

Department of Planning
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MARKED AGENDA

Chesapeake Planning Commission

**PUBLIC HEARING – AUGUST 8, 2007
CITY COUNCIL CHAMBER – 7:00 P.M.**

- A. Call to Order: Chairman Smith
- B. Invocation: Commissioner Whitted
- C. Pledge of Allegiance: Commissioner Watson
- D. Roll Call: Commissioner Peoples absent
- E. Approval of Minutes: **JULY 11, 2007 APPROVED.** (7-0; Wilfore/Ward – Peoples absent)
- F. Public Hearing Consent Items:
 - 1. **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 July 11, 2007 Public Hearing)

CONTINUED to the October 10, 2007 Public Hearing. (7-0; Whitted/Ward – Peoples absent)

2. [R\(C\)-07-18](#)

PROJECT: Chesapeake Crossroads

APPLICANT: Associates 101, LLC

AGENCY: Engineering Services, Inc.

PROPOSAL: A conditional zoning reclassification of 17.59 acres from B-3, Highway Business District (7.828 acres) and R-8s, Residential District (9.762 acres) to R-MF-1, Multi-family Residential District to allow 134 condominium units.

PROPOSED COMP LAND USE & DENSITY: Medium Density Residential, 7.9 units per acre

EXISTING COMP LAND USE & DENSITY: High Density Mixed Use and Medium Density Residential, 5 to 16 units per acre

LOCATION: South side of S. Military Highway approximately 1100 feet west of Battlefield Boulevard

TAX MAP SECTION/PARCEL: 0270000000570

BOROUGH: Washington

CONTINUED to the September 12, 2007 Public Hearing. (7-0; Whitted/Ward – Peoples absent)

3. [CIB-07-02](#)

PROJECT: Proposed Edwin Drive & Armstrong Drive

APPLICANT: Dept. of Public Works

PROPOSAL: Approval of proposed Edwin Drive & Armstrong Drive 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: Edinburgh West Subdivision/Southwest quadrant of Hillcrest Parkway Interchange

TAX MAP SECTION/PARCEL: 07300000001810

APPROVED. (6-1; Whitted/Rowland – Weaver opposed – Peoples absent)

4. [UP-07-15](#)

PROJECT: Virginia Point Biodiesel

APPLICANT: Virginia Point Biodiesel, LLC

AGENCY: Hoggard-Eure Associates, PC

PROPOSAL: A conditional use permit to construct and operate a biodiesel fuel production facility on 44± acres. The applicant also seeks approval of a height increase pursuant to Sections 8-302.a.6 and 19-205.b of the Chesapeake Zoning Ordinance to allow two proposed 100 ft. structures to exceed the 75 foot height limitation by 25 feet.

ZONE: M-2 General Industrial District

SIC CODE: 2079

LOCATION: 700 Rosemont Avenue

TAX MAP SECTION/PARCEL: Portion of 1440000000010, 1440000000011, 1440000000020

BOROUGH: South Norfolk

(Continued from the July 11, 2007 Public Hearing)

Planning Commission recommends that UP-07-15 be **APPROVED** with the requested height increase and with the following stipulations: **(UPDATED STAFF REPORT)** (7-0; Rowland/Weaver – Peoples absent)

1. The term “applicant” as used herein shall mean not only the current applicant, but any and all successors in interest and operators of the facility.
2. The applicant must obtain all the necessary permits for a sewage disposal system, whether public or private, prior to the issuance of a Certificate of Occupancy for the subject facility.
3. The applicant shall not process, handle or store, or allow the processing, handling or storage of, raw materials including, but not limited to, plants and animal fat, on the subject site. The purpose of this stipulation is to prohibit odorous raw materials used to produce oils that are in turn used to create biodiesel fuel on the subject site.
4. A certificate of occupancy, temporary or final, shall not be issued for the facility, or any portion thereof, until the Fire Department certifies in writing that Stipulations five (5) through (42) have been satisfied, unless another date is specifically stated in a stipulation. This provision shall not be construed to nullify the applicant’s continuing obligation to comply with all stipulations.
5. a. The applicant shall prepare a security plan for the facility subject to the joint approval of the Chesapeake Fire Chief/Emergency Management Coordinator and the Chesapeake Chief of Police, or their respective designees. Such plan shall be subject to a periodic review and update, as

determined by the Fire Chief/Emergency Management Coordinator or Chief of Police.

- b. The applicant must provide and maintain all equipment related to security and monitoring of the facility, including without limitation 24-hour cameras. Access to this equipment and any recordings made thereby shall be provided to the City within fifteen (15) minutes of request by the Chesapeake Fire Chief/Emergency Management Coordinator or the Chesapeake Police Chief, or their designees.**
 - c. The applicant shall ensure that security personnel will be deployed to and remain at the site in the event of security and terrorist threat levels orange or red potentially affecting this facility, determined by order of the Chesapeake Fire Chief/Emergency Services Coordinator upon consultation with, and advice of, the Chesapeake Police Chief, under the following conditions:**
 - Known threats against the industry,**
 - Specific threats against the facility and affiliated companies,**
 - Specific threats to adjacent industries.**
- 6. Within two (2) years of commencing plant operations, the applicant must qualify and apply for, and take all necessary action within its power to be granted participation in the OSHA Star Voluntary Protection Program. In the event the applicant initially fails to be granted participation in the OSHA Star Voluntary Protection Program, or is subsequently removed from the Program, the applicant shall nevertheless continue to conduct operations at the facility in a manner that would meet all OSHA standards of qualification, as determined by the Chesapeake Fire Department. In the event of the applicant's failure to participate in the OSHA Star Voluntary Protection Program, or to qualify for participation, for any period of time exceeding two (2) years, the Fire Department may recommend to the Zoning Administrator that UP-07-15 be considered for revocation for willful failure to comply with this stipulation.**
- 7. The applicant shall offer to conduct training upon reasonable request by the Chesapeake Fire Chief/Emergency Services Coordinator or designee, the Chesapeake L.E.P.C., or the Hampton Roads Regional Hazardous Materials Response Team. This training shall include all aspects of the operations conducted on the property subject to UP-07-15, including but not limited to, manufacturing operations, fixed tanks and piping, and transportation (rail, truck, ship, etc.) emergencies. Training opportunities shall include any**

private contractor(s) or company employees that the applicant employs for emergency response, as required by the Chesapeake Fire Chief/Emergency Services Coordinator or designee.

8.
 - a. The applicant shall provide emergency access, beginning at Rosemont Ave., to all buildings, structures, piers, wharfs and areas where bio-diesel, palm oil or other hazardous materials will be manufactured, loaded, unloaded, transported, handled or stored; ensure an adequate water supply for firefighting, including sufficient water pressure; install and maintain automatic fire protection systems; and obtain all required operational permits for hazardous materials; all as required by the Uniform Statewide Building Code, the Statewide Fire Prevention Code, Public Facilities Manual and all requirements of the Fire Department. Operational fire code permit(s) for hazardous materials shall not be issued or considered valid until the Fire Department certifies that the required emergency access, firefighting water supply, and automatic fire protection systems have been provided in accordance with applicable laws, ordinances and regulations and in full compliance with the stipulations and preliminary site plan approved by City Council in granting UP-07-15.
 - b. The applicant shall ensure that an additional emergency access road(s) beginning at Bainbridge Blvd. with the proper dead-end turnaround with the proper widths and turning radius for fire apparatus, and properly marked in accordance with the Chesapeake Fire Department requirements and the Public Facilities Manual in accordance with Chesapeake Fire Department requirements shall be provided as shown on the approved final site plan or as may be required through the final build out of the site by the Chesapeake Fire Chief/Emergency Services Coordinator or designee.
 - c. Additional access roads as identified by the Chesapeake Fire Chief/Emergency Services Coordinator or designee, during final site plan review and thereafter, shall meet emergency access requirements. In the alternative, the applicant shall provide for increased fire protection measures above minimum requirements as approved by the Chesapeake Fire Chief/Emergency Services Coordinator or designee.
9. The applicant shall ensure that lock boxes as required and approved by the Chesapeake Fire Department shall be placed in identified areas for emergency access to include any secured entrance gate(s) to the complex and for substantial buildings within the complex. The keys contained in these lock boxes shall be keyed alike to provide

for greater response efficiency. The applicant shall install one or more lock boxes for emergency access through gated access, as well as for entry to principal buildings and areas, as designated by the Chesapeake Fire Chief/Emergency Services Coordinator or designee. The applicant shall maintain, repair and replace the lock boxes as necessary to ensure functionality.

10. Fire protection equipment shall be installed and maintained as approved by the Chesapeake Fire Chief/Emergency Services Coordinator or designee by the issuance of a permit for installation and by final system field inspection and testing before any hazardous materials are manufactured, used or stored at the facility. Approved fire protection equipment shall be maintained while any hazardous material is manufactured, stored or used on the site.
11. The applicant shall ensure that any Self Contained Breathing Apparatus at the facility shall be of the same brand, model and type as used, or approved by the Chesapeake Fire Chief/Emergency Services Coordinator or designee.
12. The applicant shall provide and maintain a remote surveillance and fire command center (FCC). The size, location and construction of this center shall be approved by the Chesapeake Fire Chief/Emergency Services Coordinator or designee but shall be located near the entrance to the site. The functionality of the FCC shall include at a minimum:
 - Video capability to view all areas of the processing, storage, loading and other areas identified by the Fire Department.
 - Fire detection, fire alarm annunciation, fire suppression, remote sensor monitoring and controls shall be required. The fire alarm and suppression shall be zoned as required and approved by the Fire Department.
 - Remote operation of fire pumps and required backup power supplies.
 - Remote operation of remote control fire suppression monitors as required by the Fire Department.
 - Remote operation of foam supplies and appliances.
 - Remote shut off of fuel loading equipment at all loading racks.
 - Remote shut off of flammable, combustible or corrosive material transfer or processing equipment.
 - Equipped with all measures necessary to protect personnel from any releases of hazardous materials.

- **Weather station.**
 - **Communication capability with all facility site operators and response personnel.**
 - **Keys and pass cards for all locked accesses, gates, etc.**
 - **A pre-incident plan provided by the Chesapeake Fire Department.**
 - **Current facility layout including: Storage tanks, Facility piping, Loading racks, Emergency access points.**
 - **Current facility emergency response plan.**
 - **Current emergency contact list.**
 - **A plant operations liaison employee knowledgeable in plant operations, equipment, safety equipment and safety procedures shall meet the Fire Department on any emergency response and be assigned to the FCC to assist the Fire Department Incident Commander. When the facility is staffed and operating this employee shall immediately meet the fire department. When the facility is not staffed or operating this employee shall arrive within 1 hour of notification of an incident.**
- 13. The applicant shall ensure that the fire protection equipment for the site and pier serving the facility meets or exceeds all applicable requirements and specifications of the Statewide Fire Prevention Code and local amendments, as well as all applicable API, ANSI, FM, ASTM, ISO and NFPA requirements or as required and approved by the Chesapeake Fire Department.**
- 14. The applicant shall install and maintain a water main dedicated solely for supplying fire hydrants used for manual firefighting operations and domestic water with no fire pump pressurization and a separate water main dedicated solely for fire protection equipment pressurized by a fire pump. Fire department connections shall be configured so that fire department apparatus can augment fire suppression equipment as may be required by the Chesapeake Fire Chief/Emergency Services Coordinator or designee without pressurizing the hydrant system. Fire department connections shall be installed in accordance with the Virginia Statewide Fire Prevention Code and National Fire Protection Standard 24 and shall be located at least forty (40) feet from any structure, and shall have a fire hydrant supply within fifty (50) feet of any fire department connection, in accordance with the approval of the Chesapeake Fire Chief/Emergency Services Coordinator or designee.**
- 15. The applicant shall install and maintain water and foam monitors for fire protection, as required by the Chesapeake Fire Chief/Emergency**

Services Coordinator or designee. The monitors shall be automatically actuated by fire-responsive devices and shall also have a capability for manual actuation in accordance with Chapter 4 of NFPA 11 and NFPA 16 as required by the Chesapeake Fire Chief/Emergency Services Coordinator or designee. All monitors shall have 360 degree water discharge positioning capability and fog or straight stream discharge pattern adjustment under remote, manual and local (physically manned) operation unless otherwise approved by the Chesapeake Fire Chief/Emergency Services Coordinator or designee.

- 16. The applicant shall install and maintain water and foam monitors for fire protection protecting flammable/combustible liquid storage tanks, pipelines, loading racks, unloading racks, manufacturing, pier or wharf, marine vessel, railcar and truck loading area connection points and other areas, if required by the Chesapeake Fire Chief/Emergency Services Coordinator or designee. The monitors shall be fully remote controlled providing 360 degrees discharge positioning and fog/straight stream adjustment, foam supply as well as on/off controlling. The applicant shall ensure that all water and foam monitors for fire protection will have specific capabilities of being remotely controlled from the FCC as shown on the Final Site Plan unless otherwise approved by the Chesapeake Fire Chief/Emergency Services Coordinator or designee.**
- 17. The applicant shall provide and maintain all new or existing piers, docks or wharfs used by the facility with automatic fire protection, automatic fire detection, firefighting water supply, fire hydrants, manual or remote fire suppression monitors and foam supplies or appliances as required by the Chesapeake Fire Chief/Emergency Services Coordinator or designee.**
- 18. The applicant shall install and maintain water main fire suppression system pumps necessary to meet water demand pressure and shall require electric generator back up for electric fire pumps and water storage tanks to meet volume demand as required by the Chesapeake Fire Chief/Emergency Services Coordinator or designee that will simultaneously provide adequate water supply to the fire suppression nozzles, fire hydrants, fire sprinkler systems and other firefighting equipment required by the Chesapeake Fire Chief/Emergency Services Coordinator or designee. The applicant shall ensure that the firefighting water supply meets all current demands and be upgraded when necessary to meet future demands.**
- 19. The applicant shall design, install and maintain water lines, pumps, tanks hydrants and related equipment or improvements needed to meet and maintain water supply demand and water pressures at all**

times for overall site protection, as determined by the Chesapeake Fire Chief/Emergency Services Coordinator or designee, using municipal water only. Required water supply for fire fighting shall be municipal water. Alternative sources of water may be used for fire fighting but shall not affect the required amount of municipal water supply. The required water demand and pressure are cumulative and shall include manual and automatic systems including protecting exposures and foam production which occur simultaneously.

20. The applicant shall ensure that the minimum amount and duration of fire flow water for process areas and storage tanks shall be a minimum of 2,000 gallons per minute for 3 hours, as indicated by the Clark Nexsen report dated June 21, 2007 or the minimum flow and duration required by applicable SFPC, NFPA or FM standards, which ever is greater unless otherwise approved by the Chesapeake Fire Chief/Emergency Services Coordinator or designee.
21. The applicant shall ensure that the minimum amount and duration of firefighting foam supply for process areas and storage tanks shall provide at least 3 hours supply (4,200 gallons) or the minimum flow and duration required by applicable SFPC, NFPA or FM standards, which ever is greater. Firefighting foam supplies shall be in a fixed and pre-piped foam tank and system which includes a central foam tank(s) capable of storing and distributing the maximum amount of foam concentrate required for any firefighting foam operation scenario. The location of this foam storage area shall be remote as approved by the Chesapeake Fire Chief/Emergency Services Coordinator or designee. This location will be a safe area away from the hazards, protected and shall contain all piping and appliances necessary for automatic use and distribution of firefighting foam. Foam supplies on site must satisfy the greatest on-site demand, as determined by the Chesapeake Fire Chief/Emergency Services Coordinator or designee, unless otherwise approved by the Chesapeake Fire Chief/Emergency Services Coordinator or designee. Any foam used by the Fire Department for an incident on the site shall be replaced within a time required by the Chesapeake Fire Chief/Emergency Services Coordinator or designee.
22. The applicant shall provide and maintain extra foam supplies in amounts (1,400 gallons minimum), type, containers, distribution equipment and methods in accordance with the requirements of the Chesapeake Fire Chief/Emergency Services Coordinator or designee.
23. The applicant shall install and space all fire hydrants a maximum of 250 feet apart as approved by the Chesapeake Fire Chief/Emergency Services Coordinator or designee and shall flow at a minimum of

1,500 gallons per minute (at a minimum of 20 psi) each unless otherwise approved by the Chesapeake Fire Chief/Emergency Services Coordinator or designee.

- 24. The applicant shall install and maintain dry hydrants that meet NFPA 1142 standards and fire department connections for an emergency back up firefighting water supply at the pier or other areas as required by the Chesapeake Fire Chief/Emergency Services Coordinator or designee.**
- 25. The applicant shall maintain the pipelines transporting inflammable/combustible liquids with automatic fire protection as required by the Chesapeake Fire Chief/Emergency Services Coordinator or designee. This fire protection system must be activated by an approved fire detection system that is connected to the monitored fire alarm system that provides on-site notification and automatically shuts down the transport/transfer operation unless otherwise approved by the Chesapeake Fire Chief/Emergency Services Coordinator or designee.**
- 26. The applicant shall ensure that high hazard areas shall be protected by automatic early suppression fast response (EFSR) sprinkler heads as required by the Chesapeake Fire Chief/Emergency Services Coordinator or designee.**
- 27. The applicant shall ensure that appropriate containment and drainage for runoff of firefighting water and foam applications as approved by the Chesapeake Fire Chief/Emergency Services Coordinator or designee.**
- 28. The applicant shall ensure that an operational fire code permit(s) is obtained before any manufacture, use or storage of any hazardous materials on the facility will be allowed.**
- 29. The applicant shall not permit, cause or allow hazardous materials be transferred directly from one ship, barge, truck or railcar to another, ship, barge, truck or railcar without written approval of the Chesapeake Fire Chief/Emergency Services Coordinator or designee. All off-loading or on-loading of transport vessels shall be to or from fixed facility containers.**
- 30. The applicant shall prepare and submit a Risk Management Plan to the Chesapeake Fire Chief/Emergency Services Coordinator or designee for review and approval prior to any storage or manufacturing of biodiesel or any other hazardous material at the facility.**

- 31. The applicant shall engage the continuous services of a private hazardous materials response team, which shall be certified and properly trained and shall arrive onsite within one hour of an emergency alarm or call. The private hazardous materials response team shall be responsible for responding to assist the Fire Department with emergencies at the facility, as well as at any other location in the Cities of Chesapeake and Portsmouth from which biodiesel or other hazardous material is shipped to or from the facility. Regardless of the circumstances, the applicant and the private hazardous materials response team shall on every occasion deem an emergency to exist if so determined by the Chesapeake Fire Chief/Emergency Services Coordinator or designee. The applicant shall provide the Chesapeake Fire Chief/Emergency Services Coordinator or designee annually, or as changes occur, a copy of any and all contracts with private hazardous materials response teams to ensure that the terms and obligations satisfy this stipulation.**
- 32. The applicant shall ensure that the operation, use, and maintenance of all equipment and tanks used to manufacture, store, handle or process hazardous materials meet the requirements of the Chesapeake Fire Chief/Emergency Services Coordinator or designee.**
- 33. The applicant shall ensure that inflammable and combustible liquid storage tanks meet or exceed NFPA 30 requirements for fire protection and spacing as approved by the Chesapeake Fire Chief/Emergency Services Coordinator or designee.**
- 34. The applicant shall install and maintain on-site sensors to detect a leak of any hazardous materials as determined to be required by the Chesapeake Fire Chief/Emergency Services Coordinator or designee. These sensors shall be located throughout the terminal facility, including without limitation, buildings, structures, dock areas and loading racks, as required and approved by the Chesapeake Fire Chief/Emergency Services Coordinator or designee. These sensors shall be set to alarm and give automatic, audio and/or visual notifications to the satisfaction of the Chesapeake Fire Chief/Emergency Services Coordinator or designee. The applicant shall also provide, monitor and maintain off-site, remote sensors as required in accordance with the requirements of the Chesapeake Fire Chief/Emergency Services Coordinator or designee. Such remote monitors may be located anywhere the Chesapeake Fire Chief/Emergency Services Coordinator or designee determines a reasonable potential threat may exist. The applicant shall be solely responsible for testing, repairing, replacing and monitoring the required sensors and related equipment.**

35. **The applicant shall ensure that any unintended, accidental or unauthorized intentional release of any hazardous materials shall be reported as required by the Chesapeake Fire Chief/Emergency Services Coordinator or designee and to other federal, state and local regulatory agencies.**
36. **Procedures shall be developed, approved by the Chesapeake Fire Chief/Emergency Services Coordinator or designee implemented that appropriately stores, contains, mitigates and disposes of any product or portion of material that is determined to not be satisfactory for the production of bio-diesel or is a waste byproduct.**
37. **The applicant shall perpetually maintain a copy of all facility inspection reports in a secure location and shall make them available to the City of Chesapeake within one (1) hour of request from the City Manager, City Attorney, Fire Chief/Emergency Management Coordinator, or their respective designees. The inspection reports shall include the date, purpose, scope and findings of all inspections of the facility, whether conducted by an individual, private entity, insurance company, OSHA, the U.S. Coast Guard, or any other private, federal, state, local or private agency, association or organization.**
38. **The applicant shall, upon request, provide a representative to the City of Chesapeake Local Emergency Planning Committee (LEPC).**
39. **The applicant shall invite the Chesapeake Fire Chief/Emergency Services Coordinator or designee to attend the initial and subsequent updates to any risk/vulnerability inspections or studies conducted at or in regard to the terminal facility. The invitation shall be in writing with no less than seven (7) days prior notice.**
40. **The applicant shall take any and all necessary action to ensure that trucks transporting, delivering or removing hazardous, toxic and corrosive materials shall not travel, idle or park on any highway or road within the Cities of Chesapeake except between the hours of Midnight and 5 a.m. A subsequent violation by the same or different truck driver or transport company shall be deemed sufficient cause to request City Council to revoke the conditional use permit pursuant to Section 17-112 of the Zoning Ordinance. The applicant shall be responsible for any notice of violation or warning issued by the Zoning Administrator for noncompliance with this stipulation, except in emergency situations caused by force majeure conditions as determined by the Chesapeake Fire Chief/Emergency Services Coordinator or designee, including, but not limited to, severe winter weather. In such emergency situations, the Chesapeake Fire Chief/Emergency Services Coordinator or designee shall be notified**

as soon as reasonably practicable of the transport and delivery of hazardous, toxic and corrosive materials outside the normal period of 12:00 am to 5:00 am. In addition, the facility shall provide such documentation as the Chesapeake Fire Chief/Emergency Services Coordinator or designee may request of the emergency conditions necessitating such transportation.

41. The applicant shall provide the Chesapeake Fire Chief/Emergency Services Coordinator or designee with a list of new safety, handling, dispensing and storage equipment, technologies and features for alternate fuel manufacturing facilities, including a comparative analysis of the existing equipment and process at the facility. Such list and analysis shall be provided at least once every ten (10) years or more frequently, if requested by the Chesapeake Fire Chief/Emergency Services Coordinator or designee.
42. To enhance safety at the facility the applicant shall ensure that the facility shall be reviewed by the Chesapeake Fire Chief/Emergency Services Coordinator or designee every ten (10) years to determine whether the applicant is maintaining, repairing and replacing all equipment, computer programs and other types of improvements required by these stipulations or required by changes in applicable laws, ordinances, regulations, specification manuals or industry best practices. The review shall also be used to ensure that the applicant is installing improved safety and protection equipment, computer programs and other devices and processes in accordance with new technologies as they become available. If the review indicates that the applicant has failed to install improved equipment, computer programs and other technically advanced devices and processes, based on the then current industry standards and operational best practices, the Chesapeake Fire Chief/Emergency Services Coordinator or designee shall give the applicant reasonable notice to correct any and all noted deficiencies. The applicant's failure to make such corrections within the time permitted shall constitute a willful violation of this stipulation. In no event shall this stipulation be interpreted to limit the right of any City of Chesapeake Official or employee to inspect the facility as otherwise permitted by law or to take corrective action in the event of violation of any law, ordinance or regulation or in the event of noncompliance with any stipulation attached to, or site plan approved as part of, this conditional use permit UP-07-15.
43. The applicant shall provide radio communications equipment and continuous radio communications service as deemed necessary by the Chesapeake Fire Chief/Emergency Services Coordinator or designee to facilitate constant radio contact between the proposed facility and the Chesapeake Fire Department, the railroad serving the

facility and the United States Coast Guard. In the event any of the buildings, equipment or operations at the facility interferes with or inhibits the Chesapeake public safety communication system, the applicant shall take all necessary steps to restore effective public safety communications, as determined and approved by the City of Chesapeake Communications Coordinator.

44. The applicant shall provide the Chesapeake Fire Chief/Emergency Services Coordinator or designee a "MIDLAND" model B-240, kit for handling railcar emergencies.
 45. The applicant agrees to shall establish a citizen advisory committee. The committee shall consist of members from the surrounding communities of Chesapeake and Portsmouth. This committee shall be established upon City Council approval of the project. This committee shall serve to receive and address citizens concerns such as safety, environmental and operational issues directly with facility personnel. The members of the committee shall decide on the frequency of meetings.
 46. In the event that the Zoning Administrator receives verifiable complaints of odor or noise emanating from the subject property, the Zoning Administrator may refer the conditional use permit to the Planning Commission for further review and recommendation to City Council for additional stipulations to address odor or noise related issues.
5. [UP-07-26](#)
PROJECT: Lee's TaeKwonDo America
APPLICANT: Jee Ho Lee
AGENCY: Hassell & Folkes, PC
PROPOSAL: A conditional use permit to provide child day care with martial arts instruction for school age children.
ZONE: B-1 Neighborhood Business District
SIC CODE: 835
[LOCATION](#): 1402 Kempsville Road, Orchard Square Shopping Center
[TAX MAP SECTION/PARCEL](#): 0380000001520
BOROUGH: Washington

Planning Commission recommends that UP-07-26 be [APPROVED](#) with the following stipulation: (6-1; Whitted/Rowland – Weaver opposed - Peoples absent)

- The applicant agrees to transport children enrolled in the day care center to Chesapeake City Park for outdoor recreation during non-school days.

6. [UP-07-27](#)

PROJECT: Bedford Street Offices

APPLICANT: Banks & Salamon

AGENCY: Blakeway Corporation

PROPOSAL: A conditional use permit to allow office space for general contractors on 6 acres within the Fentress Overlay District. The applicant also requests an alternative parking surface in accordance with Section 19.406.c.1 of the Zoning Ordinance.

ZONE: A-1, Agricultural District

SIC CODE: 154

LOCATION: South side of Bedford Street west of Maxwell Street

TAX MAP SECTION/PARCEL: Portion of 0630000000310

BOROUGH: Butts Road

CONTINUED for thirty days to the September 12, 2007 Planning Commission public hearing. (7-0; Weaver/Whitted – Peoples absent)

G. Public Hearing Regular Items:

7. [S\(V\)-07-62](#)

PROJECT: Lexington Place Subdivision Variance

APPLICANT: W.W. Properties Associates, LLC

AGENCY: Hassell & Folkes, P.C.

PROPOSAL: A variance from Section 70-167 of the Subdivision Ordinance to waive the requirement for the installation of sidewalks within a 14-lot residential subdivision on a 112.8 acre parcel.

ZONE: RE-1 Residential Estate (105.8 acres) & A-1 Agricultural (7.0 acres)

LOCATION: West side of Saint Brides Road West, approximately 0.5 miles south of the intersection with Dewald Road

TAX MAP SECTION/PARCELS: 0842002000020, 0842002000030,
0842002000040, 0842002000050, 0842002000060, 0842002000070,
0842002000080, 0842002000090, 0842002000100, 0842002000110,
0842002000120, 0842002000130, 0842002000140

BOROUGH: Pleasant Grove

(Continued from the July 11, 2007 Public Hearing)

APPROVED with the following stipulation: (4-3; Rowland/Whitted – Wilfore, Weaver, Watson opposed - Peoples absent)

- All existing partial segments of sidewalks within the limits of the subdivision shall be removed by the applicant/developer prior to the issuance of Certificates of Occupancy for Lots 2, 12, 13, and 14.

8. **R(C)-07-19**
PROJECT: Yadkin Station
APPLICANT: LORI, Inc.
AGENCY: Golden Heritage Homes, LLC
PROPOSAL: A conditional zoning reclassification of 10.369 acres from R-15s, Residential District to O&I, Office and Institutional District for the purpose of constructing group housing for the elderly.
PROPOSED COMP LAND USE & DENSITY: Medium Density Residential, 5 to 16 units per acre
EXISTING COMP LAND USE & DENSITY: Low Density Residential, less than 4 units per acre
LOCATION: 3343, 3345 and 3353 Galberry Rd.
TAX MAP SECTION/PARCEL: 0330000001720, 0330000001740, 0330000001750, 0330000001760
BOROUGH: Deep Creek

CONTINUED for thirty days to the September 12, 2007 Planning Commission public hearing. (7-0; Whitted/Ward – Peoples absent).
(PREVIOUS STAFF REPORT)

9. **UP-07-21**
PROJECT: Yadkin Station
APPLICANT: LORI, Inc.
AGENCY: Golden Heritage Homes, LLC
PROPOSAL: A conditional use permit to allow group housing for the elderly consisting of 57 condominium units on 10.369 acres.
ZONE: Existing: R-15s, Residential District. Proposed: O&I, Office and Institutional District in R(C)-07-19.
SIC CODE: 805
LOCATION: 3343, 3345 & 3353 Galberry Rd.
TAX MAP SECTION/PARCEL: 0330000001720, 0330000001740, 0330000001750, 0330000001760
BOROUGH: Deep Creek

CONTINUED for thirty days to the September 12, 2007 Planning Commission public hearing. (7-0; Whitted/Ward – Peoples absent).
(PREVIOUS STAFF REPORT)

- H. Director's Items

Mr. Nielson reminded the Commission of the Ethanol Work session scheduled for August 15, 2007 beginning at 4:00 at the Chesapeake School Building.

- I. Unfinished and New Business

Motion to cancel the August 22, 2007 Public Hearing meeting.

APPROVED. (7-0; Whitted/Ward – Peoples absent

J. 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 Planning Department, on the 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 re-televised Wednesday, August 8, 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 September 12, 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.