

**SUFFOLK PLANNING COMMISSION
AGENDA FOR
JULY 21, 2020**



**PREPARED BY THE CITY OF SUFFOLK DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT
DAVID HAINLEY, DIRECTOR**

**THE REGULAR MEETING WILL BE HELD AT 2:00 P.M. IN
THE SUFFOLK CITY COUNCIL CHAMBERS OF THE CITY HALL BUILDING**

**IF YOU CANNOT ATTEND OR NEED SPECIAL ACCOMODATIONS AT THE
MEETING, PLEASE CALL THE CITY OF SUFFOLK DEPARTMENT OF PLANNING
& COMMUNITY DEVELOPMENT AT (757) 514-4060
PRIOR TO 12:00 NOON ON FRIDAY, JULY 17, 2020.**

**HOWARD C. BENTON
CHAIRMAN**

Suffolk
V I R G I N I A
It's a good time to be in Suffolk



AGENDA

SUFFOLK PLANNING COMMISSION

July 21, 2020

2:00 P.M.

1. Call to Order
 - A. Invocation
 - B. Roll Call
2. Election of Officers
3. Approval of minutes from previous meeting
4. Public Hearings:
 - A. **REZONING REQUEST, RZN2019-008, (Conditional), Kemps Village:** submitted by Whitney G. Saunders, Saunders & Ojeda P.C., agent, on behalf of George B. Kemp, K & A Builders, applicant, on behalf of Mike Zarpas, 58 Suburban LLC, property owner, in accordance with Sections 31-304 and 31-305 of the Unified Development Ordinance, to rezone and amend the official zoning map of the City of Suffolk to change the zoning from M-2, Heavy Industrial zoning district and B-2, General Commercial zoning district, to RC, Compact Residential zoning district, for property located on the northeastern side of Suburban Drive, Zoning Map 35, Parcel 82. The affected area is further identified as being located in the Suffolk Voting Borough, zoned M-2, Heavy Industrial zoning district and B-2, General Commercial zoning district. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Inner Ring Suburban Use District.
 - B. **CONDITIONAL USE PERMIT REQUEST, CUP2020-003, CrossPointe Freewill Baptist Church:** submitted by David Sexton, applicant and property owner, CrossPointe Freewill Baptist Church, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance, in order to amend the previously approved conditions pertaining to the establishment of a Day care, child (as accessory use to a permitted place of worship or school), and to expand an existing place of worship, large, at least 6,000 square feet in main sanctuary, on property located at 2460 Pruden Boulevard, Zoning Map 25A, Parcel 1*A. The purpose of this request is to increase maximum permitted enrollment from 50 to 100 children pertaining to the daycare use at CrossPointe Freewill Baptist Church and to expand the allowable capacity in the main sanctuary from 177 seats to 210 seats. The affected area is further identified as being located in the Suffolk Voting Borough, zoned B-2, General Commercial zoning district. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Inner Ring Suburban Use District.

- C. **CONDITIONAL USE PERMIT REQUEST, CUP2020-011, Bridgeport Self Storage, 3832 Bridge Road:** submitted by Burt C. Cutright, BBP3, LLC, applicant, on behalf of BBP3, LLC, 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 Mini-warehouse, on property located at 3832 Bridge Road, Zoning Map 12, Parcel 55*2*E. The affected area is further identified as being located in the Nansemond Voting Borough, zoned B-2, General Commercial Zoning District. The 2035 Comprehensive Plan designates this area as part of the Northern Growth Area, Core Support Use District.

- D. **CONDITIONAL USE PERMIT REQUEST, CUP2020-012, Bridgeport Daycare Facility, 3832 Bridge Road:** submitted by Burt C. Cutright, BBP3, LLC, applicant, on behalf of BBP3, LLC, 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 Daycare, Child Day Center, on property located at 3832 Bridge Road, Zoning Map 12, Parcel 55*2*E. The affected area is further identified as being located in the Nansemond Voting Borough, zoned B-2, General Commercial Zoning District. The 2035 Comprehensive Plan designates this area as part of the Northern Growth Area, Core Support Use District.

- E. **CONDITIONAL USE PERMIT REQUEST, CUP2020-013, Chuckatuck Eight Borrow Pit, 1136 Audubon Road:** submitted by Richard L. Turner, Suffolk Materials LLC, applicant, on behalf of Chuckatuck Eight LLC, 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 Surface Mining (Borrow Pit), on property located at 1136 Audubon Road, Zoning Map 9, Parcel 4. The affected area is further identified as being located in the Chuckatuck Voting Borough, zoned A, Agricultural Zoning District. The 2035 Comprehensive Plan designates this area as part of the Suburban Use District.

- F. **EXCEPTION REQUEST, CEX2020-003, 5005 Pebble Creek Court:** submitted by Timothy and Susan Powell, applicant and property owner, in accordance with Section 31-415 of the Unified Development Ordinance, to grant an Exception to the development criteria and buffer area requirements of the Chesapeake Bay Preservation Area Overlay District to permit a retaining wall to encroach into the 100-foot Resource Protection Area buffer, on property located at 5005 Pebble Creek Court, Zoning Map 6C, Parcel J*1*3. The affected area is further identified as being located in the Nansemond Voting Borough, zoned PD, Planned Development Overlay District. The 2035 Comprehensive Plan designates this area as part of the Northern Growth Area, Core Support Use District.

- 5. Old Business

- 6. New Business

- A. Status Report – City Council Meeting, July 15, 2020

B. Status Report - Preliminary Plats Approved - None

7. Commissioner's Comments

8. Adjournment



MINUTES

SUFFOLK PLANNING COMMISSION

July 7, 2020

2:00 P.M.

The meeting of the Suffolk Planning Commission was held on Tuesday, July 7, 2020, at 2:00 p.m., in the Council Chambers of the Municipal Building, 442 W. Washington Street, Suffolk, Virginia, with the following persons present:

MEMBERS:

Howard Benton, Chairman
Arthur Singleton
Oliver Creekmore
John Rector
Kittrell Eberwine
Mills Staylor
Johnnie Edwards
Anita Hicks

STAFF:

Helvi Holland, City Attorney
David Hainley, Dir. of Planning & Com. Dev.
Grace Braziel, Planner I
Amy Bocchicchio, Principal Planner
Kevin Wyne, Current Planning Manager
Holly Steele, Planner I
Catina Myrick, Administrative Analyst

The meeting was called to order by Chairman Benton and Commissioner Edwards opened with a prayer. The roll was called by Mr. Hainley and the Chairman was informed that a quorum was present.

APPROVAL OF MINUTES:

The minutes of the previous meeting were approved as written.

FAMILY TRANSFER SUBDIVISION PLATS:

FAMILY TRANSFER SUBDIVISION PLAT FTR2020-00001, submitted by Whitney G. Saunders, applicant, on behalf of Bennie L. Williams Sr., and Carole C.

Williams, property owners, requesting a family transfer subdivision pursuant to Section 31-514 of the Unified Development Ordinance. The affected property is identified as Zoning Map 32, Parcel 7A*6, Holy Neck Voting Borough, zoned A, Agricultural Zoning District. The City's 2035 Comprehensive Plan identifies this property as being located within the Rural Agriculture Use District.

The first item of business was introduced by the Chairman followed by a staff report by Holly Steele, Planner I. Ms. Steele stated that the applicants proposed to transfer 10.2934 acres to their son, leaving 13.5396 acres as the residual parcel. The lot dimensions and building setback lines for the proposed new lot are consistent with the underlying Agricultural zoning district. Since the proposed lot does not have direct frontage on Indian Trail, this plat will create a 50' ingress and egress easement from Indian Trail to the proposed parcel. There is adequate area on the new proposed lot for a separate dwelling and drain fields. A Deed of Gift has been prepared in conjunction with this plat and it contains the required covenant that prohibits transfer of the property within ten (10) years of its receipt. All parties completed a Sworn Affidavit acknowledging that the purpose of this family transfer is to provide separate places of residence for the Grantee and to keep the family estate within the immediate family. In summary, this request meets the criteria for a family transfer subdivision. Therefore, staff recommended approval of this application.

Commissioner Hicks made a motion to approve this application, seconded by Commissioner Singleton and passed by a voice vote of 8 to 0.

FAMILY TRANSFER SUBDIVISION PLAT FTR2020-00003, submitted by Frank M. Rawls, applicant, on behalf of Barbara Lowe Copeland, property owner, requesting a family transfer subdivision pursuant to Section 31-514 of the Unified Development Ordinance. The affected property is identified as Zoning Map 31, Parcel 7, Holy Neck Voting Borough, zoned A, Agricultural Zoning District. The City's 2035 Comprehensive Plan identifies this property as being located within the Rural Agriculture Use District.

The next item of business was introduced by the Chairman followed by a staff report by Holly Steele, Planner I. Ms. Steele stated that the applicant proposed to transfer 1.644 acres to her grandson, leaving 64.820 acres as the residual parcel. The lot dimensions and building setback lines for the proposed new lot are consistent with the underlying Agricultural zoning district. Since the proposed lot has the required frontage along Indian Trail, no easement is required for the newly proposed parcel. There is adequate area on the new proposed lot for a separate dwelling and drain fields. A Deed of Gift has been prepared in conjunction with this plat and it contains the required covenant that prohibits transfer of the property within ten (10) years of its receipt. All parties have completed a Sworn Affidavit acknowledging that the purpose of this family transfer is to provide separate places of residence for the Grantee and to keep the family estate within the immediate family. In summary, this request meets the criteria for a family transfer subdivision. Therefore, staff recommended approval of this application.

Commissioner Staylor made a motion to approve this application, seconded by Commissioner Creekmore and passed by a voice vote of 8 to 0.

PUBLIC HEARINGS:

REZONING REQUEST, RZN2018-009, (Conditional), Turlington Woods: submitted by Whitney G. Saunders, Saunders and Ojeda P. C., agent, on behalf of Bobby Glenn Johnson, Turlington Road Associates, applicant and property owner, in accordance with Sections 31-304 and 31-305 of the Unified Development Ordinance, to rezone and amend the official zoning map of the City of Suffolk to change the zoning from A, Agricultural zoning district, to RLM, Residential Low Medium Density zoning district, for property located on the south side of Turlington Road, Zoning Map 43, Parcel 19. The affected area is further identified as being located in the Whaleyville Voting Borough, zoned A, Agricultural zoning district. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Suburban Use District.

The next item of business was introduced by the Chairman followed by a staff report by Kevin Wyne, Principal Planner. Mr. Wyne stated that this request is to rezone and amend the official zoning map of the City of Suffolk to change the zoning from A, Agricultural zoning district, to RLM, Residential Low Medium Density zoning district. The subject parcel is located within the Central Growth Area's Suburban Use District, which is envisioned to accommodate primarily single family residential subdivisions with densities of 1-5 units per acre. The zoning district proposed will allow a maximum density of 2.9 units per acre and appears to be appropriate on the subject parcel. While not proffered, the design of the proposed residential development appears to follow a typical suburban layout. The cluster development envisioned is

consistent with similar single family subdivisions on Turlington Road, including Turlington Park, Lake Speights Colony, and the proposed Millstone subdivision. The development proposal does align with the recommended density for residential uses within the Suburban Use District. The proposed RLM zoning allows for up to 2.9 units per acre, falling within the Suburban Use District's recommended density range. Rezoning the property from Agricultural to Residential Low Medium zoning district would result in a significant increase in peak-hour trip generation. The the proposed use is anticipated to generate 77 total AM trips and 103 total PM trips. The proposal would utilize two points of ingress/egress to the site from Turlington Road that are spaced a sufficient distance from one another. The proposed entrance includes one area with direct frontage on Turlington Road. It was noted that the proposed point of ingress/egress in this area is located within a Dominion Energy easement. The applicant provided documentation from Dominion Energy that stated that a formal encroachment request will be required; however, based upon the information submitted, they have not objections at this time. A second point of ingress/egress off of Turlington Road will be installed at the north end of the site and traverse Tax Map Number 43, Parcel 19P*1. The applicant supplied the City with a Deed of Easement for access, both ingress/egress to the site. This easement is 100' in width and runs from Turlington Road to the parcel subject to this rezoning request. During preliminary plat

review, the applicant must demonstrate that the dedication of adequate right-of-way for both entrance points can be achieved. Upon approval of any final subdivision plat these rights-of-way must be dedicated to the City. Left and right turn lanes will be installed on Turlington Road at both site entrances. Traffic Engineering recommended approval of this rezoning application. The proposed development will be served by Kilby Shores Elementary School, Forest Glen Middle School, and Lakeland High School. The property is currently zoned A, Agricultural, and could yield no more than 4 lots through a minor subdivision process, meaning that the by-right yield of the property is 4 lots. The proposed development would yield no more than 101 lots, which when subtracting the maximum by-right yield of 4 lots, leaves a net increase of 97 lots. In accordance with the UDO, a development consisting of 101 single family detached dwellings could reasonably be anticipated to generate 19 elementary school students, 9 middle school students, and 14 high school students. When considering committed development that will be served by the same schools serving the parcel in question, there is sufficient capacity at Forest Glen Middle School and Lakeland High School. Based on current enrollment, Kilby Shores Elementary School is over capacity before considering committed development. The adopted Capital Improvements Program and Plan contains a project that would replace Kilby Shores Elementary. Based on the project cost and capacity of the replacement school the cost per student at the

elementary level is \$36,250.00. The applicant voluntarily proffered to advance capacity at elementary school consistent with this per student cost. The developer voluntarily proffered the construction of no more than 101 single family lots in a cluster development pattern, entrance lanes on Turlington Road, and the advance of capacity at Kilby Shores Elementary. In summary, staff found that this conditional rezoning request is consistent with the UDO and the policies of the 2035 Comprehensive Plan which encourages residential density yields in the one (1) to five (5) units per acre range in the Suburban Use District. This request is compatible with the surrounding uses contained in the surrounding neighborhood. Based on a technical review of public facilities necessary to serve the development, it has been determined that adequate public facilities are currently available to serve the needs of the development. Accordingly, staff recommended approval of this application with the proffers.

The public hearing was opened and speaking in favor of this application was Whitney Saunders, 705 W. Washington Street.

Speaking in opposition was Ronald Gradine, 543 Turlington Road, Suffolk, VA – he said his major concerns is the traffic and sewer.

Also, speaking in opposition was Lacie Gross, 539 Turlington Road, Suffolk, VA – she expressed her concerns about the 100-foot easement that is located on her property.

She said she bought the property through a land sales contract in 2000, and the

easement was sold in 2010 to someone else. The easement goes over her drain fields that are attached to her septic system. She also expressed her concerns about the overcrowding at Kilby Shores Elementary School.

Also, speaking in opposition was Anita Ibanez, 567 Turlington Road, Suffolk, VA – she stated that she is concern about the traffic and the runoff behind her house.

Also, speaking in opposition was Joshua Gray, 561 Turlington Road, Suffolk, VA – he stated that there are already drainage issues, the density is too high and the traffic will cause problems.

Also, speaking in opposition was Juanita Eley, 560 Turlington Road, Suffolk, VA.

Also, speaking in opposition was Kandy Lewis, 537 Turlington Road, Suffolk, VA – she advised that there is already too much development in this area.

Also, speaking in opposition was Marvin Barnes, 548 Turlington Road, Suffolk, VA – he stated that they do not need all this development and he also has concern about the traffic.

There being no more speakers, the public hearing was closed.

Mr. Saunders advised that Ms. Gross entered into a Land Sales Contract and was paying for the ownership of the property, then the property owner then gave the easement to the current applicant. After that easement was given, Ms. Gross finished paying for the property and was delivered a deed to the property.

Commissioner Singleton inquired since the applicant will be bringing in the sewer lines, will he eliminate Ms. Gross drainfield and septic system and connect her at his expense. He believes they are going to destroy Ms. Gross drainfield and she's going to end up with problems.

Mr. Saunders stated that he would have to discuss it with his client.

After discussion by the Commission, Commissioner Hicks made a motion to approve this application with the proffers, seconded by Commissioner Singleton and failed by a recorded vote of 3 to 5. Taking no further action, the Planning Commission forwarded this request to City Council for consideration without a formal recommendation to approve or deny the request.

REZONING REQUEST, RZN2020-004, (Conditional), Sam's Express Car Wash, submitted by Whitney G. Saunders, Saunders & Ojeda P.C., agent, on behalf of Chris Morgan, SXCW Properties II, LLC, applicant, on behalf of HVS East LLC, property owner, in accordance with Sections 31-304 and 31-405 of the Unified Development Ordinance, to rezone and amend the previously approved proffered conditions, for property located at 6460 and 6472 Hampton Roads Parkway, Zoning Map 6, Parcels 27C*1*A and 27C*1*B. The purpose of this request is to modify the prohibited uses stated in the Land Use Design Standards pertaining to the development of Harbour View East. The affected area is further identified as being located in the Nansemond Voting Borough, zoned B-2, General Commercial Zoning District and O-I, Office Institutional Zoning District. The 2035 Comprehensive Plan designates this area as part of the Northern Growth Area, Mixed Use Core Use District.

The next item of business was introduced by the Chairman followed by a staff report by Amy Bocchicchio, Principal Planner. Ms. Bocchicchio stated that this application

is not a request to actually rezone or reclassify property, rather it is a request to amend the previously approved proffers from a previous rezoning back in 2008. The applicant proposed to develop the larger parcel, parcel A, as a car wash and gasoline service station, while the other smaller parcel B would be developed only as an access road behind the adjacent Arby's restaurant. The properties in question were previously rezoned from O-I to mostly B-2 in 2008 through the approval of RZ9-07. As part of the original rezoning, a set of design guidelines were voluntarily proffered, known as the "Harbour View East Outparcels at Townpoint Road." Within the design guidelines, a set of prohibited land uses were established and car washes were prohibited. If the property had not been subject to voluntary proffers, this request to allow a car wash and gasoline service station would be permitted by-right. The applicant proposed to modify the language contained within the prohibited uses section to allow car washes on the subject parcels only. The character and intensity of the proposed car wash and gasoline service station align with the existing character and intensity of uses in the Harbour View East shopping center with respect to noise and traffic. As previously stated, these are by-right uses in the underlying B-2 zoning district and many other car washes are located in this zoning district. While residential zoning is located to the south, it is separated by the 4-lane divided roadway and the development standards require a 30' building setback as well as a 15' vegetated buffer at the front of the

property. There are no concerns with regards to adequate public facilities. Public Utilities, Public Works, and Traffic Engineering have no objections to this request. In summary, staff recommended approval of this application with the conditions noted in the staff report.

The public hearing was opened and speaking in favor of this application was Whitney Saunders, 705 W. Washington Street, Suffolk, VA.

Speaking in opposition was Belinda Porter, 6393 Old Townpoint Road, Suffolk, VA – she asked for the Commission to deny this request.

There being no more speakers, the public hearing was closed.

After discussion by the Commission, Commissioner Rector made a motion to approve this application with the conditions, seconded by Commissioner Eberwine and passed by a recorded vote of 6 to 2.

REZONING REQUEST, RZN2020-003, (Conditional), Somerton Auto Auction: submitted by Whitney G. Saunders, Saunders & Ojeda, P.C., agent, on behalf of Ram Adar, BHT Properties Group, LLC, applicant, on behalf of Nicole Quinn and Joshua Pretlow, Jr., VCS LLC, property owners, in accordance with Sections 31-304 and 31-405 of the Unified Development Ordinance, to rezone and amend the official zoning map of the City of Suffolk to change the zoning from O-I, Office-Institutional zoning district to M-2, Heavy Industrial zoning district, for property located on Old Somerton Road, Zoning Map 44, Parcels 92A, 92D, and 94. The affected area is further identified as being located in the Whaleyville Voting Borough, zoned O-I, Office-Institutional zoning district. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Suburban Use District.

CONDITIONAL USE PERMIT REQUEST, CUP2020-004, Somerton Auto

Auction: submitted by Whitney G. Saunders, Saunders & Ojeda, P.C., agent, on behalf of Ram Adar, BHT Properties Group, LLC, applicant, on behalf of Nicole Quinn and Joshua Pretlow, Jr., VCS LLC, property owners, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish an automobile auction, automobile graveyard, and automobile storage yard, Zoning Map 44, Parcels 92A, 92D, and 94. The affected area is further identified as being located in the Whaleyville Voting Borough, zoned O-I, Office-Institutional zoning district. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Suburban Use District.

The next item of business was introduced by the Chairman followed by a staff report by Holly Steele, Planner. Ms. Steele stated that these applications are to rezone 3 parcels of land from O-I, Office- Institutional to M-2, Heavy Industrial to establish an automobile auction, automobile graveyard and automobile storage yard. There is a significant amount of wetlands present on the property; therefore, the applicants have submitted a wetlands delineation that was completed this year to ensure that there will be minimal impacts to the wetlands. There is a large concentration of wetlands in the north east corner of the property near CL Langston Road. The applicants are not proposing any disturbance in this area due to its environmental sensitivity. In total, the three parcels are approximately 120 acres and the applicants are only proposing disturbing approximately 61 acres, leaving the wetlands and critical areas undisturbed. The majority of the property will be used as a lot to hold the vehicles until they are sold at auction. BHT is planning to employ approximately ten site workers. The applicants proposed both fencing and vegetative buffers around the property in an effort to

mitigate potential visual impacts. City water is available to the proposed site via a 12-inch water main located on Old Somerton Road. Currently, no public sewer is available to the site. Being that the property is located 800 feet from the City sewer force main on Carolina Road, the owners will be required to extend the sewer force main from Carolina Road to the site and installing a private grinder pump on the property. The proposed use will have access from Old Somerton Road. The Public Works Traffic Engineering Division reviewed and approved a Traffic Impact Analysis in support of this request. The TIA indicated that the proposed use would generate 24 trips during peak AM and PM travel times and 152 trips daily on the surrounding road network. There is an existing enhanced right-turn taper off of Carolina Road onto Old Somerton Road; however, the southbound right turn lane on Carolina Road approaching Turlington Road is currently insufficient. Based on this information, the turning lane approaching Turlington Road must be improved to meet current design standards with a 150-foot storage length, 150-foot taper, and 12-foot full storage lane width. In summary, the proposal to amend the City of Suffolk zoning map from the current zoning of O-I, Office-Institutional, to M-2, Heavy Industrial is generally consistent with the requirements of the UDO, 2035 Comprehensive Plan, and 2006 Carolina Road Land Use Strategy. Development standards, such as landscape buffers, will assist in mitigating any impacts to the adjoining A, Agriculture zoned parcels to

the north, south, and west. Furthermore, the proposed use of an automobile auction, automobile graveyard, and automobile storage yard, is similar to and compatible with existing uses in the surrounding area. For these reasons, staff recommended approval of RZN2020-003 with the proffers and CUP2020-004 with the conditions as noted in the staff report.

The public hearing was opened and speaking in favor of this application was Whitney Saunders, 705 W. Washington Street, Suffolk, VA.

Speaking in opposition was Larry Pennington, 1268 Old Somerton Road, Suffolk, VA – he does not support this application. He is concerned about the runoff and the traffic.

Also, speaking in opposition was Alan Horne, 1280 Old Somerton Road, Suffolk, VA – he stated that he is also concerned about the runoff.

There being no more speakers, the public hearing was closed.

After discussion by the Commission, Commissioner Singleton made a motion to approve RZN2020-003 with the proffers, seconded by Commissioner Hicks and passed by a recorded vote of 6 to 2.

After discussion by the Commission, Commissioner Hicks made a motion to approve this application with the conditions, seconded by Commissioner Creekmore and passed by a recorded vote of 6 to 2.

CONDITIONAL USE PERMIT REQUEST, CUP2020-007, Mini-Farm: submitted

by Andrew Jordan, P.E., Jordan Consulting Engineers P.C., applicant, on behalf of Ashley Gunn, 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 Mini-Farm (excluding concentrated animal feeding operation, concentrated aquatic animal production facility, or concentrated confined animal feeding operation), on property located at 6148 Whaleyville Boulevard, Zoning Map 64A2, Parcel (2)*71B and Zoning Map 64A, Parcel 70C. The affected area is further identified as being located in the Whaleyville Voting Borough, zoned VC, Village Center Zoning District. The 2035 Comprehensive Plan designates this area as part of the Whaleyville Village Use District.

CONDITIONAL USE PERMIT REQUEST, CUP2020-006, Stable, commercial: submitted by Andrew Jordan, P.E., Jordan Consulting Engineers P.C., applicant, on behalf of Ashley Gunn, 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 Stable, commercial, on property located at 6148 Whaleyville Boulevard, Zoning Map 64A2, Parcel (2)*71B and Zoning Map 64A, Parcel 70C. The affected area is further identified as being located in the Whaleyville Voting Borough, zoned VC, Village Center Zoning District. The 2035 Comprehensive Plan designates this area as part of the Whaleyville Village Use District.

The next item of business was introduced by the Chairman followed by a staff report by Grace Braziel, Planner I. Mrs. Braziel stated that the applicant proposed to establish a mini-farm to allow non-intensive livestock which includes horses, cows, goats, sheep, llamas, alpacas, hogs, chickens, ducks, and turkeys. The applicant proposed to have 7 pastures and a pen to provide separate areas for different animals. Each pasture will have a lean-to shelter and a portable shelter to provide shelter for the animals. Additionally, a community garden is proposed to be provided to allow the neighboring residential properties to use the garden. The mini-farm should not be

injurious to the use or enjoyment of the surrounding properties. A Waste Management Plan for Total Maximum Daily Load was provided as part of the narrative to address the increase in waste from the proposed use. The waste management plan stated that any waste accumulated in or near the building or shelters will be removed and spread out evenly among the pastures. The Waste Management Plan will help to ensure that the proposed use will not be detrimental to or endanger the public health, and comfort or general welfare. The Department of Public Works, has no objections to this request. Overall, the proposed use of a Mini-Farm should not be injurious to the use or enjoyment of properties in the immediate area, accordingly, staff recommended approval of CUP2020-007 with the conditions noted in the staff report.

In regard to CUP2020-006, the applicant proposed to utilize the subject property to commercially board horses, provide training, and lessons to the public for a profit. No special events are being proposed. Each pasture is proposed to have a lean-to shelter, which can accommodate approximately 16 horses, and or a portable shelter, which can accommodate 3 horses. Based on the developable acreage, the property may have a total of 100 horses if the proper structures are available to house the horses; however, since the property is requesting an additional Conditional Use Permit for a mini-farm and since the number of horses permitted by a mini-farm is less intensive than a commercial stable, the number of horses to be commercially boarded shall be limited to

the number permitted by a mini farm. The property may have collective total of 12 horses, cows, goats, sheep, llamas, alpacas and hogs. Additionally, the applicant proposed to take in and train horses for a profit and provide lessons to the public. The proposed use is not anticipated to generate a significant amount of traffic. The Department of Public Works, Traffic Engineering Division, has no objections to this request. The proposed use should not be injurious to the use or enjoyment of properties in the immediate area when appropriate conditions are established. Accordingly, staff recommended approval of CUP2020-006 with the conditions noted in the staff report.

The public hearing was opened and speaking in favor of this application was Andrew Jordan, engineer.

Also, speaking in favor of this application was Ashley Gunn, 6148 Whaleyville Blvd., Suffolk, VA – she stated that she would like to board horses and train. She asked for the Commission’s approval of this application.

Also, speaking in favor of this application was Mary Matthews, 120 Whaley Street, Suffolk, VA – she stated that she was in support of this application.

Also, speaking in favor of this application was Emily Garlington, 2940 Whaleyville Blvd., Suffolk, VA – she also stated that she was in support of this application.

Also, speaking in favor of this application was Mr. Anderson, 6307 Whaleyville Blvd.,

Suffolk, VA – he is also in support of this application.

Speaking in opposition was Margie Manley, 6142 Whaleyville Blvd., Suffolk, VA – she would like for the applicant to put up a fence in order to help with the smell of the animals.

There being no more speakers, the public hearing was closed.

After discussion by the Commission, Commissioner Rector made a motion to approve CUP2020-007 with the conditions, seconded by Commissioner Staylor and passed by a recorded vote of 8 to 0.

After discussion by the Commission, Commissioner Creekmore made a motion to approve CUP2020-006 with the conditions, seconded by Commissioner Eberwine and passed by a recorded vote of 8 to 0.

CONDITIONAL USE PERMIT REQUEST, CUP2020-009, Building Resilient Solutions: submitted by Marcus and Paige Pollard, 139 North Main Street LLC, property owners, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish Research and development, laboratories, on property located at 147 and 149 North Main Street, Zoning Map 34G18(A), Parcels 317*16 and 317*17. The affected area is further identified as being located in the Suffolk Voting Borough, zoned CBD, Central Business District. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Mixed Use Core Use District.

The next item of business was introduced by the Chairman followed by a staff report by Holly Steele, Planner I. Ms. Steele stated that this application is to establish a research and development, laboratory at two existing, vacant units in the Montgomery

Loft Condos. Building Resilient Solutions is proposing to create a laboratory in order to test different building materials under simulated flooding conditions. In addition to the laboratory, the applicants are proposed office and public outreach space. This application is for both units; however, the applicants are only planning to utilize Unit 147 at this time. The applicant proposed to convert a small portion in the rear of the building into the actual laboratory. The remainder of the 1,845 square foot building will be used as office space, storage, public outreach, and reception area. There are currently no proposed changes to Unit 149, which is around 1,400 square feet. The applicants are not proposing any exterior changes to these units besides new signage and improved lighting. This use requires a minimum of 16 parking spaces. This parking requirement will be met by a combination of the 3 dedicated parking spaces for these two units, on-street parking, and public parking lots. Use of on-street and public parking in order to meet parking requirements is permitted in the CBD zoning district. The proposed use will complement the existing character and surrounding land uses located in the Central Growth Area. The applicants are not proposing any exterior changes to the Units besides signage and lighting. The proposed use is expected to have similar traffic and parking impacts as other uses located in the vicinity. The Department of Public Works, Traffic Engineering has reviewed this proposal and application and has no concerns regarding the proposed use. In summary, the proposed

use of a research and development, laboratory, is similar to and compatible with existing uses in the surrounding area. In addition, this use is supported by the 2035 Comprehensive Plan. Accordingly, staff recommended approval of this application with the conditions noted in the staff report.

The public hearing was opened and speaking in favor of this application was Kerry Shackelford, Co-owner of Building Resilient Solutions.

There being no speakers in opposition, the public hearing was closed.

Commissioner Edwards made a motion to approve this application with the conditions, seconded by Commissioner Hicks and passed by a recorded vote of 8 to 0.

STATUS REPORT:

Mr. Hainley reported on the results of the June 17th City Council meeting.

Mr. Hainley also reported on the preliminary plats approved.

ADJOURNMENT:

There being no further business, the meeting was adjourned.



PLANNING COMMISSION
MEETING

July 7, 2020

MT: Hicks
2ND: Singleton
TO: Approve

MT: Staylor
2ND: Creekmore
TO: Approve

MT: Hicks
2ND: Singleton
TO: Approve
w/proffers

MT: Rector
2ND: Eberwine
TO: Approve
w/conditions

			VOTE: 8-0 FTR2020-00001		VOTE: 8-0 FTR2020-00003		VOTE: 3-5 RZN2018-009		VOTE: 6-2 RZN2020-004	
	PRESENT	ABSENT	YES	NO	YES	NO	YES	NO	YES	NO
Benton, Howard C.	X		X		X			X	X	
Creekmore, Oliver	X		X		X			X	X	
Eberwine, Kittrell	X		X		X			X	X	
Edwards, Johnnie	X		X		X		X			X
Hicks, Anita	X		X		X		X			X
Rector, John	X		X		X			X	X	
Singleton, Arthur	X		X		X		X		X	
Staylor, Mills	X		X		X			X	X	



PLANNING COMMISSION
MEETING

July 7, 2020

MT: Singleton

2ND: Hicks

TO: Approve
w/proffers

MT: Hicks

2ND: Creekmore

TO: Approve
w/conditions

MT: Rector

2ND: Staylor

TO: Approve
w/conditions

MT: Creekmore

2ND: Eberwine

TO: Approve
w/conditions

			VOTE: 6-2		VOTE: 6-2		VOTE: 8-0		VOTE: 8-0	
			RZN2020-003		CUP2020-004		CUP2020-007		CUP2020-006	
	PRESENT	ABSENT	YES	NO	YES	NO	YES	NO	YES	NO
Benton, Howard C.	X			X		X	X		X	
Creekmore, Oliver	X		X		X		X		X	
Eberwine, Kittrell	X		X		X		X		X	
Edwards, Johnnie	X			X		X	X		X	
Hicks, Anita	X		X		X		X		X	
Rector, John	X		X		X		X		X	
Singleton, Arthur	X		X		X		X		X	
Staylor, Mills	X		X		X		X		X	



PLANNING COMMISSION
MEETING

July 7, 2020

MT: Edwards

2ND: Hicks

TO: Approve
w/conditions

MT:

2ND:

TO:

MT:

2ND:

TO:

MT:

2ND:

TO:

VOTE: 8-0

CUP2020-009

VOTE:

VOTE:

VOTE:

PRESENT

ABSENT

YES

NO

YES

NO

YES

NO

YES

NO

Benton, Howard C.

X

X

Creekmore, Oliver

X

X

Eberwine, Kittrell

X

X

Edwards, Johnnie

X

X

Hicks, Anita

X

X

Rector, John

X

X

Singleton, Arthur

X

X

Staylor, Mills

X

X

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CITY OF SUFFOLK

442 W. WASHINGTON STREET, P.O. BOX 1858, SUFFOLK, VIRGINIA 23439-1858
PHONE: (757) 514-4060 FAX: (757) 514-4099

DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT

Division of Planning

July 21, 2020

Suffolk Planning Commission
City of Suffolk, Virginia

Dear Commissioners:

Attached for your consideration is information pertaining to Rezoning Request RZN2019-008, (Conditional), Kemp's Village, submitted by Whitney G. Saunders, Saunders & Ojeda P.C., agent, on behalf of George B. Kemp, K & A Builders, applicant, on behalf of Mike Zarpas, 58 Suburban LLC, property owner, in accordance with Sections 31-304 and 31-305 of the Unified Development Ordinance, to rezone and amend the official zoning map of the City of Suffolk to change the zoning from M-2, Heavy Industrial zoning district and B-2, General Commercial zoning district, to RC, Compact Residential zoning district, for property located on the northeastern side of Suburban Drive, Zoning Map 35, Parcel 82. The affected area is further identified as being located in the Suffolk Voting Borough, zoned M-2, Heavy Industrial zoning district and B-2, General Commercial zoning district. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Inner Ring Suburban Use District.

Information and maps pertaining to this request are attached for your consideration. Please contact either myself or Kevin Wyne, the staff planner handling this case, if you have any questions in advance of the meeting.

Respectfully submitted,

David Hainley
Director of Planning and Community Development

/kmw
Attachments

STAFF REPORT

DESCRIPTION

REZONING REQUEST: Rezoning Request RZN2019-008, (Conditional) to rezone and amend the official zoning map of the City of Suffolk to change the zoning from M-2, Heavy Industrial zoning district and B-2, General Commercial zoning district, to RC, Compact Residential zoning district, (Conditional).

APPLICANT: Whitney G. Saunders, Saunders & Ojeda P.C., agent, on behalf of George B. Kemp, K & A Builders, applicant, on behalf of Mike Zarpas, 58 Suburban LLC, property owner.

LOCATION: Property is located at the northeastern intersection of Portsmouth Boulevard and Suburban Drive, and is further identified as Zoning Map 35, Parcel 82.

PRESENT ZONING: M-2, Heavy Industrial zoning district, and B-2, General Commercial zoning district.

EXISTING LAND USE: Aside from a stormwater management facility and two private access roads serving an adjacent shopping center, the parcel is vacant and undeveloped.

PROPOSED LAND USE: Residential subdivision containing no more than 70 detached, single family condominium dwellings.

SURROUNDING LAND USES:

North – M-2, Heavy Industrial zoning district, Old CSX Rail Right-of-Way and Vacant Parcel
South – B-2, General Commercial zoning district, Commercial and Shopping Center
East – B-2, General Commercial zoning district, Commercial and Church, RLM, Residential Low Medium zoning district, Undeveloped Land, RU, Residential Urban zoning district, Apartments; and
West – M-2, Heavy Industrial zoning district, Industrial Use, B-2, General Commercial zoning district, Self-service Storage.

COMPREHENSIVE PLAN: The City's 2035 Comprehensive Plan designates this area as 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 0231E of the Flood Insurance Rate Map for the City of Suffolk, Virginia, Community No. 510156, dated August 3, 2015.

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 July 17, 2020.

STAFF ANALYSIS

ISSUE

The applicant is requesting a change in zoning from M-2, Heavy Industrial zoning district, and B-2, General Commercial zoning district, to RC, Residential Compact zoning district, (Conditional), for one parcel of land identified as Zoning Map 35, Parcel 82. The subject property contains 22.93 acres with 7.97 acres of delineated non-tidal wetlands. In addition to the wetlands area, there is also 1.08 acre stormwater facility, bringing the total critical area on the site to 9.05 acres. As presented and proffered by the applicant, the development would yield no more than 70 single family detached condominium units, which equates to a density of 5.04 units per acre.

The subject property currently is undeveloped, aside from the stormwater facility and two (2) access roads from Suburban Drive serving the adjacent shopping center use. Surrounding land uses include several commercial uses along Portsmouth Boulevard, industrial use across Suburban Drive to the west, East End Baptist Church, and an apartment complex off of Prospect Road to the east. The proposed conceptual plan, which is not proffered, shows a 65 single family detached condominium dwelling development utilizing two existing private points of ingress/egress. One point of access will utilize an existing point on Suburban Drive, while the other will connect with an existing private access point off of Portsmouth Boulevard that it presently utilized as the primary access point for the adjacent shopping center.

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 indicates that the reason for this rezoning request is that they believe the M-2 zoned property, which is largely undeveloped along the old railroad right-of-way, is being impinged on by residential and commercial uses on both sides. They argue that the proposed residential use would be a continuation of like residential development in the area and would be an appropriate use abutting the City's proposed multi-use trail which will repurpose the railroad right-of-way. Additionally, they believe that the placement of residential adjacent to general commercial uses, such as the shopping center in question, has proven successful elsewhere in the City.

1. Comprehensive Plan

According to the 2035 Comprehensive Plan, the subject property is located within the Central Growth Area, Inner Ring Suburban Use District. This district is the first area where exclusively residential neighborhoods should be located, and neighborhood design should focus on walkable streets as well as cluster development patterns which allow for the preservation of usable open space. Neighborhood level retail nodes should be within walking distance from their intended markets. Commercial uses in this district are primarily neighborhood scale centers such as convenience retail and professional offices. Civic buildings and community facilities are also acceptable.

The applicant has proffered that no more than 70 detached single family condominium dwellings will be constructed, resulting in a density of 5.04 dwelling units per acre. The Inner Ring Suburban Use District recommends residential densities of six (6) to twelve (12) dwelling units per acre; therefore, the proposed subdivision would fall below the recommended density range. However, the majority of nearby residential, aside from the lone RU zoned parcel that it developed as an apartment complex, consists of RLM, Residential low medium density and RM, Residential medium density, which would allow the proposal to offer a logical transition from the more intense commercial uses along Portsmouth Boulevard north to the established single family residential subdivisions, including Suburban Woods, Wilroy Acres, and Graystone Reserves.

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. It is staff's opinion that the requested district is consistent with the policies of the 2035 Comprehensive Plan. 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, and is the first use district moving from the denser Mixed Use Core and Core Support Use Districts, where exclusive residential developments are appropriate. The zoning district proposed will allow a maximum density of 5.04 units per acre which falls substantially close to the recommended range of 6-12 units per acre. Based on the information provided by the applicant, the proposal appears to be appropriate on the subject parcel.

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

While not proffered, the design of the proposed residential development appears to follow a typical suburban layout, which is consistent and compatible with existing land use patterns in the vicinity.

Policy 4-1: Provide opportunities for residents to adopt a lifestyle that is less dependent on auto travel.

As noted in the applicant's narrative, the proposed development would create no more than 70 residential units within walking distance of an established shopping center, which will allow residents of the new development to adopt a lifestyle less dependent on auto travel, specifically when it pertains to grocery shopping and dining out.

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.*

This proposal includes on-site improvements to the public water, sewer, and stormwater management. Adequate capacity is available within the school system at the facilities that serve the site, which include Mack Benn Elementary School, John F. Kennedy Middle School, and Kings Fork High School. Each of these items is discussed in more detail below.

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 increase the single family detached housing stock within the Central Growth Area in an area where suburban use patterns are appropriate. Change of zonings of this nature work to balance higher density, more multi-family centric rezonings found closer to the Mixed Use Core and Core Support districts. The established use districts work together to bring balance and diversity to the City's housing stock. This request aligns with Policy 6-1A.

2. Unified Development Ordinance

Under Section 31-406 of the Unified Development Ordinance, single family attached and detached dwellings are permitted as by-right uses in the proposed RC zoning district. As stated in Section 31-407(d)(2), the average lot area for detached single family dwellings shall not be less than 6,000 square feet. However, as proposed the development would create condominium dwellings, meaning that subdivision requirements would not apply.

The proposed RC zoning would require that 10% of the net developable area, be set aside as open space if developed as proposed. Per Section 31-607 (e), 70 percent of the total open space must be active open space. The balance of required open space may be passive.

A portion of the subject parcel along Portsmouth Boulevard is located within the Special Corridor Overlay District (SCOD), which outlines specific design guidelines for development located on arterial and collector roadways throughout the City. Among other things, these design requirements include that a 30-foot setback must be observed along Portsmouth Boulevard, utilities must be placed underground, and high quality architectural design and materials must be used. As a part of the site plan review process, the proposed development will be reviewed for compliance with the provisions set forth in Section 31-412 pertaining to the requirements set forth in the SCOD.

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. The public facilities impacted by the proposed development are discussed individually below:

Public Water and Sanitary Sewer

City water and sewer are available for this development. The Public Facilities Report and associated preliminary layout sheets included in the request show a proposed 8" water main connected to the existing City 12" water main at Suburban Drive. A City Water Model was conducted that shows the connection point has adequate capacity to provide domestic and fire flow to the development. The sewer for this development is shown connected to the existing City gravity sewer located within the project limits which is discharged to City Pump Station 42. A Sewer Pump Station Model Analysis has been performed and it was determined there is adequate capacity in Pump Station 42 for the proposed sanitary sewer flows.

As currently shown in Conceptual Water Plan, the development is served by the one feed to Suburban Drive leaving the development on a dead end. The Department's Public Facilities Manual Chapter 3, paragraph 2.G states that "Dead end lines shall be minimized by looping mains where practical and where required by the Department." A secondary 8" water line connection should be made on Portsmouth Blvd. to provide an additional water source which would limit future outages, and improve fire flows and water quality to the development. The Conceptual Water Plan provided with the request identifies water pipe sizes, which will need to be addressed during the design phase of the project with respect to adequate connections, and pipe size for domestic and fire flows throughout the development. In addition, the Conceptual Water Plan shows the proposed water main outside the proposed public utility easement and under several storm water basins which is not acceptable to this Department. Correct placement of utility lines and connections will be addressed at the time of site design.

Provided compliance with design and engineering standards are achieved at the plan review stage, and based on the information provided, the Department of Public Utilities has no objections to the Conditional Rezoning Request and the associated change in use.

Stormwater Management

Public Works Engineering has reviewed the Water Quality Impact Assessment and Soils Report that were submitted as required for rezoning applications. Plans call for the construction of two on-site stormwater facilities in addition to the existing facility that is already located on the site. Public Works notes that a Stormwater Facility Maintenance Agreement will be required for this development. The existing facility will need to be included along with the entities currently utilizing it for stormwater treatment. The construction sequence would be required to isolate the existing facility to ensure that sediment does not enter during construction activities. The existing facility would then need to be "brought on-line" prior to completion of the development.

Provided compliance with design and engineering standards are achieved at the plan review stage, and based on the information provided, the Department of Public Works Engineering has no objections to the Conditional Rezoning Request and the associated change in use.

Transportation

The proposed use is anticipated to generate 55 total AM Peak Hour trips and 67 total PM Peak Hour trips. The proposed development will feature private streets taking access from existing private commercial driveways and no new connections to public streets are proposed. It is important to note that private streets are permitted because, as proffered, this development would be a condominium development, meaning that a subdivision of property will not be proposed. As such, internal roads and access points may remain private and dedication of right-of-way to the City will not be required.

The submitted Traffic Impact Analysis analyzed operations at the existing commercial entrances on Portsmouth Boulevard and Suburban Drive and found that both intersections will continue to operate at acceptable levels of service on all approaches with the additional traffic generated by the proposed development with no improvements required. Traffic Engineering has reviewed the submitted Traffic Impact Analysis and recommends approval of the application.

Schools

The parcel included in the request is currently assigned to Mack Benn Elementary School, John F. Kennedy Middle School, and King's Fork High School. The property is currently zoned M-2, Heavy Industrial zoning district and B-2, General Commercial zoning district, therefore, the property has no by-right residential unit allowance. The maximum number of units as proffered by the applicant is 70 single family detached condominium dwellings. In accordance with Section 31-601 of the Unified Development Ordinance, a development consisting of 70 single family detached dwellings would generate 14 elementary school students, 7 middle school students, and 10 high school students. Based upon enrollment figures and committed development that will be served by the same schools serving the parcel in question at the time of application, it has been determined that sufficient capacity is in place to serve the additional students generated by this proposal at all impacted school levels. As such, the advancement of school capacity is not necessary.

4. Proffered Conditions

The applicant has voluntarily proffered the following conditions in support of this rezoning request:

1. The property owner shall construct no more than 70 detached single-family condominium dwellings on the subject property.
2. All dwellings shall have a minimum square footage of heated living space of 1,700 square feet.
3. All dwellings shall have a crawl space or raised/elevated slab foundation with the finished first floor a minimum of sixteen (16) inches above grade.
4. All dwellings shall use one or more of the following exterior materials:

- a. Brick-General Shale and Lee.
- b. Stone – Eldorado Company/Stone look.
- c. Vinyl Siding – Mastic D7 Perfection vinyl shakes, Mastic Charleston beaded vinyl siding, Mastic D5 Ovation vinyl siding
- d. Roof – Certaineed Landmark Shingles Tri Built Synthetic felt underlayment

RECOMMENDATION

In summary, staff finds that this proposal, Rezoning Request RZN2019-008 (Conditional), is generally consistent with the provisions of the 2035 Comprehensive Plan and the Unified Development Ordinance. This request is compatible with the surrounding residential uses contained in the vicinity and offers a logical transition for existing residential communities to the higher intensity commercial and industrial uses found at the intersection of Portsmouth Boulevard and Suburban Drive. Based on a technical review of public facilities necessary to serve the development, it has been determined that adequate public facilities are currently available to serve the needs of the development. Accordingly, staff recommends **approval** of Rezoning Request RZN2019-008 (Conditional).

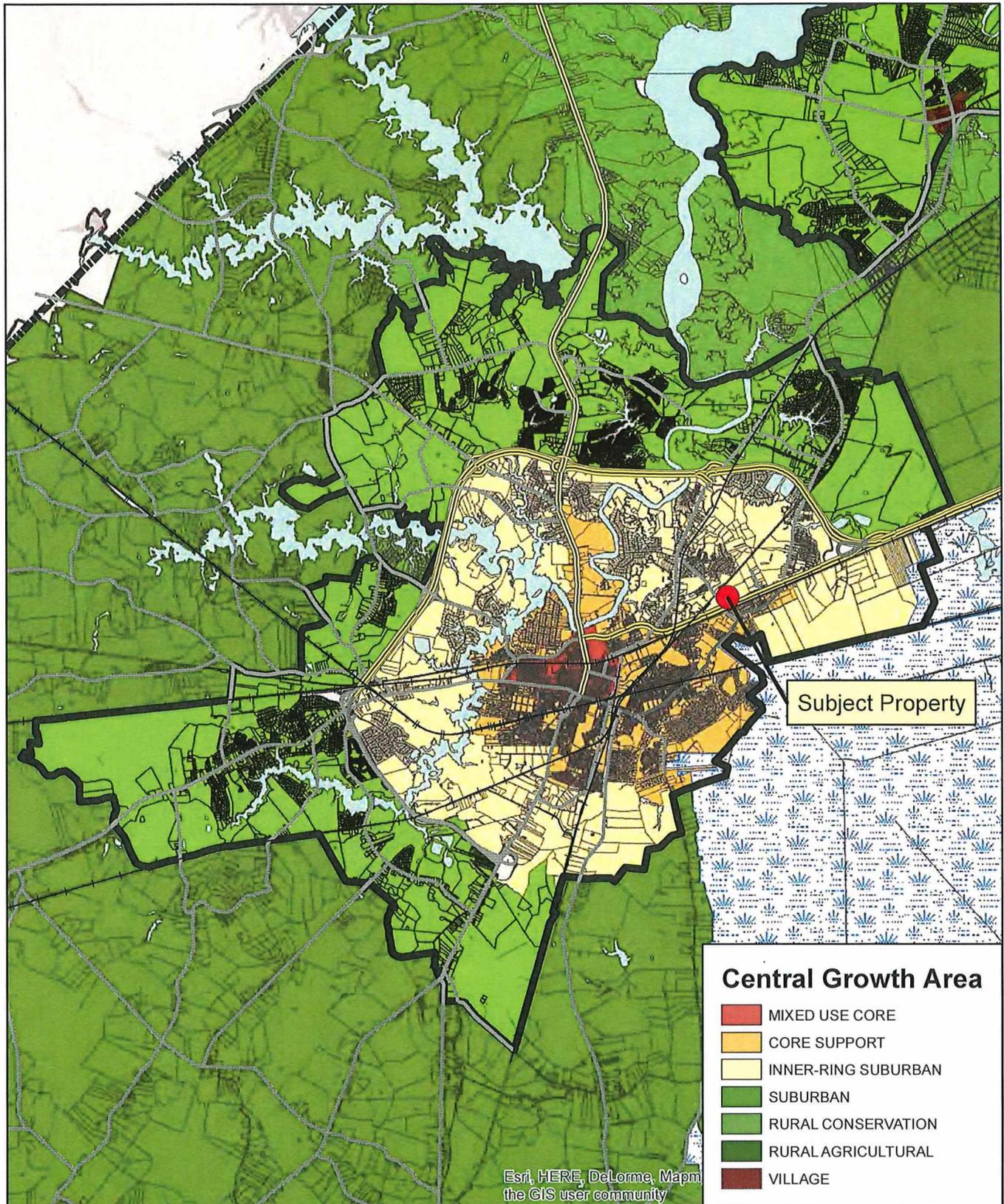
Attachments

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



GENERAL LOCATION MAP

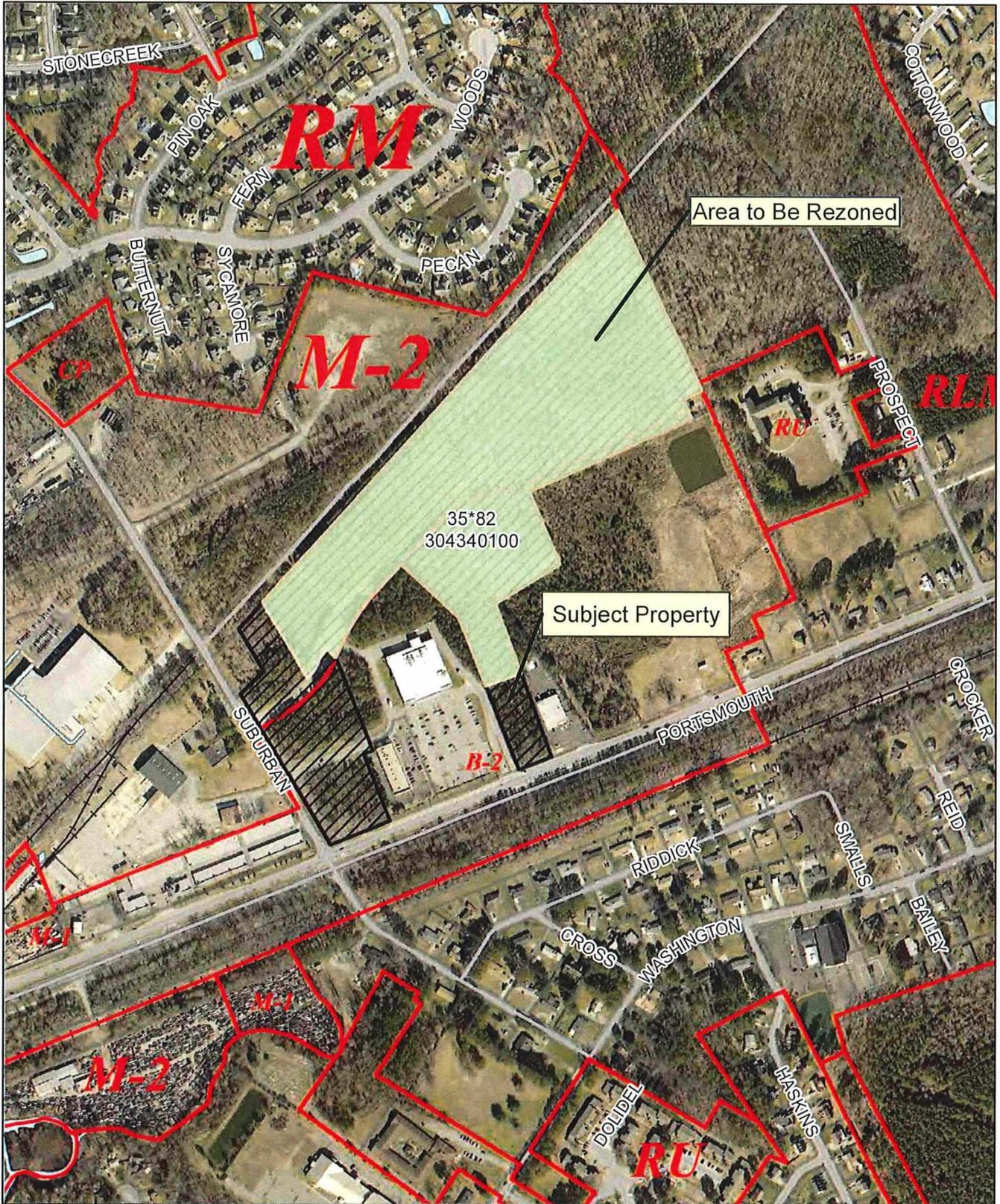
RZN2019-008





ZONING / LAND USE MAP

RZN2019-008



Narrative

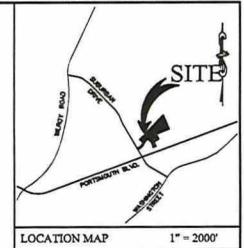
The applicant, George B. Kemp of K & A Builders requests that City of Suffolk map and parcel number 35*82 be rezoned from its current Heavy Industrial, M-2 zoning to RC, Residential Compact for construction of approximately 70 single family detached condominium dwellings. The subject parcel is approximately 21.97 acres bounded on the north by M-2 zoned property, on the east by RLM and RU zoning, on the south by B-2 zoning and Portsmouth Boulevard and on the west by Suburban Drive and M-2 zoned parcels. The M-2 parcels on the north consist of an abandoned railroad right of way and M-2 parcels adjacent to a single family housing complex with RM zoning. The residential zoning to the east consists of single family residences and an apartment building zoned Residential Urban. The property is contiguous to B-2 General Commercial parcels on the south which house a church, Food Lion and a small strip of commercial shops, all of which front on Portsmouth Boulevard.

This property is part of the Central Growth Area and is found within the Inner Ring Suburban Use District. Residential uses within the Inner Ring Suburban Use District are single family and traditional neighborhood developments. The 2035 City of Suffolk Comprehensive Plan calls for residential densities within this use district of 6-12 dwelling units per acre. The proposed development would yield 5 units per acre within the requested Residential Compact zoning. The place type associated with this proposed neighborhood would fit the characteristics of a traditional Neighborhood Center. The existing Food Lion shopping center will be accessible from the new neighborhood for foot traffic, bicycles and motor vehicles. The City's proposed multiuse trail along the railroad right of way, which abuts the northern property line, will feature access to the shopping center by a path around the existing BMP on the western end of the property. The place type could also be considered a combination of Traditional Neighborhood adjacent to a Suburban Center.

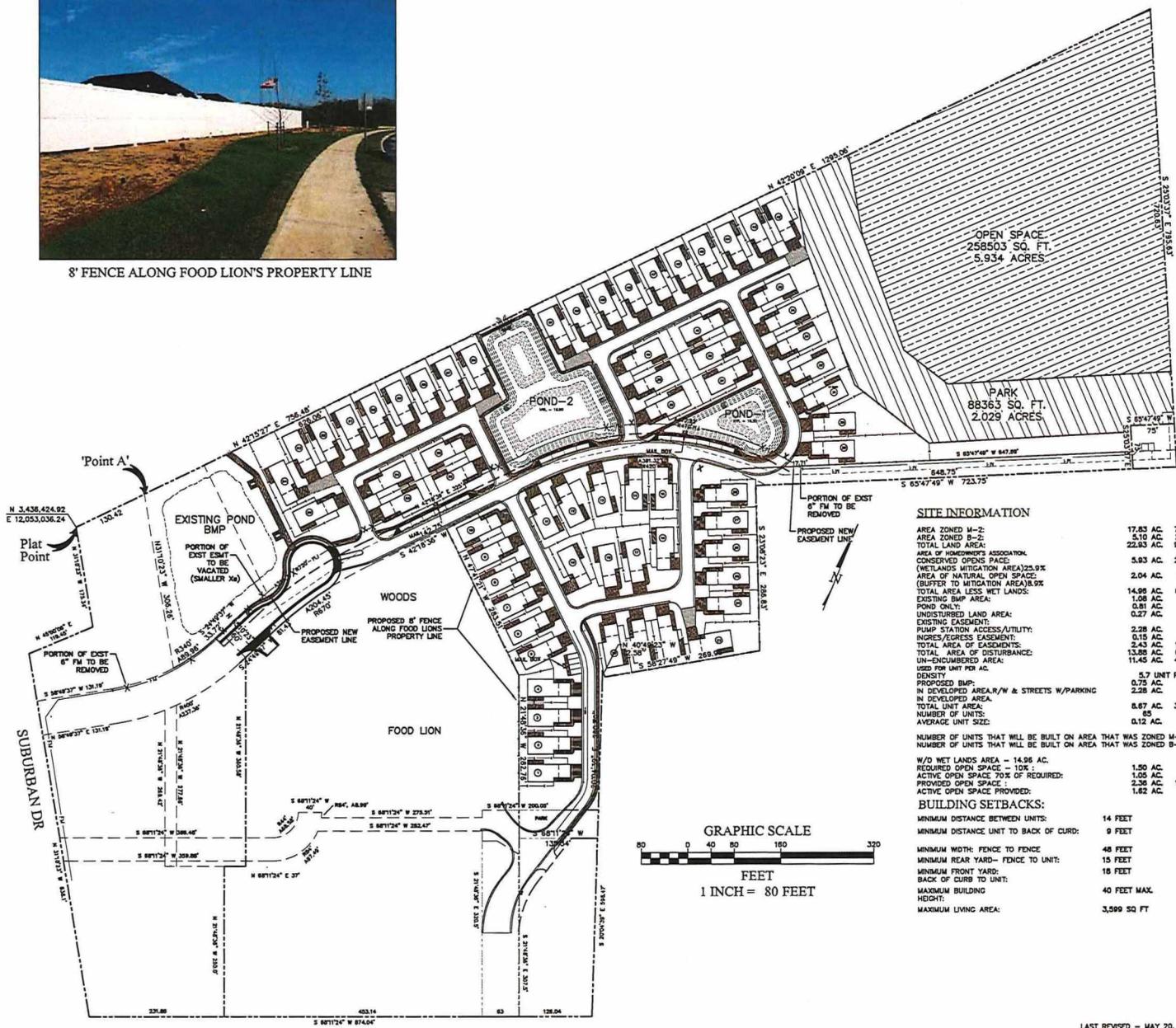
Dwellings on the subject property are contemplated, at its closest point, no more than 300 feet from the right of way of Route 58 (Portsmouth Boulevard). The north side of Portsmouth Boulevard has a number of properties which have developed with commercial uses and residential zoning behind commercial and institutional uses which front on this thoroughfare. This pattern of development has recently occurred and been approved for residential development at the intersection of C Street and Portsmouth Boulevard. The M-2 uses behind the Food Lion shopping center are already isolated and impinged upon by residential development to the north and to the east. The proposed residential use would be a continuation of residential development on the southside of the railroad right of way and would be an appropriate use bordering the proposed multi use trail. This use would be a further example of a successful development tactic placing grocery and General Commercial use along major arterial streets with residential neighborhoods in the rear. RC zoning is appropriate where public facilities and services are immediately available and may serve as a buffer between commercial/ industrial areas and low-density residential uses. RC may also serve as transitional district between single family and commercial districts. It 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 most appropriate in the Inner Ring Suburban Use District.



8' FENCE ALONG FOOD LION'S PROPERTY LINE



LOCATION MAP 1" = 200'

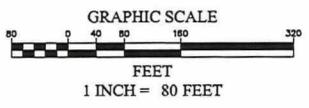


SITE INFORMATION

AREA ZONED M-2:	17.83 AC.	776,865 SF
AREA ZONED B-2:	5.10 AC.	222,127 SF
TOTAL LAND AREA:	22.93 AC.	998,992 SF
AREA OF HOMEOWNERS ASSOCIATION:	5.83 AC.	258,503 SF
CONSERVED OPEN SPACES (WETLANDS MITIGATION AREA) 125.9%	2.04 AC.	88,754 SF
AREA OF NATURAL OPEN SPACES (BUFFER TO MITIGATION AREA) 18.9%	14.86 AC.	651,735 SF
TOTAL AREA LESS WET LANDS:	1.06 AC.	47,122 SF
EXISTING BMP AREA:	0.81 AC.	35,271 SF
POND ONLY:	0.27 AC.	11,851 SF
UNDISTURBED LAND AREA:	2.28 AC.	99,412 SF
EXISTING EASEMENT:	0.15 AC.	6,555 SF
PUMP STATION ACCESS/UTILITY:	2.43 AC.	106,067 SF
INGRESS/EGRESS EASEMENT:	13.88 AC.	604,613 SF
TOTAL AREA OF EASEMENTS:	11.45 AC.	468,546 SF
TOTAL AREA OF DISTURBANCE:	5.7 AC.	247,800 SF
UN-ENCUMBERED AREA:	17.23 AC.	751,192 SF
USED FOR UNIT PER AC:	5.7 UNIT PER AC.	
PROPOSED BMP:	0.73 AC.	32,266 SF
IN DEVELOPED AREA, R/W & STREETS W/PARKING:	2.28 AC.	99,257 SF
IN DEVELOPED AREA:	6.67 AC.	377,849 SF
TOTAL UNIT AREA:	85	3,778,000 SF
NUMBER OF UNITS:	0.12 AC.	5,398 SF
AVERAGE UNIT SIZE:		
NUMBER OF UNITS THAT WILL BE BUILT ON AREA THAT WAS ZONED M-2:	37	
NUMBER OF UNITS THAT WILL BE BUILT ON AREA THAT WAS ZONED B-2:	28	
W/D WET LANDS AREA - 14.86 AC.	1.50 AC.	65,174 SF
REQUIRED OPEN SPACE - 10%:	1.05 AC.	45,821 SF
ACTIVE OPEN SPACE 70% OF REQUIRED:	2.28 AC.	102,963 SF
PROVIDED OPEN SPACE:	1.82 AC.	79,487 SF
ACTIVE OPEN SPACE PROVIDED:		

BUILDING SETBACKS:

MINIMUM DISTANCE BETWEEN UNITS:	14 FEET
MINIMUM DISTANCE UNIT TO BACK OF CURB:	9 FEET
MINIMUM WIDTH: FENCE TO FENCE:	48 FEET
MINIMUM REAR YARD - FENCE TO UNIT:	15 FEET
MINIMUM FRONT YARD:	18 FEET
BACK OF CURB TO UNIT:	
MAXIMUM BUILDING HEIGHT:	40 FEET MAX.
MAXIMUM LIVING AREA:	3,599 SQ FT



KEMPS VILLAGE @ SUBURBAN DRIVE
FOR
K AND A BUILDERS LLC.

SUFFOLK VIRGINIA

KELAM GERWITZ
ENGINEERING - SURVEYING - PLANNING
500 CENTRAL DRIVE - SUITE 112 - VIRGINIA BEACH, VA 23454
(757) 466-8288 - FAX: (757) 346-1063

DESIGNED: RSK	APPROVED: RSK	PROJECT # S 18018
DRAWN: KRS	DATE: 05/14/19	SHEET 1 OF 7
CHECKED: RSK	SCALE: 1" = 80'	

LAST REVISED - MAY 20, 2020

ORDINANCE NO. _____

AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK TO CHANGE THE ZONING FROM M-2, HEAVY INDUSTRIAL ZONING DISTRICT AND B-2, GENERAL COMMERCIAL ZONING DISTRICT, TO RC, RESIDENTIAL COMPACT ZONING DISTRICT, FOR PROPERTY LOCATED ON THE NORTHEASTERN SIDE OF SUBURBAN DRIVE, ZONING MAP 35, PARCEL 82; RZN2019-008 (CONDITIONAL)

WHEREAS, Whitney G. Saunders, Saunders & Ojeda P.C., agent, on behalf of George B. Kemp, K & A Builders, applicant, on behalf of Mike Zarpas, 58 Suburban LLC, property owner, has requested a change in zoning from M-2, Heavy Industrial zoning district and B-2, General Commercial zoning district, to RC, Compact Residential zoning district, (Conditional) for Zoning Map 35, Parcel 82, 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 19th day of August, 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. Exhibits.

Exhibit "A", "Planning Commission Recommendation", Exhibit "B", "Rezoning Proffers", and Exhibit "C", "Property Map" 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 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 the 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.

1. The conditions proffered in the attached Exhibit "B" be, and they are hereby, accepted.
2. The property as shown on the attached Exhibit "C" is hereby, conditionally rezoned and the official zoning map be, and it is hereby, amended from M-2, Heavy Industrial Zoning District, and B-2, General Commercial Zoning District, to RC, Residential Compact Zoning District (Conditional).
3. The foregoing rezoning and amendment to the official zoning map are expressly made subject to the performance of the conditions

hereby proffered and accepted and these conditions shall remain in effect until a subsequent amendment changes the zoning of the property; however, such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

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 Dawley, City Clerk

Approved as to Form:

Helivi L. Holland, City Attorney

CITY OF SUFFOLK PLANNING COMMISSION

A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO REZONING REQUEST

RZN2019-008 (CONDITIONAL)

TO CHANGE THE ZONING FROM M-2, HEAVY INDUSTRIAL ZONING DISTRICT
AND B-2, GENERAL COMMERCIAL ZONING DISTRICT, TO RC, RESIDENTIAL
COMPACT ZONING DISTRICT, FOR PROPERTY LOCATED ON THE
NORTHEASTERN SIDE OF SUBURBAN DRIVE, ZONING MAP 35, PARCEL 82.

WHEREAS, Whitney G. Saunders, Saunders & Ojeda P.C., agent, on behalf of George B. Kemp, K & A Builders, applicant, on behalf of Mike Zarpas, 58 Suburban LLC, property owner, has requested a change in zoning from M-2, Heavy Industrial zoning district and B-2, General Commercial zoning district, to RC, Compact Residential zoning district, (Conditional); 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 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 the 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 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, RZN2019-008 (Conditional), 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 PASSED: _____

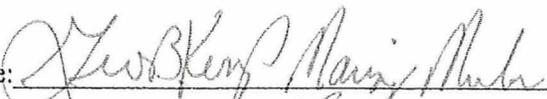
TESTE: _____

VOLUNTARY PROFFER STATEMENT

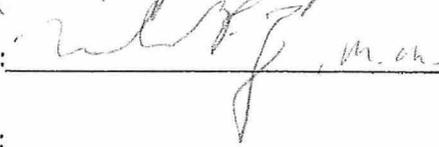
I hereby voluntarily proffer that the development of the property owned by me proposed for reclassification under this application shall be in strict accordance with the conditions set forth below.

The following conditions (add additional sheets if necessary) are voluntarily proffered for the reclassification of property identified as Tax Map Number(s) 35,
Block Number _____, Parcel Number(s) 82.

1. The property owner shall construct no more than 70 detached single-family condominium dwellings on the subject property.
2. All dwellings shall have a minimum square footage of heated living space of 1700 square feet.
3. All dwellings shall have a crawl space or raised/elevated slab foundation with the finished first floor a minimum of sixteen (16) inches above grade.
4. All dwellings shall use one or more of the following exterior materials:
 - a. Brick-General Shale and Lee.
 - b. Stone- Eldorado Company/ Stone look
Dutch Quality Company/ Ledge Stone stackable look
 - c. Vinyl Siding- Mastic D7 Perfection vinyl shakes
Mastic Charleston beaded vinyl siding
Mastic D5 Ovation vinyl siding
 - d. Roof- Certainteed Landmark Shingles
Tri Built Synthetic felt underlayment

Applicant Signature: 

Date: 10-17-19

Property Owner Signature:  M. Ch.

Date: 10/28/19

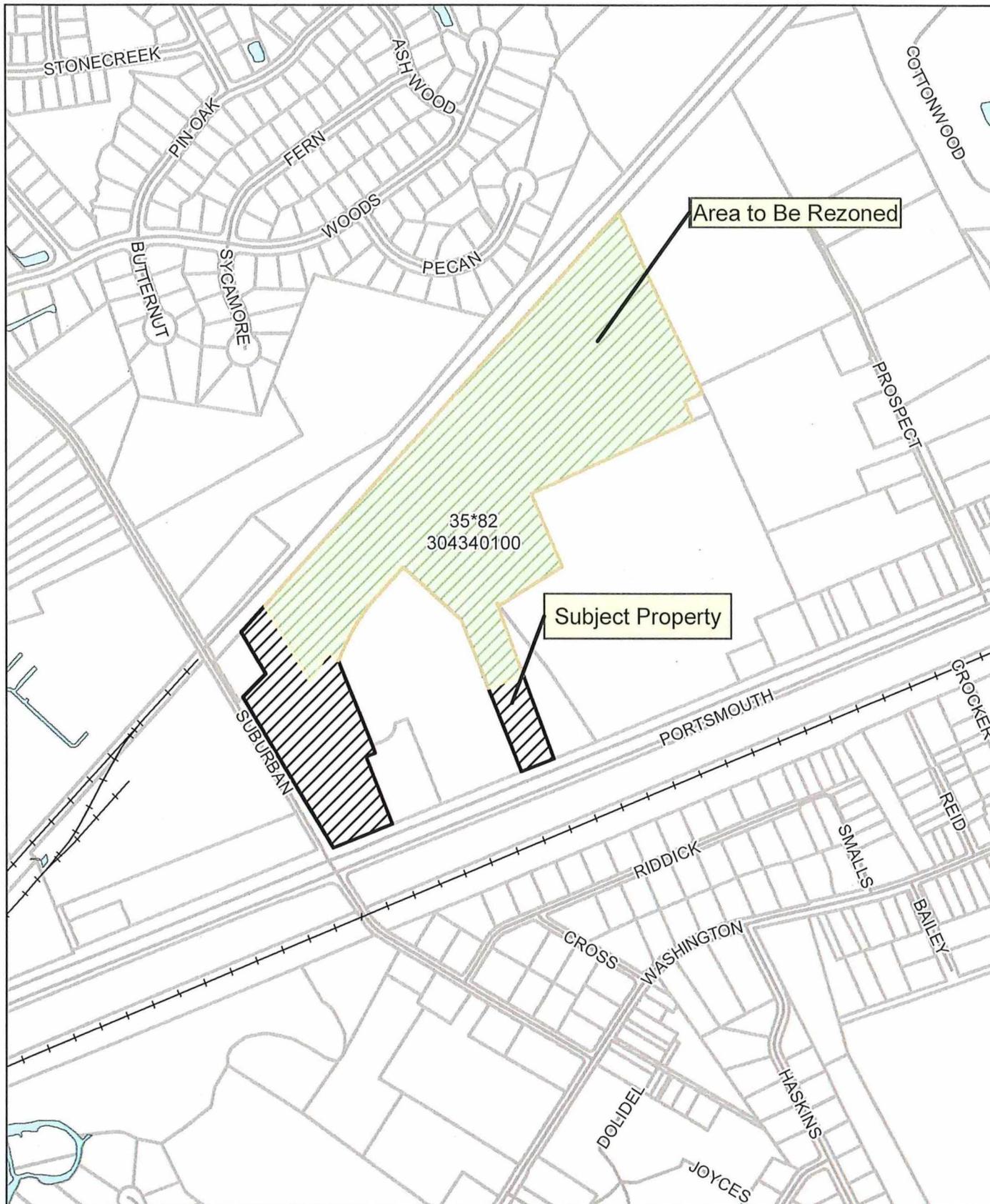
Property Owner Signature: _____

Date: _____



PROPERTY MAP RZN2019-008

EXHIBIT C



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CITY OF SUFFOLK

442 W. WASHINGTON STREET, P.O. BOX 1858, SUFFOLK, VIRGINIA 23439-1858
PHONE: (757) 514-4060 FAX: (757) 514-4099

DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT

Division of Planning

July 21, 2020

Suffolk Planning Commission
City of Suffolk, Virginia

Dear Commissioners:

Attached for your consideration is information pertaining to Conditional Use Permit Request CUP2020-003, CrossPointe Preschool Academy and CrossPointe Freewill Baptist Church, submitted by David Sexton, applicant and property owner, CrossPointe Freewill Baptist Church, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance, in order to amend the previously approved conditions pertaining to the establishment of a Day care, child (as accessory use to a permitted place of worship or school), and to expand an existing place of worship, large, at least 6,000 square feet in main sanctuary, on property located at 2460 Pruden Boulevard, Zoning Map 25A, Parcel 1*A. The purpose of this request is to increase maximum permitted enrollment from 50 to 100 children pertaining to the daycare use at CrossPointe Freewill Baptist Church and to expand the allowable capacity in the main sanctuary from 177 seats to 210 seats. The affected area is further identified as being located in the Suffolk Voting Borough, zoned B-2, General Commercial zoning district. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Inner Ring Suburban Use District.

Information and maps pertaining to this request are attached for your consideration. Please contact either myself or Kevin Wyne, the staff planner handling this case, if you have any questions in advance of the meeting.

Respectfully submitted,

David Hainley
Director of Planning and Community Development

DH/kmw
Attachments

STAFF REPORT

DESCRIPTION

CONDITIONAL USE PERMIT: CUP2020-003, submitted by David Sexton, applicant and property owner, CrossPointe Freewill Baptist Church, in order to amend the previously approved conditions pertaining to the establishment of a Day care, child (as accessory use to a permitted place of worship or school), and to expand an existing place of worship, large, at least 6,000 square feet in main sanctuary.

APPLICANT: David Sexton, Pastor of CrossPointe Freewill Baptist Church.

LOCATION: The affected property is located at 2460 Pruden Boulevard, and is further identified as Zoning Map 25A, Parcel 1*A.

PRESENT ZONING: B-2, General Commercial Zoning District.

EXISTING LAND USE: The 1.87 acre site houses an existing church.

PROPOSED LAND USE: To expand a child daycare use as an accessory use to the permitted place of worship and to expand an existing place of worship, large, at least 6,000 square feet in main sanctuary.

SURROUNDING LAND USES:

North – RLM, Residential Low Medium Zoning District, Single family homes
South – B-2, General Commercial Zoning District, Commercial
 – O-I, Office-Institutional Zoning District, Single family home
East – B-2, General Commercial Zoning District, Commercial
West – B-2, General Commercial Zoning District, Commercial

COMPREHENSIVE PLAN: The 2035 Comprehensive Plan designates this area as 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).

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 July 17, 2020.

CASE HISTORY: The subject property was previously approved for a Conditional Use Permit C04-10, which was granted to CrossPointe Freewill Baptist Church to permit a large religious assembly in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance, which was approved June 16, 2010, by Ordinance 10-O-050.

In 2013, a Street Vacation request SV03-13 was approved for the church and the two abutting

private property owners, to vacate a 300 foot portion of Alvah Street between Lida Avenue and Edwards Avenue. The request was approved December 18, 2013, by Ordinance 13-O-116.

On June 21, 2017, a Conditional Use Permit (C05-17) was granted by City Council for the establishment of a child daycare, as an accessory use to a permitted place of worship by Ordinance 17-O-050. This use permit allowed for the daycare use to provide care for up to 50 children.

On August 15, 2018, City Council granted a Conditional Use Permit (CUP2018-003) on an adjoining property, Zoning Map 25A, Parcel 1*C5 (201 Edward Avenue), for the establishment of a church office and public assembly use with temporary lodging that is associated with operations of CrossPointe Freewill Baptist Church.

On July 23, 2019, a site plan was approved for a 5,800 square foot addition to the existing church building, increasing the total square footage of building space used for church and accessory daycare use to 14,380 square feet. This plan notes that the sanctuary will have a seating capacity for 210 patrons, an increase of 33 over the previously approved 177 seat capacity permitted by under C04-10.

STAFF ANALYSIS

ISSUE

On behalf of CrossePoint Freewill Baptist Church, Pastor David Sexton is requesting to expand an existing child daycare as an accessory use to the church, as well as expand the permitted capacity of the main sanctuary of the place of worship use. As discussed above, the building that serves both uses is approved for expansion from 8,580 square feet, to 14,380 square feet. The proposed expanded daycare use will be contained to the original 8,580 square feet, while the 5,800 square foot addition will house the majority of operations associated with the place of worship use. The daycare classrooms will be utilized for daycare purposes for church members during normal service times.

The church would utilize the existing space to accommodate up to 100 children, doubling the current allowance of 50 children. The expanded daycare use will provide all day care for children 6 weeks to 5 years old. A before and after school program will provide care for children 6 to 12 years old during the school year and full daycare for these children will be provided during summer months. The church proposes to employ six additional full time teachers to accommodate the anticipated increased enrollment, bringing the total expected staff serving the use to 18, which includes other part time staff such as a janitor and secretary. The proposed hours of operation for the daycare are Monday through Friday, 6:30 a.m. to 6:00 p.m. Parents picking up and dropping off would utilize the existing 53 on-site parking spaces. There is an existing outdoor play area, approximately 1,800 square feet, which is sufficient to serve no more than 24 children per time in accordance with the Unified Development Ordinance. The applicant proposes to stagger use of the area and plans to have no more than 15 children on the playground at any given time.

This application also proposes to expand an existing place of worship use, large, sanctuary greater than 6,000 square feet. As noted above, the applicant is requesting to expand the seating capacity of the sanctuary from 177 seats that is presently permitted in accordance with C04-10, to 210 seats. Church services are held on Sundays during morning and evening hours, with additional service

on Wednesday evenings. The daycare use, that is proposed to be expanded as a part of this application as well, will not operate during these times.

CONSIDERATIONS AND CONCLUSIONS

1. Section 31-406 of the Unified Development Ordinance (UDO) requires that a Conditional Use Permit be obtained for a child daycare and place of worship, large, sanctuary greater than 6,000 square feet, within the B-2, General Commercial Zoning District.
2. Section 31-306 of the UDO requires that major amendments to previously approved Conditional Use Permits be approved in the same manner and under the same procedures as are applicable to the issuance of the original permit. Major amendments include shifts in on-site location and changes in size, or intensity, of greater than five percent, or a five-percent or more increase in either lot coverage or floor area over what was originally approved. The proposed amendments, the expansion of the existing daycare use and expansion of the place of worship use, qualify as major amendments.
3. Proposed hours of operation for the daycare use are Monday through Friday, 6:30 a.m. to 6:00 p.m and will not change from what is currently approved. The applicant is requesting to be allowed an enrollment of 100 children, with a staff of 18.
4. This site is currently served by public water and sewer. The daycare and church use will occupy space approved as a part of site plan SPL2018-00008. The Public Utilities Department has indicated no objections to the conditional use permit amendment.
5. The applicant has indicated that no food preparation will be conducted on the property.
6. Based on the parking requirements that are outlined in Table 606-2 of the UDO, the minimum parking requirement for commercial daycares is 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 of the building. Based on the submitted floor plan the daycare will occupy 8,580 square feet of space which will require 23-34 parking spaces to adequately serve the use. There are 53 existing parking spaces. For the church use the minimum required parking is 53 spaces. The proposed daycare is Monday through Friday and therefore should not coincide with the church use, but there is enough parking on site to meet shared parking standards.
7. A turn lane warrant analysis was submitted for review with this request. Traffic Engineering has reviewed the report and has noted that the proposed increase in enrollment to 100 children will not warrant traffic improvements at this time.
8. CrossePointe Freewill Baptist Church currently holds a license through the Virginia Department of Social Services as a religious exempt daycare provider. Their current license allows for providing care to 50 children between 2 ½ years of age and 12 years of age. This license would have to be updated as a proposed condition of this request.
9. Section 31-701(b)(16)(A) establishes additional requirements for daycares which are accessory to a permitted religious assembly or school. A minimum of 1,500 square feet is

required for 20 children or fewer, and 75 square feet for each additional child attending the daycare. This application proposes a child daycare to serve a maximum of 100 children. A total of 7,500 square feet of outdoor play area is required to serve the maximum number of children. However, children may be allowed to utilize the outdoor space in phases, thereby reducing the required outdoor play area. The existing approximately 1,800 square foot is sufficient to meet the minimum requirement of the Unified Development Ordinance, of 1,500 square feet, and play shall be limited to 24 children at a time.

10. The UDO also notes that outdoor play areas shall be located so as to provide maximum peace and tranquility to adjoining residential uses while protecting the safety of the children. Additionally, hours of outdoor play shall be limited to the hours between 8:00 a.m. and 6:00 p.m. The outdoor play area for CrossPointe Church is directly adjacent to two residential homes. Screening landscaping between the homes and the play area would help to meet the intent of not disturbing the surrounding residences.
11. 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 expanded uses are a listed conditional use in the B-2 Zoning District per the City's Unified Development Ordinance (UDO). This development will comply with all applicable requirements of the 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.*

Both the uses have operated without any adverse impacts on the site for several years. Documentation provided by the applicant as reviewed by staff indicates that their proposed expansion should not have any adverse impacts to the surrounding

neighborhood. The property is surrounded by the B-2, RLM, and O-I Zoning Districts.

- 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 request has been reviewed by the City's Traffic Engineering Division, who agrees with the findings of left turn lane analysis provided for proposed expansion of the daycare use. The left turn lane analysis submitted with this application indicated there was no need for improvements related to the daycare.

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

It is not anticipated that there will be any uses associated with the expanded daycare or church use which would impact the surrounding community pertaining to vibration, noise, odor, dust, smoke, or gas.

- 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 expanded uses will be located on property zoned for commercial use, which allows for by-right uses that could potentially be more impactful than those proposed. The provided hours of operation should not substantially diminish or impair the property values of surrounding parcels. Screening landscaping around the outdoor play area would provide additional buffering for the residences to the north.

- 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 proposed expanded uses 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 is required to be licensed by the Virginia Department of Social Services for operation as a child care facility, and as a result will be subject to the criteria set forth in the state code. In that regard, this proposed use should not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

- 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 expanded uses.

RECOMMENDATION

It is staff's conclusion that the site in question, with the establishment of appropriate conditions, is appropriate for the proposed use given the location along a minor arterial, which is bordered by several residential neighborhoods, and the fact the expanded church and daycare uses will be located in an approved building in a developed area. Given the uses have operated within their current scopes without issues, no adverse impact to the surrounding properties is anticipated. Therefore, staff recommends **approval** of Conditional Use Permit request CUP2020-00003 with the following conditions.

1. This Conditional Use Permit is granted specifically in order to establish a place of worship, large, greater than 6,000 square feet, and a child daycare (as an accessory use to a permitted place of worship), for property located 2460 Pruden Boulevard, Zoning Map 25A, Parcel 1*A; as identified in Exhibit B and Exhibit C.
2. Occupancy for both uses is to be established by the Fire Marshall and Building Official, but shall not exceed a maximum of 100 children for the daycare use and shall not exceed 210 seats in the sanctuary for the church use. At such time that the church use, or the daycare use is expanded, a new traffic impact assessment must be submitted for review to determine any necessary improvements to accommodate the impact from traffic generation related to the uses on this site.
3. The applicant shall be responsible to ensure compliance with all regulations regarding the operation of a child daycare facility as required by the Virginia Department of Social Services.
4. No food preparation may take place without approval from the Suffolk Health Department.
5. In compliance with Section 31-701(b)(16)A, the existing approximately 1,800 square foot outdoor play area shall be limited to 24 children at a time.
6. Outdoor play activities shall be limited to the hours between 8:00 a.m. and 6:00 p.m.
7. In accordance with the screening requirements outlined in Sections 31-412(g) and 31-603(f), screening landscaping behind the outdoor play area will be required to provide a buffer between the residential homes which abut the property and the proposed outdoor play area.

Attachments

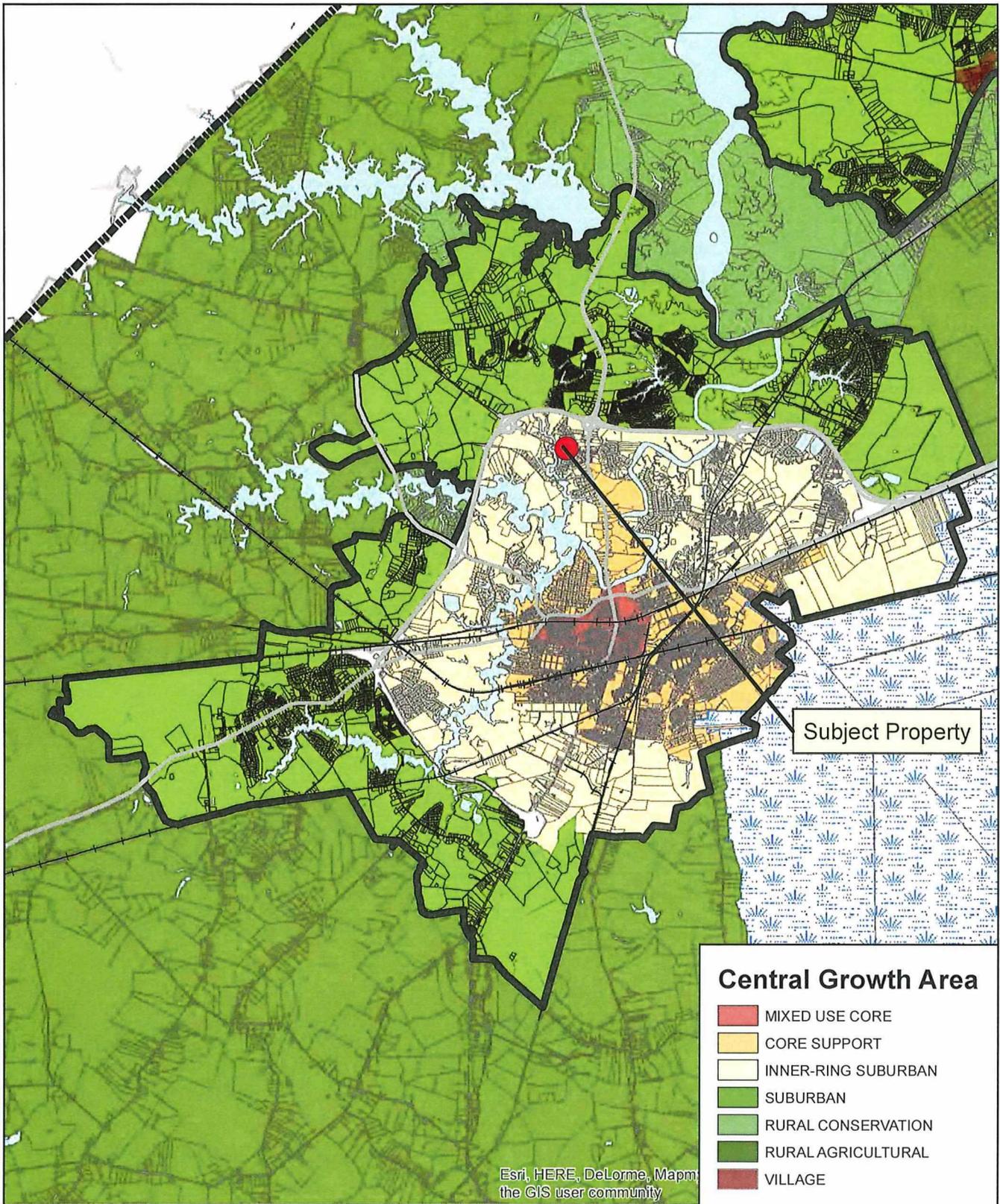
- General Location Map

- Zoning/Land Use Map
- Narrative Description of the Proposed Uses
- Proposed Ordinance
- Exhibit A – Planning Commission Recommendation
- Exhibit B – Property Map
- Exhibit C – Fire Prevention Plan



GENERAL LOCATION MAP

CUP2020-003





ZONING / LAND USE MAP

CUP2020-003



CrossPointe Church

A narrative description of the proposed use of property:

CrossPointe Church, located at 2460 Pruden Blvd in Suffolk VA and designated on the zoning map of the city of Suffolk, Virginia, as zoning map 25A Parcel 1A, would like to expand the number of children enrolled from 50 children to 100 children at CrossPointe Preschool Academy. CrossPointe Church is adding a 5,700+ sq ft addition on to the existing building. The sanctuary of the existing building will be turned into some classrooms and offices. Those classrooms will be used to be able to expand the enrollment of CrossPointe Preschool Academy. All of the preschool academy will be contained in the existing building (which is approximately 8500 sq ft. We would also like to change the ages of the preschool from 6 weeks to 12 years of age. We have taken all of the steps from the fire marshal and DSS that are needed for the infants and toddlers. The school age children (ages 6-12) are before school care and will also be enrolled in our summer program as well. As Suffolk continues to grow, there is a significant need for quality infant/toddler care as well as preschool care. We are attempting to fill that need for our community by requesting the increase in our numbers and the ages of the children who can be enrolled in our program.

We will also need to amend the CUP to change the seating of the sanctuary from 177 seats to a religious assembly of a seating capacity of 210 seats.

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO AMEND PREVIOUSLY APPROVED CONDITIONS PERTAINING TO THE ESTABLISHMENT OF A DAYCARE, CHILD (AS ACCESSORY USE TO PERMITTED PLACE OF WORSHIP OR SCHOOL), AND TO EXPAND AN EXISTING PLACE OF WORSHIP, LARGE, AT LEAST 6,000 SQUARE FEET IN THE MAIN SANCTUARY, ON PROPERTY LOCATED AT 2460 PRUDEN BOULEVARD, ZONING MAP 25A, PARCEL 1*A; CUP2020-003

WHEREAS, David Sexton, applicant and property owner, CrossPointe Freewill Baptist Church, has requested a Conditional Use Permit in order to amend the previously approved conditions pertaining to the establishment of a Day care, child (as accessory use to a permitted place of worship or school), and to expand an existing place of worship, large, at least 6,000 square feet in main sanctuary, 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 25A, Parcel 1*A, 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", ".Fire Prevention 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 expand an existing daycare, as an accessory use to a permitted place of worship use, and expand an existing place of worship, large, greater than 6,000 square feet in the main sanctuary, 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 daycare, accessory to a permitted place of worship, and place of worship, large, greater than 6,000 square feet in the main sanctuary, 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 daycare, as an accessory use to a permitted place of worship, and place of worship, large, greater than 6,000 square feet in the main sanctuary, 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 place of worship, large, greater than 6,000 square feet, and a child daycare (as an accessory use to a permitted place of worship), for property located 2460 Pruden Boulevard, Zoning Map 25A, Parcel 1*A; as identified in Exhibit B and Exhibit C.
2. Occupancy for both uses is to be established by the Fire Marshall and Building Official, but shall not exceed a maximum of 100 children for the daycare use and shall not exceed 210 seats in the sanctuary for the church use. At such time that the church use, or the daycare use is expanded, a new traffic impact assessment must be submitted for review to determine any necessary improvements to accommodate the impact from traffic generation related to the uses on this site.
3. The applicant shall be responsible to ensure compliance with all regulations regarding the operation of a child daycare facility as required by the Virginia Department of Social Services.
4. No food preparation may take place without approval from the Suffolk Health Department.
5. In compliance with Section 31-701(b)(16)A, the existing approximately 1,800 square foot outdoor play area shall be limited to 24 children at a time.

6. Outdoor play activities shall be limited to the hours between 8:00 a.m. and 6:00 p.m.
7. In accordance with the screening requirements outlined in Sections 31-412(g) and 31-603(f), screening landscaping behind the outdoor play area will be required to provide a buffer between the residential homes which abut the property and the proposed outdoor play area.

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 David Sexton, applicant and property owner, CrossPointe Freewill Baptist Church, 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 David Sexton, applicant and property owner, CrossPointe Freewill Baptist Church, 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. 20-07-12

CITY OF SUFFOLK PLANNING COMMISSION

A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO CONDITIONAL USE PERMIT

CUP2020-003

AMEND PREVIOUSLY APPROVED CONDITIONS PERTAINING TO THE
ESTABLISHMENT OF A DAYCARE, CHILD (AS ACCESSORY USE TO PERMITTED
PLACE OF WORSHIP OR SCHOOL), AND TO EXPAND AN EXISTING PLACE OF
WORSHIP, LARGE, AT LEAST 6,000 SQUARE FEET IN THE MAIN SANCTUARY,
ON PROPERTY LOCATED AT 2460 PRUDEN BOULEVARD, ZONING MAP 25A,
PARCEL 1*A ON PROPERTY LOCATED AT 2460 PRUDEN BOULEVARD, ZONING
MAP 25A, PARCEL 1*A

WHEREAS, David Sexton, applicant and property owner, CrossPointe Freewill Baptist Church, property 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 daycare, as an accessory use to a permitted place of worship, 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, CUP2020-003, 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: _____

TESTE: _____

CONDITIONAL USE PERMIT

CUP2020-003

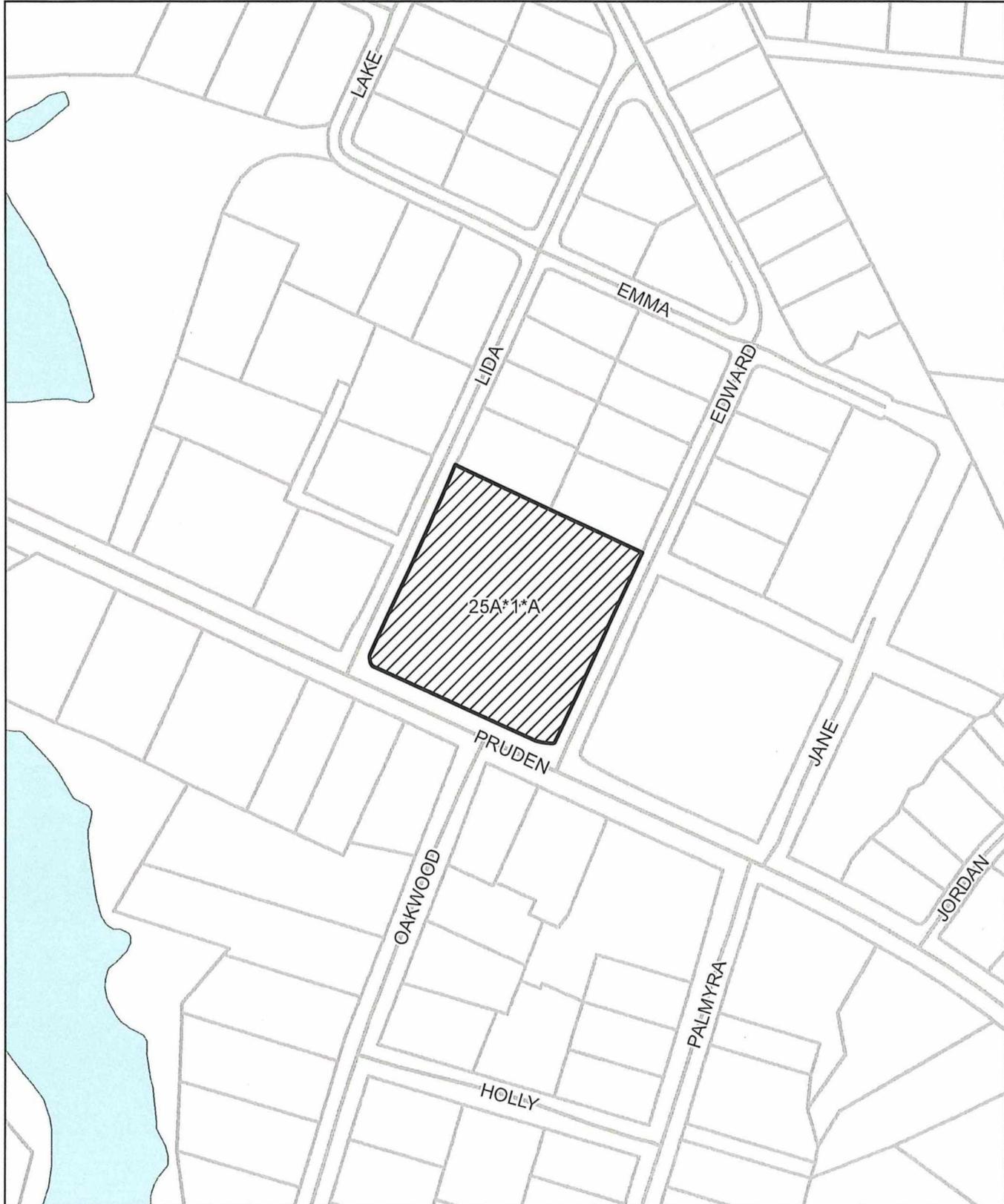
CONDITIONS

1. This Conditional Use Permit is granted specifically in order to establish a place of worship, large, greater than 6,000 square feet, and a child daycare (as an accessory use to a permitted place of worship), for property located 2460 Pruden Boulevard, Zoning Map 25A, Parcel 1*A; as identified in Exhibit B and Exhibit C.
2. Occupancy for both uses is to be established by the Fire Marshall and Building Official, but shall not exceed a maximum of 100 children for the daycare use and shall not exceed 210 seats in the sanctuary for the church use. At such time that the church use, or the daycare use is expanded, a new traffic impact assessment must be submitted for review to determine any necessary improvements to accommodate the impact from traffic generation related to the uses on this site.
3. The applicant shall be responsible to ensure compliance with all regulations regarding the operation of a child daycare facility as required by the Virginia Department of Social Services.
4. No food preparation may take place without approval from the Suffolk Health Department.
5. In compliance with Section 31-701(b)(16)A, the existing approximately 1,800 square foot outdoor play area shall be limited to 24 children at a time.
6. Outdoor play activities shall be limited to the hours between 8:00 a.m. and 6:00 p.m.
7. In accordance with the screening requirements outlined in Sections 31-412(g) and 31-603(f), screening landscaping behind the outdoor play area will be required to provide a buffer between the residential homes which abut the property and the proposed outdoor play area.



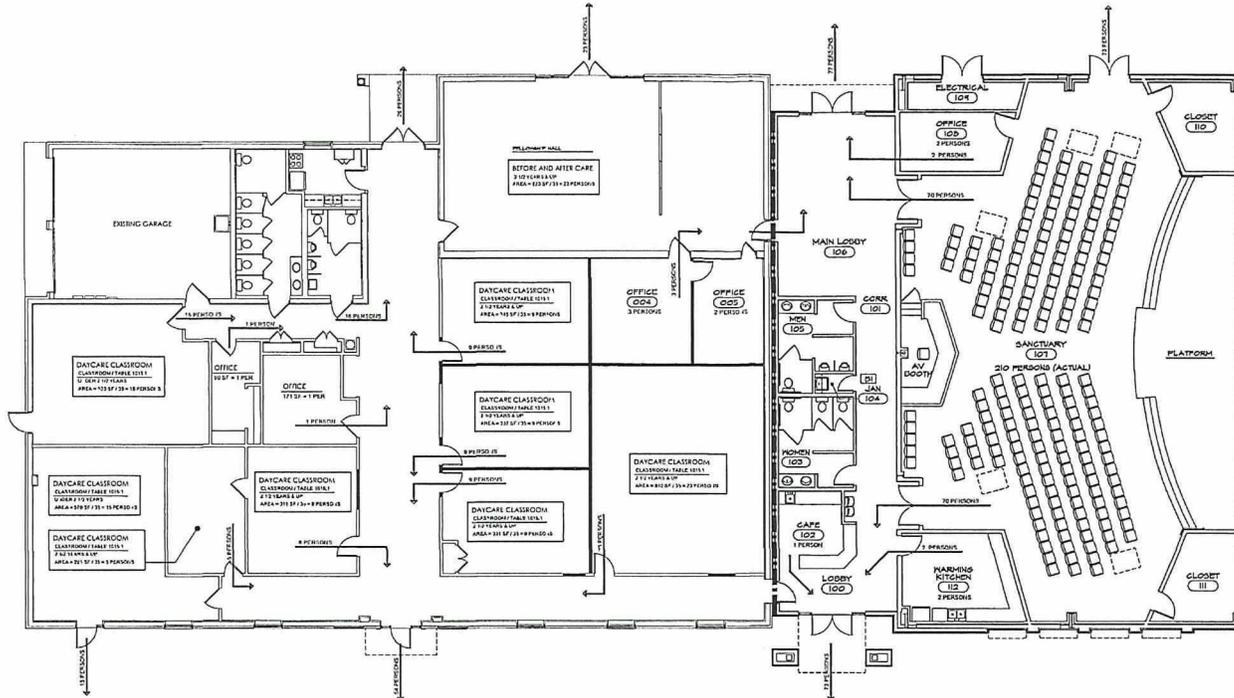
PROPERTY MAP CUP2020-003

EXHIBIT B



User Name: bsmith
Date: 2/4/2020

BARNES DESIGN GROUP, P.C. RETAINS THE OWNERSHIP, COPYRIGHT AND OTHER RESERVED RIGHTS, INCLUDING THE FULL COPYRIGHTS ON ALL PLANS AND DESIGNS PREPARED BY THE COMPANY.



FIRE PROTECTION PLAN
1/8" = 1'-0"

PLAN LEGEND

- NEW 3 HOUR RATED WALL - ULM U415 SYSTEM G
- SANCTUARY BUILDING

CODE DATA

PROJECT DESIGN INFORMATION
USE GROUP CLASSIFICATION 'A3' AND 'E'
CONSTRUCTION TYPE 3B

SPRINKLER INFORMATION
THIS BUILDING IS NOT SPRINKLED

OCCUPANT LOAD
DAY CARE = 116 PERSONS

GENERAL NOTES

1 DAY CARE = 1 PERSON PER 35 NET SF PER TABLE 1004.1.2

EGRESS DOOR WIDTH (SECTION 1005.1) VUSBC - VCC 2012

- NON SPRINKLED BUILDINGS
- SINGLE DOOR (3'-0" WIDE) - 34 5/8" = 172 PERSON CAPACITY
- DOUBLE DOOR (3'-0" WIDE PAIR) - 68 5/8" = 342 PERSON CAPACITY

CONSTRUCTION DRAWINGS FOR

**CrossPointe
Freewill
Baptist
Church**

2440 PRUDEN BLVD
SUFFOLK, VIRGINIA

BARNES DESIGN GROUP, P.C.

ARCHITECTURE
MASTER PLANNING
3D DIGITAL MODELING
VISION CASTING
CHURCH SPECIALISTS

101 N LYNNHAVEN ROAD, SUITE 203
VIRGINIA BEACH, VA, 23452

PHONE 757-340-9800
FAX 757-340-8090

WWW.BARNESDESIGNGROUP.COM

SHEET CONTENT
FIRE PROTECTION PLAN

ARCHITECT'S JOB No 19748 0

JANUARY 30, 2020



CUP2020-00003
RECEIVED

JAN 31 REC'D

PLANNING

FIRE PROTECTION
F1.0



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CITY OF SUFFOLK

442 W. WASHINGTON STREET, P.O. BOX 1858, SUFFOLK, VIRGINIA 23439-1858
PHONE: (757) 514-4060 FAX: (757) 514-4099

DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT
Division of Planning

July 21, 2020

Suffolk Planning Commission
City of Suffolk, Virginia

Dear Commissioners:

Attached for your consideration is information pertaining to Conditional Use Permit Request CUP2020-011, Bridgeport Self Storage, submitted by Burt C. Cutright, BBP3, LLC, applicant, on behalf of BBP3, LLC, 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 Mini-warehouse, on property located at 3832 Bridge Road, Zoning Map 12, Parcel 55*2*E. The affected area is further identified as being located in the Nansemond Voting Borough, zoned B-2, General Commercial Zoning District. The 2035 Comprehensive Plan designates this area as part of the Northern Growth Area, Core Support Use District.

Information and maps pertaining to this request are attached for your consideration. Please contact either myself or Alexis Baker, the staff planner handling this case, if you have any questions in advance of the meeting.

Respectfully submitted,

David Hainley
Director of Planning and Community Development

/arb
Attachments

STAFF REPORT

DESCRIPTION

CONDITIONAL USE PERMIT: Conditional Use Permit Request CUP2020-011 to establish a mini-warehouse on property located at 3832 Bridge Road.

APPLICANT: Burt C. Cutright, BBP3, LLC, applicant, on behalf of BBP3, LLC, property owner.

LOCATION: The affected property is located at 3832 Bridge Road, and is further identified as Zoning Map 12, Parcel 55*2*E

PRESENT ZONING: B-2, General Commercial Zoning District.

EXISTING LAND USE: In total, the subject property contains 3.77 acres and is currently vacant. Approximately 2.25 acres are subject to the conditional use permit request.

PROPOSED LAND USE: A mini-warehouse

SURROUNDING LAND USES:

- North - B-2 General Commercial Zoning District, Vacant Commercial
- South - B-2, General Commercial District, Vacant Commercial, Market
- East - B-2, General Commercial Zoning District, Vacant Commercial
- West - B-2, General Commercial Zoning District, Mixed Commercial and Multi-Family Residential, Vacant Commercial

COMPREHENSIVE PLAN: The 2035 Comprehensive Plan designates this area as part of the Northern Growth Area, Core Support Use District.

CHESAPEAKE BAY PRESERVATION AREA DESIGNATION: The property is located within the City's Chesapeake Bay Preservation Area Overlay District. It is designated within the Resource Management Area (RMA). No Resource Protection Area (RPA) feature is present.

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 July 17, 2020.

CASE HISTORY: In 2018, a final site plan, FSB2018-00002, approved the subdivision of two parcels, 12*55 and 12*55*2, into five parcels. Additionally, a site plan, SPL2018-00018, known as Royal Sail at Bridgeport, received conditional approval on tax parcels 12*55, 12*55*2*B, and 12*55*2*C. This site plan included approval of two private streets, Knotts Pointe Lane and Bridgeport Way. Building J, the subject of this Conditional Use Permit Request, was labeled as a 22,650 square foot grocery store on the 2018 site plan. The current preliminary site plan, submitted as part of this application, is for a four story mixed-use commercial building,

containing approximately 133,835 square feet. The footprint of the current preliminary site plan submission varies from the original, with the elimination of a drive aisle on the south side of the building, connecting the parking lot to Knotts Pointe Lane. The building footprint was also extended on the northern and southern elevations with additional commercial uses. Two final subdivision plats, FSB2019-00003 and FSB2020-00001, further subdivided Parcel 12*55 to reflect the current configuration of the subject parcel, 12*55*2*E. If this request is approved, an amendment to the previously approved site plan shall be required.

STAFF ANALYSIS

ISSUE

The applicant is requesting a conditional use permit to construct a four story, 112,000 square foot, climate controlled indoor self-storage mini-warehouse facility as part of a new mixed-use commercial building at 3832 Bridge Road. The first floor of the mixed-use commercial building will include a portion of the indoor self-storage facility along with other retail and commercial uses. The three upper floors are dedicated solely to climate controlled self-storage. It is estimated that the self-storage facility will contain 1,200 individual units. The facility will be open 24-hours every day. The front entrance will be accessed via keypad with storage units individually keyed. Additionally, the storage facility will have an office for an onsite manager, who will be available Monday through Friday, 9:00 a.m. to 6:00 p.m. and Saturday and Sunday, 11:00 a.m. to 5:00 p.m.

CONSIDERATIONS AND CONCLUSIONS

1. Section 31-406 of the Unified Development Ordinance (UDO) requires that a Conditional Use Permit be obtained for a mini-warehouse within the B-2, General Commercial Zoning District.
2. Parking requirements outlined in the UDO require a total of four (4) spaces for the self-storage facility, in addition to two (2) parking spaces for a manager's quarters. The applicant has proposed 137 shared parking spaces, including eight (8) handicapped spaces. These spaces will serve the entire mixed-use commercial building, comprised of the proposed self-storage mini-warehouse, a proposed child daycare center (concurrent application CUP2020-012), and three other facilities, whose uses are not currently identified. It appears that plenty of parking spaces will be available for future tenants, which could include, but are not limited to, future restaurant or retail store tenants.
3. The site will be accessed from a single entrance off Bridgeport Way.
4. City water and sewer are available to this parcel by means of a 10" water main stub and 8" gravity sewer main that were installed as part of the 3800 Acqua Lifestyle Apartments project. The City Water Model for Royal Sail at Bridgeport, dated May 19, 2020, can be used to model the on-site fire/domestic demands for the parcel. The Sewer Pump Station Analysis for City Pump Station #8, dated July 16, 2018, incorporated the sanitary sewer design flows for this parcel into the model and there appears to be adequate capacity in the

pump station. The Public Utilities Department had no objection to this Conditional Use Permit Request as presented.

5. A traffic impact analysis update memorandum was submitted to Traffic Engineering to reflect the proposed use. Overall traffic generation is reduced for the proposed uses within the mixed-use commercial building (574 Weekday Daily Traffic VPD) as opposed to the previously proposed supermarket (1,409 Weekday Daily Traffic VPD). No additional street improvements are required. Traffic Engineering had no further comments.
6. Storm drainage for the proposed building was designed previously for impervious runoff from the area. Drainage stubs to the building have already been installed. Public Works commented that this application does not appear to create any significant amount of additional imperviousness than has not been accounted for in the original design. Public Works had no comments.
7. If approved, the facility would be subject to the supplemental use regulations set forth in Section 31-709 of the UDO, which set standards for the establishment and maintenance of safe and attractive mini-warehouse developments within the City. These standards would include the prohibition of loading docks, the storage of trucks, trailers, and moving vans; no sales or repairs of goods, vehicles, or equipment conducted from storage units; and the outdoor storage of permissible accessory recreational equipment would only be permitted if appropriately screened from view from adjacent streets and residential properties. Additionally, the regulations limit the length of any single storage building to 200 feet. Interior accessed mini-warehouse storage facilities shall emulate multifamily or office buildings, including the addition of pedestrian facilities and parking lots located away from the street, and be compatible with the scale and intensity of surrounding developments. Specific building elements are further outlined in the UDO.

Compliance with the conditions as specified in the Unified Development Ordinance, relating to site layout and design, will be ensured during site plan review. Subsequently, all conditions relating to the operation of the proposed mini-warehouse storage facility will be enforced by the Zoning Administrator.

8. 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 of a mini-warehouse is a listed conditional use in the B-2 Zoning District per the City's Unified Development Ordinances (UDO). Generally, these standards address the prohibition on loading docks, the storage of trucks, trailers, and moving vans, and the sales or repairs of goods, vehicles, or equipment conducted from storage units. While accessory recreational equipment may be permitted to be stored outside in accordance with 31-709, it must be appropriately screened from adjacent streets and residential properties. The applicant has not requested the ability to have outside storage of any kind, nor does the Exhibit C, Preliminary Site Plan, call out and display any such space or the necessary additional screening for the outside storage of accessory recreational vehicles.

The subject parcel is located within the Special Corridor Overlay District (SCOD), which outlines specific architectural design guidelines. Specifically, split face block or "architectural metal," brick masonry, stone, cast stone, and glass are permitted on all building walls but no portion of a building constructed of unadorned cinder block or corrugated or sheet metal shall be visible from any adjoining property or public right-of-way. As a part of the site plan review process, architectural elevations substantially similar to those submitted with this application will be required to ensure the proposed self-storage facility is in compliance with Section 31-412 of the Unified Development Ordinance, as well as Section 31-709, and the conditions of this conditional use permit.

- 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 general character of the area is commercial and mixed use high-density multi-family residential and commercial, located within the Bridgeport North Suffolk development. The Conditional Use Permit Request is intended to support the multi-family residential uses.

- 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 request for the mini-warehouse was reviewed by the City's Traffic Engineering Division who expressed no concerns regarding parking, circulation or traffic for the proposed use and location.

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

Storage of hazardous and flammable materials is not permitted under the Supplemental Use Regulations. No additional impacts are anticipated.

- 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.*

Commercial uses surround the property. The operation of a mini-warehouse storage facility will have little impact on the existing land uses in the 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. The use of this property for a mini-warehouse 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 proposed use of a mini-warehouse should not be a detriment or endangerment to the public.

- 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 mini-warehouse storage facility should not have an adverse impact on the remaining commercial zoned property.

RECOMMENDATION

The development of a mini-warehouse self-storage facility should have minimal impacts on the surrounding area. The project will have to comply with the supplemental use regulations for mini-warehouse facilities as stipulated in section 31-709 of the Unified Development Ordinance. Additionally, the installation of screen landscaping will be required in accordance with Section 31-

603(f) and 31-412(g) of the UDO. Therefore, staff recommends **approval** of Conditional Use Permit request CUP2020-011 with the following conditions.

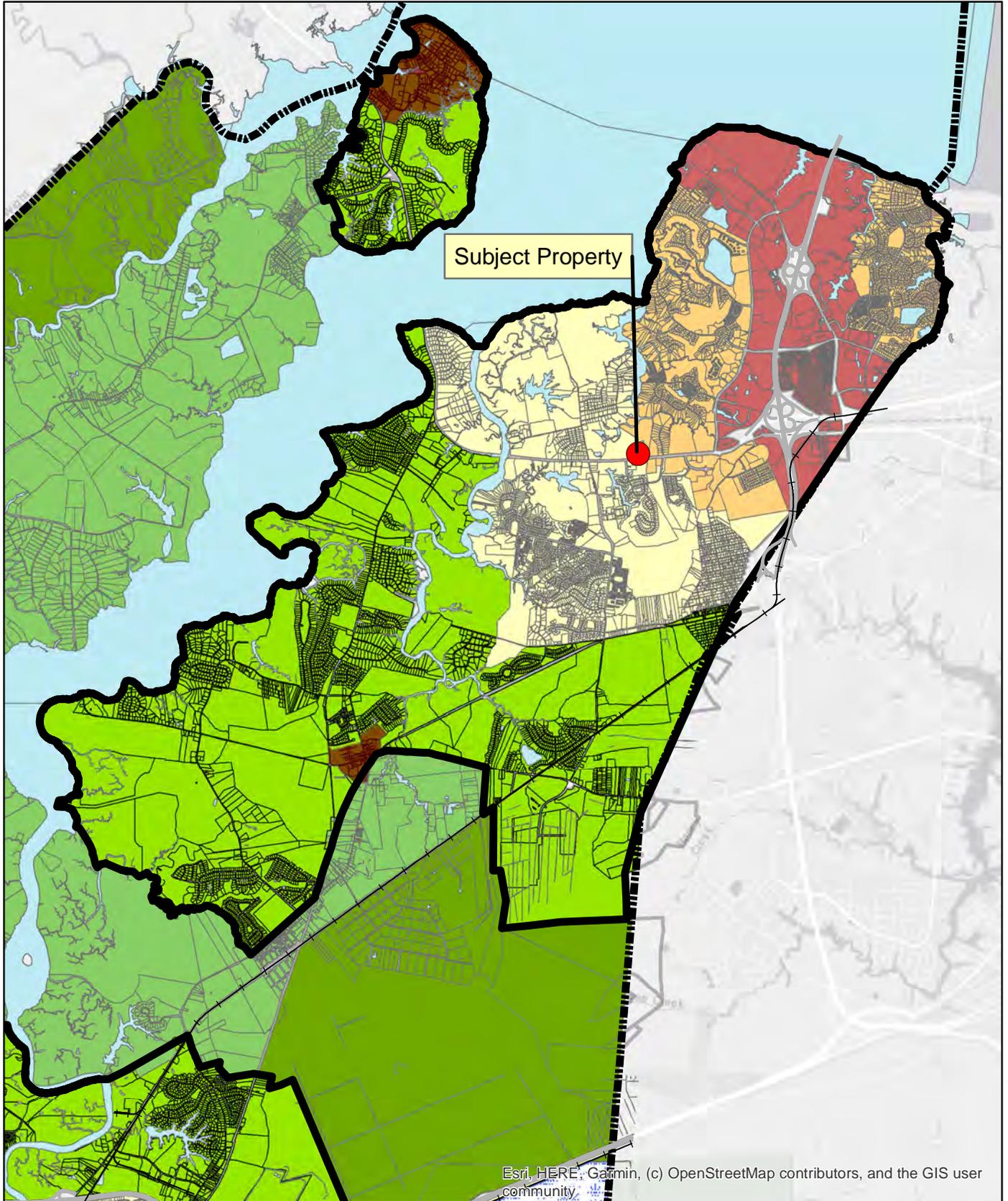
1. This Conditional Use Permit is granted specifically in order to establish a mini-warehouse storage facility, for property located at 3832 Bridge Road, Zoning Map 12, Parcel 55*2*E, as identified in Exhibit B.
2. The site plan design of the self-storage facility shall be substantially similar to the layout shown on Exhibit C, Preliminary Site Plan.
3. In accordance with Section 31-606(b), no loading docks, services bays, or service windows shall be visible from an arterial or collector right-of-way. Additionally, to align with the architectural treatment design standards of Section 31-412, Special Corridor Overlay District, no loading docks, service bays, or service windows shall be visible from the right-of-way.
4. Site development and activities conducted as part of this mini-warehouse self-storage facility must comply with all applicable provisions of the Unified Development Ordinance.

Attachments

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



GENERAL LOCATION MAP CUP2020-011

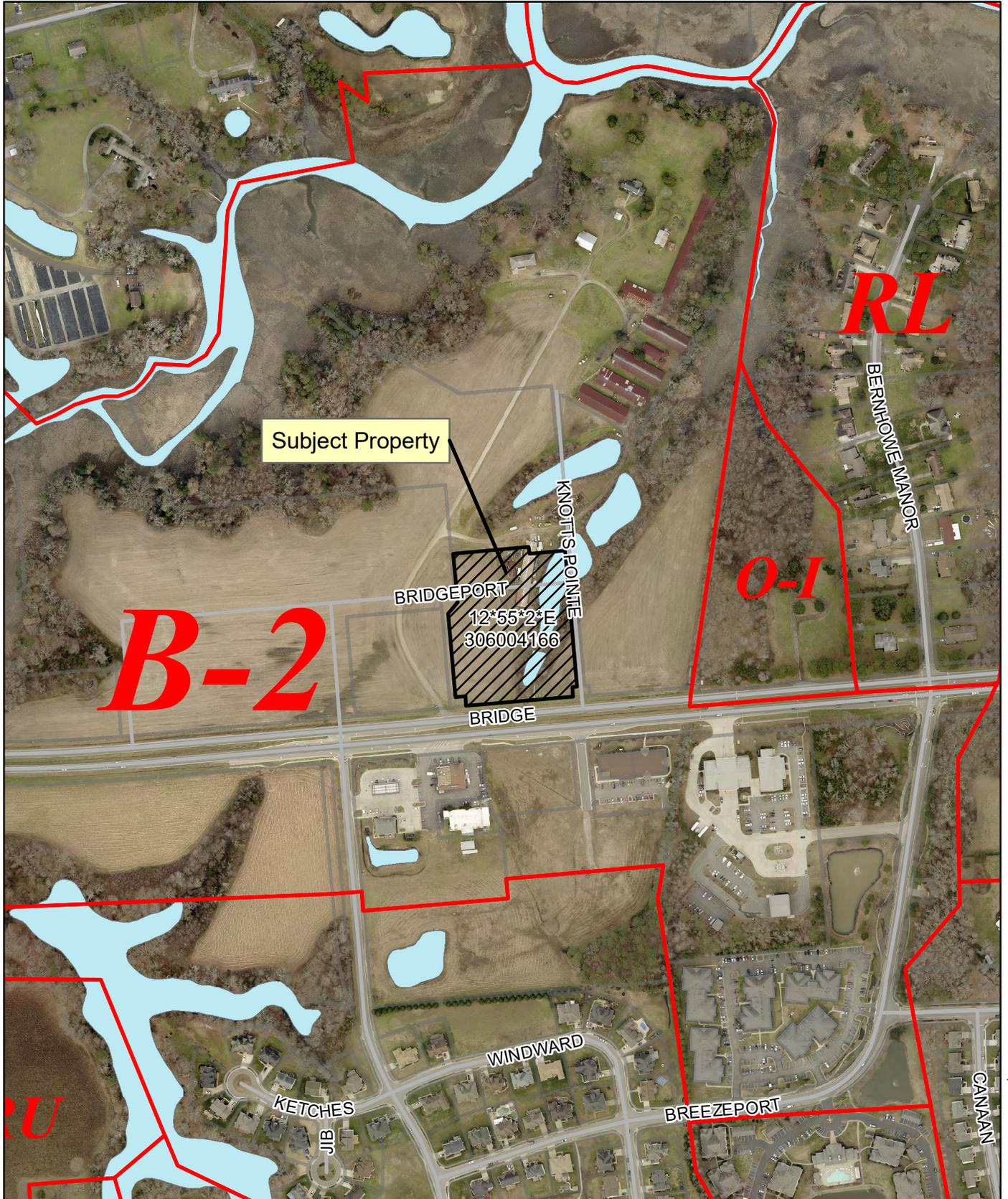


User Name: bsmith
Date: 5/6/2020



ZONING / LAND USE MAP

CUP2020-011



Subject Property

BRIDGEPORT

12*55*2*E
306004166

BRIDGE

B-2

O-1

RL

BERNHOMEMANOR

WINDWARD

BREEZEPORT

KETCHES

JIB

CANAAN

June 8, 2020

Alexis Baker, AICP
City of Suffolk
Department of Planning & Community Development
442 W. Washington Street
Suffolk, VA 23439

RE: CUP2020-011 – 3832 Bridge Road – To establish a Self Storage Facility

Dear Ms. Baker,

Pursuant to the request for a Narrative for the above, we offer the following intentions.

The new Self Storage Facility is intended to occupy approximately 112,000 square feet of the subject property. While we have yet to perform a detailed mix analysis, we estimate that within that square footage, there will be approximately 1,200 individual climate controlled self storage units. The hours of operation are initially intended to be 8 am to 6 pm each day.

We believe the above information provides an outline of the intended use. Please let us know if you require any additional information or clarifications.

Sincerely,

COVINGTON HENDRIX ANDERSON ARCHITECTS



Jonathan Covington, AIA, LEED^{AP}
Principal

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A MINI-WAREHOUSE, ON PROPERTY LOCATED AT 3832 BRIDGE ROAD, Zoning Map 12, Parcel 55*2*E; CUP2020-011

WHEREAS, Burt C. Cutright, agent, on behalf of BBP3, LLC, applicant and property owner, has requested a conditional use permit for a mini-warehouse in accordance with Sections 31-306, 31-406, and 31-709 of the Unified Development Ordinance 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 12, Parcel 55*2*E 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", "Preliminary Site 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 permit a mini-warehouse, 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 mini-warehouse 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 mini-warehouse in compliance with Exhibit "C", "Preliminary Site Plan, and Sections 31-306, 31-406, and 31-709 of the Code of the City of Suffolk.

Conditions

1. This Conditional Use Permit is granted specifically in order to establish a mini-warehouse storage facility, for property located at 3832 Bridge Road, Zoning Map 12, Parcel 55*2*E, as identified in Exhibit B.
2. The site plan design of the self-storage facility shall be substantially similar to the layout shown on Exhibit C, "Preliminary Site Plan."
3. In accordance with Section 31-606(b), no loading docks, services bays, or service windows shall be visible from an arterial or collector right-of-way. Additionally, to align with the architectural treatment design standards of Section 31-412, Special Corridor Overlay District, no loading docks, service bays, or service windows shall be visible form the right-of-way.
4. Site development and activities conducted as part of this mini-warehouse self-storage facility must comply with all applicable provisions 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 Burt C. Cutright, agent, on behalf of BBP3, LLC, applicant and 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 Burt C. Cutright, agent, on behalf of BBP3, LLC, applicant and 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 Attorne

CITY OF SUFFOLK PLANNING COMMISSION

**A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO CONDITIONAL USE PERMIT
CUP2020-011
TO ESTABLISH A MINI-WAREHOUSE, ON PROPERTY LOCATED AT 3832
BRIDGE ROAD, ZONING MAP 12, PARCEL 55*2*E**

WHEREAS, Burt C. Cutright, BBP3, LLC, applicant, on behalf of BBP3, LLC, property owner, property 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 mini-warehouse in accordance with Sections 31-306, 31-406, and 31-709 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, CUP2020-011, 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: _____

TESTE: _____

**CONDITIONAL USE PERMIT
CUP2020-011**

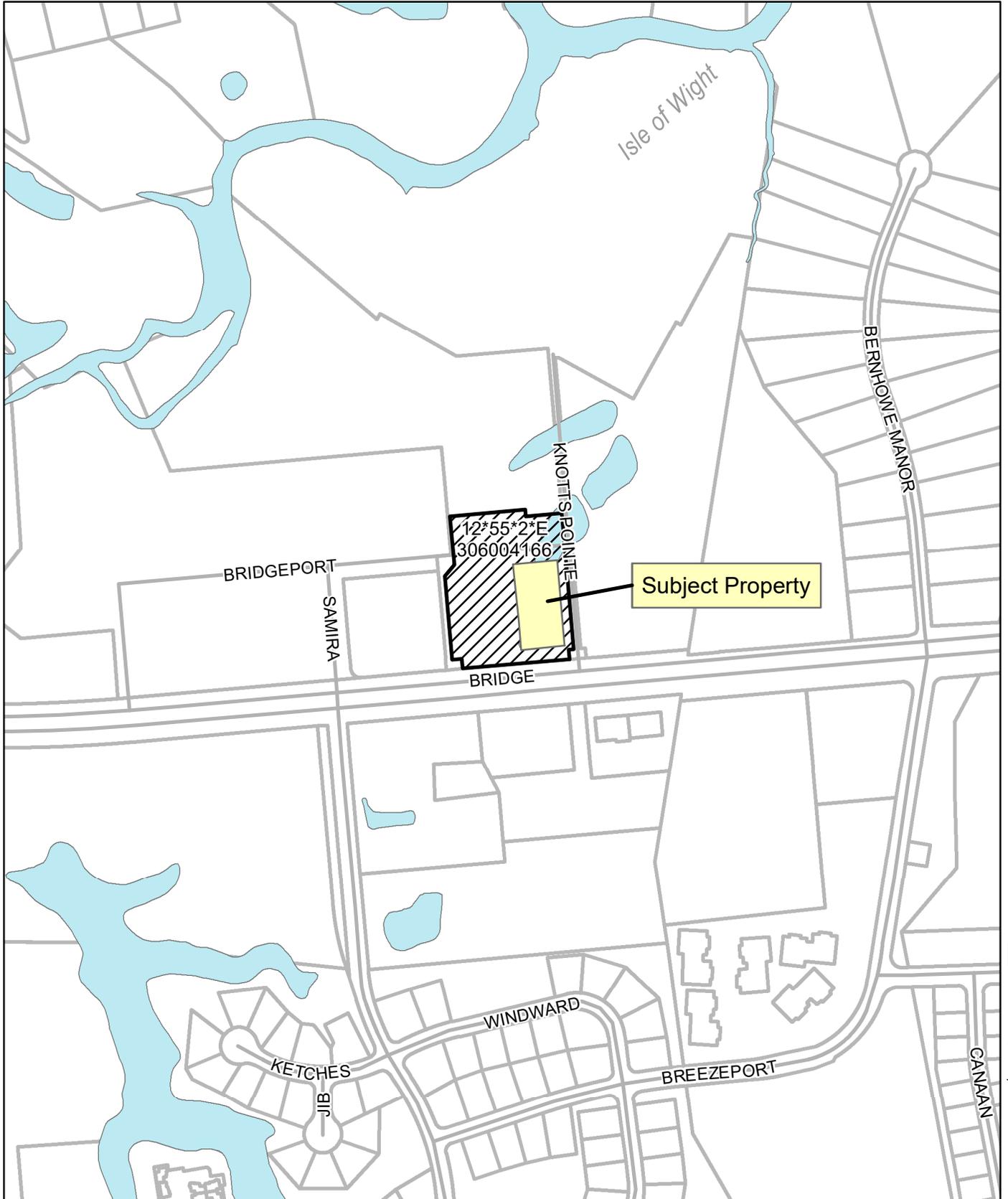
CONDITIONS

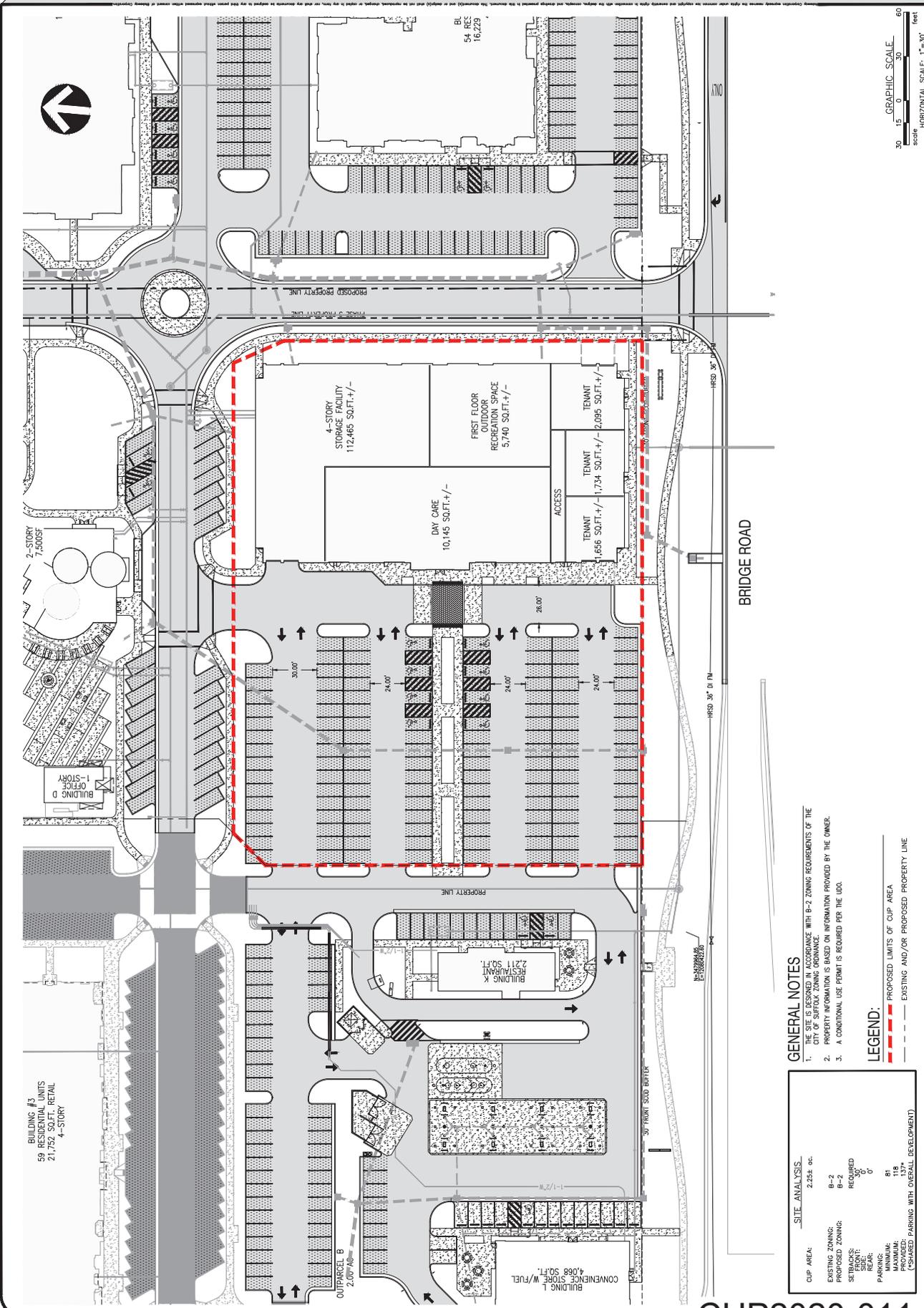
1. This Conditional Use Permit is granted specifically in order to establish a mini-warehouse storage facility, for property located at 3832 Bridge Road, Zoning Map 12, Parcel 55*2*E, as identified in Exhibit B.
2. The site plan design of the self-storage facility shall be substantially similar to the layout shown on Exhibit C, "Preliminary Site Plan."
3. In accordance with Section 31-606(b), no loading docks, services bays, or service windows shall be visible from an arterial or collector right-of-way. Additionally, to align with the architectural treatment design standards of Section 31-412, Special Corridor Overlay District, no loading docks, service bays, or service windows shall be visible from the right-of-way.
4. Site development and activities conducted as part of this mini-warehouse self-storage facility must comply with all applicable provisions of the Unified Development Ordinance.



PROPERTY MAP CUP2020-011

EXHIBIT B





GRAPHIC SCALE: 0 30 60 feet
 HORIZONTAL SCALE: 1"=30'

GENERAL NOTES

1. THIS SITE PLAN IS SUBMITTED IN COMPLIANCE WITH B-2 ZONING REQUIREMENTS OF THE CITY OF SUFFOLK ZONING ORDINANCE.
2. PROPERTY INFORMATION IS BASED ON INFORMATION PROVIDED BY THE OWNER.
3. A CONDITIONAL USE PERMIT IS REQUIRED FOR THE UDO.

LEGEND:

- PROPOSED LIMITS OF CUP AREA
- - - EXISTING AND/OR PROPOSED PROPERTY LINE

SITE ANALYSIS	
CUP AREA:	2,254 ac.
EXISTING ZONING:	B-2
PROPOSED ZONING:	B-2
REQUIRED SETBACKS:	FRONT: 30'
	REAR: 0'
PARKING:	FR: 81
	RR: 119
PROVIDED:	137*
MAXIMUM:	137*
(*SPARED PARKING WITH OVERALL DEVELOPMENT)	

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CITY OF SUFFOLK

442 W. WASHINGTON STREET, P.O. BOX 1858, SUFFOLK, VIRGINIA 23439-1858
PHONE: (757) 514-4060 FAX: (757) 514-4099

DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT
Division of Planning

July 21, 2020

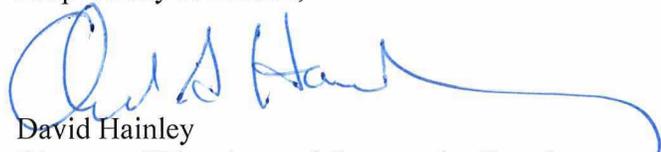
Suffolk Planning Commission
City of Suffolk, Virginia

Dear Commissioners:

Attached for your consideration is information pertaining to Conditional Use Permit Request CUP2020-012, Bridgeport Daycare Facility, submitted by Burt C. Cutright, BBP3, LLC, applicant, on behalf of BBP3, LLC, property owner, in accordance with Sections 31-306 and 31-406, and 31-709 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a daycare, child day center, on property located at 3832 Bridge Road, Zoning Map 12, Parcel 55*2*E. The affected area is further identified as being located in the Nansemond Voting Borough, zoned B-2, General Commercial Zoning District. The 2035 Comprehensive Plan designates this area as part of the Northern Growth Area, Core Support Use District.

Information and maps pertaining to this request are attached for your consideration. Please contact either myself or Alexis Baker, the staff planner handling this case, if you have any questions in advance of the meeting.

Respectfully submitted,



David Hainley
Director of Planning and Community Development

/arb
Attachments

STAFF REPORT

DESCRIPTION

CONDITIONAL USE PERMIT: Conditional Use Permit Request CUP2020-012 to establish a Daycare, Child Day Center on property located at 3832 Bridge Road.

APPLICANT: Burt C. Cutright, BBP3, LLC, applicant, on behalf of BBP3, LLC, property owner.

LOCATION: The affected property is located at 3832 Bridge Road, and is further identified as Zoning Map 12, Parcel 55*2*E

PRESENT ZONING: B-2, General Commercial Zoning District.

EXISTING LAND USE: In total, the subject property contains 3.77 acres and is currently vacant. Approximately 2.25 acres are subject to the conditional use permit request.

PROPOSED LAND USE: Daycare, Child Day Center

SURROUNDING LAND USES:

- North - B-2 General Commercial Zoning District, Vacant Commercial
- South - B-2, General Commercial District, Vacant Commercial, Market
- East - B-2, General Commercial Zoning District, Vacant Commercial
- West - B-2, General Commercial Zoning District, Mixed Commercial and Multi-Family Residential, Vacant Commercial

COMPREHENSIVE PLAN: The 2035 Comprehensive Plan designates this area as part of the Northern Growth Area, Core Support Use District.

CHESAPEAKE BAY PRESERVATION AREA DESIGNATION: The property is located within the City's Chesapeake Bay Preservation Area Overlay District. It is designated within the Resource Management Area (RMA). No Resource Protection Area (RPA) feature is present.

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 July 17, 2020.

CASE HISTORY: In 2018, a final site plan, FSB2018-00002, approved the subdivision of two parcels, 12*55 and 12*55*2, into five parcels. Additionally, a site plan, SPL2018-00018, known as Royal Sail at Bridgeport, received conditional approval on tax parcels 12*55, 12*55*2*B, and 12*55*2*C. This site plan included approval of two private streets, Knotts Pointe Lane and Bridgeport Way. Building J, the subject of this Conditional Use Permit Request, was labeled as a 22,650 square foot grocery store on the 2018 site plan. The current preliminary site plan, submitted as part of this application, is for a four story mixed-use commercial building,

containing approximately 133,835 square feet. The footprint of the current preliminary site plan submission varies from the original, with the elimination of a drive aisle on the south side of the building, connecting the parking lot to Knotts Pointe Lane. The building footprint was also extended on the northern and southern elevations with additional commercial uses. Two final subdivision plats, FSB2019-00003 and FSB2020-00001, further subdivided Parcel 12*55 to reflect the current configuration of the subject parcel, 12*55*2*E. If this request is approved, an amendment to the previously approved site plan shall be required.

STAFF ANALYSIS

ISSUE

The applicant is requesting a conditional use permit to establish a one story, 10,145 square foot, child daycare center within a new mixed-use commercial building at 3832 Bridge Road. The daycare will also include a minimum of 5,600 square foot outdoor recreation space. This space will be located under the second-story. Classrooms are intended to have direct access to the recreation space or to the exterior. The applicant estimates an enrollment of 150 children, aged 6 weeks to 12 years, with 26 staff members. The hours of operation are 6 a.m. to 8 p.m. each day. Drop off times are anticipated to occur between 7:30 a.m. to 8:30 a.m. The separation between the daycare and other uses in the mixed-use commercial building will be apparent to most patrons and should provide a safe transition from the parking lot to the facility for parents and children.

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 B-2, General Commercial Zoning District.
2. Parking requirements outlined in the UDO require between 1-1.5 spaces per 375 square feet of gross floor area. The applicant has proposed 137 shared parking spaces, including 8 handicapped spaces. These spaces will serve the entire mixed-use commercial building, comprised of the proposed child daycare center, a proposed mini-warehouse self-storage facility (CUP2020-011) and three other facilities, whose uses are not currently identified. It appears that plenty of parking spaces will be available for future tenants, which could include, but are not limited to, future restaurant or retail store uses.
3. The site will be accessed from a single entrance off Bridgeport Way.
4. City water and sewer are available to this parcel by means of a 10" water main stub and 8" gravity sewer main that were installed as part of the 3800 Acqua Lifestyle Apartments project. The City Water Model for Royal Sail at Bridgeport dated May 19, 2020 can be used to model the on-site fire/domestic demands for the parcel. The Sewer Pump Station Analysis for City Pump Station #8, dated July 16, 2018, incorporated the sanitary sewer design flows for this parcel into the model and there appears to be adequate capacity in the

pump station. The Public Utilities Department had no objection to this Conditional Use Permit Request as presented.

5. A traffic impact analysis update memorandum was submitted to Traffic Engineering to reflect the proposed use. Overall traffic generation is reduced for the proposed uses within the mixed-use commercial building (574 Weekday Daily Traffic VPD) as opposed to the previously proposed supermarket (1,409 Weekday Daily Traffic VPD). No additional street improvements are required. Traffic Engineering had no further comments.
6. Storm drainage for the proposed building was designed previously for impervious runoff from the area. Drainage stubs to the building have already been installed. Public Works commented that this application does not appear to create any significant amount of additional imperviousness than has been accounted for in the original design and have no comments.
7. The Police Department offered the following comments:
 - a. Make sure that the site address number is easily visible to emergency units.
 - b. All doors and windows should be well constructed with the appropriate locking device.
 - c. Maintain good visibility with interior and exterior lighting especially at entrance/exit points.
 - d. Lighting should be installed throughout the parking lot.
 - e. If an alarm system is installed, it should be supplied by a licensed alarm company with a central monitoring station. Both Audible and Strobe alarms are recommended with the audio to be heard outside the building.
 - f. Shrubbery and trees should be maintained as not to block windows and should be kept low growing in the parking lots.
 - g. Roadways and cul-de-sacs should be wide enough for emergency equipment to access.
 - h. Signage is suggested in areas that are restricted to the public.
8. The applicant has not indicated if any food service will be provided. The Health Department commented that if food service is involved in the operation of the day care facility, the owners of the day care facility should contact the Health Department for any necessary permits.

9. The applicant is seeking licensing approval from the Virginia Department of Social Services for operation as a child care facility. The facility must comply with the specific state regulations for operation and minimum facility standards according to 22 VAC 40-185. Any approval of this application will require that state approval is obtained prior to operation. In addition, the applicant will be responsible for meeting all minimum building code standards for the proposed use along with gaining the necessary approvals by the Community Development Division.
10. The applicant is proposing a minimum of 5,600 square foot outdoor recreation space, located under the second-story, to be utilized as the outdoor play area. This recreational space must be appropriately enclosed and employees must supervise children playing outside at all times. As daycares are regulated by the state, the Suffolk Unified Development Ordinance does not require that commercial daycares have outdoor space but recommends space per child in Section 31-701(b)(16)(A), which mirrors the requirements of the Virginia Department of Social Services. The dimensions of the proposed outdoor play space would allow for a maximum of 74 children, depending on size, to play outside at a given time.
11. Per the UDO Section 31-701(b)(16)(B), outdoor play activities on the premises shall be limited to the hours between 8:00 a.m. and 6:00 p.m. if fenced play area is within one-hundred feet of any occupied residence.
12. 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 daycare facility is a listed conditional use in the B-2 Zoning District per the City's Unified Development Ordinance (UDO). Hours of outdoor play should be a condition of approval due to the proximity of a residential zoning district directly adjacent to the proposed site.

- 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 daycare will be located in a new mixed-use commercial building, located at 3832 Bridge Road. The applicant is also proposing an underbuilding outdoor recreation area. This use shall not have any adverse impacts to the surrounding neighborhood. The property is surrounded by the B-2 Zoning Districts.

- 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 request for the child daycare facility 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.

- 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 child daycare and should not produce excess vibration, noise, odor, dust, smoke or gas.

- 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.*

Commercial uses surround the property; this Conditional Use Permit request 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 facility will be located within a mixed-use building in the Bridgeport North Suffolk development. 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 proposed use of a child daycare facility should not be a detriment or endangerment to the public.

- 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 is appropriate for the proposed use given the existing and future infrastructure for the mixed-use commercial building and its location, nor will the use will adversely impact the surrounding neighborhood. Therefore, staff recommends **approval** of Conditional Use Permit request CUP2020-012 with the following conditions.

1. This Conditional Use Permit is granted specifically in order to establish a daycare, child day center, for property located at 3832 Bridge Road, Zoning Map 12, Parcel 55*2*E; as identified in Exhibit C.
2. The applicant shall be responsible to ensure compliance with all regulations regarding the operation of a child daycare facility as required by the Virginia Department of Social Services.
3. The outdoor play area may only be used between the hours of 8:00 a.m. and 6:00 p.m.
4. In compliance with the requirements outlined in 22 VAC 40-185, as the proposed outdoor space is a minimum of 5,600 square feet, outdoor play shall be limited to a maximum of 74 children.
5. No food preparation may take place without approval from the Suffolk Health Department.

Attachments

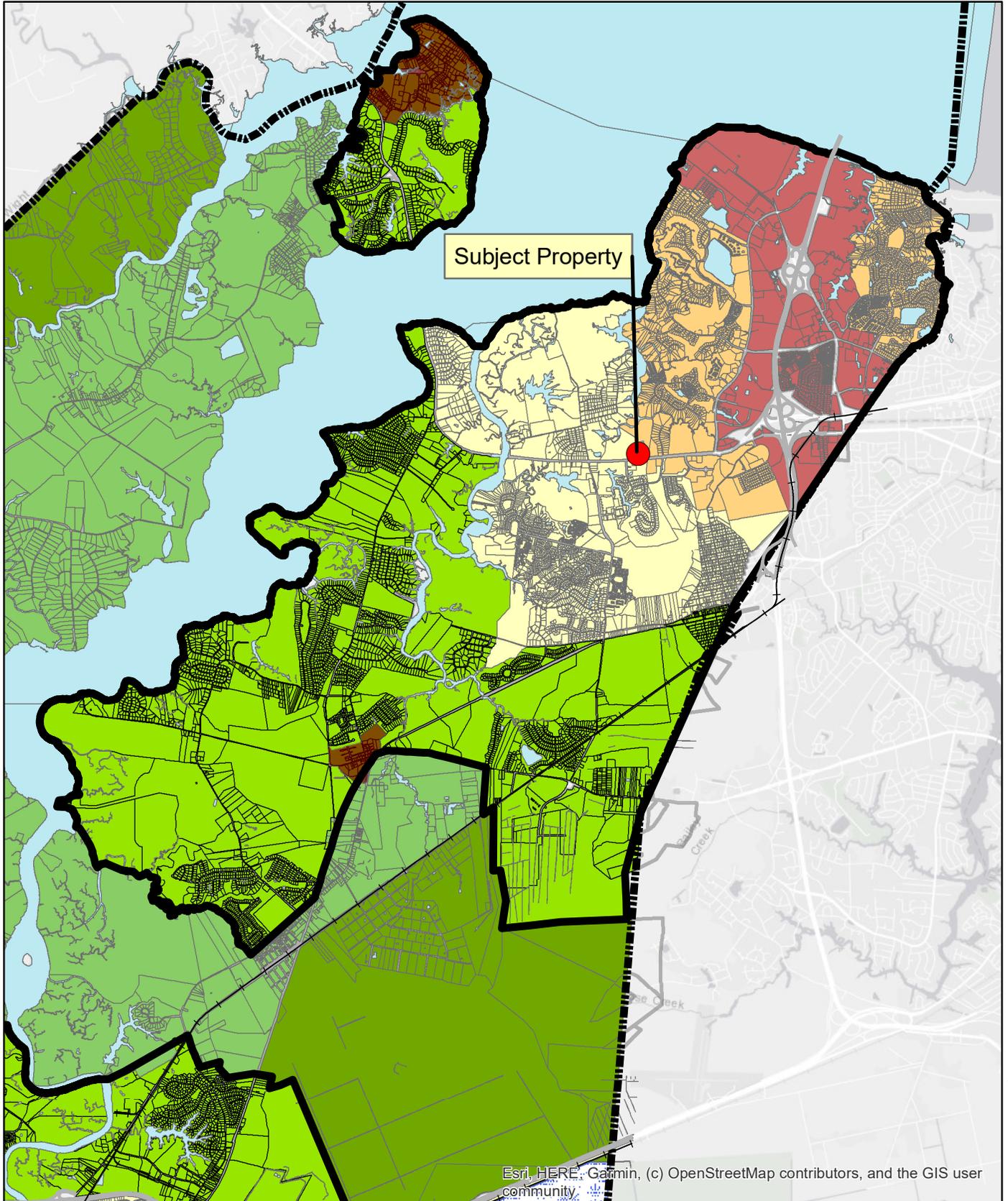
- General Location Map
- Zoning / Land Use Map
- Narrative
- Proposed Ordinance
- Exhibit A – Planning Commission Recommendation

- Exhibit B – Property Map
- Exhibit C – Preliminary Site Plan



GENERAL LOCATION MAP

CUP2020-012

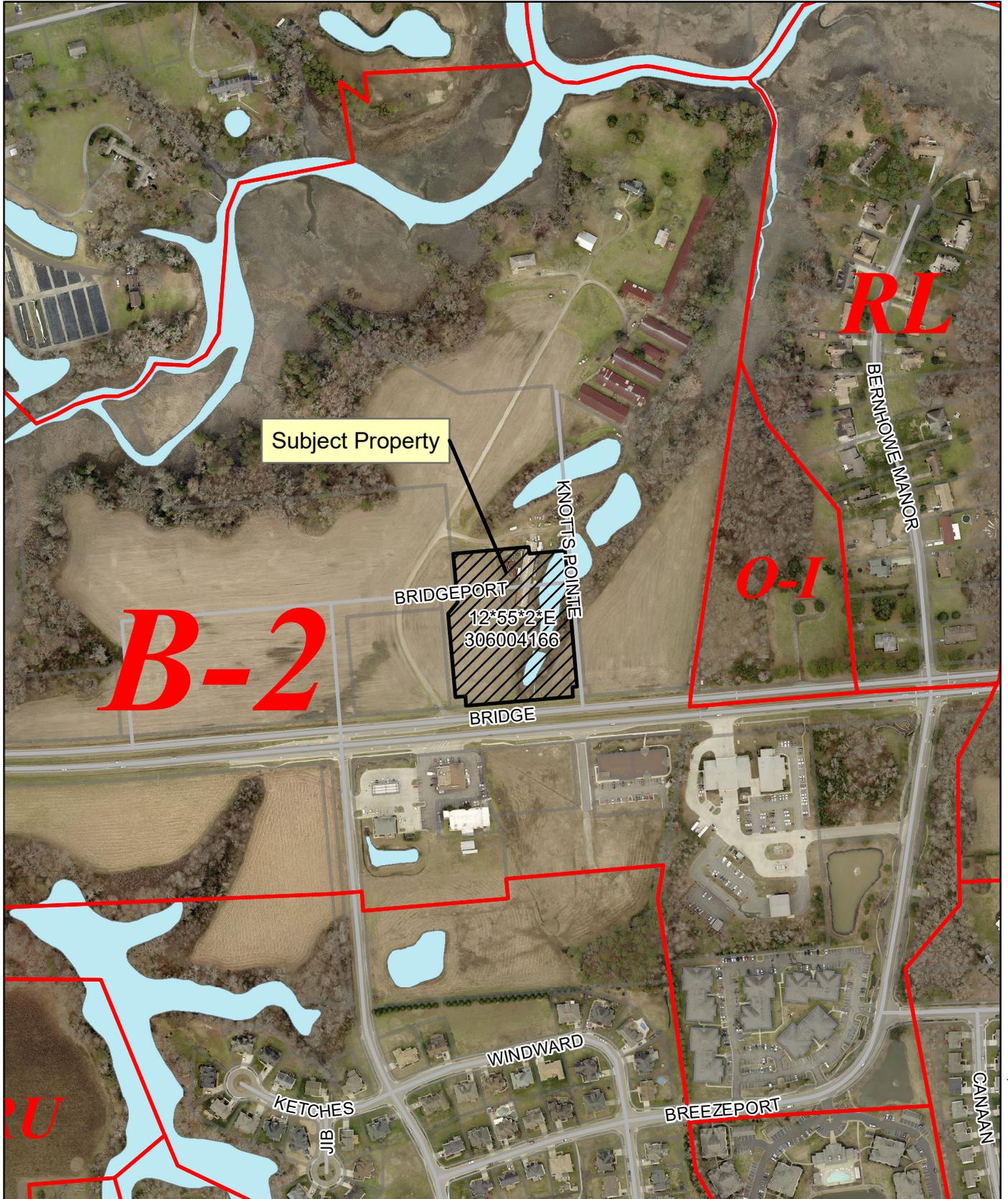


User Name: bsmith
Date: 5/6/2020



ZONING / LAND USE MAP

CUP2020-012



June 8, 2020

Alexis Baker, AICP
City of Suffolk
Department of Planning & Community Development
442 W. Washington Street
Suffolk, VA 23439

RE: CUP2020-012 – 3832 Bridge Road – To establish a Day Care Center

Dear Ms. Baker,

Pursuant to the request for a Narrative for the above, we offer the following intentions.

The new Day Care Center is intended to occupy approximately 10,000 square feet of the subject property. While we have yet to perform a detailed floor plan for the proposed user, we estimate that within that square footage, there will be approximately 150 children in a classroom setting. The ages of the children will primarily range from 6 weeks to 12 years old. Each classroom will be sized to accommodate the associated age group and staffing requirements. It is intended that most classrooms will have direct exit capability to the exterior or the Under Building Recreation area. The recreation area will be approximately 5,600 square feet and will have the ability to provide an open air solution with overhead doors. The hours of operation are initially intended to be 6 am to 8 pm each day. Drop off times may vary, but we anticipate the bulk of the drop offs to occur between 7:30 am and 8:30 am.

We believe the above information provides an outline of the intended use. Please let us know if you require any additional information or clarifications.

Sincerely,

COVINGTON HENDRIX ANDERSON ARCHITECTS



Jonathan Covington, AIA, LEED^{AP}
Principal

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A DAYCARE, CHILD DAY CENTER, LOCATED AT 3832 BRIDGE ROAD, ZONING MAP 12, PARCEL 55*2*E; CUP2020-012

WHEREAS, Burt C. Cutright, agent, on behalf of BBP3, LLC, applicant and property owner, requested a conditional use permit for a daycare, child day center in accordance with Sections 31-306, 31-406, and 31-709 of the Unified Development Ordinance 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 12, Parcel 55*2*E 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", "Zoning/Land Use Map", and Exhibit "C", "Preliminary Site 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 daycare, child day center, 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 an accessory dwelling unit 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 daycare, child day center, in compliance with Exhibit "C", "Preliminary Site 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 daycare, child day center, for property located at 3832 Bridge Road, Zoning Map 12, Parcel 55*2*E; as identified in Exhibit C.
2. The applicant shall be responsible to ensure compliance with all regulations regarding the operation of a child daycare facility as required by the Virginia Department of Social Services.
3. The outdoor play area may only be used between the hours of 8:00 a.m. and 6:00 p.m.
4. In compliance with the requirements outlined in 22 VAC 40-185, as the proposed outdoor space is a minimum of 5,600 square feet, outdoor play shall be limited to a maximum of 74 children.
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 Burt C. Cutright, agent, on behalf of BBP3, LLC, applicant and 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 Burt C. Cutright, agent, on behalf of BBP3, LLC, applicant and 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

CITY OF SUFFOLK PLANNING COMMISSION

**A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO CONDITIONAL USE PERMIT
CUP2020-012**

**TO ESTABLISH A DAYCARE, CHILD DAY CENTER, ON PROPERTY LOCATED AT
3832 BRIDGE ROAD, ZONING MAP 12, PARCEL 55*2*E**

WHEREAS, Burt C. Cutright, BBP3, LLC, applicant, on behalf of BBP3, LLC, property owner, property 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 daycare, 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, CUP2020-012, 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: _____

TESTE: _____

**CONDITIONAL USE PERMIT
CUP2020-012**

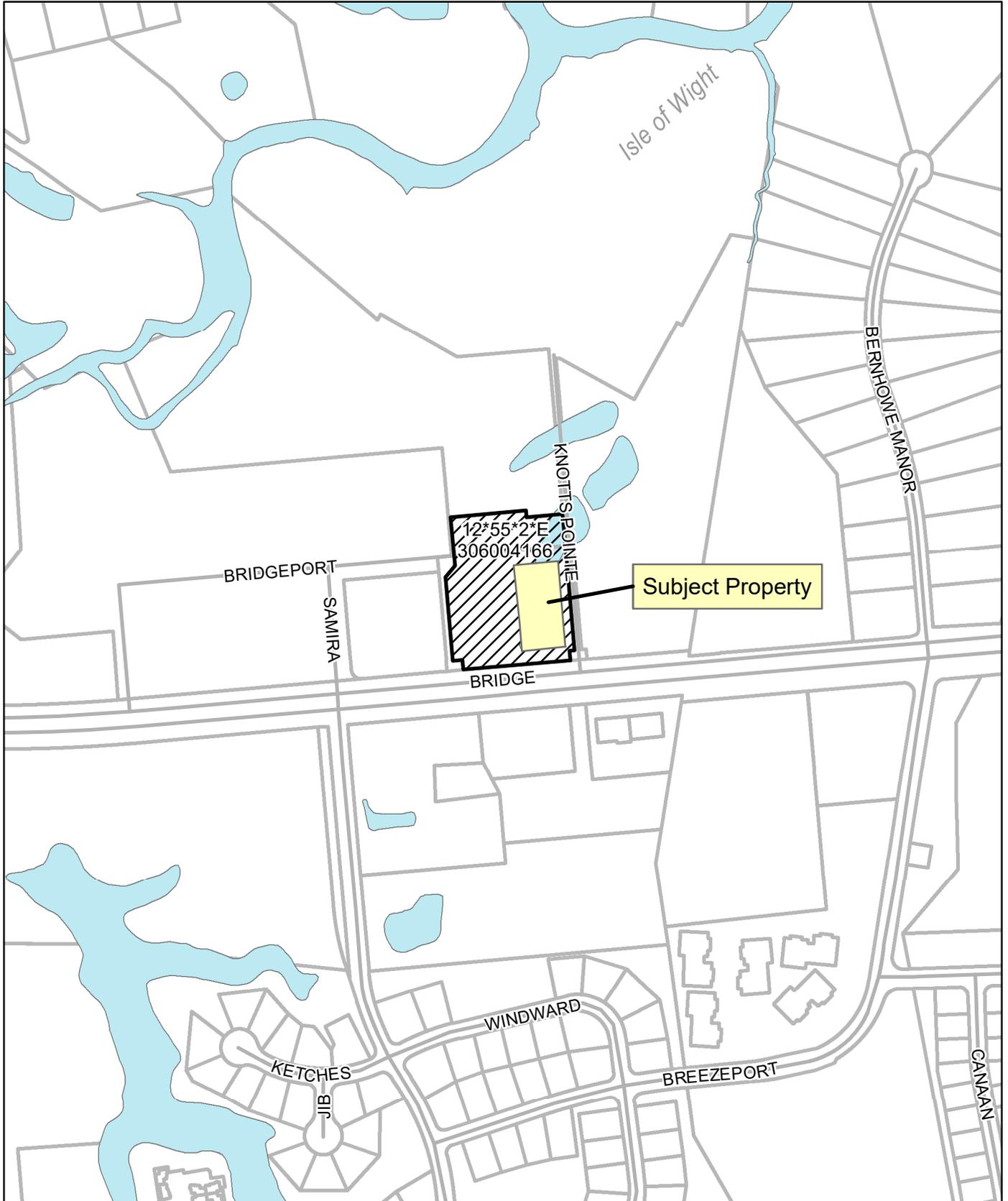
CONDITIONS

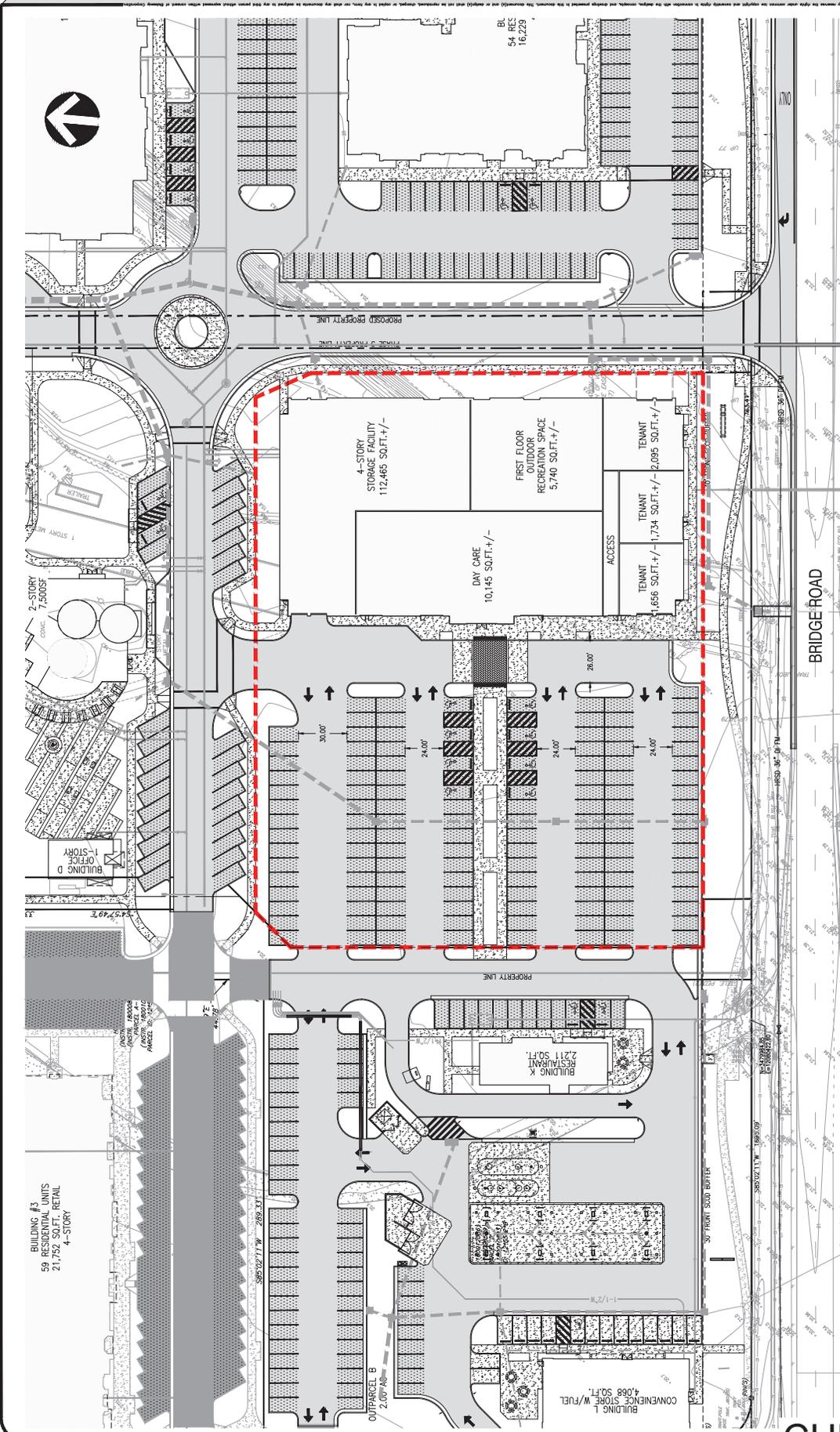
1. This Conditional Use Permit is granted specifically in order to establish a daycare, child day center, for property located at 3832 Bridge Road, Zoning Map 12, Parcel 55*2*E; as identified in Exhibit C.
2. The applicant shall be responsible to ensure compliance with all regulations regarding the operation of a child daycare facility as required by the Virginia Department of Social Services.
3. The outdoor play area may only be used between the hours of 8:00 a.m. and 6:00 p.m.
4. In compliance with the requirements outlined in 22 VAC 40-185, as the proposed outdoor space is a minimum of 5,600 square feet, outdoor play shall be limited to a maximum of 74 children.
5. No food preparation may take place without approval from the Suffolk Health Department.



PROPERTY MAP CUP2020-012

EXHIBIT B





- GENERAL NOTES**
1. THIS SITE PLAN IS SUBMITTED IN COMPLIANCE WITH B-2 ZONING REQUIREMENTS OF THE CITY OF SUFFOLK ZONING ORDINANCE.
 2. PROPERTY INFORMATION IS BASED ON INFORMATION PROVIDED BY THE OWNER.
 3. A CONDITIONAL USE PERMIT IS REQUIRED PER THE UDO.



SITE ANALYSIS

CUP AREA:	2.25± ac.
EXISTING ZONING:	B-2
PROPOSED ZONING:	B-2
SETBACKS REQUIRED:	FRONT: 30'
	REAR: 0'
PARKING:	81
MAXIMUM:	119
PROVIDED:	137*
(*SHARED PARKING WITH OVERALL DEVELOPMENT)	

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CITY OF SUFFOLK

442 W. WASHINGTON STREET, P.O. BOX 1858, SUFFOLK, VIRGINIA 23439-1858
PHONE: (757) 514-4060 FAX: (757) 514-4099

DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT
Division of Planning

July 21, 2020

Suffolk Planning Commission
City of Suffolk, Virginia

Dear Commissioners:

Attached for your consideration is information pertaining to Conditional Use Permit Request CUP2020-013, Chuckatuck Eight Borrow Pit, submitted by Richard L. Turner, Suffolk Materials LLC, applicant, on behalf of Chuckatuck Eight LLC, property owner, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish surface mining (borrow pit), on property located at 1136 Audubon Road, Zoning Map 9, Parcel 4. The affected area is further identified as being located in the Chuckatuck Voting Borough, zoned A, Agricultural Zoning District. The 2035 Comprehensive Plan designates this area as part of the Suburban Use District.

Information and maps pertaining to this request are attached for your consideration. Please contact either myself or Alexis Baker, the staff planner handling this case, if you have any questions in advance of the meeting.

Respectfully submitted,

David Hainley
Director of Planning and Community Development

/arb
Attachments

STAFF REPORT

DESCRIPTION

CONDITIONAL USE PERMIT: Conditional Use Permit Request, CUP2020-013, Chuckatuck Eight Borrow Pit to grant a Conditional Use Permit to establish a Surface Mining (Borrow Pit), in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance.

APPLICANT:

Submitted by Richard L. Turner, Suffolk Materials LLC, applicant, on behalf of Chuckatuck Eight LLC, property owner.

LOCATION: The affected property is located on Audubon Road, Zoning Map 9, Parcel 4.

PRESENT ZONING: Zoning Map 9, Parcel 4, is presently zoned A, Agricultural zoning district.

EXISTING LAND USE: In total, the subject property contains approximately 95.37 acres and is currently used in agriculture containing crops and forested areas. Two (2) reclaimed borrow pits from prior use are on the property.

PROPOSED LAND USE: The proposed sand or gravel extraction or processing (borrow pit) would consist of one (1) new ten (10) acre pit on the portion of the property north of Audubon Road.

SURROUNDING LAND USES:

- North – Vacant land, zoned A, Agricultural zoning district.
- East – Vacant land, agriculture, miscellaneous farm buildings, zoned RE, Rural Estate.
- West – Vacant land, agriculture, miscellaneous farm buildings, zoned A, Agricultural zoning district.
- South – Vacant land, agriculture, and two (2) existing borrow pits, zoned A, Agricultural zoning district.

COMPREHENSIVE PLAN: The 2035 Comprehensive Plan designates this area as a part of the Suburban Use District.

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

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 July 17, 2020.

CASE HISTORY: A conditional use permit request, C21-05, was approved by City Council in 2006 for the Sandy Bottom Borrow Pit, a 20-acre surface mining operation on the portion of the subject property north of Audubon Road. An onsite septic system was one of the conditions of approval. In 2006, a related site plan for the Sandy Bottom Borrow Pit, SP-2006-44, was approved. In 2014, a conditional use permit request, C17-14, was approved for a second 20-acre borrow pit, northeast of the previously approved borrow pit. Conditions of approval included a standard commercial VDOT entrance at Audubon Road and a haul route utilizing Audubon Road, Everets Road, and Godwin Boulevard. A related site plan, SP-2015-0020, was approved in 2015. Currently, both borrow pits are reclaimed.

STAFF ANALYSIS

ISSUE

As presented, the applicant is requesting a Conditional Use Permit to establish sand or gravel extraction or processing, otherwise known as a borrow pit, on one (1) property, parcel 9*4, which has 95.37 acres. The proposed area for the borrow pit is ten (10) acres. The proposed mining will consist of fill sand and top soil to be used for construction projects in Suffolk and the surrounding area. The mining area will be secured by locked gates to limit access to the property and equipment. The pit, with the exception of holidays, will operate Monday to Friday, 7:00 a.m. to 5:00 p.m. and Saturdays, 7:00 a.m. to 1:00 p.m. The pit will generate an estimated 60 trips per day. The maximum number of employees is five (5), four (4) pit employees and an employee working in a trailer onsite.

Water discharge will be pumped into an adjacent reclaimed pit area and discharged into a natural drain way on the farm leading to Bradley's Mill Pond. While the proximity of the proposed pit is more than 1,000 feet from onsite streams or wetlands and will not encroach into buffers for "blue line" regulated streams, a 100-foot water quality buffer is proposed on the property along Bradley's Mill Pond. With regards to impacts on public facilities and neighboring properties, the proposed borrow pit is anticipated to have no more impact than previous borrow pits approved for this property. The pit will have a life of approximately five (5) years. Once mining is completed and the site is reclaimed, an agricultural pond will be created, the property will be reseeded and slopes will be graded to not less than 3:1.

CONSIDERATIONS AND CONCLUSIONS

1. ***City Code Requirements (Article IX, Borrow Pits)*** – In accordance with Section 34-361 of the City Code, a Conditional Use Permit approval by City Council is required for the operation of any borrow pit within the City. The applicant is required to obtain site plan approval and submit an Operations Plan to demonstrate compliance with Sections 34-362 through 34-364 of the City Code. A bond or irrevocable letter of credit must be furnished in a manner approved by the city attorney payable to the city and conditioned that all the requirements of this article and of the plan of operation are faithfully performed as approved and directed by the city council. The amount of the bond shall be not less than \$500.00 per acre or part of an acre for each acre to be disturbed in an amount as determined by the Planning Department. Such bond or irrevocable letter of credit shall

be executed by the borrow pit operator and by a corporate surety licensed to do business in this state. In lieu of such bond, collateral security may be furnished satisfactory to the City Manager. The applicant must also continue to pay on a semi-annual basis to the City a fee per cubic yard of excavated material should this Conditional Use Permit be approved. Once operation of the borrow pit is terminated, the approved restoration plan must be implemented within eighteen (18) months. The applicant's Operations Plan has been reviewed for compliance with Sections 34-362 through 34-364 of the City Code and all standards have been met.

2. ***Unified Development Ordinance Requirements*** - Section 31-406 of the Unified Development Ordinance (UDO) also requires that a Conditional Use Permit be obtained for sand or gravel extraction or processing (borrow pit) within the A, Agricultural zoning district. 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 applicant shall adhere to the specific criteria governing the construction of a borrow pit as set forth in Chapter 34, Article IX, Borrow Pits, of the Code of the City of Suffolk and applicable provisions of Articles 6 and 7 of the Unified Development Ordinance. Site plan review and approval shall be required before land disturbance and 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 surrounding area consists of vacant land, existing borrow pits, forested cover, and agricultural uses, zoned either A, Agricultural, or RE, Rural Estate Zoning

District. The specific location of the proposed borrow pit is compatible with the existing character and agricultural land uses in this particular area of Audubon Road. Additionally, the existing woodlands and 100-foot setback from the closest adjoining property line, proposed by the applicant, should offer a visual and sound buffer. As outlined in Section 34-364 of the Code of the City of Suffolk, existing tree and ground cover along public street frontage shall be preserved, maintained, and supplemented for a depth of 50 feet. The type, design, and spacing of supplemental planting shall be approved by the Planning Department.

Residential uses appear to at least 1,000 feet from the proposed borrow pit. No more adverse impacts to surrounding properties are anticipated by the new borrow pit as compared to previously approved borrow pit operations on Audubon Road.

- 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 is expected to generate about sixty (60) hauling trips per day. The proposed pit entrance is shown along a straight tangent of Audubon Road, perpendicular to the roadway. The applicant will limit the hours of operation from 7:00 a.m. until 5:00 p.m., Monday through Friday, and on Saturday from 7:00 a.m. until 1:00 p.m. A gate will be provided at the site entrance and it will be locked at all times when the site is not in operation. The applicant shall be required to maintain and repair Audubon Road from damage caused by dump trucks for the section of roadway within 100 feet of either side of their entrance and shall maintain a \$5,000 surety with the Department of Public Works until the borrow pit is fully reclaimed

The Department of Public Works made the following comments:

1. A VDOT standard commercial entrance shall be required on Audubon Road with hard surface (asphalt/concrete) extending from the existing edge of pavement 50' beyond the edge of right-of-way onto the site.
2. The designated haul route from the site shall be Audubon Road south to Everets Road and east to Godwin Boulevard.

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

Section 34-364(c) of the City Code states that existing trees and ground cover along public street frontage shall be preserved, maintained, and supplemented for a depth of 50 feet. The type, design, and spacing of supplemental planting shall be approved by the Planning Department. The applicant will be required to comply with Section 31-608 of the Unified Development Ordinance, which sets forth performance standards for nonresidential uses including the regulation of noise, odor, smoke, and vibration.

- 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 properties adjacent to the subject parcels are either vacant or used for other agricultural uses. The proposed new borrow pit location will be sufficiently separated from residential uses so as not to impede the use or enjoyment of surrounding property owners.

- 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.*

Agricultural, extractive industry or undeveloped lands are the predominant features in the general area of the proposed borrow pit. In terms of the long-term effects of the borrow pit operation, the Operations Plan indicated that the pit would be returned to an agricultural pond for a family farm upon completion of mining operations. Such usage would be consistent with the character of the surrounding area. The applicant will need to follow the Operations Plan submitted with the application and remain in compliance with all borrow pit provisions outlined in Article IX of the City Code throughout the life span of the borrow pit operation. In addition, the applicant will be required to implement a restoration plan within eighteen (18) months upon termination of the borrow pit operation.

- 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 Operations Plan establishes certain practices which will prevent negative impacts on public health, safety, morals, or welfare. The applicant will also be required to maintain a valid permit from the Virginia Department of Mines, Minerals, and Energy (DMME) for the operation of the borrow pit. Ongoing inspection and compliance with this permit is monitored by DMME. A copy of the Department of Mines, Minerals, and Energy permit authorizing mining activity and exempting this site as “land disturbing activity” for E&S purposes must be provided to the City.

With regards to utilities, no City water or sewer service is available to this site and it is not needed for the proposed borrow pit use. The borrow pit operations would include a trailer serving as a construction office with restrooms that will be served by well water and an existing on-site septic tank. Stormwater will be managed by an existing sediment basin and reclaimed pit area. All mining water will be pumped to the existing sedimentation basin prior to its entering Bradley’s Mill Pond. The Department of Public Utilities had no objections to this request as presented.

- 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 applicant has submitted an Operations Plan as required by Article IX of the City Code. With these provisions in place, this borrow pit should not be injurious to

surrounding agricultural and residential properties.

RECOMMENDATION

Staff finds that the proposed use meets the criteria for Conditional Use Permits set forth in Section 31-306 of the Unified Development Ordinance and Article IX of the City Code and would not negatively impact the surrounding area. Furthermore, the proposed use is located outside of the focused Growth Areas. Accordingly, staff recommends **approval** of CUP2020-013 with the conditions as noted in the attached resolution and ordinance.

1. This conditional use permit is granted to establish Sand or Gravel Extraction or Processing (Borrow Pit) as defined in the Unified Development Ordinance at Tax Parcel 9*4, as shown on Exhibit “B”, “Property Map”.
2. A VDOT standard commercial entrance shall be reviewed and approved by Traffic Engineering and constructed at the entrance off of Audubon Road.
3. The designated haul route from the site shall be Audubon Road south to Everets Road and east to Godwin Boulevard.
4. The applicant shall be required to maintain and repair Audubon Road from damage caused by dump trucks for the section of roadway within 100 feet of either side of their entrance and shall maintain a \$5,000 surety with the Department of Public Works until the borrow pit is fully reclaimed.
5. In accordance with Section 34-364 (h) of the City Code, the applicant shall furnish a bond or irrevocable letter of credit in the amount of \$500.00 per acre or part of an acre for each acre to be disturbed as determined by the Planning Department in a manner approved by the City Attorney prior to commencement of the use.
6. The hours of operation shall be limited to 7:00 a.m. until 5:00 p.m., Monday through Friday, and on Saturday from 7:00 a.m. until 1:00 p.m. The borrow pit will be closed Sunday.
7. A site plan shall be reviewed and approved in accordance with Section 31-307 of the Unified Development Ordinance.
8. The applicant must follow the submitted Operations Plan and remain in compliance with all borrow pit provisions outlined in Article IX of the City Code throughout the life span of the operation. In addition, the applicant is required to implement a restoration plan within eighteen (18) months upon termination of the operation.
9. The applicant shall maintain a valid permit from the Virginia Department of Mines, Minerals, and Energy (DMME) and provide a copy to the City.
10. The applicant shall comply with all requirements outlined in Chapter 34, Article IX,

Borrow Pits in the Code of the City of Suffolk.

Attachments

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

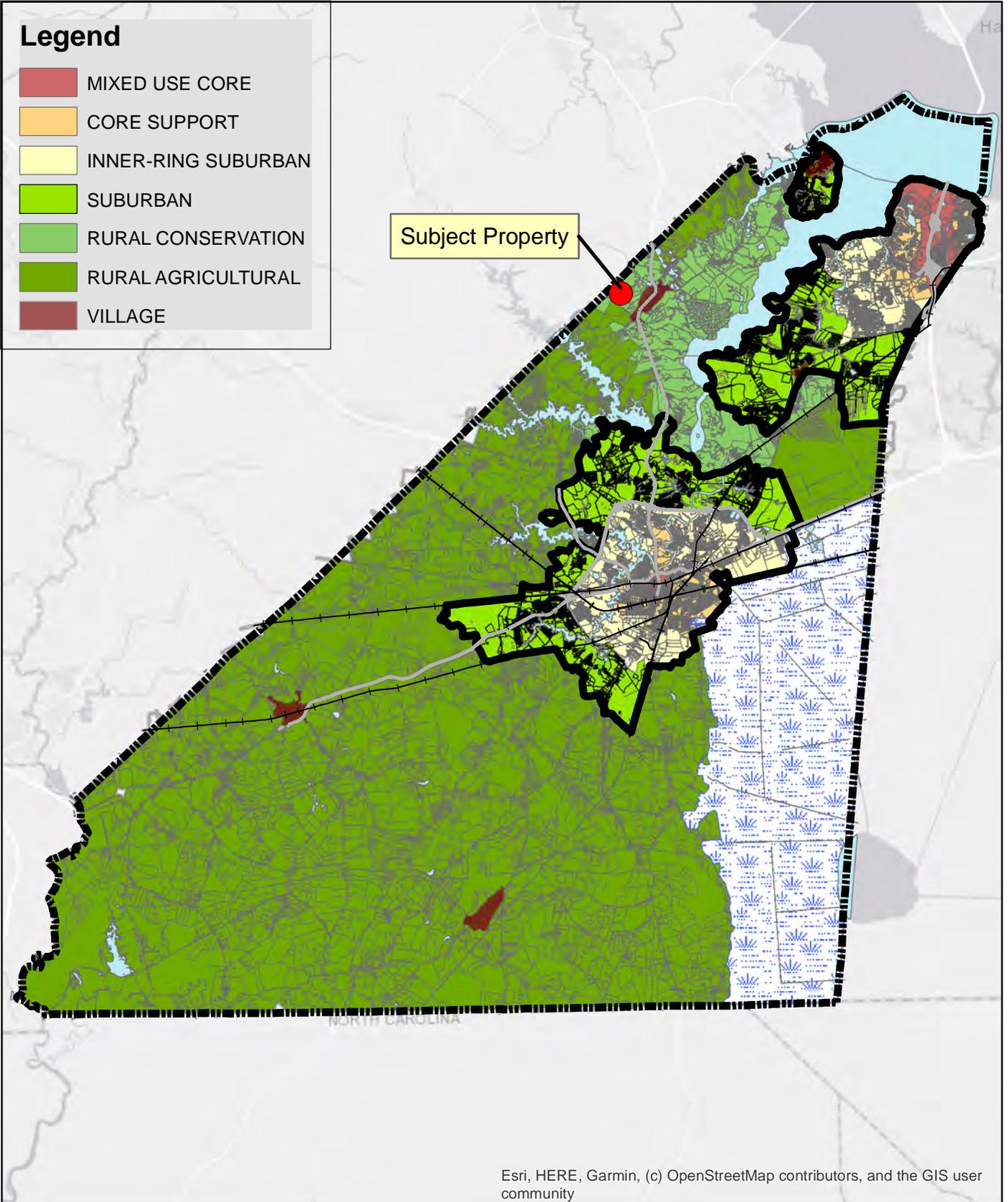


GENERAL LOCATION MAP

CUP2020-013

Legend

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

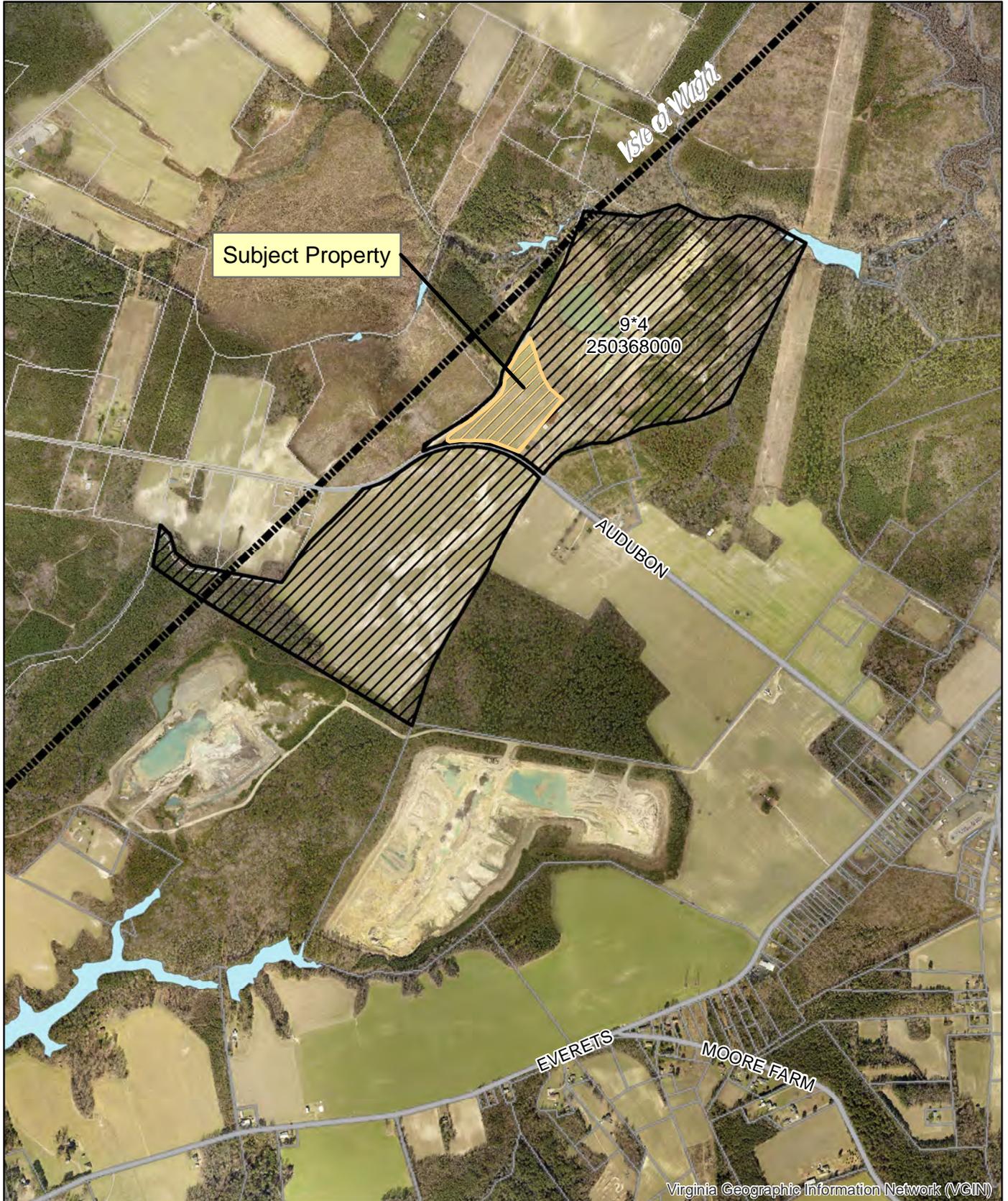


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



ZONING / LAND USE MAP

CUP2020-013



1.0 PROJECT NARRATIVE

Suffolk Materials, LLC has successfully operated borrow pits for over twelve years. This application is for a new ten acre pit located adjacent to two existing 20 acre pits off Audubon Road. The material will be used as select fill sand for construction projects. The proposed pit will be located on the west side of a previously permitted pit. The existing sediment control pond will be utilized with the existing haul road which also utilizes the existing farm roads within the site. Existing on-site scales and a site trailer will be utilized as the office.

As shown on the attached plan, one pit is reclaimed and we will tie into the existing bank. The second pit is near the end of its resource. The applicant will move this location to the south side of the reclaimed pit. There will be a net decrease with proposed pit area from the previously permitted CUP. We feel this proposal meets the intent of the UDO and have met with Planning to address potential issues.

2.0 WATER LEVEL OF SERVICE

An existing on-site well serves the building to be used as the construction office.

3.0 SEWER LEVEL OF SERVICE

An existing septic tank serves the building to be used as the construction office.

4.0 STORMWATER MANAGEMENT PLAN

The existing sediment pond and reclaimed pit area will be used as the sediment basin to address the storm water and dewatering operation during the mining process.

5.0 TRAFFIC IMPACT STUDY

The **Traffic Impact Study** previously submitted for the existing pit west of the project indicates traffic generated by this application will not adversely impact the existing roadways. The Planning Director has approved a waiver request.

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH SAND OR GRAVEL EXTRACTION OR PROCESSING (BORROW PIT) ON PROPERTY LOCATED ON AUDUBON ROAD, ZONING MAP 9, PARCEL 4; CUP2020-013

WHEREAS, Richard L. Turner, Suffolk Materials LLC, applicant, on behalf of Chuckatuck Eight LLC, property owner, has requested a Conditional Use Permit for sand or gravel extraction or processing (borrow pit) 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 9, Parcel 4, 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", "Exhibit 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 permit sand or gravel extraction or processing (borrow pit) 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 forestall 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 sand or gravel extraction or processing (borrow pit) 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 sand or gravel extraction or processing (borrow pit) in compliance with Exhibit "C" (the "Exhibit 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 Sand or Gravel Extraction or Processing (Borrow Pit) as defined in the Unified Development Ordinance at Tax Parcel 9*4, as shown on Exhibit "B", "Property Map".
2. A VDOT standard commercial entrance shall be reviewed and approved by Traffic Engineering and constructed at the entrance off of Audubon Road.
3. The designated haul route from the site shall be Audubon Road south to Everets Road and east to Godwin Boulevard.
4. The applicant shall be required to maintain and repair Audubon Road from damage caused by dump trucks for the section of roadway within 100 feet of either side of their entrance and shall maintain a \$5,000 surety with the Department of Public Works until the borrow pit is fully reclaimed.
5. In accordance with Section 34-364 (h) of the City Code, the applicant shall furnish a bond or irrevocable letter of credit in the amount of \$500.00 per acre or part of an acre for each acre to be disturbed as determined by the Planning Department in a manner approved by the City Attorney prior to commencement of the use.

6. The hours of operation shall be limited to 7:00 a.m. until 5:00 p.m., Monday through Friday, and on Saturday from 7:00 a.m. until 1:00 p.m. The borrow pit will be closed Sunday.
7. A site plan shall be reviewed and approved in accordance with Section 31-307 of the Unified Development Ordinance.
8. The applicant must follow the submitted Operations Plan and remain in compliance with all borrow pit provisions outlined in Article IX of the City Code throughout the life span of the operation. In addition, the applicant is required to implement a restoration plan within eighteen (18) months upon termination of the operation.
9. The applicant shall maintain a valid permit from the Virginia Department of Mines, Minerals, and Energy (DMME) and provide a copy to the City.
10. The applicant shall comply with all requirements outlined in Chapter 34, Article IX, Borrow Pits in the Code of the City of Suffolk.

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 Chuckatuck Eight, LLC, property owners, 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 Chuckatuck Eight, LLC, property owners, 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

CITY OF SUFFOLK PLANNING COMMISSION

**A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO CONDITIONAL USE PERMIT
CUP2020-013
TO ESTABLISH SAND OR GRAVEL EXTRACTION OR PROCESSING
(BORROW PIT) ON PROPERTY LOCATED ON AUDUBON ROAD, ZONING MAP 9,
PARCEL 4**

WHEREAS, Richard L. Turner, Suffolk Materials LLC, applicant, on behalf of Chuckatuck Eight LLC, property owner, has requested a Conditional Use Permit for sand or gravel extraction or processing (borrow pit) 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 9, Parcel 4, which land is depicted on Exhibit "B"; and

WHEREAS, the specific request is to permit sand or gravel extraction or processing (borrow pit) 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, CUP2020-0013, 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: _____

TESTE: _____

**CONDITIONAL USE PERMIT
CUP2020-013**

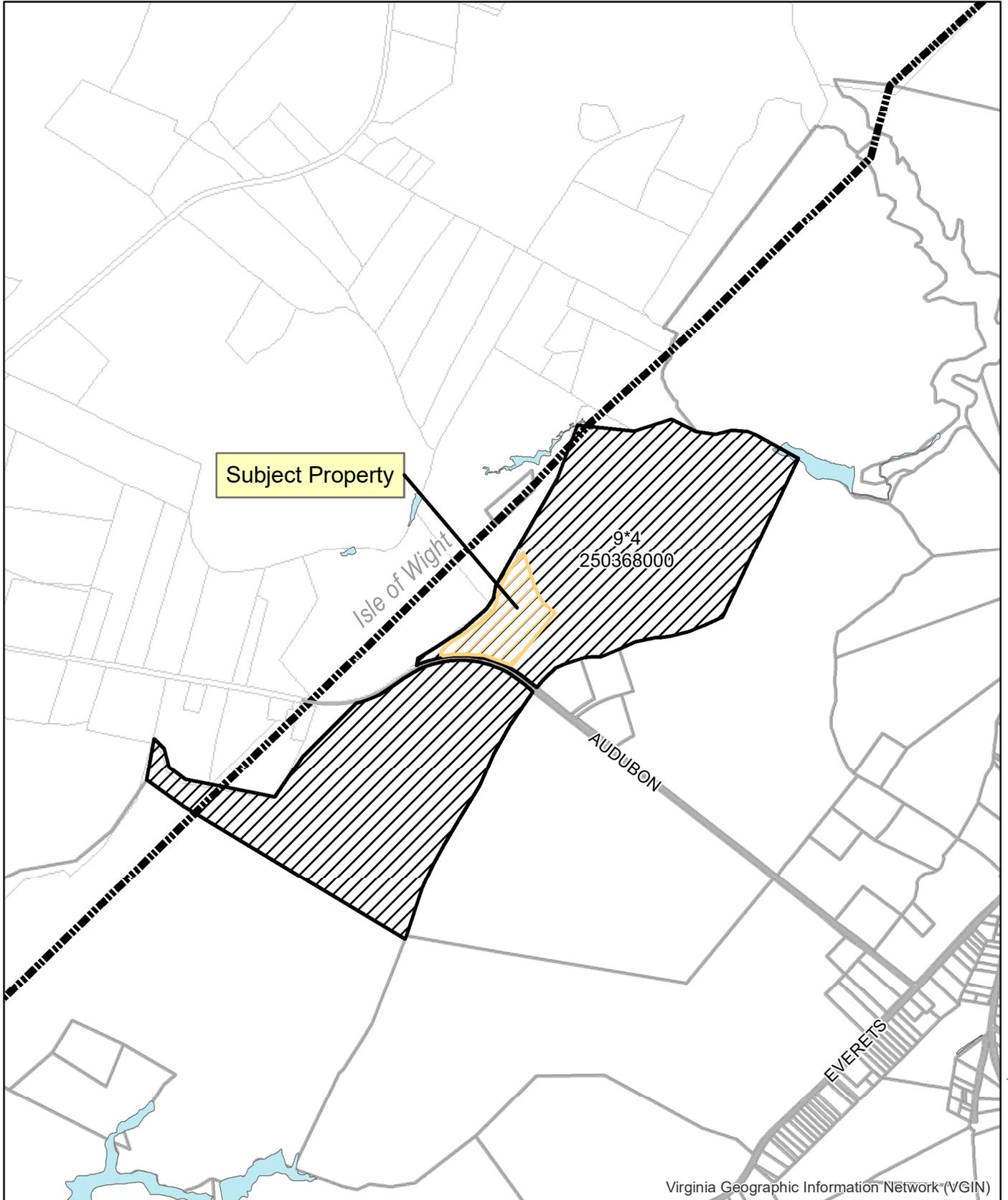
CONDITIONS

1. This conditional use permit is granted to establish Sand or Gravel Extraction or Processing (Borrow Pit) as defined in the Unified Development Ordinance at Tax Parcel 9*4, as shown on Exhibit “B”, “Property Map”.
2. A VDOT standard commercial entrance shall be reviewed and approved by Traffic Engineering and constructed at the entrance off of Audubon Road.
3. The designated haul route from the site shall be Audubon Road south to Everets Road and east to Godwin Boulevard.
4. The applicant shall be required to maintain and repair Audubon Road from damage caused by dump trucks for the section of roadway within 100 feet of either side of their entrance and shall maintain a \$5,000 surety with the Department of Public Works until the borrow pit is fully reclaimed.
5. In accordance with Section 34-364 (h) of the City Code, the applicant shall furnish a bond or irrevocable letter of credit in the amount of \$500.00 per acre or part of an acre for each acre to be disturbed as determined by the Planning Department in a manner approved by the City Attorney prior to commencement of the use.
6. The hours of operation shall be limited to 7:00 a.m. until 5:00 p.m., Monday through Friday, and on Saturday from 7:00 a.m. until 1:00 p.m. The borrow pit will be closed Sunday.
7. A site plan shall be reviewed and approved in accordance with Section 31-307 of the Unified Development Ordinance.
8. The applicant must follow the submitted Operations Plan and remain in compliance with all borrow pit provisions outlined in Article IX of the City Code throughout the life span of the operation. In addition, the applicant is required to implement a restoration plan within eighteen (18) months upon termination of the operation.
9. The applicant shall maintain a valid permit from the Virginia Department of Mines, Minerals, and Energy (DMME) and provide a copy to the City.
10. The applicant shall comply with all requirements outlined in Chapter 34, Article IX, Borrow Pits in the Code of the City of Suffolk.



PROPERTY MAP CUP2020-013

EXHIBIT B



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CITY OF SUFFOLK

442 W. WASHINGTON STREET, P.O. BOX 1858, SUFFOLK, VIRGINIA 23439-1858
PHONE: (757) 514-4060 FAX: (757) 514-4099

DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT
Division of Planning

July 21, 2020

Suffolk Planning Commission
City of Suffolk, Virginia

Dear Commissioners:

Attached for your consideration is information pertaining to CBPA Exception Request CEX2020-003, submitted by Timothy and Susan Powell, applicant and property owner, in accordance with Section 31-415 of the Unified Development Ordinance, to grant an Exception to the development criteria and buffer area requirements of the Chesapeake Bay Preservation Area Overlay District to permit a retaining wall to encroach into the 100-foot Resource Protection Area Buffer, on property located at 5005 Pebble Creek Court, Zoning Map 6C, Parcel J*1*3. The affected area is further identified as being located in the Nansemond Voting Borough, zoned PD, Planned Development Overlay District. The 2035 Comprehensive Plan designates this area as part of the Northern Growth Area, Core Support Use District.

Information and maps pertaining to this request are attached for your consideration. Please contact either myself or Grace Braziel, the staff planner handling this case, if you have any questions in advance of the meeting.

Respectfully submitted,

David Hainley
Director of Planning and Community Development

/gb
Attachments

STAFF REPORT

DESCRIPTION

EXCEPTION REQUEST: CBPA Exception Request CEX2020-003, to grant an Exception to the development criteria and buffer area requirements of the Chesapeake Bay Preservation Area Overlay District to permit a retaining wall to encroach into the 100-foot Resource Protection Area buffer.

APPLICANT: Submitted by Timothy and Susan Powell, applicant and property owner.

LOCATION: The affected property is located at 5005 Pebble Creek Court, Zoning Map 6C, Parcel J*1*3.

PRESENT ZONING: PD, Planned Development Overlay District.

EXISTING LAND USE: The property is approximately 0.9 acres in size and features a single family dwelling with an outdoor seating area located in the West Village of Harbour View. There are non-tidal wetlands present at the rear of the property that are contiguous to the tidal wetlands leading to Knotts Creek, which has a Resource Protection Area Buffer.

PROPOSED LAND USE: Install a retaining wall, 60 feet in length, to encroach into the 50-foot Resource Protection Area Buffer.

SURROUNDING LAND USES:

North – Residential properties zoned PD, Planned Development Overlay District.

South – An aged care facility zoned O-I, Office Institutional zoning district.

East – Commercial properties zoned B-2, General Commercial zoning district.

West – Residential properties zoned PD, Planned Development Overlay District.

COMPREHENSIVE PLAN: The City's 2035 Comprehensive Plan designates this area as part of the Central Growth Area, 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 Protection Area (RPA) and Resource Management Area (RMA).

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 July 17, 2020.

CASE HISTORY: A Subdivision Plat of a portion of the North and West Villages of Harbour View was approved in April of 1999 with only a 50-foot Resource Protection Area (RPA) buffer. At the time the subdivision plat was approved, the current regulations for the Chesapeake Bay Preservation Overlay District allowed the reduction of the 100-foot RPA buffer to a 50-foot RPA

buffer. The subject property is located within the West Village of Harbour View which was approved in August of 1999 with only a 50-foot buffer; subsequently, there is only a 50-foot buffer on the property. The lot was created in 1999 and consists of a single family dwelling and an outdoor seating area. A Resource Protection Area (RPA) Determination was submitted and accepted by the City dated January 10, 2020. The report determined that the non-tidal wetlands on the property are contiguous to the tidal wetlands leading to an unnamed tributary of Knotts Creek and therefore the subject property has a 50-foot RPA buffer as recorded on the original subdivision plat.

STAFF ANALYSIS

ISSUE

The applicant is requesting an exception from the regulations of the Chesapeake Bay Preservation Area Overlay District to encroach into the 50-foot Resource Protection Area Buffer (RPA) for the construction of a retaining wall. The purpose of this request is to stabilize the rear portion of the yard to prevent erosion where it is currently occurring. The total proposed impervious area within the 50-foot RPA buffer for this request is 60 square feet. The total land disturbance that is associated with the installation of the retaining wall is 615 square feet. The requested retaining wall will be 3 feet in height and is proposed to be backfilled to grade in the area within the limit of disturbance to the north of the wall.

The applicant has submitted a landscape plan as part of this request to mitigate for the encroachment within the RPA buffer. This plan proposes to mitigate 615 square feet of land disturbance. This is composed of the appropriate ratio of canopy trees, understory trees, and shrubs. The proposed buffer mitigation plan meets the requirements of the *Riparian Buffers Modification and Mitigation Manual*. The location of the proposed retaining wall is to be installed in a portion of the rear yard where it is currently a maintained grass yard. There are two trees that are proposed to be removed during the installation of the retaining wall but fall within the land disturbance area and are therefore being mitigated for as part of the Mitigation Planting Plan (see attached Exhibit D).

CONSIDERATIONS AND CONCLUSIONS

1. This lot was platted and developed after the effective date of the City's 1990 adoption of the Chesapeake Bay Preservation Area Overlay District regulations. The current residential structure on the property is located outside of the 50-foot RPA Buffer. A portion of the outdoor seating area that consists of pavers is located within the 50-foot buffer. The proposed location of the retaining wall encroaches into the 50-foot buffer. The retaining wall is to be installed in the back yard, where there is currently a maintained grass yard.
2. The Chesapeake Bay Preservation Overlay District, Section 31-415(d)(1)(A) specifies that tidal wetlands and non-tidal wetlands that are connected by surface flow and contiguous to water bodies with perennial flow are protected by a vegetated buffer area of not less than 100 feet in width located adjacent to and landward of wetlands. There are non-tidal wetlands

present at the rear of the property that are contiguous to the tidal wetlands leading to Knotts Creek, which has a 50-foot Resource Protection Area Buffer. The property only has a 50-foot RPA buffer versus a 100-foot RPA buffer because the property is located in the West Village of Harbour View which was approved and recorded with only a 50-foot buffer in 1999. At the time the subdivision plat was recorded the regulations for the Chesapeake Bay Overlay District allowed for the width of the buffer to be reduced to 50-feet. The survey that shows the proposed location of the requested retaining wall identifies the location of CBPA wetlands on the property and the corresponding 50-foot RPA Buffer.

3. In accordance with Section 31-415(d)(1)(D), Buffer Area Requirements, to minimize effects of human activities on the other components of the Resource Protection Area (RPA) Buffer, State waters, and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff shall be retained if present and established where it does not exist. Restoration and establishment of additional vegetation according to the CBLAD Riparian Buffer Manual is required in the RPA Buffer for the additional impervious surface area. Where practical, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment and will be equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel.

As previously stated the subject property only has a 50-foot buffer. Majority of the rear yard on the property is located within the 50-foot buffer and consists mainly of a maintained grass yard directly behind the home with a vegetative buffer located at the very rear of the property before the wetlands. The applicant is not proposing to clear any portion of the buffer that is vegetated near the wetlands. The portion of the buffer where the installation of the retaining wall and land disturbance will occur is the portion of the buffer that consists of a grass yard. Additionally, the applicant is proposing to mitigate the encroachment of the retaining wall as well as the total land disturbance associated with the installation of the retaining wall.

4. The Chesapeake Bay Preservation Area Overlay District requirements were amended in November 2003 to comply with a change in state law. In accordance with Section 31-415(f)(5) of the Unified Development Ordinance, the Planning Commission shall review the request for an Exception since the proposed retaining wall is considered an accessory structure. The proposed total impervious area of the retaining wall within the buffer will be 60 square feet, and the total land disturbance is 615 square feet.
5. Per Section 31-415(f)(5) of the Chesapeake Bay Preservation Overlay District, a request for an exception to the 'Development Criteria for Resource Protection Areas' and 'Buffer Area Requirements' shall be made in writing to the Planning Commission. It shall identify the impacts of the proposed exception on water quality and on lands within the Resource Protection Area through a Water Quality Impact Assessment. The Planning Commission may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the Overlay District if the following findings are made:
 - a. *Granting the Exception will not confer upon the applicant any special privileges that are denied by this Ordinance to other property owners in the Preservation*

Area District.

This exception request involves the installation of a retaining wall to prevent any further erosion in the portion of the rear yard where erosion is occurring. With this request the applicant is proposing to install 60 square feet of impervious area within the 50-foot RPA buffer. The installation of a retaining wall within the buffer results in land disturbance; however, the applicant is proposing to locate the retaining wall in a portion of the buffer that is a grass yard and is proposing to mitigate the impacts with replacement vegetation. Additionally, the proposed location of the replacement vegetation is to be installed just south of the retaining wall and near the existing vegetated area which will help in filtering any runoff. Staff believes, this request does not confer any special privileges that have been denied to other property owners.

- b. *The exception request is not based upon conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or nonconforming that are related to adjacent parcels.*

The subject lot was created in 1999 after the adoption of the Chesapeake Bay Preservation Area regulations. There is currently a single family dwelling that does not encroach into the 50-foot buffer. The applicant has stated as part of their narrative that currently the rear yard has a steep slope towards the wetlands which results in storm water flowing at a rapid pace down the slope washing away the topsoil. The proposed retaining wall is to be installed to stabilize the bank behind the residential structure to prevent any further erosion. This exception request is not based upon conditions or circumstances that are self-created or self-imposed.

- c. *The exception request is the minimum necessary to afford relief.*

As previously stated, the requested installation of a retaining wall is proposed to be located within the 50-foot RPA buffer. The location where erosion is occurring, due to a steep slope in the rear yard, is located within the buffer; therefore, the location of the retaining wall cannot be installed elsewhere outside of the buffer. Additionally, the applicant is proposing to mitigate the impacts of the installation of the retaining wall by installing 2 canopy trees, 4 understory trees, and 6 shrubs below the retaining wall. Staff believes this request does not exceed the threshold of the minimum necessary to afford relief since the location of the retaining wall cannot be accommodated elsewhere to prevent further erosion on the site and since the proper mitigation is being provided.

- d. *The exception request will be in harmony with the purpose and intent of the Overlay District; not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality.*

Currently, the rear yard has a steep slope towards the wetlands which results in

storm water flowing at a rapid pace down the slope washing away the topsoil. The applicant is requesting to install a retaining wall in to help stabilize the steep slope and to reduce the rate of storm water flow. The applicant is mitigating the impacts to the buffer and helping to filter runoff before it reaches the wetlands. A silt fence will be installed just below the area where the retaining wall will be installed to prevent any runoff that could occur during the time of installation and land disturbing activities. The proposed exception request is not expected to be injurious to the public welfare, and is not of substantial detriment to water quality.

- e. *Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.*

The proposed retaining wall would encroach into the 50-foot RPA Buffer. The applicant has provided a buffer mitigation plan to provide vegetation to mitigate 615 square feet of total land disturbance within the RPA Buffer. The mitigation provided consists of 2 canopy trees, 4 understory trees, and 6 shrubs. The proposed location of the 6 shrubs are to be planted below the retaining wall which will help in reducing and filtering runoff. The canopy and understory trees are to be planted near the existing vegetated area between the grass yard and the wetlands. Additionally, the retaining wall, as described in the Water Quality Impact Assessment, will reduce the pace of storm water runoff and prevent further erosion. With the required replacement vegetation to mitigate the impacts from the installation of the retaining wall being provided this request is not expected to degrade water quality.

RECOMMENDATION

Staff finds that the applicants' request does satisfy the criteria outlined in Section 31-415(f)(5)(C) of the UDO to grant an exception to the requirements of the Chesapeake Bay Preservation Area Overlay District. The applicants request for the encroachment of a retaining wall within the 100-foot Resource Protection Area Buffer is consistent with the intent and purpose of the Chesapeake Bay Overlay. The applicant has provided a Mitigation Planting Plan consistent with buffer landscaping requirements outlined in the CBLAD Riparian Buffer Manual. In that regard, staff recommends **approval** of Exception Request CEX2020-003 with the recommended conditions of approval outlined below and in the approving resolution:

1. For the property located at 5005 Pebble Creek Court, an Exception to allow encroachment into the 50-foot Resource Protection Area Buffer for the construction of a retaining wall as shown on the attached Exhibit "C", Survey, and Exhibit "D" Mitigation Planting Plan.
2. This Chesapeake Bay Preservation Area Exception Request is granted specifically to allow 60 square feet of impervious area and a total of 615 square feet of land disturbance to encroach into the 50-foot Resource Protection Area buffer. This approval in no way authorizes any other intrusion into the 50-foot RPA Buffer for any future construction or accessory structure.

3. A silt fence shall be installed along the limit of disturbance to the south of the retaining wall before any land disturbing activities commence.
4. There shall be no removal of any additional vegetation within the RPA Buffer without prior approval from the City of Suffolk in accordance with Section 31-415(d)(1)D of the Unified Development Ordinance.

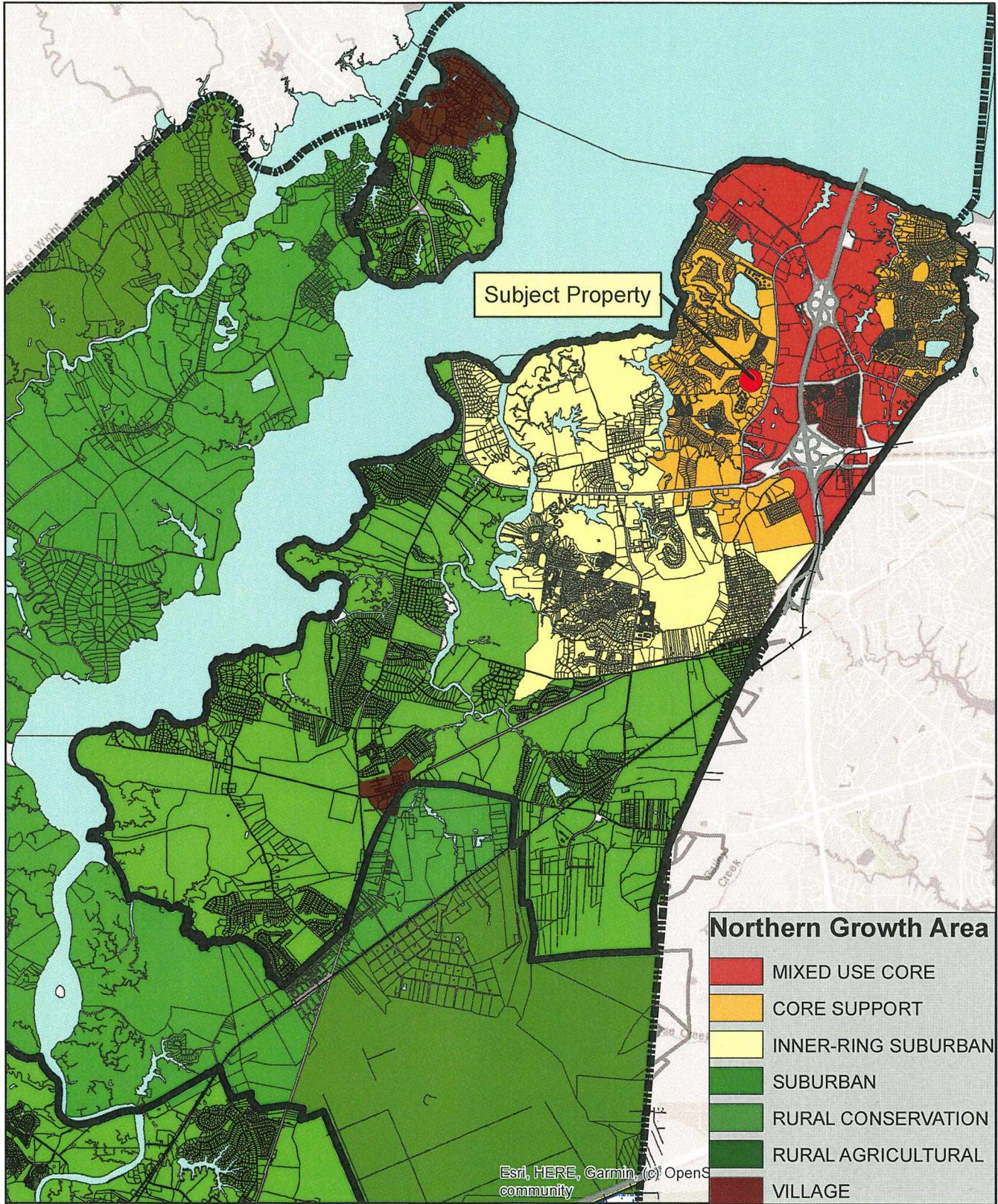
Attachments

- General Location Map
- Zoning / Land Use Map
- Project Narrative
- Exhibit A – Planning Commission Recommendation
- Exhibit B – Property Map
- Exhibit C – Survey
- Exhibit D – Mitigation Planting Plan



GENERAL LOCATION MAP

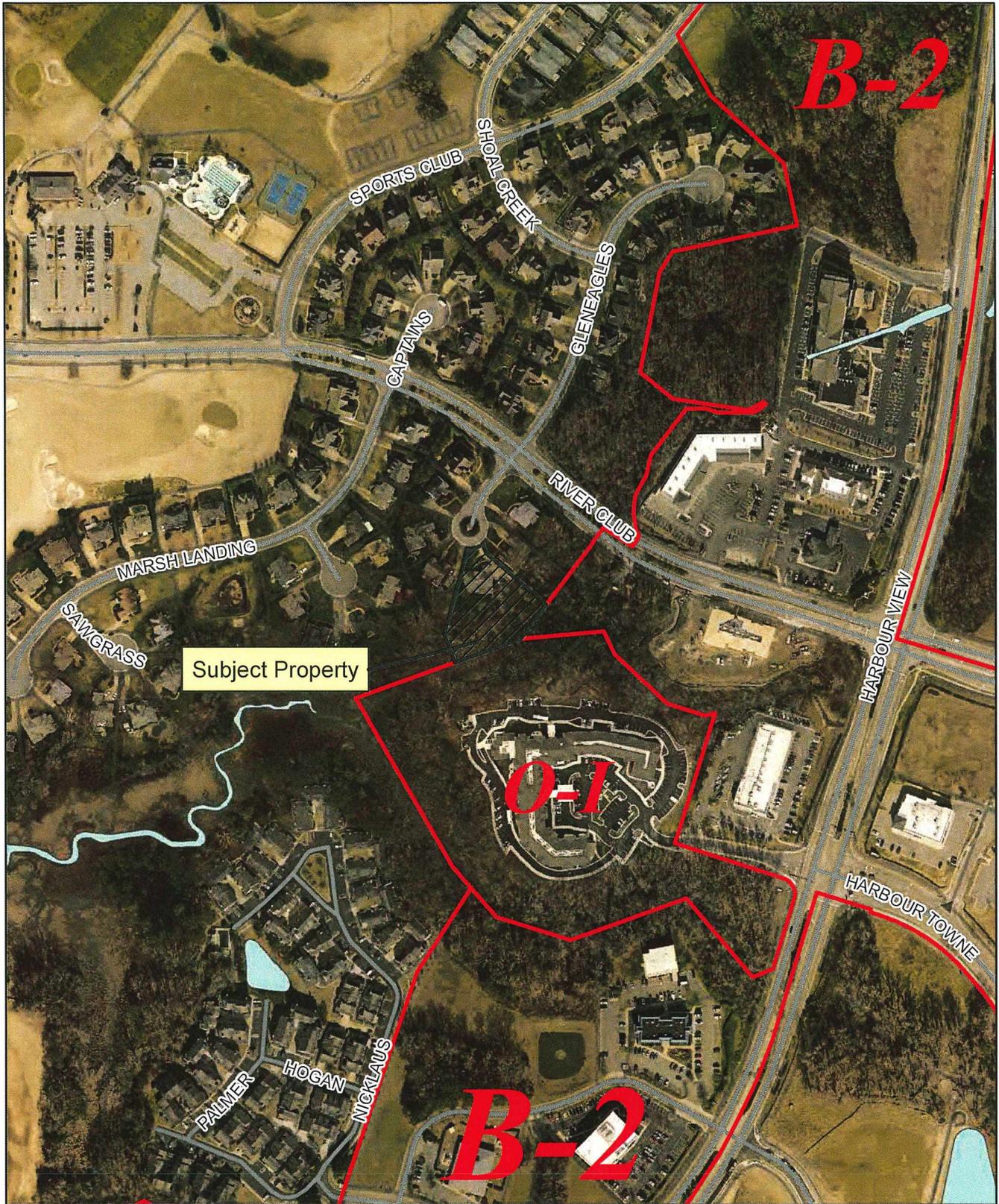
CEX2020-003





ZONING / LAND USE MAP

CEX2020-003





ROTH ENVIRONMENTAL, LLC

**WATER QUALITY IMPACT ASSESSMENT
5005 PEBBLE CREEK COURT
POWELL RESIDENCE
SUFFOLK, VIRGINIA
MAY 19, 2020
(revised June 30, 2020)
PROJECT #19-203**

Introduction

In accordance with Section 31.415 - Chesapeake Bay Preservation Act (CBPA) and Appendix B, Section B-13 of the City of Suffolk's Unified Development Ordinance, Roth Environmental has completed a Water Quality Impact Assessment for retaining wall (to reduce erosion) on the property identified as 5005 Pebble Creek Court. This 0.79-acre property is located in the West Village of the Riverfront Harbor subdivision.

Project Purpose

The purpose of the project is to control erosion in the applicant's rear yard.

Existing Conditions

The site is situated at the southern end of Pebble Creek Court in the Riverfront subdivision. The property is developed as a single-family dwelling with a driveway, deck, and outdoor living area. The yard area surrounding these features is maintained turfgrass.

The rear yard is within the 50' RPA buffer as shown on the attached site plan. Currently, the owner is experiencing erosion in the rear yard associated with a relatively steep slope. In this area, surface flow has washed topsoil downslope. The owner is constantly adding new topsoil and planting the area with turfgrass.

Surface flow from the project area is to the south to Knotts Creek. In the current state, the erosion is washing this sediment downslope and into the creek.

Chesapeake Bay Preservation Act Buffers

The RPA feature on the subject site is the nontidal wetland along the southern portion of the site. This wetland is connected and contiguous to the tidal waters of Knotts Creek.

In order to identify the limits of the wetlands on the property, Roth Environmental, LLC has performed a wetland delineation. Fieldwork for the wetland delineation was performed using *the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (TR-10-20)*. This manual uses three parameters (vegetation, soils, and hydrology) in determining and delineating wetlands. Wetland areas were denoted in the field with numbered, pink and black flagging. The wetland delineation has been confirmed by the U.S. Army Corps of Engineers. A copy of the Preliminary Jurisdictional Determination has been attached to this submission.

Roth Environmental also submitted an RPA Delineation to the City of Suffolk. This delineation found that the wetlands along the southern edge of the site are RPA features as they are connected

and contiguous to Knotts Creek. A copy of the March 26, 2020 confirmation of this study is attached to this submission.

As approved on the original subdivision plat for West Village within the Villages of Riverfront Harbour, the RPA buffer on this site is 50' wide.

Proposed Stabilization Plan

The owner worked with their landscape planner and Canada Land & Marine Surveying in order to develop a suitable solution for the erosion taking place in their rear yard. As the topography directs the stormwater to flow toward the depression in the slope, this is the area in which they focused.

The proposed stabilization plan will involve constructing a 60-foot retaining wall (615 s.f. of land disturbance/impervious area) to lessen the slope of the land in the depression in the slope. In reducing the slope, the stormwater that flows away from the house will do so at a slower rate. When it reaches the retaining wall, it will flow over the wall and continue at a much less steep grade to the wetlands. By decreasing the slopes, the potential for erosion greatly decreases.

The area in which the retaining wall is proposed is currently a maintained grass yard.

The 615 square feet of land disturbance includes the actual impervious area of the retaining wall which will be 60 square feet.

Mitigation

The proposed mitigation on the property has been designed to ensure that environmental conditions are improved over the existing conditions. The proposed mitigation for the impervious area created by the retaining wall and the shed is vegetative restoration with native species. A total of 615 square feet of land disturbance/impervious area will be caused by the proposed improvements.

The applicant is offering two vegetative mitigation units (two canopy trees, four understory trees, and six shrubs) as recommended in the Riparian Buffer Restoration Guide to offset up to 800 square feet of impervious area.

All vegetative mitigation will be planted along the southern edge of the existing yard. This will add stabilization to the soils by adding woody stemmed species in this location. It will also allow the plants to absorb nutrients prior to the yard runoff flowing to Knotts Creek.

The applicant will plant the mitigation species in the area shown on the attached mitigation plan. None of the vegetation will be concentrated in one particular area (unless the applicant constructs a mulch bed and spaces the species no closer than 6' on center).

The shrubs will be comprised of sweetspire (*Itea virginica*), and/or winterberry (*Ilex verticillata*). All shrubs will be a minimum of three gallon container size and 18" to 24" tall.

Canopy trees will be a minimum of 1.5" caliper or six feet tall. Understory trees will be a minimum of 0.75" caliper or five feet tall. Shrubs will be a minimum of 3 gallons in size or 18" tall. The goal of the landscape plan is to achieve a minimum of 75% native species planted for the mitigation effort. The remainder of the species may be non-native ornamental species. It is recommended that all plantings be installed in the fall or early winter.

Native trees and shrubs will be selected from the Native Plant List found on the DCR Native Plant List for Conservation, Restoration, & Landscaping. Recommended species include the following:

Canopy Trees:

Red maple (*Acer rubrum*), river birch (*Betula nigra*), bald cypress (*Taxodium distichum*), and willow oak (*Quercus phellos*).

Understory Trees:

Flowering dogwood (*Cornus florida*), eastern redbud (*Cercis canadensis*), American holly (*Ilex opaca*), and Canada serviceberry (*Amelanchier canadensis*).

Shrubs:

American beautyberry (*Callicarpa americana*), inkberry holly (*Ilex glabra*), winterberry (*Ilex verticillata*), sweetspire (*Itea virginica*), and red chokeberry (*Aronia arbutifolia*).

The Mitigation Plan included with the submission package shows the approximate location of these plantings. Once the applicants have selected the specific species for the mitigation, they will coordinate with the Board's Staff Liaison, Grace Braziel, for review and approval.

In order to allow for flexibility for the applicant in regard to the available nursery stock, Roth Environmental has selected common native species that they can use for mitigation. The applicant can use all one species or mix the species depending on the availability and preference. Should none of these species be available, the applicant will coordinate and get approval from city staff to make a suitable substitution.

Pursuant to Section 31.415 - Chesapeake Bay Preservation Act (CBPA) and Appendix B, Section B-13 of the City of Suffolk's Unified Development Ordinance, a Water Quality Impact Assessment has been performed for this proposed redevelopment.

Information required in a Water Quality Impact Assessment:

1. *Site Plan*

a) *Location of the components of the Resource Protection Areas (RPA).*

The 50' RPA buffer is depicted on the Site Plan. The RPA buffer extends landward from connected and contiguous wetlands along the southern portion of the parcel. In general, the majority of the rear yard is within the 50' RPA buffer.

CITY OF SUFFOLK PLANNING COMMISSION

A RESOLUTION FOR A CHESAPEAKE BAY PRESERVATION AREA
EXCEPTION REQUEST
FOR PROPERTY LOCATED AT 5005 PEBBLE CREEK COURT
CEX2020-003

WHEREAS, Timothy and Susan Powell, applicant and property owner, has submitted an exception request for review pursuant to the provisions of the City of Suffolk’s Chesapeake Bay Preservation Area Overlay District Ordinance, which plans are attached hereto as Exhibit “C” and Exhibit “D” and incorporated herein and hereafter referred to as the plans; and

WHEREAS, the specific request is that an exception be granted under Section 31-415(f)(5) of the Unified Development Ordinance to permit a retaining wall to encroach into the 100-foot Resource Protection Area buffer; 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.

The Suffolk Planning Commission:

_____ a) finds

_____ b) does not find

1. Granting the exception will not confer upon the applicant any special privileges that are denied by this Ordinance to other property owners in the Preservation Area District;
2. The Exception request is not based upon conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or nonconforming that are related to adjacent parcels;
3. The exception request is the minimum necessary to afford relief;
4. The exception request will be consistent with the purpose and the intent of the Preservation Area District, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial

detriment to water quality; and

5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

READ AND ADOPTED: _____

TESTE: _____

CHESAPEAKE BAY PRESERVATION ACT EXCEPTION REQUEST
CEX2020 -003

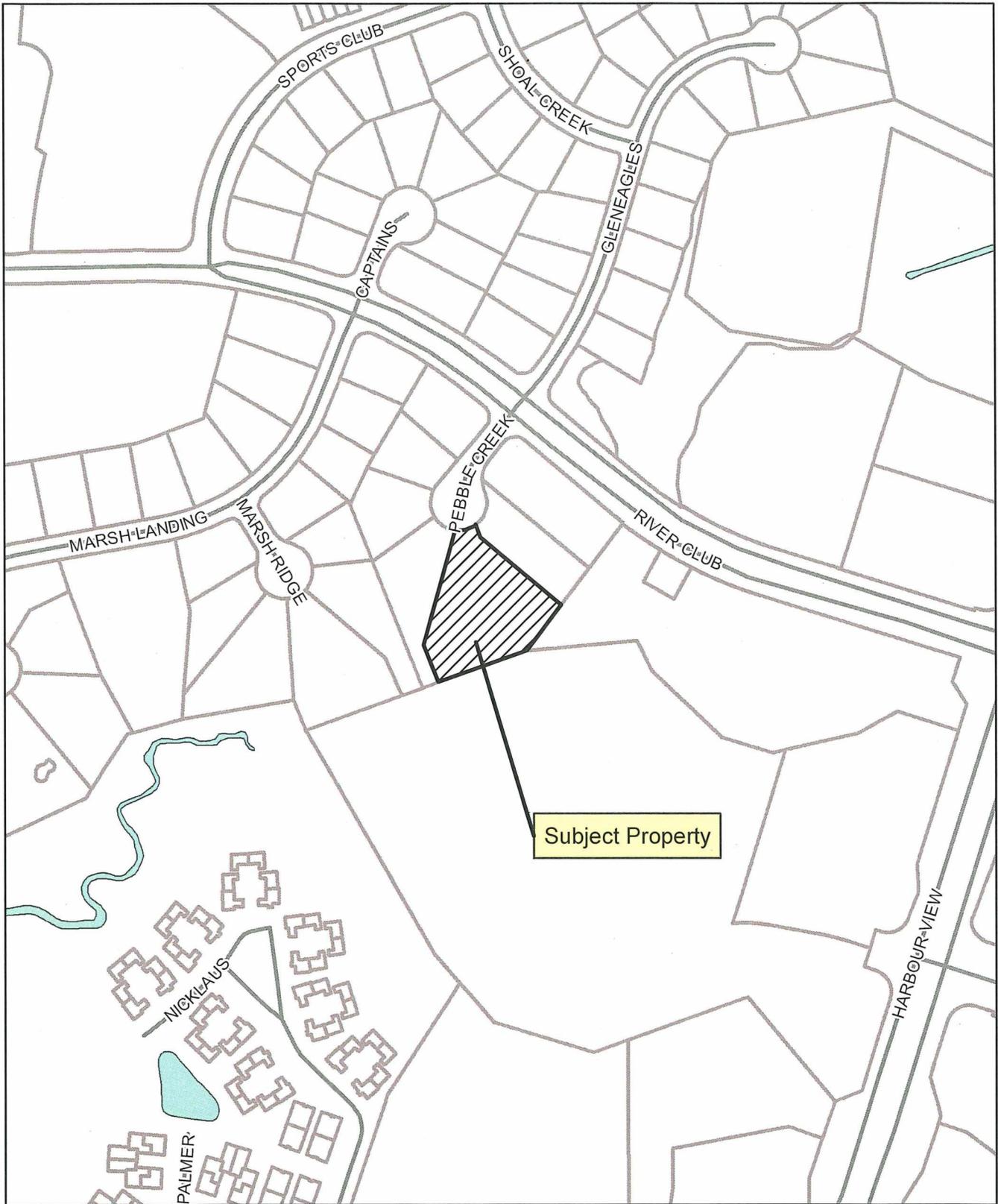
CONDITIONS

1. For the property located at 5005 Pebble Creek Court, an Exception to allow encroachment into the 50-foot Resource Protection Area Buffer for the construction of a retaining wall as shown on the attached Exhibit "C", Survey, and Exhibit "D" Mitigation Planting Plan.
2. This Chesapeake Bay Preservation Area Exception Request is granted specifically to allow 60 square feet of impervious area and a total of 615 square feet of land disturbance to encroach into the 50-foot Resource Protection Area buffer. This approval in no way authorizes any other intrusion into the 50-foot RPA Buffer for any future construction or accessory structure.
3. A silt fence shall be installed along the limit of disturbance to the south of the retaining wall before any land disturbing activities commence.
4. There shall be no removal of any additional vegetation within the RPA Buffer without prior approval from the City of Suffolk in accordance with Section 31-415(d)(1)D of the Unified Development Ordinance.



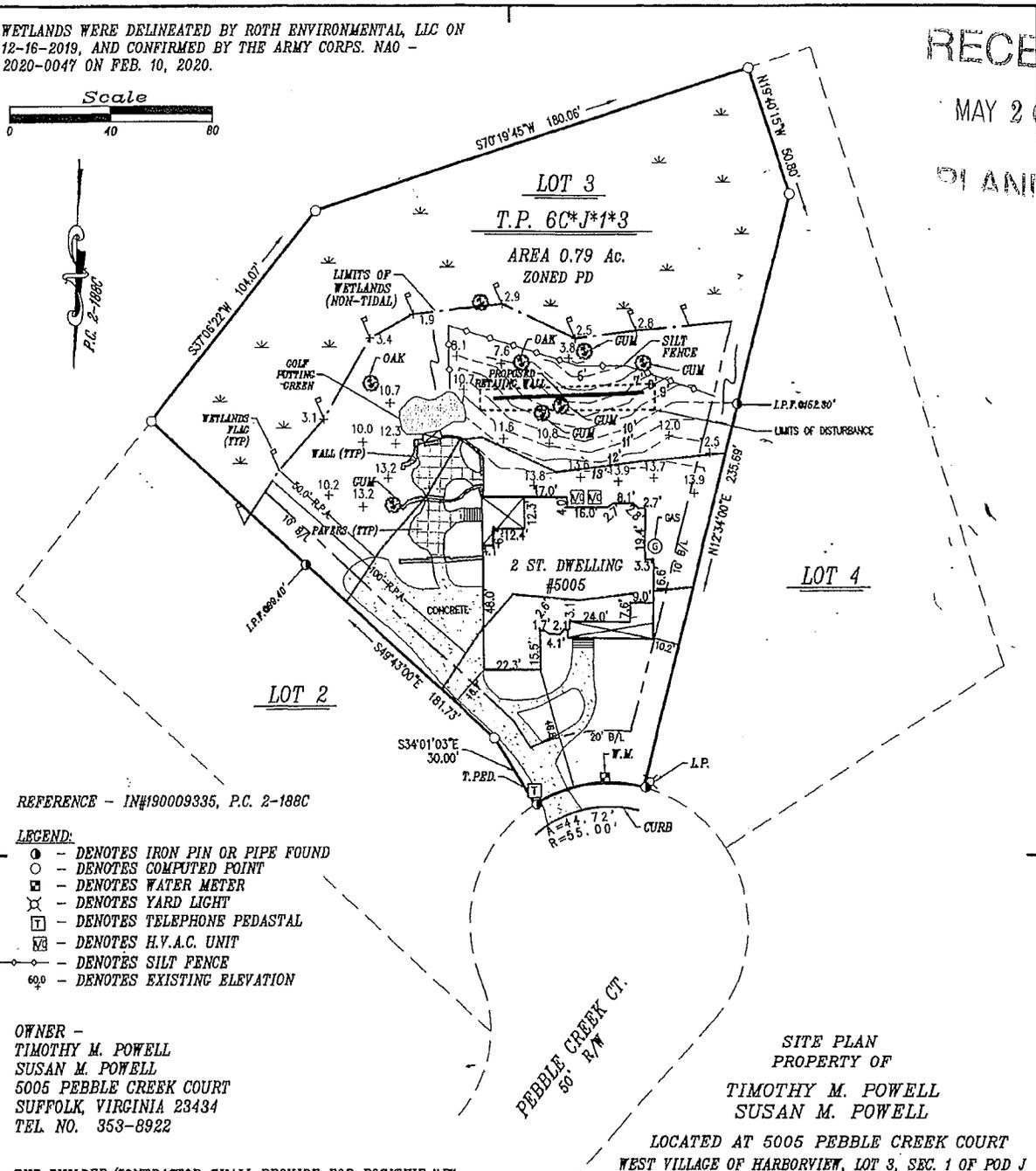
PROPERTY MAP CEX2020-003

EXHIBIT B



RECEIVED
MAY 20 2020
PLANNING

WETLANDS WERE DELINEATED BY ROTH ENVIRONMENTAL, LLC ON 12-16-2019, AND CONFIRMED BY THE ARMY CORPS. NAO - 2020-0047 ON FEB. 10, 2020.



REFERENCE - IN#90009335, P.C. 2-188C

LEGEND:

- - DENOTES IRON PIN OR PIPE FOUND
- - DENOTES COMPUTED POINT
- ⊠ - DENOTES WATER METER
- ⊗ - DENOTES YARD LIGHT
- ⊞ - DENOTES TELEPHONE PEDASTAL
- ⊞ - DENOTES H.V.A.C. UNIT
- - DENOTES SILT FENCE
- 60.0 - DENOTES EXISTING ELEVATION

OWNER -
TIMOTHY M. POWELL
SUSAN M. POWELL
5005 PEBBLE CREEK COURT
SUFFOLK, VIRGINIA 23434
TEL. NO. 353-8922

THE BUILDER/CONTRACTOR SHALL PROVIDE FOR POSITIVE "B" DRAINAGE OF THE SITE WITHOUT NEGATIVELY IMPACTING ADJACENT PROPERTIES.

THE BUILDER/CONTRACTOR SHALL EXECUTE AN AGREEMENT IN LIEU OF AN EROSION AND SEDIMENT CONTROL PLAN IN CONJUNCTION WITH APPROVAL OF THIS SITE PLAN.

THE BUILDER/ CONTRACTOR SHALL EXECUTE AN AGREEMENT IN LIEU OF A STORMWATER PLAN IN CONJUNCTION WITH APPROVAL OF THIS SITE PLAN.

THE BUILDER/CONTRACTOR SHALL VERIFY GRADES ON SITE PRIOR TO CONSTRUCTION.

CONTRACTOR TO VERIFY DWELLING DIMENSIONS, INCLUDING CHANGES AUTHORIZED BY CONTRACTOR OR OWNERS, AS STAKED BY SURVEYOR ON THE GROUND.
CONTRACTOR TO VERIFY ALL GRADES.

THIS SURVEY HAS BEEN COMPLETED WITHOUT THE BENEFIT OF A TITLE SEARCH. THEREFORE, THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD, LAND TRANSACTIONS AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.

THE PROPERTY SHOWN ON THIS PLAT APPEARS TO BE LOCATED IN ZONE "X/AE" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 510156 0039 E, DATED 08-03-2015.

SITE PLAN
PROPERTY OF

TIMOTHY M. POWELL
SUSAN M. POWELL

LOCATED AT 5005 PEBBLE CREEK COURT
WEST VILLAGE OF HARBORVIEW, LOT 3, SEC. 1 OF POD J
SUFFOLK, VIRGINIA

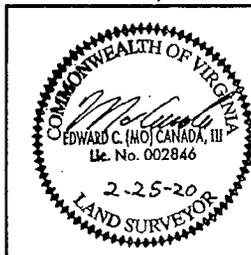
SCALE 1" = 40' 2-17-2020

IMPERMEABLE SURFACE AREA

EXISTING DWELLING	3,719.00 S.F.
EXISTING CONCRETE	+2,733.00 S.F.
EXISTING PAVERS/WALLS	+675.00 S.F.
TOTAL IMPERVIOUS	7,127.00 S.F.
TOTAL AREA	÷ 34,412.40 S.F.
TOTAL PERCENTAGE	20.71%

20.71% OF LOT COVERED BY IMPERVIOUS AREA.

615 S.F. LIMITS OF CLEARING/DISTURBANCE.



1212 S. Church Street Smithfield, VA 23430
PHONE: 757-357-2911

DRAWN BY: ECC JOB# S20-40-N

MITIGATION PLANT LOCATIONS

5005 PEBBLE CREEK COURT
SUFFOLK, VIRGINIA

JUNE 30, 2020

SOURCE: CANADA LAND & MARINE
SURVEY - SITE PLAN

TWO MITIGATION UNITS WILL BE PLANTED TO MITIGATE THE IMPERVIOUS
AREA/AREA OF LAND DISTURBANCE – 2 CANOPY TREES, 4 UNDERSTORY TREES, &
6 SHRUBS

CANOPY TREES WILL BE A MINIMUM OF 1.5" CALIPER OR SIX FEET TALL
UNDERSTORY TREES WILL BE A MINIMUM OF 0.75" CALIPER OR FIVE FEET TALL
SHRUBS WILL BE A MINIMUM OF 3 GALLONS IN SIZE OR 18" TALL

ROTH ENVIRONMENTAL, LLC
700 PRESCOTT CIRCLE
NEWPORT NEWS, VIRGINIA 23602
PHONE (757) 814-1048 • FAX (757) 249-2257

**AREA 0.79 Ac.
ZONED PD**

WETLAND LIMIT

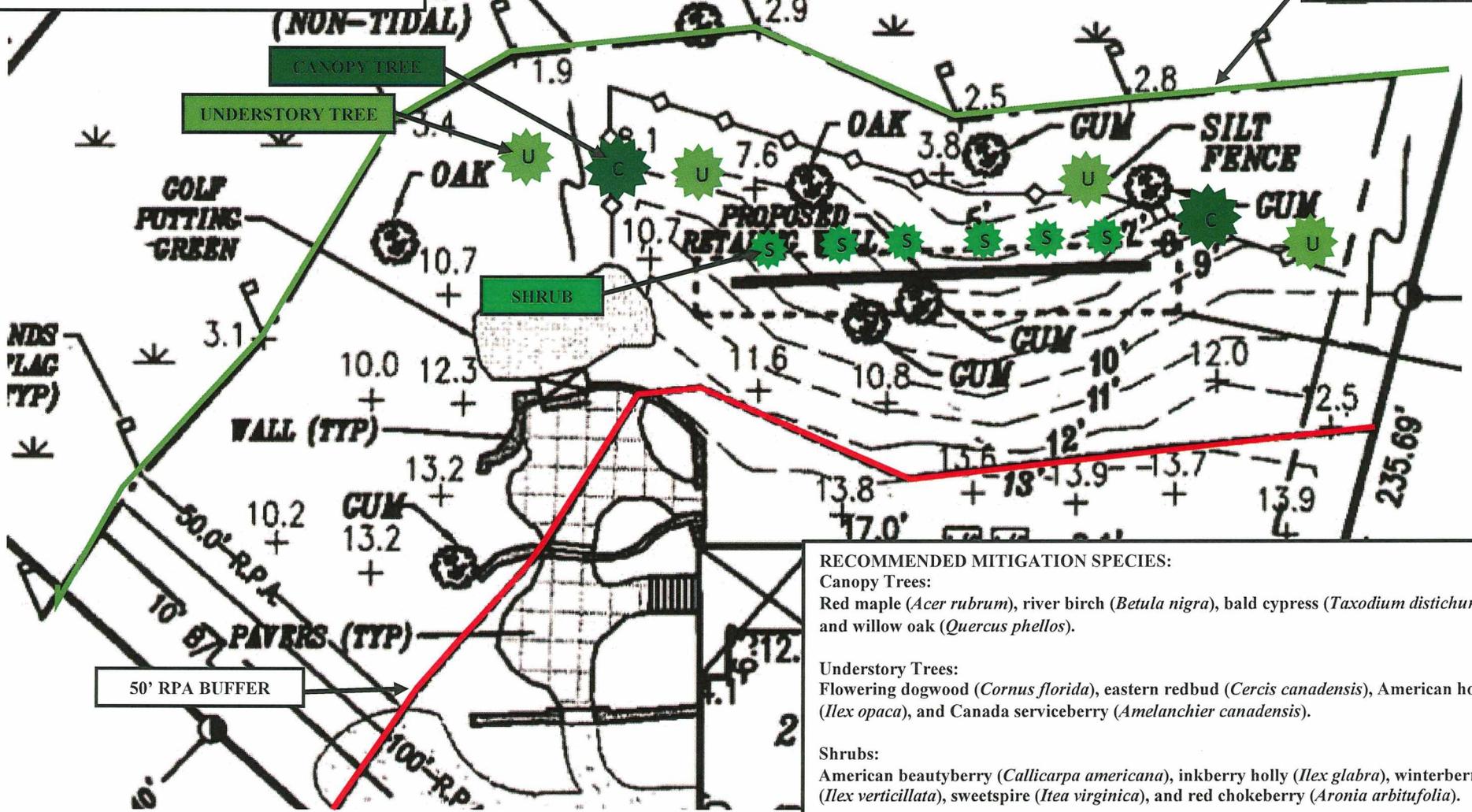


EXHIBIT D

RECOMMENDED MITIGATION SPECIES:

Canopy Trees:
Red maple (*Acer rubrum*), river birch (*Betula nigra*), bald cypress (*Taxodium distichum*), and willow oak (*Quercus phellos*).

Understory Trees:
Flowering dogwood (*Cornus florida*), eastern redbud (*Cercis canadensis*), American holly (*Ilex opaca*), and Canada serviceberry (*Amelanchier canadensis*).

Shrubs:
American beautyberry (*Callicarpa americana*), inkberry holly (*Ilex glabra*), winterberry (*Ilex verticillata*), sweetspire (*Itea virginica*), and red chokeberry (*Aronia arbutifolia*).

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**RESULTS OF THE
CITY COUNCIL
MEETING OF
July 15, 2020**

- Approved
- A. **REZONING REQUEST, RZN2019-010, (Conditional), Harbour View Parcel 11:** to change the zoning from O-I, Office-Institutional zoning district, to RU-12, Residential Urban-12 zoning district, for property located at 6808 Harbour View Boulevard, Zoning Map 6, Parcel 2J*C.
- Approved w/conditions
- B. **CONDITIONAL USE PERMIT REQUEST, CUP2019-016, Commercial Stable, 4200 Lake Point Road:** to grant a Conditional Use Permit to establish a Stable, commercial, on property located at 4200 Lake Point Road, Zoning Map 16, Parcel 24.
- Approved w/modified conditions
- C. **CONDITIONAL USE PERMIT REQUEST, CUP2020-001, 126 W. Washington Street Indoor Amusement Center:** to grant a Conditional Use Permit to establish an Amusement/entertainment/recreation center, indoor, on property located at 126 W. Washington Street, Zoning Map 34G18(A), Parcel 303.
- Approved w/modified conditions
- D. **CONDITIONAL USE PERMIT REQUEST, CUP2020-002, 153 W. Washington Street Indoor Amusement Center:** to grant a Conditional Use Permit to establish an Amusement/entertainment/recreation center, indoor, on property located at 153 W. Washington Street, Zoning Map 34G18(2), Parcel 9*9A.

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