

Director of Media

SUFFOLK CITY COUNCIL
MEETING OF FEBRUARY 5, 2020



WORK SESSION

Begins at 4:00 P.M.

REGULAR SESSION

Begins at 7:00 P.M.

**SUFFOLK CITY COUNCIL
WORK SESSION
February 5, 2020
4:00 p.m.
City Council Chamber**

1. Joint Meeting of City Council and the School Board
2. Fiscal Year 2021-2030 Capital Improvements Program & Plan
- 3.* Appointments

* Proposed Items for Closed Session

AGENDA: February 5, 2020, Work Session

ITEM: Joint Meeting of City Council and the School Board

Suffolk City Council and the School Board will meet during City Council's February 5, 2020, Work Session.

AGENDA: February 5, 2020, Work Session

ITEM: Fiscal Year 2021-2030 Capital Improvements Program & Plan

The Finance Director will present the proposed Fiscal Year 2021-2030 Capital Improvements Program & Plan (CIP) as recommended by the Planning Commission to City Council. Attached for Council's review is the Planning Commission Recommended Fiscal Year 2021-2030 CIP.

It is recommended that a public hearing on the proposed CIP be scheduled for February 19, 2020, to facilitate inclusion of the first year in the Fiscal Year 2020-2021 Operating and Capital Budget. A motion to schedule a public hearing has been placed on Council's regular session agenda.

ATTACHMENT:

Planning Commission Recommended FY 2021-2030 Capital Improvements Program & Plan
(Provided Under Separate Cover)

SUFFOLK CITY COUNCIL AGENDA
February 5, 2020
7:00 p.m.
City Council Chamber

1. **Call to Order**
2. **Nonsectarian Invocation**
3. **Approval of the Minutes**
4. **Special Presentations**
5. **Removal of Items from the Consent Agenda and Adoption of the Agenda**
6. **Agenda Speakers**
7. **Consent Agenda** – An ordinance to accept and appropriate funds from the Virginia Department of Housing and Community Development in support of the Suffolk Department of Economic Development
8. **Consent Agenda** – An ordinance to accept and appropriate funds from the Target Corporation for the Suffolk Parks and Recreation Department
9. **Consent Agenda** – An ordinance to establish the Schools Facilities Assessment and Master Plan project and to authorize the transfer of available funds from the completed Colonel Fred Cherry Middle School project and the Department of Planning and Community Development Professional Services Line Item
10. **Consent Agenda** – An ordinance to authorize the transfer of capital project funds from the Florence Bowser Elementary School and Colonel Fred Cherry Middle School projects to the Schools Major Repairs/Systems Replacement project
11. **Consent Agenda** – An ordinance to appropriate funds from the General Fund Unassigned Fund Balance for one-time expenditures and to transfer funds to the Capital Projects Fund
12. **Consent Agenda** – An ordinance to accept and appropriate funds from Walmart for the Suffolk Public Library
13. **Consent Agenda** – A resolution authorizing the City Manager to amend the James River Shoreline Design & Engineering Services Agreement
14. **Public Hearing** – A public hearing regarding an ordinance to rezone and amend the official zoning map of the City of Suffolk in order to amend the previously approved proffered conditions for the Foxfield Meadows Development located at 1241 Pitchkettle Road, Zoning Map 34, Parcel 24A; RZN2019-007 (Conditional)

15. **Public Hearing** – A public hearing regarding an ordinance to grant a Conditional Use Permit to establish a Day Care, Child Day Center, on property located at 361 E. Washington Street, Zoning Map 34G25(A), Parcel B; CUP2019-007
16. **Public Hearing** – A public hearing regarding an ordinance to grant a Conditional Use Permit to establish a public assembly not otherwise enumerated (banquet facility with live entertainment), on property located at 127 E. Washington Street, Zoning Map 34G18(A), Parcel 284; CUP2019-017
17. **Ordinance** – An ordinance authorizing the acquisition of real property in fee simple and/or permanent and temporary easements, either by agreement or condemnation, for the Nansemond Parkway Intersection Improvements Project (This item was continued from the January 15, 2020, City Council Meeting.)
18. **Resolutions**
19. **Staff Reports**
20. **Motion** – A motion to schedule a City Council Work Session for Wednesday, February 19, 2020, at 4:00 p.m., unless cancelled
21. **Motion** – A motion to schedule a public hearing to be held on February 19, 2020, to receive public comment on the Proposed Fiscal Year 2021-2030 Capital Improvements Program & Plan
22. **Non-Agenda Speakers**
23. **New Business**
24. **Announcements and Comments**
25. **Adjournment**

Work Session of the Suffolk City Council was held in the City Council Chamber, 442 West Washington Street, on Wednesday, December 4, 2019, 5:00 p.m.

PRESENT

Council Members -

Linda T. Johnson, Mayor, presiding

Leroy Bennett, Vice Mayor

Michael D. Duman

Roger W. Fawcett

Donald Z. Goldberg

Timothy J. Johnson

Curtis R. Milteer, Sr.

Lue R. Ward, Jr.

Patrick G. Roberts, City Manager

Helivi L. Holland, City Attorney

Erika S. Dawley, City Clerk

ABSENT

None

HOLIDAY EVENTS

Utilizing a PowerPoint presentation, Tourism Development Manager Theresa Earles gave a report on the above referenced item.

DOWNTOWN PLAN UPDATE

Utilizing a PowerPoint presentation, Deputy City Manager D. Scott Mills supplied a summary on the above referenced item.

SHARED MOBILITY DEVICE UPDATE

Utilizing a PowerPoint presentation, Public Works Louis Hansen offered a synopsis of the above referenced item.

CLOSED MEETING

City Clerk Dawley presented the Closed Meeting motion for City Council's consideration:

1. Pursuant to Virginia Code Sections 2.2-3711(A)(8) and (A)(1), the consultation with legal counsel employed by a public body regarding specific legal matters requiring the legal advice of such counsel, and the discussion, consideration, or interviews of prospective candidates for appointment and the assignment, appointment, and performance of specific public officers or appointees of the City, specifically the appointments as shown on the attached list for vacancies or term expirations for Agricultural Advisory Committee, Early Childhood Development Commission, Human Services Advisory Board, Local Board of Building Code Appeals, Tidewater Youth Services Commission and Wetlands Board; and

- 2. Pursuant to Virginia Code Section 2.2-3711(A)(1), the discussion, consideration, or interviews of prospective candidates for appointment; and the assignment, appointment, and performance of specific public officers or appointees of the City, specifically City Council Appointee’s evaluations; and
- 3. Pursuant to Virginia Code Section 2.2-3711(A)(3), the discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body specifically Sanitary Sewer Pump Station Number 17.

Council Member Fawcett, on a motion seconded by Council Member Duman, moved that City Council convene in a closed meeting for the above referenced purposes, by the following roll call vote:

AYES:	Mayor L. Johnson, Vice Mayor Bennett, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	8
NAYS:	None	0

City Council convened in Closed Meeting at 5:27 p.m. The Closed Meeting concluded at 6:25 p.m.

Teste: _____
Erika S. Dawley, MMC, City Clerk

Approved: _____
Linda T. Johnson, Mayor

Special Presentations

Removal of Items from the Consent Agenda and Adoption of the Agenda

Agenda Speakers

AGENDA: February 5, 2020, Regular Session

ITEM: Consent Agenda - An ordinance to accept and appropriate funds from the Virginia Department of Housing and Community Development in support of the Suffolk Department of Economic Development

The City of Suffolk has been approved for funding in the amount of \$25,000 from the Virginia Department of Housing and Community Development. The funds will be used for a financial feasibility study for redevelopment of the property at 273 South Saratoga Street.

Adoption of the attached ordinance is necessary to accept and appropriate these funds to the appropriate line item in the Consolidated Grants Fund budget for Fiscal Year 2019-2020.

BUDGET IMPACT:

Adoption of the ordinance will increase the planned revenues and expenditures of the Fiscal Year 2019-2020 Consolidated Grants Fund by \$25,000 for the above-noted purpose and does not require local fund support.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
MOU

ORDINANCE NO. _____

**AN ORDINANCE TO ACCEPT AND APPROPRIATE FUNDS FROM
THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT IN SUPPORT OF THE SUFFOLK DEPARTMENT OF
ECONOMIC DEVELOPMENT**

WHEREAS, the City of Suffolk has been approved for funding in the amount of \$25,000 from the Virginia Department of Housing and Community Development; and,

WHEREAS, the funds received need to be accepted and appropriated to the Consolidated Grants Fund budget for Fiscal Year 2019-2020 to be used for a financial feasibility study for the redevelopment of property at 273 South Saratoga Street.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that:

1. The sum of \$25,000 shall be reflected as budgeted in the following accounts in the Fiscal Year 2019-2020 Consolidated Grants Fund budget:

<u>Revenue</u>		
211-81500-202006_433070	VDHCDSaratogaSt.;05/20	<u>\$25,000</u>
<u>Expense</u>	VDHCDSaratogaSt.;05/20	
211-81500-202006_53100	Professional Services	<u>\$25,000</u>

2. The fund amount totaling \$25,000 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 19-O-033, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

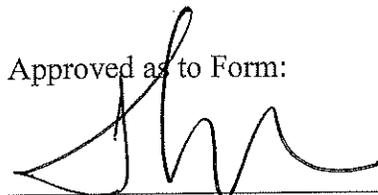
3. This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney



Ralph S. Northam
Governor

R. Brian Ball
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

Erik C. Johnston
Director

DEPARTMENT OF
HOUSING AND COMMUNITY DEVELOPMENT

FY 2020 Financial Feasibility Grant MEMORANDUM OF UNDERSTANDING

Between

City of Suffolk Economic Development Department (Suffolk)

And

Department of Housing and Community Development (DHCD)

PURPOSE:

The purpose of this Memorandum of Understanding (the "MOU") between the City of Suffolk Economic Development Department (Suffolk), a unit of local government and commercial district affiliate, and the Department of Housing and Community Development (DHCD), is for a financial feasibility study to be performed in the manner described below.

PERIOD OF AGREEMENT:

This MOU is entered into as of January 3, 2020. Suffolk must satisfactorily complete the study, along with a report as defined below, no later than May 31, 2020.

SCOPE OF WORK:

WHEREAS Suffolk's mission is to foster diverse economic growth that provides opportunities and enhances the quality of life for everyone in its community; and

WHEREAS the redevelopment of the property at 273 South Saratoga Street, Suffolk, Virginia, has been identified as a strategic priority for the continued revitalization of Suffolk; and

WHEREAS there is an immediate opportunity to influence the outcome of this property;

NOW, THEREFORE, in consideration of mutual covenants and promises in this MOU and for other good and valuable consideration, the receipt and sufficiency of which are to be solely determined by DHCD, the parties hereto agree as follows:

DHCD will provide Suffolk with a grant in the amount of \$25,000 for the exclusive purpose of developing a Financial Feasibility Study for the property at 273 South Saratoga Street, Suffolk, Virginia, which will include detailed site plans and schematics as well as evaluate potential for use of historic tax credits. Suffolk will hire consultants to work on this initiative and will oversee their work in partnership and with the cooperation of DHCD. The final report for the proposed feasibility study of the proposed properties will include all components as outlined below:



1. Feasibility analysis including:
 - a. Informal asbestos and lead assessment (non-DHCD funds);
 - b. Preliminary design concepts and basic rendering sketches, floor plans and site plan;
 - c. Pro formas, development and construction budget (non-DHCD funds);
 - d. Construction Financing plan (non-DHCD funds);
 - e. Assessment of all available incentives (non-DHCD funds);
 - f. Historic tax credit assessment and entity structure;
 - g. Professional market demand study for proposed use (non-DHCD funds); and
 - h. Draft business plan and pro forma cash flow for operation of new proposed use (non-DHCD funds).

2. Final Report including:
 - a. Executive Summary Report, including:
 - i. Overview of the building and planned additions
 1. Stat Sheet
 2. Historic uses
 3. Current use
 - ii. Potential new uses
 - iii. Importance of building to community's economic vitality strategy
 - iv. Case studies of comparable projects
 - b. Accurate estimates for construction/demolition/rehab costs and timeline
 - i. Construction budget
 - ii. Sources and uses budget
 - c. Potential sources of grant/tax credit funding and potential funding gaps
 - i. Historic Tax Credits
 - ii. Industrial Revitalization Fund
 - iii. Enterprise Zone Real Property Grant
 - iv. CDBG
 - v. VHDA grant/loans
 - vi. Opportunity Zone fund investment
 - vii. Local Government
 - viii. Other sources
 - d. Market study for potential reuse
 - i. Business Plan
 - ii. Business Pro Forma/Operational Cash Flow including 5 year projections
 - e. Recommendations
 - i. Ownership structure
 - ii. Financing/Investment structure
 - iii. Management/Implementation
 - iv. Marketing/Tenant Recruitment materials

Once the study is completed, Suffolk must submit the final report to our CAMS system no later than May 31, 2020, to include all of the information described above.

The activities above are anticipated to identify new market-supported uses for 273 South Saratoga, as well as the Main Street district as a whole, and inform a well-crafted marketing strategy that will help fill downtown vacancies, advance the community's overall vision, and improve the downtown's economic vitality.

DHCD will release funding for the activities above as outlined below:

1. \$10,000 upon the completion and submission of a detailed schematic of the site to DHCD.
2. \$10,000 upon the completion and submission of a site plan to DHCD.

3. \$5,000 upon completion of the Historic Tax Credit Feasibility Analysis and the final report is submitted to and approved by DHCD.

Suffolk agrees to the following audit requirements as a pre-requisite to apply for remittances of funding allotments outlined in this MOU:

All grantees, sub-grantees, CHDOs and sub-recipients, localities, developers, or any other organizations that receive funding during a specific program year are required to submit one of the following financial documents: Financial Statement**, Reviewed Financial Statement prepared by an independent Certified Public Accountant (CPA), Audited Financial Statement prepared by an independent CPA or an OMB A-133 Audit (Single Audit) prepared by an independent CPA. Please see the table below to determine which document your organization is required to submit.

The threshold requirements outlined below are the *minimal* standards required by DHCD. We strongly encourage all organizations receiving funds from DHCD to undertake the highest level of financial management review to ensure practices and procedures are fully examined and evaluated.

Threshold Requirement	Document
Total annual expenditures \leq \$100,000 – regardless of source	Financial Statement prepared by organizations**
Total annual expenditure between \$100,001 and \$300,000 – regardless of source	Reviewed Financial Statement prepared by an Independent Certified Public Accountant (CPA)
Total annual expenditures $>$ \$300,000 – regardless of source	Audited Financial Statement prepared by an Independent CPA
Federal expenditures $>$ \$750,000+	OMB A-133 Audit (Single Audit) prepared by an Independent CPA

**Does not require preparation by a CPA

Entities shall file the required financial document in the Centralized Application and Management System (CAMS) within nine (9) months after the end of their fiscal year or 30 (thirty) days after it has been accepted (Reviewed Financial Statement, Audited Financial Statement, and OMB A-133 Audit only) -whichever comes first.

The full DHCD Audit Policy, including an explanation of the specific document requirements, can be found online at http://www.dhcd.virginia.gov/images/DHCD/DHCD_Audit_Policy.pdf. It is also attached as an addendum to this MOU.

DEFAULT:

In case Suffolk fails to comply with the terms and conditions set forth in this MOU, DHCD reserves the right to file for reimbursement of the entire granted amount of \$25,000 from Suffolk, or any portion thereof. Failure to comply with the terms and conditions of this grant may make Suffolk ineligible to apply for future DHCD grants.

EXECUTION:

In witness whereof, the parties have executed or caused to be executed by their duly authorized official this AGREEMENT to be bound thereby.

Department of Housing and Community Development (DHCD)

BY: _____ DATE: _____

TITLE: Deputy Director

Virginia Main Street (VMS)

BY: _____ DATE: _____

TITLE: Associate Director

City of Suffolk Economic Development Department

BY: _____ DATE: _____

TITLE: _____

AGENDA: February 5, 2020, Regular Session

ITEM: Consent Agenda – An ordinance to accept and appropriate funds from the Target Corporation for the Suffolk Parks and Recreation Department

The City has received a \$1,000 grant from the Target Corporation in support of the Youth Indoor Soccer Program which is administered by the Department of Parks and Recreation. The funding will be used to purchase supplies in support of the soccer program.

Adoption of the attached ordinance is necessary to accept and appropriate these funds to the appropriate line item in the Consolidated Grants Fund budget for Fiscal Year 2019-2020.

BUDGET IMPACT:

Adoption of the ordinance will increase the planned revenues and expenditures of the Fiscal Year 2019-2020 Consolidated Grants Fund by \$1,000 for the above-noted purpose and does not require local fund support.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
Award Letter

ORDINANCE NUMBER _____

**AN ORDINANCE TO ACCEPT AND APPROPRIATE FUNDS FROM THE
TARGET CORPORATION FOR THE SUFFOLK PARKS AND
RECREATION DEPARTMENT**

WHEREAS, the City has received funds in the amount of \$1,000 from the Target Corporation in support of the Suffolk Parks and Recreation Youth Indoor Soccer Program; and,

WHEREAS, the funds received need to be accepted and appropriated to the Consolidated Grants Fund budget for Fiscal Year 2019-2020 to assist with the purchase of supplies in support of the Youth Indoor Soccer Program.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that:

1. The sum of \$1,000 shall be reflected as budgeted in the following accounts in the Fiscal Year 2019-20 Consolidated Grants Fund budget:

<u>Revenue</u>		
211-71350-202086_418990	TargetIndoorYouthSoccer #7541;06/20	<u>\$1,000</u>
<u>Expenditure</u>	TargetIndoorYouthSoccer #7541;06/20	
211-71350-202086-_56014	Other Operating Supplies	<u>\$1,000</u>

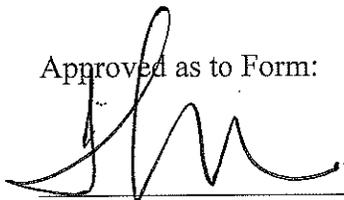
2. The fund amount totaling \$1,000 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 19-O-033 as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

3. This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: _____

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

Michael Frickanisce

From: application.notification@target.com
Sent: Wednesday, December 11, 2019 12:03 PM
To: Michael Frickanisce
Subject: Target Application Approved - Application ID 54227541

City of Suffolk Parks and Recreation Department
134 South 6th Street
Suffolk, VA 23434

Program: Youth Indoor Soccer
Payment Amount: \$1,000.00
Grant Request ID#54227541

Dear Michael:

Target is pleased to inform you that your organization's grant request has been approved. Your grant check will be mailed from Scholarship America by late December and is specifically for the program and amount referenced above. Please note that your grant check is void if it is not cashed within five months.

As always, Target grants are one-time gifts. By making annual commitments, we ensure we can remain flexible and respond to changing community and business needs.

Since 1946, Target has given 5 percent of profit to local communities. We are proud to partner with organizations like yours to meet the needs of our communities. Whether it's inspiring young minds, offering unique cultural experiences or meeting your community's most basic needs; we thank you for your continued commitment to making a difference.

Kind Regards,

Target Corporate Responsibility

CG/JMAIL/172160785

AGENDA: February 5, 2020, Regular Session

ITEM: Consent Agenda - An ordinance to establish the Schools Facilities Assessment and Master Plan project and to authorize the transfer of available funds from the completed Colonel Fred Cherry Middle School project and the Department of Planning and Community Development Professional Services Line Item

At the February 5, 2020 joint meeting and work session of the Suffolk City Council and Suffolk School Board, staff and RRMM Architects presented a plan for conducting a Schools Facilities Assessment and Master Plan. The estimated cost of the Schools Facilities Assessment and Master Plan is \$398,246. Funding to pay for the facilities condition assessment and master plan is available through a transfer of funds from the completed Colonel Fred Cherry Middle School capital project and the General Fund Operating Budget, Department of Planning and Community Development, Professional Services Line Item.

Attached for City Council's consideration is an ordinance to establish the Schools Facilities Assessment and Master Plan project and to authorize the transfer of available funds.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENT:

Ordinance

ORDINANCE NUMBER _____

AN ORDINANCE TO ESTABLISH THE SCHOOLS FACILITIES ASSESSMENT AND MASTER PLAN PROJECT AND TO AUTHORIZE THE TRANSFER OF AVAILABLE FUNDS FROM THE COMPLETED COLONEL FRED CHERRY MIDDLE SCHOOL PROJECT AND THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT PROFESSIONAL SERVICES LINE ITEM

WHEREAS, the Council of the City of Suffolk and Suffolk School Board have agreed to hire RRMM Architects to develop a Schools Facilities Assessment and Master Plan to prioritize the maintenance, modernization, and development of future school facilities; and,

WHEREAS, the funding required for the development of the Schools Facilities Assessment and Master Plan is available through a transfer of funds from the completed Colonel Fred Cherry Middle School capital project and the FY 2019-2020 General Fund Operating Budget, Department of Planning and Community Development, professional services line item.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Suffolk, Virginia that:

1. The sum of \$398,246 be, and is hereby, transferred as follows:

Transfer From:

Rev. 310-60010-1009_461020.100	New Middle School Fund Balance – Bonds	(\$298,246)
Exp. 310-60010-1009_53850.100	New Middle School Construction – Bonds	(\$298,246)
Rev. 100-441050.165	Interfund Transfer Capital Project	(\$100,000)
Exp. 100-81100-53100.06	Professional Services	<u>(\$100,000)</u>

Transfer to:

Rev. 310-60010-1102_461020.100	Schools Facilities Assessment/Master Plan – Bonds	\$298,246
Exp. 310-60010-1102_53140.100	Schools Facilities Assessment/Master Plan – Bonds	\$298,246
Rev. 310-60010-1102_441050.165	Schools Facilities Assessment/Master Plan - GF	\$100,000
Exp. 310-60010-1102_53140.165	Schools Facilities Assessment/Master Plan -GF	<u>\$100,000</u>

2. The transfer totaling \$398,246 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 19-O-033, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

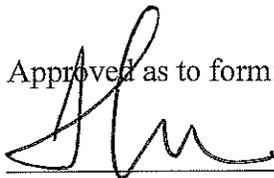
3. This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to form:



Helivi L. Holland, City Attorney

AGENDA: February 5, 2020, Regular Session

ITEM: Consent Agenda - An ordinance to authorize the transfer of capital project funds from the Florence Bowser Elementary School and Colonel Fred Cherry Middle School projects to the Schools Major Repairs/Systems Replacement project

Suffolk Public Schools has requested the transfer of \$585,967.02 in unspent capital funds remaining on the completed Florence Bowser Elementary School and Colonel Fred Cherry Middle School projects to assist with needed major equipment repairs and systems replacements.

Attached for Council's consideration is an ordinance to authorize the transfer of capital project funds from the Florence Bowser Elementary School and Colonel Fred Cherry Middle School projects to the Schools Major Repairs/Systems Replacement project.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENT:

Ordinance

ORDINANCE NUMBER _____

AN ORDINANCE TO AUTHORIZE THE TRANSFER OF CAPITAL PROJECT FUNDS FROM THE FLORENCE BOWSER ELEMENTARY SCHOOL AND COLONEL FRED CHERRY MIDDLE SCHOOL PROJECTS TO THE SCHOOLS MAJOR REPAIRS/SYSTEMS REPLACEMENT PROJECT

WHEREAS, the Council of the City of Suffolk has appropriated and committed funds in prior years for the Florence Bowser Elementary School and Colonel Fred Cherry Middle School projects; and,

WHEREAS, the Florence Bowser Elementary School and Colonel Fred Cherry Middle School projects are substantially completed and have a remaining balance of funds in the amount of \$585,967.02 available for transfer; and,

WHEREAS, Suffolk Public Schools has requested that the remaining balance of funds in the amount of \$585,967.02 be transferred to the Schools Major Repairs/Systems Replacement project to assist with heating, ventilation, and cooling upgrades and other major system repair and replacements needs.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Suffolk, Virginia that:

1. The sum of \$585,967.02 be, and is hereby, transferred as follows:

Transfers From:

Rev.	310-60010-1009_461020.100	Colonel Fred Cherry Middle School	(\$ 146,639.34)
Rev.	310-60010-1009_461020.401	Colonel Fred Cherry Middle School	(\$ 11,481.98)
Rev.	310-60010-1010_461020.100	Florence Bowser Elementary School	(\$ 379,964.00)
Rev.	310-60010-1010_461020.401	Florence Bowser Elementary School	(\$ 47,881.70)
Exp.	310-60010-1009_53140.100	Colonel Fred Cherry Middle School	(\$ 21,901.50)
Exp.	310-60010-1009_53850.100	Colonel Fred Cherry Middle School	(\$ 124,737.84)
Exp.	310-60010-1009_53850.401	Colonel Fred Cherry Middle School	(\$ 11,481.98)
Exp.	310-60010-1010_53140.100	Florence Bowser Elementary School	(\$ 2,938.50)
Exp.	310-60010-1010_53850.100	Florence Bowser Elementary School	(\$ 377,025.50)
Exp.	310-60010-1010_53850.401	Florence Bowser Elementary School	<u>(\$ 47,881.70)</u>

Transfers To:

Rev.	310-60010-1004_461020.100	Schools Major Repairs/Systems Replacement	\$ 526,603.34
Rev.	310-60010-1004_461020.401	Schools Major Repairs/Systems Replacement	\$ 59,363.68
Exp.	310-60010-1004_53850.100	Schools Major Repairs/Systems Replacement	\$ 526,603.34
Exp.	310-60010-1004_53850.401	Schools Major Repairs/Systems Replacement	<u>\$ 59,363.68</u>

2. The transfer totaling \$585,967.02 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 19-O-033, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

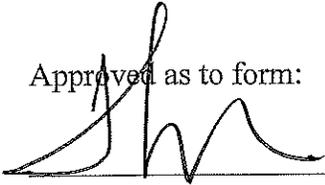
3. This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to form:



Helivi L. Holland, City Attorney

AGENDA: February 5, 2020, Regular Session

ITEM: Consent Agenda – An ordinance to appropriate funds from the General Fund Unassigned Fund Balance for one-time expenditures and to transfer funds to the Capital Projects Fund

Attached for City Council’s consideration is an ordinance to appropriate \$1,175,000 from the General Fund Unassigned Fund Balance for needed one-time expenditures including:

• Police Department Operating Equipment	\$549,009
• Fire Department Exhaust System Upgrades and Safety Equipment	300,000
• Fire Tanker Truck	200,000
• Capital Contingency – Courthouse/Other	100,000
• Clerk of the Circuit Court - Landbook Restoration	<u>25,991</u>
	\$1,175,000

The ordinance transfers an additional \$100,000 from the Fire Engine Capital Project to the Fire Tanker Truck Capital Project.

With the approval of this ordinance, the General Fund Unassigned Fund Balance will continue to exceed the City’s financial policy minimum rate of 15% at the close of FY 20.

BUDGET IMPACT:

Adoption of the ordinance will increase the FY 2019-2020 General Fund budget by \$1,175,000 and the Capital Projects Fund budget by \$300,000.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENT:

Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO APPROPRIATE FUNDS FROM THE GENERAL FUND UNASSIGNED FUND BALANCE FOR ONE-TIME EXPENDITURES AND TO TRANSFER FUNDS TO THE CAPITAL PROJECTS FUND

WHEREAS, the City Council desires to appropriate \$1,175,000 from the General Fund Unassigned Fund Balance to address one-time expenditure needs of General Fund departments and to transfer funds to the Capital Projects Fund budget; and,

WHEREAS, the Fire Engine project has unspent funds in the amount of \$100,000 available for transfer and City Council has requested the available funds be transferred to the Fire Tanker project to complete the project.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that:

1. The sum of \$1,175,000 shall be reflected as budgeted in the following accounts in the Fiscal Year 2019-2020 General Fund budget:

<u>Revenue</u>		
100_461010	Unassigned Fund Balance	<u>\$1,175,000</u>
<u>Expense</u>		
100-31100_58200	Police Department – Capital Outlay	\$ 425,000
100-32100_58200	Fire & Rescue Department – Capital Outlay	200,000
100-31100_53100	Police Department – Other Operating Supplies	124,009
100-32100_56011	Fire & Rescue Department – Uniforms & Wearing Apparel	100,000
100-93000_50000.310	Transfer to Capital Projects Fund	300,000
100-21710_53300	Clerk of the Circuit Court – Repair and Maintenance	<u>25,991</u>
		<u>\$1,175,000</u>

2. The sum of \$300,000 shall be reflected as budgeted in the following accounts of the Fiscal Year 2019-2020 Capital Projects Fund budget:

<u>Revenue:</u>		
310_461020.165	Transfer from General Fund	\$ 100,000
310-32100-4112_461020.165	Transfer from General Fund	<u>200,000</u>
		<u>\$ 300,000</u>
<u>Expenditure:</u>		
310-91400-59902.165	Capital Contingency – General Fund	\$ 100,000
310-32100-4112_58200.165	Capital Outlay – General Fund	<u>200,000</u>
		<u>\$ 300,000</u>

3. The sum of \$100,000 be, and is hereby, transferred as follows:

Transfers From:

Rev. 310-32100-4023_461020.165	Fund Balance-General Fund	(\$100,000)
Exp. 310-32100-4023_58200.165	Capital Outlay-General Fund	<u>(\$100,000)</u>

Transfers To:

Rev. 310-32100-4112_461020.165	Fund Balance-General Fund	\$100,000
Exp. 310-32100-4112_58200.165	Capital Outlay-General Fund	<u>\$100,000</u>

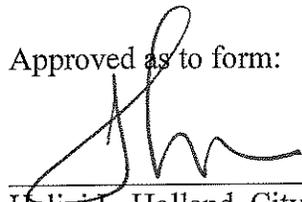
4. The Fund amount of \$1,175,000 and transfer of \$100,000 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 19-O-033 as amended. The City Manager be, and hereby is authorized and directed to do all things necessary to effectuate this action.

5. This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: _____

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to form:



Helivi L. Holland, City Attorney

AGENDA: February 5, 2020, Regular Session

ITEM: Consent Agenda – An ordinance to accept and appropriate funds from Walmart for the Suffolk Public Library

The City has received \$250 in funding from Walmart in support of the Suffolk Public Library for the See You at the Library diversity and inclusivity initiative. The funding will be used to assist with purchasing diverse collection items.

Adoption of the attached ordinance is necessary to accept and appropriate these funds to the appropriate line item in the Consolidated Grants Fund for Fiscal Year 2019-2020.

BUDGET IMPACT:

Adoption of the ordinance will increase the planned revenues and expenditures of the Consolidated Grant Fund by \$250 for the above-noted purpose and does not require local fund support.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
Award Notification

ORDINANCE NUMBER _____

**AN ORDINANCE TO ACCEPT AND APPROPRIATE FUNDS FROM
WALMART FOR THE SUFFOLK PUBLIC LIBRARY**

WHEREAS, the City has received funds in the amount of \$250 from Walmart in support of the Suffolk Public Library; and,

WHEREAS, the funds received need to be accepted and appropriated to the Consolidated Grants Fund Budget for Fiscal Year 2019-2020 for the See You at the Library diversity and inclusivity initiative to assist with purchasing diverse collection items.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that:

1. The sum of \$250 shall be reflected as budgeted in the following accounts in the Fiscal Year 2019-2020 Consolidated Grants Fund budget:

Revenue

211- 73100-202061_418990 WalmartSeeYouAtTheLibrary;06/20 \$250

Expenditure

211- 73100-202061_56012 WalmartSeeYouAtTheLibrary;06/20
Books and Subscriptions \$250

2. The fund amount totaling \$250 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 19-O-033, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

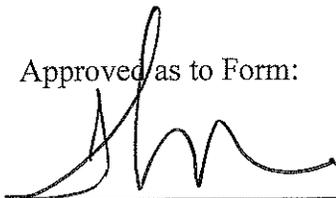
3. This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

From: do-not-reply@cybergrants.com
To: [Monica Patterson](#)
Subject: Walmart Community Grant Request ID 57531259, Facility # 1687
Date: Thursday, January 2, 2020 11:51:05 AM

Dear City of Suffolk Public Library ,

Congratulations! The Walmart Community Grants Team and Facility # 1687 are pleased to inform you that your Community Grant application for Request ID 57531259 has been selected to receive a \$250.00 grant. We are thrilled to support your work in our communities and share your desire to provide local impact.

By receiving this grant, you are part of a long history of Walmart's commitment to giving back to the communities where we operate. In fact, Mrs. Helen Walton used to say "It's not what you gather, but what you scatter that tells what kind of life you have lived."

We encourage you to celebrate this grant publicly! We hope that you will consider doing the following four things:

1. Connect with the store manager who chose to support your local cause and let them know that the grant check arrived safely.
2. Work with the local store manager to announce the grant.
3. Consider sharing the work that our grant supports on social media – our associates and customers like to see the impact we are making in our communities.
4. Review the Grantee Welcome Toolkit at the link below, addressing frequently asked questions (FAQ's), publicity, and outreach options for your consideration.

http://www.cybergrants.com/walmart/docs/LCC_Grantee_Welcome_Toolkit.pdf

The photo release form can be found at the following link:

<http://www.cybergrants.com/walmart/docs/talentrelease2018.doc>

Again, congratulations on your grant award. We are eager to see its impact!

In service,

Kabir Kumar
Sr. Director, Community Giving
Walmart Giving

CG/JMAIL/174277867

AGENDA: February 5, 2020, Regular Session

ITEM: Consent Agenda – A resolution authorizing the City Manager to amend the James River Shoreline Design & Engineering Services Agreement

On March 14, 2019, the City of Suffolk, Virginia and Vanasse Hangen Brustlin, Inc., entered into contract No. 19034 to provide design and engineering services for the James River Shoreline and Open Spaces Project. The original contract provided for workshops, historical cataloguing, environmental assessment, engineering infrastructure analysis and concept developments in the amount of \$198,000. Additional engineering and surveying are required, including: topographic and hydrographic surveys and Wetlands and Chesapeake Bay Preservation areas delineation and mapping in the additional amount of \$94,000.

BUDGET IMPACT:

None. Funding was already allocated and approved in Ordinance Number 18-O-046.

RECOMMENDATION:

Adopt the attached resolution

ATTACHMENT:

Resolution

RESOLUTION NUMBER _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE JAMES RIVER SHORELINE DESIGN & ENGINEERING SERVICES AGREEMENT

WHEREAS, on March 14, 2019, the City of Suffolk, Virginia and Vanasse Hangen Brustlin, Inc., entered into Contract No. 19034 to provide design and engineering services for the James River Shoreline and Open Spaces Project; and,

WHEREAS, the original contract provided for workshops, historical cataloging, environmental assessment, engineering infrastructure analysis and concept developments in the amount of \$198,000. Additional engineering and surveying are required, including topographic and hydrographic surveys and Wetlands and Chesapeake Bay Preservation areas delineation and mapping in the additional amount of \$94,000; and,

WHEREAS, on May 16, 2018, City Council adopted Ordinance Number 18-O-046 approving the FY2018-2019 Operating and Capital Budget Plan that included Route 17 Taxing District Fund transfer of \$1,000,000 to Capital Projects for the James River Shoreline Open Space; and,

WHEREAS, the City of Suffolk Procurement Policy and the Virginia State Code require City Council approval of contract amendments which increase the contract amount by more than twenty five percent (25%).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Suffolk, Virginia that the City Manager is hereby authorized and directed to amend the contract for the design and engineering services for the James River Open Spaces Project in an amount to exceed 25% of the original contract; and the City Clerk is directed to affix the Corporate Seal of the City thereto and attest the same.

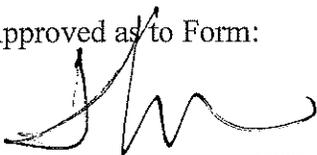
BE IT FURTHER RESOLVED that this resolution shall be effective upon its adoption, and it shall not be published.

READ AND ADOPTED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

AGENDA: February 5, 2020, Regular Session

ITEM: Public Hearing – An ordinance to rezone and amend the official zoning map of the City of Suffolk in order to amend the previously approved proffered conditions for the Foxfield Meadows Development located at 1241 Pitchkettle Road, Zoning Map 34, Parcel 24A; RZN2019-007 (Conditional)

Attached for your consideration is information pertaining to Rezoning Request, RZN2019-007, (Conditional), Foxfield Meadows, submitted by Whitney G. Saunders, Saunders & Ojeda P.C., agent, on behalf of Greg Knapp, NVR, Inc., applicant, on behalf of Brian M. Clements, Cloverleaf Development, LLC, property owner, in accordance with Section 31-304 and 31-305 of the Unified Development Ordinance, to rezone and amend the official zoning map of the City of Suffolk in order to amend the previously approved proffered conditions for property located at 1241 Pitchkettle Road, Zoning Map 34, Parcel 24A. The purpose of this request is to change the approved use and density pertaining to the development of Foxfield Meadows. The affected area is further identified as being located in the Holy Neck Voting Borough, zoned RU, Residential Urban zoning district. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Inner Ring Suburban Use District.

The Planning Commission, at their meeting of December 17, 2019, voted 8 to 0 to approve a resolution recommending **denial** of this request.

After the conclusion of the Planning Commission meeting, the applicant submitted a revised proffer statement dated January 15, 2020. The revised statement includes a new #11 proffer stating that 88 single family detached homes shall be developed in a condominium form of ownership, have a minimum of 1,600 square feet of heated living area, and a two car garage on an eighteen inch raised slab foundation. Each home is proffered to have a raised panel garage door with lighter windows, aluminum guttering, and single hung windows. The exterior materials will include beaded vinyl siding, 0.046 vinyl clapboard siding, vinyl shake, board and batten, and architectural vinyl trim. Optional partial stone or brick veneer will be offered for the front elevations. Each home is also proffered to have an exterior overhanging covering for the front door and 25-year architectural shingle, and no adjacent home or home across the street from one another shall have the same color scheme and elevation.

ATTACHMENTS:

- Staff Report
- General Location Map
- Zoning / Land Use Map
- Application Narrative
- Conceptual Layout
- Proposed Ordinance
- Exhibit A – Planning Commission Recommendation
- Exhibit B – Rezoning Proffers
- Exhibit C – Property Map
- Exhibit D – Rezoning Exhibit/Survey

STAFF REPORT

DESCRIPTION

REZONING REQUEST: Rezoning Request, RZN2019-007 (Conditional), Foxfield Meadows, to request to amend the previously approved proffered conditions to change the approved use and density pertaining to the development of Foxfield Meadows.

APPLICANT: Whitney G. Saunders, Saunders & Ojeda P.C., agent, on behalf of Greg Knapp, NVR, Inc., applicant, on behalf of Brian M. Clements, Cloverleaf Development, LLC, property owner.

LOCATION: The subject property is located at 1241 Pitchkettle Road, and is further identified as Zoning Map 34, Parcel 24A, Holy Neck Voting Borough.

PRESENT ZONING: The subject parcel is zoned RU, Residential Urban zoning district.

EXISTING LAND USE: The subject property approximately 19.95 acres and is currently vacant land. The property is a part of the Foxfield Meadows subdivision and was previously approved for 114 multi-family units.

PROPOSED LAND USE: The applicant is proposing to amend the previously approved proffered conditions to build 88 single family detached units.

SURROUNDING LAND USES:

North- The Preserve at Lake Meade subdivision zoned RU, Residential Urban, and RR, Rural Residential zoning district.

South- Foxfield Meadows subdivision consisting of single family detached homes zoned RLM, Residential Low-Medium zoning district.

East- Westhaven Lakes subdivision zoned RL, Residential Low zoning district.

West- Route 58 bypass and vacant land zoned CP, Commerce Park zoning district.

COMPREHENSIVE PLAN: The 2035 Comprehensive Plan designates this area as a part of the Central Growth Area, Inner Ring Suburban Use District.

CHESAPEAKE BAY PRESERVATION AREA DESIGNATION: The property is located within the City's Chesapeake Bay Preservation Area Overlay District and is designated as a Resource Management Area (RMA).

FLOOD PLAIN: The property falls within Flood Zone X (areas of minimal risk), as shown on Panel 0230E of the Flood Insurance Rate Map for the City of Suffolk, Virginia, Community No. 510156, dated August 3, 2015.

CASE HISTORY:

The Foxfield Meadows subdivision consists of approximately 73 acres that were rezoned in 2006 from CP, Commerce Park, to RLM, Residential Low Medium, and RU, Residential Urban, zoning for the stated purpose of developing 78 single family detached dwelling units and 114 age

restricted single family attached dwelling units. Foxfield Meadows now consists of two parcels: the 53-acre portion to the south is being developed as a 128-unit single family detached cluster subdivision, while the 20-acre portion to the north is approved for 114 single family attached units. At the time of the original rezoning, an age restriction was proffered for the RU portion of the property but the number of units was not proffered for any part of the development. In 2009, an approved request to amend the 2006 proffers included the 114 attached units in the revised conditions and deleted the previously approved age restriction. At the time of that request, there was a deficit of school capacity at the high school level, thus a payment of \$1,944.44 for each RU zoned unit was also added to the approved proffers to advance capacity at that level.

In 2013, a request was submitted to remove the condition that the RU land be developed as townhomes, and rather, to permit the development of detached single family homes and add a cash proffer to advance school capacity. This request was later withdrawn.

In 2015, a request to amend the proffered conditions pertaining to exterior architectural design and building materials for the single family detached units in Foxfield Meadows was approved. At a minimum, these units must incorporate a crawl space or 18" raised slab with the appearances of a crawl space, contain 2,000 square feet of heated living space, a two car garage, and a mix of brick, stone, masonry, Hardie plank veneer, LP SmartSide, and vinyl accents.

PUBLIC NOTICE: This request has been duly advertised in accordance with the public notice requirements set forth in Section 15.2-2204 of the Code of Virginia, as amended, and with the applicable provisions of the Unified Development Ordinance. A notice, containing a copy of the staff report, was also provided to the applicant on January 31, 2020.

STAFF ANALYSIS

ISSUE:

The applicant is requesting to amend the previously approved proffered conditions for the RU zoned portion of Foxfield Meadows to allow for the development of detached single family dwelling units. As stated above, the subject property contains 19.98 acres and was previously approved for 114 single family attached units, which equates to a density of 5.7 units per acre. The applicant is proposing to decrease the density on the parcel and to build single family detached dwellings instead, which the provided narrative states is fully compatible with the rest of the Foxfield Meadows development to the south. As presented and proffered by the applicant, the development would yield no more than 88 single family detached residential units, which equates to a density of 4.4 units per acre, which is less than what was previously approved and significantly lower than the maximum of 10.9 units per acre permitted in the RU zoning district.

The subject property is currently undeveloped and consists mostly of open fields and limited areas of forested land. A number of easements for power lines, water lines, and gas occupy the western side of the property. Surrounding land uses include undeveloped land zoned CP to the north, the Westhaven Lakes subdivision to the east, the Foxfield Meadows cluster subdivision to the south, and the Route 58 Bypass to the west. At the time of the original rezoning, no wetlands were identified on the property and no wetlands impacts were proposed. The conceptual plan

provided with this request, which was prepared by Parrish Layne Design Group and is dated February 21, 2015, now indicates there are 3.11 acres of non-tidal wetlands on the property, of which 0.99 acres are proposed to be disturbed.

The proposed conceptual plan, which is not proffered, shows 88 single family detached units arranged along private roads accessed from Foxfield Parkway and two connections to Terrywood Drive, which is part of the Foxfield Meadows subdivision to the south. Six of the units shown on the conceptual plan would be next to or across from the existing cluster subdivision and take direct access from Terrywood Drive.

CONSIDERATIONS AND CONCLUSIONS

In accordance with Appendix B, Section B-4 of the Unified Development Ordinance, rezoning applications must include a statement of the reasons for seeking an amendment to the zoning maps of the City of Suffolk. Supplemental information provided by the applicant does not address the suitability of the existing zoning and proffered single family attached development, but instead indicates that the reason for this rezoning request is based on the belief that the proposed 88 single family detached unit development would be consistent with existing neighborhoods in the area and that the proposed reduction in density is more fully consistent with the Westhaven Lakes and Foxfield Meadows neighborhoods.

1. Comprehensive Plan

The 2035 Comprehensive Plan designates this area as a part of the Central Growth Area, Inner Ring Suburban Use District. The Inner Ring Suburban Use District is the first area moving away from the Mixed Use Core where exclusively residential neighborhoods should be located. Traditional neighborhood developments with a mix of housing types are appropriate in this District, as well as conventional single family developments. Neighborhood design should still be focused on walkable streets and cluster development patterns allowing for the preservation of usable open space are also encouraged. Streets should have on-street parking and sidewalks shaded by street trees. Transitions from higher to lower densities are appropriate and encouraged, particularly in areas with nearby commercial or higher density zoning.

The use districts in the 2035 Comprehensive Plan account for decreasing densities moving away from the two core areas, but they also provide densities that are adequate to produce a mix of housing and accommodate projected growth. The previously approved 114-unit single family attached development would result in a development density of 5.7 units per acre. This is generally consistent with the recommended density range of 6 to 12 units per acre within the Inner Ring Suburban Use District. The location of the subject parcel on the outer edge of the Inner Ring Suburban Use District is also consistent with the low end of the range, allowing for an appropriate transition into lower density residential neighborhoods in the adjacent Suburban Use District to the west.

The applicant is proposing to amend the previously approved density to construct an 88-unit single family detached development. The proposed residential density for the subject

property will be 4.4 dwelling units per acre, which is not consistent with the recommended density range of 6 to 12 units per acre or with the existing density in the single family detached part of Foxfield Meadows, which is 2.4 units per acre.

The Comprehensive Plan sets specific themes and policies related to land use, transportation, open space, and the environment that should be considered when contemplating a rezoning application. Relevant to this application are the following:

Policy 2-1: Keep development focused in designated Growth Areas in the City.

- *Action 2-1A: Ensure that the City's land use regulations support higher density/intensity development in focused Growth Areas.*

The subject parcel is located within the Central Growth Area's Inner Ring Suburban Use District, which is envisioned to accommodate traditional and single family residential land uses with densities of 6 to 12 units per acre. The current RU zoning district allows a maximum density of 10.9 units per acre, which is appropriate to the District. The proposed 88 single family detached development would have a density of 4.4 units per acre, which is inconsistent with both the recommended density for the Use District and for the current zoning district.

Policy 2-4: Promote compatibility in land use patterns.

While not proffered, the conceptual plan of the proposed residential development indicates that the proposed dwelling units will be located on a single parcel with the majority of them spaced approximately 45 feet on center. The lots in the adjacent cluster portion of the development are a minimum of 5,225 square feet in size with 55 feet of road frontage, thus resulting in houses that are spaced approximately 55 feet on center. The houses in this part of the development are also proffered to have a minimum of 2,000 square feet of heated living space. As part of the original rezoning approval and to address compatibility with existing development, the lots immediately adjacent to the Westhaven Lakes subdivision were required to meet the lot area and dimensional standards of the RL zoning district. Subsequently, the lots along that portion of Terrywood Drive are 30,000 square feet or greater in size.

As originally approved, the RU portion of this development was intended for single family attached development that was envisioned to face inward and would not need to match the single family detached development to the south. It also served as a transition between the lower density development to the south and the commercial zoning along Pitchkettle Road. Because this proposal is for the same housing type already in place, it does not provide a natural transition and should match the existing development in design and density. The applicant is proposing not to include any architectural standards or minimum unit sizes as part of this request, although they are requesting the same housing type that already exists in Foxfield Meadows. Thus, the proposal presented does not match the existing housing in size, layout, or spacing.

Policy 5-1: Relate the availability of municipal services and facilities to the location and pace of growth.

- *Action 5-1B: Continue to tie development approval to the adequacy and funding of public facilities.*

As discussed in detail below, adequate capacity does not exist to serve the proposed development at the elementary school level and this proposal does not adequately mitigate the anticipated impacts to the school system. A new downtown elementary school with a capacity of 800 students is included in the 2020-2029 Capital Improvements Program and Plan, but funding is not anticipated until the years FY 25-29.

Policy 6-1: Encourage development of a balanced and diverse housing stock throughout the City.

- *Action 6-1A: Ensure that the City's land use regulations allow for a variety of housing types, such as single-family detached, single-family attached, and multi-family.*

The proposed development would reduce the diversity of housing stock in the Inner Ring Suburban District by replacing single family attached housing with single family detached housing, which is already the most common unit type in the City. The approved development would increase the number of townhouses available, which would provide higher density housing and bring better balance and diversity to the City's housing stock.

2. Unified Development Ordinance

The Unified Development Ordinance specifies criteria for the use of RU zoning. The following should be considered when contemplating this rezoning:

Sec. 31-403. RELATION OF ZONING DISTRICTS TO COMPREHENSIVE PLAN AND PURPOSE STATEMENTS.

- *RU (URBAN RESIDENTIAL). RU is a high density district allowing for development consisting of the full spectrum of residential unit types including single family attached and detached dwellings, townhouse, duplex and apartments within specified densities where adequate public facilities and services are available, multi-family buffer zones between commercial/industrial areas and low-density residential uses, and transportation thoroughfares proximate to public services and supportive retail facilities. RU may serve as a transitional district between single family and commercial or office districts in the urbanized areas. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities while maintaining neighborhood compatibility and is ideally suited for the Inner Ring Suburban Use District.*

As currently zoned, the RU portion of this site would provide townhouse development that would meet the specified densities and provide a buffer zone between commercial areas and low-density residential uses. As proposed, the change to single family detached

housing at 4.4 units per acre would not meet specified densities or provide a balance of housing opportunities while maintaining neighborhood compatibility.

SEC. 31-408. SPECIFIC BASE ZONING DISTRICT CRITERIA.

- *No application for development approval in the RL, RLM, RM, RC, RU, and RU-12 zoning districts shall be approved unless the proposed use and/or development conforms to the requirements of Articles 4, 6, and 7 of this Ordinance.*

This site will be required to meet the requirements in Articles 4, 6, and 7 of the UDO.

The parcel included in the request is currently assigned to Elephant's Fork Elementary School, King's Fork Middle School, and King's Fork High School. Based on current enrollment figures and the anticipated students to be generated by committed development, there is adequate capacity at both the middle school and high school levels to accommodate the proposed 88 single family detached development. Based on the level of service criteria for elementary schools contained in the UDO, existing facilities at the elementary school level are not adequate to accommodate the proposed development. The applicant has included a voluntary proffer to advance capacity for the additional students that will be generated by this development at the elementary school level. This proffer states that a cash contribution of \$3,887.00 will be made upon the issuance of a certificate of occupancy for each unit constructed, which is \$14,121.89 less than the calculated cost per student at this level. These items are discussed in detail below.

For the RU district, Section 31-602 requires that the massing of buildings be compatible with buildings on adjacent lots and parcels. Massing includes scale, silhouette and shadow, spacing between façades, proportion of openings, location and treatment of entryway, exterior materials used, and landscaping.

As a conventional subdivision, this development is required to have a minimum of 2 acres of open space. Section 31-607 requires that 70% of the required open space be classified as active, which would equate to 1.4 acres. The conceptual layout provided but not proffered by the applicant shows only 0.27 acres of open space for this development, which does not meet the minimum standard.

- *Subdivision plats or site plans may utilize the hamlet use pattern consistent with the requirements of Sections 31-411(e) or 31-411(f).*

This project is not proposed to be developed as a hamlet nor cluster development.

- *No subdivision plat shall be approved unless the proposed development is served by the central water system of the City of Suffolk and the central wastewater system of the City of Suffolk, in accordance with Section 31-613 of this Ordinance, and Chapter 90, of the City Code of Suffolk.*

The applicant has indicated that this project will be served by public water and sewer.

3. Adequate Public Facilities

The purpose and intent of the adequate public facilities ordinance is to ensure that public facilities are available to support new development and associated impacts, and that each public facility meets or exceeds the Level of Service standards established by the 2035 Comprehensive Plan and the Unified Development Ordinance. No rezoning request should be approved which would cause a reduction in the levels of service standards for any public facility impacted. Because this request would change the approved use and density on the subject parcel, a new adequate public facilities review is required.

Public Water and Sanitary Sewer

City water and sewer are available to serve the site. The requested amendment decreases the density of the project from 114 residential units to 88 residential units, which would result in decreased water and sewer demand. The Department of Public Utilities notes that, in order to provide adequate sewer system capacity downstream for existing and proposed development in this area, the existing downstream City Pump Station (PS) #120 requires certain upgrades. This additional capacity is planned and new developments within this sewer basin will pay the required fee for service at the time of construction.

Stormwater Management

The proposed reduction in density for this project would most likely result in a decrease in overall imperviousness for the development. The Department of Public Works, Engineering Division, has reviewed the application and had no comments at this time.

Transportation

A Traffic Impact Analysis was not required as part of this application due to the decrease in density. However, Traffic Engineering noted that the conceptual layout, while not proffered, includes 6 single family detached units that front on a public street. As proffered with this current rezoning request, the proposed 88 single family detached homes to be developed in a condominium ownership cannot obtain direct access from a public street, but rather will need to have direct access from an internal private street only.

Schools

The parcel included in the request is currently assigned to Elephant's Fork Elementary School, King's Fork Middle School, and King's Fork High School. The proposed development, as proffered, would yield no more than 88 single family lots. In accordance with Section 31-601 of the Unified Development Ordinance, a development consisting of 88 single family detached dwellings will generate 18 elementary school students, 8 middle school students, and 12 high school students. Based on current enrollment figures and the anticipated students to be generated by committed development, there is adequate capacity at both the middle school and high school levels to accommodate the proposed 88 single family detached development.

Based on the level of service criteria for elementary schools contained in the UDO, Elephant's Fork Elementary School currently has a capacity of 498 students. Based on its current enrollment of 568 students, it is over capacity before considering committed development. Consequently, existing facilities at the elementary school level are not adequate to accommodate the proposed development. The adopted 2020-2029 Capital Improvements Program and Plan contains a project to build a new downtown elementary school to relieve overcrowding in the City's existing elementary schools. The new school is planned with a capacity of 800 students and is projected to cost \$26,500,000.00 and is projected for funding in FY25-29. Based on the project cost and capacity of the new downtown elementary school, the cost per student at the new school is \$33,125.00.

Due to the existing deficit at Elephant's Fork Elementary School and the ability to advance capacity through an existing construction project identified within the adopted Capital Improvements Program and Plan, the applicant has included a voluntary proffer to partially advance capacity for the additional students that will be generated by this development at the elementary school level. This proffer states that a cash contribution of \$3,887.00 will be made upon the issuance of a certificate of occupancy for each unit constructed. At the proffered maximum of 88 units, this would result in a cash contribution of \$19,003.11 per student. This is \$14,121.89 less than the calculated cost per student at this level as defined above, or about 57% of the projected cost to mitigate the projected school impacts generated by the proposed development. As such, impacts to the elementary school level are not adequately mitigated and levels of service will not be met.

4. Proffered Conditions

There are nine existing proffers approved for Foxfield Meadows that apply to both the RLM and RU parcels at the site. The applicant proposes to amend the proffers as they apply to only RU zoning district as follows:

- Delete proffer #2 through proffer #9, which include design standards, improvements already made, and standards for lots and facilities adjacent to Westhaven Lakes.
- Retain and amend proffer #1 to address school impacts created from the proposed development as discussed above.
- Add new proffer #10 to limit the proposed development to no more than 88 single family detached units.
- Add new proffer #11 to include design standards and to limit the 88 single family detached homes to be developed in a condominium form of ownership.

The applicant has voluntarily proffered the following conditions for the RU parcel, Tax Map 34*24A, in support of this rezoning request.

1. The owner/applicant agrees that it shall pay the City of Suffolk the sum of \$3,887.00 upon the issuance of a building permit for each of the detached residential homes to

be constructed on parcel 34*24A for advancement of the City's capacity to build an elementary school.

2. The Owner/Applicant agrees that all residential housing units constructed on parcel 34*24 shall be single family detached homes and that no more than 88 single family homes shall be constructed.

RECOMMENDATION

In summary, staff finds this proposal, Rezoning Request RZN2019-007 (Conditional), to be inconsistent with the provisions of the 2035 Comprehensive Plan and the Unified Development Ordinance. The development already approved for this site offers appropriate density and a natural transition from the existing low to medium density housing to the commercially zoned property on Pitchkettle Road. The proposed amendment would result in development that would not meet recommended densities and would not be compatible with the density, design, or layout of existing housing of the same type in the same development. Moreover, the requested change would require impacts at the elementary school level to be addressed in order to meet adequate public facilities requirements. Adequate public facilities at the elementary school level are not available at this time to serve the development proposal, and the voluntary proffers provided with this request do not mitigate the projected impacts. Thus, this request does not comply with Article 6, Section 31-601 of the Unified Development Ordinance. Accordingly, staff recommends **denial** of Rezoning Request RZN2019-007 (Conditional).

The Planning Commission, at their meeting of December 17, 2019, voted 8 to 0 to approve a resolution recommending **denial** of this request.

After the conclusion of the Planning Commission meeting on December 17, 2019, the applicant submitted a revised proffer statement dated January 15, 2020. The revised proffer statement includes a new #11 proffer stating that 88 single family detached homes shall be developed in a condominium form of ownership, have a minimum of 1,600 square feet of heated living area, and a two car garage on an eighteen inch raised slab foundation. Each home is proffered to have a raised panel garage door with lighter windows, aluminum guttering, and single hung windows. Additionally, the exterior materials will include, but are not limited to, beaded vinyl siding, 0.046 vinyl clapboard siding, vinyl shake, board and batten, and architectural vinyl trim with an optional partial stone or brick veneer for the front elevations. As stated, proffer #11 lists the various materials that may be used to construct the single-family units but does not limit what materials can be used. It is stated in the proffer that each home will have an exterior covering for the front door and 25-year architectural shingle, and that no adjacent home or home across the street from one another shall have the same color scheme and elevation. No additional information was given on the exterior covering.

Under the current rezoning request, the applicant proposes to delete proffer #6 which includes the previously approved architectural standards that apply to all the single family detached units in Foxfield Meadows. Proffer #6, when compared to the proposed new proffer #11, requires 400 square feet more of heated living area and proffers a mix of brick, stone, masonry, hardy plank veneer, LP Smart Side and vinyl accents for the single family detached homes. As already approved, single family homes must use higher quality exterior materials and vinyl is limited to

vener, LP Smart Side and vinyl accents for the single family detached homes. As already approved, single family homes must use higher quality exterior materials and vinyl is limited to accents. The materials proposed by Proffer #11 do not meet these standards. Proffer #6 also proffers at a minimum to incorporate a crawl space or an 18" raised slab with the appearance of a crawl space. New proposed proffer #11 does not include any standards in regards to a crawl space or the appearance of a crawl space. As presented, proffer #11 does not restrict what materials can be used to construct the single family detached homes, which would result in a visually different single family detached product than what has already been constructed in the RLM portion of Foxfield Meadows.

Staff has reviewed the revised proffers submitted and has determined that, based on the design differences between the new single family detached units proposed and the existing units in Foxfield Meadows, the proposed amendment still results in a development that would not be compatible with the density, design, or layout of existing housing of the same type in the same development. Staff continues to recommend **denial** of Rezoning Request RZN2019-007 (Conditional).

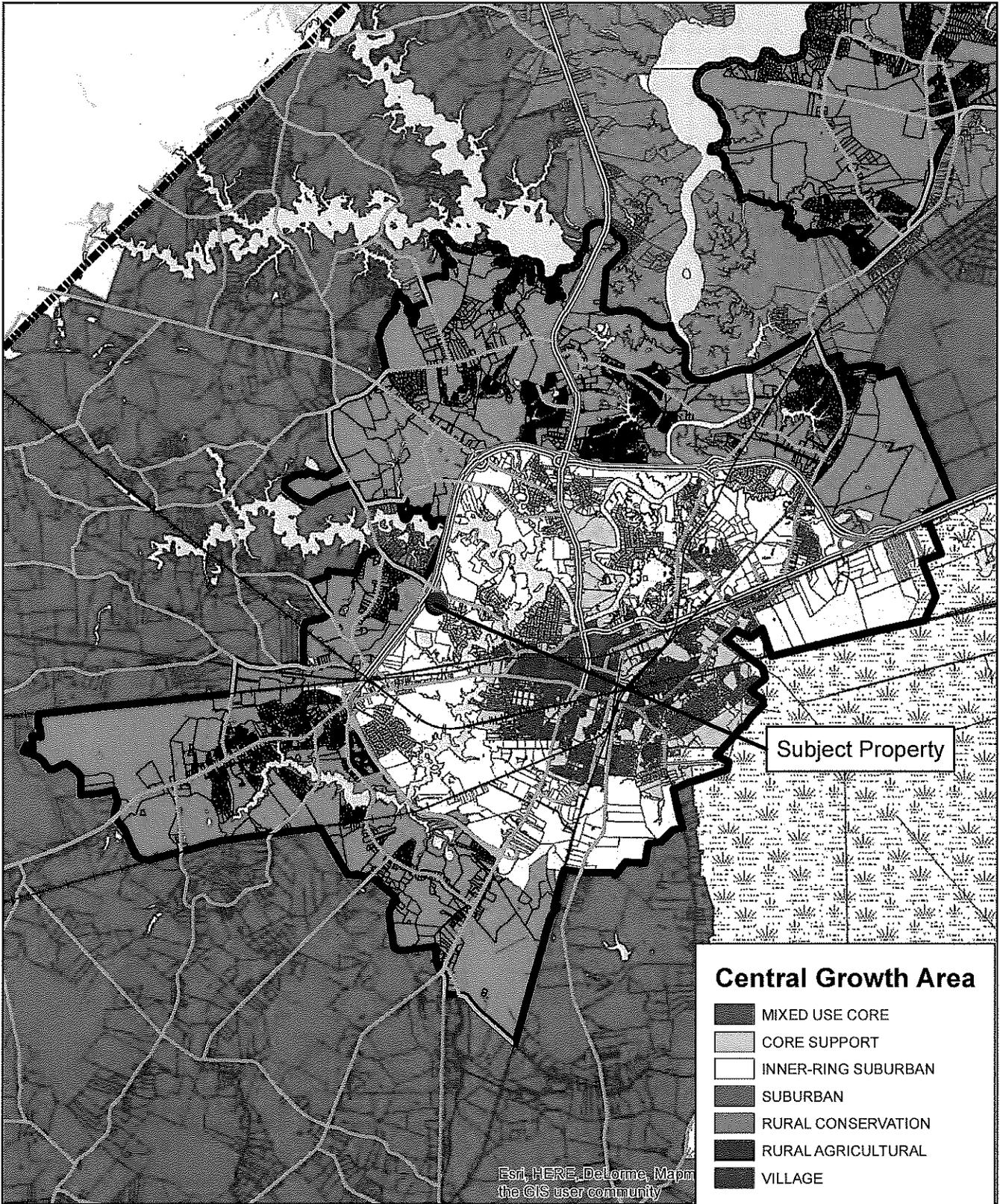
Attachments

- General Location Map
- Zoning/Land Use Map
- Application Narrative
- Conceptual Layout
- Proposed Ordinance
- Exhibit A - Planning Commission Recommendation
- Exhibit B – Rezoning Proffers
- Exhibit C – Property Map
- Exhibit D – Rezoning Exhibit/Survey



GENERAL LOCATION MAP

RZN2019-007

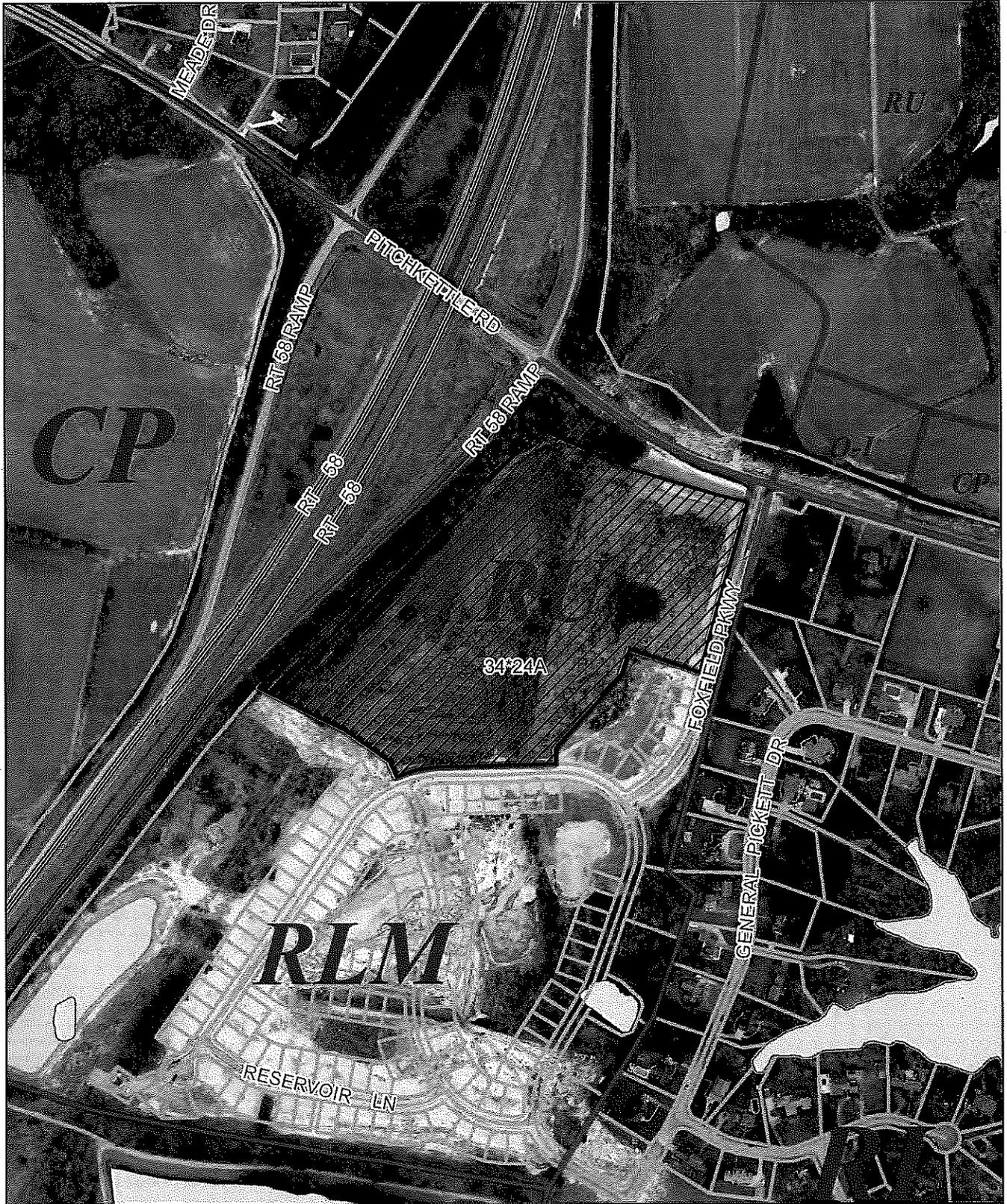


User Name: bsmith
Date: 8/28/2019



ZONING / LAND USE MAP

RZN2019-007



User Name: bsmith
Date: 8/28/2019

Amend Proffers. Zoned RU

Narrative

RZN 2019-007 (Conditional), Foxfield Meadows

The Applicant seeks an amendment of the existing proffers, which govern City of Suffolk Map 34, Parcel 24A, to reduce density and to revise the housing type from multifamily to single family detached residential dwellings. The subject parcel contains 19.98 acres bounded on the North by Pitchkettle Road, on the North and West by the route 58 bypass, on the South by the Foxfield Meadows Neighborhood and on the East by the Westhaven Lakes. Westhaven Lakes and Foxfield Meadows are single family detached residential communities, as are all the existing residential neighborhoods in the Pitchkettle Road Corridor extending from the Boston community to the intersection of Pitchkettle Road with the Route 58 Bypass.

The Applicant has submitted an amended proffer statement which limits its use of parcel 34*24A to 88 single family detached homes as stated in proffer number 10 of the revised proffers. The existing proffer for this parcel allows 114 multifamily dwellings to be constructed. In proffer number 1 of the revised voluntary proffer statement the Owner/ Applicant agrees to pay the City of Suffolk \$3,887.00 upon issuance of a building permit for each of the detached residential homes to be constructed. This proffer is dedicated for advancement of the City's capacity to build an elementary school.

The subject parcel is located within the Central Growth Area and is designated to be within The Inner Ring Suburban Use Area. Residential uses recommended within the Inner Ring Suburban development area are found in table 2-4, which designates single family, traditional neighborhood developments as appropriate residential uses within this use category. The Inner Ring Suburban Development characteristics table further states applicable place types to be Suburban Neighborhoods and Traditional Neighborhoods. Westhaven Lakes and Foxfield Meadows are both Suburban Neighborhoods in that they both are built around curvilinear street patterns and irregular block structures. The proposed 88 single family detached homes is fully consistent with existing Neighborhoods and the proposed reduction in density is more fully consistent with the Westhaven Lakes and Foxfields Meadows Neighborhoods.

ORDINANCE NUMBER _____

AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK IN ORDER TO AMEND THE PREVIOUSLY APPROVED PROFFERED CONDITIONS FOR THE FOXFIELD MEADOWS DEVELOPMENT LOCATED AT 1241 PITCHKETTLE ROAD, ZONING MAP 34, PARCEL 24A; RZN2019-007 (CONDITIONAL)

WHEREAS, Whitney G. Saunders, Saunders & Ojeda P.C., agent, on behalf of Greg Knapp, NVR, Inc., applicant, on behalf of Brian M. Clements, Cloverleaf Development, LLC, property owner, has requested to amend the previously approved proffered conditions to change the approved use and density pertaining to the development of Foxfield Meadows, for property located at 1241 Pitchkettle Road, Zoning Map 34, Parcel 24A, which land is depicted on Exhibit "C"; and,

WHEREAS, the proposed rezoning and amendment to the official zoning map have been advertised and reviewed by the Planning Commission in compliance with the requirements of state law; and,

WHEREAS, the Planning Commission has made a recommendation as stated in Exhibit "A"; and,

WHEREAS, a public hearing before City Council was duly advertised as required by law and held on the 5th day of February, 2020, at which public hearing the public was presented with the opportunity to comment on the proposed rezoning.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that:

Section 1. Exhibit "A", "Planning Commission Recommendation" and Exhibit "B", "Rezoning Proffers", Exhibit "C", "Property Map", and Exhibit "D" "Rezoning Exhibit/Survey", which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

A. Council finds that the proposed rezoning is reasonable, and warranted due to a mistake or change in circumstances affecting the property; and has considered the following factors and finds that the proposed rezoning does not conflict with:

1. the existing use and character of property within the City;
2. the Comprehensive Plan;
3. the suitability of the property for various uses;
4. the trends of growth or change;

5. the current or future requirements of the community as to land for various purposes as determined by population and economic studies and other studies;
6. the transportation requirements of the community;
7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;
8. the conservation of natural resources;
9. the preservation of flood plains;
10. the preservation of agricultural and forestal land;
11. the conservation of properties and their values;
12. the encouragement of the most appropriate use of land throughout the City; and,
13. the expressed purpose of the City's Unified Development Ordinance (UDO) as set out in Section 31-102 of the UDO, as amended, and Section 15.2-2283 of the Code of Virginia, (1950), as amended.

B. The Suffolk City Council makes the following specific findings to the conditions of the rezoning:

1. the proposed rezoning itself gives rise to the need for the proffered conditions;
2. the proffered conditions have a reasonable relationship to the rezoning; and,
3. the proffered conditions are in conformity with the 2035 Comprehensive Plan as adopted by City Council on April 1, 2015.

Section 3. Rezoning.

- A. The conditions proffered in the attached Exhibit "B" be, and they are hereby, accepted, as amended.

Section 4. Recordation.

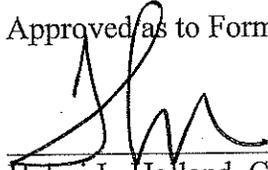
A certified copy of this ordinance shall be recorded, by the applicant, in the name of the property owner as grantor in the office of the Clerk of the Circuit Court of the City of Suffolk, Virginia.

This ordinance shall be effective upon passage and shall not be published or codified.

READ AND PASSED: _____

TESTE: _____
Erika S. Dawley, City Clerk

Approved as to Form:



Helvi L. Holland, City Attorney

EXHIBIT "A"

RESOLUTION NO. 19-12-1

CITY OF SUFFOLK PLANNING COMMISSION

**A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO REZONING REQUEST
RZN2019-007 (CONDITIONAL)
TO AMEND THE PREVIOUSLY APPROVED PROFFERED CONDITIONS FOR THE
FOXFIELD MEADOWS DEVELOPMENT FOR PROPERTY LOCATED AT 1241
PITCHKETTLE ROAD, ZONING MAP 34, PARCEL 24A**

WHEREAS, Whitney G. Saunders, Saunders & Ojeda P.C., agent, on behalf of Greg Knapp, NVR, Inc., applicant, on behalf of Brian M. Clements, Cloverleaf Development, LLC, property owner, has requested to amend the previously approved proffered conditions to change the approved use and density pertaining to the development of Foxfield Meadows, and

WHEREAS, the procedural requirements for the consideration of this request by the Planning Commission have been met.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Suffolk, Virginia, that:

Section 1. Findings.

- A. The Suffolk Planning Commission finds that the proposed rezoning is reasonable, and warranted due to a change in circumstances affecting the property, and has considered the following factors and finds that the proposed rezoning does not conflict with:
1. the existing use and character of property within the City;
 2. the Comprehensive Plan;
 3. the suitability of the property for various uses;
 4. the trends of growth or change;
 5. the current or future requirements of the community as to land for various purposes as determined by population and economic studies and other studies;
 6. the transportation requirements of the community;
 7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;
 8. the conservation of natural resources;

9. the preservation of flood plains;
10. the preservation of agricultural and forestal land;
11. the conservation of properties and their values;
12. the encouragement of the most appropriate use of land throughout the City;
13. the expressed purpose of the City's Unified Development Ordinances as set out in Section 31-102 of the Code of the City of Suffolk (1998), as amended, and Section 15.2-2283 of the Code of Virginia, (1950), as amended ("Va. Code").

B. The Suffolk Planning Commission makes the following specific findings to the conditions of the rezoning:

1. the proposed rezoning itself gives rise to the need for the proffered conditions;
2. the proffered conditions have a reasonable relationship to the rezoning; and
3. the proffered conditions are in conformity with the 2035 Comprehensive Plan as adopted by City Council on April 1, 2015.

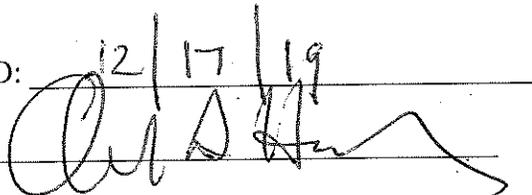
Section 2. Recommendation to Council

The Planning Commission recommends to City Council that the request, RZN2019-007 (Conditional), be:

- a. Granted as submitted, and the City Council adopt the proposed Ordinance without modification.
- b. Denied, and that Council not adopt the proposed Ordinance.
- c. Granted with the modifications set forth on the attached listing of specific recommendations, and that Council adopt the proposed Ordinance with such modifications.

READ AND PASSED:

TESTE:

12/17/19


VOLUNTARY PROFFER STATEMENT

I hereby voluntarily proffer that the development of the property owned by me proposed for reclassification under this application shall be in strict accordance with the conditions set forth below.

The following conditions (add additional sheets if necessary) are voluntarily proffered for the reclassification of property identified as Tax Map Number(s) 34,
Block Number _____, Parcel Number(s) 24A.

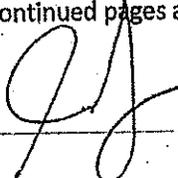
I hereby voluntarily proffer that the development of the property owned by me proposed for reclassification under this application shall be in strict accordance with the conditions set forth below. I hereby waive any right to challenge, in any judicial or administrative proceeding, the legality of such conditions or to assert a claim for compensation resulting from such conditions (except where compensation is expressly provided for in the conditions) under federal or Virginia law.

The following conditions are voluntarily proffered for the reclassification of property identified as Tax Map 34, Block *, Parcel Number 24A:

1. The owner / applicant agrees that it shall pay the City of Suffolk the sum of ~~1,944.44~~ \$3,887.00 upon the issuance of a building permit for each of the ~~114 multifamily detached residential homes to be constructed on parcel 34*24A units in the RU zoned part of the property for advancement of the City's capacity to build a elementary High School.~~
2. ~~The owner/applicant agrees that the single family residential lots contiguous to the Westhaven Lakes subdivision shall be platted in accordance with the lot area and dimensional standards of the (RL) zoning district.~~
3. ~~The owner/applicant agrees that with the vacation of the existing twenty (20) foot Portsmouth right-of-way affecting its property that shall simultaneously record both the proposed, as well as the alternate, Portsmouth waterline easements as shown on the rezoning exhibit.~~

*Continued pages attached

Applicant Signature: _____



Date: _____

1/15/20

Property Owner Signature: _____

Date: _____

Property Owner Signature: _____

Date: _____

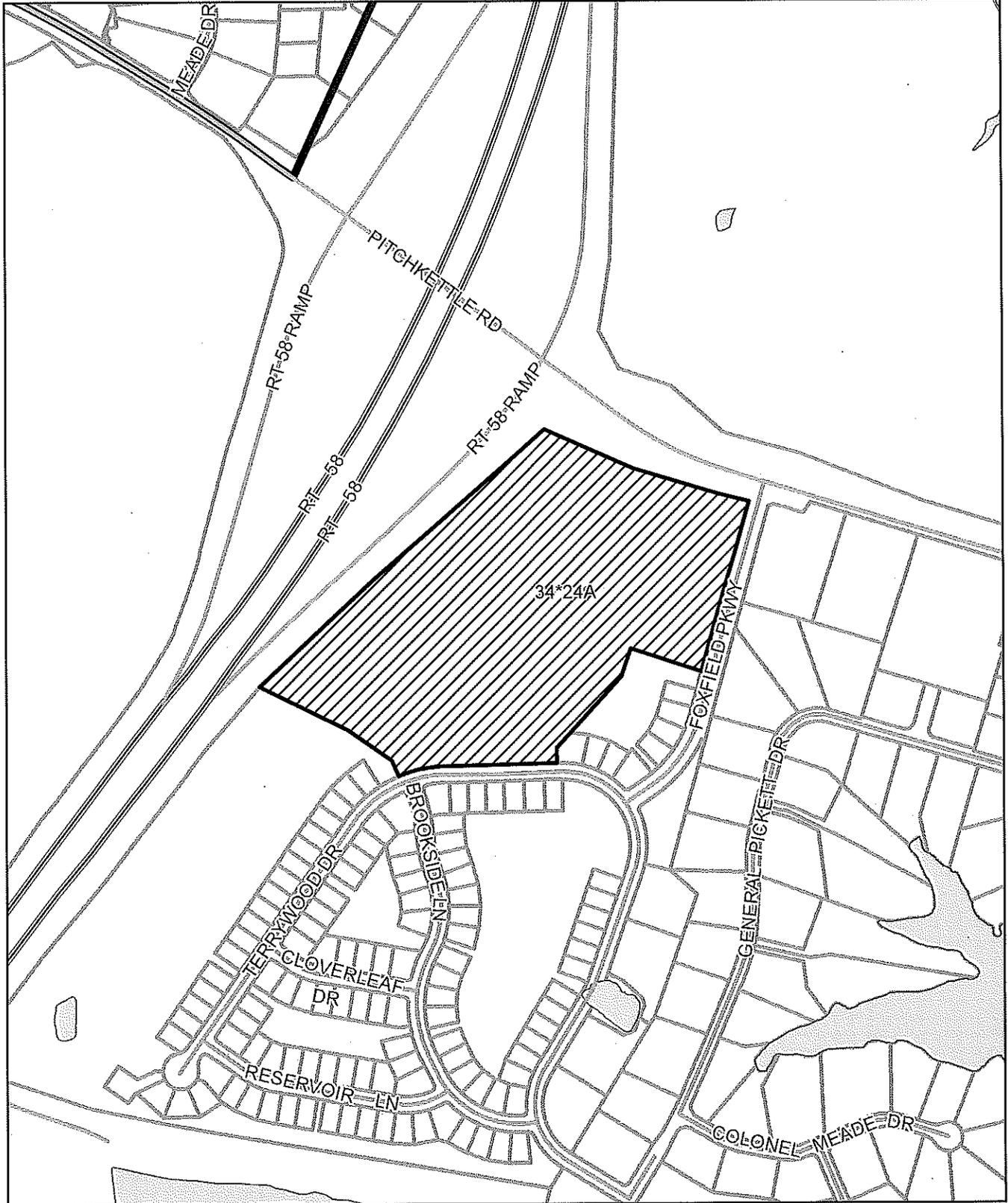
- ~~4. The owner/applicant agrees that it shall construct access and offsite right-of-way improvements to the subject property in accordance with alternative #1 on page 37, Chapter 7 of the Traffic Impact Analysis provided by Bryant D. Goodloe, P.C., revised February 24, 2007 as follows:
 - ~~1. General Comment All public improvements shall be designed and constructed in accordance with the City of Suffolk requirements.~~
 - ~~2. Future Right of Way for Pitchkettle Road The developer shall dedicate one-half of the ultimate 100' right of way for the future widening of Pitchkettle Road across the frontage of this property.~~
 - ~~3. Intersection of Pitchkettle Road & Foxfield Meadow Entrance The developer shall provide the following:
 - ~~a. A 200' left turn lane with a 200' taper shall be constructed on Pitchkettle Road northbound lane.~~
 - ~~b. A 150' right turn lane with a 150' taper shall be constructed on Pitchkettle Road southbound lane.~~
 - ~~c. The entrance road shall have a minimum of 2 exiting lanes (1 left & 1 right) and 1 entering lane.~~~~
 - ~~4. Pitchkettle Road & Route 58 Eastbound & Westbound Off ramps The developer shall be responsible for installing twin 12" simultaneously flashing red lights on the stop sign post for each ramp per current VDOT and MUTCD standards.~~~~
- ~~5. The owner/applicant agrees that it shall not position any public/private open space areas nor any storm water management facilities adjacent to the existing subdivision of "Westhaven Lakes". In addition, the owner/applicant agrees that stormwater discharge from its development shall be released at a rate equal to or less than the rate at predevelopment levels in accordance with a Public Works approved plan.~~
- ~~6. The Owner/Applicant agrees that the single family detached residential improvements subject to this application at a minimum shall incorporate a crawl space, or 18" raised slab with the appearances of a crawl space, contain 2,000 sf. Of heated living space, a two car garage, and a mix of brick/stone/masonry/hardy plank veneer/ LP Smart Side and/ or vinyl accents.~~
- ~~7. If needed by the City of Suffolk Utilities Department, the property owner will dedicate a mutually agreeable site to the City of Suffolk for a regional pumping station.~~

- ~~8. The owner agrees to provide the City cash, a letter of credit or a bond equal to \$67,500.00 (the contribution) for construction of a traffic signal at the entrance to Foxfield Meadows on Pitchkettle Road, if a traffic signal is warranted by City traffic regulations before 12/31/2016 or if construction begins on that project or an alternate project on the opposite side of Pitchkettle Road known currently as The Retreat at the Preserve before 12/31/2016. Should the aforesated terms which require the construction be unmet by 12/31/2016, the cash, bond or letter of credit will be released to the credit of the owner.~~
- ~~9. The owner/applicant agrees to provide the City of Suffolk with a cash proffer, which shall be divided into 3 equal amounts to fund City of Suffolk school, public safety and road related improvements. \$6,000 shall be paid to the City upon issuance of a building permit for each single family residence in the RLM zoned part of the property. The owner/applicant agrees to provide the City of Suffolk with a cash proffer for homes to be constructed in the RU part of the property, which shall be divided so that 2/3 of the cash proffer shall fund public safety improvements and 1/3 shall fund road related improvements. \$1,500 shall be paid to the City upon issuance of a building permit for each multifamily unit in the RU zoned part of the property. All funds related to this proffer paid by owner/applicant to the City shall be held by the City in a separate "lock box" account and shall be expended only for public safety needs and road improvements in the service area which serves Foxfield Meadow. All funds related to this proffer, paid to the City of Suffolk for road related improvements, shall be devoted solely to that section of Pitchkettle Road within the Community of "Boston".~~
10. The Owner/ Applicant agrees that all residential housing units constructed on parcel 34*24A shall be single family detached homes and that no more than 88 single family homes shall be constructed.
11. The Owner/ Applicant of the RU zoned parcel at Foxfield Meadows which is the subject of RZN2019-007, agree and proffer that the proposed 88 single family detached homes shall be developed in a condominium form of ownership in which each home shall contain a minimum of 1,600 square feet of heated living area and a two car garage on an eighteen (18") inch raised slab foundation. Each home will feature a raised panel garage door with lighter windows, aluminum guttering and energy efficient single hung windows. Available exterior materials shall include beaded vinyl siding, 0.046 vinyl clapboard siding, vinyl shake, board and batten and architectural vinyl trim. Optional partial stone or brick veneer will be offered on front elevations. Each home will have an exterior overhanging covering for its front door and 25-year architectural shingles. No adjacent home or home across the street from one another shall have the same color scheme and elevation.

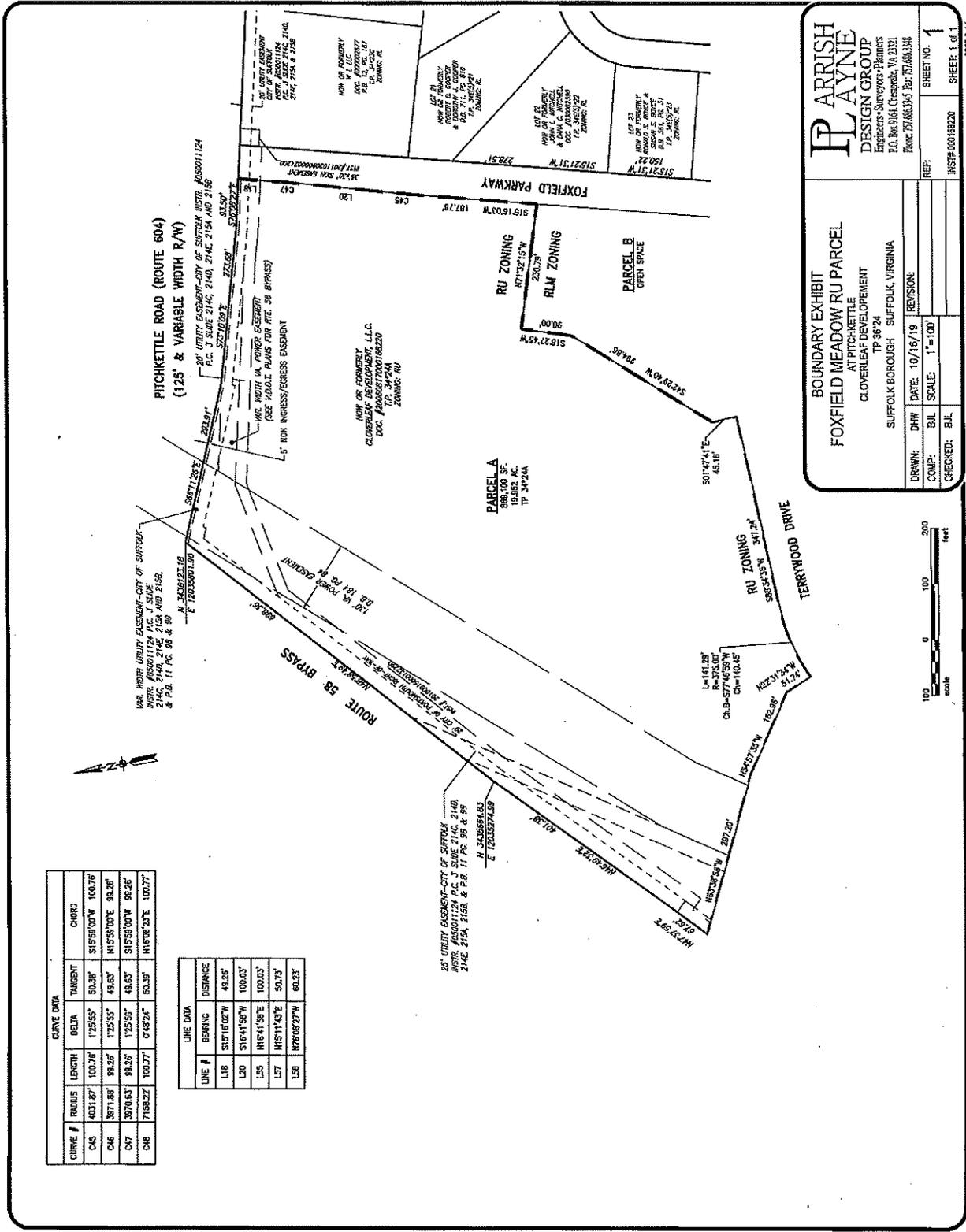


PROPERTY MAP RZN2019-007

EXHIBIT C



User Name: bsmith
Date: 8/28/2019



CURVE DATA

CURVE #	RADIUS	LENGTH	DELTA	TANGENT	CHORD
C45	4031.67'	100.76'	1°25'55"	50.38'	S15°59'00"W 100.76'
C46	3871.88'	98.26'	1°25'55"	49.63'	N15°59'00"E 98.26'
C47	3970.53'	98.26'	1°25'58"	48.83'	S15°59'00"W 98.26'
C48	7158.22'	100.77'	0°48'24"	50.35'	N16°06'37"E 100.77'

LINE DATA

LINE #	BEARING	DISTANCE
L18	S15°16'02"W	48.26'
L20	S16°41'58"W	100.03'
L55	N16°41'58"E	100.03'
L57	N51°14'52"E	50.73'
L58	N76°08'27"W	80.23'

PARRISH AYNE
DESIGN GROUP
Engineers-Surveyors-Planners
P.O. Box 9141, Chesapeake, VA 23320
Phone: 757.680.1395 Fax: 757.680.3346

BOUNDARY EXHIBIT
FOXFIELD MEADOW RU PARCEL
AT PITCHKETTLE
CLOVERLEAF DEVELOPMENT
TP 36924
SUFFOLK BOROUGH SUFFOLK, VIRGINIA

DRAWN: DHW DATE: 10/16/19 REVISION:
COMP: BIL SCALE: 1"=100'
CHECKED: BIL

REF: INSTR# 009188220 SHEET: 1 of 1

AGENDA: February 5, 2020, Regular Session

ITEM: Public Hearing – An ordinance to grant a Conditional Use Permit to establish a Day Care, Child Day Center, on property located at 361 E. Washington Street, Zoning Map 34G25(A), Parcel B; CUP2019-007

Attached for your consideration is information pertaining to Conditional Use Permit Request CUP2019-007, 361 E. Washington Street Day Care Center, submitted by Shamica Bullock, applicant, on behalf of Kenneth Edmond, property owner, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a Day Care, Child Day Center, on property located at 361 E. Washington Street, Zoning Map 34G25(A), Parcel B. The affected area is further identified as being located in the Whaleyville Voting Borough, zoned CBD, Central Business District zoning district and HC, Historic Conservation Overlay. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Mixed Use Core Use District.

The Planning Commission, at their meeting of December 17, 2019, voted 8 to 0 to approve a resolution recommending **approval** of this request with conditions.

ATTACHMENTS:

- Staff Report
- General Location Map
- Zoning / Land Use Map
- Narrative Description
- Environmental Site Assessment, Phase I, Lead Base Paint Detected
- Proposed Ordinance
- Exhibit A – Planning Commission Recommendation
- Exhibit B – Property Map
- Exhibit C – Floor Plan

STAFF REPORT

DESCRIPTION

CONDITIONAL USE PERMIT: Conditional Use Permit Request CUP2019-007 submitted by Shamica Bullock, applicant, on behalf of Kenneth Edmond, property owner to establish a Day Care, Child Day Center, in accordance with Section(s) 31-306 and 31-406 of the Unified Development Ordinance.

APPLICANT: Submitted by Shamica Bullock, applicant, on behalf of Kenneth Edmond, property owner.

LOCATION: The affected property is located at 361 E. Washington Street, and is further identified as Zoning Map 34G25(A), Parcel B.

PRESENT ZONING: CBD, Central Business District zoning district, and HC, Historic Conservation Overlay District.

EXISTING LAND USE: The property is approximately 0.53 acres and features a 2-story commercial building that is approximately 3,016 sq. ft. The commercial building was built back in the early to mid-1920's (1920-1926) and is currently vacant.

PROPOSED LAND USE: To establish a commercial Child Day Care to allow an enrollment of up to 30 children and 8 staff members.

SURROUNDING LAND USES:

- North- Commercial buildings zoned FRRD, Fairgrounds Revitalization and Redevelopment District zoning district.
- South- A church and single family homes zoned RM, Residential Medium Density zoning district.
- East- Warehouses zoned M-2, Heavy Industrial zoning district.
- West- Commercial buildings and the Tynes Street Playground zoned FRRD, Fairgrounds Revitalization and Redevelopment District zoning district.

COMPREHENSIVE PLAN: The City's 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Mixed Use Core District.

CHESAPEAKE BAY PRESERVATION AREA DESIGNATION: The property is located within the City's Chesapeake Bay Preservation Area Overlay District and is designated a Resource Management Area.

PUBLIC NOTICE: This request has been duly advertised in accordance with the public notice requirements set forth in Section 15.2-2204 of the Code of Virginia, as amended, and with the applicable provisions of the Unified Development Ordinance. A notice, containing a copy of the staff report, was also provided to the applicant on January 31, 2020.

STAFF ANALYSIS

ISSUE

The applicant is requesting a Conditional Use Permit to establish a Day Care, Child Day Center within an existing commercial building located at 361 E. Washington Street. The building contains a total of four units in two attached structures: 361, 363, 365, and 367 E. Washington Street. The applicant proposes to utilize only the first floor of #361 for the day care. The proposed hours of operation are 6:00 a.m. – 6:00 p.m., Monday through Friday. Drop off hours are between 6 a.m. – 9 a.m. and pick up is between 3 p.m. to 6 p.m. Currently, the building is vacant; however, it most recently served as retail space.

The applicant is requesting to have a total enrollment of up to 30 children. The proposed day care will include 2 rooms for infants 16 months to 2 years of age, and two classrooms for toddlers 2-4 years in age. The applicant is also proposing to employ up to 8 full and part time staff members to provide care for the proposed enrollment. The first floor, where the proposed day care will be, is approximately 2,152 square feet, the second floor of the building is not proposed to be utilized. The applicant is proposing to use the public Tynes Street Park that is approximately 200 feet away from the subject property as outdoor play area. The park is approximately 37,900 square feet and features a basketball court, green space, and play equipment. Based upon the use's square footage, a minimum of 7 parking spaces is required. As proposed, the applicant plans to utilize an existing paved parking area located next to the commercial building on the same parcel, which will be accessed from County Street.

The building proposed to be used for the day care is part of a larger commercial building located in the Historic Conservation Overlay District. According to the National Register nomination form for the Suffolk Historic District, the subject building was constructed sometime in the 1920s. Buildings constructed before 1978 usually contain hazardous materials such as lead paint and asbestos. Due to concern that hazardous materials are likely to be found in a building of this age, an environmental site assessment was required for this property.

CONSIDERATIONS AND CONCLUSIONS

1. Section 31-406 of the Unified Development Ordinance (UDO) requires that a Conditional Use Permit be obtained for a Day Care, Child Day Center, within the CBD, Central Business District zoning district.
2. The applicant is proposing a facility that will operate 6:00 a.m. – 6:00 p.m., Monday through Friday. The applicant is proposing that the center be allowed a total enrollment of 30 children with a staff of up to 8 adults. The applicant will need to maintain compliance with the child to staff ratio set forth by the Virginia Department of Social Services.
3. This site is currently served by public water and sewer.
4. The applicant has not indicated that food preparation will be conducted on the property. If food is offered, the applicant will need to meet the necessary Health Department

requirements for food preparation and handling.

5. The off-street parking requirements outlined in the UDO are a minimum of one space per 375 square feet of gross floor area and a maximum of 1.5 spaces per 375 square feet of gross floor area for a child day care facility. Based on the building area to be utilized by the day care, 7 parking spaces are required to adequately serve the facility. The applicant is proposing to utilize an existing parking lot located on the same property next to the subject property for customers and employees. The parking lot is shared between the Metropolitan Church located just to the south and the commercial buildings where the proposed use will be located. The parking spaces would be utilized by the church primarily on during the weekend and the day care hours of operation are Monday-Friday; therefore, there is no concern with the two different uses sharing the same parking lot. Traffic Engineering did not express any concerns regarding impacts on traffic or site access resulting from the proposed use.
6. No outdoor play area is proposed onsite. Instead, the applicant is proposing to utilize a public park located approximately 200 feet away from the subject building. The park has approximately 37,900 square feet and features a basketball court, green space, and play equipment. It is open from dawn to dusk. As day cares are regulated by the state, the Suffolk Unified Development Ordinance does not require outdoor space for commercial day care facilities. The applicant shall be required to comply with state standards when utilizing outdoor play areas under 22VAC40-185-310.
7. The applicant provided a Phase I Environmental Site Assessment, dated November 11, 2019, and an Asbestos Inspection Report and Management Plan, dated September 05, 2019, with this application. No asbestos was found in unit #361, but asbestos was found in neighboring unit #363. The report provides recommendations and an Asbestos Management Plan, which will be required by the Virginia Department of Social Services before a license is issued. The ESA provided identified lead paint in several areas of the first floor where the day care is proposed. The documentation states that the amount of lead detected does not pose a threat as long as the paint is intact, but does recommend several areas that should be locked to keep children out. Lead paint in day care areas is a potential hazard and should be addressed prior to occupancy by young children.
8. Child Day Care Centers are required to be licensed through the Virginia Department of Social Services. The facility must comply with the specific state regulations for operation and minimum facility standards according to 22VAC40-185. Any approval of this application will require that state approval is obtained prior to operation. In addition, the applicant will also be responsible for meeting building code standards for the proposed use along with gaining the necessary approvals from the Community Development Division.
9. Pursuant to Section 31-306 of the Unified Development Ordinance (UDO), a Conditional Use Permit recognizes uses that, because of their unique characteristics or potential impacts on adjacent land uses, child day centers are not generally permitted in certain zoning districts as a matter of right. Rather, such uses are permitted through the approval of a Conditional Use Permit by City Council when the right set of circumstances and

conditions are found acceptable.

Conditional Use Permit Approval Criteria (31-306(c)) - As may be specified within each zoning district, uses permitted subject to conditional use review criteria shall be permitted only after review by the Planning Commission and approval by the City Council and only if the applicant demonstrates that:

- a) *The proposed conditional use shall be in compliance with all regulations of the applicable zoning district, the provisions of Article 6 of the ordinance and any applicable supplemental use standards as set forth in Article 7 of the Ordinance.*

The proposed use of child day care facility is a listed conditional use in the CBD zoning district per the City's Unified Development Ordinance (UDO).

- b) *The proposed conditional use shall conform to the character of the neighborhood within the same zoning district in which it is located. The proposal as submitted or modified shall have no more adverse effects on health, safety or comfort of persons living or working in or driving through the neighborhood, or shall be no more injurious to property or improvements in the neighborhood, than would any other use generally permitted in the same district. In making such a determination, consideration should be given to the location, type and height of buildings or structures, the type and extent of landscaping and screening on the site and whether the proposed use is consistent with any theme, action, policy or map of the Comprehensive Plan which encourages mixed uses and/or densities.*

The proposed commercial day care will be located within an existing building located in an established commercial area. No site modifications are proposed. The property is surrounded by RM, FRRD, and M-2 zoning districts with a mix of different commercial uses such as retail stores, warehouses, and a church. If approved, the proposed use shall be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.

- c) *Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.*

The proposed use will utilize the access point on County Street. The proposal has been reviewed by the City's Traffic Engineering Department who expressed no concerns regarding parking, circulation, or traffic for the proposed use and location since it is located within the CBD, Central Business District.

- d) *The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.*

The proposed use is for a commercial day care and should not produce excess vibration, noise, odor, dust, smoke or gas. Outdoor play will be limited to the hours that Tynes Street Park is open to the public.

- e) *The proposed use shall not be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.*

The proposed use will utilize an existing building within an established commercial area which has a mixture of different uses. The proposed use will be compatible with existing uses and will not be injurious to the surrounding area.

- f) *The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.*

The property is located in a developed area within an existing structure. The use of this property for a child care facility should not impede the orderly development and improvement of surrounding properties.

- g) *The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.*

The applicant was required to provide an environmental site assessment to assess the condition of the building due to its age. The report indicated that there was no asbestos in the proposed space to be utilized for the day care center, but lead paint identified in several areas of the first floor of the proposed day care. The documentation states that the lead paint does not pose a threat as long as the paint is maintained intact. The report did recommend that all utility closets and access to the second floor be kept closed and locked to prevent the children from going into these areas. The applicant will need to address all the recommendations in both the Environmental Site Assessment and the Asbestos Inspection Report and Management Plan to ensure the safety and general welfare of the children in the facility.

- h) *The public interest and welfare supporting the proposed conditional use shall be sufficient to outweigh the individual interests which are adversely affected by the establishment of the proposed use.*

The public interest and welfare should not be compromised by the proposed use of this facility.

RECOMMENDATION

It is staff's opinion that the site in question may be considered appropriate for the proposed use with the conditions listed below. Given the existing available infrastructure and location in an established commercial district, the use will not adversely impact the surrounding neighborhood; however, hazardous materials should be removed or encapsulated to ensure the safety of children to be housed in the proposed day care facility.

Staff recommends **approval** of Conditional Use Permit request CUP2019-007 with the following conditions:

1. This Conditional Use Permit is granted specifically in order to establish a Day Care, Child Day Center, on the first floor of property located at 361 E. Washington Street, Zoning Map 34G25(A), Parcel B; as identified in Exhibits B and C.
2. The applicant shall comply with all regulations regarding the operation of a child Day Care facility as required by the Virginia Department of Social Services.
3. The applicant shall ensure that all the recommendations in the Asbestos Inspection Report and Management Plan dated September 5, 2019, are met.
4. The lead paint identified by the Phase I Environmental Site Assessment, dated November 11, 2019, shall be removed or encapsulated prior to occupancy of the building as a day care.
5. No food preparation may take place without approval from the Suffolk Health Department.

The Planning Commission, at their meeting of December 17, 2019, voted 8 to 0 to approve a resolution recommending **approval** of this request with conditions.

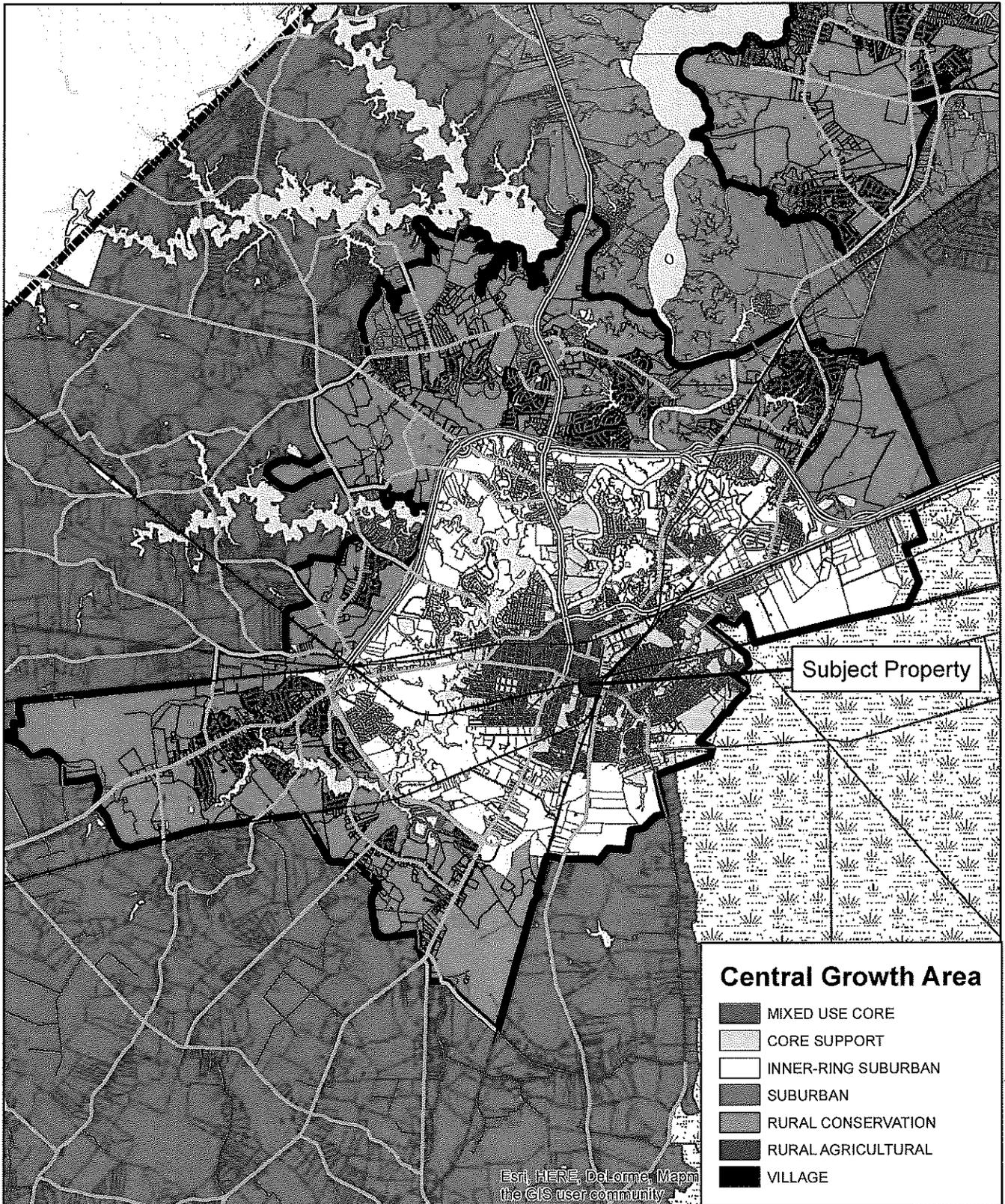
Attachments

- General Location Map
- Zoning / Land Use Map
- Narrative Description
- Environmental Site Assessment, Phase I, Lead Base Paint Detected
- Proposed Ordinance
- Exhibit A – Planning Commission Recommendation
- Exhibit B – Property Map
- Exhibit C – Floor Plan



GENERAL LOCATION MAP

CUP2019-007



User Name: bsmith
Date: 5/1/2019



ZONING / LAND USE MAP

CUP2019-007



RECEIVED

MAY 15 2019

PLANNING

Revised:

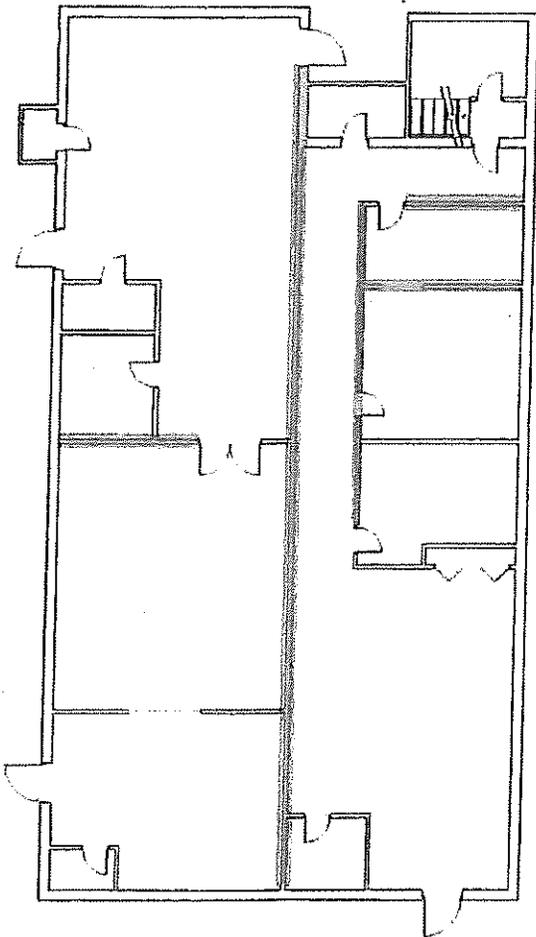
***Narrative description of the proposed
use(s) on the Property.***

The Purpose of the CUP is to allow the operation of a Daycare Center located at 361 E. Washington Street in Suffolk, VA. The proposed daycare will include 2 classrooms for toddlers and 2 rooms for infants-16 months. Classroom 1 will include toddlers between the ages of 16 months to 2 years old. Classroom 2 will include toddlers between the ages 2-4 years old. The Tynes Street Playground (163W x 233L) located at 151 Tynes Street, 40 ft away from the Daycare Center will be used for outdoor play. The Daycare will have a staff of about 8 people.

Hours of operation will be from 6:00AM to 6:00PM, Monday through Friday. Morning drop-off will occur between 6:00AM and 9:00AM. Evening Pick up will occur between 3:00PM and 6:00PM.

CUP2019-007
Enviromental Site Assessment, Phase I

■ Lead Base Paint Detected



ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A DAY CARE, CHILD DAY CENTER, ON PROPERTY LOCATED AT 361 E. WASHINGTON STREET, ZONING MAP 34G25(A), PARCEL B; CUP2019-007

WHEREAS, Shamica Bullock, applicant, on behalf of Kenneth Edmond, property owner, has requested a conditional use permit for a Day Care, Child Day Center, on a certain tract of land situated in the City of Suffolk, Virginia, which land is designated on the Zoning Map of the City of Suffolk, Virginia, as Zoning Map 34G25(A), Parcel B, which land is depicted on Exhibit "B"; and,

WHEREAS, the procedural requirements of Article 3, Section 31-306 of the Code of the City of Suffolk, Virginia, 1998 (as amended), have been followed; and,

WHEREAS, in acting upon this request, the Planning Commission and City Council have considered the matters enunciated in Section 15.2-2284 of the Code of Virginia (1950), as amended, and Article 1, Section 31-102 and Article 3, Section 31-306(c)(1 through 8) of the Code of the City of Suffolk, 1998 (as amended), with respect to the purposes stated in the Code of Virginia (1950), as amended, Sections 15.2-2200 and 15.2-2283; and,

WHEREAS, the Planning Commission has made a recommendation as stated in Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that:

Section 1. Exhibits.

Exhibit "A", "Planning Commission Recommendation", Exhibit "B", "Property Map", and Exhibit "C", "Floor Plan", which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

Council finds that the proposal for a Conditional Use Permit, as submitted or modified with conditions herein, the expressed purpose of which is to establish a Day Care, Child Day Center, is in conformity with the standards of the Unified Development Ordinance of the City of Suffolk and that it will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood, and will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any theme, action, policy or map of the Comprehensive Plan which encourages mixed uses and/or densities with the conditions set forth below.

These findings are based upon the consideration for the existing use and character of property, the Comprehensive Plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of flood plains, the preservation of agricultural and forestal land, the conservation of properties and their values, and the encouragement of the most appropriate use of land throughout the City.

These findings are based upon a determination that the most reasonable and limited way of avoiding the adverse impacts of a Day Care, Child Day Center is by the imposition of the conditions provided herein.

Section 3. Permit Granted.

The Conditional Use Permit for the property be, and it is hereby, approved for the property, subject to the following conditions and the general conditions set forth in Section 4 hereof. The Conditional Use Permit specifically permits a Day Care, Child Day Center, in compliance with Exhibit "C" (the "Floor Plan"), and Sections 31-306 and 31-406 of the Code of the City of Suffolk.

Conditions

1. This Conditional Use Permit is granted specifically in order to establish a Day Care, Child Day Center, on the first floor of property located at 361 E. Washington Street, Zoning Map 34G25(A), Parcel B; as identified in Exhibits B and C.
2. The applicant shall comply with all regulations regarding the operation of a child Day Care facility as required by the Virginia Department of Social Services.
3. The applicant shall ensure that all the recommendations in the Asbestos Inspection Report and Management Plan dated September 5, 2019, are met.
4. The lead paint identified by the Phase I Environmental Site Assessment, dated November 11, 2019, shall be removed or encapsulated prior to occupancy of the building as a day care.
5. No food preparation may take place without approval from the Suffolk Health Department.

Section 4. General Conditions.

- (a) The Conditional Use Permit may be revoked by City Council upon failure to comply with any of the conditions contained herein, after ten days written notice to Shamica Bullock, applicant, on behalf of Kenneth Edmond, property owner, or their successors in interest, and a hearing at which such persons shall have the opportunity to be heard.

- (b) To the extent applicable, the requirements set forth in Section 31-306 of the Code of the City of Suffolk, Virginia shall be met.
- (c) The commencement of the use described in Section 3 of this ordinance shall be deemed acceptance by Shamica Bullock, applicant, on behalf of Kenneth Edmond, property owner, or any party undertaking or maintaining such use, of the conditions to which the conditional use permit herein granted is subject.

Section 5. Severability.

It is the intention of the City Council that the provisions, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable; and if any phrase, clause, sentence, paragraph, section and provision of this ordinance hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, sections and provisions of this ordinance, to the extent that they can be enforced notwithstanding such determination.

Section 6. Recordation.

A certified copy of this ordinance shall be recorded, by the applicant, in the name of the property owner as grantor in the office of the Clerk of Circuit Court.

Section 7. Effective Date.

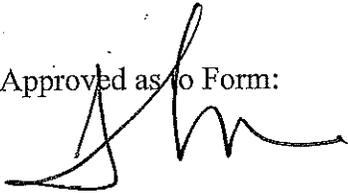
This ordinance shall be effective upon passage and shall not be published or codified. The conditional use authorized by this permit shall be implemented within two (2) years from the date of approval by the City Council and shall terminate if not initiated within that time period.

READ AND PASSED: _____

TESTE: _____

Erika Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

Exhibit A

RESOLUTION NO. 19-12-02

CITY OF SUFFOLK PLANNING COMMISSION

**A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO CONDITIONAL USE PERMIT
CUP2019-007**

**TO ESTABLISH A DAY CARE, CHILD DAY CENTER, ON PROPERTY LOCATED
AT 361 E. WASHINGTON STREET, ZONING MAP 34G25(A), PARCEL B**

WHEREAS, Shamica Bullock, applicant, on behalf of Kenneth Edmond, property owner, have requested the issuance of a Conditional Use Permit for a certain tract of land situated in the City of Suffolk, Virginia, which land is described and depicted on the proposed Ordinance attached hereto and incorporated herein by reference; and

WHEREAS, the specific request is to permit a Day Care, Child Day Center, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Suffolk, Virginia, that:

Section 1. Findings.

The Suffolk Planning Commission finds that the proposal for a conditional use permit, as submitted or modified herein:

- a) Will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood,
- b) Will have more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood,
- c) Will be no more injurious to property or improvements in the neighborhood, or
- d) Will be more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any theme, action, policy or map of the Comprehensive Plan which encourages mixed uses and/or densities.

Section 2. Recommendation to Council.

The Planning Commission recommends to City Council that the request, CUP2019-007, be:

- a) Granted as submitted, and that the City Council adopt the proposed Ordinance

without modification.

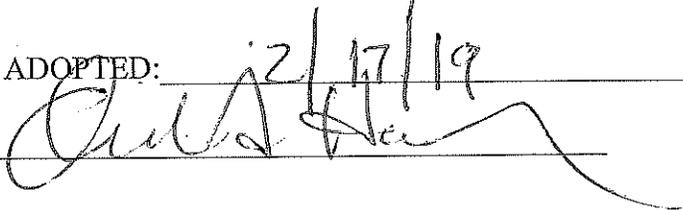
 b) Denied, and that Council not adopt the proposed Ordinance.

 X c) Granted with the modifications set forth on the attached listing of specific recommendations and that Council adopt the proposed Ordinance with such modifications.

READ AND ADOPTED:

2/17/19

TESTE:

A handwritten signature in black ink, appearing to be "Julia H...", written over a horizontal line.

CONDITIONAL USE PERMIT
CUP2019-007

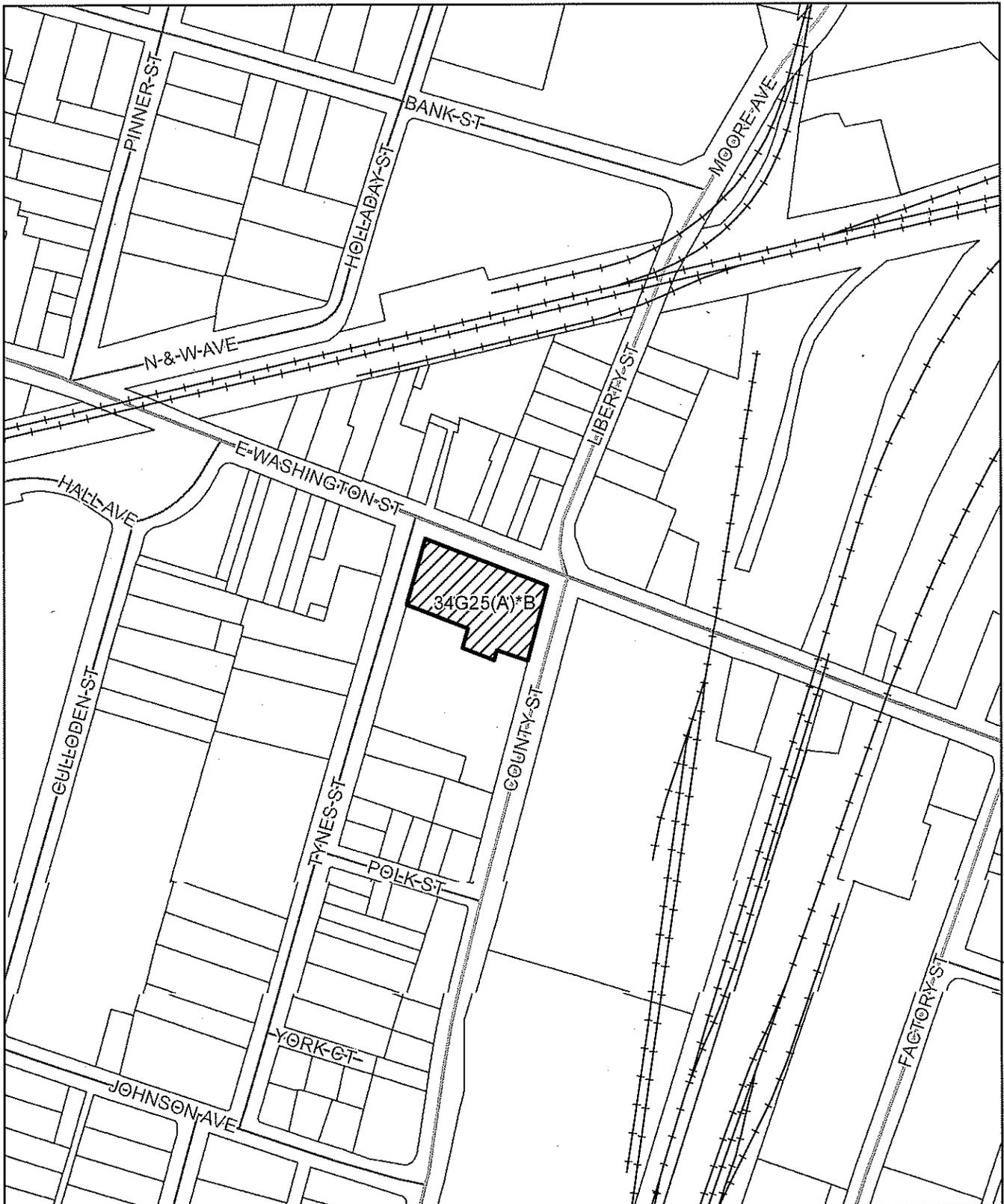
CONDITIONS

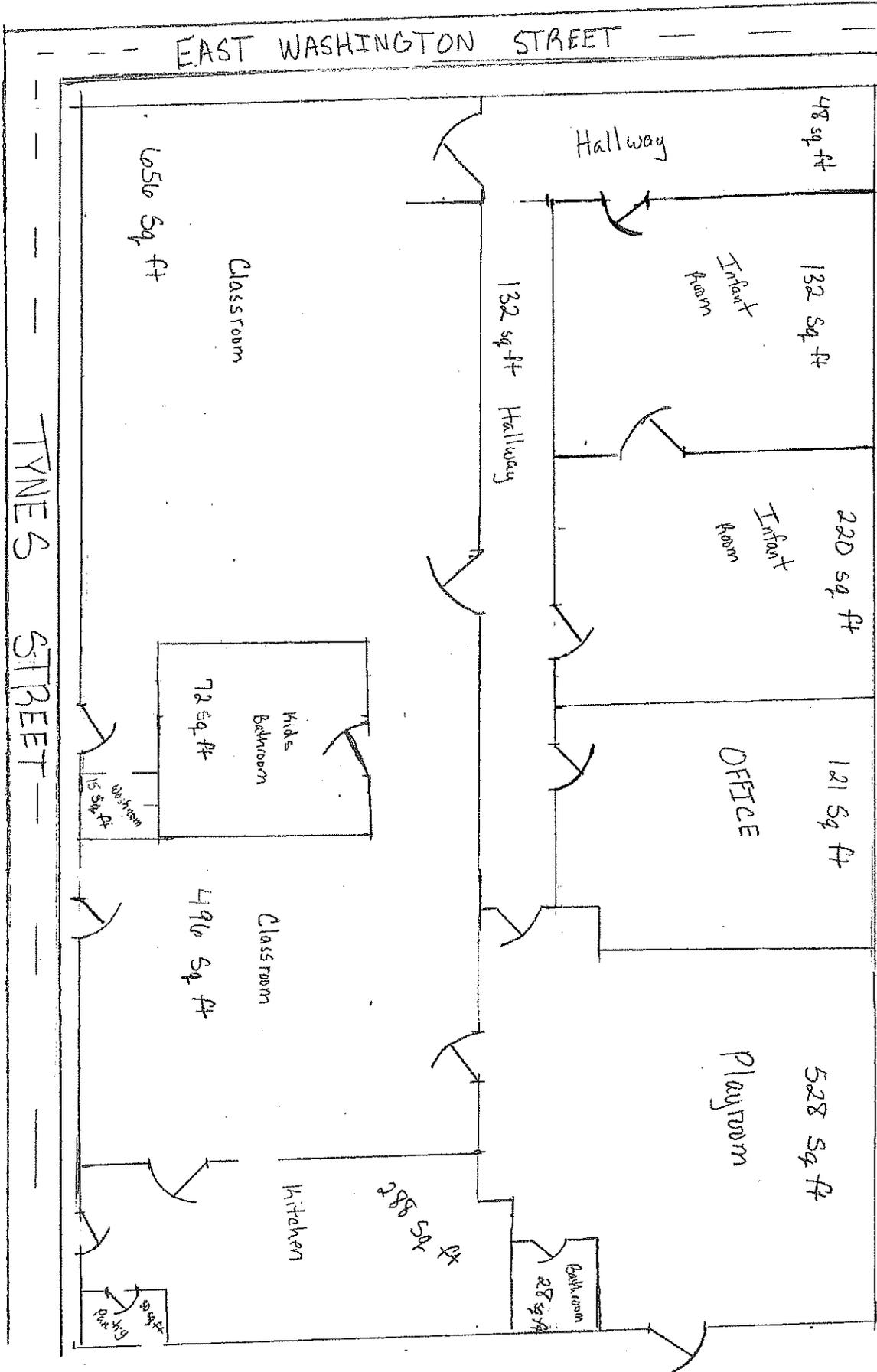
1. This Conditional Use Permit is granted specifically in order to establish a Day Care, Child Day Center, on the first floor of property located at 361 E. Washington Street, Zoning Map 34G25(A), Parcel B; as identified in Exhibits B and C.
2. The applicant shall comply with all regulations regarding the operation of a child Day Care facility as required by the Virginia Department of Social Services.
3. The applicant shall ensure that all the recommendations in the Asbestos Inspection Report and Management Plan dated September 5, 2019, are met.
4. The lead paint identified by the Phase I Environmental Site Assessment, dated November 11, 2019, shall be removed or encapsulated prior to occupancy of the building as a day care.
5. No food preparation may take place without approval from the Suffolk Health Department.



PROPERTY MAP CUP2019-007

EXHIBIT B





AGENDA: February 5, 2020, Regular Session

ITEM: Public Hearing – An ordinance to grant a Conditional Use Permit to establish a public assembly not otherwise enumerated (banquet facility with live entertainment), on property located at 127 E. Washington Street, Zoning Map 34G18(A), Parcel 284; CUP2019-017

Attached for your consideration is information pertaining to Conditional Use Permit Request CUP2019-017, Banquet Facility, submitted by Pamela Densten, applicant, on behalf of Valencia Ballard, Circle of Friends, LLC., property owner, in accordance with Section(s) 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a Public Assembly not Otherwise Enumerated (Banquet Facility), on property located at 127 E. Washington Street, Zoning Map 34G18(A), Parcel 284. The affected area is further identified as being located in the Suffolk Voting Borough, zoned CBD, Central Business District zoning district. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Mixed Use Core Use District.

The Planning Commission, at their meeting of December 17, 2019, voted 8 to 0 to approve a resolution recommending **approval** of this request.

ATTACHMENTS:

- Staff Report
- General Location Map
- Zoning / Land Use Map
- Project Narrative
- Proposed Ordinance
- Exhibit A – Planning Commission Recommendation
- Exhibit B – Property Map
- Exhibit C – Proposed Floor Plan

STAFF REPORT

DESCRIPTION

CONDITIONAL USE PERMIT: Conditional Use Permit Request CUP2019-017, in accordance with Section(s) 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a Public Assembly not Otherwise Enumerated (Banquet Facility with live entertainment).

APPLICANT: Submitted by Pamela Densten, applicant, on behalf of Valencia Ballard, Circle of Friends, LLC., property owner.

LOCATION: The affected property is located at 127 E. Washington St., Zoning Map 34G18(A), Parcel 284.

PRESENT ZONING: CBD, Central Business District zoning district.

EXISTING LAND USE: The subject parcel has an approximate area of 0.35 acres. This parcel features an 11,700 square foot two-story commercial building. The ground floor is 6,835 square feet and is currently vacant, but contains office spaces, bathrooms, and miscellaneous rooms. The second floor is used as commercial office space and is not proposed to change as a result of this request.

PROPOSED LAND USE: The applicant proposes to use only the ground floor of the existing building as a banquet facility.

SURROUNDING LAND USES:

- North - Municipal parking lot zoned CBD, Central Business District zoning district.
- South - Commercial structures zoned CBD, Central Business District zoning district.
- East - Commercial structures zoned CBD, Central Business District zoning district.
- West - Commercial structures zoned CBD, Central Business District zoning district.

COMPREHENSIVE PLAN: The City's 2035 Comprehensive Plan identifies this property as being located within the Central Growth Area, Mixed Use Core Use District.

CHESAPEAKE BAY PRESERVATION AREA DESIGNATION: This property is located within the Chesapeake Bay Preservation Area Overlay District, and is designated as a Resource Management Area.

PUBLIC NOTICE: This request has been duly advertised in accordance with the public notice requirements set forth in Section 15.2-2204 of the Code of Virginia, as amended, and with the applicable provisions of the Unified Development Ordinance. Notice to the applicant, containing a copy of the staff report, was also sent on January 31, 2019.

STAFF ANALYSIS

ISSUE

The applicant proposes to use the ground floor of the existing building as a banquet facility, with live entertainment. The office spaces for the banquet facility will also be located on the ground floor. This two-story building is located in the Central Growth Area and consists of approximately 11,700 square feet in total, with 6,835 square feet on the ground floor. The ground floor currently contains several office spaces, bathrooms, kitchenette, and several miscellaneous rooms. The second floor of the building is office space used by the owner, Circle of Friends, LLC.

The applicant's proposed banquet facility would include a warming kitchen, bar area, dance floor, dining area with eleven tables, and additional lobby space. According to the building plans submitted with the application, the applicant is proposing to keep the existing office spaces, restrooms, reception area, supply closet, and food preparation area. Parking for the property is currently provided by a combination of on street parking and nearby public parking. The banquet facility will be operated by the owners of the building, and the owners will have representatives present during every private event.

The applicant has indicated that food and beverages would not be provided by the business, rather they would be the responsibility of the guests renting the facility. The applicant plans to provide a list of approved vendors for renting guests to select from. The applicant also stated that if alcohol is to be served, the guest renting the banquet facility must obtain the required ABC permits from the Virginia Department of Alcoholic Beverage Control. The applicant and owner are aware that they will be still ultimately be responsible for any ABC permits used within the venue, even if the permit is in the guest's name. The applicant will have a list of approved DJs for guests to choose from, therefore there will be live music in the proposed facility.

CONSIDERATIONS AND CONCLUSIONS

1. Section 31-406 of the Unified Development Ordinance (UDO) requires that a Conditional Use Permit be obtained for a public facility not otherwise enumerated, with live entertainment within the CBD, Central Business District zoning district.
2. The site is currently served by public water and sewer. The Department of Public Utilities has no concerns in regard to the Conditional Use Permit request.
3. No building expansions are proposed as a result of this request; as such the Department of Public Works, Engineering Division, has no concerns.
4. The Department of Public Works, Traffic Engineering Division has reviewed the request and has no concerns at this time.
5. Pursuant to Section 31-306 of the Unified Development Ordinance (UDO), a Conditional Use Permit recognizes uses that, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of

right. Rather, such uses are permitted through the approval of a Conditional Use Permit by City Council when the right set of circumstances and conditions are found acceptable.

Conditional Use Permit Approval Criteria, 31-306(c) – As may be specified within each zoning district, uses permitted subject to conditional use review criteria shall be permitted only after review by the Planning Commission and approval by the City Council, and only if the applicant demonstrates that:

- a) *The proposed conditional use shall be in compliance with all regulations of the applicable zoning district, the provisions of Article 6 of the Ordinance and any applicable supplemental use standards as set forth in Article 7 of the Ordinance.*

The proposed use is permitted only with the approval of a conditional use permit in the CBD, Central Business District zoning district per the City's Unified Development Ordinance. All requirements as set forth in Articles 6 and 7 of the Unified Development Ordinance must be met. The proposed banquet facility would represent a change in use of the property. Building permit review and approval will be required before commencement of the use.

- b) *The proposed conditional use shall conform to the character of the neighborhood within the same zoning district in which it is located. The proposal as submitted or modified shall have no more adverse effects on health, safety or comfort of persons living or working in or driving through the neighborhood, or shall be no more injurious to property or improvements in the neighborhood, than would any other use generally permitted in the same district. In making such a determination, consideration should be given to the location, type and height of buildings or structures, the type and extent of landscaping and screening on the site and whether the proposed use is consistent with any theme, action, policy or map of the Comprehensive Plan which encourages mixed uses and/or densities.*

The proposed use will utilize the ground floor of an existing two-story commercial building. The applicant is not proposing any changes to the exterior of the building at this time.

- c) *Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.*

There is on-street and public parking available adjacent to the property that is anticipated to adequately serve the proposed use. The parking requirement for banquet facilities is 1 space per 50 square feet of gross floor area (if no permanent seats); therefore, 138 parking spaces would be required for the 6,835 square feet of gross floor area on the ground floor. Parking is available in adjacent parking lots and on-street, which is permitted in the CBD district, thus this requirement is satisfied. As previously stated, the Department of Public Works, Traffic Engineering Division, has reviewed the proposed use and has no concerns.

- d) *The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.*

No outside use of the property for receptions, parties, or similar activities is proposed by this request. Additionally, the proposed hours of operation are Monday through Friday from 9:00am to 5:00pm for office hours and Sunday through Thursday 9:00am to 11:00pm and 9:00am through 12:00 midnight Friday and Saturday for event hours. These hours of operation align with the City of Suffolk Police Department's recommendation. The applicant is required to abide by all city regulations pertaining to sound control and noise. As a condition of approval, the Police Department recommends that an alarm system be provided by a licensed alarm company with a central monitoring system. It is further recommended that the alarm system be audible and strobe alarms with the audio to be heard from outside the building. Heat, motion and glass breakage sensors are also recommended.

Additionally, the use of the ground floor as a banquet facility with live entertainment will not cause a negative impact to the second floor use due to the second floor being a commercial use with standard business hours. Furthermore, the owner and applicant own the nonprofit that operates out of the second floor, so both floors and uses will have shared ownership.

- e) *The proposed use shall not be injurious to the use and enjoyments of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.*

The proposed use of a banquet facility with live entertainment is not anticipated to diminish or impair property values within the Central Business District as the use is similar to many like uses that are permitted within the district. Additionally, in accordance with Article 4, Section 31-408(i) of the Unified Development Ordinance, it is understood that due to existing development density in the CBD, public facilities are adequate to serve the proposed use.

- f) *The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.*

The proposed banquet facility is located in an established commercial area and will not impede the orderly development and improvement of the surrounding area.

- g) *The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.*

The proposed use will be located in an established commercial area in the city's downtown district. Staff has attached conditions to limit any potential negative effects that may result from this type of use, and the applicant must comply with all regulations regarding noise. As proposed, and with the appropriate conditions, this

use is anticipated to operate in a fashion that is compatible with the character of the existing neighborhood.

- h) The public interest and welfare supporting the proposed conditional use shall be sufficient to outweigh the individual interests which are adversely affected by the establishment of the proposed use.*

The public interest and welfare should not be compromised by the proposed use of a banquet facility in this location. The individual interests of persons within the neighborhood should not be adversely affected by the proposed uses under the conditions proposed below.

RECOMMENDATION

Staff finds that the proposed use of a public assembly not otherwise enumerated (banquet facility), with live entertainment, meets criteria for Conditional Use Permits set forth in Section 31-306 of the Unified Development Ordinance, and that the use should not negatively impact the surrounding area with conditions that would serve to mitigate potential adverse impacts. Accordingly, staff recommends **approval** of CUP2019-017 with the conditions as noted in the attached resolution and ordinance:

1. This Conditional Use Permit is granted to establish a banquet facility, with live entertainment, on the ground floor of an existing principal structure located at 127 E. Washington St., Zoning Map 34G18(A), Parcel 284.
2. The owner, or a representative of the owner, shall remain on the property during all private events.
3. The applicant shall be responsible for all activities conducted at the facility including the consumption of alcoholic beverages under the authority of a license issued under the laws and regulations of the Department of Alcoholic Beverage Control.
4. Adult events that serve alcohol shall require security by Department of Criminal Justice Services (DCJS) registered and approved security officers.
5. A bar, night club, or any type of restaurant as defined by the UDO or a "public dance hall" as defined in the Code of the City of Suffolk shall not be permitted to operate at this location at any time.
6. Interior and exterior lighting shall be provided at entrance/exit points.
7. Any use of pyrotechnics shall be prohibited.
8. Digital video surveillance shall be provided at front and rear entrance/exits, the interior and the exterior parking lot. The video shall be accessible by employees on-site and must be approved by the Police Department.

9. Any event where there is an admission fee shall be prohibited.
10. No events are permitted to be open to the public.
11. If food preparation is to occur on-site, Health Department approval is required.
12. This property is located within the Historic Conservation Overlay District and is subject to the standards of the Historic District Design Guidelines. Any exterior changes to the property will require a Certificate of Appropriateness.
13. The hours of operation for the banquet facility shall be as follows:

Office Hours: *Monday- Friday 9:00am to 5:00pm*
Event Hours: *Sunday- Thursday 9:00am to 11:00pm*
Friday- Saturday 9:00am to 12:00am (Midnight)
14. The applicant shall be responsible to ensure compliance with all local and state laws and ordinances of the City of Suffolk and the Commonwealth of Virginia; this includes but not limited to compliance with the Virginia Administrative Code and Article 7, Supplemental Use Regulations, Section 31-701, Accessory Uses and Structures of the Unified Development Ordinance.

The Planning Commission, at their meeting of December 17, 2019, voted 8 to 0 to approve a resolution recommending **approval** of this request.

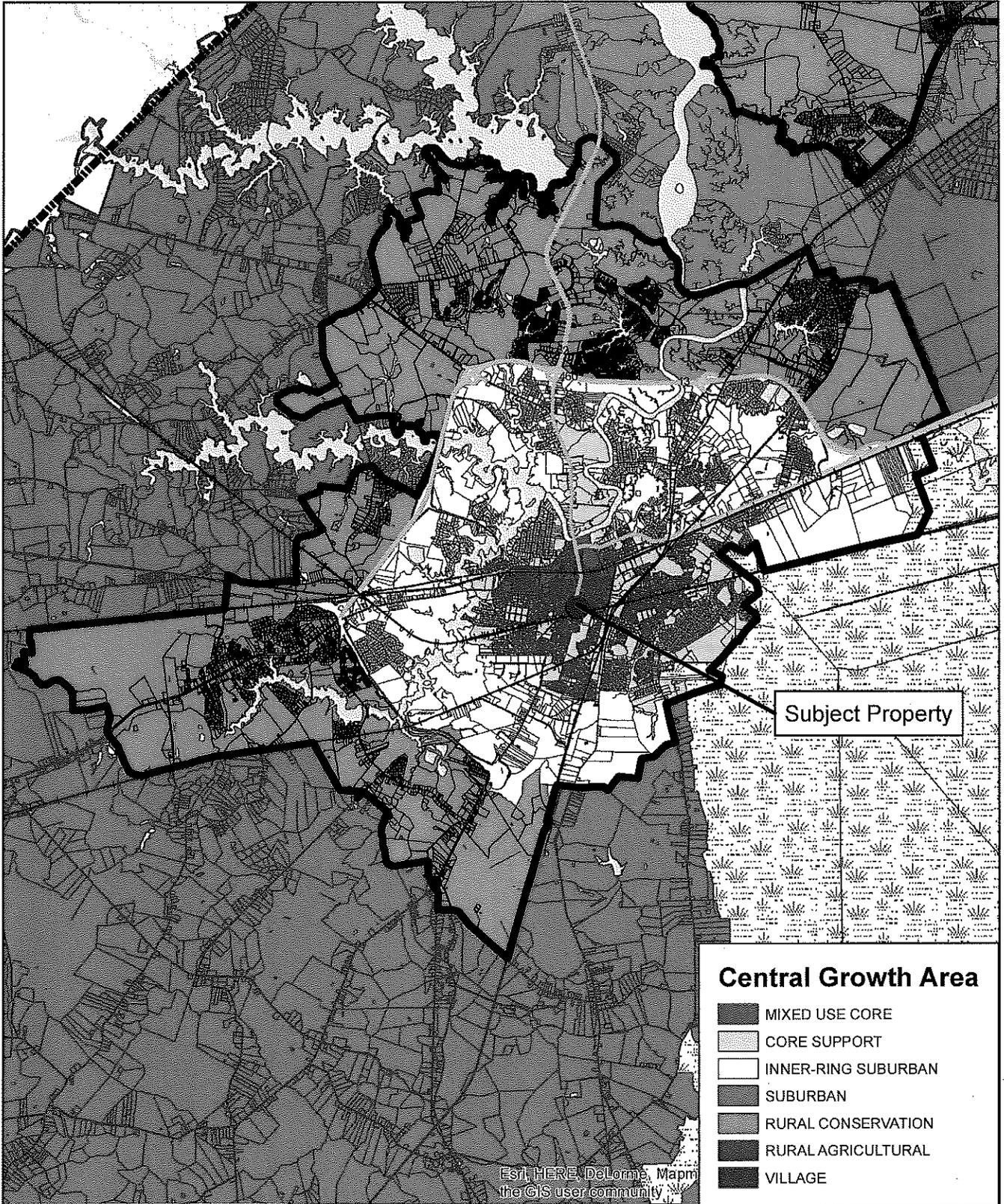
Attachments

- General Location Map
- Zoning / Land Use Map
- Project Narrative
- Proposed Ordinance
- Exhibit A – Planning Commission Recommendation
- Exhibit B – Property Map
- Exhibit C – Proposed Floor Plan



GENERAL LOCATION MAP

CUP2019-017



Subject Property

Central Growth Area

- MIXED USE CORE
- CORE SUPPORT
- INNER-RING SUBURBAN
- SUBURBAN
- RURAL CONSERVATION
- RURAL AGRICULTURAL
- VILLAGE





ZONING / LAND USE MAP

CUP2019-017



User Name: bsmith
Date: 11/1/2019

NARRATIVE DESCRIPTION OF PROPOSED USE FOR OCCASION, LLC

OCCASION, LLC is a banquet facility that will be used for events such as weddings, receptions, anniversaries, birthdays, conferences, seminars, corporate events, church, and other events. The hours of operation are as follows:

OFFICE HOURS – 9:00a to 5:00p, Monday thru Friday

EVENT HOURS – 9:00a to 11:00p, Sunday thru Thursday and 9:00a to 12:00 midnight, Friday and Saturday

OCCASION, LLC will contract vendors to provide all services. A contracted Event Specialist Coordinator will customize the client's special day using a referred in-house vendors list. The list will be comprised of vendors who are licensed, insured and highly professional, and will be available to assist with planning each event. OCCASION, LLC is owner operated. Owners will manage the facility.

OCCASION, LLC will provide a banquet room, warming kitchen, tables, chairs, tablecloths, chair covers, napkins, plates, chaffing dishes with serving utensils, eating utensils, and a vendor's list. OCCASIONS, LLC will provide the basic set-up for each event.

A warming kitchen will be provided for contracted caterers which will consist of a convection oven, warming cabinets, and a microwave. OCCASION, LLC will also provide a rack stand, refrigerator, freezer, ice maker, stainless steel tables, hand sink, dish washer, and a 3-compartment sink.

Trash is picked up on Tuesday and Friday. OCCASION, LLC will obtain a one-day special event banquet license from Virginia ABC office as needed.

Contracted vendors are as follows:

EVENT SPECIALIST COORDINATOR/SALES REP

The event specialist coordinator/sales rep will assist clients with details of their events from the beginning to the end. They will also present clients with the preferred vendor list and assist with procuring new clients.

CATERER:

Caterers will bring food for clients to the banquet facility and keep warm in the warming kitchen provided. The catering company is also responsible for cleaning tables, removing trash, along with cleaning dishes and placing them back on the rack. The catering company will provide their own staff for each event. Each catering company will submit a copy of their menu with prices.

BAKER:

A baker will provide baked goods as requested for events, such as cakes, pastries, cupcakes, etc.

DECORATOR:

A contracted decorator will provide decorations for clients as requested, such as center pieces, etc.

FLORIST

The florist will provide fresh flowers as requested and/or floral arrangements

DISC JOCKY

A DJ will provide music for functions as requested, providing their own music and equipment

PHOTOGRAPHERS/VIDEOGRAPHERS

Photographers and videographers will take pictures and videos for events using their own equipment

LIGHTING COMPANY

The lighting company will set up specialty lighting as requested such as up lights, strobe lights, etc.

PHOTO BOOTH

This service will also be contracted as requested. The photobooth will be delivered and picked up at the end of the event.

LINEN SERVICE:

Linen, such as tablecloths and napkins, will be sent out to a cleaning company and delivered.

CLEANING AND MAINTENANCE:

Janitorial and maintenance duties will be contracted. This includes a thorough cleaning and maintenance of the interior and exterior of the facility.

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A PUBLIC ASSEMBLY NOT OTHERWISE ENUMERATED (BANQUET FACILITY WITH LIVE ENTERTAINMENT), ON PROPERTY LOCATED AT 127 EAST WASHINGTON STREET, ZONING MAP 34G18(A), PARCEL 284; CUP2019-017

WHEREAS, Pamela Densten, applicant and agent, on behalf of Valencia Ballard, Circle of Friends LLC, property owner, has requested a conditional use permit for a public assembly not otherwise enumerated (Banquet facility with live entertainment), on a certain tract of land situated in the City of Suffolk, Virginia, which land is designated on the Zoning Map of the City of Suffolk, Virginia, as Zoning Map 34G18(A), Parcel 284, and which land is depicted on Exhibit "B", "Property Map"; and,

WHEREAS, the procedural requirements of Article 3, Section 31-306 of the Code of the City of Suffolk, Virginia, 1998 (as amended), have been followed; and,

WHEREAS, in acting upon this request, the Planning Commission and City Council have considered the matters enunciated in Section 15.2-2284 of the Code of Virginia (1950), as amended, and Article 1, Section 31-102 and Article 3, Section 31-306(c)(1 through 8) of the Code of the City of Suffolk, 1998 (as amended), with respect to the purposes stated in the Code of Virginia (1950), as amended, Sections 15.2-2200 and 15.2-2283; and,

WHEREAS, the Planning Commission has made a recommendation as stated in Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that:

Section 1. Exhibits.

Exhibit "A", "Planning Commission Recommendation", Exhibit "B", "Property Map", and Exhibit "C", "Proposed Floor Plan", which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

Council finds that the proposal for a conditional use permit, as submitted or modified with conditions herein, the expressed purpose of which is to establish a public assembly not otherwise enumerated (banquet facility with live entertainment), that is in conformity with the standards of the Unified Development Ordinance of the City of Suffolk and that it will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood, and will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any theme, action, policy or map of the Comprehensive Plan which

encourages mixed uses and/or densities with the conditions set forth below.

These findings are based upon the consideration for the existing use and character of property, the Comprehensive Plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of flood plains, the preservation of agricultural and forestal land, the conservation of properties and their values, and the encouragement of the most appropriate use of land throughout the City.

These findings are based upon a determination that the most reasonable and limited way of avoiding the adverse impacts of a public assembly not otherwise enumerated (banquet facility with live entertainment), is by the imposition of the conditions provided herein.

Section 3. Permit Granted.

The conditional use permit for the Property be, and it is hereby, approved for the Property, subject to the following conditions and the general conditions set forth in Section 4 hereof. The conditional use permit specifically permits a public assembly not otherwise enumerated (banquet facility with live entertainment), in compliance with Exhibit "C" (the "Proposed Floor Plan"), and Sections 31-306 and 31-406 of the Code of the City of Suffolk.

Conditions

1. This Conditional Use Permit is granted to establish a public assembly not otherwise enumerated (banquet facility with live entertainment), on the ground floor of an existing principal structure located at 127 E. Washington Street, Zoning Map 34G18(A) Parcel 284.
2. The owner, or a representative of the owner, shall remain on the property during all private events.
3. The applicant shall be responsible for all activities conducted at the facility including the consumption of alcoholic beverages under the authority of a license issued under the laws and regulations of the Department of Alcoholic Beverage Control.
4. Adult events that serve alcohol shall require security by Department of Criminal Justice Services (DCJS) registered and approved security officers.
5. A bar, night club, or any type of restaurant as defined by the UDO or a "public dance hall" as defined in the Code of the City of Suffolk shall not be permitted to operate at this location at any time.
6. Interior and exterior lighting shall be provided at entrance/exit points.
7. Any use of pyrotechnics shall be prohibited.

8. Digital video surveillance shall be provided at front and rear entrance/exits, the interior and the exterior parking lot. The video shall be accessible by employees on-site and must be approved by the Police Department.
9. Any event where there is an admission fee shall be prohibited.
10. No events are permitted to be open to the public.
11. If food preparation is to occur on-site, Health Department approval is required.
12. This property is located within the Historic Conservation Overlay District and is subject to the standards of the Historic District Design Guidelines. Any exterior changes to the property will require a Certificate of Appropriateness.
13. The hours of operation for the banquet facility shall be as follows:

Office Hours: *Monday- Friday 9:00am to 5:00pm*
Event Hours: *Sunday- Thursday 9:00am to 11:00pm*
Friday- Saturday 9:00am to 12:00am (Midnight)
14. The applicant shall be responsible to ensure compliance with all local and state laws and ordinances of the City of Suffolk and the Commonwealth of Virginia; this includes but not limited to compliance with the Virginia Administrative Code and Article 7, Supplemental Use Regulations, Section 31-701, Accessory Uses and Structures of the Unified Development Ordinance.

Section 4. General Conditions.

- (a) The conditional use permit may be revoked by City Council upon failure to comply with any of the conditions contained herein, after ten days written notice to Valencia Ballard, Circle of Friends, LLC, property owner, or their successors in interest, and a hearing at which such persons shall have the opportunity to be heard.
- (b) To the extent applicable, the requirements set forth in Section 31-306 of the Code of the City of Suffolk, Virginia shall be met.
- (c) The commencement of the use described in Section 3 of this ordinance shall be deemed acceptance by Valencia Ballard, Circle of Friends, LLC, property owner, or any party undertaking or maintaining such use, of the conditions to which the conditional use permit herein granted is subject.

Section 5. Severability.

It is the intention of the City Council that the provisions, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable; and if any phrase, clause, sentence, paragraph, section and provision of this ordinance hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of

competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, sections and provisions of this ordinance, to the extent that they can be enforced notwithstanding such determination.

Section 6. Recordation.

A certified copy of this ordinance shall be recorded, by the applicant, in the name of the property owner as grantor in the office of the Clerk of Circuit Court.

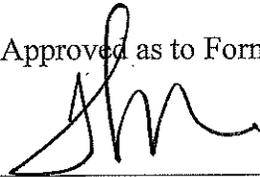
Section 7. Effective Date.

This ordinance shall be effective upon passage and shall not be published or codified. The conditional use authorized by this permit shall be implemented within two (2) years from the date of approval by the City Council and shall terminate if not initiated within that time period.

READ AND PASSED: _____

TESTE: _____
Erika Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

Exhibit A

RESOLUTION NO. 19-12-17

CITY OF SUFFOLK PLANNING COMMISSION

**A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO CONDITIONAL USE PERMIT
CUP2019-017**

**TO ESTABLISH A PUBLIC ASSEMBLY NOT OTHERWISE ENUMERATED
(BANQUET FACILITY WITH LIVE ENTERTAINMENT), ON PROPERTY LOCATED
AT 127 EAST WASHINGTON STREET, ZONING MAP 34G18(A), PARCEL 284**

WHEREAS, Pamela Densten, applicant and agent, on behalf of Valencia Ballard, Circle of Friends, LLC., owner, has requested the issuance of a conditional use permit for a certain tract of land situated in the City of Suffolk, Virginia, which land is described and depicted on the proposed Ordinance attached hereto and incorporated herein by reference; and

WHEREAS, the specific request is to permit a public assembly not otherwise enumerated (banquet hall), with live entertainment, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Suffolk, Virginia, that:

Section 1. Findings.

The Suffolk Planning Commission finds that the proposal for a conditional use permit, as submitted or modified herein:

- a) Will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood,
- b) Will have more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood,
- c) Will be no more injurious to property or improvements in the neighborhood, or
- d) Will be more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any theme, action, policy or map of the Comprehensive Plan which encourages mixed uses and/or densities.

Section 2. Recommendation to Council.

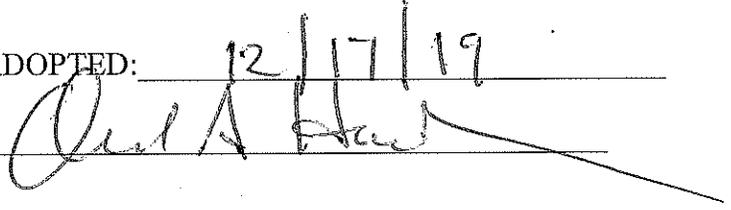
The Planning Commission recommends to City Council that the request, CUP2019-017, be:

- a) Granted as submitted, and that the City Council adopt the proposed Ordinance without modification.
- b) Denied, and that Council not adopt the proposed Ordinance.
- c) Granted with the modifications set forth on the attached listing of specific recommendations and that Council adopt the proposed Ordinance with such modifications.

READ AND ADOPTED: _____

12/17/19

TESTE: _____



**CONDITIONAL USE PERMIT
CUP2019-017**

CONDITIONS

- 1 This Conditional Use Permit is granted to establish a banquet facility, with live entertainment, on the ground floor of an existing principal structure located at 127 E. Washington St., Zoning Map 34G18(A), Parcel 284.
- 2 The owner, or a representative of the owner, shall remain on the property during all private events.
- 3 The applicant shall be responsible for all activities conducted at the facility including the consumption of alcoholic beverages under the authority of a license issued under the laws and regulations of the Department of Alcoholic Beverage Control.
- 4 Adult events that serve alcohol shall require security by Department of Criminal Justice Services (DCJS) registered and approved security officers.
- 5 A bar, night club, or any type of restaurant as defined by the UDO or a “public dance hall” as defined in the Code of the City of Suffolk shall not be permitted to operate at this location at any time.
- 6 Interior and exterior lighting shall be provided at entrance/exit points.
- 7 Any use of pyrotechnics shall be prohibited.
- 8 Digital video surveillance shall be provided at front and rear entrance/exits, the interior and the exterior parking lot. The video shall be accessible by employees on-site and must be approved by the Police Department.
- 9 Any event where there is an admission fee shall be prohibited.
- 10 No events are permitted to be open to the public.
- 11 If food preparation is to occur on-site, Health Department approval is required.
- 12 This property is located within the Historic Conservation Overlay District and is subject to the standards of the Historic District Design Guidelines. Any exterior changes to the property will require a Certificate of Appropriateness.
- 13 The hours of operation for the banquet facility shall be as follows:

Office Hours: *Monday- Friday 9:00am to 5:00pm*

Event Hours: *Sunday- Thursday 9:00am to 11:00pm*

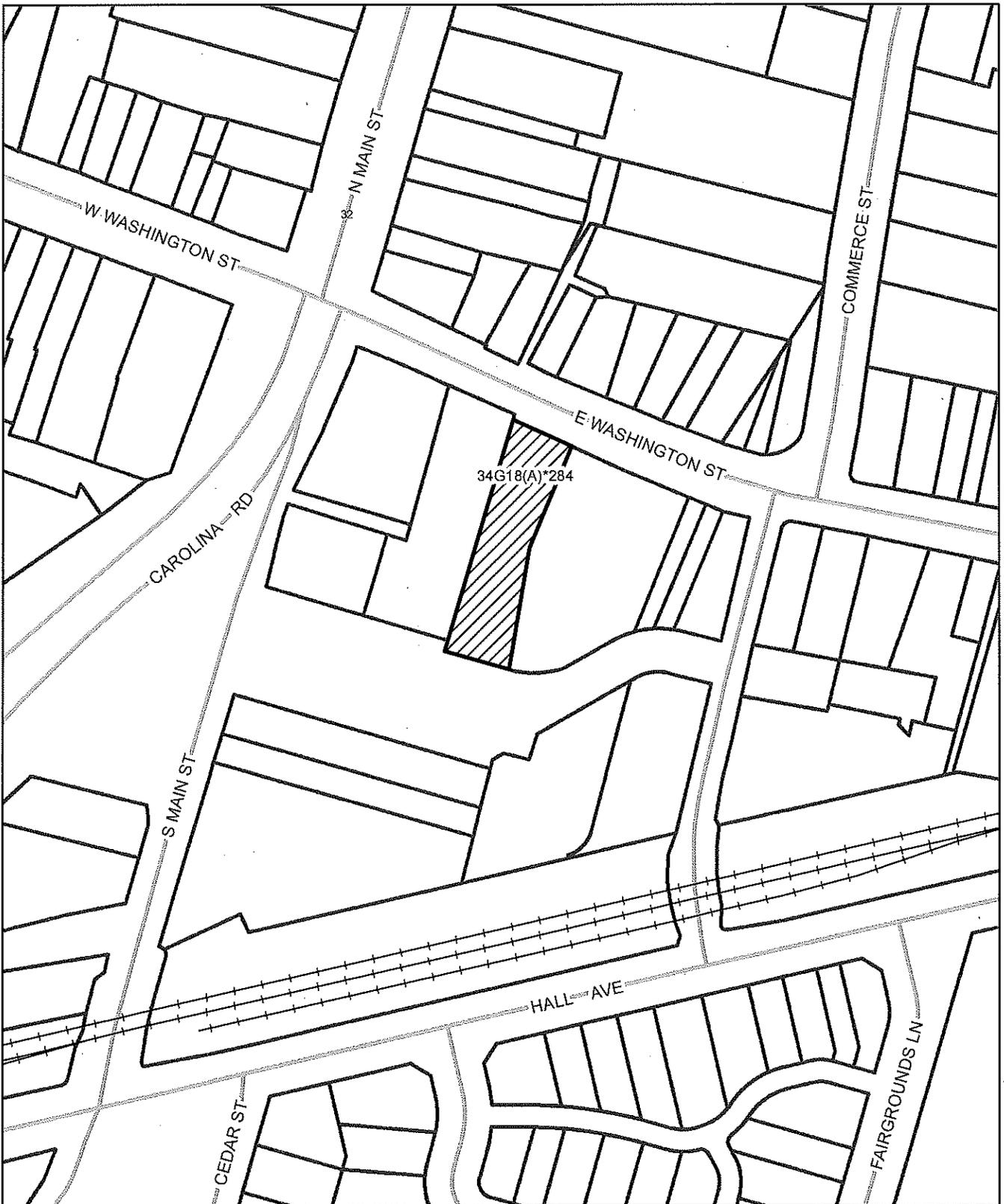
Friday- Saturday 9:00am to 12:00am (Midnight)

- 14 The applicant shall be responsible to ensure compliance with all local and state laws and ordinances of the City of Suffolk and the Commonwealth of Virginia; this includes but not limited to compliance with the Virginia Administrative Code and Article 7, Supplemental Use Regulations, Section 31-701, Accessory Uses and Structures of the Unified Development Ordinance.



PROPERTY MAP CUP2019-017

EXHIBIT B

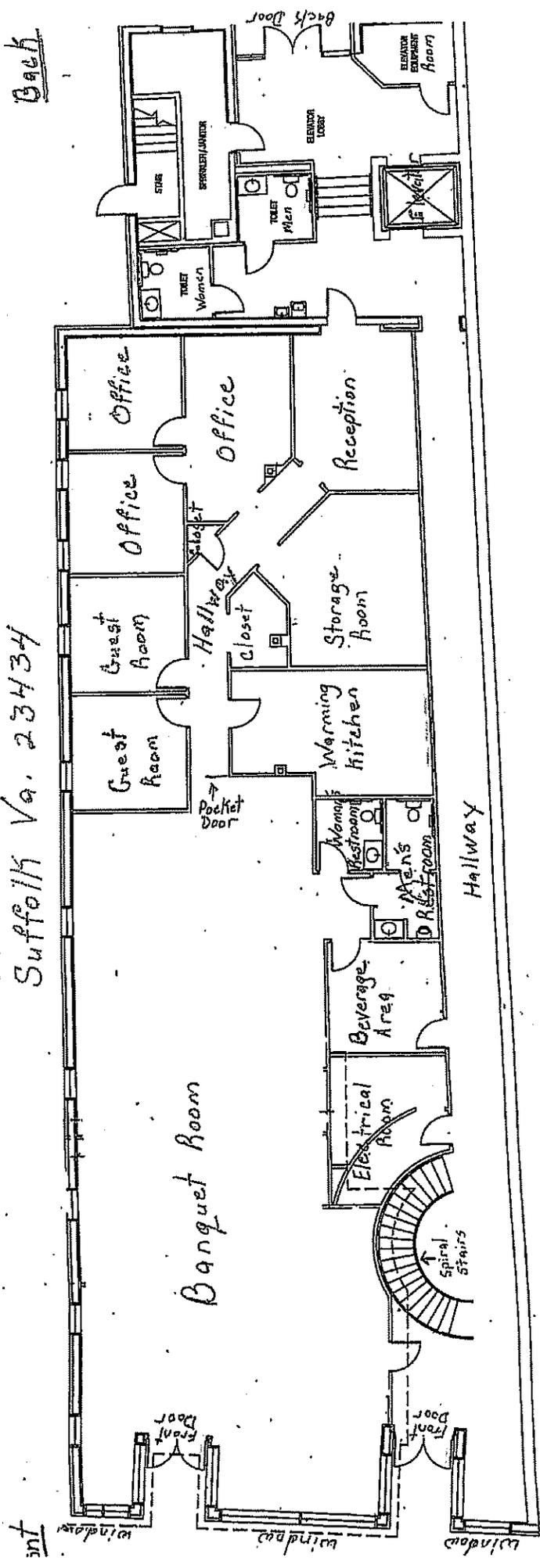


User Name: bsmith
Date: 11/1/2019

Occasion, LLC
127 E. Washington Street
Suite 100
Suffolk Va. 23434

EXHIBIT C

Back



RECEIVED

DEC 10 2019

PLANNING CUP2019-00017

City of Suffolk, VA

AGENDA: February 5, 2020, Regular Session

ITEM: Ordinance – An ordinance authorizing the acquisition of real property in fee simple and/or permanent and temporary easements, either by agreement or condemnation, for the Nansemond Parkway Intersection Improvements Project (This item was continued from the January 15, 2020, City Council Meeting.)

A public hearing was held on January 15, 2020 concerning the proposed project to enhance safety and provide added capacity at three (3) primary intersections along Nansemond Parkway. These intersections include Nansemond Parkway at the Nansemond River High School entrance, Nansemond Parkway at Sleepy Hole Road, and Nansemond Parkway at Sportsman Boulevard. Proposed improvements include roadway widening, addition of turn lanes, realignment of Bennetts Pasture Road with Sportsman Boulevard, and terminating the western end of the existing Bennetts Pasture Road with a cul-de-sac to remove its connection with Nansemond Parkway, installing a new multi-use path along Bennetts Pasture Road, realignment of Sportsman Boulevard at Nansemond Parkway, a new access road serving Nansemond River High School from Sleepy Hole Road, and parking lot improvements at Nansemond River High School. Infra-structure improvements include drainage system improvements, a new traffic signal at Sleepy Hole Road, a new traffic signal at the realigned Bennetts Pasture Road, as well as removal of the existing signal and a new configuration at the front entrance to Nansemond River High School.

City staff will provide a follow-up presentation, in response to questions raised during the Public Hearing process.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENT:

Ordinance

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY IN FEE SIMPLE AND/OR PERMANENT AND TEMPORARY EASEMENTS, EITHER BY AGREEMENT OR CONDEMNATION, FOR THE NANSEMOND PARKWAY INTERSECTION IMPROVEMENTS PROJECT

WHEREAS, on January 15, 2020, the City Council of the City of Suffolk held a public hearing concerning the acquisition of right of way, permanent and temporary easements, either by agreement or condemnation, for the Nansemond Parkway Intersection Improvements project; and,

WHEREAS, it is the opinion of the City Council of the City of Suffolk, Virginia, that a public necessity exists for the construction of the Nansemond Parkway Intersection Improvements project to improve transportation within the City and for other related public purposes for the preservation of the safety, health, peace, good order, comfort, convenience, and for the welfare of the people in the City of Suffolk.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SUFFOLK, AS FOLLOWS:

Section 1. That the City Council authorizes the acquisition, by purchase or condemnation, pursuant to Sections 15.2-1901, *et. seq.*, and Title 25.1 of the Code of Virginia (1950), as amended, and City Charter Section 2.05, *et. seq.*, of real property in fee simple and/or permanent and temporary easements (the "Property"), as shown on the plans (the "Plans") entitled "Nansemond Parkway Intersection Improvements" (the "Project"), the Plans being on file in the Department of Public Works, Engineering Division, City of Suffolk, Virginia.

Section 2. That the City Manager is hereby authorized to make or cause to be made on behalf of the City of Suffolk, to the extent that funds are available, a reasonable offer to the owners or persons having an interest in said Property, and is further authorized to enter into agreements and do other things as may be necessary to acquire said Property. Further, if efforts to acquire such Property are not successful, the City Attorney is hereby authorized to institute condemnation proceedings to acquire same.

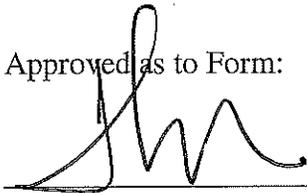
Section 3. This ordinance shall be effective upon passage and shall not be published.

PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

Resolutions

Staff Reports

**A motion to schedule a City Council Work
Session for Wednesday, February, 19, 2020,
at 4:00 p.m., unless cancelled**

AGENDA: February 5, 2020, Regular Session

ITEM: Motion - A motion to schedule a public hearing to be held on February 19, 2020, to receive public comment on the Proposed Fiscal Year 2021-2030 Capital Improvements Program & Plan

A public hearing is required to receive public comment on the Proposed FY 2021-2030 Capital Improvements Program & Plan (CIP).

RECOMMENDATION:

Schedule a public hearing for February 19, 2020, to obtain public comment on the proposed FY 2021-2030 CIP.

Non-Agenda Speakers

New Business

Announcements and Comments