

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

Legacy Investments, LLC

d/b/a Legacy Lounge

Civil Case No:

Petitioner/Appellant

v.

Norfolk City Council

Respondent / Appellee

PETITION FOR APPEAL

NOW COMES, your Petitioner, Legacy Investments, LLC by counsel and files this Petition for Appeal for consideration by this Court and in support thereof states as follows:

STATEMENT OF JURISDICTIONAL FACTS

1. This is an appeal of the Norfolk City Council decision of September 13, 2022 in the adoption of ordinance 48898 (Exhibit A) and is filed pursuant to 15.2-2285(F) of the Code of Virginia as amended.
2. The Petitioner is a nightclub operator doing business as Legacy Lounge at 216 Plume Street Norfolk, VA under a Conditional Use Permit Issued by the City of Norfolk and incorporated by ordinance 48,461 entered on August 24, 2021 (Exhibit B).

3. On August 25, 2022, the Petitioner was served with a “Statement of Proposed Conditional Use Permit Revocation (“CUP”) of Legacy, 216 E. Plume Street” with a hearing before City Council scheduled for September 13, 2022. (Exhibit C).
4. On September 13, 2022, the Petitioner appeared before City Council and was offered a 20 minute hearing to provide evidence in response to the allegations contained in Exhibit C.
5. Petitioner, through counsel was denied the opportunity to call witnesses, cross-exam accusers, or present evidence to dispute the allegations, but was instead advised that anyone who would speak at the hearing would be counted in the totality of the 20 minutes.
6. The City of Norfolk presented 1 piece of evidence, a short Instagram video evidencing a patron of the restaurant being pulled out of the restaurant by his collar by a plain clothed individual. Other than that evidence, the city relied entirely on the allegations contained in Exhibit C.
7. Following the hearing, the City Council voted to approve Ordinance 48898 which revoked the Conditional Use Permit to operate as a nightclub by the Petitioner. The vote was Doyle, Johnson, McClellan, Royster, Smigel, Thomas, Alexander - voting Aye. Riddick voting Nay.

FACTS NOT IN DISPUTE

8. On August 5, 2022, a patron entered the Petitioners establishment and over the course of time became unruly leading to the patron engaging in combat with another patron. In the heat of the moment, an employ of the Petitioner jumped into the combat, apprehended the aggressive patron and ejected him from the premises. At the same

time, uniformed security of the Petitioner removed other patrons from the establishment. This incident was partially captured on video and is part of the “Instagram video” referenced in paragraph 6.¹

9. The ejected patron went back to his car, retrieved a firearm and started shooting at people from his vehicle in front of the Petitioner's establishment. Four people were shot. The shooter has been apprehended, and is facing criminal charges in the Norfolk Court system.
10. Prior to the shooting, there was no notice that the ejected patron was armed, had access to a firearm nor verbally threatened to retrieve a firearm.

FACTS IN DISPUTE

11. The City relied on a very short video where the ejected patron was being ejected by a plain clothes employee and based on the video where there was no uniformed security visible.
12. The Petitioner indeed had 4 uniformed security at the premises on August 5, 2022.
13. The City argues on page 3 of Exhibit C that “No uniformed security is visible” but on page 2 of the same document incorporates police records that confirm “Legacy security began to flush patrons out of the nightclub into the street.” This is an inconsistent statement by the City to argue there was a breach of the CUP to not have uniformed security when admitting and stating security exists.

¹ The video showed only the ejection, but not the combat occurring before ejection. There is full surveillance video from the Petitioner that was presented to Norfolk Police. Petitioner has attempted to retrieve that video – but was denied. It is expected to be turned over via subpoena in these proceedings. (See Exhibit E).

14. To the extent necessary, Petitioners will establish that a uniformed security company was present the night of August 5, 2022 that was substituted and approved by Norfolk Zoning to comply with the CUP. (Exhibit D).
15. The City argues that the business shall not “substantially diminish or impair the value of the land within the neighborhood in which it is located and will not cause a negative cumulative effect within its immediate neighborhood and the City as a whole.”
 - a. The City offered no evidence of diminution of value or impairment to land – nor could such an argument be made.
 - b. The City argued that the Petitioner was connected to the felonious criminal actions of the ejected patron, simply because the Patron was ejected from the establishment by his shirt collar by a non-uniformed security employee. This fact is disputed and is not reasonably connectable and violates the fairly debatable standards for City Council to make conclusions of fact from.

ERRORS IN COUNCIL PROCEEDING

16. The Petitioner incorporates all previous paragraphs
17. The Municipal Code of Norfolk is procedurally defective as the process to revoke a conditional use permit is contained in § 17-112 “after notice and hearing complying with the procedural requirements of section 16-105” which requires among other things, publication of the hearing in a newspaper to give citizens notice of zoning changes.
 - a. The Municipal Code of Norfolk further bypasses its Board of Zoning Appeals for a complete record with evidence to be presented related to

allegations. Instead, the municipal code allows an *ad hoc pro forma* hearing involving a 20 minute restricted hearing where no record can be developed, witnesses called or positions to be established. This a fundamentally punitive and prejudicial procedural system for any business facing the most extreme sanction of revocation of its operation permit to have to navigate in a very short window of time.

- b. The touchstone of due process is protection of the individual against arbitrary action of government." *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974). This understanding of due process has led the Court to require that government afford minimum procedural safeguards when it seeks to deprive a person of life, liberty, or property.
- c. Norfolk has divested the Petitioner and its owners and operators the right to conduct lawful business operations simply from conclusionary allegations that are not established in a fairly compiled record.
- d. As the municipal code creates a defective procedure to revoke a CUP void of basic due process and the City Council did not establish a clear record of a CUP violation by the Petitioner through an evidentiary proceeding, the actions by City Council were unlawful.

18. There is no factual record to establish the Petitioner breached its CUP issued in this matter. The only facts the City Council had involved these:

- a. A patron was ejected by the Petitioner's plain clothed employee by his shirt collar (Instagram clip)
- b. Other patrons were ejected by security of Petitioner (Norfolk Police)

- c. The ejected patron went to his car, retrieved his firearm and started shooting at the crowd outside from his car (Norfolk Police).
 - d. No other record exists or was established by a factfinder that the Petitioner violated the term of the CUP.
 - e. Absence a clear established record established by a credible fact finder, such as could have been established in the Board of Zoning Appeals, there is no reasonable conclusions the City Council could have reached warranting that the Petitioner violated its CUP and culpatory for the actions of a violent felon.
19. Norfolk has had a series of high-profile shootings, including one at Chichos Backstage that resulted in two fatalities² that attracted national attention.
- a. Norfolk has taken no action to revoke the CUP for Chichos.
 - b. Instead Norfolk is imposing arbitrary punishment to the Petitioner not equally applied to other restaurants where shootings have occurred.
20. The manner in which the subject ordinance was presented and voted on violated applicable law, procedure and fundamental notions of due process and equal protection.
- a. The Petitioner is punitively being held accountable for the actions of a third-party for which the Petitioner neither caused, knew of or encouraged to engage in and is *quasi* implicated as a promoting actor in the overall increase in violence of the City of Norfolk.
 - b. The City Council is punishing the Petitioner for political purposes only to create a narrative the City is doing something to address the rising violent

² <https://www.wavy.com/news/local-news/norfolk/chichos-responds-after-quintuple-norfolk-shooting-leaves-2-dead/>

crime instead of taking responsibility for their inaction in many other areas involving the increase in crime.

- c. The process to pass ordinance 48898 was patently unfair, arbitrary and capricious.
- d. The result of the passage of ordinance 48898 immediately places the Petitioner out of business, and as such the Petitioner has had to shut its doors which causes irreparable harm to the Petitioner and that harm is ongoing daily.
- e. The actions of Norfolk violates the fairly debatable standard related to the lack of sufficient facts or the establishment of a record to warrant revoking the Petitioners CUP.

Wherefore, the Petitioner respectfully requests the Honorable Court to grant the following relief:

- 1. Entry of an order declaring the actions of the Norfolk City Council as unlawful, invalid, void and in violation of the Petitioners rights, including due process and equal protection and treatment.
- 2. Entry of an order declaring the actions of enacting ordinance 48898 violate the fairly debatable standard.
- 3. Entry of an order scheduling a prompt evidentiary hearing concerning the issues raised in this petition.
- 4. Entry of an order granting enjoining Norfolk from imposing ordinance 48898 on the Petitioner.
- 5. Any further relief that may be requested.

Respectfully Submitted,

Legacy Investments, LLC

d/b/a Legacy Lounge

By:  _____

Counsel

Timothy Anderson
Anderson & Associates PC
2492 N. Landing Rd 104
Virginia Beach VA 23456
757-301-3636 Tel
757-301-3640 Fax
timanderson@virginialawoffice.com
Counsel for Petitioner

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DECLARATION OF WARREN SALVODON

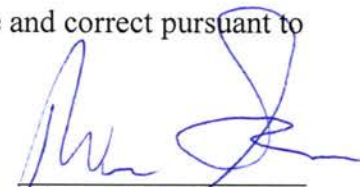
I Warren Salvodon, make the following declaration based on my personal knowledge.

1. I am member owner of Legacy Investments, LLC.
2. On August 5, 2022 a patron entered the establishment of Legacy Lounge located at 216 Plume Street, Norfolk, VA. I was at the restaurant that evening. During the visit, the patron became unruly and engaged in physical combat with another patron. An employee acting as additional security broke up the fight and ejected the patron from the premises.
3. At the same time of the patron ejection, four uniformed security personnel employed by Civil Kings SDS, a DCJS licensed security agency, began to eject others from the facility.

4. The combative patron, unknown to anyone Legacy, then went to his car, retrieved a firearm and started shooting at the crowd outside of the facility from his vehicle.
5. Police responded and myself and everyone involved fully cooperated with law enforcement and to the best of my knowledge, the person responsible for shooting individuals has been arrested and charges are pending in Norfolk.
6. I had no prior knowledge that he had access to a firearm or would have resulted in such extreme violent criminal behavior.
7. On August 25, 2022, I received a notice to revoke the Conditional Use Permit and a hearing occurred before the Norfolk City Council on September 13, 2022. Prior to receiving this letter, I had not been involved in any evidentiary hearing to present facts and circumstances relative to what happened.
8. City Council did not take evidence, nor did they build any record of what actually happened that evening. We were not allowed to participate in the proceeding past the allocated 20 minute argument section.
9. I have not been charged with any crimes nor has any employee of Legacy Investments, LLC related to the August 5, 2022 incident.

I declare under penalty of perjury that the foregoing is true and correct pursuant to Virginia Code 8.01-4.3.

September 22, 2022


Warren Salvodon

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

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d/b/a Legacy Lounge

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MOTION FOR PRELIMINARY INJUNCTION

Petitioner, Legacy Investments, LLC, Legacy Lounge, by counsel moves the Court for entry of a preliminary injunction against the Defendant, Norfolk City Council, consistent with the Petition for Appeal filed with the Court, the content of which is incorporated herein as if fully set forth. In support of the motion states as follows:

1. Petitioner filed a Petition for Appeal against the Defendant, seeking equitable relief including injunctive relief.
2. As alleged in the Petition, the Petitioner will sustain irreparable harm if a preliminary injunction is not granted. Defendant will suffer minimal harm if a preliminary injunction is granted.

3. For the reasons plead in the Petition, it is likely the Petitioner will succeed on the merits of its claims.
4. The public interest will be served by granting a preliminary injunction in favor of the Petitioner.

Wherefore, in consideration of the foregoing, Legacy Investments, LLC, d/b/a Legacy Lounge respectfully prays that this Court enter a preliminary injunction order (a) enjoining the Defendant from enforcing ordinance 48898 on the Petitioner; (b) enjoining the City of Norfolk from enforcing the revocation of the Conditional Use Permit of the Petitioner contained in ordinance 48898.

Respectfully Submitted,

Legacy Investments, LLC

d/b/a Legacy Lounge

By:  _____

Counsel

Timothy Anderson
Anderson & Associates PC
2492 N. Landing Rd 104
Virginia Beach VA 23456
757-301-3636 Tel
757-301-3640 Fax
timanderson@virginialawoffice.com
Counsel for Petitioner

EXHIBIT A
ORDINANCE 48898

Form and Correctness Approved: *BAP*

Contents Approved:

Kataylon

By: _____
Office of the City Attorney

By: *BAP*
DEPT. City Attorney's Office

NORFOLK, VIRGINIA

Ordinance No. 48898

AN ORDINANCE REVOKING A CONDITIONAL USE PERMIT PREVIOUSLY GRANTED TO LEGACY ON AUGUST 24, 2021, BY ORDINANCE NO. 48,461, AUTHORIZING THE OPERATION OF A NIGHTCLUB ON PROPERTY LOCATED AT 216 EAST PLUME STREET.

- - -

WHEREAS, the City of Norfolk has received complaints and identified issues concerning Legacy on property located at 216 East Plume Street and known as "Legacy";

WHEREAS, the appropriate City investigators and officers have investigated the complaints and have carefully reviewed the operations of said establishment;

WHEREAS, the City Council has received evidence that one or more of the conditions made part of the Conditional Use Permit granted by Ordinance No. 48,461, adopted August 24, 2021, have been violated; now therefore,

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

Section 1:- That the Conditional Use Permit heretofore granted by Ordinance No. 48,461 is revoked, effective immediately.

Section 2:- That this ordinance shall be in effect from the date of its adoption.

Adopted by Council September 13, 2022
Effective September 13, 2022

TRUE COPY
TESTE:

RICHARD ALLAN BULL

BY: _____
CHIEF DEPUTY CITY CLERK

EXHIBIT B

ORDINANCE 48461 / CONDITIONAL USE PERMIT



To the Honorable Council
City of Norfolk, Virginia

March 24, 2020

From: George M. Homewood
Director of Planning

Subject: Conditional Use Permit -
Ka'Lor Lounge

Reviewed:

Ward/Superward: 2/6

Wynter C. Benda, Chief Deputy City Manager

Approved:

Item Number: C-2

Dr. Larry H. Filer II, City Manager

- A. Planning Commission Recommendation:** By a vote of **7 to 0**, the Planning Commission recommends **Approval** subject to the conditions contained in the *Ordinance*.
- B. Request:** Conditional Use Permit to operate a Nightclub
- C. Applicant:** Ka'lor Lounge
- D. Description:**
- The property is in the NEON District on the west side of Granby Street, between W Brambleton Avenue and E. Olney Road. The building is currently unoccupied, but previously operated as a microbrewery with live entertainment.
 - The applicant proposes a lounge with on-premises sale of alcohol, live entertainment (with a DJ and dance floor), and extended hours until 2:00 a.m., which is considered to be a Nightclub by the *Norfolk Zoning Ordinance*.
 - If approved, a condition of this Conditional Use Permit (CUP) will be for the permit to automatically expire after two years.
 - There are several existing nightclubs in the NEON District, so the proposal would be in keeping with the current land uses in this area. However, with the addition of new apartments directly behind the site as well as new institutional uses in mid-to-late 2020, the area is likely to transform.
- E. Historic Resources Impacts:**
The site is located in the Norfolk Auto Row Historic District but is not a contributing structure.
- F. Public Schools Impacts:**
N/A

Staff contact: Hank Morrison at (757) 664-4740, hank.morrison@norfolk.gov

Attachments:

- Proponents and Opponents
- Staff Report to CPC dated February 27, 2020 with attachments
- Ordinance

Proponents and Opponents

Proponents

T'Antonio Porsche
727 Granby Street
Norfolk, VA 23510

Deshawn Faulkner
2634 McKann Avenue
Norfolk, VA 23509

A Gant
436 Gladstone Road
Norfolk, VA 23505

Linda Bress
1215 Brandon Avenue
Norfolk, VA 23517

Opponents

None

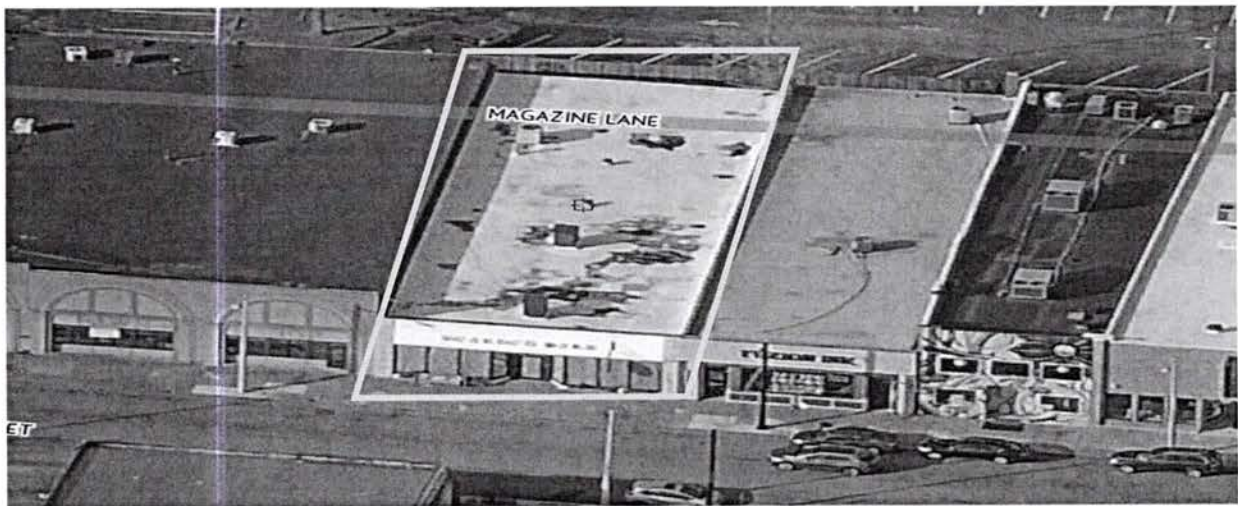


City Planning Commission Public Hearing: February 27, 2020

Executive Secretary: George M. Homewood, FAICP, CFM

Staff Planner: Hank Morrison

Staff Report	Item No. 3	
Address	727 Granby Street	
Applicant	Ka'lor Lounge	
Request	Conditional Use Permit	Nightclub
Zoning	D-AD (Downtown Arts and Design), Coastal Resilience Overlay (CRO)	
Neighborhood	Downtown/NEON District	
Surrounding Area	North	D-AD, CRO: Fuzion Ink Tattoo
	East	D-AD, CRO: Vacant Commercial/Parking Lot
	South	D-AD, CRO: Vacant Commercial
	West	D-AD, CRO: Virginian Pilot Apartments
Staff Recommendation	Approval subject to conditions	



A. Executive Summary

- This request would allow the applicant, Ka'lor Lounge, to use the site as a nightclub.
- The property is in the NEON District on the west side of Granby Street, between W Brambleton Avenue and E. Olney Road. The building is currently unoccupied, but previously operated as a microbrewery with live entertainment.
- The applicant proposes a lounge with on-premises sale of alcohol, live entertainment (with a DJ and dance floor), and extended hours until 2:00 a.m., which is considered to be a Nightclub by the *Norfolk Zoning Ordinance*.
- If approved, a condition of this Conditional Use Permit (CUP) will be for the permit to automatically expire after two years.
- There are several existing nightclubs in the NEON District, so the proposal would be in keeping with the current land uses in this area. However, with the addition of new apartments directly behind the site as well as new institutional uses in mid-to-late 2020, the area is likely to transform.
- Given that the site has operated with similar late-night entertainment in the past and that *plaNorfolk2030* supports the development of arts and entertainment venues in the Downtown Arts District Area, staff recommends approval subject to the conditions in this staff report.

B. Plan Consistency

- The proposed use is consistent with the *plaNorfolk2030* Future Land Use Map, which designates this site as Downtown and encourages a high intensity blend of residential and commercial uses that support a pedestrian-oriented environment.
- Vision 2100 places this site in the Red Area of the City, which focuses on finding a balance between protecting and enhancing the main economic drivers of Norfolk. The plan calls for increased economic diversity downtown, particularly expanding arts and culture sectors.

C. Zoning Analysis

i. General

- The *Norfolk Zoning Ordinance* requires, and the applicant is requesting, a CUP to allow a Nightclub in the D-AD Zoning District.
- The 3,606 square foot site is currently vacant but has been operated as a microbrewery with live entertainment in the past.
- The building does not have fire sprinklers; building code dictates that the maximum number of indoor occupants for an un-sprinkled nightclub is 99 people. The applicant proposes 90 seats and 9 employees indoors, putting this nightclub at the maximum capacity allowed by building code for a nightclub without sprinklers. The total proposed capacity for this nightclub is 139 people, which includes an outdoor dining area.
- The Downtown Norfolk Council has been collaborating with the City and local business community to activate under-utilized public spaces in the Downtown area; adding outdoor dining could introduce more activity on Magazine Lane. To assist in activating Magazine Lane, the maximum height for a fence or wall in the outdoor dining area, other than the trash enclosure, will be three feet.

	Proposed
Hours of Operation	10:00 a.m. to 2:00 a.m. Seven days a week
Sale of Alcoholic Beverages and Entertainment	10:00 a.m. to 2:00 a.m. Seven days a week
Capacity	90 seats indoors 40 seats outdoors 139 total capacity
Entertainment Options	Live Band Disc Jockey Karaoke Art Exhibits Comedian Poetry Reading

ii. Performance Standards

- **Nightclub** – an establishment that serves alcoholic beverages, that provides live entertainment with a DJ and a dance floor, and that operates late in the evening, beyond the standard restaurant operating hours.
 - A nightclub shall not serve food or beverages to customers between the hours of 2:00 a.m. and 6:00 a.m.
 - A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
 - No door to the establishment which opens to or faces a public right of way shall be propped open during any time that entertainment is being provided.
 - The establishment shall maintain a current, active business license at all times while in operation.
 - The establishment shall remain current on all food and beverage taxes and business personal property taxes which become due while it is in operation.
 - The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers be served non-alcoholic beverages at no charge. The establishment shall describe the program in-writing, and its availability shall be made known to patrons through either a printed card placed on each table and on the bar, or through a description printed on the menu.

iii. Development Standards

a) Parking:

The D-AD zoning district is not required to provide motor vehicle parking, however there is on-street parking and ridesharing available for patrons.

b) Landscaping:

- There are planter boxes along the front façade of the building; any dead or damaged vegetation must be replaced.
- Due to the site's location in the Coastal Resilience Overlay, all landscaping must be exclusively native, salt tolerant species. Landscaping must be maintained in perpetuity and kept free of refuse and debris.

c) Screening:

In order to organize the trash bins on Magazine Lane, the applicant will be required to shield their refuse containers from view with a six-foot tall opaque masonry enclosure with an opaque locking gate.

d) Tree protection:

There is a tree located on the site adjacent to Magazine Lane. Removal of a healthy, undamaged tree is not permitted without prior approval by the Department of Recreation, Parks, and Open Space.

e) Signage:

The applicant will be required to comply with the sign standards set forth in the *Zoning Ordinance*.

iv. Flood Zone

The property is in the AE 8 flood zone, which is a high-risk flood zone. City floodplain requirements are not being triggered by this development because the building footprint is not changing, and the applicant is spending less than 50% of the appraised value of the structure on improvements.

D. Mobility Analysis

The site is located on a strategic bicycle corridor in the *Norfolk Bicycle and Pedestrian Strategic Plan* and there is a bike rack to the rear of the property with space for 8 bikes, adjacent to Magazine Lane.

E. Historic Resources Impacts

The site is located in the Norfolk Auto Row Historic District but is not a contributing structure.

F. Public Schools Impacts

The proposed property is not within 1,000 feet of a Norfolk Public School.

G. AICUZ Impacts

N/A.

H. Payment of Taxes

The owner of the property is current on all taxes.

I. Civic League

The applicant met with the Downtown Norfolk Civic League on January 20th and they do not oppose this application.

J. Communication Outreach/Notification

- Legal notice was posted on the property on January 21.
- Letters were mailed to all property owners within 300 feet of the property on February 12.
- Legal notification was placed in *The Virginian-Pilot* on February 13 and February 20.

K. Recommendation

This proposal meets minimum land use standards for a Nightclub in Norfolk. Staff recommends that the Conditional Use Permit request be **approved** subject to the following conditions:

- a) The operation of the principal use of Nightclub must be conducted in accordance with the applicable performance standards that are set forth in Section 4.2 of the *Norfolk Zoning Ordinance*.
- b) No business license shall be issued for the property until the following improvements have been completed:
 - a. The site shall be developed in accordance with the attached site plan, dated February 20, 2020.
 - b. Dead or damaged plants in planter boxes shall be replaced with native, salt-tolerant species.
 - c. A masonry trash enclosure a minimum six (6) foot tall shall be constructed with walls on three sides and an opaque locking gate on the fourth side.
- c) This Conditional Use Permit shall automatically expire 24 months from the effective date of this ordinance. Prior to the expiration date, but no sooner than eighteen months from the effective date of this ordinance, the property owner or manager may begin the application process for a new Conditional Use Permit.
- d) The entrance on Granby Street shall always be in use during hours of operation.
- e) There shall always be an unobstructed rear emergency exit during hours of operation.
- f) The line to enter the establishment shall always be directed to the south on Granby Street, in the direction of W Brambleton Avenue.
- g) No trash or trash containers shall be stored or located outside of the establishment except for two hours prior and two hours after scheduled pickup.
- h) Any security gates that are installed on the property shall remain completely open during hours of operation and, when open, shall not obstruct exit doors or the trash enclosure.

- i) Other than the trash enclosure and gates used for security, walls, fences, or railings in the outdoor dining area shall not be taller than three (3) feet in height.
- j) Landscaping in the planter boxes shall be maintained in a healthy, vegetated condition.
- k) The establishment shall conform with all the requirements of Section 5.6.4 of the *Norfolk Zoning Ordinance*, Tree Protection Standards, which includes tree replacement and tree maintenance.
- l) The hours of operation for the establishment shall be limited to 10:00 a.m. until 2:00 a.m., seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- m) The seating for the establishment shall not be less than 90 seats indoors, shall not be more than 40 seats outdoors, and the total occupancy, including employees, shall not exceed 139 people.
- n) 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 is 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.
- o) The Conditional Use Permit 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.
- p) No entertainment shall be permitted anywhere outside the building.
- q) No amplified sound shall be permitted in any outdoor area, including the outdoor seating area after 10:00 p.m. Sunday through Thursday nor after 12:00 midnight on Friday and Saturday.
- r) No smoking shall be permitted anywhere in the outdoor seating area. Signage notifying patrons of this restriction shall be conspicuously posted.

- s) The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
- t) Entertainment shall be limited to live bands, disc jockeys, karaoke, art exhibits, comedians, and poetry readings.
- u) The dance floor shall not exceed 357 square feet and shall be located as indicated on the basic floor plan attached hereto and marked as "Exhibit B." The dance floor shall be constructed of a different material than the primary floor material.
- v) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B." Any tables, chairs, booths, stools, or other movable furniture may be relocated provided that it conforms with all building code requirements.
- w) No door to the establishment which opens onto or faces a public right of way shall be propped open during any time that entertainment is being provided.
- x) 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 Magazine Lane 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.
- y) The establishment shall maintain a current, active business license at all times while in operation.
- z) The establishment shall remain current on all food and beverage taxes, business personal property taxes, and other local taxes which may become due while it is in operation.
- aa) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers be served non-alcoholic beverages at no charge. The establishment shall describe the program in-writing, and its availability shall be made known to patrons by printing it either on the menu or a card placed on each table and the bar.
- bb) 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.

- cc) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- dd) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- ee) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- ff) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.
- gg) 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.
- hh) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
 - (1) This ordinance;
 - (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;
 - (6) Any health department permit(s);

- (7) The emergency action plan required under the Fire Prevention Code;
 - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
 - (9) The establishment's designated driver program; and
 - (10) The establishment's Security Plan.
- ii) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 99 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- jj) The written security plan submitted to the City as part of the application for this permit and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.
- kk) Trash collection or other service functions are only permitted between the hours of 7:00 a.m. and 7:00 p.m.

Supporting Material:

- Conditional Use Permit Review Standards (PDF)
- Overview Map(PDF)
- Location Map (PDF)
- Zoning Map (PDF)
- Application (PDF)
- PropertyOwners_300ft (PDF)
- Email to DNCL and DNC (PDF)
- Email from DNCL (PDF)
- Ka'lor Lounge Site Plan (PDF)
- Ordinance Exhibit A - description of operations (PDF)
- Ordinance Exhibit B - floor plan (PDF)

Form and Correctness Approved: *BAP*

Contents Approved:



By: _____
Office of the City Attorney



By: _____
DEPT. Planning

NORFOLK, VIRGINIA

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE THE OPERATION OF A NIGHTCLUB NAMED "KA'LOR LOUNGE" ON PROPERTY LOCATED AT 727 GRANBY STREET.

- - -

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

Section 1:- That a conditional use permit is hereby granted to T & K Nor, LLC authorizing the operating of a Nightclub named "Ka'lor Lounge."

Section 2:- That the full extent of the property or properties where the permit or permits described above is hereby made effective, upon the date set forth below, is described as follows:

Property fronts 43 feet, more or less, along the western line of Granby Street beginning 230 feet, more or less from the northern line of East Brambleton Avenue and extending northwardly, property also fronts 43 feet, more or less, along the eastern line of Magazine lane; premises numbered 727 Granby Street.

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 Nightclub 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 hours of operation for the establishment shall be limited to 10:00 a.m. until 2:00 a.m. the following morning, seven days per week. No

use of the establishment outside of the hours of operation listed herein shall be permitted.

- (c) The seating for the establishment shall not be less than 90 seats indoors, shall not be more than 40 seats outdoors, and the total occupancy, including employees, shall not exceed 139 people.
- (d) 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 is 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.
- (e) The Conditional Use Permit 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.
- (f) No business license shall be issued for the property until the following improvements have been completed:
 - (1) The interior and exterior shall be constructed and altered in accordance with

the floor plan prepared by Robyn Thomas Architecture, dated February 20, 2020, marked as "Exhibit B" and attached hereto.

- (2) A four-sided, masonry, trash enclosure shall be constructed with six-foot high walls on three sides and an opaque, locking gate on the fourth side.
- (g) No entertainment shall be permitted anywhere outside the building.
- (h) No amplified sound shall be permitted in any outdoor area, including the outdoor seating area after 10:00 p.m. Sunday through Thursday nor after 12:00 midnight on Friday and Saturday.
- (i) No smoking shall be permitted anywhere in the outdoor seating area. Signage notifying patrons of this restriction shall be conspicuously posted.
- (j) The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
- (k) Entertainment shall be limited to live bands, disc jockeys, karaoke, art exhibits, comedians, and poetry readings.
- (l) The operator shall be responsible for providing, protecting, and maintaining all planters with living plants in a healthy and growing condition, replacing dead or damaged plants, and keeping them free of refuse and debris.
- (m) During all hours of operation, the entrance along Granby Street shall remain open for access by the general public.
- (n) An emergency exit in the rear of the building shall remain operation and unobstructed at all times.
- (o) At any time when a queue to enter the establishment has formed, the operator shall ensure that it extends from the front door and then south on Granby Street, in the direction of West Brambleton Avenue, shall ensure that the sidewalk stays clear to the standard required for

pedestrian passage under the Americans with Disabilities Act (ADA), and shall ensure that users of surrounding properties are not adversely affected by the presence of the queue.

- (p) No trash or trash containers shall be stored or located outside of the trash enclosure except during the two hours prior to and following a scheduled pickup.
- (q) No truck deliveries or pick-ups, such as for solid waste disposal or grease removal, shall occur before 7:00 a.m. nor after 7:00 p.m. on any day.
- (r) Any security gates are installed on the property shall remain completely open during all hours of operation and, when open, shall not obstruct exit doors or the trash enclosure.
- (s) All walls, fences, and railings in the outdoor dining area shall not be taller than three (3) feet in height, with the exception of those related to the trash enclosure or any security gates.
- (t) The establishment shall conform with all the requirements of Section 5.6.4 of the Norfolk Zoning Ordinance, Tree Protection Standards, which includes requirements for tree replacement and tree maintenance.
- (u) The dance floor shall not exceed 357 square feet and shall be located as indicated on the basic floor plan attached hereto and marked as "Exhibit B." The dance floor shall be constructed of a different material than the primary floor material.
- (v) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B." Any tables, chairs, booths, stools, or other movable furniture may be relocated provided that it conforms with all building code requirements.
- (w) No door to the establishment which opens onto or faces a public right of way shall be propped open during any time that entertainment is being provided.

- (x) 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 Magazine Lane 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.
- (y) The establishment shall maintain a current, active business license at all times while in operation.
- (z) The establishment shall remain current on all food and beverage taxes, business personal property taxes, and other local taxes which may become due while it is in operation.
- (aa) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers be served non-alcoholic beverages at no charge. The establishment shall describe the program in-writing, and its availability shall be made known to patrons by printing it either on the menu or a card placed on each table and the bar.
- (bb) 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.
- (cc) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (dd) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior

to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

- (ee) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (ff) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.
- (gg) 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.
- (hh) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
 - (1) This ordinance;
 - (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;

- (6) Any health department permit(s);
 - (7) The emergency action plan required under the Fire Prevention Code;
 - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
 - (9) The establishment's designated driver program; and
 - (10) The establishment's Security Plan.
- (ii) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 99 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- (jj) The written security plan submitted to the City as part of the application for this permit and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.
- (kk) This Conditional Use Permit shall automatically expire two (2) years from the effective date of this ordinance. Prior to the expiration date, but no sooner than 18 months from the effective date of this ordinance, the property owner or manager may begin the application process for a new conditional use permit.

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 this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (4 pages)

Exhibit B (1 page)

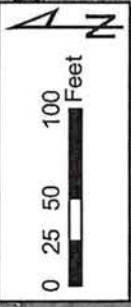
2.4.8.C. CONDITIONAL USE PERMIT REVIEW STANDARDS

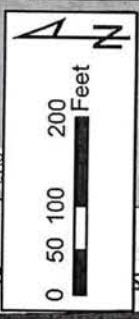
A Conditional Use Permit may be approved if the applicant demonstrates that the proposed conditional use:

- 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.



Location Map





Zoning Map

PDM



Application
Conditional Use Permit
Nightclub
(Please Print)

Date: Nov. 12, 19

DESCRIPTION OF PROPERTY

Address: 727 Granby Street, Norfolk, VA. 23510

Existing Use of Property: VACANT

Proposed Use: Entertainment/Restaurant/Lounge

Current Building Square Footage: 3,606 Proposed Building Square Footage: 3,606sq.

Trade Name of Business (If applicable): T&K NOR LLC DBA Kai'or Lounge

APPLICANT*

1. Name of applicant: (Last) Eley (First) Supan (MI) _____

Mailing address of applicant (Street/P.O. Box): 534 Madison Street

(City): Portsmouth (State): Virginia (Zip Code): 23704

Daytime telephone number of applicant: (✓) 757-288-1510

E-mail address: SSNEley@yahoo.com

AUTHORIZED AGENT* (if applicable)

2. Name of applicant: (Last) Sullivan (First) Allan (MI) W

Mailing address of applicant (Street/P.O. Box): 429 York Street

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

Daytime telephone number of applicant: (757) 434-3316 Fax: () _____

E-mail address: alsullivan@vt.edu

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

Application
Conditional Use Permit - Nightclub
Page 2

PROPERTY OWNER*

3. Name of property owner: (Last) BRESS (First) LINDA (MI) _____

Mailing address of property owner (Street/P.O. box): 727 Granby Street

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

Daytime telephone number of owner: () 757 5720765

E-mail address: bressreality@gmail.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: MARY MILLER DNC/DNCL / Helian Vann

Date meeting attended/held: 12/19 12/18

Ward/Super Ward information: 216

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: LAWRENCE & LINDA BRESS Sign: [Signature] 12/2/19
(Property Owner) (Date)

Print name: Susan Eley Sign: [Signature] 12/2/19
(Applicant) (Date)

(If Applicable)

Print name: Allan Sullivan Sign: [Signature] 12/19/19
(Authorized Agent Signature) (Date)

Pollock, Susan

From: T'Antoni Porsche <idealdreamsrenovationsllc@gmail.com>
Sent: Friday, January 10, 2020 11:03 AM
To: Pollock, Susan
Subject: Managers list you requested

*** This is an EXTERNAL email. Please exercise caution. ***

Susan Baker Eley
Patricia James
T'Antoni T'Mill Porsche
Deshawn Faulkner
Rachel Bae
Shanna Daniels
Amanda Gant

DJ, live 5 band, live karaoke, live comedy, live music performances, poetry, art exhibits



EXHIBIT "A"
Description of Operations
Nightclub
(Please Print)

Date: 11/12/19

Trade name of business: TK Nor dba Ka'ior

Address of business: 727 Granby St, Norfolk, VA 23510

Name(s) of business owner(s)*: Susan Eloy, T'Antoni Porsche TK Nor LLC

Name(s) of property owner(s)*: Bress Realty LLC, Linda Bress

Name of business managers/operators Susan Eloy; T'Antoni Porsche
Deshaun Faulkner; Rachel Singh;

Daytime telephone number: (423) 401-0570

*If business or property owner is a 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		Alcoholic Beverage Sales and Entertainment	
Weekday	From: <u>10AM</u> To: <u>2AM</u>	Weekday	From: <u>10AM</u> To: <u>2AM</u>
Friday	From: <u>10AM</u> To: <u>2AM</u>	Friday	From: <u>10AM</u> To: <u>2AM</u>
Saturday	From: <u>10AM</u> To: <u>2AM</u>	Saturday	From: <u>10AM</u> To: <u>2AM</u>
Sunday	From: <u>10AM</u> To: <u>2AM</u>	Sunday	From: <u>10AM</u> To: <u>2AM</u>

2. Type of ABC license applied for (check all applicable boxes):
 On-Premises Off-Premises (second application required)

Conditional Use Permit - Nightclub

3. Type of alcoholic beverage applied for:

Beer Wine Mixed

4. Will video games, pool tables, game boards or other types of games be provided?

Yes (If more than 4, additional application required) No

4a. If yes, please describe type and number of each game to be provided:

5. Will patrons ever be charged to enter the establishment?

Yes No

5a. If yes, why:

5b. Which days of the week will there be a cover charge (circle all applicable days):

Monday Tuesday Wednesday Thursday Friday Saturday Sunday

6. Will the facility or a portion of the facility be available for private parties?

Yes No

6a. If yes, explain:

Just scheduled events

7. Will a third party (promoter) be permitted to lease, let or use the establishment?

Yes No

7a. If yes, explain:

Absolutely Not

8. Will there ever be a minimum age limit?

Yes No

Banquet Hall with Live Entertainment/Sale of Alcoholic Beverages, On-Premises

9. Please provide relevant experience of all managers:

Manager Name: Rachel Bae

Name and Address of Establishment: Scope Commission, Blue Moon Res.

Date of Employment: 10-19 Real Lobster, Broadway

Manager Name: Susan Baker Ely

Name and Address of Establishment: Burger King, George Washington Hwy, Falls

Date of Employment: 10/2010

Manager Name: T. Tori Porcile

Name and Address of Establishment: Breeze Metropolitan Lounge, Washington DC

Date of Employment: 1993

Manager Name: Patricia James

Name and Address of Establishment: MP's PM Urban Lounge Norfolk, VA

Date of Employment: 12/21/2019 Broadway

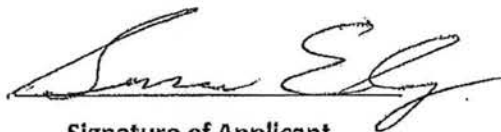
Manager Name: Deshaun Faulkner

Name and Address of Establishment: Non-profit food drives Youngs Terrace

Date of Employment: 11/26/2019

10. Additional comments/description/operational characteristics:

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building code requirements for such facility.



Signature of Applicant

**Exhibit A – Floor Plan(s) Worksheet
Conditional Use Permit - Nightclub**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity

a. **Indoor**

Number of seats (not including bar seats)	80	}	99
Number of bar seats	10		
Standing room	9		
EMPLOYEES	0		

b. **Outdoor**

Number of seats	40
-----------------	----

c. **Number of employees**

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 139

2. Entertainment

List ANY type of entertainment proposed (such as 3-member live band, karaoke, comedian, or poetry reading.)

Live Band, DJ, Art Exhibit

3. If a Disc Jockey is proposed, a dance floor must be provided.

Yes No

3a. Square footage of establishment 3679
Square footage of dance floor 357

- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

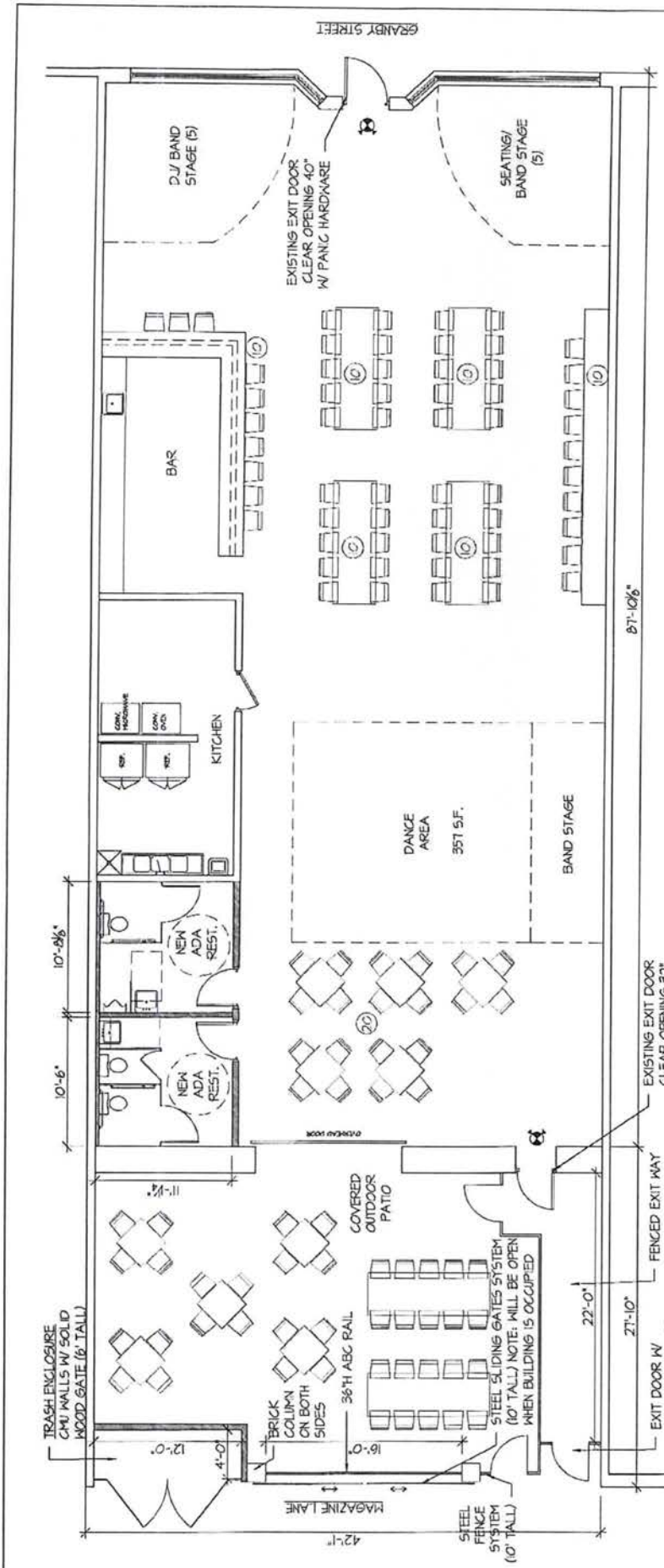
DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2018)



INDOOR:
 NUMBER OF SEATS (NOT INCLUDING BAR SEATS) = 60
 NUMBER OF BAR SEATS = 10
 EMPLOYEES = 9

OUTDOOR:
 NUMBER OF SEATS = 40
 TOTAL OCCUPANCY = 134

721 GRANBY STREET - NORFOLK
 1/8" = 1'-0"



ROBYN THOMAS
 ARCHITECTURE
 813 W. 7th Street, Suite C
 Norfolk, VA 23517
 TEL: 757.622.7100
 FAX: 757.642.1044

2-50-20
 RT-001



SECURITY PLAN Ka'lor Lounge

Securities Duties/Functions:

1. Secure, deescalate and protect from danger, risk, etc; provide safety.
2. Provide freedom from worry, anxiety, or doubt; well-founded confidence.
3. Provide safety, protection; defense.
4. Take preemptive measures to guard against crime, attack, etc.

Goals:

- To create a safe and secure environment within Ka'lor Lounge for all patrons.
- To provide level of control and safety for all arriving and departing guests of Ka'lor Lounge
- To mitigate any noise or inappropriate conduct by patrons of Ka'lor Lounge entering and/exiting the facility which impairs the quiet enjoyment of immediate neighbors, particularly residents living nearby.
- To peacefully and effectively resolve all dangerous situations before any injury to any person or property may occur. The Ka'lor Lounge staff or security team shall provide an assertive presence by displaying integrity and professionalism while executing their duties and responsibilities in an effort to maintain security, protection and safety of members of the public.
- To ensure a complete, orderly, safe and swift evacuation of the facility in case of fire, explosion, or any other uncontrolled dangers within the building.
- To protect and promote the courteous, inviting and hospitable character of the neighborhood and the City of Norfolk generally.

Features of the Plan:

Security Team: Security will be provided, if necessary, by Security.

Rules and Regulations:

- A mature, responsible dress code will be enforced at all times and no weapons will be permitted in the establishment.
- Drinks will not be served to any intoxicated patrons at any time. Unruly patrons will be asked to leave. The facility is a smoke-free restaurant.
- Uniform for Security Team: Uniforms are intended to help patrons, law enforcement and emergency responders readily identify who from the facility is designated as responsible for maintaining security and empowered to implement or impose the facilities rules and regulations. All Security and staff will be in full company uniform at all times.

Security Team:

Door/Mobile Security:

- Control activity at main entrance(s) at all times, monitoring entry of patrons and maintaining a clear egress.
- Control access to the venue.
- Control and contain patrons waiting for entry using a gate, rail or stanchion in a direction that will not interfere or affect neighboring businesses or residents.
- Check for proper identification of patrons seeking admission.
- Enforce dress code, age limitation, legitimacy of identification cards (watching out for counterfeit ID's) and code of conduct.
- Enforce restrictions on contraband by employing one or more of the following Techniques: searching of bags/purses, metal detector wands, pat-downs, etc.
- During emergency evacuation, direct patrons out of exits and to a location far enough from the building to be safe and to allow room for other patrons to continue to move away from the building to assemble.
- Maintain CPR Certification.

- Control and strongly encourage our patrons to utilize the closest available parking to the venue for safety purposes. Ka'lor Lounge security team will have mobile assets to patrol neighboring parking lots and nearby vicinity parking as necessary. Safety of our patrons and staff is our priority.

Communication:

Security Team members will carry a hand-held radio (i.e. walkie-talkie). Surveillance attachments (ear piece/microphone) will be utilized as warranted, particularly for personnel who need to have both hands free in order to execute their responsibilities. The security team leader will monitor all radio traffic. Flashlights will be utilized by all security staff members as a back-up form of communication inside the facility whenever the situation warrants.

Emergency Evacuation Plan:

Evacuation, if necessary, will be handled in an orderly manner by utilizing the nearest out-door exit.

Ka'Lor Lounge-Notification sent to all Property Owners within 300ft

<u>Property Address</u>	<u>Property Owner</u>	<u>Mailing Address</u>
711 GRANBY STREET	Seven Eleven Granby St Llc	109 E Main St Ste 200 Norfolk VA 23510-1647
713 GRANBY STREET	Seven Eleven Granby St Llc	201 E Plume St Norfolk VA 23510-1709
717 MAGAZINE LANE	Commonwealth Building Co	150 W Brambleton Ave Norfolk VA 23510-0218
713 MAGAZINE LANE	Virginian-Pilot Media Companies, Llc	150 W Brambleton Ave Norfolk VA 23510-2018
746 GRANBY STREET	Rgm Real Estate, Llc	746 Granby St Norfolk VA 23510-2012
748 GRANBY STREET	Rgm Real Estate, Llc	746 Granby St Norfolk VA 23510-2012
N S STREETARKE STREET	Rgm Real Estate, Llc	746 Granby St Norfolk VA 23510-2012
719 GRANBY STREET	Bress Realty, Llc	222 W 21st St Ste F235 Norfolk VA 23517-2200
735 GRANBY STREET	Neon Group, Llc	111 W Tazewell St Apt 200 Norfolk VA 23510-1815
701 MONTICELLO AVENUE	Greyhound Lines Inc-Lessee	Po Box 80615 Indianapolis IN 46280-0615
E S GRANBY STREET	Seven Eleven Granby St Llc	201 E Plume St Norfolk VA 23510-1709
733 GRANBY STREET	Magazine Lane Properties, Llc	746 Granby St Norfolk VA 23510
150 W BRAMBLETON AVENUE	Virginian-Pilot Media Companies, Llc	150 W Brambleton Ave Norfolk VA 23510-2018
128 W BRAMBLETON AVENUE	Virginian-Pilot Media Companies, Llc	150 W Brambleton Ave Norfolk VA 23510-2018
719 MAGAZINE LANE	Virginian-Pilot Media Companies, Llc	150 W Brambleton Ave Norfolk VA 23510-2018
723 MAGAZINE LANE	Virginian-Pilot Media Companies, Llc	150 W Brambleton Ave Norfolk VA 23510-2018
710 VOSS STREET	Virginian-Pilot Media Companies, Llc	150 W Brambleton Ave Norfolk VA 23510-2018
748 NATIONAL LANE	Virginian-Pilot Media Companies, Llc	150 W Brambleton Ave Norfolk VA 23510-2018
724 VOSS STREET	Virginian-Pilot Media Companies, Llc	150 W Brambleton Ave Norfolk VA 23510-2018
734 VOSS STREET	Virginian-Pilot Media Companies, Llc	150 W Brambleton Ave Norfolk VA 23510-2018
715 MAGAZINE LANE	Virginian-Pilot Media Companies, Llc	150 W Brambleton Ave Norfolk VA 23510-2018
721 MAGAZINE LANE	Virginian-Pilot Media Companies, Llc	150 W Brambleton Ave Norfolk VA 23510-2018
121 W OLNEY ROAD	Virginian-Pilot Media Companies, Llc	150 W Brambleton Ave Norfolk VA 23510-2018
112 STREETARKE STREET	Seven Forty-One Monticello Llc	248 W Bute St Ste 200 Norfolk VA 23510
727 GRANBY STREET	Bress Realty, Llc	222 W 21st St, Ste F235 Norfolk VA 23517-2200
739 GRANBY STREET	Lain Realty Co Llc	745 Granby St Norfolk VA 23510
741 MAGAZINE LANE	Lain Realty Co Llc	745 Granby St Norfolk VA 23510
117 W OLNEY ROAD	Lain Realty Co Llc	745 Granby St Norfolk VA 23510
730 GRANBY STREET	Starke Street Llc	109 E Main St Suite 200 Norfolk VA 23510
114 W BRAMBLETON AVENUE	Virginian-Pilot Media Companies, Llc	150 W Brambleton Ave Norfolk VA 23510-2018
N S W BRAMBLETON AVENUE	Virginian-Pilot Media Companies, Llc	150 W Brambleton Ave Norfolk VA 23510-2018
124 W BRAMBLETON AVENUE	Virginian-Pilot Media Companies, Llc	150 W Brambleton Ave Norfolk VA 23510-2018
711 MAGAZINE LANE	Virginian-Pilot Media Companies, Llc	150 W Brambleton Ave Norfolk VA 23510-2018
737 GRANBY STREET	Jawhar, Omar	737 Granby St Norfolk VA 23510
724 GRANBY STREET	Rojon Incorporated	P O Box J G Williamsburg VA 23187-3631
731 GRANBY STREET	Wadnola, Stephanie	3305 Georgie Ct Chesapeake VA 23323-1238
707 GRANBY STREET	711 Granby Llc	201 E Plume St Norfolk VA 23510
717 GRANBY STREET	Seven Eleven Granby St, Llc	109 E Main St Ste 200 Norfolk VA 23510-1647

Morrison, James H

From: Williams, Sherri
Sent: Tuesday, January 14, 2020 12:32 PM
To: Bland, Raven K; Doyle, Courtney; McClellan, Andria; dncl@welovenorfolk.org; Miller, Mary
Cc: Morrison, James H
Subject: New Planning Commission Application-727 Granby Street
Attachments: Application.pdf

Attached please find the following information tentatively scheduled to be heard at the February 27, 2020 Planning Commission public hearing:

KA'LOR LOUNGE, for a Conditional Use Permit to operate a Nightclub at 727 Granby Street.

The purpose of this request is to allow for a nightclub with on-premises alcohol sales and live entertainment with a disc jockey and dance floor until 2:00 am.

Staff contact: Hank Morrison at (757) 664-7470, hank.morrison@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

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Count On Norfolk
CENSUS 2020 

Morrison, James H

From: DOWNTOWN NORFOLK CIVIC LEAGUE <dncl@welovenorfolk.org>
Sent: Friday, February 7, 2020 11:00 AM
To: Pollock, Susan
Cc: Morrison, James H; Lelia Vann; dncl welovenorfolk.org; Miller, Mary
Subject: Re: Ka'lor Lounge Conditional Use Permit Application

Follow Up Flag: Follow up
Flag Status: Flagged

*** This is an EXTERNAL email. Please exercise caution. ***

Dear Susan:

The Downtown Norfolk Civic League (DNCL) does not oppose the Conditional Use Permit request for Ka'lor Lounge at 727 Granby Street.

T'Antoni Porsche, Susan Eley, Deshawn Faulkner, and Allen Sullivan attended our January DNCL meeting on January 20th and presented their concept to our members.

Let me know if you have additional questions.

Best regards,
Lelia Vann

On February 6, 2020 at 10:05 AM "Morrison, James H" <Hank.Morrison@norfolk.gov> wrote:

Hi Lelia,

Ka'lor Lounge is applying for a Conditional Use Permit this month to operate as a nightclub at 727 Granby Street, in the former Bearded Bird space. Can you confirm that the applicant met with DNCL? Would the Civic League like to provide input on this application?

Thanks!

Hank Morrison

Hank Morrison

City Planner I



City Planning

810 Union Street, Suite 508

Norfolk, VA 23510

757-664-7470

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www.norfolk.gov



Lelia Vann

DNCL President

Mission Statement: To be a collective voice of the residents, dedicated to the quality of life issues unique to Downtown Norfolk

EXHIBIT C
STATEMENT OF PROPOSED CONDITIONAL USE PERMIT
REVOCATION



THE CITY OF
NORFOLK
OFFICE OF THE CITY ATTORNEY

August 25, 2022

HAND-DELIVERY

Warren Salvodon
5330 Kindewood Drive
Virginia Beach, VA 23455

Alexander Stokes
1705 Brigands Way
Virginia Beach, VA 23453

✓ Legacy Lounge
216 Plume Street
Norfolk, VA 23510

Legacy Investments LLC
c/o BizProHQ
500 E. Main Street, Floor 16
Norfolk, VA 23510

Re: Conditional Use Permit for Legacy @ 216 E. Plume Street

Dear Owner:


Please be advised that the Zoning Administrator has initiated action to revoke the Conditional Use Permit granted to Legacy by Ordinance No. 48,461. The public hearing will be held on September 13, 2022 at 7:00 pm. in the Norfolk City Council Chambers.

A copy of the information provided by the Zoning Administrator to the City Manager requesting that the matter be placed on the City Council Docket is enclosed.

I will be handling the matter. Please let me know if you have any questions.

Thank you.

Very truly yours,


Katherine A. Taylor
Assistant City Attorney

KT:sb

Enclosure

cc: Bernard A. Pishko, City Attorney
Adam Melita, Deputy City Attorney
George Homewood, Director of Planning
Jeremy Sharp, Zoning Administrator

BERNARD A. PISHKO
City Attorney
ADAM D. MELITA
HEATHER A. MULLEN
JACK E. CLOUD
DEREK A. MUNGO
TAMELE Y. HOBSON
NADA N. KAWWASS
ANDREW R. FOY
MICHELLE G. FOY
MATTHEW P. MORKEN
HEATHER L. KELLEY
ERIKKA M. MASSIE
ZACHARY A. SIMMONS
ALEX H. PINCUS
MICHAEL A. BEVERLY
MARGARET A. KELLY
KATHERINE A. TAYLOR
KRISTOPHER R. MCCLELLAN
BONNIE P. LANE

City of Norfolk's
Statement of Proposed Conditional Use Permit
Revocation for Legacy, 216 East Plume Street

Legacy is a nightclub located at 216 East Plume, Norfolk, Virginia. Legacy Investments, LLC is the owner and operator of Legacy and the holder of a Conditional Use Permit adopted August 24, 2021 under Ordinance No. 48,461 (Exhibit 1). The Conditional Use Permit (CUP) requires adherence to specific conditions contained therein and also requires compliance with all other applicable laws and ordinances.

Exhibit A of the CUP lists Alex Stokes and Warren Salvodon as the business owners and as business managers/operators, and Bobby Prayer and Darren Butts as additional business managers/operators.

On August 5, 2022, the Norfolk Police Department responded to the block of 200 E. Plume Street due to a report of several gunshot victims. The Norfolk Police Department identified four (4) victims with gunshot-related injuries. One victim had a gunshot graze on his left shoulder. One victim suffered a gunshot wound to his right leg. One victim suffered a gunshot wound to his left forearm that went through it. A fourth victim, a Norfolk Deputy Sheriff, suffered a gunshot wound to his left shin. All victims were transported to hospital care with their injuries.

Norfolk Police officers detained Tyshawn Gray in the 100 block of Atlantic Street. Gray had a Smith & Wesson .380 caliber handgun in his possession, with the slide locked to the rear and an empty magazine. He had a minor injury to his face prior to his contact with Norfolk Police officers. The officers provided him with medical attention before transporting him to the Police Operations Center.

Norfolk Police detectives responded to the scene to interview witnesses. They learned that an altercation occurred inside the Legacy nightclub at 216 E. Plume Street. (See Exhibit 2: Video). After the altercation, Legacy security began to flush patrons out of the nightclub and into the street. Norfolk Police officers and Norfolk Sheriff's deputies detailed to the area responded to assist with the crowd. In the presence of the officers and deputies right outside of Legacy, Gray fired several rounds into the crowd, striking the four victims.

Norfolk Police forensics responded and found a total of eight shell casings with a .380 caliber on scene, the same caliber as the Smith & Wesson firearm in possession of Tyshawn Gray.

Detectives interviewed a witness apprehended along with Gray. This witness stated that he was at Legacy with his friend, Gray. Detectives interviewed Gray, who stated that he was assaulted inside of Legacy before invoking his right to counsel.

Gray is charged with 3 counts of Malicious Wounding, 1 count of Aggravated Assault on Law Enforcement, 4 counts of Use of a Firearm in the Commission of a Felony, and 1 count of Willfully Shooting a Firearm in Public (all felonies).

Legacy's Security Plan is incorporated into its CUP. The plan submitted by Legacy (Exhibit 3) indicates that Nightowl Tactical Security Solutions, LLC, was contracted to provide security. It indicates that the security team will use uniforms intended to help patrons, law enforcement, and emergency responders readily identify them. The security plan indicates that the security team will control and

contain patrons and to peacefully and effectively resolve all dangerous situations before injury to any person may occur. It further states that,

“The [L]egacy Lounge staff or security team shall provide an assertive presence by displaying integrity and professionalism while executing their duties and responsibilities in an effort to maintain security, protection[,] and safety of members of the public.”

As seen in Exhibit 2, the video shows a group of people restraining and dragging Tyshawn Gray by his neck and clothing. No uniformed security is visible.

Further, Section 4 of the Legacy's Conditional Use Permit states that Council has determined it complies with the standards set forth in section 2.4.8.C of the Zoning Ordinance (Exhibit 1). These criteria include that the CUP holder's use will not substantially diminish or impair the value of the land within the neighborhood in which it is located and will not cause a negative cumulative effect within its immediate neighborhood and the City as a whole.

For the foregoing reasons, the City proposes that the Conditional Use Permit be revoked.

EXHIBIT D

STATEMENT OF RYMAR S. WEBB, COO CIVIL KINGS S.O.S

To whom it may concern

On behalf of Legacy Restaurant & Lounge, I Raymar Webb art owner of Civil Kings Security S.O.S, of a free will and not coerced, is writing this letter to inform the masses that we were the security company from day one until the incident on Aug 5, 2022. There were 4 security guards outfitted in collar shirts with the word **SECURITY** in bold lettering on the back on scene during the night in questioned. They were clearing a minor situation inside the establishment when the shootings occurred. The individual did not have a firearm inside the establishment he was removed from the bar and went to his vehicle and started shooting into the crowd from the corner. If anything, else is needed don't hesitate to reach out to myself.

Raymar S. Webb, COO, Civil Kings S.O.S

571 442 7269

EXHIBIT E
FOIA REQUEST – NORFOLK POLICE

Tim Anderson

From: Peirsol, Keithen <Keithen.Peirsol@norfolk.gov>
Sent: Thursday, September 22, 2022 10:18 AM
To: Tim Anderson
Cc: PD - EMAIL (Police@norfolk.gov)
Subject: RE: Foia request
Attachments: §§ 2.2-3706(B)(1).pdf; §§ 2.2-3706.1(C).pdf

Greetings,

Please accept this email as a notice of denial for your FOIA request pursuant to Virginia Code §§ 2.2-3706(B)(1) and 2.2-3706.1(C). This is an ongoing criminal matter that has not yet been adjudicated. I was advised that there was surveillance footage recovered from the scene from the Legacy Lounge on August 5, 2022, that will be used as evidence in the criminal trial; therefore, we are not willing to waive the exemption at this time for its release.

I've attached the corresponding state codes for your reference and convenience. Please feel free to request the footage again upon the final resolution of the case.

Best regards,

M.P.O. K. Peirsol
Public Information Office


THE CITY OF
NORFOLK
Police Department
100 Brooke Avenue
Norfolk, VA 23510
757-664-3361

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From: Tim Anderson <timanderson@virginialawoffice.com>
Sent: Thursday, September 22, 2022 9:47 AM
To: Peirsol, Keithen <Keithen.Peirsol@norfolk.gov>
Cc: PD - EMAIL (Police@norfolk.gov) <Police@norfolk.gov>
Subject: Re: Foia request

*** This is an EXTERNAL email. Please exercise caution. ***

The law does require citizens to do any special procedures for foia requests - they can even be oral. I decline to use your portal for this request.

Please produce the record to this email address. Thank you.

Timothy Anderson
Attorney at Law
VirginiaLawOffice.com

On Sep 22, 2022, at 9:25 AM, Peirsol, Keithen <Keithen.Peirsol@norfolk.gov> wrote:

Good Morning, Mr. Anderson,

The City of Norfolk uses an online portal called GOVQA to process all Freedom of Information Act (FOIA) requests. We kindly ask that you reenter your request directly into the GOVQA portal by visiting the link below. This will ensure your FOIA request is properly tracked by the City of Norfolk and processed for you in a timely manner.

1. City of Norfolk FOIA Portal (Please select – Public Safety FOIA Request)

[https://norfolkva.govqa.us/WEBAPP/rs/\(S\(v0dxvfvck0wuoqwt11xpygu\)\)/SupportHome.aspx?L](https://norfolkva.govqa.us/WEBAPP/rs/(S(v0dxvfvck0wuoqwt11xpygu))/SupportHome.aspx?L)

P=2

2. How do I make a request for records?

<https://www.norfolk.gov/FAQ.aspx?QID=683>

Once you submit a FOIA request, the records will be supplied electronically to you. As soon as they are ready, they can be downloaded directly to a computer or a phone. Please let us know if you need additional assistance or have further questions related to your FOIA request.

Best regards,

M.P.O. K. Peirsol

Public Information Office


THE CITY OF
NORFOLK
Police Department
100 Brooke Avenue
Norfolk, VA 23510
757-664-3361

Connect with us:

www.norfolk.gov



From: Tim Anderson <timanderson@virginialawoffice.com>

Sent: Wednesday, September 21, 2022 3:43 PM

To: PD - EMAIL (Police@norfolk.gov) <Police@norfolk.gov>

Subject: Foia request

*** This is an EXTERNAL email. Please exercise caution. ***

Please produce any surveillance video collected by Norfolk Police from Legacy Lounge in Norfolk Virginia incident to a shooting that occurred on August 5, 2022.

Timothy Anderson
Attorney at Law
2492 N Landing Rd 104
Virginia Beach Va 23456