

Conditional Rezoning Application

Portion of Tax Map 27*28A Rezoning from Agricultural to Heavy Manufacturing

SPSA Regional Landfill

Suffolk, Virginia June 2016







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City of Suffolk – Rezoning Application Form

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City of Suffolk, Virginia

Department of Planning & Community DevelopmentDivision of Planning

Rezoning / Ordinance Text Amendment

This application should be used to petition for a change to the Official Zoning Map or for an amendment to the Unified Development Ordinance text whenever the public necessity, convenience, general welfare or good zoning practice so requires. The following application requirements are consistent with the procedures set forth in Section 31-304 "Zoning Amendment and Rezoning's," Section 31-305 "Conditional Rezoning," and Appendix B, Section B-4 of the Unified Development Ordinance.

| | | RITE IN THIS SP. | ACE | | | |
|--------------------------------------|----------------|--------------------|----------------|-------------|-------------------|-----------|
| Application: RZ - | | | Paid | | | |
| Application: OA | | Tax (| Query: [] C | Current [] | Delinquent | |
| Submission Date: | | | | | | |
| 1. APPLICATION FOR: | | | | | | _ |
| [] Rezoning (Change the Zoni | ng Map) | | | | | |
| [X] Conditional Rezoning (Cha | ange the Zonin | g Map) | | | | |
| [] Amend the Ordinance Text | | | | | | |
| Request to change subject prope | erty from the_ | Α | to the | M-2 | zoning district. | |
| Request an Ordinance Text Am- | | | | | | |
| Proposed Use or Activity: Soli | d Waste Man | agement F | acility, Sa | ind and G | ravel Extraction, | |
| Project Name: SPSA Regiona | al Landfill | a | nd Vegeta | ative Wast | e Composting Sy | stem |
| 2. PROPERTY DESCRIPTI | ON: | | | | | |
| Property Address (if any): #1 B | | rive, Suffol | k, VA 234 | 34 | | |
| Name of Subdivision (if application) | | | | | | |
| Tax Assessor's Map and Parcel | | | | | | |
| Tax Account Number: 304305 | 5400 | Tota | l Δcreage (| existing):5 | 25 Ac (440.34 Ac | : Rezoned |
| | | | | S | ee Drawing 01C- | |
| 3. APPLICANT INFORMAT | | | m the property | v owner): | | |
| Name: Rowland R. Taylor, E | | | | | | |
| Company: Southeastern Pub | | | 2220 | | _ | |
| Address: 723 Woodlake Dr | | | | | | |
| Telephone Number: 757-961- | 3740 | | F | Fax Numbe | r:_757-965-9528 | |
| Email: <u>rtaylor@spsa.com</u> | | | | | | |
| | | | | | | |
| Applicant's Signature | | \overline{Appli} | cant's Signa | ture | Date | |

4. AUTHORITY FOR APPLICATION

PROPERTY OWNER(S):

This application must be signed by the owner(s) of the subject property or must have attached to it written evidence of the owner's consent, which may be in the form of a binding contract of sale with the owner's signature or a letter signed by the owner(s) authorizing the applicant to act as his or her agent. Signing this application shall constitute the granting of authority of the City to enter onto the property for the purpose of conducting site analyses.

| Name(s): Southeastern Publ Address: 723 Woodlake Dri | | | |
|--|------------------|--------------------------------|----------------------|
| Telephone Number: 757-961-3 | 3740 | Fax | Number: 757-965-9528 |
| Property Owner Signature | | Property Owner Signature | Date |
| Name(s): | | | |
| Address: | | | |
| Telephone Number: | | Fax | Number: |
| Email: | | | |
| Property Owner Signature | | Property Owner Signature | Date |
| Name(s): | | | |
| Address: | | | |
| Telephone Number: | | Fax | Number: |
| Email: | | | |
| Property Owner Signature | | Property Owner Signature | Date |
| AGENT REPRESENTING T | HE APPLICA | NT: | |
| Name(s): Jeffrey S. Murray, P. | .E. | | |
| Company: HDR Engineering, | | | |
| Address of Applicants(s): 555 Fa | yetteville Stree | et, Suite 900, Raleigh, NC 276 | 01 |
| Telephone Number: 919-232-66 | | Fax Number:_ | 919-232-6642 |
| Email: jeffrey.murray@hdring | c.com | | |
| Agent's Signature | | Agent's Signature | Date |

 $\frac{\text{NOTICE: THE ATTACHED CHECKLIST MUST BE COMPLETED,}}{\text{ERRIFIED}} \; \frac{\text{AND SUBMITTED OR THE APPLICATION WILL BE CONSIDERED}}{\text{INCOMPLE}}$

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 she | | |
|--|---|---------------------|
| | oning is for 440.34 acre portion oned M-2 containing Cell VII, Se | |
| The Property shall be developed substant Service Authority Conditional Rezoning Ap by HDR Engineers, Inc., dated June 2016 | oplication, Master Plan Drawing | |
| Uses of the Property include Solid Waste and Vegetative Waste Composting System | | Gravel Extraction, |
| The development of Sand and Gravel Extra landfill construction, operation, and closure | | II be in support of |
| The maximum heights of Cells VII through 01C-01, shall not exceed 220 feet from me | | r Plan Drawing |
| | | |
| | | |
| Signed: | | |
| | | |
| (Applicant) | (Printed Name) | (Date) |
| | | |
| (Property Owner) | (Printed Name) | (Date) |
| (Property Owner) | (Printed Name) | (Date) |



REZONING APPLICATIONS

In accordance with Appendix B, Section B-4, of the Unified Development Ordinance, the following information shall be submitted for a Rezoning Application:

No application for a rezoning shall be certified as complete unless the following information is provided:

| X | 1. | A properly completed and signed application form and fee. The property owner(s) must sign the application. | | | | |
|-----|---|---|--|------------|--|--|
| X | 2. | A narrative description of the property which shall include the Tax Map and Parcel Number and, a legal description, by metes and bounds, of the land to be reclassified. | | | | |
| X | 3. | A plat of the property indicating the location of the tract and the requested change. Such plat shall be accurate and suitable to identify the property in relation to street intersections or other physical features. 15 full size copies, FOLDED with 1 reduction 11"x17". | | | | |
| X | A statement of the reasons for seeking such amendment and why the curzoning is incorrect. | | | | | |
| X | 5. | 5. Such supplemental material (i.e., traffic studies, environmental assessments, of as may be necessitated by the proposal itself or the district in which located proposed to be located including, at a minimum*, the following with designated number of copies(x): | | | | |
| | | a. | A Public Facilities Report Appendix B, § B-19 | copies (5) | | |
| | | X b. | A Major Water Quality Impact Assessment (if within Chesapeake Bay Preservation Overlay District) Appe (4) B-13 | | | |
| | | c. | A Fiscal Impact Analysis Appendix B, § B-14 | copies (2) | | |
| | | X d. | A Traffic Impact Study Appendix B, § B-21 | copies (3) | | |
| | | X e. | A Soils Report Appendix B, § B-20 | copies (2) | | |
| • • | | a waiver fro | Environmental Assessment Appendix B, § B-4 (e)(6) om any supplemental item must be submitted to the submittal of the rezoning application. | • ' | | |

See letter from HDR to Mr. Robert Goumas dated June 7, 2016, regarding request for waivers.

| X | 6. | In addition to the information required elsewhere in this chapter for submission of petitions for reclassification of property, any applicant proposing a conditional rezoning under the provisions of § 31-305, Conditional Rezoning of this Ordinance shall submit a signed proffer statement as attached. |
|----|----|--|
| X | 7. | All real estate taxes must be paid and current at the time of submittal; otherwise, the submittal will be refused at the counter. |
| | | accompany all rezoning applications and be signed by the responsible party items noted above have fully addressed as part of their submittal. |
| I, | Na | certify that this application is complete. |
| | | Date |



1 Purpose and Project Summary

This narrative is being submitted as part of the Southeastern Public Service Authority's (SPSA) application for a Conditional Rezoning Application for modification to its Regional Landfill, located at #1 Bob Foeller Drive in the City of Suffolk. The modification includes the proposed rezoning of approximately 440.34 acres of the 525 acres of Tax Map# 27*28A (Tax Account # 304305400) from Agricultural (A) to Heavy Manufacturing (M-2) District. This modification would result in establishing an 833 acre M-2 zoning district commensurate with the SPSA Regional Landfill property and facility boundary recognized by the Virginia Department of Environmental Quality (VADEQ).

In this application, SPSA is voluntarily proffering to restrict the uses on the rezoned property, to develop the property in general accordance with a proposed Master Plan and to restrict the overall height of the landfill.

The proposed rezoning will provide for the conditional use of the property as a Solid Waste Management Facility, Sand or Gravel Extraction (soil borrow) and Vegetative Waste Composting system. Concurrent with this application, SPSA is requesting Conditional Use Approval for Cell VII on the portion of the parcel already zoned M-2 and the above uses within a 129 acre portion of the 440.34 acres to be rezoned M-2, and within the boundaries of future landfill Cells VIII and IX. The development of the soil borrow area will likely be required prior to construction of Cell VII in order to support ongoing landfill operations.

The area including the 129 acres is predominantly wetlands and will require 401/404 permitting through VADEQ and the U.S. Army Corp of Engineers for disturbance of wetlands. A jurisdictional determination package will be prepared by Davis Environmental Consultants Inc. in the summer of 2016 and an exact area of wetlands will be determined for Cell VIII and IX.

Drawings 01C-01 and 01C-02 depict a Master Plan, and a Site Plan for the proposed conditional rezoning. The Master Plan includes the approximate boundaries of future landfill cells in relation to the existing solid waste management facilities and the preserved, restored and enhancement wetland areas on the site. The Site Plan depicts the proposed areas covered by the Conditional Rezoning Application, the metes and bounds of the property to be rezoned, existing facilities, existing utility easements, wetland preservation areas, and proposed property line and tree buffer for Cell VII.

A legal description of the 440.34 acre portion of Tax Map # 27*28A to be rezoned to M-2 is included as Attachment A. Drawing 01C-02 includes the zoning boundary line information.

2 Background

The Southeastern Public Service Authority (SPSA) is the regional solid waste disposal agency for eight communities in southeastern Virginia. These communities include the cities of Chesapeake, Franklin, Norfolk, Portsmouth, Suffolk and Virginia Beach and the counties of Isle of Wight and Southampton. SPSA's 2000-square mile service area is home to more than 1.1



million residents who generate more than one million tons of solid waste each year. SPSA provides for the safe disposal of municipal wastes generated within its member communities.

SPSA operates an integrated solid waste management system, which includes the Regional Landfill in Suffolk, nine transfer stations located throughout the service area, and contracts for disposal of processible waste at Wheelabrator Technologies, Inc. (Wheelabrator) waste-to-energy facility located in Portsmouth, Virginia. The contract with Wheelabrator expires in January 2018, and SPSA has entered into an agreement with RePower South, LLC (RePower), with respect to a new facility proposed to be constructed in Chesapeake, Virginia. The RePower facility will process the disposed waste stream to remove additional recyclables and to produce fuel pellets for use at coal and biomass power generating facilities. The residue from the RePower and non-processible wastes are anticipated to be disposed of at the SPSA Regional Landfill.

Other components of SPSA's solid waste system include recycling programs, three permanent household hazardous waste collection facilities, and several landfill ancillary facilities described below. In 2015, SPSA handled over 1 million tons of waste, of which approximately 39% was delivered by the member communities. In 2015 approximately 295,000 tons of waste were managed at SPSA for disposal at the Regional Landfill.

3 Project Description

The Regional Landfill is located on 833-acre property off US 58, approximately 2.5 miles southwest of the Chesapeake city limits. The property is comprised of three parcels Tax Map #'s 27*37, 27*37*1, and 27*28A. The existing landfill Cells I-VI are located on portions of the property zoned M-2. Cell VII is proposed to be constructed in an area of Map #27*28*A that is already zoned M-2, however the soil borrow area and compost facility within the future Cells VIII and IX are located on the part of 27*28A that is currently zoned A. While the soil borrow and compost facility uses are conditional uses within the A District, solid waste management facilities are not. Rezoning of the portion of the parcel to M-2 will provide ability to apply for conditional use approval for a solid waste management facility on the property, consistent with SPSA's mission for providing long-term solid waste disposal systems for the SPSA member communities and in accordance with the Host Community and Good Neighbor Agreement between the City of Suffolk and SPSA.

4 Reasons for Seeking Amendment

SPSA is seeking this amendment to the Zoning District in order to provide the ability to apply for conditional use of the rezoned property as a Solid Waste Management Facility, Sand or Gravel Extraction (soil borrow) and Vegetative Waste Composting system. The development of future landfill cells on this property will provide long-term disposal capacity for the member communities and is a condition of the Host Community and Good Neighbor Agreement between SPSA and the City. Based on the Environmental Impact Assessment completed by the US Army Corps of Engineers in 1995, the expansion of the Regional Landfill within the 833 acre site



owned by SPSA, is the least environmentally damaging practicable alternative for the continuation of the regional waste management operation.

The A district provides areas for high intensity agricultural operations as well as agri-business and supportive industrial and commercial uses. The agricultural district is intended to protect and preserve valuable agricultural areas, and preserve rural areas, pasture land and agriculture. The predominant soils on the property to be rezoned are loam and mucky loam, with a Land Capability rating of 6 according to the National Resources Conservation Service. There are severe limitations that make the predominant soils generally unsuitable for cultivation, and they are typically restricted mainly to pasture, rangeland, forestland, or wildlife habitat. Historically the property had been managed forest land, and was part of an over 6,500 contiguous acres of forest land, some of which are actively logged. The 525 acre parcel 27*28A was actively logged just prior to acquisition by SPSA in 2002. The use of the property as a high intensity agricultural operation would be limited by the soils on the site.

Amending the zoning of the portion of the parcel to M-2 would meet the location criteria established in 31-408 (m) of the UDO for the M-2 District.

- A. The zone and its uses would continue the orderly development and concentration of the existing use as the Regional Landfill;
- B. The land area would be sufficient to maintain compatibility with the surrounding uses, providing additional separation of operations from residential areas to the west; and
- C. The land area has direct access to arterials and/or major collector streets.

5 Supplemental Materials

5.1 Traffic Impacts

In accordance with Appendix B-4(e)(4) and B-21 of the UDO, we have completed a Traffic Impact Study to assess the transportation impacts created by the proposed Cell VII, Soil Borrow Area, and Compost Facility operations. The study identified the existing traffic conditions at the intersection of landfill entrance roadway, Bob Foeller Drive, and Route 13/58/460, and assessed the proposed future traffic conditions in 2018 and 2036. The study determined that the existing median crossing utilized by eastbound traffic on 13/58/460 to enter the facility has a level of service (LOS) rating of F, due to the heavy through movements on westbound 13/58/460. The majority of vehicles utilizing the median crossing are City of Suffolk Refuse Division trucks accessing the transfer station at the Regional Landfill, and area residents accessing the transfer station, household hazardous waste facility or tire processing facility.

The development and operation of Cell VII and the soil borrow or composting system operation uses requested as part of this application would not cause further measurable deterioration at the intersection. The delay associated with the median entrance during peak traffic hours will continue to worsen over time due to population growth in the region. The existing exit configuration and weave movement for all vehicles has an acceptable LOS of B under the current conditions and future conditions.



It is understood that the Virginia Department of Transportation is evaluating the construction of a state funded flyover between east bound and west bound 13/58/460, to the east of the Regional Landfill. The flyover would provide City of Suffolk solid waste and residential traffic an alternative to enter the facility without using the median crossing. If the flyover is not constructed by the time that Cell VII operations are planned to commence, SPSA would propose for consideration an alternative that would include the permitting and construction of a one-way rear entrance roadway to provide access for Suffolk refuse trucks and residents to the Regional Landfill site, and that the entrance to the landfill via the median crossing be eliminated. Additional information regarding the existing and future traffic conditions for the existing entrance and exit and proposed rear entrance roadway are detailed in the enclosed full Traffic Impact Study, prepared by HDR Engineers, dated June 2016.

5.2 Major Water Quality Impact Assessment

In accordance with Appendix B-4(e)(2) and B-13 of the UDO, we have completed a Major Water Quality Impact Assessment (WQIA) to identify the impacts of the proposed development on water quality and lands within the Resource Protection Areas of the Chesapeake Bay Preservation Overlay District.

The enclosed WQIA report dated June 2016, prepared by HDR Engineering, Inc., provides a detailed summary of the potential impacts from the development of Cells VII and soil borrow area within future Cells VIII and IX, as would be permitted by granting the Conditional Use Permit.

Much of the information required by the WQIA was previously included in the Final Environmental Impact Statement prepared by the US Army Corps of Engineers (Norfolk District) completed May 1995 regarding expansion options for the Regional Landfill. Supplemental wetland delineation and vegetation characterization work and assessment of threatened and endangered species have been completed in support of the WQIA.

5.3 Soils Report

In accordance with Appendix B-4(e)(5) and B-20 of the UDO, we have prepared a Soils Report to identify the nature of the soils on the Regional Landfill site and specifically the types of soils within the 440.4 acre area of the property to be rezoned. Information on general soils type, detailed soil mapping and characteristics of the soil zones for recreation and development are summarized in the report.

The enclosed Soils Report dated June 2016, prepared by HDR Engineering, Inc., provides a detailed summary of the soils within the proposed portion of the property to be rezoned and its suitability for development of soil borrow and solid waste management facilities including landfill and composting system.



Attachment A – Legal Description

Legal Description of Portion of Map Lot 27*28A to Be Rezoned from A to M-2

ALL THAT certain portion of land being and situate in the City of Suffolk, Virginia and consisting of 440.34 acres which is bounded on the northeast and the southeast by land now or formerly owned by Kirk Timber & Farming Company, on the southeast by U.S. Routes 58, 13 and 460, on the west by property currently owned by the Southeastern Public Service Authority, property now or formerly owned by Kirk Timber & Farming Company, property now or formerly owned by Patricia T. Sessoms, property now or formerly owned by J.S. Kirk and Kirk Timber & Farming Company, and property now or formerly owned by Ruben Manning, Inc. and on the north by another tract of land now or formerly owned by Kirk Timber & Farming Company; which entire 525 acre parcel of land is shown on the subdivision plat thereof entitled "Resubdivision Plat of the Property of Kirk Timber & Farming Company Nansemond and Sleepy Hole Magisterial Districts City of Suffolk, Virginia", dated December 14, 2001, prepared by Vanasse Hangen Brustlin, Inc., recorded in the Clerk's Office at the Circuit Court of the City of Suffolk, Virginia in Plat Cabinet 3, Slides 123A, B and C.

The portion of the lot to be rezoned from Agricultural (A) to Heavy Manufacturing (M-2) is described with reference thereto as follows:

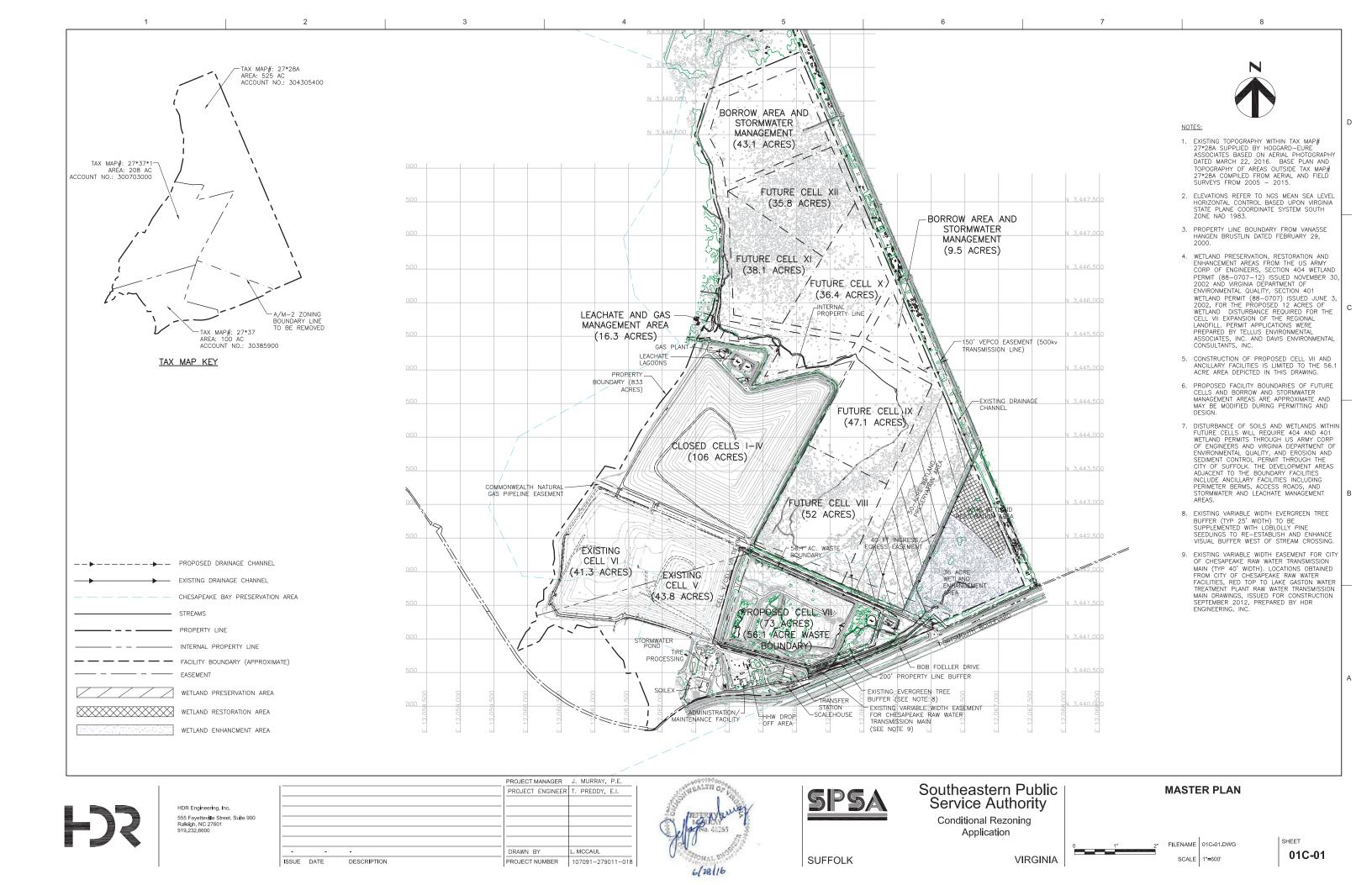
Beginning at a point marked by a concrete monument that lies N 22° 59' 00" W, 92.05 feet from the northern right of way line of U.S. Routes 58, 13 and 460 and thence from the point of beginning thus marked, S 66° 25' 25" W, 1,203.36 feet; thence turning and running N 20° 21' 33 W, 48.81 feet, thence turning and running N 69° 19' 25" W, 3,085.11 feet, thence turning and running N 17° 59' 53" E, 57.64 feet along the SPSA Tax Map 27*37*1 boundary line; thence turning and running along the boundary line N 28° 34' 41" E, 2,986.54 feet; thence turning and running along the boundary line S 75° 38' 35" W, 1,136.28 feet to a point 3.13 feet south of a concrete monument; thence continuing along the boundary line S 77° 53' 17" W, 396.40 feet; thence turning and running along the boundary line N 29° 04' 10" E, 635.56 feet to a point marked by a 24" black gum tree; thence turning and running along the boundary line the following courses and distances: N 57° 24' 15" W, 79.08 feet to a point marked by a concrete monument, N 83° 58' 22" W, 109.06 feet, S 84° 49' 09" W, 98.87 feet, S 85° 27' 45" W, 131.89 feet, N 82° 12' 35" W, 178.97 feet, N 79° 57' 35" W, 220.97 feet to a point marked by a 24" gum tree, N 76° 35' 29" W, 45.32 feet, N 79° 18' 39" W, 88.21 feet, N 84° 56' 08" W, 117.12 feet to a point marked by a concrete monument, N 84° 12' 58" W, 79.81 feet to a point marked by a 30" gum tree that marks the corner of the property which point lies 15.00 feet south of a concrete monument; thence turning and running along the boundary of property now or formerly owned by Kirk Timber & Farming Company N 28° 18' 48" E, 485.35 feet to a point marked by a concrete monument set in a ditch; thence continuing along the line of the property owned by Kirk Timber & Farming Company the following courses and distances: N 11° 36' 49" E, 494.28 feet, N 04° 02' 24" E, 105.90 feet and N 00° 21' 52" E, 501.38 feet to a concrete monument; thence along a boundary line with property now or formerly owned by Patricia T. Sessoms the following courses and distances: N 05° 39' 50" E, 37.01 feet to another concrete monument, N 02° 50′ 56″ E, 193.26 feet, N 18° 27′ 08″ W, 313.99 feet, N 07° 27′ 08″ W, 528.00, N 27° 57′ 08″ W, 355.00 feet and N 20° 12' 08" W, 152.00 feet to a point; thence turning and running N 16° 55' 27" E, 496.08 feet to a point marked by a concrete monument; thence N 17° 44' 30" E, 214.14 feet; thence turning and running N 67° 31' 55" E (through a point marked by a concrete monument set in this line 50 feet east of the corner), 1,447.78 feet to point marking the northern

corner of the property hereby described; thence turning and running along the line of property owned by Kirk Timber & Farming Company S 22° 55' 56" E, 8,602.20 feet to the point of beginning marked by a concrete monument.

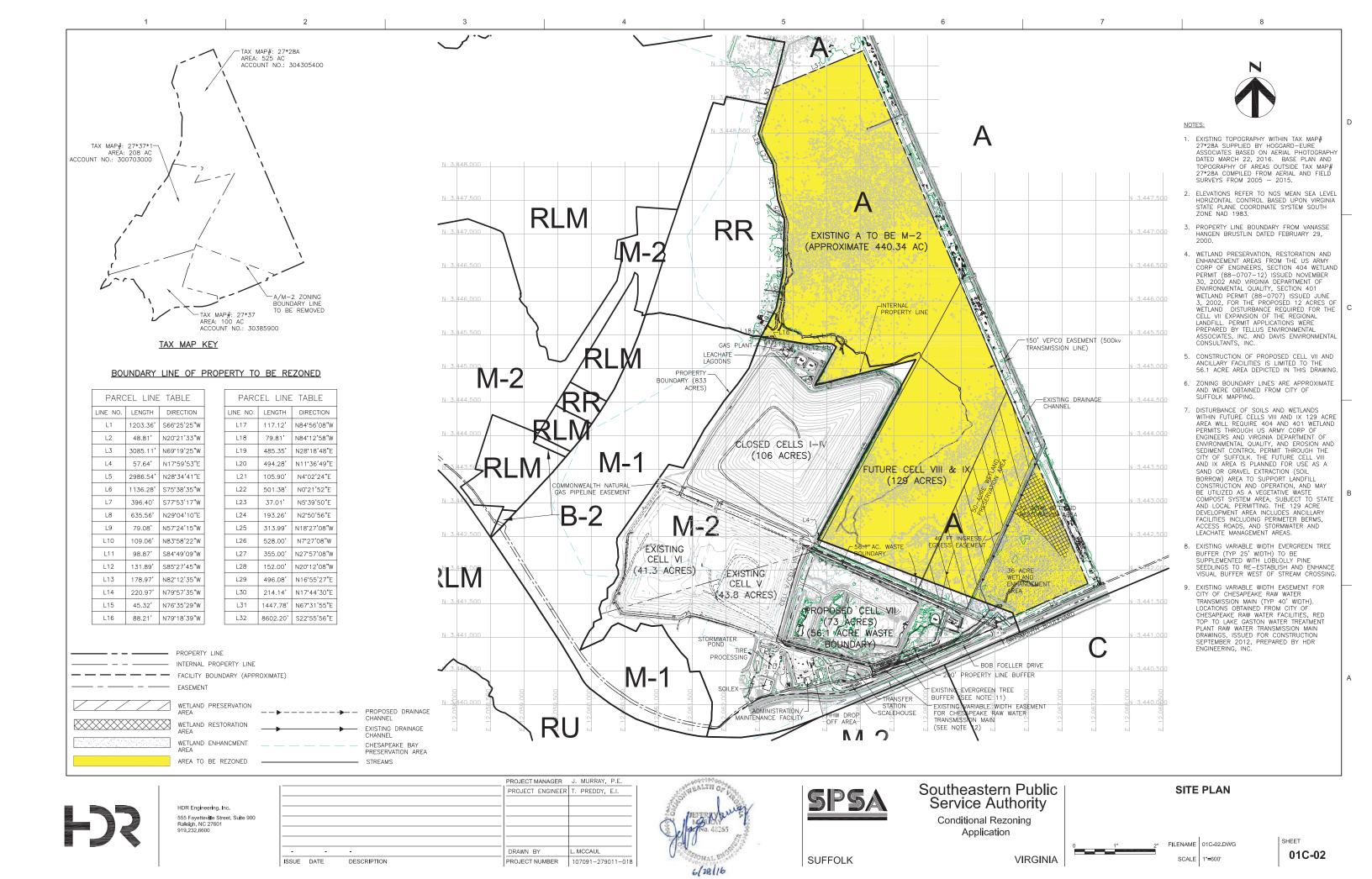
IT BEING a portion of the property conveyed to the Southeastern Public Service Authority of Virginia by Deed from Kirk Timber and Farming Company, dated January 10, 2002, and duly recorded in the Clerk's Office of the Circuit Court of the City of Suffolk, Virginia on January 25, 2002 as Instrument No. 020001146















555 Fayetteville Street, Suite 900 Raleigh, NC 27601-3034 919.232.6600

hdrinc.com

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