FAIRFAX COUNTY PLANNING COMMISSION
LAND USE PROCESS REVIEW COMMITTEE
THURSDAY, JANUARY 8, 2009

COMMITTEE MEMBERS PRESENT:
Frank A. de la Fe, Hunter Mill District
Earl L. Flanagan, Mount Vernon District
Kenneth A. Lawrence, Providence District
Peter F. Murphy, Jr., Springfield District
Timothy J. Sargeant, At-Large

COMMITTEE MEMBERS ABSENT:
None

OTHER COMMISSIONERS PRESENT:
Jay P. Donahue, Dranesville District
James R. Hart, At-Large
John L. Litzenberger, Jr., Sully District

STAFF PRESENT:
Regina C. Coyle, Director, Zoning Evaluation Division,
Department of Planning and Zoning (DPZ)
Marianne Gardner, Chief, Policy and Plan Development Branch, Planning Division, DPZ
Daniel Rathbone, Chief, Transportation Planning Division,
Fairfax County Department of Transportation (FCDOT)
Leonard Wolfenstein, Chief, Transportation Planning Section (TPS), FCDOT
Nick Perfili, TPS, FCDOT
Barbara J. Lippa, Executive Director, Planning Commission Office
Kara A. DeArrastia, Deputy Clerk to the Planning Commission

ATTACHMENTS:
(1) Fairfax County Staff Experience with Implementing Chapter 527 Legislation PowerPoint Presentation
(2) Chapter 527 Traffic Impact Analysis Regulations: Summary of Main Provisions (January 2009) document
(3) Application Fees Increase chart (Draft December 2008)
(4) Response to Questions on the FY2010 County's Line of Business and Schools Program Review Processes (Fall 2008) document

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Chairman Peter F. Murphy, Jr., called the meeting to order at 7:05 p.m. in the Board Conference Room, 12000 Government Center Parkway, Fairfax, Virginia 22035. He noted that the first order of business was approval of minutes.

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Commissioner Lawrence MOVED THAT THE LAND USE PROCESS REVIEW COMMITTEE MINUTES OF OCTOBER 22, 2008 BE APPROVED.

Commissioner Sargeant seconded the motion which carried unanimously.

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IMPLEMENTATION OF CHAPTER 527 LEGISLATION

Daniel Rathbone, Chief, Transportation Planning Division, Fairfax County Department of Transportation (FCDOT) reviewed the first three slides in a PowerPoint presentation, Attachment (1), pertaining to staff's experience with implementation of Chapter 527 legislation requiring the Virginia Department of Transportation (VDOT) to review the traffic impact of land use applications. He said the review process had gone smoothly for site plans; however, time frames had been an issue in some rezoning cases. For example, he said it had taken seven months for approval of the traffic impact analysis (TIA) in the Springfield Mall rezoning application because the technical guidelines agreed upon in the scoping meeting had not been followed by the consultant. He said despite delays, the advantages had outweighed the disadvantages and FCDOT had decided not to process a zoning application until a TIA had been accepted VDOT. He said after acceptance, VDOT had 120 days to respond which would ensure that Planning Commission and Board of Supervisors' public hearings could be scheduled without delay. Mr. Rathbone distributed a summary of the main provisions of Chapter 527 Traffic Impact Analysis Regulations, Attachment (2).

Responding to a comment from Commissioner Lawrence, Mr. Rathbone said that although the 120-day period would be the earliest possible date a public hearing could be scheduled, it could be postponed for other reasons such as negotiations between the applicant and staff. Mr. Rathbone said the quality of the TIAs had improved as consultants became more familiar with the process.

Mr. Rathbone said staff was preparing a memorandum to the Board of Supervisors (BOS) about FCDOT's new procedure for processing a zoning application and would send a copy to the Planning Commission.

Responding to a question from Commissioner Hart, Ms. Coyle stated that if VDOT failed to comment within the 120-day period, staff could proceed with the publication of the staff report. In response to another question from Commissioner Hart, Mr. Rathbone explained that if changes were made to a rezoning application that significantly altered the traffic impact, VDOT could request a new TIA. Commissioner Hart said in this case, the clock should start again.

Commissioner Lawrence agreed and said such a condition needed to be established. Ms. Coyle said this provision would be included in the memorandum to the BOS.

Leonard Wolfenstein, Chief, Transportation Planning Section, FCDOT, reviewed the following slides in Attachment (1) pertaining to Chapter 527 legislation concerning Comprehensive Plan Amendments:

- Comprehensive Plan Requirements
- Comprehensive Plan Chapter 527 Reports
- Experiences to Date
- Future Chapter 527 Plan Amendments
- Conclusions

Responding to a question from Chairman Murphy, Mr. Wolfenstein said staff would make sure that VDOT comments had been received on a Plan Amendment before the Planning Commission made a recommendation.

In response to a question from Commissioner de la Fe, Mr. Wolfenstein said he thought VDOT comments on the Lake Anne Village Center Plan Amendment, would be received in time to allow for substantial review before the Planning Commission public hearing was held on Wednesday, February 18, 2009. *(Note: This public hearing was rescheduled for Wednesday, March 11, 2009.)*

Mr. Wolfenstein commented that the expense of TIAs could discourage non-profit groups from submitting Area Plans Review (APR) nominations and said this issue needed to be addressed.

Committee members and staff discussed the recommendation that the Chapter 527 report for Plan Amendments be a component of the submission process and reviewed by VDOT prior to review by a task force.

Ms. Gardner responded to questions from Commissioner Flanagan about assessing the cumulative impacts of nominations and from Commissioner Sargeant about the possibility of citizen review of nominations before VDOT review.

Mr. Wolfenstein responded to a question from Commissioner Donohue about how to handle a Chapter 527 review for property which straddled Fairfax County and Loudoun County.

Mr. Wolfenstein and Mr. Rathbone responded to questions from Commissioner Litizenberger about determining responsibility for transportation improvements for clustered nominations.

Commissioner Lawrence expressed concern about the inability of non-profit organizations and homeowners associations to submit APR nominations due to the cost of traffic impact analyses. Mr. Wolfenstein said with the approval of the BOS, perhaps staff could prepare them.

Commissioner Lawrence questioned the effectiveness of concurrent processing in reducing the time it took to review a Plan amendment and a rezoning application. Mr. Rathbone said that he understood that VDOT had a negative review on concurrent processing but that he did not know if it would pursue a change in the legislation.

Responding to a question from Commissioner Sargeant, Mr. Rathbone said staff believed that the comments received from VDOT on rezoning applications had been satisfactory.

In response to a question from Ms. Coyle, Mr. Rathbone pointed out that VDOT analyses had been consistent with those of FCDOT.

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PROPOSED ZONING ORDINANCE AMENDMENT ON APPLICATION FEE INCREASES

Ms. Coyle updated the Committee on the proposed amendment to the Zoning Ordinance to consider an increase in fees for every application type. She noted that the chart in Attachment (3) listed the current fees, the fees yielded by a 50 percent recovery rate, and the fees yielded by a 75 percent recovery rate. Ms. Coyle said the scope of advertising would allow up to a 75 percent recovery rate. She stated that staff would be meeting with the development community this month and with the Planning Commission's Policy and Procedures Committee on Wednesday, January 28, 2009, to provide a more in-depth examination of this proposal. *(Note: This committee meeting was cancelled due to weather conditions and tentatively rescheduled for Wednesday, February 18, 2009.)*

Ms. Coyle called attention to Attachment (4), the DPZ response to Providence District Supervisor Linda Smyth's question about charging an additional fee when a case was deferred at the request of an applicant. She explained that the Office of the County Attorney had determined that the County had the authority to charge such a fee if a Planning Commission, Board of Supervisors, or Board of Zoning Appeals public hearing had been advertised.

Commissioner de la Fe noted that deferrals were not always the fault of applicants. He said it was often because the Planning Commissioner, staff, citizens, and applicants could not agree upon issues. Ms. Coyle pointed out that applicants often waited until after staff reports had been published and the cases advertised before they addressed unresolved issues. She said a fee might encourage them to address those issues sooner.

Chairman Murphy said implications of this recommendation should be carefully considered because disagreements could arise about the party responsible for a deferral.

In response to a question from Commissioner Flanagan, Ms. Coyle said staff would provide data on the number of deferrals requested by applicants in the past year.

Commissioner Hart requested that staff also provide data on the number of times the County had paid for re-advertising due to deferrals requested by applicants.

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LAND USE APPLICATION SCHEDULING

Due to time constraints, Chairman Murphy noted that this agenda item would be deferred to Wednesday, March 11, 2009, at 7:00 p.m.

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Responding to a question from Chairman Murphy, Mr. Wolfenstein said staff expected to receive input from VDOT on the submitted Chapter 527 reports for Plan amendments in the March/April 2009 timeframe.

Commissioner Sargeant recommended that staff prepare a chronology of events for scheduling land use applications and identify where improvements might be made to the process to make it easier, more efficient, and less expensive.

Commissioner Flanagan asked staff to let him know when a Mount Vernon District application had been filed, instead of when it had been accepted. Ms. Coyle agreed but pointed out that often applications were filed but not pursued. Chairman Murphy asked for a list of all indefinitely deferred applications.

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The meeting was adjourned at 8:15 p.m.
Peter F. Murphy, Jr., Chairman

An audio recording of this meeting is available in the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Kara A. DeArrastia

Approved: March 11, 2009

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Linda B. Rodeffer, Clerk
Fairfax County Planning Commission

Fairfax County Staff Experience with Implementing Chapter 527 Legislation

Planning Commission
Land Use Process Review Committee
January 8, 2009

Background

- The 2006 General Assembly adopted the Chapter 527 Legislation
- VDOT developed guidelines in 2006-2007
- NoVa implementation, in a phased approach, began in July 2007; full implementation started January 2008
- Chapter 527 regulations affected 3 distinct development processes:
  - Comprehensive Plan Amendments
  - Rezoning/Special Use and Special Exemption Permits (may also include Special Permits, Proffered Condition Amendments and Final Development Plan Amendments)
  - Site Plans

Zoning Experience

- 17 TIAs submitted to VDOT thus far
- Chapter 527 facilitates a consistent approach
- The review timeframes have been an issue in some cases. (For example the Springfield Mall TIA: first submitted in March 2008, finally accepted by VDOT in October 2008.)
- Proposed changes will address review timeframes

Comprehensive Plan Requirements

- Significant Change to transportation system
  - 5,000 additional trips above what current Comp Plan allows.
- Must include local assessment of potential impact proposed amendment may have on transportation system.
- Must be submitted to VDOT 100 days prior to Plan adoption by BOS. VDOT must provide comments within 90 days.

Comp. Plan Chapter 527 reports

- 28 proposed Plan Amendments were determined to require VDOT review since the regulations were implemented (not including North County APRs).

- Two Plan Amendments, Springfield Mall and Hilltop Sand & Gravel have been adopted. Lake Anne is currently under review.

- 25 BRAC APR nominations initially required Chapter 527 analysis; 12 were withdrawn and two were assigned to a special study. Three have been submitted to VDOT.

Experiences To Date

Out-of-Turn Plan Amendments

- The Springfield Mall review was concurrent with rezoning.
- Hilltop was initially submitted for concurrent review; subsequently the Comp. Plan review was separated from the rezoning to expedite the process.
- Lake Anne is the first County sponsored Plan amendment (VDOT comments due by middle of Feb.)

Experiences To Date

Area Plan Review (APR)

- BRAC APR process is first one subject to 527 regulations.
- County developed a process to guide nominators in producing Chapter 527 reports satisfying regulations.
- Coordinated process with VDOT.
- County held scoping meetings with all nominators.
- Required “cluster analysis” of nominations proximate to one another.
- Cumulative review of BRAC nominations is expected to provide a better understanding of the impacts.

Future Chapter 527 Plan Amendments

- County Studies: Tysons, Baileys Crossroads, Annandale, Springfield

- North County APR’s: 7 to 8

Conclusions

Comprehensive Plan Amendments

+ Provides greater consistency in review process
+ Provides opportunity to assess impacts to regional facilities and determine if improvements are needed.
+ Regulations have allowed for consideration of cumulative impacts, and County has implemented a procedure to determine the cumulative impacts of multiple amendments in geographic proximity.
- APR process is nomination driven and the expense of the TIA requirement and fees may discourage some citizen and community groups from submitting these proposals and resulted in withdrawal, as in the case of SFDC nominations in the Richmond Highway Corridor
- Process requires more time to reach public hearings

Conclusions (cont.)

- Chapter 527 supports better integration of transportation and land use.
- Chapter 527 regulations bring a higher level of involvement by VDOT in the review of applications.
- As of yet, VDOT comments on APR Plan amendments have not been received.

Recommendations

- Comp. Plan amendment section of the regulations could be further developed to clarify and improve the process.

- Consider having the Comp. Plan Chapter 527 report be required as a component of the submission process and be reviewed by VDOT before local review of Plan Amendments or APR nominations begin (this may not apply to special studies, such as Tysons, where land use recommendations are being developed by a Task Force)

- Consider developing a Board of Supervisors policy to determine when it is in the County's best interest to prepare the Comp. Plan Chapter 527 report

Chapter 527 Traffic Impact Analysis Regulations
Summary of Main Provisions (January 2009)

Introduction

In 2006, the Commonwealth of Virginia General Assembly approved legislation (§15.2-2222.1 of the State Code) which expanded the Virginia Department of Transportation's (VDOT) role in the land planning and land development review process. §15.2-2222.1 instructs VDOT to evaluate land development proposals that will have a significant impact on state controlled highways. The objective is to improve the coordination between land use and transportation planning across Virginia by providing better information to decision makers and citizens.

The supportive state administrative code for this legislation is 24 VAC 30-155. 24 VAC 30-155 requires the submittal of a Traffic Impact Analysis (TIA) package for certain development projects. Full implementation took place January 1, 2008. The specific criteria for Plan amendments, zoning applications, and site plans are included here along with a table outlining the process for each.

The legislation does not affect the local government authority to make decisions on proposed land uses and adopt plans. Instead it instructs VDOT to analyze and provide comments on the impacts of comprehensive plan changes and land development proposals that have a significant impact on the state controlled highways. These results can then be used by local governments for their planning and land use decision making process.

Questions about the Guidelines and the TIA review process should be referred to VDOT Northern Virginia District Office at 703-383-2068. Questions about the county process associated with submitting a TIA should be referred to FCDOT at 703-324-1100.

Comprehensive Plan Amendments and Chapter 527

When is a TIA package required by VDOT for a Comprehensive Plan Amendment?
A Chapter 527 review is required when a proposed change in land use would generate 5,000 or more vehicles per day on state controlled highways based on Institute of Traffic Engineers (ITE) Trip Generation Manual when the proposal is compared to the adopted Comprehensive Plan recommendation. It is also required when a major change is proposed to transportation facilities. In accordance with the legislation, the locality makes the determination whether a Chapter 527 submission is required. The submission must contain sufficient information so that VDOT may evaluate the system of new and expanded transportation facilities. The locality provides a Local Assessment of the potential impact the proposed amendment may have on the transportation system. This includes a Needs Assessment and identification of future transportation improvements needed to support future development.

How is a Chapter 527 Comp Plan Review Administered?
Fairfax County has two processes for Comprehensive Plan Amendments: Out-of-Turn Plan Amendments (OTPAs) and Area Plan Reviews (APRs). OTPAs must be authorized by the Board of Supervisors and may be sponsored by a private property owner or may be sponsored by the County. APRs are generally sponsored by a private property owner. In case when a Plan Amendment is sponsored by a private property owner, the County has developed guidelines for the private entity to complete its own transportation study that will comply with Chapter 527 guidelines. The County has coordinated these guidelines with VDOT to facilitate the VDOT review. Some Plan Amendments sponsored by the County facilitate special studies such as Tysons Corner or Bailey's Crossroads. For these County sponsored Plan Amendments, the County will submit the transportation analysis that was conducted in support of the proposed amendment. In all cases, the County submits the proposed Plan Amendment and the transportation analysis to VDOT.

What is the timeline for a Comp Plan Chapter 527 Review?
The locality must submit the proposed plan amendment and the transportation assessment to VDOT 100 days prior to Plan adoption by the Board of Supervisors. VDOT must provide comments within 90 days, unless a later date is agreed upon. For practical purposes the Planning Commission is likely to desire to have the 527 comments prior to its decision.

How are the Chapter 527 review comments used?
The comments are advisory only and are not binding on the locality. VDOT comments on the plan amendment TIA will be made part of the county public record.

Zoning Applications and Chapter 527

When is a TIA package required by VDOT for a zoning application?
A TIA package must be submitted with a zoning application, if one of the following criteria applies to the site:

- The site is residential generating more than 100 net vehicles per peak hour;
- The site is not residential and generates more than 250 net vehicles per peak hour, or more than 2,500 net vehicles per day; or
- The site is residential on a low-volume road and generates 200 net vehicles per day or more and at least doubles the existing volume of the road.

For land development projects that generate 1,000 or more vehicle trips per peak hour, the developer is required to request a scope of work meeting with the Fairfax County Department of Transportation (FCDOT) and VDOT to discuss the elements of the TIA.

How is a Chapter 527 Zoning Review Administered?
If the minimum guidelines for a TIA have been met, the submission requirements apply to the following land use categories: Rezonings and amendments; Special Exceptions and amendments; Special Permits and amendments. All further references to 'rezoning application' will include the cited land use categories. The county will not accept a rezoning application until the TIA, if required, has been submitted. Upon acceptance of the rezoning application FCDOT will forward the TIA to VDOT within 10 business days.

What is the timeline for a Zoning Chapter 527 Review?
According to the Guidelines, VDOT must either submit comments to the county within 45 days of VDOT's receipt of a complete TIA or request a meeting with the applicant to discuss the TIA. If a meeting is requested VDOT has a total of 120 days from receipt of a complete TIA to provide comments on the TIA. The county must either receive VDOT comments regarding the TIA or wait until the deadlines described above have passed prior to taking approval action on the rezoning application.

How are the Chapter 527 review comments used?
VDOT will review the TIA for technical and formatting accuracy and provide recommendations for the transportation network to be evaluated with the zoning case review. VDOT comments on the TIA will be made part of the county public record.

Site plans and Chapter 527

When is a TIA Package required by VDOT on a site plan?
A TIA package is required on a site plan when one of the following thresholds is proposed by the development:

- The site is to be developed with a residential use that will generate more that 100 vehicles per peak hour;
- The site is be developed with a use other than residential that will generate more than 250 vehicles per peak hour, or more than 2,500 vehicles per day; or
- The site is to be developed with a residential use, is located on a low-volume road, and generates 200 vehicles per day or more and at least doubles the existing volume of the road.

How is a Chapter 527 Site Plan review administered?
The county will not accept a site plan or subdivision plan until the TIS, if required, has been submitted. County staff does not review the TIA except to ensure that the appropriate documentation has been submitted to VDOT.

What is the timeline for a Site Plan Chapter 527 review?
According to the VDOT administrative guidelines, VDOT must submit comments to the county within 30 days of VDOT's receipt of a complete TIA package or request a meeting with the county staff and the applicant. If a meeting is scheduled, VDOT must submit comments within 90 days of receipt of a complete TIS package.

How are the Chapter 527 review comments used?
The VDOT comments regarding the TIS will be made part of the county public record. The county must either receive VDOT comments regarding the TIS or wait until the deadlines described above have passed prior to approving the associated site plan or subdivision plan. Although VDOT may recommend certain road improvements based on the TIA, the state does not provide the County the authority to require these additional road improvements from the developer.

SUMMARY TABLE: TRAFFIC IMPACT ANALYSIS REGULATIONS REQUIREMENTS

Process		Threshold	Review Process*	Fee**
Comprehensive Plan and Plan Amendments		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
Rezoning	Residential	100 VPH on state controlled highways, or 100 VPH on locality maintained streets AND within 3000 feet of a state controlled highway, or Low Volume Road Threshold: 200 VPD AND exceeds the current traffic volume on a state controlled highway	TIA and Application submitted to VDOT for review and comment VDOT may request a meeting with the locality and applicant within 45 days Review to be completed in 120 days if VDOT requests a meeting Otherwise review to be completed in 45 days 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.	For first and second review: $250 - Low Volume Road $500 - Less than 100 VPH $1000 -100 VPH or more No fee if initiated by locality or public agency
	All Other Land Uses ***	250 VPH or 2500 VPD on state controlled highways, or 250 VPH or 2500 VPD on locality maintained streets AND within 3000 feet of a state controlled highway		
Subdivision Plat, Site Plan, or Plan of Development	Residential	100 VPH on state controlled highways, or 100 VPH on locality maintained streets AND within 3000 feet of a state controlled highway, or 200 VPD AND more than doubles current traffic volume on a state controlled highway	TIA and Application and Plans submitted to VDOT for review and comment. VDOT may request a meeting with the locality and applicant within 30 days Review to be completed in 90 days if VDOT requests a meeting Otherwise review to be completed in 30 days NOTES: 1. Not required IF assumptions and conclusions remain valid in the Rezoning TIA submitted to VDOT in accordance with Chapter 527 (must include copy of previous TIS if rezoning approval is more than 2 years old). 2. Required IF a Rezoning TIA was NOT submitted to VDOT in accordance with Chapter 527. 3. Required IF conditions analyzed in Rezoning TIA submitted to VDOT in accordance with Chapter 527 have materially changed such that adverse impacts to state-controlled highways have increased.	For first and second review: $250 - Low Volume Road $500 - Less than 100 VPH $1000 - 100 VPH or more No fee if rezoning TIA is determined to be still valid No fee if initiated by locality or public agency
	All Other ***	250 VPH or 2500 VPD on state controlled highways, or 250 VPH or 2500 VPD on locality maintained streets AND within 3000 feet of a state controlled highway		

* 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.

*** For mixed use developments, a proposal is deemed to have significant impact if the trips associated with the residential component exceed 100 VPH, or if the total trips generated exceed either 250 VPH, or 2500 VPD.

DRAFT DECEMBER 2008

SPECIAL PERMIT AND SPECIAL EXCEPTIONS	2008	50%	75%
SPECIAL PERMIT GROUPS			
Group 1 - Extraction and Excavation Uses 1. Removal of sand or gravel by excavating, stripping, dredging, mining or otherwise taking other than as permitted by right under the provisions of Sect. 2 601; but not including the treating, crushing or processing of the same. No permit for such sand or gravel removal shall be approved by the BZA for any parcel or area not designated in the adopted comprehensive plan for consideration of such a use. 2. Removal of soil by excavating, stripping, dredging, mining or otherwise taking other than as permitted by right under the provisions of Sect. 2 601; but not including the treating, crushing or processing of the same. 3. Stone quarrying. 4. Extraction of materials other than those specifically enumerated in this Part. 5. Crushing, treating, washing and/or processing of materials resulting from a use permitted under the four immediately preceding Paragraphs when conducted on the same property.	$5,295	$10,590	$15,885
Group 2 - Interment Uses 1. Cemetery for human or animal interment. 2. Columbarium and mausoleum when used in conjunction with a cemetery. 3. Crematory, human or animal. 4. Funeral home, if located in an already existing cemetery of more than seventy five (75) acres.	$5,295	$10,590	$15,885
Group 3 - Institutional Uses 1. (Deleted) 2. Churches, chapels, temples, synagogues and other such places of worship. 3. Convents, monasteries, seminaries and nunneries. 4. (Deleted) 5. Home child care facilities. 6. Group housekeeping units. 7. (Deleted) 8. (Deleted) 9. (Deleted) 10. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school, or private school of general or special education. **$3,565/$7,130/$10,695**	$355	$710	$1,065
Group 4 - Community Uses 1. Community clubs, centers, meeting halls, swimming pools, archery ranges. 2. Swimming clubs and tennis clubs/courts. 3. Marinas, docks and boating facilities of a private, nonprofit nature. 4. Any other recreational or social use, operated by a nonprofit organization, where membership thereto is limited to residents of nearby residential areas.	$1,320	$2,640	$3,960
Group 5 - Commercial Recreation Uses 1. Billiard and pool halls. 2. Bowling alleys. 3. Commercial recreation parks, including mechanical or motorized amusement rides/devices. 4. Commercial swimming pools, tennis courts and similar courts. 5. Dance halls. 6. Health clubs. 7. Indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses. 8. Miniature golf courses. 9. Skating facilities. 10. Any other similar commercial recreation use.	$5,295	$10,590	$15,885

Group 6 - Outdoor Recreation Uses 1. (Deleted) 2. Camp or recreation grounds. 3. (Deleted) 4. (Deleted) 5. (Deleted) 6. Riding and boarding stables. 7. Skeet and trapshooting ranges. 8. Veterinary hospitals, but only ancillary to riding or boarding stables. 9. Zoological parks. 10. (Deleted)	$5,295	$10,590	$15,885
Group 7 - Older Structures 1. Antique shops. 2. Art and craft galleries. 3. Restaurants. 4. Rooming houses. 5. Summer theatres.	$5,295	$10,590	$15,885
Group 8 - Temporary Uses – Approved by BZA 1. Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities. 2. Construction material yards accessory to a construction project. 3. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project. 4. Promotional activities of retail merchants. 5. Subdivision and apartment sales and rental offices. 6. Temporary dwellings or mobile homes. 7. Temporary farmers' markets. 8. Temporary mobile and land based telecommunication testing facility. 9. Temporary portable storage containers.* **NO FEE**	$5,295	$10,590	$15,885
Group 9 - Uses Requiring Special Regulation 1. Adult book stores and adult mini motion pictures theatres. 2. Auction establishments. 3. Automated teller machines. 4. Barbershops or beauty parlors as a home occupation. 5. Commercial nudity establishments. 6. Home professional offices. 7. (Deleted) 8. Open-air produce stands.* **$130/$260/$390** 9. Sawmilling of timber. 10. Veterinary hospitals. 11. Provisions for approving additional sign height or sign area in shopping centers. 12. Approval of modification to minimum yard requirements for certain R-C lots.***$60/$120/$180** 13. Approval of reduction to minimum yard requirements based on error in building location. 14. (Deleted) 15. (Deleted) 16. Modification to the limitations on the keeping of animals.***$295/$590/$885** 17. Accessory dwelling units. 18. Noise barriers. 19. Containment structures associated with outdoor recreation/sports facility playing fields/courts and golf courses. 20. Modification of minimum yard requirements for certain existing structures and uses. 21. Reduction of certain yard requirements.***$2,645/$5,290/$7,935** 22. Increase in fence and/or wall height in any front yard. 23. Certain additions existing SFD extending into a min yard more 50%/5'	$585	$1,170	$1,755

SPECIAL EXCEPTION CATEGORIES			
Category 1 - Light Public Utility Uses 1. Electric substations and distribution centers including transformer stations. 2. Natural gas, oil and other petroleum product metering, regulating, compressor, control and distribution stations 3. Radio and television broadcasting tower facilities, microwave facilities and satellite earth stations. 4. Sewerage pumping facilities. 5. Telecommunication facilities 6. Utility transmission facilities 7. Water storage, control, and pumping facilities. 8. Mobile and land based telecommunication facilities.	$5,295	$10,590	$15,885
Category 2 - Heavy Public Utility Uses 1. Electrical generating plants and facilities. 2. Sewage treatment and disposal facilities. 3. Solid waste disposal and treatment facilities including incinerators and landfills. 4. Storage facilities for natural gas, oil and other petroleum products. 5. Supply yards for any public utility. 6. Water purification facilities. 7. Local office space and maintenance facilities incidental to any use set forth above.	$5,295	$10,590	$15,885
Category 3 - Quasi-Public Uses 1. Colleges, universities. 2. Conference centers and retreat houses, operated by a religious or nonprofit organization. 3. Cultural centers, museums and similar facilities. 4. Independent living facilities. 5. Congregate living facilities. 6. Medical care facilities. 7. Private clubs and public benefit associations. 8. Quasi-public parks, playgrounds, athletic fields and related facilities. 9. Sports arenas, stadiums as a principal use. 10. Child care centers and nursery schools. 11. Private schools of general education. 12. Private schools of special education. 13. Alternate uses of public facilities. 14. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls providing off-campus residence for more than four (4) unrelated persons who are students, faculty members, or otherwise affiliated with an institution of higher learning. 15. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education.*<100 Students: **$355/$710/$1065;** ***>100 Students: $3,565/$7,130/$10,695**	$5,295	$10,590	$15,885
Category 4 - Transportation Facilities 1. Airports. 2. Bus or railroad stations. 3. Heliports. 4. Helistops. 5. (Deleted by Amendment #05-374, Adopted July 25, 2005, Effective July 26, 2005) 6. Electrically-powered regional rail transit facilities. 7. Regional non-rail transit facilities.	$5,295	$10,590	$15,885

Category 5 - Commercial and Industrial Uses of Special Impact 1. Amusement arcades. 2. Automobile-oriented uses. 3. Car washes. 4. Commercial recreation restaurants. 5. Convenience centers. 6. Drive-in financial institutions. 7. Drive-in motion picture theatres. 8. Drug paraphernalia establishments. 9. Eating establishments. 10. Establishments for scientific research and development. 11. Fast food restaurants. 12. Funeral chapels. 13. Heavy industrial uses 14. Hotels, motels. 15. Marinas, docks and boating facilities, commercial. 16. Mini-warehousing establishments. 17. Offices. 18. Parking, commercial off-street, as a principal use. 19. Plant nurseries. 20. Quick-service food stores. 21. Service stations. 22. Theatres. 23. Vehicle light service establishments. 24. Vehicle major service establishments. 25. Vehicle sale, rental and ancillary service establishments. 26. Wholesale trade establishments. 27. Commercial off-street parking in Metro Station areas as a temporary use. 28. Food and beverage manufacturing, production and processing establishments. 29. Industrial/flex. 30. Pawnshops. 31. Mixed waste reclamation facilities. 32. Retail sales establishments. 33. Service station/mini-marts. 34. Truck rental establishments. 35. Bed and breakfasts. 36. Drive-through pharmacies. 37. Baseball hitting and archery ranges, outdoor. 38. Golf courses, country clubs. 39. Golf driving ranges. 40. Kennels, animal shelters. 41. Miniature golf courses ancillary to golf driving ranges. 42. Veterinary hospitals, but only ancillary to kennels. 43. Retail sales establishments-large.	$5,295	$10,590	$15,885

Category 6 - Miscellaneous Provisions Requiring BOS Approval 1. (Deleted) 2. Uses in a floodplain. 3. Increase in building heights. 4. Enlargement of certain nonconforming uses. 5. Parking in R districts. 6. Waiver of minimum lot size requirements. 7. Approval of drive-in financial institutions, fast food restaurants, quick-service food stores, service stations and service station/mini-marts in a Highway Corridor Overlay District. 8. Approval of the enlargement, extension, relocation or increase in intensity of existing drive-in financial institutions, fast food restaurants, quick-service food stores and service stations in a Highway Corridor Overlay District. 9. Waiver of open space requirements. 10. Waiver of minimum yard and privacy yard requirements for SFA.***$2,645/$5,290/$7,935** 11. Approval of nonconforming condominium and cooperative conversions. 12. Cluster subdivisions. 13. Driveways for uses in a C or I district. 14. Density credit for major utility easements. 15. Increase in FAR. 16. Minor modifications to a nonconformity. 17. Waiver of certain sign regulations. 18. Outdoor storage in association with warehousing establishments in the Sully Historic Overlay District. 19. Modifications/waivers/increases and uses in a Commercial Revitalization District. 20. Reduction of yard requirements for the reconstruction of certain SFD destroyed by casualty.***NO FEE** 21. Containment structures associated with outdoor recreation/sports facility playing fields/courts and golf courses. 22. Modification of minimum yard requirements for certain existing structures and uses.***$295/$590/$885** 23. Provisions for modifying shape factor limitations.***$2,645/$5,290/$7,935**	$5,295	$10,590	$15,885

Fairfax County
FY Budget

Response to Questions on the FY 2010 County's Line of Business & Schools Program Review Processes Fall 2008

Request By: Supervisor Smyth

Question: Is it possible for Department of Planning and Zoning to charge additional fees on deferred cases, especially when the case is deferred at request of the applicant?

Response: The Chesterfield County, VA Zoning Ordinance does include fees for zoning applications that are deferred at the request of an applicant, when the deferral request occurs after the legal advertising for the case has occurred. The deferral fees are based upon case type and hearing body. A table is shown below to illustrate their fee structure for deferral requests.

Chesterfield County, Virginia Zoning Application Deferral Fees (per request)		
Application Hearing Body	**Residential Uses**	**Office, Commercial, and Industrial Uses**
Planning Commission	$1,000.00	$1,000.00
Board of Zoning Appeals	$130.00	$130.00
Board of Supervisors	$1,000.00	$1,000.00

Further, Prince William County, VA also assesses a fee for deferrals that occur after advertisement occurs. The fee assessed is based upon the actual costs to re-advertise and post the property in accordance with the State Code

Further, the Office of the County Attorney has confirmed that a fee may be charged by Fairfax County for the deferral of zoning applications. Therefore, DPZ staff will propose the establishment of such a fee concurrent with the Zoning Ordinance Amendment pertaining to zoning application fees which will be proposed for authorization by the Board of Supervisors in February.