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## CITY COUNCIL

### AGENDA

Tuesday, September 12, 2023

**3:30 CITY COUNCIL WORK SESSION – CITY HALL-10<sup>TH</sup> FLOOR CONFERENCE ROOM**

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|---------------------------------|--|
| <b>I. AGENDA OVERVIEW</b>       | <i>Patrick Roberts, City Manager</i>               |
| <b>II. CITY PLANNING UPDATE</b> | <i>Paula Shea, Acting Planning Director</i>        |
| <b>III. SLOVER REFRESH</b>      | <i>Jennifer George, Director of Slover Library</i> |
| <b>IV. CLOSED SESSION:</b>      |  |
| • <b>PERSONNEL MATTER</b>       |  |

Supporting Documents:

- [Announcement of Meeting](#)
- [9-12-2023 Minutes from City Council Meeting of August 29th](#)
- [Pending Land Use Report](#)



## NORFOLK, VIRGINIA

### DOCKET FOR THE COUNCIL

TUESDAY, SEPTEMBER 12, 2023 – 6:00 P.M.

**A CITIZEN WHO WISHES TO ADDRESS COUNCIL CONCERNING A DOCKET ITEM OR NEW BUSINESS MUST REGISTER TO SPEAK WITH THE CITY CLERK BY 3:00 PM THE DAY OF THE MEETING BY CALLING (757) 664-4253 OR EMAILING [CCOUNCIL@NORFOLK.GOV](mailto:CCOUNCIL@NORFOLK.GOV).**

### MOMENT OF SILENCE

Followed by the Pledge of Allegiance.

### APPROVAL OF MINUTES

Approve the minutes of the previous City Council meeting.

### PUBLIC HEARINGS

PH-1 **PUBLIC HEARING** scheduled this day, pursuant to State Law, on the application on the CITY PLANNING COMMISSION, for a Zoning Text Amendment to the *Norfolk Zoning Ordinance* to **Revise the Performance Standards** for restaurants to allow for the Sale of Alcoholic Beverages as a permitted accessory use depending on certain locational and/or operational limitations.

An Ordinance to Amend Section 4.2.3.F(2) of the *Norfolk Zoning Ordinance* to **Revise the Performance Standards** for the Commercial Use Known as "Restaurant" SO AS TO Allow the Sale of Alcoholic Beverage for On-Premises Consumption as an Accessory Use, By Right, for Establishments that Close No Later than 5:00 p.m.

[PH-2](#) **PUBLIC HEARING** scheduled this day, pursuant to State Law, on the application of the CITY PLANNING COMMISSION, for a Zoning Text Amendment to the *Norfolk Zoning Ordinance* to **correct inconsistencies and fix clerical errors.**

An Ordinance to Amend the *Norfolk Zoning Ordinance* SO AS TO **Simplify the Process for Amending a Conditional Use Permit** to Expand an Outdoor Dining Area, Remove Temporary Uses that were Allowed During the Coronavirus Pandemic Emergency, Allow Manufactured Home as a Conditional Use in the MF-AC District in Conformity with State Law, Eliminate Repetitious and Inconsistent Definitions, and Clarify Setback Requirements for Accessory Structures on Certain Through Lots.

[PH-3](#) **PUBLIC HEARING** scheduled this day, pursuant to State Law, on the application of BH VA NORFOLK NEWTOWN, LLC, for a rezoning from MF-AC (Multi Family-Apartment Complex) District to Conditional C-C (Community-Commercial) District and for Conditional Use Permits to Authorize the Construction of new Multi-Family Dwellings on Property Located at **6659 East Virginia Beach Boulevard.**

An Ordinance to Rezone Property Located at **6659 East Virginia Beach Boulevard** from MF-AC (Multi Family-Apartment Complex) District to Conditional C-C (Community-Commercial) District.

[PH-3A](#) An Ordinance Granting Conditional Use Permits to Authorize the Construction of new Multi-Family Dwellings on Property Located at **6659 East Virginia Beach Boulevard.**

[PH-4](#) **PUBLIC HEARING** scheduled this day, pursuant to State Law, to hear comments Authorizing the Sale and Conveyance to ABJO Investment LLC of that Certain Parcel of Property Located at **1400 Marshall Avenue** in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

An Ordinance Authorizing the Sale and Conveyance to ABJO Investment LLC of that Certain Parcel of Property Located at **1400 Marshall Avenue** in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

[PH-5](#)

**PUBLIC HEARING** scheduled this day, pursuant to State Law, to hear comments Authorizing the Sale and Conveyance to Marshall Builders USA LLC of that Certain Parcel of Property Located at **725 C Avenue** in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

An Ordinance Authorizing the Sale and Conveyance to Marshall Builders USA LLC of that Certain Parcel of Property Located at **725 C Avenue** in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

[PH-6](#)

**PUBLIC HEARING** scheduled this day, pursuant to State Law, to hear comments Authorizing the Sale and Conveyance to Marshall Builders USA LLC of that Certain Parcel of Property Located at **1060 Rugby Street** in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

An Ordinance Authorizing the Sale and Conveyance to Marshall Builders USA LLC of that Certain Parcel of Property Located at **1060 Rugby Street** in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

[PH-7](#)

**PUBLIC HEARING** scheduled this day, pursuant to State Law, to hear comments Authorizing the Sale and Conveyance to Marshall Builders USA LLC of that Certain Parcel of Property Located at **1321 Maltby Avenue** in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

An Ordinance Authorizing the Sale and Conveyance to Marshall Builders USA LLC of that Certain Parcel of Property Located at **1321 Maltby Avenue** in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

[PH-8](#)

**PUBLIC HEARING** scheduled this day, pursuant to State Law, to hear comments Authorizing the Sale and Conveyance to B&N Associate Inc. of that Certain Parcel of Property Located at **2511 Middle Avenue** in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

An Ordinance Authorizing the Sale and Conveyance to B&N Associate Inc. of that Certain Parcel of Property Located at **2511 Middle Avenue** in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

[PH-9](#)

**PUBLIC HEARING** scheduled this day, pursuant to State Law, to hear comments Authorizing the Sale and Conveyance to Marshall Builders USA LLC of that Certain Parcel of Property Located at **868 Rugby Street** in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

An Ordinance Authorizing the Sale and Conveyance to Marshall Builders USA LLC of that Certain Parcel of Property Located at **868 Rugby Street** in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

[PH-10](#)

**PUBLIC HEARING** scheduled this day, pursuant to State Law, to hear comments Authorizing the Sale and Conveyance to Marshall Builders USA LLC of that Certain Parcel of Property Located at **814 Joyce Street** in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

An Ordinance Authorizing the Sale and Conveyance to Marshall Builders USA LLC of that Certain Parcel of Property Located at **814 Joyce Street** in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

[PH-11](#) **PUBLIC HEARING** scheduled this day, pursuant to State Law, to hear comments Authorizing the Sale and Conveyance to Marshall Builders USA LLC of that Certain Parcel of Property Located at **416 Pendleton Street** in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

An Ordinance Authorizing the Sale and Conveyance to Marshall Builders USA LLC of that Certain Parcel of Property Located at **416 Pendleton Street** in Accordance with the Terms and Conditions of the City's Online Real Estate Auction and Authorizing the Modification, Revision or Release of Certain Protective and Restrictive Covenants.

[PH-12](#) **PUBLIC HEARING** scheduled this day, pursuant to State Law, to hear comments Approving a Lease Agreement with Norfolk Convention & Visitors Bureau, Inc. d/b/a Visit Norfolk for the Lease of **232 E. Main Street**.

An Ordinance Approving a Lease Agreement with Norfolk Convention & Visitors Bureau, Inc. d/b/a Visit Norfolk for the Lease of **232 E. Main Street**.

[PH-13](#) **PUBLIC HEARING** scheduled this day, pursuant to State Law, to hear comments Approving the Assignment of Lease from DK Chicken Corp. to Speedy Chicken LLC for the Lease of Property Located at **300 St. Paul's Boulevard**.

An Ordinance Approving the Assignment of Lease from DK Chicken Corp. to Speedy Chicken LLC for the Lease of Property Located at **300 St. Paul's Boulevard**.

[PH-14](#) **PUBLIC HEARING** scheduled this day, pursuant to State Law, to hear comments Approving a Lease Agreement with **Rover Marine, Inc. t/a American Rover for the Lease of a Portion of the Peace 'n Plenty Berth**.

An Ordinance Approving a Lease Agreement with **Rover Marine, Inc. t/a American Rover for the Lease of a Portion of the Peace 'n Plenty Berth**.

## CONSENT AGENDA

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

- [C-1](#) An Ordinance placing an Honorary Street Sign entitled **Bishop L.E. Willis II Way at Henry and Church Streets.**
- [C-2](#) An Ordinance directing the City Treasurer to issue a refund to **Towne Realty, LLC** upon the overpayment of its Business License Tax for the Tax Year 2023.
- [C-3](#) An Ordinance to Amend and Reordain Sections 25-265 and 25-656 of the *Norfolk City Code, 1979*, SO AS TO add **Twenty-Three Stop Intersections and Three Trucks of One and One-Half Tons or Over Prohibited** on Certain Streets Exceptions.
- [C-4](#) An Ordinance Approving a Right of Entry Agreement Between the City of Norfolk and First Baptist Church of Norfolk, Inc. for Use of the Parking Lot Located at **698 St. Paul's Boulevard** on September 16, 2023, for a Community Farmers Market, and Authorizing the City Manager to Execute the Right of Entry on Behalf of the City.
- [C-5](#) An Ordinance Granting Conditional Use Permits to Authorize the Operation of Facility for Production of Craft Beverages and Live Entertainment at an Establishment Named "Elation Brewing" on Property Located at **5104 Colley Avenue.**
- [C-6](#) An Ordinance Granting a Conditional Use Permit to Authorize a Short-Term Rental Unit (Vacation Rental) on Property Located at **9609 19th Bay Street.**
- [C-7](#) An Ordinance Granting a Conditional Use Permit to Authorize a Short-Term Rental Unit (Vacation Rental) on Property Located at **8421 Nathan Avenue.**
- [C-8](#) An Ordinance Granting a Conditional Use Permit to Authorize a Short-Term Rental Unit (Homestay) on Property Located at **9615 7th Bay Street.**

- [C-9](#) An Ordinance Granting a Conditional Use Permit to Authorize Short-Term Rental Units (Vacation Rental) on Property Located at **1105 Little Bay Avenue**.
- [C-10](#) An Ordinance Granting a Conditional Use Permit to Authorize a Short-Term Rental Unit (Vacation Rental) on Property Located at **9523 Chesapeake Street**.
- [C-11](#) An Ordinance Granting a Conditional Use Permit to Authorize Short-Term Rental Units (Vacation Rental) on Property Located at **831 Little Bay Avenue**.
- [C-12](#) An Ordinance Granting a Conditional Use Permit to Authorize a Short-Term Rental Unit (Vacation Rental) on Property Located at **1200 Modoc Avenue**.
- [C-13](#) An Ordinance to Amend a Conditional Use Permit SO AS TO Approve a Change of Managers for a Restaurant Operating Until Midnight with On-Premises Alcoholic Beverages Sales and Live Entertainment Named “District Apizza” on Property Located at **2411 Granby Street**.
- [C-14](#) An Ordinance Granting Conditional a Use Permit to Authorize the Sale of Alcoholic Beverages for On-Premises Consumption at a Restaurant Named “Sushi King, Inc.” on Property Located at **420 Monticello Avenue**.
- [C-15](#) An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Restaurant with Extended Hours, Outdoor Dining, and the Sale of Alcoholic Beverages for On-Premises Consumption Named “Streets” on Property Located at **915 West 21st Street**.
- [C-16](#) An Ordinance Granting Conditional Use Permits to Authorize a Restaurant to Operate with Extended Hours and the Sale of Alcoholic Beverages both On-Premises and Off-Premises Consumption Named “Taco y Tequila” on Property Located at **1421 Colley Avenue**.
- [C-17](#) An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Restaurant with Extended Hours, the Sale of Alcoholic Beverages for On-Premises Consumption, and Live Entertainment Named “Sharks Sports Bar and Grill” on Property Located at **1524 Johnstons Road**.



[C-18](#) An Ordinance Granting Conditional Use Permits to Authorize the Operation of a Restaurant with the Sale of Alcoholic Beverages for both On-Premises and Off-Premises Consumption and Live Entertainment Named “Coaches” on Property Located at **628 35th Street, Suites A and B.**

[C-19](#) An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Day Care Home Named “Little Light of the World Daycare” on Property Located at **2420 Barraud Avenue.**

[C-20](#) An Ordinance Granting a Conditional Use Permit to Authorize a Short-Term Rental Unit (Vacation Rental) on Property Located at **1039 East Ocean View Avenue.**

### **REGULAR AGENDA**

[R-1](#) An Ordinance Accepting the Bid Submitted by Metro Fiber Networks, Inc. for a **Long-Term Wireless Facilities Franchise Agreement**, with a Term of Five Years in the City's Rights-of-Way.

[R-2](#) An Ordinance Granting a Conditional Use Permit to Authorize a Large-Scale Drive-through Facility and a Development Certificate, with Waivers, for the Renovation of an Existing Bank Building named “Bayport Credit Union” on Property located at **2014 Granby Street.**

[R-3](#) An Ordinance Granting a Conditional Use Permit to Authorize the Operation of a Smoke or Vape Shop Named “The Hive” on Property Located at **4215 Granby Street.**

[R-4](#) An Ordinance Granting a Conditional Use Permit to Authorize Short-Term Rental Units (Vacation Rental) on Property Located at **7936 Thompson Road.**

[R-5](#) An Ordinance Amending the FY2024 Annual Appropriations Ordinance (No. 49,220) SO AS TO Accept, Appropriate and Authorize the Expenditure of Donated Funds Up to the Sum Of \$21,134 From the Norfolk Public Library Foundation Via Randi Marston Peterson for Norfolk Public Libraries to Update Needed Equipment for **The Randi Marston Peterson Studio at Pretlow Library.**

[R-6](#) An Ordinance Amending the FY2024 Annual Appropriations Ordinance (No. 49,220) SO AS TO Accept, Appropriate and Authorize the Expenditure of Grant Funds Up to The Sum Of \$21,280 From Hampton Roads Community Foundation for Norfolk Public Libraries to **Purchase Additional Books, Reading or Educational Materials, And Support Library Services and Programs.**

[R-7](#) An Ordinance Amending the FY2024 Annual Appropriations Ordinance (No. 49,220) SO AS TO Accept, Appropriate and Authorize the Expenditure of Donated Funds Up to The Sum Of \$8,020 From the Barron F. Black Article VIII Fund of The Hampton Roads Community Foundation for Norfolk Public Libraries to Fund the **Memory Lab Project and The Jordan-Newby Anchor Branch Library.**

[R-8](#) An Ordinance Amending the FY2024 Annual Appropriations Ordinance (No. 49,220) SO AS TO Accept, Appropriate and Authorize the Expenditure of Additional Grant Funds Up to The Sum Of \$745,077 From the Virginia Department of Transportation for **The Federal Smart Scale Program for The Brambleton Avenue and Park Avenue Project.**

[R-9](#) A Resolution **appointing and reappointing** 40 members to 5 Commissions, 4 Boards, and 2 Authorities for certain terms.

## **ADJOURNMENT**