

Zoning Amendment Guide to Chapter 527



Background

Passed by the General Assembly in 2006, §15.2-2222.1 (Chapter 527) was added to the Code of Virginia with the objective of coordinating land-use and transportation planning across Virginia by providing better information to decision makers and citizens. This Code requires localities to submit a Traffic Impact Analysis (TIA) to the Virginia Department of Transportation (VDOT) in conjunction with zoning amendment requests that will substantially affect transportation on state-controlled highways for comment. VDOT is required to check the completeness of the analysis, correctness of assumptions and calculation, and the reasonableness and clarity of conclusions. The purpose is to ensure that a locality is receiving consistent and accurate information on transportation when making any land-use decisions. It is important to note that the code does not give VDOT authority to require improvements or support/oppose local land-use decisions.

When is a Traffic Impact Analysis required?

The need for a TIA is triggered by specific thresholds set forth in the legislation dealing with traffic generation and proximity to state controlled highways. These thresholds are as follows:

Prior to January 1, 2008:

1. Nearest property line of the subject parcel is within 3,000 feet of a non-limited access state controlled highway or a connection to a state limited access highway (measured along public streets); and
2. Generates 500 vehicle trips per peak hour or more.

After January 1, 2008:

1. Nearest property line of the subject parcel is within 3,000 feet of a non-limited access state controlled highway or a connection to a state limited access highway (measured along public streets); and
2. Residential: generates 100 vehicle trips per peak hour or more; or
3. Non-residential: generates 250 vehicle trips per peak hour or 2,500 vehicle trips per day or more; or
4. Mixed Use Developments (combine residential and non-residential uses): residential component generates 100 vehicle trips per peak hour, or if the total trips generated exceeds either 250 vehicle trips per peak hour or 2,500 vehicle trips per day.

When calculating trip generations:

1. Trip generations must be based upon the rates or equations published in the ITE Trip Generation Manual.
2. Reductions through internal capture rates, pass by rates, or any other reduction methods are not allowed at this stage. The opportunity to use these reduction rates will be provided in the traffic impact statement itself.
3. If an existing use is to be developed as a different or denser 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.

What is required for submittal?

In addition to the application components required by the City for a zoning amendment, VDOT requires the following:

1. **Cover Sheet** containing:
 - a. Contact information for the locality and developer/owner.
 - b. Site information including site location, adjacent highways and parcel number(s).
 - c. Proposal summary with the development's name, acreage, proposed zoning and proposed types of land uses, including maximum number of lots or maximum business square feet.
 - d. Statement regarding the proposal's compliance with the comprehensive plan.
2. **Traffic Impact Analysis** prepared in accordance with 24-VAC-30-155-60 containing (in this order):

- a. Introduction and Summary
 - b. Background Information: Proposed Development (Site and Nearby)
 - c. Analysis of Existing Conditions
 - d. Analysis of Future Conditions without Development
 - e. Trip Generation
 - f. Site Traffic Distribution and Assignment
 - g. Analysis of Future Conditions with Development
 - h. Recommended Improvements
 - i. Conclusion
3. A scaled duplicate of the **concept plan/development plan** provided to the City.
 4. A duplicate list of **proffered conditions** provided to the City, if applicable.
 5. The **required fee** as set out below.

*The City's Planning Division will not accept a zoning amendment application without all components required by VDOT.

What does it cost?

VDOT's required fee is determined by the number of trips generated by the proposal. The fee covers two reviews of the submitted package. Any further submissions that are required by VDOT because the applicant failed to address deficiencies previously identified are charged as a new submission. Resubmission fees may be appealed to the District Administrator. Required fees are as follows:

1. 100 vehicles per peak hour or less: \$500
2. 101 vehicles per peak hour or more: \$1000

Please make checks payable to 'VDOT' or 'Treasurer of Virginia'.

How long will it take?

When a TIA is required, a minimum of one (1) month will be added to the zoning amendment process. A complete TIA package must be received by VDOT's Salem Residency within ten (10) business days of filing a zoning amendment application with the City's Planning Division. The City will be responsible for delivering the TIA package to VDOT. VDOT will comment on the TIA or request a meeting to discuss content within 45 calendar days of receipt of a complete package. If a meeting is requested, VDOT comments will be issued 120 calendar days from receipt of a complete package. If the scope of an application changes during the review process an amended TIA and zoning amendment application may have to be submitted to VDOT, restarting the review process. The City of Roanoke may take action if deadlines are not met by VDOT.

Is a pre-submittal meeting with VDOT required?

A pre-submittal meeting with VDOT, called a 'scope of work meeting', is always available but not always required. If a proposal generates 1,000 peak hour trips or more, a scoping meeting is required. If a proposal generates 999 peak hour trips or less, a scoping meeting is optional. A scoping meeting is between VDOT, City staff, the applicant and the TIA preparer. This meeting can be used to discuss issues such as alternative study limits/scope or deviations from standard assumptions and methodologies. The City strongly encourages a pre-scoping meeting for all applicants required to submit a TIA. The TIA that is submitted should conform to agreements made between all parties during this meeting.

Requirements for setting up a scoping meeting:

1. Must be scheduled two weeks in advance of the desired meeting date.
2. A 'Pre-Scope of Work Meeting Form' must be submitted to VDOT at least three (3) business days prior to the scheduled meeting. The 'Pre-Scoping Form' may be found in the Appendix of "Administrative Guidelines" posted at <http://www.virginiadot.org/projects/chapter527/default.asp>.

What is the outcome of submitting a Traffic Impact Analysis to VDOT?

As stated before, VDOT is required to check completeness of the analysis, correctness of assumptions and calculation, and the reasonableness and clarity of conclusions. The purpose is to ensure that a locality is receiving consistent and accurate information on transportation when making any land-use decisions. VDOT will supply the City of Roanoke with a transmittal letter and a written report containing the results of VDOT's evaluation of the traffic impact analysis prepared for the zoning amendment proposal. A copy of the traffic impact analysis study will be attached to the response. The City of Roanoke must incorporate this response into public record by including VDOT's transmittal letter, written report and TIA in the zoning amendment case file as well as referencing this information in the staff reports to Planning Commission and City Council.

Where can I find more information?

Please visit VDOT's 'Administrative Guidelines' to Chapter 527 at

<http://www.virginiadot.org/projects/chapter527/default.asp> for further direction or call the Salem Residency at 540.387.5488.