

Department of Planning
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CONDITIONAL USE PERMIT APPLICATION INSTRUCTIONS

PURPOSE

A conditional use permit is required for land uses listed in the Chesapeake Zoning Ordinance as a "conditional use." Certain land uses in the Ordinance 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.

It is strongly recommended that the applicant(s) meet with the Planning Department's current planning staff and other reviewing departments prior to submitting a use permit application to review related Comprehensive Plan Policies, other City ordinances and policies and other issues that may be involved.

Applicants are strongly advised to discuss the proposed application with area civic associations, property owners and residents prior to submitting the application.

REVIEW PROCESS

The deadline for submitting a conditional 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 in accordance with §17-102 of the Chesapeake Zoning Ordinance. 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.

The filing fee is \$420.00. When applicable, the Environmental Site Assessment Phase I supplemental review fee is \$1,600.00. Should a Phase II be required, an additional review fee of \$2,300.00 shall be paid.

REVIEW PROCESS (continued)

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 Public Works, Public Utilities, Police, Schools, Economic Development, Libraries, Fire, Inspections, Zoning, Parks & Recreation, and Planning. If an environmental site assessment is required, said assessment will be forwarded to a city sponsored third-party consultant for review.

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 USE PERMIT APPLICATION signs. This posting must be in accordance with the instructions set out by the Planning Department. 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, analysis and staff recommendation into a staff report. The Planning Department will then forward a copy of the application and staff report to each Planning Commissioner. A copy of the staff report will be provided to the applicant. All staff reports are available for review in the Planning Department, Public Libraries, and on the City's website no later than the Monday prior to the scheduled Planning Commission Meeting.

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 Public Works 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.

ADJACENT PROPERTY OWNERS

Attach a listing of the 13 digit tax map number, 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.

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 the list on 8½" x 11" paper.

Include stamped (not metered) #10 envelopes (4 1/8" x 9½") 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.

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.

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.
3. 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.
4. 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.

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" and shall include a vicinity map.** *Please fold with the site plan facing out.* If a revision is submitted, please include the Planning Department's application number in the title block.

For home occupations, day care operations in existing buildings, and churches in existing buildings, site plan requirements may be modified; however, at a minimum, the preliminary site plan shall depict all areas to be included in the conditional use permit, existing and proposed buildings and structures, parking areas, landscaping areas, entrances, drive aisles and pickup areas.

As part of the preliminary site plan, provide necessary information to determine traffic impacts of the proposed development (i.e. square footage of the building(s), number of seats, number of employees, number of children in a day care, etc.) This information will be used by City staff to determine the associated improvements that will be required to ensure safe access and traffic flow for the proposed site, adjacent properties and public roadways.

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 zoning map, reduced to 8 ½" x 11" paper, **hatch or otherwise make distinguishable the subject property of this application from other properties** and show 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.
5. Three (3) copies of a landscape plan, reduced to 11" x 17" paper, identifying how the site and proposed uses will be screened from neighboring properties zoned for or containing less intensive uses. This information may be shown on the preliminary site plan.
6. Original plus one (1) copy of the tax map parcel on 8½" x 11" paper with the parcel(s) **hatched or otherwise made distinguishable from the other properties.** *This information may be obtained in the Real Estate Assessors Office or the Planning Department.*

ENVIRONMENTAL SITE ASSESSMENT

A *Phase I* environmental site assessment shall be required as part of the application for any rezoning, conditional use permit, preliminary site plan, final site plan or miscellaneous plan that involves 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. The *Phase I* environmental site assessment shall meet the criteria in the Chesapeake Public Facilities Manual. Where deemed necessary by the Director of Public Works or designee, the application shall also include a *Phase II* environmental site assessment prepared in accordance with the specifications in the Chesapeake Public Facilities Manual. The Phase I and Phase II reports shall contain recommendations to address any and all adverse environmental conditions of the property, including with limitation, contamination of the soil, surface water or groundwater.

The Public Works Director, or designee, and in cases where the real property is intended for school use, the Chesapeake School Board or designee, shall review all soil tests and environmental site assessments submitted as part of a rezoning application prior to presentation to the Planning Commission to determine the sufficiency of same based on relevant criteria such as the location, number and depth of soil borings and water samples taken.

Where adverse environmental conditions are known or discovered to exist, the applicant shall provide adequate written assurances to the City that such conditions shall be remediated, removed, or contained in a manner consistent with applicable state and federal regulations which govern remediation of the environmental condition. If no state or federal jurisdiction is invoked, the determination of sufficiency of remediation shall be made by the Department of Public Works. No certificate of occupancy shall be issued for a property that poses an environmental threat to the public health, safety or welfare until remediation is complete.

In any case where adverse environmental conditions are known or discovered to exist, the owner and applicant for the development shall provide adequate assurance to the City that such conditions will be disclosed to future owners. The disclosure shall be included in all sales contracts with builders and initial homeowners; in all deeds of conveyance as a covenant that runs with the land; in all restrictive covenants, homeowners' association documents and condominium instruments; on all final subdivision plats; and in all other similar recorded documents. The disclosure shall consist of a clear statement addressing, without limitation, contamination of soil, groundwater or surface water; presence of methane gas; former or existing landfills on or in the vicinity of the property; and any other condition that may have adverse impact on the public health, safety and welfare. As used herein, "vicinity" shall include parcels adjacent to the landfill site, parcels separated from the landfill site by only a street or water body, and parcels located downgradient of the landfill site.

The applicant shall bear responsibility for maintaining adequate records for review by potential buyers and future homeowners. Such records shall be preserved by recording Phase I and Phase II environmental site assessment summaries as attachment to deeds to builders and initial homebuyers, restrictive covenants, homeowners' association documents, condominium instruments and similar instruments of record.

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 Public Works 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.
20. If the development is a large retail establishment or is located within the Transportation Corridor Overlay District, or located within a Planned Unit Development, three (3) copies of **architectural elevations**, sign plans and lighting plans shall also be submitted with the site plan that includes a description of building materials and colors. The site plan, signage plan, lighting plan and elevations should be consistent with the "Design Guidelines for Large Retail Establishments" and/or Appendix "B" of the Transportation Corridor Overlay District Policy where applicable.