

Department of Planning  
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## **PLANNED UNIT DEVELOPMENT APPLICATION (CREATION OR MODIFICATION) INSTRUCTIONS**

### **PURPOSE**

An application for the creation/modification of a Planned Unit Development is required when a property owner proposes to rezone his or her property to Planned Unit Development or seeks to amend the language or requirements of a Master Development Plan for an existing Planned Unit Development. The establishment of Planned Unit Development (PUD) districts are for specialized purposes where tracts are in a suitable location, area and character for the uses and structures proposed to be planned and developed in a unified manner. Suitability of such tracts for the plans and development proposed for the PUD district shall be determined primarily by reference to the existing and prospective character of surrounding development and the City's Comprehensive Plan. Within PUD districts, regulations adapted to such unified planning and development are intended to accomplish the purposes of zoning and other applicable regulations to the same degree as in districts in which regulations are intended to control development on a lot-by-lot rather than unified basis. PUDs are further intended to promote the economical and efficient use of land, an improved level of amenities, appropriate and harmonious variety in physical development, creative design, and a better environment.

In view of the substantial public benefits of Planned Unit Developments, it is the intent of the Chesapeake Zoning Ordinance to promote and encourage development in this form where undeveloped parcels are in an appropriate location which lends them to an individual, planned approach.

## **PRE-APPLICATION STUDIES**

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

A pre-application conference is required. Prior to filing an application for the creation/modification of a Planned Unit Development, the applicant shall prepare a sketch plan showing the concept, character, and nature of the proposed development for review.

The sketch plan shall show the following information:

1. General location of residential and nonresidential land uses;
2. Categories of uses to be permitted;
3. Overall maximum density of residential uses and intensity of nonresidential uses;
4. General location of vehicular and pedestrian circulation systems;
5. General location and extent of public and private open space and community facilities;
6. General location of sewer, water, and drainage systems; and
7. Projected phasing of development.

The sketch plan shall be reviewed by the Planning Director, or the Director's designee, and other City Department heads, or their designees, as the Planning Director determines is appropriate. The Planning Director shall coordinate pre-application review of the proposed PUD. Upon completion of the sketch plan review, the Planning Director shall provide the applicant with comments with respect to the proposed PUD and shall also provide such recommendations as may inform and assist the applicant in preparing an application for approval of a PUD. Upon request by the Planning Director or the applicant, a pre-application conference may be required. No communications received by the applicant or the City in conjunction with review and comment on the sketch plan are binding on either the City or the applicant.

## **REVIEW PROCESS**

The processing of Applications for the Creation/Modification of a Planned Unit Development is the same as required for zoning amendments.

All applications for PUD Creation/Modification must be submitted to the Planning Department. The deadline for submitting a PUD 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 §11-601 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.

## REVIEW PROCESS (continued)

**The filing fee is \$370.00 plus \$20.00 per acre. 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.**

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 PUD'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 these other departments, the Planning Department will contact the applicant and inform him or her of the departmental comments. A revised 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.

The Planning Department will prepare a legal notice advertisement and sign(s) for posting. The notice will appear in the Virginian Pilot's Clipper section on the fourth and third Sundays 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 PUD CREATION/MODIFICATION 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 is responsible for all of the costs of providing the required notice of hearing. 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 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.

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The Planning Commission will hold a public hearing the second Wednesday of the month after the application has been deemed complete by the Planning Department. 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 with stipulated modifications, or deny 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.

If an amendment is granted, City Council, in its amending action, may approve the development concept plan in whole or in part or may indicate required changes, and such approval or requirements shall be binding in determinations concerning the final development plans.

The approval of a PUD amendment, and the approval of the accompanying Master Development Plan by City Council, shall constitute authority for the applicant to prepare a Preliminary Development Plan. The term "preliminary development plan" shall mean a preliminary site or subdivision plan. See preliminary site plan and/or subdivision plan application for a description of this process.

## 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.
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.**

## TITLE REPORT

A title report or title certification letter must be prepared and signed by an attorney licensed to practice law in the Commonwealth of Virginia, or status of title prepared by a title insurance company (or its agent) licensed to operate in Virginia, or a combination of both, as approved by the City Attorney. Such "title report" shall describe the property that is the subject of the application, identify all parties having a recorded interest in the property, including legal and equitable owners, and state the source of title or interest for each party. The title report or title certification letter shall state the date through which the title to the property was examined, which date shall not be more than six (6) months prior to the date that the application is filed.

## ADJACENT PROPERTY OWNERS

Attach a listing of 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 computer label format. If you are unable to utilize the form or computer format, please submit on 8½" x 11" paper.

Also include stamped (not metered) #10 envelopes (4 1/8" x 9½") with the name and mailing address of each property owner printed legibly.

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

## MASTER DEVELOPMENT PLAN

The Master Development Plan shall consist of a drawing and development criteria in narrative format. Thirty (30) copies of the Master Development Plan drawing and three (3) copies of the PUD Development Criteria are required. See Page 11 of the PUD Creation/Modification application for Master Development Plan required contents.

## MAP REQUIREMENTS

As part of this application, the following maps must be submitted. All maps shall have a north arrow:

1. Three (3) copies of a zoning map, on 8 ½" x 11" paper, 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. This map shall be provided **with the property subject to the application hatched or otherwise made distinguishable from the other properties.**
2. Three (3) copies of a map, 8½" x 11" paper, showing the actual dimensions of the subject property according to the recorded plat of such property, or, where a recorded plat within the chain of title is not available, a map showing the property's dimensions as described in the most recent conveyance of the property. This map shall contain the following:
  - a. All existing and proposed right-of-way widths of streets adjacent to the property, and all right-of-way widths identified in the City's Master Street and Highway Plan as running through the property.
  - b. For properties located wholly or partially within the Chesapeake Bay Preservation Area District, contour lines, showing at a minimum, the most recent contour mapping maintained by the City.
3. Three (3) copies of a vicinity map, on 8½" x 11" paper, showing the subject property, the name and configuration of:
  - a. All streets or roads which will carry vehicular traffic from the subject property towards neighboring jurisdictions or the nearest interstate highway.
  - b. All state and/or interstate highways.
  - c. All streets of collector size (60 feet in width) or greater.

## 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 Development and Permits 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 Development and Permits 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 Development and Permits. 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.