

**CITY OF CHESAPEAKE
CITY COUNCIL MEETING
MARKED AGENDA
February 19, 2008
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.

REMINDER: The work session will begin at 5:15 p.m. in the 4th floor Human Resources Training Room. The topics of discussion will be:

- 1) Presentation on Senate Bill 768 Regarding Impact Fees
- 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, (8:00 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
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MARKED AGENDA**

February 19, 2008

6:30 P.M.

**City Hall Council Chamber
306 Cedar Road**

1. INVOCATION – **John Dooley, Apostles Lutheran Church**
2. PLEDGE OF ALLEGIANCE TO THE FLAG – **Council Member Krasnoff**
3. ROLL CALL BY CITY CLERK – **Vice Mayor Parker excused**
4. APPROVAL OF MINUTES – **March 27, April 10, April 17 and April 24, 2007
Collins/Ward (8-0) (Vice Mayor Parker excused)**
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 9.509 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 and 3345 Galberry Rd. TAX MAP SECTION/PARCEL: 0330000001720, 330000001750, 0330000001760 BOROUGH: Deep Creek (This item was continued from the December 18, 2007 City Council Meeting.)**

The Planning Commission recommends denial.

CONTINUED TO APRIL 15, 2008 (de Triquet/Collins) (8-0) (Vice Mayor 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 55 condominium units on 9.509 acres. ZONE: Existing: R-15s, Residential District. Proposed: O&I, Office and Institutional District in R(C)-07-19. SIC CODE: 805 LOCATION: 3343 and 3345 Galberry Rd. TAX MAP SECTION/PARCEL: 0330000001720, 330000001750, 0330000001760 BOROUGH: Deep Creek (This item was continued from the December 18, 2007 City Council Meeting.)

The Planning Commission recommends denial.

CONTINUED TO APRIL 15, 2008 (de Triquet/Collins) (8-0) (Vice Mayor Parker excused)

- 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 (Continued from the January 15, 2008 City Council Meeting)

The Planning Commission recommends approval with the following proffers:

1. The Applicant/Owners agree that the uses of the subject property will be limited to SIC Industry Groups 571, 641, 654, 653, 722, 729, 801-804, 811, 871 or 872, or such similar uses only within these SIC Industry Groups as determined by the Zoning Administrator. In addition to these uses, any office use may also have a portion of the building used as a showroom for the sale of related items that the business occupying the site as an office may offer as permitted by the Zoning Ordinance.
2. The exiting house on the site has been determined to be unsuitable for redevelopment as an office. The owner will offer the house to any individual or company that would like to move the house to another site for reuse. The cost to move the house must be solely born by the entity accepting the offer.
3. The Applicant / Owner agrees that any building(s) constructed on this site shall be developed to appear residential in nature as exemplified by the architectural rendering entitled "New Office Building for Crossroads Fuel Service, II" dated July 24, 2006, by Crow Architectural Services. In addition, the façade(s) shall be compatible with the architecture for residential homes in the Fentress area. Prior to the issuance of a building permit, architectural plans which indicate the exterior appearance, finishes, and colors of the proposed building shall be submitted to, and approved by, the Planning Director or designee. The said architectural plans shall be incorporated into the building plans that are approved with the building permit(s).

4. The Applicant / Owner agrees that the parking lot for the development shall be screened from Fentress Road with a streetscape buffer including 30% more plantings that required by Chesapeake's Landscape Architect prior to final approval of a site development plan for this parcel.

APPROVED WITH PROFFERS (Collins/Hayes) (5-3) (de Triquet, Krasnoff and Willis voted no) (Vice Mayor Parker excused)

- D. R(C)-07-35 PROJECT: Edinburgh Hotels** APPLICANT: Edinburgh South, Inc. AGENCY: Engineering Services, Inc. PROPOSAL: A conditional zoning reclassification of 3+ acre from R-15s, Single Family Residential and 4+ acres from A-1, Agricultural District to B-2, General Business District to construct a hotel and accessory uses. The applicant also requests expansion of the Public Utilities Franchise Area. PROPOSED COMP LAND USE & DENSITY: Business/Commercial EXISTING COMP LAND USE & DENSITY: Business/Commercial LOCATION: 1874 Battlefield Blvd. South TAX MAP SECTION/PARCEL: 0730000000050 BOROUGH: Pleasant Grove

The Planning Commission recommends approval with the following proffers and with the applicant's request to expand the Public Utility Franchise Area to cover the subject property.

1. The applicant/owner agrees that this rezoning is conditional on obtaining approval from the Chesapeake Health Department, Department of Environmental Quality or the City of Chesapeake if a conditional use permit is required for a sewerage disposal system or systems to serve the subject property within three (3) years following the effective date of this rezoning in order to comply with the Level of Service Policy for Sewer Capacity. In the event that the Zoning Administrator finds that the applicant/owner fails to obtain such approval within the said three year period and the subject property is not included in the Public Facilities Franchise Area, the applicant/owner agrees that the rezoning shall be placed on the City Council agenda for reconsideration and possible revocation on grounds of inadequate sewage capacity.
2. The applicant/owner agrees to construct and dedicate, with necessary right of way, left and right turns lanes to serve the subject property. The location of the entrance(s) and dimensions of the turn lanes shall be subject to the approval of the Director of Public Works or designee and shall be completed and dedicated before approval of a certificate of occupancy.
3. The applicant/owner agrees to dedicate ½ of the ultimate 120' Battlefield Boulevard right of way along the frontage of the property before approval of a final site plan or subdivision plat, whichever occurs first. All plans and plats shall depict the dedication.

4. The applicant/owner agrees to provide stub drive aisles with ingress/egress easements benefiting the adjacent parcels to the north and south with tax map ID 0730000001703 and 0730000000051 respectively to allow vehicular access to Battlefield Boulevard through the subject property. The location and dimensions of the stub drive aisles and ingress/egress easements shall be approved by the Director of Public Works or designee. The easements shall be recorded or filed for recording prior to final site plan approval and the stub drive aisle shall be completed before approval of a certificate of occupancy.
5. The applicant/owner agrees that all development site plans, subdivision plans and the proposed development shall comply with Appendix B, Design Guidelines, of the Transportation Corridor Overlay District set out in the Comprehensive Plan as determined and approved by the Planning Director or designee.
6. The applicant/owner agrees that the subject property shall only be developed as SIC 701, Hotels and Motels, including accessory uses as determined by the Zoning Administrator. Development of the subject property shall not require more than 340 parking spaces in accordance with the requirements of the Zoning Ordinance.
7. The applicant/owner agrees that no electronic message board signs shall be permitted.
8. The applicant/owner agrees that trash dumpster corrals shall be constructed of the same material as the principal building it serves. Dumpster gates shall be constructed only of wood.

APPROVED WITH PROFFERS AND THE REQUEST TO EXPAND THE PUBLIC UTILITY FRANCHISE AREA TO COVER THE SUBJECT PROPERTY (Krasnoff/Ward) (8-0) (Vice Mayor Parker excused)

- 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

The Planning Commission recommends approval with the following proffers:

1. The owner/applicant agrees that the subject property shall be developed substantially as shown on the "Willowview – Conceptual Site Plan" dated 11/15/2007, (hereinafter, the Concept Plan), prepared by Land Planning Solutions. No more than twenty-two residential dwelling units shall be constructed on the subject property. Residential units shall only be single-family detached condominiums.
2. The owner/applicant agrees that stormwater shall be treated on-site by means of the proposed stormwater management facility as shown on the exhibit titled "Willowview – Conceptual Site Plan", prepared by Land Planning Solutions, dated 11/15/2007, and that no stormwater shall be discharged into the existing Hunningdon Lakes or The Commons II stormwater facility in accordance with the requirements of the Director of Public Works or designee. The owner/applicant further proffers that in order to improve water quality and enhance the appearance of the facility; an aeration system shall be installed in the stormwater facility as approved by the director of Public Works or designee before approval of a certificate of occupancy.
3. The owner/applicant agrees to prepare for the approval by the City Arborist or designee a tree preservation plan to preserve healthy trees on the subject property adjacent to the Hunningdon Woods and The Commons II subdivision in consultation with both Hunningdon Woods and The Commons II homeowners' associations and representatives before approval of a building permit. The plan shall provide for the removal of nuisance, diseased or dying trees and for the preservation of healthy trees during construction to the extent practical as approved by the City Arborist or designee and shall be completed before issuance of a certificate of occupancy. The applicant/owner agrees to install and maintain a six-foot privacy fence or cedar or pressure treated wood along the property at a location approved by the City Arborist or designee before approval of a certificate of occupancy. In addition to the fence and outside the required buffer yard, the applicant/owner agrees to plant and maintain additional evergreen shrubs along the entire southern, northern and western property line consisting of ligustrum, or alternative species that has substantially similar growth, color and size characteristics, as approved by the City Arborist or designee and planted 4' on center with a minimum height of 18"-24".
4. The owner/applicant agrees that the property will be developed as a single-family detached condominium development and that appropriate by-laws, articles of incorporation, covenants and/or deed restrictions, if applicable, shall be recorded to govern the maintenance and operation of the homeowner's association. The owner/applicant further agrees that the development will be set up and professionally managed by a property management company.

5. The owner/applicant agrees that the residential units shall be constructed to avoid look down situations from 2nd story windows into the Hunningdon Woods and The Commons II subdivisions. For those 2nd story windows facing Hunningdon Woods and The Commons II opaque windows and semi-opaque windows shall be used. Transom windows that are not opaque or semi-opaque may be utilized, on the 2nd floor provided that the bottom of the window sill is no closer to the finished floor than 5'6" as approved by the Planning Director or designee. In addition 2nd floor balconies shall be prohibited on all homes to be constructed within the proposed project.
6. The owner/applicant agrees that the proposed dwellings shall be constructed substantially in accordance with the elevations exhibited to City Planning Staff and prepared by Land Planning Solutions, dated 11/15/2007 as approved by the Planning Director or designee.
7. The applicant/owner agrees to construct and design a right turn taper with necessary right-of-way along Kempsville Road into the development in accordance with the Department of Public Works requirements. These improvements shall be completed and right of way dedicated, if applicable, as determined by the Director of Public Works or designee before the issuance of the first certificate of occupancy.
8. The owner/applicant agrees to make a cash contribution to the City of Chesapeake for capital improvements to impacted 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 \$10,672.03 per single-family condominium unit on the rezoned property, for a total of \$234,784.66, for 22 units for impacts on public schools. The amount of the voluntary cash contribution shall be paid to the city at the time that each building permit is issued for the project. The owner/applicant 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 capital improvement within time constraints imposed by state law, the owner/applicant agrees that the cash proffer may be used for the capital improvement projects for major repair, maintenance, and renovation of public schools in the same school planning area as the rezoned property.

9. The owner/applicant 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 \$701.45 per single-family condominium unit on the rezoned property, for a total of \$15,431.90, for 22 units, for impacts on public libraries. The owner/applicant agrees to make the proffered cash contribution at the time that each building permit is issued for the project.
10. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to the public emergency service facilities including but not limited to land acquisition; land design, construction, expansion, renovation, and repair of buildings and appurtenances; and acquisition of capital assets necessary to the provision of emergency fire and medical service facilities. The amount of the voluntary cash contribution shall be \$642.34 per single-family condominium unit on the rezoned property, for a total of \$14,131.48, for 22 units for impacts on emergency services. The applicant/owner agrees to make the proffered cash contribution at the time that each building permit is issued for the project.
11. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public works with in the Greenbrier Planning District for public roads for the increase in dwelling units above the current zoning. The amount of the voluntary cash contribution shall be \$1,240 per single-family condominium on the rezoned property, for a total of \$27,280 for 22 units. The applicant/owner agrees to make the proffered cash contribution before final site plan approval.
12. The applicant/owner agrees that the residential buildings shall conform to the following:
 - a. All visible elevations shall be landscaped with the same quality and quantity of landscaping material as the front elevation as determined by the City Arborist or designee.
 - b. All home foundations shall be either raised slab or crawl space construction.
 - c. Stoops and exposed foundation on all sides shall be treated with masonry finish (brick form, brick or stone). Stoops shall be treated with the same masonry as the skirts on an individual house.
 - d. Brick, wood, vinyl and natural stone shall only be used for exterior walls.

- e. All siding, whether wood, aluminum, vinyl or composition, must have a minimum five-inch (5") lap or course, with 5/4" x 6" on the front corner trim and 5/4" x 4" corner trim on the rear. Twin four-inch (4") siding is prohibited. Roofing material shall be architectural shingles.
 - f. Minimum heated living area shall be 1700 sq.ft. with a minimum of a one car garage and two paved parking spaces adjacent to each unit in accordance with the requirements of the Zoning Ordinance.
13. Owner/developer agrees to install a temporary 4' tall chain link fence during construction as approved by the Zoning Administrator and installed before land disturbing commences and shall be removed after two weeks notice to adjacent property owners.

MOTION TO APPROVE WITH PROFFERS FAILED (Collins/Adams) (2-5) (de Triquet, Hayes, Krasnoff, Ward and Willis voted no) (Mayor Edge and Vice Mayor Parker excused)

- F. UP-07-49 PROJECT: Divine Baptist Church Daycare APPLICANT: Divine Baptist Church AGENCY: KCI Technologies, Inc. PROPOSAL: A conditional use permit for a child daycare facility and a request for a cooperative parking agreement. ZONE: R-10s, Single Family Residential SIC CODE: 8351 LOCATION: 2913, 2917 Old Galberry Road TAX MAP SECTION/PARCEL: 0341003000970, 0341003000960, 0330000001570 BOROUGH: Deep Creek**

The Planning Commission recommends approval with the following stipulations:

- 1. The daycare occupancy shall be limited to 100 children.
- 2. The applicant/owner shall comply with all requirements of the Department of Social Services for daycare centers.
- 3. If encountered, Underground Storage Tanks ("USTs") and any associated petroleum-contaminated soils or product lines shall be closed and managed in accordance with the Virginia Department of Environmental Quality's ("VADEQ") Petroleum Storage Tank Program Technical Manual (VADEQ Guidance Document #01-2024). The analytical results of confirmatory sampling within soils/groundwater for Total Petroleum Hydrocarbons (TPH) with an extraction for Diesel Range Organics (DRO) and Gasoline Range Organics (GRO) shall be coordinated with the VADEQ's Tidewater Regional Office for review and approval. The applicant/owner shall provide the Chesapeake Department of Public Works a copy of the VADEQ's letter of No Further Action Required for review and concurrence prior to any building permit approvals.

APPROVED WITH STIPULATIONS (Hayes/Ward) (7-0) (Mayor Edge and Vice Mayor Parker excused)

- G. UP-07-53 PROJECT: Perdue Farms Grain Dryer Replacement** APPLICANT: Perdue Farms, Inc. AGENCY: MMM Design Group PROPOSAL: A conditional use permit to exceed the maximum building height (110 feet) by 60 feet to 170 feet pursuant to section 19-205 of the Chesapeake Zoning Ordinance. ZONE: M-2, General Industrial District SIC CODE: 5153 LOCATION: 501 Barnes Road TAX MAP SECTION/PARCEL: 1380000000020 BOROUGH: South Norfolk

The Planning Commission recommends approval with the following stipulation:

- The two replacement grain dryers and associated structures shall not exceed 170 feet.

APPROVED WITH STIPULATION (de Triquet/Willis) (7-0) (Mayor Edge and Vice Mayor Parker excused)

- H. 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 (Continued from the December 18, 2007 City Council Meeting)

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.

APPROVED WITH STIPULATIONS (Hayes/Ward) (7-0) (Mayor Edge and Vice Mayor Parker excused)

Non-Planning Public Hearing Items

- I. AN ORDINANCE GRANTING A FRANCHISE TO VERIZON SOUTH INC. FOR THE TERM AND UPON THE CONDITIONS THEREIN STATED TO OCCUPY AND USE THE STREETS, ALLEYS AND PUBLIC PLACES OF THE CITY OF CHESAPEAKE TO PROVIDE CABLE TELEVISION SERVICE THROUGH ITS CABLE SYSTEM AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH VERIZON SOUTH, INC.

APPROVED (Willis/Hayes) (6-0) (Mayor Edge and Vice Mayor Parker excused) (Council Member Collins abstained)

- J. City Manager Updates
6. COMMITTEE REPORTS
7. OLD AND NEW BUSINESS
8. CLOSED SESSION (If called) - **None**
9. ADJOURNMENT - **8:53 p.m.**