

**CITY OF CHESAPEAKE
CITY COUNCIL MEETING
MARKED AGENDA
November 20, 2007
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 8:30 A.M. TO 5:00 P.M., MONDAY THROUGH FRIDAY.

REMINDER: Interviews for the Hospital Authority will begin at 4:30. The work session will begin at 5:15 in the 4th floor Human Resources Training Room. The topics of discussion will be:

- 1) Open Space/Rural Strategies
- 2) City Manager Updates

The City Council Work Sessions and Meetings can be viewed live on WCTV-48 and heard on WFOS-FM 88.7. Meetings are retelecast on WCTV-48 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 after 6:30p.m. 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, (8:30 a.m. - 5:00 p.m.) prior to, and including the date of the Council meeting.

***NO FOOD OR DRINKS PERMITTED IN THE CITY COUNCIL
CHAMBER***

PLEASE TURN OFF CELL PHONES WHILE IN THE CHAMBER

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1. INVOCATION – Pastor Laura Bennett, Unity Renaissance Church
2. PLEDGE OF ALLEGIANCE TO THE FLAG – Girl Scout Troop #360
3. ROLL CALL BY CITY CLERK – All present
4. APPROVAL OF MINUTES - None
5. PUBLIC HEARING

APPLICANTS', AGENTS, AND CITIZENS' COMMENTS ON PUBLIC HEARING ITEMS

COUNCIL'S CONSIDERATION OF PUBLIC HEARING ITEMS:

- A. R(C)-07-26 PROJECT: Hanbury Manor APPLICANT: Abbey Lane Group, LLC
AGENCY: WPL/Kaufman & Canoles, PC PROPOSAL: A conditional zoning reclassification of 27.34 acres from A-1 Agriculture District to R-12(s) Single-family Residential District. PROPOSED COMP LAND USE & DENSITY: Suburban Single-family with something less than four with per acre. EXISTING COMP LAND USE & DENSITY: Suburban Single-family with something less than four with per acre. LOCATION: 161, 163, 167, & 169 Hanbury Road TAX MAP SECTION/PARCEL: 0600000001091, 0600000001100, 0600000001110, 0600000001120, 0600000001121, 0600000001122
BOROUGH: Pleasant Grove**

The Planning Commission recommends approval with the following proffers:

1. The owner/applicant agrees that no more than five (5) applications will be made for a building permit, per the attached Site Exhibit dated August 6, 2007 prior to March 1, 2008. The owner/applicant further agrees that no more than 74 residential units will be constructed within the development.

2. Exterior Materials
 - a. The owner/applicant agrees the primary materials to be used on the front elevation of all residential dwellings shall be brick, masonry (stone) or substantially similar material. Secondary materials that may be used on the front elevation shall be EIFS (Exterior Insulation and Finish Systems), wood siding, cement based siding, or substantially similar material. In no event shall secondary materials be used to cover more than 45% of the total area of the front of any proposed dwelling.
 - b. The owner/applicant further agrees that the primary materials to be used on the sides and rear of all residential dwellings shall consist of brick, masonry (stone) or substantially similar material, with the exception that accents, gables, bay windows, and other design or ornamental features may consist of EIFS, wood materials or cement based materials.
 - c. The owner/applicant agrees that no plywood, vinyl, or aluminum shall be used on the exterior of any residential dwelling, except that cornices and porches may consist of painted vinyl, colorized aluminum or painted plywood.
 - d. As used in proffer, the term "substantially similar material" shall mean materials of the same quality and visual impact, as determined by the Director of Planning or designee.
3. Crawl Space. All residential dwellings must have a crawl space.
4. Garage Requirement. The owner/applicant agrees that each residential dwelling shall be provided with a minimum of a two-car garage.
5. The owner/applicant agrees that the ultimate subdivision of the subject property shall be as generally shown on the rezoning exhibit. Such exhibit shall not be construed as being exact in presentation and shall be subject to preliminary subdivision review and approval.
 - a. The owner/applicant agrees to make a cash contribution to the City of Chesapeake for the expansion of classroom space in impacted public schools, including but not limited to, land acquisition for the expansion of public school facilities and construction of new schools and additions. The amount of the cash contribution shall be \$14,229.37 per residential lot (\$1,052,973.38-Total) on the rezoned property. The applicant/owner agrees to make the proffered cash contribution prior to final subdivision plan approval for all residential lots shown on such plan. 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 School Capital Construction Costs and shall be subject to City Council approval prior to appropriation.

- b. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public arterial and collector streets within the traffic shed impacted by the rezoning, including but not limited to, right-of-way acquisition, road design, road construction, project management, widening, paving, striping, adding turn lanes, adding acceleration or deceleration lanes, installing or adjusting traffic control devices, installing curb and gutter, making ditch and shoulder improvements, and constructing or improving roadside drainage facilities. The amount of the voluntary cash contribution shall be \$3,179 per residential lot (\$235,246-Total). The cash contribution shall be in addition to any required or voluntary road improvements. The applicant/owner agrees to make the proffered cash contribution prior to final subdivision plat approval for single-family residential lots shown on such plat.
- c. The applicant/owner agrees to make cash contribution to the City of Chesapeake for capital improvements to the public libraries, including but not limited to, land acquisitions; design, construction, expansion, renovation, and repair of buildings and appurtenances; and acquisition of capital assets necessary to the operation of public libraries. The amount of voluntary cash contribution shall be \$949.03 per residential lot (\$70,228.22-Total). The cash contribution shall be in addition to any required or voluntary road improvements. The applicant/owner agrees to make the proffered cash contribution prior to final subdivision plat approval for single-family residential lots shown on such plat.
- d. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public emergency service facilities, including but not limited to, land acquisition; design, construction, expansion, renovation, and repair of buildings and appurtenances; and acquisition of capital assets necessary to the provision of emergency fire and medical services to the citizens of Chesapeake. The amount of the voluntary cash contribution shall be \$642.34 per residential lot (\$47,533.16-Total). The cash contribution shall be in addition to any required or voluntary road improvements. The applicant/owner agrees to make the proffered cash contribution prior to final subdivision plat approval for single-family residential lots shown on such plat.

6. The applicant/owner agrees to provide right of way dedication on Hanbury Road per the Master Transportation Plan as determined by the Public Works Director or Designee. The Right of Way dedication shall be provided prior to final site plan approval.

APPROVED w/proffers (Hayes/Adams) (7-2) (de Triquet and Willis voted no)

- B. R(C)-07-28 PROJECT: Stuart Hall at Great Bridge APPLICANT:** Dragas Associates, Inc. **AGENCY:** Kaufman & Canoles, PC **PROPOSAL:** A conditional zoning reclassification of 13.1 acres from B-1 Neighborhood Business District (6.47 acres) and O & I Office and Institutional District (6.63 acres) to R-MF-1 Multifamily Residential District to construct 198 condominium units. **PROPOSED COMP LAND USE & DENSITY:** Medium density residential **EXISTING COMP LAND USE & DENSITY:** Business commercial and high density residential **LOCATION:** Property located on the south side of Cedar Road from Warrick Road to Pines of Warrick Drive and from Pines of Warrick Drive running westward 560[±] feet. **TAX MAP SECTION/PARCEL:** 0590000002002, 0590000002003 **BOROUGH:** Pleasant Grove

Planning Commission recommends denial.

The applicant has offered the following proffers:

1. The applicant/owner agrees to dedicate a 17.5 foot width of property along the site's frontage to Cedar Road. The dedication made pursuant to this proffer shall be recorded prior to the issuance of any certificate of occupancy for a residential structure within the development.
2. The applicant/owner, at its cost and expense and in compliance with the requirements of the Public Facilities Manual, shall install a traffic signal at the intersection of Cedar Road and Pines of Warrick Drive. The applicant/owner shall complete installation of the proffered traffic signal by the issuance of the 3rd certificate of occupancy for a residential structure within the development.
3. The applicant/owner agrees to install a city standard right turn lane from Cedar Road onto Pines of Warrick Drive and to extend the existing left turn lane from Cedar Road onto Pines of Warrick to the extent practicable within existing geometry, in accordance with Department of Public Works standards. The applicant/owner shall also construct a sidewalk extending from the applicant/owner's western most parcel from the development's entrance along Pines of Warrick Drive to Cedar Road. The applicant/owner shall construct/install the improvements pursuant to this proffer by the issuance of the 3rd certificate of occupancy for a residential structure within the development.
4. The applicant/owner agrees that the architectural design of the residential structures, including the building materials, shall be substantially similar, as determined by the Director of Planning or designee, to the architectural rendering dated September 26, 2007, and titled "Stuart Hall at Great Bridge

Architectural Front and Side Elevations.”

5. The applicant/owner agrees that no more than 192 units shall be constructed within the development. The applicant/owner further agrees that the development shall be constructed in substantial conformance, as determined by the Director of Planning or designee, with the features and layout shown on the conceptual site plans dated September 26, 2007, and titled “Stuart Hall at Great Bridge Conceptual Site Plan – West Parcel” and “Stuart Hall at Great Bridge Conceptual Site Plan – East Parcel.”
6. The applicant/owner agrees that all residential units shall be offered exclusively for sale to individual owners who intend to occupy the units as a primary residence. The applicant/owner further agrees that it shall include as a term of its Declaration of Condominium and Bylaws that the number of units which may be offered by any owner for rental subsequent to initial sale by the applicant/owner, shall not exceed ten percent (10%) of the total number of units and that any amendment to such provision shall require a unanimous vote by the owners of the units.
7. As 2006 and 2007 recipients of Virginia Housing and Development Authority Sponsoring Partnership and Revitalizing Communities (SPARC) funding, the applicant/owner agrees to pursue SPARC funding that may be used by Stuart Hall at Great Bridge qualified homebuyers. The applicant/owner shall provide the Office of Zoning Administration with a copy of its application for such funding and notify that office of the outcome of the application.
8. The applicant/owner acknowledges that the property subject to this rezoning is located within the Great Bridge Schools Planning Area, which after the 2007-2008 school year will no longer make available the senior attendance option and all seniors within the Grassfield High School district will be required to attend that school. As such, the applicant/owner agrees that no certificate of occupancy shall be requested or approved before July 1, 2008.
9. The applicant/owner acknowledges that the property subject to this rezoning is expected to generate ten students who are expected to attend Great Bridge High School, and that Great Bridge High School currently operates at a Level of Service currently over 100%. As such, the applicant/owner agrees to make a cash contribution to the City of Chesapeake for the expansion of classroom space in impacted public school facilities and construction of new schools and additions. The amount of the contribution shall be \$254,067 as the per-student amount of the ten students expected to attend Great Bridge High School. The amount of \$254,067 is calculated as: \$3,811 per unit/0.15 student generation rate = \$25,407 per student x 10 High School students = \$254,067. The applicant/owner agrees to make the proffered cash contribution prior to final site plan approval. 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 School Capital Construction Costs and shall be subject to City Council approval prior to appropriation.

10. The applicant/owner agrees that it will maintain, as more particularly shown on the proffered conceptual site plan, the existing dense landscape buffer of 35' to 50' which shall be augmented with major evergreen trees, medium evergreen trees and understory plantings in excess of the required Buffer Yard C located between the proposed development and adjacent residential subdivision. The applicant/owner shall complete its augmentation by the issuance of the 3rd certificate of occupancy for a residential structure within the development.
11. The applicant/owner recognizes that additional ingress/egress points accessing Cedar Road may impede efficient traffic flow, and therefore agrees to dedicate a non-ingress/non-egress easement along the parcels' frontage on Cedar Road and that no direct access to Cedar Road shall be permitted during or after construction of the development. The applicant/owner agrees that the easement required pursuant to this proffer shall be recorded by the issuance of the 3rd certificate of occupancy for a residential structure within the development.
12. The applicant/owner agrees to remove the existing main signage for the Pines of Warrick Subdivision located on the applicant/owner's property nearest to the intersection of Cedar Road and Pines of Warrick Drive and will construct monument signage at the main entrances of Stuart Hall at Great Bridge for the Stuart Hall at Great Bridge development. The applicant/owner shall install the signage pursuant to this proffer by the issuance of the 3rd certificate of occupancy for a residential structure within the development.

Motion to approve withdrawal (Collins/Parker) (9-0)

- C. R(C)-07-12 PROJECT: The Boulevard at Greenbrier APPLICANT: S.A.R., LLC AGENCY: Troutman Sanders, LLP PROPOSAL: A conditional zoning reclassification of 8.951 acres from B-3, Highway Business District to R-MF-2, Multi-family Residential District for 148 apartment units. PROPOSED COMP LAND USE & DENSITY: High density residential-17.6 units per acre EXISTING COMP LAND USE & DENSITY: High density mixed use LOCATION: 1539 Tintern Street TAX MAP SECTION/PARCEL: 0270000000770, portion of 0270000000774, portion of 0270000000775 BOROUGH: Washington**

The Planning Commission recommends approval with the following proffers:

1. The applicant and/or owner agree that the proposed development on the property to be known as the Boulevard (hereinafter the "Property"), shall be limited to persons and families that meet the following criteria for "Affordable Housing":
 - a. 100% of the residential dwelling units on the Property shall be restricted to persons or families whose adjusted family incomes are within the limits established by the Virginia Housing Development Authority (VHDA) (Section 36-55.24, et seq., of the Code of Virginia) and the regulations by VHDA for Low and Moderate Income Families.

- b. The determination of adjusted family income for a household shall be made at the time of their initial occupancy of an apartment unit.
 - c. The Affordable Housing units available on the Property shall be available for Qualifying Households for a period of not less than 10 years.
 - d. The Owner shall annually prepare and file with the City's Office of Housing, compliance reports to ensure that the Affordable Housing units are occupied by persons or families that qualify with the foregoing VHDA regulations.
2. The application/owner agrees that the 8.951[±] acre area referenced in this application shall be developed in a substantially similar manner with the attached exhibit entitled "The Boulevard, Chesapeake, Virginia, Preliminary Site Plan", dated September 21 2007, and prepared by Engineering Resources Group, LLC which Exhibit is on file in the Planning Department, (hereinafter "Preliminary Site Plan"). Modifications to the Preliminary Site Plan may be made administratively during final site plan review by the City of Chesapeake Planning Director or its designee if necessitated by staff comments during site plan review.
3. The application/owner agrees that the exterior elevations of the structures located on the Property housing the apartment units shall be substantially similar to the architectural renderings entitled "The Boulevard at Greenbrier Chesapeake Virginia" dated July 18, 2007 prepared by CMSS Architects, P.C. and on file with the Chesapeake Planning Department (hereinafter "Building Elevations"). The modifications to the Elevations may be made administratively by the Chesapeake Planning Director or its designee if necessitated during the site plan approval, construction plan approval or the building permit approval processes of the City of Chesapeake.
4. The total number of residential dwelling units on the Property shall not exceed 148 units.
5. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public libraries, including but not limited to, land acquisition; design, construction, expansion, renovation and repair of buildings and appurtenances; and acquisition of capital assets necessary to the operation of public libraries. The amount of the voluntary cash contribution shall be \$70,422.80. The applicant/owner agrees to make the proffered cash contribution prior to the issuance of the first building permit for the residential dwelling units.

6. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public emergency service facilities, including, but not limited to, land acquisition; design, construction, expansion, renovation, and repair of buildings and appurtenances; and acquisition of capital assets necessary to the provision of emergency fire and medical services to the citizens of Chesapeake. The amount of the voluntary cash contribution shall be \$47,693.00. The applicant/owner agrees to make the proffered cash contribution prior to the issuance of the first building permit for the residential dwelling units.
7. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for the expansion of classroom space in impacted public schools, including but not limited to, land acquisition for the expansion of public school facilities and construction of new schools and additions. The amount of the voluntary cash contribution shall be \$99,097.40. The applicant/owner agrees to make the proffered cash contribution prior to the issuance of the first building permit for the residential dwelling units. 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 School Capital Construction Costs and shall be subject to City Council approval prior to appropriation. In the event the cash proffer is not expended for land acquisition or classroom expansion within time constraints imposed by state law, the applicant/owner agrees that the cash proffer may be used for capital improvement projects for major repair, maintenance and renovation of public schools in the same school planning area as the rezoned property.

DENIED (Krasnoff/Willis) (5-4) (Adams, Collis, Hayes and Ward voted no)

- D. UP-07-33 PROJECT: The Boulevard at Greenbrier (formerly *Tintern Apartments*)**
APPLICANT: S.A.R., LLC AGENCY: Troutman Sanders, LLP PROPOSAL: A conditional use permit to allow buildings greater than 35 feet in height in a proposed apartment development. ZONE: Proposed: R-MF-2 Multi Family Residential District, Current: B-3 Highway Commercial District SIC CODE: 6513 LOCATION: 1539 Tintern St. TAX MAP SECTION/PARCEL: 0270000000770, portion of 0270000000774, portion of 0270000000775 BOROUGH: Washington

The Planning Commission recommends approval with the following stipulations:

1. The approval of UP-06-39 is contingent on approval of R(C)-06-25.
2. The maximum building height shall not exceed sixty (60) feet.

3. The applicant/owner shall obtain an access easement from the owner of the adjacent property to the north (Chesapeake Gateway Condominiums) or south (Red Cedar Apartments) prior to final site plan approval to ensure that a second paved access will be provided. The second access must be in a location approved by Public Works and the Fire Department. Access to the property to the north is to be used for emergency purposes only.

DENIED (Krasnoff/Willis) (9-0)

- E. R(C)-07-19 PROJECT: Yadkin Station APPLICANT: LORI, Inc. AGENCY: Golden Heritage Homes, LLC PROPOSAL: A conditional zoning reclassification of 10.369 acres from R-15s, Residential District to O&I, Office and Institutional District for the purpose of constructing group housing for the elderly. PROPOSED COMP LAND USE & DENSITY: Medium Density Residential, 5 to 16 units per acre EXISTING COMP LAND USE & DENSITY: Low Density Residential, less than 4 units per acre LOCATION: 3343, 3345 and 3353 Galberry Rd. TAX MAP SECTION/PARCEL: 0330000001720, 0330000001740, 0330000001750, 0330000001760 BOROUGH: Deep Creek**

The Planning Commission recommends denial.

CONTINUED TO DECEMBER 18, 2007 (Krasnoff/Ward) (9-0)

- F. UP-07-21 PROJECT: Yadkin Station APPLICANT: LORI, Inc. AGENCY: Golden Heritage Homes, LLC PROPOSAL: A conditional use permit to allow group housing for the elderly consisting of 57 condominium units on 10.369 acres. ZONE: Existing: R-15s, Residential District. Proposed: O&I, Office and Institutional District in R(C)-07-19. SIC CODE: 805 LOCATION: 3343, 3345 & 3353 Galberry Rd. TAX MAP SECTION/PARCEL: 0330000001720, 0330000001740, 0330000001750, 0330000001760 BOROUGH: Deep Creek**

The Planning Commission recommends denial.

CONTINUED TO DECEMBER 18, 2007 (Krasnoff/Ward) (9-0)

- G. UP-07-38 PROJECT: St. Stephen Martyr Mausoleum** APPLICANT: St. Stephen Martyr Catholic Church AGENCY: Le Clair Ryan, PC PROPOSAL: A conditional use permit to construct and operate a mausoleum on 0.94 acres and for a private access lane in accordance with Section 3-301 B of the Zoning Ordinance of the City of Chesapeake. ZONE: R-15s Single Family Residential SIC CODE: 6553 LOCATION: 108 Sandy Road TAX MAP SECTION/PARCEL: 0730000000620, 0730000000690 BOROUGH: Pleasant Grove

The Planning Commission recommends approval with the request for a private access lane connecting the mausoleum with the church with the following stipulations:

1. The applicant/owner agrees to provide the necessary right-of-way dedication on Sandy Road as determined by the Department of Public Works prior to final site plan approval.
2. The building setbacks on the final site plan shall include a secondary front yard of 20 feet from the dedication line adjacent to Sandy Road and a secondary side (rear) setback of 20 feet as required by the Zoning Ordinance.
3. The applicant/owner agrees to vacate the interior property lines.
4. All standard Landscape Ordinance requirements will apply in accordance with the Zoning Ordinance Section 19-600.

APPROVED with stipulations and private access road (Adams/Parker) (9-0)

- H. UP-07-40 PROJECT: Good Hope United Methodist Preschool and Daycare** APPLICANT: Good Hope United Methodist Church PROPOSAL: A conditional use permit to operate a preschool and child daycare center at the existing church. The applicant also requests an alternative parking surface in accordance with Section 19.406.c.1 of the Zoning Ordinance. ZONE: A-1 Agricultural District SIC CODE: 8351 LOCATION: 1633 Benefit Road TAX MAP SECTION/PARCEL: 0840000000130 BOROUGH: Pleasant Grove

The Planning Commission recommends approval with the requested alternative parking surface.

APPROVED with alternative parking surface (Adams/Hayes) (9-0)

- I. UP-07-30 PROJECT: Brookside Office Building** APPLICANT: Great Bridge Boulevard Associates AGENCY: Engineering Services, Inc. PROPOSAL: A conditional use permit to exceed the height limitation of a proposed 30,000 square

foot building (from 35 feet to 47 feet) by 12 feet. ZONE: Greenbrier PUD, zone 5b
SIC CODE: 89 LOCATION: 1120 Volvo Parkway TAX MAP SECTION/PARCEL:
0280000001020 BOROUGH: Washington

The Planning Commission recommends approval with the following stipulations:

1. The applicant/owner agrees to amend the previously approved landscaping plan along the north side of the property line to provide sufficient year round screening by planting large evergreen canopy trees as approved by the City Arborist.
2. The applicant/owner agrees to provide sufficient year round screening by planting large evergreen canopy trees 30 foot on center, using a minimum of three species, along the entire length of the Ashley Woods South Common area as approved by the Greenbrier Property Owners Association and the City Arborist.
3. A photometric plan is required for the building and the parking lot and must be submitted as part of the construction plan. This plan shall include but not limited to the following:
 - a. All lighting fixtures shall be horizontally mounted, full cutoff optics with flat lenses with no portion of the lens protruding below the housing.
 - b. The luminaire mounting height shall be 22 feet or less. Parking lots shall have an average illumination of 0.5 to 1.5 foot-candles. Parking lot lighting adjacent to residential areas must have a maximum illumination level at the property line of 0.1 foot-candle.
 - c. The lights of the building and the parking lot, except for security, shall be turned off no later than 8:00 p.m. Such lights should be confined to that needed for basic security. The lights of the parking lot shall not remain lighted except for illuminating entryways by the fixtures closest to the building entrances.
 - d. An actual measurement of compliance with the photometric plan shall be conducted before a Certificate of Occupancy can be issued.
4. No interior or exterior illuminated signage shall be permitted on the building except along the primary entrance to the building facing Volvo Parkway. No electronic message boards shall be permitted anywhere on the property.
5. The dumpster shall be located away from the residential property line to the south side of the parking lot. Dumpster shall not be emptied between the hours of 9 p.m and 7 a.m.
6. The building architecture, materials, colors and signage shall be reviewed and approved by the Department of Planning as required by the Greenbrier

PUD.

APPROVED with stipulations and amended stipulation #3(c) to read: (Collins/Adams) (9-0)

- c. **The external lights shall be turned off no later than 8:00 p.m. except as approved in the photometric plan for security lighting. All windows of the building visible from land zoned or used for residential purposes shall be tinted to provide for sufficient opacity to prevent light glare.**

- J. **UP-07-31 PROJECT: Merchant's Tire at Greenbrier Square** APPLICANT: Merchant's, LLC AGENCY: Horton & Dodd, PC PROPOSAL: A conditional use permit to allow a motor vehicle repair shop on approximately 0.7 acre. ZONE: B-2, General Business District SIC CODE: 7538 LOCATION: East side of Battlefield Blvd. north of Debaun Ave. TAX MAP SECTION/PARCEL: Portion of 0270000000650 BOROUGH: Washington

The Planning Commission recommends approval with the following stipulations:

1. The applicant/owner shall provide non ingress/egress easements in accordance with the requirements of the Director of Public Works or designee around the perimeter of the property subject to UP-07-31 except for the three entrances generally depicted on the preliminary site plan stamped September 27, 2007 in order to mitigate impacts and provide for traffic safety. The easements shall be approved and recorded or filed for recordation before approval of a final site plan.
2. Paint striping on public streets depicted on the preliminary site plan dated September 27, 2007 shall be determined and approved by the Director of Public Works or designee.

APPROVED with stipulations (Krasnoff/Hayes) (9-0)

- K. **UP-07-39 PROJECT: Little Joe's Auto** APPLICANT: JAF Properties, LLC AGENCY: Horton & Dodd, PC PROPOSAL: A conditional use permit to allow automobile sales and leasing in an existing building on a 0.918 acre parcel. ZONE: PUD, Planned Unit Development SIC CODE: 5511, 7538 LOCATION: 1450 South Military Highway TAX MAP SECTION/PARCEL: 0200000000036 and 0200000000083 BOROUGH: Washington

The Planning Commission recommends approval with the following stipulations:

1. The applicant/owner shall vacate the property line separating the two tax parcels that constitute this site prior to issuance of a building permit for the proposed use.
2. The applicant/owner shall bring the freestanding sign in compliance with Sec 14-708 of the Zoning Ordinance prior to issuance of a certificate of occupancy.

3. The applicant/owner shall screen the dumpster in accordance with the requirements of the zoning ordinance.
4. The applicant/owner shall not park vehicles for display or sale in any required landscape buffer areas or other areas not specifically delineated on the site plan for display or sales of vehicles.
5. The applicant/owner shall not park vehicles for display or sale in required off-street parking spaces.

APPROVED with stipulations (Hayes/Ward) (9-0)

- L. **UP-07-36 PROJECT: Snyder Automobile Repair Shop** APPLICANT: G. E. Snyder, et als PROPOSAL: A conditional use permit to operate an automobile repair shop on a 0.944 acre site. ZONE: B-3 Highway Business District SIC CODE: 75 LOCATION: 3752 South Military Highway TAX MAP SECTION/PARCEL: 0240000000350 BOROUGH: Deep Creek

The Planning Commission recommends approval with the following stipulations:

1. The applicant/owner agrees that all cars being repaired shall be stored inside the fenced storage yard when the business is closed.
2. The applicant/owner agrees that there will be no vehicles advertised for sale on the site.
3. The applicant/owner agrees that all repair work shall be conducted indoors.
4. The applicant/owner shall provide, install, and perpetually maintain all required landscape buffers and plant materials in accordance with Section 19-600 of the Zoning ordinance, as determined by the City Arborist. The landscape buffers and plant materials shall be reflected on the final site plan.
5. The opaque material approved by the Planning Director and the Zoning Administrator, or their respective designees, that is on the existing chain-link fence to provide screening for the storage area shall be perpetually maintained and shall not be replaced with slats.
6. Evergreen shrubs approved by the City Arborist shall be planted and perpetually maintained at a spacing of not less than 4 linear feet along the existing chain-link fence in its entirety to provide screening of the storage area. This requirement shall be reflected on the final landscape plan.
7. The applicant/owner shall obtain all required City approvals, including without limitation the approval of a final site plan and a certificate of occupancy, and construct all required improvements to the property within 180 days following the approval of this conditional use permit application by City Council. In the event that the applicant/owner fails to comply with these requirements within said 180 day period, the Zoning Administrator may request revocation proceedings pursuant to Section 17-112 of the Zoning Ordinance.

APPROVED with stipulations (Ward/Parker) (9-0)

- M. UP-07-35 PROJECT: Dimeck Farm Cingular Monopole APPLICANT: Cingular Wireless AGENCY: Bowman, Green, Hampton & Kelly, PLLC PROPOSAL: A conditional use permit to allow a 150 foot monopole communication tower on a leased parcel that is a portion of a 38.54 acre tract. The applicant also requests an alternative parking surface in accordance with section 19-406.c.1 of the zoning ordinance. ZONE: A-1 SIC CODE: 48 LOCATION: 2826 Lake Drummond Causeway TAX MAP SECTION/PARCEL: Portions of 0930000000140 and 0930000000146 BOROUGH: Pleasant Grove**

The Planning Commission recommends approval with the alternative parking surface and with the following stipulations:

1. The applicant/owner shall provide collocation opportunities for a minimum of two other wireless providers, regardless of the collocation company's ability to provide another tower site in exchange for the right to collocate on this tower. The collocation agreement shall be completed no more than six months following the written request for collocation.
2. The applicant/owner shall require all collocators to secure administrative approval from the Planning Department prior to installing their equipment on the tower.
3. The applicant/owner shall comply with all applicable Federal Communications Commission and Federal Aviation Administration regulations. The applicant /owner will submit documentation of compliance with these regulations to the Neighborhood Services Department.
4. The applicant/owner shall install a Fire Department approved lock box for emergency access to the gated compound. The applicant/owner shall also ensure that the access drive to the tower compound remains free of obstructions to allow access for emergency vehicles at all times.
5. The applicant/owner shall provide a standard commercial paved entrance and shall show it on the final site plan.

APPROVED with stipulations and alternative parking surface (Willis/Hayes) (9-0)

- N. UP-07-13 PROJECT: Elizabeth River Biofuels Project APPLICANT: International Bio Energy-Virginia, LLC PROPOSAL: A conditional use permit to allow an ethanol manufacturing facility and co-generation plant on a 97 acre parcel, and a height limit increase of 60 feet. ZONE: M-3, Waterfront Industrial District SIC CODE: 2869 and 4911 LOCATION: 1005 Giant Cement Drive TAX MAP SECTION/PARCEL: 0180000000010 BOROUGH: Deep Creek**

The Planning Commission recommends denial.

DENIED (Hayes/Ward) (7-2) (Edge and Willis voted no)

6. COMMITTEE REPORTS
7. OLD AND NEW BUSINESS
8. CLOSED SESSION (If called)
9. ADJOURNMENT – **3:35 a.m.**