

Department of Planning
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MARKED AGENDA

Chesapeake Planning Commission

**PUBLIC HEARING – FEBRUARY 13, 2008
CITY COUNCIL CHAMBER – 7:00 PM**

- A. Call to Order: Chairman Rowland
- B. Invocation: Commissioner Hutchinson
- C. Pledge of Allegiance: Commissioner Ward
- D. Roll Call: All Commissioners present
- E. Approval of Minutes: [JANUARY 9, 2008](#) APPROVED. (9-0; Weaver/Whitted)
- F. Public Hearing Consent Items:

1. [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 from the January 9, 2008 Public Hearing)

Planning Commission recommends that UP-07-52 be [APPROVED](#) with the following stipulations: (9-0; Peoples/Wilfore)

- 1. The applicant/owner agrees to limit use of the skate park to only those hours when an adult representative of the church is present to supervise the participants. The applicant/owner agrees that the skate park will be fenced with a locked gate. When not in use, a cable matrix will be installed over the top of the skate park and all apparatus will have individual chains with locks to prevent unauthorized use.
- 2. The applicant/owner agrees that the skate park will not be open before 10:00 am or after 7:00 pm. At 7:00 pm the cable matrix shall

be placed over the skate park. When portable lights are used, they shall be placed to face away from Ivy Stone Apartments.

3. The applicant/owner agrees to install and maintain the landscape materials shown on the preliminary site plan stamp-dated December 12, 2007. All plants will be installed within 60 days of City Council approval of this use permit.
 4. The applicant/owner agrees to move the current skate park location to a minimum setback of 20 feet from the fence to the eastern property line.
 5. The applicant/owner shall contact the Chesapeake Police Department and request that they routinely check the property for trespassers.
2. [R\(C\)-07-34](#)
PROJECT: Coleman Farms Condominiums
APPLICANT: Coleman Holdings, LLC
AGENCY: Hassell & Folkes, PC
PROPOSAL: A conditional zoning reclassification of approximately 18 acres from R-6, Residential District (1.90 acres) and R-10s, Residential District (16.2 acres) to R-MF-1, Multifamily Residential District for a condominium community.
PROPOSED COMP LAND USE & DENSITY: Medium Density Residential
EXISTING COMP LAND USE & DENSITY: Medium Density Residential
LOCATION: Terminus of Miller Avenue
TAX MAP SECTION/PARCEL: 0200000000060
BOROUGH: Washington
- CONTINUED for 60 days to the April 9, 2008 Planning Commission Public Hearing.** (9-0; Whitted/Peoples) **STAFF REPORT**
3. [R\(C\)-07-37](#)
PROJECT: Kaiser Photo Studio
APPLICANT: Jeffrey D. Kaiser, Lynanne M. Kaiser, David L. Kaiser & Joan W. Kaiser
AGENCY: Engineering Services, Inc.
PROPOSAL: A conditional zoning reclassification of 1.59 acres from R-15s, Residential District, to B-1, Neighborhood Business District for an office and photography studio.
PROPOSED COMP LAND USE & DENSITY: Office
EXISTING COMP LAND USE & DENSITY: Low Density Residential
LOCATION: 401 Waters Road
TAX MAP SECTION/PARCEL: Portion of 0590000001642
BOROUGH: Pleasant Grove

Planning Commission recommends that R(C)-07-37 be **APPROVED** with the following proffers: (9-0; Peoples/Wilfore)

1. The use of the property denoted as "Portion of Parcel Y to be Zoned B-1, 69,111 SF, 1.5866 AC" on the "Exhibit to Accompany Rezoning Application" made by Engineering Services Inc., and dated 1/23/08, shall be limited to SIC 7221, "Photographic Studios, Portrait," as described in the 1987 *Standard Industrial Classification Manual*.
2. Of the said portion to be zoned B-1, a part is denoted on said Exhibit as "Area of Limited Use." within said area, no paved vehicular area, nor any structure to be occupied, may be constructed. The only active use permitted in said Area of Limited Use shall be portrait photography, and the applicant/owner agrees that, prior to commencing said use, he shall renovate or reconstruct the existing residential dwelling, in accordance with applicable codes and ordinances, so that it is no longer useable as a dwelling.
3. Not more than one person or group of persons to be photographed shall be scheduled to be served at any one time.
4. Hours of operation of the photographic studio shall not exceed 10:00 a.m. through 6:00 p.m., Monday through Saturday.
5. The floor area of all occupied structures on the property to be Zoned B-1 shall not exceed 2,950 square feet, exclusive of any porches, colonnades or other spaces not fully enclosed.
6. Signage for the proposed use shall not exceed one (1) wall-mounted sign not exceeding 4 square feet in area.
7. All existing structures, and any additions, modifications and/or renovations thereto, shall be, in the determination of the Director of Planning or his designee, of a residential design and character and compatible with adjacent and nearby residences.
8. Vehicular parking shall be provided in a manner and of a design which complies with all provisions of the *Chesapeake Zoning Ordinance*, and, in the determination of the Director of Planning or his designee, does not detract from the residential character of the structure. Said design may include the provision of parking spaces in front of the property using grass pavers, paving stones or similar products, or placing parking behind the studio building, or a combination thereof. In designing the vehicular parking and circulation for the site, applicant/owner agrees to dedicate one-half of the additional right-of-way needed to widen Waters Road to a total width of 120', and to limit his vehicular access to Waters Road to a

single point of access at a point approved by the Director of Public Works or designee.

9. To further mitigate any negative effects on adjacent residential properties, Buffer Yards, as described in §19-610 of the *Chesapeake Zoning Ordinance* shall be provided around the property to be Zoned B-1, as follows:
 - a. Along the Waters Road street frontage, a Street Frontage Buffer Yard "F."
 - b. Along both sides of the property, from the Street Frontage Buffer Yard "F" back to a point not less than 50' rearward of the rearmost occupied structure or vehicular parking or circulation area, a Buffer Yard "D" enhanced to provide five (5) large trees per 100'.
 - c. Along the remainder of the sides of the property, and along the rear of the property, a standard Buffer Yard "D."
 - d. All Buffer Yards for side and rear property lines as described above may be achieved through the preservation of existing vegetation and supplementing it as necessary, in the determination of the City Arborist or his designee, to achieve the same degree of screening of the required buffer.

4. [UP-07-54](#)
PROJECT: Patient First, Taylor Road
APPLICANT: Patient First Corporation
AGENCY: McKinney & Company
PROPOSAL: A conditional use permit for an urgent care medical center.
ZONE: B-2, General Business District
SIC CODE: 801-804
LOCATION: Southeast corner of Taylor Road and Raintree Road
TAX MAP SECTION/PARCEL: portion of 0100000000182
BOROUGH: Western Branch

Planning Commission recommends that UP-07-54 be [APPROVED](#) with the following stipulations: (9-0; Peoples/Wilfore)

1. All signage shall meet the requirements of the Zoning Ordinance as determined by the Department of Neighborhood Services.
2. The final site plan shall depict a loading space in compliance with the requirements of 19-413 of the Zoning Ordinance unless approved by the Director of Public Works for a waiver or reduction.

G. Regular Agenda Items:

5. **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, 11900000000020, 11900000000060

BOROUGH: Butts Road

(Continued from the December 12, 2007 Public Hearing)

Planning Commission recommends that R(C)-07-20 be **APPROVED** with the following proffers: (9-0; Weaver/Ward) **UPDATED STAFF REPORT**

1. In conjunction with this rezoning R(C)-07-20, the applicant/owners agree that the total gross square footage of occupied buildings shall not exceed 150,000 gross square feet.
2. In addition to the requirements of § 13-2500 of the Zoning Ordinance of the City of Chesapeake, the applicant/owners shall develop the subject property and include on the final site plan the following:
 - a. pedestrian walkways to provide access from the parking area to the buildings with pedestrian walkways being constructed of materials such as pavers, brick, scored concrete or similar materials, which in the opinion of the Planning Director or designee would be in contrast to the driving surfaces, and with pedestrian interconnectivity running the length of the proposed development;
 - b. at least two fountains shall be installed within the proposed stormwater detention facility. As reasonably determined by the Director of Public Works or their designee, the fountain(s) shall be operational before the issuance of a certificate of occupancy for a retail building of 25,000 square feet of gross floor area or greater that is substantially completed, and shall be maintained to project a vertical stream of water sufficient for visibility from immediately adjacent roadways and parking area;

Battlefield Boulevard frontage. The berm shall have a height varying from 2 feet to 3 feet and shall return at least 50 feet up side streets/drives at intersections and shall include tree and shrub elements, but no fence element, as set forth in a "Buffer Yard E" as described in Section 19-610 of the Chesapeake Zoning Ordinance.

- 6. Applicant agrees to submit with its application for a final site plan a "Gateway into the City" signage plan that would set forth the style of signage and the method of illumination and be in general conformance with the design standards generally set forth in proffer 8. In addition to the Gateway to the City signage, the Applicant shall develop a signage plan for the retail center that shall include requirements for exterior signage that are in general conformance with the architectural design standards set forth in proffer 7 and in general conformance with the building standards set forth in proffer 8. The exterior signage plan shall note, among other things, the locations for placement of signage on the exterior of the buildings, the potential type of sign, the sign materials and the range of colors to be used on the signs (collectively hereinafter "Signage Plan"). The Signage Plan shall be reviewed by the Planning Director or designee and, if applicable, the Zoning Administrator or designee, to determine compliance with the Zoning Ordinance and these proffers. It is the intent of the applicant that all tenants of the subject property shall comply with the Signage Plan.**
- 7. The architectural design shall be substantially similar to the elevation filed November 16, 2007 and the Conceptual or Preliminary Site Plan dated November 14, 2007, as reasonably determined by the Planning Director or designee. Any buildings that may require a drive-through facility, but not a conditional use permit for an amplified speaker shall be generally designed so that the drive-through areas shall be screened. As generally set forth in the Conceptual or Preliminary Site Plan dated November 14, 2007, there shall be no general parking or drive-through areas along the property line that abuts Battlefield Boulevard.**
- 8. The applicant agrees that the exterior of the buildings constructed on the subject property and the out-parcels or ground-lease parcels, if applicable, when developed, shall be substantially the same or similar building materials as shown on the elevations referenced in proffer 7, as reasonably determined by the Planning Director or designee. The exterior building materials will generally be of architectural masonry, brick, cementitious plank siding, EFIS, wood, synthetic trim or a combination of one or more of said materials. These restrictions shall not prevent the users of any parcel therein from incorporating corporate logos or other features that may be**

necessary for the identity of such user, but all exterior signage shall be generally consistent with the provisions of proffer 6 and the Signage Plan.

9. An area shall be specifically designated for use by the City of Chesapeake Tourism Bureau before issuance of a certificate of occupancy for a retail building of 25,000 square feet of gross floor area or greater is completed.
10. In conjunction with this rezoning R(C)-07-20, the applicant/owners shall construct certain road improvements. Before the issuance of a certificate of occupancy for a retail building of 25,000 square feet of gross floor area or greater, the road improvements shall be designed, constructed and dedicated as follows:
 - a. The applicant/owners shall provide left and right turn lanes into the subject property with said lanes being designed in accordance with AASHTO. The final site plan shall detail the turn lanes and shall be subject to the reasonable specifications of the Director of Public Works or designee.
 - b. In the event the final site plan indicates an additional right-of-way is required and the Director of Public Works or designee agrees with such a determination that an additional right-of-way is required for the turn lanes at the Battlefield Boulevard intersection, the applicant/owners shall dedicate such required additional right-of-way. The final site plan shall detail the area to be dedicated and shall be subject to the specifications of the Director of Public Works or designee.
 - c. The applicant/owners shall dedicate additional right-of-way or turning lanes along Battlefield Boulevard, generally as indicated on the Conceptual or Preliminary Site Plan dated November 14, 2007 and filed on November 14, 2007 all being subject to some slight adjustment or modification on the final site plan due to the variable width and non-uniform status across the frontage of the subject property. The final site plan shall detail the area to be dedicated and shall be subject to the reasonable specifications of the Director of Public Works or designee.
 - d. If required by the Director of Public Works or designee, the applicant/owners shall dedicate additional right-of-way for Neck Road from Battlefield Boulevard to the Norfolk & Southern Railroad so that a right-of-way width of not less than 50 feet shall be provided at all points. The final site plan shall detail the area to be dedicated and shall be subject to the

reasonable specifications of the Director of Public Works or designee.

- e. **All road improvements shall be designed and constructed in accordance with the requirements and specifications set out in the Chesapeake Subdivision Ordinance and the Public Facilities Manual all to the reasonable satisfaction of the Director of Public Works or designee. The improvements shall be substantially completed, as reasonably determined by the Director of Public Works or designee, before the issuance of a certificate of occupancy for the first retail building of 25,000 square feet of gross floor area or greater to be completed.**
- 11. Applicant/owners acknowledge that the proposed development may create some additional vehicular traffic which, under certain specific circumstances, could result in an occasional unsatisfactory performance at one or more of the intersections serving the development. This situation, if and when it might occur, would only be at peak times on certain Saturdays during summer months when the volume of through traffic on VA/NC Route 168 reaches high levels. In an effort to mitigate any such problem, applicant/owners agree to undertake, with the review and approval by the Director of Public Works or designee, at least one of the following:**
- a. **Coordinate with representatives of the North Carolina Department of Transportation and Currituck County, North Carolina to adjust the cycle length and phasing of the existing traffic signal at North Pointe Boulevard; or**
 - b. **Construct, or contribute to the construction of, a widening of North Pointe Boulevard on the west side of Route 168 to allow additional for capacity for right turns onto Route 168 southbound, at a cost to the applicant/owners not to exceed \$100,000.00; or**
 - c. **Relocate the proposed entrance to the proposed development to Neck Road and construct a traffic signal at said intersection; or**
 - d. **Perform such other measures, or combinations of measures, which, in the reasonable determination of the Director of Public Works or their designee, mitigate appropriately the effects of the proposed development upon said intersections.**

The requirements of this proffer 11 shall be satisfied by the applicant/owners before the issuance of a certificate of occupancy for the

first retail building of 25,000 square feet of gross floor area or greater to be completed.

12. In that the applicant/owners will be designing and utilizing a system for the treatment of wastewater that shall not be a public utility, the applicant/owners agree that this rezoning is conditional on obtaining approval for the use and operation of a private wastewater treatment facility from, if applicable, all of the following: the Chesapeake Health Department, the Department of Environmental Quality; the City of Chesapeake; Currituck County Department of Planning and Inspections; Currituck County Health Department; Albemarle Regional Health Services; Environmental Health Department and the North Carolina Utilities Commission. In the event that the Zoning Administrator for the City of Chesapeake finds that the applicant/owners fail to obtain such approval from, if applicable, any of the aforesaid agencies or departments within three (3) years following the effective date of this rezoning, and the subject property is not included in the Public Facilities Franchise Area, the applicant/owners agree that the rezoning shall be placed on the City Council agenda for reconsideration and possible revocation on grounds of inadequate sewage capacity.

6. [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 a private sewage collection and treatment system designed to serve a 21.78 acre proposed retail, office and lodging development.

ZONE: Existing: A-1, Agricultural District; Proposed: B-2, General Business District in R(C)-07-20.

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 from the December 12, 2007 Public Hearing)

Planning Commission recommends that UP-07-22 be [APPROVED](#) with the following stipulations: (9-0; Weaver/Ward) [UPDATED STAFF REPORT](#)

1. The approval of UP-07-22 authorizes the applicant/owner to serve the property subject to R(C)-07-20 with a central disposal system in accordance with section 70-142 of the City Code and shall be subject to the approval by the Director of Public Utilities or designee for a determination that the proposed sewage disposal constitutes a

central disposal system. All approved components of the sewage collection and treatment system shall be privately owned and maintained and shall not serve any development or property other than the property subject to R(C)-07-20.

2. Subject to stipulation #1, the applicant/owner shall establish a condominium or property owners' association for the property to R(C)-07-20 and vest that entity with all responsibility for the maintenance and repair of the collection and treatment system and the applicant/owner shall require all individual property owners to contribute dues and assessments for the maintenance and repair of the system. The condominium or property owners' association shall be created before issuance of a certificate of occupancy.
3. The final site plan shall not depict private improvements within the Neck Road right of way unless approved by the Department of Public Works or Public Utilities.
4. Minor deviations from the approved preliminary site plan may only be approved in accordance with section 17-114 of the Zoning Ordinance.
5. Subject to stipulation #1, all necessary regulatory permits for the private water and wastewater facilities must be obtained and copies provided to the Department of Public Utilities prior to construction plan approval.
6. Subject to stipulation #1, any proposed private sewer collection lines and appurtenances shall be designed, constructed, and inspected in accordance with the City's published policies, standards and criteria. This requirement shall include indemnification of the City for system failures and deficiencies and shall further provide for the orderly abandonment of the central disposal facility and the connection of the collection system to the City's system when such system becomes available and shall be the responsibility of the applicant/owner or property owners' association. (City Code Section 70-142, Subdivision Ordinance)
7. Plans and specifications for any improvements within the City's right-of-way must be reviewed and approved by the department of Public Works and must meet the requirements of the Public Facilities Manual. Public Works must be contacted to determine if they will allow private sewer collection lines and appurtenances in the City's right-of-way.
8. Subject to stipulation #1, the property owner, condominium association or property owners' association will be subject to the

Commonwealth of Virginia Underground Utility Damage Prevention Act as an "Operator," and shall be required to join the Notification Center as an operator, pursuant to the Virginia Underground Utility Damage Prevention Act, Section 56-265.16:1.

9. **Subject to stipulation #1, additional regulatory review from the Virginia Department of Health (VDH) and the Department of Environmental Quality (DEQ) will be required. It is the applicant/owner's responsibility to obtain all required approvals.**
10. **The design and construction of all utility improvements are to be in accordance with departmental policies and the City of Chesapeake's Public Facilities Manual (PFM).**
7. **R(C)-07-17**
PROJECT: Great Bridge Marketplace
APPLICANT: Gerald Dixon, Jr., Inc.
AGENCY: Hassell & Folkes, PC
PROPOSAL: A conditional zoning reclassification of 1.3 acres from R-15s, Single Family Residential District to B-2, General Business District to construct a commercial shopping center.
PROPOSED COMP LAND USE & DENSITY: Business/commercial
EXISTING COMP LAND USE & DENSITY: Low density residential with 4 or less dwelling units per acre
LOCATION: 512 Battlefield Blvd. South
TAX MAP SECTION/PARCEL: 0601001000120
BOROUGH: Pleasant Grove

CONTINUED to the March 12, 2008 Public Hearing. (9-0; Whitted/Peoples)
STAFF REPORT

H. Director's Items

Mr. Nielson reminded the Commissioners that they were invited to attend the City Council Work Session on Tuesday, February 19th regarding Impact Fees. The work session will begin at 5:00 and will be held in the Human Resources Training Center.

I. Unfinished and New Business

- **Motion to consider and make recommendations to City Council concerning proposed amendments to Chapter 70 of the City Code to modify the requirements of the Subdivision Ordinance in order to comply with changes in the Health Department subdivision review process.**

APPROVED. (9-0; Watson/Whitted)

- **Motion to consider and make recommendations to City Council concerning proposed amendments to Articles 3 and 6 of the Zoning Ordinance and Chapter 70 of the City Code and other any necessary and correlating sections, to coordinate the subdivision of agriculturally zoned parcels.**

APPROVED. (9-0; Peoples/Whitted)

- **Motion to cancel the February 27, 2008 Public Hearing meeting.**

APPROVED. (9-0; Ward/Weaver)

J. Adjournment: 8:03 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, February 13, 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 March 12, 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.