

A Regular Meeting of the Chesapeake City Council was called to order by Vice Mayor Dwight M. Parker on March 20, 2007 at 6:30 p.m., in the City Hall Building, 306 Cedar Road.

INVOCATION: Pastor Calvin Corbitt, Hickory Ridge Community Church

PLEDGE OF ALLEGIANCE: Council Member Bryan Collins

ROLL CALL BY CLERK OF COUNCIL:

Present: Council Member Rebecca Adams
Council Member Bryan Collins
Council Member John M. de Triquet
Council Member Clifton E. Hayes, Jr.
Council Member Alan P. Krasnoff
Vice Mayor Dwight M. Parker
Council Member Ella Ward
Council Member Patricia Pritchard Willis

Absent: Mayor Dalton S. Edge (excused)

Present from Administration: Acting City Manager Anne Odell, City Attorney Ronald Hallman, Deputy City Manager Amar Dwarkanath, Deputy City Manager Wanda Barnard-Bailey, City Clerk Dolores Moore, Planning Director Brent Nielson, Assistant City Attorney Grady Palmer, and other staff members.

APPROVAL OF MINUTES

Vice Mayor Parker advised that the work session and regular meeting minutes for September 26, 2006 were presented for approval.

Council Member de Triquet, on a motion seconded by Council Member Collins, moved for approval of the minutes as presented.

There was no discussion.

On the motion for approval of the September 26, 2006 minutes as presented, voting yes: Council Member Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None (Mayor Edge excused)

CERTIFICATION OF CLOSED SESSIONS

City Attorney Hallman read the following: "Council Member Alan Krasnoff hereby certifies that to the best of his knowledge, only public business matters lawfully exempted from open meeting requirements were discussed and only such public business matters as were identified in the motion convening the meeting were heard, discussed or considered by the City Council on March 1, 9 and 10, 2007."

Council Member Krasnoff acknowledged his certification of the Closed Session.

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Vice Mayor Parker stated that Public Hearing Item (J) (TA-Z-06-08) and or City Attorney Item (2), would not be considered for action due to an advertising omission in the newspaper ad. He advised that without objection from City Council members, the items would be continued to the April 17, 2007 meeting.

There was no objection by Council Members; the items will be heard April 17, 2007.

Vice Mayor Parker advised that the agent for Public Hearing Item (B), R(C)-05-29, Falcon Pointe Rezoning, had requested a 60-day continuance to the May 15, 2007 meeting.

He stated that without object, the application would be heard May 15, 2007. There was no objection by Council Members.

SUSPENSION OF RULES TO HEAR BELHARBOUR STATION ITEMS

Vice Mayor Parker informed Council Members that City Attorney Hallman had advised that City Attorney (1) on Regular Agenda, the Development Agreement for Belharbour Station must be adopted prior to the adoption of Public Hearing Item (A). R (PUD)-05-02. He asked for a motion to suspend the Rules to hear City Attorney (1), Public Hearing (A) and Non-Planning Public Hearing Item (K), in that order, prior to the presentation of the Public Hearing Items.

Council Member Collins, on a motion seconded by Council Member Ward, moved to suspend the City Council's Rules of Order and Procedure to hear City Attorney Item (1), Public Hearing Item (A) and Non-Planning Public Hearing Item (K), in that order at the beginning of the agenda.

There was no discussion.

On the motion to suspend the City Council's Rules of Order and Procedure to hear City Attorney Item (1), Public Hearing Item (A) and Non-Planning Public Hearing Item (K) in that order, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Parker, Ward and Willis.

Voting no: Council Member Krasnoff (Mayor Edge excused)

Vice Mayor Parker recognized Cub Scout Den 6, Great Bridge Methodist Church, in the audience.

He asked City Clerk Moore to call the speakers for City Attorney Item (1), Public Hearing Item (A) and Non Planning Public Hearing Item (K).

City Clerk Moore identified the following speakers for City Attorney Item (1), Public Hearing Item (A) and Non-Planning Public Hearing Item (K):

Marina Phillips, 150 West Main Street, Norfolk, representing Truxton Development, LLC, spoke in support of Public Hearing Item (A). Ms. Phillips read a letter from Denis M. Zielinski, U. S. EPA, Region III.

G. Paylor Spruill, 4001 South Military Highway, representing Truxton Development, LLC, spoke in support of Public Hearing Items (A) and (K).

Vince Mastracco, 150 West Main Street, representing Belharbour Station, spoke in support of Public Hearing Items (A) and (K), and City Attorney Item (1).

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

William E. Ward, 1532 Waterside Drive, representing self, did not speak when called.

Leo Johns, 2607 Bainbridge Boulevard, representing South Norfolk Business Consortium.

Jane McClanahan, 1303 Lake Point Drive, representing self, read a letter from Burnie Mansfield, who could not be present. She then offered her presentation.

James Bryant, 224 Pine Island Quay, representing south Norfolk Business Consortium.

Gerald Johnson 1016 Redstart Avenue, representing South Norfolk Civic League.

Timothy J. Cook, 1217 Chesapeake Avenue, representing South Norfolk Revitalization Committee.

Debbie Roundtree, 1203 Chesapeake Avenue, representing South Norfolk Civic League.

Jerry Harris, 1327 Poindexter Street, representing Gateway @ SoNo Development.

Bob Horton, 1044 Horton Place, Virginia Beach, representing Titon Development, Inc.

Frank Lilley, 905 Ohio Street, representing South Norfolk Civic League.

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

Michelle Jones, 933 Levee Lane, representing self.

Robert Lassiter, Sr., 2504 Quail Ridge Court, representing self.

Jerome Avenson, 1220 Lake Point Drive, representing self.

Thomas H. Arrington, III, 305 Stonewood Court, representing self.

Gene Waters, 360 Clearfield Avenue, representing self.

Marvin Barnes, 1500 Wild Duck Circle, representing self.

Eileen Huey, 505 Booth Court, representing self, was not present when called to the podium.

Jack King, 1326 Waters Road, representing Fair Tax Group.

Roby Hackney, 1151 Azalea Garden Road, representing Titan America.

Gerry Underwood, 501 Barnes Road, representing Perdue Agribusiness.

Graham Reid, 1316 Priority Lane, representing Kerneos, Inc.

David Gooden, 1010 Virginia Avenue, Portsmouth, representing Beltline Railway.

David Host, 500 Plume Street, East, Norfolk, representing T. Parker – Host.

John Gamble, 1310 Priority Lane, representing Transmontaigne.

Stephen T. Cartwright, 452 Woodard's Ford Road, representing self.

Eugene Carver, 3033 Buskey Road, representing self.

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Wayne Sarapato, 1421 Decatur Street, representing self.

Vice Mayor Parker recognized those in the audience in support of the applications. Approximately 75 – 80 people were recognized.

Vice Mayor Parker recognized those in the audience in opposition to the applications. Approximately 90-100 people were recognized.

City Council recessed at 8:30 p.m. and reconvened 8:41 p.m.

City Attorney Hallman asked John Bates of McQuire Woods Law Firm to provide an overview of the Development Agreement.

John Bates, McQuire Woods, made a brief presentation to Council Members outlining the Development Criteria Agreement dated March 16, 2007.

Vice Mayor Parker asked City Clerk Moore to present the first item.

City Attorney Item

1) #07-R-021 RESOLUTION AUTHORIZING THE ACTING CITY MANAGER AND THE CITY CLERK TO EXECUTE AN AGREEMENT WITH TRUXTON DEVELOPMENT, LLC, FOR THE MIXED-USE DEVELOPMENT OF THE BELHARBOUR SITE LOCATED WEST OF I-464 AND EAST OF THE SOUTHERN BRANCH OF THE ELIZABETH RIVER OFF POINDEXTER STREET, SAID AGREEMENT TO PROVIDE FOR PUBLIC AND PRIVATE INVESTMENTS, ALLOCATE CONSTRUCTION RESPONSIBILITIES AND ESTABLISH A DEVELOPMENT SCHEDULE.

City Clerk Moore presented the item.

Council Member Hayes, on a motion seconded by Council Member Adams, moved approval of the Resolution as presented.

Council Member Hayes gave kudos to staff for their hard work on the agreement as well as the project. He offered reasons for support of the resolution nothing the success of other projects like Belharbour in neighboring cities. He asked Fire Chief Best to the podium to address emergency access to the area by fire units when the railroad tracks were blocked.

Chief Best addressed the issue of emergency access and detailed information about railroad and bridge crossings.

Council Member Willis offered comments supporting the project as well as a brief history of the revitalization plan for the South Norfolk area and how the proposed project fit into that plan. She explained the Tax Increment Financing (TIF) that would be associated with the project.

Council Member Ward asked Chief Best back to the podium to discuss the railroad crossings in the area. Chief Best addressed her concerns about the crossings and the steps the Fire Department takes when railroad crossings are blocked. She offered her reasons for supporting the project, and the need for revitalization of the area .

Council Member Collins thanked all the citizens for their comments, e-mails, calls and letters. He stated his support of the project noting its place in the City's 2026 Comprehensive Plan. Mr. Collins called Economic Development Assistant

Director Tom Elder to the podium to address waterfront development and new businesses in the City.

Mr. Elder advised that the project would be a tremendous asset to the revitalization efforts in the proposed area; there were new businesses planned for the area that would be worth billions of dollars.

Council Member Collins added that this could help relieve the present tax rate.

On the motion for approval of the Resolution as presented, voting yes, Council Members Adams, Collins, Hayes, Parker, Ward and Willis.

Voting no: Council Members de Triquet and Krasnoff. (Mayor Edge excused)

PUBLIC HEARING ITEM

A. **R(PUD)-05-02 PROJECT: Belharbour Station at SoNo** APPLICANT: Truxton Development, LLC AGENCY: Kimley-Horn and Associates, Inc. PROPOSAL: A conventional zoning reclassification of approximately 23 acres from M-2 General Industrial District to PUD Planned Unit Development. PROPOSED COMP LAND USE & DENSITY: General Business/Commercial; Office; High density multi-family with density not exceeding 24 units per acre EXISTING COMP LAND USE & DENSITY: Water related industry LOCATION: West of 120 Jefferson Street TAX MAP SECTION/PARCEL: 132000000020 BOROUGH: South Norfolk (Continued from the December 19, 2006 City Council Meeting)

The Planning Commission recommended approval with the adoption of the Development Criteria dated March 16, 2007, the associated general land use plan and other documents referenced therein.

City Clerk Moore presented the item and advised that the applicant had offered a revised Development Agreement dated March 16, 2007.

Council Member Collins, on a motion seconded by Council Member Willis, moved to approve R(PUD)-05-02 with the revised Development Criteria dated March 16, 2007, the associated general land plan and the other documents referenced..

Council Member Adams offered comments concerning the project stating her comfort level with the financial aspects of the project, the proposed site improvements, and the environmental issues to be addressed.

Council Member Willis stated that the development was part of the South Norfolk Strategic Plan and offered extensive comments supporting the proposed waterfront project.

Council Member Krasnoff called Mr. Host to the podium to address the proposed marina. Mr. Host responded to Council Member Krasnoff's questions about the marina and the dredging planned for the area. Council Member Krasnoff expressed his concern about having pleasure boats and naval vessels or working boats using the same area.

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On the motion to approve R(PUD)-05-02 with the revised Development Criteria dated March 16, 2007, the associated general land use plan and other referenced documents, voting yes: Council Members Adams, Collins, Hayes, Parker, Ward, and Willis.

Voting no: Council Members de Triquet and Krasnoff. (Mayor Edge excused)

#07-O-036 AN ORDINANCE AMENDING THE CHESAPEAKE ZONING ORDINANCE TO PROVIDE FOR THE REZONING OF APPROXIMATELY 23 ACRES OF LAND, LOCATED WEST OF 120 JEFFERSON STREET IN THE SOUTH NORFOLK BOROUGH, FROM M-2 GENERAL INDUSTRIAL DISTRICT TO PUD PLANNED UNIT DEVELOPMENT-URBAN (R-(PUD)-05-02) AND TO MODIFY THE DEVELOPMENT CRITERIA REFERENCED IN THE ORDINANCE DATED AUGUST 15, 2006 TO ALLOW ON-SITE STREETS AND UTILITIES TO REMAIN PRIVATE UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE ADDITIONAL NOISE ATTENUATION STANDARDS FOR RESIDENTIAL DWELLINGS, TO ESTABLISH MINIMUM FENCING REQUIREMENTS AND TO UPDATE REQUIRED ENVIRONMENTAL AND INDUSTRIAL DISCLOSURES. (R-PUD-05-02).

Non-Planning Public Hearing Item

K. RESOLUTION AUTHORIZING THE ACTING CITY MANAGER AND THE CITY CLERK TO EXECUTE AGREEMENTS FOR THE SALE OF CERTAIN REAL PROPERTY INTERESTS OWNED BY THE CITY OF CHESAPEAKE TO TRUXTON DEVELOPMENT, LLC, SAID PROPERTY CONSISTING OF 1) APPROXIMATELY 13,559 SQUARE FEET OF LAND LOCATED BETWEEN LIFTING BRIDGES ROAD AND POINDEXTER STREET IN THE SOUTH NORFOLK BOROUGH, IDENTIFIED ON CHESAPEAKE TAX MAPS AS A PORTION OF PARCEL NO. 1320000000030 HAVING AN UNENCUMBERED VALUE OF \$108,472, AND 2) RIPARIAN RIGHTS TO AN AREA ON THE SOUTHERN BRANCH OF THE ELIZABETH RIVER LOCATED WEST OF TAX MAP PARCEL 1320000000030, CONSISTING OF APPROXIMATELY 19,166 SQUARE FEET, AND HAVING AN UNENCUMBERED VALUE OF \$153,328.

City Attorney Hallman presented the item and stated that it must be approved by a super majority (three-fourths) vote by the elected body regardless of the number of Council Members present.

Council Member Adams, on a motion seconded by Council Member Collins, moved to approve the Resolution as presented.

There was extensive discussion between Council Members, City Attorney Hallman, Mrs. Phillips and City Engineer Martin concerning pollution, mediation, best management practices (BMP), stormwater runoff, stormwater management, surface water, the site plan review process and affects on the project if the resolution is not approved.

On the motion to approve the Resolution as presented, voting yes: Council Members Adams, Collins, Hayes, Parker, Ward and Willis.

Voting no: Council Members de Triquet and Krasnoff. (Mayor Edge excused)

The motion to approve failed for lack of a super majority vote.

PUBLIC HEARING

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

City Clerk Moore stated there were no speakers prior to the presentation of the public hearing items.

B. R(C)-05-29 PROJECT: Falcon Pointe Rezoning APPLICANT: Titon Development Inc AGENCY: Hassell & Folkes, P.C. PROPOSAL: A conditional zoning reclassification of an 11 acre parcel from M-1 Light Industrial District (10.5 acres) and R-8s Single-family Residential District (0.5 acres) to R-MF-1 Multifamily Residential District. PROPOSED COMP LAND USE & DENSITY: High density multi-family w/density not exceeding 24 units per acre EXISTING COMP LAND USE & DENSITY: Light industry and low density multi-family with density not exceeding 16 units per acre LOCATION: Terminus of Falcon Avenue TAX MAP SECTION/PARCEL: 1590000000510 BOROUGH: South Norfolk (Continued from the February 20, 2007 City Council Meeting)

The Planning Commission recommends denial.

The following revised proffers are offered:

1. The owner/applicant agrees that the residential units resulting from this development shall be condominiums for sale.
2. The owner/applicant agrees that the residential dwellings constructed on the subject property shall be substantially similar in appearance to the building elevations depicted on the rezoning exhibit dated August 9, 2006. Materials to be used on the exterior of the residential dwellings shall include a mix of hardiplank and brick.
3. The owner/applicant agrees that the total number of residential units resulting from this application shall not exceed (75) seventy five.
4. The owner/applicant agrees that it shall provide acceleration/deceleration and left turn improvements at the intersection of Bainbridge Boulevard and Falcon Avenue as well as two outbound lanes on Falcon Avenue at Bainbridge Boulevard, in

accordance with a Public Works approved warrant of need analysis to be performed by the owner/applicant prior to preliminary site plan submission. The owner/applicant further agrees that it shall widen Falcon Avenue to a minimum width of 24 feet and that all required paved improvements within the public right-of-way shall be substantially completed and dedicated as necessary prior to issuance of a Certificate of Occupancy for the first residential unit. It shall be the owner/applicant's sole responsibility to obtain any necessary additional right-of-way to complete the required improvements.

5. The owner/applicant agrees that a minimum two feet of clean fill material shall be spread on pervious common areas of the subject property exclusive of the landward limits of the fifty foot RPA to provide an effective barrier between the residents of the community and any potential landfill material contained below the ground surface, as recommended in the Risk Assessment dated April 17, 2006.
6.
 - a. The owner/applicant agrees that any and all wells shall draw groundwater from an aquifer shown to be free of contamination, as evidenced by a Phase 1 ESA, Phase 2 ESA, a Site Characterization Report, and/or Corrective Action Plan. Any and all wells on the subject property shall be approved by, and subject to the specifications of the Chesapeake Health Department.
 - b. All potable and non-potable uses of the shallow groundwater are prohibited on the subject property. The term "shallow groundwater" as it applies to this proffer is defined as the uppermost unconfined groundwater aquifer.
7. The owner/applicant agrees that any native materials excavated, removed and disposed of offsite shall be characterized for disposal and management according to Virginia solid waste and hazardous waste regulations. The use of "clean corridors" shall be deployed as appropriate and practicable in general accordance with Virginia Voluntary Remediation Program guidelines.
8. The owner/applicant agrees that a Health and Safety Plan (HASP) shall be created and utilized during development of the subject property to ensure the safety of site workers within trenches due to potential inhalation hazards from elevated lead levels within the uppermost unconfined groundwater aquifer.

9. The owner/applicant agrees that impervious materials or layers will be incorporated into all stormwater management ponds (BMP's) on the subject property to ensure that an impervious layer exists between the inverts of the BMP and the uppermost unconfined groundwater aquifer.
10. The owner/applicant agrees that prior to the initiation of excavation and land disturbance activities on the subject property, the activities shall be coordinated, reviewed and certified by a Qualified Environmental Professional (QEP) per the U.S. Environmental Protection Agency's approved All Appropriate Inquires Rule and applicable International ASTM standards, which condition will be included in the first deed of conveyance for each residential unit as well as the condominium declaration. This provision shall extend to all proposed and future land disturbance activities.
11. Information describing the history of environmental conditions on the subject property will be made available either through recording as a notice in the deeds or through inclusion in the condominium documents, in the following format:

Disclosure Language:

The owner/applicant shall provide full written disclosure statements within (i) the notes on all recorded subdivision plats, (ii) all initial contracts for purchase of lots by builders and first occupants, and (iii) all deeds of conveyance, restrictive covenants, and condominium association documents. Said disclosure statements shall contain contaminant data within the groundwater, surface water, and/or soils on the subject property identified within a Phase I & II ESA, Geotechnical Investigation Report, and the Risk Assessment investigating the source, extent, and risk posed by the subject property, in addition to remediation, monitoring, and corrective action measures conducted within the subject property. The disclosure statement shall read as follows: Elevated levels of TPHs, arsenic, barium, cadmium, chromium, lead, mercury, naphthalene, and unconsolidated apparently inert fill material at various locations on the subject property at depths from three (3) to seven (7) feet Below Ground Surface ("BGS") as reported within the Phase II Environmental Site Assessment dated April 17, 2006 and Geotechnical Exploration Report dated April 25, 2006, performed by Geo Environmental Resources, INC exist within the soils and uppermost unconfined groundwater aquifer. All potable and non-potable uses of the uppermost unconfined groundwater aquifer with the exception of environmental testing are prohibited on the subject

property. In addition, prior to the initiation of future excavation activities on the subject property, the activities shall be coordinated, reviewed, and certified by a Qualified Environmental Professional (“QEP”) per the US Environmental Protection Agency’s approved All Appropriate Inquires Rule and applicable International ASTM standards. For additional information please refer to the Phase I&II ESA and Risk Assessment. The above referenced documentation shall be maintained by the Condominium Association and copies made available to the general public on request.

This disclosure statement shall be approved by the office of the City Attorney and the Department of Public Works prior to final site plan or final subdivision plan approval.

12. 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 \$1,665.00 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.
- 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 \$474.77 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.
13. The owner/applicant agrees to provide additional fire fighting measures beyond that required by the Fire Code. These measures include the following:
- a. Additional on-site fire hydrants shall be provided as required by the fire department.
 - b. A monitored fire alarm system shall be provided by the owner/applicant, and maintained by the Homeowners Association, for all occupied structures.
 - c. A sprinkler system for the purpose of fire suppression shall be installed for all occupied structures.
14. The applicant/owner agrees that: No more than fifteen percent (15%) of the residential units may be rented at any one time. Biannually, the condominium association will submit to the Zoning Administrator a survey of the occupancy of each unit to verify that the maximum tenant occupancy is 15%. The applicant/owner agrees to include this language in the Condominium Declaration and by-laws.

(This item was continued to May 15, 2007 by consensus of City Council at the beginning of the meeting.)

C. **R(C)-06-25** **PROJECT: Chesapeake Gateway** APPLICANT: ROC Industrial Associates, LLC AGENCY: Site Improvement Associates, Inc. PROPOSAL: A conditional zoning reclassification of 8.268 acres from B-3 Highway Business District to R-MF-2 Multi-family Residential District to allow 182 condominium units. PROPOSED COMP LAND USE & DENSITY: High Density multi-family with density not exceeding 24 units per acre EXISTING COMP LAND USE & DENSITY: General Business/Commercial LOCATION: Southeast corner of Tintern Street and I-64 TAX MAP SECTION/PARCEL: 027000000777, portion of 027000000778 BOROUGH: Washington

Planning Commission recommends approval with the following proffers:

1. All building construction shall be in substantial accordance with the architectural renderings prepared by Lessard Group, Inc., dated September 07, 2006 and on file with the Chesapeake Planning Department. Building colors shall be muted earth toned, and colors shall vary by building. All building plans shall be submitted to and approved by the Chesapeake Planning Director, or his designee, prior to final site plan approval.
2. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for the expansion of classroom space in impacted public schools, including but not limited to, land acquisition for the expansion of public school facilities and construction of new schools and additions. The amount of the voluntary cash contribution shall be \$3,811.44 per condominium residential dwelling unit. The applicant/owner agrees to make the proffered cash contribution prior to final site plan approval for all residential dwelling units. The applicant/owner acknowledges and agrees that the cash contribution may be deposited into the City of Chesapeake's "lock box," also known as the General Fund Reserve for School Capital Construction Costs and shall be subject to City Council approval prior to appropriation. In the event the cash proffer is not expended for land acquisition or classroom expansion within time constraints imposed by state law, the applicant/owner agrees that the cash proffer may be used for capital improvement projects for major repair, maintenance and renovation of public schools in the same school planning area as the rezoned property.
3. 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 \$744.00 per condominium 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 prior to final site plan approval for all residential dwelling units.

4. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public libraries, including but not limited to, land acquisition; design, construction, expansion, renovation, and repair of buildings and appurtenances; and acquisition of capital assets necessary to the operation of public libraries. The amount of the voluntary cash contribution shall be \$701.45 per residential dwelling unit. The applicant/owner agrees to make the proffered cash contribution prior to final site plan approval for all residential dwelling units.
5. 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 \$474.77 per residential dwelling unit or residential lot, whichever is greater. The applicant/owner agrees to make the proffered cash contribution prior to final site plan approval for all residential dwelling units.
6. The applicant/owner agrees to limit the number of residential dwelling units to be built on this site to a maximum of 182 dwelling units.

City Clerk Moore identified the following speaker in support of Public Hearing Item C:

Sam Baraki, 800 Juniper Crescent, representing Chesapeake Gateway, requested a continuation of R(C)-06-25 to the April 17, 2007 City Council meeting.

Vice Mayor Parker noted the request of Mr. Baraki and stated that if there was no object, the application would be continued to April 17, 2007.

There was no objection from Council Members, and R(C)-06-25 was continued to the April 17, 2007 City Council meeting.

D. **UP-06-39 PROJECT: Chesapeake Gateway** APPLICANT: ROC Industrial Associates, LLC AGENCY: Site Improvement Associates, LLC PROPOSAL: A conditional use permit to allow multi-family residential buildings in excess of 35 feet. The application is contingent on approval of R(C)-06-25. ZONE: (proposed) R-MF-2, Multifamily Residential District (existing) B-3, Highway Business District

LOCATION: Southeast corner of Tintern Street and I-64 TAX MAP SECTION/PARCEL: 027000000777, 027000000778 BOROUGH: Washington

Planning Commission recommends approval with the following stipulations:

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

City Clerk Moore stated there were no speakers at that time.

Vice Mayor Parker noted that UP-06-39 was a companion application to R©-06-25 which was continued to April 17, 2007.

Without objection from Council Members, UP-06-39 was continued to the April 17, 2007 City Council meeting.

E. R(C)-06-27 PROJECT: Towne Place at Greenbrier APPLICANT: Chesapeake Eden Way, LLC **AGENCY:** Kaufman & Canoles, P.C. **PROPOSAL:** A conditional zoning reclassification of 22.155 acres from B-2 General Business District to B-5 Urban Business District **PROPOSED AND EXISTING COMP LAND USE & DENSITY:** General Business/Commercial **LOCATION:** 717 Eden Way North **TAX MAP SECTION/PARCEL:** 028000000760 **BOROUGH:** Washington

Planning Commission recommends approval with the following proffers:

1. The applicant/owner agrees to develop the property as an open-air retail center, with a mixture of shops, large retail stores, restaurants, hotel facilities, multi-family residential units, pedestrian walkways, public gathering areas and landscaping parking areas. All buildings and structures, including signs, shall be compatible with one another in terms of design, roofline treatments, exterior materials and architectural details, as determined by the Planning Director or designee. Prior to the issuance of a building permit for any building or structure on the subject property, the applicant/owner shall submit elevations to the Planning Director and receive approval of same.
2. The applicant/owner shall design and install public gathering areas and site amenities to include, without limitation, outdoor seating area, varied and textured paving materials, decorative lighting, and decorative containers for seasonal landscaping. All such public gathering areas, site amenities and landscaping shall be compatible with the character of the buildings in terms of layout, materials and design, as determined by the Planning Director or designee. Prior to the approval of the final site plan for all or any portion of the subject property, the applicant/owner shall submit to the Planning Director plans and renderings showing the general location and design of buildings, structures, public parking areas, public gathering areas, site amenities and detailed landscaping. Such plans and renderings are subject to approval of the Planning Director or designee based on standards of compatibility and overall harmony of development.

3. Large-scale buildings without enhanced facades shall not be permitted. The applicant/owner shall incorporate multidimensional design features, such as changes in plane, windows, doors, fascias, canopies, awnings, dimensional signage, and similar façade enhancements, as well as changes in textures, material, color and building heights as necessary to create a sense of character. All such façade enhancements, textures, materials, colors and building heights shall be depicted on the elevations required in Proffer 1 and shall be subject to approval by the Planning Director or designee prior to the issuance of a building permit for any building or structure on the subject property.
4. The applicant/owner shall screen all dumpsters and parking areas for service vehicles so that they are not visible from adjoining streets, pedestrian walkways or public gathering areas. Screening materials shall be of the same type and finish as the principal building which is served by the dumpster or service vehicles, as approved by the Planning Director or designee prior to the issuance of a building permit for said principal building.
5. The applicant/owner agrees that the only acceptable building finishes for buildings and structures on the subject property are:
 - a. Brick or synthetic brick siding,
 - b. Wood or synthetic wood siding such as Hardiplank (except plywood and unfinished wood as specified in Proffer 6),
 - c. Stucco or exterior insulated finish system (EIFS),
 - d. Stone face pre-colored concrete block,
 - e. Stone or cast stone,
 - f. For trim and "lap siding" only, vinyl or composite wood substitutes,
 - g. For retail storefronts, clear glass,
 - h. For roofs, metal, copper, composite slate, tile or asphalt, and
 - i. Materials determined by the Planning Director or designee to be substantially similar to those listed above.
6. The applicant/owner agrees that the following exterior finishes are prohibited on principal buildings on the subject property:
 - a. Unpainted or bare metal panels (except for roofs as provided in Proffer 5 above)
 - b. Plywood or composite panels (4 x 8) and any unfinished wood other than cedar, mahogany, teak or redwood
 - c. Bare exposed uncolored concrete
7. The applicant/owner shall install lighting on the subject property as follows:

- a. Lighting near property lines shall be shielded "cut-off" types to prevent spillover into adjacent properties and public rights-of-way.
 - b. Lighting shall be installed along all sidewalks and pedestrian walkways to fully illuminate the access. In addition, the applicant shall provide lighting for the public gathering areas. All such lighting shall be decorative, scaled for pedestrian use, and meet luminary standards and spacing requirements recommended by the Department of Public Works for pedestrian safety.
 - c. Design and luminary standards shall not apply to special outdoor lighting used to illuminate dining areas, special features, signage, landscaping, and entrance ways.
 - d. The Planning Director or designee shall approve all decorative lighting as being compatible with the buildings on the subject property in accordance with the procedures set out in Proffer 2.
 - e. All required lighting shall be installed and in operation prior to the issuance of the first certificate of occupancy for any building on the subject property.
8. The applicant/owner shall provide the City with an acceptable Traffic Impact Analysis (TIA), approved by the Director of Public Works or designee, prior to the approval of the final construction plan for the subject property or any portion thereof. The TIA shall contain traffic generation projections and the public facility improvements needed to accommodate the anticipated traffic volumes. The applicant/owner shall be responsible for making the recommended public facility improvements and dedicating such improvements to the City in accordance with the specifications and timing restrictions imposed by the Director of Public Works or designee. The Traffic Impact Analysis will be completed prior to the approval of the final construction plan.
9. In addition to the public facility improvements required in Proffer 8, the applicant/owner shall add and modify traffic lanes and provide other improvements deemed necessary by the Director of Public Work to accommodate the anticipated turning movement volumes at the intersections of Eden Way/Stephanie, Eden Way/Christina and Executive Drive/Volvo Parkway. Such improvements, including required right-of-way and easement dedications, shall be completed prior to the issuance of any certificate of occupancy for a building on the subject property. The owner/applicant will construct a double left turn lane for the northbound approach and a right turn lane for the eastbound approach; or cash equivalent as determined by the Department of Public Works; at the Greenbrier Parkway/Eden Way

North intersection. The improvements will be made in accordance with Public Works requirements. Additional right-of-way will be secured as necessary to make these improvements. These improvements are to be completed in accordance with CP-04-01, adopted June 15, 2004, within the maximum time limit allowed by this amendment as directed by the Director of Public Works or designee. The above improvements are predicated on the Traffic Impact Analysis being completed prior to the approval of the final construction plan, at which time final determination of the improvements shown above will be finalized.

10. The applicant/owner shall provide and perpetually maintain a 50 foot ingress/egress easement to the adjoining property currently developed as the Greenbrier Marketplace. Such easement shall be located generally as shown on the attached Exhibit "A" and shall be established prior to the issuance of the first certificate of occupancy for any building on the subject property.
11. The applicant/owner shall design and construct the retail center in substantial compliance with the Design Guidelines for Large Retail Establishments adopted by the City of Chesapeake. Substantial conformance shall be determined by the Director of Planning or designee in accordance with the procedures set out in Proffers 1 and 2 as applicable. In the event of conflict between the Design
12. These proffers shall be binding upon the owner and applicant and their respective agents, heirs and successors in interest. Compliance with the design and architectural requirements set out in these proffers shall be required as a term of tenancy.
13. In addition to the requirements of § 13-2500 for the Zoning Ordinance of the City of Chesapeake, and the Design Guidelines for Large Retail Establishments, the applicant/owners shall develop the subject property and include on the final site plan the following: (a) landscaped pedestrian walkways to provide access from the parking area, with the pedestrian walkways being constructed of a material which would contrast to the driving surfaces; (b) shopping cart collection corrals which will be painted dark green, brown, silver or black to compliment the development; (c) landscaping berms shall be designed as set forth on the plan, referred to in proffer #2; (d) as reasonably determined by the Planning Director or designee, as set forth in the plan, referred to in proffer #2, the site shall include a focal element along with staggered storefronts and distinctive storefront architecture; (e) species of trees as reasonably determined by the Arborist or designee shall be spaced 25' apart shall be planted along Eden Way; (f) to the extent that the water detention pond is wet and

retains water, install a fountain within the proposed storm water detention facility. As reasonably determined by the Public Works director or designee, the fountain shall be operational before applying for a temporary or permanent certificate of occupancy, and shall project a vertical stream of water sufficient for visibility from immediately adjacent roadways and parking area; (g) all site lighting shall be full cutoff lighting or the equivalent; and (h) flood lighting on the rear of site shall be designed and placed so that light does not direct or reflect any illumination on adjacent properties. Plans will be submitted for approval by the Planning Director or designee, and by the City Arborist for all landscaping, prior to approval of the final site plan. Designated amenities shall be installed prior to a certificate of occupancy for any building on the property.

14. The applicant/owner agrees that prior to the approval of the final revised site plan, which encompasses the mixed-use structure, the applicant/owner shall submit to the Planning Director or designee plans and renderings showing the general location and design of the multi-family building(s), residential parking, site amenities and detailed landscaping. Such plans and renderings are subject to approval of the Planning Director or designee based on standards of compatibility and overall harmony of development.
15. All façade enhancements, textures, materials, colors and building heights of the mixed use structure shall be depicted on the elevations required in Proffer 1 and shall be subject to approval by the Planning Director or designee prior to the issuance of a building permit for any mixed-use building or structure on the subject property.
16. The applicant/owner shall provide an updated Traffic Impact Analysis (TIA), taking the addition of a mixed-use building feature into consideration, to the Director of Public Works or designee prior to the approval of the final construction plan for the subject property. To the extent that any road improvements are recommended in the updated (TIA), which have not been constructed by the applicant/owner, the applicant/owner shall be responsible for making the recommended public facility improvements and dedicating such improvements to the City in accordance with the specifications and timing restrictions imposed by the Director of Public Works or designee.
17. The applicant/owner agrees that the mixed-use building shall not have more than one hundred ninety-six (196) dwelling units.

City Clerk Moore identified the following speaker in support of Public Hearing Item E:

Shepelle Watkins-White, 524 Johnstown Road, representing Chesapeake Eden Way, LLC.

Council Member Collins, on a motion seconded by Council Member Hayes, moved to approve R(C)-06-27 with proffers as presented.

There was discussion between Council Member Willis and Todd Walter, 101 Flintlake Road, Columbia, South Carolina, representing Chesapeake Eden Way, LLC., concerning the type of buildings that would be constructed. Mr. Walter stated that there would be 196 apartments or condos constructed, along with a Hyatt Hotel with several conference room, retail shops and restaurants.

Council Member Krasnoff expressed support for the project; but was concerned with the impacts to schools if there was no proffered funding for schools. He asked Ms. Paige Stutz to the podium to address his questions.

Paige Stutz, Program Developer for Planning and Development, Chesapeake School Administration, stated that the current proffer policy did not meeting school needs. Students have to be housed and educated whether space was available or not.

There was discussion between Council Member Krasnoff and Planning Director Nielson concerning the Level of Service policy, proffer policy and fiscal analysis by Staff in making recommendations to the Planning Commission and City Council.

There was no further discussion.

On the motion to approve R(C)-06-27 with proffers as presented, voting yes: Council Members Adams, Collins, Hayes, Parker, and Willis.

Voting no: Council Members de Triquet, Krasnoff and Ward. (Mayor Edge excused)

#07-O-037 AN ORDINANCE AMENDING THE CHESAPEAKE ZONING ORDINANCE TO PROVIDE FOR THE REZONING OF 22.155 ACRES, LOCATED AT 717 EDEN WAY NORTH IN THE WASHINGTON BOROUGH, FROM B-2 GENERAL BUSINESS DISTRICT TO B-2 URBAN BUSINESS DISTRICT (R(C)-06-27).

F. **UP-06-48** **PROJECT: Towne Place at Greenbrier** APPLICANT: Chesapeake Eden Way, LLC AGENCY: Kaufman & Canoles, P.C. PROPOSAL: A conditional use permit for a building height exemption pursuant to Section 19-205 Chesapeake Zoning Ordinance to increase the maximum building height of a proposed mixed-use building to 85 feet. ZONE: Existing B-2 General Business District; Proposed B-5 Urban Business District in R(C)-06-27 LOCATION: 717 Eden Way North TAX MAP SECTION/PARCEL: 0280000000760 BOROUGH: Washington

Planning Commission recommends approval with the following stipulation:

- All buildings shall be relocated outside of existing utility easements or the easements vacated by City Council prior to site plan approval.

City Clerk Moore stated that the applicant and agent were present for questions.

Council Member Collins, on a motion seconded by Council Member Willis, moved approval of UP-06-48 with stipulations as presented.

There was no discussion.

On the motion to approve UP-06-48 with stipulations as presented, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None (Mayor Edge excused)

G. **UP-06-51** **PROJECT: Busky's Chill and Grill, Inc.** APPLICANT: Judith Vanbuskirk PROPOSAL: A conditional use permit to sell alcoholic beverages for onsite consumption until 2:00 a.m. in conjunction with a permitted eat-in restaurant located adjacent to residential property in accordance with Section 7-601.C.31 of the Chesapeake Zoning Ordinance. ZONE: B-2 General Business District LOCATION: Hanbury Village Shopping Center, 237 Hanbury Road East, Suite 32 TAX MAP SECTION/PARCEL: 0600000002260 BOROUGH: Pleasant Grove

Planning Commission recommends approval with the following stipulation:

- **No alcoholic beverages may be sold for onsite consumption after 2 a.m.**

Council Member Krasnoff, on a motion seconded by Council Member Collins, moved approval of UP-06-51 with stipulations as presented.

There was no discussion.

On the motion to approve UP-06-51 with the stipulations as presented, voting yes: Council Members Adams, Collins, de Triquet, Krasnoff, Parker, and Willis.

Voting no: Council Members Hayes and Ward. (Mayor Edge excused)

H. **UP-06-45 PROJECT: Hickory Communications, Cingular** APPLICANT: Universal Wireless, LLC PROPOSAL: A conditional use permit to allow a 199' monopole communication tower on a 10,000 square foot leased parcel; part of a 100.104 acre tract. The applicant is also requesting an alternative parking surface in accordance with Section 19-406.C.1 of the Chesapeake Zoning Ordinance. ZONE: A-1 Agricultural District SIC CODE: 48 LOCATION: 1541 Head of River Road TAX MAP SECTION/PARCEL: 0990000000162 BOROUGH: Butts Road

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

1. The applicant/owner shall provide collocation opportunities for a minimum of two other wireless providers, regardless of the collocation company's ability to provide another tower site in exchange for the right to collocate on this tower. The collocation agreement shall be completed no more than six months following the written request for collocation.
2. The applicant/owner shall screen the leased area with landscaping in accordance with Section 13-606 of the Zoning Ordinance.
3. The applicant/owner shall require all collocators to secure administrative approval from the Planning Department prior to installing their equipment on the tower.
4. The applicant/owner shall comply with all applicable Federal Communications Commission and Federal Aviation Administration regulations. The applicant /owner will submit documentation of compliance with these regulations to the Neighborhood Services Department.
5. The applicant/owner shall install a Fire Department approved lock box for emergency access to the gated compound. The applicant/owner shall also ensure that the access drive to the tower compound remains free of obstructions to allow access for emergency vehicles at all times.

City Clerk Moore identified the following speaker in support of Public Hearing Item **H**:

C. E. Forehand, 2904 Ryan Court, Virginia Beach, representing Universal Wireless.

City Clerk Moore identified the following speakers in opposition to Public Hearing Item **H**:

Gretchen Freedman, 1561 Head of River Road, representing self.

Kelly Matthews, 1661 Head of River Road, representing self.

Linda Lex, 1633 Head of River Road, representing self.

Mark Forster, 1617 Head of River Road, representing self.

Council Member Collins, on a motion seconded by Council Member Hayes, moved to approve UP-06-45 with stipulations as presented.

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There was discussion between Council Member Collins and Planning Director Nielson concerning the appropriateness of the application based on the Comprehensive Plan, and the preferred locations of cellular towers.

Discussion ensued between Council Member Collins and Mr. Forehand concerning the proposed cellular tower, the poor service currently in the area and that this was part of planning by Cingular for new services and technology to be provided to their customers.

Council Member Adams asked where the next tower was located and could other service providers co-locate on the proposed tower. Mr. Forehand stated that the next tower was planned for the Northwest River Park area and that other service providers would be able to co-locate on the proposed tower.

There was additional discussion between Mr. Forehand and Council Member Willis concerning Cingular's current and future coverage.

There was no further discussion.

On the motion to approve UP-06-45 with stipulations as presented, voting yes: Council Members Collins, Hayes and Parker.

Voting no: Council Members Adams, de Triquet, Krasnoff, Ward, and Willis.
(Mayor Edge excused)

The motion for approval failed.

Council Member Ward, on a motion seconded by Council Member Willis, moved to suspend City Council's Rules of Order and Procedure to bring Old and New Business Item **A** forward for consideration.

There was no discussion.

On the motion to suspend City Council's Rules of Order and Procedures and consider Old and New Business Item **A**, voting yes: Council Members de Triquet, Hayes, Parker, Ward and Willis

Voting no: Council Members Adams, Collins and Krasnoff. (Mayor Edge excused)

OLD AND NEW BUSINESS

A. CONSIDERATION OF A FUNDING REQUEST IN THE AMOUNT OF \$15,000 FROM THE COUNCIL CONTINGENCY FUND FOR OUR HOUSE FAMILIES - COUNCIL MEMBER WARD

Council Member Ward presented the item.

Council Member Ward, on a motion seconded by Council Member Adams, moved approval of the funding request as presented.

There was no discussion.

On the motion to approve the funding request as presented, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, Parker, Ward and Willis.

Voting no: None (Mayor Edge excused)

I. CP-06-03 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 AND LIBRARIES. (CONTINUED PROFFER POLICY RANGE CHANGE FROM THE FEBRUARY 20, 2007 CITY COUNCIL MEETING)

Planning Commission recommends denial.

City Clerk Moore identified the following speaker in opposition to Public Hearing Item I:

Claudia Cotton, 2117 Smith Avenue, representing Tidewater Builders Association.

Council Member de Triquet offered comments concerning the need for the proposed adjustment to the proffer policy and meeting schools needs.

Council Member de Triquet, on a motion seconded by Council Member Willis, moved approval of the Resolution as presented.

Dr. W. Randolph Nichols, Superintendent of Schools, was available for questions.

Dr. Nichols addressed Council Members' questions on school population numbers stating that after Grassfield High School opened in the fall, 280 portable classrooms would still be at various school sites. Grassfield would open at 66% capacity and that another school was needed in the Centerville Turnpike and Kempsville Road corridor. Dr. Nichols explained how the school system received the proffered money from rezoning applications.

Dr. Nichols asked Paige Stutz, Program Developer for Planning and Development, to the podium to address the current proffer policy funds received by schools.

There was extensive discussion between Council Member Hayes and Dr. Nichols concerning how the proffered money could be used by schools including additions, new construction and big ticket items.

Council Member Hayes and Council Member de Triquet expressed their concerns with the proffer policy and perceived impacts to affordable housing.

Council Member Adams stated that she could not support the item because she had not supported the proposed proffer policy change to roads and libraries.

Council Member Collins noted the improvements to the capacity at Deep Creek High School when Grassfield High School opens in the Fall. He asked for an annual review of capital needs such as rebuilding schools and heating and air conditioning upgrades for School. Council Member Collins asked Planning Director Nielson about the rezoning review process. Planning Director Nielson stated that his department contacted the other departments and schools when considering rezoning applications.

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Council Member Ward stated that the Council Members supported schools; however, she had a hard time supporting the proposed resolution when proffers were denied for roads and libraries at a previous meeting.

There was no further discussions.

On the motion to approve the Resolution as presented, voting yes: Council Members de Triquet, Krasnoff, Parker, and Willis.

Voting no: Council Members Adams, Collins, Hayes and Ward. (Mayor Edge excused).

The motion to approve failed on a tie vote.

J. **TA-Z-06-08 AN ORDINANCE AMENDING APPENDIX "A" OF THE CHESAPEAKE CITY CODE, ENTITLED "ZONING," SECTION 20-202.C. THEREOF, TO PROVIDE FOR CIVIL PENALTIES FOR OFFENSES RELATING TO THE UNLAWFUL STORAGE OF INOPERATIVE AND INOPERABLE VEHICLES IN VIOLATION OF SECTION 14-102.B. OF THE CHESAPEAKE ZONING ORDINANCE.**

(This item was continued at the beginning of the meeting.)

NON-PLANNING PUBLIC HEARING ITEM

K. **RESOLUTION AUTHORIZING THE ACTING CITY MANAGER AND THE CITY CLERK TO EXECUTE AGREEMENTS FOR THE SALE OF CERTAIN REAL PROPERTY INTERESTS OWNED BY THE CITY OF CHESAPEAKE TO TRUXTON DEVELOPMENT, LLC, SAID PROPERTY CONSISTING OF 1) APPROXIMATELY 13,559 SQUARE FEET OF LAND LOCATED BETWEEN LIFTING BRIDGES ROAD AND POINDEXTER STREET IN THE SOUTH NORFOLK BOROUGH, IDENTIFIED ON CHESAPEAKE TAX MAPS AS A PORTION OF PARCEL NO. 132000000030 HAVING AN UNENCUMBERED VALUE OF \$108,472, AND 2) RIPARIAN RIGHTS TO AN AREA ON THE SOUTHERN BRANCH OF THE ELIZABETH RIVER LOCATED WEST OF TAX MAP PARCEL 132000000030, CONSISTING OF APPROXIMATELY 19,166 SQUARE FEET, AND HAVING AN UNENCUMBERED VALUE OF \$153,328.**

(This item was heard after Public Hearing (A) at the beginning of the meeting)

CITIZENS COMMENTS ON REGULAR AGENDA ITEMS

Vice Mayor Parker stated that both items had been heard and acted on earlier in the evening.

REGULAR AGENDA

City Attorney Items

1) **RESOLUTION AUTHORIZING THE ACTING CITY MANAGER AND THE CITY CLERK TO EXECUTE AN AGREEMENT WITH TRUXTON DEVELOPMENT, LLC, FOR THE MIXED-USE DEVELOPMENT OF THE BELHARBOUR SITE LOCATED WEST OF I-464 AND EAST OF THE SOUTHERN BRANCH OF THE ELIZABETH RIVER OFF POINDEXTER STREET, SAID AGREEMENT TO PROVIDE FOR PUBLIC AND PRIVATE INVESTMENTS, ALLOCATE CONSTRUCTION RESPONSIBILITIES AND ESTABLISH A DEVELOPMENT SCHEDULE.**

(This item was heard prior to Public Hearing (A) at the beginning of the meeting.)

2) **AN ORDINANCE AMENDING CHAPTER 74 OF THE CHESAPEAKE CITY CODE, ENTITLED "TRAFFIC AND VEHICLES," SECTIONS 74-276 THROUGH 74-283 THEREOF, TO CLARIFY DEFINITION RELATING TO ABANDONED AND INOPERABLE MOTOR VEHICLES AND PROVIDE FOR ENFORCEMENT MEASURES BY THE CHIEF OF POLICE FOR ABANDONED VEHICLES AND BY THE DIRECTOR OF NEIGHBORHOOD SERVICES FOR INOPERABLE VEHICLES, INCLUDING REMOVAL AND CIVIL PENALTIES TO THE EXTENT AUTHORIZED BY STATE LAW.**

(This item was continued at the beginning of the meeting)

COMMITTEE REPORTS/OLD AND NEW BUSINESS

A. CONSIDERATION OF A FUNDING REQUEST IN THE AMOUNT OF \$15,000 FROM THE COUNCIL CONTINGENCY FUND FOR OUR HOUSE FAMILIES - COUNCIL MEMBER WARD

(This item was heard after Public Hearing (G) UP-06-51 earlier in the meeting.)

Vice Mayor Parker called on Council Members for both Committee Reports and Old and New Business.

Council Member Ward thanked everyone for participating in the "Bowling for Sister Cities" event.

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Council Member Krasnoff, on a motion seconded by Council Member de Triquet, moved to approve concurrent advertising for TA-Z-07-06 to modify the conditional use permit requirements for eating or drinking places adjacent to property zoned or used for residential purposes, churches and public and private schools.

Council Member Krasnoff offered a brief explanation for his request.

On the motion to approve concurrent advertising for TA-Z-07-06 to modify the conditional use permit requirements for eating or drinking places adjacent to property zoned or used for residential purposes, churches and public and private schools, voting yes: Council Members Adams, Collins, de Triquet, Hayes, Krasnoff, and Parker.

Voting no: Council Members Ward and Willis.

Council Member Krasnoff shared concerns about inconsistencies in the application of the cash proffer policy. He asked Planning staff to look at the policy.

Council Member Adams requested a work session on the subject of criteria for workforce housing.

Council Member Collins requested that a funding request of \$25,000 from City Council's Contingency Fund be placed on the March 27, 2007 City Council agenda to help fund the upcoming "Tour de Peake" event.

Vice Mayor Parker reminded everyone of the Budget Hearing scheduled for Thursday, May 3, 2007.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 12:17 a.m.

/dah

Mayor

Attest:

City Clerk