

Director of Media

**SUFFOLK CITY COUNCIL**  
**MEETING OF FEBRUARY 19, 2020**



**WORK SESSION**

**Begins at 5:30 P.M.**

**REGULAR SESSION**

**Begins at 7:00 P.M.**

**SUFFOLK CITY COUNCIL  
WORK SESSION  
February 19, 2020  
5:30 p.m.  
City Council Chamber**

1. Suffolk Executive Airport and Economic Development Update
- 2.\* Economic Development Proposals
- 3.\* Appointments

\* Proposed Items for Closed Session

**AGENDA: February 19, 2020, Work Session**

**ITEM: Suffolk Executive Airport and Economic Development Update**

Staff will present an update on the most recently completed quarter at the Suffolk Executive Airport as well as provide an update on Economic Development activity.

**SUFFOLK CITY COUNCIL AGENDA**  
**February 19, 2020**  
**7:00 p.m.**  
**City Council Chamber**

1. **Call to Order**
2. **Nonsectarian Invocation**
3. **Approval of the Minutes**
4. **Special Presentations**
5. **Removal of Items from the Consent Agenda and Adoption of the Agenda**
6. **Agenda Speakers**
7. **Consent Agenda** – A resolution to accept a donation of personal property for the Suffolk Department of Fire and Rescue
8. **Consent Agenda** – An ordinance to accept and appropriate funds from the Commonwealth of Virginia Department of Aviation for the Suffolk Executive Airport
9. **Consent Agenda** – An ordinance to accept and appropriate funds from the United States Department of Agriculture for the Summer Food Service Program
10. **Consent Agenda** – An ordinance amending the Agricultural Advisory Committee
11. **Public Hearing** – A resolution to adopt the Capital Improvements Program and Plan for Fiscal Years 2020-2021 through 2029-2030
12. **Public Hearing** – An ordinance to grant a Conditional Use Permit to establish a place of worship, small, under 6,000 square feet in the main sanctuary, on property located at 2484 Pruden Boulevard, Zoning Map 25A(7) Parcels B\*1 and B\*2; CUP2019-018
13. **Public Hearing** – An ordinance to rezone and amend the official zoning map to 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)
14. **Ordinance** – An ordinance to rezone and amend the official zoning map of the City of Suffolk in order to amend the previously approved proffered conditions of Bennett's Creek Quarter residential development for properties located at 3347 Bridge Road, Zoning Map 12, Parcels 32 and 55\*1J; RZN2020-001 (Conditional)
15. **Resolutions**

16. **Staff Reports**
17. **Motion** – A motion to schedule a City Council Work Session for Wednesday, March 4, 2020, at 4:00 p.m., unless cancelled
18. **Motion** – A motion to schedule a public hearing on March 4, 2020, to consider the adoption of an ordinance authorizing the acquisition of right of way and easements for the Pruden Boulevard/Prudence Road Intersection Improvement Project
19. **Non-Agenda Speakers**
20. **New Business**
21. **Announcements and Comments**
22. **Adjournment**

Regular Meeting of the Suffolk City Council was held in the City Council Chamber, 442 West Washington Street, on Wednesday, December 4, 2019, at 7:00 p.m.

**PRESENT**

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

- Patrick G. Roberts, City Manager
- Helivi L. Holland, City Attorney
- Erika S. Dawley, City Clerk

**ABSENT**

None

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

Mayor Johnson called the meeting to order. Council Member Milteer offered the Invocation and led the Pledge of Allegiance.

**FREEDOM OF INFORMATION CERTIFICATION**

City Clerk Dawley presented a resolution certifying the Closed Meeting of December 4, 2019, pursuant to Section 2.2-3712 of the Code of Virginia (1950), as amended.

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

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

**A RESOLUTION OF CERTIFICATION OF THE CLOSED MEETING OF DECEMBER 4, 2019, PURSUANT TO SECTION 2.2-3712 OF THE CODE OF VIRGINIA (1950), AS AMENDED**

**APPROVAL OF THE MINUTES**

Council Member Johnson, on a motion seconded by Vice Mayor Bennett, moved to approve the minutes from the November 6, 2019, Work Session, and Regular Session, as presented, by the following vote:

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

**SPECIAL PRESENTATIONS**

There were no items under this portion of the agenda.

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

Mayor Johnson advised that a motion was in order at this time to adopt the agenda. City Manager Roberts announced that Item #18 - a motion to schedule a joint City Council and School Board Meeting for Wednesday, December 18, 2019, at 4:00 p.m., unless cancelled, needed to be removed from the agenda.

Council Member Fawcett, on a motion seconded by Council Member Duman, to remove Item #18 and adopt the remainder of the agenda, as presented, by the following vote:

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

**AGENDA SPEAKERS**

Kelly Hengler, 9345 Eclipse Drive, representing the Crittenden-Eclipse-Hobson Heritage Civic League, opined about Consent Agenda Item #8 - a resolution adopting the 2020 Legislative Agenda for the City of Suffolk.

**CONSENT AGENDA**

City Clerk Dawley presented the following Consent Agenda items:

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

**Consent Agenda Item #8** - A resolution adopting the 2020 Legislative Agenda for the City of Suffolk

**Consent Agenda Item #9** - An ordinance to provide a salary supplement to the General Registrar of the City of Suffolk in accordance with Section 24.2-111 of the Code of Virginia

Referring to Consent Agenda Items #7 through #9, City Manager Roberts submitted a review of the background information as printed in the official agenda.

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

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

**PUBLIC HEARINGS**

There were no items under this portion of the agenda.

**ORDINANCES**

There were no items under this portion of the agenda.

**RESOLUTIONS**

There were no items under this portion of the agenda.

**STAFF REPORTS**

There were no items under this portion of the agenda.

**MOTIONS**

**Motion** – A motion to schedule a public hearing on January 15, 2020, to consider the adoption of an ordinance authorizing the acquisition of right of way and easements for the Nansemond Parkway Intersection Improvements Project (UPC 107265)

Council Member Fawcett, on a motion seconded by Council Member Goldberg, moved to schedule a public hearing on January 15, 2020, to consider the adoption of an ordinance authorizing the acquisition of right of way and easements for the Nansemond Parkway Intersection Improvements Project (UPC 107265), by the following vote:

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

**Motion** – A motion to schedule a public hearing on December 18, 2019, to consider the adoption of an ordinance authorizing the acquisition of right of way and easements for the Portsmouth Boulevard Sidewalk Project, Segment I

Council Member Duman, on a motion seconded by Council Member Johnson, moved to schedule a public hearing on December 18, 2019, to consider the adoption of an ordinance authorizing the acquisition of right of way and easements for the Portsmouth Boulevard Sidewalk Project, Segment I, by the following vote:

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

**Motion** – A motion to schedule a public hearing on December 18, 2019, to consider the adoption of an ordinance authorizing the acquisition of right of way and easements for the Portsmouth Boulevard Sidewalk Project, Segment II

Council Member Ward, on a motion seconded by Council Member Fawcett, moved to schedule a public hearing on December 18, 2019, to consider the adoption of an ordinance authorizing the acquisition of right of way and easements for the Portsmouth Boulevard Sidewalk Project, Segment II, by the following vote:

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

**Motion** – A motion to schedule a public hearing on December 18, 2019, to consider the adoption of an ordinance authorizing the acquisition of right of way and easements for the Portsmouth Boulevard Sidewalk Project, Segment III

Vice Mayor Bennett, on a motion seconded by Council Member Goldberg, moved to schedule a public hearing on December 18, 2019, to consider the adoption of an ordinance authorizing the acquisition of right of way and easements for the Portsmouth Boulevard Sidewalk Project, Segment III, by the following vote:

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

**Motion** – A motion to schedule a joint City Council and School Board Meeting for Wednesday, December 18, 2019, at 4:00 p.m., unless cancelled

This item was removed from the agenda under the Removal of Items from the Consent Agenda and Adoption of the Agenda, therefore, no action was required.

**NON-AGENDA SPEAKERS**

Council Member Goldberg, on a motion seconded by Council Member Johnson, moved to suspend the City Council’s Rules of Order and Procedure to grant all individuals registered to speak under the Non Agenda Speakers three minutes to address City Council, by the following vote:

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

Wesley Gross, 201 Benton Road, representing self, requested a resolution designating the City of Suffolk as a Second Amendment sanctuary city.

Rick Lampkin, 3015 Kempton Park Road, representing self, requested a resolution designating the City of Suffolk as a Second Amendment sanctuary city.

Pat Merica, 9300 Eclipse Drive, representing self, opined about the environment and the designation of the City of Suffolk as Second Amendment sanctuary city.

The following individuals requested a resolution designating the City of Suffolk as a Second Amendment sanctuary city:

Mark Aston, 2608 North Nansemond Drive, representing self.

Gary Crossfield, 4540 Stascher Court, representing self.

Miller Cary, 1002 Macarthur Drive, representing self.

Edna Graves, 5801 Bernhowe Manor Lane, representing self, requested the installation of a deceleration lane into Bernhowe Manor.

Oried Graves, 5801 Bernhowe Manor Lane, Treasurer, Bernhowe Manor Civic League, requested the installation of a deceleration lane into Bernhowe Manor.

Christopher Blackburn, 1200 Greenway Road, representing self, requested a resolution designating the City of Suffolk as a Second Amendment sanctuary city.

Kelly Hengler, 9345 Eclipse Drive, representing Crittenden-Eclipse-Hobson Heritage Civic League, opined about the design standards in the City’s Unified Development Ordinance.

The following individuals requested a resolution designating the City of Suffolk as a Second Amendment sanctuary city:

Casey Ohmsen, 509 Oscar Babb Lane, representing self.

Brianne Ihlenburg, 3420 Archer’s Mill Road, representing self.

Scott Chafian, 2125 Piedmont Road, representing self.

Vincent Copeland, 9108 Eclipse Drive, representing self.

The following individuals requested the installation of a deceleration lane into Bernhowe Manor:

Larry Arrington, 5832 Bernhowe Manor Lane, representing self.

Celestine Arrington, 5832 Bernhowe Manor Lane, representing self.

Dwight Towler, 5817 Bernhowe Manor Lane, representing self.

Ryan Griffiths, 5812 Bernhowe Manor Lane, was not present when called.

Roma Murray, 5813 Bernhowe Manor Lane, representing self.

Ruth Gibson, 5841 Bernhowe Manor Lane, representing self.

The following individuals requested a resolution designating the City of Suffolk as a Second Amendment sanctuary city:

Tony Myers, 102 Greenfield Crescent, representing self.

Matthew Adams, 500 Oak Grove Court, representing self.

Garrett Stoll, 7801 Quaker Drive, representing self.

Thomas Goodwin, 5820 Bernhowe Manor Lane, representing self, requested the installation of a deceleration lane into Bernhowe Manor.

Dennis Heuer, 1744 Mill Wood Way, representing self, requested a resolution designating the City of Suffolk as a Second Amendment sanctuary city.

The following individuals requested the installation of a deceleration lane into Bernhowe Manor:

Brenda Nichols, 5829 Bernhowe Manor Lane, representing self.

Joel Nichols, 5829 Bernhowe Manor Lane, representing self.

Leslie Goforth, 5804 Bernhowe Manor Lane, representing self.

Mike Goforth, 5804 Bernhowe Manor Lane, was not present when called.

Sa'Mya Robinson, 5821 Bernhowe Manor Lane, representing self.

The following individuals requested a resolution designating the City of Suffolk as a Second Amendment sanctuary city:

Karen Hurd, 6391 Leafwood Road, representing self.

Glen McKinney, 2804 Lake Cohoon Point, representing self.

Paula Darden, 529 Oscar Babb Lane, representing self.

Douglas Pilsbury, 3204 Stone Harbour Court, representing self.

Timothy Anderson, 2492 North Landing Road, Virginia Beach, Virginia, representing self.

City Council recessed at 9:03 p.m. and City Council reconvened at 9:18 p.m.

John Collick, 147 Kennet Drive, representing self, requested a resolution designating the City of Suffolk as a Second Amendment sanctuary city.

Christopher Dove, 852 Colonel Meade Drive, representing self, opined about the request for a resolution designating the City of Suffolk as a Second Amendment sanctuary city.

The following individuals requested a resolution designating the City of Suffolk as a Second Amendment sanctuary city:

Philip Van Cleave, 5509 West Bay Court, Midlothian, Virginia, representing the Virginia Citizens Defense League.

Fred Hafer, 7900 Ruritan Boulevard, representing self.

Thomas Queen, 1101 Lake Point, was not present when called.

Chris Watkins, 6029 Vineyard Lane, representing self.

Eric Ames, 2001 Herron Court, representing self.

Daniel Toner, 2064 River Pearl Way, Chesapeake, Virginia, representing self.

Scott Wilco, 2851 Holiday Point Drive, representing self.

Pepper Bertsch, 5841 Bernhowe Manor Lane, was not present when called.

The following individuals requested a resolution designating the City of Suffolk as a Second Amendment sanctuary city:

Larry Horne, 111 Springfield Terrace, representing self.

Jason Ward, 62 Greenland Boulevard, was not present when called.

Dennis Olson, 813 General Pickett Drive, representing self.

Sharonda Robinson, 412 Teton Circle, was not present when called.

Sanny Cogliandrao, 1882 White Marsh Road, representing self, requested a resolution designating the City of Suffolk as a Second Amendment sanctuary city.

**NEW BUSINESS**

There were no items under this portion of the agenda.

**ANNOUNCEMENTS AND COMMENTS**

Utilizing a PowerPoint presentation, Media and Community Relations Assistant Director Timothy Kelley reported on the following: Suffolk Police Department's Toys for Tots Drive; the City's Holiday Parade; the Suffolk Parks and Recreation Department's Holiday Jingle Mingle; the Parks and Recreation Department's Santa's Calling Program; the City's Painting the Town for the Holidays Program; and Lieutenant Christopher Hehl's and Lieutenant Roger Stinnette, Jr.'s receipt of the Firefighter of the Year and the Paramedic of the Year Awards, respectively.

Council Member Ward extended his condolences to the family of the late Lorraine Skeeter, former School Board Chair.

Council Member Ward acknowledged the residents in attendance that spoke about Bernhowe Manor.

Council Member Duman extended his condolences to the family of the late Lorraine Skeeter, former School Board Chair.

Council Member Duman opined about the LeOtis Williams Thanksgiving food drive.

Council Member Duman acknowledged the retirement of Major James Darden, Jr. and Captain Calvin Bowe from the Suffolk Sheriff's Office.

Council Member Duman opined about Consent Agenda Item #9 - an ordinance to provide a salary supplement to the General Registrar of the City of Suffolk in accordance with Section 24.2-111 of the Code of Virginia.

Council Member Fawcett extends his condolences to the family of the late John Harrell and the late Lorraine Skeeter, former School Board Chair.

Council Member Fawcett acknowledged the residents in attendance that spoke about Bernhowe Manor.

Council Member Fawcett opined about the LeOtis Williams Thanksgiving food drive.

Council Member Fawcett opined about Consent Agenda Item #9 - an ordinance to provide a salary supplement to the General Registrar of the City of Suffolk in accordance with Section 24.2-111 of the Code of Virginia.

Council Member Fawcett acknowledged the retirement of Major James Darden, Jr. and Captain Calvin Bowe from the Suffolk Sheriff's Office.

Council Member Fawcett encouraged residents to attend the City's Holiday Parade.

Council Member Goldberg extended his condolences to the family of the late Lorraine Skeeter, former School Board Chair and the late John Harrell.

Council Member Goldberg acknowledged all of the speakers in attendance.

Vice Mayor Bennett extended his condolences to the family of the late Lorraine Skeeter, former School Board Chair and the late John Harrell.

Vice Mayor Bennett encouraged residents to participate in the Salvation Army Holiday fundraiser.

Vice Mayor Bennett acknowledged the retirement of Major James Darden, Jr. and Captain Calvin Bowe from the Suffolk Sheriff's Office.

Mayor Johnson extended her condolences to the family of the late Lorraine Skeeter, former School Board Chair and the late John Harrell.

Mayor Johnson opined about the LeOtis Williams Thanksgiving food drive.

Mayor Johnson announced she attended the unveiling of the Virginia Tourism Corporation's LOVE sign at the Suffolk Center for Cultural Arts.

Mayor Johnson acknowledged the retirement of Major James Darden, Jr. and Captain Calvin Bowe from the Suffolk Sheriff's Office.

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

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

There being no further business to come before City Council, the regular meeting was adjourned at 10:31 p.m.

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

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

# **Special Presentations**

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

# **Agenda Speakers**

**AGENDA: February 19, 2020, Regular Session**

**ITEM: Consent Agenda** - A resolution to accept a donation of personal property for the Suffolk Department of Fire & Rescue

The City has received a donation of personal property of an Unmanned Aerial Vehicle (UAV) from Suffolk Project Lifesaver Search and Rescue to assist the Suffolk Department of Fire & Rescue in locating and rescuing lost citizens in the Suffolk Project Lifesaver Search and Rescue program.

Adoption of the attached resolution is necessary to accept and record the donated personal property for the operations of the Suffolk Department of Fire & Rescue.

**BUDGET IMPACT:**

There is no budget impact.

**RECOMMENDATION:**

Adopt the attached resolution

**ATTACHMENTS:**

Resolution  
Award Notification

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

**A RESOLUTION TO ACCEPT A DONATION OF PERSONAL PROPERTY  
FOR THE SUFFOLK DEPARTMENT OF FIRE & RESCUE**

WHEREAS, Suffolk Project Lifesaver Search and Rescue has donated an Unmanned Aerial Vehicle for use by the Suffolk Department of Fire & Rescue; and,

WHEREAS, the benefactors concede good and complete right, title, and interest in the said personal property; and,

WHEREAS, this donation of personal property is made to the Suffolk Department of Fire & Rescue without restriction as to use or disposition.

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

The City hereby accepts a donation of an Unmanned Aerial Vehicle from Suffolk Project Lifesaver Search and Rescue for use by the Suffolk Department of Fire & Rescue.

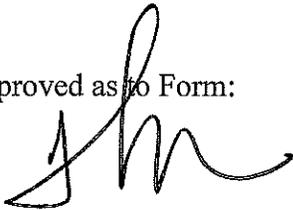
BE FURTHER RESOLVED that this resolution shall be effective upon adoption and shall not be published.

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

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

Erika S. Dawley, City Clerk

Approved as to Form:



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

In 2000, Suffolk Project Lifesaver Search and Rescue was founded. From our inception, SPLSAR forged a partnership with Suffolk Fire and Rescue for the delivery of services to those in our community who suffer with Down syndrome, Autism, traumatic brain injury, dementia, Alzheimer's, or any condition that would cause a person to wander and get lost. Our mission is to identify those in need of our services, provide the personal transmitters for each client and the batteries necessary to keep them functioning, to purchase and provide receivers that have now been placed in every fire station around the city, and to provide training and equipment for the Suffolk Search and Rescue team. The goal is to be equipped and prepared to respond to a call and to rapidly locate our client when they are lost. By so doing, human lives and taxpayer's money are saved. This relationship has worked well for twenty years.

The recognition of the need here in Suffolk combined with the financial commitment from the Pilot Club of Suffolk and the Nansemond River Pilot Club initially launched this effort, bringing in our first client in 2001. In 2011, the SPLSAR Board of Directors was assembled. Since that time, we have raised over \$250,000 from private donations and have served over 325 Suffolk residents free of charge. Every penny of the funds for equipment and training have been raised by SPLSAR, and primarily from citizens of Suffolk, civic organizations and the Suffolk business community.

We have worked with great intention to increase public awareness and to reach all communities within the City of Suffolk. As a result, our client base has grown significantly, with a current client base of 68. As we have grown and matured, we discovered that, in order to maintain and reduce our search times, our efforts would be greatly enhanced with the assistance of a drone. The SPLSAR Board of Directors accepted this challenge to raise the money and to purchase a drone specifically to be used for locating and rescuing clients in our program. At that time, we were joined by the international television celebrity, Joe Kenda and his wife Kathy, who are residents of Suffolk. Joe and Kathy's dedication to our mission and their financial commitment to the purchase of a drone expedited our efforts to raise the money and purchase the drone. The SPLSAR Board of Directors, in recognition of the Kenda's participation and financial commitment, have named the drone "The Kenda Scout"

We are proud to announce that we have purchased "The Kenda Scout" and software, a Lockheed Martin Unmanned Aerial Vehicle (UAV), which we hereby wish to donate to the City of Suffolk for use by Suffolk Fire and Rescue for the specific purpose of locating and rescuing lost citizens in the Suffolk Project Lifesaver Search and Rescue program. We believe that this will be a great benefit to Suffolk Fire and Rescue and the citizens of Suffolk by expediting search locations and rescues, which will save lives and taxpayer's funds. Suffolk Project Lifesaver Search and Rescue requests that the City of Suffolk receive "The Kenda Scout" into the city inventory and that it be in possession of and operated by Suffolk Fire and Rescue. We look forward to continuing this valuable and effective partnership for years to come.

Sincerely,

Susan Blair, President

Suffolk Project Lifesaver Search and Rescue

**AGENDA: February 20, 2019, Regular Session**

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

The City has received \$9,380 in funding from the Commonwealth of Virginia Department of Aviation in support of the Suffolk Executive Airport for Fiscal Year 2019-2020. The funding will be used to assist with the upgrade of the automated point of sale system (QT POD) which is no longer supported by the manufacturer.

Adoption of the attached ordinance is necessary to accept and appropriate these funds to the appropriate line item in the Aviation Facilities Fund budget for Fiscal Year 2019-2020.

**BUDGET IMPACT:**

Adoption of the ordinance will increase the planned revenues and expenditures of the Aviation Facilities Fund budget by \$9,380 for the above noted purpose and requires \$4,620 in local fund support which is provided for in the FY2019-2020 Aviation Facilities Fund budget.

**RECOMMENDATION:**

Adopt the attached ordinance

**ATTACHMENTS:**

Ordinance  
Award Letter

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

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

WHEREAS, the City has received funds in the amount of \$9,380 from the Commonwealth of Virginia Department of Aviation in support of the Suffolk Executive Airport; and,

WHEREAS, the funds received need to be accepted and appropriated to the Aviation Facilities Fund budget for Fiscal Year 2019-2020 to assist with the upgrade of the automated point of sale system which is no longer supported by the manufacturer.

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

1. The sum of \$9,380 shall be reflected as budget in the following accounts in the Fiscal Year 2019-2020 Aviation Facilities Fund budget:

<u>Revenue</u>		
220_424140.110	Categorical Aid-State Airport Maintenance Funds	<u>\$9,380</u>
 <u>Expenditure</u>		
220-150000_53300.110	Repair & Maintenance State Funds	<u>\$9,380</u>

2. The fund amount totaling \$9,380 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 19-O-033, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

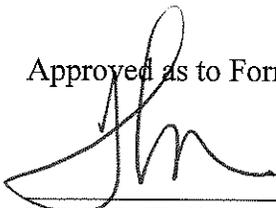
3. This ordinance shall be effective upon passage and shall not be published.

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

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

Erika S. Dawley, City Clerk

Approved as to Form:



Helvi L. Holland, City Attorney



**AGENDA: February 19, 2020, Regular Session**

**ITEM: Consent Agenda** – An ordinance to accept and appropriate funds from the United States Department of Agriculture for the Summer Food Service Program

The City has received \$ 87,790.46 in grant funding from the United States Department of Agriculture (USDA) for the Summer Food Service Program. The program, which is administered by the Department of Parks and Recreation, provides breakfasts and lunches to children at qualified sites during the summer.

Adoption of the attached ordinance is necessary to accept and appropriate these funds to the appropriate line item in the Consolidated Grants Fund budget for Fiscal Year 2019-2020.

**BUDGET IMPACT:**

Adoption of the ordinance will increase the planned revenues and expenditures of the Consolidated Grants Fund by \$87,790.46 for the above-noted purpose and does not require local fund support.

**RECOMMENDATION:**

Adopt the attached ordinance

**ATTACHMENTS:**

Ordinance  
Award Notification

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

**AN ORDINANCE TO ACCEPT AND APPROPRIATE FUNDS FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR THE SUMMER FOOD SERVICE PROGRAM**

WHEREAS, the City has received funds in the amount of \$87,790.46 from the United States Department of Agriculture for the Summer Food Service Program at qualified sites throughout the City; and,

WHEREAS, the funds received need to be accepted and appropriated to the Consolidated Grants Fund budget for Fiscal Year 2019-2020 to assist with the reimbursement of funds for the Summer Food Service Program.

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

1. The sum of \$87,790.46 shall be reflected as budget in the following accounts in the Fiscal Year 2019-2020 Consolidated Grants Fund budget:

Revenue

211-71350-202029_433060	SumrFeedProg USDA #59047;6/20	<u>\$87,790.46</u>
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Expenditure

211-71350-202029_56002	SumrFeedProg USDA#59047;6/20 Food Supplies	<u>\$87,790.46</u>
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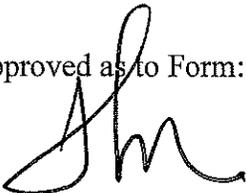
2. The fund amount totaling \$87,790.46 is hereby appropriated for use as referenced in this ordinance and the budget approved by Ordinance Number 19-O-033, as amended. The City Manager be, and is hereby authorized and directed to do all things necessary to effectuate this action.

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

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

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

Approved as to Form:



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

# Commonwealth of Virginia

## EDI Remittance Detail

Total Amount: 30,635.45

Deposit Date: 10/11/2019

Trace Number 81217076

Agy No	Amount	Offset Amount	Invoice Number	Invoice Date	Customer Number	Voucher Number	Description
197	30,635.45	0.00	SFSP-AUG-201	10/01/2019	127	10229442	SUMMER FOOD SERVICE
Tot 197	30,635.45						

# Commonwealth of Virginia

## EDI Remittance Detail

Total Amount: 44,619.13

Deposit Date: 09/20/2019

Trace Number 81199270

Agy No	Amount	Offset Amount	Invoice Number	Invoice Date	Customer Number	Voucher Number	Description
197	44,619.13	0.00	SFSP-JUL-201	09/10/2019	127	10224959	SUMMER FOOD SERVICE
Tot 197	44,619.13						

# Commonwealth of Virginia

## EDI Remittance Detail

Total Amount: 12,535.88

Deposit Date: 11/15/2019

Trace Number 81249123

Agy No	Amount	Offset Amount	Invoice Number	Invoice Date	Customer Number	Voucher Number	Description
197	12,535.88	0.00	SFSP-JUN-201	11/02/2019	127	10235566	SUMMER FOOD SERVICE
Tot 197	12,535.88						

**AGENDA: February 19, 2020, Regular Session**

**ITEM: Consent Agenda** – An ordinance amending the Agricultural Advisory Committee

City Council, at its meeting of September 18, 2019, adopted an ordinance establishing the Agricultural Advisory Committee. The Agricultural Advisory Committee has ten (10) members, who are appointed by City Council. There are three (3) members who are to be appointed in the Production Agricultural Farmers interest representing each farm service agency local advisory area. The original approving ordinance contained a typographical error, in that Holy Neck was not included. The purpose of this amendment is to correctly identify the three areas (Chuckatuck, Whaleyville/Cypress, and Holy Neck).

It is staff's recommendation that the City Council adopt the attached ordinance amending the Agricultural Advisory Committee.

**ATTACHMENTS:**

Ordinance

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

**AN ORDINANCE AMENDING THE AGRICULTURAL ADVISORY COMMITTEE**

WHEREAS, it is the desire of the City Council of the City of Suffolk, Virginia to preserve and protect the city's agricultural industry and heritage; and,

WHEREAS, an agricultural advisory committee, made up of representatives from a cross section of the various interests in the agricultural industry would assist the city in its efforts to preserve and protect Suffolk's agricultural industry and heritage.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Suffolk, Virginia, there is established an Agricultural Advisory Committee, who will serve without compensation.

BE IT FURTHER ORDAINED that the Code of the City of Suffolk, Chapter 2, Administration, Article III, Boards, Committees, Commissions, Division 10. – Reserved, be and is hereby amended as follows:

**DIVISION 10. – Agricultural Advisory Committee**

**Sec. 2-396. – Created; number of members.**

There is created an Agricultural Advisory Committee, which should consist of ten members appointed by City Council representing the following agricultural interests:

- Three members representing Production Agricultural Farmers, one from each Farm Service Agency Local Administrative Area (Chuckatuck, ~~Whaleyville, Cypress~~ Whaleyville/Cypress, and Holy Neck)
- One member representing Direct Marketing Farming
- One member representing the Peanut Soil and Water Conservation District
- One member representing Agriculture and Natural Resources Extension Agent
- One member representing the Agri-business Industry
- One member representing the Nansemond Farm Bureau
- One member of the Forestry Industry
- The City Manager or designee

**Sec. 2-397. – Terms.**

Terms for members, other than the City Manager or his designee, shall be for terms of four years. The terms of five of the appointed members of the commission shall begin on September 18, 2019, and every fourth year thereafter. The initial terms of the remaining appointed members of the committee shall be for two years, from September 18, 2019, through September 17, 2021, with future terms beginning September 18, 2021, and every fourth year thereafter.

Sec. 2-398. – Officers; rules; quorum.

The agricultural advisory committee shall elect its chairmen, vice chairmen, and secretary, and shall adopt rules and regulations for its operation. Five members of the Committee shall constitute a quorum.

Sec. 2-399. – Responsibilities.

The agricultural advisory committee shall have the responsibility of the following:

- To promote the economic viability of farming and farm related activities and businesses within the city
- At the request of City Council, recommend policies for the city to consider that in the opinion of the committee will enhance agricultural activities within the city
- To support and help address the new challenges facing farmers and the agricultural industry
- To help support and preserve the city's agricultural heritage

Sec. 2-400 – 2-420. – Reserved

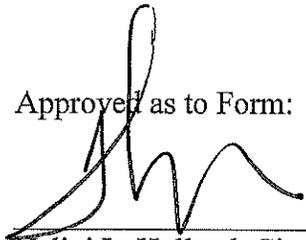
This ordinance shall be effective upon its passage and shall not be published.

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

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

Erika S. Dawley, City Clerk

Approved as to Form:

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

**AGENDA: February 19, 2020, Regular Session**

**ITEM: Public Hearing** – A resolution to adopt the Capital Improvements Program & Plan for Fiscal Years 2020-2021 through 2029-2030

A public hearing will be held on February 19, 2020, to receive public comment on the proposed Capital Improvements Program & Plan for Fiscal Years 2020-2021 through 2029-2030. Attached is a copy of the advertisement for the public hearing published in the *Suffolk News-Herald and The Virginian-Pilot*. The proposed Capital Improvements Program & Plan was presented to City Council at the February 5, 2020, Work Session.

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

**RECOMMENDATION:**

Receive public comment and adopt the Capital Improvements Program & Plan

**ATTACHMENTS:**

Resolution  
Public Hearing Advertisement

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

**A RESOLUTION TO ADOPT THE CAPITAL IMPROVEMENTS PROGRAM & PLAN FOR FISCAL YEARS 2020-2021 THROUGH 2029-2030**

WHEREAS, the City of Suffolk has prepared a Capital Improvements Program & Plan for Fiscal Years 2020-2021 through 2029-2030 to include a five-year horizon; and,

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

WHEREAS, such a plan has been developed for the City totaling \$883,891,498 for the ten year period as follows:

PLANNED EXPENDITURES FY 21 - 30	5 Year Summary					10 Year Summary		
	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	5 Year	6-10 Year	10 Year
						Subtotal	Subtotal	Total
<b>PUBLIC UTILITIES FUND:</b>	9,780,000	13,617,000	9,380,000	11,730,600	19,110,000	<b>63,617,600</b>	112,745,000	<b>176,362,600</b>
<b>FLEET FUND:</b>				6,000,000	8,500,000	<b>14,500,000</b>		<b>14,500,000</b>
<b>STORMWATER FUND:</b>	500,000	500,000	2,890,000	4,724,000	2,946,000	<b>11,560,000</b>	7,878,000	<b>19,438,000</b>
<b>TRANSIT FUND:</b>		160,494			60,000	<b>220,494</b>	1,830,066	<b>2,050,560</b>
<b>INFORMATION TECHNOLOGY FUND:</b>	1,250,000	250,000	250,000		2,500,000	<b>4,250,000</b>	10,494,000	<b>14,744,000</b>
<b>GENERAL FUND:</b>	44,120,875	39,470,860	42,671,116	37,061,406	32,236,569	<b>195,560,826</b>	461,235,512	<b>656,796,338</b>
<b>TOTAL ALL FUNDS:</b>	<b>55,650,875</b>	<b>53,998,354</b>	<b>55,191,116</b>	<b>59,516,006</b>	<b>65,352,569</b>	<b>289,708,920</b>	<b>594,182,578</b>	<b>883,891,498</b>

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Suffolk, Virginia, that it adopts the Capital Improvements Program & Plan for Fiscal Years 2020-2021 through 2029-2030.

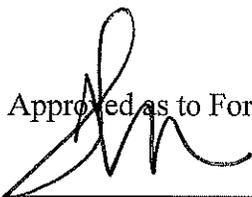
BE IT FURTHER RESOLVED that the City Manager be, and is hereby authorized and directed to do all things necessary to utilize the aforementioned plan for planning purposes.

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

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

Erika S. Dawley, City Clerk

Approved as to Form:



Helivi L. Holland, City Attorney



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

Suffolk City Council will hold a public hearing on February 19, 2020, on the City of Suffolk's Proposed Capital Improvements Program & Plan for fiscal years 2020-2021 through 2029-2030.

Copies of the Proposed Capital Improvements Program & Plan are available for public review on the City's website at:

<http://www.suffolkva.us/174/Annual-Operating-Capital-Budget>

Copies are also available at the following locations:

City Manager's Office  
City Clerk's Office  
Finance Department  
Citywide Public Libraries

The Capital Improvements Program & Plan does not represent a budget of the City, but rather a proposed future spending plan that is created for the purposes of City Council for consideration in the development of the Fiscal Year 2020/2021 Annual Operating and Capital Budget and that of future years.

Any person desiring to be heard in favor of, in opposition to, or to express their views with respect to the Proposed Capital Improvements Program & Plan may appear before and be heard by said City Council for the City of Suffolk on Wednesday, February 19, 2020, beginning at 7:00 p.m. in the Council Chambers, City Hall, 442 West Washington St. in Suffolk, Virginia.

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

**AGENDA: February 19, 2020, Regular Session**

**ITEM: Public Hearing** – An ordinance to grant a Conditional Use Permit to establish a place of worship, small, under 6,000 square feet in the main sanctuary, on property located at 2484 Pruden Boulevard, Zoning Map 25A(7) Parcels B\*1 and B\*2; CUP2019-018

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.

The Planning Commission, at their meeting of January 21, 2020, voted 8 to 0 to approve a resolution recommending **approval** of this request.

**ATTACHMENTS:**

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

# 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 February 14, 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.

The Planning Commission, at their meeting of January 21, 2020, voted 8 to 0 to approve a resolution recommending **approval** of this request.

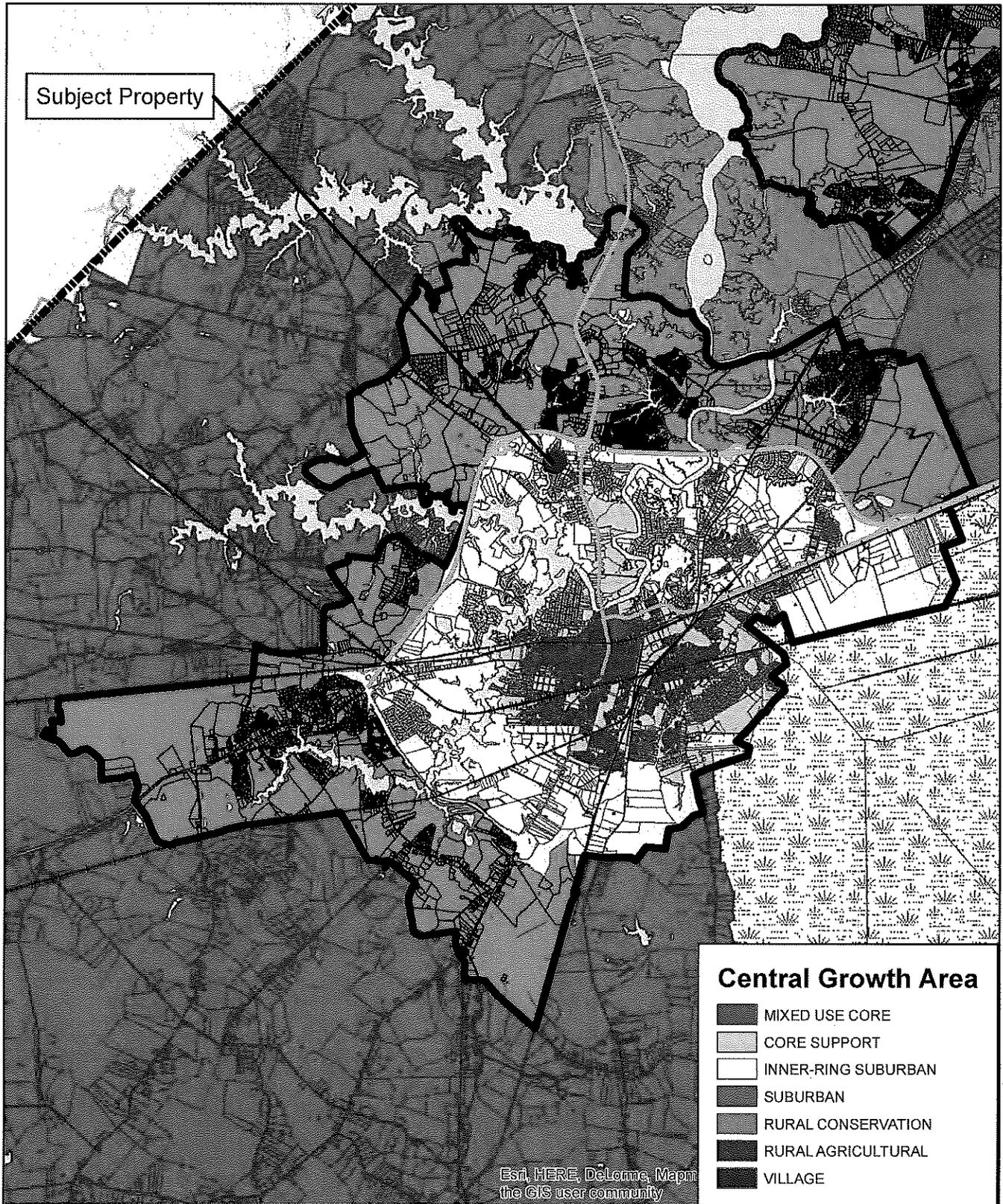
### Attachments

- 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



User Name: bsmith  
Date: 12/4/2019



# 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

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ESTABLISH A PLACE OF WORSHIP, SMALL, UNDER 6,000 SQUARE FEET IN THE MAIN SANCTUARY, 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 to 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.

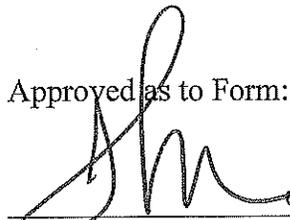
This ordinance shall be effective upon passage and shall not be published or codified. The conditional use authorized by this permit shall be implemented within two (2) years from the date of approval by the City Council and shall terminate if not initiated within that time period.

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

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

Erika Dawley, City Clerk

Approved as to Form:



\_\_\_\_\_  
Helvi 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 IN  
THE MAIN SANCTUARY, 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.

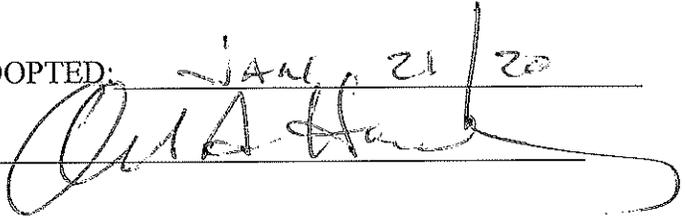
The Planning Commission recommends to City Council that the request, CUP2019-018, be:

- 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:

JAN 21 20

TESTE:

A handwritten signature in black ink, appearing to read "C. A. H...", written over a horizontal line.

**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".
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.

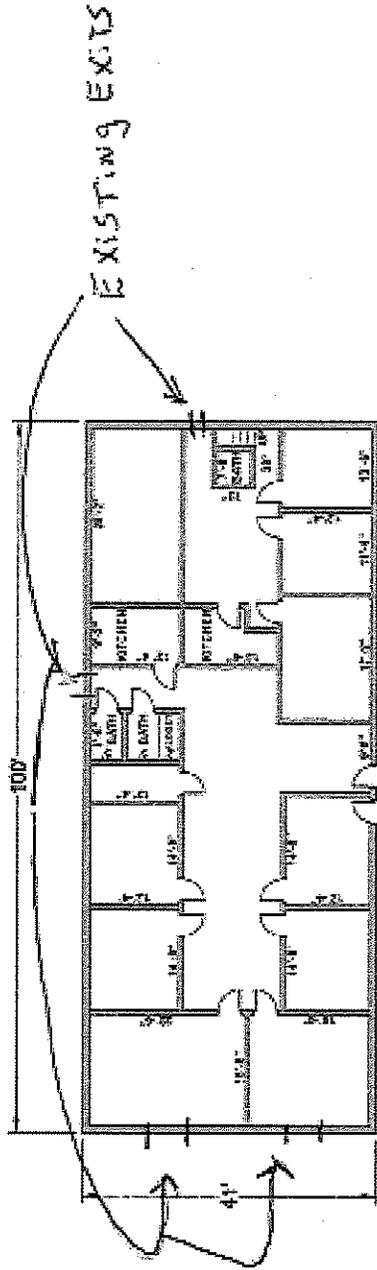


# PROPERTY MAP CUP2019-018

EXHIBIT B

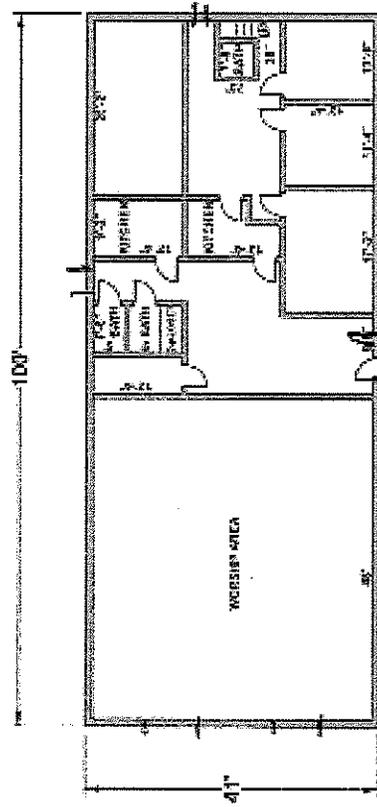


User Name: bsmith  
Date: 12/4/2019



2484 PRUDEN BOULEVARD  
EXISTING FLOOR PLAN

NOTE:  
DIMENSIONS ARE IN FEET AND INCHES TO WALL  
AND DO NOT INCLUDE WALL THICKNESS.



2484 PRUDEN BOULEVARD  
RENOVATED FLOOR PLAN

**AGENDA: February 19, 2020, Regular Session**

**ITEM: Public Hearing** – An ordinance to rezone and amend the official zoning map of the City of Suffolk to change the zoning from 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)

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.

The Planning Commission, at their meeting of January 21, 2020, voted 8 to 0 to approve a resolution recommending **approval** of this request with conditions.

**ATTACHMENTS:**

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

# 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, 2020, and February 14, 2020.

**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: Asses 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.

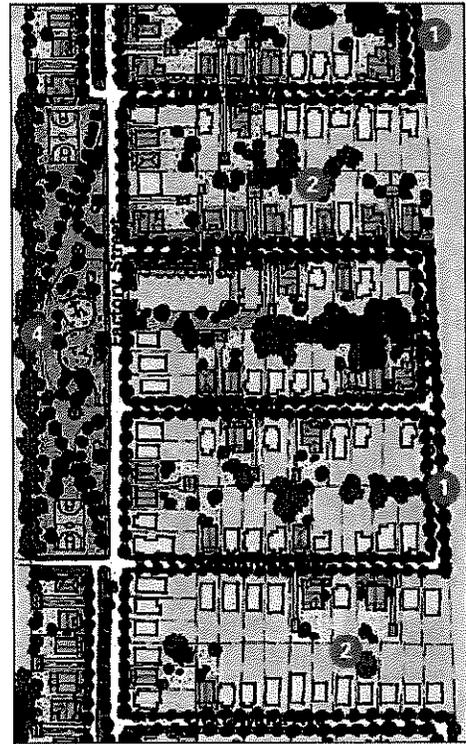
**Policy 6-1: Encourage development of a balanced and diverse housing stock throughout the City.**

- *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 following voluntary proffers (received on December 27, 2019) were considered by the Suffolk Planning Commission at their meeting of January 21, 2020, and were recommended for approval. (Please note the Real Estate Assessor’s assigned account numbers are used 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.

After the Planning Commission meeting held on January 21, 2020, on January 22, 2020, the applicant decided to revise their proffers in advance of the City Council meeting. The revisions to the proffers are underlined below to identify the changes that were made.

1. The property owner proffers that no more than twenty-three single family detached homes shall be constructed on Parcels 35H(3)X14 and 35HX\*14A and that each single family detached dwelling shall be constructed on a crawl space or eighteen (18") inch raised slab with at least 1,600 square feet of heated living space, 25 year architectural shingles, aluminum guttering and energy efficient windows. Available exterior materials shall include beaded vinyl siding, 0.046 vinyl clapboard siding, vinyl shake, board and batton and architectural trim. Optional partial stone or brick veneer will be offered on front elevations. Each home shall have an exterior overhanging covering for its front door. No adjacent home or home across the street from one another shall have the same color scheme and elevation.
2. The property owner proffers that no more than 17,000 Sq. Ft. of commercial space shall be constructed on Parcel 35H(3)X17.

## **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.

The Planning Commission, at their meeting of January 21, 2020, voted 8 to 0 to approve a resolution recommending **approval** of this request with the original proffers received on December 27, 2019, provided on the previous page.

## Attachments

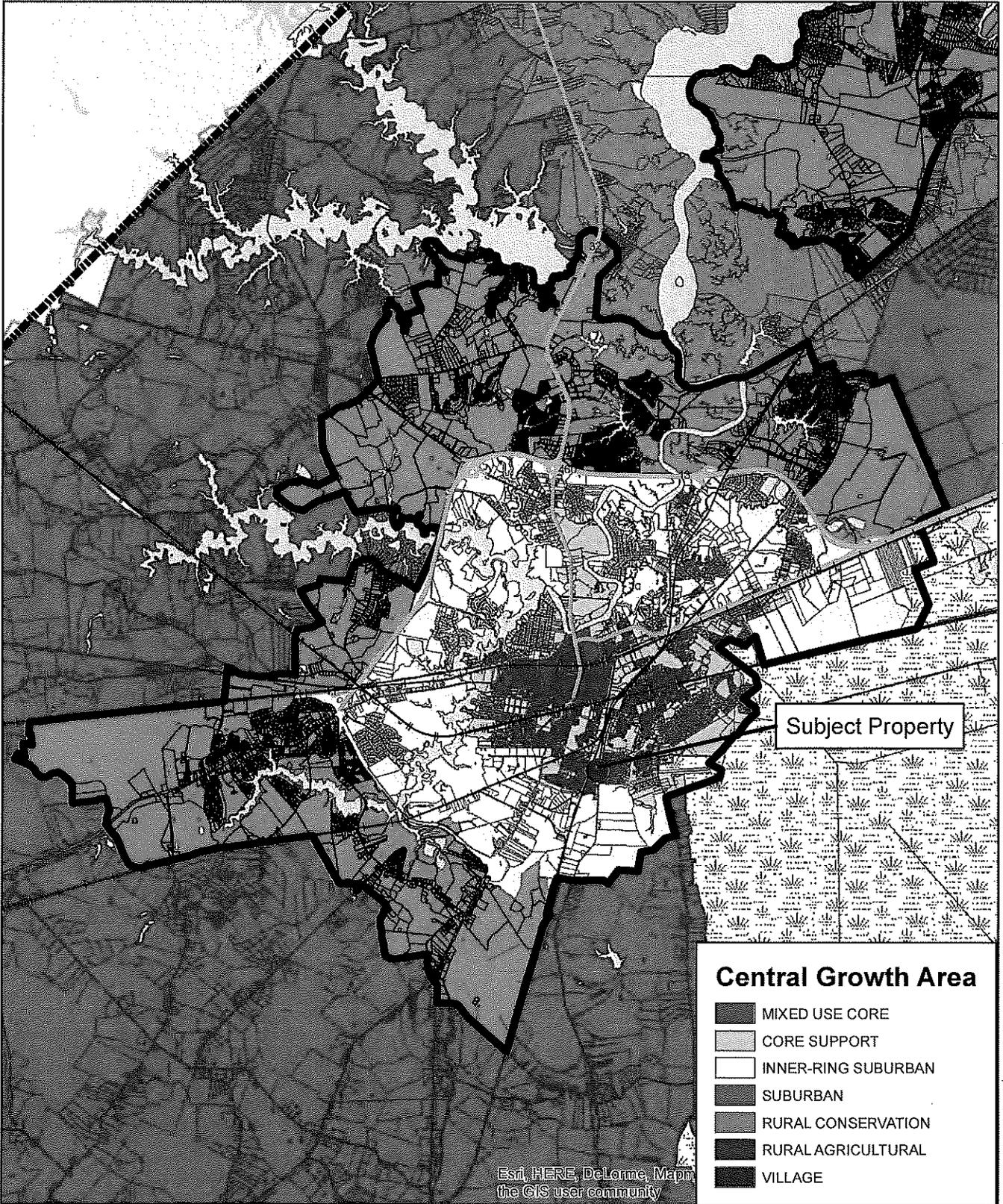
- General Location Map
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- Narrative
- Conceptual Layout
- Proposed Ordinance
- Exhibit A – Planning Commission Recommendation
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- Exhibit D – Rezoning Exhibit and Surveys



# GENERAL LOCATION MAP

## RZN2019-012

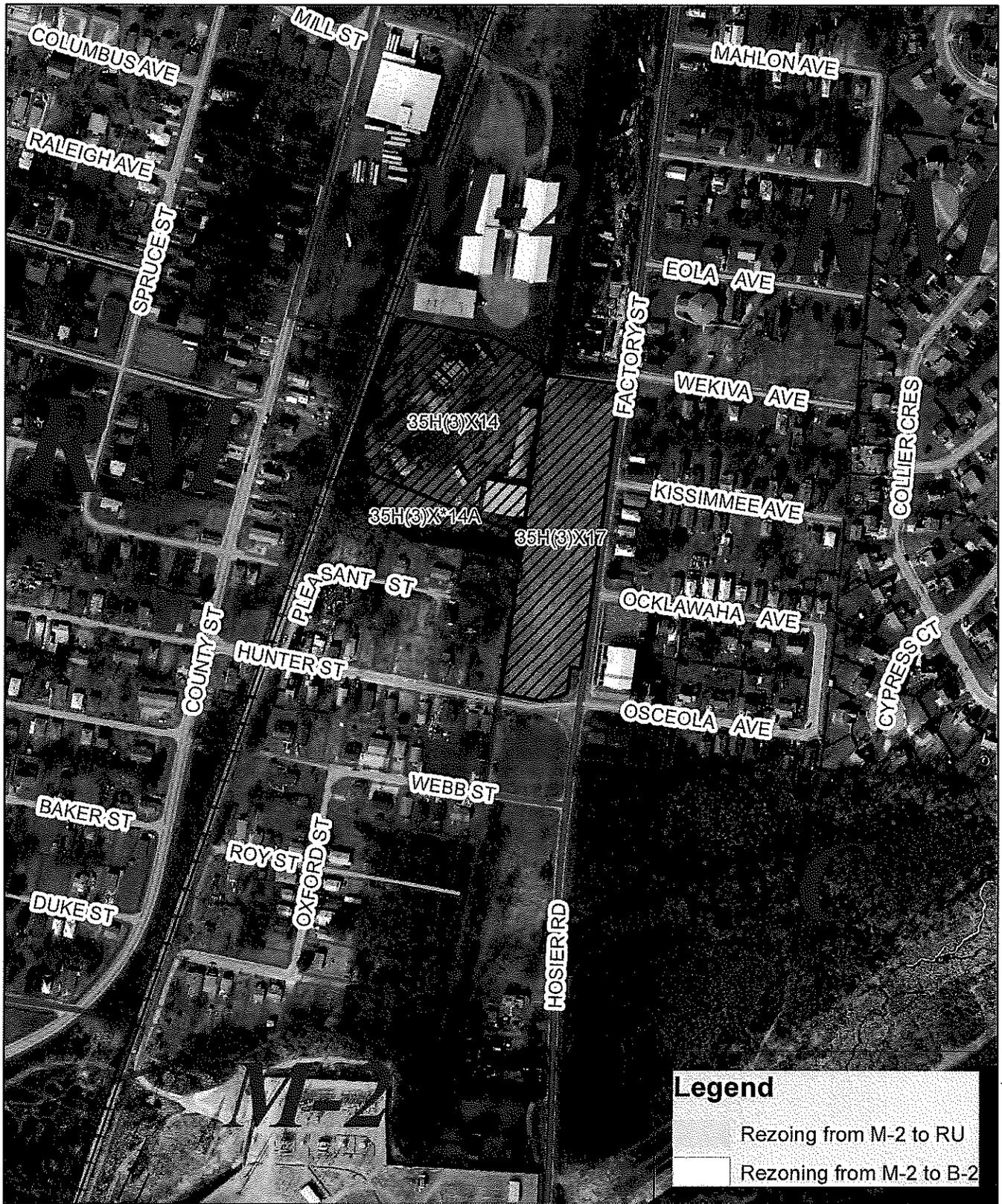


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Date: 12/4/2019



# ZONING / LAND USE MAP

## RZN2019-012



User Name: bsmith  
Date: 12/6/2019

RECEIVED

NOV 27 REC'D

Narrative

DI ANNINO

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 bears 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.

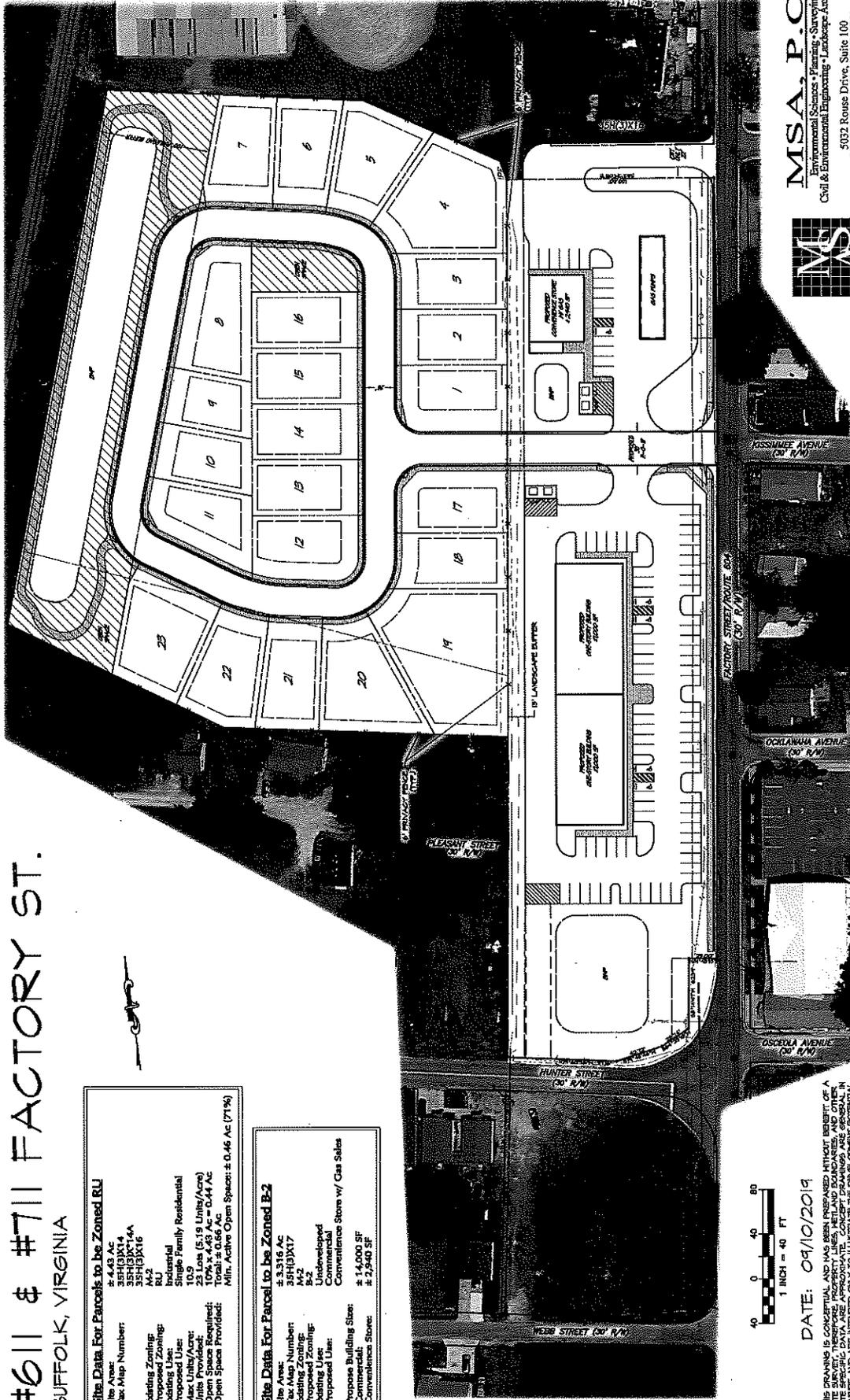
CONCEPTUAL SITE LAYOUT PLAN OF  
**#611 & #711 FACTORY ST.**  
 SUFFOLK, VIRGINIA

**Site Data For Parcels to be Zoned R-U**

Site Area:	± 4.43 Ac
Site Map Number:	38H13K14 38H13K14A 38H13K16
Existing Zoning:	M-2
Proposed Zoning:	R-U
Building User:	Single Family Residential
Proposed Use:	10% Single Family Residential
Units Provided:	23 Units (5.19 Units/Acre)
Open Space Provided:	10% x 4.43 Ac = 0.44 Ac
	Total ± 0.66 Ac
	Min. Active Open Space: ± 0.46 Ac (71%)

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

Site Area:	± 2.540 Ac
Site Map Number:	38H13K17
Existing Zoning:	M-2
Proposed Zoning:	B-2
Building User:	Undeveloped
Proposed Use:	Convenience Store w/ Gas Sales
Propose Building Size:	± 14,000 SF
Commercial:	± 2,540 SF
Convenience Store:	



DATE: 09/10/2019

THIS DRAWING IS CONCEPTUAL AND HAS BEEN PREPARED WITHOUT BENEFIT OF A SITE SURVEY. THEREFORE, PROPERTY LINES, AFTLAND BOUNDARIES, AND OTHER INFORMATION SHOWN HEREON 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 LEGAL TRANSACTION.



**MSA, P.C.**  
 Environmental Sciences • Planning • Surveying  
 Civil & Environmental Engineering • Landscape Architecture  
 5832 Rouse Drive, Suite 100  
 Virginia Beach, VA 23462-3764  
 757-460-9741 | www.msaonline.com  
 MSA P&L #5252

**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 and Surveys", 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:

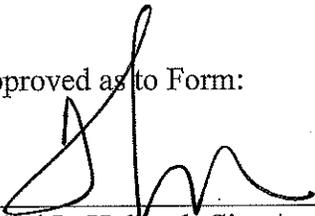
  
\_\_\_\_\_  
Helivi L. Holland, City Attorney

EXHIBIT "A"

RESOLUTION NO. 20-01-01

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.

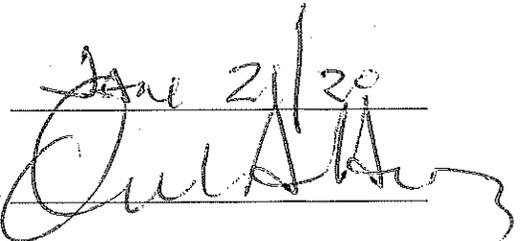
Section 2. Recommendation to Council.

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:

Jan 21/20  


**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.

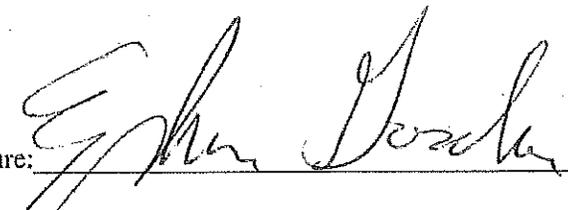
The following conditions (add additional sheets if necessary) are voluntarily proffered for the reclassification of property identified as Tax Map Number(s) 1. 35H(3)X14, 35H(3)X\*14A & 2. 35H(3)X17,  
Block Number \_\_\_\_\_, Parcel Number(s) \_\_\_\_\_.

1. The Property owner proffers that no more than Twenty- three single family detached homes shall be constructed on Parcels 35H (3)X14 and 35HX\*14A and that each single-family detached dwelling shall be constructed on a crawl space or eighteen (18") inch raised slab with at least 1,600 square feet of heated living space, 25-year architectural shingles, aluminum guttering and energy efficient windows. Available exterior materials shall include beaded vinyl siding, 0.046 vinyl clapboard siding, vinyl shake, board and batton and architectural vinyl trim. Optional partial stone or brick veneer will be offered on front elevations. Each home shall have an exterior overhanging covering for its front door. No adjacent home or home across the street from one another shall have the same color scheme and elevation.
2. The property owner proffers that no more than 17,000 Sq. Ft. of commercial space shall be constructed on Parcel 35H (3)X17.

RECEIVED

JAN 22 REC'D

PLANNING

Applicant Signature: 

Date: 1/21/2020

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

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

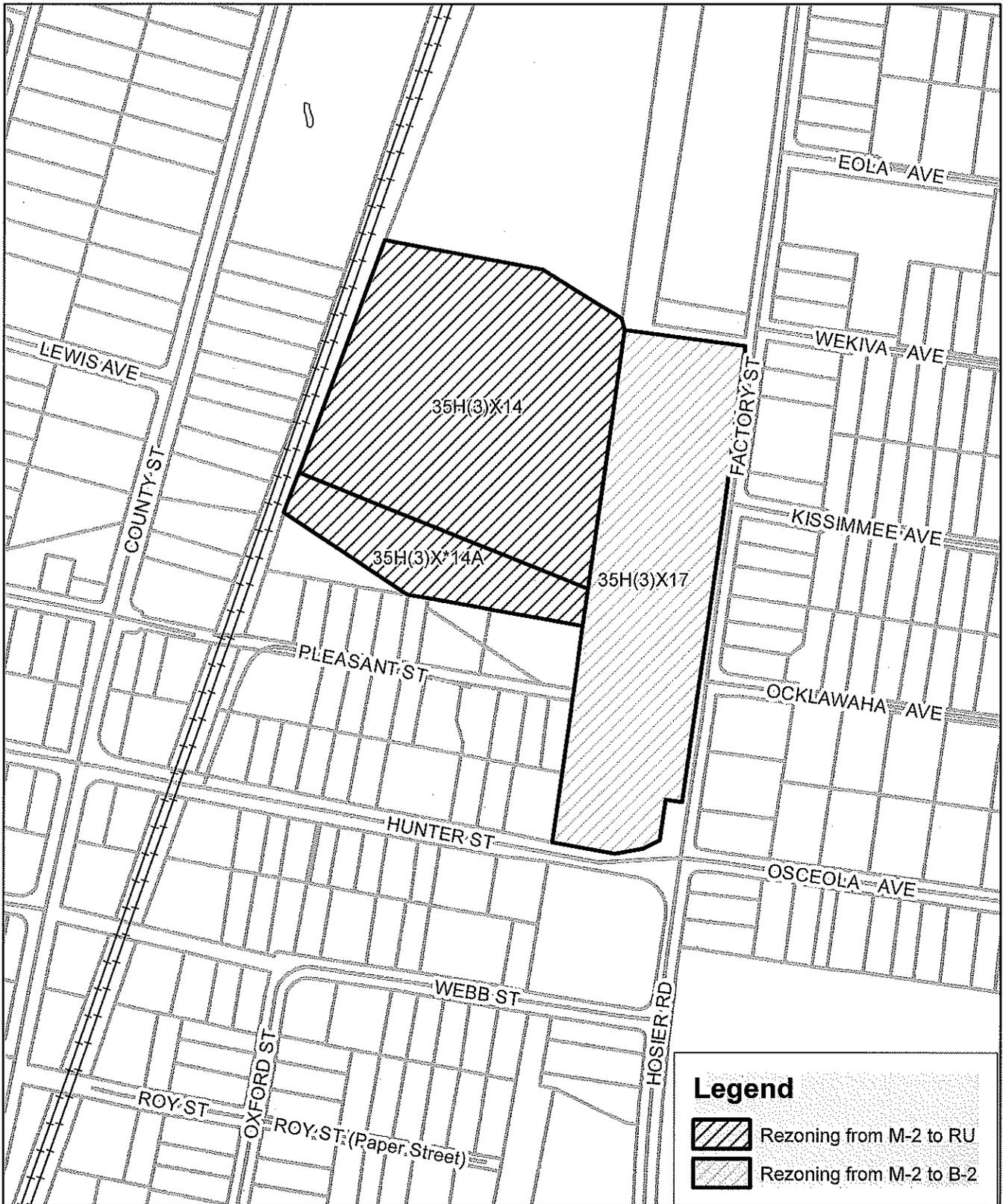
Property Owner Signature: \_\_\_\_\_

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



# PROPERTY MAP RZN2019-012

EXHIBIT C



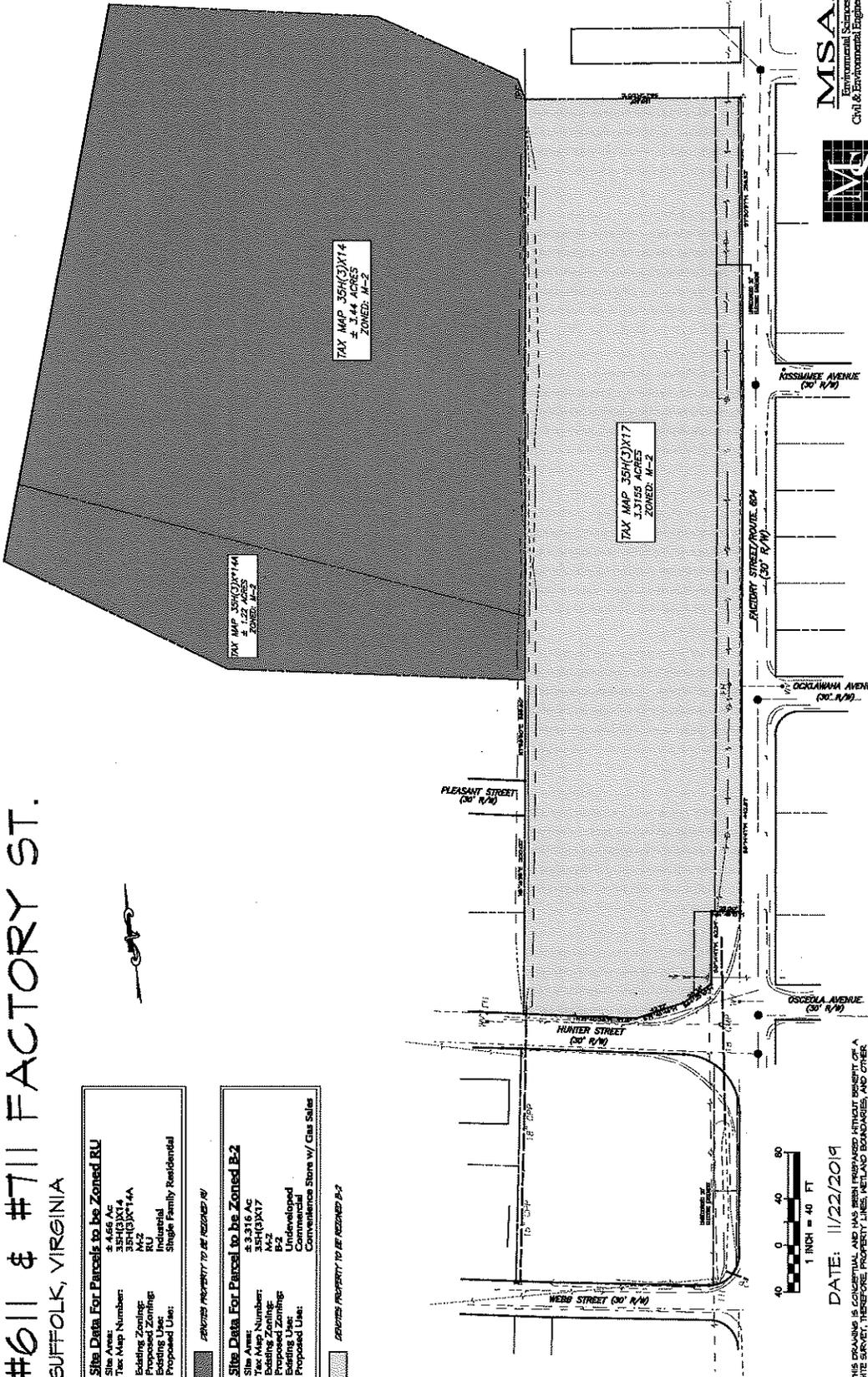
User Name: bsmith  
Date: 12/23/2019

REZONING PLAN OF  
**#611 & #711 FACTORY ST.**  
 SUFFOLK, VIRGINIA

**Site Data For Parcels to be Zoned R.U.**  
 Site Area: 3.316 Ac  
 Tax Map Number: 35H(3)X14  
 Existing Zoning: M-2  
 Proposed Zoning: Industrial  
 Proposed Use: Single Family Residential

**Site Data For Parcel to be Zoned B-2**  
 Site Area: 3.316 Ac  
 Tax Map Number: 35H(3)X17  
 Existing Zoning: B-2  
 Proposed Zoning: Undeveloped  
 Proposed Use: Commercial  
 Conventional Store w/ Gas Sales

SHaded PROPERTY TO BE REZONED R.U.  
 UNShaded PROPERTY TO BE REZONED B-2



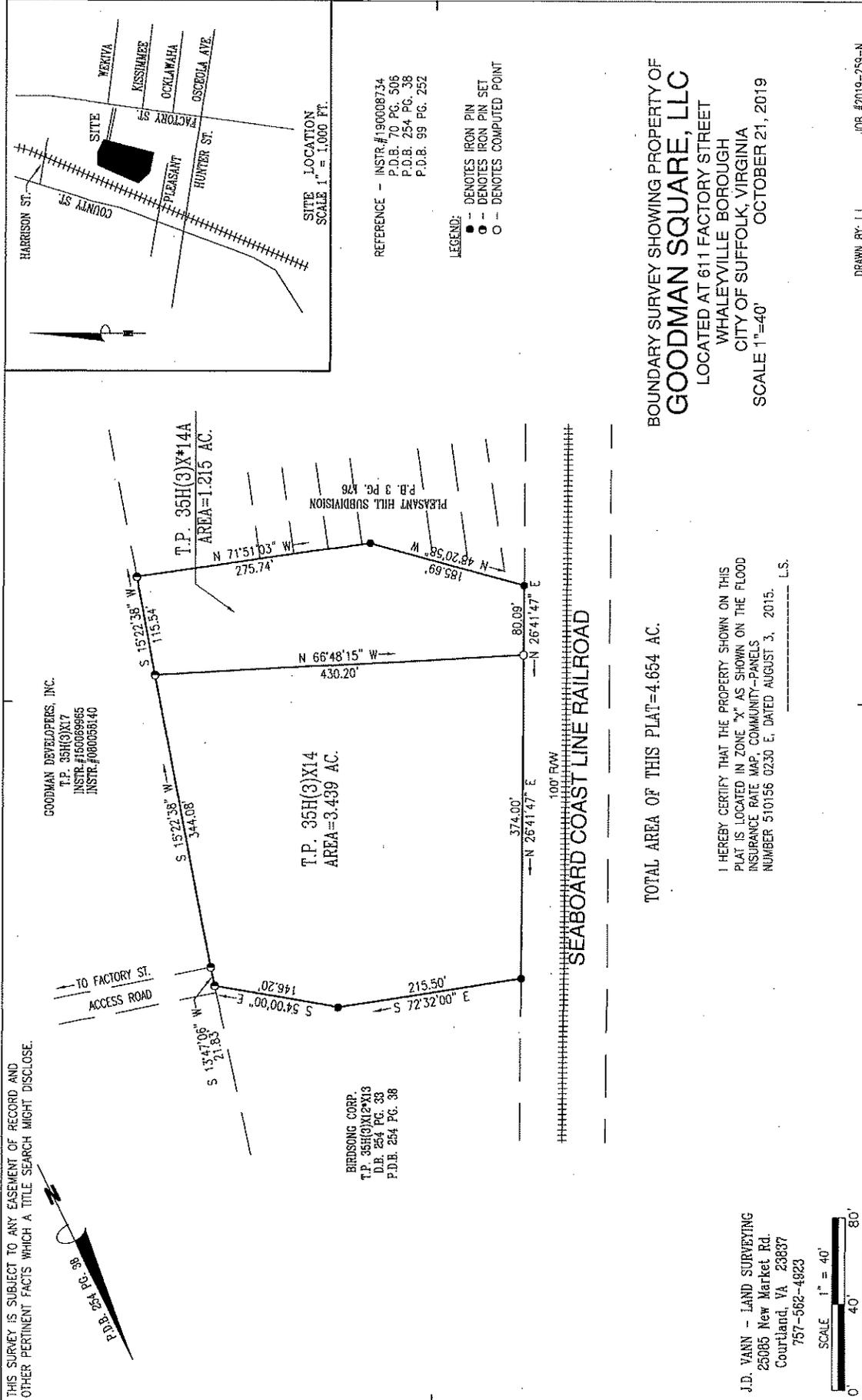
0 40 80  
 1 INCH = 40 FT

DATE: 11/22/2019

THIS DRAWING IS PRELIMINARY AND HAS BEEN PREPARED WITHOUT REGARD FOR THE ACCURACY OF THE DATA. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL DATA. THE DRAWING IS FOR INFORMATIONAL PURPOSES ONLY AND 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.mstonline.com  
 MSA 05231 05/2019



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

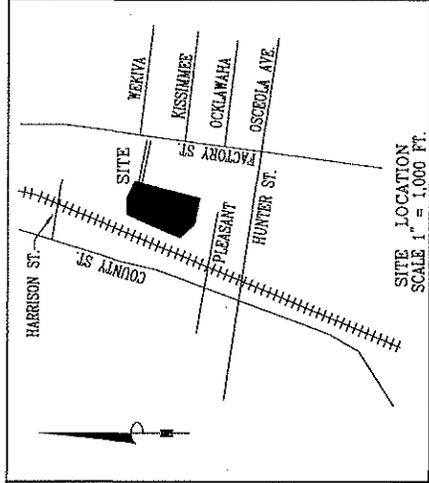
GOODMAN DEVELOPERS, INC.  
T.P. 35H(3)X17  
INSTR.#15008965  
INSTR.#080058140

BIRDSONG CORP.  
T.P. 35H(3)X12X13  
D.B. 254 PG. 33  
P.D.B. 254 PG. 38

T.P. 35H(3)X14  
AREA=3.439 AC.

T.P. 35H(3)X14A  
AREA=1.215 AC.

P.B. 3 PG. 176  
PLEASANT HILL SUBDIVISION



SITE LOCATION  
SCALE 1" = 1,000 FT.

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

TOTAL AREA OF THIS PLAT=4.654 AC.

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

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.

J.D. VANN - LAND SURVEYING  
25085 New Market Rd.  
Courtland, VA 23837  
757-562-4823



DRAWN BY: LL  
JOB #2019-259-N

CURVE DATA			
Curve #	Length	Stationing	Remarks
1	100.00	1+00.00 TO 1+100.00	100' CURVE
2	100.00	1+100.00 TO 1+200.00	100' CURVE
3	100.00	1+200.00 TO 1+300.00	100' CURVE
4	100.00	1+300.00 TO 1+400.00	100' CURVE

THE PROPERTY SHOWN ON THIS PLAN APPEARS TO BE LOCATED IN ZONE 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.



THESE DIMENSIONS SHOW THE PROPERTY AND ARE BASED ON THE VIRGINIA STATE PLAT MAP AND THE VIRGINIA STATE PLAT MAP AND IS TO BE USED FOR ALL PURPOSES.

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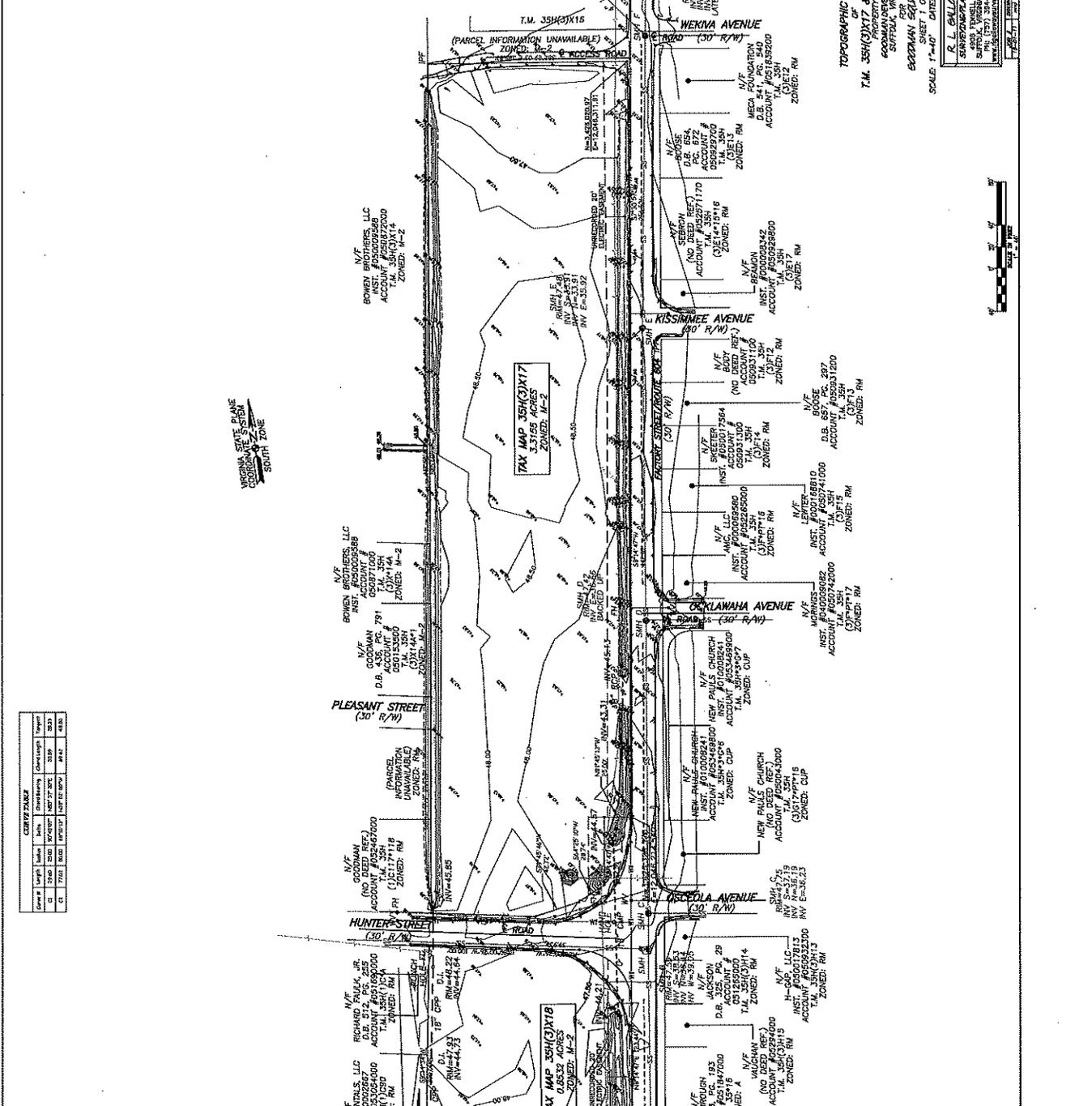
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TOPOGRAPHIC SURVEY  
 OF  
 T.M. 35H(3)X17 & 35H(3)X18  
 GOODMAN DELAPERS  
 SUFFOLK, VIRGINIA  
 6022MAN SQUARE, LLC  
 SHEET 1 OF 1  
 SCALE: 1"=40' DATE: APRIL 5, 2016  
 P. L. SHILTON  
 SURVEYOR  
 4800 FENCE LINE  
 SUFFOLK, VIRGINIA  
 P.O. BOX 304  
 SUFFOLK, VIRGINIA 23060-0304  
 WWW.PLSURVEYING.COM



**AGENDA: February 19, 2020, Regular Session**

**ITEM: Ordinance** – An ordinance to rezone and amend the official zoning map of the City of Suffolk in order to amend the previously approved proffered conditions of Bennett’s Creek Quarter residential development for properties located at 3347 Bridge Road, Zoning Map 12, Parcel 32; RZN2020-001 (Conditional)

Attached for your consideration is an ordinance amending the approved proffered conditions for the Bennetts Creek Quarter residential development. In particular, the applicant is requesting to add a new proffer relating to roadway access to the site. Specifically, this new proffer would create an interim condition that will allow for access provided by an improved Laycock Lane from Shoulders Hill Road, to be constructed at 60’ wide initially, as opposed to 90’ as originally proposed in the Traffic Impact Analysis approved with the rezoning. Prior to the issuance of a certificate of occupancy for the 146<sup>th</sup> unit, the ultimate condition (90’ wide) must be constructed or additional secondary roadway access must be built that provides direct access to Shoulders Hill Road. A Lane Sensitivity Analysis was provided supporting this proffer amendment and was reviewed and accepted by the Department of Public Works, Traffic Engineering Division. As such, staff has no objections to the request.

In accordance with the Code of Virginia and Section 31-305(b) (3) of the Unified Development Ordinance, where an amendment to proffered conditions is requested by the profferer, and where such amendment does not affect conditions of use or density, such requests shall be forwarded directly to City Council initially for consideration without a public hearing. Once so amended, the proffered conditions shall continue to be an amendment to the zoning ordinance provisions of the Unified Development Ordinance and may be enforced by the Zoning Administrator pursuant to the applicable provisions of the Code of Virginia (Section 15.2-2200, et. seq.)

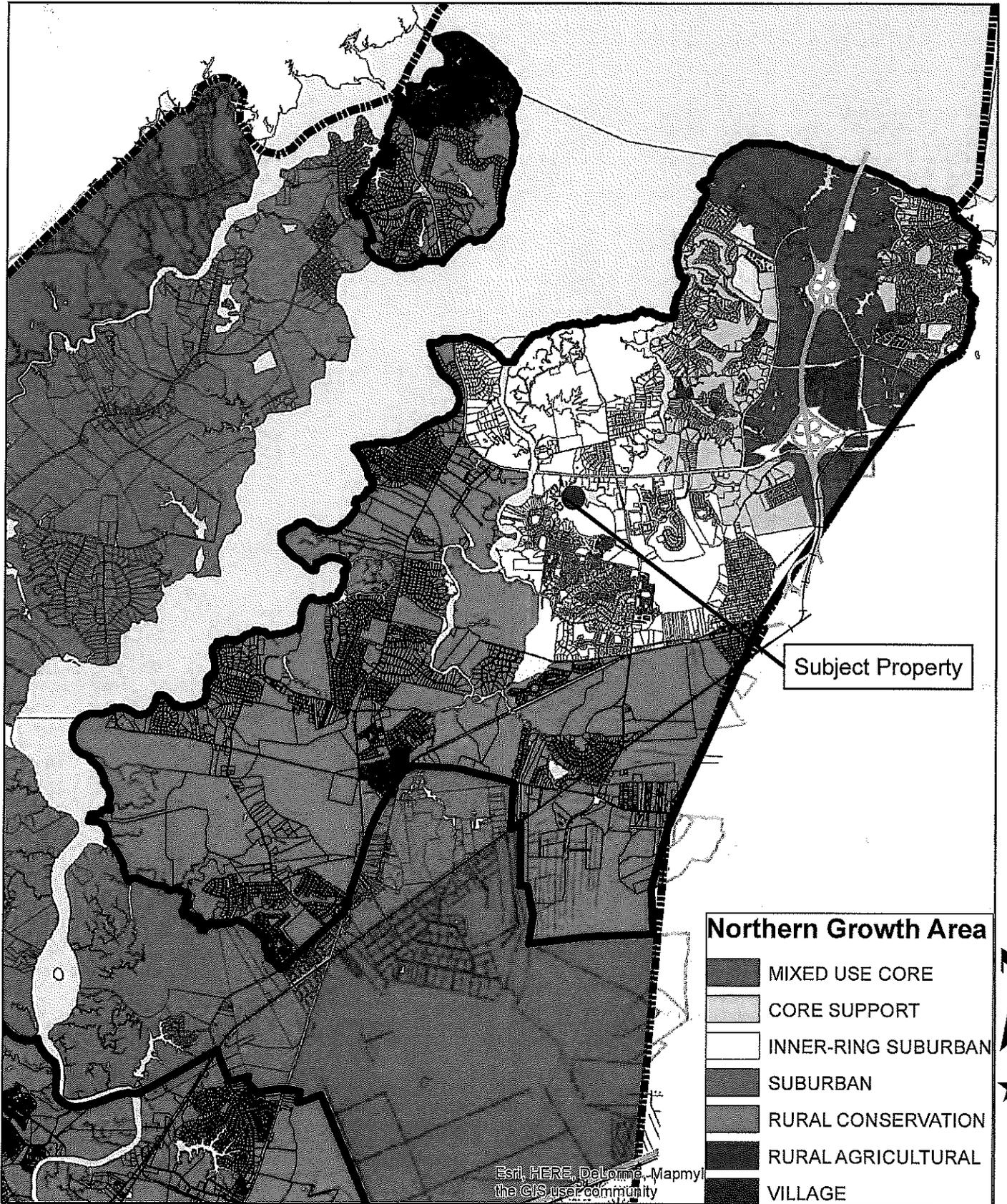
**ATTACHMENTS:**

- General Location Map
- Zoning/Land Use Map
- Applicant’s Narrative
- Laycock Lane Exhibit
- Existing Ordinance Number 18-O-050
- Proposed Ordinance
- Exhibit A- Property Map
- Exhibit B – Bennett’s Creek Quarter Rezoning Proffers



# GENERAL LOCATION MAP

## RZN2020-001





# ZONING / LAND USE MAP

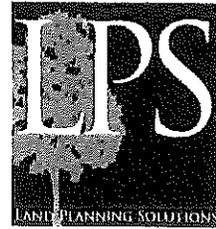
## RZN2020-001



Subject Property

User Name: bsmith  
Date: 1/7/2020

Amend Proffers. Modification to the required right-of-way width and road design and improvements. Zoned RU



5857 Harbour View Boulevard, Suite 202  
Suffolk, Virginia 23435  
O. 757.935.9014 F. 757.935.9015  
www.landplanningsolutions.com

December 30, 2019

Planning Department  
442 West Washington Street  
Suffolk, VA 23439  
(757) 514-4060

**Re: Modification to Rezoning Application RZC2017-002**

**BENNETT'S CREEK QUARTER**

Enclosed please find the Rezoning Modification Application for Bennett's Creek Quarter consisting of the following:

- (1) Signed revised application and proffer statement
- (1) Narrative description of rezoning modification (below)
- (3) Traffic Impact Memo, McPherson Consulting, dated 12/12/19
- (3) Graphic depiction of temporary request

Bennett's Creek Quarter was recently approved for rezoning from RR to RU. Since the approval of the rezoning, and commencement of construction we would like to ask for a temporary condition as we move forward with construction through the first phase of development.

To access our site, we will need to improve Laycock Lane. Laycock Lane, as you know, is offsite, the property owner is HH Hunt. The ultimate designed condition for Laycock Lane is a 90' Right of Way, per the Bryant Goodloe, approved and proffered Traffic Impact Analysis. Both HH Hunt and Napolitano Homes have signed the attached application and are making this request for a temporary condition.

This application is to introduce an additional proffer. We would like to request a temporary condition for Laycock Lane for the construction of Bennett's Creek Quarter, to be a temporary 60' Right of Way. We have submitted a Traffic Impact Memo that has been reviewed by City of Suffolk Traffic Engineering Department for review and approval along with this application.

Please feel free to contact me with any questions or concerns.

Melissa Venable  
Land Planning Solutions, LC

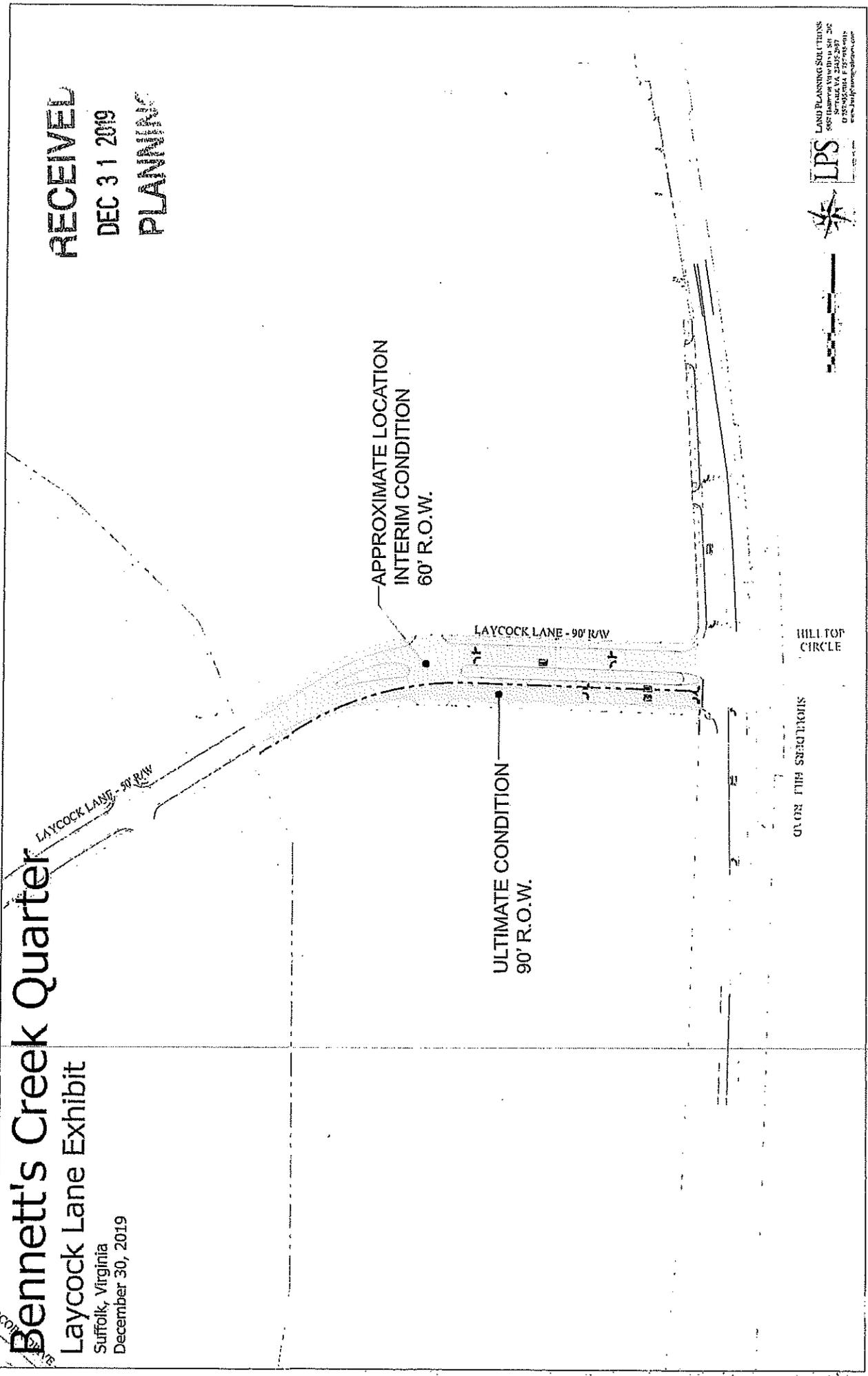
**RECEIVED**  
**DEC 31 2019**  
**PLANNING**

# Bennett's Creek Quarter

## Laycock Lane Exhibit

Suffolk, Virginia  
December 30, 2019

RECEIVED  
DEC 31 2019  
PLANNING



LAND PLANNING SOLUTIONS  
665 Hampton Highway, 5th Fl.  
Norfolk, VA 23510-2897  
Tel: 757/627-1100  
Fax: 757/627-1101  
www.lpsva.com



**ORDINANCE NUMBER 18-O-050**

**AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK IN ORDER TO AMEND THE PREVIOUSLY APPROVED PROFFERED CONDITIONS OF BENNETT'S CREEK QUARTER RESIDENTIAL DEVELOPMENT FOR PROPERTIES LOCATED AT 3347 BRIDGE ROAD, ZONING MAP 12, PARCEL 32; RZN2018-004 (CONDITIONAL)**

WHEREAS, John Napolitano on behalf of Bennetts Creek Quarter, LLC, applicant and property owner, has requested the amendment of the proffered condition pertaining to rezoning request RZC2017-002 (Conditional) of a certain tract of land situated in the City of Suffolk, Virginia, which land is designated on the Zoning Map of the City of Suffolk, Virginia, as Zoning Map 12 Parcel 32, which land is depicted on Exhibit "A"; and

WHEREAS, the proposed amendments to the proffered condition is made pursuant to Section 15.2-2302 of the Code of Virginia and Section 31-305(b)(3) of the Unified Development Ordinance.

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

**Section 1. Exhibits.**

Exhibit "A", "Property Map" and Exhibit "B" "Proffered Conditions", which are attached hereto, are hereby incorporated as part of this ordinance.

**Section 2. Findings.**

A. Council finds that the proposed rezoning amendment 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 amendment does not conflict with:

1. the existing use and character of property within the City;
2. the Comprehensive Plan;
3. the suitability of the property for various uses;
4. the trends of growth or change;
5. the current or future requirements of the community as to land for various purposes as determined by the population and economic studies and other studies;
6. the transportation requirements of the community;

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

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

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

Section 3. Rezoning.

- A. The conditions proffered in the attached Exhibit "B", as amended be, and they are hereby, accepted.

Section 4. Recordation.

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

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

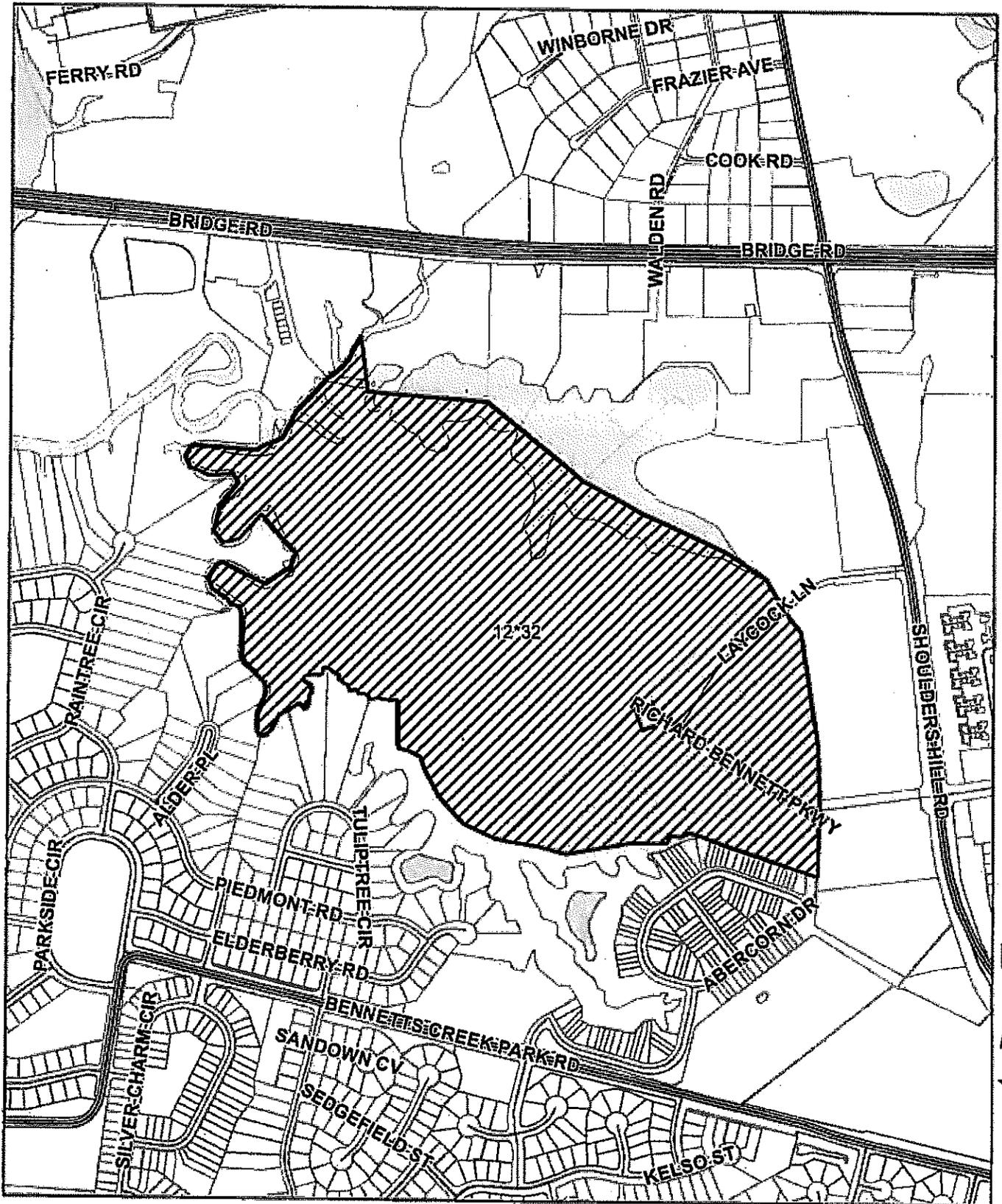
READ AND PASSED: MAY 16, 2018

TESTE: *Erika S. Dawley*  
Erika S. Dawley, MMC, City Clerk



# PROPERTY MAP RZN2018-004

EXHIBIT A



User Name: bsmith  
Date: 5/8/2018

**EXHIBIT B**

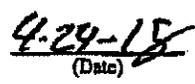
I hereby voluntarily proffer that the development of the property owned by me proposed for reclassification under this application shall be in strict accordance with the conditions set forth below.

The following conditions (add additional sheets if necessary) are voluntarily proffered for the reclassification of property identified as Tax Map 12, Block \_\_\_\_\_, Parcel Number 32:

Signed:

  
\_\_\_\_\_  
(Applicant)

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

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

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

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

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

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

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

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

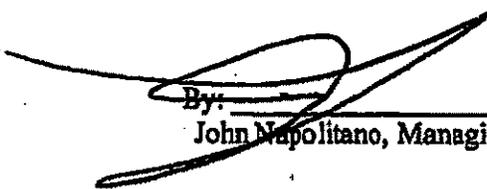
**Bennett's Creek Quarter Rezoning Proffers  
Exhibit B**

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

The following conditions are voluntarily proffered for the reclassification of property identified as Zoning Map 12, Parcel, 32.

1. Refer to all improvements recommended within the submitted and approved Traffic Impact Analysis, Bryant. B. Goodloe P.C. for Bennett's Creek Quarter Rezoning Application.
2. Per the Unified Development Ordinance all projects shall meet level of service. Therefore, after the buildout and completion of 68 single family units, currently by-right or the equivalent 111 townhome or attached condominium style units are built, no additional units shall be constructed until adequate capacity becomes available at the intersection of Bridge Road and Shoulders Hill Road.
3. At the time of building permits for the 69<sup>th</sup> unit; the developer will make a cash contribution to the City of Suffolk to advance capacity for additional students at the high school level. This contribution will be based on the number of students generated by the additional number of units shown on the approved development plan, under the guidelines outlined in Section 31-601 of the Unified Development Ordinance, as amended, multiplied by \$28,679.65 for each student. This contribution will be made upon issuance of the occupancy permit for each dwelling unit.
- ~~4. At the time of building permit for the 69<sup>th</sup> unit; the developer will make a cash contribution to the City of Suffolk to advance capacity for additional students at the elementary school level. This contribution will be based on the number of students generated by the additional number of units shown on the approved development plan under the guidelines outlined in Section 31-601 of the Unified Development Ordinance, as amended, multiplied by \$16,494.95 for each student. This contribution will be made upon issuance of the occupancy permit for each dwelling unit.~~

Napolitano Homes

  
By: \_\_\_\_\_

John Napolitano, Managing Member

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

**AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK IN ORDER TO AMEND THE PREVIOUSLY APPROVED PROFFERED CONDITIONS OF BENNETT'S CREEK QUARTER RESIDENTIAL DEVELOPMENT FOR PROPERTIES LOCATED AT 3347 BRIDGE ROAD, ZONING MAP 12, PARCEL 32; RZN2020-001 (CONDITIONAL)**

WHEREAS, John Napolitano on behalf of Bennetts Creek Quarter, LLC, applicant and property owner, has requested the amendment of the proffered condition pertaining to rezoning request RZC2017-002 (Conditional) and as amended by RZN2018-004 (Conditional) of a certain tract of land situated in the City of Suffolk, Virginia, which land is designated on the Zoning Map of the City of Suffolk, Virginia, as Zoning Map 12 Parcel 32, which land is depicted on Exhibit "A"; and,

WHEREAS, the proposed amendments to the proffered condition is made pursuant to Section 15.2-2302 of the Code of Virginia and Section 31-305(b)(3) of the Unified Development Ordinance.

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

Section 1. Exhibits.

Exhibit "A", "Property Map" and Exhibit "B" "Bennett's Creek Quarter Rezoning Proffers", which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings.

A. Council finds that the proposed rezoning amendment 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 amendment does not conflict with:

1. the existing use and character of property within the City;
2. the Comprehensive Plan;
3. the suitability of the property for various uses;
4. the trends of growth or change;
5. the current or future requirements of the community as to land for various purposes as determined by the population and economic studies

and other studies;

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

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

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

Section 3. Rezoning.

A. The conditions proffered in the attached Exhibit "B", as amended be, and they are hereby, accepted.

Section 4. Recordation.

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

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

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

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

Erika S. Dawley, City Clerk

Approved as to Form:

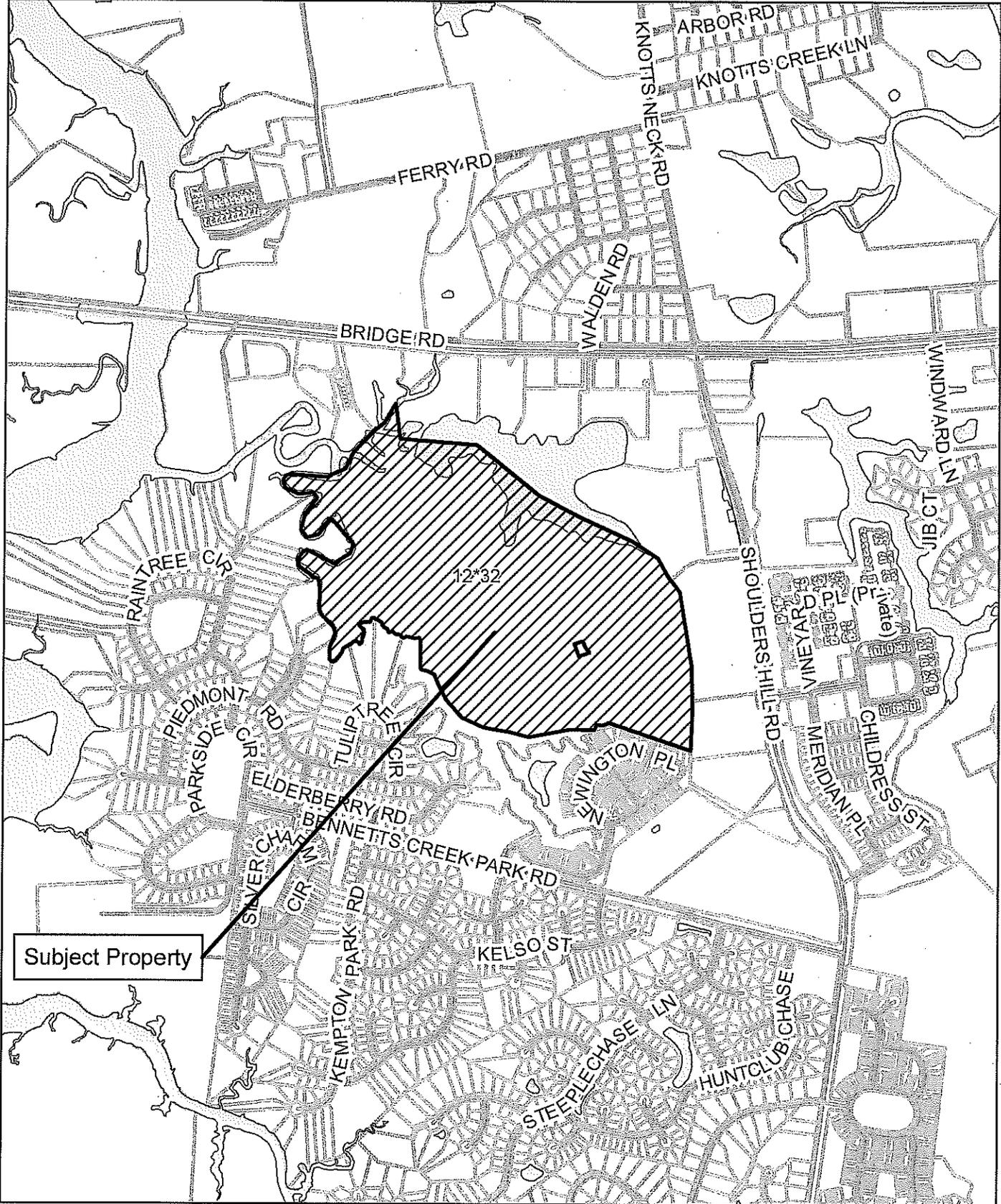
A handwritten signature in black ink, appearing to be 'HLH', written over a horizontal line.

Helivi L. Holland, City Attorney



# PROPERTY MAP RZN2020-001

EXHIBIT A



**Bennett's Creek Quarter Rezoning Proffers  
Exhibit B**

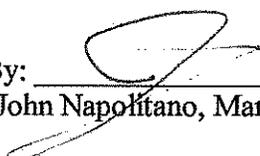
I hereby voluntarily proffer that the development of the property owned by me proposed for reclassification under this application shall be in strict accordance with the conditions set forth below.

The following conditions are voluntarily proffered for the reclassification of property identified as Zoning Map 12, Parcel, 32.

1. Refer to all improvements recommended within the submitted and approved Traffic Impact Analysis, Bryant. B. Goodloe P.C. for Bennett's Creek Quarter Rezoning Application.
2. A Laycock Lane Sensitivity Analysis, from Karen McPherson, P.E., dated December 12, 2019, has been submitted and approved. This will create an interim condition for Laycock Lane roadway access. This condition will be updated to the ultimate condition prior to the certificate of occupancy for the 146<sup>th</sup> units. The ultimate condition shall be that referenced in the Traffic Impact Analysis, see condition one (1) above, or alternatively, when a secondary roadway is built that provides direct access from Shoulder's Hill Road to Bennett's Creek Quarter development.
3. Per the Unified Development Ordinance all projects shall meet level of service. Therefore, after the buildout and completion of 68 single family units, currently by-right or the equivalent 111 townhome or attached condominium style units are built, no additional units shall be constructed until adequate capacity becomes available at the intersection of Bridge Road and Shoulders Hill Road.
4. At the time of building permits for the 69<sup>th</sup> unit; the developer will make a cash contribution to the City of Suffolk to advance capacity for additional students at the high school level. This contribution will be based on the number of students generated by the additional number of units shown on the approved development plan, under the guidelines outlined in Section 31-601 of the Unified Development Ordinance, as amended, multiplied by \$28,679.65 for each student. This contribution, (\$2,832.56 per unit) will be made upon issuance of the occupancy permit for each dwelling unit.

Napolitano Homes

**RECEIVED**  
FEB 06 2020  
**PLANNING**

By:   
John Napolitano, Managing Member

HHH Hunt Homes  
By:  2/4/20  
Steve Fritz  
President, HHH Hunt Homes

# **Resolutions**

# **Staff Reports**

**A motion to schedule a City Council Work  
Session for Wednesday, March, 4, 2020, at  
4:00 p.m., unless cancelled**

**AGENDA: February 19, 2020, Regular Session**

**ITEM: Motion** – A motion to schedule a public hearing on March 4, 2020, to consider the adoption of an ordinance authorizing the acquisition of right of way and easements for the Pruden Boulevard/Prudence Road Intersection Improvement Project

This purpose of this project is to provide left turn lanes along Pruden Boulevard to improve safety for turning vehicles at the Prudence Road intersection. Improvements will consist of pavement widening, raised median, curb and gutter improvements, and sidewalk improvements along Pruden Boulevard and Prudence Road. This project is being developed along the existing corridor, however, there will be right-of-way impacts to adjacent property owners.

Improvements to this intersection will improve the safety and efficiency of Suffolk's roadways.

**RECOMMENDATION:**

Approve the motion

## **Non-Agenda Speakers**

# **New Business**

# **Announcements and Comments**