

Growth Management

Goals

The City will:

- Plan with the assumption that growth will occur in the City.
- Foster the revitalization and preservation of older areas of the City as well as develop newer areas.
- Preserve as much of the existing natural areas as practical while recognizing that future growth will require some conversion of natural areas to developed land.
- Ensure that adequate public services, adequate schools, and utilities will be available to support the expected growth rates of people and jobs in accord with its Comprehensive Plan.
- The City will work closely with the school system to ensure school facilities match growth.
- Plan for density and intensity of land development to generally be highest in areas with public water and sewer service and good road and transit access, and thus the City will use the location and design of its future utility and transportation facilities to guide the location, pattern, character and timing of growth.



Overview

Growth Management is the process by which a local government influences the timing, amount, location, form, cost and funding of new development – particularly residential development - and the construction of the public facilities that support such development.

Typically, growth management focuses on what are referred to as “greenfields” - areas that are outside of the existing developed area and represent the “opening up” of new areas for conversion from rural to urban land uses. To a lesser degree, growth management can pertain to areas of “infill” within a mostly developed urban area. In general, the greatest challenge facing most rapidly growing jurisdictions like Chesapeake is the public cost associated with rapidly converting such “greenfield” areas from rural to urban or suburban densities.

The City’s current growth management system has evolved during the past decade and a half, since adoption of the 1990 Comprehensive Plan. The central component of the City’s system is the process of controlling the approval of new development projects (rezoning applications) based upon the levels of service (LOS) available for major public facilities. The LOS policies were adopted in 1995 and subsequently amended in 1997, 2001, and 2004. Current City LOS standards address three areas of adequate public facilities: school capacity, road capacity and sewer utility capacity.

In addition, in 1994 the City adopted a general policy for accepting proffers from rezoning applicants, in accord with the provisions for conditional zoning contained in §§ 15.2-2296 through 15.2-2302 of the Code of Virginia. The City has accepted very few cash proffers for rezonings since 1995, the year that the level of service policy was adopted. More recently, the City has considered the prospect of accepting cash proffers, in accord with state law, in response to several offers from applicants whose projects have drawn public opposition due to concerns about overcrowding of public schools in certain districts. The City has created a "lock box" fund to reserve and direct these cash proffers for school related capital projects. A new proffer policy is under development and is intended to be included as a component of this Plan upon its completion.

The City is widely known in the Commonwealth for its innovations in growth management, particularly the use of Levels of Service (LOS) approach for managing growth. The general proffer policy and the Levels of Service Standards focus on the two most critical aspects of growth management – the timing and funding of new development. Yet there are other aspects of managing growth that the City will need to address in the coming years, particularly the form or pattern of development, which can be as critical to the overall quality of life in the community as is the timing and cost of public facilities.

A key distinction between most growth management tools in Virginia compared to those in some other states is that they are mainly applied to decisions regarding zoning map amendments ("rezonings") rather than decisions regarding subdivisions or site plans. This is because in Virginia, a rezoning approval is a legislative action which enjoys the presumption of legislative validity on the part of the governing body, whereas subdivisions and site plan approvals are code compliance actions that generally must be granted approval if the standards of the regulations are met by the applicant. Due to these constraints, localities are not able to directly control the actual *rate* of development, although they can *indirectly* control the rate by only approving rezoning actions that conform to the Comprehensive Plan in terms of location, timing, quality/character and adequate infrastructure.

Section 15.2-2232 of the Code of Virginia states that when a comprehensive plan has been approved and adopted by a governing body, the plan "shall control the general or approximate location, character and extent of each feature shown on the plan." This code section further states that "unless a feature is already shown on the adopted master plan or part thereof...no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility, other than a railroad facility, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the [planning] commission as being substantially in accord with the adopted comprehensive plan or part thereof...." This section of the Code also includes specific procedures to be followed by local jurisdictions during the review of proposed facilities and identifies specific instances when a facility does not need to be reviewed for conformity by the planning commission.

The growth management system of this plan re-affirms the City's current techniques and refines and strengthens the policy framework that gives the City the leverage to control such decisions, thus enabling the City to strike this critical balance on a continuing basis.

The focus of the City's growth management system is and will continue to be on utilities, schools, and transportation, but other major public facilities are to be considered as well, and all should be coordinated so as to be mutually reinforcing.

Issue One: The Timing of Development

By managing the timing and location of the public infrastructure – particularly utility lines and roads – the City can indirectly affect the rate and timing of development, and more importantly the pattern and location of development. In addition to utilities and transportation, other capital facilities can be used in the same manner to influence the location and timing of development.

Construction of new community facilities or even expansion of existing facilities requires careful consideration by local decision makers to assure that the needs and interests of the community are fulfilled in the most appropriate manner. The Commonwealth of Virginia recognizes that this is an important right and responsibility of local government and has provided local governments with the legislative authority to evaluate public facility and utility improvements for conformance with the locality's adopted comprehensive plan. The decision-making basis for implementing the phasing or expansion policies of the Comprehensive Plan is done through what is called a "2232 review," named after section 15.2-2232 of the Virginia Code.

To the maximum extent possible under Virginia law, the City of Chesapeake will manage the pace of growth in order to ensure the demands of growth do not outpace the capacity to provide the necessary services and infrastructure.

Strategies:

- **Level of Service Standards (LOS)**

LOS is currently in use by the City, and the City has been an innovator in Virginia in using this growth management tool. LOS sets a measurable standard of capacity or performance for a given public facility or service that must be planned, funded or in place in order for any particular development application (rezoning) to receive approval. It is broadly accepted that such standards can be a key factor in rezoning decisions.

Currently, all rezoning applications in the City are reviewed and evaluated to determine if they can pass the tests for "Adequate School Facilities," "Adequate Road Facilities," and "Adequate Sewer Capacity." The evaluation of each application includes existing service levels, plus the impacts associated with developments that have received preliminary plan approval, the cumulative anticipated impacts of minor subdivisions (5 lots or less), and the projected impacts of the property under consideration for rezoning. Staff will recommend denial of a residential rezoning application if it is determined that any one of the public schools serving the area exceeds 120% of rated capacity at the time of the rezoning, or if the proposed development in combination with other approved development in the school service area would exceed the 120% capacity cap. Similarly, staff will recommend denial of a rezoning application if the nearest road or signalized intersection serving the majority of traffic is currently performing at Level of Service E or F, or if the proposed residential or non-residential development, in conjunction with development of unimproved lots in the area would cause the nearest road or signalized intersection to perform at Level of Service E or F. A Level of Service E and in some cases, a level of service F, is acceptable for non-residential development rezoning applications if City Council finds that certain economic development criteria are met. The LOS policy requires that proposed residential rezonings will not be approved if the property is not located within the existing HRSD service area or private facilities are not approved within a certain time. This policy is a component

of the Comprehensive Plan and is incorporated herein. Please see Appendix D for a detailed statement of this policy.

The City will consider the adequacy of public facilities and services when reviewing any zoning application for a more intensive use or density. To fairly implement this policy, the City will consider the following:

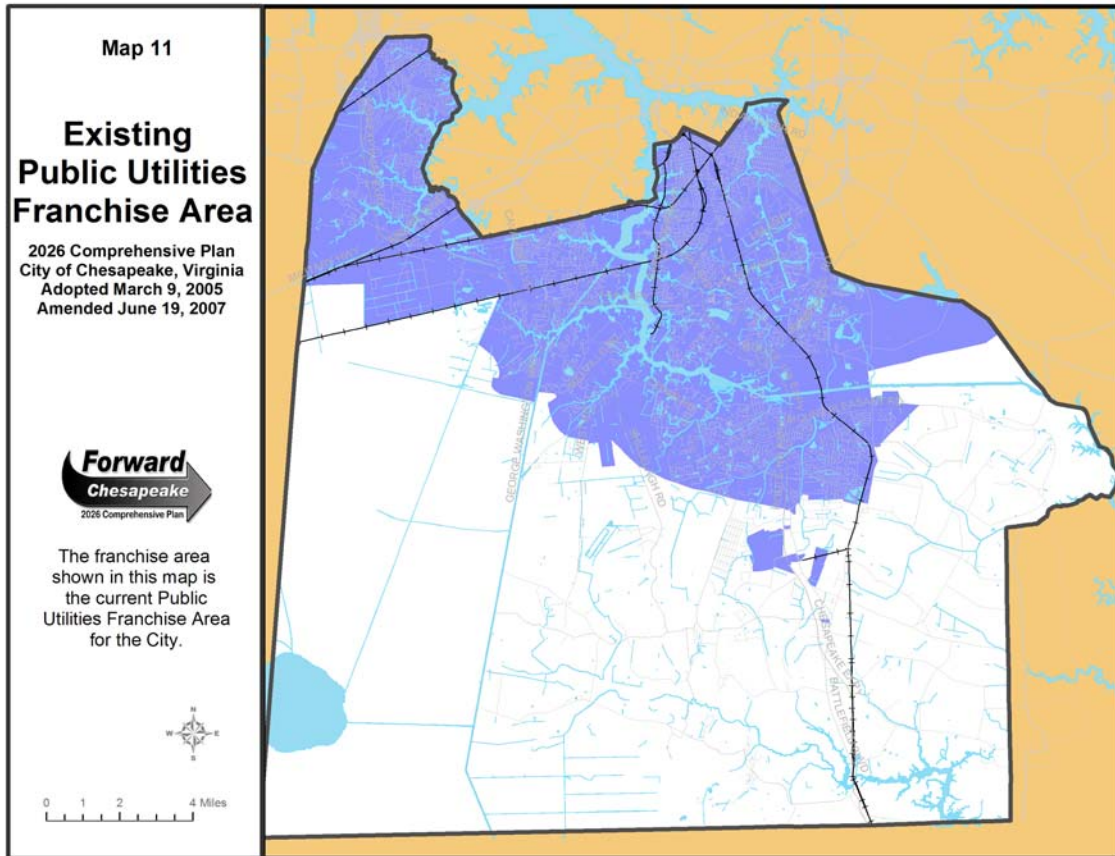
1. The capacity of existing public facilities and the availability of required public services
 2. Facilities and improvements proposed in the Capital Improvement Budget
 3. Proposed Transportation Improvements and Facilities in the Master Transportation Plan
 4. Service level standards for school, road, and utility capacity established by the City and the effect of existing, approved and proposed development on those standards
 5. Other mechanisms, modeling, or analyses that the City may use to measure the adequacy of public services and facilities and the City's ability to maintain or establish the adequacy of those facilities, in various areas throughout the City
- **Infrastructure Expansion and Phasing**

The infrastructure expansion for utilities, roads, and other public facilities is a key element in managing growth. Working in connection with the Level of Service standards previously discussed, the introduction of additional service capacity can be used to manage the time and location of new development.

Both the sequence and timing of utility extensions are important. From a long term planning standpoint, sequence is typically more critical, in that timing will tend to be refined in reaction to specific ongoing constraints and opportunities of available capacity, City finances and market demand. The sequencing and timing of utility extensions should be consistent with the City's plans and priorities for future land uses.

- Utilities

Public water and sewer service will only be provided to those areas within the existing Public Utility Franchise Area (Franchise Area) or areas designated to be added to the Franchise Area within the window of this Plan (2026). The Franchise Area is hereby established as those areas depicted on the following map, which represents the existing Public Utility Franchise Area at the adoption of this Plan. The extension of public utilities (public water and sewer) within the Franchise Area does not require review by Planning Commission or City Council.



The City's policies regarding utility expansion were established in its "Public Utilities Franchise Area Expansion Policy" adopted in 2001, and the "Service Area Expansion Policy" adopted in 1997. The utility extension policies established by this Comprehensive Plan are based upon these original policies and modified as necessary to reflect changes in the Public Utility Franchise Area.

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:

1. Impact on the functional integrity of the City utility system
2. Fiscal obligations of the city in operation and maintenance to accommodate the expansion, weighed against the public benefit.

The 2001 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." It shall be the policy of this Comprehensive Plan to continue this review as an integral component of the timing element of the overall growth management strategy as specified below.

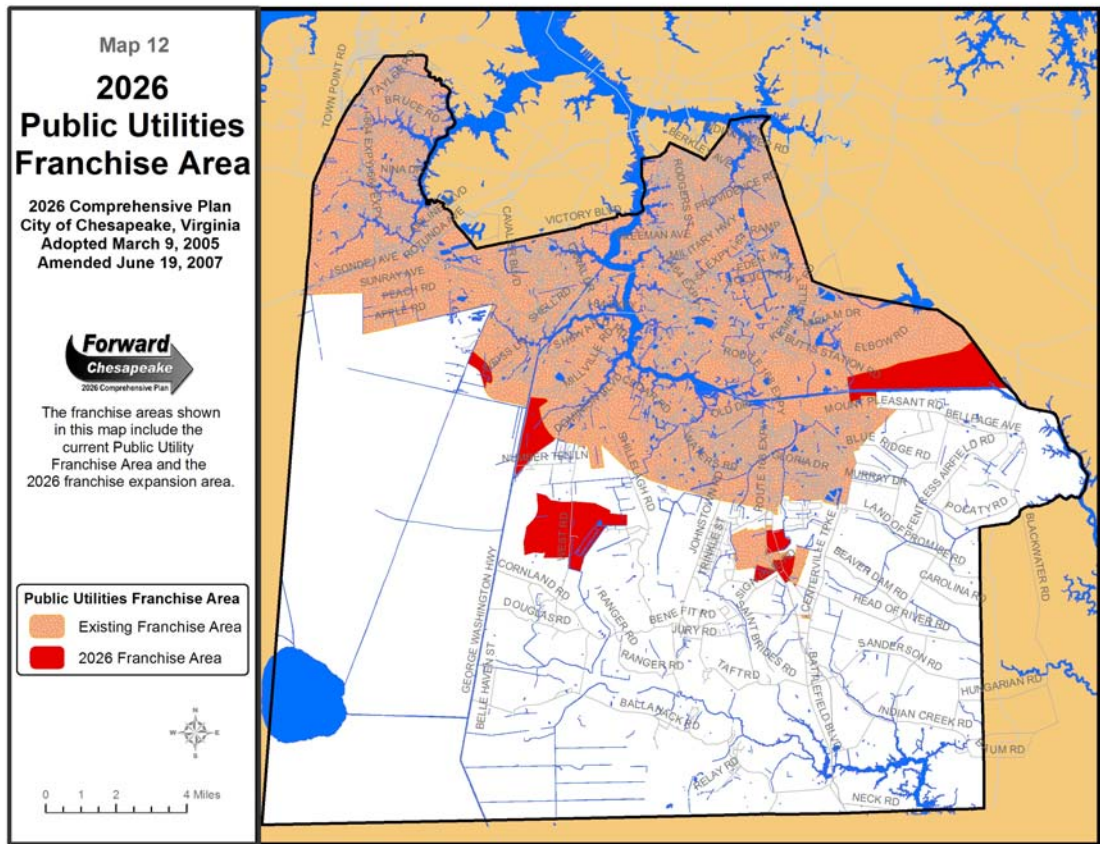
Areas for future inclusion in the Franchise Area correspond to areas designated within the Suburban Overlay or adjacent to the Chesapeake Regional Airport. A map of these areas is included in the criteria for Franchise Area expansion.

Franchise Area expansions will only occur at a time that is consistent with the City's overall growth management strategy. Specific criteria for this expansion are as follows:

Criteria for expansion of the Public Utility Franchise Area:

In reviewing requests for the extension of public water and/or sewer service, the City Council may consider the following factors. Consideration for these factors may be conducted simultaneously with a request for rezoning or a conditional use permit:

1. The request shall only be for the property or properties being proposed for development.
2. The property must be located within an area designated as future Public Utility Franchise Area (see following map).
3. The proposal establishes a contiguous pattern of expansion from existing water and sewer service areas, without promoting "leapfrog" development.
4. The property must also lie within an H.R.S.D. service area and must meet all utility-related ordinances and policies.
5. The timing, nature, character, and extent of public utilities needed to serve the proposed use are consistent with the Comprehensive Plan and all other Public Utility policies. The proposal must clearly demonstrate that it helps to achieve specified goals and policies in the Comprehensive Plan (consistent with the City's Title 15.2-2232 review).
6. The obligations to be assumed by the City of Chesapeake shall be weighed against the public benefit to be realized by the expansion of the Public Utilities Franchise Area.
7. The proposal contains proffered improvements or mitigation measures that would minimize the capital impact to the City for the utility extension. The developer shall be responsible for all costs associated with the utility extension with no cost being borne by the City.
8. The proposal must be coordinated in a timely fashion with the anticipated expansion or improvement of roadways in the area served by the utility extension. The utility extension should not encourage growth in advance of the provision of road improvements sufficient to serve the new development.
9. The proposal must demonstrate that it is within the City's ability to be served by a long term water supply system.
10. To the maximum extent possible under Virginia law, the City of Chesapeake will manage the pace of growth in order to ensure the demands of growth do not outpace the capacity to provide the necessary services and infrastructure.



Public Utility Expansion / Extensions outside the Existing Public Utility Franchise Area or the 2026 Public Utility Franchise Area
[As amended 06/19/07-- CP-07-03]

Expansion of public utility Franchise Area beyond those areas designated on the 2026 Public Utility Franchise Area map will require an amendment to the Comprehensive Plan. A limited provision is made for the allowance of public water service connections outside an existing Public Utilities Franchise Area to water lines that have been in existence since September 18, 2001. These connections will be permitted only under certain extenuating circumstances to individual lots meeting very specific criteria. A complete list of these criteria may be found in the Water and Sewer component of this plan.

It is also recognized that there may be a need to construct water transmission lines outside the existing or 2026 Franchise Area due to the location of the Northwest River Water Treatment Plant in southern Chesapeake. The construction of these lines would not constitute an expansion of the Franchise Area, but would be to transport water from the water treatment plant to the Franchise Area located elsewhere in the City. Water transported through these lines would be solely for public water service within the Public Utility Franchise Area and would not be to serve new areas outside the Franchise Area. The construction of these lines would require a review under Section 15.2-2232 of the Code of Virginia.

- Roads and other Transportation Improvements
Priorities for major road network expansions should also reflect the City's plans and priorities for the future. The location and sequence of road network expansions, as well as other transportation improvements, should reflect the land use patterns set forth in the plan. To the greatest extent possible, the location and sequence of the transportation infrastructure improvements are to be coordinated with the utility infrastructure improvements so that together they provide full infrastructure for future development.

The language in Section 15.2-2232 of the Code of Virginia anticipates that major transportation improvements that are not already shown on the Comprehensive Plan will be reviewed for conformity with the Comprehensive Plan and Master Transportation Plan through the "2232" review process.

In both cases – utilities and roads - the willingness of the private sector to participate in the funding and construction of such improvements, as part of the site approval and development process, is a key to successful development. In that regard, some flexibility is desirable in the sequencing of infrastructure so that the City can respond reasonably to the market demand for development. In addition, although the land use and infrastructure elements of this Comprehensive Plan have very long term horizons, short term adjustments are expected, to be considered on at least a five year basis, in accord with the state code.

- **Rate of Growth**

Strategically, the City will plan to approve the extension of public facilities in a steady but incremental fashion, in accord with the location and timing as shown on the land use and infrastructure maps of this plan. As this process continues, the City will make any necessary adjustments so that it continues to balance the advantages for new development with the capacity of the City to finance the facilities and services to support that development. The overall target for the City is to accommodate an annual population growth of between 1 1/2% and 2 1/2% which is deemed to be a reasonable amount of growth that fairly balances the interests of current City residents with future City residents. (The City's growth rate in 2003 was 1.6%).

- **Capital Improvement Budget (CIB)**

The City's Capital Improvement Budget (CIB) reflects the specific short-term plan for constructing public facilities. It is an important element of the City's growth management system because it defines when, where and how each specific facility is to be built in the immediate time horizon (typically five years).

The CIB will also specify the revenue sources for funding each facility in terms of the allocation between public monies. Again, the CIB should be derived from the conceptual depiction of public facility locations and standards as outlined in the Comprehensive Plan. As for other major public investments and improvements, the "2232" process provides a mechanism for evaluating public improvements, such as parks or other public areas, and public buildings and structures such as schools, libraries and fire stations, for conformity with the Comprehensive Plan when such improvements are not already shown in the plan or otherwise exempt.

- **Zoning Map Amendments (Rezoning)**

A critical element of the growth management system is the City's ongoing process of reviewing and acting on applications from land owners and developers to amend the zoning map. In Virginia, the rezoning stage of the development process is the point at which the City has the greatest leverage for ensuring that future development conforms to the policies of the Comprehensive Plan.

As growth continues in the City, and new areas become subject to development pressures, the underlying zoning designations are often not consistent with the market demand for land use on the site, or with the City's long term plan for future land use as set forth in the Comprehensive Plan. This gap between past and future needs can be addressed by changing the zoning to better meet the City's long-term goals as well as the needs of the real estate market.



In conjunction with an approval of a rezoning, the City may accept "proffers" from the applicant under the provisions of the conditional zoning process. Proffers are voluntary provisions or donations offered to the City by the rezoning applicant and are aimed at mitigating the impacts of the proposed development. Proffers may include cash funds for public facilities, land for public facilities, assurance of phasing or sequencing of construction, and/or other site-specific elements to ensure that city goals and policies are met. Thus, proffers can be an important method of implementing the Comprehensive Plan and achieving a successful growth management system.

The timing and conditions of rezoning approvals should be coordinated with the decisions to extend or expand utility and transportation networks, all in accord with the sequence and location as set out in the Comprehensive Plan. Thus, the City can use the conditional zoning process in conjunction with LOS standards in order to achieve the goals of the Comprehensive Plan.

Chesapeake currently has approximately 3,300 acres of undeveloped land that are zoned for residential use, which would be expected to accommodate about 9,000 new dwelling units. About two-thirds of the land is zoned R-15 and R-15s, which are zoning designations for single family homes. In addition, there are more than 5,000 acres of undeveloped agricultural land, some of which can be converted to 3-acre home sites under the City's A-1 zoning designation. Considering the various environmental features that constrain development on these properties, the City estimates that the currently zoned land capacity will provide for additional growth at current rates for another five years.

- Major utility and transportation infrastructure improvements and other public improvements, proposed by the local, state or federal government, or the private sector, will be evaluated for conformity with the land use policies of the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia.

- The City will establish service standards or benchmarks for other City services as appropriate.
- An intermediate review of the Comprehensive Plan will be conducted prior the Virginia Code required five year review to determine the magnitude of required Plan changes.
- The City will consider proposals to mitigate the impact of new development as part of its decision to approve or deny rezoning applications. The applicant may propose to mitigate the impacts of development including voluntary proffers of cash, site dedication, in-kind improvements, as permitted by City policy or through the conditional zoning provisions of the Code of Virginia, development phasing schedules, and other mechanisms permitted by the Code of Virginia now or in the future.

Issue Two: Funding Public Facilities and the Costs of Growth

Closely associated with the timing aspect of growth management is the funding of the construction of public facilities that support the expansion of growth areas. The same tools that are used for guiding the timing of development can be used to help offset the costs of development.

In general, residential development will tend to create a greater burden on the City's capital and operating budgets than non-residential uses simply because public schools are such a large percentage of City government costs and students are directly generated by housing development. Thus, localities typically strive to encourage non-residential development as a way of enlarging the tax base that will support the residential development, thereby relieving some of the funding pressure from households.

In terms of funding future public facilities, the City's growth management system is aimed at achieving a coordinated and balanced policy of funding and construction of public facilities, based upon City ordinances and policies of the Comprehensive Plan. The City will use public funds when necessary and private funds received through proffers, pro rata programs, and other City requirements whenever possible, to support the construction of new or improved public facilities. The allocations of these funds will be based on the long-term goals and policies set forth in the Comprehensive Plan and specifically allocated through the short term specifications of the CIB.

The City will target a coordinated and balanced policy of funding and construction of public facilities.

- Infill development that complements existing communities will be encouraged in developed areas to maximize the use of existing public facilities, utilities, buildings and services, provided that there is capacity for such additional development.
- To increase fiscal stability and mitigate tax burdens on City residents, the City will seek a balance of residential and non-residential land uses designed to provide a diversified and steady revenue stream.
- Public facilities and infrastructure may be funded by either public sources, or private sources or a combination thereof.

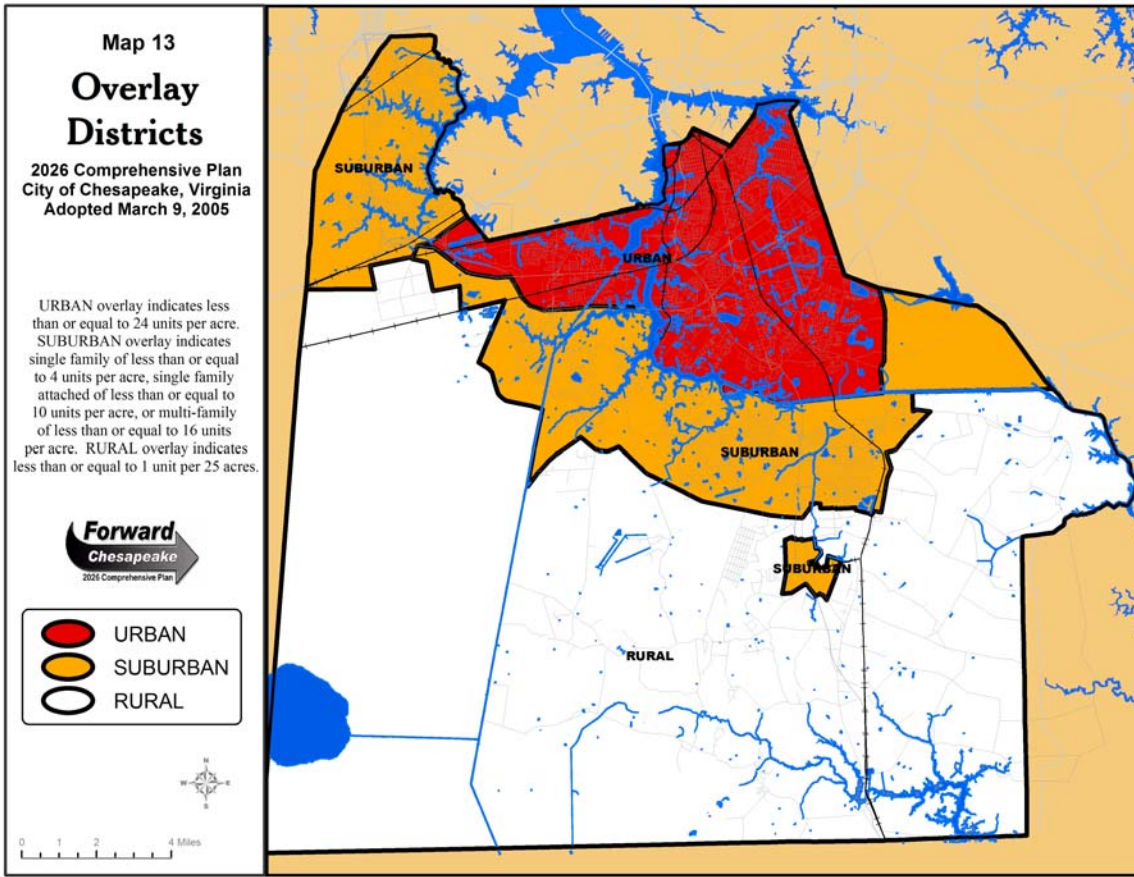
- Projects proposed for the City's CIB will be evaluated for conformity with the Comprehensive Plan. In addition, the City will integrate its fiscal management policies and growth management policies by developing tools to project public facilities needs and expenditures beyond the five-year horizon of the CIB.
- A proffer policy has been adopted by City Council in December 2004 which is included as a component of this Plan. The Proffer Policy is contained in Appendix E and is incorporated herein. This policy will create an opportunity for developers to offset impacts created by their development proposals.
- The City will seek to ensure that an equitable and proportionate share of public facility and infrastructure improvements that are attributable, in whole or part, to a proposed development project will be financed by the owners, developers, users or beneficiaries.

Issue Three: Form of Development – Urban, Suburban, and Rural

The form of new development in the City greatly affects the impacts such growth has on the City's population, and therefore, is a key aspect of the growth management system. However, the City's policies for urban design and the form of development (Section 3 – Community Preservation and Development) should be strongly linked to the growth management policy because they are vital to quality of life, and can, in fact, be a key determinant as to whether City residents consider new growth to be a "good" thing or a "bad" thing.

This Comprehensive Plan, through the Land Use Plan, has created three distinct districts within the City: the Urban Overlay District, the Suburban Overlay District, and the Rural Overlay District. The purpose of the districts is to provide an orderly transition from the urban areas of the City to the suburban areas, to the rural areas. The character within the specific developments within each of the districts should be harmonious with and sensitive to the surrounding environment. The overall density of any residential development within an overlay district shall not exceed the overall density standards set for the district. This is not to imply that the maximum density for the district will be guaranteed, and in fact, other policies or ordinances may prevent the maximum density from being achieved. These districts are directly linked to the City's Zoning Ordinance regulations.

In order to strengthen the City's commitment to rural preservation and the smart growth practices of revitalization and preservation, measures must be taken to control the continuing expansion of the Suburban and Urban areas of the City. In order to provide long term commitments to an ultimate form for the City, efforts must be made to correlate planned infrastructure improvements to reflect the City's desired ultimate development pattern.



The City will evaluate all proposed land uses and development densities and intensities for conformance with the policies of the Comprehensive Plan and other applicable policies, ordinances, and regulations.

Strategies:

- The City will direct growth to areas as designated on the 2026 Land Use Plan. Orderly expansions of utilities will be encouraged to avoid leapfrog development.
- The City will ask that the Benefit Interceptor be removed from Hampton Roads Sanitation District's (HRSD) master sewer plans in order to contain the limits of non-rural development.
- The City will amend its Zoning Ordinance provisions to reflect necessary changes to the Overlay District standards to be consistent with this Plan.
- The Design element of this Plan will be used to provide additional guidance to the compatibility of development proposals with the overall desired form for the City.
- The conditional zoning process may be used to provide assurance that the design and layout of the proposed development meets the design principles of this plan.
- The location, design and construction of City-owned facilities should conform to the design principles of this plan.

- The City will implement a land acquisition and stabilization (purchase or lease of conservation easements such as the Open Space and Agriculture Preservation Program) program.
- Economic development of agricultural and rural enterprises should be fostered and promoted including the development of agricultural markets, alternative products, agri-tourism, and eco-tourism.
- Design of development (clustered housing development with residual open space, "conservation design" for rural subdivisions) should be used as a tool to develop a desirable form for the City.
- Density or intensity of development should be considered when assessing the appropriateness of development proposals.