

**SUFFOLK PLANNING COMMISSION  
AGENDA FOR  
SEPTEMBER 15, 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, SEPTEMBER 11, 2020.**

**HOWARD C. BENTON  
CHAIRMAN**

**Suffolk**  
VIRGINIA  
*It's a good time to be in Suffolk*



## AGENDA

### SUFFOLK PLANNING COMMISSION

September 15, 2020

2:00 P.M.

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1. Call to Order
  - A. Invocation
  - B. Roll Call
2. Approval of minutes from previous meeting
3. Family Transfer Subdivision Plat:
  - A. **FAMILY TRANSFER SUBDIVISION PLAT FTR2020-00004**, submitted by Timothy Fallon, applicant, on behalf of Horace Gray Milteer, III, property owner, requesting a family transfer subdivision pursuant to Sections 31-308 and 31-514 of the Unified Development Ordinance. The affected property is identified as Zoning Map 4, Parcel 8A, Chuckatuck Voting Borough, zoned RE, Rural Estate Zoning District. The City's 2035 Comprehensive Plan identifies this property as being located within the Rural Conservation Use District.
4. Public Hearing:
  - A. **CONDITIONAL USE PERMIT REQUEST, CUP2020-014, 6012 Steeplechase Lane:** submitted by Dana Smith Washington, applicant, on behalf of Lamar M. and Dana S. Washington, property owners, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a day care (family day home), 5-12 children, on property located at 6012 Steeplechase Lane, Zoning Map 12H, Parcel 1C\*126. The affected area is further identified as being located in the Sleepy Hole Voting Borough, zoned PD, Planned Development Overlay District. The 2035 Comprehensive Plan designates this area as part of the Northern Growth Area, Inner Ring Suburban Use District.
5. Old Business
6. New Business
  - A. Counsel Comments
  - B. Appointment of FY 2022-2031 Capital Improvements Plan Subcommittee
  - C. Staff Report – Sign Ordinance

**D.** Status Report – City Council Meeting, August 5, 2020 and August 19, 2020

**E.** Status Report - Preliminary Plats Approved

7. Commissioner's Comments

8. Adjournment



## MINUTES

### SUFFOLK PLANNING COMMISSION

July 21, 2020

2:00 P.M.

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The meeting of the Suffolk Planning Commission was held on Tuesday, July 21, 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  
Kevin Wyne, Current Planning Manager  
Alexis Baker, Principal Planner  
Catina Myrick, Administrative Analyst

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

**ELECTION OF OFFICERS:**

Howard Benton was nominated as Chairman. This nomination and election of Howard Benton as Chairman of the Suffolk Planning Commission was passed by a recorded vote of 8 to 0.

Arthur Singleton was nominated for Vice-Chairman. This nomination and election of Arthur Singleton as Vice-Chairman of the Suffolk Planning Commission was passed by a recorded vote of 8 to 0.

Chairman Benton appointed Vice-Chairman Singleton, Commissioner Edwards, Commissioner Rector and Commissioner Staylor to serve on the Committee on Ordinances, with Arthur Singleton serving as Chairman.

#### **APPROVAL OF MINUTES:**

Commissioner Staylor pointed out a correction to the minutes on Page 14, in which the motion should read: After discussion by the Commission, Commissioner Hicks made a motion to approve *CUP2020-004* with the conditions, seconded by Commissioner Creekmore and passed by a recorded vote of 6 to 2. Commissioner Creekmore made a motion to correct the minutes, seconded by Commissioner Singleton. The minutes of the previous meeting were then approved as corrected.

#### **PUBLIC HEARINGS:**

**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.

The first item of business was introduced by the Chairman followed by a staff report by Kevin Wyne, Current Planning Manager. Mr. Wyne stated that this request is to change the zoning from M-2, Heavy Industrial zoning district and B-2, General Commercial zoning district, to RC, Compact Residential zoning district. 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. The conceptual plan showed a single family detached condominium development, which as proffered by the applicant, will not exceed 70 units. The proposal will utilize two existing private points of ingress/egress. One point of access will utilize an existing entrance 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 located to the property's south. It was staff's opinion that the requested district is consistent with the policies of the 2035 Comprehensive Plan. 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. 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 reviewed the submitted TIA and recommended approval of the application. 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 the UDO, 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. In summary, staff found that this rezoning request is generally consistent with the provisions of the 2035 Comprehensive Plan and the UDO. 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 was determined that adequate public facilities are currently available to serve the needs of the development. Accordingly, staff recommended approval of this application.

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

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

After discussion by the Commission, Commissioner Singleton made a motion to approve this application with the proffers, seconded by Commissioner Hicks and passed by a recorded vote of 8 to 0.

**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.

The next item of business was introduced by the Chairman followed by a staff report by Kevin Wyne, Current Planning Manager. Mr. Wyne stated that this request is to amend the previously approved conditions pertaining to the establishment of a daycare and to expand an existing place of worship, large, at least 6,000 square feet in main sanctuary. 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 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 proposed 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 will be Monday through Friday, 6:30 a.m. to 6:00 p.m. and will not change from what is currently approved. Parents picking up and dropping off will utilize the existing 53 on-site parking spaces. There is an existing outdoor play area, which is sufficient to serve no more than 24 children per time in accordance with the UDO. The applicant proposed 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 proposed to expand an existing place of worship. The applicant requested to expand the seating capacity of the sanctuary from 177 seats 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. Plans have demonstrated that minimum parking standards can be met. Traffic Engineering noted that the proposed increase in enrollment to 100 children will not warrant traffic improvements at this time. CrossPointe 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 up to 50 children between 2 ½ years of age and 12 years of age. This license will have to be updated as a proposed condition of this

request. It was 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. Therefore, 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 Pastor David Sexton, CrossPointe Freewill Baptist Church

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

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

**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.

The next item of business was introduced by the Chairman followed by a staff report by Alexis Baker, Principal Planner. Ms. Baker stated that the applicant proposed a

four-story, 112,000 square foot, climate controlled indoor self-storage mini-warehouse as part of a new approximately 133, 835 square foot mixed use commercial building. A concurrent application, CUP2020-012, for a child daycare facility is proposed for the first floor. Three additional facilities are also proposed on the first floor with unknown tenants. The self-storage mini-warehouse will be located on all four (4) floors. The top three (3) floors will be dedicated solely to climate-controlled self-storage. It is estimated that the facility will have 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 onsite manager, who will be available Monday through Friday, 9 am to 6pm and Saturday and Sunday 11 am to 5 pm. Staff found that this application fulfills the criteria of the UDO and 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 Mr. John Babino, on behalf of Burt Cutright. He asked for the Commission's approval of this application.

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 Eberwine and passed by a recorded vote of 8 to 0.

**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.

The next item of business was introduced by the Chairman followed by a staff report by Alexis Baker, Principal Planner. Ms. Baker stated that the applicant proposed a 1-story 10,145 square ft. child daycare within a new mixed-use building. The daycare will also include a minimum of 5,600 square feet of outdoor recreation space, 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 old, with 26 staff members. The hours of operation will be from 6 am to 8 pm each day. The drop off times are anticipated to occur between 7:30 am and 8:30 am. The separation between 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. As part of the conditions of approval, outdoor play will be limited to 8am to 6pm. Additionally, the number of children playing outside will be limited to 74 to coincide with Virginia Code requirements. If food is prepared in the daycare, Suffolk Health Department approval

will be required. The applicant is responsible to ensure compliance with all regulations regarding operation of a child daycare facility as required by the Virginia Department of Social Services. Staff found that this application meets the criteria of the UDO and 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 Mr. John Babino, on behalf of Burt Cutright. He asked for the Commission's approval of this application.

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

After discussion by the Commission, Commissioner Eberwine made a motion to approve this application with the conditions, seconded by Commissioner Singleton and passed by a recorded vote of 8 to 0.

**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.

The next item of business was introduced by the Chairman followed by a staff report by Alexis Baker, Principal Planner. Ms. Baker stated that the applicant proposed a 10-acre borrow pit on a portion of parcel 9\*4 north of Aububon Road. Two reclaimed

mines were previously approved on the parcel. The proposed 10-acre borrow pit will be secured by locked gates. The pit, with the exception of holidays, will operate Monday through Friday from 7am to 5pm and Saturday 7am to 1pm. The pit will generate an estimated 60 trips per day. The maximum number of employees is five (5) with four (4) pit employees and one (1) employee in a trailer onsite. No public water and sewer is available to the property. A previously approved on-site septic tank and well will serve a trailer that includes a construction office and restrooms. Water discharge will be pumped into the adjacent reclaimed pit area and discharged into a natural drain way on the farm leading to Bradley's Mill Pond. The pit will not encroach into blue line streams. However, a 100-foot water quality buffer is proposed on the property along Bradley's Mill Pond. It is anticipated that the borrow pit will have no more impact than previous borrow pits approved for the site. The pit will have a life of approximately 5 years. As a condition of approval, the applicant will utilize a haul route from Audubon Road south to Everett's Road and east to Godwin Boulevard. Additionally, a standard VDOT commercial entrance will be reviewed and approved by Traffic Engineering. A \$5,000 surety will be maintained by Public Works to ensure that Audubon Road is properly maintained against damage from dump trucks. Additionally, a bond or letter of credit will be required for the land disturbed as determined by the Planning Department. Once the borrow pit is closed, the applicant

must restore the borrow pit within 18 months as outlined in the requirements in the Code of the City of Suffolk. Staff found that this application fulfills the criteria of the UDO and the Code of the City of Suffolk and 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 Brian Layne, 7021 Harbourview Blvd., Suffolk, VA.

Speaking in opposition was Mr. Bernard Brown, Jr. – he expressed his concerns about the traffic in the area and inquired as to what safety measures was going to be put in place. Also, wanted to know if they will be using the existing entrance and what was the future plans for the property that Audubon splits.

Mr. Layne advised that they will be using the existing entrance for the pit and the house will remain as is.

Mr. Henry Morgan advised that their drivers attend safety meetings and they try their best to keep the drivers updated on the local roadways that may affect their driving.

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

After discussion by the Commission, Commissioner Staylor made a motion to approve this application with the conditions, seconded by Commissioner Creekmore and passed by a recorded vote of 8 to 0.

**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.

The next item of business was introduced by the Chairman followed by a staff report by Grace Braziel, Planner I. Ms. Braziel stated that the applicant requested an exception from the regulations of the CBPA 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 occurring. 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 proposed location of the retaining wall encroaches into the 50-foot buffer and is to be installed where there is currently a grass yard. The applicant is not proposing to clear any portion of the buffer that is vegetated near the wetlands. The total proposed impervious area within the RPA buffer for this request is 60 square feet and the total land disturbance that is associated with the installation of the retaining wall is 615

square feet. The 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, toward the house. The applicant stated as part of their narrative and Water Quality Impact Assessment 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. 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. 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. The applicant provided a buffer mitigation plan to provide vegetation to mitigate 615 square feet of total land disturbance within the 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. 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. 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. Overall, staff found that the applicants request for the encroachment of a retaining wall within the 100-foot RPA Buffer to be consistent with the intent and purpose of the Chesapeake Bay Overlay District. The applicant provided a Mitigation Planting Plan consistent with buffer landscaping requirements outlined in the CBLAD Riparian Buffer Manual. In that regard, 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 Matthew Roth, President of Roth Environmental.

Also, speaking in favor of this application was Timothy Powell, property owner. He asked for the Commission's approval of this application.

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 July 15<sup>th</sup> City Council meeting.

**OTHER BUSINESS:**

Commissioner Staylor asked for an updated copy of the Residential Pipeline Report.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned.



PLANNING COMMISSION  
MEETING

July 21, 2020

MT: Singleton

2<sup>ND</sup>: Hicks

TO: Approve  
w/proffers

MT: Hicks

2<sup>ND</sup>: Rector

TO: Approve  
w/conditions

MT: Edwards

2<sup>ND</sup>: Eberwine

TO: Approve  
w/conditions

MT: Eberwine

2<sup>ND</sup>: Singleton

TO: Approve  
w/conditions

			VOTE: 8-0		VOTE: 8-0		VOTE: 8-0		VOTE: 8-0	
			RZN2019-008		CUP2020-003		CUP2020-011		CUP2020-012	
	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 21, 2020

MT: Staylor  
2<sup>ND</sup>: Creekmore  
TO: Approve  
w/conditions

MT: Edwards  
2<sup>ND</sup>: Hicks  
TO: Approve  
w/conditions

MT:  
2<sup>ND</sup>:  
TO:

MT:  
2<sup>ND</sup>:  
TO:

			VOTE: 8-0		VOTE: 8-0		VOTE:		VOTE:	
			CUP2020-013		CEX2020-003					
	PRESENT	ABSENT	YES	NO	YES	NO	YES	NO	YES	NO
Benton, Howard C.	X		X		X					
Creekmore, Oliver	X		X		X					
Eberwine, Kittrell	X		X		X					
Edwards, Johnnie	X		X		X					
Hicks, Anita	X		X		X					
Rector, John	X		X		X					
Singleton, Arthur	X		X		X					
Staylor, Mills	X		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*

September 15, 2020

Suffolk Planning Commission  
City of Suffolk, Virginia

Dear Commissioners:

Attached for your consideration is information pertaining to Family Transfer Subdivision Plat FTR2020-00004, submitted by Timothy Fallon, applicant, on behalf of Horace Gray Milteer, III, property owner, requesting a family transfer subdivision pursuant to Sections 31-308 and 31-514 of the Unified Development Ordinance. The affected property is identified as Zoning Map 4, Parcel 8A, Chuckatuck Voting Borough, zoned RE, Rural Estate Zoning District. The City's 2035 Comprehensive Plan identifies this property as being located within the Rural Conservation Use District.

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

Respectfully submitted,

David Hainley  
Director of Planning and Community Development

/bac

Attachments

# STAFF REPORT

## DESCRIPTION

**FAMILY TRANSFER SUBDIVISION PLAT FTR2020-0004:** Family Transfer Subdivision Plat, requesting a family transfer subdivision to create one (1) new parcel pursuant to Sections 31-308 and 31-514 of the Unified Development Ordinance.

**APPLICANT:** Timothy Fallon, Tim Fallon Land Surveying, P.C., applicant, on behalf of Horace Gray Milteer III, property owner.

**LOCATION:** The subject property is located on the northern side of Sawmill Point Road and is further identified as Zoning Map 4, Parcel 8A.

**PRESENT ZONING:** The property is currently zoned RE, Rural Estate zoning district.

**EXISTING LAND USE:** The property consists of fields, wooded areas, and agricultural buildings and it measures 6.009 acres in size. There is currently a single family dwelling on the property.

**PROPOSED LAND USE:** This Family Transfer subdivision is a proposal to create one (1) new lot comprised of 3.00 acres for Mr. Milteer's wife, Holly Lee Milteer. Mr. Milteer would retain 3.009 acres as the residue parcel.

### **SURROUNDING LAND USES:**

North: Chuckatuck Creek

East: Single-family dwellings, fields and forested land zoned Rural Estate.

West: Single-family dwellings, fields and forested land zoned Rural Estate.

South: open fields and forested land zoned Rural Estate.

**COMPREHENSIVE PLAN:** The City's 2035 Comprehensive Plan identifies this property as being located within the Rural Conservation Use District.

**CHESAPEAKE BAY PRESERVATION AREA DESIGNATION:** This property is located within the Chesapeake Bay Preservation Area Overlay District and is designated as a Resource Management Area (RMA) and Resource Protection Area (RPA).

**CASE HISTORY:** Horace Gray Milteer purchased the subject property in 1989 from Horace Gray Milteer and Esther F. Milteer (Deed Book 258, Page 720). Holly Lee Milteer, Mr. Milteer's wife, has not previously received a family transfer parcel; therefore, she is eligible to receive the request family transfer parcel. A copy of this staff report was sent to the applicant on September 11, 2020.

## STAFF ANALYSIS

### ISSUE

Mr. Horace Gray Milteer III owns a parcel of land on Sawmill Point Road comprised of 6.009 acres from which he proposes to subdivide a 3.00-acre parcel to his wife, Holly Lee Milteer, pursuant to Sections 31-308 and 31-514 of the Unified Development Ordinance (UDO). Mr. Milteer would retain 3.009 acres as his residue parcel.

### CONSIDERATIONS AND CONCLUSIONS

1. Pursuant to the provisions of Section 31-514(a) of the Unified Development Ordinance (UDO), it is the purpose and intent of a Family Transfer Subdivision to keep the family estate within the immediate family and not for the purpose of short term investment for sale after division to those outside of the immediate family. It is the further intent to provide family members the ability to remain in close proximity as housing needs change, to provide mutual opportunities for support and care of family members, and to allow the preservation of family land holdings which might otherwise be fragmented for economic reasons.
2. Lot dimensions and building setback lines for the proposed new lots are consistent with the RE, Rural Estate zoning district, as set forth in Table 407-1 of the UDO. The proposed parcel consists of the existing single family dwelling and cannot be further developed; therefore, a 50-foot strip of land has been provided for access to Sawmill Point Road. The remaining portion of the parent parcel shall remain in agricultural use and does not include a single family residence at present.
3. Pursuant to the provisions of Section 31-514(a) of the UDO and Virginia Code Section 15.2-2244 (A), the property owner requests a subdivision of property for the purpose of a gift to a member of the immediate family. Holly Lee Milteer, Mr. Milteer's wife, has not previously received a family transfer parcel; therefore, she is eligible to receive the request family transfer parcel.
4. The plat is accompanied by a Deed of Gift conveying fee simple title in the proposed parcel of land with a restrictive covenant that prohibits the transfer of the property within ten (10) years of its receipt except in conformity with Sections 31-514(b)(3)(A) and (B) of the UDO. The deed shall be executed and recorded simultaneously with the plat.
5. Pursuant to Section 31-514(b)(2) of the UDO, the property owner requesting the family transfer subdivision shall have held fee simple title to the subject property for a minimum of three (3) years prior to the filing of an application unless the owner(s) thereof has established his or her primary domicile on such lot or parcel to be divided. The three (3) year prior holding period shall not apply to property obtained by inheritance from an immediate family member as defined in Section 15.2-2244 of the Code of Virginia so long as the property inherited was held by a qualified immediate family member for at least three (3) years. Mr. Milteer has owned the subject property since 1989 (Deed Book 258, Page 720).

for whom the subdivision is made for a period of not less than 10 years except that the Grantee may hold title with their spouse during such period.

7. Pursuant to Sections 31-514(b)(5) and (6) of the UDO, the Grantor(s) and the Grantee(s) executed a Family Transfer Subdivision Sworn Affidavit acknowledging that the transfer of property is not for the purpose of circumventing any section or sections of the UDO, but is instead intended to provide separate places of residence for the Grantee(s) exclusive of the residence of the Grantor(s), and is intended to keep the family estate within the immediate family.

In the event the Director determines that a family transfer subdivision has been used to circumvent the Subdivision Ordinance, the Director shall initiate the vacation of all or part of the plat of the original lot or parcel to the extent necessary to correct the violation.

8. Pursuant to Section 31-514(b)(9) of the UDO, each lot or parcel created by the family transfer subdivision shall front on a right-of-way not less than fifty (50) feet in width providing ingress and egress to the new parcel(s). The proposed new parcel has a 50-foot strip of land access to the proposed parcel from Sawmill Point Road. As the proposed parcel cannot be further developed the 50-foot strip of land is considered sufficient road frontage for the proposed parcel.
9. Pursuant to Sections 31-514(b)(10) and (12) of the UDO, the Health Department has no objection to the creation of the proposed parcel as the existing septic system will be located on the proposed parcel along with the existing dwelling.

### **RECOMMENDATION**

Staff finds that this request meets the criteria for a family transfer subdivision, and the proposed parcel meets all zoning requirements as set forth in the Unified Development Ordinance. Therefore, staff recommends **approval** of the applicant's family transfer subdivision request, FTR2020-00004, as stated in the attached resolution.

#### Attachments

- General Location Map
- Zoning/Land Use Map
- Family Transfer Affidavit
- Deed of Gift
- Health Department Letter
- Resolution
- Exhibit A – Family Transfer Subdivision Plat



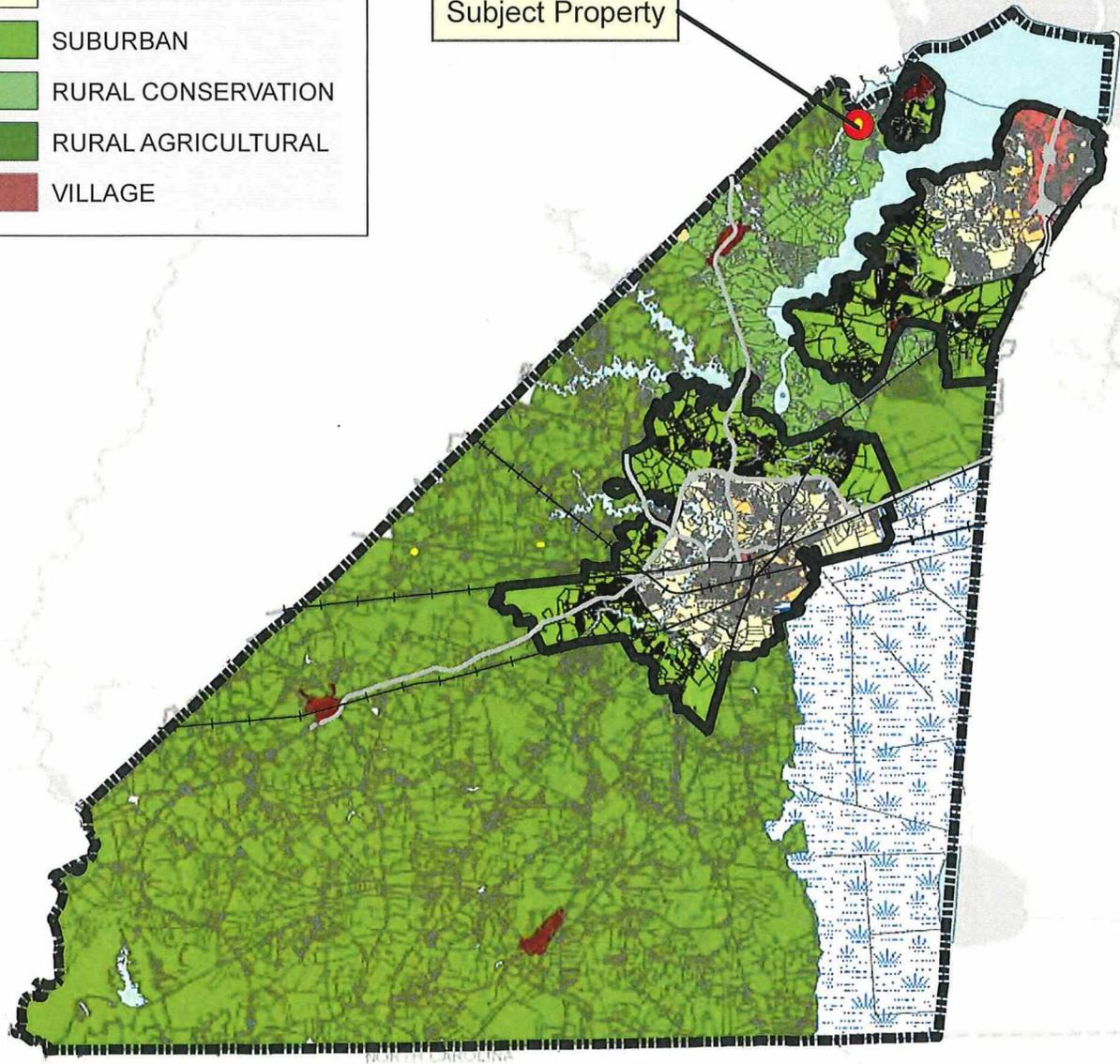
# GENERAL LOCATION MAP

## FTR2020-0004

### Legend

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

Subject Property

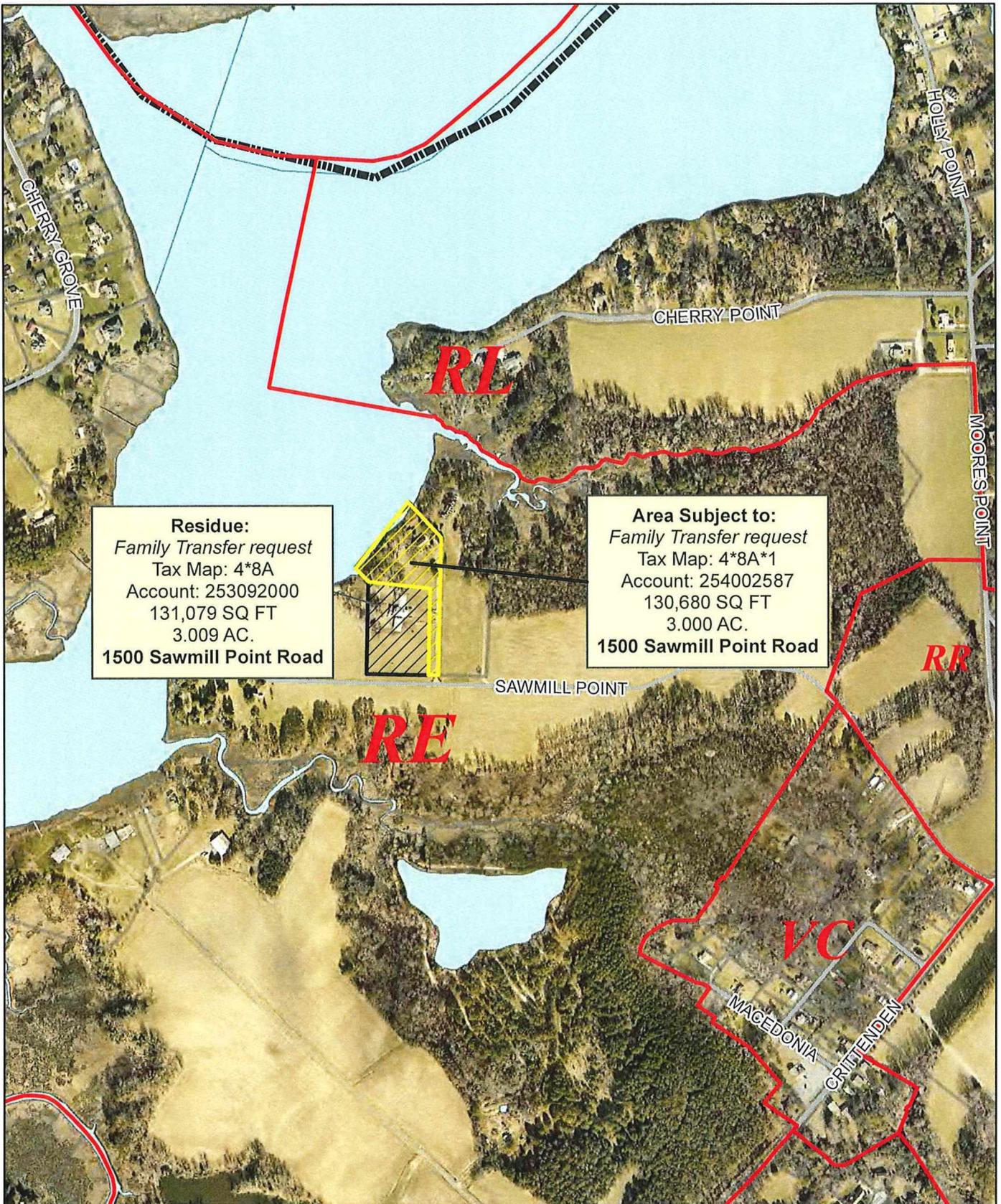


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



# ZONING / LAND USE MAP

## FTR2020-0004





## FAMILY TRANSFER SUBDIVISION AFFIDAVIT

I, **Horace Gray Milteer, III**, am the owner of a parcel of land identified on the tax records of the City of Suffolk as **Tax Map 4, Parcel No. 8A**, acquired by deed, record evidence of which appears as City of Suffolk, Deed Book 258, Page 720, recorded August 18, 1989, and do hereby request the division of this parcel under the provisions of Section 31-514 of the Unified Development Ordinance, as shown on a plat prepared by Timothy Fallon of Tim Fallon Land Surveying, PLLC, revised August 3, 2020, a copy of which is attached.

I, **Horace Gray Milteer, III**, (Grantor), and **Holly Lee Milteer** (Grantee) having been first duly sworn, upon oath do hereby certify that this division of land is made for the purpose of keeping the family estate within the immediate family, in conformance with Section 15.2-2244(C) of the Code of Virginia and Section 31-514 of the City of Suffolk Unified Development Ordinance, and is not for the purpose of short-term investment or for sale after division to those outside of the immediate family.

We further certify that this division is not for the purpose of circumventing any section or sections of the Unified Development Ordinance, but is instead intended to provide a separate place of residence for the Grantee exclusive of the residence of the Grantor within the boundary of the original parcel.

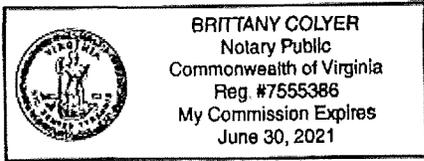
**Holly Lee Milteer** is the natural or legally defined **spouse** of the Grantor and with **Horace Gray Milteer, III** as the current property owner of record. Further, no other conveyance has previously been made to the Grantee through a family transfer conveyance under the said Section 15.2-2244(C) nor the said Section 31-514 nor under the former Virginia Code Sections 15.1-466(G), 15.1-466(a)(12) or (13) nor any predecessor section of the Virginia Code or the City of Suffolk Unified Development Ordinance.

We understand that the Grantee has a minimum holding period of ten (10) years for this lot before it can be transferred by gift or sale to another person and that the City of Suffolk will not grant building permits for development of such parcels conveyed except to the original Grantee for that same period.

The attached deed from the Grantor to the Grantee submitted to the City of Suffolk for a Family Transfer Subdivision under the name **Family Transfer of Property of Horace Gray Milteer III being Parcel I As Shown In (M.B. 7, Pg. 98), Suffolk, Virginia**, is a true and accurate copy of the instrument that will be duly executed and recorded at our expense by the City upon the approval of the plat by the City of Suffolk.

We understand that if the City determines that the purpose of the division was to circumvent the Subdivision Ordinance, the City may pursue all such administrative, civil, and criminal remedies available at law.

We certify that the statements made are true and sign our names under the PENALTY OF PERJURY this 31<sup>st</sup> day of August, 2020.



H.G. Milteer III 8/31/20  
(Grantor)

Holly L. Milteer 8/31/20  
(Grantee)

Commonwealth of Virginia  
City of Suffolk

The foregoing document was subscribed and sworn to (or affirmed) before me this 31<sup>st</sup> day of August, 2020, by Holly Lee Milteer.

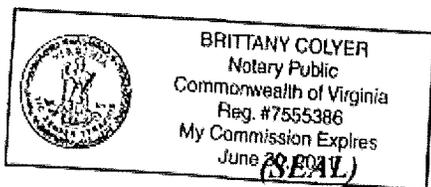
[Signature]  
Signature of Notary

(SEAL)

Planning Technician  
Title

Commonwealth of Virginia  
City of Suffolk

The foregoing document was subscribed and sworn to (or affirmed) before me this 31<sup>st</sup> day of August, 2020, by Horace Gray Milteer, III



[Signature]  
Signature of Notary

(SEAL)

Planning Technician  
Title

Commonwealth of Virginia  
City of Suffolk

The foregoing document was subscribed and sworn to (or affirmed) before me this \_\_\_ day of \_\_\_\_\_, 2020, by \_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary

(SEAL)

\_\_\_\_\_  
Title

HORACE GRAY MILTEER, III

TO

DEED OF GIFT  
TAX EXEMPT 58.1-811(D)

HOLLY LEE MILTEER

THIS DEED, made this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between HORACE GRAY MILTEER, hereinafter referred to as the Grantor, and HOLLY LEE MILTEER, hereinafter referred to as the Grantee, whose mailing address is 1500 Sawmill Point Road, Suffolk, Virginia, 23436.

That in consideration of the natural love and affection which the parties have for one another, the receipt of which is hereby acknowledged, the Grantor hereby grants and conveys with General Warranty and English Covenants of Title unto the Grantee, in fee simple, the following described property, to-wit:

PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION  
UNDERWRITTEN BY: N/A  
PREPARED BY AND RETURN TO: James W. Backus VSB No. 14990  
MAP & PARCEL NO. 4\*8A\*1

All that certain lot, piece or parcel of land, situate in the Chuckatuck Magisterial District, in the City of Suffolk, Virginia, and known, numbered and designated as Tax Parcel 4\*8A\*1 on that certain plat entitled "Family transfer of Property of Horace Gray Milteer, III being Parcel 1 as shown in (M.B. 7 pg. 96) Suffolk, Virginia", dated August 3, 2020, made by Tim Fallon Surveying PLLC, duly recorded in the Clerk's Office of the Circuit Court of the City of Suffolk, Virginia, as Instrument Number \_\_\_\_\_, and further described on said plat as 3.000 Acres.

Together with the non-exclusive rights, with others having equal rights to use and enjoy the strip of land shown on the plat entitled "Subdivision of Property of Horace Gray Milteer, Suffolk, Virginia" recorded in Plat Book 7 page 98 and shown thereon as "50' Easement Ingress & Egress 3.25 ac." as a means of ingress and egress between the Parcel herein conveyed and Sawmill Point Road for all lawful purposes, including without limitation, vehicular access, and as a right-of-way for installation, maintenance, repair and replacement of utility service lines, poles and pipes.

The 50' easement shall provide at a minimum an all-weather surface of rock, stone, or gravel with a minimum depth of three (3) inches and a minimum width of ten (10) feet.

It being a part of the same property conveyed to Horace Gray Milteer, III, by deed of Horace Gray Milteer and Esther F. Milteer, his wife, dated September 16, 1983 and recorded in the Clerk's Office of the Circuit Court of the City of Suffolk, Virginia, in Deed Book 118 at page 849 and subsequently corrected by Deed of Correction dated August 17, 1989 and recorded in the aforesaid Clerk's Office in Deed Book 258 at page 720.

This deed is made, however, subject to the conditions, restrictions, and easements, if any, of record in the chain of title insofar as the same may now be applicable; it being the intention of this deed not to reimpose said restrictions.

The lot created by this Family Transfer Plat shall be

titled in the name of the immediate family member for whom the subdivision is made for a period of no less than ten (10) years unless such lot is subject to involuntary transfer such as by Foreclosure, Death, Judicial Sale, Condemnation or Bankruptcy. Any structures erected or placed on this property conveyed by this Family Transfer Subdivision shall have the Grantee residing in said structure and shall not be leased or rented to any other individual within ten (10) years from the conveyance of the parcel by this Family Transfer Subdivision plat.

The Grantor covenants that he has the right to convey said lands to the Grantee; that he has done no act to encumber said lands; that the Grantee shall have quiet possession of said lands free from all encumbrances; and that he will execute such further assurances of said lands as may be requisite.

WITNESS the following signature:

\_\_\_\_\_  
HORACE GRAY MILTEER, III

STATE OF VIRGINIA

CITY OF \_\_\_\_\_, to-wit:

I, the undersigned, Notary Public in and for the City and State aforesaid, do hereby certify that HORACE GRAY MILTEER, whose name is signed to the foregoing Deed, bearing date on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, has acknowledged the same before me in my City and State aforesaid.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public



COMMONWEALTH OF VIRGINIA  
WESTERN TIDEWATER ENVIRONMENTAL HEALTH DISTRICT  
**SUFFOLK HEALTH DEPARTMENT**

135 Hall Avenue, Suite A  
SUFFOLK, VIRGINIA 23434  
757-514-4751

June 22, 2020

Brittany Colyer, Planner Technician  
City of Suffolk, Planning Department  
P.O. Box 1858  
Suffolk, VA 23439-1858

**RE: Transmittal of Plan for Review**

**Project Name: Milteer Family Transfer Project Type: Family Transfer**  
**Tax Map/Parcel: 4\*8A Planning File Number: FTR2020-00004**

Dear Ms. Colyer:

This Office is in receipt of the family transfer plat for review and comments pertaining to the creation of a Parcel 1, residual, 3.009 acre parcel. The plat included for review shows the addition of a new property line. The proposed property line would create two parcels, a 3.000 acre parcel with an existing, single-family dwelling and the residual parcel, "parcel 1" consisting of 3.009 acres with outbuildings located on the property.

The Department conducted a records search to locate any information concerning either existing and/or proposed or abandoned septic systems and/or wells on the properties in question. Records were located for the existing residence identified as 1500 Sawmill Point Road and for an existing (unapproved) well located on the residual parcel. The existing septic system appears to be contained on the residential property and the well on the residual parcel with the existing outbuildings. This well is documented as the well currently serving 1500 Sawmill Point. These records are included for your use. These are not shown on the plat submitted.

Based on the information provided, the Health Department has no objection to creation of a new property line and family transfer. If the owner, Mr. Milteer, has questions regarding the incomplete well records, please feel free to direct him to me.

If you have any additional questions, please feel free to contact me at the Suffolk Health Department, 514-4759.

Sincerely,

A handwritten signature in blue ink that reads "Carey G. Horne".

Carey G. Horne  
Environmental Health Specialist, Sr.

CITY OF SUFFOLK PLANNING COMMISSION

A RESOLUTION APPROVING A FAMILY TRANSFER SUBDIVISION  
ON PROPERTY LOCATED ON SAWMILL POINT ROAD, ZONING MAP 4,  
PARCEL 8A; FTR2020-00004

**WHEREAS**, Horace Gray Milteer, property owner, has submitted an application for a Family Transfer Subdivision for review pursuant to the provisions of Section 31-514 of the Unified Development Ordinance (UDO) of the City of Suffolk, which plat is attached hereto as Exhibit "A" and incorporated herein and hereafter referred to as the Plat; and

**WHEREAS**, this specific request is to grant permission under Section 31-514 of the Unified Development Ordinance for a transfer of property to an immediate family member to hold title to the subject property for a period of not less than 10 years from the date of recording of the Plat;

**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 this Family Transfer Subdivision will be for the purpose of providing separate places of residence to an immediate family member over the age of eighteen (18) years old for a period of ten (10) years;
- (2) This Family Transfer Subdivision is not created to circumvent the subdivision ordinance;
- (3) Lot dimensions and building setbacks for the lot(s) created by this Family Transfer Subdivision will be consistent with the Rural Estate zoning district as set forth in Table 407-1 of the City of Suffolk UDO.
- (4) The proposed parcel(s) have received Health Department approval as illustrated on the plat.

- (5) The Sworn Family Transfer Subdivision Affidavit has been executed by the Grantor(s) and the Grantee(s). The Deeds of Gift for this Family Transfer shall be executed and recorded simultaneously with the plat.

READ AND ADOPTED: \_\_\_\_\_

TESTE: \_\_\_\_\_

# EXHIBIT A

THIS SUBDIVISION OF PROPERTY, AS IT APPEARS ON THIS PLAT, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S).

## HORACE GRAY MILTEER III

I HEREBY CERTIFY THAT THIS SUBDIVISION WAS MADE BY ME AT THE DIRECTION OF THE OWNERS AND THAT THE RESUBDIVISION IS ENTIRELY WITHIN THE BOUNDARIES OF LAND OWNED BY THEM AND THAT STEEL PINS, AS SHOWN ON THIS PLAT BY SMALL CIRCLES, HAVE ACTUALLY BEEN PLACED AND THEIR LOCATIONS CORRECTLY SHOWN AND THAT THE PLAT DETAILS MEET THE STANDARDS FOR PLATS AS ADOPTED UNDER VC 42.1-82 OF THE VIRGINIA PUBLIC RECORDS ACT (42.1-76 ET. SEQ.)

DATE \_\_\_\_\_ OWNER CONTACT INFORMATION  
HORACE GRAY MILTEER III  
1500 SAWMILL POINT ROAD, SUFFOLK, VA. 23434  
PHONE: 757-871-2791

STATE OF VIRGINIA  
CITY OF \_\_\_\_\_ TO WIT:

I, \_\_\_\_\_ A NOTARY PUBLIC IN THE CITY AND STATE AFORESAID DO HEREBY CERTIFY THAT THE PERSON WHOSE NAME IS SIGNED TO THE ABOVE WRITING BEARING DATE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ HAS ACKNOWLEDGED BEFORE ME IN MY CITY AND STATE AFORESAID.

GIVEN UNTO MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

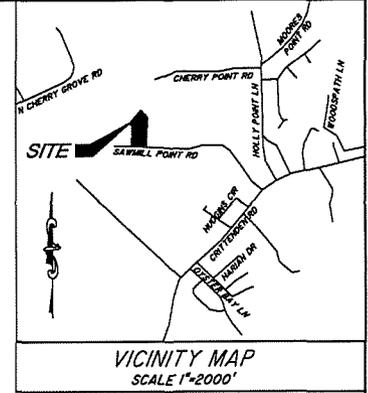
NOTARY PUBLIC \_\_\_\_\_ REGISTRATION NO. \_\_\_\_\_

STACI NICOLE HICKS  
NOTARY PUBLIC  
REG #7844655  
COMMONWEALTH OF VIRGINIA

TIMOTHY M. FALLON L.S. #6639 \_\_\_\_\_ DATE \_\_\_\_\_

THE UNDERSIGNED CERTIFY THAT THIS SUBDIVISION, AS IT APPEARS ON THIS PLAT, CONFORMS TO THE APPLICABLE REGULATIONS RELATING TO THE SUBDIVISION OF LAND AND IS ACCORDINGLY APPROVED, BY SUCH APPROVAL, THE UNDERSIGNED DOES NOT CERTIFY AS TO THE CORRECTNESS OF THE STREET, BOUNDARIES, OR OTHER LINES AS SHOWN ON THIS PLAT.

DATE \_\_\_\_\_ AGENT: CITY OF SUFFOLK



### GENERAL NOTES

- SMALL SQUARES "x" DENOTE IRON PIN IN CONCRETE MONUMENT.
- SMALL CIRCLES "o" DENOTE IRON PIN MARKERS.
- THIS PROPERTY IS NOT SERVICED BY CITY WATER, IS NOT SERVICED BY CITY SEWER
- THERE SHALL BE A FIVE FOOT (5') EASEMENT ALONG ALL REAR AND SIDE PROPERTY LINES FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES.
- THE PROPERTY ENCOMPASSED BY THIS RESUBDIVISION APPEARS TO LIE IN FLOOD ZONES 'X' AND ZONE 'AE' (ELEV 10') AS SCALED FROM FLOOD INSURANCE RATE MAP COMMUNITY PANELS 510156 0019 E EFFECTIVE 08/03/2015.
- THIS PROPERTY IS ZONED RE (REGULATIONS).  
MINIMUM FRONT SETBACK = 45'  
MINIMUM SIDE SETBACK = 20'  
MINIMUM REAR SETBACK = 30'
- COORDINATES AND REFERENCE BEARING REFER TO THE VIRGINIA STATE PLANE COORDINATE SYSTEM, NAD 1983 SOUTH ZONE (1994 HARN ADJUSTMENT) DATUM AND WERE ESTABLISHED FROM THE CITY OF SUFFOLK 1997 GEODETIC CONTROL NETWORK MONUMENT 502L.
- TOTAL AREA OF RESUBDIVISION, ENTIRE PARCEL = 6.009 ACRES OR 261,759 SQ. FT. PARCEL 1-A AREA = 3.009 ACRES OR 131,079 SQ. FT. PARCEL 1 (RESIDUAL PARCEL) AREA = 3.000 ACRES OR 130,680 SQ. FT. SQ. FT.
- WHERE SEPTIC TANKS ARE TO BE INSTALLED, THERE MUST BE AN APPROVAL ON AN INDIVIDUAL LOT BASIS BY THE LOCAL HEALTH DEPARTMENT AT THE TIME AN APPLICATION IS MADE FOR A SEPTIC TANK PERMIT. APPROVAL OF THIS PLAT BY THE CITY DOES NOT ASSURE THAT THE INDIVIDUAL PARCELS ARE SUITABLE FOR SEPTIC SYSTEMS.
- THIS PROPERTY IS LOCATED WITHIN THE CHESAPEAKE BAP PRESERVATION AREA AND IS DESIGNATED AS A RESOURCE MANAGEMENT AREA (RMA) AND A RESOURCE PROTECTION AREA (RPA)".
- THE LOTS CREATED BY THIS FAMILY TRANSFER PLAT SHALL BE TITLED IN THE NAME OF THE IMMEDIATE FAMILY MEMBER FOR WHOM THE SUBDIVISION IS MADE FOR A PERIOD OF NO LESS THAN TEN (10) YEARS, UNLESS SUCH LOTS ARE SUBJECT TO INVOLUNTARY TRANSFER SUCH AS BY FORECLOSURE, DEATH, JUDICIAL SALE, CONDEMNATION, OR BANKRUPTCY.
- ALL LAND DISTURBANCE, USES, DEVELOPMENT AND REDEVELOPMENT IN THE CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT ARE REQUIRED TO RETAIN AN UNDISTURBED VEGETATED 100-FOOT BUFFER AREA AROUND RPA FEATURES, SUCH AS WETLANDS, SHORELINES, AND ALONG WATERBODIES WITH PERENNIAL FLOW
- ON-SITE SEWAGE TREATMENT SYSTEMS SHALL BE PUMPED OUT AT LEAST ONCE EVERY FIVE YEARS, SUBJECT TO THE PROVISIONS IN SECTION 31-4L 5(C)(6) OF THE UNIFIED DEVELOPMENT ORDINANCE.
- FOR NEW CONSTRUCTION ANY ON-SITE SEWAGE TREATMENT NOT REQUIRING A VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT SHALL HAVE A 100X RESERVE SEWAGE DISPOSAL AREA. BUILDING CONSTRUCTION OF A PERMANENT NATURE IS PROHIBITED WITHIN THE RESERVE SEWAGE TREATMENT SITE.
- HORACE GRAY MILTEER, III (HUSBAND) HEREBY CERTIFY THAT TAX PARCEL 4\*8A\*1 IS FOR THE PURPOSE OF SALE OR GIFT TO HOLLY LEE MILTEER (WIFE) WHO IS A MEMBER OF MY IMMEDIATE FAMILY AS DEFINED IN SECTION 15.2-2244 OF THE CODE OF VIRGINIA.
- ANY NEW CONSTRUCTION OR ADDITION TO A NEWLY CREATED PARCEL WITHIN THE RESOURCE PROTECTION AREA BUFFER WILL REQUIRE AN APPLICATION TO BE SUBMITTED FOR REVIEW AND APPROVAL BY THE CITY OF SUFFOLK PLANNING COMMISSION AND CITY COUNCIL.
- TWO CONTROL STATIONS FOR GEOREFERENCING BY THE GIS DEPARTMENT ARE STATION #102 & STATION #104

### AREA TABULATIONS

LOT #	ACCOUNT #	TOTAL AREA	CRITICAL AREA 100-YEAR FLOODPLAIN & RPA
RESIDUE PARCEL 4*8A	253092000	261,759 SQ. FT. 6.009 ACRES	54,344 SQ. FT. 1.247 ACRES
REMAINDER OF RESIDUE PARCEL 4*8A	253092000	131,079 SQ. FT. 3.009 ACRES	13,176 SQ. FT. 0.302 ACRES
PARCEL 1-A 4*8A*1	254002587	130,680 SQ. FT. 3.000 ACRES	41,168 SQ. FT. 0.945 ACRES

### SOURCE OF TITLE AND LAST PLACE OF RECORD :

D.B. 258, PG 720  
FROM HORACE GRAY MILTEER, JR &  
ESTER F. MILTEER TO HORACE GRAY MILTEER, III  
DATE OF CONVEYANCE: AUGUST 17, 1989

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF SUFFOLK, VIRGINIA ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ THIS PLAT WAS RECEIVED AND ADMITTED TO RECORD IN PLAT CABINET \_\_\_\_\_ AT SLIDE \_\_\_\_\_ AT \_\_\_\_\_ TESTEE \_\_\_\_\_ CLERK \_\_\_\_\_ D.C.



TM FALLON LAND SURVEYING, PLLC  
15314 CARROLLTON BOULEVARD  
P.O. BOX 189  
CARROLLTON, VIRGINIA, 23314

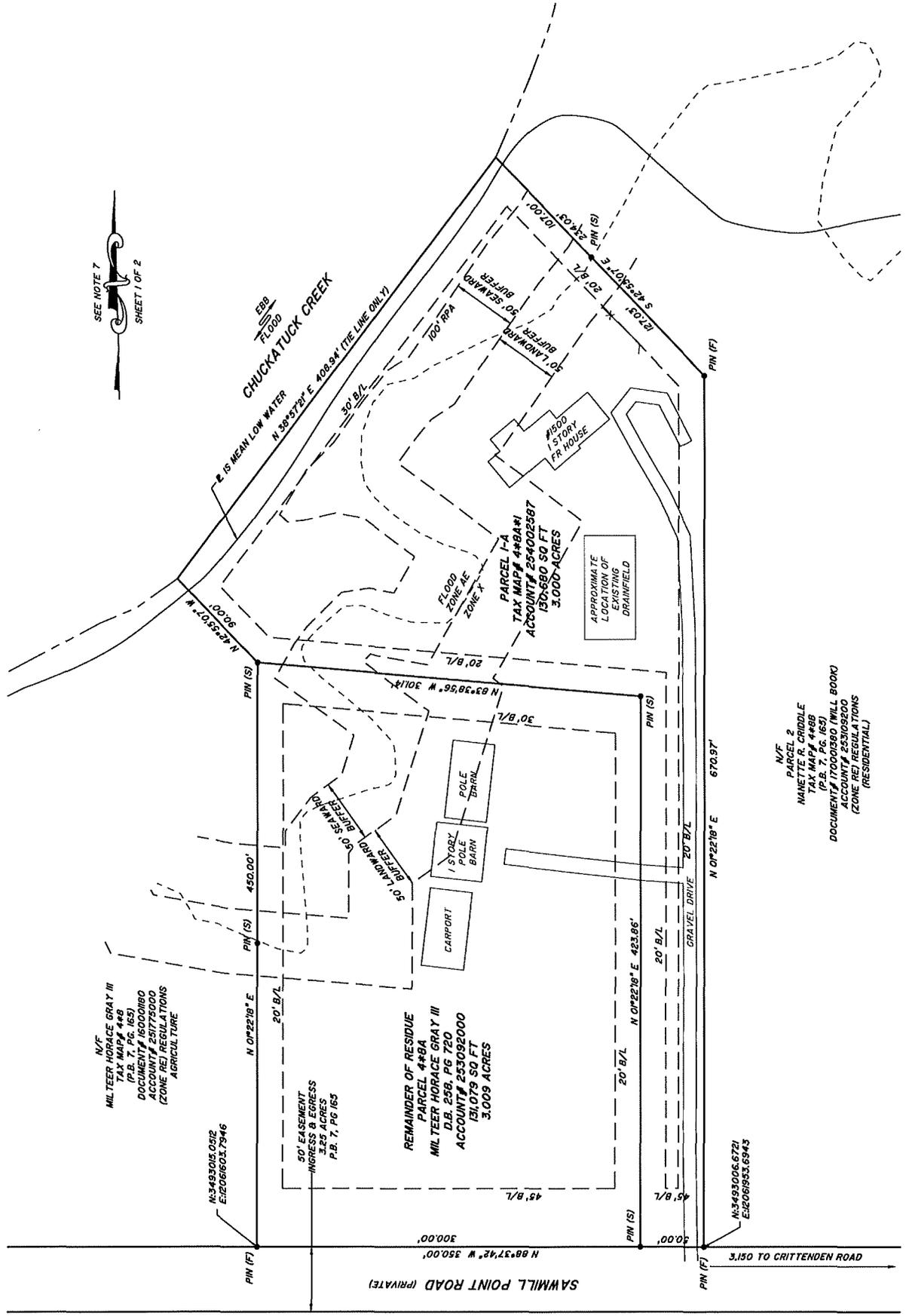


DRAWN BY:	DATE:
DPM	08-03-2020
COMP BY:	DATE:
TMF	08-03-2020
CHECKED BY:	DATE:
TMF	08-03-2020
FINAL BY:	DATE:
TMF	08-03-2020
PROJECT #	20064

FAMILY TRANSFER  
OF  
PROPERTY OF  
HORACE GRAY MILTEER III  
BEING PARCEL 1  
AS SHOWN IN  
(M.B. 7, PG. 98)  
SUFFOLK, VIRGINIA

SCALE: = N/A DATE: 08-03-2020 SHEET 1 OF 2

# EXHIBIT A



N/F  
MILTEER HORACE GRAY III  
TAX MAP# 4#B  
(P.B. 7, PG. 165)  
DOCUMENT# 16000180  
ACCOUNT# 251775000  
(ZONE RE) REGULATIONS  
AGRICULTURE

N3493005.0512  
E3206603.7346

50' EASEMENT  
INGRESS & EGRESS  
3.25 ACRES  
P.B. 7, PG 165

REMAINDER OF RESIDUE  
PARCEL 4#B  
MILTEER HORACE GRAY III  
D.B. 25B, PG 720  
ACCOUNT# 25302000  
131,075 SQ FT  
3.009 ACRES

N3493005.6721  
E32061853.6943

N/F  
PARCEL 2  
MANETTE R. CRIDDLE  
TAX MAP# 4#B  
(P.B. 7, PG. 165)  
DOCUMENT# 16000180  
ACCOUNT# 251775000  
(ZONE RE) REGULATIONS  
(RESIDENTIAL)



IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY  
OF SUFFOLK, VIRGINIA, ON THE DAY OF THE RECORDING OF  
THIS INSTRUMENT, THE FOLLOWING INSTRUMENT WAS RECEIVED FOR RECORD IN  
PLAT CABINET \_\_\_\_\_ AT SLIDE \_\_\_\_\_  
TESTEE \_\_\_\_\_ CLERK \_\_\_\_\_ D.C.

TIM FALLON LAND SURVEYING, PLLC 15314 CARROLLTON BOULEVARD P.O. BOX 189 CARROLLTON, VIRGINIA 23034		DRAWN BY: DPM	DATE: 08-03-2020	FAMILY TRANSFER OF PROPERTY OF HORACE GRAY MILTEER III BEING PARCEL 1 AS SHOWN IN (M.B. 7, PG. 98) SUFFOLK, VIRGINIA
CHECKED BY: TMF	DATE: 08-03-2020	COMP BY: TMF	DATE: 08-03-2020	SCALE: = 1"=50' DATE: 08-03-2020 SHEET 2 OF 2
FINAL BY: TMF	DATE: 08-03-2020	PROJECT # 20064		

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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*

September 15, 2020

Suffolk Planning Commission  
City of Suffolk, Virginia

Dear Commissioners:

Attached for your consideration is information pertaining to Conditional Use Permit request CUP2020-014, submitted by Dana Smith Washington, applicant, on behalf of Lamar M. and Dana S. Washington, property owners, in accordance with Section(s) 31-306 and 31-406 of the Unified Development Ordinance, to grant a conditional use permit to establish a day care (family day home), 5-12 children, on property located at 6012 Steeplechase Lane, Zoning Map 12H, Parcel 1C\*126. The affected area is further identified as being located in the Sleepy Hole Voting Borough, zoned PD, Planned Development Overlay District. The 2035 Comprehensive Plan designates this area as part of the Inner Ring Suburban 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

# STAFF REPORT

## DESCRIPTION

**CONDITIONAL USE PERMIT:** Conditional Use Permit Request CUP2020-014, in accordance with Section(s) 31-306 and 31-406 of the Unified Development Ordinance, to establish a day care (family day home), 5-12 children.

**APPLICANT:** Submitted by Dana Smith Washington, applicant, on behalf of Lamar M. and Dana S. Washington, property owners.

**LOCATION:** The affected property is located at 6012 Steeplechase Lane, Zoning Map 12H, Parcel 1C\*126.

**PRESENT ZONING:** PD, Planned Development Overlay District.

**EXISTING LAND USE:** The subject property is 7,276 square feet in size. The property features a 2 story single family dwelling with an attached garage that is currently being used for a family day home for the care of up to 4 children.

**PROPOSED LAND USE:** The applicant proposes to use the existing house as a family day home to allow for the care of up to 12 children.

### **SURROUNDING LAND USES:**

- North - Residential properties zoned PD, Planned Development Overlay District.
- South - Residential properties zoned RLM, Residential Low Medium zoning district.
- East - Residential properties zoned PD, Planned Development Overlay District.
- West - Residential properties zoned PD, Planned Development Overlay District.

**COMPREHENSIVE PLAN:** The City's 2035 Comprehensive Plan identifies this property as being located within the Northern Growth Area, Inner Ring Suburban Use District.

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

**PUBLIC NOTICE:** This request has been duly advertised in accordance with the public notice requirements set forth in Section 15.2-2204 of the Code of Virginia, as amended, and with the applicable provisions of the Unified Development Ordinance. Notice to the applicant, containing a copy of the staff report, was also sent on September 11, 2020.

**CASE HISTORY:** The subject property is located within the Steeplechase Subdivision.

## STAFF ANALYSIS

### ISSUE

The applicant proposes to expand an existing family day home to provide care for up to 12 children. The residential home is a two story house 2,510 square feet in size with 4 bedrooms and 2 baths that is currently providing care for 4 children. Licensing through the Virginia Department of Social Services will be required if the request is approved and care is provided for 5 through 12 children. The current hours of operation are 6:00 am – 5:00 pm Monday through Friday and are proposed to stay the same. The age range of the children that are cared for is 1 year to 12 years old. The applicant currently has one employee to help care for the children.

The applicant is proposing to utilize the living room, kitchen, and two adjoining rooms on the first floor of the home for the day care. The day care will utilize approximately 763 square feet of the home's 2,510 square feet, and will be located on the first floor of the home. The Department of Social Services requires fifty square feet of floor area including furniture for each child; therefore, the requested maximum of 12 children may be permitted. There is currently a two car garage, 4 car driveway, and available on-street parking. The home has a fenced in back yard that is approximately 1,200 square feet in area to be used as the outdoor play area. No improvements onsite are proposed. Lastly, the family day home will provide meals and snacks to the children throughout the day.

### 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 (family day home), 5-12 children within the PD, Planned Development Overlay District.
2. Supplemental standards are established in the UDO for a family day home, 5 to 12 children:

*(a) Each family day home shall be located within a single-family detached structure.*

The family day home is currently located within a single-family detached structure.

*(b) Hours of operation. Family day homes shall be limited to operation between the hours of 6:00 a.m. to 8:00 p.m.*

The current hours of operation are 6:00 am – 5:00 pm Monday through Friday and are proposed to stay the same.

*(c) Indoor Space. Family day homes shall comply with the American Academy of Pediatrics and the American Public Health Association recommendation to provide thirty-five (35) square feet of indoor space per child which is free of furniture and equipment, or fifty (50) square feet of space if furniture and equipment are included.*

The applicant proposes to utilize approximately 763 square feet of the home's 2,510

square feet for the day care, which provides adequate space for the care of up to 12 children at this site.

- (d) Fenced play areas. A fenced play area of not less than one thousand (1,000) square feet shall be provided. Such play areas shall be located as to provide maximum peace and tranquility to adjoining residential uses and to protect the safety of the children. Outdoor play activities on the premises shall be conducted within the fenced play area, and such activities shall be limited to the hours of 8:00 a.m. to 6:00 p.m.*

The home has a 6-foot white vinyl fence bordering the approximately 1,200 square foot back yard which meets the required minimum 1,000 square foot outdoor play area for a family day home. The privacy fence that borders the outdoor play area acts as a barrier and would help to reduce any noise that may be generated from the proposed use.

- (e) Traffic. The additional traffic generated by a family day home, excluding trips associated with the dwelling unit, shall not exceed twenty-four (24) vehicle round trips per day. For the purposes of this section, a "vehicle round trip" means one vehicle entering and exiting the site.*

The proposed use is not expected to exceed 24 vehicle round trips. The Department of Public Works, Traffic Engineering, has reviewed the proposed use and has no concerns.

- (f) Parking. In addition to the required parking for a residential use, each family day home shall provide a minimum of one (1) parking space plus one (1) parking space for each additional employee. The parking spaces shall be located on-site or on-street where provided by law. On-street parking shall be located no further than two hundred (200) feet from the property*

In addition to the 2 parking spaces required for the residential use, the proposed use will need 1 parking space for the family day home plus 1 parking space for the one employee that works for the family day home. The required minimum parking for this site is 4 parking spaces. The property has a 2 car garage and a driveway that can accommodate 4 cars. The subject property has 6 potential parking spaces on-site and there is availability for on-street parking. There is adequate parking for the residential use and proposed use.

3. A family day home serving 5 through 12 children, exclusive of the provider's own children, is required to be licensed through the Virginia Department of Social Services. This family day home is not currently licensed through the Virginia Department of Social Services since the home currently only cares for up to 4 children; however, the family day home will need to be licensed once the number of children increases to 5 or more. The applicant currently has one full time employee to help provide care for the children. The applicant will need to maintain compliance with the child to staff ratio set forth by the Virginia Department of Social Services.

4. The site is currently served by City water and sewer via a 5/8" water meter and gravity sewer lateral. No changes to the site or building are proposed; therefore, the Department of Public Utilities has no concerns in regard to the Conditional Use Permit request.
5. The Health department does not regulate a day care with twelve (12) or fewer children as a food establishment.
6. There is no proposed increase in impervious surface; therefore, the Department of Public Works, Engineering Division, has no concerns.
7. 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 for the care of 5 to 12 children is permitted only with the approval of a Conditional Use Permit in the PD, Planned Development Overlay District per the City's Unified Development Ordinance. All requirements as set forth in Articles 6 and 7 of the Unified Development Ordinance must be met.

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

The proposed use will utilize an existing residential home and will primarily operate indoors. The home has a 6-foot white vinyl fence bordering the approximately 1,200 square foot back yard which meets the required minimum 1,000 square feet outdoor play area for a family day home. The privacy fence that borders the outdoor play area

acts as a barrier and would help to reduce any noise that may be generated from the proposed use. Additionally, the use of the outdoor play area shall be limited between the hours of 8:00 am and 6:00 pm in accordance with the Supplemental Standards in Section 31-701 of the Unified Development Ordinance provided for a family day home. This use would have little to no impact on the surrounding neighbors.

- 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 driveway and on-street parking will be utilized for parking spaces during drop off and pick up time. The proposed use is not expected to exceed 24 vehicle round trips. The Department of Public Works, Traffic Engineering, has reviewed the proposed use and has no concerns with ingress or egress.

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

The applicant is required to abide by all city regulations pertaining to sound control and noise. There is a 6-foot privacy fence that borders the rear yard outdoor play area that acts as a barrier to help reduce any noise from the surrounding residential homes. Hours of operation are also proposed to limit impacts from noise that may be generated from the outdoor play area.

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

The proposed use of a family day home shall not diminish or impair property values within the neighborhood because the overall nature or appearance of the main structure will remain residential. Additionally, to protect the use, enjoyment, and values of neighboring property, the City has adopted Supplemental Standards in Section 31-701 of the Unified Development Ordinance that the applicant must abide by.

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

The proposed family day home is located within an approved single family subdivision and should not impede the orderly development and improvement of the surrounding area.

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

Conditions are attached to limit any potential negative effects that may result from

this type of use, and the applicant must comply with all ordinances regarding noise. These conditions will help to ensure that public health, safety, morals, and welfare are not endangered.

- 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 the family day home in this location. The individual interests of persons within the neighborhood should not be adversely affected by the proposed uses under the conditions proposed below.

### **RECOMMENDATION**

Staff finds that the proposed use meets criteria for conditional use permits set forth in Section 31-306 of the Unified Development Ordinance, and that the use would not negatively impact the surrounding area. Accordingly, staff recommends **approval** of CUP2020-014 subject to the following conditions:

1. This Conditional Use Permit is granted to establish a day care (family day home), 5-12 children, in the principal structure at 6012 Steeplechase Lane, Zoning Map 12H, Parcel 1C\*126, as shown on Exhibit "B", "Property Map", Exhibit "C", "Survey", and Exhibit "D", "Floor Plan".
2. The maximum number of children to be served by this family day home shall be 12 children.
3. The applicant shall be responsible to ensure compliance with all local and state laws and ordinances of the City of Suffolk and the Commonwealth of Virginia; this includes but not limited to compliance with the Virginia Department of Social Services and Article 7, Supplemental Use Regulations, Section 31-701, Accessory Uses and Structures of the Unified Development Ordinance.

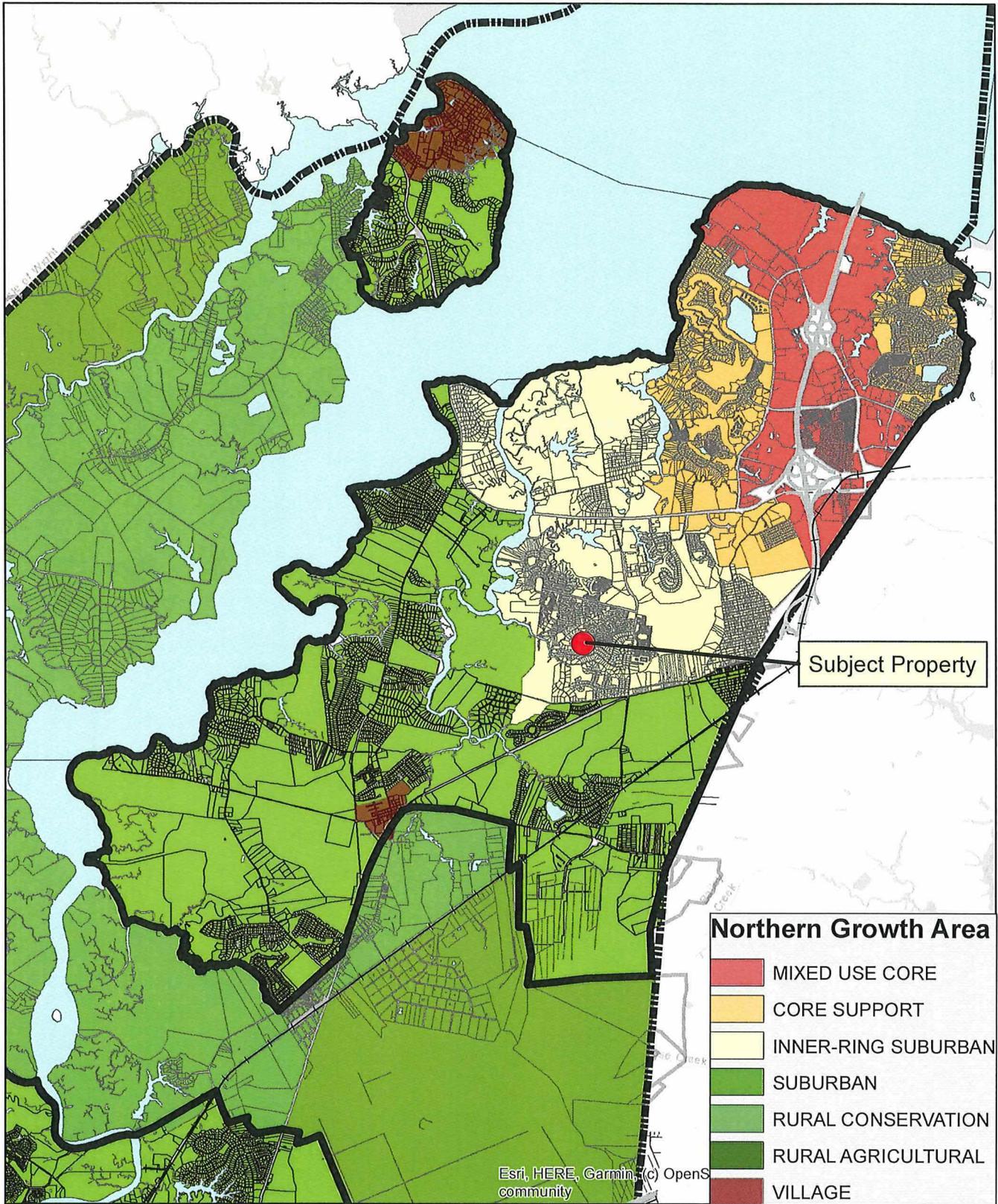
#### Attachments

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



# GENERAL LOCATION MAP

## CUP2020-014

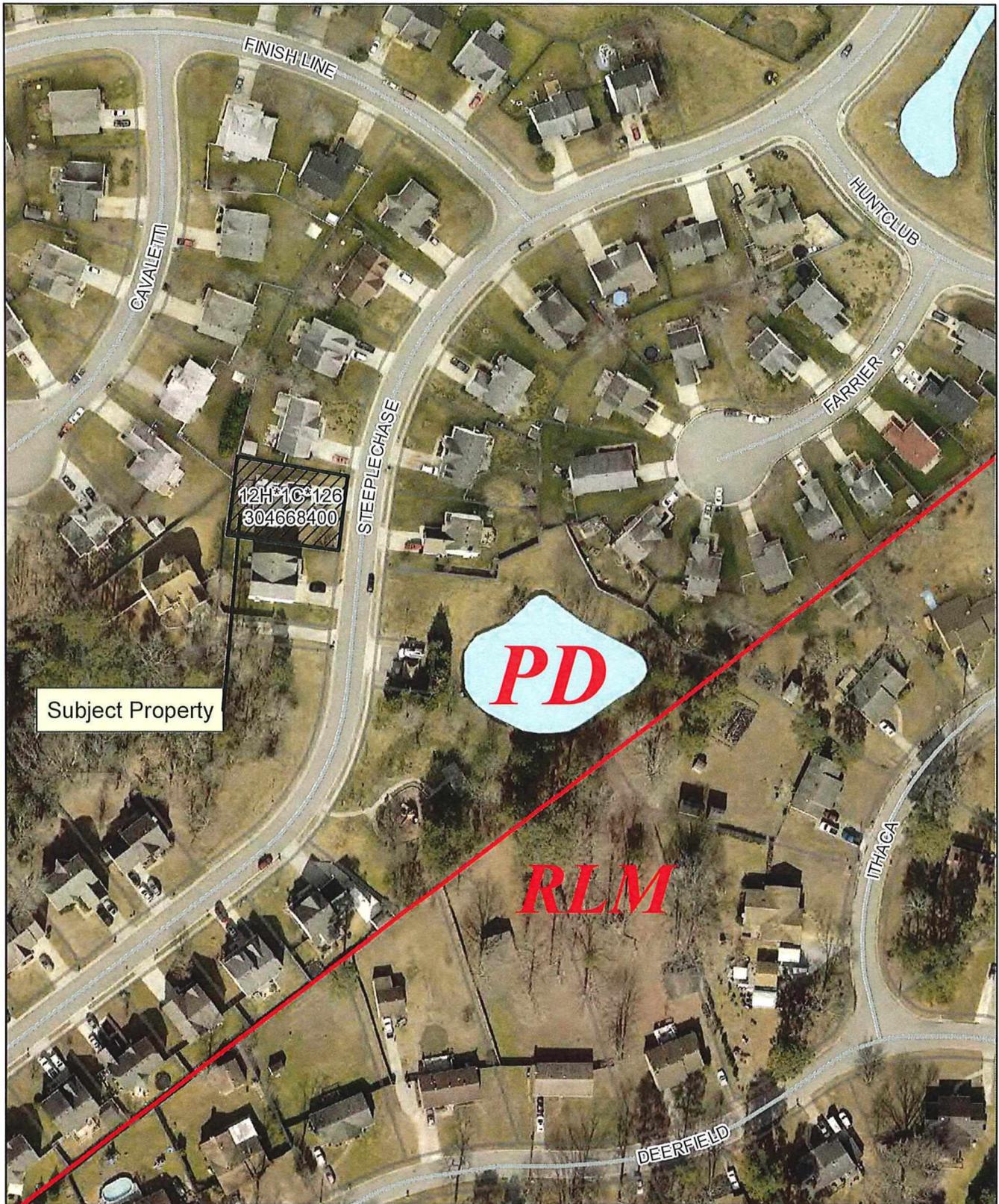


User Name: bsmith  
Date: 7/1/2020



# ZONING / LAND USE MAP

## CUP2020-014



Subject Property

12H\*1C\*126  
304668400

**PD**

**RLM**

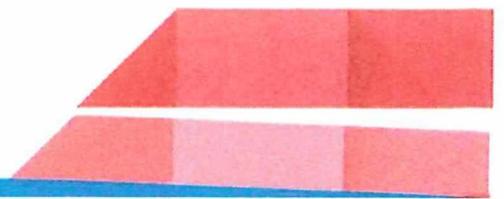
## **Happy Hearts Daycare**

6012 Steeplechase Lane  
Suffolk, Va 23435  
(757)779-3206  
Happyheartsdaycareva@gmail.com

August 27, 2020

My name is Dana Smith-Washington, owner of Happy Hearts Daycare. The location is at 6012 Steeplechase Lane, Suffolk, Virginia 23435. Currently I have one employee assisting me with my in-home daycare. I am applying for a conditional use permit because I would like to take my business to the next level of becoming Virginia state licensed. My goal is to be able to care for up to twelve children in my home, ages ranging from 1-12 years. My hours of operation are Monday - Friday starting at 6:00am - 5:00pm. I will only be using the first floor of my home for business. The kitchen will be used for cooking meals. All meals and snacks will be served daily. In my home on the first floor is a one-half bath that will be used throughout the course of the day along with the living room area. The backyard is fenced in all the way around as well as being locked at all times during playtime and all outside activities.

Dana Smith-Washington  
CEO, Happy Hearts Daycare



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A DAY CARE (FAMILY DAY HOME), 5-12 CHILDREN, ON PROPERTY LOCATED AT 6012 STEEPLECHASE LANE, ZONING MAP 12H, PARCEL 1C\*126, ACCOUNT NUMBER 304668400; CUP2020-014**

WHEREAS, Dana Smith Washington, applicant, on behalf of Lamar M. and Dana S. Washington, property owners, has requested a Conditional Use Permit for a day care (family day home), 5-12 children, 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 12H, Parcel 1C\*126, and which land is depicted on Exhibit "B", "Property Map"; and,

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

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

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

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

Section 1. Exhibits.

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

Section 2. Findings.

Council finds that the proposal for a conditional use permit, as submitted or modified with conditions herein, the expressed purpose of which is to establish a day care (family day home), 5-12 children, is in conformity with the standards of the Unified Development Ordinance of the City of Suffolk and that it will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood, and will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any theme, action, policy or map of the Comprehensive Plan which encourages mixed uses and/or densities with the conditions set forth below.

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

These findings are based upon a determination that the most reasonable and limited way of avoiding the adverse impacts of a day care (family day home), 5-12 children, is by the imposition of the conditions provided herein.

### Section 3. Permit Granted.

The conditional use permit for the Property be, and it is hereby, approved for the Property, subject to the following conditions and the general conditions set forth in Section 4 hereof. The Conditional Use Permit specifically permits a day care (family day home), 5-12 children, in compliance with Exhibit "C" (the "Survey"), and Exhibit "D" (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 to establish a day care (family day home), 5-12 children, in the principal structure at 6012 Steeplechase Lane, Zoning Map 12H, Parcel 1C\*126, as shown on Exhibit "B", "Property Map", Exhibit "C", "Survey", and Exhibit "D", "Floor Plan".
2. The maximum number of children to be served by this family day home shall be 12 children.
3. The applicant shall be responsible to ensure compliance with all local and state laws and ordinances of the City of Suffolk and the Commonwealth of Virginia; this includes but not limited to compliance with the Virginia Department of Social Services and Article 7, Supplemental Use Regulations, Section 31-701, Accessory Uses and Structures of the Unified Development Ordinance.

### Section 4. General Conditions.

- (a) The Conditional Use Permit may be revoked by City Council upon failure to comply with any of the conditions contained herein, after ten days written notice to Dana Smith Washington, applicant, on behalf of Lamar M. and Dana S. Washington, 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 Dana Smith Washington, applicant, on behalf of Lamar M. and Dana S. Washington, 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  
CUP2020-014  
TO ESTABLISH A DAY CARE (FAMILY DAY HOME), 5-12 CHILDREN, ON  
PROPERTY LOCATED AT 6012 SREEPLECHASE LANE, ZONING MAP 12H,  
PARCEL 1C\*126, ACCOUNT NUMBER 304668400**

**WHEREAS**, Dana Smith Washington, applicant, on behalf of Lamar M. and Dana S. Washington, property owners, 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 day care (family day home), 5-12 children, 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, CUP2020-014, 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**  
**CUP2020-014**  
**CONDITIONS**

1. This Conditional Use Permit is granted to establish a day care (family day home), 5-12 children, in the principal structure at 6012 Steeplechase Lane, Zoning Map 12H, Parcel 1C\*126, as shown on Exhibit "B", "Property Map", Exhibit "C", "Survey", and Exhibit "D", "Floor Plan".
2. The maximum number of children to be served by this family day home shall be 12 children.
3. The applicant shall be responsible to ensure compliance with all local and state laws and ordinances of the City of Suffolk and the Commonwealth of Virginia; this includes but not limited to compliance with the Virginia Department of Social Services and Article 7, Supplemental Use Regulations, Section 31-701, Accessory Uses and Structures of the Unified Development Ordinance.

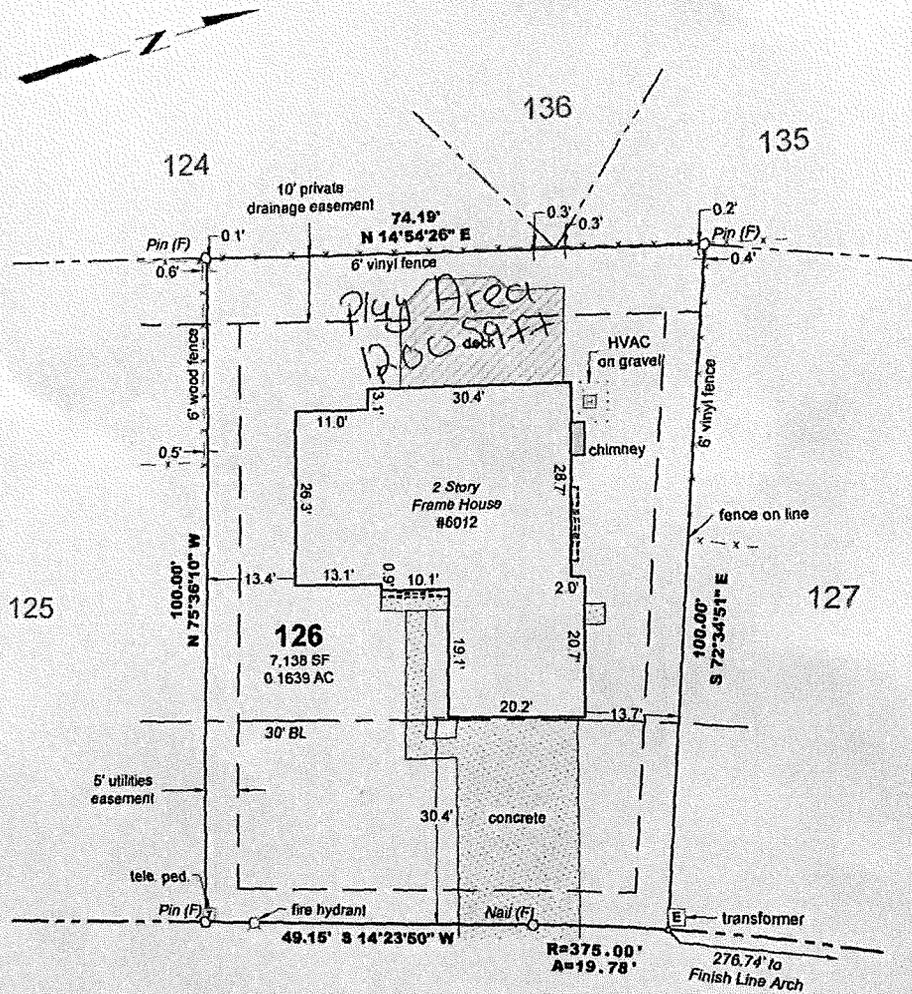


# PROPERTY MAP CUP2020-014

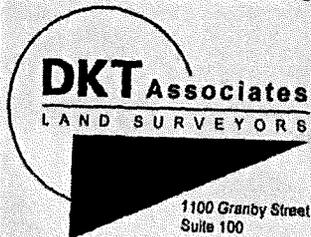
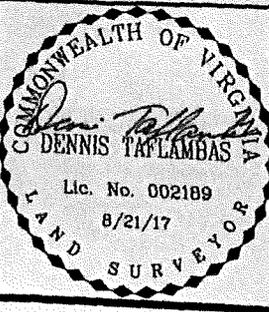
EXHIBIT B



- 1 The land boundary survey shown hereon is based on a current field survey performed on August 16, 2017 and in compliance with the requirements of the Virginia Board of Professional Land Surveyors. The easements appearing on this survey, if any, were depicted and/or noted in the referenced plat(s) and/or deed(s) unless otherwise noted.
- 2 This property appears to fall in flood zone(s) X as shown on the NFIP map for the city of Suffolk, map/panel 510156 D126 E, effective 8/3/15. Base Flood Elevation = N/A. Finished Floor Elevation = N/A.

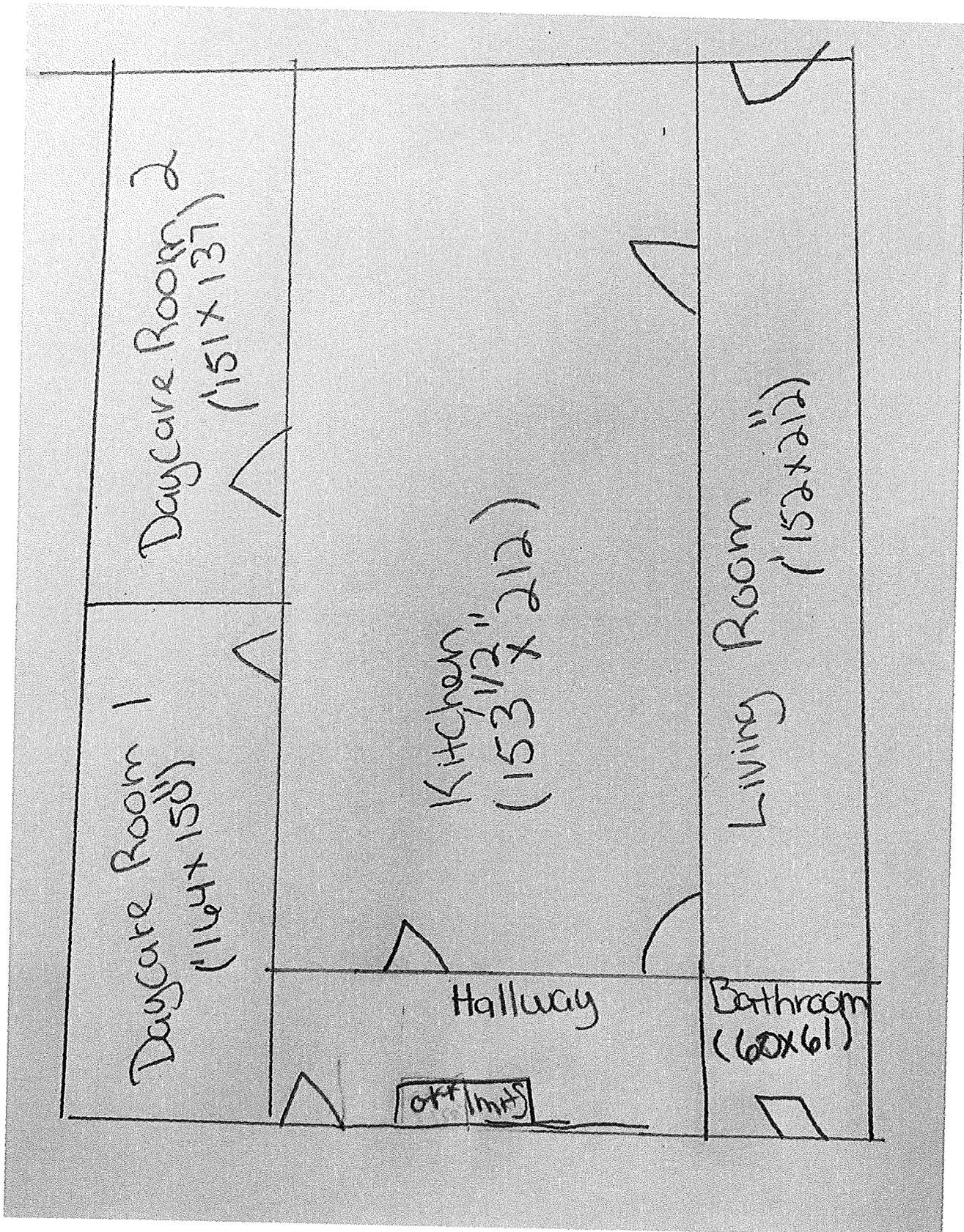


STEEPLECHASE LANE (50')

 <p><b>DKT Associates</b> LAND SURVEYORS</p> <p>1100 Granby Street Suite 100 Norfolk, VA 23510</p> <p>DKTAssociates.com Tel (757) 588-5888</p>		<p><b>Physical Survey of</b></p> <p>Lot 126, Steeplechase, Phase 1, Section C (P.C. 2 S. 99E &amp; 100A-100D) Suffolk, Virginia August 21, 2017</p> <p>For: Lamar M. Washington &amp; Dana Smith-Washington</p> <table border="0"> <tr> <td>Job No:</td> <td>15308</td> <td>Scale:</td> <td>1" = 20'</td> </tr> <tr> <td>FB:</td> <td>214/65</td> <td>Size:</td> <td>8.5 x 14</td> </tr> <tr> <td>Drawn:</td> <td>KR</td> <td>Revised:</td> <td>-</td> </tr> <tr> <td>Check:</td> <td>DT</td> <td>Sheet:</td> <td>1 of 1</td> </tr> </table>	Job No:	15308	Scale:	1" = 20'	FB:	214/65	Size:	8.5 x 14	Drawn:	KR	Revised:	-	Check:	DT	Sheet:	1 of 1
Job No:	15308	Scale:	1" = 20'															
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Check:	DT	Sheet:	1 of 1															

First Story Floor Plan

EXHIBIT D



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# CITY OF SUFFOLK

442 WEST 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*

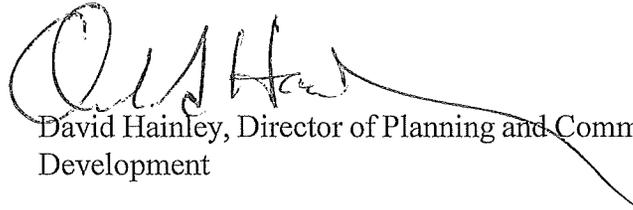
September 15, 2020

Suffolk Planning Commission  
City of Suffolk, Virginia

Dear Commissioners,

The Planning staff will provide an update and overview to proposed (draft) amendments to the Unified Development Ordinance pertaining to regulations governing signs.

Sincerely,



David Hainley, Director of Planning and Community  
Development

DH/ccm

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**RESULTS OF THE  
CITY COUNCIL  
MEETING OF  
August 5, 2020**

- 
- Denied **A. REZONING REQUEST, RZN2018-009, (Conditional), Turlington Woods:** 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.
- Approved w/conditions **B. REZONING REQUEST, RZN2020-003, (Conditional), Somerton Auto Auction:** 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 the western side of Old Somerton Road, Zoning Map 44, Parcels 92A, 92D, and 94.
- Tabled for (60) days **C. REZONING REQUEST, RZN2020-004, (Conditional), Sam's Express Car Wash:** 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.
- Approved w/conditions **D. CONDITIONAL USE PERMIT REQUEST, CUP2020-003, CrossPointe Freewill Baptist Church:** 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.
- Approved w/conditions **E. CONDITIONAL USE PERMIT REQUEST, CUP2020-004, Somerton Auto Auction:** to grant a Conditional Use Permit to establish an Automobile auction, automobile graveyard, and automobile storage lot, on property located on the western side of Old Somerton Road, Zoning Map 44, Parcels 92A, 92D, and 94.
- Approved w/conditions **F. CONDITIONAL USE PERMIT REQUEST, CUP2020-006, Commercial Stable, 6148 Whaleyville Boulevard:** to grant a Conditional Use Permit to establish a Commercial Stable, on property located at 6148 Whaleyville Boulevard, Zoning Map 64A2, Parcel (2)\*71B and Zoning Map 64A, Parcel 70C.
- Approved w/conditions **G. CONDITIONAL USE PERMIT REQUEST, CUP2020-007, Mini-Farm,** 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.

Approved  
w/conditions

**H. CONDITIONAL USE PERMIT REQUEST, CUP2020-009, Building Resilient Solutions, 147-149 N. Main Street:** 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.



**RESULTS OF THE  
CITY COUNCIL  
MEETING OF  
August 19, 2020**

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- Approved  
w/proffers
- A. REZONING REQUEST, RZN2019-008, (Conditional), Kemps Village:** 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.
- Approved  
w/conditions
- B. CONDITIONAL USE PERMIT REQUEST, CUP2020-011, Bridgeport Self Storage:** 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.
- Approved  
w/conditions
- C. CONDITIONAL USE PERMIT REQUEST, CUP2020-012, Bridgeport Daycare Facility:** 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.
- Approved  
w/conditions
- D. CONDITIONAL USE PERMIT REQUEST, CUP2020-013, Chuckatuck Eight Borrow Pit:** 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.

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# CITY OF SUFFOLK

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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*

September 15, 2020

Suffolk Planning Commission  
City of Suffolk, Virginia

Dear Commissioners:

Attached, for informational purposes, please find a summary pertaining to Preliminary Subdivision Plats that have been approved since your previous meeting on July 21, 2020. Please contact either myself or Kevin Wyne, Current Planning Manager, if you have any questions relating to in advance of the meeting.

Respectfully submitted,

David Hainley,  
Director of Planning and Community Development

/kmw

Attachments

# Preliminary Subdivision Plat Approval Summary

**PSB2019-00004 The Meadows at Moore's Pointe:** The proposed subdivision is located within the RU, Residential Urban (Conditional) zoning district and will contain 85 attached single family residential lots. The parent parcels, Tax Map 36A, Parcels 188, 189\*190, 191\*195, 202A\*1, and 202B\*1, contain 9.362 acres, of which .175 acres is located within critical areas, leaving 9.19 acres developable. The parcels comprising the site are subject have undergone several rezonings and/or amendments thereto. These approved requests include RZN2016-008, RZN2018-020, and RZN2019-002.

The proposed lots will vary in size, with corner lots consisting of approximately 2,600 square feet in area on average and interior lots consisting of approximately 1,700 square feet on average. The overall density of the subdivision will be 9.25 units per acre. In the RU zoning district, a maximum density of 10.9 units per acre is permitted. The subdivision will provide for 1.89 acres of open space, which accounts for approximately 21 percent of the site. Conventional subdivisions in the RU district require 10 percent of the site to be preserved as open space. The subdivision will take its access from two points located on C Street. An engineering plan is currently under review for this development.

No action is required on this item as it is presented for your information only. Attached, please the approved Preliminary Subdivision Plat, PSB2019-00004, approved September 1, 2020.

## Attachments

- Approved Preliminary Subdivision Plat PSB2019-00004

