

Department of Planning
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AGENDA

Chesapeake Planning Commission

PUBLIC HEARING – OCTOBER 11, 2017
CITY COUNCIL CHAMBER – 7:00 P.M.

- A. Call to Order
- B. Pledge of Allegiance
- C. Invocation
- D. Roll Call
- E. Approval of Minutes: September 13, 2017
- F. Public Hearing Continued Items

Parts of page 1, and all of pages 2-16 have been deleted. Listed here are only planning items that relate to South Norfolk.

17. [PLN-REZ-2016-033](#)
PROJECT: 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
[ZONING MAP](#)
[LOCATION:](#) 2307 Bainbridge Boulevard
[TAX MAP SECTION/PARCEL:](#) 1390000001910
BOROUGH: South Norfolk

Based on the findings contained in the staff report, staff recommends that **PLN-REZ-2016-033** be **DENIED**. However, if the Planning Commission decides to approve the application the following proffers are offered for consideration:

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.

18. [PLN-USE-2017-010](#)

PROJECT: 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)

[ZONING MAP](#)

[LOCATION:](#) 2307 Bainbridge Boulevard

[TAX MAP SECTION/PARCEL:](#) 1390000001910

BOROUGH: South Norfolk

Based on the findings contained in the staff report, staff recommends that **PLN-USE-2017-010** be [DENIED](#). However, if the Planning Commission decides to approve the application the following stipulation is offered for consideration:

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.

- I. Planning Director Items
- J. Unfinished and New Business
- K. Adjournment

The Chesapeake Zoning Ordinance, Chesapeake Comprehensive Plan, Chesapeake Land Use Plan, Chesapeake tax map book, plats, and maps of the aforementioned properties, documents and proposed text amendments, as described, are available for inspection in the Planning Department, on the second floor in the City Hall building, Chesapeake Civic Center during regular municipal hours. The agenda is also available for viewing on the City's website, www.cityofchesapeake.net, with links to view the applications, proposed text amendments and the staff recommendations when available.

This meeting will be televised live on WCTV-48 (Cox Cable channel 48 and Verizon Cable channel 43) and re-televised Wednesday, October 11, 2017 at 11:00 p.m. If the meeting concludes after 11:00 p.m. it will air as soon as technically possible after the conclusion of the live meeting. It will air again on the following Wednesdays, at 7:00 p.m., Thursdays at 1:00 p.m., and on Sunday at 9:00 a.m. until the next scheduled Planning Commission Meeting on November 8, 2017. All interested parties are invited to attend the public hearing.

Those members of the public interested in attending the public hearing should be advised that, for reasons the Planning Commission deems appropriate, certain items on the agenda may be heard out of order and that it should not be assumed that the order listed above will be exactly followed during the public hearing. Also, due to advertising deadlines, items that have been continued from previous Planning Commission meetings may not appear on this agenda. For further information, contact the Planning Department at 382-6176.

**Information contained in this agenda is compatible with the following browsers: Internet Explorer 11, Firefox 37, Safari 8 (Mac OS X 10.10), Google Chrome 42 (Windows Only), or Opera 29.*

***For complete application information, click on the application's PLN number and then select the arrow next to More Details.*