

**CITY OF CHESAPEAKE
CITY COUNCIL MEETING
November 20, 2012
6:30 P.M.
City Hall Council Chamber
306 Cedar Road**

**** ALL PRESENTATION MATERIALS MUST BE REVIEWED BY THE CITY CLERK
PRIOR TO 6:30 P.M. ****

NOTE: COPIES OF BACKUP MATERIALS FOR ALL AGENDA ITEMS, INCLUDING THE APPLICATION AND SUPPORTING MATERIALS FOR THE PLANNING PUBLIC HEARING ITEMS MAY BE VIEWED IN THE CITY CLERK'S OFFICE OR THE PLANNING DEPARTMENT AT ANY TIME DURING NORMAL BUSINESS HOURS OF 8:00 A.M. TO 5:00 P.M., MONDAY THROUGH FRIDAY.

**REMINDER: 4:00 p.m. – Work Session – 4th Floor Human Resource Training Room.
The topics of discussion:**

1. Position Management/Budget Transfers
2. 2035 Comprehensive Plan
3. Public Utilities Rate Study

5:45 p.m. - Council Member Reports

The City Council Work Sessions and Meetings can be viewed live on WCTV-Chesapeake Television (Cox Cable channel 48 and Verizon Cable channel 43) and at CityOfChesapeake.net. Council meetings, but not Work Sessions, may be heard on WFOS-88.7FM. Meetings are retelecast on WCTV-Chesapeake Television (Cox Cable Channel 48 and Verizon Cable channel 43) as well as CityOfChesapeake.net at the following times: Tuesday - Work Session at 11:30 p.m. and Meeting at 12:30 a.m.; Wednesday - Work Session at 1:00 p.m. and Meeting at 2:00 p.m. and Saturday - Work Session at 8:00 p.m. and Meeting at 9:00 p.m.

PLEASE NOTE: Speaker Cards will not be accepted for the Council Meeting once the meeting begins. Citizens who wish to speak may register on the date of the meeting in the City Council Chamber before 6:30 p.m. Citizens may also pre-register by calling the City Clerk's Office at 382-6151, Monday through Friday, (8:00 a.m. - 5:00 p.m.) prior to, and including the date of the Council meeting.

ALL INTERESTED PARTIES ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING. Council meetings are telecast live on WCTV-Chesapeake Television (Cox Cable channel 48 and Verizon Cable channel 43) as well as CityofChesapeake.net, and heard on WFOS-88.7FM. The City of Chesapeake will attempt to make reasonable accommodations and services necessary for sensory impaired and disabled citizens. Citizens who wish to receive such accommodations must contact Mr. Tim Winslow (382-6273), within three working days prior to the meeting.

***NO FOOD OR DRINKS PERMITTED IN THE CITY COUNCIL CHAMBER
PLEASE TURN OFF CELL PHONES WHILE IN THE CHAMBER***

**CITY OF CHESAPEAKE
CITY COUNCIL MEETING**

Marked Agenda

November 20, 2012

6:30 P.M.

**City Hall Council Chamber
306 Cedar Road**

1. INVOCATION - **Council Member S. Z. “Debbie” Ritter**
2. PLEDGE OF ALLEGIANCE TO THE FLAG – **Boy and Cub Scout Pack 934 and Girl Scout Troop 778 sponsored by First Baptist Church South Hill**
3. ROLL CALL BY CITY CLERK – **All Members Present**
4. APPROVAL OF MINUTES - **None**

CERTIFICATION OF CLOSED SESSION HELD NOVEMBER 16-18, 2012. de Triquet/Ward (9-0)

5. PUBLIC HEARING

APPLICANTS', AGENTS, AND CITIZENS' COMMENTS ON PUBLIC HEARING ITEMS

- A. [R\(C\)-11-04 Davis Property](#) APPLICANT: Landventures, LLC AGENCY: Shepelle Watkins-White Consulting & Law, PLLC PROPOSAL: A conditional zoning reclassification of 10.14 acres from R-15(a)(s), Residential District to R-10, Residential District to allow the construction of 36 single family attached dwelling units. PROPOSED COMP LAND USE / DENSITY: Low Density Residential EXISTING COMP LAND USE / DENSITY: Low Density Residential LOCATION: 1341 Butts Station Road TAX MAP SECTION/PARCEL: 0490000000950 BOROUGH: Washington *(Continued from the September 20, November 15, December 20, 2011, March 20, June 19, and August 21 2012 Council meetings)*

The Planning Commission recommends APPROVAL with the following proffers:

1. The owner/applicant agrees that the character of duplex units to be constructed on the subject property shall, from the front elevation, be constructed to appear as a single-family home with the following attributes:
 - a. Front elevations shall consist of a minimum of two building materials, such as synthetic cedar shakes, vinyl with a minimum thickness of 0.44”, fiber cement siding, EIFS (exterior insulation and finish system), stone or brick or such similar materials as determined by the Director of Planning or designee.
 - b. Architectural grade shingles shall be used on building roofs.

2. The owner/applicant agrees that no single model using the same front elevation should be built on the first two lots on either side of any building and it will offer a minimum of three elevations to buyers that are substantially similar, as determined by the Director of Planning or designee, to the rendering dated July 20, 2011. Such elevations shall be approved by the Director of Planning, or designee, prior to issuance the first building permit.
3. The owner/applicant agrees to design and construct the development's entrance as a collector street (60' right-of-way) from Butts Station Road to the west property line to serve adjacent underdeveloped property. The entrance and connection to the adjoining property will be constructed with the first phase of development.
4. No more than 18 buildings, for a total of 36 residential units, will be constructed on the property.
5. The owner/applicant agrees that it shall dedicate, to the City of Chesapeake as right-of- way, one-half of the necessary land for the ultimate widening of Butts Station Road to a four-lane roadway 120' in width. The dedication shall be made at the time of final site plan approval for the proposed development.
6. 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 facilities and acquisition of capital assets necessary to the operation of public libraries. The amount of voluntary cash contribution shall be \$576.08 per residential unit. The owner/applicant agrees to make the proffered cash contribution on a unit by unit basis as certificates of occupancy are issued.
7. The owner/applicant 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 voluntary cash contribution shall be \$389.85 per residential unit. The owner/applicant agrees to make the proffered cash contribution on a unit by unit basis at the time that any certificate of occupancy is issued.
8. The owner/applicant 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, including but not limited to, land acquisition, design, construction, expansion, renovation. The amount of the voluntary cash contribution shall be \$809.00 per residential unit. The owner/applicant agrees to make the proffered cash contribution on a lot by lot basis prior to issuance of a certificate of occupancy.

9. 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, design, construction, expansion, renovation and repair of buildings and related facilities. The amount of voluntary cash contribution shall be \$1,500.00 per residential unit. 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 improvements within time constraints imposed by state law, the owner/applicant 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. The owner/applicant agrees to make the proffered cash contribution on a unit by unit basis at the time that any certificate of occupancy is issued.
10. The applicant/owner shall ensure that full written disclosure of the proximity of the Elbow Road Farm (Thrasher) Landfill, located north of this subdivision, is included in the i) notes on all recorded subdivision plats, ii) all initial contracts for purchase of lots by first occupants, and iii) all deeds of conveyance and homeowner association documents. The language of the disclosure shall include the length of time the landfill is permitted to operate, any restrictions regarding its operation and the possibility of noise, dust and odors emanating from the landfill operations.

APPROVED WITH REVISED PROFFER STATEMENT DATED NOVEMBER 16, 2012. de Triquet/Ward (7-2) (Council Members Kelly and Ritter voted no)

- B. [R\(C\)-11-09 Drum Creek Farms](#) APPLICANT:** Kopassis Development Corporation **AGENCY:** Sykes, Bourdon, Ahern & Levy, PC **PROPOSAL:** A conditional zoning reclassification of 8.481 acres from R-15s, Residential District, to R-10s, Residential District to allow 20 single family residential lots. **PROPOSED COMP LAND USE / DENSITY:** Low Density Residential **EXISTING COMP LAND USE / DENSITY:** Low Density Residential **LOCATION:** 2814 Taylor Road and 2411 Bugle Drive West **TAX MAP SECTION/PARCELS:** 0090000000590, 0090000000600, 0092002000150 **BOROUGH:** Western Branch *(Continued from the December 20, 2011, January 17, April 17, July 17 and September 18, 2012 Council meetings)*

The Planning Commission recommends approval with the following proffers:

1. The owner/applicant agrees the subject property shall be developed substantially in conformance with the rezoning exhibit entitled "PRELIMINARY SUBDIVISION PLAN FOR DRUM CREEK FARMS" dated October 14, 2011, prepared by NDI, L.L.C., Basgier and Associates Division, as determined by the Director of Planning, or designee.

However, the rezoning exhibit shall not be construed as being exact in presentation and shall be subject to subdivision review and approval.

2. The owner/applicant agrees that the subject property shall be developed with the following characteristics:
 - a. Single-family two-story dwellings shall be constructed with a minimum of 2,200 square feet. The dwelling units shall be constructed with raised slabs or on a crawl space.
 - b. The primary building materials to be used on the exterior of the front elevations of the dwellings shall consist of any combination of brick or vinyl siding, with the exception that accents, gables, or other design or ornamental features may also consist of cedar shake rough-sawn vinyl siding. Such materials shall be presented to and accepted by the Planning Director or designee prior to final construction plans approval.
 - c. The development shall have no more than nineteen (19) single-family dwelling units.
3. 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 facilities and acquisition of capital assets necessary to the operation of public libraries. The amount of voluntary cash contribution shall be \$711.77 per single-family dwelling unit. The owner/applicant agrees to make the proffered cash contribution on a unit by unit basis as certificates of occupancy are issued.
4. The owner/applicant 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 voluntary cash contribution shall be \$481.76 per single-family dwelling unit. The owner/applicant agrees to make the proffered cash contribution on a unit by unit basis as certificates of occupancy are issued.
5. The owner/applicant agrees to make a cash contribution to the City of Chesapeake for capital improvements within the Western Branch Planning District for public roads, including but not limited to, land acquisition, design, construction, expansion, renovation. The amount of the voluntary cash contribution shall be \$1,310.00 per single-family dwelling unit. The owner/applicant agrees to make the proffered cash contribution on a lot by lot basis prior to issuance of a certificate of occupancy.

6. 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, design, construction, expansion, renovation and repair of buildings and related facilities. The amount of voluntary cash contribution shall be \$1,000.00 per single-family dwelling unit. 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 improvements within time constraints imposed by state law, the owner/applicant 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. The owner/applicant agrees to make the proffered cash contribution on a unit by unit basis at the time that any certificate of occupancy is issued.

The applicant submitted a revised proffer #6 on December 28, 2011:

6. 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, design, construction, expansion, renovation and repair of buildings and related facilities. The amount of voluntary cash contribution shall be \$2,808.43 per single-family dwelling unit. The aforementioned amount is the equivalent of the full recommended proffer amount per unit if applied to each of the additional five single-family dwelling units to be gained by approval of this rezoning over and above the already fourteen units permitted by right today without the rezoning. 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 improvements within time constraints imposed by state law, the owner/applicant 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. The owner/applicant agrees to make the proffered cash contribution on a unit by unit basis at the time that any certificate of occupancy is issued.

**CONTINUED TO DECEMBER 18, 2012 CITY COUNCIL MEETING.
West/de Triquet (9-0)**

- C. [R\(C\)-12-12 2016 Iowa Street](#) APPLICANT: Paul S. Tolson, Jr. PROPOSAL: A conditional zoning reclassification of 0.42 acres from R-10s, Residential District to R-10, Residential District to construct a two-family dwelling (duplex). PROPOSED COMP LAND USE / DENSITY: Low Density Residential EXISTING COMP LAND USE / DENSITY: Low Density Residential LOCATION: 2016 Iowa Street TAX MAP SECTION/PARCEL: 0254012000690 BOROUGH: Deep Creek

The Planning Commission recommends approval with the following proffers:

1. The owner/applicant agrees that the driveway(s) shall be located in the established side yard. The owner/applicant further agrees that the driveway(s) shall extend into the lot past the front wall of the dwelling. The Final Site Plan shall be approved by the Director of Planning or designee prior to the issuance of a Building Permit.
2. The owner/applicant agrees that the exterior of the dwelling shall utilize quality building materials to include brick, fiber cement siding or vinyl siding with a minimum thickness of 0.044 inches. The owner/applicant agrees to submit building elevations for approval by the Director of Planning or designee prior to Final Site Plan approval.
3. The owner/applicant agrees that all existing structures, including all detached accessory structures, shall be completely razed prior to the issuance of a Building Permit.

APPROVED WITH PROFFERS. de Triquet/Ward (9-0)

- D. [GB\(M\)-12-01 Cook-Out Restaurant](#) APPLICANT: Jeremy A. Reaves AGENCY: LeClairRyan PROPOSAL: A modification to the Development Criteria of the Greenbrier PUD, Zone 3, to allow a restaurant with a drive thru window. PROPOSED COMP LAND USE / DENSITY: Business/Commercial EXISTING COMP LAND USE / DENSITY: Business/Commercial LOCATION: West side of Battlefield Boulevard North, 400 feet north of Volvo Parkway TAX MAP SECTION/PARCEL: 0270000000961 BOROUGH: Washington

The Planning Commission recommends approval with the Development Criteria dated November 13, 2012.

APPROVED WITH DEVELOPMENT CRITERIA DATED NOVEMBER 13, 2012. Matheson/Ritter (9-0)

- E. [UP-12-23 Caren's Caring Place](#) APPLICANT: Karen Vinitia Mason Ferebee
PROPOSAL: A conditional use permit to operate a child care facility as a Level II Home Occupation. ZONE: R-8s, Residential District SIC CODE: 835
LOCATION: 4124 Leyte Avenue TAX MAP SECTION/PARCEL: 1601002001010
BOROUGH: South Norfolk

The Planning Commission recommends approval with the following stipulation:

- The applicant/owner shall comply with all requirements of state law.

APPROVED WITH REVISED STIPULATIONS. Kelly/de Triquet (9-0)

- F. [UP-12-28 Merchant's Tire Edinburgh](#) APPLICANT: Michael McDonald
AGENCY: Kimley-Horn and Associates, Inc. PROPOSAL: A conditional use permit to allow an automotive repair shop on a 1.487 acre parcel. ZONE: PUD, Planned Unit Development SIC CODE: 753
LOCATION: Parcel 6 Edinburgh West; approximately 300 feet south of Hillcrest Parkway on the west side of Edwin Drive
TAX MAP SECTION/PARCEL: portion of 0730000001816
BOROUGH: Pleasant Grove

The Planning Commission recommends approval with the following stipulations:

1. The site layout/entrance geometry shall be modified as required by the Department of Development and Permits with final site plan approval.
2. The architectural design and materials and landscaping shall be in substantial conformance with the architectural elevation drawing and landscape plan approved by the Edinburgh Architectural Review Committee on August 29, 2012.

APPROVED WITH STIPULATIONS. de Triquet/Ward (8-1) (Council Member West voted no)

- G. [UP-12-29 Xtreme Window Tint and Detailing](#) APPLICANT: Xtreme Window Tint and Detailing, LLC
AGENCY: Pender & Coward, PC PROPOSAL: A conditional use permit to operate an automobile detailing business on a 7,500 SF parcel. ZONE: B-2, General Business District SIC CODE: 7542
LOCATION: 1821 Engle Avenue TAX MAP SECTION/PARCEL: 0206001000360
BOROUGH: Washington

The Planning Commission recommends approval with the following stipulations:

1. Applicant agrees that all vacuuming operations shall only be performed inside the building during business hours and with all doors closed. Additionally the Applicant agrees that no exterior music shall be allowed.
2. Applicant agrees not to use any gas powered equipment and shall only use an electric power washer. Applicant agrees to enclose the power washer to mitigate noise impact.

APPROVED WITH STIPULATIONS. Matheson/West (9-0)

- H. [UP-12-25 Executive Tattoo](#) APPLICANT: Executive Tattoo, LLC
PROPOSAL: A conditional use permit to operate a tattoo and body piercing studio within an existing building in the Greenbrier Commerce Park. ZONE: Greenbrier PUD Zone 4 (Industrial) SIC CODE: 7299 LOCATION: 1222 Executive Boulevard, Unit 101 TAX MAP SECTION/PARCEL: 0373009000370 BOROUGH: Washington

The Planning Commission recommends approval.

APPROVED. West/Ike (7-2) (Council Members Craig and Krasnoff voted no)

- I. [TA-Z-12-07](#) An ordinance amending Appendix “A” of the Chesapeake City Code, entitled “Zoning,” Section 3-403, 14-101 and 14-102, to permit the keeping of four or fewer female chickens in all single-family residential zoning districts.

The Planning Commission recommends denial.

APPROVED WITH REVISED LANGUAGE THAT (1) REMOVED THE 6 FOOT PRIVACY FENCE REQUIREMENT; (2) ALLOWS UP TO SIX FEMALE CHICKENS; AND (3) REQUIRES A REAUTHORIZATION BY CITY COUNCIL 12 MONTHS FROM THE EFFECTIVE DATE OF THE ORDINANCE. Ike/Craig (6-3) (Council Members de Triquet, Ritter and West voted no)

- J. [TA-Z-12-06](#) An ordinance amending Appendix “A” of the Chesapeake City Code, entitled “Zoning,” Article 14, Section 14-706, to permit outdoor advertising signs at public and private toll facilities.

The Planning Commission recommends denial.

APPROVED WITH ALTERNATE VERSION DATED NOVEMBER 19, 2012. Craig/Ike (8-1) (Council Member Ritter voted no)

- K. [TA-Z-12-04](#) An ordinance amending Appendix “A” of the Chesapeake City Code, entitled “Zoning,” Section 16-105, to incorporate all state law requirements for notification of public hearings related to rezonings and conditional use permits.

The Planning Commission recommended approval of the version dated September 19, 2012.

APPROVED VERSION DATED SEPTEMBER 19, 2012. de Triquet/Matheson (9-0)

- L. **City Manager Updates**

- 6. DOCKET

(A) CITIZENS’ COMMENTS ON AGENDA ITEMS ONLY

7. NOMINATIONS/APPOINTMENTS TO BOARDS AND COMMISSIONS

- A. Chesapeake Hospital Authority – 4 vacancies

RHONDA V. BRIDGEMAN, KIM W. BROWN, PEGGY J. MATTHEWS AND STEPHEN C. RODRIGUEZ WERE RE-APPOINTED TO THE CHESAPEAKE HOSPITAL AUTHORITY. Ward/Kelly (9-0)

- B. Port Authority – 1 vacancy *(Continued from the October 9, 2012 City Council meeting)*

WITHOUT OBJECTION CONTINUED TO DECEMBER 18, 2012 CITY COUNCIL MEETING

- C. South Norfolk Revitalization Commission – 6 vacancies (nominations made October 9, 2012 and interviews held October 16, 2012) *(Continued from the November 13, 2012 Council Meeting)*

LAWRENCE (TOM) BRAY, NISCHELLE BUFFALOW, WALTON BURKHIMER, STACEY HUGO, AND BRENDA JOHNSON, WERE APPOINTED TO THE SOUTH NORFOLK REVITALIZATION COMMISSION. THE REMAINING APPOINTMENT WAS CONTINUED TO THE DECEMBER 18, 2012 CITY COUNCIL MEETING WITHOUT OBJECTION.

8. UNFINISHED BUSINESS

9. NEW BUSINESS

10. CLOSED SESSION

7:22 P.M. – 7:28 P.M.

APPROVED APPOINTMENT OF JAMES BAKER AS CITY MANAGER FOR THE CITY OF CHESAPEAKE WITH AN EFFECTIVE DATE OF JANUARY 14, 2013, WITH A TWO YEAR CONTRACT AND TERMS OF CONTRACT AS READ INTO THE RECORD. de Triquet/Ward (9-0)

11. ADJOURNMENT

7:31 P.M.