To the Honorable Council  
City of Norfolk, Virginia

From: Leonard M. Newcomb III, CFM, Acting Planning Director

Subject: 5416 TIDEWATER DRIVE ASSOCIATES, LLC, for a Conditional Use Permit to allow Dwelling, Multi-Family within a C-C (Community Commercial) district, where more than 50 percent of the first floor is utilized for residential purposes, at 5416 Tidewater Drive.

Reviewed: Ward/Superward: 3/7
Wynfer C. Benda, Chief Deputy City Manager

Approved: Item Number: C-1
Douglas L. Smith, City Manager

I. Staff Recommendation: Approval.

II. Planning Commission Recommendation: By a vote of 6 to 1, the Planning Commission recommends Approval.

III. Request: Conditional Use Permit to develop 20-unit apartment building with No Commercial.

IV. Applicant: 5416 Tidewater Drive Associates, LLC

V. Description:
- The property is located on the east side of Tidewater Drive north of Cromwell Drive.
- This request would allow 20 multi-family dwelling units within a C-C district, where more than 50 percent of the first floor is utilized for residential purposes.

VI. Public Schools Impacts:
- School attendance zones include Willard Model Elementary School (62% utilization), Norview Middle School (70% utilization) and Maury High School (93% utilization)
- Approximately 2 school-aged children could be generated by the proposed development (0.1 school age-children per unit).
- Given the existing school capacity, no significant school impacts are anticipated.

Staff contact: Susan Pollock at (757) 664-4765, susan.pollock@norfolk.gov
Attachments:
- Proponents and Opponents
- Staff Report to CPC dated July 26, 2018 with attachments
- Ordinances
- Letters of support from Farimount Park and Roland Park Civic Leagues
**Planning Commission Public Hearing:** July 26, 2018

Acting Planning Director: Leonard M. Newcomb, III, CFM
Staff Planner: Susan Pollock Hart, CFM

<table>
<thead>
<tr>
<th>Staff Report</th>
<th>Item No.</th>
<th>3</th>
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<tbody>
<tr>
<td>Address</td>
<td>5416 Tidewater Drive</td>
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<td>Applicant</td>
<td>5416 Tidewater Drive Associates, LLC</td>
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<td>Request</td>
<td>Conditional Use Permit Multi-family dwelling with less than 50% commercial on ground floor</td>
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<td>Property Owner</td>
<td>J W Bonney Holding Company</td>
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<td>Site/Building Area</td>
<td>35,872 sq. ft./22,000 sq. ft.</td>
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<td>Future Land Use Map</td>
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<td>Zoning</td>
<td>C-C (Community Commercial), CRO (Coastal Resiliency Overlay)</td>
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<td>Neighborhood</td>
<td>Fairmount Park</td>
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<td>Character District</td>
<td>Traditional</td>
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<tr>
<td>North</td>
<td>C-C: Entrance to Stonebridge Manor Apartments</td>
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<td>East</td>
<td>MF-NS (Neighborhood Scale Multi-Family): Stonebridge Manor Apartments</td>
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<td>South</td>
<td>CC: Office, Contractor’s office</td>
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<tr>
<td>West</td>
<td>CC: Golden Family Pizzeria; Willow Wood Service Center Car Repair</td>
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A. Summary of Request
- The property is located on the east side of Tidewater Drive north of Cromwell Drive.
- This request would allow 20 multi-family dwelling units within a C-C district, where more than 50 percent of the first floor is utilized for residential purposes.

B. Plan Consistency
- plaNorfolk2030 designates this site as Commercial.
- The Identifying Land Use Strategies Chapter of plaNorfolk2030 identifies the commercial land use category as a location for a broad range of retail, hotel, and office uses located along arterial roadways, near transit hubs, or in neighborhood-serving nodes.
  - It further states that these areas may include residential uses, typically located above the ground floor in a mixed use development.
- The Identifying Land Use Strategies Chapter also calls for new multi-family housing to be developed with height, building placement, and massing consistent with surrounding development, appropriately-sized and sited open space and parking, and adequate landscaping, buffers, and pedestrian access.
- Given that this location meets all of the criteria set forth in the description of the commercial designation, the designation is appropriate here.
- In order to be fully consistent with plaNorfolk2030, the proposed development must have a form that is compatible in scale and massing with surrounding development and must meet the parking, open space, landscaping, and form standards established in the ordinance.

C. Zoning Analysis
  i. General
  - To reduce the overabundance of commercial and encourage more residential uses, the Norfolk Zoning Ordinance allows multi-family in the C-C district.
  - However, if the amount of commercial on the first floor is less than 50%, then a Conditional Use permit is required.
  - The applicant is not proposing any commercial, thus a Conditional Use Permit is required.
  
  ii. Parking
  - For a multi-family use in the Traditional District, the Zoning Ordinance requires 1.6 parking spaces are provided per dwelling unit.
    - Twenty units are proposed which requires 32 parking spaces.
    - 32 parking spaces are provided on-site.
    - At least 4 bicycle spaces shall be provided and 3 of them shall be long term.
  
  iii. Flood Zone
  - The property is located in the X and X (shaded) Flood Zones which are both Low to Moderate Flood Zones.
D. Transportation Impacts
- Institute of Transportation Engineers (ITE) figures estimate that the proposed new apartment development will generate 113 new vehicle trips per day.
- Based upon ITE data, the prior office use on this site would be expected to generate 20 weekday trips while the proposed new 20-unit apartment building would be expected to generate 133 trips.
- Tidewater Drive adjacent to the site is identified as severely congested corridor in the PM peak hours in the current update to regional Hampton Roads Congestion Management analysis.
- The site is near transit service with Hampton Roads Transit bus route 8 (Tidewater) operating adjacent to the site.
- Tidewater Drive adjacent to the site is not an identified priority corridor in The City of Norfolk Bicycle and Pedestrian Strategic Plan.

E. Historic Resources Impacts
The site is not located within a federal, state, and/or local historic district.

F. Public Schools Impacts
- School attendance zones include Willard Model Elementary School (62% utilization), Norview Middle School (70% utilization) and Maury High School (93% utilization).
- Approximately 2 school-aged children could be generated by the proposed development (0.1 school age-children per unit).
- Given the existing school capacity, no significant school impacts are anticipated.

G. Environmental Impacts
- As new development the site will be reviewed and approved through Major Site Plan Review and will fully comply with the Norfolk Zoning Ordinance, including Open Space Set Asides, Form Standards and stormwater regulations.

H. AICUZ Impacts
N/A

I. Surrounding Area/Site Impacts
- The site layout has been reviewed by the Transportation staff to ensure safe ingress/egress to the site.
- Multi-Family surrounds the site to the north and east and is appropriate at this location.

J. Payment of Taxes
The owner of the property has a balance on real estate taxes.

K. Civic League
Notice was sent to the Fairmount Civic League on June 15.
L. Communication Outreach/Notification
• Legal notice was posted on the property on June 18.
• Letters were mailed to all property owners within 300 feet of the property on July 13.
• Legal notification was placed in The Virginian-Pilot on July 12 and July 19.

M. Recommendation
• The site is currently commercially and could be developed with first floor commercial and residential units above by-right.
• The applicant is limiting the development to residential, thereby decreasing the possible intensity of the site.
• Staff recommends approval of the Conditional Use request subject to the following conditions:

a. The site shall be developed in accordance with “Site Plan, 5416 Tidewater Drive” dated June 19, 2018 prepared by Robyn Thomas Architecture.

b. No more than 20 units will be permitted.

Attachments
General standards and considerations for conditional uses
Overview Map
Location Map
Zoning Map
Application
Notification list of all property owners within 300 feet of the site
Notice to the Civic League(s)
2.4.8.C. CONDITIONAL USE PERMIT REVIEW STANDARDS

A Conditional Use Permit may be approved if the applicant demonstrates that the proposed conditional use:

1) Is consistent with the purposes, goals and policies of the comprehensive plan and other applicable city-adopted plans;

2) Complies with all applicable zoning district-specific standards in Article 3. Zoning Districts;

3) Complies with all applicable use-specific standards in Article 4. Performance Standards;

4) Complies with all applicable development and design standards in Article 5. Development Standards;

5) Complies with all relevant subdivision and infrastructure standards in Chapter 42.5 of City Code;

6) Is appropriate for its location and is compatible with the general character of surrounding lands and the types, scale, and intensity of uses allowed in the zoning district where proposed;

7) Adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands;

8) Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, night-time activity, and other site elements;

9) Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;

10) Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;

11) Is 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;

12) Maintains adequate parking, loading and other necessary facilities to serve the proposed use;

13) Will not substantially diminish or impair the value of the land within the neighborhood in which it is located.

14) Will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various Conditional Use Permits of all types on the immediate neighborhood and the effect of the proposed type of Conditional Use Permit on the city as a whole;

15) Complies with all other relevant city, state and federal laws and standards; and

16) Is required by the public necessity, convenience, general welfare, or good zoning practice.
Proponents and Opponents

Proponents
Robin Thomas - Representative
913 W 21st
Norfolk, VA 23517

Bobby Howerin-Applicant
1111 Hanover Avenue
Norfolk, VA 23508

Opponents
None
ORDINANCE No.

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZED THE UTILIZATION OF MORE THAN 50% OF THE FIRST FLOOR OF A MULTI-FAMILY BUILDING IN THE C-C ZONING DISTRICT FOR RESIDENTIAL PURPOSES ON PROPERTY LOCATED AT 5416 TIDEWATER DRIVE.

Section 1:- That a conditional use permit is hereby granted authorizing the utilization of more than 50% of the first floor of a multi-family building in the C-C (Community Corridor) district on property located at 5416 Tidewater Drive.

Section 2:- That the full extent of the property or properties where the permit or permits described above are hereby made effective, upon the date set forth below, is described as follows:

Property fronts 150 feet, more or less, along the eastern line of Tidewater Drive beginning 376 feet, more or less, from the northern line of Cromwell Drive and extending northwardly; premises numbered 5416 Tidewater Drive.

Section 3:- That the conditional use permit or permits granted herein shall be subject to all of the general conditions set forth in section 2.4.8.D of the Norfolk Zoning Ordinance and all of the following additional conditions, requirements, and limitations:

(a) The site shall be generally designed and utilized in accordance with the conceptual layout, entitled "Site Plan, 5416 Tidewater Drive," prepared by Robyn Thomas Architecture, dated June 19, 2018, 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) Not more than 20 residential dwelling units shall be located on the property.

Section 4:- That the City Council hereby determines that the
conditional use permit or permits granted herein comply with each of the standards set forth in section 2.4.8.C of the Norfolk Zoning Ordinance.

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

ATTACHMENT:
Exhibit A (1 page)
July 24, 2018

Norfolk City Planning Commission
c/o Susan Pollock Hart
Susan.pollock@norfolk.gov
City Hall, Norfolk, VA 23510

Dear Ms. Pollock Hart, Ms. Austin, Mr. Fraley, Mr. Hales, Ms. Houchins, Mr. Murphy, Dr. Neumann, Ms. Shelton:

The Roland Park Civic League has been working to improve road conditions on Tidewater Drive. Specifically, we are concerned about the two mile corridor between Cromwell Drive and Little Creek Road because of the increased traffic volume and numerous crashes over the past few years. The RPCL board met with Mayor Alexander and public works staff on May 24, 2018, about working on solutions to improve the corridor.

The application for a conditional use permit by 5416 Tidewater Drive Associates, LLC is of interest to us, mostly because the site is located on the corridor that we have targeted to improve. The entrance of Roland Park is located ½ mile north of the applicant’s location. We would like to offer support for this application based on the following conditions:

1. The right-in, right-out entrance configuration on the site plan. We support this application ONLY IF the “pork chop” curb fixture at the entrance/exit remains on the plan and is implemented in the construction of the apartments. We are pleased that city transportation staff recommended this feature.

2. Consideration of Fairmount Park Civic League’s requests. We support their suggestions to retain some of the mature trees on the site and to use construction materials that mimic the existing structure.

Civic League members voted 12-0 at a meeting held July 17, 2018, in support of the conditional use permit based on the above conditions.

Let us know if you have questions or want to talk more about the application or Tidewater Drive traffic.

Sincerely,

Cindy Johnson
President, Roland Park Civic League
757-646-1855, kidwchr2000@cox.net

Holly Margason, Vice President
Dave Johnson, 2nd Vice President
Irma Edel, Secretary
Carol Riggs, Treasurer
July 9, 2018

Reference: 5416 Tidewater Drive Associates, LLC for a Conditional Use Permit to allow Dwelling, Multi-Family within a C-C (Community Commercial) district, where more than 50 percent of the first floor is utilized for residential purposes.

Dear Mr. Simons,

This letter is acknowledging the Fairmount Park Civic League’s conditional support for a Conditional Use Permit to allow Dwelling, Multi-Family within a C-C (Community Commercial) district, where more than 50 percent of the first floor is utilized for residential purposes for the property located at 5416 Tidewater Drive. The purpose for the conditional use permit is to build a 20 unit apartment complex. The applicant presented their conceptual site plan to our League on June 28, 2018, including a discussion on building materials. Those presented materials are attached. The Fairmount Park Civic League is in support of the above request based on the following conditions for approval:

- Retaining as many of the existing trees as possible
- Tucking parking to the side and rear of the proposed apartment building (League is not supportive of parking in front). The attached parking layout has 42 spaces but the League is supportive of a few less spaces to allow more green space within the parking areas.
- Proposed new architecture to pay respect to the old existing house (to be demolished) with the use of brick and overall quality materials. The League is supportive of the use of brick veneer on the 1st floor and portions of the 2nd floor and cementitious lap siding and architectural trim for the remainder of the building facades. Vinyl siding would not be supported.
- Permeable pavement throughout the site, if possible, to address storm water and resiliency to align with the current zoning ordinance.
- Site design that fosters a safe vehicle ingress/egress at Tidewater Drive. This area along Tidewater Drive is a high volume road with multiple points of concern for vehicles and pedestrians.
- All proposed exterior lighting shall not trespass onto adjacent residential properties.
- Trash receptacle / dumpster area needs to be screened from the right-of-way.
- Landscape plantings to screen the parking lot from the public right-of-way. Plant materials should not constitute a driving hazard at street intersections.

We feel these requests are in harmony with the 2004 adopted Implementation Plan and the intended long term vision of the Fairmount Park community and our urban edge along Tidewater Drive in the further revitalization of the neighborhood.

Respectfully,

Taylor Gould,
Chair, Codes and Beautification Committee
President, Fairmount Park Civic League
fpcivicleague@gmail.com
Celebrating 38 years of Service to our Nine Neighborhoods and the City of Norfolk
www.fairmountparkcivicleague.com
https://www.facebook.com/FairmountParkCivicLeague
Fairmount Park Civic League P.O. Box 7034, Norfolk, VA 23509

The Fairmount Park Civic League is committed to effectively serving the residents and businesses of nine neighborhoods and the City of Norfolk. The award winning organization is recognized as a leader, an advocate and a resource in assuring that Fairmount Park is a safe, clean, attractive and vital neighborhood to live and play and was named a 2011 Neighborhood Project of the Year Award Winner by the Virginia Statewide Neighborhood Conference.
APPLICATION
CONDITIONAL USE PERMIT
(Please print)

Date 6/7/18.

DESCRIPTION OF PROPERTY
Address: 5416 Tidewater Dr.
Existing Use of Property: COMMERCIAL OFFICE
Proposed Use: MULTI-FAMILY RESIDENTIAL USE - 20 UNITS.
Current Building Square Footage: 1738 Proposed Building Square Footage: 3 FLOORS @ 7333 SF
TRADE ACRE 1653
TOTAL 22,000 SF
Trade Name of Business (if applicable): ____________________________

APPLICANT* 5416 Tidewater Drive Associates LLC
1. Name of applicant: (Last) Howells Jr. (First) Robert (MI) Mailing address of applicant (Street/P.O. Box): 1446 B Church St
(City): Norfolk - (State): VA - (Zip Code): 23504
Daytime telephone number of applicant: 757-477-6536.
E-mail address: bob.e.howells@construction.com

AUTHORIZED AGENT* (if applicable)
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: ____________________________________

* Shop Miller - Manager, Member
Robert Howells - Member
DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised September, 2015)
Application
Conditional Use Permit
Page 2

PROPERTY OWNER*

3. Name of property owner: (Last) Anderson (First) John (MI) W.

Mailing address of property owner (Street/P.O. box): 1234 Fifth Avenue
City: Norfolk State: VA Zip Code: 23509

Daytime telephone number of owner: ( ) 757-289-5101

E-mail address: bonnelylaw@aol.com

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

CIVIC LEAGUE INFORMATION

Civic League contact: Ted Brown
Date meeting attended/held: FRIDAY, AUGUST 28, 2020, 7:00 PM

Ward/Super Ward information:
Ward 3 - Mamie Johnson
Super Ward 7 - Angela 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: J.W. Anderson
Sign: ____________________________ Date: 6/11/2018
(Property Owner)

Print name: Robert E. Hawn, Jr.
Sign: ____________________________ Date: 6/18/2018
(Applicant)

(Date)

Payment:

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised September, 2015)
THIS IS TO CERTIFY THAT I, ON NOV. 23, 2009, SURVEYED THE PROPERTY SHOWN HEREON AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN HEREON. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS EXCEPT AS SHOWN.

SIGNED: [Signature]

NOTES:
1) THE PROPERTY SHOWN HEREON APPEARS TO LIE IN "X" FLOOD ZONE ACCORDING TO F.E.M.A. MAP PANEL NO.510104-0095F, REVISED SEPT. 2, 2009.
2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, AND MAY NOT SHOW ANY/EASEMENTS AFFECTING THE PROPERTY.

TIDEWATER DRIVE
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<th>Name</th>
<th>Address 1</th>
<th>Address 2</th>
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<td>Allaire, Hannah</td>
<td>1724 Cromwell Dr</td>
<td>Norfolk VA 23509-1302</td>
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<td>Chen, Bi Chao</td>
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<td>Commander, Mary G</td>
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<td>Lafayette Investors, Llc</td>
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<td>Li, Xin Biao Et Al</td>
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<td>Virginia Beach VA 23451-0434</td>
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<td>Norfolk Collegiate School</td>
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<td>Nusbaum, Robert C Trustee</td>
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<td>Rite-Va1 Administrator Inc</td>
<td>Po Box 3165</td>
<td>Harrisburg PA 17105-3165</td>
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Attached please find the following application tentatively scheduled to be heard at the July 26, 2018 Planning Commission public hearing:

5416 TIDEWATER DRIVE ASSOCIATES, LLC, for a Conditional Use Permit to allow Dwelling, Multi-Family within a C-C (Community Commercial) district, where more than 50 percent of the first floor is utilized for residential purposes.

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

Thank You

Sherri Williams
Planning Technician
Mr./Mrs.

Attached please find the following application tentatively scheduled to be heard at the July 26, 2018 Planning Commission public hearing:

5416 TIDEWATER DRIVE ASSOCIATES, LLC, for a Conditional Use Permit to allow Dwelling, Multi-Family within a C-C (Community Commercial) district, where more than 50 percent of the first floor is utilized for residential purposes.

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Thank You

Sherri Williams
Planning Technician
Planning Department
810 Union Street | Suite 508
Norfolk, VA 23510
(757) 664-6771