

Department of Planning  
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**MARKED AGENDA**

*Chesapeake Planning Commission*

**PUBLIC HEARING – DECEMBER 13, 2006  
CITY COUNCIL CHAMBER – 7:00 P.M.**

- A. Call to Order: Chairman Peoples
- B. Invocation: Commissioner Whitted
- C. Pledge of Allegiance: Commissioner Smith
- D. Roll Call: All Commissioner present
- E. Approval of Minutes: [November 8, 2006](#) **APPROVED.** (9-0; Van Laethem/Ward)
- F. Election of Officers:
- Chairman: Dr. Stanley Smith **APPROVED** by acclamation  
(9-0; Peoples/Watson)
- Vice-Chairman: Maurice Ward **APPROVED**  
(5-4; Rowling/Peoples - Watson,  
Smith, Van Laethem and Moore  
opposed)
- Secretary: David Whitted **APPROVED** by acclamation  
(9-0; Peoples/Moore)
- Recording Sec.: Beverly Thacker **APPROVED** by acclamation  
(9-0; Rowling/Moore)

G. Public Hearing Consent Items:

1. [R\(C\)-06-25](#)

**PROJECT:** Chesapeake Gateway

**APPLICANT:** ROC Industrial Associates, LLC

**AGENCY:** Site Improvement Associates, Inc.

**PROPOSAL:** A conditional zoning reclassification of 10.034 acres from B-3 Highway Business District to R-MF-2 Multi-family Residential District to allow 200 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, 0270000000778

**BOROUGH:** Washington

*(Continued from the November 8, 2006 Public Hearing)*

**CONTINUED to the January 10, 2007 Public Hearing.** (9-0; Smith/Rowling)

2. [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 November 8, 2006 Public Hearing)*

**CONTINUED to the January 10, 2007 Public Hearing.** (9-0; Smith/Rowling)

3. [UP-06-10](#)

**PROJECT:** Bunch Walnuts Road Monopole

**APPLICANT:** Nextel Communications of the Mid-Atlantic, Inc.

**AGENCY:** General Dynamics, Inc

**PROPOSAL:** A conditional use permit to allow a 250' monopole communication tower on a 0.35 acre leased parcel; part of a 60 acre tract.

**ZONE:** A-1 Agriculture District

**SIC CODE:** 48

**LOCATION:** 3801 Bunch Walnuts Road

**TAX MAP SECTION/PARCEL:** portion of 1060000000580

**BOROUGH:** Pleasant Grove

*(Continued from the November 8, 2006 Public Hearing)*

**CONTINUED to the February 14, 2007 Public Hearing.** (9-0; Smith/Rowling)

4. **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

**CONTINUED to the January 10, 2007 Public Hearing.** (9-0; Smith/Rowling)

5. **TA-Z-06-06**

An ordinance amending Appendix "A" of the Chesapeake City Code, entitled "Zoning", section 13-2004 to permit assembly uses to operate in public and private schools as permitted uses. *(Continued from the November 8, 2006 Public Hearing)*

**Planning Commission recommends that TA-Z-06-06, version dated November 9, 2006, be APPROVED.** (9-0; Van Laethem/Ward)

6. **UP-06-21**

**PROJECT:** Marx Carts

**APPLICANT:** Mark & Connie Thomas

**AGENCY:** Brown, Denslow, Black & Billups, P.C.

**PROPOSAL:** A conditional use permit to allow the customization and on-line sale of golf carts in an existing residence with a detached garage/workshop. This would be a level II home occupation in accordance with Section 14-302 of the Zoning Ordinance.

**ZONE:** A-1 Agricultural District

**SIC CODE:** 5941

**LOCATION:** 2129 West Road

**TAX MAP SECTION/PARCEL:** 0820000001060

**BOROUGH:** Pleasant Grove

*(Continued from the November 8, 2006 Public Hearing)*

**Planning Commission that UP-06-21 be APPROVED with the following stipulations:** (7-2; Van Laethem/Ward – Peoples and Watson opposed)

1. **The applicant/owner agrees that no signage of any kind will be permitted on the site.**
2. **The applicant/owner agrees that the street address of the business will not be advertised.**
3. **The applicant/owner agrees that no more than one employee other than Mr. and Mrs. Thomas will be allowed on the property.**
4. **The applicant/owner agrees that all landscaping as shown on the preliminary site plan stamp-dated December 4, 2006, shall be installed within 60 days of City Council approval of the use permit application.**
5. **The applicant/owner agrees that sales will be conducted by internet or phone with no display of carts for sale on the property. Customization will be conducted entirely indoors. Outdoor storage will be limited to the area beside the workshop as shown on the preliminary site plan. The combined area of indoor and outdoor space devoted to the use shall not exceed 939.25 square feet, or 25% of the gross floor area of the dwelling.**
6. **The applicant/owner agrees that customer visits and delivery of carts and parts shall be limited to the period between 8:00 a.m. and 6:00 p.m., Monday through Saturday.**
7. **The applicant/owner agrees to provide a pond for fire fighting as shown on the revised preliminary site plan stamp-dated December 4, 2006. The pond will be constructed within 90 days of the date of City Council approval of this use permit in accordance with Fire Department and Public Works requirements. The following stipulations will also apply:**
  - a. **Any application of flammable finishes shall comply with Chapter 15 of the Fire Code and require the appropriate fixed automatic fire protection system.**
  - b. **Routine fire safety inspections shall be conducted by the Fire Department and the owner shall duly cooperate to provide correction of either any Fire Code violations noted, or provide corrections as a result of changes in the stipulations of the code modification as granted.**
  - c. **A Fire Code Operational Permit shall be obtained as applicable for any operation requiring a permit such as but not limited to repair garages, spraying or dipping of any flammable finishes, cutting or welding, storage or use of LP gas, storage use or**

handling of flammable or combustible liquids, or battery systems.

- d. A portable fire extinguisher(s) shall be provided in accordance with the Fire Code.

7. **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** to the January 10, 2007 Pubic Hearing. (9-0, Smith/Rowling)

8. **CIB-06-03**

**PROJECT:** Proposed Connector Road to Dominion Commerce Park

**APPLICANT:** Department of Public Works

**PROPOSAL:** Approval of a new Connector Road (Collector) between Shillelagh Road and Scenic Parkway as being in substantial conformance with the adopted Comprehensive Plan as required by Section 15.2-2232 et seq. of the Code of Virginia.

**LOCATION:** Between Shillelagh Road and Scenic Parkway at the location of the Dominion Commerce Park

**TAX MAP SECTION/PARCELS:** 058000000702, 058000000703, 058000000700

**APPROVED.** (9-0; Van Laethem/Ward)

9. **ST.C-06-04**

**PROJECT:** Holly Cove Drive Residual Right-of-Way Closure

**APPLICANT:** Bill Darden, RDHJ, LLC

**AGENCY:** Hassell & Folkes, P.C.

**PROPOSAL:** A petition to close 2 small unnamed turnouts totaling 3,395 sq. ft. on the north side of Holly Cove Drive.

**ZONE:** R-MF-1 Multi-family Residential District

**LOCATION:** North side of Holly Cove Drive west of Schooner Trail

**TAX MAP SECTION/PARCEL:** 016000000260

**BOROUGH:** Western Branch

Planning Commission recommends that ST.C-06-04 be **APPROVED** with the following stipulation: (9-0; Van Laethem/Ward)

- Unless waived or modified by the City Council, the petitioner(s)/owner(s) shall purchase the street closure area for \$3,000. The payment must be made within ten (10) days of City Council's approval of the right-of-way closure, as required by Chapter 66 of the City Code. Failure to render such payment within said 10 day period shall render this right-of-way closure null and void.

10. [UP-06-38](#)

**PROJECT:** Kramer Tire, Edinburgh Commons North

**APPLICANT:** Kramer Management Company, LLC

**AGENCY:** Faggert & Frieden, P.C.

**PROPOSAL:** A conditional use permit for the sale and installation of tires and other minor automotive repairs on 1.08 acres.

**ZONE:** Edinburgh PUD

**SIC CODE:** 75

**LOCATION:** North east corner of Hillcrest Parkway and Edinburgh Parkway

**TAX MAP SECTION/PARCEL:** a portion of 0730000001770

**BOROUGH:** Pleasant Grove

**Planning Commission recommends that UP-06-38 be [APPROVED](#) with the following stipulations:** (9-0, VanLaethem/Ward)

1. **The property shall be used exclusively for the operation of a business engaged in the sale of tires (both new and re-treads) which also provides repair services to automobiles and trucks. Repair service to automobile and trucks shall mean and refer to tire, lube and muffler service, post sale service and maintenance of tires and wheels, and under-hood and under-car services, but shall not include the operation of an automobile body shop.**
2. **New or used tires shall not be kept or stored on the subject property in any manner that is visible from adjacent property or the public right-of-way. All tires shall be kept or stored within an enclosed building.**
3. **The rear of the site within the required buffer yard along Hillcrest Parkway shall be screened by landscaping and a landscaped berm in accordance with PUD criteria and as approved by the City Arborist. Two (2), 15 foot breaks in the berm shall be provided to permit access to the sewer easement, and shrubs shall be planted along the edge of the parking lot adjacent to these two breaks.**

11. [UP-06-41](#)

**PROJECT:** Great Bridge Storage Facility

**APPLICANT:** Great Bridge Storage, LLC

**AGENCY:** Horton & Dodd, P.C.

**PROPOSAL:** A conditional use permit to allow a self-storage facility on a portion of a 48.4 acre parcel.

**ZONE:** A-1 Agricultural District

**SIC CODE:** 4225

**LOCATION:** 1736 Mount Pleasant Road

**TAX MAP SECTION/PARCEL:** 0500000000550

**BOROUGH:** Butts Road

**[CONTINUED](#) to the January 10, 2007 Public Hearing.** (9-0, Whitted/Moore)

12. [UP-06-42](#)

**PROJECT:** 7-Eleven, Dominion Commons

**APPLICANT:** 7-Eleven, Inc.

**AGENCY:** LeClair Ryan, A Professional Corporation

**PROPOSAL:** A conditional use permit for a motor vehicle fuel supply facility with a permitted convenience store on a  $\pm 1.5$  acre site.

**ZONE:** B-2 General Business District

**SIC CODE:** 554

**LOCATION:** the property is located within the Dominion Commons subdivision on the east side of Grassfield Parkway, south of the intersection with Dominion Boulevard.

**TAX MAP SECTION/PARCEL:** 0460000001590

**BOROUGH:** Deep Creek

Planning Commission recommends that UP-06-42 be [APPROVED](#) with the following stipulations: (9-0; Van Laethem/Ward)

1. The applicant/owner agrees that no outdoor public telephones shall be permitted.
2. The applicant/owner agrees to take all action necessary to prohibit loitering as defined in Section 46-13 of the City Code.
3. The applicant/owner agrees to keep the property in a clean and well-maintained condition at all times.
4. The applicant/owner agrees that no loudspeakers shall be permitted on the subject site, with the exception of localized speakers at the individual gas pumps.
5. The landscaping on the subject site shall be in accordance with Article 19-600 of the Chesapeake Zoning Ordinance and the Transportation Corridor Overlay District.
6. In addition to the landscaped berm shown on the preliminary site plan, a landscaped berm shall be constructed along Grassfield Parkway from the proposed sidewalk running southward and extending eastward to the entrance of the site. The berming shall be reflected on the final site plan.
7. Building foundation plantings will be required as indicated on the preliminary site plan. Evergreen shrubs shall be planted 4 feet on center and a recommended species is the dwarf Burford Holly.
8. The applicant/owner agrees that the proposed architectural design and signage of the proposed facility shall be substantially similar in appearance to that depicted on the rendering of architectural elevations, entitled "7-Eleven Convenience Store with Gas" and

stamped dated November 22, 2006 as determined by the Planning Director or designee. The applicant/owner also agrees that a final architectural plan, which includes without limitation a description of exterior colors and materials and demonstrates compliance with this stipulation, shall be submitted to, and approved by, the Planning Director or designee prior to the approval of the final site plan for the subject property. The applicant/owner further agrees that the approved final architectural plan shall be incorporated in the building plans that are submitted to the City for approval.

9. The applicant/owner agrees that no advertising shall be permitted on the proposed pump island canopy with the exception of a 3x3 foot identification sign on the west, south and north sides of the canopy.
  10. The applicant/owner agrees that no product advertising shall be permitted on the interior glass and exterior of the proposed convenience store with the exception of the 7-Eleven sign over the front door depicted on the rendering of architectural elevations, entitled "7-Eleven Convenience Store with Gas" and stamped dated November 22, 2006, as determined by the Planning Director or designee.
  11. The trash dumpster corral shall be constructed of the same material as the convenience store and landscaped using evergreen shrubs.
13. [UP-06-44](#)  
**PROJECT:** Chicho's Restaurant  
**APPLICANT:** SOS, LLC  
**AGENCY:** Pinnacle Group Engineering, Inc.  
**PROPOSAL:** A conditional use permit to sell alcoholic beverages for on site 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.a of the Chesapeake Zoning Ordinance  
**ZONE:** B-1 Neighborhood Business District  
**SIC CODE:** 58  
**LOCATION:** 1400 Kempsville Road, Orchard Square Shopping Center, unit 114  
**TAX MAP SECTION/PARCEL:** 0380000001500  
**BOROUGH:** Washington

Planning Commission recommends that UP-06-44 be [APPROVED](#) with the following stipulation: (9-0; Van Laethem/Ward)

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

14. [UP-06-46](#)

**PROJECT:** Millet - Home Occupation

**APPLICANT:** Leslie Millet

**PROPOSAL:** A conditional use permit for a home occupation to operate a skin care salon within an existing single family residence on a .48 acre parcel. The applicant also seeks approval of an alternative parking surface under Section 19-406.C.1 of the Chesapeake Zoning Ordinance

**ZONE:** R-15s Residential District

**SIC CODE:** 723

**LOCATION:** 1400 Norlina Drive

**TAX MAP SECTION/PARCEL:** 0491002000001

**BOROUGH:** Butts Road

Planning Commission recommends that [UP-06-46](#) be [APPROVED](#) with the following stipulations: (9-0; Van Laethem/Ward)

1. The hours of operation shall be limited to Monday through Saturday from 9 AM to 8 PM.
2. The subject operation shall be limited to one workstation.
3. The number of customers shall be limited to no more than two customers on site at any given time.
4. There shall be no outside signage associated with this use permit.
5. All parking spaces shall be effectively screened from view from the adjacent properties with a Buffer Yard "F" or equivalent as approved by the City Arborist. Such buffering shall be installed prior to beginning the operation of the proposed salon.

H. Public Hearing Regular Items:

15. [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 to the January 10, 2007 Public Hearing. (9-0, Smith/Rowling)**  
**PREVIOUS STAFF REPORT**

16. **R(C)-89-10(Rev 11/06)**

**PROJECT:** Etheridge Square (*formerly Woshepmor Partnership*)

**APPLICANT:** Emerald Lake Estates 1, Inc.

**AGENCY:** Kimley-Horn and Associates

**PROPOSAL:** A conditional zoning reclassification request to eliminate previously approved proffer number 5 regarding phased development.

**LOCATION:** Southwest corner of the intersection of Centerville Turnpike and Etheridge Manor Boulevard

**TAX MAP SECTION/PARCEL:** portion of 0610000000991, 0610000001390, 0610000001400, 0610000001410, 0610000001420, 0610000001430, 0610000001440 and 0610000001450

**BOROUGH:** Pleasant Grove

***This item has been approved for concurrent advertisement and will be heard by City Council on December 19, 2006.***

Planning Commission recommends that the following proffer associated with R(C)-89-10 NOT BE **DELETED**: (6-2-1; Watson/Van Laethem – Ward and Moore opposed – Rowling abstained)

- The applicant shall not seek rezoning on the 27-acre parcel adjacent to Centerville Turnpike and the proposed Etheridge Manor Boulevard until such time as the proposed 15-acre commercial site is completed and occupied.

17. **R(C)-06-19**

**PROJECT:** Etheridge Square

**APPLICANT:** Emerald Lake Estates 1, Inc.

**AGENCY:** Kimley-Horn and Associates

**PROPOSAL:** A conditional zoning reclassification of 22.4 acres from A-1 Agriculture District to O&I Office & Institutional District (11.1 ac) within a 26.3 acre parcel.

**PROPOSED COMP LAND USE & DENSITY:** Low Density multi-family with density not exceeding 16 units per acre

**EXISTING COMP LAND USE & DENSITY:** General Business/Commercial

**LOCATION:** Southwest corner of the intersection of Centerville Turnpike & Etheridge Manor Boulevard

**TAX MAP SECTION/PARCEL:** portion of 0610000000991

**BOROUGH:** Pleasant Grove

***This item has been approved for concurrent advertisement and will be heard by City Council on December 19, 2006.***

***(Continued from the November 8, 2006 Public Hearing)***

Planning Commission recommends that R(C)-06-19 be **DENIED**. (6-2-1; Whitted/Smith – Ward and Moore opposed – Rowling abstained)

18. [UP-06-24](#)

**PROJECT:** Etheridge Square, Group Care Facility

**APPLICANT:** Emerald Lake Estates 1, Inc.

**AGENCY:** Kimley-Horn and Associates

**PROPOSAL:** A conditional use permit for a group care facility on an 11.1 acre site within a 26.3 acre parcel.

**ZONE:** A-1 Agriculture District (Proposed: O&I Office & Institutional District in R(C)-06-19)

**SIC CODE:** 805

**LOCATION:** Southwest corner of the intersection of Centerville Turnpike & Etheridge Manor Boulevard

**TAX MAP SECTION/PARCEL:** portion of 0610000000991

**BOROUGH:** Pleasant Grove

***This item has been approved for concurrent advertisement and will be heard by City Council on December 19, 2006.***

***(Continued from the November 8, 2006 Public Hearing)***

**Planning Commission recommends that UP-06-24 be [DENIED](#).** (6-2-1; Whitted/Smith – Ward and Moore opposed – Rowling abstained)

- I. Director's Items: None
- J. Motion to cancel the December 27, 2006 Public Hearing meeting.

**APPROVED.** (9-0; Smith/Whitted)

- K. Adjournment: 9:20 p.m.

The Chesapeake Zoning Ordinance, Chesapeake Comprehensive Plan, Chesapeake Land Use Plan, Chesapeake tax map book, plats, and maps of the aforementioned properties, documents and proposed text amendments, as described, are available for inspection in the office of the Department of Planning, second floor, in the City Hall building, Chesapeake Civic Center during regular municipal hours. The agenda is also available for viewing on the City's website, [www.cityofchesapeake.net](http://www.cityofchesapeake.net), with links to view the applications, proposed text amendments and the staff recommendations when available.

This meeting will be televised live on WCTV-48 and retelevised Wednesday, December 13, 2006 at 11:00 p.m. If the meeting concludes after 11:00 p.m. it will air as soon as technically possible after the conclusion of the live meeting. It will air again on the following Wednesdays, at 7:00 p.m., Thursdays at 1:00 p.m., and on Sunday at 9:00 a.m. until the next scheduled Planning Commission Meeting on January 10, 2007. All interested parties are invited to attend the public hearing.

Those members of the public interested in attending the public hearing should be advised that, for reasons the Planning Commission deems appropriate, certain items on the agenda may be heard out of order and that it should not be assumed that the order listed above will be exactly followed during the public hearing. Also, due to advertising

deadlines, items that have been continued from previous Planning Commission meetings may not appear of this agenda. For further information, contact the Planning Department at 382-6176.