

Department of Planning
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MARKED AGENDA

Chesapeake Planning Commission

**PUBLIC HEARING – JANUARY 9, 2008
CITY COUNCIL CHAMBER – 7:00 P.M.**

- A. Call to Order: Chairman Rowland
- B. Invocation: Commissioner Whitted
- C. Pledge of Allegiance: Commissioner Smith
- D. Roll Call: All Commissioners present
- E. Approval of Minutes: **DECEMBER 12, 2007
APPROVED.** (9-0; Ward/Peoples)
- F. Public Hearing Items:
 - 1. **R-07-09**
PROJECT: Meadow Landing South
APPLICANT: Chesapeake Redevelopment & Housing Authority
AGENCY: DJG, Inc.
PROPOSAL: A conventional zoning reclassification of 3.557 acres from R-MF-1, Multi-family Residential District to R-TH-1, Townhouse Residential District for 18 residential duplexes (36 units).
PROPOSED COMP LAND USE & DENSITY: Townhouse residential development 10 units per acre.
EXISTING COMP LAND USE & DENSITY: High density residential not to exceed 16 units per acre.
LOCATION: 3003 Fireside Road
TAX MAP SECTION/PARCEL: Portion of 1360000000100
BOROUGH: South Norfolk
(Continued from the November 14, 2007 Public Hearing)

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

2. **UP-07-47**
PROJECT: Jones Borrow Pit/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 District and O&I, Office & Institutional District
SIC CODE: Excavation
LOCATION: 2352 Jolliff Rd.
TAX MAP SECTION/PARCEL: 0090000000102
BOROUGH: Western Branch
(Continued from the December 12, 2007 Public Hearing)

CONTINUED to the April 9, 2008 Public Hearing. (9-0; Watson/Wilfore)

3. **R(C)-07-35**
PROJECT: Edinburgh Hotels
APPLICANT: Edinburgh South, Inc.
AGENCY: Engineering Services, Inc.
PROPOSAL: A conditional zoning reclassification of 3[±] acre from R-15s, Single Family Residential and 4[±] acres from A-1, Agricultural District to B-2, General Business District to construct a hotel and accessory uses. The applicant also requests expansion of the Public Utilities Franchise Area.
PROPOSED COMP LAND USE & DENSITY: Business/Commercial
EXISTING COMP LAND USE & DENSITY: Business/Commercial
LOCATION: 1874 Battlefield Blvd. South
TAX MAP SECTION/PARCEL: 0730000000050
BOROUGH: Pleasant Grove

Planning Commission recommends that R(C)-07-35 and the applicant's request to expand the Public Utility Franchise Area to cover the subject property be **APPROVED** with the following proffers: (9-0: Peoples/Ward)

1. The applicant/owner agrees that this rezoning is conditional on obtaining approval from the Chesapeake Health Department, Department of Environmental Quality or the City of Chesapeake if a conditional use permit is required for a sewerage disposal system or systems to serve the subject property within three (3) years following the effective date of this rezoning in order to comply with the Level of Service Policy for Sewer Capacity. In the event that the Zoning Administrator finds that the applicant/owner fails to obtain such approval within the said three year period and the subject property is not included in the Public Facilities Franchise Area, the applicant/owner agrees that the rezoning shall be placed on the City Council agenda for reconsideration and possible revocation on grounds of inadequate sewage capacity.

2. **The applicant/owner agrees to construct and dedicate, with necessary right of way, left and right turns lanes to serve the subject property. The location of the entrance(s) and dimensions of the turn lanes shall be subject to the approval of the Director of Public Works or designee and shall be completed and dedicated before approval of a certificate of occupancy.**
3. **The applicant/owner agrees to dedicate ½ of the ultimate 120' Battlefield Boulevard right of way along the frontage of the property before approval of a final site plan or subdivision plat, whichever occurs first. All plans and plats shall depict the dedication.**
4. **The applicant/owner agrees to provide stub drive aisles with ingress/egress easements benefiting the adjacent parcels to the north and south with tax map ID 0730000001703 and 0730000000051 respectively to allow vehicular access to Battlefield Boulevard through the subject property. The location and dimensions of the stub drive aisles and ingress/egress easements shall be approved by the Director of Public Works or designee. The easements 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.**
5. **The applicant/owner agrees that all development site plans, subdivision plans and the proposed development shall comply with Appendix B, Design Guidelines, of the Transportation Corridor Overlay District set out in the Comprehensive Plan as determined and approved by the Planning Director or designee.**
6. **The applicant/owner agrees that the subject property shall only be developed as SIC 701, Hotels and Motels, including accessory uses as determined by the Zoning Administrator. Development of the subject property shall not require more than 340 parking spaces in accordance with the requirements of the Zoning Ordinance.**
7. **The applicant/owner agrees that no electronic message board signs shall be permitted.**
8. **The applicant/owner agrees that trash dumpster corrals shall be constructed of the same material as the principal building it serves. Dumpster gates shall be constructed only of wood.**

4. **CIB-07-08**

PROJECT: City Park Master Plan

APPLICANT: Department of Parks and Recreation

PROPOSAL: Approval of the City Park Master Plan 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: 900 Greenbrier Parkway

TAX MAP SECTION/PARCEL: 0370000000890, 0370000000891, 0370000000892, 0370000000893.

APPROVED. (9-0; Peoples/Ward)

5. **UP-07-49**

PROJECT: Divine Baptist Church Daycare

APPLICANT: Divine Baptist Church

AGENCY: KCI Technologies, Inc.

PROPOSAL: A conditional use permit for a child daycare facility and a request for a cooperative parking agreement.

ZONE: R-10s, Single Family Residential

SIC CODE: 8351

LOCATION: 2913, 2917 Old Galberry Road

TAX MAP SECTION/PARCEL: 0341003000970, 0341003000960, 0330000001570

BOROUGH: Deep Creek

Planning Commission recommends that UP-07-49 be APPROVED with the following stipulations: (9-0; Peoples/Ward)

1. The daycare occupancy shall be limited to 100 children.
2. The applicant/owner shall comply with all requirements of the Department of Social Services for daycare centers.
3. If encountered, Underground Storage Tanks (“USTs”) and any associated petroleum-contaminated soils or product lines shall be closed and managed in accordance with the Virginia Department of Environmental Quality’s (“VADEQ”) Petroleum Storage Tank Program Technical Manual (VADEQ Guidance Document #01-2024). The analytical results of confirmatory sampling within soils/groundwater for Total Petroleum Hydrocarbons (TPH) with an extraction for Diesel Range Organics (DRO) and Gasoline Range Organics (GRO) shall be coordinated with the VADEQ’s Tidewater Regional Office for review and approval. The applicant/owner shall provide the Chesapeake Department of Public Works a copy of the VADEQ’s letter of *No Further Action Required* for review and concurrence prior to any building permit approvals.

6. [UP-07-52](#)
PROJECT: Greenbrier Church Skate Park
APPLICANT: Eric Watt
PROPOSAL: A conditional use permit to allow a skate park with skateboard ramps on the property of an existing church.
ZONE: PUD, Planned Unit Development
LOCATION: 1101 Volvo Parkway
TAX MAP SECTION/PARCEL: 0280000000073
BOROUGH: Washington

[CONTINUED](#) to the February 13, 2008 Public Hearing. (9-0; Peoples/Whitted)

7. [UP-07-53](#)
PROJECT: Perdue Farms Grain Dryer Replacement
APPLICANT: Perdue Farms, Inc.
AGENCY: MMM Design Group
PROPOSAL: A conditional use permit to exceed the maximum building height (110 feet) by 60 feet to 170 feet pursuant to section 19-205 of the Chesapeake Zoning Ordinance.
ZONE: M-2, General Industrial District
SIC CODE: 5153
LOCATION: 501 Barnes Road
TAX MAP SECTION/PARCEL: 1380000000020
BOROUGH: South Norfolk

Planning Commission recommends that UP-07-53 be [APPROVED](#) with the following stipulation: (9-0; Peoples/Ward)

- The two replacement grain dryers and associated structures shall not exceed 170 feet.

G. Public Hearing Regular Item:

8. **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 from the December 12, 2007 Public Hearing)

Planning Commission recommends that R(C)-07-36 be **APPROVED**; with the following proffers: (7-2; Peoples/Whitted – Watson and Smith opposed)

1. The owner/applicant agrees that the subject property shall be developed substantially as shown on the “Willowview – Conceptual Site Plan” dated 11/15/2007, (hereinafter, the Concept Plan), prepared by Land Planning Solutions. No more than twenty-two residential dwelling units shall be constructed on the subject property. Residential units shall only be single-family detached condominiums.
2. The owner/applicant agrees that stormwater shall be treated on-site by means of the proposed stormwater management facility as shown on the exhibit titled “Willowview – Conceptual Site Plan”, prepared by Land Planning Solutions, dated 11/15/2007, and that no stormwater shall be discharged into the existing Hunningdon Lakes or The Commons II stormwater facility in accordance with the requirements of the Director of Public Works or designee. The owner/applicant further proffers that in order to improve water quality and enhance the appearance of the facility; an aeration system shall be installed in the stormwater facility as approved by the director of Public Works or designee before approval of a certificate of occupancy.
3. The owner/applicant agrees to prepare for the approval by the City Arborist or designee a tree preservation plan to preserve healthy trees on the subject property adjacent to the Hunningdon Woods and The Commons II subdivision in consultation with both Hunningdon Woods and The Commons II homeowners’ associations and

representatives before approval of a building permit. The plan shall provide for the removal of nuisance, diseased or dying trees and for the preservation of healthy trees during construction to the extent practical as approved by the City Arborist or designee and shall be completed before issuance of a certificate of occupancy. The applicant/owner agrees to install and maintain a six-foot privacy fence or cedar or pressure treated wood along the property at a location approved by the City Arborist or designee before approval of a certificate of occupancy. In addition to the fence and outside the required buffer yard, the applicant/owner agrees to plant and maintain additional evergreen shrubs along the entire southern, northern and western property line consisting of ligustrum, or alternative species that has substantially similar growth, color and size characteristics, as approved by the City Arborist or designee and planted 4' on center with a minimum height of 18"- 24".

4. The owner/applicant agrees that the property will be developed as a single-family detached condominium development and that appropriate by-laws, articles of incorporation, covenants and/or deed restrictions, if applicable, shall be recorded to govern the maintenance and operation of the homeowner's association. The owner/applicant further agrees that the development will be set up and professionally managed by a property management company.
5. The owner/applicant agrees that the residential units shall be constructed to avoid look down situations from 2nd story windows into the Hunningdon Woods and The Commons II subdivisions. For those 2nd story windows facing Hunnigdon Woods and The Commons II opaque windows and semi-opaque windows shall be used. Transom windows that are not opaque or semi-opaque may be utilized, on the 2nd floor provided that the bottom of the window sill is no closer to the finished floor than 5'6" as approved by the Planning Director or designee. In addition 2nd floor balconies shall be prohibited on all homes to be constructed within the proposed project.
6. The owner/applicant agrees that the proposed dwellings shall be constructed substantially in accordance with the elevations exhibited to City Planning Staff and prepared by Land Planning Solutions, dated 11/15/2007 as approved by the Planning Director or designee.
7. The applicant/owner agrees to construct and design a right turn taper with necessary right-of-way along Kempsville Road into the development in accordance with the Department of Public Works requirements. These improvements shall be completed and right of way dedicated, if applicable, as determined by the Director of Public

Works or designee before the issuance of the first certificate of occupancy.

- 8. The owner/applicant agrees to make a cash contribution to the City of Chesapeake for capital improvements to impacted 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 \$10,672.03 per single-family condominium unit on the rezoned property, for a total of \$234,784.66, for 22 units for impacts on public schools. The amount of the voluntary cash contribution shall be paid to the city at the time that each building permit is issued for the project. The owner/applicant 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 capital improvement within time constraints imposed by state law, the owner/applicant agrees that the cash proffer may be used for the capital improvement projects for major repair, maintenance, and renovation of public schools in the same school planning area as the rezoned property.**
- 9. The owner/applicant agrees to make a cash contribution to the City of Chesapeake for capital improvements to public libraries, including but not limited to, land acquisition; design, construction, expansion, renovation, and repair of buildings and appurtenances; and acquisition of capital assets necessary to the operation of public libraries. The amount of the voluntary cash contribution shall be \$701.45 per single-family condominium unit on the rezoned property, for a total of \$15,431.90, for 22 units, for impacts on public libraries. The owner/applicant agrees to make the proffered cash contribution at the time that each building permit is issued for the project.**
- 10. The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to the public emergency service facilities including but not limited to land acquisition; land design, construction, expansion, renovation, and repair of buildings and appurtenances; and acquisition of capital assets necessary to the provision of emergency fire and medical service facilities. The amount of the voluntary cash contribution shall be \$642.34 per single-family condominium unit on the rezoned property, for a total of \$14,131.48, for 22 units for impacts on emergency services. The applicant/owner agrees to make the proffered cash contribution at the time that each building permit is issued for the project.**

11. **The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public works within the Greenbrier Planning District for public roads for the increase in dwelling units above the current zoning. The amount of the voluntary cash contribution shall be \$1,240 per single-family condominium on the rezoned property, for a total of \$27,280 for 22 units. The applicant/owner agrees to make the proffered cash contribution before final site plan approval.**

12. **The applicant/owner agrees that the residential buildings shall conform to the following:**
 - a. **All visible elevations shall be landscaped with the same quality and quantity of landscaping material as the front elevation as determined by the City Arborist or designee.**
 - b. **All home foundations shall be either raised slab or crawl space construction.**
 - c. **Stoops and exposed foundation on all sides shall be treated with masonry finish (brick form, brick or stone). Stoops shall be treated with the same masonry as the skirts on an individual house.**
 - d. **Brick, wood, vinyl and natural stone shall only be used for exterior walls.**
 - e. **All siding, whether wood, aluminum, vinyl or composition, must have a minimum five-inch (5") lap or course, with 5/4" x 6" on the front corner trim and 5/4" x 4" corner trim on the rear. Twin four-inch (4") siding is prohibited. Roofing material shall be architectural shingles.**
 - f. **Minimum heated living area shall be 1700 sq.ft. with a minimum of a one car garage and two paved parking spaces adjacent to each unit in accordance with the requirements of the Zoning Ordinance.**

13. **Owner/developer agrees to install a temporary 4' tall chain link fence during construction as approved by the Zoning Administrator and installed before land disturbing commences and shall be removed after two weeks notice to adjacent property owners.**

H. Director's Items

None.

I. Unfinished and New Business:

- Motion to cancel the January 23, 2008 Public Hearing meeting.

APPROVED. (9-0; Whitted/Wilfore)

J. Adjournment: 8:26 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, January 9, 2008 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 February 13, 2008. 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.