

**CITY OF CHESAPEAKE
CITY COUNCIL MEETING
AGENDA**

December 13, 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. Stormwater**
 - 3. Review of 2017 Council Schedule of Meetings**

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

December 13, 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. PRESENTATION
 - A. [CERTIFICATE OF RECOGNITION](#) – 2017 VIRGINIA TEACHER OF THE YEAR
6. PUBLIC HEARING

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

COUNCIL'S CONSIDERATION OF PUBLIC HEARING ITEMS

PLANNING PUBLIC HEARING ITEMS

A. [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, October 18, and October 25, 2016 City Council meetings)*

Staff recommends approval with proffers.

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

Additional proffer #6 was added on November 22, 2016:

- 6. The applicant/owner agrees to implement a pedestrian connectivity plan on the subject property that shall, at a minimum, provide for pedestrian walkways and connections to the adjacent mall ring road and the residential property to north and west of the subject property. The plan shall be subject to review and approval of the Director of Planning or designee and all elements of the plan shall be installed or bonded prior to the issuance of a Certificate of Occupancy.**

(Previous proffer #6 is now proffer #7)

- 7.** 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.

B. 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, and October 18, and October 25, 2016 City Council meetings)*

Staff recommends approval with the reduction of reserved parking area and stipulations.

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.

NON-PLANNING PUBLIC HEARING ITEM

C. AN [ORDINANCE](#) AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF CHESAPEAKE, VIRGINIA, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$53,700,000 PURSUANT TO SECTION 6.05 OF THE CITY CHARTER – DEPARTMENT OF FINANCE

7. DOCKET

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

City Clerk Items

(1) [REFUNDS](#)

- A. Eure Equipment Rentals, Inc. - \$2,571.28
- B. George and Marion Lopez - \$2,848.13

(2) [RESIGNATIONS](#)

- A. Duane Paquette – Chesapeake Commission on Health and Well Being
- B. Brenton Artis – Stormwater Committee
- C. Carolyn Ferguson – Chesapeake Bay Preservation Area Board

City Manager Items

(1) [REQUEST](#) FOR AUTHORITY TO ADD AN ENGINEER II POSITION TO THE PERSONNEL COMPLEMENT OF THE DEPARTMENT OF PUBLIC UTILITIES – DEPARTMENT OF PUBLIC UTILITIES

- (2) [REQUEST](#) FOR AUTHORITY TO SUBMIT A VIRGINIA CIRCUIT COURT RECORDS PRESERVATION PROGRAM – ITEM CONSERVATION GRANT APPLICATION TO THE LIBRARY OF VIRGINIA – OFFICE OF THE CLERK OF THE CIRCUIT COURT
- (3) [REQUEST](#) FOR ACCEPTANCE OF, AND TRANSFER FROM THE GRANTS CONTINGENCY, \$13,552.45 IN DONATED REVENUE TO THE CHESAPEAKE PUBLIC LIBRARY SYSTEM – CHESAPEAKE PUBLIC LIBRARY SYSTEM
- (4) [REQUEST](#) FOR ACCEPTANCE OF, AND TRANSFER FROM THE GRANTS CONTINGENCY, \$17,196.09 IN DONATED REVENUE TO THE DEPARTMENT OF PARKS, RECREATION AND TOURISM – DEPARTMENT OF PARKS, RECREATION AND TOURISM
- (5) [REQUEST](#) FOR ACCEPTANCE OF, AND TRANSFER FROM THE GRANTS CONTINGENCY, \$363,365.93 IN VIRGINIA FIRE PROGRAM FUNDS AWARDED BY THE VIRGINIA DEPARTMENT OF FIRE PROGRAMS – FIRE DEPARTMENT
- (6) [REQUEST](#) FOR ACCEPTANCE OF, AND TRANSFER FROM THE GRANTS CONTINGENCY, \$182,500 IN VIRGINIA CONSERVATION FOUNDATION GRANT FUNDS AWARDED BY THE VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION, AND APPROPRIATION OF \$182,500 IN MATCHING FUNDS FROM THE FUND BALANCE OF THE GENERAL FUND – DEPARTMENT OF PARKS, RECREATION AND TOURISM
- (7) [RESOLUTION](#) APPROVING ECONOMIC DEVELOPMENT INVESTMENT GRANT TO INIT INNOVATIONS IN TRANSPORTATION, INC., AND TRANSFERRING APPROPRIATED FUNDS FOR SUCH GRANT TO THE ECONOMIC DEVELOPMENT AUTHORITY – DEPARTMENT OF ECONOMIC DEVELOPMENT
- (8) [REQUEST](#) FOR APPROPRIATION OF \$11,433.30 FROM THE COMMITTED FUND BALANCE OF THE GENERAL FUND TO ENHANCE ANIMAL HEALTH AND WELFARE SERVICES – POLICE DEPARTMENT/ANIMAL SERVICES

City Attorney Items

- (1) AN [ORDINANCE](#) AMENDING CHAPTER 62 OF THE CITY CODE, ENTITLED “SOLID WASTE”, SECTIONS 62-2(D) AND 62-2(F) THEREOF, TO EXEMPT PROPERTY ZONED FOR OR IN ACTIVE FARMING OPERATION FROM THE REQUIREMENT TO CUT GRASS, WEEDS, AND OTHER SIMILAR VEGETATION ON SUCH PROPERTY PURSUANT TO STATE LAW
- (2) AN [ORDINANCE](#) AMENDING THE CHESAPEAKE CITY CODE, CHAPTER 2, ENTITLED “ADMINISTRATION,” ARTICLE V, ENTITLED

“BOARDS, COMMITTEES AND COMMISSIONS,” SECTIONS 2-611 AND 2-612 ENTITLED “HUMAN SERVICES ADVISORY BOARD,” TO AMEND THE DUTIES OF THE ADVISORY BOARD TO INCLUDE DUTIES FORMERLY ASSIGNED TO THE CHESAPEAKE COMMITTEE ON AGING

- (3) AN [ORDINANCE](#) AMENDING CHAPTER 2 OF THE CHESAPEAKE CITY CODE, ENTITLED “ADMINISTRATION,” ARTICLE V, ENTITLED “BOARDS, COMMITTEES AND COMMISSIONS,” TO REPEAL SECTIONS 2-601 THROUGH 2-603 TO DISSOLVE THE CITIZENS’ JUVENILE ADVISORY COUNCIL
- (4) AN [ORDINANCE](#) AMENDING CHAPTER 2 OF THE CHESAPEAKE CITY CODE, ENTITLED “ADMINISTRATION,” ARTICLE V, ENTITLED “BOARDS, COMMITTEES AND COMMISSIONS,” TO REPEAL SECTIONS 2-456 THROUGH 2-465 TO DISSOLVE THE CITIZENS’ ADVISORY COMMITTEE
- (5) AN [ORDINANCE](#) AMENDING CHAPTER 2 OF THE CHESAPEAKE CITY CODE, ENTITLED “ADMINISTRATION,” ARTICLE V, ENTITLED “BOARDS, COMMITTEES AND COMMISSIONS,” TO REPEAL SECTIONS 2-615 THROUGH 2-620.1 TO DISSOLVE THE CHESAPEAKE COMMITTEE ON AGING, SAID DUTIES TO BE ASSUMED BY THE HUMAN SERVICES ADVISORY BOARD
- (6) AN [ORDINANCE](#) AMENDING CHAPTER 2 OF THE CHESAPEAKE CITY CODE, ENTITLED “ADMINISTRATION,” ARTICLE V, ENTITLED “BOARDS, COMMITTEES AND COMMISSIONS,” TO REPEAL SECTIONS 2-351 THROUGH 2-356 TO DISSOLVE THE TRANSPORTATION SAFETY COMMISSION

C. REGULAR AGENDA

City Manager Items

- (9) [REQUEST](#) FOR EMERGENCY APPROPRIATION OF \$50,080 IN ANTICIPATED REVENUE FOR THE PURCHASE OF ADDITIONAL INVENTORY OF E-ZPASS TRANSPONDERS – OFFICE OF THE CITY TREASURER
- (10) A. [RESOLUTION](#) AUTHORIZING THE CITY MANAGER TO EXECUTE A SIXTH AMENDMENT TO A MEMORANDUM OF UNDERSTANDING RELATING TO COST-SHARING, PROCUREMENT, AND ADMINISTRATION OF CONSTRUCTION OF THE VISITOR CENTER AT BATTLEFIELD PARK – DEPARTMENT OF PUBLIC WORKS
(Continued from the October 25, 2016 City Council meeting)
- B. [REQUEST](#) FOR AMENDMENT OF THE FY 2016-17 CAPITAL BUDGET TO APPROPRIATE UP TO \$422,000 TO THE GREAT BRIDGE

BATTLEFIELD AND WATERWAYS VISITOR CENTER PROJECT FROM
THE CITY LOCKBOX ACCOUNT – DEPARTMENT OF PUBLIC WORKS
(Continued from the October 25, 2016 City Council meeting)

- (11) AMENDMENT TO THE 2017 LEGISLATIVE PROGRAM TO REMOVE THE LEGISLATIVE INITIATIVE REQUEST “CLARIFYING CITY ATTORNEY’S OFFICE PROSECUTION OF LOCAL EROSION AND SEDIMENT CONTROL ACT/STORMWATER ENFORCEMENT VIOLATIONS” – OFFICE OF THE CITY MANAGER
- (12) RESOLUTION TO FORGIVE LOANS FROM THE CITY OF CHESAPEAKE TO THE CHESAPEAKE PORT AUTHORITY– DEPARTMENT OF FINANCE

City Attorney Item

- (7) RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE EASEMENT AGREEMENTS CONVEYING SITE DEVELOPMENT EASEMENTS ACROSS PUBLIC PROPERTY, CONSISTENT WITH THE CURRENT FIVE YEAR CAPITAL IMPROVEMENT PROGRAM, INVOLVING IMPROVEMENT OF PROPERTY OWNED BY THE CITY OF CHESAPEAKE
- 8. CITIZENS’ COMMENTS ON THE SERVICES, POLICIES, AND AFFAIRS OF THE CITY (NON AGENDA SPEAKERS)
 - 9. APPOINTMENTS TO BOARDS AND COMMISSIONS
 - A. Chesapeake Agricultural Advisory Commission – 3 appointments
 - B. Chesapeake Cable Television Commission – 2 appointments
 - C. Chesapeake Commission on Health and Well Being – 2 appointments
 - D. Chesapeake Hospital Authority – 4 appointments
 - E. Chesapeake Integrated Behavioral Healthcare Board – 3 appointments
 - F. Chesapeake Interagency Consortium – 7 appointments
 - G. Chesapeake Youth Committee – 5 appointments
 - H. CSB of Chesapeake, Inc. – 2 appointments
 - I. Fine Arts Commission – 5 appointments
 - J. Natural Event Mitigation Advisory Committee – 3 appointments
 - K. Parks and Recreation Advisory Board – 5 appointments
 - L. Planning Commission – 3 appointments
 - M. South Norfolk Revitalization Commission – 3 appointments
 - 10. UNFINISHED BUSINESS
 - 11. NEW BUSINESS

A. [RECONSIDERATION OF PLN-REZ-2016-015 Watson Property](#)
APPLICANT: Charlton Road, LLC **PROPOSAL:** A conditional zoning reclassification of 2.3 acres from A-1, Agricultural District, to R-15s, Residential District. **PROPOSED COMP LAND USE / DENSITY:** Low Density Residential with something less than 4 units per acre. **EXISTING COMP LAND USE / DENSITY:** Low Density Residential with something less than 4 units per acre. **LOCATION:** 4812 Charlton Drive **TAX MAP SECTION/PARCEL:** 0150000000120 **BOROUGH:** Western Branch

Staff recommends approval with proffers.

The Planning Commission recommends approval with the following proffers:

1. The applicant/owner agrees that there shall be no more than five (5) residential lots resulting from the 2.3+/- acre portion of the property being rezoned from A-1 to R-15s.
2. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public school facilities. The amount of the voluntary cash contribution shall be \$4,000.00 per residential dwelling unit resulting from the 2.3+/- acre portion of the property being rezoned from A-1 to R-15s. 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, 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 proffer shall be allocated as follows: Schools \$4,000.00.

(This item's motion for approval failed by a vote of 4-5 at the November 15, 2016 City Council meeting with Council Members Davis, Kelly, Krasnoff, Ritter and West voting in opposition) *(Reconsideration was requested by Council Members Davis, Ike and Ward)*

- B. [RESOLUTION](#) IDENTIFYING THE LANDING WEST INDUSTRIAL AREA AS A CANDIDATE FOR THE UNIQUE ECONOMIC DEVELOPMENT OPPORTUNITY DESIGNATION AS DEFINED BY THE CHESAPEAKE COMPREHENSIVE PLAN AND DIRECTING THE CITY MANAGER TO UNDERTAKE FURTHER STUDY AND CONSIDERATION OF THE PROPERTIES AS A UNIQUE ECONOMIC DEVELOPMENT OPPORTUNITY *(Council Member Ritter)*

C. [RESOLUTION](#) AUTHORIZING A CHARITABLE DONATION OF FUNDS TO THE CHESAPEAKE PUBLIC SAFETY MEMORIAL FUND, INC. TO ASSIST IN THE COMPLETION OF THE PUBLIC SAFETY MEMORIAL LOCATED AT THE MUNICIPAL CENTER (*Council Member Ike*)

12. CLOSED SESSION

13. ADJOURNMENT