

CITY OF CHESAPEAKE
CITY COUNCIL MEETING
MARKED AGENDA
October 18, 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. - Work Session, Human Resources Training Room – 4th Floor**

- Topics:**
- 1. Upcoming Agenda Items**
 - 2. Draft 2017 Legislative Program**
 - 3. Parks, Recreation and Tourism Capital Projects**

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**

Marked Agenda

October 18, 2016

6:30 P.M.

**City Hall Council Chamber
306 Cedar Road**

1. INVOCATION – **Council Member Lonnie E. Craig**
2. PLEDGE OF ALLEGIANCE TO THE FLAG – **Council Member Roland J. Davis**
3. ROLL CALL BY CITY CLERK – **Vice Mayor West (excused)**
4. APPROVAL OF MINUTES – **N/A**

APPROVED TO SUSPEND CITY COUNCIL RULES OF ORDER AND PROCEDURE TO ADD THE FOLLOWING ITEMS: 1) DECLARATION AFFIRMING AND TERMINATING EMERGENCY POWERS AND 2) ORDINANCE TO ALLOW THE EMERGENCY MANAGEMENT DIRECTOR TO WAIVE FEES ASSOCIATED WITH REPAIRS TO DAMAGE CAUSED BY DISASTERS RESULTING IN A DECLARED EMERGENCY (Ike/Ward (8-0) (Vice Mayor West excused)

- (1) DECLARATION CONFIRMING THAT EFFECTIVE OCTOBER 14, 2016, AT 5:00 PM IT IS NO LONGER NECESSARY TO CONTINUE THE EMERGENCY POWERS THAT WERE IMPLEMENTED BY THE ADOPTION OF AN EMERGENCY DECLARATION ON OCTOBER 8, 2016 AND AFFIRMING THE EXERCISE OF SUCH POWERS, INCLUDING THE WAIVER OF PERMIT FEES FOR STORM-RELATED REPAIRS

APPROVED (de Triquet/Ike) (8-0) (Vice Mayor West excused)

- (2) AN ORDINANCE AMENDING CHAPTER 2 OF THE CITY CODE, ENTITLED “ADMINISTRATION”, SECTION 2-624 (b) THEREOF; CHAPTER 14 OF THE CITY CODE, ENTITLED “BUILDINGS AND BUILDING REGULATIONS”, SECTION 14-33 (j) THEREOF; AND CHAPTER 34, ENTITLED “FIRE PREVENTION AND PROTECTION”, SECTION 34-6 (a) THEREOF TO ALLOW THE EMERGENCY MANAGEMENT DIRECTOR TO WAIVE FEES ASSOCIATED WITH BUILDING PERMITS AND PERMITS REQUIRED BY THE FIRE PREVENTION CODE FOR REPAIRS TO DAMAGE CAUSED BY DISASTERS RESULTING IN A DECLARED EMERGENCY WHEN CONDITIONS WARRANT SUCH A WAIVE

APPROVED AS AN EMERGENCY ACTION (Ward/Ike) (8-0) (Vice Mayor West excused)

5. PUBLIC HEARING

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

COUNCIL'S CONSIDERATION OF PLANNING PUBLIC HEARING ITEMS

- A. **R(C)-07-34(Rev 7/15) Eastwyck Crossing Apartments** **APPLICANT:** Coleman Holdings LLC **AGENCY:** ShepelleWatkinsWhite Consulting & Law PLLC **PROPOSAL:** A conditional zoning reclassification of 18.1± acres to reconsider proffers under the existing zoning of R-MF-1, Multifamily Residential District. **PROPOSED COMP LAND USE / DENSITY:** Medium Density Residential with 13.24 dwelling units per acre. **EXISTING COMP LAND USE / DENSITY:** Medium Density Residential with 16 dwelling units per acre. **ZONING MAP LOCATION:** Terminus of Miller Ave **TAX MAP SECTION/PARCEL:** 0200000000060 **BOROUGH:** Washington (*City Council referred this item back to the Planning Commission on January 19, 2016*)

The Planning Commission recommends approval with the following proffers:

1. The owner/applicant shall restrict development of the subject parcel to two hundred forty (240) multi-family units for lease.
2. The owner/applicant 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 \$5,000.00 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 \$3,685.00; Libraries \$351.00; Emergency Services \$237.00 and Transportation \$727.00.
3.
 - a. The owner/applicant shall record a one (1) foot vehicular non-ingress/egress easement along its northern, southern and western boundaries, except at accepted entrances as described below, as generally shown on the rezoning exhibit date stamped November 17, 2015, on file with the Planning Department. Said easement shall be recorded in the Clerk's office of the Circuit Court prior to final site plan approval.
 - b. The owner/applicant agrees that it shall provide two points of unrestricted access (accepted entrances) and one point of restricted emergency access to the subject property in accordance with Department of Development & Permits approved access management plan prior to issuance of the first Certificate of Occupancy for a residential unit.

- c. The owner/applicant further agrees that ingress and egress shall be through the adjacent Eastwyck Village apartment complex via an easement agreement recorded in the Clerk's Office of the City of Virginia Beach as Instrument No. 2008121100140540 on December 11, 2008. This access shall be to College Park Boulevard and evidence of recording of the easement shall be provided to the Director of Development and Permits prior to final site plan approval.
4. a. The owner/applicant agrees that the residential improvements resulting from this application shall be substantially similar in appearance to the exhibits date stamped September 23, 2015, on file with the Planning Department, as approved by the Director of Planning or designee.
- b. The owner/applicant further agrees that the primary materials to be used on the front, sides and rear of all residential structures shall consist of brick, masonry (stone), beaded lap, or substantially similar material, with the exception that accents, gables, bay windows, and other design or ornamental features may consist of EIFS, wood materials or cement based materials. Such material shall be presented to and accepted by the Planning Director or Designee prior to final construction plans approval.
5. The owner/applicant shall install and maintain a 90 foot building setback with a modified buffer type "C" where the Property shares a common boundary with those residential properties which front on Miller Avenue. The applicant/owner shall preserve existing vegetation within said buffer to the greatest extent practical and shall install a privacy fence with a height of 6 feet at the property line as generally shown on the rezoning exhibit date stamped November 17, 2015, on file with the Planning Department. The location of the privacy fence may be amended to encroach into the buffer area, subject to the city's acceptance of the applicant's dedication of no less than 8 feet nor greater than a 10 feet wide area, of the buffer immediately adjacent to the Miller Avenue residential properties for a public trail for non-motorized bikes and vehicles. If such dedication is accepted, the applicant/owner shall install the 6 foot privacy fence along the perimeter of the City's public trail. Said buffer and privacy fence shall be subject to the review and approval of the Director of Development and Permits or designee and shall be installed prior to the issuance of the first certificate of occupancy for a residential unit.
6. The conceptual site plan prepared by Cox, Kliewer & Company, P.C. and entitled, "Eastwyck Crossing Apartments Larrymore Organization" date stamped November 17, 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 any cause of action shall 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 filed conceptual site plan.

DENIED (de Triquet/Ritter) 8-0) (Vice Mayor West excused)

- B. [UP-15-42 Eastwyck Crossing Apartments](#) **APPLICANT:** Coleman Holdings, Inc. **AGENCY:** ShepelleWatkinsWhite Consulting & Law PLLC **PROPOSAL:** A conditional use permit for a height exception to allow multi-family dwellings to be 38 feet in height instead of 35 feet as required. **ZONE:** R-MF-1, Multifamily Residential District **LOCATION:** Terminus of Miller Avenue **TAX MAP SECTION/PARCEL:** 0200000000060 **BOROUGH:** Washington *(City Council referred this item back to the Planning Commission on January 19, 2016)*

The Planning Commission recommends approval with the following stipulations:

1. The owner/applicant agrees that the proposed multifamily dwellings will not exceed 38 feet in height consistent with building elevations titled Eastwyck Crossings Apartments, date stamped September 23, 2015 as approved by the Director of Planning or designee.
2. The owner/applicant agrees that the proposed multifamily development shall be constructed in substantial compliance with the preliminary site plan, to include but not limited to all open areas and amenities, titled Eastwyck Crossing Apartments, date stamped September 11, 2015 as approved by the Director of Planning or designee.

DENIED (de Triquet/Ritter) 8-0) (Vice Mayor West excused)

- C. [PLN-REZ-2016-006 Marlyn Development Corporation](#) **APPLICANT:** Marlyn Development Corporation **AGENCY:** Williams Mullen **PROPOSAL:** A conditional zoning reclassification of approximately 5.79 acres from B-2, General Business District to O&I, Office and Institutional District. **PROPOSED COMP LAND USE / DENSITY:** High Density Residential/27.6 du/acre **EXISTING COMP LAND USE / DENSITY:** Regional Mixed Use **ZONING MAP LOCATION:** 4300 Portsmouth Boulevard, Unit 300 **TAX MAP SECTION/PARCEL:** 0106009000081 **BOROUGH:** Western Branch *(Continued from the September 20, 2016 City Council meeting)*

The Planning Commission recommends approval with the following proffers:

1. The applicant/owner agrees that the property subject to this rezoning will be used for Group Housing for the Elderly as defined in the Chesapeake Zoning Ordinance, except that the qualifying age shall be further restricted to 62 instead of 55 as set out in Section 13-202 of the Chesapeake Zoning Ordinance or any other permitted use in the Office and Institutional (O&I) zoning district.
2. If the subject property is developed as Group Housing for the Elderly, the

maximum number of residential units shall be 160.

3. If the subject property is developed as Group Housing for the Elderly, the principal structure shall be constructed to be generally consistent with the building elevations dated June 8, 2016, as determined by the Planning Director, or designee, provided that the Planning Director or designee may approve changes to accommodate site design and engineering.
4. In the event that City Council approves a reduction in the amount of land to be set aside for reserved parking as part of the conditional use permit application pursuant to Chesapeake Zoning Ordinance Section 13-202, the applicant/owner agrees that the area shall be maintained as open space for so long as the Group Housing for the Elderly or another less intensive use, as determined by the Zoning Administrator, is in operation on the site.
5. If the subject property is developed as Group Housing for the Elderly, the applicant/owner agrees that the following improvements to the property subject to this rezoning will be constructed prior to the issuance of a final certificate of occupancy. The applicant/owner further agrees that it will have sole responsibility to inspect and maintain the features proffered below.
 - a. Convenience grab bars in all tub/shower enclosures.
 - b. Fire sprinkler and fire alarm system per NFPA 13R and dry fire sprinkler in attic per the VUSBC.
 - c. All units will have handheld shower heads and at least 70% will have shower stalls.
 - d. Lever hardware in place of doorknobs.
 - e. 100% of units will be Type B accessible/adaptable with 2% of units being Type A fully accessible.
 - f. 100% of units will have emergency pull cords.
 - g. 100% of units can be accessed by elevator.
 - h. The building will be an interior corridor building and all exterior entrances will have electronic controlled access.
 - i. Amenities will include:
 - Community Room
 - Fitness Center
 - Beauty Salon
 - Arts and Crafts Room
 - Media Room
 - Library
 - Business Center

- Interior Mail Room
 - Garden Plots
 - Dog Park
6. A conceptual site plan prepared by Cox, Kliewer & Co. 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 any cause of action shall 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 the Department of Development and Permits and shall supersede any previously filed conceptual site plan.

CONTINUED to the October 25, 2016 City Council meeting (Ritter/de Triquet) 8-0) (Vice Mayor West excused)

- D. [PLN-USE-2016-023 Marlyn Project](#) **APPLICANT:** Marlyn Development Corporation **AGENCY:** Williams Mullen **PROPOSAL:** A conditional use permit for Group Housing for the Elderly, with a height exception to allow a building height of 45 feet instead of 35 feet and to allow a private access lane to O&I, Office and Institutional District through B-2, General Business District. The applicant also requests a reduction of the area for reserved parking. The limits of the use permit include approximately 1,640 ft of the Chesapeake Square Mall ring road beginning at the western most intersection of Portsmouth Blvd. and terminating at the subject property. **ZONE:** B-2, General Business District **LOCATION:** 4300 Portsmouth Boulevard, Unit 300 **TAX MAP SECTION/PARCELS:** 0106009000081, portion of 0106009000010. **BOROUGH:** Western Branch *(Continued from the September 20, 2016 City Council meeting)*

The Planning Commission recommends approval with the reduction of reserved parking area and the following stipulations:

1. The owner/applicant agrees that the proposed group housing for the elderly building will not exceed 45 feet in height consistent with building elevations titled Cinemark Site, dated June 8, 2016, as approved by the Director of Planning or designee.
2. The owner/applicant agrees that the proposed group housing for the elderly development shall be constructed in substantial compliance with the preliminary site plan, to include but not limited to all open areas and amenities, titled Age-Restricted Apartments, dated May 18, 2016, as approved by the Director of Planning or designee.

3. The owner/applicant agrees that all Fire Department concerns raised in the review memo dated May 12, 2016 shall be addressed to the satisfaction of the Fire Marshall prior to final site plan approval.
4. The required amendments to waive the residential use restriction (Sections 2.01 and 2.02 of the REA) to the Reciprocal Easement and Operating Agreement shall be recorded in the Clerk's Office of the Circuit Court of the City of Chesapeake prior to final site plan approval.

CONTINUED to the October 25, 2016 City Council meeting (de Triquet/Ritter) 8-0) (Vice Mayor West excused)

- E. **[PLN-REZ-2016-013 Big Ugly Brewing Company](#) APPLICANT:** Shawn Childers
AGENCY: Williams Mullen **PROPOSAL:** A conditional zoning reclassification of 2.93± acres from O&I, Office and Institutional District to B-2, General Business District. **PROPOSED COMP LAND USE / DENSITY:** Business/Commercial
EXISTING COMP LAND USE / DENSITY: Office **LOCATION:** Battlefield Boulevard South, 260 feet north of Whitehurst Road **TAX MAP SECTION/PARCEL:** 0602001000011, 0602001000012 **BOROUGH:** Pleasant Grove *(Continued from the September 20, 2016 City Council meeting)*

The Planning Commission recommends approval with the following proffers:

1. The applicant/owner agrees that the property subject to this rezoning will be used exclusively for a micro-brewery and shall be appropriately licensed by the Virginia Department of Alcoholic Beverage Control.
2. The applicant/owner agrees that the principal building containing the micro-brewery will be a maximum of 9,000 square feet.
3. The applicant/owner agrees that the principal building containing the micro-brewery shall be located as depicted on the conceptual site plan date received July 29, 2016.
4. The applicant/owner agrees that the principal building shall be consistent with the building elevation date received, August 1, 2016. The applicant/owner further agrees that the building materials will only consist of brick and metal siding and a metal roof as depicted in the building elevation date received, August 1, 2016. All requirements of this proffer are subject to the review and approval of the Director of Planning, or designee.
5. The applicant/owner agrees that the micro-brewery will only be open to the public until 10 p.m. Furthermore, the applicant/owner agrees that amplified music located outside of the principal building shall terminate at 8 p.m., except that the applicant/owner shall not be prohibited from the outdoor display of movies until 10 p.m.
6. The applicant/owner shall submit a landscape plan that preserves as much of the existing trees to the greatest extent possible to the east and south of the subject property, except for the location of drainage facilities as determined by

the Department of Development and Permits, to act as a buffer to residential uses as determined by the Landscape Coordinator. The landscape plan shall also include the planting of evergreen plant materials suitable for screening, where necessary to ensure an adequate buffer to the residential properties to the east and south. All plant materials and locations of planting shall be reviewed for compliance with this proffer and City Code at time of final site construction plan review by the Landscape Coordinator. The landscape plan shall be subject to the review and approval of the Landscape Coordinator before approval of the final site plan and all required plantings shall be installed before the issuance of a certificate of occupancy.

7. The applicant owner agrees to record a cross reciprocal access easement for the benefit of tax parcel #0602001000021 and 0600000000174. The easement shall be subject to the review and approval of the Director of Development and Permits, or designee during final site plan review. The easement shall be recorded before the approval of the final site plan on a form acceptable to the City Attorney.
8. A conceptual site plan prepared by Pennoni, date received July 29, 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 any cause of action shall 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 the Department of Development and Permits and shall supersede any previously filed conceptual site plan.

The applicant submitted the following revised proffers on September 30, 2016:

3. The applicant/owner agrees that the principal building containing the micro-brewery shall be located as depicted on the conceptual site plan date received ~~July 29, 2016~~ September 27, 2016.
5. The applicant/owner agrees that the micro-brewery will only be open to the public until 10 p.m. Furthermore, the applicant/owner agrees that amplified ~~music~~ sound located outside of the principal building shall terminate at 8 p.m., ~~except that the applicant/owner shall not be prohibited from the outdoor display of movies until 10 p.m.~~ In the event that amplified sound continues inside the principal building past 8 p.m., all exterior doors located on the south side of the principal building shall be closed at 8 p.m.
6. The applicant/owner shall submit a landscape plan that preserves as much of the existing trees to the greatest extent possible to the east and south of the

subject property, except for the location of drainage facilities as determined by the Department of Development and Permits, to act as a buffer to residential uses as determined by the Landscape Coordinator. The landscape plan shall also include the planting of evergreen plant materials suitable for screening, where necessary to ensure an adequate buffer to the residential properties to the east and south. All plant materials and locations of planting shall be determined by the Landscape Coordinator. In addition, the landscape plan shall include the installation of a 6ft stockade fence along the eastern property line and along the northern property approximately 95 feet in a westerly direction starting at the eastern property line as depicted on the conceptual site plan dated September 27, 2016. The landscape plan shall be subject to the review and approval of the Landscape Coordinator before approval of the final site plan and all required plantings and fence installation shall be installed before the issuance of a certificate of occupancy. The applicant/owner agrees that to greatest extent possible, as determined by the Director of Development and Permits, or designee, the location of new BMPs shall be located at least 150 feet from the eastern property line.

8. A conceptual site plan prepared by Pennoni, date received ~~July 29, 2016~~ September 27, 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 any cause of action shall 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 the Department of Development and Permits and shall supersede any previously filed conceptual site plan.

**CONTINUED to the November 15, 2016 City Council meeting (Ward/Ike) 8-0)
(Vice Mayor West excused)**

- F. [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, August 16, and September 20, 2016 City Council meetings)*

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

**CONTINUED to the November 8, 2016 City Council meeting (Davis/Ward) 8-0
(Vice Mayor West excused)**

- G. [PLN-REZ-2016-008 Kempsville Road Retreat II](#) **APPLICANT:** Chesapeake Development Holdings, LLC **AGENCY:** Land Planning Solutions **PROPOSAL:** A conditional zoning reclassification of 28.53± acres from A-1, Agricultural District (25.24 acres) and R-15, Residential District (3.29 acres), to R-MF-1, Residential District, to construct an age-restricted adult residential community. **PROPOSED COMP LAND USE / DENSITY:** Low Density Residential / 2.8 dwelling units per acre **EXISTING COMP LAND USE / DENSITY:** Business / Commercial and Low Density Residential / ≤8 dwelling units per acre **ZONING MAP LOCATION:** 1212, 1216 and 1228 Kempsville Road **TAX MAP SECTION/PARCEL:** 0380000001050, 0380000001060, and 0380000001070 **BOROUGH:** Washington

The Planning Commission recommends approval with the following proffers:

1. The Applicant/Owner agrees that the subject property shall be developed and used solely as an age-restricted active adult community which houses couples in which at least one person in the couple is fifty-five (55) years of age or older and/or single persons who are fifty-five (55) years of age or older. Under no circumstances shall a person under 18 years of age reside in any dwelling unit. The condominium or homeowners' association shall be solely responsible for enforcing residency requirements.
2. The applicant/owner agrees that prior to the issuance of the first certificate of occupancy for a residential dwelling on the subject property that a condominium or homeowners' association shall be established to govern the proposed community.
3. The applicant/owner agrees that the subject property shall be developed in substantial conformance with the building elevations dated June 8, 2016 on file with the Planning Department. The condominium or homeowners' association shall be solely responsible for the continuing enforcement of this proffer.
4. The applicant/owner agrees that the entrance to the property subject this rezoning shall be a right in/right out as depicted on the Conceptual Master Plan dated August 2, 2016 prepared by Land Planning Solutions. The applicant/owner acknowledges and understands the impacts of this condition and agrees, for itself and its successors in interest, that no claim of damages or compensation will be sought.
5. The applicant/owner agrees to dedicate a vehicular ingress/egress easement for the benefit of Tax Parcels 0380000001120, 0380000001110 and 0380000001100 to the south and to Tax Parcel 0380000001040 to the north

(collectively 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 all of the ingress/egress easements 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.

6. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for Capital Improvements to public school facilities, public transportation, public libraries, and public emergency service facilities. The amount of the voluntary cash contribution shall be \$ 2,409 per single-family dwelling. The applicant/owner agrees to make the proffered cash contribution prior to the issuance of a certificate of occupancy for each residential dwelling unit. 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, the Chesapeake Zoning Ordinance and the Code of Virginia. 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 contribution shall be allocated as follows: Schools \$0; Transportation \$1,454; Libraries \$570; Emergency Services \$385.
7. The applicant/owner agrees that each dwelling shall be designed and constructed with a first floor master bedroom. The homeowners’ or condominium association referenced in Proffer 2 shall be solely responsible for the enforcement of the requirements of this Proffer 7.
8. The applicant/owner agrees that a clubhouse, pool, and community garden as depicted on the exhibit entitled “The Retreat of Kemp River Conceptual Master Plan” dated August 2, 2016 as determined by the Director of Planning, or designee, shall be constructed as an amenity for the residents before the first certificate of occupancy. The applicant/owner further agrees that sidewalks on one side of each private street shall be constructed to connect the development to the pool, clubhouse, and community garden prior to the issuance of the first certificate of occupancy. The improvements required by this Proffer 8 shall be maintained by the homeowners’ or condominium association referenced in Proffer 2.
9. A conceptual site plan prepared by Land Planning Solutions 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 any cause of action shall 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 the Department of Development and Permits and shall supersede any previously filed conceptual site plan.

APPROVED with proffers (Craig/Ike) (7-1) (Council Member Ritter voted no) (Vice Mayor West excused)

- H. [PLN-REZ-2016-021 Cardinal Meadows](#) **APPLICANT:** Atlantic Land and Development, LLC **AGENCY:** Parrish-Layne Design Group **PROPOSAL:** A conditional zoning reclassification of approximately 27.8 acres from A-1, Agricultural District (19.8 acres), R-15s, Residential District (5 acres) and M-1, Light Industrial District (3 acres) to R-MF1, Multifamily Residential District. **PROPOSED COMP LAND USE / DENSITY:** Medium Density Residential/11.2 du/acre **EXISTING COMP LAND USE / DENSITY:** Regional Mixed Use **LOCATION:** Northeast corner of the intersection of Shillelagh Road and Ward Road, west of Cahoon Parkway. **TAX MAP SECTION/PARCEL:** 046000000520, 046000000530, 046000000531, 046000000532, 046000000533, and 046000000534. **BOROUGH:** Deep Creek (*This item was approved for concurrent advertising and was heard by the Planning Commission on October 12, 2016.*)

The Planning Commission continued PLN-REZ-2016-021 to the November 9, 2016 Planning Commission meeting.

NO ACTION TAKEN BY CITY COUNCIL

- I. [PLN-USE-2016-010 Yadkin Road Mobile Vac](#) **APPLICANT:** Mythos Professional Services, Inc. **PROJECT:** Yadkin Road Mobile Vac **APPLICANT:** Mythos Professional Services, Inc. **PROPOSAL:** A conditional use permit to operate a solid waste management facility that cleans and vacuums parking lots, including requests for setback reductions. **ZONE:** B-4, Business District **ZONING MAP LOCATION:** 2816 Yadkin Road **TAX MAP SECTION/PARCEL:** 0252011000051 **BOROUGH:** Deep Creek

The Planning Commission recommends approval, including the setback reductions request, and the following stipulations:

1. The owner/applicant agrees that all solid waste brought to the property, subject to this conditional use permit, will be limited to waste collected during the process of cleaning and vacuuming parking lots.
2. The owner/applicant agrees that all solid waste brought to the property subject to this conditional use permit shall be stored in one 15-20 cubic yard covered waste container, as depicted on the site plan date stamped June 27, 2016. The owner/applicant further agrees that there will be no outside storage of waste or permanent disposal of waste on the property subject to this conditional use permit.

3. The applicant/owner agrees to obtain all required local, state and federal permits required for the operation of the solid waste management facility prior to issuance of a Certificate of Occupancy.

APPROVED, including the setback reductions request and stipulations (Ward/Kelly) (8-0) (Vice Mayor West excused)

- J. [PLN-USE-2016-024 New Revelation Church](#) **APPLICANT:** New Revelation Church **PROPOSAL:** A conditional use permit for a church in an existing building. **ZONE:** B-2, General Business District **ZONING MAP LOCATION:** 3017 South Military Highway **TAX MAP SECTION/PARCEL:** 0254012000071 **BOROUGH:** Deep Creek

The Planning Commission recommended approval with the following stipulation:

1. The owner/applicant shall install and maintain a Buffer Yard "F" adjacent to South Military Highway as indicated on the Preliminary Site Plan date stamped August 22, 2016, prior to the issuance of a Certificate of Occupancy.

APPROVED with the stipulation (Ward/Kelly) (8-0) (Vice Mayor West excused)

- K. [PLN-STCL-2016-001 Foreman Road Street Closure](#) **APPLICANT:** Thomas and Karen Morris **AGENCY:** John E. Brunelle Land Surveying **PROPOSAL:** A request to close a 30 foot wide portion of Foreman Road (unimproved right-of-way) from its intersection with Sanderson Road, extending north for 922.20 feet. **ZONE:** A-1 **ZONING MAP LOCATION:** Foreman Road, from its intersection with Sanderson Road north for 922.20 feet. **TAX MAP SECTION/PARCEL:** 0990000000080 **BOROUGH:** Butts Road

The Planning Commission recommends approval with the following stipulations:

1. The petitioners agree to pay the City of Chesapeake through the Planning Department the sum of \$650.00, as determined by the City, within ten (10) calendar days of the final approval of the closure of the subject street, alley, easement, or public right-of-way by the Chesapeake City Council. Failure to remit this fee in a timely manner shall render the public right-of-way/street closure null and void.
2. The City of Chesapeake agrees to record the duly adopted ordinance of the Chesapeake City Council in the Chesapeake Circuit Court Clerk's Office upon timely receipt of the aforesaid payment, which will form basis for the title to the subject property in favor of the petitioner.
3. The petitioners agree to abide by any other conditions imposed by City Council in the vacation of the public right-of-way/street.

APPROVED with stipulations #2 and #3 and waiver of the fee (de Triquet/Ike) (8-0) (Vice Mayor West excused)

- L. **PLN-STCL-2016-002 Sanderson Road Street Closure** **APPLICANT:** Thomas and Karen Morris **AGENCY:** John E. Brunelle Land Surveying **PROPOSAL:** A request to close a 30 foot wide portion of Sanderson Road (unimproved right-of-way) from its intersection with the improved Sanderson Road, extending east for 2470.3 feet, to its intersection with Fluridy Road. **ZONE:** A-1, Agricultural District **ZONING MAP LOCATION:** Sanderson Road (unimproved right-of-way) from its intersection with the improved Sanderson Road, extending east for 2470.3 feet, to its intersection with Fluridy Road. **TAX MAP SECTION/PARCELS:** 0990000000080, 0990000000100 **BOROUGH:** Butts Road

The Planning Commission recommends approval with the following stipulations:

1. The petitioners agree to pay the City of Chesapeake through the Planning Department the sum of \$2,343.00, as determined by the City, within ten (10) calendar days of the final approval of the closure of the subject street, alley, easement, or public right-of-way by the Chesapeake City Council. Failure to remit this fee in a timely manner shall render the public right-of-way/street closure null and void.
2. The City of Chesapeake agrees to record the duly adopted ordinance of the Chesapeake City Council in the Chesapeake Circuit Court Clerk's Office upon timely receipt of the aforesaid payment, which will form basis for the title to the subject property in favor of the petitioner.
3. The petitioners agree to abide by any other conditions imposed by City Council in the vacation of the public right-of-way/street.

NO ACTION TAKEN BY CITY COUNCIL

6. UNFINISHED BUSINESS
7. NEW BUSINESS
8. CLOSED SESSION – N/A
9. ADJOURNMENT – **8:00 p.m.**