

ZONING RECLASSIFICATION

APPLICATION



JULY 2019

Stafford County Department of Planning & Zoning

1300 Courthouse Road
P.O. Box 339
Stafford, VA 22555-0339

Phone: 540-658-8668

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www.staffordcountyva.gov

NOTICE

Stafford County treats all applications and applicants equally. The County does not discriminate against religion, or on the basis of race, sex, age, national origin, or disability, in its planning, permitting, utilities, and land use processes.

Under the laws of the United States and the Commonwealth of Virginia, no government may discriminate against any religion or on the basis of race, sex, age, national origin, or disability, in its planning, permitting, utilities, and land use processes.

Under the Religious Land Use and Institutionalized Persons Act (“RLUIPA”), no government may apply its zoning or land use laws, or its policies and procedures in a manner that unjustifiably imposes a substantial burden on the religious exercise of a person, assembly, or institution.

RLUIPA also provides that no government may apply its zoning or land use laws in a manner that treats a religious assembly or institution on unequal terms with a non-religious institution or assembly.

Finally, RLUIPA provides that no government may impose or implement a land use regulation in a manner that discriminates against a religious assembly or institution.

Stafford County does not discriminate in its planning, permitting, utilities, and land use processes, practices, and policies. Stafford County treats all applications and applicants equally.

OBJECTION/CONSENT FORM FOR PROPOSED CEMETERIES
(Per Virginia Code § 57-26)

I, _____, am the owner of legal and equitable title of a residence with an address of: _____

_____. I believe my house is located within 250 yard or 250 feet, as applicable and as set out in Va.

Code § 57-26, of the nearest point of a cemetery that is proposed to be established at: _____

_____ in the _____ Election District of Stafford County.

Pursuant to Va. Code § 57-26 (attached), which requires in part that a cemetery shall not be established without the consent of a property owner who resides within a certain distance of the proposed cemetery, I hereby _____ (write “object” or “consent”) to the establishment of the above cemetery.

I certify that the above information is true and correct.¹

Signature	Print Name
Date	Contact Information (telephone/email)

COMMONWEALTH OF VIRGINIA
County of Stafford, to-wit:

I, the undersigned Notary Public, certify that _____, whose name is signed to the foregoing form, appeared and acknowledged the same before me this ____ day of _____, 20____.

Notary Public

My Commission expires: _____
Notary Registration No.: _____

¹ This form is valid for two (2) years. I understand that I may be contacted by the County to update this form.

Virginia Code § 57-26 (in pertinent part). Restrictions as to location of cemeteries and as to quantity of land.

(1) Restrictions as to location. -- No cemetery shall be hereafter established within a county or the corporate limits of any city or town, unless authorized by appropriate ordinance subject to any zoning ordinance duly adopted by the governing body of such county, city or town; provided that authorization by county ordinance shall not be required for interment of the dead in any churchyard or for interment of members of a family on private property; nor shall any cemetery be established within 250 yards of any residence without the consent of the owner of the legal and equitable title of the residence; provided that subject to the foregoing if the location for the proposed cemetery is separated from any residence by a state highway, it may be established upon such location without the consent of the owner of such residence if it be not less than 250' from the residence at its nearest point thereto; provided such prohibition and restriction shall not apply where the tract of land intended for use as a cemetery is separated from any residence by a state highway and now contains a public or private burial ground and is not within the corporate limits of any city or town; and no cemetery shall be hereafter established, and no burial made in any part of any cemetery, other than a municipal or city cemetery, located within 300 yards of any property owned by any city, town or water company, upon which or a portion of which are now located driven wells from which water is pumped or drawn from the ground in connection with the public water supply.

FOR DEPARTMENT OF PLANNING & ZONING STAFF USE ONLY

Received by: _____ **Date:** _____

VERIFICATION

Tax Map Parcel No: _____

Distance of residence from proposed cemetery: _____

Information verified by _____ **Date:** _____

NOTICE

Owner notified of verification by: _____ **Date:** _____

Cemetery applicant notified by: _____ **Date:** _____

Reclassification Application Instructions

1. It is recommended that a preliminary conference should be held with the staff to discuss the application before it is filed.
2. Resolution R16-170 is the policy for the filing of rezoning and proffer amendment applications with Stafford County and is provided in the Appendix of this application. Resolution 19-188 is the policy for processing rezoning and proffer amendment applications with Stafford County and is provided in the Appendix of this application.
3. The application process takes approximately 6 to 9 months from time of submittal to a final decision. The following are the steps involved in the processing of an application:
 - The application is filed. Note that the application can be filed at any time during the month.
 - The application is reviewed by staff for completeness to be deemed to be filed. The department director will provide a written notice to the applicant identifying the date the application is deemed to be filed.
 - If the application is filed by the third Friday of the month, it will be reviewed during the following month.
 - The application is scheduled for the staff Development Review Meeting on the first Wednesday of the following month.
 - Staff provides review comments by the end of the same month.
 - Applicant resubmits application materials in response to staff comments.
 - Staff reviews revised application materials. The length of time for review is dependent on the number of outstanding issues.
 - Once the issues are addressed, the case is scheduled for the next available Planning Commission public hearing. Approximately 1 month is needed to meet public notification requirements.
 - Following the Planning Commission public hearing, the Planning Commission has up to 100 days to make a decision.
 - Following the Planning Commission decision, the case is scheduled for a public hearing with the Board of Supervisors. The Chairman of the Board typically schedules the case, one month after the Planning Commission decision for required public notice.
 - Following the public hearing, the Board of Supervisors must decide to approve or deny the request no later than one year from the date the application is filed, unless extended at the Applicant's written request or consent.
4. Additional information regarding proffers is provided in the Appendix of this application.
5. Pursuant to R19-188, any pending application exceeding 18 months from the date of filing a complete application shall be administratively closed unless a time extension was requested in writing by the applicant and granted by the Board.

Application Submittal Checklist

- Completed “**Objections/Consent Form for Proposed Cemeteries**” (if applicable; for all property owners pursuant to Virginia Code § 57-26) (Page 3 – 4)
- Completed “**Project Information & Primary Contacts**” form (Page 8)
- Signed “**Statements of Understanding**” from the owner(s) and applicant (Page 9)
- Signed and Notarized **Owner’s Consent Statement** (if applicant/agent is not the owner)
- Completed “**General Information**” sheet (Page 10)
- Completed “**Review Fee Calculation**” sheet and appropriate fees payable to “County of Stafford” and “Virginia Department of Transportation” (if applicable) (Pages 11 – 13)
- Completed “**List of Adjoining Property Owners**” (Pages 14 & 15)
- Completed “**Application Affidavit**” (Pages 16 – 19)
- Completed “**Checklist for Generalized Development Plans**” (Pages 21 & 22)
- Completed “**Transportation Impact Analysis Determination Form**” (Page 23)
- Proof that **Real Estate Taxes** have been paid
- Complete **Legal Description** of the area to be reclassified (Acreage must match Boundary Survey Plat)
- Completed **Impact Statements** (See “**Checklist for Impact Statements**” (Page 20)
- Completed **Transportation Impact Analysis (TIA)**, if required (Five (5) paper copies with electronic copies or ftp site) (See “**VDOT Rezoning Package Checklist**”, Page 25)

PLATS AND PLANS

- Boundary Survey Plat** of area subject to rezoning (with 3 copies at 8½” x 11” size) (Acreage must match Legal Description)
- Generalized Development Plan** (12 full-size copies at 24”x 36” size)
 - * See “**Checklist for Generalized Development Plans**” (Pages 21 & 22)

Applications for reclassification to the P-TND zoning district shall also include:

- Twenty (20) copies of the Regulating Plan
- Twenty (20) copies of the Neighborhood Design Standards

PROFFER STATEMENT – OPTIONAL

- Proffer Statement** (It is preferred for the proffer statement to be properly executed upon initial submittal, or as soon thereafter as possible. Prior to advertisement of any public hearing, the latest version of the proffer statement must be properly executed – see Notice to Applicants Regarding Proffers – Pages 26 & 27)

If Proffer Statement is for new residential developments and residential components of mixed-use properties:

- Completed **Election of Code Provisions for Residential Proffers Worksheet** (Page 28)

PROFFER REASONABLENESS ANALYSIS

- Proffer Reasonableness Analysis**

Note: if electing to proceed under legislation requiring an evaluation of reasonableness, the Proffer Reasonableness Analysis is required. See Table on Page 28.

RECEIVED	OFFICIALLY SUBMITTED
DATE: _____ INITIALS _____	DATE: _____ INITIALS _____

Other Optional Application Materials

Although not required, the following additional materials are requested to be included with the initial application submission, if available. These items are often requested during the review process. Providing the information in advance can assist in accelerating the review:

1. Site Illustrations or Building Elevations
2. Electronic Version of generalized development plans, boundary survey, and any illustrations (a pdf on a CD, DVD, sent via email, or through ftp site is acceptable)
3. Additional Fiscal Impact Information for Commercial Rezoning, including:
 - a) Direct jobs expected to be created from the rezoning (years 1-5)
 - b) Estimated average wage
 - c) North American Industry Classification System (NAICS) business sector code
 - d) Projected investment in real property - broken down by land and building (years 1-5)
 - e) Projected investment in machinery & tools/equipment (years 1-5)
 - f) Projected investment in business tangible personal property (years 1-5)
 - g) Other revenues projected such as Sales, Meals, Lodging Taxes (years 1-5)

Project Information & Primary Contacts

<u>PROJECT INFORMATION</u>	<u>PROJECT #</u> _____
_____	_____
PROJECT NAME	SECTION
_____	_____
ADDRESS (IF AVAILABLE)	TOTAL SITE ACREAGE
_____	_____
TAX MAP / PARCEL(S)	ZONING DISTRICT
_____	_____
LOCATION OF PROJECT	_____

<u>APPLICANT/AGENT</u> (Provide attachment if Applicant and Agent differ)	Primary Contact Person <input type="checkbox"/>		
_____	_____		
NAME	COMPANY		
_____	_____		
ADDRESS	CITY	STATE	ZIP
_____	_____	_____	_____
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS	
_____	_____	_____	

<u>OWNER</u> (Provide attachments if multiple owners)	Primary Contact Person <input type="checkbox"/>		
_____	_____		
NAME	COMPANY		
_____	_____		
ADDRESS	CITY	STATE	ZIP
_____	_____	_____	_____
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS	
_____	_____	_____	

<u>PROFESSIONAL</u> (Engineer, Surveyor, etc.)	Primary Contact Person <input type="checkbox"/>		
_____	_____		
NAME	COMPANY		
_____	_____		
ADDRESS	CITY	STATE	ZIP
_____	_____	_____	_____
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS	
_____	_____	_____	

Statements of Understanding

I, as owner/co-owner of the property subject to this application, do hereby certify that I have read and understand the requirements for the submission of a reclassification as outlined in this application and as provided under the Stafford County Code, and further, that this submittal is in compliance with the requirements of this application and applicable provisions of the Stafford County Zoning Ordinance, Chapter 28 of the Stafford County Code.

Signature of Owner/Co Owner	Printed Name	Date
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Signature of Owner/Co Owner	Printed Name	Date
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Signature of Owner/Co Owner	Printed Name	Date
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I, as applicant or agent for the owner(s) of the property subject to this application, do hereby certify that I have read and understand the requirements for the submission of a reclassification as outlined in this application and as provided under the Stafford County Code, and further, that this submittal is in compliance with the requirements of this application and applicable provisions of the Stafford County Zoning Ordinance, Chapter 28 of the Stafford County Code.

Signature of Applicant/Agent	Printed Name	Date
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* Additional sheets may be used, if necessary.

General Information

Clearly indicate all information that applies to this project:

DETAILED DESCRIPTION OF PROJECT

INFORMATION FOR FEE CALCULATIONS

_____ # of Acres

Type of Rezoning:

- Standard Rezoning
- Planned Development
- Proffer Amendment (Previous Ordinance # _____ Date of Ordinance _____)
- Minor Proffer Amendment
- Minor Proffer Amendment (when submitted simultaneously with Minor Conditional Use Permit Application)

INFORMATIONAL

Previous Ordinance # _____

Previous Resolution # _____

of Lots (if rezoning to residential) _____

Original Zoning _____

Proposed Zoning _____

Proposed Use(s) _____

Review Fee Calculations

STAFFORD COUNTY FEES:

The County review fee calculations are divided into four sections. Each section is based on a different type of reclassification. Determine the application fee by filling out the one section that applies.

Section I. Standard Rezoning:

- A. Base Fee: (Required - Enter the dollar amount that applies)
 - If less than 5.0 acres \$4,375.00
 - If 5.0 acres or greater\$12,500.00..... \$ _____
- B. General Fee: (If greater than 5 acres)
 - (_____ Acres - 5) X \$125 \$ _____
- C. Fire & Rescue Review Fee (required)..... \$ 125.00
- D. Utilities Department Review Fee (required)..... \$ 215.00
- E. Public Works Review Fee (required)..... \$ 200.00
- F. Traffic Impact Analysis Review Fee: (If TIA required)
 - Volume <1,000 VPD\$200.00
 - Volume >1,000 VPD\$400.00..... \$ _____
- G. Adjacent Property Notification (required):
 - (_____ Adjacent properties) X \$6.48 \$ _____
- Sub-total** (Add appropriate amounts from lines A thru G above)..... \$ _____
- H. Technology Fee (sub-total x 2.75% or 0.0275)..... \$ _____
- TOTAL (Sub-total + H. Technology Fee)**..... \$ _____

Section II. Planned Development:

(For requests to the PD-1, PD-2, or P-TND zoning districts)

A. Base Fee	\$ <u>15,000.00</u>
B. General Fee:	
(_____Acres – 75) X \$25	\$ _____
C. Fire & Rescue Review Fee (required)	\$ <u>125.00</u>
D. Utilities Department Review Fee (required)	\$ <u>215.00</u>
E. Public Works Review Fee (required).....	\$ <u>200.00</u>
F. Traffic Impact Analysis Review Fee: (If TIA required)	
Volume <1,000 VPD	\$200.00
Volume >1,000 VPD	\$400.00
G. Adjacent Property Notification (required):	
(_____Adjacent properties) X \$6.48	\$ _____
Sub-total (Add lines A through G)	\$ _____
H. Technology Fee (sub-total x 2.75% or 0.0275).....	\$ _____
TOTAL (Sub-total + H. Technology Fee).....	\$ _____

Section III. Proffer Amendment:

A. General Fee:	
\$10,000 + If Acres>5 ((Acres – 5) X \$25)	\$ _____
B. If Planned Development:	
\$10,000 + ((_____ Acres – 75) X \$25)	\$ _____
C. Adjacent Property Notification (required):	
(_____Adjacent properties) X \$6.48	\$ _____
Sub-total (Add lines A and C) or	
(Add lines B and C)	\$ _____
D. Technology Fee (sub-total x 2.75% or 0.0275).....	\$ _____
TOTAL (Sub-total + D. Technology Fee).....	\$ _____

Section IV. Minor Proffer Amendment:

A. General Fee:	\$ <u>6,190.00</u>
B. Adjacent Property Notification (required): (_____Adjacent properties) X \$6.48	\$ _____
Sub-total (Add lines A and B)	\$ _____
C. Technology Fee (sub-total x 2.75% or 0.0275).....	\$ _____
TOTAL (Sub-total + C. Technology Fee).....	\$ _____

Section V. Minor Proffer Amendment (when submitted simultaneously with minor Conditional Use Permit Application):

A. General Fee:	\$ <u>3,095.00</u>
B. Adjacent Property Notification (required): (_____Adjacent properties) X \$6.48	\$ _____
Sub-total (Add lines A and B)	\$ _____
C. Technology Fee (sub-total x 2.75% or 0.0275).....	\$ _____
TOTAL (Sub-total + C. Technology Fee).....	\$ _____

Sections I, II, III, IV and V: MAKE CHECK PAYABLE TO "STAFFORD COUNTY".

- If an application is withdrawn prior to the first public hearing, fifty (50) percent of the amount of the application fee may be refunded to the applicant.
- If an application is withdrawn after the first public hearing, the application fee is non-refundable.

VIRGINIA DEPARTMENT OF TRANSPORTATION FEES:

Transportation Impact Analysis Fee:

(For applications that meet VDOT Traffic Impact Analysis thresholds)

A. Subject to low volume road criteria (see 24 VAC 30-155-40 A 3)	\$ <u>250.00</u>
B. All other submissions	\$ <u>1000.00</u>

MAKE CHECK PAYABLE TO "VIRGINIA DEPARTMENT OF TRANSPORTATION"

For a third or subsequent submission of a rezoning proposal that is requested by VDOT on the basis of the failure of the applicant to address deficiencies previously identified by VDOT, the fee is equal to the initial fee paid. (per 24 VAC 30-155, §15.2-2222.1 of the Code of Virginia)

List of Adjoining Property Owners

The applicant is required to provide a list of the owners as shown on the current real estate tax assessment books of all abutting properties and properties immediately across the street or road from the property to be rezoned or issued a Conditional Use Permit. If the application requests a rezoning of only a portion of the parcel or a Conditional Use Permit on only a portion of the parcel, the entire parcel must be the basis for the below listing.

Provide additional pages if needed.

_____	_____	
TAX MAP / PARCEL	NAME	

MAILING ADDRESS		

CITY	STATE	ZIP

_____	_____	
TAX MAP / PARCEL	NAME	

MAILING ADDRESS		

CITY	STATE	ZIP

_____	_____	
TAX MAP / PARCEL	NAME	

MAILING ADDRESS		

CITY	STATE	ZIP

_____	_____	
TAX MAP / PARCEL	NAME	

MAILING ADDRESS		

CITY	STATE	ZIP

_____	_____	
TAX MAP / PARCEL	NAME	

MAILING ADDRESS		

CITY	STATE	ZIP

_____	_____	
TAX MAP / PARCEL	NAME	

MAILING ADDRESS		

CITY	STATE	ZIP

_____	_____	
TAX MAP / PARCEL	NAME	

MAILING ADDRESS		

CITY	STATE	ZIP

Application Affidavit

This form to be filed with:

**STAFFORD COUNTY
BOARD OF SUPERVISORS

1300 COURTHOUSE ROAD
STAFFORD, VIRGINIA 22555**

Internal Use Only
Project Name: _____
A/P #: _____
Date: _____

All applicants for a special exception, a special use permit, conditional use permit, amendment to the zoning ordinance or variance shall make complete disclosure of the equitable ownership of the real estate involved in the application, including in the case of corporate ownership, limited liability company ownership or similar business ownership, the name of stockholders, officers, managing partners, general partners, owners and members, and in any case the names and addresses of all of the real parties in interest. The requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. In the event the ownership of the involved real estate changes in any respect during the time the application is pending, the applicant shall make complete disclosure of the new equitable ownership of the real estate involved in the application as required herein. If the applicant is a contract purchaser, the ownership information required herein shall be provided for the contract purchaser in addition to the owner of the real estate involved in the application. This section applies to applications before the board of supervisors, planning commission and board of zoning appeals.

See Section 15.2-2289 for State Enabling Authority

1. Applicant information

Name of Applicant _____
Name of Company _____

Applicant Address _____

Applicant's Signature _____

Name of Agent _____

Address of Agent _____

2. Type of Application

- | | |
|--|---|
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Special Exception |

Application Affidavit

Page 2

Applicant: _____

Project Name: _____
A/P #: _____
Date: _____

3. Property Information

Assessor's Parcel(s) _____

Address _____

4. Unless the equitable ownership is a corporation, limited liability company or similar business ownership, list all equitable owners of the property.

<u>Name of owners</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

5. If the equitable ownership of the property is a corporation, limited liability company or similar business ownership, list all officers, managing partners, general partners, share holders, owners and members. This provision shall not apply if the corporation is listed on a national or local stock exchange and has more than 500 share holders.

<u>Name of Members</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

6. Unless the applicant is a contract purchaser and is a corporation, limited liability company or similar business ownership, list all individuals involved with the purchase of the property.

<u>Name of Members</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Application Affidavit

Page 3

Applicant: _____

Project Name: _____ A/P #: _____ Date: _____
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7. If the applicant is a contract purchaser and is a corporation, limited liability company or similar business ownership, list all officers, managing partners, general partners, share holders, owners and members. This provision shall not apply if the corporation is listed on a national or local stock exchange and has more than 500 share holders

Name of Members

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

8. Have all individuals listed on this affidavit been notified of the purpose of the application?

Yes No

9. If #8 is No, list all individuals who have not been notified about this application plus submit the cost required for the Department of Planning and Zoning or Code Administration to send certified letters notifying those listed below of this application prior to the public hearing.

<u>Name</u>	<u>Address, including zip code, no P.O. Box please</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Number of owners to be notified: _____ X
 Cost for certified letters \$ _____ (cost as of the day of submittal)
 Total due: \$ _____ (Make checks payable to County of Stafford)

Please submit a check in the amount due with this application to cover the cost of serving the individuals listed in this section.

Application Affidavit

Page 4

Applicant: _____

Project Name: _____ A/P #: _____ Date: _____
--

10. Affirmation & Witness

I hereby make oath or affirmation that the contents of this affidavit are true and correct to the best of my knowledge, information and belief. In the event the ownership of the involved real estate changes during the time the application is pending, I shall make complete disclosure of the new equitable ownership of the real estate involved in the application as required herein.

Printed name of Signer _____

Corporate Office of Signer _____

Signature _____

Date _____

COMMONWEALTH OF VIRGINIA
COUNTY OF STAFFORD, to wit:

The forgoing affidavit was acknowledged before me this _____ day of _____,
_____ by _____ owner/applicant.

My commission expires: _____

Notary Public

Checklist for Impact Statements

Impact statements are required for rezoning requests which meet at least one of the following criteria:

- a. would allow for a use(s) that could generate more than 500 average daily vehicle trips;
- b. would have a gross density of more than seven (7) dwelling units per acre;
- c. would have more than fifty (50) dwelling units;
- d. would be greater than fifty (50) acres in size;
- e. propose a commercial rezoning adjacent to residentially zoned property.

Impact Statements must address the following:

- a. current capacity of and anticipated demands on highways, utilities, storm drainage, schools and recreational facilities;
- b. fiscal impact: potential tax revenues and anticipated cost to County services;
- c. environmental impact;
- d. impact on adjacent property;
- e. location and proximity to designated and identified historic sites.

** These studies shall describe the differences which would result from maximum, ultimate development of the land under the proposed zoning classification as compared to maximum development under the existing zoning classification.

Transportation Impact Analysis

A Transportation Impact Analysis Determination Form (provided on page 18) must be submitted to determine if a Transportation Impact Analysis is required. A Transportation Impact Analysis (TIA) may be required by the County or VDOT depending on the amount of traffic generated by the proposed development. The thresholds are provided on the determination form.

Checklist for Generalized Development Plans (GDP)

In accordance with Section 28-224 of the Stafford County Code, when a GDP involves engineering, architecture, urban land use planning or design, landscape architecture, or surveying, such work shall be performed by persons qualified and authorized to perform such professional work, in accordance with applicable provisions of the Code of Virginia.

The following items must be shown on a GDP:

N/A COMPLETE

- | | | |
|--|--|---|
| <input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/> | <input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/> | <p>Sec 28-225(1)
 Date of drawing,
 true north arrow,
 scale,
 legend for all symbols used,
 name of the applicant,
 name of the owner,
 name of the development,
 person preparing the drawing,
 match lines if applicable;</p> <p>Sec 28-225(2)
 Boundaries of the area covered by the application,
 vicinity map showing the general location of the proposed development,
 major roads and existing subdivisions at a scale of one inch equals two
 thousand (2,000) feet;</p> <p>Sec 28-225(3)
 Approximate locations and identification of any easements and rights-of-
 way on or abutting the site;</p> <p>Sec 28-225(4)
 Approximate location of each existing and proposed structure on the site
 the number of stories,
 height,
 roof line,
 gross floor areas and
 location of building entrances and exits;</p> <p>Sec 28-225(5)
 Identification and location of uses and structures on all abutting
 properties;</p> <p>Sec 28-225(6)
 Approximate location of all existing and proposed parking and loading
 areas,
 outdoor trash storage,
 lighting facilities, and
 pedestrian walkways;</p> |
|--|--|---|

Checklist for Generalized Development Plans (continued)

N/A COMPLETE

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Sec 28-225(7)
Approximate location, height and type of each existing and proposed wall, fence, and other types of screening; |
| <input type="checkbox"/> | <input type="checkbox"/> | Sec 28-225(8)
Approximate location and description of all proposed landscaping; |
| <input type="checkbox"/> | <input type="checkbox"/> | Sec 28-225(9)
Approximate location, height and dimensions of all proposed signage on site; |
| <input type="checkbox"/> | <input type="checkbox"/> | Sec 28-225(10)
Approximate location of all existing drainage ways, floodplains and wetlands on site; |
| <input type="checkbox"/> | <input type="checkbox"/> | Sec 28-225(11)
Approximate location of all common open space, recreational areas and bufferyards; |
| <input type="checkbox"/> | <input type="checkbox"/> | Sec 28-225(12)
Where the site abuts any tidal water body or impoundments, the approximate high water line, low water line, top of bank and toe of slope; |
| <input type="checkbox"/> | <input type="checkbox"/> | Sec 28-225(13)
Approximate location and identification of all significant natural or noteworthy features including, but not limited to, historic and archeological sites, cemeteries, existing trees with a trunk diameter greater than six (6) inches DBH. |

Waiver of GDP Requirements

In accordance with Section 28-223 of the Stafford County Code, the Director of Planning and Zoning may waive the requirement for the submission of a GDP or one of the above required components if the application meets one of the following standards:

- (1) There will be less than two thousand five hundred (2,500) square feet of total land disturbance on lots or parcels of less than ten thousand (10,000) square feet.
- (2) For single-family dwellings intended for the occupancy of the applicant and where there will be less than five thousand (5,000) square feet of land disturbance.
- (3) For specific items of information when, in the opinion of the director of planning, their application to the subject property does not serve the purpose and intent of this article.

A request for a waiver shall be made in writing to the Director of Planning and Zoning identifying the sections in which you are requesting a waiver and the reason for the request.

**RECLASSIFICATION
TRANSPORTATION IMPACT
ANALYSIS DETERMINATION**

Name of development _____
Type of development _____
Parcel # _____

RECEIVED BUT NOT OFFICIALLY SUBMITTED: DATE: _____ INITIALS _____ OFFICIALLY SUBMITTED: DATE: _____ INITIALS _____
--

Traffic Volume Calculations

This site generates:

- _____ VPH (highest VPH)
- _____ VPD on state controlled highways (highest)
- _____ VPH Peak AM
- _____ VPH Peak PM
- _____ VPH Peak Saturday
- _____ VPD highest intensity*

Attach a page showing the calculations and the ITE trip generation codes to this form.

Minimum Thresholds to submit a TIA

County: Any proposals generating 1,000 or more VPD.
VDOT: See "VDOT Traffic Impact Analysis Requirements" table on next page.

Trip Generation Calculation Guidelines

- Traffic volumes shall be based on the rates or equations published in the latest edition of the Institute of Transportation Engineers Trip Generation.
- If a site has multiple entrances to highways, volumes on all entrances shall be combined for the purposes of this determination.
- If the site does not have direct access to a state maintained road, the site's connection is where the site connects to the state highway system.
- Traffic volumes shall NOT be reduced through internal capture rates, pass by rates, or any other reduction methods.
- For redevelopment sites only: when the existing use is to be redeveloped as a higher intensity use, trips currently generated by the existing development that will be removed may be deducted from the total trips that will be generated by the proposed land use.
- When rezoning, use the highest possible traffic generating use unless development is limited by proffer to less than the possible highest traffic generation.

For development proposals that generate 1,000 or more vehicle trips per peak hour the applicant shall request a scope of work meeting with VDOT and Stafford County Office of Transportation to discuss the required elements of a traffic impact analysis.

*The highest intensity use is the highest possible use allowable under the zoning requirements for the entire property should it be developed to its fullest extent possible under the current building guidelines. The trip generation for the highest intensity use shall be analyzed in the study. The only exception is if proffers limit the area and type of uses.

VDOT Traffic Impact Analysis Requirements

Process		Threshold	Review Process*	Fee**
Comprehensive Plan and Plan Amendments (including small area plans)		5,000 VPD on state-controlled highways, or Major change to infrastructure / transportation facilities	Application submitted to VDOT for review and comment VDOT may request a meeting with the locality within 30 days Review to be completed in 90 days or later if mutually agreed	\$1000 covers first and second review. No fee if initiated by locality or public agency. No fee for citizens' organization or neighborhood association proposing plan amendments.
Rezoning	Residential Low Volume Road Submission	400 VPD AND exceeds the current traffic volume on a state controlled highway	VDOT or local TIA (certified by VDOT) and Application submitted to VDOT for review and comment VDOT may request a meeting with the locality & applicant within 45 days Review to be completed in 120 days if VDOT requests a meeting Otherwise review to be completed in 45 days	For first and second review: \$250 - Low Volume Rd \$1000 – All other submissions
	All Other Land Uses including residential	5,000 VPD on state controlled highways, or 5,000 VPD on locality maintained streets AND within 3000 feet of a state controlled highway	NOTE: When a related comprehensive plan revision and rezoning proposal are being considered concurrently for the same geographical area, then only a rezoning TIA package is required.	No fee if initiated by locality or public agency No fee if using a VDOT TIA prepared for a small area plan

* For proposals generating less than 1000VPH the locality and/or applicant may request a Scope of Work Meeting with VDOT. For proposals generating 1000 VPH or more the locality and/or applicant shall hold a Scope of Work Meeting with VDOT.

** Third or subsequent submissions require additional fee as though they were an initial submission.

VDOT Rezoning Package Checklist*

Traffic Impact Analysis Regulations: 24VAC30-155-40.B

- A COVER SHEET** containing:
 - Contact Information** for the
 - Locality,
Stafford County Office of Transportation
P.O. Box 339
Stafford, VA 22555-0339
540-658-4900
 - Developer (or owner), if applicable;
- Site Information**
 - Rezoning location,
 - Highways adjacent to the site,
 - Parcel number or numbers;
- Proposal Summary** with the
 - Development's name,
 - Size (acreage),
 - Proposed zoning;
 - Proposed types of land uses, including maximum number of lots or maximum business square feet, and
- A Statement** regarding the proposal's compliance with the comprehensive plan.
- A LOCAL TRAFFIC IMPACT ANALYSIS OR, IF LOCAL REQUIREMENTS FOR TRAFFIC STUDIES HAVE NOT BEEN CERTIFIED BY VDOT, A VDOT TRAFFIC IMPACT STATEMENT.**
- A CONCEPT PLAN** of the proposed development.
- ANY PROFFERED CONDITIONS** submitted by the applicant.
- FEES** -
 - For a locality or other public agency initiated proposal** – No fee charged.
 - For the initial or second review** of a rezoning proposal, a single fee for both reviews will be determined by the number of vehicle trips generated per peak hour, as follows:
 - Low Volume Road** (24VAC30-155-40 A 1 c). - \$250
 - All other submissions** - \$1,000
 - For a third or subsequent submission** of a rezoning proposal that is requested by VDOT on the basis of the failure of the applicant to address deficiencies previously identified by VDOT, the fee is equal to the initial fee paid.

* One paper copy and one electronic copy to be submitted.

This checklist is available on the [VDOT Traffic Impact Analysis Regulations website](#) in a MS Word editable format.

NOTICE TO APPLICANTS REGARDING PROFFERS

Background

Proffers may be provided by an applicant in order to offset the impacts of development. They are voluntary conditions that run with the zoning of the property. Proffers may restrict the use of the property, accommodate specified public improvements, or provide monetary contributions to offset impacts of the proposed development. Proffers must be signed by the applicant, notarized, and submitted to the County in final form before the Board of Supervisors' public hearing on the zoning reclassification application. You are not required to submit proffers as part of your zoning reclassification application.

Staff Review

Proffers (if submitted) will be reviewed and approved to form by the County Attorney and the Zoning Administrator. Additionally, all affected County Departments shall comment on the proposed proffer prior to the publication of any staff report. Planning staff will be responsible for coordinating review comments and scheduling public hearing dates. The timeline for public hearings included in the application is for informational purposes only. Staff will recommend that the Board of Supervisors reject any final proffers that have not been approved to form.

Notice to Applicants Regarding Residential Proffer Submissions

The General Assembly passed a law, effective July 1, 2016, which applies to proffers relating to new residential developments and residential components of mixed-use properties. Such law was amended again in 2019, effective July 1, 2019. The law, Virginia Code § 15.2-2303.4 as currently stated (the "Statute"), makes it unlawful for a locality to require an "unreasonable proffer." In order to ensure compliance with the Statute, unless proffers are deemed reasonable by the applicant and owner as described below, certain applications must include an analysis showing how each proffer made complies with the Statute's requirements. Refer to the Election of Proffer Legislation for Residential Development Worksheet on page 28 to determine if a Proffer Reasonableness Analysis is required with your application. Guidance for preparing a Proffer Reasonableness Analysis is provided below.

Proffer Reasonableness Analysis

A Proffer Reasonableness Analysis must include individual analysis for each proffer (on-site and off-site, as those terms are defined in the Statute) showing how it addresses an impact which is specifically attributable to the proposed new residential development or use. You must include an additional individual analysis for each off-site proffer showing:

- 1) The proffer addresses an impact to at least one offsite public facility.

- 2) That the proffer addresses a need, or an identifiable portion of a need, for a listed public facility or facilities, in excess of existing public facility capacity at the time of the rezoning or proffer condition amendment.
- 3) That the new residential development or use will receive a direct and material benefit from the proffer, with respect to any stated public facility improvement(s).

Your analysis for each proffer should clearly and separately address each of the above requirements.

Unreasonable Proffers

If you ever believe that a County official has required that you make an unreasonable proffer, as that term is defined in the Statute, you shall immediately notify the County's Director of Planning and Zoning and in any event, at least prior to when such application is considered and/or decided by the Board. In the event such a requirement is made, the County will not consider the unreasonable proffer when processing the zoning reclassification application.

Applicants should be aware that any and all project impacts can serve as a basis for denial, even though not all impacts can be mitigated by proffers under the Statute. Applicants must rely on the thoroughness of their written analysis to show how any proffers being made mitigate impacts, and to what extent. Some proffers may be deemed unreasonable and therefore unlawful because they overstate an impact, or understate available capacity at a public facility. The County may reject a proffer for being unreasonable, but it will not suggest or request that a substitute proffer be made, even if there is a substitute proffer which may be permissible under the Statute. This is due to the possibility that an unreasonable proffer could be accidentally suggested, requested, or accepted in violation of the law. It is incumbent on applicants to put forth the best possible application throughout the process.

Notwithstanding the above, the applicant or owner may, at the time of filing an application or during the development review process, submit any onsite or offsite proffer that the owner and applicant deem reasonable and appropriate, as conclusively evidenced by the signed proffers.

Election of Code Provisions for Residential Proffers Worksheet

The Code of Virginia establishes standards that localities must follow when considering conditional rezoning proffers. The legislation and accompanying standards have changed over the past several years. What standards apply is dependent on when an application is submitted. In addition, in certain instances, an applicant can elect to choose which standards to apply.

If you are submitting a proffer statement for residential developments or residential components of mixed-use properties, please complete the following form to determine which Virginia Code legislation you are electing to have applied to your project. This form also will determine if a Proffer Reasonableness Analysis is required or optional.

<p>STEP 1: Identify what type of application is being submitted (check box that applies)</p>	<p>STEP 2: From the corresponding row selected in STEP 1, select the version of the state code from which you elect to have the proffers associated with this application evaluated.</p>			
	Pre – July 1, 2016 Law	July 1, 2016 to July 1, 2019 Law	Post July 1, 2019 Law § 15.2-2303.4 <u>Part C</u>	Post July 1, 2019 Law § 15.2-2303.4 <u>Part D</u>
<input type="checkbox"/> Pending Rezoning or Proffer Amendment applications submitted prior to July 1, 2016	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Pending Rezoning or Proffer Amendment applications submitted between July 1, 2016 and July 1, 2019 <input type="checkbox"/> New Proffer Amendment application amending a Rezoning which was filed between July 1, 2016 and July 1 2019		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> New Rezoning applications submitted after July 1, 2019 <input type="checkbox"/> New Proffer Amendment applications submitted after July 1, 2019 amending a Rezoning which was filed after July 1, 2019			<input type="checkbox"/>	<input type="checkbox"/>
<p>STEP 3: Corresponding Requirements based on STEP 2</p>		Proffer Reasonableness Analysis (PRA) REQUIRED	PRA REQUIRED	PRA OPTIONAL

APPENDIX

**Policy for filing Zoning Reclassification and Proffer Condition
Amendment Applications (Resolution R16-170)**

**Policy for processing Zoning Reclassification and Proffer Condition
Amendment Applications (Resolution R19-188)**

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 7th day of June, 2016:

<u>MEMBERS:</u>	<u>VOTE:</u>
Robert "Bob" Thomas, Jr., Chairman	Yes
Laura A. Sellers, Vice Chairman	Yes
Meg Bohmke	Yes
Jack R. Cavalier	Yes
Wendy E. Maurer	Yes
Paul V. Milde, III	Yes
Gary F. Snellings	Absent

On motion of Mrs. Maurer, seconded by Ms. Sellers, which carried by a vote of 6 to 0, the following was adopted:

A RESOLUTION ESTABLISHING WHEN APPLICATIONS FOR ZONING RECLASSIFICATIONS (REZONINGS) AND PROFFER CONDITION AMENDMENTS (PROFFER AMENDMENTS) HAVE BEEN FILED WITH THE COUNTY

WHEREAS, Stafford County Code Sec. 28-203 stipulates the submission requirements for rezoning and proffer amendment applications; and

WHEREAS, Stafford County Code Sec. 28-203 requires the submittal of applicable impact analysis, although such analysis is not required when an application is submitted; and

WHEREAS, although the Department of Planning and Zoning (Department) has an administrative process in place, the County does not currently have a written policy stating when a rezoning or proffer amendment application is considered filed; and

WHEREAS, the Board desires to confirm the process already followed by the Department and adopt this policy as to when a rezoning or proffer amendment application is considered filed with the County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, that it be and hereby does establish the following policy for filing of rezoning and proffer amendment applications with Stafford County:


STAFFORD COUNTY BOARD OF SUPERVISORS

**POLICY FOR FILING ZONING RECLASSIFICATION (REZONING) AND
PROFFER CONDITION AMENDMENT (PROFFER AMENDMENT)
APPLICATIONS**

A rezoning and proffer amendment application shall be **filed** with Stafford County when the following criteria are met:

1. Completed applications, to include all applicable checklists, on forms supplied by the Department of Planning and Zoning (Department), have been submitted to the Department.
2. All applicable application review fees have been processed and paid in full.
3. All required information pursuant to Stafford County Code Sec. 28-203, including applicable impact statements, has been provided.
4. All applicable supplementary forms have been provided.
5. Pursuant to Stafford County Code Sec. 28-203, verification that real estate taxes are paid in full is required. If real estate taxes are no longer considered paid in full or become delinquent, the application shall become incomplete and not considered filed until such time as all real estate taxes due are paid in full.

A Copy, teste:



Anthony J. Romanello, ICMA-CM
County Administrator

AJR:JAH:dfk

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 2nd day of July, 2019:

<u>MEMBERS:</u>	<u>VOTE:</u>
Gary F. Snellings, Chairman	Yes
L. Mark Dudenhefer, Vice Chairman	Yes
Meg Bohmke	Yes
Jack R. Cavalier	Yes
Thomas C. Coen	Absent
Wendy E. Maurer	Yes
Cindy C. Shelton	Yes

On motion of Mrs. Maurer, seconded by Ms. Bohmke, which carried by a vote of 6 to 0, the following was adopted:

A RESOLUTION ESTABLISHING A POLICY FOR THE
PROCESSING ZONING RECLASSIFICATION (REZONING) AND
PROFFER CONDITION AMENDMENT (PROFFER AMENDMENT)
APPLICATIONS THAT HAVE BEEN FILED WITH STAFFORD
COUNTY

WHEREAS, Stafford County Code Sec. 28-303 stipulates the submission requirements for rezoning and proffer amendment applications; and

WHEREAS, Resolution R16-170 established a policy for filing rezoning and proffer amendment applications with Stafford County; and

WHEREAS, the Board desires to adopt this Resolution to establish a policy regarding the processing of rezoning or proffer condition amendment applications, in addition to all the other administrative processes and procedures in place by the Department of Planning and Zoning;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of July, 2019, that it be and hereby does establish the following policy for processing rezoning and proffer condition amendment applications by Stafford County, Virginia:

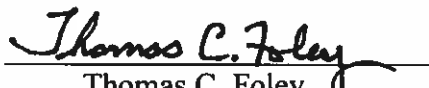
STAFFORD COUNTY BOARD OF SUPERVISORS**POLICY FOR PROCESSING ZONING RECLASSIFICATION (REZONING)
AND PROFFER CONDITION AMENDMENT (PROFFER AMENDMENT)
APPLICATIONS**

A rezoning and/or proffer amendment application submitted through the Stafford County Department of Planning and Zoning shall be processed as follows:

1. When applicable, an applicant must select on the application form which provision(s) of the Code of Virginia will be applied to the processing of the application.
2. If applying for a proffer amendment, the applicant shall identify in the application form the date and ordinance number of the rezoning giving rise to the amendment.
3. Staff shall acknowledge the Code provision(s) selected by the applicant in staff's reports to the Board and Planning Commission.
4. Upon an application being considered "filed," as prescribed in Resolution R16-170, staff shall forward the application to all applicable county and state departments and agencies for review and comment.
5. If a proffer statement is proposed by an applicant, it must first be submitted in writing and executed preferably with the application or as soon as possible thereafter.
6. Prior to the advertisement of any public hearing on the application before the Planning Commission, the applicant shall provide a newly executed proffer statement if any proffer has been changed since its first submission.
7. Prior to the advertisement of any public hearing on the application before the Board, the applicant shall provide a newly executed proffer statement if any proffer has been changed since the application and proffer statement was considered by the Planning Commission.
8. It shall be the responsibility of the applicant to pay for any costs to re-advertise a public hearing necessitated by any substantial change to an application, including failing to provide timely executed proffer statements.
9. Consideration of any pending application exceeding one-year from the date of being "filed," may only be extended by written request of the applicant subject to approval by the Board or Planning Commission.

10. Any pending application exceeding 18 months from the date of being “filed,” shall administratively be closed by staff. The applicant may request a time extension in writing prior to the 18-month deadline, which request must contain a definite time for moving forward with or withdrawing the application. Such extension request may only be granted by the Board.

A Copy, teste:


Thomas C. Foley
County Administrator

TCF:JAH: