

Department of Planning  
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**MARKED AGENDA**

*Chesapeake Planning Commission*

**PUBLIC HEARING – OCTOBER 10, 2007  
CITY COUNCIL CHAMBER – 7:00 P.M.**

- A. Call to Order: Chairman Smith
- B. Invocation: Commissioner Rowland
- C. Pledge of Allegiance: Commissioner Peoples
- D. Roll Call: Commissioner Ward absent
- E. Approval of Minutes: September 12, 2007 **APPROVED.** (7-0-1;  
Weaver/Whitted – Hutchinson abstained –Ward  
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 August 8, 2007 public hearing)*

**WITHDRAWN.**

2. [R\(C\)-07-25](#)  
**PROJECT:** 2501 Denning Lane Art Gallery  
**APPLICANT:** Shaumin Liu  
**PROPOSAL:** A conditional zoning reclassification of 0.445 acres from R-15s Single Family Residential to O & I Office and Institutional to operate an art studio.  
**PROPOSED COMP LAND USE & DENSITY:** Office  
**EXISTING COMP LAND USE & DENSITY:** Low density residential with no more than 4 dwelling units per acre.  
**LOCATION:** 2501 Denning Lane  
**TAX MAP SECTION/PARCEL:** 0100000000530  
**BOROUGH:** Western Branch

[WITHDRAWN.](#)

3. [UP-07-27](#)  
**PROJECT:** Bedford Street Offices  
**APPLICANT:** Banks & Salamon, LLC  
**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 from September 12, 2007 Public Hearing)*

**CONTINUED to the November 14, 2007 Public Hearing.** (8-0; Rowland/Whitted-Ward absent)

4. [UP-07-34](#)  
**PROJECT:** Horseshoe Drive Cingular Monopole  
**APPLICANT:** Cingular Wireless  
**AGENCY:** Bowman, Green, Hampton & Kelly, PLLC  
**PROPOSAL:** A conditional use permit to allow a 199 foot monopole communication tower on a leased parcel that is a portion of a 3.611 acre parcel. 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:** 48  
**LOCATION:** 1308 Benefit Road  
**TAX MAP SECTION/PARCEL:** Portions of 0840000000220 and 0840000000221  
**BOROUGH:** Pleasant Grove

**CONTINUED** to the November 14, 2007 Public Hearing. (8-0;  
Rowland/Whitted-Ward absent)

5. **UP-07-37**

**PROJECT:** Autobell Car Wash at Greenbrier Mall

**APPLICANT:** CAH Holdings, LLC

**AGENCY:** Hassell & Folkes, PC

**PROPOSAL:** A conditional use permit to construct and operate an automated car wash facility.

**ZONE:** Greenbrier PUD; Land Use Designation C-Commercial

**SIC CODE:** 7542

**LOCATION:** 1024 Eden Way North; Northwest intersection of River Birch Run and Eden Way North

**TAX MAP SECTION/PARCEL:** 0280000000800

**BOROUGH:** Washington

**CONTINUED** to the November 14, 2007 Public Hearing. (8-0;  
Rowland/Whitted-Ward absent)

6. **CIB-07-03**

**PROJECT:** Thrasher Substation Expansion

**APPLICANT:** Virginia Electric and Power Company

**PROPOSAL:** Approval of an expansion of the Thrasher Substation 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:** Adjacent to Mitsubishi Chemical USA Inc. and the Greenbrier Commerce Park to the north, east and south and across the Norfolk Southern Railroad tracks from the Essex Meadows and Knells Ridge Estates subdivisions to the west.

**TAX MAP SECTION/PARCEL:** 0370000000885, 0280000000790,  
0373010000390

**CONTINUED** to the November 14, 2007 Public Hearing. (8-0;  
Peoples/Watson - Ward absent)

7. **UP-07-31**

**PROJECT:** Merchant's Tire at Greenbrier Square

**APPLICANT:** Merchant's, LLC

**AGENCY:** Horton & Dodd, PC

**PROPOSAL:** A conditional use permit to allow a motor vehicle repair shop on approximately 0.7 acre.

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

**SIC CODE:** 7538

**LOCATION:** East side of Battlefield Blvd. north of Debaun Ave.

**TAX MAP SECTION/PARCEL:** Portion of 0270000000650

**BOROUGH:** Washington

Planning Commission recommends that UP-07-31 be **APPROVED** with the following stipulations: (8-0; Peoples/Watson - Ward absent) **UPDATED STAFF REPORT**

1. The applicant/owner shall provide noningress/egress easements in accordance with the requirements of the Director of Public Works or designee around the perimeter of the property subject to UP-07-31 except for the three entrances generally depicted on the preliminary site plan stamp-dated September 27, 2007 in order to mitigate impacts and provide for traffic safety. The easements shall be approved and recorded or filed for recordation before approval of a final site plan.
2. Paint striping on public streets depicted on the preliminary site plan dated September 27, 2007 shall be determined and approved by the Director of Public Works or designee.

8. **UP-07-35**

**PROJECT:** Dimeck Farm Cingular Monopole

**APPLICANT:** Cingular Wireless

**AGENCY:** Bowman, Green, Hampton & Kelly, PLLC

**PROPOSAL:** A conditional use permit to allow a 150 foot monopole communication tower on a leased parcel that is a portion of a 38.54 acre tract. The applicant also requests an alternative parking surface in accordance with section 19-406.c.1 of the zoning ordinance.

**ZONE:** A-1

**SIC CODE:** 48

**LOCATION:** 2826 Lake Drummond Causeway

**TAX MAP SECTION/PARCEL:** Portions of 0930000000140 and 0930000000146

**BOROUGH:** Pleasant Grove

Planning Commission recommends that UP-07-35 be **APPROVED** with the alternative parking surface and with the following stipulations: (8-0; Peoples/Watson – Ward absent)

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 require all collocators to secure administrative approval from the Planning Department prior to installing their equipment on the tower.

3. 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.
  4. 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.
  5. The applicant/owner shall provide a standard commercial paved entrance and shall show it on the final site plan.
9. [UP-07-36](#)  
**PROJECT:** Snyder Automobile Repair Shop  
**APPLICANT:** G. E. Snyder  
**PROPOSAL:** A conditional use permit to operate an automobile repair shop on a 0.944 acre site.  
**ZONE:** B-3 Highway Business District  
**SIC CODE:** 75  
**LOCATION:** 3752 South Military Highway  
**TAX MAP SECTION/PARCEL:** 0240000000350  
**BOROUGH:** Deep Creek

Planning Commission recommends that UP-07-36 be [APPROVED](#) with the following stipulations: (8-0; Peoples/Watson – Ward absent)

1. The applicant/owner agrees that all cars being repaired shall be stored inside the fenced storage yard when the business is closed.
2. The applicant/owner agrees that there will be no vehicles advertised for sale on the site.
3. The applicant/owner agrees that all repair work shall be conducted indoors.
4. The applicant/owner shall provide, install, and perpetually maintain all required landscape buffers and plant materials in accordance with Section 19-600 of the Zoning ordinance, as determined by the City Arborist. The landscape buffers and plant materials shall be reflected on the final site plan.
5. The opaque material approved by the Planning Director and the Zoning Administrator, or their respective designees, that is on the

existing chain-link fence to provide screening for the storage area shall be perpetually maintained and shall not be replaced with slats.

6. Evergreen shrubs approved by the City Arborist shall be planted and perpetually maintained at a spacing of not less than 4 linear feet along the existing chain-link fence in its entirety to provide screening of the storage area. This requirement shall be reflected on the final landscape plan.
  7. The applicant/owner shall obtain all required City approvals, including without limitation the approval of a final site plan and a certificate of occupancy, and construct all required improvements to the property within 180 days following the approval of this conditional use permit application by City Council. In the event that the applicant/owner fails to comply with these requirements within said 180 day period, the Zoning Administrator may request revocation proceedings pursuant to Section 17-112 of the Zoning Ordinance.
10. **UP-07-38**  
**PROJECT:** St. Stephen Martyr Mausoleum  
**APPLICANT:** St. Stephen Martyr Catholic Church  
**AGENCY:** Le Clair Ryan  
**PROPOSAL:** A conditional use permit to construct and operate a mausoleum on 0.94 acres and for a private access lane in accordance with Section 3-301.B of the Zoning Ordinance of the City of Chesapeake.  
**ZONE:** R-15s Single Family Residential  
**SIC CODE:** 6553  
**LOCATION:** 108 Sandy Road  
**TAX MAP SECTION/PARCEL:** 0730000000620, 0730000000690  
**BOROUGH:** Pleasant Grove

**Planning Commission** recommends that **UP-07-38** be **APPROVED** with the request for a private access lane connecting the mausoleum with the church with the following stipulations: (8-0; Peoples/Watson – Ward absent)

1. The applicant/owner agrees to provide the necessary right-of-way dedication on Sandy Road as determined by the Department of Public Works prior to final site plan approval.
2. The building setbacks on the final site plan shall include a secondary front yard of 20 feet from the dedication line adjacent to Sandy Road and a secondary side (rear) setback of 20 feet as required by the Zoning Ordinance.
3. The applicant/owner agrees to vacate the interior property lines.

**4. All standard Landscape Ordinance requirements will apply in accordance with the Zoning Ordinance Section 19-600.**

**11. UP-07-39**

**PROJECT:** Little Joe's Auto

**APPLICANT:** JAF Properties, LLC

**AGENCY:** Horton & Dodd, PC

**PROPOSAL:** A conditional use permit to allow automobile sales and leasing in an existing building on a 0.918 acre parcel.

**ZONE:** PUD, Planned Unit Development

**SIC CODE:** 5511, 7538

**LOCATION:** 1450 South Military Highway

**TAX MAP SECTION/PARCEL:** 0200000000036 and 0200000000083

**BOROUGH:** Washington

**Planning Commission recommends that UP-07-39 be APPROVED with the following stipulations:** (8-0; Peoples/Watson-Ward absent)

- 1. The applicant/owner shall vacate the property line separating the two tax parcels that constitute this site prior to issuance of a building permit for the proposed use.**
- 2. The applicant/owner shall bring the freestanding sign in compliance with Sec 14-708 of the Zoning Ordinance prior to issuance of a certificate of occupancy.**
- 3. The applicant/owner shall screen the dumpster in accordance with the requirements of the zoning ordinance.**
- 4. The applicant/owner shall not park vehicles for display or sale in any required landscape buffer areas or other areas not specifically delineated on the site plan for display or sales of vehicles.**
- 5. The applicant/owner shall not park vehicles for display or sale in required off-street parking spaces.**

**12. UP-07-40**

**PROJECT:** Good Hope United Methodist Preschool and Daycare

**APPLICANT:** Good Hope United Methodist Church

**PROPOSAL:** A conditional use permit to operate a preschool and child daycare center at the existing church. 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:** 8351

**LOCATION:** 1633 Benefit Road

**TAX MAP SECTION/PARCEL:** 0840000000130

**BOROUGH:** Pleasant Grove

**Planning Commission recommends that UP-07-40 be APPROVED with the requested alternative parking surface. (8-0; Peoples/Watson-Ward absent)**

F. Public Hearing Regular Agenda Items:

13. **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 from September 12, 2007 Public Hearing)*

**Planning Commission recommends that R(C)-07-19 be DENIED. (8-0; Wilfore/Weaver-Ward absent)**

14. **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 from September 12, 2007 Public Hearing)*

**Planning Commission recommends that UP-07-21 be DENIED. (8-0; Wilfore/Weaver-Ward absent)**

15. **UP-07-30**

**PROJECT:** Brookside Office Building

**APPLICANT:** Great Bridge Boulevard Associates

**AGENCY:** Engineering Services, Inc.

**PROPOSAL:** A conditional use permit to exceed the height limitation of a proposed 30,000 square foot building (from 35 feet to 47 feet) by 12 feet.

**ZONE:** Greenbrier PUD, zone 5b

**SIC CODE:** 89

**LOCATION:** 1120 Volvo Parkway

**TAX MAP SECTION/PARCEL:** 0280000001020

**BOROUGH:** Washington

*(Continued from September 12, 2007 Public Hearing)*

**Planning Commission recommends that UP-07-30 be APPROVED with the following stipulations:** (6-2; Rowland/Peoples-Smith and Hutchinson opposed - Ward absent)

1. **The applicant/owner agrees to amend the previously approved landscaping plan along the north side of the property line to provide sufficient year round screening by planting large evergreen canopy trees as approved by the City Arborist.**
2. **The applicant/owner agrees to provide sufficient year round screening by planting large evergreen canopy trees 30 foot on center, using a minimum of three species, along the entire length of the Ashley Woods South Common area as approved by the Greenbrier Property Owners Association and the City Arborist.**
3. **A photometric plan is required for the building and the parking lot and must be submitted as part of the construction plan. This plan shall include but not limited to the following:**
  - a. **All lighting fixtures shall be horizontally mounted, full cutoff optics with flat lenses with no portion of the lens protruding below the housing.**
  - b. **The luminaire mounting height shall be 22 feet or less. Parking lots shall have an average illumination of 0.5 to 1.5 foot-candles. Parking lot lighting adjacent to residential areas must have a maximum illumination level at the property line of 0.1 foot-candle.**
  - c. **The lights of the building and the parking lot, except for security, shall be turned off no later than 8:00 p.m. Such lights should be confined to that needed for basic security. The lights of the parking lot shall not remain lighted except for**

illuminating entryways by the fixtures closest to the building entrances.

- d. An actual measurement of compliance with the photometric plan shall be conducted before a Certificate of Occupancy can be issued.
  4. No interior or exterior illuminated signage shall be permitted on the building except along the primary entrance to the building facing Volvo Parkway. No electronic message boards shall be permitted anywhere on the property.
  5. The dumpster shall be located away from the residential property line to the south side of the parking lot. Dumpster shall not be emptied between the hours of 9 p.m and 7 a.m.
  6. The building architecture, materials, colors and signage shall be reviewed and approved by the Department of Planning as required by the Greenbrier PUD.
16. [R\(C\)-07-26](#)  
**PROJECT:** Hanbury Manor  
**APPLICANT:** Abbey Lane, LLC  
**AGENCY:** WPL/Kaufman & Canoles, PC  
**PROPOSAL:** A conditional zoning reclassification of 27.34 acres from A-1 Agriculture District to R-12(s) Single-family Residential District.  
**PROPOSED COMP LAND USE & DENSITY:** Suburban Single-family with something less than four with per acre.  
**EXISTING COMP LAND USE & DENSITY:** Suburban Single-family with something less than four with per acre.  
**LOCATION:** 161, 163, 167, & 169 Hanbury Road  
**TAX MAP SECTION/PARCEL:** 0600000001091, 0600000001100, 0600000001110, 0600000001120, 0600000001121, 0600000001122  
**BOROUGH:** Pleasant Grove

Planning Commission recommends that R(C)-07-26 be [APPROVED](#) with the following proffers: (7-1; Peoples/Rowland – Watson opposed – Ward absent)

1. The owner/applicant agrees that no more that five (5) applications will be made for a building permit, per the attached Site Exhibit dated August 6, 2007 prior to March 1, 2008. The owner/applicant further agrees that no more than 74 residential units will be constructed within the development.
2. Exterior Materials

- a. **The owner/applicant agrees the primary materials to be used on the front elevation of all residential dwellings shall be brick, masonry (stone) or substantially similar material. Secondary materials that may be used on the front elevation shall be EIFS (Exterior Insulation and Finish Systems), wood siding, cement based siding, or substantially similar material. In no event shall secondary materials be used to cover more than 45% of the total area of the front of any proposed dwelling.**
  - b. **The owner/applicant further agrees that the primary materials to be used on the sides and rear of all residential dwellings shall consist of brick, masonry (stone) or substantially similar material, with the exception that accents, gables, bay windows, and other design or ornamental features may consist of EIFS, wood materials or cement based materials.**
  - c. **The owner/applicant agrees that no plywood, vinyl, or aluminum shall be used on the exterior of any residential dwelling, except that cornices and porches may consist of painted vinyl, colorized aluminum or painted plywood.**
  - d. **As used in proffer, the term “substantially similar material” shall mean materials of the same quality and visual impact, as determined by the Director of Planning or designee.**
3. **Crawl Space. All residential dwellings must have a crawl space.**
  4. **Garage Requirement. The owner/applicant agrees that each residential dwelling shall be provided with a minimum of a two-car garage.**
  5. **The owner/applicant agrees that the ultimate subdivision of the subject property shall be as generally shown on the rezoning exhibit. Such exhibit shall not be construed as being exact in presentation and shall be subject to preliminary subdivision review and approval.**
    - a. **The owner/applicant 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 cash contribution shall be \$14,229.37 per residential lot (\$1,052,973.38-Total) on the rezoned property. The applicant/owner agrees to make the proffered cash contribution prior to final subdivision plan approval for all residential lots shown on such plan. 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.

- b. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public arterial and collector streets within the traffic shed impacted by the rezoning, including but not limited to, right-of-way acquisition, road design, road construction, project management, widening, paving, striping, adding turn lanes, adding acceleration or deceleration lanes, installing or adjusting traffic control devices, installing curb and gutter, making ditch and shoulder improvements, and constructing or improving roadside drainage facilities. The amount of the voluntary cash contribution shall be \$3,179 per residential lot (\$235,246-Total). 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 subdivision plat approval for single-family residential lots shown on such plat.
- c. The applicant/owner agrees to make cash contribution to the City of Chesapeake for capital improvements to the public libraries, including but not limited to, land acquisitions; design, construction, expansion, renovation, and repair of buildings and appurtenances; and acquisition of capital assets necessary to the operation of public libraries. The amount of voluntary cash contribution shall be \$949.03 per residential lot (\$70,228.22-Total). 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 subdivision plat approval for single-family residential lots shown on such plat.
- d. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public emergency service facilities, including but not limited to, land acquisition; design, construction, expansion, renovation, and repair of buildings and appurtenances; and acquisition of capital assets necessary to the provision of emergency fire and medical services to the citizens of Chesapeake. The amount of the voluntary cash contribution shall be \$642.34 per residential lot (\$47,533.16-Total). 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 subdivision plat approval for single-family residential lots shown on such plat.

6. The applicant/owner agrees to provide right of way dedication on Hanbury Road per the Master Transportation Plan as determined by the Public Works Director or Designee. The Right of Way dedication shall be provided prior to final site plan approval or subdivision plat recordation.
  
17. **R(C)-07-12**  
**PROJECT:** The Boulevard at Greenbrier  
**APPLICANT:** S.A.R., LLC  
**AGENCY:** Troutman Sanders, LLP  
**PROPOSAL:** A conditional zoning reclassification of 8.951 acres from B-3, Highway Business District to R-MF-2, Multi-family Residential District for 148 apartment units.  
**PROPOSED COMP LAND USE & DENSITY:** High density residential-17.6 units per acre  
**EXISTING COMP LAND USE & DENSITY:** High density mixed use  
**LOCATION:** 1539 Tintern Street  
**TAX MAP SECTION/PARCEL:** 0270000000770, portion of 0270000000774, portion of 0270000000775  
**BOROUGH:** Washington

Planning Commission recommends that R(C)-07-12 be **APPROVED** with the following proffers: (8-0; Rowland/Whitted – Ward absent)

1. The applicant and/or owner agree that the proposed development on the property to be known as the Boulevard (hereinafter the "Property"), shall be limited to persons and families that meet the following criteria for "Affordable Housing":
  - a. 100% of the residential dwelling units on the Property shall be restricted to persons or families whose adjusted family incomes are within the limits established by the Virginia Housing Development Authority (VHDA) (Section 36-55.24, et seq., of the Code of Virginia) and the regulations by VHDA for Low and Moderate Income Families.
  - b. The determination of adjusted family income for a household shall be made at the time of their initial occupancy of an apartment unit.
  - c. The Affordable Housing units available on the Property shall be available for Qualifying Households for a period of not less than 10 years.

- d. **The Owner shall annually prepare and file with the City's Office of Housing, compliance reports to ensure that the Affordable Housing units are occupied by persons or families that qualify with the foregoing VHDA regulations.**
2. **The application/owner agrees that the 8.951<sup>±</sup> acre area referenced in this application shall be developed in a substantially similar manner with the attached exhibit entitled "The Boulevard, Chesapeake, Virginia, Preliminary Site Plan", dated September 21 2007, and prepared by Engineering Resources Group, LLC which Exhibit is on file in the Planning Department, (hereinafter "Preliminary Site Plan"). Modifications to the Preliminary Site Plan may be made administratively during final site plan review by the City of Chesapeake Planning Director or its designee if necessitated by staff comments during site plan review.**
3. **The application/owner agrees that the exterior elevations of the structures located on the Property housing the apartment units shall be substantially similar to the architectural renderings entitled "The Boulevard at Greenbrier Chesapeake Virginia" dated July 18, 2007 prepared by CMSS Architects, P.C. and on file with the Chesapeake Planning Department (hereinafter "Building Elevations"). The modifications to the Elevations may be made administratively by the Chesapeake Planning Director or its designee if necessitated during the site plan approval, construction plan approval or the building permit approval processes of the City of Chesapeake.**
4. **The total number of residential dwelling units on the Property shall not exceed 148 units.**
5. **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 \$70,422.80. The applicant/owner agrees to make the proffered cash contribution prior to the issuance of the first building permit for the residential dwelling units.**
6. **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**

**\$47,693.00. The applicant/owner agrees to make the proffered cash contribution prior to the issuance of the first building permit for the residential dwelling units.**

- 7. 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 \$99,097.40. The applicant/owner agrees to make the proffered cash contribution prior to the issuance of the first building permit for the 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.**

**18. [UP-07-33](#)**

**PROJECT:** The Boulevard at Greenbrier

**APPLICANT:** S.A.R., LLC

**AGENCY:** Troutman Sanders LLP

**PROPOSAL:** A conditional use permit to allow buildings greater than 35 feet in height in a proposed apartment development.

**ZONE:** Proposed: R-MF-2 Multi Family Residential District, Current: B-3 Highway Commercial District

**SIC CODE:** 6513

**[LOCATION:](#)** 1539 Tintern St.

**[TAX MAP SECTION/PARCEL:](#)** 0270000000770, portion of 0270000000774, portion of 0270000000775

**BOROUGH:** Washington

**Planning Commission recommends that UP-07-33 be [APPROVED](#) with the following stipulations: (8-0; Rowland/Whitted – Ward absent)**

- 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.**

**The applicant/owner shall obtain an access easement from the owner of the adjacent property to the north (Chesapeake Gateway Condominiums) or south (Red Cedar Apartments) prior to final site plan approval to ensure**

that a second paved access will be provided. The second access must be in a location approved by Public Works and the Fire Department. Access to the property to the north is to be used for emergency purposes only.

19. [R\(C\)-07-28](#)

**PROJECT:** Stuart Hall at Great Bridge

**APPLICANT:** Dragas Associates

**AGENCY:** Kaufman & Canoles, PC

**PROPOSAL:** A conditional zoning reclassification of 13.1 acres from B-1 Neighborhood Business District (6.47 acres) and O&I Office and Institutional District (6.63 acres) to R-MF-1 Multifamily Residential District to construct 198 condominium units.

**PROPOSED COMP LAND USE & DENSITY:** Medium density residential

**EXISTING COMP LAND USE & DENSITY:** Business commercial and high density residential

**LOCATION:** Property located on the south side of Cedar Road from Warrick Road to Pines of Warrick Drive and from Pines of Warrick Drive running westward 560<sup>±</sup> feet.

**TAX MAP SECTION/PARCEL:** 0590000002002, 0590000002003

**BOROUGH:** Pleasant Grove

Planning Commission recommends that R(C)-07-28 be **DENIED**. (5-3; Whitted/Watson – Weaver, Peoples, and Hutchinson opposed - Ward absent)

[UPDATED STAFF REPORT](#)

20. [UP-07-41](#)

**PROJECT:** Stuart Hall at Great Bridge

**APPLICANT:** Dragas Associates

**AGENCY:** Kaufman & Canoles, PC

**PROPOSAL:** A conditional use permit to exceed the maximum building height by 7 feet to 42 feet pursuant to section 19-205 of the Chesapeake Zoning Ordinance.

**ZONE:** Existing: B-1, Neighborhood Business District (6.47 acres) and O&I Office and Institutional District (6.63 acres); Proposed: R-MF-1 Multifamily Residential District (13.1 acres)

**LOCATION:** Property located on the south side of Cedar Road from Warrick Road to Pines of Warrick Drive and from Pines of Warrick Drive running westward 560<sup>±</sup> feet.

**TAX MAP SECTION/PARCEL:** 0590000002002, 0590000002003

**BOROUGH:** Pleasant Grove

[WITHDRAWN. UPDATED STAFF REPORT](#)

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

**PROJECT:** Elizabeth River Biofuels Project

**APPLICANT:** International Bio Energy-Virginia, LLC

**PROPOSAL:** A conditional use permit to allow an ethanol manufacturing facility and co-generation plant on a 97 acre parcel, and a height limit increase of 60 feet.

**ZONE:** M-3, Waterfront Industrial District

**SIC CODE:** 2869 and 4911

**LOCATION:** 1005 Giant Cement Drive

**TAX MAP SECTION/PARCEL:** 018000000010

**BOROUGH:** Deep Creek

*(Continued from September 12, 2007 Public Hearing)*

**Planning Commission recommends that UP-07-13 be DENIED.** (5-3; Watson/Wilfore – Weaver, Rowland, and Peoples opposed – Ward absent)

**UPDATED STAFF REPORT**

G. Director's Items:

**Mr. Nielson reminded the Commissioners of the City Council Work Session on November 13, 2007 regarding the implementation steps for the Greenbrier TIF District Master Plan. The work session will begin at 4:30 and will be held in the Human Resources Training Center.**

H. Unfinished and New Business

- **Motion to cancel the October 24, 2007 Public Hearing meeting.**

**APPROVED.** (8-0; Whitted/Watson – Ward absent)

I. Adjournment: 12:10 a.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](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 re-televised Wednesday, October 10, 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 November 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.