

CITY OF CHESAPEAKE
CITY COUNCIL MEETING
MARKED AGENDA
December 18, 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 4:45 p.m. in the 4th floor Human Resources Training Room. The topics of discussion will be:

- 1) Comprehensive Annual Financial Report (CAFR)
- 2) Flow Control
- 3) 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

**CITY OF CHESAPEAKE
CITY COUNCIL MEETING**

December 18, 2007

6:30 P.M.

**City Hall Council Chamber
306 Cedar Road**

1. INVOCATION – **Pastor Trevor Haynes, Sovereign Grace Church**
2. PLEDGE OF ALLEGIANCE TO THE FLAG – **Council Member Ward**
3. ROLL CALL BY CITY CLERK – **Vice Mayor Parker, Council Member de Triquet excused**
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)-07-19 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 FEBRUARY 19, 2008 (Collins/Ward) (7-0) (de Triquet and Parker excused)

- B. **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 FEBRUARY 19, 2008 (Collins/Ward) (7-0) (de Triquet and Parker excused)

- C. **R(C)-04-05 (Rev 9/07) PROJECT: Bells Hollow Estate Condominium** APPLICANT: Bells Hollow, LLC AGENCY: Hassell & Folkes, PC PROPOSAL: A request to change the proffer statement of R(C)-04-05, Bells Hollow Condominiums, to eliminate the age restricted requirement and to amend the approved building materials. EXISTING COMP LAND USE & DENSITY: Low density residential LOCATION: 636 Washington Drive TAX MAP SECTION/PARCEL: 0591011000001, 0591011000002, 0591011000180, 0591011000190 BOROUGH: Pleasant Grove

The Planning Commission recommends denial.

CONTINUED TO JANUARY 15, 2008 (Hayes/Ward) (7-0) (de Triquet and Parker excused)

- D. **R(C)-07-21 PROJECT: Greentree Commons** APPLICANT: B.D.B.G., LLC AGENCY: Hassell & Folkes, PC PROPOSAL: A conditional zoning reclassification of 10.1 acres from B-4, Highway Business District (0.9 acres) and R-15s, Residential District (9.2 acres) to B-2, General Business District (3.2 acres) and R-MF-1, Multifamily Residential District (6.9 acres) for a condominium and commercial development. PROPOSED COMP LAND USE & DENSITY: Medium Density Residential and Commercial Uses EXISTING COMP LAND USE & DENSITY: Medium Density Mixed Use LOCATION: South side of Kempsville Road at its intersection with Green Tree Road TAX MAP SECTION/PARCEL: 0370000000042, 0370000000161, 0370000000180, 0370000000190, 0370000000191, 0370000000200, 0370000000210, 0370000000220, 0370000000230, 0370000000240, 0370000000250, 0370000000251, 0370000000252, 0370000000260, 0370000000280, 0370000000290 BOROUGH: Washington

The Planning Commission recommends approval with the following proffers:

1. The owner/applicant agrees that the residential units resulting from this development shall be condominiums for sale and shall not exceed 41 in number.
2. a. The owner/applicant agrees to make a cash contribution to the City of

Chesapeake for the construction or expansion for the public school facilities, including but not limited to, land acquisition for additional classroom space, in the school planning district in which the subject property is located. The amount of the cash contribution shall be \$3,811.44 per residential dwelling unit shown on the approved final site plan. The cash contribution shall be paid to the City at the time of building permit issuance for each residential structure. The cash contribution shall be deposited into the City of Chesapeake's School "lock box", also known as the General Fund Reserve for School Capital Construction Costs, for the affected school district 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 \$1,079.00 per residential dwelling unit. The cash contribution shall be in addition to any required or voluntary road improvements. The applicant/owner agrees to make the proffered cash contribution at the time of building permit issuance for each residential structure. In addition, the applicant/owner agrees to address the following issues during the administrative review process of the preliminary site/subdivision plan to the satisfaction of the Director of Public Works.
 - i. Assurances shall be provided such that the temporary median break on Greentree Road as shown on the rezoning exhibit dated September 14, 2007 will be removed at such time as the ultimate median break is constructed.
 - ii. The ultimate median break on Greentree Road shall be designed and constructed to facilitate a "left turn in" only to the subject property.
 - iii. Pavement widening and entrance improvements to Waltons Road shall be designed and constructed in order to facilitate two way traffic from the commercial entrance to the intersection with Kempsville Road.

- iv. An ingress/egress easement shall be established for the adjacent land locked parcel identified as tax parcel 037000000300. Such easement shall extend to Kempsville Road as well as the future Greentree Road extended.
 - v. A non-ingress/egress easement shall be established for all frontage on Kempsville Road and Greentree Road excluding approved entrance locations.
 - vi. The entrance for Parcel "B" on Greentree Road as shown on the rezoning exhibit dated September 14, 2007 shall be removed and relocated when the adjacent Parcel is developed and provides Parcel "B" with an alternative access.
- c. 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 voluntary cash contribution shall be \$701.45 per residential dwelling unit. The applicant/owner agrees to make the proffered cash contribution at the time of building permit issuance for each residential structure.
- 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 \$519.89 per residential dwelling unit. The applicant/owner agrees to make the proffered cash contribution at the time of building permit issuance for each residential structure.
3. The applicant/owner agrees that it shall dedicate one-half of the ultimate 140 foot right-of-way on Kempsville Road for the entire length of its frontage. The developer further agrees that it shall dedicate for the ultimate 50 foot right-of-way on Walton Road for the entire length of its frontage. Such dedication shall be recorded by plat in the Office of the Clerk of the Court with the initial subdivision plat.

4. The applicant/owner agrees that it shall dedicate and reserve for the ultimate 120 foot right-of-way for Greentree Road extended as generally shown on the rezoning exhibit dated September 14, 2007. Such dedication/reservation shall be recorded by plat in the Office of the Clerk of the Court with the initial subdivision plat prior to site plan approval and a deed for such right-of-way reservation recorded, as required by the Director of Public Works or designee. Future acquisition of all right-of-way reservation areas by the City shall be based on an agreed value of one dollar.
5.
 - a. The applicant/owner agrees that the residential and commercial improvements to be constructed on unit 1 and unit 2 as shown on the Rezoning Exhibit dated September 14, 2007, shall be substantially similar in appearance to the building elevations dated September 14, 2007 as approved by the Director of Planning or designee.
 - b. The applicant/owner agrees that the primary materials to be used on the front, sides and rear of all residential dwellings shall consist of brick, masonry (stone), Nailite, beaded lap, 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. Such material shall be presented to and accepted by the Planning Director or designee prior to final construction plans approval.
 - c. The applicant/owner agrees that the primary materials to be used on the front, side and rear of all commercial buildings and dumpster enclosures shall consist of brick, masonry (stone), Hardi Plank, stucco or similar veneer product, with the exception that accents, gables, windows, and other ornamental features may consist of EIFS, wood material or cement based material and shall be earth tone in color. Such materials shall be presented to and accepted by the Planning Director or designee prior to final construction plans approval.
 - d. The applicant/owner agrees that in the event that a Conditional Use Permit for gasoline supply is requested in the future on commercially zoned property, that all canopy support columns shall be finished up to ten feet height in full brick.
6. The applicant/owner agrees that the development of Parcel "B" as shown on the Rezoning Exhibit dated September 14, 2007 shall be limited to those uses permitted in the (O&I) district along with those uses conditional in the (O&I) district with an approved Conditional Use Permit.

7. The applicant/owner agrees that the required fifteen foot buffer type "D" to be incorporated between Parcel "A" and Unit "1", as shown on the Rezoning Exhibit dated September 14, 2007, shall be improved with evergreen plant materials of sufficient height and quantity to provide an effective screen at the time of installation. Such landscape buffer improvements shall be reviewed and approved by the City Arborist. In addition, the applicant/owner agrees to incorporate a pedestrian walkway to establish convenient access between Parcel "A" and Unit "1".

APPROVED WITH PROFFERS (Collins/Hayes) (7-0) (de Triquet and Parker excused)

- E. **R(C)-07-27 PROJECT: Kempsville Professional Center** APPLICANT: Kempsville Ventures, LLC; Cory B. Cutright & Eric G. Olson AGENCY: Basnight, Kinser, Telfeyan, Leftwich & Nuckolls, PC PROPOSAL: A conditional zoning reclassification of approximately 2.421 acres from R-15s, Residential District to O&I, Office and Institutional District for an office building. PROPOSED COMP LAND USE & DENSITY: Office EXISTING COMP LAND USE & DENSITY: Office, Research & Commerce LOCATION: 624, 630, & 632 Kempsville Road TAX MAP SECTION/PARCEL: 0370000000610, 0370000000620, 0370000000630 BOROUGH: Washington

The Planning Commission recommends approval with the following proffers:

1. The applicant/owner agrees to provide a right turn lane on Kempsville Road into the subject property within existing right-of-way and any necessary frontage of the property subject to this application. The turn lane shall be approved by Public Works and be in substantial compliance with the Public Works PFM. The turn lane shall be completed and dedicated to the City before approval of a certificate of occupancy.
2. The applicant/owner agrees to provide a 30' stub drive aisle and an ingress/egress easement benefiting tax map ID 0370000000600 to allow vehicular access to Kempsville Road through the property subject to this rezoning. The location and dimensions of the stub drive aisle and ingress/egress easement shall be approved by the Director of Public Works or designee. The easement shall be recorded or filed for recording before approval of a final site plan and the stub drive aisle shall be completed before approval of a certificate of occupancy.
3. The applicant/owner shall provide a 1' non-ingress/egress easement along the property's frontage with Kempsville Road except for the entrance as approved by the Director of Public Works or designee. The easement shall be recorded or filed for recording before approval of a final site plan.
4. The applicant/owner agrees that no electronic message board shall be constructed on the subject property.

5. The applicant/owner agrees that all buildings constructed on the subject property shall be consistent with the architectural rendering marked as "Architectural rendering for R(C)-07-27" as approved by the Director of Public Works or designee.
6. The applicant/owner agrees to preserve the vegetated area located on the western, eastern and southern property lines as existing on November 8, 2007 and, to the extent practical during construction, shall not disturb the area as approved by the City Arborist.
7. The applicant/owner agrees that the subject property shall not be used for an eating or drinking place as a principal use.

CONTINUED TO JANUARY 15, 2008 (Collins/Hayes) (7-0) (de Triquet and Parker excused)

- F. **R(C)-07-30 PROJECT: Gum Road/ Elizabeth Harbor Drive Hotel** APPLICANT: Veda Hotels, LLC AGENCY: Chesapeake Land Use Enterprise PROPOSAL: A conditional zoning reclassification of 0.225 acres from R-15s Residential District to B-2 General Business District for incorporation into the adjacent hotel development site. PROPOSED COMP LAND USE & DENSITY: Business/Commercial EXISTING COMP LAND USE & DENSITY: Business/Commercial LOCATION: Eastern side of Gum Road at its intersection with Elizabeth Harbor Dr. TAX MAP SECTION/PARCEL: 0150000001681 BOROUGH: Western Branch

The Planning Commission recommends approval with the following proffers:

1. The applicant/owner agrees to record a thirty (30) foot ingress/egress easement and a one (1) foot non-ingress/egress contiguous to 30-foot ingress/egress easement from the northern most point of the subject property in a south western direction to Gum Road. The location of the easements shall be approved by the Director of Public Works. The applicant/owner also agrees that the City shall not be responsible for maintenance of the 30-foot ingress/egress easement. The applicant/owner further agrees that the one (1) foot non-ingress/egress easement may be waived or modified by the Public Works Director or designee to allow the use of the thirty (30) foot ingress/egress easement by the applicant/owner or other user of the subject property, provided that the Public Works director or designee determines that such waiver or modification would not cause an adverse traffic-related condition. The deed(s) of easement for these easements shall be subject to the approval of the Public Works Director or designee and shall be recorded prior to the approval of any final site plan for any use and/or development of the subject property.

2. The applicant/owner agrees to provide a thirty-five (35) foot right of way dedication along the subject property's frontage on Gum Road. The applicant/owner also agrees that this dedication shall be reflected on the preliminary and final site plans and that the dedication shall be recorded in accordance with the requirements imposed by the Public Works Director or designee prior to the approval of any final site plan for the subject property. In addition, the applicant/owner agrees to dedicate right-of-way along Gum Road to accommodate a bike path facility and to dedicate a drainage easement along Gum Road in accordance with the requirements of the Director of Public Works or designee before approval of a final site plan.
3. The applicant/owner agrees to vacate all interior lot lines to incorporate the subject parcel with that parcel(s) identified in rezoning application R(C)-06-09 before approval of any final site plan for the subject property. The subject property shall be subject to proffer 4 accepted for R(C)-06-09, which is as follows: The applicant/owner agrees that the property subject to R(C)-06-09 shall be used exclusively as a hotel or motel (SIC 701) with accessory uses and structures as permitted by section 14-100 et. Seq. of the Zoning Ordinance. The applicant/owner further agrees that the number of guestrooms provided by the hotel shall not exceed 90.

APPROVED WITH PROFFERS (Ward/Collins) (7-0) (de Triquet and Parker excused)

- G. **UP-07-45 PROJECT: Allout Cycles, Chesapeake** APPLICANT: Allout Cycles, Hampton AGENCY: Hoggard-Eure Associates, PC PROPOSAL: A conditional use permit to allow a recreational vehicle dealership specializing in personal watercraft, all terrain vehicles and motorcycles on a 2 acre parcel. ZONE: B-2, General Business District SIC CODE: 556 LOCATION: 108 Kempsville Road TAX MAP SECTION/PARCEL: 0482001000571 BOROUGH: Washington

The Planning Commission recommends approval with the following stipulations:

1. The applicant/owner agrees to limit the hours of operation to 9:00 am to 7:00 pm Monday through Friday and 9:00 am to 5:00 pm on Saturday. There will be no Sunday hours of operation including special events.
2. The applicant/owner agrees to construct an 8 foot privacy fence along the western property line bordering the adjacent residentially zoned property.
3. The applicant/owner agrees that all repairs shall be conducted indoors with garage bay doors closed.
4. The applicant/owner agrees to remove the word warehouse from the final site plan.

5. The applicant/owner agrees that one-half of a 50' right-of-way shall be dedicated along the parcel's frontage to Kempsville Road in accordance with Public Works requirements prior to final site plan approval.
6. The applicant/owner agrees to construct an 8' decorative privacy fence along the western property line bordering the adjacent residentially zoned property in accordance with the Zoning Ordinance as approved by the Planning Director and to preserve the natural vegetative growth.
7. No external Public Address system will be installed.

APPROVED WITH AMENDED STIPULATIONS (COLLIN/WARD) (5-2) (Hayes and Krasnoff voted no) (de Triquet and Parker excused)

- H. **UP-07-43 PROJECT: Grassfield Substation** APPLICANT: Virginia Electric and Power Company AGENCY: MacDonald, Plumlee & Overton, PC PROPOSAL: A conditional use permit to allow an electrical power substation on approximately 3.8 acres. The applicant has also requested an alternative parking surface in accordance with section 19-406.c of the Zoning Ordinance. ZONE: R-15, Residential District SIC CODE: 4911 LOCATION: 1777 Cedar Road TAX MAP SECTION/PARCEL: 046000000372, 046000000361 BOROUGH: Deep Creek

The Planning Commission recommends approval with an alternative parking surface in accordance with section 19-406.C.1 of the Zoning Ordinance and with the following stipulations:

1. The applicant/owner agrees to provide an 8 foot opaque fence around the perimeter of the site. The design of the fence shall be subject to approval by the Planning Director or designee and shall be approved prior to final site plan approval.
2. The applicant/owner agrees to provide and maintain a 30 foot wide tree preservation and/or reforestation area around the perimeter of the site in accordance with the City of Chesapeake's Reforestation Guidelines dated 2/23/05. The reforestation plan shall be subject to the approval of the City Arborist and approved prior to final site plan approval. Plant materials required in the approved reforestation plan shall be installed subject to the approval of the City Arborist prior to issuance of a certificate of occupancy.
3. The applicant/owner shall provide a City standard commercial entrance with a minimum 75' of paved road adjacent to the entrance. The 75' of paved surface shall be measured from the back of the entrance apron and not from the right-of-way line as shown on the revised preliminary plan. This improvement shall be shown on the final site plan and constructed according to Public Works requirements.

4. The applicant/owner agrees to remove the existing power transmission poles on the property at the time of construction of the new substation.

APPROVED WITH ALTERNATIVE PARKING SURFACE AND STIPULATIONS, AND AMENDED STIPULATION #1 TO READ: (COLLINS/WILLIS) (6-1) (Edge voted no) (de Triquet and Parker excused)

1. **The applicant/owner agrees to construct a minimum ten foot enclosure around the substation and related equipment within the interior of the site and a gate constructed of opaque material. The enclosure shall be concrete with a brick appearance and shall be approved by the Planning Director or designee and constructed before approval of a certificate of occupancy.**

- I. **UP-07-42 PROJECT: Southgate Plaza 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 7000 square foot leased parcel behind the Southgate Plaza Shopping Center. ZONE: B-2, General Business District SIC CODE: 48 LOCATION: 2309 Bainbridge Blvd. TAX MAP SECTION/PARCEL: 1390000001910 BOROUGH: South Norfolk

The Planning Commission recommends denial.

CONTINUED TO JANUARY 15, 2008 (COLLINS/WARD) (7-0) (de Triquet and Parker excused)

- J. **UP-07-37 PROJECT: Autobell Car Wash at Greenbrier Mall** APPLICANT: CAH Holdings, LLC AGENCY: Hassell & Folkes, PC PROPOSAL: A conditional use permit to construct and operate an automated car wash facility. ZONE: Greenbrier PUD; Land Use Designation C-Commercial SIC CODE: 7542 LOCATION: 1024 Eden Way North; Northwest intersection of River Birch Run and Eden Way North TAX MAP SECTION/PARCEL: 0280000000800 BOROUGH: Washington

The Planning Commission recommends approval with the following stipulations:

1. As agreed upon by the applicant/owner, the proposed car wash facility building shall be constructed in a manner consistent with the materials, colors, and design of the facility that is shown on the attached exhibit, stamp-dated November 2, 2007, as determined by the Planning Director or designee. (A colored version has been included in the Planning Commission package.) In the event that the final building design and architectural details are found to be inconsistent with what has been offered, the applicant/owner shall make necessary changes, as required by the Director of Planning or designee, prior to approval of the final site plan.

2. As agreed upon by the applicant/owner, enhanced landscaping with double the typical density and evergreen/screening vegetation shall be installed adjacent to the entrance and exit of the drive-thru car wash, as determined appropriate by the City Arborist in coordination with the Planning Director or designee.
3. As agreed upon by the applicant/owner, all lighting shall be directed inward and downward, and away from public rights-of-way.
4. As agreed upon by the applicant/owner, the hours of operation shall be within the hours 7:00 a.m. to 8:00 p.m., seven days a week.

MOTION TO APPROVE FAILED (ADAMS/WARD) (3-4) (COLLINS, EDGE, HAYES AND KRASNOFF VOTED NO. (de Triquet and Parker excused)

- K. **ST.C-07-06 PROJECT: Old Barnes Road Street Closure** APPLICANT: Joseph Haskell PROPOSAL: A street closure request for a 12,069 SF area of Old Barnes Road-paper street (formerly Oak Street) and adjacent excess right-of-way, extending approximately 147 feet west from its intersection with Bainbridge Boulevard and immediately north of 2002 Bainbridge Boulevard. ZONE: Adjacent to B-1, Neighborhood Business LOCATION: West of Bainbridge Boulevard and north of 2002 Bainbridge Boulevard TAX MAP SECTION/PARCEL: Adjacent to 1390000001000 BOROUGH: South Norfolk

The Planning Commission recommends approval with the following stipulations:

1. A Public Water and Sewer Easement is reserved from this right-of-way closure. The said easement width shall be the existing right-of-way width and shall be reflected in all plats and development site plans. This easement may be preserved by deed using the Department of Public Utilities standard Deed of Easement document.
2. There shall be no paved parking spaces over any pressurized pipes within the area of the right-of-way to be closed, as approved by the Department of Public Utilities.
3. A 15-foot Sanitary Sewer Easement is reserved for the Hampton Roads Sanitation District (HRSD), as shown on the Physical Survey stamp-dated November 1, 2007, from this right-of-way closure. The said easement shall be reflected in all plats and development site plans. This easement may be preserved by deed, using an acceptable HRSD Deed of Easement document.
4. Any structural improvements to be made within the area of the vacated right-of-way shall be coordinated with the Department of Public Utilities to ensure that all easement requirements are satisfied.

5. The proposed street closure shall not include the necessary right-of-way width for Bainbridge Boulevard adjacent to the street closures of Old Barnes Road and Oak Street. The ultimate width of Bainbridge Boulevard shall be in accordance with Public Works requirements.

CONTINUED TO FEBRUARY 19, 2008 (HAYES/WARD) (7-0) (de Triquet and Parker excused)

- L. **CP-07-04** A RESOLUTION AMENDING THE 2026 CHESAPEAKE COMPREHENSIVE PLAN TO MODIFY THE PROFFER POLICY BY ADJUSTING THE MAXIMUM AMOUNT OF ANTICIPATED VOLUNTARY CASH PROFFERS FOR SCHOOLS, ROADS, LIBRARIES, AND EMERGENCY SERVICES.

The Planning Commission recommends denial

CONTINUED TO JUNE 17, 2008 (WARD/COLLINS) (7-0) (de Triquet and Parker excused)

NON-PLANNING PUBLIC HEARING ITEM

- M. AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62 OF THE CHESAPEAKE CITY CODE, ENTITLED, "SOLID WASTE," BY ADDING SECTION 62-66 THERETO, TO PROVIDE FOR THE DISPOSAL OF GARBAGE, REFUSE AND TRASH AT TRANSFER STATIONS AND FINAL DISPOSAL FACILITIES OWNED OR LEASED AND OPERATED BY THE SOUTHEASTERN PUBLIC SERVICE AUTHORITY OF VIRGINIA, INC. (*CONTINUED FROM OCTOBER 23, 2007 CITY COUNCIL MEETING*)

RECOMMENDED ALTERNATIVE:

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62 OF THE CHESAPEAKE CITY CODE, ENTITLED "SOLID WASTE," SECTIONS 62-57(a), 62-58(c), 62-61, AND 62-65 THEREOF, TO CLARIFY THE AVAILABILITY OF CITY REFUSE COLLECTION SERVICES, AND ADDING SECTION 62-66 THERETO, TO PROVIDE FOR THE DISPOSAL OF GARBAGE, REFUSE AND TRASH AT TRANSFER STATIONS AND FINAL DISPOSAL FACILITIES OWNED OR LEASED AND OPERATED BY THE SOUTHEASTERN PUBLIC SERVICE AUTHORITY OF VIRGINIA, INC

APPROVED ALTERNATIVE VERSION WITH AN EFFECTIVE DATE OF JANUARY 1, 2008 AND OMITTING "INC" AT THE END OF THE TITLE. (COLLINS/WILLIS) (7-0) (de Triquet and Parker excused)

6. DOCKET
 - A. CITIZENS COMMENTS ON REGULAR AGENDA ITEMS ONLY

B. CONSENT AGENDA

APPROVED (WARD/WILLIS) (7-0) (de Triquet and Parker excused)

City Attorney Item

- (1) RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE A MEMORANDUM OF AGREEMENT RENEWING THE HAMPTON ROADS REGIONAL STORMWATER MANAGEMENT PROGRAM FOR PURPOSES OF IMPLEMENTING REGIONAL GOALS IN THE MANAGEMENT OF STORMWATER QUANTITY AND QUALITY.

C. REGULAR AGENDA

City Manager's Items

- (1) REQUEST FOR APPROPRIATION OF \$1,334,283 IN ADDITIONAL BRIDGE AND ROADWAY MAINTENANCE FUNDS FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION – DEPARTMENT OF PUBLIC WORKS

APPROVED AS AN EMERGENCY (COLLINS/WARD) (7-0) (de Triquet and Parker excused)

- (2) CONSIDERATION OF A LEGISLATIVE INITIATIVE REQUESTING AN EXEMPTION FROM THE MORATORIUM AGAINST COMMITMENT OF STATE FUNDS FOR BUILDING OR ENLARGING JAIL FACILITIES – CITY MANAGER'S OFFICE

APPROVED INCLUSION IN THE CITY'S 2008 LEGISLATIVE PACKAGE. (WARD/WILLIS) (7-0) (de Triquet and Parker excused)

- (3) CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF CHESAPEAKE REGARDING THE SOUTH NORFOLK BELHARBOUR WATERFRONT COMMUNITY DEVELOPMENT AUTHORITY PROPOSED BY TRUXTON DEVELOPMENT L.L.C. – CITY MANAGER'S OFFICE

APPROVED (COLLINS/WARD) (5-1) (Krasnoff voted no) (Edge abstained) (de Triquet and Parker excused)

- (4) CITY MANAGER UPDATES - None

City Attorney Item

- (2) RESOLUTION REQUESTING THE PLANNING COMMISSION TO CONSIDER AND MAKE RECOMMENDATIONS CONCERNING PROPOSED AMENDMENTS TO THE CHESAPEAKE LANDSCAPE ORDINANCE, SECTIONS 19-600 THROUGH 19-610 OF THE CHESAPEAKE ZONING ORDINANCE TO PROVIDE FOR ENHANCED LANDSCAPING AND CLARIFY REQUIREMENTS FOR CANOPY COVERAGE.

APPROVED INCLUSION IN CITY'S 2008 LEGISLATIVE PACKAGE AND SEEK APPROVAL OF GENERAL ASSEMBLY TO ADOPT REVISIONS (WILLIS/COLLINS) (7-0) (de Triquet and Parker excused)

7. COMMITTEE REPORTS

8. OLD AND NEW BUSINESS

- A. CONSIDERATION OF A FUNDING REQUEST OF \$5,000 FROM THE CITY COUNCIL CONTINGENCY FUND FOR THE VIRGINIA SCHOLARSHIP & YOUTH DEVELOPMENT FOUNDATION - COUNCIL MEMBER WARD

APPROVED (WARD/ADAMS) (7-0) (de Triquet and Parker excused)

9. CLOSED SESSION (If called) - **NONE**

10. ADJOURNMENT – **12:41 a.m.**