

Director of Media and Community
Relations

SUFFOLK CITY COUNCIL
MEETING OF MARCH 19, 2014



WORK SESSION

Begins at 5:00 p.m.

REGULAR SESSION

Begins at 7:00 p.m.

**SUFFOLK CITY COUNCIL
WORK SESSION**
March 19, 2014
5:00 p.m.
City Council Chamber

1. 2014 General Assembly Session Update
- 2.* Appointments
- 3.* Economic Development Investment Program Proposals - Project Scissor, Project Saxophone, Project Check, Project Polka and Project Overviews
- 4.* Saddlebrook Estates Community Association, Inc. v. City of Suffolk

* Proposed Items for Closed Session

AGENDA: March 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 adjourned sine die on March 8, 2014. A special session has been scheduled for March 24, 2014, at which time the General Assembly will address the budget.



**Boards and Commissions Vacancies
March 19, 2014**

BOARD OR COMMISSION	NAME	TERM EXPIRES	COMMENTS
Advisory Commission for Persons with Disabilities	Mary Hill	06-30-11	Interested in reappointment.
	Vacant	06-30-13	Annette Etheridge resigned.
	Kimberly Frost	06-30-13	Interested in reappointment.
	Barbara Sumpter	06-30-13	Not interested in reappointment.
Fine Arts Commission	Alice Mounjoy	06-30-13	Not interested in reappointment.
	Susan Blair	06-30-13	Interested in reappointment.
Historic Landmarks Commission	Geraldine Outterbridge	06-30-13	Interested in reappointment.
Local Board of Building Code Appeals	Randy Brock	06-30-13	
	Yok Kong Chiang	06-30-13	Interested in reappointment.
Parks and Recreation Advisory Commission	Clinton Jenkins	06-30-13	Not interested in reappointment.
	Henry Buck, Jr.	06-30-13	Interested in reappointment.
	Calvin Frazier	06-30-13	
	Wayne White	06-30-13	Interested in reappointment.
Planning Council	Joseph Barlow	01-01-14	Not interested in reappointment.
Substance Abuse and Youth Council	Vacant	06-30-13	LeOtis Williams resigned.
	Renyatta L. Banks	06-30-13	



**Boards and Commissions Vacancies
March 19, 2014**

BOARD OR COMMISSION	NAME	TERM EXPIRES	COMMENTS
Substance Abuse and Youth Council (cont'd)	Louvenia Milteer	06-30-13	Interested in reappointment.
	Costellar Ledbetter	06-30-13	Not interested in reappointment.
Suffolk Clean Community Commission	Evelyn Ledbetter	06-30-13	Interested in reappointment.
	Carolyn P. Butler	06-30-13	Interested in reappointment.
	Russell Meeks	06-30-13	
Suffolk Clean Community Commission Keep Suffolk Beautiful Executive Board	Hugh Cross	06-30-13	
	Margaret Jones	06-30-13	Interested in reappointment.
Wetlands Board	C. Robert Johnson, III	12-31-13	Interested in reappointment.
	Geoffrey C. Hinshelwood	12-31-13	Interested in reappointment.
	Jeffrey Colley	12-31-13	Interested in reappointment.
	Vacant	12-31-14	Gretchen Arnold resigned. See attached.

SUFFOLK CITY COUNCIL AGENDA

March 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 grant from the Virginia Office of Emergency Medical Services Virginia Department of Health for the Suffolk Department of Fire & Rescue
8. **Consent Agenda** – A resolution authorizing the City Manager to amend the Lake Speight Neighborhood Sewer Improvements Project Engineering Agreement
9. **Public Hearing** – An ordinance to rezone and amend the official zoning map of the City of Suffolk to allow the amendment of the approved proffered conditions associated with the development of the Bennetts Creek Square Traditional Neighborhood Development, located at 5550 Shoulder's Hill Road, 311 Childress Street and 835 Bennett's Meadows Lane, Zoning Map 12, Parcel 57 and Zoning Map 12V, Parcels TC and CIV; RZ13-13 (Conditional)
10. **Public Hearing** – An ordinance to grant a Conditional Use Permit to establish a Place of Worship, large, at least 6,000 square feet in the main sanctuary, located at 230 Meadow View Boulevard, Zoning Map 12V Parcel E – C32-13
11. **Public Hearing** – An ordinance to grant a Conditional Use Permit to establish a Guest Ranch on property located at 1548, 1552, and 1554 Cherry Grove Road North, Zoning Map 4, Parcels 2, 2*2*A and 2*2*B, C01-14
12. **Ordinances**
13. **Resolutions**
14. **Staff Reports**
15. **Motion** – A motion to schedule a Work Session for April 2, 2014, at 4:00 p.m., unless cancelled

- 16. Non-Agenda Speakers**
- 17. New Business**
- 18. Announcements and Comments**
- 19. Adjournment**

Work Session of the Suffolk City Council was held in the City Council Chamber on Wednesday, February 19, 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

Erika S. Dawley, City Clerk

ABSENT

None

CITY ASSESSOR'S FISCAL YEAR 2014-2015 PROPOSED ASSESSMENT UPDATE

Utilizing a PowerPoint presentation, City Assessor Jean Jackson gave a report on the above referenced item.

Referring to the presentation, Council Member Milteer asked for an overview of the tax relief program for veterans. City Assessor Jackson advised that in order to qualify for the program, an individual must have a 100% disability rating from the Veterans Administration in order to receive 100% exemption from real estate exemption.

Referring to the presentation, Council Member Duman opined the total number of foreclosures, property surrenders and qualified sales. City Assessor Jackson explained that the only types of transactions not listed in the 2013 sales data are family transfers and gifts.

Referring to the presentation, Council Member Duman called for clarification about the data provided regarding qualified sales. City Assessor Jackson reported there were 889 qualified sales, which included property transfers that were not regular sales or foreclosures.

Referring to the presentation, Council Member Duman solicited information about the impact of the qualified sales on the overall reassessment process. City Assessor Jackson said that qualified sales are considered in compliance with the State Code.

Referring to the presentation, Council Member Duman asked if qualified sales are given full weight. City Assessor Jackson replied in the negative.

Referring to the presentation, Council Member Duman sought additional information about the number of parcels in the Route 17 Taxing District. City Assessor Jackson explained that there are 244 parcels in the district, but there may still be parcels under the mother parcel as is the case with family transfers.

Referring to the presentation, Council Member Duman asked when the tax credits for the parcels currently in the rehabilitated structures program. City Assessor Jackson advised that she could research the matter and provide the information.

Referring to the presentation, Council Member Gardy queried about a report of the changes in assessments by neighborhood. City Assessor Jackson replied that information would be forthcoming.

2014 GENERAL ASSEMBLY SESSION UPDATE

Utilizing a PowerPoint presentation, Intergovernmental Affairs and Special Projects Manager Sherry Hunt submitted a summary of the above referenced item.

Referring to the presentation, Vice Mayor Brown inquired about any additional funding for public education. Ms. Hunt said that the budget submitted by House of Delegates does not include any additional funding for public education, but the Senate's budget allows for an additional \$3,000,000 for public education. She further explained that the differences will be reconciled in conference.

Referring to the presentation, Council Member Parr called for an overview of the Hampton Roads Transportation Accountability Commission. Ms. Hunt stated that preliminarily the membership will include the Mayor or Chair of the Board of Supervisors from each of the member localities, two members from the Senate, two members of the House of Delegates and one member from the Commonwealth Transportation Board.

Referring to the presentation, Council Member Parr requested information about the funding source for the Hampton Roads Transportation Accountability Commission. Ms. Hunt reported that has not yet been determined.

Referring to the presentation, Council Member Duman opined about House Bill 29, specifically the inclusion of any funding for Route 58. Ms. Hunt explained that the monies in House Bill 29 are designated for rail mitigation and Nansemond Parkway improvements.

Referring to the presentation, Council Member Duman queried about the timeline for a decision on State funding for public education. Ms. Hunt explained that the House of Delegates and Senate will have a decision by the end of the session.

CLOSED MEETING

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

1. Pursuant to Virginia Code Section 2.2-3711(A)(1), the discussion, consideration, or interviews of prospective candidates for appointment; and the assignment, appointment, and performance of specific appointees of the City, specifically the appointments shown on the attached list.

2. Pursuant to Virginia Code Section 2.2-3711(A)(3), the discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body specifically Bennett’s Creek Recreation Center Project.
3. 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 February 4, 2014 as reflected in the General Report.
4. Pursuant to Virginia Code Section 2.2-3711(A)(7) and (29), 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; and the discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, specifically the Post 2018 Regional Waste Management Agreement.
5. Pursuant to Virginia Code Section 2.2-3711(A)(1), the assignment, appointment, and performance of specific public officers or appointees of the City, specifically the performance evaluations of the City Manager and the City Attorney.

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

NAYS: 0

City Council convened in Closed Meeting at 4:49 p.m. The Closed Meeting concluded at 6:55 p.m.

Teste: _____
Erika S. Dawley, City Clerk

Approved: _____
Linda T. Johnson, Mayor

Regular Meeting of the Suffolk City Council was held in the City Council Chamber on Wednesday, February 19, 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

Erika S. Dawley, City Clerk

ABSENT

None

CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

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

FREEDOM OF INFORMATION ACT CERTIFICATION

City Clerk Dawley presented a resolution certifying the Closed Meeting of February 19, 2014, pursuant to Section 2.2-3712 of the Code of Virginia (1950), as amended.

Council Member Milteer, 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 FEBRUARY 19, 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 January 15, 2014, Work Session and Regular Meeting, as presented, by the following vote:

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

SPECIAL PRESENTATIONS

There were no items under this portion of the agenda.

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

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

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

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

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

AGENDA SPEAKERS

There were no speakers under this portion of the agenda.

CONSENT AGENDA

City Clerk Dawley presented the following Consent Agenda items:

Consent Agenda Item #7 - An ordinance to accept and appropriate a V-STOP Reduction in Domestic Violence Grant from the Virginia Department of Criminal Justice Services

Consent Agenda Item #8 - 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

Consent Agenda Item #9 - 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 and Rescue

Council Member Milteer, on a motion seconded by Council Member Gardy, 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 – A resolution to adopt the Capital Improvements Plan for Fiscal Years 2014-2015 through 2023-2024

Utilizing a PowerPoint presentation, Finance Director Lenora Reid offered a report on the above referenced item.

Carolyn White, 4216 Coltrane Avenue, representing self, sought funding for sidewalks and ditch cleaning in the Pughsville area.

Malachia Pork, 6116 Old Townpoint Road, representing self, sought funding for more recreational opportunities in Huntersville.

Gerri Norman, 5019 Huntersville Place, President, Huntersville Civic League, opined about the former Joseph Gibson School in Huntersville.

Hearing no additional speakers, the public hearing was closed.

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

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

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

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)

City Manager Cuffee-Glenn advised that the aforementioned item and the following item, Conditional Use Permit C29-13, are companion items. She added that, it would be feasible to conduct both public hearings concurrently, if that was the desire of City Council. It was the consensus of City Council that the public hearings for both items would be held concurrently.

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 and 2E – C29-13

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

Whitney Saunders, 705 West Washington Street, Saunders and Ojeda, representing Whitney Graham, Graham Real Estate, LLC, applicant, spoke in support of the proposed ordinance.

Hearing no additional speakers, the public hearing was closed.

Council Member Gardy asked if the investment on the parcel would be taxable. Mr. Saunders replied in the affirmative.

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, 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)

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 and 2E – C29-13

The public hearing for an ordinance granting RZ10-13 (Conditional) was held concurrently with the public hearing regarding an ordinance granting Conditional Use Permit C29-13.

Council Member Gardy, on a motion seconded by Council Member Fawcett, 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 TO OPERATE A MINI-WAREHOUSE STORAGE FACILITY LOCATED AT 1032, 1036, 1040 AND 1048 CENTERBROOK LANE, ZONING MAP 25N, PARCELS 2A, PART OF 2B, 2C, 2D AND 2E – C29-13

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)

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

Robert Harbour, 150 North Main Street, Norfolk, Virginia, representing Centerpoint Intermodal Center, spoke in support of the proposed ordinance.

Hearing no additional 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.

Referring to the presentation, Council Member Duman called for an explanation of condition number one as it relates to the timeline for the construction of a City fire station. Planning and Community Development Director Mills explained that condition states that if the City has not acted upon the construction or included the intended use in the City’s Capital Improvement Plan within a period of 10 years from the date of the recordation of the rezoning, then the land will revert to the owner/applicant. He added that since the City has included the fire station in the Capital Improvement Plan, there is no time constraint.

Referring to the presentation, Council Member Duman queried about the need to remove proffer number one. Planning and Community Development Director Mills reported that the proffer needs to remain in place.

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 ALLOW THE AMENDMENT OF APPROVED PROFFERED CONDITIONS ASSOCIATED WITH THE 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)

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

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

Jamey Stuart, 4500 Peek Trail, Chesapeake, Virginia, Senior Pastor, Believers Church, applicant, spoke in support of the proposed ordinance.

Melissa Venable, 5857 Harbourview Boulevard, representing Jamey Stuart, applicant, spoke in support of the proposed ordinance.

Malachia Pork, 6116 Old Townpoint Road, opined about the application.

Hearing no additional speakers, the public hearing was closed.

Council Member Ward, on a motion seconded by Council Member Duman, 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 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

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

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

Stacey Mossor, 347 North Main Street, applicant, spoke in support of the proposed ordinance.

Judith Warren McBride, 1753 Purpose Drive, Virginia Beach, Virginia, representing self, spoke in support of the proposed ordinance.

Demetrius Panagopoulos, 1850 Cherry Grove Road North, representing BackBay Outdoors, LLC, property owner, spoke in support of the proposed ordinance.

Hearing no additional speakers, the public hearing was closed.

Council Member Parr, 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 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

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

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

Mayor Johnson advised that she would abstain from discussions or action related to Conditional Use Permit Request C31-13 per State Code Section 2.2-3115(E) due to her representation of a business that may realize a reasonable foreseeable benefit as a result of City Council’s approval of this item.

Council Member Parr advised that he would abstain from discussions or action related to Conditional Use Permit Request C31-13 per State Code Section 2.2-3112(A) due to his personal interest in the property under consideration.

Melissa Engel, 118 Park Road, representing self, spoke in support of the proposed ordinance.

Hearing no other 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, Ward and Brown.	6
NAYS:	None	0
ABSTAIN:	Council Members Parr and Johnson	2

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

ORDINANCES

There were no items under this portion of the agenda.

RESOLUTIONS

There were no items under this portion of the agenda.

STAFF REPORTS

There were no items under this portion of the agenda.

By unanimous consent, City Council recessed at 8:29 p.m. and reconvened at 8:36 p.m.

MOTIONS

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

Council Member Milteer, on a motion seconded by Council Member Gardy, moved to schedule the aforementioned public hearing, as presented, by the following vote:

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

Motion – A motion to schedule a 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 and Bennett’s Pasture Road Intersection Project

Council Member Duman, on a motion seconded by Vice Mayor Brown, moved to schedule the aforementioned public hearing, as presented, by the following vote:

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

Motion – A motion to schedule a 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 and Lee Farm Lane Intersection Project

Council Member Milteer, on a motion seconded by Vice Mayor Brown, moved to schedule the aforementioned public hearing, as presented, by the following vote:

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

Motion – A motion to schedule a 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

Council Member Fawcett, on a motion seconded by Council Member Duman, moved to schedule the aforementioned public hearing, as presented, by the following vote:

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

Motion - A motion to schedule a Work Session for March 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 March 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

Gerri Norman, 5019 Huntersville Place, President, Huntersville Civic League, opined about the former Joseph Gibson School in Huntersville.

Malachia Pork, 6116 Old Townpoint Road, was not present when called.

NEW BUSINESS

Council Member Parr, on a motion seconded by Council Member Milteer, moved to direct City Manager Cuffee-Glenn to prepare a proposed Operating Budget for Fiscal Year 2014-2015 at the current real estate tax rate and all current fees.

Members of City Council opined about the proposed motion.

Council Member Duman, on a substitute motion seconded by Council Member Fawcett, moved to direct City Manager Cuffee-Glenn to prepare a proposed Operating Budget for Fiscal Year 2014-2015 with the current real estate tax rate, 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 activities: International AVA Digital Gold Award in the 2014 Association of Marketing and Communication Professionals Competition awarded to the Media and Community Relations Department; grand re-opening at Riddick’s Folly Museum and Gift Shop; ribbon cutting for East Coast Taco Company; expansion of Virginia Eye Consultants; the Suffolk Public Library’s Books and Reading for Kids in Suffolk Program; the Suffolk Art League and Parks and Recreation 31st Annual Antique Show and Sale; free tax preparation at the Suffolk Workforce Development Center; the relocation of the Municipal Channel on Charter Cable; the Virginia Department of Forestry announcement about the burn law, and information on reporting road problem or streetlight outage on the City’s webpage.

Council Member Milteer expressed his appreciation for the condolences he received on his sister’s passing.

Council Member Milteer reported he attended the Virginia Municipal League Local Government Day.

Council Member Milteer opined about the Affordable Healthcare Act.

Council Member Ward reported he attended the Virginia Municipal League Local Government Day and tour of Lockheed Martin.

Council Member Ward acknowledged residents who assisted during a recent car accident.

Council Member Ward opined about the former Joseph Gibson School in Huntersville.

Council Member Duman advised he attended the following: a meeting of the Western Tidewater Regional Jail Board; the grand re-opening at Riddick's Folly Museum and Gift Shop; the Law Enforcement Ball; and the Greater Oakland/Chuckatuck Civic League.

Council Member Duman acknowledged residents who assisted during a recent car accident.

Council Member Fawcett announced he attended the following: the Virginia Municipal League Local Government Day; the Suffolk Public Schools Key Communicators meeting; and the ribbon cutting for East Coast Taco Company.

Council Member Fawcett congratulated the Media and Community Relations Department on receiving the International AVA Digital Gold Award in the 2014 Association of Marketing and Communication Professionals Competition.

Council Member Fawcett acknowledged residents who assisted during a recent car accident.

Council Member Parr reported that he attended the following: a meeting of the Western Tidewater Regional Jail; the ribbon cutting for East Coast Taco Company; and a meeting of the National Association of Retired Federal Employees.

Council Member Gardy acknowledged residents who assisted during a recent car accident.

Council Member Gardy opined about Kenyon Road Connector, Centerpoint project, and the former Tidewater Community College site.

Vice Mayor Brown opined about the former Joseph Gibson School in Huntersville.

Vice Mayor Brown called for the distribution of the new Citizen Centric Report. City Manager Cuffee-Glenn advised that they will be sent with the new real estate assessments.

Vice Mayor Brown called for a presentation by Charter Cable about the new all-digital cable system.

Vice Mayor Brown reported that he attended the Virginia Municipal League Legislative Day.

Mayor Johnson acknowledged residents who assisted during a recent car accident.

Mayor Johnson opined about the former Joseph Gibson School in Huntersville.

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 9:42 p.m.

Teste: _____
Erika S. Dawley, City Clerk

Approved: _____
Linda T. Johnson, Mayor

Special Presentations

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

Agenda Speakers

AGENDA: March 19, 2014, Regular Session

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

The City has received a \$32,340 grant from the Virginia Office of Emergency Medical Services Virginia Department of Health to purchase computer hardware for the Virginia Pre Hospital Information Bridge.

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 \$32,340 for the above noted purpose and requires no local fund support.

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 VIRGINIA DEPARTMENT OF HEALTH FOR THE SUFFOLK DEPARTMENT OF FIRE & RESCUE

WHEREAS, the City has received funds in the amount of \$32,340 from the Virginia Office of Emergency Medical Services Virginia Department of Health 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 computer hardware for the Virginia Pre Hospital Information Bridge.

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

1. The sum of \$32,340 shall be reflected as budget in the following accounts in the Fiscal Year 2013-14 Consolidated Grants Fund budget:

Revenue

211-32100-1455_424021 OEMS VPHIB TI-CO7; 01/15 \$32,340

Expenditure

211-32100-1455_58200 OEMS VPHIB TI-CO7; 01/15
Capital Outlay \$32,340

2. The fund amount totaling \$32,340 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.

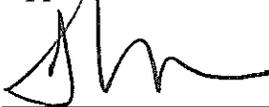
3. This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: _____

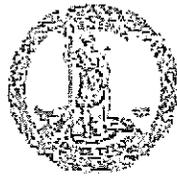
TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney



COMMONWEALTH of VIRGINIA

Department of Health

February 20, 2014

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

Dear Grant Administrator:

The Office of Emergency Medical Services (OEMS) is pleased to announce that your agency has been awarded funding from the *Virginia Pre Hospital Information Bridge (VPHIB) Special Initiative Grant Program*. The attached Award Page itemizes the actual dollar value, quantity, funding level and item(s) your agency has been awarded under this program. ***All items must be ordered as soon as possible and submission for reimbursement must be made by May 31, 2014, grant deadline.*** 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 14, 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.

The following *Special Conditions* apply to your grant award, OEMS will not reimburse for your grant award until these conditions have been fully met:

- *Agency must enable "Auto-Post/Sync" within the ImageTrend application. Enabling Auto-Post allows EMS records to be simultaneously submitted to the OEMS' VPHIB system. Auto-Post is located in the Field Bridge preferences under the setup tab of ImageTrend's Service Bridge.*
- *If using EMS Charts or Zoll EMS software products Web services must be setup for real-time or near real-time (within 12 hours) submission. Web services are made available upon EMS agency request directly to their vendor EMS Charts or Zoll support. Agencies using other EMS software vendors agree to establish Web services / real-time submission if it becomes available from their vendor.*
- *Computer awards require establishment of internet account; providing OEMS with agency e-mail address.*
- *Acknowledgment must be provided on any printed material, equipment or vehicle as follows: "Project made possible by a grant from the Virginia Office of Emergency Medical Services, Virginia Department of Health."*
- *Must be compliant with submitting EMS data including the minimum dataset prescribed technical format as required by Virginia Code §32.1-116.1.*
- *Must use awarded hardware to comply with pre-hospital patient care reporting of the OEMS minimum dataset in the technical format prescribed by OEMS.*

If your agency was not awarded for all items requested, it is recommended that you apply for the Rescue Squad Assistance Fund (RSAF) grant program by the March 17, 2014 deadline. If you have any questions, please contact Amanda Davis, Grant Manager at (804) 888-9106, Amanda.Davis@vdh.virginia.gov or Linwood P. Pulling, Grant Specialist at (804) 888-9105, Linwood.Pulling@vdh.virginia.gov or 1-800-523-6019 for additional grant information.

Congratulations,

Gary R. Brown, Director
Virginia Office of Emergency Medical Services

Enclosures

Office of Emergency Medical Services
Consolidated Grant Program

AWARD PAGE

February 1, 2014 - January 31, 2015 Grant Period

Agency Name: SUFFOLK FIRE & RESCUE

Grant Number: TI-C07/01-14

<u>Item Type (Item)</u>	<u>Status</u>	<u>Quantity Funded</u>	<u>Funding % Level</u>	<u>Amount Funded</u>
Computer Hardware(VPHIB HARDWARE (COMPUTERS))	FUNDED	14	100	\$32,340.00
				<u>\$32,340.00</u>

AGENDA: March 19, 2014, Regular Session

ITEM: Consent Agenda - A resolution authorizing the City Manager to amend the Lake Speight Neighborhood Sewer Improvements Project Engineering Agreement

The Lake Speight Neighborhood Sewer Improvements Project provides for the extension of sanitary sewer service to the Lake Speight neighborhood. Improvements include the extension of 8-inch gravity sewer mains throughout the neighborhood and the construction of a new sanitary sewer pump station on Turlington Road. The project's engineering agreement was executed in January 2003, but construction of the improvements was previously deferred in 2006. At this time, a favorable construction bid has been received and a construction contract has been awarded for the installation of the improvements.

During the construction phase, additional engineering design services are required for the project. These engineering services include periodic construction reviews, shop drawing reviews, structural special inspections, electrical special inspections, pump station start-up, as-built record drawings, and documentation for regulatory agencies.

In accordance with the City's Procurement Policy, attached for City Council consideration is a resolution authorizing the City Manager to amend the Lake Speight Neighborhood Sewer Improvements Project Engineering Agreement in an amount to exceed 25% of the original contract. Funding in the amount of \$19,600.00 for the additional engineering services during construction is available within the current Utility Fund Capital Improvement Budget.

ATTACHMENT:

Resolution

RESOLUTION NUMBER _____

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND
THE LAKE SPEIGHT NEIGHBORHOOD SEWER IMPROVEMENTS
PROJECT ENGINEERING AGREEMENT**

WHEREAS, the City is constructing sanitary sewer improvements within the Lake Speight neighborhood to extend sanitary sewer improvements to the residents of Lake Speight; and,

WHEREAS, the project extends 8-inch gravity sewer mains within the Lake Speight neighborhood and constructs a new sanitary sewer pump station adjacent to Turlington Road; and,

WHEREAS, additional engineering services are required during the construction phase of the project to provide: 1) periodic construction and shop drawing reviews; 2) special structural and electrical inspections; 3) pump station start-up evaluation; 4) construction administrative services; and 5) as-built construction drawings and documentation to regulatory agencies; and,

WHEREAS, funding in the amount of \$19,600.00 is available within the current Utility Fund Capital Improvement Budget to complete the additional work.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Suffolk, Virginia, that the City Manager is hereby directed and authorized to amend the engineering contract for the Lake Speight Neighborhood Sewer Improvement Project in an amount to exceed 25% of the original contract and as specifically provided herein; and the City Clerk is directed to affix the Corporate Seal of the City thereto and attest the same.

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

READ AND ADOPTED: _____

TESTE: _____

Erika S. Dawley, City Clerk

Approved as to Form:



Helvi L. Holland, City Attorney

AGENDA: March 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 the approved proffered conditions associated with the development of the Bennetts Creek Square Traditional Neighborhood Development, located at 5550 Shoulder’s Hill Road, 311 Childress Street and 835 Bennett’s Meadows Lane, Zoning Map 12, Parcel 57 and Zoning Map 12V, Parcels TC and CIV; RZ13-13 (Conditional)

Attached for your consideration is information pertaining to Rezoning Request, RZ13-13 (Conditional) Bennetts Creek Square, submitted by Charles Bodnar, agent, on behalf John Napolitano of Napolitano Homes, applicant, on behalf of Bennett’s Creek Square, Incorporated, property owner, to amend the approved proffered conditions. The purpose of this request is to modify the approved Conceptual Plan in order to reduce the minimum lot size for the area designated for single family development from 6,000 square feet to 4,000 square feet, to increase the number of single family lots from 51 lots to 74 lots, to modify design of the amenities to be built in the areas designated for Civic Use and Town Square; and to add a cash proffer to advance middle school and high school capacity. The affected areas are located at 5550 Shoulder’s Hill Road, 311 Childress Street and 835 Bennett’s Meadows Lane, and are further identified as Zoning Map 12, Parcel 57 and Zoning Map 12V, Parcels TC and CIV, Sleepy Hole Voting Borough, zoned TND, Traditional Neighborhood Development District.

Specific design standards are required for the single family home construction that must comply with the Planned Development regulations found in Section 31-410, Table 410-2 of the Unified Development Ordinance. In addition, in regard to traffic impacts, the transportation review requirements found in Section 31-601, Adequate Public Facilities, of the Unified Development Ordinance do not apply to any application for a site plan or subdivision plat with a Traditional Neighborhood Development.

The Planning Commission, at their meeting of February 18, 2014 voted 6 to 2 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, RZ13-13 (Conditional) Bennetts Creek Square, to amend the approved proffered conditions. The purpose of this request is to modify the approved Conceptual Plan in order to reduce the minimum lot size for the area designated for single family development from 6,000 square feet to 4,000 square feet, to increase the number of single family lots from 51 lots to 74 lots, to modify design of the amenities to be built in the areas designated for Civic Use and Town Square, and to add a cash proffer to advance middle school and high school capacity.

APPLICANT: Charles Bodnar, agent, on behalf John Napolitano of Napolitano Homes, applicant, on behalf of Bennett's Creek Square, Incorporated, property owner,.

LOCATION: The subject properties are located at 5550 Shoulder's Hill Road, 311 Childress Street and 835 Bennett's Meadows Lane, and are further identified as Zoning Map 12, Parcel 57 and Zoning Map 12V, Parcels TC and CIV, Sleepy Hole Voting Borough.

PRESENT ZONING: TND, Traditional Neighborhood Development.

EXISTING LAND USE: A portion of the project has been constructed consisting of single-family attached and multi-family dwellings as well as three commercial buildings designated for shopfront/workshop uses.

PROPOSED LAND USE: This rezoning request involves the proposed single-family detached dwelling units and design of the amenities for Civic Use and Town Square within the TND district.

SURROUNDING LAND USES:

North – Undeveloped (RR, Rural Residential District)

South – Proposed multi-family residential (PD, Planned Development)

East – Single-family residential (RR, Rural Residential District)

West – Former landscape nursery (B-2, General Commercial District)

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

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

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

CASE HISTORY: In February 2005 under Rezoning Request RZ-14-03 (Conditional), the property was rezoned from RR, Rural Residential, to TND, Traditional Neighborhood Development. The conditional zoning of the property was amended in January 2008 to eliminate residential dwelling

units above the commercial buildings in the development and to modify the architectural design of the buildings. The zoning proffers were amended again in August 2009 to eliminate the age restriction for the multi-family residential portion of the development identified as 'The Vineyards' and to add a cash proffer that advanced the capacity of impacted public schools. In January 2010, the project was amended again to incorporate an approximately 8,000 square foot area of the single-family detached residential area to a commercial parcel for the purpose of improving access and off-street parking that currently serves a dentist office located within a commercial building.

A preliminary plat for the development was approved in 2005 and subsequently amended twice. Engineering plans for the project were approved in October 2007. A final plat for Phase 1 of the project was approved in July 2009.

STAFF ANALYSIS

ISSUE:

The applicant is requesting to amend the conceptual plan and associated proffered conditions that were approved as part of the conditional zoning for Bennetts Creek Square.

Under the Traditional Neighborhood Development (TND) Use Pattern outlined in Section 31-411(g) of the Unified Development Ordinance, a TND is required to contain three basic components, a greenbelt, a town center and a neighborhood. A greenbelt serves as passive open space that surrounds the entire perimeter of the development area, the town center serves as the main commercial center of the development and the neighborhood is the area of the development that contain the residential uses.

The approved conceptual plan for Bennetts Creek Square allocates land area throughout the property for several different land uses. These include residential uses such as rowhouse uses and traditional single-family detached houses, commercial uses such as shopfront and workshop uses, civic uses which are open to the public such as a visual and performing arts center and park uses which serve as the active open space component of the development.

Section 31-411(g) of the Unified Development Ordinance specifies that residential densities and the total number of dwelling units for a TND project shall be made at the time an application is submitted for approval. Under the conditional rezoning request for Bennetts Creek Square that was approved in February 2005, a maximum of 177 dwelling units could be developed which included 96 quadruplex units, 4 duplex units, 18 rowhouse units, 8 units over shops and 51 single-family detached houses. The applicant is requesting to increase the maximum number of single-family detached homes that can be constructed from 51 dwelling units to 74 units. This increase in density would result in a reduction of the minimum lot size for single family homes from 6,000 square feet to 4,000 square feet in the area of the project designated for single-family detached dwellings. The requested increase in the number of single family detached dwelling units will continue to meet the recommended densities in the TND for residential dwelling units. In addition, the development will continue to meet the jobs-

to-housing ratio found in Section 31-411(g)(7) of the UDO.

The approved proffers also specified that Bennetts Creek Square would include a civic center located in the town square that would be used as a visual and performing arts center. The applicant is requesting to amend the proffer by replacing this amenity with a gazebo and trellis that can serve as a gathering place for those within the development which would be constructed in accordance with the conceptual drawings that have been submitted. These drawings are included as part of the amended proffer statement attached as Exhibit B.

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 developer is requesting to reduce the square footage of the single-family lots due to current market conditions.

1. Comprehensive Plan

The subject properties are located within the Northern Suburban/Urban Growth Area. Under the focused growth approach outlined in the 2026 Comprehensive Plan, the properties fall within the Inner Ring Suburban District. Neighborhood design in this district should be focused on walkable streets with land efficient lot subdivision patterns. The development character of the area includes Traditional Neighborhood Developments with residential densities of 3 to 5 units per acre. The requested increase in single family detached dwelling units would result in a density of 3.83 units per acre which is within the range of residential densities recommended within the Inner Ring Suburban District.

2. Adequate Public Facilities

The purpose and intent of the adequate public facilities ordinance is to ensure that public facilities are available to support new development and associated impacts and that each public facility meets or exceeds the Level of Service standards established by the 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:

A. Public Utilities

Water Level of Service: An existing 20" water main is located within the Shoulders Hill Road right-of-way. Phase 1 of the development is served by a 10" main tapped off the 20" main

along Shoulders Hill Road. An 8” main was tapped off the 10” main to provide fire service for the quadruplex and duplex units. This line provides domestic service for the quadruplex and duplex units. Phase 2 of the development consists of the single-family detached houses. The phase 2 water system consists of an 8” main extending from phase 1 of the development.

A hydraulic analysis was performed with phase 1 of the development to show that adequate pressures and flows exist within the development for domestic service and fire protection. This analysis shows that the system, as designed will provide adequate pressure and flow. With the proposed revisions to the project, the domestic demand for the development will increase by 11.96 gallons per minute. It is anticipated that adequate pressure and flows will still be available to serve the additional dwelling units proposed.

Sewer Level of Service: Sanitary sewer flows for the development were included in the design of a regional pump station located on the west side of Shoulders Hill Road within a future planned development identified as Bennetts Creek Square. The construction of the pump station was completed in 2008. The pump station was designed with surplus capacity to serve future development in the surrounding service area. The Bennetts Creek Square development was included in the anticipated sewer flows which was master planned to accept a flow rate of 97.67 gallons per minute. With the proposed increase in density, the new peak sewer flow rate for Bennetts Creek Square is 130.83 which results in an increase of 33.16 gallons per minute. The updated Public Facilities Report indicates that the Regional Pump Station has adequate capacity to serve the additional dwelling units proposed.

B. Stormwater Management

The property is located within a Chesapeake Bay Preservation Area and development must comply with the stormwater management standards of the Resource Management Area (RMA). The storm drainage system for phase 1 of the development drains into a wet pond that was sized to handle all of the development in phase 1 and a portion of phase 2. The pond handles water quality treatment of the project only. Water quantity is being handled by the man-made lake that the site drains into which is an adequate receiving channel. Phase 2 of the project will include the construction of an extended detention basin designed for water quality treatment only. Phase 2 of the development will also drain into the existing lake deemed as an adequate receiving channel. According to the updated Public Facilities Report, the impervious area will slightly increase as a result of the additional dwelling units proposed. Should this rezoning request be approved, a plan amendment will be submitted that includes water quality and quantity calculations.

C. Streets

It has been established in the Unified Development Ordinance that the close proximity of jobs and retail uses to housing in a Traditional Neighborhood Development can achieve significant trip reductions produced by the internal capture of home-work and home retail trips. Thus

there is a compelling public interest to encourage new development in a mixed-use pattern. Accordingly, in accordance with the Unified Development Ordinance, the transportation review requirement for adequate public facilities does not apply to a Traditional Neighborhood Development. Therefore, this proposed increase in residential density is not subject to adequate public facility review for streets.

Public Safety

The development will be primarily served by the northern fire, rescue, and police facilities on Bridge Road.

E. Schools

Based on current attendance zones, students residing within Bennetts Creek Square would attend high school attendance zone 2, middle school attendance zone 1 and elementary school attendance zone 2. The impacts to public schools under the existing conditional zoning were previously addressed by the applicant through proffers to advance school capacity. Specifically, proffer number 15 addressed school impacts due to the removal of the age-restriction for 100 multi-family dwelling units through cash payments towards the construction of a new middle school and high school.

A review of the elementary, middle and high schools in the attendance zone for the development found the middle and high schools to be over capacity. Staff has determined what impacts the additional 23 single-family detached dwelling units will have on current school capacity. The results of this analysis indicate that the proposed increase in density will have an impact on public school facilities as follows:

High School:

The 23 additional dwelling units are estimate to generate 4.37 additional high school students for Zone 2. The existing high school does not have the capacity to absorb the additional students at this time; therefore, the level of service at the high school has not been met. In order to address this deficiency, the developer may advance capacity if there is an identified capital improvement project in the current CIP for a new high school. The FY2013-2022 CIP indicates that a fourth high school is proposed in the 10 year horizon to accommodate citywide growth. The total estimated cost of the new high school is \$68,938,113. In order to comply with Section 31-601(e) of the UDO, the applicant has proffered to advance capacity by making a payment in the amount of \$167,366.41 or \$38,298.95 per student generated by the rezoning request ($\$38,298.95 \times 4.37$) towards the construction of a new high school. The amount per student is based on the per student cost for a new 1,800 student high school. The monetary proffer would be paid on a pro rata basis in the amount of \$2,261.71 per dwelling unit to be remitted to the City prior to the issuance of a certificate of occupancy for each of the 74 dwelling units located in phase 2 of the development.

Middle School:

The 23 additional dwelling units are estimated to generate 2.76 additional middle school students for Zone 1. The existing middle schools in Zone 1 currently do not have the capacity to adsorb the additional students. Therefore, adequate public facilities for the middle school level are not met. In order to address this deficiency, the developer may advance capacity if there is an identified Capital Improvement project for a new middle school. In this case, FY2013-2022 CIP identifies funding for a new 1,200 pupil middle school with an estimated cost of \$34,000,000. In order to advance capacity, the applicant has proffered to make a payment in the amount of \$78,199.99 or \$28,333.33 per student generated by the rezoning request ($\$28,333.33 \times 2.76$) towards the construction of a new middle school. The amount per student is based on the per student cost for a new 1,200 student middle school. The monetary proffer would be paid on a pro rata basis in the amount of \$1,056.76 per dwelling unit to be remitted to the City prior to the issuance of a certificate of occupancy for each of the 74 dwelling units located in phase 2 of the development

Elementary Schools:

The elementary schools in Zone 2 currently have the capacity to absorb the additional students. In addition, a new elementary school in the Shoulders Hill Road corridor is currently funded in the City's Capital Improvements Plan.

Determination:

In order to advance capacity of the high school and middle school attendance zones in accordance with Section 31-601(g) of the UDO, the developer shall contribute a total of \$245,566.40 or \$3,318.46 per dwelling unit for each of the 74 dwelling units located in phase 2 of the development.

3. Proffered Conditions

The applicant has submitted fifteen proffered conditions in support of this request which are attached and are identified as Exhibit "B". The proffers restate all of the proffers as approved under the conditional zoning of the project as revised. Pursuant to Section 31-601(g), the applicant is proposing the inclusion of a new proffer #15 which provides a monetary contribution to advance capacity of public schools in the amount of \$245,566.40. In addition, Proffer #1 has been modified to reflect the date of the revised conceptual plan and proffer #2 has been modified to remove the proposed visual & performing arts building from the project to be replaced with a gazebo and trellis designed in accordance with the submitted conceptual drawings.

RECOMMENDATION

Staff finds that the proposed amendments to the proffers associated with Bennett's Creek Square are compatible with and further the goals and intent of the *2026 Comprehensive Plan*. In addition, the proposed revisions do not affect the overall Bennett's Creek Square project and the requirements of the Traditional Neighborhood Development zoning district. Staff recommends **approval** of RZ13-13 (Conditional), as amended.

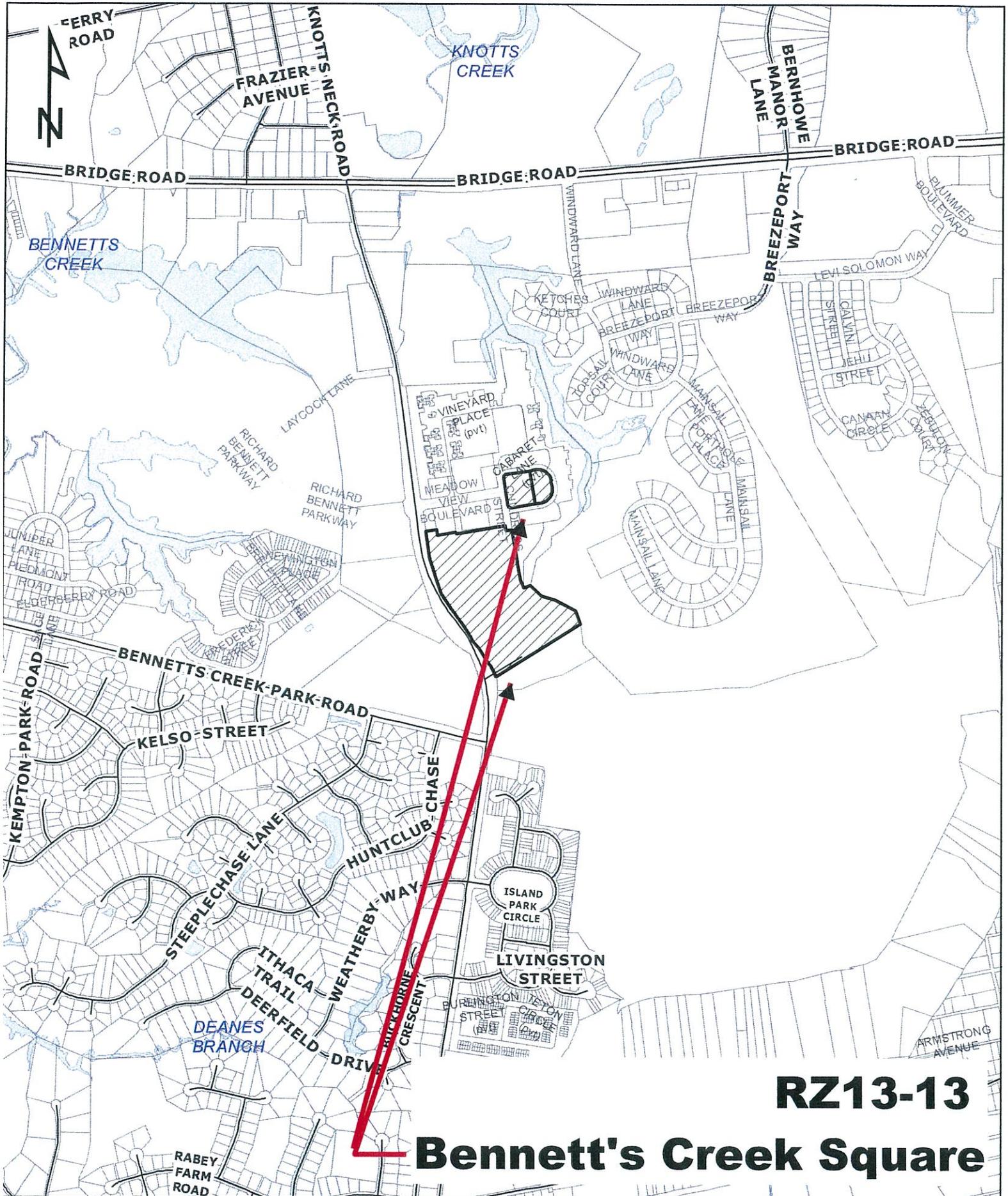
The Planning Commission, at their meeting of February 18, 2014 voted 8 to 0 to **approve** a Resolution recommending approval of this request with conditions.

Attachments

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

Copy: John Napolitano, Bennetts Creek Square, Inc.
C.J. Bodnar, Hoggard-Eure Associates, P.C.

General Location Map



RZ13-13

Bennett's Creek Square

ORDINANCE NO.

AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK TO ALLOW THE AMENDMENT OF THE APPROVED PROFFERED CONDITIONS ASSOCIATED WITH THE DEVELOPMENT OF THE BENNETTS CREEK SQUARE TRADITIONAL NEIGHBORHOOD DEVELOPMENT, LOCATED AT 5550 SHOULDERS HILL ROAD, 311 CHILDRESS STREET AND 835 BENNETTS MEADOWS LANE, ZONING MAP 12, PARCEL 57 AND ZONING MAP 12V, PARCELS TC AND CIV; RZ13-13 (CONDITIONAL)

WHEREAS, Charles Bodnar, agent, on behalf John Napolitano of Napolitano Homes, applicant, on behalf of Bennett's Creek Square, Incorporated, property owner, have 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 12 Parcel 57 and Zoning Map 12V, Parcels TC and CIV 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 March, 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 and Conceptual Site Plan" and Exhibit "C", "Zoning/Land Use Map", which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

A. Council finds that the proposed rezoning is reasonable, and warranted due to a 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.

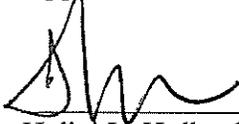
A certified copy of this ordinance shall be recorded, by the applicant, in the name of the property owner as grantor in the office of the Clerk of the Circuit Court of the City of Suffolk, Virginia.

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. 14-02-1

**CITY OF SUFFOLK PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO REZONING REQUEST
RZ13-13 (CONDITIONAL)**

**TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK AS TO
PROPERTY LOCATED AT 5550 SHOULDERS HILL ROAD, 311 CHILDRESS
STREET AND 835 BENNETTS MEADOWS LANE AND ARE FURTHER IDENTIFIED
AS ZONING MAP 12, PARCEL 57 AND ZONING MAP 12V, PARCELS TC AND CIV**

WHEREAS, Charles Bodnar, agent, on behalf John Napolitano of Napolitano Homes, applicant, on behalf of Bennett's Creek Square, Incorporated, property owner, 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 to modify the amend the approved proffered conditions by modifying proffer #1 and #2 and adding proffer #15; 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, RZ13-13, 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: February 10, 2014

TESTE: [Signature]

EXHIBIT B

I hereby voluntarily proffer that the development of the property owned by me proposed for reclassification under this application shall be in strict accordance with the conditions set forth below. 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 (add additional sheets if necessary) are voluntarily proffered for the reclassification of property identified as Tax Map 12, Block _____, Parcel Number 57, V*TC and V*CIV:

1. Bennett's Creek Square shall be constructed in general conformance to the conceptual plan exhibit set entitled "*Bennett's Creek Square*," drafted by Hoggard-Eure Associates, P.C., dated ~~September 7, 2004~~ December 16, 2013, which is occasionally referred to hereafter as "the Conceptual Plan". Substantial deviation, as determined by the Director of Planning of the City of Suffolk, from general design and layout as submitted or amended herein shall require resubmission and approval by Planning Commission in accordance with all applicable provisions as established by City of Suffolk Zoning Ordinance.
2. The development shall include, at a minimum, the following:
 - Town Square with water feature *per the submitted conceptual drawings*
 - ~~Visual & Performing Arts Center Gazebo and trellis per the submitted conceptual drawings~~
 - Pool and bathhouse ~~designated for The Vineyards~~ including a 2 acre park
 - Three acre park with tot lot in ~~The Grove~~ *single-family portion of the project*
 - Over sixteen acre green belt around perimeter of property exclusive of parks and square
3. The project shall be developed in such a manner to conform to the phasing schedule as outlined in the Unified Development Ordinance.
4. The single family detached residential architectural standards shall be applicable to the design elements as outlined in the City of Suffolk UDO. The developers will provide architectural guidelines and design standards for the remaining residential and commercial construction that may include, but not be limited to, the following:
 - Area Requirements.
 - Exterior Materials.
 - Fences.
 - Windows.
 - Foundations.
 - Garages.
 - Roofing Materials.
 - Exterior Colors.
 - Mailboxes.

The intent of this proffer is to create architectural compatibility between the various residential, commercial, civic and public facilities throughout the entire community. The

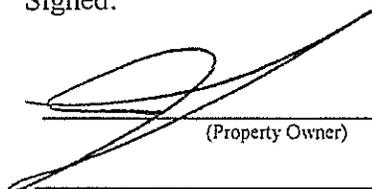
Architectural Design shall be in substantially similar to the elevations attached to this application for rezoning. The primary exterior building materials will be brick, stucco, stone, wood lap siding, concrete, "hardi-plank" siding, vinyl shake like or lap siding and architectural block/brick, storefront and EIFS.

5. Developer shall form a homeowners association in accordance with Virginia law.
6. Developer shall contract with a professional management company to administer the homeowners association.
7. The Bennett's Creek Homeowners Association will own (or control through easements granted to the homeowners association) and be responsible for the maintenance of the following:
 - Stormwater management areas.
 - Over sixteen acres of Green Belt.
 - All common areas.
 - All amenities described in Paragraph 2 above.
8. If any new BMP is designed to be "wet", it shall be aerated. Each new BMP shall have a dedicated 20' ingress/egress/maintenance easement. The applicant will create an association of adjacent property owners for maintenance of the existing lake, located on and adjacent to the property. The vegetated perimeter of the existing lake shall be maintained as much as possible and enhanced thru selective clearing and additional plantings.
9. Restrictive covenants and restrictions, which shall contain all items referred to in these proffers, will be recorded, prior to any outsales, to protect the integrity of these proffers.
10. Developer will improve the property's frontage on Shoulders Hill Road with the required turn lanes at the main entrance to the subdivision.
11. Developer will pay and/or bond a pro rata share of the signalization at the main entrance to the subdivision according to the percentage of traffic units the development contributes to that intersection as defined in the traffic study.
12. Developer will landscape the boulevard entrance and median with trees and plant material that will comply with VDOT visibility and safety standards. The Homeowners Association will be responsible for maintenance of these areas.
13. The Developer will design and construct traffic calming devices in areas designated in the conceptual plan, that may include, but not be limited to, roundabouts, speed bumps, stamped asphalt crosswalks, chokers, raised crosswalks and/or raised median islands.
14. Developer will contribute \$266,753.00 (6.1 x \$43,730) toward the construction of a middle school and \$169,166.83 (8.7 x \$19,444.44) toward the construction of a high school. These monetary proffers are based on a projected increase in enrollment, for the Vineyards portion of the project, of 6.1 middle school students (87 additional residential [townhouse] units x 0.07 middle school students per townhouse unit) and 8.7 high school students (87 additional residential [townhouse] units x 0.10 high school students per townhouse unit)

for the proposed increase in density. Monetary proffers shall be paid pro rata after final inspection and prior to certificate of occupancy being issued for each of the 100 Vineyards units at a cost of \$4,359.20 per unit (middle school at \$2,667.53 per unit and high school at \$1,691.67 per unit).

- 15. Developer will contribute \$78,199.99 (2.76 x \$28,333.33) toward the construction of a middle school and \$167,366.41 (4.37 x \$38,298.95) toward construction of a high school. These monetary proffers are based on projected increase in enrollment, for the single-family detached portion of the project, of 2.76 middle school students (23 additional single family units x 0.12 middle school students per single-family unit) and 4.37 high school students (23 additional single family units x 0.19 high school students per single-family unit) for the proposed increase in density. Monetary proffers shall be paid pro rata after final inspection and prior to certificate of occupancy being issued for each of the 74 single-family detached residential units at a cost of \$3,318.47 per unit (middle school at \$1,056.76 per unit and high school at \$2,261.71 per unit).

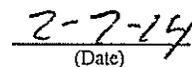
Signed:



(Property Owner)



(Printed Name)



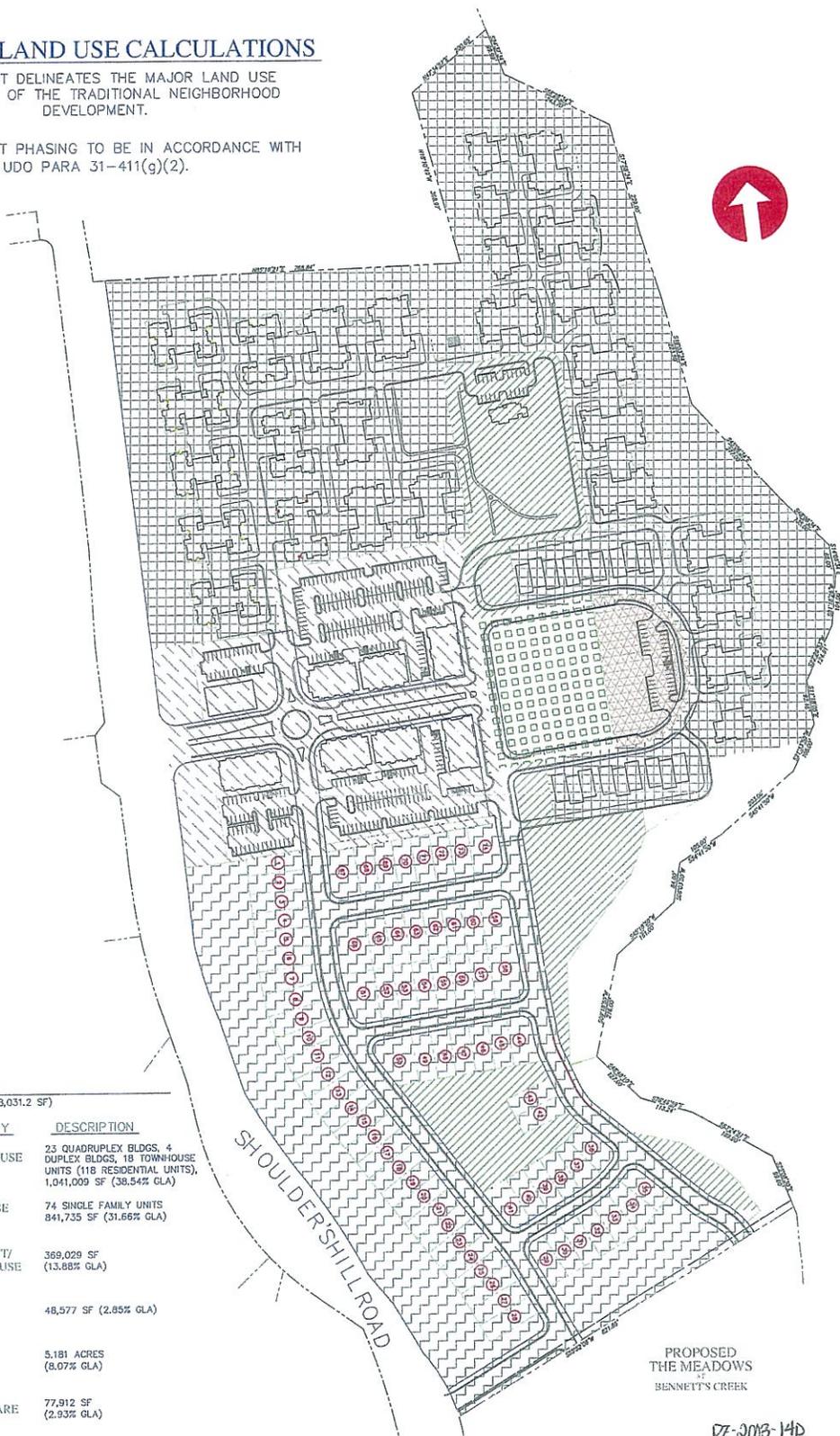
(Date)

Planning Department: 441 Market Street · P.O. Box 1858, Suffolk, Virginia 23439-1858 · Phone (757) 923-3650 · Fax (757) 539-7693
www.suffolk.va.us

EXHIBIT 2: LAND USE CALCULATIONS

THIS EXHIBIT DELINEATES THE MAJOR LAND USE CATEGORIES OF THE TRADITIONAL NEIGHBORHOOD DEVELOPMENT.

NOTE: PROJECT PHASING TO BE IN ACCORDANCE WITH UDO PARA 31-411(g)(2).



LEGEND

GLA = 61.02 ACRES +/- (2,658,031.2 SF)

SYMBOL	CATEGORY	DESCRIPTION
	ROWHOUSE USE	23 QUADRUPLEX BLDGS, 4 DUPLEX BLDGS, 18 TOWNHOUSE UNITS (118 RESIDENTIAL UNITS), 1,041,009 SF (38.54% GLA)
	HOUSE USE	74 SINGLE FAMILY UNITS 841,735 SF (31.66% GLA)
	SHOPFRONT/ WORKSHOP USE	369,029 SF (13.88% GLA)
	CIVIC USE	48,577 SF (2.95% GLA)
	PARK	5.181 ACRES (8.07% GLA)
	TOWN SQUARE	77,912 SF (2.93% GLA)

BENNETT'S CREEK SQUARE

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

FOR
BENNETT'S CREEK SQUARE, INC.
DECEMBER 16, 2013

PROPOSED
THE MEADOWS
BENNETT'S CREEK

RZ-2013-14D
RECEIVED

DEC 19 2013 1st

PLANNING

GRAPHIC SCALE ON NEXT
PLAN SCALE 1"=100'

HOGGARD-EURE ASSOCIATES, P.C.
Engineers • Surveyors • Planners
501 PortCentre Parkway, Suite 5 (757)481-5670
Portsmouth, Virginia 23704

RZ13-13

EXHIBIT B

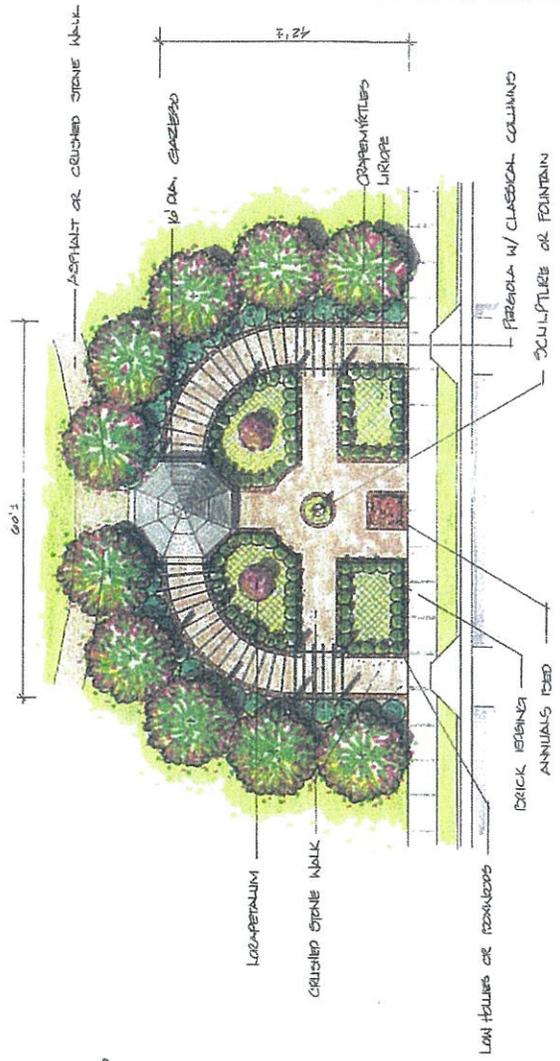


PERSPECTIVE FROM
MEADOW VIEW COURTYARD



CIVIC AREA
SITE PLAN
SCALE: 1"=30'

PLANS PREPARED BY
PORTERFIELD DESIGN CENTER
1
DORIS LAMOND/PLA



ENTRANCE FEATURE DETAIL
SCALE: 1"=10'

RZ13-13 Bennett's Creek Square Zoning/Land Use Map



Aerial Imagery courtesy of ESRI http://go.to.arcgisonline.com/maps/World_Imagery

AGENDA: March 19, 2014, Regular Session

ITEM: Public Hearing – An ordinance to grant a Conditional Use Permit to establish a Place of Worship, large, at least 6,000 square feet in the main sanctuary, located at 230 Meadow View Boulevard, Zoning Map 12V Parcel E – C32-13

Attached for your consideration is information pertaining to Conditional Use Permit Request, C32-13, Riverbend Church, submitted by Dr. Bobby Hill, applicant, on behalf of Bennett's Creek Square Professional Center, LLC, property owner, to permit a Place of Worship, large, at least 6,000 square feet in main sanctuary, in accordance with Sections 31-306 and 31-406, of the Unified Development Ordinance. The affected property is located at 230 Meadow View Boulevard and is further identified as Zoning Map 12V Parcel E, Sleepy Hole Voting Borough, zoned TND, Traditional Neighborhood Development District. The 2026 Comprehensive Plan designates this property as being located within the Northern Suburban/Urban Growth Area (Inner Ring Suburban).

The Planning Commission, at their meeting of February 18, 2014 voted 8 to 0 to approve a Resolution recommending approval of this request with conditions.

ATTACHMENTS

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

STAFF REPORT

DESCRIPTION

CONDITIONAL USE PERMIT: Conditional Use Permit Request, C32-13, Riverbend Church, to permit a Place of Worship, large, at least 6,000 square feet in main sanctuary, in accordance with Sections 31-306 and 31-406, of the Unified Development Ordinance.

APPLICANT: Dr. Bobby Hill, applicant, on behalf of Bennett's Creek Square Professional Center, LLC, property owner.

LOCATION: The affected property is located at 230 Meadow View Boulevard and is further identified as Zoning Map 12V Parcel E, Sleepy Hole Voting Borough.

PRESENT ZONING: The zoning of the property is TND, Traditional Neighborhood Development District (Conditional).

ADJACENT LAND USE:

North – Undeveloped (TND, Traditional Neighborhood Development District)

South – Commercial, dentist office (TND, Traditional Neighborhood Development District)

East – Undeveloped, future single-family residential within Bennetts Creek Square, Phase 2 (TND, Traditional Neighborhood Development District)

West – Undeveloped, future commercial development within Bennetts Creek Square, Phase 1 (TND, Traditional Neighborhood Development District)

EXISTING LAND USE: The property currently contains two commercial buildings. One building is partially occupied by a child day care center. The other building, which is the subject of this CUP application is currently unoccupied.

PROPOSED LAND USE: The applicant is proposing a large place of worship.

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

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

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: In February 2005 under Rezoning Request RZ-14-03 (Conditional), the property was rezoned from RR, Rural Residential, to TND, Traditional Neighborhood Development District. A preliminary plat for the development was approved in 2005 and subsequently amended twice.

Engineering plans for the project were approved in October 2007. A final plat for Phase 1 of the project was approved in July 2009. The approved engineering plans identify the location of all commercial structures that serve as the storefront and workshop uses within the Bennetts Creek Square town center.

STAFF ANALYSIS

ISSUE

The applicant is proposing to occupy an existing commercial building located in the Bennetts Creek Square Traditional Neighborhood Development District off of Shoulders Hill Road. The existing building contains 6,624 square feet of floor area and the proposed church will have a sanctuary with a seating capacity for 190 persons. No child day care services will be provided as an accessory use to a religious assembly.

CONSIDERATIONS AND CONCLUSIONS

1. *Use Regulations* –The Bennetts Creek Square conceptual land use plan identifies an area with a land use category designated for ‘shopfront’ or ‘workshop’ uses. In accordance with Table 411-1 of the Traditional Neighborhood Development Use Pattern, shopfront uses may include residential, lodging, commercial and retail uses as provided in the B-1, Neighborhood Commercial Zoning District.

Table 406-1 of the Unified Development Ordinance (UDO) identifies all uses that are permitted within the B-1, Neighborhood Commercial District either by-right or with a Conditional Use Permit. A large place of worship is listed as a facility with at least 6,000 square feet of floor area in the main sanctuary while a small place of worship has less than 6,000 square feet of floor area in the main sanctuary. Section 31-406 of the Unified Development Ordinance requires that a conditional use permit be obtained for both large and small places of worship located in the B-1, Neighborhood Commercial zoning district. The building layout submitted with the application (Exhibit C) indicates that the place of worship will occupy the entire area of the 6,624 square foot building. The proposed sanctuary, with a seating capacity for 190 persons, would occupy approximately half of the building. The remainder of the building, consisting of classrooms, a nursery, pastor’s office, kitchen and restroom facilities, will be used for non-profit, faith-based, community outreach and training programs. According to the applicant, Sunday morning services will be held from 9:00 a.m. to 1:00 p.m. while smaller groups of 20-30 people may gather during some weekdays and weekends.

2. The applicant has submitted a site layout (Exhibit C) taken from the approved engineering plans for the development that identifies the location of the existing 6,624 square foot building and associated paved off-street parking lot. The Unified Development Ordinance requires a minimum of one (1) parking space for every four (4) seats proposed and permits a maximum of one (1) space for every one and one half seats (1.5) proposed. Based on a proposed seating capacity of

190 within the sanctuary, a minimum of 48 parking spaces are required and a maximum of 127 spaces are permitted. There are 83 existing parking spaces that have been improved to serve the two commercial buildings located on the subject property. The day care utilizes 10 to 14 spaces during normal weekday business hours. No off-street parking issues are anticipated to occur based on the existing and proposed use of the property.

3. The site has access to two existing public streets within Bennetts Creek Square that provide efficient vehicular access to Shoulders Hill Road. It has been established in the Unified Development Ordinance that the close proximity of jobs and retail uses to housing in a Traditional Neighborhood Development can achieve significant trip reductions produced by the internal capture of home-work and home retail trips. Thus there is a compelling public interest to encourage new development in a mixed-use pattern. Accordingly, in accordance with the Unified Development Ordinance, the transportation review requirement for adequate public facilities does not apply to a Traditional Neighborhood Development. Therefore, this proposed use is not subject to adequate public facility review for streets. The City's traffic engineer has indicated that there are no concerns with the location of a place of worship at this location.
4. This property is currently served with City water and sewer via a ¾" water meter and sanitary sewer lateral. The Department of Public Utilities will require Water Meter Sizing calculations since additional water fixtures will be installed as part of the building modification consisting of men's and women's rest rooms, and kitchen on the ground level of the church. It is anticipated that adequate pressure and flows to provide domestic and fire demands will be available to serve the proposed use. The regional pump station serving Bennetts Creek Square has adequate sewer capacity to serve the proposed large religious assembly use.
5. The Traditional Neighborhood Development Use Pattern requires that a jobs to housing ratio from 0.5:1 to 1.0:1.0 be maintained to ensure a balance of residential and commercial uses. The developer will be required to maintain compliance with the jobs-to-housing ratio found in Section 31-411(g)(7) of the UDO.
6. The subject property is located with a Chesapeake Bay Preservation Area Overlay District and is designated as a Resource Management Area (RMA). The existing drainage system will be utilized to manage stormwater runoff from the site.
7. ***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 use regulations governing a Traditional Neighborhood Development Use Pattern as set forth in Section 31-412 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 surrounded by residential land uses and a town square as the center of the development. The conditional zoning that has established the Bennetts Creek Square TND will ensure that the character of the neighborhood is maintained.

- 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 has safe and efficient access to the existing street network within the TND as well as Shoulders Hill Road. 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.”*

No 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 child day care center located immediately adjacent to the proposed use and a medical office building located immediately to the south of the building. Additional commercial development is anticipated to provide retail and commercial uses that are compatible with surrounding area. The hours for Sunday services, the most intensive period of operation, will be from 9:00 am to 1:00 pm. In that regard, the proposed use 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 development of Bennetts Creek Square.

- 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.”*

No detrimental impacts are anticipated.

- 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 place of worship should not have an adverse impact on the ability to develop the remaining commercial property or adjacent residential uses.

RECOMMENDATION

The proposed place of worship at this location will have a minimal impact on the surrounding area. Staff recommends **approval** of this conditional use permit request with the conditions as follows:

1. This Conditional Use Permit shall be for the operation of a large place of worship.
2. This Conditional Use Permit shall not authorize the operation of a child day care center.
3. The existing building is currently a shell building with an open unfinished interior. In order for a place of worship to occupy the building, modifications shall be made as required per the 2009 Virginia Uniform Statewide Building Code (VUSBC).

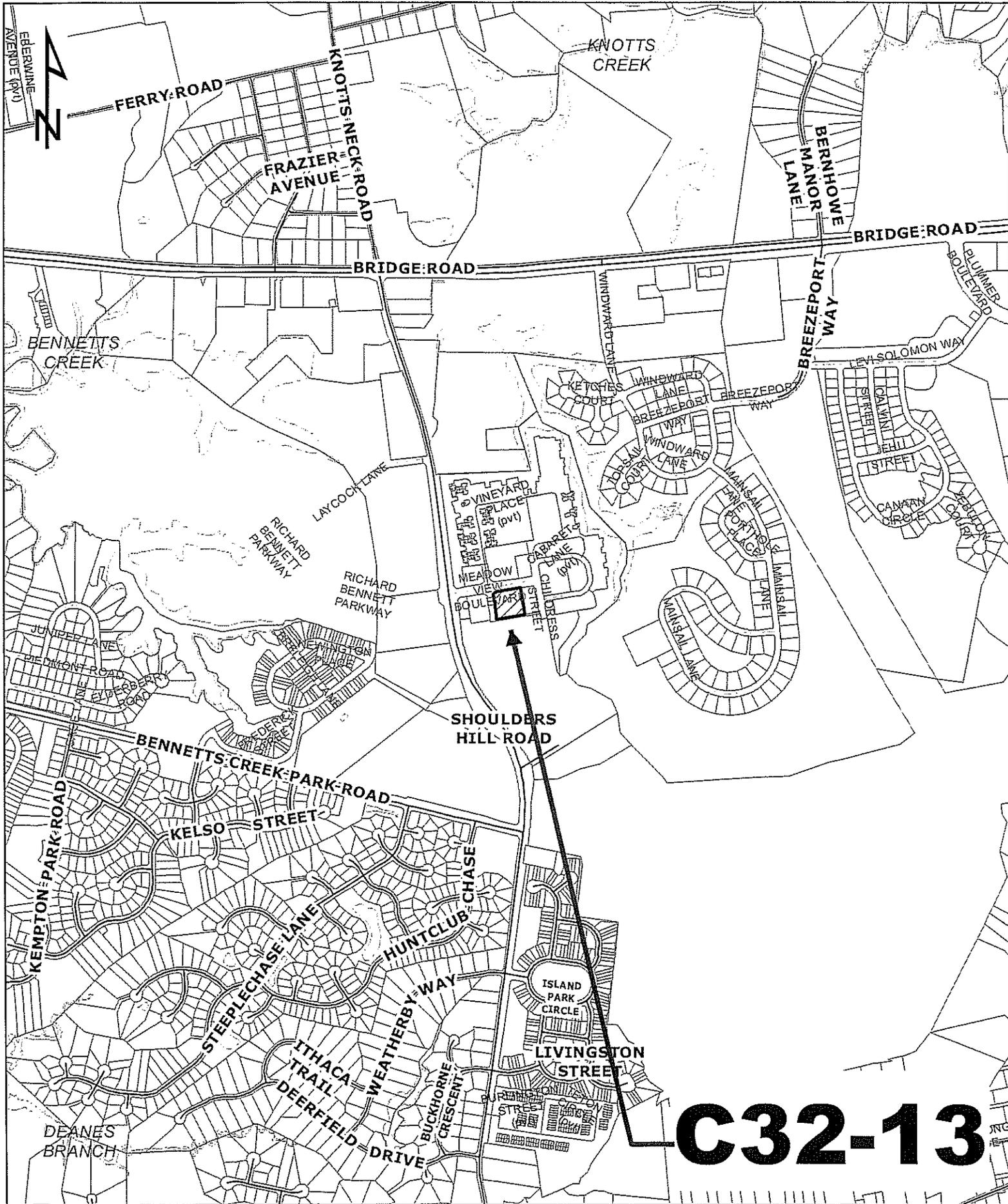
The Planning Commission, at their meeting of February 18, 2014 voted 8 to 0 to **approve** a Resolution recommending approval of this request with conditions.

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: Dr. Bobby Hill, Riverbend Church
Dr. Warran Sachs, Bennetts Creek Square Professional Center, LLC
File

General Location Map



1. Narrative Property Description:

Bennett's Creek Square Professional Center, LLC is the developer of commercial real estate at Bennett's Creek Square, a multi-use development under a Transitional Development Neighborhood Zoning Classification. The property includes 1.14 acres at 230 Meadow View Blvd, Suffolk (Tax Assessor's Map 12 V*E, Par. E. Bennett's Creek and Tax Account # 306002398).

The subject building (Building B-1) consists of 6330 square feet, and is currently in shell condition. Its site area is .85 acre.

2. Narrative Property Use:

The tenant and applicant, Riverbend Church, proposes to improve the 6330 SF with a sanctuary seating 190 and adjoining foyer, classrooms, and office. This space is to be used for non-profit, faith-based, community outreach and training programs, religious services and gatherings.

Sunday morning services will comprise the most concentrated use of the property during the hours of 9:00am to 1:00pm. Additionally, smaller groups (20-30 people) will gather during some weekdays and weekends. Pastoral care appointments will be facilitated and managed from Monday to Friday on an ad hoc basis making use of the church office.

3. Parking Implications:

During peak use (Sundays) the church could potentially use parking spaces associated with Buildings A and B (73 spaces already improved). No parking issues are anticipated.

4. Traffic Implications:

Normal weekday use is estimated at a maximum of 20-30 cars intermittently arriving and departing the property. The tenant does not expect its proposed uses will pose any significant traffic congestion on Meadow View Blvd. or Shoulders Hill Rd.

On Sunday mornings traffic will increase during peak hours of 10:00AM as attendees arrive for weekly church services and the highest traffic load will be between 12:00 noon and 12:30PM at the conclusion of weekly services. Estimated maximum automobiles present on Sunday mornings are not expected to exceed 50. Ingress and egress will be on Meadow View Blvd. and Shoulders Hill Rd.

ORDINANCE NO.

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A PLACE OF WORSHIP, LARGE, AT LEAST 6,000 SQUARE FEET IN MAIN SANCTUARY, LOCATED AT 230 MEADOW VIEW BOULEARD, ZONING MAP 2V, PARCEL E – C32-13

WHEREAS, Dr. Bobby Hill, applicant, on behalf of Bennett's Creek Square Professional Center, LLC, property owner, has requested a conditional use permit for a large place of worship in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance 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 12V, Parcel E 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 large place of worship, 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 large place of worship 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 large place of worship in compliance with Exhibit "C" (the "Site Plan"), and Sections 31-306 and 31-406 of the Code of the City of Suffolk.

Conditions

1. This Conditional Use Permit shall be for the operation of a large place of worship.
2. This Conditional Use Permit shall not authorize the operation of a child day care center.
3. The existing building is currently a shell building with an open unfinished interior. In order for a place of worship to occupy the building, modifications shall be made as required per the 2009 Virginia Uniform Statewide Building Code (VUSBC).

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

Section 5. Severability.

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

Section 6. Recordation.

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

Section 7. Effective Date.

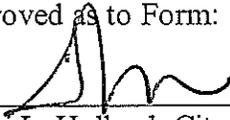
This ordinance shall be effective upon passage and shall not be published or codified. The conditional use authorized by this permit shall be implemented within two (2) years from the date of approval by the City Council and shall terminate if not initiated within that time period.

READ AND PASSED: _____

TESTE: _____

Erika Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

**CITY OF SUFFOLK PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO CONDITIONAL USE PERMIT
C32-13**

WHEREAS, Dr. Bobby Hill, applicant, on behalf of Bennett's Creek Square Professional Center, 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 large place of worship 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, C32-13, 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.

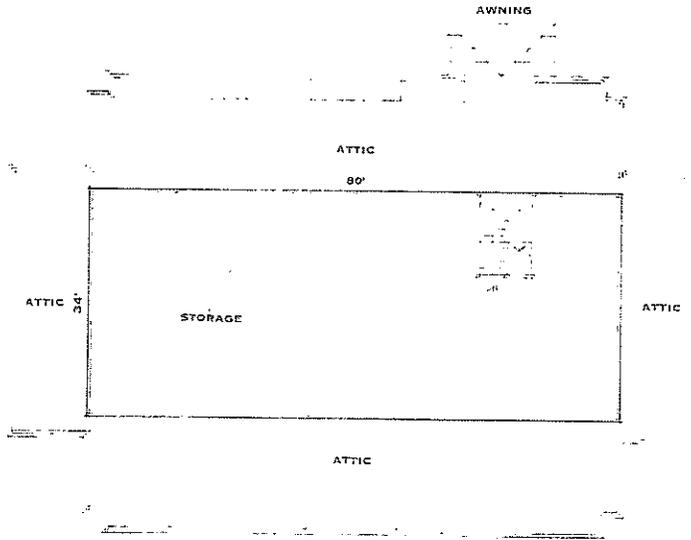
READ AND ADOPTED: February 18, 2014

TESTE: [Signature]

**CONDITIONS FOR
CUP C32-13**

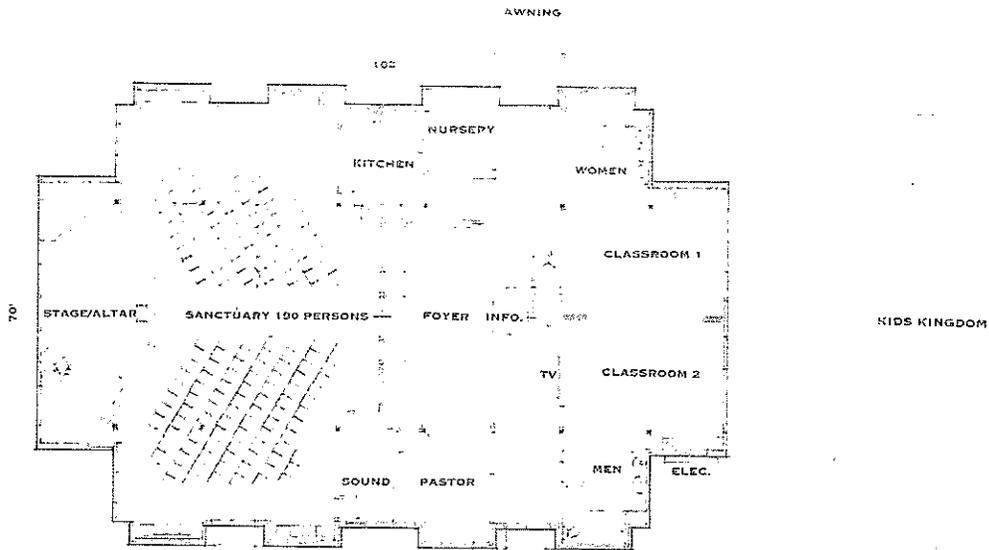
1. This Conditional Use Permit shall be for the operation of a large place of worship.
2. This Conditional Use Permit shall not authorize the operation of a child day care center.
3. The existing building is currently a shell building with an open unfinished interior. In order for a place of worship to occupy the building, modifications shall be made as required per the 2009 Virginia Uniform Statewide Building Code (VUSBC).

RIVERBEND CHURCH



ATTIC LEVEL

1/8" = 1'-0" 2,720 SQ. FT.



GROUND LEVEL

1/8" = 1'-0" 6,230 SQ. FT.

RECEIVED
07/21/2014
PLANNING

	STUART RESOR, ARCHITECT BONNIE RESOR, INTERIORS 2102 GOVERNOR'S POINTE DR. SUFFOLK, VA. 23436 760-525-0076 STUARTRESOR@GMAIL.COM		RIVERBEND CHURCH BOBBY HILL PASTOR 1518 ELDERBERRY ROAD SUFFOLK, VA. 23435 757-617-0547 SHPASTOR@GMAIL.COM	
	DRAWN BY:			

AGENDA: March 19, 2014, Regular Session

ITEM: Public Hearing – An Ordinance to grant a Conditional Use Permit to establish a Guest Ranch on property located at 1548, 1552, and 1554 Cherry Grove Road North, Zoning Map 4, Parcels 2, 2*2*A and 2*2*B, C01-14

Attached for your consideration is information pertaining to Conditional Use Permit Request, C01-14, submitted by Whitney G. Saunders, agent, on behalf of Richard and Janet Goldbach, applicants and property owners, for a Guest Ranch, in accordance with Sections 31-306 and 31-406, of the Unified Development Ordinance. The affected properties are located at 1548, 1552 and 1554 Cherry Grove Road North and are further identified as Zoning Map 4, Parcels 2, 2*2*A, and 2*2*B, Chuckatuck Voting Borough, zoned RE, Rural Estate District. The 2026 Comprehensive Plan designates this area as a part of the Rural Agricultural Conservation Area.

The Planning Commission, at their meeting of February 18, 2014, voted 5 to 3 to **approve** a Resolution recommending approval of this request with conditions.

ATTACHMENTS

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

STAFF REPORT

DESCRIPTION

CONDITIONAL USE PERMIT: Conditional Use Permit Request C01-14, for a guest ranch, in accordance with Sections 31-306 and 31-406, of the Unified Development Ordinance.

APPLICANT: Submitted by Whitney G. Saunders, agent, on behalf of Richard and Janet Goldbach, applicants and property owners.

LOCATION: The affected properties are located at 1548, 1552 and 1554 Cherry Grove Road North and are further identified as Zoning Map 4, Parcels 2, 2*2*A, 2*2*B.

PRESENT ZONING: RE, Rural Estate District.

EXISTING LAND USE: The 131 acre (approximately) site contains two single-family dwellings, a barn, woodlands, and agricultural fields.

PROPOSED LAND USE: Permit a guest ranch, Cherry Grove Plantation, within the historic home, barn, and surrounding grounds.

SURROUNDING LAND USES:

North – Agricultural/Forested, zoned RE – Rural Estate;

South – Chuckatuck Creek, zoned RE – Rural Estate;

East – Single-family residential, zoned RE – Rural Estate;

West – Single-family residential/Forested, zoned RE – Rural Estate.

COMPREHENSIVE PLAN: The City's 2026 Comprehensive Plan identifies this property as part of the Rural Agricultural Conservation Area.

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

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

STAFF ANALYSIS

ISSUE

The applicant is requesting a Conditional Use Permit to operate a guest ranch on the property. The guest ranch is defined by the Unified Development Ordinance (UDO) as: "A building or group of buildings containing two (2) or more guest rooms, other than a boarding house, hotel or motel, and including outdoor recreational activities such as, but not limited to, horseback riding, golf course, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended for the primary use of its guests, but not including bars and restaurants which cater primarily to other than guests of the guest ranch/resort."

The property owners intend to rent the historic farm house (circa 1850), barn, and surrounding grounds as a weekly residential vacation rental. In addition, renters will have the opportunity to

conduct special events on the property such as weddings, family reunions, and similar events not exceeding one-hundred (100) guests. The farm house and barn will be fully furnished with utilities, however no food will be provided, therefore all rentals and events will be catered.

The current property owners have renovated the house and intend to rent the house and grounds to groups seeking rural tranquility. The property owners have stated the property will only be offered to individual renters and will not be divided for rental to separate parties. The renovated farmhouse has five (5) bedrooms with bathrooms in addition to a country kitchen, dining room, and living areas. The adjacent barn, offers one (1) bedroom, a recreational room, and spa room. A total of fourteen (14) persons can be accommodated by the farm house and barn. The property includes extensive outdoor recreation space and access to Chuckatuck Creek.

CONSIDERATIONS AND CONCLUSIONS

1. Section 31-406 of the Unified Development Ordinance (UDO) requires that a conditional use permit be obtained for a guest ranch within the RE, Rural Estate Zoning District.
2. No supplemental standards are established in the UDO for a guest ranch.
3. This property is located off of Cherry Grove Road North and currently does not have City water and sewer available for connection. Water and sewer service is currently provided by an on-site private well and septic system. The property owners are currently seeking authorization from the Suffolk Health Department to install a new septic field to serve the historic farmhouse and barn.
4. The primary house is accessed by a private driveway off of Cherry Grove Road North. Traffic Engineering has stated the addition of the guest ranch use should not significantly increase the amount of traffic along Cherry Grove Road North. Eleven (11) permanent parking spaces are offered to serve guests utilizing the vacation rental home. Additional, overflow parking is available for up to seventy (70) vehicles.
5. Pursuant to Section 31-306 of the Unified Development Ordinance (UDO), a Conditional Use Permit recognizes uses that, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right. Rather, such uses are permitted through the approval of a Conditional Use Permit by City Council when the right set of circumstances and conditions are found acceptable.

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

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

The proposed use of a guest ranch is a listed conditional use in the RE, Rural Estate, zoning district per the City's Unified Development Ordinance. The proposed use

complies with all applicable provisions and regulations of Articles 6 and 7 of the Unified Development Ordinance.

- 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 guest ranch has historically and is expected to continue to conform to the character of the neighborhood. The lots have adequate size to accommodate this proposed use. Guest will utilize the house, barn, and grounds and conduct events under the supervision of the property owners, whom reside in an adjacent single-family dwelling. This use should not be adverse to persons living, working, or driving through 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 City's Traffic Engineering Department has reviewed the request and has not expressed any concerns regarding parking or traffic for the proposed use and location. The site is accessed by a public road and the guest ranch should not generate a significant continuous increase in traffic.

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

The proposed use is for a guest ranch and should not produce excess vibration, noise, odor, dust, smoke or gas. It is not anticipated that there will be any use attached with their activity which would impact the surrounding community.

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

The surrounding properties are located within the Rural Estate zoning district and contain single family homes, farmland, and woodlands. The addition of a guest ranch should not diminish or impair the property values within this neighborhood.

- 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 establishment of a guest ranch on 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 use of a guest ranch should not be a detriment or endangerment to the public.

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

The public interest and welfare should not be compromised by the proposed use of a guest ranch.

RECOMMENDATION

It is staff's opinion that the site in question is appropriate for the proposed use and given the size of the existing lots, the use should not adversely impact the surrounding neighborhood. Therefore, staff recommends **approval** of Conditional Use Permit request C01-14 with the following conditions:

1. This approval is for the conditional use of a "guest ranch" as defined by the Unified Development Ordinance.
2. A Sewage Disposal Construction permit must be issued prior to the approval of a Building Permit and/or issuance of the Final Certificate of Occupancy.
3. The property shall not be offered to multiple renters for a single rental period.
4. Overnight guests shall be limited to a maximum of fourteen (14) persons.
5. Special events shall not exceed one-hundred (100) guests and shall only be sponsored by a rental guest during their stay at the facility.
6. Prior to the commencement of the conditional use, approval must be granted by the Division of Community Development, for any requirements regarding the occupancy of the structures as prescribed by the Virginia Uniform Statewide Building Code.

The Planning Commission, at their meeting of February 18, 2014, voted 5 to 3 to **approve** a Resolution recommending approval of this request with conditions.

Attachments

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

NARRATIVE

Richard A. Goldbach and Janet Goldbach have submitted an application for a Conditional Use Permit for a part of Tax Parcel Numbers 4*2, 4*2*2*A and 4*2*2*B for purposes of operating a guest ranch as defined in the Uniform Development Ordinance's table of uses. A portion of each one of the stated parcels shall be offered as a weekly residential vacation rental. The farm house and barn, located on parcel 4*2, are fully furnished with all utilities provided but shall be entirely self-catering.

The farm house was built in approximately 1850 and over the course of the past fifty (50) years has been operated largely as a residential rental. Mr. & Mrs. Goldbach have renovated the farm house in order to offer it and its five (5) bedrooms for vacation use. In the immediate vicinity of the farm house is a barn, which contains one (1) bedroom, a recreation room containing a pool table, a private bath and a spa room. Each of the five (5) bedrooms in the farm house has its own bathroom and the house contains a spacious country kitchen, dining room and living areas. A maximum of fourteen (14) persons can be accommodated at the farm house and barn and the rental includes three (3) full bathrooms, one (1) shower room, one (1) outdoor shower room and four (4) half bathrooms. The property is offered only to single renters and may not be divided for rental into separate units for separate parties. The property includes extensive outdoor recreation space, open air cooking facilities, a dog kennel and a pier and dock on the Chuckatuck Creek. Consistent with the period of the farm house, a long rustic 19th century table and 19th century tableware is provided for guests. The kitchen features a stained glass ceiling dome and original heart pine paneling. The library and reading room also contains several stained glass windows and an eclectic assemblage of books and games. The grounds and amenities are designed in order to encourage guests to enjoy a week or more of rural tranquility with family and friends.

Guests are required to enter into a formal signed Rental Agreement prior to receiving rental confirmation. Among other things, the Renter and all his/her guests "agree to behave in a proper and reasonable manner while renting the Property and not create any nuisance to other occupants of the Property and neighboring properties". Note that outside activities taking place on the rented property are in clear sight and sound of the Goldbach owner residence, which is occupied full time. Only Renters may schedule "special" events, such as weddings or family reunions, and such events shall not exceed 100 nonresident guests. Complete Terms and Conditions (T's & C's) of Rental Agreement are provided in the attachment hereto labeled "Terms and Conditions of Rent".

PARKING

Four (4) 10 x 20' parking spaces are provided adjacent to the farm house and seven (7) 10 x 20' parking spaces are provided adjacent to the barn. Overflow parking for seventy (70) vehicles is located on Parcels 4*2*2*A and 4*2*2*B. It is not anticipated that any additional parking would ever be necessary but additional parking could be located along the roadway to the farm house. All parking areas are noted on Exhibit A, "Goldbach Side Plan".

TRAFFIC

Traffic to and from Cherry Grove Plantation will be limited to use by residents and nonresident guests of the farm house and barn on Parcel 4*2, the Goldbach permanent residence on Parcel 4*2*2*B and Parcel A*2*2*A.. No more than fourteen (14) individuals will be allowed to reside in the farm house and barn and two (2) individuals currently reside at the home of Richard & Janet Goldbach on parcel 4*2*2*B. It is anticipated that events such as reunions and weddings will occasionally be scheduled at Cherry Grove Plantation and in those instances traffic to and from the site will be limited to no more than 100 nonresident guests. Gatherings for special events are anticipated to occur on weekends, although it is possible that an event could be scheduled on a weekday. Based on past expenditure such special events will take place on 10-15 days per year.

WATER

The City of Suffolk Public Utilities estimates that the one horsepower Franklin Electric pump located on the premises yields approximately 10 gallons of water per minute. The Virginia Water Resources Center in Blacksburg, Virginia has established a consumption rate of approximately 75 gallons per person per day. The pumping capacity of the well would therefore allow consumption of water for 192 people per day.

SEPTIC SYSTEM

Mr. & Mrs. Goldbach have retained Hall Soil Consultants, LLC to permit, design and install a new septic system for the property due to the unavailability of information on the sizes and capacities of the existing septic systems. This decision was made due to the inability of the City or an independent consultant to certify the viability of the existing septic system. An application for approval of the new septic system was submitted on December 17, 2013 and it is anticipated that the Department of Health will begin processing the application after the Christmas holiday.

It is the applicant's belief that the proposed use of the subject property as a guest ranch is consistent with its historical use as a rural rental property. The proposed use will not alter the character of the surrounding properties and is in fact unable to be seen from existing residences. The farm house is more than one-half mile from Cherry Grove Road and there is no plan to change the external appearance of the farm house or the barn. Existing farm fields on all parcels shall remain intact and the existing view scape will remain entirely unaltered.

TERMS AND CONDITIONS OF RENT

1. Upon confirmation of this rental by Mindy Ames, manager of the Property (the "Manager"), this Agreement shall be binding between the Renter and the Company on the terms and conditions set forth herein.

2. If the Renter cancels a confirmed rental, Renter shall be liable for the full Rental Amount, provided, however, in the event the Company is able to re-rent the Property during the Rental Dates, it will refund to the Renter the lesser of the Rental Amount received on the re-rental of the Property or the original amount paid by the Renter, less, in either case, a fifteen percent (15%) cancellation fee.

3. The Renter agrees to behave in a proper and reasonable manner while renting the Property and not to create any nuisance to other occupants of the Property and neighboring properties. The Renter agrees to cause members of the Renter's party and the Renter's guests and invites to act in the same manner as the Renter is obliged to act under this Agreement and to otherwise comply with the obligations of the Renter as if such persons were named as Renter hereunder. Renter agrees to give prompt notice to the Manager of any injury or damage occurring to or on the Property, however caused.

4. The Renter will vacate the Property on the date and time set forth in this Agreement. The Renter will leave the Property in a clean, tidy and orderly condition upon vacating the Property.

5. Only those adults who have signed this Agreement and the minor children named in the Agreement may stay overnight at the Property. If any additional persons stay overnight at the Property, the Company may levy an additional charge of \$50 per person for each night that an additional person stays at the Property. The Renter may not sublet the Property nor assign this Agreement without prior written consent of the Company.

6. The Company may evict the Renter and the Renter's party without prior notice and without refunding all or any portion of the Rental Amount if in its reasonable opinion, the Renter's behavior or treatment of the Property is unacceptable or if the Renter breaches any term of this Agreement.

7. If the Company cancels a confirmed rental or the Property is rendered uninhabitable, other than as a result of events beyond its control or the fault of the Renter or anyone in the Renter's party, the Company will not be liable in any way to the Renter in the event of a cancellation of a confirmed rental, other than as expressly set forth in this paragraph.

8. The Company shall not be liable for events beyond its control which may interfere with Renter's occupancy, including but not limited to acts of God, acts of governmental agencies, fire, strikes, riots, war, or inclement weather. NO REBATE OR REFUND will be offered in these circumstances.

9. The Manager may carry out and enforce any of the Company's rights under the Agreement.

10. The Company shall not be liable for any injury or damage to persons or property unless such injury or damage results from the willful misconduct or gross negligence of the Company.

11. Renter waives any claim for special, incidental or consequential damages that it may have against the Company. If the Renter or any member of the Renter's party has a claim of any kind against the Company, or its agents, in all circumstances shall not exceed the Rental Amount.

12. Renter shall indemnify, defend and hold the Company, and its agents, harmless from and against any claims, actions, damages, liabilities and expenses of any kind whatsoever (collectively, "Losses"), including those in connection with loss of life, personal injury or damage to property in or about the Property or arising out of the occupancy or use of the Property by Renter, anyone in Renter's party or Renter's invitees, whether arising from breach of contract, negligence, misrepresentation, or otherwise.

13. If Renter defaults under or is in breach of any provision of this Agreement, in addition to any other remedy the Company may have at law, equity or otherwise, the Company may use, apply or retain all or any part of Renter's Security/Damage Deposit for the payment of any sum in default, or for the payment of any amount that the Company may spend or become obligated to spend by reason of Renter's default or breach, or to compensate the Company for any other loss or damage that the Company may suffer by reason of Renter's default or breach.

14. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia. In the Agreement, the singular will include the plural.

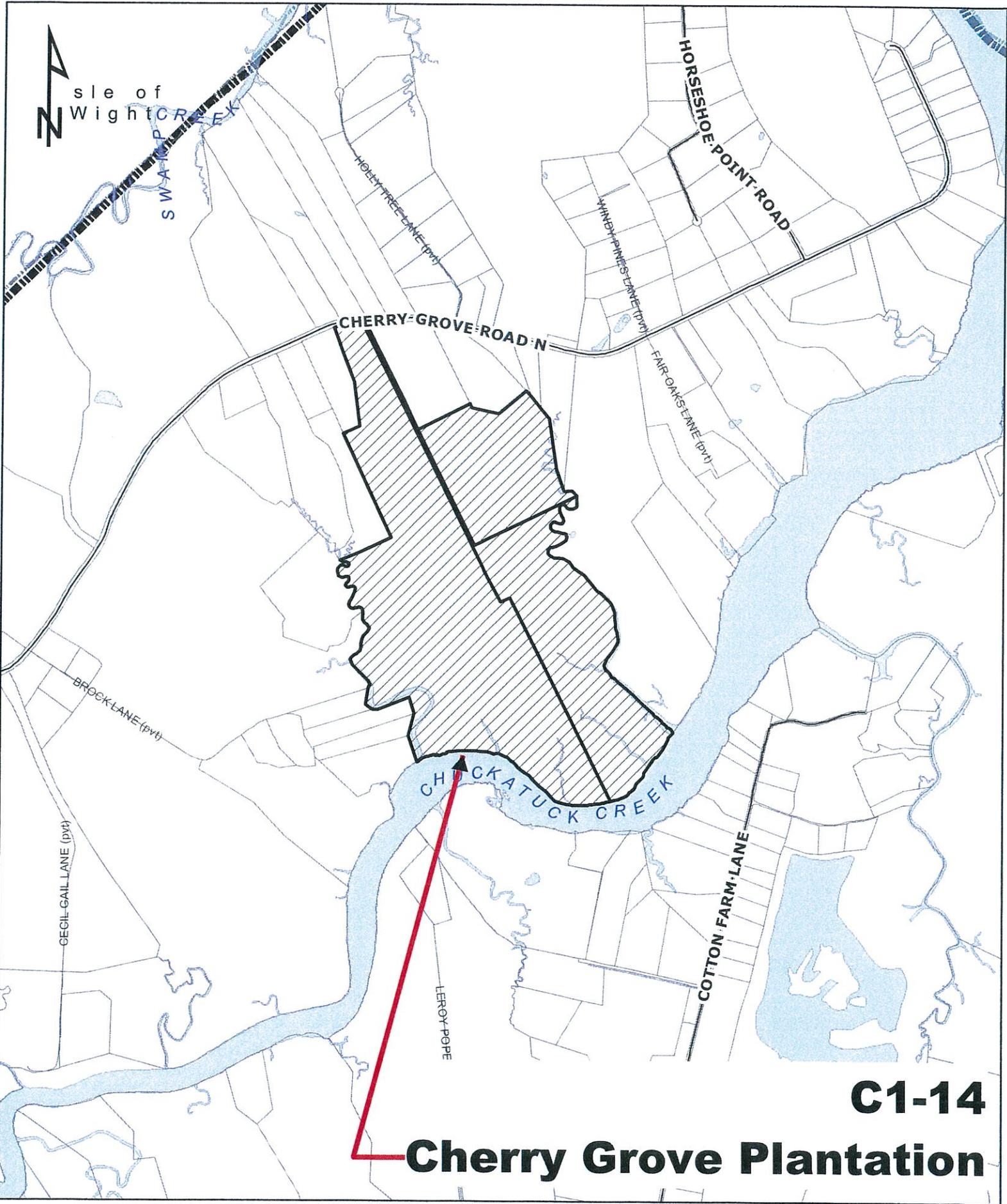
15. The provisions of Sections 9, 10, 11, 12, 13, 14 and this Section 15 of this Agreement shall survive any expiration or termination of this Agreement for any reason.

16. No more than 14 overnight guests are permitted on the property. At the time of rental, Renter shall notify the Company of any special event (eg. weddings, reunions, etc.) for which non overnight guests will be present at the Property. No more than 100 non overnight guests shall be allowed. Special events may only be held by a Renter of the Property.

17. All amplified sound and music played outside fully enclosed buildings shall stop by 10:00 p.m.

18. All equipment for amplified sound and music shall be located within a tent on the patio, which is on the northwest side of the farmhouse.

General Location Map



C1-14

Cherry Grove Plantation

ORDINANCE NO.

AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A GUEST RANCH ON PROPERTY LOCATED AT 1548, 1552 AND 1554 CHERRY GROVE ROAD NORTH, ZONING MAP 4, PARCELS 2, 2*2*A, 2*2*B, C01-14

WHEREAS, Whitney G. Saunders, agent, on behalf of Richard and Janet Goldbach, applicants and property owners, has requested a conditional use permit for a guest ranch 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 4, Parcels 2, 2*2*A, and 2*2*B, 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" (the "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 guest ranch 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 guest ranch 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 guest ranch in compliance with Exhibit "C" (the "Site Plan"), and Sections 31-306 and 31-406 of the Code of the City of Suffolk.

Conditions

1. This approval is for the conditional use of a "guest ranch" as defined by the Unified Development Ordinance.
2. A Sewage Disposal Construction permit must be issued prior to the approval of a Building Permit and/or issuance of the Final Certificate of Occupancy.
3. The property shall not be offered to multiple renters for a single rental period.
4. Overnight guests shall be limited to a maximum of fourteen (14) persons.
5. Special events shall not exceed one-hundred (100) guests and shall only be sponsored by a rental guest during their stay at the facility.
6. Prior to the commencement of the conditional use, approval must be granted by the Division of Community Development, for any requirements regarding the occupancy of the structures as prescribed by the Virginia Uniform Statewide Building Code.

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 Richard and Janet Goldbach, 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 Richard and Janet Goldbach, property owners, or any party undertaking or maintaining such use, of the conditions to which the conditional use permit herein granted is subject.

Section 5. Severability.

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

Section 6. Recordation.

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

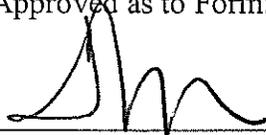
Section 7. Effective Date.

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

READ AND PASSED: _____

TESTE: _____
Erika Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney

**CITY OF SUFFOLK PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO CONDITIONAL USE PERMIT
C01-14**

WHEREAS, Whitney G. Saunders, agent, on behalf of Richard and Janet Goldbach, applicants and property owners, has requested the issuance of a conditional use permit for a certain tract of land situated in the City of Suffolk, Virginia, which land is described and depicted on the proposed Ordinance attached hereto and incorporated herein by reference; and

WHEREAS, the specific request is to permit a guest ranch 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, C01-14, be:

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

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

READ AND ADOPTED: February 18, 2024

TESTE: Scott M. B.

**CONDITIONAL USE PERMIT
C01-14**

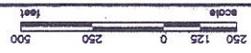
CONDITIONS

1. This approval is for the conditional use of a “guest ranch” as defined by the Unified Development Ordinance.
2. A Sewage Disposal Construction permit must be issued prior to the approval of a Building Permit and/or issuance of the Final Certificate of Occupancy.
3. The property shall not be offered to multiple renters for a single rental period.
4. Overnight guests shall be limited to a maximum of fourteen (14) persons.
5. Special events shall not exceed one-hundred (100) guests and shall only be sponsored by a rental guest during their stay at the facility.
6. Prior to the commencement of the conditional use, approval must be granted by the Division of Community Development, for any requirements regarding the occupancy of the structures as prescribed by the Virginia Uniform Statewide Building Code.

RT. GALTWAY, L.S.
SURVEYOR/PURNER
100 BERTHMAN LANE
SUFFOLK, VIRGINIA 23435
(757) 538-0224

PROPERTY OWNED BY
PENNY HOWELL BIRDSONG
TAX MAP 4, PARCEL 2
AS SHOWN IN
D.B. 594, P.C. 583
CHUCKATUCK BOROUGH, SUFFOLK, VIRGINIA
SHEET 2 OF 2
SCALE: 1"=250'
DATE: JULY 10, 1998

RECEIVED
JAN 06 2004
PLANNING



CURVE DATA
R=250.89'
R=202.78'
R=188.42'
R=207.64'

GOLDBACH SITE PLAN
OF
FAMILY TRANSFER & RESUBDIVISION

4.005 ACRES
PARCEL 2-3

6.072 ACRES
PARCEL 2-1

7.66 ACRES
PARCEL 2-2

1.83 ACRES
PARCEL 2-4

1.83 ACRES
PARCEL 2-5

1.83 ACRES
PARCEL 2-6

1.83 ACRES
PARCEL 2-7

1.83 ACRES
PARCEL 2-8

1.83 ACRES
PARCEL 2-9

1.83 ACRES
PARCEL 2-10

1.83 ACRES
PARCEL 2-11

1.83 ACRES
PARCEL 2-12

1.83 ACRES
PARCEL 2-13

1.83 ACRES
PARCEL 2-14

1.83 ACRES
PARCEL 2-15

1.83 ACRES
PARCEL 2-16

1.83 ACRES
PARCEL 2-17

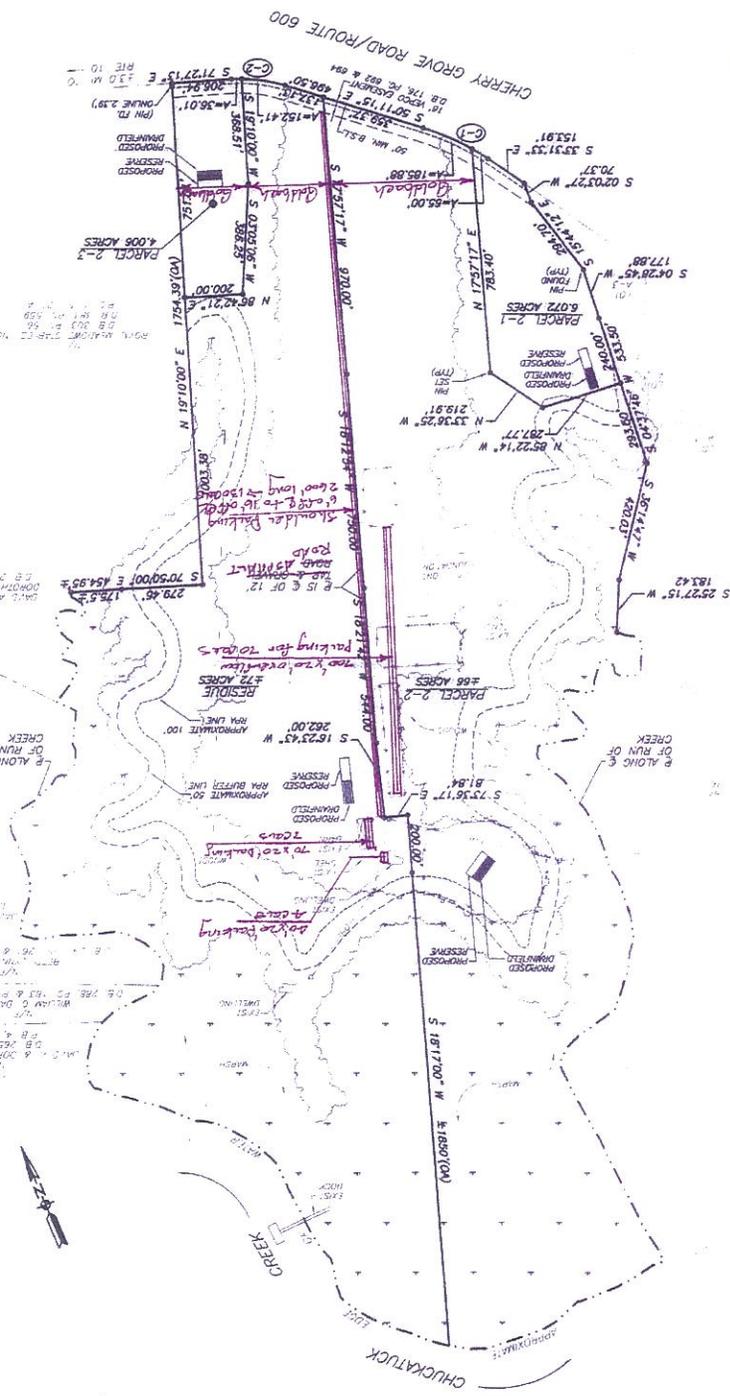
1.83 ACRES
PARCEL 2-18

1.83 ACRES
PARCEL 2-19

1.83 ACRES
PARCEL 2-20

1.83 ACRES
PARCEL 2-21

1.83 ACRES
PARCEL 2-22



Ordinances

Resolutions

Staff Reports

Motion to Schedule a Work Session

Non-Agenda Speakers

New Business

Announcements and Comments