




To the Honorable Council
City of Norfolk, Virginia

March 26, 2020

From: George M. Homewood
Director of Planning

Subject: Conditional Use Permits –
Costco Wholesale

Reviewed: 

Wynter C. Benda, Chief Deputy City Manager

Ward/Superward: 4/7

Approved: 

Dr. Larry H. Filer II, City Manager

Item Number: C-1

- A. Planning Commission Recommendation:** By a vote of **5 to 0**, the Planning Commission recommends **Approval** with the additional condition of prohibiting the sale of vaping products.
- B. Request:** Conditional Use Permit for a Retail Sales over 50,000 square feet, Gasoline Sales (as an accessory use), Tire sales and repair, Sale of Alcoholic Beverage, Off-Premises and the Sale of Smoking or Vaping Products.
- C. Applicant: Costco Wholesale**
- D. Description:**
- Costco, operating since 1984 is legally nonconforming. Under the current *Zoning Ordinance*, a Conditional Use Permit (CUP) is required for any retail space with a gross floor area of over 50,000 square feet. CUPs are also required for Costco's other activities including the sale and repair of tires, the sale of gasoline, the sale of alcohol for off premises consumption, and the sale of smoking and vaping products.
 - Seeking to expand their retail space, it now becomes necessary that the site comes into compliance by obtaining all necessary CUPs
 - The proposed expansion is limited to the backside of the main building and will not affect the tire center or fuel station. Applicant's site plan shows a 13,121 square foot addition which will bring the building's total area to 131,651 square feet.
 - Costco is requesting to sell beer in four bottle/can packaging and single craft beer bottles.
- E. Historic Resources Impacts:**
The site is not located with a local, state, or federal historic district.

F. Public Schools Impacts:

N/A

Staff contact: Joy Kelling at (757) 664-4756, joy.kirch-kelling@norfolk.gov

Attachments:

- Proponents and Opponents
- Staff Report to CPC dated March 26, 2020 with attachments
- Ordinance

Proponents and Opponents

Proponents

Jeremy Yee (authorized agent)
Kimley Horn
4525 Main Street, Suite 1000
Virginia Beach, VA 23462

John Paul Andrews
Costco
45940 Horseshoe Drive, Suite 150
Sterling, VA 20166

John Alvarado
Costco
8444 Westpark Drive, Suite 120
McLean, VA 22102

Opponents

None



City Planning Commission Public Hearing: March 26, 2020

Executive Secretary: George M. Homewood, FAICP, CFM

Staff Planner: Joy Kirch-Kelling

Staff Report	Item No. 3	
Address	850 Glenrock Road	
Applicant	Costco Wholesale Corporation	
Request	Conditional Use Permits	Retail Sales (over 50,000 sq. ft.)
		Gasoline Sales (as an accessory use)
		Tire sales and repair
		Sale of Alcoholic Beverages Off-Premises
		Sale of Smoking or Vaping Products
Zoning	C-R (Regional Commercial)	
Neighborhood	Glenrock Neighborhood	
Surrounding Area	North	C-R: Military Crossing Mall
	East	C-C: Tidewater Air Filter Fabrication Company and G&W Awards by Allogram South
	South	C-C: Sentara Health Care SF-6: Single Family Residential
	West	C-R: Military Circle Mall
Staff Recommendation	Approval with conditions	



A. Executive Summary

- Costco Wholesale is located at northeast intersection of Glenrock Road and Poplar Hall Drive east of Military Circle Mall.
- Currently a legally nonconforming site, the retailer is requesting a Conditional Use Permit (CUP) in order to bring its principal and accessory uses into compliance.
- Given that Costco is located on a commercial corridor alongside other similar uses and has been operating as a retail space, providing the same goods and services for a number of years, staff recommends **approval** with conditions.

B. Plan Consistency

The proposed use is consistent with the *plaNorfolk2030* Future Land Use Map, which designates this site as Commercial.

C. Zoning Analysis

i. General

- Operating as a large volume retail store since 1984, Costco is legally nonconforming. Under the current *Zoning Ordinance*, a Conditional Use Permit (CUP) is required for any retail space with a gross floor area of over 50,000 square feet. CUPs are also required for Costco's other activities including the sale and repair of tires, the sale of gasoline, the sale of alcohol for off premises consumption, and the sale of smoking and vaping products.
- It now becomes necessary that the site comes into compliance by obtaining all necessary CUPs as Costco is seeking to expand their retail space.
- The proposed expansion is limited to the backside of the main building and will not affect the tire center or fuel station. Applicant's site plan shows a 13,121 square foot addition which will bring the building's total area to 131,651 square feet.
- The applicant is requesting to sell beer in packaging less than the six bottle or can minimum required by the Performance Standard.

ii. Performance Standards

Retail Goods Establishment- Establishments that sell consumer goods at retail. The use includes antique stores, art galleries, bicycle sales, rental service, or repair

establishments, bulk retailing establishments, drug stores or pharmacies, home, building, and garden supply stores, monument or headstone sales establishments, and retail sales establishments. Firearms sales establishments are considered retail goods establishments for the purposes of this Ordinance.

- A Conditional Use Permit is required for any development that has a gross floor area of 50,000 square feet or more and devotes 60 percent or more of the total floor area to retail sales activities.

Gas Station – An establishment where gasoline and other retail accessories may be supplied and dispensed at retail.

- Fuel pumps and islands shall be located a minimum of 25 feet from side and rear property lines, and the public right-of-way.
- Canopies over gas pumps shall have a maximum clearance height of 15 feet above grade except where Commonwealth or federal law requires higher clearance and shall not include canopy or fuel pump signage that is legible from the right-of-way.
- Generators or other resilient power supply systems shall be installed to ensure that consumers are able to acquire fuel for vehicles and powered equipment during periods of prolonged power outages.

Tire Sales and Repair - An establishment that sells, installs, and repairs tires and rims but that does not perform any other repair services.

- Tires shall be stored either inside the principal structure or within an accessory structure. No tires shall be stored outdoors.
- No more than one accessory structure shall be utilized for tire storage and said accessory structure shall be no larger than 25 percent of the floor area of the principal structure.
- Transportable portable storage units (shipping containers) shall not be utilized for tire storage.

Sale of Alcoholic Beverages, Off Premises - An accessory use permitting beer, wine, and/or mixed beverages to be sold for off-premises consumption with an appropriate license from the Virginia ABC Board.

- No alcoholic beverages shall be sold for off-premises consumption without the proper approvals from the ABC Board. The sale of alcoholic beverages shall be limited to the times approved by the ABC Board.
- Unless otherwise approved through the Conditional Use Permit process, all beer sold for off-premises consumption shall be in a package containing a minimum of six bottles or cans and all wine shall be sold in containers with a minimum of 375 ml each.

Sale of Smoking or Vaping Products - An establishment that sells or offers for sale supplies and equipment related to smoking or vaping, including tobacco, e-cigarette liquid, pipes, cigarettes, cigars, and vaporizers.

- No smoking or vaping shall be permitted on the premises at any time unless the establishment complies with the Virginia Indoor Clean Air Act (Virginia Code §15.2-2820 et seq.).
- No sales to person under the age of 21 shall be offered or made, except as may be permitted by state law.

- Any conditional use permit authorizing this use shall fully consider the proximity of the establishment to religious institutions, libraries, other institutional uses, and residential uses, and shall limit hours of operation accordingly.

iii. Development Standards

a) Parking

The site is in compliance with current parking requirements.

iv. Landscaping

The site is in compliance with current site plan requirements.

v. Resilience Quotient

Expansion will not exceed 50% of the property's value or 50% of the footprint of the building therefore resilience quotient requirements will not apply.

vi. Flood Zone

Subject property lies within the X (Low to Moderate) flood zone, no mediation action is required.

D. Mobility Analysis

- There is a sidewalk abutting the property along Glenrock Road.
- The site is located near a transit service along Glenrock Road.

E. Historic Resources Impacts

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

F. Public Schools Impacts

N/A

G. Payment of Taxes

The site is current on all taxes.

H. Civic League

Applicant met with the Glenrock Neighborhood Association on February 6.

I. Communication Outreach/Notification

- Legal notice was posted on the property on February 18.
- Letters were mailed to all property owners within 300 feet of the property on March 11.
- Legal notification was placed in *The Virginian-Pilot* on March 12 and March 19.

J. Recommendations

Staff recommends that the Conditional Use Permit requests be **approved** subject to the conditions listed below:

- (a) The operation of the principal use of Retail Goods Establishment must be

conducted in accordance with the applicable performance standards that are set forth in section 4.2 of the Norfolk Zoning Ordinance at the time of adoption of this ordinance.

- (b) The operation of the principal use of Tire Sales and Repair must be conducted in accordance with the applicable performance standards that are set forth in section 4.2 of the Norfolk Zoning Ordinance at the time of adoption of this ordinance.
- (c) The operation of the accessory use of Sale of Smoking or Vaping Products must be conducted in accordance with the applicable performance standards that are set forth in section 4.3 of the Norfolk Zoning Ordinance at the time of adoption of this ordinance.
- (d) The operation of the accessory use of Gas Station must be conducted in accordance with the applicable performance standards that are set forth in section 4.3 of the Norfolk Zoning Ordinance at the time of adoption of this ordinance.
- (e) The operation of the accessory use of Sale of Alcoholic Beverages, Off-Premises must be conducted in accordance with the applicable performance standards that are set forth in section 4.3 of the Norfolk Zoning Ordinance at the time of adoption of this ordinance.
- (f) 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.
- (g) The sale of alcoholic beverages for off-premises consumption shall not be prior to 06:00 a.m. or past 11:00 p.m. seven days a week.
- (h) No beer shall be sold in any package containing fewer than four (4) bottles or cans, with the exception of those bottled beers which are exclusively produced in bottles greater than 12 ounces but less than 32 ounces in size. No wine shall be sold in containers less than 375 ml each.
- (i) 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 conditional use permit so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (j) The establishment shall maintain a current, active business license at all times while in operation.

- (k) The business authorized by this ordinance 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 ordinance. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new conditional use permit must be obtained. 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 conditional use permit or permits granted herein that relate to retail alcoholic beverage control licensees 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 conditional use permit 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.
- (m) The violation of any condition, requirement, or limitation imposed by the Virginia ABC Commission shall be deemed a violation of this ordinance. Any conditional use permit granted by the ordinance may be revoked for any violation of a general or specific condition, including a condition incorporated by reference or arising from conditions, requirements, or limitations imposed on any aspect of the operation of the establishment by the ABC Commission or by Virginia law.
- (n) A copy of this conditional use permit ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this conditional use permit 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.

Supporting Material:

- Conditional Use Permit Review Standards (PDF)
- Overview Map(PDF)
- Location Map (PDF)
- Zoning Map (PDF)

- Application (PDF)
- PropertyOwners_300ft (PDF)
- Email to Glenrock Civic League (PDF)
- Ordinance Exhibit A - ABC description of operations (PDF)

Form and Correctness Approved: *BAP*

Contents Approved:



By: _____
Office of the City Attorney

By: _____
DEPT. Planning

NORFOLK, VIRGINIA

Ordinance No.

AN ORDINANCE GRANTING CONDITIONAL USE PERMITS TO AUTHORIZE A RETAIL GOODS ESTABLISHMENT WITH 50,000 OR MORE SQUARE FEET, THE OPERATION A GASOLINE SALES FACILITY, THE OPERATION OF A TIRE SALES AND REPAIR FACILITY, THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION, AND THE SALE OF SMOKING OR VAPING PRODUCTS ON PROPERTIES LOCATED AT 850 GLENROCK ROAD.

- - -

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

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

- (a) Retail Goods establishment with 50,000 or more square feet (principal use)
- (b) Tire Sales and Repair (principal use)
- (c) Gasoline Sales (accessory use)
- (d) Sale of Alcoholic Beverages, off-premises (accessory use)
- (e) Sale of Smoking or Vaping Products (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:

Properties front 1131 feet, more or less, along the eastern line of Glenrock Road and 715 feet, more or less, along the northern line of Poplar Hall Drive; premises numbered 850 Glenrock Road.

Section 3:- That the conditional use 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 uses 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 uses 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 hours of operation for the establishment and for the sale of alcoholic beverage for off-premises consumption shall be limited to 6:00 a.m. until 11:00 p.m., seven days a week.
- (e) 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 those bottled beers which are exclusively produced in bottles greater than 12 ounces but less than 32 ounces in size. No wine shall be sold in containers less than 375 ml each.
- (f) The establishment shall maintain a current, active business license at all times while in operation.
- (g) No products related to vaping shall be offered for sale or sold at the establishment.
- (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 conditional use permit so as to keep such areas free of litter, refuse, and both solid and liquid waste.

- (i) The business authorized by this ordinance 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 ordinance. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new conditional use permit must be obtained. 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 conditional use permit or permits granted herein that relate to retail alcoholic beverage control licensees 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 conditional use permit 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) The violation of any condition, requirement, or limitation imposed by the Virginia ABC Commission shall be deemed a violation of this ordinance. Any conditional use permit granted by the ordinance may be revoked for any violation of a general or specific condition, including a condition incorporated by reference or arising from conditions, requirements, or limitations imposed on any aspect of the operation of the establishment by the ABC Commission or by Virginia law.
- (l) All tire repair work shall take place inside a building.

- (m) All landscaping installed on the site shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (n) A copy of this conditional use permit ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this conditional use permit 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 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.

ATTACHMENT:

Exhibit A (2 pages)