

A Regular Work Session of the Chesapeake City Council was held May 1, 2007, at 5:00 p.m., in the City Hall Building, 306 Cedar Road.

Present: Council Member Rebecca Adams
Council Member Bryan Collins
Council Member John M. de Triquet
Mayor Dalton S. Edge
Council Member Clifton E. Hayes, Jr. (excused 5:16 p.m.)
Council Member Alan P. Krasnoff (excused 5:27 p.m.)
Vice Mayor Dwight M. Parker
Council Member Ella Ward
Council Member Patricia Pritchard Willis

Absent: None

Present from Administration: Acting City Manager Anne Odell, City Attorney Ronald Hallman, Deputy City Manager Amar Dwarkanath, City Clerk Dolores Moore, Budget Director Betty Meyer, Assistant Human Resources Director Elizabeth Thornton, Assistant Economic Development Director Tom Elder, Small Business Development Manager Ben White, and other staff members.

The Following Topics were discussed during the Work Session:

- 1) FY 07-08 Proposed Capital Improvement Budget & Tax Increment Financing Districts
- 2) Employee Benefits

The Work Session adjourned at 6:03 p.m.

/dah

Special Meeting of City Council
May 1, 2007

A Special Meeting of the Chesapeake City Council was called to order by Mayor Dalton S. Edge on May 1, 2007 at 6:30 p.m., in the City Hall Building, 306 Cedar Road.

INVOCATION: Pastor Rick Gates, Grace Lutheran Church

PLEDGE OF ALLEGIANCE: Members of Boy Scout Troop 901, St. Thomas Episcopal Church and Members of Girl Scout Troop 1718, Colonial Coast

ROLL CALL BY CLERK OF COUNCIL:

Present: Council Member Rebecca Adams (arrived at 8:27 p.m.)
Council Member Bryan Collins
Council Member John M. de Triquet
Mayor Dalton S. Edge
Council Member Clifton E. Hayes, Jr. (arrived at 8:37 p.m.)
Council Member Alan P. Krasnoff
Vice Mayor Dwight M. Parker
Council Member Ella Ward
Council Member Patricia Pritchard Willis

Absent: None

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

Mayor Edge advised that there were no minutes for approval.

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.

PUBLIC HEARING ITEM

Council Member Ward, on a motion seconded by Vice Mayor Parker, moved to suspend City Council's Rules of Order and Procedure to consider Public Hearing Items (A) & (B) after Public Hearing Item (L).

There was no discussion.

On the motion to suspend City Council's Rules of Order and Procedure to consider Public Hearing Items (A) & (B) after Public Hearing Item (L), voting yes: Council Members Collins, de Triquet, Edge, Krasnoff, Parker, Ward and Willis.

Voting no: None (Council Members Adams and Hayes excused)

A. 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: 0270000000777, portion of 0270000000778 BOROUGH: Washington (Continued from the March 20, 2007 City Council Meeting)

(This item was moved for consideration after Public Hearing Item (L)).

B. 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: 0270000000777, 0270000000778 BOROUGH: Washington (Continued from the March 20, 2007 City Council Meeting)

(This item was moved for consideration Hearing Item (A), which was considered after Public Hearing Item (L).)

C. R(PUD)-06-01 PROJECT: Bryan's Cove APPLICANT: BC of Deep Creek Investments, LLC AGENCY: Land Planning Solutions, LC PROPOSAL: A conditional zoning reclassification of 133± acres from M-2 General Industrial District and 11 acres from M-3 Waterfront Industrial District to PUD-R Planned Unit Development. The development is mixed use with a residential component a marina, retail, and a public park, boat ramp and fishing dock. PROPOSED COMP LAND USE & DENSITY: Medium Density Mixed Use EXISTING COMP LAND USE & DENSITY: General Manufacturing, Warehousing & Industry, Water Related Industry LOCATION: 1800 Shipyard Road and parcel to the east of 1800 Shipyard Road TAX MAP SECTION/PARCEL: 0350000000580, 0350000000582, 0350000000583, and portion of 0350000000590, BOROUGH: Deep Creek

The Planning Commission recommends approval with the General Land Use Plan dated January 23, 2007 and PUD Development Criteria dated March 7, 2007.

City Clerk Moore presented the item and stated the applicant, agent and several citizens in support were available for questions or comments.

Council Member Collins, on a motion seconded by Vice Mayor Parker, moved to approve R(PUD)06-01 with the General Land Use Plan dated January 23, 2007 and the PUD Development Criteria dated March 7, 2007.

There was no discussion.

On the motion to approve R(PUD)06-01 with the General Land Use Plan dated January 23, 2007 and the PUD Development Criteria dated March 7, 2007, voting yes: Council Members Collins, de Triquet, Edge, Krasnoff, Parker, and Ward.

Voting no: Council Member Willis. (Council Members Adams and Hayes excused)

#07-O-057 AN ORDINANCE AMENDING THE CHESAPEAKE ZONING ORDINANCE TO PROVIDE FOR THE REZONING OF 133 +/- ACRES FROM M-2 GENERAL INDUSTRIAL DISTRICT AND 11 ACRES FROM M-3 WATERFRONT INDUSTRIAL DISTRICT TO PUD-R PLANNED UNIT DEVELOPMENT, LOCATED AT 1800 SHIPYARD ROAD AND A PARCEL EAST OF 1800 SHIPYARD ROAD, IN THE DEEP CREEK BOROUGH (R(PUD)-06-01)

D. R(C)-01-21 (Rev 12/06) PROJECT: Holiday Inn Express APPLICANT: OM Group, LLC AGENCY: Horton & Dodd, P.C. PROPOSAL: A request to revise proffer number 4 of a previously approved rezoning application, R(C)-01-21, for the Holiday Inn Express located on Gum Road. LOCATION: The property is located on the southside of Gum Road, 1500± feet from Portsmouth Boulevard TAX MAP SECTION/PARCEL: 0150000002170 BOROUGH: Western Branch

The Planning Commission recommends approval with the following proffers:

1. Parcel A-2 (previously referenced as Parcel 1 in the proffer statement approved by City Council February 18, 2003) of the rezoned property, as shown on the exhibit submitted as part of the rezoning application, shall be limited to development of a 100 room or less hotel and an office building limited to a maximum of 5000 square feet. The hotel may include facilities and activities that support the operation of the hotel to the extent permitted by law, such as meeting rooms, lobbies, concessions, dining, and conferences. Any other use for Parcel A-2 (previously referenced as Parcel 1 in the proffer statement approved by City Council February 18, 2003) shall only be allowed upon revision to this Proffer by City Council by approval of a revised rezoning application.

2. The remainder of the rezoned parcel, other than Parcel A-2 (previously referenced as Parcel 1 in the proffer statement approved by City Council February 18, 2003) as shown on the exhibit submitted as part of the rezoning application, shall be limited to development of only the following land use categories:
 - a. Hotels and Motels (conditional Use Permit required in accordance with Chesapeake Zoning Ordinance)
 - b. Offices and Office Parks
 - c. Restaurants (*On-premises sale of alcohol* may be permitted, subject to the requirements, restrictions, and limitations of federal, state, and local laws, including, but not limited to, the requirement for obtaining a conditional use permit in accordance with the Chesapeake Zoning Ordinance, where applicable. Off-premises sale of alcoholic beverages shall be prohibited.)
3. The applicant/owner agrees to establish a modified street frontage buffer type "F" along the southern right-of-way of Gum Road (northern boundary of the rezoned property) and a modified landscape buffer yard "D" along the western boundary of the rezoned property. The street frontage buffer type "F" shall be modified to the extent that it will be 50 feet in width and will be selectively cleared to maintain existing natural vegetation. Should the City Arborist determine existing trees and vegetation do not meet the requirements of a street frontage buffer "F" along the entire southern right-of-way of Gum Road, additional trees will be planted within those areas of the modified buffer to meet the landscape buffer requirements. The landscape buffer yard type "D" shall be modified to the extent that it will be 50 feet in width from the I-664 right-of-way northward until it intersects the western edge of the existing HRSD easement that crosses the northwest corner of the rezoned parcel. From that point of intersection, the landscape buffer yard type "D" shall coincide with the western edge of the existing HRSD easement until it intersects the modified 50' wide street frontage buffer type "F". The landscape buffer type "D" will be selectively cleared to maintain existing natural vegetation. Should the City Arborist determine existing trees and vegetation do not meet the requirements of a landscape buffer type "D" along the entire western property line of the rezoned parcel, additional trees will be planted within those areas of the modified buffer to meet the landscape buffer requirements. Any required landscaping within these modified buffers shall be installed prior to initiation of any

land disturbing activity for any development project whose limits of construction will adjoin the modified buffer. The modified buffers are as shown on the rezoning exhibit submitted as part of this application.

4. The applicant/owner agrees that it shall dedicate to the City necessary right-of-way and construct and dedicate to the City right-of-way improvements at the intersection of Portsmouth Boulevard and Gum Road as follows:
 - a. Any parcel or portion of a parcel that is developed as an office, office park or restaurant(s) in accordance with Proffer #2 shall require the following improvements unless otherwise determined by the Director of Public Works or designee to require the improvements set out in subparagraph b based on a Public Works approved traffic analysis:
 - (1) An additional eastbound left turn lane (dual left turn lane) with geometry as specified in the Public Facilities Manual (PFM) and in a manner acceptable to the Department of Public Works.
 - (2) An additional lane, northbound on Gum Road, to receive traffic from the additional turn lane. Geometry to be determined in accordance with the PFM in a manner acceptable to the Department of Public Works.
 - (3) An additional southbound full length right turn lane with taper from Gum Road onto Portsmouth Boulevard westbound, with geometry as specified in the PFM in a manner acceptable to the Department of Public Works.
 - (4) A traffic signal plan design to be submitted to the Department of Public Works for approval. The applicant/owner shall upgrade all signals as recommended in the approved signal plan as necessary to accommodate the additional lanes.
 - b. Any parcel or portion of a parcel that is developed as a hotel or motel in accordance with Proffer #2 shall require the following improvements:
 - (1) Extend existing eastbound left turn lane as approved by the Director of Department of Public Works or designee.

- (2) An additional right turn lane from westbound Portsmouth Boulevard as approved by the Director of the Department of Public Works or designee.
 - (3) An additional southbound full length right turn lane with taper from Gum Road onto Portsmouth Boulevard westbound, with geometry as specified in the PFM in a manner acceptable to the Department of Public Works.
 - (4) A traffic signal plan design to be submitted to the Department of Public Works for approval. The applicant/owner shall upgrade all signals as recommended in the approved signal plan as necessary to accommodate the additional lanes.
 - c. The right of way and improvements required by this proffer shall be completed and dedicated as determined by the Director of Public Works or designee before any certificate of occupancy is approved.
5. Future Widening of Gum Road

The applicant/owner agrees to record a reservation in favor of the City for the widening of Gum Road. The reservation shall be twenty (20) feet in width as measured from the current right of way. The City may acquire the reserved area at no cost and at any time determined appropriate by the Director of Public Works or designee. The reserved area shall be depicted on all site plans and subdivision plans.
6. For any building to be constructed on the rezoned property, the following design considerations must be incorporated.
 - a. The side or rear of a building located adjacent to and visible from a public street shall be designed so as to possess as much detail as the primary façade oriented toward another public street. Visual interest shall be provided through window and door details, varied rooflines, consistent textures and color, and similar considerations.
 - b. Façade color shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors shall be avoided to the extent practicable, as determined by the Planning Director. Brighter, trademark colors shall only be an accent.
 - c. Roofs shall be gabled, hipped, or a combination with a slope that is proportional to the horizontal length of the building. Flat roofs are permitted on buildings with roof areas greater

than 12,000 square feet if concealed from view by sloped roofs of the character described above. Dormers and other special rooftop elements shall be included to the extent practicable, as determined by the Planning Director.

- d. Rooftop mechanical units, flues, and vents shall be organized and screened. The roofscape shall be an integral part of the design with respect to form, material and colors.
- e. Lighting shall be designed as an integral part of the building's architecture to be as unobtrusive as possible. Floodlighting on the rear of buildings shall be designed and placed so that it does not direct or reflect any illumination on adjacent properties.
- f. Site lighting shall be designed as an integral part of the building's architecture to be as unobtrusive as possible. The height of the lighting shall be proportional to the height of the principal building located on the site. In no case shall the lighting exceed 35 feet in height. Varied lighting techniques, such as up lighting of trees and walkway lighting shall be employed to enhance the appearance of the site.
- g. Floodlighting on the rear of buildings shall be designed and placed so that it does not direct or reflect any illumination on adjacent properties. Spillover lighting on adjacent property shall be minimized. Full cutoff lighting or equivalent/improved technology shall be provided on all exterior fixtures.
- h. No building exterior which would be visible to any property zoned or used for residential purposes or from a public street shall consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building. Finishes for rear elevations shall include stained split block to match color of front elevation or the same finish materials as provided on other elevations.
- i. Signs shall be designed using materials compatible with the architecture of the principal building.

Plans showing conformance with the above design provisions shall be subject to the approval of the Planning Director or designee prior to final site plan approval for any proposed development or the issuance of a building permit for any building on the property.

City Clerk Moore presented the item and stated that the agent was present and available for questions.

Council Member Ward, on a motion seconded by Council Member de Triquet, moved approval of R(C)-01-21 (REV 12/06) with proffers as presented.

There was no discussion.

On the motion to approve R(C)-01-21 (REV 12/06) with the proffers as presented, voting yes: Council Members Collins, de Triquet, Edge, Krasnoff, Parker, Ward, and Willis.

Voting no: None (Council Members Adams and Hayes excused)

#07-O-058 AN ORDINANCE AMENDING THE ZONING ORDINANCE TO MODIFY PREVIOUSLY APPROVED PROFFERS BOUND TO THE SUBJECT PROPERTY'S CURRENT ZONING CLASSIFICATION, WHICH IS O & I OFFICE AND INSTITUTIONAL DISTRICT, TO CLARIFY THE APPLICABILITY OF PROFFERED ROAD IMPROVEMENTS TO INDIVIDUAL DEVELOPMENTS ON THE SUBJECT PROPERTY. THE PROPERTY IS LOCATED 1500+ FEET FROM PORTSMOUTH BOULEVARD IN THE WESTERN BRANCH BOROUGH (R(C)-01-21 REV 12/06))

E. R(C)-07-02 PROJECT: Alta Great Bridge APPLICANT: WP East Acquisitions, LLC AGENCY: Kaufman & Canoles, PC PROPOSAL: A conditional zoning reclassification of 12.32 acres from O&I Office and Institutional District to RMF-1, Multi-family Residential District. PROPOSED COMP LAND USE & DENSITY: Low density multi-family with density not exceeding 16 units per acre EXISTING COMP LAND USE & DENSITY: Office LOCATION: 129-153 Great Bridge Boulevard TAX MAP SECTION/PARCEL: 0480000000770 BOROUGH: Washington

(This item was continued to May 15, 2007 at the April 17, 2007 City Council Meeting. No action was necessary.)

F. UP-07-06 PROJECT: Mount Pleasant Mennonite Church School APPLICANT: Mount Pleasant Mennonite Church AGENCY: Hassell & Folkes, P.C. PROPOSAL: A conditional use permit to expand a primary and secondary private educational facility and approval of an alternative parking surface in accordance with Article 19-406.C-1 of the Chesapeake Zoning Ordinance. ZONE: A-1 Agricultural District/R-15s Single-family Residential District SIC CODE: 821 & 8661 LOCATION: 1613 Mount Pleasant Road TAX MAP SECTION/PARCEL: 0500000000023, 0500000000021 BOROUGH: Butts Road

The Planning Commission recommends approval with the following stipulation:

- a. Provide twelve (12) additional paved, regulation parking spaces on site.

City Clerk Moore presented the item and stated that the agent was present and available for questions.

Council Member Krasnoff, on a motion seconded by Vice Mayor Parker, moved to approve UP-07-06 with the stipulation as presented.

There was no discussion.

On the motion to approve UP-07-06 with the stipulation as presented, voting yes: Council Members Collins, de Triquet, Edge, Krasnoff, Parker, Ward, and Willis.

Voting no: None (Council Members Adams and Hayes excused)

G. UP-07-01 PROJECT: Costa Azul Authentic Mexican Cuisine
APPLICANT: Edgar Pinilla PROPOSAL: A conditional use permit to sell alcoholic beverages for on site consumption 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 SIC CODE: 58 LOCATION: Hanbury Village Shopping Center, 237 Hanbury Road East, Suites 8 & 9 TAX MAP SECTION/PARCEL: 060000002260 BOROUGH: Pleasant Grove

The Planning Commission recommends approval.

City Clerk Moore stated there were no speakers on Public Hearing Item **G.**

Vice Mayor Parker, on a motion seconded by Council Member Collins, moved to approve UP-07-02 as presented.

There was no discussion.

On the motion to approve UP-07-02 as presented, voting yes: Council Members Collins, de Triquet, Edge, Krasnoff, Parker, Ward, and Willis.

Voting no: None (Council Members Adams and Hayes excused)

H. UP-07-04 PROJECT: Priority Toyota APPLICANT: Ellmer Properties Greenbrier, LLC AGENCY: Kimley-Horn and Associates, Inc. PROPOSAL: A conditional use permit to allow a 101.5 foot flagpole which exceeds the maximum height limit of 35 feet on a 13.36 acre parcel with an existing new and used car dealership. Previous Use Permit for car dealership on site was UP-97-02. ZONE: PUD SIC CODE: 551 & 552 LOCATION: 1800 Greenbrier Parkway TAX MAP SECTION/PARCEL: 028000000030 BOROUGH: Washington

The Planning Commission recommends approval with the following stipulations:

1. Flag pole height shall not exceed 101.5 feet.
2. No other flag or banner other than the American flag shall be flown or attached to the proposed flag pole.
3. The proposed flag pole shall be painted.

City Clerk Moore presented the item and stated that the agent was present and available for questions.

Council Member Collins, on a motion seconded by Council Member Ward, moved to approve UP-07-04 with stipulations as presented.

There was discussion between Vice Mayor Parker and Planning Director Nielson concerning the Planning staff's recommendation of denial.

On the motion to approve UP-07-04 with stipulations as presented, voting yes: Council Members Collins, de Triquet, Edge, Krasnoff, Parker, Ward, and Willis.

Voting no: None (Council Members Adams and Hayes excused)

I. UP-07-05 PROJECT: Hampton Inn Suites APPLICANT: 1417 Battlefield, LLC AGENCY: Hassell & Folkes, P.C. PROPOSAL: A conditional use permit to construct and operate a motel facility. ZONE: Greenbrier PUD SIC CODE: 701 LOCATION: 1417 Battlefield Boulevard, North TAX MAP SECTION/PARCEL: 027000000950 BOROUGH: Washington

The Planning Commission recommends approval with the following stipulations:

1. The final site plan shall reflect any reservation required by the Subdivision Ordinance for Battlefield Boulevard and all setbacks shall be measured in accordance with the Zoning Ordinance.
2. The applicant shall modify the existing entrance on Coastal Way nearest to Battlefield Boulevard in accordance with one of the following options in order to provide for appropriate entrance spacing given the entrance's close proximity to Battlefield Boulevard:
 - a. The entrance shall be relocated to provide for a minimum 100' throat length from the required reservation line for Battlefield Boulevard in accordance with the PFM requirements.
 - b. The entrance shall be modified to prohibit left turn movements and shall operate as a right in/right out only entrance in accordance with the requirements of the Department of Public Works.

Entrance modifications shall be reflected on the final site plan and shall be completed as determined by the Department of Public Works before any certificate of occupancy is issued.

3. The applicant shall install a modified buffer yard "F" along Battlefield Boulevard with all trees be planted in a minimum 4 foot wide space. This buffer yard shall be installed the entire length of the property prior to the issuance of a Certificate of Occupancy for the hotel.

City Clerk Moore presented the item and stated that the agent was present and available for questions.

Council Member Krasnoff, on a motion seconded by Council Member Collins, moved to approve UP-07-05 with stipulations as presented.

There was no discussion.

On the motion to approve UP-07-05 with the stipulations as presented, voting yes: Council Members Collins, de Triquet, Edge, Krasnoff, Parker, Ward, and Willis.

Voting no: None (Council Members Adams and Hayes excused)

J. #07-O-059 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. (Continued from the May 20, 2007 City Council Meeting)

The Planning Commission recommends approval of the version dated February 6, 2007.

City Clerk Moore presented the item and stated there was one citizen present in support of Public Hearing J.

Council Member Willis, on a motion seconded by Council Member Ward, moved to approve the Ordinance with the version dated February 6, 2007.

There was no discussion.

On the motion to approve the Ordinance with the version dated February 6, 2007, as presented, voting yes: Council Members Collins, de Triquet, Edge, Krasnoff, Parker, Ward, and Willis.

Voting no: None (Council Members Adams and Hayes excused)

K. TA-Z-07-02 AN ORDINANCE AMENDING APPENDIX "A" OF THE CHESAPEAKE CITY CODE, ENTITLED "ZONING", SECTION 12-712 TO PERMIT AGGRIEVED PARTIES TO APPEAL A DECISION OF THE SOUTH NORFOLK ARCHITECTURAL REVIEW BOARD DIRECTLY TO THE CHESAPEAKE CIRCUIT COURT.

The Planning Commission recommends denial of the version dated February 13, 2007.

City Clerk Moore presented the item and identified the following speaker in opposition to Public Hearing Item K.

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

Council Member Krasnoff stated his reasons for asking for the amendment and noted that the only proposed change was to remove City Council from the appeal process. He advised he was agreeable to revisiting the issue in a year to see if it was a helpful change if the amendment was adopted.

Council Member Krasnoff moved to approval of TA-Z-07-02 as presented.

Council Member de Triquet asked City Attorney Hallman to detail the present process and the proposed change; he asked that Mr. Lilly come back to the podium for additional comments, if needed.

City Attorney Hallman offered detailed information concerning the present process and the proposed amendment to the appeal process.

Council Member Krasnoff withdrew his motion for approval of TA-Z-07-02.

Mayor Edge asked Mr. Lilly back to the podium for additional comments. Mr. Lilly spoke about the judicial process and applauded the code compliance inspectors and their work.

Council Member Willis, on a motion seconded by Council Member Ward, moved to deny TA-Z-07-02.

Council Member Willis offered comments about the Planning Commission's desire to keep City Council involved in the appeal process and the importance of City Council's support of the Historic and Architectural Review Board.

Council Member Ward stated that the Historic and Architectural Review Board was doing a remarkable job and City Council needed to support their actions.

Council Member Krasnoff spoke to the concerns with the judicial system expressed by Mr. Lilly. He asked that City Attorney Hallman work with Neighborhood Services on the Code Compliance laws and if additional ordinances were needed to do that. Council Member Krasnoff also inquired whether or not the City Attorney's Office needed to work with the Courts and Neighborhood Services on these issues.

City Attorney Hallman stated that he would meet with Neighborhood Services and review the process with the Chief Judge.

Council Member Collins applauded Council Member Krasnoff for his efforts and stated he felt it was City Council's responsibility to stay involved in the process so he would support the motion for denial.

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

Voting no: None (Council Members Adams and Hayes excused)

L. TA-Z-07-06 AN ORDINANCE AMENDING APPENDIX "A" OF THE CHESAPEAKE CITY CODE, ENTITLED "ZONING", SECTIONS 7-601.C.31, 8-601.C.24 AND 9-501.C.19 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.

City Clerk Moore presented the item and stated there were no speakers on Public Hearing Item L.

City Attorney Hallman presented background information on the proposed ordinance.

There was extensive discussion between Council Members, City Attorney Hallman and Assistant City Attorney Palmer concerning the use permit process as it related to the current code and the proposed ordinance change.

Council Member de Triquet asked that a detailed explanation of the ordinance be provided in writing by City Attorney Hallman.

Council Member de Triquet, on a motion seconded by Council Member Parker, moved to continue TA-Z-07-06 to the May 15, 2007 City Council meeting.

There was no additional discussion.

On the motion to continue TA-Z-07-06 to the May 15, 2007 City Council meeting, voting yes: Council Members Collins, de Triquet, Edge, Krasnoff, Parker, Ward, and Willis.

Voting no: None (Council Members Adams and Hayes excused)

A. 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: 0270000000777, portion of 0270000000778 BOROUGH: Washington (Continued from the March 20, 2007 City Council Meeting)

The 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.

The applicant has offered the following additional proffer:

7. **The applicant/owner agrees that all residential units on the subject property shall be condominium units.**

(This item was moved from the beginning of the meeting by City Council to be considered after Public Hearing Item (L).)

City Clerk Moore presented the item and identified the following speakers in support of Public Hearing Item **A**:

Dr. William E. Ward, 1432 Waterside Drive, representing ROC Industrial Associates.

Sam Baraki, 800 Juniper Crescent, representing ROC Industrial Associates.

Robert Copeland, 168 Business Park Drive, Virginia Beach, representing ROC Industrial Associates.

Council Member Collins, on a motion seconded by Council Member Ward, moved to approve R(C)-06-25 with proffers as presented.

City Attorney Hallman cautioned Council Members that the \$150,000.00 offered by the applicant in a letter dated April 17, 2007 from Alan S. Buffenstin of McCandlish Holton toward the construction of traffic improvements made by the City in the vicinity of Tintern Lane and Volvo Parkway was not legally enforceable.

Council Members expressed concerns about additional students being added to the area schools, affordable housing and the best use for the property.

On the motion for approval of R(C)-06-25 with proffers as presented, voting yes: Council Members Collins, de Triquet, Edge, Parker, and Ward.

Voting no: Council Members Krasnoff and Willis (Council Members Adams and Hayes excused)

#07-O-056 AN ORDINANCE AMENDING THE CHESAPEAKE ZONING ORDINANCE TO PROVIDE FOR THE REZONING OF 8.268 ACRES, LOCATED AT THE SOUTHEAST CORNER OF TINTERN STREET AND I-64, FROM B-3 HIGHWAY BUSINESS DISTRICT TO R-MF-2 MULTI-FAMILY RESIDENTIAL DISTRICT (R(C)-06-25).

B. 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: 0270000000777, 0270000000778 BOROUGH: Washington (Continued from the March 20, 2007 City Council Meeting)

The 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.

(This item was moved from the beginning of the meeting by City Council to be considered after Public Hearing Item (L) and (A)).

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

Council Member Collins, on a motion seconded by Council Member Ward, moved to approve UP-06-29 with stipulations as presented.

There was no discussion.

On the motion to approve UP-06-29 with stipulations as presented, voting yes: Council Members Collins, de Triquet, Edge, Parker, and Ward.

Voting no: Council Members Krasnoff and Willis (Council Members Adams and Hayes excused)

CITIZENS COMMENTS ON REGULAR AGENDA ITEMS

City Clerk Moore identified the following speaker:

Ken Silverman, 1515 South Military Highway, representing Cavalier Ford, spoke in support of City Clerk Item **(#1)**.

City Clerk Moore identified the following speakers in opposition to Old and New Business **(A)**:

Michael Haynes, 8250 N. View Boulevard, Norfolk, representing Firefighters Union of Chesapeake.

Kim Talbert, 400 Albemarle Drive, representing Public Safety Alliance, .

Glen Strathmann, 400 Albemarle Drive, representing Public Safety Alliance.

Jack Bider, 1026 Bowling Green Trail, representing the Fraternal Order of Police.

REGULAR AGENDA

City Clerk's Item

1. Use Permit Extension Request

PROJECT: UP-05-02 Cavalier Ford Western Branch Boulevard

APPLICANT: Klimkiewicz Family Western Branch, LLC AGENCY: Cooper, Spong & Davis, P.C. PROPOSAL: A conditional use permit to allow a new and use automobile dealership on 8.935 acres. ZONE: B-4 Shopping Center Business District SIC CODE: 551 & 552 LOCATION: 3352 Western Branch Boulevard TAX MAP SECTION/PARCEL: 0040000000031 PLANNING AREA: Western Branch

Approved by City Council April 19, 2005

(Use Permit to allow a new and used automobile dealership on 8.935 acres.) Expires April 19, 2007.

City Clerk Moore presented the item.

Vice Mayor Parker, on a motion seconded by Council Member Ward, moved to approve the use permit extension request for UP-05-02 for a period of one year.

There was no discussion.

On the motion to approve the use permit extension request for UP-05-02 for a period of one year, voting yes: Council Members Collins, de Triquet, Edge, Krasnoff, Parker, Ward and Willis.

Voting no: None (Council Members Adams and Hayes excused)

City Attorney Item

- 1) **#07-O-060 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.** (Continued from the May 20, 2007 City Council Meeting)

City Attorney Hallman presented the item.

Council Member Willis, on a motion seconded by Council Member Ward, moved to approve the Ordinance as presented.

There was no discussion.

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

Voting no: None (Council Members Adams and Hayes were excused)

Council Member Adams arrived at 8:27 p.m.

COMMITTEE REPORTS/OLD AND NEW BUSINESS

A. Discussion and consideration of inclusion of the Human Resources proposed Pay Plan, or other pay plan options, for proposed FY 07-08 Operating Budget – Council Member John M. de Triquet

Mayor Edge called on Council Member de Triquet to present the item.

Council Member de Triquet presented the item and offered comments concerning the proposed pay plan and the proposed FY 07-08 Operating Budget. He thanked Acting City Manager Odell and staff for all their hard work.

Council Member de Triquet, on a motion seconded by Council Member Krasnoff, moved to remove the current proposed pay plan component from the proposed FY 07/08 Operating Budget; include a 4.5% pay raise for all City workforce; and establish a Pay Plan Study Group with workforce representation and the City Manager as the lead participant, to convene discussions in June 2007 and present a new Pay Plan recommendation to City Council by August 30, 2007.

There was extensive discussion between Council Members and Acting City Manager Odell concerning the inclusion of all employees in the 4.5% increase, even those at the top of their range and the need to possibly change the current ordinance to allow for those employees.

Council Member Parker suggested that Acting City Manager Odell look at a 5% increase instead of 4.5%.

On the motion to remove the current proposed pay plan component from the proposed FY 07/08 Operating Budget; include a 4.5% pay raise for all City workforce; and establish a Pay Plan Study Group with workforce representation and the City Manager as the lead participant, to convene discussions in June 2007 and present a new Pay Plan recommendation to City Council by August 30, 2007, voting yes: Council Members Adams, Collins, de Triquet, Edge, Krasnoff, Parker, and Ward.

Voting no: Council Member Willis (Council Member Hayes excused)

Council Member Hayes arrived at 8:37 p.m.

Mayor Edge combined Committee Reports and Old and New business and called on Council Members for both.

Council Member Willis thanked the Department of Public Works for the signs at the Centerville Turnpike Bridge concerning the openings and closings; she encouraged citizens to contact the Coast Guard about the schedule.

Council Member Ward briefed City Council members on her attendance at the recent Work Force Development Summit.

Council Member Krasnoff requested that Acting City Manager Odell provide Council with a list of budget drivers that impact revenue; when does the real estate tax rate become an impact on the Belharbour project; the Tax Increment Financing Districts, etc.; what would an 89 cent Real Estate Tax Rate due to revenues.

Council Member Hayes reported on his attendance at the Gang Awareness and Prevention Summit held earlier in the evening and commented on the number of people in attendance. He announced that "Not on Our Watch" was the theme chosen to represent the Task Force.

Mayor Edge thanked Council Member Hayes for his participation on the Gang Awareness Task Force and for representing the City of Chesapeake.

Council Member Collins thanked Mr. Hayes for taking on the project and for serving on the Hampton Roads Planning District Commission. He further stated that Chesapeake had been chosen as one of the 100 most livable communities in the United States.

Council Member Adams attended the Chanticleer concert, part of the Virginia Music Festival held at Great Bridge Presbyterian Church.

Vice Mayor Parker asked City Clerk Moore to contact March Cromuel about meeting with him and Council Member Adams in the City Council Conference Room on May 10, 2007 at 4:00 p.m. He announced that he had received correspondence from the Fire Department advising that they had been awarded \$10,000 for their participation in the community contest being held by circuit City and the Fire Department. He asked the viewing public to log on to www.firedog.com and vote for the Chesapeake Fire Department, Station 15, by May 13, 2007 to improve the department's chances of winning \$100,000.

Mayor Edge reminded Council Members of the Budget Public Hearing scheduled for Thursday, May 3; the work session will begin at 5:30 p.m. and the Special Meeting at 6:30 p.m. in the Council Chamber. He commended Council Members Adams and Hayes for their participation on the Gang Awareness and Prevention Task Force. Mayor Edge noted that Council Member Adams will not be at the Budget Public Hearing because Great Bridge Intermediate, Western Branch Intermediate, Western Branch Middle Schools had been chosen to have representatives in Richmond to meet with Queen Elizabeth II during her visit and to represent Chesapeake.

Council Member Ward noted that she and the Members of the State Board of Education would also be participating in the Queen's visit and she would need to be excused from the Budget Public Hearing meeting.

Council Member Adams stated that the students had been very involved in cleaning of the Elizabeth River and that was the reason they had been asked to attend the upcoming visit. Princess Elizabeth from the Elizabeth River Project, would also be in attendance.

Council Member de Triquet requested that City Attorney Hallman furnish Council Members with detailed information about separate taxing authorities for school boards and the process that would be involved to implement that. City Attorney Hallman advised that the General Assembly would have to change the State Code to allow for School Boards to have tax authority.

Council Member Ward stated that when she served on the School Board, legislation for that purpose was introduced, but never made it out of Committee.

City Clerk Moore asked for the Council Members serving on VML Policy Committees to contact her about continuing to serve on those committees

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 9:02 p.m.

/dah

Mayor

ATTEST:

City Clerk