

Department of Planning
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MARKED AGENDA

Chesapeake Planning Commission

**PUBLIC HEARING – DECEMBER 12, 2007
CITY COUNCIL CHAMBER – 7:00 P.M.**

- A. Call to Order: Chairman Smith
- B. Invocation: Commissioner Hutchinson
- C. Pledge of Allegiance: Chairman Smith
- D. Roll Call: All Commissioners present
- E. Approval of Minutes: [NOVEMBER 14, 2007](#)
APPROVED. (9-0; Ward/Peoples)
- F. Election of Officers:
- | | | |
|-----------------|------------------------|--|
| Chairman: | Jeffrey Rowland | APPROVED by acclamation
(9-0; Weaver/Ward) |
| Vice-Chairman: | Wesley J. Peoples, Jr. | APPROVED
(9-0; Ward/Whitted) |
| Secretary: | David J. Whitted | APPROVED by acclamation
(9-0; Weaver/Rowland) |
| Recording Sec.: | Beverly Hanson | APPROVED by acclamation
(9-0; Rowland/Peoples) |

G. Public Hearing Consent Items:

1. [R\(C\)-07-20](#)

PROJECT: Chesapeake Lakes Gateway Center

APPLICANT: Chesapeake Lakes Group, LLC

AGENCY: Kaufman & Canoles, PC

PROPOSAL: A conditional zoning reclassification of 21.78 acres from A-1, Agricultural District to B-2, General Business District to construct office, retail and lodging up to 110,000 square feet.

PROPOSED COMP LAND USE & DENSITY: Business/Commercial

EXISTING COMP LAND USE & DENSITY: Business/Commercial

LOCATION: Property located northward of the Virginia state line fronting 1,540 feet (more or less) along the eastern line of Battlefield Blvd South.

TAX MAP SECTION/PARCEL: Portions of each of 1190000000010, 1190000000020, 1190000000060

BOROUGH: Butts Road

CONTINUED to the February 13, 2008 Public Hearing. (9-0; Rowland/Ward)

2. [UP-07-22](#)

PROJECT: Chesapeake Lakes Gateway Center, Private Sewage System

APPLICANT: Chesapeake Lakes Group, LLC

AGENCY: Kaufman & Canoles, PC

PROPOSAL: A conditional use permit for an on-site private sewage collection and treatment system designed to serve a 21.78 acre proposed retail, office and lodging development.

ZONE: Proposed B-2, General Business District

SIC CODE: 4952

LOCATION: Property located northward of the Virginia state line fronting 1,540 feet (more or less) along the eastern line of Battlefield Blvd. South.

TAX MAP SECTION/PARCEL: Portions of each of 1190000000010, 1190000000020, 1190000000060

BOROUGH: Butts Road

CONTINUED to the February 13, 2008 Public Hearing. (9-0; Rowland/Ward)

3. [UP-07-47](#)

PROJECT: Fish Pond

APPLICANT: F. M. Jones

PROPOSAL: A conditional use permit to allow the excavation of a borrow pit on approximately 8 acres for a fish pond.

ZONE: M-1, Light Industrial and O & I, Office Institutional

SIC CODE: Excavation

LOCATION: 2352 Jolliff Rd.

TAX MAP SECTION/PARCEL: 0090000000102

BOROUGH: Western Branch

CONTINUED to the January 9, 2008 Public Hearing. (9-0; Rowland/Ward)

4. **S(V)-07-146**

PROJECT: Bryans Cove Subdivision Variance

APPLICANT: BC of Deep Creek Development, Inc.

AGENCY: Land Planning Solutions, LC

PROPOSAL: A request for a variance pursuant to Section 70-86D of the Subdivision Ordinance for relief from the sidewalk requirement on one side of a street.

ZONE: PUD-R, Planned Unit Development-Residential

LOCATION: 1800 Shipyard Road and Parcel East of 1800 Shipyard Road

TAX MAP SECTION/PARCEL: 0350000000580, portion of 0350000000590

BOROUGH: Deep Creek

WITHDRAWN.

5. **R(C)-07-29**

PROJECT: Griffey Rezoning, 568 Kempsville Road

APPLICANT: Paul M. Griffey, M.D.

AGENCY: Kaufman & Canoles, PC

PROPOSAL: A conditional zoning reclassification of a 0.62 acre parcel from R-15s, Single-family Residential District to B-1, Neighborhood Business District.

PROPOSED COMP LAND USE & DENSITY: General Business/Commercial

EXISTING COMP LAND USE & DENSITY: Suburban Single-family with 1 unit per acre to something less than 4 units per acre.

LOCATION: 568 Kempsville Road

TAX MAP SECTION/PARCEL: 0370000000570

BOROUGH: Washington

(Continued from the November 14, 2007 Public Hearing)

Planning Commission recommends that R(C)-07-29 be **APPROVED** with the following proffers: (9-0; Weaver/Whitted)

1. The Applicant/Owners agree that, the uses of the subject property will be limited to SIC Industry Groups 591, 641, 653, 654, 722, 729, 801-804, 811, 871 or 872, or such similar uses only within these SIC Industry Groups as determined by the Zoning Administrator.
2. The Applicant/Owners agree that the architectural design of any structure constructed on the property will be compatible with the Suburban and Residential character of the surrounding properties as determined by the Planning Director or designee.
3. The Applicant/Owners agree to a stub drive aisle with ingress/egress easement benefiting the adjacent parcel to the northeast with tax map ID 0370000000580 to allow vehicular access to Kempsville Road through the subject property. The location and dimensions of the stub

drive aisle and ingress/egress easement shall be approved by the Director of Public Works or designee. The easement shall be recorded or filed for recording prior to final site plan approval and the stub drive aisle shall be completed before approval of a certificate of occupancy.

4. The Applicant/Owners agree that there shall be no stand alone restaurant allowed within the building to be constructed on the subject property.
6. **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 the November 14, 2007 Public Hearing)

Planning Commission recommends that **UP-07-27** be **DENIED**. (7-2; Watson/Wilfore – Smith and Ward opposed) **UPDATED STAFF REPORT**

7. **R(C)-07-31**
PROJECT: Oakbrooke Crossings
APPLICANT: Dragas Associates, Inc.
AGENCY: Kaufman & Canoles, PC
PROPOSAL: A conditional zoning reclassification of 17.58 acres from R-15s, Residential District to R-MF-1, Residential Multi-family (14.19 acres) and B-1, Neighborhood Business District (3.39 acres).
PROPOSED COMP LAND USE & DENSITY: Medium Density Residential
EXISTING COMP LAND USE & DENSITY: Medium Density Mixed Use
LOCATION: 412, 420, 428, 432, 440, & 442 Clearfield Avenue
TAX MAP SECTION/PARCEL: 0480000000961, 0480000000970, 0480000000940, 0480000000941, 0480000000950
BOROUGH: Washington

Planning Commission recommends that **R(C)-07-31** be **APPROVED** with the following proffers: (8-1; Ward/Rowland – Weaver opposed)

1. The applicant/owners agree to make public right-of-way improvements which shall be reflected on the final site plan as required by the Public Works Director or designee. The applicant/owners agree that these

improvements shall include the following:

- a. **Construction of a left turn lane on Clearfield Avenue into the proposed development. The left turn lane shall be designed as a two-way left turn lane to include the existing entrance to Peyton Estates Subdivision. The applicant/owner agrees to complete this improvement before the issuance of any certificate of occupancy.**
- b. **Construction to extend lans Way to its intersection with the future Green Tree Road as shown on the 2050 Master Transportation Plan adopted by City Council on March 9, 2005. The extension shall be located and constructed in accordance with the requirements of the Public Facilities Manual and with sufficient and acceptable cul-de-sac turn around as determined by the Director of Public Works or designee. The applicant/owner agrees to complete this improvement before the issuance of any certificate of occupancy.**
- c. **The dedication of a 15-foot width of property for right of way along the frontage on Clearfield Avenue. The applicant/owner shall also provide a 1-foot non-ingress/egress easement along the parcel's frontage to Clearfield Avenue excluding the area to be designated for access to Clearfield. This non-ingress/egress easement shall be recorded prior to the issuance of any certificate of occupancy for a residential structure on the property.**
- d. **The perpetual reservation of right-of-way, at no cost to the city, for the ultimate construction and extension of Green Tree Road. The location of this improvement shall be as shown on the 2050 Master Transportation Plan adopted by City Council on March 9, 2005. Minor deviation from the 2050 proposed location, as determined by the Director of Public Works, or designee, may be permitted to accommodate the ultimate site design of the development. The reservation required under this proffer shall be recorded by a deed prior to the issuance of any certificate of occupancy for a residential structure within the development.**
- e. **Construction of the entrance on Clearfield Avenue immediately east of the proposed B-1 parcel, identified as Tax Map Parcel 048000000940, shall be limited to a right-in/right-out entrance and the location of the entrance shall be constructed in accordance with the Public Facilities Manual.**
- f. **Access to the future extension of Green Tree Road from the B-1 zoned parcel shall be restricted to a right-in/right-out entrance.**

The location of the entrance shall be constructed in accordance with the Public Facilities Manual.

- 2. The applicant/owners agree to the removal of any above-ground storage tanks, storage drums, petroleum product and/or petroleum contaminated soils in accordance with all local, state, and Federal Solid Waste Management Regulations. Such removal shall be conducted by a Qualified Environmental Professional (“QEP”) who shall provide copies of all disposal manifests, tank closure reports, and confirmatory sampling/analysis data to the Department of Public Works Director, or designee, for review and approval prior to the approval of any erosion and sediment control plans.**
- 3. In consideration of providing 120 affordable multifamily housing units to the City of Chesapeake, the applicant/owners agree to make a cash contribution for the construction or expansion of public school facilities including but not limited to land acquisition for additional classroom space in the school planning district in which the subject property is located. The amount of the cash contribution shall be \$3,811.44 per residential dwelling unit shown on the approved final site plan. The cash contribution shall be paid to the City prior to final site plan approval. The cash contribution shall be deposited in the City of Chesapeake’s school lockbox also known as the general fund reserve for school capital construction cost for the affected school district and shall be subject to City Council approval prior to appropriation.**
- 4. The applicant/owners agree that the residential structures constructed on the property shall be substantially similar, as determined by the Director of Planning or designee, to the photographic exhibit date stamped November 28, 2007.**
- 5. The applicant/owners agree that the commercial building to be constructed on the property will be clad to work harmoniously with the residential materials in colors and textures with materials being substantially the same, as determined by the Director of Planning or designee, as those used in the commercial/industrial properties at the Oakbrook Business & Technology Center consisting of one or more of the following: brick, stone, split-face block, tile, metal clad panels, glass and metal storefront systems.**

8. [R\(C\)-07-32](#)

PROJECT: Office for Crossroads Fuels

APPLICANT: Crossroad Properties Inc.

AGENCY: Horton & Dodd, PC

PROPOSAL: A conditional zoning reclassification of 0.54 acre from A-1, Agricultural District to B-1, Neighborhood Business District for an office building.

PROPOSED COMP LAND USE & DENSITY: Office

EXISTING COMP LAND USE & DENSITY: Low Density Residential

LOCATION: 1441 Fentress Road

TAX MAP SECTION/PARCEL: 0610000000780

BOROUGH: Pleasant Grove

Planning Commission recommends that R(C)-07-32 be [APPROVED](#) with the following proffers: (7-2; Ward/Peoples – Weaver and Watson opposed)

[UPDATED STAFF REPORT](#)

1. The Applicant/Owners agree that the uses of the subject property will be limited to SIC Industry Groups 571, 641, 654, 653, 722, 729, 801-804, 811, 871 or 872, or such similar uses only within these SIC Industry Groups as determined by the Zoning Administrator. In addition to these uses, any office use may also have a portion of the building used as a showroom for the sale of related items that the business occupying the site as an office may offer as permitted by the Zoning Ordinance.
2. The exiting house on the site has been determined to be unsuitable for redevelopment as an office. The owner will offer the house to any individual or company that would like to move the house to another site for reuse. The cost to move the house must be solely born by the entity accepting the offer.
3. The Applicant / Owner agrees that any building(s) constructed on this site shall be developed to appear residential in nature as exemplified by the architectural rendering entitled “New Office Building for Crossroads Fuel Service, II” dated July 24, 2006, by Crow Architectural Services. In addition, the façade(s) shall be compatible with the architecture for residential homes in the Fentress area. Prior to the issuance of a building permit, architectural plans which indicate the exterior appearance, finishes, and colors of the proposed building shall be submitted to, and approved by, the Planning Director or designee. The said architectural plans shall be incorporated into the building plans that are approved with the building permit(s).
4. The Applicant / Owner agrees that the parking lot for the development shall be screened from Fentress Road with a streetscape buffer including 30% more plantings that required by Chesapeake’s

Landscape Architect prior to final approval of a site development plan for this parcel.

9. **R-07-33**
PROJECT: Dave's Cabinet Expansion
APPLICANT: Dave's Cabinet, LLC
AGENCY: Site Improvements Inc.
PROPOSAL: A conventional zoning reclassification of 9± acres from A-1 Agricultural District to M-1, Light Industrial District, for expansion of an existing business.
PROPOSED COMP LAND USE & DENSITY: Industrial
EXISTING COMP LAND USE & DENSITY: Rural with one dwelling unit per 3 acres of land.
LOCATION: 132 Woodworkers Court
TAX MAP SECTION/PARCEL: 0970000001060, 0970000001070
BOROUGH: Butts Road

Planning Commission recommends that R-07-33 be APPROVED. (9-0; Weaver/Whitted)

10. **ST.C-07-07**
PROJECT: Christian Avenue Street Closure
APPLICANT: Charlie E. A. Morgan, Jr. & Joann W. Morgan
AGENCY: The Law Firm of Christopher Falk
PROPOSAL: A street closure request for a 40' x 180' foot right-of-way for Christian Avenue (paper street) between Wilcox Avenue and Robertson Boulevard.
ZONE: M-2, General Industrial District
LOCATION: Christian Avenue between Wilcox Avenue and Robertson Boulevard
TAX MAP SECTION/PARCEL: 1570000000440, 1570000000260, 1570000000270
BOROUGH: South Norfolk

Planning Commission recommends that ST.C-07-07 be APPROVED with the following stipulation: (9-0; Weaver/Whitted)

- **The applicant shall vacate all interior/exterior property lines by an approved resubdivision plat and the plat shall be filed for recording within 90 days of approval of this street closure.**

11. [UP-07-46](#)

PROJECT: Primrose School of Deep Creek
APPLICANT: Primrose Schools Franchising Company
AGENCY: Resource International LTD
PROPOSAL: A conditional use permit for child day care services on 2.2 acres.
ZONE: B-2, General Business
SIC CODE: 8351
LOCATION: Northwest quadrant of Grassfield Parkway and Cahoon Parkway
TAX MAP SECTION/PARCEL: 0460000001670
BOROUGH: Deep Creek

Planning Commission recommends that UP-07-46 be [APPROVED](#) with the following stipulations: (9-0; Weaver/Whitted)

1. The applicant/owner agrees to obtain an ingress/egress easement through the adjacent site of Dominion Commons Shopping Center prior to site plan approval in accordance with Public Works requirements.
2. The applicant/owner agrees that a 20% tree canopy shall be provided.
3. The applicant/owner agrees that trees located within the 20 foot wooded area indicated on the Preliminary Site Plan, Sheet L-1, shall be saved or a 2 to 3 foot curvilinear berm shall be provided to be landscaped as required by the City Arborist.
4. The applicant/owner agrees that an underground sprinkler system shall be installed to maintain the landscaping.
5. The applicant/owner agrees that the ground mounted lighting shall have a black, shoe box fixture.

12. [UP-07-50](#)

PROJECT: Western Branch Avis Rent A Car
APPLICANT: Avis Rent A Car
AGENCY: Hoggard-Eure Associates, PC
PROPOSAL: A conditional use permit to operate a car rental facility within a shopping center on 1.4 acres.
ZONE: B-1, Neighborhood Business
SIC CODE: 75
LOCATION: 3333 Western Branch Boulevard
TAX MAP SECTION/PARCEL: 0050000000820
BOROUGH: Western Branch

Planning Commission recommends that UP-07-50 be [APPROVED](#) with the following stipulations: (9-0; Weaver/Whitted) [UPDATED STAFF REPORT](#)

1. There shall be no maintenance of vehicles in the shopping center's parking lot for any rental/lease motor vehicles associated with this conditional use permit.
2. The subject business shall have no more than 11 rental vehicles on the subject site.
3. A final site plan shall be required and must show the designated parking spaces for the rental vehicles. Such spaces shall be in accordance with the setbacks as required under Section 7-302.F. of the Chesapeake Zoning Ordinance.
4. No signage of any type shall be placed on the vehicles for rent.

13. **UP-07-51**

PROJECT: Meeks Disposal Corporation Recycling Facility

APPLICANT: Meeks Disposal Corporation

AGENCY: Huff, Poole & Mahoney, PC

PROPOSAL: A conditional use permit for a construction and demolition debris recycling facility on 7[±] acres and waiver from the side yard setback on the north side of the proposed facility from 150 feet to 50 feet in accordance with Section 62-92 of the Chesapeake City Code. The applicant also requests permission to utilize all side yard setbacks for uses other than buffering.

ZONE: M-1, Light Industrial

SIC CODE: 495

LOCATION: 1328 Cavalier Boulevard

TAX MAP SECTION/PARCEL: 0240000000561

BOROUGH: Deep Creek

Planning Commission recommends that UP-07-51 be **APPROVED** with the following stipulations: (7-2; Peoples/Whitted – Watson and Ward opposed)**UPDATED STAFF REPORT**

1. The facility shall only accept, sort, process, and deliver construction and demolition debris waste consisting primarily of steel, wood, shingles, sheetrock, concrete and the like for recycling. Approval of the Conditional Use Permit only authorizes the use of the subject property as a transfer station. Solid waste shall not be permanently stored or disposed of at the subject site.
2. No hazardous or household waste shall be accepted at the site.
3. All required federal, state, and local permits shall be obtained prior to the issuance of a Certificate of Occupancy for the facility.

H. Public Hearing Regular Items:

14. **R(C)-07-36**

PROJECT: Willowview

APPLICANT: Home Associates of Virginia, Inc.

AGENCY: Land Planning Solutions

PROPOSAL: A conditional zoning reclassification of approximately 3.12 acres from A-1, Agricultural District (1.7 acres) and R-15, Residential District (1.42 acres) to R-MF-1, Multifamily Residential District for a detached condominium community.

PROPOSED COMP LAND USE & DENSITY: Medium Density Residential

EXISTING COMP LAND USE & DENSITY: Business/Commercial and Low Density Residential

LOCATION: 1213 Kempsville Road

TAX MAP SECTION/PARCEL: portion of 0380000001170

BOROUGH: Washington

CONTINUED to the January 9, 2008 Public Hearing. (8-0; Peoples/Whitted – Weaver out of the chambers)

I. Director's Items:

- Motion to cancel the December 26, 2007 Public Hearing meeting.

APPROVED. (9-0; Whitted/Peoples)

J. Unfinished and New Business: None

K. Adjournment: 9:50 PM

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, December 12, 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 January 9, 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.