

Director of Media and Community
Relations

**SUFFOLK CITY COUNCIL
MEETING OF MAY 20, 2015**



WORK SESSION

Begins at 5:00 p.m.

REGULAR SESSION

Begins at 7:00 p.m.

**SUFFOLK CITY COUNCIL
WORK SESSION**
May 20, 2015
5:00 p.m.
City Council Chamber

1. Suffolk Executive Airport Quarterly Report
2. Capital Improvement Projects Update
- 3.* Appointments

* Proposed Items for Closed Session

AGENDA: May 20, 2015, Work Session

ITEM: Suffolk Executive Airport Quarterly Report

Staff will present the activity of most recently completed quarter at the Suffolk Executive Airport.

AGENDA: May 20, 2015, Work Session

ITEM: Capital Improvement Projects Update

Staff will provide City Council with a Capital Improvement Projects update.

SUFFOLK CITY COUNCIL AGENDA
May 20, 2015
7:00 p.m.
City Council Chamber

1. **Call to Order**
2. **Nonsectarian Invocation**
3. **Approval of the Minutes**
4. **Special Presentations**
5. **Removal of Items from the Consent Agenda and Adoption of the Agenda**
6. **Agenda Speakers**
7. **Consent Agenda** – An ordinance to accept and appropriate funds from the Virginia Department of Environmental Quality for the 2015 Historical Data Cleanup for the Suffolk Department of Public Works
8. **Consent Agenda** – An ordinance to accept and appropriate excess General Fund Expenses and/or excess General Fund Revenues received during Fiscal Year 2014-15, not to exceed \$252,375, for the purchase of new voting equipment
9. **Public Hearing** – An ordinance to rezone and amend the official zoning map of the City of Suffolk, to change the zoning from B-2, General Commercial zoning district, (Conditional), to MUD, Mixed Use Development Overlay zoning district, (Conditional) for property located at 1900 N. Main Street, Zoning Map 25, Parcel 45; RZ09-14 (Conditional)
10. **Public Hearing** – An ordinance to rezone and amend the official zoning map of the City of Suffolk, to change zoning from CBD, Central Business District (Conditional), to CBD, Central Business District Zoning District for property located at 220 North Main Street, Tax Map 34G18(A) Parcel 95A; RZ01-15
11. **Public Hearing** – An ordinance to grant a Conditional Use Permit to establish an animal shelter on property located at 412 Kings Fork Road, Zoning Map 25, Parcel 18D*1; C18-14
12. **Public Hearing** – An ordinance to grant a Conditional Use Permit to establish a day care (family day home, six to twelve children) on property located at 4724 Camellia Drive, Zoning Map 13C, Parcel 313; C03-15

13. **Public Hearing** – An ordinance to repeal Section 31-416.1, Floodplain Overlay District (F) of the Code of the City of Suffolk Unified Development Ordinance and to adopt Section 31-416.2 Floodplain Overlay District (F) – OA3-15
14. **Ordinance** – An ordinance amending Chapter 2, Section 2-460 of the Code of the City of Suffolk concerning the compensation for the Economic Development Authority
15. **Ordinance** – An ordinance to amend Section 86-604 of the Code of the City of Suffolk concerning designated public streets approved for golf cart use within the Holiday Point Estates community
16. **Ordinance** – An ordinance to amend Section 86-291 of the Code of the City of Suffolk restricting through truck traffic on Manning Bridge Road, Manning Road (from Copeland Road to Holland Road), and within the Kingsboro neighborhood, on Katherine Street, Kingsboro Street, Lakeside Street, Nansemond Avenue, Highland Avenue, and Elizabeth Street, between East Constance Road and East Pinner Street
17. **Resolution** – A resolution supporting the Virginia Housing Development Authorities financing of the Meridian at Obici Place Multi-Family Apartment Project
18. **Staff Reports**
19. **Motion** – A motion to schedule a Work Session for June 3, 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 was held in the City Council Chamber, 442 West Washington Street, on Wednesday, May 6, 2015, 4:00 p.m.

PRESENT

Council Members -

Linda T. Johnson, Mayor, presiding

Leroy Bennett, Vice Mayor

Michael D. Duman

Roger W. Fawcett

Donald Z. Goldberg

Timothy J. Johnson

Curtis R. Milteer, Sr.

Lue R. Ward, Jr.

Selena Cuffee-Glenn, City Manager

Helivi L. Holland, City Attorney

Erika S. Dawley, City Clerk

ABSENT

None

UPDATE REGARDING DOMINION POWER'S PROPOSED ATLANTIC COAST PIPELINE

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

Referring to the presentation, Council Member Duman sought more information about potential impacts on residential customers, as it relates to the proposed pipeline. Mr. Faatz explained that the proposed pipeline should not have any impact on residential customers.

Referring to the presentation, Council Member Duman opined that the proposed pipeline would result in increased capacity overall but would not change availability to the local area. Mr. Faatz advised that availability could be increased in the local area if additional infrastructure was developed.

Mayor Johnson asked Human Resources Director Nancy Olivo to provide a report about the recruitment of the City Manager.

Utilizing a PowerPoint presentation, Human Resources Director Olivo submitted a review of the executive recruitment process for a City Manager.

Council Member Milteer asked about the process for appointing an Interim City Manager. Human Resources Director Olivo indicated that City Council could appoint an Interim City Manager and then conduct a search for a permanent City Manager.

CLOSED MEETING

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

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

1. Pursuant to Virginia Code Section 2.2-3711(A)(1), the discussion, consideration, or interviews of prospective candidates for employment, appointment and salary of a specific public appointee to wit: Interim City Manager and appointments as shown on the attached list for vacancies or term expirations for Community Policy and Management Team, Fine Arts Commission, Hampton Roads Planning District Commission, Historic Landmarks Commission, Human Services Advisory Board, Library Advisory Board, Local Board of Building Code Appeals, Parks and Recreation Advisory Commission, Planning Commission, Sister Cities Commission, Suffolk Clean Community Commission, Suffolk Clean Community Commission Keep Suffolk Beautiful Executive Board, Suffolk Redevelopment and Housing Authority Board of Commissioners, Western Tidewater Water Authority, and Wetlands Board.

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

City Council convened in Closed Meeting at 4:29 p.m. The Closed Meeting concluded at 5:20 p.m.

Teste: _____
Erika S. Dawley, MMC, 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, May 6, 2015, at 7:00 p.m.

PRESENT

Council Members -
Linda T. Johnson, Mayor, presiding
Leroy Bennett, Vice Mayor
Michael D. Duman
Roger W. Fawcett
Donald Z. Goldberg
Timothy J. Johnson
Curtis R. Milteer, Sr.
Lue R. Ward, Jr.

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. Council Member Milteer offered the Invocation and the Pledge of Allegiance to the Flag.

FREEDOM OF INFORMATION ACT CERTIFICATION

City Clerk Dawley presented a resolution certifying the Closed Meeting of May 6, 2015, pursuant to Section 2.2-3712 of the Code of Virginia (1950), as amended.

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

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

A RESOLUTION OF CERTIFICATION OF THE CLOSED MEETING OF MAY 6, 2015, PURSUANT TO SECTION 2.2-3712 OF THE CODE OF VIRGINIA (1950), AS AMENDED

APPROVAL OF THE MINUTES

Council Member Milteer, on a motion seconded by Vice Mayor Bennett, moved to approve the minutes from the April 15, 2015, Work Session and Regular Meeting, as presented, by the following vote:

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

SPECIAL PRESENTATIONS

Special Presentation – Arson Awareness Week

Mayor Johnson presented the above referenced item to Fire Chief Cedric Scott.

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 Consent Agenda items for separate action.

Hearing no requests for removal any of the 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 Duman, moved to adopt the agenda, as presented, by the following vote:

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

AGENDA SPEAKERS

Mayor Johnson asked if there were any agenda speakers. City Clerk Dawley advised that there was one request from a citizen to address City Council under this portion of the agenda on Item #11 - Ordinances and Resolutions – Adoption of the proposed Operating and Capital Budget for Fiscal Year 2015-2016 and related ordinances and resolution, as amended.

Mayor Johnson asked City Attorney Holland to address the request. City Attorney Holland explained that in City Code Section 2-96 (c) the agenda item entitled “Agenda Speakers” concerns those items listed on the agenda for which no public hearing has been scheduled. At the April 15, 2015, City Council meeting, City Council conducted and closed the scheduled public hearing on these items. Should City Council wish to permit the speaker to address the body tonight, a motion to suspend the Rules of Order and Procedure and approval of two-thirds of the body is required.

Chris Dove, no address given, opined about a point of order regarding his request to speak as an agenda speaker. Mayor Johnson called Mr. Dove out of order.

Hearing no motion, no action was taken on this matter.

CONSENT AGENDA

City Clerk Dawley presented the following Consent Agenda items:

Consent Agenda Item #7 – An ordinance to accept and appropriate funds from the Commonwealth of Virginia Department of Aviation for the Suffolk Executive Airport

Consent Agenda Item #8 – An ordinance to accept and appropriate proceeds from the Commonwealth of Virginia’s Governor’s Opportunity Fund

Consent Agenda Item #9 - A resolution authorizing the City Manager to execute a Utility Service Agreement between the Cities of Suffolk and Chesapeake, Luck Stone Corporation, and Pughsville Properties, LLC for the provision of water and sanitary sewer services by the City of Chesapeake to Tax Map Parcel 13*37

Council Member Fawcett called for a summary on Consent Agenda Items #7 through #9 - an ordinance to accept and appropriate funds from the Commonwealth of Virginia Department of Aviation for the Suffolk Executive Airport; an ordinance to accept and appropriate proceeds from the Commonwealth of Virginia’s Governor’s Opportunity Fund; and a resolution authorizing the City Manager to execute a Utility Service Agreement between the Cities of Suffolk and Chesapeake, Luck Stone Corporation, and Pughsville Properties, LLC for the provision of water and sanitary sewer services by the City of Chesapeake to Tax Map Parcel 13*37.

Referring to Consent Agenda Items #7 and #8, City Manager Cuffee-Glenn submitted an overview of the background information as printed in the official agenda.

Referring to Consent Agenda Item #9, Public Utilities Director Albert Moor gave a report on the background information as printed in the official agenda.

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

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

PUBLIC HEARINGS

Public Hearing – Proposed Fiscal Year 2015-2016 Downtown Business Overlay District (DBOD) real estate tax increase due to reassessment of 1.36%

Utilizing a PowerPoint presentation, Finance Director Lenora Reid offered a review of the background information as printed on the official agenda.

Chris Dove, 852 Colonel Meade Drive, representing self, opined about the above referenced item.

Hearing no additional speakers, the public hearing was closed.

ORDINANCES**Ordinances and Resolutions** – Adoption of the proposed Operating and Capital Budget for Fiscal Year 2015-2016 and related ordinances and resolution as amended

Utilizing a PowerPoint presentation, Finance Director Reid supplied a synopsis of the background information as printed in the official agenda.

Referring to the presentation, Council Member Duman called for an expenditure reduction summary. Finance Director Reid explained that reductions were made in the City's internal services funds including the Risk Management Fund, the Information Technology Fund and the Fleet Management Fund. She added that the Other Postemployment Benefits were moved to the Risk Management Fund.

Council Member Duman indicated that he would like the following amendment to Section 9 of the proposed "ordinance approving the City Budget and appropriating funds for expenditures contemplated during the Fiscal Year beginning July 1, 2015, and ending June 30, 2016, and regulating the payment of money of the City Treasury" – the deletion of "or from the General Fund".

Council Member Goldberg called for an explanation of Section 5 of the proposed "ordinance approving the City Budget and appropriating funds for expenditures contemplated during the Fiscal Year beginning July 1, 2015, and ending June 30, 2016, and regulating the payment of money of the City Treasury." Finance Director Reid indicated that the language is not for planned borrowing but provides for the option if needed.

Council Member Goldberg opined about inclusion of Section 5 of the proposed "ordinance approving the City Budget and appropriating funds for expenditures contemplated during the Fiscal Year beginning July 1, 2015, and ending June 30, 2016, and regulating the payment of money of the City Treasury." Finance Director Reid reiterated that the section merely provides for a funding option if needed.

Mayor Johnson opined about the inclusion of Section 5 of the proposed "ordinance approving the City Budget and appropriating funds for expenditures contemplated during the Fiscal Year beginning July 1, 2015, and ending June 30, 2016, and regulating the payment of money of the City Treasury." Finance Director Reid stated that she was not aware that the option has been used since her employment with the City. City Manager Cuffee-Glenn added that the option was recommended by the City's financial advisors and would require City Council's authorization if utilized.

Council Member Johnson asked if the City Manager or the City Treasurer are permitted to borrow funds under Section 5 of the proposed "ordinance approving the City Budget and appropriating funds for expenditures contemplated during the Fiscal Year beginning July 1, 2015, and ending June 30, 2016, and regulating the payment of money of the City Treasury." City Manager Cuffee-Glenn explained that any borrowing would require the authorization of City Council.

Council Member Duman, on a motion seconded by Council Member Ward, moved to amend Section 9 of the proposed “ordinance approving the City Budget and appropriating funds for expenditures contemplated during the Fiscal Year beginning July 1, 2015, and ending June 30, 2016, and regulating the payment of money of the City Treasury” with the deletion of “or from the General Fund” and approve the remaining ordinances and the resolution, as presented, by the following vote:

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

AN ORDINANCE APPROVING THE CITY BUDGET AND APPROPRIATING FUNDS FOR EXPENDITURES CONTEMPLATED DURING THE FISCAL YEAR BEGINNING JULY 1, 2015, AND ENDING JUNE 30, 2016, AND REGULATING THE PAYMENT OF MONEY OUT OF THE CITY TREASURY AS AMENDED

AN ORDINANCE LEVYING REAL PROPERTY TAXES FOR THE TAX YEAR BEGINNING JULY 1, 2015, AND ENDING JUNE 30, 2016 FOLLOWING THE APRIL 15, 2015, AND MAY 6, 2015, PUBLIC HEARINGS ADOPTING 1.36% INCREASE IN THE DOWNTOWN BUSINESS OVERLAY TAXING DISTRICT ASSESSMENT

AN ORDINANCE TO LEVY TAXES ON ALL TANGIBLE PERSONAL PROPERTY NOT EITHER EXEMPT FROM TAXATION OR OTHERWISE TAXED FOR THE 2015 AND 2016 TAX YEARS

AN ORDINANCE ADOPTING A FEE SCHEDULE FOR THE CITY OF SUFFOLK

AN ORDINANCE APPROVING NEW POSITIONS AND REVISED JOB DESCRIPTIONS REGARDING THE FISCAL YEAR 2015-2016 OPERATING AND CAPITAL BUDGET AND CITY FISCAL YEAR 2015-2016 CLASSIFICATION AND COMPENSATION PLAN

A RESOLUTION TO PROVIDE FOR A 1% SHIFT IN THE VIRGINIA RETIREMENT SYSTEM EMPLOYEE CONTRIBUTION RATE TO THE EMPLOYEES WITH A RESPECTIVE 1.337% INCREASE IN TOTAL CREDITABLE COMPENSATION

AN ORDINANCE AMENDING CHAPTER 82, SECTION 82-557, OF THE CODE OF THE CITY OF SUFFOLK CONCERNING CIGARETTE TAX

AN ORDINANCE AMENDING CHAPTER 82, SECTION 82-517, OF THE CODE OF THE CITY OF SUFFOLK CONCERNING TRANSIENT OCCUPANCY TAX

AN ORDINANCE AMENDING CHAPTER 50, SECTION 50-81, OF THE CODE OF THE CITY OF SUFFOLK CONCERNING THE LIBRARY DIRECTOR

AN ORDINANCE TO APPROPRIATE \$220,000 FROM THE CEMETERY FUND UNAPPROPRIATED FUND BALANCE FOR IMPROVEMENTS AND MAINTENANCE AT HOLLY LAWN CEMETERY AND CEDAR HILL CEMETERY

RESOLUTIONS

Resolution – A resolution to adopt the 2020 Consolidated Plan and Fiscal Year 2015-2016 Annual Action Plan for the City of Suffolk Community Development Block Grant Program and the Western Tidewater Home Consortium Home Investment Partnership Grant Program

Vice Mayor Bennett indicated that he would abstain from voting on this item due to his relationship with the Genieve Shelter.

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

Referring to the presentation, Council Member Milteer solicited information about the areas included in the Community Development Block Grant Program. Planning and Community Development Director Mills stated that eligible census tracks mostly are located in the downtown central core area.

Referring to the presentation, Council Member Milteer opined about the connection between family income and neighborhood eligibility for the Community Development Block Grant Program. Planning and Community Development Director Mills replied in the affirmative.

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

AYES:	Mayor L. Johnson, and Council Members Duman, Fawcett, Goldberg, T. Johnson, Milteer and Ward	7
NAYS:	None	0
ABSTAIN:	Vice Mayor Bennett	1

A RESOLUTION TO ADOPT THE 2020 CONSOLIDATED PLAN AND FISCAL YEAR 2015-2016 ANNUAL ACTION PLAN FOR THE CITY OF SUFFOLK COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE WESTERN TIDEWATER HOME CONSORTIUM HOME INVESTMENT PARTNERSHIP GRANT PROGRAM

STAFF REPORTS

There were no items under this portion of the agenda.

MOTIONS

Motion – A motion to schedule a Work Session for May 20, 2015, at 4:00 p.m., unless cancelled

Council Member Fawcett, on motion seconded by Council Member Milteer, moved to schedule a Work Session for May 20, 2015, at 4:00 p.m., by the following vote:

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

NON-AGENDA SPEAKERS

William Newsome, 910 East Washington Street, representing self, opined about the affordability of water.

Jeff Brittingham, 428 Market Street, representing the Nansemond Suffolk Volunteer Rescue Squad, addressed the City’s relationship with the Nansemond Suffolk Rescue Squad.

Barbara Warren Jones, 311 Scotch Pine Road, representing the Alpha Kappa Alpha Sorority, acknowledged the service of City Manager Cuffee-Glenn.

Valerie Boykin, 112 Robertson Street, representing the Alpha Kappa Alpha Sorority, acknowledged the service of City Manager Cuffee-Glenn.

NEW BUSINESS

City Clerk Dawley presented the following boards and commissions for City Council’s consideration: Planning Commission (effective July 1, 2015) – John Rector; Suffolk Clean Communities Commission – David McMillan and Suffolk Redevelopment and Housing Authority – LaTroy Brinkley.

Council Member Milteer, on a motion seconded by Council Member Fawcett, moved to appoint the above referenced individuals to the aforementioned bodies, by the following vote:

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

Council Member Duman, on a motion seconded by Council Member Johnson, moved to approve a resolution appointing Patrick Roberts as the Interim City Manager and setting the salary of the Interim City Manager as \$168, 663 effective May 16, 2015, as presented, by the following vote:

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

ANNOUNCEMENTS AND COMMENTS

Utilizing PowerPoint presentation, Media and Community Relations Manager Timothy Kelley reported on the following: the expansion of Goodwill of Central and Coastal Virginia; Suffolk Public Library’s two awards from the Virginia Public Library Directors Association; the City’s Silver Award of Distinction for the 2014 Popular Annual Financial Report; the 2014 Suffolk Citizen Centric Report honored by AGA; the City honored for Excellence in Financial Reporting by the Government Finance Officers Association; the Hampton Roads Chamber of Commerce Valor Awards; the upcoming Law Enforcement Memorial Service; the upcoming Youth Public Safety Academy; the upcoming State of the City; the upcoming Suffolk Humane Society adopt-a-thon; the upcoming Relay for Life; upcoming meetings of the Virginia Department of Transportation on the Route 460 Project Southeast Virginia; the upcoming KidsFest at KidsZone; the upcoming summer burn ban; and the observance of National Public Service Week.

Council Member Johnson congratulated Charles Pond on being recognized by the Boy Scouts of America Colonial Virginia Council.

Council Member Johnson advised he attended the Suffolk Virginia Cooperative Extension Office's Food Deserts Documentary and Discussion.

Council Member Johnson thanked staff for their service.

Council Member Johnson congratulated City Manager Cuffee-Glenn on her new position with the City of Richmond.

Council Member Milteer congratulated City Manager Cuffee-Glenn on her new position with the City of Richmond.

Council Member Milteer reported that speeding on Route 13/32 has increased and requested enforcement action.

Council Member Milteer advised he attended the Suffolk Democratic Committee's 7th Annual Community Hero Luncheon.

Council Member Milteer congratulated Deputy City Manager Roberts on being appointed Interim City Manager.

Council Member Fawcett recognized the following: the expansion of the Target Distribution Center; the Emergency Medical Services Operator of the Year; the Suffolk Public Library's two awards from the Virginia Public Library Directors Association; the Clean Community Commission on the recent Tire Amnesty Day; Suffolk Fire Department Lieutenant Steven A. Henkle, Suffolk Fire Department and the other honorees recognized at the Hampton Roads Chamber of Commerce Valor Awards; and Andy Damani and the other individuals recognized at the Suffolk Democratic Committee's 7th Annual Community Hero Luncheon.

Council Member Fawcett extended his condolences to the family of the late Robert Harrell.

Council Member Fawcett advised that he attended the following: the Virginia Modeling Analysis and Simulation Center Open House, the State of the River presentation sponsored by the Nansemond River Preservation Alliance and the Suffolk Wine Festival.

Council Member Fawcett congratulated City Manager Cuffee-Glenn on her new position with the City of Richmond.

Council Member Goldberg congratulated City Manager Cuffee-Glenn on her new position with the City of Richmond.

Council Member Goldberg congratulated Deputy City Manager Roberts on being appointed Interim City Manager.

Council Member Goldberg opined about the Operating Budget for Fiscal Year 2015-2016.

Council Member Ward advised he attended the Suffolk Virginia Cooperative Extension Office's Food Deserts Documentary and Discussion.

Council Member Ward thanked Public Works Director Nielsen for his assistance with a road repair on College Drive.

Council Member Ward reported he attended an event hosted by Project Lifesaver and a meeting of the Pughsville Civic League.

Council Member Ward congratulated City Manager Cuffee-Glenn on her new position with the City of Richmond.

Council Member Ward opined about the Operating Budget for Fiscal Year 2015-2016.

Council Member Duman opined about the following: the Operating Budget for Fiscal Year 2015-2016; the City's relationship with the Nansemond Suffolk Volunteer Rescue Squad; and the expansion of the Target Distribution Center.

Council Member Duman advised he attended the Mutt Strut and the Boy Scouts of America Colonial Virginia Council Breakfast honoring Charles Pond.

Council Member Duman opined about an email from a resident complimenting the City's employees on their service.

Council Member Duman extended his condolences to the family of the late Robert Harrell.

Council Member Duman congratulated City Manager Cuffee-Glenn on her new position with the City of Richmond.

Vice Mayor Bennett congratulated City Manager Cuffee-Glenn on her new position with the City of Richmond.

Vice Mayor Bennett congratulated Deputy City Manager Roberts on being appointed Interim City Manager.

Vice Mayor Bennett opined about the Operating Budget for Fiscal Year 2015-2016.

Vice Mayor Bennett extended his condolences to the family of the late Robert Harrell.

Vice Mayor Bennett asked about the mosquito spraying for the Nansemond River Estates community.

Vice Mayor Bennett opined about the Suffolk Fire Department.

Vice Mayor Bennett reported he attended the following: an event sponsored by Project Lifesaver; the Boy Scouts of America Colonial Virginia Council Breakfast honoring Charles Pond; the opening of the new Suffolk Christian Fellowship Center Food Pantry; and the Suffolk Virginia Cooperative Extension Office's Food Deserts Documentary and Discussion.

City Manager Cuffee-Glenn offered comments on her departure from the City.

Mayor Johnson recognized Curtis Byrd from the Office of Congressman J. Randy Forbes.

Mayor Johnson announced she would be attending the following: the Grand Opening Event for the new apartments at October at Fair Downs; the National Day of Prayer Breakfast; and the City’s Employee Service Awards Luncheon.

Mayor Johnson congratulated City Manager Cuffee-Glenn on her new position with the City of Richmond.

Mayor Johnson congratulated Deputy City Manager Roberts on being appointed Interim City Manager

Mayor Johnson opined about the following: the Operating Budget for Fiscal Year 2015-2016; the American Heart Association HeartChase and the American Cancer Society Relay for Life.

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

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

There being no further business to come before City Council, the regular meeting was adjourned at 9:15 p.m.

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

Approved: _____
Linda T. Johnson, Mayor

Special Presentations

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

Agenda Speakers

AGENDA: May 20, 2015, Regular Session

ITEM: Consent Agenda – An ordinance to accept and appropriate funds from the Virginia Department of Environmental Quality for the 2015 Historical Data Cleanup for the Suffolk Department of Public Works

The City has received a \$25,000 grant from the Virginia Department of Environmental Quality for the 2015 Historical Data Cleanup which provides funds to cover personnel costs associated with compiling and formatting the necessary data.

The data compiled during this cleanup will be used for the development and calibration of Phase 6 of the Chesapeake Bay Program Watershed model. This will improve the quality of the model outputs and their relevancy to the City of Suffolk. Accurately representing BMP's implemented on the landscape through time is critical for crediting water quality efforts undertaken to date as well as targeting future implementation efforts.

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 \$25,000 for the above noted purpose and requires no local fund support.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENTS:

Ordinance
Award Notification

ORDINANCE NO. _____

AN ORDINANCE TO ACCEPT AND APPROPRIATE FUNDS FROM THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE 2015 HISTORICAL DATA CLEANUP FOR THE SUFFOLK DEPARTMENT OF PUBLIC WORKS

WHEREAS, the City has received funds in the amount of \$25,000 from the Virginia Department of Environmental Quality in support of the 2015 Historical Data Cleanup; and,

WHEREAS, the funds received need to be accepted and appropriated to the Consolidated Grants Fund for Fiscal Year 2015-16 to assist in personnel costs associated with compiling and formatting the necessary data; and,

WHEREAS, the data compiled by City staff will be used in the development and calibration of Phase 6 of the Chesapeake Bay Program Watershed Model and improved understanding of Virginia's progress toward the goals outlined in the Bay Total Maximum Daily Load.

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

1. The sum of \$25,000 shall be reflected as budget in the following accounts in the Fiscal Year 2015-16 Consolidated Grants Fund budget:

<u>Revenue</u>		
211-82220-1564_424030	VDEQHistoricalDataClnup16056;10/15	<u>\$25,000</u>
<u>Expenditure</u>	VDEQHistoricalDataClnup16056;10/15	
211-82220-1564_51100.02	Salaries & Wages Regular	<u>\$25,000</u>

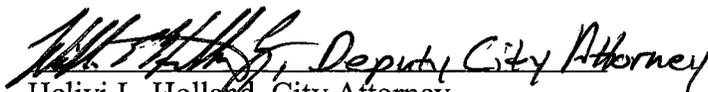
2. The fund amount totaling \$25,000 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 14-O-037, as amended. The City Manager be, and hereby is authorized and directed to do all things necessary to effectuate this action.

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

READ AND PASSED: _____

TESTE: _____

Approved as to Form:


Helivi L. Holland, City Attorney



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

April 8, 2015

NOTICE OF INTENT TO AWARD 2015 Historical Data Cleanup

The Virginia Department of Environmental Quality (DEQ) intends to fund 37 initiatives that were proposed in response to the 2015 Historical Data Cleanup Request for Applications (RFA), which was issued on January 20, 2015. The determination to fund these projects was made: (a) pursuant to the review criteria included in the aforementioned RFA, and (b) to maximize cost-effectiveness of grant funds. The total funding allocation is \$940,170.00.

The purpose of these grant awards is to support the collection of historical developed/urban Best Management Practice (BMP) data (1985 – present) for facilities installed to aid in controlling runoff pollution and the submittal of existing land use/land cover data from local governments and/or Planning District Commissions within the Chesapeake Bay Watershed.

#	Organization Name	Project Title	Funding
1	Amherst County	BMP Data - 2015 Historical Data Clean-Up	\$ 23,660.00
2	Town of Ashland	Town of Ashland SWM Facility Field Verification & Data Collection	\$ 24,930.00
3	Bedford County	2015 DEQ Historical BMP Data	\$ 22,000.00
4	Caroline County, Department of Planning	Chesterfield County Historical Water Quality BMP Inventory	\$ 25,000.00
5	City of Chesapeake - Public Works Department	City of Chesapeake Historical BMP Data Clean-Up	\$ 25,000.00
6	Chesterfield County	Chesterfield County Historical Water Quality BMP Inventory	\$ 25,000.00
7	Town of Dumfries	2015 DEQ Historical Data Clean-Up	\$ 15,000.00
8	City of Fairfax	Historic BMP Grant	\$ 25,000.00
9	Town of Farmville (Prince Edward County)	Farmville/Prince Edward BMP Catalog	\$ 19,000.00
10	City of Fredericksburg	Fredericksburg City 2015 Historical BMP Data Clean-Up	\$ 25,000.00
11	Gloucester County	Gloucester County 2015 Historical Data Clean-Up	\$ 23,660.00
12	Goochland County	BMP Data Collection and Reporting	\$ 15,000.00
13	City of Hampton	Stormwater Management Facility Data Update	\$ 25,000.00
14	Hanover County - Department of	2015 Historical BMP Data Clean-Up	\$ 6,270.00

#	Organization Name	Project Title	Funding
	Public Works		
15	City of Harrisonburg	2015 DEQ Historical Data Clean-Up	\$ 25,000.00
16	Isle of Wight County	2015 Historical Data Clean-Up	\$ 25,000.00
17	King and Queen County	King and Queen Stormwater Data Clean-Up	\$ 20,000.00
18	George Washington Regional Commission (performing work for King George County)	2015 GIS and Land Use Data Clean-Up for Chesapeake Bay Model	\$ 22,304.00
19	King William County	King William Data Clean-Up Grant	\$ 25,000.00
20	City of Manassas	2015 Historical Data Clean-Up	\$ 18,800.00
21	City of Manassas Park	2015 DEQ Historical Data Clean-Up	\$ 22,000.00
22	New Kent County	Historical BMP Data Clean-Up	\$ 25,000.00
23	City of Newport News, Department of Engineering	2015 Historical Data Clean-Up	\$ 25,000.00
24	City of Norfolk	Norfolk BMP Historical Data Clean-Up	\$ 21,752.00
25	City of Petersburg	City of Petersburg SWM Facility Field Verification & Data Collection	\$ 24,975.00
26	City of Poquoson	2015 Data Clean-Up: Poquoson	\$ 16,000.00
27	Powhatan County	2015 Historical BMP Data Clean-Up	\$ 19,000.00
28	Stafford County VA, Department of Public Works	Stafford County Stormwater Management Facility Data Revisions	\$ 9,567.00
29	City of Staunton	2015 Historical Data Clean-Up	\$ 21,622.00
30	City of Suffolk Public Works Engineering	City of Suffolk Data Clean Up	\$ 25,000.00
31	Surry County	Surry County BMP Historical Database	\$ 12,000.00
32	City of Virginia Beach	City of Virginia Beach Historical BMP Data Compilation	\$ 25,000.00
33	City of Waynesboro Stormwater Program	City of Waynesboro 2015 Historical BMP Reporting	\$ 25,000.00
34	City of Williamsburg	2015 Historical Data Cleanup	\$ 25,000.00
35	Thomas Jefferson PDC (Albemarle, Fluvanna, Greene, and Nelson Counties)	TJPCDC Regional Stormwater BMP Data Update	\$ 90,625.00
36	Northern Shenandoah Valley Regional Commission (Frederick, Shenandoah, Page, Clarke, and Warren Counties)	Northern Shenandoah Valley Urban BMP Documentation and Verification Project	\$ 84,000.00
37	Rappahannock-Rapidan Regional Commission (Culpeper, Madison, and Orange Counties)	Rappahannock-Rapidan Data Clean-Up	\$ 33,005.00
		TOTAL	\$940,170.00

AGENDA: May 20, 2015, Regular Session

ITEM: Ordinance – An ordinance to accept and appropriate excess General Fund Expenses and/or excess General Fund Revenues received during Fiscal Year 2014-15, not to exceed \$252,375, for the purchase of new voting equipment

Attached for Council's consideration is an ordinance to accept and appropriate excess General Fund Expenses and/or excess General Fund Revenues received during Fiscal Year 2014-15 for the purchase of new voting equipment in the amount of \$252,375. The new equipment will consist of 25 Image Cast Evolution voting machines costing \$233,975 and 92 privacy booths costing \$18,400.

BUDGET IMPACT:

Adoption of the attached ordinance will increase the appropriated revenues and expenditures of the General Fund by \$252,375 for designation and appropriation to the Registrar's Capital Outlay for Fiscal Year 2014-15 for the above noted purpose.

RECOMMENDATION:

Adopt the attached ordinance

ATTACHMENT:

Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO ACCEPT AND APPROPRIATE EXCESS GENERAL FUND EXPENSES AND/OR EXCESS GENERAL FUND REVENUES RECEIVED DURING FISCAL YEAR 2014-15, NOT TO EXCEED \$252,375, FOR THE PURCHASE OF NEW VOTING EQUIPMENT

WHEREAS, it is anticipated that there will be excess General Expenses and/or excess General Fund Revenues received during Fiscal Year 2014-2015; and,

WHEREAS, any excess General Fund Revenues or Expenses will be available for utilization by the City; and,

WHEREAS, funds in the amount of \$252,375 need to be appropriated from the excess expenses and/or excess revenues for the Fiscal Year 2014-15 in order to purchase new voting equipment; and,

WHEREAS, the General Fund Budget of the City of Suffolk is projected to end the Fiscal Year 2014-15 with revenue receipts and/or expenses in excess of budget.

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

1. The fund amount totaling \$252,375 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.

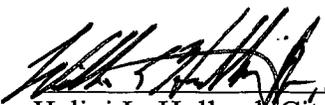
2. This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:


Deputy City Attorney
Helivi L. Holland, City Attorney

AGENDA: May 20, 2015, Regular Session

ITEM: Public Hearing – An ordinance to rezone and amend the official zoning map of the City of Suffolk, to change the zoning from B-2, General Commercial zoning district, (Conditional), to MUD, Mixed Use Development Overlay zoning district, (Conditional) for property located at 1900 N. Main Street, Zoning Map 25, Parcel 45; RZ09-14 (Conditional)

Attached for your consideration is information pertaining to Rezoning Request, RZ09-14 (Conditional), Obici Place, submitted by W. Dave France of Kimley-Horn and Associates, Incorporated, agent, on behalf of Kevin Hughes, Director, Department of Economic Development, applicant, on behalf of the Suffolk Economic Development Authority, property owner(s), to rezone and amend the official zoning map of the City of Suffolk to change the zoning from B-2, General Commercial zoning district, (Conditional), to MUD, Mixed Use Development Overlay zoning district, (Conditional), for property located at 1900 N. Main Street, Zoning Map 25, Parcel(s) 45. The affected area is further identified as being located in the Suffolk Voting Borough, zoned B-2, General Commercial zoning district (Conditional). The 2035 Comprehensive Plan designates this area as a part of the Central Growth Area, Core Support Use District.

The Planning Commission, at their meeting of April 21, 2015, voted 5 to 3 to approve a resolution recommending **approval** of this request.

ATTACHMENTS:

- Staff Report
- Proposed Ordinance
- Exhibit A - Planning Commission Recommendation
- Exhibit B – Proffered Conditions
- Exhibit C – Zoning/Land Use Map and Boundary Exhibit
- Exhibit D – Obici Place Design Guidelines

STAFF REPORT

DESCRIPTION

REZONING REQUEST: Rezoning Request, RZ09-14, (Conditional), submitted by W. Dave France of Kimley-Horn and Associates, Incorporated, agent, on behalf of Kevin Hughes, Director, Department of Economic Development, applicant, on behalf of the Suffolk Economic Development Authority, property owner(s), to rezone and amend the official zoning map of the City of Suffolk to change the zoning from B-2, General Commercial zoning district, (Conditional), to MUD, Mixed Use Development Overlay zoning district, (Conditional), for property located at 1900 N. Main Street, Zoning Map 25, Parcel(s) 45. The affected area is further identified as being located in the Suffolk Voting Borough, zoned B-2, General Commercial zoning district, (Conditional). The 2035 Comprehensive Plan designates these areas as a part of the Central Growth Area, Core Support Use District.

APPLICANT: W. Dave France of Kimley-Horn and Associates, Incorporated, agent, on behalf of Kevin Hughes, Director, Department of Economic Development, applicant, on behalf of the Suffolk Economic Development Authority, property owner(s)

LOCATION: 1900 N. Main Street and is further identified as Zoning Map 25, Parcel 45

PRESENT ZONING: B-2, General Commercial zoning district, (Conditional)

EXISTING LAND USE: Vacant commercial parcel

PROPOSED LAND USE: MUD, Mixed Use Development Overlay zoning district, (Conditional), consisting of multi-family residential, commercial and retail uses.

SURROUNDING LAND USES:

North – Automobile Sales and Service (zoned B-2)

South – Office - VDOT (zoned B-2)

East – Single-family residential (zoned RLM)

West – (across North Main Street) Single-family residential (zoned RLM)

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

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

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

CASE HISTORY: The subject property is the former home of the Louise Obici Memorial Hospital. In 2002, a new hospital opened on Godwin Boulevard and the subject property was placed on the market for sale. In 2003, the hospital and ancillary buildings were demolished. The City purchased the property in 2005. In 2006, the property was rezoned from B-2, General Commercial to MUD, Mixed Use Development, for Robinson Development, who proposed a Master Development Plan of commercial and residential uses. Six proffers were offered in regard to the design and build-out of the property. The developer was unable to fulfill the requirements of the Mixed Use Development and the property reverted back to the City in September of 2008. The City transferred the property to the Economic Development Authority in 2013 in order to market the site and find a potential developer. In May of 2013, City Council approved rezoning this property from MUD, Mixed Use Development, to B-2, General Commercial (Conditional).

It should be noted that the Economic Development Authority (EDA) is a Virginia political subdivision established for the public purpose of which is to assist in economic development. The EDA's purpose is to promote, maintain and expand Suffolk's economic development in order to increase employment opportunities for residents and expand the tax base through the retention of existing businesses and the attraction of new business.

STAFF ANALYSIS

ISSUE:

The applicant is requesting a change in zoning from B-2, General Commercial zoning district, (Conditional), to MUD, Mixed Use Development Overlay zoning district (Conditional) for a 27.54 acre vacant parcel, previously occupied by Louise Obici Memorial Hospital. This parcel is located on N. Main Street, adjacent to the Commonwealth of Virginia owned Virginia Department of Transportation Regional Office Headquarters and an automobile dealership. The applicant is seeking the conditional rezoning for the purpose of developing the site for a mixed use development, as defined by the Unified Development Ordinance. The current B-2 zoning would not allow for the proposed use of mixed use development; however, the use would be permitted under the proposed MUD district.

The proposed MUD would feature approximately 224 multi-family residential units, 30,000 square feet of office and commercial space, and 52,500 square feet of retail space. The commercial and retail style development will be situated along the frontage of N. Main Street and a residential multi-family style development is intended for the rear portion of the property. The development will also include an internal public street having two connections to N. Main Street.

CONSIDERATIONS AND CONCLUSIONS:

In accordance with Appendix B, Section B-4 of the Unified Development Ordinance, rezoning applications must include a statement of the reasons for seeking an amendment to the zoning maps of the City of Suffolk. Supplemental information provided by the applicant indicates that the reason for this rezoning request is that under the current B-2 zoning designation, the proposed mixed use development pattern would not be permitted. The subject parcel is situated on N. Main St. which, as a minor arterial, is intended to carry a major portion of traffic entering and leaving an urban area as well as the majority of through-traffic. In addition, the applicant indicates that the proposed MUD zoning for this parcel would allow for an important redevelopment opportunity along an essential city corridor and

create a more pedestrian friendly neighborhood center incorporating residential, commercial and open space.

1. Comprehensive Plan

The subject property is located within the Central Growth Area's Core Support Use District. The purpose of this district is to provide a significant level of residential and ancillary retail and business activity to support the high density mixed-use core. Additionally, the densities and types of uses in this district should encourage walkable mixed use neighborhoods. The parcel under consideration is appropriate for a mixed use development district given the conceptual uses proposed. This parcel has approximately 1,333 feet of road frontage along North Main Street, which is identified as a minor arterial in the 2035 Comprehensive Plan.

Policy 2-1 of the 2035 Comprehensive Plan states the following: *Keep development focused in designated Growth Areas of the City.* This policy is supported by Action 2-1A, which states, *Ensure that the City's land use regulations support higher density/intensity development in focused Growth Areas.* This property is within the Core Support Use District in the Central Growth Area and as such, according to the 2035 Comprehensive Plan, there should be no perceptible break between the Core Support District and the Mixed Use Core. The purpose of the Core Support Use District is to provide residential and retail or business uses in support of the Mixed Use Core and provide a level of density high enough to encourage walkable neighborhoods. Typical uses intended for the Core Support Use District include, but are not limited to: mixed use developments, including big box retail/office/residential uses, and neighborhood level retail and convenience uses within pedestrian walksheds. Additionally, densities within the Core Support Use District should allow for mixed use as the predominant development type and buildings with no or shallow setbacks and formal streetscape landscaping should relate to the pedestrian scale environment. Furthermore, the availability of transit-oriented and pedestrian features creates additional modes of transportation to and from the mixed-use development thus increasing transportation options in the area.

Policy 2-2 of the 2035 Comprehensive Plan states the following: *Assure that development occurs in a predictable and orderly manner.* This policy is supported by Action 2-2B, which states, *Develop and maintain incentives in land use regulations that support traditional neighborhood designs.* Chapter 3, Place Types, of the 2035 Comprehensive Plan speaks directly to the concept of place-making. Place types recognize that certain characteristics within a use district should be concentrated in key locations appropriate to the context of the individual use district. The Design Guidelines accompanying the rezoning request intend this project to be designed as a *Traditional Neighborhood Center*, which is a supported place type within the Core Support Use District. Specifically, this type of development is generally size limited, walkable, and accessible by all modes of transportation. As proposed, this traditional neighborhood center has multiple street connections, a "main street" feel with buildings fronting the street, limited setbacks, and includes public open space in addition to the street and sidewalk network.

Policy 4-1 of the 2035 Comprehensive Plan states the following: *Provide opportunities for residents to adopt a lifestyle that is less dependent on auto travel.* This policy is supported by Action 4-1B, which states, *Promote implementation of mixed-use development where facilities, infrastructure, and markets will sustain investment.* As required by the UDO, a market study

accompanied this rezoning request and indicated that both the residential and commercial components are well-situated to capitalize on a need for affordable rental housing and impressive retail growth in the city, respectively. Additionally, this rezoning request provides for improvement in the overall walkability of this section of North Main Street by including opportunities to connect the surrounding neighborhoods via crosswalks and new sidewalks.

Policy 4-4 of the Comprehensive Plan states the following: *The City will employ appropriate regulatory and financial incentives to ensure that access to and within the central core areas supports private sector initiatives.* This policy is supported by Action 6-4B, which states, *Interconnectivity of the street, sidewalk, and trail system within the Mixed Use Core, the Core Support, and the Inner Ring Suburban Districts should be implemented with both public and private resources.* Given the proximity of this project to two (2) regional parks within the City's overall parks system, the potential to increase the accessibility of those resources is improved with this development. Lake Meade and Constants Wharf Parks are only approximately .5 and just over 1 mile, respectively, from this proposed project. Significant resources have been spent improving both of these parks in recent years. The improvements along North Main Street in conjunction with this rezoning will improve the connectivity of the entire corridor.

Policy 4-5 of the Comprehensive Plan states the following: *Provide facilities and policies that ensure adequate multi-modal access throughout the growth areas of the City.* This policy is supported by Action 4-5G, which states, *Assure the incorporation of transit related features in conjunction with design and construction of road improvements.* This rezoning proposes to be transit supportive by adding a transit stop along North Main Street. Additionally, the development's internal sidewalk network will connect directly with the transit stop increasing accessibility to the development for transit riders and pedestrians alike.

2. Unified Development Ordinance

The Unified Development Ordinance specifies the three-fold purpose of Mixed Use Development Overlay zoning:

- 1) *To provide for the orderly development of land while permitting flexibility in the design, construction, and processing of mixed use developments of a quality which could not be achieved by traditional development under conventional zoning concepts*
- 2) *Implement the policies of the Comprehensive Plan to co-locate jobs and housing, provide for mixed use centers, and to provide neighborhood retail within communities.*
- 3) *While conventional zoning districts and their requirements set forth in the UDO are reasonable, there may be circumstances in which it is in the community's best interests to allow unique and/or creative mixed use development designs and techniques that:*
 - a. *Revitalize older commercial corridors;*
 - b. *Increase opportunities for infill development with mixed use projects;*
 - c. *Encourage development that is less auto dependent; and*
 - d. *Encourage mixed use pedestrian oriented development patterns where residents have services, shops, jobs, open space, and access to transit within walking distance of their homes.*

The regulations identify specific criteria for the establishment of the district. Key criteria include:

1) *Minimum District Size and Applicability;*

As an urban infill site located within the Central Growth Area, this proposed rezoning is not subject to minimum district size requirements. A *traditional neighborhood center* in the Core Support Use District can be as small as a few storefronts or a multiple blocks-long neighborhood *main street*.

2) *Professional Design Team;*

As required by the UDO, the design team must consist of a licensed architect or planner with AICP certification, a certified nurseryman or landscape architect and a professional engineer. The design team associated with this rezoning request comports with the credentialing requirements set forth in the UDO.

3) *Jobs to Housing Ratio;*

The UDO requires that no site plan for a MUD be approved unless designated floor area for non-residential districts yield not less than 1.0 employee for each residential dwelling unit. This can be calculated by dividing the total floor area in the zoning district by the square footage per employee factor. Using that calculation, the Fiscal Impact Analysis submitted as part of this rezoning request shows that 270 jobs will be created upon completion of the project. As proposed, the subject development achieves the required jobs to housing ratio of 1.0.

4) *Market Study Summary;*

The market study measures the market demand for the proposed development by uses proposed within the development such as residential, office, retail, and service uses. This development proposes to be a mix of multi-family residential, retail, and commercial uses. According to the Market Study submitted as part of this rezoning, the project aims to capitalize on the growing retail market in Suffolk based upon factors that include trade area, traffic counts, and quality of development. It also figures to satisfy a growing need for affordable rental housing in the area. The proposed development will include approximately 80,000 square feet of office and retail space and 224 market rate apartments.

5) *Traffic Impact Analysis (TIA);*

Typically mixed use developments have the potential to achieve trip reductions through internal capture of vehicle trips. The traffic study shall address any trip reductions anticipated. The TIA submitted as part of this application indicates that the current B-2 zoning of the subject property could produce approximately 7,830 trips per day. In contrast, the proposed mixed use development results in approximately 4,477 trips per day. This translates to an overall reduction of approximately 3,300 trips per day. Additional traffic improvements such as a raised median in N. Main Street and coordinated signal timing are also proposed as part of this rezoning application. Additionally, pedestrian safety improvements will be incorporated throughout the development and along N. Main Street.

6) *Adequate Public Facilities*

This proposal includes improvements to the public water, sewer and street networks, the addition of onsite stormwater management, and discusses potential impacts to the school system.

7) *Design Guidelines*

The proposed design guidelines will regulate development of the MUD. As an urban infill project, establishing a MUD creates a unique opportunity to revitalize a previously vacant property by improving the walkability of and transition to the existing neighborhoods and developments surrounding the site. Key architectural design guidelines required as part of this rezoning application include massing, façade treatment, streetscape, pedestrian orientation, street sections, and transit-oriented features.

3. Adequate Public Facilities

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

Public Water and Sanitary Sewer

Water is available to the site and adequate to handle the domestic and fire supply needs for this project. Domestic water level of service estimates are based on the conceptual land use plan. The average daily demands are based on the Hampton Roads Regional Technical Standards (RTS) planning estimates of numbers of employees at the facilities based on theoretical square footages that are extrapolated from the available development areas. General land use types include retail, office, commercial and residential within the subject rezoning. Using RTS guidelines for estimating flow, a total average daily flow of 84,640 GPD and peak design flow of 173 GPM was calculated for this development. New distribution mains will be looped through the site within the publicly dedicated roadways. Fire protection demand will be based on International Fire Code (IFC). IFC uses the building size and the construction type to determine the required fire flow for each building. The code also provides up to a 75% reduction in the required fire flow for sprinkled buildings. According to the IFC, the subject rezoning will require 16,000 gallons per minute in external flow in a fire scenario. A detailed water model will be prepared with master planning and infrastructure design after completion of a successful rezoning. The Department of Public Utilities has determined there is adequate capacity of water to serve the subject property.

Sanitary sewer is currently available. The sewer level of service estimate indicates an average design flow of 84,640 GPD and a peak demand of 173 GPM. This level of service estimate is for onsite flows generated by the proposed development only. Pump Station #12, which sits directly across the street from this project and currently experiences some capacity issues, will be improved and relocated onsite as part of a capital project commensurate with the redevelopment of the site. Reservation of dedicated property within the development to the Public Utilities Department for the construction of a new regional pump station is proposed as a proffered condition. The Department of Public Utilities recommends approval of this rezoning request after determining that adequate public facilities are available to serve the development and an appropriate level of service will be achieved.

Stormwater Management

Portions of the property are located within a Resource Management Area (RMA), Resource Protection Area (RPA) and an Intensely Developed Area (IDA) and are subject to the applicable

provisions of the stormwater management regulations. A Major Water Quality Impact Assessment (MWQIA) and Stormwater Management Plan was completed as part of this rezoning package. The intent of the project is to treat stormwater runoff via a single, centralized best management practice (BMP) which will treat approximately 15 acres of impervious and pervious site drainage. Additionally, the design guidelines under which development will occur, allow for low-impact BMPs as part of the overall, comprehensive stormwater management strategy. Through the design and site plan process, and prior to development, the availability and adequacy of needed stormwater management facilities will be assured.

Streets

A traffic impact study was submitted with this request. The study shows that the proposed creation of a mixed use development will result in an increase in traffic volume of 4,477 trips per day along the corridor. However, the study also shows that when the trip generation rate of the proposed mixed use development noted above is compared to the trip generation rate of 7,830 trips per day for a by-right development of the site based on the current B-2, General Commercial zoning the proposed mixed use development will result in approximately 3,300 fewer trips per day.

The development itself will create two (2) connections to North Main Street. One, the main entrance, will align with Northgate Lane and be signalized. The other, a right-in, right-out entrance, will align with Edgewood Avenue and serve as the internal feeder road to the site. Improvements to North Main Street in the form of signalization improvements and median construction will be necessitated by the development of this project. Furthermore, the design standards accompanying this request speak to significant streetscaping internal to the development. The alignment of the signalized main entrance at Northgate Lane and the North Main Street traffic safety improvements are offered as proffers which accompany this request. The addition of sidewalks and other pedestrian improvements along the frontage of and internal to the site will create a more pedestrian friendly experience. New crosswalks will help pedestrians safely traverse North Main Street to reach their intended destination.

As proffered by the applicant, proposed corridor improvements and access management strategies through standardized median crossover spacing, traffic signal timing, and the mitigation of existing traffic conflicts made to address future traffic volumes, will ensure the continued availability and adequacy of the N. Main Street corridor between Constance Road and Godwin Boulevard. Additionally, critical intersections are anticipated to operate at an acceptable level of service with coordinated signal timing improvements along North Main Street.

Traffic Engineering has reviewed the Traffic Impact Analysis (TIA) and recommends approval of this request. Specific roadway design will be addressed through the submittal of engineering plans contingent on the approval of the rezoning.

Schools

It should be noted that mixed use developments do not generate students at a rate comparable to conventional development patterns. Mixed use developments have the potential to achieve reduced student generation rates. Accordingly, the Adequate Public Facilities report shall address anticipated student generation rates specific to the individual mixed use development.

The subject property is located in Elementary School Attendance Zone 2, Middle School

Attendance Zone 2, and High School Attendance Zone 3. The proposed rezoning request will result in an increase in student generation to the public school system. The residential component of this request will generate approximately 38 students overall according to the Adequate Public Facilities Report. The proposed rezoning will result in the addition of approximately 19 elementary, 10 middle, and 9 high school students to the public school system. These numbers were calculated using a student generation rate based on a comparison of similar multi-family projects in Hampton Roads. Currently there is adequate capacity at the elementary and middle school levels with each having an existing surplus in capacity of 327 and 292 students, respectively. In contrast, currently at the high school level there is a deficiency in capacity of 65 students. The City of Suffolk has allocated approximately \$52 million dollars towards the construction of two new public schools as part of the 2016-25 Capital Improvement Plan (CIP). The planned improvements are slated for the first five (5) years of the ten (10) year plan with the opening of each school scheduled for the 2017-2018 or 2018-2019 school years. This is in addition to a number of other maintenance and major school improvement projects totaling \$156 million scheduled for the latter years of the CIP, which includes monies toward a new high school. In total, through the adopted CIP, the City has expressed its intention to expend \$214.7 million dollars in support of the advancement and availability of additional school capacity at the elementary, middle, and high school levels.

Open Space

The proposed redevelopment of the subject property will include the addition of public open space and create vital new connections to existing public infrastructure. Located approximately .5 (1/2) mile from Lake Meade Park, which the Suffolk Parks and Recreation Department considers a regional park, development of the subject property will result in transportation improvement along N. Main Street to include the addition of new sidewalks and crosswalk, improved connectivity within the development itself and to the surrounding neighborhoods, and create additional transportation options within the corridor.

The subject parcel will be required to maintain public open space onsite. The design guidelines, which accompany this request, detail minimum open space requirements for the residential and non-residential components of the property. Minimum open space within the residential component of the MUD will comply with Section 31-602(c)(2) and Section 31-607 of the UDO. A minimum of 200 square feet of usable common open space shall be provided for each dwelling unit for active recreation needs of residents. The administrator may waive up to 50 percent of that requirement if the development is within 1,000 feet of a public park as measured along a public sidewalk, trail, or bikeway or if the development includes active recreation amenities such as pools, tennis courts, or playgrounds. The minimum open space requirement in for the commercial district shall be 10 percent of the total parcel area.

Those same guidelines also provide direction on specific placement of plazas, special paved areas and sidewalk in order to define the level of connectivity within the development. Special disposition is also provided for outdoor dining and public art in an effort to promote the opportunity for further placemaking within the subject property. The standards set in the design guidelines will meet open space needs and requirements.

4. Environmental Site Assessment

As required, the applicant performed a Phase I Environmental Site Assessment. Based on the results of which, the applicant also completed a limited Phase II Environmental Site Assessment.

The report concluded that, while a regulatory exceedance was reported for petroleum hydrocarbons, *“the overall impact of the detected contaminants appears to be mitigated by the absence of exposure to pathways to impacted soils.”* The testing firm recommends the current owner/operator of the site report the findings to the Virginia Department of Environmental Quality (DEQ). No further sampling or assessment was considered warranted.

5. Fiscal Impact Study

The Economic Development Authority (EDA) is a Virginia political subdivision established for the public purpose of which is to assist in economic development. The EDA’s purpose is to promote, maintain and expand Suffolk’s economic development in order to increase employment opportunities for residents and expand the tax base through the retention of existing businesses and the attraction of new business.

As proposed, the project will develop 30,000 square feet of office/commercial space and 52,500 square feet of retail space totaling 82,500 square feet of non-residential floor area. The applicant submitted a fiscal impact study that showed development will produce a total of 270 jobs upon completion and \$153,470 in real estate and \$312,500 in sales taxes per year. Development of the site would be in phases with the residential and road construction work beginning in summer of 2015 if the rezoning request is approved. The balance of construction would likely be completed by 2018.

6. Proffered Conditions

The applicant has proffered conditions in support of this rezoning request. The proffers include the following:

- 1) The main entrance into the Obici Place site from Main Street shall be designed to align with Northgate Lane.
- 2) An allocation of land sufficient for the construction and access of a typical City of Suffolk regional sewer pump station shall be reserved on the Obici Place site. The location allocated shall reasonably meet with the requirements requested by the City of Suffolk Public Utilities Department while concurrently avoiding or minimizing impacts considered being detrimental to the parcel’s overall development.
- 3) Obici Place Design Guidelines, prepared by WPL & Kimley-Horn, dated April 7, 2015.
- 4) North Main Street traffic safety improvements along the Obici Place property frontage, to include raised median and a new traffic signal, in accordance with the Traffic Impact Study prepared by Kimley-Horn, dated February 18, 2015.

RECOMMENDATION

This conditional rezoning request is consistent with the policies of the 2035 Comprehensive Plan which encourages mixed use developments in the Core Support Use District that create additional connectivity

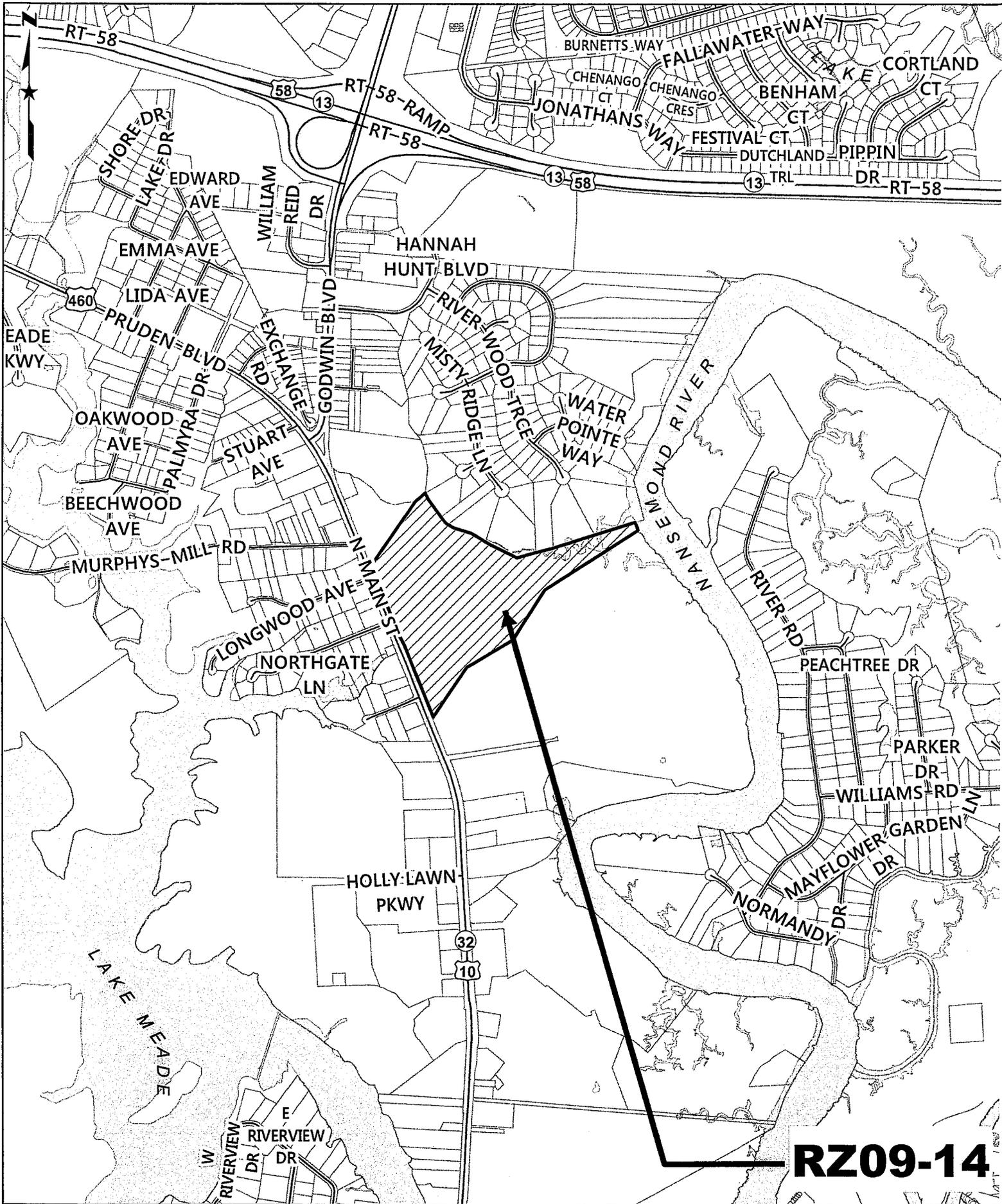
and walkability to the existing communities surrounding the subject property. This request is compatible with the surrounding uses contained in the surrounding neighborhood, increases transportation options within a vital corridor and improves the overall safety of motorists and pedestrians alike in addition to revitalizing a vacant property. Based on a technical review of public facilities necessary to serve the development, it has been determined that adequate public facilities will be available with the improvements discussed in the Adequate Public Facilities section. All requirements of the UDO in Section 31-419, as they relate to the MUD overlay zoning, appear to be met and staff recommends **approval** of this conditional rezoning application with the submitted proffers.

The Planning Commission, at their meeting of April 21, 2015, voted 5 to 3 to approve a resolution recommending **approval** of this request.

Attachments

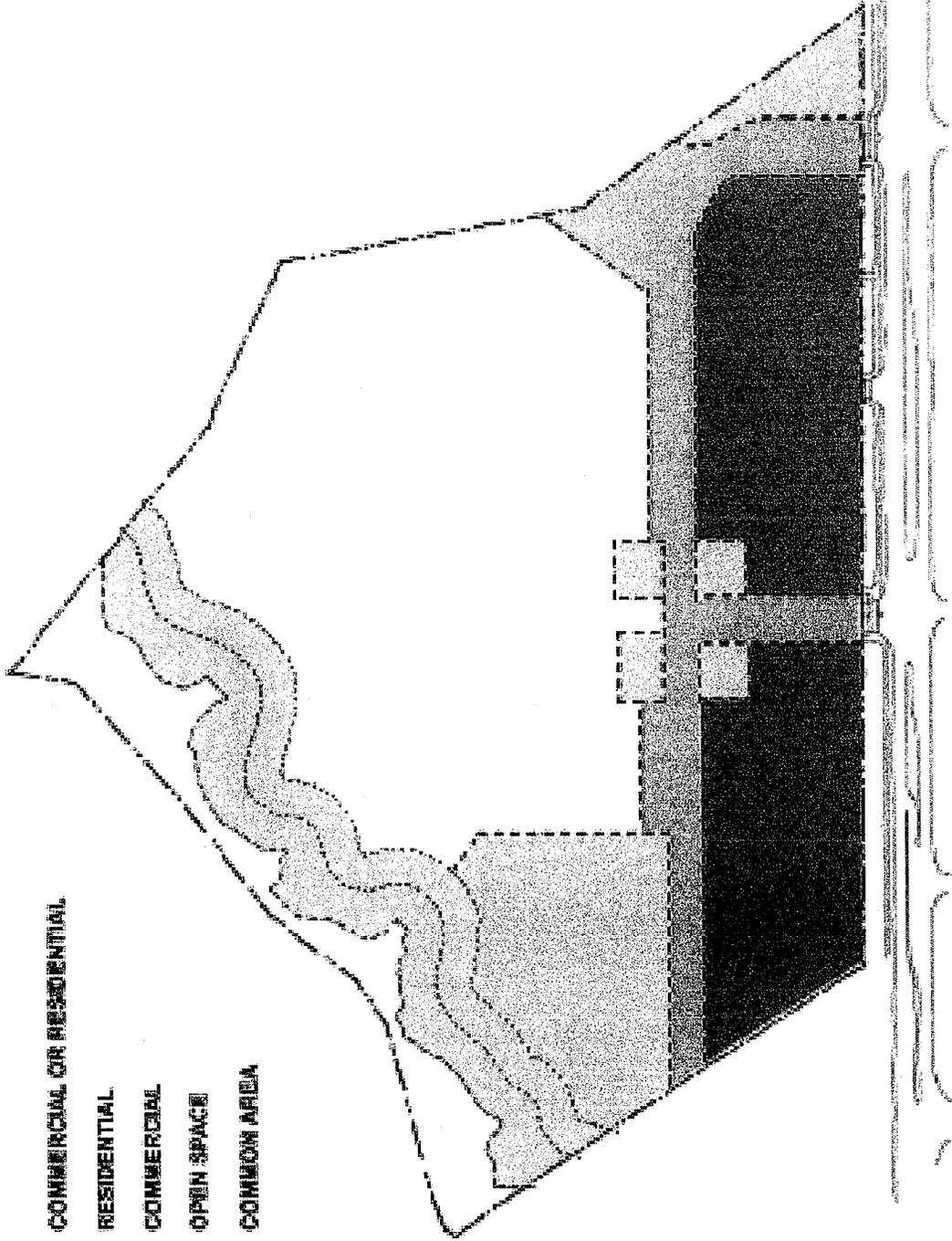
- Proposed Ordinance
- Exhibit A - Planning Commission Recommendation
- Exhibit B - Proffered Conditions
- Exhibit C - Zoning/Land Use Map
- Exhibit D - Obici Place Design Guidelines

General Location Map



RZ09-14

Obici Place Major Areas



ORDINANCE NO. _____

AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK, TO CHANGE THE ZONING FROM B-2, GENERAL COMMERCIAL ZONING DISTRICT, (CONDITIONAL), TO MUD, MIXED USE DEVELOPMENT OVERLAY ZONING DISTRICT, (CONDITIONAL), FOR PROPERTY LOCATED AT 1900 NORTH MAIN STREET, ZONING MAP 25 PARCEL 45; RZ09-14 (CONDITIONAL)

WHEREAS, W. Dave France of Kimley-Horn and Associates, Incorporated, agent, on behalf of Kevin Hughes, Director, Department of Economic Development, applicant, on behalf of the Suffolk Economic Development Authority, property owner(s), has requested the rezoning of a certain tract of land situated in the City of Suffolk, Virginia, which land is designated on the Zoning Map of the City of Suffolk, Virginia, as Tax Map 25 Parcel 45, which land is depicted on Exhibit "C"; and,

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

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

WHEREAS, a public hearing before City Council was duly advertised as required by law and held on the 20th day of May, 2015, at which public hearing the public was presented with the opportunity to comment on the proposed rezoning.

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

Section 1. Exhibits.

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

Section 2. Findings.

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

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

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

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

Section 3. Rezoning.

- A. The conditions proffered in the attached Exhibit "B" be, and they are hereby, accepted.
- B. The property, as it is shown on the attached Exhibit "C" be, and is hereby, conditionally rezoned and the official zoning map be, and it is hereby, amended.

C. The foregoing rezoning and amendment to the official zoning map are expressly made subject to the performance of the conditions hereby proffered and accepted and these conditions 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 of the City of Suffolk, Virginia.

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

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:


Helivi L. Holland, City Attorney

EXHIBIT A

RESOLUTION NO. 15-04-2

**CITY OF SUFFOLK PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO REZONING REQUEST
RZ09-14 (CONDITIONAL) TO CHANGE THE ZONING FROM B-2, GENERAL
COMMERCIAL ZONING DISTRICT, (CONDITIONAL), TO MUD, MIXED USE
DEVELOPMENT OVERLAY ZONING DISTRICT, (CONDITIONAL), FOR PROPERTY
LOCATED AT 1900 NORTH MAIN STREET, ZONING MAP 25 PARCEL 45**

WHEREAS, W. Dave France of Kimley-Horn and Associates, Incorporated, agent, on behalf of Kevin Hughes, Director, Department of Economic Development, applicant, on behalf of the Suffolk Economic Development Authority, property owner(s), has requested a change in zoning from B-2, General Commercial Zoning District, to MUD, Mixed Use Development Zoning District (Conditional); and

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

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

Section 1. Findings.

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

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

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

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

Section 2. Recommendation to Council.

The Planning Commission recommends to City Council that the request, RZ09-14, 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.
- 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:

April 27, 2015

TESTE:

Scott M. King

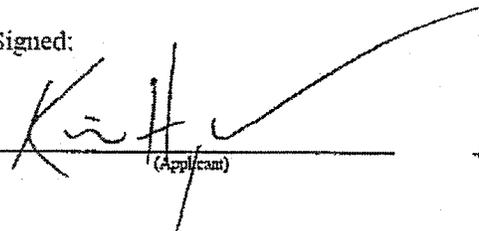
EXHIBIT B

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 25*45 . Block _____, Parcel Number _____:

- The main entrance into the Obici Place site from Main Street shall be designed to align with Northgate Lane.
- An allocation of land sufficient for the construction and access of a typical City of Suffolk regional sewer pump station shall be reserved on the Obici Place site. The location allocated shall reasonably meet with requirements requested by the City of Suffolk Public Utilities Department while concurrently avoiding or minimizing impacts considered being detrimental to the parcel's overall development.
- Obici Place Design Guidelines, prepared by WPL & Kimley Horn, dated April 7, 2015.
- North Main Street traffic safety improvements along the Obici Place property frontage, to include raised median and a new traffic signal, in accordance with the Traffic Impact Study prepared by Kimley Horn, dated February 18, 2015.

Signed:



(Applicant)

Kevin Hughes
(Printed Name)

4/15/15
(Date)



(Property Owner)

JAMES HAROLD FAULK
(Printed Name)

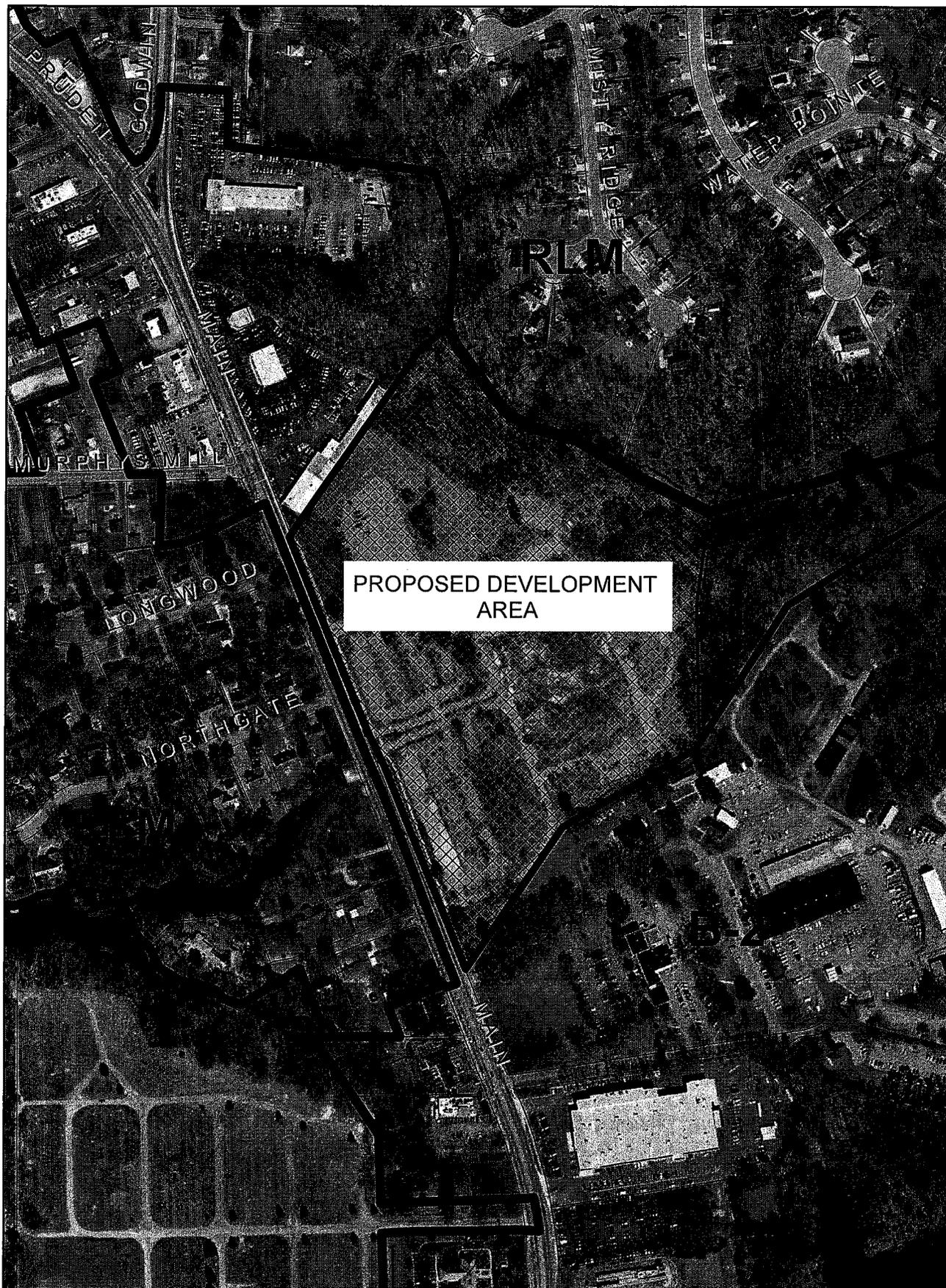
4/15/15
(Date)

(Property Owner)

(Printed Name)

(Date)

RZ09-14 ZONING/LAND USE MAP





FINAL 4/7/2015

OBICI PLACE

Design Guidelines

Prepared for:



Suffolk Economic
Development
Authority

Prepared by:



Kimley»Horn

Design Team:

CARROLL COLLINS, III, AICP

DAVE FRANCE, P.E.

JARROD KATZER, PLA, ASLA, VNLA

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Introduction

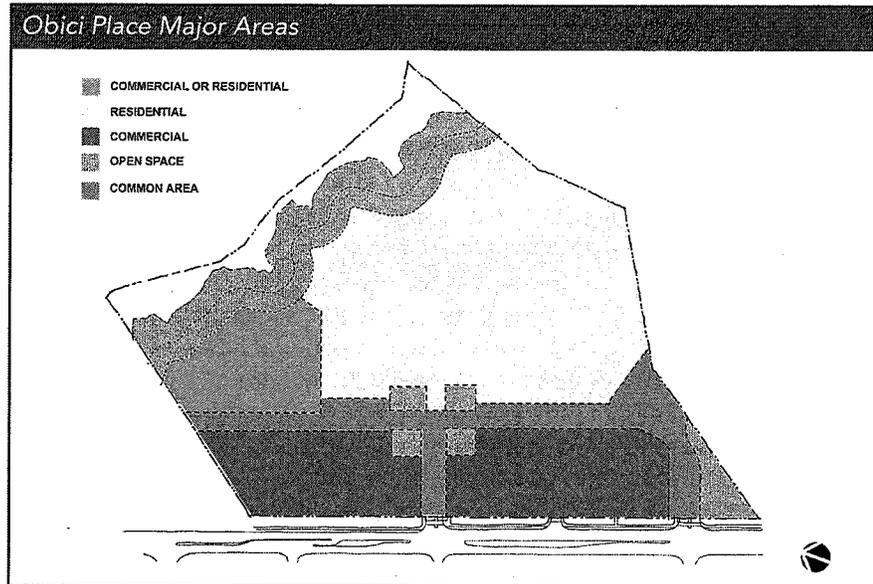
Obici Place is envisioned to be a combination of commercial and residential elements with the potential for institutional use. By virtue of these design guidelines a development at Obici Place will attain a level of quality not necessarily afforded by conventional zoning standards. The designed proximity of residential and commercial components establishes a unique environment advantageous to those living, working, and visiting Obici Place. A variety of retail and other uses will provide an assortment of convenient services for the residents thereby creating a true walkable community that is closely positioned to retail and commercial services, plus existing park amenities. In turn, jobs created on site can potentially be filled by those same residents further enhancing the quality of life through added health benefits, traffic relaxation, and reduced pollution. This site's location along the Main Street corridor represents an opportunity to rejuvenate previously developed land into a pedestrian oriented augmentation of the City's Core Support use district and that will be supported by public transportation. Its location between the Central Suburban/Urban Growth Area's Mixed Use Core and the Route 58 Bypass makes this site viable for redevelopment. Such an improvement will repurpose valuable land left unoccupied for a number of years and will reestablish an identity for the Obici area. It is these attributes and goals that make this plan an ideal candidate for Mixed Use Development zoning commensurate with Section 31-419 of the Unified Development Ordinance. This development will provide an ideal setting for the citizens of and visitors to the City of Suffolk.



OBICI PLACE

Design Guidelines

FINAL 4/7/2015



The project is viable because it draws from outside areas, rather than scavenging off of existing businesses in the Core. In this way, it supports the Comprehensive Plan for the Core by not degrading it but rather drawing people closer to it through redevelopment of the Core Support district. Obici Place creates a walkable project in a corridor that is not currently particularly walkable. The redevelopment of the site will help connect the existing neighborhood to nearby parks, shopping, and public spaces via new interconnected public improvements and safety features. Obici Place is enabling to future redevelopment opportunities and is the start of something, not the end.

As detailed in the Market Study submitted with the rezoning application, the site is well positioned in the market for mixed use development. The EDA is currently under contract with a residential developer to fully implement the residential component of the project. The site is attractive and well located in regard to access and proximity to employment, community services, shopping, medical, and transportation routes which provide extended access to points throughout the MSA. The location, rents, and amenity package appeal to moderate and higher income families and professionals. Recent residential growth throughout the City makes it a boon market for retail development as the retail development follows this growth in "rooftops." The retailers currently along the North Main Street corridor pull from a retail trade area that represents a population of more than 100,000 and draw business from not only Suffolk but northeastern North Carolina. This project will enhance

the development of employment centers in the Core Support district desired by the Comprehensive Plan. Office development, which has been relatively flat across the region since the great recession, accounted for an impressive 11 percent of new jobs in the Suffolk economy in 2013. The Obici Place development will give new opportunities for further growth in the office market in the Core Support district as again the population growth in the City fuels the need for new and expanded employment centers, especially in the medical and institutional categories that have been active and successful in recent years in the Central Suburban/Urban Growth Area.

Obici Place is located less than a mile north of the North Main Street/Route 58 Interchange, and is sited in the Core Support Use district within the Central Growth Area as described by the City's 2026 and proposed 2035 Comprehensive Plan. This development will occupy the site of the former Obici Hospital. As seen in the existing site aerial, it is bordered to the north by an automotive dealership, to the south by a Virginia Department of Transportation (VDOT) complex, to the east by a tributary to the Nansemond River, and to the west by North Main Street. Existing residential neighborhoods sit further out to the east of the Nansemond River and to the west of North Main Street.

The site is currently covered with dilapidated asphalt parking. With the exception the thick tree canopy lining the Nansemond river tributary, only a few mature trees grow within and around the existing asphalt coverings. Turf grass makes up the remainder of material covering the site.

GENERAL LAYOUT

Obici Place will feature two main styles of development. One will be residential and the other commercial. The specific layout and configuration of sites within those areas will be left to the site design process. For the purposes of preparing the required reports associated with the rezoning, assumptions were made about a conceptual plan of development. This is meant as a framework for analysis and is not to be interpreted as a prescriptive plan of development.

The site will be accessed by two breaks along North Main Street. The more southerly of these access points will be opposite Edgewood Avenue. This intersection will not be signalized and will be right-in-right-out. The second access point will be a signalized intersection and be constructed opposite of Northgate Lane.

Obici Place offers pedestrian-friendly and accessible modes of transportation, which matches the Place Type known as Traditional Neighborhood Center as prescribed by the comprehensive plan.

Both the commercial and residential component will be of a high quality nature. Due to limited building heights and a surface parking-only nature, land cover not dedicated to building footprint will be largely dedicated to vehicular storage and conveyance. Given this appropriation of available land it is critically important to articulate amenity and character within the interstitial spaces to convey an all-important sense of place. The following pages will be an expression and directive in support of the planning and construction that will deliver on this edict.

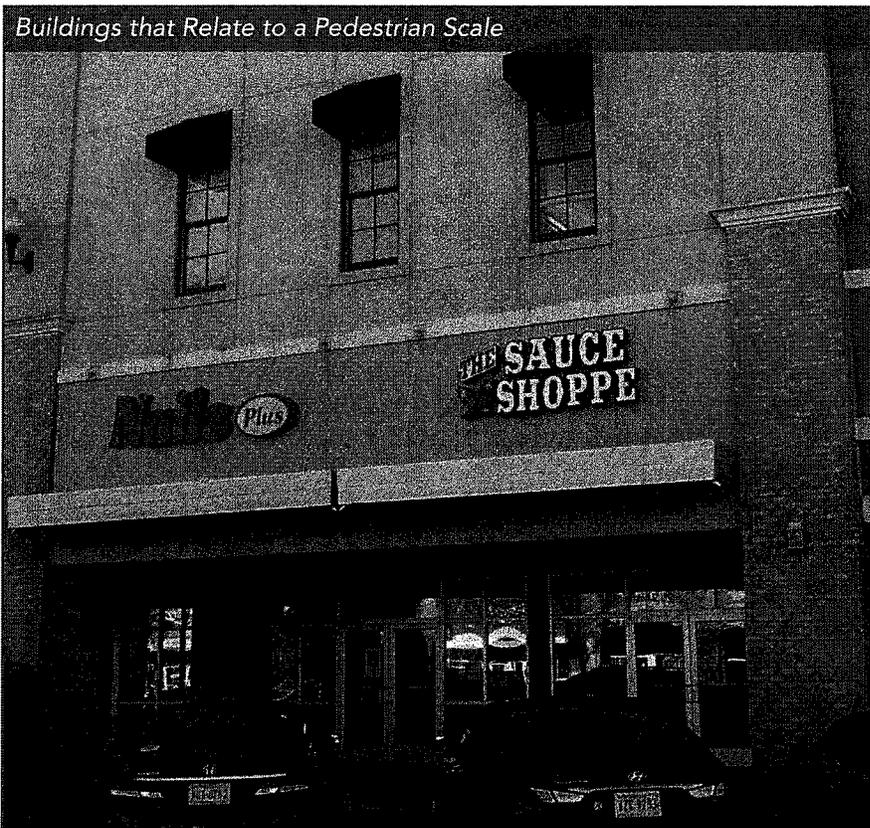
Open space offers a variety of benefits in the form of cultural preservation, stress management and increased property values on adjacent lands just to name a few. The City of Suffolk's Comprehensive Plan spells out the initiative to establish, enhance, and preserve open space. The Obici Place development will provide opportunity for several open space configurations. A mini-park is envisioned at the southern end of the site between the main entrance and the VDOT complex. Linear parks are anticipated parallel to the internal feeder road. This arrangement will serve both residential and commercial components positioned on either side. Office buildings may incorporate small park-like areas along their periphery. The land immediately adjacent to a stormwater pond as well as the interstitial spaces between residential buildings will afford open space specifically to Obici Place residents. A distinctive asset in open space quality exists with the marsh-front, wooded land to the northeast. Connection between these spaces and those found outside Obici Place is instrumental to the City's goals. Private open spaces lead to smaller public open spaces. Pathways will then lead to larger neighborhood and regional public open spaces. All will be accessible by multiple modes of travel depending on place type, including pedestrian, bike, public transit, or private vehicle. A system of sidewalks, crosswalks, and trails will connect Obici Place's open spaces with each other and with existing open spaces such as the Constant's Wharf and Marina or Lake Meade Park.

These design guidelines are organized in direct response to, and in the order enumerated by those topics prescribed by Section 31-419 (i) and (j) of the City of Suffolk's Unified Development Ordinance.

Massing

NON-RESIDENTIAL USES

The commercial district buildings in Obici Place will possess a village scale and character sensitive to the scale and livability of the adjacent multi-family residential development. The buildings shall be designed at a moderate scale appropriate to both pedestrians and automobiles, and should encourage walkability as part of the Core Support District. Street front functional and visual continuity shall be maintained, and all projects shall be sympathetic in form, scale, and height to adjacent structures. Structures higher than one story shall be designed to minimize their visual bulk and relate to the human scale of pedestrians on the street. Multi-tenant complexes shall be designed to emphasize an overall sense of project and place, rather than the prominence of individual tenants. Buildings shall be oriented to North Main Street. If placement behind structures is not possible or practical, the preferred parking placement is adjacent to the structures in order to maintain the presence of active uses along North Main Street.

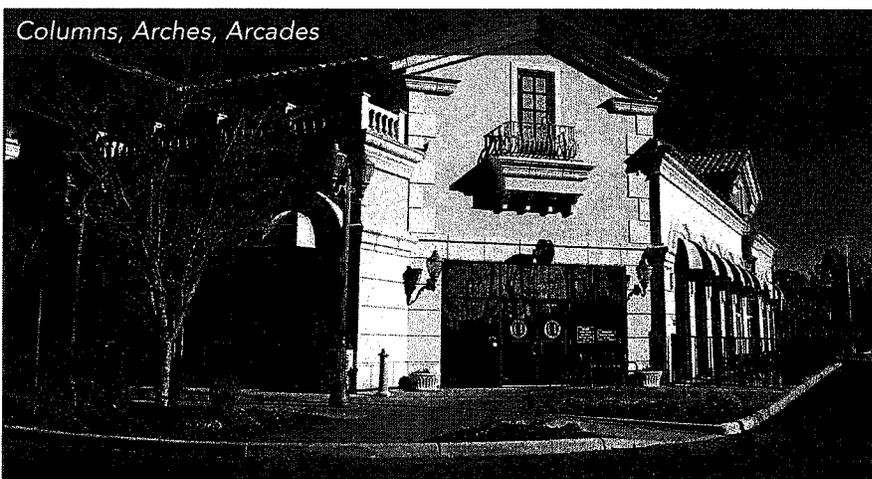


Building Shape, Form, and Placement

- A. Buildings should be located in areas of high visibility from North Main Street and should be oriented along the right-of-way while taking into consideration pedestrian and automobile accessibility. Frontages should align along the street or parking lot while still allowing varying setbacks for facades and the accommodation for outdoor cafes and public amenities such as plazas and promenades.



- B. Every effort shall be made to space buildings no fewer than 10 feet and no more than 70 feet apart when located along a right-of-way.
- C. Drive-through operations shall be strategically placed to avoid stacking traffic onto adjacent roadways. They should be located on corner parcels when possible and should be built out to both fronting property lines.
- D. Orient buildings to avoid blank walls and service areas which are visible. When blank walls are unavoidable, add pilasters, trellises, and/or lattices along with planting to make the facades more attractive. The blank wall/space also could be articulated by the provision of blank window openings trimmed with frames, sills, and lintels. See Façade Treatments section.
- E. Avoid building design which consists largely of boxes with applied design elements.
- F. Standalone buildings shall have façade treatments on all four sides.
- G. Break overall building masses and large wall surfaces into segments with either varying setbacks, the application of projecting elements onto the façade wall, or through the addition of other architectural elements such as colonnades, loggias, etc. See Façade Treatments section.

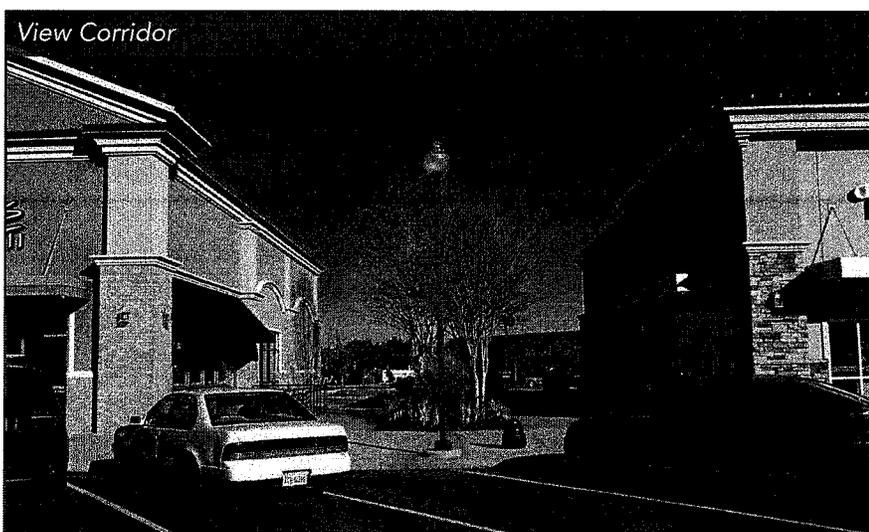
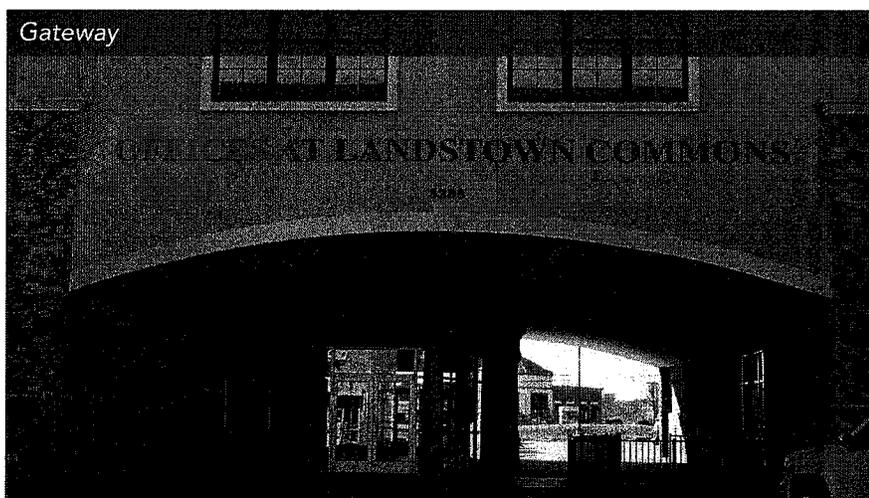


- H. Buildings of smaller mass shall be located within the field of the block between larger buildings or anchor tenants. Anchor tenants should be located at corners or along arterials.
- I. Double-fronted buildings are encouraged along the right-of-way of North Main Street.
- J. Locating building massing to establish gateways at main entrances is preferable. The placement of buildings should create view corridors into the development.
- K. The placement of buildings at odd or irregular angles to public rights-of-way is discouraged. Where building orientation is placed at an odd or irregular angle to the right-of-way, appropriate pedestrian scale landscape and hardscape features shall be incorporated to create and maintain a walkable and pedestrian-friendly environment.

- L. Corner buildings should take advantage of their prominent locations with angled, rounded, or recessed corner entrances or other small setbacks. Buildings shall be oriented to public rights-of-way or access roads that share the same context as the public rights-of-way. At the signalized intersection with Northgate Lane, the buildings shall be built out to the Main Street and entrance road property lines.

Building Scale

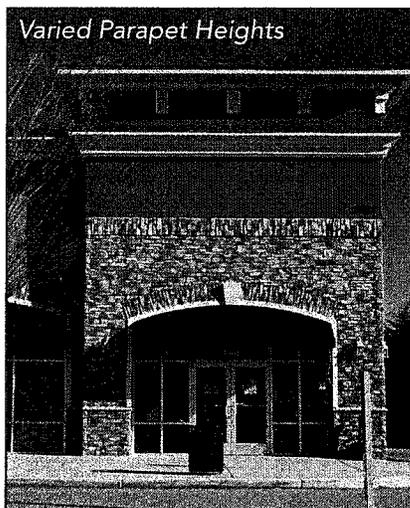
- A. Varied building and parapet heights shall be provided, although extreme differences in building height adjacencies will be avoided. There is a need to provide a visual transition between varying heights that contribute to a pleasant overall rhythm of the frontage.



B. The buildings shall be designed at a moderate scale appropriate to both pedestrians and automobiles, with one- to two-story buildings in the commercial district.

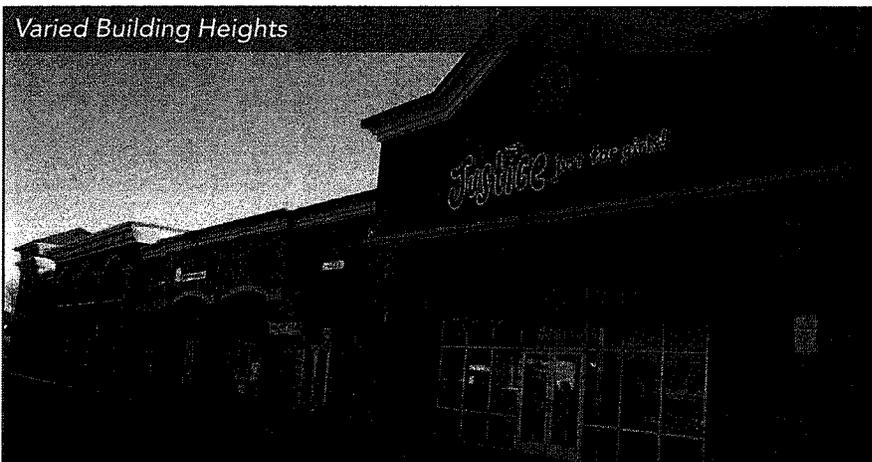
C. Two-story structures shall be designed to relate to the human scale of pedestrians on the street by using differing façade treatments at the pedestrian level. The greatest level of detail is required at the pedestrian level.

D. A building wall's height should not be less than one-fourth of the width of the street environment or open space being enclosed. The height of the walls should generally not exceed the width of the space they enclose, unless the walls are stepped back to open views of the sky above. Enclosure provided by higher walls will only be used to create a more intimate outdoor room, and in these cases additional amenities or furnishings should be provided to create an inviting social space.



Roof Configuration

- A. All roof equipment must be screened to minimize its visual impact on views from public rights-of-way.
- B. Locate equipment in recessed roof wells or hide equipment behind parapet walls so that it cannot be seen from the street.
- C. Roof screens should be constructed from materials as similar to the building walls as possible, and should be designed to appear as an



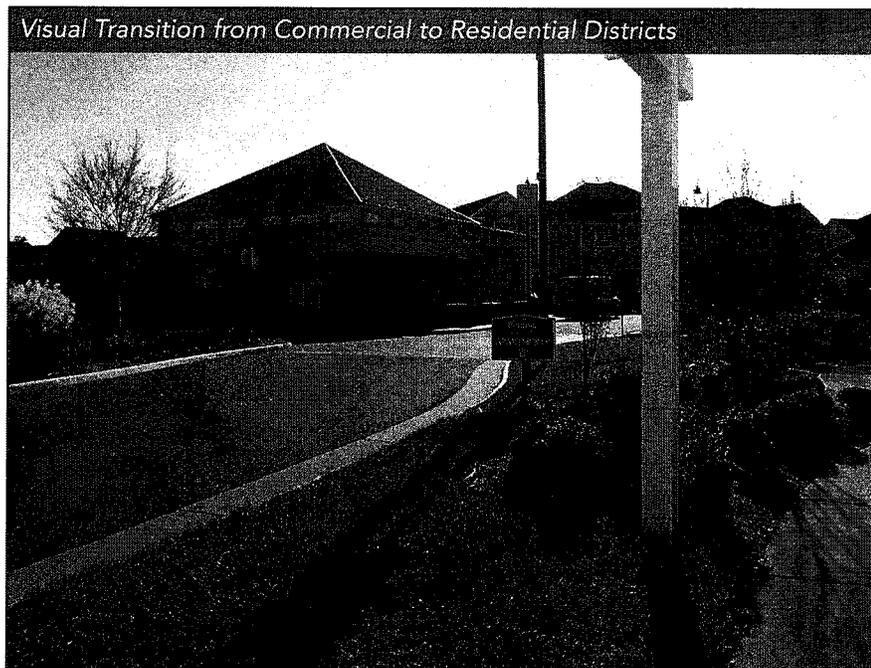
architecturally integrated part of the building rather than an added-on element.

- D. In cases where mechanical wells or parapets of sufficient height to screen equipment are not possible, equipment will be clustered and placed as far as possible from building edges. The visible equipment will be painted a color that will blend the equipment visually with the backdrop (e.g., pale blue for elements seen against the sky.)

RESIDENTIAL USES

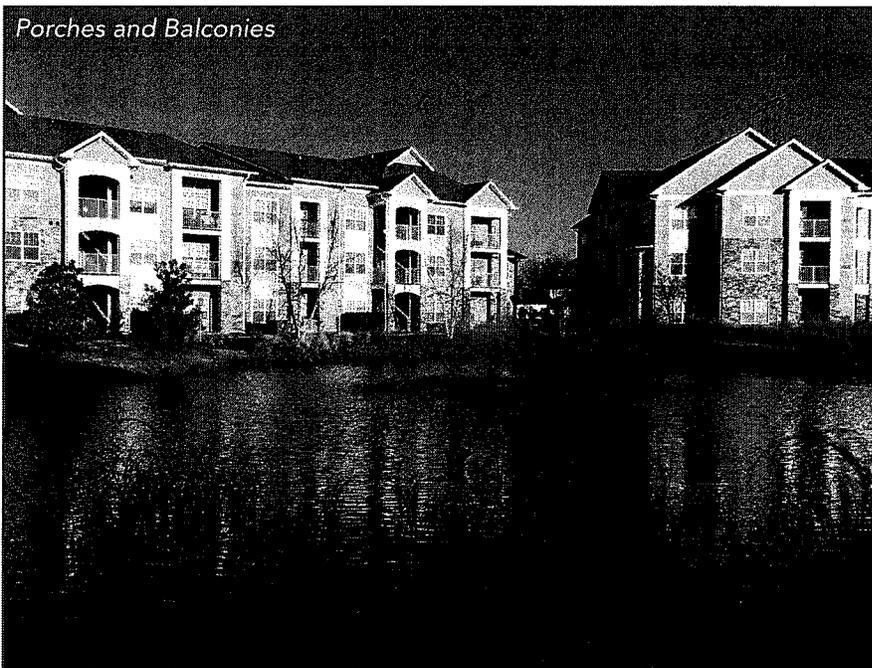
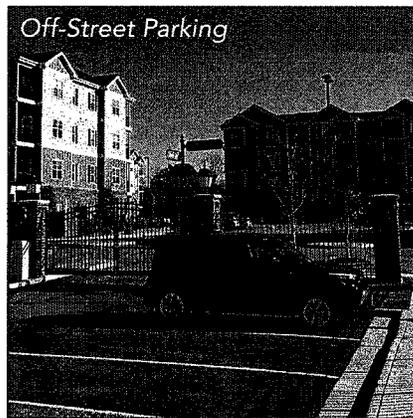
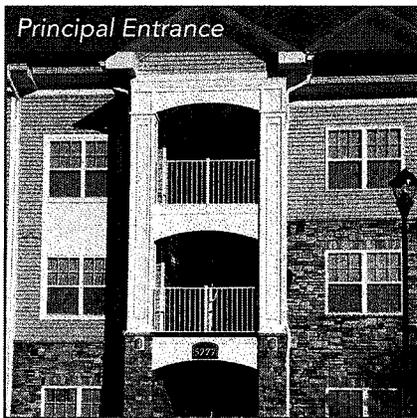
The residential portions of Obici Place will be designed to feel like a neighborhood that is safe and secure, yet allows access to all the amenities and features close to home. New building elements that relate to the size of a person will be used. A visual transition between the commercial district and the residential district will be taken into account when designing for building shape, form, and massing.

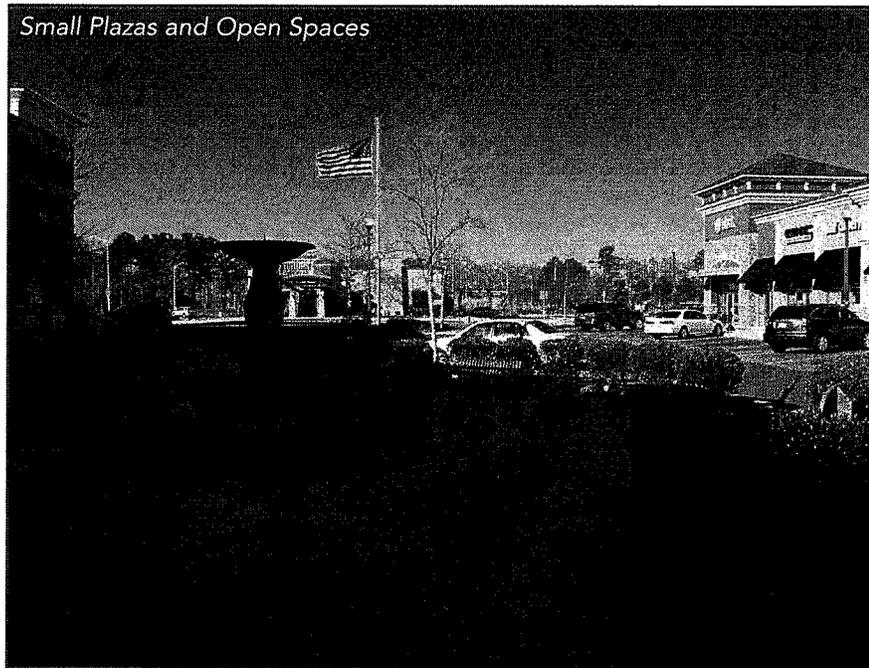
- A. Include elements such as bays, trellises, horizontal banding, and ornamentation to provide a sense of human scale. See Façade Treatment section.
- B. Building elements should visually relate to each other and to the whole building in simple and organized ways. Avoid incongruent arrangements, such as when upper floors bear little compositional relationship to the ground floor, or when multiple roof forms do not relate to how the building is organized.



OBICI PLACE
Design Guidelines

- C. Multi-family buildings shall be designed at a moderate scale appropriate to both pedestrians and automobiles, with a maximum of four stories in the residential district.
- D. The minimum distance between buildings shall be 15 feet.
- E. Principal entrances should be highlighted and the size of openings should generally reflect the size and importance of the associated interior space.
- F. Porches and balconies should be used to serve as a transition between public and private spaces.





- G. Selected small plazas and open spaces may be provided for gathering areas, and pedestrian connectivity to both the residential area and the commercial development should be included.
- H. Buildings should be generally oriented along the drive aisles while taking into consideration pedestrian, automobile accessibility, and amenities such as plazas and promenades.
- I. The placement of buildings should create view corridors into the development.
- J. The placement of buildings at odd or irregular angles to rights-of-way is discouraged. Where building orientation is placed at an odd or irregular angle to the right-of-way, appropriate pedestrian-scale landscape and hardscape features shall be incorporated to create and maintain a walkable and pedestrian-friendly environment.

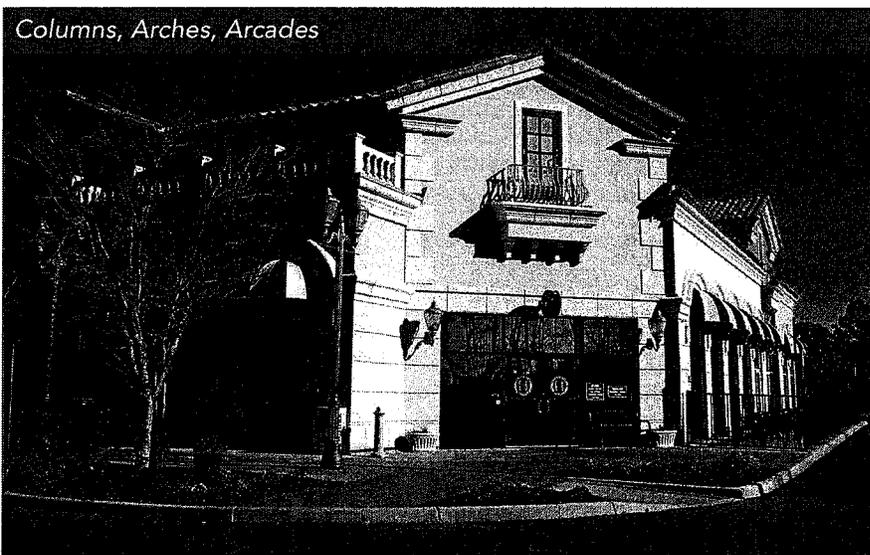
Façade Treatment

NON-RESIDENTIAL USES

Buildings are encouraged to be mainly of masonry construction (stucco, brick, or stone), with window and door openings designed as individual units. The main facades should incorporate architectural elements that create a better human scale. These elements can include but are not limited to columns, arches, arcades, and articulation of individual storefronts within the larger facade. Elements which enhance the pedestrian walking zones such as arcades, overhangs, and awnings are strongly encouraged. Buildings throughout the commercial district should face the street, with strong pedestrian orientation, providing opportunities for window shopping, outdoor dining, and clear, inviting front doors.

Styles

- A. Maintain continuity of design, materials, color, form, and architectural detail for all elevations of a building that are visible from public areas or adjacent residences.
- B. Where continuity of design is difficult to achieve, substantial planting will be provided to screen the area.
- C. The greatest amount of detail should be presented at the street-level. Features that may be incorporated include overhangs, raised cornices, parapets, arcades, arches, canopies, recesses or projections, display windows, etc.



- D. Flat roofs located behind parapet walls are encouraged. These roofs provide a location for mechanical equipment where it can be hidden from view. Designers are encouraged to articulate the parapet wall as of a means of adding interest to the building facade. Other roof configurations, including pitched roofs, shed roofs over arcades, and pitched roofs on entry-point towers are also encouraged.
- E. Use applied and integrated design elements, such as exposed rafter tails on sloped roofs, cornice moldings, or applied medallions.

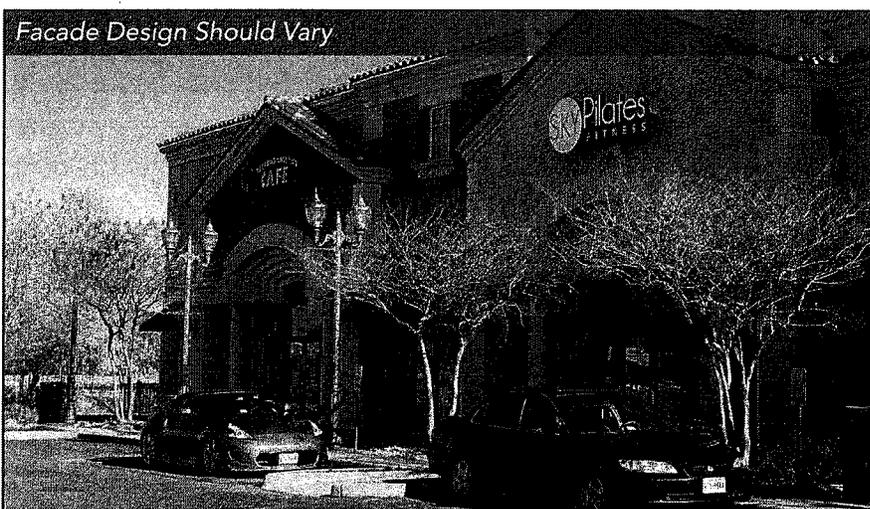
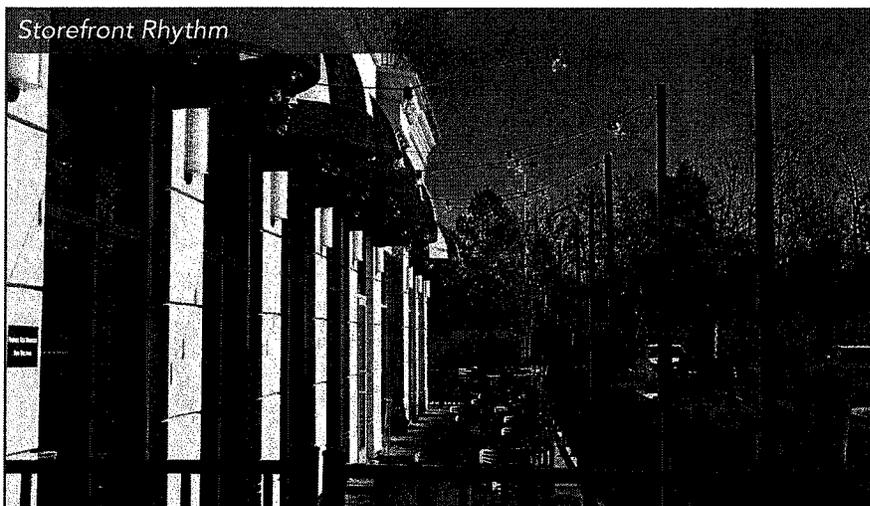


Frontage and Fenestration

- A. Consistent fenestration among buildings should be maintained. Rhythms carried throughout the block, such as those established by storefront, window, and door spacing, shall be kept similar to other rhythms of adjacent buildings.
- B. Building design should provide a base, middle, and top. As well as providing visual order to the building, this encourages a pedestrian scale and a sense of comfort to the pedestrian.
- C. The height of the base should be proportional to the overall height of the building.
- D. Linear elements and horizontal projections shall continue visually from one building to another although they need not align precisely.
- E. Façade design should vary, rather than presenting a single face along the frontage. Treat commercial street-facing facades which exceed 50 feet in length as though they were constructed on individual parcels no wider than 50 feet.

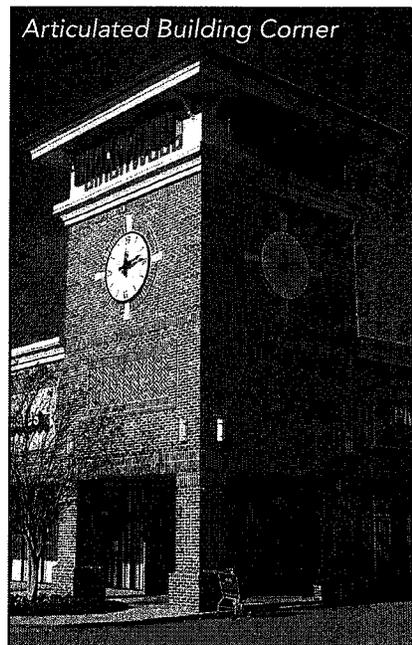
OBICI PLACE

Design Guidelines



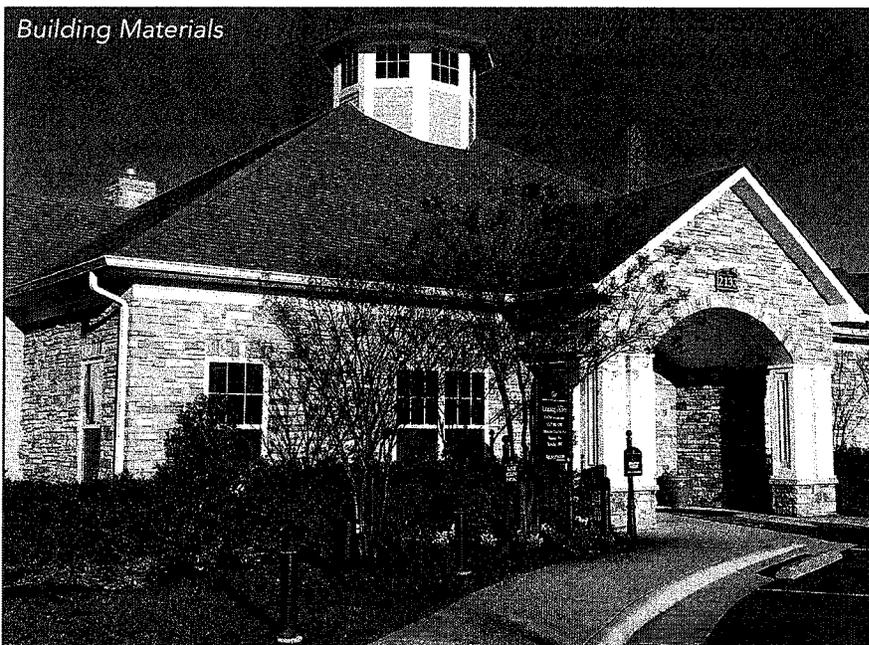
- F. Wall plane projections or recesses should have a depth of at least 3 percent of the length of the façade, and should extend at least 20 percent of the length of the facade.
- G. Windows, doorways, bays, and pediments should not vary more than 10 percent in size from windows, doorways, bays, and pediments in adjacent buildings.
- H. The size of facades facing the public right-of-way or parking lot should be similar in area and height-to-width ratio. The largest façade should not vary more than 30 percent in size from the smallest façade.
- I. Buildings on corner lots should address the corners with main entrances, chamfered, or curved building corners. Articulating the building corners with windows, towers, turrets, etc. is encouraged.

- J. Buildings should have their main entrances along the street where the most pedestrians will be entering, but double-frontage buildings are allowed and encouraged.
- K. The front doors of buildings shall reflect the scale, placement, and proportions of adjacent buildings; recessed entrances are encouraged. The size of entries facing the public right-of-way or parking lot should not vary by more than 30 percent in size and shall not vary more than 30 percent from grade elevation.
- L. Doors and entryways of buildings shall be compatible with the overall style and character of the façade.
- M. A minimum of 50 percent of a required entrance must be transparent.
- N. Windows shall complement the architectural style of the building.
- O. Ground floor windows can be used for displays. However, business owners shall allow full and unobstructed views into their businesses. Completely obstructing windows from the interior of a building with shelving, display cases, signage, or other objects is not permitted. Instead low or pass-through displays will be designed.
- P. The minimum percentage of windows and doors that must cover a street-facing ground story façade is measured between 2 feet and 12 feet above the ground elevation. The percentage of transparency required is between 60 percent and 90 percent.



Materials

- A. The buildings should be constructed of masonry building materials such as stucco, brick, architectural concrete (e.g., architectural grade pre-cast concrete, cast stone, or pre-cast concrete finished with an elastomeric coating system), or natural stone. These materials shall be used on all sides of the building. Many other high-quality materials also are allowed, such as ceramic tiles and high quality coated architectural metal panel systems (above the first story only).
- B. Secondary or accent exterior building materials may be stainless steel, copper, bronze, brass, or painted steel. Mortar and caulking colors shall be compatible with the predominant material.



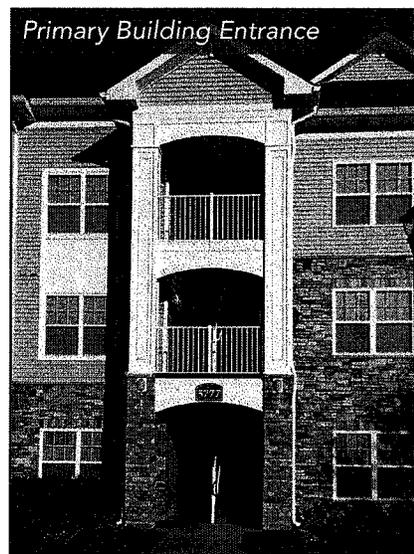
- C. Certain materials are discouraged as wall materials, including woods that will rot, fluted block, EIFS, or Dryvit (except on upper story).
- D. Doors and windows should be glass and aluminum (painted) storefront, high-quality steel and glass systems, high-quality woods such as plantation grown teak or mahogany, and brass, bronze, or stainless steel.
- E. Window glazing shall be clear or slightly tinted. Dark, mirrored, or reflective glass is not permitted.
- F. Flashing, gutters, and downspouts are encouraged to be designed as one internal, non-visible system of the building.
- G. Colors selected will be that of the materials permitted above, or a range of earth tones achieved from the use of the appropriate building components.
- H. Color should be used to unite the elements of a façade and to highlight architectural features. However, the colors on individual buildings should complement and be compatible with the predominant hues of nearby buildings. Darker or lighter hues may be used as accent trim.

RESIDENTIAL USES

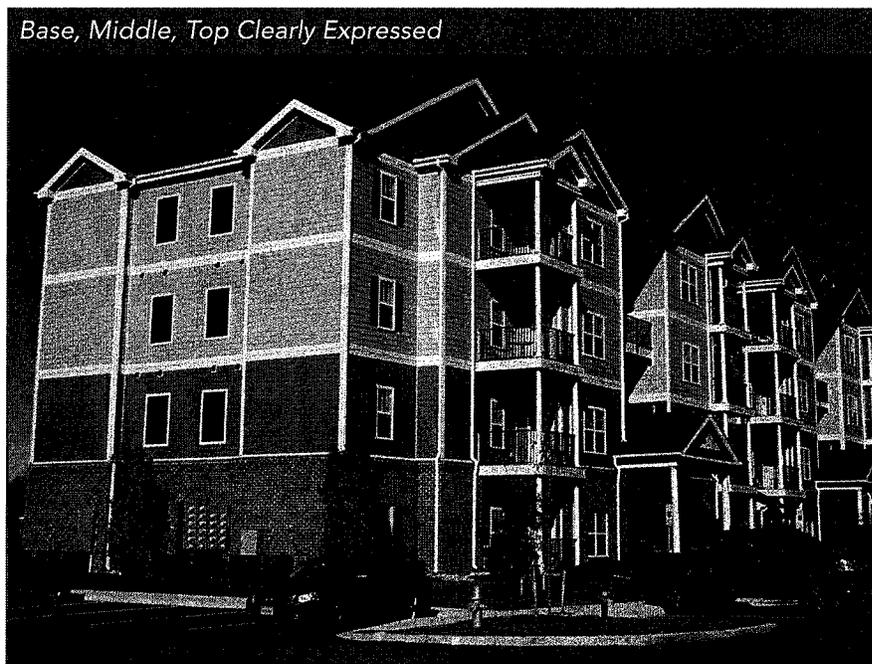
Residential uses are encouraged throughout Obici Place. Primary building entrances should be at or near the sidewalk. Residential entrances that face streets or pedestrian paths, whether shared or for individual dwellings, should be accompanied by a covered porch, stoop, veranda, or other features that highlight entry points, offer rain protection, and encourage interaction between neighbors.

Frontage and Fenestration

- A. Primary building entrances will be visibly emphasized, architecturally embellished, and accessible from a street and sidewalk to the extent feasible.
- B. Ground floor units should be elevated above finished grade to provide a sense of privacy and security from the street.
- C. Entrances that cannot face a public street and sidewalk should face an internal pedestrian path that connects directly to a street and sidewalk. Internal pedestrian paths may be accompanied by courtyards or plazas.
- D. Visually prominent exterior corridors that provide access to multiple units on upper floors are discouraged.
- E. Front doors (individual or shared) should have a substantial appearance. Avoid flush face doors. Front doors leading to the outside should generally incorporate panels, windows, or be accompanied by adjacent windows so occupants can see out.
- F. Railings, balustrades, posts, and columns should be similar in form and color throughout the development. Posts and columns should have a substantial architectural appearance.
- G. Gabled, hipped, or shed roof types should be used and may be accompanied by dormers.
- H. Eaves should be incorporated into the design to create shadow. Deep eaves are encouraged when gabled, hipped, and shed roofs are used.



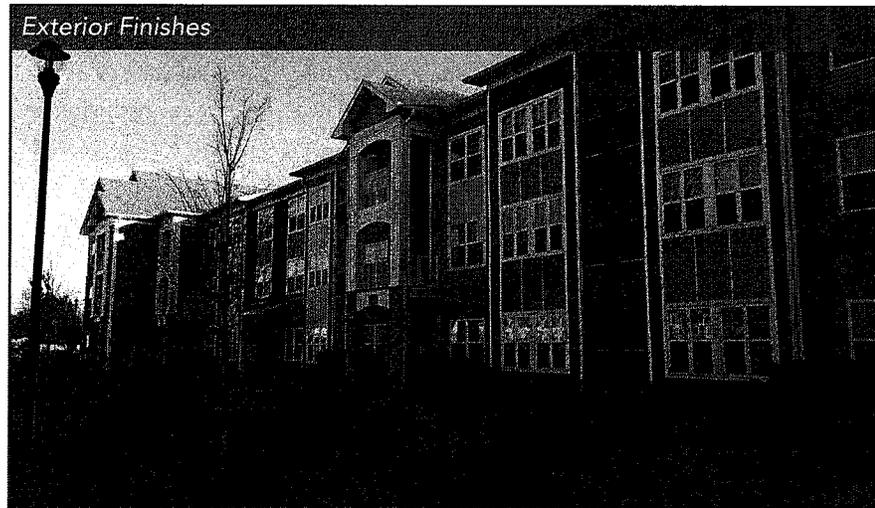
- I. Long building fronts will use projections or recesses, compose windows, space chimneys, and/or use other devices to set a rhythm at smaller intervals. The maximum width (as measured horizontally along the building's exterior) without building modulation shall be 50 feet.
- J. Bay windows, cornices, and other architectural projections are encouraged.
- K. All buildings should clearly express a base, middle, and top.
- L. The design of the base should convey its loadbearing function, such as through the use of materials such as brick or stone, darker colors, or deep joints in masonry or stucco.
- M. The middle of a building can be much taller than the base or top, and should have the appearance of being lighter than the base through the use of color and materials.



- N. The top creates a prominent visual termination for the building, and can add interest through carefully considered roof forms, cornices, eaves, and parapets. Roof pitch, and its materials, size, and orientation are all distinct features that contribute to the character of a roof.
- O. Uninterrupted exterior surfaces exceeding 35% of the total span are prohibited. Blank walls devoid of fenestration are prohibited.
- P. Clear glass windows should face streets, plazas, courtyards and/or pedestrian passages. Recess windows from façade or trim to add shadow and visual interest.

Materials

- A. High-quality, durable materials that age well should be used. Materials and applications that will discolor should be avoided.
- B. Exterior finishes should be wood, brick, stucco, architectural pre-cast stone, masonry, natural stone, cement board (e.g., Hardy-plank), or heavy vinyl. Metal panels (including corrugated metal), reflective glass, and glass curtain walls shall not be used.



- C. Select base colors that blend with the predominant colors and features of surrounding buildings and landscape. Don't detract from buildings in the vicinity, especially if they are designated as architecturally or historically significant.
- D. Bolder colors should be reserved as accents for building details, ornamentation, or special features to reduce the perceived bulk of structures.
- E. Consider articulating or emphasizing building corners with quoins, medallions, brick, or stonework.
- F. Double-hung, awning, or casement type windows are preferred. Window frames should be wood, vinyl, fiberglass, or colored clad metal. Bare metal should not be used except when used intentionally as a modern, industrial, agricultural, or vernacular expression. Glass should be clear and non-reflective, and mirrored glass should not be used.

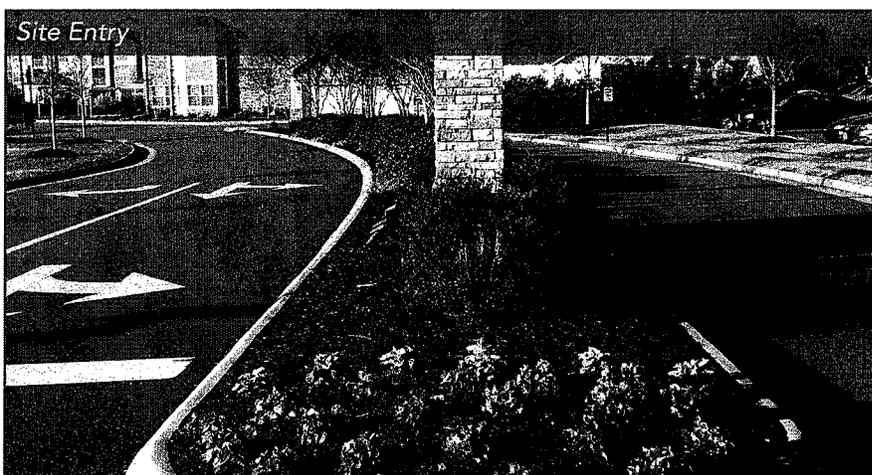
Streetscape

Obici Place will have three vehicular travel ways requiring their own signature look and feel. This section will discuss articulation of the immediate periphery and the median contents of those travel ways. Crosswalks also will be discussed in this section. Please refer to the Streets section of these guidelines for all other roadway related matters including Street Sections.

These three principal travel ways are:

- North Main Street
- Central access road opposite Northgate Lane
- Internal feeder road

The internal feeder road will have two vocabularies . The first of these will cover the site access point opposite Edgewood Avenue. The second will cover the larger portion of this feeder road interior to the site.



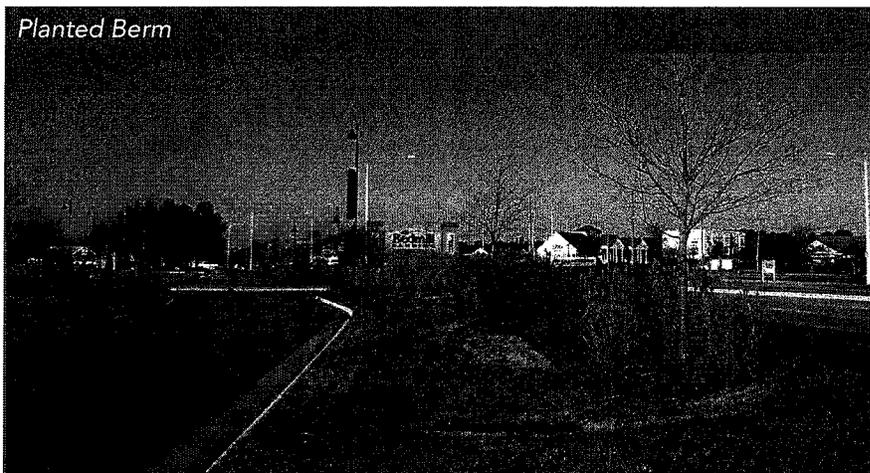
A. North Main Street

These standards will focus on the east side of North Main Street and the median. For future developments west of North Main Street, consideration should be given to emulating the standards set forth in this guideline. The forgoing standards will be in addition to the City of Suffolk's standards for roadway construction and plant material. The North Main Street streetscape will have five zones:

1. The medians will vary in width as necessitated by traffic control. Vegetation should be applied for back-of-curb to back-of-curb distances greater than 3 feet, 6 inches wide. Widths less than 3

feet, 6 inches will be infilled with concrete flush with the top-of-curb per standard roadway construction techniques. Vegetation will be applied in the appropriate locations not planned with other standard roadway appurtenances. Shrub and groundcover plant material will not exceed 2 feet, 6 inches in height, either as a product of pre-existing maintenance guidelines or in their natural, mature growth. Trees with canopies will not be greater than 20 feet in mature spread and will be limbed to maintain views. Vegetation will be placed to encourage the use of crosswalks but not to restrict emergency pedestrian egress from travel lanes. Vegetation in the form of turf is allowable commensurate with municipal maintenance resources.

2. Excepting intersection areas, a turf zone not less than 4 feet wide will be designated between the back-of-curb and sidewalk. Standard roadway appurtenances such as signs and utility pedestals may occupy this zone. Vegetation other than turf is not permitted. The slope between sidewalk and back-of-curb will not exceed 5 percent and turf will be flush with both sidewalk and top-of-curb with no mounding or berming in between.
3. A concrete sidewalk not less than 5 feet wide will be constructed along the entire Obici Place frontage with North Main Street. This walk will be constructed within the North Main Street right-of-way.
4. The zone between the sidewalk and on-site improvements will consist of lateral walks connecting the frontage walk with on-site walks, utilities in support of Obici Place improvements, berming, tree, shrub, and groundcover planting as necessary for screening or aesthetic structure and signage. Street trees also will be placed within this zone. Items to be screened will include not less than three tiers of shrub and groundcover material with the species closest to the screened item being the tallest in its habit and evergreen in its persistence.
5. Crosswalks make up the fifth zone of this streetscape arrangement. The finish and pattern used on the sidewalk should continue onto the curb ramp with the exception of the detectable warning devices prescribed by accessibility standards. For paired ramps at an intersection, a two curb ramp (non-shared) configuration will be employed as a measure of safety. With any curb ramp, flared sides will only be employed when those flared sides abut a paved walking surface at the top edge. A curb-return (non-flared side) configuration will be used otherwise. Crosswalk finishes within the travel way will consist of stamped concrete or concrete or brick paver configuration in a continuous herring bone field and of a color distinguishable from the travel lane pavement. Crosswalks should continue through the nose of the median in lieu of running in front of the nose to provide an additional measure of protection for pedestrians.



B. Central Access Road Opposite Northgate Lane

The intersection of this travel way with North Main Street will be signalized. This streetscape will be characterized by its traffic calming needs given the five crosswalks crossing its travel lanes. Two lanes in will become a left-straight lane and a right-only lane. One lane out will become the same. The central access road streetscape will have five zones:

1. Median construction along the central access road will commensurate with standards established in item A.1., with the exception of land cover standards associated with a variable width median, the minimum tree canopy spread, and the allowance for turf. The adjustments to item A.1. are as follows: median width will be non-variable and will be planted with tree species having canopies not exceeding 15 feet in mature spread, shrubs, and groundcover plantings. Turf and concrete infill are not permitted. Signage and utility pedestals are permitted in support of Obici Place.
2. A variable width, vegetated zone will be incorporated between back-of-curb and sidewalk. This zone will be populated with tree species having canopies not exceeding 15 feet in mature spread, shrubs, and groundcover plantings as appropriate for the width at a given point. Turf and concrete infill are not permitted whereas signage and utility pedestals are permitted in support of Obici Place.
3. A sidewalk not less than 5 feet wide will be constructed from intersection to intersection on both sides of the travel way. This walk will be constructed with a concrete or brick paver. A brick paver configuration will be in a continuous herring bone field, and bound with a minimum 9 inch concrete band flush with the paver surface and surrounding grade. This sidewalk will be constructed within the central access road right-of-way.

4. The zone between the sidewalk and adjacent improvements will consist of lateral walks connecting to adjacent walks or building aprons; utilities in support of Obici Place improvements; appropriately sized tree, shrub, and groundcover planting as necessary for screening; adorning building foundations; or aesthetic structure. Signage also is permitted. Items to be screened will incorporate species evergreen in their persistence and appropriate for the height of the item being screened.
5. Crosswalk construction will commensurate with standards established in item A.5.

C. Internal Feeder Road (Opposite Edgewood Avenue at Site Access Point)

The internal feeder road at the site access point will have five zones:

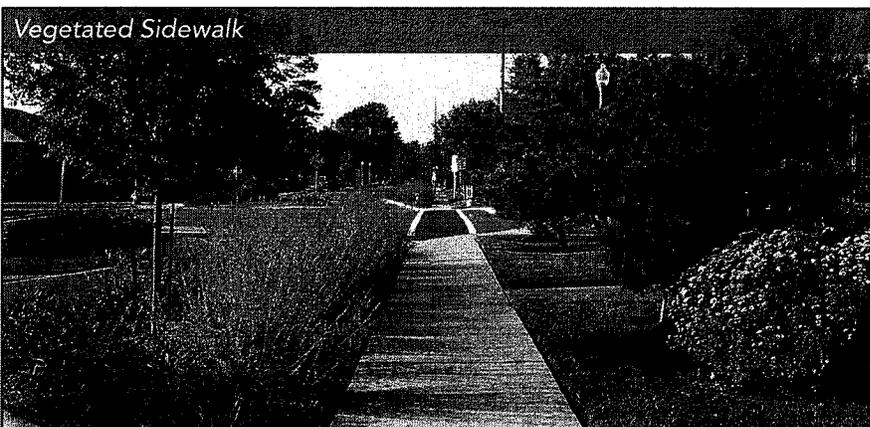
1. Median construction along this portion of the internal feeder road will commensurate with standards established in item A.1., with the exception of land cover standards associated with a variable width median, the minimum tree canopy spread, and the allowance for turf. The adjustments to item A.1. are as follows: median width will be non-variable and will be planted with tree species having canopies not exceeding 15 feet in mature spread, shrubs, and groundcover plantings. Turf and concrete infill are not permitted. Signage and utility pedestals are permitted in support of Obici Place.
2. A variable width, vegetated zone will be incorporated between back-of-curb and sidewalk. This zone will be populated with shrub, groundcover, or turf plantings as appropriate for the width at a given point. Concrete infill is not permitted. The area south of back-of-curb and within the right-of-way will be constructed with a sidewalk and a turf-only verge between sidewalk and back-of-curb. Within the open space to the south, trees with canopies not exceeding a 20 feet in mature spread, shrubs, and groundcovers are encouraged and turf will be permitted as infill. Signage and utility pedestals are permitted in all areas within this zone in support of Obici Place.
3. A concrete sidewalk not less than 5 feet wide will be constructed on both sides of this site access point.
4. The zone between the sidewalk and adjacent improvements will consist of lateral walks connecting to adjacent walks; utilities in support of Obici Place improvements; appropriately sized tree, shrub, and groundcover planting as necessary for screening; adorning building foundations; or aesthetic structure. Signage and utilities also are permitted. Items to be screened will include not less than three tiers of shrub and groundcover material with the species closest to the screened item being the tallest in its habit and evergreen in its persistence.

5. Crosswalk construction will commensurate with standards established in item A.5.

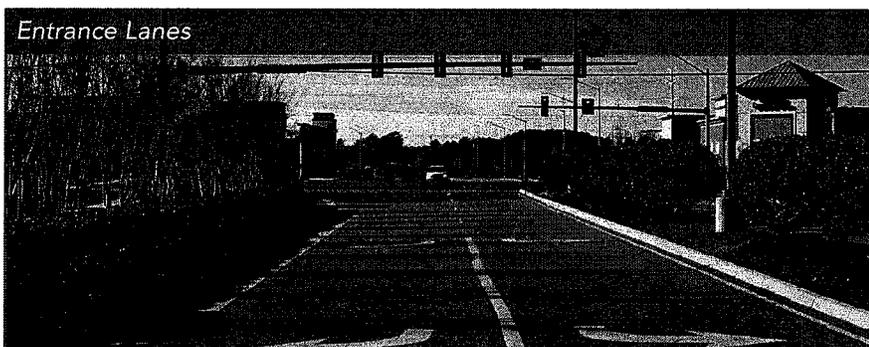
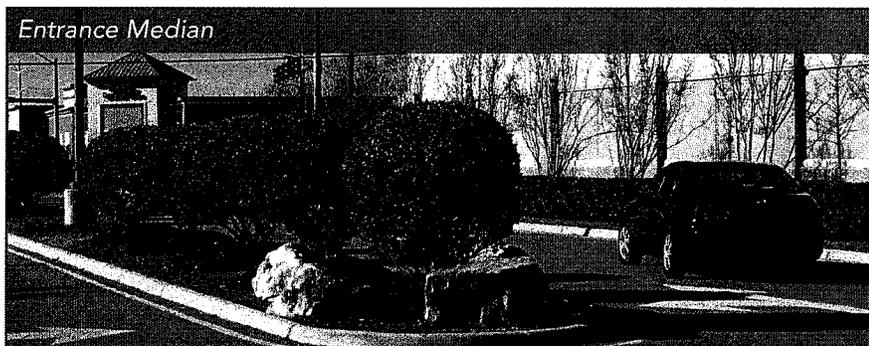
D. Internal Feeder Road (interior to the site)

This streetscape will help join the residential and non-residential components of this development. This section of the feeder road will consist of two opposing travel lanes, two parking lanes, and no median. The Internal Feeder Road streetscape will have four zones:

1. A concrete sidewalk not less than 5 feet wide will be constructed immediately adjacent the parallel, on-street parking. This sidewalk will extend to adjacent intersections and will connect with trail systems and residential sidewalk systems. This side walk will be constructed within the Feeder Road right-of-way. As this concrete sidewalk reaches the intersection with the Central Access Road, it will be constructed with concrete or brick paver. A brick configuration will be in a continuous herring bone field and bound with a minimum 9 inch concrete band flush with the paver surface and surrounding grade.
2. Shoulders protrude between parallel parking end points and access points. These shoulders may accommodate a crosswalk with vegetation or only vegetation in the form of shrubs and groundcovers. Turf or concrete infill is not allowed.
3. The zone beyond the sidewalk (leading to parking areas to the west and residential areas to the east) will accommodate features such as brick or concrete paver sitting areas. These areas will be furnished with benches, trash receptacles, screened with evergreen shrubs, and fitted with pergolas. This zone will also be vegetated with canopy trees, flowering trees, shrubs, groundcovers and turf. Utility pedestals are permitted in all areas within this zone in support of Obici Place. Items to be screened will incorporate species evergreen in their persistence and appropriate for the height of the item being screened.



4. Crosswalk construction will be commensurate with standards established in item A.5.
- E. The following items apply to all streetscapes where prescribed in the zones above:
1. Standard roadway appurtenances such as signs and utility pedestals will be placed in accordance with the Signs section and the Utility section of this guideline, plus the City of Suffolk and VDOT standards.
 2. Pavement surfaces will be constructed in accordance with current City of Suffolk Public Works standards.
 3. Utilities will be screened with respect to clear zones, if applicable.
 4. Site distance triangles will be recognized at all intersections.
 5. Planting will be in accordance with the Landscape Design section of these guidelines.
 6. Planting guidelines will be in addition to the City of Suffolk Landscape standards when placed within public right-of-way. Street trees will be placed within public right-of-way in accordance with City prescribed street tree species. Where conflicts between these guidelines and City right-of-way standards exist, City standards will prevail.

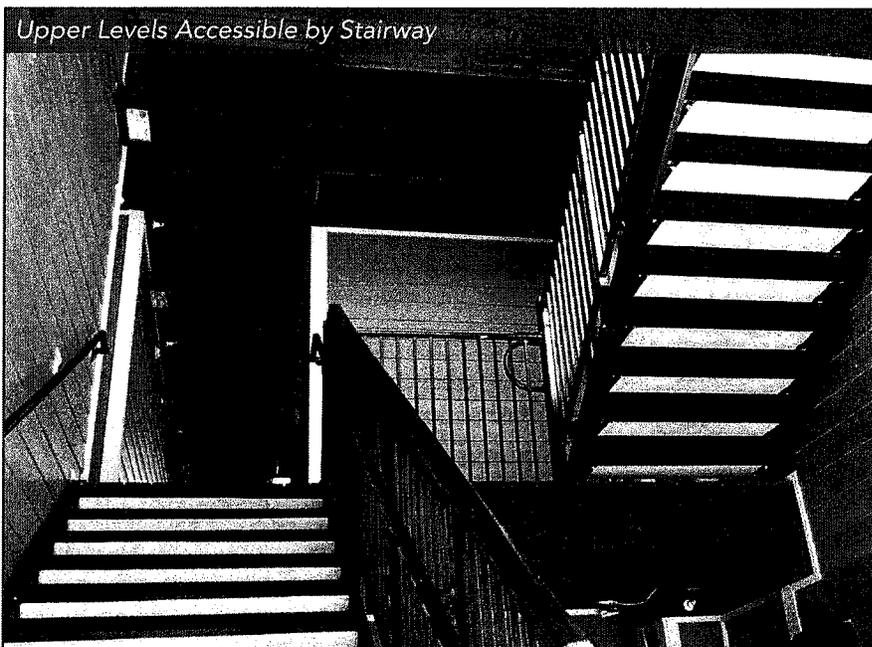


Pedestrian Orientation

The non-residential areas of the development may be a mix of single and multi-story buildings. In two-story buildings, retail should be placed on the first floor to encourage pedestrian access. In single-story buildings, pedestrian access is implied.

The residential development will include both three- and four-story buildings. Second-story and above levels will be made accessible with the use of staircases in each building. Elevators are encouraged for enhanced accessibility to second-story and above levels.

For any use, ADA guidelines will further ensure ease of pedestrian movement both within the building, the building's curtilage, and within the paved surfaces on site.



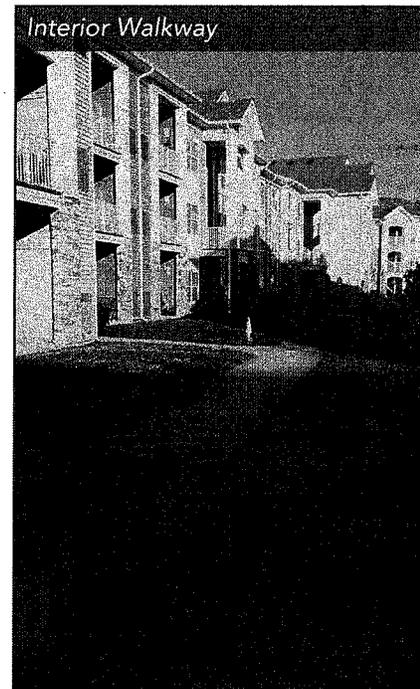
A. Buildings

1. Buildings entrances will be located within 75 feet of any parking area.
2. Access to buildings from exterior paved surfaces will comply with ADA guidelines and International Building Code (IBC) regulations.
3. All buildings, regardless of use, will be connected with a system of walks, crosswalks, ramps, and building aprons.

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B. Walks

All walks within and outside of right-of-way will be constructed in accordance with current City of Suffolk Public Works standards.

1. Walk material will include concrete or brick paver configuration in a continuous herring bone field, and bound with a minimum 9 inch concrete band flush with the paver surface and surrounding grade.
2. As an alternative, standard concrete walks may be constructed. Efforts should be made to include paver accenting within standard concrete walk construction.
3. Walks in the non-residential areas will be a minimum of 5 feet wide.
4. Walks in the residential areas will be a minimum of 5 feet wide.
5. Walks will include the top-of-curb in their width calculation when they abut curbing.
6. Every effort will be made to ensure no walk exceeds a 1:20 longitudinal slope. Where walks exceed this slope they will be fitted with a handrail.
7. No walk will exceed a 1:12 longitudinal slope.
8. Walks will be laterally sloped sufficient to ensure proper drainage.
9. Walks will be constructed and maintained free of obstructions and trip hazards.

C. Other Paved Surfaces

Other paved surfaces include but are not limited to courts, aprons, plazas, or any paved surface intended for pedestrian use and conveyance that are not considered walks. All paved surfaces within and outside of the right-of-way will be constructed in accordance with current City of Suffolk Public Works standards.

1. Other paved surfaces used will not exceed a 1:20 slope and will ideally conform to a range of 1:50 to 1:33 slope.
2. Other paved surfaces intended for pedestrian use will be sloped sufficient to ensure proper drainage.
3. Other paved surfaces will consist of concrete or brick paver configuration in a continuous herring bone field, and bound with a minimum 9 inch concrete band flush with the paver surface and surrounding grade. Other paved surfaces will be constructed and maintained free of obstructions and trip hazards.
4. Other paved surfaces within the residential area may deviate from item C.3. in the interest of creating spatial character.
5. Other paved surfaces will be connected to the walk system.
6. Stamped pavement in the public right-of-way shall be color-dyed concrete.



D. Outdoor Furnishings and Amenities

1. Pedestrian-oriented furnishing and amenities such as benches, trash receptacle, and pedestrian lighting will be placed judiciously throughout Obici Place in accordance with standard design practice. Refer to the Utilities section for additional guidelines on lighting.
2. Furnishings and amenities will be selected with pedestrian comfort and convenience in mind. Style can vary between the residential and non-residential areas only. See the Structures and Furnishings section for guidelines on furnishings.



Ground Floor Uses

For buildings containing multiple stories, the ground floor is typically reserved for commercial, retail, and office uses. The upper stories are typically residential but also can be used for commercial and office uses. Corner and end-unit buildings should be larger tenant anchors. Auto-dependent, regional uses and smaller, neighborhood-oriented stores can be accommodated in the Obici Place commercial district. In the residential district, ground floor residential units should be elevated above finished grade to provide more privacy from the street and sidewalk.

NON-RESIDENTIAL

- A. Mixed-use
- B. Office
- C. Neighborhood-scale retail
- D. Community facilities
- E. Civic buildings
- F. Outdoor common areas

RESIDENTIAL

- A. Multi-family
- B. Single-family attached
- C. High-density single-family detached
- D. Outdoor common areas
- E. Clubhouse and resident amenity facilities

The designations above represent broad use categories. Please see the Land Use section of these guidelines for a complete list of specific uses that may be appropriate for the ground floor.

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Access

Obici Place will be accessed predominantly via personal automobile from North Main Street, also known as Route 460 business. Once on site, pedestrian circulation will become the primary means of accessing various amenities and facilities.

A. Auto Access

Automobiles can primarily access Obici Place via entranceways which are sited opposite of Edgewood Avenue and Northgate Lane.

1. The entranceway opposite Edgewood Avenue will provide sufficient space for users to access the internal feeder drive of Obici Place. Parallel parking spaces and surface lot entrances will be accessed from this feeder drive, allowing for automobile parking and subsequent pedestrian dispersal.
2. The Northgate Lane entranceway will guide traffic to the center of the Obici Place development. Traffic will have sufficient access to the northern and southern outparcel areas and will be able to access the residential component to the east. This entranceway may be perceived as the primary entrance to the site.
3. Parking lots will have designated entrances along the internal feeder drive of Obici Place. Appropriately sited ADA-compliant parking spaces will provide no less than the minimum required number of accessible spaces in the parking lots per ADA guidelines.

B. Public Transit

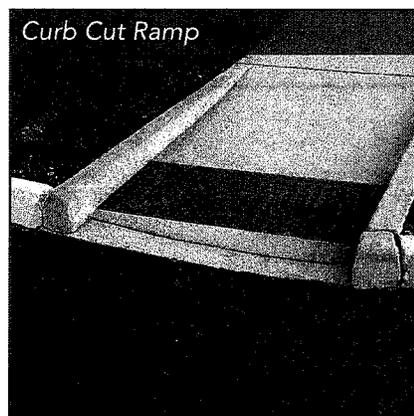
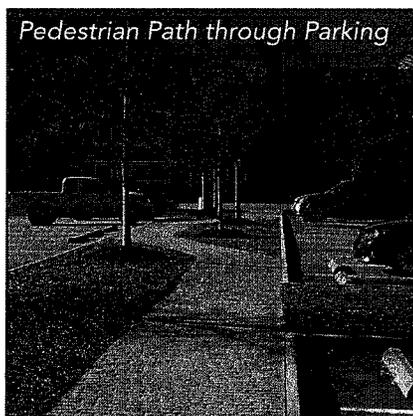
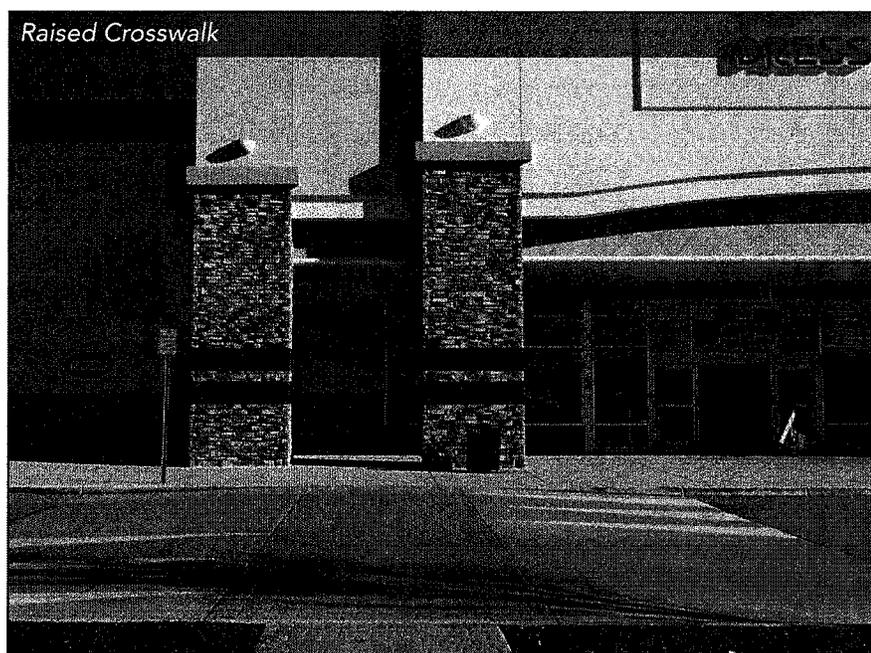
A bus route will introduce an alternate option for site access.

1. The bus route will be located along North Main Street.
2. The bus stop will be designated with adequate signage, a noted bus schedule, an open fronted shelter, and appropriate seating.
3. A City bus should access the designated stop multiple times throughout the day, and should follow a route that leads to places of interest and connects with additional City bus routes.
4. The bus stop and City bus will be compliant with any and all ADA accessibility requirements.

C. Pedestrian Access

Obici Place should be as walkable as possible to encourage use by pedestrians.

1. Parking lots should have designated and apparent pedestrian walkways to guide users through the lots to site amenities.
2. Curb cuts and ramps should be appropriately placed to increase ease of access for users with disabilities.
3. Sidewalks and crosswalks will provide an unobstructed path guiding pedestrians to site components such as residential and outparcel structures, public transit areas, seating areas, bike racks, open spaces and alike."



Landscape Design

TREES

Trees are an integral part of any development since they provide scale, spatial definition, shade, groundwater stabilization, evapotranspiration, and other social and ecological benefits to a site. Trees bring a remarkable sense of value to any real estate, and depending on the species selected and their location, they can extend the architecture of the building into the site and make outdoor spaces generally more interesting and enjoyable. Trees should be regarded as essential building materials for any outparcel or residential land development. The following standards apply to trees in Obici Place:

- A. Trees should be planted on an established spacing and coordinated with the pavement design and lighting.
- B. Trees will be located to promote shade and to create a uniform street edge or pleasing composition for the overall site.
- C. Trees will be placed in large, linear tree verges where possible in lieu of tree wells which restrict tree root growth and deter longevity of the trees.
- D. Street trees shall be spaced evenly along the right-of-way and spaced at regular intervals at no more than 50 feet apart.

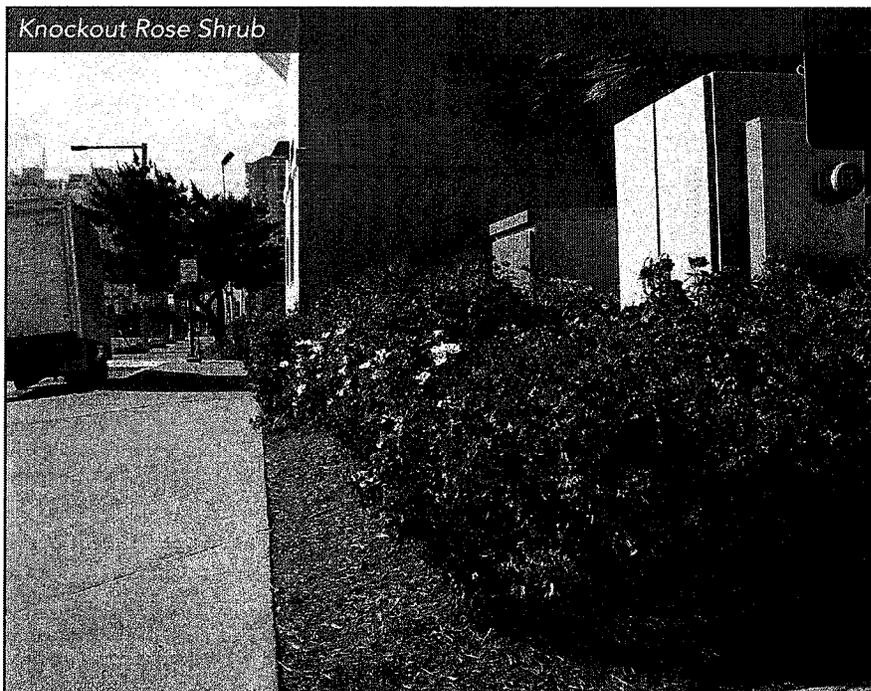


- E. For areas where trees are restricted to tight spaces, compacted soils, or tree pits, the use of structural and horticultural soils will be used to promote better tree health. Use root barrier where trees come closer than 4 feet to a sidewalk or curb to reduce root upheaval and cracking of the pavement structures.
- F. If tree grates are required, ensure grates are ADA compliant and that the tree pit soil elevations are several inches below the grate.
- G. Plant sizes shall follow the City's Landscape Standards. Refer to Article 6, Section 31-603 of the Unified Development Ordinance.
- H. Small ornamental and flowering trees shall be spaced no more than 18 feet apart.
- I. Small ornamental trees and columnar-shaped trees shall not be used in parking lot islands since they do not efficiently shade the pavements as compared to the larger street trees.
- J. Plantings and trees in particular, shall be coordinated with lighting and underground utilities.
- K. Mulch rings or earthen saucers around trees shall be eliminated when trees are installed within plant beds.
- L. Tree root crown shall be located no more than 1 inch above the adjacent mulch grade.
- M. Trees will be fully installed within a mulch bed and not mounded up significantly higher than adjacent grade.
- N. The City's Unified Development Ordinance, Article 6, Section 31-603 Landscaping Standards are incorporated into these guidelines by reference.

SHRUBS, GROUNDCOVERS, PERENNIALS, AND ANNUALS

The plant palette for general development should be simple and consistent. It should be supplemented with other plant options for interest, but some basic plant species and compositions should be carried throughout the site. Below are some basic requirements for shrub plantings:

- A. Each plant bed should have a low evergreen shrub as a foundation to the planting composition.
- B. Plants should be arranged in masses and should be maintained to preserve the original design intent—i.e., shrubs should not be sheared individually when in hedge form or in a mass of same shrub species.
- C. Shrub bed finished elevations will be kept equal to the turf surrounding it. In cases where they are adjacent to pavements they will be recessed by at least 1 inch to help avoid or slow down the messy buildup of mulch from seasonal topdressing.



- D. Planting shall be staged in order to provide adequate scale to the plant bed and allow visibility of plantings behind front rows of the bed.
- E. Pruning and maintenance should be considered during design in an effort to promote selective pruning versus indiscriminate topping of small trees or shrubs.
- F. Ornamental grasses are encouraged, provided they are not overly used. These plants can complement the evergreen plant material in the winter months and provide a sense of movement from windblown tassels.
- G. Mature sizes of plants shall be considered during design to ensure that overcrowding of plant masses don't become a problem with pests, disease, and unsightly patches where plants have to be removed prematurely.
- H. Perennials are encouraged at special areas in shrub beds, but they should not remain the key plant in any composition due to their seasonal interest.
- I. Annuals should be considered as part of the planting composition in the most active areas and visible places in Obici Place. Their color and seasonal replacement will ensure interest for people who live, work, or visit the development site.
- J. All plant beds should use a high-grade aluminum or steel bed edge to reinforce bed geometry during the life of each site.

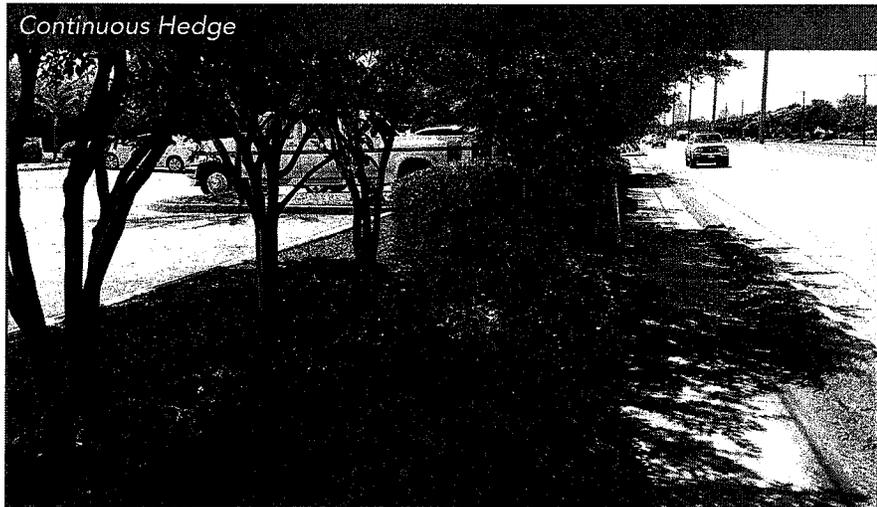
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Staged (Tiered) Planting



Continuous Hedge



- K. Shredded hard wood mulch shall be 3-inches deep in order to eliminate possibilities of floating or blowing away and to reduce early rot potential.
- L. Plants will not be socket-planted but will be installed in a continuous bed, excavated, and backfilled with prepared soil mixtures.

TURF

Turf should be considered as part of the earthwork trade for any major open lawn areas since it is so highly dependent on the grading contractor to finish the final ground elevations and contouring of topsoil on site. Turf may be used sparingly on this site, and smaller quantities should be implemented using sod. The following design guidelines should be adhered to when using turf at Obici Place:

- A. Turf will be Common Bermuda or a City-approved cultivar thereof.
- B. Sod should be used for small areas for immediate impact.
- C. If seeding a larger area of turf, hydro-seeding may be considered as an effective way to encourage germination and rapid establishment of a turf crop.
- D. All turf should be graded to drain onto itself, and all pavements, where practicable, should drain onto turf in order to reduce potential freeze over of sheet flow during inclement weather and to avoid sedimentation onto pavements during heavy rains.



IRRIGATION

Irrigation can be beneficial for planting compositions, particularly at the beginning stages of plant growth. Over time, it will dissipate and breakdown as plants begin to rely less and less on it. Irrigation guidelines for Obici Place are:

- A. Irrigation should be considered in the most public areas of a site, such as an entrance area, active open space, or foundation planting at building frontages.

- B. Irrigation shall be designed with manageable zones visible from the controller and turf areas should be separated from shrub beds. Irrigation types also should be separated by zone, such as drip irrigation separated from spray heads.
- C. Irrigation will be sourced by a well if iron content proves low enough not to stain or if it can be effectively filtered out, otherwise a meter should be coordinated with individual taps.
- D. Any irrigation system proposed should include a rain sensor.
- E. Spray should be controlled and aimed carefully away from pavements. Overlapping of spray areas should be avoided.
- F. Drip emitters and hoses shall be buried entirely below the mulch in plant beds, and observation wells should be placed strategically to confirm proper function of the drip lines without having to unbury the line.
- G. Private irrigation systems used in the public-right-of-way will be owned, operated, and maintained by the property owner's association and will be subject to approval by Public Works.

PLANT PALETTE

Plant materials selected for developments within Obici Place may vary from one development site to another, but an overall basic set of plants should resonate throughout the entire project area in order to help unify one area to another. The following plant palette is presented as a general starting point for development planting plans and is not all-inclusive by any means:

Common name	Latin name
Trees	
American Holly	<i>Ilex opaca</i>
Bald Cypress	<i>Taxodium distichum</i>
Dahoon Holly	<i>Ilex cassine</i>
Honey Locust	<i>Gleditsia triacanthos</i>
Live Oak	<i>Quercus virginiana</i>
London Plane	<i>Platanus acerfolia</i>
Sweetbay Magnolia	<i>Magnolia virginiana</i>
Treform Yaupon Holly	<i>Ilex vomitoria</i>
Trident Maple	<i>Acer buergerianum</i>
Shrubs	
Dwarf Pittosporum	<i>Pittosporum tobira 'Wheeleri'</i>
Dwarf Yaupon Holly	<i>Ilex vomitoria 'nana'</i>
Indian Hawthorn	<i>Rhaphiolepis indica</i>
Southern Wax Myrtle	<i>Myrica cerifera</i>

Common name	Latin name
Upright Inkberry Holly	<i>Ilex glabra 'nigra'</i>
Soft Touch Holly	<i>Ilex crenata 'Soft Touch'</i>
Hummingbird Sweetspire	<i>Clethra alnifolia 'Hummingbird'</i>
Groundcover	
Creeping Lilyturf	<i>Liriope spicata</i>
Shore Juniper	<i>Juniperus conferta</i>
Grasses	
Switchgrass	<i>Panicum virgatum</i>
Muhly Grass	<i>Muhlenbergia capillaris</i>
Perennials	



Common name	Latin name
Happy Returns Daylily	<i>Hemerocallis 'Happy Returns'</i>
Purple Cone Flower	<i>Echinacea purpurea</i>
Black-eyed Susan	<i>Rudbeckia hirta</i>

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Loading and Trash Collection

Obici Place will provide adequate loading and trash collection facilities in accordance with requirements set forth in the City of Suffolk's Unified Development Ordinance. Loading and trash areas will be accorded for at every commercial building within the Obici Place project limits.

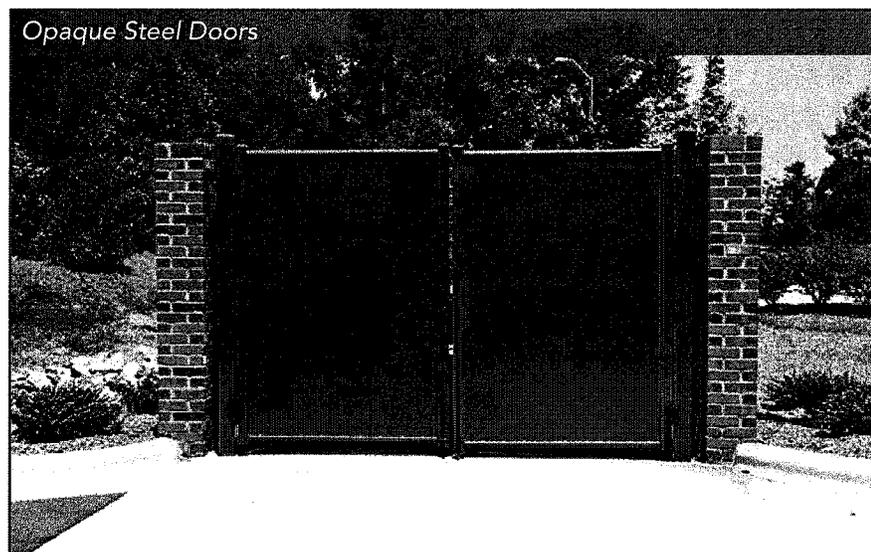
A. Municipal Standards

1. Loading dimensional standards, screening and material requirements will be per Section 31-606 (b) of the City of Suffolk's Unified Development Ordinance.

B. Non-Residential, Outparcel Loading and Trash Collection Guidelines

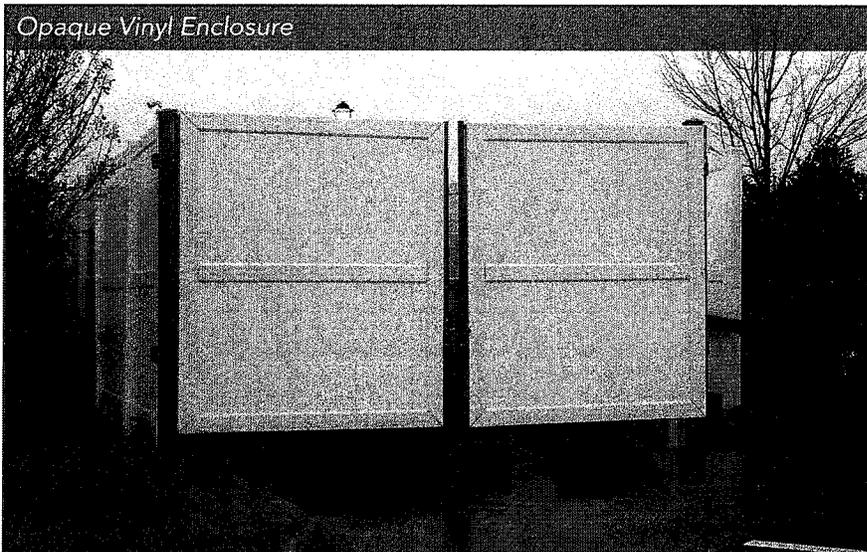
1. Loading and trash collection areas will be screened from on-site and off-site views.
2. Screening walls will be used to screen loading and trash areas and will consist of the same material used on the building façade for which the loading and trash collection area is serving.
3. Vegetation may be used to soften screening walls and will be of a species providing dense cover, evergreen in its persistence, and reaching a minimum mature height of 8 feet and minimum mature spread of not less than 6 feet. Screening plant material will be placed on greater than 4 feet on-center.
4. Loading and trash collection areas shall be provided within the same screened space where ever possible.





5. All loading and trash collection areas will be gated using opaque, steel material.
 6. Loading and trash collection operations or facilities will not be located within parking bays, parking drive isles, parking lot islands, primary building entrance aprons, walks, crosswalks, unpaved areas, or any other area not designated for the use of loading and trash collection.
 7. Number of trash collection containers will be a product of anticipated or actual volumes and privately contracted service frequency.
 8. Loading and trash collection areas will be surfaced with concrete and constructed in accordance with the City of Suffolk Public Facilities Manual.
 9. Multi-tenant buildings will maintain a shared trash collection facility.
- C. Residential Trash Collection Guidelines
1. Trash facilities will use a single compactor located adjacent to the site utility building.
 2. Trash collection areas will be screened from on-site and off-site views.
 3. Screening walls will consist of the same material used on the building façade for which the loading and trash collection area is serving.

4. Capacity of compactor will be a product of anticipated or actual volumes and privately contracted service frequency.
5. As an alternative, site space may be allotted for individual dumpster areas. Should this alternative be employed the following guidelines will apply:
 - a. Trash collection areas will be screened from on-site and off-site views.
 - b. Fence material will consist of opaque, vinyl material.



- c. All loading and trash collection areas will be gated using opaque, vinyl material.
- d. Screening vegetation will be of a species providing dense cover, evergreen in its persistence, and reaching a minimum mature height of 8 feet and minimum mature spread of not less than 6 feet. Screening plant material will be placed on greater than 4 feet on-center.
- e. Trash collection operations or facilities will not be located within parking bays, parking drive isles, primary building entrance aprons, walks, crosswalks, unpaved areas, or any other area not designated for the use of trash collection.
- f. Number of trash collection containers will be a product of anticipated or actual volumes and privately contracted service frequency.
- g. Trash collection areas will be surfaced with concrete and constructed in accordance with the City of Suffolk Public Facilities Manual.

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Canopies

The use of canopies and awnings over pedestrian walkways are encouraged to provide shade and rain protection. Canopies and awnings also bring the added advantage of adding interest to a facade with shape and color as well as provide visual cues for various businesses and establishments.

- A. Awnings and canopies may be integrated into the façade of all commercial buildings within Obici Place and shall be in character with the architectural style of the building.
- B. Awnings shall be properly placed above entrances and may extend over storefront windows. They will only be located on the first story. Awnings and canopies shall be installed in fixed positions and shall not be retractable.
- C. Back lit awnings and canopies, shingle and mansard canopies, and plastic awnings are prohibited.
- D. Canopies should frame building entrances and awnings should extend over windows. Awnings and canopies shall be positioned at least 8 feet above the sidewalk. Posts that support a canopy shall not interfere with the clear movement zone of the sidewalk.
- E. The color of awnings and canopies shall complement and enhance the overall color scheme of the building façade.

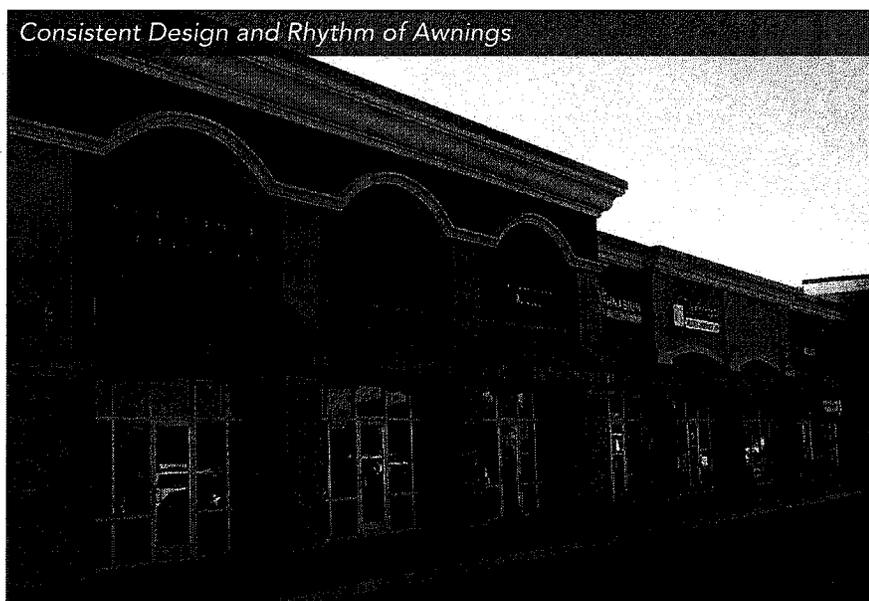
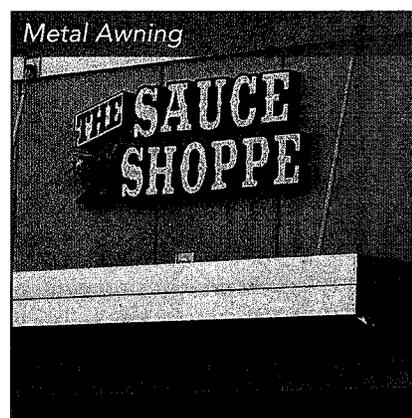
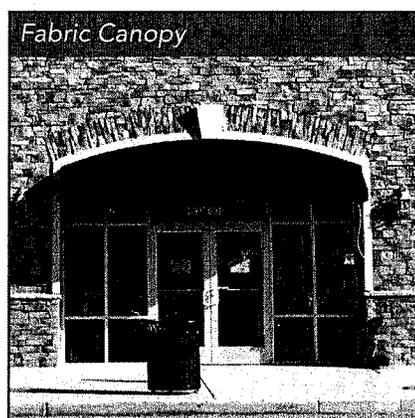


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- F. Canopies and awnings shall be made of a canvas or durable, fire-resistant fabric material that can be easily cleaned and shall include color retention properties. Hard plastic or other materials that could be cracked or broken are prohibited. They also may be made of metal and/or glass treated to withstand oxidation, corrosion, and deterioration from airborne salts.
- G. Awnings and canopies that become windblown or torn shall be repaired immediately.
- H. Awnings shall maintain a consistent design and rhythm along the length of an establishment's façade.
- I. The width of an awning would typically extend to the width of a window and shall not extend outward more than 4 feet from the face of the building.



Streets

Obici Place will have three vehicular travel ways. For discussion on the immediate travel way periphery, median contents, and crosswalks at Obici Place please refer to the Streetscape section of these guidelines.

These three principal travel ways are:

- North Main Street (existing public right-of-way)
- Central Access Road opposite Northgate Lane (proposed public right-of-way)
- Internal Feeder Road (proposed public or private right-of-way)

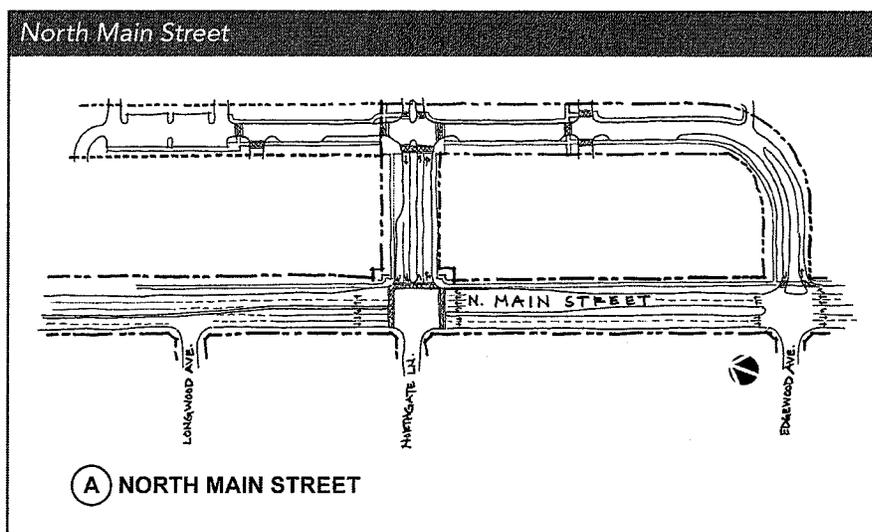
Additional travel ways within the residential and non-residential areas of Obici Place will be accommodated with the use of typical parking lot drive aisles.

As discussed in the Streetscape section, the internal feeder road will have two vocabularies. The first of these will cover the site access point opposite Edgewood Avenue. The second will cover the larger portion of this feeder road interior to the site.

It is understood that the built extents of the travel ways may differ from the layouts depicted in these guidelines.

A. North Main Street

North Main Street is an existing public right-of-way serving the frontage to Obici Place. As discussed previously, North Main Street will have curb breaks for the right-in-right-out feeder road and the central access road.

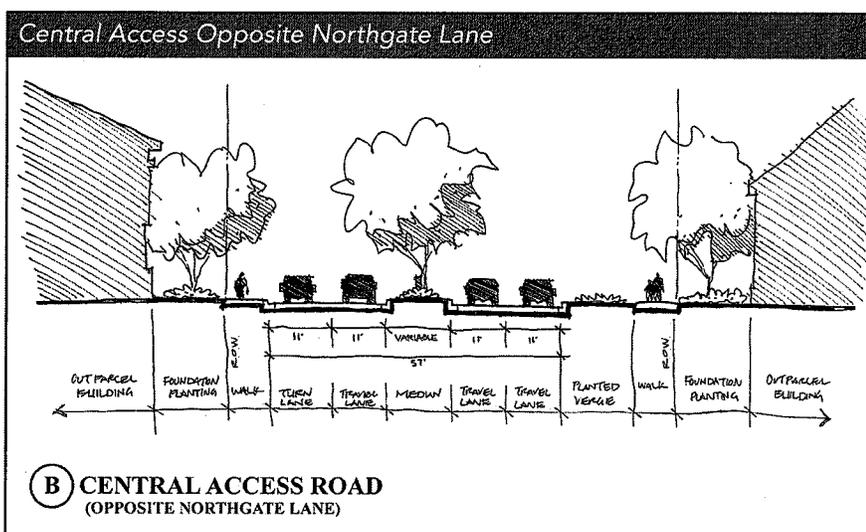


1. The northbound side will consist of two straight-only travel lanes. Right turn lanes will be incorporated in accordance with the approved traffic impact study. Left-turn travel lanes will be accorded in service to existing residential feeder roads to the west as traffic needs may require.
2. A planted median will be constructed with North Main Street improvements. This median will diminish in width as necessary to create left-turn travel lanes.
3. The southbound side will consist of one straight-only travel lane with one right-straight lane serving through traffic and existing residential feeder roads to the west as traffic needs may require. Left-turn travel lanes serving the Central Access Road and the Internal Feeder Road will be accorded in service to Obici Place.
4. Improvements to this travel way may necessitate the adjustment of the right-of-way property line fronting Obici Place.
5. Transit stop will be accommodated along North Main Street.

B. Central access road opposite Northgate Lane

The intersection of this travel way with North Main Street will be signalized. This streetscape will be characterized by its traffic calming needs given the five crosswalks crossing its travel lanes.

1. Travel lane appropriation will be limited to what is essential to site ingress and egress.
2. Vehicular ingress will consist of two lanes in becoming a left-straight lane and a right-only lane.
3. Vehicular egress will consist of a single lane becoming a left-straight lane and a right-only lane.



4. At the intersection of the Central Access Road and the Internal Feeder Road a stamped concrete or concrete or brick paver configuration will be installed in a continuous field between the four crosswalks (in the "box"). This field will utilize square pavers, match the material and color of those pavers found in the crosswalks, and will be laid in a 45-degree orientation with overall Internal Feeder Road direction of travel.

C. Internal feeder road (accessed opposite Edgewood Avenue)

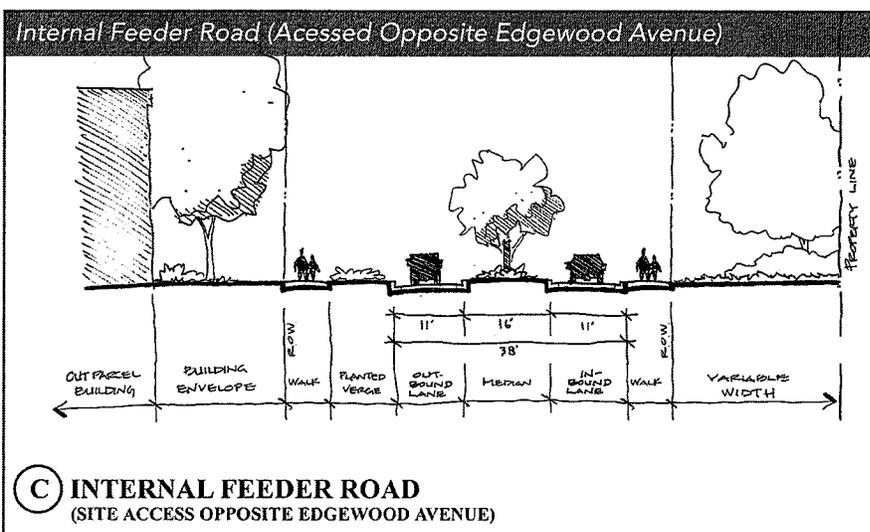
The intersection of this travel way with North Main Street will be unsignalized.

1. Vehicular ingress will be one in-bound lane at the intersection. The in-bound lane will become a straight lane and right-only lane. The straight lane will serve the Obici Place internal feeder road and the right-only lane will be dedicated to the VDOT complex to the south.
2. Vehicular egress will consist of a single lane becoming a right-only lane.

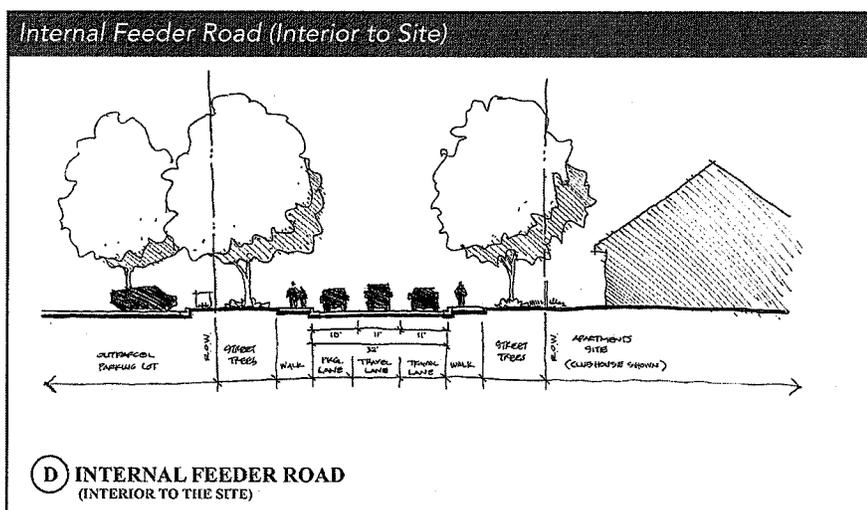
D. Internal Feeder Road (Interior to Site)

This portion of the Internal Feeder Road will serve and separate the residential and outparcel components.

1. Vehicular ingress and egress will consist of two opposing lanes running in a north-south orientation.
2. Parking lanes will be dedicated adjacent the travel lanes on the west side of the street. These lanes will augment the site's parking needs and act as traffic calming.
3. Walks will be provided on both sides of the internal feeder road.



- E. The following items apply to all travel ways:
1. Standard roadway appurtenances such as signs and utility pedestals will be placed in accordance with the Signs and Utility sections of this guideline, and in compliance with City of Suffolk and VDOT standards.
 2. All paved surfaces within the right-of-way will be constructed in accordance with current City of Suffolk Public Works standards.
 3. Final travel lane configuration will be subject to the approved Traffic Impact Study for Obici Place, which will take precedence over this Design Criteria.



4. Crosswalks should continue through the nose of the median in lieu of running in front of the nose to provide an additional measure of protection for pedestrians.
5. Sections depicted are recommended but are subject to modification to meet site development needs as approved by the City Traffic Engineer.

Transit-Oriented Features

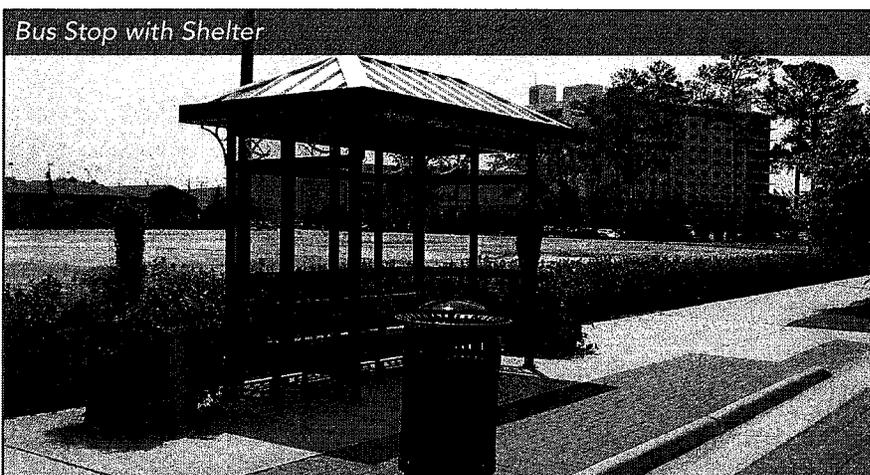
Obici Place will be accessed predominantly via personal automobile from North Main Street, also known as Route 460 Business. Once on site, pedestrian circulation will become the primary means of accessing various amenities and facilities. The City of Suffolk is encouraging a Focused Growth Approach in its Comprehensive Plan that will focus on development patterns that allow for additional future transportation options. Currently, Suffolk Transit provides bus service along North Main Street with connections to the downtown core service area as well as hospitals, medical centers, schools, shopping, and other services. A transit stop will be planned along North Main Street. Adequate space for transit vehicle turnarounds and bus stations should be reserved. Facilities for non-motorized transportation, including bicycles, should also be designed.

BUS ROUTES

- A. Currently two bus routes serve North Main Street, the Green route and the Red route. The closest bus stop is located near the Farm Fresh across the street and south of Obici Place.

BUS STOPS

- A. A new city bus stop should be proposed along the existing North Main Street right-of-way in front of Obici Place.
- B. The bus stops/shuttle stops should be designated with adequate signage, a noted schedule, an open fronted shelter, and appropriate seating and lighting.
- C. The bus stop will be compliant with any and all ADA accessibility requirements.



BICYCLE FACILITIES

- A. Bicycle racks may be located near the entrances of buildings, in plazas, or near parking lots. They shall not obstruct pedestrian flow and movement and should be sufficiently illuminated.
- B. Bicycle racks should be of durable material and finish. Stainless steel is highly recommended as a low-maintenance option. They should be securely anchored in a concrete base.
- C. Bike lanes should be considered within the internal street network of Obici Place.



Land Use

A. Uses permitted by right:

- Dwelling, multi-family, and apartment buildings
- Mixed-use dwelling
- Amusement center, indoor
- Assembly, public
- Civic building
- Cultural uses, including museums and art galleries
- Entertainment, indoor
- Health club
- Hotel
- Library
- Medical clinics and dental offices
- Medical counseling centers (non-residential)
- Parks, neighborhood parks/open space
- Recreation, outdoor
- Schools, dance/art/music
- Offices
- Retail sales and service
- Animal sales and care (indoor only)
- Arts, craft and boutique
- Bakery (less than 5,000 square feet)
- Book store
- Business services
- Coffee houses
- Convenience stores (non-fuel station)
- Department stores
- Fruit and vegetable stand (as part of a store front operation, outdoor display limited to 10 foot x 10 foot area or established Farmers Market)
- Hardware store (outdoor display limited to 10 foot x 10 foot area)
- Pharmacy
- Rental services, indoor display/storage
- Repair services, small appliance

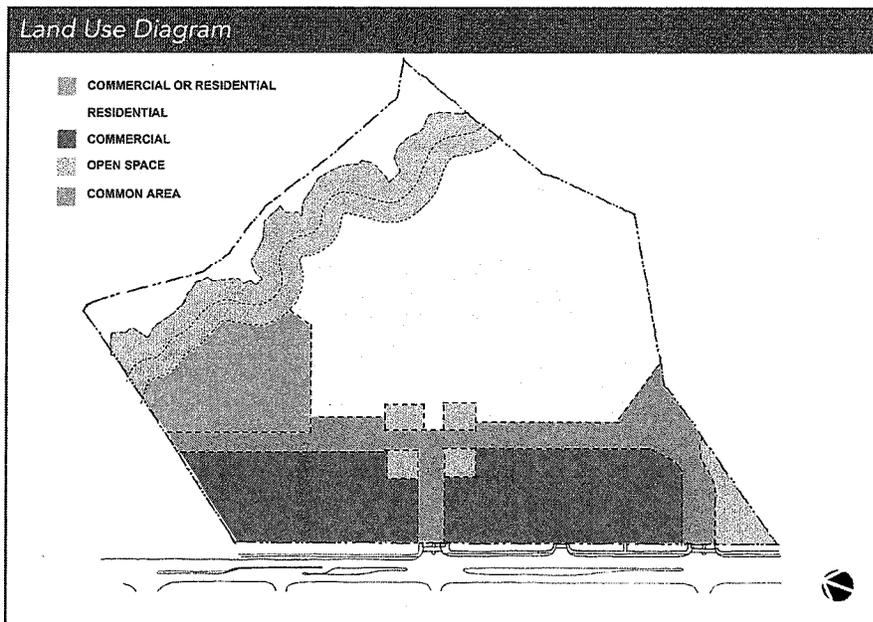
- Restaurants, sit-down/delicatessen
- Services, general
- Services, personal
- Grocery stores
- Theaters
- Motion picture and video production
- Research and development, laboratories
- Research and development, offices
- Farmers Market
- Winery or micro-brewery
- Satellite dishes (Less than 36 inches in diameter)
- Automobile sales, repair (major, minor), and wash (as part of Duke Automotive or its successors)
- Drive-through uses, as accessory to financial institution, food service, pharmacy, or clothing services
- Dry cleaning (for drop-off and pick-up only)

B. Uses permitted by conditional-use permit:

- Day care
- Entertainment, outdoor
- Convenience retail center
- Bars and night clubs
- Catering, as accessory to restaurants
- Schools, business, or trade

Commensurate with the City of Suffolk's Unified Development Ordinance Section 31-701(a), accessory uses and structures shall be permitted in any zoning district, but only in connection with, incidental to, and on the same lot with a principal use or structure that is lawfully permitted within such district. Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has commenced or its primary use established. Accessory buildings shall not be used for dwelling purposes, except as provided in 31-701(b).

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Yards and Heights

A. Yards and Heights Table

	Minimum Front Yard	Maximum Front Yard	Minimum Side Yard	Maximum Side Yard	Minimum Rear Yard	Maximum Rear Yard	Non-Residential	Residential
Maximum Building Height	-	-	-	-	-	-	50 ft	60 Ft
Obici Place Parcels adjacent proposed public and private right-of-ways	0 Ft	25 Ft	0 Ft	10 Ft	0 Ft	10 Ft	-	-
Outparcels adjacent North Main Street	0 Ft	25 Ft	0 Ft	10 Ft	0 Ft	10 Ft	-	-

Acceptable encroachments within setbacks will be commensurate with the City of Suffolk's Unified Development Ordinance Section 31-407(e)

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Parking

Obici Place will provide adequate parking to site users in accordance with parking requirements set forth in the City of Suffolk's Unified Development Ordinance. Parking areas will be accessed internally from the internal feeder road as well as right-in-right-out breaks along North Main Street.

These two principal parking types are:

- Surface parking, off-street
- Surface parking, on-street

A. Municipal Standards

1. Parking dimensional standards, parking rate requirements, shared parking allocation, and acceptable surfacing material will comply with Section 31-606 of the City of Suffolk's Unified Development Ordinance.

B. Parking Guidelines

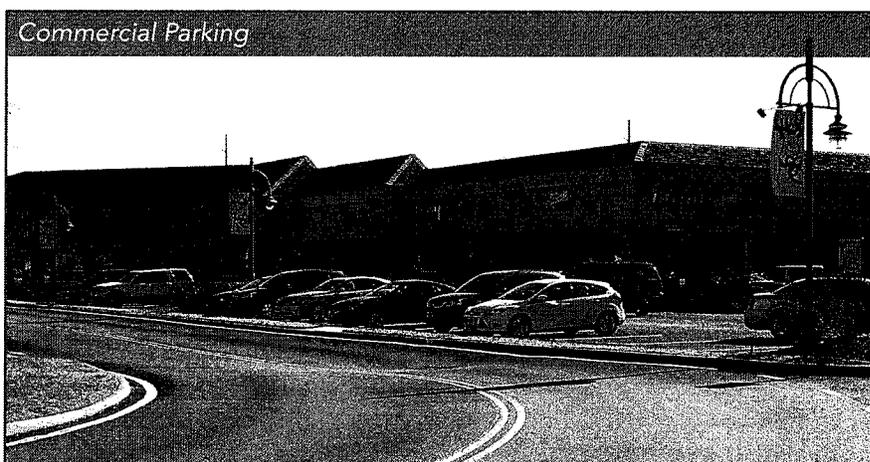
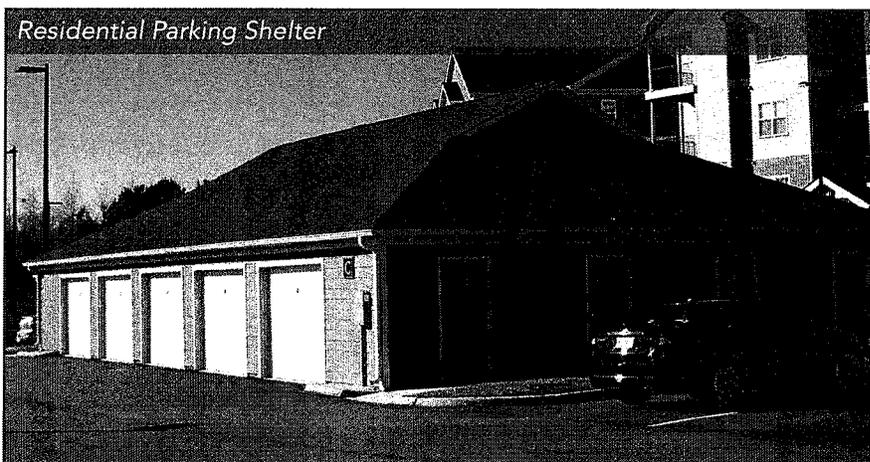
These standards will focus on the parking areas that support the residential and non-residential outparcel areas.

1. Parking will be constructed in accordance with the City of Suffolk Public Facilities Manual.
2. Shared parking arrangements between uses are encouraged within this development. See item A.1.



3. Parking bays will flank residential drive aisles in a double-loaded fashion where feasible.
4. Drive aisles will be two-way to ensure adequate width for entering and exiting a parking space. Stall configuration shall be 90 degrees throughout the site to compliment two-way vehicular movement.
5. Proximity of parking areas to buildings will be per City of Suffolk's Unified Development Ordinance.
7. Dead-ended parking drive aisles should be avoided wherever possible. When unavoidable, a backing area will be provided.
8. Drive aisles and parking bays will be surfaced with asphalt in accordance with the City of Suffolk Public Facilities Manual. As an alternative, parking bays only may be surfaced with permeable pavers with a condition that this treatment (to include style and color of paver) will extend to all parking areas within the residential or non-residential areas. If the alternative is selected, a concrete band no less than 12 inches wide and flush with the surrounding pavement will separate permeable pavers from the asphalt drive isles. Permeable pavement (porous concrete, asphalt, and alike) is not permitted.
9. Crosswalk surfacing within parking areas will subscribe to the crosswalk standards established in the Streetscape section of these guidelines.
10. On-street, parallel parking will subscribe to the City of Suffolk's Unified Development Ordinance.
11. Parking shelters will be permitted for residential areas only.





12. Appropriate knock-out spacing and rhythm should be considered to compliment aesthetic structure within parking areas. Where overhead features, building structure, or utility conflicts do not compete planting knock-outs should include a large canopy tree.
13. Parking bays will average one planter island for every 10 parking spaces. For example, 20 spaces can occur in a run with an island at each end.
14. Large canopy and flowering trees should be included within interior parking lot green space where feasible.
15. Trees will subscribe to the City of Suffolk's recommended tree species list.
16. Shrubs and groundcover planting is recommended for interior parking lot green space but turf or mulch infill is acceptable.

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Density

Obici Place will be designed as two distinct components. The residential area must adhere to a density following a "unit per acre" calculation, and the outparcel component must comply with "floor area ratios."

A. Residential

1. A minimum density of 8 units per acre and a maximum of 25 units per acre are established in the City of Suffolk Development Ordinances.

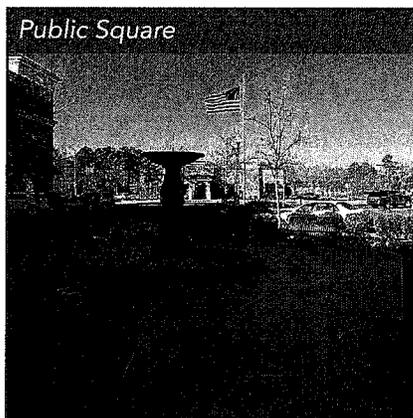
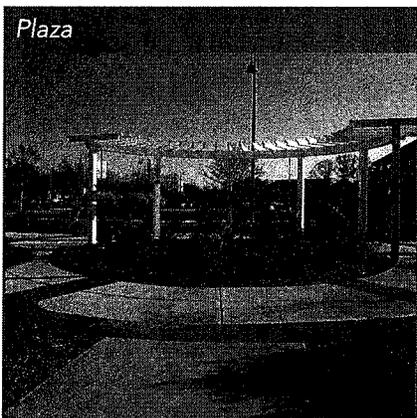
B. Outparcel

1. Commercial development will adhere to the maximum floor area ratio outlined in the City of Suffolk code. The maximum ratio is 3:1.

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Open Space

Obici Place should contain usable public open space such as plazas, centrally-located greens, public squares, outdoor dining in commercial areas, playgrounds in residential areas, and focal features. Each open space shall be constructed when the nearest commercial or residential element is built. Parking lots, driveways, other vehicular areas, and buildings are not considered open space. An interconnected network of sidewalks should lead to the public open spaces from housing, parking, shopping, dining, and offices. Open space should be usable and functional, and enhance properties and their values. Land close to developed areas or adjacent to businesses should be reserved for plazas, central parks, greens, or squares.

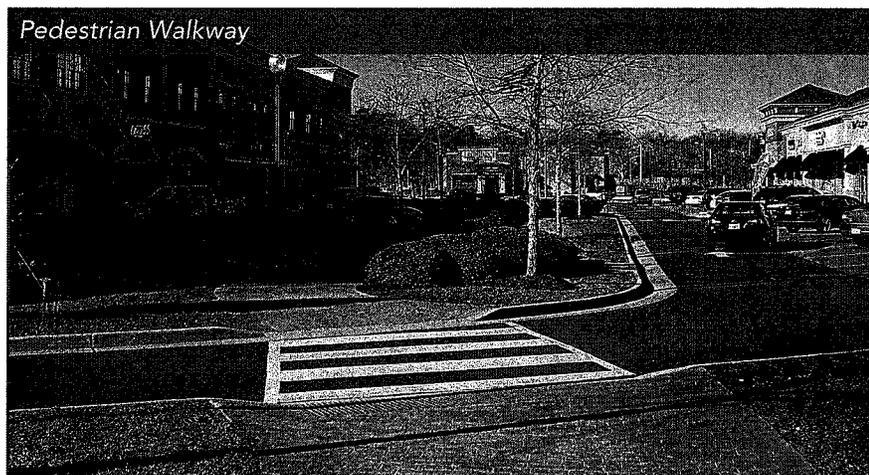


MINIMUM OPEN-SPACE RATIOS

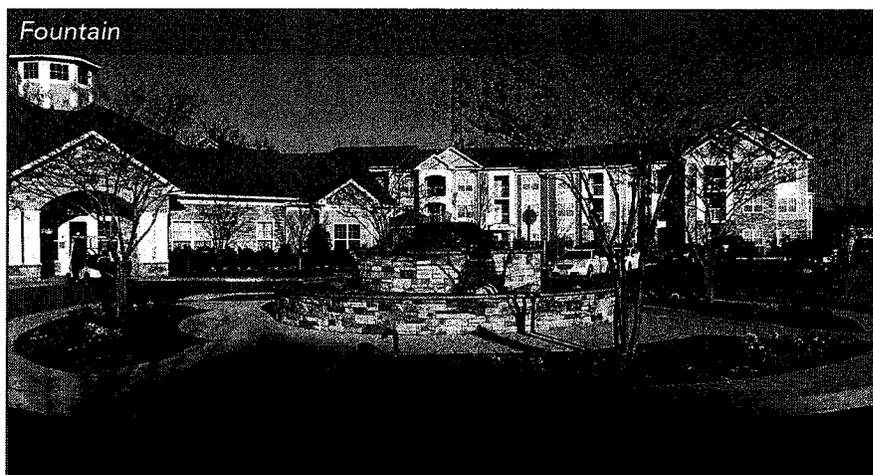
- A. Minimum open-space ratios for the multi-family residential district will be per Section 31-602(c)(2) as below and Section 31-607 of the City of Suffolk's Unified Development Ordinance.
1. A minimum of 200 square feet of usable common open space shall be provided for each multi-family dwelling unit to provide for active recreational needs of residents. Usable open space excludes parking areas, land within a floodway, water bodies, and land with slope that is greater than 15 percent. Open space provided pursuant to this requirement shall be accessible to all residents of the development and shall measure at least 30 feet across its narrowest dimension.
 2. The administrator may waive up to 50 percent of the open-space requirement if the development satisfies one of the following criteria:
 - a. All units are located within 1,000 feet of a public park as measured along a public sidewalk, trail, or bikeway; or
 - b. The development includes active recreation amenities for residents such as pools, tennis courts, or playgrounds.
- B. Minimum open-space requirements for the commercial district shall be 10 percent of the total commercial area.

PLAZAS AND SPECIAL PAVED AREAS

- A. Pedestrian walkways for the commercial district shall be per Section 31-606(a)(12) as below:
1. Sidewalks at least 5 feet in width shall be provided along all sides of the lot that abut a public street.

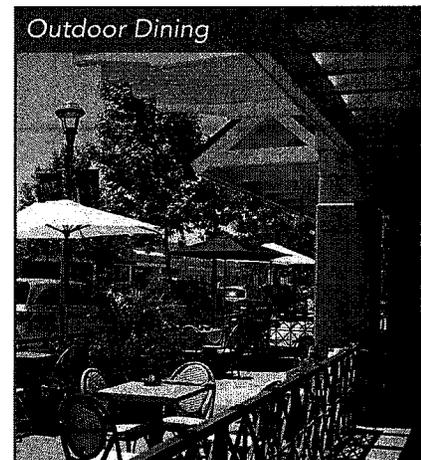
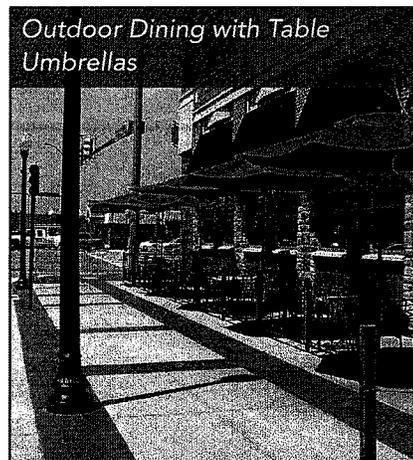


2. Continuous internal pedestrian walkways, no fewer than 5 feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity including transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, seating areas, flower beds, ground covers, or other such materials for no less than 50 percent of its length.
 3. Sidewalks, no less than 5 feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least 5 feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
 4. Internal pedestrian walkways, provided in conformance with part 2 above, shall provide weather protection features such as awnings or arcades within 15 feet of all customer entrances.
 5. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort as well as the attractiveness of each walkway.
- B. Outdoor plaza material and design shall be coordinated with the adjacent building architecture.
- C. Plazas may be located near a main entrance or between buildings and may include amenities such as fountains, plantings, lighting, decorative paving, or seating. Amenities will not interfere with pedestrian access to building entrances, sidewalks, or parking lots.



OUTDOOR DINING AND CAFES

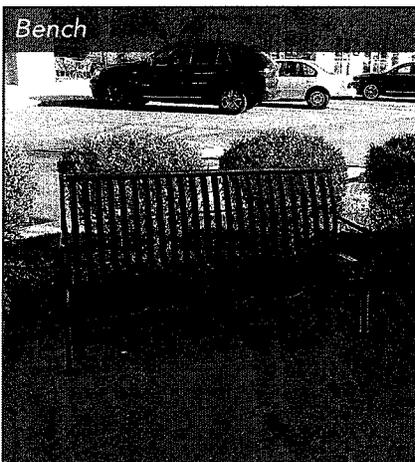
- A. Outdoor dining areas shall be coordinated with the adjacent building architecture and shall not extend beyond the lease space.
- B. Outdoor dining areas and cafes shall be positioned to allow an eight-foot sidewalk area for pedestrians, be placed adjacent to the corresponding building, and shall meet all ADA standards.
- C. Durable and high-quality furnishings should be selected.
- D. Outdoor dining areas that serve alcohol must be surrounded by a barrier in all cases. One barrier access point is allowed and shall be controlled by the restaurant establishment. Restaurant and eating establishment owners will maintain compliance with Virginia Alcohol and Beverage Control standards for serving alcohol outside of enclosed businesses.
- E. Generally barriers should be 36 inches in height, and must be free-standing, stable, and removable.
- F. Fences or planters may be used as barriers. Sectional fencing shall be composed of metal, wood, brick, or stone and painted or finished in the owner's choice of color to compliment the building architecture. Sectional fencing may be also be composed of aircraft cable, fabric, steel, or iron elements.
- G. Barriers should not be permanently attached to any structure or sidewalk and should be well-balanced and difficult for pedestrians to topple, trip over, or remove.
- H. Planters and the plants they contain should be well-maintained and kept free of litter and debris. Planters shall contain living plants. Planters should be no more than 36 inches in height.
- I. Canopies, awnings, or table umbrellas are encouraged and may be used to provide shading and screening for the diners.



- J. A range of furniture styles, colors, and materials are permitted, however furniture and fixtures must be clean and free of fading, corrosion, splinters, dents, tears, and chipped paint. Acceptable materials include metals, finish grade woods, and sturdy recycled materials. Chairs may incorporate fabric elements or may be upholstered but should be maintained in clean conditions. Water-resistant fabrics are strongly encouraged.
- K. Umbrellas should be suitable for outdoor patio use. Canvas is preferred. When open, umbrella canopies should be between 7 and 10 feet tall.

OUTDOOR FURNITURE

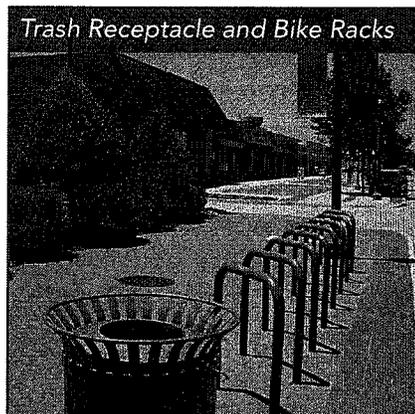
- A. Outdoor furniture shall be of a durable material and finish. All exposed metals will be coated or otherwise treated to withstand oxidation/corrosion, abrasion, and damage from airborne salts. Maintenance will be required at regular intervals. All outdoor furniture shall be set level and shall be securely fastened to a concrete base.
- B. Selection of outdoor furniture shall be unified throughout both the commercial and residential districts in order to create a cohesive development.
- C. Benches and seating areas should be utilized in plazas, transit stops, building entrances, squares and other open-space locations. Seating areas shall not obstruct pedestrian flow and movement.
- D. Benches shall have intermediate armrests.
- E. Trash receptacles shall be distributed throughout both the commercial and residential districts. They shall be placed at corners, in plazas, and at mid-block locations along lengthy streets.
- F. Trash receptacles will be coordinated with other outdoor furniture selections. They should be securely anchored to a concrete base.



OBICI PLACE

Design Guidelines

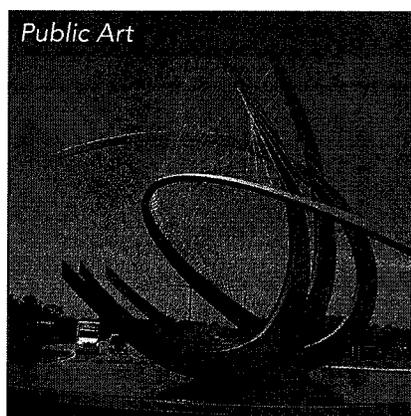
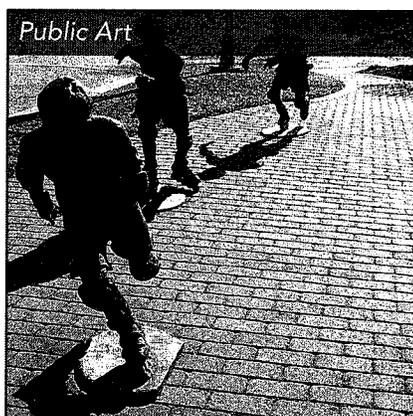
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- G. Bicycle racks should be of durable material and finish. Stainless steel is highly recommended as a low-maintenance option. They should be securely anchored in a concrete base.
- H. Bicycle racks may be located near the entrances of buildings, in plazas, or near parking lots. They shall not obstruct pedestrian flow and movement and should be sufficiently illuminated.
- I. Bollards should be decorative metal, stone, or textured concrete. They may be permanent or removable and should be coordinated with building architecture and other outdoor furnishings.

PUBLIC ART

- A. Public art can include anything from traditional sculptures, paintings, and mosaics to manhole covers, paving patterns, lighting, or other elements created by an artist.
- B. Businesses can commission their own public art piece, or a committee can be established between local businesses and other representatives of the community in order to commission a public art project.



Signs

SITE SIGNAGE

Signage for the Obici Place site will be clear and concise. It should lend to the character of the overall place with uniformity throughout the different development pads and a hierarchy of scale, which speaks to visitors arriving by foot or by car. The following site sign criteria identifies the signage required for development within Obici Place.

A. General Site Signage Criteria

1. Site signs should be incorporated with the planting, paving, and lighting designs as much as practical, except for incidental signs such as temporary advertisements or sandwich board A-frame signs.
2. Light poles and building columns may be used for mounting way-finding and regulatory signs as appropriate.
3. Materials such as select grade painted wood, sheet aluminum, and graffiti and tamper-resistant materials are encouraged for site sign faces. Other highly durable sign materials such as ceramics, aluminum, steel, acrylic, or fiberglass should be considered.
4. Sign graphics should be capable of rendering high-resolution full color images, photographs, colorful diagrams, and bold text in all weather conditions. They will have UV coatings that are long lasting and resistant to graffiti, fingerprints, dirt, oil, and other substances, and they should be strong and durable and virtually unbreakable. They should comprise one solid continuous piece or several interlocking tiled pieces for larger signs.
5. Sign frames and bases should not be prone to peel, fade, crack, or rust.
6. Except as noted in this document, site signage for commercial uses shall meet the minimum requirements of the Suffolk Unified Development Ordinance, Section 31-714, (L), "Signs Permitted in General Business Districts."
7. Except as noted in this document, all other site signage shall meet the minimum requirements of the Suffolk Unified Development Ordinance, Section 31-714, "Signs."

B. Main Entrance Sign

1. The main entrance to Obici Place shall consist of masonry or decorative concrete structures and signage, including a focal point, base planting, and lighting.
2. Sign graphics and lettering should be adequately sized for legibility for pedestrians and vehicles traversing Main Street.

Main Entrance Sign



3. Signs shall be planned to a height that does not block visibility at corners of roadway intersections and limited to 15 feet in height. Signs shall be sited entirely on private property.
4. Sign lettering shall be of sufficient height so as plant materials will not obscure legibility of the lettering upon plant maturity.
5. Maximum sign area shall be in accordance with the Unified Development Ordinance, Section 31-714, paragraph L.

C. Secondary Entrance Sign

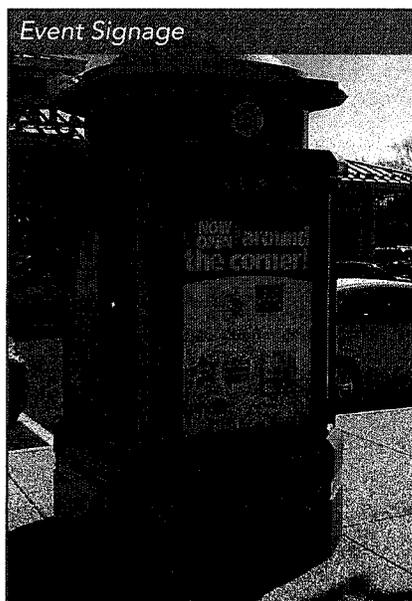
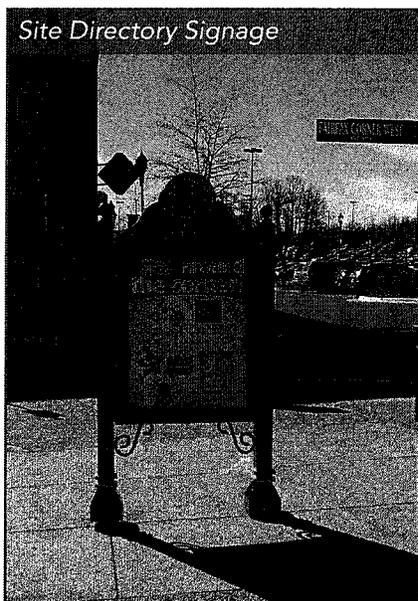
1. The secondary entrance sign structure shall match the main entrance sign in material, style, and context, except that it shall remain proportionally smaller.
2. The sign may list the Obici Place tenants.
3. The sign will be lit and planted.
4. Each side of the sign is limited to 24 square feet in area.
5. The secondary entrance sign is limited to 12 feet in height.

D. Residential Entry Sign

1. The residential entry sign shall consist of masonry wall and/or pier structures matching the material, style, and context of the main and secondary entrance signs.
2. The residential entry sign is limited to 12 square feet in area.
3. It is limited to 8 feet in height.
4. The sign will be lit and planted.

E. Pedestrian Way-Finding Signs

1. Pedestrian way-finding signs are limited to 3 square feet in area.
2. Maximum height shall not exceed 6 feet.



F. Directory Signs

1. A directory sign may be located on site and central to the retail development being proposed.
2. One directory sign may be located at each major intersection of the internal feeder road.
3. Directory signs are limited to 18 square feet in area and 6 feet in height.
4. Lighting for the signs is required.

G. Directional/Informational Signs

1. Directional/informational signs for pedestrians shall not exceed 3 square feet in area.
2. Directional/informational signs shall meet ADA requirements for design, access, and visibility.
3. Signs shall be lit.

BUILDING SIGNAGE

The building signage criteria will serve to guide the overall scale, proportion, and location of signs for a variety of building and leasing scenarios fitting primarily one- and two-story retail/office structures at Obici Place.

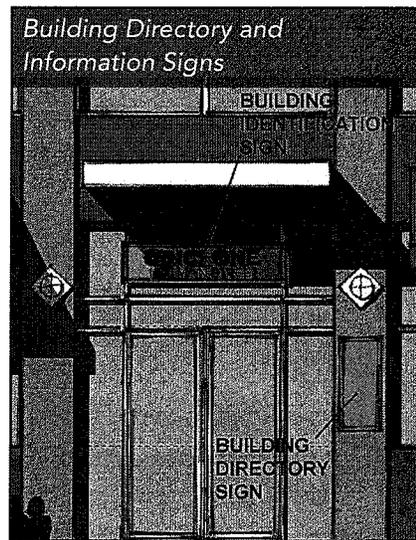
A. General Building Signage Criteria

1. Names, marks, emblems, or logos less than 2 square feet in area are not included in the calculation of any sign area.

2. First floor tenants are permitted three signs total from the following sign types: major tenant signs, storefront signs, window signs, awning signs, and blade signs.
3. Signage on a corner which establishes a visual presentation to two streets shall be counted as two signs. Corner signs are only available for tenants that are leasing the corner space.
4. First floor tenants must lease 50 feet or more of continuous building frontage in order to qualify for major tenant signage.
5. Except as noted in this document, building signage for commercial uses shall meet the minimum requirements of the Suffolk Unified Development Ordinance, Section 31-714, (L), "Signs Permitted in General Business Districts."
6. Except as noted in this document, all other building signage shall meet the minimum requirements of the Suffolk Unified Development Ordinance, Section 31-714, "Signs."

B. Building Directory Sign

1. A building directory sign attaches to the face of a building and only lists the building occupants.
2. Only one building directory sign per public lobby entrance is permitted.
3. No building directory sign are permitted above the first floor of any building.
4. Building directory signs are limited to 4 square feet in area.
5. Second floor tenants are permitted to have identification on building directory signs.
6. All tenant identification shall be uniform and in-keeping with the general character of the building directory sign.



C. Building Identification Sign

1. A building identification sign is a building-attached wall sign reserved for general identification of a building, inclusive of the building name and address.
2. Only one building identification sign is permitted per lobby entrance.

3. Building identification signs are limited to 8 square feet in area.
4. Building identification signs may be located adjacent to building lobby entrances between 4 and 20 feet above grade.

D. Major Tenant Sign

1. A major tenant sign is a building-attached wall sign reserved for the principal tenant occupying the subject building.
2. Major tenant signs are limited to 1.5 square feet in area for every linear foot of frontage, but shall not be greater than 60 square feet in area.
3. Only one major tenant sign shall be permitted per tenant per primary building face.
4. Major tenant signs are to be located below the roofline/parapet of one- and two-story buildings and generally above the space being leased.

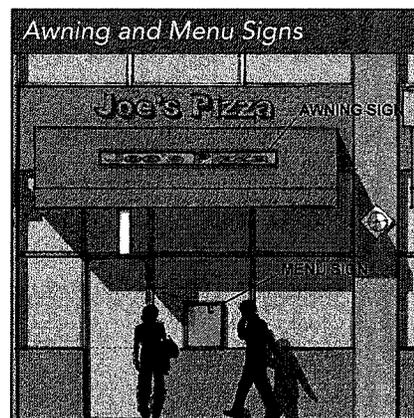


E. Storefront Signs

1. A storefront sign is a building-attached wall sign reserved for the tenants occupying the ground floor of the subject building.
2. Storefront signs shall be located above entry doors and beneath second floor windows.
3. Only one storefront sign is permitted per tenant per primary building face.
4. Storefront signs are limited to 30 square feet in area.

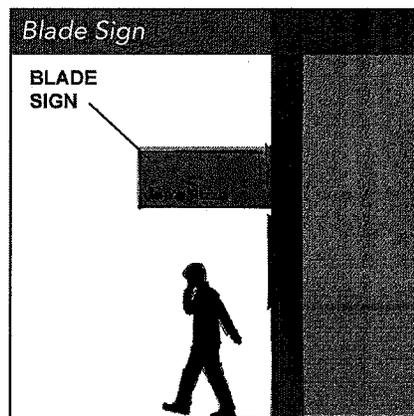
F. Awning Signs

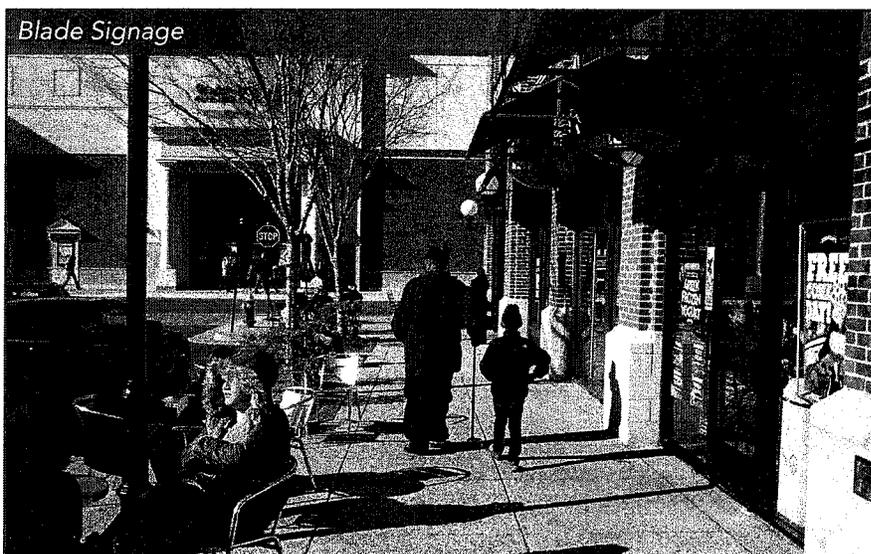
1. An awning sign is any sign mounted in any way to any kind of building awning.
2. Awning signs are limited to 9 square feet in area or 25 percent of the awning, whichever is smallest.
3. Only one name, emblem, logo, or inscription is permitted per awning.
4. Awnings will not cover any portion of upper floor windows.
5. Awning signs shall not be installed lower than 8 feet above grade.



G. Blade Signs

1. Blade signs are suspended signs, projected signs, marquee signs, or signs otherwise supported in a manner presenting perpendicular to the building face.
2. Blade signs are limited to 10 square feet in area.
3. Blade signs shall be installed no lower than 8 feet and no higher than 14 feet above grade.
4. Blade signs shall not extend more than 5 feet from the face of the building.





H. Menu Signs

1. Menu signs are similar to preview boards. They are mounted to the face of a building for pedestrians to review food menus prior to building or cafe entry. As opposed to menu boards, menu signs are neither for vehicular drive-through nor ordering food.
2. Only one menu sign is permitted per eating/drinking establishment.
3. Menu signs are limited to 4 square feet in area and shall meet ADA requirements for design and access.
4. Items on menu signs shall be uniform, and the menu sign shall be in-keeping with the overall design of the eating/drinking establishment.

I. Window Signs

1. A window sign is any writing or imagery visible from the outside within any type of window frame and positioned anywhere within 4 feet of the window.
2. Window signs are limited to 20 square feet in area or 10 percent of the total area of the window, whichever is less.
3. Window signs may be located anywhere within the fenestration opening.

RENTAL/REAL ESTATE SIGNS

Temporary, non-illuminated signs for advertising the sale, lease, or rental of a developed or undeveloped site are generally permitted in the City's sign ordinance. Below are further criteria which apply specifically to Obici Place.

- A. Undeveloped Sites
 - 1. Only one free-standing sign is permitted on each undeveloped parcel.
 - 2. The sign area will not exceed 12 square feet per sign.
 - 3. The sign height is limited to 6 feet above adjacent grade.
- B. Developed Sites
 - 1. Only one sign is permitted per each commercial unit to be leased.
 - 2. Only one sign is permitted per each on-site residential leasing office.
 - 3. Signs shall be no more than 6 square feet in area.
 - 4. Signs shall be removed upon execution of a lease or sale agreement for the unit or parcel.
 - 5. Maximum height shall not exceed 6 feet.

PROHIBITED SIGNS

The following signs are prohibited at Obici Place and are further defined as listed in the City Sign Ordinance, Section 31-714(c).

- A. Discontinued Business Signs
- B. Permanent High intensity Signs
- C. Snipe Signs
- D. Signs Resembling Official Signs and Signals-Signs imitating or resembling official traffic or government signs or signals
- E. Signs on Vehicles
- F. Signs announcing Illegal Activities
- G. Signs Above Roof Lines
- H. Portable Signs
- I. Off-Premises Signs

Other signs specifically prohibited in Obici Place include:

- A. Electronic Message Boards
- B. Illuminated Blade-type signs
- C. Real estate signs for individual residential units

Structures and Furnishings

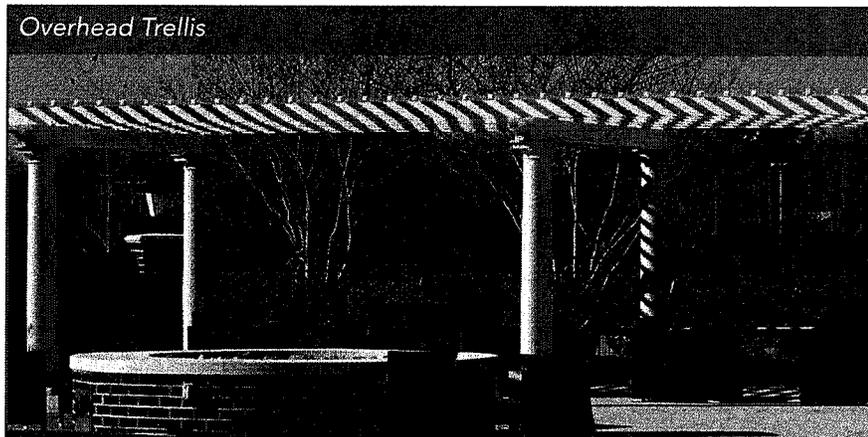
A. Structures

Structures at Obici Place include but are not limited to fences, railings, and walls. These elements are critical for defining pedestrian spaces and providing security, comfortable grading for pavements, and safety. They define the vertical plane and allow users to gain better orientation when navigating a site. The following criteria shall apply to these structures:

1. Walls shall maintain positive drainage away from their foundations, and retaining walls shall have a wall drain and weeps to reduce surcharging and efflorescence.
2. Screen walls shall maintain a height equal to the element being screened up to 8 feet high.
3. Exposed metal shall be treated to withstand oxidation, corrosion, and deterioration from airborne salts in coastal environments.
4. Fencing may comprise metal, masonry, cedar wood, or an approved composite material.
5. Metal fence options may include stainless steel rod, iron picket, painted steel, or cast aluminum, all of which shall remain compatible with the surrounding materials proposed for buildings within Obici Place.



6. Metal trellises may be acceptable for decorative purposes, but shall not be used for dumpster screening.
7. Chain link fence is not permitted.



B. Street Furnishings

Street furnishings are an essential component of Obici Place. Items such as benches, bike racks, trash receptacles, pet waste stations, and bollards will distinguish the human scale of the large outdoor environment. Combined with site lighting, planting, and signage, these components help to define the nature and character of the pedestrian experience while providing convenience, safety, and comfort. These details will help create a sense of place and help to establish the character of Obici Place.

1. Street lighting, benches, trash receptacles, and bike rack amenities should be coordinated within the overall plan for coherent character. Sub-areas, such as outparcels within the project site, may have slightly differing themes, but these themes should strongly resemble each other in their materials, colors, and forms throughout.
2. Benches, trash receptacles, and bike racks should be located regularly throughout the site. They should be designed for heavy use, and they should be fixed to the ground surface.
3. Iron or concrete bollards may be used to protect and define important pedestrian-oriented areas.
4. Trash receptacles should reside in an area convenient for trash pickup, but should be discrete to the view of vehicular and pedestrian traffic. They should be located at street intersections, near retail storefronts, and in community and neighborhood pocket parks. However, the receptacles should be coordinated with plant material and strategically positioned behind walks or near entrance planting.



5. Benches should be located in pairs and should be positioned for conversation and good viewing. When on streets, benches should face the storefronts or away from the streets in more vehicle-dominated environments. They should be located so that they do not impede pedestrian flow, and they should be coordinated with shade when exposed to southern aspects. Benches should be located on level concrete pads for comfortable seating and easy maintenance underneath them. Benches should be located at bus stops.
6. Bicycle racks should be located at multiple pocket parks and commercial areas. They should be carefully situated near the street access points but behind the entrance planting and walkways. Clusters of "Inverted U" racks or equivalent should be used.
7. Bus shelters also can comprise street furnishings and can be designed so as to infuse public art into the streetscape.

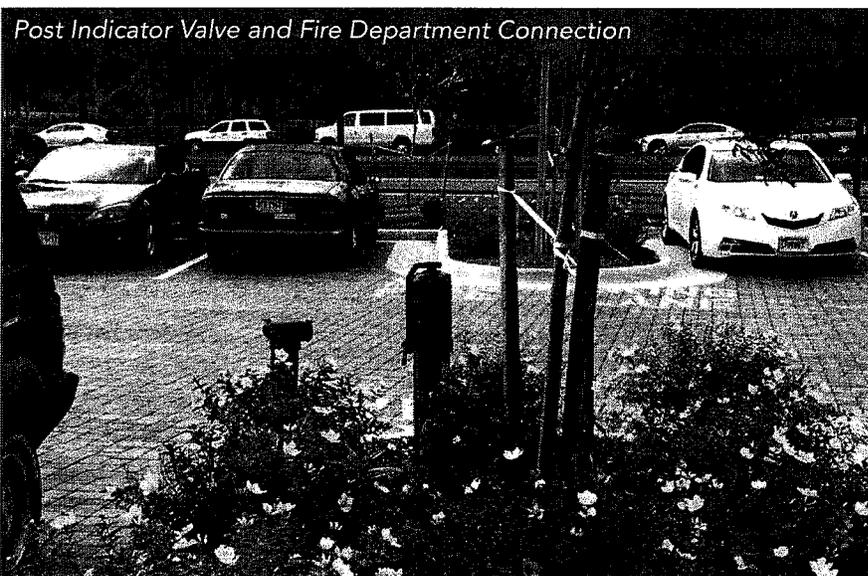
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Utilities

WATER

Water supply to the site and to each individual building is a necessity that often goes unnoticed by the general public, as long as water continues to come out of the tap. The coordination and design involved in getting adequate water flow and pressure to a large site with multiple buildings can be challenging, especially when multiple construction phases occur with build-outs and lot configurations that are only schematically planned when the water mains are installed along streets. Quantity, sizes, and locations of water meters are just some of the below ground elements that have real impacts to above ground amenities such as pavements, planting, lighting, and development footprint. Utility easements, when required, often delineate large areas that cannot have any number of these amenities encroaching into it. Other elements such as backflow preventers, hydrants, post indicator valves, and fire department connections can dictate many of the site aesthetic elements if they are not coordinated early in a building project. Below are some general guidelines for the design of on-site water systems in order to minimize conflicts and retain design intent during construction of Obici Place:

- A. Locate domestic meters, combo meters, and detector checks in the public right-of-way when practicable. When located on a private site and public easement are involved, ensure coordination of plant materials, fences, and pavements so that the easement doesn't appear as a gap in the desired design treatment.



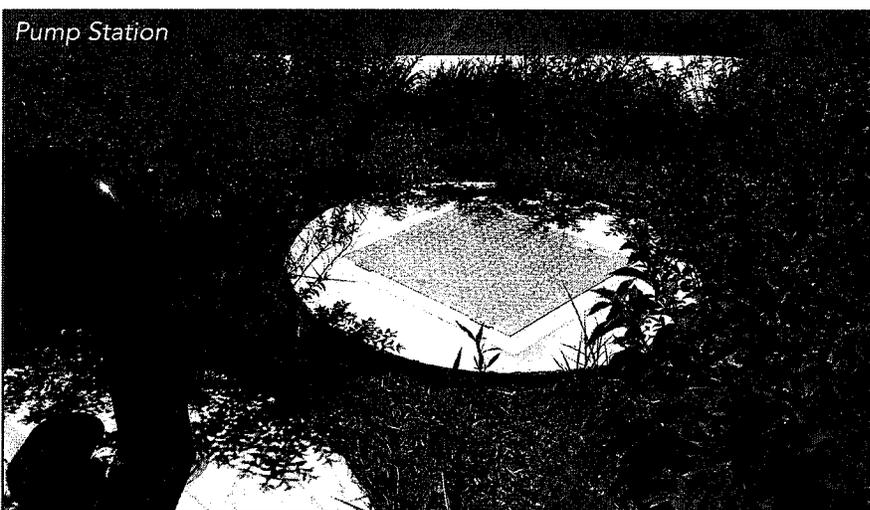


- B. Locate any backflow preventers and/or booster pumps inside the building(s) being served.
- C. Backflow preventers not able to fit in the building shall be screened from public view with plant material tall enough to hide the device or the surrounding hotbox if one is being used.
- D. Coordinate locations of hydrants and other in-line water apparatuses early in the site design in order that trees, lighting, and pavements are not in conflict with these elements.
- E. Irrigation, if proposed, should be sourced by meter or by well if iron content of the groundwater is low enough to prevent staining or if an iron removal system can be effectively administered to the water. Irrigation meter or wellhead, controllers, electrical panel, and valve boxes, shall be located inconspicuously.

SANITARY

Site sanitary is less flexible than water distribution since it usually relies on gravity lines which cannot bend around other conflict utilities the way a pressurized water line can. Considering the shallow depths which often limit the routing of sanitary piping and the maximum lengths required for cleanout of such pipes, manholes have a limited range for their locations. With this in mind, site elements need to be coordinated early with other elements in order to ensure that overall design efforts are not thwarted by incidental changes or oversight of these elements. Requirements for sanitary-related items on the site include the following:

- A. Manhole lids shall not be located over top of sidewalks unless they can be largely centered and are decorative in nature, walkable, and ADA compliant.
- B. Private pump stations should be screened by plant material and located away from general public view to the extent possible. Alarm indicators for pump stations should be visible, however, the structures and associative equipment should be coordinated with other site elements in order to appear better integrated with the overall site.
- C. Sanitary cleanouts shall be located uniformly along the frontage of long buildings and coordinated so that they are within planted areas if possible. Cleanout located in pavements should be coordinated so that they are flush with pavements, centered within pavement fields, and colorized to complement or match the pavement.

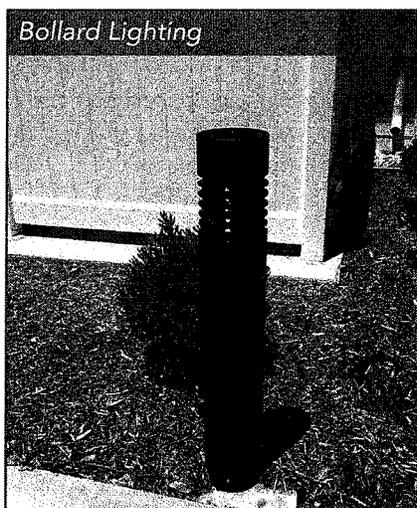


LIGHTING

The City regulates street lighting for public rights-of-way and will require that minimum standards are met for any portions of the project site that are planned or are later determined to be public streets. It is important to recognize the differences between lighting requirements for public roadways versus private roadways and development sites. Roadway lighting for small collector streets usually requires small roadway or pedestrian lights primarily for illuminating roadways and driveways, parked cars, and pedestrian activity. These lights, often provided through Dominion Virginia Power, consist of a high pressure sodium light source which renders a yellowish color where it illuminates. Fixtures are often limited to the *Ultra* style or the *Colonial* style with low-mounting heights for improved pedestrian visibility and scale. Without the benefit of using cutoff fixtures, shielding, or shading, it is normal for these lights to have some minimal amount of light spill over onto private lots. Roadway lighting for private streets may take on different characteristics than public street lighting. These differences are evident in terms of light source, spacing, and style, often matching or at least complementing the adjoining development lots.

Proper site lighting provides for the safety and accessibility of outdoor spaces at night. Fixtures should be selected for lighting capacity as well as architectural quality that will lend a sense of place and articulation to the site. To the maximum extent possible, light fixtures should be selected for consistency throughout the planned project area. They should be designed as cutoff fixtures to minimize light pollution and glare. They also should offer a true color rendition in lieu of yellow (high pressure sodium) street lights. Some pedestrian lights may be timer-controlled to discourage late night access to certain areas as well as to conserve energy, while other areas may use low-level pedestrian accent lighting to illuminate pathways and special pavements during nighttime activities. These could range from low-voltage lighting to solar-powered fixtures.

- A. All pedestrian areas and vehicular areas on site are to be lighted.
- B. Light emitting diode (LED) lighting is recommended for this site due to its low energy use, low long-term maintenance costs, and increasing availability.
- C. Site lighting should have the following specifications:
 - 1. 4100 Kelvin (color), 80-100 CRI
 - 2. Bulb Life: 100,000 to 150,000 hours
 - 3. Wattage: 80 to 100 (max)
 - 4. Lumens: 6800 to 8500 (determines brightness)
 - 5. Max Min: 10 FC or less (less equals more uniform lighting)



Bollard Lighting



Wall-Mounted Lighting

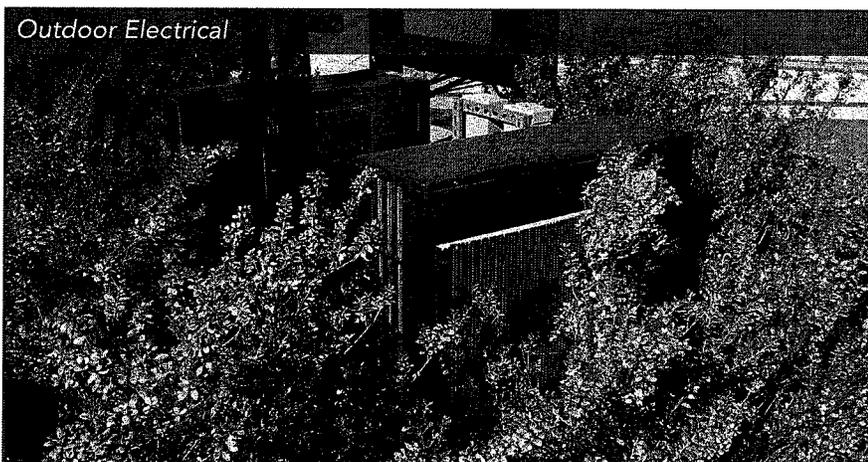
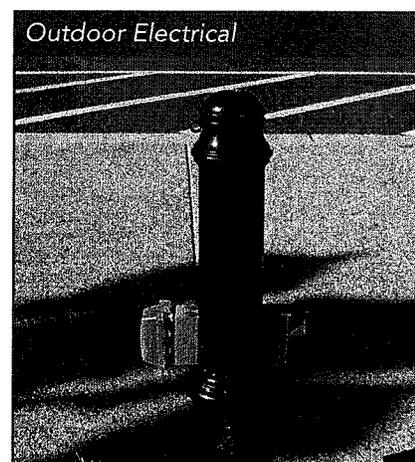
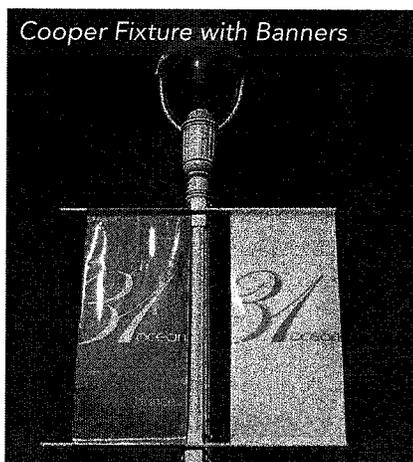
- D. Site lighting should meet the following parameters:
1. Coordinate with trees in parking lot islands so that tree branch growth will not obscure lighting at mature growth.
 2. Locate poles in parking lot islands when practicable (coordinate with trees).
 3. Locate light poles behind parking lot curbs instead of in the middle of parking stalls.
 4. Coordinate location of electrical transformers in unobtrusive areas of the site.
- E. Lighting style and color rendition shall be consistent throughout Obici Place.
- F. Fixtures for street, site, and low-level pedestrian lighting should complement one another.
- G. Tool-less entry fixtures should be used for ease of maintenance.
- H. Building-mounted lighting fixtures shall coordinate with street and site lighting in terms of illumination areas as well as fixture style and lamp.
- I. Lighting of building facades and signage is encouraged, provided that unwanted glare is shielded from neighboring businesses and homes.
- J. Light poles should be direct-bury fiberglass or better material.
- K. Pole-mounted lighting for pedestrians should range between 12 feet and 16 feet above grade.
- L. Light poles may be used for regulatory or wayfinding signs provided they are minimized and mounted cleanly.

OBICI PLACE

Design Guidelines

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- M. Banners may be located on light poles if bracket arms are cleanly attached.
- N. Pedestrian lighting also may include bollard lighting, recessed in-ground fixtures, low-level accent lighting, and wall mounted lighting provided character of the fixtures complement the overall site aesthetic and are coordinated with other light fixtures on the site.



Dominion Virginia Power (DVP) has supplied the Cooper-type fixture for pole-mounted lighting styles on various other municipal site and roadway developments. This is one of the more modern lights offered by DVP. This fixture would lend itself well to Obici Place since it resembles the classic acorn-shaped Colonial fixtures. Any similar light fixture recommended would be well suited to reflect this style; however, selections are often limited to DVP standards. Special lighting fixtures that deviate from their inventory may require a special lighting agreement with DVP if they are to maintain these lights.

OTHER ELECTRICAL UTILITIES

Other than lighting, there are other site electrical utilities that support building and site development which merit attention and care in order to prevent conflicts with other site elements. These elements include generators; transformers for lighting and for buildings, meters, junction boxes, underground conduits; and switches. General considerations should be made for these items which include the following parameters:

- A. Generators will be screened substantially with a wall or fence structure to reduce noise and block general site lines. Plant material should be used to soften the screening structure surrounding the generator. Any screening will need to account for minimal air circulation and safety clearance requirements. Screen walls or fence material should be integrated into the building and should generally match in materials and color.
- B. Transformers should be planned and located early to coordinate with plant materials, sidewalks, curbs, and other site amenities in order that these items are not left to resolve during construction. Transformers shall be screened with plant material, and screening should allow room for minimal clearances mandated by the power company.
- C. Meters shall be screened from public view and shall be integrated with the buildings.
- D. Junction boxes and related electrical switches and wiring boxes and devices shall be screened from view with plant material and they should be located off of pavements.
- E. Conduits will be located behind walks for ease of access and maintenance. They shall be sleeved under all pavement crossings.
- F. Power pedestals should be located inconspicuously where outdoor power may be required.

OTHER SITE-RELATED UTILITIES

Other private franchise utilities may include gas, fiber optic, phone, cable television, and other communications lines. They shall be planned to coordinate with electrical and other underground and above ground utilities and site amenities. Criteria for these elements are as follows:

- A. Gas meters shall be screened from view.
- B. All communication, information cables and lines, and their above-ground pedestals shall be planned and located in advance of construction and screened with plant material.

OTHER BUILDING-RELATED UTILITIES

Other building-related utility elements may include heat pumps, chillers, and related building systems that exit the building envelope to the site. These elements shall meet the following requirements:

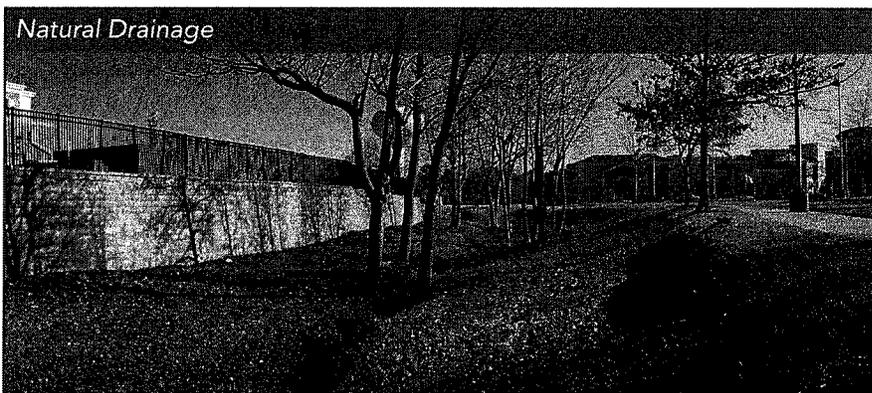
- A. Heating ventilation and air conditions (HVAC) units shall be located on roofs or behind the building fronts and depending on location screened with plant material and/or decorative barriers or fencing to match building materials and color. Air circulation clearances shall be maintained, and areas in between units shall be on a maintainable surface such as concrete or gravel.
- B. Condensate drain lines exiting buildings from condensate buildup in air handlers shall be coordinated with plant material and drainage so that plant beds are not drowned out and runoff does not drain across pavements.



Grading, Drainage, and Stormwater Management

The stormwater management pond for Obici Place shall serve as a regional stormwater management plan for the entire development. The developer shall incorporate public open spaces and focal elements into the overall design of the pond and its surrounding spaces.

Due to the intended nature of the Obici Place development, new impervious surfaces will create a need for a comprehensive stormwater management strategy. This development will be designated as an Intensely Developed Area (IDA). Sheet flow from roof structures and surface parking lots will create the majority of stormwater runoff. Runoff will be collected and guided via City-standard curb and gutter, until it encounters a curb cut or drain inlet. The design of an adequate storm system should be coordinated during design development to ensure a cohesive stormwater management strategy. Practices such as installing permeable pavers or utilizing bio-retention beds should be considered to reduce the overall site runoff.

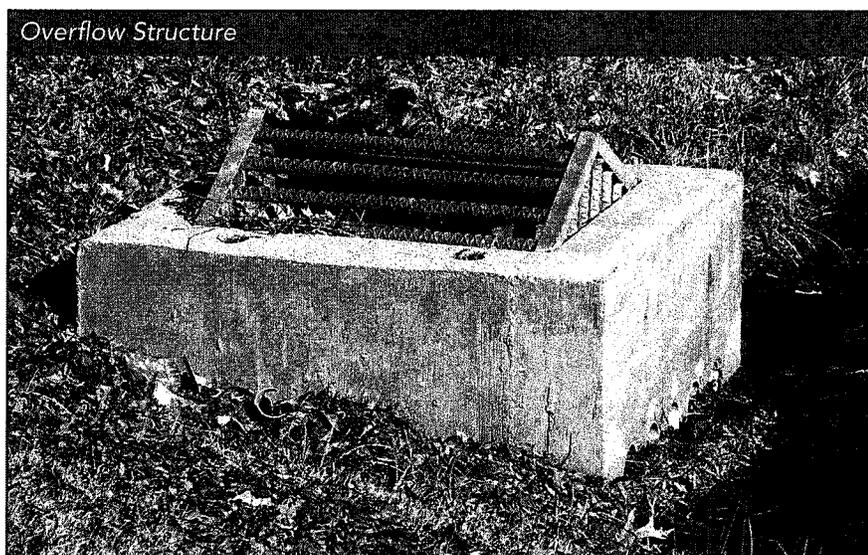


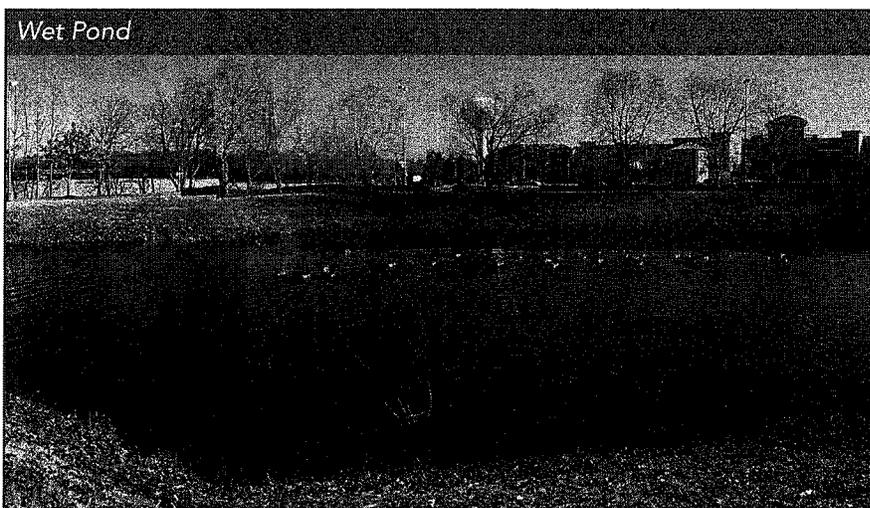
A. Strategy

The stormwater management pond will collect most of the stormwater from the entire Obici Place site via underground storm pipes as well as limited surface runoff from the immediate areas surrounding the pond. The wet pond shall be designed as a passive recreational amenity serving as both stormwater mitigation and open space for the nearby residents. Features to be incorporated into the design of the wet pond are lighting, an aerator fountain, native plantings, pathways, and seating areas for users to enjoy.

B. Standards

1. The stormwater pond shall reside under private ownership and maintenance.
2. A 10-foot wide aquatic/safety bench shall be provided in the pond.
3. A 10-foot wide safety/access bench shall be provided. Access shall be provided to the overflow structure.
4. Basin side slopes shall have 3:1 slopes or shallower.
5. Fencing is not required.
6. All buildings may be located up to 25 feet from the 100-year high-water elevation of the pond.
7. Decks, patios, walkways, and roadways may be located closer than 25 feet provided that appropriate safety measures are incorporated.
8. Vegetative perimeter yards or barriers and buffer yards shall be provided where open space areas are adjacent to the pond.





9. Where planting is provided, the plantings shall be complementary to the other planting areas throughout Obici Place providing a pleasant environment for the use of residents and visitors to enjoy the open air and water views during, perhaps, a weekend family picnic.
10. All stormwater management facilities must be designed in accordance with Virginia Stormwater BMP Clearinghouse Design Specifications.

C. Alternative BMP Designs and Innovations

1. The developer may propose alternative BMP designs and innovations that will accomplish the same water quality and quantity benefits as the proposed wet pond detailed in Section A and B if the proposed design meets the following criteria:
 - a. The design solution is regional and comprehensive in nature.
 - b. The design solution is allowed under the then current versions of the referenced regulatory documents in this section.
 - c. The design solution adequately addresses replacing the aesthetic value of the pond being displaced through equal or better provision of open spaces and amenities.

The following documents are incorporated into this document by reference:

1. Virginia Stormwater Management Handbook; most current edition
2. City of Suffolk Unified Development Ordinance Article 6, Section 31-611.

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Prepared for:



Suffolk Economic
Development
Authority

Prepared by:



Kimley»Horn

OBICI PLACE Design Guidelines
FINAL 4/7/2015

AGENDA: May 20, 2015, Regular Session

ITEM: Public Hearing – An ordinance to rezone and amend the official zoning map of the City of Suffolk, to change zoning from CBD, Central Business District (Conditional), to CBD, Central Business District Zoning District for property located at 220 North Main Street, Tax Map 34G18(A) Parcel 95A; RZ01-15

Attached for your consideration is information pertaining to Rezoning Request, RZ01-15, 220 North Main Street, submitted by Justin W. Sorensen, applicant, on behalf of Nadine Gillen, property owner, to rezone and amend the official zoning map of the City of Suffolk in order to delete the approved proffered condition, pertaining to the restriction of the use of the property solely for a single family dwelling. The property is located at 220 North Main Street, Zoning Map 34G18(A), Parcel 95A. The affected area is further identified as being located in the Suffolk Voting Borough, zoned CBD, Central Business District (Conditional). The 2035 Comprehensive Plan designates this area as a part of the Central Growth Area, Mixed Use Core Use District.

The Planning Commission, at their meeting of April 21, 2015, voted 8 to 0 to approve a resolution recommending **approval** of this request.

ATTACHMENTS:

- Staff Report
- Proposed Ordinance
- Exhibit A – Planning Commission recommendation
- Exhibit B – Deleted Proffer Statement
- Exhibit C – Zoning/Land Use Map and Survey

STAFF REPORT

DESCRIPTION

REZONING REQUEST: Rezoning Request RZ01-15 to delete the approved proffered condition, pertaining to the restriction of the use of the property solely for a single family dwelling.

APPLICANT: Submitted by Justin W. Sorensen, applicant, on behalf of Nadine Gillen, property owner.

LOCATION: The property affected is located at 220 North Main Street and is further identified as Zoning Map 34G18(A), Parcel 95A, Suffolk Voting Borough.

PRESENT ZONING: The property is currently zoned CBD, Central Business District (Conditional) and HC (Historic and Cultural Conservation Overlay District).

EXISTING LAND USE: The parcel contains a single-family dwelling.

PROPOSED LAND USE: The applicant has indicated his existing financial consulting business will be relocated to the subject property.

SURROUNDING LAND USES:

North – CBD district, commercial office building;

South – CBD district, Suffolk Christian Church;

East – CBD and RM district, parking area - Suffolk Christian Church and single-family dwellings;

West – CBD district, First Baptist Church (NW), St. Paul's Church (SW), and single-family dwellings.

COMPREHENSIVE PLAN: The *2035 Comprehensive Plan* map designates this property as being within the Central Growth Area, Mixed Use Core Use District.

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

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

CASE HISTORY: June 1997 – the property was conditionally rezoned (RR5-97) from O-I to R6 (Med-high Density Residential District).

In 1999, the property was rezoned CBD, Central Business District, as part of a comprehensive rezoning.

STAFF ANALYSIS

ISSUE

The applicant is requesting a change in zoning from CBD, Central Business District (Conditional) to CBD, Central Business District, by deleting a proffered condition restricting the use of the property solely for a single family dwelling.

CONSIDERATIONS AND CONCLUSIONS

In accordance with Appendix B, Section B-4 of the Unified Development Ordinance, rezoning applications must include a statement of the reasons for seeking an amendment to the zoning maps of the City of Suffolk. Supplemental information provided by the applicant indicates that the reason for this rezoning is to allow the applicant to relocate his investment firm to the historic structure

1. Comprehensive Plan

The subject property is located within the Central Growth Area. Under the focused growth approach outlined in the 2035 Comprehensive Plan, the property falls within the Mixed Use Core Use District. The district is primarily composed of high intensity business, retail, residential, and civic uses. Per Table 2-2 of the Comprehensive Plan, *Mixed Use Development Characteristics Table*, office uses are allowed in the Mixed Use Core District. The amendment to the proffered conditions would be compatible with provisions of the Comprehensive Plan. Offices and single-family homes are both permitted uses in the CBD, Central Business District.

2. Adequate Public Facilities

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

Public Water and Sanitary Sewer

City water and sewer service are available along North Main Street. The existing building utilizes city water and sewer connections. No modifications to the number of fixtures are proposed as part of the proposed change in use to office. The Department of Public Utilities recommends approval of the request.

Stormwater Management

The subject property is located within the Intensely Developed Area (IDA) and is subject to the applicable provisions of the stormwater management regulations. Future expansion or site improvements which increase impervious area may require stormwater to be addressed for

quality and quantity. The Department of Public Works recommends approval of the request.

Streets

The Department of Public Works, Traffic Engineering Division has indicated it has no concerns at this time regarding the proposed change in zoning.

Schools

No additional students are expected to be generated from this rezoning request; therefore, there will not be any impacts to public schools.

3. Proffered Conditions

The rezoning request is requesting the deletion of a previously accepted proffered condition which limits the use of the property solely to single-family residential. The applicant has not offered any proffered conditions in support of this application.

RECOMMENDATION

Based upon the above findings-of-fact, staff recommends **approval** of Rezoning Request RZ01-15 as requested.

The Planning Commission, at their meeting of April 21, 2015, voted 8 to 0 to approve a resolution recommending **approval** of this request.

Attachments

- Proposed Ordinance
- Exhibit A – Planning Commission recommendation
- Exhibit B – Deleted Proffer Statement
- Exhibit C – Zoning/Land Use Map and Survey

General Location Map



EDWARD JONES INVESTMENTS

March 9, 2015

Department of Planning & Community Development
Division of Planning
City of Suffolk, Virginia
442 West Washington Street
Suffolk, Virginia 23434

RE: Rezoning/Ordinance Text Amendment

To Whom It May Concern:

This letter is in regards to the current zoning of 220 North Main Street in Downtown Suffolk and my request for the removal of the conditional ordinance that was adopted May 20, 1997.

The property is currently located in the middle of the Central Business District as zoned by the City in or around 1999. Over the course of the last few months, I have obtained and applied for all necessary permits and approvals as requested and/or required by the various departments within the Planning Division, including the Historical Society. I have also obtained a letter from the Suffolk Christian Church Board of Directors acknowledging and welcoming both myself and my Edward Jones Investment practice as a neighboring business to their establishment. They have also agreed and granted reasonable access to the number of parking spaces necessary to operate a business per the City's requirements.

However, in finalizing my plans for the property it was brought to my attention that this conditional ordinance is in place and must be amended and/or lifted by the City in order for me to relocate my business to Main Street. I am looking forward to continuing the development and growth of my business by serving the citizens of the Suffolk Community and feel that by relocating to Downtown Suffolk will be an asset to the bigger vision and plan of Main Street.

With Warm Regards,



Justin W. Sorensen, AAMS
Edward Jones Investments

1238 Holland Road Suite 102 Suffolk, VA 23434 (757) 923-4111

RECEIVED
MAR 09 2015
PLANNING
RZ01-15

ORDINANCE NO.

AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK, TO CHANGE ZONING FROM CBD, CENTRAL BUSINESS DISTRICT (CONDITIONAL), TO CBD, CENTRAL BUSINESS DISTRICT ZONING DISTRICT FOR PROPERTY LOCATED AT 220 NORTH MAIN STREET, TAX MAP 34G18(A) PARCEL 95A; RZ01-15

WHEREAS Justin W. Sorensen, applicant, on behalf of Nadine Gillen, property owner(s), has requested a change in zoning from CBD, Central Business District (Conditional), to CBD, Central Business District for Tax Map 34G18(A), Parcel(s) 95A, which land is depicted on Exhibit "B"; and,

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

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

WHEREAS, a public hearing before City Council was duly advertised as required by law and held on the 20th day of May, 2015, at which public hearing the public was presented with the opportunity to comment on the proposed rezoning.

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

Section 1. Exhibits.

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

Section 2. Findings.

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

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

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

Section 3. Rezoning.

1. The property, as shown on the attached Exhibit C, be, and is hereby, rezoned and the official zoning map be, and is hereby, amended.

Section 4. Recordation.

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

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

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:


 Helivi L. Holland, City Attorney

EXHIBIT A

RESOLUTION NO. 15-6-02

**CITY OF SUFFOLK PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO REZONING REQUEST
RZ01-15
TO CHANGE ZONING FROM CBD, CENTRAL BUSINESS DISTRICT
(CONDITIONAL), TO CBD, CENTRAL BUSINESS DISTRICT, FOR PROPERTY
LOCATED AT 220 NORTH MAIN STREET, TAX MAP 34G18(A) PARCEL 95A**

WHEREAS, Justin W. Sorensen, applicant, on behalf of Nadine Gillen, property owner, has requested a change in zoning from CBD, Central Business District (Conditional), to CBD, Central Business District; and

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

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

Section 1. Findings.

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

8. the conservation of natural resources;
9. the preservation of flood plains;
10. the preservation of agricultural and forestal land;
11. the conservation of properties and their values;
12. the encouragement of the most appropriate use of land throughout the City;
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").

Section 2. Recommendation to Council.

The Planning Commission recommends to City Council that the request, RZ01-15, be:

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

READ AND ADOPTED:

April 21, 2015

TESTE:

Scott M. B. [Signature]

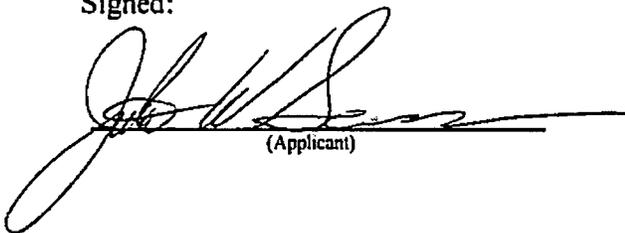
EXHIBIT B

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 34618, Block A, Parcel Number 95A:

~~As contract purchasers of this property the site shall only be used for a single family dwelling.~~

Signed:



(Applicant)

Justin Sorensen

(Printed Name)

3/7/15

(Date)



(Property Owner)

Nadine Gillen

(Printed Name)

3-7-15

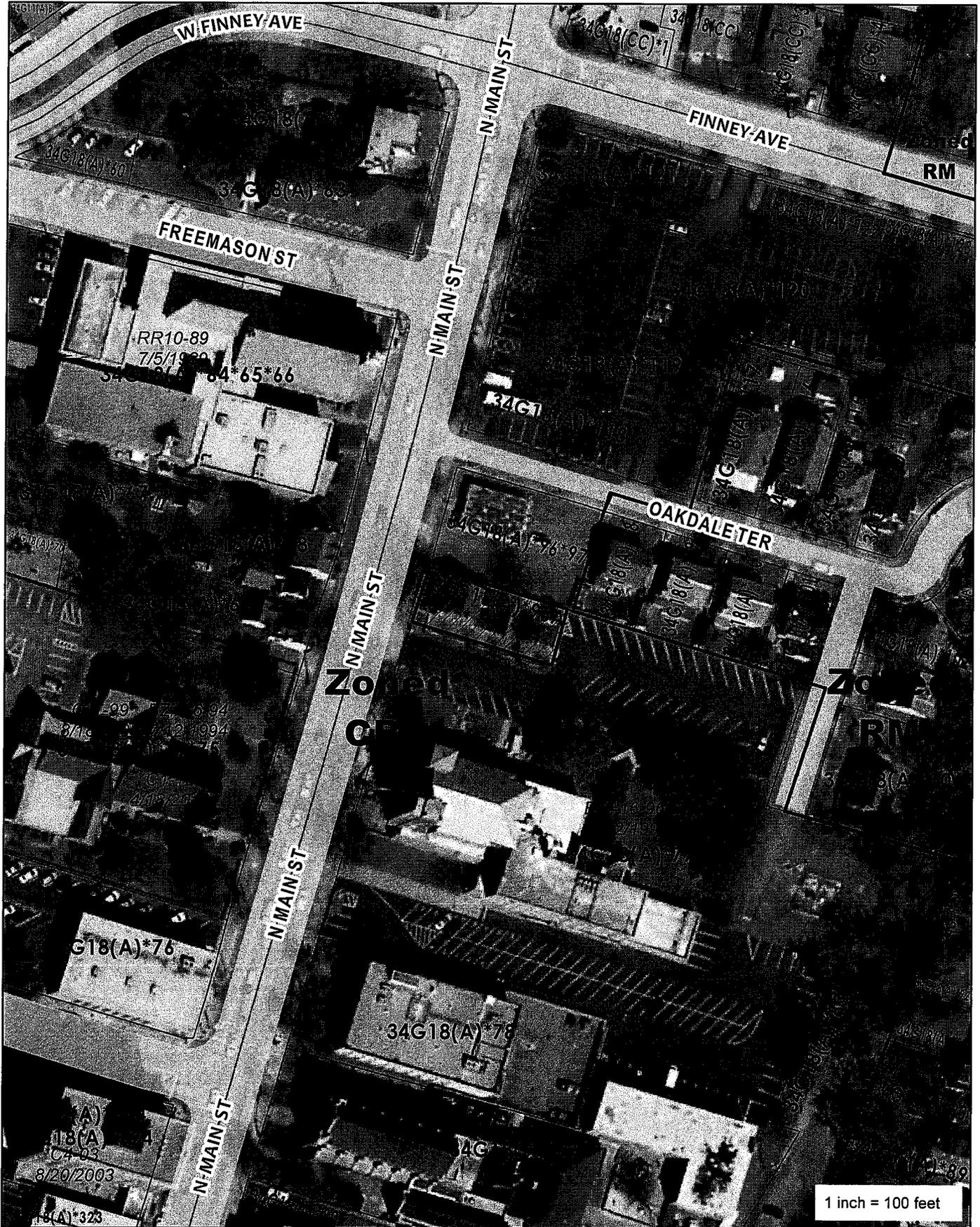
(Date)

(Property Owner)

(Printed Name)

(Date)

RZ01-15 ZONING / LAND USE MAP



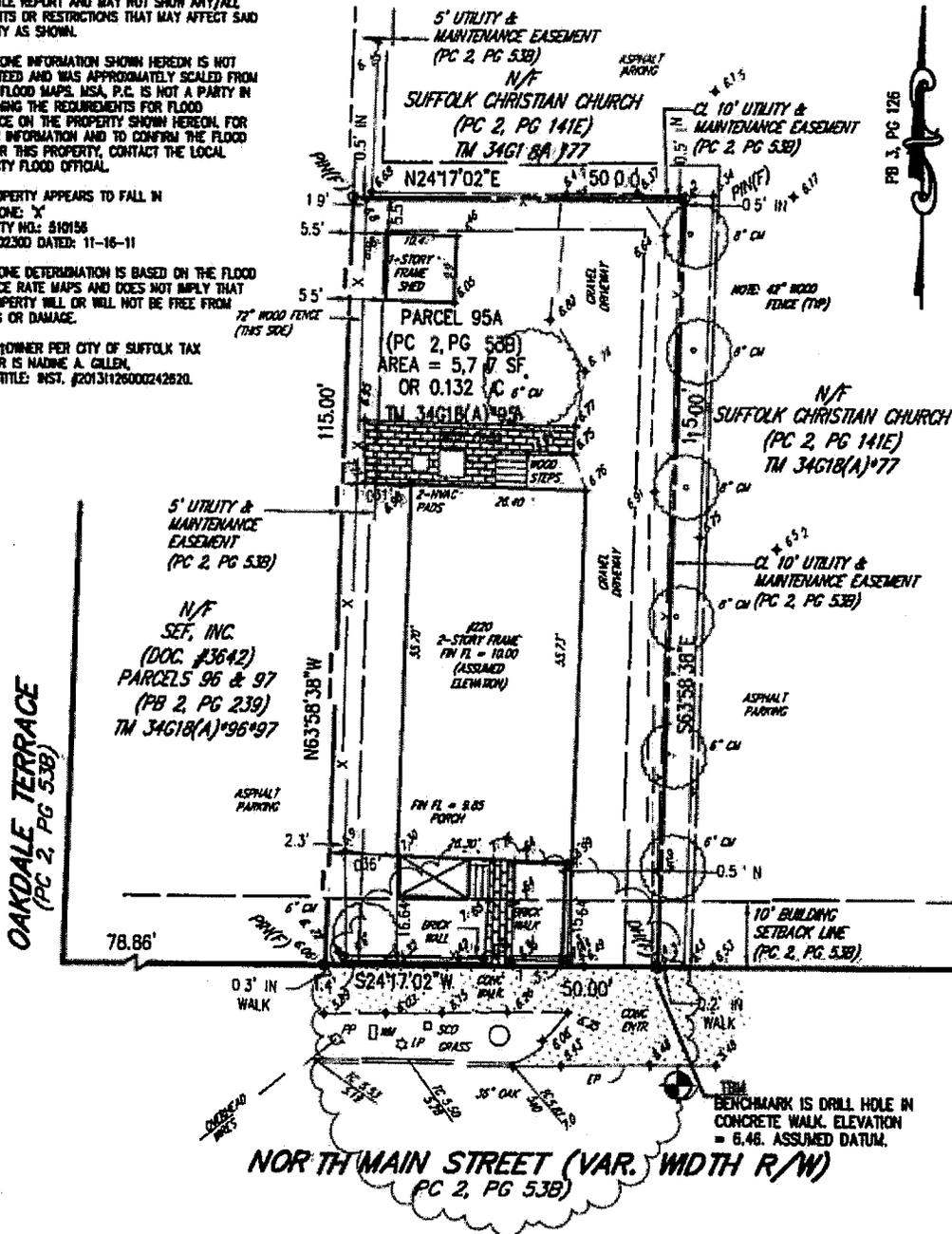
THIS IS TO CERTIFY THAT ON JANUARY 21, 2015 WE SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

- NOTES:
1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN.
 2. FLOOD ZONE INFORMATION SHOWN HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED FROM F.E.M.A. FLOOD MAPS. MSA, P.C. IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. FOR FURTHER INFORMATION AND TO CONFIRM THE FLOOD ZONE FOR THIS PROPERTY, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.

THIS PROPERTY APPEARS TO FALL IN FLOOD ZONE: X
 COMMUNITY NO.: 810156
 PANEL: 02300 DATED: 11-16-11

FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE.

3. CURRENT OWNER PER CITY OF SUFFOLK TAX ASSESSOR IS MADINE A. GILLEN. SOURCE TITLE: INST. #20131126000242620.



OAKDALE TERRACE
 (PC 2, PG 538)

N/F
 SEF, INC.
 (DOC. #3642)
 PARCELS 96 & 97
 (PB 2, PG 239)
 TM 34G18(A)*96*97

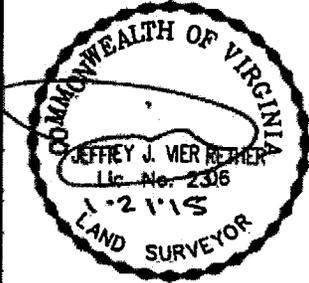
BENCHMARK IS DRILL HOLE IN
 CONCRETE WALK. ELEVATION
 = 6.46. ASSUMED DATUM.

NORTH MAIN STREET (VAR. WIDTH R/W)
 (PC 2, PG 538)

PHYSICAL SURVEY
 OF
 PARCEL 95A
 PLAT SHOWING RESUBDIVISION OF A PORTION OF
 PROPERTY OWNED BY SUFFOLK CHRISTIAN CHURCH
 KNOWN AS TAX MAP 34G18 ((A)), PARCEL 95
 (PC 2, PG 538)
 SUFFOLK, VIRGINIA

FOR
SORENSKI, L.L.C.
MSA, P.C.
 Environmental Sciences • Planning • Surveying
 Civil & Environmental Engineering • Landscape Architecture
 5033 Rease Drive, Virginia Beach, VA 23462
 757-491-9264 (Dial) 757-490-9634 (Fax)
 www.msainline.com

RECEIVED
FEB 05 2015
PLANNING



NOTE:
 (D) = DEED OR DOCUMENT
 (F) = FIELD
 (P) = PLAT

DWN. BY: KCR.
 FB: CS636, PG. 91.

JOB# 15006
 SCALE: 1" = 20'

AGENDA: May 20, 2015, Regular Session

ITEM: Public Hearing – An ordinance to grant a Conditional Use Permit to establish an animal shelter on property located at 412 Kings Fork Road, Zoning Map 25, Parcel 18D*1; C18-14

Attached for your consideration is information pertaining to Conditional Use Permit Request C18-14, Suffolk Humane Society Kings Fork Road, submitted by Suffolk Humane Society, applicant, on behalf of Mike Duman Real Estate, LLC, property owner, in accordance with Section(s) 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish an animal shelter on property located at 412 Kings Fork Road, Zoning Map 25, Parcel 18D*1. The affected area is further identified as being located in the Chuckatuck Voting Borough, zoned RR, Rural Residential zoning district. The 2035 Comprehensive Plan designates this area as a part of the Central Growth Area, Suburban Use District.

The Planning Commission, at their meeting of April 21, 2015, voted 8 to 0 to approve a resolution recommending **approval** of this request with conditions.

ATTACHMENTS:

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

STAFF REPORT

DESCRIPTION

CONDITIONAL USE PERMIT: Conditional Use Permit Request C18-14, to establish an animal shelter, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance

APPLICANT: Submitted by Suffolk Humane Society, applicant, on behalf of Mike Duman Real Estate, LLC, property owner.

LOCATION: The affected property is located at 412 Kings Fork Road, Zoning Map 25, Parcel(s) 18D*1.

PRESENT ZONING: RR, Rural Residential District.

EXISTING LAND USE: Formerly a single-family dwelling.

PROPOSED LAND USE: Animal shelter.

SURROUNDING LAND USES:

North – RR district, Single-family home;

South – RR district, Suffolk Youth Athletic Association sports field complex;

East – RR district, Single-family homes;

West – RR district, Single-family home.

COMPREHENSIVE PLAN: The City's 2035 Comprehensive Plan identifies this property as being located within the Central Suburban/Urban Development Area (Suburban).

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

CASE HISTORY: None identified.

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 operate an animal shelter facility. The facility is proposed to be operated primarily as an office and central meeting location. The application indicates on occasion a maximum of up to five (5) household pets would be housed at the facility for transfer to an off-site adoption location or until completing foster arrangements. This facility would operate in conjunction with the Suffolk Humane Society's existing office on

Nansemond Parkway. Regular meetings proposed to be conducted at the facility will include Board of Directors, Committee Leads and staff meetings weekdays (Tuesdays and/or Thursdays 6-9 p.m. with an occasional Saturday meeting) which typically average 9-10 attendees. Larger outreach and training meetings will continue to be conducted off-site at the Magnolia Ruritan Club. The office will typically be occupied by 3 staff members (1 full-time, 2 part-time) and receive a total of 8 visitors throughout the day, typically dropping off supplies and donations.

CONSIDERATIONS AND CONCLUSIONS

1. Section 31-406 of the Unified Development Ordinance (UDO) requires that a conditional use permit be obtained for an animal shelter within the RR, Rural Residential Zoning District.
2. An animal shelter is defined in the UDO as “ a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.”
3. The facility is proposed to be operated primarily as an office and central meeting location for the Suffolk Humane Society. On occasion household pets (up to a maximum of 5) would be housed at the facility until foster arrangements are made or they are transferred to an off-site adoption location. Other accessory buildings located on the property would be utilized for storage of donated supplies.
4. This site is currently served by on-site well and septic. City water (24” main) is available for connection along the north side of Kings Fork Road. The applicant has been coordinating with the Health Department and it has been determined that the existing drainfield is adequate to serve the facility. The applicant is working with the Health Department to install a new deep well to serve the facility.
5. The subject property is located within a Resource Management Area (RMA) and is subject to the applicable provisions of the stormwater management regulations.
6. The off-street parking requirements outlined in the UDO requires a minimum of one space per 600 square feet of gross floor area and a maximum of 1.5 spaces per 215 square feet of gross floor area for an animal shelter. Based on the primary areas to be utilized by the shelter a minimum of 5 spaces are required to adequately serve the facility. The facility has provided six (6) marked parking spaces for use during the hours of operation. Traffic Engineering has not expressed any concerns regarding impacts on traffic from the proposed use.
7. Pursuant to Section 31-306 of the Unified Development Ordinance (UDO), a Conditional Use Permit recognizes uses that, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right. Rather, such uses are permitted through the approval of a Conditional Use Permit by City Council when the right set of circumstances and conditions are found acceptable.

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

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

The proposed use of animal shelter is a listed conditional use in the RR, Rural Residential zoning district per the City's Unified Development Ordinance (UDO) and shall be in compliance with all applicable standards and ordinances.

- 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 RR, Rural Residential District, is intended to provide for the low-intensity rural use of non-prime agricultural lands and provide a buffer between agricultural and urbanizing areas. The building and overall site maintains a residential appearance based upon the type and style of the original building's use as a home. The intensity of the proposed use is expected to be similar to a residential use, given that meetings will only be held weekly and the majority of the uses will be conducted indoors. By-right, all zoning districts allow a maximum of five (5) adult dogs as a permitted use. However, kennels for the boarding of more than five (5) dogs and other household pets or buildings for the storage of feed and supplies for these boarded animals shall not be located closer than thirty (30) feet to any property line.

- 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 animal shelter facility has been reviewed by the City's Traffic Engineering Department who expressed no concerns regarding traffic generation 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 animal shelter and should not produce vibration, noise, odor, dust, smoke or gas above and beyond what may be expected to originate from a single-family home. Additionally, the majority of the uses will be conducted indoors

and the rear of the property is enclosed by an existing 6' foot high privacy fence, further reducing the potential for nuisances to surrounding residential properties.

- 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 subject site is located on a transitioning portion of the Kings Fork Road corridor. Properties in the surrounding area include a mixture of higher intensity uses including a middle and high school, fire station, sports field complex, in addition to single-family homes along Kings Fork Road and the Kings Fork Farms neighborhood. The operation of this facility should not be injurious to the uses in the immediate vicinity given the nature and intensity of the proposed use.

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

The building and overall site maintains a residential appearance. The intensity of the proposed use is expected to be similar to a residential use, given that meetings will only be held weekly and the majority of the uses will be conducted indoors. The use of this property for an animal shelter should not impede the orderly development and improvement of surrounding properties due to the limited number of animals and the duration of stay.

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

The proposed use of an animal shelter facility should not be a detriment or endangerment to the public.

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

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

RECOMMENDATION

The request to establish an animal shelter at 412 Kings Fork Road should not adversely impact the adjacent neighborhood and surrounding area. It is staff's opinion that the site in question is appropriate for the proposed use of the facility with specific conditions that will serve to mitigate potential adverse impacts. Therefore, staff recommends **approval** of Conditional Use Permit request C18-14 with the following conditions.

1. This permit is granted to establish an animal shelter, as defined in the Unified Development Ordinance.

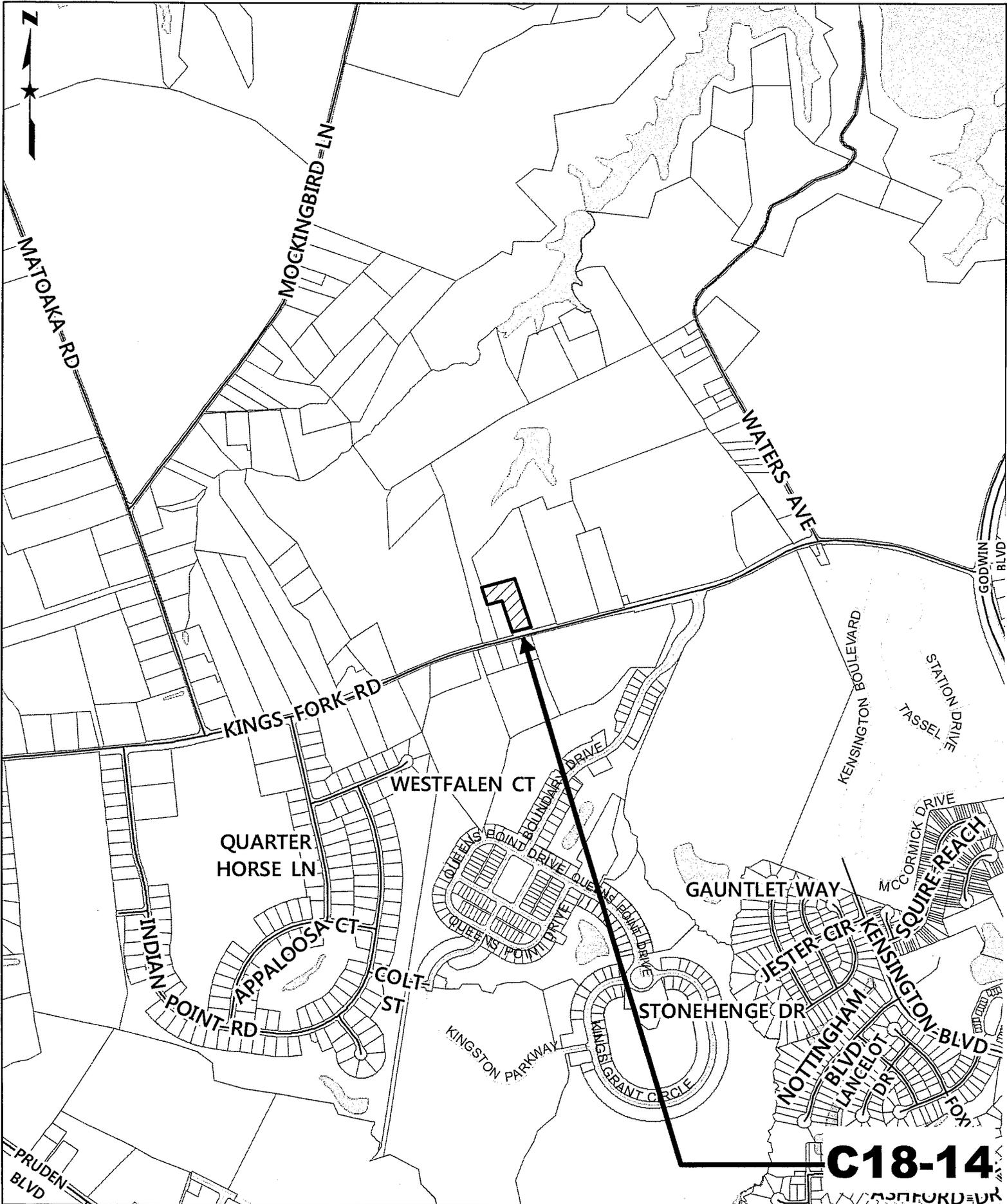
2. Any structure utilized to board more than five (5) household pets or to store supplies for the boarded pets shall be located a minimum of thirty (30) feet from any property line.
3. The area utilized for the exercising or training of dogs shall be securely fenced.

The Planning Commission, at their meeting of April 21, 2015, voted 8 to 0 to approve a resolution recommending **approval** of this request.

Attachments

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

General Location Map



Received 2/11/2015
via email @ 7pm



SUFFOLK HUMANE SOCIETY

www.suffolkhumanesociety.com

A 501 (c)(3) non-profit animal welfare organization

P.O. Box 5038
Suffolk, VA 23435
Phone: (757) 538-3030
www.SuffolkHumaneSociety.com
EIN: 68-0658196

Proposed Suffolk Humane Society Office
Property located at...412 Kings Fork Highway, Suffolk, VA

❖ Intended Use:

➤ Buildings:

▪ Main building:

- Office functions with hours of operation Monday – Friday 10:00 AM – Friday 5:00PM
 - ◆ Estimated occupancy – minimum 3, visitors 8 per day at various times of the day
 - ◆ One (1) fulltime and two (2) part-time employees
- Central location for meetings:
 - ◆ Board – every other month 6:00 – 9:00PM
 - ◆ Nine (9) board members
 - ◆ Five (5) directors
 - ◆ Members/Community – monthly 6:00 – 9:00PM
 - ◆ Average 20 attendees
- Out buildings (framed sheds):
 - Storage:
 - ◆ Housing donations to Suffolk Humane Society for the benefit of animals.
 - ◆ Animals will not be housed in these buildings...only in the main building.

❖ Notation:

- On occasion animals (s), not to exceed five (5), will be housed in the main building for limited periods while foster arrangements are made and/or being transported to Pet Smart.
- Animal being surrendered will be directed to Suffolk Animal Care.

(1) Due to limited visitation and activity, daytime and evenings, requesting wavier for the traffic study.

(2) Site pictures attached.

(3) Survey plat 8/15/2013

Sincerely,

Denis Confer
President BOD
Suffolk Humane Society

HM: 757.538.1235
Cell: 757.403.4261



Suffolk Humane Society

"A non-profit animal welfare organization"

P.O. Box 5038
Suffolk, VA 23435
Phone: (757) 538-3030
www.SuffolkHumaneSociety.com
EIN: 68-0658196

March 27th, 2015

RECEIVED

MAR 31 2015

PLANNING

Suffolk City Planning Commission
442 West Washington St.
Suffolk, VA 23434

Re: *Conditional Use Permit Request (C2014-018); 412 Kings Fork Road*

Dear Sirs,

Please accept this correspondence as the Suffolk Humane Society's good faith effort to respond to any remaining concerns you may have relative to its Rezoning Application currently being considered by the City's Planning Commission. We hope that these efforts will be met with a better understanding of our intended purpose for the property, leading to a mutual and satisfactory outcome.

In order to facilitate our efforts, and in addition to contact made with other property owners, we would like to invite you to meet with us to clarify any remaining concerns. We believe it is important that we hear and respond to all concerns, as well as provide an opportunity for questions and answers about our proposed facility. Additionally, we are also extending an invitation for you to visit our current location in Driver to get a first-hand look at how we conduct our operations. Please let us know if you are amenable to meeting at the Kings Fork location on **April 7th or April 12th**, and if you would like a visit to the Driver location. Please let us know if you desire to meet by **April 3rd, 2015**.

Attached for your information is a recent Suffolk News Herald column (March 21, 2015), providing additional details relative to the Suffolk Humane Society's intent, purpose and operational practices. We also invite you to visit our website at www.suffolklhumanesociety.com/ or our Facebook Page at <https://www.facebook.com/SuffolkHumaneSociety>.

Thank you in advance for your consideration. We look forward to your response.

Sincerely,

Robert E. Stephens
Vice President

Hannah Adams
Secretary

Kay Hurley
Board Member

Todd Eichman
Treasurer

Margie Wiley
Board Member

Rhonda Jones
Board Member

E. Grier Ferguson
Board Member

Cc: City of Suffolk, Division of Planning
Thomas Jordan, Planner II

Humane Society addresses 'misperceptions'

Published 7:32pm Saturday, March 21, 2015

In keeping with Suffolk Humane Society's mission as an educational and advocacy organization, I would like to clarify a few points relative to recent comments made in regard to our application for a conditional use permit for property located at 412 Kings Fork Road.

I welcome this opportunity to address some of the misperceptions of us as an organization and what we do.

Since our formation in 2007, we have dedicated ourselves to animal welfare, and we view our role of advocacy and humane education as a critical community service. We operate primarily as a group of volunteers, with two paid employees who work to advocate for companion animals in our community.

We take seriously our responsibility to provide accurate information, listen to others, answer questions and respond to concerns.

First, I need to make a distinction between a "shelter," which we are not, and an advocacy group, which we are. By definition, in general terms, a shelter is a "facility operated for the purpose of impounding or sheltering seized, stray, homeless, abandoned or surrendered animals."

This is not our practice or purpose. Nor does this fall within the definition of "home-based rescue" or "foster care provider."

Suffolk Humane is an incorporated, nonprofit animal welfare organization providing educational and advocacy services. We work with Suffolk Animal Care Center (formerly Suffolk Animal Control), the city's municipal shelter, and the Chesapeake Square and North Suffolk PetSmart locations to promote adoptions and place adoptable animals into permanent homes. We work with the Virginia Beach SPCA to offer low cost spay and neuter and other services.

Our mission is to promote the human-animal bond, reduce pet overpopulation, advocate for companion animals, and provide affordable and accessible spay/neuter programs to the general public.

Since our formation in 2007, our primary objective has been to provide education and programs aimed at fostering a compassionate, educated community of responsible guardians for companion animals.

The proposed King's Fork location would allow us to expand our central office from our cramped Driver location and allow for additional storage of donated supplies. The location is centrally located in the middle of the city, providing equal accessibility for all Suffolk residents.

The approval of Suffolk Humane's request would not change the current physical characteristics of the community, nor would it in any way impact the residents' quality of life. The city's code does not provide a specific designation for incorporated animal welfare organizations, which would best be characterized as general office use.

I would like to invite the public to visit Suffolk Humane at its current location at 4300 Nansemond Parkway in Driver to see our daily operation. We are extremely proud of the services we provide, and we are grateful for the tremendous support the public has shown us.

We have co-existed in harmony and goodwill with our current neighbors, and our goal is to ensure the welfare of our furry best friends and their human companions.

As the Humane Society's new executive director, I hope the points made here will serve to remove any ambiguity and misperceptions about our plans. I welcome all questions, emails, phone calls or visits, and Suffolk Humane looks forward to your continued support.

Eileen Gizara is the executive director of the Suffolk Humane Society. Contact her at executivedirector@suffolkhumanesociety.com or at 538-3030

ORDINANCE NO.

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH AN ANIMAL SHELTER ON PROPERTY LOCATED AT 412 KINGS FORK ROAD, ZONING MAP 25, PARCEL 18D*1; C18-14

WHEREAS, Suffolk Humane Society, applicant, on behalf of Mike Duman Real Estate, LLC, property owner has requested a conditional use permit to establish an animal shelter 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 25, Parcel 18D*1 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 animal shelter 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 animal shelter 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 animal shelter in compliance with Sections 31-306 and 31-406 of the Code of the City of Suffolk.

Conditions

1. This permit is granted to establish an animal shelter, as defined in the Unified Development Ordinance.
2. Any structure utilized to board more than five (5) household pets or to store supplies for the boarded pets shall be located a minimum of thirty (30) feet from any property line.
3. The area utilized for the exercising or training of dogs shall be securely fenced.

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 Suffolk Humane Society, applicant and Mike Duman Real Estate, LLC, property owner, or their successors in interest, and a hearing at which such persons shall have the opportunity to be heard.
- (b) To the extent applicable, the requirements set forth in Section 31-306 of the Code of the City of Suffolk, Virginia shall be met.
- (c) The commencement of the use described in Section 3 of this ordinance shall be deemed acceptance by Suffolk Humane Society, applicant and Mike Duman Real Estate, LLC, property owner, or any party undertaking or maintaining such use, of the conditions to which the conditional use permit herein granted is subject.

Section 5. Severability.

It is the intention of the City Council that the provisions, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable; and if any phrase, clause, sentence, paragraph, section and provision of this ordinance hereby adopted shall be declared

unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, sections and provisions of this ordinance, to the extent that they can be enforced notwithstanding such determination.

Section 6. Recordation.

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

Section 7. Effective Date.

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

READ AND PASSED: _____

TESTE: _____
Erika Dawley, City Clerk

Approved as to Form:

 Deputy City Attorney
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
C18-14**

WHEREAS, Suffolk Humane Society, applicant, on behalf of Mike Duman Real Estate, LLC, property owner, has requested the issuance of a conditional use permit for a certain tract of land situated in the City of Suffolk, Virginia, which land is described and depicted on the proposed Ordinance attached hereto and incorporated herein by reference; and,

WHEREAS, the specific request is to permit an animal shelter 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, C18-14, 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.
- 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: August 21, 2015

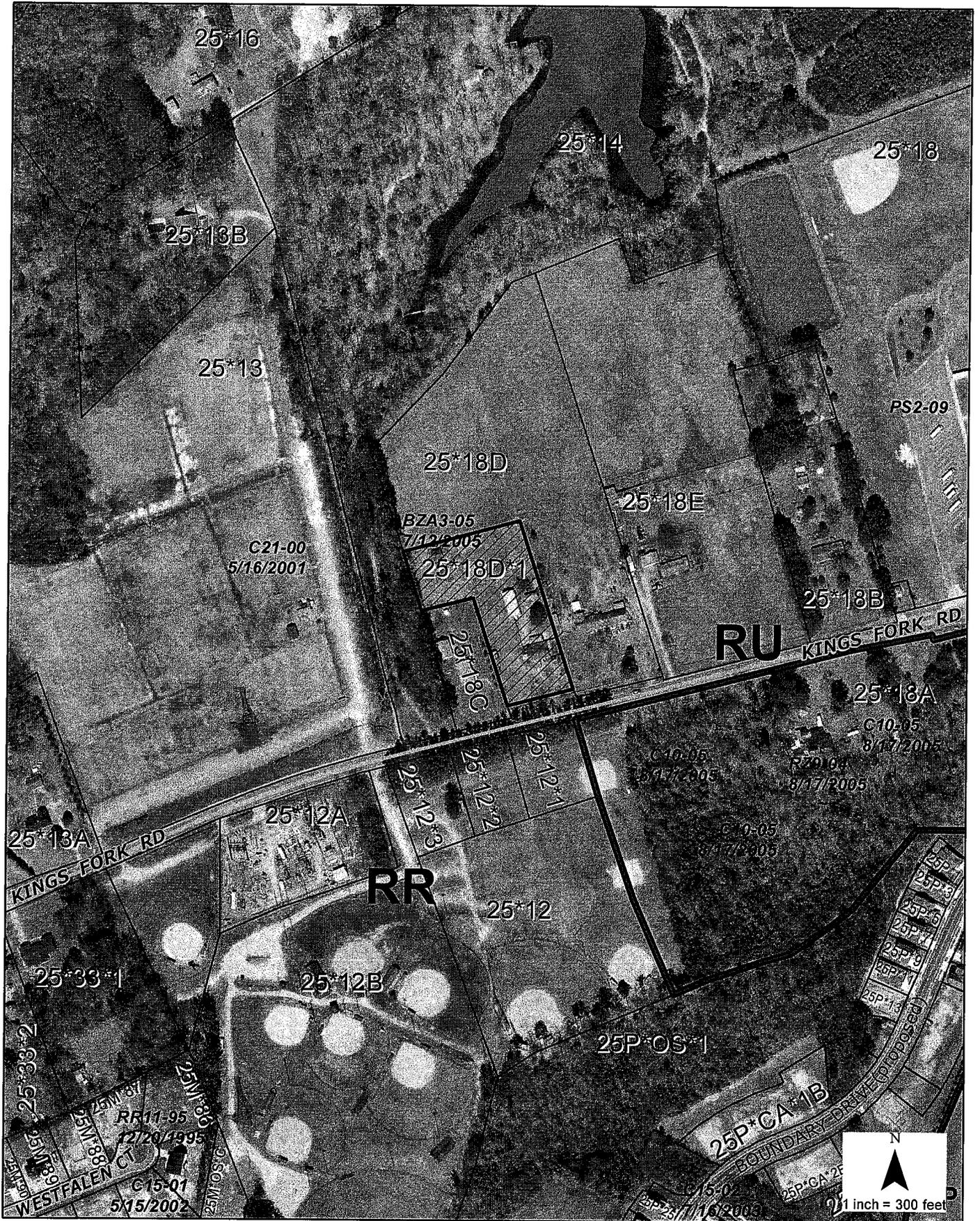
TESTE: [Signature]

**CONDITIONAL USE PERMIT
C18-14**

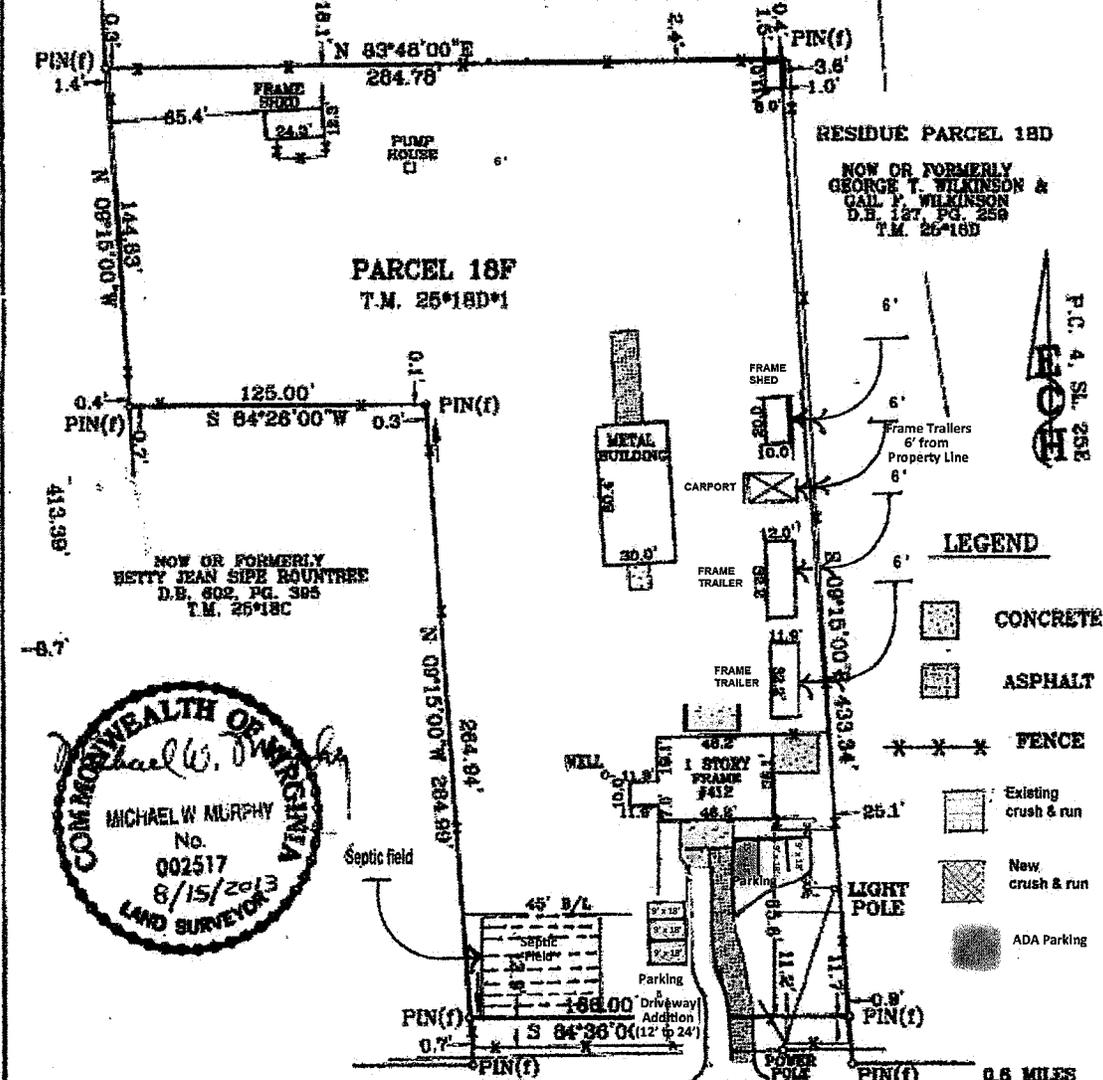
CONDITIONS

1. This permit is granted to establish an animal shelter, as defined in the Unified Development Ordinance.
2. Any structure utilized to board more than five (5) household pets or to store supplies for the boarded pets shall be located a minimum of thirty (30) feet from any property line.
3. The area utilized for the exercising or training of dogs shall be securely fenced.

C18-14 ZONING / LAND USE MAP



THIS IS TO CERTIFY THAT ON AUGUST 8, 2013, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE SHOWN. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN. THIS SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND CONSEQUENTLY MAY NOT DEPICT ALL MATTERS AFFECTING THE TITLE OF THE PROPERTY SHOWN HEREON. ENVIRONMENTAL CONSIDERATIONS ARE NOT A PART OF THIS CERTIFICATION. THIS DRAWING IS MADE FOR THE ORIGINAL PURCHASER OF THIS SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS WITHOUT THE WRITTEN APPROVAL OF THE SURVEYOR.



COMMONWEALTH OF VIRGINIA
 MICHAEL W. MURPHY
 No. 002517
 8/15/2013
 LAND SURVEYOR

AREA = 1.928 ACRES

NOTE: THERE IS A 5 FOOT UTILITY EASEMENT ALONG THE REAR AND SIDE PROPERTY LINES
 THIS TRACT IS LOCATED IN FLOOD HAZARD ZONE "X" REFERENCE IS MADE TO THE F.E.M.A. MAP COMMUNITY No. 510156 PANEL No. 0115 D DATED: NOVEMBER 18, 2011
 LEGAL REFERENCE P.C. 4, SL. 25E



PHYSICAL SURVEY OF PARCEL 18F AS SHOWN ON PLAT ENTITLED "FAMILY TRANSFER SUBDIVISION OF PARCEL 18D" AS SHOWN ON PLAT ENTITLED "PLAT SHOWING DIVISION OF A PORTION OF PROPERTY OWNED BY CHARLES H. WILLIAMS AND NELL W. WILLIAMS" SUFFOLK, VIRGINIA FOR MIKE DUMAN REAL ESTATE, L.L.C. SCALE: 1" = 60' ERNEST C. HAWKINS, JR. AND ASSOCIATES SURVEYORS AND PLANNERS 1108 WILROY ROAD SUFFOLK, VIRGINIA 23434 PHONE 393-6262 OR 934-0758

AGENDA: May 20, 2015, Regular Session

ITEM: Public Hearing – An ordinance to grant a Conditional Use Permit to establish a day care (family day home, six to twelve children) on property located at 4724 Camellia Drive, Zoning Map 13C, Parcel 313; C03-15

Attached, for your consideration, is information pertaining to Conditional Use Permit Request, C03-15, Children's Corner, Inc., submitted by Henry and Antoinette Dixon, property owner, to grant a Conditional Use Permit to establish a day care (family day home, six to twelve children) in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance. The affected area is located at 4724 Camellia Drive and is further identified as Zoning Map 13C, Parcel 313, Nansmond Voting Borough, zoned RLM, Residential Low Medium Density Zoning District. The 2035 Comprehensive Plan designates this area as a part of the Northern Growth Area, Mixed Use Core development district.

The Planning Commission, at their meeting of April 21, 2015, voted 8 to 0 to approve a resolution, recommending **approval** of this request with conditions.

ATTACHMENTS:

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

STAFF REPORT

DESCRIPTION

CONDITIONAL USE PERMIT: Conditional Use Permit Request C03-15, submitted by Henry and Antoinette Dixon, property owners, to permit a day care (family day home, six to twelve children), in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance.

APPLICANT: Submitted by Henry and Antoinette Dixon, property owners.

LOCATION: The affected property is located at 4724 Camellia Drive and is furthered identified as Zoning Map 13C, Parcel 313, Nansemond Voting Borough.

PRESENT ZONING: RLM, Residential Low Medium Density District

EXISTING LAND USE: Single family home in addition to a family home day care (permitted up to a maximum of 5 children) within the Wynnewood Forest Subdivision, located between Hampton Roads Parkway and the Western Freeway.

PROPOSED LAND USE: Single family home with a home day care (family day home, six to twelve children)

SURROUNDING LAND USES:

North – RLM district, Single family home

South – RLM district, Single family home

East – RLM district, Single family home

West – RLM district, Single family home

COMPREHENSIVE PLAN: The City's 2035 Comprehensive Plan identifies this property as being located within the Northern Growth Area and designated as part of the Mixed Use Core Use District.

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

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

CASE HISTORY:

2005 – Obtained a Home Occupation Permit to operate a home day care with up to 5 children.

STAFF ANALYSIS

ISSUE

The applicant is requesting a conditional use permit to expand the current family home day care to accommodate up to 12 children. Currently, Mr. and Mrs. Dixon operate a family home day care which began operation in 2005. The current home occupation permit issued through the City of Suffolk limits the amount of children on site to five. However, Mrs. Dixon is currently registered with the Department of Social Services for a Family Home Day care up to 12 children. Acquisition of the conditional use permit will allow Mrs. Dixon to be in compliance with both State and Local requirements pertaining to home day cares.

The Dixon's are proposing to increase the amount of children enrolled to the maximum of twelve children. The ages will range from six weeks up to twelve years old. There are presently nine (9) children enrolled. The current hours of operation are from 6:00 AM until 6:00 PM Monday through Friday; however, the hours will change to 6:00 AM until 12:00 AM with approval of this request. Mr. and Mrs. Dixon are currently the only caretakers and, based on the ages of the children in the day care, are not required to add additional staff as part of this request.

This is a one-story residence and the day care will utilize approximately 700 square feet of the home's overall 1,300 square feet. The home contains existing off-street parking in the form of a paved driveway approximately 40 feet long by 12 feet wide with room for two (2) vehicles. This parking area is currently used for the drop off and pick up area for the day care. There also is available on-street parking in front of the residence; however, all parking requirements must be met on site per the requirements of the Unified Development Ordinance (UDO). The applicant has stated in the application that pick up and drop off times are staggered.

CONSIDERATIONS AND CONCLUSIONS

1. Section 31-406 of the Unified Development Ordinance (UDO) requires that a conditional use permit be obtained for a day care (family day home, six to twelve children) within the RLM, Residential Low Medium Density zoning district.
2. The proposed hours of operation for the day care are 6:00 AM until 12:00 Midnight, Monday through Friday. The applicant wishes to stay open longer than typical home day cares in order to accommodate several military families that have atypical work schedules. Currently, the center operates from 6:00 AM to 6:00 PM and does not operate during overnight hours or on weekends.
3. The house is currently served by public water and sewer. Food preparation will be conducted on site by the applicant for the children enrolled. The Health Department does not regulate a day care with twelve (12) or fewer children as a food establishment.
4. Based on the UDO parking requirements for commercial day cares, the minimum parking requirement is one (1) parking space for every 375 square feet of gross floor area and the maximum parking requirement is 1.5 spaces for every 375 square feet of gross floor area. The area of the home that will be utilized for operation of the day care is approximately 700 square feet. Based on this area, the applicant will be required to provide a minimum of two (2) parking spaces and a maximum of three (3) parking spaces. Since this day

care also operates as a residence the applicant will also be required to maintain at least two (2) parking spaces for the residential component. The total amount of parking required would be a minimum of four (4) parking spaces. The residence currently contains a concrete driveway that will accommodate two (2) off-street parking spaces. The remaining two (2) required off-street parking spaces are currently unaccounted for, but the applicant has stated they would be willing to construct a parking surface to accommodate the additional vehicles.

5. The location of the home near the intersection of Camellia and Bradford Drives allows for the convenient use of ample, existing on-street parking. That, in combination with the condition to require construction of additional off-street parking and staggered arrival and departure times of the children, provides for the adequate availability of parking to serve the proposed use.
6. The applicant currently maintains a home occupation permit through the City of Suffolk for a day care for up to five (5) children and license approval from the State of Virginia Department of Social Services for operating a family home day care for up to 12 children. The day care currently has nine (9) children enrolled. The applicant would like to provide care for up to twelve (12) children. Mr. and Mrs. Dixon are currently the primary caregivers and, based on the age of children, are not required to have additional staff.
7. The residence does contain a fenced rear yard that is currently used as the outdoor play area for the day care. This rear yard is approximately 5,000 square feet and is enclosed with a 6-foot wooden privacy fence. The size of this outdoor play area will be suitable for the proposed 12 children.
8. Pursuant to Section 31-306 of the Unified Development Ordinance (UDO), a Conditional Use Permit recognizes uses that, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right. Rather, such uses are permitted through the approval of a Conditional Use Permit by City Council when the right set of circumstances and conditions are found acceptable.

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

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

The proposed use of a day care (family day home, six to twelve children) is a listed conditional use in the RLM zoning district per the City's Unified Development Ordinance. Article 6, Section 31-606 of the UDO requires that parking requirements be met for the residential use as well as the day care use. The applicant proposes to meet this requirement and will provide, at a minimum, four (4) off-street parking spaces to accommodate the day care and the residential 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.*

This property is located within the Wynnewood Forest subdivision and is designated by the 2035 Comprehensive Plan as part of the Mixed Use Core Use District. The Mixed Use Core Use District is characterized as the densest area inside the Northern Growth Area and is primarily composed of high intensity business, retail, residential and civic uses. The proposed operation of a family home day care limited to six (6) to twelve (12) children in this area is consistent with the Comprehensive Plan. The request to increase the use of the day care to provide care for up to twelve children could have potential effects on this residential subdivision and adjacent properties in terms of traffic and noise. However, due to staggered drop off and pick up times these possible impacts should be mitigated. Also, the proposed day care will utilize the fenced- in backyard as the outdoor play area.

- 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 home child day care facility 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 applicant has stated in her application that drop off and pick up times are staggered which should help to minimize any potential traffic congestion along Camellia Drive; however, it has to be acknowledged that with the increase in children there will also be an associated increase in traffic within the neighborhood.

- 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 home day care facility and should not produce excess vibration, odor, dust, smoke or gas.

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

The proposed home day care is located within an established residential subdivision with lot layouts between 15,000 and 30,000 total square feet. The subject property is approximately 15, 250 square feet in size. The proposed home day care should not be

injurious to the use and enjoyment of neighboring properties.

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

The property is located in an established single-family dwelling neighborhood, therefore surrounding properties have already been developed. The site is currently served by city water and sewer and the Public Utilities Department has no objections to the proposed use.

- 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.*

If approved, the family home day care will be subject to certain conditions pertaining to its operation to help protect the existing surrounding neighborhood. These conditions will ensure that this operation will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the area.

- 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 family home day care.

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, the hours of operation, and the proposed enrollment of the day care, the use will not adversely impact the surrounding neighborhood. Therefore, staff recommends **approval** of Conditional Use Permit request C03-15 with the following conditions.

1. This Conditional Use Permit is granted specifically in order to establish a day care (family day home, six to twelve children) at 4724 Camellia Drive, Zoning Map 13C, Parcel 313.
2. The maximum number of children to be served by this family home day care shall be twelve (12).
3. The hours of operation for the family home day care shall be limited to the hours between 6:00 AM until 12:00 AM, Monday through Friday.
4. The applicant shall construct the addition of two (2) off-street parking spaces as generally shown on Exhibit C, Site Plan, attached hereto.
5. The applicant shall provide documentation from the Virginia Department of Social Services that shows that this day care is properly licensed to operate prior to expanding

enrollment.

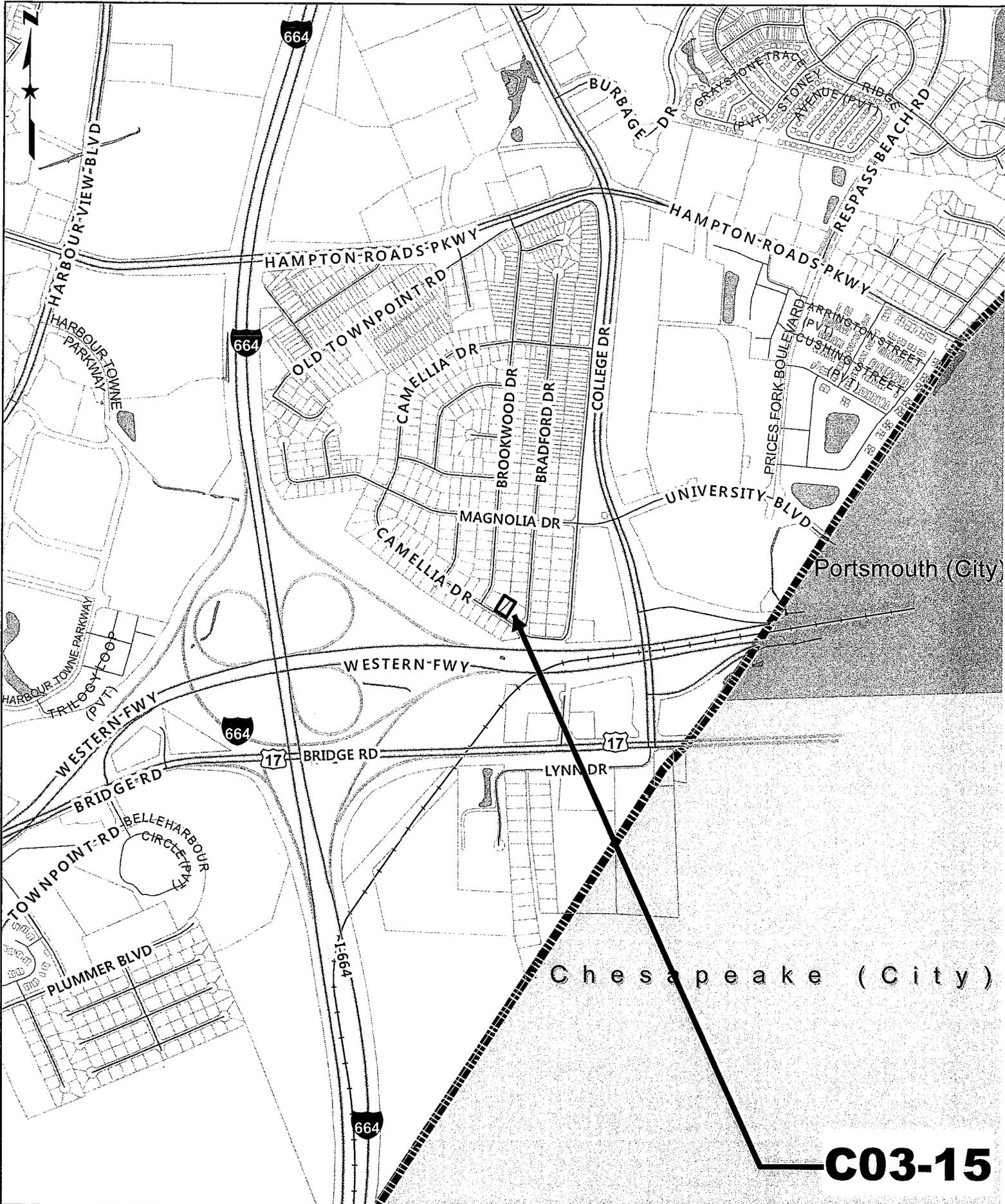
6. Activities within the outdoor play area shall be limited to the hours between 8:00 AM and 6:00 PM.
7. The applicant shall be responsible to ensure compliance with all local and state laws and ordinances of the City of Suffolk and the Commonwealth of Virginia.
8. The applicant shall repair and maintain the privacy fence that encloses the rear yard of the property located at 4724 Camellia Drive.

The Planning Commission, at their meeting on April 21, 2015, voted 8 to 0 to approve a Resolution recommending **approval** of this request with modifications to the conditions as presented by staff, to include: (a) that condition number three be amended to reflect a Monday through Friday timeframe and (b) that condition number eight be added requiring the applicant to repair and maintain the privacy fence that encloses the rear yard of the property.

Attachments

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

General Location Map



C03-15

ORDINANCE NO.

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A DAY CARE (FAMILY DAY HOME, SIX TO TWELVE CHILDREN) ON PROPERTY LOCATED AT 4724 CAMELLIA DRIVE, ZONING MAP 13C, PARCEL 313; C03-15

WHEREAS, Henry and Antoinette Dixon, property owners, have requested a conditional use permit to permit a day care (family day home, six to twelve children) on a certain tract of land situated in the City of Suffolk, Virginia, which land is designated on the Zoning Map of the City of Suffolk, Virginia, as Zoning Map 13C, Parcel 313, 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 day care (family day home, six to twelve children) is in conformity with the standards of the Unified Development Ordinance of the City of Suffolk and that it will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood, and will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any theme, action, policy or map of the Comprehensive Plan which encourages mixed uses and/or densities with the conditions set forth below.

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

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

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

Section 3. Permit Granted.

The conditional use permit for the Property be, and it is hereby, approved for the Property, subject to the following conditions and the general conditions set forth in Section 4 hereof. The conditional use permit specifically permits a day care (family day home, six to twelve children) in compliance with Exhibit "C" (the "Site Plan"), and Sections 31-306 and 31-406 of the Code of the City of Suffolk.

Conditions

1. This use of a family home day care shall be limited to the property at 4724 Camellia Drive, Zoning Map 13C, Parcel 313.
2. The maximum number of children to be served by this family home day care shall be twelve (12).
3. The hours of operation for the family home day care shall be limited to the hours between 6:00 AM until 12:00 AM, Monday through Friday.
4. The applicant shall construct the addition of two (2) off-street parking spaces as generally shown on Exhibit C, Site Plan, attached hereto.
5. The applicant shall provide documentation from the Virginia Department of Social Services that shows that this day care is properly licensed to operate prior to expanding enrollment.
6. Activities within the outdoor play area shall be limited to the hours between 8:00 AM and 6:00 PM.
7. The applicant shall be responsible to ensure compliance with all local and state laws and ordinances of the City of Suffolk and the Commonwealth of Virginia.
8. The applicant shall repair and maintain the privacy fence that encloses the rear yard of the property located at 4724 Camellia Drive.

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 Henry and Antoinette Dixon, 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 Henry and Antoinette Dixon, 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 of the City of Suffolk, Virginia.

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 A DAY CARE (FAMILY DAY HOME, SIX TO
TWELVE CHILDREN) ON PROPERTY LOCATED AT 4724 CAMELLIA DRIVE,
ZONING MAP 13C, PARCEL 313 RELATING TO CONDITIONAL USE PERMIT
C03-15**

WHEREAS, Henry and Antoinette Dixon, 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 a day care (family day home, six to twelve children) in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance.

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

Section 1. Findings.

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

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

Section 2. Recommendation to Council.

The Planning Commission recommends to City Council that the request, C03-15, be:

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

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

READ AND ADOPTED: August 21, 2015

TESTE: Scott M. B.

CONDITIONS

1. This use of a family home day care shall be limited to the property at 4724 Camellia Drive, Zoning Map 13C, Parcel 313.
2. The maximum number of children to be served by this family home day care shall be twelve (12).
3. The hours of operation for the family home day care shall be limited to the hours between 6:00 AM until 12:00 AM, Monday through Friday.
4. The applicant will construct the addition of two (2) off-street parking spaces generally shown as on Exhibit C, Site Plan, attached hereto.
5. The applicant shall provide documentation from the Virginia Department of Social Services that shows that this day care is properly licensed to operate prior to expanding enrollment.
6. Activities within the outdoor play area shall be limited to the hours between 8:00 AM and 6:00 PM.
7. The applicant shall be responsible to ensure compliance with all local and state laws and ordinances of the City of Suffolk and the Commonwealth of Virginia.
8. The applicant shall repair and maintain the privacy fence that encloses the rear yard of the property at 4724 Camellia Drive.



AGENDA: May 20, 2015, Regular Session

ITEM: Public Hearing – An ordinance to repeal Section 31-416.1, Floodplain Overlay District (F) of the Code of the City of Suffolk Unified Development Ordinance and to adopt Section 31-416.2 Floodplain Overlay District (F) – OA3-15

Attached for your consideration is information pertaining to Ordinance Text Amendment OA3-15. As a result of proposed modified flood elevation determinations affecting the Flood Insurance Rate Map (FIRM's) and Flood Insurance Study for the City of Suffolk, reflecting the results of a Coastal Flood Hazard Study conducted by the Federal Emergency Management Agency (FEMA) and its partners, and so as to be in compliance with the Letter of Final Determination issued by the Department of Homeland Security's Federal Emergency Management Agency (FEMA) dated February 3, 2015, the City of Suffolk has initiated additions, deletions and amendments to Article 4, Zoning, Section 31-416.1, Floodplain Overlay District and amendments to the corresponding Official Zoning Map pursuant to Article 4, Zoning, Section 31-404, of the Unified Development Ordinance. Such ordinance and zoning map modifications include modified flood elevation determinations, addition of and/or modifications to Base Flood Elevations, base flood depths, Special Flood Hazard Areas (SFHA's), zone designations, and regulatory floodways. SFHA's are the areas subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

The Planning Commission, at their meeting of April 21, 2015, voted 8 to 0 to approve a Resolution recommending **approval** of the text amendment as proposed.

ATTACHMENTS:

- Staff Report
- Proposed Ordinance
- Exhibit A - Planning Commission Recommendation

STAFF REPORT

DESCRIPTION

PROPOSED ORDINANCE TEXT AMENDMENT OA3-15: As a result of proposed modified flood elevation determinations affecting the Flood Insurance Rate Map (FIRM's) and Flood Insurance Study for the City of Suffolk, reflecting the results of a Coastal Flood Hazard Study conducted by the Federal Emergency Management Agency (FEMA) and its partners, and so as to be in compliance with the Letter of Final Determination issued by the Department of Homeland Security's Federal Emergency Management Agency (FEMA) dated February 3, 2015, the City of Suffolk has initiated additions, deletions and amendments to Article 4, Zoning, Section 31-416.1, Floodplain Overlay District and amendments to the corresponding Official Zoning Map pursuant to Article 4, Zoning, Section 31-404, of the Unified Development Ordinance. Such ordinance and zoning map modifications include modified flood elevation determinations, addition of and/or modifications to Base Flood Elevations, base flood depths, Special Flood Hazard Areas (SFHA's), zone designations, and regulatory floodways. SFHA's are the areas subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

APPLICANT: The proposed ordinance text amendment has been initiated by the City of Suffolk.

CERTIFICATION OF 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 Federal Emergency Management Agency (FEMA) and their mapping partners have completed a Coastal Flood Hazard Study for the City of Suffolk. As a result of the study, revised Flood Insurance Rate Maps (FIRM's) have been provided to the City by FEMA with an effective date of August 3, 2015.

In correspondence dated February 3, 2015, FEMA advised the City that the revised FIRM maps are final, and as such the City has until August 3, 2015 to revise our existing Floodplain Overlay District Ordinance and adopt the revised ordinance and Flood Insurance Rate Map's. In that regard, the City has worked with FEMA's regional representatives and the Virginia Department of Conservation and Recreation (DCR) on the development of our revised ordinance. The draft revised ordinance has been reviewed and approved by the City Attorney's Office. The revised ordinance must be adopted by City Council within 6 months of the date of the referenced Letter of Final Determination (February 3, 2015) to avoid being suspended from participation in the National Flood Insurance Program (NFIP).

There are approximately 5089 affected parcels. Staff notified affected property owners in April of 2014 that their property may be impacted by what at the time were revised Preliminary Flood Insurance Rate Maps. In addition, affected property owners were advised of a public Coastal Flood Risk Open House on the revised FIRM's that was held on May 14, 2014 at King's Fork

Middle School. Using interactive flood maps at the Open House, representatives from the State and City, as well as FEMA and their mapping partners, answered questions in regard to the revised FIRM maps and flood risk. The Open House meeting was well attended.

Also, FEMA published a notification of the proposed flood hazard determinations for the City of Suffolk in the Suffolk News-Herald on May 8, 2014 and on May 15, 2014. Following those publications by FEMA, a statutory 90-day appeal period began. During the appeal period, FEMA did not receive any appeals of the flood hazard determinations. Therefore, the City received a Letter of Final Determination from FEMA on February 3, 2015, which advised the City that we had six (6) months to adopt a revised Floodplain Ordinance and the revised FIRM maps.

CONSIDERATIONS AND CONCLUSIONS:

Changes to the existing ordinance and maps include the following:

- The entire existing ordinance is to be repealed and replaced with the proposed revised ordinance. The new ordinance is based upon a model ordinance recommended by the Virginia Department of Conservation and Recreation.
- Definitions pertinent to the floodplain district have been amended as appropriate.
- Additions and/or modifications to Base Flood Elevations, Base Flood Depths, Special Flood Hazard Areas (SFHA's), zone designations and regulatory floodways have been included.
- Duties and Responsibilities of the Floodplain Administrator were added for clarification.
- Limits of Moderate Wave Action (LIMWA) was added as appropriate.

RECOMMENDATION:

The proposed ordinance amendments and amendments to the official zoning map are for the expressed public purpose of implementing the zoning overlay of FEMA's Flood Insurance Rate Map (FIRM) revised to become effective no later than August 3, 2015 as required in the Letter of Final Determination issued by FEMA. For continued participation in the National Flood Insurance Program, FEMA requires that the ordinance and maps be adopted by the City Council before August 3, 2015. In that regard, staff recommends that the proposed ordinance text amendments and amendment to the official zoning map be forwarded to City Council with a recommendation for **approval** as submitted in the attached documents.

The Committee on Ordinances, at their meeting of September 16, 2014 passed a motion recommending that the proposed Ordinance Text Amendments be forwarded to the Planning Commission for a public hearing with a recommendation for **approval**.

The Planning Commission, at their meeting of April 21, 2015, voted 8 to 0 to approve a Resolution recommending **approval** of this ordinance text amendment.

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL SECTION 31-416.1, FLOODPLAIN OVERLAY DISTRICT (F) OF THE CODE OF THE CITY OF SUFFOLK UNIFIED DEVELOPMENT ORDINANCE AND TO ADOPT SECTION 31-416.2 FLOODPLAIN OVERLAY DISTRICT (F) - OA3-15

WHEREAS, the City of Suffolk, Virginia has initiated amendments to the Floodplain Overlay District and to the corresponding Official Zoning Map, based upon the Letter of Final Determination issued on February 3, 2015 by the Department of Homeland Security's Federal Emergency Management Agency (FEMA); and

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

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

WHEREAS, a public hearing before City Council was duly advertised as required by law and held on May 20, 2015, at which public hearing the public was presented with the opportunity to comment on the proposed ordinance text amendment and official zoning map.

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

1. Section 31-416.1 of the Unified Development Ordinance of the Code of the City of Suffolk, Virginia, be, and is hereby, repealed.
2. The Official Zoning Map be, and is hereby amended to reflect the Flood Insurance Rate Maps (FIRM) and the Flood Insurance Study for the City of Suffolk prepared by the Federal Emergency Management Agency, Federal Insurance Administration dated August 3, 2015, a copy of which is on file in the Planning and Community Development Department.
3. A new Section 31-416.2 be, and is hereby adopted to read as follows:

SEC. 31-416.2. FLOODPLAIN OVERLAY DISTRICT (F).

(a) GENERAL PROVISIONS.

- (1) **Purpose and Intent.** As authorized by the National Flood Insurance Program (NFIP), Section 59.22(a)(2) and pursuant to the authority granted to localities by Code of Virginia §15.2-2280, provisions of this Section are established to regulate land use on all lands identified as being within the Floodplain Overlay District. The purpose of these provisions is to prevent: the loss of life and

property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- A. regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or floodproofed against flooding and flood damage; and,
- D. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

(2) **Applicability.** These provisions shall apply to all privately and publicly owned lands within the jurisdiction of the City of Suffolk and identified as areas of special flood hazard according to the flood insurance rate map (FIRM) that is provided by the Federal Emergency Management Agency (FEMA).

(3) **Compliance and Liability.**

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this Section and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Section.
- B. The degree of flood protection sought by the provisions of this Section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.
- C. Records of actions associated with administering this Section shall be kept on file and maintained by the City of Suffolk's Planning and Community Development Director or as otherwise designated by the City Manager.
- D. This Section shall not create liability on the part of the City of Suffolk or

any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

- (4) **Abrogation and Greater Restrictions.** This Section supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this Section.
- (5) **Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.
- (6) **Penalty for Violations.** Any person who fails to comply with any of the requirements or provisions of this Section shall be guilty of a misdemeanor subject to the penalties and enforcement procedures as prescribed in Section 31-310 of this Ordinance. In addition to these penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of the ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Section shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this Section may be declared by the Suffolk City Council to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this Section.

The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115.

(b) ADMINISTRATION.

- (1) **Designation of the Floodplain Administrator.** [44 CFR 59.22(b)] The Director of Planning and Community Development is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:
 - A. Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the City of Suffolk's chief executive officer.
 - B. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.

- C. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

(2) Duties and Responsibilities of the Floodplain Administrator. [44 CFR 60.3] The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
- B. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- C. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- D. Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
- E. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.
- F. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
- G. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.

- H. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
- I. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the City of Suffolk, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- J. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 - (i) Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and
 - (ii) Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- K. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- L. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- M. Administer the requirements related to proposed work on existing buildings:
 - (i) Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 - (ii) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.

- N. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
- O. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Suffolk have been modified and:
- (i) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 - (ii) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- P. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- Q. It is the duty of the Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

(3) Use and Interpretation of FIRMs. [44 CFR 60.3] The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway

boundaries. The following shall apply to the use and interpretation of FIRMs and data:

- A. Where field surveyed topography indicates that adjacent ground elevations:
 - (i) Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;
 - (ii) Are above the base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.
- B. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
- C. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
- D. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
- E. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
 - (i) Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 - (ii) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Subsection (c)(1)(C) of this Section and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 - (iii) Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood

hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

- (4) **Jurisdictional Boundary Changes.** [44 CFR 59.22, 65.3] The City floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.in accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22 (a)(9) (v) all NFIP participating communities must notify the Federal Insurance Administration and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood Insurance Rate Maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.
- (5) **District Boundary Changes.** The delineation of any of the Floodplain Districts may be revised by the City of Suffolk where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency.
- (6) **Interpretation of District Boundaries.** Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Floodplain Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

- (7) **Submitting Technical Data.** [44 CFR 65.3] A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
- (8) **Letters of Map Revision.** When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision and then a Letter of Map Revision.

Example cases:

- Any development that causes a rise in the base flood elevations within the floodway.
- Any development occurring in Zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- Alteration or relocation of a stream (including but not limited to installing culverts and bridges) 44 Code of Federal Regulations §65.3 and §65.6(a)(12)

(c) ESTABLISHMENT OF ZONING DISTRICTS.

- (1) **Description of Special Flood Hazard Districts.** [44 CFR 59.1, 60.3]

Basis of Districts. The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for the City of Suffolk prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated August 3, 2015, and any subsequent revisions or amendments thereto. The City of Suffolk may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies. The boundaries of the SFHA Districts are established as shown on the FIRM which is declared to be a part of this Section and which shall be kept on file at the City of Suffolk's offices.

- A. The **Floodway District** is in an **AE Zone** and is delineated, for purposes of this Section, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual

chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 5 of the above-referenced FIS and shown on the accompanying FIRM.

The following provisions shall apply within the Floodway District of an AE zone [44 CFR 60.3(d)]:

- (i) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with the City of Suffolk’s endorsement – for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

If subsection(c)(1)(A)(i) of this Section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsection (d) of this Section.

- (ii) The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

- B. The **AE, or AH Zones** on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has **not** been delineated. The following provisions shall apply within an AE or AH zone [44 CFR 60.3(c)]*:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30 and AE or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City of Suffolk.

Development activities in Zones A1-30 and AE or AH, on the City of Suffolk's FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with the City of Suffolk's endorsement – for a Conditional Letter of Map Revision, and receives the approval of the Federal Emergency Management Agency.

* The requirement in 60.3(c)(10) only applies along rivers, streams, and other watercourses where FEMA has provided base flood elevations. The requirement does not apply along lakes, bays and estuaries, and the ocean coast.

- C. The **A Zone** on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)]:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted non-detailed technical concepts, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation

data is utilized, the lowest floor shall be elevated to or above the base flood level.

During the permitting process, the Floodplain Administrator shall obtain:

- (i) The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and,
- (ii) if the structure has been floodproofed in accordance with the requirements of this Section, the elevation (in relation to mean sea level) to which the structure has been floodproofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

D. The **AO Zone** on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. For these areas, the following provisions shall apply [44 CFR 60.3(c)]:

- (i) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.
- (ii) All new construction and substantial improvements of non-residential structures shall:
 - a. have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or,
 - b. together with attendant utility and sanitary facilities be completely floodproofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and

hydrodynamic loads and effects of buoyancy.

- (iii) Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

- E. The **Coastal A Zone** shall be those areas, as defined by the VA USBC, that are subject to wave heights between 1.5 feet and 3 feet, and identified on the FIRM as areas of **Limits of Moderate Wave Action (LiMWA)**. For these areas, the following provisions shall apply:

Buildings and structures within this zone shall have the lowest floor elevated to or above the base flood elevation plus one foot of freeboard, and must comply with the provisions in subsection (c)(1)(B) and subsections (d)(2) and (d)(3) of this Section.

- F. The **VE or V Zones** on FIRMs accompanying the FIS shall be those areas that are known as Coastal High Hazard areas, extending from offshore to the inland limit of a primary frontal dune along an open coast. For these areas, the following provisions shall apply [44 CFR 60.3(e)]:

- (i) All new construction and substantial improvements in Zones V and VE (V if base flood elevation is available) shall be elevated on pilings or columns so that:

a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level if the lowest horizontal structural member is parallel to the direction of wave approach or elevated at least one foot above the base flood level if the lowest horizontal structural member is perpendicular to the direction of wave approach; and,

b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one-percent annual chance).

- (ii) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of

practice for meeting the provisions of subsection (c)(1)(F)(i) of this Section.

- (iii) The Floodplain Administrator shall obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V and VE. The Floodplain Administrator shall maintain a record of all such information.
- (iv) All new construction shall be located landward of the reach of mean high tide.
- (v) All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - a. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
 - b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year.
- (vi) The enclosed space below the lowest floor shall be used solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation.
- (vii) The use of fill for structural support of buildings is prohibited. When

non-structural fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a development permit.

(viii) The man-made alteration of sand dunes, which would increase potential flood damage, is prohibited.

(2) **Overlay Concept.** The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

(d) **DISTRICT PROVISIONS.** [44 CFR 59.22, 60.2, 60.3]

(1) **Permit and Application Requirements.**

A. **Permit Requirement.** All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this Section and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the City of Suffolk's Unified Development Ordinance. Prior to the issuance of any such permit, the Floodplain Administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.

B. **Site Plans and Permit Applications.** All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

(i) The elevation of the Base Flood at the site.

(ii) The elevation of the lowest floor (including basement) or, in V

zones, the lowest horizontal structural member.

- (iii) For structures to be floodproofed (non-residential only), the elevation to which the structure will be floodproofed.
- (iv) Topographic information showing existing and proposed ground elevations.
- (v) An Elevation Certificate based on the proposed development showing compliance with these floodplain regulations.

C. **Certificate of Occupancy.** Submissions Required Prior to Issuance of a Certificate of Occupancy The following certifications are required to be submitted by the permittee for development that is permitted in special flood hazard areas prior to the issuance of a Certificate of Occupancy:

- (i) For new or substantially improved residential structures or nonresidential structures that have been elevated, an Elevation Certificate that shows the ground elevation and finished elevations (identified in Section C of the Elevation Certificate as “Finished Construction”).
- (ii) If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate with supporting data are required prior to the actual start of any new construction.

(2) **General Standards.** The following provisions shall apply to all permits:

- A. New construction and substantial improvements shall be according to subsection (c)(1) of this Section and the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment and

other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to provisions A – H above, in all special flood hazard areas, the additional provisions shall apply:

1. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and the Federal Emergency Management Agency.
 2. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.
- (3) **Elevation and Construction Standards.** [44 CFR 60.3] In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with subsection (c)(1)(C) of this Section, the following provisions shall apply:
- A. **Residential Construction** – New construction or substantial improvement of any residential structure (including manufactured homes) in Zones A1-30, AE, AH and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood level. See subsections (c)(1)(E) and (c)(1)(F) of this Section for requirements in the Coastal A and VE zones.
 - B. **Non-Residential Construction.** – New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement,

elevated to or above the base flood level. See subsections (c)(1)(E) and (c)(1)(F) of this Section for requirements in the Coastal A and VE zones. Non-residential buildings located in all A1-30, AE, and AH zones may be floodproofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the Floodplain Administrator.

C. **Space Below the Lowest Floor** – In zones A, AE, AH, AO, and A1-A30, fully enclosed areas of new construction or substantially improved structures which are below the base flood elevation shall:

(i) not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).

(ii) be constructed entirely of flood resistant materials below the base flood elevation;

(iii) include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:

a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.

b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.

c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.

d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.

- e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Standards for Manufactured Homes and Recreational Vehicles.

- (i) All manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in subsections (d)(2) and (d)(3) of this Section.
- (ii) All recreational vehicles placed on sites must either:
 - a. be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
 - b. Meet all the requirements for manufactured homes in subsection (d)(4)(D)(i) of this Section.

(4) Standards for Subdivision Proposals.

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

(e) **EXISTING STRUCTURES IN FLOODPLAIN AREAS.** A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- (1) Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
- (2) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the VA USBC and the appropriate provisions of this ordinance.
- (3) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the VA USBC.

(f) **VARIANCES – FACTORS TO BE CONSIDERED.** [44 CFR 60.6] Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one percent (1%) chance flood elevation.
2. The danger that materials may be swept on to other lands or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
5. The importance of the services provided by the proposed facility to the community.
6. The requirements of the facility for a waterfront location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
10. The safety of access by ordinary and emergency vehicles to the property in time of flood.
11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
12. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
13. Such other factors which are relevant to the purposes of this Section.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project

in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one percent (1%) chance flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

(g) **VIOLATIONS AND ENFORCEMENT.** Any persons in violation of the provisions of this Section shall be subject to enforcement action as provided for in Section 31-310 of this Ordinance.

(h) **DEFINITIONS.** [44 CFR 59.1]

0.2-Percent-Annual-Chance Flood – The flood that has a 0.2-percent chance of being equaled or exceeded in any given year.

1-Percent-Annual-Chance Flood – The flood that has a 1-percent chance of being equaled or exceeded in any given year.

1-Percent-Annual-Chance Flood Elevation – See Base Flood Elevation (BFE)

2-Percent-Annual-Chance Flood – The flood that has a 2-percent chance of being equaled or exceeded in any given year

10-Percent-Annual-Chance Flood – The flood that has a 10-percent chance of being equaled or exceeded in any given year

10-Year Flood – See 10-Percent Annual Chance Flood

50-Year Flood – See 2-Percent Annual Chance Flood

100-Year Flood – See 1-Percent Annual Chance Flood

500-Year Flood – See 0.2-Percent Annual Chance Flood

Appurtenant or accessory structure – For floodplain management purposes, accessory structures not to exceed 200 sq. ft.

Base flood – The flood having a one-percent (1%) chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) – The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.

Basement – For floodplain management purposes, any area of the building having its floor sub-grade (below ground level) on all sides.

Board of Zoning Appeals (BZA) – The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.

Bulkhead – A structure or partition to retain or prevent sliding of the land.

Coastal A Zone – Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.

Development – For floodplain management purposes, any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Digital Flood Insurance Rate Map (DFIRM) – A Flood Insurance Rate Map that has been prepared as a digital product, which may involve converting an existing manually produced FIRM to digital format, or creating a product from new digital data sources using a Geographic Information System environment. The DFIRM product allows for the creation of interactive, multi-hazard digital maps. Linkages are built into an associated database to allow users options to access the engineering backup material used to develop the DFIRM, such as hydrologic and hydraulic models, Flood Profiles, data tables, Digital Elevation Models, and structure-specific data, such as digital elevation certificates and digital photographs of bridges and culverts.

DFIRM Database – A database designed to facilitate collecting, storing, processing, and accessing data developed by FEMA, enabling Mapping Partners to share the data necessary for the DFIRM production and conversion process. Where possible, all mapping and engineering data elements are linked to physical geographic features and georeferenced. The use of a Geographic Information System as a component of the DFIRM database provides the ability to georeference and overlay the mapping and

engineering data, allowing the database to support a variety of existing and forthcoming engineering and mapping products.

Director – For floodplain management purposes, title of the Community Floodplain Administrator or other official designated by the City Manager.

Elevated building – A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

Elevation Certificate – The form, developed by FEMA, to be used to provide elevation information necessary to ensure compliance with community floodplain management ordinances, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment or Letter of Map Revision Based on Fill.

Encroachment – The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Erosion – For floodplain management purposes, the process by which floodwaters lower the ground surface in an area by removing upper layers of soil.

Existing construction – Structures for which the “start of construction” commenced before the effective date of the FIRM. “Existing construction” may also be referred to as “existing structures.”

Existing manufactured home park or subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA) – The component of the U. S. Department of Homeland security that oversees the administration of the NFIP.

Fill and fill material – For floodplain management purposes, soil that is brought in to raise the level of the ground. Depending on where the soil is placed, fill may change the flow of water or increase flood elevations. Fill may be used to elevate a building

to meet NFIP requirements. Sometimes fill is combined with other methods of elevation such as pilings or foundation walls. Placement of fill requires a local permit from the community.

Flood or flooding – For floodplain management purposes,

1. A general or temporary condition of partial or complete inundation of normally dry land areas from:
 - a. the overflow of inland or tidal waters; or,
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
 - c. mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1(a) of this definition.

Flood Insurance Rate Map (FIRM) – An official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Risk Zones – The zones, also referred to as “risk premium rate zones” and “flood insurance rate zones”, shown on a FIRM or FHBM that are used to determine flood insurance premium rates for properties in a mapped area. Flood insurance risk zones include SFHAs and non-SFHAs.

Flood Insurance Study (FIS) – A report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Floodplain or flood-prone area – Any land area susceptible to being inundated by water from any source.

Floodproofing – Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or

improved real property, water and sanitary facilities, structures and their contents.

Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Freeboard – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

Functionally Dependent – A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Hazard Mitigation Grant Program (HMGP) – The program, authorized under Section 404 of the Stafford Act, under which FEMA provides grants to States and local governments to implement long-term hazard mitigation measures after a presidential disaster declaration. The purpose of the HMGP is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a presidentially declared disaster.

Highest adjacent grade – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure – For floodplain management purposes, any structure that is:

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
 - a. by an approved state program as determined by the Secretary of the Interior; or,
 - b. directly by the Secretary of the Interior in states without approved

programs.

Hydrologic and Hydraulic Engineering Analysis – Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

Letters of Map Change (LOMC) – A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective *Flood Insurance Rate Map* or *Flood Insurance Study*. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated *special flood hazard area*. A LOMA amends the current effective *Flood Insurance Rate Map* and establishes that a Land as defined by meets and bounds or *structure* is not located in a *special flood hazard area*.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to *flood zones, flood elevations, floodplain and floodway delineations, and planimetric features*. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a *structure* or parcel of land has been elevated by fill above the *base flood elevation* and is, therefore, no longer exposed to *flooding* associated with the *base flood*. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the *community's floodplain management regulations*.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed *flood protection project* or other project complies with the minimum NFIP requirements for such projects with respect to delineation of *special flood hazard areas*. A CLOMR does not revise the effective *Flood Insurance Rate Map* or *Flood Insurance Study*.

Lowest Adjacent Grade (LAG) – The lowest natural elevation of the ground surface next to the walls of a structure.

Lowest Finished Floor Elevation (LFFE) – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

Manufactured home – A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent

foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured home park or subdivision – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level – is an elevation point that represents the average height of the ocean's surface (such as the halfway point between the mean high tide and the mean low tide) which is used as a standard in reckoning land elevation.

Mitigation – For floodplain management purposes, a sustained action taken to reduce or eliminate long-term risk to people and property from flood hazards and their effects. Mitigation distinguishes actions that have a long-term impact from those that are more closely associated with preparedness for, immediate response to, and short-term recovery from specific events.

New construction – For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after November 16, 1990, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Post-FIRM structures – A structure for which construction or substantial improvement occurred on or after November 16, 1990.

Pre-FIRM structures – A structure for which construction or substantial improvement occurred on or before November 16, 1990.

Public Assistance (PA) Program – The program through which FEMA provides Federal funding to State and local governments, and some non-profit organizations, to respond to, recover from, and mitigate the future effects of disasters. The primary goal of the PA program is to help communities and their citizens recover from catastrophic disasters.

Recreational vehicle – For floodplain management purposes, a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light duty truck;
and,
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Repetitive loss structure – A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

Severe repetitive loss structure – a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage – (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Shallow flooding area – A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Special flood hazard area – The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in subsection (c) of this Section.

Start of construction – For floodplain management purposes - for other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. – 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage – For floodplain management purposes, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement – For floodplain management purposes, any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the *start of construction* of the improvement. This term includes structures which have incurred *repetitive loss* or *substantial damage* regardless of the actual repair work performed. The term does not, however, include either:

1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. any alteration of a *historic structure*, provided that the alteration will not preclude the structure's continued designation as a *historic structure*.
3. historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

Violation – The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required is presumed to be in violation until such time as that documentation is provided.

Watercourse – For floodplain management purposes, a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

FIRM Panel Dates for Printed Panels of CITY OF SUFFOLK, VIRGINIA (Independent City)

PANEL	EFFECTIVE DATE
0085 D	November 16, 2011
0090 D	November 16, 2011
0095 D	November 16, 2011
0140 D	November 16, 2011
0170 D	November 16, 2011
0180 D	November 16, 2011
0185 D	November 16, 2011
0190 D	November 16, 2011
0195 D	November 16, 2011
0205 D	November 16, 2011
0210 D	November 16, 2011
0215 D	November 16, 2011
0220 D	November 16, 2011
0240 D	November 16, 2011
0245 D	November 16, 2011
0285 D	November 16, 2011
0295 D	November 16, 2011
0305 D	November 16, 2011
0310 D	November 16, 2011
0315 D	November 16, 2011
0320 D	November 16, 2011
0330 D	November 16, 2011
0335 D	November 16, 2011
0340 D	November 16, 2011
0345 D	November 16, 2011
0355 D	November 16, 2011
0360 D	November 16, 2011
0365 D	November 16, 2011
0370 D	November 16, 2011

PANEL	EFFECTIVE DATE
0014 E	August 3, 2015
0016 E	August 3, 2015
0017 E	August 3, 2015
0018 E	August 3, 2015
0019 E	August 3, 2015
0036 E	August 3, 2015
0038 E	August 3, 2015
0039 E	August 3, 2015
0043 E	August 3, 2015
0044 E	August 3, 2015
0102 E	August 3, 2015
0104 E	August 3, 2015
0105 E	August 3, 2015
0106 E	August 3, 2015
0107 E	August 3, 2015
0108 E	August 3, 2015
0109 E	August 3, 2015
0112 E	August 3, 2015
0114 E	August 3, 2015
0115 E	August 3, 2015
0116 E	August 3, 2015
0117 E	August 3, 2015
0118 E	August 3, 2015
0119 E	August 3, 2015
0126 E	August 3, 2015
0127 E	August 3, 2015
0128 E	August 3, 2015
0129 E	August 3, 2015
0131 E	August 3, 2015
0227 E	August 3, 2015
0230 E	August 3, 2015
0231 E	August 3, 2015
0235 E	August 3, 2015

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:

 Deputy City Attorney
Helvi L. Holland, City Attorney



Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
115-I

February 3, 2015

The Honorable Linda T. Johnson
Mayor, City of Suffolk
442 West Washington Street
Suffolk, Virginia 23434

Community: City of Suffolk,
Virginia
(Independent City)
Community No.: 510156
Map Panels Affected: See FIRM Index

Dear Mayor Johnson:

On May 1, 2014, you were notified of proposed modified flood elevation determinations affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the Independent City of Suffolk, Virginia. You were also notified of the proposed addition of and/or modifications to Base Flood Elevations, base flood depths, Special Flood Hazard Areas (SFHAs), zone designations, and regulatory floodways. SFHAs are the areas subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). The Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notification of the proposed flood hazard determinations for your community in the *Suffolk News-Herald* on May 8, 2014 and May 15, 2014. The statutory 90-day appeal period that was initiated on May 15, 2014 has elapsed.

FEMA did not receive any appeals of the proposed flood hazard determinations. Therefore, the determination (copy enclosed) of the Agency as to the flood hazard information for your community is considered final. FEMA will publish a notice of final flood hazard determinations in the *Federal Register* as soon as possible. The FIRM for your community will become effective as of August 3, 2015, and will revise the FIRM and FIS report that were in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the panels being revised are indicated above and on the maps and must be used for all new policies and renewals. Final printed copies of the report and maps will be mailed to you before the effective date.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Because of the modifications to the FIRM and FIS report for your community made by this map revision, certain additional requirements must be met under Section 1361 of the 1968 Act, as amended, within 6 months from the date of this letter. Prior to August 3, 2015, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) and (e) of the NFIP regulations. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(d) and (e) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIRM and FIS report to which the regulations apply and the modifications made by this map revision. Some of the standards should already have been enacted by your community. Any additional requirements can be met by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d) and (e);
2. Adopting all the standards of Paragraph 60.3(d) and (e) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d) and (e).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the 1973 Act as amended.

A Consultation Coordination Officer (CCO) has been designated to assist your community with any difficulties you may be encountering in enacting the floodplain management regulations. The CCO will be the primary liaison between your community and FEMA. For information about your CCO, please contact:

Mr. Eugene Gruber, P.E.
Director, Mitigation Division
FEMA, Region III
One Independence Mall, 6th Floor
615 Chestnut Street
Philadelphia, Pennsylvania 19106-4404
(215) 931-5512

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions (SOMA) to document previous Letters of Map Change (LOMCs) (i.e., Letters of Map Amendment [LOMAs], Letters of Map Revision [LOMRs]) that will be superseded when the revised FIRM panels become effective. Information on LOMCs is presented in four categories: (1) LOMCs that have been included on the revised FIRM panels; (2) LOMCs that have not been shown on the revised FIRM panels because of scale limitations or because the LOMC that was issued had determined that the lots or structures involved were outside the SFHA shown on the FIRM; (3) LOMCs that have not been included on the revised FIRM panels because they are being superseded by new detailed flood hazard data; and (4) LOMCs that will be re-determined. The LOMCs in Category 2 of this form are revalidated through a single letter that reaffirms the validity of a previously issued LOMC. LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures have changed (Category 4) cannot be revalidated through this administrative process. However, we will review the data which were previously submitted as part of the original LOMA or LOMR request and issue a new determination for the subject properties after the FIRM effective date.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the City of Suffolk can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

Please submit your existing or draft ordinance to the Office of the State NFIP Coordinator within one month to the attention of Mr. Charley Banks, CFM. Mr. Banks will review the ordinance, work with your community to develop a compliant ordinance, and submit the compliant ordinance to FEMA Region III for approval. Once you have received feedback and adopt the ordinance, you should also mail a complete, signed official copy of the adopted ordinance to the office before the effective date. Email submissions are preferred, though full contact information follows:

Mr. Charley Banks, CFM
Virginia Department of Conservation
and Recreation
Division of Dam Safety and Floodplain
Management
600 East Main Street, 24th Floor
Richmond, Virginia 23219
Phone: (804) 371-6135
Fax: (804) 371-2630
charley.banks@dcr.virginia.gov

The FEMA Region III staff is available to assist you with your floodplain management measures and may be contacted by telephone at (215) 931-5512. If you have any questions concerning mapping issues in general, please call our FMIX at the toll free number provided above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the National Flood Insurance Program*, *Frequently Asked Questions Regarding the Effects that Revised Flood Hazards have on Existing Structures*, *Use of Flood Insurance Study (FIS) Data as Available Data*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <http://www.floodmaps.fema.gov/1fd>. Paper copies of these documents may also be obtained by calling the FMIX.

Sincerely,



Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Enclosures:

Final SOMA
Notice of Final Flood Hazard Determinations

cc: Community Map Repository
Mr. D. Scott Mills, Director, Planning and Community Development, City of Suffolk

City of Suffolk, Virginia (Independent City)

Docket No.: FEMA-B-1401

Community

Community Map Repository Address

City of Suffolk

**City Hall
442 West Washington Street
Suffolk, VA 23434**

FINAL SUMMARY OF MAP ACTIONS

Community: SUFFOLK, CITY OF

Community No: 510156

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs) and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on August 3, 2015.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMA	92-11	12/11/1991	LOT 150, CEDAR POINT, SECTION FOUR - 2001 HERON COURT	5101560003B	5101560038E
LOMA	92-68	07/21/1992	LOT 242, KILBY SHORES, SECTION TWO - 104 TANOAK COURT	5101560022B	5101560230E
LOMA	94-03-070A	07/07/1994	LOT 248, SECTION 2, KILBY SHORES - 1406 PLANTERS DRIVE	5101560022B	5101560230E
LOMA	95-03-338A	08/14/1995	LOTS 4 & 5, BLOCK C, NANSEMOND HEIGHTS - 5809 WALDEN ROAD	5101560007B	5101560127E
LOMA	96-03-808A	12/16/1996	LOT 246, SECTION 2, KILBY SHORES - 1404 PLANTERS DRIVE	5101560022B	5101560230E
LOMA	97-03-404A	03/14/1997	EAST SUFFOLK GARDENS, LOT 69, SECTION 1 - 922 DIGGS COURT	5101560023B	5101560227E
LOMA	98-03-390A	05/22/1998	5864 BENNETTS CREEK LANE	5101560007B	5101560126E
LOMA	98-03-1736A	10/21/1998	BURBAGE LAKE VILLAGE SUBDIVISION, SECTION 2, LOT 54 - 6438 OLDE BULLOCKS CIRCLE	5101560004B	5101560043E

FINAL SUMMARY OF MAP ACTIONS

Community: SUFFOLK, CITY OF

Community No: 510156

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMR-F	98-03-1670A	03/12/1999	WOODLAKE SUBDIVISION, SECTION 3, LOT 177 - 311 CARRIAGE COURT	5101560016B	5101560118E
LOMA	99-03-1480A	10/15/1999	6440 OLDE BULLOCKS CIRCLE	5101560004B	5101560043E
LOMA	02-03-1424A	07/19/2002	PARCEL A-1 - 8224 CANTERBURY CREST LANE	5101560003B	5101560019E
LOMA	02-03-1876A	09/20/2002	LOT 6, BLOCK C, EAST SUFFOLK GARDENS, SECTION 6, PART 4 - 1213 BLYTHEWOOD LANE	5101560023B	5101560231E
LOMA	03-03-0902A	03/27/2003	LOT 244A, KILBY SHORES, SECTION TWO - 1400 PLANTERS DRIVE	5101560022B	5101560230E
LOMA	03-03-1326A	05/12/2003	1020 LONGPOINT LANE	5101560016B	5101560116E
LOMA	03-03-1548A	06/23/2003	1874 MUSTANG TRAIL - LOT 37, RESUB. OF LOTS 29 AND 37, HORSESHOE POINT	5101560002B	5101560016E
LOMA	03-03-1560A	07/21/2003	PARCEL 2-B - 4423 CHEROKEE DRIVE	5101560010B	5101560115E
LOMA	03-03-1866A	07/21/2003	N. HALF OF LOT 3, ALL OF 4 & 5, BLOCK 24, HOLLYWOOD - 617 HOLLYWOOD AVENUE	5101560023B	5101560231E
LOMA	04-03-0010A	12/04/2003	LOT 34, REVISED PLAT OF HORSESHOE POINT - 1879 MUSTANG TRAIL	5101560002B	5101560016E
LOMA	06-03-8712A	07/27/2006	BAYBERRY COVE SECTION 3, LOT 70 - 103 ELM TREE COURT	5101560007B	5101560129E
LOMA	07-03-0839A	05/01/2007	RIVERSIDE ESTATES, PHASE 2, LOT 6 - 5037 RIVERFRONT DRIVE	5101560011B	5101560112E
LOMA	07-03-1046A	07/24/2007	MILTEER ACRES PLAT NO. 2, LOT 53 - 3612 WINBORNE DRIVE	5101560007B	5101560126E
LOMA	08-03-0249A	01/15/2008	4275 GODWIN BOULEVARD	5101560011B	5101560112E
LOMA	08-03-1430A	08/09/2008	KILBY SHORES, SECTION 2, LOT 245A - 1402 PLANTERS DRIVE	5101560022B	5101560230E
LOMA	08-03-1815A	12/09/2008	THE RIVERFRONT AT HARBOUR VIEW, SECTION FF, PHASE 1, LOT 114 - 4105 RIVER PARK DRIVE	5101560004B	5101560039E
LOMA	09-03-1970A	10/15/2009	LOT 7, SECTION 1, DOGWOOD ESTATES - 512 CANINE TRAIL	5101560022B	5101560230E
LOMA	10-03-0855A	04/09/2010	LOT 5 SECTION N, THE RIVERFRONT AT HARBOURVIEW - 5108 WATERFRONT PLACE	5101560004B	5101560039E

FINAL SUMMARY OF MAP ACTIONS

Community: SUFFOLK, CITY OF

Community No: 510156

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMA	10-03-1877A	09/02/2010	LOT 2 - 4429 CHEROKEE DRIVE	5101560010B	5101560115E
LOMA	10-03-2247A	10/08/2010	Lot 146 & 147, SECTION 4, CEDAR POINT- 2017 HERON COURT	5101560003B	5101560036E
LOMA	11-03-1538A	05/05/2011	5065 SOUTH LINKS CIRCLE - LOT 22A, SECTION 4, POD Y, SOUTH VILLAGE OF HARBOUR VIEW	5101560008B	5101560127E
LOMA	11-03-2524A	09/08/2011	RIVERSIDE ESTATES SUBDIVISION PHASE 1, LOT 42 - 5016 RIVERFRONT DRIVE	5101560011B	5101560112E
LOMA	11-03-2470A	09/20/2011	RIVERCLIFF, SECTION 2, LOT 29 - 4243 LIGHTHOUSE DRIVE	5101560011B	5101560108E
LOMA	11-03-2494A	09/20/2011	RIVERSIDE ESTATES PHASE 1, LOT 41 - 5016 RIVERFRONT DRIVE	5101560011B	5101560112E
LOMA	12-03-0210A	12/13/2011	SLEEPY LAKE, SECTION 1, LOT 9 - 8821 CARTERS COVE ROAD	5101560003B	5101560019E
LOMA	12-03-0437A	12/15/2011	RIVERSIDE ESTATES, PHASE 1, LOT 47 - 5006 RIVERFRONT DRIVE	5101560115D	5101560112E
LOMA	12-03-0239A	12/20/2011	CLEAR BROOK, LOT 3 - 4416 CLEAR BROOK LANE	5101560105D	5101560105E
LOMA	12-03-0834A	01/30/2012	Lot 31, PHASE 2, SECTION D, THE RIVERFRONT AT HARBOUR VIEW - 6033 SPINNAKER COVE COURT	5101560040D	5101560039E
LOMA	12-03-0951X	02/21/2012	RIVERSIDE ESTATES, PHASE ONE, LOT 48 - 5004 RIVERFRONT DRIVE	5101560115D	5101560112E
LOMA	12-03-0815A	03/06/2012	LINKSIDE COVE AT THE RIVERFRONT, PHASE 1 - BAY SHORE LANE & INLET PLACE	5101560040D	5101560039E
LOMA	12-03-1102A	03/13/2012	1000 FIVE MILE ROAD	5101560115D	5101560115E
LOMA	12-03-1153A	03/22/2012	300 EXECUTIVE COURT	5101560120D	5101560118E
LOMA	12-03-0905A	03/27/2012	THE RIVERFRONT AT HARBOUR VIEW, SECTION A, PHASE 2, LOT 47 - 5113 MARINERS COVE	5101560040D	5101560039E
LOMA	12-03-1009A	03/27/2012	SOUNDINGS ON THE NANSEMOND, SECTION 2, LOT 6 - 2010 SOUNDINGS CRESCENT COURT	5101560130D	5101560127E
LOMA	12-03-1185A	04/17/2012	SLEEPY LAKE, SECTION 5, LOT 164 - 1640 EGRET CIRCLE	5101560020D	5101560019E
LOMA	12-03-1273A	05/01/2012	SOUNDINGS ON THE NANSEMOND, SECTION 2, LOT 3 - 2004 SOUNDINGS CRESCENT COURT	5101560130D	5101560127E

FINAL SUMMARY OF MAP ACTIONS

Community: SUFFOLK, CITY OF

Community No: 510156

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMA	12-03-1601A	06/07/2012	SOUNDINGS ON THE NANSEMOND, SECTION 2, LOT 7 - 2012 SOUNDINGS CRESCENT COURT	5101560130D	5101560127E
LOMA	12-03-1679A	06/19/2012	RIDGEWOOD VILLAGE SUBDIVISION, SECTION 2, LOT 40 - 6810 EAST DICKENS COURT	5101560045D	5101560043E
LOMA	12-03-1559A	07/12/2012	BURNETTS MILL, SECTION ONE, LOT 27 - 253 BURNETTS WAY	5101560115D	5101560114E
LOMR-FW	13-03-1384A	05/07/2013	EAST SUFFOLK GARDENS, SECTION 9, BLOCK E, LOT 9 - 819 NIXON DRIVE	5101560235D	5101560231E
LOMA	13-03-2071A	07/30/2013	1500 COTTON FARM LANE	5101560020D	5101560019E
LOMA	14-03-0447X	11/21/2013	THE RIVERFRONT AT HARBOUR VIEW, PH. 2 OF SECT. A, LOT 48-A - 5114 MARINERS COVE	5101560040D	5101560039E
LOMA	14-03-2410A	07/15/2014	LAKES EDGE AT HILLPOINT, SECTION 1, LOT 161 - 117 MISTRAL TERRACE	5101560115D	5101560114E

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new detailed flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
LOMA	06-03-0180A	12/29/2005	BAINES SUBDIV, LOT C - 140 HOLLY HILL LANE	2
LOMA	13-03-1589A	08/27/2013	LOT 60, SECTION 2, BURBAGE LAKE VILLAGE SUBDIVISION - 6446 OLDE BULLOCKS CIRCLE	2
LOMA	14-03-2860A	09/09/2014	3450 KNOTTS NECK ROAD	2

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.

FINAL SUMMARY OF MAP ACTIONS

Community: SUFFOLK, CITY OF

Community No: 510156

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures has changed, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMA	05-03-1125A	10/18/2005	THE MASTERS CONDOMINIUMS, UNITS 13-30 AND 85-108 - PALMER COURT & NICKLAUS DRIVE	5101560008B	5101560039E 5101560127E

“Exhibit A”

RESOLUTION NO. 15-04-5

CITY OF SUFFOLK PLANNING COMMISSION

A RESOLUTION TO PROVIDE A REPORT AND RECOMMENDATION TO CITY COUNCIL IN REGARD TO REPEALING SECTION 31-416.1 OF THE CODE OF THE CITY OF SUFFOLK UNIFIED DEVELOPMENT ORDINANCE AND ADOPTING SECTION 31-416.2 CONCERNING THE FLOODPLAIN OVERLAY DISTRICT (F) AND THE CORRESPONDING OFFICIAL ZONING MAP - OA3-15

WHEREAS, the City of Suffolk, Virginia has initiated amendments to the Floodplain Overlay District, Section 31-416.1 of the Unified Development Ordinance and corresponding Official Zoning Map, based upon the Letter of Final Determination issued on February 3, 2015 by the Department of Homeland Security, Federal Emergency Management Agency (FEMA); and

WHEREAS, the specific action is that Section 31-416.1, of the Unified Development Ordinance be repealed and replaced with a new Section 31-416.2, Floodplain Overlay District and the Official Zoning Map, be amended to reflect the Flood Insurance Rate Maps (FIRM) and the Flood Insurance Study for the City of Suffolk prepared by the Federal Emergency Management Agency dated August 3, 2015; and

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

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

Section 1. Findings

The Suffolk Planning Commission finds that the proposed ordinance text amendment and amendment to the official zoning map is reasonable and warranted due to changes in the flood patterns in the City of Suffolk as determined by FEMA, and; the purpose of which is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base; and has considered the following factors and finds that the proposed amendments to not conflict with:

1. the regulation of uses, activities and development which, alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies;
2. the restriction or prohibition of certain uses, activities and development from locating within districts subject to flooding;
3. the requirement of all those uses, activities, and development that do occur in flood prone districts to be protected and/or floodproofed against flooding and flood damage;

4. the protection of individuals from buying land and structures which are unsuited for intended purposes because of flood hazards;
5. the Comprehensive Plan;
6. the preservation of floodplains;
7. the expressed public 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 amendment ("Va. Code"); and
8. The expressed public purpose of implementing the zoning overlay of FEMA's Flood Insurance Rate Map (FIRM) and the Flood Insurance Study revised to become effective no later than August 3, 2015 as required in the Letter of Final Determination issued on February 3, 2015 by FEMA

Section 2. Recommendation to Council

The Planning Commission recommends to City Council that the request, OA3-15 be:

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

READ AND ADOPTED:

TESTE:

April 21, 2015
[Signature]

AGENDA: May 20, 2015, Regular Session

ITEM: Ordinance - An ordinance amending Chapter 2, Section 2-460 of the Code of the City of Suffolk concerning the compensation for the Economic Development Authority

Each member of the Economic Development Authority of the City of Suffolk (EDA) currently receives \$50.00 per regular meeting attended, per City Code Section 2-460. At the April 8, 2015, meeting the EDA unanimously approved an increase of that rate to \$75.00 per regular meeting. The funding for the EDA's attendees fees is from their own funding sources which are separate from the City of Suffolk.

RECOMMENDATION:

Approve the attached ordinance

ATTACHMENT:

Ordinance

ORDINANCE NUMBER

AN ORDINANCE AMENDING CHAPTER 2, SECTION 2-460 OF THE CODE OF THE CITY OF SUFFOLK CONCERNING THE COMPENSATION FOR THE ECONOMIC DEVELOPMENT AUTHORITY

BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that Section 2-460 of Chapter 2, "Administration" of the Code of the City of Suffolk, Virginia, is hereby amended to read as follows:

Sec. 2-460. Compensation

Each member of the Economic Development Authority of the City of Suffolk may be compensated at a rate not to exceed ~~\$50.00~~ \$75.00 per regular meeting.

BE IT FURTHER ORDAINED that this Ordinance shall be in effect upon its passage.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:


Helivi L. Holland, City Attorney

AGENDA: May 20, 2015, Regular Session

ITEM: Ordinance – An ordinance to amend Section 86-604 of the Code of the City of Suffolk concerning designated public streets approved for golf cart use within the Holiday Point Estates community

Attached for Council's consideration is an ordinance to amend Chapter 86, Article II of the Code of the City of Suffolk by creating a designated area where golf cart operation would be permitted on public roadways, in accordance with Section 46.2-916.2 of the Code of Virginia, and Chapter 86 of the Code of the City of Suffolk, Virginia.

RECOMMENDATION:

Approve the attached ordinance

ATTACHMENT:

Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 86-604 OF THE CODE OF THE CITY OF SUFFOLK CONCERNING DESIGNATED PUBLIC STREETS APPROVED FOR GOLF CART USE WITHIN THE HOLIDAY POINT ESTATES COMMUNITY

BE IT ORDAINED by the Council of the City of Suffolk, Virginia, Article II of Chapter 86 of the City Code entitled "Regulation of Golf Carts," be, and hereby is, amended to read as follows:

Sec. 86-604. Designated City Streets Approved for Golf Cart Use

In accordance with Sec. 86-601 (a) of this article, the following public roadways are hereby designated for golf cart operation:

- (1) Burning Tree Court, Burning Tree Lane, Brighton Mews, Chatham Road, Fincastle Court, Foxwood Place, Kendal Court, Kendal Way, Swansea Circle and Woodberry Crescent to the extents that these roadways are located within the Chatham Woods Subdivision.
- (2) Bleakhorn Road, Cross Street, Dixon Road, Eclipse Drive, Martin Road, Pike Street, Rivershore Drive, Steeple Drive, Vine Ave, White Dogwood Trail and Wig Niel Street where these roadways are located within the Crittenden and Eclipse communities, to include James Park and Barrel Point Estates.
- (3) South Nansemond Drive, North Nansemond Drive, Colonial Drive, Country Club Drive, North Shore Drive, Cavalier Road, Oriole Road, Holly Road, Nansemond Crescent and Lake Road where these roadways are located within the Nansemond Shores subdivision.
- (4) Heritage Drive, Holiday Point Drive, Lambeth Place, Canterbury Lane, River Bluff Drive, Wimbledon Court, and Oriole Road where these roadways are located within the Holiday Point Estates subdivision.

BE IT FURTHER ORDAINED that one year after the adoption of this ordinance a report shall be provided to the City Manager by the Department of Public Works to determine if warrants exist to recommend to City Council that this ordinance be rescinded due to conditions unforeseen at the time of adoption.

BE IT FURTHER ORDAINED that any phrases, clauses, sentences, paragraphs, subsections, sections and chapters of the Code not amended or repealed hereby remain in full force and effect.

BE IT FURTHER ORDAINED that this ordinance shall be effective upon its passage.

READ AND PASSED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:

 Deputy City Attorney
Helivi L. Holland, City Attorney

HOLIDAY POINT ESTATES GOLF CART SAFETY STUDY



February 2015



The Traffic Engineering Division of the Department of Public Works has received an Application for Golf Cart Operation on Certain Public Roads in the City of Suffolk for the Nansemond Shores neighborhood. This application includes a Petition for Usage of Golf Carts signed by 72 of the 84 total property owners (86 %) within the neighborhood. It is important to note that the adjacent Nansemond Shores neighborhood was approved for golf cart operations in 2011 and has operated under this permit since that time without any reported issues.

Traffic Engineering has reviewed the application and found that all requirements for consideration have been met in accordance with the City Policy for Golf Cart Operations on Public Roads, adopted in February 2010 and amended in May 2013. Following is a summary of safety factors in consideration of this request:

1. Roadway Design, Geometry and Sight Distances

Streets internal to the Holiday Point Estates neighborhood utilize a two-lane, undivided design averaging 24 feet in width. No pavement markings are present. The posted speed limit on all streets within the neighborhood is 25 mph.

All roads within the community are relatively level with no noticeable vertical curves; however, there are several horizontal curves that feature radii at or below 90 degrees. Sight distances through curves and intersections are very good without noticeable restrictions. Streets feature closed drainage with concrete curb and gutter. Street lighting is present with good coverage throughout the neighborhood.

2. Pedestrian Activity

No sidewalks or other pedestrian facilities are present in the neighborhood. Several pedestrians were observed within the roadway while preparing this study with no safety concerns noted.

3. On-Street Parking

On-street parking is permitted throughout the neighborhood and is widely utilized by the residents. While the existing road width and design are conducive to on-street parking given the residential setting and low vehicle speeds, some concern is noted for the potential for parked vehicles to block the visibility of golf carts in certain situations.

4. Traffic Speeds, Volume and Character

Holiday Point Estates is a 91-lot residential community. 6 of the 91 lots front and take access from Bennetts Pasture Road, leaving 85 internal lots. Vehicular access for the lots

within the neighborhood is limited to two locations: one direct connection to Bennetts Pasture Road to the east via Heritage Drive and one connection to the adjacent Naussemond Shores neighborhood to the south via Oriole Drive. Cut-through traffic is limited to a few vehicles per day who access lots in the Naussemond Shores neighborhood from points north via Bennetts Pasture Road.

Traffic speed and volume data was collected on Heritage Drive, the main access for the neighborhood, while traffic volume data only was collected on Oriole Drive, the secondary access for the neighborhood (speed data was not collected on Oriole Drive because this road segment is only 300 feet long and curved with STOP controls on each end, all but eliminating any possibility for high vehicle speeds):

<u>Heritage Drive</u>	
24-hour Volume	541 vehicles per day
Posted Speed Limit	25 mph
Average Speed	16.5 mph
85 th Percentile Speed *	23.6 mph
10 mph Pace Speed **	10.0-20.0 mph

<u>Oriole Drive</u>	
24-hour Volume	299 vehicles per day

* The 85th percentile speed is a commonly used number representing the speed at or below which 85 percent of traffic is travelling.

** The 10 mph pace speed is the 10 mph range within which a majority of all traffic is travelling.

5. Accident History

According to Suffolk Police Department crash data, no crashes were reported within the Holiday Point Estates neighborhood for the five year period of 2009 through 2014.

FINDINGS

After a comprehensive study of the factors summarized above, Traffic Engineering finds no evidence to suggest that permitting the operation of golf carts on public roads within the Holiday Point Estates subdivision would endanger the safety of persons driving, bicycling or walking on these roads in accordance with the provisions of the Policy for Golf Cart Operations on Public Roads and Chapter 86, Article II Regulation of Golf Carts, of the Code of the City of Suffolk.

Should City Council approve this request, it is recommended that staff monitor and evaluate the impact of this decision on the community through the review of traffic data, accident data, resident complaints and police department involvement for a period of one year and, at any time deemed necessary, the City Manager be given authority to revoke the status of the golf cart permit in the interest of public safety or should it be determined that operators are not complying with the rules outlined in the City policy. In addition, Traffic Engineering would install signage at the entrances to the neighborhood alerting drivers that golf carts are permitted for operation on public streets within the neighborhood in accordance with the approved policy. These locations are shown on the attached map.

CITY TRAFFIC ENGINEER

SIGNATURE *R. H. [Signature]* DATE: 2/9/15

DIRECTOR OF PUBLIC WORKS

SIGNATURE *E. J. [Signature]* DATE: 3/30/15

CHIEF OF POLICE

CONCUR DO NOT CONCUR

SIGNATURE *[Signature]* DATE: 4/1/15

CITY MANAGER

CONCUR DO NOT CONCUR

SIGNATURE *[Signature]* DATE: 4/6/15

CONCUR (PGR) 4-3-15

AGENDA: May 20, 2015, Regular Session

ITEM: **Ordinance** – An ordinance to amend Section 86-291 of the Code of the City of Suffolk restricting through truck traffic on Manning Bridge Road, Manning Road (from Copeland Road to Holland Road), and within the Kingsboro neighborhood, on Katherine Street, Kingsboro Street, Lakeside Street, Nansemond Avenue, Highland Avenue, and Elizabeth Street, between East Constance Road and East Pinner Street

Attached for Council’s consideration is an ordinance to amend Section 86-291 of the Code of the City of Suffolk restricting through truck traffic on Manning Bridge Road and on Manning Road, between Copeland Road and Holland Road. Residents along each of these roads have reported near collisions while encountering trucks crossing the centerline while negotiating sharp curves with limited sight distances. These roads are rural secondary roadways not engineered or constructed to support heavy commercial truck traffic. Residents residing along these roadways have requested that they be restricted to through trucks. The Department of Public Works Traffic Engineering Division has completed a study which determined that a reasonable alternate route exists for restricting these roadways to through trucks.

In addition, this amendment also restricts through truck traffic on the residential streets within the Kingsboro neighborhood and bounded by East Constance Road to the north and Pinner Street to the south. Residents within the Kingsboro neighborhood report occasional use of these streets by trucks accessing the industrial uses on Moore Avenue and areas to the south from East Constance Road. These roads are residential in nature and are not designed to safely support heavy commercial truck traffic. Residents residing within the neighborhood have requested that these streets be restricted to through trucks. The Department of Public Works Traffic Engineering Division has completed a study which determined that a reasonable alternate route exists for restricting these roadways to through trucks.

Attached is a map showing the proposed restricted areas.

RECOMMENDATION:

Approve the attached ordinance

ATTACHMENTS:

Ordinance

Map showing proposed through truck restriction areas

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 86-291 OF THE CODE OF THE CITY OF SUFFOLK RESTRICTING THROUGH TRUCK TRAFFIC ON MANNING BRIDGE ROAD, MANNING ROAD (FROM COPELAND ROAD TO HOLLAND ROAD), AND WITHIN THE KINGSBORO NEIGHBORHOOD, ON KATHERINE STREET, KINGSBORO STREET, LAKESIDE STREET, NANSEMOND AVENUE, HIGHLAND AVENUE, AND ELIZABETH STREET, BETWEEN EAST CONSTANCE ROAD AND EAST PINNER STREET

WHEREAS, a Manning Road/Manning Bridge Road Truck Restriction Study has been prepared by the City of Suffolk Department of Public Works Traffic Engineering Division; and,

WHEREAS, a reasonable alternative route exists via Copeland Road to Holland Road; and,

WHEREAS, a Kingsboro Truck Restriction Study has been prepared by the City of Suffolk Department of Public Works Traffic Engineering Division; and,

WHEREAS, a reasonable alternative route exists via East Constance Road to Pinner Street; and,

WHEREAS, in accordance with Section 46.2-1304 of the Code of Virginia; and,

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Suffolk, Virginia, that Section 86-291 of the Code of the City of Suffolk, Virginia is hereby amended to read as follows:

Sec. 86-291. Trucks and carriers operating on certain streets.

(a) It shall be unlawful for any person to operate, or cause to be operated, any tractor truck or truck, as defined in Code of Virginia, § 46.2-100, except for the purpose of receiving loads or making deliveries, on the following streets:

- (1) Kilby Avenue, Brook Avenue, Granby Street and Fayette Street, all east of Carolina Road.
- (2) York Street, South Main Street, and Cedar Street, south of Hall Avenue, with the exception of that portion of Cedar Street lying between Hall Avenue and Madison Avenue.
- (3) Main Street, from the Nansemond River Bridge to Carolina Road.
- (4) Pinner Street, between Newport Street and Katherine Street.
- (5) Washington Street, from Constance Road to Liberty Street.
- (6) Pittmantown Road, between Arthur Drive and Gates Road.
- (7) Governors Pointe Drive, from Hastings Place to Bridge Road.
- (8) Hastings Place, from Botetourt Lane to Governors Pointe Drive.
- (9) Botetourt Lane, from Crittenden Road to Hastings Place.

- (10) Indian Train, from Ruritan Boulevard to Lake Cahoon Road.
- (11) Lake Meade Drive, from Indian Trail to Kings Fork Road.
- (12) Lake Kilby Road, from Lake Cahoon Road to Pitchkettle Road.
- (13) Deer Path Road.
- (14) Chappell Drive, from Holland Road to Buckhorn Road.
- (15) Buckhorn Road, from Holland Road to the Isle of Wight County/City of Suffolk Line.
- (16) Kingsale Road, from East Glen Haven Drive to the Isle of Wight County/City of Suffolk Line.
- (17) Old Mill Road, from Indian Trail to the Isle of Wight County/City of Suffolk Line.
- (18) Old Myrtle Road, from Pruden Boulevard to the Isle of Wight County/City of Suffolk Line.
- (19) Providence Road, from Pruden Boulevard to Kings Fork Road.
- (20) Carr Lane, from Indian Trail to Kingsale Road.
- (21) Lonely Lane, from Old Myrtle Road to the Isle of Wight County/City of Suffolk Line.
- (22) White Drive, from Old Myrtle Road to the Isle of Wight County/City of Suffolk Line.
- (23) Simons Drive, from Old Myrtle Road to Indian Trail.
- (24) Ashburn Road, from Indian Trail to Deer Path Road.
- (25) Milford Lane, from Indian Trail to Deer Path Road.
- (26) Little Creek Road, from Kings Fork Road to Old Myrtle Road.
- (27) Archers Mill Road, from Kings Fork Road to Joshua Lane.
- (28) Joshua Lane, from Archers Mill Road to Kings Fork Road.
- (29) Lake Cahoon Road, from Holland Road to Lake Meade Drive.
- (30) General Early Drive, from Pruden Boulevard to Murphys Mill Road.
- (31) Murphys Mill Road, from North Main Street to Pitchkettle Road.
- (32) Pitchkettle Road, from Route 58 Bypass to Kings Fork Road.
- (33) Kings Fork Road, from Pruden Boulevard to Indian Trail.
- (34) Manning Road, from Copeland Road to Holland Road.
- (35) Manning Bridge Road.
- (36) Katherine Street, Kingsboro Street, Lakeside Street, Nansemond Avenue, Highland Avenue, and Elizabeth Street, between East Constance Road and East Pinner Street.

(b) This section shall not regulate the use of any vehicle owned, operated or controlled by any fire, rescue or governmental agency.

2. BE IT FURTHER ORDAINED that this ordinance shall be effective upon its passage.

READ AND PASSED: _____

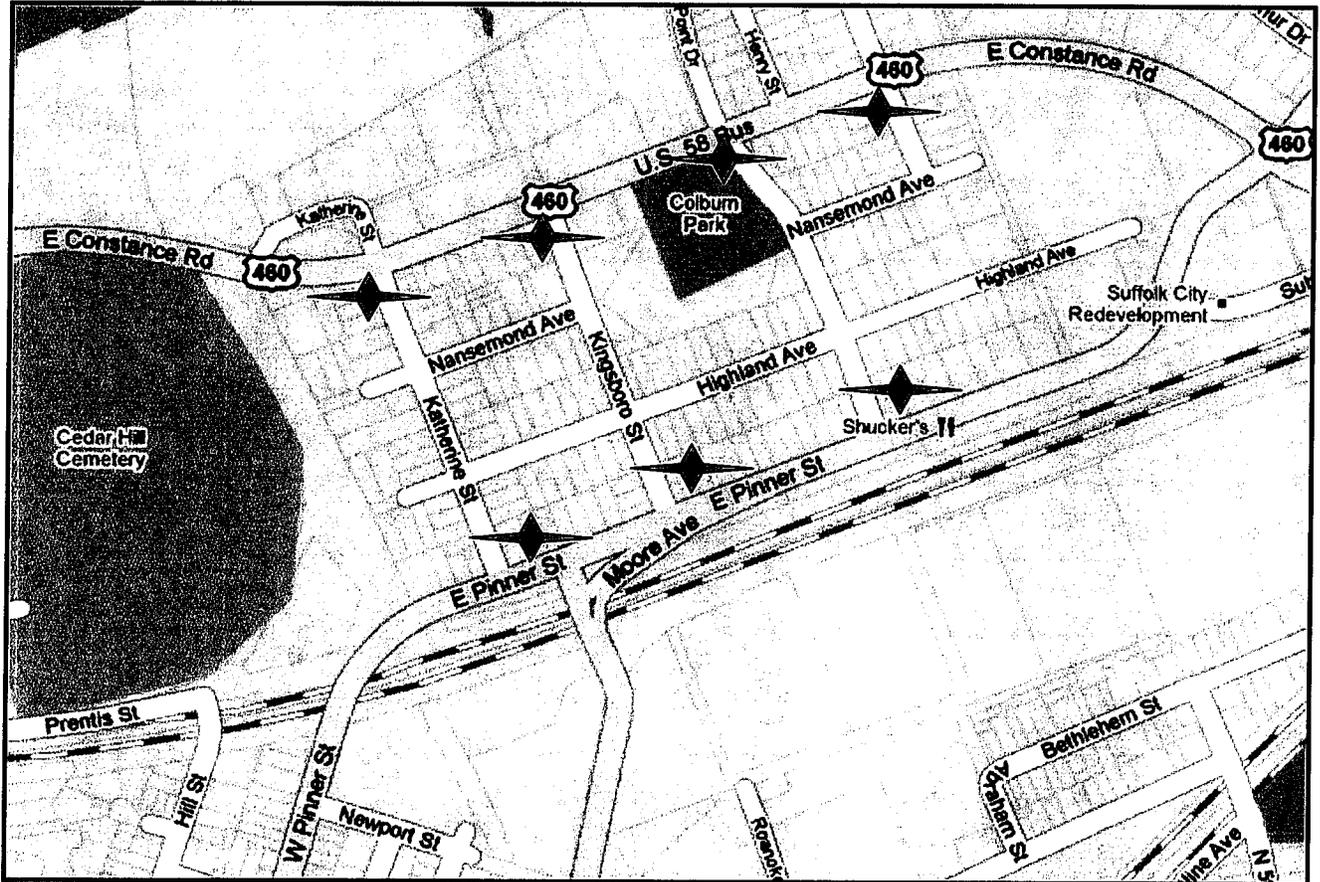
TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:

 Deputy City Attorney
Helivi L. Holland, City Attorney

Kingsboro Truck Restriction



 PROPOSED NO THRU TRUCKS SIGN

AGENDA: May 20, 2015, Regular Session

ITEM: Resolution – A resolution supporting the Virginia Housing Development Authorities financing of the Meridian at Obici Place Multi-Family Apartment Project

Waverton Development, Inc. is moving forward with the construction of a 224-unit multi-family housing development called Meridian at Obici Place at the Obici Place Mixed Use Development located along the 1900 block of North Main Street. This is the first phase of development to occur within this Mixed Used Development project, which received zoning approval for a mixed-use zoning district May 20, 2015. The apartment developer has advised the City that the project will be financed by the sale of taxable bonds issued through the Virginia Housing Development Authority (VHDA). There are two (2) taxable bond products available to the developer from VHDA. The first product (Scenario 1) requires 100% of the apartments to be rented to households with maximum household income levels not to exceed \$105,600, which is 150% of the area median income of \$70,400 as established by the U.S. Department of Housing and Urban Development (HUD). The second program (Scenario 2) requires 20% of the apartments to be leased to families making no more than 80% of the area median income (\$56,320), and the remaining 80% of the apartments to be leased with no maximum income limits for prospective residents.

Waverton Associates approached the City with a request to provide an endorsement of their funding mechanism with VHDA using Scenario 2.

In that regard, attached is a Resolution supporting the Virginia Housing Development Authorities Financing of the project utilizing scenario 2 as previously described.

ATTACHMENTS:

- Resolution
- Exhibit A

RESOLUTION NUMBER _____

**A RESOLUTION SUPPORTING THE VIRGINIA HOUSING DEVELOPMENT
AUTHORITIES FINANCING OF THE MERIDIAN AT OBICI PLACE MULTI-
FAMILY APARTMENT PROJECT**

WHEREAS, the City Council of the City of Suffolk, desires to make the determination required by Section 36-55.30:2.B of the Code of Virginia of 1950, as amended, in order for the Virginia Housing Development Authority to finance the economically mixed project (the "Project") described on Exhibit A attached hereto;

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

1. The ability to provide residential housing and supporting facilities that serve persons or families of lower or moderate income will be enhanced if a portion of the units in the Project are occupied or held available for occupancy by persons and families who are not of low and moderate income; and
2. Private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the surrounding area of the Project and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

This Resolution shall be effective upon its adoption and shall not be published.

READ AND ADOPTED _____

TESTE: _____

Erika S. Dawley, City Clerk

APPROVED AS TO FORM


Helivi L. Holland, City Attorney

Exhibit A



Staff Reports

Motion to Schedule a Work Session

Non-Agenda Speakers

New Business

Announcements and Comments