

Department of Planning
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PUBLIC HEARING APPLICATION REVIEW PROCESS AND INSTRUCTIONS

The deadline for submitting a public hearing application via eBUILD is the Monday one week prior to the second Wednesday of the month: <http://www.cityofchesapeake.net/eBUILD>. All legal paperwork with original signatures is due to the Planning Department by 5 pm on this day.

Instructions for Planning applications and processing can be accessed at <http://www.cityofchesapeake.net/planning> and under Applications and Forms. An interactive web map is available to assist in the completion of applications and can be accessed at <https://chesva.maps.arcgis.com/apps/View/index.html?appid=d45152db250748a199277fa3b933ac5c>.

The Planning Department will review the application for completeness in accordance City ordinances. If the application is found to be incomplete, the Planning Department will return the application, site plans, and filing fee to the applicant or agent, with a description of the manner and areas in which the application is incomplete.

Once an application is determined to be complete, the Planning Department distributes the petition and exhibits to various City departments and outside agencies, when applicable, for review. Development review departments include Development and Permits, Public Utilities, Police, Schools, Economic Development, Libraries, Fire, Inspections, Zoning, Parks & Recreation and Planning. The departments review the proposed development for conformity with the Comprehensive Plan, its effect on the neighborhood, its demand on City services and conformity with the City's development ordinances and standards.

Applicants have the option to attend a meeting with all the review departments which takes place at 9:30 am on the 1st Wednesday one month after the submittal deadline. The meeting is held in the Planning Department conference room on the 2nd floor of City Hall. Please see processing calendar for the meeting date.

After receiving comments from these other departments, the Planning Department will contact the applicant and inform him or her of the departmental comments. A revised application and/or site plan, if required, will be requested at this time. Notwithstanding any initial determination of completeness, 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.

APPLICATIONS THAT DO NOT MEET APPLICATION REQUIREMENTS OR HAVE OUTSTANDING ISSUES THAT NEED TO BE ADDRESSED WILL NOT BE CERTIFIED FOR PUBLIC HEARING.

After the application is certified for public hearing by City staff, the Planning Department will prepare the advertisement to include a legal ad in the Chesapeake Clipper, mailings to adjacent property owners and signs for posting.

Fourteen days prior to the Public Hearing, the applicant will be required to post the property with **NOTICE OF PUBLIC HEARING** signs. This posting must be in accordance with the instructions set out by the Planning Department. Applicants are encouraged to take pictures of the signs after posting and provide them to the Planning Department as proof that the signs were properly posted. Improper posting of the sign(s) will delay processing of the application. Failure to post and maintain the sign(s) will result in a continuance.

In addition to the filing fee, the applicant is responsible for all newspaper advertising costs for public hearing notifications. The notice will appear in the Clipper Section of the Virginian Pilot two times prior to the Planning Commission Public Hearing. **The applicant or agent will be billed separately for these costs.** The average advertising cost is \$200 for the Planning Commission Public Hearing and the average is \$200 to \$400 for the City Council meeting. The project will require a minimum of four (4) advertisements. Any additional advertising costs incurred due to continuances will also be the responsibility of the applicant. Planning Commission advertisement fees will be billed by the City of Chesapeake. City Council advertisement fees will be billed by the City Clerk, City of Chesapeake invoice.

The Planning Department will compile departmental comments, the applicant's response to the comments, staff analysis and staff recommendation into a staff report. The staff report will be available on-line the Friday prior to the Planning Commission public hearing by visiting:

<http://www.cityofchesapeake.net/Government/Boards-Commissions/Full-Listing/11planningcommission/agenda.htm>

and clicking on the Upcoming Agenda date. All staff reports are also available for review in the Planning Department.

The Planning Commission will hold a public hearing the second Wednesday of the month after proper advertisement. The public hearing is open to all citizens. The applicant must attend the Planning Commission public hearing. Failure of the applicant to attend the Planning Commission Public Hearing may delay action by the Planning Commission thereby delaying processing of the application. At the public hearing, the Planning Commission will hear proponents and opponents of the application, as well as staff comments and recommendations. The Commission considers all information and recommends to the City Council to either approve the application as presented; approve it with proffer, conditions or safeguards; or disapprove the application.

For those applications that require City Council approval, the written record, developed through the time of Planning Commission action, will be forwarded to the City Council for review prior to its public hearing on the application, which is usually held on the third Tuesday of the month following the Planning Commission's action. The City Council holds a public hearing and considers the Planning Commission's recommendation, as well as information submitted by the Planning Department, the applicant and citizens. City Council may approve the application as presented; approve the application with certain proffers, conditions or safeguards; deny the application; or refer the application back to the Planning Commission for further study.

Once City Council approves the application, the applicant shall remove the public hearing signs from the property and may proceed by submitting plans to the City for development. The applicant should contact the Planning Department to determine which plan approval process is required.

SPECIAL NOTES ON RESIDENTIAL AND CONDITIONAL REZONING APPLICATIONS

A Residential Rezoning Certificate is required with all rezoning applications that have a residential component including conventional residential rezoning, conditional residential rezoning, planned unit developments with a residential component and mixed-use developments with a residential component. **THE CERTIFICATE IS A MANDATORY WITH THE SUBMITTAL OF THE RESIDENTIAL REZONING APPLICATION.**

Conditional zoning reclassification applications are governed by Section 16-200 et seq. of the Chesapeake Zoning Ordinance. It is suggested that this section be read carefully to ensure that all terms are met. Below are a few of the key requirements:

1. The owner(s) of record of all the property involved in the application and applicant(s) duly authorized by the owners must sign the proffer statement as provided by the Planning Department. While the property may be under contract for sale to a developer, with sale being contingent upon the proposed rezoning being approved, only the owner(s) of record can subject the land to the proffered conditions, and therefore, the owner(s) of record must sign the proffer statement.
2. Agreement between the City and the applicant as to terms of the proffers should be reached 25 days prior to the targeted Planning Commission hearing. Written Preliminary Proffers shall be submitted to the Planning Department no less than 14 days prior to the Planning Commission hearing. Where proffers are made for the first time after this deadline, the applicant shall request that the application be continued by the Planning Commission for review by the Planning Department and other reviewing departments. Minor changes made to clarify the language in previously submitted proffers may be made in writing up to noon of the day of the public hearing.
3. A Final Proffer Statement shall be submitted to the Planning Department in written format on the form entitled "Proffer Statement" and in electronic format in MS Word sent via e-mail within twelve (12) calendar days after the Planning Commission hearing. The final proffer statement shall be initialed, signed and notarized by the applicant(s) and owner(s). The statement shall have a one-inch margin on all borders and be clear of any writing or notary seals. If the proffer statement varies from the proffers approved by the Planning Commission, a cover letter describing the changes shall be submitted with the proffer statement. The final proffer statement shall also note any changes by underlining new language and striking through deleted language.

If the submitted proffer statement varies from the proffers approved by the Planning Commission, review and approval of the proffer statement must be completed by the City Attorney before its submission to the City Clerk's Office for City Council review. All revised proffers shall be advertised in the City Council agenda and the applicant shall be responsible for all costs associated with the advertisement. This process applies for all revised final proffer statement submissions.

4. If the final proffer statement is not submitted to the Planning Department within 12 days of the Planning Commission hearing and does not comply in all respects with the terms of the Zoning Ordinance, consideration of the application by City Council could be delayed for at least a month.
5. If the conditional rezoning application is approved, no development plans for the property involved may be processed until the Proffer Statement has been recorded in the Chesapeake Circuit Court Clerk's Office. It is the responsibility of the owner to ensure that such recordation has occurred, and the Planning Department may require proof of such recordation before accepting a development plan.

SPECIAL NOTE ON STREET CLOSURE PETITIONS

Pursuant to Chesapeake City Code, Section 66-15, the abutting property owner or owners petitioning for a street closure may be required to purchase from the City the street or other public right-of-way for which the vacation is requested. For this reason, the Planning Department will request the City's Right-of-Way Agent to determine the fair market or contributory value of the City's interest in the street, or public right-of-way to be vacated.

This value shall be used in determining the purchase price, if any, to be paid to the City by the petitioners for the property to be vacated. The Planning Department will also notify the petitioners that City Council will consider this value in determining the purchase price, if any, which the petitioners will be required to pay if the property is vacated. At the same time, the Planning Department will forward an agreement to the petitioners, wherein the petitioners agree to pay the purchase price set by City Council in the event the property is vacated and payment is required. **The Street Closure Agreement form must be signed and returned to the Planning Department before the petition is scheduled for City Council consideration.** It is recommended that the agreement be executed and submitted to the Planning Department no later than 12 days after the Planning Commission public hearing to prevent delays in the processing of the petition.

SPECIAL NOTES ON CONDITIONAL USE PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES

Pursuant to Chesapeake City Code, Section 62-89, the applicant shall submit the following additional information with the conditional use permit application by 5pm on the filing deadline date:

1. An **Indemnification Agreement** form provided by the Planning Department.
2. **Additional information provided as an attachment** to the application numbered in accordance with the questions below. All questions must be completed.
 - a. Describe the general design specifications for the facility.
 - b. Describe the proposed hours of operation.
 - c. Describe the type(s) and origination of the solid waste materials to be accepted at the facility.
 - d. Describe, in detail, the methods by which the solid waste will be transported, separated, treated, processed, stored or disposed. Such description shall include a list of all equipment to be used in the solid waste management operation. Indicate the types of liners (single or double) or other barriers required under state regulations to prevent movement of wastes through soils.
 - e. Describe the proposed method of protecting solid waste from exposure to wind, rain, or biological influences.
 - f. Describe the climate, precipitation, and predominant wind direction.
 - g. Describe how the proposed solid waste management facility will be designed, arranged and operated in order to ensure that development and use of neighboring property will not be prevented or made less likely, and that the value, use and reasonable enjoyment of such property will not be impaired or adversely affected. Include a description of the on-site techniques proposed to protect against odor, dust, litter, noise, smoke, gas, surface water pollution, and animal and insect vectors.
 - h. Describe any potentially adverse effects that may be associated with the proposed solid waste management facility, and the means proposed by the applicant to avoid, minimize or mitigate such effects related to the following:
 - i. The estimated noise levels during operation, and whether they exceed the maximum sound levels that are typical of uses permitted as a matter of right in the district.
 - ii. The anticipated glare from vehicular and stationary lights, and the extent to which such lights will be visible from any residential district.
 - iii. The vulnerability of the proposed solid waste management to fire and related safety hazards.
 - iv. The interference by the solid waste management activities with any easements, roadways, rail lines, utilities and public or private rights of way.

- v. The possible destruction, loss or damage of a natural, scenic or historic feature of significant importance.
 - vi. The adequacy of proposed landscaping and buffering measures to screen the site from neighboring properties zoned for or containing less intensive uses.
- i. Describe the safety and maintenance measures to be taken to prevent harm to public health or to the environment, along with the description of means to monitor complaints.
 - j. Describe any and all special conditions for the use, construction, layout, landscaping and screening, or appearance of the site proposed to be made conditions of the use permit, if granted, for purposes of assuring its compatibility with the surrounding neighborhood.
 - k. Describe whether the proposed solid waste management facility will be consistent with the adopted policies in the Comprehensive Plan of the City.
 - l. Provide the estimated number of cubic yards or thousands of gallons of waste to be accepted per day.
 - m. Provide the average number and types of vehicles entering the site per day and a listing of hauling routes within the City of Chesapeake from the site to the first four lane primary roads.
 - n. If the proposed solid waste management facility generates more than 100 VPD or generates more than 1% of the existing traffic on the adjacent roadway, identify the roads or streets abutting or intersecting the subject property, including an existing master road facility up to the next master road facility, including any information needed to support assumptions and conclusions).
 - i. The existing width and configuration of such roads and public rights-of-way. If the rights-of-way width varies, state the minimum and maximum.
 - ii. The vehicle carrying capacity of such roads (Highway Capacity Software from the Transportation Research Board is an acceptable means of determining capacity).
 - iii. The current traffic count of such roads. If the current traffic count is not available, a field count must be made. These must be 24-hour counts for a minimum of three (3) consecutive weekdays. Attach a copy of the traffic count calculations based on the Institute of Traffic Engineers (I.T.E.) trip generation rates.
 - iv. The level of service of each roadway and intersection(s) impacted by this development. Level of service of same intersection(s) after this development, with (1) present background traffic, and (2) background traffic five years hence under the existing growth rate.
 - o. Describe how traffic ingress and egress would be provide between the subject property and the existing abutting and intersecting roads. State whether traffic devices, such as signals and special turn lanes, would be required to provide safe ingress and egress, and provide justifications for such conclusions.
 - p. Describe the impact of solid waste management facility will have on groundwater and surface water.

- q. List potential drainage impact issues arising from the development. Submit a conceptual drainage assessment, for Development and Permits review, to address how you will ensure that this development will not create detrimental drainage impacts on the proposed site, surrounding upstream and downstream properties.
 - r. List all necessary state, local and federal permits and approvals and certification that application will be made for all such permits and approvals.
 - s. Provide a description of proposed use and ownership of site after completion of all closure and restoration activities.
3. In addition to requirements for **preliminary site plans** under Section 18-201 of the Chesapeake Zoning Ordinance, the following shall **also** be shown on the preliminary site plan:
- a. Location and zoning of the proposed site, upon which the solid waste management facility is to be located.
 - b. Proposed location of all buildings, structures and equipment to be used in conjunction with the operation of the solid waste management facility.
 - c. Location of any proposed screening devices, such as berms or landscaping.
 - d. The estimated number of cubic yards or thousands of gallons of waste to be accepted per day.
 - e. The maximum extent of area to be disturbed including acreage.
 - f. Interior road patterns, including a description of points of ingress and egress to state and city roads.
 - g. The land use pattern, including all existing zoning districts, building locations and historic sites within a three-quarter (3/4) mile radius of the perimeters of the site upon which the solid waste management facility is located.
 - h. The width of streets and weight limits of bridges within a three-quarter (3/4) mile radius of the perimeters of the site upon which the solid waste management facility is located.
 - i. Surface drainage patterns.
 - j. Location and depth of wells, constructed drainways, natural waterways and streams within a three-quarter (3/4) mile radius of the perimeters of the site upon which the solid waste management facility is located.
 - k. General description of the dominant species of vegetation existing within a three-quarter (3/4) mile radius of the perimeters of the site upon which the solid waste management facility is located.
4. A **topographical map** showing a three-quarter mile radius of the perimeters of the site upon which the solid waste management facility will be located. The site for the facility shall be shown at a scale of 200 feet to the inch or better, with a two (2) foot contour or less. Areas outside the site shall, at a minimum, conform to the standards employed by the United States Geological Survey in plotting topographical quadrangles.

5. A **hydrology study** which identifies groundwater movements, aquifers, and the location and depth of wells within a two-thousand (2000) foot radius of the perimeters of the site upon which the solid waste management facility will be located. The study shall also identify all constructed drainage ways, natural waterways and streams, which receive discharge from the proposed solid waste management facility. The study shall contain findings on the impact the proposed operation will have on groundwater, surface water and wells. (NOTE: The hydrology study shall not be required for transfer stations or resource recovery systems where all operations are conducted within an enclosed structure having concrete flooring and there will be no permanent storage or final disposal of wastes upon the site.)
6. A detailed **soil and geology data**, including soil borings on a 500-foot grid for the proposed solid waste management operation. (NOTE: This data need not be required for transfer stations or resource recovery systems where all operations are conducted within an enclosed structure having concrete flooring and there will be no permanent storage or final disposal of wastes upon the site.)
7. A **closure and restoration plan** to show and include the following:
 - a. A description of the types and estimated quantities of solid waste to be permanently stored on the site, and the manner by which such wastes will be contained to prevent movement of wastes through the soil and pollution of surface and groundwater, soil and air.
 - b. A description of the means by which the site will be closed and rehabilitated after the solid waste management facility is no longer in operation, including a description of all grading, backfilling, sodding, planting, and other activities which will be conducted to restore the condition of the site to practical usefulness and reasonable physical attractiveness.

SPECIAL NOTES ON CONDITIONAL USE PERMITS FOR EXCAVATIONS/BORROW PITS

Pursuant to Chesapeake City Code, Section 26-242, the applicant shall submit the following additional information with the conditional use permit application by 5pm on the filing deadline date:

1. The name and address of the applicant intending to excavate a borrow pit; the name and address of the owners and/or lessees of the real property upon which the excavation activities are to take place; and the name and address of all contractors or other persons intending to conduct the actual excavation and hauling activities.
2. A **Plan of Operation** to show and include:
 - a. A **topographical map** showing a three-quarter-mile radius of the proposed boundaries of the borrow pit, prepared by a licensed engineer or licensed surveyor at a scale of 200 feet to the inch or better, with a two-foot contour interval or less, and submitted in two copies.
 - b. **Existing zoning and land use data:**
 1. Location and zoning of proposed site, including a depiction of the boundaries of the area to be excavated.
 2. Land use pattern, including all existing zoning districts, building locations and historic sites within a three-quarter-mile radius of the proposed boundaries of the borrow pit.
 3. The width of streets and weight limits of bridges within a three-quarter-mile radius of the proposed boundaries of the borrow pit.
 - c. **Site and geological data:**
 1. Surface drainage patterns.
 2. Location and depth of wells, constructed drainways, natural waterways and streams within a three-quarter-mile radius of the proposed boundaries of the borrow pit.
 3. Hydrology study showing impact of excavation on existing private wells located within a 2,000-foot radius of the proposed boundaries of the borrow pit.
 4. General description of the dominant species of vegetation existing within a one-quarter-mile radius of the proposed boundaries of the borrow pit.
 - d. **Proposed operation of the site:**
 1. Proposed date on which the excavation shall commence and the proposed date on which the excavation shall be completed.
 2. Type of material to be removed.
 3. Proposed method of excavation, including a description of the types of equipment to be used.

4. Estimated annual removal rate, including the proposed number of daily truck trips to or from the site.
 5. Maximum amount of materials in cubic yards proposed to be excavated and maximum amount of materials in cubic yards proposed to be transported from the site.
 6. Maximum extent of area to be disturbed, including acreage and maximum depths.
 7. Interior road pattern, including points of ingress and egress to state and city roads.
 8. Listing of proposed haul routes within the city from the excavation site to the first four-lane primary road.
 9. Method of disposition of excess water during operation, including details of proposed filtration system.
 10. Estimated noise levels.
 11. Impact excavation will have on groundwater and surface water.
 12. Areas proposed for storage of spoil during the excavation.
 13. List of all state and federal approvals or permits which are required for the proposed excavation.
 14. Assumption of legal responsibility for any environmental pollution that occurs on-site during the excavation operation.
3. An **end-use plan** to show and include:
- a. Proposed dates by which restoration activities will commence and be completed.
 - b. Cross sections showing proposed final depth and final grade of slopes after completion of restoration activities.
 - c. Description of proposed use and ownership of site after completion of all restoration activities.
 - d. Engineering data regarding the length of time needed for restoration work to settle sufficiently to provide a stable base for the proposed end use.
 - e. Assumption of legal responsibility for any environmental pollution that occurs on-site after excavation activities are complete.