

CITY OF CHESAPEAKE
CITY COUNCIL MEETING
AGENDA
August 16, 2016
6:30 P.M.
City Hall Council Chamber
306 Cedar Road

**** ALL PRESENTATION MATERIALS MUST BE REVIEWED BY THE CITY CLERK PRIOR TO 6:30 P.M.****

NOTE: COPIES OF BACKUP MATERIALS FOR ALL AGENDA ITEMS, INCLUDING THE APPLICATION AND SUPPORTING MATERIALS FOR THE PLANNING PUBLIC HEARING ITEMS MAY BE VIEWED IN THE CITY CLERK'S OFFICE OR THE PLANNING DEPARTMENT AT ANY TIME DURING NORMAL BUSINESS HOURS OF 8:00 A.M. TO 5:00 P.M., MONDAY THROUGH FRIDAY.

REMINDER: 4:30 P.M. - Human Resources Training Room – 4th Floor

- Topics:**
1. **Ordinances**
 2. **Virginia Natural Gas Pipeline**
 3. **Parks and Recreation Capital Projects**
 4. **Information Technology Audit**

5:45 p.m. Council Member Reports

The City Council Work Sessions and Meetings can be viewed live on WCTV- Chesapeake Television (Cox Cable channel 48 and Verizon Cable channel 43) and at CityOfChesapeake.net. Council meetings, but not Work Sessions, may be heard on WFOS-88.7FM. Meetings are retelecast on WCTV-Chesapeake Television (Cox Cable Channel 48 and Verizon Cable channel 43) as well as CityOfChesapeake.net at the following times: Tuesday - Work Session at 11:30 p.m. and Meeting at 12:30 a.m.; Wednesday - Work Session at 1:00 p.m. and Meeting at 2:00 p.m. and Saturday - Work Session at 8:00 p.m. and Meeting at 9:00 p.m.

PLEASE NOTE: **Speaker Cards will not be accepted for the Council Meeting once the meeting begins.** Citizens who wish to speak may register on the date of the meeting in the City Council Chamber before 6:30 p.m. Citizens may also pre-register by calling the City Clerk's Office at 382-6151, Monday through Friday, (8:00 a.m. - 5:00 p.m.) prior to, and including the date of the Council meeting.

ALL INTERESTED PARTIES ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING. Council meetings are telecast live on WCTV-Chesapeake Television (Cox Cable channel 48 and Verizon Cable channel 43) as well as CityofChesapeake.net, and heard on WFOS-88.7FM. The City of Chesapeake will attempt to make reasonable accommodations and services necessary for sensory impaired and disabled citizens. Citizens who wish to receive such accommodations must contact Mr. Tim Winslow (382-6273), within three working days prior to the meeting.

NO FOOD OR DRINKS PERMITTED IN THE CITY COUNCIL CHAMBER
PLEASE TURN OFF CELL PHONES WHILE IN THE CHAMBER

**CITY OF CHESAPEAKE
CITY COUNCIL MEETING**

Agenda

August 16, 2016

6:30 P.M.

**City Hall Council Chamber
306 Cedar Road**

1. INVOCATION
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL BY CITY CLERK
4. APPROVAL OF MINUTES
5. PUBLIC HEARING

APPLICANTS', AGENTS' AND CITIZENS' COMMENTS ON PUBLIC HEARING ITEMS

- A. **PLN-TXT-2016-002** An Ordinance amending Appendix A of the City Code, entitled "Zoning," Article 7, Sections 7-601(c)(11) and (31) and 7-602; Article 8, Sections 8-601(c)(16) and (24) and 8-602; Article 9, Sections 9-501(c)(6) and (19) and 9-502; and Article 12, Section 12-607(c) and (d) thereof, to amend the conditions imposed on eating and drinking establishments to require a Conditional Use Permit for eating and drinking places that are open after 10:00 p.m. and have live entertainment provided certain conditions are met and to amend the provisions to ensure the consistency of conditions in all zoning districts. *(Continued from the July 19, 2016 City Council meeting)*

The Planning Commission recommended approval of the version dated June 7, 2016.

- B. **PLN-REZ-2016-005 Hickory United Methodist Church** **APPLICANT:** Hickory United Methodist Church **AGENCY:** The Jones Firm, PLC **PROPOSAL:** A conditional zoning reclassification of 1.82± acres from R-15s, Residential District, to A-C, Assembly Center District. **PROPOSED COMP LAND USE / DENSITY:** Institution/Assembly **EXISTING COMP LAND USE / DENSITY:** Agriculture/Open Space **LOCATION:** 2708 South Battlefield Boulevard **TAX MAP SECTION/PARCEL:** 0860000000520 **BOROUGH:** Pleasant Grove

The Planning Commission recommended approval with the following proffers:

1. The applicant/owner proposes to install a sign adjacent to the front entryway of the church as depicted on the exhibit made by Clark Nexsen, received date June 10, 2016, on file with the Planning Department. If the applicant/owner acquires required permits and seeks to install such sign, the applicant/owner shall install and maintain the sign as depicted on the document from Cardinal Sign Corporation, received date June 10, 2016, on file with the Planning

Department. The applicant/owner agrees that the referenced sign may only use LED lighting to backlight the acrylic surfaces of the sign. The applicant/owner agrees that there shall be no exposed LED lighting, movable/changeable LED lighting, or any other kind of LED lighting used on any other exterior sign on the property.

2. The applicant/owners agree that no site improvements or expansion of use shall result from this rezoning. In the event that the applicant/owner wishes to expand their current use and/or construct building additions, the applicant owner shall submit a detailed traffic analysis to the Director of Development and Permits or designee prior to such expansion or construction. If, in the sole determination of the Director of Development and Permits or designee, roadway improvements are warranted by the traffic analysis, the applicant/owner shall construct all such improvements prior to the issuance of a Certificate of Occupancy for an expansion of current use. All roadway improvements shall be subject to the review and approval of the Director of Development and Permits or designee.

- C. **PLN-REZ-2016-012 Brightleaf Commons APPLICANT:** Brightleaf Commons, LLC **PROPOSAL:** A conditional zoning reclassification of 11.92 acres from R-15s, Residential District and A-1, Agricultural District to R-MF-1 Multi-Family Residential District (4.03 acres) and C-1 Conservation District (7.89 acres). **PROPOSED COMP LAND USE / DENSITY:** Low Density Residential with 2.18 dwelling units per acre **EXISTING COMP LAND USE / DENSITY:** Low Density Residential with no more than 4 dwelling units per acre **LOCATION:** 1248 Kempsville Road **TAX MAP SECTION/PARCEL:** 0380000001020 **BOROUGH:** Washington

The Planning Commission recommended approval with the following proffers:

1. The applicant/owner agrees that the subject property described above (hereinafter, the "Property") shall be developed generally consistent with the Brightleaf Commons Preliminary Layout dated June 17, 2016, (hereinafter, the "Preliminary Layout"), prepared by Kotarides Developers LLC. The Planning Director, or designee, may approve minor changes based on site engineering or design. The determination of what constitutes a minor change shall be made in the sole discretion of the Planning Director or designee.
2. No more than twenty six residential dwelling units shall be constructed on the Property.
3. The applicant/owner agrees that the Property will be developed as a single-family detached condominium development. On or before the issuance of the first certificate of occupancy, the applicant/owner agrees that the Property will be made part of a Condominium Association and will be added to the appropriate condominium documents required of that development, including by-laws, articles of incorporation, covenants and/or deed restrictions, if applicable, which shall be recorded to govern the maintenance and operation of the Condominium Association. The foregoing condominium documents shall also include the establishment of an architectural review board to promulgate and be solely responsible for the enforcement of the architectural

standards set forth herein and for the review of exterior modifications and maintenance. The condominium association shall own and maintain all common areas, landscape buffers and storm water management facilities associated with the Property.

4. The applicant/owner agrees that the architectural design of the residential structures shall be consistent, as determined by the Director of Planning or designee, with the architectural renderings dated May 12, 2016, and titled "Brightleaf Commons Elevations."
5. The applicant/owner agrees that the residential buildings shall conform to the following architectural standards:
 - a. All home foundations shall be either raised slab or crawl space construction. Finished floor elevations will be a minimum of 16" above the curb elevation in front of the unit.
 - b. Stoops and exposed foundation on the front elevations shall be treated with masonry finish (brick or stone only). Stoops on the front elevations shall be treated with the same masonry as the skirts on an individual house.
 - c. Exterior walls will be a combination of Brick/masonry, wood, vinyl, fiber cement siding, and natural stone. A minimum of two elements shall be provided for each structure.
 - d. All siding, whether wood or vinyl, must have a minimum five-inch (5") lap or course, with 5/4" x 6" on the front corner trim and 5/4" x 4" corner trim on the rear. Twin four-inch (4") siding is prohibited. Roofing material shall be 30 year architectural shingles. Vinyl siding will be limited to premium vinyl siding with a minimum thickness of 0.044 inches.
 - e. Minimum heated living area of each unit shall be 2000 square feet with a minimum of a two car garage and two paved parking spaces adjacent to each unit in accordance with the requirements of the zoning ordinance.
 - f. Each unit's exterior walls with the same color scheme as adjacent or nearby homes will be permitted on a frequency of only every fourth dwelling unit.
 - g. Each unit shall have a front porch with a minimum depth of 4 feet.
 - h. A minimum of fifty five percent (55%) of the units shall have one of the following characteristics:
 - i. Garage doors that do not face the dwelling's primary street frontage.
 - ii. Garage doors that are recessed 4 feet or greater from the dwelling's primary facade.

6. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public school facilities, public transportation facilities, public libraries, and public emergency service facilities. The amount of the voluntary cash contribution shall be \$4000.00 per residential dwelling unit. The applicant/owner agrees to make the proffered cash contribution prior to the issuance of a certificate of occupancy for each residential dwelling unit, or building containing residential units. The applicant/owner acknowledges and agrees that the cash contribution may be deposited into the City of Chesapeake's "lock box," also known as the General Fund Reserve for Future Capital Needs and shall be subject to City Council approval prior to appropriation and used for capital improvements as permitted by the Chesapeake Proffer Policy and state law. The cash proffers may be used for alternative improvements approved by the City Council under Section 15.2-2303.2 of the Code of Virginia, including major repairs and renovations of public facilities, to the extent permitted by state law. The cash proffer shall be allocated as follows: Schools \$1591; Transportation \$1454; Libraries \$570; Emergency Services \$385.
7. The applicant/owner agrees to dedicate a vehicular ingress/egress easement for the benefit of Tax Parcel 0380000001030 (the "Adjacent Property") on and across the Property; provided that the Adjacent Property is used for residential purposes. Specifically, the ingress/egress easement shall provide vehicular ingress/egress from the Adjacent Property to the Property's approved entrance on Kempsville Road through related internal private streets to be constructed on the Property. The alignment and sufficiency of the ingress/egress easement shall be subject to the review and approval of the Director of Development & Permits or Designee and shall be recorded prior to final site construction plan approval.
8. The applicant/owner agrees to construct the entrance improvements as depicted on the Preliminary Layout as determined by the Planning Director or designee. The entrance improvements shall be complete before issuance of the first certificate of occupancy.
9. The conceptual site plan submitted by Kotarides Developers, LLC and date-stamped June 17, 2016, 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 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 Department of Development and Permits and shall supersede any previously file conceptual site plan.

- D. **PLN-TXT-2016-004** An Ordinance amending Appendix A of the City Code, entitled, "Zoning," Article 20, Section 20-102 thereof, to allow a fee exemption for Rezoning and Conditional Use Permit applications, provided certain conditions are met, to reflect statutory changes enacted by the 2016 Session of the General Assembly.

The Planning Commission recommended approval of the version dated June 21, 2016.

6. DOCKET

- A. CITIZENS COMMENTS ON AGENDA ITEMS ONLY
- B. CONSENT AGENDA

City Manager Items

- (1) **REQUEST** FOR AUTHORITY TO SUBMIT A VIRGINIA LAND CONSERVATION FOUNDATION GRANT PROGRAM APPLICATION TO THE VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION – DEPARTMENT OF PARKS, RECREATION AND TOURISM
- (2) **REQUEST** FOR APPROPRIATION OF \$595,417 IN ROAD MAINTENANCE FUNDS ALLOCATED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION – DEPARTMENT OF PUBLIC WORKS
- C. REGULAR AGENDA

City Manager Item

- (3) **RESOLUTION** AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT USE AGREEMENT BY AND BETWEEN THE CHESAPEAKE SCHOOL BOARD AND THE CITY OF CHESAPEAKE TO GOVERN THE SHARED USE OF RECREATIONAL FACILITIES – DEPARTMENT OF PARKS, RECREATION AND TOURISM

- 7. UNFINISHED BUSINESS
- 8. NEW BUSINESS
- 9. CLOSED SESSION
- 10. ADJOURNMENT