CITY OF CHESAPEAKE
CITY COUNCIL MEETING
AGENDA
December 19, 2017
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.

REMARKER: 4:30 PM Work Session – 4th Floor Human Resources Training Room
Topics: 1. Upcoming Agenda Items
2. Capital Improvement Plan Presentations

5:45 PM 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
Agenda
December 19, 2017
6:30 P.M.
City Hall Council Chamber
306 Cedar Road

1. INVOCATION
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL BY CITY CLERK
4. APPROVAL OF MINUTES
5. PUBLIC HEARING

APPLICANTS’, AGENTS’ AND CITIZENS’ COMMENTS ON PUBLIC HEARING ITEMS
COUNCIL’S CONSIDERATION OF THE PLANNING PUBLIC HEARING ITEMS

A. PLN-REZ-2017-006 Leslie Claire Home Services APPLICANT: Leslie Heffernan
PROPOSAL: A conditional zoning reclassification of approximately 0.70 acres from R-15s, Residential District, to M-1, Light Industrial District. PROPOSED COMP LAND USE / DENSITY: Light Industry/Logistics EXISTING COMP LAND USE / DENSITY: Business/Commercial LOCATION: 106 Greenbrier Road TAX MAP SECTION/PARCEL: 0370000000830 BOROUGH: Washington (Continued from the August 8, 2017 City Council meeting)

Staff and the Planning Commission recommend approval with the following proffer:

1. The applicant/owner agrees that property subject to this rezoning shall be used for Building, Cleaning and Maintenance Services, Not Elsewhere Classified (SIC 7349). As prescribed in Section 8-602 of the Chesapeake Zoning Ordinance, any use that is permitted or conditional in the M-1, Light Industrial District, may also be conducted on the property as long as said use is permitted or conditionally allowed in the B-2, General Business District, pursuant to Section 7-602 of the Chesapeake Zoning Ordinance. If any such use requires a conditional use permit, the permit must be acquired prior to the establishment of the use on the property. In addition, should the Zoning Ordinance later be amended to prohibit or make conditional a use that is currently listed as permitted, the Zoning Ordinance shall control.


Staff and the Planning Commission recommend approval with the following stipulations:
1. The applicant/owner shall construct a City Standard Commercial Entrance, CG-11A to access the site prior to issuance of a Certificate of Occupancy. The entrance shall be depicted on the final site construction plan and is subject to review and approval by the Director of Development and Permits, or designee. In addition, a closure and restoration plan shall be a required component of the final site construction plan.

2. The applicant/owner shall submit a Landscape Plan pursuant to Chesapeake Zoning Ordinance Section 19-600 et seq. prior to final construction plan approval. Said plan shall be subject to the review and approval of the City’s Landscape Coordinator. Said plan shall provide for the planting and maintenance of the following: 1) a modified Buffer Yard E along the entirety of the perimeter of the solar energy facility, consisting of small and medium canopy trees that are at least 6 feet in height, and shrubs that are in a minimum industry standard 3 gallon container at planting; and 2) the modified Buffer Yard E shall also include a solid evergreen buffer along the entirety of the property line adjacent to the residential properties to screen the use. The solid evergreen buffer shall include trees that are at least 8 feet in height at time of planting, and shrubs that are in a minimum industry standard 3 gallon container at time of planting; and 3) a variety of native groundcovers and other vegetation throughout the site, including those known as attractive to pollinators and a mix of two species of clover and tall fescue at a ratio of at least 70% clover and 30% fescue. All plant materials in the Landscape Plan shall be installed prior to the issuance of a Certificate of Occupancy. Further all referenced plant material shall be established within the first growing season following completion of construction activities.

3. The applicant/owner shall install and maintain a 6 foot security fence around the entire perimeter of the solar farm prior to the issuance of a Certificate of Occupancy. All required permits and approvals for the fence shall be acquired prior to the installation of the fence.

4. The Conditional Use Permit is limited to the applicant only.

5. The applicant/owner shall provide written notice to the Director of Development and Permits or designee at least 30 days in advance of the cessation or abandonment of this use. Within 180 days of the cessation or abandonment of this use, the applicant/owner shall remove all photovoltaic systems (including but not limited to inverters, modules/solar panels, solar trackers) and all other structural elements related to the photovoltaic system use. The applicant/owner shall also restore the property to its pre-use grade, as approved by the Director of Development and Permits or designee, within the referenced 180 days.

6. Prior to receiving a certificate of occupancy, an Emergency Management Plan (EMP) will be provided to the Director of Development and Permits for the solar energy facility. The goal of this EMP is to provide safety guidelines and procedures for potential emergency-related incidents during all phases of the life of the facility (construction, operation, and decommissioning). The EMP shall cover at minimum emergency communications and training, theft and vandalism, inclement weather, high voltage equipment, and fire safety and prevention.
7. The applicant/owner shall maintain insurance for the duration of the use. The applicant/owner shall provide to the City Attorney a certificate of insurance providing General Liability Insurance which shall include at least the following information: (i) the name of the insurance company, policy number and expiration date; and (ii) the coverage and limits on coverage and including the amount of deductibles or self-insured retentions with a minimum limit of One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) aggregate, combined single limit, for bodily injury (including death) or property damage and Environmental Impairment insurance with minimum limits of $1,000,000 per occurrence. The certificate of insurance shall be provided to the City Attorney prior to the issuance of a Certificate of Occupancy.

8. The applicant/owner agrees that the solar array shall be designed to withstand 120 mph wind speeds, as depicted on the approved final site plan.

9. The applicant shall only use mono-crystalline or poly-crystalline photovoltaic (PV) technology for the solar energy facility. This shall be specified in the site plan for the project.

10. The applicant/owner agrees that all construction activities shall be limited to 7 a.m. to 7 p.m.

C. **PLN-USE-2017-003 Hickory Solar Farm** APPLICANT: New Energy Ventures, Inc. AGENCY: North Ridge Resources, LLC PROPOSAL: A conditional use permit to allow a solar energy facility on a 154.40 acre parcel. ZONE: A-1, Agricultural District LOCATION: On Ballentine Road, approximately 5000 feet east from the intersection of Ballentine Road and Battlefield Blvd. TAX MAP SECTION/PARCEL: 0970000000660 BOROUGH: Butts Road *(Continued from the June 20 and September 19, 2017 City Council meetings)*

Staff and the Planning Commission recommend approval with the following stipulations:

1. The applicant/owner shall construct a City Standard Commercial Entrance, CG-11A to access the site prior to issuance of a Certificate of Occupancy. The entrance shall be constructed at the intersection of Battlefield Boulevard South and Ballentine Road and shall be depicted on the final site construction plan which is subject to review and approval of the Director of Development and Permits, or designee. In addition, a closure and restoration plan shall be a required component of the final site construction plan.

2. The applicant/owner shall submit a Landscape Plan pursuant to the Chesapeake Zoning Ordinance prior to final construction plan approval. Said plan shall be subject to the review and approval of the City’s Landscape Coordinator. Said plan shall consist of the following: a modified Buffer Yard E along the entirety of the property line, consisting of small and medium canopy trees that are at least 6 feet in height, shrubs that are in a minimum industry standard 3 gallon container at planting, and a solid evergreen buffer along the entirety of the property line adjacent to the residential properties to screen the use. The solid evergreen buffer shall include trees that are at least 8 feet in height at time of planting, and shrubs that are in a minimum industry standard 3 gallon container at time of planting. All plant materials shall be subject to the review and approval of the City’s Landscape Coordinator.
Coordinator and shall be installed prior to the issuance of a Certificate of Occupancy for the use. The applicant/owner shall also install and maintain a 6 foot security fence around the entire perimeter of the solar farm prior to the issuance of a Certificate of Occupancy for the use.

3. The applicant/owner shall obtain a valid Run-Off Control Permit from the Department of Public Utilities prior to the approval of construction plans.

4. The applicant/owner shall obtain all required permits and approvals from the Department of Development and Permits prior to the installation of the security fence and storage shed.

5. The applicant/owner agrees that all power lines transferring the power generated from the property to the existing Dominion Virginia Power distribution system on Battlefield Boulevard South, which are both on-site and off-site, shall be placed underground unless the applicant/owner provides written correspondence from Dominion Virginia Power which requires the lines to be placed above ground to the Zoning Administrator.

6. The applicant/owner agrees that the proposed use shall utilize SMA 2200-EV-US, SMA 2500-EV-US or an alternative solar panel inverter approved by the Navy and in compliance with the Navy’s Electromagnetic Interference (EMS) assessment.

7. The approval of this Conditional Use Permit is limited to the applicant only.

8. The applicant/owner shall provide written notice to the Director of Development and Permits or designee at least 30 days in advance of the cessation or abandonment of this use. Within 180 days of the cessation or abandonment of this use, the applicant/owner shall remove all photovoltaic systems (including but not limited to inverters, modules/solar panels, solar trackers) and all other structural elements related to the photovoltaic system use. The applicant/owner shall also restore the property to its pre-use grade, as approved by the Director of Development and Permits or designee, within the referenced 180 days.

9. Prior to receiving a certificate of occupancy, an Emergency Management Plan (EMP) will be provided to, and subject to the approval of, the Director of Development and Permits for the solar energy facility. The goal of this EMP is to provide safety guidelines and procedures for potential emergency-related incidents during all phases of the life of the facility (construction, operation, and decommissioning). The EMP shall cover at minimum emergency communications and training, theft and vandalism, inclement weather, high voltage equipment, and fire safety and prevention.

10. The applicant/owner shall maintain insurance for the duration of the use. The applicant/owner shall provide to the City Attorney a certificate of insurance providing General Liability Insurance which shall include at least the following information: (i) the name of the insurance company, policy number and expiration date; and (ii) the coverage and limits on coverage and including the amount of deductibles or self-insured retentions with a minimum limit of One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) aggregate, combined single limit, for bodily injury (including death) or property damage and Environmental Impairment insurance with minimum limits of $1,000,000 per occurrence. The certificate of insurance
shall be provided to the City Attorney prior to the issuance of a certificate of occupancy.

11. The applicant/owner agrees that the solar array shall be designed to withstand 120 mph wind speeds, as depicted on the approved final site plan.

12. The applicant/owner agrees that the proposed solar energy facility shall only use mono-crystalline or poly-crystalline photovoltaic (PV) technology. This stipulation shall be included as a condition on the final site plan.

D. **PLN-TXT-2017-005** An Ordinance amending Appendix A of the City Code, entitled “Zoning,” Article 13, Sections 13-601 and 13-602 thereof, to amend the definition of small cells to reflect changes in state law; add the definition of “micro-wireless facilities;” provide that small cells administrative review may include up to 35 small cells; amend the small cells administrative review to remove conflicts with statutory requirements; add the fee structure limitations for small cell administrative review and exempt micro-wireless facilities from permits and fees if they are in compliance with national safety codes; all as required by changes to state law enacted by the 2017 session of the General Assembly. *(Continued from the November 21, 2017 City Council meeting)*

Staff and the Planning Commission recommend approval of version dated September 8, 2017.

E. **PLN-REZ-2016-031 Creeks Edge North at Norfolk Highlands** APPLICANT: Dearden Management Group, LLC AGENCY: Williams Mullen PROPOSAL: A conditional zoning reclassification of approximately 1.04 acres from B-1, Neighborhood Business District, to R- MF-1 Multi-Family District. PROPOSED COMP LAND USE / DENSITY: Medium Density Residential with 6 dwelling units per acre. EXISTING COMP LAND USE / DENSITY: Business/Commercial LOCATION: 1620 Rokeby Avenue TAX MAP SECTION/PARCEL: 0200000000172 BOROUGH: Washington

Staff and the Planning Commission recommend approval with the following proffers:

*On-Site Proffers:* The following on-site proffers address impacts that are specifically and uniquely attributable to a proposed new development, which contains a proposed new residential development.

1. The subject zoning will generally adhere to the conceptual site plan included in the submittal titled Creeks Edge North @Norfolk Highlands by GeoStat Land Surveys, a copy of which is on file with the Chesapeake Planning Department, has been submitted to the Chesapeake Planning Department, Planning Commission and City Council for illustrative purposes and to provide support for this rezoning action. No rights shall vest nor any cause of action shall arise from the submission, review or acceptance of this conceptual site plan. In order to obtain preliminary or final site or subdivision approval, changes in the conceptual site plan dated August 8, 2017 may be necessary to accommodate environmental engineering, architectural, topographical, or other development conditions, and to meet the requirements of applicable laws, ordinances and regulations. All preliminary and final site and subdivision plans are subject to the approval of the Director of Planning, or designee and/or the Director of Development and permits or designee. A copy of the final approved site plan shall be placed in the file with
the planning Department and Department of Development and Permits and shall supersede any previously filed conceptual site plan.

2. The applicant/owner agrees that the proposed development shall contain no more than four (4) single-family residential detached condominium units. The dwelling units shall be offered for sale.

3. The applicant/owner agrees that the proposed development shall be consistent with the plan entitled ‘Creeks Edge North at Norfolk Highlands’ dated August 8, 2017 by GeoStat Land Surveys. All residential units shall be detached condominiums with at least three (3) bedrooms consistent with the elevations dated October 25, 2017 as determined by the Planning Director of designee.

4. Prior to the issuance of the first certificate of occupancy on the property subject to this rezoning, the applicant/owner agrees that a condominium association will be established to own and maintain all private common areas, fencing, landscape buffers and storm water management facilities associated with the subject property. Furthermore, the condominium association shall adopt and be responsible for the enforcement of the architectural guidelines set out in these proffers. Prior to the issuance of the first certificate of occupancy, proof of recordation and a copy of the condominium declaration shall be provided to the Zoning Administrator.

5. The applicant/owner agrees that each residential dwelling unit shall have a minimum of a 1-car garage and at least two parking spaces in each driveway.

6. The applicant/owner agrees that each residential dwelling unit shall be at least sixteen (16) inches above the finished grade surrounding each unit.

7. The applicant/owner agrees that siding on each residential dwelling unit shall be horizontal vinyl siding with accents in the gables. The roofing material will be three (3) tab composition shingles, except that the shed roof areas over the garage on the units may be accented with metal accent roofing.

8. The applicant/owner agrees that the subject units will have rear courtyard fencing as depicted on the Conceptual Site Plan dated August 8, 2017 included in the Creeks Edge North at Norfolk Highlands by GeoStat Land Surveys. In addition to the required landscape buffer, the subject property will be landscaped with Native Wax Myrtles and accented with Crepe Myrtle trees prior to the issuance of a certificate of occupancy for each unit pursuant to a landscape plan that is subject to the review and approval by the Landscape Coordinator.

9. Pursuant to the Conceptual Site Plan included in the submittal titled Creeks Edge North at Norfolk Highlands by GeoStat Land Surveys, the applicant/owner shall record a non-ingress/egress easement along the property’s entire frontages on Rokeby Avenue and McNeal Avenue, except in the locations where driveways are proposed, as depicted on the referenced Conceptual Site Plan. The non-ingress/egress easement shall be recorded prior to or contemporaneously with the approval of the final site plan for the development.

10. Pursuant to the Conceptual Site Plan dated August 8, 2017 included in the submittal titled Creeks Edge North at Norfolk Highlands by GeoStat Land
Surveys, a sidewalk and curb and gutter, per PFM standards, will be established along the subject property’s frontage on McNeal Avenue outside of the CBPA buffer prior to the issuance of a certificate of occupancy.

F. **PLN-REZ-2017-003 CRMC Hanbury Road** APPLICANT: Chesapeake Hospital Authority, dba Chesapeake Regional Medical Center PROPOSAL: A conditional zoning reclassification of approximately 1.44 acres from B-1, Neighborhood Business District (1.16 acres) and R-10s, Residential District (.28 acre) to O&I, Office and Institutional District for a medical care facility and medical offices. 

**PROPOSED COMP LAND USE / DENSITY:** Business/Commercial  
**EXISTING COMP LAND USE / DENSITY:** Business/Commercial and Low Density Residential/less than 4 du/acre  
**LOCATION:** 1034 Battlefield Boulevard South  
**TAX MAP SECTION/PARCEL:** 0600000002300, 0602003000004  
**BOROUGH:** Pleasant Grove

Staff and the Planning Commission recommend approval with the following proffers:

1. The applicant/owner agrees to dedicate one-half of the ultimate 4-lane right-of-way (or 25’, if approved by the Director of Development and Permits) along the property’s frontage with Hanbury Road in accordance with the 2050 Master Transportation Plan. The alignment and sufficiency of the dedication shall be subject to the review and approval of the Director of Development and Permits or designee. This dedication shall be recorded or filed for recording prior to approval of a final site construction plan.

2. The applicant/owner acknowledges and understands that Hanbury Road will likely become a divided roadway and further acknowledges and understands how that will affect the property subject to this rezoning. If and when the divided roadway is established on Hanbury Road, the site ingress/egress will be limited to a, “right-in, right-out” condition, unless a median break location happens to coincide with the location of an entrance to the site. The applicant/owner acknowledges and understands the impacts of this condition and agrees that no claim of damages or compensation will be sought.

G. **PLN-USE-2017-005 CRMC Hanbury Road** APPLICANT: Chesapeake Hospital Authority, dba Chesapeake Regional Medical Center PROPOSAL: A conditional use permit to allow a Medical Care Facility including the following items: Urgent Care Center and Specialized Facilities, including Computed Tomography, or CT, Magnetic Resonance Imaging, or MRI, as well as ultrasonography, bone densitometry, mammography and other radiography on a 1.44 acre parcel.  

**ZONE:** R-10s, Residential District and B-1, Neighborhood Business District  
**LOCATION:** 1034 Battlefield Boulevard South  
**TAX MAP SECTION/PARCEL:** 0600000002300, 0602003000004  
**BOROUGH:** Pleasant Grove

Staff and the Planning Commission recommend approval with the following stipulations and amended stipulation #3:

1. This use permit shall be limited to a Medical Care Facility consisting of an Urgent Care Center and Specialized Facilities, including Computed Tomography ("CT"), Magnetic Resonance Imaging ("MRI"), ultrasonography, bone densitometry, mammography and other radiography.

2. The applicant/owner shall provide a dumpster on site, which shall be located and screened in accordance with Section 14-500 of the Zoning Ordinance.
The dumpster location shall be shown on the final site plan and shall be provided prior to issuance of a certificate of occupancy.

3. Hours of operation shall be limited to 7 am to 11 pm.

H. **PLN-REZ-2017-031 Lane Automotive Repair Center**

**APPLICANT:** Donald E. Lane, Trustee

**AGENT:** Williams Mullen

**PROPOSAL:** A conditional zoning reclassification of approximately .3 acres from R-6, Residential District to B-2, General Business District for an automotive repair facility.

**PROPOSED COMP LAND USE / DENSITY:** Business/Commercial

**EXISTING COMP LAND USE / DENSITY:** Medium Density Residential/less than or equal to 16 du/acre

**LOCATION:** 2007 Atlantic Avenue

**TAX MAP SECTION/PARCEL:** 1470000001750

**BOROUGH:** South Norfolk

Staff and the Planning Commission recommend approval with the following proffer:

1. The applicant/owner agrees that the use of the property shall be limited to SIC 75 motor vehicle repair and services within the existing building and parking lot.

I. **PLN-USE-2017-048 Lane Automotive Repair Center**

**APPLICANT:** Donald E. Lane, Trustee

**AGENT:** Williams Mullen

**PROPOSAL:** A conditional use permit to allow an automotive repair facility on a .3 acre parcel.

**ZONE:** R-6, Residential District

**LOCATION:** 2007 Atlantic Avenue

**TAX MAP SECTION/PARCEL:** 1470000001750

**BOROUGH:** South Norfolk

Staff and the Planning Commission recommend approval with the following stipulations:

1. The applicant/owner agrees that the use of the property shall be limited to SIC 75 motor vehicle repair and services. The applicant/owner further agrees that all such use shall occur within the existing building and parking configuration as depicted on the exhibit entitled, “Condition Use Permit Exhibit for 2007 Atlantic Avenue” and dated October 24, 2017.

2. The applicant/owner agrees to vacate all interior lot lines and stripe the parking lot in accordance with Zoning Ordinance and Fire Department requirements prior to issuance of a certificate of occupancy.

3. The applicant/owner agrees to acquire a fence permit for the existing outdoor vehicle storage area fence and existing corner lot fence adjacent to Hemple Street from the Zoning Department prior to the issuance of a certificate of occupancy. The applicant/owner shall also install opaque screening on the existing fence around the outdoor vehicle storage area prior to the issuance of a certificate of occupancy.

J. **PLN-USE-2017-029 Firestone Complete Auto Care**

**OWNER:** Chesapeake Development of Hampton Roads, Inc.

**APPLICANT:** Pavilion Development Company

**AGENT:** CEI Engineering Associates, Inc.

**PROPOSAL:** A conditional use permit to operate an automobile repair services facility.

**ZONE:** PUD, Dominion Commons East

**LOCATION:** At the intersection of Grassfield Parkway and Landers Drive

**TAX MAP SECTION/PARCEL:** 0460000001563

**BOROUGH:** Deep Creek

Staff and the Planning Commission recommend approval with the following
stipulations:

1. The proposed motor vehicle repair facility shall comply with all provisions of Section 13-2400 of the Chesapeake Zoning Ordinance for the duration of the use.

2. The applicant/owner agrees that no work of any kind shall be performed on vehicles, vehicle tires or displays outside of the building.

3. The applicant/owner agrees to install and maintain a fifteen (15) foot landscape “Buffer D” and a curvilinear three (3) foot berm along the entire width of the building on the proposed property line to the east. Said “Buffer D” and berm shall be subject to the review and approval of the City’s Landscape Coordinator and shall be installed prior to the issuance of a certificate of occupancy.

4. The applicant/owner agrees that Landers Drive shall not be used as an access point for the proposed use until legal documentation allowing such use is recorded in the land records of the Clerk of the Circuit Court for Chesapeake and submitted to and approved by the City’s Attorney’s office.

5. The applicant/owner agrees that the proposed use shall not occupy any building or operate in any manner until the property subject to this conditional use permit is lawfully subdivided to allow such use and adequate levels of service, including but not limited to road access, water and sewer service, are available; as determined by the Director of Development and Permits or designee.

K. PLN-USE-2017-030 Autobell Carwash

OWNER: Chesapeake Development of Hampton Roads, Inc. APPLICANT: Pavilion Development Company AGENT: CEI Engineering Associates, Inc. PROPOSAL: A conditional use permit to operate an automobile cleaning services facility. ZONE: PUD, Dominion Commons East LOCATION: At the intersection of Grassfield Parkway and Landers Drive TAX MAP SECTION/PARCEL: 0460000001563 BOROUGH: Deep Creek

Staff and the Planning Commission recommend approval with the following stipulations:

1. The applicant/owner agrees that the conditional use permit approval will be limited to a car wash, to include exterior and interior vehicle cleaning, and will not include any form of automotive repair.

2. The applicant/owner agrees to install and maintain a fifteen (15) foot landscape “Buffer D” and a curvilinear three (3) foot berm along the entire width of the building on the proposed property line to the east. Said “Buffer D” and berm shall be subject to the review and approval of the City’s Landscape Coordinator and shall be installed prior to the issuance of a certificate of occupancy.

3. The applicant/owner agrees that Landers Drive shall not be used as an access point for the proposed use until legal documentation allowing such use is recorded in the land records of the Clerk of the Circuit Court for Chesapeake and submitted to and approved by the City’s Attorney’s office.

4. The applicant/owner agrees that the proposed use shall not occupy any building or operate in any manner until the property subject to this conditional
use permit is lawfully subdivided to allow such use and adequate levels of service, including but not limited to road access, water and sewer service, are available; as determined by the Director of Development and Permits or designee.

L. **PLN-USE-2017-033 Christ Apostolic Church**

**OWNER:** Paul J Hughes  
**APPLICANT:** Christ Apostolic Church WOSEM, Inc.  
**AGENT:** Leslie R. Riddle  
**PROPOSAL:** A conditional use permit proposal for a church.  
**EXISTING COMP LAND USE:** Business/Commercial  
**LOCATION:** 4013 Indian River Road  
**TAX MAP SECTION/PARCEL:** 0201001001251  
**BOROUGH:** Washington

Staff and the Planning Commission recommend approval with the following stipulations:

1. Except for the childcare provided during Sunday church services, the proposed use shall not provide child daycare services.

2. The owner/applicant shall meet with the City’s Landscape Coordinator on-site to determine if any additional landscaping is required by the Zoning Ordinance. If the Landscape Coordinator determines that additional landscaping is required, the owner/applicant shall submit a landscape plan which shall be subject to the review and approval of the Landscape Coordinator. Any required plantings shall be installed prior to the issuance of a certificate of occupancy.

M. **PLN-USE-2017-040 Styron Kennels & Ironworks**

**APPLICANT:** Stephen and Amber Styron  
**AGENCY:** ShepelleWatkinsWhite Consulting and Law, PLLC  
**PROPOSAL:** A conditional use permit for a private residential dog kennel and a Level II Home Occupation to make decorative ironworks.  
**ZONE:** A-1, Agricultural District  
**LOCATION:** 1908 Long Ridge Road  
**TAX MAP SECTION/PARCEL:** 0870000001140  
**BOROUGH:** Butts Road

Staff and the Planning Commission recommend approval with the following stipulations:

1. The owner/applicant agree that no more than six (6) dogs over the age of four (4) months shall be permitted on the property.

2. The owner/applicant agree that all dogs shall be kept inside a fully enclosed building between the hours of 9:00 p.m. and 7:00 a.m.

3. The owner/applicant agree that the Level II Home Occupation shall occupy the ground floor of the detached garage, not to exceed 600 square feet. The owner/applicant further agrees that all production activities and material storage will only occur inside the detached garage.

4. The owner/applicant agree that customer visits to the Level II Home Occupation shall not to exceed one (1) customer at a time, and that such visits shall be limited to Monday through Saturday from 8:00 a.m. to 6:00 p.m.

5. The owner/applicant agree that no employees associated with the Level II Home Occupation will be permitted on the property.

N. **PLN-STCL-2017-004 Portion of Kegman Road Street Closure**

**APPLICANT:** Wetherington Homes, Inc.  
**AGENT:** ShepelleWatkinsWhite Consulting & Law PLLC  
**PROPOSAL:** A street closure petition to close an 8,532 square foot portion of Kegman Road.  
**ZONE:** R-15s, Residential District  
**LOCATION:** Northwest of the
intersection of Kegman Road and Kegman Road West  
**TAX MAP SECTION/PARCEL:** N/A  
**BOROUGH:** Pleasant Grove

Staff and the Planning Commission recommend approval with the following stipulations:

1. The petitioner agrees to pay the City of Chesapeake through the Planning Department the sum of **$17,500.00**, as determined by the City, within ten (10) calendar days of the final approval of the closure of the subject street, alley, easement, or public right-of-way by the Chesapeake City Council. Failure to remit this fee in a timely manner shall render the public right-of-way/street closure null and void.

2. The City of Chesapeake agrees to record the duly adopted ordinance of the Chesapeake City Council in the Chesapeake Circuit Court Clerk’s Office upon timely receipt of the aforesaid payment, which will form basis for the title to the subject property in favor of the adjoining property owner.

3. The petitioner agrees to abide by any other conditions imposed by City Council in the vacation of the public right-of-way/street.

4. The City reserves a twenty five (25) foot wide water/sewer easement centered over the existing water main and a ten (10) foot drainage easement. An exhibit on file with the Planning Department entitled, “Exhibit A” and dated May 12, 2017 depicts the drainage easement and includes a note regarding the water/sewer easement. The drainage easement and water/sewer easement shall be shown on the final resubdivision plat and the location and sufficiency of both shall be subject to the review and approval of the City. The water/sewer easement shall also be recorded by easement agreement, on forms acceptable to the City Attorney, prior to the recordation of the resubdivision plat.

6. UNFINISHED BUSINESS

7. NEW BUSINESS

8. CLOSED SESSION

9. ADJOURNMENT