

DOCKET ITEM #5
Subdivision #2011-0006
813 Wolfe Street/399 S. Columbus Street

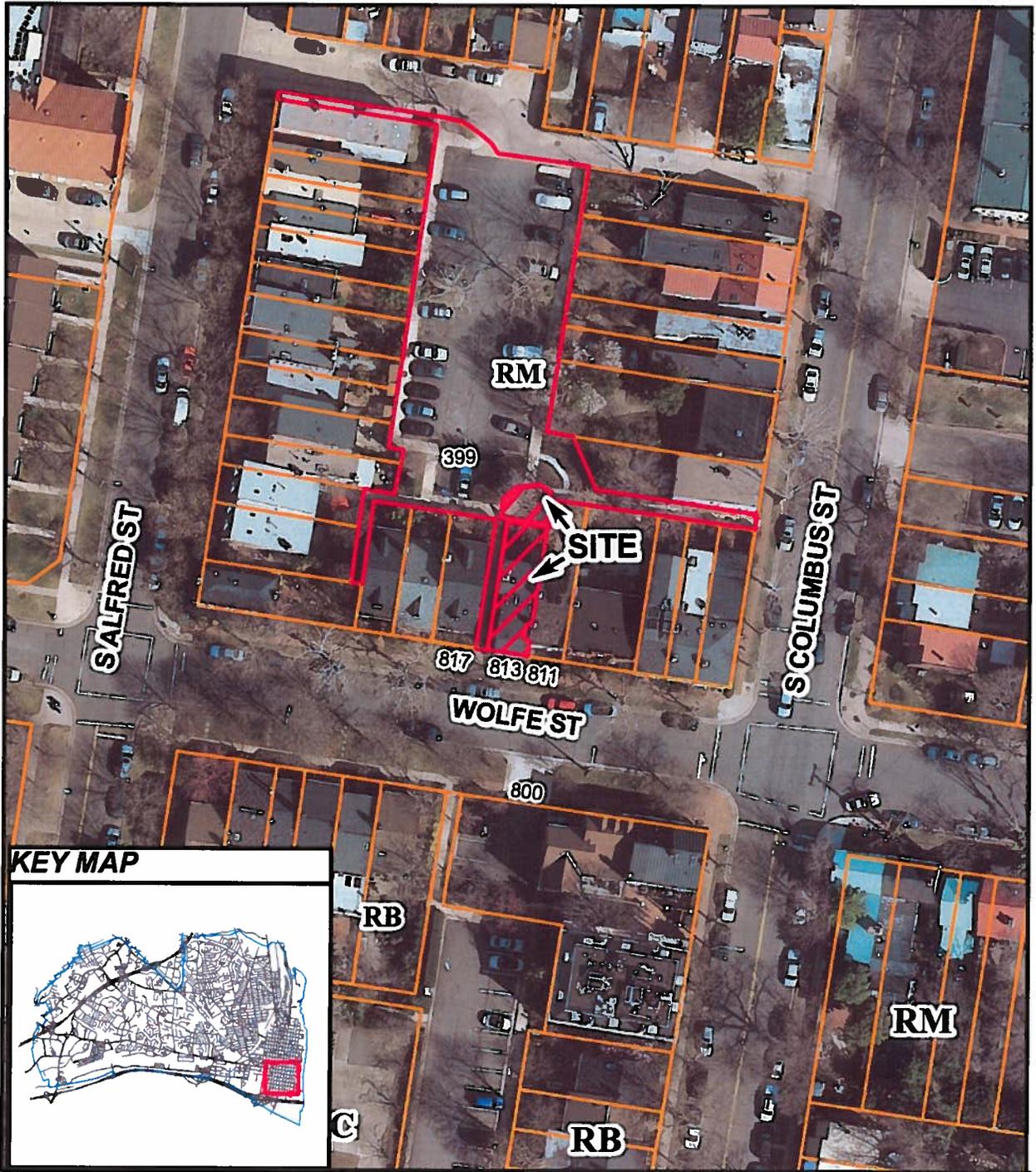
CONSENT AGENDA ITEM

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Application	General Data	
Request: Consideration of a subdivision request to re-subdivide two parcels.	Planning Commission Hearing:	February 7, 2012
Address: 813 Wolfe Street and 399 South Columbus Street	Approved Plat must be recorded by:	August 7, 2013
Applicant: 813 Wolfe Street LLC and Burgess Square (Block 11) Owners Association	Zone:	RM/Townhouse
	Small Area Plan:	Old Town

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov



SUB #2011-0006

02/07/12



I. DISCUSSION

The applicants, 813 Wolfe Street LLC, represented by Keith Imlay, and Burgess Square (Block 11) Owners Association, request approval to re-subdivide two parcels of land at 813 Wolfe Street and 399 South Columbus Street.

SITE DESCRIPTION

The property at **813 Wolfe Street** (proposed Lot 518) has 18 feet of frontage on Wolfe Street, 60 feet of depth and a total lot area of 1,086 square feet. The site is developed with a two-story rowhouse.

The property at **399 South Columbus Street** (proposed Parcel A-2) is an irregularly-shaped interior parcel with narrow, arm-like extensions that front on South Columbus, South Alfred and Wolfe Streets. The parcel has a total lot area of 13,660 square feet. The site is developed with a parking lot and small amounts of surrounding land owned by members of the Burgess Square Owners Association, also known as Block 11 Owners Association.

The surrounding area is occupied primarily by residential uses. A dentist office is located at 303 S. Columbus and the Alfred Street Baptist Church is located at the corner of South Alfred and Duke Streets.



BACKGROUND

The portion of the block on which the subject parcels are located was originally included as Block 11 in the DIP Urban Renewal Plan, first approved by City Council under an umbrella Special Use Permit (SUP#965) in 1974 and later amended under SUP#1223 in 1979. The Planning Commission approved a specific site development plan for Block 11 in April 1980 and approved a subdivision consistent with that plan in August 1980. By transferring land from individual townhouse lots including the 813 Wolfe Street property, the subdivision created a common parcel in the middle of the block on which a parking lot and a playground or tot lot was expected to be built.

In the early 1980s, the original developer of the lot encountered financial difficulties that delayed the redevelopment of the block anticipated in the DIP. Several of the buildings in Block 11 had been identified as 100-year old buildings to be saved as part of the DIP, and concerns about their expeditious rehabilitation resulted in an agreement by the original developer to withdraw its participation in the redevelopment of this block. The properties were sold in 1982 with City

Council approval and with a requirement in the sale agreement that the land be redeveloped consistent with the 1980 site development plan. City Council approved Special Use Permit #1602 in September 1983 to officially delete Block 11 from the DIP Urban Renewal Plan.

The properties in the former DIP Block 11 were subsequently redeveloped in a scheme in which many historic dwellings were rehabilitated and new townhouse or single-family dwellings were constructed on vacant lots. Although the parking lot and associated sidewalks were built on the common interior lot, the anticipated tot lot was never constructed. In 1984, some 2,000 square feet of land from the common area where the tot lot was expected to be built was transferred by deed, but without subdivision approval, to the immediately adjacent residential property owners. In July 1995, Planning Commission approved Subdivision #95-0015 to formalize this land transfer.

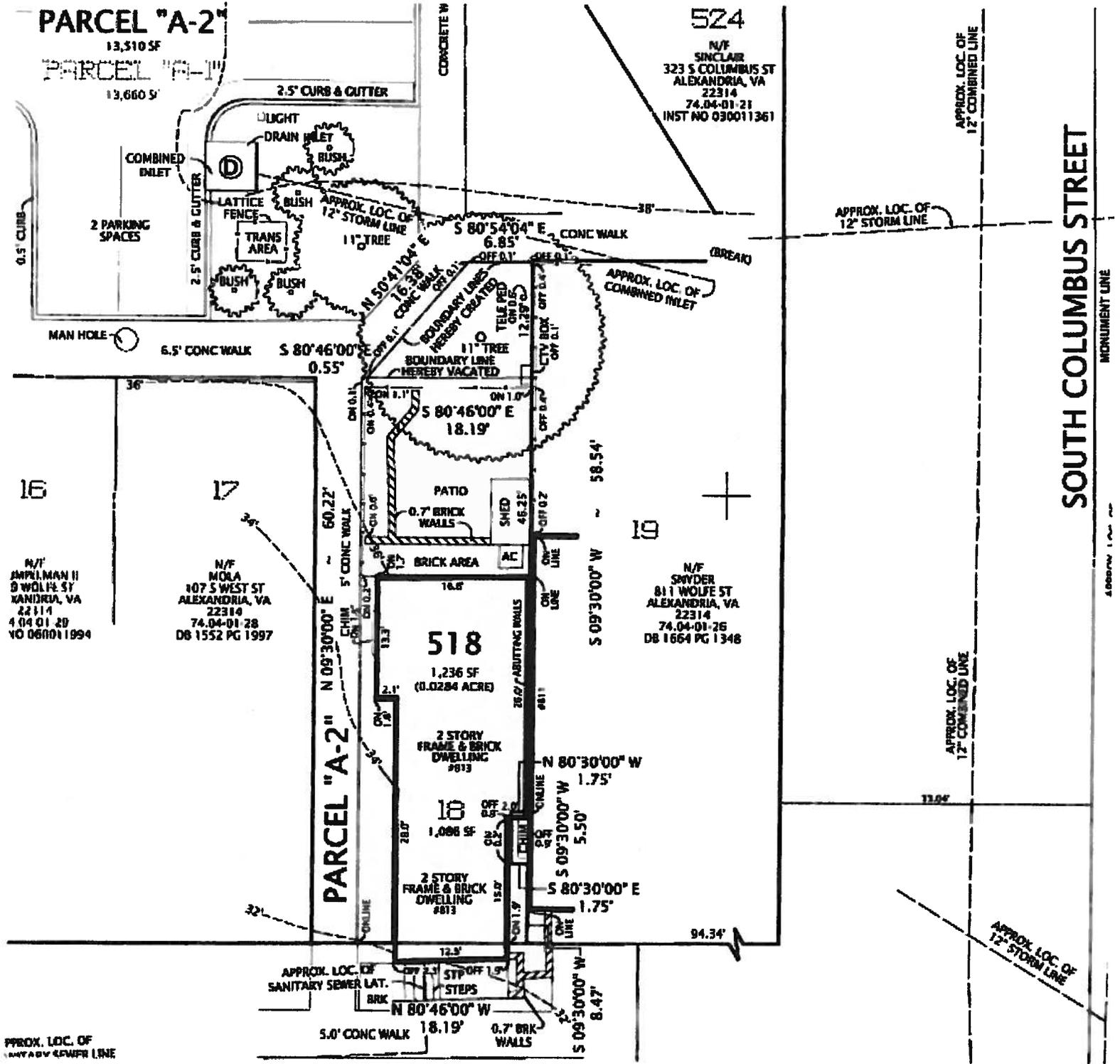
PROPOSAL

The applicants propose to re-subdivide the two parcels by adjusting the shared property line such that 150 square feet of land is transferred from the 399 South Columbus Street property to the 813 Wolfe Street property. The land in question is a mulched area with one tree located between the edge of the sidewalk on the 399 South Columbus Street property and the rear property line of the 813 Wolfe Street property. It is very small and oddly shaped so that its benefit as open space is minimal.

The purpose of the subdivision according to the applicants is to increase the amount of outdoor area on the 813 Wolfe Street property, improve neighborhood safety, and allow for more direct, routine maintenance by a private landowner. The applicants report that wind-blown litter on the land in question has been a problem and that, at night, the land is a dark corner which could provide cover for criminal activity. No new or expanded structures are proposed in connection with this subdivision request. Under the proposal the lot at 813 Wolfe Street will increase in size from 1,086 to 1,236 square feet, while the parcel at 399 South Columbus will decrease in size from 13,660 to 13,510 square feet.

ZONING

Both properties are located in the RM / Townhouse zone but was developed under and governed by the site development plan approved by Planning Commission in 1980. As a technical matter, by approving this subdivision request the Planning Commission is also simultaneously approving a change to the site development plan regarding the approved open space for the block. Similar approval was granted in the 1995 subdivision case.



II. STAFF ANALYSIS

Although it has some concern with the privatization of open space in connection with this subdivision, staff does not object to the subdivision request. Staff research suggests that the original purpose for transferring this piece of land from the 813 Wolfe Street property to the common parcel as part of the DIP in 1980 was to allow residents access from the new parking lot to the nearby sidewalk, which was proposed to follow along the now-existing rear property line at 813 Wolfe Street. The land is no longer needed for that purpose since the sidewalk was actually built closer to the parking lot, and the land does not appear to have had any other specific purpose, such as for active recreational uses or for actual parking. The Owners Association's approval of the land sale indicates that the piece of land in question is no longer needed or desired by its members, who would be most directly affected by the privatization.

Importantly, while the ownership status of the land will change, no loss of open space will actually result from this proposal. The owner of 813 Wolfe has stated that it does not plan to build any new additions to the existing structure. To ensure that has included language in this report (Condition #4) that will prohibit the owner from using the additional land area created by this subdivision toward setback or floor area requirements on the property.

Staff concludes that the change of residual common land from semi-private to fully private ownership will not be detrimental to the community. Subject to the conditions contained in Section III of this report, staff recommends approval of the applicants' request.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The final subdivision plat shall comply with the requirements of Section 11-1709 of the Zoning Ordinance. (P&Z) (T&ES)
2. The applicant shall arrange for adequate and proper mechanisms, including an easement if necessary, to allow utility companies access to their facilities at 813 Wolfe Street property. (P&Z)
3. The location of all easements and reservations shall be depicted on the final subdivision plat. No permanent structure shall be constructed over any existing private and/or public utility easements. (P&Z)(T&ES)
4. The additional 150 square feet of land created on Lot 518 shall not be used for the purposes of complying with minimum yard or maximum floor area ratio (FAR) requirements for any future additions or new structures on the property. (P&Z)

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

Staff Note: This plat will expire 18 months from the date of approval (August 7, 2013) unless recorded sooner.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- F-1 The Preliminary Plat attached to the application includes three sheets (i.e., Sheet 1 of 2, Sheet 2 of 2, and third sheet with no number). Correct the scale on the third sheet. (T&ES)
- R-1 The location of all easements and reservations shall be depicted on the final subdivision plat. No permanent structure shall be constructed over any existing private and/or public utility easements. (T&ES)
- C-1 The final subdivision plat shall comply with the provisions of Section 11-1709 of the City's Zoning Ordinance. (T&ES)
- C-2 Any future development on either of the subdivided lots shall provide adequate stormwater outfall per the requirements of Article XI of Alexandria Zoning Ordinance and Virginia Department of Conservation and Recreation (DCR), Erosion and Sediment Control (ESC) Regulations 4VAC50-30-40.19 Minimum Standard 19 (MS-19). (T&ES)

Any future development on either of the subdivided lots shall comply with the requirements of City of Alexandria Zoning Ordinance Article XIII for storm water management regulations regarding water quality and quantity control. The water quality requirements consist of phosphorus removal and water quality volume default. Contact the Office of Environmental Quality at (703) 746-4065 and Engineering Division at (703) 746-4045 with any questions regarding the water quality and water quantity requirements, respectively. (T&ES)

Code Enforcement:

F-1 No Comments

Fire and EMS:

F-1 No Comments

Historic Alexandria

F-1 No archaeological action is required.

Parks and Recreation:

F-1 No Comments Received

Police Department:

F-1 No Comments Received

Real Estate Assessments:

F-1 No Comments



APPLICATION

SUBDIVISION OF PROPERTY

SUB # 2011-0006

PROPERTY LOCATION: 813 Wolfe street / 399 South Columbus Street

TAX MAP REFERENCE: 074.04-01-27 ZONE: RM

APPLICANT:

Name: 813 Wolfe street LLC / Burgess Square (Block 11) Owners Association

Address: 700 South View Terrace / 399 South Columbus street

PROPERTY OWNER:

Name: SAME AS ABOVE

Address: _____

SUBDIVISION DESCRIPTION Sub division in which approximately
~~150~~ 150 square feet of land will be shifted from 399 South Columbus
street to 813 Wolfe street.

THE UNDERSIGNED hereby applies for Subdivision in accordance with the provisions of Section 11-700 of the Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of his/her knowledge and belief.

KEITH P. IMLAY
Print Name of Applicant or Agent
700 SOUTH VIEW TERRACE
Mailing/Street Address
ALEXANDRIA, VA 22314
City and State Zip Code

Keith P. Imlay
Signature
703-328-8389 703-751-1881
Telephone # Fax #
KEITHIMLAY@KPICONSULTING&IT.COM
Email address
11/18/2011
Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: _____ Fee Paid and Date: _____

ACTION - PLANNING COMMISSION: _____

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Subdivision # 2011-0006

ALL APPLICANTS MUST COMPLETE THIS FORM.

Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is: (check one)

the Owner Contract Purchaser Lessee or Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

KEITH P. IMLAY, 700 SOUTH VIEW TERRACE ALEXANDRIA VA 22314 100%

BURGESS SQUARE (BLOCK 11) - OWNERS ASSOCIATION - NO ONE PERSON HAS MORE THAN 10% OWNERSHIP.

If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes.** Provide proof of current City business license.
 No. The agent shall obtain a business license prior to filing application, if required by the City Code.

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OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. KEITH P. IMLAY	700 SOUTH VIEW TERRACE	100%
2. BURGESS SQUARE (Block 11) OWNERS ASSOCIATION	399 SOUTH COLUMBUS STREET	NO ONE PERSON HAS MORE THAN 10% OWNERSHIP
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at _____ (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. KEITH P. IMLAY	700 SOUTH VIEW TERRACE	100%
2. BURGESS SQUARE (Block 11) OWNERS ASSOCIATION	399 SOUTH COLUMBUS STREET	NO ONE PERSON HAS MORE THAN 10% OWNERSHIP
3.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity below and "None" in the corresponding fields)**

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. KEITH P. IMLAY	NONE	PLANNING COMMISSION
2. BURGESS SQUARE (Block 11) OWNERS ASSOCIATION	NONE	PLANNING COMMISSION
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

11/18/2011
Date

KEITH P. IMLAY
Printed Name

Keith P. Imlay
Signature

Burgess Square HOA - list of owners as of 11/13/2011

309 South Columbus
Terri Sawyer

311 South Columbus
Nina & Ted Wright

313 South Columbus
Norm & Judi Lisy

315 South Columbus
Paula Campbell

317 South Columbus
Melissa & Dan Russell

321 South Columbus
Sharon & Bill Schambra

323 South Columbus
Anthony Sinclair

801 Wolfe
Mary & Joe Davis

803 Wolfe
Motty & Dennis Bradshaw

805 Wolfe
Debbie Sallis

807 Wolfe
Pamela Citron & Jake Gallum

811 Wolfe
Maria Snyder

813 Wolfe
Keith Imlay

817 Wolfe
Elena Mola

819 Wolfe
Bill Krumpelman

821 Wolfe
Andy & Marie Taylor

827 Wolfe
Paula Glaser

310 South Alfred
Claudette Smith

312 South Alfred
Ann J Calanni

314 South Alfred
Chris Johnson

314 ½ South Alfred
Cara & James Burke

316 South Alfred
Kathi Thompson

318 South Alfred
Mary Nokes
320 South Alfred
Al & Mary Ann Pierce
322 South Alfred
Margaret Barry
324 South Alfred
Jason Morda
326 South Alfred
Beth & Rob Creason
328 South Alfred
Ryan Noonan & Melissa Marland
330 South Alfred
Charlene & Dave French
332 South Alfred
Terry & Sarah Bowles

Subdivision # 2011-0006

WAIVER OF RIGHT TO AUTOMATIC APPROVAL

**SUBMITTED TO
THE DEPARTMENT OF PLANNING AND ZONING
CITY OF ALEXANDRIA, VIRGINIA**

PROJECT NAME: Subdivision 813 Wolfe street and 399 South Columbus street

PROJECT ADDRESS: 813 Wolfe street / 399 South Columbus street

DESCRIPTION OF REQUEST:
Subdivision in which approximately ¹⁵⁰~~162~~ square feet of land will be shifted from 399 South Columbus street to 813 Wolfe street.

THE UNDERSIGNED hereby waives the right to the 45 day automatic approval provision of Section 11-1708 (B)(2) of the Zoning Ordinance of the City of Alexandria, Virginia, for the application stated above.

Date: 11/18/2011

Applicant

Agent

Signature: Keith P. Imlay

Printed Name: KEITH P. IMLAY

The reason for this subdivision is that both applicants will benefit. 813 Wolfe Street LLC will enjoy a larger back yard. The Burgess Square (Block 11) Owner's Association will reduce its required maintenance. In addition, the area to be shifted is currently a dark corner space that causes safety concerns. Shifting the ownership of this piece of land from the home owners association to private will allow a fence to be built around it, thus eliminating this dark corner space.

Please note that we are not pursuing this subdivision with the intent of adding floor area to the house.

Nathan Randall

From: Keith Imlay <keithimlay@kpiconsultingit.com>
Sent: Friday, December 16, 2011 1:36 PM
To: Nathan Randall
Subject: FW: Good news!

Here is the final verdict!

Thanks,

Keith P. Imlay

KPI Consulting LLC
P: 703-328-8389
F: 703-751-1881
KeithImlay@KPIConsultingIT.com

-----Original Message-----

From: Beth Hollowell Creason [<mailto:bethcocoa@gmail.com>]
Sent: Sunday, August 14, 2011 11:39 PM
To: Keith Imlay
Subject: Good news!

Hi Keith!

Good news! I've consulted the bylaws and other knowledgeable people: upshot is that your proposal was unanimously approved by more than the required number of votes (quorum). You have Burgess Square community's go-ahead to pursue getting your land purchase proposal approved by City Hall.

If you have any further requirements, please let me know.

Good luck,
Beth Creason
HOA President, Burgess Square

Nathan Randall

From: Beth Hollowell Creason <bethcocoa@gmail.com>
Sent: Sunday, November 13, 2011 10:17 PM
To: Nathan Randall
Cc: Keith Imlay
Subject: 813 Wolfe St & Burgess Square HOA application

Hi Nathan,

My name is Beth Creason, and I'm writing this email as President of the Burgess Square HOA. Keith Imlay has informed me that you needed confirmation that the Burgess Square HOA is supportive of the sale of community property to Mr. Imlay; we do support this application.

To make it official:

The Burgess Square (Block 2) Home Owner's Association is pleased to be an applicant in the application for subdivision with 813 Wolf Street, LLC. (Keith P. Imlay).

Please let me know if I can be of any further assistance.

Sincerely,
Beth Creason
President, Burgess Square HOA
326 S Alfred St
Alexandria, VA 22314