

**CITY OF CHESAPEAKE
CITY COUNCIL MEETING
AGENDA**

November 21, 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: No Work Session

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

November 21, 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 PLANNING PUBLIC HEARING ITEMS

A. [PLN-REZ-2017-018 Register Equine Farm](#) **APPLICANTS:** Michael and Jodi Register **PROPOSAL:** A zoning reclassification of approximately 5.63 acres from RE-1, Residential Estate District, to A-1, Agricultural District. **PROPOSED COMP LAND USE / DENSITY:** Agricultural/Open Space with something less than 1 dwelling unit per 3 acres **EXISTING COMP LAND USE / DENSITY:** Agricultural/Open Space with something less than 1 dwelling unit per 3 acres **LOCATION:** 733 Fentress Airfield Road **TAX MAP SECTION/PARCEL:** 064000000390 **BOROUGH:** Butts Road *(Continued from the August 8, 2017 City Council meeting)*

Staff and the Planning Commission recommend approval.

B. [PLN-REZ-2016-014 Fernwood Chase](#) **APPLICANT:** Allen J. Gordon Trust and SAS Associates **AGENCY:** Williams Mullen **PROPOSAL:** A conditional zoning reclassification of approximately 92.1 acres from A-1, Agricultural District, B-4, Highway Business District, and R-15s, Residential District, to R-MF1, Multifamily Residential District (30.4 acres more or less), B-1, Neighborhood Business District (1.4 acres more or less) and C-1, Conservation District (60.3 acres more or less). **PROPOSED COMP LAND USE / DENSITY:** Low Density Residential/3.23 dwelling units per acre and Business/Commercial. **EXISTING COMP LAND USE / DENSITY:** Low Density Residential/Less than 8 dwelling units per acre and Business/Commercial. **LOCATION:** Southeast corner of the intersection of Great Bridge Boulevard and Fernwood Farms Road. **TAX MAP SECTION/PARCEL:** 0360000000990, 0360000000980, 0360000001000, and 0360000000981. **BOROUGH:** Washington

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

- 1. The applicant/owner agrees that the development of the property shall be limited to two and three story attached condominiums and neighborhood business (B-1) uses as depicted on the conceptual site plan dated September 10, 2017, prepared by Timmons and on file with the Planning Department. Development of the subject property shall be limited to 224

- three story attached condominiums, 69 two story attached condominiums, and 15,000 square feet of gross floor area in the B-1 zone, as approved by the Director of Planning or designee.
2. Prior to the issuance of the first certificate of occupancy, the owner/applicant agrees to create an Owner's Association and record private covenants and deed restrictions to adopt certain Design Standards and to own and maintain all open spaces, landscape buffers, and stormwater management features as depicted on the conceptual site plan dated September 10, 2017. The Design Standards at a minimum shall include items a and b listed below. The enforcement of the architectural and design requirements shall be the sole responsibility of the Owner's Association.
 - a. The owner/applicant agrees that the materials to be used on the front, sides and rear of all two and three story attached condominium 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 that only architectural style shingles shall be permitted; 3-tab shingles shall be prohibited.
 3. The applicant/owner agrees that the two and three story attached condominium units shall be consistent with the building elevations dated March 15, 2017, on file with the Planning Department. Furthermore, the garages for the two-story attached condominium shall not extend beyond the front porch roof line. The terms of this proffer shall be subject to the review and approval by the Planning Director or designee.
 4. 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 \$1,608 per 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. 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 \$685; Transportation \$335; Libraries \$351; Emergency Services \$237.
 5. The applicant/owner agrees that vehicular access to the development will be limited to Fernwood Farms Road consistent with the conceptual site plan dated September 10, 2017.

6. The applicant/owner agrees to record, at no cost to the City, a 5' non-ingress/egress easement for the subject property's entire frontage along Great Bridge Boulevard and Fernwood Farms Road, except for City-approved entrances, subject to the approval of the Director of Development and Permits, or designee for alignment and sufficiency. The non-ingress/egress easement shall be recorded prior to the approval of a final site plan for the property.
7. The applicant/owner agrees to dedicate, at no cost to the City, ½ of the remaining 120' ultimate width for Great Bridge Boulevard on the subject property prior to the approval of a final site plan. The alignment and sufficiency of the dedication shall be subject to the review and approval of the Director of Development and Permits, or designee.
8. The applicant/owner agrees to construct a city-standard pedestrian sidewalk, at no cost to the City, along the subject property's frontage on Fernwood Farms Road. The location and construction of the pedestrian sidewalk shall be subject to the review and approval of the Director of Development and Permits or designee. Prior to issuance of a building permit for any residential unit on the property, the applicant/owner shall submit a site plan reflecting the sidewalk and construction of the sidewalk shall be completed prior to issuance of any certificate of occupancy on the property.
9. The applicant/owner agrees to construct a concrete pedestrian walkway, at no cost to the City, to connect the proposed development to the Rivercrest Community Center according to a plan approved by the Director of Parks and Recreation. The specific location of the pedestrian walkway shall be approved by the Director of Parks and Recreations. The walkway shall be a minimum of 5 feet in width and shall be completed prior to the issuance of the first certificate of occupancy for the attached condominiums immediately adjacent to the eastern property lines.
10. The applicant/owner agrees that each individual community within in the development will be distinguished from other communities through the use of unique entrance identification features with brick masonry walls, stone wall facings, and cast ornamentation logos with lighting and landscaping. All exterior signage will be consistent in design throughout the communities and will blend harmoniously with the architectural themes presented on the homes and building schemes. Exterior signage features shall include brick masonry walls, stone or brick wall facings and cast ornamentation community logos which will be highlighted by lighting and landscaping in excess of the requirements of the Zoning Ordinance as depicted on a landscape plan subject to the review and approval of the Landscape Coordinator. Other than review of the landscape plan, the provisions of this proffers shall be subject to the review and approval of the Director of Planning or designee. The landscaping and signage referenced herein shall be installed and completed before the issuance of the first certificate of occupancy for each individual community.
11. The applicant/owner agrees to install the following streetscapes and landscaping as generally depicted on the conceptual site plan dated September 10, 2017, prior to the issuance of the first certificate of occupancy unless otherwise provided for below. All landscaping and streetscapes shall

be subject to the review and approval of the Landscape Coordinator.

- a. The frontage along Great Bridge Boulevard shall contain a variable width landscape buffer with a minimum width of 15'. This buffer will contain deciduous, flowering and evergreen plantings that exceed the planting requirements of a Buffer Yard "F" by 30%.
 - b. The frontage along Fernwood Farms Road shall contain a variable width landscape buffer with a minimum width of 15'. This buffer will contain deciduous, flowering and evergreen plantings that exceed the planting requirements of a Buffer Yard "F" by 30%.
 - c. The eastern and southern property lines, which are adjacent to the existing residential neighborhoods, shall contain variable width buffers as provided below. The eastern property line shall contain a minimum buffer of 40' wide and shall contain evergreen plantings and deciduous trees to provide a visual screen between the proposed development and the existing residences that exceed the planting requirements of a Buffer Yard "C" by 30% with no fence or wall. The applicant/owner agrees to prepare a tree survey along the eastern property line and shall preserve as many of the existing trees within the 40' buffer as possible pursuant to the tree survey subject to the review and approval of the Landscape Coordinator. The southern property line shall contain a minimum buffer of 20' and shall contain evergreen plantings and deciduous trees to provide a visual screen between the proposed development and the existing residences that exceed the planting requirements of a Buffer Yard "C" by 30% with no fence or wall. These buffers will be installed prior to the issuance of the first certificate of occupancy for the attached condominiums immediately adjacent to the southern and eastern property lines.
12. The applicant/owner agrees to complete the following road improvements at no cost to the City, all of which shall be subject to the review and approval of the Director of Development and Permits or designee, prior to the issuance of the first certificate of occupancy:
- a. Intersection of Fernwood Farms Road, Great Bridge Boulevard, and Wickford Drive ("the intersection").
 - i. The intersection shall be upgraded to provide crosswalks and pedestrian signalization.
 - ii. The existing traffic light at the intersection shall be modified to provide split phases for Fernwood Farms Road and Wickford Drive.
 - iii. Improvements shall be made to eastbound Fernwood Farms Road to provide dual left turning movements onto Great Bridge Boulevard by creating 1 left turn lane, 1 left-thru lane, and 1 right turn lane.
 - b. The applicant/owner agrees to widen Fernwood Farms Road for the purpose of providing a second left turn lane onto Great Bridge Boulevard 12' in width, at no cost to the City. Further, the applicant/owner agrees to construct a 12' left turn lane on Fernwood Farms Road into the subject property to align with the entrance closest

to Great Bridge Boulevard. The alignment and sufficiency of the road widening and left turn lane shall be subject to the review and approval of the Director of Development and Permits. The road widening and left turn lane shall be completed prior to the issuance of the first certificate of occupancy. The applicant/owner agrees to dedicate, at no cost to the City, right of way along the subject property's frontage on Fernwood Farms Road to accommodate the improvements proposed above. The alignment and sufficiency of the dedication shall be subject to the review and approval of the Director of Development and Permits or designee. Said dedication, unless otherwise approved by the Director, shall be made prior to final site plan approval.

13. A conceptual site plan, 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.
14. The applicant/owner agrees that the 60 +/- acre portion in the rear of the property that is proposed to be rezoned to C-1, as shown on the conceptual plan dated September 10, 2017, shall remain a conservation area and shall be preserved in its natural state in perpetuity. The Owners' Association shall be responsible for preserving the natural state of the 60 acres subject to enforcement by the Zoning Administrator for compliance with this proffer.
15. The applicant/owners agrees to relocate tax parcel 0360000001010's ingress and egress to Fernwood Farms Road across the internal private streets to be constructed on the subject property. The relocation shall be completed prior to the recordation of the non-ingress/egress easement referenced in proffer #6.
16. The applicant/owners agrees to construct a stormwater management system which shall, in the determination of the Director of Development & Permits or designee, attenuate the post-development peak rate of runoff, during the 10-year design rainfall event, from the portion of the property to be rezoned to RMF-1, to not more than 80% of the pre-development rate of runoff from said portion of the property. The storm water management system shall be completed as required by Director of Development & Permits or designee and in accordance with the requirements of the Chapter 70 of the Chesapeake City Code.

- C. [PLN-REZ-2016-033 Shoppes at SoNo](#) **APPLICANT:** Dominion Life Neighborhood Redevelopment and Revitalization, LLC **AGENCY:** Lentz Law Group **PROPOSAL:** A conditional zoning reclassification of approximately 12.82 acres from B-2, General Business District, to B-5, Urban Business District. **PROPOSED COMP LAND USE / DENSITY:** Mixed Use that includes commercial and multi-family residential with 10.14 dwelling units per acre. **EXISTING COMP LAND USE / DENSITY:** Business/Commercial **LOCATION:** 2307 Bainbridge Boulevard **TAX MAP SECTION/PARCEL:** 1390000001910 **BOROUGH:** South Norfolk

Staff and the Planning Commission recommend denial.

1. The applicant/owner agrees to construct no more than one hundred and thirty (130) multifamily units for lease at the location shown on the preliminary site plan titled, "Shoppes at SoNo", date received October 2, 2017.
2. The applicant/owner agrees that the first floor of the proposed multi-family structure, as shown on the preliminary site plan titled "Shoppes at SoNo", date received October 2, 2017, shall be actively used and marketed for commercial uses only. Residential units shall be prohibited.
3. The applicant/owner agrees that the proposed revitalization of the property, as shown on the preliminary site plan titled "Shoppes at SoNo," date received October 2, 2017, shall include improvements to all of the parking areas on the property subject to this rezoning. Said improvements shall include any such requirement necessary to bring the parking area into compliance with the City Codes; which shall include, but not be limited to, resurfacing, planter islands, lighting, curb and gutter, drive aisles, landscaping, parking space configuration and development standards. All improvements shall be made as required by the Director of Development and Permits and shall be subject to the review and approval of said Director. All referenced improvements shall be completed prior to the issuance of any residential certificate of occupancy.
4. The Applicant/Owner agrees to ensure that full written disclosure of ground water and soil contamination associated with the Southgate Plaza shopping center located off of Bainbridge Blvd. (TMN 1390000001910) is included within the notes of all recorded plats, all initial contracts for purchase of lots by builders and first occupants and all deeds of conveyance, leases, restrictive covenants and condominium association documents and the exact language of the written disclosure shall be subject to approval by the City Attorney's Office. This disclosure shall contain any known or suspected contaminant data within the Southgate Plaza shopping center ("subject property") identified within Bay Environmental's October 26, 2016 Phase I Environmental Site Assessment (ESA), and January 23, 2017 Phase II ESA, and other reports investigating the source, extent and risk posed by the subject property, in addition to remediation, monitoring and corrective action measures conducted within the subject property. The disclosure statement shall read as follows: According to the Phase I ESA, a small portion of the northeast section of the subject property was formerly a tidal creek that was filled in the 1950's. The same filled creek extends to the adjoining Oscar Smith Middle School property, where lead contamination was discovered and addressed through the Virginia Department of Environmental Quality's (DEQ)

Voluntary Remediation Program (VRP); therefore, there was a likely potential for the same buried debris to be within the area of the subject property that was filled. The potential buried debris was considered to be a Recognized Environmental Condition under ASTM Practice E 1527-13. The Phase II ESA sampling and testing included the collection of four soil samples analyzed for lead, three soil samples analyzed for volatile organic compounds (VOCs), two soil samples analyzed for Total Petroleum Hydrocarbons in the diesel range organics (TPH DRO) due to staining and odor detected during boring, and two groundwater samples analyzed for volatile organic compounds. Acetone was detected in all three soils samples analyzed for VOCs at levels near the reporting limits. It was suspected that the acetone is a laboratory contaminant as is common and is not significantly present at the subject property (none detected in groundwater). No further assessment was recommended for the acetone or any other VOC. The laboratory reports revealed soil concentrations above DEQ reporting thresholds for TPH DRO (Sample B-1 180 mg/kg). Lead was detected in all four soil samples. One of the four samples exceeded the United States Environmental Protection Agency's (EPA) risk based concentration for lead in soils for residential use (Sample B-5 1,600 mg/kg). The risk based concentration is 400 mg/kg. The other three soil samples were at least one order of magnitude below this threshold. All potable and non-potable uses of the shallow groundwater, with the exception of environmental testing. The Applicant/Owner is solely responsible for ensuring that this disclosure language is included in the instruments described above. The Applicant/Owner acknowledges that the City is under no duty to inspect or review contracts, deeds, restrictive covenants, homeowner association documents and other recorded instruments. It is further acknowledged and agreed by the Applicant/Owner that the duty of ensuring compliance appropriately lies with the parties responsible for the development, construction, and marketing of the subject property, e.g. owners, developers, builders and sellers. Upon the written determination by the City Manager or designee, this disclosure shall not be required if the Applicant/Owner certified in writing that appropriate testing and remediation performed by the Applicant/Owner demonstrates that there is no foreseeable risk to human health or the environment associated with the Southgate Plaza shopping center.

5. The applicant/owner shall be perpetually prohibited from performing any on-site soil excavation in the area depicted as, "No Excavation Zone" on the site plan titled "Shoppes at SoNo" date received October 2, 2017.

D. **PLN-USE-2017-010 Shoppes at SoNo** **APPLICANT:** Dominion Life Neighborhood Redevelopment and Revitalization, LLC **AGENCY:** Lentz Law Group **PROPOSAL:** A conditional use permit for a height exception to construct a 75 foot tall building instead of 35 foot as allowed in the proposed B-5, Urban Business District. **ZONE:** B-5, Urban Business District (proposed) **LOCATION:** 2307 Bainbridge Boulevard **TAX MAP SECTION/PARCEL:** 139000001910 **BOROUGH:** South Norfolk

Staff and the Planning Commission recommend denial.

1. The applicant/owner agrees that the proposed multi-family structure, as shown on the building rendering, titled "PLN-REZ-2016-033 & PLN-USE-2017-010" date received October 2, 2017, shall not be taller than seventy-five (75) feet in height.

E. **PLN-REZ-2017-025 Chesapeake Alzheimer's Special Care Center**

APPLICANT: Chesapeake Care Group, LLC **AGENCY:** Kimley-Horn and Associates, Inc. **PROPOSAL:** A conditional zoning reclassification of approximately 4.12 acres from R-15s, Residential District, to O&I, Office and Institutional District **PROPOSED COMP LAND USE / DENSITY:** Office & Institutional **EXISTING COMP LAND USE / DENSITY:** Office **LOCATION:** 361 Great Bridge Boulevard **TAX MAP SECTION/PARCEL:** 0360000001770, 0360000001780, 0360000001790 **BOROUGH:** Washington

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

1. The applicant/owner agrees to construct one entrance onto Great Bridge Boulevard on the property subject to this rezoning. Said entrance shall align with Preservation Reach, as determined by the Director of Development and Permits or designee. Said entrance shall be subject to the review and approval of the Director of Development and Permits and shall be installed prior to issuance of a certificate of occupancy.
2. The applicant/owner agrees to record an approximately 35 foot wide cross reciprocal access easement for a future shared access to Great Bridge Boulevard. Said access easement shall run from Great Bridge Boulevard along the property line of the adjacent properties (tax map parcels 0360000001760 and 0360000001750) as depicted on the exhibit entitled, "Conceptual Landscape and Site Plan," prepared by Kimley Horn and date received August 11, 2017. Said easement shall be for the benefit of tax map parcels 0360000001760 and 0360000001750. Further, the applicant/owner agrees that the referenced easement shall also be for the benefit of tax map parcels 0360000001722 and 0360000001720, if they are developed commercially. The alignment and sufficiency of the easement shall be subject to the review and approval of the Director of Development and Permits or designee and shall be recorded prior to final site construction plan approval.
3. The applicant/owner shall be responsible for constructing an entrance, with a grass median, as depicted on the Conceptual Plan referenced in the proffer above, prior to the issuance of a certificate of occupancy. As the parcels benefitted by the access easement referenced in proffer #2 are developed, the applicant/owner acknowledges that modifications to the constructed entrance may be required during plan approvals to accommodate additional traffic generated by the new development(s). Such modifications may include removal of the grass median, additional lanes or other changes, as determined necessary by the Director of Development and Permits or designee.
4. The applicant/owner shall dedicate one-half of a four-lane roadway (120' right-of-way per City's 2050 Master Transportation Plan) along the subject property's entire frontage on Great Bridge Boulevard 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 and shall be recorded prior to final site construction plan approval.

5. The applicant/owner shall record a non-ingress/egress easement, by plat or on forms acceptable to the City Attorney, along the frontage of Great Bridge Boulevard, except for the entrance. Said easement shall be subject to the review and approval of the Director of Development and Permits or designee and shall be recorded prior to final site plan approval.
6. The applicant/owner shall engage a Qualified Environmental Professional (QEP) to prepare, execute and monitor a soil management plan and worker health and safety protocols. The QEP shall prepare a soil management plan to handle onsite impacted soils, onsite and offsite soil management, proper offsite disposal and/or groundwater in accordance with state and federal regulations including, but not limited to proper health and safety protocols with respect to worker safety, characterization, and proper off-site disposal. Any wastes removed from the property must be disposed according to the requirements of the Virginia Hazardous Waste Management Regulations, as applicable. The soil management plan and worker health and safety protocols shall be subject to the review and approval of the City and shall be submitted prior to the issuance of an approved Erosion and Sediment Control Plan and Chesapeake Land Disturbing Permit. Thereafter, the applicant/owner shall be responsible for executing and monitoring to assure compliance with the approved plans and protocols.

F. [PLN-USE-2017-031 Chesapeake Alzheimer's Special Care Center](#)
APPLICANT: Chesapeake Care Group, LLC **AGENCY:** Kimley-Horn and Associates, Inc. **PROPOSAL:** A conditional use permit to operate an Alzheimer's Memory Care Center. **ZONE:** O&I, Office and Institutional District (proposed) **LOCATION:** 361 Great Bridge Boulevard **TAX MAP SECTION/PARCEL:** 0360000001770, 0360000001780, 0360000001790 **BOROUGH:** Washington

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

1. The owner/applicant agrees that the proposed building will be constructed in substantial conformity with the building elevations prepared by Michael Jung, architect, date received August 11, 2017, as determined by the Director of Planning or designee.
2. The owner/applicant agrees that the proposed fence located in the established front yard adjacent to Great Bridge Boulevard will be a decorative, black aluminum product consistent with the photograph on file with the Planning Department date received September 29, 2017. Said fence shall be installed prior to the issuance of a certificate of occupancy. Further, the owner/applicant agrees that the fence shall be installed in compliance with the requirements of the City Zoning Ordinance, or in the alternative, the owner/applicant may submit an application for a variance and obtain approval from the Chesapeake Board of Zoning Appeals, prior to final site plan approval.

- G. [PLN-REZ-2017-023 Gilmerton Terrace](#) **APPLICANT:** Scott Alperin **OWNER:** Rough Diamond Holdings, LLC **AGENCY:** Brittney Willis **PROPOSAL:** A zoning reclassification of approximately 1.57 acres parcel from B-1, Neighborhood Business District, to R-8, Residential District. **PROPOSED COMP LAND USE / DENSITY:** Medium-Density Residential with 0.44 dwelling unit per acre. **EXISTING COMP LAND USE / DENSITY:** Medium-Density Residential with something less than 16 dwelling units per acre. **LOCATION:** Northeast of the intersection of Old Deep Creek Boulevard and Gilmerton Road. **TAX MAP SECTION/PARCELS:** 0251001000211, 0251001000212, 0251001000213, 0251001000214, and 0251001000215 **BOROUGH:** Deep Creek

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

1. The applicant/owner agrees that the properties subject to this rezoning shall be subdivided into no more than three (3) single family lots.
2. The conceptual site plan submitted by American Engineering and date-stamped September 7, 2017 a copy of which is on file with the Chesapeake Planning Department, has been submitted to the Chesapeake Planning Department, Planning Commission and City Council for illustrative purposes only and to provide support for this rezoning action. No rights shall vest nor shall any cause of action arise from the submission, review or acceptance of this conceptual site plan. In order to obtain preliminary or final site or subdivision approval, changes in the conceptual site plan will be necessary to accommodate environmental, engineering, architectural, topographic, or other development conditions, and to meet the requirements of applicable laws, ordinances and regulations. All preliminary and final site and subdivision plans are subject to the approval of the Director of Planning or designee and/or the Director of Development and Permits or designee. A copy of the final approved site plan shall be placed in the file with the Planning Department and Department of Development and Permits and shall supersede any previously-filed conceptual site plan. Unless otherwise indicated in the proffer statement, the public improvements depicted on this site plan are not being proffered.

- H. [PLN-USE-2017-017 Battlefield Storage](#) **APPLICANT:** Battlefield Storage, LLC **AGENCY:** Williams Mullen **PROPOSAL:** A conditional use permit to construct an indoor climate controlled self storage facility. **ZONE:** B-2, General Business District **LOCATION:** 1308 Battlefield Boulevard North **TAX MAP SECTION/PARCEL:** Portion of 0360000003550 **BOROUGH:** Washington

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

1. The applicant/owner agrees that the building for the proposed conditional use will be constructed in substantial conformity with the building elevations prepared by GMF+Associates, date received August 21, 2017, as determined by the Director of Planning or designee.
2. The applicant/owner agrees to install an enhanced Buffer Yard "F" along the property line adjacent to Volvo Parkway that includes at least 30% more plant materials than required by the City Zoning Ordinance. This buffer 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.

- I. [PLN-USE-2017-036 Mt. Pleasant Mennonite Cemetery Extension](#) **APPLICANT:** Leon D Yoder **OWNER:** Mount Pleasant Mennonite Church **PROPOSAL:** A conditional use permit proposal to expand the existing cemetery located in the R-15s, Residential District, into the A-1, Agricultural District. **EXISTING COMP LAND USE:** Agriculture/Open Space **LOCATION:** 2041 Mount Pleasant Rd **TAX MAP SECTION/PARCEL:** 0500000000330 **BOROUGH:** Butts Road

Staff and the Planning Commission recommend approval.

- J. [PLN-TXT-2017-001](#) An Ordinance amending Appendix A of the City Code, entitled "Zoning," Article 14, Section 14-302 thereof, to amend the parameters defining when a child-care establishment requires a conditional use permit as a Level II Home Occupation and to amend the standards of operation applied to all Level II Home Occupations.

Staff and the Planning Commission recommend approval of version dated September 26, 2017.

- K. [PLN-TXT-2017-005](#) An Ordinance amending Appendix A of the City Code, entitled "Zoning," Article 13, Sections 13-601 and 13-602 thereof, to amend the definition of small cells to reflect changes in state law; add the definition of "micro-wireless facilities;" provide that small cells administrative review may include up to 35 small cells; amend the small cells administrative review to remove conflicts with statutory requirements; add the fee structure limitations for small cell administrative review and exempt micro-wireless facilities from permits and fees if they are in compliance with national safety codes; all as required by changes to state law enacted by the 2017 session of the General Assembly.

Staff and the Planning Commission recommend approval of version dated September 8, 2017.

- L. [PLN-TXT-2017-006](#) An Ordinance amending Appendix A of the City Code, entitled "Zoning," Article 1, Sections 1-201, 1-300, and 1-506; Article 3, Sections 3-302 and 3-403; Article 4, Section 4-229; Article 5, Sections 5-100 and 5-600; Article 6, Sections 6-100, 6-302, 6-402, 6-602, 6-802, 6-1002, 6-1202, 6-1302, 6-1402, 6-1502, 6-1602, 6-1702 and 6-1802; Article 7, Sections 7-100, 7-302, 7-401, 7-402, 7-502, 7-511, 7-512, 7-513, 7-601, and 7-602; Article 8, Sections 8-100, 8-302, 8-401, 8-601, and 8-602; Article 9, Sections 9-100, 9-302, 9-402, 9-501, and 9-502; Article 10, Sections 10-100, 10-402, 10-452, and 10-601; Article 11, Sections 11-100, 11-601, 11-603, 11-801, 11-902, 11-905, 11-907, 11-908, 11-909, 11-1001, 11-1002, 11-1104, and 11-1105; Article 12, Sections 12-201, 12-203, 12-501, 12-606, and 12-607; Article 13, Sections 13-201, 13-401, 13-903, 13-2203 and 13-2302; Article 14, Sections 14-302 and 14-706; Article 15, Section 15-104; Article 16, Sections 16-102, 16-105, 16-106, 16-201, and 16-202; Article 17, Sections 17-104 and 17-106; Article 18, Section 18-303; Article 19, Sections 19-202, 19-205, 19-406, 19-601, 19-610, 19-702, 19-704, 19-706, 19-708, 19-709, 19-710, 19-711, and 19-803; and Article 20, Sections 20-102, 20-401 and 20-704 to fix clerical errors, update statutory references and correct inconsistencies within the City Code.

Staff and the Planning Commission recommend approval of version dated October 5, 2017.

COUNCIL'S CONSIDERATION OF THE NON-PLANNING PUBLIC HEARING ITEM

M. [RESOLUTION](#) AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE VIRGINIA DEPARTMENT OF JUVENILE JUSTICE FOR THE CONVEYANCE OF PROPERTY AND CONSTRUCTION OF A JOINT JUVENILE JUSTICE CENTER AT 920 MINUTEMAN DRIVE-CITY MANAGER'S OFFICE **Citizen Input Only; Action will be taken under the Regular Portion of the Agenda**

6. DOCKET

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

City Manager Items

(1) CONSIDERATION OF THE PROPOSED JOINT JUVENILE JUSTICE CENTER TO BE LOCATED AT 920 MINUTEMAN DRIVE - CITY MANAGER'S OFFICE / DEPARTMENT OF PUBLIC UTILITIES / DEPARTMENT OF PLANNING

- A. [CONSIDERATION](#) OF AN APPEAL OF PLN-2232-2017-003 APPLICATION FOR THE PROPOSED JOINT JUVENILE JUSTICE CENTER PUBLIC UTILITIES EXTENSION LOCATED AT 920 MINUTEMAN DRIVE-CITY MANAGER'S OFFICE
- B. [CONSIDERATION](#) OF AN APPEAL OF PLN-2232-2017-002 APPLICATION FOR THE PROPOSED JOINT JUVENILE JUSTICE CENTER LOCATED AT 920 MINUTEMAN DRIVE-CITY MANAGER'S OFFICE
- C. [RESOLUTION](#) AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE VIRGINIA DEPARTMENT OF JUVENILE JUSTICE FOR THE CONVEYANCE OF PROPERTY AND CONSTRUCTION OF A JOINT JUVENILE JUSTICE CENTER AT 920 MINUTEMAN DRIVE-CITY MANAGER'S OFFICE
- D. [REQUEST](#) FOR HAMPTON ROADS SANITATION DISTRICT SERVICE AREA EXPANSION TO 920 MINUTEMAN DRIVE-DEPARTMENT OF PUBLIC UTILITIES
- E. [REQUEST](#) FOR PUBLIC UTILITY FRANCHISE AREA EXPANSION (PLN-PUFA-2017-002) – DOMINION BOULEVARD PUBLIC UTILITIES EXTENSION FOR THE JOINT JUVENILE JUSTICE CENTER AT 920 MINUTEMAN DRIVE-DEPARTMENT OF PLANNING

7. UNFINISHED BUSINESS

8. NEW BUSINESS

9. CLOSED SESSION

10. ADJOURNMENT