

VIRGINIA DEPARTMENT OF TRANSPORTATION

OFFICE OF LAND USE

INSTRUCTIONAL AND INFORMATIONAL MEMORANDUM

GENERAL SUBJECT: Land Development Review	NUMBER: IIM-LU-200.2
SPECIFIC SUBJECT: Review of rezoning proposals	DATE: July 1, 2019
	SUPERSEDES: IIM-LU-200.1
APPROVED:	Robert W. Hofrichter Director, Office of Land Use Approved <u>July 1, 2019</u>

EFFECTIVE DATE

This memorandum applies to all VDOT reviews of rezoning proposals submitted on or after July 17, 2015.

PURPOSE/SCOPE/REQUIREMENTS

VDOT reviews rezoning proposals in response to submissions made under the Traffic Impact Analysis Regulations (required under [§15.2-2222.1](#)) or when voluntarily submitted to VDOT by localities as part of their land development review process.

VDOT reviews rezoning submissions for reasons that benefit the applicant, the locality, and the various agencies (including VDOT) involved in the land development process.

- VDOT review and comments on rezoning applications can give the citizens and the locality assurance that the concept proposed by the applicant would be acceptable to VDOT, thereby reducing future “surprises” and the need for re-design of developments. For example, a proposed entrance would not have to be moved to an unanticipated location to satisfy a VDOT requirement. This also provides

applicants with the opportunity to begin securing design waivers or exceptions that may be required.

- For those jurisdictions using a proffer system, VDOT review of the **highway-related** proffers can help ensure that the proffers are clear, complete, not in conflict with VDOT regulations or standards, and most importantly, are implementable.
- VDOT review and comments on rezoning applications provide guidance to the applicant to ensure the future success of the project through the review process prior to the applicant's first submittal of a site plan. This process affords the opportunity for the applicant to incorporate any changes identified in the comments into their project prior to finalizing detailed plans and submitting them for the first review.
- VDOT review can also inform the project and capital improvement planning process, by making the transportation impacts of proposed development available to policy makers, planners, and designers.

PROCEDURES

As outlined in the [Administrative Guidelines for the Traffic Impact Analysis Regulations, §15.2-2222.1](#) (also called Chapter 527) requires localities to send, within 10 business days of their receipt of a complete application, rezoning proposals that will substantially affect transportation on state highways to VDOT to review and provide comments on the transportation impacts of the proposal. [24VAC30-155-40.A](#) provides the details for determining whether a rezoning proposal is considered to substantially affect transportation on state-controlled highways.

VDOT will also assist localities, at their request, to help evaluate any rezoning application that does not substantially affect transportation on state-controlled highways and is therefore not required to be submitted for review. These proposals can be reviewed as Non-527 Submissions.

The Area Land Use Engineer/**Assistant Resident Engineer-Land Use** in the District or **Residency** will coordinate the review of the submittal with the appropriate sections within the District Office. Upon receipt of the rezoning package, VDOT will evaluate it for substantial compliance with the regulation's submittal requirements.

Applicants are encouraged to call for and hold a scoping meeting before beginning the work to prepare a traffic impact analysis. The scoping meeting can be used to modify the standard requirements that a study must meet.

When reviewing rezoning proposals that include a high likelihood of signalization, especially on highways that are designated as part of the Arterial Preservation Network (a **description of which can be found [here](#)**) effort should be made to ensure that such

signals are likely to be determined to be both warranted and justified, consistent with the requirements in the latest version of IIM-TE-387 (found on Traffic Engineering Division's IIM page, at http://www.virginiadot.org/business/traffic_engineering_memoranda.asp), the [Virginia Supplement to the MUTCD](#), and the relevant portions of Appendices A and F of the [Road Design Manual](#).

Under the Traffic Impact Analysis Regulations (TIAR), if VDOT determines that the rezoning package is complete, VDOT shall provide written comments to the locality and rezoning applicant on the rezoning traffic impact analysis within **45 days** of receipt of the package. Additionally, VDOT will provide the TIAR rezoning package to the Department of Rail and Public Transportation (DRPT) to identify any impacts to, or opportunities for transit, rail and/or transportation demand management. The district shall send an email to the appropriate DRPT staff member, copying the DRPT Mobility Programs Manager.

For traffic impact analysis (TIA) studies submitted under the TIAR, if VDOT determines that the submittal is incomplete, or that the study fails to document the expected impacts of the proposal or has not been prepared in accordance with best professional practices, a meeting may be requested between the VDOT review staff, the local government staff, and rezoning applicant. Under this scenario, VDOT must request the meeting within 45 days of receipt of the package and hold the meeting within 60 days of receipt. The applicant has 30 days after the meeting to submit a revised or corrected study. Within **120 days** of initial receipt of the rezoning package, VDOT must provide:

- Written comments to the locality and rezoning applicant on why the package and TIA study need to be formally resubmitted and the necessary revisions, or
- Official written comments on key findings of the TIA study and transportation improvements recommended to mitigate any potential impacts caused by the development on state highways.

Rezoning proposals or applications provided by local governments to VDOT for review which do not meet the thresholds of Chapter 527 (under the TIAR) shall be reviewed for similar purposes as for Chapter 527 submissions. VDOT reviewers shall try to meet the locality's time frame for commenting on such submissions.

All submitted rezoning proposals received by VDOT from (or under the direction of) a locality shall be logged appropriately in [LandTrack](#) in order to track and record basic information regarding the proposal. Furthermore, the proposal and associated documents (traffic impact analyses, technical appendices, and similar) for rezoning submissions made under the Traffic Impact Analysis Regulations shall be uploaded into LandTrack to make such information available to the public on VDOT's external [LandTrack](#) website.

NOTES

- Under the law and regulations, the local government determines if a rezoning application falls under Chapter 527 (TIAR) and must be submitted to VDOT.
- While the TIAR set out standard assumptions and requirements for traffic impact analysis, these assumptions and requirements can and should be modified through a scoping meeting if local conditions or the proposal justify such modification. Please note that the Traffic Engineering Division's [Traffic Operations and Safety Analysis Manual](#) is a useful source of information on relevant software and related procedures.
- The TIAR specify that the local government include VDOT's official comments in the locality's official public record on the rezoning application.
- The locality may choose to take action on the rezoning application if VDOT's comments are not received within the statutory deadlines.
- The Department of Rail and Public Transportation's website has a listing of staff and contact information and can be found at <http://www.drpt.virginia.gov/about/our-staff/>.

REFERENCES

- Information on Chapter 527 of the 2006 Acts of Assembly and the Traffic Impact Analysis Regulations is available on VDOT's external website at http://www.vdot.virginia.gov/info/traffic_impact_analysis_regulations.asp.
- Access to the internal (VDOT-only) version of LandTrack is available at <http://landtrack/?District=S>.
- Access to the external version of LandTrack is available at <http://landtrx.vdot.virginia.gov/>.