

Form and Correctness Approved:

Contents Approved:

By Daniel R. Hagemister
Office of the City AttorneyBy Leonard M. Neerom
DEPT. City Planning

NORFOLK, VIRGINIA

ORDINANCE No. 40,488**R-2**

AN ORDINANCE TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISE CONSUMPTION ON OUTPARCEL SIX OF THE BROAD CREEK CROSSING SHOPPING CENTER.

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

Section 1:- That an Adult Use Special Exception is hereby granted authorizing the sale of alcoholic beverages for off-premise consumption on outparcel six of the Broad Creek Crossing Shopping Center. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 303 feet, more or less, along the western line of Military Highway beginning 1000 feet, more or less, south of Lewis Road and running southwardly.

Section 2:- That the Adult Use Special Exception hereinbefore granted shall be subject to the following conditions:

- (a) The special exception shall automatically expire upon a change in ownership, possession, operation or management of the facility.
- (b) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations as set forth in Exhibit A attached hereto. The requirements of 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 different manner than specified in Exhibit A, a new special exception must be obtained from City Council.
- (c) Any requirements, limitations or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this Adult Use Special Exception shall be effective and binding. Any violation of such limitation

and binding. Any violation of such limitation requirement or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. The 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 limitations, requirements of restrictions imposed by the ABC Commission or by State law.

Section 3:- That the City Council hereby makes the following findings of fact:

- (a) that the proposed use will not be contrary to the public interest or be injurious to nearby properties, and that the spirit and intent of the zoning ordinance will be observed;
- (b) that the establishment of an additional adult use in the area will not conflict with any Council adopted objectives, plans or programs for the area;
- (c) that the establishment of an additional adult use will not be contrary or detrimental to any program of neighborhood conservation or renewal in adjacent residential areas; and
- (d) that all applicable regulations of the zoning ordinance and special conditions attached to special exception will be observed.

Section 4:- That the City Council hereby waives the setback requirements for adult uses as set forth in Section 25-10.1 of the Zoning Ordinance of the City of Norfolk, 1992.

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

Adopted by Council October 9, 2001
Effective October 9, 2001

TRUE COPY
TESTE:

R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: _____
DEPUTY CITY CLERK



City of Norfolk

Department of Planning
Room 508 - City Hall Building
Norfolk, Virginia 23501
Telephone (757) 664-4752
Facsimile (757) 441-1579

EXHIBIT "A" FOR OFF PREMISE SALE OF ALCOHOLIC BEVERAGE

Date of application: MAY 7, 2001

Trade name of business: 7-ELEVEN, INC.

Business address: P.O. BOX 711, DALLAS, TEXAS 75221-0711

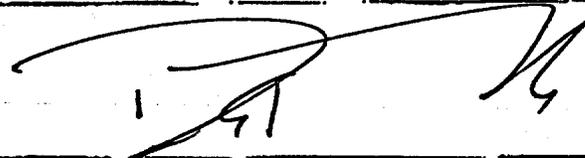
Name of business owner: 7-ELEVEN, INC.

Name of property owner: AMERICAN DIABETES ASSOCIATION

Daytime telephone number of applicant: (757) 366-6666

Please complete the following:

- Type of alcoholic beverage license applied for: Beer Wine and Beer
- Alcoholic beverages to be sold at: Room Temperature Refrigerated
- List the liquid content size of all alcoholic beverages that will be sold at this location (i.e., 6oz.; 12 oz.; 32 oz.; etc.): 12 oz.; 16 oz.; 24 oz.; 32 oz.; 22 oz.; 40 oz.; oz.; oz.
- Will alcoholic beverages be sold in single cans/bottles or by carton/case only (explain)?
SINGLE CANS AND BOTTLES AND CARTONS OR CASES WILL BE OFFERED FOR SALE.



Signature of applicant

Note: A page size floor plan showing the interior layout must be submitted with this application.