

City of Alexandria, Virginia

MEMORANDUM

DATE: MAY 25, 2010
TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION
FROM: FAROLL HAMER, DIRECTOR, PLANNING AND ZONING *FH*
SUBJECT: CRITERIA FOR REZONINGS

Attached for your review is a draft memorandum from me to City Council, in response to its request. I propose to forward the memorandum, with any comments and suggestions from the Planning Commission, for Council's consideration on June 22, 2010.

This item will be discussed at the Planning Commission under Other Business, at its meeting on June 1.

City of Alexandria, Virginia

MEMORANDUM

DATE: MAY 24, 2010

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: JAMES K. HARTMANN, CITY MANAGER

FROM: FAROLL HAMER, DIRECTOR, PLANNING AND ZONING

SUBJECT: CRITERIA FOR REZONING WITHOUT MASTER PLAN STUDY

ISSUE: When it is appropriate for a rezoning application to proceed without the need for an area wide planning study.

RECOMMENDATION: Council should consider the attached list of criteria for determining when a rezoning application should proceed without an area wide planning study.

BACKGROUND

A landowner is permitted to request a rezoning of its property at any time. Some rezoning applications involve properties that stand alone or are unique from the surrounding development and can be considered in isolation. Some are located in an area that should be considered for new and different development and zoning along with others nearby and thus require a planning study for the area before Planning and Zoning is able to support the rezoning of any one property by itself. City Council has asked Planning staff to articulate the criteria it uses to distinguish between the two situations.

When a rezoning application asks for the ability to build more or different uses and buildings than what the City has planned for the location, the request requires close scrutiny and the analysis of a series of general land use factors including whether the size or type of use asked for in the rezoning will harm nearby properties or otherwise be appropriate for the area. For example:

- Will the *uses* proposed be appropriate in the location? From an economic standpoint, are the uses realistic and will the market support them? Will they work with the uses that are already located nearby? Will there be noise, odors, or other adjacency issues?

- Will the *density and height of the development* allowed by the rezoning be inappropriate with the character with the neighborhood? Will it dominate or overwhelm other properties in the area?
- Will the *traffic* that is generated from the rezoned property be too much for the nearby street system? If so, is that fair to existing property owners in the area? Are there other impacts to consider and address?
- Will the proposal be consistent with the City's existing policies, e.g., economic sustainability, eco-city, affordable housing, etc?

When these and other questions can be adequately answered for the single property under consideration, then the City can and has historically processed the rezoning. However, because Alexandria is completely, or near completely, developed, these questions take on particular meaning when asked in an area that is ripe for redevelopment and new zoning as a whole.

Thus if the property under consideration is similar to others in the area, and the questions about allowing more development on one property could also be asked of others in the area, then the City ideally will conduct a planning study to determine what the best uses and sizes of buildings are, how to arrange new development to achieve city goals, such as sustainability, open space, affordable housing and new infrastructure and how to create a transportation system in the area to accommodate the new development. Redevelopment can be challenging in an urban environment when a parcel was originally subdivided for a different purpose. For that reason, coordinated redevelopment – simultaneous redevelopment of two or more adjacent parcels, often with new, coordinated streets, amenities and higher densities – can often yield better results for the owners, the neighbors, and the City. The planning process also provides a forum for community to voice concerns and visions for the area and come to a shared understanding about its future.

These questions are difficult to answer when considering only one property at a time. Typically, a planning study will result in a master plan amendment which precedes and lays the groundwork for subsequent rezoning application, or for a City-initiated rezoning that reflects the new master plan.

EXAMPLES OF DIFFERENT REZONING APPROACHES IN THE PAST

The City has adhered to the above general distinction between area wide and unique rezonings in the past. Over time, Planning and Zoning has considered and processed a good number of rezonings to conclusion without the necessity of preparing an area wide plan. Some examples include:

- **Preston**: 181 Reed Avenue/at Route 1. RB and CSL changed to CRMU-M with increase from 22/27 du to 55/85 du and .75 FAR to 1.8 FAR. Built 53 unit condo building plus 10 townhouses on 50,000 sf of land.

- **Samuel Madden/Chatham Square:** 409 N Pitt Street. RM changed to CRMU-X with increase from 1.50 FAR to 1.83 FAR. Built 152 townhouses and stacked townhouses on two full blocks, or approximately four acres.
- **West Glebe Townhouses:** 905 W Glebe Road (at Commonwealth). UT zoning changed to RB. .25 FAR changed to 22 du with proffer to 13.8. Built 24 units on 2.4 acres.
- **Quaker Ridge:** 3517-3551 Duke Street. R8 changed to RB allowing 28 townhouses built on 2.49 ac instead of approximately 10 single family homes.
- **Nordic Press/Diamond Properties:** 800 Slaters Lane. CSL changed to RC. .75 FAR changed to 1.25 FAR. Built 28 unit condo building with proffer to proposed specific development plan.

In each of the above cases, the area surrounding the property under consideration was generally fairly well built and, with the exception of the Preston, it was not likely that there would be similar nearby rezoning requests in the near future. (Even in the area of the Preston, there have not been subsequent rezoning requests.) In each of the above cases, the size and scope of the proposal was limited. Each of the above rezonings was accompanied by a master plan amendment which adjusted the City's planning for the area for the single property involved. On the other hand, where an area wide plan is needed, about to start or already underway, the applicant has generally become part of the study, waiting until at least the basic tenets and guidelines for the area are established before proceeding with the rezoning application.

- In the **Braddock Road** area, for example, several large and complex developments were poised to begin the master plan and zoning amendment process, or simply the development process, and staff successfully requested that they participate in the planning process. Both the Madison and the Jaguar developments did so, and proceeded only after the Braddock planning had determined the appropriate locations and essential components for development in the Braddock area. As a result, at the time the developments were processed, there was community agreement on the appropriate location, size and type of development for those sites. Both developments were processed successfully, with Planning staff and community support, and were approved by the Planning Commission and City Council.
- With the **Landmark/Van Dorn** study, certain property owners were asked to join the process and await the decisions of an area wide planning study before proceeding with any individual rezoning. Although driven by the redevelopment of Landmark Mall, the area study included changes and "upplanning" for many other properties in the area, in conjunction with a review of land use, transportation, housing and economic issues for the area. It was essential, for example, to identify an *area-wide* transportation strategy (new roads and transit) for increased density on any *individual* parcel to be feasible. The Landmark Gateway project was processed to successful conclusion, but only after the parameters of the plan were established.

- The **Beauregard** study that is currently underway has landowners and developers involved in the process in an effort to determine whether and how best to appropriately transform the large land area along Beauregard Street for new development, to analyze the economics of redevelopment, to assess the traffic impacts from the changes, and to determine how landowners should participate in rebuilding the infrastructure necessary to support that redevelopment. In both the Braddock and Beauregard examples, the master plan was or will be changed for the whole area, and the zoning may be adjusted on an area wide basis as well.

Certain areas of the City now are examples where redevelopment is a possibility but where planning for the entire area should occur prior to allowing increased development rights by a rezoning, including:

- Eisenhower West
- Beauregard
- West Route 1
- Duke Street
- Arlandria

While priorities change over time and budget constraints limit the number of area planning efforts, it is difficult for Planning and Zoning staff to support a rezoning application where area wide planning is needed, prior to the planning study being done.

The attached list of criteria reflects sound planning justification to distinguish between those rezonings that are supportable on an individual basis, and those that require an area wide master plan study prior to entertaining a rezoning application for an individual property.

CRITERIA FOR REZONING WITHOUT A MASTER PLAN STUDY

TYPE OF PROPOSAL Is the proposal consistent with the small area plan for the area, or is a master plan amendment required? Will the rezoning be a “downzoning” or an “upzoning?” Is the proposal consistent with the intent of the master plan for the area, even if the zoning needs adjustment?

If there is no master plan amendment required, then the rezoning should proceed on its own.

TYPE OF AREA Is the area one where redevelopment is encouraged? Is the area blighted? Will the proposal constitute a radical departure for the other existing uses in the area. For example, a proposal for a high rise in the middle of single family homes?

If redevelopment is appropriate, that factor weighs in favor of proceeding.

SIZE OF PARCEL(S) Is the property for which rezoning is proposed large(over one block)? Is the development proposed large (over 50 du or 50,000 sf)?

The larger the property and development, the less likely it is to be appropriate to proceed.

ISOLATED PARCEL Are there likely to be other rezoning requests in area? Are there questions about heights, density, uses, etc which are similar to other parcels in area? Would including adjacent parcels create potentially beneficial redevelopment opportunities that do not exist on the single parcel? Is there a need for traffic and other impacts to be reviewed? If so, will that review necessarily affect other similar parcels in the area? Will there be future infrastructure, open space and other systems for the area required with developer contributions?

If a study is necessary for the subject property as well as others, then the application should not proceed.

STATUS OF PLANNING FOR AREA Is there a small area plan or other planning study on the work plan, slated to begin within the next fiscal year, or in progress?

If a study is underway or about to be, then the rezoning should not proceed until guidelines for appropriate development are understood as a result of the planning work.

ATTRIBUTES OF SPECIFIC PARCEL AND REQUEST Is the parcel within ½ mile of an existing or planned Metro station, or on a planned BRT line or rapid transit corridor? Does the proposal comply with all city policies other than the land use called for in the Master Plan? Does it, for example, reflect the direction, policy and goals of the City for its future transportation, environment and housing? If Council has made land use decisions for the area, is it consistent with them?

If the parcel meets the City’s goals for an area, that weighs in favor of allowing the application.