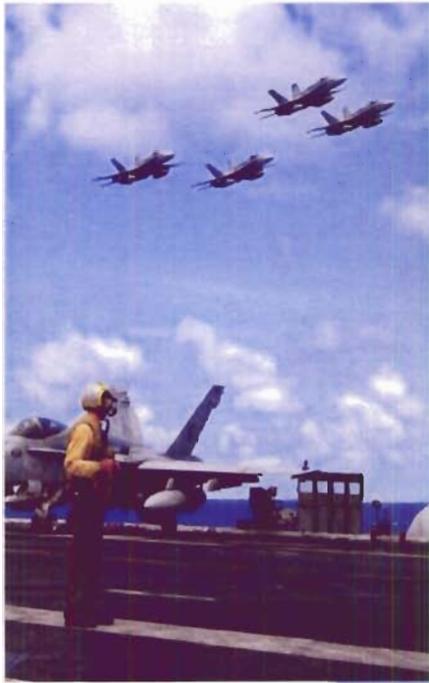


BRAC



CITY OF CHESAPEAKE, VIRGINIA

EXHIBITS

**BRAC 2005
CITY OF CHESAPEAKE, VIRGINIA EXHIBITS**

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City of Chesapeake
Department of Planning
Post Office Box 15225
Chesapeake, Virginia 23328-5225
(757) 382-6176
FAX (757) 382-6406

MEMORANDUM

TO: ANNE F. ODELL, DEPUTY CITY MANAGER
ADMINISTRATION/LONG RANGE PLANNING

FROM: BRENT R. NIELSON, AICP, DIRECTOR OF PLANNING 

DATE: JULY 26, 2005

RE: FENTRESS AREA DEVELOPMENT APPLICATIONS

Attached are two tables that provide basic information about rezoning and conditional use permit applications that have been acted on by City Council since 1995. The tables indicate the filing number for each application, application name, land use requested, City Council action, year acted upon, and the noise zone indicated in the Navy's AICUZ document.

Also, you asked if the City had strengthened the building codes for noise attenuation in the past 10 years. The Neighborhood Services Department indicated that the building code requirements for sound attenuation are found in Section 1206 of the IBC and only apply to residential structures. The standards have remained basically unchanged for the last 10 years. They do not apply to commercial buildings such as schools, businesses and mercantile buildings.

Virginia Beach has a code change pending for the new USBC to be adopted this year that will allow enforcement of sound attenuation for commercial structures as well, but it will only apply to master jet bases such as NAS Oceana and not to NALF Fentress. Neighborhood Services also indicated that over the past 5 years, the City has improved its ability to identify, track and document the attenuation standards for residential structures located in the highest noise zone.

Finally, you asked if any of the Hampton Roads Joint Land Use Study (JLUS) recommendations have been implemented in Chesapeake. Two of the recommendations have been implemented. The Comprehensive Plan, which was adopted in March 2005, included policies that would enhance the City's rural preservation efforts and control densities in the AICUZ area. Also, the City staff have been requesting "avigation easements" in conjunction with residential rezoning applications in the AICUZ area, as recommended in the JLUS. Please let me know if you have any questions regarding this information.

Page 2

Attachments (2)

Cc: Ronald S. Hallman, City Attorney
✓ Dolores A. Moore, City Clerk
Patrick M. Hughes, Director of Neighborhood Services Department

REZONING APPLICATIONS IN FENTRESS AREA (1995 - Present)

Application	Application Name	Land Use	Council Action	Year	Noise Zone
R-95-13	John & Sylvia Staylor	Industrial	Denied	1995	70-75; >75
R-96-11	Ramsgate Corp., Inc.	Residential	Approved	1996	65-70
R-98-2	Stratford Terrace	Residential	Approved	1998	70-75; >75
R-98-12	Ramsgate Corp., Inc	Residential	Withdrawn	1998	>75
R-98-29	Charles & Johnnie Steinman	Office	Withdrawn	1998	65-70
R-98-30	Centerville Baptist Church	Institutional	Approved	1998	70-75
R-99-17	Mince Farm	Residential	Approved (Revoked in 2003)	1999	70-75
R-00-01	Ramsgate Corp., Inc	Residential	Approved	2000	65-70
R-00-17	Robert Diberardinis	Recreation	Withdrawn	2000	>75
R-01-17	Merrill Farm Subdivision	Residential	Denied	2001	70-75; >75
R-02-08	Ravenna	Residential	Approved	2002	70-75
R-02-46	Etheridge Square	Commercial	Withdrawn	2003	70-75
R-03-21	Mount Pleasant Crossing	Commercial	Approved	2003	65-70
R-04-23	Mount Pleasant Crossing	Commercial	Approved	2004	65-70
R-04-15	Centerville Contractors	Office/Warehouse	Approved	2004	70-75

CONDITIONAL USE PERMITS IN FENTRESS AREA (1995 - Present)

Application	Application Name	Land Use	Council Action	Year	Noise Zone
UP-05-11	Bedford St. Parcel "B"	Welding contractor's office	Approved	2005	>75
UP-03-21	V.B. Rifle & Pistol Club	Target shooting facility	Withdrawn	2004	>75
UP-03-43	Anytime Educational Child Care	Day care center	Approved	2003	65-70
UP-02-17	Leader Hair Salon	Hair salon	Approved	2002	>75
UP-02-28	Yoder Property	Plumbing business	Approved	2002	>75
UP-02-49	Mt. Pleasant Mennonite Church	Church	Approved	2003	70-75
UP-02-60	Taylor's Do-It Center	Hardware store outside storage	Approved	2003	65-70
UP-02-55	V.B. Rifle & Pistol Club	Target shooting facility	Withdrawn	2003	>75
UP-01-03	Etheridge Greens	Golf course	Approved	2001	>75
UP-01-36	Centerville Care Facility	Residential care facility	Withdrawn	2001	65-70
UP-00-28	Mt. Pleasant Road Communication Tower	Cell Tower	Approved	2000	>75
UP-99-64	Crown Communication	Communication Tower	Approved	2000	>75
UP-97-19	Burden Wilmer	Church	Approved	1997	>75
UP-97-58	Schock Harness Repair Shop	Harness Repair Shop	Approved	1998	>75
UP-96-3	GTE South	Unmanned utility building	Withdrawn	1996	>75
UP-96-30	Richard C. Webb	Equipment storage yard	Denied	1996	>75
UP-96-33	Waterway Plumbing	Storage facility	Approved	1996	>75
UP-95-27	Miller Schuller	Freestanding mobile home	Approved	1995	>75
UP-95-40	Richard C. Webb	Equipment storage yard	Withdrawn	1995	>75
UP-95-48	Hayden Vet Clinic	Veterinary Clinic	Approved	1995	65-70
UP-95-52	Barkasi Kennels	Kennel	Approved	1995	>75

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M E M O R A N D U M

To: The Honorable Mayor and Members of City Council

Through: Anne F. Odell, Deputy City Manager
Administration/Long Range Planning

From: Brent R. Nielson, AICP, Planning Director *BN*

Date: July 21, 2005

Subject: Chesapeake Jet Noise and Land Use Initiatives

As part of the preparation of the recently approved Joint Land Use Study (JLUS), staff from the Cities of Chesapeake, Virginia Beach, and Norfolk were requested to develop a listing of the various activities and initiatives each City had completed in the past to address jet noise and land use issues in the vicinity of the military air bases in each city. Attached is the listing that Chesapeake City staff prepared for the activities and initiatives instituted by Chesapeake.

Should City Council have any questions regarding this listing, please feel free to contact Planning Director, Brent Nielson.

cc: Dr. Clarence V. Cuffee, City Manager
Ronald S. Hallman, City Attorney
Dolores A. Moore, City Clerk

Summary of Initiatives to Address Growth Around Fentress Airfield NALF, Chesapeake, VA

February 23, 1988: Chesapeake City Council adopts current Land Use Plan and Basic Policies

Properties surrounding Fentress Airfield identified on land use plan for agricultural land use.

The "Basic Policies," which served as the foundation for the current comprehensive plan, included the following:

- The City should maintain working relationships with representatives of the U.S. Naval Airfield Fentress Station to mitigate the noise generated by air traffic and to update, if appropriate, and enforce land use controls within agreed upon AICUZ zones.
- Programs and regulations should be established, refined and implemented immediately to minimize noise and safety hazards generated by the U.S. Naval Airfield Fentress Station, and use of surrounding land should be appropriately controlled to avoid encroachment of incompatible development in the existing and future impact areas.
- The primary function of this area (Southern Chesapeake) is threefold: a) to provide and sustain agriculture and protect open space; 2) to provide for rural residential environments; and 3) to provide remote compatible sites for the U.S. Naval Airfield and Chesapeake Municipal Airport.

June 21, 1988: Zoning Ordinance Amendment (TA-Z-88-03)

This Zoning Ordinance amendment no longer allowed major subdivisions in the A-1, Agricultural District. Major subdivisions defined as those developments consisting of more than 5 lots or those for which the developer proposes to construct new streets to serve lots. Only minor subdivisions are allowed without the need to rezone property. This amendment was city-wide, but has served to curb residential development in rural area immediately surrounding Fentress that are not encumbered by air right easements.

July 24, 1990: Adoption of the Comprehensive Plan Policy Document

The Comprehensive Plan Policy Document was adopted in 1990. The Land Use Plan and Basic Policies, which were adopted in 1988, were affirmed and the Comprehensive Plan included implementation strategies to address the Fentress-related noise issues.

July 1990: Section 15.2-2232 Review of New Public Capital Facilities (formerly Section 15.1-456)

To implement the new Comprehensive Plan, the City instituted a review process for the review of public capital facilities under Section 15.2-2232 of the Virginia State Code (formerly Section 15.1-456). This section states that whenever the local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved by the local governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. If the feature is not shown on the plan, no street or connection to an existing street, park or other public area, public building or structure, public utility facility or public service corporation, whether publicly or privately owned can be constructed, established, or authorized until the general or approximate location, character and extent has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. 15.2-2232 review is applied for all city capital projects as well as capital projects constructed by a public utility corporation i.e., HRSD. This review has been effective in ensuring public capital facilities are built in accordance with policies found in the Comprehensive Plan.

October 16, 1990: Adoption of Fentress Airfield Study and Fentress Airfield Overlay District (with amendments adopted October 21, 1998)

This study established the need for an overlay district around Fentress. Following the study, an amendment to the Zoning Ordinance was passed establishing the overlay district. The amendment was then updated in 1998. The district applies to "all lots within the City located partially or wholly within AICUZ noise contours greater than 75 dB (Noise Zone 3) on the map entitled "NAS Oceana/NALF Fentress 1998 Noise Contours and APZ's," including all future amendments. This provision clarifies that is the Navy revised their maps, the area of applicability for Fentress Overlay District is also revised.

The Ordinance allows property owners to apply for a conditional use permit for certain light industrial uses regardless of the property's underlying zoning. Buildings and sites approved as part of the conditional use permit must meet certain performance standards, including noise abatement.

The ordinance is applied to the above referenced properties whether or not the Navy has purchased development rights for the property; however, it does not

prohibit residential development. If the underlying zoning allows for the construction of residential units, then they are permitted.

However, the ordinance requires that noise attenuation methods be used during building construction for all new residential units. Upgraded noise attenuation is mandatory for uses requiring a conditional use permit. Because state enabling legislation does not exist, the City cannot require anything beyond the Uniform Building Code for by-right development; however, it is encourage by City staff.

The City strongly encourages upgraded noise attenuation in the form of proffers for all rezonings where there is encroachment into the high noise areas. Because of the City's encouragement, the applicant's for Stratford Terrace and WoShepMor residential rezonings included noise attenuation for buildings in their proffer statements

The ordinance also requires that noise disclosure be noted on final plats, final plans or as part of a real estate transaction.

September 21, 1993: Establishment of the Rural Overlay District:

As part of the adoption of a new Zoning Ordinance in 1993, the City Council established four overlay districts for the City that dictate maximum densities, intended development and location of public utility facilities for different areas of the City based on the Comprehensive Plan recommendations. These overlay districts are called the Urban, Suburban, Countryside and Rural overlays. Fentress Airfield and surrounding properties are included in the rural overlay district. Although the districts are citywide, it has aided in the discouraging large scale development on properties surrounding Fentress NALF.

The rural overlay district prohibits major residential development. It also does not allow the extension of public utility facilities into these areas without express City Council approval. Since the Fentress Airfield and surrounding properties are in the rural overlay district, there have been no utility extensions that could accelerate the suburban pattern of development in this area of the City. The City staff has recommended no change to the rural overlay boundary for this area of the City as part of the comprehensive plan update process.

1997: HRSD Sewer Service Expansion Policy

The 1997 policy addresses proposed expansions of the HRSD sewer service lines beyond one mile from existing lines. It establishes the following criteria for the City Council to consider in reviewing such requests:

- Impact on the functional integrity of the City utility system

- Fiscal obligations of the city in operation and maintenance to accommodate the expansion, weighed against the public benefit.

Any expansion to the HRSD Sewer Service Area requires approval by City Council. This policy allows City Council to review proposed expansions on a case-by-case basis to ensure the expansion will not cause any degradation to the current sewer service system.

2001: Public Utilities Franchise Area Expansion Policy

The Franchise Policy provides that the City Council will “review and analyze all proposed expansions of the Public Utilities Franchise Area to ensure consistency with the [City’s] Comprehensive Plan and the adequacy of Public Utilities to serve the area proposed for development.”

The Public Utility Franchise Area is defined as those areas of the City designated as suitable for development. This does not include areas designated for rural scale development. The Rural Overlay District is not included in the Public Utility Franchise Area.

Since the Fentress Airfield and surrounding properties are in the rural overlay district, there have been no utility extensions that could accelerate the suburban pattern of development in this area of the City. The city staff has recommended no change to the rural overlay boundary for this area of the City as part of the comprehensive plan update process.

May 2, 2001: Final Report of the Chesapeake Jet Noise Task Force

The City Council appointed the members of the Chesapeake Jet Noise Task Force in August, 2000. They were given a two-fold mission: to explore possible mitigation strategies concerning current FLCP operations at NALF Fentress, and to consider possible positions for the City to address concerning the EIS for the placement of F/A-18 E&F aircraft. The Task Force’s final report, which was published on May 2, 2001, contained numerous findings and recommendations in areas such as zoning/rezoning, noise sensitivity zones, building codes, noise disclosure, communications, and scheduling/hours of operation/pattern maintenance, as well as a position on the EIS.

April 20, 2004: Amendments to the Fentress Airfield Overlay District (TA-Z-03-12)

This Zoning Ordinance text amendment expanded noise disclosure requirements to prospective purchasers of nonresidential and residential properties to all properties located in the Fentress AICUZ zones (Noise contours 65-70 dB DNL, 70-75 dB DNL and greater than 75 dB DNL).

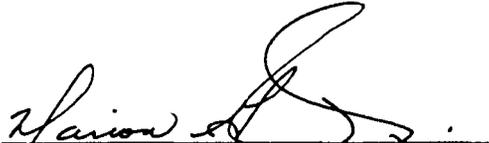
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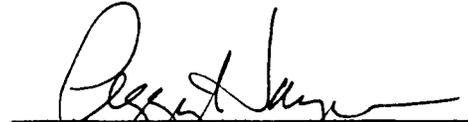
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TAB 3

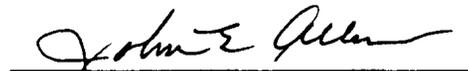
City of Chesapeake, Virginia
Final Report of the
Chesapeake Jet Noise Task Force
May 2, 2001

Signature Page


Mr. Marion G. "Joe" Pine, Jr.
Chairman


Ms. Peggy Hayes
Vice Chairman


Mr. Art Chapman


The Honorable John E. Allen

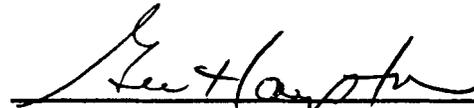

Ms. Tammie Bebout

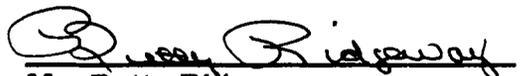

Mr. Jim Tincher

NOT AVAILABLE
Ms. Jenneal Wiggins

NOT AVAILABLE
Mr. Gale Cross

NOT AVAILABLE
Mr. Christopher Falk


Mr. Glenn Hampton


Ms. Betty Ridgeway
Tidewater Builders Assoc.


Ms. Karen Gaskins
Greater Hampton Roads
Association Of Realtors

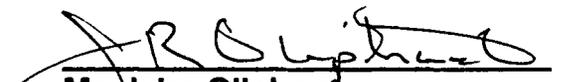

Mr. John Oliphant
Chamber of Commerce
Chesapeake Division

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Executive Summary

In August 2000, City Council decided to form a task force to address citizen concerns regarding jet noise associated with Fleet Carrier Landing Practices (FCLPs) at Fentress Auxiliary Landing Field. Additionally, the Jet Noise Task Force was directed to provide recommendations for an official Chesapeake position on the potential home basing of the newer F/A-18E/F "Super Hornets" at Naval Air Station, Oceana, and the impact of their arrival on citizens within the Fentress Overlay District. The Task Force was comprised of citizen volunteers selected by City Council. The composition of thirteen voting members included seven individuals who live within the designated Fentress Noise Zones, three individuals from other sections of Chesapeake, and representatives from the Chamber of Commerce, Tidewater Builder's Association and the Hampton Roads Realtors Association.

Since September of 2000, the Jet Noise Task Force has conducted an examination of the problems associated with jet noise in the vicinity of Fentress Auxiliary Landing Field. Our purpose was to study two issues: current noise disturbances, and the potential impact of basing the newer F/A-18 E/F "Super Hornet" aircraft at NAS Oceana with FCLPs conducted at Fentress. We initially considered these issues as distinctly separate; further examination proved the issues to be closely related.

There were many related issues that came up in our discussions, such as increased accident potentials, fuel spills, effects on the Oceana community, and

economic impacts; however, we narrowed our focus to address only the noise issues at Fentress, thus keeping our investigation more in line with our tasking. This report jointly addresses the noise issues from the perspectives of short-term mitigation efforts as well as longer-term improvements.

The Fentress jet noise problem affects approximately 2,000 homes, roughly three percent of Chesapeake households, located in or immediately adjacent to the three AICUZ noise zones associated with Fentress Airfield. While the number of Chesapeake citizens affected is relatively small, the City has an obligation to address these concerns.

The level of activity at Fentress, and the intensity of noise, has increased significantly with the arrival of the F/A-18 C/D "Hornets". As a result, more citizens are affected, and some significantly more so.

The Navy has attempted over the years to advise citizens of the potential for increased noise levels. These efforts have included participation in Planning Commission and City Council meetings, purchasing restrictive covenants/easements (air rights), establishing AICUZ and Accident Potential Zones around Fentress, and publishing flight schedules. Additionally, the Navy has taken steps to alleviate some of the noise problems by amending flight patterns, installing a reference beacon, and establishing a noise complaint hotline.

Despite the Navy's efforts, many citizens in the area continue to be concerned with the noise levels, primarily due to the current use of aircraft which are louder

than those used at Fentress between 1992 and 1998. Additionally, military training commitments have resulted in an increased level of activity at Fentress. Of special concern to the citizens is the increased use of Fentress between the hours of 11:00 p.m. and 6:00 a.m.

At a public forum held on December 5, 2000, the Jet Noise Task Force solicited comments from Chesapeake citizens. A very small number of citizens commented that the only acceptable answer is for the Navy to cease flying at Fentress. A larger number would accept the Navy's stopping or reducing flights after midnight. Most citizens commented that they would prefer to see a return to a lighter flight schedule, a tighter flight pattern, and restricted hours of night flying.

There is growing support in the area for the establishment of an additional outlying field to relieve some of the usage of Fentress. The Navy has stated that completion of any such outlying field would be, at best, five years away. In the meantime, this report provides the Task Force's recommendations for alleviating some of the problems.

As the Task Force addressed the potential of the Super Hornets coming to the area, we considered the good of the whole community. It was the Task Force's intent to honestly evaluate the positive impacts along with the negative effects, and to recommend steps to ensure that the negative impact is minimized.

Jet Noise Issues, Findings and Recommendations

Jet Noise associated with Fleet Carrier Landing Practices (FCLPs) at Fentress Auxiliary Landing Field has become a significant citizen issue within the past two years. The increase in citizen complaints appears to coincide with the arrival of the F/A-18C/D "Hornets" aircraft from Naval Air Station, Cecil Field, Florida. The Jet Noise Task Force investigated several areas of concern.

1. ZONING/REZONING

Problem: As population density increases in the Fentress area, more citizens are affected by jet noise.

Findings: In addition to the impact felt by the arrival of the F/A-18s, rezonings in the affected areas by the elected leadership of the City of Chesapeake, have resulted in a greater residential population density, thus bringing more residents into direct contact with the activity at Fentress. In all land use decisions in the Fentress area, personal private property rights and the impact of jet noise needs to be balanced.

Recommendations:

- (a) Proper and appropriate applications for the rezoning of property in the Fentress area should continue to be considered. However, the Planning Department and Planning Commission should continue to consider jet noise and its possible impact on the proposed land use when making recommendations to City Council concerning any such rezoning requests.

Information such as the AICUZ noise zones should be a part of this consideration. City Council should give great weight to recommendations of the Planning Commission in this regard. City Council should strongly consider the City's Comprehensive Land Use Plan when considering rezonings in the Fentress area that would increase population density.

(b) Should the F/A-18 E/F aircraft become locally based, using Fentress Airfield for Fleet Carrier Landing Practice, the City should proceed with the Joint Land Use Study (JLUS) in conjunction with the Navy. City Council should give great weight to the land use recommendations that result from such study.

(c) The Navy's purchase of restrictive covenants (air rights) over certain acreage surrounding Fentress Airfield has assisted the City in its land use planning. The additional purchase of restrictive covenants, in the form of mandatory or voluntary election, is a properly applied land use tool; the City should vigorously encourage the Navy to pursue additional purchases. These air rights purchases will compensate landowners for relinquishing development rights, and serve to limit residential development surrounding Fentress. This may reduce the potential number of residents who would otherwise be affected by the jet noise.

2. FENTRESS NOISE SENSITIVITY ZONE

Problem: The designated AICUZ noise zones do not include all areas where noise may adversely affect residents.

Findings: The Task Force received complaints from residents living as far as five miles from Fentress indicating that noise from Fentress is affecting their quality of life even though they reside well outside the AICUZ zones.

Transmission of noise is affected by many factors such as wind velocity and direction, humidity, temperature, and tree lines. The AICUZ maps were modeled without environmental effects and therefore do not present a complete picture.

Recommendation:

Create a Fentress Noise Sensitivity Zone around Fentress that follows the contours of the AICUZ designations. This zone should encompass the existing AICUZ zones plus a one-mile buffer beyond the less than 65 dB Ldn zone (AICUZ zone 1).

3. BUILDING CODES

Problem: There is a concern among the Task Force members that some houses within the AICUZ noise zones may not be constructed using sound attenuation construction practices, as laid out in the Uniformed Statewide Building Code, which could significantly reduce the effects of jet noise upon the home's residents.

Findings: Insufficient evidence exists to either substantiate or alleviate the concerns regarding this issue. Noise attenuation practices, as outlined in Code Section 1214 of the Uniform Statewide Building Code, have been incorporated into the City building codes for homes built within the AICUZ noise zones.

Recommendations:

- (a) The City must ensure strict and uniform compliance with the Uniform Statewide Building Code that provides for sound attenuation within the AICUZ zones.
- (b) To the extent permitted under state law, change the current city ordinance so that if a lot has any portion falling in multiple noise zones, that lot should be required to meet the criteria of its most restrictive zone.

4. DISCLOSURE

Problem: How to properly and adequately disclose the potential for jet noise to developers, builders, and/or homebuyers prior to contractual obligation.

Findings: Many citizens commented that, although they had been informed of the potential for jet noise, they had never realized how bad it could be. In some cases, they checked with neighbors and were told that there was only occasional noise. However, since the marked increase in activity, they, as well as their neighbors, have found it to be intolerable at times. Chesapeake Code Section 12-204 currently requires noise zone disclosure only to owners of property located in AICUZ zone 3 (greater than 75dB Ldn). Realtors belonging to the Real Estate Information System (multiple listing service) voluntarily disclose noise zones to potential buyers and/or tenants of properties in AICUZ zones 1 and 2, in addition to the mandatory requirement for zone 3. Public complaints from citizens residing in all three AICUZ zones indicate a need for more complete disclosure. The Virginia Beach Code for noise disclosure is based on numerical

decibels patterned after the Navy AICUZ Noise Zones. The Chesapeake Code is still based on numerical zones which leads to confusion among the public in Hampton Roads. Additionally, numerical decibel indicators do not adequately convey the magnitude of sound disturbance, as they do not quantify the measurement of single, repeated events.

Recommendations:

- (a) Adopt an ordinance to amend the City Code section 12-204 to require a more complete disclosure to any potential purchaser and/or tenant of property that lies wholly or partially within any of the designated noise zones and the proposed noise sensitivity zone identified in Section Two above. The amendment should also provide for appropriate legal remedies in the event of non-compliance.
- (b) The Chesapeake Noise Disclosure Ordinance should use the AICUZ decibel designations rather than the numerical zone designations. Virginia Beach uses the decibel designations in their disclosure requirements, and this would standardize disclosure throughout the area.
- (c) The City should develop a Fentress Jet Noise Disclosure Statement, in recordable form, to include at a minimum:
 - (1) Scientific information concerning the expected noise levels in each of the designated zones.
 - (2) A comparison of numerical decibel levels with everyday events such as lawn mowers, emergency sirens, automobile engines, etc.

- (3) A statement that although the decibel levels are averages, a peak noise event of approximately 110 decibels may occur with each landing or take off from Fentress.
- (4) A single page map of a convenient size outlining all AICUZ zones and their relationship to major roadways in the affected areas of Chesapeake. For convenience, the Fentress Jet Noise Disclosure Statement could be printed on the reverse side.
- (d) The City should require every seller/landlord of property that lies partially or wholly within the AICUZ noise zones or the proposed Fentress Noise Sensitivity Zone to disclose the noise zone to every potential purchaser/tenant prior to any contractual obligation. The purchaser/tenant must sign the Fentress Jet Noise Disclosure Statement, and initial the map indicating the location of the property within the AICUZ noise zones and proposed Fentress Noise Sensitivity Zone. The City should provide for appropriate legal remedies for non-compliance.
- (e) The signed Fentress Jet Noise Disclosure Statement should be filed for recordation with the Clerk of the Court at the time of title transfer on all properties located within the AICUZ Noise Zones or the proposed Fentress Noise Sensitivity Zone.
- (f) Noise zone information for each piece of property, located within the AICUZ Noise Zones or the proposed Fentress Noise Sensitivity Zone, must be readily available to the public. This information should be available through

Chesapeake's real estate tax records similar to the disclosure of mosquito districts.

- (g) Noise zone information needs to be disseminated routinely to every owner of property that lies partially or wholly within the AICUZ noise zones or the proposed Fentress Noise Sensitivity Zone. The annual tax assessment statement could be annotated to include this information.

5. COMMUNICATIONS

Problem: There is no formal liaison relationship between the governing body of the City of Chesapeake and the Navy.

Findings: The City's web site has a link for accessing flight schedules and general information regarding Fentress. This information is limited in scope. Publishing specific aircraft types and when they are scheduled to fly would be more helpful. The Navy operates a phone line for noise complaints, but this line is not dedicated solely to that purpose. Due to limits on this single phone line, citizens attempting to make noise complaints can spend 30 to 60 minutes or more attempting to voice their complaint. The Navy has indicated that all callers lodging noise complaints are to receive a follow-up call from the Navy. The Task Force determined through citizen interviews and personal experiences that this procedure is not followed.

Recommendations:

- (a) The City should assume the responsibility of informing the public about Fentress flight operations and the potential impact on residents by:

- (1) Expanding the web site to include better information about levels of activity at Fentress, and provide information about noise mitigation efforts underway.
 - (2) Establishing a permanent Navy liaison representative within the Public Communications Department to maintain open and frank communications with the Navy and the citizens.
 - (3) Designate a permanent City Council Member liaison to the Navy.
- (b) The City should recommend the Navy improve the noise complaint hotline by:
- (1) Dedicating this line solely as a hotline.
 - (2) Providing additional lines for this purpose.
 - (3) Installing features such as rotary stacking, and a computerized announcement indicating approximate hold time.
 - (4) Enforcing the call back policy that the Navy has said many times is already in effect.
 - (5) The cost of these improvements could be borne as a cooperative effort between the Navy, the Cities of Chesapeake and Virginia Beach, and local phone companies as a public service.
- (c) Dramatically increased levels of operations occur approximately three to five times per year. The City should be responsible for providing a source of information that citizens can access for news concerning abnormal flight operations, such as may occur due to the convergence of multiple training schedules. Advance notice of impending abnormal operations should be provided via both the Navy and the City web sites, community bulletin board

announcements on WCTV-48, notices in the Chesapeake Shopper and the Clipper, and the City's Answer Line.

(d) The City's web site should include a direct link with the Navy's Oceana web site for noise-related information and complaints.

(e) The City should develop pamphlets and videos concerning operations at Fentress.

6. SCHEDULING/HOURS OF OPERATION/PATTERN MAINTENANCE

Problem: Aircraft varying from the proper pattern and altitude, flying throughout the night, create an exaggerated noise situation for residents near Fentress.

Findings: The Navy has an agreement with both the cities of Virginia Beach and Norfolk to cease Fleet Carrier Landing Practice (FCLP) flights at 11:00 p.m.

Accordingly, Fentress is the designated facility for these night flights. A review of the published flight schedules for Oceana and Fentress for the period January 15, 2001 through February 4, 2001 indicates Oceana scheduled for 5 hours and 15 minutes of FCLPs, while Fentress was scheduled for 268.5 hours. Flights past 1:00 a.m. were scheduled on seven nights during this 21-day period.

The published pattern altitude at Fentress is 800 feet on the downwind approach. Frequently, the planes are not adhering to this altitude. If the pilot begins the turn into final approach at too low an altitude, he must compensate with more engine power to avoid losing too much altitude in the turn. The increased engine speed and the lower altitude combine to raise the ambient noise level significantly.

Recommendations:

- (a) The City should negotiate a reduction in flights at Fentress past 1:00 a.m. with the exception of periods of carrier workups.
- (b) The City should pass the following recommendations to the Navy:
 - (1) The Navy should require pilots to use the Fentress TACAN navigation system for aid in proper pattern maintenance at Fentress.
 - (2) The Navy should investigate elevating the pattern altitude at Fentress to 1000 feet. This is the altitude flown at Oceana, and the FAA required altitude for commercial aircraft over residential areas.
 - (3) The Navy should consider use of a dedicated radar repeater for monitoring the Fentress pattern during FCLPs. This repeater should be installed at Fentress for use by the Landing Signal Officers, and should display each individual airplane's transponder altitude readout.
 - (4) Once installed, should the TACAN and radar repeater not be available due to mechanical malfunction, the Navy should discontinue FCLPs at Fentress until one of these systems is returned to service.
 - (5) The Navy should consider tighter scheduling, concentrating events instead of spreading a number of flights over the entire night.
 - (6) The City should encourage the Navy to erect signal lights on existing Virginia Power Towers (not telephone poles) that lie in the AICUZ zones, providing a visual marker for pilots to stay in their correct flight pattern.

7. EIS POSITION

The Jet Noise Task Force was asked to provide to the City Council a recommended position for the Environmental Impact Statement. Realizing the economic impact of the military in the community at large, the Task Force studied numerous issues surrounding the potential impact of the relocation of F/A-18 E&F "Super Hornets".

The City has a responsibility to contain encroachment upon Fentress as much as feasible, limiting population density in the area, as well as requiring high construction standards. With rising population in the Fentress area, more citizens are exposed to jet noise; additionally, further encroachment may bring increased risk of casualties should one of the jets have a catastrophic accident.

The Jet Noise Task Force therefore recommends the City of Chesapeake accept the F/A-18 E&F "Super Hornets" as an economic benefit to the entire community, but only under the following circumstances:

- A. Any Navy proposal to base F/A-18 E&F aircraft at Oceana must include provisions for an alternate outlying field to relieve much of the traffic at Fentress.
- B. As per Section One of this report, the City should give great weight to noise concerns when considering property rezonings within the affected Fentress area. The City should participate in the Joint Land Use Study (JLUS) in conjunction with the Navy if NAS Oceana is selected for F/A-18 E&F aircraft home basing and Fentress continues to be used for FCLPs. The City should

vigorously encourage the Navy to purchase additional air rights in the Fentress affected area.

- C. As per Section Two of this report, the City should effect strict compliance with sound attenuation practices as required by building codes.
- D. As per Section Three of this report, the City should amend real estate disclosure practices to adequately advise property purchasers and lessors of the potential for jet noise in the affected area.
- E. The City should implement procedures to improve communications with affected citizens, as per Section Five of this report. The City should strongly urge the Navy to implement communications improvements as outlined in Section Five of this report.
- F. The City should strongly urge the Navy to implement procedures outlined in Section Six of this report in reference to maintenance of flight patterns and scheduling of operations. The City should negotiate with the Navy to reduce flights at Fentress past 1:00 a.m.
- G. The City and the Navy must maintain, and strengthen, liaison efforts to ensure continued cooperation in mitigating noise issues, and to foster compatibility between the needs of Chesapeake residents and the training requirements of the Navy.

Chronology of Events

August 8, 2000

City Council appointed a Jet Noise Task Force with a two-fold mission: to explore possible mitigation strategies concerning current FCLP (Field Carrier Landing Practice) operations at NALF Fentress, and to consider possible positions for the City to address concerning the Environmental Impact Statement which will help determine the placement of the F/A-18 E&F aircraft. Vice Mayor Cosgrove and Council Member Ritter are appointed to serve as council liaisons to the task force.

September 12, 2000

At a City Council work session, Capt. William Zobel presented a briefing on current jet noise issues, and Mike Davis presented a briefing on the Joint Land Use Study (JLUS) for the Department of Defense.

Task Force members were present at this work session.

September 19, 2000

Capt. John Schick, USN (Ret), Chairman, briefed Council about the goals and activities of Citizens Concerned About Jet Noise (CCAJN).

Task Force members were present at this work session.

September 20, 2000

The first meeting of the Jet Noise Task Force was held at Butts Road Intermediate School. This organizational meeting included Vice Mayor Cosgrove and Council Member Ritter.

September 27, 2000

The Task Force began regular weekly meetings to study issues and consider potential solutions, in order to advise City Council as requested.

October 16, 2000

Members of the Task Force attended night Field Carrier Landing Practice (FCLP) at Fentress to familiarize themselves with FCLP procedures and factors affecting the pilot's ability to mitigate noise.

October 21, 2000

Members of the Task Force visited Oceana Naval Air Station for a briefing on jet noise mitigation procedures and a tour of the flight simulator facility.

November 15, 2000

The Task Force selected a member to serve as a liaison to the Virginia Beach Jet Noise Task Force. However, that Virginia Beach Task Force dissolved before the liaison is accomplished.

December 5, 2000

The Task Force conducted a public forum to receive citizen input on problems associated with jet noise in the Fentress area. This forum was conducted in the evening at Butts Road Intermediate School. Written and oral input was received and interviews were conducted when requested.

April 25, 2001

The Task Force completed its written report with recommendations for City Council. The Task Force will be scheduled to present its findings before Council on June 20. Regular weekly meetings are discontinued, with special meetings called by the Task Force Chairman when necessary.



October 22, 2000

The Honorable John A. Cosgrove
Vice Mayor, City of Chesapeake
306 Cedar Road
Chesapeake, Virginia 23322

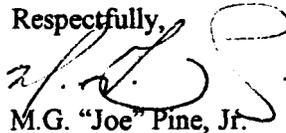
The Honorable Debbie Ritter
City Council Member, City of Chesapeake
306 Cedar Road
Chesapeake, Virginia 23322

Dear Vice Mayor Cosgrove and Councilwoman Ritter,

The Mayor's Task Force on Jet Noise is actively seeking additional information in order to more fully develop our recommendations to the Mayor and City Council. In this vein we have prepared several questions. Since the questions will undoubtedly be answered by numerous departments we are asking for your help, as ex-officio members, in obtaining the requested information. The list of questions follow:

1. What was the city's input to the F/A-18 C/D transition from Cecil Field?
2. What was the overriding reason for approving the re-zoning of the Herman Hall property?
3. What does the city require in form of disclosure concerning the AICUZ?
4. Who is required, by the city, to make the disclosure?
5. When did required disclosure start?
6. What event, in the buying or development cycle, triggers disclosure?
7. According to the city and state, when is disclosure officially required to be given to a perspective buyer?
8. What has the population growth (residential) been within the Fentress Overlay District since 1980?
9. In terms of property appreciation, how has residential property, within the Fentress Overlay District, fared when compared to comparable properties in Chesapeake since 1980?
10. What new requirements in terms of zoning and development have been instituted since the rewrite of the Fentress Overlay District?
11. What sound abatement is required for new residential development within the Fentress Overlay District?

Please accept our appreciation in advance for assisting us in this matter.

Respectfully,

M.G. "Joe" Pine, Jr.
Chairman
Mayoral Task Force on Jet Noise

1





CITY OF CHESAPEAKE

November 11, 2000

Commander Philip Logan
Commander-in-Chief, U.S. Atlantic Fleet
CODE N4683
1279 Franklin Street
Norfolk, VA 23511-2492

Dear Commander Logan,

The Chesapeake Task Force on Jet Noise is well into its fact-finding phase. The complexity of the issue makes it necessary for us to gather as much information as possible before submitting our final recommendations to City Council. You and your staff have been extremely cooperative and forthcoming when fielding our informal inquiries, and for that, we sincerely thank you.

We have compiled a list of remaining questions regarding ongoing noise mitigation efforts and the potential relocation of the F/A 18 E/F aircraft to Oceana. The questions follow:

1. What are the allowable variances in altitude throughout the FCLP flight pattern at Fentress?
2. What altitude monitoring capability currently exists at Fentress?
3. What additional pattern monitoring capabilities are being looked at for the future?
4. Where is the designated holding area, and at what altitude, for aircraft waiting to enter the pattern at Fentress?
5. What initiatives, besides pattern monitoring, is the Navy researching to mitigate the noise situation?
6. What else can be done to reduce the number of jet operations at Fentress after midnight?
7. What will it cost the Navy in time, money and inconvenience to activate an outlying field to reduce the load at Fentress? (estimates only)
8. Given the Navy can find a suitable alternative to Fentress, is three to five years a reasonable estimate of the time required to activate it?
9. Do aircraft transiting to and from the Dare County Range fly over Fentress, and if so, at what altitude?
10. What is the Landing Signal Officer's responsibility during operations at Fentress?
11. Could the Navy provide the Task Force with a map showing the properties over which the Navy owns development rights in the vicinity of Fentress?

12. Our understanding is that the current AICUZ maps were drawn using a base altitude of 1000 feet. Will the EIS for the F/A-18 E/F reflect changes to the AICUZ zones based on an 800 foot pattern, normally flown at Fentress, or will they still reflect a 1000 foot base altitude?
13. Could a separate AICUZ map, based on an 800-foot pattern, be developed for the Fentress area?
14. Has the Navy conducted noise studies performed on the F/A-18 at other than 1000 feet?
15. Would the Navy be willing to add a statement on the AICUZ map indicating the peak noise in decibels for an F/A-18 single incident at 800 feet?
16. Has the Navy ever conducted any studies on the emotional and physical effects of jet noise exposure?
17. Can anything be done, within reason, to re-engineer the F/A-18 for quieter operation?
18. The noise Hotline is a source of great concern for some citizens. What is the current procedure for the Hotline and how many phone lines are available for this service?
19. Can the system be further improved to include such features as the rotary stacking of calls, automatic call back when a line is free or other features which may improve community interaction?
20. What is the current follow-up call back policy? Many people comment that they have never received a call back.

Thank you in advance for assisting the Task Force during this important research process. If you need to speak with me directly to discuss one or more of the questions, I can be reached at 546-0641 or emailed at mpine1@home.com. I look forward to working with you in the near future.

Sincerely,



Mr. M. G. "Joe" Pine, Jr
Chairman
Chesapeake Jet Noise Task Force

MEMORANDUM

TO: COUNCIL MEMBER DEBBIE RITTER
FROM: BRENT R. NIELSON, PLANNING DIRECTOR
THROUGH: JOHN L. PAZOUR, CITY MANAGER
DATE: JANUARY 19, 2001
RE: MAYOR'S TASK FORCE ON JET NOISE

RECEIVED

JAN -
01-22-01 P04:13:11N

CITY CLERK'S OFFICE

In response to your memo dated January 8, 2001, Planning offers the following information as requested:

Question 2:

What was the overriding reason for approving the re-zoning of the Herman Hall property?

Response:

Attached are City Council minutes regarding this application. Although specific findings are not provided, it appears that the overriding reason is that the Navy did not purchase the property's development rights in the past nor did the Navy have funding to purchase these rights in the future.

Question 8:

What has the population growth (residential) been within the Fentress Overlay District since 1980?

Response:

The Planning Department does have the capacity to determine the population growth over time within the Fentress Overlay District since there is no base-line data from which to base our calculations. The Fentress Overlay District boundaries do not match the boundaries from which population statistics are developed. However, the population within the general vicinity has increased 22.6% since 1990. The population of this area has increased from 2,224 in 1990 to 2,727 in 2001.

The area from which these estimates have been generated includes Statistical Areas 89111, 89112, 89210, 92011, 92012, and 92420. This area is bounded to the north by the Albermarle Canal, to the south by Land of Promise Road, to the east by Centerville Turnpike, and to the west by the Chesapeake / Virginia Beach city-line. The majority of the growth has occurred in the northwest portion of this area.

Question 10:

What new requirements in terms of zoning and development have been instituted since the rewrite of the Fentress Overlay District?

Response:

The Fentress Overlay District was most recently amended on October 20, 1998. There have been a number of amendments to the Zoning Ordinance since then; however, none are directly related to development within the Fentress Overlay District. Attached is a chart briefly describing all amendments to the Zoning Ordinance since October 1998. If you need additional information regarding any of these amendments, please contact Assistant Planning Director Karen Shaffer.

There have been substantial amendments to the City's Subdivision Ordinance since October 1998. In summary, the amendments require engineering review of all subdivision plans and plats, clarifies that public improvements are required regardless of the size of the subdivision, and includes standards that determine what qualifies as an agricultural subdivision and a resubdivision. Finally, procedures for waivers from or deferral of required public improvements have been clarified.

In regards to the Fentress Overlay District, the Subdivision Ordinance revisions require that the following note be affixed to the subdivision plat for the whole or partial subdivision of property located within the overlay district: "This subdivision is located partially or wholly within an airport noise and/or safety zone and may be subject to above average noise levels (including noise levels experienced in United States Navy AICUA noise zone three) or to aircraft accidents."

If you need additional information or further clarification of these responses, please do not hesitate to call.

Cc: Laura Russell, Public Communications Specialist

June 16, 1998

City Clerk Moore identified the following speakers:

Carter McCrowell, 236 Mustang Trail, Suite 104, Virginia Beach, agent, did not speak, but was available for questions.

Carl Bums, 201 Whitehurst Road, representing self, advised that he did not wish to speak on this item. Mr. Bums stated that the speaker card had been completed incorrectly.

Council Member Krasnoff, on a motion seconded by Council Member Newman, moved for approval with stipulations.

There was no discussion.

On the motion, voting yes: Council Members Berry, de Triquet, Edge, Krasnoff, Newman, Parker, and Ward.

Voting no: None. (Council Member Duda was out of the chamber and Vice Mayor Butt was excused).

M. R(C)-98-02 PROJECT: Hall Property **APPLICANT/AGENT:** Herman Hall III/James Bradford **PROPOSAL:** Conditional rezoning request to rezone a 108± acre portion of a 274 acre site to R-15s Single-family Residential District. The site is presently zoned 250± acres A-1 Agricultural District, 21.5± acres zoned RE-1 Residential Estate District, and 2.5± acres zoned R-15s Single-family Residential District. 166± acres would remain zoned A-1 Agricultural District. **EXISTING COMPREHENSIVE LAND USE PLAN/DENSITY:** Suburban Single-family Residential (1 unit to 4 units/acre) and Countryside Single-family Residential (1 unit/acre to 1 unit/10 acres) **PROPOSED LAND USE/DENSITY:** Same as existing **LOCATION:** Generally located south of Mt. Pleasant Road and east of School House Road. **TAX MAP#:** 050000000020, 050000000030, and 062000000070. **BOROUGH:** Butts Road Borough

The Planning Commission recommends denial.

City Clerk Moore identified the following speakers in support of R(C)-98-02:

S. Grey Folkes, Jr., 325 Volvo Parkway, agent.

William L. Nusbaum, 1700 Dominion Tower, Norfolk, representing Lenora M. Wenger Trust.

Dennis Conrad, 505 Maxwell Street, representing Mt. Pleasant Christian School.

Lynn Keffer, 700 Bedford Street, representing self.

The following individuals spoke in opposition to R(C)-98-02:

Jim Tincher, 1716 Prospect Drive, representing self.

Fred Pierson, Code 00G, NAS Oceana, Virginia Beach, representing the U. S. Navy.

Tom Moore, 1612 Prospect Drive, representing self.

Ruth Tincher, 1716 Prospect Drive, representing self.

T. J. Carawan, 330 Hurdle Drive, representing self.

Council Member Newman asked those in the audience who are in support of R(C)-98-02 to please stand. Council Member Newman then asked those in opposition to R(C)-98-02 to stand.

June 16, 1998

There was discussion between Council Member Edge and Planning Director Nielson regarding the reasons Planning staff had recommended denial.

Council Member Edge requested that the U. S. Navy representative, Mr. Fred Pierson, come to the podium to answer questions. Council Member Edge asked Mr. Pierson whether the U. S. Navy had considered purchasing the air rights over the property described in this application. Mr. Pierson responded that to his knowledge there had not been an attempt by the U. S. Navy to purchase the air rights. Mr. Pierson also advised that the funds were limited from the U. S. Government for such purchases.

There was additional discussion between Council, Planning Director Nielson, and the U. S. Navy representative, Mr. Fred Pierson.

Council Member Duda, on a motion seconded by Council Member Parker, moved for approval with the following proffers as recommended by Planning Department staff:

1. The developer agrees that he shall widen Mount Pleasant Road to a minimum 24 ft. of pavement width from his easternmost access, west to Centerville Turnpike. Said improvements shall be made prior to recordation of the first major subdivision plat.

2. The developer agrees that all residential lots resulting from this application which front on School House Road shall be a minimum of one acre in size. In addition, any street which extends from School House Road shall terminate as a cul-de-sac. All lots created on such cul-de-sacs shall be a minimum of 1/2 acre in size. All dwellings constructed on or accessed by School House Road shall be full brick with a minimum 2,500 square feet of living space.

3. The developer agrees that he shall not seek more than 50 occupancy permits within any twelve month period, as measured from the date that the first such occupancy permit is issued. This schedule shall be considered as non-cumulative in nature.

4. The developer agrees that he shall fund the adjustment of the existing signalization at the intersection of Mt. Pleasant Road and Centerville Turnpike prior to recordation of the first major subdivision plat. Such improvements will be accomplished in accordance with a Public Works approved Plan.

5. The applicant agrees that all residential dwellings will be offered an alternate selection of exterior finishes to include brick, stone, stucco and hardboard cedar.

6. The developer agrees that all residential dwellings will be elevated on a crawl space, and that the foundation walls from finished grade to finished floor will be brick, stone, or stucco to match the exterior of the dwelling. The intent of this proffer is to preclude the use of any other material on foundation walls.

7. The developer agrees that a minimum of 25% of all residential dwellings will be constructed of brick on three sides.

June 16, 1998

8. Prior to any land disturbing activities on the property, applicant shall, at his sole expense, conduct necessary hydraulic studies and analyses, as required by the Director of the Department of Public Utilities ("Director"), to determine the nature and extent of improvements that must be made to the public water system in order to accommodate the water demands of the property without detriment to the public utility system. In the event that the Director determines that necessary improvements exceed the extension of existing water lines on Mt. Pleasant and Schoolhouse Roads, the applicant shall consent to and facilitate the placement of this rezoning on the City Council agenda for reconsideration and possible renovation of R-15s zoning. Should City Council revoke the rezoning on the basis of the applicant's inability or unwillingness to make improvements to the public water system, deemed necessary by the Director to accommodate the R-15s zoning, the applicant agrees not to challenge such action on the basis of vested rights or other grounds.

9. Appropriate notification and delineation of the (AICUZ) noise zone (3) shall be incorporated to the final plats, deeds, and physical surveys where said zone affects future construction. These notifications shall include descriptions and definitions pertaining to (AICUZ) noise level zone (3).

10. Should the AICUZ line be relocated within six months of the approval of this application in a manner which would affect this development, the developer agrees that the construction of residential units within the resulting AICUZ noise level zone (3) will adhere to the following criteria:

a) Windows: (double hung) Thermopane plus a storm window. Thermopane shall be of heavy glazing 1/8" glass with 1 1/16" air space. There shall also be a minimum of 2 3/4" air space between the Thermopane and the Storm window. Glass in the storm window should be of a different thickness to eliminate the possibility of resonance.

b) Patio Doors: Replace typical sliding patio doors with double french doors with insulated glass.

c) Walls: Shall be of 2x6 construction. "Sound-a-sote" sound deadening boards shall be installed between the studs and the exterior cladding. Insulation shall be 5 1/2" batt type. Resilient clips should be installed between studs and interior Sheetrock.

(d) Ceiling: Normal construction methods shall suffice, however, resilient clips shall be installed between ceiling rafters and Sheetrock. This assumes that roof construction will be of normal pitch with 1/2" sheathing with asphalt shingles. Ceiling shall be insulated with R-30 blown insulation.

11. The developer agrees that the following "ADDENDUM TO PURCHASE AGREEMENT" shall be incorporated to the future sales contracts of prospective homeowners within the AICUZ noise level zone (3).

June 16, 1998

~~#98-O-087~~ AN ORDINANCE AMENDING THE CHESAPEAKE ZONING ORDINANCE TO PROVIDE FOR THE REZONING OF A 108+ ACRE PORTION OF A 274 ACRE SITE LOCATED SOUTH OF MT. PLEASANT ROAD AND EAST OF SCHOOL HOUSE ROAD, IN THE BUTTS ROAD BOROUGH, FROM A-1 AGRICULTURAL DISTRICT, RE-1 RESIDENTIAL ESTATE DISTRICT AND R-15s SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-15s SINGLE-FAMILY RESIDENTIAL DISTRICT. (R(C)-98-02)

Council Member Edge asked some citizens in the audience who live in the area of the Fentress Air Field to come to the podium to state how the airplane noise has affected, if at all, their daily lives. Harold Bergey, 2117 Mount Pleasant Road, came to the podium.

On the motion, voting yes: Council Members Duda, Edge, Newman, Parker, and Ward.

Voting no: Council Members Berry, de Triquet, and Krasnoff. (Vice Mayor Butt was excused).

CITIZENS COMMENTS ON AGENDA ITEMS ONLY

City Clerk Moore identified the following speakers:

Sharon Hoel, 300 North George Washington Highway, representing Horton & Dodd, did not speak, but was available for questions regarding City Clerk Item (1) - CONSIDERATION OF USE PERMIT EXTENSION REQUEST for Circuit City (Carmax) (UP-95-49).

Carl Burns, 201 Whitehurst Road, representing self, spoke in opposition to City Clerk Item (1) - CONSIDERATION OF USE PERMIT EXTENSION REQUEST for Circuit City (Carmax) (UP-95-49).

T. J. Carawan, 330 Hurdle Drive, representing self, spoke in opposition to City Attorney Item (1) - A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST CERTAIN PROPERTY OWNED BY STANLEY F. C. TSENG AND FAYE L. TSENG CONTAINING 873.222+ ACRES, IN THE PLEASANT GROVE BOROUGH OF THE CITY OF CHESAPEAKE, VIRGINIA, TO BE USED FOR WETLANDS MITIGATION; and City Clerk Item (1) - CONSIDERATION OF USE PERMIT EXTENSION REQUEST for Circuit City (Carmax) (UP-95-49).

CONSENT AGENDA

City Attorney Item

(1) A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST CERTAIN PROPERTY OWNED BY STANLEY F. C. TSENG AND FAYE L. TSENG CONTAINING 873.222+ ACRES, IN THE PLEASANT GROVE BOROUGH OF THE CITY OF CHESAPEAKE, VIRGINIA, TO BE USED FOR WETLANDS MITIGATION

City Attorney Hallman requested that City Attorney Item (1) be withdrawn.



DEPARTMENT OF THE NAVY

COMMANDER IN CHIEF
U. S. ATLANTIC FLEET
1562 MITSCHER AVENUE SUITE 250
NORFOLK, VA. 23551-2487

5090
Ser N4683/000675
28 Dec 00

Mr. M. G. Pine, Jr.
Chairman
Chesapeake Jet Noise Task Force
1124 Murray Drive
Chesapeake, VA 23322

Dear Mr. Pine:

SUBJECT: CHESAPEAKE JET NOISE TASK FORCE QUESTIONS

In response to your letter of November 11, 2000, I contacted the appropriate individuals cognizant of the information you requested and have compiled the answers in enclosure (1). Enclosure (2) depicts the restrictive easements around NALF Fentress.

Should you require further assistance, please feel free to contact me at (757) 836-3674 or by E-Mail: loganpe@clf.navy.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "P. E. Logan", is positioned above the typed name.

P. E. LOGAN
Branch Head for Operational
Support/Requirements
Shore Activities Readiness
Acting

Enclosures: (1) Response to questions
(2) Restrictive Easements around NALF Fentress

1. Q. What are the allowable variances in altitude throughout the FCLP flight pattern at Fentress?

Ans: The pattern altitude at NALF Fentress is 800 feet. Following a practice landing, aircraft departing the runway are required to obtain an altitude of 800 feet before commencing the left-hand turn. To maintain proper interval on other air traffic in the pattern, this turn might start earlier or extend further upwind. Flight track altitude is 800 feet with the aircraft starting its descent approximately 1.5 miles abeam the point of touchdown for runway 5, or 2.2 miles abeam the point of touchdown for runway 23. From the abeam position, the aircraft altitude will decrease at a rate of 300-500 feet per minute until runway touchdown. Pilots are instructed to follow these procedures as exactly as possible. There are no published variances.

2. Q. What altitude monitoring capability currently exists at Fentress?

Ans: Altitude monitoring is conducted visually by occasional observation by NAS OCEANA personnel and the Landing Signal Officer (LSO). The best altitude monitor is the pilot in the aircraft who is doing everything he can to fly the correct pattern.

3. Q. What additional pattern monitoring capabilities are being looked at for the future?

Ans: The establishment of a rotating beacon (red light) sited on the downwind leg of runway 05 at NALF Fentress, 1.5 miles abeam the landing touchdown area, will assist aircraft in maintaining a tight pattern. CO, NAS OCEANA will evaluate the possibility of placing a similar beacon on the pattern for runway 23.

4. Q. Where is the designated holding area, and at what altitude, for aircraft waiting to enter the pattern at Fentress?

Ans: Aircraft proceeding to NALF Fentress enter the pattern directly. If an aircraft must hold to await entry into the landing pattern, the holding area is 29 miles south of NAS OCEANA at an altitude of 11,000 feet or above.

5. Q. What initiatives, besides pattern monitoring, is the Navy researching to mitigate the noise situation?

Ans: In addition to the Hush House currently under construction, the Navy is investigating the possibility of building an additional outlying field (OLF) that would share FCLP operations with NALF Fentress. This additional OLF would only be constructed should the decision be made to site the new F/A-18 E/F Super Hornets at NAS OCEANA.

6. Q. What else can be done to reduce the number of jet operations at Fentress after midnight?

Ans: Flight operations at NALF Fentress are based on aircraft carrier deployment schedules and pilot qualifications on board the aircraft carriers for our training squadrons. These operations will fluctuate during the year as a result of these training requirements.

7. Q. What will it cost the Navy in time, money and inconvenience to activate an outlying field to reduce the load at Fentress? (estimates only)

Ans: The Navy is currently conducting OLF studies on three sites (NAS OCEANA, MCAS CHERRY POINT and MCAS BEAUFORT) as part of the F/A-18 E/F Super Hornet basing Environmental Impact Statement (EIS) (NAS MERIDIAN already has a viable OLF). A decision on the requirement to construct an OLF will be predicated on the final basing decision, which is projected to be made in late 2002. Preliminary estimates on the cost of building an OLF range from \$40M to \$115M. The large range in cost is based on estimates for purchasing sufficient land to construct an OLF, current land use and number of owners.

"Inconvenience costs" depend on the distance to the OLF and the OLF's proximity to infrastructure (roads, electrical and sewer service, housing and personal service establishments). These issues may result in increased airframe wear and fuel costs for the aircraft and Quality of Life (QOL) issues for the sailors operating and maintaining the field.

8. Q. Given the Navy can find a suitable alternative to Fentress, is three to five years a reasonable estimate of the time required to activate it?

Ans: Based on the requirement to do National Environmental Policy Act (NEPA) studies, land acquisition and construction, a four-to-five year estimate for activation is reasonable. An

additional OLF would only be constructed should the decision be made to site the new F/A-18 E/F Super Hornets at NAS OCEANA.

9. Q. Do aircraft transiting to and from the Dare County Range fly over Fentress, and if so, at what altitude?

Ans: Aircraft returning from the southern operating areas may pass on either side of NALF Fentress as they line up for the designated runway at NAS OCEANA. Most overflights occur when runway 05 is in use at NAS OCEANA. These aircraft are normally at an altitude of 1500 feet or greater.

10. Q. What is the Landing Signal Officer's responsibility during operations at Fentress?

Ans: The LSO is responsible for interval separation between FCLP aircraft in the pattern, which is part of overall pattern discipline. The LSO briefs all pilots before flight to ensure safe conduct of flight operations at NALF Fentress and coordinates arrival and return flights with air traffic control at NAS OCEANA.

11. Q. Could the Navy provide the Task Force with a map showing the properties over which the Navy owns development rights in the vicinity of Fentress?

Ans: Yes, the map is included as part of this package.

12. Q. Our understanding is that the current AICUZ maps were drawn using a base altitude of 1000 feet. Will the EIS for the F/A-18 E/F reflect changes to the AICUZ zones based on an 800 foot pattern, normally flown at Fentress, or will they still reflect a 1000 foot base altitude?

Ans: The noise model for Oceana/Fentress was based on a 1,000 foot pattern altitude at NAS OCEANA and an 800 foot pattern altitude at NALF Fentress. The F/A-18 E/F EIS will also use these altitudes.

13. Q. Could a separate AICUZ map, based on an 800-foot pattern, be developed for the Fentress area?

Ans: The AICUZ map will show both NAS OCEANA and NALF Fentress. NAS OCEANA will be modeled for a 1000 foot pattern and NALF Fentress will be modeled for an 800 foot pattern.

14. Q. Has the Navy conducted noise studies performed on the F/A-18 at other than 1000 feet?

Ans: The Navy has noise data for slant ranges from 200 ft. to 25,000 ft. from the aircraft and these will be addressed in the F/A-18 E/F EIS.

15. Q. Would the Navy be willing to add a statement on the AICUZ map indicating the peak noise in decibels for an F/A-18 single incident at 800 feet?

Ans: As in the C/D EIS, we will provide single event noise levels in a table for various modes of flight. We will provide the Lmax and the cumulative exposure during the event all pegged to a specific altitude.

16. Q. Has the Navy ever conducted any studies on the emotional and physical effects of jet noise exposure?

Ans: The Navy has not conducted studies on the emotional and physical aspects of jet noise. Instead, we have relied on existing scientific research in this area. The Navy will conduct a detailed literature search for valid studies which address noise issues for inclusion in the F/A-18 E/F EIS.

17. Q. Can anything be done, within reason, to re-engineer the F/A-18 for quieter operation?

Ans: The Navy is looking at propulsion initiatives that have the potential of reducing noise. However, Naval aircraft Key Performance Parameters (KPPs) are very specific as to required range, speed, combat stores capability. Engineering solutions may be devised that effect sound reduction but, if they impinge on KPPs, they must be rejected as long as meeting the F/A-18's combat mission remains of paramount importance. As of this date no reasonable sound reduction systems have been developed that reduce noise without also reducing KPPs.

18. Q. The noise Hotline is a source of great concern for some citizens. What is the current procedure for the Hotline and how many phone lines are available for this service?

Ans: Citizens can call 433-2162, 24 hours-a-day to make an aircraft noise complaint. There is one dedicated telephone line; however, this line can also be used for normal air operations business. The civilian personnel and petty officers

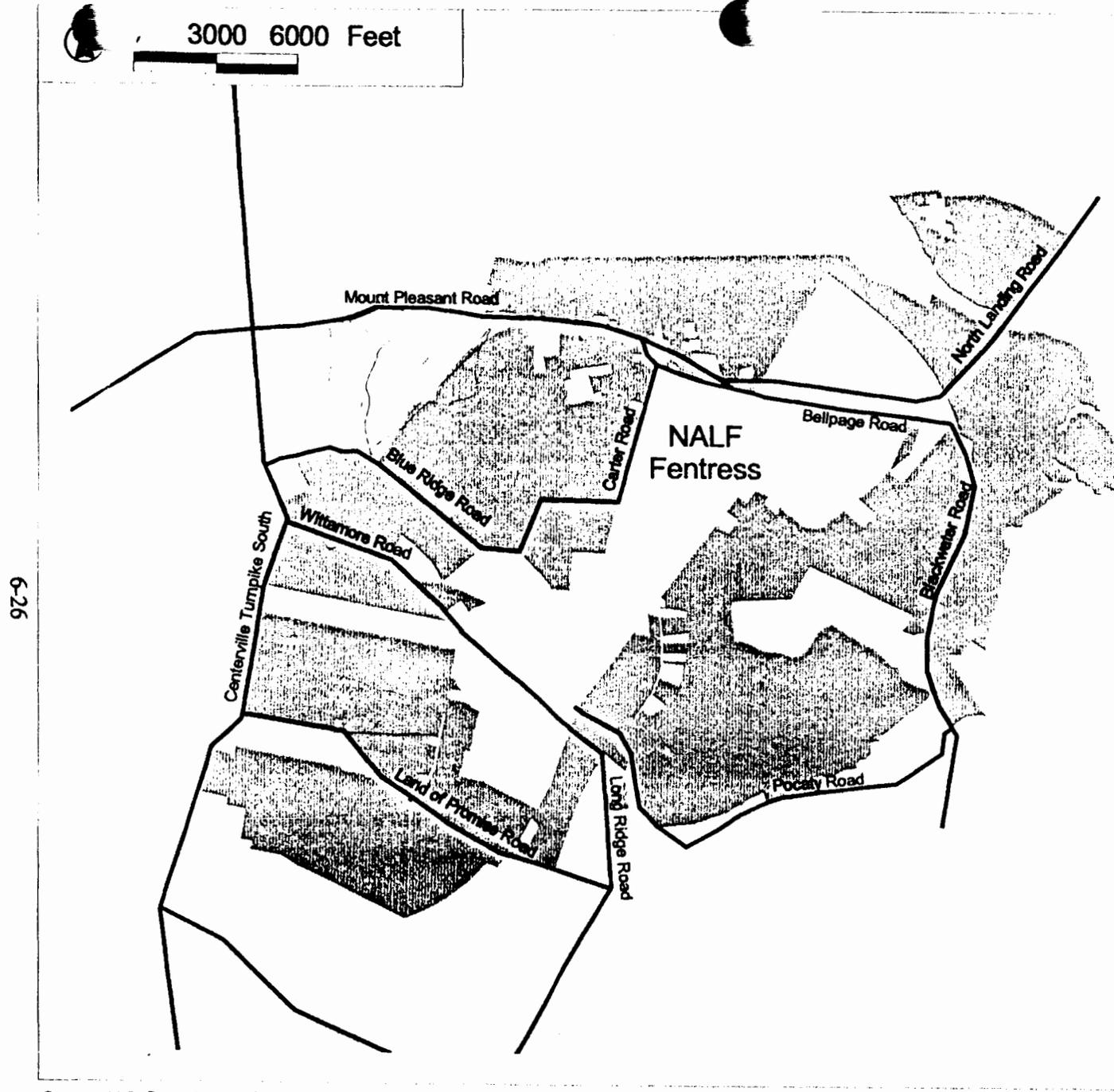
answering this line have normal duties that they must perform in addition to answering noise complaints.

19. Q. Can the system be further improved to include such features as the rotary stacking of calls, automatic call back when a line is free or other features which may improve community inter- action?

Ans: Currently the NAS OCEANA telephone system precludes these upgrades. NAS OCEANA is in the process of upgrading their phone system and will then examine options available to improve customer service.

20. Q. What is the current follow-up call back policy? Many people comment they have never received a call back.

Ans: The Navy's policy is to return all calls. Periodically a call might be missed but, as a general rule, all callers who request a follow-up call will receive one. The Navy considers it important to respond to all calls, favorable or otherwise. The return call allows NAS OCEANA personnel the opportunity to better explain flight operations that might have contributed to the specific complaint. If your constituents note they did not receive a return call, you can advise them to either try to call again or send a letter to the Commanding Officer, NAS OCEANA noting the circumstances. Again, it is CO, NAS OCEANA's goal to work with the surrounding communities.



6-26

Note: This map is representative of the easements acquired by the Navy. To determine whether a property contains a restrictive easement requires a legal title search.

Source: U.S. Department of the Navy 1999

Figure 6-7 Restrictive Easements Around NALF Fentress

TAB 4

MEMORANDUM

TO: AMAR DWARKANATH, DEPUTY CITY MANAGER
OPERATIONSWATER RESOURCES

FROM: BRENT R. NIELSON, AICP, DIRECTOR OF PLANNING 

DATE: JULY 28, 2005

RE: **CHESAPEAKE JET NOISE TASK FORCE RECOMMENDATION**

The following is a listing of the recommendations contained in the "Final Report of the Chesapeake Jet Noise Task Force" (dated May 2, 2001) that have been pursued by the City of Chesapeake:

1. The Planning Department and Planning Commission should continue to consider jet noise and its possible impact on proposed land use.
2. If the F/A-18 E/F aircraft become locally based, the City should proceed with the Joint Land Use Study (JLUS) in conjunction with the Navy and Council should seriously consider the JLUS results when making land use decisions.
3. The City should encourage the Navy to purchase additional air rights, thereby compensating landowners for giving up development rights and the additional purchases will limit residential development surrounding Fentress.
4. The City must ensure strict compliance with the Uniform Statewide Building Code that provides for a sound reduction within the AICUZ zones.
5. To the extent permitted under state law, the City should change the current City ordinance so that if a lot falls in multiple noise zones, that lot should have to meet the criteria of the most restrictive zone.
6. The City should adopt an ordinance to amend the City Code section 12-204 to require a more complete disclosure to any potential purchaser and/or tenant of property that falls within any of the designated noise

zones and the proposed noise sensitivity zone. Legal remedies for non-compliance should also be identified.

7. The Chesapeake Noise Disclosure Ordinance should use the AICUZ decibel designations rather than the numerical zone designations.
8. The City should require every seller/landlord of property within AICUZ noise zones or the proposed noise sensitivity zone to fully disclose the noise zone to every potential purchaser/tenant prior to contractual obligation.

Please let me know if you have any questions regarding this response.

BRN/brt

cc: Anne F. Odell, Deputy City Manager
Administration/Long-Range Planning

§ 12-100. Intent.

The special overlay districts are intended to provide alternative or additional development standards for one or more existing zones within the city for the comprehensive planning of areas with special features or unique land resources that need to be addressed in more detail than the existing zoning categories allow. The regulations established herein are designed to supplement or "overlay" the requirements and provisions established for the zoning district in which located. All requirements of the underlying zoning district shall remain applicable unless specifically modified by the provision established herein.

§ 12-200. Establishment of districts.

§ 12-201. Action by the planning director.

The planning director shall prepare proposed ordinances for the establishment of overlay districts. Each proposed ordinance shall be accompanied by a written report including but not limited to:

1. A description of the study area, an analysis of existing land uses and structures and analysis of unique characteristics or features of the area, potentials for development, a discussion of applicable policies and land use designations established in the comprehensive plan and other pertinent matters.
2. Analysis of adjacent lands not included in the study area but which will be impacted by the overlay district and recommendations made as possible actions which should be taken or encouraged.
3. Specific findings regarding the need for the proposed overlay district in order to implement the comprehensive plan and associated policies.
4. Recommendations concerning detailed regulations to be applied within the district and within any transitional areas, including permitted and conditional principal and accessory uses and structures; minimum lot, yard and building specifications; maximum building coverage by all build-

ings; maximum height of structures; off-street parking and loading requirements; control of signs; exterior character of buildings if applicable; landscaping and general appearance of premises; and other controls necessary to meet the intent of the proposed overlay district.

5. Such report may also include known plans for public and private action in or adjoining the district.
6. Proposed ordinance and associated reports shall be made available for public comment prior to the planning commission review and action.

§ 12-202. Action by the planning commission.

The planning commission shall review such proposed ordinances and the accompanying reports. The commission shall transmit such ordinances and reports together with its recommendations through the planning director to the city council for its consideration and action. The commission shall recommend approval in whole or in part, with or without modifications, or shall recommend denial thereof.

§ 12-203. Action by city council.

The city council shall create each overlay district by ordinance, if it finds that the district is in fact significant and meets the intent of the zoning ordinance and the comprehensive plan.

§ 12-300. Urban, suburban, countryside and rural overlay districts.

A description and development standards for the urban, suburban, countryside and rural overlay districts is set forth in article 5 of this zoning ordinance.

§ 12-400. Fentress Airfield overlay district.

§ 12-401. Creation of Fentress Airfield overlay district.

There is hereby created the "Fentress Airfield overlay district" of the city of Chesapeake. All properties, lots, subdivisions and developments

located partially or wholly within this district shall be subject to the provisions set out below. This enactment is based on the authority granted by sections 15.2-2280, 15.2-2283 and 15.2-2295 of the Virginia Code. (Ord. No. 98-O-158, 10-20-98; Ord. No. 04-O-057, 4-20-04)

§ 12-402. Findings of fact.

Fentress Airfield is an auxiliary landing strip, located in the southern portion of the city, which is utilized by the U.S. Navy as part of its NAS Oceana operation. The airfield is used primarily for simulated aircraft carrier landings and has been used in that capacity since World War II. In response to residential growth in southern Chesapeake in the area near the airfield, the Department of Defense established the Air Installation Compatible Use Zone (AICUZ) program in 1973, which analyzed the impact of the noise from aircraft operations at the field on existing and potential development in the area. The AICUZ program delineates the following three noise contours around the airfield: 1) noise levels between 65 and 70 DNL, 2) noise levels between 70 and 75 DNL, and 3) noise levels greater than 75 DNL. Because of the Navy's concerns over possible conflict between its Fentress operations and continued residential growth, it purchased development rights on over eight thousand seven hundred (8,700) acres of land within that area to prevent residential development, and it published recommendations for various nonresidential uses which would be more compatible with the airfield operations. The Navy amended its AICUZ program in 1998 to reflect the proposed expansion of airfield operations, said amendments being depicted on that certain document entitled the 1999 "Composite AICUZ - NALF Fentress".

The council finds that residential development and certain commercial and assembly uses and other related supporting uses such as churches, schools and child day care centers within the noise contour greater than 75DNL are not compatible with the existing Fentress operation. Most properties within this area are best suited for agricultural operations and the council intends to continue agricultural operations as the predominant use in this area. Accordingly, some limited

commercial and industrial development which does not place significant demands on existing infrastructure and which can be constructed, landscaped and operated in a manner which does not detract from the rural character of the area would, in certain limited circumstances, be compatible with the community located within the noise contours. In addition, the council finds that certain notice requirements should be implemented to alert the public that certain property, buildings and structures are situated partially or wholly within the noise contours.

(Ord. No. 98-O-158, 10-20-98; Ord. No. 04-O-057, 4-20-04)

§ 12-403. Purpose and intent.

This ordinance is enacted to regulate commercial and industrial development within the area of southern Chesapeake identified in section 12-404 below as noise contour greater than 75 DNL, subject to case-by-case review by the planning commission and city council through the conditional use permit process to ensure that any proposed commercial or industrial use is compatible with the Fentress operations and with the surrounding rural area in which it is located and does not improperly burden the existing city infrastructure and services which have been developed for a community that is predominantly rural in nature. This ordinance is also enacted to require additional performance standards and development standards for noise contours greater than 75 DNL and notice requirements for residential and nonresidential development in all the contours.

(Ord. No. 98-O-158, 10-20-98; Ord. No. 04-O-057, 4-20-04)

§ 12-404. District boundaries.

A. The Fentress Airfield overlay district shall include all lots, properties, subdivisions and developments located partially or wholly within the AICUZ noise contours 65—70 DNL, 70—75 DNL and greater than 75 DNL on that certain map entitled the 1999 "Composite AICUZ - NALF Fentress," including all future amendments.

B. All lots, properties, subdivisions and developments located partially or wholly within the Fentress Airfield overlay district shall comply with the provisions of 12-400 et. seq. as follows:

1. All lots, properties, subdivisions and developments located partially or wholly within noise contours greater than 75 DNL shall comply with all sections of 12-400 et. seq. including sections 12-405, 12-406, 12-407 and 12-408.
2. All lots, properties, subdivisions and developments located partially or wholly within noise contour 65-70 DNL and noise contour 70-75 DNL shall only comply with sections 12-407 and 12-408.B and C.

C. Within thirty (30) days of any amendment to the 1999 "Composite AICUZ - NALF Fentress," the planning director, or designee, shall provide written notice to the last known address of all affected property owners, advising them of the amendment and whether the property has been included in or deleted from the Fentress Airfield overlay district.

(Ord. No. 04-O-057, 4-20-04)

Editor's note—Ord. No. 04-O-057, adopted April 20, 2004, amended § 12-404 in its entirety to read as herein set out. Formerly, § 12-404 pertained to area of applicability and derived from Ord. No. 98-O-158, adopted October 20, 1998.



§ 12-405. Permitted and conditional uses for properties located within the Fentress Airfield overlay district.

A. The inclusion of property within the Fentress Airfield overlay district shall not limit or prohibit any development of such property which is allowed under the zoning classification of that property subject to the conditions set forth herein.

B. In addition to the permitted and conditional uses allowed for any lot located partially or wholly within the Fentress Airfield overlay district under that property's zoning classification, any of the following uses may be authorized, provided that a conditional use permit is granted in accordance with the standards set out below and in article 17 or the zoning ordinance.

<i>SIC</i>	<i>TITLE AND CONDITIONS WHERE APPLICABLE</i>	<i>STATUS</i>
0241	Diary Farms	C
14	Excavation, in accordance with section 13-1200 et seq. of this ordinance and chapter 26, article VII (section 26-221 et seq.), of the city Code	C
154	General Building Contractors	C
171	Plumbing, Heating and Air Conditioning	C
204	Grain Mill Products	C
205	Bakery Products	C
2086	Bottled and Canned Drinks and Carbonated Waters	C
209	Miscellaneous Food Preparations and Kindred Products, Not Including Processing of Meat, Seafood, Poultry, Vinegar or Yeast	C
242	Sawmills and Planing Mills	C
243	Millwork, Veneer, Plywood and Structural Wood Members	C
2621	Paper Mills, Limited to Bag Manufacturing Only	C
27	Printing, Publishing and Allied Products	C
3273	Ready-Mix Concrete	C
328	Cut Stone and Stone Products	C
329	Abrasive, Asbestos and Miscellaneous Nonmetallic Mineral Products	C
3444	Sheet Metal Work	C
3732	Boat Building and Repairing, provided that all operations are carried out in a completely enclosed building	C
3827	Optical Instruments and Lenses	C
3873	Watches, Clocks, Clockwork-Operated Devices and Parts	C
3915	Jeweler's Findings and Materials, Lapidary Work	C
3931	Musical Instruments	C
399	Miscellaneous Manufacturing Industries, limited to assembly of previously prepared parts into finished products, not otherwise named herein, provided no operations are carried on which will create smoke, fumes, noise, odor or dust and specifically approved by the zoning administrator	C

SIC	TITLE AND CONDITIONS WHERE APPLICABLE	STATUS
3993	Signs and Advertising Specialties	C
4011	Railroads, Line-Haul Operating	C
4222	Refrigerated Warehousing and Storage	C
4225	General Warehousing and Storage	C
5031	Lumber, Plywood, Millwork and Wood Panels—Wholesale Trade	C
5083	Farm and Garden Machinery and Equipment—Wholesale Trade, provided that all display areas meet the minimum development standards set forth in section 12-406 below	C
5112	Wholesale Stationery and Office Supplies, Including Wholesale Office Equipment, Sales and Service	
518	Beer, Wine and Distilled Alcoholic Beverages—Wholesale Trade	C
5191	Farm Supplies—Wholesale Trade	C
5199	Nondurable Goods Not Elsewhere Classified, Wholesale Distribution Only	C
5211	Lumber and Other Building Materials Dealers	C
5261	Retail Nurseries, Lawn and Garden Supply Stores	C
6553	Cemeteries and Cemetery Subdividers and Developers	C
7216	Dry Cleaning Plants, Except Rug Cleaning	C
7217	Carpet and Upholstery Cleaning	C
7219	Laundry and Garment Services, Not Elsewhere Classified, Limited to Fur Storage Only	C
7532	Automotive Top, Body and Upholstery Repair Shops and Paint Shops, provided that all operations and storage are carried out in a completely enclosed building	C
7538	General Automotive Repair, provided that all operations and storage are carried out in a completely enclosed building	C
7692	Welding Repair, provided that all operations and storage are carried out in a completely enclosed building	C
7699	Repair Shops Not Elsewhere Classified and Limited to Repair and Servicing of Office, Household and Industrial Equipment, Agricultural Equipment Repair and Blacksmith Shop, provided that all operations and storage are carried out in a completely enclosed building	C
7699	Agricultural Equipment Sales	C
7992	Public Golf Courses, Not Including Clubhouses	C
7997	Membership Sports and Recreation Clubs, Not Including Flying Fields, Aviation Clubs or Clubhouses	C
7999	Amusement and Recreation Services, Not Elsewhere Classified and Limited to Boat Landings and Docks and Incidental Refreshment Facilities	C
907	Medical and Dental Laboratories	C

<i>SIC</i>	<i>TITLE AND CONDITIONS WHERE APPLICABLE</i>	<i>STATUS</i>
873	Research, Development and Testing Services	C
922	Public Order and Safety, Not Including Correctional Institutions	C

(Ord. No. 98-O-158, 10-20-98)

§ 12-406. Minimum development standards.

A. No conditional use permit application shall be granted unless, and in addition to meeting the criteria for granting conditional use permits set out in article 17 of this zoning ordinance, the property and proposed buildings and structures meet the following minimum standards (the Chesapeake health department may require larger lots, widths and setbacks necessary for adequate sewage disposal):

1. Minimum lot size shall be prescribed by the underlying zoning district.
2. Minimum building setback from a public street shall be one hundred fifty (150) feet. This setback distance may be reduced, up to a minimum setback of fifty (50) feet, if landscaping approved by city council is provided which screens the building from public view from the street.
3. If parking is proposed between the building and any street bordering the property, there shall be a buffer and landscaping arranged so that the parking lot is effectively screened from public view from the street.
4. Side and rear yards shall be a minimum of thirty (30) feet.
5. A four-foot high landscaped berm with a 3:1 slope and a two-foot wide top shall be installed between any proposed use and any existing residential unit located within five hundred (500) feet of any building on the lot on which the use is located. Such berm at a minimum shall be equal in length to the side of the building facing the residential unit. This berm requirement may be waived if existing or proposed trees or other vegetation are determined to provide comparable screening.

6. All lighting shall be directed toward the interior of the development. No lighting shall be used that interferes with airfield operations. The extent of light interference, if any, will be determined by the U.S. Navy.
7. No building or structure shall exceed the U.S. Navy's recommended height restrictions under its AICUZ program. This provision shall not be construed to permit any building or structure to exceed the maximum height permitted by the zoning ordinance.
8. Noise level reduction schedule:
 - a. All occupied buildings and structures located in noise contour 75 DNL or greater must achieve an outdoor to indoor noise level reduction of 35 dB.

B. In addition to the standards set out above, any conditional use approved for property located within the Fentress Airfield overlay district shall comply with the requirements of the zoning classification in which such use is permitted under the zoning ordinance.

C. The planning commission may recommend and the city council may impose such additional conditions and requirements for approval of a use permit application as may be deemed necessary and appropriate to ensure the compatibility of the proposed use with the surrounding neighborhood, as provided for in article 17 of this zoning ordinance.

D. A site plan and a landscape plan shall be submitted to the planning commission for approval for any conditional use approved for property located within the Fentress Airfield overlay district. All final site plans shall contain disclosure provisions as required by section 12-407 below.

E. The following certifications must be acquired to obtain a building permit and a certificate of occupancy for any nonresidential occupied building or structure requiring a conditional use permit under section 12-405 above:

1. In order to obtain a building permit, an acoustical engineer must certify on the building plan that the building plan complies with the noise reduction schedule required by section 12-406.
2. In order to obtain a certificate of occupancy, an acoustical engineer must certify that the buildings and structures comply with the noise reduction schedule required by section 12-406.

(Ord. No. 98-O-158, 10-20-98; Ord. No. 04-O-057, 4-20-04)

§ 12-407. Disclosure provisions on nonresidential final site plans, recorded surveys and subdivision plats.

In accordance with section 15.2-2295 of the Code of Virginia, 1950, as amended, all approved final site plans, recorded surveys and subdivision plats depicting properties, lots, subdivisions and developments located partially or wholly within the Fentress Airfield overlay district shall contain a statement as follows: "This development is located partially or wholly within an aircraft noise and/or accident zone and may be subject to above average noise levels or to aircraft accidents."

(Ord. No. 04-O-057, 4-20-04)

Editor's note—Ord. No. 04-O-057, adopted April 20, 2004, amended § 12-407 to read as herein set out. Formerly, § 12-407 pertained to disclosure provisions on nonresidential final site plans and derived from Ord. No. 98-O-158, adopted October 20, 1998.

Sec. 12-408. Special building and disclosure requirements for residential development.

A. Pursuant to the authority granted in section 15.2-2295 of the Code of Virginia, 1950, as amended, all residential dwellings located in or on lots, subdivisions or developments located partially or wholly within the Fentress Airfield overlay district shall be constructed in conformance with sound transmission control regulations and

airport noise attenuation standards set out in the Virginia Uniform Statewide Building Code, as amended. Such building code regulations shall also apply to additions and structural alterations to residential dwellings; except that additions and structural alterations to residential dwellings existing on the effective date of this ordinance (October 20, 1998) shall be exempt from conformance with the Virginia Uniform Statewide Building Code. A residential dwelling shall be considered existing on the effective date of this ordinance if a certificate of occupancy has been issued for the dwelling or the dwelling is occupied for residential purposes.

B. In accordance with section 15.2-2295 of the Code of Virginia, 1950, as amended, all approved final site plans, recorded surveys and subdivision plats for residential developments and subdivisions located partially or wholly within the Fentress Airfield overlay district shall contain a statement as follows: "This development or subdivision is located partially or wholly within an aircraft noise and/or accident zone and may be subject to above average noise levels or to aircraft accidents."

C. In addition to the disclosures required by sections 12-407 and 12-408.B above, any person marketing for sale, lease or any form of conveyance of interest in property partially or wholly within the Fentress Airfield overlay district shall provide written disclosure to all prospective purchasers, renters or transferees that such property is located within the Fentress Airfield overlay district. Such written notification shall also be placed in all sales contracts, leases and contracts for all other forms of conveyance. This requirement shall not apply to property sold, leased or otherwise transferred solely for agricultural purposes.

(Ord. No. 98-O-158, 10-20-98; Ord. No. 04-O-057, 4-20-04)