

**CITY OF CHESAPEAKE
CITY COUNCIL MEETING
AGENDA**

March 17, 2020

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.

4:30 pm Work Session – City Council Chamber

- Topics:
1. Upcoming Agenda Items
 2. ~~Multi-Purpose Stadium~~ Coronavirus Update
 3. Conducting Business

Closed Session – if needed

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 and Work Sessions may also be heard live on WFOS-88.7FM. Meetings are re-telecast 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
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Agenda

March 17, 2020

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 PUBLIC HEARING ITEMS

COUNCIL'S CONSIDERATION OF THE PLANNING PUBLIC HEARING ITEMS

- A. [PLN-REZ-2019-028 Debaun Plaza](#) **APPLICANT:** R and J Motel Management, Inc. **OWNER:** R and J Motel Management, Inc. **AGENCY:** Site Improvement Associates, Inc. **PROPOSAL:** A conditional zoning reclassification of approximately 10.89 acres from B-2, General Business District to R-MF-2, Residential District (7.66 acres), and C-2, Conservation-Recreation District (3.23 acres). **PROPOSED COMP LAND USE/DENSITY:** High Density Residential/14.14 dwelling units per acre and Conservation **EXISTING COMP LAND USE/DENSITY:** Urban Mixed Use and Business/Commercial **LOCATION:** 220 Rainbow Lane **TAX MAP SECTION/PARCELS:** 0270000000731 and a portion of 0270000000733 **BOROUGH:** Washington

The Planning Commission recommends denial.

- B. [PLN-USE-2019-056 220 Rainbow Lane Building Height Exception](#) **APPLICANT:** R and J Motel Management, Inc. **OWNER:** R and J Motel Management, Inc. **AGENCY:** Site Improvement Associates, Inc. **PROPOSAL:** A conditional use permit to allow a building height exception of 65 feet for 4 story apartment buildings. **ZONE:** B-2, General Business District **LOCATION:** 220 Rainbow Lane **TAX MAP SECTION/PARCELS:** 0270000000731 and a portion of 0270000000733 **BOROUGH:** Washington

The Planning Commission recommends denial.

- C. [PLN-USE-2019-057 Debaun Avenue Building Height Exception](#) **APPLICANT:** R and J Motel Management, Inc. **OWNER:** R and J Motel Management, Inc. **AGENCY:** Site Improvement Associates, Inc. **PROPOSAL:** A conditional use permit to allow a building height exception of 65 feet for two hotels. **ZONE:** B-2, General Business District **LOCATION:** 220 Rainbow Lane **TAX MAP SECTION/PARCEL:** a portion of 0270000000733 **BOROUGH:** Washington

The Planning Commission recommends denial.

- D. [PLN-USE-2019-054 Knells Ridge Plaza – Enterprise Leasing Co.](#) **APPLICANT:** Powell Lineage Cherry Court, LLC **OWNER:** Powell Lineage Cherry Court, LLC **PROPOSAL:** A conditional use permit to operate a vehicle leasing and rental service with associated parking and vehicle washing. **ZONE:** B-1, Neighborhood Business

District **LOCATION:** 927 Battlefield Boulevard N., Suite 101A **TAX MAP SECTION/PARCEL:** 0370000001260 **BOROUGH:** Washington

The Planning Commission recommends approval with the following stipulations:

1. No more than 16 vehicles for lease or rent shall be parked on site at any one time and all such vehicles shall only be parked in designated parking stalls in conformance with the Revised Site Plan dated December 27, 2019, on file with the Planning Department.
 2. No vehicles shall be permitted to be displayed for sale on the property at any time.
 3. No repair or maintenance of any vehicles for lease or rent shall occur on the property at any time. Washing and vacuuming of these vehicles is allowed and shall only be permitted in the designated wash bay spaces in conformance with the Revised Site Plan dated December 27, 2019 on file with the Planning Department.
 4. No outdoor storage of vehicle parts, tires, or any other automotive accessories shall be permitted.
 5. The applicant/owner shall submit a Landscape Plan, which shall be subject to the review and approval of the City's Landscape Coordinator. Said plan shall consist of a Buffer Yard F along both Oak Grove Road and the wash bay spaces as depicted on the Revised Site Plan dated December 27, 2019. The Buffer Yard shall meet the requirements set forth in Section 19-600 of the Chesapeake Zoning Ordinance. The applicant/owner shall install all plant materials prior to the issuance of a Certificate of Occupancy for the use and shall maintain them for the duration of the use.
 6. The area designated for the proposed vehicle wash bay spaces shall be equipped with a water recycling system in accordance with City Code Section 78-59 prior to the issuance of a certificate of occupancy. The wash area shall be covered when not in use to prevent the collection of stormwater into the sanitary sewer system.
 7. The wash bay is only to be used for cars within the Enterprise fleet, and not open to the general public.
 8. The applicant/owner shall submit a plan of operation for the vehicle wash bay facility, to include equipment and installation details, which shall be subject to the review and approval of the Director of Public Utilities or designee prior to the issuance of a Certificate of Occupancy.
 9. A backflow preventer shall be installed on all domestic systems before any takeoffs are made and in accordance with the manufacturer's recommendations, the International Plumbing Code requirements, and Department of Public Utilities policy. The backflow preventer is to be installed, tested by a Virginia Department of Professional and Occupational Regulation certified technician, and documentation received by Public Utilities prior to issuance of a Certificate of Occupancy.
- E. [PLN-USE-2019-058 3801 Indian River Road](#) **APPLICANT:** R&J Motel Management, Inc. **OWNER:** R&J Motel Management, Inc. **AGENT:** Site Improvement Associates, Inc. **PROPOSAL:** A conditional use permit to expand an existing motor vehicle fuel supply facility. **ZONE:** B-1, Neighborhood Business District **LOCATION:** 3801 Indian River Road **TAX MAP SECTION/PARCEL:** 0201001000470 **BOROUGH:** Washington

The Planning Commission recommends approval with the following stipulations:

1. The applicant/owner shall install and maintain a 6' wood privacy fence along the

south property line adjacent to the Norfolk Highlands neighborhood, prior to the issuance of a Certificate of Occupancy.

2. The applicant/owner shall install and maintain the quantity of plant materials (trees and shrubs) required by Section 19-600 et seq. of the Zoning Ordinance. The plant materials shall be installed in existing green space areas, where possible, or within the proposed area of new development, as determined by the Landscape Coordinator. All such plant materials shall be installed prior to the issuance of a Certificate of Occupancy.
3. The applicant/owner agrees to remove the existing driveway apron in front of the proposed building and replace with curb, gutter and sidewalk. The applicant/owner further agrees to install a new sidewalk on Hawthorne Drive. The above improvements shall be subject to the review and approval of the Director of Development and Permits or designee and shall be installed prior to the issuance of a Certificate of Occupancy.
4. The applicant/owner agrees to construct the proposed convenience store consistent with the building elevations prepared by Covington Hendrix Anderson Architects, date received, January 14, 2020, as determined by the Director of Planning or designee.

- F. **PLN-USE-2019-063 Light Years Child Development Center** **APPLICANT:** Babbette L. Woodbury **OWNER:** Atlantic Union Bank **PROPOSAL:** A conditional use permit to operate a child day care services facility. **ZONE:** O & I, Office and Institutional District **LOCATION:** 712 Liberty Street **TAX MAP SECTION/PARCEL:** 1231003000140 **BOROUGH:** South Norfolk *(This item was approved for concurrent advertising and heard by the Planning Commission on March 11, 2020.)*

The Planning Commission recommends approval with the following stipulations:

1. The proposed site and building shall be developed in substantial accordance with the preliminary site plan dated January 29, 2020, and the building elevations dated January 21, 2020, both on file with the Planning Department, as determined by the Planning Director or designee.
2. The applicant/owner shall submit a Final Site Plan. This final site plan shall include a Landscape Plan which meets the requirements set forth in Section 19-600 et seq. of the Chesapeake Zoning Ordinance, and shall be subject to the review and approval of the City's Landscape Coordinator.
3. The applicant/owner shall install a backflow preventer on all domestic water systems, before any takeoffs are made and in accordance with the manufacturer's recommendations, the International Plumbing Code requirements, and Department of Public Utilities policy. The backflow preventer is to be installed, tested by a Virginia Department of Professional and Occupational Regulation certified technician, and documentation received by Public Utilities prior to issuance of a certificate of occupancy
4. The applicant/owner shall post and maintain signs prohibiting the flushing of diapers, paper towels, disposable wipes (even the "flushable" ones), hygiene products, and other trash at each toilet prior to issuance of a certificate of occupancy.
5. Any future land disturbing activity on the property subject to this conditional use permit shall be subject to the following environmental disclosure statement and development criteria:

On December 26, 2017, ECS Mid-Atlantic, LLC (ECS) conducted a Limited Subsurface Investigation (LSI) for the property located at 712 Liberty Street ("subject property"). Two soil samples were collected within the vicinity of a

suspected 5,000-gallon petroleum Underground Storage Tank (UST); in addition, two sub-slab soil vapor samples were collected within the footprint of the building. The soil samples were analyzed for Total Petroleum Hydrocarbons with Diesel Range Organics (TPH-DRO). TPH-DRO concentrations ranged from 1,300 mg/kg to 4,160 mg/kg. The two sub-slab vapor samples were analyzed for Volatile Organic Compounds (VOCs). A total of 23 VOC analytes were reported above laboratory detection limits. The values were compared to the Virginia Department of Environmental Quality's (DEQ) Residential screening levels for sub-slab soil gas samples to evaluate the potential for elevated health risk to the building occupants. The concentrations were all below residential screening levels. ECS conducted a UST closure observation and soil sampling assessment for the subject property on April 17, 2018. Upon uncovering a portion of the tank, it was estimated that the tank had a volume of 1,000 gallons. Approximately 700 gallons of product/water mixture was removed, a concrete slurry was used to completely fill the tank, and the tank was covered with excavated stockpile soil. After the results were reported to DEQ (PC #2018-5236), the DEQ determined that the petroleum hydrocarbon contamination levels at the subject property did not warrant further corrective action, and the Pollution Complaint Case #2018-5236 was closed on April 25, 2018. The February 3, 2020 Phase I Environmental Site Assessment (ESA) revealed no evidence of Recognized Environmental Conditions (RECs) in connection with the subject property; however, the UST PC is a Historical Recognized Environmental Condition (HREC) and Business Environmental Risk (BER). The following development criteria shall be applied to the subject property located at 712 Liberty Street for use permit application PLN-USE-2019-063:

If future land disturbing activities including, but not limited to franchise utilities and drainage facilities are conducted within the vicinity of the 1,000-gallon onsite petroleum Underground Storage Tank (UST) located at 712 Liberty Street, caution and appropriate handling of disturbed soils will be required should other areas of petroleum impact be encountered. Should future environmental problems occur, which the Virginia Department of Environmental Quality (DEQ) determines are related to Pollution Complaint Case #2018-5236, additional investigation and corrective action may be required in accordance with State Law.

- G. [PLN-TXT-2019-009](#) An Ordinance amending Appendix A of the City Code, entitled "Zoning," Article 14, Sections 14-703 And 14-708, to modify the required time frame for abandonment of signs to comply with State Law.

The Planning Commission recommends approval of version dated December 16, 2019.

- H. [PLN-TXT-2019-010](#) An Ordinance Amending Appendix A of the City Code, entitled "Zoning," Article 3, Section 3-403, and Article 14, Section 14-201, to clarify construction standards for fences on curved lots.

The Planning Commission recommends approval of version dated February 10, 2020.

6. UNFINISHED BUSINESS

7. NEW BUSINESS

- A. [DECLARATION](#) OF AN EMERGENCY IN THE CITY OF CHESAPEAKE, VIRGINIA: NOVEL CORONAVIRUS (COVID-19)

8. CLOSED MEETING

9.. ADJOURNMENT