

# STAFF REPORT

## DESCRIPTION

**REZONING REQUEST:** Rezoning Request, RZN2022-007 (Conditional), Ellis Farm, a request

to change the zoning from A, Agricultural zoning district, to RLM, Residential Low–Medium Density zoning district (Conditional), for property located at 494 Manning Road, Zoning Map 33, Parcels 75 and 75A.

**APPLICANT:** Bob Arnette, Manning Road Development Group, LLC, applicant, on behalf of Coastal Virginia Partners, LLC, contract purchaser, on behalf of Ellis Freehold LLC, property owner.

**LOCATION:** The subject properties consist of T.M. 35\*75 and 35\*75A which are a combined size of approximately 114 acres. The properties are located on Manning Road approximately onehalf mile south of the intersection of Manning Road and Holland Road (Route 58) business corridor.

**PRESENT ZONING:** T.M. 35\*75 and T.M. 35\*75A are currently zoned A, Agricultural zoning district.

**EXISTING LAND USE:** The property is presently vacant and comprised of fields and forested lands.

**PROPOSED LAND USE:** The applicant proposes to rezone the property from A, Agricultural zoning district to RLM, Residential Low-Medium Density zoning district (Conditional), for the purpose of developing a single-family detached development. The applicant has voluntarily proffered a maximum of 300 single-family detached units.

## SURROUNDING LAND USES:

North – Speights Run Reservoir

South – Single-family detached homes, fields, and forested lands zoned A, Agricultural

East – Lake Speight Colony Neighborhood zoned RLM, Residential Low-Medium Density zoning district.

West – Springfield Neighborhood zoned RLM, Residential Low-Medium Density zoning district.

**COMPREHENSIVE PLAN:** The City’s 2035 Comprehensive Plan designates this area as part of the Central Growth Area, Suburban 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). The 100’ Resource Protection Area (RPA) buffer is also

present along the northeastern boundary of T.M. 33\*75.

**FLOOD PLAIN:** The property falls within Flood Zone A and Zone X, as shown on Panel 0210D

of the Flood Insurance Rate Map for the City of Suffolk, Virginia, Community No. 510156, dated

November 16, 2011.

Planning Commission

September 29/October 18, 2022

**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 September 16, 2022, and October 14, 2022.

**HISTORY:** The subject property is currently vacant. Tax Parcel 33\*75 was created circa 1877, as outlined in Nansemond County Deed Book 6, page 180. Tax Parcel 33\*75A was created circa 1943, as outlined in Nansemond County Deed Book 148C, Page 63.

#### **STAFF ANALYSIS**

##### **ISSUE**

The applicant proposes to conditionally rezone approximately 114 acres of property located at 494 Manning Road, Zoning Map 33, Parcels 75 and 75A, from the existing A, Agricultural zoning district, to the RLM, Residential Low-Medium Density district (Conditional). The purpose of the rezoning is to allow for a maximum of 300 single-family detached dwelling units for a gross density of roughly 2.8 dwelling units per acre rather than the existing density that is permitted of 1 unit per acre. ~~This site is situated approximately one-half mile south of the intersection of Wetlands were found to be located along the northeastern property line of Tax Parcel 33\*75 and found to extend down the center of the parcel, occupying approximately 8.5 acres of the site which reduces the potential number of units that could be realized. This site is situated approximately one-half mile south of the intersection of~~ Manning Road and Holland Road (Route 58) business corridor, with a portion of the parcel being bisected by a railroad. The provided conceptual layout does not show that there will be any development on the portion south of the railroad; however, both sections are included as part of this rezoning request.

##### **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. The applicant stated that this request aligns with the 2035 Comprehensive Plan as this site is located within the Suburban Use District within the Central Growth Area where single-family detached forms of development are encouraged where adequate public facilities are available.

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

According to the 2035 Comprehensive Plan, the subject property is located within the Central Growth Area, Suburban Use District. The Suburban Use District is intended to primarily be composed of traditional residential subdivisions. Single-family dwellings are the most common use found in this district. Neighborhoods should be designed with sidewalks and be pedestrian friendly at a recommended density of 1-5 dwelling units per acre. Retail uses in this district are primarily neighborhood-scale centers. Civic buildings and community facilities are also appropriate. -scale centers. Civic buildings and community facilities are also appropriate.

As previously stated, the proffered number of 300 dwellings as a part of this rezoning request would result in a gross density of 2.8 units per acre, which falls within the recommended density

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for the Suburban Use District. The requested RLM (Conditional) zoning district and proffered unit

count are found to be compatible with the surrounding development use patterns.

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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 to the RLM, Residential Low-Medium Density zoning district (Conditional), is consistent 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.*

The proposed rezoning from A, Agricultural, to RLM, Residential Low-Medium Density (Conditional), would result in an increase in the permitted residential density for the subject properties within the Central Growth Area, Suburban Use District. Thus, this rezoning aligns with Action 2-1A.

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

The surrounding area on Manning Road is primarily comprised of low to medium density residential uses that were developed prior to the adoption of the 2035 Comprehensive Plan. This site would be developed at a low to moderate density and is a good balance of accommodating the recommendations of the Suburban Use District. The proposed rezoning to RLM, in conjunction with the proffered number of 300 dwelling units, is expected to continue predictable and orderly development in this area as outlined by the Comprehensive Plan.

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

The proposed rezoning to the RLM (Conditional) district and the maximum density of roughly 2.8 dwelling units per acre is found to be compatible with nearby established neighborhoods.

**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 proffered density of 2.8 units per acre falls within the recommended density for the Suburban Use District. Further, moderate-density residential development at this site should offer additional support for commercial uses along the Holland Road (Route 58) Business Corridor and the downtown area.

**Policy 6-1: Encourage development of a balanced and diverse housing stock**

throughout the City.

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- *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 multifamily.*

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The requested change in zoning would allow for an increase in density at the subject property which currently allows only one dwelling unit per acre. The proposed rezoning is more compatible with the Comprehensive Plan than the existing Agricultural zoning designation for the property.

## **2. 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 RLM district is to allow for low-medium density, single-family residential uses where adequate public facilities and services exist or are planned with capacity to serve development. Residential low-medium density provides a flexible minimum and maximum lot size in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive land areas. RLM zoning is most appropriate for the Suburban Use District. Applicable Place Types: Traditional Neighborhood Center, Traditional Neighborhood, Suburban Neighborhood, Corridor, and Special District.

## **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 or proffer amendment 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*

Based on the information provided, the Department of Public Utilities has no objections to this request. A Public Facilities Report was provided and demonstrated that there is adequate water and sewer levels of service and availability.

### *Stormwater Management*

Based on the information provided, the Department of Public Works Engineering has no objections to this rezoning. An Environmental Site Assessment and Major Water Quality Impact Assessment were provided as a part of this request.

### *Transportation*

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The applicant's Traffic Impact Study states that the proposed development is expected to

generate 172 peak a.m. vehicular trips and 292 peak p.m. vehicular trips. The Department of Public Works, Traffic Engineering Division, reviewed the Traffic Impact Study (TIS) and associated voluntary proffers and found them both to be acceptable. Proffer #4, as presented, directly addresses traffic-related improvements and reads as follows:

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- Proffer #4

The property owner shall make road improvements as outlined in the approved Traffic Impact Study (TIS), prepared by Charles Smith, P.E., PTOE EPR, updated June 2022. All road improvements proffered shall be completed or bonded before the first certificate of occupancy.

[The improvements outlined in the Traffic Impact Study are as follows:](#)

[1. Access will be provided via two access locations on Manning Road.](#)

[The northern access will be a full access with exclusive right and left turn lanes. The southern access will be a right-in / right –out access.](#)

#### *Schools*

The subject property is currently assigned to Kilby Shores Elementary School, Forest Glen Middle School, and Lakeland High School. The developer is given credit for the school impacts that would be associated with a by-right development on the subject property. The current Agricultural zoning district could yield a total of no more than four (4) singlefamily detached dwelling units by-right through a minor subdivision. A development of four (4) single-family detached dwelling units would generate one (1) student at the high school, middle school, and elementary school levels. After subtracting the students that may be generated by a by-right development, the net impact of this rezoning request when subtracting the credit for the potential by-right development would be 53 elementary school students, 29 middle school students, and 39 high school students. After considering the current student enrollment, the total committed development, and the net students that are expected to be generated from the proposed development, the high school has sufficient capacity to absorb the additional students generated by this proposal; however, at the elementary and middle school, there is a deficit.

The current FY2022-2031 Capital Improvements Program in effect at the time of this application allows for cash proffers to be paid in order to advance capacity at the elementary and middle school levels. In order to properly mitigate for impacts to the elementary school levels, the applicant would need to provide a total cash contribution of \$1,902,729.25, divided by 53 elementary school students equates to a cost of \$35,900.55 per student or \$6,342.43 per housing unit. Additionally, in order to properly mitigate for impacts to the middle school level, the application would need to provide a total cash contribution of \$1,219,902.40, divided by 29 students equates to a cost of \$42,065.60 per student or \$4,066.34 per housing unit. The developer has proffered this amount as part of proffer statement #1, as shown in the attached Exhibit “B”.

#### **4. Fiscal Impact Analysis**

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A Fiscal Impact Analysis was submitted in support of this rezoning. The FIA states that a

positive net fiscal impact of roughly \$694,000 per year is anticipated after build out.

### 5. Proffered Conditions

The applicant has proffered six conditions in support of this request. The first proffer pertains to school contributions as discussed above. The second proffer limits the development to a maximum of 300 single-family detached dwellings. Proffer #4 pertains to traffic improvements, which were outlined in the Transportation section of this report,

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and proffers #3, #5, and #6 pertain to building materials. Please refer to the attached proffer statement.

### RECOMMENDATION

In summary, the proposed rezoning of parcels 33\*75 and 33\*75A from the A, Agricultural zoning district, to the RLM, Residential Low-Medium Density zoning district (Conditional), is consistent

with the policies of the 2035 Comprehensive Plan. The proposed density of roughly 2.8 units per acre is expected to be compatible with the surrounding land uses. Therefore, staff recommends **approval** of Rezoning Request, RZN2022-007 (Conditional), with the proffers as submitted.

[Planning Commission was scheduled to consider this application at their meeting of September 20, 2022; however, upon receipt of a request to postpone consideration of this item by the applicant, the Planning Commission voted 8-0 to amend the agenda to table this application for thirty \(30\) days.](#)

[Please be advised that since the September 20, 2022, Planning Commission meeting, the Planning](#)

[Department has received a request from the developer to remove the application from the agenda for the upcoming October 18, 2022, Planning Commission meeting and postpone the application for consideration until the November 15, 2022, Planning Commission meeting.](#)

#### Attachments

- General Location Map
- Zoning/Land Use Map
- [Request from Developer to Table Application \(For October Meeting\)](#)
- Ellis Farm Subdivision (narrative)
- Ellis Farm Conceptual Master Plan
- [Public Comments](#)
- Proposed Ordinance
- Exhibit A – Planning Commission Recommendation
- Exhibit B – Voluntary Proffer Statement
- Exhibit C – Property Map
- Exhibit D – Rezoning Exhibit

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

# GENERAL LOCATION MAP

## RZN2022-007

1 0 5 0 1 2 3

Miles  
User Name: Awood

Date: 05/03/2022 

Subject Property



**Central Growth Area**

MIXED USE CORE  
SUBURBAN  
RURAL CONSERVATION  
RURAL AGRICULTURAL  
VILLAGE

 SUBJECT PROPERTY

CORE SUPPORT  
INNER-RING SUBURBAN  
SPRINGFIELD TER  
PRINCE CT  
WINTERVIEW DR  
SUMMERFIELD CT  
LAKE SPEIGHT DR  
DUDLEY DR  
BRIANS LN  
AUSTIN DR  
TURLINGTON RD  
MANNING RD

**ZONING / LAND USE MAP**

**RZN2022-007**

User Name: Awood

Date: 05/03/2022 620 310 0 620 1,240 1,860 

Feet

***RLM***

Subject Property

***A***

***C***

***RLM***

***RLM***

[332 WEST CONSTANCE ROAD, SUFFOLK, VIRGINIA 23434](http://332.WEST.CONSTANCE.ROAD.SUFFOLK.VIRGINIA.23434)

••••• —□~... TELEPHONE: (757) 539-2400 FACSIMILE: (757) 923-1339 gferguson@frlaw.com

PERSONAL INIURY - FAMILY LAW - ESTATE PLANNING - CORPORATE LAW - REAL ESTATE  
WORKERS' COMPENSATION -EMPLOYMENT LAW - CRIMINAL LAW - SOCIAL SECURITY DISABILITY

E. GRIER FERGUSON  
FRANK M. RAWLS  
RANDOLPH A. RAINES, JR.  
EDWIN C. FERGUSON, JR.  
1917-1998  
I. LEWIS RAWLS, JR.  
1923-1994  
REBECCA R. HABEL  
Of Counsel  
EIN: 54-0976644

October 5, 2022

Email: [kwyne@suffolkva.us](mailto:kwyne@suffolkva.us)

Suffolk Department of Planning & Community Development

Attn: Kevin Wyne

Dear Kevin,

On behalf of Manning Road Development Group, I hereby respectfully request a postponement of the above referenced zoning issue from Tuesday, October 18th, 2022, at 2:00 p.m. to Tuesday, November 15th, 2022, at 2:00 p.m. We are requesting this postponement in order that we may have more time to address concerns with local residence

as well as amend or add any proffers which we think could assist with this process. For purpose of avoiding inconvenience to other parties our preference would be to have this matter removed from the agenda on October 18th, 2022, in order that no vote is necessary,

and no one needs to attend. While I do not mind attending myself, we do not wish for others who may be interested to attend simply for the purpose of hearing a matter postponed. Your attention and assistance in this matter is greatly appreciated.

Thanking you, I look forward to your response. I am

Yours Truly,

E. Grier Ferguson

cc: Bob Arnette ([bobarnette@coastalva.org](mailto:bobarnette@coastalva.org))

**ELLIS FARM MANNING RD REZONING**

**3) Statement of the reasons for seeking such amendment and why the current zoning is incorrect:**

The parcels which are the subject of this rezoning are in the Suburban Use District as defined by the City of Suffolk 2035 Comprehensive Plan and should be primarily composed of traditional residential subdivisions (p26). Applicable place types are the Traditional Neighborhood and the Suburban Neighborhood (p26). The proposed neighborhood will contribute to the need for varied housing types proximate to a major employment center and downtown Suffolk and will consist of single family detached homes. Suburban Neighborhoods by definition include public spaces such as parks, playgrounds, and schoolyards (pgs33, 60-62). RLM zoning fits within the Suburban Neighborhood place type (UDO A4 SEC 31-404). Shown in the conceptual plan, and defining of the Suburban Neighborhood place type, the lot configuration, streetscapes with public spaces, and consistent but flexible product type have all been taken into account to fit the vision for the future of Suffolk (pgs33, 60-62).

**THEMES POLICIES & ACTIONS (p29)**

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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.

- Action 2-1D: Consider amending the City's land use regulations to add guidelines for the review of exceptional development opportunities related to factors such as: the level of overall economic benefit to the City; adequacy of public facilities; compatibility with surrounding land uses; and advancement of the principles, values, and themes of the 2035 Comprehensive Plan.

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

- Assess the City's zoning framework to identify locations where the City's current regulations do not reinforce the intent and spirit of the comprehensive plan, particularly for locations within the Growth Areas.

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

- Action 2-4D: Consider allowing higher density residential development than that prescribed in the 2035 Comprehensive Plan in certain areas of the Suburban Use District where transportation corridors and infrastructure are already established and where the proposed use is compatible with adjacent uses and the established development pattern.

#### **UDO ARTICLE 4 SEC. 31-403 RELATION OF ZONING DISTRICTS TO THE COMPREHENSIVE PLAN AND PURPOSE STATEMENTS**

**RLM (RESIDENTIAL LOW-MEDIUM DENSITY).** {shortened} To provide areas for lowmedium

density, single-family residential uses{...}. Residential low-medium density provides a flexible minimum and maximum lot size in order to allow for market and design flexibility while preserving the neighborhood character{...}. ***RLM zoning is most appropriate for the Suburban Use District.*** Applicable Place Types\*\*\*: Traditional Neighborhood Center, Traditional Neighborhood, Suburban Neighborhood, Corridor, and Special District.

\*\*\*Note: Design elements of residential place types other than Suburban Neighborhood lend to higher density projects (shorter setbacks, alley loading single family detached products, and block site patterns; pgs44-65 "Place Types; Implementation Guidelines")

#### **WHY THE CURRENT ZONING IS INCORRECT**

Holland Road and its intersection with Manning Road are currently the subject of a 3.1 mile widening project on Route 58 / Holland Road Corridor, a government funded project which will dramatically improve traffic flows in this transportation thoroughfare including signalization at this intersection. This project supports the primary City theme to keep rezonings within its specified focused growth area, encouraging predictable and orderly development in residential areas with an auto-orientation. Additionally, location of residential housing near attractive family centers such as the Downtown area, jobs at the intermodal commerce park, and schools further Suffolk's goals to limit by colocation of home, work and service areas. Almost three quarters of Suffolk's housing stock is in excess of 20 years old (p153). As the City has provided assistance in bringing business and jobs to the City, we are seeking to satisfy the parallel demand for housing this influx of taxpayers. In review of commercial and residential realty marketing and promotional materials, as well as discussing with those realtors, the major component missing in the immediate area that everyone is seeking are diverse housing options for clients. "{Suburban Neighborhoods} may abut Suburban Centers, other Neighborhoods, or farmland, and major thoroughfares often define their edges.(p60)" Given the immediately adjacent land use, this new neighborhood will be compatible with existing zoning, consistent with the City's focused growth theme and its policy of efficient land use.

### **MANNING ROAD PROPERTY**

COASTAL VA DEVELOPERS Suffolk, Virginia SCALE: 1" = 200' NORTH

0' 100' 200' 400' FT

## CONCEPTUAL MASTER PLAN

### CLUSTER LAYOUT

#### SITE DATA:

SINGLE FAMILY LOTS (60'x120' LOTS)

TOTAL LOTS: 300

TOTAL SITE AC: 114.4 AC

TOAL CRITICAL AC: 8.5 AC

TOAL DEVELOPABLE AC: 105.9 AC

RLM DUA: 2.9

PROPOSED DUA: 2.8

REQUIRED OPEN SPACE: 51.5 AC (45%)

PROPOSED OPEN SPACE: 44.6 AC

OPEN SPACE FROM CRITICAL AREA: 6.9 AC

TOTAL PROPOSED OPEN SPACE: 51.5 AC (45%)

SWM: 4.2 AC

IMPACTED WETLANDS: 0.29 AC

04/18/2022

\*Masterplan is for conceptual use only. Base map is approximate and not based off of GIS data. Cite Design assumes no responsibility for the accuracy of the basemap.

#### OPEN SPACE

#### WETLANDS

#### IMPACTED WETLANDS

BMP

BMP

BMP

BMP

PARK BMP

100'

#### BUFFER

MANNING ROAD

BMP

#### ORDINANCE NO.

### **AN ORDINANCE TO REZONE AND AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUFFOLK TO CHANGE THE ZONING FROM A, AGRICULTURAL ZONING DISTRICT, TO RLM, RESIDENTIAL LOWMEDIUM DENSITY ZONING DISTRICT (CONDITIONAL), FOR PROPERTY LOCATED AT 494 MANNING ROAD; ZONING MAP 33, PARCELS 75 AND 75A; ACCOUNT NUMBERS 151078000 AND 151069000; RZN2022-007 (CONDITIONAL)**

WHEREAS, Bob Arnette, Manning Road Development Group, LLC, applicant, on behalf of Coastal Virginia Partners, LLC, contract purchaser, on behalf of Ellis Freehold LLC, property owner, has requested to rezone and amend the official zoning map of the City of Suffolk from A, Agricultural zoning district, to the RLM, Residential Low-Medium Density zoning district (Conditional), for property located at 494 Manning Road, Zoning Map 33, Parcels 75 and 75A, 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 October 19, 2022, at which public hearing the public was presented with the opportunity to comment on the proposed rezoning.

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

Section 1. Exhibit "A", "Planning Commission Recommendation", Exhibit "B", "Voluntary Proffer Statement", and Exhibit "C", "Property Map," and Exhibit "D," "Rezoning Exhibit", which are attached hereto, are hereby incorporated as part of this ordinance.

Section 2. Findings:

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

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

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

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

Section 3. Rezoning:

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

Agricultural zoning district, to the RLM, Residential Low-Medium Density zoning district (Conditional).

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 S. Dawley, City Clerk

Approved as to Form:

\_\_\_\_\_  
William E. Hutchings, Jr., City Attorney

**EXHIBIT "A"**

**RESOLUTION NO. 22-09-01**

**CITY OF SUFFOLK PLANNING COMMISSION**

**A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION**

**TO CITY COUNCIL RELATING TO REZONING REQUEST**

**RZN2022-007 (CONDITIONAL)**

**TO CHANGE THE ZONING FROM A, AGRICULTURAL ZONING**

**DISTRICT, TO RLM, RESIDENTIAL LOW-MEDIUM DENSITY ZONING**

**DISTRICT (CONDITIONAL), FOR PROPERTY LOCATED AT ZONING**

**MAP 33, PARCELS 75 AND 75A; ACCOUNT NUMBERS 151078000 AND**

**151069000; RZN2022-007 (CONDITIONAL)**

**WHEREAS**, Bob Arnette, Manning Road Development Group, LLC, applicant, on behalf of Coastal Virginia Partners, LLC, contract purchaser, on behalf of Ellis Freehold LLC, property owner, has requested to change the zoning from A, Agricultural zoning district, to RLM, Residential Low-Medium Density 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, RZN2022-007 (Conditional), be:

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

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

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

**VOLUNTARY PROFFER STATEMENT**

I hereby voluntarily proffer that the development of the property owned by me proposed for reclassification

~~under this application shall be in strict accordance with the conditions set forth below.~~

The following conditions (add additional sheets if necessary) are voluntarily proffered for the reclassification of

~~33\*75 33\*75A property identified as Tax Map Number (s): \_\_\_\_\_~~

- 1) The students generated by this development will be assigned to Kilby Shores Elementary school;

Forest Glen Middle School and Lakeland High School. The calculated impact of students generated and value of cash proffer contribution shall be based upon the current enrollment and committed development as of the last day of the month of the date of this application is deemed complete and acceptable by the City of Suffolk. The proposed rezoning estimate net impact of 53 elementary school students, 29 additional middle school students, and 39 additional high school students. The Capital Improvements Program (FY 2022-2031) projects will allow cash proffers to be paid to advance of capacity at the elementary and middle school levels. The property owner shall make a cash contribution to the City of Suffolk to advance capacity at the elementary and middle school levels only. Based upon the estimated cost, to advance capacity at the elementary school level is \$35,900.55 per student and middle school level (\$42,065.60, a cash contribution of \$6,342.43 per housing unit (elementary school) and \$4,066.34 per housing unit (middle school) shall be paid prior to issuance of a Certificate of Occupancy. The estimated total proffer is \$1,902,729.25 (elementary school) and \$1,219,902.40 (middle school).

Applicant Signature: \_\_\_\_\_

Printed Name: **Bob Arnette**

Tax Map Number: **33\*75, 33\*75A**

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

Printed Name: \_\_\_\_\_

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Tax Map Number: \_\_\_\_\_

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

Printed Name: \_\_\_\_\_

Tax Map Number: \_\_\_\_\_

Date: **8/29/22** \_\_\_\_\_

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

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

Remit Application to: City of Suffolk Department of Planning and Community Development  
442 West Washington Street • P.O. Box 1858, Suffolk, VA 23434 • (757) 514-4060

### Exhibit B

### **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

33\*75 33\*75A property identified as Tax Map Number(s): \_\_\_\_\_

- 2) No more than 300 single family detached units shall be constructed with this project
- 3) All units shall have a crawl space or raised/elevated slab foundation
- 4) The property owner shall make road improvements as outlined in the approved Traffic Impact Study (TIS), prepared by Charles Smith, P.E., PTOE-EPR, Updated June 2022. All road improvements proffered shall be completed or bonded before the first certificate of occupancy

5) Materials for the front, sides and rear of the homes shall be brick veneer, stone, cement-based siding, high quality vinyl siding, cement fiber board siding (i.e. LP "SmartSide or approved equal). Vinyl siding shall be a minimum of 0.044 inch thick and may be overlapped or beaded siding.  
6) Roofing shall be copper, metal or fiberglass architectural style shingles which must carry minimum 25-year warranty

Applicant Signature: \_\_\_\_\_

Printed Name: **Bob Arnette**

Tax Map Number: **33\*75, 33\*75A**

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

Printed Name: \_\_\_\_\_ Tax Map Number: \_\_\_\_\_

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

Printed Name: \_\_\_\_\_ Tax Map Number: \_\_\_\_\_ Date: **BJ29 | zz**

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

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

Remit Application to: City of Suffolk Department of Planning and Community Development  
442 West Washington Street • P.O. Box 1858, Suffolk, VA 23434 • (757) 514-4060

### Exhibit B

AUSTIN DR  
SPRINGFIELD TER  
AUTUMN CIR  
PRINCE CT  
LAKE SPEIGHT DR  
MANNING RD  
33\*75A  
33\*75  
33\*75

## PROPERTY MAP RZN2022-007

User Name: Awood

Date: 05/03/2022 410-205-0-410-820-1,230 

Feet  
Subject Property

### EXHIBIT C

**I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, AND SURVEYORS, AND CERTIFIED LANDSCAPE ARCHITECTS.**

SIGNED: 

TIMOTHY M. FALLON, VA L. S. No. 00/659

  
**04-27-2022**  
DATE

0 / HV,

1

**LAKE KILBY**

TIMOTHY M. FALL

No. 1659

04-27-2022

0.0070



**NOTES**

1. TOTAL AREA = 1/3.297 ACRES

2. THE PROPERTY ENCOMPASSED BY THIS SUBDIVISION AGREEMENTS TO

LIE IN FLOOD ZONE X-1 AREA

OUTSIDE 500-YEAR FLOODPLAIN, AND FLOOD ZONE V-1 AREA OF SPECIAL FLOOD HAZARD, AS SHOWN ON COMMUNITY PANEL No. 5/0/56-02/00, DATED 11/6/20/1

3. HIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND CONSEQUENTLY MAY NOT DEPICT ALL MATTERS AFFECTING THE TITLE OF THE PROPERTY SHOWN.

**4. PLAT REFERENCES**

PLAT BOOK 1, PAGES 104 A-D

ADJACENT PROPERTIES

INST #150060604 (T.M. #154000660)

PLAT BOOK 14, PAGE 128 (T.M. # 43\*18)

MAP BOOK 2, PAGE 9 (SUBDIVISION OF LAKE SWEET COUNTRY)

MAP BOOK 12, PAGE 2/6 8-217 (SUBDIVISION OF SPRINGFIELD)

5. COORDINATES AND REFERENCE BEARING REFER TO THE VIRGINIA STATE PLANE COORDINATE SYSTEM, NAD 1983 SOUTH ZONE (1994 HARN ADJUSTMENT) DATUM.

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**CURVE**

- C1**
- C2**
- C3**
- C4**

**DELTA ANGLE RAD/AS**

- /0-32:00"/050.79'**
- 11-53:30" 6/8.96' 2-50'44" 3/69.83'**
- 5-55:21" 1520.35'**

**LINE BEARING**

- 1-N-62:24:59" E**
- 12-N-23:55:41" E**
- 13-N-80:00:07" E**
- 14-N-24:59:45" E**
- 15-N-44:45:24" E**
- 16-N-3:55:33" E**
- 17-N-42:42:46" E**
- 18-N-73:45:40" E**
- 19-S-8:40:08" E**
- 110-N-66:36:30" E**
- 111-N-60:2:44" E**
- 112-S-8:26:32" E**
- 113-N-74:34:46" E**
- 114-N-75:52:31" E**

**115-S-70:58:05" W**

**116-S-39:49:11" W**

**117-S-06:37:37" W-118-S-67:43:01" W**

**119-S-44:20:20" W**

**120-S-57:57:00" W**

- 121-N-5:34:24" W**
- 122-N-45:22:50" E**
- 123-N-49:40:32" E**
- 124-N-30:06:05" E**
- 125-N-21:04:20" E**
- 126-N-29:47:28" E**
- 127-N-18:20:56" W**
- 128-N-06:34:43" E**

**129-S-68:53:20" W**

**130-S-24:53:55" W**

**ARC LENGTH**

- /93.77'**
- 128.46'**
- 157.42'**
- 157.76'**

DISTANCE

35.67

68.68

27.43

75.46

37.25'

26.99

86.99

86.78'

14104'

50.44

75.14

148.23

74.52±

47.21±

140.46±

206.42±

75.86±

84.69±

/98.50

223.39

67.22±

/99.50±

/59.30±

203.48±

218.44'

204.72'

284.40

179.91

242.62

210.97±

TANGENT CHORD LENGTH CHORD BEARING 96.86± 192.90' N 44.20' 27" E

64.46' 128.23' S 42.36' 56" W 78.73' 157.41' S 33.52' 27" W 78.65' 157.09' S 28.39' 54" W

SUBDIVISION OF

LAKE SPEIGHT COLONY

(NOT INCLUDED)

N/F

LOT: /3

⊖ TAX MAP: 33H#13

ADDRESS: /529 LAKE SPEIGHT DRIVE

OWNERS: MITCHELL B KEARNEY & DEBRA L MITCHELL

N/F

LOT: /14

@ TAX MAP: 33H#14

ADDRESS: /53 LAKE SPEIGHT DRIVE

OWNERS: L A ETTA B QUINT

N/F

LOTS: /5-8/6

@ TAX MAP: 33H#16

ADDRESS: /535 LAKE SPEIGHT DRIVE

OWNERS: JOHNS BUNCH

N/F

⊕ TAX OXT: M /A7P: 33H#17

ADDRESS: /537 LAKE SPEIGHT DRIVE

OWNERS: WILLIAM M SCOTT & MAGGIE L SCOTT

N/F  
LOT: 18

@-TAX-MA#-33H\*18

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133  
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S-39-39'13" W-220.59'

N-06-09'33" W-9109'

N-36-6'45" W-253.08

S-55-56'13" W-137.74

ADDRESS: /539 LAKE SE EIGHT DRIVE

OWNERS: CYNTHIA DA V/DSON

N/F  
LOT: 19

@-TAX-MA#-33H\*19

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H#H#

F-  
B-  
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209, 617740S AOF CT.

T. 4M, 90 6L 33, 065 S\* OF 75 T 112.627 A.C.

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/132,00'6 R8A61 LSROFOATD E3A.05E4M6E AN.C.T

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135 N 48-2'08" W / 09.0' /

36 S 20° 13' 20" W 336.64'

37 S 63° 23' 44" W 157.73'

38 N 44° 46' 16" W 159.22'

39 S 27° 28' 28" W 7.42'

40 S 38° 25' 17" W 108.24'

41 S 39° 08' 56" W 103.82'

42 S 40° 06' 20" W 17.90'

43 S 49° 43' 56" W 105.46'

44 S 26° 48' 23" W 27.08'

45 S 25° 41' 09" W 28.16'

46 S 26° 40' 32" W 9.20'

MONUMENT FOUND

MONUMENT FOUND

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ADDRESS: 1541 LAKE SPEIGHT DRIVE  
OWNERS: WILLIAM R TURNER JR & DEBORAH TURNER  
N/F  
LOT: 20

TAX MAP: 33H-20  
ADDRESS: 1543 LAKE SPEIGHT DRIVE  
OWNERS: KEVIN S HOWELL

### LEGEND

MONUMENT FOUND

