

Department of Planning
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MARKED AGENDA

Chesapeake Planning Commission

**PUBLIC HEARING – FEBRUARY 14, 2007
CITY COUNCIL CHAMBER – 7:00 P.M.**

- A. Call to Order: Chairman Smith
- B. Invocation: Commissioner Ward
- C. Pledge of Allegiance: Commissioner Wilfore
- D. Roll Call: All Commissioners present
- E. Approval of Minutes: **JANUARY 10, 2007 APPROVED.**
(8-0-1; Ward/Rowland – Moore abstained)
- F. Public Hearing Consent Items:
 - 1. **R(C)-06-30**
PROJECT: 4940 Portsmouth Boulevard Rezoning
APPLICANT: Wirth Commercial Group, LLC
AGENCY: Kimley-Horn and Associates, Inc.
PROPOSAL: A conditional zoning reclassification of a 1.58 acre parcel from R-15s Single Family Residential District to O&I Office and Institutional District for proposed flexible office and storage space.
PROPOSED COMP LAND USE & DENSITY: Office
EXISTING COMP LAND USE & DENSITY: Suburban Single-family with 1 unit per acre to something less than 4 units per acre
LOCATION: 4940 Portsmouth Boulevard
TAX MAP SECTION/PARCEL: 0150000001900
BOROUGH: Western Branch

WITHDRAWN. No further action necessary.

2. [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. ([Development Criteria](#))

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 from the January 10, 2007 Public Hearing)

[CONTINUED](#) to the March 14, 2007 public hearing. (9-0; Peoples/Ward)

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 December 13, 2006 Public Hearing)

[CONTINUED](#) to the April 11, 2007 public hearing. (9-0; Peoples/Ward)

4. [R\(C\)-06-16](#)
PROJECT: 2209 Cedar Road Rezoning
APPLICANT: Princess Anne Builders
AGENCY: Hassell & Folkes, P.C.
PROPOSAL: A conditional zoning reclassification of 23.9 acres zoned A-1 Agricultural District to R-12(a)s – Single family Residential District (17.4 acres) and R-25(a)s Single family Residential District (6.5 acres) for the purpose of single family residential development.
PROPOSED COMP LAND USE & DENSITY: Suburban Single-family with 1 unit per acre to something less than 4 units per acre
EXISTING COMP LAND USE & DENSITY: Rural with one unit per 3 or more acres
LOCATION: 2209 Cedar Road
TAX MAP SECTION/PARCEL: 0450000000060
BOROUGH: Deep Creek

CONTINUED to the March 14, 2007 public hearing. (9-0; Peoples/Ward)
5. [UP-06-50](#)
PROJECT: Southgate Plaza Cingular Monopole
APPLICANT: Cingular Wireless
AGENCY: Bowman, Green, Hampton & Kelly, PLLC
PROPOSAL: A conditional use permit to allow a 150 foot monopole communication tower in a 700 square foot leased area that is a portion of a 14.622 acre parcel.
ZONE: B-1 Neighborhood Business District
SIC CODE: 48
LOCATION: 2309 Bainbridge Boulevard
TAX MAP SECTION/PARCEL: 1390000001910
BOROUGH: South Norfolk

CONTINUED to the March 14, 2007 public hearing. (9-0; Peoples/Ward)
6. [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: 0280000000760
BOROUGH: Washington
(Continued from the January 10, 2007 Public Hearing)

Planning Commission recommends that R(C)-06-27 be APPROVED with the following proffers: (9-0; Rowland/Moore)

- 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 Hardyplank (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.**

7. [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

(Continued from the January 10, 2007 Public Hearing)

Planning Commission recommends that UP-06-48 be [APPROVED](#) with the following stipulation: (9-0; Rowland/Moore)

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

8. [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

(Continued from the January 10, 2007 Public Hearing)

Planning Commission recommends that UP-06-45 be [APPROVED](#) with an alternative parking surface and with the following stipulations: (8-0-1; Watson/Rowland – Peoples abstained)

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.

9. [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.

Planning Commission recommends that TA-Z-06-08, version dated February 6, 2007, be [APPROVED](#). (9-0; Rowland/Moore)

10. [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

Planning Commission recommends that R(C)-01-21(REV 12/06) be [APPROVED](#) with the following proffers: (9-0; Rowland/Moore)

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.

11. [ST.C-07-01](#)

PROJECT: Gateway at SoNo Alley Closure

APPLICANT: Gateway at SoNo Development, LLC

AGENCY: Clark Nexsen

PROPOSAL: A petition to close approximately 1,541 sq. ft. of residual right-of-way to consolidate the Gateway at SoNo development site.

ZONE: B-2 General Business District

LOCATION: 149[±] feet eastward of the southeast corner of Bainbridge Boulevard and Grady Street

TAX MAP SECTION/PARCEL: 1270000002410

BOROUGH: South Norfolk

(This item has been approved for concurrent advertisement and will be heard by City Council on February 20, 2007.)

Planning Commission recommends that ST.C-07-01 be [APPROVED](#) with the following stipulation: (9-0; Rowland/Moore)

- Unless waived or modified by the City Council, the petitioner(s)/owner(s) shall purchase the street closure area for \$8,861. 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.

12. [UP-06-51](#)

PROJECT: Busky's Chill and Grill, Inc.

APPLICANT: Judith Vanbuskirk

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 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 that UP-06-51 be [APPROVED](#) with the following stipulation: (9-0; Rowland/Moore)

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

13. [UP-07-02](#)

PROJECT: One Accord Worship Center

APPLICANT: One Accord Worship Center

PROPOSAL: A conditional use permit to construct and operate a church facility on approximately 2.95 acres. Applicant also seeks permit to allow indirect illumination of signage in accordance with section 14-707.6.b. of the Chesapeake Zoning Ordinance. (Previous #UP-02-44 approved Dec 17, 2002 and extended for one year on Nov 16, 2004)

ZONE: R-15s Single-family Residential District/A-1 Agricultural District

SIC CODE: 8661

LOCATION: 1516 Volvo Parkway

TAX MAP SECTION/PARCEL: 0290000000012

BOROUGH: Washington

(This item has been approved for concurrent advertisement and will be heard by City Council on February 20, 2007.)

Planning Commission recommends that UP-07-02 be **APPROVED** with indirect illumination of signage and with the following stipulations: (9-0; Rowland/Moore)

1. The applicant/owner agrees exterior of the proposed church shall be a neutral color and constructed primarily of brick, stucco, or similar material with no more than 25% of the finished exterior being metal and shall require approval by the Planning Director prior to final site plan approval.
2. The applicant shall provide the revised parking data in accordance with the Zoning Ordinance on the Final Site Plan.
3. Landscaping shall be provided in accordance with Section 19-600 Chesapeake Landscape Ordinance as determined by the City Arborist.

14. [S\(V\)-06-181](#)

PROJECT: Long Ridge Woods Subdivision Variance

APPLICANT: Riddick Farms, L.L.C.

AGENCY: Chesapeake Land Use Enterprise

PROPOSAL: A variance from Section 70-167 of the Subdivision Ordinance to waive the requirement for sidewalks in a 9 lot subdivision on a 44.29 acre parcel.

ZONE: A-1 Agricultural District and R-15s Residential District

LOCATION: 1305 Long Ridge Road

TAX MAP SECTION/PARCEL: 0760000000140

BOROUGH: Butts Road

APPROVED. (9-0; Rowland/Moore)

G. Public Hearing Regular Items:

15. [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 January 10, 2007 Public Hearing)

Planning Commission recommends that R(C)-06-25 be [APPROVED](#) with the following proffers: (7-2; Rowland/Ward – Watson, Smith opposed)

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.

16. [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, portion of 0270000000778

BOROUGH: Washington

(Continued from the January 10, 2007 Public Hearing)

Planning Commission recommends that UP-06-39 be [APPROVED](#) with the following stipulations: (8-1; Rowland/Ward – Watson opposed)

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.**

H. Director's Items: None

I. Unfinished and New Business:

- **Motion to cancel the February 28, 2007 Public Hearing meeting. [APPROVED.](#)** (9-0; Peoples/Whitted)

J. Adjournment: 8:25 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, 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, February 14, 2007 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 March 14, 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 on this agenda. For further information, contact the Planning Department at 382-6176.