To the Honorable Council
City of Norfolk, Virginia

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

Subject: MCDONALD’S, for the following Conditional Use Permits at 5761 E. Virginia Beach Boulevard:
   a. Restaurant operating after 11:00 p.m.
   b. Drive-through facility, large-scale.

Reviewed: Wynter C. Bender, Chief Deputy City Manager

Approved: Douglas L. Smith, City Manager

Item Number: C-3

August 28, 2018

I. Staff Recommendation: Approval.

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

III. Request: Conditional Use Permit.

IV. Applicant: McDonald’s

V. Description:
   • The property is located along the south side of E Virginia Boulevard, and directly to the south is the Military Circle Mall.
   • This request would allow for hours of operations that extend beyond 11:00pm.
   • The proposal is to structurally alter the existing commercial drive-through – major and to bring existing operation into compliance with new Zoning Ordinance.
<table>
<thead>
<tr>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hours of Operation</strong></td>
</tr>
<tr>
<td>4:00 a.m. until 11:00 p.m., Monday-Thursday</td>
</tr>
<tr>
<td>4:00 a.m. until 12:00 a.m., Friday and Saturday</td>
</tr>
<tr>
<td>5:00 a.m. until 11:00 p.m., Sunday</td>
</tr>
<tr>
<td><strong>Capacity</strong></td>
</tr>
<tr>
<td>• 78 seats indoor</td>
</tr>
<tr>
<td>• 50 seats outdoor</td>
</tr>
<tr>
<td>• 10 Standing Room</td>
</tr>
<tr>
<td>• 12 Employees</td>
</tr>
<tr>
<td>• 150 total capacity</td>
</tr>
</tbody>
</table>

*Staff contact: Susan Pollock at (757) 664-4765, susan.pollock@norfolk.gov  
Austin Peters, Intern, austin.peters@norfolk.gov*

**Attachments:**
- Proponents and Opponents
- Staff Report to CPC dated July 26, 2018 with attachments
- Ordinances
### Staff Report

<table>
<thead>
<tr>
<th>Item No.</th>
<th>8</th>
</tr>
</thead>
</table>

#### Address
5761 E. Virginia Beach Boulevard

#### Applicant
McDonald’s

#### Request
- Conditional Use Permits
  - a. Restaurant operating after 11:00 P.M
  - b. Drive-through facility, large-scale

#### Property Owner
Franchise Realty Interstate Corp.

#### Site Characteristics
<table>
<thead>
<tr>
<th>Site/Building Area</th>
<th>53,854 sq. ft./5,536 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Future Land Use Map</td>
<td>Commercial</td>
</tr>
<tr>
<td>Zoning</td>
<td>C-R (Regional Commercial)</td>
</tr>
<tr>
<td>Neighborhood</td>
<td>Military Circle</td>
</tr>
<tr>
<td>Character District</td>
<td>Suburban</td>
</tr>
</tbody>
</table>

#### Surrounding Area
| North            | C-R: Applebee’s Bar + Grill, SunTrust Bank |
| East             | C-R: 7-Eleven, Bank of America Financial Center |
| South            | C-R: Military Circle Mall       |
| West             | C-R: Waffle House, A-Mayes-N-Soulfood |

---

[Map Image of Area of Interest]
A. Summary of Request
• The property is located along the south side of E Virginia Boulevard, and directly to the south is the Military Circle Mall.
• This request would allow for hours of operations that extend beyond 11:00pm.
• The proposal is to structurally alter the existing commercial drive-through – major.

B. Plan Consistency
The proposed Conditional Use Permit is consistent with plaNorfolk2030, which designates this site as Commercial.

C. Zoning Analysis
i. General
• The use requires a Conditional Use Permit.
• In accordance with section 6.2.4., if a building is structurally altered or reconstructed, then the nonconforming use shall be considered abandoned, and the applicant must receive a new conditional use permit.
• The existing drive-through use does not have a conditional use permit and is nonconforming.

ii. Parking
• For an eating establishment of this size located within the Suburban Character District, the Norfolk Zoning Ordinance requires that the site provides a minimum of 38 parking spaces, and three bicycle parking spaces, one of which should be long term bicycle parking space.
  o The applicant proposes to accommodate 50 parking spaces.

iii. Flood Zone
The property is located in the X (Low to Moderate) Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts
• No new trips are forecast from the proposed reconstruction of the existing drive through restaurant on the site.
• East Virginia Beach Boulevard is identified as a 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 routes 15 (Military), 20 (Virginia Beach), and 23 (Princess Anne) operating adjacent to the site.
• East Virginia Beach Boulevard 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, or local historic district.
F. Public Schools Impacts
   N/A

G. Environmental Impacts
   • The alteration of the existing fast food restaurant with a commercial drive-through - major use should not adversely impact the surrounding uses.
   • The proposed facility will undergo a minor Site Plan Review process, which will require all site development to adhere to the regulations of the Zoning Ordinance.

H. AICUZ Impacts
   N/A

I. Surrounding Area/Site Impacts
   • This alteration will not adversely impact the surrounding uses
   • This conditional use will not increase traffic or the number of drive-throughs on the site, and will serve as a site improvement.

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

K. Civic League
   • Notice was sent to the Glenrock Civic League on June 15.
   • A letter of support was received from the Glenrock Civic League on July 17th.

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 11.
   • Legal notification was placed in The Virginian-Pilot on July 12 and January July 19.

M. Recommendation
   Staff recommends that the Conditional Use Permit be approved, subject to the following conditions:
   (a) The site shall be developed generally in accordance with the conceptual site plan prepared by Blakeway Corporation, entitled “Concept Plan,” dated June 6, 2018, attached hereto and marked as “Exhibit A,” subject to any revisions required by the City to be made during the Site Plan Review process.

   (b) The site shall be developed to reflect the general massing, materials, fenestration and design elements for the north, south, east and west side of the principal building as shown in the elevations entitled “2017 MRP 2.0 Core 16 Exterior (Elevations – 1),” dated March 7, 2018, attached hereto and marked as “Exhibit B,” and as shown in the elevation renderings entitled “2017 MRP 2.0 Core 16 Exterior (Elevations – 2),” dated March 7, 2018, attached hereto and marked as “Exhibit C,” subject to any revisions required by the
City to be made during the Site Plan Review and building permit plan review processes.

(c) Landscaping shall be installed and maintained at the base of any freestanding sign in accordance with the provisions of Section 5.7.4. of the *Norfolk Zoning Ordinance*.

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

(e) Notwithstanding any other regulations pertaining to temporary window signage within Section 5.7.4. of the *Norfolk Zoning Ordinance*, no less than 35% of the glass areas of the ground floor of the façade of the principal building shall be transparent as defined in the Zoning Ordinance.

(f) The use of temporary signs shall comply with Section 5.7.4. of the *Norfolk Zoning Ordinance*. The use of feather flags, pennants, and streamers is prohibited.

(g) All bollards on the site shall be painted and maintained free of visible corrosion.

(h) Three bicycle parking spaces shall be provided on the site, one of which being long term bicycle parking.

(i) On-site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties.

(j) 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.

(k) 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 Conditional Use so as to keep such areas free of litter, refuse, solid waste, snow, ice, and any bodily discharge.

(l) The property shall be kept in a clean and sanitary condition at all times.

(m) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.

(n) The establishment shall maintain a current, active business license at all times while in operation.
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 Glenrock Civic League
Letter of support from the Glenrock Civic League
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
Thomas Kleine- Applicant
222 Central Park Avenue
Virginia Beach, VA 23451

Elmer Tolle c/o Blakeway
630 N. Witchduck Road
Virginia Beach, VA 23462

Opponents
None
ORDINANCE No.

AN ORDINANCE GRANTING CONDITIONAL USE PERMITS AUTHORIZING A DRIVE-THROUGH FACILITY FOR "McDONALD’S" ON PROPERTY LOCATED AT 5761 EAST VIRGINIA BEACH BOULEVARD.

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

Section 1:- That conditional use permits are hereby granted authorizing the operation of the following principal and accessory uses.

(a) Restaurant operating after midnight (principal use)

(b) Drive-Through Facility, Large Scale (accessory use)

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 141 feet, more or less, along the southern line of East Virginia Beach Boulevard beginning 936 feet, more or less, from the western line of Glenrock Road and extending westwardly; premises numbered 5761 East Virginia Beach Boulevard.

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 operation of the principal use of Restaurant operating after midnight must be conducted in accordance with the applicable performance standards that are set forth in section 4.2 of the Norfolk Zoning Ordinance.

(b) The operation of the accessory use of Drive-Through Facility, Large Scale, must be conducted in accordance with the applicable performance
standards that are set forth in section 4.3 of the Norfolk Zoning Ordinance.

(c) Each of the conditional use permits granted herein expressly requires that every other permit granted herein remains actively used and valid. The revocation, termination, or expiration of any one of the permits granted herein shall constitute grounds for revocation of every other permit granted herein.

(d) The site shall be developed generally in accordance with the conceptual site plan prepared by Blakeway Corp., entitled “Concept Plan,” dated June 6, 2018, attached hereto and marked as “Exhibit A,” subject to any revisions required by the City to be made during the site plan review or building permit plan review process.

(e) The buildings on the site shall be developed to reflect the general massing, materials, fenestration and design elements for the north, south, east, and west facades shown in the elevations prepared by URS Corp., entitled “2017 MRP 2.0 Core 16 Exterior,” dated October March 7, 2018, attached hereto and marked as “Exhibit B,” subject to any revisions required by the City to be made during the site plan review or building permit plan review process.

(f) Landscaping shall be installed and maintained at the base of any freestanding sign in accordance with the provisions of section 5.7.4 of the Norfolk Zoning Ordinance.

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

(h) Notwithstanding any other regulations pertaining to temporary window signage in section 5.7.4 of the Norfolk Zoning Ordinance, no less than 85% of the glass areas of the ground floor of the façade of the principal building shall be transparent as defined in the Zoning Ordinance.

(i) The use of temporary signs shall comply with
section 5.7 of the Norfolk Zoning Ordinance. The use of feather flags, pennants, and streamers is prohibited.

(j) All bollards on the site shall be painted and maintained free of visible corrosion.

(k) Three (3) bicycle parking spaces, one (1) of which shall be long-term bicycle parking, shall be provided on the site.

(l) On-site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties.

(m) 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.

(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 property shall be kept in a clean and sanitary condition at all times.

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

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

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, because the operation of this establishment in the manner proposed in the application requires the grant of more than one conditional use permit, the City Council finds that its operation is only appropriate at the location where it is being
authorized when conducted in the manner proposed, as modified by
the City Council, and that each permit should be subject to the
same conditions, requirements and limitations in order to
constrain the operation in a manner that adequately protects public
health safety and welfare.

Section 6:- That this ordinance shall be in effect from the
date of its adoption.

ATTACHMENTS:
Exhibit A (1 page)
Exhibit B (2 pages)
Application
Conditional Use Permit
Auto Related Uses
(Please print)

Date 6/8/18

Type of Auto Related Use: Parking and Drive Through

DESCRIPTION OF PROPERTY
Address: 5761 E VIRGINIA BEACH BLVD
Existing Use of Property: Restaurant
Proposed Use: Food Service (Existing Use to Remain)
Current Building Square Footage: 5,273 s.f. Proposed Building Square Footage: No Change
Trade Name of Business (if applicable): McDonald's

APPLICANT* Note: Lisa Diaz-Mcpeek (Project Manager) via AECOM
1. Name of applicant: (Last) Diaz-McPeek (First) Lisa (MI) ___
Mailing address of applicant (Street/P.O. Box): 1255 Broad St. - Suite 201
(City): Clifton (State): NJ (Zip Code): 07013
Daytime telephone number of applicant: ( ) 973-883-8576
E-mail address: lisa.diaz-mcpeek@aecom.com

AUTHORIZED AGENT* (if applicable)
2. Name of applicant: (Last) Blevins (First) Steve (MI) ___
Mailing address of applicant (Street/P.O. Box): 630 Witchduck Rd.
(City): Virginia Beach (State): VA (Zip Code): 23462
Daytime telephone number of applicant: ( ) 757-226-0081 Fax ( )
E-mail address: steve.blevins@blakewaycorp.com
Application
Conditional Use Permit - Auto Related Uses
Page 2

PROPERTY OWNER* Note: Thomas Hughes (Area Construction Manager) Via McDonald's USA, LLC

3. Name of property owner: (Last) Hughes (First) Thomas (MI) 

Mailing address of property owner (Street/P.O. box):  6903 Rockledge Drive, Suite 1100
(City): Bethesda (State): MD (Zip Code): 20817

Daytime telephone number of owner: ( ) 410-977-1214
E-mail address: Thomas.Hughes@us.mcd.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: David Hicks - Glenrock
Date meeting attended/held: TBD - Contacted him several times
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: Thomas A. Hughes Sign: Thomas Hughes 6/8/18
(Property Owner)

Print name: Lisa Diaz-McPeek via AECOM Sign: Lisa Diaz-McPeek 6/8/18
(Applicant)

(If Applicable)

Print name: Steve Blevins Sign: 6/8/18
(Authorized Agent Signature)
Date: 6/8/18

Trade name of business: McDonald's

Address of business: 5761 E VIRGINIA BEACH BLVD

Name of property owner(s)*: Thomas Hughes (ACM) Via McDonald's USA, LLC

Daytime telephone number ( ) 410-977-1214

*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.

Proposed Hours of Operation:

Weekday From: 4am To: 11pm

Friday From: 4am To: 12am

Saturday From: 4am To: 12am

Sunday From: 5am To: 11pm

Signature of Applicant

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
Attached please find the following applications tentatively scheduled to be heard at the July 26, 2018 Planning Commission public hearing:

**MCDONALD'S**, for the following Conditional Use Permits at 5761 E. Virginia Beach Boulevard:

- a. Restaurant operating after 11:00 p.m.
- b. Drive-through facility, large-scale.

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

Thank You

Sherri Williams
Planning Technician

The City of NORFOLK
Planning Department
810 Union Street | Suite 508
Norfolk, VA 23510
(757) 664-6771
Good morning Susan we received the below. Please let us know if this is what staff is needing to satisfy the concern for the coordination with the civic league. Thank you so much for your help with this. larae
Words to live by:
“In God we trust, all others bring data.” – W.E. Deming
Sorry for the delay, just found this in my inbox.

Matthew Simons, AICP, CZA, CFM
City Planner III
757-664-4750

Mr. Simons,

In the matter concerning the McDonald’s restaurant before the Norfolk Planning Council, please accept this email as the official record of opinion representing the Glenrock Community. After receiving and sending the information to the residents there are no objections to date. Therefore, we can conclude the efforts of the owners will benefit the community. The current location continues to give outstanding fast food service to our residents and the citizens of Norfolk.

If you have further questions, please do not hesitate to contact me.

David A. Hicks *DSL, MBA-ITM, MSC, SEC+, PSM

PO Box 12713
Norfolk, Virginia 23541
Words to live by:

“In God we trust, all others bring data.” – W.E. Deming