

**ORDINANCE No. 47,010**  
 C-11  
 AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A CONVENIENCE STORE, 24-HOURS (WITH FUEL SALES) KNOWN AS "WAWA" ON PROPERTY LOCATED AT 701 NORTH NEWTOWN ROAD.

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

Section 1- That a Special Exception is hereby granted to permit the operation of a Convenience Store, 24-hours (with fuel sales) known as "Wawa" on property located at 701 North Newtown Road. The property which is the subject of this Special Exception is more fully described as follows:

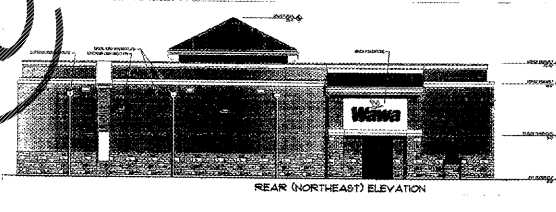
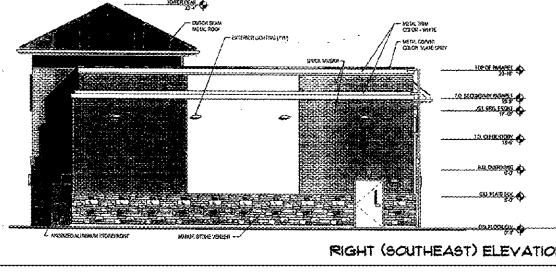
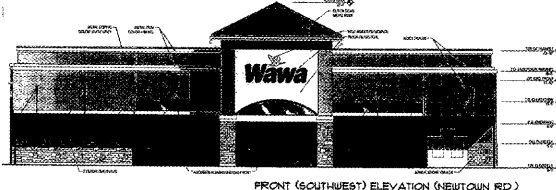
Property fronts 505 feet, more or less, along the western line of North Newtown Road, 222 feet, more or less, along the northern line of Stoney Point South, and 224 feet, more or less, along the southern line of Ethan Allen Lane; property also fronts 190 feet, more or less, along the eastern line of James Madison Lane, premises numbered 701 North Newtown Road.

Section 2- That the Special Exception granted hereby shall be subject to the following conditions:

(a) The following site improvements shall be constructed or installed on the site and no business license shall be issued until these improvements have been fully implemented:

(1) The site shall be developed generally in accordance with the conceptual site plan prepared by Massey Engineering, P.C., dated July 10, 2017, attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes. No vehicular driveway shall be created on the site except where indicated on

- plan shall be prepared and submitted to the Department of Planning detailing the methods to be employed on the property in order to minimize the infiltration into groundwater or surface waters of petroleum-based materials or other waste associated with the dispensing and handling of fuel or other potentially hazardous liquids. The use allowed by this special exception shall not commence until after this management plan is approved. Once approved, the plan shall be fully and continuously implemented.
- (7) A minimum of three (3) bicycle parking spaces shall be provided on the site.
- (8) On-site lighting shall be directed and shielded so as to not cast glare onto any adjacent residential properties or public right-of-way.
- (9) Dumpsters shall be gated, not visible from any public right-of-way, and must be screened with masonry walls that complement the proposed building.
- (10) All non-conforming fences and signs on the site shall be removed.
- (11) All bollards on the site shall be painted and maintained free of visible corrosion.
- (b) There shall be only one (1) vehicular ingress/egress access to the property along North Newtown Road between Ethan Allen Lane and Stoney Point South.
- (c) All loading, unloading, opening, closing or other handling of building materials during the construction of the principal building or any portion of the fueling structures that occur between 7:00 p.m. and 7:00 a.m. the following morning in such a manner as to cause noise across a residential real property boundary or within a noise sensitive zone at a level exceeding the level limits as set forth in section 26-1 of the Code of the City of Norfolk is prohibited.



**ORDINANCE No. 47,011**  
 C-11A  
 AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "WAWA" ON PROPERTY LOCATED AT 701 NORTH NEWTOWN ROAD.

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

Section 1- That a Special Exception is hereby granted to Wawa, Inc. authorizing the sale of beer and wine for off-premises consumption at an establishment known as "Wawa" on property located at 701 North Newtown Road. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 505 feet, more or less, along the western line of North Newtown Road, 222 feet, more or less, along the northern line of Stoney Point South, and 224 feet, more or less, along the southern line of Ethan Allen Lane; property also fronts 190 feet, more or less, along the eastern line of James Madison Lane; premises numbered 701 North Newtown Road.

Section 2- That the Special Exception granted hereby shall be subject to the following conditions:

(a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 4:00 a.m. until 12:00 a.m. seven days per week.

(b) This special exception 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 of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that termination in the event of a change in ownership of the establishment shall be effective until 12 months after the change in ownership of the establishment.

- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in any package containing fewer than six (6) bottles or cans and no wine shall be sold in containers less than 375 ml each.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception 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 Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this

Special Exception 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.

(j) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public right-of-way immediately adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.

(k) At all times, all temporary window signs must comply with the applicable regulations of section 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Section 3- That the City Council hereby determines that the Special Exception provided herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).

Section 4- That this ordinance shall be in effect from the date of its adoption.

Section 5- That the City Council hereby determines that the Special Exception provided herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).

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

- the conceptual site plan, as approved by the City.
- (2) The principal building shall be developed to reflect the general massing, materials, fenestration and design elements for the north, south, east and west elevations shown in "Wawa U5 PB VA M-Store," and "Gas Canopy Straight 6 - Trash Compound MASQ17-R," both dated June 21, 2017, attached hereto and marked as "Exhibit B," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.
- (3) A cross-access easement shall be recorded where conceptual site plan ("Exhibit A") and shall allow for vehicular access to and from that portion of the site shown as "Future Development Site" on said plan. The cross-access easement shall also be marked on a subdivision plan filed with the Department of Public Works, Division of Surveys.
- (4) A solid masonry wall not less than eight (8) feet in height shall be installed and maintained in the required landscape buffer area located along the northwest property line. The wall shall be an earth-tone color complementary to the surrounding area as determined as part of the site plan review process. The side of the wall facing the adjacent property to the northwest shall be split-face masonry with a rough finish.
- (5) A continuous landscape hedge shall be installed and maintained between northwest side of the masonry wall described above and the service alley of the adjacent townhome.
- (6) Subject to any limitation or preemption that may exist by operation of state law, an oil/water separator or other device approved by the city's Department of Public Works sufficient to capture leaks or spills related to the operation of the facility shall be installed and a hazardous materials management

- (d) Not less than 50% of the building facade facing North Newtown Road and not less than 25% of the building facade facing Stoney Point South shall be maintained as transparent as defined in the Zoning Ordinance of the City of Norfolk, 1992 (as amended).
- (e) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass area of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.
- (f) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (g) During all hours of operation, the establishment operator shall be responsible for maintaining the property, those portions of public right-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (h) The property shall be kept in a clean and sanitary condition at all times.
- (i) No vehicle shall be parked within any sight triangle on the property, any public right-of-way, or any unimproved surface.
- (j) The establishment shall remain current on all local and beverages taxes and other local taxes which may become due while it is in operation.
- (k) The establishment shall maintain a current, active business license at all times while in operation.

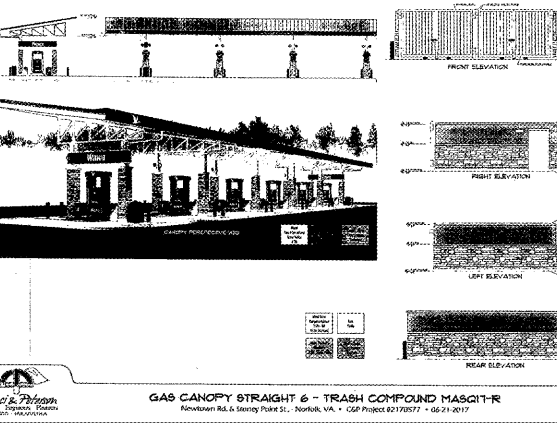
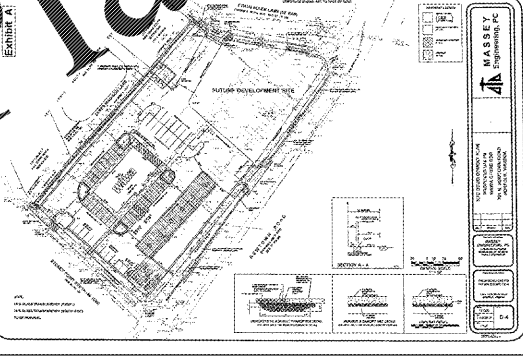
Section 3- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).

Section 4- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:  
 Exhibit A (1 page)  
 Exhibit B (5 pages)

Adopted by Council October 10, 2017  
 Effective October 10, 2017

TRUE COPY TESTE:  
 R. BRACKENRIDGE DAUGHTREY, CITY CLERK



Adopted by Council October 10, 2017  
 Effective October 10, 2017

TRUE COPY TESTE:  
 R. BRACKENRIDGE DAUGHTREY, CITY CLERK

BY: \_\_\_\_\_  
 DEPUTY CITY CLERK

EXHIBIT "A"  
 Description of Operations  
 Off-Premises Sale of Alcoholic Beverage

Date of Application: 08/24/2018  
 Name of business: WAWA  
 Address of business: 701 NORTH NEWTOWN ROAD  
 Name(s) of business owner(s): WAWA, Inc.  
 Name(s) of property owner(s): HRB LLC (HEBB CULPEPPER)  
 Name(s) of business manager(s)/operator(s): JOHN EIDENBERGER  
 Daytime telephone number: 804-658-8000

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.

1. Proposed Hours of Operation:  
 Facility: WAWA  
 Weekday: From 04:00 AM to 12:00 AM  
 Friday: From 04:00 AM to 12:00 AM  
 Saturday: From 04:00 AM to 12:00 AM  
 Sunday: From 04:00 AM to 12:00 AM

2. Type of alcoholic beverage applied for:  
 Beer  Wine  Mixed Beverage

3. Alcoholic beverages to be sold:  
 Room temperature  Refrigerated

DEPARTMENT OF CITY PLANNING  
 810 Union Street, Room 508  
 Norfolk, Virginia 23510  
 Telephone (757) 664-4752 Fax (757) 441-1569  
 (Revised January, 2016)

Exhibit A - Page 2  
 ABC-OH

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell.

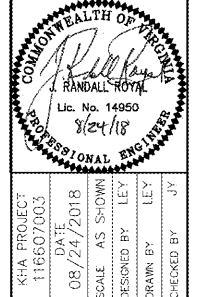
WAWA DOES NOT SELL WINE IN CONTAINERS LESS THAN 375 ML.

[Signature]  
 Signature of applicant/owner

DEPARTMENT OF CITY PLANNING  
 810 Union Street, Room 508  
 Norfolk, Virginia 23510  
 Telephone (757) 664-4752 Fax (757) 441-1569  
 (Revised January, 2016)

Order Plans @

Kimley»Horn  
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SPECIAL EXCEPTIONS

WAWA AT NEWTOWN AND STONEY POINT PREPARED FOR WAWA