

Director of Media and Community  
Relations

**SUFFOLK CITY COUNCIL**  
**MEETING OF JANUARY 21, 2015**



**WORK SESSION**

**Begins at 5:00 p.m.**

**REGULAR SESSION**

**Begins at 7:00 p.m.**

**SUFFOLK CITY COUNCIL  
WORK SESSION**  
January 21, 2015  
5:00 p.m.  
City Council Chamber

1. Fire Safety Blitz Program
- 2.\* Appointments
- 3.\* General Report for City Council

\* Proposed Items for Closed Session

**AGENDA: January 21, 2015, Work Session**

**ITEM: Fire Safety Blitz Program**

The object of the Fire Safety Blitz (FSB) Program is to educate the community, affected by the fire, while it is still fresh in their minds. When a fire occurs in the city, and causes fire damage to a structure, Suffolk Fire & Rescue will return to the area where the fire has occurred, within a 24 hour period. The FSB is accomplished by going door-to-door, in a two block radius from the location of the fire, on all four sides. Suffolk Fire & Rescue will educate the residents about the recent fire, provide them with fire prevention materials, to include a post card, door hanger, and yardstick. During the FSB, we will also work to ensure that every home in the City of Suffolk has a working smoke detector. If it is determined that a working smoke detector is needed, Suffolk Fire & Rescue will install a new working smoke detector. With the implementation of the FSB program, we will hopefully prevent the next fire from occurring in that community.

Fire Chief Cedric Scott will provide examples of the post card, door hanger and yardstick, designed specifically for the implementation of the Fire Safety Blitz.



# TIDEWATER EMERGENCY MEDICAL SERVICES COUNCIL, INC.

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Severin, Michael M.D.  
President

James W. Chandler  
Executive Director

*12/8/14*

December 5, 2014

Selena Cuffee-Glenn  
City Manager  
PO Box 1858  
Suffolk, VA 23439

*emailed  
James Chandler  
on 1/6/15*

Dear Ms. Cuffee-Glenn:

The directors of the Tidewater Emergency Medical Services Council are elected for two-year terms. The next election will be held in March 2015 and we are seeking a nomination for your representative by January 31, 2015. All current directors are eligible for reelection. Below is listed your current representative along with the number of board meetings attended during the last term. We sent a separate letter to each current director asking them to consider the responsibilities of the office and to contact you to discuss their desire to serve.

In nominating your representative, please consider any combination of medical or public safety background, cultural diversity and/or diversity of knowledge and skills to enable us to enhance governance. Such backgrounds might include education, business leadership, law, informational technology, financial management, and civic leadership. It is our hope to strengthen our organization through diversification of directors nominated by the jurisdictions and organizations represented.

Please provide your nomination to the Tidewater EMS office to my attention by January 31, 2015 so we can prepare and distribute the slate of nominees in advance of the election in accordance with our bylaws. If your nominee is not currently serving on our board, please provide their address and daytime telephone number as well. Thank you.

The council is organized and performs its mission in accordance with Section 32.1-111.11 of the Code of Virginia. If you require any additional information, please contact me, your current representative or Jim Chandler, Executive Director, at the TEMS Council office.

Your current representative is:  
John Hoffer

Board Meetings Attended (of # held):  
Seven of Seven

Sincerely,

George M. Yacus, Chair  
Governance Committee

**SUFFOLK CITY COUNCIL AGENDA**  
**January 21, 2015**  
**7:00 p.m.**  
**City Council Chamber**

1. **Call to Order**
2. **Nonsectarian Invocation**
3. **Approval of the Minutes**
4. **Special Presentation**
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 grant funds from the Obici Healthcare Foundation for the purchase of supplies for the City of Suffolk Sheriff Department
8. **Consent Agenda** – An ordinance to accept and appropriate funds from the Congestion Mitigation and Air Quality Improvement Program funding from the Virginia Department of Transportation for the Bridge Road & Bennett's Pasture Road Intersection Improvement Project, the Portsmouth Boulevard Park and Ride Lot Improvements Project and the Godwin Boulevard Park and Ride Lot Improvements Project
9. **Consent Agenda** – An ordinance to accept and appropriate funds from the Commonwealth of Virginia Department of Aviation for the Suffolk Executive Airport
10. **Consent Agenda** – An ordinance to accept and appropriate a grant from the Virginia Office of Emergency Medical Services Rescue Squad Assistance Fund for the Suffolk Department of Fire & Rescue
11. **Consent Agenda** – A resolution authorizing participation in the Virginia Department of Transportation Revenue Sharing Program for Fiscal Year 2016
12. **Consent Agenda** – A resolution authorizing the City Manager to execute a Cost Sharing and Ownership Agreement with the Hampton Roads Sanitation District
13. **Public Hearing** – An ordinance granting a Conditional Use Permit to establish an accessory dwelling unit on property located at 2336 Box Elder Road, Zoning Map 52, Parcel 34D; C21-14

14. **Public Hearing** – An ordinance granting a conditional use permit to establish a contractor and trade shop (indoor operations and outdoor storage, including heavy vehicles), on property located at 5474 Nansemond Parkway, Zoning Map 20, Parcel B10; C22-14
15. **Public Hearing** – An ordinance granting a conditional use permit to establish an amusement/entertainment/recreation center (indoor) on property located at 1984 Northgate Commerce Parkway, Zoning Map 20, Parcel(s) 22E\*8A, 22E\*8B, 22E\*8C, 22E\* 8D, 22E\*8E, and 22E\*8F; C27-14
16. **Ordinance** – An ordinance amending the proffered conditions associated with Rezoning Request RZ-02-2014, Zoning Map 33A, Parcels M34, BT\*35 and BT\*36, Ricky’s Custom Carts
17. **Resolution** – A resolution authorizing the acceptance of the conveyance of the land currently known as the Southwestern Elementary School
18. **Staff Reports**
19. **Motion** – A motion to schedule a Work Session for February 4, 2015, at 4:00 p.m., unless cancelled
20. **Non-Agenda Speakers**
21. **New Business**
22. **Announcements and Comments**
23. **Adjournment**

Work Session of the Suffolk City Council was held in the City Council Chamber, 442 West Washington Street, on Wednesday, December 3, 2014, at 5:00 p.m.

**PRESENT**

Council Members -

- Linda T. Johnson, Mayor
- Charles F. Brown, Vice Mayor
- Michael D. Duman
- Roger W. Fawcett
- Jeffrey L. Gardy
- Curtis R. Milteer, Sr.
- Charles D. Parr, Sr.
- Lue Ward, Jr.

- Selena Cuffee-Glenn, City Manager
- Helivi L. Holland, City Attorney
- Erika S. Dawley, City Clerk

**ABSENT**

None

**WINTER WEATHER PREPAREDNESS UPDATE**

Utilizing a PowerPoint presentation, Public Works Director Eric Nielsen gave a presentation on the above referenced item.

Referring to the presentation, Council Member Duman called for clarification about the process used in preparing for a winter weather event. Public Works Director Nielsen explained that it depends on the nature of the event, and the City Manager's Office works with various departments to prepare for these events.

The Work Session adjourned at 5:26 p.m.

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

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

Regular Meeting of the Suffolk City Council was held in the City Council Chamber, 442 West Washington Street, on Wednesday, December 3, 2014, at 7:00 p.m.

**PRESENT**

Council Members -  
Linda T. Johnson, Mayor  
Charles F. Brown, Vice Mayor  
Michael D. Duman  
Roger W. Fawcett  
Jeffrey L. Gardy  
Curtis R. Milteer, Sr.  
Charles D. Parr, Sr.  
Lue R. Ward, Jr.

Selena Cuffee-Glenn, City Manager  
Helivi L. Holland, City Attorney  
Erika S. Dawley, City Clerk

**ABSENT**

None

**CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE**

Mayor Johnson called the meeting to order. Vice Mayor Brown offered the Invocation and led the Pledge of Allegiance to the Flag.

**APPROVAL OF THE MINUTES**

Council Member Gardy, on a motion seconded by Council Member Fawcett, moved to approve the minutes from the November 5, 2014, Work Session and Regular Meeting, as presented, by the following vote:

AYES:	Council Members Duman, Fawcett, Gardy, Milteer, Parr, Ward, Brown and Johnson	8
NAYS:	None	0

**SPECIAL PRESENTATIONS**

There were no items under this portion of the agenda.

**REMOVAL OF ITEMS FROM THE CONSENT AGENDA AND ADOPTION OF THE AGENDA**

Mayor Johnson asked if any members of City Council wished to remove any of the Consent Agenda items for separate action.

Hearing no requests for removal of any items, Mayor Johnson advised that a motion was in order at this time to adopt the agenda as outlined.

Council Member Duman, on a motion seconded by Council Member Fawcett, moved to adopt the agenda as presented, by the following vote:

AYES:	Council Members Duman, Fawcett, Gardy, Milteer, Parr, Ward, Brown and Johnson	8
NAYS:	None	0

**AGENDA SPEAKERS**

There were no speakers under this portion of the agenda.

**CONSENT AGENDA**

City Clerk Dawley presented the following items:

**Consent Agenda Item #7** - An ordinance to accept and appropriate a State Criminal Alien Assistance Program grant award from the United States Department of Justice

**Consent Agenda Item #8** - An ordinance consenting to the issuance and sale of bonds by the Economic Development Authority of the City of Suffolk to refinance the Health and Human Services Building

Council Member Parr asked for a summary of Consent Agenda Items #7 and #8 - an ordinance to accept and appropriate a State Criminal Alien Assistance Program grant award from the United States Department of Justice and an ordinance consenting to the issuance and sale of bonds by the Economic Development Authority of the City of Suffolk to refinance the Health and Human Services Building.

Referring to Consent Agenda Item #7, City Manager Cuffee-Glenn submitted an overview of the background information as printed in the official agenda.

Referring to Consent Agenda Item #8, David Rose, Senior Vice President, Davenport and Company, the City’s financial advisors, gave a report on the background information as printed in the official agenda. He added that the proposed ordinance needed an amendment – “Development Authority Lease Revenue Refunding Bond. The City hereby consents to the issuance of the 2014 Bond by the Authority; provided the maximum aggregate principal amount of the 2014 Bond shall not exceed \$14,000,000, the 2014 Bond shall have a maximum true interest cost not to exceed 3.5% per annum” instead of 6.0% as presented

Council Member Duman, on a motion seconded by Vice Mayor Brown, moved to approve Consent Agenda Item #7 as presented and approve Consent Agenda Item #8 as amended, by the following vote:

AYES:	Council Members Duman, Fawcett, Gardy, Milteer, Parr, Ward, Brown and Johnson	8
NAYS:	None	0

**PUBLIC HEARINGS**

There were no items under this portion of the agenda.

**ORDINANCES**

**Ordinance** – An ordinance granting a two year extension of an approved Conditional Use Permit to establish a place of worship (large, at least 6,000 square feet in main sanctuary), on property located along Godwin Boulevard, Zoning Map 9, Parcels 40, 41 and 43; C10-12

Utilizing a PowerPoint presentation, Planning and Community Development Director D. Scott Mills gave a report on the background information as printed in the official agenda.

Council Member Duman, on a motion seconded by Council Member Fawcett, moved to approve the ordinance, as presented, by the following vote:

AYES:	Council Members Duman, Fawcett, Gardy, Milteer, Parr, Ward, Brown and Johnson	8
NAYS:	None	0

**AN ORDINANCE GRANTING A TWO YEAR EXTENSION OF AN APPROVED CONDITIONAL USE PERMIT TO ESTABLISH A PLACE OF WORSHIP (LARGE, AT LEAST 6,000 SQUARE FEET IN MAIN SANCTUARY), ON PROPERTIES LOCATED ALONG GODWIN BOULEVARD, ZONING MAP 9, PARCELS 40, 41 ABD 43; C10-12**

**RESOLUTIONS**

There were no items under this portion of the agenda.

**STAFF REPORTS**

There were no items under this portion of the agenda.

**MOTIONS**

**Motion** - A motion to schedule an Oath of Office Ceremony and Reorganizational Meeting, for January 5, 2015, at 1:00 p.m.

Council Member Gardy, on motion seconded by Council Member Fawcett, moved to schedule an Oath of Office Ceremony and Reorganizational Meeting, for January 5, 2015, at 1:00 p.m., by the following vote:

AYES:	Council Members Duman, Fawcett, Gardy, Milteer, Parr, Ward, Brown and Johnson	8
NAYS:	None	0

**Motion** - A motion to cancel the January 7, 2015, City Council meeting

Council Member Fawcett, on motion seconded by Council Member Parr, moved to cancel the January 7, 2015, City Council meeting, by the following vote:

AYES:	Council Members Duman, Fawcett, Gardy, Milteer, Parr, Ward, Brown and Johnson	8
NAYS:	None	0

**Motion** - A motion to schedule a Work Session for December 17, 2014, at 4:00 p.m., unless cancelled

Council Member Parr, on motion seconded by Council Member Fawcett, moved to schedule a Work Session for December 17, 2014, at 4:00 p.m., unless cancelled, by the following vote:

AYES:	Council Members Duman, Fawcett, Gardy, Milteer, Parr, Ward, Brown and Johnson	8
NAYS:	None	0

**NON-AGENDA SPEAKERS**

Leroy Schmidt, 5140 North Harbour Road, representing self, opined about the recent election.

**NEW BUSINESS**

Mayor Johnson asked City Clerk Dawley if there were any New Business items for consideration. City Clerk Dawley advised that there were no items for addition to tonight’s agenda.

Vice Mayor Brown, on a motion seconded by Council Member Parr, moved to remove G. Stewart Tyler from the Historic Landmarks Commission, pursuant to City Code Section 2-161, by the following vote:

AYES:	Council Members Duman, Fawcett, Milteer, Parr, Ward, Brown and Johnson	7
NAYS:	Council Member Gardy	1

**ANNOUNCEMENTS AND COMMENTS**

Utilizing PowerPoint presentation, Media and Community Relations Manager Timothy Kelley reported on the following items: Kroger Marketplace ribbon cutting; 2014 National Night Out Award; Suffolk Police Department’s receipt of the 2014 John T. Hanna Drive Safe Hampton Road Award; Captain James Buie’s receipt of the 35<sup>th</sup> Session of the Professional Executive Leadership School Graduate Leadership Award; Suffolk Police Department holiday patrol; Suffolk Police Department Toys for Tots Drive; Firefighter of the Year Michael Turner and Paramedic of the Year Theresa Monroe; Painting the Town holiday event; Downtown Suffolk Holiday Open House; Suffolk Artisan Gift Fair; Suffolk Humane Society Adopt-a-thon; Tourism Free Family Movie Night; Suffolk Holiday Parade; City’s webpage to roadway maintenance concerns; City’s e-newsletter; and the City’s Charter Cable station.

Council Member Duman reported he attended the following: the City's Legislative Dinner; City Hall Ribbon Cutting; and Joint City/School Task Force Meeting.

Council Member Duman commended LeOtis Williams on his Thanksgiving food drive.

Council Member Duman advised he attended the Kroger Marketplace ribbon cutting.

Council Member Duman reported on a manners program at Mack Benn Jr. Elementary School.

Council Member Duman congratulated the City on the 2014 National Night Out Award and Firefighter of the Year Michael Turner and Paramedic of the Year Theresa Monroe.

Council Member Milteer reported he attended the following: the City's Legislative Dinner; City Hall ribbon cutting and Kroger Marketplace ribbon cutting.

Council Member Milteer encouraged residents to attend the upcoming Whaleyville Community Center grand opening.

Council Member Parr reported he attended the Kroger Marketplace ribbon cutting.

Council Member Parr commended the Economic Development Department.

Council Member Parr encouraged residents to familiarize themselves with the holiday crime prevention tips.

Council Member Parr opined about the City's financial policies.

Council Member Parr commended City employees.

Council Member Parr encouraged residents to participate in holiday events.

Council Member Fawcett advised he attended the following: the City's Legislative Dinner; the South Hampton Roads Leadership Prayer Breakfast; the Kroger Marketplace ribbon cutting and the City's Grand Illumination.

Council Member Fawcett commended LeOtis Williams for his annual Thanksgiving food drive.

Council Member Fawcett opined about the opening of the Kroger Marketplace.

Council Member Fawcett recognized the following: the 2014 National Night Out Award; Suffolk Police Department receipt of the 2014 John T. Hanna Drive Safe Hampton Road Award; Captain James Buie's receipt of the 35<sup>th</sup> Session of the Professional Executive Leadership School Graduate Leadership Award; the Suffolk Fire Department for their efforts in a recent downtown fire; the Suffolk Police Department for their Toys for Tots Drive; the Sherriff's Department for their toy drive and the Firefighter of the Year Michael Turner and Paramedic of the Year Theresa Monroe.

Council Member Ward acknowledged the City’s receipt of the 2014 National Night Out.

Council Member Ward commended LeOtis Williams on his annual Thanksgiving food drive.

Council Member Ward reported he attended the following: the Kroger Marketplace ribbon cutting; the Pughsville Civic League Christmas Party and the City Hall ribbon cutting.

Council Member Gardy opined about the following: the new Kroger Marketplace; the new City Hall and the new Pioneer Elementary School.

Vice Mayor Brown announced the First Team Subaru ribbon cutting.

Mayor Johnson acknowledged the following: the Firefighter of the Year Michael Turner and Paramedic of the Year Theresa Monroe; Captain James Buie’s receipt of the 35<sup>th</sup> Session of the Professional Executive Leadership School Graduate Leadership Award and the City’s 2014 National Night Out Award.

Mayor Johnson advised she attended the Kroger Marketplace ribbon cutting.

Mayor Johnson encouraged residents to familiarize themselves with the holiday crime prevention tips

Mayor Johnson issued an invitation to an upcoming public meeting of the Hampton Roads Transportation Accountability Commission and wreath laying ceremony at Albert G. Horton Memorial Veterans Cemetery.

Council Member Gardy, on a motion seconded by Council Member Duman, moved to adjourn, by the following vote:

AYES:	Council Members Duman, Fawcett, Gardy, Milteer, Parr, Ward, Brown and Johnson	8
NAYS:	None	0

There being no further business to come before City Council, the regular meeting was adjourned at 8:02 p.m.

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

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



Regular Meeting of the Suffolk City Council was held in the City Council Chamber, 442 West Washington Street, on Wednesday, December 17, 2014, at 7:00 p.m.

**PRESENT**

Council Members -  
Linda T. Johnson, Mayor  
Charles F. Brown, Vice Mayor  
Michael D. Duman  
Roger W. Fawcett  
Jeffrey L. Gardy  
Curtis R. Milteer, Sr.  
Charles D. Parr, Sr.

Selena Cuffee-Glenn, City Manager  
Helivi L. Holland, City Attorney  
Erika S. Dawley, City Clerk

**ABSENT**

Lue R. Ward, Jr. (excused)

**CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE**

Mayor Johnson called the meeting to order and advised that Council Member Ward was excused. Vice Mayor Brown offered the Invocation and led the Pledge of Allegiance to the Flag.

**FREEDOM OF INFORMATION ACT CERTIFICATION**

City Clerk Dawley presented a resolution certifying the Closed Meeting of December 17, 2014, pursuant to Section 2.2-3712 of the Code of Virginia (1950), as amended.

Council Member Gardy, on a motion seconded by Council Member Duman, moved that the resolution be approved, as presented, by the following vote:

AYES:	Council Members Duman, Fawcett, Gardy, Milteer, Parr, Brown and Johnson	7
NAYS:	None (Council Member Ward excused.)	0

**A RESOLUTION OF CERTIFICATION OF THE CLOSED MEETING OF DECEMBER 17, 2014, PURSUANT TO SECTION 2.2-3712 OF THE CODE OF VIRGINIA (1950), AS AMENDED**

**APPROVAL OF THE MINUTES**

Council Member Gardy, on a motion seconded by Council Member Fawcett, moved to approve the minutes from the November 19, 2014, Work Session and Regular Meeting and the November 20, 2014, Special Meeting, as presented, by the following vote:

AYES:	Council Members Duman, Fawcett, Gardy, Milteer, Parr, Brown and Johnson	7
NAYS:	None (Council Member Ward excused.)	0

**SPECIAL PRESENTATIONS**

**Special Presentation – Presentation of the Fiscal Year 2014 Comprehensive Annual Financial Report**

Finance Director Lenora Reid introduced Rob Churchman, Audit Partner, Cherry Bekeart LLP, the City’s independent auditors. Utilizing a PowerPoint presentation, Mr. Churchman submitted a summary of the above referenced item.

Referring to the presentation, Council Member Gardy called for clarification of the overall audit results. Mr. Churchman stated that his firm’s opinion on the 2014 financial statements is unmodified or “clean” opinion.

Referring to the presentation, Council Member Duman opined about the payroll and related liabilities.

Referring to the presentation, Council Member Duman queried about the untimely completion of the Conflict of Interest forms. Mr. Churchman explained that this instance of noncompliance with Virginia Code is a result of failure to submit the Conflict of Interest forms to the City Clerk by the required deadline.

Referring to the presentation, Council Member Duman opined about the future accounting and reporting change as it relates to pensions. Mr. Churchman advised that changes in government accounting requirements will require localities to report employee state pensions as a liability.

**REMOVAL OF ITEMS FROM THE CONSENT AGENDA AND ADOPTION OF THE AGENDA**

Mayor Johnson asked if any members of City Council wished to remove any of the Consent Agenda items for separate action.

Hearing no requests for removal of any items, Mayor Johnson advised that a motion was in order at this time to adopt the agenda as outlined.

Council Member Fawcett, on a motion seconded by Council Member Parr, moved to adopt the agenda as presented, by the following vote:

AYES:	Council Members Duman, Fawcett, Gardy, Milteer, Parr, Brown and Johnson	7
NAYS:	None (Council Member Ward excused.)	0

**AGENDA SPEAKERS**

There were no speakers under this portion of the agenda.

**CONSENT AGENDA**

City Clerk Dawley presented the following items:

**Consent Agenda Item #7** - An ordinance to accept and appropriate funds from the Walmart Community Grant for the City of Suffolk’s Public Library

**Consent Agenda Item #8** - An ordinance to accept and appropriate funds from the Virginia Department of Fire Programs Fund for the Suffolk Department of Fire and Rescue

**Consent Agenda Item #9** - An ordinance to appropriate any unassigned General Fund balance remaining on June 30, 2014, not to exceed \$1,200,000, to the Capital Fund Contingency Account for use in addressing future municipal facility needs

Council Member Milteer asked for a summary of Consent Agenda Items #7 through #9 - an ordinance to accept and appropriate funds from the Walmart Community Grant for the City of Suffolk’s Public Library; an ordinance to accept and appropriate funds from the Virginia Department of Fire Programs Fund for the Suffolk Department of Fire and Rescue; and an ordinance to appropriate any unassigned General Fund balance remaining on June 30, 2014, not to exceed \$1,200,000, to the Capital Fund Contingency Account for use in addressing future municipal facility needs.

Referring to Consent Agenda Items #7 and # 8, City Manager Cuffee-Glenn gave a report on the background information as printed in the official agenda.

Referring to Consent Agenda Item #9, Finance Director Reid submitted an overview of the background information as printed in the official agenda.

Council Member Parr, on a motion seconded by Council Member Milteer, moved to approve the Consent Agenda, as presented, by the following vote:

AYES:	Council Members Duman, Fawcett, Gardy, Milteer, Parr, Brown and Johnson	7
NAYS:	None (Council Member Ward excused.)	0

**PUBLIC HEARINGS**

**Public Hearing** – An ordinance granting a Conditional Use Permit to establish a medical, counseling center (non-resident) treatment of drug abuse and/or alcohol on property located at 2401 Godwin Boulevard, Zoning Map 25A, Parcel SA\*29\*1\*2; C16-14

Utilizing a PowerPoint presentation, Planning and Community Development Director D. Scott Mills summarized the background information as printed in the official agenda.

John Delaney, no address given, applicant, spoke in support of the proposed ordinance.

Hearing no additional speakers, the public hearing was closed.

Council Member Gardy, on a motion seconded by Council Member Gardy, moved to approve the ordinance, with conditions, as presented, by the following vote:

AYES:	Council Members Duman, Fawcett, Gardy, Milteer, Parr, Brown and Johnson	7
NAYS:	None (Council Member Ward excused.)	0

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ESTABLISH A MEDICAL, COUNSELING CENTER (NON-RESIDENT) TREATMENT OF DRUG ABUSE AND/OR ALCOHOL ON PROPERTY LOCATED AT 2401 GODWIN BOULEVARD , ZONING MAP 25A, PARCEL SA\*29\*1\*2; C16-14**

**Public Hearing** – An ordinance granting a Conditional Use Permit to establish a surface mine (borrow pit) on property located at 1136 Audubon Road, Zoning Map 9, Parcel 4; C17-14

Utilizing a PowerPoint presentation, Planning and Community Development Director Mills provided a review of the background information as printed in the official agenda.

Richard Turner, 100 Commerce Street, Smithfield, Virginia, applicant, spoke in support of the proposed ordinance.

Hearing no additional speakers, the public hearing was closed.

Council Member Gardy, on a motion seconded by Council Member Parr, moved to approve the ordinance, with conditions.

Referring to the presentation, Council Member Duman asked about the history of the existing borrow pit. Planning and Community Development Director Mills stated that the existing borrow pit was in operation for three or four years prior to its closure by its previous owners. He added that there were operational issues with the previous owners, but now the property is under new ownership.

Referring to the presentation, Council Member Duman called for information about any possible traffic impact of the proposed borrow pit. Planning and Community Development Director Mills advised that there are no traffic impacts anticipated as a result of the proposed borrow pit.

Referring to the presentation, Council Member Duman opined about condition two which would require the applicant to maintain and repair Audubon Road and Everets Road from damage caused by dump trucks for the section of roadway within 100 feet of either side of their entrance. Planning and Community Development Director Mills replied in the affirmative.

Council Member Gardy, on a motion seconded by Council Member Parr, moved to approve the ordinance, with conditions, by the following vote:

AYES:	Council Members Duman, Fawcett, Gardy, Milteer, Parr, Brown and Johnson	7
NAYS:	None (Council Member Ward excused.)	0

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ESTABLISH A SURFACE MINE (BORROW PIT) ON PROPERTY LOCATED AT 1136 AUDUBON ROAD, ZONING MAP 9, PARCEL 4; C17-14**

**Public Hearing** – An ordinance granting a conditional use permit to establish an amusement/entertainment/recreation center (indoor) on property located at 1208 North Main Street, Zoning Map 35, Parcel 40E; C19-14

Utilizing a PowerPoint presentation, Planning and Community Development Director Mills offered a report on the background information as printed in the official agenda.

Jeffrey Hunter, no address given, applicant, spoke in support of the proposed ordinance.

Hearing no additional speakers, the public hearing was closed.

Council Member Parr, on a motion seconded by Council Member Duman, moved to approve the ordinance, with conditions, by the following vote:

AYES:	Council Members Duman, Fawcett, Gardy, Milteer, Parr, Brown and Johnson	7
NAYS:	None (Council Member Ward excused.)	0

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ESTABLISH AN AMUSEMENT/ENTERTAINMENT/RECREATION CENTER (INDOOR) ON PROPERTY LOCATED AT 1208 NORTH MAIN STREET, ZONING MAP 35, PARCEL 40E; C19-14**

**Public Hearing** – An ordinance to grant a Conditional Use Permit to establish a 144 unit multi-family garden apartment complex located at 3345 Bridge Road and 3345 Bridge Road, Units 900, 904, 908, 912, 916, 920 & 924, Zoning Map 12, Parcels 34C, 34C\*9A, 34C\*9B, 34C\*9C, 34C\*9D, 34C\*9E, 34C\*9F and 34C\*9G; C20-13

Mayor Johnson advised that she would disqualify herself from participating in any transaction related to Conditional Use Permit C20-13 as outlined in Section 2.2-3112(A)(1) of the Code of Virginia which states that a member of a local governing body shall disqualify herself from participation in a transaction if (i) the transaction has application solely to property or a business or governmental agency in which he has a personal interest. She further stated that the applicant for Conditional Use Permit C20-13 has received financing from Towne Bank, and although she will not receive any benefit as a result of City Council’s consideration of the Conditional Use Permit C20-13, she will not participate in any discussions or City Council action related to Conditional Use Permit C20-13 in order to avoid any perception of impropriety. Additionally, she no announced she longer serves on the Towne Bank Community Board.

Utilizing a PowerPoint presentation, Planning and Community Development Director Mills gave a review of the background information as printed in the official agenda.

The following individuals spoke in support of the proposed ordinance:

James Bradford, 325 Volvo Parkway, Chesapeake, Virginia, agent, representing Bennett’s Creek Office Park LLC.

Joe Taylor, 1232 Blue Bird Drive, Virginia Beach, representing self.

Allison Dodson, 3809 Portsmouth Boulevard, Chesapeake, Virginia, representing self.

Sean Hess, 4446 Kendell Way, representing self.

The following individuals spoke in opposition to the proposed ordinance:

George Eberwine, no address given, representing self.

Mary Carson, 9350 Rivershore Drive, representing self.

Earl Godwin, 5869 Bennett's Creek Lane, representing self.

Gary Burgess, 219 Charlemagne Drive, representing self.

Whitney Saunders, 705 West Washington Street, representing self.

James Bradford, 325 Volvo Parkway, Chesapeake, Virginia, agent, representing Bennett's Creek Office Park LLC, spoke in support of the proposed ordinance.

Sam Cohen, no address given, applicant, representing Bennett's Creek Office Park, LLC, spoke in support of the proposed ordinance.

Hearing no additional speakers, the public hearing was closed.

Referring to the presentation, Council Member Parr inquired about the installation of a traffic signal. Mr. Cohen replied that if the proposed ordinance is approved, a traffic signal will be installed.

Referring to the presentation, Council Member Parr solicited information about the inclusion of open space in the proposed apartment complex. Mr. Cohen said that there will be open space in the complex.

Council Member Parr moved to approve the ordinance with conditions. The motion failed for lack of a second.

Referring to the presentation, Council Member Milteer called for an explanation about the applicant's efforts to address the concerns of nearby property owners and residents. Mr. Cohen reported he met with adjacent property owners and is willing to meet with other residents.

Referring to the presentation, Council Member Milteer asked about the applicant's cash proffer for schools as it relates to the proposed apartment complex. Mr. Cohen indicated that he has offered a cash proffer of \$3,000 per residential dwelling unit for capital improvements to impacted schools.

Council Member Fawcett moved to deny the ordinance. The motion failed for lack of a second.

Members of City Council opined about the proposed ordinance and the two previous failed motions. City Attorney Holland provided an overview of the two previous failed motions.

Council Member Parr, on a motion seconded by Council Member Milteer, moved to approve the proposed ordinance with conditions, as presented.

AYES: Council Members Gardy, Milteer, Parr and Brown 4

NAYS: Council Member Duman and Fawcett 2

(Mayor Johnson disqualified herself from this item as previously outlined above, and Council Member Ward was excused.)

**AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A 144 UNIT MULTI-FAMILY GARDEN APARTMENT COMPLEX LOCATED AT 3345 BRIDGE ROAD AND 3345 BRIDGE ROAD, UNITS 900, 904, 908, 912, 916, 920 & 924, ZONING MAP 12, PARCELS 34C, 34C\*9A, 34C\*9B, 34C\*9C, 34C\*9D, 34C\*9E, 34C\*9F AND 34C\*9G; C20-13**

**Public Hearing** – An ordinance to amend Chapter 31, Unified Development Ordinance of the Code of the City of Suffolk by amending Article 3, Procedures, Sections 31-304, Zoning Amendments and Rezonings, 31-305, Conditional Rezonings, and 31-306, Conditional Use Permits – OA6-14

Utilizing a PowerPoint presentation, Planning and Community Development Director Mills submitted a report on the background information as printed in the official agenda.

Whitney Saunders, 705 West Washington Street, representing self.

Hearing no additional speakers, the public hearing was closed.

Council Member Gardy, on a motion seconded by Council Member Duman, moved to approve the ordinance.

Referring to the presentation, Council Member Duman opined about the course of action an applicant could take in the event that their application for a conditional use permit was denied. Planning and Community Development Director Mills explained in the event a conditional use permit is denied, the applicant could submit new conditions or additional conditions.

Council Member Gardy, on motion seconded by Council Member Duman, moved to approve the ordinance, by the following vote:

AYES: Council Members Duman, Fawcett, Gardy, Milteer, Parr, Brown and Johnson 7

NAYS: None (Council Member Ward excused.) 0

**AN ORDINANCE TO AMEND CHAPTER 31, UNIFIED DEVELOPMENT ORDINANCE OF THE CODE OF THE CITY OF SUFFOLK BY AMENDING ARTICLE 3, PROCEDURES, SECTIONS 31-304, ZONING AMENDMENTS AND REZONINGS, 31-305, CONDITIONAL REZONINGS, AND 31-306, CONDITIONAL USE PERMITS – OA6-14**

**ORDINANCES**

**Ordinance** – An ordinance to grant relief from the ten (10) year post conveyance holding period for a parcel of land created through a family transfer conveyance in accordance with Section 31-514 of the Unified Development Ordinance

Planning and Community Development Director Mills gave a summation of the background information as printed in the official agenda.

Council Member Parr, on motion seconded by Council Member Duman, moved to approve the ordinance, by the following vote:

AYES:	Council Members Duman, Fawcett, Gardy, Milteer, Parr, Brown and Johnson	7
NAYS:	None (Council Member Ward excused.)	0

**AN ORDINANCE TO GRANT RELIEF FROM THE TEN (10) YEAR POST CONVEYANCE HOLDING PERIOD FOR A PARCEL OF LAND CREATED THROUGH A FAMILY TRANSFER CONVEYANCE IN ACCORDANCE WITH SECTION 31-514 OF THE UNIFIED DEVELOPMENT ORDINANCE**

**RESOLUTIONS**

There were no items under this portion of the agenda.

**STAFF REPORTS**

There were no items under this portion of the agenda.

**MOTIONS**

**Motion** - A motion to schedule a Work Session for January 21, 2015, at 4:00 p.m., unless cancelled

Council Member Parr, on motion seconded by Council Member Duman, moved to schedule a Work Session for January 21, 2015, at 4:00 p.m., unless cancelled, by the following vote:

AYES:	Council Members Duman, Fawcett, Gardy, Milteer, Parr, Brown and Johnson	7
NAYS:	None (Council Member Ward excused.)	0

**NON-AGENDA SPEAKERS**

There were no speakers under this portion of the agenda.

**NEW BUSINESS**

Mayor Johnson asked City Clerk Dawley if there were any New Business items for consideration. City Clerk Dawley advised that there were no items for addition to tonight’s agenda.

Council Member Parr called for City Manager Cuffee-Glenn to address a request from the Constitutional Officers regarding compensation for sick leave.

Vice Mayor Brown queried about the cost for the reimbursement for sick leave for the Constitutional Officers. City Manager Cuffee-Glenn advised that at this time she could not address the issue of cost and she would need to research the entire matter further.

Council Member Fawcett, on a motion seconded by Council Member Parr, moved to direct City Manager Cuffee-Glenn to provide a staff report at the January 21, 2015, City Council meeting regarding the feasibility and cost of providing sick leave compensation to the Constitutional Officers, by the following vote:

AYES:	Council Members Duman, Fawcett, Gardy, Milteer, Parr, Brown and Johnson	7
NAYS:	None (Council Member Ward excused.)	0

**ANNOUNCEMENTS AND COMMENTS**

Utilizing PowerPoint presentation, Media and Community Relations Manager Timothy Kelley reported on the following items: ribbon cuttings for Uncork'd and Washington Square; the location of Pacorini to Suffolk; an award received by Roberto Ramos, Suffolk Parks and Recreation Department, from the Virginia Recreation and Parks Society; the 2014 Dreamer of the Year Award received from Habitat for Humanity of South Hampton Roads; an overview of the City's holiday activities; the City's Holiday Parade winners; the Toys for Tots Drive; Meet Santa at the Visitors Center; Suffolk Humane Society Adopt-a-thon; upcoming City Council Oath of Office Ceremony and Reorganizational Meeting; the City's operating hours in observance of Christmas, New Year's Day, Lee-Jackson Day and Martin Luther King, Jr. Day; holiday fire safety tips; the upcoming Whaleyville Community Center ribbon cutting; and upcoming open house hosted by Dominion regarding the Atlantic Coast Pipeline project.

Mayor Johnson offered comments from Council Member Ward extending his appreciation to Council Members Gardy and Parr and Vice Mayor Brown.

Council Member Fawcett advised he attended the following: Kroger Marketplace Grand Opening; First Team Subaru Groundbreaking; Habitat for Humanity of South Hampton Roads Luncheon; Uncork'd and Washington Square Ribbon Cuttings; City Employee Holiday Luncheon; City's Holiday Party and City's Holiday Parade.

Council Member Fawcett acknowledged the following: Don Roberts, host of the City's Holiday Parade; the Suffolk Police and Sherriff's Departments for their toy drives; Economic Development Director Kevin Hughes; and residents who donated to the Suffolk Police and Sherriff's Departments toy drives.

Council Member Duman encouraged employees to contact the Human Resources Department with any questions about the cost of living adjustment.

Council Member Duman reported that he participated in the following: First Team Subaru Groundbreaking; Uncork'd and Washington Square Ribbon Cuttings; Pet Pantry for the Suffolk Humane Society; area civic league meetings; City Employee Holiday Luncheon; Wreath Laying Ceremony at the Albert G. Horton, Jr. Memorial Veterans Cemetery; and City's Holiday Parade.

Council Member Duman encouraged residents to adopt pets from the Suffolk Animal Care Center.

Council Member Duman extended his appreciation to Council Members Gardy and Parr and Vice Mayor Brown.

Council Member Milteer advised that he attended the City Holiday Party and the City Holiday Parade.

Council Member Milteer extended his appreciation to Council Members Gardy and Parr and Vice Mayor Brown.

Council Member Gardy thanked City administration and staff for their support during his time on City Council.

Council Member Parr thanked City administration and staff for their support during his time on City Council.

Vice Mayor Brown thanked City administration and staff for their support during his time on City Council.

Mayor Johnson opined about the location of Pacorini to Suffolk.

Mayor Johnson reported she attended the Wreath Laying Ceremony at the Albert G. Horton, Jr. Memorial Veterans Cemetery.

Mayor Johnson extended her appreciation to Council Members Gardy and Parr and Vice Mayor Brown

Council Member Gardy, on a motion seconded by Council Member Parr, moved to adjourn, by the following vote:

AYES:	Council Members Duman, Fawcett, Gardy, Milteer, Parr, Brown and Johnson	7
NAYS:	None (Council Member Ward excused.)	0

There being no further business to come before City Council, the regular meeting was adjourned at 10:20 p.m.

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

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

# **Special Presentations**

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

# **Agenda Speakers**

**AGENDA: January 21, 2015, Regular Session**

**ITEM: Consent Agenda** - An ordinance to accept and appropriate grant funds from the Obici Healthcare Foundation for the purchase of supplies for the City of Suffolk Sheriff Department

The City has received a \$1,000 Obici Healthcare Foundation Grant in support of the City of Suffolk Sheriff Department's Automated External Defibrillator (AED) program. The funding will be used to purchase batteries and replacement pads.

Adoption of the attached ordinance is necessary to accept and appropriate these funds to the appropriate line item in the Consolidated Grants Fund budget for Fiscal Year 2014-15.

**BUDGET IMPACT:**

Adoption of the ordinance will increase the planned revenues and expenditures of the Consolidated Grants Fund by \$1,000 for the above noted purpose and requires no local match support.

**RECOMMENDATION:**

Adopt the attached ordinance

**ATTACHMENTS:**

Ordinance  
Award Notification

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

**AN ORDINANCE TO ACCEPT AND APPROPRIATE GRANT FUNDS FROM THE OBICI HEALTHCARE FOUNDATION FOR THE PURCHASE OF SUPPLIES FOR THE CITY OF SUFFOLK SHERIFF DEPARTMENT**

WHEREAS, the City has received funds in the amount of \$1,000 from the Obici Healthcare Foundation in support of the City of Suffolk Sheriff Department's Automated External Defibrillator program; and,

WHEREAS, the funds received need to be accepted and appropriated to the Consolidated Grants Fund budget for Fiscal Year 2014-15 to assist in the purchase of batteries and replacement pads for the City of Suffolk Sheriff Department.

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

1. The sum of \$1,000 shall be reflected as budget in the following accounts in the Fiscal Year 2014-15 Consolidated Grants Fund budget:

<u>Revenue</u>		
211-21810-1561_418990	AED ObiciHCFnd 7524; 06/15	<u>\$1,000</u>
<u>Expenditure</u>		
211-21810-1561_58200	Capital Outlay	<u>\$1,000</u>

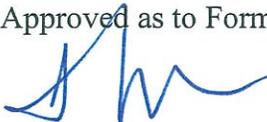
2. The fund amount totaling \$1,000 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 14-O-037, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

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



12-29-14P02:21 RCVD

December 19, 2014

Ms. Selena Cuffee-Glenn  
City of Suffolk  
P.O. Box 1858  
Suffolk, VA 23439

Dear Selena:

Enclosed please find a check in the amount of \$1,000 as funding towards the batteries and pad replacements for the Suffolk Sheriff's office nine AED units.

The Foundation requests that you give recognition for its support whenever appropriate.

Please also complete and return the enclosed:

- check receipt within 10 days and
- Event and Discretionary Funding Summary within 10 days of the conclusion of the event or funding use.

On behalf of the Obici Healthcare Foundation, I wish you success with this program.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gina L. Pitrone", is written over a horizontal line.

Gina L. Pitrone  
Executive Director

Enclosures

**AGENDA: January 21, 2015, Regular Session**

**ITEM:**       **Consent Agenda** – An ordinance to accept and appropriate funds from the Congestion Mitigation and Air Quality Improvement Program funding from the Virginia Department of Transportation for the Bridge Road & Bennett’s Pasture Road Intersection Improvement Project, the Portsmouth Boulevard Park and Ride Lot Improvements Project and the Godwin Boulevard Park and Ride Lot Improvements Project

The Virginia Department of Transportation annually allocates Federal Highway Administration’s Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds to the Hampton Roads Transportation Planning Organization (HRTPO) to be awarded to various projects throughout the Planning District. The City previously completed six CMAQ projects, with the combined remaining balance being \$408,928. This ordinance will reallocate the remaining budget to three active CMAQ projects within the City of Suffolk that were identified in need of additional funding. This reallocation of funds has been approved by the HRTPO.

**BUDGET IMPACT:**

Adoption of the attached ordinance will increase the FY 2014-15 Capital Fund budget by \$408,928 for the above noted purposes and requires no local fund support.

**RECOMMENDATION:**

Adopt the attached ordinance

**ATTACHMENTS:**

Ordinance  
HRTPO Letter  
VDOT Project Cost Estimates

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

**AN ORDINANCE TO ACCEPT AND APPROPRIATE FUNDS FROM THE CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM FUNDING FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE BRIDGE ROAD & BENNETT'S PASTURE ROAD INTERSECTION IMPROVEMENT PROJECT, THE PORTSMOUTH BOULEVARD PARK AND RIDE LOT IMPROVEMENTS PROJECT AND THE GODWIN BOULEVARD PARK AND RIDE LOT IMPROVEMENTS PROJECT**

WHEREAS, the Virginia Department of Transportation has allocated Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds to the Hampton Roads Transportation Planning Organization (HRTPO) to be awarded to various projects throughout the Planning District; and,

WHEREAS, the City has received \$408,928 from the CMAQ Program via balance transfer for Improvements to the Route 10/58 Godwin Boulevard Park and Ride (UPC 98815), Improvements to the Portsmouth Boulevard Park and Ride (UPC 100607), and Improvements to the Bridge Road & Bennett's Pasture Road Intersection (UPC 100604); and,

WHEREAS, the funds received need to be accepted and appropriated to the Capital Fund budget for Fiscal Year 2014-15 to assist with improvements for the aforementioned projects.

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

1. The sum of \$408,928 shall be reflected as budget in the following accounts in the Fiscal Year 2014-15 Capital Fund budget:

Revenue

310-41100-2169_424030.140	CMAQ Portsmouth Blvd. Park & Ride	\$138,295.32
310-41100-2168_424030.140	CMAQ Rt. 58/Godwin Blvd Park & Ride	\$126,405.68
310-41100-2170-424030.140	CMAQ Bridge Rd & Bennett's Pasture	<u>\$144,227.00</u>
		<u>\$408,928.00</u>

Expense

310-41100-2169_53850.140	Construction Contracts VDOT Funds	\$138,295.32
310-41100-2168_53850.140	Construction Contracts VDOT Funds	\$126,405.68
310-41100-2170_53850.140	Construction Contracts VDOT Funds	<u>\$144,227.00</u>
		<u>\$408,928.00</u>

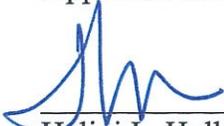
2. The fund amount totaling \$408,928 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 14-O-037, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

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

June 20, 2013

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

Re: Hampton Roads FY 2012-2015 TIP Amendment – Suffolk

Dear Mr. <sup>Jim</sup>Utterback:

This to certify that the HRTPO Board, at its meeting on June 20, 2013, approved an amendment to the HRTPO FY 2012-2015 Transportation Improvement Program (TIP) to transfer CMAQ funds from six Suffolk projects to the CMAQ Reserve and allocate CMAQ funds to three projects in Suffolk. This amendment was made available for public review and comment from May 29, 2013 through June 12, 2013. The specific revisions are described below:

- **Re: Route 58 Business Arterial Signal System in Suffolk, UPC# 52370**
  - Transfer \$100,688 FY 2007 CMAQ State Match allocation to the FY 2007 HRTPO CMAQ Reserve.
- **Re: Route 58 Arterial Signal System in Suffolk, UPC# 52371**
  - Transfer \$68,951 FY 2007 CMAQ State Match allocation to the FY 2007 HRTPO CMAQ Reserve.
- **Re: Route 10 Arterial Signal System in Suffolk, UPC# 52372**
  - Transfer \$44,574 FY 2006 CMAQ State Match allocation to the FY 2006 HRTPO CMAQ Reserve.
- **Re: Route 460 Arterial Signal System in Suffolk, UPC# 52373**
  - Transfer \$97,655 FY 2006 CMAQ State Match allocation to the FY 2006 HRTPO CMAQ Reserve.
- **Re: Route 13 Arterial Signal System in Suffolk, UPC# 52381**
  - Transfer \$29,549 FY 2006 CMAQ State Match allocation to the FY 2006 HRTPO CMAQ Reserve.
- **Re: Route 337 Arterial Signal System in Suffolk, UPC# 52382**
  - Transfer \$67,511 FY 2006 CMAQ State Match allocation to the FY 2006 HRTPO CMAQ Reserve.

MAILED

JUN 21 2013

HRTPOC

JDP

James S. Utterback, PMP  
June 20, 2013  
Page 2

- **Re: Route 10/58 Godwin Blvd. Park & Ride Lot in Suffolk, UPC# 98815**
  - Transfer \$68,951 FY 2007 CMAQ State Match allocation from the FY 2007 HRTPO CMAQ Reserve.
  - Transfer \$57,455 FY 2006 CMAQ State Match allocation from the FY 2006 CMAQ Reserve.
- **Re: Bridge Road & Bennett's Pasture Road Intersection Improvements in Suffolk, UPC# 100604**
  - Transfer \$100,688 FY 2007 CMAQ State Match allocation from the FY 2007 HRTPO CMAQ Reserve.
  - Transfer \$43,539 FY 2006 CMAQ State Match allocation from the FY 2006 CMAQ Reserve.
- **Re: Portsmouth Boulevard Park & Ride Lot in Suffolk, UPC# 100607**
  - Transfer \$138,295 FY 2006 CMAQ State Match allocation from the FY 2006 HRTPO CMAQ Reserve.

Attached is a copy of the pages that have been revised in the FY 2012-2015 Transportation Improvement Program (TIP) to reflect this administrative modification. 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,



Dwight L. Farmer  
Executive Director/Secretary

JDP/kg

Attachments

Copy: Sherry B. Earley

Project Cost Estimating System
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Home
 Tools
 Reports
 Schedule
 Live Est
 Dashboard
 Map

Project Search UPC: 98815

Project Information

Project Estimates

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**Project Summary**

UPC: 98815  
 Description: Godwin Blvd/Route 58 Park & Ride Lot  
 State Project #: U000-133-338

**Estimates**

Estimate History
 Recommended
 Download Blank Estimate
 Upload Estimate
 Split Estimate

Type	Date	Author	Version	PE	RW	CN	Total	
Pre-Scoping	11/8/2010	Michael Kimbrel	POOL	\$40,000		\$360,000	\$400,000	
<input checked="" type="checkbox"/> Scoping	12/28/2012	Sonya Hallums-ponton	2.94	\$120,639	\$0	\$780,000	\$900,639	
PFI								
PH								
FI								
RW								
Final Submission								
Award								
Expenditures	6/6/2014		CRD	\$125,519	\$0	\$0	\$125,519	

**TRNS\*PORT Estimate**

Prime Project No: \_\_\_\_\_ Date: \_\_\_\_\_

**Road Construction Totals**

Road, Util., Traffic, etc.

Constr. Contingency

Construction Engineering

Contract Requirements

State Police

Railroad

State Forces \$0.00

**Bridge Totals**

Bridge Work

Contingency

Construction Engineering

Contract Requirements

State Police

Railroad

State Forces \$0.00

http://isyp/scoping/ces\_estimates.asp?upc=98815&project\_id=98815

1/8/2015

UPC Total \$0.00

**Pending Approval**

[Approval History](#)

Type	Date	Author	Status	PE	RW	CN	Total
No Records							

**Estimate Supporting Documents**

[Upload Document](#)

<u>Name</u>	<u>Description</u>
No Estimate Documents	

**PD-1**

Status	Request Date	Requested By	
Completed	03-01-2012	02-29-2012	Bhoomi.Vala
Completed	04-03-2013	12-28-2012	Sonya.Hallums-Ponton
Completed	09-23-2013	09-20-2013	Bruce.Vana

**Recommended vs. Approved Estimates**

Date	Expenditures (CRD)	SYP Estimate	Approved Estimate	Recommended Estimate	Difference
	6/6/2014	7/1/2014	4/3/2013	12/28/2012	Increase or (Decrease) in Estimate
<b>PE</b>	\$125,519	\$120,639	\$120,639	\$120,639 (MANUAL)	\$0
<b>RW</b>	\$0	\$0	\$0	\$0 (PCES)	\$0
<b>CN</b>	\$0	\$780,000	\$780,000	\$780,000 (MANUAL)	\$0
<b>Total</b>	<b>\$125,519</b>	<b>\$900,639</b>	<b>\$900,639</b>	<b>\$900,639</b>	<b>\$0</b>

**Fundings and Allocations (LIVE SYP)**

Fund Source	previous	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	TOTAL
CMAQ (Congestion Mitigation and Air Quality)	\$126,406	\$0	\$0	\$0	\$0	\$0	\$0	\$126,406
CMAQ	\$400,000	\$0	\$0	\$0	\$0	\$0	\$0	\$400,000
<b>Total</b>	<b>\$526,406</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$526,406</b>
<b>% of Total Allocations Expended</b>								<b>23.84%</b>

Project Cost Estimating System

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Project  Tools  Reports  Schedule  Live Staff  Dashboard  Map

Project Search UPC: 100607

Project Information
Project Estimates

Expand All Collapse All

**Project Summary**

UPC: 100607  
 Description: Portsmouth Boulevard Park and Ride Lot  
 State Project #: U000-133-S44

**Estimates**

Estimate History
 Recommended
 Download Blank Estimate
 Upload Estimate
 Split Estimate

Type	Date	Author	Version	PE	RW	CN	Total	
Pre-Scoping	4/6/2011	Bryant Porter	POOL	\$75,000		\$675,000	\$750,000	
Scoping	12/28/2012	Sonya Hallums-ponton	2.94	\$120,370	\$0	\$590,000	\$710,370	
PFI	10/1/2013	Bruce Vana	3.00	\$120,370	\$70,000	\$697,925	\$888,295	
PH	3/17/2014	Bruce Vana	3.10	\$120,370	\$83,867	\$660,000	\$864,237	
FI								
RW	6/5/2014	Bruce Vana	3.10	\$135,000	\$83,867	\$660,000	\$878,867	
Final Submission	7/28/2014	Bruce Vana	3.10	\$135,000	\$65,000	\$678,193	\$878,193	
<input checked="" type="checkbox"/> Award	12/18/2014	Bruce Vana	AWARD	\$133,338	\$65,000	\$654,474	\$852,812	
Expenditures	1/6/2015		CRD	\$133,338	\$62,029	\$758	\$196,125	

**TRNS\*PORT Estimate**

Prime Project No: \_\_\_\_\_ Date: \_\_\_\_\_

**Road Construction Totals**

- Road, Util., Traffic, etc.
- Constr. Contingency
- Construction Engineering
- Contract Requirements
- State Police
- Railroad
- State Forces \$0.00

**Bridge Totals**

- Bridge Work
- Contingency
- Construction Engineering
- Contract Requirements
- State Police
- Railroad
- State Forces \$0.00

UPC Total \$0.00

Pending Approval



Type	Date	Author	Status	PE	RW	CN	Total
No Records							

Estimate Supporting Documents



Name Description

No Estimate Documents

PD-1

Status	Request Date	Requested By
Completed	03-01-2012	Bhooml.Vala
Completed	09-23-2013	Bruce.Vana
Completed	10-01-2013	Bruce.Vana
Completed	02-21-2014	Bruce.Vana

Recommended vs. Approved Estimates

Date	Expenditures (CRD) 1/6/2015	SYP Estimate 7/1/2014	Approved Estimate 10/28/2014	Recommended Estimate 10/28/2014	Difference
					Increase or (Decrease) in Estimate
PE	\$133,338	\$120,370	\$133,261	\$133,261 (MAN)	\$0
RW	\$62,029	\$70,000	\$65,000	\$65,000 (MAN)	\$0
CN	\$758	\$697,925	\$654,474	\$654,474 (MAN)	\$0
<b>Total</b>	<b>\$196,125</b>	<b>\$888,295</b>	<b>\$852,735</b>	<b>\$852,735</b>	<b>\$0</b>

Fundings and Allocations (LIVE SYP)

Fund Source	previous	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	TOTAL
CMAQ (Congestion Mitigation and Air Quality)	\$138,295	\$0	\$0	\$0	\$0	\$0	\$0	\$138,295
MAP21 CMAQ	\$675,000	\$0	\$0	\$0	\$0	\$0	\$0	\$675,000
CMAQ	\$75,000	\$0	\$0	\$0	\$0	\$0	\$0	\$75,000
<b>Total</b>	<b>\$888,295</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$888,295</b>
<b>% of Total Allocations Expended</b>								<b>22.08%</b>



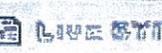
Virginia Department of Transportation  
**We Keep Virginia Moving**

## Project Cost Estimating System

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Project Search
UPC: 100604

**Project Information**

**Project Estimates**

Expand All   Collapse All

**Project Summary**

UPC: 100604

Description: Bridge Road and Bennetts Pasture Road Int. Improvements

State Project #: 0017-133-S42

**Estimates**

 Estimate History
 Recommended
 Download Blank Estimate
 Upload Estimate
 Split Estimate

Type	Date	Author	Version	PE	RW	CN	Total	
Pre-Scoping	12/21/2012	Sonya Hallums-ponton	2.94	\$123,254	\$10,000	\$717,029	\$850,283	   
Scoping	6/6/2013	Bruce Vana	2.94	\$123,254	\$10,000	\$667,058	\$800,312	   
PFI	10/1/2013	Bruce Vana	3.00	\$123,254	\$40,000	\$730,973	\$894,227	   
PH	2/12/2014	Bruce Vana	3.10	\$123,254	\$113,935	\$657,038	\$894,227	   
FI								
RW	2/12/2014	Bruce Vana	3.10	\$123,254	\$113,935	\$657,038	\$894,227	   
Final Submission	7/7/2014	Bruce Vana	3.10	\$123,254	\$113,935	\$975,723	\$1,212,912	   
<input checked="" type="checkbox"/> Award	12/18/2014	Bruce Vana	AWARD	\$138,488	\$113,935	\$1,035,205	\$1,287,628	
Expenditures	12/3/2014		CRD	\$138,488	\$63,617	\$89	\$202,194	

**TRNS\*PORT Estimate**

Prime Project No: \_\_\_\_\_ Date: \_\_\_\_\_

Road Construction Totals

- Road, Util., Traffic, etc.
- Constr. Contingency
- Construction Engineering
- Contract Requirements
- State Police
- Railroad
- State Forces \$0.00

Bridge Totals

- Bridge Work
- Contingency
- Construction Engineering
- Contract Requirements
- State Police
- Railroad
- State Forces \$0.00

http://isyp/scoping/ces\_estimates.asp?project\_id=100604&county\_code=&de... 1/6/2015

UPC Total							\$0.00	
<b>Pending Approval</b>								
Approval History								
Type	Date	Author	Status	PE	RW	CN	Total	
No Records								
<b>Estimate Supporting Documents</b>								
Upload Document								
<u>Name</u>		<u>Description</u>						
No Estimate Documents								
<b>PD-1</b>								
Status	Request Date		Requested By					
Completed	03-01-2012	02-29-2012	Bhoomi.Vala					
Completed	04-03-2013	12-21-2012	Sonya.Hallums-Ponton					
Completed	09-23-2013	09-20-2013	Bruce.Vana					
Completed	10-01-2013	10-01-2013	Bruce.Vana					
Completed	02-21-2014	02-21-2014	Bruce.Vana					
Completed	07-09-2014	07-07-2014	Bruce.Vana					
<b>Recommended vs. Approved Estimates</b>							<b>Difference</b>	
Date	Expenditures (CRD) 12/3/2014	SYP Estimate 7/1/2014	Approved Estimate 12/12/2014	Recommended Estimate 12/3/2014	Increase or (Decrease) in Estimate			
PE	\$138,488	\$123,254	\$138,084	\$138,084 (MAN)	\$0			
RW	\$63,617	\$113,935	\$113,935	\$113,935 (MAN)	\$0			
CN	\$89	\$657,038	\$1,035,205	\$1,035,205 (MAN)	\$0			
<b>Total</b>	<b>\$202,194</b>	<b>\$894,227</b>	<b>\$1,287,224</b>	<b>\$1,287,224</b>	<b>\$0</b>			
<b>Fundings and Allocations (LIVE SYP)</b>								
<b>Fund Source</b>	<b>previous</b>	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>	<b>FY2019</b>	<b>FY2020</b>	<b>FY2021</b>	<b>TOTAL</b>
.Federal Formula STP	\$260,000	\$0	\$0	\$0	\$0	\$0	\$0	\$260,000
CMAQ (Congestion Mitigation and Air Quality)	\$144,227	\$0	\$0	\$0	\$0	\$0	\$0	\$144,227
CMAQ	\$75,000	\$0	\$0	\$0	\$0	\$0	\$0	\$75,000
MAP21 CMAQ	\$675,000	\$0	\$0	\$0	\$0	\$0	\$0	\$675,000
Local Project Contributions	\$58,685	\$0	\$0	\$0	\$0	\$0	\$0	\$58,685
<b>Total</b>	<b>\$1,212,912</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,212,912</b>
<b>% of Total Allocations Expended</b>								<b>16.67%</b>
© Copyright 2006 Virginia Department of Transportation. All Rights Reserved								Project Cost Estimating System v4.10

**AGENDA: January 21, 2015, Regular Session**

**ITEM: Consent Agenda** – An ordinance to accept and appropriate funds from the Commonwealth of Virginia Department of Aviation for the Suffolk Executive Airport

The City has received \$4,565.19 in funding from the Commonwealth of Virginia Department of Aviation for repair and maintenance projects at the Suffolk Executive Airport including:

- \$3,272.79 to troubleshoot PAPI Runway 4, replace PAPI Control Board and Inclinometer, replace REIL Transformer and Resistor & Timing Trigger Board
- \$1,292.40 to replace board – Frequency 122.8 MHz and return to service

Adoption of the attached ordinance is necessary to accept and appropriate these funds to the appropriate line item in the Aviation Facilities Fund for Fiscal Year 2014-15.

**BUDGET IMPACT:**

Adoption of the ordinance will increase the planned revenues and expenditures of the Aviation Facilities Fund budget by \$4,565.19 for the above noted purpose and requires \$1,141.30 in local fund support which is provided for in the FY 2014-15 Aviation Facilities Fund budget.

**RECOMMENDATION:**

Adopt the attached ordinance

**ATTACHMENTS:**

Ordinance  
Grant Award Notifications

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

**AN ORDINANCE TO ACCEPT AND APPROPRIATE FUNDS FROM THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF AVIATION FOR THE SUFFOLK EXECUTIVE AIRPORT**

WHEREAS, the City has received funds in the amount of \$4,565.19 from the Commonwealth of Virginia Department of Aviation in support of the Suffolk Executive Airport; and,

WHEREAS, the funds received need to be accepted and appropriated to the Aviation Facilities Fund budget for Fiscal Year 2014-15 to assist with various maintenance projects at the Suffolk Executive Airport including troubleshooting PAPI Runway 4, replace PAPI Control Board and Inclinometer, replace REIL Transformer and Resistor and Timing Trigger Board, and replace board – Frequency 122.8 MHz and return to service.

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

1. The sum of \$4,565.19 shall be reflected as budget in the following accounts in the Fiscal Year 2014-15 Aviation Facilities Fund budget:

<u>Revenue</u>		
220_424140.110	Categorical Aid-State Airport Maintenance Funds	\$3,272.79
220_424140.110	Categorical Aid-State Airport Maintenance Funds	<u>1,292.40</u>
		<u>\$4,565.19</u>
 <u>Expenditure</u>		
220-150000_53300.110	Maintenance Service – State	\$3,272.79
220-150000_53300.110	Maintenance Service - State	<u>1,292.40</u>
		<u>\$4,565.19</u>

2. The fund amount totaling \$4,565.19 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 14-O-037, 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

# Department of Aviation Commonwealth of Virginia

## Project Information Summary

### Suffolk Executive Airport

**Project Title:** Repair PCL

**Program Year:** 2015

**Project Number:** MT0050-29

**Federal Priority Score:** 0

**Request Year:**

**Contract Number:**

**State Priority Score:** 80

**Project Type:** Maintenance

**Item Number:**

**Project Category:** Construction

**AIP Grant Number:**

**Project Status:** Granted

**Project Description:** Replace Board \_ Frequency 122.7 MHz & return to service.

**Project Notes:** Please contact DOAV to coordinate any costs above the allocation amount before the costs are incurred. Costs incurred before DOAV approval can't be reimbursed.

### Budget Summary by Budget Item:

Budget Item	Original Budget	Current Budget
Request	\$0.00	\$1,615.50
Project Total:	<b>\$0.00</b>	<b>\$1,615.50</b>

### Budget Summary by Funding Source:

Funding Source	Original Budget	Current Budget
FAA	\$0.00	\$0.00
Local	\$0.00	\$323.10
State\AC/R Discretionary	\$0.00	\$0.00
State\Air Service Development	\$0.00	\$0.00
State\Aviation Promotion	\$0.00	\$0.00
State\F&E	\$0.00	\$0.00
State\GA Discretionary	\$0.00	\$0.00
State\Maintenance	\$0.00	\$1,292.40
State\Security	\$0.00	\$0.00
Project Total:	<b>\$0.00</b>	<b>\$1,615.50</b>

### Project Miscellaneous Items:

Miscellaneous Item	Date	Comment
VAB Remarks		
TA approved		
application received		
grant offer date		
effective date	12/16/2014	
expiration date	06/15/2015	
project closed		
process closeout		



**AGENDA: January 21, 2015, Regular Session**

**ITEM: Consent Agenda** - An ordinance to accept and appropriate a grant from the Virginia Office of Emergency Medical Services Rescue Squad Assistance Fund for the Suffolk Department of Fire & Rescue

The City has received a \$79,755.28 grant from the Virginia Office of Emergency Medical Services Rescue Squad Assistance Fund for the purchase of new emergency medical service equipment to include three LUCAS CPR Devices and four LIFEPAK 15 Monitor/Defibrillators.

Adoption of the attached ordinance is necessary to accept and appropriate these funds to the appropriate line item in the Consolidated Grants Fund budget for Fiscal Year 2014-15.

**BUDGET IMPACT:**

Adoption of the ordinance will increase the planned revenues and expenditures of the Consolidated Grants Fund by \$79,755.28 for the above noted purpose and requires \$79,755.28 as a local cash match which is provided for in the FY 2014-15 Consolidated Grants Fund budget.

**RECOMMENDATION:**

Adopt the attached ordinance

**ATTACHMENTS:**

Ordinance  
Award Letter

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

**AN ORDINANCE TO ACCEPT AND APPROPRIATE FUNDS FROM THE VIRGINIA OFFICE OF EMERGENCY MEDICAL SERVICES RESCUE SQUAD ASSISTANCE FUND FOR THE SUFFOLK DEPARTMENT OF FIRE & RESCUE**

WHEREAS, the City has received funds in the amount of \$79,755.28 from the Virginia Office of Emergency Medical Services Rescue Squad Assistance Fund in support of the Suffolk Department of Fire & Rescue; and,

WHEREAS, the funds received need to be accepted and appropriated to the Consolidated Grants Fund budget for Fiscal Year 2014-15 to assist with the purchase of new emergency medical service equipment to include three LUCAS CPR Devices and four LIFEPAK 25 Monitor/Defibrillators.

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

1. The sum of \$79,755.28 shall be reflected as budget in the following accounts in the Fiscal Year 2014-15 Consolidated Grants Fund budget:

Revenue

211-32100-1534\_424021      OEMS RSAF TI-C12; 12/15      \$79,755.28

Expenditure

211-32100-1534\_58200      OEMS RSAF TI-C12; 12/15  
Capital Outlay      \$79,755.28

2. The fund amount totaling \$79,755.28 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 14-O-037, as amended. The City Manager 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 Health

Office of Emergency Medical Services  
1041 Technology Park Drive  
Glen Allen, VA 23059-4500

Marissa J. Levine, MD MPH, FAAFP  
State Health Commissioner

Gary R. Brown  
Director

P. Scott Winston  
Assistant Director

1-800-523-6019 (VA only)  
804-888-9100 (Main Office)  
804-888-9120 (Training Office)  
FAX: 804-371-3108

January 01, 2015

Kathryn Brooks  
Suffolk Fire & Rescue  
300 Kings Fork Road  
Suffolk, VA 23434

Dear Grant Administrator:

The Office of Emergency Medical Services (OEMS) is pleased to announce that your agency has been awarded funding from the Financial Assistance for Emergency Medical Services Grant Program, known as the Rescue Squad Assistance Fund (RSAF). The attached Award Page itemizes the actual dollar value, quantity, funding level and item(s) your agency has been awarded under this program. The following documents can be completed and submitted via E-Gift:

**Memorandum of Agreement:** Must be submitted by February 28, 2015.

**Instructions for Grant Reimbursement:** All items must be submitted in order to process your reimbursement.

**Equipment Status/Final Report Form:** This form must be submitted sixty (60) days after the grant cycle deadline.

If your agency has had special conditions placed on your grant award, any and all conditions must be met in order to receive reimbursement. Items awarded may be available by state contract, [www.eva.virginia.gov](http://www.eva.virginia.gov), OEMS recommends your agency purchase under state contract if applicable.

Any funding your agency receives through Return to Localities funding cannot be used as the matching share of Rescue Squad Assistance Fund grants or any grants offered using Four-For-Life funds. "Any funds received from Section 16.2-694 by a non-state agency cannot be used to match any other funds derived from Section 46.2-691 by that same non-state agency".

All items awarded funding must be ordered from the vendor by **February 28, 2015** invoices for all items awarded funding must be submitted to OEMS by **July 31, 2015**. You must contact OEMS prior to the February 28, 2015 deadline if your agency has encountered difficulties in meeting these deadlines.

If you have any questions, please contact Amanda Davis, OEMS Grant Program Manager at (804) 888-9106, [Amanda.Davis@vdh.virginia.gov](mailto:Amanda.Davis@vdh.virginia.gov) or Linwood P. Pulling, Grant Specialist at (804) 888-9105, [Linwood.Pulling@vdh.virginia.gov](mailto:Linwood.Pulling@vdh.virginia.gov) or 1-800-523-6019 for additional grant information.

Congratulations,

Gary R. Brown, Director

**Office of Emergency Medical Services  
Consolidated Grant Program  
AWARD PAGE**

January 1, 2015 - December 31, 2015 Grant Period

Agency Name: Suffolk Fire & Rescue  
Grant Number: T1-C12/12-14

Item Type (Item)	Status	Quantity Funded	Funding % Level	Amount Funded
Lucas 2 2.1 Chest Compression	FUNDED	3	50 / 50	\$20,261.60
<b>Conditions:</b> 13-Acknowledgment must be provided on any printed material, equipment or vehicle as follows: Funding was made possible by a grant from the Virginia Office of Emergency Medical Services, Virginia Department of Health.				
LIFEPAK 15 V2	FUNDED	4	50 / 50	\$59,493.68
<b>Conditions:</b> 13-Acknowledgment must be provided on any printed material, equipment or vehicle as follows: Funding was made possible by a grant from the Virginia Office of Emergency Medical Services, Virginia Department of Health.				
<b>Total:</b>				<b>\$79,755.28</b>

**AGENDA: January 21, 2015, Regular Session**

**ITEM: Consent Agenda** - A resolution authorizing participation in the Virginia Department of Transportation Revenue Sharing Program for Fiscal Year 2016

The City of Suffolk was recently notified by the Virginia Department of Transportation (VDOT) that the Revenue Share application for the Public Works Entrance Road Upgrades in the amount of \$1,425,000 does not meet the eligibility requirements of the program. As a result, VDOT will allow substitute project applications in an amount not to exceed \$1,425,000 for consideration. In review of the draft Capital Improvements Projects being considered in the FY 2016 budget, the following project applications are recommended for substitution:

Old College Drive Drainage Improvements .....	\$325,000
College Drive Sidewalk Improvements .....	\$260,000
Nansemond Pkwy/Bennett's Pasture Rd Intersection Imp .....	\$150,000
Colonial Avenue Realignment.....	\$150,000

**BUDGET IMPACT:**

Adoption of this resolution will require a like local match from the requesting locality. Pending approval of the 2016 Capital Improvements Program, it is proposed that \$885,000 would be available for the match.

**RECOMMENDATION:**

Adopt the attached resolution

**ATTACHMENT:**

Resolution

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

**A RESOLUTION AUTHORIZING PARTICIPATION IN THE VIRGINIA DEPARTMENT OF TRANSPORTATION REVENUE SHARING PROGRAM FOR FISCAL YEAR 2016**

WHEREAS, the City of Suffolk was recently notified by the Virginia Department of Transportation (VDOT) that the project identified as Public Works Complex Roadway from Route 13/32 was not eligible to receive Revenue Share funds and that substitute projects not to exceed \$1,425,000 could be considered; and,

WHEREAS, the Suffolk City Council of Suffolk, Virginia desires to submit substitute applications for an allocation of funds up to \$885,000 through the Virginia Department of Transportation Fiscal Year 2016 Revenue Sharing Program; and,

WHEREAS, these funds are requested for the following projects in the amounts specified:

**Old College Drive Drainage Improvements** – provides for closed drainage system and related improvements between North Camelia Drive and Camelia Drive .....**\$325,000**

**College Drive Sidewalk** – provides for the extension of sidewalk along College Drive between Lakeview Parkway to Burbage Drive Extended.....**\$260,000**

**Nansemond Parkway and Bennett’s Pasture Road Intersection Improvements** – provides for possible intersection realignment, turn lanes and traffic signal. This year’s request will fund design costs only..... **\$150,000**

**Colonial Avenue Realignment** – provides for the realignment of Colonial Avenue in the Oakridge neighborhood between Grove Avenue and Northbrooke Avenue. These improvements were identified during the public hearing for the Route 58 widening project to accommodate the proposed new traffic patterns at Northbrooke Avenue. This year’s request will fund design and right of way costs only .....**\$150,000; and,**

WHEREAS, the City of Suffolk anticipates the required matching funds in the amount of \$885,000 to be available in the upcoming 2016 Capital Improvements Plan; and,

WHEREAS, the City of Suffolk has participated in the Virginia Department of Transportation Revenue Sharing Program in the past.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Suffolk, Virginia hereby supports these substitute applications for an allocation of \$885,000 through the Virginia Department of Transportation Revenue Sharing Program for fiscal year 2016.

BE IT FURTHER RESOLVED THAT the City Council of Suffolk, Virginia hereby grants authority for the City Manager to execute project administration agreements for any approved revenue sharing projects.

. This resolution shall be effective upon adoption and shall not be published.

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

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

Erika S. Dawley, City Clerk

Approved as to Form:



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

**AGENDA: January 21, 2015, Regular Session**

**ITEM: Consent Agenda** – A resolution authorizing the City Manager to execute a Cost Sharing and Ownership Agreement with the Hampton Roads Sanitation District

The Hampton Roads Sanitation District (HRSD) is anticipated to commence construction of their Holland Road 24-inch Interceptor Main Project during 2015. Completion of this project is required as part of their amended Federal Consent Decree by 2018. The project will install a new 24-inch sanitary sewer force main from the intersection of Constance Road and Katherine Street, along Katherine Street to the City's abandoned railroad right-of-way, west to the terminus of Delaney Drive, south along Delaney Drive and Grove Avenue to Holland Road, and connects to the City's force main on Holland Road east of the intersection with Faulk Road. Upon completion, the 24-inch interceptor force main project will assist in eliminating high system pressures experienced during wet weather events and will assist in minimizing sanitary sewer overflows during these periods.

As part of the interceptor force main project's construction, HRSD has agreed to install approximately 4,500 linear feet of new water mains for the City within the right of ways of Katherine Street, Church Street, Grove Avenue, and Delaney Drive to avoid additional future pavement disruptions to these corridors. These new water main improvements will replace existing aging and/or undersized water mains requiring upgrades. In addition, the installation of the Grove Avenue and Delaney Drive water mains will allow for the future upgrades of the remaining Oakridge water system which currently consists of aging undersized mains. Funding for the water main improvements has been previously appropriated within the Utility Fund Capital Budget. Attached for City Council consideration is the HRSD Cost Sharing and Ownership Agreement for City Manager's execution to allow for the installation of the City water system improvements to be constructed concurrently with HRSD's interceptor force main project.

**RECOMMENDATION:**

Adopt the attached resolution

**ATTACHMENTS:**

Resolution  
HRSD Cost Sharing and Ownership Agreement

**RESOLUTION NUMBER** \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE  
A COST SHARING AND OWNERSHIP AGREEMENT WITH THE  
HAMPTON ROADS SANITATION DISTRICT**

WHEREAS, as part of the Hampton Roads Sanitation District (HRSD) Holland Road 24-inch interceptor main project, HRSD has agreed to install approximately 4,500 linear feet of new water mains for the City to avoid future pavement disruptions to Katherine Street, Church Street, Grove Avenue, and Delaney Drive; and,

WHEREAS, the proposed water main improvements will replace existing aging/undersized water mains and will provide for improved water pressure, water quality, and fire protection; and,

WHEREAS, the cost of the water main improvements will be the responsibility of the City and funding has been appropriated within the Utility Fund capital program; and,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Suffolk, Virginia, that the City Manager be, and is hereby authorized to execute the Cost Sharing and Ownership Agreement with the Hampton Roads Sanitation District in substantially the same form as attached hereto; and the City Clerk is directed to affix the Corporate Seal of the City thereto and attest the same.

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

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

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

Approved as to Form:



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

**HAMPTON ROADS SANITATION DISTRICT  
HOLLAND ROAD 24-INCH INTERCEPTOR FORCE MAIN SECTION A**

**CITY OF SUFFOLK  
OAK RIDGE TRUNK WATER MAIN,  
KATHERINE STREET WATER MAIN REPLACEMENT, AND  
CHURCH STREET WATER MAIN**

**COST SHARING AND OWNERSHIP TRANSFER AGREEMENT**

THIS AGREEMENT ("Agreement"), between the CITY OF SUFFOLK, a municipal corporation of the Commonwealth of Virginia ("CITY") and the HAMPTON ROADS SANITATION DISTRICT, a political subdivision of the Commonwealth of Virginia ("HRSD"), entered this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

WHEREAS, HRSD is constructing its Holland Road 24-Inch Interceptor Force Main Section A Phase I and Phase II projects (collectively referred to hereinafter as the "PROJECT") as shown on **Exhibit 1**, hereto incorporated by reference and attached; and

WHEREAS, the CITY is constructing its Oak Ridge Trunk Water Main, Katherine Street Replacement Water Main, and Church Street Water Main (hereinafter the "FACILITIES") as shown on **Exhibit 2**, hereto incorporated by reference and attached, as part of the City Utility Fund Capital Improvement Program; and

WHEREAS, HRSD and the CITY agree that it is in the best interest of the parties to have the relocation and/or construction of the FACILITIES included into the PROJECT (collectively referred to hereinafter as the "IMPROVEMENTS"); and

WHEREAS, HRSD agrees to have such FACILITIES constructed in accordance with the description of the facilities stated and referenced herein and CITY agrees to reimburse HRSD for the FACILITIES under the terms and conditions set forth herein; and

WHEREAS, for and in consideration of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

WITNESSETH:

**I. DESCRIPTION OF FACILITIES**

- A. HRSD will construct for CITY or have constructed, the entire lengths of 12-inch and 8-inch water distribution mains along Grove Avenue and Delaney Drive with all valves, water service connections, meter boxes and other

related appurtenances thereto including a trenchless crossing of Holland Road.

- B. HRSD will also construct or have constructed a 12-inch water distribution main along East Pinner and Katherine Streets from Moore Avenue to East Constance Road to replace the existing 6-inch water distribution main. This will include all valves, water service connections, meters and meter boxes, interconnections to the existing water distribution system, abandonment of existing water mains, valves and appurtenances replaced by the IMPROVEMENTS, and other related appurtenances thereto.
- C. HRSD will also construct or have constructed a 6-inch water distribution main along Church Street from Western Avenue to Mahan Street to replace the existing 6-inch water distribution main. This will include all valves, water service connections, meters and meter boxes, interconnections to the existing water distribution system, abandonment of existing water mains, valves and appurtenances replaced by the IMPROVEMENTS, and other related appurtenances thereto.

## **II. DESIGN OF FACILITIES**

- A. Both parties will employ Michael Baker, Jr., Inc., engineers and experts ("ENGINEER"), to prepare design plans and specifications for construction of the PROJECT and the FACILITIES.
- B. The CITY will pay, without assistance or contribution from HRSD, to design the FACILITIES.
- C. HRSD and CITY will pay directly to the ENGINEER their respective invoices for engineering design services.

## **III. CONSTRUCTION OF FACILITIES**

### **A. Cost of Construction**

The CITY shall be responsible to reimburse HRSD for all costs associated with the construction of the FACILITIES as more particularly defined by the final approved plans and specifications for the Work. The Bid Form, prepared by the ENGINEER and later incorporated into the Contract Documents for the IMPROVEMENTS, shall clearly identify the Unit Price Work associated with the construction of the FACILITIES.

### **B. Approvals**

HRSD and CITY agree that before any construction work is begun under this Agreement:

1. HRSD will submit final plans to the CITY and obtain written approval from the CITY of final plans and specifications for the IMPROVEMENTS.
2. All design work for the FACILITIES shall comply with the City of Suffolk Public Facilities Manual and standards and preferences of the City of Suffolk Department of Public Utilities.
3. Contractors shall be responsible for all necessary permits and approvals necessary for the IMPROVEMENTS.

#### **IV. OBLIGATIONS OF HRSD AND CITY**

##### **A. Public Meeting Participation**

CITY shall attend and participate in any scheduled public meetings presenting the plan for the IMPROVEMENTS to affected residents and businesses. HRSD shall be responsible for scheduling, planning, and conducting the public meetings. CITY representatives shall be present at any public meetings to respond to questions about the construction of the FACILITIES and assist HRSD in responding to questions about construction of the IMPROVEMENTS as applicable.

##### **B. Construction Contract Administration**

HRSD shall be responsible for the following construction contract administration tasks in accordance with the provisions of the Contract Documents:

1. Coordination with the City for the review and approval of shop drawings, claims, and change orders associated with the construction of the FACILITIES. City shall not cause any delay in the review of said documents.
2. Determination of actual quantities and classifications of Unit Price Work performed by the contractor and making recommendation for payment.

##### **C. Inspection**

HRSD shall provide inspection of construction of the FACILITIES at no cost to the CITY. The inspector(s) shall have the authority to assure the relocations and replacements are constructed in accordance with the approved plans and specifications.

HRSD will allow the CITY's designated inspector, if the CITY chooses to have one, to observe the construction and HRSD will make all reasonable efforts to

remedy deviations from the approved plans and specifications in a timely manner. All construction deficiencies or work not conforming to the approved plans and specifications shall be the responsibility of HRSD to correct. All direction to the contractor shall be conveyed by the HRSD inspector(s).

D. Payment of Costs

CITY shall pay HRSD its share of the costs set forth in Section III. A. above. Upon acceptance of the FACILITIES AND receipt and approval of invoices showing such cost, and documentation that payment to subcontractors and material supplies has been made.

E. Correction of Construction Defects of FACILITIES

HRSD shall require the construction contractor to provide a performance and payment bond for the full amount of the construction of the FACILITIES. The construction contract shall also provide for a Warranty of the Work against construction defects of the FACILITIES and shall require the contractor to correct such defects that are reported by the CITY within one year of the acceptance of the FACILITIES.

**V. TRANSFER OF OWNERSHIP OF FACILITIES**

A. CITY agrees to take ownership of the FACILITIES under the following Terms and Conditions:

1. The transfer of ownership of the FACILITIES, or any part thereof, shall occur immediately upon placement into active service. The CITY shall also immediately assume responsibility for the operation and maintenance of the FACILITIES, or any part thereof, upon placement into active service. Maintenance shall exclude repairs required under the contractor's general warranty and guarantee in the terms of the contract for the IMPROVEMENTS.
2. All documents for the transfer of the FACILITIES shall be in recordable form, acceptable to the CITY, accompanied by record drawings of the IMPROVEMENTS and of the rights conveyed. The ENGINEER shall provide the CITY with approved construction record drawings and shop drawings in accordance with the City's Public Facilities Manual.

**VI. MISCELLANEOUS**

A. Notices

All notices given between parties shall be in writing and shall be considered properly sent by postage prepaid United States Mail or Country of Origin Mail to the persons identified below:

For CITY:

Albert S. Moor, II, P.E.  
Director of Public Utilities  
442 West Washington Street  
Suffolk, VA 23434  
(757) 514-7001

With copy to:

Helivi L. Holland, Esq.  
City Attorney  
442 West Washington Street  
Suffolk, VA 23434  
(757) 514-7130

For: HRSD

Steve Richendollar  
Right of Way Administrator  
Post Office Box 5911  
Virginia Beach, VA 23471-0911  
(757) 460-7027

With copy to:

William A. Cox, III, Esq.  
Kellam, Pickrell, Cox & Tayloe, PC  
2102 Mediterranean Avenue  
Virginia Beach, VA 23451  
(757) 425-1230

B. Controlling Law and Venue

This Agreement shall be governed by the laws of the Commonwealth of Virginia without regard to its conflict of law rules. In the event of litigation concerning this Agreement, the parties agree to the exclusive jurisdiction and venue of a court of competent jurisdiction in the City of Suffolk.

C. Entire Agreement

This Agreement comprises the entire understanding between the parties and cannot be modified, altered or amended, except in writing and signed by all parties.

D. Waiver

The failure by one party to require performance of any provision of this Agreement shall not affect the party's right to require performance at any time thereafter, nor shall a waiver of any breach or default of the Agreement constitute a waiver of any subsequent breach or default or waiver of the provision itself.

E. Severability

If any part, term, or provision of this Agreement shall be found by the Court to be legally invalid or unenforceable, then such provision, or portion thereof, shall be performed in accordance with applicable laws. The invalidity or

unenforceability of any provision or portion of this Agreement shall not affect the validity of any other provision or portion of the Agreement.

F. Nonassignment

Neither party shall assign or transfer their right or obligations under this Agreement without the prior written consent of the other party; such consent shall not be unreasonably withheld.

IN WITNESS WHEREOF, the City has caused this Agreement to be signed by \_\_\_\_\_ on its behalf pursuant to ordinance adopted by the City Council on \_\_\_\_\_, and the Hampton Roads Sanitation District Commission has caused this Agreement to be signed on its behalf by its General Manager in accordance with authorization granted at its regular meeting held on \_\_\_\_\_. This Agreement is expressly subject to approval by the HRSD Commission.

HAMPTON ROADS SANITATION DISTRICT

By: \_\_\_\_\_  
Edward G. Henifin, P.E.  
General Manager

STATE OF VIRGINIA  
CITY OF VIRGINIA BEACH, to-wit:

The foregoing Cost Sharing and Ownership Transfer Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Edward G. Henifin, P.E., General Manager, Hampton Roads Sanitation District.

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

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

Registration No.: \_\_\_\_\_

THIS SIGNATURE PAGE IS PART OF THE COST SHARING AND OWNERSHIP TRANSFER AGREEMENT BETWEEN THE CITY OF SUFFOLK AND HAMPTON ROADS SANITATION DISTRICT.

ATTEST:

CITY OF SUFFOLK, VIRGINIA

\_\_\_\_\_  
Erika S. Dawley  
City Clerk

\_\_\_\_\_  
Selena Cuffee-Glenn  
City Manager

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

\_\_\_\_\_  
Albert S. Moor II, P.E.  
Director of Public Utilities

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

STATE OF VIRGINIA  
CITY OF SUFFOLK, to wit:

I, \_\_\_\_\_, a Notary Public in and for the City and State aforesaid, do hereby certify that \_\_\_\_\_ CITY MANAGER PURSUANT TO §2-1 OF THE CITY CODE, whose name is signed to the foregoing Agreement, bearing date the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, has acknowledged the same before me in my City and State aforesaid. He/She is personally known to me. GIVEN under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

My Commission Expires: \_\_\_\_\_  
Notary Registration No.: \_\_\_\_\_

STATE OF VIRGINIA  
CITY OF SUFFOLK, to wit:

I, \_\_\_\_\_, a Notary Public in and for the City and State aforesaid, do hereby certify that \_\_\_\_\_ City Clerk for the City of Suffolk, Virginia, whose name is signed to the foregoing Agreement, bearing date the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, has acknowledged the same before me in my City and State aforesaid. She is personally known to me. GIVEN under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

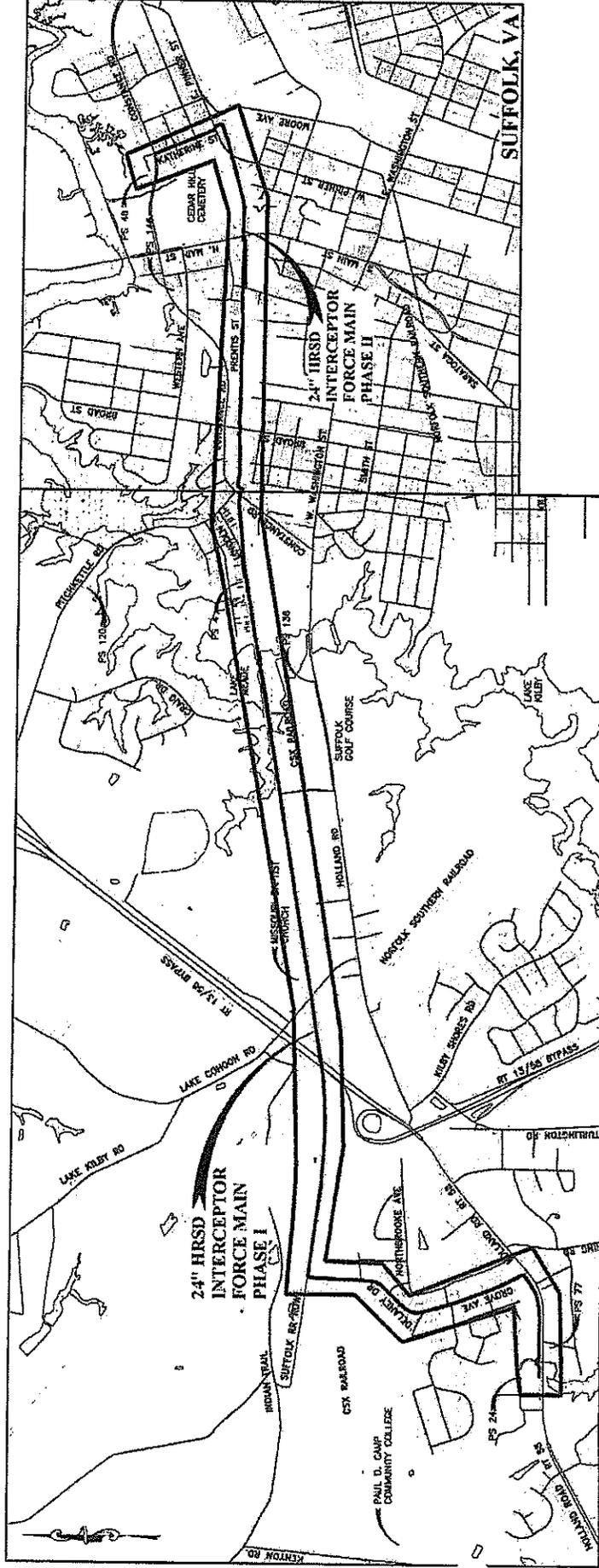
\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_  
Notary Registration No.: \_\_\_\_\_

DOC\HRSD\AGREEMENT\SUFFOLK COST SHARING AGREEMENT

# EXHIBIT 1

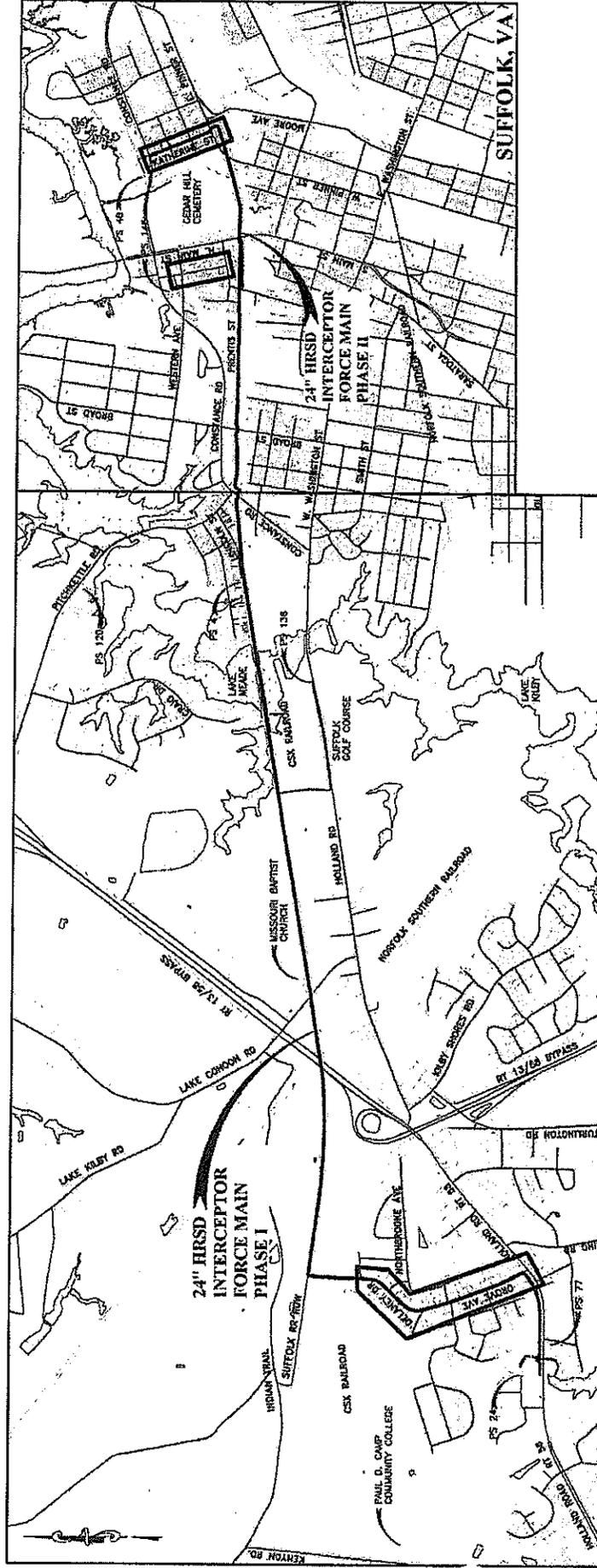
## HRSD Holland Road 24-Inch Interceptor Force Main Section A Phase I and Phase II



 HRSD Project Limits

# EXHIBIT 2

## HRSD Holland Road 24-Inch Interceptor Force Main Section A Phase I and Phase II



City of Suffolk Project Limits

**AGENDA: January 21, 2015, Regular Session**

**ITEM: Public Hearing** – An ordinance granting a Conditional Use Permit to establish an accessory dwelling unit on property located at 2336 Box Elder Road, Zoning Map 52, Parcel 34D; C21-14

Attached for your consideration is information pertaining to Conditional Use Permit Request C21-14, submitted by Brittany and David Epperson, applicants and property owners, to establish an accessory dwelling unit in accordance with Section(s) 31-306, 31-406, and 31-701 of the Unified Development Ordinance. The affected property is located at 2336 Box Elder Road, and is further identified as Zoning Map 52, Parcel(s) 34D, Holy Neck Voting Borough, zoned A, Agricultural Zoning District. The City's 2026 Comprehensive Plan identifies this property as being located within the Rural Agricultural Conservation Development District.

The Planning Commission, at their meeting of December 16, 2014, 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

# STAFF REPORT

## DESCRIPTION

**CONDITIONAL USE PERMIT:** Conditional Use Permit Request C21-14, submitted Brittany and David Epperson, applicants and property owners, in accordance with Section(s) 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish an accessory dwelling.

**APPLICANT:** Submitted by Brittany and David Epperson, applicants and property owners.

**LOCATION:** The affected property is located at 2336 Box Elder Road and is further identified as Zoning Map 52, Parcel 34D.

**PRESENT ZONING:** A, Agricultural District

**EXISTING LAND USE:** 2.13 acre site that contains an existing two story structure consisting of a first floor two car garage with a 768 square foot living space located on the second floor.

**PROPOSED LAND USE:** Proposing to construct a 2,622 square foot single family home on the site and utilize the existing two story accessory structure as an accessory dwelling unit.

### **SURROUNDING LAND USES:**

North – Undeveloped land, zoned A

South – Undeveloped land, Norfleet Pond, zoned A

East – Undeveloped land, zoned A

West – Single family homes and undeveloped land, zoned A

**COMPREHENSIVE PLAN:** The City's 2026 Comprehensive Plan identifies this property as being located within the Rural Agricultural Conservation development district.

**CHESAPEAKE BAY PRESERVATION AREA DESIGNATION:** The property is located outside of the City's Chesapeake Bay Preservation Area Overlay District.

**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 an accessory dwelling unit on this site. Currently the applicants reside in a 768 square foot living space above a two car garage on the property. They are proposing to construct a single family home on the property that will be their principal living unit once completed. They would like to continue to utilize the existing detached unit that is located above the two car garage as an accessory dwelling unit.

The health department has confirmed that this existing septic system is adequate enough to accommodate the use of the living space within the detached unit as well as the proposed single family dwelling that will be constructed on the property.

### CONSIDERATIONS AND CONCLUSIONS

1. Section 31-406 of the Unified Development Ordinance (UDO) requires that a conditional use permit be obtained for an accessory dwelling unit within the A, Agricultural Zoning District.
2. Supplemental use standards are established in the UDO for detached accessory dwelling units as follows:

*a) The detached accessory dwelling unit shall comply with the minimum yard and intensity of use regulations as set forth in Section 31-407 of this ordinance.*

The accessory dwelling unit complies with the required setbacks for the A district. (50'-front, 20'-side, and 30'-rear)

*b) The detached accessory dwelling unit shall be connected to the primary structure's central sewer or septic system provided, however, that a separate septic system may be utilized where:*

*a. The lot contains not less than four (4) acres of land area; and*

*b. The detached accessory dwelling unit is separated from the principal structure by not less than one hundred (100) feet.*

This proposed accessory dwelling unit will utilize the same septic system as the primary house. The lot is a total of 2.13 acres and the accessory dwelling unit will be located approximately 133 feet away from the primary structure. The Virginia Department of Health has certified that the existing septic system can accommodate and treat the additional flows generated by both the proposed new single family home and the accessory dwelling unit.

*c) Only one (1) accessory dwelling unit shall be permitted per lot, unless the lot is at least ten (10) acres in which case two (2) accessory units may be permitted.*

The applicant is only proposing one accessory dwelling unit.

*d) Required parking for the detached accessory dwelling unit shall be located on the property of the principal structure. One (1) additional off-street parking space shall be required in addition to that required for the principal dwelling unit. For lots of less than five (5) acres, the parking shall be located to the rear of the principle dwelling unit.*

There is sufficient room on the property to provide additional parking for the proposed accessory dwelling unit.

*e) The apartment shall not be offered to the general public for rental purposes.*

The applicants have stated in their application that this dwelling unit will not be offered for rental to the general public.

*f) The conditional use permit shall be reviewed for compliance by the Zoning Administrator on an annual basis.*

The Zoning Administrator will review this site on an annual basis for compliance.

3. The current structure is served by a private well and septic system. This existing septic system and well will also service the accessory dwelling unit. The Virginia Department of Health has certified that the septic system can accommodate and treat the additional flows which will be generated by the proposed single family dwelling along with the existing structure located on the property.
4. The current structure is located off of Box Elder Drive. The property is accessed by an existing 20-foot wide driveway which has access to Box Elder Drive.
5. The applicants will be required to address any issues regarding occupancy of the dwelling unit pertaining to the Building Code with the Division of Community Development.
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 an accessory dwelling unit is a listed conditional use in the A zoning district per the City's Unified Development Ordinance. Supplemental use standards are established in the UDO in section 31-701 and have been met by this application.

*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 accessory dwelling unit will conform to the character of the neighborhood as required by the supplemental use standards that are established by the UDO. The lot has adequate size to accommodate the living unit. This accessory dwelling unit will not be allowed to be rented out to the general public. This use will not be adverse to persons living or working in or driving through the neighborhood.

- 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 accessory dwelling unit 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 accessory dwelling unit shall not cause any additional traffic congestion off of Box Elder Road.

- 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 an accessory dwelling unit and should not produce excess vibration, noise, odor, dust, smoke or gas. It is not anticipated that there will be any use attached with their activity which would impact the surrounding community.

- 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 within a rural area of the City. The surrounding properties are located within a similar zoning district which contains few single family homes. The use of the existing accessory structure as an accessory dwelling unit 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 an accessory dwelling unit 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 an accessory dwelling unit should not be a detriment or endangerment to the public.

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

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

### **RECOMMENDATION**

It is staff's opinion that the site in question is appropriate for the proposed use and given the size of the existing lot and the size of the dwelling unit, the use will not adversely impact the surrounding neighborhood. Therefore, staff recommends **approval** of Conditional Use Permit request C21-14 with the following conditions.

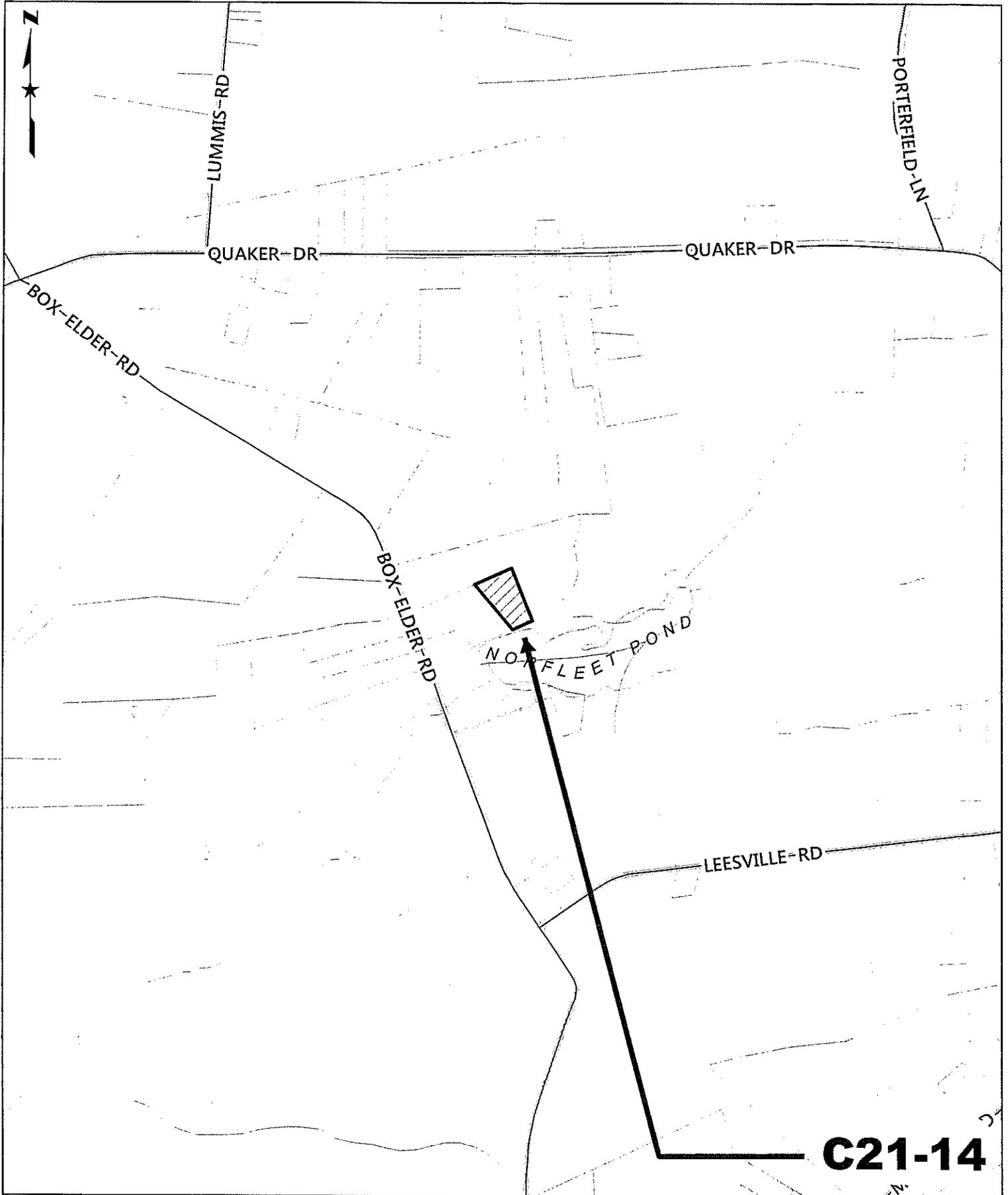
1. This permit grants the establishment of a detached accessory dwelling unit as defined in the Unified Development Ordinance, the location of which is as shown on Exhibit C.
2. This conditional use permit shall be reviewed for compliance by the Zoning Administrator on an annual basis.
3. The accessory dwelling unit shall be connected to the primary structure's septic system, prior to the issuance of a Certificate of Occupancy.
4. The applicant will be required to address any issues regarding occupancy of the space pertaining to the Virginia Uniform Statewide Building Code with the Division of Community Development.

The Planning Commission, at their meeting of December 16, 2014, 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



**ORDINANCE NO.**

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ESTABLISH AN ACCESSORY DWELLING UNIT ON PROPERTY LOCATED AT 2336 BOX ELDER ROAD, ZONING MAP 52, PARCEL 34D, C21-14**

WHEREAS, Brittany and David Epperson, applicants and property owners, have requested a conditional use permit for an accessory dwelling unit 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 52, Parcel 34D, 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", 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 an accessory dwelling unit is in conformity with the standards of the Unified Development Ordinance of the City of Suffolk and that it will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood, and will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any theme, action, policy or map of the Comprehensive Plan which encourages mixed uses and/or densities with the conditions set forth below.

These findings are based upon the consideration for the existing use and character of property, the Comprehensive Plan, the suitability of property for various uses, the trends

of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of flood plains, the preservation of agricultural and forestal land, the conservation of properties and their values, and the encouragement of the most appropriate use of land throughout the City.

These findings are based upon a determination that the most reasonable and limited way of avoiding the adverse impacts of an accessory dwelling unit is by the imposition of the conditions provided herein.

### Section 3. Permit Granted.

The conditional use permit for the Property be, and it is hereby, approved for the Property, subject to the following conditions and the general conditions set forth in Section 4 hereof. The conditional use permit specifically permits an accessory dwelling unit in compliance with Exhibit "C" (the "Site Plan"), and Sections 31-306, 31-406, and 31-701 of the Code of the City of Suffolk.

#### Conditions

1. This permit grants the establishment of a detached accessory dwelling unit as defined in the Unified Development Ordinance, the location of which is as shown on Exhibit C.
2. This conditional use permit shall be reviewed for compliance by the Zoning Administrator on an annual basis.
3. The accessory dwelling unit shall be connected to the primary structure's septic system, prior to the issuance of a Certificate of Occupancy.
4. The applicant will be required to address any issues regarding occupancy of the space pertaining to the Virginia Uniform Statewide Building Code with the Division of Community Development.

### 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 Brittany and David Epperson, applicants and 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 Brittany and David Epperson, applicants and 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.

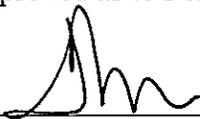
Section 7. Effective Date.

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 TO ESTABLISH AN ACCESSORY DWELLING UNIT ON  
PROPERTY LOCATED AT 2336 BOX ELDER ROAD, ZONING MAP 52, PARCEL  
34D, RELATING TO CONDITIONAL USE PERMIT  
C21-14**

WHEREAS, Brittany and David Epperson, applicants and property owners, have requested the issuance of a conditional use permit for a certain tract of land situated in the City of Suffolk, Virginia, which land is described and depicted on the proposed Ordinance attached hereto and incorporated herein by reference; and

WHEREAS, the specific request is to permit an accessory dwelling unit in accordance with Sections 31-306, 31-406, and 31-701 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, C21-14, 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: December 16, 2014

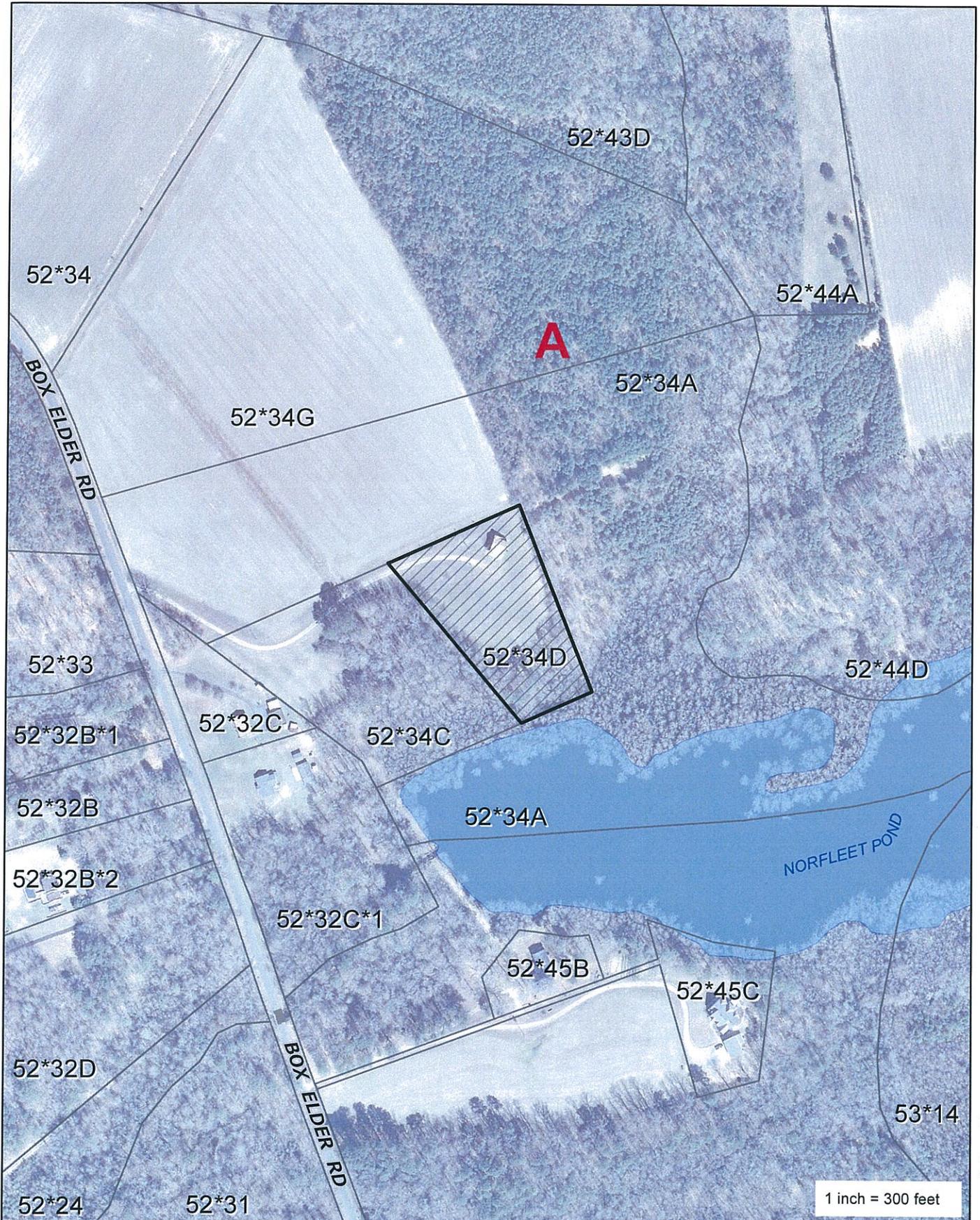
TESTE: [Signature]

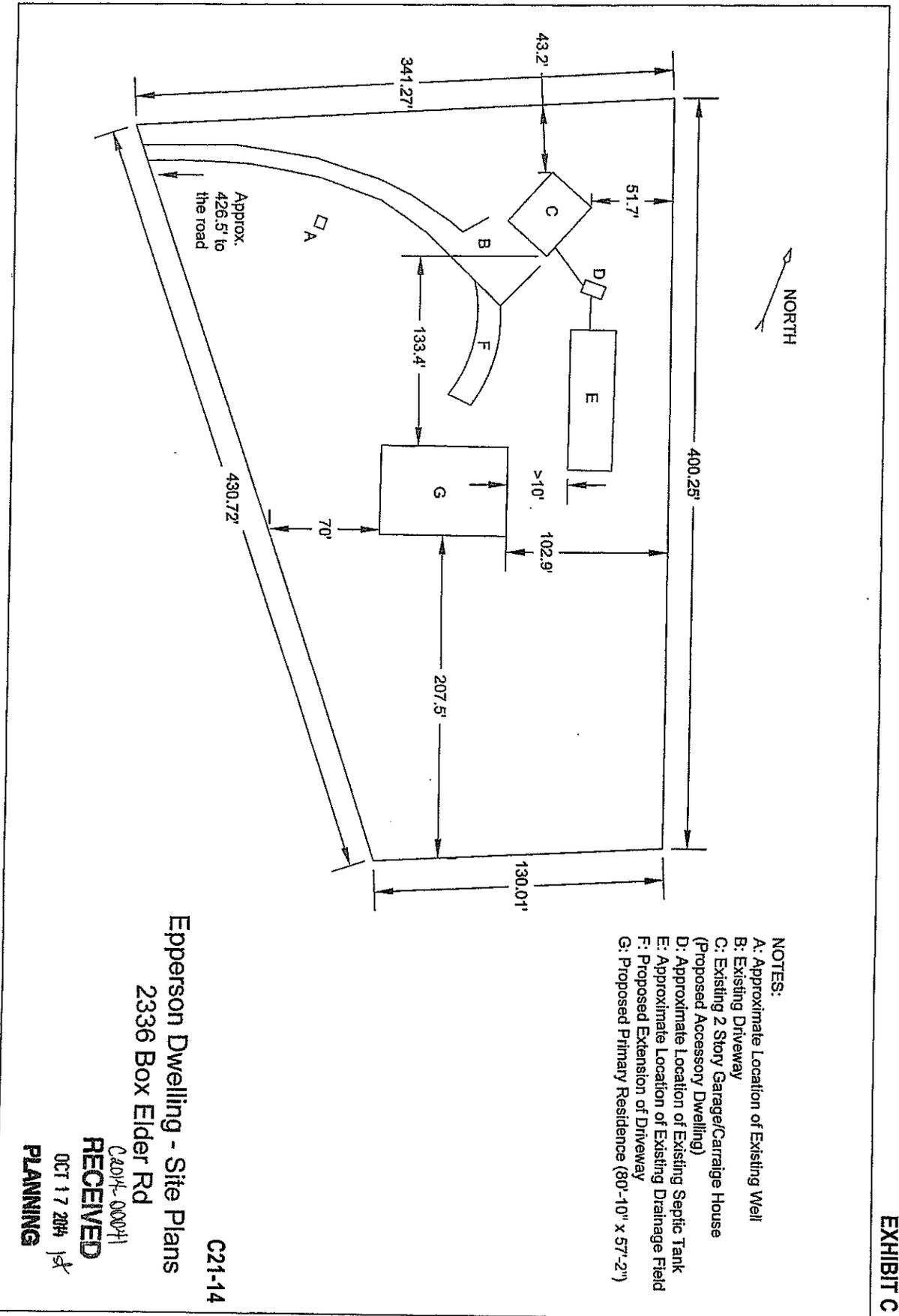
**CONDITIONAL USE PERMIT  
C21-14**

**CONDITIONS**

1. This permit grants the establishment of a detached accessory dwelling unit as defined in the Unified Development Ordinance, the location of which is as shown on Exhibit C.
2. This conditional use permit shall be reviewed for compliance by the Zoning Administrator on an annual basis.
3. The accessory dwelling unit shall be connected to the primary structure's septic system, prior to the issuance of a Certificate of Occupancy.
4. The applicant will be required to address any issues regarding occupancy of the space pertaining to the Virginia Uniform Statewide Building Code with the Division of Community Development.

# C21-14 ZONING / LAND USE MAP





Epperson Dwelling - Site Plans

2336 Box Elder Rd

CADWPL-000041

RECEIVED

OCT 17 2004

PLANNING

C21-14

**AGENDA: January 21, 2015, Regular Session**

**ITEM: Public Hearing** – An ordinance granting a conditional use permit to establish a contractor and trade shop (indoor operations and outdoor storage, including heavy vehicles), on property located at 5474 Nansemond Parkway, Zoning Map 20, Parcel B10; C22-14

Attached for your consideration is information pertaining to Conditional Use Permit Request C22-14, submitted by Joseph McGowen, applicant, for property owned by Nansemond Parkway, LLC, to permit a contractor and trade shop (indoor operations and outdoor storage, including heavy vehicles), in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance. The affected property is located at 5474 Nansemond Parkway, and is further identified as Zoning Map 20, Parcel B10, Cypress Voting Borough, zoned M-1, Light Industrial. The 2026 Comprehensive Plan designates this area as a part of the Northern Suburban/ Urban Growth Area, Suburban development district.

The Planning Commission, at their meeting on December 16, 2014, 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”

# STAFF REPORT

## DESCRIPTION

**CONDITIONAL USE PERMIT:** Conditional Use Permit Request C22-14, submitted by Joseph McGowen, applicant, to permit a contractor and trade shop (indoor operations and outdoor storage, including heavy vehicles), in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance.

**APPLICANT:** Submitted by Joseph McGowen, applicant

**LOCATION:** The affected property is located at 5474 Nansemond Parkway and is further identified as Zoning Map 20, Parcel B10

**PRESENT ZONING:** M-1, Light Industrial

**EXISTING LAND USE:** Vacant Warehouse/Flex Space

**PROPOSED LAND USE:** Contractor office with outdoor storage

## **SURROUNDING LAND USES:**

North – Vacant, zoned M-1, Light Industrial

South – Industrial/Warehouse, zoned M-1, Light Industrial

East – Industrial/Warehouse, zoned M-1, Light Industrial

West – Vacant, zoned M-1, Light Industrial

**COMPREHENSIVE PLAN:** The 2026 Comprehensive Plan designates this area as a part of the Northern Suburban/ Urban Growth Area, Suburban development 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 approval of a conditional use permit to utilize the structure at 5474 Nansemond Parkway for a contractor office with outdoor storage.

### **CONSIDERATIONS AND CONCLUSIONS**

1. Section 31-406 of the Unified Development Ordinance (UDO) requires that a conditional use permit be obtained for a contractor and trade shop (indoor operations and outdoor storage, including heavy vehicles), within the M-1, Light Industrial Zoning District.

2. This parcel is currently served by City water via a 5/8" water meter and an on-site septic tank. The Department of Public Utilities recently approved a site plan for a private grinder pump station to serve this parcel and an adjoining parcel.
3. The Department of Public Works has indicated that this is an existing site and this use presents no traffic concerns. The City has an approved Capital Improvement Project to widen and improve this section of Nansemond Parkway. This site will be served by a designed median break which will provide proper traffic control at this site's access to the roadway. There is no proposed building expansion or any increase in the impervious surface area and; therefore, no impact to water quality is anticipated.
4. The applicant will be required to address any issues regarding occupancy of the proposed space pertaining to the Building Code with the Division of Community Development. Occupancy limits will be established by the Building Official.
5. Pursuant to Section 31-306 of the Unified Development Ordinance (UDO), a Conditional Use Permit recognizes uses that, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right. Rather, such uses are permitted through the approval of a Conditional Use Permit by City Council when the right set of circumstances and conditions are found acceptable.

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

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

The proposed use of a contractor and trade shop (indoor operations and outdoor storage, including heavy vehicles) is a listed conditional use in the M-1 zoning district per the City's Unified Development Ordinance. Supplemental standards are not established for the proposed use.

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

The proposed conditional use is located in an existing industrial complex. The operation of a contractor office with outdoor storage is not inconsistent with other allowable uses currently operating within the complex or other uses within the M-1 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 a contractor and trade shop (indoor operations and outdoor storage, including heavy vehicles) has been reviewed by the City's Traffic Engineer who expressed no concerns regarding parking or traffic for the proposed use and location. The City has an approved Capital Improvement Project to widen and improve this section of Nansemond Parkway. This site will be served by a designed median break which will provide proper traffic control at this site's access to the roadway.

- 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 contractor and trade shop (indoor operations and outdoor storage, including heavy vehicles) and should not produce excess vibration, noise, odor, dust, smoke or gas. The adjoining properties are also zoned for industrial use.

- 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 industrial complex. The operation of this establishment should not be injurious to the uses in the immediate vicinity. In addition, per the requirements of Section 31-609(d) of the Unified Development Ordinance, screening, either vegetative or through the use of a solid fence, will be required for the outside storage.

- 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 existing building within an existing industrial complex. The use of this property for a contractor and trade shops (indoor operations and outdoor storage, including heavy vehicles) 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 contractor and trade shop (indoor operations and outdoor storage, including heavy vehicles) should not be a detriment or endangerment to the public.

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

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

### **RECOMMENDATION**

It is staff's opinion that the site in question is appropriate for the proposed use of the facility and will not adversely impact the surrounding neighborhood. Therefore, staff recommends **approval** of Conditional Use Permit request C22-14 with the following conditions.

1. The use authorized by this conditional use permit shall be limited to a contractor office with outdoor equipment storage.
2. The outdoor storage must be screened along the Eastern property line adjacent to Tax Map 20B, Parcel B11 with either a 6' high opaque fence or a vegetative buffer as specified in Section 603(f)(2) of the Unified Development Ordinance.
3. All outdoor storage must be contained to the existing gravel or paved surface and outside of the required yards.

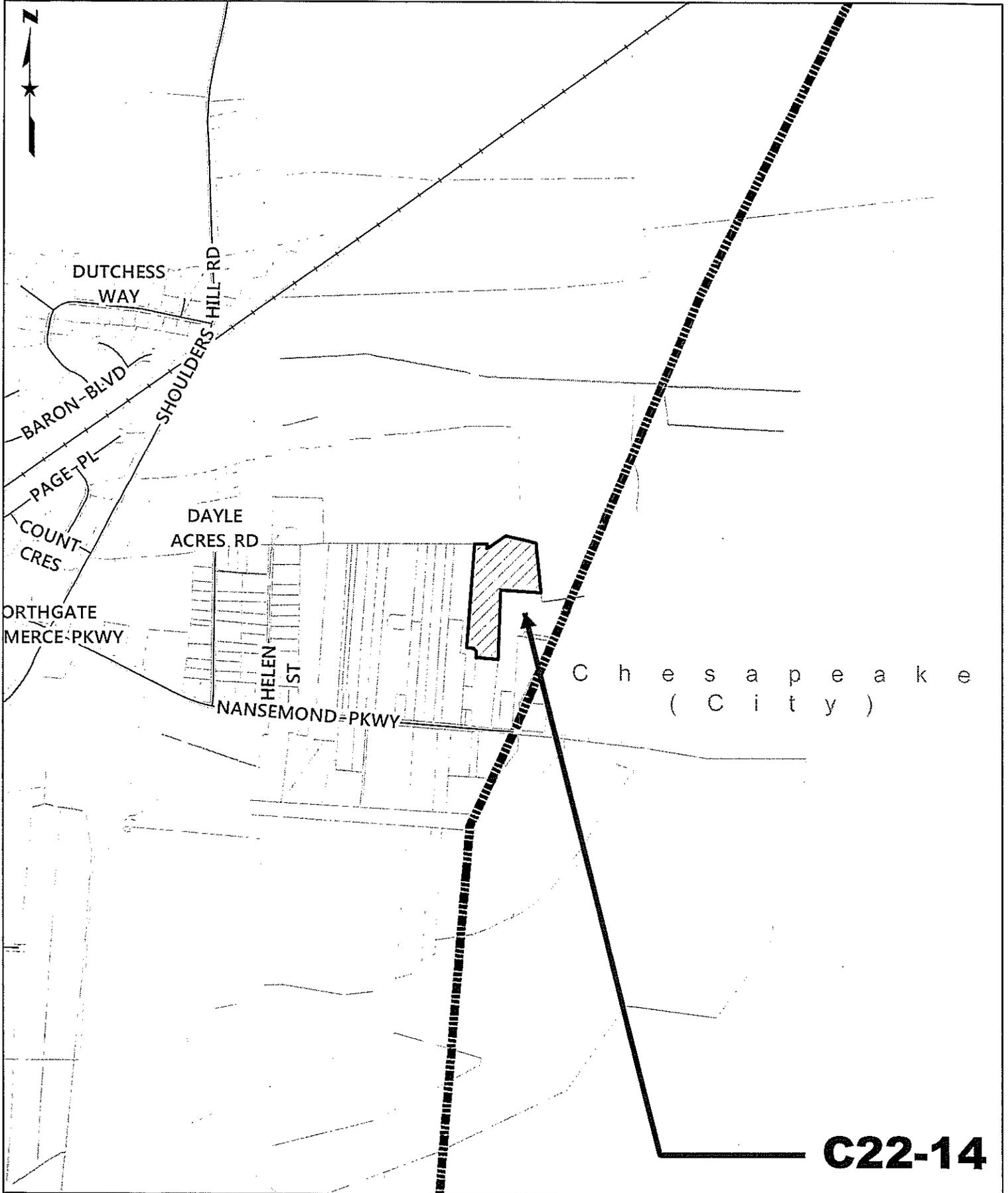
The Planning Commission, at their meeting on December 16, 2014, voted 8 to 0 to approve a Resolution recommending **approval** of this request with conditions.

#### Attachments

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

Copy to: Joseph McGowen,

# General Location Map



## Nansemond Parkway LLC

3501 Mardean Drive Chesapeake VA 23321

757-592-0161

October 21, 2014

To whom it may concern:

Our property is located at 5474 Nansemond Parkway in Suffolk, VA (Tax Map & parcel # 20B\*B10 Tax account #301977000). We are applying for a conditional use permit to allow outside storage of vehicles and equipment. The proposed use of the property is for a Class A General Contractor who specializes in commercial pavement markings. The company stripes and performs traffic control services on interstates and city streets.

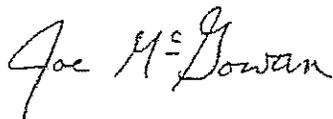
The company plans to have 5 office personnel. They include the office administrator, an accountant, operations manager, vice president and president. The field personnel are currently 22 employees during our peak season. During the months of December through April the company employs about 15 field employees.

The building currently has 10 striped parking spots in front of the building and 5 striped parking spots on the side of the building. We plan to add 10 parking spots on the rear of the building. All parking will be on private property and there will be no impact on public infrastructure.

There will be no additional buildings or changes to the current plat as of now. The ingress/egress will remain the same as always, the 50' ingress/egress easement. There is no change to public infrastructure. There should be no impact to the handling of storm water.

Based on all of the above information and information gathered at our pre-submittal meeting, I respectfully request that checklist #6 (a through e) be waived for this application.

Thank You,



Joe McGowan

**ORDINANCE NO.**

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ESTABLISH A CONTRACTOR AND TRADE SHOP (INDOOR OPERATIONS AND OUTDOOR STORAGE, INCLUDING HEAVY VEHICLES), ON PROPERTY LOCATED AT 5474 NANSEMOND PARKWAY, ZONING MAP 20, PARCEL B10; C22-14**

WHEREAS, Joseph McGowen, applicant for property owned by Nansemond Parkway, LLC, has requested a conditional use permit to establish a contractor and trade shop (indoor operations and outdoor storage, including heavy vehicles) 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 20, Parcel B10 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", 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 contractor and trade shop (indoor operations and outdoor storage, including heavy vehicles) 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 contractor and trade shop (indoor operations and outdoor storage, including heavy vehicles) 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 contractor and trade shop (indoor operations and outdoor storage, including heavy vehicles) in compliance with Sections 31-306 and 31-406 of the Code of the City of Suffolk.

Conditions

1. The use authorized by this conditional use permit shall be limited to a contractor office with outdoor equipment storage.
2. The outdoor storage must be screened along the Eastern property line adjacent to Tax Map 20B, Parcel B11 with either a 6' high opaque fence or a vegetative buffer as specified in Section 603(f)(2) of the Unified Development Ordinance.
3. All outdoor storage must be contained to the existing gravel or paved surface and outside of the required yards.

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 Joseph McGowen, applicant, and Nansemond Parkway, LLC, 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 Joseph McGowen, applicant, and to Nansemond Parkway,

LLC, owner, or any party undertaking or maintaining such use, of the conditions to which the conditional use permit herein granted is subject.

Section 5. Severability.

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

Section 6. Recordation.

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

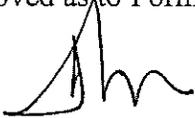
Section 7. Effective Date.

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

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

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

Approved as to Form:



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

Exhibit A

RESOLUTION NO. 14-12-2

**CITY OF SUFFOLK PLANNING COMMISSION  
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION  
TO CITY COUNCIL RELATING TO CONDITIONAL USE PERMIT  
C22-14**

**WHEREAS**, Joseph McGowen, applicant, has requested the issuance of a conditional use permit for a certain tract of land for property owned by Nansemond Parkway, LLC, 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 contractor and trade shop (indoor operations and outdoor storage, including heavy vehicles) in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance.

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

Section 1. Findings.

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

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

Section 2. Recommendation to Council.

The Planning Commission recommends to City Council that the request, C22-14, 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: December 16, 2014

TESTE: [Signature]

**CONDITIONAL USE PERMIT**  
**C22-14**

**CONDITIONS**

1. The use authorized by this conditional use permit shall be limited to a contractor office with outdoor equipment storage.
2. The outdoor storage must be screened along the Eastern property line adjacent to Tax Map 20B, Parcel B11 with either a 6' high opaque fence or a vegetative buffer as specified in Section 603(f)(2) of the Unified Development Ordinance.
3. All outdoor storage must be contained to the existing gravel or paved surface and outside of the required yards.

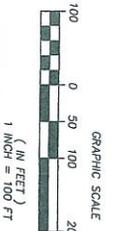
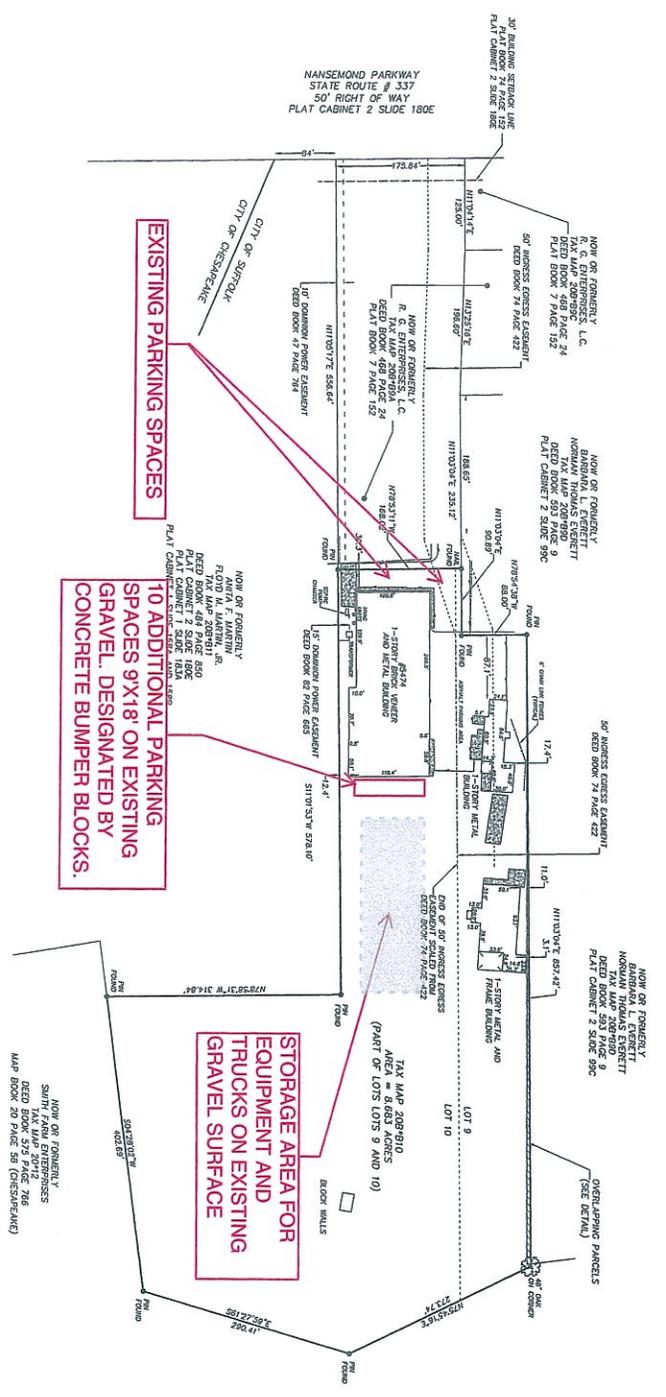
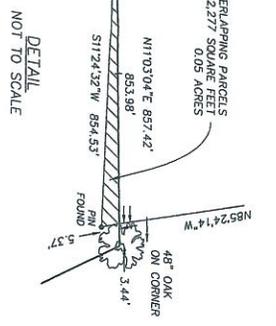
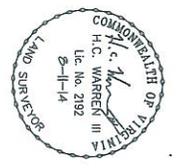
# C22-14 ZONING / LAND USE MAP



I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS.

SIGNED: \_\_\_\_\_ DATE: 8-11-2014

General Notes:  
 1. The existence of wetlands, hazardous wastes, or underground utilities was neither investigated nor shown on this survey.  
 2. By scaled map location and graphic plotting only, the property shown hereon appears to lie within flood zone "Xc" as shown on the National Flood Insurance Program's Flood Insurance Rate Maps, Community Number 51025, dated 03/01/02, dated November, 2011.  
 3. Contingent on the results of this survey, existing monuments combined with the compilation of deeds and plats shown hereon.  
 4. This survey is performed for the sole and exclusive benefit of the parties listed hereon and shall not be relied upon by any other entity or individual whatsoever.



SCALE: 1"=100'  
 AUGUST 11, 2014  
 WARREN & ASSOCIATES, P.C.  
 3933 Indian River Road  
 Virginia Beach, Virginia 23456  
 (757) 471-0392

BOUNDARY LINE SURVEY  
 OF:  
 PART OF LOTS 9 AND 10  
 AS SHOWN IN  
 PLAT BOOK PAGE 113  
 DEED BOOK 219 PAGE 187  
 (PARCEL B)  
 CORRECTED AND AMENDED  
 SUBDIVISION OF PROPERTY OF  
 FLOYD M. MARTIN, JR. &  
 ANITA F. MARTIN  
 STANLEY AND JOULES  
 SLEEPY HOLE BOROUGH  
 SUFFOLK, VIRGINIA  
 EXCLUSIVELY  
 FOR:  
 JOE MCGOWAN

**AGENDA: January 21, 2015, Regular Session**

**ITEM: Public Hearing** – An ordinance granting a conditional use permit to establish an amusement/entertainment/recreation center (indoor) on property located at 1984 Northgate Commerce Parkway, Zoning Map 20, Parcel(s) 22E\*8A, 22E\*8B, 22E\*8C, 22E\*8D, 22E\*8E, and 22E\*8F; C27-14

Attached for your consideration is information pertaining to Conditional Use Permit Request C27-14, submitted by Daniel and Parul Stevens, applicant, for property owned by Sandy Run, LLC, to permit an amusement/entertainment/recreation center (indoor) in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance. The affected property is located at 1984 Northgate Commerce Parkway, and is further identified as Zoning Map 20, Parcel(s) 22E\*8A, 22E\*8B, 22E\*8C, 22E\*8D, 22E\*8E, and 22E\*8F, Cypress Voting Borough, zoned M-2, Heavy Industrial. The 2026 Comprehensive Plan designates this area as a part of the Northern Suburban/ Urban Growth Area, Suburban development district.

The Planning Commission, at their meeting on December 16, 2014, 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 - Floor Plan

# STAFF REPORT

## DESCRIPTION

**CONDITIONAL USE PERMIT:** Conditional Use Permit Request C27-14, submitted by Daniel and Parul Stevens, applicant, to permit an amusement/entertainment/recreation center (indoor) in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance.

**APPLICANT:** Submitted by Daniel and Parul Stevens, applicant

**LOCATION:** The affected property is located at 1984 Northgate Commerce Parkway in the Northgate Commerce Park and is further identified as Zoning Map 20, Parcel(s) 22E\*8A, 22E\*8B, 22E\*8C, 22E\* 8D, 22E\*8E, and 22E\*8F

**PRESENT ZONING:** M-2, Heavy Industrial

**EXISTING LAND USE:** Vacant Warehouse/Flex Space

**PROPOSED LAND USE:** Indoor recreation center in the form of a fitness and athletic training facility

## **SURROUNDING LAND USES:**

North – Vacant, zoned M-2, Heavy Industrial

South – Industrial/Warehouse, zoned M-2, Heavy Industrial

East – Industrial/Warehouse, zoned M-2, Heavy Industrial

West – Vacant, zoned M-2, Heavy Industrial

**COMPREHENSIVE PLAN:** The 2026 Comprehensive Plan designates this area as a part of the Northern Suburban/ Urban Growth Area, Suburban development 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 approval of a conditional use permit to utilize the structure at 1984 Northgate Commerce Parkway for a fitness and athletic training facility. This use is best categorized as an amusement/entertainment/recreation center (indoor) per the Unified Development Ordinance. The applicant is proposing to use a 12,000 square foot building in the existing Northgate Commerce Park for the facility.

## **CONSIDERATIONS AND CONCLUSIONS**

1. Section 31-406 of the Unified Development Ordinance (UDO) requires that a conditional use permit be obtained for an amusement/entertainment/recreation center (indoor) within the M-2, Heavy Industrial Zoning District.
2. The proposed fitness and athletic training facility is to be located in a 12,000 square foot warehouse. Hours of operation will be from 6am – 8pm on weekdays. In addition, the facility will be open on Saturday and Sunday mornings. The applicant has indicated that typically weekday evenings and Saturday mornings are the most busy times for the facility.
3. This site is currently served by public water and sewer. To serve the intended use, the applicant will install locker room facilities which will entail the addition of 4 additional bathrooms. Per the Department of Public Utilities, the space is served by a 2” domestic meter and the additional facilities would not require any modifications to the service or meter size. The applicant will be required to submit information to the HRSD for the increase in sewer service. This will be coordinated at the time of building plan review.
4. The off-street parking requirements outlined in the UDO requires a minimum of 1.5 spaces per 1,000 square feet of gross floor area and a maximum of 10 spaces per 1,000 square feet of gross floor area. This complex contains enough off-street parking to satisfy this new proposed use.
5. The Department of Public Works has indicated that this is an existing site and this use presents no traffic concerns. There is no proposed building expansion or any increase in the impervious surface area and; therefore, no impact to water quality is anticipated.
6. The applicant will be required to address any issues regarding occupancy of the proposed space pertaining to the Building Code with the Division of Community Development. Occupancy limits will be established by the Building Official.
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 an amusement/entertainment/recreation center (indoor) is a listed conditional use in the M-2 zoning district per the City's Unified Development Ordinance. Supplemental standards are not established for the proposed use of an amusement/entertainment/recreation center (indoor).

- 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 is located in an existing industrial complex. The operation of a athletic training facility is not inconsistent with other allowable uses currently operating within the complex or other uses within the M-2 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 an amusement/entertainment/recreation center (indoor) has been reviewed by the City's Traffic Engineer who expressed no concerns regarding parking or traffic for the proposed use and location.

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

The proposed use is for an amusement/entertainment/recreation center (indoor) and should not produce excess vibration, noise, odor, dust, smoke or gas. It is not anticipated that there will be any use attached with their activity which would impact the surrounding community.

- 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 industrial complex. The proposed facility will be established in a building which currently contains eight warehouse bays, only one of which has been finished for final use. This project proposes to use the building for the fitness and athletic training facility. The operation of this establishment should not be injurious to the uses in the immediate vicinity.

- 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 existing building within an existing industrial complex. The use of this property for an amusement/entertainment/recreation center (indoor) 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 an amusement/entertainment/recreation center (indoor) should not be a detriment or endangerment to the public.

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

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

### **RECOMMENDATION**

It is staff's opinion that the site in question is appropriate for the proposed use of the facility and will not adversely impact the surrounding neighborhood. Therefore, staff recommends **approval** of Conditional Use Permit request C27-14 with the following conditions.

1. All activities associated with the proposed use shall be conducted indoors.
2. The use authorized by this conditional use permit shall be limited to a 12,000 square foot athletic training facility.
3. The applicant must provide information from HRSD regarding sanitary sewer acceptance prior to submission to the building official.

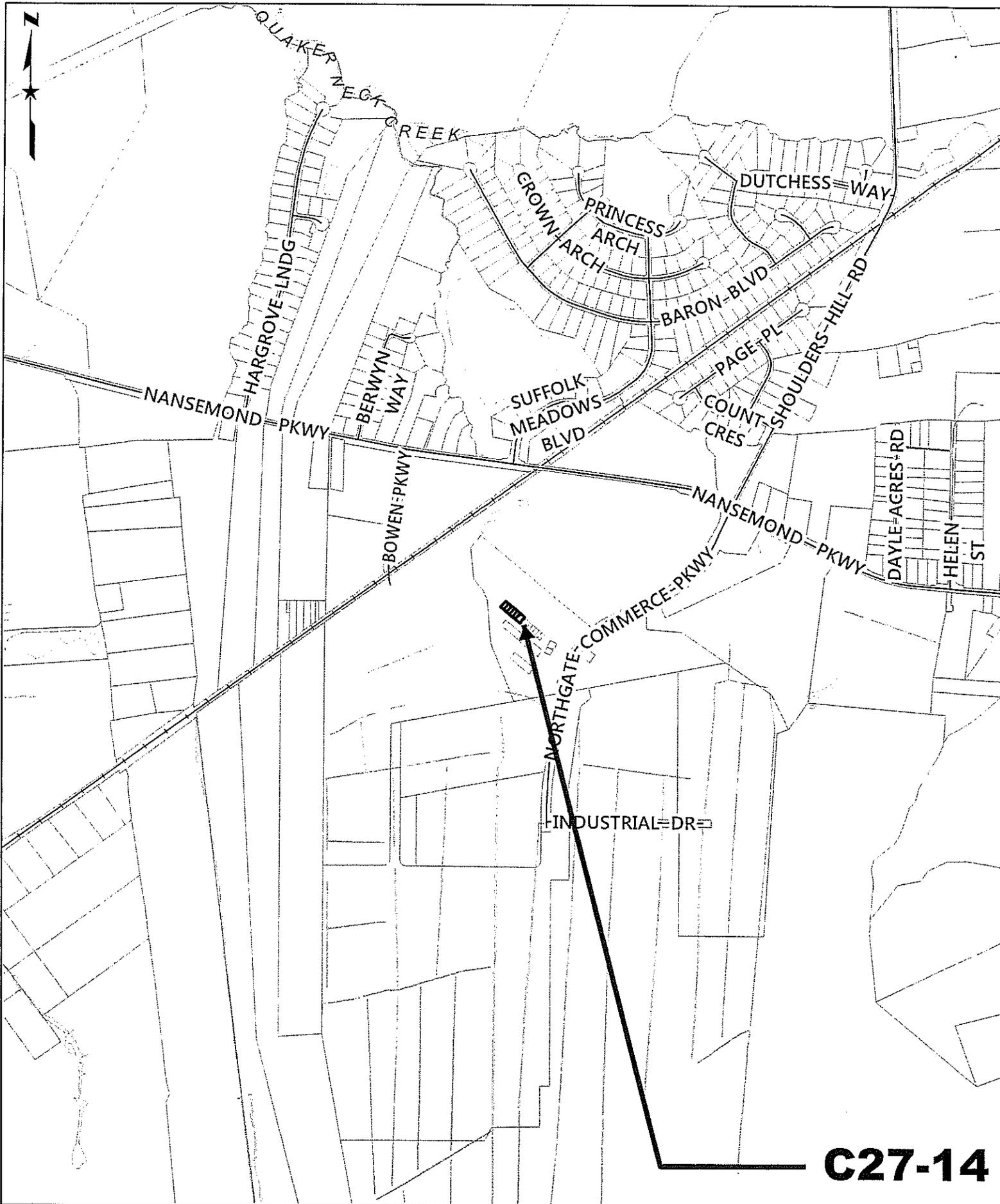
The Planning Commission, at their meeting on December 16, 2014, voted 8 to 0 to approve a Resolution recommending **approval** of this request with conditions.

#### Attachments

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

Copy to: Daniel and Parul Stevens, Burnfit Athletics

# General Location Map



## **Addendum to Conditional Use Permit application for 1984 Northgate Commerce Parkway**

### **2. Narrative Description of the Property:**

The subject property is a 12,000 square foot warehouse on 1.36 acres located at 1984 Northgate Commerce Parkway, Suffolk, Virginia. The subject property is comprised of six condominium units (Units 8A, 8B, 8C, 8D, 8E and 8F), five of which (Units 8A-8E are cold, dark shells and Unit 8F is a finished unit. The property is designated on the Tax Map and Parcel Nos. as 20\*22E\*8A, 20\*22E\*8B, 20\*22E\*8C, 20\*22E\*8D, 20\*22E\*8E and 20\*22E\*8F and account numbers 306002831, 306002832, 306002833, 306002834, 306002835 and 306002836 in the records of the City of Suffolk.

### **3. Narrative Discussion of the Use of the Property**

The subject property will be used as a fitness and athletic training facility. In preparation for the intended use, the cold, dark shell condominium units will be built out with the necessary heating, ventilation and air conditioning systems and electrical services. A section of Unit 8F will be built out with men's and women's locker rooms to include 3 additional toilet facilities (one is already on-site) and 4 shower facilities. Office space is already included in the warehouse space. It is anticipated that the fitness and training facility will require a minimum of 9,000 square feet. As such, 3,000 square feet or Unit 8A, may be subdivided and subleased as a logistics or distribution operation. Our hours of operation will be from 6am-8pm on weekday and Sat/Sun mornings, with the busiest times of day between 5:30pm-8pm weeknights and Saturday mornings.

### **4. Plans of site and facility**

Attached is a diagram of the build out of the operations as well as the site plans. Because of the nature of the business, there will be very little need for physical walls or change in current infrastructure, with the exception of the Men's and Ladies bathroom and locker room facilities.

### **6. (a) Public Facilities:**

The proposed facility will use the existing infrastructure that has already received all of the necessary approvals from the City of Suffolk in terms of water, utility and sewer usage. All the utilities lines are currently available within the operation.

We expect to build out 4 additional bathrooms with 4 sinks and 4 showers. These 4 additional bathrooms, sinks and showers will be split evenly between the men's and ladies locker rooms. There should not be an abnormal usage of any public utility.

**RECEIVED**  
NOV 06 2014  
**PLANNING**

**(b) Traffic Impact:**

The property is located in Northgate Commerce Park. Clients will access the facility from Northgate Commerce Parkway off Nansemond Parkway. There should be clear ingress and egress to the facility via two lane highway. We do not expect any unusual traffic developments due to the nature of our business. It is anticipated that the membership of the fitness and training facility will be up to 200 persons with as many as 40 people accessing the facility at any given time with the peak usage periods being before 7:00 am and after 5:00 pm in the evening, and on Saturdays mornings. Current class sizes vary from as few as 8-10 people upwards to 30 people. The current average class size is 20 people. The facility currently has over 50 parking spaces available which will more than accommodate the number of clients at any given time.

**(c) Water Quality Impact**

The project will not involve any further land development and will not have any impact on the CBPO District other than that addressed during the design and construction of the facility. Water usage will be limited and commensurate with operations anticipated at the time of the original approval.

**(d) Fiscal Impact**

The build out of the existing structure will not require any additional public facilities to support the operations. Public utilities for water, sewer, electrical will be provided by the local utilities and paid by the operations of the project. The utility requirements will be commensurate with the anticipated operations of the business. No additional public facilities are anticipated.

**(e) Environment assessment**

The project will require no additional land development or impact on environmental wetlands and buffer zones. The project will have no impact on the Stormwater Management Plan that would have been reviewed and approved in connection with the original Land Development Plan.

**RECEIVED**  
NOV 06 2014  
**PLANNING**

**ORDINANCE NO.**

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ESTABLISH AN AMUSEMENT/ENTERTAINMENT/RECREATION CENTER (INDOOR) ON PROPERTY LOCATED AT 1984 NORTHGATE COMMERCE PARKWAY, ZONING MAP 20, PARCEL(S) 22E\*8A, 22E\*8B, 22E\*8C, 22E\*8D, 22E\*8E, AND 22E\*8F; C27-14**

WHEREAS, Daniel and Parul Stevens, applicants for property owned by Sandy Run, LLC, have requested a conditional use permit to permit an amusement/entertainment/recreation center (indoor) 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 20, Parcel(s) 22E\*8A, 22E\*8B, 22E\*8C, 22E\*8D, 22E\*8E, and 22E\*8F 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", "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 permit an amusement/entertainment/recreation center (indoor) is in conformity with the standards of the Unified Development Ordinance of the City of Suffolk and that it will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood, and will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any theme, action, policy or map of the Comprehensive Plan which

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

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

These findings are based upon a determination that the most reasonable and limited way of avoiding the adverse impacts of an amusement/entertainment/recreation center (indoor) 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 an amusement/entertainment/recreation center (indoor) in compliance with Sections 31-306 and 31-406 of the Code of the City of Suffolk.

Conditions

1. All activities associated with the proposed use shall be conducted indoors.
2. The use authorized by this conditional use permit shall be limited to a 12,000 square foot athletic training facility.
3. The applicant must provide information from HRSD regarding sanitary sewer acceptance prior to submission to the building official.

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 Daniel and Parul Stevens, applicants, and Sandy Run, LLC, 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 Daniel and Parul Stevens, applicants, and to Sandy Run, LLC, 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.

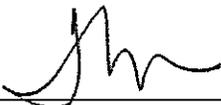
Section 7. Effective Date.

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  
C27-14**

**WHEREAS**, Daniel and Parul Stevens, applicants, have requested the issuance of a conditional use permit for a certain tract of land for property owned by Sandy Run, LLC, 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 an amusement/entertainment/**recreation center (indoor)** in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance.

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

Section 1.     Findings.

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

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

Section 2.     Recommendation to Council.

The Planning Commission recommends to City Council that the request, C27-14, 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: December 16, 2014

TESTE: [Signature]

**CONDITIONAL USE PERMIT  
C27-14**

**CONDITIONS**

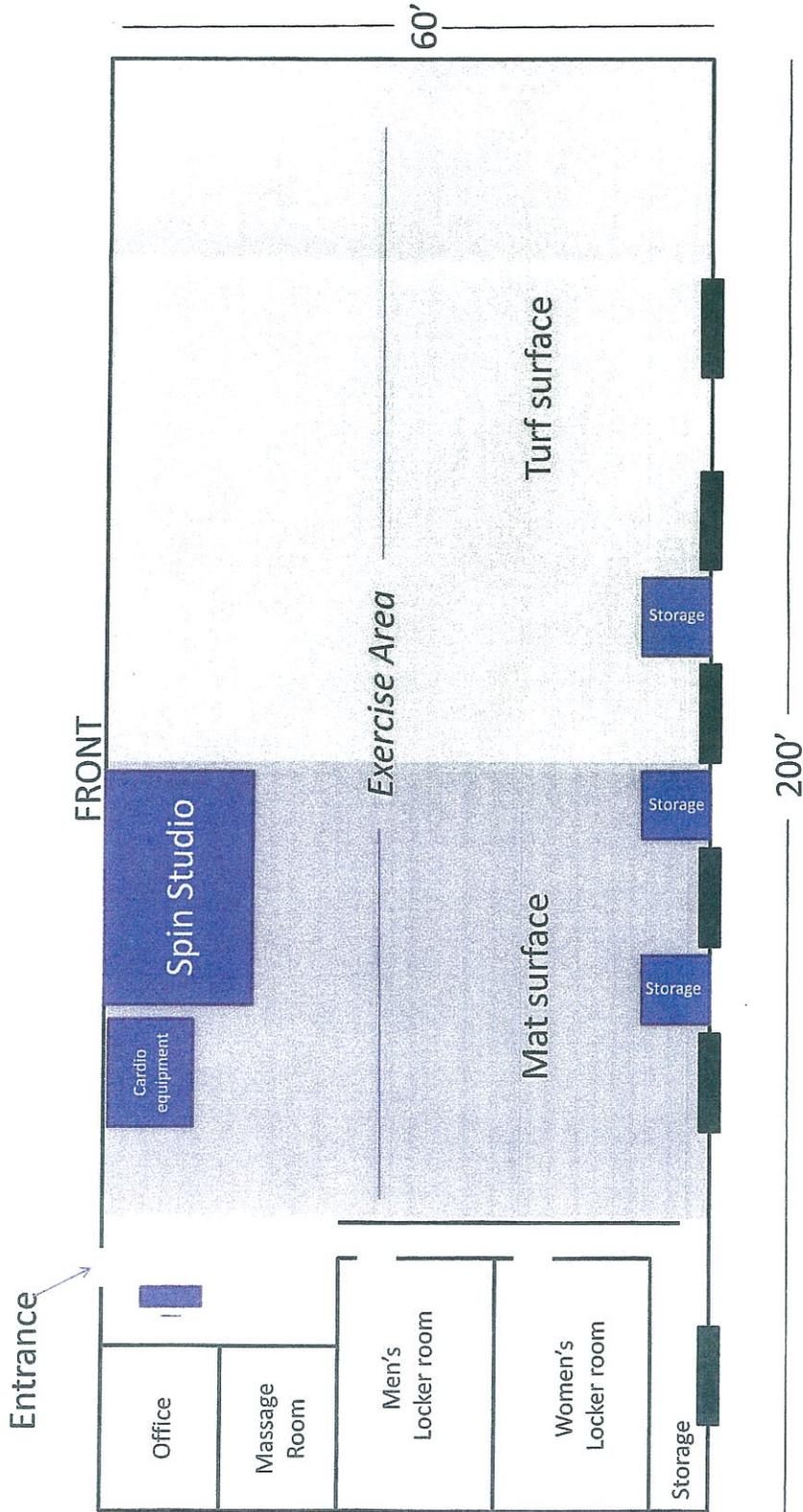
1. All activities associated with the proposed use shall be conducted indoors.
2. The use authorized by this conditional use permit shall be limited to a 12,000 square foot athletic training facility.
3. The applicant must provide information from HRSD regarding sanitary sewer acceptance prior to submission to the building official.

# C27-14 ZONING / LAND USE MAP

EXHIBIT B



# BURNfit Athletics



**AGENDA: January 21, 2015, Regular Session**

**ITEM: Ordinance** – An ordinance amending the proffered conditions associated with Rezoning Request RZ-02-2014, Zoning Map 33A, Parcels M34, BT\*35 and BT\*36, Ricky's Custom Carts

Attached for your consideration is an ordinance amending the approved proffered conditions associated with Rezoning Request RZ-02-14, Zoning Map 33A, Parcels M34, BT\*35 and BT\*36. Rezoning Request RZ-02-14 (conditional) was approved on June 18, 2014. Attached to the rezoning were proffered conditions pertaining to the use and development of the property. Proffer #1 dealt with the type and appearance of the proposed structure that was to be built on Lot#34. The property owner is now requesting an amendment to Proffer #1 by reducing the size of the proposed structure and offering new renderings for the appearance of the proposed structure. The structure is proposed to be reduced by 35%. In addition, the proposed revised structure will be constructed with dutch lap vinyl siding with a rib steel roof to match existing building colors of other buildings that are currently located on the subject properties.

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. City Council may act on the amendment to proffered conditions or upon further review, elect to hold 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.)

In reviewing this request to amend proffered condition #1, staff recommends approval of the amended conditions and the attached ordinance.

**ATTACHMENTS:**

- Ordinance
- Exhibit A – Description of the Subject Property
- Exhibit B – Applicant's Proffer Statement

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

**AN ORDINANCE AMENDING THE PROFFERED CONDITIONS ASSOCIATED WITH REZONING REQUEST RZ-02-2014, ZONING MAP 33A, PARCELS M34, BT\*35 AND BT\*36, RICKY'S CUSTOM CARTS**

WHEREAS, James R. Johnson, III, on behalf of R and K Properties, LLC., property owner, has requested an amendment to proffered condition #1 of the approved proffered conditions not affecting use or density, on certain tracts 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 33, Parcels M34, BT\*35 and BT\*36 and which land is depicted on Exhibit "A"; and,

WHEREAS, the proposed amendment to the proffered conditions is made pursuant to Section 31-305(b)(2) of the Unified Development Ordinance.

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

Section 1. Exhibits.

Exhibits "A", "Description of the Subject Property", and Exhibit "B" "Applicant's Proffer Statement", 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 change in circumstances affecting the property, and has considered the following factors and finds that the proposed amendment does not conflict with:

1. the existing use and character of the 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 amendment to the proffered conditions:

1. the zoning of the property itself gives rise to the need for the amended proffered condition;
2. the amendment to the proffered condition has a reasonable relation to the zoning; and
3. all the proffered conditions are in conformity with the 2026 *Comprehensive Plan* as adopted by Council on April 5, 2006.

Section 3. Amendment.

1. The conditions as amended and proffered in the attached Exhibit "B" by, and are hereby, accepted.
2. The proffered conditions be, and are hereby, amended as shown on the attached Exhibit "B", which is incorporated herein by reference.
3. The foregoing amendment to the proffered conditions is 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: \_\_\_\_\_

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

Approved as to Form:



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



**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 See Below, Block N/A, Parcel Number N/A:

Tax Map 33A# M34, 33A# BT35, and 33A# BT# 36

- 1) Building will be constructed on property described on the attached site plan, titled, "Site Plan, Lot 34 - Oak Ridge dated February 10, 2014 and revised December 8, 2014.
- 2) The building will not be used as retail space and will only be used for storage of parts associated with the operation of Ricky's Custom Carts.
- 3) Applicant offers to maintain a twenty (20) foot setback along Grove Avenue as opposed to the required ten (10) foot setback.

Signed:

J R J  
(Applicant)

James R Johnson  
(Printed Name)

1/9/15  
(Date)

J R J  
(Property Owner)

James R Johnson  
(Printed Name)

1/9/15  
(Date)

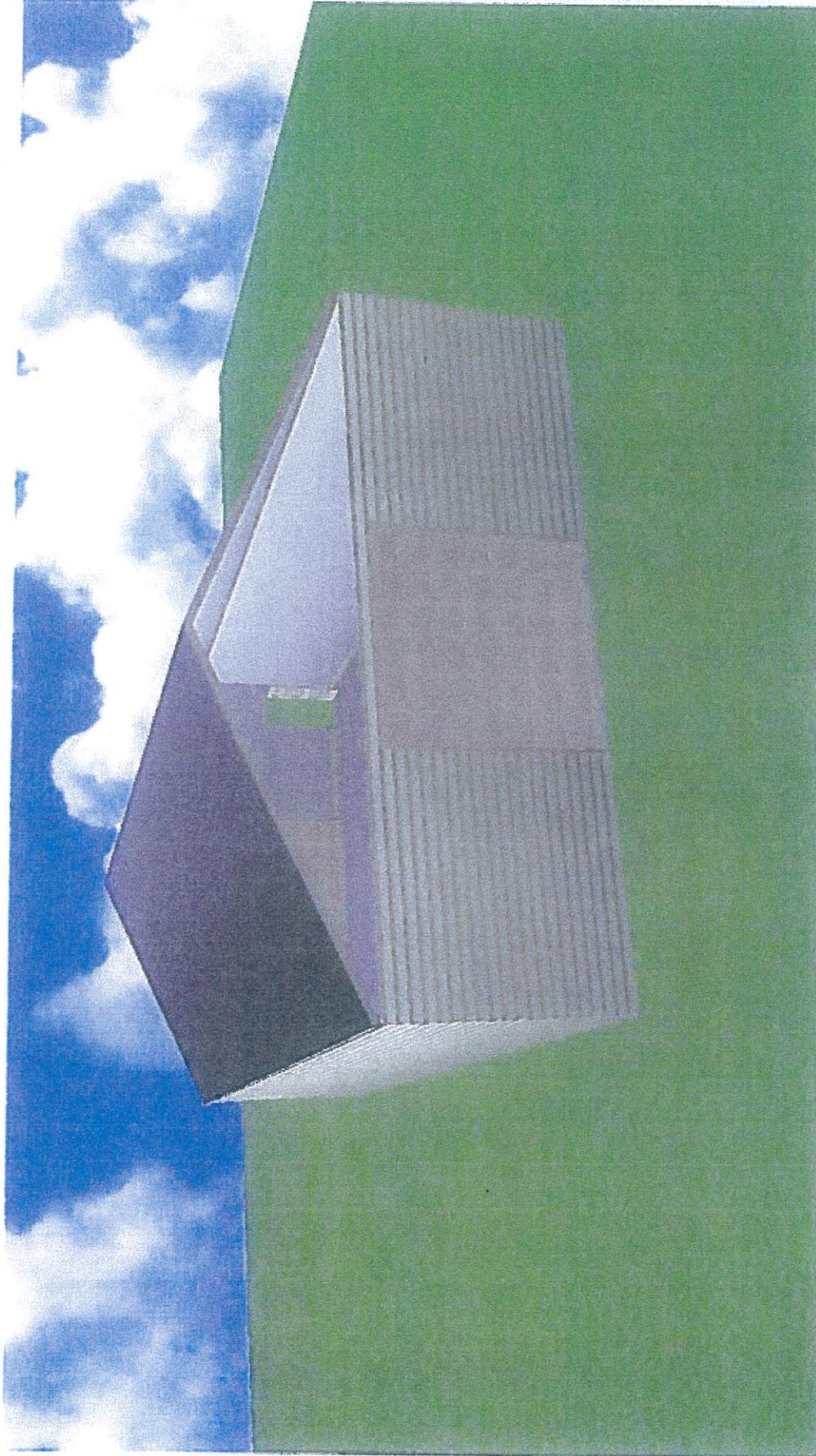
\_\_\_\_\_  
(Property Owner)

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

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

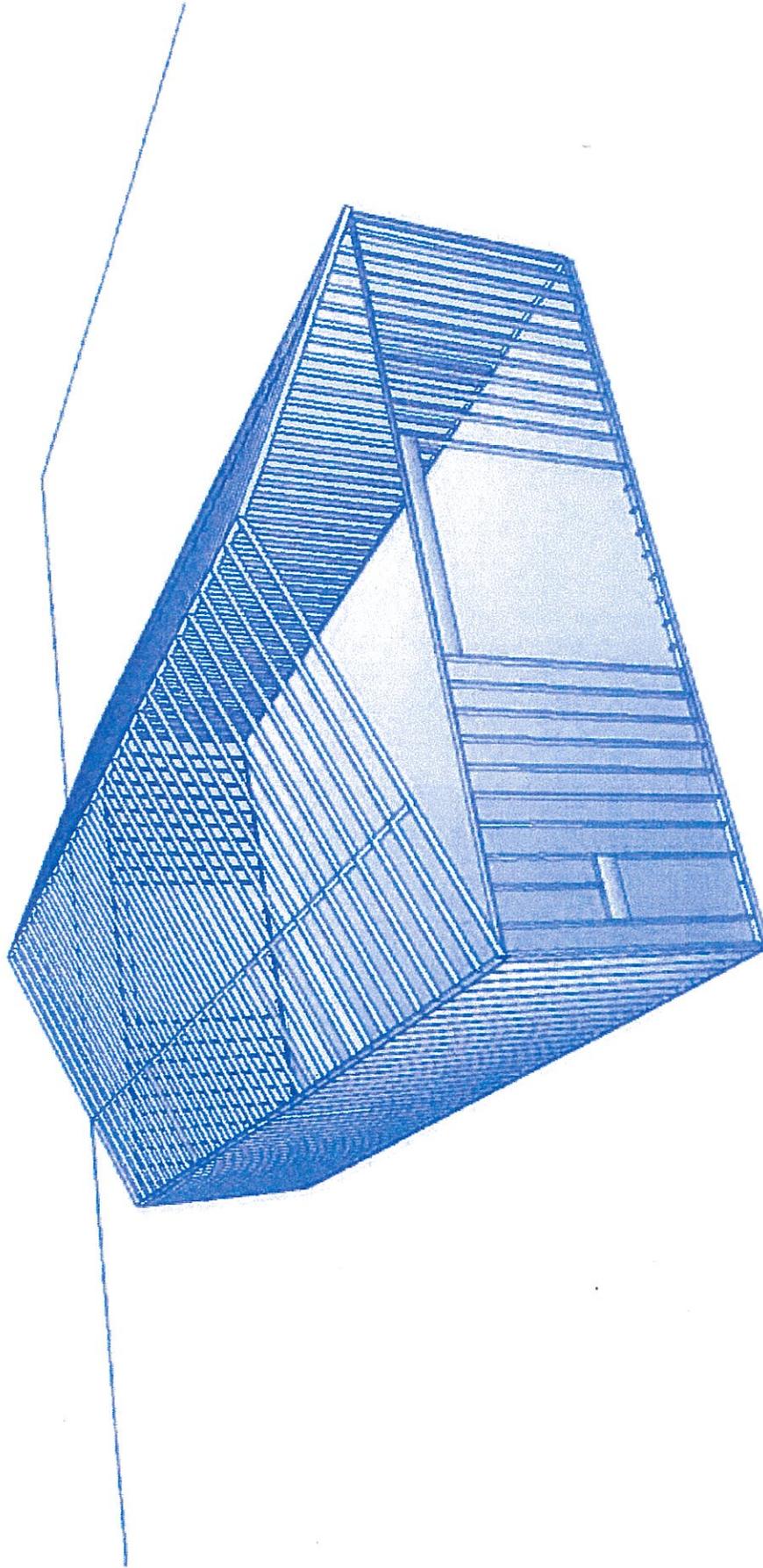
Ricky's Custom Carts  
December 2014

RECEIVED  
DEC 11 2014  
PLANNING



*This building will have Dutch lap vinyl siding and a rib steel roof to match existing buildings.*

RECEIVED  
DEC 11 2014  
PLANNING



Ricky's Custom Carts  
December 2014

Ricky's Custom Carts  
December 2014

RECEIVED

DEC 11 2014

PLANNING

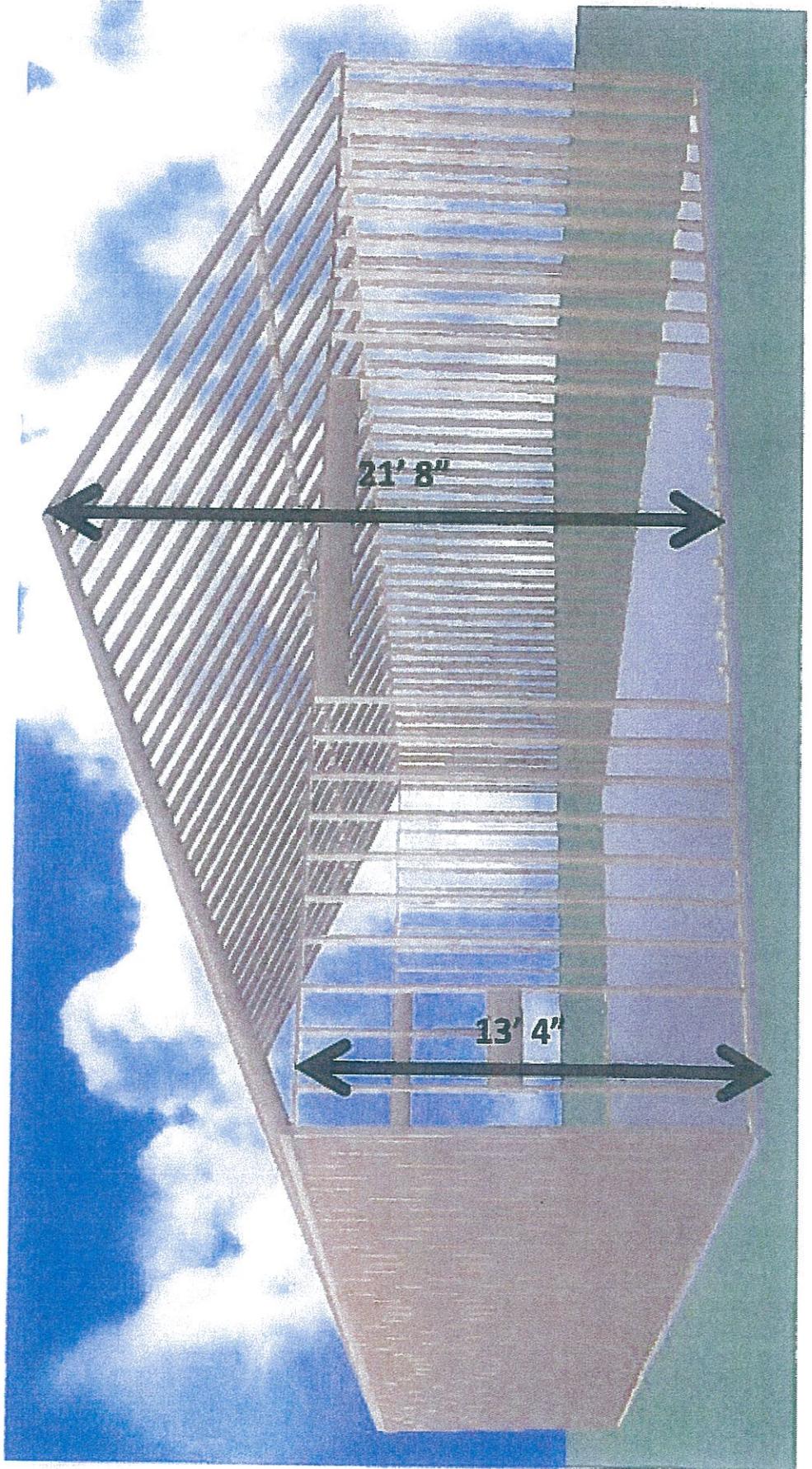
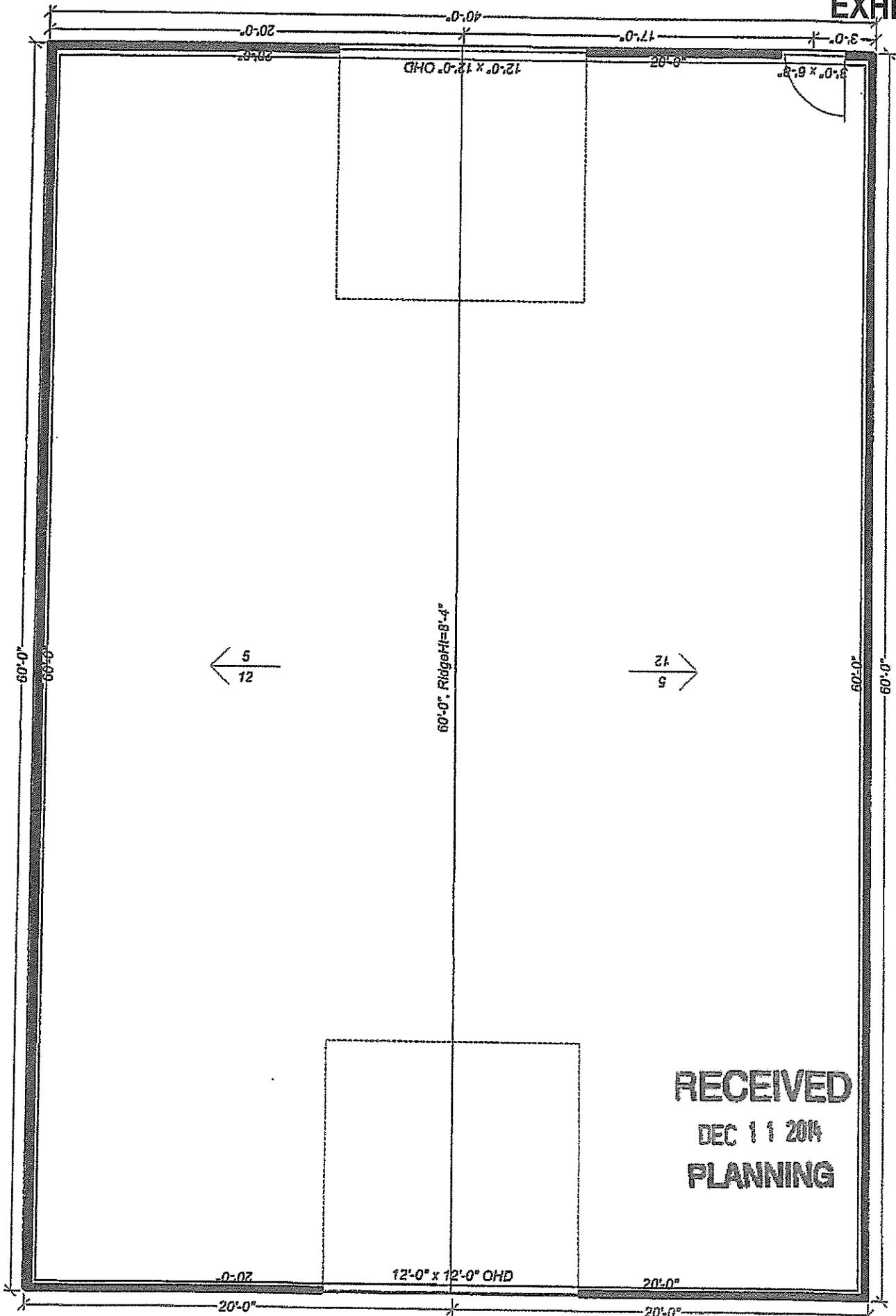
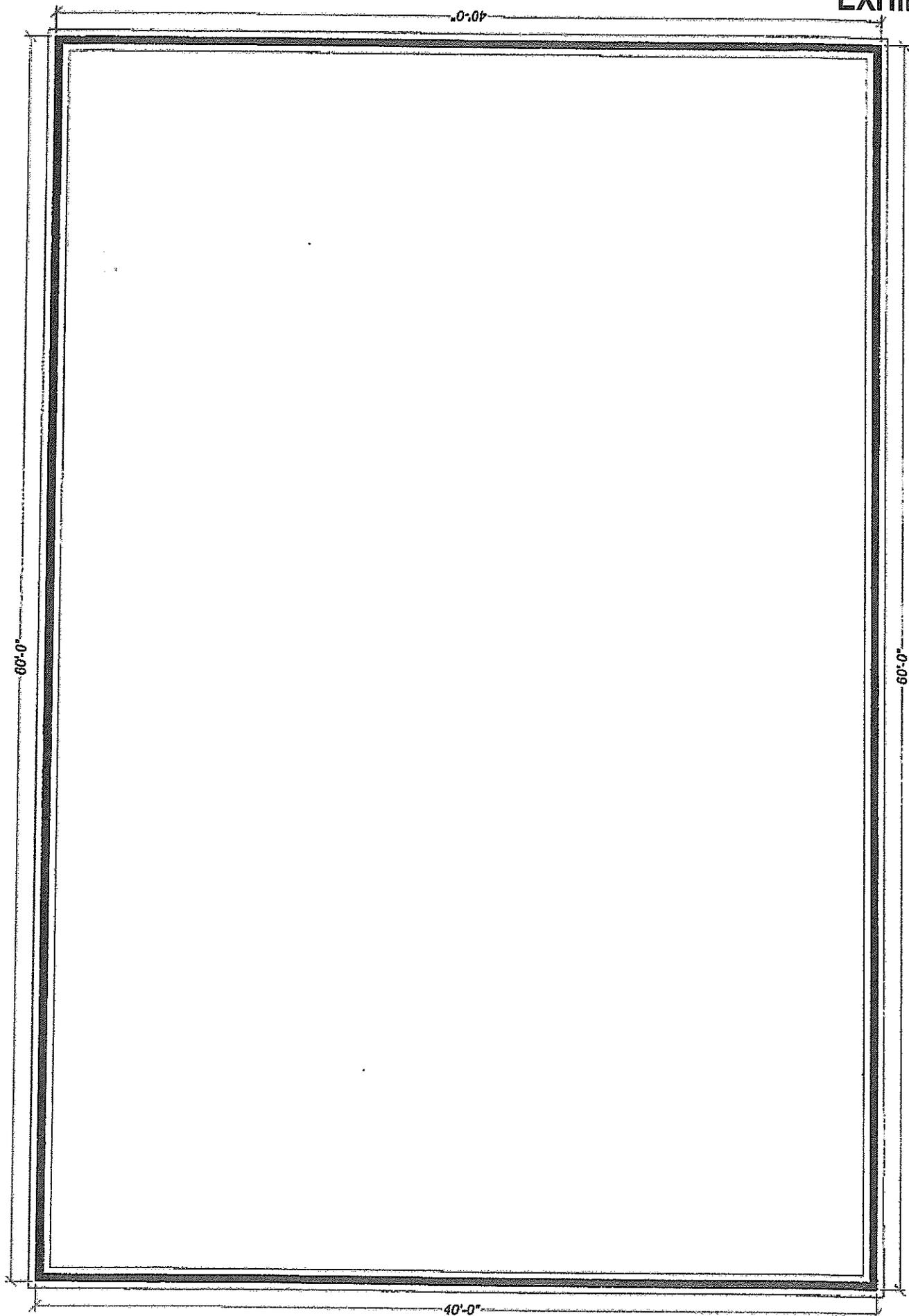


EXHIBIT B







**AGENDA: January 21, 2015, Regular Session**

**ITEM: Resolution** - A resolution authorizing the acceptance of the conveyance of the land currently known as the Southwestern Elementary School

Attached for your consideration is the resolution that provides the authorization of the City Manager to execute the deed for the acceptance of the Southwestern Elementary School property.

The Suffolk School Board approved a resolution declaring the land as surplus and conveyed the land to the City of Suffolk.

**RECOMMENDATION:**

Adopt the attached resolution

**ATTACHMENTS:**

Resolution  
August 14, 2014 School Board Resolution  
Staff Report

**RESOLUTION NUMBER**

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE  
CONVEYANCE OF THE LAND CURRENTLY KNOWN AS THE  
SOUTHWESTERN ELEMENTARY SCHOOL**

WHEREAS, pursuant to Section 22.1-129 of the Code of Virginia, (1950), as amended, the School Board for the City of Suffolk, Virginia adopted by resolution dated August 14, 2014, that such property known as Southwestern Elementary be conveyed to the City of Suffolk, Virginia as such property is surplus.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Suffolk, Virginia, that the City Manager is hereby directed to sign the deed for the acceptance of the conveyance of the property on behalf of the City of Suffolk, VA.

READ AND ADOPTED:

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

Approved as to Form:



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

**A RESOLUTION OF THE SCHOOL BOARD FOR THE CITY OF SUFFOLK, VIRGINIA AUTHORIZING THE CONVEYANCE OF LAND NOT NEEDED FOR SCHOOL PURPOSES LOCATED IN THE TOWN OF HOLLAND, CITY OF SUFFOLK, VIRGINIA CURRENTLY KNOWN AS THE SOUTHWESTERN ELEMENTARY SCHOOL**

**WHEREAS**, pursuant to Section 22.1-129 of the Code of Virginia (1950) as amended, title to surplus real property shall vest in the appropriate county, city or town upon adoption by the school board of an appropriate resolution that such real property is surplus and recording such resolution along with a deed to the property with the clerk of the circuit court for the county or city comprising the school division; and

**WHEREAS**, property was acquired by the Nansemond County School Board, Nansemond County, Virginia, now known as the School Board for the City of Suffolk, located in Suffolk, Virginia. The property being known as Southwestern Elementary School (hereinafter referred to as "the property"); and

**WHEREAS**, it is the opinion of the School Board for the City of Suffolk that the property is no longer needed as part of the public school system; and

**WHEREAS**, the School Board for the City of Suffolk has requested that the Attorney for the School Board transfer title to the property to the City of Suffolk when determined by the School Superintendent that the property has been completely vacated by Suffolk Public Schools and is no longer being used by the school division for any school purpose whatsoever.

**NOW THEREFORE, BE IT RESOLVED** by the School Board for the City of Suffolk as follows:

1. That Wendell M. Waller, Attorney for the School Board for the City of Suffolk is hereby authorized to handle all legal matters pertaining to the conveyance of title to the above property when determined by the School Superintendent that the property has been completely vacated by Suffolk Public Schools and is no longer being used by the school division for any school purpose whatsoever.

2. That the chairperson of the School Board for the City of Suffolk, be, and is hereby directed to sign the deed of conveyance for the above property on behalf of the School Board and the Clerk be, and is hereby directed to attest the same.

ADOPTED BY

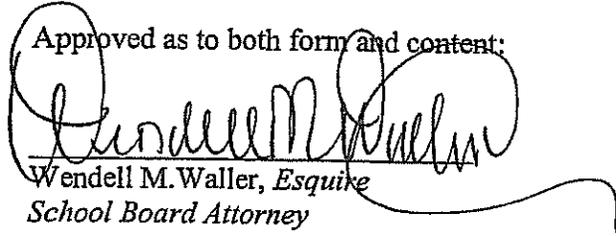
SUFFOLK SCHOOL BOARD:

August 14, 2014

TESTE:

Cynthia B. Chauncy  
Clerk

Approved as to both form and content:

  
Wendell M. Waller, Esquire  
School Board Attorney

**STAFF REPORT**

**Southwestern Elementary School Property Conveyance to the City**

As a result of the opening of the new Pioneer Elementary School this past fall, Southwest Elementary School was closed by Suffolk Public Schools. Robertson Elementary was previously conveyed to the City in 2011, and has since undergone an adaptive re-use renovation, and will be opening to the public as the Whaleyville Community Center on January 23, 2015. Suffolk Public Schools will convey Southwestern Elementary School to the City on January 2015. The Southwestern Elementary campus is comprised of three buildings: the main school building, the former Nansemond County Training School, and a small wood framed storage building. There is currently no plan for re-use of any of these structures by the City or Suffolk schools. Once the City receives the property, immediate measures will be taken to secure all of the structures to protect them against unlawful entry and potential vandalism. The following is a list of those measures and the cost estimates to do so:

- Secure doors and windows (Both Buildings).....\$15,000
  - Install perimeter security fencing.....\$20,000
  - Salvage equipment.....\$30,000
  - Install minimal security system (by CSI).....\$15,000
  - Contingency (for unforeseen issues, asbestos, lead paint, etc.).....\$25,000
- TOTAL COST ESTIMATE.....\$105,000

Funding will need to be continuously provided for the upkeep of these measures until the ultimate use of these structures can be determined.

# **Staff Reports**

## **Motion to Schedule a Work Session**

## **Non-Agenda Speakers**

# **New Business**

# **Announcements and Comments**