

**CITY OF CHESAPEAKE
CITY COUNCIL MEETING
AGENDA**

September 19, 2017, 2017

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: 3:30 PM Economic Development Authority Interviews – 4th Floor Human Resources Training Room
No Work Session Scheduled

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

September 19, 2017

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

COUNCIL'S CONSIDERATION OF THE PUBLIC HEARING ITEMS

- A. [R\(C\)-15-22 Sawyer Property](#) **APPLICANT:** Titan Myers Development, LLC
AGENCY: Williams Mullen **PROPOSAL:** A conditional zoning reclassification of approximately 44.08± acres from R-15s, Residential District (4.18± acres) and A-1, Agricultural District (39.9± acres), to R-10s, Residential District. **PROPOSED COMP LAND USE / DENSITY:** Low Density Residential with no more than 2.2 dwelling units per acre. **EXISTING COMP LAND USE / DENSITY:** Low Density Residential with no more than 4 dwelling units per acre. **LOCATION:** 1833 & 1837 Elbow Road **TAX MAP SECTION/PARCELS:** 0390000000051, 0390000000030 **BOROUGH:** Washington *(Continued from the December 20, 2016 and June 20, 2017 City Council meetings)*

Staff recommends denial.

The Planning Commission recommend approval with the following proffers:

1. The owner/applicant agrees to create a Property Owner's Association and record private covenants and deed restrictions to adopt Architectural Design Standards required for residential construction and to own and maintain all open spaces and stormwater movement features as depicted on the exhibit date received July 18, 2016. The Design Standards at a minimum shall include items a) through g) listed below. The enforcement of the architectural and design requirements shall be the sole responsibility of the Property Owner's Association.
 - a. The owner/applicant agrees that the materials to be used on the front, sides and rear of all residential structures shall consist of brick, masonry (stone) cement based siding or high quality vinyl siding or substantially similar material, as determined by the Director of Planning, or designee. Vinyl siding shall be a minimum .044 inch thick lapped or beaded siding only. Dutch lap siding shall not be permitted.

- b. The owner/applicant agrees to offer a minimum of four (4) elevations for sale within the subdivision and furthermore agrees that at least 3 of the offered elevations shall include brick or stone exterior features.
 - c. The owner/applicant agrees that only architectural style shingles shall be permitted; 3-tab shingles shall be prohibited.
 - d. The owner/applicant agrees that all residential dwellings must have a crawl space or raised/elevated slab. Concrete block shall be finished with brick, stone or stucco, and exposed block skirts shall not be permitted.
 - e. The owner/applicant agrees that each residential dwelling shall be provided with a minimum two-car garage. The owner/applicant also agrees that the front building elevation shall not include projections of building walls forward of the front door of the building by more than three (3) feet in length.
 - f. The owner/applicant agrees that one-story dwellings shall have a minimum of 1,500 square feet of heated living space, and two-story dwellings shall have a minimum of 1,900 square feet of heated living space.
 - g. The owner/applicant further agrees that all of the dwellings constructed within the subdivision shall have covered front porches with a minimum depth of four (4) feet.
2. The applicant/owner agrees to limit the development to 84 single-family lots. The development of the subject property shall be consistent with the rezoning exhibit date received July 18, 2016 as determined by the Director of Planning or designee, provided that the location and size of the proposed stormwater management and lakes may be adjusted based on design and engineering requirements.
3. 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 \$2,546 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 \$1,591; Transportation \$0; Libraries \$570; Emergency Services \$385.
4. The owner/applicant agrees to dedicate one-half of the ultimate 120' right-of-way along the entirety of the property's frontage with Elbow Road in accordance with the 2050 Master Transportation Plan, at no cost to the City.

The alignment and sufficiency of the dedication shall be subject to the review and approval of the Director of Development and Permits or designee. The right-of-way dedication shall be recorded with the initial subdivision plat for the property subject to this rezoning.

5. The applicant/owner agrees to construct 24 feet of pavement width and all associated curb and gutter improvements to Elbow Road, from the eastern end of the project's left turn lane on Elbow Road, as determined by the Director of Development & Permits, or designee, and extending approximately 1,215 feet eastward along Elbow Road. These improvements shall be subject to the review and approval of the Director of Development and Permits or designee and the width of the gutter shall not count toward the pavement width. These improvements shall be completed, or included in the subdivision bond to assure completion, prior to the recordation of the first subdivision plat in the development. If all or part of these improvements are bonded, the subdivision agreement shall provide for their completion not less than nine (9) months after the date of recordation of said first subdivision plat.
 6. The applicant/owner agrees to construct an east bound turn lane from Elbow Road into Bethel Baptist Church. The length and other geometric parameters of this left turn lane shall be done in the best feasible manner, within the existing right of way of Elbow Road, as determined by the Director of Development and Permits or designee. These improvements shall be completed, or included in the subdivision bond to assure completion, prior to the recordation of the first subdivision plat in the development. If all, or part, of these improvements are bonded, the subdivision agreement shall provide for their completion not less than nine (9) months after the date of recordation of said first subdivision plat.
 7. A conceptual site plan prepared by MSA, PC 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-TXT-2016-007 CZO: Sign Regulations](#) An Ordinance amending Appendix A of the City Code, entitled "Zoning," Article 3, Section 3-403; Article 6, Section 6-2206; Article 7, Sections 7-512 and 7-513; Article 10, Section 10-402 and 10-452; Article 11, Section 11-1114; Article 12, Sections 12-605, 12-606, and 12-708; Article 13, Sections 13-605 and 13-1402; Article 14, Sections 14-104, 14-701, 14-702, 14-703, 14-704, 14-705, 14-706, 14-707, 14-708, and 14-710; Article 16,

Section 16-105; Article 19, Section 19-403; and Article 20, Section 20-702, to amend the provisions referencing signs to be in compliance with constitutional requirements and to amend other sections to update references to maintain consistency. *(Continued from the March 21 and June 20, 2017 City Council meetings)*

Staff and the Planning Commission recommend approval of version dated January 24, 2017.

- C. **PLN-USE-2017-003 Hickory Solar Farm** **APPLICANT:** New Energy Ventures, Inc. **AGENCY:** North Ridge Resources, LLC **PROPOSAL:** A conditional use permit to allow a solar energy facility on a 154.40 acre parcel. **ZONE:** A-1, Agricultural District **LOCATION:** On Ballentine Road, approximately 5,000 feet east from the intersection of Ballentine Road and Battlefield Blvd. **TAX MAP SECTION/PARCEL:** 0970000000660 **BOROUGH:** Butts Road *(Continued from the June 20, 2017 City Council meeting)*

Staff and the Planning Commission recommend approval with the following stipulations:

1. The applicant/owner shall construct a City Standard Commercial Entrance, CG-11A to access the site prior to issuance of a Certificate of Occupancy. The entrance shall be constructed at the intersection of Battlefield Boulevard South and Ballentine Road and shall be depicted on the final site construction plan which is subject to review and approval of the Director of Development and Permits, or designee. In addition, a closure and restoration plan shall be a required component of the final site construction plan.
2. The applicant/owner shall submit a Landscape Plan pursuant to the Chesapeake Zoning Ordinance prior to final construction plan approval. Said plan shall be subject to the review and approval of the City's Landscape Coordinator. Said plan shall consist of the following: a modified Buffer Yard E along the entirety of the property line, consisting of small and medium canopy trees that are at least 6 feet in height, shrubs that are in a minimum industry standard 3 gallon container at planting, and a solid evergreen buffer along the entirety of the property line adjacent to the residential properties to screen the use. The solid evergreen buffer shall include trees that are at least 8 feet in height at time of planting, and shrubs that are in a minimum industry standard 3 gallon container at time of planting. All plant materials shall be subject to the review and approval of the City's Landscape Coordinator and shall be installed prior to the issuance of a Certificate of Occupancy for the use. The applicant/owner shall also install and maintain a 6 foot security fence around the entire perimeter of the solar farm prior to the issuance of a Certificate of Occupancy for the use.
3. The applicant/owner shall obtain a valid Run-Off Control Permit from the Department of Public Utilities prior to the approval of construction plans.
4. The applicant/owner shall obtain all required permits and approvals from the Department of Development and Permits prior to the installation of the security fence and storage shed.
5. The applicant/owner agrees that all power lines transferring the power generated from the property to the existing Dominion Virginia Power

- distribution system on Battlefield Boulevard South, which are both on-site and off-site, shall be placed underground unless the applicant/owner provides written correspondence from Dominion Virginia Power which requires the lines to be placed above ground to the Zoning Administrator.
6. The applicant/owner agrees that the proposed use shall utilize SMA 2200-EV-US, SMA 2500-EV-US or an alternative solar panel inverter approved by the Navy and in compliance with the Navy's Electromagnetic Interference (EMS) assessment.
 7. The approval of this Conditional Use Permit is limited to the applicant only.
 8. The applicant/owner shall provide written notice to the Director of Development and Permits or designee at least 30 days in advance of the cessation or abandonment of this use. Within 180 days of the cessation or abandonment of this use, the applicant/owner shall remove all photovoltaic systems (including but not limited to inverters, modules/solar panels, solar trackers) and all other structural elements related to the photovoltaic system use. The applicant/owner shall also restore the property to its pre-use grade, as approved by the Director of Development and Permits or designee, within the referenced 180 days.
 9. Prior to receiving a certificate of occupancy, an Emergency Management Plan (EMP) will be provided to, and subject to the approval of, the Director of Development and Permits for the solar energy facility. The goal of this EMP is to provide safety guidelines and procedures for potential emergency-related incidents during all phases of the life of the facility (construction, operation, and decommissioning). The EMP shall cover at minimum emergency communications and training, theft and vandalism, inclement weather, high voltage equipment, and fire safety and prevention.
 10. The applicant/owner shall maintain insurance for the duration of the use. The applicant/owner shall provide to the City Attorney a certificate of insurance providing General Liability Insurance which shall include at least the following information: (i) the name of the insurance company, policy number and expiration date; and (ii) the coverage and limits on coverage and including the amount of deductibles or self-insured retentions with a minimum limit of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) aggregate, combined single limit, for bodily injury (including death) or property damage and Environmental Impairment insurance with minimum limits of \$1,000,000 per occurrence. The certificate of insurance shall be provided to the City Attorney prior to the issuance of a certificate of occupancy.
 11. The applicant/owner agrees that the solar array shall be designed to withstand 120 mph wind speeds, as depicted on the approved final site plan.
 12. The applicant/owner agrees that the proposed solar energy facility shall only use mono-crystalline or poly-crystalline photovoltaic (PV) technology. This stipulation shall be included as a condition on the final site plan.
- D. [PLN-REZ-2017-007 Covenant UMC Rezoning](#) **APPLICANT:** Pastor Frank T. Jennings **OWNER:** Trustees of Covenant United Methodist Church **PROPOSAL:** A zoning reclassification of approximately 5.8 acres from R-10s, Residential

District, to AC, Assembly Center District. **PROPOSED COMP LAND USE:** Institution/Government **EXISTING COMP LAND USE:** Institution/Government **LOCATION:** 2004 Dock Landing Road **TAX MAP SECTION/PARCEL:** 0160000000771 **BOROUGH:** Western Branch *(Continued from the August 8, 2017 City Council meeting)*

Staff and the Planning Commission recommend approval with the following proffers:

1. The applicant/owner proposes to install an internally-illuminated monument sign with light emitting diodes (LED), as depicted on the exhibit prepared by Arlrite Signs & Awnings, dated June 20, 2017, on file with the Planning Department. The sign shall be located as shown on the, "Site Plan for Covenant United Methodist Church," prepared by Hassell and Folkes, P.C., received and dated by the Planning Department on June 20, 2017. The applicant/owner shall obtain all required permits and approvals prior to the installation of the sign and shall maintain the sign in good working order. The applicant/owner agrees that the proposed sign shall not have movable text. In addition, the applicant/owner agrees that there shall be no exposed LED lighting, movable text or any other kind of LED lighting used on any other exterior sign on the property.
2. The applicant/owner agrees that the transition time between the changeable message displayed on the LED sign shall be in conformance with the requirements of the Chesapeake Zoning Ordinance, as amended from time to time.
3. The applicant/owner agrees that the LED portion of the sign shall only be lit between the hours of 6 a.m. and 11 p.m.

- E. [PLN-REZ-2017-016 Drum Creek Farms](#) **APPLICANT:** Kopassis Properties One, LLC **AGENCY:** Sykes, Bourdon, Ahern & Levy P.C. **PROPOSAL:** A conditional zoning reclassification of 8.5 acres to reconsider proffers under the existing zoning of R-10s, Residential District (previous application R(C)-11-09). **PROPOSED COMP LAND USE / DENSITY:** Low-Density Residential with 2.35 dwelling units per acre **EXISTING COMP LAND USE / DENSITY:** Regional Mixed Use and Low-Density Residential with something less than 4 dwelling units per acre **LOCATIONS:** 2814 Taylor Road, 2411 Bugle Drive West, and 2409 Bugle Drive West **TAX MAP SECTION/PARCELS:** 0090000000590, 0090000000600, and 0092002000150 **BOROUGH:** Western Branch *(Continued from the August 8, 2017 City Council meeting)*

Staff and the Planning Commission recommend approval with the following proffers:

1. The owner/applicant agrees the subject property shall be developed substantially in conformance with the rezoning exhibit entitled "PRELIMINARY SUBDIVISION PLAN FOR DRUM CREEK FARMS" dated October 14, 2011, last updated June 8, 2017, prepared by NDI, L.L.C., Basgier and Associates Division, as determined by the Director of Planning, or designee. However, the rezoning exhibit shall not be construed as being exact in presentation and shall be subject to subdivision review and approval.

2. The owner/applicant agrees that the subject property shall be developed with the following characteristics:
 - a. Single-family two-story dwellings shall be constructed with a minimum of 2,200 square feet. The dwelling units shall be constructed with raised slabs or on a crawl space.
 - b. The primary building materials to be used on the exterior of the front elevations of the dwellings shall consist of any combination of brick or vinyl siding, with the exception that accents, gables, or other design or ornamental features may also consist of cedar shake rough-sawn vinyl siding. Such materials shall be presented to and accepted by the Planning Director or designee prior to final construction plans approval.
 - c. The development shall have no more than twenty (20) single-family dwelling units.
- F. **PLN-USE-2016-043 Sentara at Edinburgh** **APPLICANT:** MPB Inc. **AGENT:** Williams Mullen **PROPOSAL:** A conditional use permit to allow a Medical Care Facility which operates as a Women's Diagnostic Facility including mammography, ultrasound and bone densitometry services on a portion of a 12 acre parcel. **ZONE:** PUD, Planned Unit Development District **LOCATION:** 1933 Edwin Dr. **TAX MAP SECTION/PARCEL:** 0730000001860 **BOROUGH:** Pleasant Grove *(Continued from the January 17, April 18, July 18 and August 15, 2017 City Council meetings)*
- Staff and the Planning Commission recommend approval with the following stipulations:
1. The subject use permit shall be limited to the 4,351 square foot portion of the second floor, as depicted on the floor plan attached to this report and dated September 27, 2016.
 2. This use permit shall be limited to a Women's Diagnostic Facility which only performs the following services: mammography, ultrasound and bone densitometry.
- G. **PLN-PUDC-2016-008 The Confluence at Dominion Park** **APPLICANT:** Breeden Investment Properties, Inc. **AGENCY:** Shepelle/Watkins-White Consulting & Law **PROPOSAL:** A conditional zoning reclassification of approximately 119 acres from A-1, Agricultural District, R-15, Residential District, R-25(A)s, Residential District and B-2, General Business District to PUD, Planned Unit Development District. **PROPOSED COMP LAND USE / DENSITY:** Dominion Boulevard Corridor Study with an overall residential density of 6.07 units per acre and Business/Commercial **EXISTING COMP LAND USE / DENSITY:** Dominion Boulevard Corridor Study with an overall residential density of 5.92 units per acre and Business/Commercial **LOCATION:** North side of Dominion Boulevard, west of Scenic Parkway **TAX MAP SECTION/PARCEL:** 0450000000100, 0450000000101 0450000000070, 0450000000071, 0450000000072, 0450000000220, 0450000000221, 0450000000230, 0450000000231, 0450000000241, 0570000000691, 0450000000240 **BOROUGH:** Deep Creek *(Continued from the August 15, 2017 City Council meeting)*

Staff recommends denial.

The Planning Commission recommends approval with the Master Land Use Plan and Development Criteria dated June 2, 2017.

- H. [PLN-REZ-2017-024 Ida Gardens Lots 7 & 8](#) **APPLICANT:** Gateway Construction II Inc. **AGENCY:** Parrish-Layne Design Group **PROPOSAL:** A conditional zoning reclassification of approximately 0.3 acres from M-1, Light Industrial District to R-10s, Residential District. **PROPOSED COMP LAND USE / DENSITY:** Low Density Residential/ 4.3 dwelling units per acre **EXISTING COMP LAND USE / DENSITY:** Low Density Residential/less than or equal to 4 dwelling units per acre **LOCATION:** 809 Bells Mill Road **TAX MAP SECTION/PARCELS:** Portions of 0470000000070 & 0470000000080 **BOROUGH:** Pleasant Grove

Staff and the Planning Commission recommend approval with the following proffer:

1. The applicant/owner agrees that there shall be no more than two (2) lots developed on the portions of Tax Parcels 0470000000070 and 0470000000080 that are subject to this rezoning, as depicted on the plans approved by the City on November 29, 2016 and entitled, "Subdivision Plan of IDA Gardens 809 & 817 Bells Mill Road, for Gateway Construction II, Inc., TP 0470000000070 & TP 0470000000080, Pleasant Grove Borough, Chesapeake, Virginia."
- I. [PLN-USE-2017-002 Centerville Turnpike Solar](#) **APPLICANT:** Centerville Pike Solar Project, LLC **PROPOSAL:** A conditional use permit to allow a solar energy facility on a 245.101 acre parcel. **ZONE:** A-1, Agricultural District **LOCATION:** East of Centerville Turnpike at the terminus of Old Centerville Turnpike. **TAX MAP SECTION/PARCEL:** 0750000000450 **BOROUGH:** Butts Road

Staff and the Planning Commission recommend approval with the following stipulations:

1. The applicant/owner shall construct a City Standard Commercial Entrance, CG-11A to access the site prior to issuance of a Certificate of Occupancy. The entrance shall be depicted on the final site construction plan and is subject to review and approval by the Director of Development and Permits, or designee. In addition, a closure and restoration plan shall be a required component of the final site construction plan.
2. The applicant/owner shall submit a Landscape Plan pursuant to Chesapeake Zoning Ordinance Section 19-600 et seq. prior to final construction plan approval. Said plan shall be subject to the review and approval of the City's Landscape Coordinator. Said plan shall provide for the planting and maintenance of the following: 1) a modified Buffer Yard E along the entirety of the perimeter of the solar energy facility, consisting of small and medium canopy trees that are at least 6 feet in height, and shrubs that are in a minimum industry standard 3 gallon container at planting; and 2) the modified Buffer Yard E shall also include a solid evergreen buffer along the entirety of the property line adjacent to the residential properties to screen the use. The solid evergreen buffer shall include trees that are at least 8 feet in height at time of planting, and shrubs that are in a minimum industry standard 3 gallon container at time of

- planting; and 3) a variety of native groundcovers and other vegetation throughout the site, including those known as attractive to pollinators and a mix of two species of clover and tall fescue at a ratio of at least 70% clover and 30% fescue. All plant materials in the Landscape Plan shall be installed prior to the issuance of a Certificate of Occupancy. Further all referenced plant material shall be established within the first growing season following completion of construction activities.
3. The applicant/owner shall install and maintain a 6 foot security fence around the entire perimeter of the solar farm prior to the issuance of a Certificate of Occupancy. All required permits and approvals for the fence shall be acquired prior to the installation of the fence.
 4. The Conditional Use Permit is limited to the applicant only.
 5. The applicant/owner shall provide written notice to the Director of Development and Permits or designee at least 30 days in advance of the cessation or abandonment of this use. Within 180 days of the cessation or abandonment of this use, the applicant/owner shall remove all photovoltaic systems (including but not limited to inverters, modules/solar panels, solar trackers) and all other structural elements related to the photovoltaic system use. The applicant/owner shall also restore the property to its pre-use grade, as approved by the Director of Development and Permits or designee, within the referenced 180 days.
 6. Prior to receiving a certificate of occupancy, an Emergency Management Plan (EMP) will be provided to the Director of Development and Permits for the solar energy facility. The goal of this EMP is to provide safety guidelines and procedures for potential emergency-related incidents during all phases of the life of the facility (construction, operation, and decommissioning). The EMP shall cover at minimum emergency communications and training, theft and vandalism, inclement weather, high voltage equipment, and fire safety and prevention.
 7. The applicant/owner shall maintain insurance for the duration of the use. The applicant/owner shall provide to the City Attorney a certificate of insurance providing General Liability Insurance which shall include at least the following information: (i) the name of the insurance company, policy number and expiration date; and (ii) the coverage and limits on coverage and including the amount of deductibles or self-insured retentions with a minimum limit of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) aggregate, combined single limit, for bodily injury (including death) or property damage and Environmental Impairment insurance with minimum limits of \$1,000,000 per occurrence. The certificate of insurance shall be provided to the City Attorney prior to the issuance of a Certificate of Occupancy.
 8. The applicant/owner agrees that the solar array shall be designed to withstand 120 mph wind speeds, as depicted on the approved final site plan.
 9. The applicant shall only use mono-crystalline or poly-crystalline photovoltaic (PV) technology for the solar energy facility. This shall be

specified in the site plan for the project.

10. The applicant/owner agrees that all construction activities shall be limited to 7 a.m. to 7 p.m.

J. **PLN-USE-2017-009 JP Chesapeake Holdings Medical Care Facility**

APPLICANT: JP Chesapeake Holdings, LLC **AGENCY:** Williams Mullen
PROPOSAL: A conditional use permit for a medical office building and ambulatory surgery center. **ZONE:** Edinburgh - Planned Unit Development
LOCATION: 208 Carmichael Way **TAX MAP SECTION/PARCEL:** 0730000001760 **BOROUGH:** Pleasant Grove

Staff and the Planning Commission recommend approval with the following stipulations:

1. The applicant/owner agrees that this conditional use permit shall be limited to a Medical Care Facility for an outpatient ambulatory surgery center consisting of one operating room dedicated to ophthalmic surgeries, such as cataract, retina, ocular plastic, vitreoretinal and other ophthalmic surgeries, and an associated procedure room.
2. The applicant/owner agrees that the building and site design for the property shall comply with the standards put forth in Section IV of the Edinburgh PUD Development Criteria, as determined by the Director of Planning or designee, prior to Final Site Plan approval. The applicant/owner further agrees that the building and site design for the property shall be subject to the architectural review process set out in Section III of the Edinburgh PUD Development Criteria.

K. **PLN-USE-2017-021 Virginia Equine Satellite Wagering Facility** **APPLICANT:**

Virginia Equine Alliance **AGENT:** Williams Mullen **PROPOSAL:** A conditional use permit to allow a computer-based gaming establishment in a 3346 square foot unit that is part of a shopping center. The applicant also seeks approval of an alternative parking surface for the parking spaces behind the building. **ZONE:** B-2, General Business District **LOCATION:** 220 Battlefield Boulevard North, Unit 228 **TAX MAP SECTION/PARCEL:** 0480000001150 **BOROUGH:** Washington

Staff and the Planning Commission recommend approval with the alternative parking surface and the following stipulations:

1. The applicant/owner shall operate the satellite wagering facility in accordance with Chapter 29 in Title 59.1 of the Virginia Code, as amended, and the license issued by the Virginia Racing Commission in Decision No.: 2017-02, dated June 7, 2017. If the applicant/owner's license to operate the satellite wagering facility is suspended or revoked, the applicant/owner shall immediately cease operations and shall provide written notice to the Zoning Administrator within five (5) days of said suspension or revocation.
2. The applicant/owner agrees that there will be no more than twelve (12) satellite wagering stations on the premises.
3. The applicant/owner agrees to provide twelve (12) employee parking spaces to the rear of the building as shown on the preliminary site plan dated July 18, 2017 prior to initiation of the use. These spaces shall have a gravel surface with wheel stops to define the spaces.

4. This conditional use permit is limited to the applicant only.

- L. [PLN-USE-2017-027 Morris Baking Classes](#) **APPLICANT:** JMT Sweets LLC
AGENT: Alandus Morris **PROPOSAL:** A conditional use permit to allow cooking classes as a Level II Home Occupation in a single family residence on a .41 acre lot. **ZONE:** A-1, Agricultural District **ZONING MAP LOCATION:** 512 Prentiss Drive **TAX MAP SECTION/PARCEL:** 0591005000120 **BOROUGH:** Pleasant Grove

Staff recommends denial.

The Planning Commission recommends approval with the following revised stipulations:

1. The applicant/owner agrees that cooking classes may only be held between the hours of 6 p.m. to 8 p.m. on Fridays, and 10 a.m. to 4 p.m. on Saturdays and Sundays.
2. The applicant/owner agrees that each cooking class shall be limited to no more than six (6) students in any one class.

- M. [PLN-PUDM-2017-001 Stonebridge Landing Apartments](#) **APPLICANT:** Stonebridge Associates, LLC **AGENCY:** Retnauer Baynes Associates
PROPOSAL: A modification to the Development Criteria of the Stonebridge Landing PUD to increase the allowed density for residential garden apartments from 13 dwelling units per acre to 15.9 dwelling units per acre and to increase the allowed residential density for the overall PUD from 3.5 dwelling units per acre to 3.7 dwelling units per acre. **PROPOSED COMP LAND USE / DENSITY:** High Density Residential with no more than 15.9 dwelling units per acre **EXISTING COMP LAND USE / DENSITY:** High Density Residential with no more than 16 dwelling units per acre **ZONING MAP LOCATION:** 4100 Prindle Court **TAX MAP SECTION/PARCEL:** 0100000001600 **BOROUGH:** Western Branch

Staff and the Planning Commission recommend approval with the revised Development Criteria date received July 31, 2017.

6. DOCKET

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

City Manager Item

- (1) [REQUEST](#) FOR ACCEPTANCE OF, AND TRANSFER FROM THE GRANTS CONTINGENCY, \$1,000 IN DONATED FUNDS FOR THE ANNUAL MAYOR'S COMMISSION ON VETERANS AFFAIRS SCHOLARSHIP

- C. REGULAR AGENDA

City Attorney Item

- (1) AN [ORDINANCE](#) AMENDING THE CHESAPEAKE CITY CODE, CHAPTER 14 THEREOF, ENTITLED "BUILDING AND BUILDING REGULATIONS," SECTIONS 14-206, 14-276, 14-287, 14-291, AND 14-296 THEREOF; CHAPTER 58, ENTITLED "SECONDHAND GOODS," SECTION 58-28 THEREOF; CHAPTER 66, ENTITLED

“STREETS AND SIDEWALKS,” SECTIONS 66-4 AND 66-121.1 THEREOF, CHAPTER 74, ENTITLED “TRAFFIC AND VEHICLES,” SECTIONS 74-247 AND 74-410 THEREOF, TO AMEND PROVISIONS REFERENCING SIGNS TO COMPLY WITH CONSTITUTIONAL REQUIREMENTS AND TO AMEND OTHER SECTIONS TO UPDATE REFERENCES FOR PURPOSES OF CONSISTENCY *(Continued from June 20, 2017 City Council meeting)*

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