To the Honorable Council
City of Norfolk, Virginia

October 23, 2018

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

Subject: Tazewell Apartments, for a Development Certificate to grant a waiver from the requirement for the use of ground floor areas at 117-119 W. Tazewell Street

Reviewed:
Wynter C. Benda, Chief Deputy City Manager

Approved:
Douglas L. Smith, City Manager

Ward/Superward: 2/6

Item Number: R-8

I. Staff Recommendation: Approval.

II. Planning Commission Recommendation: By a vote of 5 to 0, the Planning Commission recommends Approval.

III. Request: Development Certificate (Downtown) to grant a waiver from the requirement for the use of ground floor areas.

IV. Applicant: Tazewell Apartments

V. Description:
   • The applicant proposes to renovate the first-floor tenant space into a live/work unit with business elements on the first floor and residential elements on the first floor and mezzanine.
   • To accommodate the conversion into a live/work unit, a Development Certificate is required since less than the required 65% of the ground floor area will be devoted to the commercial/office use.
   • In Downtown, any new development or substantial improvements to existing structures requires a Development Certificate.
   • In the Downtown districts, the following development standards may be modified with a Development Certificate:
     o Building placement requirements
     o Off-street parking and loading requirements
     o Requirements for “active” use of ground floor areas
• In order to complete the conversion of the space into a live/work unit as proposed, with less than 65% of the ground floor area devoted to commercial use, the applicant must obtain a waiver from the requirement for “active” use of ground floor areas.

VI. **Historic Resources Impacts:**
• The site is located within the Downtown Historic Overlay District and is a contributing structure.
• On March 6, 2017 the ARB reviewed and approved the exterior modifications to the building for the renovation and conversion of the space into a live/work unit.

VII. **Public School Impacts:**
• School attendance zones include P.B. Young Elementary School (109% utilization), Tidewater Park Elementary School (90% utilization), Blair Middle School (83% utilization) and Maury High School (93% utilization).
• Given that there is only one additional dwelling unit, no school impacts are anticipated.

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

**Attachments:**
• Proponents and Opponents
• Staff Report to CPC dated September 27, 2018 with attachments
• Ordinance
Proponents and Opponents

Proponents
Rick Henn - Representative
1400 Granby Street, Unit 407
Norfolk, VA  23510

Opponents
None
**City Planning Commission Public Hearing: September 27, 2018**

Executive Secretary: Leonard M. Newcomb, III, CFM

Staff Planner: Chris Whitney, CZA, CFM

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<th>Staff Report</th>
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<td>Address</td>
<td>117-119 W. Tazewell Street</td>
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<tr>
<td>Applicant</td>
<td>Tazewell Apartments</td>
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<tr>
<td>Requests</td>
<td>Development Certificate (Downtown)</td>
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<td>Property Owner</td>
<td>Tazewell Apts, LLC</td>
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<tr>
<th>Site Characteristics</th>
<th>Details</th>
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<tbody>
<tr>
<td>Building Area</td>
<td>6,732 sq. ft.</td>
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<tr>
<td>Future Land Use Map</td>
<td>Downtown</td>
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<td>Zoning</td>
<td>D-MU (Downtown-Mixed Use) and HO-D (Historic Overlay – Downtown)</td>
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<tr>
<td>Neighborhood</td>
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<td>Character District</td>
<td>Downtown</td>
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<tr>
<th>Surrounding Area</th>
<th>Details</th>
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<tr>
<td>North</td>
<td>D-MU, HO-D: Harbor Heights and parking garage</td>
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<tr>
<td>East</td>
<td>D-MU, HO-D: Fitness First Health and Wellness gym</td>
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<tr>
<td>South</td>
<td>D-MU, HO-D: The Rockefeller apartments</td>
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<tr>
<td>West</td>
<td>D-MU, HO-D: Vacant building, Rockefeller apartments</td>
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A. Summary of Request

- The applicant proposes to renovate the first-floor tenant space into a live/work unit with business elements on the first floor and residential elements on the first floor and mezzanine.
- To accommodate the conversion into a live/work unit, a Development Certificate is required since less than the required 65% of the ground floor area will be devoted to the commercial/office use.

B. Plan Analysis

The proposed use is consistent with planNorfolk2030, which designates this site as Downtown.

C. Zoning Analysis

i. General

- The applicant has purchased 117-119 W. Tazewell Street and proposes to live on the mezzanine level and first floor, while also have a work component on the first floor.
- In Downtown, any new development or substantial improvements to existing structures requires a Development Certificate.
- In the Downtown districts, the following development standards may be modified with a Development Certificate:
  - Building placement requirements
  - Off-street parking and loading requirements
  - Requirements for "active" use of ground floor areas
- In order to complete the conversion of the space into a live/work unit as proposed with less than 65% of the ground floor area devoted to commercial use, the applicant must obtain a waiver from the requirement for "active" use of ground floor areas.
  - For development located on principal streets in the Downtown zoning districts, no less than 65% of the ground floor area shall be devoted to commercial or office establishments, amongst other uses.
    - W. Tazewell Street is considered a principal street within the D-MU district.
- As part of the Development Certificate process, a review by the Architectural Review Board (ARB) is required.
  - On March 6, 2017 the ARB reviewed and approved the exterior modifications to the building for the renovation and conversion of the space into a live/work unit.

ii. Parking

The site is located within the D-MU zoning district, which does not require off-street parking.

iii. Flood Zone

The site is located within X (Shaded) Flood Zone.
D. Transportation Impacts
- Institute of Transportation Engineers (ITE) figures estimate that the proposed conversion of commercial space to residential will generate 7 vehicle trips per day, a reduction of 263 vehicle trips per day from the 270 weekday trips that could be generated by the prior commercial use.
- The site is near transit services with Hampton Roads Transit bus routes 6 (South Norfolk) and 45 (Portsmouth Blvd) and also light rail available at the nearby MacArthur Square station.
- W. Tazewell Street near to the site is not an identified priority corridor in The City of Norfolk Bicycle and Pedestrian Strategic Plan.

E. Historic Resource Impacts
- The site is located within the Downtown Historic Overlay District and is a contributing structure.
  - Any modifications to the exterior of the building are subject to Architectural Review Board approval of a Certificate of Appropriateness.

F. Public Schools Impacts
- School attendance zones include P.B. Young Elementary School (109% utilization), Tidewater Park Elementary School (90% utilization), Blair Middle School (83% utilization) and Maury High School (93% utilization).
- Given that there is only one additional dwelling unit, no school impacts are anticipated.

G. Environmental Impacts
There are no opportunities for landscaping or stormwater management improvements for this site.

H. AICUZ Impacts
N/A

I. Surrounding Area/Site Impacts
The proposed conversion should not negatively impact the surrounding area, which includes a mixture of uses.

J. Payment of Taxes
The applicant is current on taxes.

K. Civic League
An email of no objection was received from the Downtown Norfolk Civic League on August 13.

L. Recommendation
- Per the Zoning Ordinance, a Development Certificate shall be approved if the Planning Commission finds that all of the following standards are met:
The development proposed with the minor modification is compatible with surrounding land uses;

The development proposed is consistent with the comprehensive plan;

The uses proposed are allowed in the base and overlay districts where the development is located;

The modifications in development standards requested in the development certificate do not exceed those established for the applicable zoning district.

Any modifications are the absolute minimum necessary to accommodate the development proposal; and

The proposed development complies with all applicable proffers and conditions applicable to the land.

- Staff recommends approval of the Development Certificate considering compliance with Zoning Ordinance requirements and consistency with approved plans.

Attachments
  - Overview Map
  - Location Map
  - Zoning Map
  - Application
  - Email of no objection from the Downtown Norfolk Civic League
ORDINANCE No.

AN ORDINANCE GRANTING A DEVELOPMENT CERTIFICATE TO PERMIT THE USE OF THE GROUND FLOOR FOR RESIDENTIAL USE, WITH WAIVERS, ON PROPERTY LOCATED AT 117 TO 119 WEST TAZEWELL STREET.

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

Section 1: - That a Development Certificate is hereby granted to permit the use of the ground floor for residential use such that less than 65% of the ground floor area will be available for commercial use. The property to which this approval applies is described as follows:

Property fronts 25 feet, more or less, along the southern line of West Tazewell Street beginning 82 feet, more or less, from the western line of Lowenbergs Lane and extending westwardly; premises numbered 117 to 119 West Tazewell Street.

Section 2:- That the City Council finds that the proposed development satisfies the standards set forth in section 2.4.9.C of the Norfolk Zoning Ordinance and hereby modifies the following regulation or regulations in the applicable zoning district or overlay district in order to allow for the development as shown in the application as submitted:

(a) Required use of the ground floor area is reduced such that residential use shall be permitted throughout the ground floor.

The application for development, as modified hereby, while not strictly in accordance with the regulation or regulations that are otherwise applicable, meets public purposes, is not contrary to planning principals contained in the adopted general plan, and provides public protection to an equivalent or greater degree.
Section 3:- That this ordinance shall be in effect from the date of its adoption.
Application
Development Certificate

Date: 8-9-18

DESCRIPTION OF PROPERTY

Address: 117-119 W. Tazewell

Existing Use of Property: Apartments/Commercial

Proposed Use: Apartments/Civic Work

Current Building Square Footage: 6,722

Proposed Building Square Footage: 6,722

Trade Name of Business (If applicable): Tazewell Arms

APPLICANT*

1. Name of applicant: (Last) Chalk (First) Todd (MI)

Mailing address of applicant (Street/P.O. Box): P.O. Box 3269

(City): Norfolk (State): VA (Zip Code): 23514

Daytime telephone number of applicant: 757-285-5163

E-mail address: jaredchalk@gmail.com

AUTHORIZED AGENT* (if applicable)

2. Name of applicant: (Last) Hearn (First) Richard (MI)

Mailing address of applicant (Street/P.O. Box): 1400 Granby St 5017 23510

(City): Norfolk (State): VA (Zip Code): 23510

Daytime telephone number of applicant: 615-690-Fax:

E-mail address: richearnconsulting@gmail.com

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised July, 2018)
PROPERTY OWNER*

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

Mailing address of property owner (Street/P.O. box): ______________

(City): ______________ (State): ______________ (Zip Code): ______________

Daytime telephone number of owner: ______________

E-mail address: ______________

*(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: ______________

Date meeting attended/held: ______________

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: ______________ Sign: ______________ (Date) ______________

(Property Owner)

Print name: ______________ Sign: ______________ (Date) ______________

(Applicant)

(If Applicable)

Print name: ______________ Sign: ______________ (Date) ______________

(Authorized Agent Signature)
Additionally, please include a summary of how the proposed development will meet the development standards of the applicable zoning district:


2) The IN-C: Institutional - Campus zoning district;

3) The EBH: East Beach Harbor zoning district;

4) The G-1: Granby/Monticello Corridor Mixed Use zoning district; and

THIS IS TO CERTIFY THAT:
THIS TOPOGRAPHIC SURVEY WAS COMPLETED UNDER THE DIRECT AND RESPONSIBLE CHARGE OF ROB D'ANGIOLILLO FROM AN ACTUAL GROUND SURVEY MADE UNDER MY SUPERVISION; THAT THE IMAGERY AND/OR ORIGINAL DATA WAS OBTAINED ON DECEMBER 14, 2016; AND THAT THIS PLAT, MAP, OR DIGITAL GEOSPATIAL DATA INCLUDING METADATA MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED.

VERTICAL DATUM ShOWN HEREON BASED ON NAVD 88 AND REFERENCED TO NORFOLK MONUMENT NORFOLK1977, ELEVATION 11.64 FEET.
Hello Chris,

Rick Henn and myself, Kevin Rafferty of Downtown Norfolk Civic League, together spoke today Monday August 13th, 2018, regarding the First Floor of 117 W. Tazewell Street for LIVE / WORK. Downtown Norfolk Civic League has no objection to the concept of the First Floor of 117 W. Tazewell Street, Norfolk 23510, for LIVE / WORK.

Sincerely,

Kevin Rafferty, President - Downtown Norfolk Civic League ("DNCL")
Mobile: 757 419 9161
Email: DNCL@welovenorfolk.org
website: www.welovenorfolk.org