

**SUFFOLK PLANNING COMMISSION  
AGENDA FOR  
JANUARY 21, 2020**



**PREPARED BY THE CITY OF SUFFOLK DEPARTMENT OF  
PLANNING & COMMUNITY DEVELOPMENT  
DAVID HAINLEY, DIRECTOR**

**THE REGULAR MEETING WILL BE HELD AT 2:00 P.M. IN  
THE SUFFOLK CITY COUNCIL CHAMBERS OF THE CITY HALL BUILDING**

**IF YOU CANNOT ATTEND OR NEED SPECIAL ACCOMODATIONS AT THE  
MEETING, PLEASE CALL THE CITY OF SUFFOLK DEPARTMENT OF PLANNING  
& COMMUNITY DEVELOPMENT AT (757) 514-4060  
PRIOR TO 12:00 NOON ON FRIDAY, JANUARY 17, 2020.**

**HOWARD C. BENTON  
CHAIRMAN**

**Suffolk**  
V I R G I N I A  
*It's a good time to be in Suffolk*



## AGENDA

### SUFFOLK PLANNING COMMISSION

January 21, 2020

2:00 P.M.

- 
1. Call to Order
    - A. Invocation
    - B. Roll Call
  2. Approval of minutes from previous meeting
  3. Public Hearings:
    - A. **REZONING REQUEST, RZN2019-012, (Conditional), Factory Street:** submitted by Whitney G. Saunders, Saunders & Ojeda P.C., agent, on behalf Goodman Square, LLC, and Goodman Developers, Inc., property owners, in accordance with Sections 31-304 and 31-305 of the Unified Development Ordinance, to rezone and amend the official zoning map of the City of Suffolk to change the zoning from M-2, Heavy Industrial zoning district, to RU, Residential Urban zoning district, and B-2, General Commercial zoning district, for property located at 611 and 711 Factory Street, Zoning Map 35H(3), Parcels X14, X\*14A, and X17. The affected area is further identified as being located in the Whaleyville Voting Borough, zoned M-2, Heavy Industrial zoning district. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Core Support Use District.
    - B. **CONDITIONAL USE PERMIT REQUEST, CUP2019-018, Celebration Christian Church:** submitted by William B. Gross, Celebration Christian Church, applicant, on behalf of Jack Russell Management, LLC, property owner, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a Place of Worship, small, under 6,000 square feet in main sanctuary, on property located at 2484 Pruden Boulevard, Zoning Map 25A(7), Parcels B\*1 and B\*2. The affected area is further identified as being located in the Suffolk Voting Borough, zoned B-2, General Commercial zoning district. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Inner Ring Suburban Use District.
  4. Old Business
    - A. Staff Report Presentation on the Proposed Capital Improvements Plan FY 2021-2030
  5. New Business
    - A. Status Report – City Council Meeting, December 18, 2019

**B. Status Report - Preliminary Plats Approved - None**

6. Commissioner's Comments

7. Adjournment



## MINUTES

### SUFFOLK PLANNING COMMISSION

December 17, 2019

2:00 P.M.

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The meeting of the Suffolk Planning Commission was held on Tuesday, December 17, 2019, at 2:00 p.m., in the Council Chambers of the Municipal Building, 442 W. Washington Street, Suffolk, Virginia, with the following persons present:

MEMBERS:

Howard Benton, Chairman  
Arthur Singleton  
Oliver Creekmore  
John Rector  
Anita Hicks  
Johnnie Edwards  
Kittrell Eberwine  
Mills Staylor

STAFF:

Helvi Holland, City Attorney  
David Hainley, Dir. of Planning & Com. Dev.  
Robert P. Goumas, Assistant Dir. of Planning  
Kevin Wyne, Current Planning Manager  
Grace Braziel, Planner I  
Holly Steele, Planner I  
Catina Myrick, Administrative Analyst

The meeting was called to order by Chairman Benton and Commissioner Staylor opened with a prayer. The roll was called by Mr. Hainley and the Chairman was informed that a quorum was present.

**APPROVAL OF MINUTES:**

The minutes of the previous meeting were approved as written.

**PUBLIC HEARINGS:**

**REZONING REQUEST, RZN2019-007, (Conditional), Foxfield Meadows:** submitted by Whitney G. Saunders, Saunders & Ojeda P.C., agent, on behalf of Greg

Knapp, NVR, Inc., applicant, on behalf of Brian M. Clements, Cloverleaf Development, LLC, property owner, in accordance with Sections 31-304 and 31-305 of the Unified Development Ordinance, to rezone and amend the official zoning map of the City of Suffolk in order to amend the previously approved proffered conditions, for property located at 1241 Pitchkettle Road, Zoning Map 34, Parcels 24A. The purpose of this request is to change the approved use and density pertaining to the development of Foxfield Meadows. The affected area is further identified as being located in the Holy Neck Voting Borough, zoned RU, Residential Urban zoning district. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Inner Ring Suburban Use District.

The first item of business was introduced by the Chairman followed by a staff report by Grace Braziel, Planner I. Mrs. Braziel stated that this request is to amend the previously approved proffered conditions pertaining to use and density in the Foxfield Meadows subdivision. In 2009, an approved amendment of the 2006 proffers included the 114 units in the revised conditions and deleted the previously approved age restriction. At the time of that request, there was a deficit of school capacity at the high school level, thus a payment of \$1,944.44 for each RU zoned unit was also added to the approved proffers to advance capacity at that level. The current request proposed to decrease the density on the subject parcel and to build detached dwellings instead of the multi-family units previously proffered. As presented and proffered by the applicant, the development would yield no more than 88 single family detached residential units, which equates to a density of 4.4 units per acre. The provided conceptual plan, which is not proffered, shows 88 single family detached units arranged along private roads accessed from Foxfield Parkway and two connections to

Terrywood Drive. The existing approved density is 5.7 units per acre. The proposed residential density for the subject property will be 4.4 dwelling units per acre, which is lower than the recommended density range of 6 to 12 units per acre in the Inner Ring Suburban District but higher than the existing density in the single family detached part of Foxfield Meadows, which is 2.4 units per acre. As a conventional subdivision, this development would be required to have a minimum of 2 total acres of open space with 1.4 active acres of open space. The conceptual layout provided but not proffered by the applicant shows only 0.27 acres of active open space for this development, which does not meet the minimum standard. The applicant requesting to amend the previously approved proffered conditions for Foxfield Meadows to allow for the development of an 88 detached single family units. There are nine existing proffers approved for Foxfield Meadows that apply to both the RLM and RU parcels at the site. The applicant proposed to amend the proffers for only the RU zoning district by deleting proffers #2 through #9, which include architectural design standards and road related improvements that have already been completed. The applicant also amending proffer #1 to address school impacts, and by adding new proffer #10 to limit the proposed development to no more than 88 single family detached units. The new proffers do not include any architectural standards. The purpose and intent of the adequate public facilities ordinance is to ensure that public facilities are available to support new

development and associated impacts and that each public facility meets or exceeds the Level of Service standards established by the 2035 Comprehensive Plan and the UDO. Because there is now a deficit of capacity at the elementary school level rather than the high school, the new proffers eliminate previous cash proffers and instead proffer a cash contribution of \$3,887.00 per unit to mitigate impacts at the elementary school level. At the proffered maximum of 88 units, this would result in a cash contribution of \$19,003.11 per student. This is \$14,121.89 less than the calculated cost per student at this level as defined in the UDO, which is based on the project cost and capacity of the new downtown elementary school contained in the City's Capital Improvement Plan. The calculated cost per student at the new school is \$33,125. As such, impacts to the elementary school level are not adequately mitigated, and this proffer cannot be accepted. In summary, staff found this proposal to be inconsistent with adopted city plans and polices and with the existing Foxfield Meadows community. The proposed amendment would result in development that would not meet recommended densities and would not be compatible with the density, design, or layout of existing housing of the same type in the same development. The requested change would also require impacts at the elementary school level to be addressed in order to meet adequate public facilities requirements, and the voluntary proffers provided with this request do not

mitigate the projected impacts. Accordingly, staff recommended denial of this application.

The public hearing was opened and speaking in favor of this application was Whitney Saunders, 705 W. Washington Street, Suffolk, VA. Mr. Saunders advised that they are reducing density, reducing impact on schools and increasing funding. They asked for the Commission's approval of this request.

There being no speakers in opposition, the public hearing was closed.

Commissioner Singleton inquired about the design of the development.

Gregg Knapp, 860 Greenbrier Circle, Chesapeake, VA – stated that they planned to use building materials that would complement the neighborhood to the south of the proposed development.

After discussion by the Commission, Commissioner Hicks made a motion to deny this application, seconded by Commissioner Eberwine and passed by a recorded vote of 8 to 0.

**CONDITIONAL USE PERMIT REQUEST, CUP2019-007, 361 E. Washington Street, Day Care Center:** submitted by Shamica Bullock, applicant, on behalf of Kenneth Edmond, property owner, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a Day Care, Child Day Center, on property located at 361 E. Washington Street, Zoning Map 34G25(A), Parcel B. The affected area is further identified as being located in the Whaleyville Voting Borough, zoned CBD, Central Business District zoning district. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Mixed Use Core Use District.

The next item of business was introduced by the Chairman followed by a staff report by Grace Braziel, Planner I. Mrs. Braziel stated that this request is to permit a child day care center within an existing commercial building. The proposed hours of operation will be from 6:00 a.m. – 6:00 p.m., Monday through Friday. Drop off hours will be between 6 a.m. – 9 a.m. and pick up will be between 3 p.m. to 6 p.m. The applicant requested to have a total enrollment of up to 30 children with ages ranging from newborns to 4 years old. The proposed day care will include 2 rooms for infants 16 months to 2 years of age, and two classrooms for toddlers 2-4 years in age. The applicant proposed to employ up to 8 full and part time staff members to provide care for the proposed enrollment. The square footage required to be dedicated per child is 35 square feet. The total space dedicated for the day care is adequate for the requested maximum of 30 children. The required minimum parking for the proposed use is 7 parking spaces. The applicant proposed to utilize an existing parking lot located on the same property next to the building for customers and employees. The parking lot is shared between the Metropolitan Baptist Church located just to the south and the commercial buildings where the proposed use will be located. The parking spaces would be utilized by the church primarily during the weekend and the day care hours of operation are Monday-Friday; therefore, there is no concern with the two different uses sharing the same parking lot. The UDO does not require outdoor space for

commercial day care facilities; however, the applicant proposed to utilize the Tynes Street Playground that is approximately 200 feet away from the building. The park features a basketball court, green space, and play equipment. The Environmental Site Assessment identified lead paint in several areas of the first floor where the day care is proposed. The documentation states that the amount of lead detected does not pose a threat as long as the paint is intact, but does recommend several areas that should be locked to keep children out. Lead paint in day care areas is a potential hazard and should be addressed prior to occupancy by young children. Staff attached conditions to ensure that all the recommendations in both the Environmental Site Assessment and the Asbestos Inspection Report and Management Plan are addressed to ensure the safety and general welfare of the children in the facility. It was staff's opinion that the site in question is appropriate for the proposed use; therefore, staff recommended approval of this application with the conditions noted in staff report.

The public hearing was opened and speaking in favor of this application was Shamica Bullock, applicant. She asked for the Commission's approval of this application.

Also, speaking in favor of this application was Marcus Williams.

Also, speaking in favor of this application was Robert L. Hobbs of Metropolitan Baptist Church. He advised that this will be an asset to the community.

There being no speakers in opposition, the public hearing was closed.

After discussion by the Commission, Commissioner Singleton made a motion to approve this application with the conditions, seconded by Commissioner Edwards and passed by a recorded vote of 8 to 0.

**CONDITIONAL USE PERMIT REQUEST, CUP2019-017, Banquet Facility:** submitted by Pamela Densten, Occasion LLC, applicant, on behalf of Valencia Ballard, Circle of Friends LLC, property owner, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a Public Assembly not Otherwise Enumerated (Banquet Facility), on property located at 127 E. Washington Street, Zoning Map 34G18(A), Parcel 284. The affected area is further identified as being located in the Suffolk Voting Borough, zoned CBD, Central Business District zoning district. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Mixed Use Core Use District.

The next item of business was introduced by the Chairman followed by a staff report by Holly Steele, Planner I. Ms. Steele stated that this request is to establish a public assembly use with live entertainment on the ground floor. The applicant anticipates hosting weddings, receptions, anniversaries, birthdays and corporate events. The proposed hours of operation will be from 9am-5pm Monday through Friday for office hours and 9am-11pm Sunday through Thursday and 9am-midnight Friday and Saturday for the actual event space. Parking for this property is available both on-street and in adjoining public parking lots. This combination of on-street and public parking is permitted within the CBD. The applicant proposed a warming kitchen, as food will not be prepared on site. All vendors will be contracted by Occasion, LLC to provide necessary event services such as food, music, beverages, etc. If in the future

food preparation other than warming is to be conducted on-site, approval from the Health Department will be required. The applicant stated that if alcohol is to be served, the guest(s) of the banquet hall must obtain the required ABC permits from the Virginia Department of Alcoholic Beverage Control. Live music, such as a DJ, is also proposed by the applicant. There is adequate on-street and off-street parking available; therefore, the Department of Public Works, Traffic Engineering, had no concerns regarding the proposed use. Entertainment-oriented uses, such as the proposed banquet facility, should not be injurious to the enjoyment of surrounding commercial and residential uses when the appropriate set of conditions are established. Due to its proximity to residential uses, it is recommended that the operating hours cease at 11 p.m. on weekdays and midnight on Friday and Saturday evenings, which is consistent with previous recommendations for similar uses. This recommendation aligns with both the applicant's request and the Police Department's recommendations. The proposed use of a public assembly with live entertainment, is similar to and compatible with existing uses in the surrounding area; therefore, staff recommended approval of this application with the conditions noted in the staff report.

The public hearing was opened and speaking in favor of this application was Valencia Ballard, applicant. She asked for the Commission's approval of this application.

There being no speakers in opposition, the public hearing was closed.

Commissioner Staylor made a motion to approve this application with the conditions, seconded by Commissioner Edwards and passed by a recorded vote of 8 to 0.

**CAPITAL IMPROVEMENTS PLAN:**

Tealen Hansen, Director of Finance, and City staff gave a presentation on the City's Capital Improvements Plan for FY 2021-2030.

**STATUS REPORT:**

Mr. Hainley reported on the results of the November 20<sup>th</sup> City Council meeting.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned.



PLANNING COMMISSION  
MEETING

December 17, 2019

MT: Hicks  
2<sup>ND</sup>: Eberwine  
TO: Deny

MT: Singleton  
2<sup>ND</sup>: Edwards  
TO: Approve  
w/conditions

MT: Staylor  
2<sup>ND</sup>: Edwards  
TO: Approve  
w/conditions

MT:  
2<sup>ND</sup>:  
TO:

		VOTE: 8-0 RZN2019-007		VOTE: 8-0 CUP2019-007		VOTE: 8-0 CUP2019-017		VOTE:		
	PRESENT	ABSENT	YES	NO	YES	NO	YES	NO	YES	NO
Benton, Howard C.	X		X		X		X			
Creekmore, Oliver	X		X		X		X			
Eberwine, Kittrell	X		X		X		X			
Edwards, Johnnie	X		X		X		X			
Hicks, Anita	X		X		X		X			
Rector, John	X		X		X		X			
Singleton, Arthur	X		X		X		X			
Staylor, Mills	X		X		X		X			

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# CITY OF SUFFOLK

442 W. WASHINGTON STREET, P.O. BOX 1858, SUFFOLK, VIRGINIA 23439-1858  
PHONE: (757) 514-4060 FAX: (757) 514-4099

DEPARTMENT OF  
PLANNING & COMMUNITY DEVELOPMENT  
*Division of Planning*

January 21, 2020

Suffolk Planning Commission  
City of Suffolk, Virginia

Dear Commissioners:

Attached for your consideration is information pertaining to Rezoning Request, RZN2019-012, (Conditional), Factory Street, submitted by Whitney G. Saunders, Saunders & Ojeda P.C., agent, on behalf Goodman Square, LLC, and Goodman Developers, Inc., property owners, in accordance with Sections 31-304 and 31-305 of the Unified Development Ordinance, to rezone and amend the official zoning map of the City of Suffolk to change the zoning from M-2, Heavy Industrial zoning district, to RU, Residential Urban zoning district, and B-2, General Commercial zoning district, for property located at 611 and 711 Factory Street, Zoning Map 35H(3), Parcels X14, X\*14A, and X17. The affected area is further identified as being located in the Whaleyville Voting Borough, zoned M-2, Heavy Industrial zoning district. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Core Support Use District.

Information and maps pertaining to this request are attached for your consideration. Please contact either myself or Amy Thurston, the staff planner handling this case, if you have any questions in advance of the meeting.

Respectfully submitted,

David Hainley,  
Director of Planning and Community Development

/alt

Attachments

# STAFF REPORT

## DESCRIPTION

**REZONING REQUEST:** Rezoning Request RZN2019-012, (Conditional), Factory Street, in accordance with Sections 31-304 and 31-305 of the Unified Development Ordinance, to rezone and amend the official zoning map of the City of Suffolk to change the zoning from M-2, Heavy Industrial zoning district, to RU, Residential Urban zoning district, and B-2, General Commercial zoning district, for property located at 611 and 711 Factory Street, Zoning Map 35H(3), Parcels X14, X\*14A, and X17.

**APPLICANT:** Whitney G. Saunders, Saunders & Ojeda P.C., agent, on behalf Goodman Square, LLC, and Goodman Developers, Inc., property owners. Mr. Ephraim Goodman represents Goodman Square, LLC, and Goodman Developers, Inc.

**LOCATION:** This rezoning request pertains to three (3) separate parcels, Zoning Map 35H(3), Parcels X14, X\*14A, and X17, which are located about two-thirds (2/3) of a mile south of downtown and four (4) blocks south from the Birdsong Peanut Factory.

**PRESENT ZONING:** M-2, Heavy Industrial zoning district.

**EXISTING LAND USE:** Parcel 35H(3)X14, which has the address 611 Factory Street and is the larger of the two (2) rear parcels, contains several unoccupied industrial buildings. Parcel 35H(3)X\*14A, which does not have an assigned address and is the smaller of the two (2) rear parcels, is vacant. Parcel 35H(3)X17 or 711 Factory Street that has direct frontage along Factory Street is also vacant.

**PROPOSED LAND USE:** The applicant proposes that parcels 35H(3)X14 and 35H(3)X\*14A, the two (2) rear parcels, be rezoned from the current M-2, Heavy Industrial zoning district, to the RU, Residential Urban zoning district, for the purpose of constructing twenty-three (23) single-family detached dwellings. Parcel 35H(3)X17 is proposed to be rezoned from the existing M-2, Heavy Industrial zoning district, to the B-2, General Commercial zoning district, to allow for commercial uses such as retail and a convenience store with gasoline sales as envisioned by the applicant.

## **SURROUNDING LAND USES:**

- North – A combination of developed and undeveloped properties zoned M-2, Heavy Industrial zoning district.
- South – Single-family detached dwellings zoned RM, Residential Medium Density zoning district.
- East – Single-family detached dwellings and two (2) churches zoned RM, Residential Medium Density zoning district.
- West – Single-family detached dwellings zoned RM, Residential Medium Density zoning district.

**COMPREHENSIVE PLAN:** The City's 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Core Support Use District.

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

**FLOOD PLAIN:** The property falls within Flood Zone X (areas of minimal risk), as shown on Panel 0230E of the Flood Insurance Rate Map for the City of Suffolk, Virginia, Community No. 510156, dated August 3, 2015.

**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. A notice, containing a copy of the staff report, was also provided to the applicant on January 16, 2019.

**HISTORY:** Parcel 35H(3)X14 or 611 Factory Street has historically been used for industrial purposes and parcels 35H(3)X\*14A and 35H(3)X17 have remained vacant with no site improvements. In May of 2017, the City received a Site Plan application (SP2017-00012) for retail buildings proposed on the front parcel, 35H(3)X17, that are not permitted in the current M-2, Heavy Industrial zoning district. The applicant received a comment letter on June 8, 2017, advising them that the proposed retail uses are not permitted. Following this comment letter, the Site Plan application has remained on hold.

### **STAFF ANALYSIS**

#### **ISSUE**

The applicant proposes to rezone three (3) parcels that are currently zoned M-2, Heavy Industrial zoning district, to a combination of RU, Residential Urban zoning district, and B-2, General Commercial zoning district, to allow for a single-family residential and commercial development south of the City's downtown core. Parcels 35H(3)X14 and 35H(3)X\*14A, the two (2) rear parcels subject to this request and without frontage on Factory Street, are proposed to be rezoned from M-2, Heavy Industrial zoning district, to RU, Residential Urban, to allow for twenty-three (23) single-family detached dwellings. The total land area proposed to be rezoned to the RU zoning district is 4.66 acres. Under RU zoning, which permits a maximum of 10.9 units per acre, this site could potentially be developed with up to fifty (50) dwelling units; however, the applicant has proffered a maximum of twenty-three (23) single-family dwellings. The applicant also voluntarily proffered various design elements for the proposed single-family dwellings, such as a minimum heating living space of 1,600 square feet and several building materials. Please refer to the attached proffer statement.

Parcel 35H(3)X17, which fronts along Factory Street for a length of approximately 750 feet and contains 3.32 acres, is proposed to be rezoned from M-2, Heavy Industrial zoning district, to B-2, General Commercial zoning district, to allow for various commercial uses that are permitted within the B-2 district. While the specific uses for the B-2 parcel were not proffered, the applicant proffered a maximum square footage for the commercial space of 17,000 square feet.

The applicant has provided a conceptual layout for the overall development that depicts twenty-three (23) single-family lots and retail space and a convenience store with gasoline sales. The conceptual layout and specific uses shown on the B-2 parcel may be subject to change as they will

be reviewed in detail at the time of development review for compliance with all applicable development regulations.

The applicant has had dialogue with City staff to discuss the proposed rezoning application prior to submittal. The most recent iteration of the applicant's vision (represented by this application) was discussed at a pre-submittal meeting held on August 23, 2019. At that meeting, City staff advised the applicant that the proposed rezoning did not comply with the 2035 Comprehensive Plan as it pertains to the proposed density or land uses. In addition, the subject property did not comply with the locational criteria for the proposed B-2 zoning district. This proposal, which is largely unchanged from the most recent discussion with the applicant, still conflicts with the Comprehensive Plan and the UDO for those reasons previously stated.

## **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 and an explanation as to why the current zoning for the property is inappropriate. The application narrative states that this request for a change in zoning would help to achieve an appropriate jobs-to-housing ratio and promote sub-regional level retail as called for by the Urban Neighborhood Place Type from the 2035 Comprehensive Plan. The narrative also states that the plan for the property is consistent with the broad purposes of the Fairgrounds Revitalization Plan. With regards to the need to address why the existing zoning district is inappropriate, the applicant stated that the existing zoning is inconsistent with the vision for revitalization in this area of the City. Lastly, the applicant states that this proposal represents a potential investment in the Orlando community.

### **1. Comprehensive Plan**

According to the 2035 Comprehensive Plan, the subject property is located within the Central Growth Area, Core Support Use District. This district is the second most dense use district behind the Mixed Use Core. The Core Support Use District is intended to provide a significant level of residential and ancillary retail and business activity to support the high density found in the Mixed Use Core district. The density and types of uses should encourage walkable mixed use neighborhoods at a moderate scale. Sub-regional auto-dependent retail uses can be accommodated in this district and should take access from major arterials. Smaller neighborhood-oriented stores should be integrated into traditional neighborhood developments that are walkable. A variety of housing types should be found in this district, including single-family, townhomes, apartment buildings, and others. The recommended place types include Urban Neighborhood, Traditional Neighborhood Center, and Traditional Neighborhood. Overall, a range of housing types should be provided on small lots at a density of 13-24 dwelling units per acre and a floor area ratio of 0.5-2.0 for non-residential development.

As previously stated, the applicant has proffered twenty-three (23) dwelling units on 4.66 acres, which equates to a density of 4.9 units to the acre compared to the recommended density in the Core Support Use District of 13-24 dwelling units per acre. The proposed density falls well below the minimum recommended density and the project would be comprised of single-family detached dwellings only, which are in abundance in the

Orlando neighborhood. A rezoning to a more dense residential zoning district and a plan of development containing a mix of housing types other than single-family detached would be more consistent with the 2035 Comprehensive Plan and offer more diverse housing options for this community.

There is also concern that the proposed B-2 district allows land uses that may be too intense with regards to traffic activity to be located directly across the street from existing single-family dwellings fronting on Factory Street. Since the subject properties have sat idle for many years, a rezoning application which would promote redevelopment in this area would be beneficial for the City; however, the rezoning should consist of the appropriate density and form of development that is both compatible to the adjacent land uses and is consistent with the principles and objectives outlined within the Comprehensive Plan.

The Comprehensive Plan sets specific themes and policies related to land use, transportation, open space, and the environment that should be considered when contemplating a rezoning application. It is staff's opinion that the requested rezoning and proffers are inconsistent with the policies of the 2035 Comprehensive Plan. Relevant to this application are the following:

**Policy 2-1: Keep development focused in designated Growth Areas in the City.**

- *Action 2-1A. Ensure that the City's land use regulations support higher density/intensity development in focused Growth Areas*

As previously stated, the Core Support Use District recommends a residential density of 13-24 units per acre. The proposed rezoning and associated proffers would allow a density of only 4.9 units per acre, which is less than half as dense as the minimum recommended density. Additionally, the proposed land use of single-family detached dwellings would not diversify the housing options in this area. While commercial growth is desired, the B-2 zoning district may be too impactful for this specific location, particularly directly across from established single-family residential development on Factory Street.

**Policy 2-2: Assure that development occurs in a predictable and orderly manner.**

- *Action 2-2A. Assess the City's zoning framework to identify locations where the City's current regulations do not reinforce the intent and spirit of the comprehensive plan, particularly for locations within the Growth Areas.*
- *Action 2-2B. Develop and maintain incentives in land use regulations that support traditional neighborhood designs*

The proposed rezoning and associated proffers call for single-family detached homes to be located adjacent to M-2 zoning to the north. It is uncommon for single-family detached homes to be located adjacent to heavy industrial zoning and a rezoning could lead to land use compatibility issues in the future, particularly if the M-2 zoned land is further developed. Usually, an industrial zone is followed by a commercial zone or multifamily or townhome-style residential uses before transitioning directly to single-family detached uses as this represents a more gradual change in intensity.

The Comprehensive Plan emphasizes the importance of good design in addition to appropriate density and uses. The conceptual layout, while not proffered, does not appear to incorporate the design principles recommended by the Traditional Neighborhood Place Type. Alternative plans of development for this site should be considered that would create a more orderly development pattern than what the application proposes.

**Policy 2-4: Promote compatibility in land use patterns.**

If the front parcel, 35H(3)X17, is rezoned to the B-2 district, a variety of potentially high impact land uses would be permitted by-right. Some of the higher impact land uses permitted in the B-2 district include: major automobile repair, restaurants with drive-throughs, convenience stores with gasoline sales, vehicle sales, contractor shops, etc. These uses have the potential to generate significant traffic, noise, and light pollution that may be incompatible to the homes fronting along Factory Street.

**Policy 4-1: Provide opportunities for residents to adopt a lifestyle that is less dependent on auto travel.**

- *Action 4-1A Focus development in the two Suburban/Urban Growth Areas based on the densities shown in Chapter 3*

The requested residential density and form of development does not align with the recommended density and Place Types in the Core Support Use District of the Central Growth Area.

**Policy 5-1: Relate the availability of municipal services and facilities to the location and pace of growth.**

- *Action 5-1B. Continue to tie development approval to the adequacy and funding of public facilities.*

The departments of Public Works Engineering, Traffic Engineering, and Public Utilities do not have any concerns related to adequate public facilities for the proposed rezoning as vehicular access, water, and sewer facilities are generally available and any necessary upgrades would be reviewed at the time of site plan or engineering plan. Public Works Engineering has advised that if the rezoning is approved and the project is phased or separated by use, each section must “stand on its own” with regards to stormwater treatment facilities. All of the school attendance zones that this property is slated for, including Booker T. Washington Elementary School, Kings Fork Middle School, and Lakeland High School, have surpluses in capacity to accommodate the additional students generated by this development. (School impacts will be discussed in detail later in this report.) Since the overall level of municipal services is not a concern at this location, this gives further justification for why the subject property could accommodate a greater residential density than the application proposes.

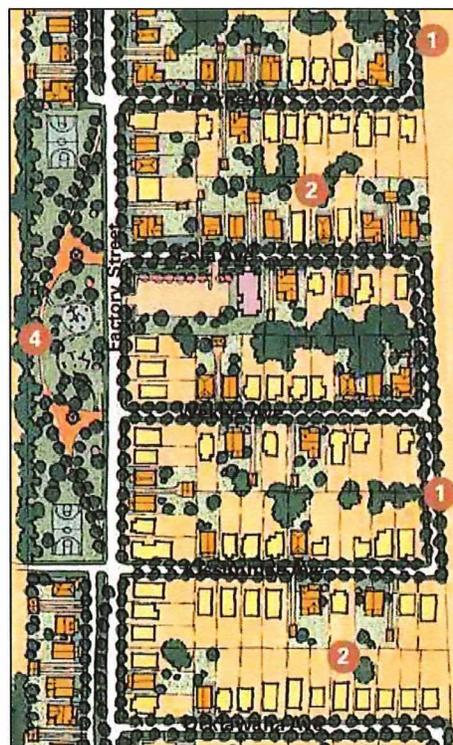
**Policy 6-1: Encourage development of a balanced and diverse housing stock throughout the City.**

- *Action 6-1A: Ensure that the City's land use regulations allow for a variety of housing types, such as single-family detached, single-family attached, and multi-family.*

The proposed rezoning would add twenty-three (23) additional single-family detached homes to the Orlando neighborhood, which is already mostly comprised of single-family homes.

## 2. Fairgrounds/Orlando Revitalization Plan

The Fairgrounds Revitalization Plan was adopted in 2001 (and amended in 2008) in an effort to revitalize the south-eastern area of the downtown known as Hall Place and the East Washington Neighborhoods. While the Orlando Neighborhood was not a core component of the Fairgrounds Plan, a conceptual plan for revitalizing the Orlando Neighborhood is included on page 22, which is depicted to the right. Only the front of the subject property where it is proposed to be rezoned from M-2 to B-2 is addressed in the Plan; it is envisioned as being a future community park with compact residential lots to the north and south. Since the adoption of the Fairgrounds Plan, right-of-way improvements such as road connectivity, closed ditches, curb and gutter, and new single-family infill homes have been constructed that have improved the area. Based on the existing housing types present in the Orlando community, multifamily and/or townhome residential units would be beneficial in order to expand the range of housing options.



## 3. Unified Development Ordinance

Section 31-403 of the Unified Development Ordinance provides a purpose statement for each zoning district to assist in evaluating the compatibility of any rezoning request. The purpose of the B-2, General Commercial zoning district is to provide general commercial activities such as repair shops, wholesale businesses, warehousing and general commercial sales with some outdoor display of goods. (An example of the B-2 zoning district is the Walmart and Lowe's Shopping Center on North Main Street where the lots are larger in size and the commercial uses are larger in scale compared to the intended uses on the subject property.) The B-2 district also has specific locational criteria as follows: B-2 zones shall be located along arterials and arterial/arterial or arterial/collector intersections. The subject property is located on a collector road (major) and the intersecting cross streets are local streets; therefore, the locational criteria for the B-2 district is not met.

The purpose statement for the RU, Residential Urban district, is to allow for the full spectrum of residential unit types, including single family attached and detached dwellings, townhouse, duplex and apartments within specified densities where adequate public facilities and services are available. Multifamily buffer zones should be situated between commercial/industrial areas and low-density residential uses. RU may serve as a transitional district between single family and commercial or office districts in the urbanized areas. Lastly, this district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities while maintaining neighborhood compatibility and is ideally suited for the Inner Ring Suburban Use District. The subject property is located near the edge of the Core Support Use District where it transitions to the Inner Ring Suburban Use District such that the lower range of the recommended density in the Core Support Use District, which is 13 units per acre, may be considered. The proposed density of 4.9 units per acre is not nearly as dense as what the Core Support Use District and RU zoning district call for. Additionally, the proposed residential unit type of single-family detached homes does not align with the purpose statement of the RU zoning district.

One particular design requirement in the UDO should be mentioned during the consideration of this rezoning request, Section 31-605(b)(10) pertaining to Lot Layout Standards requires a one-hundred (100) foot buffer between any new residential buildings and railroad right-of-ways. This applies to the rear of parcels 35H(3)X14 and 35H(3)X\*14A and it is labeled on the conceptual plan provided by the applicant.

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

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

#### Public Water and Sanitary Sewer

City water and sewer are available to this site from an existing 8” water main and 8” sanitary sewer main within Factory Street. Water and sewer level of service including domestic and fire demands, and sanitary sewer generation rates are provided in the Public Facilities Report. During site plan or engineering plan design, a Water Model Capacity Curve will need to be obtained from the Public Utilities Department to determine whether adequate water for fire and domestic demand is available. In addition, HRSD will need to review and approve the sewer flows since discharge from this site will enter the HRSD Shingle Creek Gravity Interceptor. Overall, the Department of Public Utilities has no concerns with this request.

#### Stormwater Management

The Public Works Engineering Division has provided advisory comments that will be addressed at the time of site plan or engineering plan review. Most importantly, if the

project is phased or separated by use, each section must “stand on its own” in terms of stormwater quality and quantity. Closed drainage would be required along Factory Street and Hunter Street. A detailed review of the stormwater management facilities will take place during site plan or engineering plan review.

#### Transportation

As previously stated, the B-2 zoning district has specific locational criteria as follows: B-2 zones shall be located along arterials and arterial/arterial or arterial/collector intersections. The subject property is located on a collector road (major) and the intersecting cross streets are local streets; therefore, the locational criteria for the B-2 zoning district is not met. The Department of Public Works, Traffic Engineering Division, has reviewed the applicant’s Traffic Impact Analysis; there are no concerns regarding ingress and egress or the level of service of the existing roadways.

#### Schools

Under the current M-2 zoning, there are no impacts to public school facilities. Based on the Student Generation Rates in Table 601-2 of the UDO, twenty-three (23) single-family detached dwellings would generate five (5) elementary school students, two (2) middle school students, and three (3) high school students. The parcels included in this request are currently located in the Booker T. Washington Elementary School, Kings Fork Middle School, and Lakeland High School attendance zones. Based on current school enrollment figures and the anticipated students to be generated by committed development, there are surpluses in capacity at all school levels to accommodate the additional students that would be generated as a result of this rezoning. Therefore, no advancement in school capacity is needed.

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

According to the applicant’s Fiscal Impact Analysis, if the site were developed as proposed by the conceptual layout, a positive net fiscal impact is anticipated for the City of Suffolk. The applicant expects an annual real estate tax revenue of approximately \$16,040.00 for the retail buildings based on an anticipated valuation of \$1,445,000.00. In addition, the applicant anticipates that the residential component of the project would provide a positive net fiscal impact of \$25,056.00 on an annual basis.

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

The applicant has proffered the following conditions in support of this rezoning request; please note that the applicant has utilized the Real Estate Assessor’s assigned account numbers as parcel identifiers.

1. The property owner proffers that no more than twenty-three single family detached homes shall be constructed on Parcels 050872000 and 050871000 and that each single family detached dwelling shall be constructed with at least 1,600 square feet of heated living space, 25 year architectural shingles, vinyl siding with a combination of vinyl shakes or board and batten and brick or stone skirt porches.
2. The property owner proffers that no more than 17,000 Sq. Ft. of commercial space shall be constructed on Parcel 053408100.

## **RECOMMENDATION**

In summary, the proposed rezoning and associated proffers do not comply with the recommended densities and uses in the Core Support Use District as designated by the 2035 Comprehensive Plan. The proposed residential density of 4.9 units per acre is well below the recommended 13-24 units per acre in the Core Support Use District. Further, this Use District calls for a mix of housing types and the Orlando Neighborhood is mostly comprised of single-family dwellings. With regards to the commercial component of the application, the locational criteria for the B-2 zoning district is not met and there is concern regarding the compatibility of B-2 zoning at this location. For these reasons, staff recommends **denial** of Rezoning Request RZN2019-012 (Conditional) and the submitted proffers.

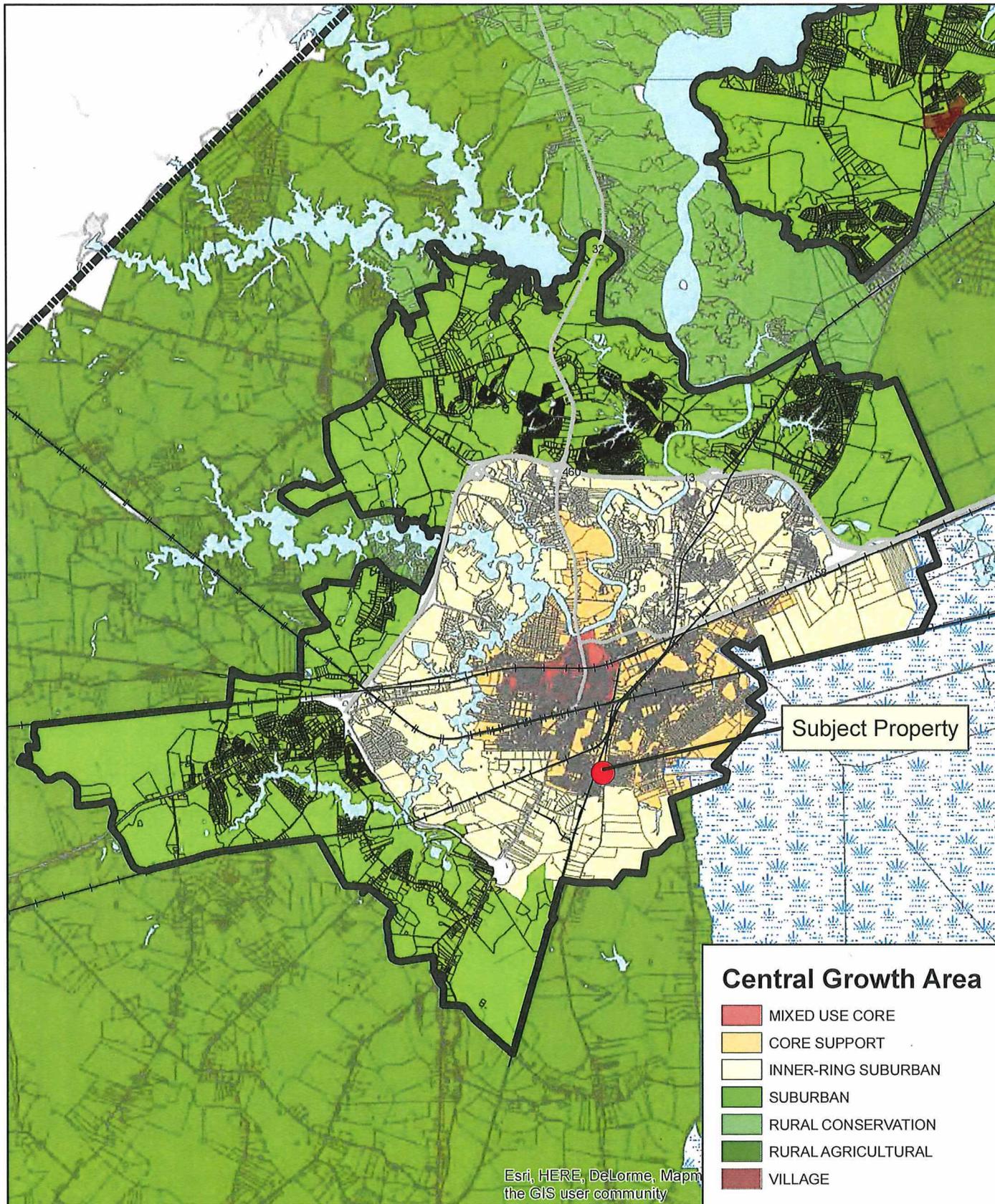
### Attachments

- General Location Map
- Zoning/Land Use Map
- Narrative
- Conceptual Layout
- Proposed Ordinance
- Exhibit A – Planning Commission Resolution
- Exhibit B – Voluntary Proffer Statement
- Exhibit C – Property Map
- Exhibit D – Rezoning Exhibit and Surveys



# GENERAL LOCATION MAP

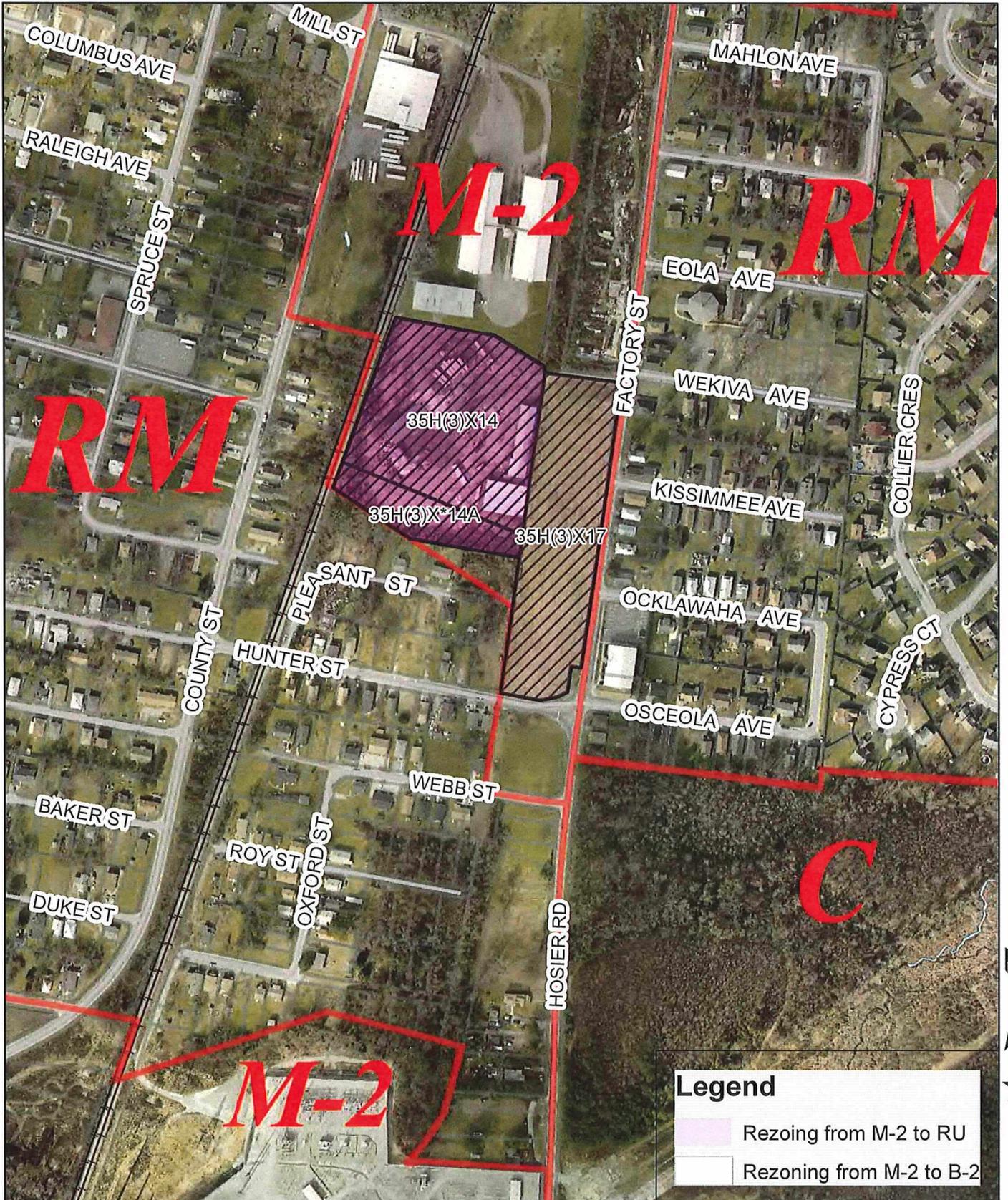
## RZN2019-012





# ZONING / LAND USE MAP

## RZN2019-012



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Narrative

DIANNING

Goodman Square, LLC is the owner of three parcels of property currently zoned M-2, two of which it wishes to rezone to RU, residential and one parcel which it wishes to rezone to B-2, commercial. The two parcels for which the owner and applicant desire residential zoning are parcels 35H (3) \*14 and 35H (3)x\*14A. The largest of the residential parcels carries the address 611 Factory Street and the smaller of these parcels has no assigned address. The residential parcels are identified as "1." in the application. The parcel for which the Owner/Applicant wishes to obtain B-2 zoning is identified in the application as "2." and 711 Factory Street is its assigned address. This parcel bares City of Suffolk Tax Map Parcel Number 35H (3)X17. The three parcels are contiguous to one another and are bounded on the North by commercial storage buildings zoned M-2 and on the East by Factory Street, residential single-family homes and New Paul's Temple Holiness Church. The property is bounded on the South by Hunter Street, RM zoning and single-family homes. The West side of the property is adjacent to a railroad right of way.

The subject parcels are located within the City of Suffolk Central Urban Growth Area, the Core Support Use District and the Urban Neighborhood Place Type. These parcels are also located within the area considered in the Fair Grounds Revitalization Plan and the Orlando Revitalization Neighborhood Plan, which is a part of the Fair Grounds Revitalization Plan.

The proposed Conceptual Site Layout designates 14,000 Sq. Ft. of Commercial space fronting on Factory Street, a roughly 3,000 Sq. Ft. convenience store/gasoline outlet and 23 single-family lots for detached, single family, for sale homes.

This plan of development and rezoning is consistent with the themes, policies and actions outlined in the 2035 City of Suffolk Comprehensive Plan. The proposed development is within the Focused Growth Area for the Central Growth Area and continues to develop new and expanded mixed use development thereby helping achieve an appropriate jobs-to-housing ratio. Mixed uses are encouraged by the table of core support development characteristics and high density single-family detached dwellings are also encouraged, thereby promoting sub regional level retail within the Urban Neighborhood Place Type. Urban Neighborhoods are predominantly residential and should be pedestrian oriented as will be the case here. As stated in the UDO, mixed uses accommodate institutional uses such as churches and small neighborhood-serving retail, such as corner stores. The property is also consistent with the broad purposes and design associated with the Fair Grounds Revitalization Plan which encourages the cleanup and beautification of Factory Street and revitalization into mixed use and new residential buildings to complete a buffer from adjacent industrial areas. The 2035 Comprehensive Plan also contemplates extension of the Carolina Road connector which will intersect to the South of the subject property with Hosier Road, thereby providing an additional point of access to Factory Street and all of South Suffolk.

The Existing M-2 zoning is entirely inconsistent with the existing Comprehensive Plan's vision for South Suffolk revitalization and with the aspirations outlined within the Fairgrounds Revitalization Plan and the Orlando Neighborhood Plan. The requested RU and B-2 zoning would represent a major shift toward recognition of the stated City goals and would be the first significant investment in the Orlando Community in decades.

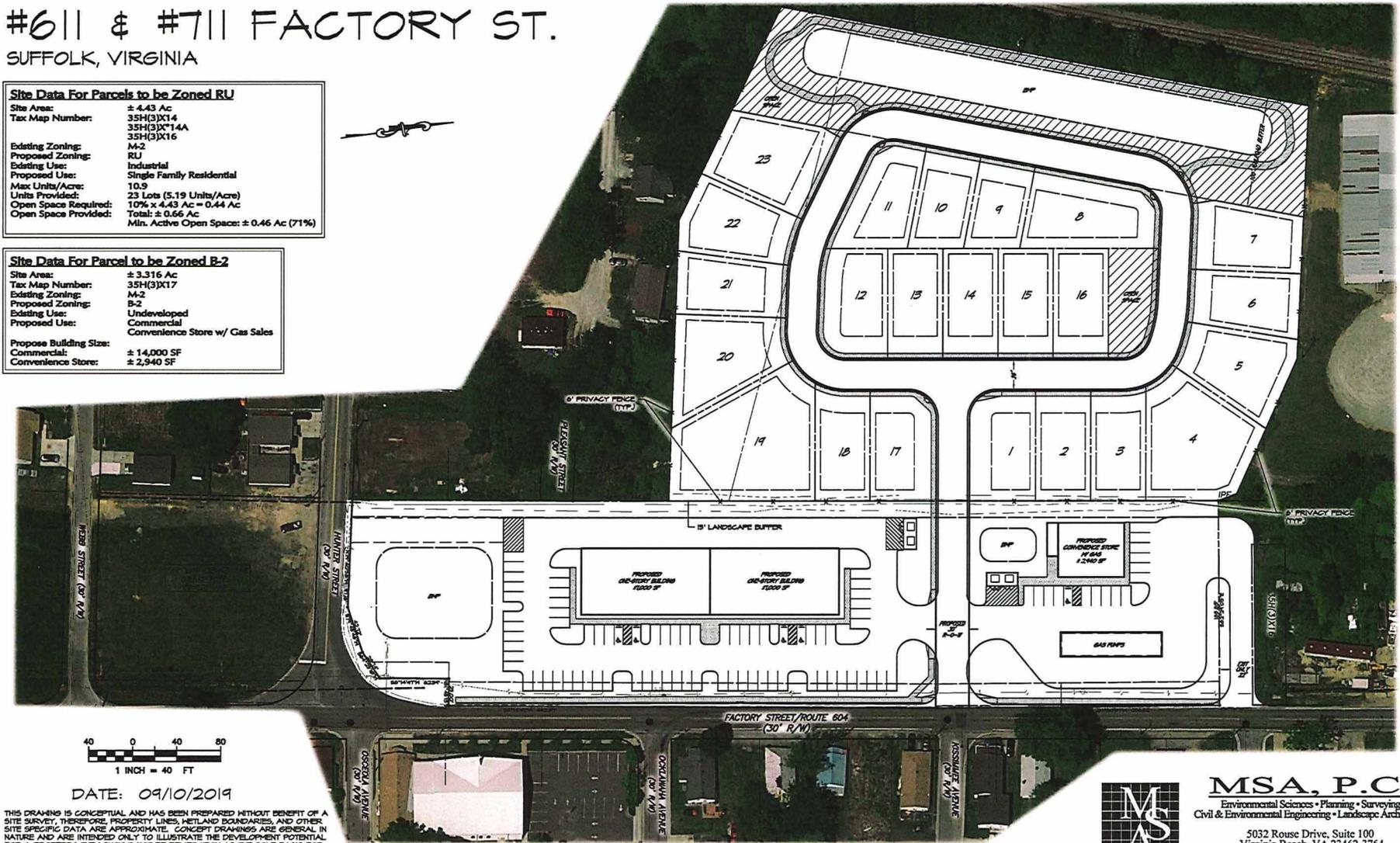
CONCEPTUAL SITE LAYOUT PLAN OF  
**#611 & #711 FACTORY ST.**  
 SUFFOLK, VIRGINIA

**Site Data For Parcels to be Zoned RU**

Site Area:	± 4.43 Ac
Tax Map Number:	35H(3)X14 35H(3)X14A 35H(3)X16
Existing Zoning:	M-2
Proposed Zoning:	RJ
Existing Use:	Industrial
Proposed Use:	Single Family Residential
Max Units/Acre:	10.9
Units Provided:	23 Lots (5.19 Units/Acre)
Open Space Required:	10% x 4.43 Ac = 0.44 Ac
Open Space Provided:	Total: ± 0.66 Ac Min. Active Open Space: ± 0.46 Ac (71%)

**Site Data For Parcel to be Zoned R-2**

Site Area:	± 3.316 Ac
Tax Map Number:	35H(3)X17
Existing Zoning:	M-2
Proposed Zoning:	R-2
Existing Use:	Undeveloped
Proposed Use:	Commercial Convenience Store w/ Gas Sales
Propose Building Size:	
Commercial:	± 14,000 SF
Convenience Store:	± 2,940 SF



THIS DRAWING IS CONCEPTUAL AND HAS BEEN PREPARED WITHOUT BENEFIT OF A SITE SURVEY, THEREFORE, PROPERTY LINES, METEAD BOUNDARIES, AND OTHER SITE SPECIFIC DATA ARE APPROXIMATE. CONCEPT DRAWINGS ARE GENERAL IN NATURE AND ARE INTENDED ONLY TO ILLUSTRATE THE DEVELOPMENT POTENTIAL FOR A PROPERTY; THEY SHOULD NOT BE RELIED UPON AS THE SOLE BASIS FOR ANY FINANCIAL OR LEGALLY BINDING TRANSACTION.

**MSA, P.C.**  
 Environmental Sciences • Planning • Surveying  
 Civil & Environmental Engineering • Landscape Architecture

5032 Rouse Drive, Suite 100  
 Virginia Beach, VA 23462-3764  
 757-490-9264 | www.msaonline.com  
 MSA PROJ. #1420

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 PLANNING

RZN2019-00012

CONCEPTUAL LAYOUT

**ORDINANCE NO.**

**AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK TO CHANGE THE ZONING FROM M-2, HEAVY INDUSTRIAL ZONING DISTRICT, TO RU, RESIDENTIAL URBAN ZONING DISTRICT, AND B-2, GENERAL COMMERCIAL ZONING DISTRICT, FOR PROPERTY LOCATED AT 611 AND 711 FACTORY STREET, ZONING MAP 35H(3), PARCELS X14, X\*14A, AND X17; RZN2019-012 (CONDITIONAL)**

WHEREAS, Whitney G. Saunders, Saunders & Ojeda, P.C., agent, on behalf of Goodman Square, LLC, and Goodman Developers, Inc., property owners, has requested a change in zoning from M-2, Heavy Industrial zoning district, to RU, Residential Urban zoning district, and B-2, General Commercial zoning district (Conditional), for property located at Zoning Map 35H(3), Parcels X14, X\*14A, and X17, which land is depicted on Exhibit “C”; and,

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

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

WHEREAS, a public hearing before City Council was duly advertised as required by law and held on the 19th day of February, 2020, 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”, “Voluntary Proffer Statement”, and Exhibit “C”, “Property Map,” and Exhibit “D,” “Rezoning Exhibit”, which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

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

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

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

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

Section 3. Rezoning.

1. The conditions proffered in the attached Exhibit "B" be, and they are hereby, accepted.
2. The property as shown on the attached Exhibit "C" is hereby, conditionally rezoned and the official zoning map be, and it is hereby, amended from M-2, Heavy Industrial zoning district, to RU, Residential Urban zoning district, and B-2, General Commercial zoning district.
3. The foregoing rezoning and amendment to the official zoning map are expressly made subject to the performance of the conditions hereby proffered and accepted and these conditions shall remain in effect until a

subsequent amendment changes the zoning of the property; however, such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

Section 4. Recordation.

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

Approved as to Form:

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

CITY OF SUFFOLK PLANNING COMMISSION

**A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION  
TO CITY COUNCIL RELATING TO REZONING REQUEST  
RZN2019-012 (CONDITIONAL)  
TO CHANGE THE ZONING FROM M-2, HEAVY INDUSTRIAL ZONING DISTRICT,  
TO RU, RESIDENTIAL URBAN ZONING DISTRICT, AND B-2, GENERAL  
COMMERCIAL ZONING DISTRICT, FOR PROPERTY LOCATED AT 611 AND 711  
FACTORY STREET, ZONING MAP 35H(3), PARCELS X14, X\*14A, AND X17**

**WHEREAS**, Whitney G. Saunders, Saunders & Ojeda, P.C., agent, on behalf of Goodman Square, LLC, and Goodman Developers, Inc., property owners, has requested a change in zoning from M-2, Heavy Industrial zoning district, to RU, Residential Urban zoning district, and B-2, General Commercial zoning district (Conditional), and

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

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

Section 1. Findings.

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

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

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

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

Section 2. Recommendation to Council.

The Planning Commission recommends to City Council that the request, RZN2019-012 (Conditional), be:

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

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

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

VOLUNTARY PROFFER STATEMENT

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

The following conditions (add additional sheets if necessary) are voluntarily proffered for the reclassification of property identified as Tax Map Number(s) 1. 35H(3)14; 2. 35H(3)X\*14A 3. 35H(3)X17

, Block Number \_\_\_\_\_, Parcel Number(s) \_\_\_\_\_

**1. The Property owner proffers that no more than Twenty – three single family detached homes shall be constructed on Parcels 050872000 and 050871000 and that each single family detached dwelling shall be constructed with at least 1,600 square feet of heated living space, 25 year architectural shingles, vinyl siding with a combination of vinyl shakes or board and batten and brick or stone shirt porches.**

\*

**2. The property owner proffers that no more than 17,000 Sq. Ft. of commercial space shall be constructed on Parcel 053408100.**

Applicant Signature: John Dordick

Date: 12/27/14

Property Owner Signature: John Dordick

Date: 12/27/14

Property Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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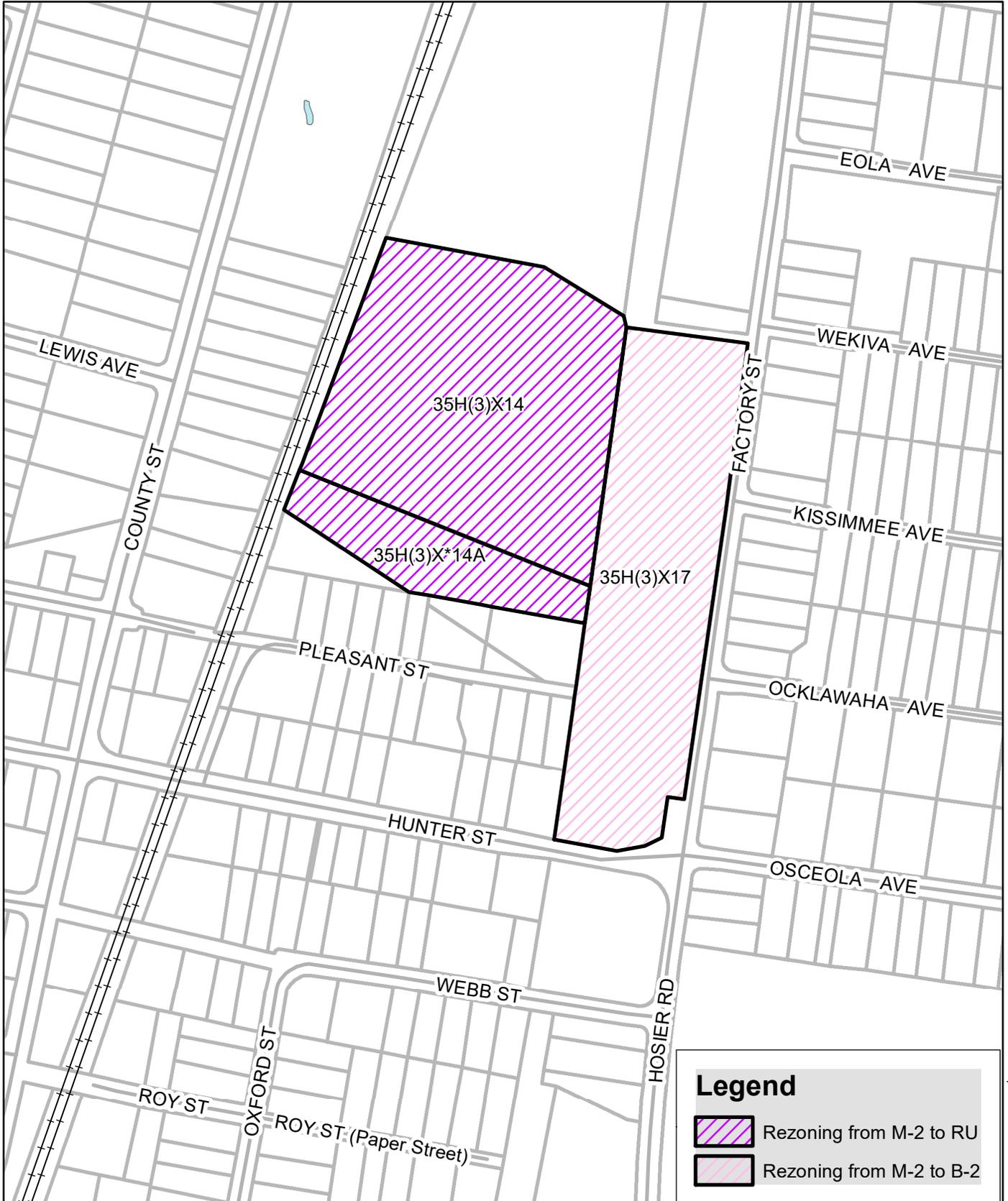
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PLANNING



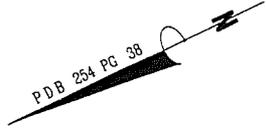
# PROPERTY MAP RZN2019-012

## EXHIBIT C



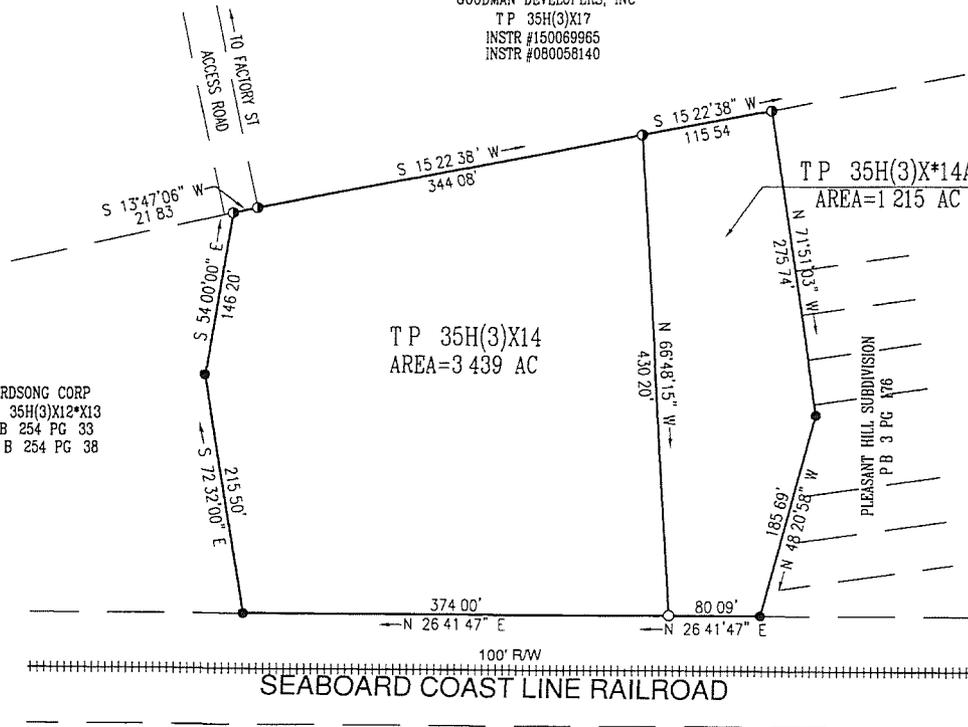


THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE



GOODMAN DEVELOPERS, INC  
 T P 35H(3)X17  
 INSTR #150069965  
 INSTR #080058140

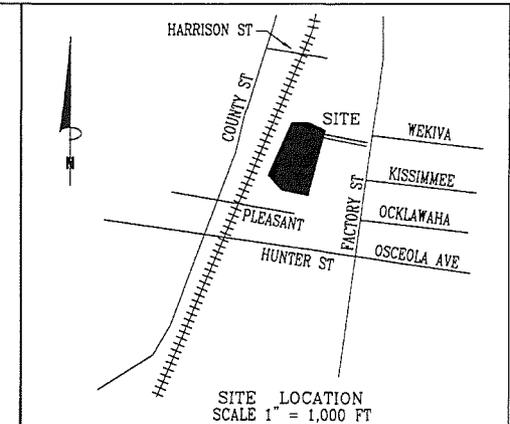
BIRDSONG CORP  
 T P 35H(3)X12\*X13  
 D B 254 PG 33  
 P D B 254 PG 38



TOTAL AREA OF THIS PLAT=4 654 AC

I HEREBY CERTIFY THAT THE PROPERTY SHOWN ON THIS PLAT IS LOCATED IN ZONE "X" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY-PANELS NUMBER 510156 0230 E, DATED AUGUST 3 2015

LS

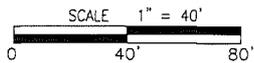


REFERENCE - INSTR #190008734  
 P D B 70 PG 506  
 P D B 254 PG 38  
 P D B 99 PG 252

LEGEND  
 ● - DENOTES IRON PIN  
 ○ - DENOTES IRON PIN SET  
 ○ - DENOTES COMPUTED POINT

BOUNDARY SURVEY SHOWING PROPERTY OF  
**GOODMAN SQUARE, LLC**  
 LOCATED AT 611 FACTORY STREET  
 WHALEYVILLE BOROUGH  
 CITY OF SUFFOLK, VIRGINIA  
 SCALE 1"=40'      OCTOBER 21, 2019

JD VANN - LAND SURVEYING  
 25085 New Market Rd  
 Courtland, VA 23837  
 757-562-4923



DRAWN BY LL

JOB #2019-259-N

RZN2019-00012

EXHIBIT D



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# CITY OF SUFFOLK

442 W. WASHINGTON STREET, P.O. BOX 1858, SUFFOLK, VIRGINIA 23439-1858  
PHONE: (757) 514-4060 FAX: (757) 514-4099

DEPARTMENT OF  
PLANNING & COMMUNITY DEVELOPMENT  
*Division of Planning*

January 21, 2020

Suffolk Planning Commission  
City of Suffolk, Virginia

Dear Commissioners:

Attached for your consideration is information pertaining to Conditional Use Permit Request CUP2019-0018, submitted by William B. Gross, Celebration Christian Church, applicant, on behalf of Jack Russell Management, LLC, property owner, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a Place of Worship, small, under 6,000 square feet in main sanctuary, on property located at 2484 Pruden Boulevard, Zoning Map 25A(7), Parcels B\*1 and B\*2. The affected area is further identified as being located in the Suffolk Voting Borough, zoned B-2, General Commercial zoning district. The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Inner Ring Suburban Use District.

Information and maps pertaining to this request are attached for your consideration. Please contact either myself or Holly Steele, the staff planner handling this case, if you have any questions in advance of the meeting.

Respectfully submitted,

David Hainley

Director of Planning and Community Development

# STAFF REPORT

## DESCRIPTION

**CONDITIONAL USE PERMIT:** Conditional Use Permit Request CUP2019-0018, submitted by William B. Gross, Celebration Christian Church, applicant, on behalf of Jack Russell Management, LLC., property owner, in accordance with Sections 31-306 and 31-406 of the Unified Development Ordinance, to grant a Conditional Use Permit to establish a place of worship, small, under 6,000 square feet in the main sanctuary.

**APPLICANT:** William B. Gross, Celebration Christian Church, applicant, on behalf of Jack Russell Management, LLC., property owner.

**LOCATION:** The property is located at 2484 Pruden Boulevard, Zoning Map 25A(7), Parcels B\*1 and B\*, in the Suffolk Voting Borough.

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

**EXISTING LAND USE:** Existing uses include an unoccupied building located on Parcel B\*2 and unimproved gravel parking lot located on Parcel B\*1.

**PROPOSED LAND USE:** Place of worship, small, (under 6,000 square feet in the main sanctuary).

## **SURROUNDING LAND USES:**

- North - Residential uses zoned RLM, Residential Low-Medium Density zoning district.
- South - Commercial businesses zoned B-2, General Commercial zoning district.
- East - Residential uses zoned RLM, Residential Low-Medium Density zoning district.
- West - Residential uses zoned RLM, Residential Low-Medium Density zoning district.

**COMPREHENSIVE PLAN:** The 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Inner Ring Suburban Use District.

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

**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. Notice to the applicant, containing a copy of the staff report, was also sent on January 16, 2020.

### **STAFF ANALYSIS**

#### **ISSUE**

The applicant is requesting a Conditional Use Permit to establish a place of worship (small, under 6,000 square feet in the main sanctuary) within an approximately 4,200 square foot existing building located at 2484 Pruden Boulevard. The building proposed for the church use already exists on the property and is currently vacant. The site also contains a parking area on Parcel B\*1 that will be enlarged and improved in order to accommodate the proposed use. There is no plan to provide a day care or other accessory uses at this property, and these uses are not contained within this Conditional Use Permit request.

#### **CONSIDERATIONS AND CONCLUSIONS**

1. Section 31-406 of the Unified Development Ordinance (UDO) requires that a conditional use permit be obtained for a place of worship, (small, under 6,000 square feet in the main sanctuary), within the B-2, General Commercial zoning district. The Unified Development Ordinance states that the purpose of the B-2, General Commercial zoning district is designed to promote a broad range of commercial operations and services necessary for large regions of the City, providing community balance.
2. The property is located within the Central Growth Area, Inner Ring Suburban Use District. The Inner Ring Suburban Use District is characterized as an area for residential neighborhoods, neighborhood scale retail, and civic buildings and community facilities, to include places of worship.
3. The existing building is served with City water and sewer. The building layout, as submitted with the application, shows a kitchen, two restrooms, and several miscellaneous rooms. The Department of Public Utilities has reviewed this application and has no objections to the proposed use being that no new fixtures are proposed.
4. Food preparation conducted on the property is not allowed under the current approval of the Suffolk Health Department. If there is a desire in the future to conduct food preparation activities on the property, approval from the Health Department would be needed.
5. Based on the parking requirements that are outlined in Table 606-2 of the UDO, the minimum parking requirement for a place of worship is a minimum of one (1) space per four (4) seats and a maximum of one (1) space per 1.5 seats. Based on the submitted conceptual layout, the place of worship will contain 100 seats within the main sanctuary.

Based on this proposed seating capacity, a minimum of twenty-five (25) spaces and a maximum of 67 spaces are permitted for this use and in accordance with the UDO. Staff proposed condition #2 requires the maximum occupancy of the sanctuary to not exceed 100 seats. The applicant proposes to provide the minimum of 25 required spaces utilizing the 16 existing spaces on Parcel B\*2 and 9 spaces in an unimproved gravel parking lot on Parcel B\*1. The unimproved gravel parking lot will be improved to meet the requirements of the UDO. The parking lot located on Parcel B\*1 will not be considered a principle use, but rather an accessory use associated with the proposed place of worship and, as such, approval of this Conditional Use Permit will allow for Parcel B\*1 to be used to help satisfy the parking requirements of the proposed use.

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

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

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

The proposed use of a place of worship, (small, under 6,000 square feet in the main sanctuary), is a listed conditional use in B-2, General Commercial zoning district per the City's Unified Development Ordinance and shall be in compliance with all applicable regulations. There are no supplemental use standards for places of worship set forth in Article 7 of the 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 proposed place of worship will conform to the character of the neighborhood, as it is not out of character to other permitted uses in the B-2 district. The lot has

adequate size to provide the required parking to accommodate the proposed place of worship. This use should not have any adverse impacts to the surrounding neighborhood. The property is surrounded by B-2 and RLM zoning districts.

- 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 proposed use will have access from Pruden Boulevard, which currently exists and adequately served prior users to the site. Furthermore, this request has been reviewed by the Public Works Traffic Engineering Division which has no concerns regarding the proposed use.

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

The proposed use is a place of worship and should not produce excess vibration, noise, odor, dust, smoke, or gas. It is not anticipated that there will be any use attached with this activity which would have a noxious or offensive impact on the surrounding community.

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

The proposed place of worship should not diminish or impair the use or property values within this area. There will be no exterior changes to the subject parcels except for improvements to the existing gravel parking lot on Parcel B\*1.

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

The use of this property for a place of worship should not impede the orderly development and improvement of surrounding properties. The commercial uses to the south of the subject parcels are closed on Sundays when church services will be taking place. The applicant is requesting the following hours of operation; Sunday 9:00am to 12:00pm for services and 6:00-9:00pm for youth group, Monday through Friday 9:00am-12:00pm for minister hours, and 2-3 weeknights per week from 6:00-9:00pm for miscellaneous evening events.

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

The proposed use of a place of worship should not be a detriment or endangerment to the public health, safety, morals, comfort, or general welfare

- 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 place of worship. The individual interests of persons within the neighborhood should not be adversely impacted by the proposed use.

## **RECOMMENDATION**

The proposed use of a place of worship (small, under 6,000 square feet in the main sanctuary) is similar to and compatible with uses in the surrounding area and should have minimal impacts on the neighborhood. Based on this review, staff has determined that the applicant's request to grant Conditional Use Permit CUP2019-0018 will have no adverse impact on the surrounding area and hereby recommends that this request for a Conditional Use Permit be **approved** subject to the following conditions:

1. This Conditional Use Permit is granted to establish a place of worship, (small, under 6,000 square feet in the main sanctuary), at 2484 Pruden Boulevard, Zoning Map 25A(7), Parcels B\*1 and B\*2, as shown on Exhibit "B", "Property Map".
2. Occupancy of the sanctuary will be established by the City's Building Official and the Suffolk Fire Department and shall not exceed with a maximum of 100 seats in the main sanctuary.
3. No food preparation may take place without approval from the Suffolk Health Department.
4. The interior configuration shall be substantially in accordance with the proposed floor plan, as shown on Exhibit "C".
5. Issuance of this Conditional Use Permit allows for Zoning Map 25A(7) Parcel B\*1 shall be utilized as an ancillary use to satisfy the parking requirements, as set forth by the Unified Development Ordinance, for religious assemblies.

### Attachments

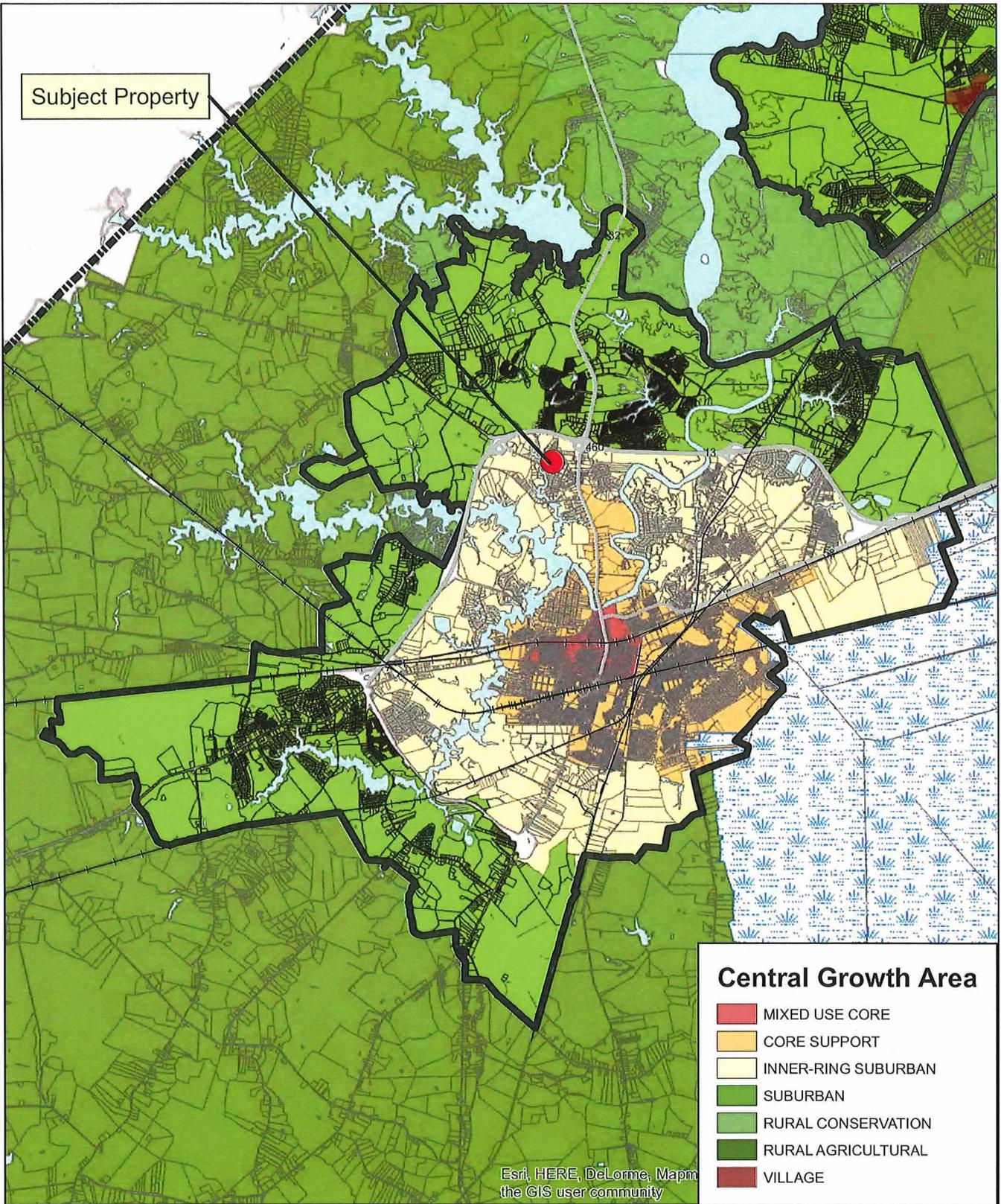
- General Location Map
- Zoning / Land Use Map
- Narrative
- Proposed Ordinance
- Exhibit A – Planning Commission Recommendation
- Exhibit B – Property Map
- Exhibit C – Proposed Floor Plan



# GENERAL LOCATION MAP

## CUP2019-018

Subject Property



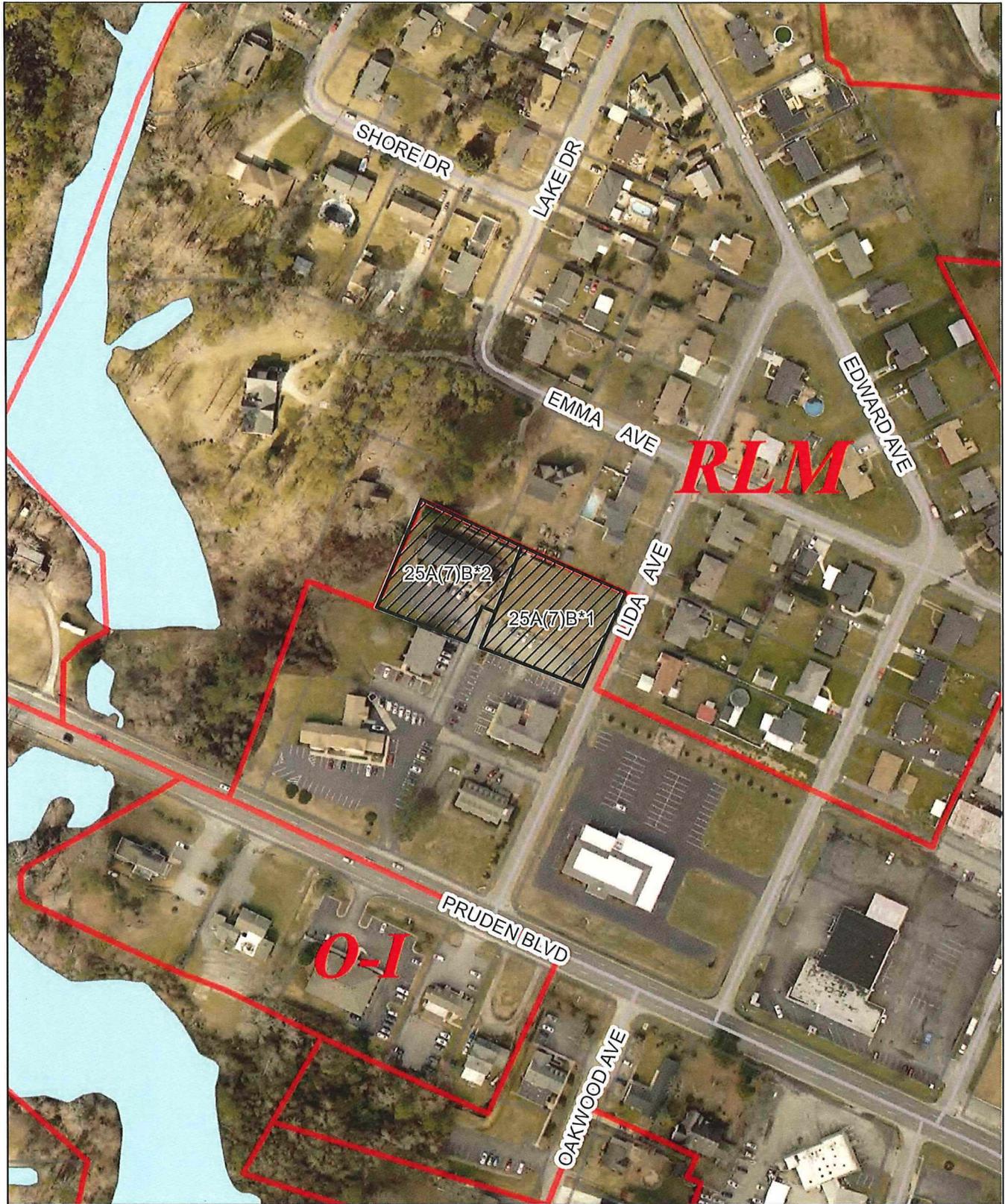
### Central Growth Area

- MIXED USE CORE
- CORE SUPPORT
- INNER-RING SUBURBAN
- SUBURBAN
- RURAL CONSERVATION
- RURAL AGRICULTURAL
- VILLAGE



# ZONING / LAND USE MAP

## CUP2019-018



# Narrative- Proposed Use

## Subject Site

The subject site is 1.1 acres and is currently zoned B-2. The site is part of a cluster of small one-story office buildings served by an internal ingress-egress easement. The current building located on the site will be converted into the church. The building's previous function was for office use.

## The Ministry (User)

Celebration Christian Church was established in 2002. The Church has been meeting at the Suffolk YMCA since 2004. The Church is a member of the Suffolk Coalition Against Poverty and supports For Kids. The Pastor is Adam McManus. He served as Youth Minister from 2013 until 2017. He now serves the Church as Senior Minister.

The Church's current membership is approximately 90 members. For the purpose of this application, we will anticipate some modest growth, and the site plan provided accommodates 100 members.

The on-site parking provided will be at the ratio of 1 space per 4 members for a total of 25 spaces. 16 spaces currently exist adjacent to the existing building, and 9 additional paved spaces will be provided on an existing gravel lot. No parking spaces will be provided on top of an existing sanitary sewer easement, as requested by the City of Suffolk.

## Operational Information

The Church's anticipated operational structure is as follows:

- Sunday Services will be conducted from 9:00 a.m. to 12:00 p.m.
- Youth Group meeting Sunday Nights from 6:00 p.m. to 9:00 p.m.
- Senior Minister office hours will be Monday through Friday from 9:00 a.m. to 12:00 p.m.
- Evening events 2 to 3 nights per week from 6:00 p.m. to 9:00 p.m.

There will be no day care operation.

**RECEIVED**  
NOV 27 2019  
PLANNING

Date: 10-5-19 Title: Plat  
 By: [Signature]  
 City of Suffolk TO: City of Suffolk  
 I, [Signature], a duly qualified and sworn public land for the City and State of Virginia, do hereby certify that the above described plat is correct in accordance with the provisions of the laws of the State of Virginia and the City of Suffolk, Virginia, and that the same has been duly recorded in the office of the Clerk of the Circuit Court of the City of Suffolk, Virginia, and that the same is a true and correct copy of the original as the same appears on file in the office of the Clerk of the Circuit Court of the City of Suffolk, Virginia.

I hereby certify that this subdivision was made by an owner of the land and that the subdivision is correct, within the limitations of law, and that the same has been duly recorded in the office of the Clerk of the Circuit Court of the City of Suffolk, Virginia, and that the same is a true and correct copy of the original as the same appears on file in the office of the Clerk of the Circuit Court of the City of Suffolk, Virginia.

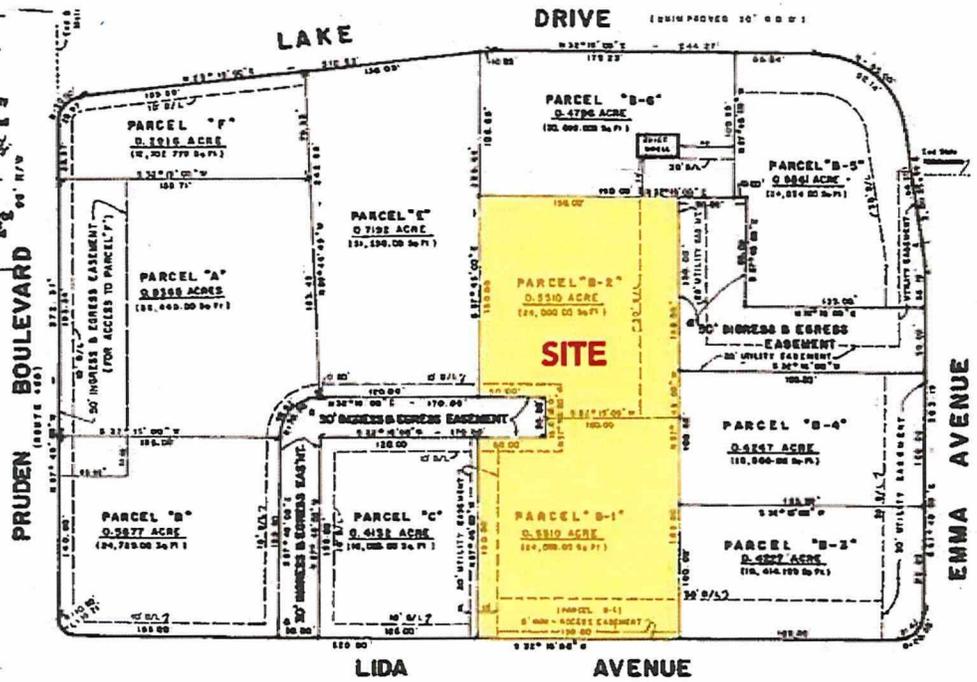
The undersigned certifies that this subdivision, as it appears on this plat, conforms to the applicable provisions relating to the subdivision of land and is hereby approved. My seal, approval, and signature do not extend to the subdivision of the land, but only to the accuracy of the plat as shown on this plat.

[Signature]  
 James P. Vandy, October 22, 2019  
 Agent, City of Suffolk, Virginia

The copies of this plat for the subdivision is on record in the Clerk's Office of the Circuit Court of Suffolk, Virginia. North-south of this plat is based on plat of "SADLER HEIGHTS" Part No. 3 Recorded in Part Book 11, Page 7.

The ACCESS EASEMENTS as shown herein are hereby granted and under the City of Suffolk and the Virginia Department of Highways & Transportation shall not be responsible for the construction and/or maintenance of said easements.

**NOTE**  
 THE PLAT SHOWN HEREIN ENTITLED: CORRECTED SUBDIVISION OF "SADLER HEIGHTS - SECTION 4" HAS BEEN PREPARED FOR THE PURPOSE OF CORRECTING SURVEY ERRORS AND DELETIONS APPEARING ON PREVIOUSLY RECORDED PLATS OF THIS PROPERTY.  
 THIS PLAT SUPERCEDES ALL OTHER PREVIOUSLY RECORDED PLATS AND SUBDIVISIONS OF THE PROPERTY SHOWN HEREON.



CORRECTED SUBDIVISION  
 OF  
**SADLER HEIGHTS**  
 SECTION 4  
 CHURCH CUP BOULEVARD  
 SUFFOLK, VIRGINIA  
 (1947-PB 7-16-23)

SCALE 1" = 50' OCTOBER 4, 1904

RECEIVED  
 NOV 27 2019  
 PLANNING

CELEBRATION CHURCH CUP - SUFFOLK, VA  
 EXISTING SITE BOUNDARY - November 25, 2019



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

**AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A PLACE OF WORSHIP, SMALL, UNDER 6,000 SQUARE FEET, ON PROPERTY LOCATED AT 2484 PRUDEN BOULEVARD, ZONING MAP 25A(7) PARCELS B\*1 AND B\*2; CUP2019-018**

WHEREAS, William Gross, applicant and agent, on behalf of Jack Russell Management, LLC, property owner, has requested a conditional use permit for a place of worship, small, under 6,000 square feet, 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 25A(7) Parcels B\*1 and B\*2, and which land is depicted on Exhibit "B", "Property Map"; 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", "Property Map", and Exhibit "C", "Proposed Floor Plan", which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

Council finds that the proposal for a conditional use permit, as submitted or modified with conditions herein, the expressed purpose of which is to establish a place of worship, small, under 6,000 square feet, that is in conformity with the standards of the Unified Development Ordinance of the City of Suffolk and that it will have no more adverse effects on the health, safety or comfort of persons living or working in or driving through the neighborhood, and will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district, taking into consideration the location, type and height of buildings or structures, the type and extent of landscaping and screening on site and whether the use is consistent with any theme, action, policy or map of the Comprehensive Plan which encourages mixed uses and/or densities with the conditions set forth below.

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

These findings are based upon a determination that the most reasonable and limited way of avoiding the adverse impacts of a place of worship, small, under 6,000 square feet, 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 place of worship, small, under 6,000 square feet, in compliance with Exhibit “C” (the “Proposed Floor Plan”), and Sections 31-306 and 31-406 of the Code of the City of Suffolk.

Conditions

1. This Conditional Use Permit is granted to establish a place of worship, (small, under 6,000 square feet in the main sanctuary), at 2484 Pruden Boulevard, Zoning Map 25A(7), Parcels B\*1 and B\*2, as shown on Exhibit “B”, “Property Map”.
2. Occupancy of the sanctuary will be established by the City’s Building Official and the Suffolk Fire Department and shall not exceed with a maximum of 100 seats in the main sanctuary.
3. No food preparation may take place without approval from the Suffolk Health Department.
4. The interior configuration shall be substantially in accordance with the proposed floor plan, as shown on Exhibit “C”.
5. Issuance of this Conditional Use Permit allows for Zoning Map 25A(7) Parcel B\*1 shall be utilized as an ancillary use to satisfy the parking requirements, as set forth by the Unified Development Ordinance, for religious assemblies.

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 Jack Russell Management, 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 Jack Russell Management, 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

**Exhibit A**

**RESOLUTION NO. 20-1-21**

**CITY OF SUFFOLK PLANNING COMMISSION**

**A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION  
TO CITY COUNCIL RELATING TO CONDITIONAL USE PERMIT  
CUP2019-018**

**TO ESTABLISH A PLACE OF WORSHIP, SMALL, UNDER 6,000 SQUARE FEET, ON  
PROPERTY LOCATED AT 2484 PRUDEN BOULEVARD, ZONING MAP 25A(7)  
PARCELS B\*1 AND B\*2; CUP2019-018**

**WHEREAS**, William Gross, applicant and agent, on behalf of Jack Russell Management, LLC, 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 public assembly not otherwise enumerated (banquet hall), with live entertainment, 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, CUP2019-018, be:

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

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

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

**CONDITIONAL USE PERMIT  
CUP2019-018**

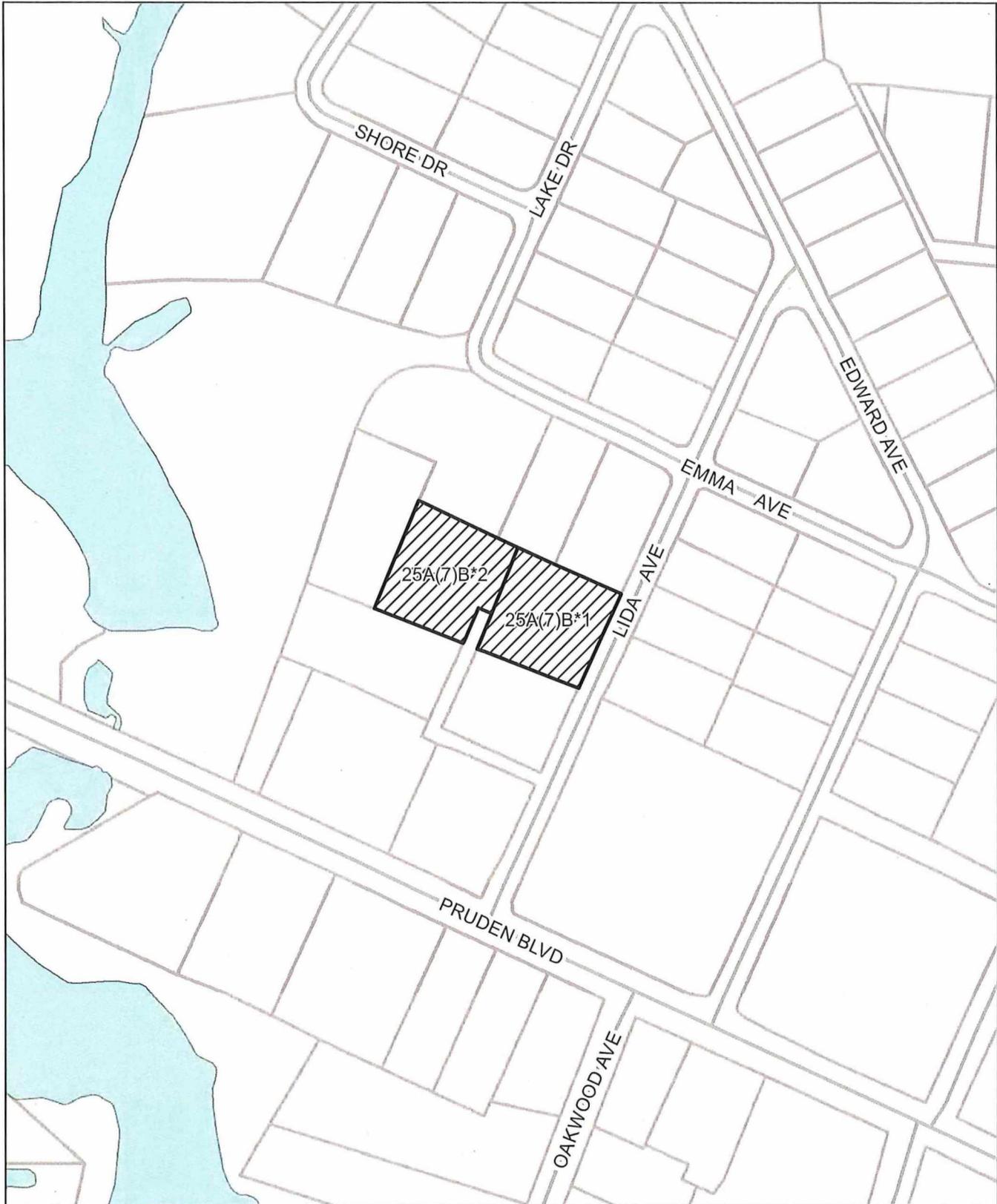
**CONDITIONS**

1. This Conditional Use Permit is granted to establish a place of worship, (small, under 6,000 square feet in the main sanctuary), at 2484 Pruden Boulevard, Zoning Map 25A(7), Parcels B\*1 and B\*2, as shown on Exhibit "B", "Property Map".
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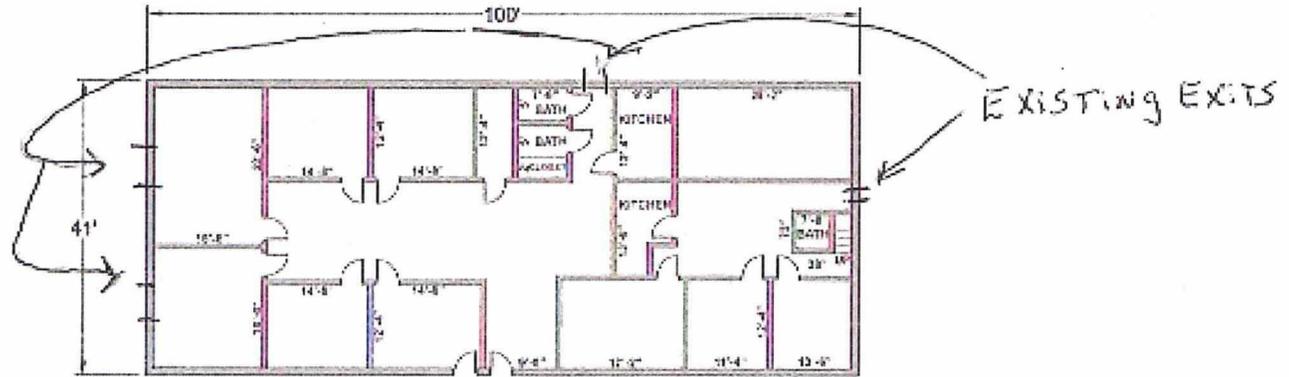


# PROPERTY MAP CUP2019-018

EXHIBIT B

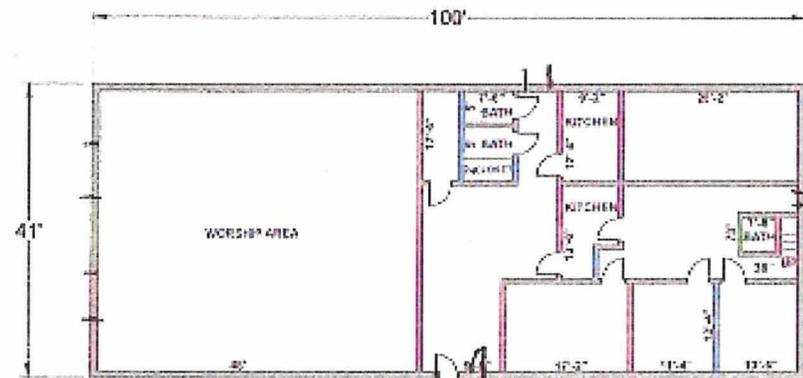


User Name: bsmith  
Date: 12/4/2019



2484 PRUDEN BOULEVARD  
EXISTING FLOOR PLAN

NOTE:  
DIMENSIONS ARE INTERIOR WALL TO WALL  
AND DO NOT INCLUDE WALL THICKNESS.



2484 PRUDEN BOULEVARD  
RENOVATED FLOOR PLAN

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# CITY OF SUFFOLK

442 WEST WASHINGTON STREET, P O BOX 1858, SUFFOLK, VIRGINIA 23439-1858  
PHONE (757) 514-4060 FAX (757) 514-4099

DEPARTMENT OF  
PLANNING & COMMUNITY DEVELOPMENT

*Division of Planning*

January 21, 2020

Suffolk Planning Commission  
City of Suffolk, Virginia

Dear Commissioners,

The Code of Virginia, Section 15.2-2239 allows the Planning Commission, at the direction of the governing body, to participate in the preparation and recommendation of the City's Capital Improvements Program (CIP Plan and Budget).

Tealen Hansen, Director of Finance, presented the proposed FY 2021-2030 CIP at the December 17, 2019 Planning Commission meeting. Upon final review and recommendation by the Planning Commission at your January 21, 2020 meeting, the CIP will be submitted to City Council for review and final adoption.

A copy of the FY 2021-2030 CIP was provided to you at your meeting of December 17, 2019; however, should you need an additional copy of the CIP, please call Catina Myrick at 514-4061. Should you have any questions pertaining to this matter, please do not hesitate to contact me.

Sincerely,

David Hainley, Director of Planning and Community  
Development

DH/ccm

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**RESULTS OF THE  
CITY COUNCIL  
MEETING OF  
December 18, 2019**

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Approved  
w/conditions

- A. REZONING REQUEST, RZN2019-009, (Conditional), Hillpoint Multifamily:** to amend the approved Master Plan for the Hillpoint Farms Planned Development by modifying the location of previously approved commercial and high density multi-family land uses for property located at 3094 Godwin Boulevard, Zoning Map 26F(1A), Parcel B, and to the north of Hillpoint Boulevard, Zoning Map 26F(1A), Parcel H.

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