

**CITY OF CHESAPEAKE  
CITY COUNCIL MEETING  
MARKED AGENDA  
December 11, 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:** The work session will begin at 5:15 p.m. in the 4<sup>th</sup> floor Personnel Training Room  
The topics of discussion will be:

1. 10 Year Plan for Homelessness
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 LIN HILL, WOODLAND HEIGHTS BAPTIST CHURCH**
2. PLEDGE OF ALLEGIANCE TO THE FLAG – **VICE MAYOR PARKER**
3. ROLL CALL BY CITY CLERK – **ALL PRESENT**
4. APPROVAL OF MINUTES - **NONE**
5. PUBLIC HEARING

APPLICANTS', AGENTS, AND CITIZENS' COMMENTS ON THE PUBLIC HEARING ITEMS  
COUNCIL'S CONSIDERATION OF PUBLIC HEARING ITEMS:

- A. UP-07-17 PROJECT: Alexander Lane Cingular Monopole** APPLICANT: Universal Wireless AGENCY: C. E. Forehand PROPOSAL: A conditional use permit to allow a 175 foot monopole communications tower on a 10,000 square foot leased parcel, part of 11.972 acres. The applicant also requests an alternative parking surface in accordance with section 19-406.c.1 of the zoning ordinance. ZONED: M-1, Light Industrial SIC CODE: 48 LOCATION: 1146 Alexander Lane TAX MAP SECTION/PARCEL: 047000000220 BOROUGH: Pleasant Grove (This item was continued from the October 16, 2007 City Council Meeting.)

The Planning Commission recommends approval with an 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 screen the leased area with landscaping in accordance with Section 13-606 of the Zoning Ordinance.

3. The applicant/owner shall require all colocators to secure administrative approval from the Planning Department prior to installing their equipment on the tower.
4. 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.
5. 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.
6. The applicant shall construct a city standard commercial entrance on Alexander Lane in accordance with Public Works requirements. Said entrance shall be reflected on the final construction plan.

**APPROVED WITH AMENDED STIPULATIONS AND ALTERNATIVE PARKING SURFACE**

**(7-0) (DETRINET VOTING NO )(ADAMS EXCUSED)**

**Stipulation #2 – Additionally, the applicant/owner agrees to create a 25 foot wide tree preservation buffer along the rear property line to the existing fence and along the western property line to Alexander Lane. No trees or vegetation in this buffer area shall be removed or disturbed unless approved by the City Arborist. Applicant/owner agrees to plant evergreen trees with a minimum caliper of one and three-fourths (1 <sup>3</sup>/<sub>4</sub>) inches at the time of planting within the portion of the 25 foot wide tree preservation buffer along the rear property line, where needed, to fill in the existing buffer area. Such additional landscaping shall be subject to the approval of the City Arborist and additional landscaping shall be subject to the approval of the city Arborist and approved trees shall be installed before approval of a certificate of occupancy.**

**STIPULATION #7**

**The applicant/owner agrees to perform the following to alleviate existing drainage problems: (i) re-establish drainage ditches along the perimeter of the subject property to drain to the roadside ditch along Alexander Lane; (ii) work with the owners of the residential properties adjoining the subject property to construct a berm along the rear of such adjoining properties, where necessary and requested by such owners, to prevent runoff from the subject property from draining onto the adjacent residential lots; and (iii) work with the owners of the residential properties adjoining the subject property to construct and/or restore private drainage swales, where necessary and requested by such owners, that drain to the existing off site catch basin. These improvements shall be subject to the approval of Public Works director or designee before approval of a certificate of occupancy.**

## 6. DOCKET

- A. CITIZENS COMMENTS ON AGENDA ITEMS ONLY
- B. CONSENT AGENDA

**APPROVED (deTriquet/Parker) (8-0) (Adams excused)**

**City Clerk Items**

## (1) ACKNOWLEDGEMENT OF REZONING APPLICATIONS

The following zoning reclassification requests are not public hearing items at this time. These items will be heard by the Planning Commission on December 12, 2007, and recommended to City Council for a future meeting:

**A. R(C)-07-20 PROJECT:** Chesapeake Lakes Gateway Center  
**APPLICANT:** Chesapeake Lakes Group, LLC **AGENCY:** Kaufman & Canoles, PC **PROPOSAL:** A conditional zoning reclassification of 21.78 acres from A-1, Agricultural District to B-2, General Business District to construct office, retail and lodging up to 110,000 square feet. **PROPOSED COMP LAND USE & DENSITY:** Business/Commercial **EXISTING COMP LAND USE & DENSITY:** Business/Commercial **LOCATION:** Property located northward of the Virginia state line fronting 1,540 feet (more or less) along the eastern line of Battlefield Blvd South. **TAX MAP SECTION/PARCEL:** Portions of each of 1190000000010, 1190000000020, 1190000000060 **BOROUGH:** Butts Road

**B. R(C)-07-31 PROJECT:** Oakbrooke Crossings **APPLICANT:** Dragas Associates, Inc. **AGENCY:** Kaufman & Canoles, PC **PROPOSAL:** A conditional zoning reclassification of 17.58 acres from R-15s, Residential District to R-MF-1, Residential Multi-family (14.19 acres) and B-1, Neighborhood Business District (3.39 acres). **PROPOSED COMP LAND USE & DENSITY:** Medium Density Residential **EXISTING COMP LAND USE & DENSITY:** Medium Density Mixed Use **LOCATION:** 412, 420, 428, 432, 440, & 442 Clearfield Avenue **TAX MAP SECTION/PARCEL:** 0480000000961, 0480000000970, 0480000000940, 0480000000941, 0480000000950 **BOROUGH:** Washington

**C. R(C)-07-32 PROJECT:** Office For Crossroads Fuels **APPLICANT:** Crossroad Properties Inc. **AGENCY:** Horton & Dodd, PC **PROPOSAL:** A conditional zoning reclassification of 0.54 acre from A-1, Agricultural District to B-1, Neighborhood Business District for an office building. **PROPOSED COMP LAND USE & DENSITY:** Office **EXISTING COMP LAND USE & DENSITY:** Low Density Residential **LOCATION:** 1441 Fentress Road **TAX MAP SECTION/PARCEL:** 0610000000780 **BOROUGH:** Pleasant Grove

**D. R-07-33 PROJECT:** Dave's Cabinet Expansion **APPLICANT:** Dave's Cabinet, LLC **AGENCY:** Site Improvements Inc **PROPOSAL:** A conventional zoning reclassification of 9<sup>±</sup> acres from A-1 Agricultural District to M-1, Light Industrial District, for expansion of an existing business. **PROPOSED COMP LAND USE & DENSITY:** Industrial **EXISTING COMP LAND USE & DENSITY:** Rural with one dwelling unit per 3 acres of land. **LOCATION:** 132 Woodworkers Court **TAX MAP SECTION/PARCEL:** 0970000001060, 0970000001070 **BOROUGH:** Butts Road

**E. R(C)-07-36 PROJECT:** Willowview **APPLICANT:** Home Associates of Virginia, Inc. **AGENCY:** Land Planning Solutions **PROPOSAL:** A conditional zoning reclassification of approximately 3.12 acres from A-1, Agricultural District (1.7 acres) and R-15, Residential District (1.42 acres) to R-MF-1, Multifamily Residential District for a detached condominium community. **PROPOSED COMP LAND USE & DENSITY:** Medium Density Residential **EXISTING COMP LAND USE & DENSITY:** Business/Commercial and Low Density Residential **LOCATION:** 1213 Kempsville Road **TAX MAP SECTION/PARCEL:** portion of 0380000001170 **BOROUGH:** Washington

(2) **RESIGNATIONS FROM BOARDS AND COMMISSIONS**

- a. Charles Sanford – Citizens Juvenile Advisory Board
- b. Paul D. Chidester – Chesapeake Commission for the Prevention of Aids
- c. Mary Ann Saunders – Chesapeake Community Criminal Justice Board
- d. Candace Waller – Chesapeake Interagency Consortium
- e. Candace Waller – Chesapeake Community Services Board
- f. Candace Waller – Chesapeake Criminal Justice Board

**City Manager Items**

- (1) REQUEST FOR APPROPRIATION OF \$25,436 IN STATE CONTRIBUTION TO THE ADULT MEDICAL CLINIC SERVICES – HEALTH DEPARTMENT
- (2) REQUEST FOR APPROPRIATION OF \$45,392 IN COMMUNITY CORRECTIONS PROGRAM FUND BALANCE FUNDS TO THE COMMUNITY CORRECTIONS OPERATING BUDGET – OFFICE OF THE SHERIFF/COMMUNITY CORRECTIONS DIVISION

**City Attorney Items**

- (1) RESOLUTION REQUESTING THE PLANNING COMMISSION TO CONSIDER AND MAKE RECOMMENDATIONS CONCERNING PROPOSED AMENDMENTS TO ARTICLE 14, SECTIONS 14-703, 14-704, AND 14-705, OF THE CHESAPEAKE ZONING ORDINANCE TO PERMIT CERTAIN PUBLIC SIGNS IN THE PUBLIC RIGHT-OF-WAY IN THE GREENBRIER TAX INCREMENT FINANCING DISTRICT.

- (2) AN ORDINANCE AMENDING CHAPTER 74 OF THE CHESAPEAKE CITY CODE, ENTITLED "TRAFFIC AND VEHICLES," ARTICLE IV, SECTION 74-156 THEREOF, TO CORRECT A TYPOGRAPHICAL ERROR, TO BRING SAID SECTION INTO COMPLIANCE WITH VIRGINIA CODE SECTION 46.2-1135.
- (3) AN ORDINANCE AMENDING CHAPTER 26 OF THE CHESAPEAKE CITY CODE, ENTITLED "ENVIRONMENT," ARTICLE III. EROSION AND SEDIMENT CONTROL, THEREOF, BY ADDING ADDITIONAL DEFINITIONS, STANDARDS AND PROCEDURES FOR THE LOCAL EROSION AND SEDIMENT CONTROL PROGRAM IN ACCORDANCE WITH STATE LAW.

C. REGULAR AGENDA

**City Manager Items**

- (3) REQUEST FOR APPROPRIATION OF \$1,980,385 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR PROGRAM YEAR 33 AND HOME INVESTMENT PARTNERSHIP (HOME) FUNDS AWARDED BY THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT – DEPARTMENT OF NEIGHBORHOOD SERVICES

**CONTINUED TO THE JANUARY 8, 2008 CITY COUNCIL MEETING  
(COLLINS/PARKER) 8-0 (ADAMS EXCUSED)**

- (4) CONSIDERATION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE SOUTHERN RIVERS WATERSHED ENHANCEMENT PROGRAM TO OBTAIN A \$1,000,000 GRANT FOR THE PURPOSE OF DESIGNING, CONSTRUCTING, AND INSTALLING CITY SANITARY SEWER FACILITIES TO REPLACE FAILING WASTEWATER TREATMENT SYSTEMS IN THE UNSERVED AREAS OF BRIDGEWOOD, PORTIONS OF ETHERIDGE ROAD AND ALBEMARLE ACRES SUBDIVISIONS IN THE CITY OF CHESAPEAKE – DEPARTMENT OF PUBLIC UTILITIES

**APPROVED (WILLIS/COLLINS) (8-0) (ADAMS EXCUSED)**

(5) CONSIDERATION OF ADDITIONAL ITEMS TO BE ADDED TO THE CITY OF CHESAPEAKE 2008 LEGISLATIVE PACKAGE – CITY MANAGER’S OFFICE

A. CONSIDERATION OF A LEGISLATIVE INITIATIVE REQUESTING AUTHORITY TO PROHIBIT SMOKING IN RESTAURANTS

**APPROVED WITH AMENDED LANGUAGE DELETING OUTDOOR SMOKING BAN (7-0) (WILLIS/HAYES) (ADAMS EXCUSED AND PARKER OUT OF CHAMBER)**

B. CONSIDERATION OF A LEGISLATIVE INITIATIVE CONCERNING STATE CONTRACTOR’S LICENSES AND CERTIFICATION OF LAWFUL WORKERS

**APPROVED WITH AMENDED LANGUAGE TO “STUDY”, NOT “AMEND” (WILLIS/HAYES) (9-0)**

C. CONSIDERATION OF A LEGISLATIVE INITIATIVE REQUESTING THE GENERAL ASSEMBLY TO REQUIRE ISSUANCE OF COUNTERFEIT-PROOF IDENTIFICATION CARDS AND LICENSES

**APPROVED (HAYES/COLLINS) (7-0) (KRASNOFF AND de TRIQUET OUT OF CHAMBER)**

D. CONSIDERATION OF A POLICY POSITION CONCERNING VACANT BUILDINGS

**APPROVED - (ADAMS/WARD) (9-0)**

(6) CITY MANAGER UPDATES

**City Attorney Item**

(4) AN ORDINANCE AMENDING CHAPTER 18 OF THE CHESAPEAKE CITY CODE, ENTITLED “BUSINESS LICENSES,” SECTION 18-3(d) THEREOF,, TO PROVIDE THAT NEW APPLICATIONS FOR BUSINESS LICENSES SHALL INCLUDE VERIFICATION OF LAWFUL RESIDENCY OF THE APPLICANT AND CERTIFICATION THAT ALL EMPLOYEES ARE ELIGIBLE FOR EMPLOYMENT UNDER THE IMMIGRATION REFORM AND CONTROL ACT AND SECTION 40.1-11.1 OF THE CODE OF VIRGINIA.

**CONTINUED TO THE APRIL 22, 2008 CITY COUNCIL MEETING (de Triquet/Parker) (9-0)**

7. CITIZENS’ COMMENTS ON THE SERVICES, POLICIES, AND AFFAIRS OF THE CITY (NON AGENDA SPEAKERS)

## **CITY COUNCIL AGENDA**

December 11, 2007

- 8 COMMITTEE REPORTS
9. OLD AND NEW BUSINESS
10. CLOSED SESSION (If called)
11. ADJOURNMENT (9:32)