

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

## **CONDITIONAL USE PERMIT APPLICATION FOR AN EXCAVATION/BORROW PIT INSTRUCTIONS**

### **PURPOSE**

Section 26-241 of the Chesapeake City Code states that no person shall excavate a borrow pit within the City without first having obtained a conditional use permit from City Council. Certain land uses, such as excavations/borrow pits, require intensive review to determine whether they are appropriate in specified situations and whether special conditions would make the land use sufficiently compatible with the immediate area to warrant the granting of a use permit for the proposed use.

### **REVIEW PROCESS**

The deadline for submitting an Excavation/Borrow Pit use permit application is the Monday prior to the second Wednesday of the month. All applications are to be submitted to the Planning Department prior to 5:00 P.M.

The Planning Department will review the application for completeness. If the application is found to be incomplete, the Planning Department will return the application, site plans, and filing fee to the applicant, with a description of the manner and areas in which the application is incomplete. **The filing fee is \$420.00.**

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

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

## REVIEW PROCESS (continued)

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After receiving comments from the other departments, the Planning Department will contact the applicant and inform him or her of the departmental comments. A revised site plan or application, 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. In these cases, the application will not be advertised for a public hearing.

When the application is deemed complete in its entirety, the Planning Department will prepare a legal notice advertisement and sign(s) for posting. The notice will appear in the *Virginian Pilot* two times prior to the Planning Commission Public Hearing. Fourteen days prior to the Public Hearing, the applicant will be required to post the property with NOTICE OF REZONING APPLICATION 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. The applicant will be contacted by the Planning Department when the signs are available for posting. The applicant is responsible for the sign fee. (\$25.00 for the first sign, \$20.00 for each additional sign, as required).

The applicant is responsible for all of the costs of providing the required notice of hearing, including newspaper advertising. The applicant will be billed separately for these costs. The average advertising cost is \$100 for the Planning Commission Public Hearing and the average is between \$400 to \$1,000 for the City Council meeting. The project will require a minimum of four (4) advertisements. Any additional advertising costs incurred due to continuances or revised proffer statements 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 *Virginia Pilot*.

**APPLICATIONS THAT DO NOT MEET MINIMUM APPLICATION REQUIREMENTS AS SPECIFIED IN THE CHESAPEAKE CITY CODE WILL NOT BE ADVERTISED.**

## REVIEW PROCESS (continued)

The Planning Department will compile departmental comments, the applicant's response to the comments, staff analysis and staff recommendation into a staff report. The Planning Department will forward a copy of the application and staff report to each Planning Commission member the Friday before the scheduled Planning Commission hearing. At this time, the staff report will be available on-line for review by the applicant, agent and interested citizens 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 conditions or safeguards, or disapprove the application.

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 conditions or safeguards, deny the application, or refer the application back to the Planning Commission for further study.

Upon City Council approval of the use permit, the applicant may proceed to the Department of Development and Permits for approval of all final site plans which show construction details. The final site plan must be consistent with the preliminary site plan approved by the Planning Commission and City Council, or a second review by the Planning Commission and City Council will be required.

## SPECIAL POWER OF ATTORNEY

If the applicant(s) is different from owner(s), a "Special Power of Attorney" must be included with the application which grants authority to the applicant(s) and agent, if applicable, to act in behalf of the owner(s).

1. If an agent is representing either the property owner(s) or the applicant(s), a "Special Power of Attorney" must be attached. This power of attorney must be granted from both the applicant(s) and owner(s). The owners' "Special Power of Attorney" must be granted to the applicant and the agent.
2. If the owner(s) or applicant(s) is a corporation, partnership, or similar entity, submit documentation indicating the person signing the "Special Power of Attorney" has the authority to make this appointment and include their official title on the form.
3. If the owner (or applicant) is a church, documentation from the church's trustees, or if no trustees, then by a president or vice-president of the corporation or association of the church, must be attached which establishes that the person signing on behalf of the church has the authority to act on it's behalf and to bind the church to the application.

### POWER of ATTORNEY AUTHORITY

**LIMITED LIABILITY CORPORATION/COMPANY (LLC, LC):** The managing member has authority by title to sign for the LLC, or as authorized by corporate records.

**CORPORATION (Inc., Ltd., or Corp.):** The President or Vice-President has authority by title to sign for the corporation, or as authorized by corporate records.

**PARTNERSHIP (LP or GP):** An authorized general partner has authority by title to sign for the partnership.

**ESTATES/TRUSTS:** A trustee has authority by title to sign. If there is more than one trustee, all trustees must sign.

**CHURCHES (Unincorporated):** All trustees must sign.

## REAL ESTATE TAX DEMONSTRATION FORM

As part of this application, a form completed by the City Treasurer to certify that there are no delinquent real estate taxes on the subject property shall be provided. The applicant shall send an e-mail to [bcarrawa@cityofchesapeake.net](mailto:bcarrawa@cityofchesapeake.net) that includes the property's location, tax map number(s) and owner's name. The City Treasurer will perform the research and if there are no delinquent taxes, the City Treasurer will complete a form and e-mail the form back to the applicant. If taxes are due, these taxes shall be paid prior to submitting a use permit application.

## STATEMENT OF OWNERSHIP

A statement signed and notarized by the owner and/or applicant shall be submitted on the attached form, which identifies the names and last known addresses of all of the following persons and entities in regard to the property that is the subject of this Application:

1. All applicants, title owners, contract purchasers, and lessees of the property; and, if any of the foregoing is a trustee, each beneficiary having an interest in the property.
2. Where any of those listed in (1) above is a corporation, all shareholders owning ten per cent (10%) or more of any class of stock issued by said corporation or where any of those listed in (1) is a corporation having ten (10) or fewer shareholders, all such shareholders. This requirement may be waived by the Planning Director or designee where the owner or applicant, as applicable, is a publicly-held corporation.
4. Where any of those listed in (1) above is a partnership, or limited liability company, all such partners, both general and limited, in a partnership, and all members of a limited liability company.
5. Where any of those listed in (1) above is a church, provide a list of all such trustees and their position on the board or if no trustees, then identify the officers of the corporation or association of the church.

**Attach the listing of names and addresses on business letterhead of either the applicant, owner or agent, as required above.**

## ADJACENT PROPERTY OWNERS

Attach a list setting forth the names and addresses of all persons, firms or corporations owning all abutting property and property immediately across the street or road from the subject property, and the 13-digit tax map number of such properties.

Use the attached Adjacent Property Owner List of Addresses form or the AVERY 5260 label format. If unable to utilize the form or computer format, please submit on 8 ½" x 11" paper.

Also include stamped (not metered mail) #10 envelopes (4 1/8" x 9 1/2") with the name and mailing address of each property owner typed or printed legibly.

**Please do not use pre-dated meter stamped envelopes or envelopes which include a return address.**

## SITE PLAN & MAP REQUIREMENTS

As a part of this application, the following maps must be submitted. All maps shall have a north arrow. The map required under subsection 1 below shall be drawn to scale. Other maps are not required to be to scale, but shall be drawn fairly to reflect the relationship of the subject property to surrounding properties.

1. Thirty (30) copies of a preliminary site plan at a scale not less than 1" = 50' meeting the requirements of Section 18-201 of the Chesapeake Zoning Ordinance. . **All site plans shall be folded to a size no larger than 9" x 14" size and shall include a vicinity map.** If a revision is submitted, please include the Planning Department application number in the title block. *Please fold with the site plan title block facing out.*
2. Three (3) copies of the preliminary site plan reduced to 11" x 17" paper.
3. Three (3) copies of the preliminary site plan reduced to 8½" x 11" paper.
4. Three (3) copies of a landscape plan, reduced to 11" x 17", identifying how the site and proposed borrow pit will be screened from neighboring properties zoned for or containing less intensive uses.
5. Three (3) copies of the landscape plan, reduced to 8 ½" x 11" paper.
6. Three (3) zoning maps reduced to 8 1/2" x 11" paper size highlighting the property subject to this application and showing all property within 500 feet of the perimeter of the property which is the subject of the application, indicating the zoning and existing uses of such land. **Highlight the subject property.**
7. Three (3) copies of 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 two hundred (200) feet to the inch or better, with a two (2) foot contour interval or less.
8. A hydrology study showing the impact of excavation on existing private wells located within a two-thousand (2000) foot radius of the proposed boundaries of the borrow pit.
9. Provide an end-use plan including the following:
  - a. Proposed dates by which the restoration activities will commence and be completed.
  - b. Cross-sections showing the proposed final depth and final grade of slopes after completion of restoration activities.

## PRELIMINARY SITE PLAN REQUIREMENTS

Per Section 18-201 et seq., the following information shall be included on all preliminary site plans submitted for review by the Planning Department, Planning Commission, and/or City Council. Compliance with these instructions will ensure that the application is placed on the appropriate agenda in accordance with its filing deadline. Failure to meet these requirements will render the application incomplete and will result in the Planning Department returning the application.

### STANDARDS FOR DIMENSION AND SCALE:

1. Except as otherwise provided for in paragraph (2) below, the preliminary site plan shall be dimensioned to the following standards for accuracy:
  - a. Boundary, setback and zoning lines: one foot per one thousand (1:1,000) feet;
  - b. Existing structures, utilities and other topographic features: within five (5) feet;
  - c. Proposed structures, roads, parking lots and other improvements: within five (5) feet.
2. Different dimensions may be required for properties located within an Overlay District, under the separate standards for development of property within such District. See Article 12 of the Chesapeake Zoning Ordinance for Overlay District regulations.
3. Plans shall be no wider than 24".

### REQUIRED CONTENTS:

1. The name of project, property owners, surveyor or engineer, date of drawing or revision, number of sheets, north point and scale in the lower right-hand corner. If a revision is submitted, please include the Planning Department application number in the title block.
2. The zoning classification and present use of the subject property and all adjacent properties.
3. Proposed location of storm water detention/retention areas, and mitigation areas.
4. A representation of the proposed use, with location and dimensions of all existing and proposed improvements, including: buildings (maximum footprint and height) and other structures; sidewalks; pedestrian walkways; fences; walls; trash containers; outdoor storage and display areas; shopping cart collection and storage areas; outdoor vendors/vending machines; outdoor lighting; landscaped areas and open space; recreational areas and facilities; parking lots and other paved areas; loading and service areas together with the proposed paving material types for all walks, parking lots and entrances; and signs.

## PRELIMINARY SITE PLAN REQUIREMENTS (continued)

5. Written schedules or data as necessary to demonstrate that the site can accommodate the proposed use, including
  - a. Proposed uses and maximum acreage occupied by each use
  - b. For residential developments, maximum number of dwelling units by type and gross residential density;
  - c. Percent and acreage of useable recreation areas, and percent and acreage of open space;
  - d. For commercial and industrial developments, maximum square footage for commercial and industrial uses, maximum number of employees, and maximum lot coverage;
  - e. Maximum height of all structures;
  - f. Schedule of parking including the amount required and amount provided;
  - g. Maximum amount of impervious cover on the site.
6. Proposed right-of-way widths of streets adjacent to the property, and all right-of-way widths identified in the City's Master Road and Highway Plan as running through the property.
7. Location of existing and proposed utilities and utility easements.
8. All areas intended to be dedicated or reserved for public use.
9. Where the property abuts any natural or artificial body of water, display the name of each body of water, the mean high and low water lines, bulkhead and pier head lines where officially established, and where applicable, to the location of tidal wetlands.
10. Existing structures and roads, including roadway entrances, located within twenty-five (25) feet of the property line of the site.
11. If a phased development is planned, phase lines and proposed timing of development.
12. A vicinity map showing the site in reference to adjoining streets, subdivisions and landmarks.
13. A north arrow establishing geographic direction.
14. Additional information as may be required as a result of the property being located within a Special Overlay District, as described in Article 12 of this Ordinance.

## PRELIMINARY SITE PLAN REQUIREMENTS (continued)

15. Where a development does not include the entire parcel on which the development is located, the preliminary site plan shall provide a conceptual rendering of how the remaining portion of the parcel is to be used, including planned internal circulation and access to streets and other properties.
16. Additional information, as the reviewing departments deem necessary, to provide sufficient information for the staff and/or the Commission to adequately review a preliminary site plan.

### OTHER REQUIRED SUBMITTALS WITH PRELIMINARY SITE PLAN:

17. **A site analysis**, prepared by a landscape designer or a narrative, which depicts the natural features present in the site, including but not limited to: existing trees, general size and location of trees greater than 18" in diameter that fall within the proposed building footprint; water courses; topography; rare or endangered plant material. See *the Section 19-601(B) of the Chesapeake Zoning Ordinance and the Chesapeake Landscape Specifications Manual*.
18. Where special soil or water conditions are deemed by the Director of Development and Permits to be of a nature that could affect the area and contour of developable land, or where the site is known or believed to have been subject to dumping activities, or to have been the location of a land fill, a junk yard, or a storage area for any fuels or hazardous materials, **a soil report** prepared by or under the direction of a professional engineer, experienced in soil and foundation engineering, shall be required.
19. **A survey**, certified by a registered land surveyor, showing property boundary lines, dimensions, easements, floodplain, existing and proposed topography, existing right-of-way widths on adjacent roads, and existing intersections located within five-hundred (500) feet of the property. **NOTE:** *This information may be shown on the preliminary site plan in lieu of a separate document.*