

CITY OF CHESAPEAKE
CITY COUNCIL MEETING
AGENDA
December 10, 2019
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.

4:45 PM Work Session – 4th Floor Human Resources Training Room

Topics: 1. Upcoming Agenda Items
2. Second Amendment Resolution

6:30 PM Regular City Council Meeting

Due to anticipated larger than normal crowds for these meetings, the City is making special arrangements to ensure the public has access to the proceedings.

Work Session (no public input taken)

Public seating will be in the City Council Chamber, first floor of City Hall, 306 Cedar Road. The Chamber will open at 4:15 p.m. Audio and video coverage of the Work Session will be fed LIVE to the Chamber, and will also be available online at CityOfChesapeake.net/TV or on Chesapeake Television on Cox 48/Verizon 43.

Immediately following the Work Session, the Chamber will be cleared and closed.

Regular City Council Meeting

The Chamber will open at 6:00 p.m., or as soon as possible following the clearing at the end of the Work Session.

Seating in the Chamber, for both meetings, will be on a first-come, first-serve basis. Chesapeake Fire Marshals will monitor attendance and will restrict access to the Chambers, once the permitted capacity has been reached. Additional video and audio coverage of the meeting will be provided in the lobby of City Hall, with limited seating available. Fire Marshals will also monitor this area and, if crowd numbers warrant, may restrict access into the building itself.

The City Council Work Sessions and Meetings can be viewed live on Chesapeake Television (Cox Cable Channel 48 and Verizon Cable Channel 43) and at CityofChesapeake.net/TV. Council meetings, but not Work Sessions, may be heard on WFOS-88.7FM. Meetings are retelecast on Chesapeake Television as well as CityofChesapeake.net/TV 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.

Speaker Cards will be accepted for the Council Meeting up until 6:30 p.m. Citizens who wish to speak may register on the date of the meeting in the City Council Chamber before 6:30 p.m. or 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. Non-Agenda speakers are included at the first and third City Council meetings.

ALL INTERESTED PARTIES ARE INVITED TO ATTEND AND BE HEARD. 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 SILENCE CELL PHONES WHILE IN THE CHAMBER

**CITY OF CHESAPEAKE
CITY COUNCIL MEETING**

Agenda

December 10, 2019

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 THE PLANNING PUBLIC HEARING ITEM

COUNCIL'S CONSIDERATION OF THE PLANNING PUBLIC HEARING ITEM

A. [PLN-REZ-2019-008 The Villas at Holly Cove](#) **APPLICANT:** Holly Cove Partners, LLC **OWNER:** CGEL Associates, LLP and ARCH Associates, LLP **AGENCY:** Site Improvement Associates, Inc. **PROPOSAL:** A conditional zoning reclassification of approximately 5.35 acres from B-1, Neighborhood Business District and R-MF-1, Multifamily Residential District, to R-MF-1, Multifamily Residential District. **PROPOSED COMP LAND USE / DENSITY:** High-Density Residential with 10.09 dwellings units per acre **EXISTING COMP LAND USE / DENSITY:** Business/Commercial, Low-Density Residential, and Recreation **LOCATION:** Properties are located east and west of Holly Cove Drive at the intersection of Airline Boulevard and Holly Cove Drive **TAX MAP SECTION/PARCELS:** 0163006000001 and 0163006000002 **BOROUGH:** Western Branch *(Continued from the July 16 and August 20, 2019 City Council Meetings)*

The Planning Commission recommends denial; however, if City Council decides to approve this rezoning, the following proffers are provided for consideration:

1. A conceptual rezoning exhibit, revised May 17, 2019, prepared by Site Improvement Associates, Inc. ("the Exhibit"), 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.
2. The applicant/owner agrees that no more than fifty-four (54) multi-family attached condominium dwelling units shall be created on the property subject to this rezoning ("Property").
3. The applicant/owner agrees that the architectural design of the condominium units will be constructed in substantial conformity with the "Elevation Plan", dated April 1, 2019, prepared by Covington Hendrix Architects, a copy of which is on file with the Chesapeake Planning.

4. The applicant/owner shall establish a Condominium Association to own and maintain all private common and parking areas, open spaces including the dog park, picnic area and landscape buffers. The Condominium Association shall be formed before the issuance of the first building permit.
5. The applicant/owner shall install the open space/dog park, and picnic area on the Property as depicted on the "Rezoning Exhibit", revised May 17, 2019, prepared by Site Improvement Associates, Inc., before the issuance of the first Certificate of Occupancy.

The applicant submitted the following revised proffer dated July 22, 2019:

2. The applicant/owner agrees that no more than fifty-four (54) multi-family attached condominium dwelling units shall be created on the property subject to this rezoning ("Property"). The applicant/owner further agrees to develop this property as a gated community with at least two (2) ingress and egress access points.

6. DOCKET

A. CITIZENS' COMMENTS ON AGENDA ITEMS ONLY

B. CONSENT AGENDA

City Clerk Items

(1) RESIGNATIONS

- A. E. Wayne Mortimer – Historic Preservation Commission
- B. Kirstin Hark – Chesapeake OPEB
- C. Lorian Kovacic – Fine Arts Commission

(2) ACKNOWLEDGEMENTS

Public necessity, convenience, general welfare and good zoning practice requires the following zoning reclassification requests to be heard. These requests are not public hearing items at this time. The items are tentatively scheduled to be heard by the Planning Commission on January 8, 2020 and will be considered by City Council at a future meeting:

A. **PLN-REZ-2019-025 2500 Cedar Road** **APPLICANT:** DT Builders LLC **OWNERS:** DT Builders LLC **AGENT:** CAE, Inc. **PROPOSAL:** A zoning reclassification of approximately 0.49 acres from B-1, Neighborhood Business District to R-15s, Residential District. **PROPOSED COMP LAND USE / DENSITY:** Low Density Residential **EXISTING COMP LAND USE / DENSITY:** Low Density Residential **LOCATION:** 2500 Cedar Road **TAX MAP SECTION/PARCELS:** 0450000002530 & 0450000002531 **BOROUGH:** Deep Creek

B. **PLN-PUDM-2019-004 The Zone at Greenbrier Mall** **APPLICANT:** Seritage SRC Finance LLC **OWNER:** Seritage SRC Finance LLC **AGENT:** Williams Mullen **PROPOSAL:** A modification to the Development Criteria for the Greenbrier PUD, Zone A, to allow a satellite wagering facility and certain development standards necessary for the redevelopment of the Sears parcel at Greenbrier Mall. **PROPOSED COMP LAND USE / DENSITY:** Regional Mixed Use **EXISTING COMP LAND USE / DENSITY:** Regional Mixed Use **LOCATION:** 1401 Greenbrier Parkway **TAX MAP SECTION/PARCEL:** 0280000000066 **BOROUGH:** Washington

City Manager Item

- (1) REQUEST FOR ACCEPTANCE OF, AND TRANSFER FROM THE GRANT CONTINGENCY FUND, \$18,700 FROM THE COMMONWEALTH'S ATTORNEYS' SERVICES COUNCIL FOR REIMBURSEMENT OF TRAINING EXPENSES-OFFICE OF THE COMMONWEALTH'S ATTORNEY

C. REGULAR AGENDA

City Manager Items

- (2) REQUEST FOR APPROPRIATION OF \$2,250,000 FOR THE PRELIMINARY ENGINEERING COSTS FOR THE FREEMAN AVENUE RAILROAD OVERPASS-DIRECTOR OF PUBLIC WORKS

- (3) [REQUEST](#) FOR APPROPRIATION OF \$1,200,202 IN ADDITIONAL STATE AND FEDERAL REVENUE FROM THE VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES-CHESAPEAKE INTEGRATED BEHAVIORAL HEALTH

City Attorney Items

- (1) AN [ORDINANCE](#) AMENDING CHAPTER 30 OF THE CHESAPEAKE CITY CODE IN ORDER TO PROVIDE TWO ADDITIONAL EXCLUSIONS FROM THE GROSS COMBINED INCOME CALCULATION FOR THE PURPOSES OF THE REAL PROPERTY TAX EXEMPTION FOR THE ELDERLY AND DISABLED
 - (2) A [RESOLUTION](#) REQUESTING THE CHESAPEAKE PLANNING COMMISSION CONSIDER AND MAKE RECOMMENDATIONS CONCERNING PROPOSED AMENDMENTS TO ARTICLES 3 AND 14 OF THE CHESAPEAKE ZONING ORDINANCE IN ORDER TO CLARIFY CONSTRUCTION STANDARDS FOR FENCES ON CURVED LOTS
 - (3) AN [ORDINANCE](#) AMENDING SECTIONS 46-5 AND 46-15 OF THE CHESAPEAKE CITY CODE TO INCREASE THE THRESHOLD AMOUNT OF MONEY TAKEN OR VALUE OF GOODS OR CHATTEL TAKEN AT WHICH THE CRIME OF PETIT LARCENY BECOMES GRAND LARCENY
 - (4) AN [ORDINANCE](#) TO AMEND AND REORDAIN ARTICLE X OF CHAPTER 74 OF THE CHESAPEAKE CITY CODE TO REGULATE THE OPERATION OF SHAREABLE MOBILITY DEVICES
7. CITIZENS' COMMENTS ON THE SERVICES, POLICIES AND AFFAIRS OF THE CITY (NON-AGENDA SPEAKERS)
 8. UNFINISHED BUSINESS
 - (A) [CONSIDERATION](#) OF PROPOSED AMENDMENTS TO THE CITY COUNCIL RULES OF ORDER AND PROCEDURE (*Continued from the November 12, 2019 City Council Meeting*)
 9. NEW BUSINESS
 - (A) A [RESOLUTION](#) IN SUPPORT OF SECOND AMENDMENT RIGHTS AND EXPRESSING COMMITMENT TO RESPECT, PRESERVE, AND UPHOLD THE SECOND AMENDMENT OF THE UNITED STATES CONSTITUTION AND ARTICLE I, § 13 OF THE VIRGINIA CONSTITUTION
 10. CLOSED MEETING
 11. ADJOURNMENT