CITY COUNCIL PACKAGE FOR
APRIL 21, 2015

Page 1 – 2 Application Summary
3 – 5 Planning Commission Draft Minutes
6 – 8 Proffer Statement
9 – 22 Staff Reports: March 3, 2015
23 – 37 February 5, 2015
38 Fiscal Impact Analysis
39 Environmental Site Assessment - Phase I, Executive Summary
40 Site Plan
41 Aerial
42 GIS Parcel Exhibit
APPLICATION SUMMARY
R(C)-14-31    Ida Gardens Rezoning

LOCATION:  809 and 817 Bells Mill Road

PROPOSAL:  A conditional zoning reclassification of a 3.17± acre portion
            of a 7.15± acre development (two adjoining parcels) from M-1, Light
            Industrial District (3.17± acres) to R-10s, Residential
            District (3.17± acres).

SUBMITTED:  12-8-14    ACKNOWLEDGED BY COUNCIL:  1-27-15

STAFF RECOMMENDATION
Approval

PLANNING COMMISSION

HEARING DATES:  2-11-15, 3-11-15

RECOMMENDATION:  DENIAL

VOTE:  3 - 5

ATTACHMENTS
Draft Minutes, Proffer Statement, Staff Reports, Fiscal Impact Analysis,
Environmental Site Assessment Executive Summary - Phase I, Site Plan, Aerial,
GIS Parcel Exhibit
APPLICATION SUMMARY

R(C)-14-31  Ida Gardens Rezoning

APPLICANT/OWNER:  Maurice Robert McKenney
817 Bells Mill Road
Chesapeake, VA  23322-7015
230-7191
No email address

AGENCY:  American Engineering Associates – Southeast PA, Inc.
Attn: Walton P. Burkhimer
3351 Stoneshore Road
Virginia Beach, VA  23452
468-6800
pburkhimer@american-ea.com
R-14-31  
PROJECT: Ida Gardens Rezoning  
APPLICANT: Maurice Robert McKenney  
AGENCY: American Engineering Associates-Southeast, PA  
PROPOSAL: A zoning reclassification of a 3.17± acre portion of a 7.15± acre development (two adjoining parcels) from M-1, Light Industrial District (3.17± acres) to R-10s, Residential District (3.17± acres).  
PROPOSED COMP LAND USE / DENSITY: Low Density Residential with something less than 4 dwelling units per acre  
EXISTING COMP LAND USE / DENSITY: Low Density Residential with something less than 4 dwelling units per acre  
LOCATION: 809 and 817 Bells Mill Road  
TAX MAP SECTION/PARCELS: 0470000000070, 0470000000080  
BOROUGH: Pleasant Grove  

(Continued from the February 11, 2015 Public Hearing)

PLANNING COMMISSION RECOMMENDATION:

Planning Commission’s recommendation that R-14-31 be APPROVED failed, thus the Commission gives a recommendation for DENIAL.  (3-5; Williams/Perry, Van Laethem, Small, Perry, Morris, and Hutchinson were opposed/Johnson excused)

Mrs. Hanson read R-14-31 into the record for Commission review and action.

Staff Presentation:

Mr. Howlett stated that based on sound planning practices, Planning staff recommended that R-14-31 be APPROVED as listed in the official agenda.

Proponent:

Walton P. “Pete” Burkhimer, Jr., PE, American Engineering Associates-Southeast, PA, 3351 Stoneshore Road, Virginia Beach, Virginia, appeared before the Commission on behalf of R-14-31 representing the applicant.

Opponent:

John Maxwell, 808 Fox Ridge Trail, Chesapeake, Virginia, appeared before the Commission in opposition to R-14-31 representing himself.

Rachel Donahue, 804 Bay Laurel Court, Chesapeake, Virginia, appeared before the Commission in opposition to R-14-31 representing herself.

Yvonne Stuart, 800 Bay Laurel Court, Chesapeake, Virginia, appeared before the Commission in opposition to R-14-31 representing herself.
Robert Avis, 220 Timber Ridge Road, Chesapeake, Virginia, appeared before the Commission in opposition to R-14-31 representing Cedarwood Civic League.

Greg McCracken, 961 Fox Ridge Trail, Chesapeake, Virginia, appeared before the Commission in opposition to R-14-31 representing Cedarwood Civic League.

Susan L. Schaffner, 812 Cedarwood Court, Chesapeake, Virginia, appeared before the Commission in opposition to R-14-31 representing Cedarwood development.

Nikki White, 808 Bay Laurel Court, Chesapeake, Virginia, appeared before the Commission in opposition to R-14-31 representing Cedarwood neighborhood.

Steven White, 808 Bay Laurel Court, Chesapeake, Virginia, appeared before the Commission in opposition to R-14-31 representing Cedarwood neighborhood.

Maritza Brandon, 133 Country Club Boulevard, Chesapeake, Virginia, appeared before the Commission in opposition to R-14-31 representing herself.

Those who spoke in opposition were concerned about safety, traffic, and drainage issues and said they wanted the wetland area protected.

COMMISSION DISCUSSION:

Commissioner Van Laethem asked staff if this application was approved, what would be allowed, by right, to go into a C-1 and M-1 zoning areas. The Assistant Planning Director stated that C-1 Conservation Districts were intended to preserve sensitive environmental areas and that limited uses would be permitted. She said that no development or construction would be allowed and that we would only be looking at open space or conservation areas being the permitted uses. She stated that M-1 Districts were for light industrial and to name a few examples would be wholesale and distribution uses, outside storage, and other industrial uses that did not create a lot of noise or fumes associated with them, hotels, offices, and cell towers would also be permitted uses in M-1.

Commissioner Ellis asked staff if there were any issues in constructing a storm water management facilities in a C-1 zoning because that was a form of construction especially if it was going to support a subdivision. The Assistant Planning Director stated that the construction of a retention pond would be an accessory use to a development and since development was not allowed in C-1, then you would not find construction of a retention pond within the district.

Commissioner Perry reiterated that what was in front of the Commission was not for C-1 zoning and asked the agent for clarification. The Agent replied and said that the Commission had the authority to recommend to City Council a zoning to a lesser district than what had been requested. He said he had consulted with the City Attorney’s office prior to making the proposed change and was shocked by the comments made by the Assistant Planning Director, although it made sense. He said that they would still propose the storm water pond in the rear of the property and if it was the City’s ruling...
that it could not be done then he wondered what would happen to the pipes. He stated that C-1 would be for the Wetlands and R-10s would be for the rear and asked if a strip of R-10s would be needed to connect the pipes. He said that if they could not build the retention pond in the back then they would keep it all R-15s and add a third proffer to cap the maximum total lots at sixteen. Commissioner Perry asked the agent if this application was denied, how many houses could be built by-right. The agent replied thirteen. Commissioner Perry asked the City Attorney’s office for clarification on whether a retention pond would be appropriate in C-1. The City Attorney’s office said, in her opinion, a pond would be appropriate and while the Assistant Planning Director made some valid points, it was her opinion that storm water management facilities could occur because of an exemption for them. At this point she felt it would be prudent to rely on the opinion of the Zoning Administrator since there were different opinions.

Commissioner Morris stated that this application needed some work in order to clear up issues of what could be used in C-1 and to see what proffers could be associated with this application in order to make it Council ready and he moved for a thirty day continuance. The agent stated that if this had to be continued it must be for sixty days because he would be out of town for the next public hearing meeting date. Commissioner Morris withdrew his motion to continue this application for thirty days.

**COMMISSION VOTE:**

Commissioner Williams moved that R-14-31 be APPROVED as listed in the official agenda and as recommended by staff. Commissioner Perry seconded the motion.

Commissioner Morris made a substitute motion to CONTINUE to April 8, 2015. Commissioner Van Laethem seconded the motion. This motion was later withdrawn and no vote was taken.

Commissioner Van Laethem made a substitute motion to CONTINUE to May 13, 2015. Commissioner Small seconded the motion. The motion tied with a vote of 4-4. Commissioners Williams, Perry, Morris, Kish voted against the motion. Commissioner Johnson was excused.

Due to a tie vote the Planning Commission needed to take action on the main motion which was to approve.

Commissioner Williams moved that R-14-31 be APPROVED as listed in the official agenda and as recommended by staff. Commissioner Perry seconded the motion. The motion failed by a vote of 3-5; therefore, causing this application to be DENIED. Commissioners Van Laethem, Small, Perry, Hutchinson, and Morris voted against the motion. Commissioner Johnson was excused.
PROFFER STATEMENT

Application No: R(C)-14-31 Initial & Date: 3-18-15

Name and Address of Applicant(s): Maurice Robert McKenney, 817 Bells Mill Road, Chesapeake, VA 23322-7015

Name and Address of Owner(s): Maurice Robert McKenney, 817 Bells Mill Road, Chesapeake, VA 23322-7015

Tax Map Number(s): 0470000000070, and 0470000000080

Description of land (may be general, street address and acreage, however, a legal description must be attached. Copy of appropriate deed or plat may be accepted only at discretion of the Planning Director.)

0470000000070 - Bells Mill Par 1 3.25 Ac, WB163, Pg. 427, 809 Bells Mill Road
0470000000080 - Bells Mill Par 2 4.55 Ac, WB163, Pg. 427, 817 Bells Mill Road

Description of Proposed Rezoning: (Please state the existing and proposed zoning including the amount of acreage included in each existing and proposed zoning district.)

The front approximately 4 acres of this two-parcel assembly is already zoned to the R-10s Residential District. The purpose of this application is to rezone the rear remainder of the land, approximately 3.17 acres, from its current zoning of M-1, Light Industrial District to R-10s, so as to match the zoning of the front portion. Thus, the description above, from the Real Estate Assessor’s records, is of the ENTIRE parcel, but only the rear 3.17 acres (currently M-1) is proposed to be rezoned to R-10s.

Date Application Filed: December 8, 2014

The above named owner(s), and applicant(s), hereby proffer, as a part and provision of the above referenced rezoning, that the use and development of this property shall be in strict accordance with the following conditions, which shall constitute covenants running with said property, and which shall be binding upon the property and upon all parties and persons claiming under or through the owners and applicants, their heirs, personal representative, assigns, grantees and other successors in interest or title:

1. A conceptual site plan prepared by American Engineering Associates and entitled “Conceptual Plan of Ida Gardens,” dated March 3, 2015, a copy of which is on file with the Chesapeake Planning Department, has been submitted to the Chesapeake Planning Department, Planning Commission and City Council for illustrative purposes only and to provide support for this rezoning action. No rights shall vest nor shall any cause of action arise from the submission, review or acceptance of this conceptual site plan. In order to obtain preliminary or final site or subdivision approval, changes in the conceptual site plan will be necessary to accommodate environmental, engineering, architectural, topographic, or other development conditions, and to meet the requirements of applicable
PROFFER STATEMENT

Application No: R(C)-14-31 Initial & Date: 3·18·15

laws, ordinances and regulations. All preliminary and final site and subdivision plans are subject to the approval of the Director of Planning, or designee and/or the Director of Development and Permits or designee. A copy of the final approved site plan shall be placed in the file with the Planning Department and the Department of Development and Permits and shall supersedes any previously filed conceptual site plan.

2. The applicant/owner agrees that one-story dwellings shall have a minimum of two thousand (2,000) square feet of heated living space, and two-story dwellings shall have a minimum of twenty-three hundred (2,300) square feet of heated living space.

3. The applicant/owner agrees that the total number of lots developed on Tax Parcels 0470000000070 and 0470000000080, including those portions already zoned R-10s prior to R(C)-14-31, shall not exceed 16.

This section provides an opportunity for applicants to indicate whether they are proffering a particular development arrangement or any special improvements or amenities as part of the proposed development to make the request more compatible with existing and planned development in the area and to address the impacts of the rezoning on public infrastructure and services.

- Provide a specific statement as to whether this application is being submitted as an application for a conventional rezoning or conditional rezoning. If the application is for a conditional rezoning, state any proffers or conditions to be considered with the application on the attached proffer statement. See Special Notes on Conditional Rezoning Applications on the following page.

This application is for CONDITIONAL zoning.

- If any proffers involve land dedication, cash proffers, or other fees, complete the Cash Proffers & Improvements table:

<table>
<thead>
<tr>
<th>Acres of Land Dedicated</th>
<th>Roads</th>
<th>Schools</th>
<th>Library</th>
<th>Fire/EMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Value of Improvements</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash Proffers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Fees</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The authorized applicant(s) and owner(s) certify that soil tests have been performed on dedicated land, other than right-of-way, and that certified findings show the land to be suitable for its intended use.

In the event that land dedicated or money provided to the City in accordance with the proffered conditions are not used for the specific purpose originally intended under this proffer, the applicants and owners propose that such property and/or money be treated as follows:

Not applicable; no dedication of land or providing of money is proffered.
PROFFER STATEMENT

Application No: R(C)-14-31 Initial & Date: 3.18.15

NOTE: The final proffer statement shall be submitted within ten (10) calendar days after the Planning Commission meeting when action was taken. If the statement is not submitted within this time frame, the application may be removed from the City Council agenda and delayed until said statement is received. In order to be deemed complete, this proffer statement must be signed and initialed by the owner(s) and the applicant(s). All signatures must be notarized. All initials must be dated (date of initials must match date of signature).

The applicants and owners, for themselves, their heirs, personal representatives, assigns, grantees, and other successors in interest or title, voluntarily and without any requirement by or exaction from the City of Chesapeake or its governing body, proffers these conditions, acknowledging that the proposed rezoning itself gives rise to the need for the conditions, that such conditions have a reasonable relation to the rezoning, and that all such conditions are in conformity with the City’s Comprehensive Plan. The applicants and owners further acknowledge that the City is in no way obligated to rezone the subject property; that in the event the property is rezoned, the conditions proffered shall continue in full force and effect unless or until they are modified by subsequent amendment to the zoning ordinance; and that the applicants and owners, their heirs, personal representatives, assigns, grantees, and other successors in interest or title, shall not be released from the responsibility of fulfilling each of the enumerated conditions by virtue of any variance or other change in or to the zoning ordinance.

This proffer statement supersedes any and all previously submitted proffers.

WITNESS our signatures. (This proffer statement must be signed, initialed and dated by all owners of record and by the applicants if the applicants are different from the owners of record. All signatures must be notarized.)

Applicant/Owner: ____________________________

[Signature]

Maurice Robert McKenney, by Walton P. Burkhimer, Jr., Attorney-in-fact

Commonwealth/State of Virginia

City of Virginia Beach

Subscribed and sworn to before me this 18th day of March 2015

by Walton P. Burkhimer, Jr., Attorney-in-fact for Maurice Robert McKenney

Noel M. Crell

[Notary Public Stamp]

Notary Registration No. 193704

My Commission expires: 12.31.2018

[Notary Public Signature]
TO: CHESAPEAKE PLANNING COMMISSIONERS
FROM: DARRYL GRIFFIN, SENIOR PLANNER
THROUGH: JALEH M. SHEA, AICP, PLANNING DIRECTOR
DATE: MARCH 3, 2015
RE:

R-14-31
PROJECT: Ida Gardens Rezoning
APPLICANT: Maurice Robert McKenney
AGENCY: American Engineering Associates–Southeast, PA
PROPOSAL: A zoning reclassification of a 3.17± acre portion of a 7.15± acre site (two adjoining parcels) from M-1, Light Industrial District (3.17± acres), to R-10s, Residential District (3.17± acres).
PROPOSED COMP LAND USE / DENSITY: Low Density Residential with something less than 4 dwelling units per acre
EXISTING COMP LAND USE / DENSITY: Low Density Residential with something less than 4 dwelling units per acre
LOCATION: 809 and 817 Bells Mill Road
TAX MAP SECTION/PARCELS: 04700000000070 and 04700000000080
BOROUGH: Pleasant Grove

PROJECT DESCRIPTION:

The applicant seeks approval of a zoning reclassification of a 3.17± acre portion of a 7.15± acre site (two adjoining parcels) from M-1, Light Industrial District (3.17± acres), to R-10s, Residential District (3.17± acres), to construct 16 single-family detached homes.

UPDATE:

The item was continued by the applicant from the February 11, 2015 Planning Commission Public Hearing, to allow the agent time to meet with the surrounding residents regarding his application in an effort to abate their concerns regarding development of the subject site. The agent has provided written verification to Planning regarding his community outreach efforts. It should be noted that Planning reviewed our
records and confirmed that all adjacent property owners were provided timely notification regarding this application. The applicant has not offered any changes to the application as a result of the community outreach efforts.

**BACKGROUND:**

The subject site is zoned M-1, Light Industrial District, and R-10s, Residential District. Adjacent zoning designations are as follows:

<table>
<thead>
<tr>
<th>DIRECTION</th>
<th>ADJACENT ZONING DESIGNATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R-10s, Residential District (Cedarwood)</td>
</tr>
<tr>
<td></td>
<td>R-12s, Residential District (Cedarwood)</td>
</tr>
<tr>
<td>South</td>
<td>R-10s, Residential District</td>
</tr>
<tr>
<td>East</td>
<td>R-15s, Residential District (Seabrooke Landing)</td>
</tr>
<tr>
<td>West</td>
<td>R-12s, Residential District (Cedarwood)</td>
</tr>
</tbody>
</table>

**DEPARTMENTAL COMMENTS:**

**Development and Permits:**

**Development Engineering:**

- The proposed rezoning is exempt from the Level of Service test for adequate road facilities. The residential rezoning (to R-10s) will not generate more traffic than would be generated by potential future development under the existing zoning (M-1).

**Advisory:**

- Ditch and shoulder improvements are required along parcels frontage, in accordance with City Code.

- The Phase I Environmental Site Assessment has been reviewed (January 2015) and no further investigation of the subject property is required by the City of Chesapeake Environmental Specialist at this time.

- **NOTE:** Further conditions may be required during the administration of applicable City Codes and Standards. Any preliminary subdivision plan submitted with this application may require revision during detailed final subdivision plan review to meet all applicable City Codes and Standards. Final construction plans and subdivision plats shall meet all applicable requirements prior to City approval.

**Environmental/Landscaping:**

- No comments.
Zoning Administrator:
- No comments.

Code Enforcement:
- Portions of the site fall within the flood hazard area and must comply with provisions of the Chesapeake Floodplain Management Ordinance.
- A final construction plan will not be required.

Public Utilities:
- City water and sewer are available and required. Water and sewer are located in the right-of-way adjacent to the subject property. There is a 10" water main and an 8" sewer main on Bells Mill Road. Final determination as to whether adequate water or sewer service is available can only be made at the time the water or sewer connection fees are paid and accepted by the City and the building permits are requested.

School Administration:
- See attached letter dated January 27, 2015 for comments.

Fire Prevention:
- See attached memo dated December 23, 2014 for comments.

Library:
- See attached memo dated February 3, 2015.

Parks and Recreation:
- See attached memo date stamped December 31, 2014 for comments

Chesapeake Bay Preservation Area:
- See attached memo dated February 27, 2015.

Fiscal Impact Analysis:
- See attached analysis dated January 29, 2015.

STAFF ANALYSIS:
The subject site, located in the Suburban Overlay District, is an infill site bounded on all sides by low density, single-family residential uses. The low density residential and light industrial zoned portions of the subject site were zoned with the adoption of the official zoning map in May 1969. Furthermore, the entire site is designated as Low Density Residential, with something less than 4 dwelling units per acre, on the 2035 Land Use Plan. The neighboring parcels to the north and south were also zoned low density residential with the adoption of the official Zoning Map in May 1969; however, the
neighboring uses directly west of the subject site were rezoned as low density residential in 1987 and 1992, and have been developed as such.

The applicant is proposing a total of 16 lots on the entire 7.15± acre site; however, the 3.17± acre portion of the site proposed for rezoning will only include three 3 of the 16 lots. The rezoning of the remnant M-1, Light Industrial, portion of the subject site will allow its residential development potential to be maximized. The portion of the site presently zoned for residential use will include the remaining 13 lots of the proposed subdivision which are permitted by-right and can be developed without City Council approval. With regards to by-right development review, plan review is an administrative review for Code compliance.

It should be noted that Planning actively engaged with the agent regarding whether voluntary proffers would be submitted for the 3.17± acre portion of the site to include the submission of a proffer limiting the number of lots to be subdivided. Per Staff's inquiry regarding the absence of the aforementioned voluntary proffer, the agent's response was as follows:

"The possibility of a proffer to limit the number of lots arising from this rezoning seems unnecessary to the applicant and his team, plus there would be enforcement problems. Rightfully, any proffer should only apply to the land being rezoned. But, some of the lots will lie partially within the "new" R-10s and partially within the current R-10s. Given that multiple possible buyers might come up with slightly different layouts, it would be difficult to word an effective, enforceable proffer that would limit the number of lots and yet only apply to the land being rezoned. In reality, the existence of delineated, USACE-confirmed jurisdictional wetlands effectively limits the additional lot yield arising from the newly-zoned land."

From a land use perspective, the proposed R-10s, Residential District, is compatible with the low density residential designation in the City's 2035 Land Use Plan and the surrounding residential developments, as this portion of the Bells Mills Road corridor consists of predominately low density residential uses. Lastly, the overall density for the 3.17± acre portion of the site is 3.2 units per acre, which would not exceed the 4 units per acre density threshold as established by the 2035 Land Use Plan for low density residential development in the Suburban Overlay. As noted above, Planning actively engaged with the agent regarding whether voluntary proffers would be submitted for the 3.17± acre portion of the site. While the agent carefully considered the submission of voluntary proffers, no voluntary proffers have been submitted at this time. Furthermore, the agent has provided supplemental information under Question 1 of the Nature of Proposed Development portion of the rezoning application as a response to Planning regarding his rationale as to why voluntary proffers were not submitted. As Planning has carefully considered and values the merits of the agent's responses, Planning supports the concept of utilizing voluntary proffers as a mechanism to ensure the subject site will be developed in a manner as to be consistent with Comprehensive Plan policies and as to not adversely impact public facilities or services.
The subject site consists of two vacant, undeveloped and relatively flat parcels with dense vegetative growth located throughout each parcel.

The subject site is within the Chesapeake Bay Protection Area (CBPA). The Phase I Environmental Site Assessment, dated December 8, 2014, indicates that the environmental conditions of the subject site are appropriate for residential land use. While a delineation of the CBPA would not be required as the nearest Resource Protection Area (RPA) is well outside of the subject site, the proposed subdivision would be required to meet the development standards of the City Code. It should be noted that Development Engineering has not identified any adverse stormwater drainage impacts to the surrounding properties that would be triggered by the proposed development.

PLANNING AND LAND USE POLICIES

On March 21, 1995, the Chesapeake City Council adopted policies pertaining to acceptable level of service (LOS) standards focusing on three areas: (1) school needs; (2) road capacity; and (3) sewer capacity. Where the analysis of the rezoning application, whether a conventional or conditional rezoning, indicates that the public infrastructure is not sufficient to meet the needs that will be generated by the proposed development, then the application will be presumed to be untimely and inappropriate. The three areas, as they specifically apply to this application, are addressed below:

1. **SCHOOL NEEDS:** The subject site is located in the attendance areas for Cedar Road Elementary, Great Bridge Middle, and Grassfield High schools. Upon the development of this project and all unimproved residential lots on approved preliminaries and site plans within each attendance zone, none of these schools will be over 120% of capacity; therefore, the proposed rezoning meets the LOS for schools.

2. **ROAD CAPACITY:** Because the residential rezoning will not generate more traffic than would be generated by potential future development under the existing zoning (M-1), the proposed rezoning is exempt from the Level of Service test for adequate road facilities.

3. **SEWER CAPACITY:** The Public Utilities Department indicted that the site is within the HRSD service area; therefore; the subject application meets the LOS for sewer capacity.

On September 20, 2005, City Council adopted a policy addressing the acceptance of voluntary cash contributions for the improvement of schools, roads, libraries, and emergency service facilities. A revised policy was adopted by City Council on November 13, 2012. Below is a summary of the maximum proffer amount for this rezoning, the amount offered by the applicant, and the difference between the applicant's offer and the adopted proffer policy:
<table>
<thead>
<tr>
<th>Public Facility</th>
<th>Current Maximum Proffer Amount Per Unit</th>
<th>Proffer Amount Offered per Unit</th>
<th>Difference Per Unit</th>
</tr>
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<tbody>
<tr>
<td>Schools</td>
<td>$1,591.00</td>
<td>0</td>
<td>($1,591.00)</td>
</tr>
<tr>
<td>Transportation</td>
<td>$1,454.00</td>
<td>0</td>
<td>($1,454.00)</td>
</tr>
<tr>
<td>Libraries</td>
<td>$570.00</td>
<td>0</td>
<td>($570.00)</td>
</tr>
<tr>
<td>Fire &amp; EMS</td>
<td>$385.00</td>
<td>0</td>
<td>($385.00)</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$4,000.00</td>
<td>0</td>
<td>($4,000.00)</td>
</tr>
</tbody>
</table>

As depicted in the chart above, no proffers were offered by the applicant to off-set impacts on City facilities and services.

**FINDINGS FOR REZONINGS**

According to Section 16-106 of the Chesapeake Zoning Ordinance, if the application is for a reclassification of property to a different zoning district classification, the report of the Planning Commission should contain findings with respect to one or more of the following matters, as the Commission determines to be most significant:

1. **STANDARD:** Whether and in what respect the proposed zoning district classification is consistent with the Chesapeake Comprehensive Plan.

   **FINDING:** The City's 2035 Land Use Plan, which is a component of the Comprehensive Plan, designates the subject site as low density residential with something less than 4 dwelling units per acre. The applicant's request for an R-10s is consistent with this designation and is therefore consistent with the Land Use Plan component of the Comprehensive Plan. With a maximum allowable density of 3.2 units per acre per Section 6-2204 of the Zoning Ordinance, a maximum of 10 units would be the theoretical lot yield on the 3.17± acre portion of the subject site. While the applicant has stated that only 3 residential lots will be developed on the portion of the site being rezoned, no proffers have been submitted to limit the number the number of lots to 3. However, the presence of non-tidal wetlands on the site will limit the development on that portion of the site being rezoned. Furthermore, the portion of the site presently zoned for residential use will include the remaining 13 lots of the proposed subdivision which are permitted by-right and can be developed without City Council approval.

2. **STANDARD:** Whether and in what respect there are any changed or changing conditions in the area affected that make the proposed rezoning necessary.

   **FINDING:** There are no changing conditions which make the rezoning necessary. The rezoning of the remnant M-1, Light Industrial portion of the subject site, which is incompatible with surrounding residential uses from a land use perspective, will allow its residential development potential to be maximized. Additionally, the proposed R-10s zoning district is compatible with the low density residential designation in the 2035 Land Use Plan and with the surrounding...
residential developments as this portion of the Bells Mills Road corridor consists of predominately low density residential uses.

3. **STANDARD:** Whether and in what respect the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.

**FINDING:** The subject site is bordered on three sides by residential zoning classifications and development; therefore, the proposed residential zoning is consistent with neighboring uses.

4. **STANDARD:** Whether and in what respect adequate public facilities and services exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.

**FINDING:** According to the City's review departments, adequate public facilities and services already exist for the subject site.

5. **STANDARD:** The impact that the uses that would be permitted if the property were rezoned will have on the volume of vehicular and pedestrian traffic and traffic safety in the vicinity.

**FINDING:** As stated above, Development Engineering has indicated that the proposed rezoning will not generate more traffic than would be generated by potential future development under the existing zoning (M-1).

6. **STANDARD:** Whether and in what respect the proposed rezoning will correct an error in the application of this zoning ordinance as applied to the subject property.

**FINDING:** The proposed rezoning will not correct an error in the application of this zoning ordinance as applied to the subject property.

7. **STANDARD:** Whether a reasonably viable economic use of the subject property exists under the current zoning.

**FINDING:** The M-1 portion of the site can be developed with a number of light industrial uses; therefore, a viable economic use of the property exists under the current zoning.

**STAFF RECOMMENDATION:**

Based on the findings contained in this staff report, staff recommends that R-14-31 be APPROVED.

TH: bh

cc: Tim Howlett, Current Planning Administrator
January 27, 2015

Darryl Griffin, Senior Planner
Planning Department
City of Chesapeake
P.O. Box 15225
Chesapeake, Virginia 23328

Re: R(C)-14-31 Ida Gardens Rezoning

Dear Mr. Griffin,

I am writing regarding the R(C)-14-31 Ida Gardens Rezoning application received December 16, 2014, requesting a conditional zoning reclassification of 3.17 acres (a portion of an approximately 7.17 acres proposed development) from M-1 Light Industrial District to proffered R-10s, Residential District in order to develop a maximum of ten single-family detached residential units. Please find below information reflecting the impact this application will have on schools.

### Impact on Student Enrollments

<table>
<thead>
<tr>
<th>SCHOOLS</th>
<th>PORTABLES 2014-2015</th>
<th>CAPACITY 2014-2015</th>
<th>ENROLLMENT 9/2014</th>
<th>PROJECTED # OF STUDENTS FROM ALREADY APPROVED PRELIMINARY PLANS</th>
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<th>PROJECTED TOTAL ENROLLMENT</th>
<th>PROJECTED % CAPACITY BASED ON LOS</th>
</tr>
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<tbody>
<tr>
<td>Cedar Road</td>
<td>0</td>
<td>875</td>
<td>771</td>
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<td>2</td>
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<tr>
<td>Elementary</td>
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<td>Great Bridge</td>
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<td>1</td>
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<tr>
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<td>Grassfield High</td>
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<tr>
<td>TOTALS</td>
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<td>4131</td>
<td>131</td>
<td>5</td>
<td>4287</td>
<td></td>
</tr>
</tbody>
</table>

1 Enrolment projections are based on the Chesapeake Public Schools average grade distribution of 44% in grades K-5, 25.4% in grades 6-8, and 32.6% in grades 9-12 for the 2014-15 school year.

As shown in the chart above, this property is located in the attendance areas for Cedar Road Elementary, Great Bridge Middle, and Grassfield High schools. Estimates are based on ten single-family detached units, which indicate that R(C)-14-31 will require approximately five student stations or share of school capacity. Based on 2014-15 enrollment data and students projected for the proposed development, space is available at Cedar Road Elementary School and Grassfield High School, with Great Bridge Middle School being over capacity.

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The Chesapeake Public School System is an equal opportunity school system.

The School Board of the City of Chesapeake also adheres to the principles of equal opportunity and, therefore, prohibits discrimination in terms and conditions of employment on the basis of race, sex, national origin, color, religion, age, or disability.
Upon the development of this project and all unimproved residential lots on approved preliminaries and site plans within each attendance zone, none of these schools will be over 120% of capacity (see "Projected % Capacity Based on LOS Policy" column in the chart on the previous page).

As of January 2015, there were 412 home sites on approved preliminary and site plans in the Great Bridge Middle School Planning Area, which are included in the LOS calculations in the chart on page 1. It is important to note that these home sites do not include property that is already zoned for residential development for which no site plans have yet been submitted.

The School Board's Proposed Capital Improvement Plan: 2015-2025 contains the following project that would affect the schools listed above:

1. There is a proposal (unfunded) to design and construct an additional middle school on the Elbow Road/Centerville Turnpike North site. This new middle school will relieve overcrowding at Hickory Middle School, but will also serve students from the eastern portion of the current Greenbrier Middle School attendance zone and potentially Great Bridge Middle School if additional space is required. The construction of a new middle school is scheduled to be completed in the 2023-24 school year. Because design and construction of this school are scheduled to take place in the second five-year planning period of the Capital Improvement Plan (2020-2025), no construction cost estimate is included. This project is not included in the City Council’s Approved Capital Improvement Budget: 2015-19.

In order to provide permanent classroom space (1) for students already enrolled, (2) for students projected to enroll from already approved developments, and (3) for students who may enroll from the development of property that is zoned for residential development for which no site plans have yet been submitted, it may be necessary to complete the project listed above.
Proffer Analysis

Based upon City Council's maximum cash proffer amounts, the school system's cash proffer computes to $15,910.00 (equivalent to $1,591.00 per single-family detached unit). That amount does not represent the actual capital fiscal impact on schools required to house students generated from the proposed development. The applicant for R(C)-14-31 has not proffered any monetary contribution.

<table>
<thead>
<tr>
<th>R(C)-14-31 Ida Gardens Rezoning</th>
<th>Proffer Analysis</th>
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<tbody>
<tr>
<td>School Maximum Cash Proffer Amount</td>
<td>$15,910.00</td>
</tr>
<tr>
<td>Actual Cash Proffer Amount</td>
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</tr>
<tr>
<td>Difference</td>
<td>$15,910.00</td>
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Should you have any questions or comments regarding the above information, please feel free to contact me at 547-0580.

Sincerely,

A.J. Conlon, AICP
Planner

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FIRE PREVENTION DIVISION – PLAN REVIEW

To: Darryl Griffin, Senior Planner
Cc: Sherry Carawan, Nancy McPherson, Planning Department
From: Harold W. Creason, Fire Protection Plans Examiner
Date: December 23, 2014
RE: R(C)-14-31 – Ida Gardens Rezoning

The Fire Department has reviewed the above referenced rezoning application and associated preliminary plan and has approved the application based on the following advisory comments being addressed by the time of final subdivision plan approval in accordance with the Public Facilities Manual (PFM), Chapter XIII – Fire Protection, and the Virginia Statewide Fire Protection Code (SFPC) on-line at the following links:

PFM - Chesapeake Public Facilities Manual
SFPC - VA Statewide Fire Prevention Code

Compliance categories in accordance with PFM, Section III - FIRE SERVICE AND PROTECTION FEATURES:

A. Emergency Access
B. Water Supplies for Fire Fighting
C. Automatic Fire Protection Systems
D. Hazardous Processes (if target hazards apply requiring a Fire Code Operational Permit)

Advisory Comments:

1. Compliance with the Fire Code criteria listed above.
2. Residential Rezoning Applications: A Fire/EMS proffer has been determined and approved by City Council at the following rates per unit which apply as marked.

- Single-Family Attached = $390.00
- Single-Family Detached = $385.00
- Multi-Family = $237.00
- Age restricted Senior Housing = $993.00

"The City of Chesapeake adheres to the principles of equal employment opportunity. This policy extends to all programs and services supported by the City."
Date: February 3, 2015

To: Darryl Griffin, Senior Planner
Planning Department

From: Rhonda Riddick, Administrative Assistant
Libraries & Research Services

Re: R (C) - 14 - 31
Ida Gardens Rezoning

Library Review of Planning Document

The above reference plans will have the following impact on library operations:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>$</td>
<td>11,388.16</td>
<td>Calculated as follows:</td>
</tr>
</tbody>
</table>

Single Family Detached:

| 16 units x $ 711.76 | $ 11,388.16 |

Single Family Attached:

| 0 units x $ 576.08 | $ - |

Multi-family

| 0 units x $ 502.31 | $ - |

Approximate distance to system libraries:

- Central: 1.54 miles
- Dr. Clarence V. Cuffee
- Greenbrier
- Indian River
- Major Hillard
- Russell Memorial
- South Norfolk

Special/additional services required:

"The City of Chesapeake adheres to the principles of equal employment opportunity. This policy extends to all programs and services supported by the City."
Application Review Committee

Received By

Chesapeake Planning
Department

DATE: DECEMBER 16, 2014

FM: DARRYL GRIFFIN, SENIOR PLANNER

TO: Aast City Attorney D & P /Environmental Economic Development Army Corps
Public Utilities D & P /Dev Eng (2) School Administration DEQ
Parks & Recreation D & P /Code Enforce Fire Prevention
Library D & P /Zoning Police

RE: R(C)-14-31
PROJECT: Ida Gardens Rezoning,
APPLICANT: Maurice Robert McKenney
AGENCY: American Engineering Associates-Southeast PA
PROPOSAL: A conditional zoning reclassification totaling 3.17± acres from M-1, Light Industrial District to R-10s, Residential District, as a residential zoning boundary line extension of the front segments of the subject parcels dual-zoned M-1, Light Industrial District and R-10s, Residential District, to allow for the construction of single-family homes within the presently industrially zoned rear segments of the subject parcels.

PROPOSED COMP LAND USE / DENSITY: Low Density Residential
EXISTING COMP LAND USE / DENSITY: Low Density Residential
LOCATION: 809 and 817 Bells Mill Road
TAX MAP SECTION/PARCELS: 0470000000070 and 0470000000080
BOROUGH: Pleasant Grove

Attached is the application and site plan required by your department for the Application Review Committee review. The ARC Meeting is scheduled for December 24, 2014 at 9:30 a.m. in the Planning Department Conference Room. Comments regarding this item, in memo format, should be delivered to the Planning Department and emailed to Darryl Griffin (cc: Sherry) by January 2, 2015.

cc: Karen Shaffer; Mark Woodward; Ben Umphlett; File Copy

REPLY: This department ☑ will ☐ will not require a final construction plan.

Take the in-lieu of fees.

IF YOU DO NOT NEED TO RETAIN THE SITE PLANS PLEASE RETURN THEM AT THE END OF THE ARC MEETING.
MEMORANDUM

TO: Darryl Griffin, Senior Planner
FROM: Michael R. Anaya, Senior Planner
DATE: February 27, 2015
RE: R(C)-14-31 Ida Gardens

The site lies within the Resource Management Area (RMA) of the Chesapeake Bay Preservation Area (CBPA). Any disturbance, development, or redevelopment shall be performed in accordance with standards for the RMA. See City of Chesapeake Code of Ordinances, Chapter 26, Article IX.
TO:  
CHESAPEAKE PLANNING COMMISSIONERS

FROM:  
DARRYL GRIFFIN, SENIOR PLANNER

THROUGH:  
JALEH M. SHEA, AICP, PLANNING DIRECTOR

DATE:  
FEBRUARY 5, 2015

RE:  
R-14-31
PROJECT:  Ida Gardens Rezoning
APPLICANT:  Maurice Robert McKenney
AGENCY:  American Engineering Associates-Southeast, PA
PROPOSAL:  A zoning reclassification of a 3.17± acre portion of a
7.15± acre site (two adjoining parcels) from M-1, Light Industrial
District (3.17± acres), to R-10s, Residential District (3.17± acres).
PROPOSED COMP LAND USE / DENSITY:  Low Density
Residential with something less than 4 dwelling units per acre
EXISTING COMP LAND USE / DENSITY:  Low Density
Residential with something less than 4 dwelling units per acre
LOCATION:  809 and 817 Bells Mill Road
TAX MAP SECTION/PARCELS:  04700000000070 and
04700000000080
BOROUGH:  Pleasant Grove

PROJECT DESCRIPTION:

The applicant seeks approval of a conventional zoning reclassification of a 3.17± acre
portion of a 7.15± acre site (two adjoining parcels) from M-1, Light Industrial District
(3.17± acres), to R-10s, Residential District (3.17± acres), to construct 16 single-family
detached homes.
BACKGROUND:

The subject site is zoned M-1, Light Industrial District, and R-10s, Residential District. Adjacent zoning designations are as follows:

<table>
<thead>
<tr>
<th>DIRECTION</th>
<th>ADJACENT ZONING DESIGNATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R-10s, Residential District (Cedarwood)</td>
</tr>
<tr>
<td></td>
<td>R-12s, Residential District (Cedarwood)</td>
</tr>
<tr>
<td>South</td>
<td>R-10s, Residential District</td>
</tr>
<tr>
<td>East</td>
<td>R-15s, Residential District (Seabrooke Landing)</td>
</tr>
<tr>
<td>West</td>
<td>R-12s, Residential District (Cedarwood)</td>
</tr>
</tbody>
</table>

DEPARTMENTAL COMMENTS:

Development and Permits:

Development Engineering:

- The proposed rezoning is exempt from the Level of Service test for adequate road facilities. The residential rezoning (to R-10s) will not generate more traffic than would be generated by potential future development under the existing zoning (M-1).

Advisory:

- Ditch and shoulder improvements are required along parcels frontage, in accordance with City Code.

- The Phase I Environmental Site Assessment has been reviewed (January 2015) and no further investigation of the subject property is required by the City of Chesapeake Environmental Specialist at this time.

- NOTE: Further conditions may be required during the administration of applicable City Codes and Standards. Any preliminary subdivision plan submitted with this application may require revision during detailed final subdivision plan review to meet all applicable City Codes and Standards. Final construction plans and subdivision plats shall meet all applicable requirements prior to City approval.

Environmental/Landscaping:

- No comments.

Zoning Administrator:

- No comments.
Code Enforcement:
- Portions of the site fall within the flood hazard area and must comply with provisions of the Chesapeake Floodplain Management Ordinance.
- A final construction plan will not be required.

Public Utilities:
- City water and sewer are available and required. Water and sewer are located in the right-of-way adjacent to the subject property. There is a 10" water main and an 8" sewer main on Bells Mill Road. Final determination as to whether adequate water or sewer service is available can only be made at the time the water or sewer connection fees are paid and accepted by the City and the building permits are requested.

School Administration:
- See attached letter dated January 27, 2015 for comments.

Fire Prevention:
- See attached memo dated December 23, 2014 for comments.

Library:
- See attached memo dated February 3, 2015.

Parks and Recreation:
- See attached memo date stamped December 31, 2014 for comments

Chesapeake Bay Preservation Area:
- See attached memo dated February 3, 2015.

Fiscal Impact Analysis:
- See attached analysis dated January 29, 2015.

STAFF ANALYSIS:
The subject site, located in the Suburban Overlay, is an infill site bounded on all sides by low density, single-family residential uses. The low density residential and light industrial zoned portions of the subject site were rezoned with the adoption of the official zoning map in May 1969. Furthermore, the low density residential portion of the subject site is designated as Low Density Residential, with something less than 4 dwelling units per acre, on the 2035 Land Use Plan. The neighboring parcels to the north and south were also zoned low density residential with the adoption of the official zoning map in May 1969; however, the neighboring uses directly west of the subject site were rezoned as low density residential in 1987 and 1992, and have been developed as such.
The applicant is proposing a total of 16 lots on the entire 7.15± acre site; however, the 3.17± acre portion of the site proposed for rezoning will only include three 3 of the 16 lots. The rezoning of the remnant M-1, Light Industrial, portion of the subject site will allow its residential development potential to be maximized. The portion of the site presently zoned for residential use will include the remaining 13 lots of the proposed subdivision which are permitted by-right. With regards to by-right development review, plan review is an administrative review for code compliance. Under State Law, by-right development cannot address impacts to schools and roads since the residential zoning is already in place.

It should be noted that Planning actively engaged with the agent regarding whether voluntary proffers would be submitted for the 3.17± acre portion of the site to include the submission of a proffer limiting the number of lots to be subdivided. Per Staff’s inquiry regarding the absence of the aforementioned voluntary proffer, the agent’s response was as follows:

“The possibility of a proffer to limit the number of lots arising from this rezoning seems unnecessary to the applicant and his team, plus there would be enforcement problems. Rightfully, any proffer should only apply to the land being rezoned. But, some of the lots will lie partially within the “new” R-10s and partially within the current R-10s. Given that multiple possible buyers might come up with slightly different layouts, it would be difficult to word an effective, enforceable proffer that would limit the number of lots and yet only apply to the land being rezoned. In reality, the existence of delineated, USACE-confirmed jurisdictional wetlands effectively limits the additional lot yield arising from the newly-zoned land.”

From a land use perspective, the proposed R-10s, Residential District, is compatible with the low density residential designation in the City’s 2035 Land Use Plan and the surrounding residential developments, as this portion of the Bells Mills Road corridor consists of predominately low density residential uses. Lastly, the overall density for the 3.17± acre portion of the site is 3.2 units per acre, which would not exceed the 4 units per acre density threshold as established by the 2035 Land Use Plan for low density residential development in the Suburban Overlay. As noted above, Planning actively engaged with the agent regarding whether voluntary proffers would be submitted for the 3.17± acre portion of the site. While the agent carefully considered the submission of voluntary proffers, no voluntary proffers have been submitted at this time. Furthermore, the agent has provided supplemental information under Question 1 of the Nature of Proposed Development portion of the rezoning application as a response to Planning regarding his rationale as to why voluntary proffers were not submitted. As Planning has carefully considered and values the merits of the agent’s responses, Planning supports the concept of utilizing voluntary proffers as a mechanism to ensure the subject site will be developed in a manner as to be consistent with Comprehensive Plan policies and as to not adversely impact the surrounding residents.

The subject site consists of two vacant, undeveloped and relatively flat parcels with dense vegetative growth located throughout each parcel.
The subject site is within the Chesapeake Bay Protection Area (CBPA). The Phase I Environmental Site Assessment, dated December 8, 2014, indicates that the environmental conditions of the subject site are appropriate for residential land use. While a wetlands delineation would not be required as the nearest wetlands are well outside of the subject site, the proposed subdivision would be required to meet the development standards of the City Code. Furthermore, any development impacts regarding the dimensional and technical elements of the proposed subdivision as triggered by the CBPA requirements per data derived from all permitting agencies can be addressed through the administrative plan review process.

PLANNING AND LAND USE POLICIES

On March 21, 1995, the Chesapeake City Council adopted policies pertaining to acceptable level of service (LOS) standards focusing on three areas: (1) school needs; (2) road capacity; and (3) sewer capacity. Where the analysis of the rezoning application, whether a conventional or conditional rezoning, indicates that the public infrastructure is not sufficient to meet the needs that will be generated by the proposed development, then the application will be presumed to be untimely and inappropriate. The three areas, as they specifically apply to this application, are addressed below:

1. **SCHOOL NEEDS:** The subject site is located in the attendance areas for Cedar Road Elementary, Great Bridge Middle, and Grassfield High schools. Upon the development of this project and all unimproved residential lots on approved preliminaries and site plans within each attendance zone, none of these schools will be over 120% of capacity.

2. **ROAD CAPACITY:** According to Development Engineering, the proposed rezoning is exempt from the Level of Service test for adequate road facilities because the residential rezoning will not generate more traffic than would be generated by potential future development under the existing zoning (M-1).

3. **SEWER CAPACITY:** The Public Utilities Department indicted that the site is within the HRSD service area; therefore; the subject application meets the LOS for sewer capacity.

On September 20, 2005, City Council adopted a policy addressing the acceptance of voluntary cash contributions for the improvement of schools, roads, libraries, and emergency service facilities. A revised policy was adopted by City Council on November 13, 2012. Below is a summary of the maximum proffer amount for this rezoning, the amount offered by the applicant, and the difference between the applicant’s offer and the adopted proffer policy:
<table>
<thead>
<tr>
<th>Public Facility</th>
<th>Current/Maximum Proffer Amount Per Unit</th>
<th>Proffer Amount Offered Per Unit</th>
<th>Difference Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schools</td>
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<td>$1,591.00</td>
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<tr>
<td>Transportation</td>
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<td>Libraries</td>
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<td>Fire &amp; EMS</td>
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<td><strong>$4,000.00</strong></td>
<td>0</td>
<td><strong>$4,000.00</strong></td>
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Per Staff's inquiry regarding the absence of any voluntary proffer for cash, City Services and infrastructure as noted in the proffer table above, the agent's response was as follows:

"Such a proffer, if made, would rightly apply only to the 3 additional lots resulting from the change from M-1 to R-10s, or a total of $12,000. In this case, the two parcels currently existing have been taxed on a combined value basis of $300,000 to $400,000 over the last few years, yet the only public expense arising from them have for the single residence. Over the last 20 years, the additional real estate taxes paid, versus if the parcels were just valued as two single-family lots, certainly meets or exceeds the $12,000. Compare this with a piece of land being rezoned from A-1 to R-10s, which would have been paying real estate taxes at a much lower rate over the same time frame. In summary, we just believe this is a materially different situation from the typical land being up-zoned for residential use."

**FINDINGS FOR REZONINGS**

According to Section 16-106 of the Chesapeake Zoning Ordinance, if the application is for a reclassification of property to a different zoning district classification, the report of the Planning Commission should contain findings with respect to one or more of the following matters, as the Commission determines to be most significant:

1. **STANDARD:** Whether and in what respect the proposed zoning district classification is consistent with the Chesapeake Comprehensive Plan.

   **FINDING:** The City's 2035 Land Use Plan, which is a component of the Comprehensive Plan, designates the subject site as low density residential with something less than 4 dwelling units per acre. The applicant's request for an R-10s is consistent with this designation and is therefore consistent with the Land Use Plan component of the Comprehensive Plan. With a maximum allowable density of 3.2 units per acre per Section 6-2204 of the Zoning Ordinance, a maximum of 10 units would be the theoretical lot yield on the 3.17± acre portion of the subject site. As noted above however, the applicant is only proposing create 3 lots.

2. **STANDARD:** Whether and in what respect there are any changed or changing conditions in the area affected that make the proposed rezoning necessary.
FINDING: There are no changing conditions which make the rezoning necessary. The rezoning of the remnant M-1, Light Industrial portion of the subject site, which is incompatible with surrounding residential uses from a land use perspective, will allow its residential development potential to be maximized. Additionally, the proposed R-10s zoning district is compatible with the low density residential designation in the 2035 Land Use Plan and with the surrounding residential developments as this portion of the Bells Mills Road corridor consists of predominately low density residential uses.

3. **STANDARD:** Whether and in what respect the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.

FINDING: The subject site is bordered on three sides by residential zoning classifications; therefore, the proposed residential zoning is consistent with neighboring uses. Per Staff's inquiry regarding the absence of any voluntary proffer to address architectural design elements for cash, the agent's response was as follows:

"Regarding the possibility of proffered architectural design provisions, that does not seem necessary or appropriate to Applicant and his team under these circumstances. The front majority of his property is free to be developed into about 13 R-10s lots without any provisions regarding design. Moreover, applicant has no idea what specific design styles and standards may be acceptable to a specific buyer. And, the rezoned land if this application is approved only gives rise to an additional 3 lots. Developing a set of design standards to assure neighborhood compatibility seems unnecessary in this situation."

4. **STANDARD:** Whether and in what respect adequate public facilities and services exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.

FINDING: According to the City's review departments, adequate public facilities and services already exist for the subject site. While the impacts to facilities and services are expected to be minimal, Planning supports the concept of utilizing voluntary proffers as a mechanism to ensure the subject site will be developed in a manner as to not adversely impact the surrounding residents and to be consistent with Comprehensive Plan policies.

5. **STANDARD:** The impact that the uses that would be permitted if the property were rezoned will have on the volume of vehicular and pedestrian traffic and traffic safety in the vicinity.

FINDING: As stated above, Development Engineering has indicated that the proposed rezoning will not generate more traffic than would be generated by potential future development under the existing zoning (M-1).
6. **STANDARD:** Whether and in what respect the proposed rezoning will correct an error in the application of this zoning ordinance as applied to the subject property.

**FINDING:** The proposed rezoning will indicate the current use of the subject site.

7. **STANDARD:** Whether a reasonably viable economic use of the subject property exists under the current zoning.

**FINDING:** The M-1 portion of the site can be developed with a number of light industrial uses; therefore, a viable economic use of the property exists under the current zoning.

**STAFF RECOMMENDATION:**

Based on the findings contained in this staff report, staff recommends that **R-14-31** be **APPROVED**.

TH: bh

cc: Tim Howlett, Current Planning Administrator
January 27, 2015

Darryl Griffin, Senior Planner
Planning Department
City of Chesapeake
P.O. Box 15225
Chesapeake, Virginia 23328

Re: R(C)-14-31 Ida Gardens Rezoning

Dear Mr. Griffin,

I am writing regarding the R(C)-14-31 Ida Gardens Rezoning application received December 16, 2014, requesting a conditional zoning reclassification of 3.17 acres (a portion of an approximately 7.17 acres proposed development) from M-1 Light Industrial District to proffered R-10s, Residential District in order to develop a maximum of ten single-family detached residential units. Please find below information reflecting the impact this application will have on schools.

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</table>

1 Enrollment projections are based on the Chesapeake Public Schools average grade distribution of 44% in grades K-5, 23.4% in grades 6-8, and 32.6% in grades 9-12 for the 2014-15 school year.

As shown in the chart above, this property is located in the attendance areas for Cedar Road Elementary, Great Bridge Middle, and Grassfield High schools. Estimates are based on ten single-family detached units, which indicate that R(C)-14-31 will require approximately five student stations or share of school capacity. Based on 2014-15 enrollment data and students projected for the proposed development, space is available at Cedar Road Elementary School and Grassfield High School, with Great Bridge Middle School being over capacity.

The Chesapeake Public School System is an equal opportunity school system.
The School Board of the City of Chesapeake also adheres to the principles of equal opportunity and, therefore, prohibits discrimination in terms and conditions of employment on the basis of race, sex, national origin, color, religion, age, or disability.
Upon the development of this project and all unimproved residential lots on approved preliminaries and site plans within each attendance zone, none of these schools will be over 120% of capacity (see "Projected % Capacity Based on LOS Policy" column in the chart on the previous page).

As of January 2015, there were 412 home sites on approved preliminary and site plans in the Great Bridge Middle School Planning Area, which are included in the LOS calculations in the chart on page 1. It is important to note that these home sites do not include property that is already zoned for residential development for which no site plans have yet been submitted.

The School Board’s Proposed Capital Improvement Plan: 2015-2025 contains the following project that would affect the schools listed above:

1. There is a proposal (unfunded) to design and construct an additional middle school on the Elbow Road/Centerville Turnpike North site. This new middle school will relieve overcrowding at Hickory Middle School, but will also serve students from the eastern portion of the current Greenbrier Middle School attendance zone and potentially Great Bridge Middle School if additional space is required. The construction of a new middle school is scheduled to be completed in the 2023-24 school year. Because design and construction of this school are scheduled to take place in the second five-year planning period of the Capital Improvement Plan (2020-2025), no construction cost estimate is included. This project is not included in the City Council’s Approved Capital Improvement Budget: 2015-19.

In order to provide permanent classroom space (1) for students already enrolled, (2) for students projected to enroll from already approved developments, and (3) for students who may enroll from the development of property that is zoned for residential development for which no site plans have yet been submitted, it may be necessary to complete the project listed above.

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Proffer Analysis

Based upon City Council’s maximum cash proffer amounts, the school system’s cash proffer computes to $15,910.00 (equivalent to $1,591.00 per single-family detached unit). That amount does not represent the actual capital fiscal impact on schools required to house students generated from the proposed development. The applicant for R(C)-14-31 has not proffered any monetary contribution.

<table>
<thead>
<tr>
<th>R(C)-14-31 Ida Gardens Rezoning Proffer Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Maximum Cash Proffer Amount</td>
</tr>
<tr>
<td>Actual Cash Proffer Amount</td>
</tr>
<tr>
<td>Difference</td>
</tr>
</tbody>
</table>

Should you have any questions or comments regarding the above information, please feel free to contact me at 547-0580.

Sincerely,

A.J. Conlon, AICP
Planner
FIRE PREVENTION DIVISION – PLAN REVIEW

To: Darryl Griffin, Senior Planner
Cc: Sherry Carawan, Nancy McPherson, Planning Department
From: Harold W. Creason, Fire Protection Plans Examiner
Date: December 23, 2014

RE: R(C)-14-31 – Ida Gardens Rezoning

The Fire Department has reviewed the above referenced rezoning application and associated preliminary plan and has approved the application based on the following advisory comments being addressed by the time of final subdivision plan approval in accordance with the Public Facilities Manual (PFM), Chapter XIII – Fire Protection, and the Virginia Statewide Fire Protection Code (SFPC) on-line at the following links:

PFM - Chesapeake Public Facilities Manual  SFPC - VA Statewide Fire Prevention Code

Compliance categories in accordance with PFM, Section III - FIRE SERVICE AND PROTECTION FEATURES:

A. Emergency Access
B. Water Supplies for Fire Fighting
C. Automatic Fire Protection Systems
D. Hazardous Processes (if target hazards apply requiring a Fire Code Operational Permit)

Advisory Comments:

1. Compliance with the Fire Code criteria listed above.
2. Residential Rezoning Applications: A Fire/EMS proffer has been determined and approved by City Council at the following rates per unit which apply as marked.

☐ Single-Family Attached = $390.00  ☑ Single-Family Detached = $385.00
☐ Multi-Family = $237.00  ☐ Age restricted Senior Housing = $993.00

"The City of Chesapeake adheres to the principles of equal employment opportunity. This policy extends to all programs and services supported by the City."
Date: February 3, 2015
To: Darryl Griffin, Senior Planner
    Planning Department
From: Rhonda Riddick, Administrative Assistant
      Libraries & Research Services
Re: R ( C ) - 14 - 31
    Ida Gardens Rezoning

Library Review of Planning Document

The above reference plans will have the following impact on library operations:

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>No Impact</td>
<td></td>
</tr>
<tr>
<td><strong>X</strong></td>
<td></td>
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<tr>
<td></td>
<td></td>
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<tr>
<td><strong>$ 11,388.16</strong> Calculated as follows:</td>
<td></td>
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<tr>
<td></td>
<td></td>
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<tr>
<td>Single Family Detached:</td>
<td></td>
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<tr>
<td></td>
<td></td>
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<tr>
<td>16 units x $ 711.76</td>
<td>$ 11,388.16</td>
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<tr>
<td></td>
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<tr>
<td>Single Family Attached:</td>
<td></td>
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<tr>
<td></td>
<td></td>
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<tr>
<td>0 units x $ 576.08</td>
<td>$</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Multi-family</td>
<td></td>
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</tr>
<tr>
<td>0 units x $ 502.31</td>
<td>$</td>
</tr>
</tbody>
</table>

Approximate distance to system libraries:

- Central: 1.54 miles
- Dr. Clarence V. Cuffee
- Greenbrier
- Indian River
- Major Hillard
- Russell Memorial
- South Norfolk

Special/additional services required:

"The City of Chesapeake adheres to the principles of equal employment opportunity.
This policy extends to all programs and services supported by the City."
Application Review Committee

DATE: DECEMBER 16, 2014

FM: DARRYL GRIFFIN, SENIOR PLANNER

TO: Asst City Attorney D & P /Environmental Public Utilities D & P /Dev Eng (2) Parks & Recreation D & P /Code Enforce Library D & P /Zoning

Economic Development Army Corps School Administration DEQ Fire Prevention Police

RE: R(C)-14-31

PROJECT: Ida Gardens Rezoning

APPLICANT: Maurice Robert McKenney

AGENCY: American Engineering Associates-Southeast PA

PROPOSAL: A conditional zoning reclassification totaling 3.17± acres from M-1, Light Industrial District to R-10s, Residential District, as a residential zoning boundary line extension of the front segments of the subject parcels dual-zoned M-1, Light Industrial District and R-10s, Residential District, to allow for the construction of single-family homes within the presently industrially zoned rear segments of the subject parcels.

PROPOSED COMP LAND USE / DENSITY: Low Density Residential

EXISTING COMP LAND USE / DENSITY: Low Density Residential

LOCATION: 809 and 817 Bells Mill Road

TAX MAP SECTION/PARCELS: 0470000000070 and 0470000000080

BOROUGH: Pleasant Grove

Attached is the application and site plan required by your department for the Application Review Committee review. The ARC Meeting is scheduled for December 24, 2014 at 9:30 a.m. in the Planning Department Conference Room. Comments regarding this item, in memo format, should be delivered to the Planning Department and emailed to Darryl Griffin (cc: Sherry) by January 2, 2015.

c: Karen Shaffer; Mark Woodward; Ben Umphlett; File Copy

REPLY: This department ☑ will ☑ will not ☐ require a final construction plan.

Impact on Parks, Recreation ☑ Tourism ☐

IF YOU DO NOT NEED TO RETAIN THE SITE PLANS PLEASE RETURN THEM AT THE END OF THE ARC MEETING.
MEMORANDUM

TO: Darryl Griffin, Senior Planner
FROM: Michael R. Anaya, Senior Planner
DATE: February 3, 2015
RE: R(C)-14-31 Ida Gardens

The site lies within the Resource Management Area (RMA) of the Chesapeake Bay Preservation Area (CBPA). Any disturbance, development, or redevelopment shall be performed in accordance with standards for the RMA. See City of Chesapeake Code of Ordinances, Chapter 26, Article IX.
### R-14-31 FISCAL IMPACT ANALYSIS
1/29/2015

#### GENERAL FUND

<table>
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<tbody>
<tr>
<td>Total Revenue</td>
<td>228</td>
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<tr>
<td>Total Operating Cost</td>
<td>275</td>
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<tr>
<td>Total Capital Costs</td>
<td>423</td>
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<tr>
<td><strong>NET TOTAL GENERAL FUND IMPACT</strong></td>
<td><strong>($471)</strong></td>
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#### AVERAGE ANNUAL IMPACT

<table>
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<tbody>
<tr>
<td><strong>AVERAGE ANNUAL IMPACT</strong></td>
<td><strong>($23.54)</strong></td>
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#### SCHOOL BOARD

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<tbody>
<tr>
<td>Total Revenue</td>
<td>225</td>
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<tr>
<td>Total Operating Costs</td>
<td>246</td>
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<tr>
<td>Total Capital Costs</td>
<td>44</td>
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<tr>
<td><strong>NET TOTAL SCHOOL BOARD IMPACT</strong></td>
<td><strong>($66)</strong></td>
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#### AVERAGE ANNUAL IMPACT

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<tbody>
<tr>
<td><strong>AVERAGE ANNUAL IMPACT</strong></td>
<td><strong>($3.25)</strong></td>
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#### COMBINED RESULTS

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<tbody>
<tr>
<td>Total Revenue</td>
<td>453</td>
</tr>
<tr>
<td>Total Operating Costs</td>
<td>521</td>
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<tr>
<td>Total Capital Costs</td>
<td>468</td>
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<tr>
<td><strong>NET TOTAL COMBINED IMPACT</strong></td>
<td><strong>($536)</strong></td>
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#### AVERAGE ANNUAL IMPACT

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<tbody>
<tr>
<td><strong>AVERAGE ANNUAL IMPACT</strong></td>
<td><strong>($26.79)</strong></td>
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#### NET IMPACT PER ACRE

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<tbody>
<tr>
<td><strong>NET IMPACT PER ACRE</strong></td>
<td><strong>($169)</strong></td>
</tr>
</tbody>
</table>

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![Bar Chart](chart.png)

- Dark blue: City of Champaign
- Blue: School Board
- Light blue: Combined
1.0 EXECUTIVE SUMMARY

This Phase I Environmental Site Assessment (ESA) was completed on the property known as 809 and 817 in Chesapeake, Virginia (Tax IDs: 0470000000070 & 0470000000080) (the “Property”). The Property is approximately 7.80 acres and contains a residential home, several accessory structures and sheds.

1.1 Findings and Conclusions

This Phase I ESA has been performed by Bay Environmental, Inc. in conformance with the scope and limitations of ASTM Practice E 1527-13 on the above referenced Property in Chesapeake, Virginia. Any exceptions to, or deletions from, this practice are described in Section 2.0 of this report. This assessment has revealed no Recognized Environmental Conditions in connection with the Property. The environmental condition of the Property appears to be appropriate for residential and public use and the Property is not believed to represent a significant risk to human health and the environment.

1.1.1 Recognized Environmental Conditions

None found.

1.1.2 Controlled Recognized Environmental Conditions

None found.

1.1.3 Historical Recognized Environmental Conditions

None found.

1.1.4 De Minimis Conditions

None found.

1.1.5 Migration Potential

None found.

1.2 Recommendations

No further assessment is recommended.
Ida Gardens Rezoning

APPLICANT: Maurice Robert McKenney
AGENCY: American Engineering Associates-Southeast, PA

PROPOSAL: A conditional zoning reclassification of a 3.17± acre portion of a 7.15± acre development (two adjoining parcels) from M-1, Light Industrial District (3.17± acres) to R-10s, Residential District (3.17± acres).

PROPOSED COMP LAND USE / DENSITY: Low Density Residential with something less than 4 dwelling units per acre

EXISTING COMP LAND USE / DENSITY: Low Density Residential with something less than 4 dwelling units per acre

LOCATION: 809 and 817 Bells Mill Road

TAX MAP SECTION/PARCELS: 0470000000070 and 0470000000080

BOROUGH: Pleasant Grove