

Director of Media and Community  
Relations

**SUFFOLK CITY COUNCIL**  
**MEETING OF FEBRUARY 19, 2014**



**WORK SESSION**

**Begins at 4:00 p.m.**

**REGULAR SESSION**

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

**SUFFOLK CITY COUNCIL**  
**WORK SESSION**  
February 19, 2014  
4:00 p.m.  
City Council Chamber

1. City Assessor's FY 2014 - 2015 Proposed Assessment Update
2. 2014 General Assembly Session Update
- 3.\* Appointments – Boards and Commissions
- 4.\* Acquisition of Real Property – Bennett's Creek Recreation Center Project
- 5.\* General Report for City Council
- 6.\* Post 2018 Regional Waste Management Agreement
- 7.\* Performance Evaluations of Council Appointees

\* Proposed Items for Closed Session

**AGENDA: February 19, 2014, Work Session**

**ITEM: 2014 General Assembly Session Update**

Staff will provide City Council with an update on the 2014 General Assembly Session which is currently underway.

**SUFFOLK CITY COUNCIL AGENDA**  
**February 19, 2014**  
**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 a V-STOP Reduction in Domestic Violence Grant from the Virginia Department of Criminal Justice Services
- 8. Consent Agenda** – An ordinance to accept and appropriate one-time asset forfeiture funds from the Office of the Attorney General for the Suffolk Commonwealth's Attorney's Office
- 9. Consent Agenda** – An ordinance to accept and appropriate a grant from the Virginia Office of Emergency Medical Services Rescue Squad Assistance Fund for the Suffolk Department of Fire & Rescue
- 10. Public Hearing** – A resolution to adopt the Capital Improvements Plan for Fiscal Years 2014-2015 through 2023-2024
- 11. Public Hearing** – An ordinance to rezone and amend the official zoning map of the City of Suffolk, for property located at 1032, 1036, 1040, 1044 and 1048 Centerbrooke Lane and are further identified as zoning map 25N, parcels 2A, part of 2B, 2C, 2D and 2E, RZ10-13 (Conditional)
- 12. Public Hearing** – An ordinance granting Conditional Use Permit to operate a mini-warehouse storage facility located at 1032, 1036, 1040, 1044 and 1048 Centerbrooke Lane, zoning map 25N, Parcels 2A, part of 2B, 2C, 2D & 2E – C29-13
- 13. Public Hearing** – An ordinance to rezone and amend the official zoning map of the City of Suffolk, to allow the amendment of approved proffered conditions associated with specified infrastructure improvements for the development of the Centerpoint Intermodal Center properties identified as Zoning Map 32B, Parcels 1 And 3, 3\*1, 3\*2, 3\*3 And 3\*4, RZ12-13 (Conditional)

14. **Public Hearing** – An ordinance granting Conditional Use Permit Request C28-13, submitted by Melissa Venable, Land Planning Solutions, agent, on behalf of Jamey Stuart, applicant, and Suffolk Towers, LLC, property owner, to permit a place of worship, large, at least 6,000 square feet in the main sanctuary, a daycare, child (as an accessory to a permitted place of worship or school) and a public assembly not otherwise enumerated, in accordance with Sections 31-306 and 31-406, of the Unified Development Ordinance
15. **Public Hearing** – An ordinance granting a Conditional Use Permit for a trade school, nail technology school, on property located at 347 North Main Street, Zoning Map 34G11(A), Parcel 88, C30-13
16. **Public Hearing** – An ordinance granting a Conditional Use Permit for minor automobile repair at 156 South Saratoga Street, Zoning Map Number 34G24(A), Parcel 2, C31-13
17. **Ordinances**
18. **Resolutions**
19. **Staff Reports**
20. **Motion** – A motion to schedule a public hearing on March 5, 2014, to consider the adoption of an ordinance authorizing the acquisition of right of way and easements for the Main Street Sidewalk Phase 2 Project
21. **Motion** – A motion to schedule a public hearing on March 5, 2014, to consider the adoption of an ordinance authorizing the acquisition of right of way and easements for the Route 17 & Bennett’s Pasture Road Intersection Project
22. **Motion** – A motion to schedule a public hearing on March 5, 2014, to consider the adoption of an ordinance authorizing the acquisition of right of way and easements for the Route 17 & Lee Farm Lane Intersection Project
23. **Motion** – A motion to schedule a public hearing on March 5, 2014, to consider the adoption of an ordinance authorizing the acquisition of right of way and easements for the Route 337/Nansemond Parkway Widening Project – Phase II
24. **Motion** – A motion to schedule a Work Session for March 5, 2014, at 4:00 p.m., unless cancelled
25. **Non-Agenda Speakers**
26. **New Business**
27. **Announcements and Comments**
28. **Adjournment**

Work Session of the Suffolk City Council was held in the City Council Chamber on Wednesday, January 15, 2014, at 4:00 p.m.

**PRESENT**

Council Members -

Linda T. Johnson, Mayor, presiding

Charles F. Brown, Vice Mayor

Michael D. Duman

Roger W. Fawcett

Jeffrey L. Gardy

Curtis R. Milteer, Sr.

Charles D. Parr, Sr.

Lue Ward, Jr.

Selena Cuffee-Glenn, City Manager

Helivi L. Holland, City Attorney

Tracey L. Sanford, Deputy City Clerk

**ABSENT**

None

**FAIRGROUNDS REDEVELOPMENT AND REVITALIZATION PROGRAM REPORT AND UPDATE**

Utilizing a PowerPoint presentation, Deputy City Manager Patrick Roberts and Director of Planning and Community Development D. Scott Mills gave a report on the above referenced item.

Referring to the presentation, Council Member Milteer asked for an update about the Phoenix Bank Building project. Deputy City Manager Roberts reported that that project was revised to be City offices and a gallery. He further explained that contractor for project did not perform, and a subsequent legal case was settled. Deputy City Manager Roberts concluded that staff is suggesting that property be included in this new proposal and offered up for adaptive reuse.

Referring to the presentation, Council Member Milteer inquired about the status of Polk Street in the plan. Deputy City Manager Roberts explained the original plan had Polk Street to be extended, and Tynes Street Park would need to be taken out. Deputy City Manager Roberts said the park has been rehabilitated by Planters, and now staff does not recommend moving forward with that project.

Referring to the presentation, Council Member Duman queried about the contractor for the project adjacent to the Health and Human Services building. Deputy City Manager Roberts advised the contractor is ACS.

Referring to the presentation, Council Member Duman solicited information about the contractor for the proposed future parts of the plan. Deputy City Manager Roberts replied that ACS is not involved at this time.

Referring to the presentation, Council Member Duman asked about the future vision for the area surrounding Phoenix Bank. Deputy City Manager Roberts said mixed uses with commercial, residential and offices are envisioned for that space.

Referring to the presentation, Council Member Ward requested information about the difference in cost between the new proposal for Carver Circle and the old plan. Deputy City Manager Roberts explained the prior proposal had a more elaborate design, while the new proposal is scaled down.

Referring to the presentation, Council Member Ward inquired about the availability of seating in Carver Circle. Deputy City Manager Roberts advised that since the circle is in the right of way, it is not conducive to sitting.

Referring to the presentation, Council Member Ward solicited information on the responsibility of upkeep of Carver Circle. Deputy City Manager Roberts confirmed that the City would maintain.

### **SUFFOLK EXECUTIVE AIRPORT QUARTERLY REPORT**

Utilizing a PowerPoint presentation, Economic Development Director Kevin Hughes offered a report on the above referenced item.

Referring to the presentation, Council Member Duman inquired about the progress of his suggestion to allow general public access to the pilot's area if purchasing fuel. Economic Development Director Hughes reported that staff is working on providing 24-hour access to the terminal building for general aviation patrons.

Referring to the presentation, Council Member Parr asked about the operations of the restaurant. Economic Development Director Hughes said the restaurant is currently maintaining weekend hours and works closely with other businesses at the airport.

Referring to the presentation, Council Member Parr queried about the status of the runway extension project to accommodate larger planes. Economic Development Director Hughes replied that the project to extend the runway about 5,000 feet was completed.

Referring to the presentation, Council Member Milteer asked about the competitiveness of fuel prices to other facilities in the area. Economic Development Director Hughes replied that the fuel prices are higher than some and lower than others. He characterized the aim in fuel pricing as attractive but competitive.

**CLOSED MEETING**

Council Member Duman, on a motion seconded by Council Member Milteer, 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) and (A)(7), the discussion, consideration, or interviews of prospective candidates for appointment; and the assignment, appointment, and performance of specific public officers or appointees of the City, specifically the appointments shown on the attached list; and, consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically boards, commissions, authorities and committees.
  
2. Pursuant to Virginia Code Section 2.2-3711(A)(7), consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel specifically the discussion of the legal services provided by the City Attorney’s Office from November 26, 2013, through December 30, 2013 as reflected in the General Report.
  
3. Pursuant to Virginia Code Section 2.2-3711(A)(5) and (7), the discussion of a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business’ or industry’s interest in locating or expanding its facilities in the community; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically concerning an EDIP proposal regarding Project Alpha.

AYES:	Council Members Duman, Fawcett, Gardy, Milteer, Parr, Ward Brown and Johnson	8
NAYS:	.	0

City Council convened in Closed Meeting at 5:30 p.m. The Closed Meeting concluded at 5:50 p.m.

Teste: \_\_\_\_\_  
Tracey L. Sanford, Deputy City Clerk

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



Regular Meeting of the Suffolk City Council was held in the City Council Chamber on Wednesday, January 15, 2014, at 7:00 p.m.

**PRESENT**

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

Selena Cuffee-Glenn, City Manager  
Helivi L. Holland, City Attorney  
Tracey L. Sanford, Deputy City Clerk

**ABSENT**

None

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

Mayor Johnson called the meeting to order. Vice Mayor Brown offered the Invocation, and the Lakeland Ruriteens sponsored by the Bethlehem Ruritan Club led the Pledge of Allegiance to the Flag.

**FREEDOM OF INFORMATION ACT CERTIFICATION**

Deputy City Clerk Sanford presented a resolution certifying the Closed Meeting of January 15, 2014, pursuant to Section 2.2-3712 of the Code of Virginia (1950), as amended.

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

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

**A RESOLUTION OF CERTIFICATION OF THE CLOSED MEETING OF JANUARY 15, 2014, PURSUANT TO SECTION 2.2-3712 OF THE CODE OF VIRGINIA (1950), AS AMENDED**

**APPROVAL OF THE MINUTES**

Council Member Parr, on a motion seconded by Council Member Gardy, moved to approve the minutes from the November 20, 2013, and December 4, 2013, Work Sessions and Regular Meetings, as presented, by the following vote:

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

**SPECIAL PRESENTATIONS**

**Special Presentation – 2013 Accomplishments - Getting Things Done**

Utilizing a video presentation, City Manager Cuffee-Glenn explained the above referenced item.

**Special Presentation - 2013 National Night Out National Award**

Utilizing a video presentation, Media and Community Relations Director Diana Klink and Police Chief Thomas Bennett gave a summary of the above referenced item.

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

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

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

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

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

**AGENDA SPEAKERS**

There were no speakers under this portion of the agenda.

**CONSENT AGENDA**

Deputy City Clerk Sanford presented the following Consent Agenda items:

**Consent Agenda Item #7 - AN ORDINANCE TO ACCEPT AND APPROPRIATE ADDITIONAL COMMONWEALTH TRANSPORTATION FUNDS FROM THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION FOR OPERATING EXPENSES RELATED TO THE CITY'S TRANSIT SYSTEM**

**Consent Agenda Item #8 - A RESOLUTION ADOPTING THE CITY OF SUFFOLK’S VISION, MISSION AND GOALS**

**Consent Agenda Item #9 - A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO MAKE CERTAIN ADDITIONS AND DELETIONS TO THE URBAN HIGHWAY SYSTEM**

Council Member Parr called for an explanation of Consent Agenda Item #8 - a resolution adopting the City of Suffolk’s Vision, Mission and Goals.

Referring to Consent Agenda Item #8, Human Resources Director Nancy Olivo provided an overview of the background information as printed in the official agenda.

Referring to the proposed resolution, Mayor Johnson mentioned a typographical error in duplication of the fourth and fifth paragraphs.

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

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

**PUBLIC HEARINGS**

**Public Hearing** – An ordinance to rezone and amend the official zoning map of the City of Suffolk, to change zoning from B-1, Neighborhood Commercial District, to RU, Residential Urban District, for property located 1218 White Marsh Road, Tax Map 35, Parcel 166B, RZ11-13

Utilizing a PowerPoint presentation, Planning and Community Development Director D. Scott Mills offered a report on the above referenced item.

Hearing no speakers, the public hearing was closed.

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

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

**AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK, TO CHANGE ZONING FROM B-1, NEIGHBORHOOD COMMERCIAL ZONING DISTRICT, TO RU, RESIDENTIAL URBAN ZONING DISTRICT, FOR PROPERTY LOCATED AT 1218 WHITE MARSH ROAD, TAX MAP 35 PARCEL 166B, RZ11-13**

**Public Hearing** – An ordinance granting Conditional Use Permit Request C27-13, Living Waters Ministries, submitted by Irvin Hall, applicant, on behalf of Richard Perry, Jr. Managing Member of Big Bear, LLC, property owner, for a place of worship, small, under 6,000 square feet in main sanctuary, in accordance with Sections 31-306 and 31-406, of the Unified Development Ordinance

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

James Watson 10437 Sylvia Circle, Windsor, Pastor, Living Waters Ministries, spoke in support of the proposed ordinance.

Hearing no additional speakers, the public hearing was closed.

Vice Mayor Brown, on a motion seconded by Council Member Gardy, moved to approve the ordinance, as presented.

Referring to the presentation, Council Member Duman asked about the amount of square footage the church will lease. Pastor Watson advised that the church would be leasing the entire building.

Council Member Duman inquired about the terms of the lease. Pastor Watson replied that the lease's terms have not been finalized.

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

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

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR A PLACE OF WORSHIP ON PROPERTY LOCATED AT 1226 WHITE MARSH ROAD, ZONING MAP 35, PARCEL 168D, C27-13**

**ORDINANCES**

**Ordinance** – An ordinance to appropriate any unassigned General Fund balance remaining on June 30, 2013, not to exceed \$1,600,000, to the Capital Fund Contingency Account for use in addressing future municipal facility needs

Utilizing a PowerPoint Presentation, Deputy City Manager Patrick Roberts summarized the background information as printed in the official agenda as printed.

Council Member Milteer, on a motion seconded by Council Member Gardy, moved to approve the ordinance, as presented.

Council Member Duman asked about the dollar amount required for pay-go funding required by capital improvement projects. Finance Director Lenora Reid confirmed the dollar amount would be approximately \$1,600,000.

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

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

**RESOLUTIONS**

There were not items under this portion of the agenda.

**STAFF REPORTS**

There were no items under this portion of the agenda.

**MOTIONS**

**Motion** - A motion to schedule a Work Session for February 5, 2014, at 4:00 p.m., unless cancelled

Council Member Gardy, on motion seconded by Council Member Duman, moved to schedule a Work Session for February 5, 2014, at 4:00 p.m., unless canceled, by the following vote:

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

**NON-AGENDA SPEAKERS**

Christopher Dove, 852 Colonel Meade Drive, representing self, opined about governmental power and school funding.

**NEW BUSINESS**

Council Member Parr, on motion seconded by Council Member Duman, moved to direct staff to explore funding methods for the City’s strategic partners, by the following vote:

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

Council Member Parr, on motion seconded by Vice Mayor Brown, moved to direct staff to conduct a feasibility study on energy efficiency for the City’s strategic partners, by the following vote:

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

## **ANNOUNCEMENTS AND COMMENTS**

Utilizing PowerPoint presentation, Media and Community Relations Manager Timothy Kelley reported on the following items: report of Officer William Bradshaw's rescue of a choking resident; ribbon cuttings for Jersey Mike's Subs, Maya Couture on Main – A Bridal Boutique, and Mason's Seafood & Chophouse; the Winterim exhibit at the Suffolk Art Gallery; National Mentoring Month celebrated by the upcoming "Thank Your Mentor Day" event; Suffolk Parks and Recreation's Nature Detectives Program; the upcoming Groundhog Day observance at the Suffolk Visitor Center Pavilion; the upcoming Exhibit of Excellence Suffolk Student Art 2014 at the Suffolk Art Gallery; and the City's closures in observance of Lee-Jackson and Martin Luther King, Jr. holidays.

Council Member Ward reported on the Health and Human Relations Standing Committee meeting and congratulated Officer Bradshaw.

Council Member Parr talked about the ribbon cutting at Maya Couture on Main – A Bridal Boutique, and the services available at the Virginia Workforce Development Center and Virginia Employment Commission.

Council Member Milteer advised he attended the Health and Human Relations Standing Committee and reported a pothole at the intersection of Adams Street and Walnut Street,

Council Member Gardy thanked Public Works for the replacement of a damaged trash can; opined about the various methods available to report a concern to the City; talked about the various ribbon cuttings; and congratulated George's Restaurant on its 35<sup>th</sup> anniversary.

Council Member Fawcett reported that he attended Jersey Mike's Subs ribbon cutting; congratulated Officer Bradshaw and acknowledged the members of Living Waters Ministries on approval of their conditional use permit application earlier in the evening.

Council Member Duman summarized his attendance at a concert at the Suffolk Center for Cultural Arts; congratulated Officer Bradshaw and George's Restaurant; opined about the National Night Out Award; expressed appreciation to staff for assistance with various constituent issues; and invited the public to the upcoming Suffolk Human Society Paws for the Arts event.

Vice Mayor Brown opined about the City's accomplishments in 2013 and reported on the Education Standing Committee meeting.

Mayor Johnson congratulated Governor Terry McAuliffe, Lieutenant Governor Ralph Northam and Attorney General Mark Herring on their inaugurations; opined about Thelma Drake, outgoing Secretary of the Department of Rail and Public Transit; welcomed the new business that recent held ribbon cuttings and Living Waters Ministries; congratulated George's Restaurant on its 35<sup>th</sup> anniversary; talked about the Literacy Council; and reported on issues being discussed at the next Hampton Roads Transportation Organization meeting.

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

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

There being no further business to come before City Council, the regular meeting was adjourned at 8:15 p.m.

Teste: \_\_\_\_\_  
Tracey L. Sanford, Deputy City Clerk

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



# **Special Presentations**

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

# **Agenda Speakers**

**AGENDA: February 19, 2014, Regular Session**

**ITEM: Consent Agenda** – An ordinance to accept and appropriate a V-STOP Reduction in Domestic Violence Grant from the Virginia Department of Criminal Justice Services

The City has received \$56,650 in funding from the Virginia Department of Criminal Justice Services in support of the Violence Against Women (V-STOP) Reduction in Domestic Violence Program. The V-STOP grant provides funding to assist with a full-time prosecutor in the Commonwealth Attorney's Office to prosecute misdemeanor assault and batteries of family or household members, violations of protective orders, and ancillary charges involving female victims.

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 2013-14.

**BUDGET IMPACT:**

Adoption of the ordinance will increase the planned revenues and expenditures of the Consolidated Grants Fund by \$56,650 for the above noted purpose and requires a local cash match of \$18,883 in local fund support of which \$45,471 was previously accepted and appropriated for this grant in the FY 2013-14 Consolidated Grants Fund budget.

**RECOMMENDATION:**

Adopt the attached ordinance

**ATTACHMENTS:**

Ordinance  
Award Letter

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

**AN ORDINANCE TO ACCEPT AND APPROPRIATE A V-STOP REDUCTION IN DOMESTIC VIOLENCE GRANT FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES**

WHEREAS, the City has received funds in the amount of \$56,650 from the Virginia Department of Criminal Justice Services in support of the Violence Against Women (V-STOP) Reduction in Domestic Violence Program; and,

WHEREAS, the funds received need to be accepted and appropriated to the Consolidated Grants Fund budget for Fiscal Year 2013-14 to assist with the continued funding of a domestic violence prosecutor in the Commonwealth Attorney's Office of the City of Suffolk.

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

1. The sum of \$56,650 shall be reflected as budget in the following accounts in the Fiscal Year 2013-14 Consolidated Grants Fund budget:

<u>Revenue</u>			
211-22100-1436_433010	DV Prosecutor DCJS/DOJ 14-13; 12/14		<u>\$56,650</u>
 <u>Expenditure</u>			
	DV Prosecutor DCJS/DOJ 14-13; 12/14		
211-22100-1436_51100.02	Salaries and Wages		\$53,749
211-22100-1436_52100	FICA		<u>2,901</u>
			<u>\$56,650</u>

2. The fund amount totaling \$56,650 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 13-O-040, as amended. The City Manager is hereby authorized and directed to do all things necessary to effectuate this action.

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

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

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

Erika S. Dawley, City Clerk

Approved as to Form:

  
Helivi L. Holland, City Attorney

**AGENDA: February 19, 2014, Regular Session**

**ITEM: Consent Agenda** - An ordinance to accept and appropriate one-time asset forfeiture funds from the Office of the Attorney General for the Suffolk Commonwealth's Attorney's Office

The City has received \$27,064, one-time asset forfeiture funds, from the Office of the Attorney General in support of training, equipment (hardware and software), and supplies for the Commonwealth's Attorney's Office.

Adoption of the attached ordinance is necessary to accept and appropriate these funds to the appropriate line item in the General Fund budget for Fiscal Year 2013-14.

**BUDGET IMPACT:**

Adoption of the ordinance will increase the planned revenues and expenditures of the General Fund by \$27,064 for the above noted purpose and requires no local match support.

**RECOMMENDATION:**

Adopt the attached ordinance

**ATTACHMENTS:**

Ordinance  
Award Notification

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

**AN ORDINANCE TO ACCEPT AND APPROPRIATE ONE-TIME ASSET FORFEITURE FUNDS FROM THE OFFICE OF THE ATTORNEY GENERAL FOR THE SUFFOLK COMMONWEALTH'S ATTORNEY'S OFFICE**

WHEREAS, the City has received funds in the amount of \$27,064 from the Virginia Office of the Attorney General in support of training, equipment, and supply purchases for the Commonwealth's Attorney's Office; and,

WHEREAS, the funds received need to be accepted and appropriated to the General Fund budget for Fiscal Year 2013-14 to assist in the purchase of training, equipment ( hardware and software), and supplies for the Commonwealth's Attorney's Office.

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

1. The sum of \$27,064 shall be reflected as budget in the following accounts in the Fiscal Year 2013-14 General Fund budget:

<u>Revenue</u>		
100_433025	Comm Attny Federal Asset Forfeiture Funds	<u>\$27,064</u>
<u>Expenditure</u>		
100-22100_55855	Asset Forfeiture - Federal	<u>\$27,064</u>

2. The fund amount totaling \$27,064 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 13-O-040, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

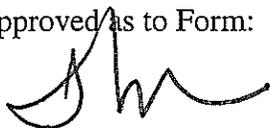
3. This ordinance shall be effective upon passage and shall not be published.

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

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

Erika S. Dawley, City Clerk

Approved/as to Form:



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



1/15/14

# COMMONWEALTH of VIRGINIA

## Department of Criminal Justice Services

Garth L. Wheeler  
Director

1100 Bank Street  
Richmond, Virginia 23219  
(804) 786-4000  
TDD (804) 386-8732

January 7, 2014

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

**Title: - Violence Against Women's Act (V-STOP)**

Dear Ms. Cuffee-Glenn:

I am pleased to advise you that grant number **14-Q9824VA13** for the above-referenced grant program has been approved for a total of \$56,650 in Federal Funds and \$18,883 in Matching Funds for a total award of \$75,533.

Enclosed you will find a Statement of Grant Award and a Statement of Grant Award Special Conditions. To indicate your acceptance of the award and conditions, please sign the award acceptance and return it to Janice Waddy, Grants Administrator, at the Department of Criminal Justice Services (DCJS). Please review the conditions carefully; as some require action on your part before we will disburse grant funds.

Also, enclosed are the Post Award Instructions and Reporting Requirements. Please refer to and read this information carefully as it contains details on processing financial and progress reports, as well as requesting awarded funds. ***Remember all financial and progress reports, budget amendment requests and request for funds must be processed through our online Grants Management Information System (GMIS).***

We appreciate your interest in this grant program and will be happy to assist you in any way we can to assure your project's success. If you have any questions, please call Patricia Foster at (804) 371-8634.

Sincerely,

Garth L. Wheeler

Enclosures

cc: The Hon. C. Phillips Ferguson, Commonwealth's Attorney  
Ms. Anne Seward, Director of Finance  
Ms. Patricia Foster, DCJS Monitor

## Department of Criminal Justice Services

1100 Bank Street, 12th Floor, Richmond, VA 23219

### Statement of Grant Award/Acceptance

<b>Subgrantee:</b> Suffolk City	<b>Date:</b> January 07, 2014
<b>Grant Period:</b>	<b>Grant Number:</b>
<b>From:</b> 01/01/2014	<b>Through:</b> 12/31/2014
	14-Q9824VA13

Project Director	Project Administrator	Finance Officer
The Hon. C. Phillips Ferguson Commonwealth's Attorney City of Suffolk 150 North Main Street Suffolk, VA 23439-4552  Phone: (757) 514-4369 Email: pferguson@suffolkva.us	Ms. Selena Cuffee-Glenn City Manager City of Suffolk P. O. Box 1858 Suffolk, VA 23439  Phone: (757) 514-4401 Email: dminnick@suffolkva.us	Ms. Anne Seward Director of Finance City of Suffolk P. O. Box 1858 Suffolk, VA 23439  Phone: (757) 514-4004 Email: aseward@suffolkva.us

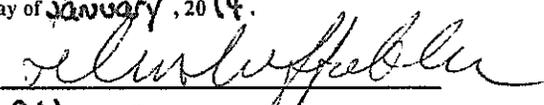
### Grant Award Budget

Budget Categories	DCJS Funds			Local	TOTALS
	Federal	General	Special		
Travel	\$0	\$0	\$0	\$0	\$0
Supplies/Other	\$0	\$0	\$0	\$0	\$0
Personnel	\$56,650	\$0	\$0	\$18,883	\$75,533
Indirect Cost	\$0	\$0	\$0	\$0	\$0
Equipment	\$0	\$0	\$0	\$0	\$0
Consultant	\$0	\$0	\$0	\$0	\$0
<b>Totals</b>	<b>\$56,650</b>	<b>\$0</b>	<b>\$0</b>	<b>\$18,883</b>	<b>\$75,533</b>

This grant is subject to all rules, regulations, and criteria included in the grant guidelines and the special conditions attached thereto.

\_\_\_\_\_  
Garth L. Wheeler, Director

The undersigned, having received the Statement of Grant Award/Acceptance and the Conditions attached thereto, does hereby accept this grant and agree to the conditions pertaining thereto, this 28<sup>th</sup> day of January, 2014.

Signature:   
 Title: City Manager



COMMONWEALTH of VIRGINIA  
Office of the Attorney General

Mark R. Herring  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
(804) 786-2071  
Fax (804) 786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

TO: Commonwealth Attorney  
FROM: Linda L. Bryant  
Deputy Attorney General  
DATE: January 21, 2014  
SUBJECT: Asset Forfeiture Transfer

---

On behalf of Attorney General Mark Herring, I am pleased to announce that your office has been approved for an asset forfeiture transfer based on the number of positions allocated by the compensation board. Enclosed is your check.

These are federal asset forfeiture funds and will be recorded in your annual Federal Equitable Sharing Agreement and Certification form for FY 2014. They will be reported under Table B and in column 2 (Treasury) if you have any expenses.

If you have any questions about reporting or specific uses of the funds you can reference the *Department of the Treasury Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Guide)*.

If you have any additional questions you may contact either:

Jackie A. Jackson  
Department of the Treasury  
Executive Office for Asset Forfeiture Equitable Sharing  
(202) 622-2755  
Jackie.Jackson@treasury.gov

Mark Fero  
Office of the Attorney General  
900 East Main Street  
Richmond, Virginia 23219  
804-786-7257  
mfero@oag.state.va.us

Sincerely,

Linda L. Bryant  
Deputy Attorney General  
Public Safety and Enforcement Division

Enclosure

**AGENDA: February 19, 2014, Regular Session**

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

The City has received a \$6,558 grant from the Virginia Office of Emergency Medical Services Rescue Squad Assistance Fund for the purchase of new emergency medical service equipment to include one LUCAS CPR Device.

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 2013-14.

**BUDGET IMPACT:**

Adoption of the ordinance will increase the planned revenues and expenditures of the Consolidated Grants Fund by \$6,558 for the above noted purpose and requires \$6,558 as a local cash match which is provided for in the FY 2013-14 Consolidated Grants Fund budget.

**RECOMMENDATION:**

Adopt the attached ordinance

**ATTACHMENTS:**

Ordinance  
Award Letter

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

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

WHEREAS, the City has received funds in the amount of \$6,558 from the Virginia Office of Emergency Medical Services Rescue Squad Assistance Fund in support of the Suffolk Department of Fire & Rescue; and,

WHEREAS, the funds received need to be accepted and appropriated to the Consolidated Grants Fund budget for Fiscal Year 2013-14 to assist with the purchase of new emergency medical service equipment to include one LUCAS CPR Device.

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

1. The sum of \$6,558 shall be reflected as budget in the following accounts in the Fiscal Year 2013-14 Consolidated Grants Fund budget:

<u>Revenue</u>		
211-32100-1434_424021	OEMS RSAF TI-CO8; 12/14	<u>\$6,558</u>
<u>Expenditure</u>		
211-32100-1434_58200	OEMS RSAF TI-CO8; 12/14 Capital Outlay	<u>\$6,558</u>

2. The fund amount totaling \$6,558 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 13-O-040, as amended. The City Manager is hereby authorized and directed to do all things necessary to effectuate this action.

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

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

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

Approved as to Form:

  
Helivi L. Holland, City Attorney



COMMONWEALTH of VIRGINIA  
Department of Health

Cynthia C. Romero, MD, FAAFP  
State Health Commissioner

Gary R. Brown  
Director

P. Scott Winston  
Assistant Director

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

January 1, 2014

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

Kathryn Brooks  
Suffolk Fire Department  
300 Kings Fork Road  
Suffolk, VA 23434

Dear Grant Administrator:

The Office of Emergency Medical Services (OEMS) is pleased to announce that your agency has been awarded funding from the Financial Assistance for Emergency Medical Services Grant Program, known as the Rescue Squad Assistance Fund (RSAF). The attached Award Page itemizes the actual dollar value, quantity, funding level and item(s) your agency has been awarded under this program. The following documents have been included in your grant award package:

- *Memorandum of Agreement:* All three (3) pages of this document must be signed and returned by March 1, 2014. Original or faxed copies will be accepted.
- *Instructions for Grant Reimbursement:* All items must be submitted in order to process your reimbursement.
- *Equipment Status/Final Report Form:* This form must be submitted sixty (60) days after the grant cycle deadline.

If your agency has had special conditions placed on your grant award, any and all conditions must be met in order to receive reimbursement. All vehicles that are awarded under the RSAF Grant Program must be available for service 24 hours a day – 7 days a week. *Any agency that is not fully compliant with EMS data submission through OEMS will not be reimbursed for their grant award until compliance has been fully met.*

Items awarded may be available by state contract, [www.eva.virginia.gov](http://www.eva.virginia.gov), OEMS recommends your agency purchase under state contract if applicable. For radio equipment purchases, OEMS recommends you check the Virginia Technologies Information Agency (VITA) contract for pricing at the following website <http://www.vita.virginia.gov/services/default.aspx?id=3361>.

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

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

Congratulations,

Gary R. Brown  
Director

Enclosures

Office of Emergency Medical Services  
Consolidated Grant Program

AWARD PAGE

January 1, 2014 - December 31, 2014 Grant Period

Agency Name: SUFFOLK FIRE DEPARTMENT

Grant Number: TI-C08/12-13

<u>Item Type (Item)</u>	<u>Status</u>	<u>Quantity Funded</u>	<u>Funding % Level</u>	<u>Amount Funded</u>
BLS Equipment(LUCAS 2 2.1 Chest Compression)	FUNDED	1	50	\$6,557.15

**Conditions:** 13-Acknowledgment must be provided on any printed material, equipment or vehicle as follows: Funding was made possible by a grant from the Virginia Office of Emergency Medical Services, Virginia Department of Health.

\$6,557.15

**AGENDA: February 19, 2014, Regular Session**

**ITEM: Public Hearing** – A resolution to adopt the Capital Improvements Plan for Fiscal Years 2014-2015 through 2023-2024

A public hearing will be held on February 19, 2014, to receive public comment on the proposed Capital Improvements Plan for Fiscal Years 2014-2015 through 2023-2024. Attached is a copy of the advertisement for the public hearing published in the *Suffolk News-Herald*. The proposed Capital Improvements Plan was presented to City Council at the February 5, 2014, Work Session.

Upon hearing public comment at the scheduled public hearing, Council may adopt the proposed Capital Improvements Plan per the attached resolution or direct staff to make edits to the document prior to final adoption.

**RECOMMENDATION:**

Receive public comment and adopt the Capital Improvements Plan

**ATTACHMENTS:**

Resolution  
Public Hearing Advertisement

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

**A RESOLUTION TO ADOPT THE CAPITAL IMPROVEMENTS PLAN FOR FISCAL YEARS 2014-2015 THROUGH 2023-2024**

WHEREAS, the City of Suffolk has prepared a Capital Improvements Plan for Fiscal Years 2014-2015 through 2023-2024 to include a five-year horizon; and,

WHEREAS, it is the policy of the City to develop a plan for needed capital improvements and update it annually; and,

WHEREAS, such a plan has been developed for the City totaling \$693,595,606 for the ten year period as follows:

PLANNED EXPENDITURES FY 15 - 24'	5 Year Summary					10 Year Summary		
	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	5 Year Subtotal	6-10 Year Subtotal	10 Year Total
<b>PUBLIC UTILITIES FUND:</b>	17,785,000	42,295,000	15,425,000	13,075,000	19,101,000	107,681,000	75,338,000	183,019,000
<b>STORMWATER FUND:</b>	1,000,000	100,000				1,100,000		1,100,000
<b>GENERAL FUND:</b>	42,155,000	26,799,163	39,957,116	38,849,447	22,262,765	170,023,491	339,453,115	509,476,606
<b>TOTAL ALL FUNDS:</b>	<b>60,940,000</b>	<b>69,194,163</b>	<b>55,382,116</b>	<b>51,924,447</b>	<b>41,363,765</b>	<b>278,804,491</b>	<b>414,791,115</b>	<b>693,595,606</b>

WHEREAS, the Capital Improvements Plan provides the basis for subsequent consideration of capital budgets.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Suffolk, Virginia, that it adopts the Capital Improvements Plan for Fiscal Years 2014-2015 through 2023-2024 as attached.

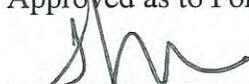
BE IT FURTHER RESOLVED that the City Manager be, and is hereby authorized and directed to do all things necessary to utilize the aforementioned plan for planning purposes.

Read and Adopted: \_\_\_\_\_

Teste: \_\_\_\_\_

Erika S. Dawley, City Clerk

Approved as to Form:

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



**CITY OF SUFFOLK  
PUBLIC HEARING ON PROPOSED  
CAPITAL IMPROVEMENTS PLAN**

Suffolk City Council will hold a public hearing on February 19, 2014, on the City of Suffolk's Proposed Capital Improvements Plan for fiscal years 2014-2015 through 2023-2024.

Copies of the Proposed Capital Improvements Plan are available for public review on the City's website at <http://www.suffolk.va.us/bsp/cip.html> and at the following locations:

City Manager's Office  
City Clerk's Office  
Budget Office  
Citywide Public Libraries

The Capital Improvements Plan does not represent a budget of the City, but rather a proposed future spending plan that is created for the purposes of City Council for consideration in the development of the Fiscal Year 2014/15 Annual Operating and Capital Budget and that of future years.

Any person desiring to be heard in favor of, in opposition to, or to express their views with respect to the Proposed Capital Improvements Plan may appear before and be heard by said City Council for the City of Suffolk on Wednesday, February 19, 2014, beginning at 7:00 p.m. in the Council Chambers, City Hall, 441 Market Street in Suffolk, Virginia.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedure to participate in a City program, service, or activities, should contact the City Manager at 757-514-4012.

**AGENDA: February 19, 2014, Regular Session**

**ITEM:** Public Hearing – An ordinance to rezone and amend the official zoning map of the City of Suffolk, for property located at 1032, 1036, 1040, 1044 and 1048 Centerbrooke Lane and are further identified as zoning map 25N, parcels 2A, part of 2B, 2C, 2D and 2E, RZ10-13 (Conditional).

Attached for your consideration is information pertaining to Rezoning Request RZ10-13 (Conditional) Centerbrooke Self Storage, submitted by Whitney G. Saunders, agent, on behalf of Whitney Graham of Graham Real Estate, LLC, applicant, and Pericles G. Christodoulis and Community Bank/ City National Bank, property owners, to request a change in zoning from O-I, Office-Institutional District, to B-2, General Commercial District (Conditional). The affected areas are located at 1032, 1036, 1040, 1044 and 1048 Centerbrooke Lane and are further identified as Zoning Map 25N, Parcels 2A, part of 2B, 2C, 2D and 2E, zoned O-I, Office-Institutional District.

The Planning Commission, at their meeting of January 21, 2014 voted 8 to 0 to approve a Resolution recommending approval of this request with conditions.

**ATTACHMENTS**

- Staff Report
- Proposed Ordinance
- Exhibit A - Planning Commission Recommendation
- Exhibit B – Applicant’s Proffer Statement and Conceptual Site Plan
- Exhibit C – Zoning/Land Use Map

# STAFF REPORT

## DESCRIPTION

**REZONING REQUEST:** Rezoning Request RZ10-13 (Conditional) Centerbrooke Self Storage, submitted by Whitney G. Saunders, agent, on behalf of Whitney Graham of Graham Real Estate, LLC, applicant, and Pericles G. Christodoulis and Community Bank/ City National Bank, property owners, to request a change in zoning from O-I, Office-Institutional District, to B-2, General Commercial District (Conditional).

**APPLICANT:** Whitney Graham of Graham Real Estate, LLC.

**LOCATION:** The subject properties are located at 1032, 1036, 1040, 1044 and 1048 Centerbrooke Lane and are further identified as Zoning Map 25N, Parcels 2A, part of 2B, 2C, 2D and 2E, Chuckatuck Voting Borough.

**PRESENT ZONING:** O-I, Office-Institutional District.

**EXISTING LAND USE:** The property is currently undeveloped.

**PROPOSED LAND USE:** The applicant proposes to construct a mini-warehouse storage facility.

### **SURROUNDING LAND USES:**

North – Residential, Single-family detached (Berkshire Meadows) (zoned RM)

South – Undeveloped land (zoned O-I)

East – Hotel (Holiday Inn Express) and shopping center (zoned B-2)

West – Retirement housing (Centerbrooke Commons) (zoned O-I)

**COMPREHENSIVE PLAN:** The City's 2026 Comprehensive Plan designates this property as being located within the Central Suburban/Urban Growth Area (Suburban 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).

**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:** A preliminary subdivision plat was approved in 2005 to create a 5-lot commercial subdivision on 8.2 acres. The final subdivision plat was approved on December 29, 2005 which created lots 2A through 2E. This rezoning request involves lots 2A, part of 2B, 2C, 2D and 2E.

## **STAFF ANALYSIS**

### **ISSUE**

The applicant is proposing to conditionally rezone 4.8 acres from O-I, Office Institutional District to B-2, General Commercial District (Conditional) in order to construct a mini-warehouse storage facility with a total building area of 80,421 square feet. The proposed development involves parcel 2A, part of 2B, 2C, 2D and 2E as identified in Exhibit C. The applicants have also submitted a Conceptual Site Plan indicating the proposed location of the buildings on the property as identified in Exhibit D. The applicants have proffered that the buildings will be located in the approximate locations shown on the layout. According to the applicant, a two-story office building will be located on the front portion of parcel 2A closest to Centerbrooke Lane. This building will be used as a sales office and for retail sales of packing materials and supplies. A climate-controlled self-storage building will be located directly behind the office building on the remainder of parcel 2A. Ten (10) mini-warehouse storage buildings will be constructed on portions of parcels 2B, 2C, 2D and 2E located to the rear of the property. The applicant has proffered that the buildings facing Centerbrooke Lane will have masonry construction substantially in conformance with the Exhibits A-1 and A-2 which are attached to the proffer statement identified as Exhibit B. The proffers also indicate that the colors used for all structures will be designed to approximate those used in the attached exhibits. The facility will have operating hours from 6:00 a.m. to 9:00 p.m. Monday through Saturday and 6:00 a.m. to 8:00 p.m. on Sundays.

### **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 due to the anticipated use of the property. Mini-warehouse storage facilities are not permitted in the O-I, Office Institutional District; therefore, the applicant has submitted this rezoning request to accommodate the proposed use.

The purpose of the B-2, General Commercial zoning district is to accommodate general commercial activities designed to serve the community such as repair shops, wholesale businesses, warehousing and general commercial sales with some outdoor display of goods but limited outdoor operations. The proposed mini-warehouse storage facility would provide a service to the surrounding community.

In accordance with Section 31-408(h), B-2, General Commercial zone and its uses shall continue the orderly development and concentration of business and commercial uses. Pedestrian and vehicular conflicts shall be minimized by a system of sidewalks and other pedestrian amenities which provide connectivity to surrounding neighborhoods. B-2 districts shall be located along arterials and arterial/arterial or arterial/collector street intersections. Centerbrooke Lane has been designed as a minor collector roadway along a portion of its length from the Godwin Boulevard intersection up to the subject property. Godwin Boulevard is classified as a principal arterial roadway. The proposed

rezoning would result in an increase in depth of the existing B-2, General Commercial zoning district along Godwin Boulevard at the intersection with Centerbrooke Lane which would expand the amount of commercial property having signalized access at this arterial/collector street intersection. The increased concentration of business and commercial uses along Centerbrooke Lane is consistent with the specific B-2 district criteria outlined in the UDO.

**1. Comprehensive Plan**

The subject properties are located within the Central Suburban/Urban Growth Area. Under the focused growth approach outlined in the 2026 Comprehensive Plan, the properties fall within the Suburban District. This district is the least dense area inside the Suburban/Urban Growth Area. The development character of the area includes single-family residential subdivisions, small convenience retail and professional offices. Retail uses in this district are primarily neighborhood-scale centers.

**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 2026 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.

Each of the public facilities impacted by the proposed development are discussed individually below:

Public Water and Sanitary Sewer

According to the Public Facilities Report, public water is provided to the site via the existing 10" water main and public sewer service will be provided via an existing 8" gravity sewer main within the Centerbrooke Lane right-of-way. The Department of Public Utilities has reviewed this request and have determined that all three parcels currently have City water and sewer available for connection. Once commencement of design begins for this project, the Department of Public Utilities will require more detailed design calculations including fire flows, meter sizing, sanitary sewer and on-site water model.

The Department of Public Utilities has no objections to the rezoning request at this time.

Stormwater Management

The property is located within a Chesapeake Bay Preservation Area and is designated as an Intensely Developed Area (IDA). According to the Public Facilities Report, an existing

retention pond located at the end of Centerbrooke Lane to the rear of lot 4 was designed to function as a regional BMP which provides all of the stormwater management for the Centerbrooke Village development. The Department of Public Works, Engineering Division has indicated that a property owner's association responsible for the maintenance of the regional BMP must be established in order to continue allowing the use of the regional BMP for further development in Centerbrooke Village.

### Streets

A Master Traffic Impact Assessment was prepared for Centerbrooke Village on November 26, 2002 and a supplemental Traffic Impact Assessment was prepared for Lot 2E for office-flex space on February 20, 2006. Under the proposed rezoning request, the traffic generated by the min-warehouse storage facility is considerably less than the traffic generated by the office-flex space previously anticipated on Lot 2E. In that regard, there will not be any need for additional off-site improvements to serve this project either on Godwin Boulevard or Centerbrooke Lane. The City's Traffic Engineer has reviewed the traffic impact report for the application and no concerns were noted.

### Schools

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

## **3. Proffered Conditions**

The applicant has proffered to restrict the use of the properties specifically for a minimum warehouse storage facility. In that regard, no other uses would be permitted on the property either by-right or with a Conditional Use Permit should this rezoning request be approved. In addition, the applicant has proffered to adhere to architectural standards in substantial conformity with Exhibits A-1 and A-2 which are attached to proffer statement (Exhibit B). A specific proffer indicates that masonry construction will be used on all buildings facing Centerbrooke Lane and that the colors of all structure on the property will be designed to approximate those buildings shown in the attached exhibit. A proffer would also limit the hours of operation from 6:00 a.m. to 9:00 p.m. Monday through Saturday and 6:00 a.m. to 8:00 p.m. on Sundays.

The proposed area to be rezoned affects portions of existing tax parcels 25N\*2B, 25N\*2C, 25N\*2D and 25N\*2E in addition to the entire area of parcel 25N\*2A. Should this rezoning request be approved, the applicant has proffered to submit an resubdivision plat to the City for review and approval in order to transfer portions of parcels 2B, 2C, 2D and 2E in order to assemble the acreage required for the proposed development. A total of 4.815 acres would be rezoned should this rezoning request application be approved.

### **RECOMMENDATION**

The applicant has offered several proffered conditions to address the impact that the project will have on the surrounding area specifically with regard to visual impacts that the project may have on Centerbrooke Lane and the adjacent residential area. In addition, no other uses other than a mini-warehouse storage facility would be permitted in the B-2, General Commercial District. Staff recommends **approval** of this conditional rezoning application with the submitted proffered conditions.

The Planning Commission, at their meeting of January 21, 2014 voted 8 to 0 to approve a Resolution recommending approval of this request with conditions.

#### Attachments

- Proposed Ordinance
- Exhibit A - Planning Commission Resolution
- Exhibit B – Proffered Conditions
- Exhibit C – Zoning/Land Use Map
- Exhibit D – Subdivision Plat and Conceptual Site Plan

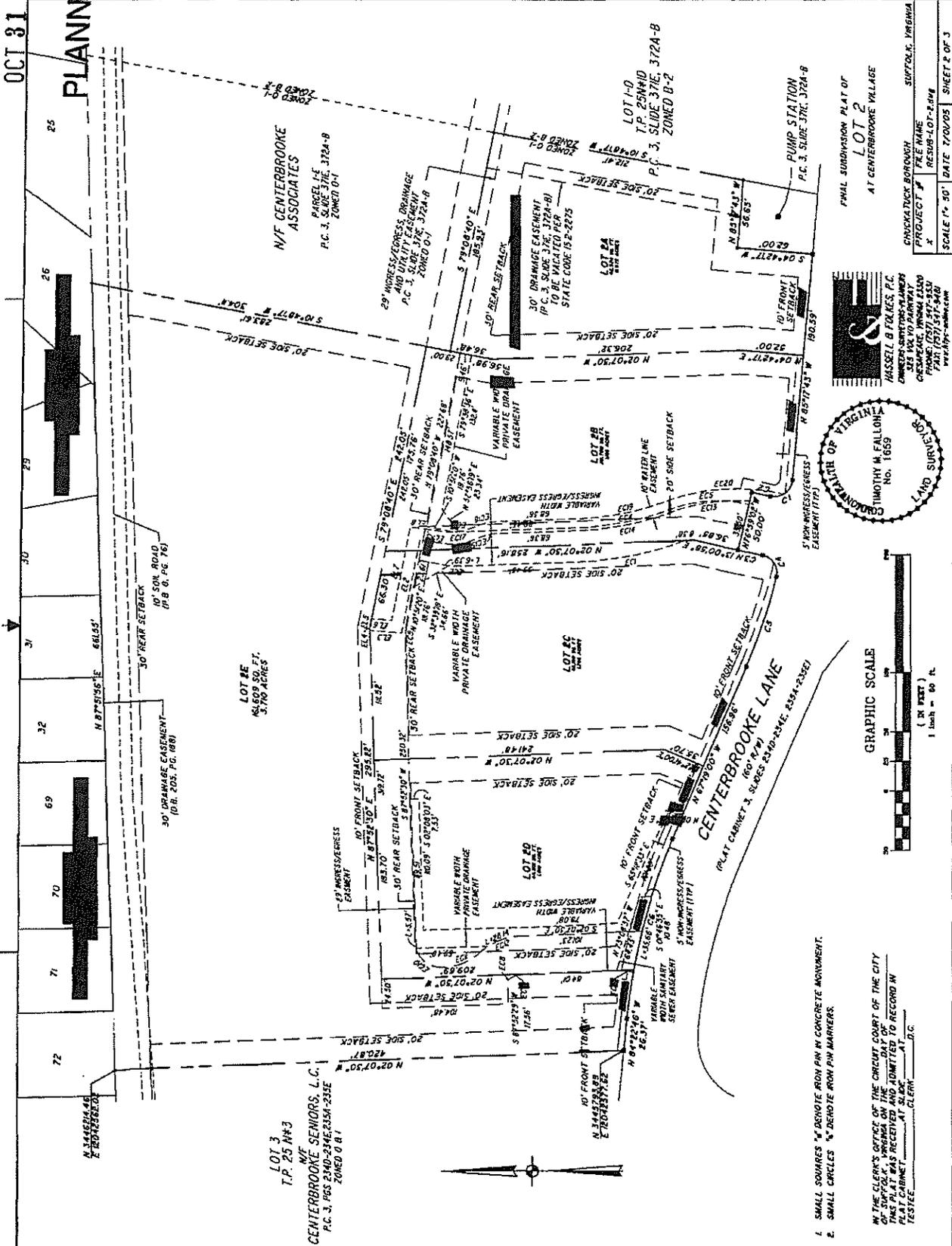
Copy: Whitney Saunders, Saunders & Ojeda, P.C.  
Whitney Graham, Graham Real Estate, LLC  
File



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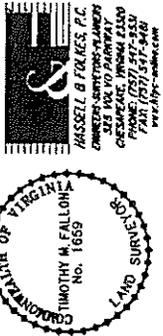
OCT 31 2013

PLANNING



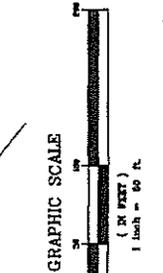
N/F CENTERBROOKE ASSOCIATES  
 PARCEL L/E  
 P.C. 3, SLIDE 37E, 372A-B  
 ZONED O-1

LOT 1-D  
 T.P. 25N41D  
 P.C. 3, SLIDE 37E, 372A-B  
 ZONED B-2



FINAL SUBDIVISION PLAT OF  
**LOT 2**  
 AT CENTERBROOKE VILLAGE

CRICKETBOROUGH	SUFFOLK, VIRGINIA
PROJECT #	FILE NAME
RESUB-LOT-2-18	
SCALE 1" = 50'	DATE 7/20/05
	SHEET 2 OF 3



LOT 2E  
 46,509 SQ. FT.  
 3.70 ACRES

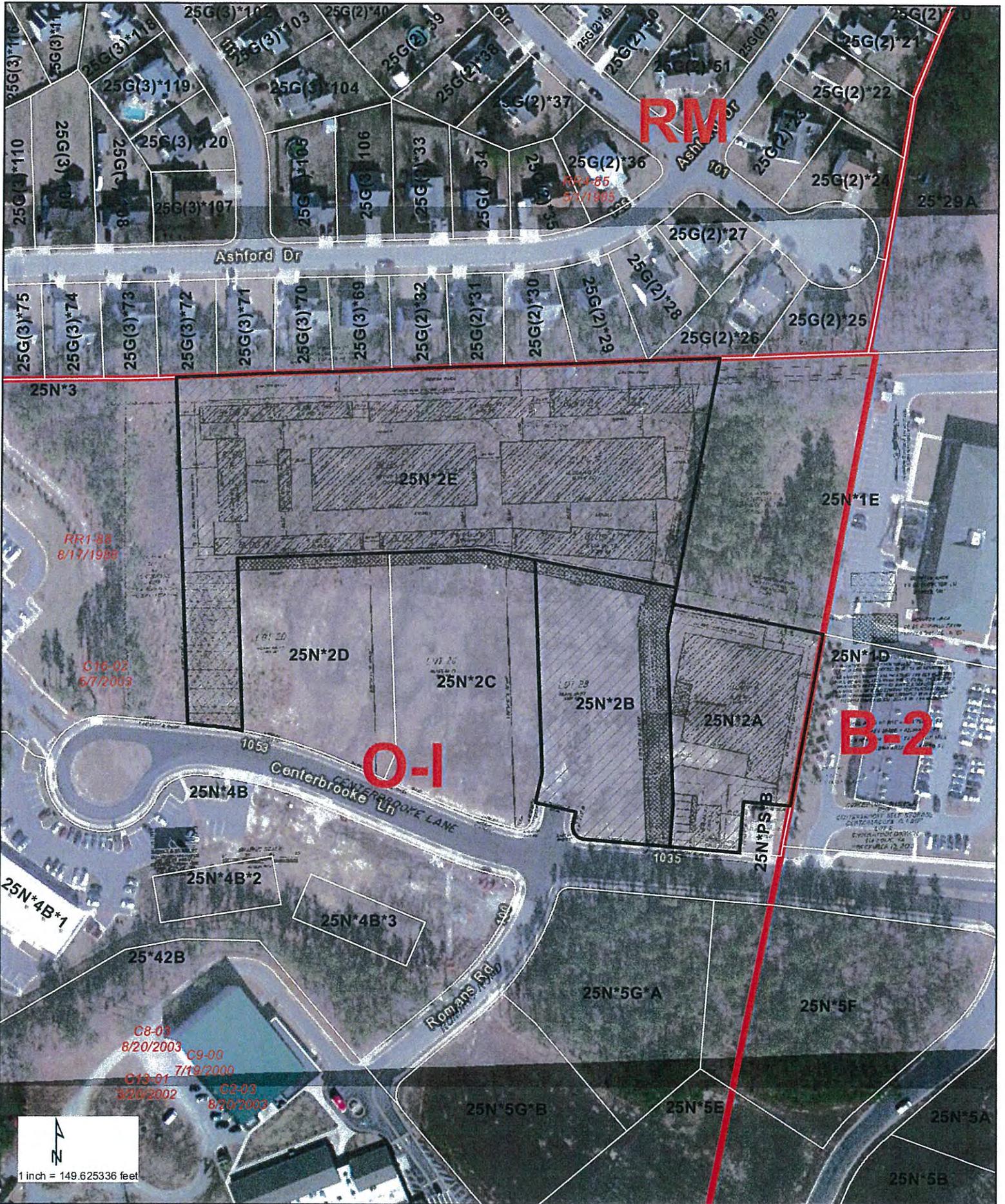
LOT 3  
 T.P. 25 N43  
 N/F  
 CENTERBROOKE SENIORS, L.C.  
 P.C. 3, SLIDE 234D-234E, 235A-235E  
 ZONED O-1

CENTERBROOKE LANE  
 (PLAT CABINET 3, SLIDES 234D-234E, 235A-235E)

1. SMALL SQUARES = 60CHOTE IRON PIN IN CONCRETE MONUMENT.
2. SMALL CIRCLES = 60CHOTE IRON PIN IN CONCRETE MONUMENT.

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

# RZ10-13 Zoning/Land Use Map



Aerial Imagery courtesy of ESRI [http://goto.arcgisonline.com/maps/World\\_Imagery](http://goto.arcgisonline.com/maps/World_Imagery)

**ORDINANCE NO.**

**AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK, FOR PROPERTY LOCATED AT 1032, 1036, 1040, 1044 AND 1048 CENTERBROOKE LANE AND ARE FURTHER IDENTIFIED AS ZONING MAP 25N, PARCELS 2A, PART OF 2B, 2C, 2D and 2E, RZ10-13 (CONDITIONAL)**

**WHEREAS**, Whitney G. Saunders, agent, on behalf of Whitney Graham of Graham Real Estate, LLC, applicant, and Pericles G. Christodoulis and Community Bank/ City National Bank, property owners, has requested the rezoning for certain tracts 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 24N Parcels 2A, part of 2B, 2C, 2D and 2E 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 19<sup>th</sup> day of February, 2014, 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. Exhibit "A", "Planning Commission Recommendation ", Exhibit "B", "Applicant's Proffer Statement", Exhibit "C", "Zoning/Land Use Map", and Exhibit "D", "subdivision plat and conceptual site plan", 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 mistake or 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 population and economic studies and other studies;

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

B. 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 2026 Comprehensive Plan as adopted by City Council on April 5, 2006.

Section 3. Rezoning.

- A. The conditions proffered in the attached Exhibit "B" be, and they are hereby, accepted.
- B. The Property be, and it is hereby, conditionally rezoned and the official zoning map be, and it is hereby, amended as shown on the attached Exhibit "C", which is incorporated herein by reference.
- 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 shall remain in effect until a subsequent amendment changes the zoning of the property; however, such conditions shall

continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

Section 4. Recordation.

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

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

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

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

Approved as to Form:

  
Helivi L. Holland, City Attorney

**EXHIBIT A**

**RESOLUTION NO. 14-01-1**

**CITY OF SUFFOLK PLANNING COMMISSION  
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION  
TO CITY COUNCIL RELATING TO REZONING REQUEST  
RZ10-13 (CONDITIONAL)  
TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK AS TO  
PROPERTY LOCATED AT 1032, 1036, 1040, 1044 AND 1048 CENTERBROOKE LANE  
AND ARE FURTHER IDENTIFIED AS ZONING MAP 25N, PARCELS 2A, PART OF  
2B, 2C, 2D and 2E**

**WHEREAS**, Whitney G. Saunders, agent, on behalf of Whitney Graham of Graham Real Estate, LLC, applicant, and Pericles G. Christodoulis and Community Bank/ City National Bank, property owners, has requested the rezoning for certain tracts 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 that 4.81 acres of land be rezoned from O-I, Office Institutional District to B-2, General Commercial 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 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 population and economic studies and other studies;
  6. the transportation requirements of the community;
  7. the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services;

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

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 2026 Comprehensive Plan as adopted by City Council on April 5, 2006.

Section 2. Recommendation to Council

The Planning Commission recommends to City Council that the request, RZ10-13, be:

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

READ AND PASSED:

TESTE:

*January 21, 2014*  
*Scott Moltz*

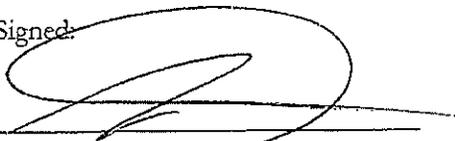
EXHIBIT B

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

The following conditions are voluntarily proffered for the reclassification of property identified as Tax Map and Parcel No 's 25N\*2A and part of 25N\*2B 25N\*2C, 25N\*2D & 25N\*2E:

- 1 The exterior of those buildings facing Centerbrooke Lane shall be masonry and substantially in conformity with the attached Exhibits A-1 and A-2
- 2 The colors used for all structures on the property will be designed to approximate those used on the attached Exhibits A-1 and A-2.
3. With the exception of a flag pole on Centerbrooke Lane all lighting will be directed downward and away from existing structures
- 4 Monday through Saturday hours of operation will be 6:00 a m. to 9:00 p m and Sunday hours of opetation will be 6:00 a m to 8:00 p m
- 5 Buildings will be located on the property approximately as shown on the conceptual sight plan attached hereto and labeled Exhibit B
- 6 The property shall be used solely as a mini warehouse-self storage facility
- 7 A thirty foot wide landscaping buffer shall be established adjacent to the northern property line
- 8 This rezoning and CUP shall apply to a part of tax parcels 25N\*2B 25N\*2C, 25N\*2D & 25N\*2E. Should approval be granted for the proposed rezoning and CUP, a resubdivision plat will be prepared and recorded which transfers that part of parcels 25N\*2B, 25N\*2C and 25N\*2D hatchmarked on the Conceptual Site Plan for Centerbrooke Self Storage, to parcel 25N\*2A and parcels 25N\*2E. The resubdivision plat will also transfer that part of parcel 25N\*2E, hatchmarked on said Site Plan, to parcel 25N\*2D

Signed:

  
Applicant

W. Whitney Graham  
Printed Name

12/11/13  
Date



EXHIBIT A-1

RECEIVED EXHIBIT B  
OCT 31 2013  
PLANNING



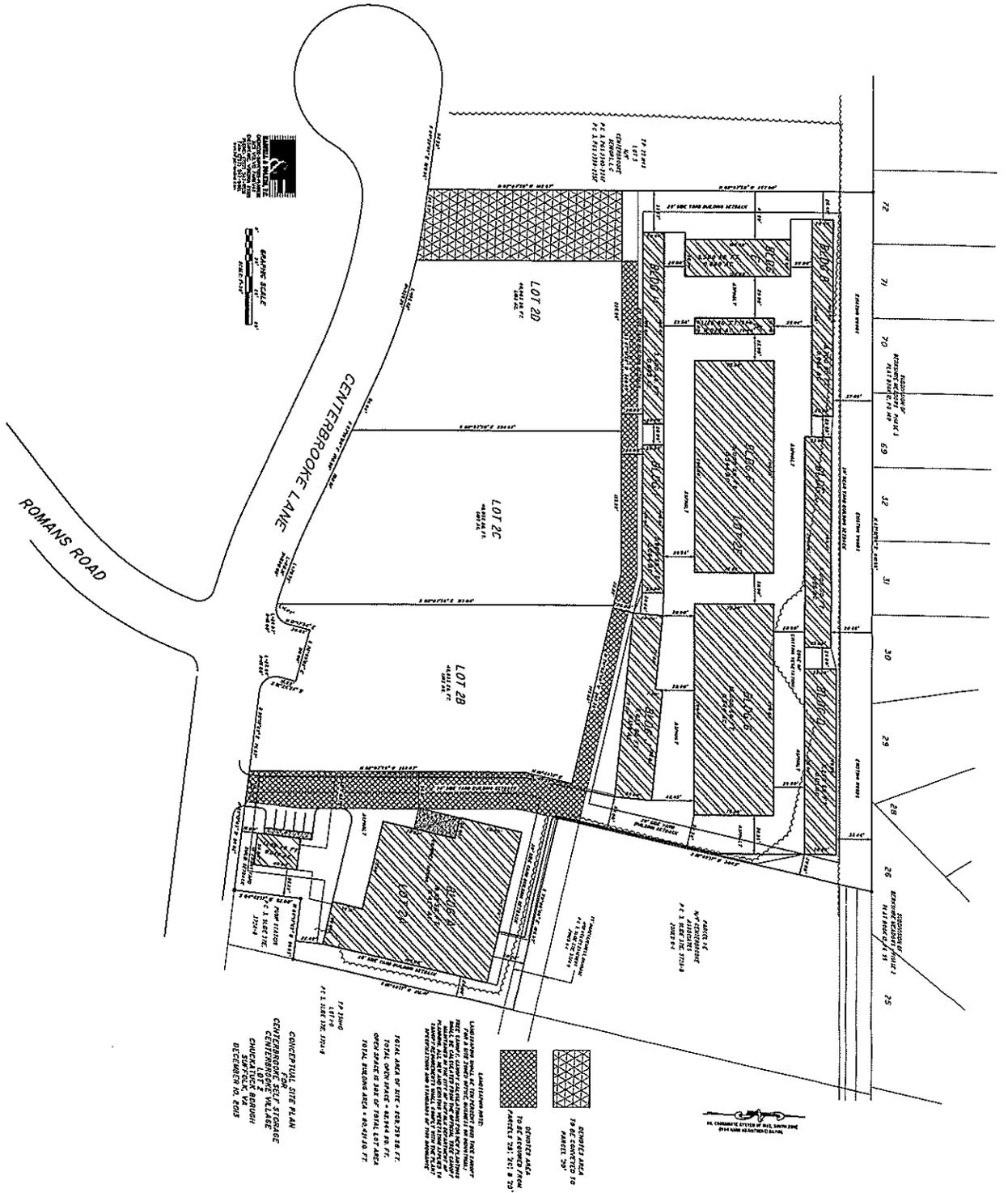
RZ10-13

EXHIBIT A-2

RECEIVED EXHIBIT B  
OCT 31 2013  
PLANNING



RZ10-13





**AGENDA: February 19, 2014, Regular Session**

**ITEM: Public Hearing** – An ordinance granting Conditional Use Permit to operate a mini-warehouse storage facility located at 1032, 1036, 1040, 1044 and 1048 Centerbrooke Lane, zoning map 25N, Parcels 2A, part of 2B, 2C, 2D & 2E – C29-13.

Attached for your consideration is information pertaining to Conditional Use Permit Request C29-13, submitted by Whitney G. Saunders, agent, on behalf of Whitney Graham of Graham Real Estate, LLC, applicant, and Pericles G. Christodoulis and Community Bank/ City National Bank, property owners, to permit a mini-warehouse storage facility in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance. The affected areas are located at 1032, 1036, 1040, 1044 and 1048 Centerbrooke Lane and are further identified as Zoning Map 25N, Parcels 2A, part of 2B, 2C, 2D and 2E, zoned O-I, Office-Institutional District (pending rezoning to B-2, General Commercial District (Conditional)(RZ10-13).

The Planning Commission, at their meeting of January 21, 2014 voted 8 to 0 to approve a Resolution recommending approval of this request with conditions.

**ATTACHMENTS**

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

# STAFF REPORT

## DESCRIPTION

**CONDITIONAL USE PERMIT:** Conditional Use Permit Request C29-13 to permit a mini-warehouse storage facility in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance.

**APPLICANT:** Whitney Graham of Graham Real Estate, LLC.

**LOCATION:** The subject properties are located at 1032, 1036, 1040, 1044 and 1048 Centerbrooke Lane and are further identified as Zoning Map 25N, Parcels 2A, part of 2B, 2C, 2D and 2E, Chuckatuck Voting Borough.

**PRESENT ZONING:** The zoning of the property is O-I, Office Institutional District. A rezoning request has been submitted concurrently with this application to rezone the property to B-2, General Commercial District (Conditional).

### **ADJACENT LAND USE:**

North – Residential, Single-family detached (Berkshire Meadows) (zoned RM)

South – Undeveloped land (zoned O-I)

East – Hotel (Holiday Inn Express) and shopping center (zoned B-2)

West – Retirement housing (Centerbrooke Commons) (zoned O-I)

**EXISTING LAND USE:** The property is currently undeveloped.

**PROPOSED LAND USE:** The applicant proposes to construct a mini-warehouse storage facility.

**COMPREHENSIVE PLAN:** The City's 2026 Comprehensive Plan designates this property as being located within the Central Suburban/Urban Growth Area (Suburban 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:** 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:** A rezoning request is being processed concurrently with the above-referenced Conditional Use Permit application which, if approved, would result in the properties being rezoned from the O-I, Office Institutional District to the B-2, General Commercial District (Conditional). This rezoning request is necessary in order to allow for the construction of a mini-warehouse storage facility with a Conditional Use Permit in the B-2, General Commercial zoning district.

## STAFF ANALYSIS

### ISSUE

The applicant is proposing to develop Centerbrooke Self Storage, a mini-warehouse storage facility with a total building area of 81,621 square feet. The applicants have submitted a Conceptual Site Plan indicating the proposed location of the buildings on the property (Exhibit D). The proposal includes eleven (11) mini-warehouse storage buildings with a total of 79,221 square feet of storage space and a two-story office building with 2,400 square feet of space for a property manager and the retail sales of packaging materials. As part of the associated rezoning request, the applicant has proffered specific architectural design standards that address the color and materials of buildings, particularly for buildings facing Centerbrooke Lane where masonry construction will be used.

### CONSIDERATIONS AND CONCLUSIONS

1. *Use Regulations* – In accordance with Table 406-1 of the Unified Development Ordinance (UDO), mini-warehouse storage facilities are not a permitted use in the O-I, Office Institutional District, the current zoning of the property. The applicant has submitted a conditional rezoning request which is being processed concurrently with this application to rezone the properties to the B-2, General Commercial District. Should this rezoning request be approved, a conditional use permit must be obtained to allow the proposed mini-warehouse use to be located within the B-2, General Business District. In that regard, approval of the associated rezoning request is necessary in order to proceed with development of the mini-warehouse storage facility.

If approved, the facility would be subject to the supplemental use regulations set forth in Section 31-709 of the UDO which are as follows:

- a) All storage shall be within a completely enclosed building; provided, however, that the outdoor accessory storage of recreational equipment on the same site is acceptable if such storage is appropriately screened from view from adjacent streets and residential properties. Keeping, storing or parking of any other type of motor vehicle or equipment outdoors is prohibited except as provided subsection (c) below.
- b) Loading docks shall not be permitted as part of the storage building.
- c) Except for the purpose of loading and unloading, there shall be no parking or storage of trucks, trailers and moving vans.
- d) The distance between warehouse buildings shall be a minimum of 20 feet. Where vehicular circulation lanes and parking and loading spaces are to be provided between structures, the minimum separation distance shall be increased accordingly in order to ensure vehicular and pedestrian safety and adequate emergency access.
- e) No activities such as sales, repairs or servicing of goods, vehicles, equipment or materials and the like shall be conducted from such storage units. The operation of

such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles is part of such business.

- f) Storage of hazardous and flammable materials shall not be permitted.
- g) The maximum length of any single storage building shall be 200 feet.
- h) Tenant identification signs and advertising signs are prohibited. Freestanding signs shall be of monument-type construction only. All signs shall complement the exterior building's design and construction. Total wall signage, excluding building identification signs, shall be calculated on the basis of the principal street frontage or the sum total of each individual storage building width facing on the principal street frontage, whichever is less. Individual wall signage shall not exceed the maximum allowed for each individual storage building.

The proposed site plan complies with the conditions as specified in the Zoning Ordinance relating to site layout and design. All requirements relating to the installation of signage would be reviewed during the site plan review process. Subsequently, all conditions relating to the operation of the proposed facility will be enforced by the Zoning Administrator.

2. The developer has indicated that the mini-warehouse storage facility component of the project will be accessible to patrons from 6:00 am to 9:00 pm Monday through Saturday and from 6:00 am to 8:00 pm on Sundays. According to the applicant, there will be no resident manager for the warehouse facility.
3. The applicant has proffered through Rezoning Request RZ10-13 that the exterior of buildings facing Centerbrooke Lane will utilize masonry construction and that the architectural design will be substantially in conformity with building and materials as identified in Exhibit 'C' (attached).
4. A Master Traffic Impact Assessment was prepared for Centerbrooke Village on November 26, 2002 and a supplemental Traffic Impact Assessment was prepared for Lot 2E for office-flex space on February 20, 2006. Under the proposed rezoning request, the traffic generated by the mini-warehouse storage facility is considerably less than the traffic generated by the previously anticipated office-flex space. In that regard, there will not be any need for additional off-site improvements to serve this project either on Godwin Boulevard or Centerbrooke Lane. The City's Traffic Engineer has reviewed the traffic impact report for the application and no concerns were noted.
5. The development will be required to connect to central water and sewer systems to serve this project. According to the Public Facilities Report, public water is provided to the site via the existing 10" water main and public sewer service will be provided via an existing 8" gravity sewer main within the Centerbrooke Lane right-of-way. The Department of Public Utilities has

reviewed this request and have determined that all three parcels currently have City water and sewer available for connection. Once commencement of design begins for this project, the Department of Public Utilities will require more detailed design calculations including fire flows, meter sizing, sanitary sewer and on-site water model.

6. The property is located within a Chesapeake Bay Preservation Area and is designated as an Intensely Developed Area (IDA). According to the Public Facilities Report, an existing retention pond located at the end of Centerbrooke Lane to the rear of lot 4 was designed to function as a regional BMP which provides all of the stormwater management for the Centerbrooke Village development. The Department of Public Works, Engineering Division has indicated that a property owner's association responsible for the maintenance of the regional BMP must be established in order to continue allowing the use of the regional BMP for further development in Centerbrooke Village.
7. The proposed area to be developed includes portions of existing tax parcels 25N\*2B, 25N\*2C, 25N\*2D and 25N\*2E in addition to the entire area of parcel 25N\*2A. As a proffered condition of the associated rezoning request, the applicant has proffered to submit a resubdivision plat to the City for review and approval in order to transfer portions of parcels 2B, 2C, 2D and 2E for the purpose of assembling the acreage required for the proposed development. A total of 4.815 acres will be developed for the proposed mini-warehouse facility.
3. ***Conditional Use Permit Approval Criteria (Section 31-306)*** - Pursuant to Section 31-306 of the 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.

As may be specified within the zoning district, uses permitted subject to conditional use review shall be permitted only after review by the Planning Commission and approval by the City Council 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 UDO, and any applicable supplemental use standards as set forth in Article 7 of the UDO.”*

The applicant must adhere to the specific supplemental use regulations governing the construction of mini-warehouse storage facilities as set forth in Section 31-709 of the UDO.

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

*on the site and whether the proposed use is consistent with any theme, action, policy or map of the Comprehensive Plan which encourages mixed uses and/or densities.”*

The general character of the area is commercial with medium-density single-family detached residential dwellings located immediately to the rear of the project. The applicant has proffered as part of Rezoning Request RZ10-13 that a thirty foot (30') wide landscape buffer will be established adjacent to the northern property line and the residential neighborhood. The applicant will be required to provide sufficient landscaping in this buffer between the mini-warehouse buildings and adjacent residential dwellings through the installation of screen landscaping in accordance with Section 31-603(f) of the UDO.

- 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 project proposes one driveway connection that provides access to Centerbrooke Lane which intersects with Godwin Boulevard at a traffic signal to provide safe and efficient access to the property. No additional street improvements are necessary to accommodate the proposed development.

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

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

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

There is an existing age-restricted apartment complex immediately to the west of the subject property as well as several single-family detached residential dwellings located along the rear property line. The applicant has proffered to limit the hours of operation from 6:00 am to 9:00 pm, Monday through Saturday and from 6:00 am to 8:00 pm on Sundays. The operation of a mini-warehouse storage facility should have little impact on the existing land uses in the area.

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

The proposed use should not have any negative impact on the continued commercial development of Centerbrooke Village.

- 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 mini-warehouse facility should not have a detrimental effect on the surrounding area. As a recommended condition of approval, no outdoor storage of materials or vehicles will be permitted within the limits of the project. The applicant has indicated that no outdoor storage is being proposed.

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

The mini-warehouse storage facility should not have an adverse impact on the remaining commercial zoned property or adjacent residential uses.

### **RECOMMENDATION**

The development of a mini-warehouse storage facility should have minimal impacts on the surrounding area. The project will have to comply with the supplemental use regulations for mini-warehouse facilities as stipulated in section 31-709 of the Unified Development Ordinance. Additionally, the installation of screen landscaping will be required adjacent to the residential zoned property to the rear of the subject parcels in accordance with Section 31-603(f) of the UDO. Staff recommends that the request be **approved** with the following conditions as outlined in the attached Resolution:

1. The existing vegetation along the rear property line of parcel 2E shall be preserved to the greatest extent possible during construction. Screen landscaping requirements shall be met in accordance with Section 31-603(f) of the Unified Development Ordinance.
2. The mini-warehouse storage facility shall be limited to the following hours of operation:

Monday through Saturday	6:00 AM – 9:00 PM
Sunday	6:00 AM – 8:00PM
3. Site development and activities conducted as part of this mini-warehouse storage facility must comply with all provisions of the Supplemental Use Regulations as stipulated in Section 31-709 of the Unified Development Ordinance for mini-warehouse facilities.
4. The vacation of any existing easements of record affecting the subject properties must be accomplished in accordance with the applicable provisions of the Unified Development Ordinance and/or the Code of Virginia. Any adjustment of property lines that may be necessary to develop the layout of the project as identified in Exhibit ‘C’ must be accomplished through a resubdivision plat prepared in accordance with the provisions of the Unified Development Ordinance.

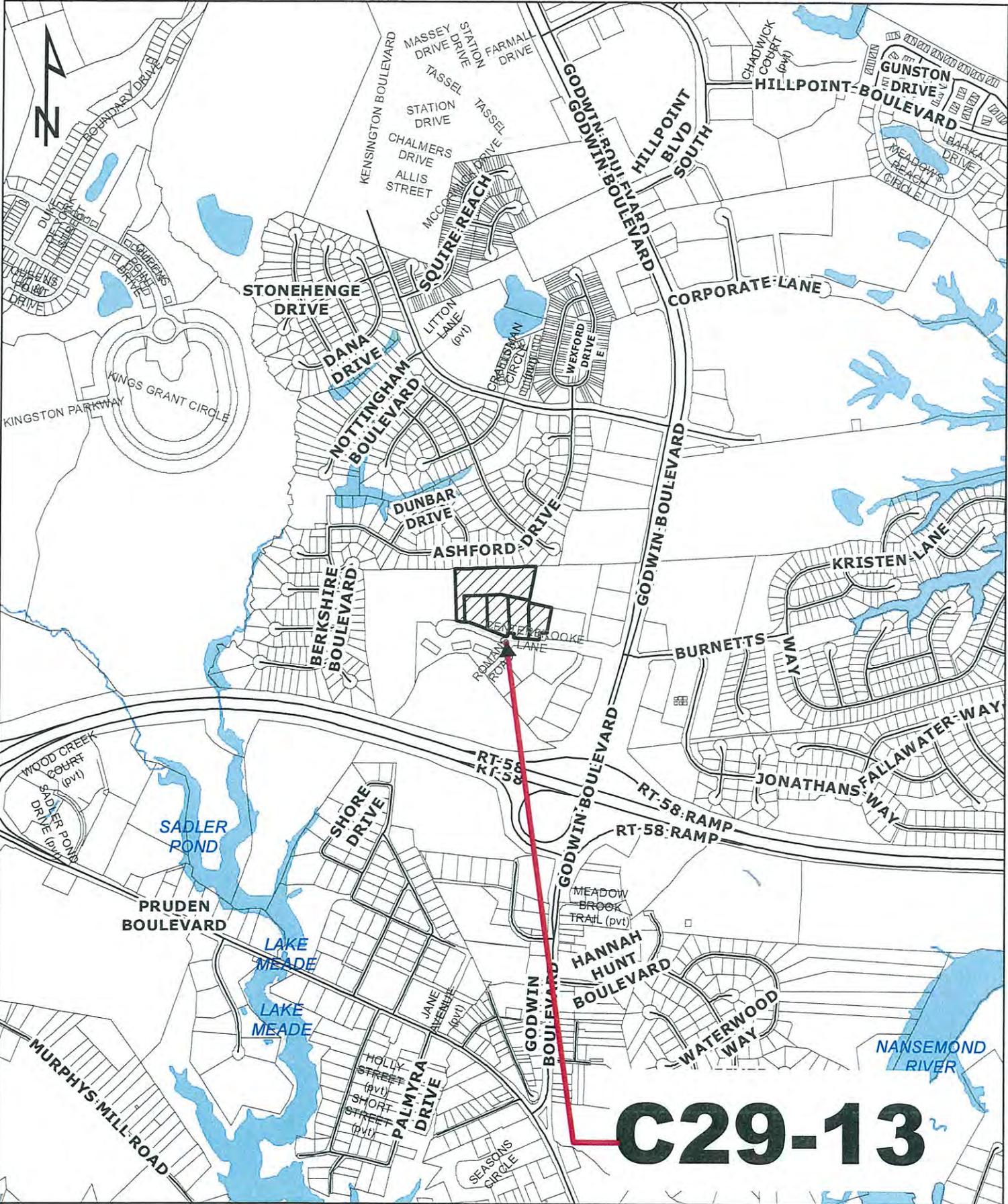
The Planning Commission, at their meeting of January 21, 2014 voted 8 to 0 to approve a Resolution recommending approval of this request with conditions.

Attachments

- Proposed Ordinance
- Exhibit A – Planning Commission recommendation
- Exhibit B – Zoning/Land Use Map
- Exhibit C – Conceptual Site Plan/Exhibits A-1 & A-2

Copy: Whitney Saunders, Saunders & Ojeda, P.C.  
Whitney Graham, Graham Real Estate, LLC  
File

# General Location Map



**C29-13**

**ORDINANCE NO.**

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO OPERATE A MINI-WAREHOUSE STORAGE FACILITY LOCATED AT 1032, 1036, 1040, 1044 AND 1048 CENTERBROOKE LANE, ZONING MAP 25N, PARCELS 2A, PART OF 2B, 2C, 2D & 2E – C29-13**

**WHEREAS**, Whitney G. Saunders, agent, on behalf of Whitney Graham of Graham Real Estate, LLC, applicant, and Pericles G. Christodoulis and Community Bank/ City National Bank, property owners, has requested a conditional use permit for a mini-warehouse storage facility in accordance with Section 31-306 and 31-406 of the Unified Development Ordinance on certain tracts 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 25N, Parcels 2A, part of 2B, 2C, 2D & 2E 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 permit a mini-warehouse storage facility, is in conformity with the standards of the Unified Development Ordinance of the City of Suffolk and that it will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood, and will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any theme, action, policy or map of the Comprehensive Plan which encourages mixed uses and/or densities with the conditions set forth below.

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

These findings are based upon a determination that the most reasonable and limited way of avoiding the adverse impacts of a mini-warehouse storage facility is by the imposition of the conditions provided herein.

Section 3. Permit Granted.

The conditional use permit for the Property be, and it is hereby, approved for the Property, subject to the following conditions and the general conditions set forth in Section 4 hereof. The conditional use permit specifically permits a mini-warehouse storage facility in compliance with Exhibit "C" (the "Site Plan"), and Sections 31-306, 31-406 and 31-709 of the Code of the City of Suffolk.

Conditions

1. The existing vegetation along the rear property line of parcel 2E shall be preserved to the greatest extent possible during construction. Screen landscaping requirements shall be met in accordance with Section 31-603(f) of the Unified Development Ordinance.
2. The mini-warehouse storage facility shall be limited to the following hours of operation:  

Monday through Saturday	6:00 AM – 9:00 PM
Sunday	6:00 AM – 8:00PM
3. Site development and activities conducted as part of this mini-warehouse storage facility must comply with all provisions of the Supplemental Use Regulations as stipulated in Section 31-709 of the Unified Development Ordinance for mini-warehouse facilities.
4. The vacation of any existing easements of record affecting the subject properties must be accomplished in accordance with the applicable provisions of the Unified Development Ordinance and/or the Code of Virginia. Any adjustment of property lines that may be necessary to develop the layout of the project as identified in Exhibit 'C' must be accomplished through a resubdivision plat prepared in accordance with the provisions of the Unified Development Ordinance.

Section 4. General Conditions.

- (a) The conditional use permit may be revoked by City Council upon failure to comply

with any of the conditions contained herein, after ten days written notice to Whitney Graham of Graham Real Estate, LLC, applicant, and Pericles G. Christodoulis and Community Bank/ City National Bank, 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 Whitney Graham of Graham Real Estate, LLC, applicant, and Pericles G. Christodoulis and Community Bank/ City National Bank, property owners, or any party undertaking or maintaining such use, of the conditions to which the conditional use permit herein granted is subject.

Section 5. Severability.

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

Section 6. Recordation.

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

Section 7. Effective Date.

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

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

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

Erika Dawley, City Clerk

Approved as to Form:

  
Helivi Holland, City Attorney

**CITY OF SUFFOLK PLANNING COMMISSION  
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION  
TO CITY COUNCIL RELATING TO CONDITIONAL USE PERMIT  
C29-13**

**WHEREAS**, Whitney G. Saunders, agent, on behalf of Whitney Graham of Graham Real Estate, LLC, applicant, and Pericles G. Christodoulis and Community Bank/ City National Bank, property owners, has requested the issuance of a conditional use permit for certain tracts of land situated in the City of Suffolk, Virginia, which land is described and depicted on the proposed Ordinance attached hereto and incorporated herein by reference; and

**WHEREAS**, the specific request is to permit a mini-warehouse storage facility in accordance with Sections 31-306, 31-406 and 31-709 of the Unified Development Ordinance.

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

Section 1. Findings.

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

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

Section 2. Recommendation to Council.

The Planning Commission recommends to City Council that the request, C29-13, 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.

- Xc. 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: January 21, 2004  
TESTE: [Signature]

**CONDITIONS FOR  
CUP C29-13**

1. The existing vegetation along the rear property line of parcel 2E shall be preserved to the greatest extent possible during construction. Screen landscaping requirements shall be met in accordance with Section 31-603(f) of the Unified Development Ordinance.
2. The mini-warehouse storage facility shall be limited to the following hours of operation:

Monday through Saturday	6:00 AM – 9:00 PM
Sunday	6:00 AM – 8:00PM
3. Site development and activities conducted as part of this mini-warehouse storage facility must comply with all provisions of the Supplemental Use Regulations as stipulated in Section 31-709 of the Unified Development Ordinance for mini-warehouse facilities.
4. The vacation of any existing easements of record affecting the subject properties must be accomplished in accordance with the applicable provisions of the Unified Development Ordinance and/or the Code of Virginia. Any adjustment of property lines that may be necessary to develop the layout of the project as identified in Exhibit 'C' must be accomplished through a resubdivision plat prepared in accordance with the provisions of the Unified Development Ordinance.

# C29-13 Zoning/Land Use Map



Aerial Imagery courtesy of ESRI [http://goto.arcgisonline.com/mapsWorld\\_Imagery](http://goto.arcgisonline.com/mapsWorld_Imagery)



PLANNING



OCT 31 2013

PLANNING



**AGENDA: February 19, 2014, Regular Session**

**ITEM: Public Hearing** – An ordinance to rezone and amend the official zoning map of the City of Suffolk, to allow the amendment of approved proffered conditions associated with specified infrastructure improvements for the development of the Centerpoint Intermodal Center properties identified as Zoning Map 32B, Parcels 1 And 3, 3\*1, 3\*2, 3\*3 And 3\*4, RZ12-13 (Conditional)

Attached for your consideration is information pertaining to Rezoning Request, RZ12-13 (Conditional), CenterPoint Intermodal Center, submitted by Robert E. Harbour of Centerpoint Properties Trust, applicant and property owner, to request the amendment of approved proffered conditions of the property associated with specified infrastructure improvements for the development of the property. The affected areas are located at 1006 Centerpoint Drive, 2410 and 2400 Holland Road, and 1000, 1004 and 1005 Kenyon Court, and are further identified as Zoning Map 32B, Parcels 1 and 3, 3\*1, 3\*2, 3\*3 and 3\*4, Holy Neck Voting Borough, zoned B-2, General Commercial District, O-I, Office-Institutional District, M-1, Light Industrial District, and M-2, Heavy Industrial District.

The Planning Commission, at their meeting of January 21, 2014, 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 - Proffer Statement
- Exhibit C - Zoning/Land Use Map

# STAFF REPORT

## DESCRIPTION

**REZONING REQUEST:** Rezoning Request RZ12-13 (conditional) for the amendment of approved proffered conditions of the property associated with specified infrastructure improvements for the development of the property. The affected areas are located at 1006 Centerpoint Drive, 2410 and 2400 Holland Road, and 1000, 1004 and 1005 Kenyon Court, and are further identified as Zoning Map 32B, Parcels 1 and 3, 3\*1, 3\*2, 3\*3 and 3\*4, Holy Neck Voting Borough, zoned O-I, Office-Institutional District (conditional); B-2, General Commercial District (conditional); M-1, Light Industrial District (conditional); and M-2, Heavy Industrial District (conditional).

**APPLICANT:** Submitted by Robert E. Harbour of Centerpoint Properties Trust, applicant and property owner.

**LOCATION:** The property affected is located north of Holland Road, west of Kenyon Road and south of the CSX Railroad and is further identified as Zoning Map 32B, Parcels 1 and 3, 3\*1, 3\*2, 3\*3 and 3\*4, Holy Neck Voting Borough.

**PRESENT ZONING:** The property is currently zoned O-I, Office-Institutional District (conditional); B-2, General Commercial District (conditional); M-1, Light Industrial District (conditional); and M-2, Heavy Industrial District (conditional).

**EXISTING LAND USE:** Nexcom, distribution warehouse, Ace Hardware, distribution warehouse, undeveloped land, wetlands, and the West Suffolk Baptist Church have all been developed on the site. A historic Civil War trench is located in the northeast corner of the site near Kenyon Road.

### **PROPOSED LAND USE:**

- Approximately 5.8 million sq ft of warehouse/distribution facilities
- Container yard with temporary storage area
- Storage and working railroad tracks

### **SURROUNDING ZONING DISTRICTS**

- North: A, Agricultural and M-2, Heavy Industrial Districts
- South: A, Agricultural, RR, Rural Residential, M-1, Light Industrial, B-2, General Commercial, and RLM, Residential Low Medium Density Districts
- East: O-I, Office-Institutional, A, Agricultural, RR, Rural Residential, and M-1, Light Industrial Districts
- West: A, Agricultural, M-1, Light Industrial, and B-2, General Commercial Districts

### **SURROUNDING LAND USES**

- North: CSX Railroad, industrial activity, wooded, and agriculture
- South: Wooded, wetlands, single-family residential, Lakeland High School, and mobile home park

- South of Holland Road: Wetlands, single-family residential, agricultural, and Pepsi Distributor and proposed Westport Commerce Park
- East: Undeveloped, Paul D Camp Community College, agriculture, commercial, mobile home park, Lakeland High School and YMCA camp facility
- West: Wetlands, wooded, agriculture, commercial, and mobile home park

**COMPREHENSIVE PLAN:** The *2026 Comprehensive Plan* map designates this property as being within the Central Suburban/Urban Growth Area (Suburban).

**CHESAPEAKE BAY PRESERVATION AREA DESIGNATION:** The property is located within the City's Chesapeake Bay Preservation Area Overlay District. A Resource Protection Area (RPA) is located within the western and northeastern portions of the property; the remainder of the site is designated as a Resource Management Area (RMA).

**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:**

Prior to 1999, the entire site under consideration was zoned M-1, Heavy Industrial, A, Agricultural, or RR, Rural Residential. Portions of the properties were rezoned to M-1, Light Industrial District and M-2, Heavy Industrial District as part of the 1999 citywide rezoning associated with the adoption of the Unified Development Ordinance. On January 21, 2009, the property was conditionally rezoned (RZ-04-08) to allow for the development of the CenterPoint Intermodal Center. Two parcels have been conveyed to other owners. Parcel 32B\*16 was dedicated to the City of Suffolk via a Deed of Dedication for the express purpose of the construction of a fire station. Parcel 32B\*22, was conveyed to West Suffolk Baptist Church. These parcels are not included in this updated zoning request.

**STAFF ANALYSIS**

1. **Issue**

The proposed rezoning is intended to facilitate the development of the site of the CenterPoint Intermodal Center and to better reallocate resources for the mutual benefit of the City and CenterPoint Intermodal Center. The developers of the Intermodal Center proffered a series of public improvements, as a portion of a 2008 rezoning, which addressed adequacy of public facilities and the impact of the development.

In December of 2013, the City Council amended the Uniform Development Ordinance to allow a cash payment or alternative transportation improvement in lieu of improvements to an abutting roadway. This is allowed at the City's discretion and only if improvements to the abutting roadway are included in the City's adopted Capital Improvements Plan (CIP). The 2013-2022 Capital Improvement Plan identifies funding sources for the Holland Road improvements. The applicant has requested that in lieu of improvements

to Holland Road along the project frontage, that an equivalent amount of monies be proffered to accelerate the construction of the Kenyon Connector project, (also known as CenterPoint Drive East). The Kenyon Connector will connect Kenyon Court and the existing portion of CenterPoint Drive East to provide enhanced connectivity of the street system and to provide for a truck route which will remove truck traffic from the portion of Kenyon Road from Kenyon Court south to the intersection with Holland Road. This project is also included in the 2013-2022 Capital Improvements Plan.

## 2. Proffers

In the 2008 application, the applicant offered proffers to address the impacts associated with the development of the CenterPoint Intermodal Center. The applicant is now proposing to modify those proffers to address changes in conditions and priorities over the last four years. Those proffers which have been satisfied are so noted. The proffers are proposed to be modified per the following:

1. The owner/applicant agrees to dedicate to the City of Suffolk approximately 9.65 gross acres (7.64 ac wetlands) with 2.62 usable acres of land with frontage on Holland Road for a City fire station. If the City has not acted upon the construction, or included the intended use in the City capital improvement plan, within a period of 10 years from the date of the recordation of the rezoning, the land will revert to the owner/applicant.
2. The owner/applicant agrees to implement a Container Management Program defining design criteria and specifications for off-chassis container storage in M2 Zoning areas. Item 2 has been completed by the Applicant.
3. The owner/applicant agrees to fund and perform certain Roadway and Traffic Improvements for Holland Road and Kenyon Road in accordance with the CenterPoint Intermodal Center TIS, dated September 24, 2008. Specific improvements included are the following:
  - a. The dedication of right of way to accommodate the City industrial access section (80-foot right of way) along Kenyon Road Frontage. Item 3a has been completed by the Applicant.
  - b. The provision of funding to the City of Suffolk for traffic signal interconnect service between the proposed new traffic signal at Road A and other signals in corridor not to exceed \$50,000. Installation of the services will be done by City forces.
  - c. The provision of funding to the City of Suffolk for signal timing and optimization design for the proposed new traffic signal and others in Rt. 58 corridor beginning at the western property limit, 3 miles east to the intersection of Rt. 13 and the Rt. 58 bypass, not to exceed \$25,000.
  - d. The dedication of right of way to accommodate the future 6-lane section with nominal width of one hundred and twenty five feet, plus additional right of way

- required for turn lanes on Holland Road frontage. Item 3d has been completed by the Applicant.
- e. The modification of the existing traffic signal at Manning Bridge Road to include the southbound approach for Road B. Item 3e has been completed by the Applicant.
  - ~~f. The provision of a signal warrant analysis at Kenyon Road/Road D intersection at time of CO of any building gaining direct access from Kenyon Road.~~
  - f. ~~g. The provision of funding for the construction of the recommended frontage improvements along Holland Road to include the westbound 3 lanes of Holland Road, recommended turn lanes, and signalization improvements. In accordance with Section 31-612(b)(4) of the Unified Development Ordinance and in lieu of the provision of funding for the construction of the recommended frontage improvements along Holland Road to include the westbound 3 lanes of Holland Road, recommended turn lanes, and signalization improvements, the owner/applicant shall provide for the construction of all improvements shown between approximately STA 39+13.05 and STA 75+00 on plans entitled CenterPoint Drive East Section 2 and 3 Engineering Plan for Centerpoint Properties CenterPoint Intermodal Center with Planning Number EP-2013-00003. In order to guarantee an equitable exchange of construction responsibilities owner/applicant agree to enter into a development agreement between the owner/applicant and the City of Suffolk. The agreement shall assign a value to the above referenced improvements as well as the frontage improvements and shall clearly memorialize the financial and implementation responsibilities of each party for the design and construction of the improvements. The development agreement must be fully executed by both parties prior to issuance of a land disturbing permit for the referenced improvements on CenterPoint Drive East.~~
  - g. ~~h. The provision of funding for the construction of the recommended frontage improvements along Kenyon Road to include road widening and turn lanes. Item 3g has been completed by the Applicant.~~
4. The owner/applicant agrees to the reservation of a future cross-access location for adjacent parcel 32\*38B.
- ~~5. The owner/applicant agrees to extend a 24' sewer force main from Manning Bridge Road to Road A.~~
5. 6. The owner/applicant agrees to construct modifications to existing City sewer pump station #62 to meet the standards of the City of Suffolk Construction Standards

for Public Water and Sanitary Sewerage Facilities dated March, 1995. Item 5 has been completed by the Applicant.

6. 7. The owner/applicant agrees to construct a 24' sewer force main to Raleigh Drive to Manning Bridge Road. Item 6 has been completed by the Applicant.
7. 8. The owner/applicant agrees to construct a 24' sewer force main from Kenyon Road to Raleigh Drive. Item 7 has been completed by the Applicant.
8. 9. The owner/applicant agrees to construct gravity sanitary sewer lines and laterals and water mains coincident with the installation of the 24' sewer force main identified in Proffer #8 #7 as indicated in the City's engineering plans for "Forest Hills/Maple Glenn Phase 2" for the improvements between Kenyon Road and Raleigh Drive along Holland Road. Item 8 has been completed by the Applicant.
9. 10. The owner/applicant agrees to construct a 20' water main from Manning Bridge Road to the western boundary of Pepsi Bottling Site. Item 9 has been completed by the Applicant.
10. 11. The owner/applicant agrees to construct a 20'' water main from the west property line of the Pepsi Bottling Site to Road A and to provide jack-and-bore installations for crossings under Holland Road. Item 10 has been completed by the Applicant.
11. 12. The owner/applicant agrees to provide a pro-rata financial contribution toward the off-site public water tower construction not to exceed \$1,000,000. Item 11 has been completed by the Applicant.
12. 13. The owner/applicant agrees to provide a pro-rata financial contribution toward the off-site transportation improvements on Holland Road as stipulated in subparagraphs a, b, and c below, not to exceed \$3,460,000 for this transportation proffer:
  - a. The above transportation proffer shall fund the cost of the owner/applicant preparation of a 100% design and cost study for the proposed Holland Road widening to six lanes that includes authorization from VDOT and FHWA to proceed with right-of-way acquisition. Upon authorization from VDOT and FHWA, the remaining balance of the \$3,460,000 shall be payable to the City. The limits of the corridor will be the western CenterPoint property line, 3 miles to the east to the western end of the Route 58 bypass.
  - b. The owner/applicant will work with the City to secure funding for the Holland Road widening to six lanes. In the event that 100% funding is obtained for the improvements, than the balance of the transportation proffer (after funding the ~~13~~12 (a) study) will not be due to the City.

- c. In the event that the 100% funding for the Holland Road widening to six lanes is not available within a reasonable time frame, and the project development exceeds the allowable trip generation under the existing zoning, than the balance of the above transportation proffer (after funding the 1312(a) study) shall be payable to the City.
- 13.14. The owner/applicant will dedicate or deed the land located within the Civil War trench area as a third party conservationist.

## **CONSIDERATIONS AND CONCLUSIONS**

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

Under the *2026 Comprehensive Plan* the area of the project was classified to Central Suburban/Urban Growth Area (Suburban); while the areas to the north and west of the site remained classified as Rural Agricultural Conservation. The area south of Holland Road, west of Manning Bridge Road to the creek is classified as Central Suburban/Urban Growth Area (Suburban); the area west of the creek is classified as Rural Agricultural Conservation.

### **2. Adequate Public Facilities Ordinance**

#### **A. Public Utilities**

A Public Facilities Analysis was submitted as part of the initial rezoning application. The following analysis reflects the latest revised document.

##### **1. Sewer Level of Service**

The site is currently served by City sewer. Significant upgrades and infrastructure additions have already been completed by the developer for this project which allow the infrastructure to meet the needs of this project.

##### **2. Water Level of Service**

The site is currently served by City water. Significant upgrades and infrastructure additions have already been completed by the developer for this project which allow the infrastructure to meet the needs of this project. This change in priority of project funding will also allow for a significant water connection to be accomplished along the Kenyon Connector right-of-way. This water distribution linkage will significantly improve water pressures and allow greater fire protection.

#### **B. Stormwater Management**

A Stormwater Management Plan was submitted as part of the initial rezoning application. Minor changes to the plan are proposed to provide the construction of the connector road through the property between Kenyon Road and Holland

Road while allowing the development to meet the requirements for stormwater controls.

#### 4. Access

As proposed, the CenterPoint Intermodal Center will have three points of access; one on Kenyon Road and two on Holland Road (see attached Exhibit). The first access point is CenterPoint West (Road "A") approximately 2,300 feet west of the existing Holland Road/Manning Bridge Road intersection.

The second access point will be CenterPoint East (Road "C"). This roadway represents an extension of Manning Bridge Road north of its intersection with Holland Road. This roadway will provide access to the commercial portion of the development. CenterPoint East (Road "C") will connect to both internal Road "B" and Kenyon Court (Road "D"), to form an internal connected roadway network.

The third and final access point will be the Kenyon Road entrance, presently known as Kenyon Court (Road "D"). This rezoning proposes to connect Kenyon Court to CenterPoint East (Road "C") to form the Kenyon Connector. The Kenyon Connector will connect Kenyon Court and the existing portion of CenterPoint Drive East to provide enhanced connectivity of the street system and to provide for a truck route which will remove truck traffic from the portion of Kenyon Road from Kenyon Court south to the intersection with Holland Road. This connection will provide a truck "by-pass" of the Kenyon Road/Holland Road intersection. This connection was not proposed as a portion of the initial rezoning.

#### 4. Streets & Traffic

Pursuant to the requirements of Section 31-601, Adequate Public Facilities, the traffic study area for the CenterPoint project is Holland Road from CenterPoint West (Road "A") on the west to the 58 Bypass on the east. *The 2026 Comprehensive Plan* identified Holland Road as a Primary Arterial. With this roadway classification, Table 601-1, Section 31-601(h) of the UDO requires that Holland Road maintain a Level of Service (LOS) of "D."

In terms of the traffic impacts associated with the proposed CenterPoint project, the revised September 2008 Traffic Impact Study (TIS) acknowledged that "as currently proposed, the development will increase the volume of traffic on roadways, and at intersections throughout the study area." As it relates to maintaining a LOS "D", the TIS stated that in order "to maintain acceptable traffic operations and level of service area intersections under 2013 and 2017 Build conditions, CenterPoint Properties proposes to make improvements to Route 58 in the immediate vicinity of their proposed development at CenterPoint West (Road "A") and Manning Bridge Road, CenterPoint East (Road "C") along Holland Road and at Kenyon Court (Road "D") along Kenyon Road." However, since the publication of the 2008 TIS, the City of Suffolk has been able to advance the timing of planned public improvements to Holland Road.

As proposed by the initial rezoning, CenterPoint would complete frontage improvements along the Holland Road corridor. In contrast, as an acceptable alternative, this rezoning proposes to allow the developer of CenterPoint Intermodal Center to re-allocate the monies associated with the frontage improvements to providing a much needed connector from Kenyon Road to Holland Road. The 2013-2022 Capital Improvement Plan has identified funding sources for the Holland Road corridor allowing for an opportunity to focus the developer's resources on the construction of a connector between Kenyon Court and Holland Road. This new road will help remove truck traffic from the residential areas along Kenyon Road as well as reduce truck traffic in the vicinity of Lakeland High School, which contributes to the issues associated with the Holland Road/Kenyon Road intersection.

### **RECOMMENDATION**

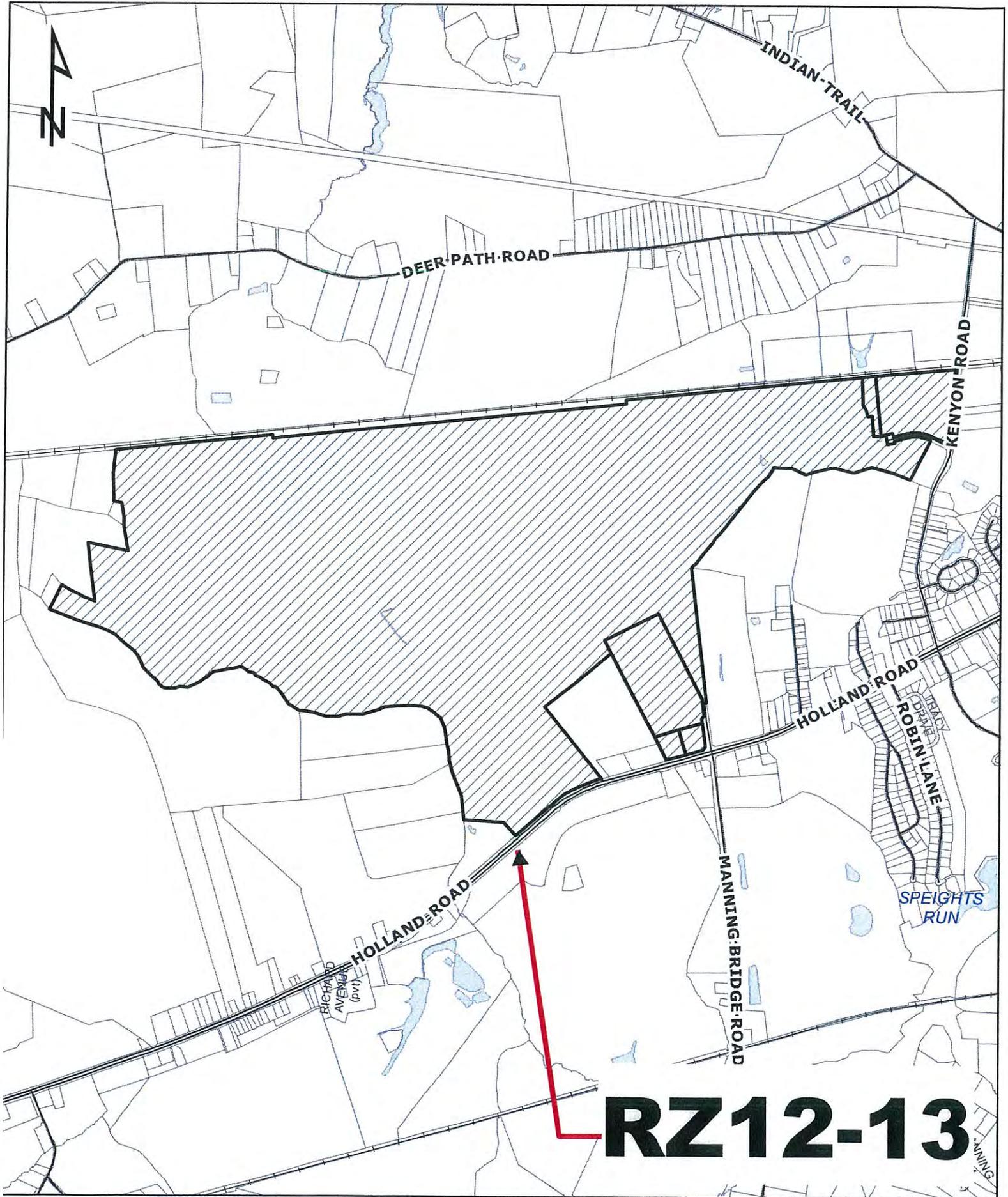
Staff recommends **approval** of RZ12-13 (Conditional) and acceptance of the proffered conditions which address CenterPoint's responsibility for the cost of public facilities generated by the rezoning.

The Planning Commission, at their meeting of January 21, 2014, voted 8 to 0 to approve a Resolution recommending approval of this request

#### Attachments

- Proposed Ordinance
- Exhibit A - Planning Commission Recommendation
- Exhibit B - Proffer Statement
- Exhibit C - Zoning/Land Use Map

# General Location Map



Road "D"  
Kenyon Court

Road "C"  
Centerpoint Drive  
East

Road "A"  
Centerpoint Drive  
West

LEGEND

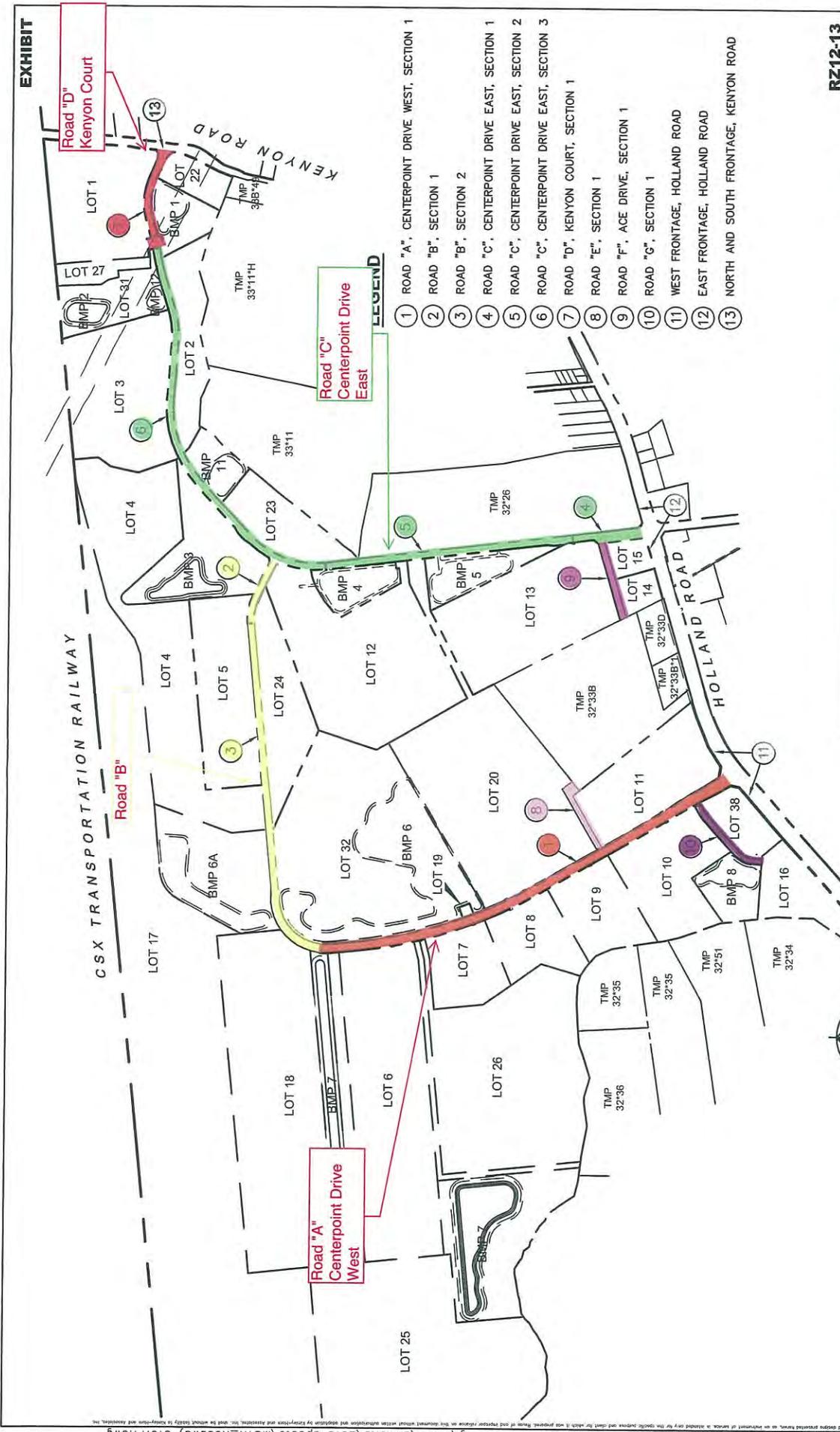
- 1 ROAD "A", CENTERPOINT DRIVE WEST, SECTION 1
- 2 ROAD "B", SECTION 1
- 3 ROAD "B", SECTION 2
- 4 ROAD "C", CENTERPOINT DRIVE EAST, SECTION 1
- 5 ROAD "C", CENTERPOINT DRIVE EAST, SECTION 2
- 6 ROAD "C", CENTERPOINT DRIVE EAST, SECTION 3
- 7 ROAD "D", KENYON COURT, SECTION 1
- 8 ROAD "E", SECTION 1
- 9 ROAD "F", ACE DRIVE, SECTION 1
- 10 ROAD "G", SECTION 1
- 11 WEST FRONTAGE, HOLLAND ROAD
- 12 EAST FRONTAGE, HOLLAND ROAD
- 13 NORTH AND SOUTH FRONTAGE, KENYON ROAD

RZ12-13

DATE	DESIGN BY
10/01/2013	JAR
DRAWN BY	CHECKED BY
JAR	WDF
PROJECT NO	SHEET NO
116071002	1 of 14

CENTERPOINT INTERMODAL CENTER  
 CENTERPOINT PROPERTIES  
 150 W. MAIN STREET, SUITE 1620, HOPKOCK, VA 23619  
 ROADWAY MASTER PLAN

**Kimley-Horn and Associates, Inc.**  
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 4500  
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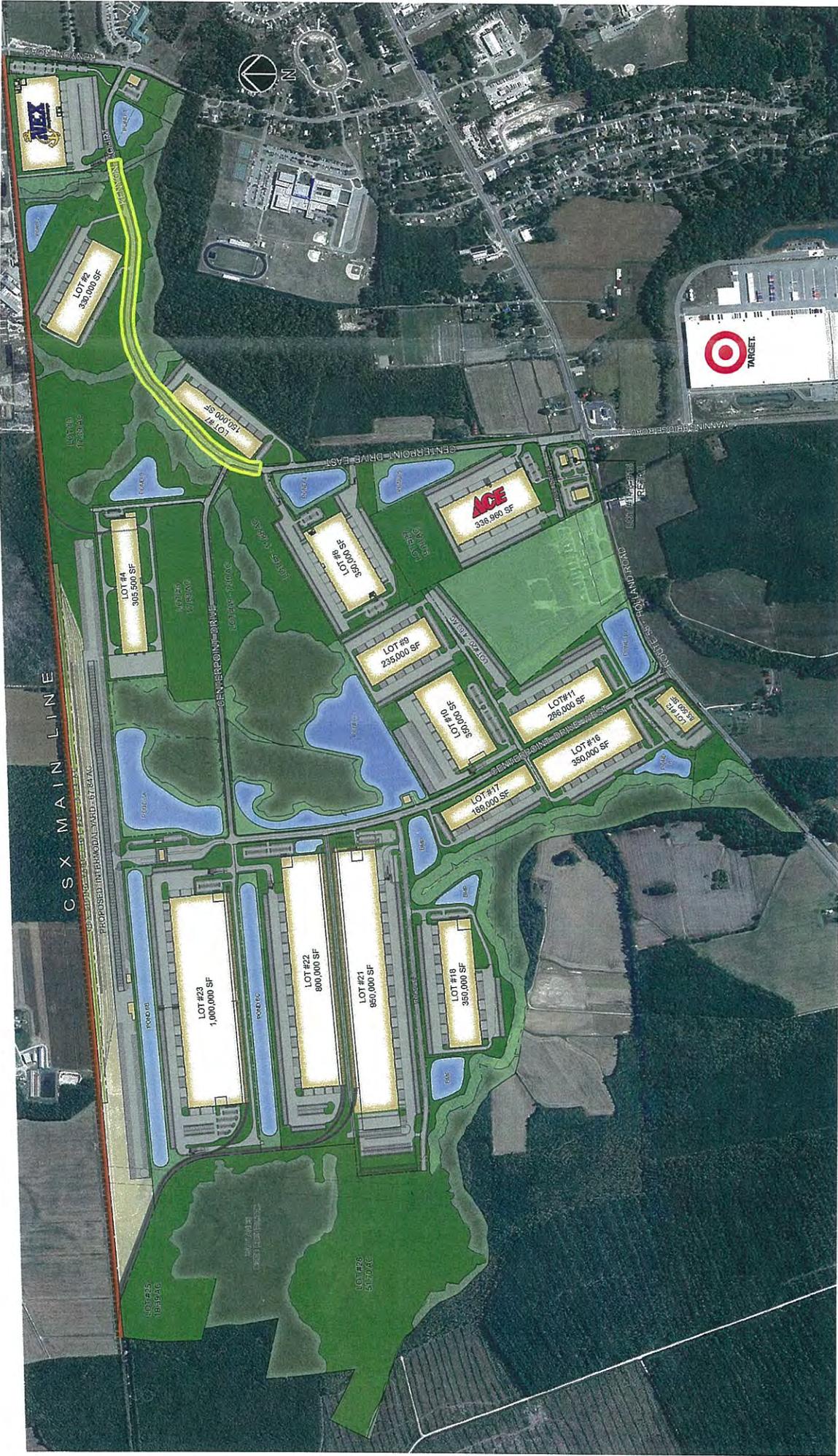
**MASTER SITE PLAN RENDERING --- EXISTING ---**

CenterPoint Intermodal Center  
 SUFFOLK VIRGINIA  
 January 21, 2014



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 INVESTMENT | DEVELOPMENT | MANAGEMENT

**RZ12-13**



**MASTER SITE PLAN RENDERING --- PROPOSED ---**

CenterPoint Intermodal Center  
 SUFFOLK VIRGINIA  
 January 21, 2014



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**RZ12-13**

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

**AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK, TO ALLOW THE AMENDMENT OF APPROVED PROFFERED CONDITIONS ASSOCIATED WITH SPECIFIED INFRASTRUCTURE IMPROVEMENTS FOR THE DEVELOPMENT OF THE CENTERPOINT INTERMODAL CENTER PROPERTIES IDENTIFIED AS ZONING MAP 32B, PARCELS 1 AND 3, 3\*1, 3\*2, 3\*3 AND 3\*4, RZ12-13 (CONDITIONAL)**

WHEREAS, Robert E. Harbour of Centerpoint Properties Trust, applicant and property owner, has requested the amendment of approved proffered conditions associated with specified infrastructure improvements for the development of the properties identified as Zoning Map 32B, Parcels 1 and 3, 3\*1, 3\*2, 3\*3 and 3\*4, which land is depicted on Exhibit "C"; and

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

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

WHEREAS, a public hearing before City Council was duly advertised as required by law and held on the 19th day of February, 2014, 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", "Applicant's Proffer Statement", and Exhibit "C", "Zoning/Land Use Map", which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

A. Council finds that the proposed amendments are 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.

B. Council makes the following specific findings as to the conditions of the rezoning:

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

Section 3. Rezoning.

1. The conditions proffered in the attached Exhibit "B" be, and they are hereby, accepted.
2. The property be, and is hereby, conditionally rezoned and the official zoning map be, and is hereby, amended as shown on the attached Exhibit "C", which is incorporated herein by reference.
3. The foregoing rezoning and amendments to the official zoning map are

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

Section 4. Recordation.

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

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

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

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

Approved as to Form:

 Deputy City Attorney  
Helivi L. Holland, City Attorney

**EXHIBIT A**

**RESOLUTION NO. 14-01-02**

**CITY OF SUFFOLK PLANNING COMMISSION  
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION  
TO CITY COUNCIL RELATING TO REZONING REQUEST  
RZ12-13 (CONDITIONAL)  
TO REQUEST THE AMENDMENT OF APPROVED PROFFERED CONDITIONS FOR THE  
DEVELOPMENT OF THE CENTERPOINT INTERMODAL CENTER PROPERTIES  
IDENTIFIED AS ZONING MAP 32B, PARCELS 1 AND 3, 3\*1, 3\*2, 3\*3 AND 3\*4**

WHEREAS, Robert E. Harbour of Centerpoint Properties Trust, applicant and property owner, has requested the amendment of approved proffered conditions associated with specified infrastructure improvements for the development of the property; 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").

B. The Suffolk Planning Commission makes the following specific findings as 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 relation to the rezoning;
3. all the proffered conditions are in conformity with the *2026 Comprehensive Plan* as adopted by the City Council on April 5, 2006.

Section 2. Recommendation to Council.

The Planning Commission recommends to City Council that the request, RZ12-13 (Conditional), be:

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

READ AND ADOPTED:

TESTE:

January 21, 2014  
Scott Moltz

## EXHIBIT B

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

The following conditions are voluntarily proffered for the reclassification identified as Tax Map numbers 32B\*1, 32B\*3, 32B\*3\*1, 32B\*3\*2, 32B\*3\*3, 32B\*3\*4

1. The owner/applicant agrees to dedicate to the City of Suffolk approximately 9.65 gross acres (7.64 ac wetlands) with 2.62 usable acres of land with frontage on Holland Road for a City fire station. If the City has not acted upon the construction, or included the intended use in the City capital improvement plan, within a period of 10 years from the date of the recordation of the rezoning, the land will revert to the owner/applicant.
2. The owner/applicant agrees to implement a Container Management Program defining design criteria and specifications for off-chassis container storage in M2 Zoning areas. Item 2 has been completed by the Applicant.
3. The owner/applicant agrees to fund and perform certain Roadway and Traffic Improvements for Holland Road and Kenyon Road in accordance with the CenterPoint Intermodal Center TIS, dated September 24, 2008. Specific improvements included are the following:
  - a. The dedication of right of way to accommodate the City industrial access section (80-foot right of way) along Kenyon Road Frontage. Item 3a has been completed by the Applicant.
  - b. The provision of funding to the City of Suffolk for traffic signal interconnect service between the proposed new traffic signal at Road A and other signals in corridor not to exceed \$50,000. Installation of the services will be done by City forces.
  - c. The provision of funding to the City of Suffolk for signal timing and optimization design for the proposed new traffic signal and others in Rt. 58 corridor beginning at the western property limit, 3 miles east to the intersection of Rt. 13 and the Rt. 58 bypass, not to exceed \$25,000.
  - d. The dedication of right of way to accommodate the future 6-lane section with nominal width of one hundred and twenty five feet, plus additional right of way required for turn lanes on Holland Road frontage. Item 3d has been completed by the Applicant.
  - e. The modification of the existing traffic signal at Manning Bridge Road to include the southbound approach for Road B. Item 3e has been completed by the Applicant.

- ~~f. The provision of a signal warrant analysis at Kenyon Road/Road D intersection at time of CO of any building gaining direct access from Kenyon Road.~~
- f. ~~g.~~ The provision of funding for the construction of the recommended frontage improvements along Holland Road to include the westbound 3 lanes of Holland Road, recommended turn lanes, and signalization improvements. In accordance with Section 31-612(b)(4) of the Unified Development Ordinance and in lieu of the provision of funding for the construction of the recommended frontage improvements along Holland Road to include the westbound 3 lanes of Holland Road, recommended turn lanes, and signalization improvements, the owner/applicant shall provide for the construction of all improvements shown between approximately STA 39+13.05 and STA 75+00 on plans entitled CenterPoint Drive East Section 2 and 3 Engineering Plan for CenterPoint Properties CenterPoint Intermodal Center with Planning Number EP-2013-00003. In order to guarantee an equitable exchange of construction responsibilities owner/applicant agree to enter into a development agreement between the owner/applicant and the City of Suffolk. The agreement shall assign a value to the above referenced improvements as well as the frontage improvements and shall clearly memorialize the financial and implementation responsibilities of each party for the design and construction of the improvements. The development agreement must be fully executed by both parties prior to issuance of a land disturbing permit for the referenced improvements on CenterPoint Drive East.
- g. ~~h.~~ The provision of funding for the construction of the recommended frontage improvements along Kenyon Road to include road widening and turn lanes. Item 3g has been completed by the Applicant.
4. The owner/applicant agrees to the reservation of a future cross-access location for adjacent parcel 32\*38B.
- ~~5. The owner/applicant agrees to extend a 24' sewer force main from Manning Bridge Road to Road A.~~
5. ~~6.~~ The owner/applicant agrees to construct modifications to existing City sewer pump station #62 to meet the standards of the City of Suffolk Construction Standards for Public Water and Sanitary Sewerage Facilities dated March, 1995. Item 5 has been completed by the Applicant.
6. ~~7.~~ The owner/applicant agrees to construct a 24' sewer force main to Raleigh Drive to Manning Bridge Road. Item 6 has been completed by the Applicant.
7. ~~8.~~ The owner/applicant agrees to construct a 24' sewer force main from Kenyon Road to Raleigh Drive. Item 7 has been completed by the Applicant.

8. ~~9.~~ The owner/applicant agrees to construct gravity sanitary sewer lines and laterals and water mains coincident with the installation of the 24' sewer force main identified in Proffer #~~8~~ #7 as indicated in the City's engineering plans for "Forest Hills/Maple Glenn Phase 2" for the improvements between Kenyon Road and Raleigh Drive along Holland Road. Item 8 has been completed by the Applicant.
9. ~~10.~~ The owner/applicant agrees to construct a 20' water main from Manning Bridge Road to the western boundary of Pepsi Bottling Site. Item 9 has been completed by the Applicant.
10. ~~11.~~ The owner/applicant agrees to construct a 20'' water main from the west property line of the Pepsi Bottling Site to Road A and to provide jack-and-bore installations for crossings under Holland Road. Item 10 has been completed by the Applicant.
11. ~~12.~~ The owner/applicant agrees to provide a pro-rata financial contribution toward the off-site public water tower construction not to exceed \$1,000,000. Item 11 has been completed by the Applicant.
12. ~~13.~~ The owner/applicant agrees to provide a pro-rata financial contribution toward the off-site transportation improvements on Holland Road as stipulated in subparagraphs a, b, and c below, not to exceed \$3,460,000 for this transportation proffer:
- a. The above transportation proffer shall fund the cost of the owner/applicant preparation of a ~~100%~~ design and cost study for the proposed Holland Road widening to six lanes that includes authorization from VDOT and FHWA to proceed with right-of-way acquisition. Upon authorization from VDOT and FHWA, the remaining balance of the \$3,460,000 shall be payable to the City. The limits of the corridor will be the western CenterPoint property line, 3 miles to the east to the western end of the Route 58 bypass.
  - b. The owner/applicant will work with the City to secure funding for the Holland Road widening to six lanes. In the event that 100% funding is obtained for the improvements, than the balance of the transportation proffer (after funding the ~~1312~~ (a) study) will not be due to the City.
  - c. In the event that the 100% funding for the Holland Road widening to six lanes is not available within a reasonable time frame, and the project development exceeds the allowable trip generation under the existing zoning, than the balance of the above transportation proffer (after funding the ~~1312~~(a) study) shall be payable to the City.
13. ~~14.~~ The owner/applicant will dedicate or deed the land located within the Civil War trench area as a third party conservationist.

This proffer statement is made by the owner/applicant on January \_\_\_\_\_. 2014 subject to the reclassification of the subject property in accordance with this application and the execution by the City of Suffolk and owner/applicant of a Development Agreement mutually satisfactory to said parties.

CENTERPOINT PROPERTIES TRUST, a Maryland real estate investment trust,

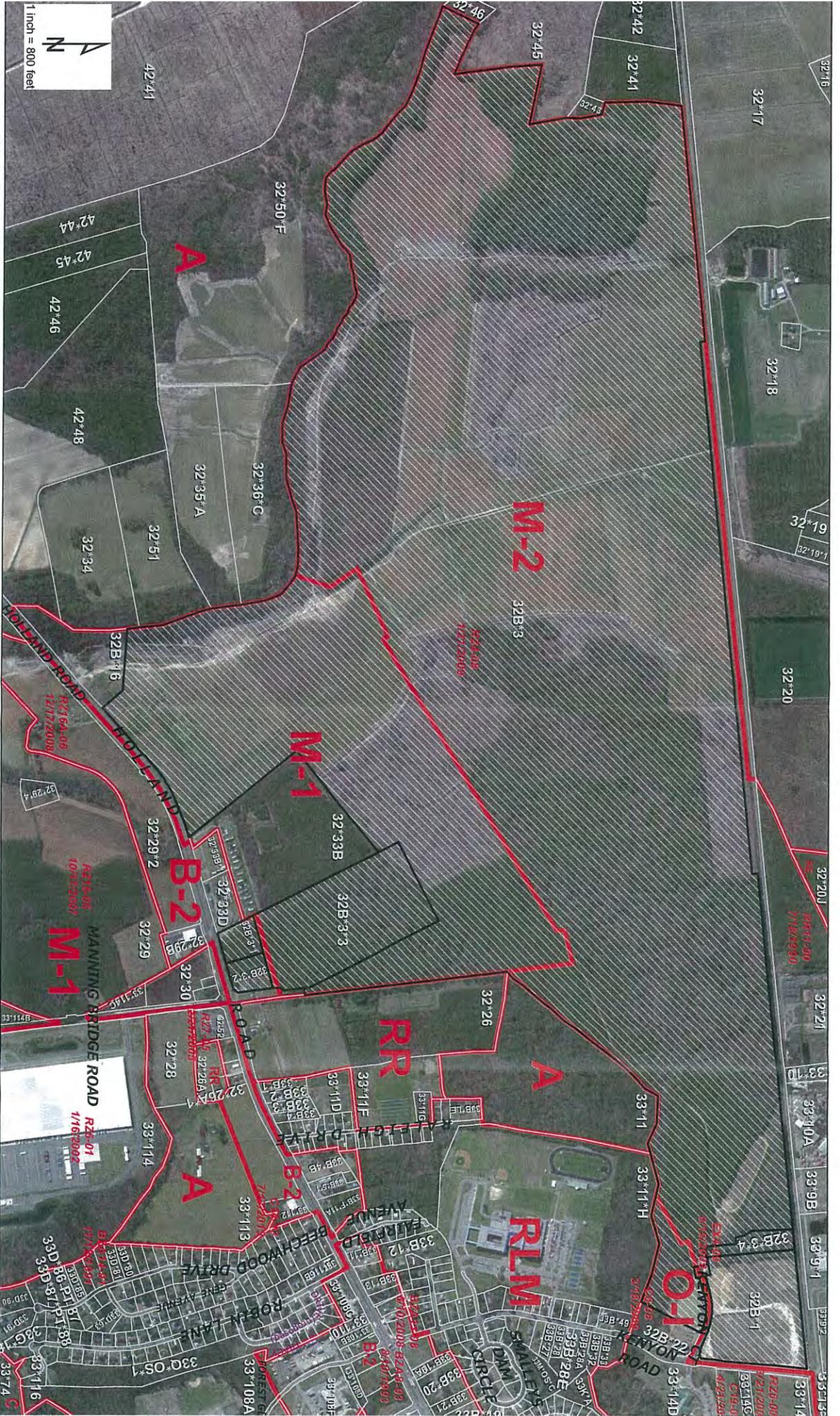
By: *R. E. Harbour*  
(Signature)

R. E. Harbour  
(Name)

Senior Vice President  
(Title)

# RZ12-13 Zoning/Land Use Map

EXHIBIT C



Aerial Imagery courtesy of ESRI [http://go.to.arcgisonline.com/maps/World\\_Imagery](http://go.to.arcgisonline.com/maps/World_Imagery)

**AGENDA: February 19, 2014, Regular Session**

**ITEM: Public Hearing** – An ordinance granting Conditional Use Permit Request C28-13, submitted by Melissa Venable, Land Planning Solutions, agent, on behalf of Jamey Stuart, applicant, and Suffolk Towers, LLC, property owner, to permit a place of worship, large, at least 6,000 square feet in the main sanctuary, a daycare, child (as an accessory to a permitted place of worship or school) and a public assembly not otherwise enumerated, in accordance with Sections 31-306 and 31-406, of the Unified Development Ordinance

Attached for your consideration is information pertaining to Conditional Use Permit Request C28-13, submitted by Melissa Venable, Land Planning Solutions, agent, on behalf of Jamey Stuart, applicant, and Suffolk Towers, LLC, property owner, to permit a place of worship, large, at least 6,000 square feet in the main sanctuary, a daycare, child (as an accessory to a permitted place of worship or school) and a public assembly not otherwise enumerated, in accordance with Sections 31-306 and 31-406, of the Unified Development Ordinance. The affected property is located at 8034 Harbour View Boulevard and is identified as Zoning Map 6, Parcel 2H\*2, Nansmond Voting Borough, zoned O-I, Office-Institutional District. The 2026 Comprehensive Plan designates this area as a part of the Northern Suburban/ Urban Growth Area (Mixed-Use Core).

The Planning Commission, at their meeting of January 21, 2014, voted 8 to 0 to approve a Resolution recommending approval of this request with the attached conditions.

**Attachments**

- 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 C28-13 submitted by Melissa Venable, Land Planning Solutions, agent, on behalf of Jamey Stuart, applicant, and Suffolk Towers, LLC, property owner, to permit a place of worship, large, at least 6,000 square feet in the main sanctuary, a daycare, child (as an accessory to a permitted place of worship or school) and a public assembly not otherwise enumerated, in accordance with Sections 31-306 and 31-406, of the Unified Development Ordinance.

**APPLICANT:** Submitted by Melissa Venable, Land Planning Solutions, agent, on behalf of Jamey Stuart, applicant, and Suffolk Towers, LLC, property owner.

**LOCATION:** The affected property is located at 8034 Harbour View Boulevard and is further identified as Zoning Map 6, Parcel 2H\*2.

**PRESENT ZONING:** O-I, Office-Institutional District

**EXISTING LAND USE:** Vacant

**PROPOSED LAND USE:** Place of worship, large, at least 6,000 square feet in the main sanctuary, a daycare, child (as an accessory to a permitted place of worship or school) and a public assembly not otherwise enumerated

## **SURROUNDING LAND USES:**

North – Office  
South – Distribution  
East – Hotel  
West – Office

**COMPREHENSIVE PLAN:** The City's 2026 Comprehensive Plan identifies this property as being located within the Northern Suburban/ Urban Growth Area (Mixed-Use Core).

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

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

## **STAFF ANALYSIS**

### **ISSUE**

The applicant is requesting approval to construct a facility for Believer's Church which would house the church as well as a child daycare and public assembly spaces. The facility will be

approximately 48,000 square feet and contain an auditorium space which will seat approximately 900 people. The auditorium space will be leased and managed by a management company. The site under consideration is a 6.6 acre portion of tax map number 6\*2H\*2. A separate application has been submitted for the subdivision of the property. This proposed subdivision creates the lot where the facility is proposed to be constructed. In addition, the subdivision proposes the extension of Bridgeway Drive as shown on the attached exhibit. In addition, the subdivision will relocate an access easement and utility easements in order to facilitate the construction of the proposed use. Conceptual renderings of the proposed facility are attached.

### CONSIDERATIONS AND CONCLUSIONS

1. Section 31-406 of the Unified Development Ordinance (UDO) requires that a Conditional Use Permit be obtained for a place of worship, large, at least 6,000 square feet in the main sanctuary within the O-I, Office-Institutional Zoning District.

Section 31-406 of the Unified Development Ordinance requires that a Conditional Use Permit be obtained for a daycare, child (as an accessory to a permitted place of worship or school) within the O-I, Office-Institutional Zoning District.

Section 31-406 of the Unified Development Ordinance requires that a Conditional Use Permit be obtained for public assembly not otherwise enumerated within the O-I, Office-Institutional District. Public assembly is defined as a building or indoor facility where individuals collect to participate or to observe programs of participation. Examples of public assembly shall include but may not be limited to auditoriums, stadia, gymnasiums, field houses, banquet rooms, conference centers, theaters and the like.

2. The off-street parking requirements outlined in the UDO require a minimum of one space per four seats and a maximum of one space per one and a half seats for a place of worship. This is the primary use of the facility and the use with the most parking demand. At the minimum and maximum ratios established by the UDO, the facility would require between 225-600 parking spaces. Compliance with this provision will be verified at the time of site plan approval.
3. Stormwater runoff will be treated for water quality and quantity via existing stormwater management facilities. A more detailed analysis of the stormwater facility will be completed during the time of site plan review if the Conditional Use Permit is approved. Prior to site plan approval, a stormwater facilities maintenance agreement will be required.
4. This site is currently served by public water and sewer. The applicant has indicated that food preparation will not be conducted on the property. There are however, water and sanitary sewer facilities which will require relocation to construct the planned project.
5. The applicant is seeking licensing approval from the State of Virginia for operation as a child daycare facility. The facility must comply with the specific State regulations for operation and minimum facility standards. Any approval of this application will require that State approval is obtained prior to operation.

6. Per section 31-701(b)(16)A, 1,500 square feet of play area is required for 20 children and 75 square feet for each additional child attending the daycare. The proposed child daycare is proposed to serve a maximum of 75 children. A total of 5,625 square feet of play area is required to serve the child daycare. However, children may be allowed to utilize the outdoor space in phases, thereby reducing the required area of playspace. Compliance with this provision will be verified at the time of site plan approval.
7. Per the application materials provided by the applicant, the 900-seat auditorium space of the building is also proposed for the public assembly use. This space will be leasable space and managed by an outside company to provide both daytime and evening events. While the primary use of this facility is a church, since public assembly events that are not associated with the church use are proposed, staff recommends as a condition of approval that the applicant be responsible for all activities conducted at the facility including the consumption of alcoholic beverages under the authority of a license issued under the laws and regulations of the Department of Alcoholic Beverage Control as well as providing appropriate security consistent with other approved public assembly uses.
8. This site is located within the Former Nansemond Ordinance Depot. A Phase I Environmental Site Assessment was submitted with this request. The report concludes that no evidence of contamination has been identified on the property and no further assessment is recommended.
9. 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 this Ordinance and any applicable supplemental use standards as set forth in Article 7 of this Ordinance.*

The proposed use of a place of worship, large, at least 6,000 square feet in the main sanctuary, is a listed conditional use in the O-I, Office-Institutional zoning district per the City's Unified Development Ordinance. There are no supplemental standards established in the UDO for the proposed use. The proposed use of daycare, child (as an accessory to a permitted place of worship or school) is a listed conditional use in the O-I, Office-Institutional zoning district per the City's Unified Development Ordinance. Supplemental standards for outdoor play areas associated with child daycare are established for this use per section 31-701(b)(16)A. The proposed use of public assembly not otherwise enumerated is a listed conditional use in the O-I,

Office-Institutional zoning district per the City's Unified Development Ordinance. No supplemental standards are established for this 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 especially well-suited to the proposed use as it does not abut any residential uses. This area is supportive of a variety of uses, many of a potentially more intense use than the proposed uses. The proposal will be required to receive Site Plan approval ensuring all Unified Development Ordinance (UDO) requirements related to site design (i.e. parking, landscaping, screening, lighting, setbacks and dimensional standards) are satisfied. This proposed use does not appear to have any adverse effects on the surrounding community.

- 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.*

This request has been reviewed by the City's Traffic Engineering Department who expressed no concerns regarding parking or traffic for the proposed use and location upon review of the Traffic Impact Study submitted by the applicant.

- 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 place of worship, large, at least 6,000 square feet in the main sanctuary, a daycare, child (as an accessory to a permitted place of worship or school) and a public assembly not otherwise enumerated should not produce excess vibration, noise, odor, dust, smoke or gas. Staff is recommending specific conditions to help alleviate any potential issues regarding the operation of the facility which is consistent with previously approved similar uses.

- 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 use will occur within a new building. The proposed uses should not diminish or impair the existing uses that surround the site

- 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 uses of this property should not impede the orderly development and improvement of surrounding properties.

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

The ongoing use of the place of worship, large, at least 6,000 square feet in the main sanctuary, a daycare, child (as an accessory to a permitted place of worship or school) and a public assembly not otherwise enumerated should not be a detriment or endangerment to the public. For the public assembly use specifically, staff is recommending, consistent with other locations of public assembly use, safeguards regarding alcohol consumption, visibility, and alarms to help maintain the public health, safety, morals and comfort of citizens.

- 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 requested uses of a place of worship, large, at least 6,000 square feet in the main sanctuary, a daycare, child (as an accessory to a permitted place of worship or school) and a public assembly not otherwise enumerated should not adversely impact the adjacent properties 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 would serve to mitigate potential adverse impacts. Therefore, staff recommends **approval** of Conditional Use Permit request C28-13 with the following conditions:

### **General:**

1. The applicant shall provide a revised Stormwater Master Plan which addresses the proposed construction of this facility. As a portion of the Master Plan, a stormwater maintenance agreement must be approved and recorded prior to site plan approval
2. A subdivision plat must be approved and recorded creating the proposed parcel for the facility prior to approval of a site plan. This plat shall address the relocation of any public utilities, cross-access easements, and right-of-way dedication required to complete this facility.
3. Final design calculations will need to be submitted to the Department of Public Utilities to determine the adequacy of public water and sewer infrastructure at the time of site plan submission.

4. The site shall be developed substantially in compliance with the attached Exhibit C.

Place of Worship:

5. Occupancy of the sanctuary/auditorium for worship services shall be determined by the Building Official and the Fire Marshal, but in no case shall it exceed an occupancy of more than 900 persons.
6. No food preparation may take place without approval from the Suffolk Health Department.

Child Daycare:

7. The applicant shall be responsible to ensure compliance with all regulations regarding the operation of a child daycare facility as required by the Virginia Department of Social Services.
8. No food preparation may take place without approval from the Suffolk Health Department.

Public Assembly:

9. 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.
10. The applicant shall be responsible for all activities conducted at the facility including the consumption of alcoholic beverages under the authority of a license issued under the laws and regulations of the Department of Alcoholic Beverage Control.
11. Adult events that serve alcohol shall require security by Department of Criminal Justice Services (DCJS) registered and approved security officers.
12. The operating hours for the public assembly shall be Sunday through Thursday from 9:00 a.m. to 11:00 p.m. and Friday through Saturday from 9:00 a.m. to 12:00 midnight.
13. The business unit number shall be easily visible to emergency units.
14. Interior and exterior lighting shall be provided at entrance/exit points.
15. An alarm system shall be provided by a licensed alarm company with a central monitoring system. Both audible and strobe alarms are recommended with the audio to be heard outside the building. Heat, motion and glass breakage sensors are also recommended. Advertise presence of alarm system to deter break-ins.
16. Digital video surveillance shall be provided at entrance/exits and in the interior as recommended and approved by the police department. There shall be an employee on staff that is able to operate the surveillance system at all times. The applicant shall provide copies of the surveillance photos and videos to the police as requested and have a monitor available for viewing on-site

17. Occupancy of the sanctuary/auditorium for public assembly use shall be determined by the Building Official and the Fire Marshal, but in no case shall it exceed an occupancy of more than 900 persons.

18. No food preparation may take place without approval from the Suffolk Health Department.

The Planning Commission, at their meeting of January 21, 2014, voted 8 to 0 to approve a Resolution recommending approval of this request with the attached conditions.

#### Attachments

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

:





## ORDINANCE NO.

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW A PLACE OF WORSHIP, LARGE, AT LEAST 6,000 SQUARE FEET IN THE MAIN SANCTUARY, A DAYCARE, CHILD (AS AN ACCESSORY TO A PERMITTED PLACE OF WORSHIP OR SCHOOL) AND A PUBLIC ASSEMBLY NOT OTHERWISE ENUMERATED LOCATED AT 8034 HARBOUR VIEW BOULEVARD, ZONING MAP NUMBER 6, PARCEL 2H\*2 – C28-13**

WHEREAS, Melissa Venable, Land Planning Solutions, agent, on behalf of Jamey Stuart, applicant, and Suffolk Towers, LLC, property owner, has requested a conditional use permit to permit a place of worship, large, at least 6,000 square feet in the main sanctuary, a daycare, child (as an accessory to a permitted place of worship or school) and a public assembly not otherwise enumerated, 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 6, Parcel 2H\*2, 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 place of worship, large, at least 6,000 square feet in the main sanctuary, a daycare, child (as an accessory to a permitted place of worship or school) and a public assembly not otherwise enumerated 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 place of worship, large, at least 6,000 square feet in the main sanctuary, a daycare, child (as an accessory to a permitted place of worship or school) and a public assembly not otherwise enumerated 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 allow a place of worship, large, at least 6,000 square feet in the main sanctuary, a daycare, child (as an accessory to a permitted place of worship or school) and a public assembly not otherwise enumerated use in compliance with Exhibit "C" (the "Site Plans"), and Sections 31-306 and 31-406 of the Code of the City of Suffolk.

#### Conditions

##### General:

1. The applicant shall provide a revised Stormwater Master Plan which addresses the proposed construction of this facility. As a portion of the Master Plan, a stormwater maintenance agreement must be approved and recorded prior to site plan approval
2. A subdivision plat must be approved and recorded creating the proposed parcel for the facility prior to approval of a site plan. This plat shall address the relocation of any public utilities, cross-access easements, and right-of-way dedication required to complete this facility.
3. Final design calculations will need to be submitted to the Department of Public Utilities to determine the adequacy of public water and sewer infrastructure at the time of site plan submission.
4. The site shall be developed substantially in compliance with the attached Exhibit C.

Place of Worship:

5. Occupancy of the sanctuary/auditorium for worship services shall be determined by the Building Official and the Fire Marshal, but in no case shall it exceed an occupancy of more than 900 persons
6. No food preparation may take place without approval from the Suffolk Health Department.

Child Daycare:

7. The applicant shall be responsible to ensure compliance with all regulations regarding the operation of a child daycare facility as required by the Virginia Department of Social Services.
8. No food preparation may take place without approval from the Suffolk Health Department.

Public Assembly:

9. 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.
10. The applicant shall be responsible for all activities conducted at the facility including the consumption of alcoholic beverages under the authority of a license issued under the laws and regulations of the Department of Alcoholic Beverage Control.
11. Adult events that serve alcohol shall require security by Department of Criminal Justice Services (DCJS) registered and approved security officers.
12. The operating hours for the public assembly shall be Sunday through Thursday from 9:00 a.m. to 11:00 p.m. and Friday through Saturday from 9:00 a.m. to 12:00 midnight.
13. The business unit number shall be easily visible to emergency units.
14. Interior and exterior lighting shall be provided at entrance/exit points.
15. An alarm system shall be provided by a licensed alarm company with a central monitoring system. Both audible and strobe alarms are recommended with the audio to be heard outside the building. Heat, motion and glass breakage sensors are also recommended. Advertise presence of alarm system to deter break-ins.
16. Digital video surveillance shall be provided at entrance/exits and in the interior as recommended and approved by the police department. There shall be an employee on staff that is able to operate the surveillance system at all times. The applicant shall provide copies of the surveillance photos and videos to the police as requested and have a monitor available for viewing on-site

17. Occupancy of the sanctuary/auditorium for public assembly use shall be determined by the Building Official and the Fire Marshal, but in no case shall it exceed an occupancy of more than 900 persons.
18. No food preparation may take place without approval from the Suffolk Health Department.

Section 4. General Conditions.

- (a) The conditional use permit may be revoked by City Council upon failure to comply with any of the conditions contained herein, after ten days written notice to Suffolk Towers, LLC, property owner and Jamey Stuart, applicant 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 Towers, LLC, property owner property and Jamey Stuart, applicant or any party undertaking or maintaining such use, of the conditions to which the conditional use permits herein granted are 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.

**CITY OF SUFFOLK PLANNING COMMISSION  
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION  
TO CITY COUNCIL RELATING TO CONDITIONAL USE PERMIT  
C28-13**

**WHEREAS**, Melissa Venable, Land Planning Solutions, agent, on behalf of Jamey Stuart, applicant, and Suffolk Towers, 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 a place of worship, large, at least 6,000 square feet in the main sanctuary, a daycare, child (as an accessory to a permitted place of worship or school) and a public assembly not otherwise enumerated, 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, C19-13, 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.

- Xc. 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:

January 21, 2014

TESTE:

[Signature]

**CONDITIONAL USE PERMIT  
C28-13**

**CONDITIONS**

**General:**

1. The applicant shall provide a revised Stormwater Master Plan which addresses the proposed construction of this facility. As a portion of the Master Plan, a stormwater maintenance agreement must be approved and recorded prior to site plan approval
2. A subdivision plat must be approved and recorded creating the proposed parcel for the facility prior to approval of a site plan. This plat shall address the relocation of any public utilities, cross-access easements, and right-of-way dedication required to complete this facility.
3. Final design calculations will need to be submitted to the Department of Public Utilities to determine the adequacy of public water and sewer infrastructure at the time of site plan submission.
4. The site shall be developed substantially in compliance with the attached Exhibit C.

**Place of Worship:**

5. Occupancy of the sanctuary/auditorium for worship services shall be determined by the Building Official and the Fire Marshall, but in no case shall it exceed an occupancy of more than 900 persons.
6. No food preparation may take place without approval from the Suffolk Health Department.

**Child Daycare:**

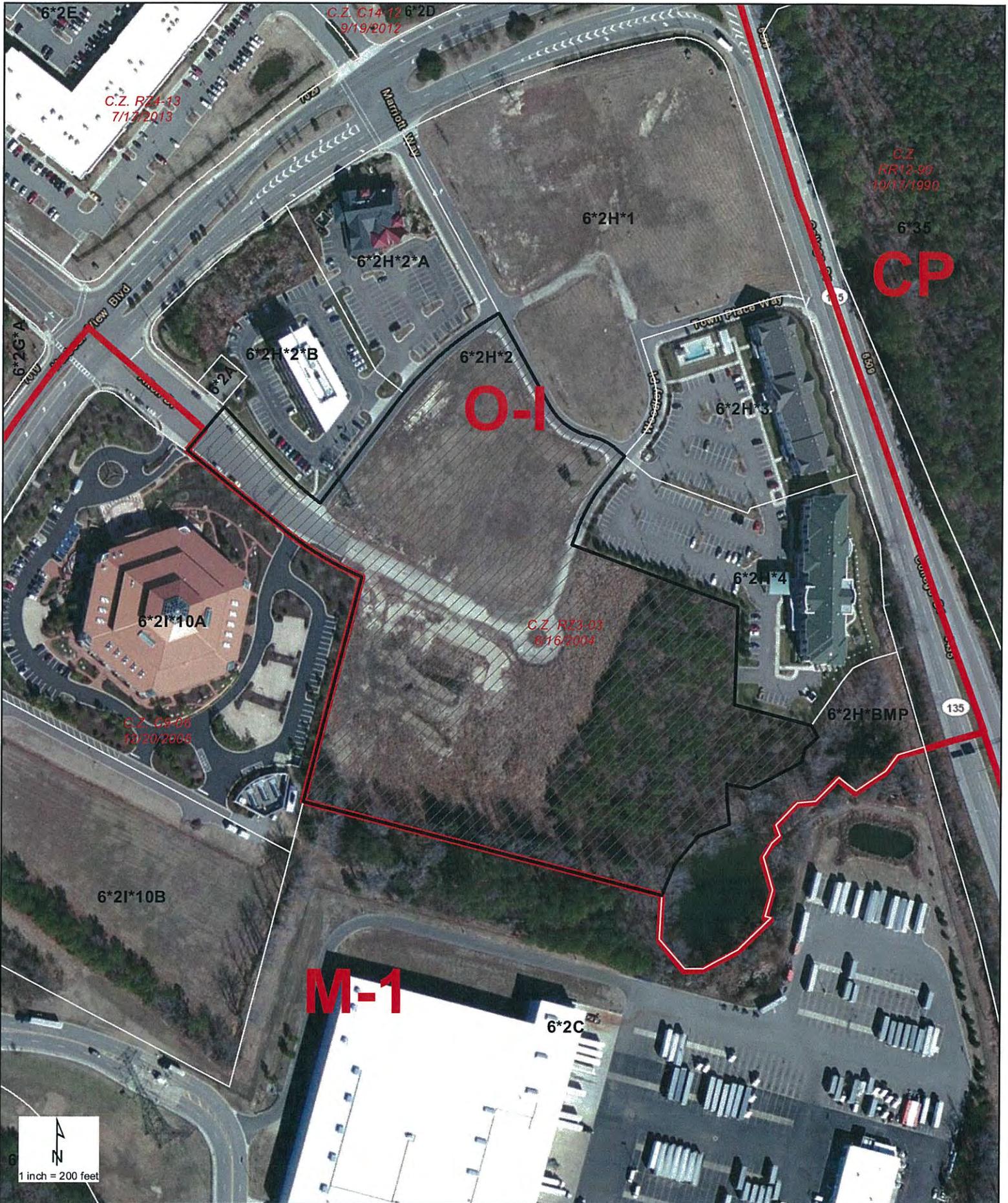
7. The applicant shall be responsible to ensure compliance with all regulations regarding the operation of a child daycare facility as required by the Virginia Department of Social Services.
8. No food preparation may take place without approval from the Suffolk Health Department.

**Public Assembly:**

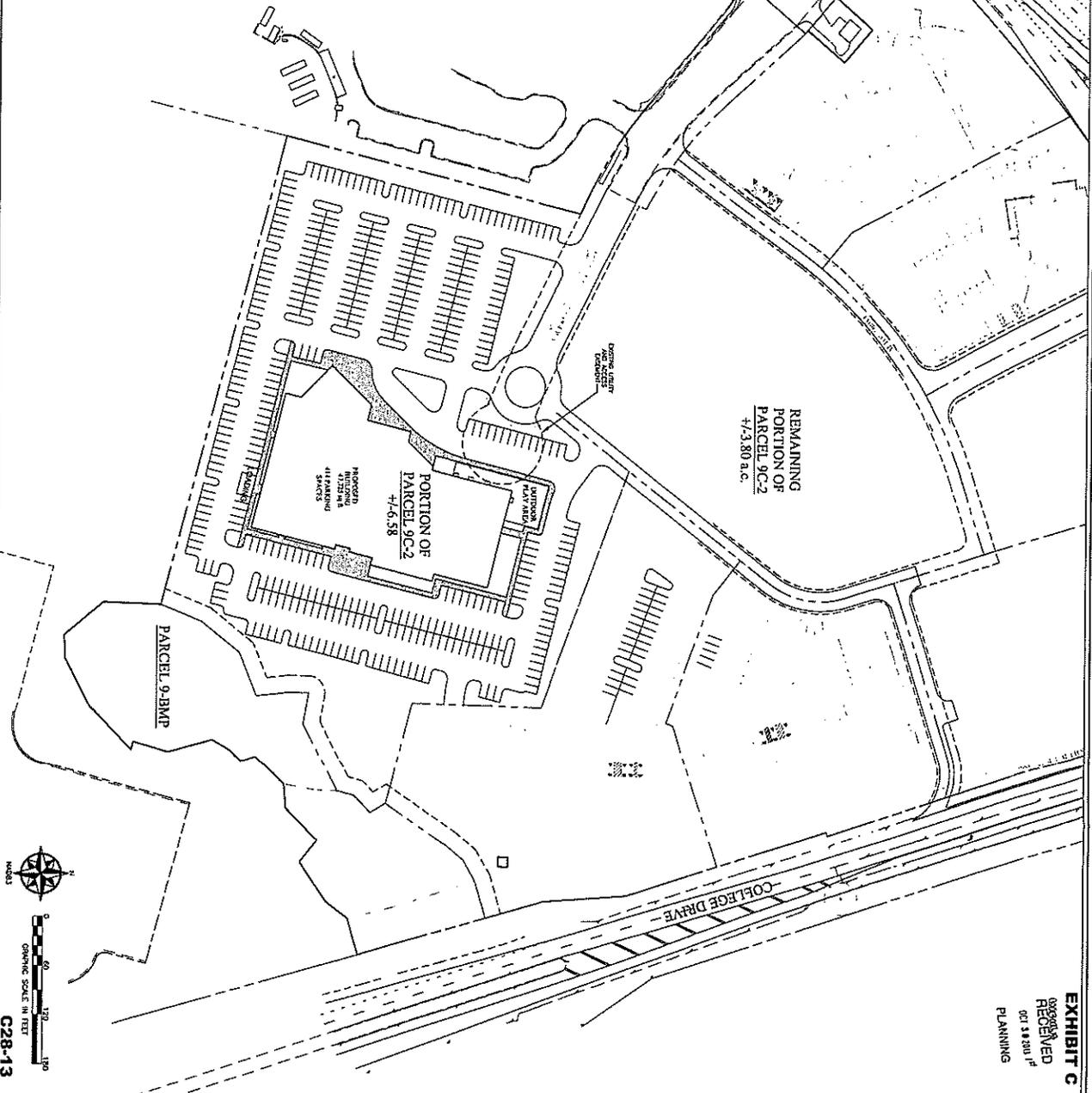
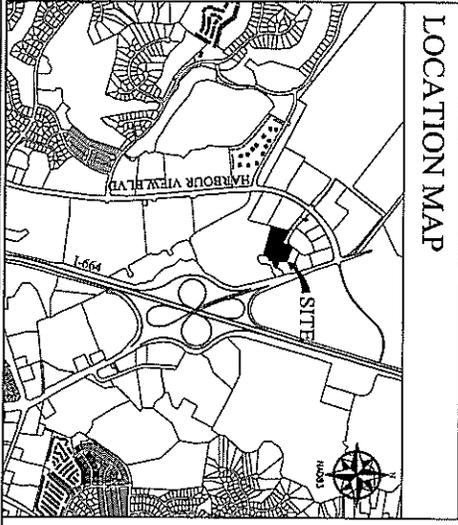
9. The applicant shall be responsible to ensure compliance with all local and state laws and ordinances of the City of Suffolk and the Commonwealth of Virginia.
10. The applicant shall be responsible for all activities conducted at the facility including the consumption of alcoholic beverages under the authority of a license issued under the laws and regulations of the Department of Alcoholic Beverage Control.
11. Adult events that serve alcohol shall require security by Department of Criminal Justice Services (DCJS) registered and approved security officers.

12. The operating hours for the public assembly shall be Sunday through Thursday from 9:00 a.m. to 11:00 p.m. and Friday through Saturday from 9:00 a.m. to 12:00 midnight.
13. The business unit number shall be easily visible to emergency units.
14. Interior and exterior lighting shall be provided at entrance/exit points.
15. An alarm system shall be provided by a licensed alarm company with a central monitoring system. Both audible and strobe alarms are recommended with the audio to be heard outside the building. Heat, motion and glass breakage sensors are also recommended. Advertise presence of alarm system to deter break-ins.
16. Digital video surveillance shall be provided at entrance/exits and in the interior as recommended and approved by the police department. There shall be an employee on staff that is able to operate the surveillance system at all times. The applicant shall provide copies of the surveillance photos and videos to the police as requested and have a monitor available for viewing on-site
17. Occupancy of the sanctuary/auditorium for public assembly use shall be determined by the Building Official and the Fire Marshall, but in no case shall it exceed an occupancy of more than 900 persons.
18. No food preparation may take place without approval from the Suffolk Health Department.

# C28-13 Zoning/Land Use Map



Aerial Imagery courtesy of ESRI [http://goto.arcgisonline.com/maps/World\\_Imagery](http://goto.arcgisonline.com/maps/World_Imagery)



**EXHIBIT C**  
 RECEIVED  
 OCT 28 2013  
 PLANNING

SHEET NO.  
 1 OF 1

**BELIEVERS CHURCH**  
 8030 Harbour View Boulevard  
 Suffolk, Virginia

**Conditional Use Permit Application**

PROJECT No:  
 DATE 22OCT13  
 DES. EJE  
 DR. EJE  
 CKD. MV

No.	DATE	REVISION

**LAND PLANNING SOLUTIONS**  
 5957 HARBOUR VIEW BLVD, STE. 202  
 SUFFOLK VA. 23435-2657  
 © 757.935.9014 F 757.935.9015

**AGENDA: February 19, 2014, Regular Session**

**ITEM: Public Hearing** – An Ordinance granting a Conditional Use Permit for a trade school, nail technology school, on property located at 347 North Main Street, Zoning Map 34G11(A), Parcel 88, C30-13

Attached for your consideration is information pertaining to Conditional Use Permit Request C30-13, Lemuria Health Beauty Fitness Academy, submitted by Stacey Mossor, applicant, on behalf of Demetrius Panagopoulos, BackBay Outdoors, LLC, property owner, for a trade school, Nail Technology School, in accordance with Sections 31-306 and 31-406, of the Unified Development Ordinance. The affected property is located at 347 North Main Street and is further identified as Zoning Map 34G11(A), Parcel 88, Suffolk Voting Borough, zoned CBD, Central Business District. The 2026 Comprehensive Plan designates this area as a part of the Central Suburban/ Urban Growth Area (Mixed Use Core).

The Planning Commission, at their meeting of January 21, 2014, voted 8 to 0 to **approve** a Resolution recommending approval of this request with conditions.

**ATTACHMENTS**

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

# STAFF REPORT

## DESCRIPTION

**CONDITIONAL USE PERMIT:** Conditional Use Permit Request C30-13, for a trade school, Nail Technology School, in accordance with Sections 31-306 and 31-406, of the Unified Development Ordinance.

**APPLICANT:** Stacey Mossor, applicant, on behalf of Demetrius Panagopulos, BackBay Outdoors, LLC, property owner.

**LOCATION:** The affected area is located at 347 North Main Street and is further identified as Zoning Map 34G11(A), Parcel 88.

**PRESENT ZONING:** CBD, Central Business District and HC, Historic Conservation Overlay District.

**EXISTING LAND USE:** An office/commercial building.

**PROPOSED LAND USE:** Trade school, nail technology school.

### **SURROUNDING LAND USES:**

North – CBD district, car wash;

South – CBD district, office/commercial building – vacant;

East – CBD district, Suffolk Seaboard Station Railroad Museum and the proposed Suffolk; Transit bus terminal (across North Main Street)

West – RU district, single-family residential.

**COMPREHENSIVE PLAN:** The City's 2026 Comprehensive Plan identifies this property as being located within the Central Suburban/Urban Growth Area (mixed use core).

**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).

**CASE HISTORY:** In 1986, a Conditional Use Permit request (C29-86) was granted to allow for the operation of Luke House restaurant.

**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 a nail technology trade school. The applicant also proposes to conduct other uses on the property which are classified as by-right permitted uses (not requiring the issuance of a Conditional Use Permit) such as personal services. The subject property is .0441 acres in area. The nail technology school will initially occupy the first floor of the two-story building.

### CONSIDERATIONS AND CONCLUSIONS

1. Section 31-406 of the Unified Development Ordinance (UDO) requires that a Conditional Use Permit be obtained for a trade school establishment within the CBD, Central Business District.
2. The property is located within the HC, Historic Conservation Overlay District and therefore all exterior modification are subject to the applicable provisions within the UDO and Suffolk Historic District Design Guidelines. No exterior or interior modifications are proposed at this time. The applicant will be required to address any issues regarding occupancy of the proposed space pertaining to the Virginia Uniform Statewide Building Code with the Division of Community Development.
3. The off-street parking requirements outlined in the UDO require a minimum of one space per 200 square feet and a maximum of one space per 150 square feet for schools of private instruction. The subject property does not contain a formal parking area. However, the property is adjacent to the Prentis Street public parking lot. Section 31-606, Parking and Loading Standards, authorizes the Planning Director to waive parking requirements based on the general availability of public parking to serve the anticipated parking needs for properties within the CBD and VC Districts.
4. The property is serviced by City water and sewer.
5. The property is located within the Chesapeake Bay Preservation Area (CBPA) and is designated as an Intensely Developed Area (IDA).
6. Pursuant to Section 31-306 of the Unified Development Ordinance (UDO), a Conditional Use Permit recognizes uses that, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right. Rather, such uses are permitted through the approval of a Conditional Use Permit by City Council when the right set of circumstances and conditions are found acceptable.

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

- a) *The proposed conditional use shall be in compliance with all regulations of the applicable zoning district, the provisions of Article 6 of the ordinance and any*

*applicable supplemental use standards as set forth in Article 7 of the Ordinance.*

Trade schools are listed as a conditional use in the CBD zoning district per the City's Unified Development Ordinance. There are no supplemental standards established in the UDO for the proposed use.

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

The request to operate a trade school at 347 North Main Street is not inconsistent with other allowable uses within the Central Business District. The intensity of the requested trade school is similar to other commercial uses permitted in the CBD District. Furthermore, the proposed trade school with the personal service offerings will serve to complement surrounding uses by attracting students and customers to downtown. This proposed use will take place entirely within the existing building and does not appear to have any adverse effects on the surrounding community.

- 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 to operate a trade school has been reviewed by the City's Traffic Engineering Department and approval is recommended.

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

The request to operate a trade school should not produce excess vibration, noise, odor, dust, smoke or gas. It is not anticipated that there will be any uses associated with the operation of a trade school which would impact the surrounding community.

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

The proposed use will occur entirely within the existing primary building. The proposal to operate a trade school should not diminish or impair the existing uses that surround the site

- 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 proposal to operate a trade school should not impede the orderly development and improvement of surrounding properties.

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

The proposal to operate a trade school 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 proposal to operate a trade school on this property.

### **RECOMMENDATION**

The request to allow the operation of a trade school at 347 North Main Street 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 would serve to mitigate potential adverse impacts. Therefore, staff recommends **approval** of Conditional Use Permit request C30-13 with the following conditions.

1. The trade school shall be limited to instruction pertaining to health, beauty, and related business operations and management.
2. Class size shall be limited to a maximum of twelve (12) students per session.

The Planning Commission, at their meeting of January 21, 2014, voted 8 to 0 to **approve** a Resolution recommending approval of this request with conditions.

#### Attachments

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

# LEMURIA

Health . Beauty . Fitness. Academy

201 Prentis St. Suffolk VA 23434

- I appreciate your time for looking over my proposal for the Conditional Use Permit in Suffolk VA. I have been in communication with Thomas Jordan over the past month or so, he is very familiar with this case. I have included a site plan for the purposed Lemuria Health Beauty Fitness Academy, a Nail Technology School, an interior layout displaying the different areas for the business, the property owner's signature (Demetrius Panagopoulos) and a check made out to the City of Suffolk. Thank you again, and if you need any further action from me my contact is 304.916.2509.
- Lemuria Health Beauty Fitness Academy will be offering a well-rounded, comprehensive Nail Technology program that covers all phases of manicures, pedicures, business management and much more. Offering this course will not only increase traffic to the city of Suffolk but also increase education as well. Lemuria Academy also has the potential to bring business to Suffolk by offering this new education to its residents. A Nail Technology program is currently not available in this city at this time which means any citizen in the surrounding area wanting a new education and career in Nail Technology is forced to attend a cosmetology course which is not only costly but time consuming, or they must travel miles upon miles to attend a Nail Technology course outside of Suffolk. As a property owner in Suffolk I see the great improvements being made to make this city better and I would love the opportunity to add to that great investment.
- Lemuria Health Beauty Fitness Academy will not be changing any structural or physical improvements to the location at 201 Prentis St. Suffolk VA 23434
- I am asking for items 6A-6E be waived because the property at 201 Prentis St. is an existing commercial business.

# LEMURIA

Health . Beauty . Fitness. Academy

201 Prentis St. Suffolk VA 23434

**RECEIVED**

**NOV 26 2013**

**PLANNING**

- Lemuria will begin by offering day classes. Those hours of operations will be:

School Hours:

Tuesday 10am-3pm

Wednesday 10am-3pm

Thursday 10am-6pm

Friday 10am-6pm

- Lemuria will also be looking at the possibility of expanding to evening classes in the future. Those hours of operations will be:

Tuesday 5pm-8pm

Wednesday 5pm-8pm

Thursday 6pm-9pm

Friday 6pm-9pm

- Lemuria will also be looking at the possibility of expanding to Saturdays due to the need for students and the community. The hours of operations will be:

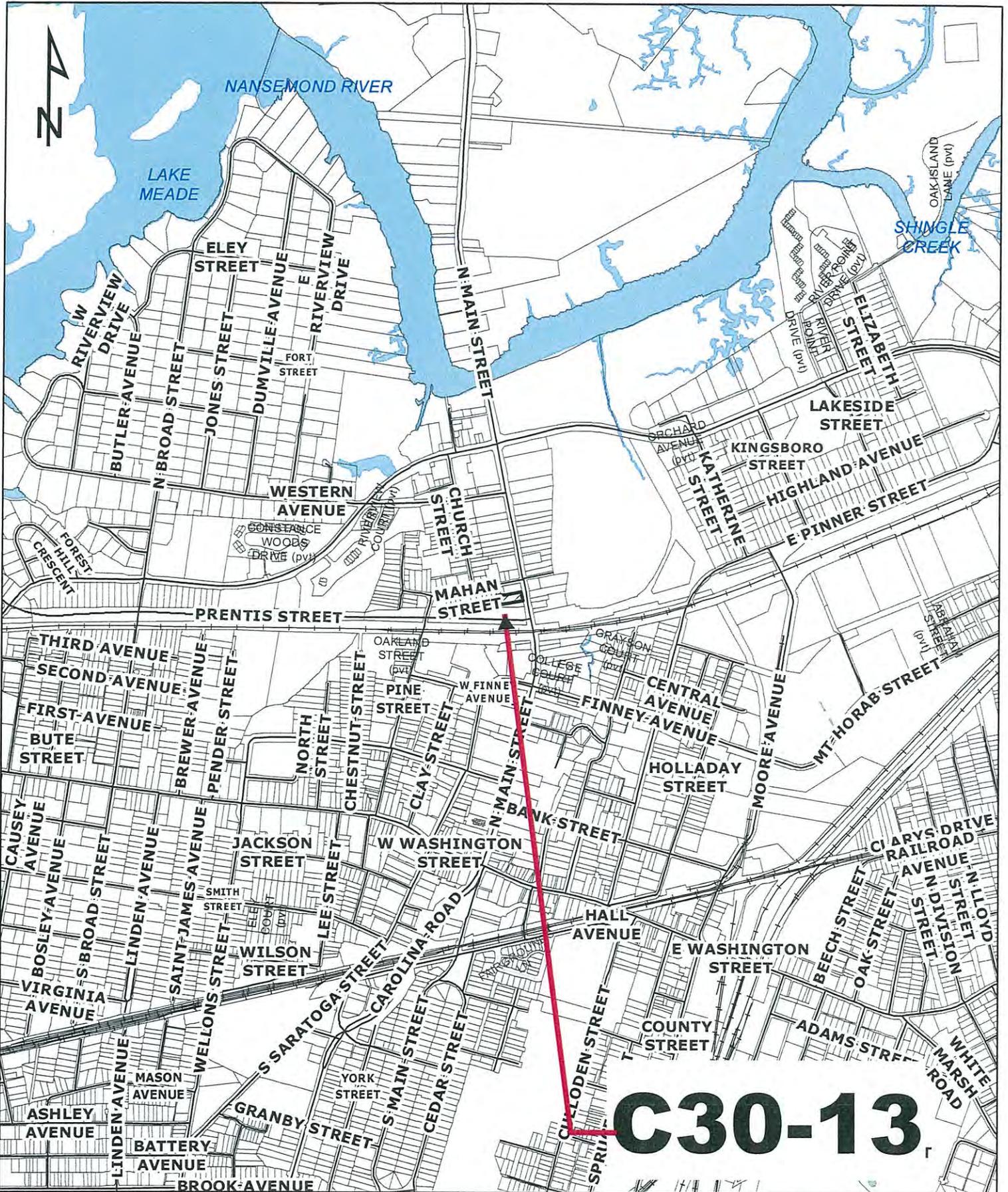
Saturday 11am-7pm

- Lemuria will be looking to have anywhere from five to ten students enrolled during each class duration ranging from six to twelve weeks in length.

Thank you,

Stacey Mossor

# General Location Map



**ORDINANCE NO.**

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR A TRADE SCHOOL, NAIL TECHNOLOGY SCHOOL, ON PROPERTY LOCATED AT 347 NORTH MAIN STREET, ZONING MAP 34G11(A), PARCEL 88, C30-13**

WHEREAS, Stacey Mossor, applicant, on behalf of Demetrius Panagopoulos, BackBay Outdoors, LLC, property owner, has requested a conditional use for a trade school, nail technology school, 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 34G11(A), Parcel 88, which land is depicted on Exhibit "B"; and,

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

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

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

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

Section 1. Exhibits.

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

Section 2. Findings.

Council finds that the proposal for a conditional use permit, as submitted or modified with conditions herein, the expressed purpose of which is to permit a trade school 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 personal services establishment 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 is specifically for a trade school establishment in compliance with Exhibit "C" (the "Floor Plan"), and Sections 31-306 and 31-406 of the Code of the City of Suffolk.

Conditions

1. The trade school shall be limited to instruction pertaining to health, beauty, and related business operations and management.
2. Class size shall be limited to a maximum of twelve (12) students per session.

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 BackBay Outdoors, LLC, property owner, and Stacey Mossor, applicant, 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 BackBay Outdoors, LLC, property owner, and Stacey Mossor, applicant, or any party undertaking or maintaining such use, of the conditions to which the conditional use permit herein granted is subject.

Section 5. Severability.

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

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

Section 6. Recordation.

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

Section 7. Effective Date.

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

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

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

Approved as to Form:

  
Helivi L. Holland, City Attorney

Exhibit A

RESOLUTION NO. 14-01-5

**CITY OF SUFFOLK PLANNING COMMISSION  
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION  
TO CITY COUNCIL RELATING TO CONDITIONAL USE PERMIT  
C30-13**

**WHEREAS**, Stacey Mossor, applicant, on behalf of Demetrius Panagopoulos, BackBay Outdoors, 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 a trade school in accordance with Sections 31-306 and 31-406, and 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, C30-13, 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.

Xc. 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: January 21, 2014

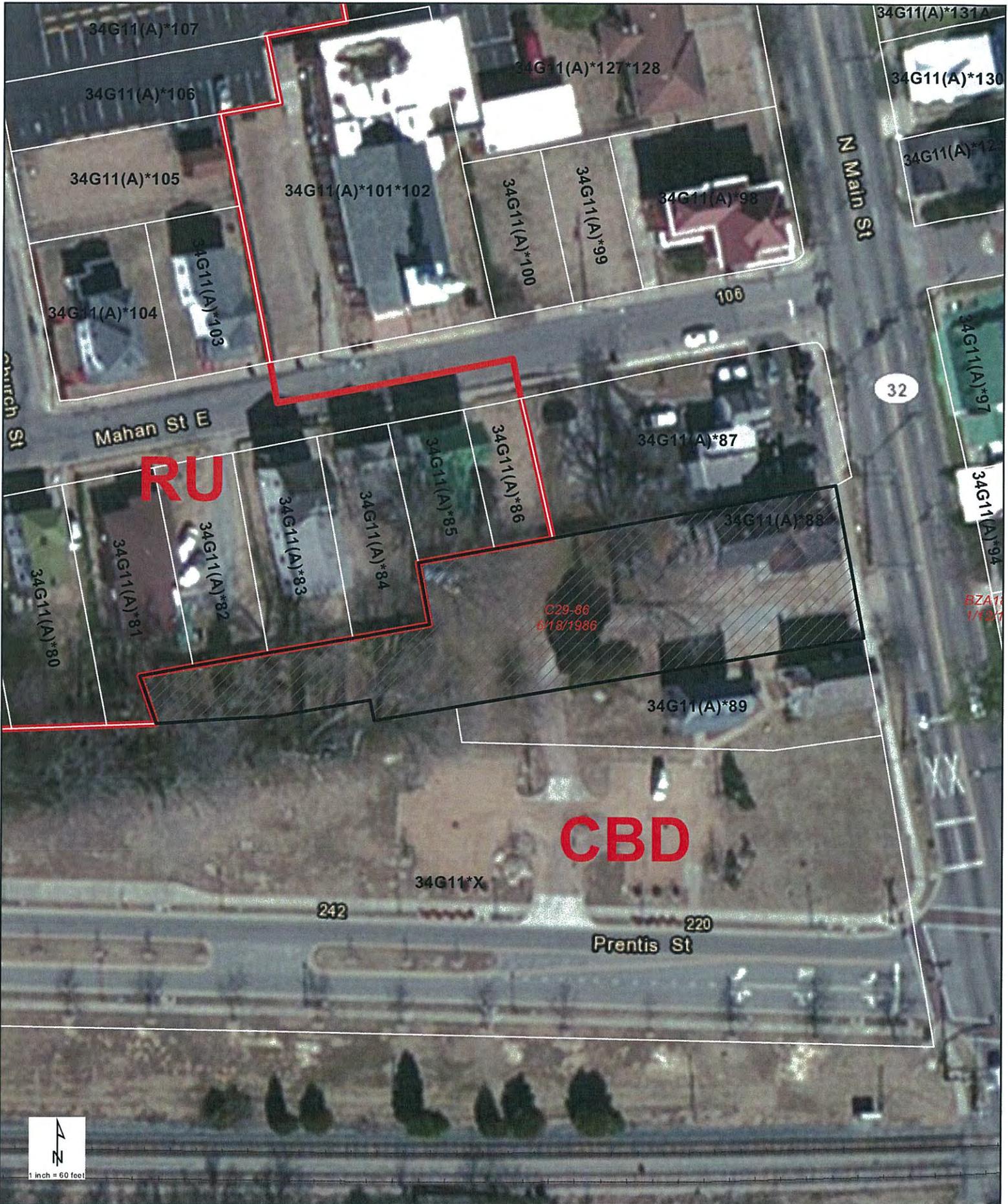
TESTE: [Signature]

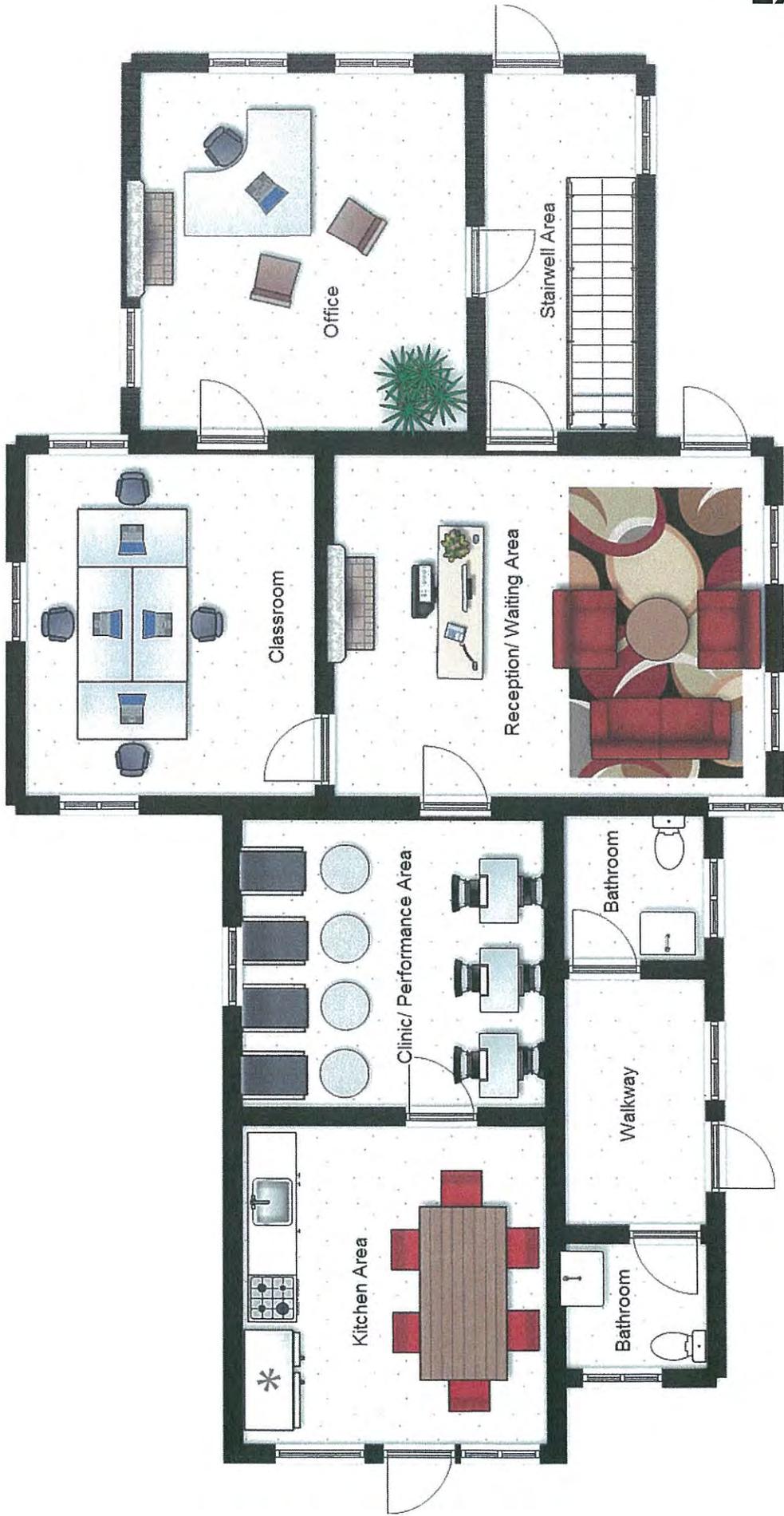
**CONDITIONAL USE PERMIT  
C30-13**

**CONDITIONS**

1. The trade school shall be limited to instruction pertaining to health, beauty, and related business operations and management.
2. Class size shall be limited to a maximum of twelve (12) students per session.

# C30-13 Zoning/Land Use Map





0ft 12ft 24ft

**AGENDA: February 19, 2014, Regular Session**

**ITEM: Public Hearing** – An Ordinance granting a Conditional Use Permit for minor automobile repair at 156 South Saratoga Street, Zoning Map Number 34G24(A), Parcel 2, C31-13

Attached for your consideration is information pertaining to Conditional Use Permit Request C31-13, submitted by Charles D. Parr, Sr., Parr Saratoga Street Properties, LLC, agent, on behalf of Melissa Engel, applicant, on behalf of Parr Saratoga Street Properties, LLC, property owner, for an automobile repair, minor, in accordance with Sections 31-306 and 31-406, of the Unified Development Ordinance. The affected property is located at 156 South Saratoga Street and is further identified as Zoning Map 34G24(A), Parcel 2, Suffolk Voting Borough, zoned CBD, Central Business District. The 2026 Comprehensive Plan designates this area as a part of the Central Suburban / Urban Growth Area (Mixed Use Core).

The Planning Commission, at their meeting of January 21, 2014, voted 8 to 0 to **approve** a Resolution recommending approval of this request with conditions.

**ATTACHMENTS**

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

# STAFF REPORT

## DESCRIPTION

**CONDITIONAL USE PERMIT:** Conditional Use Permit Request C31-13, for an automobile repair, (minor), installation of window tint, in accordance with Sections 31-306 and 31-406, of the Unified Development Ordinance.

**APPLICANT:** Submitted by Charles D. Parr, Sr., Parr Saratoga Street Properties, LLC, agent, on behalf of Melissa Engel, applicant, on behalf of Parr Saratoga Street Properties, LLC, property owner.

**LOCATION:** The affected property is located at 156 South Saratoga Street and is further identified as Zoning Map 34G24(A), Parcel 2.

**PRESENT ZONING:** CBD, Central Business District.

**EXISTING LAND USE:** Garage building with attached office space.

**PROPOSED LAND USE:** Minor automobile repair (installation of window tint).

### **SURROUNDING LAND USES:**

North – CBD district, pawn shop;  
South – CBD district, auto paint dealer;  
East – CBD district, Carolina Road;  
West – CBD district, auto parts store (across South Saratoga Street).

**COMPREHENSIVE PLAN:** The City's 2026 Comprehensive Plan identifies this property as being located within the Central Suburban/Urban Growth Area (mixed use core).

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

**CASE HISTORY:** The building was constructed as a service station between 1940 and the mid-1950s. The building features two (2) garage bays and customer/office area. Until recently, a beauty salon/barber shop had been operating in the building since 1997.

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

## STAFF ANALYSIS

### ISSUE

The applicant is requesting approval to utilize the existing structure at 156 South Saratoga Street for automobile repair, (minor), installation of window tint. The applicant will be installing window tint primarily on automobiles. All activities will be performed indoors in a controlled environment.

### CONSIDERATIONS AND CONCLUSIONS

1. Section 31-406 of the Unified Development Ordinance requires that a conditional use permit be obtained for minor automobile repair within the CBD, Central Business District.
2. The applicant has indicated that the hours of operation of the facility will be from 9:00 a.m. to 5:00 p.m. Monday through Friday and Saturday 10:00 a.m. to 6:00 p.m.
3. This site is currently serviced by City water and sewer.
4. There is a large concrete area in front of the structure. The off-street parking requirements outlined in the UDO require a minimum of one space per 500 square feet of floor area. The minor automobile repair use will require a minimum of 3 and a maximum of 4 parking spaces.

While adequate space is available to accommodate this parking need, delineation of the parking area is required. In particular, there is a need to separate vehicle areas from the sidewalk along the frontage of the site. Currently, the numerous points of entrance for the site are not well defined. Entry can be made almost along the entire frontage of both South Saratoga Street and Popular Street. Staff recommends that a condition be placed on the application that a physical barrier be established to separate the parking area from the sidewalk and also to better define entry into the site.

5. Pursuant to Section 31-306 of the Unified Development Ordinance (UDO), a Conditional Use Permit recognizes uses that, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right. Rather, such uses are permitted through the approval of a Conditional Use Permit by City Council when the right set of circumstances and conditions are found acceptable.

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

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

The proposed use of minor automobile repair is a listed conditional use in the CBD,

Central Business District zoning district per the City's Unified Development Ordinance. No supplemental standards are established for this 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 well-suited to the proposed use as it does not abut any residential uses. This area is supportive of a variety of uses.

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

In order to better define vehicular entrances and pedestrian sidewalks staff recommends that as a condition of approval that separation be established between the existing sidewalk and the vehicle circulation/parking area. This barrier shall establish specific entry locations along South Saratoga Street and Popular Street

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

The intended use of the structure is for the operation of vehicle window tinting business. The proposed activities are to be conducted indoors.

- 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 use will occur entirely within the existing primary building. The proposal to operate a minor automotive repair operation for window tinting should not diminish or impair the existing uses that surround the site

- 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 continued use of the structure and site should have a positive impact on the adjacent area and should not impede the orderly development and improvement of surrounding properties.

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

The proposed minor automobile repair, installation of window tint, use 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 allow minor automobile repair, installation of window tint, at 156 South Saratoga Street 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 would serve to mitigate potential adverse impacts. Therefore, staff recommends **approval** of Conditional Use Permit request C31-13 with the following conditions:

1. A plan to physically separate vehicular areas from the existing sidewalk and define vehicular entry points must be approved by the Departments of Planning and Community Development and Public Works and be implemented by the applicant prior to commencement of the use.
2. The parking lot shall be striped to delineate required parking consistent with the standards identified in Section 31-606 of the UDO. Existing striping for spaces not meeting this criteria shall be removed.
3. All business operations shall be conducted indoors.
4. The minor automobile repair use shall be limited to the installation of window tint.

The Planning Commission, at their meeting of January 21, 2014, voted 8 to 0 to **approve** a Resolution recommending approval of this request with conditions.

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

## **Project Narrative**

### **Shade Masters Window Tinting**

Current Location: 321 W. Washington St., Suffolk, Va 23434

Proposed Location: 156 S. Saratoga Street, Suffolk, Va 23434

Shade Masters Window Tinting was established 2007 in the City of Hampton by Melissa Engel. Shade Masters primarily provides automotive window tinting services. In September 2013 the business relocated to its current location at 321 W. Washington St. On October 18, 2013 I was given notice by the property owner that I would need to vacate the property as the property was under contract to be sold to the City of Suffolk, for the construction on a new Central Library. I have identified a new site to operate from located at 156 S. Saratoga Street. The property at 156 S. Saratoga Street was originally built as an automotive repair and fueling operation. Its most recent use was for a retail barber shop. The site is currently vacant. The adjacent properties are compatible with a window tinting operation and include a retail pawn shop, automobile parts retail operation and an automobile repair operation. The proposed use of the property at 156 S. Saratoga Street will include onsite customer parking, indoor office/sales and indoor window tinting services. Improvements to the property include exterior painting, window, door and floor upgrades.

All Shade Master tinting services are performed indoors in a controlled environment. The process is odorless and admits no sound. Each window tint operation takes approximately 1.5 hours. Shade Master will employ 2 and will operate Monday – Friday 9:00am – 5:00pm and Saturdays 10:00am – 6:00pm.

Customers and employees will access the site via public roads on Saratoga Street and Poplar Avenue and the property is on public water and sewer. Since the project will have no impacts to the site or surrounding area, we respectfully request an exception to the submittal of the Public Facilities Report, the Traffic Impact Study, the Major Water Quality Impact, the Fiscal Impact Analysis and the Environmental Site Assessment.

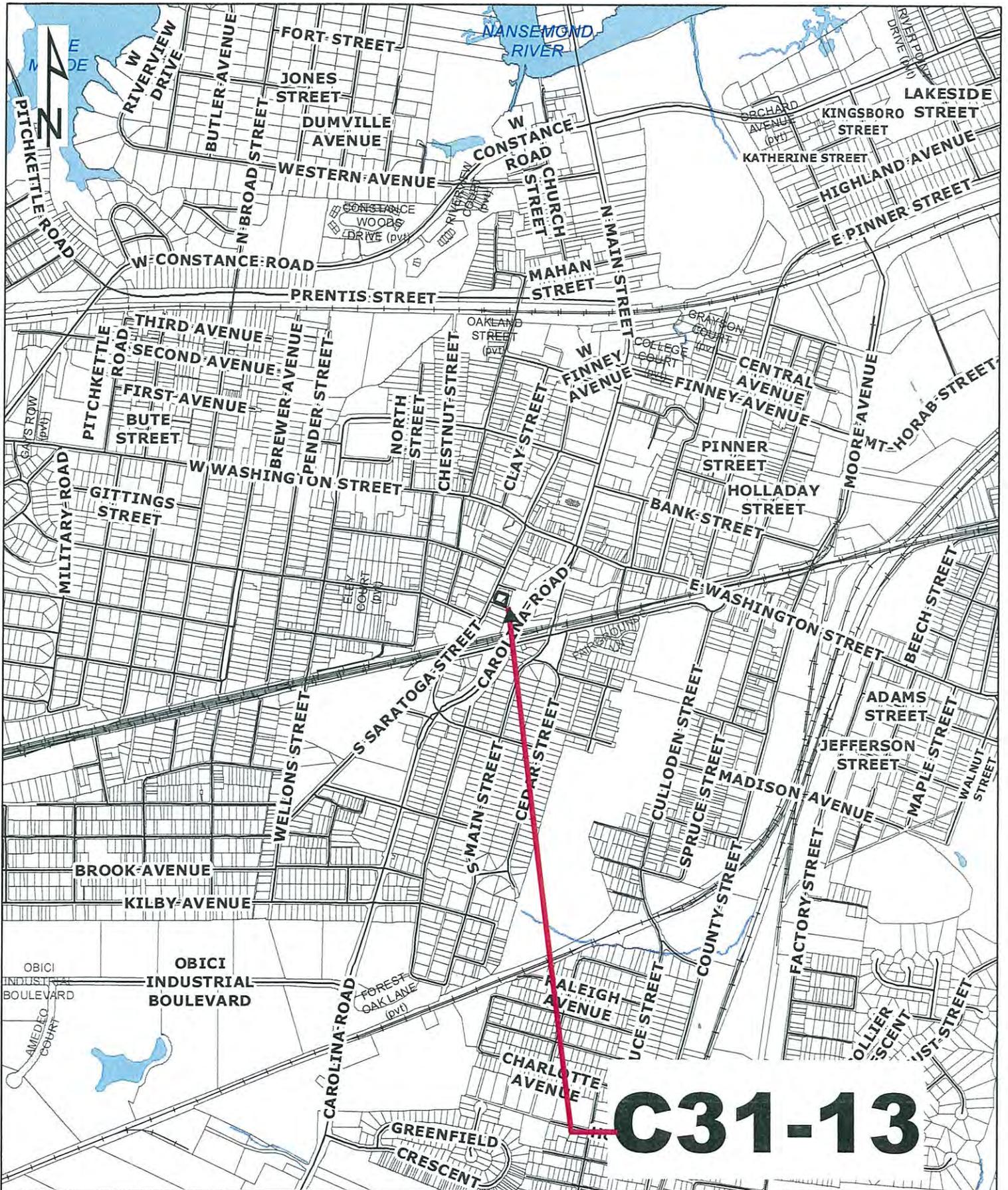
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**DEC 2 2013**

**PLANNING**

**C31-13**

# General Location Map



**ORDINANCE NO.**

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR MINOR AUTOMOBILE REPAIR LOCATED AT 156 SOUTH SARATOGA STREET, ZONING MAP NUMBER 34G24(A), PARCEL 2, C31-13**

WHEREAS, Charles D. Parr, Sr., Parr Saratoga Street Properties, LLC, agent, on behalf of Melissa Engel, applicant, on behalf of Parr Saratoga Street Properties, LLC, property owner, has requested a conditional use for a minor automobile repair use on a certain tract of land situated in the City of Suffolk, Virginia, which land is designated on the Zoning Map of the City of Suffolk, Virginia, as Zoning Map 34G24(A), Parcel 2 which land is depicted on Exhibit "B"; and,

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

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

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

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

Section 1. Exhibits.

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

Section 2. Findings.

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

These findings are based upon the consideration for the existing use and character of

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

These findings are based upon a determination that the most reasonable and limited way of avoiding the adverse impacts of the minor automobile repair use is by the imposition of the conditions provided herein.

### Section 3. Permit Granted.

The conditional use permit for the Property be, and it is hereby, approved for the Property, subject to the following conditions and the general conditions set forth in Section 4 hereof. The conditional use permit is specifically for a minor automobile repair use in compliance with Exhibit "C" (the "Floor Plan"), and Sections 31-306 and 31-406 of the Code of the City of Suffolk.

#### Conditions

1. A plan to physically separate vehicular areas from the existing sidewalk and define vehicular entry points must be approved by the Departments of Planning and Community Development and Public Works and be implemented by the applicant prior to commencement of the use.
2. The parking lot shall be striped to delineate required parking consistent with the standards identified in Section 31-606 of the UDO. Existing striping for spaces not meeting this criteria shall be removed.
3. All business operations shall be conducted indoors.
4. The minor automobile repair use shall be limited to the installation of window tint.

### 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 Parr Saratoga Street Properties, LLC., property owner, and Melissa Engel, applicant, 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 Parr Saratoga Street Properties, LLC., property owner, and

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

Section 5. Severability.

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

Section 6. Recordation.

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

Section 7. Effective Date.

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

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

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

Approved as to Form:

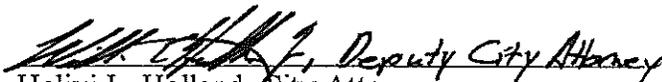
  
Helivi L. Holland, City Attorney

EXHIBIT A

RESOLUTION NO. 14-01-06

CITY OF SUFFOLK PLANNING COMMISSION  
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION  
TO CITY COUNCIL RELATING TO CONDITIONAL USE PERMIT  
C31-13

WHEREAS, Charles D. Parr, Sr., Parr Saratoga Street Properties, LLC, agent, on behalf of Melissa Engel, applicant, on behalf of Parr Saratoga Street Properties, 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 a minor automobile repair use 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, C31-13, 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.

Xc. 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: January 21, 2014

TESTE: [Signature]

**CONDITIONAL USE PERMIT  
C31-13**

**CONDITIONS**

1. A plan to physically separate vehicular areas from the existing sidewalk and define vehicular entry points must be approved by the Departments of Planning and Community Development and Public Works and be implemented by the applicant prior to commencement of the use.
2. The parking lot shall be striped to delineate require parking consistent with the standards identified in Section 31-606 of the UDO. Existing striping for spaces not meeting this criteria shall be removed.
3. All business operations shall be conducted indoors.
4. The minor automobile repair use shall be limited to the installation of window tint.

# C31-13 Zoning/Land Use Map



Aerial Imagery courtesy of ESRI [http://go.arcgisonline.com/maps/World\\_Imagery](http://go.arcgisonline.com/maps/World_Imagery)

156 South Saratoga St 34G24(A)\*2



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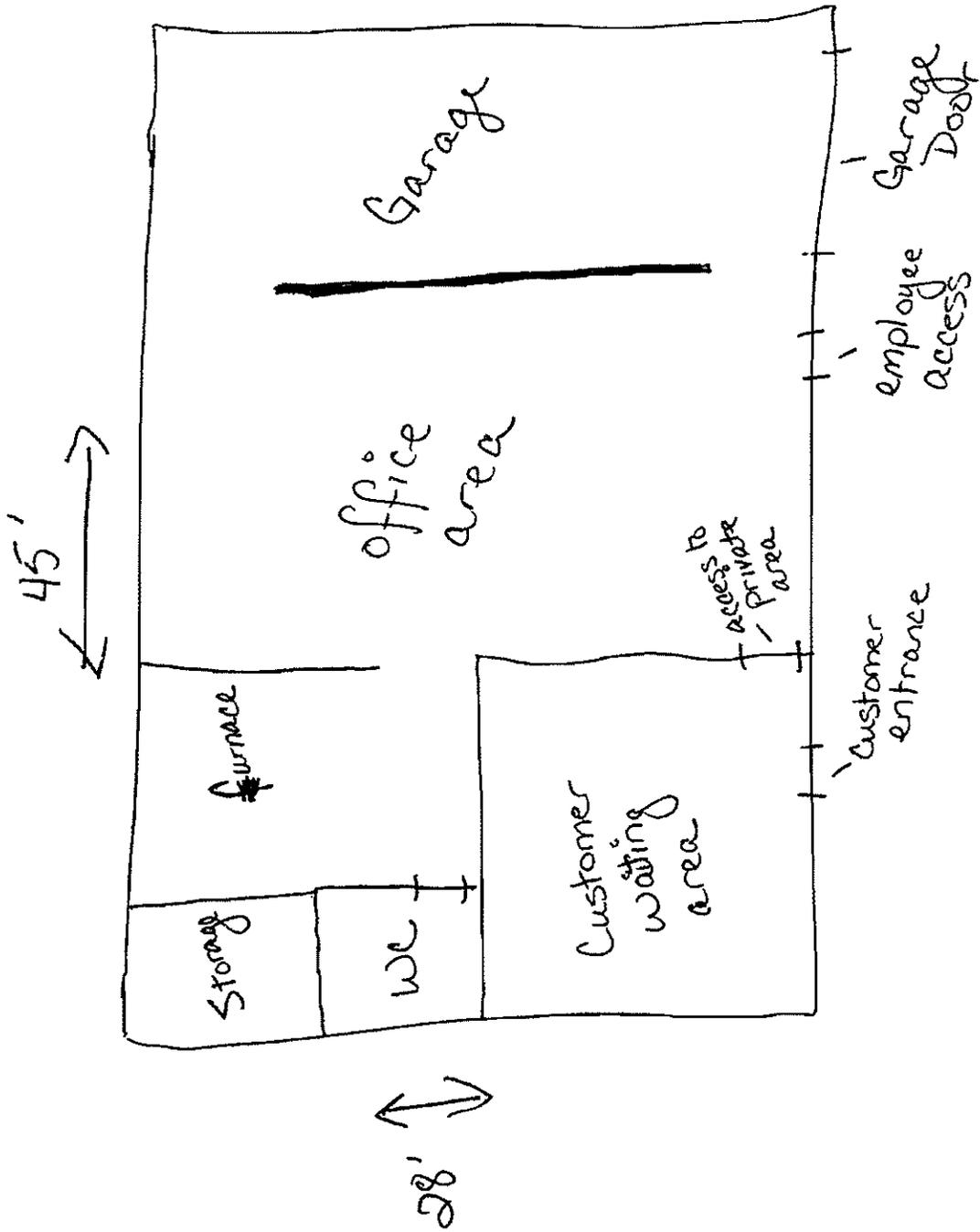
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# **Ordinances**

# **Resolutions**

# **Staff Reports**

**AGENDA: February 19, 2014, Regular Session**

**ITEM: Motion** – A motion to schedule a public hearing on March 5, 2014, to consider the adoption of an ordinance authorizing the acquisition of right of way and easements for the Main Street Sidewalk Phase 2 Project

This project will provide for a 5-foot concrete sidewalk, extending from the entrance to Wal-Mart to the southern boundary of the property belonging to the Virginia Department of Transportation's District Office. Once completed, this will provide continuous sidewalk along Main Street from Route 10 to Route 13/32.

**RECOMMENDATION:**

Approve the motion

**AGENDA: February 19, 2014, Regular Session**

**ITEM: Motion** – A motion to schedule a public hearing on March 5, 2014, to consider the adoption of an ordinance authorizing the acquisition of right of way and easements for the Route 17 & Bennett’s Pasture Road Intersection Project

This project is for improvements to the intersection of Route 17-Bridge Road and Route 627-Bennett’s Pasture Road – Project No. 0017-133-S42, P101. The project will include upgrading the existing intersection to address deficiencies and improve turn lane queue. Work will consist of grading, drainage and asphalt installation.

**RECOMMENDATION:**

Approve the motion

**AGENDA: February 19, 2014, Regular Session**

**ITEM: Motion** – A motion to schedule a public hearing on March 5, 2014, to consider the adoption of an ordinance authorizing the acquisition of right of way and easements for the Route 17 & Lee Farm Lane Intersection Project

This project is for improvements to the intersection of Route 17- Bridge Road and Route 701- Lee Farm Lane – Project No. 0017-133-S43. The project will include upgrading the existing intersection to address deficiencies and improve turn lane queue. Work will consist of grading, drainage and asphalt installation.

**RECOMMENDATION:**

Approve the motion

**AGENDA: February 19, 2014, Regular Session**

**ITEM: Motion** – A motion to schedule a public hearing on March 5, 2014, to consider the adoption of an ordinance authorizing the acquisition of right of way and easements for the Route 337/Nansemond Parkway Widening Project - Phase II

This project will include approximately .39 miles of corridor improvements along Nansemond Parkway from Helen Street to the Chesapeake City line to provide for a 4-lane divided roadway with raised median, curb, gutter and stormwater facilities. Improvements will also include a 5-foot sidewalk on the south side and a 10-foot multi-use path on the north side of the roadway. Street lighting and landscaping improvements will also be included in the project.

**RECOMMENDATION:**

Approve the motion

## **Non-Agenda Speakers**

# **New Business**

# **Announcements and Comments**