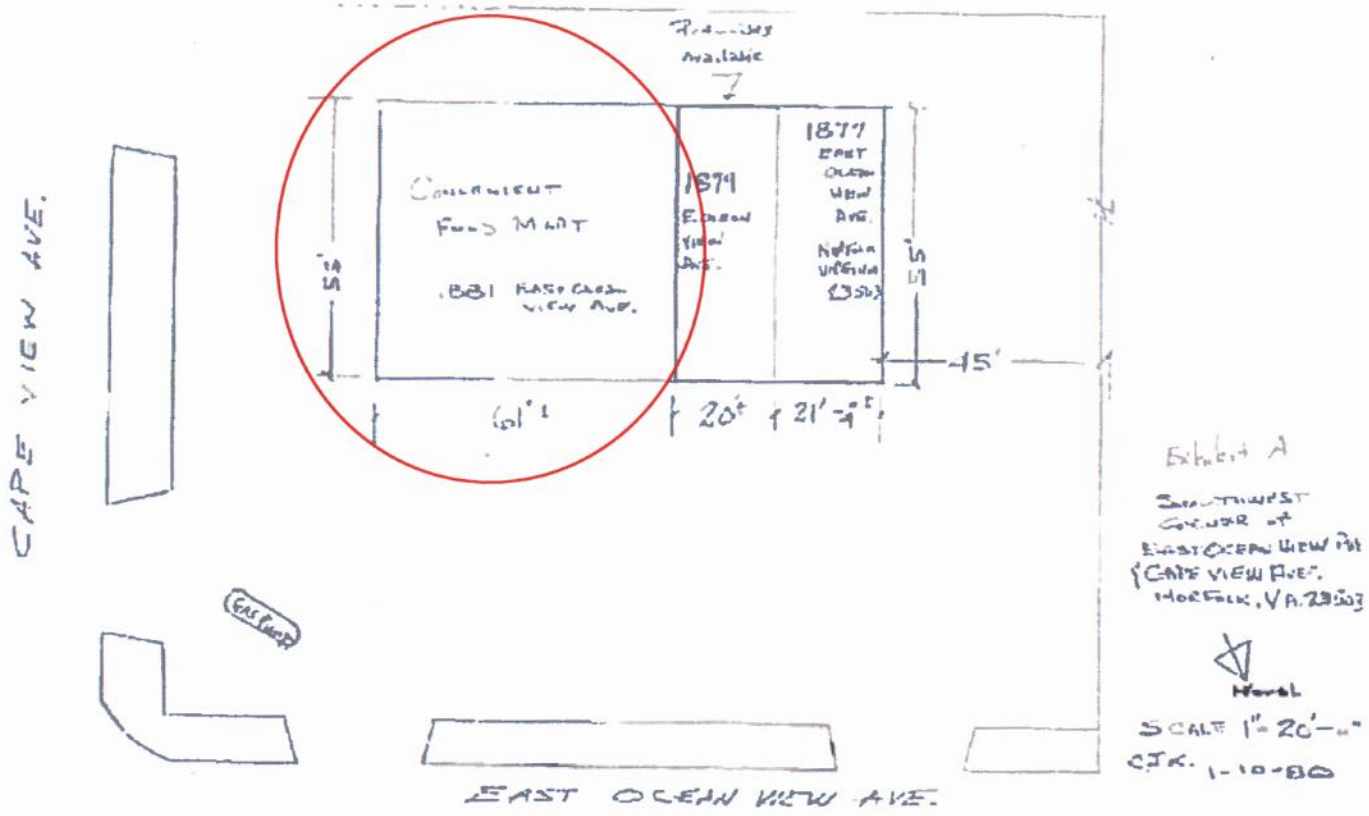
Print name: James Karides **Sign:** [signature] 10/27/15
(Property Owner or Authorized Agent of Signature) (Date)

Print name: 7-Eleven, Inc Stephen R. Romine Authorized Agent **Sign:** [signature] 10/26/15
(Applicant) (Date)

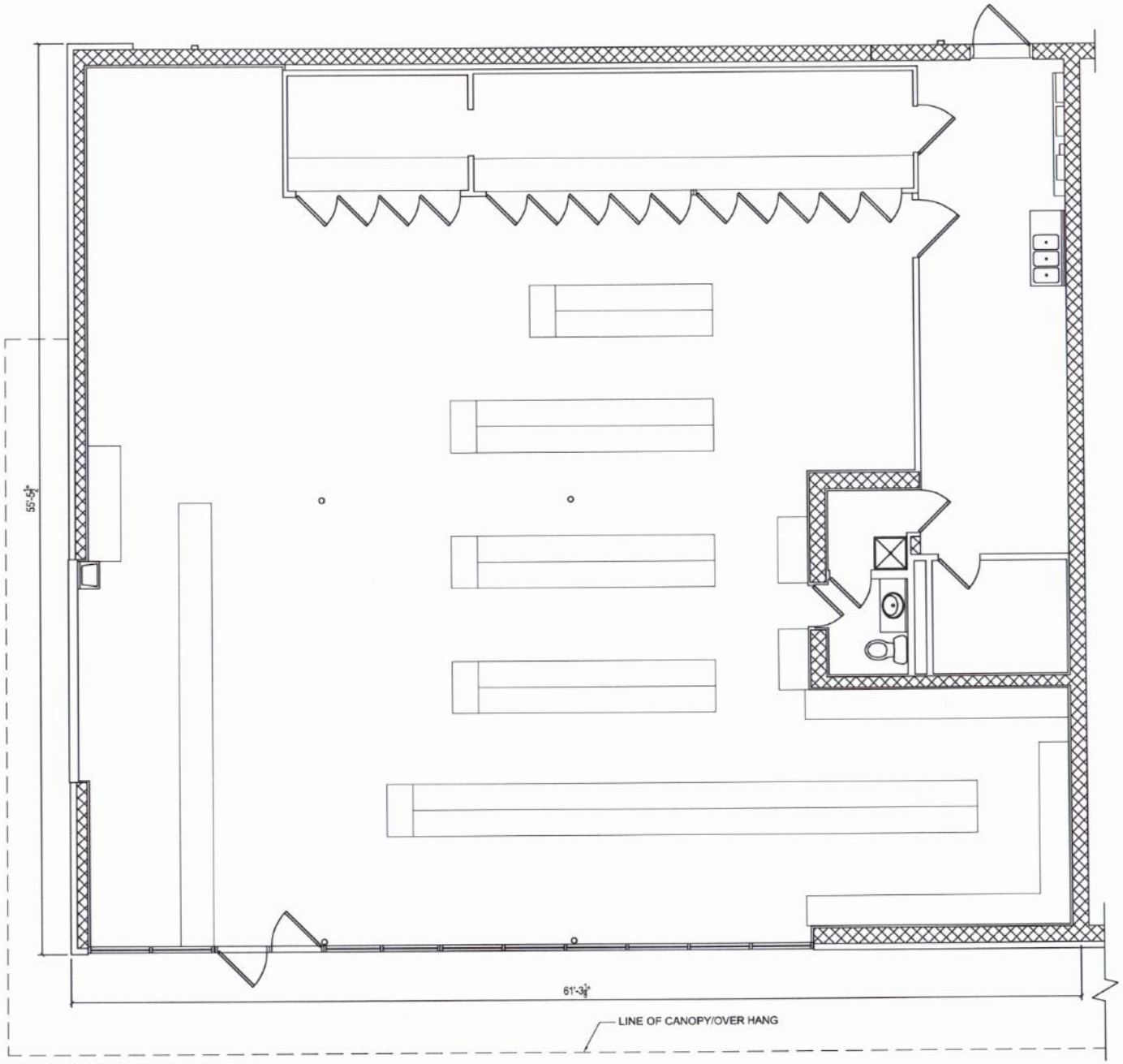
ONLY NEEDED IF APPLICABLE:

Print name: Stephen R. Romine **Sign:** [signature] 10/26/15
(Authorized Agent Signature) (Date)

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


CAPE VIEW AVE.
EAST OCEAN VIEW AVE.
Convenient Food Mart
1881 East Ocean View Ave.
1879 Ocean View Ave.
1877 East Ocean View Ave.
Norfolk Virginia 23503
55'
15'
61'±
20'±
21'-4"±
Exhibit A
Southwest Corner of East Ocean View Ave. & Cape View Ave. Norfolk, VA. 23503
North
Scale 1" = 20'-0"
C.J.K. 1-10-80

Initials



37629 NORFOLK, VA - AS-BUILT

10-19-2015

1881 E. OCEAN VIEW AVE

N

NOTES

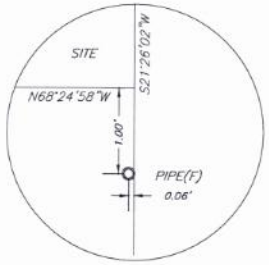
S-1. THE MERIDIAN SOURCE AND COORDINATES (IF SHOWN) FOR THIS SURVEY/PLAT IS/ARE BASED ON THE CITY OF NORFOLK GEODETIC CONTROL NETWORK WHICH REFERS TO THE VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83 (93 HARN).

S-2. THIS SURVEY/PLAT WAS PERFORMED/PREPARED WITHOUT THE BENEFIT OF A CURRENT AND COMPLETE TITLE REPORT AND MAY NOT SHOW ANY/ALL PARCEL LINES, EASEMENTS, RESTRICTIONS, ENCUMBRANCES, AND CURRENT RIGHTS-OF-WAY THAT MAY AFFECT THE SURVEYED AREA SHOWN.

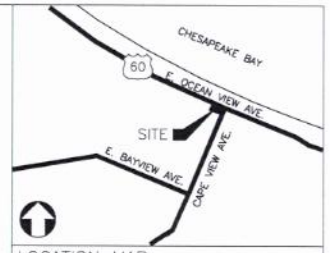
S-3. THIS SURVEY/PLAT DOES NOT INTEND TO DEPICT ANY WETLANDS, HAZARDOUS WASTE, AND OTHER ENVIRONMENTAL CONDITIONS UNLESS OTHERWISE NOTED AND/OR SHOWN.

S-4. THE PROPERTY SHOWN APPEARS TO FALL WITHIN FLOOD ZONE(S) "X & X(0.2%)", ACCORDING TO F.E.M.A.'S FLOOD INSURANCE RATE MAP (F.I.R.M.) FOR THE CITY OF NORFOLK, VIRGINIA. MAP NUMBER 5101040030F, MAP REVISED: SEPTEMBER 2, 2009.

S-5. THIS SURVEY OF LOTS 1, 2, 3 & 4, BLOCK 5, AMENDED PLAT OF BLOCKS 5 & 7, OCEAN VIEW REALTY CO., NORFOLK, VIRGINIA WAS COMPLETED UNDER THE DIRECT AND RESPONSIBLE CHARGE OF CHARLES L. SMITH, III, LS FROM AN ACTUAL X GROUND OR _ AIRBORNE SURVEY MADE UNDER MY SUPERVISION; THAT THE IMAGERY AND/OR ORIGINAL DATA WAS OBTAINED ON 11/09/15; AND THAT THIS PLAT, MAP, OR DIGITAL GEOSPATIAL DATA INCLUDING METADATA MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED.

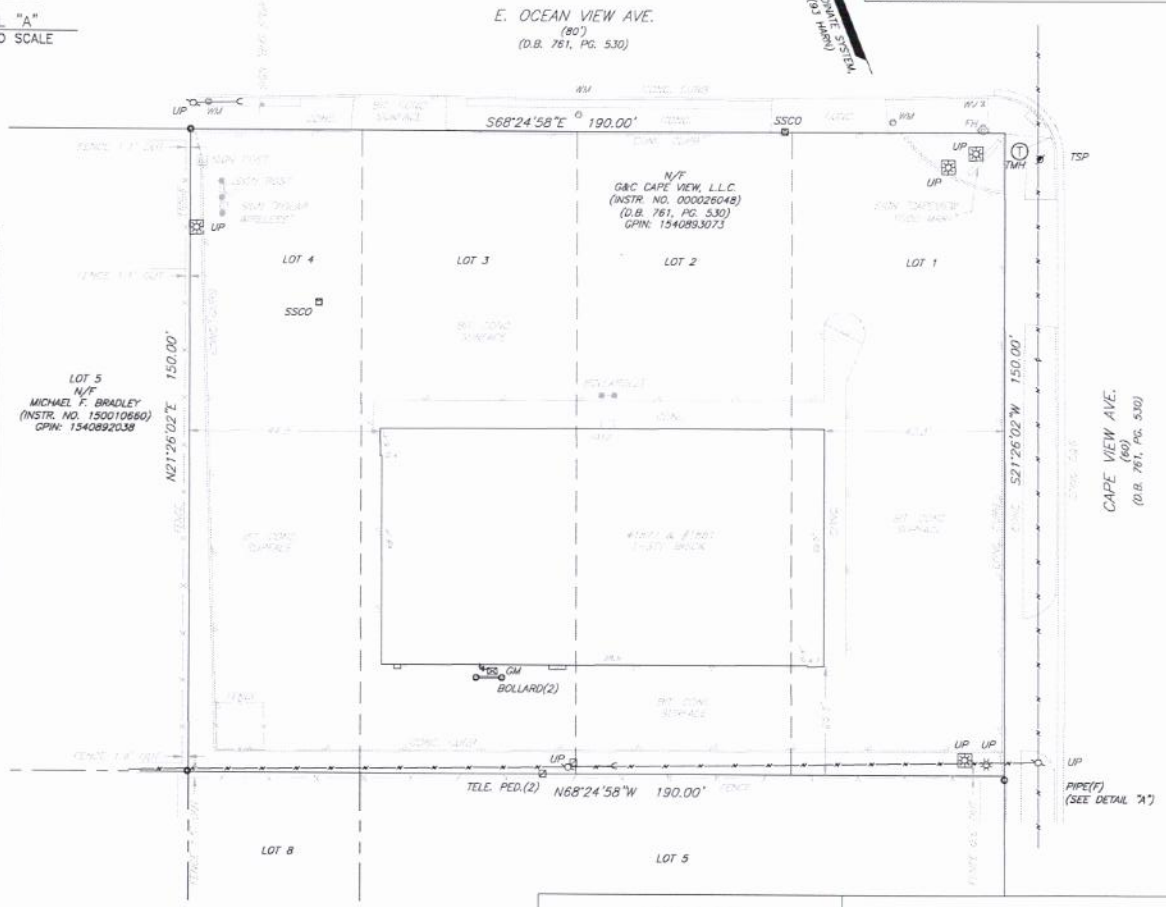


DETAIL "A"
NOT TO SCALE



LOCATION MAP
NOT TO SCALE

VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83(93 HARN)



GRAPHIC SCALE
0 10 20 40 60

SURVEY LEGEND

SYMBOL	ABBREV.	DESCRIPTION	SYMBOL	ABBREV.	DESCRIPTION
	AC.	ACRES		MW	MONITORING WELL
	AATUR	ABANDONED ACCORDING TO UTILITY RECORDS		N/F	NOW OR FORMERLY
	BIT.	BITUMINOUS		(OA)	OVERALL
		BOLLARD		PED.	PEDESTAL
		BORING			PLUG/STUB
		BRUSH OR DRIPLINE		P.O.B.	POINT OF BEGINNING
	SBL	BUILDING SETBACK LINE		P.C.	POINT OF CURVE
	CATV	CABLE TELEVISION		PVC	POLYVINYL CHLORIDE
	CI	CAST IRON		RR	RAILROAD
	℄	CENTERLINE		RCP	REINFORCED CONCRETE PIPE
	CLD	CENTERLINE OF DITCH		R/W, ROW	RIGHT-OF-WAY
—OHW—	OHW	CENTERLINE OVERHEAD WIRES		RDCO	ROOF DRAIN CLEANOUT
	C&G	CONCRETE CURB & GUTTER		SFMV	SANITARY FORCE MAIN VALVE
	CMP	CORRUGATED METAL PIPE	--SFM--		SANITARY FORCEMAIN
	CB	CURB BASIN	--SS--		SANITARY SEWER LINE
	DATUR	DEPICTED ACCORDING TO UTILITY RECORDS		SSCO	SANITARY SEWER CLEANOUT
	DI	DROP INLET		SSMH	SANITARY SEWER MANHOLE
		EASEMENT LINE		(S)	SET MONUMENT
	EP	EDGE OF PAVEMENT			SIGN
	EW	EDGE OF WATER			SPOT ELEVATION
	ELEC.	ELECTRIC		S.F.	SQUARE FEET
	EMH	ELECTRIC MANHOLE		S.H.P.B.	STATE HIGHWAY PLAT BOOK
	ELEV, EL	ELEVATION		SDMH	STORM DRAIN MANHOLE
		EMERGENCY PUMP CONNECTION	--SD--	SD	STORM DRAIN PIPE
	EOI	END OF INFORMATION		STRUC.	STRUCTURE
		EXCEPTION ITEM DESIGNATOR			SURVEY CONTROL
—X—		FENCE		MON.	SURVEY MONUMENT
	FF	FINISHED FLOOR ELEVATION		TELE.	TELEPHONE
	FH	FIRE HYDRANT		TMH	TELEPHONE MANHOLE
	FP	FLAG POLE		TBM	TEMPORARY BENCHMARK
	FES	FLARED END SECTION		TOE	TOE OF SLOPE/BANK
	FIRM	FLOOD INSURANCE RATE MAP		TOP	TOP OF SLOPE/BANK
	FL	FLOW LINE		TC	TOP OF CURB
	(F)	FOUND MONUMENT		RIM	TOP OF STRUCTURE ELEVATION
	GM	GAS METER		TRAF.	TRAFFIC
	GV	GAS VALVE		TSP	TRAFFIC SIGNAL POLE
	GPIN	GEOGRAPHIC PARCEL IDENTIFICATION NUMBER		TRANS.	TRANSFORMER
		GUY WIRE			TREE TRUNK
	HC	HANDICAP	--CATV--	CATV	UNDERGROUND CABLE TELEVISION
	HVAC	HEATING VENTILATION & AIR CONDITIONING	--UE--	UE	UNDERGROUND ELECTRIC
	HDPE	HIGH DENSITY POLYETHYLENE	--G--	G	UNDERGROUND NATURAL GAS
	INSTR.	INSTRUMENT	--UT--	UT	UNDERGROUND TELEPHONE
	INV	INVERT ELEVATION	--UTC--	UTC	UNDERGROUND TRAFFIC CONTROL
	JBOX	JUNCTION BOX		UP	UTILITY POLE
		LANDSCAPED AREA			UTILITY POLE W/LAMP
	LP	LIGHT POLE		WV	WATER VALVE
		LOT LINE			VAULT
	MB	MAIL BOX	--W--	W	WATER LINE
	MH	MANHOLE		WM	WATER METER
		MARSH		WF	WETLANDS FLAG

REVISION HISTORY

NO.	DATE	DESCRIPTION

SURVEY OF
LOTS 1, 2, 3 & 4
BLOCK 5
AMENDED PLAT OF BLOCKS 5 & 7
OCEAN VIEW REALTY CO.
(D.B. 761, PG. 530)
NORFOLK, VIRGINIA
FOR
VERDAD REAL ESTATE, INC.

BlakewayCorp
engineering | surveying | project management
770 INDEPENDENCE CIRCLE, SUITE 100
VIRGINIA BEACH, VIRGINIA 23455
TEL 757-226-0081
FAX 757-226-8765

SCALE:	1"=20'	DATE:	11/17/15
PROJ.:	E. OCEAN	FILE NO.	6160.40
SHEET 1 OF 1		F.B. X	PG. X

Simons, Matthew

From:	Straley, Matthew
Sent:	Wednesday, December 16, 2015 11:44 AM
To:	'linda.lundquist@ymail.com'; 'yurkovic3@cox.net'
Cc:	Smigiel, Thomas; Winn, Barclay; Ransom, Carlton; Simons, Matthew
Subject:	new Planning Commission applications - 1877 E Ocean View Avenue
Attachments:	711_24 hours convenience application.pdf; 711_ABC off application.pdf

Ms. Lundquist and Mr. Yurkovic ,

Attached please find the following applications at 1877 E. Ocean View Avenue:

a. Special exception to operate a convenience store, 24-hours (no fuel sales).
b. Special exception for the sale of alcoholic beverages for off-premises consumption.

The item is tentatively scheduled for the January 28, 2016 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

Simons, Matthew

From:	Vic Yurkovic <yurkovic3@cox.net>
Sent:	Friday, December 18, 2015 11:55 AM
To:	Simons, Matthew; Straley, Matthew; linda.lundquist@ymail.com
Cc:	Smigiel, Thomas; Winn, Barclay; Ransom, Carlton; 'Paul C. Evans'; 'Cathy Ford'; 'Susan Hudson'; 'Cate McCoy'; 'Khorram, Jay'
Subject:	RE: new Planning Commission applications - 1877 E Ocean View Avenue

Matthew,
This is correct – we supported the proposed moves.
Vic

From: Simons, Matthew [mailto:Matthew.Simons@norfolk.gov]
Sent: Friday, December 18, 2015 11:42 AM
To: Vic Yurkovic; Straley, Matthew; linda.lundquist@ymail.com
Cc: Smigiel, Thomas; Winn, Barclay; Ransom, Carlton; Paul C. Evans; Cathy Ford; Susan Hudson; Cate McCoy; Khorram, Jay
Subject: RE: new Planning Commission applications - 1877 E Ocean View Avenue

Vic,
Sorry, I just want to make sure that I'm telling the Planning Commission the correct thing.
I think what you're saying is that the Cottage Line Civic League voted to support 7-Eleven opening in the space that's currently occupied by the Capeview Food Mart?

Thanks Vic!

Matthew Simons, AICP, CZA, CFM
City of Norfolk, Department of City Planning
City Planner II – Land Use Services
757-664-4750

From: Vic Yurkovic [mailto:yurkovic3@cox.net]
Sent: Thursday, December 17, 2015 10:15 AM
To: Straley, Matthew; linda.lundquist@ymail.com
Cc: Smigiel, Thomas; Winn, Barclay; Ransom, Carlton; Simons, Matthew; Paul C. Evans; Cathy Ford; Susan Hudson; Cate McCoy; Khorram, Jay
Subject: RE: new Planning Commission applications - 1877 E Ocean View Avenue

Matt and Linda,
Cottage Line received a presentation at our March 2015 Civic League meeting on ALL of the 7-11 moves in Ocean View. We voted to support the Capeview Ave & E. Ocean View Ave store relocation from the 2200 block of E. Ocean View Ave.

All the Best,
Vic Yurkovic
Cottage Line Civic League
Cell (757) 287-6693

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

February 9, 2016

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

Subject: **Special Exceptions to operate a microbrewery and an entertainment establishment with alcoholic beverages at 211 W. 24th Street – O'Connor Brewing Co.**

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

Ward/Superward: 2/6

Approved: Marcus D. Jones, City Manager

Item Number: R-21

I. **Staff Recommendation: Approval.**

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

III. **Request: Special Exception to operate a microbrewery and to amend an existing special exception to operate an entertainment establishment with alcoholic beverages**

IV. **Applicant: O'Connor Brew Co.**

V. **Description:**

	Existing	Proposed
Hours of Operation (brewery)	24-hours a day, seven days a week	Same
Hours for Entertainment and for the Sale of Alcoholic Beverages (on-premises consumption)	11:00 a.m. until midnight, Monday through Thursday 11:00 a.m. until 2:00 a.m., Friday and Saturday 11:00 a.m. until 9:00 p.m., Sunday	Same
Hours for the Sale of Alcoholic Beverages (off-premises consumption)	11:00 a.m. until midnight, Monday through Saturday 11:00 a.m. until 9:00 p.m., Sunday	Same
Seating Capacity (5 floor plan options)	• 220 seats indoors • 200 seats outdoor • 380 total capacity	278 seats indoors 196 seats outdoors 600 total capacity
Entertainment	• Five member band • Karaoke • Poetry Reading • Comedian	Same

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

Attachments:

- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinances

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: January 28, 2016

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Susan Pollock Hart, CFM

Staff Report	**Item No. 22**	
Address	**211 West 24th Street**	
Applicant	**O'Connor Brewing Co.**	
Requests	**Special Exceptions**	**a. Microbrewery** **b. Entertainment Establishment**
Property Owner	O'Connor Brewing Company, LLC	
Site Characteristics	Site/Building Area	52,500 sq. ft./26,265 sq. ft.
	Future Land Use Map	Industrial
	Zoning	I-2 (Light Industrial)
	Neighborhood	Park Place/Midtown Industrial District
	Character District	Traditional
Surrounding Area	North	I-2: Vacant industrial warehouses
	East	I-2: Old Dominion Peanut Corp.
	South	I-1 (Limited Industrial): Norfolk Southern railway
	West	I-2: The Desk Doctor Furniture Outlet

A. Summary of Request

- The site is located on the south side of 24th Street between Llewellyn and Omohundro Avenues.
- The applicant has operated a microbrewery with entertainment at this location since 2013 and prior to that nearby on 25th Street since 2011.
- The application proposes to increase indoor seating, a decrease in outdoor seating and an increase overall capacity.

B. Plan Consistency

The proposed special exceptions are consistent with *plaNorfolk2030*, which designates this site as industrial.

C. Zoning Analysis

i. General

- The existing use was established in 2013 and was considered light manufacturing for the production of beer, an entertainment establishment and the sale of alcoholic beverages for off-premises consumption.
- Since that time, the *Zoning Ordinance* has been amended to add definitions for brewery, microbrewery and brewpub.
  - A microbrewery allow for the manufacturing and retail sale of beer produced on premise as well as the off-premises sale of beer.
- The application proposes modification of the current operation by increasing the number of indoor and outdoor seats and overall capacity.
  - This requires that the applicant come into compliance by amending the existing entertainment establishment and replacing the sale of alcoholic beverages for off-premise consumption special exception with a special exception to operate a microbrewery.
- The application proposes the following changes:
  - Increase indoor seating from 220 to 292 seats.
  - Decrease outdoor seating from 200 to 186.
  - Increase overall capacity from 380 patrons to 600 patrons.
- Both uses are allowed by special exception in the I-2 district.

	Existing	Proposed
Hours of Operation (brewery)	24-hours a day, seven days a week	Same
Hours for Entertainment and for the Sale of Alcoholic Beverages (on-premises consumption)	11:00 a.m. until midnight, Monday through Thursday 11:00 a.m. until 2:00 a.m., Friday and Saturday 11:00 a.m. until 9:00 p.m., Sunday	Same

Hours for the Sale of Alcoholic Beverages (off-premises consumption)	11:00 a.m. until midnight, Monday through Saturday 11:00 a.m. until 9:00 p.m., Sunday	Same
Seating Capacity (5 floor plan options)	• 220 seats indoors • 200 seats outdoor • 380 total capacity	• 278 seats indoors • 196 seats outdoors • 600 total capacity
Entertainment	• Five member band • Karaoke • Poetry Reading • Comedian	Same

ii. Parking

- The area used for the microbrewery is approximately 10,000 square feet.
- The site is located in a Traditional Character district which requires one parking space per 300 square foot of building area.
- The site contains 38 parking spaces and the use is required to provide 33 spaces.
  - It in compliance with parking requirements.
- The applicant will also be required to provide seven spaces for bicycles.

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 figures estimate that this new restaurant will generate 348 additional vehicle trips per day by increasing total indoor seating at this location by 72 seats above currently approved levels.

E. Historic Resources Impacts

The building located on this site is a contributing structure in the Park Place State and National Historic District.

F. Public Schools Impacts

The site is located in the James Monroe Elementary School, the Blair Middle School and Maury High School districts.

G. Environmental Impacts

Site improvements shall include landscaping along 24th Street between the building and sidewalk.

H. Surrounding Area/Site Impacts

- This site has been in operation for two years and there have been no complaints or issues reported.
- The site is located in an industrial area and the expansion of the occupancy should not negatively impact the surrounding area.
- Over the past year there have been four calls for police service with no arrests made.

I. Payment of Taxes

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

J. Civic League

Notice was sent to the Park Place Civic League on December 16th.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 14.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and 21.
  - This item was continued from the August, September and November public hearings to the December public hearing.

L. Recommendation

Staff recommends **approval** of the special exception request subject to all of the following conditions:

Microbrewery

a. The hours of operation for the establishment shall be 24 hours a day, seven days a week.

b. The hours for the sale of alcoholic beverages for off-premises consumption shall be from 11:00 a.m. until 12:00 midnight, Monday through Saturday, and from 11:00 a.m. until 9:00 p.m., Sunday.

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

d. No alcoholic beverages other that those defined as "beer," as defined by state law, shall be sold.

e. No alcoholic beverage having more than 21% alcohol by volume shall be sold.

f. No beer shall be sold in any package containing fewer than six (6) bottles or cans.

g. The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

Entertainment Establishment

a. The hours of operation for the establishment shall be 24 hours a day, seven days a week.

b. The hours of operation for the sale of alcoholic beverages for on-premises consumption and for entertainment shall be from 11:00 a.m. until 12:00 midnight, Monday through Thursday, from 11:00 a.m. until 2:00 a.m., Friday and Saturday, and from 11:00 a.m. until 9:00 p.m., Sunday.

c. No entertainment shall be permitted outdoors after 9:00 p.m., Sunday through Tuesday, and after 12:00 midnight, Wednesday through Saturday.

d. The seating for the establishment shall not exceed 220 seats indoors, 200 seats outdoors, and the total occupant capacity, including employees, shall not exceed 380 people. The use authorized by this Special Exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

e. This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the

Description of Operations ceasing to work at the establishment.

f. Entertainment shall be limited to live bands having no more than five members, movie night, karaoke, comedian and poetry reading. No other form of entertainment is permitted.

g. There shall be no dancing and no dance floor provided.

h. The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

i. No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

j. The establishment shall maintain a current, active business license at all times while in operation.

k. The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

l. No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

m. During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

n. The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

o. The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where

any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

p. The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

q. Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

r. Notwithstanding anything to the contrary, the requirements of this subsection shall not apply to the following entities, who may lease or otherwise use the facility for events that are permitted by and comply with this ordinance in all other respects:

    (1) Any federal, state, or local government or governmental agency;

    (2) Any party that receives a grant or other direct funding from a state or local government; and

    (3) Any party that is recognized as a charitable organization in good standing under § 501(c)(3) of the Internal Revenue Code of the United States Code at the time of the event.

    Collectively, the parties identified in items 1, 2 and 3 above are defined as "Authorized Entities".

s. The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected or any event held by an Authorized Entity which leases, lets, or uses the facility.

t. A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

    1. This Special Exception;

2. Any ABC license(s);
3. Any occupancy permit(s);

4. Certifications of all persons who work on the premises as a security guard;

5. All fire code certifications, including alarm and sprinkler inspection records;

6. Any health department permit(s);

7. The emergency action plan required under the Fire Prevention Code;

8. The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

9. The establishment's designated driver program.

10. Security Plan

h. Any requirements, limitations or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this Special Exception shall be effective and binding. Any violation of such limitation requirement or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. The Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from limitations, requirements of restrictions imposed by the ABC Commission or by State law.

i. A copy of this Adult Use Special Exception ordinance and "Exhibit A" (including the floor plan) shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

j. At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs. "The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 200 people or when otherwise required by at least 36 hours prior written

notice of the Fire Marshall, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

k. The written security plan submitted to the City as part of the application for this Special Exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Attachments

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
Notice to the Park Place Civic League

Proponents and Opponents

Proponents

Kevin O'Connor
211 W. 24th Street
Norfolk, VA 23504

Opponents

None

01/26/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT WITH ALCOHOLIC BEVERAGES KNOWN AS "O'CONNOR BREWING COMPANY" ON PROPERTY LOCATED AT 211 WEST 24TH STREET.

- - -

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

Section 1:- That a Special Exception is hereby granted to O'Connor Brewing Company, LLC authorizing the operation of an entertainment establishment with alcoholic beverages named "O'Connor Brewing Company" on property located at 211 West 24th Street. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 250 feet, more or less, along the southern line of West 24th Street, beginning 125 feet, more or less, from the western line of Omohundro Avenue and extending westwardly; premises numbered 211 West 24th Street.

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

(a) The hours of operation for the sale of alcoholic beverages for on-premises consumption and for entertainment shall be limited to 11:00 a.m. until 12:00 midnight Monday through Friday, 11:00 a.m. until 2:00 a.m. the following morning on Saturday, and 11:00 a.m. until 9:00 p.m. on Sunday.

(b) No entertainment shall be permitted outdoors after 9:00 p.m. Sunday through Tuesday, nor after 12:00 midnight Wednesday through Saturday.

(c) The seating for the establishment shall not exceed 292 seats indoors, 144 seats outdoors, and the total occupant capacity, including employees, shall not exceed 600 people.

(d) No smoking shall be permitted anywhere in the portion of the outdoor area that is located within the patio area shown in the outdoor floor plans attached hereto in "Exhibit B".

(e) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(f) Entertainment shall be limited to live bands having no more than five (5) members, karaoke, poetry reading, comedians and motion pictures. No other forms of entertainment are permitted.

(g) There shall be no dancing and no dance floor provided.

(h) The layout of the establishment shall adhere to the specifications of any of the floor plans attached hereto at "Exhibit B."

(i) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(j) The establishment shall maintain a current, active business license at all times while in operation.

(k) The establishment shall remain current on all food and beverage taxes and business personal property taxes which may become due while it is in operation.

(l) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(m) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(n) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar.

(o) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(p) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from

requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(q) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(r) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(s) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(t) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.

(u) A binder or folder containing documentation relating to the operation of the facility shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the facility shall include copies of the following:

(1) This Special Exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permits;

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the facility at any time;

(9) The facility's designated driver program; and

(10) The facility's Security Plan.

(v) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 200 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshall, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(w) The written security plan submitted to the City as part of the application for this Special Exception and on file with the Department of Planning shall remain in full force and effect at all times while the facility is in operation.

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

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in

question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all

additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting an entertainment establishment on this property, adopted on December 10, 2013 (Ordinance NO. 45,366). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

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

ATTACHMENTS:
Exhibit A (5 pages)
Exhibit B (2 pages)

Exhibit A

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

Date 12/16/15

Trade name of business O'CONNOR BREWING COMPANY, LLC

Address of business 211 W. 24TH STREET, NORFOLK VA 23517

Name(s) of business owner(s)* LLC PARTNERS: KEVIN O'CONNOR - MANAGER & PENNY O'CONNOR

Name(s) of property owner(s)* LLC PARTNERS: SAME AS ABOVE

Name(s) of business manager(s)/operator(s) KEVIN O'CONNOR, PENNY O'CONNOR

Daytime telephone number (757) 623-2387 AND 757 652-0069

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

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales and Entertainment		
Weekday	From 12 AM	To 12 AM	Weekday	From 11 AM	To 12 AM
Friday	From 12 AM	To 12 AM	Friday	From 11 AM	To 2 AM
Saturday	From 12 AM	To 12 AM	Saturday	From 11 AM	To 2 AM
Sunday	From 12 AM	To 12 AM	Sunday	From 11 AM	To 9 PM

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

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

NOTE:
BAND: 12 MIDNIGHT
WED-SAT
SUN-TUE
9PM

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

Exhibit A – Page 2
Entertainment Establishment

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

   4a If yes, please describe type and number of each game to be provided:
   CORNHOLE BOARDS (2 SETS OF 2)

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

   5a. If yes, why:
   ONLY FOR TICKET SPECIAL EVENTS

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

   Monday Tuesday Wednesday Thursday Friday
   Saturday Sunday

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

   6a. If yes, explain:
   CORPORATE PARTIES/EVENTS, WEDDING RECEPTIONS, NON-PROFIT EVENTS, PRIVATE EVENTS, REHERSAL DINNERS, CHARITY EVENTS, BIRTHDAY PARTIES

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

   7a. If yes, explain:

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

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

_____

_____

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

Signature of Applicant

LAYOUT A

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

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

1. Total capacity

   a. **Indoor**
   Number of seats (not including bar seats) 278
   Number of bar seats 14
   Standing room 68
   Band 5

   b. **Outdoor**
   Number of seats (Loading Dock) 42
   Standing room (Loading Dock) 28

   c. **Number of employees** 15

   Beer garden 120
   Patio Bar Seats 24
   Patio Bar Standing 6

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 600

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

   5 member band, movie showing.

3. Will a dance floor be provided?
   ☐ Yes ☑ No

   3a. If yes,
   Square footage of establishment _____
   Square footage of dance floor _____

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

LAYOUT B

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

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

1. Total capacity

   a. **Indoor**
   Number of seats (not including bar seats) 246
   Number of bar seats 14
   Standing room 68
   Band 5
   Shuffle Board (Game Area) 32
   b. **Outdoor**
   Number of seats (Loading Dock) 42
   Standing Room (Loading Dock) 20
   c. **Number of employees** 15

   Beer garden 120
   Patio Bar Seats 24
   Patio Bar Standing 6

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 600

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

   5 member band, movie showing,

3. Will a dance floor be provided?
   ☐ Yes ☑ No

   3a. If yes,
   Square footage of establishment _____
   Square footage of dance floor _____

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

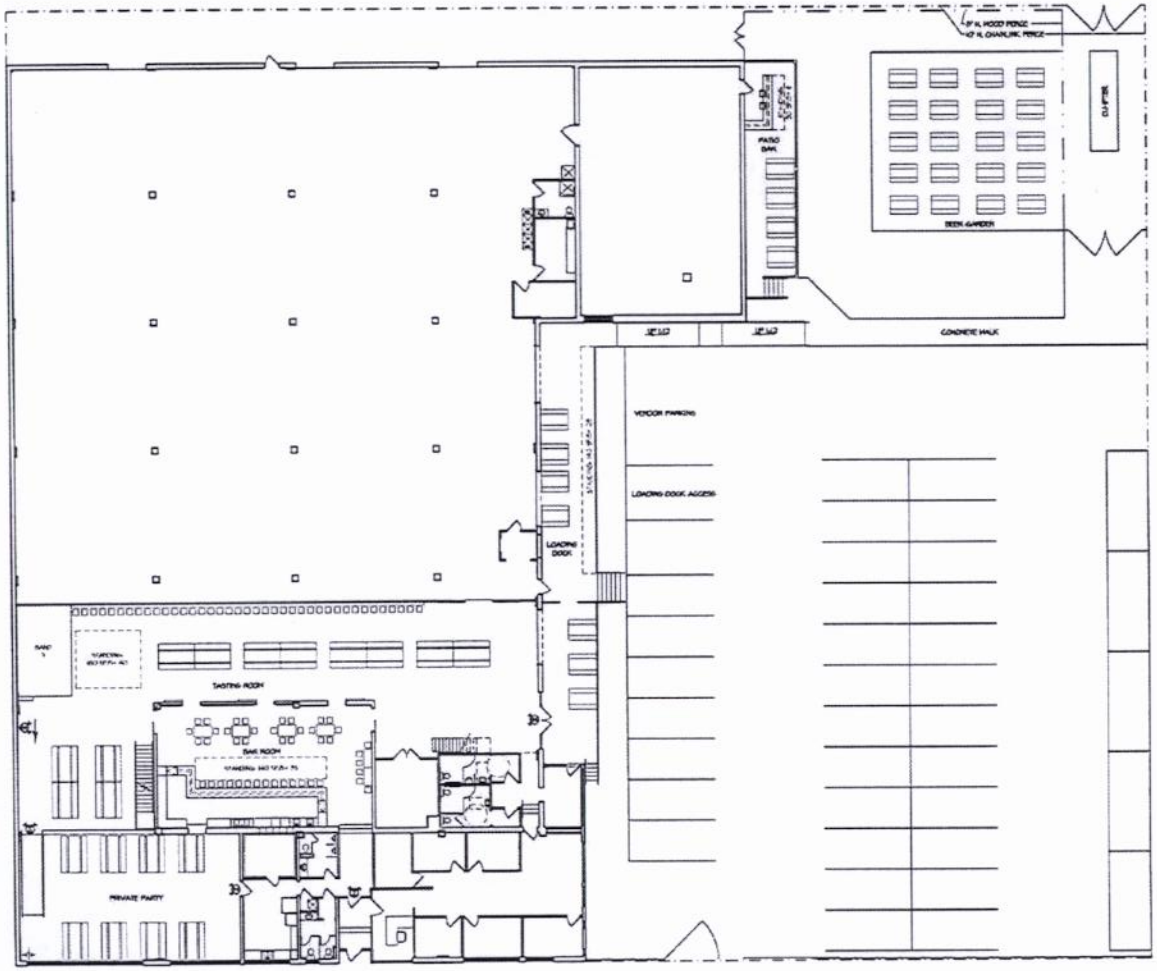
COMMONWEALTH OF VIRGINIA
12/11/15
ROBYN J. THOMAS
No. 7487
ARCHITECT

PLUMBING FIXTURE CALCULATIONS		
	FIXTURES REQUIRED	FIXTURES PROVIDED
WATER CLOSETS (1/75):	9	9
LAVATORIES (1/200):	3	5
SERVICE SINK:	1	1

O'CONNOR BREWING COMPANY
LAYOUT A - TASTING ROOM/
PRIVATE PARTY

211 W. 24TH STREET

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



FIRST FLOOR PLAN
1" = 40'-0"

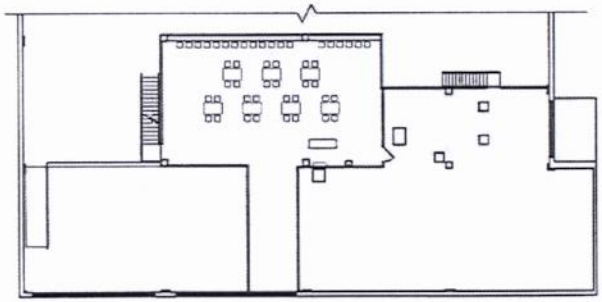
OCCUPANCY CALCULATIONS	
TASTING ROOM SEATS:	135
TASTING ROOM STANDING:	40
BAR ROOM SEATS:	30
BAR ROOM BAR SEATS:	14
BAR ROOM STANDING:	28
PRIVATE PARTY:	64
MEZZANINE TOTAL:	49
LOADING DOCK SEATING:	42
LOADING DOCK STANDING:	28
PATIO BAR SEATS:	24
PATIO BAR STANDING:	6
BEER GARDEN SEATS:	120
BAND:	5
STAFF:	15
TOTAL OCCUPANCY:	600

CODE COMPLIANCE

CONSTRUCTION TYPE: 2b, FULLY SPRINKLED
USE GROUP(S): S1/ F2/ A2
NON SEPARATED MIXED USE, GROUP A2 IS MOST RESTRICTIVE

ACTUAL HEIGHT & AREA
2 STORIES/ 26,500 SF

ALLOWABLE HEIGHT & AREA
3 STORIES/ 42,560 PER IBC SECTION 506



MEZZANINE PLAN
1" = 40'-0"

Exhibit B

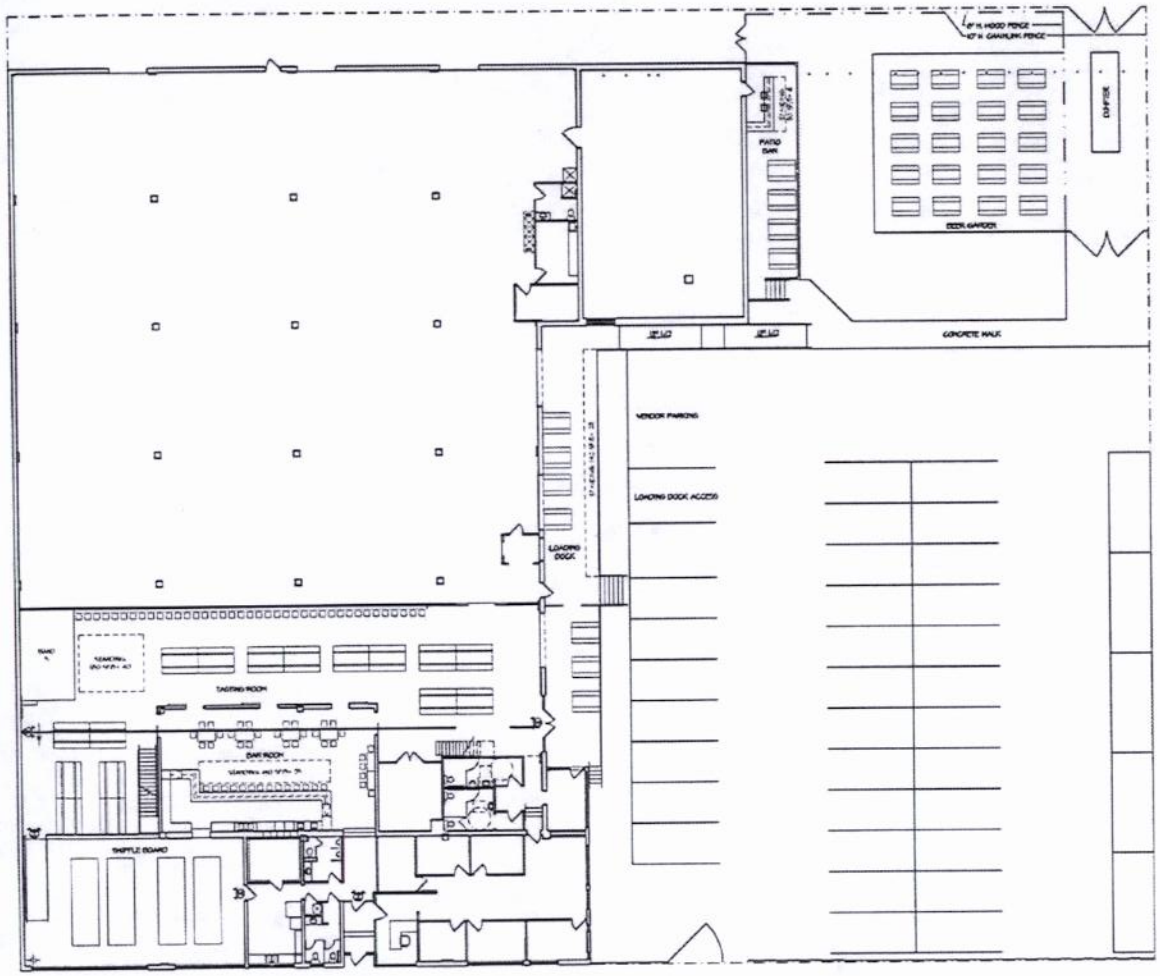
COMMONWEALTH OF VIRGINIA
12/11/15
ROBYN J. THOMAS
No. 7487
ARCHITECT

PLUMBING FIXTURE CALCULATIONS		
	FIXTURES REQUIRED	FIXTURES PROVIDED
WATER CLOSETS (1/75):	9	9
LAVATORIES (1/200):	3	5
SERVICE SINK:	1	1

O'CONNOR BREWING COMPANY
LAYOUT B - TASTING ROOM/
GAME LAYOUT

211 W. 24TH STREET

ROBYN THOMAS
ARCHITECTURE
913 W. 21st Street, Suite C
Norfolk, VA23517
Ofc: 757.622.7100
Fax: 757.640.1014



FIRST FLOOR PLAN
1" = 40'-0"

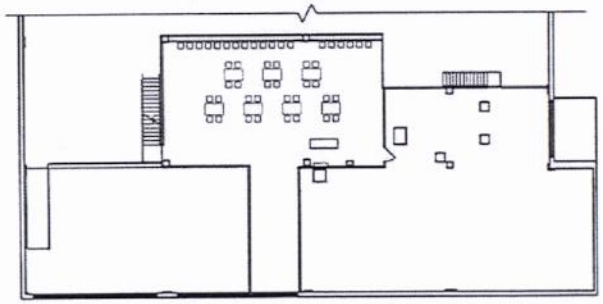
OCCUPANCY CALCULATIONS	
TASTING ROOM SEATS:	167
TASTING ROOM STANDING:	40
BAR ROOM SEATS:	30
BAR ROOM BAR SEATS:	14
BAR ROOM STANDING:	28
SHUFFLE BOARD:	32
MEZZANINE TOTAL:	49
LOADING DOCK SEATING:	42
LOADING DOCK STANDING:	28
PATIO BAR SEATS:	24
PATIO BAR STANDING:	6
BEER GARDEN SEATS:	120
BAND:	5
STAFF:	15
TOTAL OCCUPANCY:	600

CODE COMPLIANCE

CONSTRUCTION TYPE: 2b,
FULLY SPRINKLED
USE GROUP(S): S1/ F2/ A2
NON SEPARATED MIXED USE,
GROUP A2 IS
MOST RESTRICTIVE

ACTUAL HEIGHT & AREA
2 STORIES/ 26,500 SF

ALLOWABLE HEIGHT & AREA
3 STORIES/ 42,560 PER IBC
SECTION 506



MEZZANINE PLAN
1" = 40'-0"

01/26/16 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A MICROBREWERY NAMED "O'CONNOR BREWING COMPANY" ON PROPERTY LOCATED AT 211 WEST 24TH STREET.

- - -

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

Section 1:- That a Special Exception is hereby granted to O'Connor Brewing Company, LLC authorizing the operation of a microbrewery named as "O'Connor Brewing Company" on property located at 211 West 24th Street. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 250 feet, more or less, along the southern line of West 24th Street beginning 125 feet, more or less, from the western line of Omohundro Avenue and extending westwardly; premises numbered 211 West 24th Street.

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

(a) The hours of operation for the sale of alcoholic beverages for on-premises consumption shall be limited to 11:00 a.m. until 12:00 midnight Monday through Friday, 11:00 a.m. until 2:00 a.m. the following morning on Saturday, and 11:00 a.m. until 9:00 p.m. on Sunday.

(b) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 6:00 a.m. until 12:00 midnight, seven days per week.

(c) The seating for the establishment shall not exceed 292 seats indoors, 144 seats outdoors, and the total occupant capacity, including employees, shall not exceed 600 people.

(d) There shall be no entertainment, no dancing, and no dance floor provided, except as may be authorized by a special exception permitting the operation of an entertainment establishment granted to the same operator as holds this special exception.

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

(f) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(g) No alcoholic beverages other than beer, ale, or other fermented malt beverages shall be sold.

(h) The only alcoholic beverages that may be sold for off-premises consumption are those produced on site.

(i) No alcoholic beverage having more than 21% alcohol by volume shall be sold for off-premises consumption.

(j) All beer sold for off-premises consumption shall be in a package containing a minimum of four (4) bottles or cans with the exception of fillable or

refillable containers of at least 22 oz. capacity.

(k) The facility shall maintain a current, active business license at all times while in operation.

(l) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.

(m) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.

(n) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

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

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

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was

enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

Section 4:- That the Special Exception granted hereby amends a previously granted special exception permitting an establishment for the sale of alcoholic beverages for off-premises consumption on this property, adopted on December 10, 2013 (Ordinance No. 45,367) and all provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

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

ATTACHMENT:
Exhibit A (2 pages)

EXHIBIT "A"
Description of Operations
Microbrewery

Date of Application: 12/11/15

Name of business: O'Connor Brewing Company

Address of business: 211 W 24th Street, Norfolk VA 23517

Name(s) of business owner(s)*: Kevin O'Connor

Name(s) of property owner(s)*: O'Connor Brewing Company, LLC

Name(s) of business manager(s)/operator(s): Kevin O'Connor

Daytime telephone number (757): 623-2337

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

1. Proposed Hours of open to the public:

ABC Off-Premises Sales

Weekday From 12 am To 12am

Friday From 12am To 12am

Saturday From 12am To 12am

Sunday From 12am To 12am
(Brewing operations permitted 24-hours)

On-Premises Alcohol Sales (other than tastings)

Weekday From 11am To 12am

Friday From 11am To 12am

Saturday From 11 am To 2 am

Sunday From 11 am To 9 pm

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

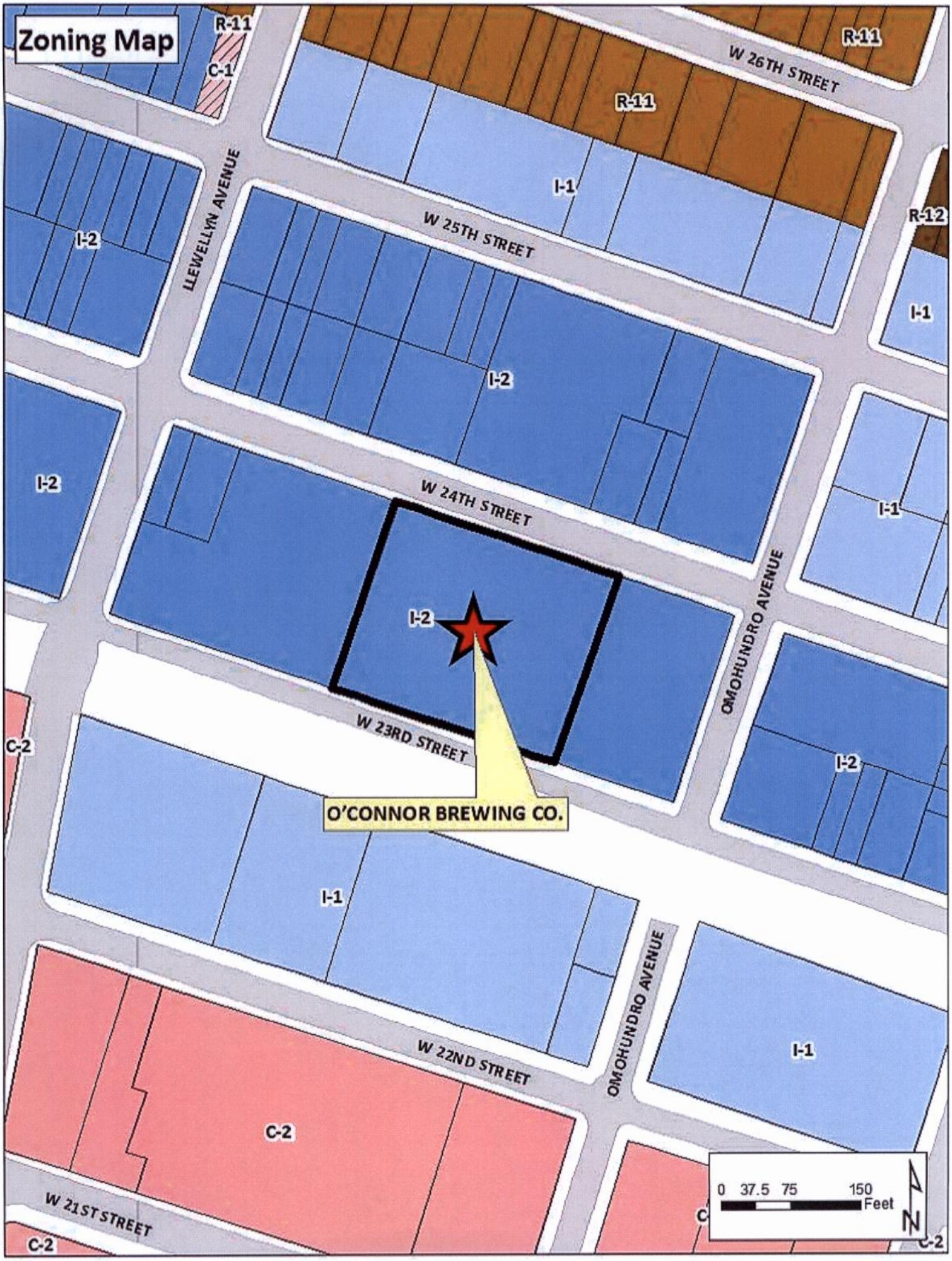
3. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes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

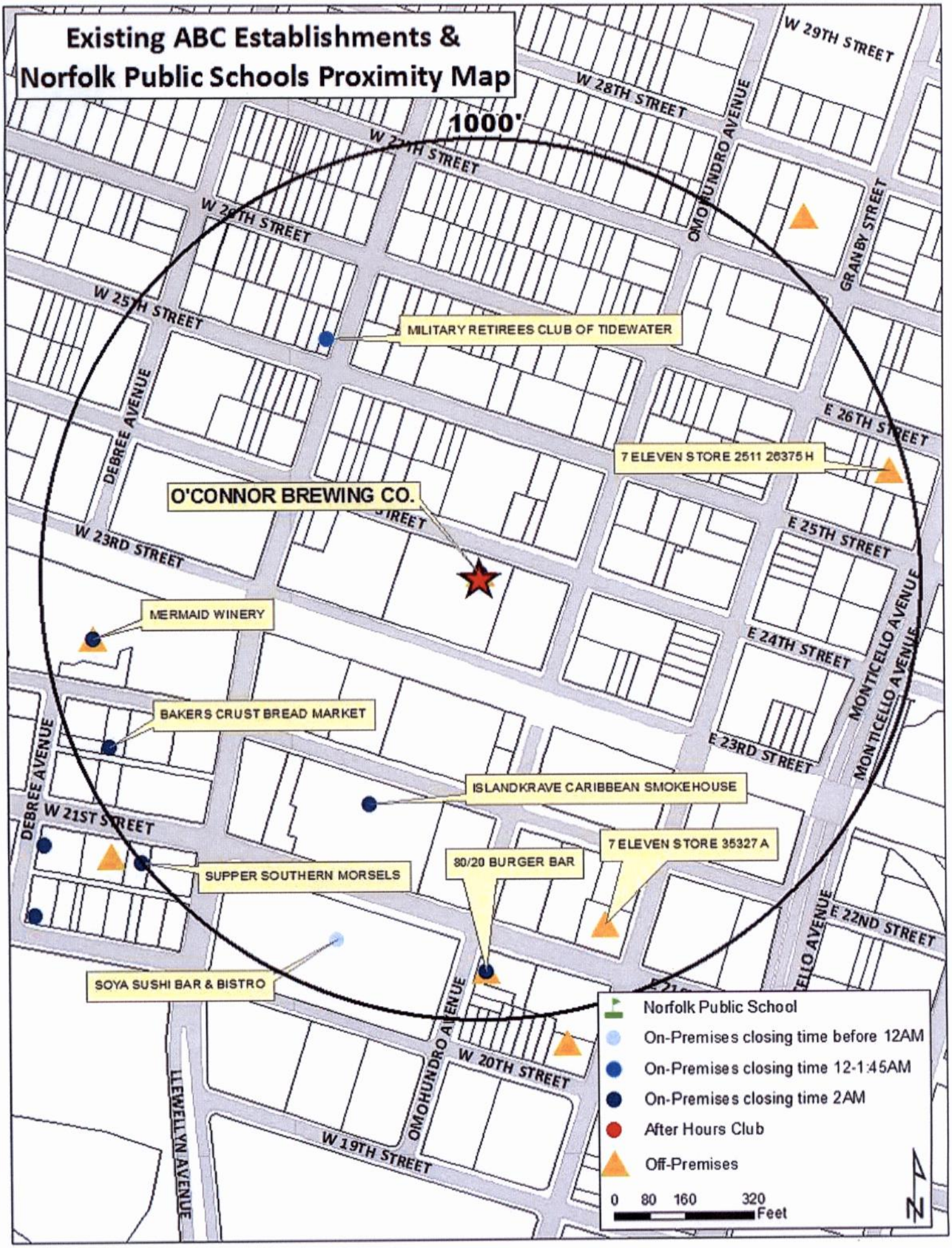
_____

_____

_____
Signature of applicant/owner

Location Map
W 24TH STREET
O'CONNOR BREWING CO.
W 23RD STREET
0 15 30 60
Feet
N


Zoning Map
R-11
C-1
R-11
W 26TH STREET
R-11
I-1
LLEWELLYN AVENUE
W 25TH STREET
R-12
I-2
I-1
I-2
I-2
W 24TH STREET
I-1
OMOHUNDRO AVENUE
I-2
W 23RD STREET
C-2
I-2
O'CONNOR BREWING CO.
I-1
OMOHUNDRO AVENUE
W 22ND STREET
I-1
C-2
W 21ST STREET
C-2
0 37.5 75 150 Feet
N


Existing ABC Establishments &
Norfolk Public Schools Proximity Map
1000'
W 29TH STREET
W 28TH STREET
W 27TH STREET
W 26TH STREET
W 25TH STREET
W 23RD STREET
W 21ST STREET
W 20TH STREET
W 19TH STREET
OMOHUNDRO AVENUE
GRANBY STREET
DEBREE AVENUE
E 26TH STREET
E 25TH STREET
E 24TH STREET
E 23RD STREET
E 22ND STREET
MONTICELLO AVENUE
LLEWELLYN AVENUE
MILITARY RETIREES CLUB OF TIDEWATER
7 ELEVEN STORE 2511 26375 H
O'CONNOR BREWING CO.
MERMAID WINERY
BAKERS CRUST BREAD MARKET
ISLANDKRAVE CARIBBEAN SMOKEHOUSE
SUPPER SOUTHERN MORSELS
80/20 BURGER BAR
7 ELEVEN STORE 35327 A
SOYA SUSHI BAR & BISTRO
Norfolk Public School
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)

Date 12/16/15

DESCRIPTION OF PROPERTY

Address 211 W. 24TH STREET NORFOLK VA 23517

Existing Use of Property BREWERY

Proposed Use MICROBREWERY W/ TASTING & RETAIL FACILITY

Current Building Square Footage 26,265

Proposed Building Square Footage SAME

Trade Name of Business (If applicable) O'CONNOR BREWING CO, 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) O'CONNOR (First) KEVIN (MI) M

Mailing address of applicant (Street/P.O. Box): 103 S. ARDEN CIRCLE

(City) NORFOLK (State) VA (Zip Code) 23505

Daytime telephone number of applicant (757) 623-2337 (757) 652-0069 CELL Fax (757) 965-5419

E-mail address of applicant: KEVIN@OCONNORBREWING.COM

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

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

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

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

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

E-mail address of applicant: _____

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

3. Name of property owner: (Last) O'CONNOR (First) KEVIN (MI) M

Mailing address of property owner (Street/P.O. box): 103 S. ARDEN CIRCLE

(City) NORFOLK (State) VA (Zip Code) 23505

Daytime telephone number of owner (757) 623-2337 email: KEVIN@OCONNORBREWING.COM

CIVIC LEAGUE INFORMATION

Civic League contact: PARK PLACE CIVIC LEAGUE - ROBNEY JORDAN

Date(s) contacted: _____

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS

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

Print name: KEVIN O'CONNOR **Sign:** 12 / 16 / 2015
(Property Owner or Authorized Agent of Signature) (Date)

Print name: KEVIN O'CONNOR **Sign:** 12 / 16 / 2015
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

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

APPLICATION
MICROBREWERY

Date of Application: 12/11/15

DESCRIPTION OF PROPERTY

Property location: (Street Number) 211 (Street Name) W 24th Street

Existing Use of Property Microbrewery / Tasting Room

Current Building Square Footage 26,500

Proposed Use Microbrewery / Tasting Room

Proposed Building Square Footage 26,500

Trade Name of Business (If applicable) O'Connor Brewing Company, 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) O'Connor (First) Kevin (MI) ____

Mailing address of applicant (Street/P.O. Box): 211 W 24th Street

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

Daytime telephone number of applicant (757) 623-2337 Fax ( )

E-mail address of applicant: kevin@oconnorbrewing.com

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

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

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

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

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

E-mail address of applicant: _____

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

3. Name of property owner: (Last) O'Connor (First) Kevin (MI) _____

Mailing address of property owner (Street/P.O. box): 211 W 24th Street

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

Daytime telephone number of owner (757) 623-2337 email: Kevin@oconnorbrewing.com

CIVIC LEAGUE INFORMATION

Civic League contact: Frank Kriston - Park Place Civic League

Date(s) contacted: _____

Ward/Super Ward information: Theresa Whitley / Angelia Williams Graves

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: KEVIN O'CONNOR **Sign:** _____ / ____ / ____
(Property Owner) (Date)

Print name: KEVIN O'CONNOR **Sign:** _____ / ____ / ____
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

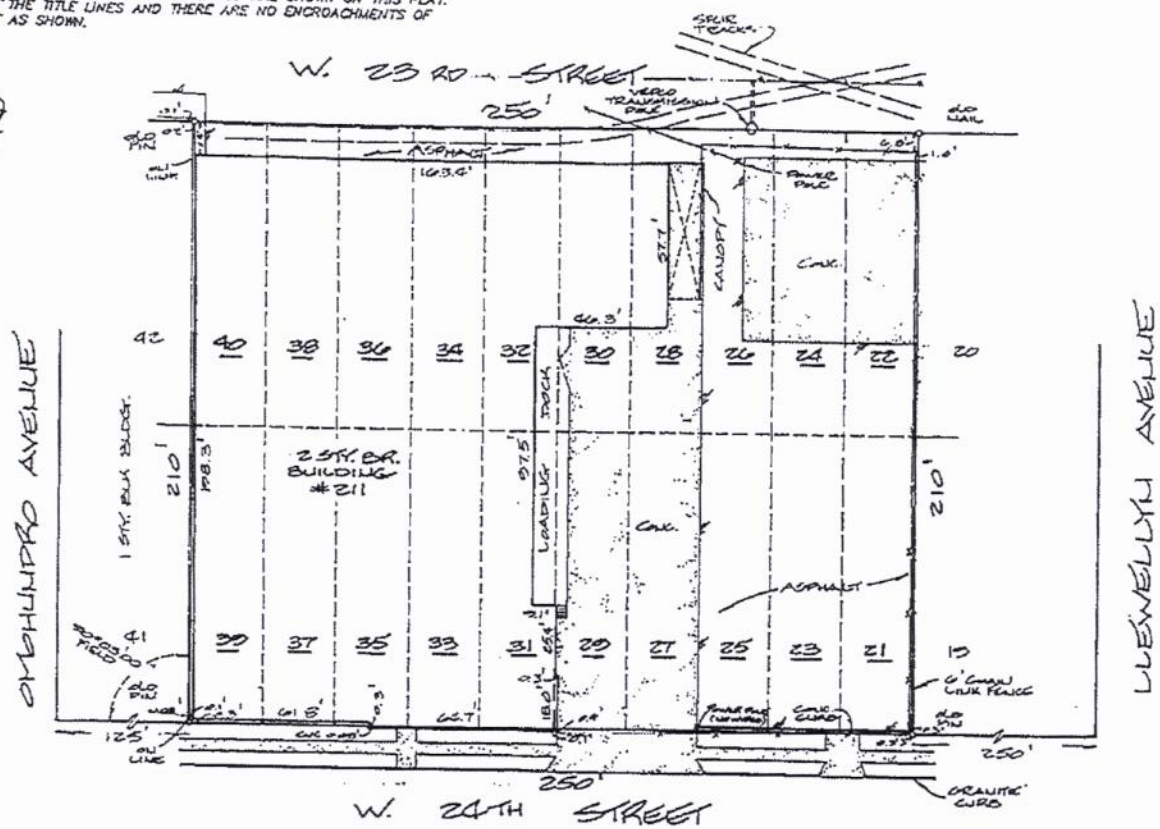
Print name: _____ **Sign:** _____ / ____ / ____
(Authorized Agent Signature) (Date)

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

SIGNED:

COMMONWEALTH OF VIRGINIA
No. 1551
LAND SURVEYOR
6-24-94

NOTE: ALL FENCES SHOWN ARE 10' CHAIN LINK W/ BARBED WIRE UNLESS NOTED



REVISED 7-6-94
VEPCO EASEMENT REMOVED AT REQUEST OF ATTORNEY

NOTES:

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN.
2. FLOOD ZONE INFORMATION SHOWN HEREON IS SCALED FROM F.I.R.M. (F.I.R.M. MAPS ARE AT APPROX. SCALE) AND DOES NOT IMPLY THAT THE PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING. FOR FURTHER INFORMATION, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.
   LEE S. ROOD, P.C. IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON.
3. ELEVATIONS SHOWN HEREON REFER TO N.G.V.D. OF 1988.

LEE S. ROOD, P.C.
Land Surveyors
5737 BARTEE STREET
NORFOLK, VIRGINIA 23502
Ph. (804) 466-1111

NOTE: THIS PROPERTY APPEARS TO FALL IN
FLOOD ZONE (S) "C"
COMMUNITY NO. 510104
PANEL NO. 17 D DATED: 4-17-84
BASE FLOOD ELEVATION = —
GARAGE FLOOR ELEVATION = —
FLOOR ELEV. @ FRONT ENTR. = —

SCALE: 1" = 40 | DATE: 6-24-94 | REFERENCE: CHES. M.B.3, Pg. 96, 97, (NORFOLK M.B.1, Pg. 84, 88) | F.B. 613 Pg. 61

PHYSICAL SURVEY
OF
LOTS 21 THRU 40, BLOCK 61, PARK PLACE
NORFOLK, VIRGINIA
FOR
CLAUS IHLEMANN

REF. 16,515 42,478-94 S-1,251

REF. 16,515 42,478-94 S-1,251

Checklist – Special Exception Application (Microbrewery)

Item	Yes	No	Not Applicable	Comments
Required application fee, **$355.00**	✓			
One 8½ inch x 11 inch copy of a floor plan showing layout of establishment showing square footages of brewery and assembly spaces and the location of ABC (See example floor plan in application)	✓			
One 8½ x 14 inch or 11 x 17 inch copy of a physical survey	✓			
One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan	✓			
Completed Exhibit A, Description of Operations (with corporate name)	✓			
Signature of property owner(s)	✓			

Notes:

Applicant Signature: KEVIN O'CONNOR Date: 12/11/15

Staff Signature: Matt Sin Date: 12/14/15

Simons, Matthew

From: Straley, Matthew
Sent: Friday, December 18, 2015 1:04 PM
To: 'fjkriston@gmail.com'; Pollock, Susan
Cc: Whibley, Terry; Williams, Angelia M.; Wilson, Denise
Subject: FW: new Planning Commission applications - 211 W 24th Street
Attachments: Oconnor_entertainment.pdf

Mr. Kriston,

Attached is the entertainment establishment special exception application for O'Connor Brewing at 211 W 24th Street.

Should you have any questions, please email or call *Susan Pollock Hart* at (757) 664-4769, susan.pollock@norfolk.gov

Thank you.

From: Straley, Matthew
Sent: Wednesday, December 16, 2015 12:53 PM
To: 'fjkriston@gmail.com'
Cc: Whibley, Terry; Williams, Angelia M.; Wilson, Denise; Pollock, Susan
Subject: new Planning Commission applications - 211 W 24th Street

Mr. Kriston,

Attached please find the following applications at 211 W. 24th Street:

a. Special exception to operate an entertainment establishment with alcoholic beverages. **(This application is forthcoming)**
b. Special exception to operate a microbrewery.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Susan Pollock Hart at (757) 664-4765, susan.pollock@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

February 9, 2016

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

Subject: **Special Exception to operate an entertainment establishment with alcoholic beverages at 4300 Colley Avenue – Mack's Barge.**

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

Ward/Superward: 2/6

Approved: _____
Marcus D. Jones, City Manager

Item Number: **R-22**

I. **Staff Recommendation:** **Approval**.

II. **Commission Action:**

- By a vote of **7 to 0**, the Planning Commission recommends **Approval.**
- At the public hearing, the applicant agreed to additional conditions pertaining to hours that the outdoor dining on the rear deck would be available as well as limiting the hours that recorded music could be played on the rear deck.

III. **Request:** **Special Exception to operate an entertainment establishment with alcoholic beverages**

IV. **Applicant:** **Mack's Barge.**

V. **Description:**

	Proposed
Hours of Operation and hours for the Sale of Alcoholic Beverages and Entertainment	11:00 a.m. until 2:00 a.m., Monday through Friday 10:00 a.m. until 2:00 a.m.,Saturday and Sunday
Capacity	213 seats indoors 82 seats outdoors 354 total capacity
Entertainment	• 5 member live band • Karaoke • Comedian • Poetry Reading

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

Attachments:

- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinances
- Letter of support from the Colonial Place Civic League
- Letter of opposition from Highland Park Civic League

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: January 28, 2016

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Susan Pollock Hart, CFM

Staff Report	**Item No. 19**	
Address	**4300 Colley Avenue**	
Applicant	**Mack's Barge**	
Requests	**Special Exceptions**	**a. Entertainment establishment** **b. Sale of alcoholic beverages for off-premises consumption**
Property Owner	Circle Six Corporation	
Site Characteristics	Site/Building Area	21,521 sq. ft./4,357 sq. ft.
	Future Land Use Map	Commercial
	Zoning	C-2 (Corridor Commercial)
	Neighborhood	Highland Park
	Character District	Traditional
Surrounding Area	North	C-2: Mixed use building; Lou's Bar with unit above
	East	R-8 (Single-Family): Knitting Mill Creek and single-family homes
	South	C-2: Bread of Life Ministries
	West	C-2: Seeley Florist, Sam's Sub Shop, Cogan's Pizza

A. Summary of Request

- The site is located on the east side of Colley Avenue just south of 44th Street.
- The applicant, Mack's Barge, proposes to open a new entertainment establishment and sell alcoholic beverages to its patrons.

B. Plan Consistency

The proposed special exceptions are consistent with *plaNorfolk2030*, which designates this site as commercial.

C. Zoning Analysis

i. General

- O'Sullivan's Wharf, an entertainment establishment, has operated from this site since 1975 and is legally nonconforming as to the sale of alcoholic beverages and entertainment.
- The applicant, Mack's Barge, proposes to expand the outdoor dining to the rear and south of the building.
  - The proposed expansion requires the applicant to obtain a special exception.

	Proposed
Hours of Operation and hours for the Sale of Alcoholic Beverages and Entertainment	11:00 a.m. until 2:00 a.m., Monday through Friday 10:00 a.m. until 2:00 a.m., Saturday and Sunday
Capacity	213 seats indoors 82 seats outdoors 354 total capacity
Entertainment	• 5 member live band • Karaoke • Comedian • Poetry Reading

ii. Parking

- The site is located in the Traditional Character District which requires one parking space per 175 building square footage.
  - 23 parking spaces are required and 32 are provided on site.

iii. Flood Zone

- The property is located in the AE (High Risk) Flood Zone.
- Any substantial improvements or additions are made to the structure must comply with appropriate development standards.

D. Transportation Impacts

No new trips are forecast related to the proposed redevelopment of the existing restaurant use on the site.

E. Historic Resources Impacts

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

F. Public School Impact

The site is located in the Larchmont Elementary School, Blair Middle School and Maury High School Districts.

G. Environmental Impacts

The new dumpster enclosure will be screened and landscaping installed along the base.

H. Surrounding Area/Site Impacts

- Over the past year there have been nine calls for police service with no arrests made.
  - The call for service concerned a larceny report.

I. Payment of Taxes

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

J. Civic League

Notice was sent to the Highland Park and Colonial Place/Riverview Civic Leagues on December 16.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

L. Recommendation

Staff recommends **approval** of the special exception request subject to all of the following conditions:

(a) The hours of operation for the establishment, for the sale of alcoholic beverages, and for entertainment shall be limited to 11:00 a.m. until 2:00 a.m., Monday through Friday and from 10:00 a.m. until 2:00 a.m. on Saturday and Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted

(b) The seating for the establishment shall not be less than 150 seats indoors, shall not be more than 145 seats outdoors, and the total occupant capacity, including employees, shall not exceed 354 people. The use authorized by this special exception shall not commence until a certificate

of occupancy reflecting these limits has been issued by the Department of Planning.

(c) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B." Any tables, chairs, booths, stools or other movable furniture may be relocated provided that it remains only within the shaded areas, and the unshaded accesses, aisles, and other areas shown on the floor plans shall remain unobstructed.

(d) No smoking shall be permitted anywhere in the outdoor dining areas.

(e) No portion of any outdoor dining shall be enclosed and any covering must leave the dining space open on at least three sides and no portion of the outdoor dining area shall be heated or cooled.

(f) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(g) Entertainment shall be limited to live bands having no more than 5 members, karaoke, comedian and poetry reading. No other form of entertainment is permitted.

(h) There shall be no dancing and no dance floor provided.

(i) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(j) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(k) The establishment shall maintain a current, active business license at all times while in operation.

(l) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(m) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(n) Dumpster(s) shall not be located within any required front yard or corner side yard and shall be gated and shielded from view from any public right-of-way by opaque masonry or concrete walls (exclusive of that area needed for accessibility for trash removal) designed to be compatible with the principal building that it serves.

(o) Trashcan receptacles shall be screened by a trash enclosure to meet the following standards:

a. The trash enclosure shall not be located within any required front yard or corner side yard.
b. The trash enclosure shall be installed where indicated on the site plan marked as "Exhibit C" and attached hereto and shall include a six (6) foot solid wood fence with a locking gate and a concrete walkway, as shown in "Exhibit C".

(p) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

(q) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(r) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(s) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding

upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(t) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(u) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(v) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(w) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(x) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(y) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 266 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(z) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Attachments

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
Notice to the Highland Park and Colonial Place/Riverview Civic Leagues

Proponents and Opponents

Proponents

Rick Henn
1400 Granby Street
Norfolk, VA 23510

Richard Levin
610 Pembroke
Norfolk, VA 23517

Emilio Sousa
241 W. 22nd Street
Norfolk, VA 23517

Opponents

None

01/28/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT WITH ALCOHOLIC BEVERAGES KNOWN AS "MACK'S BARGE" ON PROPERTY LOCATED AT 4300 COLLEY AVENUE.

- - -

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

Section 1:- That a Special Exception is hereby granted to Mack's Barge BAD, LLC authorizing the operation of an entertainment establishment with alcoholic beverages named "Mack's Barge" on property located at 4300 Colley Avenue. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 175 feet, more or less, along the eastern line of Colley Avenue beginning 50 feet, more or less from the southern line of 44th Street and extending southwardly; premises numbered 4300 Colley Avenue.

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

(a) The hours of operation for the establishment, for the sale of alcoholic beverages, and for entertainment shall be limited to 11:00 a.m. until 2:00 a.m. the following morning Monday through Friday and 10:00 a.m. until 2:00 a.m. the following morning on Saturday and Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The seating for the establishment shall not be more than 213 seats indoors, not more than 82 seats outdoors, and the total occupant capacity, including employees, shall not exceed 354 people.

(c) No amplified sound shall be permitted in any

outdoor area, including the outdoor dining area on the deck adjacent to the water, after 10:00 p.m. Sunday through Thursday nor after 11:00 p.m. on Friday and Saturday.

(d) No use of the outdoor dining area on the deck adjacent to the water shall be permitted after 11:00 p.m. Sunday through Thursday nor after 12:00 midnight on Friday and Saturday.

(e) No smoking shall be permitted anywhere in the outdoor dining area.

(f) No portion of the outdoor dining area shall be enclosed and any covering must leave the dining space with open ventilation on at least three sides.

(g) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

(h) Entertainment shall be limited to live bands having no more than three (3) members, karaoke, comedian, or poetry reading. No other form of entertainment is permitted.

(i) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."

(j) There shall be no dancing and no dance floor provided.

(k) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.

(l) The establishment shall maintain a current, active business license at all times while in operation.

(m) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

(n) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(o) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.

(p) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.

(q) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(r) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception.

Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(s) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(t) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(u) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(v) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(w) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.

(x) A binder or folder containing documentation relating to the operation of the establishment

shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

(1) This special exception;

(2) Any ABC license(s);

(3) Any occupancy permit(s);

(4) Certifications of all persons who work on the premises as a security guard;

(5) All fire code certifications, including alarm and sprinkler inspection records;

(6) Any health department permit(s);

(7) The emergency action plan required under the Fire Prevention Code;

(8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

(9) The establishment's designated driver program; and

(10) The establishment's Security Plan.

(y) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 200 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(z) The written security plan submitted to the City as

part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

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

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

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic

or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

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

ATTACHMENTS:
Exhibit A (5 pages)
Exhibit B (2 pages)

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

Date 12/12/15

Trade name of business MACK'S BARGE, MACK'S BARGE BADLE

Address of business 4300 COLLEY AVE

Name(s) of business owner(s)* PAMELA, GEOFF - FOUT

Name(s) of property owner(s)* CHARLES BASLASA

Name(s) of business manager(s)/operator(s) PAMELA, GEOFF - FOUT

Daytime telephone number (757) 228-1787

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

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales and Entertainment		
Weekday	From 11 AM	To 2 AM	Weekday	From 11 AM	To 2 AM
Friday	From 11 AM	To 2 AM	Friday	From 11 AM	To 2 AM
Saturday	From 10 AM	To 2 AM	Saturday	From 10 AM	To 2 AM
Sunday	From 10 AM	To 2 AM	Sunday	From 10 AM	To 2 AM

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

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

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

Exhibit A – Page 2
Entertainment Establishment

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

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

_____

_____

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

5a. If yes, why:

_____

_____

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

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

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

6a. If yes, explain: Weddings, Retirements
Birthdays.

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

7a. If yes, explain:

_____

_____

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

Exhibit A – Page 3
Entertainment Establishment

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

24 YEARS IN BUSINESS

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

Signature of Applicant

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

Plan A
(No Ent.)

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

1. Total capacity

a. Indoor

Number of seats (not including bar seats)	180
Number of bar seats	33
Standing room	20

b. Outdoor

Number of seats	82

c. Number of employees 34

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 354

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

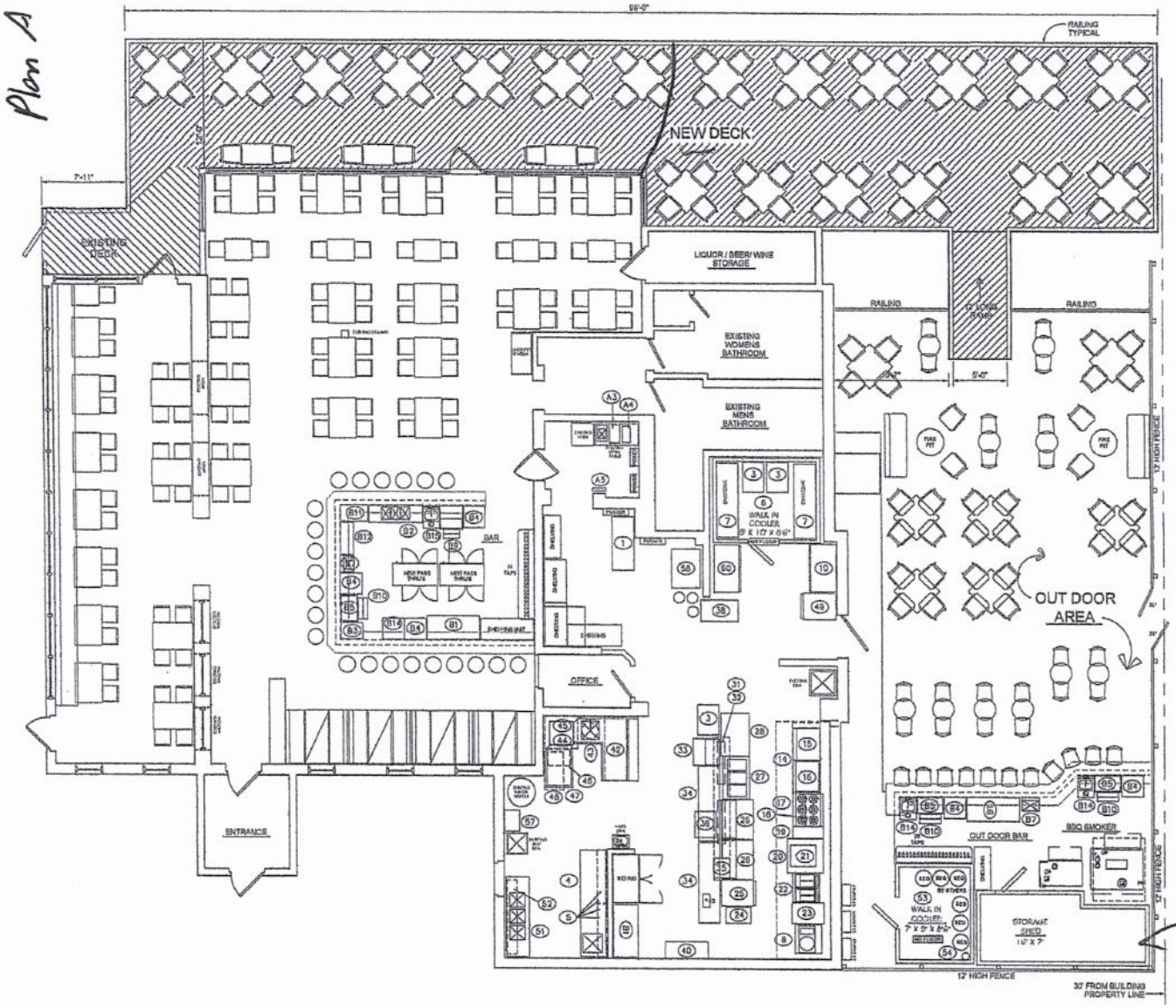
~~5 piece Band~~ None

3. Will a dance floor be provided?
☐ Yes ☒ No

3a. If yes,
Square footage of establishment _____
Square footage of dance floor _____

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

Plan A



EQUIPMENT LIST

1. SHELVING UNIT
2. HAND SINK
3. BREAD
4. PREP SINK
5. WALL SHELF
6. WALK IN COOLER
7. SHELVING (LOT)
8. KETTLE
9. CONDENSATE HOOD- DELETED
10. REACH IN FREEZER
11. SPARE
12. SPARE
13. EXHAUST HOOD
14. REFRIG. EQ. STAND
15. GRIDDLE
16. CHAR BROILER
17. RANGE- 6 BURNER
18. SALAMANDER
19. FILLER PANO.
20. CONVECTION OVEN
21. STEAMER W/ WALL SHELF
22. FRYER
23. POLY CART
24. CART
25. REACH IN FREEZER
26. SANDWICH UNIT
27. HOT WELLS
28. WORK TOP REFRIG.
29. SPARE
30. SPARE
31. DOUBLE OVER SHELF
32. HEAT LAMP
33. SANDWICH UNIT
34. ENCLOSED BASE CABINET
35. MICROWAVE
36. BUN WARMER
37. SPARE
38. BAG-IN-THE-BOX
39. HAND SINK
40. SHELF
41. SPARE
42. SOILED DISH TABLE W/ GLASS RACK
43. DISPOSER
44. FOOD
45. DISHWASHER
46. BOOSTER HEATER
47. CLEAN DISH TABLE
48. WALL SLANT GLASS RACK
49. REACH IN FREEZER
50. SPARE
51. THREE COMPARTMENT SINK
52. POT RACK
53. WALK IN COOLER
54. KEGS (LOT)
55. WATER HEATER
56. MOP SINK
57. SHELF
58. ICE MACHINE
59. OFFICE- BY OTHERS
60. FREEZER
61. TEA BREWER
62. COFFEE MAKER
63. POS- BY OTHERS

BAR

B1. BACK BAR REFRIG.
B2. BAR SINK
B3. SHELVING UNIT
B4. STORAGE CABINET
B5. ICE BIN
B6. DOUBLE SPEED RAILS
B7. HAND SINK
B8. FILLER PIECE- CUSTOM
B9. DOUBLE SPEED RAIL
B10. DOUBLE SPEED RAIL
B11. FILLER PIECE- CUSTOM
B12. SHELVING UNIT
B13. CUSTOM FILLER
B14. LIQUOR STATION
B15. BLENDER STATION

EQUIPMENT LAYOUT

COMMONWEALTH OF VIRGINIA
DAVID J. KLEMT
No. 008308
ARCHITECT

NO.	REVISIONS	DATE

GENERAL NOTES
PLEASE READ

ABBREVIATIONS

MACK'S BARGE
4300 COLLEY AVE
NORFOLK, VIRGINIA

EQUIPMENT LAYOUT

FSDC
FOODSERVICE SOLUTIONS
DESIGN CONSULTANTS
605 JACK RABBIT ROAD (VIRGINIA BEACH) VA 23451
WWW.FSDESIGNCONSULTANTS.COM (757-425-0055)

PROJECT NUMBER	FSDC 3098
DATE	12-9-2015
DRAWN BY	B BROCKETT
CHECKED BY	J SPICER

FS-100

SHEET	1 of 1
SCALE	1/4"=1'-0"

OWNERSHIP OF DOCUMENTS

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

Plan B (Ent.)

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

1. Total capacity

a. Indoor

Number of seats (not including bar seats)	172
Number of bar seats	33
Standing room	20
5 PIECE BAND	5

b. Outdoor

Number of seats	82

c. Number of employees 34

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 354

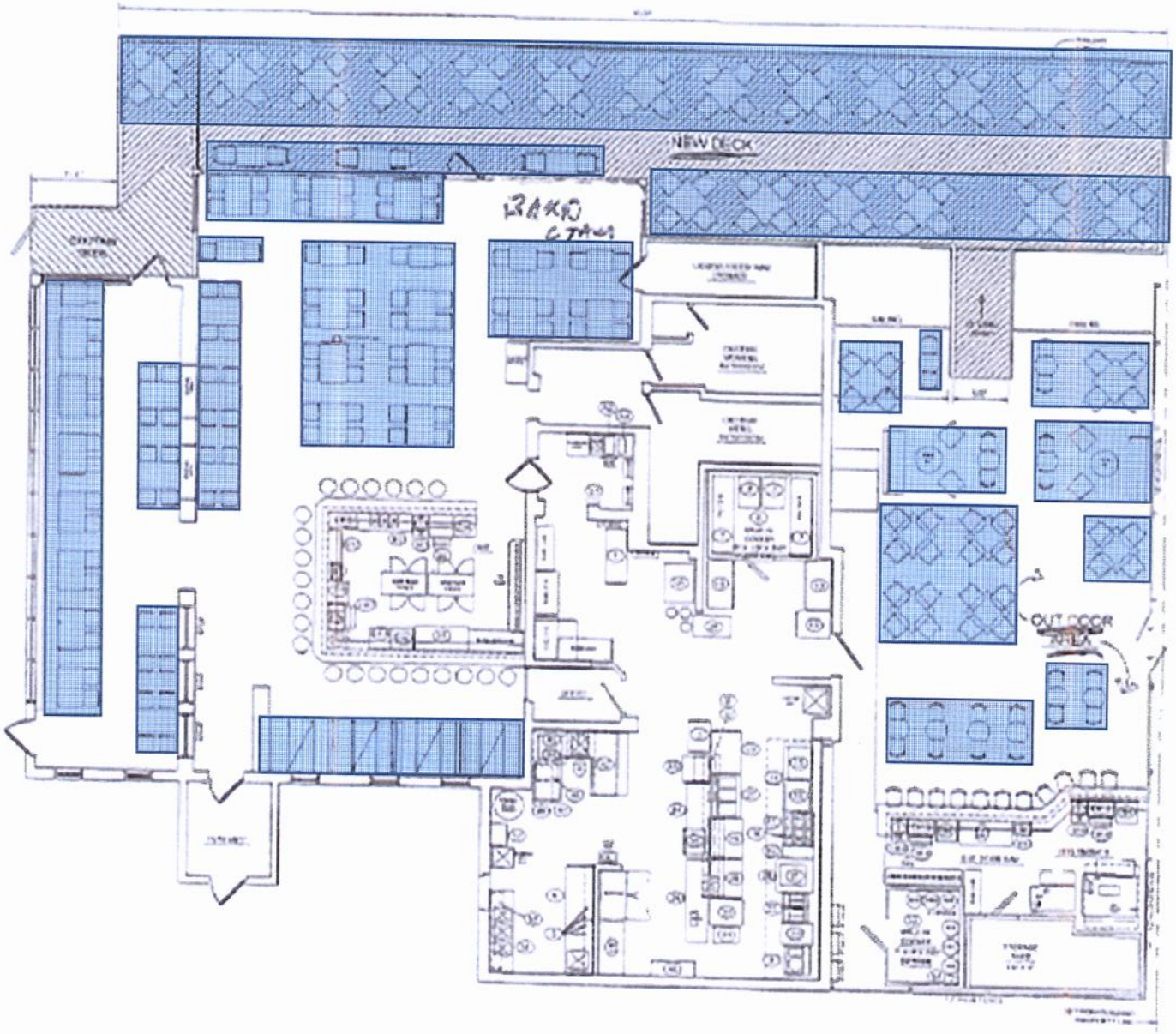
2. Entertainment
List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

5 PIECE BAND

3. Will a dance floor be provided?
☐ Yes ☒ No

3a. If yes,
Square footage of establishment _____
Square footage of dance floor _____

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



EQUIPMENT LIST

BAR

01/25/2016 lds

Form and Correctness Approved:

By
Office of the City Attorney

Contents Approved:

By
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "MACK'S BARGE" ON PROPERTY LOCATED AT 4300 COLLEY AVENUE.

- - -

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

Section 1:- That a Special Exception is hereby granted to Mack's Barge BAD, LLC authorizing the sale of beer and wine for off-premises consumption at an establishment known as "Mack's Barge" on property located at 4300 Colley Avenue. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 175 feet, more or less, along the eastern line of Colley Avenue beginning 50 feet, more or less from the southern line of 44th Street and extending southwardly; premises numbered 4300 Colley Avenue.

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

(a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 11:00 a.m. until 12:00 midnight Monday through Friday and 10:00 a.m. until 12:00 midnight on Saturday and Sunday. No alcoholic beverages shall be sold for off-premises consumption outside the hours listed herein.

(b) This special exception shall terminate in the event of a change in ownership of the facility and may be revoked in the event of a change in the operation of the facility as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the facility shall be

effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

(c) No alcoholic beverages other than those defined by state law as "beer," "wine cooler," or "low alcohol beverage cooler," shall be sold.

(d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.

(e) No beer in bottles or cans of 12 oz. capacity or smaller shall be sold in any package containing fewer than four (4) bottles or cans. No refillable containers or containers that are filled one time, on site, and which have less than 22 oz. capacity shall be sold. No wine shall be sold in containers less than 375 ml each.

(f) The facility shall maintain a current, active business license at all times while in operation.

(g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," and labeled, "Off-Premise Sale of Alcoholic Beverage" attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from

requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

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

(j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992, entitled "Signs."

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

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

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the

applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

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

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

ATTACHMENT:
Exhibit A (2 pages)

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

Date of Application: 12/12/15

Name of business: MACK'S BARGE, MACK'S BARGE BAD LLC

Address of business: 4300 COLLEY AVE

Name(s) of business owner(s)*: PAMELA, GEOFF - FOUT

Name(s) of property owner(s)*: CHARLES BASHASIA

Name(s) of business manager(s)/operator(s): PAMELA, GEOFF - FOUT

Daytime telephone number (757): 226-1787

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

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales		
Weekday	From 11 AM	To 2 AM	Weekday	From 11 AM	To 12 AM
Friday	From 11 AM	To 2 AM	Friday	From 11 AM	To 12 AM
Saturday	From 10 AM	To 2 AM	Saturday	From 10 AM	To 2 AM
Sunday	From 10 AM	To 2 AM	Sunday	From 10 AM	To 2 AM

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

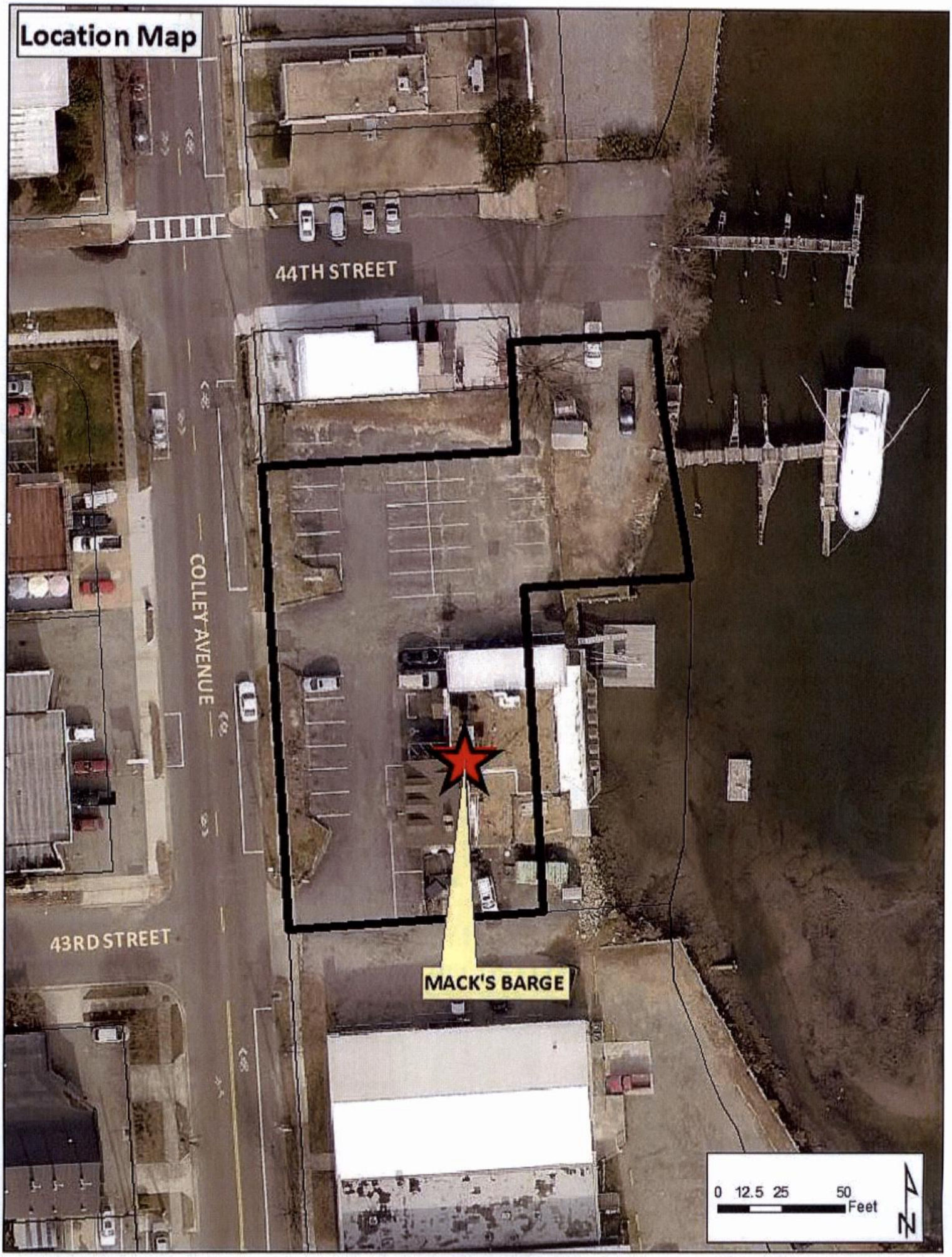
3. Alcoholic beverages to be sold:
   ☐ Room temperature ☒ Refrigerated

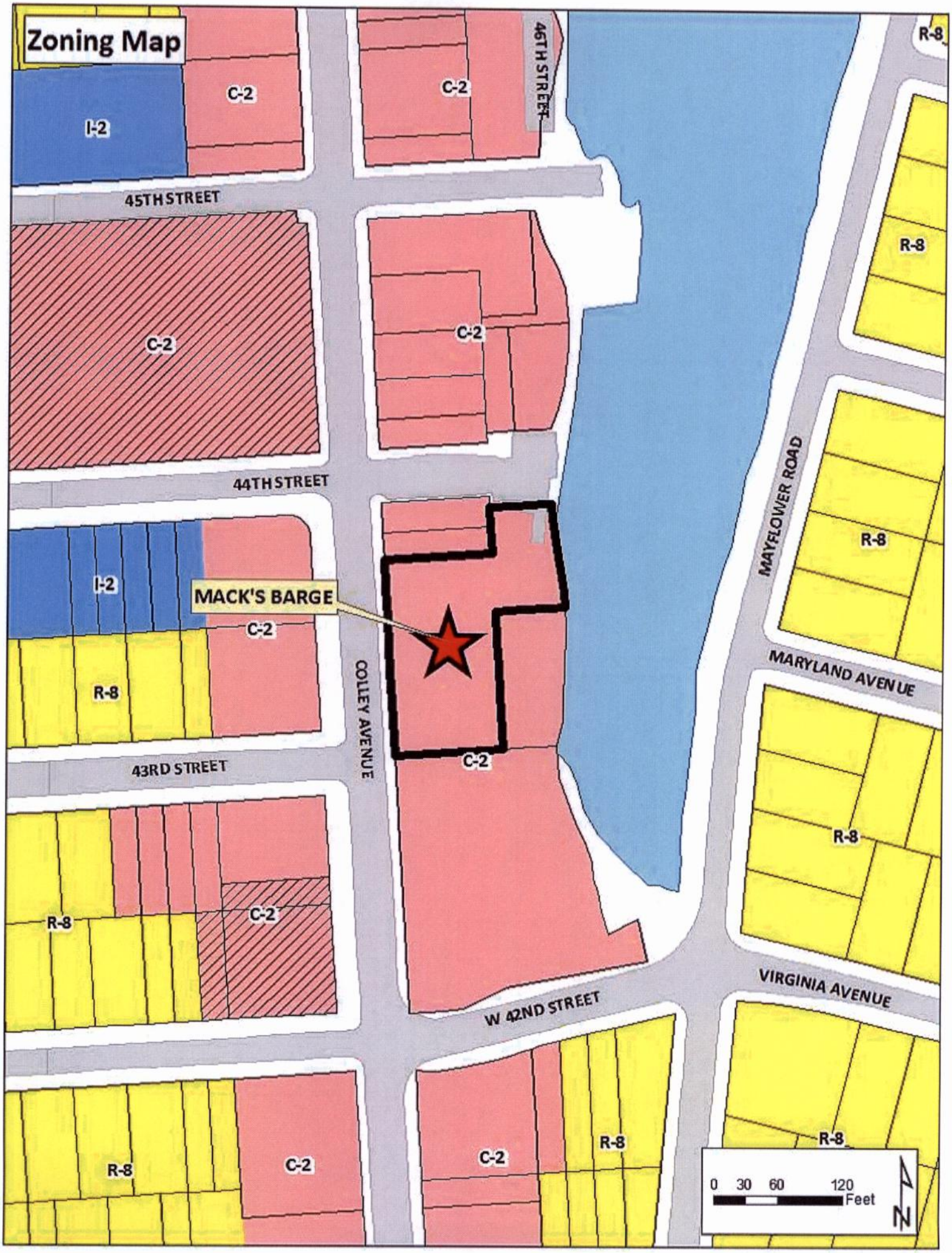
DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

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

GRALLERS 375 ml

Signature of applicant/owner


Location Map
44TH STREET
COLLEY AVENUE
43RD STREET
MACK'S BARGE
0 12.5 25 50
Feet
N


Zoning Map
I-2
C-2
C-2
46TH STREET
R-8
45TH STREET
R-8
C-2
C-2
44TH STREET
MAYFLOWER ROAD
R-8
I-2
MACK'S BARGE
C-2
R-8
COLLEY AVENUE
MARYLAND AVENUE
43RD STREET
C-2
R-8
R-8
C-2
VIRGINIA AVENUE
W 42ND STREET
R-8
R-8
C-2
C-2
R-8
0 30 60 120
Feet
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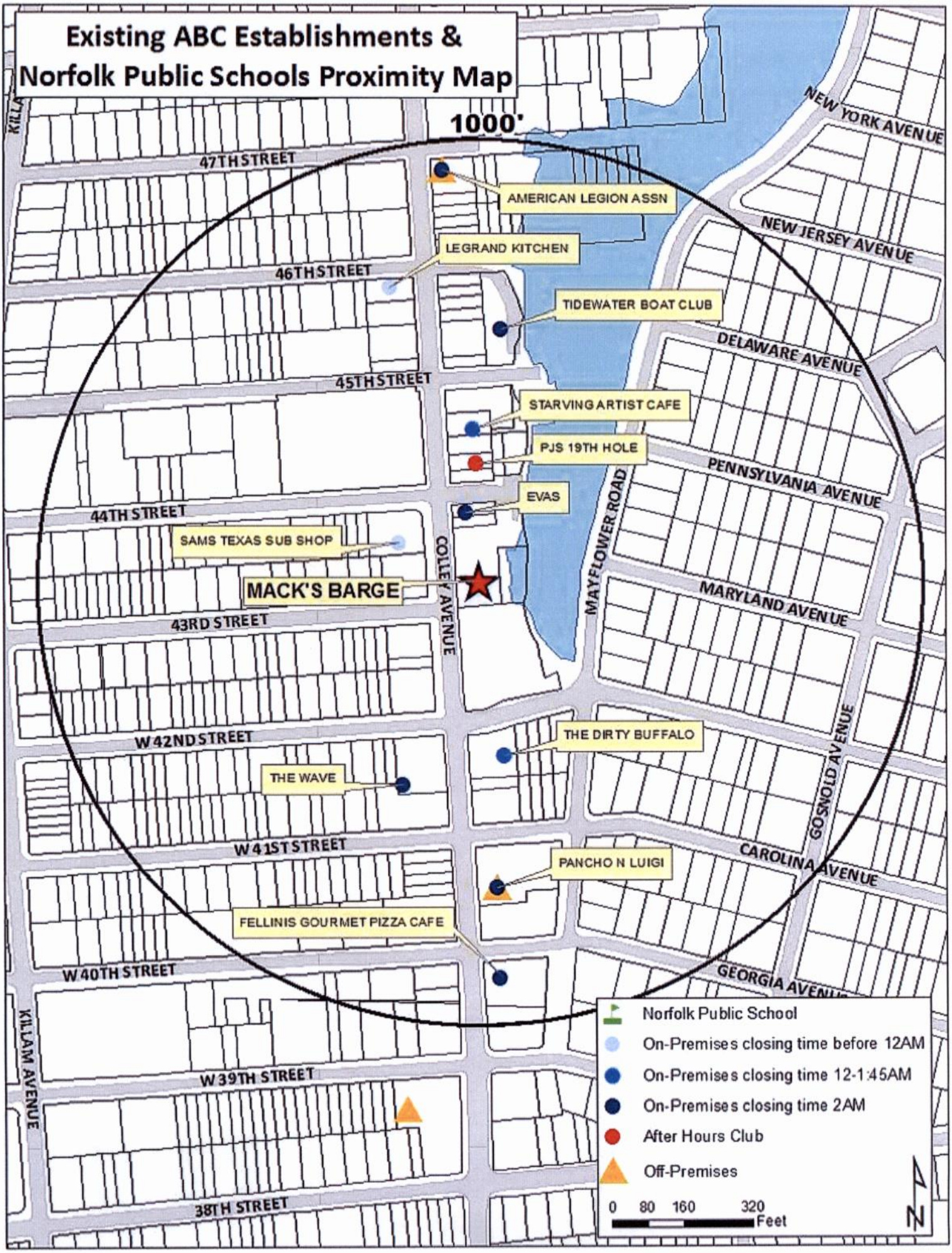

Existing ABC Establishments &
Norfolk Public Schools Proximity Map
1000'
47TH STREET
46TH STREET
45TH STREET
44TH STREET
43RD STREET
W 42ND STREET
W 41ST STREET
W 40TH STREET
W 39TH STREET
38TH STREET
KILLAM AVENUE
COLLEY AVENUE
MAYFLOWER ROAD
NEW YORK AVENUE
NEW JERSEY AVENUE
DELAWARE AVENUE
PENNSYLVANIA AVENUE
MARYLAND AVENUE
GOSNOLD AVENUE
CAROLINA AVENUE
GEORGIA AVENUE
AMERICAN LEGION ASSN
LEGRAND KITCHEN
TIDEWATER BOAT CLUB
STARVING ARTIST CAFE
PJS 19TH HOLE
EVAS
SAMS TEXAS SUB SHOP
MACK'S BARGE
THE DIRTY BUFFALO
THE WAVE
PANCHO N LUIGI
FELLINIS GOURMET PIZZA CAFE
Norfolk Public School
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)

Date 12/12/15

DESCRIPTION OF PROPERTY

Address 4300 COLLEY AVE

Existing Use of Property RESTAURANT / ENTERTAINMENT EST

Proposed Use RESTURANT / ENTERTAINMENT ESTABLISHMENT

Current Building Square Footage 4,000 #

Proposed Building Square Footage 4,000 #

Trade Name of Business (If applicable) MACK'S BARGE

APPLICANT MACK'S BARGE BAD LLC
(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) FOUT (First) ~~PAMELA~~ GEOFF (MI) T

Mailing address of applicant (Street/P.O. Box): 2425 BOULAND PKWY

(City) VA BEACH (State) VA (Zip Code) 23454

Daytime telephone number of applicant (757) 228-1787 Fax (757) 227-9818

E-mail address of applicant: GEOFF@KEAGANS.COM

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

2. Name of applicant: (Last) HERR (First) Rick (MI) J

Mailing address of applicant (Street/P.O. Box): 1400 GRANBY ST UNIT 407

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of applicant (757) 615-6905 Fax ( )

E-mail address of applicant: RickherrconsultingGMAIL.com

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

3. Name of property owner: (Last) BASHASA (First) CHARLES (MI) L

Mailing address of property owner (Street/P.O. box): 414 W BUTE ST

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of owner (757) 622-2675 email:

CIVIC LEAGUE INFORMATION

Civic League contact:

Date(s) contacted:

Ward/Super Ward information:

PVA

REQUIRED ATTACHMENTS

- Required application fee, **$355.00** (if check, make payable to the City of Norfolk).
  - Application fee includes a non-refundable $5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
  - Existing and proposed building structures
  - Driveways
  - Parking
  - Landscaping
  - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

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

Print name: Charles Bashara (Property Owner) **Sign:** by Charles L Bashara Pres. / 12 / 8-15 (Date)

Print name: Pamela Fort (Applicant) **Sign:** Pamela Fort / 12 / 10-15 (Date)

ONLY NEEDED IF APPLICABLE:

Print name: Rick Henn (Authorized Agent Signature) **Sign:** [signature] / 12 / 6/15 (Date)

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

Plan A
(No Ent.)

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

1. Total capacity

a. Indoor

Number of seats (not including bar seats)	180
Number of bar seats	33
Standing room	20

b. Outdoor

Number of seats	82

c. Number of employees 34

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 354

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

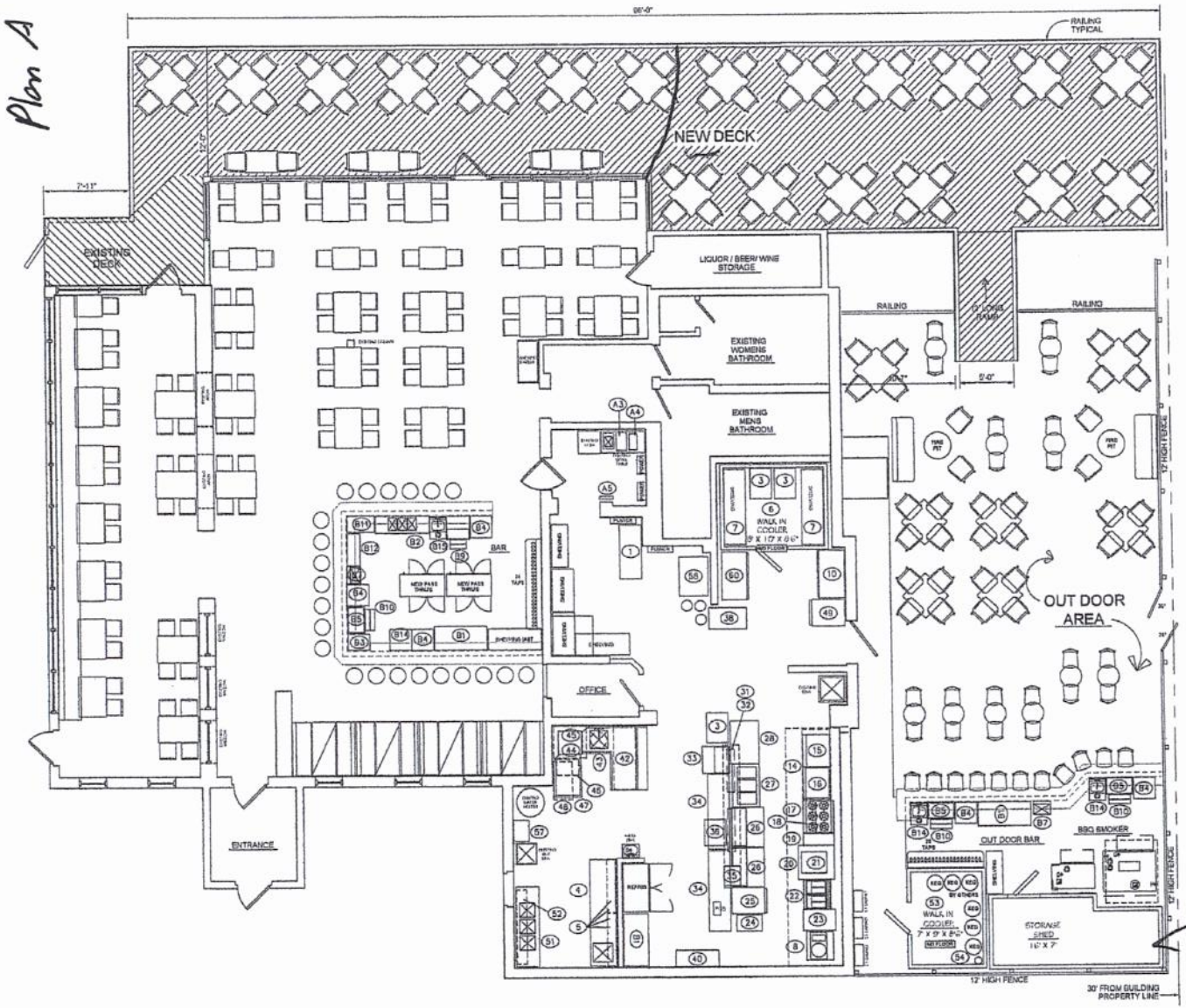
~~5 piece Band~~ None

3. Will a dance floor be provided?
☐ Yes ☒ No

3a. If yes,
Square footage of establishment _____
Square footage of dance floor _____

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

Plan A



EQUIPMENT LAYOUT

EQUIPMENT LIST

1. SHELVING UNIT
2. HAND SINK
3. BREAD
4. PREP SINK
5. WALL SHELF
6. WALK IN COOLER
7. SHELVING (LOT)
8. KETTLE
9. CONDENSATE HOOD- DELETED
10. REACH IN FREEZER
11. SPARE
12. SPARE
13. EXHAUST HOOD
14. REFRIG. EQ. STAND
15. GRIDDLE
16. CHAR BROILER
17. RANGE- 6 BURNER
18. SALAMANDER
19. FILLER PAND.
20. CONVECTION OVEN
21. STEAMER W/ WALL SHELF
22. FRYER
23. POLY CART
24. CART
25. REACH IN FREEZER
26. SANDWICH UNIT
27. HOT WELLS
28. WORK TOP REFRIG.
29. SPARE
30. SPARE
31. DOUBLE OVER SHELF
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33. SANDWICH UNIT
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35. MICROWAVE
36. BUN WARMER
37. SPARE
38. BAG-IN-THE-BOX
39. HAND SINK
40. SHELF
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42. SOILED DISH TABLE W/ GLASS RACK
43. DISPOSER
44. FOOD
45. DISHWASHER
46. BOOSTER HEATER
47. CLEAN DISH TABLE
48. WALL SLANT GLASS RACK
49. REACH IN FREEZER
50. SPARE
51. THREE COMPARTMENT SINK
52. POT RACK
53. WALK IN COOLER
54. KEGS (LOT)
55. WATER HEATER
56. MOP SINK
57. SHELF
58. ICE MACHINE
59. OFFICE- BY OTHERS
60. FREEZER
61. TEA BREWER
62. COFFEE MAKER
63. POS- BY OTHERS

BAR

B1. BACK BAR REFRIG.
B2. BAR SINK
B3. SHELVING UNIT
B4. STORAGE CABINET
B5. ICE BIN
B6. DOUBLE SPEED RAILS
B7. HAND SINK
B8. FILLER PIECE- CUSTOM
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B11. FILLER PIECE- CUSTOM
B12. SHELVING UNIT
B13. CUSTOM FILLER
B14. LIQUOR STATION
B15. BLENDER STATION

COMMONWEALTH OF VIRGINIA
DAVID J. KLEMT
No. 008308
ARCHITECT

NO.	REVISIONS	DATE

GENERAL NOTES
PLEASE READ

ABBREVIATIONS

MACK'S BARGE
4300 COLLEY AVE
NORFOLK, VIRGINIA

EQUIPMENT LAYOUT

FSDC
FOODSERVICE SOLUTIONS
DESIGN CONSULTANTS
605 JACK RABBIT ROAD VIRGINIA BEACH VA 23451
WWW.FSDESIGNCONSULTANTS.COM | 757-425-0055

PROJECT NUMBER	FSDC 2098
DATE	12-9-2015
DRAWN BY	B.BROCKETT
CHECKED BY	J.SPICER

FS-100

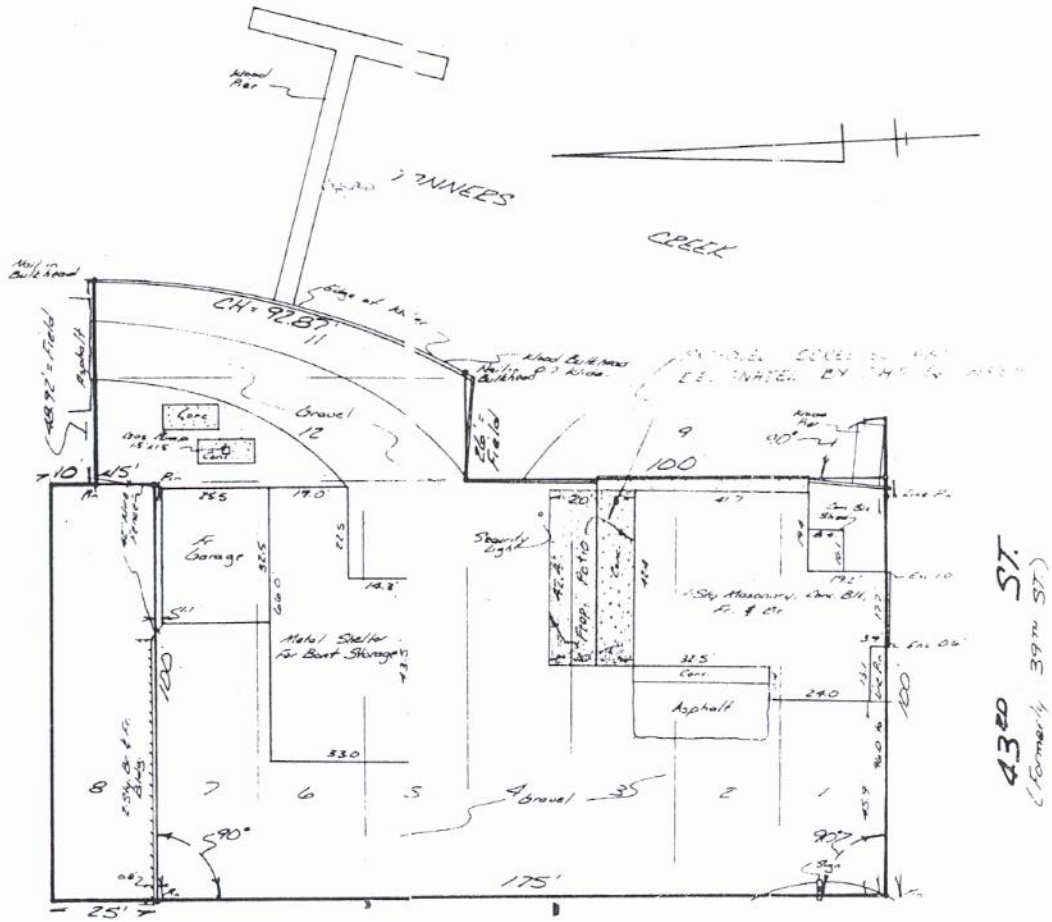
SHEET 1 of 1
SCALE 1/4"=1'-0"

OWNERSHIP OF DOCUMENTS

THIS IS TO CERTIFY
THE PROPERTY SHOWN
BUILDINGS ARE SHOWN
THE BUILDINGS ST
ENCROACHMENTS OF OTH

I ON May 30, 1981
IS PLAT AND THAT THE TITLE LINES AND THE WAL
THIS PLAT.
STRICTLY WITHIN THE TITLE LINES AND THERI
JILDINGS ON THE PROPERTY EXCEPT AS SHOWN.
SIGNED

COMMONWEALTH OF VIRGINIA
LEE S ROOD
LAND SURVEYOR

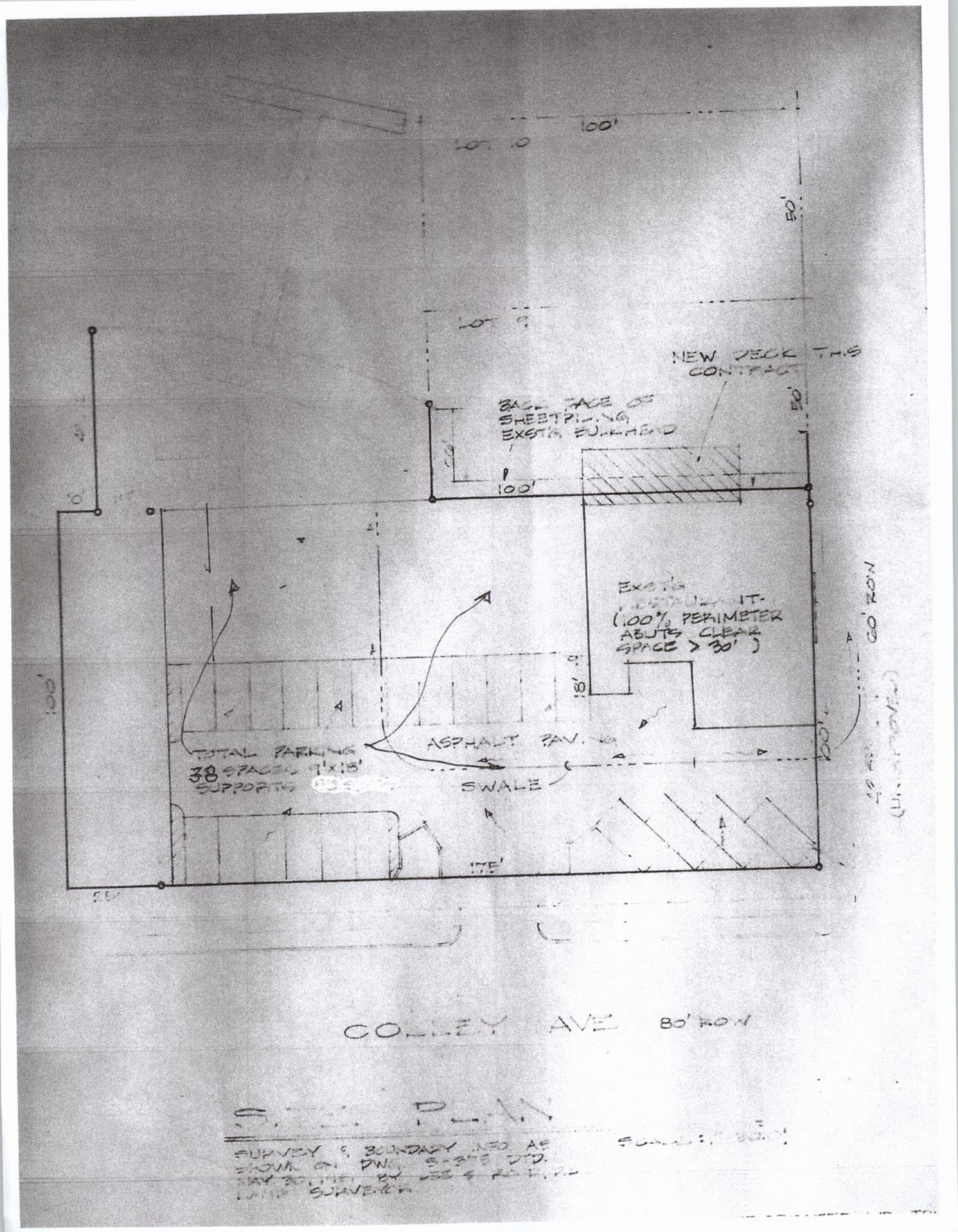


PHYSICAL SURVEY
OF
LOTS 1,2,3,4,5,6,7,11,12 & 13
13, REVISED PLAT OF LAN
POINT INVESTMENT C
NORFOLK, VIRGINIA
FOR
CHARLES BASHAK

Scale: 1"=30'

May 30

LEE S. ROOD, P.C.


100'
LOT 10
50'
LOT 9
NEW DECK THIS CONTRACT
BACK FACE OF SHEETPILING EXST'G BULKHEAD
100'
EXST'G RESTAURANT (100% PERIMETER ABUTS CLEAR SPACE > 30')
60' ROW
TOTAL PARKING 38 SPACES 9'x18' SUPPORTS
ASPHALT PAVING
SWALE
175'
COLLEY AVE 80' ROW
SITE PLAN
SURVEY & BOUNDARY INFO AS SHOWN ON DWG. S-375 DTD. MAY 30, 1951 BY LEE S. ROBERTS LAND SURVEYOR

APPLICATION
ADULT USE SPECIAL EXCEPTION
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION

Date of Application: 12/12/15

DESCRIPTION OF PROPERTY

Property location: (Street Number) 4300 (Street Name) COLLEY AVE

Existing Use of Property RESTURANT / ENTERTAINMENT EST

Current Building Square Footage 4000#

Proposed Use RESTURANT

Proposed Building Square Footage 4000#

Trade Name of Business (If applicable) MACK'S BARGES
MACKS BARGES BAD 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) Fout (First) PAMELA GEOFF (MI) T

Mailing address of applicant (Street/P.O. Box): 2425 BOULARD PKWY

(City) VA BEACH (State) VA (Zip Code) 23454

Daytime telephone number of applicant (757) 288-1787 Fax (757) 227-9818

E-mail address of applicant: GEOFF@KEAGANS.COM

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

2. Name of applicant: (Last) HERNA (First) Rick (MI) J

Mailing address of applicant (Street/P.O. Box): 1400 Granby st unit 407

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of applicant ( ) 615-6905 Fax ( )

E-mail address of applicant: RickHERNAconsulting@Gmail.com

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

3. Name of property owner: (Last) BASHASA (First) CHARLES (MI) L

Mailing address of property owner (Street/P.O. box): 414 Butte St

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of owner ( ) 622-3675 email:

CIVIC LEAGUE INFORMATION

Civic League contact:

Date(s) contacted:

Ward/Super Ward information:

REQUIRED ATTACHMENTS

- Required application fee, **$355.00** (if check, make payable to the City of Norfolk).
  - Application fee includes a non-refundable $5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
  - Existing and proposed building structures
  - Driveways
  - Parking
  - Landscaping
  - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

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

Print name: Charles Bashara **Sign:** by Charles L Bashara Pres. / 12 / 8-15
(Property Owner) (Date)

Print name: Pamela Fort **Sign:** Pamela Fort / 12 / 10-15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: Rick Henk **Sign:** [signature] / 12 / 10/15
(Authorized Agent Signature) (Date)

SECURITY PLAN
OF PAMELA FOUT
FOR
MACK'S BARGE
4300 COLLEY AVE. NORFOLK, VA

Goals-
To create a safe and secure environment within Mack's Barge.
To create a level of control and safety for all arriving and departing guests of Mack's Barge.
To maintain any noise or inappropriate conduct by patrons that would negatively effect surrounding neighbors or business.
To peacefully and effectively resolve all dangerous situations.
To ensure a complete, orderly, safe and swift evacuation of the facility in case of fire or any other uncontrolled dangers within the building.
To protect and promote the courteous, inviting and hospitable of the neighborhood and the City of Norfolk.

Features of the Plan:

Security team:
The security team will be made up of all employees. Training will allow the team as they serve the patrons to look for any signs of possible threat, intoxication or other. The restaurant team will report directly to the manager and or owner immediately upon any out of the "norm" situation. Proper action would be put into place to address the situation accordingly. Mack's Barge is a family restaurant and will not have outside "security firm", our staff will be in the restaurant uniform, the name tag and uniform will allow patrons to identify our staff.

Rules and Regulations:

Mack's Barge, a family style restaurant, will allow guests to wear casual clothing, must keep shoes and shirts on at all times, patrons of all ages are welcome. We will politely request any guest wearing any shirts or hats that display vulgarity or other offensive wording to remove or cover up.

Drink limits: All employees will have to be "TIPS" certified this will give them the best understand of the Virginia laws. There will not be allowed

any guest to have more than 2 drinks at any given time. Each guest will be monitored according to their demeanor and steps will be taken to insure the patron doesn't become unruly or otherwise.

Mack's Barge is a non smoking establishment.

Access:
Mack's Barge has significant on premises parking. The parking lot has an abundance of lighting and our hostess will physically monitor the lot throughout the shift.

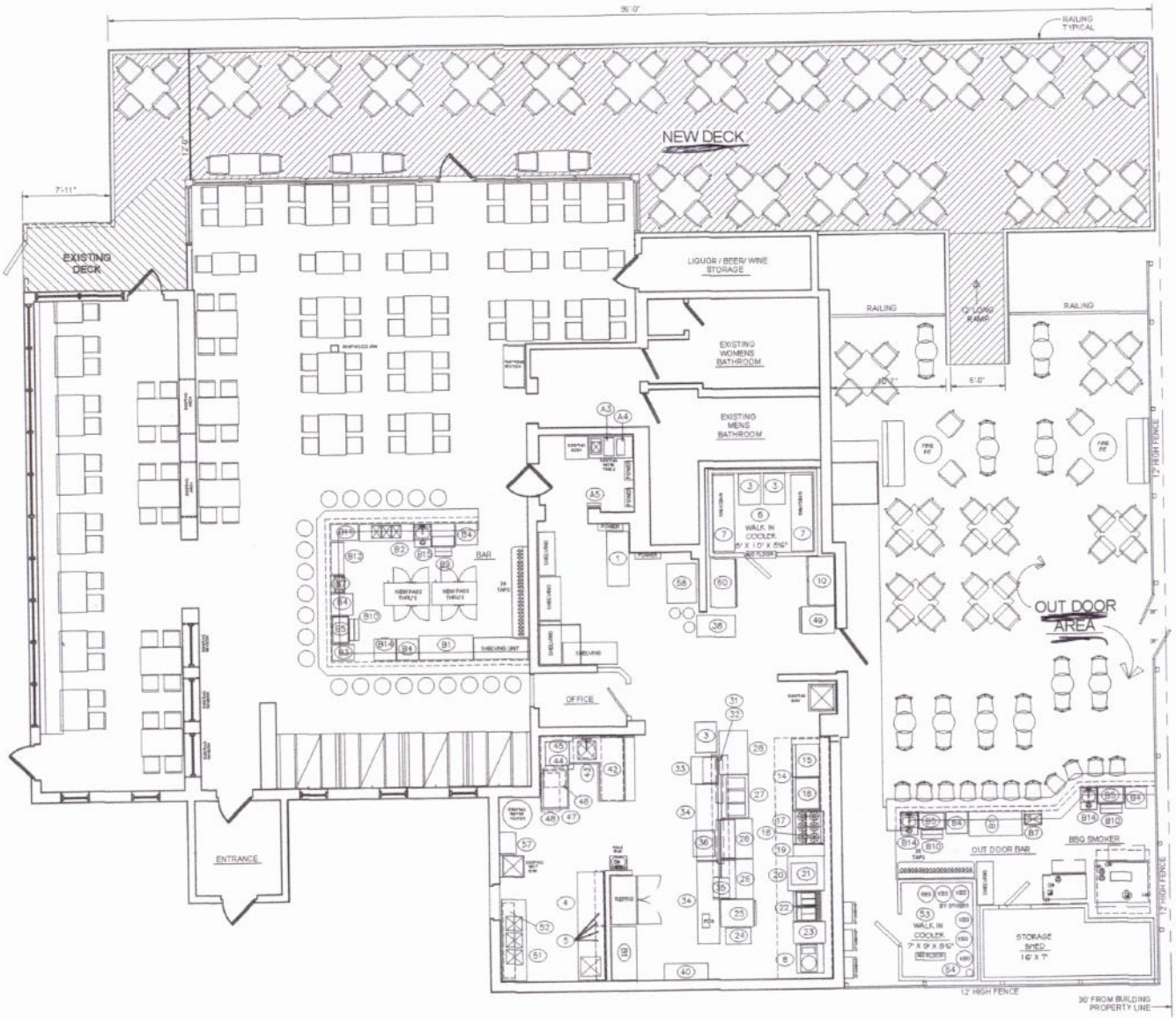
Integration:
Mack's Barge would cooperate in any instance that would require the use of Police.

Uniform for Security Team:
As mentioned above Mack's Barge will not have "security" the staff will work together to manage the flow and insure at all times the environment is safe for both the staff and patrons. The staff uniform will be the attire.

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

The occupancy limits will be enforced at all times. There will always be a fire lane throughout the entire restaurant to ensure easy flow, proper occupancy and safety concerns.

Emergency Evacuation Plan:
In the event of an evacuation, all staff and patrons will be requested to exit the premise via the closes door and to a safe are outside of the building.



EQUIPMENT LIST

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11. SPARE
12. SPARE
13. EXHAUST HOOD
14. REFRIG. EQ. STAND
15. GRIDDLE
16. CHAR BROILER
17. RANGE - 6 BURNER
18. SALAMANDER
19. FILLER PANEL
20. CONVECTION OVEN
21. STEAMER W/ WALL SHELF
22. FRYER
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24. CART
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B13. CUSTOM FILLER
B14. LIQUOR STATION
B15. BLENDER STATION

EQUIPMENT LAYOUT

NO.	REVISIONS	DATE

GENERAL NOTES
PLEASE READ

ABBREVIATIONS

MACK'S BARGE
4300 COLLEY AVE
NORFOLK, VIRGINIA

EQUIPMENT LAYOUT

FSDC
FOODSERVICE SOLUTIONS DESIGN CONSULTANTS
606 JACK RABBIT ROAD | VIRGINIA BEACH | VA | 23451
WWW.FSDESIGNCONSULTANTS.COM | 757-425-0255

PROJECT NUMBER	FSDC 2006
DATE	12-9-2015
DRAWN BY	B BROCKETT
CHECKED BY	J BFICER

FS-100

SHEET	1 of 1
SCALE	1/8"=1'-0"

OWNERSHIP OF DOCUMENTS

Simons, Matthew

From: Straley, Matthew
Sent: Wednesday, December 16, 2015 12:46 PM
To: 'ryderd@verizon.net'; 'highlandpark_cl@yahoo.com'; 'president@cprv.net'
Cc: Whibley, Terry; Williams, Angelia M.; Wilson, Denise; Pollock, Susan
Subject: new Planning Commission applications - 4300 Colley Avenue
Attachments: MacksBarge_off-premises.pdf; MacksBarge_entertainment.pdf

Mr. Ryder and Ms. Flagerty,

Attached please find the following applications at 4300 Colley Avenue:

a. Special exception to operate a convenience store, 24-hours (no fuel sales).
b. Special exception for the sale of alcoholic beverages for off-premises consumption.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Susan Pollock Hart at (757) 664-4765, susan.pollock@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

Pollock, Susan

From: John W. Robertson <jrobert@JWRobertson.com>
Sent: Tuesday, January 26, 2016 1:44 PM
To: Pollock, Susan
Cc: Whibley, Terry; Williams, Angelia M.; Wilson, Denise; Geoff@Keagans.com; RickHennConsulting@gmail.com; Straley, Matthew; 'HighlandParkCivicLeagueSecreta'; John Stewart
Subject: RE: Objection to Application for Special Exception - 4300 Colley Avenue

Ms. Pollock,

The Colonial Place/Riverview Civic League Board has voted to join the Highland Park Civic League in objecting to the Special Exception Application of Mack's Barge LLC.

We have received numerous complaints from residents of Colonial Place over the past few years, many of which we have previously forwarded to the Norfolk Police Department, concerning noise levels associated with businesses backing up to Knitting Mill Creek adjacent to Mayflower Road. The proposal by Mack's Barge is an extreme and unwarranted expansion on a property that in previous years has hosted businesses which have been reasonably good neighbors as well as popular additions to the restaurants along Colley Avenue. The noise levels generated by entertainment and 145 outdoor seats would have a major negative impact on the quality of life of the residents only several hundred feet away over an unobstructed expanse of water. Our residents can already clearly hear loud music and raucous behavior from similar businesses on the OTHER side of Colley Avenue; noise levels at the edge of the creek with no barriers will be unacceptable.

In addition, this proposal, if I am not mistaken, violates the City's own parking guidelines, inasmuch as it provides wholly inadequate parking for 350 patrons and employees with a lot barely adequate for 40. The remaining overflow will surely spill over into our neighborhood, which would exacerbate an already difficult situation. The popularity of adjacent restaurants such as the Dirty Buffalo and the Wave frequently causes patrons to park along Mayflower Road and walk the short distance to their destination. I can assure you, when they exit the existing establishments, some of these patrons are not fit to walk, let alone drive safely through our neighborhood. The proposal by Mack's Barge LLC, which would greatly increase the need for patrons of Colley Avenue businesses to park on our neighborhood streets, would quickly cause a growing issue to become untenable.

With regards to the environment, Knitting Mill Creek is a fragile waterway that is presently inadequately flushed by tidal action. In addition, a large portion of the creek is controlled by the Army Corps of Engineers as a navigable waterway. We know this because of our on-going work to improve and stabilize the shoreline near the property in question. I have a hard time believing that additions to the existing property that would encroach on the creek could be approved under existing regulation, and have seen no evidence that the company in question has even applied for same. And as Mr. Ryder references in his email, we simply cannot absorb any more trash, debris or pollution in Knitting Mill Creek.

Finally, we share the Highland Park Civic League's concern that all too often, we are promised that an applicant will be held to account should he violate his promises, with no mechanism in place to provide that accountability. What results is a situation where an applicant will say whatever he needs to, to whomever

is concerned, in order to get his exceptions, permits and licenses, and then will do as he intended all along, which is usually the very thing an organization such as ours objected to in the first place. We ask that such a mechanism of accountability be developed and implemented so that business owners are held to their words, and residents may have some faith that ***their*** interests come first in the eyes of the City.

To reiterate, the Colonial Place/Riverview Civic League Board has voted to OBJECT to the Special Exception Application of Mack's Barge LLC as presently written.

Thank you for your assistance with this matter. We would welcome a dialog between the Department of Planning, our civic leagues, the applicant, and appropriate local environmental groups to try to resolve the concerns of all parties.

Regards,

John W. Robertson
Acting President
Colonial Place/Riverview Civic League

From: HighlandParkCivicLeagueSecreta [mailto:highlandpark_cl@yahoo.com]
Sent: Thursday, January 21, 2016 1:20 PM
To: susan.pollock@norfolk.gov
Cc: Whibley, Terry <Theresa.Whibley@norfolk.gov>; Williams, Angelia M. <angelia.williams@norfolk.gov>; Wilson, Denise <Denise.Wilson@norfolk.gov>; Geoff@Keagans.com; RickHennConsulting@gmail.com; matthew.straley@norfolk.gov
Subject: Objection to Application for Special Exception - 4300 Colley Avenue

Ms. Pollock:

Mr. Fout of Mack's Barge LLC presented his applications at our civic league meeting held January 14, 2016, and the group had a very lengthy discussion about his applications after he departed. We are excited to see O'Sullivan's get some new life and understand that Mr. Fout is spending a large amount of time and money to remodel the building. However, we have several strong reservations about the project as presented, specifically:

- Size – The proposed expansion is vast and does not fit with similar businesses in the area.
- Noise – The proposal calls for 145 outdoor seats. No noise mitigation measures were included in the plan. We are concerned about noise going out over the water and affecting both Highland Park and Colonial Place/Riverview.
- Inadequate Parking – Both floor plans included in the application call for 350+ total occupants, but only 38 parking spaces are planned.
- Environmental Impact – With such a large increase in the over-water deck space, what impact will this have on the wetlands and waterway?
- Dumpster Location – The new building will fill out the southern part of the property where the dumpster is currently located. Its new location is not addressed in the plans.

Based on these concerns, the civic league voted unanimously to OBJECT to the applications as presented.

Although not necessarily a reason for our vote to object to the applications, our inability to hold an applicant to his or her word was also part of our discussion. Applicants have stated to the civic league they are going to operate an upscale or a family-oriented restaurant only for it to turn in to a dive bar. In instances where there is such a material change in the character of an establishment, we are left with little to no recourse as that element is not addressed in special exception ordinances. As such, we would like to include some type of sunset or review clause to ensure that any proposal is what is brought to fruition.

Thank you for your time and consideration. Please let us know if you have any questions regarding our position on these applications.

Very respectfully,

T. Dale Ryder
President
Highland Park Civic League

Pollock, Susan

From: John W. Robertson <jrobert@JWRobertson.com>
Sent: Thursday, January 28, 2016 10:47 AM
To: geoff@keagans.com; Pollock, Susan; ryderd@verizon.net; 'emilio sousa'
Cc: Whibley, Terry; Williams, Angelia M.; Wilson, Denise; RickHennConsulting@gmail.com; Straley, Matthew; 'HighlandParkCivicLeagueSecreta'; 'John Stewart'
Subject: RE: Mack's Barge changes to floor plan/design and notes

Mr. Fout,

Thank you for agreeing to work with us on modifications to your proposed Special Exception Application. Based on the changes you have outlined, the Colonial Place/Riverview Civic League Board has unanimously voted to withdraw our previous objection.

We wish you the best of luck and look forward to welcoming you to our area. Thanks again for your understanding and prompt response.

Regards,

John W. Robertson
Acting President
Colonial Place/Riverview Civic League

From: geoff@keagans.com [mailto:geoff@keagans.com]
Sent: Wednesday, January 27, 2016 7:28 PM
To: jrobert@JWRobertson.com; susan.pollock@norfolk.gov; ryderd@verizon.net; emilio sousa <emiliosousabldrs@verizon.net>
Cc: 'Whibley, Terry' <Theresa.Whibley@norfolk.gov>; 'Williams, Angelia M.' <angelia.williams@norfolk.gov>; 'Wilson, Denise' <Denise.Wilson@norfolk.gov>; RickHennConsulting@gmail.com; matthew.straley@norfolk.gov; 'HighlandParkCivicLeagueSecreta' <highlandpark_cl@yahoo.com>; John Stewart <jdstewart1@cox.net>
Subject: Mack's Barge changes to floor plan/design and notes

Please find attached 3 attachments:

1- design/floor plan adjustments- please note there will be only 8 additional tables more on the outside deck than whats been in place for years

2- letter from Stokes Environmental stating NO CORPS of Engineering concerns

3- Letter outlining the changes to the design and all the concerns from the Civic Leagues

Thank you for your time and consideration!

Geoff Fout

Geoff Fout
President & CEO Keagan's Restaurant Group
2425 Bowland Parkway Suite 107 Virginia Beach VA 23454
757-228-1787 phone
757-227-9818 fax

C: Dir., Department of Public Works

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

February 9, 2016

From: David Ricks, Director of Public Works

Subject: Acceptance of Virginia Brownfield Assistance Fund Grant of $50,000 for Environmental Assessments

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

Ward/Superward: Ward 4/7

Approved: Marcus D. Jones, City Manager

Item Number: **R-23**

I. **Recommendation:** Adopt ordinance.

II. **Applicant:** City of Norfolk

III. **Description:**
This agenda item is an ordinance to accept a grant in the amount of $50,000 from the Virginia Brownfield Assistance Fund for additional environmental assessments at the Harbor Park shoreline area.

IV. **Analysis:**
This grant from the Virginia Economic Development Partnership ("VEDP") and the Virginia Department of Environmental Quality ("VDEQ") will be used in conjunction with similar federal funding to undertake environmental assessments at the Harbor Park shoreline and adjacent area. The grant will be administered by the Department of Public Works using existing staff.

V. **Financial Impact:**
The matching fund requirements of this grant were met in previous fiscal years. The Virginia Brownfield Assessment Fund program allows grant recipients to go back up to ten years to document the local match.

VI. **Environmental:**
There is no negative environmental impact associated with this action.

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 has been coordinated with the City Attorney's Office, the Department of Development, the Department of Planning, the Department of Neighborhood Development, the Office of Intergovernmental Relations, the Office of Grants Management and the Department of Public Works.

Supporting Material from the Department of Public Works:

- Ordinance
- Grant Award Notification
- 2015 Grant Application

10/28/15 sb

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.

$ 50,000.00 2275-10-9138
Account

_____ 1/19/16
Director of Finance Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE ACCEPTING AND APPROPRIATING THE SUM OF $50,000 FROM THE VIRGINIA BROWNFIELD ASSISTANCE FUND FOR ADDITIONAL ENVIRONMENTAL ASSESSMENTS AT HARBOR PARK AND SHORELINE AREA.

- - -

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

Section 1:- That the sum of $50,000 is hereby accepted, if and when the funds are made available from the Virginia Brownfield Assistance Fund for additional environmental assessments at Harbor Park and Shoreline area.

Section 2:- That the sum of $50,000 is hereby appropriated, if and when the money is made available from the Virginia Brownfield Assistance Fund for additional environmental assessment at Harbor Park and Shoreline area and allocated when received.

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

Applicant and Contact Information:

1) Name of Applicant and Federal ID Number

City of Norfolk, Virginia	Federal ID Number

2) Brief description of Applicant

Nearly 400 years of continuous redevelopment have made Norfolk expert at repurposing its limited land, leveraging both public and private investments in existing infrastructure. These include the world's largest naval installation, Virginia's largest and busiest port, active shipyards, heavy and light rail, robust maritime industries and waterfront recreation. Norfolk is friendly to our local environment with more than 45 registered LEED buildings as well as hotels, restaurants and attractions participating in the "Virginia Green" program. *USA Today* called Norfolk one of the Top 10 booming downtowns, recognizing a decades-long housing, retail and financial boom in Norfolk, and Norfolk is one of the top 10 markets for business relocation and expansion, according to *Expansion Management.*

Still, this city of 246,394 residents is the 13th most fiscally stressed locality in Virginia, and considered "high stress" by the state's Commission on Local Government. Nearly 15 percent of families in Norfolk are living below poverty level, and the City's overall unemployment rate is more than six percent. This results in a limited ability for Norfolk to draw on local revenues and other funding sources including borrowing.

3) Contact name, physical and e-mail addresses, and contact numbers

Contact name: Ron Williams, Deputy City Manager

Physical address: 810 Union Street, Suite 1100, Norfolk, VA 23510

Email address: Ron.Williams@norfolk.gov

Telephone: 757-664-4242

VBAF Grant Request

4) Amount requested from the VBAF (up to $50,000): $50,000

Total budget: $635,754.50

Project or Phase of Work

5) Briefly describe the project or phase of work

Environmental site assessments and subsurface investigation are required to characterize the remainder of the Harbor Park shoreline site. Norfolk has assembled more than 35 acres surrounding the Harbor Park minor league baseball park, home of the Tides. Site assessments are complete on only part of the property, which has enormous development potential: this long-vacant site was second in the national competition for West Coast-based Stone Brewery, which also envisioned a beer garden and marina on the Elizabeth River shoreline. Additionally, the non-profit Elizabeth River Project has proposed locating its new headquarters here, pending restoration of the shoreline and improved drainage.

Norfolk's vision is to redevelop a 400-year-old, historically industrial, abandoned area of untapped potential along the Elizabeth River shoreline in an ecologically restorative way that anticipates sea level rise and improves the accessibility of public waterfront. This vision includes: extending the Elizabeth River Trail and esplanade, restoring the existing degraded shoreline behind Harbor Park, providing unobstructed water views and easy public access to the restored shoreline; and catalyzing beautifully designed, fully sustainable adjacent development.

Although Harbor Park stadium attracts more than 500,000 visitors annually for minor league baseball, this City-owned site remains a major undeveloped, under-utilized, prime waterfront property within walking distance of Norfolk's downtown and Civic Center. Once remediated and reused, this downtown site will catalyze revitalization that supports economic development, the environment and the community.

6) Describe the scope of work (200 words or less) (attach additional documentation as necessary)

To prepare the site for environmental restoration and economic revitalization, the scope of work for this phase of the project includes:

Asbestos survey of the former Hampton Roads Leasing Facility to evaluate if asbestos-containing material (ACM) that will require special handling, abatement and/or disposal is present in or on the building.

Phase 1 ESA for the approximately 36-acre Harbor Park and Shoreline area to identify any existing or potential environmental conditions that may be present or affect the property including records review, site reconnaissance, interviews and report.

Phase 2 ESA subsurface investigation as needed for the above properties to mitigate risks and confirm the presence of hazardous materials. The assessment may include: soil, water and air samples;

subsurface soil borings; groundwater monitoring well installation; vapor intrusion analysis; geophysical evaluations for buried tanks, utilities and drums; testing underground storage tanks; risk analysis and modeling; contaminant pathway evaluations

Phase 2 ESA subsurface investigation as recommended by Phase 1 ESA completed 9/5/2007 for the .56-acre Haynesworth properties at 1112-1114 Water Street.

7) Describe documented plans for the potential redevelopment and reuse of the property (100 words or less) (attach additional documentation as necessary)

Plans include regional sports development (*2000 Downtown Norfolk Update)*, civic and mixed uses including waterfront residential (*Norfolk 2010)* and mixed use development with waterfront pedestrian paths *(Norfolk 2030*). The 2015 *Dutch Dialogues* recommended 'living with the water.' Taking advantage of riverfronts and stream alignments will improve water quality, reduce catastrophic/recurrent flooding and improve ecosystems and connectivity to adjacent neighborhoods, thus stimulating redevelopment, tax base and economic opportunities. The American Planning Association/Virginia reaffirmed this approach at its recent Community Planning Assistance Team activity. Norfolk's Phase 2 proposal to the HUD National Disaster Resilience Competition aims to implement these permanent, resilience-enhancing actions.

8) Briefly discuss the rationale behind the potential redevelopment and reuse of the property and its relationship to any local or regional economic development strategy, include any local or regional comprehensive plans (200 words or less)

Each modern concept has proposed the Harbor Park waterfront as a public amenity with a continuous, interconnected pedestrian path along the shoreline to spark private development.

Norfolk designated Harbor Park as a *Priority Target Area* for economic development, citing opportunities for mixed-use commercial, institutional and residential development supported by an unparalleled transportation network.

Norfolk's award-winning *PlaNorfolk 2030*: *The General Plan of Norfolk*, calls for extending the esplanade from Town Point Park to Harbor Park and ensuring that the design accommodates bicycles. Norfolk's *Recreation Master Plan*, too, emphasizes the need for an Urban River Trail to include Harbor Park, noting that the Elizabeth River is the heart of Norfolk, and one of the major form-givers to downtown.

9) Provide the expected time schedule for the scope of work, including whether work has already begun (100 words or less)

SCOPE	SCHEDULE
Task 1: Phase 1 ESA for Elizabeth River Land Co.	COMPLETED 4/8/2003
Task 2: Phase 2 ESA for Elizabeth River Land Co	COMPLETED 6/13/2003
Task 3: Phase 1 ESA for Haynesworth Properties	COMPLETED 9/5/2007
Task 4: Haynesworth Property Purchase	COMPLETED 9/7/2007
Task 5: Asbestos Inspection Report – Boathouse Pavilion	COMPLETED 9/26/2008
Task 6: Boathouse Pavilion Emergency Demolition	COMPLETED 12/16/2011
Task 7: Asbestos survey - former Hampton Roads Leasing	Within five weeks of Notice to Proceed
Task 8: Phase 1 ESA for 36-acre Harbor Park and Shoreline	Within five weeks of Notice to Proceed
Task 9: Phase 2 ESA for Harbor Park and Shoreline as recommended; Phase 2 ESA as recommended for Haynesworth Properties	Within ten weeks of Phase 1 ESA completion

10) Provide the budget for the project or phase of work broken down by major category, including costs and sources of funds – including the proposed VBAF Grant and the Local Match – and any invoices for expenditures already made (200 words or less) (attach additional documentation as necessary)

TASK	VBAF Grant	Local Match
Task 1: Phase 1 ESA for Elizabeth River Land Co. COMPLETED 4/8/2003	n/a	n/a
Task 2: Phase 2 ESA for Elizabeth River Land Co COMPLETED 6/13/2003	n/a	n/a
Task 3: Phase 1 ESA for Haynesworth Properties COMPLETED 9/5/2007		$4,200.00
Task 4: Haynesworth Property Purchase COMPLETED 9/7/2007		$471,150.00
Task 5: Asbestos Inspection Report – Boathouse Pavilion COMPLETED 9/26/2008		$6,404.50
Task 6: Boathouse Pavilion Emergency Demolition COMPETED 12/16/2011		$104,000.00
Task 7: Asbestos Survey of Former Hampton Roads Leasing Facility	$3,120.00	
Task 8: Phase 1 ESA for 36-acre Harbor Park and Shoreline	$3,800.00	
Task 9: Phase 2 ESA for Harbor Park and Shoreline as recommended AND Phase 2 ESA as recommended for Haynesworth Properties	$43,080.00	
TOTAL	**$50,000.00**	**$585,754.50**

11) Describe the type, amount, source and timing of the Local Match (100 words or less)

TYPE	AMOUNT	SOURCE	TIMING
Cash – General Fund Phase 1 ESA Haynesworth Properties	$4,200	General Fund	9/5/2007
Cash – General Fund Purchase Haynesworth Properties	$471,150	General Funds	9/7/2007
Cash – General Fund Boathouse Pavilion – Asbestos Inspection Report	$6,404.50	General Fund	9/26/2008
Cash- General Fund Boathouse Pavilion - Demolition	$99,500	General Fund	11/10/2011
Cash- General Fund Boathouse Pavilion – Demolition Change Order	$4,500	General Fund	12/16/2011
TOTAL LOCAL MATCH	**$585,850.50**	**General Funds**	**Within past 10 years**

Location of Project or Phase of Work

12) Briefly describe the locality in which the project will be located and indicate whether it is a high unemployment locality with an average unemployment above the average statewide unemployment rate and/or is a high poverty locality with an average poverty rate above the statewide average poverty rate. Information on such rates can be found on the www.virginiaallies.org website under the tab "Incentives." (200 words or less)

Norfolk has a population of 246,394 residents and encompasses 66 square miles. As is typical of diverse urban centers, Norfolk exhibits individual poverty and unemployment rates that exceed state averages. The percent of Norfolk residents living at or beneath the federal (2013) poverty levels was 23.30 percent. This is significantly higher than the 2013 poverty rate of 11.70 percent for all Virginia residents. The unemployment rates as of December 2014 for Norfolk and the Commonwealth, respectively, were 6.40 percent and 5.20 percent.

The City of Norfolk includes neighboring communities characterized by chronic joblessness and underemployment that would benefit from the remediation and development of this under-utilized Brownfield site. Redeveloping this Brownfields area will provide recreational waterfront access to the neighboring community and catalyze economic development, spurring housing and employment opportunities for our diverse citizenry.

13) Describe the intended use of any existing infrastructure, including roads, railroads or spur lines, water, sewer, energy and broadband which will be used or reused by the potential redevelopment and is consistent with the redevelopment plan (100 words or less)

All existing infrastructure will continue to be used. Existing paved roads including Water Street and Park Avenue will be utilized and improved. Site infrastructure also includes the Tide light rail, Amtrak passenger train, access to I-264, ferry, bike/ped access and helicopter pad.

Utilities currently serving Harbor Park and the Amtrak Station, including water, wastewater, storm water, natural gas, compressed natural gas and electricity can be tapped from the right-of-way.

Future redevelopment including pedestrian/ bike path will improve access to the existing ball park, light rail station and regional Amtrak Station.

14) Summarize the suspected or known soil contamination, water contamination, asbestos or other environmental challenges at the property (100 words or less) (attach additional documentation as necessary)

The majority of the site has not been assessed. Phase 1 ESAs that have been done recommended subsurface investigation to assess soil/groundwater quality for petroleum hydrocarbons and hazardous substances, based on prior industrial use for 100+ years (metal foundries, machine shops and boiler shops) and suspected use of hazardous materials. The Phase 2 ESA of a ½ acre parcel found that relatively insignificant concentrations of adsorbed, vapor, and dissolved phase volatile, semi-volatile and metals have impacted the environmental integrity of the property, and concluded that additional investigation into soil/groundwater quality beneath the site was not warranted.

15) Indicate whether there are plans to enroll the property or the property is already enrolled in the VRP, describing its current status (100 words or less)

The property has not been enrolled in VRP. The Phase 2 ESA for the Elizabeth River Land Co. parcels resulted in a letter dated 9/12/2003 from DEQ stating "petroleum contamination levels on this site do not warrant further corrective action" and "Pollution complaint case (PC 03-5171) , relating to petroleum discharges, is now closed." Should environmental assessments, however, warrant VRP consideration, Norfolk will seek to voluntarily address contamination at the sites with recommendations from the Virginia Department of Environmental Quality, in order that the remediation is satisfactorily completed, so that DEQ can issue a "certification of satisfactory completion of remediation."

Thompson, Denise

From:	McClintock, Robert <RMcClintock@yesvirginia.org>
Sent:	Wednesday, September 30, 2015 1:18 PM
To:	Thompson, Denise
Cc:	Strano, Anne; Pennington, Bryan; Lombardi, Larry; McCarthy, Seamus; Meade (DEQ) Anderson; McNinch, Sandi; Hart, Kara; Loftus, John
Subject:	RE: Brownfields grant application -Norfolk

Dear Denise,

Thank you for your recent application to the VBAF Program. After consideration by the VEDP and DEQ Review Team, we are prepared to award a VBAF Grant to the City of Norfolk in the amount of $50,000 for the various due diligence studies outlined in your application (the asbestos survey for the former Hampton Roads Leasing Facility, the Phase I ESA for 36 acres in the Harbor Park and Shoreline area, a Phase II ESA for the Harbor Park and shoreline area, and a Phase II ESA for the Haynesworth Properties on Water Street.)

Our view is that these activities will certainly help clear up uncertainties which may exist on these properties and help lead to future overall shoreline redevelopment and key pedestrian connections for the area.

Recognizing you sent a host of exhibits and attachments with your application, we nevertheless request you send a specific aerial photo(s) which would show the outline of the exact properties which would be slated for the ESA studies being performed (please show the 36 acres of Harbor Park and the shoreline boundaries; and the ½ acre Haynesworth Properties, and since a good portion of the match was the site of the Boathouse Pavilion Property, please outline that location as well.)

Ms. Kara Hart, VEDP's Assistant Legal Counsel will soon be in contact with you with a template draft of the VBAF Performance Agreement which will need to be executed in connection with this project.

This is an important project and positions the City's waterfront for some exciting redevelopment opportunities. We are most pleased to be able to partner with you. Please let us know if you have any questions.

Sincerely,

Rob McClintock
Vice President, Research
Virginia Economic Development Partnership
rmcclintock@yesvirginia.org
804.545.5772

From: Thompson, Denise [mailto:Denise.Thompson@norfolk.gov]
Sent: Friday, September 04, 2015 9:32 AM
To: McClintock, Robert; Meade (DEQ) Anderson
Cc: Strano, Anne; Pennington, Bryan; Lombardi, Larry; McCarthy, Seamus
Subject: Brownfields grant application

Good morning,
Attached please find the City of Norfolk's application for Brownfields funding. We look forward to partnering with Yes Virginia and the Department of Environmental Quality to revitalize Harbor Park. I will forward our additional documentation to you in a separate email.
Warm regards,

Denise Thompson

Sent from my iPhone

Begin forwarded message:

> **From:** "The UPS Store #5905" <store5905@theupsstore.com>
> **To:** "Thompson, Denise" <Denise.Thompson@norfolk.gov>

C: Dir., Department of Utilities

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

February 9, 2016

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

Subject: Ordinance Authorizing A Cost Sharing Agreement with HRSD for Replacement of Sewer Force Main

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

Ward/Superward: 5/6

Approved: Marcus D. Jones, City Manager

Item Number: **R-24**

I. **Recommendation:** Adopt Ordinance

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

III. **Description:**
This agenda item is an ordinance to authorize a cost sharing agreement with the Hampton Roads Sanitation District ("HRSD") for the relocation and replacement of a sanitary sewer force main. The City has constructed the sewer force main and will be reimbursed by HRSD.

IV. **Analysis**

- The Department of Utilities is administering a CIP utility water and sewer replacement project in the Buckman Avenue and Marlow Avenue area titled "West Ocean View (Pump Station No. 15) Service Area, Phase 2, Buckman, Marlow and Orange Avenues, Sewer and Water Upgrades".
- A sanitary sewer main owned by the Hampton Roads Sanitation District crosses the West Ocean View, Phase 2 project area. HRSD determined that their sewer force main it was in need of replacement due to age and marginal material condition.
- The project's engineering consultant and construction contractor have experience with HRSD projects; the City agreed to replace the force main concurrent with the Buckman Avenue sewer and water upgrades.
- HRSD will reimburse the City for all construction-related costs via the cost-sharing agreement.

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

- After construction acceptance, HRSD will transfer ownership of a portion of the newly-constructed sewer force main to the City consistent with existing policy on City/HRSD force main ownership.

V. Financial Impact

- Under this agreement, the City will be fully reimbursed by HRSD for the cost of construction. There is no negative impact to the Department's budget.
- HRSD will transfer ownership to the City of Norfolk of approximately 180 LF of newly-constructed sewer force main. The newly-acquired sewer force main will be capitalized into the City's assets.

VI. Environmental

There will be no environmental impacts from this agreement.

VII. Community Outreach/Notification

Area residents were notified of construction activities via project bulletins. Residences immediately adjacent to the sewer force main construction activities were visited door-to-door to mitigate construction inconveniences.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

N/A

Supporting Material from the Department of Utilities:

- Ordinance
- Cost Sharing Agreement

8/24/2015-lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE AUTHORIZING A COST SHARING AGREEMENT WITH HAMPTON ROADS SANITATION DISTRICT FOR THE RELOCATION AND REPLACEMENT OF FORCE MAIN SF-007 AT BUCKMAN AVENUE.

- - -

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

Section 1:- That the cost sharing agreement to be entered into between the City of Norfolk and Hampton Roads Sanitation District for the relocation and replacement of force Main SF-007 at Buckman Avenue is hereby authorized.

Section 2:- That the City Manager is hereby authorized to negotiate and execute an agreement, substantially in the same form and terms as in the agreement hereto attached as Exhibit A, satisfactory to the City Attorney and consistent with this ordinance.

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

AGREEMENT FOR PAYMENT OF COSTS OF RELOCATION AND REPLACEMENT OF HRSD OCEAN VIEW VIA GRANBY STREET FORCE MAIN a/k/a FORCE MAIN SF-007 AT BUCKMAN AVENUE

THIS AGREEMENT, between the CITY OF NORFOLK (CITY), a municipal corporation, and the HAMPTON ROADS SANITATION DISTRICT (HRSD), a political subdivision of the Commonwealth of Virginia, entered this ___ day _____, 2016.

W I T N E S S E T H:

WHEREAS, HRSD Ocean View via Granby Street Force Main a/k/a Force Main SF-007, presently a 20" Interceptor Force Main, is located in whole or in part within the rights-of-way of Buckman Avenue and Marlow Avenue and within City properties at Lot 28, Block 4 – Marlow Avenue; Lot 27, Block 4 – Buckman Avenue; Lot 20, Block 3 – Buckman Avenue (between 9233 and 9241 Buckman Avenue); Lots 15, 17, 19 and 21, Block 3 – 9238 1st View Street (Sanitary Sewer Pump Station No. 15) being shown on that certain plat hereto attached as **Exhibit 1-A** entitled "Willoughby Terrace Corporation", which plat is recorded in the Clerk's Office of the Circuit Court of Chesapeake, Virginia in Map Book 8 at Page 31 through 3, as also shown on aerial photographs hereto attached as **Exhibit 1-B**; and

WHEREAS, the City is constructing its West Ocean View (Pump Station No. 15) Service Area, Phase 2, Buckman, Marlow, and Orange Avenues, Sewer and Water Upgrades Project (referred to as "**Project**") as part of its Capital Improvement Project; and

WHEREAS, the Project includes the replacement of City sewer and water mains within Buckman, Marlow, St. George and Orange Avenues; and

WHEREAS, Force Main SF-007 crosses Buckman and Marlow Avenues within the Project area, HRSD intends to cause constructed the replacement of the existing portion in the Buckman

Avenue vicinity ("**Facilities**"); and

WHEREAS, HRSD and the City agree it is in the best interest of the parties and convenient for the HRSD Facilities as shown on **Exhibit 2** to be constructed concurrently with the City Project (collectively referred to as "**Improvements**"); and

WHEREAS, the City agrees to have such Facilities constructed with the construction costs fully funded by HRSD, in accordance with the description of the Facilities stated and referred to herein and under the terms and conditions hereinafter set forth; and

WHEREAS, the City agrees to acquire ownership, operation and maintenance of the Facilities portion located within the City owned properties known as Lots 15, 17, 19 and 21, Block 3 – 9238 1st View Street (Pump Station No. 15) and Lot 20, Block 3 – Buckman Avenue (between 9233 and 9241 Buckman Avenue) being shown on **Exhibit 3**; now therefore,

The City and HRSD agree to the following:

I. DESIGN

A. City will direct O'Brien & Gere Engineers ("OBG" or "Engineer") to design the Improvements which include the relocation and replacement of approximately 455 linear feet of interceptor sewer force main with all related appurtenances and incidental work, as illustrated in **Exhibit 2**, hereto attached, within Buckman Avenue City right-of-way and within City properties located between 9225 and 9233 Marlow Avenue (Lot 28, Block 4); between 9226 and 9232 Buckman Avenue (Lot 27, Block 4); between 9233 and 9241 Buckman Avenue (Lot 20, Block 3); and 9238 1st View Street (Lots 15, 17, 19 and 21, Block 3), Norfolk Virginia, as shown on Exhibit 1-A entitled "Willoughby Terrace Corporation", which plat is recorded in the Clerk's Office of the Circuit Court of Chesapeake, Virginia in Map Book 8 at Page 31 through 33.

B. OBG will prepare and submit layout drawing to HRSD and City for the proposed construction of the Facilities.

C. HRSD is agreeable to City using OBG as outside consultant engineers for preliminary engineering design services.

D. OBG shall provide HRSD and City with approved construction record drawings in accordance with HRSD Standards and Preferences for use in Engineered

Construction Projects, latest edition and City's Public Facilities Manual for restoration work.

II. DESCRIPTION OF FACILITIES

The City will construct the replacement portion of HRSD Force Main SF007 – this will include the replacement and relocation of approximately 455 linear feet of 20" reinforced concrete sanitary sewer force main with new 20", 16" and 12" ductile iron sewer force main in Norfolk, Virginia within the Buckman Avenue City right-of-way, within City properties located between 9225 and 9233 Marlow Avenue (Lot 28, Block 4); between 9226 and 9232 Buckman Avenue (Lot 27, Block 4); between 9233 and 9241 Buckman Avenue (Lot 20, Block 3); and 9238 1st View Street (Lots 15, 17, 19 and 21, Block 3) being shown on that certain plat in Exhibit 1-A entitled "Willoughby Terrace Corporation", which plat is recorded in the Clerk's Office of the Circuit Court of Chesapeake, Virginia in Map Book 8 at Page 31 through 33. The exact location of the new force main is shown on **Exhibit 5**, labeled "HRSD FORCE MAIN BYPASS" and hereto attached and incorporated by reference. Facilities shall be inclusive of the above described wastewater force main together with all connections, valves, vents, incidental work and related appurtenances thereto.

III. CONSTRUCTION OF FACILITIES

A. Cost of Construction:

HRSD will fund construction costs, including its corresponding construction inspection, oversight, administration, and coordination, as specified in **Exhibit 4,** plus approximately 10% contingency for "Facilities" located at the southwestern terminus area of Buckman Avenue and within City properties at Lot 28, Block 4 – Marlow Avenue; Lot 27, Block 4 – Buckman Avenue; Lot 20, Block 3 – Buckman Avenue; Lots 15, 17, 19 and 21, Block 3 – 9238 1st View Street being shown on that certain plat in Exhibit 1-A entitled "Willoughby Terrace Corporation", which plat is recorded in the Clerk's Office of the Circuit Court of Chesapeake, Virginia in Map Book 8 at Page 31 through 33.

1. The amount of the construction budget including HRSD construction inspection is determined to be Seven Hundred Fifty Thousand Dollars ($750,000.00) as derived from Exhibit 4.

2. The total cost of the Facilities, as more particularly defined by the final approved plans and specifications for the work, prepared for the City and approved by the HRSD shall include:

a) Cost of construction of HRSD's Facilities; and

b) Cost of permits required for construction of HRSD's Facilities

This work shall be contracted by the City under its CIP contract. Records of these

costs shall be available for review by HRSD at any mutually convenient time. Upon completion of these Facilities, the total costs as defined shall be forwarded to HRSD with a statement of payment indicating that the full cost of construction has been paid by the City.

B. Approval of Facilities Plans, Specifications and Construction Activities:

HRSD and the City agree that before any construction work is begun under this Agreement:

1. HRSD and City will mutually provide written approval of the final plans and specifications for the Facilities.

2. The City and HRSD shall review and approve the contractor's qualifications prior to award of work.

3. Contractor shall be responsible for all necessary permits and approvals necessary for the Facilities.

4. Contractor will remove existing sewer pipe or abandon same in place as set forth in the final plans and specifications.

5. The City will include HRSD in all scheduled construction meetings during Facilities construction.

C. Ownership, Operation and Maintenance of Facilities:

The Facilities constructed hereunder shall be conveyed to HRSD. Except for the portions to be subsequently conveyed to the City, HRSD agrees to accept ownership of the Facilities pursuant to Section IV.C below. HRSD and the City agree that after accepting ownership of portions of the Facilities, each will operate and maintain its sewer force main portions constructed under this Agreement at its own expense. No wastewater flow will be accepted through the Facilities until such time as HRSD has accepted ownership.

IV. OBLIGATIONS OF HRSD AND CITY

A. Inspection, Design and Construction Administration

HRSD and City shall both provide their own full-time inspection of the Improvements. HRSD full-time inspection will performed by the services of the Engineer on the behalf and for HRSD. If City desires outside inspection of the Improvements, it will obtain the inspection at no cost to HRSD. The inspector(s) shall have the authority to assure that the Facilities are constructed in accordance with the approved plans and specifications. All inspections shall meet current City standards and practices.

B. Payment of Costs

1. HRSD shall provide City for the costs set forth in Section II above in two (2) installments upon receipt and approval of monthly or periodic invoices showing such costs and documentation that payment to subcontractors and material supplies, less 5% retainage, has been made.

C. Agreement to Accept Ownership

HRSD shall accept ownership of the Facilities described in Section II from the City when all conditions of the contract have been met. The City shall accept ownership of the Facility portions subsequently conveyed by HRSD.

D. Correction of Construction Defects of Facilities

The City shall require the construction contractor to provide a performance and payment bond for the full amount of the construction of the Facilities. The construction contract shall also provide for a Warranty of the Work against construction defects and shall require the contractor to correct defects that are reported by HRSD or City within one year of the acceptance of the Facilities.

E. Conveyance of Facilities

The City shall convey the Facilities to HRSD by virtue of acceptance of construction completion. HRSD shall transfer ownership and convey the portions of the Facilities to the City to include the constructed 12" sewer force main in the Buckman Avenue right-of-way and the constructed 16" sewer force within the following City properties: Lots 15, 17, 19 and 21, Block 3 – 9238 1st View Street (Sanitary Sewer Pump Station No. 15): and Lot 20, Block 3 – Buckman Avenue (between 9233 and 9241 Buckman Avenue) as shown on that certain plat in Exhibit 1-A entitled "Willoughby Terrace Corporation", which plat is recorded in the Clerk's Office of the Circuit Court of Chesapeake, Virginia in Map Book 8 at Page 31 through 33; all as shown on **Exhibit 3**.

V. NOTICES

All notices given between parties shall be in writing and shall be considered properly sent by postage prepaid United States Mail or Country of Origin Mail to the persons identified below:

To HRSD:

Edward G. Henifin, P.E., General Manager

P. O. Box 5911
Virginia Beach, VA 23471-0911

With Copy to:

William A. Cox, III
Kellam, Pickrell, Cox, Tayloe & Anderson, PC
2102 Mediterranean Avenue
Virginia Beach, VA 23451

To City of Norfolk:

Marcus D. Jones, City Manager
City of Norfolk, Virginia
810 Union Street, Suite 1101
Norfolk, Virginia 23510

With Copy to:

City Attorney
900 City Hall
810 Union Street
Norfolk, Virginia 23510

VI. GENERAL

A. Applicable Law and Venue

This Agreement is made in and shall be governed by the laws of the Commonwealth of Virginia. In the event of litigation, venue shall be in the Circuit Court of the City of Norfolk, Virginia.

B. Severability

If any provisions of this Agreement are held to be unenforceable, this Agreement shall be construed without such provisions.

C. Waiver

The failure by a party to exercise any right hereunder shall not operate as a waiver of such party's right to exercise such right or any other right in the future.

D. Changes

This Agreement may only be amended by a written document executed by a duly authorized representative of each of the parties.

IN WITNESS WHEREOF, the Hampton Roads Sanitation District has caused this Agreement to be signed in its behalf by its General Manager in accordance with authorization granted at its regular meeting held on _____, 201 .

HAMPTON ROADS SANITATION DISTRICT

_____

Edward G. Henifin, P.E., General Manager

STATE OF VIRGINIA
CITY OF VIRGINIA BEACH, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by Edward G. Henifin, P.E., General Manager, Hampton Roads Sanitation District.

_____

Notary Public

My commission expires:
Registration No.:

CITY OF NORFOLK

_____

Marcus D. Jones, City Manager

ATTEST:

_____

City Clerk Date

STATE OF VIRGINIA
CITY OF NORFOLK, to-wit:

The foregoing Agreement was acknowledged before me this ___ day of _____, 2015, by Marcus D. Jones, City Manager, City of Norfolk, Virginia.

_____

Notary Public

My commission expires:
Registration No.:

Approved as to Content:

_____
Director of Utilities

Approved as to Form and Correctness:

_____
Deputy City Attorney

CERTIFICATE OF FUNDING

I hereby certify that the money required for this Agreement is in the City Treasury to the credit of the fund from which is to be drawn and not appropriated for any other purpose.
Facilities Planning & Construction

Account:_____
Amount:_____
Contract No._____
Vendor Code:_____
Business License No.:_____

_____
Director of Finance Date

EXHIBIT 1-A

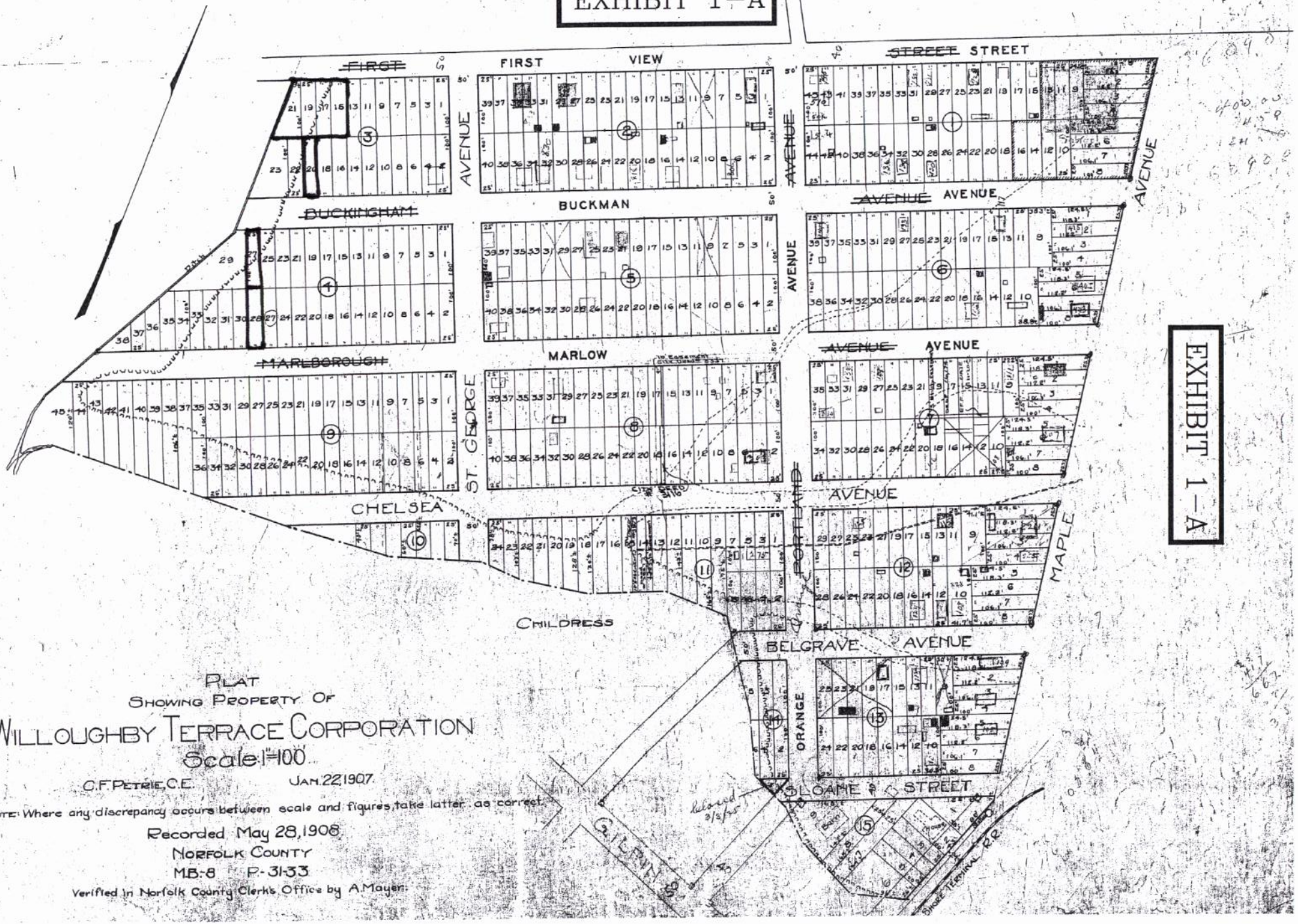
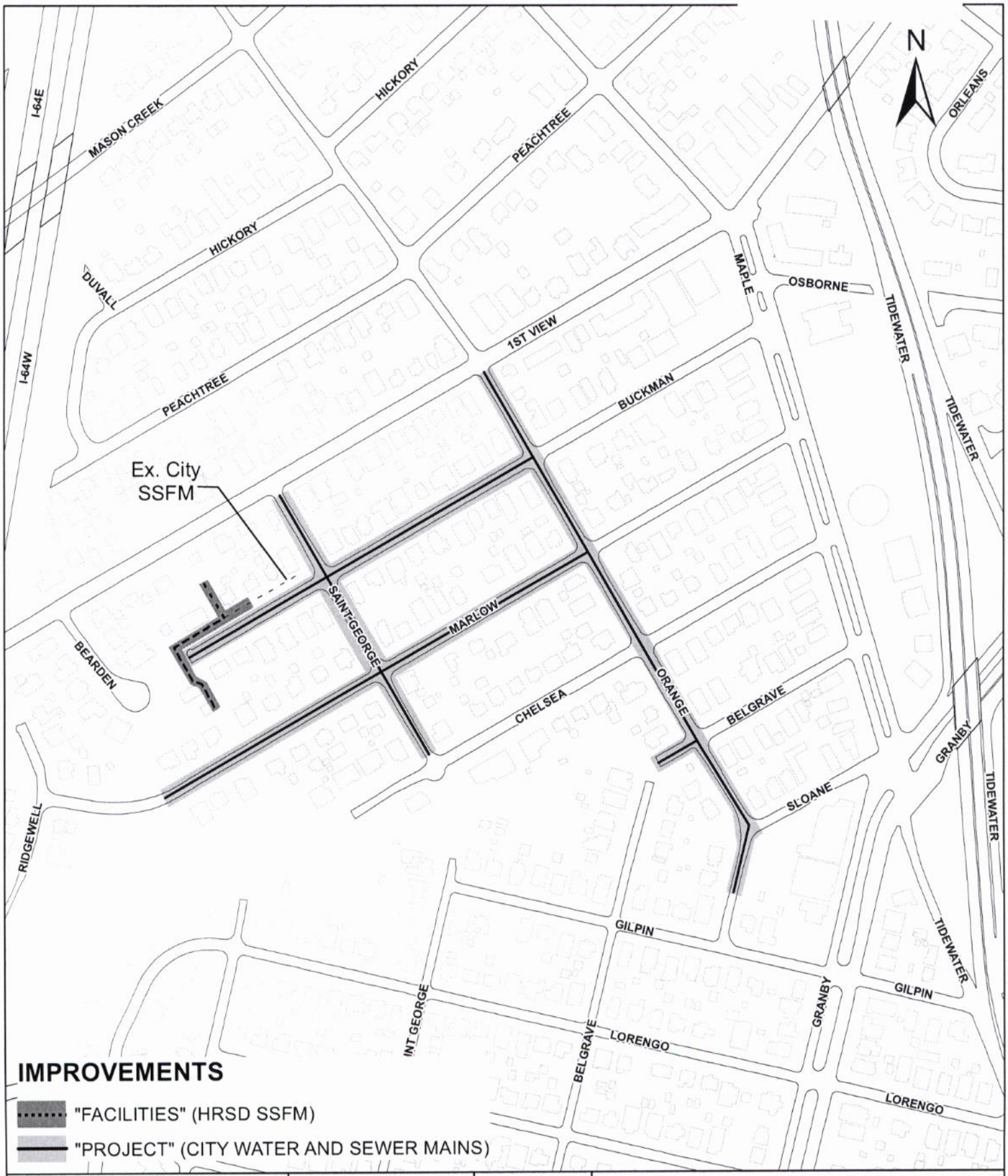


EXHIBIT 1-A

EXHIBIT 1-B

BUCKMAN AVENUE
9232
9233
MARLOW AVENUE

Exhibit 2



City of Norfolk
Department of Utilities

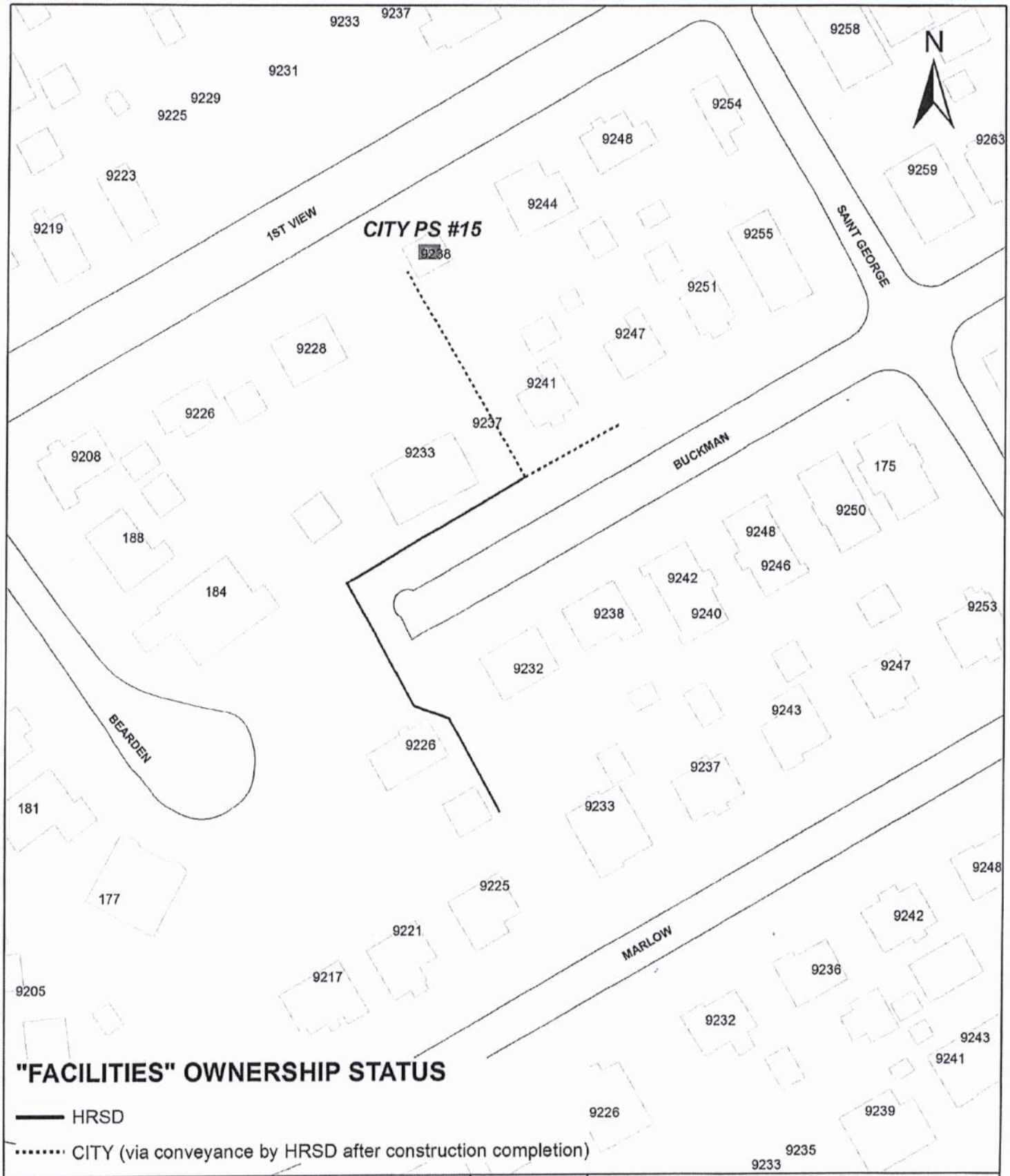
0 75 150 300 Feet

EXHIBIT 2

HAMPTON ROADS SANITATION DISTRICT

SF-007 REPLACEMENT, BUCKMAN AVENUE

EXHIBIT 3



"FACILITIES" OWNERSHIP STATUS

HRSD

CITY (via conveyance by HRSD after construction completion)

City of Norfolk Department of Utilities	0 20 40 80 Feet	EXHIBIT 3	**HAMPTON ROADS SANITATION DISTRICT** SF-007 REPLACEMENT, BUCKMAN AVENUE

EXHIBIT 4

W. R. Hall, Inc.
1214 Bill Street
Norfolk, VA 23518
Telephone: (757) 587-5074
Fax: (757) 587-6824
wrhallinc@cox.net
February 27, 2015

City of Norfolk
Department of Utilities
400 Granby Street, 2nd Floor
Norfolk, VA 23510
Attention: William Frederick & Mel Hopkins

Re: Pump Station 15 Service Area-Phase II
20" H.R.S.D. Offset COST PROPOSAL-Final Plans 2-13-15

The following is a breakdown for the cost proposal sent December 2, 2013
Total Cost $ 620,333.70

15 LF 18" DI Pipe with 401 Lining & Fittings @ $ 550.00 LF	$ 8,250.00
300 LF 20" DI Pipe with 401 Lining all restrained @ $ 580.16 LF	$ 174,048.00
180 LF 16" DI Pipe with 401 Lining all restrained @ $ 526.90 LF	$ 94,842.00
100 LF 12" DI Pipe with 401 Lining all restrained @ $ 357.28 LF	$ 35,728.00
1-12" Gate Valves (City) $ 3500.00 EA	$ 3,500.00
1-20" Plug Valves H.R.S.D. @ $ 12,500.00 EA	$ 12,500.00
2-16"Gate Valve (1-City)(1-HRSD) @ $ 13,372.85 EA	$ 26,745.70
Flowable Fill for 650 LF 20" Pipe @ $ 22.00 LF	$ 14,300.00
2-20" Cut and Caps $3,500.00 EA	$ 7,000.00
Remove 3 12" City Valves $ 1,500.00 EA	$ 4,500.00
Remove and Replace 110 LF Sidewalk and Curb	$ 4,620.00
Remove H.R.S.D. ARV	$ 2,000.00
Remove and Replace Fire Hydrant	$ 2,500.00
2-12" Connections $ 20,000.00 EA	$ 40,000.00
1-18" Connection $ 30,000.00 EA	$ 30,000.00
1-20" Connection $ 30,000.00 EA	$ 30,000.00
Pump and Dump for Connections – 27 Trucks @ $ 2,400.00 Truck	$ 64,800.00
Select Fill $ 35.00 CY 600 CY	$ 21,000.00
Stone Bedding $ 38.00 TON 300 TON	$ 11,400.00
2-ARV's $ 4,800.00 EA	$ 9,600.00
2-18" Cut & Caps $ 3,500.00 EA	$ 7,000.00
1-Remove 4 Crepe Myrtles, 1 Hackberry Tree	$ 4,000.00
1-Remove Pipe Valves & Structures PS 15 Yard	$ 4,500.00
1-Relocate Shed	$ 4,000.00
1-12"GV (HRSD) $ 3,500.00 EA	$ 3,500.00

New Wood Fence	$ 40.00 LF
New Chain Link Fence	$ 25.00 LF

This work will require a 110 day extension after approval and delivery of material. Extra excavation and additional bends not shown will be extra. Select fill and stone bedding will be paid for by amount used. The total amount could be more or less.
This price is good for 30 days. This proposal does not include an isolation flange kit for cathodic protection.

Richard L. Hall
Vice President
W. R. Hall, Inc.
1214 Bill Street
Norfolk, VA 23518

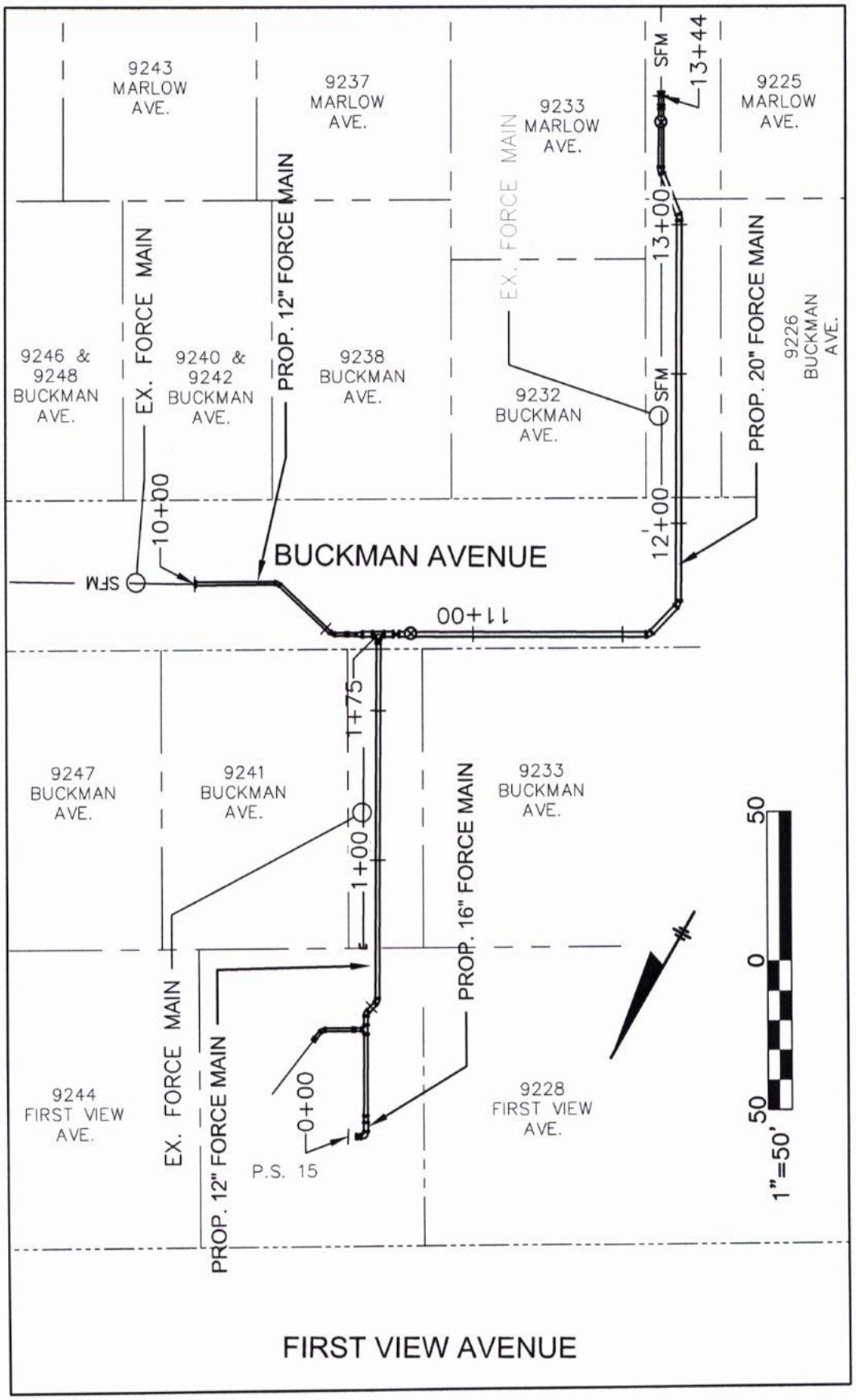
CITY OF NORFOLK DEPARTMENT OF UTILITIES

CONSTRUCTION PHASE SERVICES
HRSD Sewer Force Main Offset - Buckmen Avenue
Fee Estimate Summary (DATE: 2-11-15)

TASK	FEE ESTIMATE
Construction Administration Services including shop drawing review, contractor RFIs, review of HRSD tie-in plan submittal materials	$8,668.00
Construction Inspection Services	$27,104.00
Force Main record dwgs, plan profile sheet(s) and Valve guides	$9,884.80
Initial Investigation, offset evaluation, HRSD and Norfolk meetings, Coordination	$8,497.20
TOTAL FEE ESTIMATE	**$54,154.00**

EXHIBIT 5

I:\Norfolk-Dpt-C.5043\47793.Pump-Station-15\Docs\DWG_HRSD_BYPASS\SHEETS\COST-SHARING-FIG.dwg



CITY OF NORFOLK DEPARTMENT OF UTILITIES
HRSD FORCE MAIN BY-PASS
NORFOLK, VIRGINIA

SCHEMATIC DIAGRAM

FILE NO. 5043.47793.020
JULY 2015

O'BRIEN & GERE

C: Dir., Recreation, Parks & Open Space

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

February 9, 2016

From: Darrell R. Crittendon, Director
Recreation, Parks & Open Space

Subject: Resolution naming the public city park at the southwest corner of Duke and York streets in honor of Admiral David G. Farragut

Reviewed: _____
Wynter C. Benda, Deputy City Manager

Ward/Superward: **Ward 2/6**

Approved: _____
Marcus D. Jones, City Manager

Item Number: **R-25**

I. **Recommendation:** Adopt Resolution.

II. **Applicant:** Department of Recreation, Parks & Open Space
501 Boush Street, Suite A
Norfolk, Virginia 23510

III. **Description:**
This agenda item is a proposed resolution to name the public city park located at the southwest corner of Duke and York streets in honor of Admiral David G. Farragut.

IV. **Analysis**
The Department of Recreation, Parks & Open Space proposes a resolution to name a public city park in honor of Admiral David G. Farragut who was the first Admiral in the United States Navy and once resided in Norfolk on Duke Street. Admiral Jack Kavanaugh, President of the Freemason Civic League, formally presented this proposal to the Parks and Recreation Commission (the "Commission"). The Commission voted and approved to name the park in honor of Admiral Farragut.

V. **Financial Impact**
The resolution will not have a financial impact on the City of Norfolk (the "city").

VI. **Environmental**
There are no environmental issues related to this resolution.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the city's agenda notification process.

VIII. Board/Commission Action

The Commission voted and approved to name the public city park located at the southwest corner of Duke and York streets in honor of Admiral David G. Farragut.

IX. Coordination/Outreach

This resolution has been coordinated with the City Attorney's Office.

Supporting material from the City Attorney's Office:

- Resolution

1/6/16 [bjl]

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Recreation, Parks & Open Space

NORFOLK, VIRGINIA

Resolution

A RESOLUTION NAMING THE PUBLIC CITY PARK LOCATED AT THE SOUTHWEST CORNER OF DUKE AND YORK STREETS FOR ADMIRAL DAVID G. FARRAGUT.

- - -

WHEREAS, Admiral David G. Farragut (1801-1870), a career military officer, was the first Admiral in the United States Navy; and

WHEREAS, Admiral Farragut once resided in Norfolk on Duke Street and the City wishes to honor Admiral Farragut by naming the public City park located at the southwest corner of Duke and York Streets for Admiral Farragut; now therefore;,

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

Section 1:- That, the public City park located at the southwest corner of Duke and York Streets is hereby named The Admiral David G. Farragut Park in honor of Admiral David G. Farragut who once resided in Norfolk on Duke Street.

Section 2:- That the City Manager is hereby authorized to do all things necessary to accomplish the naming of the public City park in honor of Admiral David G. Farragut.

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

NORFOLK

Office of the City Attorney

BERNARD A. PISHKO
City Attorney
WAYNE RINGER
MARY L. NEXSEN
NATHANIEL BEAMAN IV
MARTHA P. McGANN
CYNTHIA B. HALL
JACK E. CLOUD
HEATHER A. MULLEN
DEREK A. MUNGO
TAMELE YVETTE HOBSON
NADA N. KAWWASS
ADAM D. MELITA
MICHELLE G. FOY
MATTHEW P. MORKEN
HEATHER L. KELLEY
ERIKKA M. MASSIE
ZACHARY A. SIMMONS
KARLA J. SOLORIA
ALEX H. PINCUS

February 9, 2016

To the Honorable Council
City of Norfolk, Virginia

Re: Tax Overpayment
Metal Concepts, Inc.

R-26

Dear Ladies and Gentlemen:

Attached please find an ordinance directing the City Treasurer to issue a refund to Metal Concepts, Inc. in the amount of $46,770.69 based upon the overpayment of its Machinery and Tools Tax for the years 2012 through 2015, resulting in a refund due of $46,770.69, plus interest.

Respectfully submitted,

Bernard A. Pishko
City Attorney

Recommendation: Adopt Ordinance

810 Union Street, Suite 900 • Norfolk, VA 23510
(757) 664-4529 • Fax: (757) 664-4201

1/13/2016mr
Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Commissioner of the Revenue

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.

$ 46770.69 1000 104 010
Account 4051

_____ 1/21/16
Director of Finance Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE DIRECTING THE CITY TREASURER TO ISSUE A REFUND TO METAL CONCEPTS, INC. BASED UPON THE OVERPAYMENT OF ITS BUSINESS MACHINERY AND TOOLS TAX FOR THE TAX YEARS 2012 THROUGH 2015.

- - -

WHEREAS the Commissioner of the Revenue has determined that the business machinery and tools tax was erroneously overpaid by Metal Concepts, Inc. for the tax years 2012 through 2015, and has corrected this assessment in accordance with Virginia Code § 58.1-3981; and

WHEREAS the Commissioner of the Revenue has certified with the consent of the City Attorney that the aforementioned taxpayer paid all taxes due on the erroneous assessment and is entitled to a refund of excess taxes paid based on the corrected assessment in the amount of $46,770.69, plus interest; now, therefore

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

Section 1:- That $46,770.69 is hereby appropriated for a refund to Metal Concepts, Inc. for the tax years 2012 through 2015.

Section 2:- That the Treasurer of the City of

Norfolk is hereby directed to issue a refund to Metal Concepts, Inc. in the amount specified above as soon as practicable upon passage of this ordinance.

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

Norfolk Commissioner of the Revenue
Certification and Request for the Refund
Of Previously Paid Tax to:

Metal Concepts, Inc.
Account Number
75524/015697

January 5, 2016

Overview:

Metal Concepts, Inc. did not file a Machinery & Tools Tax Rendition for the years 2012 through 2015. In addition, the taxpayer was taxed at the business personal property rate of $4.33/$100 instead of the machinery & tools rate of $4.25/$100. In December of 2015, the taxpayer filed amended returns for the above years. The corrected assessments have resulted in a refund to the taxpayer in the amount of $46,770.69.

In compliance with ***Norfolk Code § 24-7***, the Commissioner of the Revenue's files pertaining to this request are available for inspection by the City Attorney.

Fiscal Impact:

This refund reduces Machinery & Tools tax revenue by **$46,770.69** for the 2016 fiscal year.

Conclusion:

It is recommended that the City Attorney consent to the issuance of the refund and call for City Council to direct the City Treasurer to refund the machinery & tools tax overpayment of **$46,770.69.**

Certification

I, C. Evans Poston, Jr., Commissioner of the Revenue for the City of Norfolk, certify that the above named company is due a refund in the amount of $46,770.69 as specified by *Virginia Code §58.1-3981* due to the overpayment of the Machinery & Tools tax.

C. Evans Poston, Jr., Commissioner of the Revenue — 1-11-16 Date

Bernard Pishko, City Attorney — 1/20/16 Date

NORFOLK

Office of the City Attorney

BERNARD A. PISHKO
City Attorney
WAYNE RINGER
MARY L. NEXSEN
NATHANIEL BEAMAN IV
MARTHA P. McGANN
CYNTHIA B. HALL
JACK E. CLOUD
HEATHER A. MULLEN
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NADA N. KAWWASS
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MICHELLE G. FOY
MATTHEW P. MORKEN
HEATHER L. KELLEY
ERIKKA M. MASSIE
ZACHARY A. SIMMONS
KARLA J. SOLORIA
ALEX H. PINCUS

February 9, 2016

To the Honorable Council
City of Norfolk, Virginia

Re: Tax Overpayment
SureID, Inc. f/k/a EID Passport, Inc.

Dear Ladies and Gentlemen:

R-27

Attached please find an ordinance directing the City Treasurer to issue a refund to SureID, Inc. f/k/a EID Passport, Inc. in the amount of $7,325.62 based upon the overpayment of its Business Personal Property Tax for the years 2013 and 2014, resulting in a refund due of $7,325.62, plus interest.

Respectfully submitted,

Bernard A. Pishko
City Attorney

Recommendation: Adopt Ordinance

810 Union Street, Suite 900 • Norfolk, VA 23510
(757) 664-4529 • Fax: (757) 664-4201

1/13/2016mr

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Commissioner of the Revenue

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.

$ 7325.62 _____ 1000 104 010 K 4021
Account

_____ 1/21/16
Director of Finance Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE DIRECTING THE CITY TREASURER TO ISSUE A REFUND TO SUREID, INC. F/K/A EID PASSPORT, INC. BASED UPON THE OVERPAYMENT OF BUSINESS PERSONAL PROPERTY TAX FOR THE YEARS 2013 AND 2014.

- - -

WHEREAS the Commissioner of the Revenue has determined that business personal property tax was erroneously overpaid by SureID, Inc. f/k/a EID Passport, Inc. for the tax years 2013 and 2014, and has corrected this assessment in accordance with Virginia Code § 58.1-3981; and

WHEREAS the Commissioner of the Revenue has certified with the consent of the City Attorney that the aforementioned taxpayer paid all taxes due on the erroneous assessment and is entitled to a refund of excess taxes paid based on the corrected assessment in the amount of $7,325.62, plus interest; now, therefore

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

Section 1:- That $7,325.62 is hereby appropriated for a refund to SureID, Inc. for the tax years 2013 and 2014.

Section 2:- That the Treasurer of the City of

Norfolk is hereby directed to issue a refund to SureID, Inc. in the amount specified above as soon as practicable upon passage of this ordinance.

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

MGF

Norfolk Commissioner of the Revenue
Certification and Request for the Refund
Of Previously Paid Tax to:

Eid Passport Inc.
Account Number
785314/917334

November 17, 2015

Overview:

The taxpayer is a leasing company. It has two locations in Hampton Roads. Eid Passport was reporting all of its leased assets to Norfolk while some of its assets were located in Chesapeake. This refund represents the assets located in Chesapeake for the years 2013 and 2014.

In compliance with ***Norfolk Code § 24-7***, the Commissioner of the Revenue's files pertaining to this request are available for inspection by the City Attorney.

Fiscal Impact:

This refund reduces business personal property tax revenue by **$7,325.62** for the 2016 fiscal year.

Conclusion:

It is recommended that the City Attorney consent to the issuance of the refund and call for City Council to direct the City Treasurer to refund the business personal property overpayment of **$7,325.62.**

Certification

I, C. Evans Poston, Jr., Commissioner of the Revenue for the City of Norfolk, certify that the above named company is due a refund in the amount of $7,325.62 as specified by *Virginia Code §58.1-3981* due to the overpayment of Business Personal Property Taxes.

C. Evans Poston, Jr., Commissioner of the Revenue — 11/20/15 Date

Bernard Pishko, City Attorney — 1/20/16 Date

NORFOLK

Office of the City Attorney

BERNARD A. PISHKO
City Attorney
WAYNE RINGER
MARY L. NEXSEN
NATHANIEL BEAMAN IV
MARTHA P. McGANN
CYNTHIA B. HALL
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ERIKKA M. MASSIE
ZACHARY A. SIMMONS
KARLA J. SOLORIA
ALEX H. PINCUS

February 9, 2016

To the Honorable Council
City of Norfolk, Virginia

Re: Tax Overpayment
London Plaza Coin Laundry, Inc.

R-28

Dear Ladies and Gentlemen:

Attached please find an ordinance directing the City Treasurer to issue a refund to London Plaza Coin Laundry, Inc. in the amount of $2,693.46 based upon the overpayment of its Business Personal Property Tax for the years 2012 through 2014, resulting in a refund due of $2,693.46, plus interest.

Respectfully submitted,

Bernard A. Pishko
City Attorney

Recommendation: Adopt Ordinance

810 Union Street, Suite 900 • Norfolk, VA 23510
(757) 664-4529 • Fax: (757) 664-4201

1/6/16mr

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Commissioner of the Revenue

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.

$ 2693.46 1000104 010 4021
Account

_____ 1/21/16
Director of Finance Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE DIRECTING THE CITY TREASURER TO ISSUE A REFUND TO LONDON PLAZA COIN LAUNDRY, INC. BASED UPON THE OVERPAYMENT OF BUSINESS PERSONAL PROPERTY TAX FOR THE YEARS 2012 THROUGH 2014.

- - -

WHEREAS the Commissioner of the Revenue has determined that business personal property tax was erroneously overpaid by London Plaza Coin Laundry, Inc. for the tax years 2012 through 2014, and has corrected this assessment in accordance with Virginia Code § 58.1-3981; and

WHEREAS the Commissioner of the Revenue has certified with the consent of the City Attorney that the aforementioned taxpayer paid all taxes due on the erroneous assessment and is entitled to a refund of excess taxes paid based on the corrected assessment in the amount of $2,693.46, plus interest; now, therefore

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

Section 1:- That $2,693.46 is hereby appropriated for a refund to London Plaza Coin Laundry, Inc. for the tax years 2012 through 2014.

Section 2:- That the Treasurer of the City of

Norfolk is hereby directed to issue a refund to London Plaza Coin Laundry, Inc. in the amount specified above as soon as practicable upon passage of this ordinance.

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

Norfolk Commissioner of the Revenue
Certification and Request for the Refund
Of Previously Paid Tax to:

London Plaza Coin Laundry, Inc.
Account Number
762959/909206

December 3, 2015

Overview:

London Plaza Coin Laundry, Inc. was assessed for business personal property located in Portsmouth, Virginia. The taxpayer's bookkeeper reported all the of the business personal property to Norfolk. The taxpayer realized the mistake when the COR backed billed for the years 2012-2014.

In compliance with ***Norfolk Code § 24-7***, the Commissioner of the Revenue's files pertaining to this request are available for inspection by the City Attorney.

Fiscal Impact:

This refund reduces business personal property tax revenue by **$2,693.46** for the 2016 fiscal year.

Conclusion:

It is recommended that the City Attorney consent to the issuance of the refund and call for City Council to direct the City Treasurer to refund the business personal property overpayment of **$2,693.46.**

Certification

I, C. Evans Poston, Jr., Commissioner of the Revenue for the City of Norfolk, certify that the above named company is due a refund in the amount of $2,693.46 as specified by *Virginia Code §58.1-3981* due to the overpayment of Business Personal Property Taxes.

C. Evans Poston, Jr., Commissioner of the Revenue — Date: 12-8-15

Bernard Pishko, City Attorney — Date: 1/20/16

NORFOLK

Office of the City Attorney

BERNARD A. PISHKO
City Attorney
WAYNE RINGER
MARY L. NEXSEN
NATHANIEL BEAMAN IV
MARTHA P. McGANN
CYNTHIA B. HALL
JACK E. CLOUD
HEATHER A. MULLEN
DEREK A. MUNGO
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MICHELLE G. FOY
MATTHEW P. MORKEN
HEATHER L. KELLEY
ERIKKA M. MASSIE
ZACHARY A. SIMMONS
KARLA J. SOLORIA
ALEX H. PINCUS

February 9, 2016

To the Honorable Council
City of Norfolk, Virginia

Re: Tax Overpayment
All Carolina Crane & Equipment, L.L.C.

Dear Ladies and Gentlemen: **R-29**

Attached please find an ordinance directing the City Treasurer to issue a refund to All Carolina Crane & Equipment, L.L.C. in the amount of $13,191.61 based upon the overpayment of its Business Personal Property Tax for the year 2015, resulting in a refund due of $13,191.61, plus interest.

Respectfully submitted,

Bernard A. Pishko
City Attorney

Recommendation: Adopt Ordinance

810 Union Street, Suite 900 • Norfolk, VA 23510
(757) 664-4529 • Fax: (757) 664-4201

12/8/2015mr

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Commissioner of the Revenue

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.

$ 13191.61 1000 104 010 4021
Account

Director of Finance 1/21/16
Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE DIRECTING THE CITY TREASURER TO ISSUE A REFUND TO ALL CAROLINA CRANE & EQUIPMENT, L.L.C. BASED UPON THE OVERPAYMENT OF BUSINESS PERSONAL PROPERTY TAX FOR THE YEAR 2015.

- - -

WHEREAS the Commissioner of the Revenue has determined that business personal property tax was erroneously overpaid by All Carolina Crane & Equipment, L.L.C. for the tax year 2015, and has corrected this assessment in accordance with Virginia Code § 58.1-3981; and

WHEREAS the Commissioner of the Revenue has certified with the consent of the City Attorney that the aforementioned taxpayer paid all taxes due on the erroneous assessment and is entitled to a refund of excess taxes paid based on the corrected assessment in the amount of $13,191.61, plus interest; now, therefore

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

Section 1:- That $13,191.61 is hereby appropriated for a refund to All Carolina Crane & Equipment, L.L.C. for the tax year 2015.

Section 2:- That the Treasurer of the City of

Norfolk is hereby directed to issue a refund to All Carolina Crane & Equipment, L.L.C. in the amount specified above as soon as practicable upon passage of this ordinance.

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

Norfolk Commissioner of the Revenue
Certification and Request for the Refund
Of Previously Paid Tax to:

All Carolina Crane & Equipment LLC
Account Number
832818/915275

November 23, 2015

Overview:

All Carolina Crane & Equipment LLC removed its business equipment from Norfolk before January 1, 2015. However, they paid the 2015 business personal property assessment. All Carolina is requesting a refund of the 2015 business property taxes.

In compliance with ***Norfolk Code § 24-7***, the Commissioner of the Revenue's files pertaining to this request are available for inspection by the City Attorney.

Fiscal Impact:

This refund reduces business personal property tax revenue by **$13,191.61** for the 2016 fiscal year.

Conclusion:

It is recommended that the City Attorney consent to the issuance of the refund and call for City Council to direct the City Treasurer to refund the business personal property overpayment of **$13,191.61.**

Certification

I, C. Evans Poston, Jr., Commissioner of the Revenue for the City of Norfolk, certify that the above named company is due a refund in the amount of $13,191.61 as specified by *Virginia Code §58.1-3981* due to the overpayment of Business Personal Property Taxes.

, CHIEF DEPUTY
C. Evans Poston, Jr., Commissioner of the Revenue — 12/2/15 Date

Bernard Pishko, City Attorney — 1/20/16 Date

NORFOLK

Office of the City Attorney

BERNARD A. PISHKO
City Attorney
WAYNE RINGER
MARY L. NEXSEN
NATHANIEL BEAMAN IV
MARTHA P. McGANN
CYNTHIA B. HALL
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ERIKKA M. MASSIE
ZACHARY A. SIMMONS
KARLA J. SOLORIA
ALEX H. PINCUS

February 9, 2016

To the Honorable Council
City of Norfolk, Virginia

Re: Tax Overpayment
Bayview Plaza Pharmacy, Inc.

Dear Ladies and Gentlemen:

R-30

Attached please find an ordinance directing the City Treasurer to issue a refund to Bayview Plaza Pharmacy, Inc. in the amount of $31,476.05 based upon the overpayment of its Business License Tax for the year 2015, resulting in a refund due of $31,476.05, plus interest.

Respectfully submitted,

Bernard A. Pishko
City Attorney

Recommendation: Adopt Ordinance

810 Union Street, Suite 900 • Norfolk, VA 23510
(757) 664-4529 • Fax: (757) 664-4201

1/19/2016mr

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Commissioner of the Revenue

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.

$ 31,476.05 1000 104A 4101
Account

_____ 1/25/16
Director of Finance Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE DIRECTING THE CITY TREASURER TO ISSUE A REFUND TO BAYVIEW PLAZA PHARMACY, INC. BASED UPON THE OVERPAYMENT OF ITS BUSINESS LICENSE TAX FOR THE YEAR 2015.

- - -

WHEREAS the Commissioner of the Revenue has determined that the business license tax was erroneously overpaid by Bayview Plaza Pharmacy, Inc. for the tax year 2015, and has corrected this assessment in accordance with Virginia Code § 58.1-3981; and

WHEREAS the Commissioner of the Revenue has certified with the consent of the City Attorney that the aforementioned taxpayer paid all taxes due on the erroneous assessment and is entitled to a refund of excess taxes paid based on the corrected assessment in the amount of $31,476.05, plus interest;

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

Section 1:- That $31,476.05 is hereby appropriated for a refund to Bayview Plaza Pharmacy, Inc. for tax year 2015;

Section 2:- That the Treasurer of the City of Norfolk is hereby directed to issue a refund to Bayview Plaza Pharmacy, Inc. in the amount specified above as soon as practicable upon passage of this

ordinance.

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

Norfolk Commissioner of the Revenue
Certification and Request for the Refund
Of Previously Paid Tax to:

Bayview Plaza Pharmacy
Account Number
5758/000701

January 5, 2016

Overview: Bayview Plaza Pharmacy ceased business operations on April 23, 2015. The taxpayer is requesting a refund based on Virginia Code § 58.1-3710. The pro-rated refund equals $31,476.05.

In compliance with ***Norfolk Code § 24-7***, the Commissioner of the Revenue's files pertaining to this request are available for inspection by the City Attorney.

Fiscal Impact:

This refund reduces business license tax revenue by **$31,476.05** for the 2016 fiscal year.

Conclusion:

It is recommended that the City Attorney consent to the issuance of the refund and call for City Council to direct the City Treasurer to refund the business license overpayment of **$31,476.05.**

Certification

I, C. Evans Poston, Jr., Commissioner of the Revenue for the City of Norfolk, certify that the above named company is due a refund in the amount of $31,476.05 as specified by *Virginia Code §58.1-3981* due to the overpayment of Business License Taxes.

C. Evans Poston, Jr., Commissioner of the Revenue — 1-11-16 Date

Bernard Pishko, City Attorney — 1/20/16 Date

NORFOLK

Office of the City Attorney

BERNARD A. PISHKO
City Attorney
WAYNE RINGER
MARY L. NEXSEN
NATHANIEL BEAMAN IV
MARTHA P. McGANN
CYNTHIA B. HALL
JACK E. CLOUD
HEATHER A. MULLEN
DEREK A. MUNGO
TAMELE YVETTE HOBSON
NADA N. KAWWASS
ADAM D. MELITA
MICHELLE G. FOY
MATTHEW P. MORKEN
HEATHER L. KELLEY
ERIKKA M. MASSIE
ZACHARY A. SIMMONS
KARLA J. SOLORIA
ALEX H. PINCUS

February 9, 2016

To the Honorable Council
City of Norfolk, Virginia

Re: Tax Overpayment
ABNB Federal Credit Union

R-31

Dear Ladies and Gentlemen:

Attached please find an ordinance directing the City Treasurer to issue a refund to ABNB Federal Credit Union in the amount of $3,290.96 based upon the overpayment of its Business Personal Property Tax for the year 2014, resulting in a refund due of $3,290.96, plus interest.

Respectfully submitted,

Bernard A. Pishko
City Attorney

Recommendation: Adopt Ordinance

810 Union Street, Suite 900 • Norfolk, VA 23510
(757) 664-4529 • Fax: (757) 664-4201

1/13/2016mr

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Commissioner of the Revenue

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.

$ 3290.96 1000 104 010
Account 4021

_____ 1/21/16
Director of Finance Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE DIRECTING THE CITY TREASURER TO ISSUE A REFUND TO ABNB FEDERAL CREDIT UNION BASED UPON THE OVERPAYMENT OF BUSINESS PERSONAL PROPERTY TAX FOR THE YEAR 2014.

- - -

WHEREAS the Commissioner of the Revenue has determined that business personal property tax was erroneously overpaid by ABNB Federal Credit Union for the tax year 2014, and has corrected this assessment in accordance with Virginia Code § 58.1-3981; and

WHEREAS the Commissioner of the Revenue has certified with the consent of the City Attorney that the aforementioned taxpayer paid all taxes due on the erroneous assessment and is entitled to a refund of excess taxes paid based on the corrected assessment in the amount of $3,290.96, plus interest; now, therefore

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

Section 1:- That $3,290.96 is hereby appropriated for a refund to ABNB Federal Credit Union for the tax year 2014.

Section 2:- That the Treasurer of the City of Norfolk is hereby directed to issue a refund to ABNB Federal Credit Union in the amount specified above as soon as practicable upon passage of this ordinance.

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

Norfolk Commissioner of the Revenue
Certification and Request for the Refund
Of Previously Paid Tax to:

ABNB Federal Credit Union
Account Number
87254/801396

November 23, 2015

Overview:

ABNB Federal Credit Union purchased the Norfolk Teacher's Credit Union on April 1, 2013. ABNB paid the 2014 business personal property assessment of the Norfolk Teacher's Credit Union twice. Once on account 690422 and on account 87245. ABNB is requesting a refund of its overpayment on account 87245.

In compliance with ***Norfolk Code § 24-7***, the Commissioner of the Revenue's files pertaining to this request are available for inspection by the City Attorney.

Fiscal Impact:

This refund reduces business personal property tax revenue by **$3,290.96** for the 2016 fiscal year.

Conclusion:

It is recommended that the City Attorney consent to the issuance of the refund and call for City Council to direct the City Treasurer to refund the business personal property overpayment of **$3,290.96.**

Certification

I, C. Evans Poston, Jr., Commissioner of the Revenue for the City of Norfolk, certify that the above named company is due a refund in the amount of $3,290.96 as specified by *Virginia Code §58.1-3981* due to the overpayment of Business Personal Property Taxes.

C. Evans Poston, Jr., Commissioner of the Revenue — 1-11-16 Date

Bernard Pishko, City Attorney — 1/20/16 Date

NORFOLK

Office of the City Attorney

BERNARD A. PISHKO
City Attorney
WAYNE RINGER
MARY L. NEXSEN
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ZACHARY A. SIMMONS
KARLA J. SOLORIA
ALEX H. PINCUS

February 9, 2016

To the Honorable Council
City of Norfolk, Virginia

Re: Tax Overpayment
AT&T Capital Services, Inc.

R-32

Dear Ladies and Gentlemen:

Attached please find an ordinance directing the City Treasurer to issue a refund to AT&T Capital Services, Inc. in the amount of $18,703.77 based upon the overpayment of its Business Personal Property Tax for the years 2013 through 2015, resulting in a refund due of $18,703.77, plus interest.

Respectfully submitted,

Bernard A. Pishko
City Attorney

Recommendation: Adopt Ordinance

810 Union Street, Suite 900 • Norfolk, VA 23510
(757) 664-4529 • Fax: (757) 664-4201

1/6/2016mr

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Commissioner of the Revenue

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.

$ 18,703.77 1000 104 010
Account 4021

_____ 1/21/16
Director of Finance Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE DIRECTING THE CITY TREASURER TO ISSUE A REFUND TO AT&T CAPITAL SERVICES, INC. BASED UPON THE OVERPAYMENT OF BUSINESS PERSONAL PROPERTY TAX FOR THE YEARS 2013 THROUGH 2015.

- - -

WHEREAS the Commissioner of the Revenue has determined that business personal property tax was erroneously overpaid by AT&T Capital Services, Inc. for the tax years 2013 through 2015, and has corrected this assessment in accordance with Virginia Code § 58.1-3981; and

WHEREAS the Commissioner of the Revenue has certified with the consent of the City Attorney that the aforementioned taxpayer paid all taxes due on the erroneous assessment and is entitled to a refund of excess taxes paid based on the corrected assessment in the amount of $18,703.77, plus interest; now, therefore

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

Section 1:- That $18,703.77 is hereby appropriated for a refund to AT&T Capital Services, Inc. for the tax years 2013 through 2015.

Section 2:- That the Treasurer of the City of

Norfolk is hereby directed to issue a refund to AT&T Capital Services, Inc. in the amount specified above as soon as practicable upon passage of this ordinance.

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

MGF

Norfolk Commissioner of the Revenue
Certification and Request for the Refund
Of Previously Paid Tax to:

AT & T Capital Services, Inc.
Account Number
000328/800192

November 13, 2015

Overview:

The taxpayer is a leasing company. The asset (D7RT Bulldozer) is leased to United States Gypsum. This office has determined the asset to be intangible. The taxpayer is requesting a refund of $6,234.59 for the years 2013 through 2015.

In compliance with ***Norfolk Code § 24-7***, the Commissioner of the Revenue's files pertaining to this request are available for inspection by the City Attorney.

Fiscal Impact:

This refund reduces business personal property tax revenue by **$18,703.77** for the 2016 fiscal year.

Conclusion:

It is recommended that the City Attorney consent to the issuance of the refund and call for City Council to direct the City Treasurer to refund the business personal property overpayment of **$18,703.77.**

Certification

I, C. Evans Poston, Jr., Commissioner of the Revenue for the City of Norfolk, certify that the above named company is due a refund in the amount of $18,703.77 as specified by *Virginia Code §58.1-3981* due to the overpayment of Business Personal Property Taxes.

C. Evans Poston, Jr., Commissioner of the Revenue — 11-18-15 Date

Bernard Pishko, City Attorney — 1/20/15 Date

C: Dir., Department of General Services

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

February 9, 2016

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

Subject: Amend Norfolk City Code to set rates for a newly purchased parking garage, to designate the parking garage as a city facility and to decouple parking rates of residents in the Central Business District from the rates charged to non-resident monthly parkers.

Reviewed: Sabrina Joy-Hogg, Assistant City Manager

Ward/Superward: 2/6

Approved: Marcus D. Jones, City Manager

Item Number: **R-33**

I. **Recommendation:** Adopt Ordinance.

II. **Applicant:** City of Norfolk

III. **Description:**

This agenda item is an ordinance to amend and reordain Section 25.1-37, Section 25.1-75 and Section 25.1-87 of the *Norfolk City Code* to establish the following: parking rates for the new Fountain Park Garage to match the current market-driven rates for the purpose of providing competitive parking to downtown tenants, residents and visitors, decouple parking rates for residents in the Central Business District to be independent of the regular monthly parking rate charged to non-resident monthly parkers, designate the Fountain Park Garage as Garage #61.

IV. **Analysis**

As stated above, this ordinance establishes the parking rates for the new Fountain Park Garage to charge current market rates for the purpose of providing competitive parking to downtown Norfolk and it allows the parking rates for residents in the Central Business District to be set independently of rates charged to non-resident monthly parkers, which will provide for better control of parking rates based on the parking demand of different user types.

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

V. Financial Impact

Revenues from the Fountain Park Garage will support the debt service and operational needs of the Fountain Park Garage.

VI. Environmental

N/A

VII. Community Outreach/Notification

N/A

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter has been coordinated with the Department of General Services, Department of Development and the City Attorney's Office.

Supporting Material from the Department of General Services:

- Ordinance

1/26/2016mr

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO AMEND AND REORDAIN SECTION 25.1-37, SECTION 25.1-75, AND SECTION 25.1-87 OF THE NORFOLK CITY CODE, 1979, AS AMENDED, CONCERNING PARKING RATES FOR RESIDENTS OF THE CENTRAL BUSINESS DISTRICT, RATES FOR PARKING IN OFF-STREET FACILITIES, AND DESIGNATING A PARKING GARAGE.

— — —

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

Section 1:- That Section 25.1-37 of the Norfolk City Code, 1979, as amended, regarding discount parking for residents and visitors to the central business district, is hereby amended and reordained to read as follows:

(a) Subject to the rules, regulations and procedures promulgated, established or ratified by the city manager or designee, the director of general services shall establish a discount parking program for residents of and visitors to the central business district.

(b) Residents of the central business district may apply to lease parking spaces in lots or garages on a monthly basis. Subject to the availability of said spaces and subject to verification of their status as residents, said individuals may lease parking spaces on a month-to-month basis at the following monthly rates:

		Monthly Rates	
Facility No.	**Facility**	**Unreserved**	**Reserved**
1	Waterside Garage	N/A	N/A
2	Freemason Street Garage	$50.50	$65.50
3	Town Point Garage	$50.50	$65.50

6	York Street Garage	$40.00	$55.00
7	Main Street Garage	$50.50	$65.50
8	Boush Street Garage	$50.50	$65.50
9	MacArthur Center, North Garage	$50.50	$65.50
10	MacArthur Center, South Garage	$50.50	$65.50
11	Commercial Place Garage	$50.50	$65.50
12	Scope Garage	N/A	N/A
13	Bank Street Garage	$52.50	$67.50
14	Charlotte Street Garage	N/A	N/A
30	Plume Street Lot	N/A	N/A
33	City Hall South Garage	N/A	N/A
34	City Hall North Garage	N/A	N/A
36	Education Lot	N/A	N/A
37	Brambleton Lot	N/A	N/A
38	Harrison Opera House Lot	N/A	N/A
39	Cedar Grove (Lot 39)	N/A	N/A
42	St. Paul's Lot	N/A	N/A
55	Harbor Park (Park and Ride) (Lots A-G)	N/A	N/A
60	West Plume Street Garage	$55.60	$72.40
61	Fountain Park Garage	$55.60	$72.40

(c) The city manager or designee shall verify the status of individuals seeking to lease parking spaces as residents of the central business district by requiring

proof of ownership or rental agreement and verification that the vehicle is registered to the individual at an address within the central business district.

(d) Reserved.

(e) Residents of the central business district may apply for passes for visitor parking on weekends. For purposes of this section, a "weekend" is defined as the period of time from 6:00 p.m. on Friday until 6:00 a.m. on the following Monday. Any resident seeking to purchase a visitor's pass shall present evidence of his status as a resident. The director may require a copy of a lease, written statement from a landlord or such other documentation as may be appropriate. A visitor's pass shall state on its face the dates and times for which it is issued. The fee for such pass shall be four dollars ($4.00) for each twenty-four-hour period or portion thereof; provided, however, that a visitors' pass for an entire weekend, as hereinabove defined may be issued for nine dollars ($9.00).

Section 2:- That Section 25.1-75 of the Norfolk City Code, 1979, as amended, regarding rates for parking in off-street facilities, is hereby amended and reordained to read as follows:

			Monthly Rates		**Nightly Rates**	
Facility No.	**Facility**	**Daily Rate**	**Unreserved**	**Reserved**	**Unreserved**	**Reserved**
1	Waterside Garage	A	$85.00	$115.00		
2	Freemason Street Garage	A	$85.00	$115.00	$34.00	$39.00
3	Town Point Garage	A	$85.00	$115.00	$34.00	$39.00
6	York Street Garage	A	$64.00	$94.00	$27.00	$32.00
7	Main Street Garage	A	$85.00	$115.00	$34.00	$39.00
8	Boush Street Garage	A	$85.00	$115.00	$34.00	$39.00
9	MacArthur Center, North Garage	MC #1	$85.00	$115.00		
10	MacArthur Center, South Garage	MC #1	$85.00	$115.00		

11	Commercial Place Garage	A	$85.00	$115.00	$34.00	$39.00
12	Scope Garage	A/COE	$52.00	$82.00		
13	Bank Street Garage	A	$89.00	$119.00		
14	Charlotte Street Garage	A	$89.00	$119.00		
30	Plume Street Lot	No Daily	$69.00	$99.00	$28.00	$33.00
33	City Hall South Garage	A	$60.00	$90.00	$25.00	$30.00
34	City Hall North Garage	RCG/RSE	$43.00			
36	Education Lot	Metered				
37	Brambleton Lot	No Daily	$52.00			
38	Harrison Opera House Lot	No Daily	$37.00	$67.00		
39	Cedar Grove (Lot 39)	No Daily	$43.00		$20.00	$25.00
42	St. Paul's Lot	No Daily; RSE only	$43.00			
55	Harbor Park (Park and Ride) (Lots A-G)	No Daily; RCL only	$43.00	$73.00		
60	West Plume Street Garage	A	$95.20	$128.80	$34.00	$39.00
61	Fountain Park Garage	A	$95.20	$128.80	$34.00	$39.00

Definition Notes:

A - Applicable

No Daily - Lots where the City does not have daily parking

RCL - Restricted City Lot

RCG - Restricted City Garage

Metered - Off-street lots with meter controls; see meter pricing

MC #1 - MacArthur Center North and South Garages have separate transient rates pursuant to Agreements.

COE - Collect-on-entry

RSE - Recreational and special event parking Monday through Friday at night and Saturday and Sunday, all day Rates shall be $5.00 per vehicle, or as set by the City Manager in accordance with Section 25.1-26 of Norfolk City Code, 1979, as amended.

Regulations and Rules:

Monthly rates - Rates shown are for Monday through Friday 6:00 AM to 9:00 PM Monday through Sunday, unlimited parking rates are also available at these facilities with a $16.00 higher fee than each of the monthly rates shown herein.

City government parking - City Hall North Garage, is used for city government parking.

Authorized monthly parking discounts - The following are applicable discounts allowed:

1. If one account has 50 or more spaces, then a $5.00 per space, per month discount may apply.

2. If one account has 50 or more spaces and manages the account centrally, then $5.00 per space, per month discount may also be applied.

3. If the above two criteria are met and the one account desires to pay a full year in advance, then an additional $5.00 per space, per month discount may be applied.

4. Pursuant to Section 25.1-26 of the City Code, the City Manager is authorized to provide special discounts when it is determined advantageous to the city.

Lost monthly passes - There is a $5.00 replacement fee for lost monthly passes/decals.

Corporate Rate.

If one account has 500 vehicles or more, the monthly rate

will be $50.00 per space, per month. No additional discounts may be applied.

Top Deck Parking Program.

1. The monthly rates set below are for the designated roof top parking spaces and are limited to qualifying businesses as defined below. The parking spaces are on the roof or top deck of the Boush Street Garage, West Plume Street Garage and the Bank Street Garage.

2. The program shall be available to businesses with a Norfolk business license:

   a. Up to 100 parking spaces for new businesses, having obtained a Norfolk business license within the preceding 90 business days with 50 employees or less;

   b. Up to 100 parking spaces for businesses, having a current/existing Norfolk business license with 50 employees or less; and

   c. Up to 100 parking spaces for businesses having 51 to 100 employees.

   d. The City Manager has the authority to reallocate the number of spaces assigned to a., b. and c. above; however, in no event shall the total exceed 300.

3. Rates:

   a. Qualifying new businesses, as described in 2(a) above, may lease Top Deck parking spaces, for up to two years for $40.00 per month, per space;

   b. Existing businesses with 50 or less employees, may lease Top Deck parking spaces for $60.00 per month, per space; and,

   c. Existing businesses with 51 to 100 employees may lease Top Deck parking spaces for $70.00 per month, per space.

4. Business accounts must be in the name of the business or company and parking spaces and access cards must be identified by an authorized, named, individual parker.

5. All program parking participants are required to park on the roof or top deck of the assigned parking garage, unless the roof or top deck is closed by the city. If the roof or top deck is closed by the city, authorized parkers will be permitted to park one floor lower in the respective assigned parking garage.

6. Access shall be by electronic card issued by the city and access shall be available 24 hours per day, seven days of the week.

7. Participants who do not park on the roof or top deck will be required to pay the full daily rate for the respective garage.

   Additionally, for the 1st offense, the business owner and named, individual parker will receive a courtesy warning; for the 2nd offense, the named individual parker will be ticketed (a fine of $30.00 shall be imposed); and, for the 3rd offense, the named, individual parker's access card will be deactivated and the business or company will be notified. Continued violations may cause the business or company to be removed from the Top Deck Parking Program.

8. The Top Deck Parking Program may be discontinued if parkers are not attracted to the roof or top deck parking or for any other reason at the City Manager's sole discretion.

9. Parking spaces designated for the Top Deck Parking Program total 300; allocated in accordance with paragraph 2, above. Applications for the parking spaces will be received and approved on a first-come, first-served basis, not to exceed the capacity of the top deck per garage. Once the 100 parking spaces in each of the several options are leased, an application-dated waiting list will be maintained.

Daily Rate Structure

Category	**Rate**
0 to 1 Hour	$1.50
1 to 2 Hours	$3.00
2 to 3 Hours	$4.50
3 to 4 Hours	$6.00
4 to 5 Hours	$7.50
5 to 6 Hours	$9.00
6 to 7 Hours	$10.50
7 to 8 Hours	$12.00
Maximum Daily Rate (up to 24 Hours)	$13.00
Lost Ticket/Per Day	$13.00
6:00 PM to 9:00 PM/Collect-on-Entry	$3.00
9:00 PM to 3:00 AM/Collect-on-Entry	$5.00
Special Event Rate/Collect-on-Entry	$5.00

MacArthur Center Garages:
Weekdays until 6:00 PM:

First 3 hours or any part thereof	$ 1.00
4th hour of any part thereof	$ 2.00
5th hour or any part thereof	$ 2.00
6th hour or any part thereof	$ 2.00
7th hour or any part thereof	$ 2.00
8th hour of any part thereof	$ 2.00
Maximum Daily Rate (Up to 24 hours)	$10.00
Lost Ticket/Per Day	$10.00

Weekdays after 6:00 PM

All evening	$2.00

Weekend Rates:

Before 6:00 PM	$1.00
After 6:00 PM	$2.00
Enter before 6:00 PM and stay less than 3 hours	$3.00

Section 3:- That Section 25.1-87 of the Norfolk City Code, 1979, as amended, designating parking garages, is hereby amended and reordained to read as follows:

The following garages are hereby designated:

(1) Garage #01 – This facility at the premises known as 50 Martins Lane under the present system of street numbering has been established as the Waterside Parking Garage.

(2) Garage #02 – This facility at the premises known as 161 Freemason Street under the present system of street numbering has been established as the Freemason Street Garage.

(3) Garage #03 – This facility at the premises known as 112 West Main Street under the present system of street numbering has been established as the Town Point Parking Garage.

(4) Garage #05 – This facility at the premises known as 350 Monticello Avenue under the present system of street numbering has been established as the Monticello Avenue Garage.

(5) Garage #06 – This facility at the premises known as 215 West York Street under the present system of street numbering has been established as the York Street Parking Garage.

(6) Garage #07 – This facility at the premises known as 230 East Main Street under the present system of street numbering has been established as the Main Street Parking Garage.

(7) Garage #08 – This facility at the premises known as 112 West City Hall Avenue under the present system of street numbering has been established as the Boush Street Garage.

(8) Garage #12 – This facility at the premises located on the 600 block of St. Paul's Boulevard under the present system of street numbering has been established as the Scope Garage.

(9) Garage #60 – This facility at the premises located at 100 Plume Street, at its intersection with Boush Street, under the present system of street numbering has been established as the West Plume Street Garage.

(10) Garage #33 – This facility at the premises located on the 900 block of Union Street under the present system of street numbering is established as the City Hall South Garage.

(11) Garage #34 – This facility on that certain property of the 100 block of East Street under the present system of street numbering has been established as the City Hall North Garage. Spaces in this parking garage extension have been

established and designated "Restricted Parking Facility—Decal Controlled" for city employees.

(12) Garage #9 – This facility at the premises known as 545 Market Street under the present system of street numbering has been established as the MacArthur Center North Garage.

(13) Garage #10 – This facility at the premises known as 300 City Hall Avenue under the present system of street numbering has been established as the MacArthur Center South Garage.

(14) Garage #11 – This facility at the premises located at 520 East Main Street under the present system of street numbering has been established as the Commercial Place Garage.

(15) Garage #13 – This facility at the premises located at 441 Bank Street, under the present system of street numbering, has been established as the Bank Street Garage.

(16) Garage #14 – This facility at the premises located at 440 Monticello Avenue, under the present system of street numbering, has been established as the Charlotte Street Garage.

(17) Garage #61 - This facility at the premises located at 130 Bank Street, under the present system of street numbering, has been established as the Fountain Park Garage.

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