



# Rezoning Application

*Revised February 2012*

# APPLICATION FOR REZONING OF PROPERTY WITHIN THE TOWN OF STEPHENS CITY, VIRGINIA

## *Introduction:*

This is the application packet for the Town of Stephens City, Virginia to rezone property within the town. Prior to beginning your rezoning process with the Town the very first step should be to schedule a preliminary meeting with the Town Planner. During the preliminary meeting the Town Planner or planning staff will guide you through the rezoning process. This packet will provide you with information on all required materials for your application to be considered “complete”, information on the impact analysis, the various organizations that will submit comments on your application, information on proffer statements, the Town Fee Schedule, and the application itself.

It is the responsibility of the applicant to provide all information and materials as requested in this application to the Town Planner before an application is determined completed and public hearings scheduled.

This application for rezoning will receive final approval or denial from the Stephens City Town Council.

Should you have any questions about the applications, please contact the Town Planner at (540) 869-3087 or at [henshawb@comcast.net](mailto:henshawb@comcast.net)

## *Requirements:*

1. A completed application form with name and addresses of all adjoining property owners.
2. A location map, clearly legible, that shows the location of the proposed rezoning in relation to surrounding publicly maintained roads and showing the use of surrounding properties.
3. A plat of the property with the surveyed or platted location of all proposed zoning boundary lines.
4. A copy of the deed of the property verifying current ownership.
5. A statement verifying the Town of Stephens City and Frederick County taxes have been paid from the Town and County’s Treasurers Office.
6. The required number of “Conceptual Plans” to be distributed to various organizations and departments for comments associated with the rezoning application.

\*(These comment sheets will be needed for an application to be considered complete and it will be up to the applicant to continue to follow up with the

various agencies and departments to insure that comments are received in a timely manner.)

7. Fees: Application and advertising fees according to the fee schedule should be submitted at the time of the application is submitted to the Town Administrator. Checks should be made payable to the "Town of Stephens City".
8. Impact Analysis Report: Information is to be provided concerning the projected impacts of the proposed rezoning according to the attached requirements. This report can be obtained once the application is submitted and meeting explaining the process is available with the Town Planner and Town's Consulting Engineer.
9. Proffer Statements: Conditions to be proffered should be according to the attached instructions. In some cases where Frederick County facilities will be directly influenced such as schools, Frederick County impact models are to be considered in addition to the town's impact models. In any of the property of the newly annexed areas of the town will be subject to the Frederick County Impact Model.
10. Sign Posting Requirements: A sign must be posted according to the public notice requirements.
11. Master Development Plan: In case of a major tract rezoning or an application for the Newtown Development District (NDD) plans for the use of the property showing proposed roads, utilities, and other features will be required.

### ***Impact Analysis Statement:***

Each rezoning applied for will require the submission of an impact analysis statement. The Stephens City Town Planner or Zoning Administrator can waive this requirement for certain rezoning requests for small areas of land which will involve negligible impacts.

In some cases, the Town Planner or Zoning Administrator will determine that the impact statement should be reviewed by the town's consulting engineer. In such a case, the application will not be considered to be complete until a review by the consulting engineer has been received.

The impact analysis can use several different methods or formats. The applicant can discuss the impact statement content and format with the Town Planner or the Zoning Administrator. It may be determined that different formats or contents may be acceptable. In general, each of the following issues should be separately and specifically addressed and information should be provided as specified in the following:

#### **A. Suitability of the Site:**

The location of each of the following constraints or features on the site should be determined in accordance with Section 23-173 of the Zoning Ordinance such as:

- 100 Year Floodplain
- Wetlands
- Steep Slopes (over 15%). Slopes are to be shown on site map with contour intervals of 5ft. or less.
- Mature woodlands
- Prime agricultural soils
- Soils or bedrock conditions which would create construction difficulties or hazards.
- Lakes and ponds
- Sinkholes

A general estimate of the percentage of the area of the site in each of the above constraint categories should be noted. Information on any other site constraints or hazards should also be noted.

#### **B. Surrounding Properties:**

The use of surrounding properties should be identified along with the location of residences on adjoining properties. The distance between the boundary of the property to be rezoned and residences or other structures which might be impacted by the rezoning should be determined. The potential for impacts on surrounding properties associated with air and water pollution, electromagnetic

interference, explosions, fire hazards, fumes, glare, noise, odors, vibrations or other nuisance factors as determined from section 23-172 of the Zoning Ordinance or other town code sections should be determined.

### **C. Traffic:**

The impact analysis should describe the projected impact that the rezoning will have on roads that will carry traffic from the site to Interstate 81, U.S. Route 11 and other highways. Standard sources or methods should be used to describe the maximum traffic that would be generated by the site under the existing and proposed zoning. The additional traffic to be generated as a result of the rezoning should be determined. Traffic generation should be projected for each proffered phase of the project and for the complete build out of the site at the maximum possible density or intensity of development. Lower densities or intensities that have been proffered may be used in the analysis. Additional traffic generated should be provided in terms of average daily trip ends and peak hour trip ends. Existing traffic on the roads impacted should be noted. Some determination of the resulting impact on travel on the roads should be provided.

If the proposed rezoning increases the traffic generated by more than 50%, additional detailed traffic analysis should be provided. In addition, if the staff or Virginia Department of Transportation (VDOT) determines that there will be substantial adverse impacts on traffic, a more detailed traffic analysis will be required. The traffic analysis will be coordinated with VDOT to perform a Traffic Impact Analysis (TIA). The additional information should include:

- Detailed traffic count information on roads impacted including traffic in each lane.
- Information on turning movements at intersections and entrances impacted.
- Existing level of service on roads and at intersections impacted.
- Projected future peak hour and average daily trip ends without zoning.
- Projected future peak hour and average daily trip ends with rezoning.
- Distribution of trips generated on roads impacted.
- Projected level of service on roads without rezoning.
- Projected level of service on roads impacted with rezoning, based on proffered phases and after complete build out of the site.
- The share of projected traffic impacts and resulting needed road improvement costs that would be the result of the rezoning.

The detailed traffic analysis shall employ standards described in the following sources:

1. Transportation Research Board, Highway Capacity Manual, Special Report 209, 1987.
2. Institute of Transportation Engineers, Trip Generation, 1987.
3. Joe Jehra and C. Richard Keller, Development and Application of trip Generation Rates, Federal Highway Administration, Report Number FHWA/PL/85/003, 1985.
4. C. Richard Keller and Joe Mehra, Site Impact Traffic Evaluation, (S.I.T.E.) Handbook, Federal Highway Administration, Report Number FHWA/PL/85/004, 1985.

In making projections, the applicant may select a time period, which seems appropriate in terms of the build out period of the project. The detailed traffic analysis should describe the methods used. Details of the calculations should be provided along with the narrative describing the analysis, the results and the assumptions used. Data sources should be described. Detailed traffic analysis shall be provided by a qualified professional.

#### **D. Sewage Conveyance and Treatment:**

The total expected sewage flows should be specifically projected. Sewage flow projections should be based on proffered phasing of the project and on complete build out of the site at the maximum possible density or intensity of the development after rezoning. Lower densities or intensities that have been proffered may be used. The location and size of existing sewer mains and lift stations to be employed should be noted along with the distance to the mains. Information should be provided on the capacity of the existing and projected mains and the feasibility of extending sewer mains to the site. If on site sewage disposal is to be used, information should be provided on the suitability of soils and the feasibility and appropriateness of methods to be used to protect water quality.

#### **E. Water Supply:**

The total expected water usage should be specifically projected. Water use projections should be based on proffered phasing of the project and on complete build out of the site at the maximum possible density or intensity of development after rezoning. Lower densities or intensities that have been proffered may be used. The location and size of existing water mains to be employed should be noted along with the distance to the mains. Information should be provided on the capacity of the existing and projected mains and the feasibility of extending water to the site.

#### **F. Education Facilities:**

This portion of the impact analysis should be carried out for residential rezonings only. This impact analysis should project the number of school children that will reside in the project during proffered phases of project construction and during the average year after the land has been completely developed. The projected school children should be based on the maximum allowed density on the site unless lower densities have been proffered. Number of children should be projected in the following categories:

Elementary School Age (5-10 Years)  
Middle School Age (11-13 Years)  
High School Age (14-18 Years)

The projected school age population should be used to project the additional capital costs of facilities required to educate the additional children resulting from development of the land. New schools proposed in the adopted Frederick County Capital Improvements Plan should be used to project capital costs dividing the total cost of the planned new school by the projected capacity (number of students) of the school.

#### **G. Town and County Parks and Recreation Facilities:**

This portion of the impact analysis should be carried out for residential rezonings only. The population of the proposed development should be projected for each proffered phase or for the average year after the complete development of the site. The projection should be based on the maximum allowed density on the site unless lower densities have been proffered. Standards provided by the Frederick County Parks and Recreation Department should be used to project additional facility needs associated with the development. Costs of the facilities necessary to meet these needs should be projected based on the facilities proposed in the Frederick County Capital Improvements Plan.

#### **H. Drainage:**

Drainage features and patterns on the site should be described. Streams and drainage ways potentially impacted by drainage from the site should be identified. Potential drainage impacts on surrounding properties and existing drainage facilities should be described.

**I. Emergency Services:**

The impact analysis should identify the road travel distance from the site to be rezoned to the nearest fire and rescue facility. The potential costs of additional facilities or equipment needed to serve the site should be identified based on the facilities projected in the Capital Improvements Plan.

**J. Solid Waste Disposal Facilities:**

The impact analysis should project the amounts of solid waste to be generated for each proffered phase or for the average year after complete development of the site. The projection should be based on the maximum allowed density on the site unless lower densities have been proffered.

**K. Historic Sites and Structures:**

The location of prehistoric and historic sites and structures, recognized by Stephens City, the Virginia Historic Resources Commission or the National Register, on the land to be rezoned should be described. Recognized or potential sites and structures on adjoining properties should also be described with the distance from the boundary of the land to be rezoned to the historic structure or site. Archeological studies may be required in areas in or outside the towns Historic District and other sites of historic significance.

**L. Environment:**

Significant environmental features on the site should be described, including the following:

- Mature or Unique Woodlands Areas
- Wetlands
- Sinkholes
- Quarries
- Unique Wildlife Habitats
- Other Unique Natural Areas or Features

Potential threats to groundwater, surface water or air quality should be described.

#### **M. Libraries:**

This portion of the impact analysis should be carried out for residential rezonings only. The population of the land should be projected for each proffered phase or for the average year after complete development of the site. The projection should be based on the maximum allowed density on the site unless lower densities have been proffered. Standards provided by the Stephens City Comprehensive Plan should be used to project additional facility needs associated with the development. Costs of facilities necessary to meet these needs should be projected based on the facilities proposed in the Stephens City Capital Improvements Plan.

#### **N. Fiscal:**

This portion of the impact analysis should be carried out using correct impact models for new development rezonings only. The analysis should project the local revenues that will be generated by the land to be developed and by the future improvements to be provided. The projections should be for each proffered phase or for the average year after complete development and local government activities that must increase because of development shall be projected for various government activities including the following:

- Education
- Police Protection
- Fire and Rescue Protection
- Parks and Recreation
- Solid Waste Disposal
- Other Government Activities

The Town or County budget and/or capital improvements plan should be used, dependent upon the impact, to develop public cost projections for the development. Current and projected tax rates should be used to project revenues.

#### **O. Other Impacts:**

Other general impacts on the cost of providing Town and County facilities should be described based on projects proposed in the Capital Improvements Plan. Also, other potential impacts on surrounding properties should be described.

### *Proffer Statements:*

The Stephens City Town Code allows applicants for rezonings to offer conditions (proffers) to be placed on the land as part of the rezoning application. If accepted by the Town Council, such proffers will become regulations or stipulations applying to the land rezoned in addition to normal zoning regulations. Such conditions will be notated on the zoning map and will apply to the land unless or until the conditions are changed through a subsequent ordinance amendment process.

The proffers must be of a nature to address needs resulting from the rezoning and must be related to the rezoning. In determining what types of proffers to offer, the applicant should consider the possible impacts identified by the impact analysis statement. The applicant should also consider policies in the Stephens City Comprehensive Plan.

The Stephens City Zoning Ordinance discusses proffers and lists some of the types of proffers that might be offered. These can include:

- Various limitations on the use of land.
- Off-site and on-site facilities and improvements.
- Site layout or plan features.
- Architecture
- Dedication of land or cash contributions for facilities identified in the Capital Improvements Plan and Road Improvement Plans.

The applicant may proffer an actual preliminary master development plan or site plan if desired. In such cases, the preliminary master development plan or site plan shall be submitted for approval concurrently with the rezoning application. In such cases, the applicant must follow the procedures required for master development plan or site plan approval, must complete required steps, and submit the plan application materials before the rezoning will be considered.

When the master development plan is proffered, the Planning Commission will make a recommendation on the master development plan to the Town Council and the Council will make a final decision on the master development plan. Typically a master development plan is only required for a rezoning for the Newtown Development District (NDD) or a Major Subdivision. A site plan is not required or in conjunction with the proffering of a master development plan.

Proffers may include cash contributions or dedication of land. Such contributions or dedications must be for facilities identified in the Capital Improvements Plan. Proffer statements must identify the facilities to which contributions or dedications are made.

Statements of proffers shall be received as part of the initial application package. A final, signed version of the proffer statement must be received at least seven days before the public hearing of the Town Council.

All proffers statements will be submitted to the Town Attorney for review. No application package will be considered complete until the proffers have been reviewed by the Town Attorney and comments have been received by the Town.

Proffer statements should be clearly state the name and case number of the rezoning request and the name of the owner and applicant. The proffer statement should include the following statement:

*We the undersigned, sole owners of land to be rezoned under the rezoning request number \_\_\_\_\_, referred to as the \_\_\_\_\_ rezoning and the applicant for said rezoning, hereby voluntarily proffer the following conditions. The conditions proffered shall be binding upon the heirs, executors, administrators, assigns and successors in interest of both the applicant and owners. In the event the Stephens City Town Council grants said rezoning and accepts these conditions, the following proffered conditions shall apply to the land rezoned to other requirements set forth in the Stephens City Town Code.*

Each condition proffered should be numbered, separately listed and clearly stated. Only conditions that are clearly enforceable should be proffered. If accepted, the requirements in the proffers shall constitute amendments to the Stephens City Zoning Ordinance applying to the land rezoned. The final version of the proffer statement submitted to the Town Council should be signed by the owner and applicant.

***Proffer Revisions:***

Significant changes to submitted proffers must be reviewed by relevant agencies. Such reviews must be received before proffer revision are submitted to the Planning Commission. Significant revisions to the proffers will be required to follow the same process as a rezoning, including the application and public hearings.

## Fee Schedule

### Rezoning

Minor (1 lot) < 1 acre	\$ 500.00
2 + lots or > 1 acre	\$ 3,000.00 + \$100 per acre

### Master Development Plan

\$ 2,000.00 + \$100.00 per acre

### Subdivisions

Residential Minor (2-4 lots)	\$ 500.00 + \$100.00 per lot
Residential 5 + lots	\$ 2,500.00 + \$100.00 per lot
Non-residential	\$ 1,000.00 + \$00.00 per lot

Boundary Line Adjustment	\$ 250.00
Lot Consolidation	\$ 250.00

### Site Plans

Minor Residential (1 lot)	\$ 50.00
Residential 2 + lots	\$ 2,500.00 + \$200.00 per unit Plus \$100.00 for each unit over 20

Non-residential	\$ 1,500.00 + \$200.00 per acres Plus \$100.00 per acre over 5 acres
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Special Use Permit	\$ 250.00
Variance	\$ 250.00
Zoning Certification Letter	\$ 25.00
Zoning Determination Letter	\$ 25.00
Residential Erosion Control Permit	\$ 600.00 plus \$100.00 per building unit
Commercial Erosion Control Permit	\$ 500.00 plus \$100.00 per disturbed acre

\*Adopted by Stephens City Town Council on May 3, 2006.

Fees are for Administrative costs associated with review of the various applications submitted to the town. Payment of fees is not to be construed as approval of any application or portion thereof. Fees are not reimbursable if applications are withdrawn.

# TOWN OF STEPHENS CITY, VIRGINIA



P.O. Box 250  
1033 Locust Street  
Stephens City, VA 22655  
540-869-3087

CASE #: RZ- \_\_\_\_\_  
FEE AMOUNT: \_\_\_\_\_  
DATE PAID: \_\_\_\_\_

## REZONING APPLICATION

The applicant shall provide the following information:

All parcel numbers, tax map numbers, deed book pages and numbers may be obtained from the Office of the Commissioner of Revenue, 107 N. Kent Street, Winchester, VA.

<b>Please print or type all information</b>	<b>Applicant:</b> _____ <i>(Please use the reverse side to list additional applicants)</i>
<b>Telephone:</b> _____	<b>Street Address:</b> _____
<b>E-Mail:</b> _____	<b>City:</b> _____ <b>St.:</b> _____ <b>Zip:</b> _____

<b>Owner's Signature:</b> _____ <i>(use reverse to list additional owners)</i>	<b>Owner's Name:</b> _____ <i>(as appears in Land Records)</i>
<b>Telephone:</b> _____	<b>Street Address:</b> _____
<b>E-Mail:</b> _____	<b>City:</b> _____ <b>St.:</b> _____ <b>Zip:</b> _____

### TYPE OF REQUEST - Please mark type of request and complete information

REZONING	FEE
<input type="checkbox"/> <b>Conventional</b>	<input type="checkbox"/> <b>Minor (1 Lot) &lt; 1 acre (\$500.00)</b>
<input type="checkbox"/> <b>Conditional (Proffers)</b>	<input type="checkbox"/> <b>Major (2+ lots) &gt; 1 acre (\$3,000.00 + \$100 per acre)</b>
<input type="checkbox"/> <b>Planned Development (NDD)</b>	<input type="checkbox"/> <b>Master Dev. Plan (\$2,000.00 + \$100 per acres)</b>
<input type="checkbox"/> <b>Proffer Revision</b>	<input type="checkbox"/> <b>Proffer Revision (\$500.00)</b>

**PROPERTY LOCATION**

Current Street Address(es): \_\_\_\_\_ Zoning: \_\_\_\_\_

Tax Map Identification- \_\_\_\_\_ Magisterial District: \_\_\_\_\_

**Required Materials List:**

- \_\_\_\_\_ Name and Addresses of Adjoining Property Owners
- \_\_\_\_\_ Location Map
- \_\_\_\_\_ Survey or Plat
- \_\_\_\_\_ Deed to Property
- \_\_\_\_\_ Statement Verifying Taxes
- \_\_\_\_\_ Sign Receipt
- \_\_\_\_\_ Fees
- \_\_\_\_\_ Impact Analysis Statement
- \_\_\_\_\_ Proffer Statement

- **All the above referenced materials are required in order for an application to be considered complete. The process for rezoning will not be initiated until all of these materials are received. It will be upon the applicant to stay in touch with the Town Planner and the agencies that are submitting comments with regard to the application for the rezoning. In general the Town will give each staff, member, or organization up to 60 calendar days to submit written comments. At that time the progress of the application will move forward with or without comments. It is the Town's intention to work with both the applicant and agencies submitting comments to produce the best possible plans that fit into the long range vision of the Town of Stephens City.**

**Signature:**

*I (we), the undersigned, do hereby make application and petition the governing body to amend the Zoning Ordinance and to change the Zoning Map of the Town of Stephens City, Virginia and do hereby certify that the application and accompanying materials are true and accurate to the best of my (our) knowledge:*

**APPLICANT(s):** \_\_\_\_\_  
\_\_\_\_\_

**OWNER(s):** \_\_\_\_\_  
\_\_\_\_\_

**Representation:**

If the application is being represented by someone other than the owner or applicant and if questions about the application should be directed to that representative, please list the following:

Representative Name: \_\_\_\_\_

Representative's Phone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

***Adjoining Property Owners:***

Owners of property adjoining the land will be notified of the public hearing. For the purposes of this application, adjoining property is any abutting the requested property on the side or rear or any property directly across a road from the requested property. The applicant is required to obtain the following information on each adjoining property including the tax parcel identification number which may be obtained from the office of the Frederick County Commissioner of Revenue.

<b>Name</b>	<b>Address</b>	<b>Property ID</b>
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

**\*Should you additional space for more adjoining property owners, just make a copy of the table or continue on the back of this sheet in the same format.**