

Director of Media and Community  
Relations

## SUFFOLK CITY COUNCIL

MEETING OF DECEMBER 16, 2015



### WORK SESSION

Begins at 4:00 p.m.

### REGULAR SESSION

Begins at 7:00 p.m.

**SUFFOLK CITY COUNCIL  
WORK SESSION  
December 16, 2015  
4:00 p.m.  
City Council Chamber**

1. Presentation of the Fiscal Year 2015 Comprehensive Annual Financial Report
  2. 2015 National Night Out Award
  3. Council Subcommittee Draft Vision
  - 4.\* Appointments
  - 5.\* Post 2018 Solid Waste Agreements
  - 6.\* Acquisition of Real Property
- \* Proposed Items for Closed Session

**AGENDA: December 16, 2015, Work Session**

**ITEM: Presentation of the Fiscal Year 2015 Comprehensive Annual Financial Report**

Rob Churchman, Audit Partner with Cherry Bekaert LLP, the City's independent auditors, will formally present the Comprehensive Annual Financial Report, for the fiscal year ended June 30, 2015, to City Council.

**AGENDA: December 16, 2015, Work Session**

**ITEM: 2015 National Night Out National Award**

On Tuesday, August 4<sup>th</sup>, neighborhoods and businesses across Suffolk joined forces with thousands of communities nationwide for the 32<sup>nd</sup> Annual National Night Out (NNO) crime, drug and gang prevention event. National Night Out, which is sponsored by the National Association of Town Watch (NATW), and co-sponsored locally by the Suffolk Police Department, involved over 38 million people from all 50 states, U.S. territories, Canadian cities and military bases around the world.

Media and Community Relations Director, Diana Klink, and Police Chief Thomas Bennett will show a highlight video from that evening and share with us the exciting details of our national award for our population category.

**AGENDA: December 16, 2015, Work Session**

**ITEM: Council Subcommittee Draft Vision**

The Director of Human Resources will present a draft vision for Suffolk, developed by a council subcommittee, based on the work of the full City Council, during the recent Council retreat. The council subcommittee, composed of Mayor Johnson, Councilman Ward and Councilman Johnson, is requesting the City Council's review and ultimate adoption of the draft vision.

**SUFFOLK CITY COUNCIL AGENDA**  
**December 16, 2015**  
**7:00 p.m.**  
**City Council Chamber**

1. **Call to Order**
2. **Nonsectarian Invocation**
3. **Approval of the Minutes**
4. **Special Presentations**
5. **Removal of Items from the Consent Agenda and Adoption of the Agenda**
6. **Agenda Speakers**
7. **Consent Agenda** – An ordinance to accept and appropriate additional funds from the United States Department of Transportation Federal Aviation Administration in support of the Airport Parallel Taxiway Project at the Suffolk Executive Airport
8. **Consent Agenda** – An ordinance to accept and appropriate additional funds from the Virginia Department of Aviation in support of the Airport Parallel Taxiway Project at the Suffolk Executive Airport
9. **Consent Agenda** – An ordinance to authorize the transfer of funds in the amount of \$36,203 from the ITS Master Plan Project (UPC 97726) and funds in the amount of \$56,000 from the Harbour View Area Traffic Signal Coordination Project (UPC100603) to the North Main Street Sidewalk Extension Project, Phase II (UPC 99172)
10. **Consent Agenda** – An ordinance to appropriate any unassigned General Fund balance remaining on June 30, 2015, not to exceed \$1,400,000, to the Capital Fund Contingency Account for use in addressing future capital needs
11. **Consent Agenda** – A resolution to create a High Fine Speed Zone for the 200 block of Pinner Street, pursuant to Section 46.2-878.2 of the Code of Virginia
12. **Consent Agenda** – A resolution to create a High Fine Speed Zone for South Division Street, pursuant to Section 46.2-878.2 of the Code of Virginia
13. **Consent Agenda** – A resolution to create a High Fine Speed Zone for Harbour Breeze Estates (Phase I), pursuant to Section 46.2-878.2 of the Code of Virginia
14. **Public Hearing** – An ordinance to rezone and amend the official zoning map of the City of Suffolk, to change the zoning from A, Agricultural, to RC, Residential Compact Zoning district, (Conditional), for property located at 1381 White Marsh Road, Zoning Map 45, Parcel(s) 8; RZ03-15 (Conditional)

15. **Public Hearing** – An ordinance to rezone and amend the official zoning map of the City of Suffolk, to change the zoning from B-1, Neighborhood Commercial, to RM, Residential Medium Density zoning district, (Conditional), for property located at the southeast corner of the intersection between Bennett’s Pasture Road and Driver Lane, Zoning Map 19, Parcel(s) 33; RZ04-15 (Conditional)
16. **Public Hearing** – An ordinance to grant a Conditional Use Permit to establish a pawn shop, on property located at 928 North Main Street, Zoning Map 34A, Parcel(s) 39; C10A-11
17. **Public Hearing** – An ordinance to grant a Conditional Use Permit to establish a drive-through use on property located at 133 Tynes Street, Zoning Map 34G25(A), Parcel(s) 10\*11; C17-15
18. **Ordinance** – An ordinance to rezone and amend the official zoning map of the City of Suffolk in order to amend the approved proffered condition number 6 to include LPSmartSide as an option for exterior siding for the construction of the proposed single family detached residential dwelling units within the Foxfield Meadows development for the property located at 1239 and 1241 Pitchkettle Road, Zoning Map 34, Parcels 24A and 24B; RZ12B-06 (Conditional)
19. **Resolutions**
20. **Staff Reports**
21. **Motion** – A motion to initiate the process to rezone and amend the official zoning map of the City of Suffolk to change the zoning from M-1, Light Industrial District zoning district, to RLM, Residential Low-Medium Density zoning district, of a 9.11 acre portion of the property located on Nansemond Parkway, Zoning Map 20, Parcel 6
22. **Motion** – A motion to schedule a Work Session for January 6, 2016, at 4:00 p.m., unless cancelled
23. **Non-Agenda Speakers**
24. **New Business**
25. **Announcements and Comments**
26. **Adjournment**

A Special Meeting of the Suffolk City Council held at the Old Dominion University Virginia Modeling, Analysis, and Simulation Center, 1030 University Blvd, Meeting Room 1201, from Thursday, November 5, 2015, through Friday, November 6, 2015

**PRESENT**

Council Members -

Linda T. Johnson, Mayor, presiding

Leroy Bennett, Vice Mayor

Michael D. Duman

Roger W. Fawcett

Donald Z. Goldberg

Timothy J. Johnson

Curtis R. Milteer, Sr.

Lue R. Ward, Jr.

Patrick G. Roberts, City Manager

Helivi L. Holland, City Attorney

Erika S. Dawley, City Clerk

**ABSENT**

None

Utilizing a PowerPoint presentation, Ms. Tyler St. Clair, Weldon Cooper Center for Public Service, University of Virginia, welcomed all in attendance and offered an overview.

Utilizing a PowerPoint presentation, Ms. St. Clair provided a workshop on the Myers Briggs Personality Indicator as it relates to political values and a visioning session on the future of the City.

Utilizing a PowerPoint presentation, Ms. St. Clair gave an overview of the local elected leadership model.

Utilizing a PowerPoint presentation, Ms. St. Clair offered information on identifying the City's vision statement, direction and priorities.

Utilizing a PowerPoint presentation, Ms. St. Clair led a visioning exercise on the initiation of the City's core vision statement and desired future states.

Members of City Council opined about the City's core vision statement and desired future states.

Ms. St. Clair supplied a summary of the overall progress and preparation for the next steps.

There being no further items to be discussed, the meeting was concluded at 4:40 p.m.

**FRIDAY, NOVEMBER 6, 2015, 8:45 a.m.**

**PRESENT**

Council Members -

Linda T. Johnson, Mayor, presiding

Leroy Bennett, Vice Mayor

Michael D. Duman

Roger W. Fawcett

Donald Z. Goldberg

Timothy J. Johnson

Curtis R. Milteer, Sr. (left at 1:50 p.m.)

Lue R. Ward, Jr.

Patrick G. Roberts, City Manager

Helivi L. Holland, City Attorney

Erika S. Dawley, City Clerk

**ABSENT**

None

Utilizing a PowerPoint presentation, Ms. St. Clair reviewed the agenda and debriefed the previous day.

Members of City Council opined about the City's vision statement and potential short and long term priorities.

Utilizing a PowerPoint presentation, Ms. St. Clair facilitated a presentation on the City Council's operating guidelines.

Ms. St. Clair supplied a wrap up and reviewed next steps. It was the consensus of City Council that Mayor Johnson, Council Member Johnson and Council Member Ward continued to work on the vision statement and present it to the entire City Council in December.

There being no further items to be discussed, the meeting was concluded at 3:17 p.m.

Teste: \_\_\_\_\_  
Erika S. Dawley, MMC City Clerk

Approved: \_\_\_\_\_  
Linda T. Johnson, Mayor

Work Session of the Suffolk City Council was held in was held in the City Council Chamber, 442 West Washington Street, on Wednesday, November 18, 2015, 4:00 p.m.

**PRESENT**

Council Members -

Linda T. Johnson, Mayor, presiding

Leroy Bennett, Vice Mayor

Michael D. Duman

Roger W. Fawcett

Donald Z. Goldberg

Timothy J. Johnson

Curtis R. Milteer, Sr.

Lue R. Ward, Jr.

Patrick G. Roberts, City Manager

Helivi L. Holland, City Attorney

Erika S. Dawley, City Clerk

**ABSENT**

None

**ATLANTIC COAST PIPELINE PROJECT UPDATE**

Utilizing a PowerPoint presentation, Max Bartholomew, Manager, Eastern Regional State and Local Affairs, Dominion Virginia Power, provided a review of the above referenced item. Also utilizing a PowerPoint presentation, George Faatz, Director, External Affairs, AGL Resources, provided supplementary information.

**HOLIDAY EVENTS UPDATE**

Utilizing a PowerPoint presentation, Special Events Coordinator Emily Upton and Tourism Development Coordinator Theresa Earles gave a presentation on the above referenced item.

**OVERVIEW OF THE REAL ESTATE ASSESSMENT PROCESS**

Utilizing a PowerPoint presentation, City Assessor Jean Jackson offered information regarding the above referenced topic

Council Member Duman asked about any new processes implemented over the last year in the Office of the City Assessor. City Assessor Jackson stated that the implementation of new processes is ongoing. She added that the deadlines have been tightened up, and the use of information technology has streamlined certain procedures as resources allow.

Referring to the presentation, Council Member Duman called for clarification about supplemental bills. City Assessor Jackson explained in the past, supplemental bills were done in bulk, but now those statements are completed quarterly, making the information more timely.

Referring to the presentation, Council Member Duman sought additional information on properties exempt from real estate assessments and the potential financial impact of lifting the moratorium on granting this exemption to more properties. City Assessor Jackson indicated that she could research that matter and provide a report.

Referring to the presentation, Council Member Goldberg queried about the timeline for appeals of real estate assessments. City Assessor Jackson said that residents are welcome to submit appeals at any time, however, changes can only occur after the annual valuation.

Referring to the presentation, Vice Mayor Bennett inquired about site visits to properties during the real estate assessment process. City Assessor Jackson stated that annual citywide site visits are not feasible for every property. She summarized that the guideline is to visit one fifth of all properties all year but all calendar year sales are inspected annually.

Referring to the presentation, Vice Mayor Bennett opined about the use of a sampling of sales during the real estate assessment process. City Assessor Jackson replied in the affirmative.

Referring to the presentation, Vice Mayor Bennett called for an explanation of the methodology used during the real estate assessment process when there are no sales in an area. City Assessor Jackson said that her office tries to find comparable sales in similar neighborhoods.

Referring to the presentation, Council Member Johnson asked about the number of appeals to the Board of Equalization as compared to last year. City Assessor Jackson reported that the number of appeals has held steady for the last couple of years.

Referring to the presentation, Council Member Johnson sought information about the number of appeals to the Board of Equalization this year. City Assessor Jackson advised that information has yet to be determined, as this year's real estate assessments will be disseminated in March 2016.

Referring to the presentation, Council Member Johnson inquired about the history of using the mass appraisal method. City Assessor Jackson explained that the use of the method is an industry standard across the region.

Council Member Johnson queried about the opportunity for a resident to report an error in their real estate assessment. City Assessor Jackson indicated that her office will address an individual concern regarding a real estate assessment.

Referring to the presentation, Mayor Johnson questioned the difference between the mass appraisals versus the private appraisals. City Assessor Jackson said that on average a private appraisal is for lending purposes, and banks use different criteria. She added that the criteria used for mass appraisals is mandated by the State Code.

**CLOSED MEETING**

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

1. Pursuant to Virginia Code Sections 2.2-3711(A)(7) and (A)(1), the consultation with legal counsel employed by a public body regarding specific legal matters requiring the legal advice of such counsel, and the discussion, consideration, or interviews of prospective candidates for appointment and the assignment, appointment, and performance of specific public officers or appointees of the City, specifically the appointments as shown on the attached list for vacancies or term expirations for Early Childhood Development Commission, Fine Arts Commission, Historic Landmarks Commission, Human Services Advisory Board, Library Advisory Board, Local Board of Building Code Appeals, Parks and Recreation Advisory Commission, Planning Commission, Planning Council, Sister Cities Commission, Suffolk Clean Community Commission, Suffolk Clean Community Commission Keep Suffolk Beautiful Executive Board, Western Tidewater Community Services Board and Wetlands Board; and
2. Pursuant to Virginia Code Section 2.2-3711(A)(5) and (7), the discussion of a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business’ or industry’s interest in locating or expanding its facilities in the community; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically concerning an EDIP proposal regarding Project Armstrong.

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

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

City Council convened in Closed Meeting at 4:50 p.m. The Closed Meeting concluded at 6:45 p.m.

Teste: \_\_\_\_\_  
Erika S. Dawley, MMC, City Clerk

Approved: \_\_\_\_\_  
Linda T. Johnson, Mayor



# **Special Presentations**

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

# **Agenda Speakers**

**AGENDA: December 16, 2015, Regular Session**

**ITEM: Consent Agenda** – An ordinance to accept and appropriate additional funds from the United States Department of Transportation Federal Aviation Administration in support of the Airport Parallel Taxiway Project at the Suffolk Executive Airport

The City has received additional federal grant funding in the amount of \$1,457,658 for the construction phase of the Airport Parallel Taxiway Project at the Suffolk Executive Airport. (Previous federal grant funding of \$720,000 in FY 2013-14 and \$945,000 in FY 2015-16 was adopted in the Operating and Capital budget for a total of \$1,665,000). The project currently has remaining federal funds of \$1,665,000. The additional federal funds of \$1,457,658 need to be accepted and appropriated. The project will improve the efficiency and safety of commercial and general aviation aircraft taxiing from the runway to aviation hangers.

Adoption of the attached ordinance is necessary to accept and appropriate these funds to the Capital Projects Fund for Fiscal Year 2015-16.

**BUDGET IMPACT:**

Adoption of the ordinance will increase the planned revenues and expenditures of the Capital Projects Fund budget by \$1,457,658. The additional required local matching funds of \$32,392 for this project are provided for in the FY 2015-16 Capital Projects Fund budget.

**RECOMMENDATION:**

Adopt the attached ordinance

**ATTACHMENTS:**

Ordinance  
Grant Award Letter

**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE TO ACCEPT AND APPROPRIATE ADDITIONAL FUNDS FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION IN SUPPORT OF THE AIRPORT PARALLEL TAXIWAY PROJECT AT THE SUFFOLK EXECUTIVE AIRPORT**

WHEREAS, the City has received additional grant funds in the amount of \$1,457,658 from the United States Department of Transportation Federal Aviation Administration in support of the Airport Parallel Taxiway Project at the Suffolk Executive Airport; and,

WHEREAS, there is \$1,665,000 in previously adopted federal funds for this project and only the balance of \$1,457,658 needs to be accepted and appropriated; and,

WHEREAS, \$1,457,658 in funding from the United States Department of Transportation Federal Aviation Administration must be accepted and appropriated to the FY 2015-2016 Capital Projects Fund budget to assist with improvements to efficiency and safety of commercial and general aviation aircraft taxiing from the runway to aviation hangers.

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

1. The sum of \$1,457,658 shall be reflected as budget in the following accounts in the Fiscal Year 2015-16 Capital Projects Fund budget:

<u>Revenue</u>		
310-150000-2101_433140.105	Aviation Federal	<u>\$1,457,658</u>
<u>Expenditure</u>		
310-150000-2101_53850.105	Construction Contracts	<u>\$1,457,658</u>

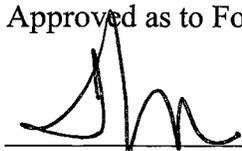
2. The fund amount totaling \$1,457,658 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 15-O-036, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

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

READ AND PASSED: \_\_\_\_\_

TESTE: \_\_\_\_\_  
Erika S. Dawley, City Clerk

Approved as to Form:



\_\_\_\_\_  
Helivi L. Holland, City Attorney



U.S. Department  
of Transportation  
Federal Aviation  
Administration

## GRANT AGREEMENT

### PART I – OFFER

Date of Offer	<u>September 15, 2015</u>
Airport/Planning Area	<u>Suffolk Executive Airport</u>
AIP Grant Number	<u>3-51-0050-024-2015</u>
DUNS Number	<u>066024845</u>
TO:	<u>City of Suffolk</u> (herein called the "Sponsor")

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

**WHEREAS**, the Sponsor has submitted to the FAA a Project Application dated July 1, 2015, for a grant of Federal funds for a project at or associated with the Suffolk Executive Airport, which is included as part of this Grant Agreement; and

**WHEREAS**, the FAA has approved a project for the Suffolk Executive Airport (herein called the "Project") consisting of the following:

Construct Parallel Taxiway and Relocate Localizer (Construction)

which is more fully described in the Project Application.

**NOW THEREFORE**, According to the applicable provisions of the former Federal Aviation Act of 1958, as amended and recodified, 49 U.S.C. 40101, et seq., and the former Airport and Airway Improvement Act of 1982 (AAIA), as amended and recodified, 49 U.S.C. 47101, et seq., (herein the AAIA grant statute is referred to as "the Act"), the representations contained in the Project Application, and in consideration of (a) the Sponsor's adoption and ratification of the Grant Assurances dated March 2014, and the Sponsor's acceptance of this Offer, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurances and conditions as herein provided,

**THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES** to pay ninety (90) percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

## CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$3,122,658.  

The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b):

  - \$0 for planning
  - \$3,122,658 for airport development or noise program implementation
  - \$0 for land acquisition.

The source of this Grant may include funding from the Small Airport Fund.
2. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
3. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with the regulations, policies and procedures of the Secretary. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
4. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this agreement, and the regulations, policies and procedures of the Secretary. The Sponsor also agrees to comply with the assurances which are part of this agreement.
5. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
6. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before September 17, 2015, or such subsequent date as may be prescribed in writing by the FAA.
7. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
8. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.
9. **System for Award Management (SAM) Registration And Universal Identifier.**
  - A. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least

annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).

**B. Requirement for Data Universal Numbering System (DUNS) Numbers**

1. The Sponsor must notify potential subrecipient that it cannot receive a contract unless it has provided its DUNS number to the Sponsor. A subrecipient means a consultant, contractor, or other entity that enters into an agreement with the Sponsor to provide services or other work to further this project, and is accountable to the Sponsor for the use of the Federal funds provided by the agreement, which may be provided through any legal agreement, including a contract.
2. The Sponsor may not make an award to a subrecipient unless the subrecipient has provided its DUNS number to the Sponsor.
3. Data Universal Numbering System: DUNS number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D & B) to uniquely identify business entities. A DUNS number may be obtained from D & B by telephone (currently 866-492-0280) or the Internet (currently at <http://fedgov.dnb.com/webform>).

**10. Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

**11. Informal Letter Amendment of AIP Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter to the Sponsor unilaterally reducing the maximum obligation. The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. If the FAA determines that a change in the grant description is advantageous and in the best interests of the United States, the FAA can issue a letter to the Sponsor amending the grant description.

By issuing an Informal Letter Amendment, the FAA has changed the grant amount or grant description to the amount or description in the letter.

**12. Air and Water Quality.** The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this grant.

**13. Financial Reporting and Payment Requirements.** The Sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.

**14. Buy American.** Unless otherwise approved in advance by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.

**15. Maximum Obligation Increase For Nonprimary Airports.** In accordance with 49 U.S.C. § 47108(b), as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:

- A. May not be increased for a planning project;
- B. May be increased by not more than 15 percent for development projects;

- C. May be increased by not more than 15 percent or by an amount not to exceed 25 percent of the total increase in allowable costs attributable to the acquisition of land or interests in land, whichever is greater, based on current credible appraisals or a court award in a condemnation proceeding.

**16. Audits for Public Sponsors.** The Sponsor must provide for a Single Audit in accordance with 2 CFR Part 200. The Sponsor must submit the Single Audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. The Sponsor must also provide one copy of the completed 2 CFR Part 200 audit to the Airports District Office.

**17. Suspension or Debarment.** The Sponsor must inform the FAA when the Sponsor suspends or debars a contractor, person, or entity.

**18. Ban on Texting While Driving.**

A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:

1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
  - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
  - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

B. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts and subcontracts.

**19. Trafficking in Persons.**

- A. Prohibitions: The prohibitions against trafficking in persons (Prohibitions) that apply to any entity other than a State, local government, Indian tribe, or foreign public entity. This includes private Sponsors, public Sponsor employees, subrecipients of private or public Sponsors (private entity) are:
1. Engaging in severe forms of trafficking in persons during the period of time that the agreement is in effect;
  2. Procuring a commercial sex act during the period of time that the agreement is in effect; or
  3. Using forced labor in the performance of the agreement, including subcontracts or subagreements under the agreement.
- B. In addition to all other remedies for noncompliance that are available to the FAA, Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), allows the FAA to unilaterally terminate this agreement, without penalty, if a private entity –
1. Is determined to have violated the Prohibitions; or
  2. Has an employee who the FAA determines has violated the Prohibitions through conduct that is either:
    - a. Associated with performance under this agreement; or

- b. Imputed to the Sponsor or subrecipient using 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by the FAA at 49 CFR Part 29.

**20. Exhibit "A" Property Map.** The Exhibit "A" Property Map dated May 5, 2010, is incorporated herein by reference or is submitted with the project application and made part of this grant agreement.

**21. Environmental.** The environmental approval for this project was issued on October 9, 2013. This project includes the following mitigation measures:

- 1) A project-specific erosion and sediment control (ESC) plan must be submitted and approved by the City of Suffolk prior to start of project if the project involves land-disturbing activities of equal to or greater than 10,000 square feet (2,500 square feet or more in the Chesapeake Bay Preservation Area). Depending on local requirements the area of land disturbance requiring an ESC plan may be less. All regulated land-disturbing activities associated with the project, including on and off site access roads, staging areas, borrow areas, stockpiles, and soil intentionally transported from the project must be covered by the project-specific ESC Plan.
- 2) A project-specific Stormwater Pollution Prevention Plan (SWPPP) must be developed and sent to Virginia Department of Environmental Quality prior to submission of the registration statement for coverage under the general permit for construction projects involving land-disturbing activities equal to one acre. The SWPPP must address water quality and quantity in accordance with the Virginia Stormwater Management Program Permit Regulations.
- 3) The implementation of BMPs will minimize construction impacts. BMPs are defined as a practice, or combination of practices, that are determined to be the most effective means of reducing the amount of pollution generated by non-point sources to a level compatible with water quality goals. The design will include practices to minimize the impact on the surrounding areas. The use of erosion and sedimentation controls will be required throughout the construction period.
- 4) All required permits and approved plans for the proposed project must be obtained prior to construction.
- 5) Construction contract provisions must contain the provisions of FAA AC 150/5370-10E, *Standards for Specifying Construction of Airports* item P-156, temporary air, water pollution, soil erosion and siltation control and FAA AC 150/5320-5C, *Airport Drainage*.

The Sponsor understands and agrees to complete the above-listed mitigation measures to standards satisfactory to the FAA. It is further mutually agreed that the reasonable cost of completing these mitigation measures is an allowable cost within the scope of this project.

**22. DBE Plan.** The Sponsor understands and agrees that the FAA will not make nor be obligated to make any payments on this grant until the Sponsor has received approval of its DBE Plan from the FAA Office of Civil Rights.

**23. Instrument Landing System and Associated Equipment in Project.** The Sponsor agrees that it will:

- A. Prior to commissioning, assure the equipment meets the FAA's standards; and
- B. Remove, relocate, lower, mark, or light each obstruction to obtain a clear approach as indicated in the 14 CFR part 77 aeronautical survey.

**24. Utility Relocation in Project.** The Sponsor understands and agrees that:

- A. The United States will not participate in the cost of any utility relocation unless and until the Sponsor has submitted evidence satisfactory to the FAA that the Sponsor is legally responsible for payment of such costs;

- B. FAA participation is limited to those utilities located on-airport or off-airport only where the Sponsor has an easement for the utility; and
- C. The utilities exclusively serve the Airport.

**25. Pavement Maintenance Management Program.** The Sponsor agrees that it will implement an effective airport pavement maintenance management program as required by Grant Assurance Pavement Preventive Management. The Sponsor agrees that it will use the program for the useful life of any pavement constructed, reconstructed, or repaired with federal financial assistance at the airport. The Sponsor further agrees that the program will

- A. Follow FAA Advisory Circular 150/5380-6, "Guidelines and Procedures for Maintenance of Airport Pavements," for specific guidelines and procedures for maintaining airport pavements, establishing an effective maintenance program, specific types of distress and its probable cause, inspection guidelines, and recommended methods of repair;
- B. Detail the procedures to be followed to assure that proper pavement maintenance, both preventive and repair, is performed;
- C. Include a Pavement Inventory, Inspection Schedule, Record Keeping, Information Retrieval, and Reference, meeting the following requirements:
  - 1. Pavement Inventory. The following must be depicted in an appropriate form and level of detail:
    - a. Location of all runways, taxiways, and aprons;
    - b. Dimensions;
    - c. Type of pavement, and;
    - d. Year of construction or most recent major rehabilitation.
  - 2. Inspection Schedule.
    - a. Detailed Inspection. A detailed inspection must be performed at least once a year. If a history of recorded pavement deterioration is available, i.e., Pavement Condition Index (PCI) survey as set forth in the Advisory Circular 150/5380-6, the frequency of inspections may be extended to three years.
    - b. Drive-By Inspection. A drive-by inspection must be performed a minimum of once per month to detect unexpected changes in the pavement condition. For drive-by inspections, the date of inspection and any maintenance performed must be recorded.
  - 3. Record Keeping. Complete information on the findings of all detailed inspections and on the maintenance performed must be recorded and kept on file for a minimum of five years. The type of distress, location, and remedial action, scheduled or performed, must be documented. The minimum information is:
    - a. Inspection date;
    - b. Location;
    - c. Distress types; and
    - d. Maintenance scheduled or performed.
  - 4. Information Retrieval System. The Sponsor must be able to retrieve the information and records produced by the pavement survey to provide a report to the FAA as may be required.

**26. Project which Contain Paving Work in Excess of \$500,000.** The Sponsor agrees to:

- A. Furnish a construction management program to the FAA prior to the start of construction which details the measures and procedures to be used to comply with the quality control provisions of the

construction contract, including, but not limited to, all quality control provisions and tests required by the Federal specifications. The program must include as a minimum:

1. The name of the person representing the Sponsor who has overall responsibility for contract administration for the project and the authority to take necessary actions to comply with the contract.
  2. Names of testing laboratories and consulting engineer firms with quality control responsibilities on the project, together with a description of the services to be provided.
  3. Procedures for determining that the testing laboratories meet the requirements of the American Society of Testing and Materials standards on laboratory evaluation referenced in the contract specifications (D 3666, C 1077).
  4. Qualifications of engineering supervision and construction inspection personnel.
  5. A listing of all tests required by the contract specifications, including the type and frequency of tests to be taken, the method of sampling, the applicable test standard, and the acceptance criteria or tolerances permitted for each type of test.
  6. Procedures for ensuring that the tests are taken in accordance with the program, that they are documented daily, and that the proper corrective actions, where necessary, are undertaken.
- B. Submit at completion of the project, a final test and quality assurance report documenting the summary results of all tests performed; highlighting those tests that indicated failure or that did not meet the applicable test standard. The report must include the pay reductions applied and the reasons for accepting any out-of-tolerance material. Submit interim test and quality assurance reports when requested by the FAA.
- C. Failure to provide a complete report as described in paragraph b, or failure to perform such tests, will, absent any compelling justification; result in a reduction in Federal participation for costs incurred in connection with construction of the applicable pavement. Such reduction will be at the discretion of the FAA and will be based on the type or types of required tests not performed or not documented and will be commensurate with the proportion of applicable pavement with respect to the total pavement constructed under the grant agreement.
- D. The FAA, at its discretion, reserves the right to conduct independent tests and to reduce grant payments accordingly if such independent tests determine that sponsor test results are inaccurate.

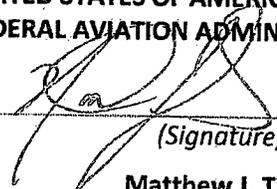
**27. Plans and Specifications Approval Based Upon Certification.** The FAA and the Sponsor agree that the FAA approval of the Sponsor's Plans and Specification is based primarily upon the Sponsor's certification to carry out the project in accordance with policies, standards, and specifications approved by the FAA. The Sponsor understands that:

- A. The Sponsor's certification does not relieve the Sponsor of the requirement to obtain prior FAA approval for modifications to any AIP standards or to notify the FAA of any limitations to competition within the project;
- B. The FAA's acceptance of a Sponsor's certification does not limit the FAA from reviewing appropriate project documentation for the purpose of validating the certification statements;
- C. If the FAA determines that the Sponsor has not complied with their certification statements, the FAA will review the associated project costs to determine whether such costs are allowable under AIP.

**28. Consultant Contract and Cost Analysis.** The Sponsor understands and agrees that no reimbursement will be made on the consultant contract portion of this grant until the FAA has received the consultant contract, the Sponsor's analysis of costs, and the independent fee estimate.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**UNITED STATES OF AMERICA  
FEDERAL AVIATION ADMINISTRATION**



*(Signature)*

**Matthew J. Thys**

*(Typed Name)*

**Manager, Washington Airports District  
Office**

*(Title)*

**PART II - ACCEPTANCE**

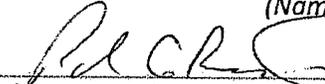
The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

I declare under penalty of perjury that the foregoing is true and correct.<sup>1</sup>

Executed this 16<sup>th</sup> day of September, 2015

City of Suffolk

(Name of Sponsor)



(Signature of Sponsor's Designated Official Representative)

By:

Patrick G. Roberts

(Typed or Printed Name of Sponsor's Designated Official Representative)

Title:

Interim City Manager

(Title of Sponsor's Designated Official Representative)

**CERTIFICATE OF SPONSOR'S ATTORNEY**

I, Solomon H. Ashby Jr acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Virginia. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at Suffolk VA (location) this 16<sup>th</sup> day of September, 2015

By:   
(Signature of Sponsor's Attorney)

(Attorney must sign and date same day or after sponsor execution date)

<sup>1</sup> Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

**AGENDA: December 16, 2015, Regular Session**

**ITEM: Consent Agenda** – An ordinance to accept and appropriate additional funds from the Virginia Department of Aviation in support of the Airport Parallel Taxiway Project at the Suffolk Executive Airport

The City has received additional state grant funding in the amount of \$129,569 for the Airport Parallel Taxiway Project at the Suffolk Executive Airport. (Previous state grant funding of \$64,000 in FY 2013-14 and \$84,000 in FY 2015-16 was adopted in the Operating and Capital budget for a total of \$148,000.) The project currently has remaining state funds of \$148,000. The additional state funds of \$129,569 need to be accepted and appropriated. The project will provide for the efficiency and safety of commercial and general aviation taxiing from the runway to aviation hangers.

Adoption of the attached ordinance is necessary to accept and appropriate these funds to the Capital Projects Fund for Fiscal Year 2015-16.

**BUDGET IMPACT:**

Adoption of the ordinance will increase the planned revenues and expenditures of the Capital Projects Fund budget by \$129,569. The additional required local matching funds of \$32,392 for this project are provided for in the FY 2015-16 Capital Projects Fund budget.

**RECOMMENDATION:**

Adopt the attached ordinance

**ATTACHMENTS:**

Ordinance  
Grant Award Letter

**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE TO ACCEPT AND APPROPRIATE ADDITIONAL FUNDS FROM THE VIRGINIA DEPARTMENT OF AVIATION IN SUPPORT OF THE AIRPORT PARALLEL TAXIWAY PROJECT AT THE SUFFOLK EXECUTIVE AIRPORT**

WHEREAS, the City has received additional grant funds in the amount of \$129,569 from the Virginia Department of Aviation in support of the Airport Parallel Taxiway Project at the Suffolk Executive Airport; and,

WHEREAS, there is \$148,000 in previously adopted state funds for this project and only the balance of \$129,569 needs to be accepted and appropriated; and,

WHEREAS, \$129,569 from Virginia Department of Aviation must be accepted and appropriated to the FY 2015-2016 Capital Projects Fund budget to assist with improvements to efficiency and safety of commercial and general aviation aircraft taxiing from the runway to aviation hangers.

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

1. The sum of \$129,569 shall be reflected as budget in the following accounts in the Fiscal Year 2015-16 Capital Projects Fund budget:

Revenue

310-150000-2101_424140.110	Aviation State	<u>\$129,569</u>
----------------------------	----------------	------------------

Expenditure

310-150000-2101_53850.110	Construction Contracts	<u>\$129,569</u>
---------------------------	------------------------	------------------

2. The fund amount totaling \$129,569 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 15-O-036, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

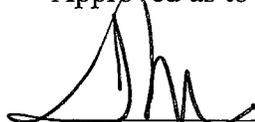
3. This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: \_\_\_\_\_

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

Erika S. Dawley, City Clerk

Approved as to Form:



\_\_\_\_\_  
Helivi L. Holland, City Attorney



Commonwealth of Virginia  
 Department of Aviation  
 5702 Gulfstream Road  
 Richmond, Virginia 23250-2422

**Grant Amendment**

Part I - Offer

Project Number: **CF0050-24**  
 Amendment Number: **1**  
 Date of Offer: **November 19, 2015**  
 Date of Offer Expiration: **January 19, 2016**

WHEREAS, the Commonwealth of Virginia (hereinafter referred to as the "Commonwealth"), acting by and through the Virginia Aviation Board (hereinafter referred to as the "Board") and/or the Department of Aviation (hereinafter referred to as the "Department"), has determined that, in the interests of the Commonwealth, the Grant Agreement relating to the following Project at **Suffolk Executive Airport**

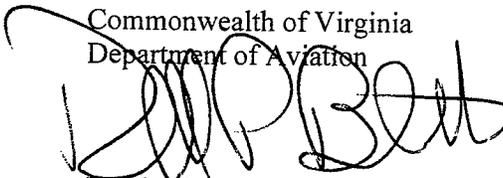
**Partial Parallel Taxiway & Localizer Relocation (Construction)**

and entered into by and between the Commonwealth, acting by and through the Board and/or the Department, and the **City of Suffolk** (hereinafter called "Sponsor"), and effective on **September 28, 2015**, shall be amended as hereinafter provided,

NOW, THEREFORE, WITNESSETH: That in consideration of the benefits to accrue to the parties hereto, the Board and/or the Department, acting for and on behalf of the Commonwealth, on the one part, and the Sponsor, on the other part, do hereby agree that the said Grant Agreement be, and the same hereby is, amended as follows:

**Increase the maximum obligation of the Commonwealth of Virginia as provided in Part I from \$159,991.00 to \$277,569.00 (\$117,578.00 increase).**

The Sponsor's acceptance of this offer of Grant Amendment, with its terms and conditions, shall be evidenced by execution of this offer of Grant Amendment by, or on behalf of, the Sponsor, as hereinafter provided, and said offer of Grant Amendment and acceptance along with the Grant Agreement shall comprise the total Grant Amendment for the distribution of funds by the Department as authorized under §5.1-2.2 of the *Code of Virginia* (1950), as amended. This Grant Amendment shall become effective upon the Sponsor's acceptance and shall remain in full force as provided herein.

Commonwealth of Virginia  
 Department of Aviation  
  
 Randall P Burdette  
 Executive Director

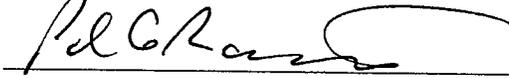
Date NOV 23 2015

Part II - Acceptance

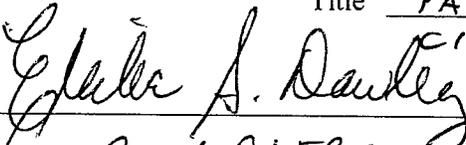
The **City of Suffolk** does hereby accept and agree to all the terms, conditions and assurances contained in this Grant Amendment.

Executed this 2<sup>nd</sup> day of December, 2015

City of Suffolk

By 

Title PATRICK ROBERTS  
CITY MANAGER

Attest   
Title CITY CLERK

**AGENDA: December 16, 2015, Regular Session**

**ITEM:**       **Consent Agenda** – An ordinance to authorize the transfer of funds in the amount of \$36,203 from the ITS Master Plan Project (UPC 97726) and funds in the amount of \$56,000 from the Harbour View Area Traffic Signal Coordination Project (UPC100603) to the North Main Street Sidewalk Extension Project, Phase II (UPC 99172)

In September 2015, the City received bids on the North Main Street Sidewalk Extension Project. The apparent low bid and anticipated administrative costs exceeded the engineer's estimate by approximately \$92,203. In order to move the project forward to construction, the City of Suffolk requested a TIP (Transportation Improvement Program) amendment to transfer additional funds to the project from other City of Suffolk projects with available funding. The Hampton Roads Transportation Planning Organization (HRTPO) approved the transfers at its November meeting.

Attached for Council's consideration is an ordinance to authorize the transfer of funds from the ITS Master Plan project and the Harbourview Area Traffic Signal to the Main Street Pedestrian Improvements project in the amount of \$92,203.

**RECOMMENDATION:**

Adopt the attached ordinance

**ATTACHMENTS:**

Ordinance  
HRTPO Letter

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

**AN ORDINANCE TO AUTHORIZE THE TRANSFER OF FUNDS IN THE AMOUNT OF \$36,203 FROM THE ITS MASTER PLAN PROJECT (UPC 97726) AND FUNDS IN THE AMOUNT OF \$56,000 FROM THE HARBOUR VIEW AREA TRAFFIC SIGNAL COORDINATION PROJECT (UPC100603) TO THE NORTH MAIN STREET SIDEWALK EXTENSION PROJECT, PHASE II (UPC 99172)**

WHEREAS, the City has received bids for the North Main Street Sidewalk Extension Project, Phase II; and the bid total and project administrative costs exceed the project budget by \$92,203. In order to proceed with construction, available funding from two other regionally funded projects have been identified for transfer to the project; and,

WHEREAS, the Hampton Roads Transportation Planning Organization (HRTPO) has approved the transfer of regional funds at their November, 2015 meeting.

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

1. The sum of \$92,203 be, and is hereby, transferred as follows:

Revenue Transfers (From)/To:

310-41100-2041_461020.140	ITS Master Plan	\$(36,203)
310-41100-2172_461020.140	Harbourview Area Traffic Signal	(56,000)
310-41100-2165_461020.140	Main Street Pedestrian Improvements	<u>92,203</u>
		<u>\$ 0</u>

Expenditure Transfer (From)/To:

310-41100-2041_53140.140	Architectural & Engineering VDOT	\$(36,203)
310-41100-2172_53850.140	Construction Contracts VDOT	(56,000)
310-41100-2165_53850.140	Construction Contracts VDOT	<u>92,203</u>
		<u>\$ 0</u>

2. The transfer totaling \$92,203 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 15-O-036, as amended. The City Manager is hereby authorized and directed to do all things necessary to effectuate this action.

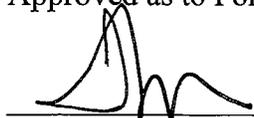
3. The ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: \_\_\_\_\_

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

Erika S. Dawley, City Clerk

Approved as to Form:



\_\_\_\_\_  
Helivi L. Holland, City Attorney

November 19, 2015

Mr. James S. Utterback, PMP  
Hampton Roads District Administrator  
Virginia Department of Transportation  
1700 North Main Street  
Suffolk, VA 23434

Re: Hampton Roads FY 2015-2018 TIP Amendment - UPC# 99172, 97726, 102734 & 100603

Dear Mr. Utterback:

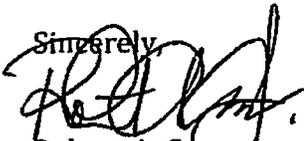
This is to certify that the Hampton Roads TPO, at its meeting on November 19, 2015, approved an amendment to the HRTPO FY 2015-2018 Transportation Improvement Program (TIP) to transfer available funds from two completed projects in the City of Suffolk and one project in the City of Newport News to cover a cost increase on an active CMAQ funded project in the City of Suffolk. This amendment was made available for public review and comment from October 28, 2015 through November 11, 2015. The specific transfers are described below:

- **ITS Master Plan in Suffolk, UPC #97726**
  - Transfer FY 2011 allocation of \$36,621 RSTP, including match, to UPC #102734.
- **Multi-modal Station Relocation in Newport News, UPC #102734**
  - Receive FY 2011 allocation of \$36,621 RSTP, including match, from UPC #97726.
  - Transfer FY 2016 allocation of \$36,621 CMAQ, including match, to UPC #99172.
- **Harbor View Area Traffic Signal Coordination in Suffolk, UPC #100603**
  - Transfer FY 2015 allocation of \$56,000 CMAQ, including match, to UPC #99172.
- **North Main Street Sidewalk in Suffolk, UPC #99172**
  - Receive FY 2016 allocation of \$36,621 CMAQ, including match, from UPC #102734.
  - Receive FY 2015 allocation of \$56,000 CMAQ, including match, from UPC #100603.

Attached is a copy of the pages that have been revised in the FY 2015-2018 Transportation Improvement Program (TIP) to reflect this amendment. The complete TIP, as revised, may be accessed at [www.hrtpotip.org](http://www.hrtpotip.org).

Please advise me of any additional information you may need in regard to the foregoing.

Sincerely,



Robert A. Crum, Jr.  
Executive Director

JDP/kg

Attachment

Copy: Patrick Roberts, City Manager  
Sherry B. Earley, P.E.

**AGENDA: December 16, 2015, Regular Session**

**ITEM: Consent Agenda** – An ordinance to appropriate any unassigned General Fund balance remaining on June 30, 2015, not to exceed \$1,400,000, to the Capital Fund Contingency Account for use in addressing future capital needs

Attached for Council's consideration is an ordinance to appropriate any unassigned General Fund balance remaining on June 30, 2015, not to exceed \$1,400,000, to the Capital Fund Contingency Account for use in addressing future capital needs.

**BUDGET IMPACT:**

Adoption of the ordinance will increase the balance of the Capital Fund Contingency Account.

**RECOMMENDATION:**

Adopt the attached ordinance

**ATTACHMENT:**

Ordinance

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

**AN ORDINANCE TO APPROPRIATE ANY UNASSIGNED GENERAL FUND BALANCE REMAINING ON JUNE 30, 2015, NOT TO EXCEED \$1,400,000, TO THE CAPITAL FUND CONTINGENCY ACCOUNT FOR USE IN ADDRESSING FUTURE CAPITAL NEEDS**

WHEREAS, it is anticipated that an unassigned Capital Fund balance will remain on June 30, 2015; and,

WHEREAS, any remaining unassigned funds will be available for utilization by the City; and,

WHEREAS, the City has future capital needs.

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

1. Any unassigned General Fund balance remaining on June 30, 2015, not to exceed \$1,400,000, be appropriated to the Capital Fund Contingency Account, Account Number 310-91400\_59902.150, to address future capital needs.

2. The Fund amount not to exceed \$1,400,000 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 15-O-036 as amended. The City Manager be, and hereby is authorized and directed to do all things necessary to effectuate this action.

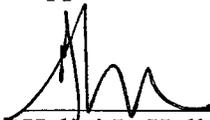
3. This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: \_\_\_\_\_

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

Erika S. Dawley, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Helvi L. Holland, City Attorney

**AGENDA: December 16, 2015, Regular Session**

**ITEM: Consent Agenda** – A resolution to create a High Fine Speed Zone for the 200 block of Pinner Street, pursuant to Section 46.2-878.2 of the Code of Virginia

In response to a request from the residents of Pinner Street, a speed study was conducted by the Traffic Engineering division of Public Works. The results of the study indicated that the 85<sup>th</sup> percentile speed was 29.8 mph (*the 85<sup>th</sup> percentile speed is a commonly used statistical number representing the speed at which or below 85% of the traffic traveling. It is commonly used to help set posted speed limits*).

In the case of Pinner Street, the roadway is classified as a local street and has a posted speed limit of 25 mph. In an effort to bring the 85<sup>th</sup> percentile speed closer in line with the posted speed limit of 25 mph, the residents along Pinner Street have indicated their support for establishing a High Fine Speed Zone for the 200 block of Pinner Street. The High Fine Speed Zone adds an additional \$200 fine to a speeding violation and is a very good tool for addressing situations such as the one noted above.

In order to establish a High Fine Speed Zone, a resolution authorizing the creation of this zone is required to be adopted by City Council. Attached is a copy of the Speed Study, as well as the letter from the residents on Pinner Street.

**RECOMMENDATION:**

Approve the attached resolution

**ATTACHMENTS:**

Resolution with map  
High Fine Speed Zone Request Letter from the Olde Towne Civic League  
Pinner Street High Fine Speed Zone Study

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION TO CREATE A HIGH FINE SPEED ZONE FOR THE 200 BLOCK OF PINNER STREET, PURSUANT TO SECTION 46.2-878.2 OF THE CODE OF VIRGINIA**

WHEREAS, Pinner Street is a two-lane local street with a posted speed limit of 25 miles per hour, located within a Residence District, as identified by §46.2-100 of the Code of Virginia; and,

WHEREAS, the residents of Pinner Street have requested that the City of Suffolk take steps to reduce the speed along Pinner Street; and,

WHEREAS, the Department of Public Works, Traffic Engineering Division completed a High Fine Speed Zone Study, dated November 23, 2015, identifying a speed issue along this roadway and recommending a High Fine Speed Zone; and,

WHEREAS, Council is authorized to create High Fine Speed Zones pursuant to §46.2-878.2 of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Suffolk, Virginia that a High Fine Speed Zone, with penalties appertaining to §46.2-878.2 of the Code of Virginia, shall be created for the 200 block of Pinner Street as identified by the attached map.

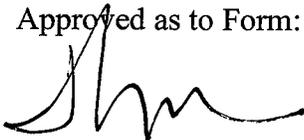
This resolution shall become effective upon adoption.

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

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

Erika S. Dawley, City Clerk

Approved as to Form:



\_\_\_\_\_  
Helivi L. Holland, City Attorney

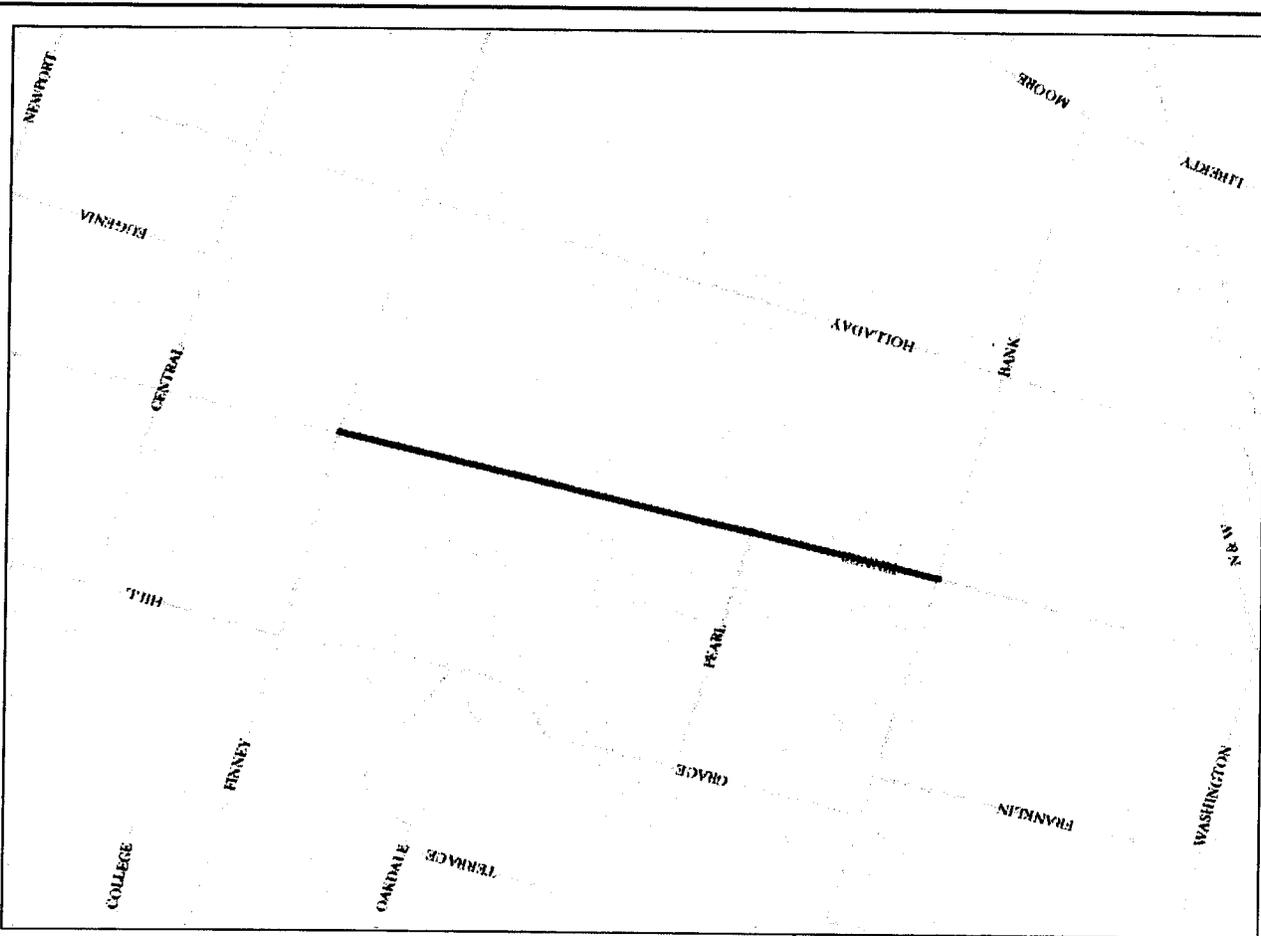
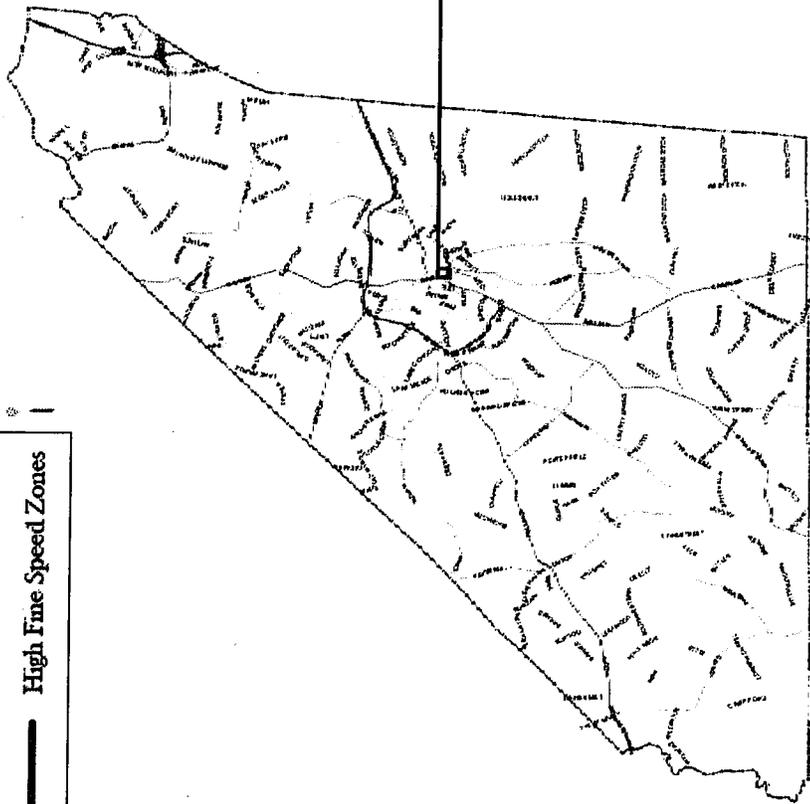


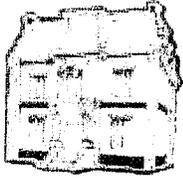
# City of Suffolk

Pinner Street  
High Fine Speed Zone

## Legend

— High Fine Speed Zones





**Suffolk Olde Towne Civic League**  
*"Old Friends Are Worth Keeping"*

RECEIVED  
10-26-15  
sa

July 2, 2015

Mr. Eric T. Nielsen, Jr. P.E.  
Director of Public Works  
442 W. Washington St  
Suffolk, VA 23434

RE: Creation of High Fine Speed Zone for the 200 Block of Pinner Street

Dear Mr. Nielsen:

The Olde Towne Historic District consists of 18 current Pinner Street Homeowners. These highly concerned residents are very supportive of the request for establishment of a "High Fine Speed Zone" between Blank Street and Finney Avenue in accordance with Section 462-848 of the Code of Virginia.

Thank you in advance for your time concerning this matter.

Cordially,

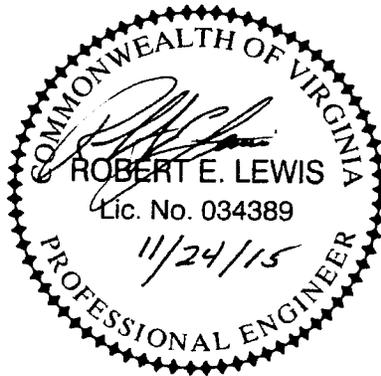
John B. Faircloth  
President  
227 Pinner Street  
Suffolk, VA. 23434  
757.618.0678  
[fairclothjohnb@gmail.com](mailto:fairclothjohnb@gmail.com)

Additional Reference: The City of Suffolk Study/Project of November 2007 to create the chicanes and covert Pinner Street to one-way traffic.

# PINNER STREET HIGH FINE SPEED ZONE STUDY

NOVEMBER 2015

NANSEMOND 1646 SUFFOLK 1742



## BACKGROUND

The Traffic Engineering division of Public Works was requested to study the feasibility and appropriateness of implementing a High Fine Speed Zone on Pinner Street in the 200 block in response to a petition submitted by residents in the Olde Towne Civic League.

Pinner Street is a two-lane urban local street with a posted speed limit of 25 MPH. The 200 block extends from Finney Avenue to Bank Street. It is residential in nature, providing direct access to 16 single-family detached homes. It has a 28' wide pavement section, closed drainage, curb and gutter, sidewalks and street lighting. Although most homes have available off-street parking, on-street parking is well-used by the residents.

## TRAFFIC DATA

24-hour traffic data was collected on Pinner Street between Bank Street and Finney Avenue on October 14, 2015 with the following results:

24-hour Volume	2,606 VPD
Speed Limit	25 MPH
85 <sup>th</sup> Percentile Speed	29.8 MPH
Average Speed	25.3 MPH
> 35 MPH	43 VPD (1.7%)
Maximum Recorded Speed	44.7 MPH

*The 85<sup>th</sup> percentile speed is a commonly used statistical number representing the speed at or below which 85% of the traffic is travelling. It is commonly used to set speed limits.*

## ACCIDENT DATA

Suffolk Police Department crash records show three (3) crashes occurring within the 200 block of Pinner Street over the last 3 year period. Each of these crashes involved drivers hitting the raised concrete landscaped islands associated with the previous traffic calming improvements. No injuries or fatalities resulted from these crashes.

## ACTIONS TAKEN TO DATE

In 2007, Traffic Engineering performed a safety study for the 200 block of Pinner Street in response to resident complaints of high cut-through traffic volumes and high speeds that resulted in frequent collisions between passing vehicles and with parked vehicles. Up to this point, Pinner Street operated with two-way traffic and on-street parking allowed on both sides of the street. The study showed that resident concerns were valid and

recommended two options for the implementation of traffic calming to slow vehicles and reduce the number of crashes within this block. Option 1 consisted of removing on-street parking from one side of the street to allow more width for vehicles to pass. Parking zones would be established in an alternating pattern on opposite sides of the street to reduce speeds as drivers navigated around parked vehicles. Two-way traffic would be maintained under this scenario. Option 2 also consisted of limiting on-street parking to alternating zones on opposite sides of the street but traffic would be limited to one-way operations northbound only from Bank Street to Finney Avenue.

In November 2007, Traffic Engineering implemented temporary traffic calming measures on Pinner Street between Bank Street and Finney Avenue in the form of Option 2 from the study at the request of the residents. After a six month trial period, Public Works moved forward with the permanent installation of these measures at the request of the community.

In May 2015, due to failing storm water structures under Pinner Street near Pearl Street, the 200 block of Pinner Street was closed to through traffic and repairs were made. In order to provide access to each of the homes along this block while this work was performed, two-way traffic was re-established between Bank Street and Finney Avenue which required the removal of the raised landscaped islands that were installed in 2008.

After a comprehensive review of conditions, Public Works elected not to re-install the raised landscape islands within the roadway due to complaints received regarding circulation within the Downtown area, accessibility to homes on nearby streets, and difficulties detouring traffic around the Downtown area for accidents, work zones, and special events (such as the Taste of Suffolk, Shake, Rattle and Roll Car Show, and Holiday and Peanut Fest parades) due to the lack of streets that parallel Main Street that support two-way traffic. Based on that review, it was determined that limiting traffic to one-way operations in that block impacted the Downtown street network in substantial ways and created problems for detouring traffic through Downtown when necessary. In addition, the use of raised bulb-outs had proven to be burdensome from a maintenance perspective and created a significant safety concern because of the potential for drivers to hit them and the severity of collision that resulted.

As a result of that review, the City elected not to re-establish the one-way traffic pattern (or re-install the raised bulb-outs) but to implement Option 1 from the original study, which called for the establishment of on-street parking on alternating sides of the street with continued two-way traffic operations.

## FINDINGS

The traffic data does not show significant speeding on the studied roadway section; however, a review of historic traffic data does show an increase in traffic volumes and speeds since reverting to two-way traffic operations within this block earlier this year. Creation of High Fine Speed Zones has proven effective in reducing vehicle speeds in residential areas in similar situations in Suffolk as well as in several other local cities.

#### 4 | *Pinner Street High Fine Speed Zone Study*

#### RECOMMENDATION

This location meets the criteria for implementation of a High Fine Speed Zone in accordance with Traffic Engineering Policy and would be conducive to a High Fine Speed Zone. Traffic Engineering recommends installation of SPEED LIMIT 25 signs with HIGH FINE placard in accordance with Traffic Engineering policy on Pinner Street between Finney Avenue and Bank Street.

REL/jss

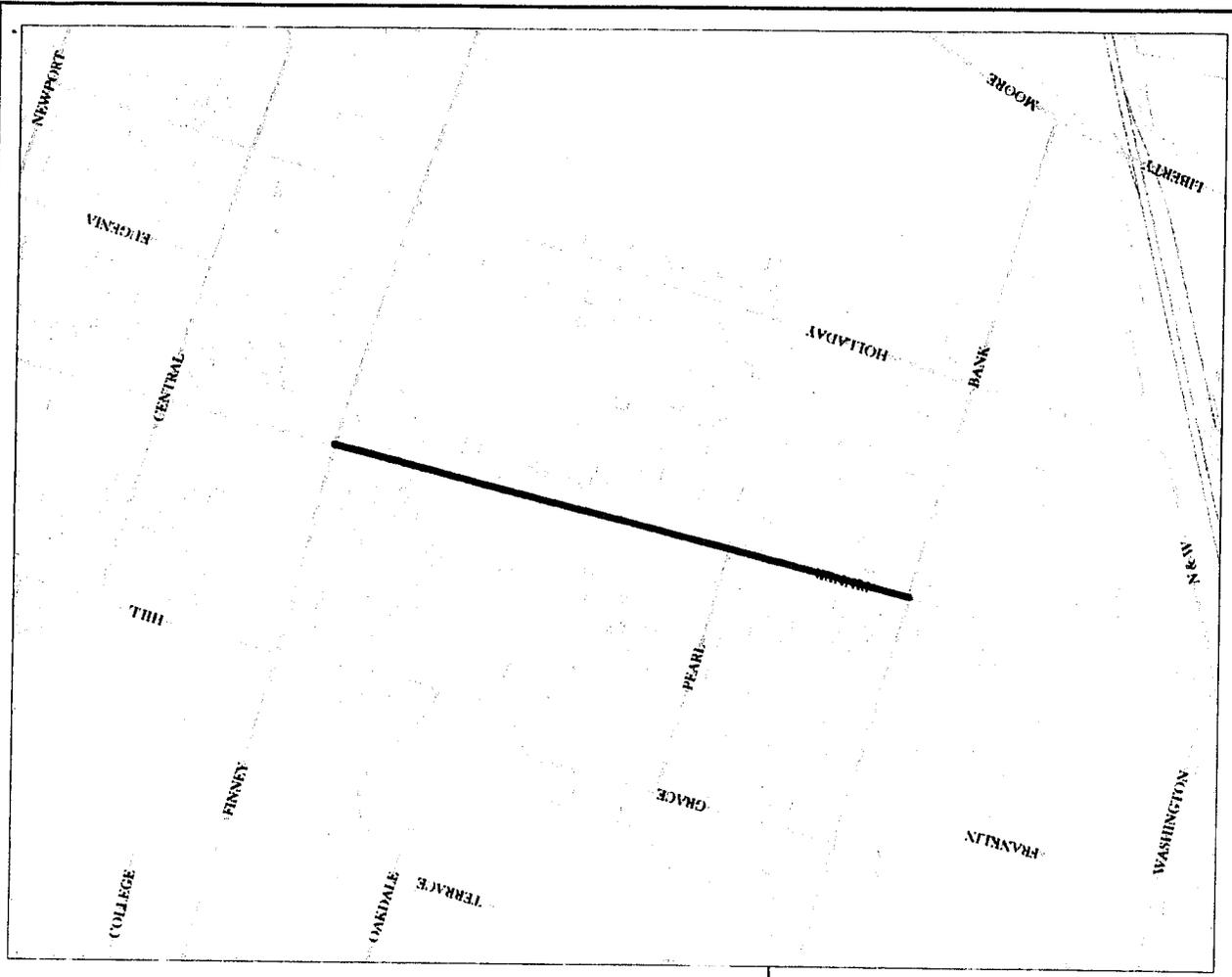
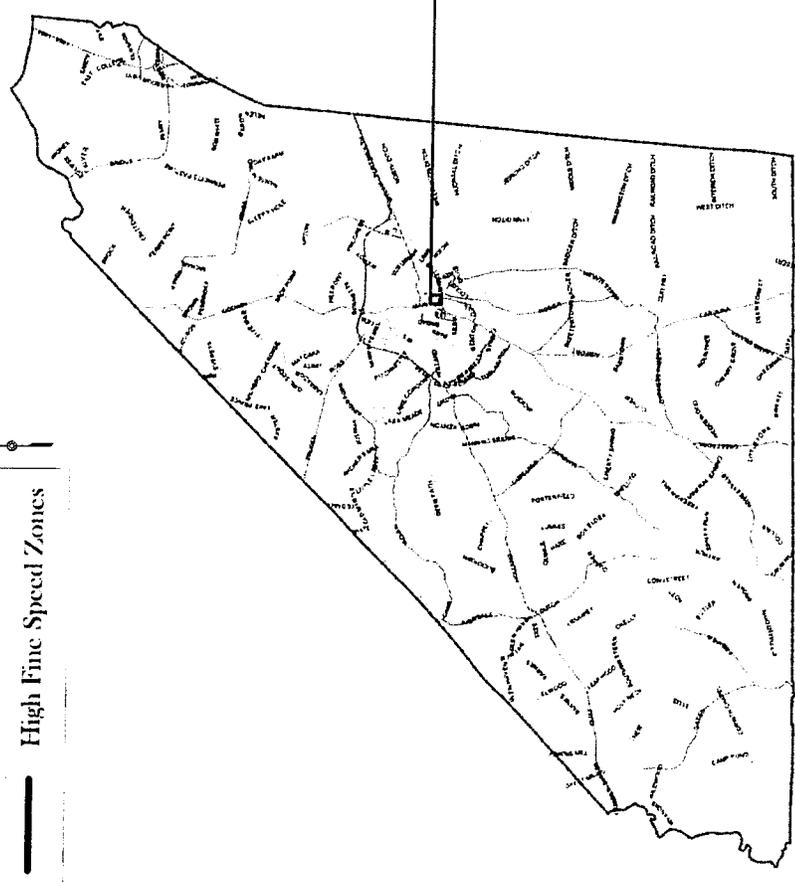


# City of Suffolk

Pinner Street  
High Fine Speed Zone

## Legend

— High Fine Speed Zones



**CITY TRAFFIC ENGINEER**

SIGNATURE *R. E. [Signature]* DATE: 11/24/15

**DIRECTOR OF PUBLIC WORKS**

SIGNATURE *E. J. [Signature]* DATE: 12/1/15

**CHIEF OF POLICE**

CONCUR                       DO NOT CONCUR

SIGNATURE *J. E. B. [Signature]* DATE: 12/7/15

**CITY MANAGER**

CONCUR                       DO NOT CONCUR

SIGNATURE *P. C. [Signature]* DATE: 12/9/15

-----  
FOR TRAFFIC ENGINEERING USAGE ONLY

**CITY COUNCIL**

DATE OF COUNCIL ACTION: \_\_\_\_\_

APPROVE

DENY

COMMENTS:

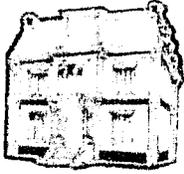
**POSTING OF SIGNAGE (IF APPROVED)**

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

LOCATION(S): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE \_\_\_\_\_

DATE: \_\_\_\_\_



**Suffolk Olde Towne Civic League**  
*"Old Friends Are Worth Keeping"*

RECEIVED  
10-20-15  
sa

July 2, 2015

Mr. Eric T. Nielsen, Jr. P.E.  
Director of Public Works  
442 W. Washington St  
Suffolk, VA 23434

RE: Creation of High Fine Speed Zone for the 200 Block of Pinner Street

Dear Mr. Nielsen:

The Olde Towne Historic District consists of 18 current Pinner Street Homeowners. These highly concerned residents are very supportive of the request for establishment of a "High Fine Speed Zone" between Blank Street and Finney Avenue in accordance with Section 462-848 of the Code of Virginia.

Thank you in advance for your time concerning this matter.

Cordially,

John B. Faircloth  
President  
227 Pinner Street  
Suffolk, VA. 23434  
757.618.0678  
[fairclothjohnb@gmail.com](mailto:fairclothjohnb@gmail.com)

Additional Reference: The City of Suffolk Study/Project of November 2007 to create the chicanes and covert Pinner Street to one-way traffic.



# CITY OF SUFFOLK

866 CAROLINA ROAD, SUFFOLK, VA 23434

PHONE 757-514-7603

FAX 757-923-2491

DEPARTMENT OF PUBLIC WORKS  
Traffic Engineering Division

## TRAFFIC ENGINEERING POLICY

### High Fine Speed Zone in Certain Residence Districts

#### Purpose:

On June 17, 1999 the Commonwealth Transportation Board approved a new policy and procedures for the installation of signs advising of the maximum penalty for exceeding posted maximum speed limits in certain residence districts. The policy and procedure carried out the provisions of § 46.2-878.2 of the Code of Virginia which became effective July 1, 1999. Copies of the State Code and the VDOT Policy are attached.

The Code further requires any local governing body having jurisdiction over highways develop criteria for the overall applicability for the installation of such signs. Code also allows such signs to be funded from Roadway Maintenance allocations.

## **POLICY AND PROCEDURES**

### **APPLICABILITY OF §46.2-878.2 OF THE CODE OF VIRGINIA**

Installation of signs advising of maximum penalty for exceeding posted maximum speed limit in certain residence districts.

#### *PURPOSE:*

The purpose of this policy and attendant procedures is to provide guidelines for addressing the issue of exceeding the maximum speed limit on local residential streets, collector streets, and minor arterial streets with residential characteristics in certain residence districts and installing signs as prescribed in §46.2-878.2 of the Code of Virginia.

#### *POLICY ON INSTALLATION OF SIGNS IN CERTAIN RESIDENCE DISTRICTS:*

It is the City of Suffolk's policy that Public Works, Traffic Engineering, upon a formal request from the City Council, will install signs on local residential streets, collector streets, and minor arterial streets with a posted speed limit of 35 miles per hour or lower advising motorists of a maximum punishment of \$200.00, in addition to other penalties provided by law, for exceeding the speed limit in certain residence districts.

#### *INTRODUCTION:*

This policy and attendant procedures identify the specific responsibilities and requirements of the City in addressing concerns relating to motorists exceeding the speed limit in certain residence districts.

#### *DEFINITIONS:*

"Residence District" as defined in §46.2-100 means the territory contiguous to a highway, not comprising a business district, where seventy-five percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes.

"Highway" as defined in §46.2-100 means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for which law-enforcement purposes, the entire width between the boundary lines of all private roads or private streets which have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located.

For purposes of this policy a Local Residential Street is a highway built as part of a residential development or a highway where residential development has taken place resulting in a neighborhood or community resembling a residential development. Further, a local residential street must have the residential units facing the street and provide driveway connections or curbside parking for a majority of the residential units.

For purposes of this policy Collector Streets and Roads are highways exhibiting the residential characteristics listed above for local residential streets as well as serving traffic movements between residential areas and major roadways.

For purposes of this policy Minor Arterial Streets and Roads are highways exhibiting the residential characteristics listed above for local residential streets. These roads and streets also

serve trips of moderate lengths at a somewhat lower level of travel mobility than principal arterials, provide access to geographic areas smaller than those served by the higher system, and provide intracommunity continuity.

Note: The definitions of local residential streets, collector streets, and minor arterial streets shown above are for administration of this policy only and do not necessarily apply to any other City policies and programs.

*CRITERIA:*

To qualify for sign installation, a highway shall meet the following criteria:

1. Meet the definition of local residential, collector, or minor arterial street as indicated above.
2. Have a posted speed limit of 35 miles per hour or lower.

*CITY RESPONSIBILITIES:*

To initiate these procedures, the City Staff shall request, by resolution of the Suffolk City Council, that Traffic Engineering install the appropriate signs as stipulated in §46.2-878.2 of the Code of Virginia. This request shall be submitted to City Council in the form of a resolution, along with the following support data.

Support Data Requirements:

1. Identification of the neighborhood and specific highway(s) where the signs are requested to be installed.
2. Confirmation that the highway(s) meet the definitions of local residential, collector, or minor arterial streets as described above.
3. Notification that a speeding problem exists and that the increased penalty has community support.

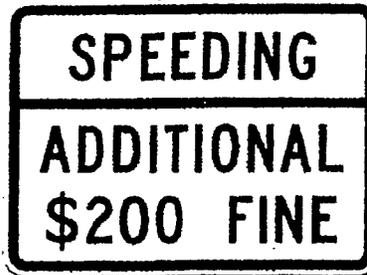
*TRAFFIC ENGINEERING RESPONSIBILITIES:*

It is the responsibility of Traffic Engineering to provide, install, and maintain the signs. The following procedure will be observed:

Sign installation under §46.2-878.2 will take place within sixty (60) days of the date the request is approved.

*FUNDING:*

Signs installed in accordance with this policy will be fully funded from Roadway Maintenance allocations to the City of Suffolk.



SHAPE	Horizontal Rectangle	
COLOR	<i>Line 1:</i>	
	Message and Border:	Black (Non-reflectORIZED)
	Field:	Yellow (ReflectORIZED)
	<i>Lines 2 through 3:</i>	
Message and Border:	Black (Non-reflectORIZED)	
Field:	White (ReflectORIZED)	
SIZE	Horizontal:	24"
	Vertical:	18"
MESSAGE	Line 1	Capitals: 3" C
		Solid Bar: 5/8"
	Line 2	Capitals: 3" C
	Line 3	Capitals: 3" C
MARGIN WIDTH	3/8"	
BORDER WIDTH	5/8"	
CORNER RADIUS	1-1/2"	

Notes: Vertical spacing between the top border and the solid bar is 5-1/2". Vertical spacing between message lines 2 and 3 is 1-1/2".

§ 46.2-878.2. Maximum speed limits in certain residence districts of counties, cities, and towns; penalty.

Operation of any motor vehicle in excess of a maximum speed limit established for a highway in a residence district of a county, city, or town, when indicated by appropriately placed signs displaying the maximum speed limit and the penalty for violations, shall be unlawful and constitute a traffic infraction punishable by a fine of \$200, in addition to other penalties provided by law. No portion of the fine shall be suspended unless the court orders 20 hours of community service. The Commonwealth Transportation Board or any local governing body having jurisdiction over highways shall develop criteria for the overall applicability for the installation of signs. Such criteria shall not exclude highways, functionally classified as minor arterials, serving areas that either (i) were built as residential developments or (ii) have grown to resemble residential developments, provided, in either case, (i) such highways are experiencing documented speeding problems and (ii) the local governing body requests the application of this section to such highway. Such signs may be installed in any town and shall not require the approval of the county within which such town is located. Any such signs installed in any town shall be paid for by the town requesting the installation of the signs, or out of the county's secondary system construction allocation.

(1996, c. 110; 1999, c. 87; 2002, c. 652; 2004, c. 350; 2006, c. 547.)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

**AGENDA: December 16, 2015, Regular Session**

**ITEM: Consent Agenda** – A resolution to create a High Fine Speed Zone for South Division Street, pursuant to Section 46.2-878.2 of the Code of Virginia

In response to a request from the residents of South Division Street, a speed study was conducted by the Traffic Engineering division of Public Works. The results of the study indicated that the 85<sup>th</sup> percentile speed was 34.5 mph (*the 85<sup>th</sup> percentile speed is a commonly used statistical number representing the speed at which or below 85% of the traffic traveling. It is commonly used to help set posted speed limits*).

In the case of South Division Street, the roadway is classified as a local street and has a posted speed limit of 25 mph. In an effort to bring the 85<sup>th</sup> percentile speed closer in line with the posted speed limit of 25 mph, the residents along South Division Street have indicated their support for establishing a High Fine Speed Zone for South Division Street through submission of a petition requesting the posting of a High Fine Speed Zone on their street. The High Fine Speed Zone adds an additional \$200 fine to a speeding violation and is a very good tool for addressing situations such as the one noted above.

In order to establish a High Fine Speed Zone, a resolution authorizing the creation of this zone is required to be adopted by City Council. Attached is a copy of the Speed Study, as well as the petition from the residents on South Division Street.

**RECOMMENDATION:**

Approve the attached resolution

**ATTACHMENTS:**

Resolution with map  
High Fine Speed Zone Petition from South Division Street Residents  
South Division Street High Fine Speed Zone Study

**RESOLUTION NO.** \_\_\_\_\_

**A RESOLUTION TO CREATE A HIGH FINE SPEED ZONE FOR SOUTH DIVISION STREET, PURSUANT TO SECTION 46.2-878.2 OF THE CODE OF VIRGINIA**

WHEREAS, South Division Street is a two-lane local street with a posted speed limit of 25 miles per hour, located within a Residence District, as identified by §46.2-100 of the Code of Virginia; and,

WHEREAS, the residents of South Division Street have petitioned the City of Suffolk to take steps to reduce the speed along South Division Street; and,

WHEREAS, the Department of Public Works, Traffic Engineering Division completed a High Fine Speed Zone Study, dated October 15, 2015, identifying a speed issue along this roadway and recommending a High Fine Speed Zone; and,

WHEREAS, Council is authorized to create High Fine Speed Zones pursuant to §46.2-878.2 of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Suffolk, Virginia that a High Fine Speed Zone, with penalties appertaining to §46.2-878.2 of the Code of Virginia, shall be created for the entirety of South Division Street as identified by the attached map.

This resolution shall become effective upon adoption.

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

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

Erika S. Dawley, City Clerk

Approved as to Form:



\_\_\_\_\_  
Helivi L. Holland, City Attorney

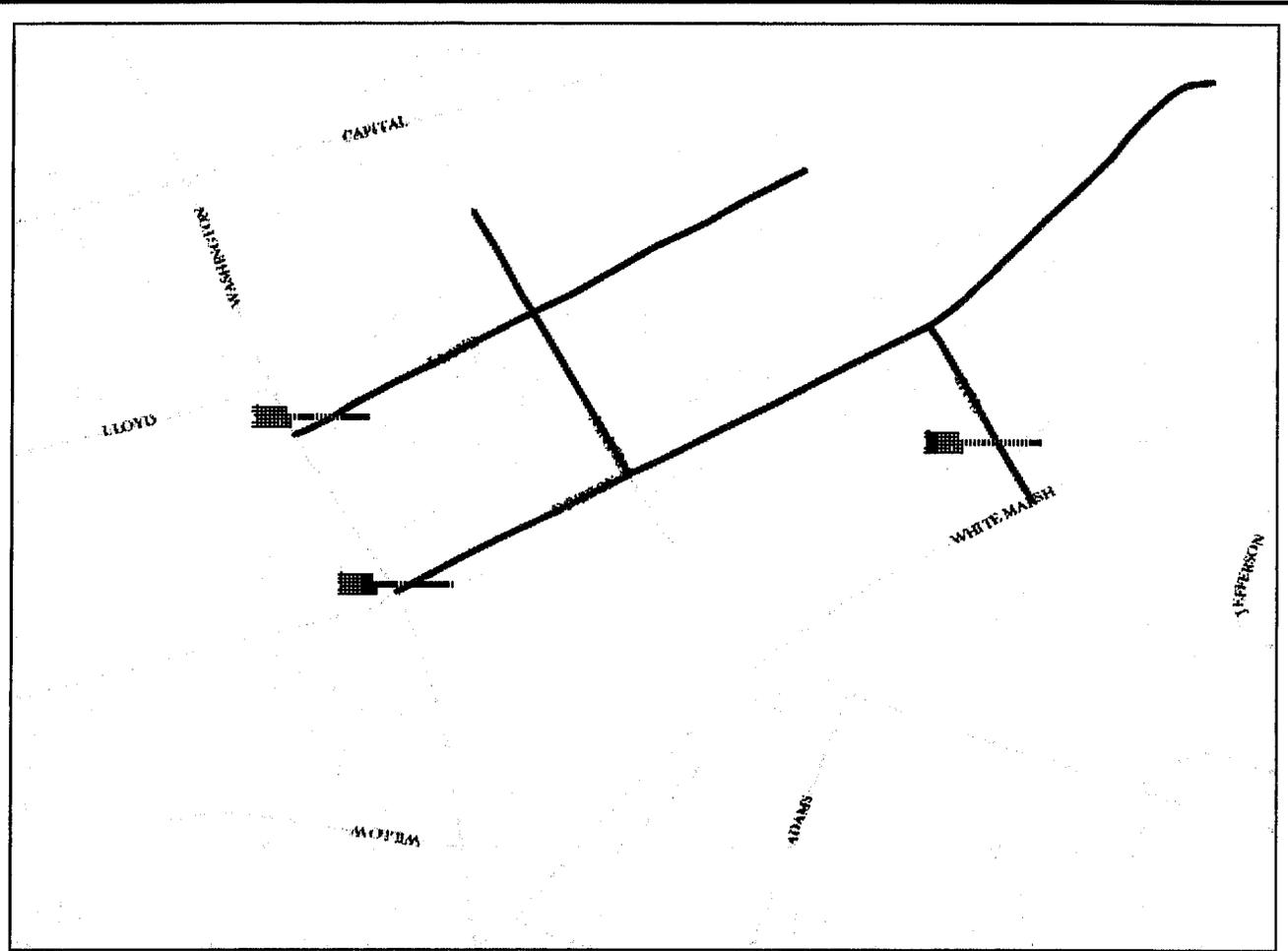
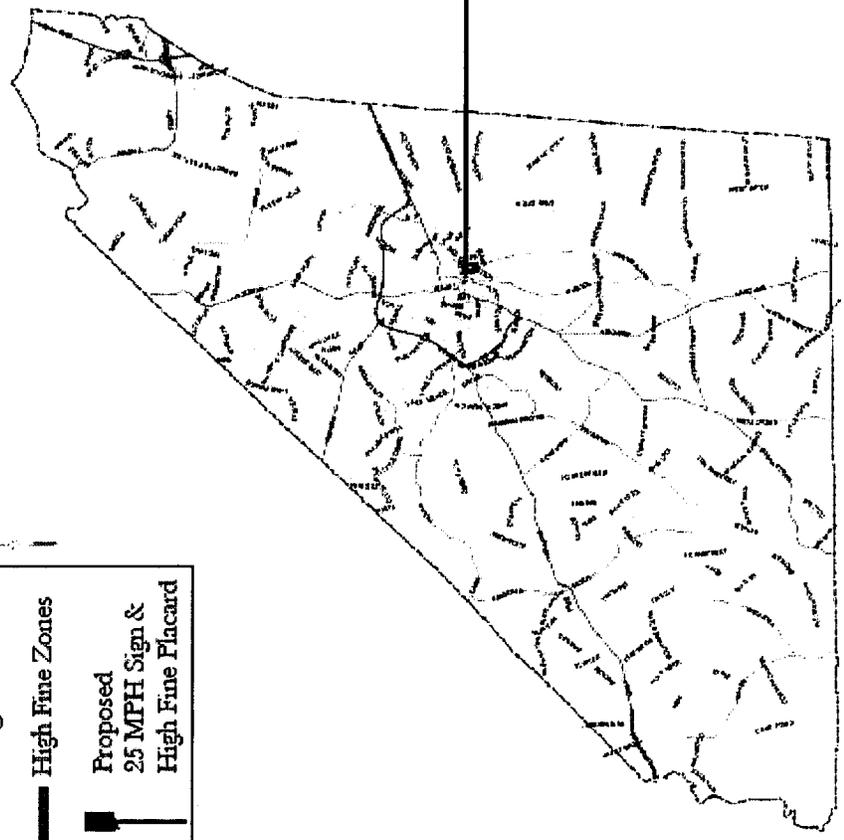


# City of Suffolk

S. Division St. - High Fine Speed Zone

**Legend**

- High Fine Zones
- Proposed 25 MPH Sign & High Fine Placard



THE BELOW LISTED RESIDENTS OF SOUTH DIVISION STREET IN SUFFOLK VA. ARE PETITIONING THE CITY TO INSTAL A HIGH FINE ZONE SIGN WITHIN OUR NEIGHBORHOOD. WE ARE REQUESTING THIS TO HALT AND ELIMINATE SPEEDING DOWN OUR STREET.

RESIDENT NAME

- 1 Shelley Lee Jones Jr
- 2 CENTRE FIRE WIGGINS
- 3 BERNARD M. WRIGHT SR.
- 4 BEULAH BARNES WRIGHT
- 5 MARY R. WEFIN
- 6 Herbert L. Komer
- 7 Chen Farokhpour
- 8 Joseph Yountation
- 9 Alfonso Brown
- 10 Raymond Saylor
- 11 L. K.
- 12 Teresa Fay/R
- 13 Ben Mann
- 14 DeJonee Hayes
- 15 DeLewm Frazee
- 16 Titus Barclift
- 17 ~~Stella McFadden~~

RESIDENT SIGNATURE

- Shelley Lee Jones 204 South Division
- Centre Fire Wiggins P.O. Box 948
- Bernard M. Wright Sr. 212 S. Division St.
- Beulah Barnes Wright 212 S. Division St.
- 371 S. Division St.
- 314 S. Division St.
- 302 S. Division Street
- 304 S. Division St.
- 306 S. Division St.
- 310 S. Division St.
- 313 S. Division St.
- 305 S. Division St. Leona Fuchs
- 305 S. Division St. Ben Mann
- 303 S. Division St. DeJonee Hayes
- 215 S. Division St. DeLewm Frazee
- 202 S. Division St. Titus Barclift
- ~~201 S. Division St.~~

RESIDENT NAME (PRINT)

RESIDENT SIGNATURE

- 16 Albert James SE
- 17 Sheila Mclellan 201 S. Division St.
- 18 Barbara Wall 835 Freeway Ave SW
- 19 Trent Everett 112
- 20 Benny Harvey 112 1/2 S. Division Street
- 21 G. Pulpanon 107 S. Division St.
- 22 Early Day Jr 114 S Lloyd St
- 23 Eudina m Gay 114 S Lloyd St
- 24 Sharonda Sherrod 115 S. Lloyd St
- 25 Zann Lewten 108 S. Lloyd St.
- 26 Charles F Green 203 S. Lloyd St
- 27 Sheila Probs 210 S. Division St.
- 28 Vernon m. + Shirley Harvey 205 S. Division St.
- 29 Deborah Jeremy 308 S. Division St
- 30 Timothy Hardy 108 S. Division St
- 31 Quinton + Chival Franklin 114 S. Division St

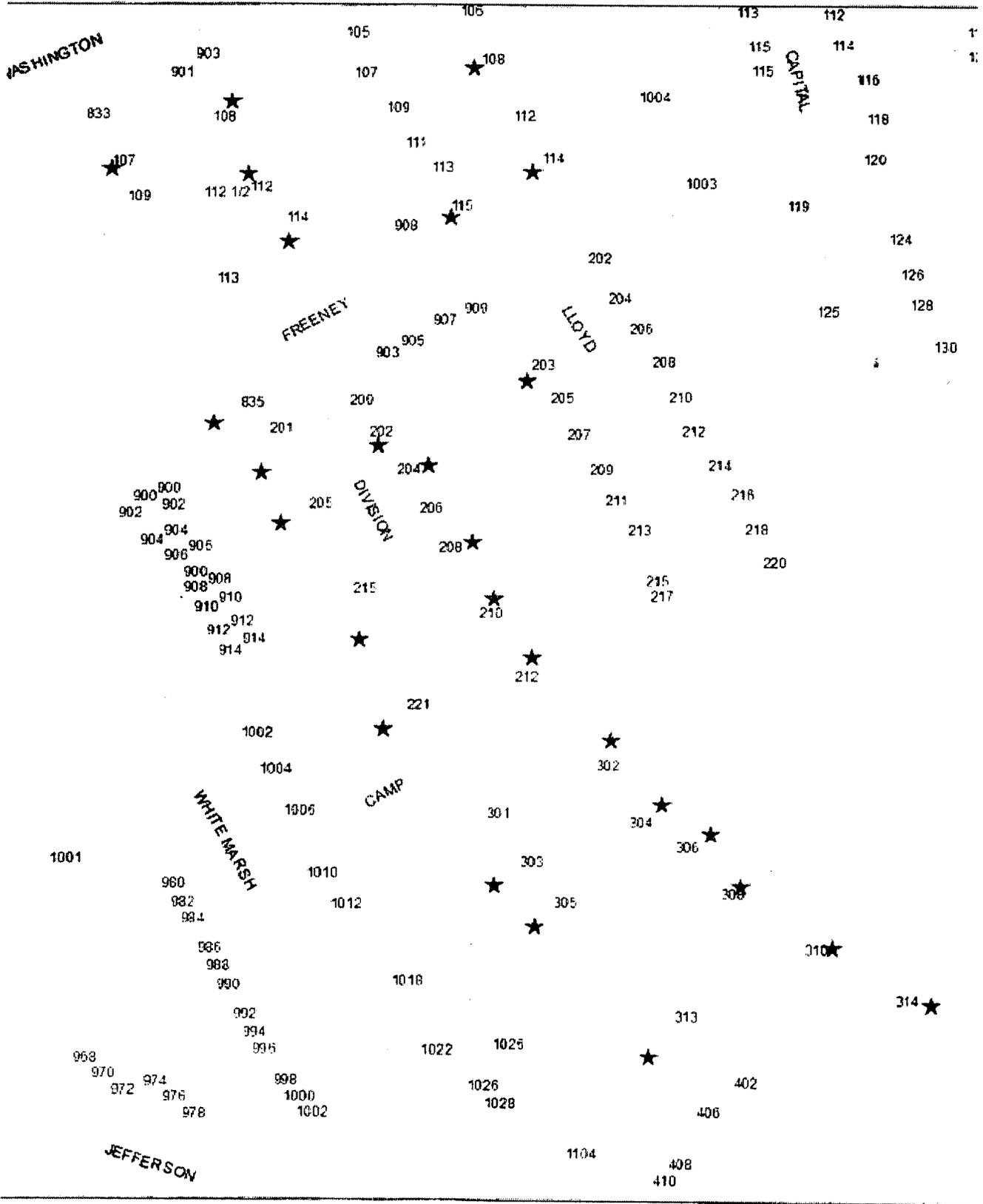
Albert James Sr.

*[Handwritten signature]*

Shirley Harvey

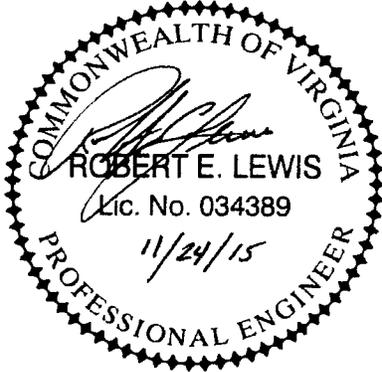
Vernon Shirley Harvey

*[Handwritten signature]*



# SOUTH DIVISION STREET HIGH FINE SPEED ZONE STUDY

OCTOBER 2015



## BACKGROUND

The Traffic Engineering division of Public Works was requested to study the feasibility and appropriateness of implementing a High Fine Speed Zone on South Division Street in response to a petition submitted by the 32 of the residents of South Division Street and the adjacent South Lloyd Street.

S. Division Street is a two-lane local street with a posted speed limit of 25 MPH. It extends south from E. Washington Street approximately 1,200 feet and terminates in a cul-de-sac. It is residential in nature, providing direct access to 27 single-family detached homes and 16 townhomes. It has an 18' wide pavement section. Closed drainage, curb and gutter, and sidewalks are not present. On-street parking is not restricted. Several homes have limited off-street parking available and rely on on-street parking to provide sufficient space for all vehicles.

## PEDESTRIAN DATA

No pedestrians were observed during field reviews of the area; therefore, no pedestrian counts were obtained.

## TRAFFIC DATA

24-hour traffic data was collected on S. Division Street between Camp Avenue and Freeney Avenue on September 17, 2015 with the following results:

24-hour Volume	962 VPD
85 <sup>th</sup> Percentile Speed	34.5 MPH
Average Speed	27.2 MPH
> 35 MPH	129 VPD (13.4%)
Maximum Recorded Speed	55.9 MPH
Speed Limit	25 MPH

*The 85<sup>th</sup> percentile speed is a commonly used statistical number representing the speed at or below which 85% of the traffic is travelling. It is commonly used to set speed limits.*

## ACCIDENT DATA

Suffolk Police Department crash records show four (4) crashes occurring on S. Division Street over the last 5 year period. Three (3) of these crashes involved collisions with vehicles parked on the street.

### ACTIONS TAKEN TO DATE

A SPEED LIMIT 25 sign is posted facing southbound traffic just south of E. Washington Street. No additional speed limit signs are present in the neighborhood. No additional actions have been taken to date in an effort to slow traffic or to deter cut-through traffic.

### FINDINGS

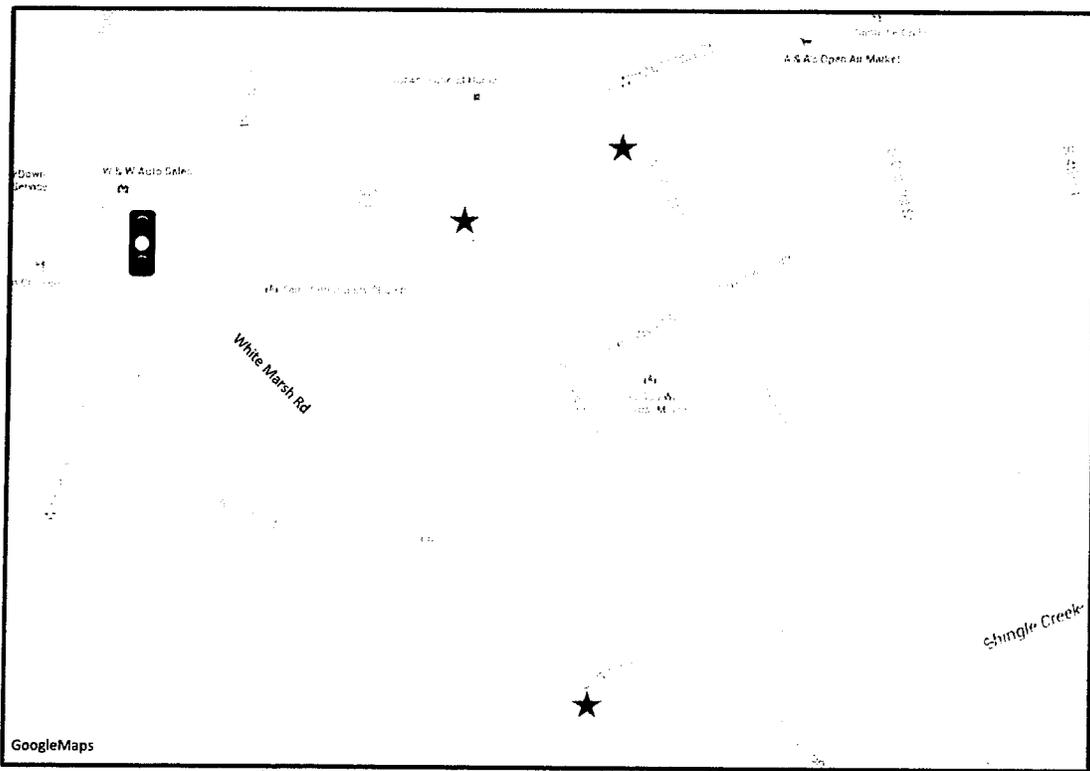
The traffic data does show significant speeding on the studied roadway section. Through field observations and discussions with residents in the immediate area, S. Division Street is commonly used as a cut-through via Camp Avenue from E. Washington Street to White Marsh Road in an effort to avoid the signalized intersection of E. Washington Street and White Marsh Road. Shorter travel distance and travel time, improved intersection geometry and the presence of an eastbound left turn lane at the intersection of E. Washington Street and S. Division Street make this an attractive cut-through. In addition, the narrow pavement width, lack of formal driveway entrances, on-street parking and multiple sight visibility constraints throughout the neighborhood present significant hazards when combined with speeding vehicles.

### RECOMMENDATION

This location meets the criteria for installation of a High Fine Speed Zone in accordance with Traffic Engineering Policy and would be conducive to a High Fine Speed Zone. Traffic Engineering recommends installation of SPEED LIMIT 25 signs with HIGH FINE placard in accordance with Traffic Engineering policy at each entrance to the immediate neighborhood from surrounding arterial and collector roadways. This will include S. Division Street and S. Lloyd Street coming from E. Washington Street and Camp Avenue coming from White Marsh Road.

REL/jss

## S. Division Street High Fine Speed Zone

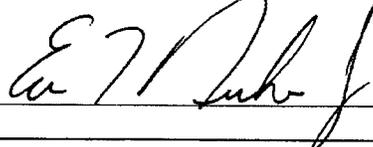


★ PROPOSED SPEED LIMIT 25 SIGN WITH HIGH FINE PLACARD

**CITY TRAFFIC ENGINEER**

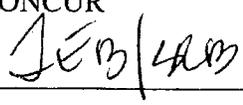
SIGNATURE  DATE: 11/24/15

**DIRECTOR OF PUBLIC WORKS**

SIGNATURE  DATE: 12/1/15

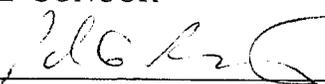
**CHIEF OF POLICE**

CONCUR                       DO NOT CONCUR

SIGNATURE  DATE: 12/7/15

**CITY MANAGER**

CONCUR                       DO NOT CONCUR

SIGNATURE  DATE: 12/7/15

-----  
FOR TRAFFIC ENGINEERING USAGE ONLY

**CITY COUNCIL**

DATE OF COUNCIL ACTION: \_\_\_\_\_

APPROVE

DENY

COMMENTS:

**POSTING OF SIGNAGE (IF APPROVED)**

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

LOCATION(S): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE \_\_\_\_\_

DATE: \_\_\_\_\_

THE BELOW LISTED RESIDENTS OF SOUTH DIVISION STREET IN SUFFOLK VA. ARE PETITIONING THE CITY TO INSTAL A HIGH FINE ZONE SIGN WITHIN OUR NEIGHBORHOOD. WE ARE REQUESTING THIS TO HALT AND ELIMINATE SPEEDING DOWN OUR STREET.

RESIDENT NAME	RESIDENT SIGNATURE
1 Shelley Lee Jones Jr	Shelley Lee Jones Jr 204 South Division
2 Catherine Wiggins	Catherine Wiggins 208
3 BERNARD M. WRIGHT SR.	Bernard M. Wright Sr. 212 S. Division St.
4 BEULAH BARNES WRIGHT	Beulah Barnes Wright 212 S. Division St.
5 MARY RUFFIN	221 S. Division St.
6 Herbert L. Boone	314 S. Division St.
7 Don Farokhpour	302 S. Division Street
8 Louise Swertson	304 S. Division St.
9 Alfonso Brown	306 S. Division
10 Kanye Sawyer	310 S. D. St.
11 <del>_____</del>	313 S. Division
12 TERESA FAULK	305 S. Division St. Teresa Faulk
13 Ben Mann	305 S. Division St. Ben Mann
14 De'Jongel Hayes	303 S. Division St. De'Jongel Hayes
15 Dawn Frazier	215 S. DIVISION ST Dawn Frazier
16 Titus Barclift	202 S. Division St Titus Barclift
17 <del>Skitta Mclellan</del>	<del>201 S. Division</del>

RESIDENT NAME (PRINT)

RESIDENT SIGNATURE

Albert Jones Sr.

- 16 Albert Jones Sr.
- 17 Sheila McKellan 201 S. Division St.
- 18 Barbara Wall 835 Freney Ave Su

- 19 Trent Everett 112 Street
- 20 Benny Harvey 112 1/2 S. Division

107 S. Division St.

- 22 Early Day Jr 114 S Lloyd St
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- 24 Sharonda Sherrod 115 G. Lloyd St
- 25 Zawn Lewten 108 S. Lloyd St.

- 26 Charlie Green 203 S. Lloyd St
- 27 Sheila Cheeks 210 S. Division St.

Vernon M. + Shirley Henry 705 S. Division St.

- 29 Deborah Jennings 308 S. Division St
- 30 Timothy Hardy 108 S. Division St

3' Quinton + Olivia Frankie 114 S. Division St

*[Handwritten signature]*

Vernon Shirley Henry

*[Handwritten signature]*

WASHINGTON

CAPITAL

FREENEY

LLOYD

DIVISION

CAMP

WHITE MARSH

JEFFERSON





# CITY OF SUFFOLK

866 CAROLINA ROAD, SUFFOLK, VA 23434

PHONE 757-514-7603

FAX 757-923-2491

DEPARTMENT OF PUBLIC WORKS  
Traffic Engineering Division

## TRAFFIC ENGINEERING POLICY

### High Fine Speed Zone in Certain Residence Districts

#### Purpose:

On June 17, 1999 the Commonwealth Transportation Board approved a new policy and procedures for the installation of signs advising of the maximum penalty for exceeding posted maximum speed limits in certain residence districts. The policy and procedure carried out the provisions of § 46.2-878.2 of the Code of Virginia which became effective July 1, 1999. Copies of the State Code and the VDOT Policy are attached.

The Code further requires any local governing body having jurisdiction over highways develop criteria for the overall applicability for the installation of such signs. Code also allows such signs to be funded from Roadway Maintenance allocations.

## **POLICY AND PROCEDURES**

### **APPLICABILITY OF §46.2-878.2 OF THE CODE OF VIRGINIA**

Installation of signs advising of maximum penalty for exceeding posted maximum speed limit in certain residence districts.

#### ***PURPOSE:***

The purpose of this policy and attendant procedures is to provide guidelines for addressing the issue of exceeding the maximum speed limit on local residential streets, collector streets, and minor arterial streets with residential characteristics in certain residence districts and installing signs as prescribed in §46.2-878.2 of the Code of Virginia.

#### ***POLICY ON INSTALLATION OF SIGNS IN CERTAIN RESIDENCE DISTRICTS:***

It is the City of Suffolk's policy that Public Works, Traffic Engineering, upon a formal request from the City Council, will install signs on local residential streets, collector streets, and minor arterial streets with a posted speed limit of 35 miles per hour or lower advising motorists of a maximum punishment of \$200.00, in addition to other penalties provided by law, for exceeding the speed limit in certain residence districts.

#### ***INTRODUCTION:***

This policy and attendant procedures identify the specific responsibilities and requirements of the City in addressing concerns relating to motorists exceeding the speed limit in certain residence districts.

#### ***DEFINITIONS:***

"Residence District" as defined in §46.2-100 means the territory contiguous to a highway, not comprising a business district, where seventy-five percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes.

"Highway" as defined in §46.2-100 means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for which law-enforcement purposes, the entire width between the boundary lines of all private roads or private streets which have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located.

For purposes of this policy a Local Residential Street is a highway built as part of a residential development or a highway where residential development has taken place resulting in a neighborhood or community resembling a residential development. Further, a local residential street must have the residential units facing the street and provide driveway connections or curbside parking for a majority of the residential units.

For purposes of this policy Collector Streets and Roads are highways exhibiting the residential characteristics listed above for local residential streets as well as serving traffic movements between residential areas and major roadways.

For purposes of this policy Minor Arterial Streets and Roads are highways exhibiting the residential characteristics listed above for local residential streets. These roads and streets also

serve trips of moderate lengths at a somewhat lower level of travel mobility than principal arterials, provide access to geographic areas smaller than those served by the higher system, and provide intracommunity continuity.

Note: The definitions of local residential streets, collector streets, and minor arterial streets shown above are for administration of this policy only and do not necessarily apply to any other City policies and programs.

*CRITERIA:*

To qualify for sign installation, a highway shall meet the following criteria:

1. Meet the definition of local residential, collector, or minor arterial street as indicated above.
2. Have a posted speed limit of 35 miles per hour or lower.

*CITY RESPONSIBILITIES:*

To initiate these procedures, the City Staff shall request, by resolution of the Suffolk City Council, that Traffic Engineering install the appropriate signs as stipulated in §46.2-878.2 of the Code of Virginia. This request shall be submitted to City Council in the form of a resolution, along with the following support data.

Support Data Requirements:

1. Identification of the neighborhood and specific highway(s) where the signs are requested to be installed.
2. Confirmation that the highway(s) meet the definitions of local residential, collector, or minor arterial streets as described above.
3. Notification that a speeding problem exists and that the increased penalty has community support.

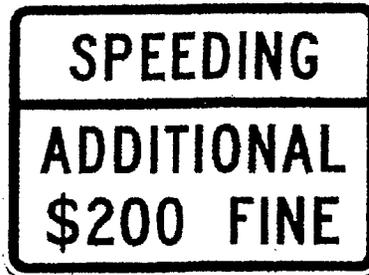
*TRAFFIC ENGINEERING RESPONSIBILITIES:*

It is the responsibility of Traffic Engineering to provide, install, and maintain the signs. The following procedure will be observed:

Sign installation under §46.2-878.2 will take place within sixty (60) days of the date the request is approved.

*FUNDING:*

Signs installed in accordance with this policy will be fully funded from Roadway Maintenance allocations to the City of Suffolk.



SHAPE	Horizontal Rectangle	
COLOR	<i>Line 1:</i> Message and Border: Field:	Black (Non-reflectORIZED) Yellow (ReflectORIZED)
	<i>Lines 2 through 3:</i> Message and Border: Field:	Black (Non-reflectORIZED) White (ReflectORIZED)
SIZE	Horizontal: Vertical:	24" 18"
MESSAGE	Line 1 Capitals: Solid Bar: Line 2 Capitals: Line 3 Capitals:	3" C 5/8" 3" C 3" C
MARGIN WIDTH	3/8"	
BORDER WIDTH	5/8"	
CORNER RADIUS	1-1/2"	

Notes: Vertical spacing between the top border and the solid bar is 5-1/2". Vertical spacing between message lines 2 and 3 is 1-1/2".

[prev](#) | [first](#)

§ 46.2-878.2. Maximum speed limits in certain residence districts of counties, cities, and towns: penalty.

Operation of any motor vehicle in excess of a maximum speed limit established for a highway in a residence district of a county, city, or town, when indicated by appropriately placed signs displaying the maximum speed limit and the penalty for violations, shall be unlawful and constitute a traffic infraction punishable by a fine of \$200, in addition to other penalties provided by law. No portion of the fine shall be suspended unless the court orders 20 hours of community service. The Commonwealth Transportation Board or any local governing body having jurisdiction over highways shall develop criteria for the overall applicability for the installation of signs. Such criteria shall not exclude highways, functionally classified as minor arterials, serving areas that either (i) were built as residential developments or (ii) have grown to resemble residential developments, provided, in either case, (i) such highways are experiencing documented speeding problems and (ii) the local governing body requests the application of this section to such highway. Such signs may be installed in any town and shall not require the approval of the county within which such town is located. Any such signs installed in any town shall be paid for by the town requesting the installation of the signs, or out of the county's secondary system construction allocation.

(1996, c. 142; 1999, c. 87; 2002, c. 882; 2004, c. 350; 2006, c. 547.)

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**AGENDA: December 16, 2015, Regular Session**

**ITEM: Consent Agenda** – A resolution to create a High Fine Speed Zone for Harbour Breeze Estates (Phase I), pursuant to Section 46.2-878.2 of the Code of Virginia

In response to a request from the residents of the Harbour Breeze Estates neighborhood, a speed study was conducted by the Traffic Engineering division of Public Works. The results of the study indicated that the 85<sup>th</sup> percentile speed within the neighborhood was 32.5 mph (*the 85<sup>th</sup> percentile speed is a commonly used statistical number representing the speed at which or below 85% of the traffic traveling. It is commonly used to help set posted speed limits*).

In the case of Harbour Breeze Estates (Phase I), all roadways within the neighborhood are classified as local streets with a posted speed limit of 25 mph. In an effort to bring the 85<sup>th</sup> percentile speed closer in line with the posted speed limit of 25 mph, the residents of the neighborhood have indicated their support for establishing a High Fine Speed Zone for the neighborhood by request of their homeowner's association. The High Fine Speed Zone adds an additional \$200 fine to a speeding violation and is a very good tool for addressing situations such as the one noted above.

In order to establish a High Fine Speed Zone, a resolution authorizing the creation of this zone is required to be adopted by City Council. Attached is a copy of the Speed Study, as well as the request from the Harbour Breeze Estates Phase One Home Owners Association to establish the High Fine Speed Zone.

**RECOMMENDATION:**

Approve the attached resolution

**ATTACHMENTS:**

Resolution with map  
High Fine Speed Zone Request from Harbour Breeze Estates Phase One Residents  
Harbour Breeze Estates High Fine Speed Zone Study

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION TO CREATE A HIGH FINE SPEED ZONE FOR HARBOUR BREEZE ESTATES (PHASE I), PURSUANT TO SECTION 46.2-878.2 OF THE CODE OF VIRGINIA**

WHEREAS, Mainsail Lane, Ketches Court, Topsail Court, Jib Court, Porthole Place, and a portion of Winward Lane and Breezeport Way located within the Harbour Breeze Estates, Phase I neighborhood are two-lane local streets with a posted speed limit of 25 miles per hour and are located within a Residence District, as identified by §46.2-100 of the Code of Virginia; and,

WHEREAS, the residents of Harbour Breeze Estates, Phase I have petitioned the City of Suffolk to take steps to reduce the speed within the Harbour Breeze Estates, Phase I neighborhood; and,

WHEREAS, the Department of Public Works, Traffic Engineering Division completed a High Fine Speed Zone Study, dated November 23, 2015, identifying a speed issue upon these roadways and recommending a High Fine Speed Zone; and,

WHEREAS, Council is authorized to create High Fine Speed Zones pursuant to §46.2-878.2 of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Suffolk, Virginia that a High Fine Speed Zone, with penalties appertaining to §46.2-878.2 of the Code of Virginia, shall be created for the entirety of Mainsail Lane, Ketches Court, Topsail Court, Jib Court, and Porthole Place and for that portion of Winward Lane and Breezeport Way located within the Harbour Breeze Estates, Phase I subdivision, as identified by the attached map.

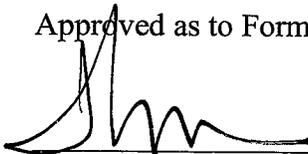
This resolution shall become effective upon adoption.

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

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

Erika S. Dawley, City Clerk

Approved as to Form:



\_\_\_\_\_  
Helivi L. Holland, City Attorney

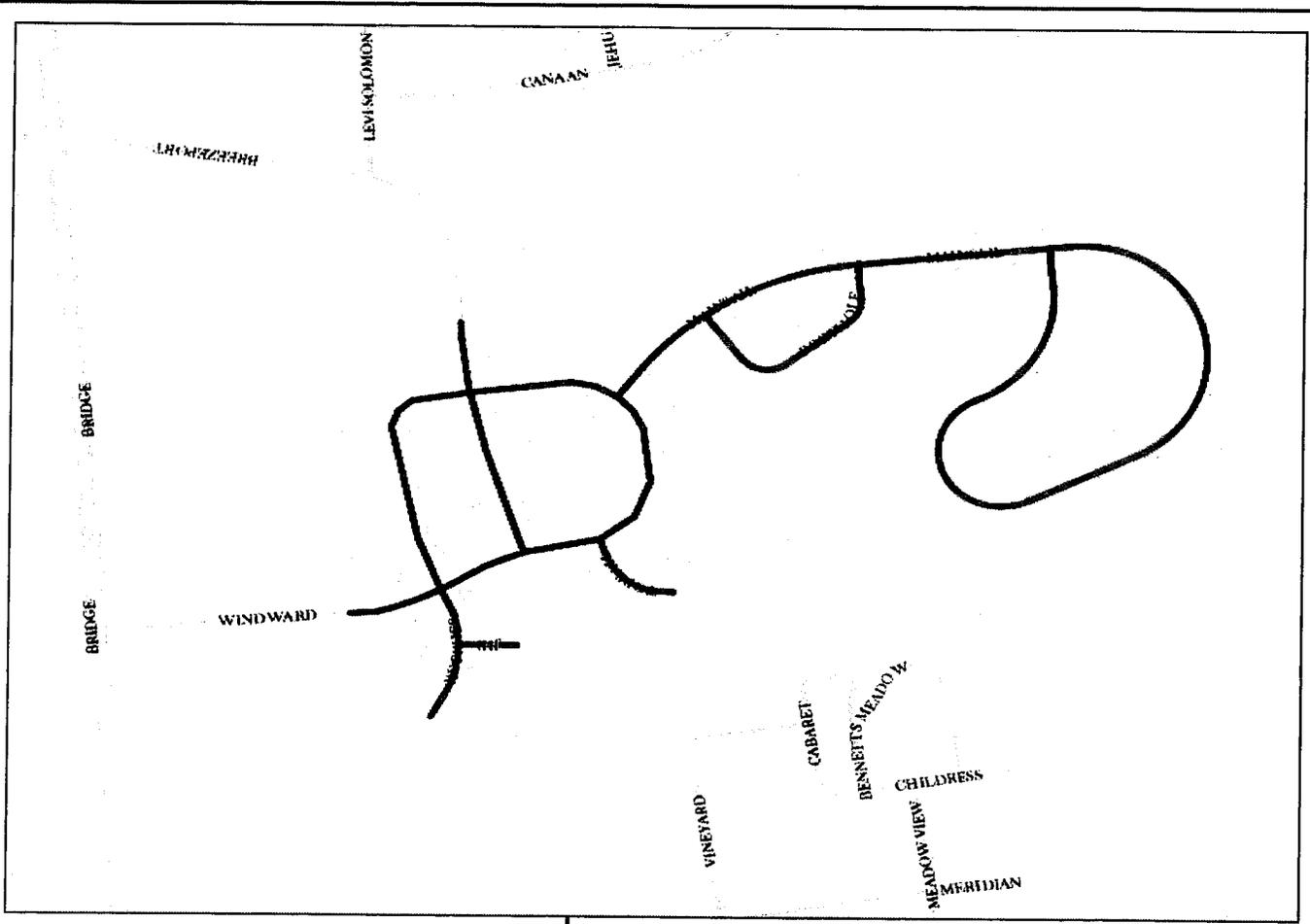
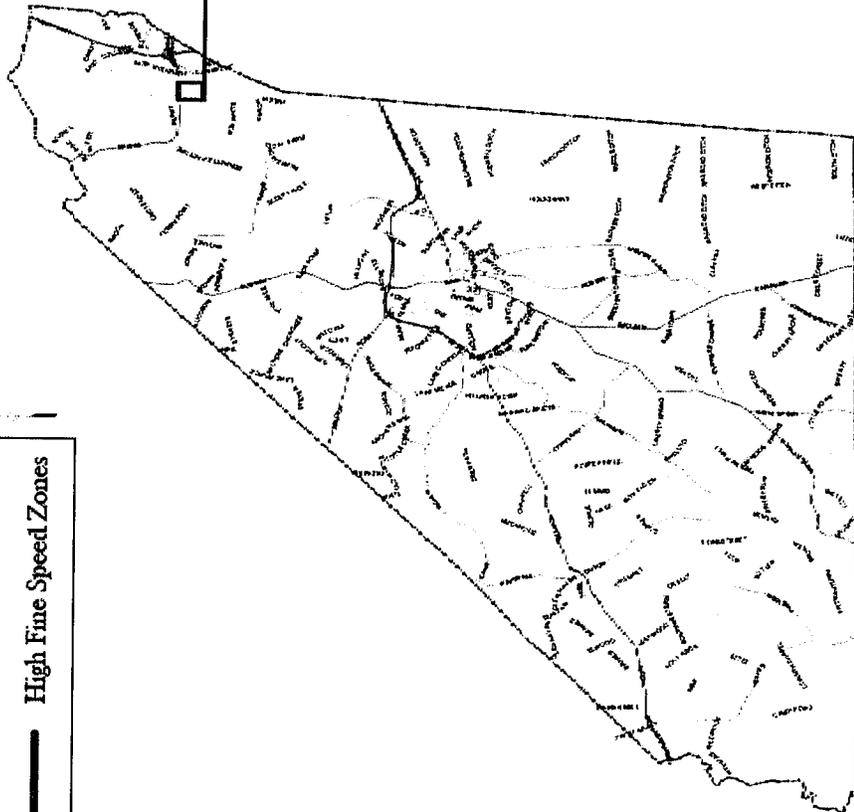


# City of Suffolk

Harbour Breeze Estates  
High Fine Speed Zones

## Legend

— High Fine Speed Zones



## Jason Souders

---

**From:** Robert E. Lewis  
**Sent:** Friday, October 30, 2015 7:52 AM  
**To:** Jason Souders  
**Subject:** FW: High FINE High Speed Zone Signs

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Robert E. Lewis  
City Traffic Engineer  
757-514-7603 (o)

**From:** Richard Girard [<mailto:richardjgirard@gmail.com>]  
**Sent:** Thursday, October 29, 2015 6:20 PM  
**To:** Robert E. Lewis  
**Cc:** James M Knowlton; Roger Fawcett; William Joy  
**Subject:** High FINE High Speed Zone Signs

Dear Mr. Lewis,

City Traffic Engineer  
866 Carolina Road  
Suffolk, VA 23434

On 10/29/2015 the board for the HOA Harbour Breeze Estates Phase One met with Suffolk, VA City Officials. We discussed issues with speeders in our subdivision and that High FINE High Speed Zone Signs were needed. At this time as the President and on behalf of the HOA of Harbour Breeze Estates Phase One, we are respectfully requesting that High FINE High Speed Zone Signs be installed in our subdivision.

Thank You,  
Richard Girard  
HOA President  
Harbour Breeze Estates Phase One  
2005 Ketches CT.  
Suffolk, VA 23435  
(c) 757-641-6607  
(h) 757-483-3424

# HARBOUR BREEZE ESTATES HIGH FINE SPEED ZONE STUDY

NOVEMBER 2015



## BACKGROUND

The home owners association for the Harbour Breeze Estates neighborhood (Phase I) has requested that the City study the feasibility and appropriateness of implementing a High Fine Speed Zone within their neighborhood to help reduce travel speeds in the neighborhood, particularly by cut-through traffic.

The neighborhood has previously requested the installation of an all-way stop at the intersection of Winward Lane and Ketches Court at one of two entrances to the neighborhood for the same purposes. That request was denied as the intersection was found to already be signed in accordance with MUTCD guidelines and did not warrant an all-way stop control.

Winward Lane and Breezeport Way, the two main roads through the neighborhood, are both two-lane local residential streets with an urban design and posted speed limit of 25 MPH. Each provides direct access to many single-family detached homes as well as providing neighborhood access to Bridge Road. They feature a road width of 30' within the neighborhood, closed drainage, curb and gutter, sidewalks and overhead street lighting. On-street parking is unrestricted and well utilized.

## TRAFFIC DATA

24-hour traffic data was collected throughout the Harbour Breeze Estates neighborhood from November 10-18, 2015 with the following results (see attached map for count locations):

### Winward Lane #1 (at neighborhood entrance)

24-hour Volume	671 VPD
Speed Limit	25 MPH
85 <sup>th</sup> Percentile Speed	32.5 MPH
Average Speed	27.5 MPH
> 35 MPH	370 VPD (6.9%)
Maximum Recorded Speed	59.5 MPH

### Winward Lane #2 (within neighborhood)

24-hour Volume	526 VPD
Speed Limit	25 MPH
85 <sup>th</sup> Percentile Speed	25.7 MPH
Average Speed	21.9 MPH
> 35 MPH	24 VPD (0.6%)
Maximum Recorded Speed	45.2 MPH

Breezeport Way #3 (within neighborhood)

24-hour Volume	397 VPD
Speed Limit	25 MPH
85 <sup>th</sup> Percentile Speed	29.5 MPH
Average Speed	24.5 MPH
> 35 MPH	62 VPD (2.0%)
Maximum Recorded Speed	44.4 MPH

Breezeport Way #4 (at neighborhood entrance)

24-hour Volume	992 VPD
Speed Limit	25 MPH
85 <sup>th</sup> Percentile Speed	28.7 MPH
Average Speed	24.6 MPH
> 35 MPH	159 VPD (2.0%)
Maximum Recorded Speed	73.5 MPH

Mainsail Lane #5 (within neighborhood)

24-hour Volume	396 VPD
Speed Limit	25 MPH
85 <sup>th</sup> Percentile Speed	29.5 MPH
Average Speed	25.0 MPH
> 35 MPH	76 VPD (2.4%)
Maximum Recorded Speed	53.9 MPH

*The 85<sup>th</sup> percentile speed is a commonly used statistical number representing the speed at or below which 85% of the traffic is travelling. It is commonly used to set speed limits.*

ACCIDENT DATA

Suffolk Police Department crash records show three (3) crashes occurring within the Harbour Breeze Estates neighborhood over the last three year period. Two of these crashes involved collisions with mailboxes while the third crash involved a collision with a vehicle parked on the street. No injuries or fatalities resulted from these crashes.

ACTIONS TAKEN TO DATE

SPEED LIMIT 25 signage is posted on Winward Lane and Breezeport Way entering the residential portion of the neighborhood. This signage has been enlarged to increase driver visibility.

## FINDINGS

The traffic data does not show significant speeding within the neighborhood; however, through field observations and discussions with residents, it is not uncommon for drivers to cut through the Harbour Breeze Estates neighborhood to access the Harbour Breeze Apartments located adjacent to this development on Breezeport Way or the 7-Eleven at the intersection of Winward Lane and Bridge Road. Traffic data collected on the commercial portions of Winward Lane and Breezeport Way leading up to the neighborhood do show a more significant speeding issue with through traffic volumes within the neighborhood likely to rise with future development along the commercial portions of these roadways.

## RECOMMENDATION

This location meets the criteria for implementation of a High Fine Speed Zone in accordance with Traffic Engineering Policy and would be conducive to a High Fine Speed Zone. Traffic Engineering recommends installation of HIGH FINE placards on existing SPEED LIMIT 25 signage entering Phase I of the neighborhood in accordance with Traffic Engineering policy.

REL/jss



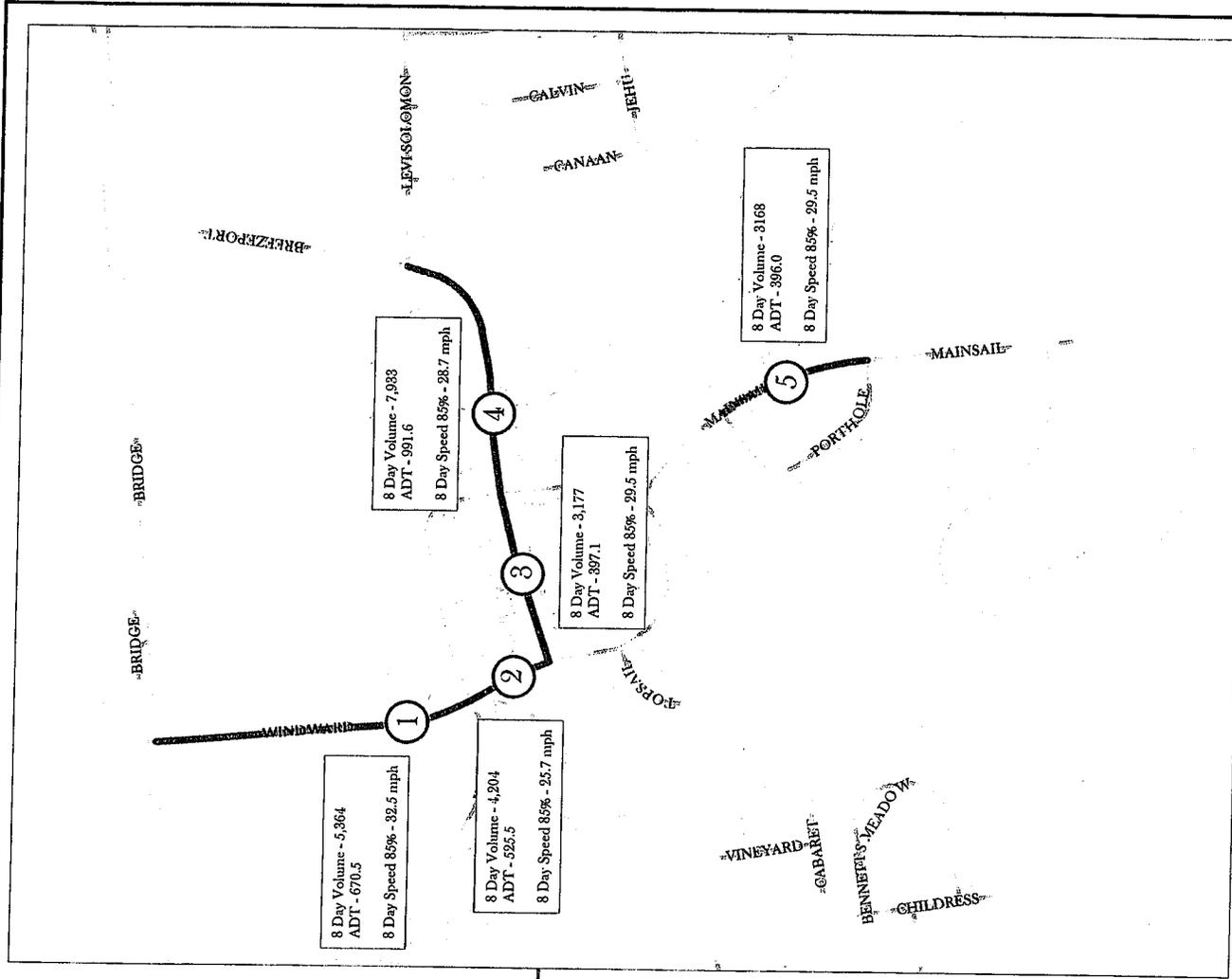
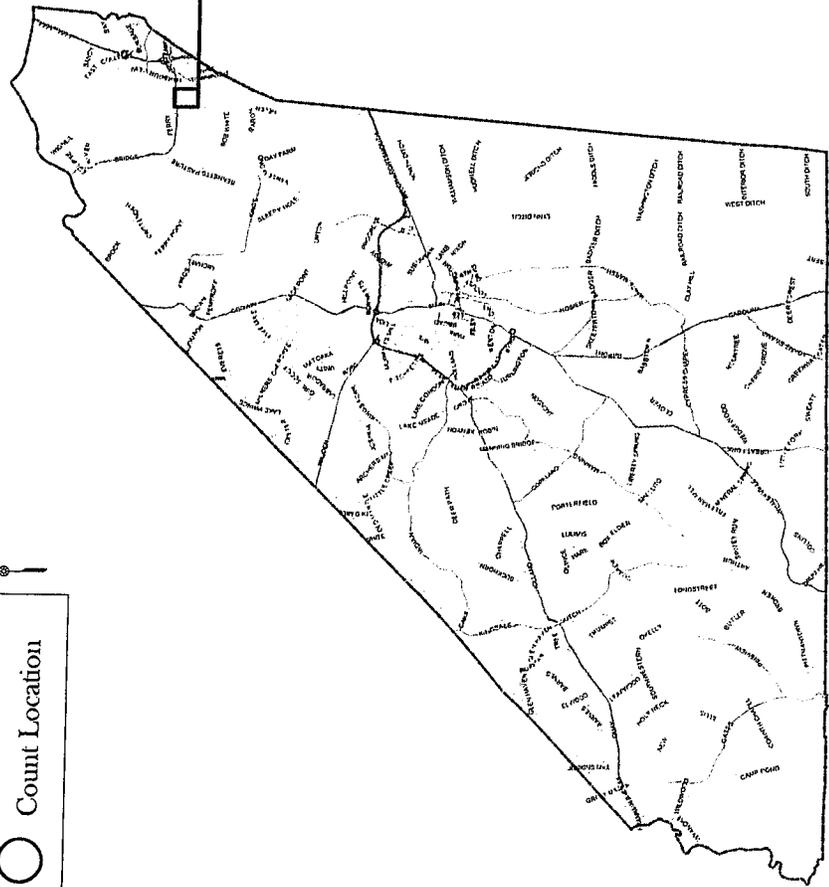


# City of Suffolk

## Harbour Breeze Estates - Speed Study Count Locations & Totals

### Legend

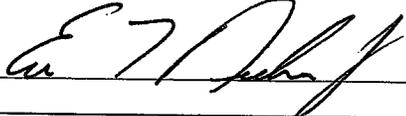
- Count Location



**CITY TRAFFIC ENGINEER**

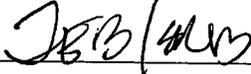
SIGNATURE  DATE: 11/24/15

**DIRECTOR OF PUBLIC WORKS**

SIGNATURE  DATE: 12/1/15

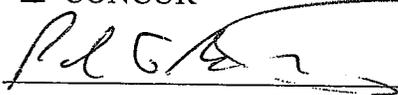
**CHIEF OF POLICE**

CONCUR                       DO NOT CONCUR

SIGNATURE  DATE: 12/3/15

**CITY MANAGER**

CONCUR                       DO NOT CONCUR

SIGNATURE  DATE: 12/10/15

-----  
FOR TRAFFIC ENGINEERING USAGE ONLY

**CITY COUNCIL**

DATE OF COUNCIL ACTION: \_\_\_\_\_

APPROVE

DENY

COMMENTS:

**POSTING OF SIGNAGE (IF APPROVED)**

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

LOCATION(S): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SIGNATURE \_\_\_\_\_

DATE: \_\_\_\_\_

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---

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Richard Girard  
HOA President  
Harbour Breeze Estates Phase One  
2005 Ketches CT.  
Suffolk, VA 23435  
(c) 757-641-6607  
(h) 757-483-3424



# CITY OF SUFFOLK

866 CAROLINA ROAD, SUFFOLK, VA 23434

PHONE 757-514-7603

FAX 757-923-2491

DEPARTMENT OF PUBLIC WORKS  
Traffic Engineering Division

## TRAFFIC ENGINEERING POLICY

### High Fine Speed Zone in Certain Residence Districts

#### Purpose:

On June 17, 1999 the Commonwealth Transportation Board approved a new policy and procedures for the installation of signs advising of the maximum penalty for exceeding posted maximum speed limits in certain residence districts. The policy and procedure carried out the provisions of § 46.2-878.2 of the Code of Virginia which became effective July 1, 1999. Copies of the State Code and the VDOT Policy are attached.

The Code further requires any local governing body having jurisdiction over highways develop criteria for the overall applicability for the installation of such signs. Code also allows such signs to be funded from Roadway Maintenance allocations.

## **POLICY AND PROCEDURES**

### **APPLICABILITY OF §46.2-878.2 OF THE CODE OF VIRGINIA**

Installation of signs advising of maximum penalty for exceeding posted maximum speed limit in certain residence districts.

#### ***PURPOSE:***

The purpose of this policy and attendant procedures is to provide guidelines for addressing the issue of exceeding the maximum speed limit on local residential streets, collector streets, and minor arterial streets with residential characteristics in certain residence districts and installing signs as prescribed in §46.2-878.2 of the Code of Virginia.

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#### ***INTRODUCTION:***

This policy and attendant procedures identify the specific responsibilities and requirements of the City in addressing concerns relating to motorists exceeding the speed limit in certain residence districts.

#### ***DEFINITIONS:***

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*CITY RESPONSIBILITIES:*

To initiate these procedures, the City Staff shall request, by resolution of the Suffolk City Council, that Traffic Engineering install the appropriate signs as stipulated in §46.2-878.2 of the Code of Virginia. This request shall be submitted to City Council in the form of a resolution, along with the following support data.

Support Data Requirements:

1. Identification of the neighborhood and specific highway(s) where the signs are requested to be installed.
2. Confirmation that the highway(s) meet the definitions of local residential, collector, or minor arterial streets as described above.
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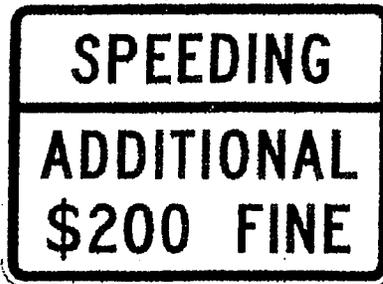
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It is the responsibility of Traffic Engineering to provide, install, and maintain the signs. The following procedure will be observed:

Sign installation under §46.2-878.2 will take place within sixty (60) days of the date the request is approved.

*FUNDING:*

Signs installed in accordance with this policy will be fully funded from Roadway Maintenance allocations to the City of Suffolk.



SHAPE	Horizontal Rectangle		
COLOR	<i>Line 1:</i>		
	Message and Border:		Black (Non-reflectORIZED)
	Field:		Yellow (ReflectORIZED)
	<i>Lines 2 through 3:</i>		
	Message and Border:		Black (Non-reflectORIZED)
	Field:		White (ReflectORIZED)
SIZE	Horizontal:		24"
	Vertical:		18"
MESSAGE	Line 1	Capitals:	3" C
		Solid Bar:	5/8"
	Line 2	Capitals:	3" C
	Line 3	Capitals:	3" C
MARGIN WIDTH	3/8"		
BORDER WIDTH	5/8"		
CORNER RADIUS	1-1/2"		

Notes: Vertical spacing between the top border and the solid bar is 5-1/2". Vertical spacing between message lines 2 and 3 is 1-1/2".

[prev](#) | [next](#)

§ 46.2-878.2. Maximum speed limits in certain residence districts of counties, cities, and towns; penalty.

Operation of any motor vehicle in excess of a maximum speed limit established for a highway in a residence district of a county, city, or town, when indicated by appropriately placed signs displaying the maximum speed limit and the penalty for violations, shall be unlawful and constitute a traffic infraction punishable by a fine of \$200, in addition to other penalties provided by law. No portion of the fine shall be suspended unless the court orders 20 hours of community service. The Commonwealth Transportation Board or any local governing body having jurisdiction over highways shall develop criteria for the overall applicability for the installation of signs. Such criteria shall not exclude highways, functionally classified as minor arterials, serving areas that either (i) were built as residential developments or (ii) have grown to resemble residential developments, provided, in either case, (i) such highways are experiencing documented speeding problems and (ii) the local governing body requests the application of this section to such highway. Such signs may be installed in any town and shall not require the approval of the county within which such town is located. Any such signs installed in any town shall be paid for by the town requesting the installation of the signs, or out of the county's secondary system construction allocation.

(1996, c. 172; 1999, c. 27; 2002, c. 222; 2004, c. 350; 2006, c. 547.)

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**AGENDA: December 16, 2015, Regular Session**

**ITEM: Public Hearing** – An ordinance to rezone and amend the official zoning map of the City of Suffolk, to change the zoning from A, Agricultural, to RC, Residential Compact zoning district, (Conditional), for property located at 1381 White Marsh Road, Zoning Map 45, Parcel(s) 8; RZ03-15 (Conditional)

Attached for your consideration is information pertaining to Rezoning Request, RZ03-15, which seeks to rezone and amend the official zoning map of the City of Suffolk to change the zoning from A, Agricultural, to RC, Residential Compact zoning district, (Conditional), for property located at 1381 White Marsh Road, Zoning Map 45, Parcel(S) 8. The affected area is further identified as being located in the Cypress Voting Borough, zoned A, Agricultural zoning district. The 2035 Comprehensive Plan designates this area as a part of the Central Growth Area, Inner-Ring Suburban Use District.

The Planning Commission, at their meeting of November 17, 2015, voted 8 to 0 to approve a resolution recommending **denial** of this request.

**ATTACHMENTS:**

- Staff Report
- Proposed Ordinance
- Exhibit A - Planning Commission Recommendation
- Exhibit B – Proffered Conditions
- Exhibit C – Zoning/Land Use Map

# STAFF REPORT

## DESCRIPTION

**REZONING REQUEST:** Rezoning Request, RZ03-15, (Conditional), White Marsh Estates, submitted by Melissa Venable, Land Planning Solutions, applicant, on behalf of Gary Werner, South Suffolk Properties, LLC, property owner(s), to rezone and amend the official zoning map of the City of Suffolk to change the zoning from A, Agricultural zoning district to RC, Residential Compact zoning district, (Conditional), for property located at 1381 White Marsh Road, Zoning Map 45, Parcel(s) 8. The affected area is further identified as being located in the Cypress Voting Borough, zoned A, Agricultural zoning district. The 2035 Comprehensive Plan designates this area as a part of the Central Growth Area, Inner-Ring Suburban Use District.

**APPLICANT:** Melissa Venable, Land Planning Solutions, applicant, on behalf of Gary Werner, South Suffolk Properties, LLC

**LOCATION:** Property is located at 1381 White Marsh Road, Zoning Map 45, Parcel(s) 8

**PRESENT ZONING:** A, Agricultural zoning district

**EXISTING LAND USE:** The parcel is presently being used for agricultural purposes.

**PROPOSED LAND USE:** Two phase residential subdivision containing 319 single family lots.

### **SURROUNDING LAND USES:**

North– zoned A, Agricultural, and zoned RR, Rural Residential, with agricultural uses and traditional single family homes

South– zoned A, Agricultural, with agricultural uses and large lot single family residential homes

East– zoned A, Agricultural, with agricultural uses, large lot single family residential homes and the Great Dismal Swamp

West- zoned A, Agricultural, with agricultural uses and large lot single family residential homes

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

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

**PUBLIC NOTICE:** This request has been duly advertised in accordance with the public notice requirements set forth in Section 15.2-2204 of the Code of Virginia, as amended, and with the applicable provisions of the Unified Development Ordinance.

## STAFF ANALYSIS

### ISSUE:

The applicant is requesting a change in zoning from A, Agricultural zoning district, to RC, Compact Residential zoning district, (Conditional), for a parcel of land identified as Zoning Map 45, Parcel(s) 8. The subject land contains approximately 126 acres currently used for agriculture. The parcel fronts White Marsh Road, which is identified as a major collector roadway. The subject parcel is at the southern boundary of the Central Growth Area and is included as part of the Inner Ring Suburban Use District. The property is surrounded by agriculturally zoned lands, with a strip of RR zoned properties just beyond the northern property limits.

As presented by the applicant, the non-proffered conceptual layout shows that the subject 125 acre property is proposed to be developed as a two phase residential subdivision. The applicant has proffered to build no more than 319 total single family detached dwellings between the phases, with Phase 1 consisting of 185 single family homes and Phase 2 consisting of 134 single family homes. Phase 2 has been proffered to commence only after essential sanitary sewer upgrades are completed by the Hampton Roads Sanitation District. Phase 1 of the subdivision will have two entrances on White Marsh Road and a future connection to Phase 2.

### CONSIDERATIONS AND CONCLUSIONS

In accordance with Appendix B, Section B-4 of the Unified Development Ordinance, rezoning applications must include a statement of the reasons for seeking an amendment to the zoning maps of the City of Suffolk. The developer is requesting to rezone approximately 126 acres on White Marsh Road from A, Agricultural, zoning district to RC, Compact Residential zoning district, (Conditional), for the purposes of constructing 319 single family homes in two phases. The applicant makes a case that this property is within the Central Growth Area and appropriate for denser development in support of the 2035 Comprehensive Plan and that the proposed densities are appropriate for the property's location. The RC, Compact Residential zoning district allows for 7.3 units per acre and the applicant is proposing to restrict this project's density to 3.8 units per acre.

#### **1. Comprehensive Plan**

According to the 2035 Comprehensive Plan, the subject property is located within the Central Growth Area, Inner Ring Suburban Use District. The 2035 Comprehensive Plan describes the Inner Ring Suburban Use District as the first area from the center of the Growth Area where exclusively residential subdivisions should be located. Residential uses within the Inner Ring Suburban use district can be characterized as moderately dense with an acceptable density ranges between 6 and 12 units per acre and typified by single-family residential subdivisions. As envisioned, this rezoning application proposes development at 3.8 units per acre, or nearly 40% less than adopted in the Comprehensive Plan. While a lower density in this location could be appropriate considering the more

rural nature of White Marsh Road, the Comprehensive Plan prescribes a density range greater than what is proposed under this rezoning request.

The Carolina Road Corridor Land Use Strategy, originally adopted by City Council in April 2006 and re-adopted as part of the 2035 Comprehensive Plan, recommends limiting overall land coverage while providing the opportunity to develop at prescribed levels. The intent is to preserve the established character in existence along White Marsh Road. This character can be described as traditional farm complexes set within open space with tree lines set back from the road.

The Strategy also prescribes that the first new, residential development site be in close proximity to existing development and utility lines while creating key links and connections to Hosier and White Marsh Road. Potential future connections are described in Map 4-4, of the 2035 Comprehensive Plan as the White Marsh Connector and the Carolina Road Connector. These future improvements in the Central Growth Area would provide additional transportation options for residents in the area and their alignments could be impacted by this rezoning request. At this time, no funding has been identified for these specific roadway projects; however, the applicant has proffered to reserve right-of-way for a future roadway through the subject property at a location to be mutually agreed upon by the applicant and the City of Suffolk during the site plan review.

The applicant references their intent to develop this project as a Suburban Neighborhood place type, which is acceptable given this property's location within the Central Growth Area. Suburban Neighborhoods are characterized by having pedestrian connectivity and amenities within a neighborhood and are generally accessible by all means of transportation, but primarily reliant on access via the automobile as they are not well connected to other neighborhoods or commercial centers.

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

*Policy 2-1, states, Keep development focused in designated Growth Areas in the City, and is exhibited through Action 2-1A: Ensure that the City's land use regulations support higher density/intensity development in focused Growth Areas.* The proposed rezoning is located within the Central Growth Area, albeit, at the southeastern edge. Being situated along White Marsh Road, which is identified as a major collector roadway intended to provide access between highways and local streets by stepping down service via lower speeds and volumes, this rezoning request proposes to increase density over the existing zoning classifications but, as currently proposed, not to the maximum allowed by the new zoning or existing use district. By focusing new growth, regardless of the densities, in the designated Growth Areas, sufficient residential development capacity is maintained without continually encroaching beyond the established boundaries. This concept of "holding the line" has survived several comprehensive plan iterations and helps create

opportunities for achieving the right balance of rooftops and open spaces, while also considering that all developments will not optimize their allowable densities.

*Policy 4-3, states, Investment in infrastructure will be targeted to areas where need either is or is forecasted to be greatest, and is exhibited through Action 4-3A: Focus investment of transportation resources on facilities that serve growth areas with higher densities. As proffered with this request, additional roadway improvements are to be provided for throughout the corridor in accordance with the reviewed and approved Traffic Impact Study.*

## **2. Unified Development Ordinance**

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

Three criteria are identified:

*No application for development within the RC zoning district shall be approved unless the proposed use and/or development conforms to the requirements of Article 4 (Zoning), 6 (Design Standards), and 7 (Supplemental Use Standards) of the UDO.*

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

*Subdivision plats or site plans may utilize the hamlet use pattern consistent with the requirements of Sections 31-411(e) or 31-411(f) except in the RC and RU districts with the approval of Conditional Use Permit.*

This project is not proposed to be developed as a hamlet nor cluster development, but rather as a conventional subdivision.

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

The applicant has indicated that this project will extend public water and sewer to the parcel as part of this project.

## **3. Adequate Public Facilities**

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

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

#### Public Water and Sanitary Sewer

City water is available via a 12" water main that will be extended along White Marsh Road and looped through the project site. Preliminary calculations show the extension of the water main can provide the domestic demand and fire flows in accordance with state and local standards.

The existing public gravity sewer can only serve a portion of Phase 1 development. This request proposes to construct a new pump station to service the remainder of Phase 1 and all of Phase 2. The current gravity sewer connects to the Shingle Creek Interceptor, which does experience wet weather capacity issues. As such, the Public Utilities Department is currently studying removing two pump stations from the Shingle Creek Interceptor and relocating them along the Hampton Roads Sanitation District force main. This would remove the equivalent of 233 residential units from the Shingle Creek Interceptor. The applicant has proffered to provide a cash contribution towards the relocation of the two pump stations.

The Hampton Roads Sanitation District Interceptor Project is not slated for construction until the 2020s. The applicant has proffered to delay construction of Phase 2 until such time that the Hampton Roads Sanitation District project is completed, thereby restricting the number of units constructed in Phase 1 to 185 single family detached dwellings.

The Department of Public Utilities has reviewed this rezoning application and determined that acceptable levels of service can be maintained.

#### Stormwater Management

The subject property is located within the Chesapeake Bay Preservation Area. This project proposes to meet applicable stormwater management requirements, which will be thoroughly assessed during the plan review process.

Shingle Creek is an impaired waterway and subject to Total Maximum Daily Load (TMDL) requirements. Strategies to help improve these kinds of impaired waterways include maintaining adequate buffers from aquatic features, low-impact development, and compliance with stormwater management regulations. Limiting harmful runoff and sanitary sewer overflows both during and after construction is important given this development's location in the watershed. Completion of the Hampton Roads Sanitation District Interceptor Project is intended to have a positive impact on the overall water quality within the Shingle Creek watershed.

The Department of Public Works has reviewed this application and determined that acceptable levels of service can be maintained.

#### Streets

White Marsh Road is a narrow, rural road with variable width right of way, open ditches, and no lane or shoulder markings along the majority of frontage of the proposed rezoning parcel and southward. North of this location, the character of White Marsh Road can be typified by curb and gutter, some open ditch lines, closed drainage, and a center turn lane beginning at Seminole Drive and terminating at East Washington Street.

A traffic impact study was submitted with this request. Based on the findings of this study, the developer has proffered to construct right and left turn lanes with 200' storage and 200' taper distance at the entrances to the community along White Marsh Road. A 150' left turn lane with taper shall be constructed westbound on East Washington Street at the intersection of East Washington Street and White Marsh Road, and an extension of the westbound left turn lane on Portsmouth Boulevard will be constructed. The existing traffic signal at East Washington Street and White Marsh Road shall be modified to include pedestrian signal heads with push buttons and emergency pre-emption for fire and emergency vehicles.

As part of site development, the applicant will be required to install curb and gutter, closed drainage, and sidewalk along the frontage of the subject property, in addition to the proffered improvements within the corridor.

The applicant has proffered to reserve right-of-way for a future roadway through the subject property at a location to be mutually agreed upon by the applicant and the City of Suffolk during the site plan review. This future roadway would create an East-West connection to Hosier or Carolina Roads and assist in opening additional lands already in the Central Growth Area to further development as prescribed in the Carolina Road Corridor Land Use Strategy.

The City's Traffic Engineering Division has reviewed this application and determined that acceptable levels of service can be maintained through final build-out of the project with completion of the recommendations found within the traffic study.

#### Schools

The adopted Capital Improvement Plan (CIP) has established the cost and capacity for a future elementary school, a future middle school, and a future high school. By dividing the cost of each future facility by the established capacity, a cost per student can be calculated. This value in turn can then be translated into a per unit cost based on the proposed development under consideration.

Per the adopted capital program: 1) the future 1,000 student elementary school has an established cost of \$27,339,394.00, which translates into a per student cost of \$27,339.39; 2) the future 600 student middle school has an established total cost of \$25,914,816.00, which translates into a per student cost of \$43,191.36; and 3) the future 1,800 student high school has an established total cost of \$68,938,113.00, which translates into a per student cost of \$38,298.95.

The specifics of the impact generated by the proposed rezoning and the need to mitigate or advance capacity at the various school levels are discussed below.

**Elementary School** – This development is located in Zone 1 for elementary schools (Booker T. Washington, Kilby Shores, and Pioneer) and, as envisioned, will generate 67 students. Zone 1 currently has a surplus of 1,171 students. In that regard, this development would not require the advancement of capacity for elementary schools.

**Middle School** – This development is located in Zone 1 for middle schools (John Yeates and John F. Kennedy) and will generate 38.2 students. Zone 1 currently has a deficit of 295 students. In that regard, this development would require the advancement of capacity for the net increase of 39 middle school students as a result of the rezoning. Each additional middle school student generated would require payment in the amount of \$43,191.36 to mitigate the impact. This equates to \$5,280.45 per single family detached dwelling within the development.

**High School** – This development is located in Zone 1 for high schools (Lakeland) and, as envisioned, will generate 61 students. Zone 1 currently has a surplus of 343 students. In that regard, this development would not require the advancement of capacity for elementary schools.

The applicant proposes to advance capacity towards the construction of a new middle school by including a proffer in their request for this rezoning to provide a total of \$5,280.45 for each residential unit to be paid to the City of Suffolk towards the construction of a middle school. Based on the proposed density and number of units, the total proposed contribution amounts to \$1,684,463.55.

#### **4. Fiscal Impact Study**

The applicant submitted a fiscal impact study that states Phase 1 of the development will generate over \$8 million in net new revenue over a ten-year period and Phase 2 is expected to exceed \$5.3 or \$5.4 million over another ten-year period.

#### **5. Proffered Conditions**

The applicant has proffered conditions in support of this rezoning request. The applicant has proffered:

1. Residential Buildings shall use cultured stone, brick, premium vinyl 0.44" thickness and/or hardi-plank as exterior construction materials. All roofing shall be of architectural shingles with a minimum 25 year manufacturer's warranty.
2. Within each individual block, no two residential dwellings having the same

elevation shall be constructed on the same side of a street within three building lots of each other. Facade reversal shall be considered dissimilar appearance.

3. Right and left turn lanes into the community, with 200' storage and 200' taper distance, shall be constructed at the entrances on White Marsh Road.
4. At the intersection of East Washington Street and White Marsh Road the developer shall provide a 150' left turn lane with a taper westbound on East Washington Street. Due to right of way constraints the lanes shall be a maximum of 11' in width. The existing traffic signal shall be modified to satisfy the aforementioned and shall include pedestrian signal heads with push buttons and emergency pre-emption for fire and emergency vehicles.
5. At the intersection of Portsmouth Boulevard, East Washington Street and Nansemond Parkway, the developer shall extend the westbound left turn lane on Portsmouth Boulevard from 100' to 275' in the existing grass median.
6. No Certificate of Occupancy will be issued for any dwellings or buildings within the development until such time as the aforementioned improvements are completed at the intersection of East Washington Street and White Marsh Road (Proffer 4).
7. Development of the Property shall be limited to no more than a total of 319 single family detached units, of which no more than 185 shall be in Phase One of the Property and no more than 134 shall be in Phase Two of the Property. Prior to the date that the HRSD Shingle Creek Interceptor Update Project is completed, the Property shall be limited to development of the 185 single family detached units in Phase One. Future development of Phase Two may not commence until after completion of such project.
8. A cash contribution of \$75,000 will be made to the City to assist in the upgrade of existing Pump Stations 21 and 22 to allow for additional capacity within the Shingle Creek Interceptor. This cash contribution must be made prior to issuance of a certificate of occupancy for a dwelling unit in the Property.
9. The property owner will make a cash contribution to the Suffolk City School system to increase capacity for additional students at the middle school level. This contribution will be the sum of \$5,280.45 for each residential unit and shall be made upon issuance of the occupancy permit for each residential unit.
10. A 30' width right-of-way dedication to the City of Suffolk shall be made along the frontage of the site for White Marsh Road widening.

11. A 70' right-of-way dedication to the City of Suffolk shall be created through the Property at a location to be mutually determined by the City of Suffolk and the developer at such time as the site plan for development of the Property is submitted to the City for review and approval. The dedication shall be established in a location determined to be appropriate for access to the "White Marsh Road Connector" or the "Carolina Road Connector" at such time as either of those projects might be built.

### **RECOMMENDATION**

In summary, Staff finds that the proposal is:

- Consistent with provisions of the 2035 Comprehensive Plan
- Consistent with the Unified Development Ordinance
- Maintains existing levels of service and mitigates impacts to public facilities

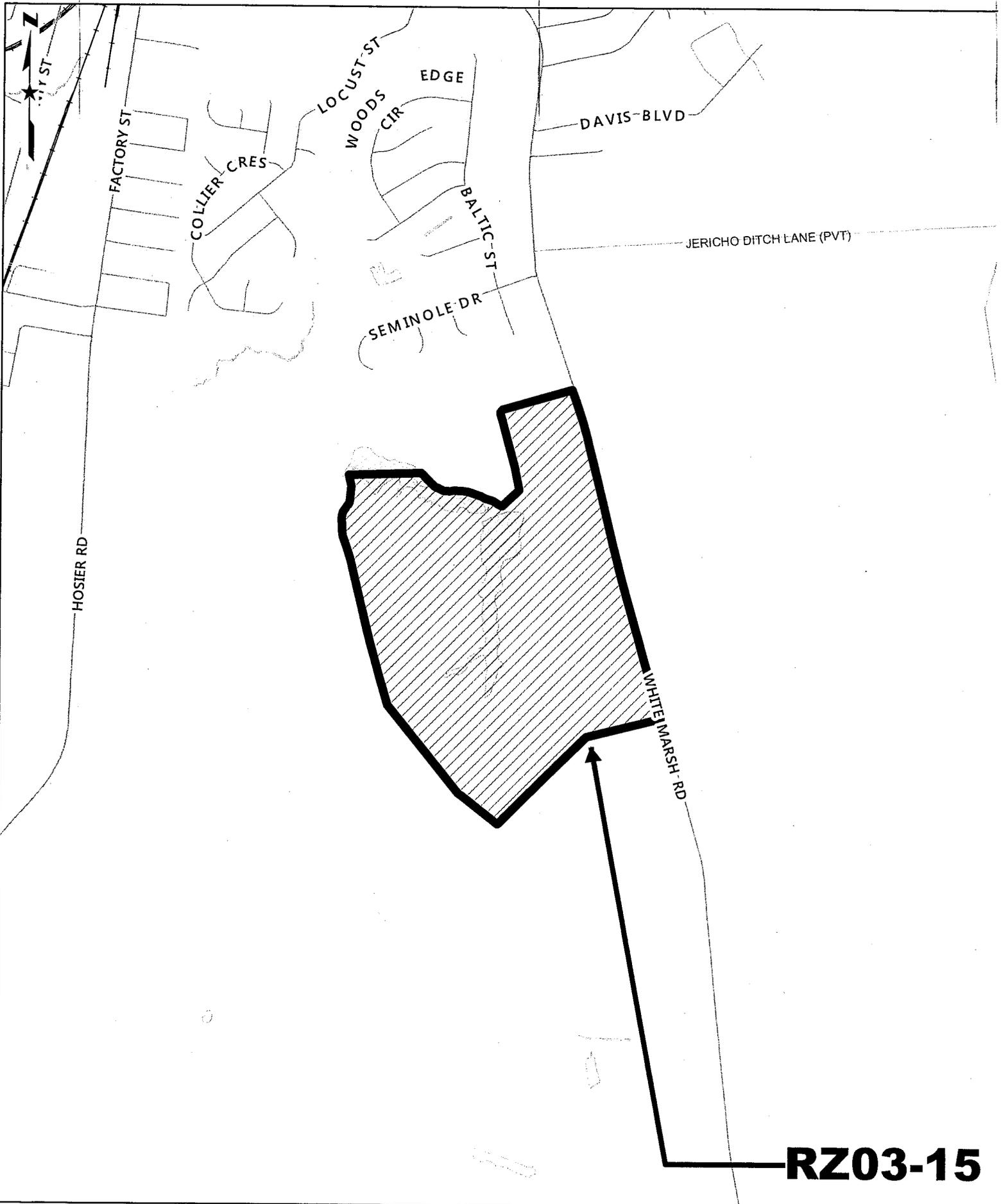
Based on the guidance provided by the above cited provisions of the 2035 Comprehensive Plan, the Unified Development Ordinance, and the analysis and findings-of-fact set forth in the preceding staff report, staff recommends **approval** of Rezoning Request RZ03-15.

At their November 17, 2015 Planning Commission meeting, the commissioners voted 8 to 0 to approve a resolution recommending **denial** of Rezoning Request RZ03-15.

#### Attachments

- Proposed Ordinance
- Exhibit A - Planning Commission Recommendation
- Exhibit B – Proffered Conditions
- Exhibit C – Zoning/Land Use Map

# General Location Map



**RZ03-15**

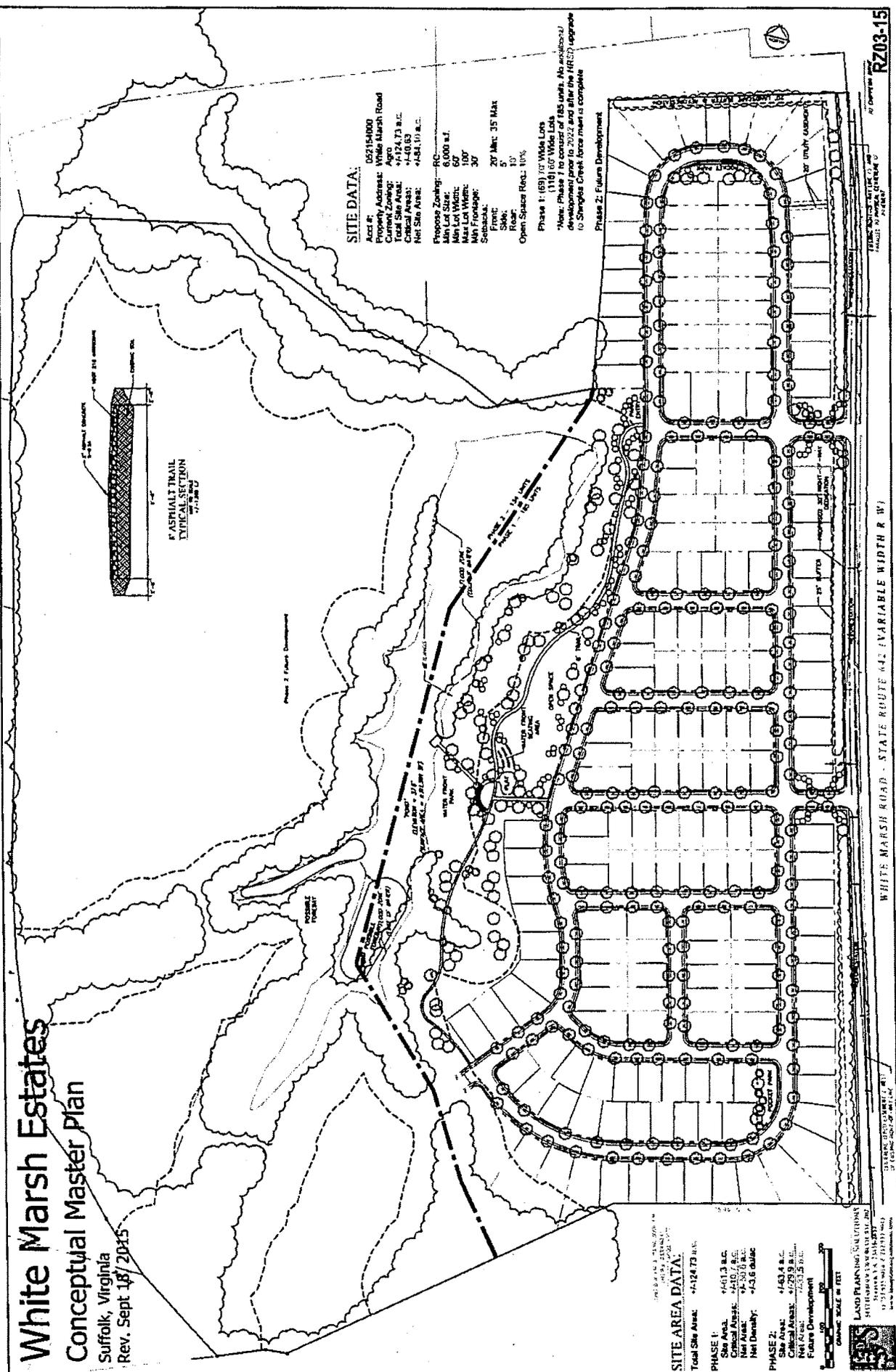
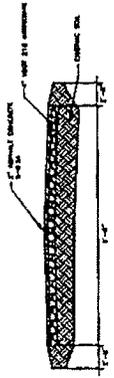
# White Marsh Estates

## Conceptual Master Plan

Suffolk, Virginia  
Rev. Sept 18/ 2015

### SITE DATA:

Acc# 02154000  
 Property Address: White Marsh Road  
 Current Zoning: Agra  
 Total Site Area: 4124.73 a.c.  
 Net Site Area: 4124.73 a.c.  
 Net Site Area: 4124.73 a.c.  
 Propose Zoning: RC  
 Min Lot Size: 6,000 s.f.  
 Min Lot Width: 50'  
 Min Lot Depth: 30'  
 Min Frontage: 30'  
 Setbacks:  
 Front: 20' Min. 35' Max.  
 Side: 5'  
 Rear: 10'  
 Open Space Req.: 10%  
 Phase 1: (69) 1/2" Wide Lots  
 (119) 60' Wide Lots  
 \*Note: Phase 1 to consist of 185 units. No additional development prior to 2022 and after the 10/21/17 upgrade to Single Credit lots must be complete.  
 Phase 2: Future Development



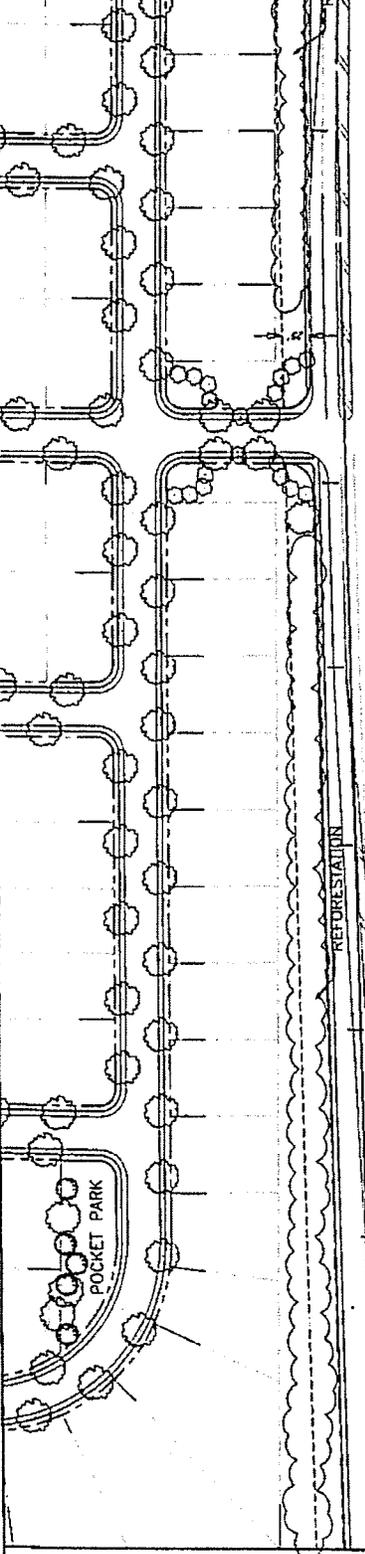
### SITE AREA DATA:

Total Site Area: 4124.73 a.c.  
 PHASE 1:  
 Site Area: 4613 a.c.  
 Critical Area: 4613 a.c.  
 Net Density: 43.8 BU/AC  
 PHASE 2:  
 Site Area: 4634 a.c.  
 Critical Area: 4634 a.c.  
 Net Density: 43.8 BU/AC

GRAPHIC SCALE IN FEET

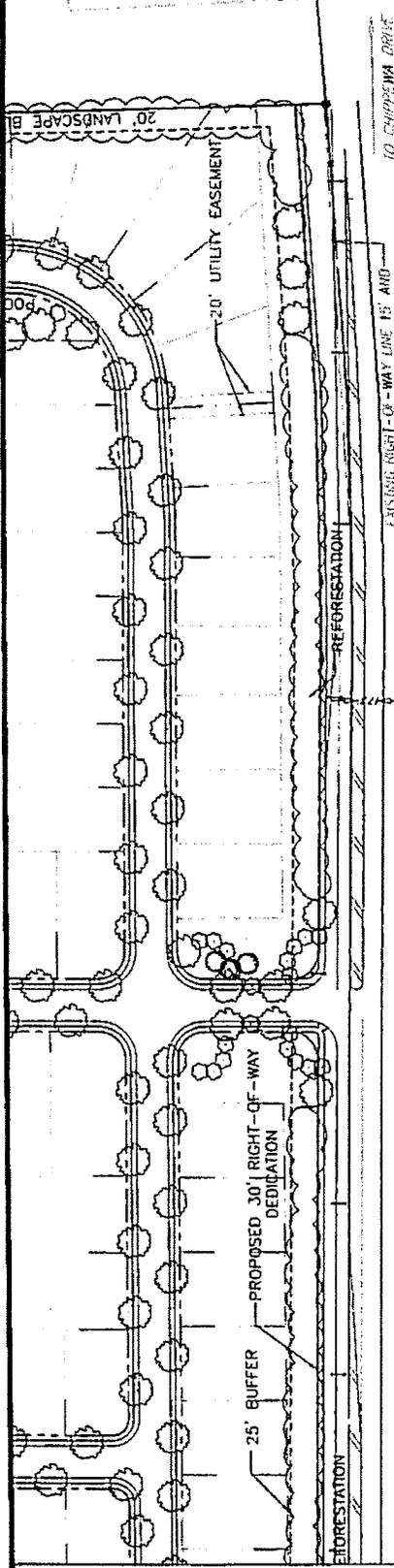
LAND PLANNING SOLUTIONS  
 1000 N. ...  
 SUITE 100 ...  
 ...  
 ...

RZ03-15



WHITE MARSH ROAD - STATE ROUTE 642 (

GENERAL SERVICE EASEMENT 2' WEST OF EXISTING RIGHT-OF-WAY LINE (SEE THE PLS. 175/24.1/15.1/15.2/15.3)



VARIABLE WIDTH R/W



**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK, TO CHANGE THE ZONING FROM A, AGRICULTURAL ZONING DISTRICT TO RC, RESIDENTIAL COMPACT ZONING DISTRICT, (CONDITIONAL) FOR PROPERTY LOCATED AT 1381 WHITE MARSH ROAD, ZONING MAP 45, PARCEL(S) 8; RZ03-15 (CONDITIONAL)**

WHEREAS, Melissa Venable, Land Planning Solutions, applicant, on behalf of Gary Werner, South Suffolk Properties, LLC, property owner(s), has submitted to rezone and amend the official zoning map of the City of Suffolk to change the zoning from A, Agricultural zoning district to RC, Residential Compact zoning district, (Conditional), for property located at 1381 White Marsh Road, Zoning Map 45, Parcel(s) 8, which land is depicted on Exhibit "C"; and,

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

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

WHEREAS, a public hearing before City Council was duly advertised as required by law and held on the 16<sup>th</sup> day of December, 2015, at which public hearing the public was presented with the opportunity to comment on the proposed rezoning.

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

Section 1. Exhibits.

Exhibit "A", "Planning Commission Recommendation", Exhibit "B", "Proffered Conditions", and Exhibit "C", "Zoning/Land Use Map" which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

- A. Council finds that the proposed rezoning is reasonable and warranted due to a change in circumstances affecting the property, and has considered the following factors and finds that the proposed rezoning does not conflict with:
1. the existing use and character of property within the City;
  2. the Comprehensive Plan;
  3. the suitability of the property for various uses;
  4. the trends of growth or change;
  5. the current or future requirements of the community as to land for various

purposes as determined by the population and economic studies and other studies;

6. the transportation requirements of the community;
7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;
8. the conservation of natural resources;
9. the preservation of flood plains;
10. the preservation of agricultural and forestal land;
11. the conservation of properties and their values;
12. the encouragement of the most appropriate use of land throughout the City; and,
13. the expressed purpose of the City's Unified Development Ordinance as set out in Section 31-102 of the Unified Development Ordinance, 1998, as amended, and Section 15.2-2283 of the Code of Virginia, (1950), as amended.

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

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

Section 3. Rezoning.

1. The property as shown on the attached Exhibit "C" is hereby, rezoned and the official zoning map shall be, and is hereby, amended from A, Agricultural zoning district, to RC, Compact Residential zoning district (Conditional), for property located 1381 White Marsh Road, Zoning Map 45, Parcel(s) 8.

Section 4. Recordation.

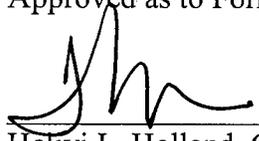
A certified copy of this ordinance shall be recorded, by the applicant, in the name of the property owner as grantor in the office of the Clerk of Circuit Court.

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

READ AND PASSED: \_\_\_\_\_

TESTE: \_\_\_\_\_  
Erika S. Dawley, City Clerk

Approved as to Form:

  
\_\_\_\_\_  
Helivi L. Holland, City Attorney

**EXHIBIT A**

**RESOLUTION NO. 15-11-1**

**CITY OF SUFFOLK PLANNING COMMISSION  
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION  
TO CITY COUNCIL RELATING TO REZONING REQUEST  
RZ03-15 (CONDITIONAL)  
TO CHANGE THE ZONING FROM A, AGRICULTURAL ZONING DISTRICT  
TO RC, RESIDENTIAL COMPACT ZONING DISTRICT, (CONDITIONAL)  
FOR PROPERTY LOCATED AT 1381 WHITE MARSH ROAD, ZONING MAP  
45, PARCEL(S) 8.**

**WHEREAS**, Melissa Venable, Land Planning Solutions, applicant, on behalf of Gary Werner, South Suffolk Properties, LLC, property owner(s), has submitted to rezone and amend the official zoning map of the City of Suffolk to change the zoning from A, Agricultural zoning district to RC, Residential Compact zoning district, (Conditional), for property located at 1381 White Marsh Road, Zoning Map 45, Parcel(s) 8; and

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

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

Section 1. Findings.

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

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

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

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

Section 2. Recommendation to Council.

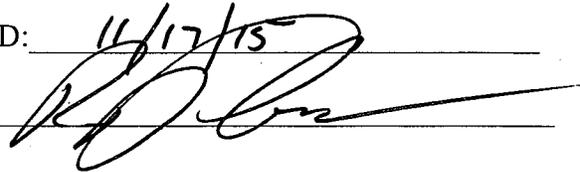
The Planning Commission recommends to City Council that the request, RZ03-15, be:

- 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: \_\_\_\_\_

11/17/15



## EXHIBIT B

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

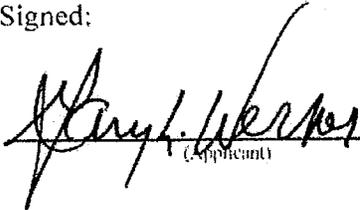
The following conditions (add additional sheets if necessary) are voluntarily proffered for the reclassification of property identified as Tax Map 45, Block \_\_\_\_\_, Parcel Number 8:

1. Residential Buildings shall use cultured stone, brick, premium vinyl 0.44" thickness and/or hardi-plank as exterior construction materials. All roofing shall be of architectural shingles with a minimum 25 year manufacturer's warranty.
2. Within each individual block, no two residential dwellings having the same elevation shall be constructed on the same side of a street within three building lots of each other. Facade reversal shall be considered dissimilar appearance.
3. Right and left turn lanes into the community, with 200' storage and 200' taper distance, shall be constructed at the entrances on White Marsh Road.
4. At the intersection of East Washington Street and White Marsh Road the developer shall provide a 150' left turn lane with a taper westbound on East Washington Street. Due to right of way constraints the lanes shall be a maximum of 11' in width. The existing traffic signal shall be modified to satisfy the aforementioned and shall include pedestrian signal heads with push buttons and emergency pre-emption for fire and emergency vehicles.
5. At the intersection of Portsmouth Boulevard, East Washington Street and Nansemond Parkway, the developer shall extend the westbound left turn lane on Portsmouth Boulevard from 100' to 275' in the existing grass median.
6. No Certificate of Occupancy will be issued for any dwellings or buildings within the development until such time as the aforementioned improvements are completed at the intersection of East Washington Street and White Marsh Road (Proffer 4).
7. Development of the Property shall be limited to no more than a total of 319 single family detached units, of which no more than 185 shall be in Phase One of the Property and no more than 134 shall be in Phase Two of the Property. Prior to the date that the HRSD Shingle Creek Interceptor Update Project is completed, the Property shall be limited to development of the 185 single family detached units in Phase One. Future development of Phase Two may not commence until after completion of such project.
8. A cash contribution of \$75,000 will be made to the City to assist in the upgrade

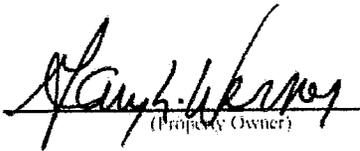
of existing Pump Stations 21 and 22 to allow for additional capacity within the Shingle Creek Interceptor. This cash contribution must be made prior to issuance of a certificate of occupancy for a dwelling unit in the Property.

9. The property owner will make a cash contribution to the Suffolk City School system to increase capacity for additional students at the middle school level. This contribution will be the sum of \$5,280.45 for each residential unit and shall be made upon issuance of the occupancy permit for each residential unit.
10. A 30' width right-of-way dedication to the City of Suffolk shall be made along the frontage of the site for White Marsh Road widening.
11. A 70' right-of-way dedication to the City of Suffolk shall be created through the Property at a location to be mutually determined by the City of Suffolk and the developer at such time as the site plan for development of the Property is submitted to the City for review and approval. The dedication shall be established in a location determined to be appropriate for access to the "White Marsh Road Connector" or the "Carolina Road Connector" at such time as either of those projects might be built.

Signed:

  
\_\_\_\_\_  
(Applicant)

SOUTH SUFFOLK PROPERTIES, by:  
GARY L. WERNER, MANAGER 12-9-15  
(Printed Name) (Date)

  
\_\_\_\_\_  
(Property Owner)

SOUTH SUFFOLK PROPERTIES, by:  
GARY L. WERNER, MANAGER 12-9-15  
(Printed Name) (Date)

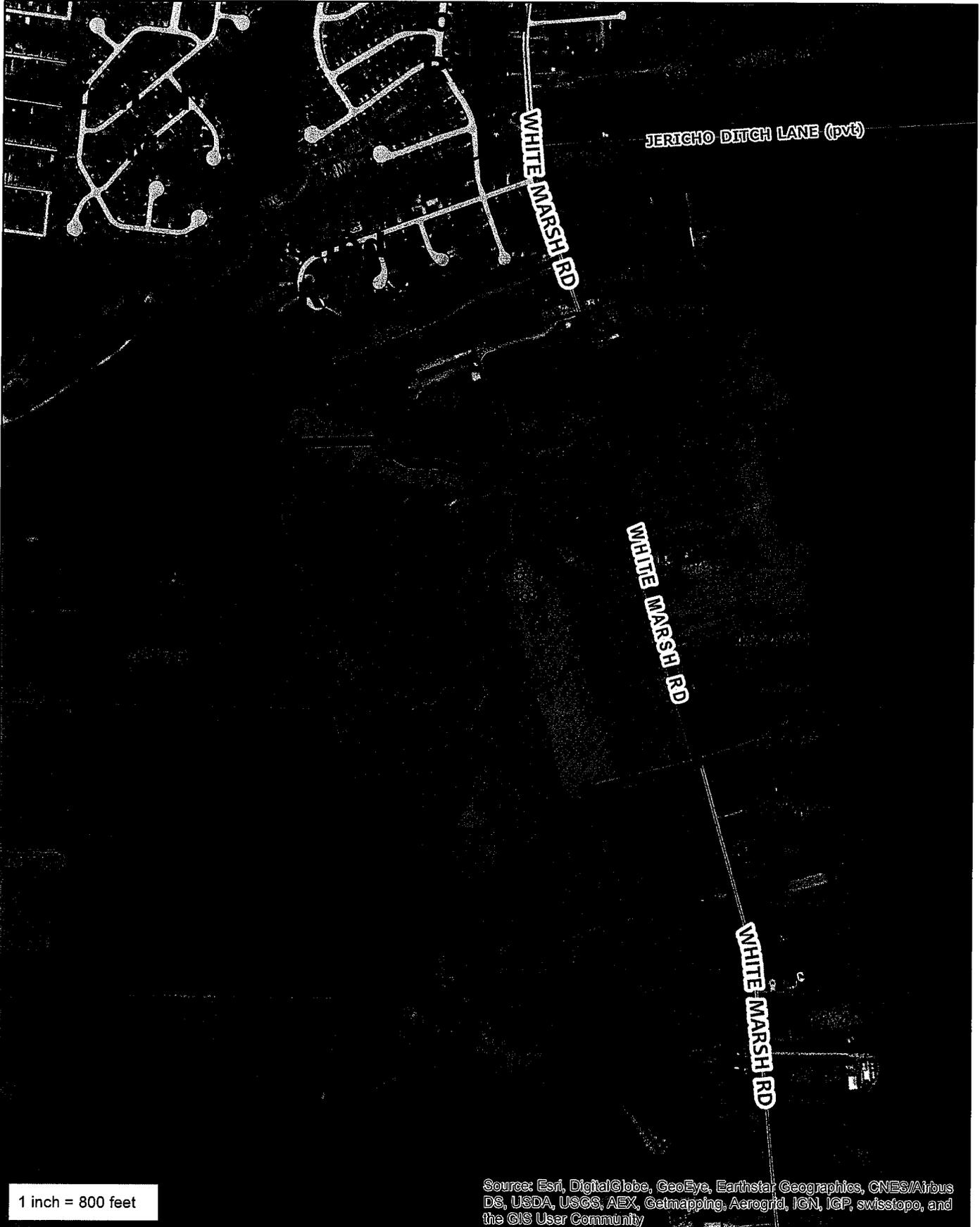
\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Date)

RZ03-15 ZONING / LAND USE MAP

EXHIBIT C



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

**AGENDA: December 16, 2015, Regular Session**

**ITEM: Public Hearing** – An ordinance to rezone and amend the official zoning map of the City of Suffolk, to change the zoning from B-1, Neighborhood Commercial, to RM, Residential Medium Density zoning district, (Conditional), for property located at the southeast corner of the intersection between Bennett’s Pasture Road and Driver Lane, Zoning Map 19, Parcel(s) 33; RZ04-15 (Conditional)

Attached for your consideration is information pertaining to Rezoning Request, RZ04-15, which seeks to rezone and amend the official zoning map of the City of Suffolk to change the zoning from B-1, Neighborhood Commercial, to RM, Residential Medium Density zoning district, (Conditional), for property located at the southeast corner of the intersection between Bennett’s Pasture Road and Driver Lane, Zoning Map 19, Parcel(S) 33. The affected area is further identified as being located in the Sleepy Hole Voting Borough, zoned B-1, Neighborhood Commercial zoning district. The 2035 Comprehensive Plan designates this area as a part of the Northern Growth Area, Suburban Use District.

The Planning Commission, at their meeting of November 17, 2015, voted 7 to 1 to approve a resolution recommending **approval** of this request.

**ATTACHMENTS:**

- Staff Report
- Proposed Ordinance
- Exhibit A - Planning Commission Recommendation
- Amended Exhibit B – Proffered Conditions
- Exhibit C – Zoning/Land Use Map

# STAFF REPORT

## DESCRIPTION

**REZONING REQUEST:** Rezoning Request, RZ04-15, (Conditional), Bennett's Pasture, LLC, submitted by Whitney Saunders, agent, on behalf of Jonathan Skinner of Bennett's Pasture, LLC, applicant, on behalf of Vernon G. Eberwine, Jr., Patricia B. Woodard, Suzanne W. Stephenson, property owner(s), to rezone and amend the official zoning map of the City of Suffolk to change the zoning from B-1, Neighborhood Commercial zoning district, to RM, Residential Medium Density zoning district, (Conditional), for property located at the southeast corner of the intersection between Bennett's Pasture Road and Driver Lane, Zoning Map 19, Parcel(s) 33.

**APPLICANT:** Whitney Saunders, agent, on behalf of Jonathan Skinner of Bennett's Pasture, LLC, applicant, on behalf of Vernon G. Eberwine, Jr., Patricia B. Woodard, Suzanne W. Stephenson, property owner(s)

**LOCATION:** Property is located at the southeast corner of the intersection between Bennett's Pasture Road and Driver Lane, Zoning Map 19, Parcel(s) 33.

**PRESENT ZONING:** B-1, Neighborhood Commercial Zoning District.

**EXISTING LAND USE:** The parcel is presently considered vacant.

**PROPOSED LAND USE:** Residential subdivision containing 44 single family lots.

## **SURROUNDING LAND USES:**

North – zoned RLM, developed single-family residential

South – zoned RLM, developed single-family residential

East – zoned RLM, developed single-family residential

West – zoned B-1, neighborhood commercial and RLM, developed single-family residential

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

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

**PUBLIC NOTICE:** This request has been duly advertised in accordance with the public notice requirements set forth in Section 15.2-2204 of the Code of Virginia, as amended, and with the applicable provisions of the Unified Development Ordinance.

## **STAFF ANALYSIS**

### **ISSUE:**

The applicant is requesting a change in zoning from B-1, Neighborhood Commercial zoning district, to RM, Residential Medium Density zoning district, (Conditional), for a parcel of land identified as Zoning Map 19, Parcel(s) 33. The subject vacant land contains approximately 16 acres currently used for agriculture. The parcel fronts both Bennett's Pasture Road and Driver Lane and is located at the intersection of these two roadways. Bennett's Pasture Road is identified as a principal arterial roadway and Driver Lane as a minor collector. The subject parcel is surrounded on three sides by property zoned RLM, Residential Low-Medium Density zoning district or RM, Residential Medium Density zoning district. The western side, which is across Bennett's Pasture Road, is also zoned B-1, Neighborhood Commercial.

As presented by the applicant, the non-proffered conceptual layout shows that the subject 16.2 acre property is proposed to be developed as a cluster residential subdivision, consisting of 44 single family detached homes. The main entrance to the subdivision will be from Driver Lane and a secondary connection will be from Erin Drive, which is located in the adjacent subdivision, Driver Village Green.

### **CONSIDERATIONS AND CONCLUSIONS**

In accordance with Appendix B, Section B-4 of the Unified Development Ordinance, rezoning applications must include a statement of the reasons for seeking an amendment to the zoning maps of the City of Suffolk. Supplemental information provided by the applicant indicates that the reason for this rezoning request is they believe the current B-1, Neighborhood Commercial, zoning district is inconsistent with surrounding parcels and not in keeping with the overall residential character of the Bennett's Pasture Road corridor. The applicants further state that commercial use of the property would detract from the nearby Driver Village commercial center and be an unnecessary addition of commercial property in the corridor. It should be noted that the subject property is already zoned B-1, Neighborhood Commercial and, therefore, is not new commercial property.

#### **1. Comprehensive Plan**

According to the 2035 Comprehensive Plan, the subject property is located within the Northern Growth Area, Suburban Use District. Residential uses within the Suburban use district can be characterized as the least dense within the Growth Area and typified by single-family residential subdivisions. Complementary commercial uses in this district are primarily neighborhood scale centers such as convenience retail and professional offices. Civic buildings and community facilities are also acceptable. While the applicant did not directly reference any particular Place Type, the intent seems to indicate a desire for a Traditional Neighborhood as described in Chapter 3, Place Types. The context of

the proposal is in keeping with the clustered nature, limited size and walkable design preferred at this scale. Traditional Neighborhoods are found in the Suburban Use District as outlined by the Place Types by Use District Matrix displayed within the Chapter. The Suburban Use District allows one (1) to five (5) dwelling units per acre. This development proposes to create 3.4 dwelling units per acre.

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

*Policy 2-1, states, Keep development focused in designated Growth Areas in the City, and is exhibited through Action 2-1A: Ensure that the City's land use regulations support higher density/intensity development in focused Growth Areas.* While the applicant proposes a rezoning is appropriate for this parcel, it is staff's opinion that the property is presently zoned correctly. The property's strategic location at a corner intersection along a principal arterial roadway containing significant existing and pipeline residential development make it ideally suited for B-1, Neighborhood Commercial, uses.

*Policy 2-2, states, Assure that development occurs in a predictable and orderly manner, and is exhibited through Action 2-2C: Continue the use of cluster developments to preserve and protect the natural environment and Action 2-2D: Ensure that the cluster development provisions allow for more community usable open space.* This application proffers the use of cluster provisions and reserves 7.5 acres of open space, much of which is existing forestal lands.

*Policy 2-3, states, Promote the balance of residential and non-residential land uses, and is exhibited through Action 2-3B: Continue to promote efforts to facilitate the retention and expansion of office, research and development, and manufacturing activity in Suffolk.* This parcel is ideally suited for neighborhood scale commercial and office uses as it presently appropriately zoned for neighborhood commercial/services and adjoins Bennett's Pasture Road, which is an important north/south thoroughfare and is identified as a principal arterial roadway intended to carry substantial traffic volumes. Presently, only 97.28 acres of B-1 zoned property is available between US Route 17 and Portsmouth Boulevard along the Bennett's Pasture, Nansemond Parkway, and Wilroy Road corridors. The total acreage included as part of this application amounts to 16% of the overall 97.28 acres.

*Policy 4-1, states, Provide opportunities for residents to adopt a lifestyle that is less dependent on auto travel, and is exhibited through Action 4-1C: Discourage strip retail commercial development along major arterials.* As presently zoned, this parcel allows for neighborhood commercial and convenience retail uses onsite and is located at a key intersection surrounded by residential development. The present zoning is appropriate as little B-1 exists along the entire corridor, complementing the opportunity for more intense business to locate on B-2, General Commercial zoned properties within the village of Driver.

## 2. Unified Development Ordinance

The Unified Development Ordinance specifies criteria for the use of B-1 zoning. The following should be considered when contemplating this rezoning:

*B-1 districts shall be limited to the intersection of Arterial/collector, collector/collector, subcollector/collector, subcollector/local or collector/local street intersections; except where an existing center has been established prior to the adoption of this Ordinance; or the interior of a block along an arterial or collector street which lies parallel to an existing town center.* This criteria helps implement the policies of the Comprehensive Plan by concentrating neighborhood retail opportunities at appropriately scaled and accessible centers of development such as crossroads. Thus, strip retail development is precluded and the area can be preserved for neighborhood scale commercial and office uses. In addition, by providing neighborhood retail opportunities at crossroads and adjacent to or in close proximity to residential development, there is greater opportunity to connect to residential areas by means other than by automobile. This site is located on a principal arterial, Bennett's Pasture Road, at the intersection with a collector, Driver Lane. The site is located outside the limits of the village of Driver, where more intense B-2 zoning can be found.

In addition, the specific criteria for development within the B-1 zone identified in Section 31-408(f) of the Unified Development Ordinance requires minimization of vehicular and pedestrian conflicts by providing connectivity within the development and to surrounding neighborhoods. Rezoning this property to residential use would preclude future neighborhood office or commercial uses at this location and create a situation where virtually all trips or errands within the corridor would require the use of an automobile.

Furthermore, the village of Driver does not adhere to the VC, Village Center, zoning district designation that applies to the other rural villages in the City. Instead, significant B-2 zoned properties are found in the village and at its southern edge. The subject property in this rezoning request is located beyond the limits of the village to the north. As currently zoned, B-1, the subject property provides for an appropriate balance between commercial and residentially zoned property in the vicinity, and is strategically located at an intersection and along Bennetts Pasture Road.

The Unified Development Ordinance also specifies criteria for the use of RM zoning.

Three criteria are identified:

*No application for development within the RM zoning district shall be approved unless the proposed use and/or development conforms to the requirements of Article 4 (Zoning), 6 (Design Standards), and 7 (Supplemental Use Standards) of the UDO.*

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

*Subdivision plats or site plans may utilize hamlet or cluster use patterns consistent with the requirements of Sections 31-411(e) or 31-411(f) except in the RC and RU districts with the approval of Conditional Use Permit.*

The applicant has proffered to develop the site as a cluster subdivision in accordance with Section 31-411 of the Unified Development Ordinance.

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

There is available connection to City water and sewer service for this proposed subdivision.

### **3. Adequate Public Facilities**

The purpose and intent of the adequate public facilities ordinance is to ensure that public facilities are available to support new development and associated impacts and that each public facility meets or exceeds the Level of Service standards established by the 2035 Comprehensive Plan and the Unified Development Ordinance. No rezoning request should be approved which would cause a reduction in the levels of service standards for any public facility impacted. The public facilities impacted by the proposed development are discussed individually below:

#### Public Water and Sanitary Sewer

City water is available via the 16" water main in Driver Lane and the 6" main in Erin Drive. Connection to both of these mains is anticipated in order to provide system reinforcement through the existing and new developments. It appears that adequate flows and pressures would be afforded to the new development for domestic and fire flow needs. The City performed a hydraulic analysis of existing City Pump Station 114 (Driver Station), which is the receiving pump station for this development. This model determined there is sufficient capacity in this existing pump station for the proposed additional 44 single family units. The Department of Public Utilities does not have any concerns with this request.

#### Stormwater Management

The subject property is located within a Resource Management Area (RMA) and is subject to the applicable provisions of the stormwater management regulations. This project proposes to meet applicable stormwater management requirements, which will be thoroughly assessed during the plan review process.

#### Streets

A traffic impact study was submitted with this request. Based on this study, the developer has proffered to construct a 200' southbound left turn lane with a 200' taper on

Bennett's Pasture Road for access to Driver Lane and a 200' northbound left turn lane with a 200' taper on Bennetts Pasture Road for access to Sleepy Hole Road. The project itself would have one (1) exiting and one (1) entering lane on Driver Lane and a cross access connection with Erin Drive in the adjoining subdivision, Driver Village Green. No traffic signal improvements are warranted with the construction of this project.

The Traffic Impact Analysis indicates that approximately 8,300 vehicles per day travel along Bennett's Pasture Road between Kings Highway and Bridge Road. This project would create an additional 419 vehicles per day using Institute of Transportation Engineers Trip Generation Manual, 9<sup>th</sup> Edition rates. It is estimated that, of the 419 new vehicles per day, 60% would travel to the north, 30% to the south, and 10% south on Driver Lane before ultimately heading east on Nansemond Parkway.

The City's Traffic Engineer has reviewed and approved the recommendations in the traffic impact study.

#### Schools

The adopted Capital Improvement Plan (CIP) has established the cost and capacity for a future elementary school, a future middle school, and a future high school. By dividing the cost of each future facility by the established capacity, a cost per student can be calculated. This value in turn can then be translated into a per unit cost based on the proposed development under consideration.

Per the adopted capital program: 1) the future 1,000 student elementary school has an established cost of \$27,339,394.00, which translates into a per student cost of \$27,339.39; 2) the future 600 student middle school has an established total cost of \$25,914,816.00, which translates into a per student cost of \$43,191.36; and 3) the future 1,800 student high school has an established total cost of \$68,938,113.00, which translates into a per student cost of \$38,298.95.

The specifics of the impact generated by the proposed rezoning and the need to mitigate or advance capacity at the various school levels are discussed below.

**Elementary School** – This development is located in Zone 2 for elementary schools (Driver, Elephant's Fork, Florence Bowser, Nansemond Parkway, Oakland, Mack Benn, Northern Shores, and Creekside) and will generate 9.24 students. Zone 2 currently has a surplus of 301 students. In that regard, this development would not require the advancement of capacity for elementary schools.

**Middle School** – This development is located in Zone 1 for middle schools (John Yeates and John F. Kennedy) and will generate 5.28 students. Zone 1 currently has a deficit of 270 students. In that regard, this development would require the advancement of capacity for the net increase of 5.28 middle school students as a result of the rezoning. Each additional middle school student generated would require payment in the amount of

\$43,191.36 for a total amount of \$228,050.38 to mitigate the impact. This equates to \$5,182.96 per single family detached dwelling within the development.

High School – This development is located in Zone 2 for high schools (Nansemond River) and will generate 8.36 students. Zone 2 currently has a deficit of 375 students. In that regard, this development would require the advancement of capacity for the net increase of 8.36 high school students as a result of the rezoning. Each additional high school student generated would require payment in the amount of \$38,298.95 for a total amount of \$320,179.22 to mitigate the impact. This equates to \$7,276.80 per single family detached dwelling within the development.

The applicant has included a proffer in their request for this rezoning to provide a total of \$548,229.60 to be paid to the City of Suffolk towards the construction of a middle school and high school. This amount is proposed to be paid on a per unit basis for the 44 proposed units which will be \$12,459.76 per unit.

#### **4. Fiscal Impact Study**

The applicant submitted a fiscal impact study that states at build out, which the Fiscal Impact Study assumes to be 2018, it is estimated that the development will generate an annual positive net fiscal impact to the City of Suffolk of approximately \$174,000.

#### **5. Proffered Conditions**

The applicant has proffered conditions in support of this rezoning request. The applicant has proffered:

- 1) The owner/applicant agrees that it shall pay the City of Suffolk the sum of \$548,229.60 (44 units x \$12,459.76/unit) upon issuance of an occupancy permit for each of the 44 single family detached residential units in that part of 19\*33 to be zoned RM, for advancement of the City's capacity to build schools.
- 2) The owner/applicant agrees that it shall construct access and offsite right-of-way improvements to the subject property in accordance with the Traffic Impact Analysis provided by Bryant B. Goodloe, P.C., dated February 28, 2015, as follows:
  - The site entrance shall have 1 exiting and 1 entering lane
  - A stop sign shall be installed on the site entrance at Driver Lane Intersection of Bennett's Pasture Road, Driver Lane, and Sleepy Hole Road
  - A 200' southbound left turn lane with a 200' taper shall be constructed on Bennett's Pasture Road
  - A 200' northbound left turn lane with a 200' taper shall be constructed on Bennett's Pasture Road
- 3) The owner/applicant agrees that the lots shall be platted in a plan of development consistent with the requirements of UDO Section 31-411 governing cluster development of real property.

4) The owner/applicant agrees that no more than forty-four (44) residential, single-family detached residential units shall be constructed on this property.

### **RECOMMENDATION**

In summary, Staff finds that the proposal is:

- Not consistent with provisions of the 2035 Comprehensive Plan
- Not consistent with the Unified Development Ordinance
- Does mitigate impacts to public facilities

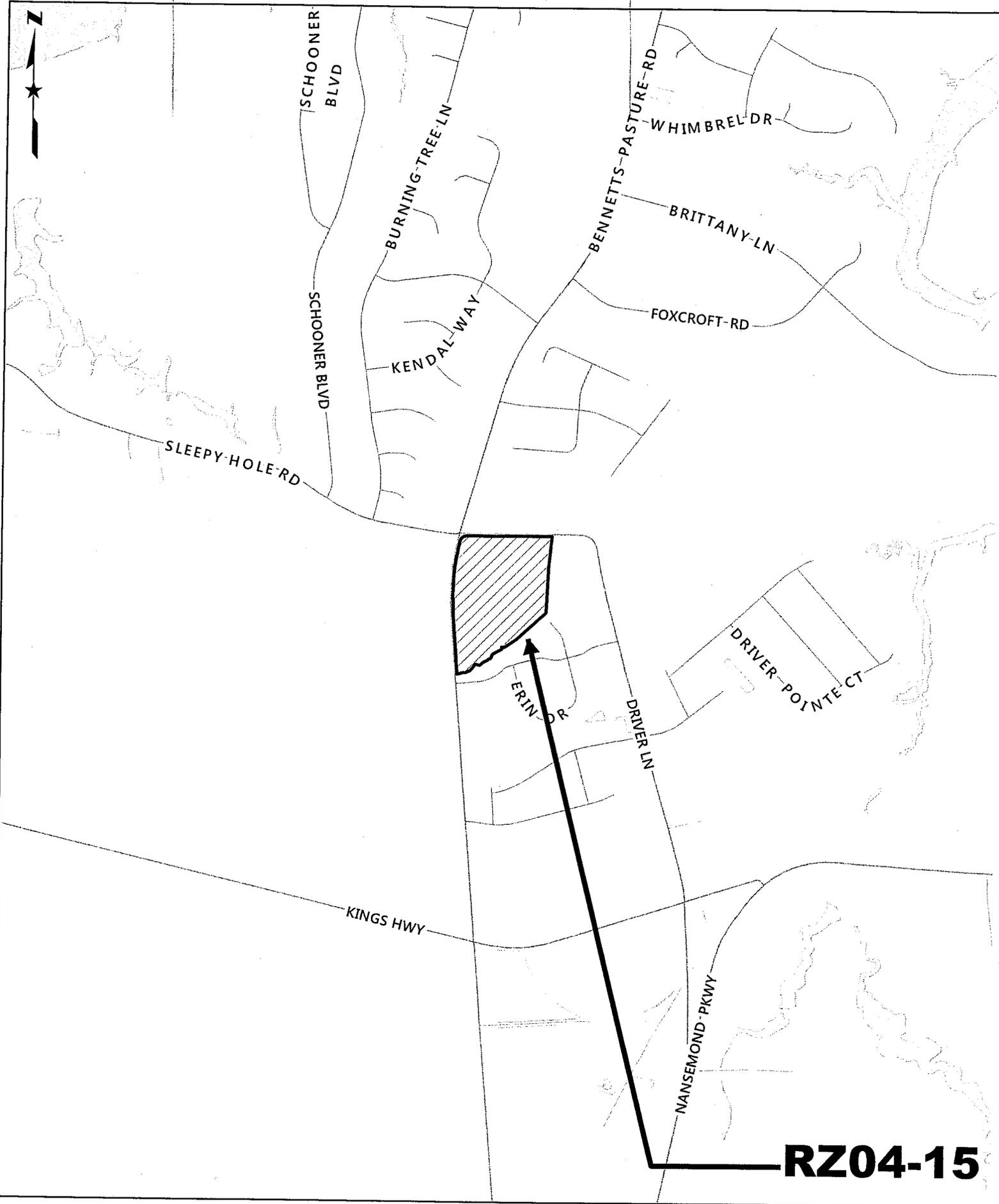
Based on the guidance provided by the above cited provisions of the 2035 Comprehensive Plan, the Unified Development Ordinance, and the analysis and findings-of-fact set forth in the preceding staff report, staff recommends **denial** of Rezoning Request RZ04-15.

At the August 18, 2015 meeting, at the request of the applicant, the Suffolk Planning Commission voted 8 to 0 to table the public hearing on this matter to the October 20, 2015 meeting. Subsequently, at the October 20, 2015 meeting and again at the request of the developer, the Planning Commission voted 8 to 0 to table this matter until November 17, 2015. At the November 17, 2015 meeting, Planning Commission voted 7 to 1 to recommend **approval** of Rezoning Request RZ04-15.

#### Attachments

- Proposed Ordinance
- Exhibit A - Planning Commission Recommendation
- Exhibit B – Proffered Conditions
- Exhibit C – Zoning/Land Use Map and Boundary Exhibit

# General Location Map



## NARRATIVE

The applicant, Bennetts Pasture, LLC, is requesting a change in zoning for the City of Suffolk Tax Assessors Map and Parcel Number 19\*33, from Neighborhood Commercial District (B-1) to Residential Medium (RM). The applicant proposes 44 single family detached residential units on 16.2 acres arranged to comply with the City of Suffolk cluster ordinance. The existing site is currently in agricultural use and forested land. The subject parcel is surrounded on the north, south, east and west by property zoned RLM and in large part already developed as single family residential neighborhoods.

The proposed 44 single family lot neighborhood features extensive forested and water feature buffers separating building lots from existing residential neighborhoods and Bennetts Pasture Road and Driver Lane. With the exception of six lots, the rear of all other lots are contiguous to wooded or BMP dominated buffer areas. In accordance with the cluster ordinance, 45% or 7.3 acres of open space must be provided. In this case, 7.5 acres of open space will be provided out of the entire site area of 16.2 acres. Lot sizes will average approximately 6,000 sq. ft. and the applicant proffers single family detached family residences of a minimum of 1,800 sq. ft. and a one car attached garage. The proposed neighborhood would produce 3.4 residential housing units per acre which is consistent with densities within the Comprehensive Plan's Suburban District.

The subject property is located within the northern suburban urban growth area that is outlined in the City of Suffolk 2026 Comprehensive Plan. Residential Medium Density (RM) districts are to provide single family residential uses where adequate public facilities and services exist. This district is designed to provide a flexible minimum and maximum lot size in order to allow for market and design flexibility while preserving neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive land areas. This neighborhood design will focus on walkable streets and the cluster design promotes efficient land use. The subject neighborhood will be consistent with surrounding uses and its density will be consistent with surrounding residential densities.

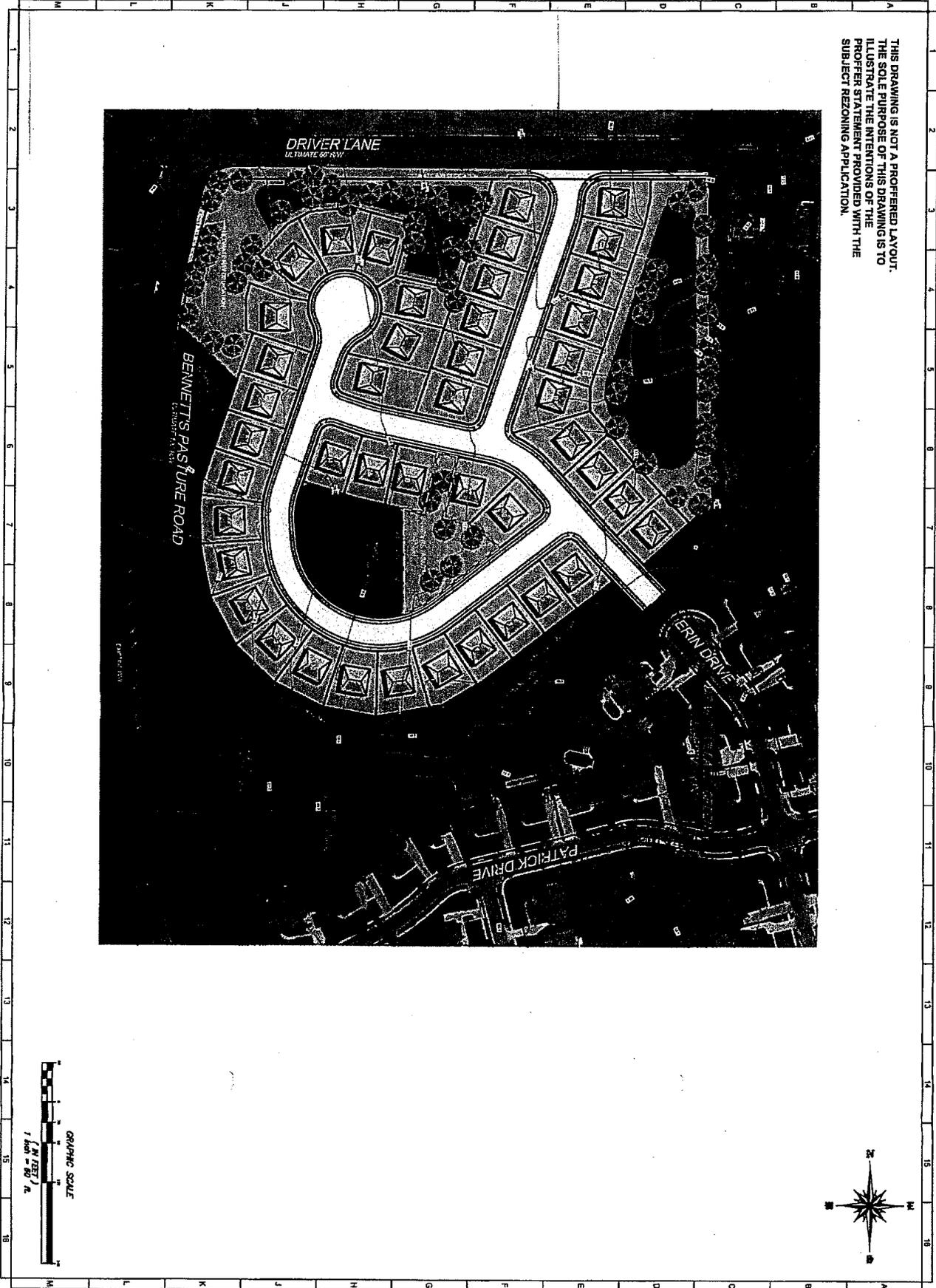
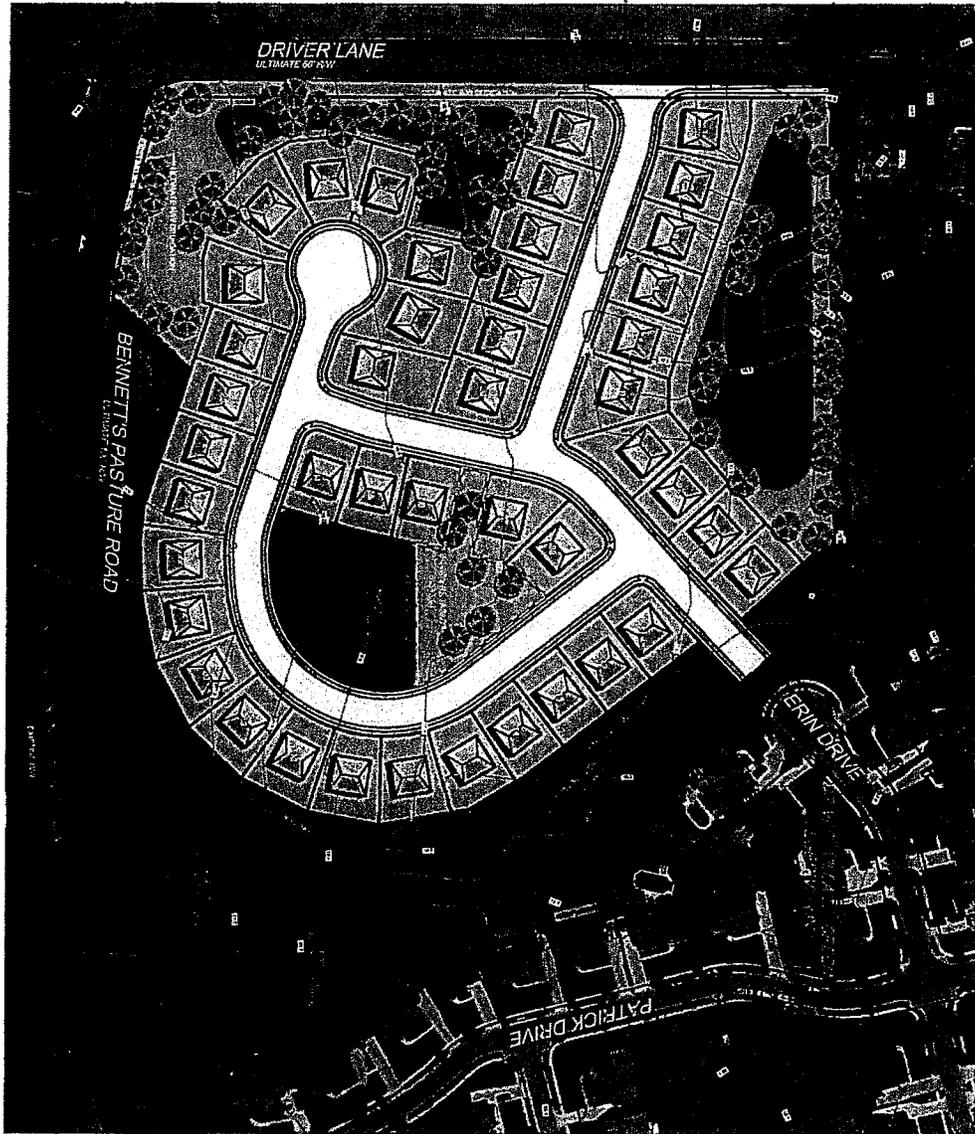
The existing (B-1) zoning for this parcel is entirely inconsistent with surrounding parcels and with the overall residential character of the Bennetts Pasture Road corridor. A B-1 use of the property would inevitably place the rear of commercial development against existing residential housing and would allow an existing stub street to direct commercial traffic through the existing residential neighborhood. The proposed residential community would generate 419 vehicle trips a day where 16.1 acres of commercial zoning, assuming 25% lot coverage, could result in generation of 7,500 vehicle trips per day. The resulting increase in new traffic, assuming a 35% factor for drive-by traffic already using Bennetts Pasture Road could result in approximately 4,900 trips per day, a tenfold traffic increase from the residential community traffic count. Commercial use will not only prove detrimental to existing residences and inconsistent with the character of this corridor but would also prove an unnecessary addition of commercial property. The village of Driver has existing commercial property at its center, which is strategically placed to provide a commercial center reflective of the historical character of the village and the needs of the surrounding population. The Drive Village Initiatives Plan lists under its design principals its two most important tenants as:

1. Maintain and enhance Driver's quaint, rustic, small town character.
2. Support and improve the Kings Highway commercial crossroads.

The Kings Highway, Nansemond Parkway, Driver Lane intersection of streets comprises the (B-2) zoning area designed to provide neighborhood commercial activity for the village of Driver. This provides a centralized business hub for the community with existing undeveloped (B-2) parcels which exceed the acreage of the subject property. Commercial development of these parcels, which are zoned (B-2) will fulfill the guiding principles outlined in the Driver Village Initiatives Plan and centralize commercial activity, further invigorating the Driver Community while promoting appropriate, rural, scaled infill development as encouraged in the Initiatives Plan. Development of the property for commercial purposes will only further suburbanization of the Driver village and defeat the community's desire to establish itself as a vibrant residential community with a viable commercial hub.

A Fiscal Impact Analysis was performed for submission with this application. The net Fiscal Impact on an annual basis was found to be approximately \$174,000.00 upon completion of the neighborhood. Over a 20 year period the study found a present value to the City of Suffolk of the development of \$2.9 million dollars.

THIS DRAWING IS NOT A PROFFERED LAYOUT.  
 THE SOLE PURPOSE OF THIS DRAWING IS TO  
 ILLUSTRATE THE INTENTIONS OF THE  
 PROFFER STATEMENT PROVIDED WITH THE  
 SUBJECT REZONING APPLICATION.



<b>C007</b>	PRELIMINARY LAYOUT PLAN OF BENNETTS PASTURE ROAD PROPERTY  SUFFOLK, VIRGINIA	<b>PRELIMINARY                  NOT FOR                  CONSTRUCTION</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>MARK</th> <th>DATE</th> <th>INITIALS</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	MARK	DATE	INITIALS																															<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Project No.</td><td>14042</td></tr> <tr><td>Date</td><td>03/18/15</td></tr> <tr><td>Scale</td><td>1" = 50'</td></tr> <tr><td>Drawn</td><td>WFC</td></tr> <tr><td>Checked</td><td>SWB</td></tr> </table>	Project No.	14042	Date	03/18/15	Scale	1" = 50'	Drawn	WFC	Checked	SWB		<b>NOTIFY</b> Miss Utilities At 1-800-552-7001 or 811 For Location of Existing Utilities
MARK	DATE	INITIALS																																															
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**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK, TO CHANGE THE ZONING FROM B-1, NEIGHBORHOOD COMMERCIAL, TO RM, RESIDENTIAL MEDIUM DENSITY ZONING DISTRICT, (CONDITIONAL), FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION BETWEEN BENNETT'S PASTURE ROAD AND DRIVER LANE, ZONING MAP 19, PARCEL(S) 33; RZ04-15 (CONDITIONAL)**

WHEREAS, Bennett's Pasture, LLC, submitted by Whitney Saunders, agent, on behalf of Jonathan Skinner of Bennett's Pasture, LLC, applicant, on behalf of Vernon G. Eberwine, Jr., Patricia B. Woodard, Suzanne W. Stephenson, property owner(s), has requested a change in zoning from B-1, Neighborhood Commercial zoning district, to RM, Residential Medium Density zoning district, (Conditional), for property located at the southeast corner of the intersection between Bennett's Pasture Road and Driver Lane, Zoning Map 19, Parcel(s) 33, which land is depicted on Exhibit "B"; and,

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

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

WHEREAS, a public hearing before City Council was duly advertised as required by law and held on the 16<sup>th</sup> day of December, 2015, at which public hearing the public was presented with the opportunity to comment on the proposed rezoning.

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

Section 1. Exhibits.

Exhibit "A", "Planning Commission Recommendation", Amended Exhibit "B", "Proffered Conditions", and Exhibit "C", "Zoning/Land Use Map" which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

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

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

5. the current or future requirements of the community as to land for various purposes as determined by the population and economic studies and other studies;
6. the transportation requirements of the community;
7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;
8. the conservation of natural resources;
9. the preservation of flood plains;
10. the preservation of agricultural and forestal land;
11. the conservation of properties and their values;
12. the encouragement of the most appropriate use of land throughout the City; and,
13. the expressed purpose of the City's Unified Development Ordinance as set out in Section 31-102 of the Unified Development Ordinance, 1998, as amended, and Section 15.2-2283 of the Code of Virginia, (1950), as amended.

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

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

Section 3. Rezoning.

1. The property as shown on the attached Exhibit "C" is hereby, rezoned and the official zoning map be, and is hereby, amended from B-1, Neighborhood Commercial zoning district, to RM, Residential Medium zoning district (Conditional), for property located at the southeast corner of the intersection between Bennett's Pasture Road and Driver Lane, Zoning Map 19, Parcel(s) 33.

Section 4. Recordation.

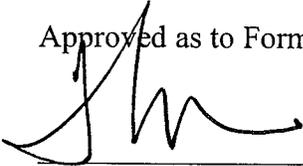
A certified copy of this ordinance shall be recorded, by the applicant, in the name of the property owner as grantor in the office of the Clerk of Circuit Court.

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

READ AND PASSED: \_\_\_\_\_

TESTE: \_\_\_\_\_  
Erika S. Dawley, City Clerk

Approved as to Form:



\_\_\_\_\_  
Helivi L. Holland, City Attorney

**CITY OF SUFFOLK PLANNING COMMISSION  
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION  
TO CITY COUNCIL RELATING TO REZONING REQUEST  
RZ04-15 (CONDITIONAL)  
TO CHANGE THE ZONING FROM B-1, NEIGHBORHOOD COMMERCIAL,  
TO RM, RESIDENTIAL MEDIUM DENSITY ZONING DISTRICT,  
(CONDITIONAL), FOR PROPERTY LOCATED AT THE SOUTHEAST  
CORNER OF THE INTERSECTION BETWEEN BENNETT'S PASTURE ROAD  
AND DRIVER LANE, ZONING MAP 19, PARCEL(S) 33.**

**WHEREAS**, Bennett's Pasture, LLC, submitted by Whitney Saunders, agent, on behalf of Jonathan Skinner of Bennett's Pasture, LLC, applicant, on behalf of Vernon G. Eberwine, Jr., Patricia B. Woodard, and Suzanne W. Stephenson, property owner(s), has requested a change in zoning from B-1, Neighborhood Commercial Zoning District, to RM, Residential Medium Density Zoning District (Conditional); and

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

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

Section 1. Findings.

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

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

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

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

Section 2. Recommendation to Council.

The Planning Commission recommends to City Council that the request, RZ04-15, 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: \_\_\_\_\_

  
11/17/15

Amended Exhibit B

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

The following conditions are voluntarily proffered for the reclassification of property identified as Tax Map 19\*33:

- The owner / applicant agrees that it shall pay the City of Suffolk the sum of \$548,229.60 (44 units x \$12,459.76/unit) upon the issuance of an occupancy permit for each of the 44 single family detached residential units in that part of 19\*33 to be zoned RM, for advancement of the City's capacity to build schools.
- The owner/applicant agrees that it shall construct access and offsite right-of-way improvements to the subject property in accordance with the Traffic Impact Analysis provided by Bryant B. Goodloe, P.C., dated February 28, 2015 as follows:
  - Intersection of Driver Lane and Site Entrance:
    - The site entrance shall have 1-exiting lane and 1-entering lane.
    - A STOP sign shall be installed on the Site Entrance at Driver Lane.
  - Intersection of Bennetts Pasture Road, Driver Lane, & Sleepy Hole Road:
    - A 200' southbound left turn with a 200' taper shall be constructed on Bennetts Pasture Road.
    - A 200' northbound left turn with a 200' taper shall be constructed on Bennetts Pasture Road.
- The owner/applicant agrees that the lots shall be plated in a plan of development consistent with the requirements of UDO Section 31-411 governing cluster development of real property.
- The owner/applicant agrees that no more than forty-four (44) residential, single family detached residential units shall be constructed on this property.

Harrison and Lear, Inc.



Jonathan Skinner- Applicant

11-12-2015

Date

RZ04-15

\*\*Additional Signature on the 2<sup>nd</sup> page.

Property Owners:

*Vernon G. Eberwine, Jr.* For  
Vernon G. Eberwine, Jr.

11-12-15  
Date

*Patricia B. Woodward*  
Patricia B. Woodward

11-12-15  
Date

*Suzanne W. Stephenson*  
Suzanne W. Stephenson

Nov 11 2015  
Date

# RZ04-15 ZONING / LAND USE MAP



**AGENDA: December 16, 2015, Regular Session**

**ITEM: Public Hearing** – An ordinance to grant a Conditional Use Permit to establish a pawn shop on property located at 928 North Main Street, Zoning Map 34A, Parcel(s) 39; C10A-11

Attached for your consideration is information pertaining to Conditional Use Permit Request C10A-11, Precision Pawn, LLC, submitted by Thomas Dean Erwin, applicant(s), on behalf of S.L. Nusbaum Realty Co., property owner(s), in accordance with Section(s) 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a pawn shop, on property located at 928 North Main Street, Zoning Map 34A, Parcel(s) 39. 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 a part of the Central Growth Area, Core Support Use District.

The Planning Commission, at their meeting of November 17, 2015, voted 8 to 0 to approve a resolution recommending **approval** of this request with conditions.

**ATTACHMENTS:**

- Staff Report
- Proposed Ordinance
- Exhibit A – Planning Commission Recommendation
- Exhibit B – Zoning/Land Use Map
- Exhibit C – Site Plan/Floor Plan

# STAFF REPORT

## DESCRIPTION

**CONDITIONAL USE PERMIT:** Conditional Use Permit Request C10A-11, Precision Pawn, LLC, submitted by Thomas Dean Erwin, applicant(s), on behalf of S.L. Nusbaum Realty Co., property owner(s), in accordance with Section(s) 31-306 and 31-406 of the Unified Development Ordinance.

**APPLICANT:** Submitted by Thomas Dean Erwin, applicant(s), on behalf of S.L. Nusbaum Realty Co., property owner(s).

**LOCATION:** The affected property is located at 928 North Main Street, Zoning Map 34A, Parcel(s) 39, Suffolk Voting Borough.

**PRESENT ZONING:** B-2, General Commercial zoning district.

**EXISTING LAND USE:** Commercial shopping center.

**PROPOSED LAND USE:** Pawn shop.

### **SURROUNDING LAND USES:**

North – B-2, commercial

South – B-2, commercial

East – B-2, commercial undeveloped along the Nansemond River

West – B-2, commercial

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

**CHESAPEAKE BAY PRESERVATION AREA DESIGNATION:** The property is within the City's Chesapeake Bay Preservation Area Overlay District and is designated as an Intensely Developed Area (IDA).

**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.

**CASE HISTORY:** Precision Pawn, LLC previously was approved for Conditional Use Permit C10-11 to operate a pawn shop within the Suffolk Plaza at 892 N. Main Street. The use was approved June 15, 2011 by Ordinance 11-O-041.

## **STAFF ANALYSIS**

### **ISSUE**

The applicant is requesting an amendment to the existing conditional use permit C10-11 to operate a pawn shop within a new space to be located at 928 N. Main Street, a 5,750 square foot unit leased within existing commercial shopping center Suffolk Plaza. Currently, Precision

Pawn, LLC operates at 892 N. Main Street within a 3,750 square foot unit in Suffolk Plaza. The request to move Precision Pawn, LLC to the new location at 928 N. Main requires a new conditional use permit. As outlined in the Unified Development Ordinance, Section 31-306(g)(2), the applicant's request for an amendment is considered a major amendment to C10-11 since the increase in unit size is larger than five percent. The business will continue the same services previously offered: offering short term loans, or pawns, while carrying a mix of items with resale value such as electronics, antiques, Class III firearms, and precious metals and gems. The hours of operation will remain Monday through Friday 10:00 a.m. to 6:00 p.m., Saturday from 10:00 a.m. to 5:00 p.m., and closed on Sundays and major holidays.

### **CONSIDERATIONS AND CONCLUSIONS**

1. Section 31-406 of the Unified Development Ordinance (UDO) requires that a conditional use permit be obtained for a pawn shop within the B-2, General Commercial Zoning District.
2. Supplemental standards are established in the UDO for pawn shops:

*a) All pawn shops and pawnbrokers must comply with the Code of the City of Suffolk.*

City Code Section 18-246 to 18-270, and Section 82-1158, specifies provisions pertaining to Secondhand Goods Dealers and Pawnshop operations. In that regard, the applicants were required to obtain permits to operate from both the Chief of Police and from the Circuit Court. They also obtained a Retail Merchant License from the Commissioner of Revenue; paying a license tax as well as providing a \$50,000 pawnbroker surety bond and a \$10,000 metal and gem dealer surety bond. The applicant is also required to provide daily reports of business activity to the Chief of Police. It should also be noted that the City Code prohibits pawn shops from doing business with those under 18 years of age.

*b) All pawn shops and pawnbrokers must comply with Section 54.1-4000, et seq. of the Code of Virginia, (1950), as amended.*

State Code sections § 54.1-4000 to § 54.1-4202 defines occupations regulated by local governing bodies specifically, pawnbrokers, precious metals dealers, and dealers in firearms. The requirements of these sections are incorporated and restated within the City Code, which require several licenses and bonds:

- License authorized by the Circuit Court
- Retail merchants license from the Commissioner of Revenue
- \$50,000 surety bond as a pawnbroker
- A permit from the Chief of Police
- \$10,000 surety bond as a precious metals dealers
- Daily reports of business activity to the Chief of Police
- Federal Firearms License

3. The hours of operation of Precision Pawn, LLC are Monday through Friday 10:00 a.m. to

6:00 p.m., Saturday from 10:00 a.m. to 5:00 p.m., and closed on Sundays and major holidays.

4. The site is currently served by public water and sewer.
5. The off-street parking requirements outlined in the UDO for shopping centers require a minimum of one space per 1000 square feet of gross floor area and a maximum of seven spaces per 1000 square feet of gross floor area. The pawn shop use will require a minimum of 6 and a maximum of 40 parking spaces. The shopping center has adequate available parking to serve the proposed use.
6. Pursuant to Section 31-306 of the Unified Development Ordinance (UDO), a Conditional Use Permit recognizes uses that, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right. Rather, such uses are permitted through the approval of a Conditional Use Permit by City Council when the right set of circumstances and conditions are found acceptable.

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

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

The proposed use of a pawn shop is a listed conditional use in the B-2 zoning district per the City's Unified Development Ordinance. Supplemental standards have been established under Section 31-711 of the Unified Development Ordinance. The proposed use will comply with the standards of the UDO.

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

The proposed conditional use permit request should conform to the character of the neighborhood. The shopping center which the pawn shop is located within, and is relocating within, contains a mixture of uses and storefronts with varying styles of signage. Minimal conditions would be required to ensure this use will not be adverse to people living, working in, or driving through the neighborhood as compared to

similar retail commercial uses. The applicant's business already operates within the Suffolk Plaza and is seeking to move so it may be expand as business has been positive since Precision Pawn opened in 2011, and there is a need for more show space.

- 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 address within Suffolk Plaza is within an existing shopping center along Special Corridor Overlay District arterial N. Main Street, which has several ingress and egress points, including a signalized intersection entrance near the Chick-fil-a. The request for the pawn shop has been reviewed by the City's Traffic Engineering Department who expressed no concerns regarding traffic for the proposal.

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

The proposed use is for a pawn shop and should not produce excess vibration, noise, odor, dust, smoke or gas.

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

The property is located in an established commercial district and corridor. The operation of this establishment should not be injurious to the uses in the immediate vicinity. The proposed use will occur entirely within the existing commercial building. Under safety measures required by the Chief of Police the proposed use will involve installing in store surveillance cameras as well as an alarm system to protect the merchandise within the pawn shop. The police department has also recommended that store employees be trained to operate the surveillance system and provide the police with copies of surveillance photos and videos as requested.

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

The property is located in an established commercial district and corridor. The use of this property for a pawn shop should not impede the orderly development and improvement of surrounding properties.

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

This proposed use should not be a detriment or endangerment to the public with the recommended conditions in place to protect the potential merchandise that the business will carry.

*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 this conditional use request.

### **RECOMMENDATION**

It is staff's position that the site in question is appropriate for the proposed use given the size and nature of the establishment and the proposed hours of operation. The operation of a pawn shop should not adversely impact the surrounding neighborhood. Therefore, staff recommends **approval** of Conditional Use Permit request C10A-11 with the following conditions.

1. This permit is granted to establish a pawn shop, as defined in the Unified Development Ordinance, at the location as specified in Exhibit B and Exhibit C.
2. The applicant must comply with the requirements of § 54.1-4000, et seq. of the Code of Virginia, (1950), as amended as it relates to the operation of pawn shops, and, with the terms of City Code Section 18-246 to 18-270, and Section 82-1158, pertaining to provisions for Secondhand Goods Dealers and Pawnbroker operations.
3. The applicant shall maintain their Federal Firearms License (FFL) from the Federal Department of Alcohol, Tobacco, and Firearms as part of the pawn shop operation.
4. The applicant shall provide video surveillance with a minimum of two cameras placed in the front of the store to capture ingress and egress as recommended and approved by the Police Department.
5. There shall be an employee on staff that is able to operate the surveillance system at all times. The applicant shall provide copies of the surveillance photos and videos to the Police as requested and have a monitor available for viewing on-site.
6. All hand guns shall be locked in a commercial safe each night. All rifles and shotguns shall be secured by a commercial grade locking system designed for the security of long guns and approved by the Police Department.
7. Payday loan services shall not be offered as part of the check cashing operation.

#### Attachments

- Proposed Ordinance
- Exhibit A – Planning Commission Recommendation
- Exhibit B – Zoning/Land Use Map
- Exhibit C – Site Plan/Floor Plan

## ORDINANCE NUMBER 11-O-041

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR A PAWN SHOP LOCATED AT 892 NORTH MAIN STREET, UNIT 130, ZONING MAP 34A, PARCEL 39 - C10-11**

WHEREAS, Jesse M. Erwin, Jr. and Thomas D. Erwin, applicants, on the behalf of S. L. Nusbaum Realty, property owner, have requested the issuance of a conditional use permit to permit a pawn shop 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 34A, Parcel 39 and which land is depicted on Exhibit "B"; and

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

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

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

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

Section 1. Exhibits.

Exhibit "A", "Planning Commission Recommendation", Exhibit "B", "Zoning/Land Use Map", and, Exhibit "C", "Site Plan", which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

Council finds that the proposal for a conditional use permit, as submitted or modified with conditions herein, the expressed purpose of which is to permit a pawn shop, 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 pawn shop is by the imposition of the conditions provided herein.

Section 3. Permit Granted.

A conditional use permit for the Property be, and it is hereby, granted for the Property, subject to the following conditions and general conditions set forth in Section 4 hereof. The conditional use permit specifically permits the use of the Property for a pawn shop in compliance with Exhibit "C" (the "Site Plan"), and Sections 31-306, 31-406, 31-711 of the Code of the City of Suffolk.

CONDITIONS

1. The applicants shall obtain their Federal Firearms License (FFL) from the Federal Department of Alcohol, Tobacco, and Firearms prior to the commencement of buying and selling firearms as part of the pawn shop operation.
2. The applicants must comply with the requirements of Section 54.1-4000, et seq. of the Code of Virginia, (1950), as amended as it relates to the operation of pawn shops, and, with the terms of City Code Sections 18-246 to 18-256, and, Section 82-1158, pertaining to provisions for Secondhand Dealer and Pawnbroker operations.

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 Jesse M. Erwin, Jr. and Thomas D. Erwin, applicants, and, to S. L. Nusbaum Realty, property owner, or their successors in interest, and a hearing at which such persons shall have the opportunity to be heard.
- (b) To the extent applicable, the requirements set forth in Section 31-306 of the Code of the City of Suffolk, Virginia shall be met.

- (c) The commencement of the use described in Section 3 of this ordinance shall be deemed acceptance by Jesse M. Erwin, Jr. and Thomas D. Erwin, applicants, and, S. L. Nusbaum Realty, property owner, or any party undertaking or maintaining such use, of the conditions to which the conditional use permit herein granted is subject.

Section 5. Severability.

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

Section 6. Recordation.

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

Section 7. Time Limit.

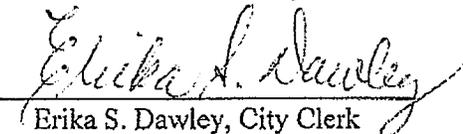
The Conditional Use authorized by this permit shall be implemented within two (2) years from the date of approval by City Council and shall terminate if not initiated within that time period.

Section 8. Effective Date.

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

READ AND PASSED: JUNE 15, 2011

TESTE:

  
Erika S. Dawley, City Clerk

## EXHIBIT A

RESOLUTION NO. 11-5-3

**CITY OF SUFFOLK PLANNING COMMISSION  
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION  
TO CITY COUNCIL RELATING TO A CONDITIONAL USE PERMIT FOR A PAWN  
SHOP - C10-11**

WHEREAS, Jesse M. Erwin, Jr. and Thomas D. Erwin, applicants, on the behalf of S. L. Nusbaum Realty, property owner, have requested the issuance of a conditional use permit for a certain tract of land situated in the City of Suffolk, Virginia, which land is described and depicted on the proposed Ordinance attached hereto and incorporated herein by reference; and

WHEREAS, the specific request of the applicant is for a conditional use permit to operate a pawn shop located at 892 North Main Street, Unit 130 in accordance with Sections 31-306, 31-406, and 31-711 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, and
- b. Will have more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood, and
- 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, C10-11, be:

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

without modification.

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

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

READ AND ADOPTED: May 17, 2011

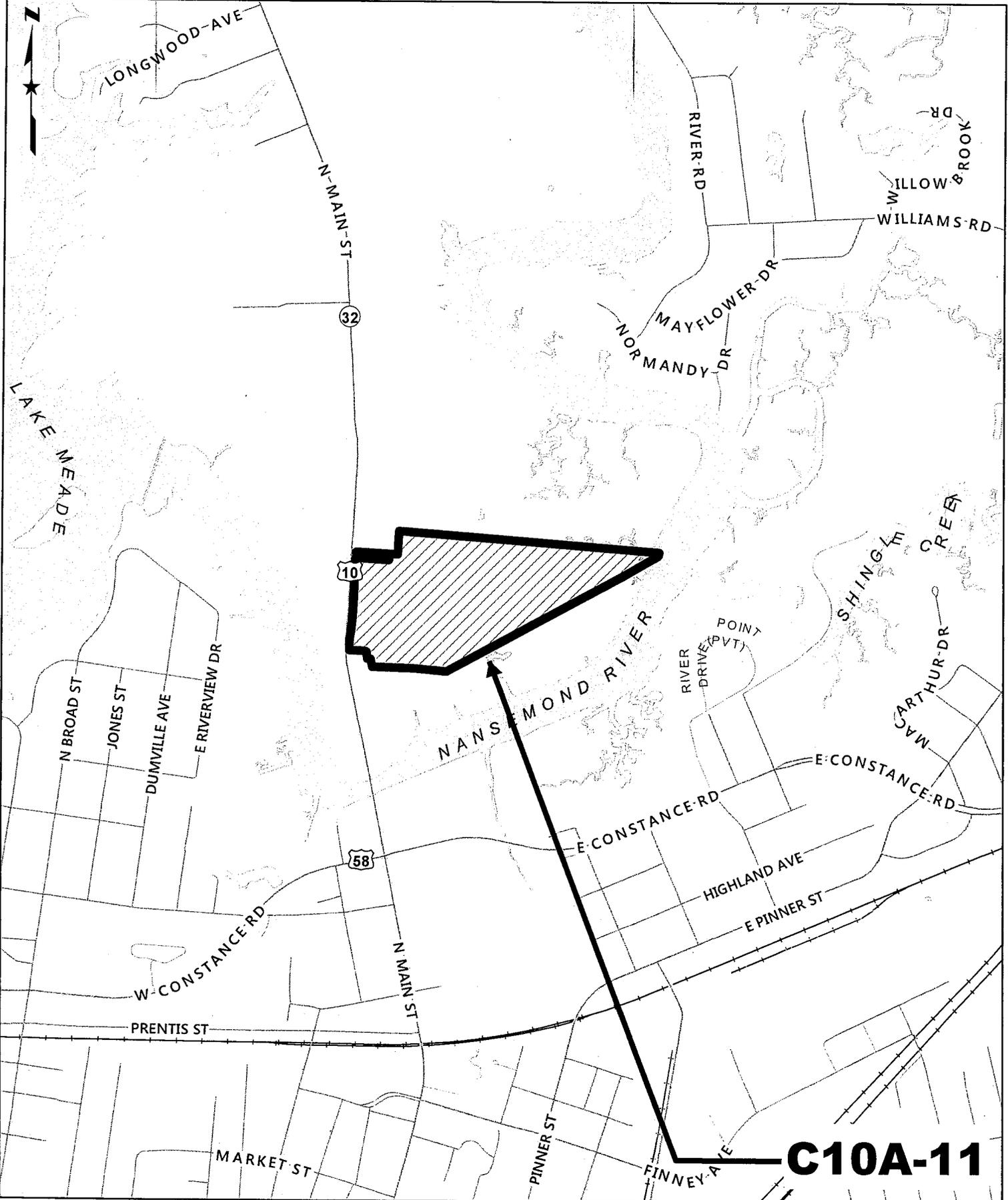
TESTE: Scott Mills

## CUP C10-11

CONDITIONS

1. The applicants shall obtain their Federal Firearms License (FFL) from the Federal Department of Alcohol, Tobacco, and Firearms prior to the commencement of buying and selling firearms as part of the pawn shop operation.
2. The applicants must comply with the requirements of Section 54.1-4000, et seq. of the Code of Virginia, (1950), as amended as it relates to the operation of pawn shops, and, with the terms of City Code Section 18-246 to 18-256, and, Section 82-1158, pertaining to provisions for Secondhand Dealer and Pawnbroker operations.

# General Location Map



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

**AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A PAWN SHOP ON PROPERTY LOCATED AT 928 NORTH MAIN STREET, ZONING MAP 34A, PARCEL(S) 39; C10A-11**

WHEREAS, Thomas Dean Erwin, of Precision Pawn, LLC, applicant, on behalf of S.L. Nusbaum Realty Co., property owners, has requested a conditional use permit for a pawn shop 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 34A, Parcel(s) 39, which land is depicted on Exhibit "B"; and,

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

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

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

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

Section 1. Exhibits.

Exhibit "A," "Planning Commission Recommendation," Exhibit "B," "Zoning/Land Use Map," and Exhibit "C," "Site Plan/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 pawn shop, 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 pawn shop 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, if any, and the general conditions set forth in Section 4 hereof. The conditional use permit specifically permits a pawn shop in compliance with Sections 31-306, 31-406, and 31-711 of the Code of the City of Suffolk.

Conditions

1. This permit is granted to establish a pawn shop, as defined in the Unified Development Ordinance, at the location as specified in Exhibit B and Exhibit C.
2. The applicant must comply with the requirements of § 54.1-4000, et seq. of the Code of Virginia, (1950), as amended as it relates to the operation of pawn shops, and, with the terms of City Code Section 18-246 to 18-270, and Section 82-1158, pertaining to provisions for Secondhand Goods Dealers and Pawnbroker operations.
3. The applicant shall obtain their Federal Firearms License (FFL) from the Federal Department of Alcohol, Tobacco, and Firearms prior to the commencement of buying and selling firearms as part of the pawn shop operation.
4. The applicant shall provide video surveillance with a minimum of two cameras placed in the front of the store to capture ingress and egress as recommended and approved by the Police Department.
5. There shall be an employee on staff that is able to operate the surveillance system at all times. The applicant shall provide copies of the surveillance photos and videos to the Police as requested and have a monitor available for viewing on-site.
6. All hand guns shall be locked in a commercial safe each night. All rifles and shotguns shall be secured by a commercial grade locking system designed for the security of long guns and approved by the Police Department.
7. Payday loan services shall not be offered as part of the check cashing operation.

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 Thomas Dean Erwin, of Precision Pawn, LLC, applicant, and S.L. Nusbaum Realty Co., 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 Thomas Dean Erwin, of Precision Pawn, LLC, applicant, and S.L. Nusbaum Realty Co., 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  
C10A-11  
TO ESTABLISH A PAWN SHOP ON PROPERTY LOCATED AT 928 NORTH MAIN  
STREET, ZONING MAP 34A, PARCEL(S) 39; C10A-11**

**WHEREAS**, Thomas Dean Erwin, of Precision Pawn, LLC, applicant, on behalf of S.L. Nusbaum Realty Co., 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 pawn shop in accordance with Sections 31-306, 31-406, and 31-711 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, C10A-11, be:

- a. Granted as submitted, and that the City Council adopt the proposed Ordinance without modification.
- b. Denied, and that Council not adopt the proposed Ordinance.

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

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

TESTE: 11/17/15 \_\_\_\_\_

**CONDITIONAL USE PERMIT  
C10A-11**

**CONDITIONS**

1. This permit is granted to establish a pawn shop, as defined in the Unified Development Ordinance, at the location as specified in Exhibit B and Exhibit C.
2. The applicant must comply with the requirements of § 54.1-4000, et seq. of the Code of Virginia, (1950), as amended as it relates to the operation of pawn shops, and, with the terms of City Code Section 18-246 to 18-270, and Section 82-1158, pertaining to provisions for Secondhand Goods Dealers and Pawnbroker operations.
3. The applicant shall maintain their Federal Firearms License (FFL) from the Federal Department of Alcohol, Tobacco, and Firearms as part of the pawn shop operation.
4. The applicant shall provide video surveillance with a minimum of two cameras placed in the front of the store to capture ingress and egress as recommended and approved by the Police Department.
5. There shall be an employee on staff that is able to operate the surveillance system at all times. The applicant shall provide copies of the surveillance photos and videos to the Police as requested and have a monitor available for viewing on-site.
6. All hand guns shall be locked in a commercial safe each night. All rifles and shotguns shall be secured by a commercial grade locking system designed for the security of long guns and approved by the Police Department.
7. Payday loan services shall not be offered as part of the check cashing operation.



# C10A-11 ZONING / LAND USE MAP

EXHIBIT B

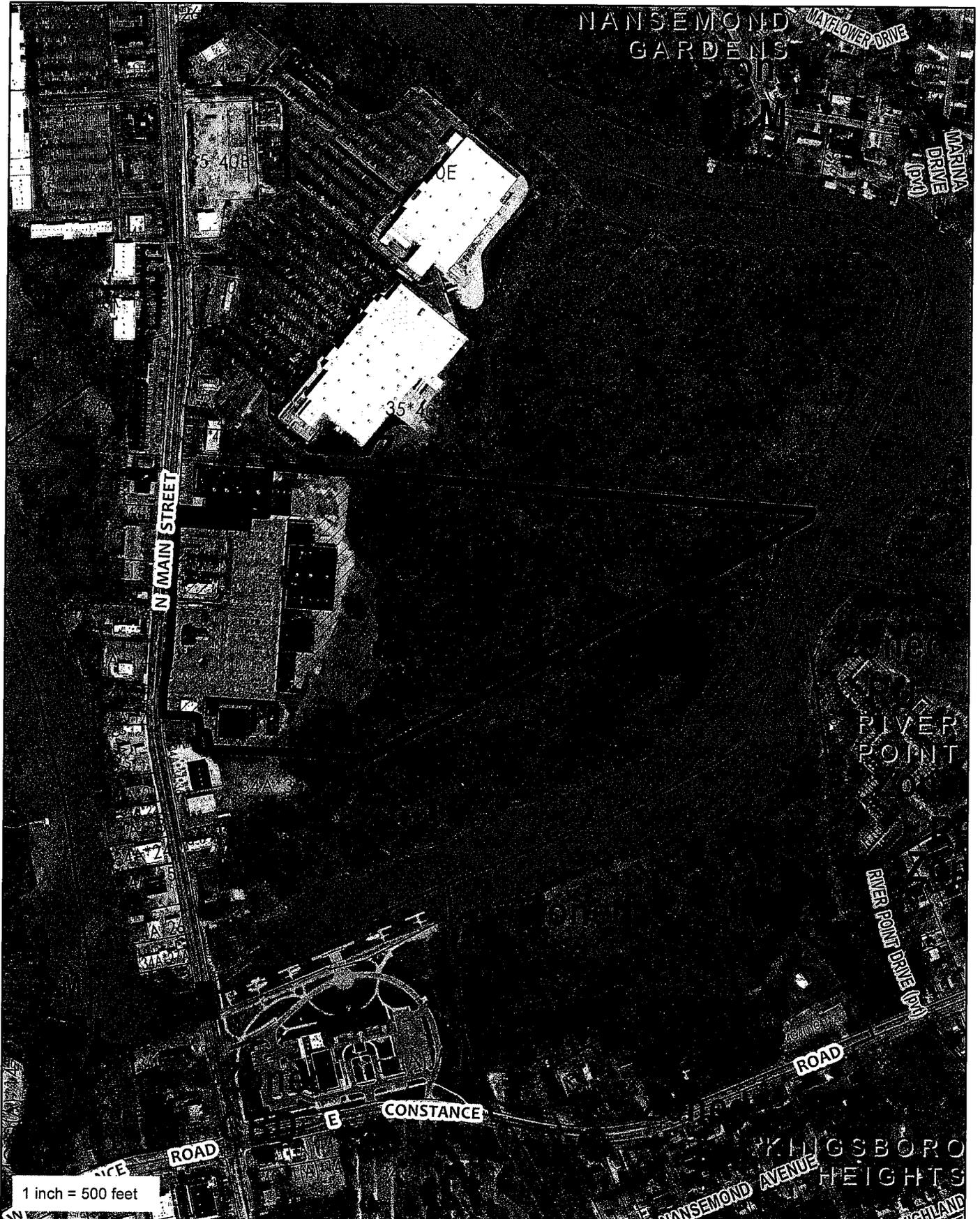
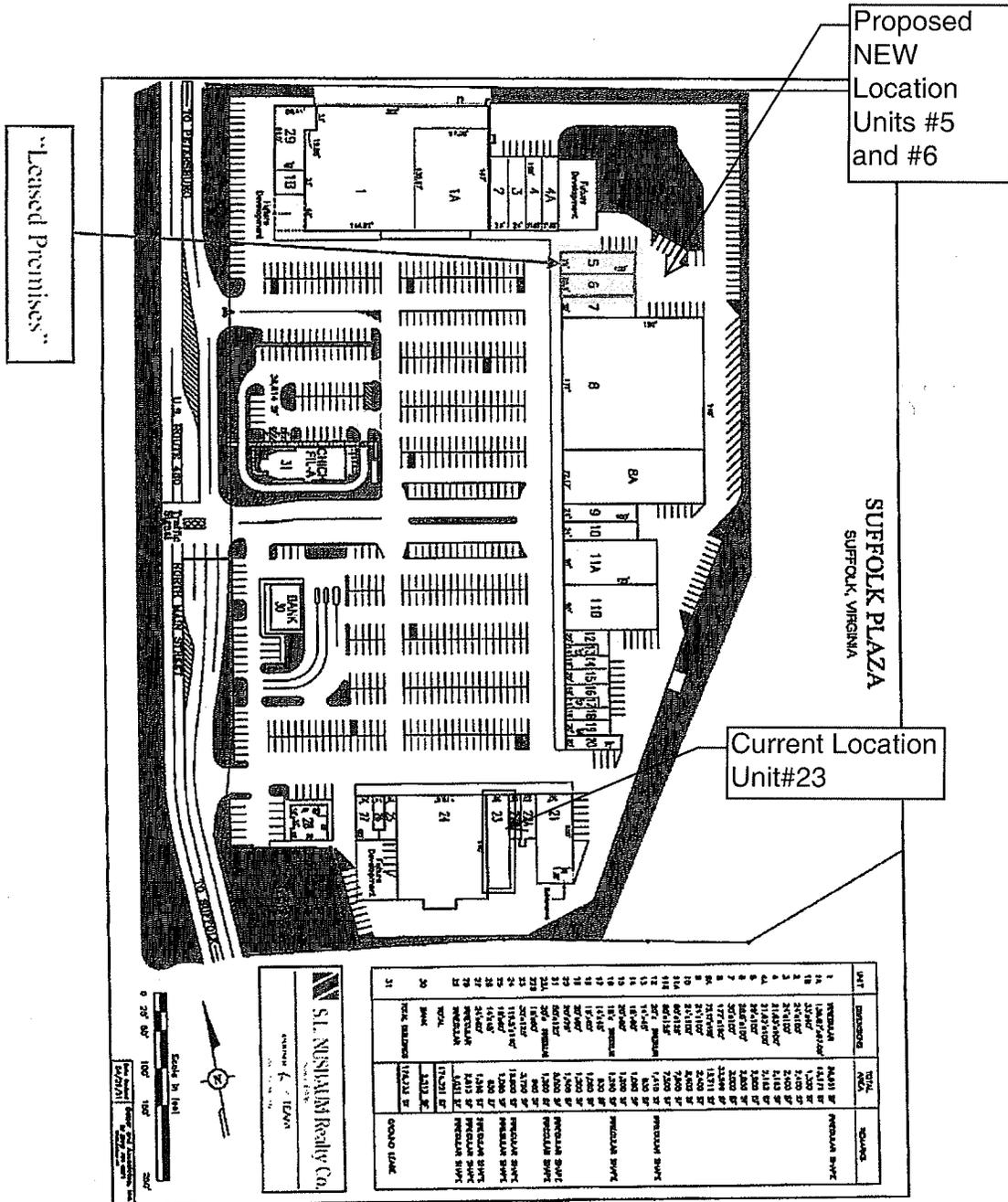
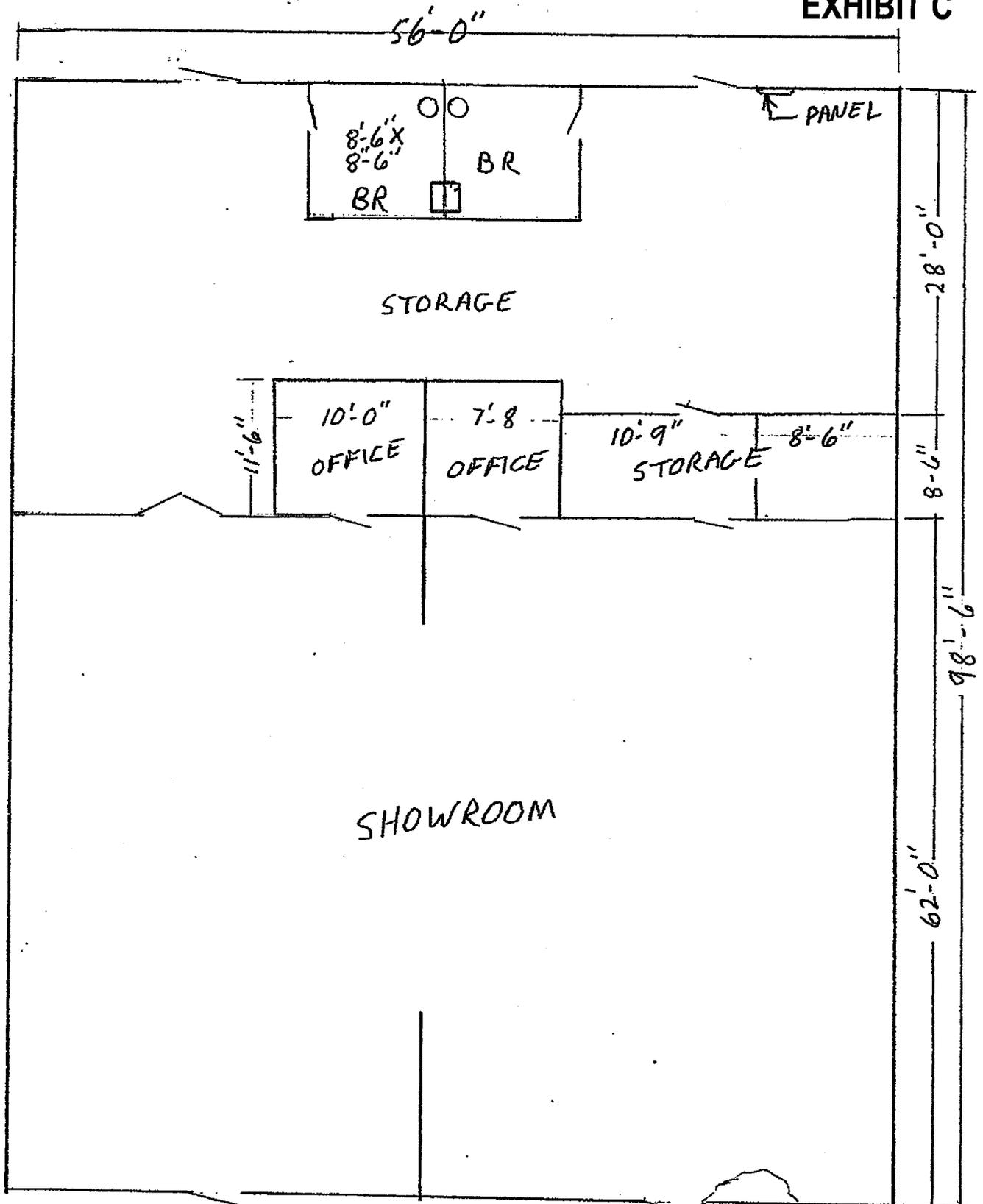


EXHIBIT "A"  
SITE PLAN



Landlord Initials MS JRP  
 Tenant Initials LS

EXHIBIT C



PRECISION PAWN  
PROPOSED LOCATION  
APPX. 5750 SQ. FT.  
928 N. MAIN ST  
UNITS 5-6  
SUFFOLK PLAZA

PROPOSED  
DOOR TO BE  
ADDED

C10A-11

**AGENDA: December 16, 2015, Regular Session**

**ITEM: Public Hearing** – An ordinance to grant a Conditional Use Permit to establish a drive-through use on property located at 133 Tynes Street, Zoning Map 34G25(A), Parcel(s) 10\*11; C17-15

Attached for your consideration is information pertaining to Conditional Use Permit Request C17-15, submitted by Mitch Leech of PW Campbell, agent(s), on behalf of Ronald Hart, applicant(s), on behalf of Metropolitan Church Federal Credit Union, property owner(s), in accordance with Section(s) 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a drive-through use, on property located at 133 Tynes Street, Zoning Map 34G25(A), Parcel(s) 10\*11. The affected area is further identified as being located in the Whaleyville Voting Borough, zoned FRRD, Fairgrounds Revitalization and Redevelopment District. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Core Support Use District.

The Planning Commission, at their meeting of November 17, 2015, voted 8 to 0 to approve a resolution, recommending **approval** of this request with conditions.

**ATTACHMENTS:**

- Staff Report
- Proposed Ordinance
- Exhibit A – Planning Commission Recommendation
- Exhibit B – Zoning/Land Use Map
- Exhibit C – Survey

# STAFF REPORT

## DESCRIPTION

**CONDITIONAL USE PERMIT:** Conditional Use Permit Request C17-15, submitted by Mitch Leech of PW Campbell, agent(s), on behalf of Ronald Hart, applicant(s), on behalf of Metropolitan Church Federal Credit Union, property owner(s), in accordance with Section(s) 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a drive-through use.

**APPLICANT:** Submitted by Mitch Leech of PW Campbell, agent(s), on behalf of Ronald Hart, applicant(s), on behalf of Metropolitan Church Federal Credit Union, property owner(s).

**LOCATION:** The affected property is located at 133 Tynes Street and is further identified as Zoning Map 34G25(A), Parcel(s) 10\*11.

**PRESENT ZONING:** FRRD, Fairgrounds Revitalization and Redevelopment District.

**EXISTING LAND USE:** 0.41 acre site that is currently vacant.

**PROPOSED LAND USE:** Proposing to construct a 2,571 square foot bank with a drive-through facility.

## **SURROUNDING LAND USES:**

North – Commercial structure, zoned FRRD

South – Tynes Street Park, zoned FRRD

East – Vacant lot, zoned FRRD

West – Vacant lot, zoned FRRD

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

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

**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.

## **STAFF ANALYSIS**

### **ISSUE**

The applicant is requesting a conditional use permit to establish a drive-through use. This use will consist of the construction of a 2,571 square foot bank with a single lane drive-through. This property is located within the Fairgrounds Revitalization and Redevelopment District. This property in particular is part of a proposed plan amendment for the Fairgrounds Revitalization

and Redevelopment District (FRRD) to reclassify this property from the Mixed Residential Use Area to the Mixed Residential, Commercial and Institutional Use Area. This amendment was recommended for approval by the Planning Commission at the October meeting and will be considered by City Council on November 18, 2015.

The proposed hours of operation are from 10:00 a.m. until 5:30 p.m. on Monday, Tuesday, and Thursday and from 10:00 a.m. until 2:00 p.m. on Wednesday and from 10:00 a.m. until 6:00 p.m. on Friday.

### **CONSIDERATIONS AND CONCLUSIONS**

1. Section 31-406 of the Unified Development Ordinance (UDO) requires that a conditional use permit be obtained for a drive-through use within the FRRD, Fairgrounds Revitalization and Redevelopment Zoning District.
2. The property is currently served by City water and sewer.
3. The proposed drive-through use will contain one lane. The proposed structure will have an entrance and an exit on site onto Tynes Street.
4. The proposed hours of operation are from 10:00 a.m. until 5:30 p.m. on Monday, Tuesday, and Thursday and from 10:00 a.m. until 2:00 p.m. on Wednesday and from 10:00 a.m. until 6:00 p.m. on Friday.
5. In accordance with Section 31-606(a)(10)B of the Unified Development Ordinance, the drive-through will be required to have a minimum of six (6) vehicle stacking spaces.
6. Site plan review will be required for the construction of the bank and the drive-through use.
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 of drive-through is a listed conditional use in the FRRD zoning

district per the City's Unified Development Ordinance. Specifically, the parcel is proposed to be classified as Mixed Residential, Commercial and Institutional Use Area within the FRRD zoning district. This designation is similar to the Central Business District (CBD) in regards to off-street parking location requirements and separation distances for drive-through uses. There are no additional supplemental standards in the UDO for drive-through uses.

- 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 drive-through use will be designed in accordance with the requirements of the Unified Development Ordinance so as to conform to the character of the surrounding neighborhood and the standards of the Fairgrounds Revitalization and Redevelopment District. This district encourages a mix of uses and this proposal will be in compliance with the intent of the district.

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

The request for the drive-through use has been reviewed by the City's Traffic Engineering Department who expressed no concerns regarding parking or traffic for the proposed use and location. The use will provide ingress and egress from Tynes Street.

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

The proposed drive-through use will be required to be designed and constructed so as to not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

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

The surrounding properties are located within a similar zoning district which contains a mix of residential and commercial uses. The proposed drive-through will be located adjacent to the Tynes Street Park. As a condition of approval the applicant will be required to provide a landscaped buffer between the drive aisle and the southern property line which is adjacent to the existing basketball court. The proposed use of a

drive-through should not diminish or impair the property values within this area.

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

The use of this property for the purposes of a drive-through use should not impede the orderly development and improvement of surrounding properties.

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

The use of a drive-through should not be a detriment or endangerment to the public.

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

The public interest and welfare should not be compromised by the proposed use of a drive-through.

### **RECOMMENDATION**

It is staff's opinion that the site in question is appropriate for the proposed use and will not adversely impact the surrounding neighborhood. Therefore, staff recommends **approval** of Conditional Use Permit request C17-15 with the following conditions.

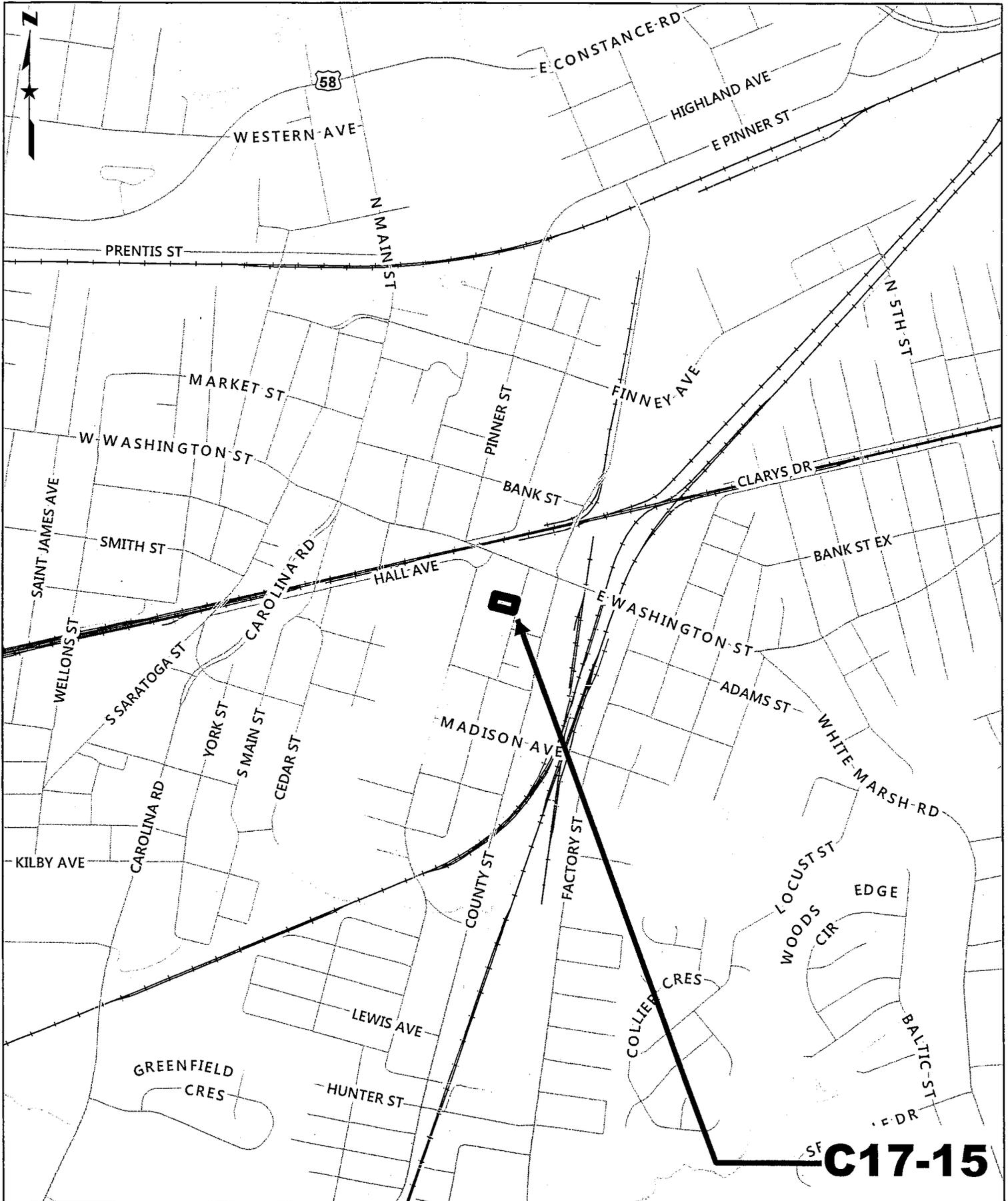
1. This permit grants the establishment of a drive-through use as defined in the Unified Development Ordinance, the location of which is as shown on Exhibit C, on property identified as 133 Tynes Street, Zoning Map 34G25(A), Parcel(s) 10\*11, as shown on Exhibit B.
2. Prior to construction of the drive-through use, review and approval of a site plan is required in accordance with the applicable provisions of the Unified Development Ordinance.
3. A landscaped screening buffer in accordance with Section 31-603(f) of the Unified Development Ordinance shall be installed along the southern property line adjacent to the Tynes Street Park.

The Planning Commission, at their meeting of November 17, 2015, voted 8 to 0 to approve a resolution, recommending **approval** of this request with conditions.

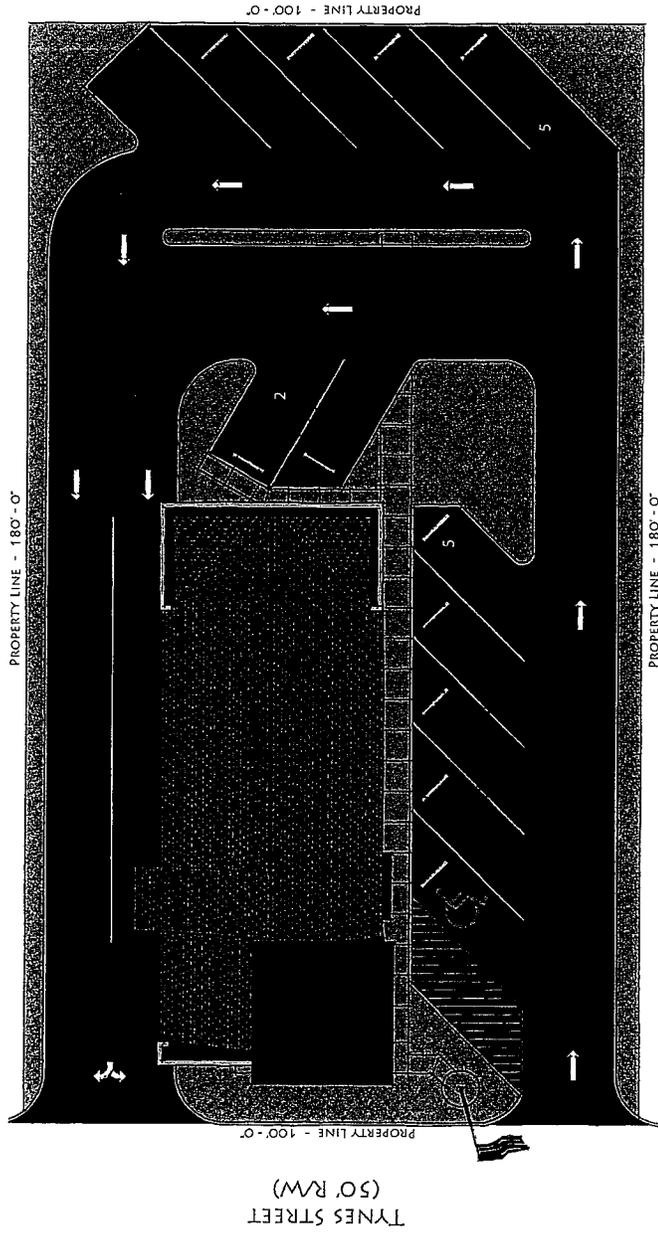
Attachments

- Proposed Ordinance
- Exhibit A – Planning Commission recommendation
- Exhibit B – Zoning/Land Use Map
- Exhibit C – Site Plan

# General Location Map



**C17-15**



PROPOSED SITE PLAN - SP-1  
1" = 10'-0"

2,571 S.F.

NOTE:  
RENDERING IS FOR ILLUSTRATIVE PURPOSES ONLY.  
SITE VISUALIZATION IS NOT A GUARANTEE OF  
FINAL MATERIALS, COLORS OR SPECIFICATIONS.  
BE VERIFIED DURING THE DESIGN DEVELOPMENT STAGE.

**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A DRIVE-THROUGH USE ON PROPERTY LOCATED AT 133 TYNES STREET, ZONING MAP 34G25(A), PARCEL(S) 10\*11; C17-15**

WHEREAS, Mitch Leech of PW Campbell, agent(s), on behalf of Ronald Hart, applicant(s), on behalf of Metropolitan Church Federal Credit Union, property owner(s), has requested a conditional use permit for a drive-through use on a certain tract of land situated in the City of Suffolk, Virginia, which land is designated on the Zoning Map of the City of Suffolk, Virginia, as Zoning Map 34G25(A), Parcel 10\*11, which land is depicted on Exhibit "B"; and,

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

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

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

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

Section 1. Exhibits.

Exhibit "A", "Planning Commission Recommendation", Exhibit "B", "Zoning/Land Use Map", and Exhibit "C", "Survey", 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 drive-through use 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 drive-through use 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 drive-through use in compliance with Exhibit "C" (the "Survey"), and Sections 31-306 and 31-406 of the Code of the City of Suffolk.

Conditions

1. This permit grants the establishment of a drive-through use as defined in the Unified Development Ordinance, the location of which is as shown on Exhibit C, on property identified as 133 Tynes Street, Zoning Map 34G25(A), Parcel(s) 10\*11, as shown on Exhibit B.
2. Prior to construction of the drive-through use, review and approval of a site plan is required in accordance with the applicable provisions of the Unified Development Ordinance.
3. A landscaped screening buffer in accordance with Section 31-603(f) of the Unified Development Ordinance shall be installed along the southern property line adjacent to the Tynes Street Park.

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 Metropolitan Church Federal Credit Union, applicant and property owner, or his 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 Metropolitan Church Federal Credit Union, applicant and property owner, or any party undertaking or maintaining such use, of the conditions to which the conditional use permit herein granted is subject.

Section 5. Severability.

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

Section 6. Recordation.

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

Section 7. Effective Date.

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

READ AND PASSED: \_\_\_\_\_

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

Erika Dawley, City Clerk

Approved as to Form:



\_\_\_\_\_  
Helivi L. Holland, City Attorney

**CITY OF SUFFOLK PLANNING COMMISSION  
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION  
TO CITY COUNCIL RELATING TO CONDITIONAL USE PERMIT  
C17-15  
TO ESTABLISH A DRIVE-THROUGH USE ON PROPERTY LOCATED AT 133  
TYNES STREET, ZONING MAP 34G25(A), PARCEL(S) 10\*11**

**WHEREAS**, Mitch Leech of PW Campbell, agent(s), on behalf of Ronald Hart, applicant(s), on behalf of Metropolitan Church Federal Credit Union, property owner(s), 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 drive-through use in accordance with Sections 31-306 and 31-406 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.

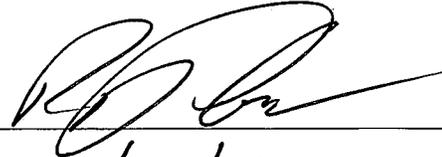
Section 2. Recommendation to Council.

The Planning Commission recommends to City Council that the request, C17-15, be:

- a. Granted as submitted, and that the City Council adopt the proposed Ordinance without modification.
- b. Denied, and that Council not adopt the proposed Ordinance.

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

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

A handwritten signature in black ink, appearing to be 'P. J. ...', written over a horizontal line.

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

11/17/15

**CONDITIONAL USE PERMIT  
C17-15**

**CONDITIONS**

1. This permit grants the establishment of a drive-through use as defined in the Unified Development Ordinance, the location of which is as shown on Exhibit C, on property identified as 133 Tynes Street, Zoning Map 34G25(A), Parcel(s) 10\*11, as shown on Exhibit B.
2. Prior to construction of the drive-through use, review and approval of a site plan is required in accordance with the applicable provisions of the Unified Development Ordinance.
3. A landscaped screening buffer in accordance with Section 31-603(f) of the Unified Development Ordinance shall be installed along the southern property line adjacent to the Tynes Street Park.



# C17-15 ZONING / LAND USE MAP





**AGENDA: December 16, 2015, Regular Session**

**ITEM:**       **Ordinance** – An ordinance to rezone and amend the official zoning map of the City of Suffolk in order to amend the approved proffered condition number 6 to include LPSmartSide as an option for exterior siding for the construction of the proposed single family detached residential dwelling units within the Foxfield Meadows development for the property located at 1239 and 1241 Pitchkettle Road, Zoning Map 34, Parcels 24A and 24B; RZ12B-06 (Conditional)

Attached for your consideration is an ordinance amending the approved proffered condition for the proposed Foxfield Meadows. This property was rezoned from CP, Commerce Park, and RL, Residential Low Density, to RLM (Residential Low Medium Density District) in 2009 by Ordinance Number 09-O-035 (application number RZ12-06-10 (Conditional)).

The applicant proposes to amend the approved proffer Number 6, which requires specific exterior architectural building material used for construction of the proposed detached single family dwellings. The applicant has amended this proffer to reference the use of new materials, specifically LPSmartSide, used for construction. According to the article, “Siding Replacement Wars: James Hardie vs. LP SmartSide in a Battle for Contractors, Builders, and You” LP SmartSide is a comparable alternative. For your reference a copy of this article is attached.

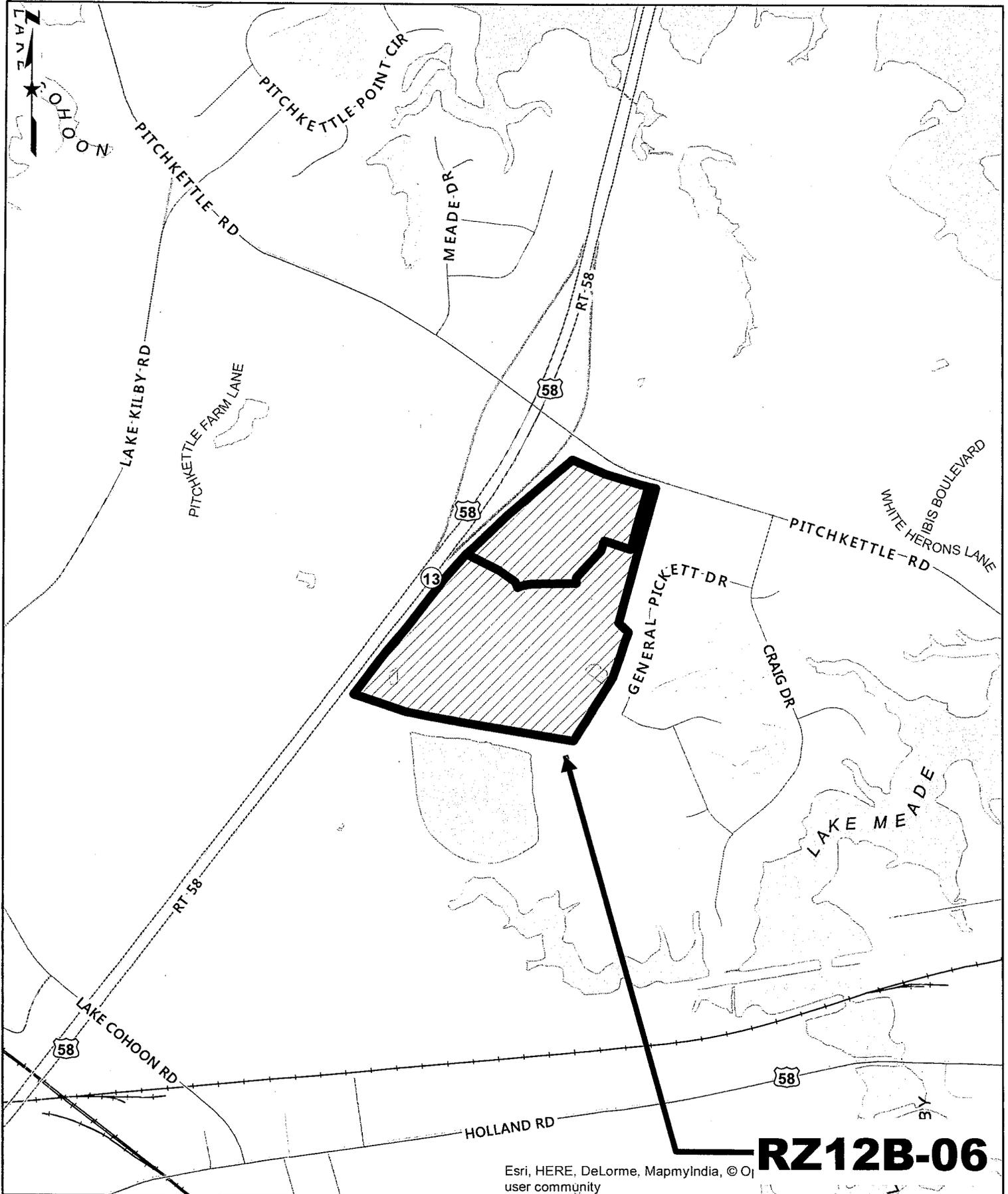
In accordance with the Code of Virginia and Section 31-305(b) (3) of the Unified Development Ordinance, where an amendment to proffered conditions is requested by the profferer, and where such amendment does not affect conditions of use or density, such requests shall be forwarded directly to City Council initially for consideration without a public hearing. Once so amended, the proffered conditions shall continue to be an amendment to the zoning ordinance provisions of the Unified Development Ordinance and may be enforced by the Zoning Administrator pursuant to the applicable provisions of the Code of Virginia (Section 15.2-2200, et. seq.)

Staff is recommending that the revised proffer be approved.

**ATTACHMENTS:**

- General Location Map
- Article
- Proposed Ordinance
- Exhibit A- Ordinance 09-O-035
- Exhibit B- Revised Proffer Statement
- Exhibit C - Zoning/Land Use Map and Rezoning Exhibit

# General Location Map



**RZ12B-06**



BLOG

## The Home Inspector

([http://www.startribune.com/variety/homegarden/Reuben\\_Saltzman/](http://www.startribune.com/variety/homegarden/Reuben_Saltzman/))

# Siding Replacement Wars: James Hardie vs. LP SmartSide in a Battle for Contractors, Builders, and You

By Reuben Saltzman    JUNE 19, 2014 — 6:06AM

*This is a guest blog post by Ryan Carey, of [My 3 Quotes](http://getmy3quotes.com/) (<http://getmy3quotes.com/>).*

We've all seen some epic battles over competing products in which parts of the ad campaign relied on going after the competition. Pepsi vs. Coke, Chevy vs. Ford, or today's PC vs. Mac and I-Phone vs. Android are just a few. While those have played out on the national stage, home improvement product battles take place with the contractors, builders, or with you at your kitchen table. The current battle of paintable composite siding boards has given rise to quite the rivalry between [LP SmartSide](http://www.lpcorp.com/smartside/) (<http://www.lpcorp.com/smartside/>) and [James Hardie](http://www.jameshardie.com/main.shtml) (<http://www.jameshardie.com/main.shtml>). These two really don't like each other; they make the Vikings/Packers rivalry look pretty tame in comparison. And like Vikings/Packers, the front line of this battle is taking place in the Twin Cities because this is one of the top remodeling and building markets in the nation.

### Why Use Paintable Composite or Engineered Wood Boards?

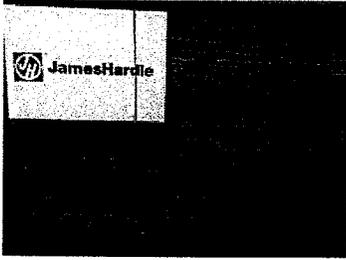


After thousands upon thousands of houses were done in

"maintenance-free" siding like aluminum, steel, and vinyl, a demand for more traditional looking paintable products started to build in the 90's and into the 2000's. Most customers wanted the wider 6" or 7" exposure to differentiate from all the 4" vinyl out there. However, these new products needed to perform much better than earlier hardboard products, which had the problem of swelling and falling apart in high moisture areas. Some were basically sawdust and glue. Customers also wanted to stay away from the expense and regular refinishing needed with real cedar.

Modern composite boards were the answer for millions of homeowners. They got the traditional look they wanted with a vastly improved resistance to moisture. One advantage of these boards over maintenance-free products comes when it is time to sell the house. A fresh coat of paint can make the product look brand new again if it had experienced some fading over time. Also, these types of products stand up much better to hail and other impact than vinyl, aluminum, or steel.

### Hardie Takes Over

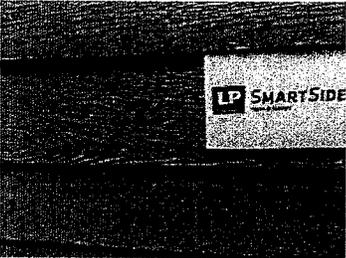


An Australian company, James Hardie, stepped in

to the market with their "fiber cement" product and began killing it in the 90's. Many new neighborhoods were built with a Hardie covenant, meaning every house must be sided in Hardie. Building plans with more traditional looks were calling for Hardie every time. It could be purchased primed (to be painted on the house) or it could be ordered pre-finished with one of their "Colors Plus" colors. Despite some other fiber cement products on the market, like "Certainteed Weatherboards" or the Japanese "Nichiha," the term "Hardie Board" became known as the generic term for "Fiber Cement," much like "Kleenex." They were working with little competition, and the customers were loving the look of the product.

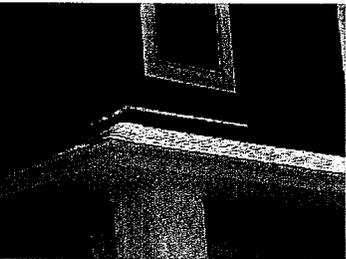
While contractors had complained about Hardie's service with certain warranty issues, they were in no position to switch to anything else. As a response to some of the delamination issues that came up in high moisture areas or as a result of it being installed incorrectly, Hardie re-formulated their product a few years back for the northern climate and named it HZ5. It has improved the overall performance of the product. Also, I have heard that the reps have been more receptive and helpful with warranty claims than they once were. Could the reason for this be that a certain competitor has been taking large bites out of its market share? Enter LP SmartSide.

#### Here Comes LP Smartside



(<http://www.structuretech1.com/wp->

[content/uploads/2014/06/20140603\\_182128-e1402020416132.jpg](http://www.structuretech1.com/wp-content/uploads/2014/06/20140603_182128-e1402020416132.jpg)) LP (Louisiana Pacific) SmartSide came into the marketplace in 1997 with barely a blip on the radar. LP had just gone through the fiasco of their earlier Oriented Strand Board (OSB) siding product, Inner Seal, which had major problems. It was plagued with rot and swelling, and once that process started the paint would no longer hold. LP had to settle a class action lawsuit and resolve homeowners' claims. Obviously, the focus of their next siding panel would be resistance from moisture. They still use OSB product, but all of the wood flakes are coated in zinc borate before being pressed into siding with MDI resins and marine waxes. The result? More than 7 billion square feet of siding sold and over 17 years of dependable performance. I've not had to deal with one warranty claim on this product.



(<http://www.structuretech1.com/wp->

[content/uploads/2014/06/20140604\\_103922.jpg](http://www.structuretech1.com/wp-content/uploads/2014/06/20140604_103922.jpg))

The confidence in moisture resistance also shows in their install specifications. LP can be installed 1" up from where a roof line meets a wall; Hardie requires a 2" gap to maintain warranty. The 2" gap requirement leaves installers with a challenge to put

something in that gap that looks better than exposed shiny aluminum flashing. Some paint the aluminum only to have it peel later. Others use a small trim board made of a PVC-heavy composite. The image to the right shows aluminum flashing in the gap from the roof line to the Hardie shakes.

When I first saw LP SmartSide, I was pretty skeptical of an OSB siding product based on the history. It took seeing moisture tests and demonstrations for me to become a believer. If you pour water on the back side of each product, it will absorb into the Hardie while staying beaded up on the SmartSide. There is a lumber desk employee who had a piece of SmartSide submerged in a pail of water by his chair- when people asked about how it handles moisture, he would pull it out of the pail and show them how it stayed intact.

### LP Advantages

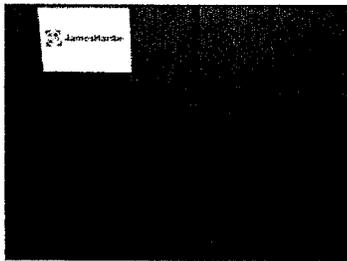
This is why LP SmartSide has resonated like it has with contractors and builders. Once the contractors believed in the product, the information was passed to the homeowners, including the following advantages: LP SmartSide has superior moisture protection and strength, longer lengths than Hardie (16' over 12'), less weight than Hardie, and is less expensive to install (no special cutting tools needed). Most importantly, contractors weren't spending their time on warranty claims. LP has quietly won over more contractors, builders, and homeowners every year. LP had its eye on showing advantages to James Hardie from day one. Hardie now fully realizes the threat that LP poses to them, and is aiming a lot of marketing material back at their foe.

Hardie has a video on their website showing an "OSB product" delaminating, rotting, and falling apart. That product on the house, of course, is the old Inner Seal that had the class-action lawsuit, but Hardie is trying to generate as much doubt into any OSB product as possible to slow down SmartSide's rise. They also have an [11-point siding check list](#)

<http://www.jameshardie.com/homeowner/productComparisonGuideSiding.shtml> based on Hardie vs. a "wood-based" product. I love these checklists that include phantom products! LP SmartSide would have actually scored really good on that check list. Of course the unnamed "wood-based" product (that must have all the worst attributes of anything ever made with wood) only got credit for 2 token positive marks on the list, I believe for "not melting" and "not causing childhood obesity."

LP has many marketing pieces on comparisons of SmartSide vs. "fiber cement," which you can also find on their website. They recently posted an [impact test done by NASA](#) ([https://www.youtube.com/user/LPBuildingProducts?feature=mhum#p/c/514F1368B2DEA8A1/9/87\\_0gVeQc6c](https://www.youtube.com/user/LPBuildingProducts?feature=mhum#p/c/514F1368B2DEA8A1/9/87_0gVeQc6c)), showing LP with much greater impact resistance than fiber cement. Which fiber cement? Not sure, since they never name each others' brands on these comparisons. I'm guessing the legal department has its concerns with that, but I would love to see them start to call each other out by name in a WWE-style tirade.

### Hardie Advantages

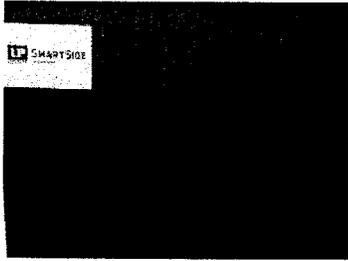


Hardie is non-combustible, ASTM-rated for fire

protection, which is a property of being a fiber cement product. Also, Hardie has the huge advantage of more name-brand recognition. That is still a battle that LP is fighting, and they have been putting more money into it in the last few years. They have relied more on contractor word-of-mouth, but lots of LP radio ads have helped their branding lately. They are also the corporate sponsor of LP field, where the Tennessee Titans play. Their corporate headquarters are in Nashville, and they do have a Minnesota plant up in Two Harbors. Despite that, Hardie had a big jump on LP by being the name that gets

mentioned in every composite board conversation. Customers have asked over the years, "Do you carry Hardie Board?" Only recently have customers started to ask for SmartSide by name.

For another Hardie advantage, I've always thought Hardie's shakes look better than the LP shakes. Putting shake siding in the peaks (or gables) of



(<http://www.structuretech1.com/wp->

[content/uploads/2014/06/20140603\\_182405.jpg](#)) houses has been a very popular way to dress up the front of the house for curb appeal. Hardie's shake has a laid back cape cod look on both their straight-edge and staggered edge version. LP makes more of a bold, hand-split rustic shake for an up-north look. The look of the shake is all about personal preference, but I have had others share my opinion on that. I've had customers of mine do LP on the house and combine it with Hardie shakes in the gables. I've also had customers do Hardie siding and combine it with LP corner posts, since LP corners have a cedar woodgrain and the Hardie corners only come in smooth (same with window trim boards). Products from bitter rivals on the same house? Happens quite a bit, actually. For the siding boards themselves, LP has a little deeper woodgrain than Hardie, but they are both designed to look like cedar and they both do a pretty darn good job.

#### Prefinishing Options

Hardie is the only one that comes prefinished from the manufacturer, with the Colors Plus process that has a 15-year warranty. Both Hardie and LP can also be prefinished through a number of different outlets that are arranged through the contractor. Any color under the sun can be put on your home. Prefinishing warranties have improved over time, and two of my favorite prefinishing options are from [Prefinished Staining Products](http://www.prefinishedstaining.com/) (<http://www.prefinishedstaining.com/>) and [Diamond Kote](http://www.diamondkoteprefinishing.com/Pages/Home.aspx) (<http://www.diamondkoteprefinishing.com/Pages/Home.aspx>). Prefinished carries a Lifetime paint warranty for the lifetime of the existing homeowner that includes an excessive fade warranty. DiamondKote from [Wausau Supply](https://www.wausausupply.com/storefrontCommerce/) (<https://www.wausausupply.com/storefrontCommerce/>) offers the only 30 yr no-fade warranty in the industry, and has a very impressive paint process. It must be noted, however, that these products have a bit of a shine to them so make sure you look at the samples before signing off.

#### And the winner is...



(<http://www.structuretech1.com/wp->

[content/uploads/2014/06/LPSmartSideLapShakesTrim\\_TrimColumnsFacia001\\_N3A0619.jpg](#))

LP SmartSide. I used to work at a large contractor that sold installed services for both products. All of the 10 sales reps that worked there recommended LP over Hardie to customers, despite the fact that the Hardie job would be a higher ticket sale. Again, this is what happens when contractors believe strongly in a product and have good experiences with the reps from that company. With My 3 Quotes, I can collect quotes for customers using any siding on the market. When asked for my opinion on LP vs. Hardie, I simply tell customers that I believe LP has more advantages and you'll pay less. That's not to say that I don't think they are both great products; I've had many happy customers with each one. Some like the look of one woodgrain over the other and that

makes their decision. Some are more comfortable because they have heard of Hardie and they like the name brand recognition. Others may have been referred by a friend or neighbor and want whatever they have.

However, the SmartSide advantages easily tip the scales in their direction for me and for many others in the industry. That is why this battle is very intense at this stage. There are contractors talking about Hardie getting more competitive with pricing and even trying to "buy back" home builders they have lost to LP. In other words, offering a big lump of cash up front for builders to switch back to Hardie. LP SmartSide is using its competitive advantages in an effort to de-throne King Hardie, and obviously the King doesn't plan on going down without a fight. It's been truly amazing to watch SmartSide go from a product that few ever mentioned in contractor circles 10 years ago to a royal pain for Hardie today. It will be interesting to see how the battle plays out from here, but a good competition like this is always great for the end customer. When two companies badly want to earn your business over the other, you typically see a renewed emphasis on better service and competitive pricing.

\*\*\*\*\*



(<http://www.structuretech1.com/wp-content/uploads/2013/11/Ryan-Carey.jpg>) Ryan Carey

(<https://plus.google.com/u/0/103471554925506912834/posts>) has 15 years of experience in exterior remodeling for Twin Cities Homeowners and Property Management Companies. He is the owner of "My 3 Quotes, (<http://www.getmy3quotes.com/>)" a

company that provides the free service of collecting 3 competitive home improvement bids for customers. For more information, visit [www.getmy3quotes.com](http://www.getmy3quotes.com) for free home improvement estimates on window replacement, siding, roofing, (<http://www.getmy3quotes.com/>) and more.

**Related Post: Problems with James Hardie Siding Installations**

(<http://www.structuretech1.com/2009/08/problems-with-james-hardie-siding-installations/>)

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NEWER POST

Don't Vent Your Clothes Dryer Through the Roof  
(<http://www.startribune.com/don-t-vent-your-clothes-dryer-through-the-roof/264704601/>)

Reuben Saltzman is a second-generation home inspector with a passion for his work. Naturally, this blog is all about home inspections and home-related topics in the Twin Cities metro area. In addition to working at Structure Tech (<http://www.structuretech1.com>), he is also a licensed Truth-In-Sale of Housing Evaluator in Minneapolis, Saint Paul and several other cities.

ORDINANCE NUMBER \_\_\_\_\_

**AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK IN ORDER TO AMEND THE APPROVED PROFFERED CONDITION NUMBER 6 TO INCLUDE LPSMARTSIDE AS AN OPTION FOR EXTERIOR SIDING FOR THE CONSTRUCTION OF THE PROPOSED SINGLE FAMILY DETACHED RESIDENTIAL DWELLING UNITS WITHIN THE FOXFIELD MEADOWS DEVELOPMENT FOR THE PROPERTY LOCATED AT 1239 AND 1241 PITCHKETTLE ROAD, ZONING MAP 34, PARCELS 24A and 24B; RZ12B-06 (CONDITIONAL)**

WHEREAS, Whitney Saunders, applicant and agent, on behalf of Cloverleaf Development, LLC, property owner, has requested the amendment of the proffered condition pertaining to rezoning request RZ12-06 (Conditional) and RZ12A-06 (Conditional) of 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 34 Parcel 24A and 24B, which land is depicted on Exhibit "A"; and,

WHEREAS, the proposed amendments to the proffered condition is made pursuant to Section 15.2-2302 of the Code of Virginia and Section 31-305(b)(3) of the Unified Development Ordinance.

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

Section 1. Exhibits.

Exhibit "A", "Ordinance 09-O-035", and Exhibit "B", "Revised Proffer Statement" and Exhibit "C", "Zoning/ Land Use Map and Rezoning Exhibit", which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

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

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

4. the trends of growth or change;
5. the current or future requirements of the community as to land for various purposes as determined by the population and economic studies and other studies;
6. the transportation requirements of the community;
7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;
8. the conservation of natural resources;
9. the preservation of flood plains;
10. the preservation of agricultural and forestal land;
11. the conservation of properties and their values;
12. the encouragement of the most appropriate use of land throughout the City; and,
13. the expressed purpose of the City's Unified Development Ordinance as set out in Section 31-102 of the Unified Development Ordinance, 1998, as amended, and Section 15.2-2283 of the Code of Virginia, (1950), as amended.

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

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

Section 3. Rezoning.

The condition proffered in the attached Exhibit "B" be, and they are hereby, accepted.

Section 4. Recordation.

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

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

READ AND PASSED: \_\_\_\_\_

TESTE: \_\_\_\_\_  
Erika S. Dawley, City Clerk

Approved as to Form:



\_\_\_\_\_  
Helivi L. Holland, City Attorney

**ORDINANCE NUMBER 09-O-035****AN ORDINANCE TO REZONE AND AMEND THE OFFICAL ZONING MAPOF THE CITY OF SUFFOLK AS TO PROPERTY DESIGNATED AS TAX MAP 34, PARCEL 24, RZ12A-06 (CONDITIONAL), FOXFIELD MEADOW**

WHEREAS, Whitney Saunders, of Saunders and Ojeda, applicant, on behalf of Cloverleaf Development, LLC, property owner, has requested the rezoning of a certain tract of land situated in the City of Suffolk, Virginia, which land is designated on the Tax Map and Zoning Map of the City of Suffolk, Virginia, as Tax Map 34, Parcel 24 (the "Property"), which land is depicted on Exhibit "A"; and

WHEREAS, the specific request of the applicant is for an amendment to proffers submitted with rezoning approximately 73 acres from CP, Commerce Park, and RL, Residential Low Density, to RLM, Residential Low Medium Density District for 78 single family lots and RU, Residential Urban District for 114 age-restricted attached units. The amended proffered conditions would eliminate the "age-restricted" designation, change certain traffic improvements and add cash proffers for schools. The proposed amendment has been advertised and reviewed by the Planning Commission in compliance with the requirements of state law; and

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

WHEREAS, a public hearing before City Council was duly advertised as required by law and held on the 15th day of July, 2009, at which public hearing the public was presented with the opportunity to comment on the proposed rezoning.

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

Section 1. Exhibits.

Exhibit "A", "Description of the Subject Property", Exhibit "B", "Applicant's Proffer Statement", and Exhibit "C", "Planning Commission Recommendation", which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

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

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

5. the current or future requirements of the community as to land for various purposes as determined by the population and economic studies and other studies;
6. the transportation requirements of the community;
7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;
8. the conservation of natural resources;
9. the preservation of flood plains;
10. the preservation of agricultural and forestal land;
11. the conservation of properties and their values;
12. the encouragement of the most appropriate use of land throughout the City; and
13. the expressed purpose of the City's Unified Development Ordinance as set out in Section 31-102 of the Code of the City of Suffolk (1998), as amended, and Section 15.2-2283 of the Code of Virginia, (1950), as amended ("Va. Code").

B. Council makes the following specific findings as to the conditions of the rezoning:

1. The proposed rezoning itself gives rise to the need for proffered conditions;
2. the proffered conditions have a reasonable relation to the zoning; and
3. all the proffered conditions are in conformity with the 2026 Comprehensive Plan adopted by Council on April 5, 2006.

Section 3. Rezoning.

1. The conditions proffered in the attached Exhibit "B" be, and they are hereby, accepted.
2. The property be, and is hereby, conditionally rezoned and is hereby, amended as shown on the attached Exhibit "A", which is incorporated herein by reference.
3. The foregoing rezoning and amendment to the official zoning map are expressly made subject to the performance of the conditions hereby proffered and accepted and these conditions shall remain in effect until a subsequent amendment changes the zoning of the property; however, such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

Section 4. Recordation.

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

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

READ AND PASSED: JULY 15, 2009

TESTE: *Erika S. Dawley*  
Erika S. Dawley, City Clerk

**A TRUE COPY**

*Tracy L. Sanford*  
Deputy City Clerk

Exhibit B  
Amended Proffer Statement

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

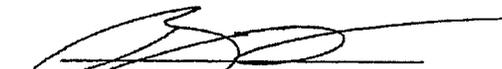
The following conditions are voluntarily proffered for the reclassification of property identified as Tax Map 34, Block \*, Parcel Number 24:

1. The owner / applicant agrees that it shall pay the City of Suffolk the sum of \$1,944.44 upon the issuance of a building permit for each of the 114 multifamily residential units in the RU zoned part of the property for advancement of the City's capacity to build a High School.
2. The owner/applicant agrees that the single family residential lots contiguous to the Westhaven Lakes subdivision shall be platted in accordance with the lot area and dimensional standards of the (RL) zoning district.
3. The owner/applicant agrees that with the vacation of the existing twenty (20) foot Portsmouth right-of-way affecting its property that it shall simultaneously record both the proposed, as well as the alternate, Portsmouth waterline easements as shown on the rezoning exhibit.
4. The owner/applicant agrees that it shall construct access and offsite right-of-way improvements to the subject property in accordance with alternative #1 on page 37, Chapter 7 of the Traffic Impact Analysis provided by Bryant B. Goodloe, P.C., revised February 24, 2007 as follows:
  1. General Comment- All public improvements shall be designed and constructed in accordance with the City of Suffolk requirements.
  2. Future Right-of-Way for Pitchkettle Road- The developer shall dedicate one-half of the ultimate 100' right-of-way for the future widening of Pitchkettle Road across the frontage of this property.
  3. Intersection of Pitchkettle Road & Foxfield Meadow Entrance- The developer shall provide the following:
    - a. A 200' left turn lane with a 200' taper shall be constructed on Pitchkettle Road northbound lane.

- b. A 150' right turn lane with a 150' taper shall be constructed on Pitchkettle Road southbound lane.
    - c. The entrance road shall have a minimum of 2-exiting lanes (1-left & 1-right) and 1-entering lane.
  4. Pitchkettle Road & Route 58 Eastbound & Westbound Off ramps- The developer shall be responsible for installing twin 12" simultaneously flashing red lights on the stop sign post for each ramp per current VDOT and MUTCD standards.
  5. The owner/applicant agrees that it shall not position any public/private open space areas nor any storm water management facilities adjacent to the existing subdivision of "Westhaven Lakes". In addition, the owner/applicant agrees that stormwater discharge from its development shall be released at a rate equal to or less than the rate at predevelopment levels in accordance with a Public Works approved plan.
  6. The owner/applicant agrees that the single family detached residential improvements subject to this application at a minimum shall incorporate a crawl space, or 18" raised slab with the appearances of a crawl space, contain 2,000 sf. of heated living space, a two car attached garage, and a mix of brick/stone/masonry/hardie plank veneer and vinyl siding.
  7. If needed by the City of Suffolk Utilities Department, the property owner will dedicate a mutually agreeable site to the City of Suffolk for a regional pumping station.
  8. The owner agrees to provide the City cash, a letter of credit or a bond equal to \$67,500.00 (the contribution) for construction of a traffic signal at the entrance to Foxfield Meadows on Pitchkettle Road, if a traffic signal is warranted by City traffic regulations before 12/31/2016 or if construction begins on that project or an alternate project on the opposite side of Pitchkettle Road known currently as The Retreat at the Preserve before 12/31/2016. Should the aforesaid terms which require the construction be unmet by 12/31/2016, the cash, bond or letter of credit will be released to the credit of the owner.
  9. The owner/applicant agrees to provide the City of Suffolk with a cash proffer, which shall be divided into 3 equal amounts to fund City of Suffolk school, public safety and road related improvements. \$6,000 shall be paid to the City upon issuance of a building permit for each single family residence in the RLM zoned part of the property. The owner/applicant agrees to provide the City of Suffolk with a cash proffer for homes to be constructed in the RU part of the property, which shall be divided so that 2/3 of the cash proffer shall fund public safety improvements and 1/3 shall fund road related improvements. \$1,500 shall be paid to the City upon issuance of a building permit for each multifamily unit in the RU zoned part of the
-

property. All funds related to this proffer paid by owner/applicant to the City shall be held by the City in a separate "lock box" account and shall be expended only for public safety needs and road improvements in the service area which serves Foxfield Meadow. All funds related to this proffer, paid to the City of Suffolk for road related improvements, shall be devoted solely to that section of Pitchkettle Road within the Community of "Boston".

Cloverleaf Development, LLC

  
\_\_\_\_\_  
Brian M. Clements- Applicant  
Managing Member  
Date 6/11/09

Cloverleaf Development, LLC

  
\_\_\_\_\_  
Brian M. Clements- Property Owner  
Managing Member  
Date 6/11/09

Exhibit B  
Amended Proffer Statement

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

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

1. ~~The owner/applicant agrees that the (RU) zoning district subject to this application shall be improved as an Active Adult Community for residents 55 years of age or older. 100% of the occupied residential units shall at all times have as a permanent resident at least one person who is 55 years of age or older ("qualifying occupant"); provided that in the event of the death of a person who was the sole qualifying occupant, the spouse of such qualifying occupant may continue to occupy the residential unit as long as the provisions of the Fair Housing Act (42 U.S.C. §3602 et seq.) relating to "housing for older persons," and all regulations promulgated thereunder, are not violated. For purposes of this article, a "qualifying occupant" must establish residency and actually reside in the unit for at least six (6) months during every calendar year. No persons under the age of 18 years of age shall reside in the development other than as a visitor for a period not to exceed three (3) consecutive months. Visitors under 55 years of age will be allowed to visit residents for a period of no more than three (3) consecutive months.~~
1. 1. The owner / applicant agrees that it shall pay the City of Suffolk the sum of \$1,944.44 upon the issuance of a building permit for each of the 114 multifamily residential units in the RU zoned part of the property for advancement of the City's capacity to build a High School.
2. The owner/applicant agrees that the single family residential lots contiguous to the Westhaven Lakes subdivision shall be platted in accordance with the lot area and dimensional standards of the (RL) zoning district.
3. The owner/applicant agrees that with the vacation of the existing twenty (20) foot Portsmouth right-of-way affecting its property that it shall simultaneously record both the proposed, as well as the alternate, Portsmouth waterline easements as shown on the rezoning exhibit.
4. The owner/applicant agrees that it shall construct access and offsite right-of-way improvements to the subject property in accordance with alternative #1 on page 37, Chapter 7 of the Traffic Impact Analysis provided by Bryant B. Goodloe, P.C., revised February 24, 2007 as follows: Should the Retreat at the Preserve rezoning be approved, the owner agrees to cooperate with the owner of the Retreat at the Preserve to engineer and construct all the recommended improvements noted in

the Traffic Impact Analysis reports prepared by URS and Bryant B. Goodloe, P.C. and to enter into agreements necessary to share the cost of these improvements based upon pro-rata traffic trip counts as contained in said report.

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

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the common entrance to the Foxfield Meadow and the Retreat at the Preserve. The owner shall provide the City of Suffolk a traffic signal warrant analysis upon request of the City traffic engineer and provide funding for the traffic signal at the common entrance. The owner agrees to cooperate with the owner of the Retreat at the Preserve to fund this traffic signal and to enter into agreements necessary to share the cost of this improvement based on pro-rata traffic trip counts.

8. The owner agrees to provide the City cash, a letter of credit or a bond equal to \$67,500.00 (the contribution) for construction of a traffic signal at the entrance to Foxfield Meadows on Pitchkettle Road, if a traffic signal is warranted by City traffic regulations before 12/31/2016 or if construction begins on that project or an alternate project on the opposite side of Pitchkettle Road known currently as The Retreat at the Preserve before 12/31/2016. Should the aforesaid terms which require the construction be unmet by 12/31/2016, the cash, bond or letter of credit will be released to the credit of the owner.

9. The owner/applicant agrees to provide the City of Suffolk with a cash proffer, which shall be divided into 3 equal amounts to fund City of Suffolk school, public safety and road related improvements, ~~for homes to be constructed in the RLM part of the property.~~ \$6,000 shall be paid to the City upon issuance of a building an occupancy permit for each single family residence in the RLM zoned part of the property. The owner/applicant agrees to provide the City of Suffolk with a cash proffer for homes to be constructed in the RU part of the property, which shall be divided so that 2/3 of the cash proffer shall fund public safety improvements and 1/3 shall fund road related improvements. \$1,500 shall be paid to the City upon issuance of a building an occupancy permit for each ~~age restricted home~~ multifamily unit in the RU zoned part of the property. All funds related to this proffer paid by owner/applicant to the City shall be held by the City in a separate "lock box" account and shall be expended only for ~~school and public safety needs and road improvements in the school zone or service area~~ which serves Foxfield Meadow. All funds related to this proffer, paid to the City of Suffolk for road related improvements, shall be devoted solely to that section of Pitchkettle Road within the Community of "Boston".

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Cloverleaf Development, LLC

Cloverleaf Development, LLC

\_\_\_\_\_  
Brian M. Clements- Applicant  
Managing Member

\_\_\_\_\_  
Brian M. Clements- Property Owner  
Managing Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## RESOLUTION NO. 09-6-3

## CITY OF SUFFOLK PLANNING COMMISSION

**A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION TO  
 CITY COUNCIL RELATING TO REZONING REQUEST  
 RZ12A-06 (CONDITIONAL), FOXFIELD MEADOW  
 TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK  
 AS TO PROPERTY LOCATED AT THE SOUTHEASTERN QUADRANT OF THE RT. 58  
 BYPASS AND PITCHKETTLE ROAD INTERCHANGE  
 TAX MAP 34, PARCEL 24**

WHEREAS, Whitney Saunders, of Saunders and Ojeda, applicant, on behalf of Cloverleaf Development, LLC, property owner, has requested the rezoning of 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 of the applicant is for an amendment to proffers submitted with rezoning approximately 73 acres from CP, Commerce Park, and RL, Residential Low Density, to RLM, Residential Low Medium Density District for 78 single family lots and RU, Residential Urban District for 114 age-restricted attached units. The amended proffered conditions would eliminate the "age-restricted" designation, change certain traffic improvements and add cash proffers for schools.; and

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

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

Section 1. Findings

The Suffolk Planning Commission finds that the proposed rezoning is reasonable and warranted due to changes in circumstances affecting the property, and has considered the following factors and finds that the proposed rezoning does not conflict with:

1. the existing use and character of property within the City;
2. the Comprehensive Plan;
3. the suitability of the property for various uses;
4. the trends of growth or change;
5. the current or future requirements of the community as to land for various purposes as determined by the population and economic studies and other studies;
6. the transportation requirements of the community;
7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;
8. the conservation of natural resources;

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

Section 2. Recommendation to Council

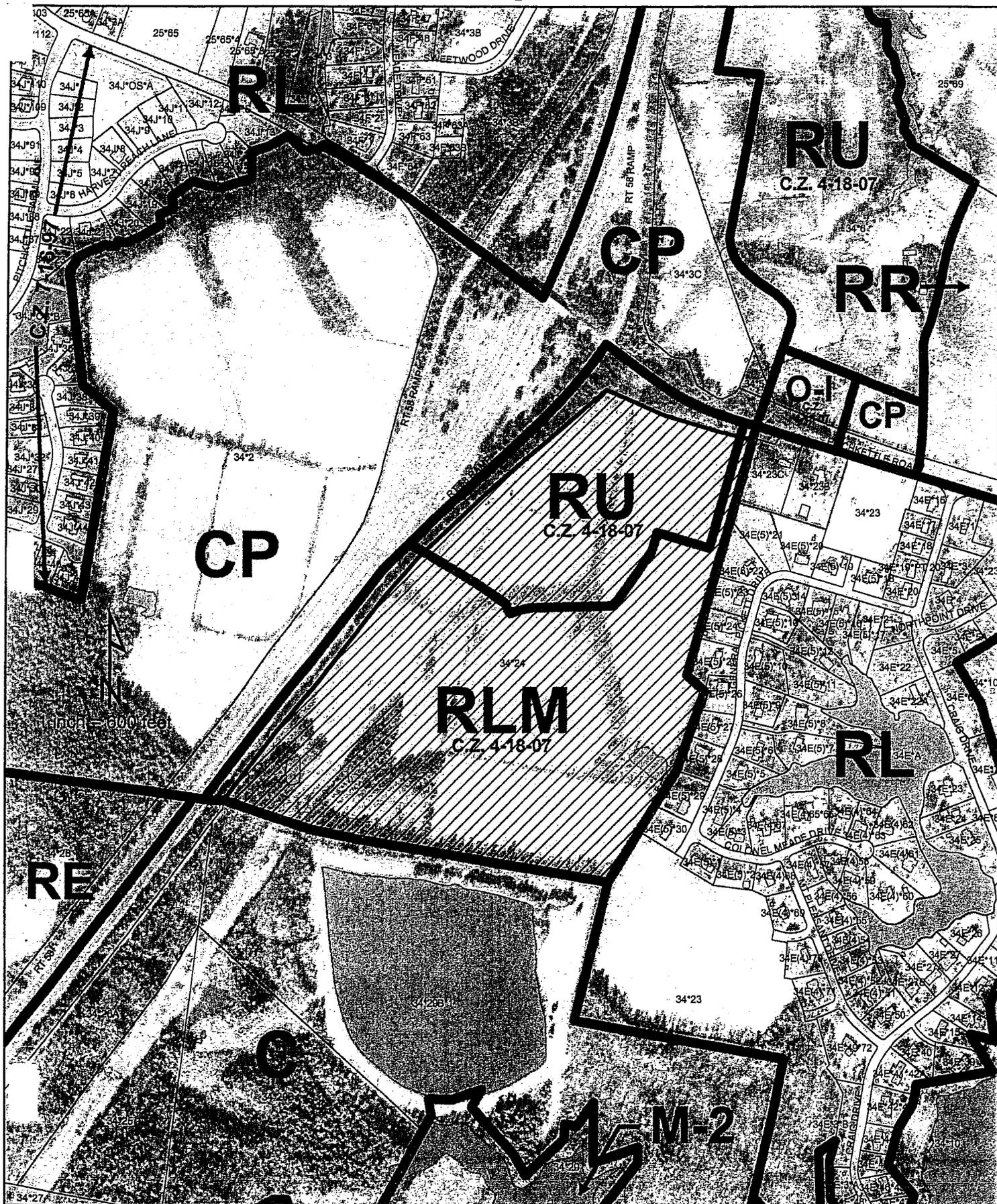
The Planning Commission recommends to City Council that the request, RZ12A-06 (Conditional), be:

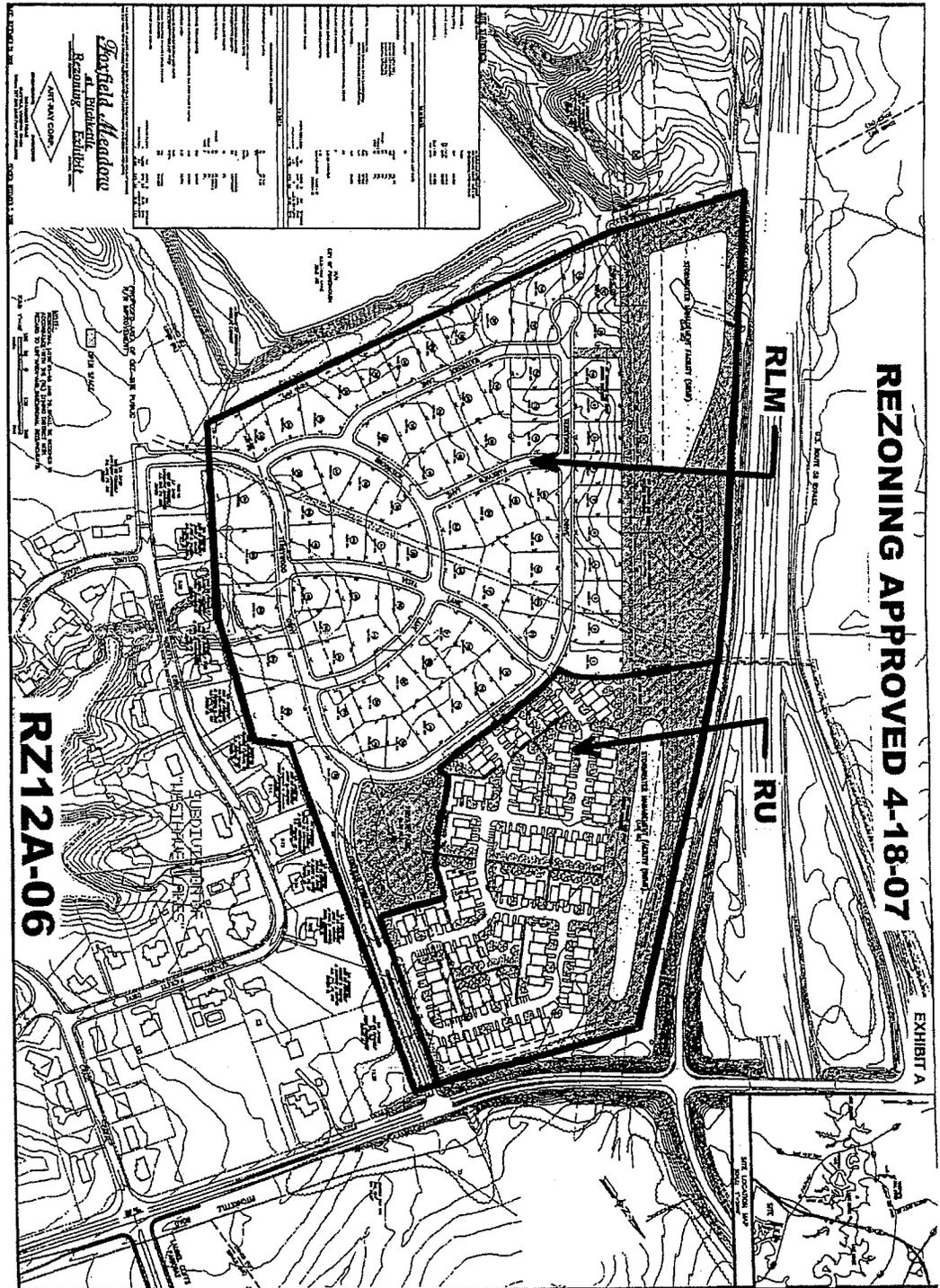
- a. Granted as submitted and that the City Council adopt the proposed Ordinance without modification.
- b. Denied, and that Council not adopt the proposed Ordinance.
- c. Granted with the modifications set forth on the attached listing of specific recommendations and that Council adopt the proposed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

READ AND ADOPTED: June 16, 2009

TESTE: Scott McK

# RZ12A-06 Zoning/Land Use Map





**EXHIBIT B**

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

The following conditions (add additional sheets if necessary) are voluntarily proffered for the reclassification of property identified as Tax Map 34, Block \_\_\_\_\_, Parcel Number 24B :

The owner/applicant hereby requests Revision and Amendment of Ordinance 09-O-035 only as to Paragraph Number 6 of Exhibit B, to read as follows:

6. The Owner/Applicant agrees that the single family detached residential improvements subject to this application at a minimum shall incorporate a crawl space, or 18" raised slab with the appearances of a crawl space, contain 2,000 sf. of heated living space, a two car garage, and a mix of brick/stone/masonry/hardy plank veneer/LP SmartSide and/or vinyl accents.

Signed:

Whitney G. Saunders  
(Applicant)

WHITNEY G. SAUNDERS  
(Printed Name)

10/30/15  
(Date)

Hearndon PR Builders, LLC

By: William G. Davdon  
(Property Owner)  
Manager

William G. Davdon  
(Printed Name)

10.30.15  
(Date)

\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Printed Name)

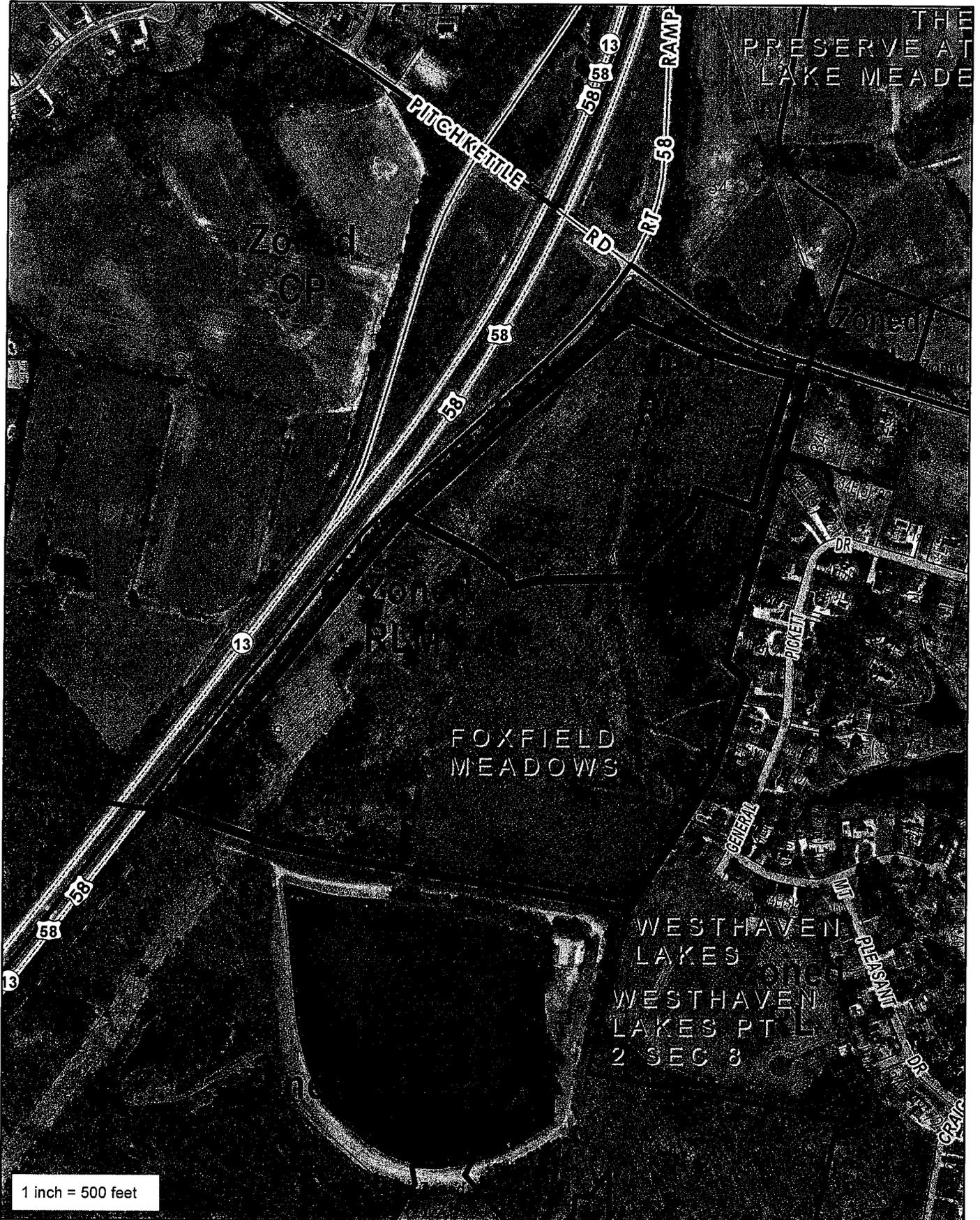
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(Date)





# RZ12B-06 ZONING / LAND USE MAP

EXHIBIT C





# **Resolutions**

## **Staff Reports**

**AGENDA: December 16, 2015, Regular Session**

**ITEM:** **Motion** - A motion to initiate the process to rezone and amend the official zoning map of the City of Suffolk to change the zoning from M-1, Light Industrial District zoning district, to RLM, Residential Low-Medium Density zoning district, of a 9.11 acre portion of the property located on Nansemond Parkway, Zoning Map 20, Parcel 6

A motion directing staff to begin the process to rezone 9.11 acre portion of the property located on Nansemond Parkway, Zoning Map 20, Parcel 6.

**RECOMMENDATION:**

Approve the motion

## **Motion to Schedule a Work Session**

## **Non-Agenda Speakers**

# **New Business**

## **Announcements and Comments**