



## DEVELOPMENT ADVISORY 59

September 3, 2021

### **PFM Volume III, Division 69 Traffic Signal Control Cabinet**

The City of Chesapeake Department of Public Works – Traffic Division has revised Division 69 of Public Facilities Manual volume 3. The modifications include cabinet display, roadway detection system and cellular modem. This change will take effect immediately.

Any questions or concerns regarding this advisory should be directed to Kevin Eppley, at 382-6501 or [keppley@cityofchesapeake.net](mailto:keppley@cityofchesapeake.net).

### **Environmental Site Assessment Variance Procedure**

City Council recently passed a text Amendment regarding amending application requirements for conditional use permit and rezoning applications, with a focus on streamlining the review process. Certain requirements are useful in the review of certain applications but not as beneficial for others. Regardless, these requirements are required for every application without consideration of the specific circumstance. While adjustments are being made to what is required for all applications, the Zoning Ordinance still states, “Notwithstanding such criteria listed above, the planning director, the planning commission or the city council may at any time during the review process find that essential information is lacking and may deem the application incomplete and defer further review or action until such time that such information is provided.” In essence, if any additional information is necessary for a complete and full review, it can be required at any point during the process. The new changes are underlined below.

#### Article 16 Zoning Amendments, Conditional Zoning:

##### 16-102.B.18

When the proposed use of the rezoned property includes or proposes land disturbance for residential, assembly, day care, group home, recreation, school, library, or similar type of development where exposure to contaminated soil or water would pose a threat to the public health and safety, the application shall include a phase I environmental site assessment prepared in accordance with the specifications in the Chesapeake Public Facilities Manual; provided that the Director of Development and Permits, with the concurrence of the Director of Public Works, may waive this requirement if the following conditions are satisfied:

- a.** The applicant/owner submits a documentation, in a form acceptable to the Directors of Development and Permits and Public Works, requesting to waive the phase I environmental site assessment and demonstrating that the proposed land disturbance does not pose a significant risk to the environment or the public health and safety; and
- b.** The applicant/owner signs and submits documentation, in a form acceptable to the City Attorney, assuming all risk and indemnifying and holding the City harmless for any actions or liability that result from such waiver.

Where deemed necessary by the department of public works, the applicant shall also submit a phase II environmental site assessment prepared in accordance with the Chesapeake Public Facilities Manual. The phase I and phase II environmental site assessments shall contain recommendations to address any and all adverse environmental conditions of the property, including without limitation, contamination of the soil, surface water or groundwater.

Article 17 Conditional Use Permits:

17-102.B.14

A phase I environmental site assessment, prepared in compliance with the specifications in the Chesapeake Public Facilities Manual, shall be required for every proposed development that involves any land disturbance for residential, assembly, day care, group home, recreation, school, library, or similar use where exposure to contaminated soil or water would pose a threat to the public health, safety and welfare; provided that the Director of Development and Permits, with the concurrence of the Director of Public Works, may waive this requirement if the following conditions are satisfied:

- a. The applicant/owner submits a documentation, in a form acceptable to the Directors of Development and Permits and Public Works, requesting to waive the phase I environmental site assessment and demonstrating that the proposed land disturbance does not pose a significant risk to the environment or the public health and safety; and
- b. The applicant/owner signs and submits documentation, in a form acceptable to the City Attorney, assuming all risk and indemnifying and holding the City harmless for any actions or liability that result from such waiver.

The phase I environment site assessment shall meet the criteria in the Chesapeake Public Facilities Manual. Where deemed necessary, the Director of public works or designee shall require a phase II environmental site assessment, as specified in the Chesapeake Public Facilities Manual. The phase I and phase II reports shall include recommendations to address any and all environmental conditions of the property, including without limitation, contaminated soil, surface water, or groundwater, that may be adverse to the public health, safety and welfare. In the event a phase I and/or phase II environmental site assessment has been previously submitted to the city for the same property, such environmental site assessment may suffice if updated in accordance with applicable standards in the Chesapeake Public Facilities Manual.

Any questions or concerns regarding this advisory should be directed to John King, at 382-6466 or [jking@cityofchesapeake.net](mailto:jking@cityofchesapeake.net)