

A Regular Work Session of the Chesapeake City Council was held December 18, 2001 at 3:00 p.m., in the City Hall Building, Cedar Road.

Present: Council Member John E. Allen
Vice Mayor John M. de Triquet
Council Member Dalton S. Edge
Council Member Dwight M. Parker
Council Member S. Z. "Debbie" Ritter
Mayor William E. Ward
Council Member Gene A. Waters
Council Member Patricia Pritchard Willis

Absent: Council Member Alan P. Krasnoff

Present from Administration: City Manager John Pazour, Deputy City Manager Clarence Cuffee, Assistant City Manager Anne Odell, City Attorney Ronald Hallman, Director of Human Services Doris Roberts, Director of Finance Nancy Tracy, Director of Economic Development Warren Harris, Interim Budget Director Dr. Betty Jean Meyer, Director of Human Resources Carolyn Darden, Chief Deputy City Clerk Maria Oropallo and other staff members.

TOPICS OF DISCUSSION: Budget – City Financial Status, Capital Projects, Technology Zone.

Mayor Ward welcomed everyone to the work session and relinquished the floor to City Manager John Pazour who reviewed the City Financial Status Report using overhead slides. In presenting the report, City Manager Pazour pointed out the reduction in tax revenue due to revenue not coming in as predicted. He then expounded on the City's current and projected expenditures and asked Director of Social Services Doris Roberts to explain the Interagency Consortium over budget expense of \$1.3 million that was due to the state mandate requiring the City to provide residential treatment for children on an as needed basis.

City Manager Pazour discussed at length issues facing the City in light of the weak economy. He cited personnel costs as the City's largest expense. Mr. Pazour continued his report on the state budget revenue shortfall, and the impact on the City's budget, the possible monetary savings resulting from the City's hiring freeze and the probable effects on City services, as well as actions being taken to manage the budget shortfall. There was extensive discussion on the City's bond rating, how other Hampton Roads cities are rated, and the City's revenue sharing policy with the Chesapeake School System. Mayor Ward requested that Council consider a retreat or a joint meeting with the School Board.

This concluded the report on City Financial Status.

December 18, 2001

Mayor Ward proceeded to the next topic Capital Improvement Budget (CIB) report and relinquished the floor to Interim Budget Director Meyer who presented the City's Capital Improvement Budget Report which listed, in priority order, the projects that were possible based on finances and City's safety requirements. Dr. Meyer asked Assistant City Manager Odell to review the critical projects, which included paving the driveways at five City fire stations, the Western Branch Middle School sidewalks and the conversion of the Old Hillard Library into Police Precinct #3. Ms. Odell reported on the order with which the projects should be completed. There was some discussion on maintaining the construction schedules of Cedar Road Phase IV and V.

Dr. Meyer proceeded to discuss the CIB projects that could be continued but would require a re-consideration of funding. There was discussion of using the additional revenue from the Chesapeake Expressway to fund the Mt. Pleasant Road Intersection repairs. Assistant City Manager Odell advised that Virginia Department of Transportation (VDOT) wanted to address the need and construction of new toll booths before tackling the intersection repairs. Other projects discussed were the E-Government project, the Parker Road Widening project, and the use of expert transportation modeling for the Master Road Plan Study.

Mayor Ward asked City Engineer Eric Martin about the status of the planned intersection signalization projects. City Engineer Martin responded that most traffic signals were scheduled to become operational by February 2002.

This concluded the discussion of the Capital Improvements Budget.

Mayor Ward made preliminary comments on the creation of a Technology Zone and relinquished the floor to Economic Development Director Warren Harris who, using a Power Point presentation, reviewed the history of Technology Zone legislation, the existing Technology Zones in other localities, the advantages and benefits the City could realize by adopting a Technology Zone, and the preferred recommendations for businesses to qualify in a Technology Zone. Mr. Harris responded to questions from Council about incentives and thresholds, and confirmed that the incentives proposed by the City are consistent or higher than those in other cities. Mayor Ward thanked Economic Development Director Harris for his presentation and expressed that he looked forward to further discussion on this topic.

Mayor Ward advised Council that newly appointed Council Member John E. Allen would assume Delegate-Elect Cosgrove's Council liaison responsibilities to the Economic Development Department.

This concluded the discussion of Technology Zones.

December 18, 2001

Mayor Ward thanked outgoing City Manager John Pazour for the work done to restructure the City's debt. He added that during Mr. Pazour's five-year tenure with the City, he had significantly improved the City's fiscal health. City Manager Pazour thanked Mayor Ward for the sentiments and for the ongoing support shown during critical changes. Mr. Pazour expressed that he was leaving the City with mixed feelings.

The meeting was adjourned at 5:25 p.m.

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Regular Meeting of City Council
December 18, 2001

A Regular Meeting of the Chesapeake City Council was called to order by Mayor William E. Ward on December 18, 2001, at 6:30 p.m., in the City Hall Building, 306 Cedar Road.

INVOCATION: Chaplain David B. Lee, Chesapeake Fire Department, Station 14

PLEDGE OF ALLEGIANCE: Council Member Dwight M. Parker

ROLL CALL BY CLERK OF COUNCIL:

Present: Council Member John E. Allen
Vice Mayor John M. de Triquet
Council Member Dalton S. Edge
Council Member Alan P. Krasnoff
Council Member Dwight M. Parker
Council Member S. Z. "Debbie" Ritter
Mayor William E. Ward
Council Member Gene A. Waters
Council Member Patricia Pritchard Willis

Absent: None.

Present from Administration: City Manager John Pazour, City Attorney Ronald Hallman, City Clerk Dolores Moore, Assistant City Manager Anne Odell, Planning Director Brent Nielson, Deputy City Attorney Jan Proctor, and other staff members.

APPROVAL OF MINUTES

Mayor Ward advised that there were no minutes for approval at that time.

OATH OF OFFICE

Mayor Ward asked Council Member-elect John Allen, wife Patty, and Clerk of the Circuit Court Lillie Hart to the podium. Ms. Hart administered the Oath of Office to Council Member-elect Allen.

Council Member Allen joined Council Members at the dais.

CHORAL PRESENTATION – HICKORY HIGH SCHOOL

Mayor Ward introduced the Hickory High School Choral group under the direction of Mr. Craig Robinson. The choral group performed Christmas songs for all present.

Mayor Ward thanked the group for their selections. He also commended Council Member Edge for inviting the students to provide holiday melodies.

Council Member Parker offered comments.

AWARD PRESENTATION – CHESAPEAKE EXPRESSWAY

Mayor Ward asked Public Works Director Patricia Biegler to the podium to present the award to City Council. Ms. Biegler and Assistant City Engineer Jay Tate offered comments and then Ms. Biegler presented the Crown Community Award to Mayor Ward. Mayor Ward commended employees on the project.

December 18, 2001

Council Member Edge was excused at 6:45 p.m.

Mayor Ward advised that a request for withdrawal of **R(C)-01-20** Public Hearing Item **(B)** and **UP-01-36** Public Hearing Item **(C)** had been made by the applicant. It was the consensus of City Council to accept the withdrawal of both items.

Council Member Waters asked that the agenda be amended to hear the speakers on Old and New Business Item **(A)**.

Council Member Waters, on a motion seconded by Council Member Krasnoff, moved to amend the agenda to hear speakers on Old and New Business Item **(A)** at that time.

There was no discussion.

On the motion, voting yes: Council Members Allen, de Triquet, Krasnoff, Parker, Ritter, Ward, Waters, and Willis.

Voting no: None. (Council Member Edge excused.)

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

City Clerk Moore identified the following speakers:

Edward Liebell, 1309 Winfall Drive, representing self, was not present when called.

Phil Morgan, 1307 Plantation Lakes Circle, representing Oak Grove United Methodist Church, spoke in opposition to Public Hearing Item **(I)** – **UP-01-39**, Great Bridge Auto.

Gene Moore, 221 Fernwood Farms Road, representing Fernwood Shores Civic League, was not present when called.

City Clerk Moore identified the following speakers in support of Old and New Business Item **(A)**:

Fred Pointer, 845 Parapet Road, representing Camelot Civic League.

William Small, 2912 Aaron Drive, yielded his time to speak.

C. C. Hawkins, 3088 Kenelm Drive, representing Camelot Civic League.

T. J. Carawan, 330 Hurdle Drive, representing self, spoke in opposition to Old and New Business Item **(A)**.

PUBLIC HEARING ITEMS

A. UP-01-37. PROJECT: New Light Baptist Church. APPLICANT: New Light Baptist Church. AGENCY: WTG Design Consultants. PROPOSAL: A conditional use permit to construct and operate a church and daycare on two parcels totaling 2.25 acres and to have an alternative parking location on a 1.85 acre parcel. ZONE: R-15s Residential District. SIC CODE: 866. LOCATION: 2418 Cedar Road. TAX MAP SECTION/PARCEL: 0450000000640, 0450000000670, 0450000000680. BOROUGH: Deep Creek.

The Planning Commission recommended approval with the following stipulations:

December 18, 2001

1. One-half of a 60 foot right-of-way reservation will be required along Cedar Road and shall be shown on the final site plan.
2. Subject to approval by the Public Works Department, a full length left turn lane with taper shall be required at the main entrance to the site and an adequate taper will be required to accommodate right turning vehicles. These improvements shall be shown on the final site plan and shall be constructed by the applicant prior to the issuance of an occupancy permit.
3. A 15 foot-wide Buffer Yard "D" shall be installed and maintained along all property lines adjacent to residentially-zoned lands, with types and quantities of plantings subject to approval by the City Arborist.
4. A 10 foot-wide Buffer Yard "F" shall be installed and maintained adjacent to all public and private rights-of-way, with types and quantities of plantings subject to approval by the City Arborist.
5. The applicant/owner shall be required to vacate interior lot lines prior to the issuance of a building permit for the church.
6. The landscape plan and tree preservation area provided on the preliminary site plan dated July 19, 2001, must be provided on the final site plan and installed/preserved prior to the issuance of a certificate of occupancy in order to meet the City of Chesapeake CBPA canopy coverage requirements.
7. The final site plan shall amend the reference of the private road as "New Mill Creek Road," prior to final site plan submittal.
8. All exterior lighting shall be full cutoff type lighting and shall be directed inward and downward away from adjoining properties and public rights-of-way to reduce glare and interference.
9. Any outdoor play area for the day care shall be shown on the final site plan, and a six foot-high fence shall be installed around the perimeter of the play area. The location of the outdoor play area shall be subject to the approval of the Planning Director or designee.
10. The proposed day care shall meet all applicable City requirements,
11. including but not limited to those involving the Building Code, Fire Prevention requirements and the Chesapeake Public Facilities Manual.

City Clerk Moore identified the following speaker in support of Public Hearing Item **(A)** – **UP-01-37**, New Light Baptist Church:

Wendell Green, 925 Brandon Quay, representing New Light Baptist Church.

The remaining speakers in support of Public Hearing Item **(A)**, were not called to speak.

City Clerk Moore identified the following speaker in opposition to Public Hearing Item **(A)** – **UP-01-37**, New Light Baptist Church:

December 18, 2001

T. J. Carawan, 330 Hurdle Drive, representing self.

Council Member Edge returned at 7:15 p.m.

Council Member Parker, on a motion seconded by Council Member Krasnoff, moved approval of **UP-01-37** with the stipulations as presented.

There was no discussion.

On the motion for approval, voting yes: Council Member Allen, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters, and Willis.

Voting no: None.

B. R(C)-01-20. PROJECT: Centerville Care Facility. APPLICANT: Reverends B. Courtney & Janeen McBath. PROPOSAL: A conditional zoning reclassification from RE-1 Residential Estate District to A-1 Agricultural District for a three acre site. PROPOSED COMP LAND USE / DENSITY: A-1 Agricultural District with one unit per three or more acres. EXISTING COMP LAND USE / DENSITY: Suburban Single Family with one unit per acre to something less than four units. LOCATION: 449 Centerville Turnpike South. TAX MAP SECTION/PARCEL: 0492004000030. BOROUGH: Butts Road.

The Planning Commission recommended denial.

It was the consensus of City Council to allow the withdrawal as requested by the applicant.

C. UP-01-36. PROJECT: Centerville Care Facility. APPLICANT: Reverends B. Courtney & Janeen McBath. PROPOSAL: A conditional use permit to operate a residential care facility in an existing home on three acres. ZONE: A-1 Agricultural District (proposed). SIC CODE: 8361. LOCATION: 449 Centerville Turnpike South. TAX MAP SECTION/PARCEL: 0492004000030. BOROUGH: Butts Road.

The Planning Commission recommended denial.

It was the consensus of City Council to allow the withdrawal as requested by the applicant

D. R-01-26. PROJECT: Mid Atlantic Petroleum Services, Inc. APPLICANT: Five Star Associates. PROPOSAL: A conventional zoning reclassification for two parcels totaling 7,500 sf from R-6 Residential District (2,500 sf) and B-2 General Business District with conditions (5,000 sf) to B-2 General Business District. PROPOSED COMP LAND USE / DENSITY: General Business/ Commercial/No density. EXISTING COMP LAND USE / DENSITY: General Business/Commercial/No density. LOCATION: 1830 English Avenue. TAX MAP SECTION/PARCEL: 0206001000320, 0206001000330. BOROUGH: Washington.

The Planning Commission recommended approval.

City Clerk Moore identified the following speaker in opposition to Public Hearing Item **(D) – R-01-26**, Mid Atlantic Petroleum Services, Inc:

T. J. Carawan, 330 Hurdle Drive, representing self.

December 18, 2001

Vice Mayor de Triquet, on a motion seconded by Council Member Waters, moved approval of **R-01-26** as presented.

There was no discussion.

On the motion for approval, voting yes: Council Member Allen, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters, and Willis.

Voting no: None.

#01-O-116 AN ORDINANCE AMENDING THE CHESAPEAKE ZONING ORDINANCE TO PROVIDE FOR THE REZONING OF TWO PARCELS OF LAND TOTALING APPROXIMATELY 7,500 SQUARE FEET, LOCATED AT 1830 ENGLISH AVENUE, IN THE WASHINGTON BOROUGH, FROM R-6 RESIDENTIAL DISTRICT (2,500 SQUARE FEET) AND B-2 GENERAL BUSINESS DISTRICT WITH CONDITIONS (5,000 SQUARE FEET) TO B-2 GENERAL BUSINESS DISTRICT (R-01-26).

E. UP-01-40. PROJECT: Mid Atlantic Petroleum Services, Inc. APPLICANT: Five Star Associates. PROPOSAL: A conditional use permit to enlarge an existing building to allow a general contractor's office with outside storage on three lots totaling 0.51 acre, and approval of a request to modify the front and side yard setback requirement in accordance with Section 7-402.F of the Zoning Ordinance. ZONE: B-2 General Business District. SIC CODE: 15. LOCATION: 1830 English Avenue. TAX MAP SECTION/PARCEL: 0206001000320, 0206001000330, 0206001000350. BOROUGH: Washington.

The Planning Commission recommended approval with the following stipulations and a modification of the front and side yard setbacks:

1. The final site plan shall indicate drive aisle widths that comply with the Public Facilities Manual and an entrance radii that is in accordance with the requirements of the Department of Public Works.
2. If required by Public Works, a stormwater management facility that complies with the requirements of the Stormwater Management Ordinance shall be shown on the final site plan.
3. The applicant/owner shall be required to vacate interior lot lines, prior to final site plan approval.
4. The applicant shall install and maintain a six foot-high wood privacy fence and a fifteen foot-wide Buffer Yard "D" adjacent to the residentially-zoned land on the north side of the property, to include Leyland Cypress trees a minimum of six feet high at planting, with additional types and quantities of plantings to be approved by the City Arborist. In accordance with the Landscape Ordinance, the fence shall be located ten feet from the property line, with the Leyland Cypress located between the fence and the property line. In accordance with the ten percent reduction in the required side yard

December 18, 2001

setback, proposed plantings shall exceed the standard Code requirements by ten percent, subject to approval by the City Arborist.

5. In accordance with the approved minor landscape variance, the applicant shall install and maintain a 10 foot-wide Buffer Yard "D" along the residential properties on the north to include Leyland Cypress trees a minimum of six feet high at planting, with additional types and quantities of plantings to be approved by the City Arborist, and with a six foot-high wood privacy fence to be located on the property line. In accordance with the percentage reduction of the width of the buffer yard, proposed plantings shall exceed the standard Code requirements by 30 percent, subject to approval by the City Arborist.
6. In accordance with the approved minor landscape variance, a 7.5 foot-wide Buffer Yard "F" with a heavily landscaped berm shall be required along English Avenue. In accordance with the twenty-five percent reduction in the required front yard setback and the reduction in the width of the buffer yard, proposed plantings shall exceed the standard Code requirements by twenty-five percent, subject to approval by the City Arborist. The applicant agrees to install a drainage pipe in the existing ditch between the two proposed access points on English Avenue and to cover the pipe with fill, subject to approval by the Public Works Department.
7. No on-street parking shall be permitted for any vehicles associated with the business of the applicant, including but not limited to employee parking.
8. All exterior lighting shall be full cutoff type lighting and shall be directed inward and downward away from adjoining properties and public rights-of-way to reduce glare and interference.
9. No cargo container or storage container shall be permitted on the property. Not more than two construction trailers may be permitted on the property.

City Clerk Moore identified the following speaker in opposition to Public Hearing Item **(E) – UP-01-40**, Mid Atlantic Petroleum Services, Inc:

T. J. Carawan, 330 Hurdle Drive, representing self.

Vice Mayor de Triquet, on a motion seconded by Council Member Parker, moved approval of **UP-01-40** with stipulations and modifications of front and side setbacks as presented.

There was no discussion.

On the motion for approval, voting yes: Council Members Allen, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters, and Willis.

Voting no: None.

December 18, 2001

F. UP-01-31. PROJECT: Portlock Communications Tower. APPLICANT: Nextel Communications of the Mid-Atlantic, Inc. AGENCY: Sykes, Bourdon, Ahern & Levy, P.C. PROPOSAL: A conditional Use Permit to construct and operate a 150 foot monopole communications tower. ZONE: M-2 General Industrial District. SIC CODE: 48. LOCATION: 1910 Campostella Road. TAX MAP SECTION/PARCEL: 1530000000004. BOROUGH: South Norfolk.

The Planning Commission recommended approval with the following stipulations:

1. The applicant/owner/operator shall provide a minimum five-foot buffer yard within the lease area and depict such a buffer yard on a landscape plan in accordance with Section 13-606 of the Zoning Ordinance. This requirement shall be reflected on the final site plan.
2. The applicant/owner/operator shall provide collocation opportunities for a minimum of three other cellular or PCS wireless providers, regardless of the collocation company's ability to provide another tower site in exchange for the right to collocate on the proposed tower. The collocation agreement shall be completed no more than six months following the written request for collocation.
3. All collocation providers shall secure administrative approval from the Planning Department prior to the issuance of building permits.
4. The applicant/owner/operator shall comply with all applicable Federal Communications Commission and Federal Aviation Administration regulations. Documentation that these requirements have been met shall be submitted to the Inspections Department prior to the issuance of building permits.
5. Unless otherwise required by federal, state, or local regulations, no outdoor stationary lights shall be installed.

City Clerk Moore advised that there were two speakers in support of the item.

Council Member Parker, on a motion seconded by Vice Mayor de Triquet, moved approval of **UP-01-31** with stipulations as presented.

There was no discussion.

On the motion for approval, voting yes: Council Member Allen, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters, and Willis.

Voting no: None.

G. UP-01-38. PROJECT: Domestic Virginia Partnership. AGENCY: Hassell & Folkes, P.C. PROPOSAL: A conditional use permit for an automobile fuel supply station on a one acre site. ZONE: Planned Unit Development. SIC CODE: 554. LOCATION: Professional Place(west), approximately 1,070 feet west of its intersection with Executive Boulevard. TAX MAP. SECTION/PARCEL: 0373002000520. BOROUGH: Washington.

The Planning Commission recommended approval with the following stipulations:

December 18, 2001

1. If the applicant chooses to construct a canopy on the site as depicted on the preliminary site plan dated September 10, 2001, it shall be constructed with brick columns and a pitched roof in neutral colors. Such improvements shall require approval of the Planning Director prior to final site plan approval.
2. Prior to final site plan approval, the applicant is required to obtain approval from the Fire Department that the proposed facility is being developed in accordance with the applicable requirements of NFPA 30A, Section 9-5.

City Clerk Moore identified the following speaker in opposition to Public Hearing Item **(G) - UP-01-38**, Domestic Virginia Partnership:

T. J. Carawan, 330 Hurdle Drive, representing self.

Council Member de Triquet, on a motion seconded by Council Member Parker, moved approval of **UP-01-38** with stipulations as presented.

There was no discussion.

On the motion for approval, voting yes: Council Members Allen, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters, and Willis.

Voting no: None.

H. UP-01-14. PROJECT: Temple Storage. APPLICANT: Stan Temple. PROPOSAL: A conditional use permit to allow a towing service with outside storage and general contracting and heavy construction equipment storage on a 15,000+ sq.ft. lot. ZONE: B-2 General Business District. SIC CODE: 15, 16, 7549. LOCATION: 2952 Military Highway South. TAX MAP SECTION/PARCEL: 0254012000450. BOROUGH: Deep Creek. (This item was continued from the September 18, 2001 City Council meeting.)

The Planning Commission recommended approval for use as a towing service with outside storage only, with the 6-foot high fence in the front yard and an alternative parking surface with the following stipulations:

1. A 15' wide Landscape Buffer "D" with either a stockade fence or wall shall be provided along the rear property line adjacent to the residentially-zoned properties prior to the issuance of a permanent certificate of occupancy, with plantings to be approved by the City Arborist.
2. A 10' wide Landscape Buffer "F" shall be provided adjacent to the service road prior to the issuance of a permanent certificate of occupancy, with plantings to be approved by the City Arborist.
3. In accordance with Section 19-88 of the City Code, one customer parking space measuring 10' x 20' and one employee parking space shall be provided, with both spaces evenly graded and maintained. These spaces shall be located within the fenced area and shall be indicated on the final site plan.
4. In accordance with requirements of the Public Facilities Manual, a

December 18, 2001

fire hydrant is required to be located within 800 feet of this development. Existing hydrants that meet this requirement shall be shown on the final site plan.

5. A lock box to be approved by the Fire Department shall be provided to allow for emergency access into the gated/fenced compound prior to the issuance of a permanent certificate of occupancy
6. No outside storage shall be permitted on the property other than motor vehicles. No more than five (5) junked, wrecked or dismantled motor vehicles shall be parked or stored on the property at one time. No motor vehicle may be stored on the property for longer than ninety (90) days.
7. The towing service storage yard shall be operated in accordance with Article II, Chapter 19 of the City Code. In no event shall the property be operated or used as an automobile graveyard, as defined in Section 19-51 of the City Code.
8. In accordance with the requirements of Section 19-87(b) of the City Code, the applicant shall screen the storage yard with a six-foot high stockade fence along the front, and either a six-foot high stockade fence on each of the side property lines or install netting on the existing chain link fence on the side property lines to effectively screen the storage area.

Landscape waiver denied.

City Clerk Moore identified the following speakers in support of Public Hearing Item **(H)**:

Stan Temple, 3900 Campbell Road, representing self.

T. J. Carawan, 330 Hurdle Drive, representing self.

Council Member Edge inquired about the use for the storage facility. Deputy City Attorney Jan Proctor responded to Council Member Edge's concerns.

Council Member Edge asked Stan Temple to the podium to explain the intended use of the storage facility. Mr. Temple elaborated on the intended use of the building.

Council Member Edge, on a motion seconded by Council Member Parker, moved for approval of **UP-01-14** with language amendments to stipulation #1 and an additional stipulation, #9, as follows:

1. The applicant/owner shall be required to install a 15 foot wide landscape buffer "D" with either a stockade fence or wall along the rear property line adjacent to the residentially zoned properties with plantings to be approved by the City Arborist, provided that the buffer, including the fence or wall need not be installed unless or until the stand of trees existing on such residentially zoned properties is removed in whole or in part. Upon written notice from the City that any or all of these trees have been removed, the applicant/owner shall submit a landscape plan to the City Arborist for approval and install the landscape buffer "D" within three months of the City's notice.
9. To allow the following uses listed by Mr. Temple:
Automotive vehicles, cars, pickups, and vans; trucks (normally single rear axle flat beds, enclosed body, wreckers, boom truck, or dumps; Note: current tenant could repo a larger truck and it be there on a temporary basis.); lawn care equipment and job materials; landscaping equipment and job materials; contractors equipment and job materials; tree trimming trucks and equipment; Bobcat/skid loaders; loader/backhoes; mini/compact excavators; forklifts; equipment/car trailers; man lifts; portable air compressors, pumps, welders, cement/mortar mixers, generators; stump grinders; staging; tractors; mowers; scraper/box blades; trenchers; pavement/sand rollers; tree/brush chippers; construction/office trailer (in-between job sites); materials could include such items as, lumber/plywood; shingles; chain link or privacy fence; road guard rails; steel building materials; bricks or cinder blocks; plastic, concrete or steel pipe; rocks, mulch, topsoil or sand, (to be contained as needed).

There was general discussion between Council Member Willis and Planning Director Nielson regarding the buffer requirement.

Council Member Edge withdrew his motion for approval.

Council Member Edge, on a motion seconded by Council Member Krasnoff, moved to continue **UP-01-14** to the January 15, 2002 City Council meeting.

Council Member Ritter requested that the change in stipulation #1 dealing with the buffer requirement be reviewed as it placed the burden of the Buffer Ordinance enforcement on the adjacent property owners rather than the applicant. She also asked that the results of the review be provided to City Council.

Council Member Waters offered a motion to approve **UP-01-14** with stipulations as recommended by staff. The motion was lost for lack of a second.

December 18, 2001

On the motion for continuance, voting yes: Council Members Allen, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward and Willis.

Voting no: Council Member Waters.

I. UP-01-39. PROJECT: Great Bridge Auto. APPLICANT: Matthew McClain. AGENCY: Horton & Dodd, P.C. PROPOSAL: A conditional use permit to construct and operate a used motor vehicle dealership on a 0.448 acre parcel, and approval of a request to modify the rear yard setback requirement in accordance with Section 7-402.F of the Zoning Ordinance. ZONE: B-2 General Business District. SIC CODE: 5521. LOCATION: North side of Great Bridge Boulevard approximately 200' west of Battlefield Boulevard. TAX MAP SECTION/PARCEL: 0482001000720. BOROUGH: Washington.

The Planning Commission recommended denial.

City Clerk Moore identified the following speakers in support of Public Hearing Item **(I)**:

Gregory Dodd, 300 George Washington Highway, representing Horton and Dodd, P.C.

Michael Nuckols, 1435 Crossways Boulevard, Suite 200, representing Fagger and Frieden.

Matt McClain, applicant, 105 N. Battlefield Boulevard.

T. J. Carawan, 330 Hurdle Drive, representing self.

City Clerk Moore identified the following speakers in opposition to Public Hearing Item **(I)**:

Kenneth Sydow, 512 Fordsmere Road, representing Oak Grove United Methodist Church.

Faye Jensen, 1301 Tuckaway Reach, Unit E, representing self.

Steven Summers, 517 Aylesbury Drive, representing Oak Grove United Methodist Church.

Randy McMillen, 705 Hawkhurst, representing self.

Rebecca Adams, 133 Cedar Road, representing self.

Donald Stephens, 1705 Birch Trail Circle, representing self.

Joseph Schaedel, 1309 Dartmouth Circle, representing Oak Grove United Methodist Church.

Michael Burrell, 508 Long Brooke Court, representing Oak Grove United Methodist Church.

Phil Morgan, 1307 Plantation Lakes Circle, representing Oak Grove United Methodist Church.

Council Member Ritter, on a motion seconded by Council Member Waters, moved to deny **UP-01-39** as presented.

There was general discussion.

On the motion to deny, voting yes: Council Members Allen, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters and Willis.

Voting no: None.

December 18, 2001

City Council recessed at 8:40 p.m. and reconvened at 8:46 p.m.

J. UP-01-42. PROJECT: Crossroads Community Church of God. APPLICANT: Crossroads Community Church of God. AGENCY: Midgette & Associates, P.C. PROPOSAL: A conditional use permit to construct and operate a church. ZONE: A-1 Agricultural District. SIC CODE: 8661. LOCATION: East side of Centerville Turnpike, approximately 1,300 feet south of the intersection of Beaver Dam Road and Centerville Turnpike. TAX MAP SECTION/PARCEL: 0860000000380. BOROUGH: Butts Road.

The Planning Commission recommended approval with the following stipulations:

1. The applicant/owner shall provide a minimum of three handicapped parking spaces. This requirement shall be reflected on the final site plan.
2. The proposed use shall be subject to the requirements of the Chesapeake Fire Department. The final site plan shall be subject to the approval of the Chesapeake Fire Department.
3. The applicant/owner shall obtain a permit from the Chesapeake Health Department for a septic system prior to the issuance of a building permit.
4. The applicant/owner shall provide a paved, City-standard entrance in accordance with requirements and specifications of the Department of Public Works. The paved entrance shall be reflected on the final site plan and shall be constructed prior to the issuance of a certificate of occupancy.

City Clerk Moore identified the following speaker in opposition to Public Hearing Item **(J) – UP-01-42**, Crossroads Community Church of God:

T. J. Carawan, 330 Hurdle Drive, representing self.

Vice Mayor de Triquet, on a motion seconded by Council Member Parker, moved approval of **UP-01-42** with stipulations and alternative paving surface as presented.

There was no discussion.

On the motion for approval, voting yes: Council Member Allen, de Triquet, Edge, Krasnoff, Ritter, Ward, Waters, and Willis.

Voting no: None (Council Member Parker out of the chamber)

K. UP-01-43. PROJECT: Great Bridge Baptist Church. APPLICANT: Great Bridge Baptist Church. AGENCY: Midgette & Associates, P.C. PROPOSAL: A conditional use permit to construct church facility parking lot (46,800 square feet/1.07 acres of parking area)-offsite parking on 1.3 acres and a variance request for a buffer width reduction from 15' to 10'. ZONE: R-15s Residential District. SIC CODE: 75. LOCATION: 624 South Battlefield Boulevard-corner of South Battlefield Blvd. and Frank Drive. The church is south of Frank Drive from proposed parking lot. TAX MAP SECTION/PARCEL: 0601004000005,

December 18, 2001

0601004000004, 060100400220. BOROUGH: Pleasant Grove.

The Planning Commission recommended approval and staff recommended approval of the variance request for a buffer width reduction from 15' to 10' with the following stipulations:

1. The applicant shall provide 1/3 additional landscaping over that which is required by the buffer yard "D", as approved through the City of Chesapeake Arborist. The landscaping shall be depicted on the landscape plan and shall be installed prior to the issuance of a certificate of occupancy.
2. The applicant shall increase the eastern-most drive aisle to the minimum width required by the PFM for two-way traffic, prior to final site plan approval, subject to the approval of the Department of Public Works.
3. The approximate location of the existing church entrance shall be displayed on the final site plan to ensure that it lines up with the proposed entrance, subject to the approval of the Department of Public Works.
4. The interior lot lines shall be vacated, prior to the issuance of a certificate of occupancy.
5. A "rat free" letter shall be obtained from the Chesapeake Health Department, prior to the authorization of a demolition permit.
6. Provisions for handicapped parking shall be provided, prior to final site plan approval, subject to the approval of the Zoning Department.
7. The location at 624 South Battlefield Boulevard, to be utilized for Great Bridge Baptist church parking, shall be in the same ownership or control as Great Bridge Baptist church, prior to final site plan approval.
8. The existing house located at 624 Battlefield Boulevard shall be removed, prior to the use of the property for parking purposes.

City Clerk Moore identified the following speaker in opposition to Public Hearing Item **(K)**:

T. J. Carawan, 330 Hurdle Drive, representing self.

Vice Mayor de Triquet, on a motion seconded by Council Member Parker, moved approval of **UP-01-43** with stipulations and buffer reduction from 15' to 10' as presented.

There was no discussion.

On the motion for approval, voting yes: Council Members Allen, de Triquet, Edge, Krasnoff, Ritter, Ward, Waters, and Willis.

Voting no: None (Council Member Parker out of the chamber)

December 18, 2001

L. UP-01-45. PROJECT: Greenbrier Chrysler/Plymouth/Jeep. APPLICANT: Greenbrier Realty, LLC. AGENCY: Governmental Permitting Consultant. PROPOSAL: A conditional use permit to operate a motor vehicle sales facility on a 1.148 acres site. The proposed facility will utilize the existing building on site. ZONE: PUD Planned Unit Development. SIC CODE: 552. LOCATION: 1510 Military Highway South. TAX MAP SECTION/PARCEL: 0200000000069. BOROUGH: Washington.

The Planning Commission recommended approval with the following stipulations:

1. The use of any outdoor amplified address system for paging or music is prohibited.
2. The existing street frontage buffering shall be brought up to current standards (Buffer yard "F" - 3 trees and 25 shrubs per each 100').
3. No vehicles shall be parked in the street frontage buffer yards or the adjacent right-of-way at any time.
4. No vehicle detailing or maintenance shall be permitted outside on the subject site.
5. The final site plan shall depict the following:
 - A non-ingress/egress easement along the lot's frontage along Military Highway.
 - Dedication for ½ of the ultimate 60-foot right-of-way on Old Greenbrier Road.
 - The right-of-way width for Military Highway.
6. The final site plan shall depict vehicle display areas in accordance with the requirements of the Zoning Ordinance.

Council Member Krasnoff, on a motion seconded by Council Member Ritter, moved for approval of **UP-01-45** with stipulations.

There was no discussion.

On the motion, voting yes: Council Members Allen, de Triquet, Edge, Krasnoff, Ritter, Ward, Waters, and Willis.

Voting no: None (Council Member Parker out of the chamber).

Council Member Krasnoff, on a motion seconded by Council Member Edge, moved to amend the agenda to consider Public Hearing Item **(O)** – CP-01-01.

There was no discussion.

On the motion, voting yes: Council Members Allen, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters, and Willis.

Voting no: None.

O. CP-01-01. Amendment to the Chesapeake Comprehensive Plan to revise the Land Use Plan and correlating policies relating to use designations for land lying south of Clearfield Avenue and north of the Albemarle and Chesapeake Canal, pursuant to Virginia Code Sections 15.2-2229 and 15.2-2230.

December 18, 2001

The Planning Commission recommended approval.

City Attorney Hallman made remarks regarding the amendment to the Chesapeake Comprehensive Plan.

City Clerk Moore identified the following speakers in opposition to Public Hearing Item **(O)**:

Gene Leis, Sr., 408 Clearfield Avenue, representing self.

T. J. Carawan, 330 Hurdle Drive, representing self.

Council Member Willis, on a motion seconded by Council Member Edge, moved to approve Public Hearing Item **(O)** as presented.

Council Member Willis read staff's findings for the viewing audience.

There was discussion between Council Members and City Engineer Eric Martin regarding the location of Clearfield Avenue on the City's Master Road Plan.

Council Member Waters advised that he owned property in the vicinity of the project and would be abstaining from voting on the amendment. He referred to City Attorney Hallman relative to his decision to abstain from voting on Public Hearing Item **(O)**. City Attorney Hallman advised that he had spoken to Council Member Waters about the possible conflict and concurred with his decision to abstain from the vote.

On the motion, voting yes: Council Members Allen, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, and Willis.

Voting no: None. (Council Member Waters abstained).

M. R(PUD)-01-02. PROJECT: Clearfield Avenue Planned Unit Development. APPLICANT: Chesapeake Department of Economic Development. AGENCY: Hassell & Folkes, P.C. PROPOSAL: A zoning reclassification for 218.1 acres from R-15s Residential District and A-1 Agricultural District to commercial Planned Unit Development, and 113.5 acres remaining A-1 Agricultural District. ZONE: R-15s Residential District (9.2 acres), A-1 Agricultural District (322.4 acres). PROPOSED COMP LAND USE / DENSITY: Office/Commercial Development. EXISTING COMP LAND USE / DENSITY: Suburban Single-Family with one unit per acre to something less than four units per acre. LOCATION: 537 Clearfield Avenue. TAX MAP SECTION/PARCEL: 0480000000881. BOROUGH: Washington.

The Planning Commission recommended approval with the Development Criteria dated November 7, 2001 and the PUD Master Land Use Plan dated October 31, 2001.

City Clerk Moore identified the following speakers in support of Public Hearing Item **(M)**:

James R. Bradford, 325 Volvo Parkway, representing Hassell & Folkes, P.C.

B. J. Whitehurst, 536 Clearfield Avenue, representing self.

City Clerk Moore identified the following speakers in opposition to Public Hearing Item **(M)**:

Gene Leis, Sr., 408 Clearfield Avenue, representing self.

T. J. Carawan, 330 Hurdle Drive, representing self.

December 18, 2001

Council Member Krasnoff, on a motion seconded by Council Member Ritter, moved approval of **R(PUD)-01-02**, Clearfield Avenue Planned Unit Development, with the modified language in Article V listed below:

B. Public Water and Sewer Improvements

The Applicant/Owner shall install public water and sewer lines, and required appurtenant facilities, along or within Clearfield Avenue from Kempsville Road to the railroad tracks, or such other distance as may be lawfully approved by the Director of the Department of Public Utilities. At a minimum, such water and sewer lines shall be extended such that they are available to all existing properties with frontage on Clearfield Avenue between Kempsville Road and the railroad tracks. Water and sewer lines shall be completed in a manner acceptable to the Director of the Department of Public Utilities and dedicated to the City prior to the issuance of the first certificate of occupancy for any building, structure or use within the Planned Unit Development (PUD)

There was extensive discussion.

On the motion, voting yes: Council Members Allen, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, and Willis.

Voting no: None. (Council Member Waters abstained).

#01-O-117 AN ORDINANCE AMENDING THE CHESAPEAKE ZONING ORDINANCE TO PROVIDE FOR THE REZONING OF 218.1 ACRES OF LAND, LOCATED AT 537 CLEARFIELD AVENUE, IN THE WASHINGTON BOROUGH, FROM R-15s RESIDENTIAL DISTRICT (9.2 ACRES) AND A-1 AGRICULTURAL DISTRICT (208.9 ACRES) TO A PLANNED UNIT DEVELOPMENT (PLANNED UNIT COMMERCIAL DISTRICT, PUD-C) (R-PUD-01-02).

N. TA-Z-01-09 An ordinance amending Appendix "A" of the Chesapeake City Code, entitled "Zoning," Article 19, Section 19-408 thereof, by amending subsection A and adding subsection D to require at least one van-accessible parking space limited to disabled persons in wheelchairs in addition to the accessible parking required by the Virginia Uniform Statewide Building Code in the O&I, AC, B-1, B-1, B-1, M-1, M-2 and M-3 zoning districts.

The Planning Commission recommended approval.

Council Member Edge offered comments.

Council Member Edge, on a motion seconded by Vice Mayor de Triquet, moved to continue **TA-Z-01-09** to the January 15, 2002 City Council meeting.

There was extensive discussion.

On the motion, voting yes: Council Members Allen, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters and Willis.

Voting no: None.

December 18, 2001

O. CP-01-01. Amendment to the Chesapeake Comprehensive Plan to revise the Land Use Plan and correlating policies relating to use designations for land laying south of Clearfield Avenue and north of the Albemarle and Chesapeake Canal, pursuant to Virginia Code Sections 15.2-2229 and 15.2-2230.

The Planning Commission recommended approval.

This item was considered after Public Hearing Item **(L)**.

NON-PLANNING PUBLIC HEARING ITEMS

P. #01-R-088 A RESOLUTION REQUESTING THE COMMONWEALTH TRANSPORTATION BOARD TO ESTABLISH A PROJECT FOR THE IMPROVEMENT OF POINDEXTER STREET.

Council Member Ritter, on a motion seconded by Council Member Willis, moved for approval.

There was general discussion.

On the motion, voting yes: Council Members Allen, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters and Willis.

Voting no: None.

Q. #01-R-089 A RESOLUTION REQUESTING THE COMMONWEALTH TRANSPORTATION BOARD TO ESTABLISH A PROJECT FOR THE GREAT BRIDGE BATTLEFIELD AND WATERWAYS VISITOR CENTER, PARK AND TRAIL.

Mayor Ward asked Planning Director Nielson to provide remarks. Mr. Nielson offered comments.

Mayor Ward relinquished the gavel to Vice Mayor de Triquet.

Mayor Ward, on a motion seconded by Council Member Ritter, moved for approval.

Council Member Ritter requested that the Public Works staff set a meeting with a representative from the Virginia Department of Transportation to seek assistance and review of the grant application.

On the motion, voting yes: Council Members Allen, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters and Willis.

Voting no: None.

CITIZENS' COMMENTS ON AGENDA ITEMS ONLY

City Clerk Moore identified the following speakers in support of City Attorney Item **(1)**:

George Consolvo, One Commercial Place, representing Young Men's Christian Association (YMCA).

T. J. Carawan, 330 Hurdle Drive, representing self, declined to speak.

December 18, 2001

REGULAR AGENDA

CITY MANAGER ITEMS

(1) **#01-O-118** CONSIDERATION OF AN ORDINANCE AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE A MULTIPLE BENEFITS CONSERVATION PLAN MEMORANDUM OF AGREEMENT WITH THE CITY OF VIRGINIA BEACH, THE HAMPTON ROADS PLANNING DISTRICT COMMISSION, AND SEVERAL STATE, FEDERAL AND PRIVATE AGENCIES TO IMPROVE AND COORDINATE THE WETLANDS COMPENSATION PROCESS IN THE SOUTHERN WATERSHED AREA.

City Manager Pazour presented the item.

Council Member Edge advised that he would abstain from voting on this item, as he owned property in the vicinity.

Vice Mayor de Triquet, on a motion seconded by Council Member Parker, moved for approval.

There was no additional discussion.

On the motion, voting yes: Council Members Allen, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters and Willis.

Voting no: None. (Council Member Edge abstained)

(2) REQUEST FOR REDIRECTION OF \$921,284 IN PREVIOUSLY APPROPRIATED STORMWATER AND DRAINAGE CAPITAL FUNDS FROM VARIOUS PROJECTS FOR THE IMPLEMENTATION OF CERTAIN SHORT TERM AND CAPITAL IMPROVEMENT DRAINAGE PROJECTS.

City Manager Pazour presented the item.

Vice Mayor de Triquet, on the motion seconded by Council Member Waters, moved for approval.

There was no discussion.

On the motion, voting yes: Council Members Allen, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters and Willis.

Voting no: None.

City Attorney Item

(1) **#01-R-090** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHESAPEAKE, VIRGINIA, ENDORSING THE ISSUANCE OF REVENUE BONDS BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF ISLE OF WIGHT IN AN AMOUNT NOT TO EXCEED \$7,000,000 IN FAVOR OF THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF SOUTH HAMPTON ROADS

City Attorney Hallman presented the item.

Council Member Krasnoff, on a motion seconded by Council Member Ritter, moved for approval.

There was general discussion.

On the motion, voting yes: Council Members Allen, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters and Willis.

Voting no: None.

December 18, 2001

COMMITTEE REPORTS

Council Member Ritter distributed a report from the Commission to Study Growth and Economic Development. She asked that an agenda item be placed on the January 15, 2002 City Council meeting to appropriate the City's portion (\$3,000) of funding the lobbyist's fee (\$20,000) through the High Growth Localities Commission.

Council Member Waters offered remarks on Hampton Roads Transit.

Council Member Willis reported on Hampton Roads Transit noting that she and Council Member Waters are members of the Light Rail Advisory Committee, along with Council Member Ritter and Mayor Ward.

OLD AND NEW BUSINESS

A. DISCUSSION TO CONSIDER THE REMOVAL OF "NO PARKING" SIGNS FROM CAMELOT BOULEVARD BETWEEN GEORGE WASHINGTON HIGHWAY AND DEEP CREEK BOULEVARD. (REQUESTED BY COUNCIL MEMBER ALAN KRASNOFF)

Council Member Krasnoff, on a motion seconded by Vice Mayor de Triquet, moved to have the "No Parking" signs removed from the 2800 block of Camelot Boulevard, with appropriate road marking changes to be made by staff.

City Engineer Eric Martin and Police Lieutenant Schaffer commented on the signs.

Council Member Krasnoff provided historical facts about Camelot Boulevard.

Council Member Waters asked Mr. C. C. Hawkins, Camelot Community activist, to the podium for additional comments. Mr. Hawkins discussed issues surrounding the signs on Camelot Boulevard and the needs of the community.

Council Member Ritter requested that staff ensure that parking not impede access to the future fire station property. She also asked that a sign be placed on Camelot Boulevard at the Fire Station Site that read "Future Home of Fire Station #7."

On the motion, voting yes: Council Members Allen, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters and Willis.

Voting no: None.

B. DISCUSSION TO CONSIDER GIVING CITY EMPLOYEES NEW YEAR'S EVE (DECEMBER 31, 2001) OFF. (REQUESTED BY COUNCIL MEMBER PARKER)

Council Member Parker, on a motion seconded by Council Member Waters, moved to designate December 31, 2001, New Year's Eve, as a City Holiday.

There was no discussion.

On the motion, voting yes: Council Members Allen, de Triquet, Edge, Krasnoff, Parker, Ritter, Ward, Waters and Willis.

Voting no: None.

Mayor Ward called on Council Members for Old and New Business beginning with Council Member Allen.

December 18, 2001

Council Member Allen commented on his return to City Council. He also commended the staff of the United States Ship Carl Vinson for their efforts during recent Naval exercises. Council Member Allen asked if the City could provide a special welcome for Fighter Squadron 213.

Council Members welcomed Council Member Allen to the Council and offered holiday wishes to staff and citizens.

Council Member Waters wished City Manager Pazour and Cuffee Godspeed in their new capacities. He also thanked staff for their hard work throughout the year. Mr. Waters offered Holiday sentiments to all citizens.

Council Member Willis thanked Finance Director Nancy Tracy for the work done on the bond restructuring.

Vice Mayor de Triquet commented on the budget challenges facing the City in 2002.

There was discussion between Council Members regarding the joint Work Session with the School Administration and Cedar Road projects Phases IV and V.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 10:58 p.m.

bp

Mayor

ATTEST:

City Clerk