

EXHIBIT NO. 1

19
9-21-04

Docket Item #12-A
CITY CHARTER, SECTION 9.06; CASE #2004-0002
SEMINARY FOREST

Planning Commission Meeting
September 9, 2004

ISSUE: Consideration of a proposal by the City of Alexandria to acquire property from Seminary Forest Associated Limited Partnership for the use of open space, pursuant to the provisions of Section 9.06 of the City Charter.

LOCATION: 4615 & 4617 Seminary Road; 4500 West Braddock Road

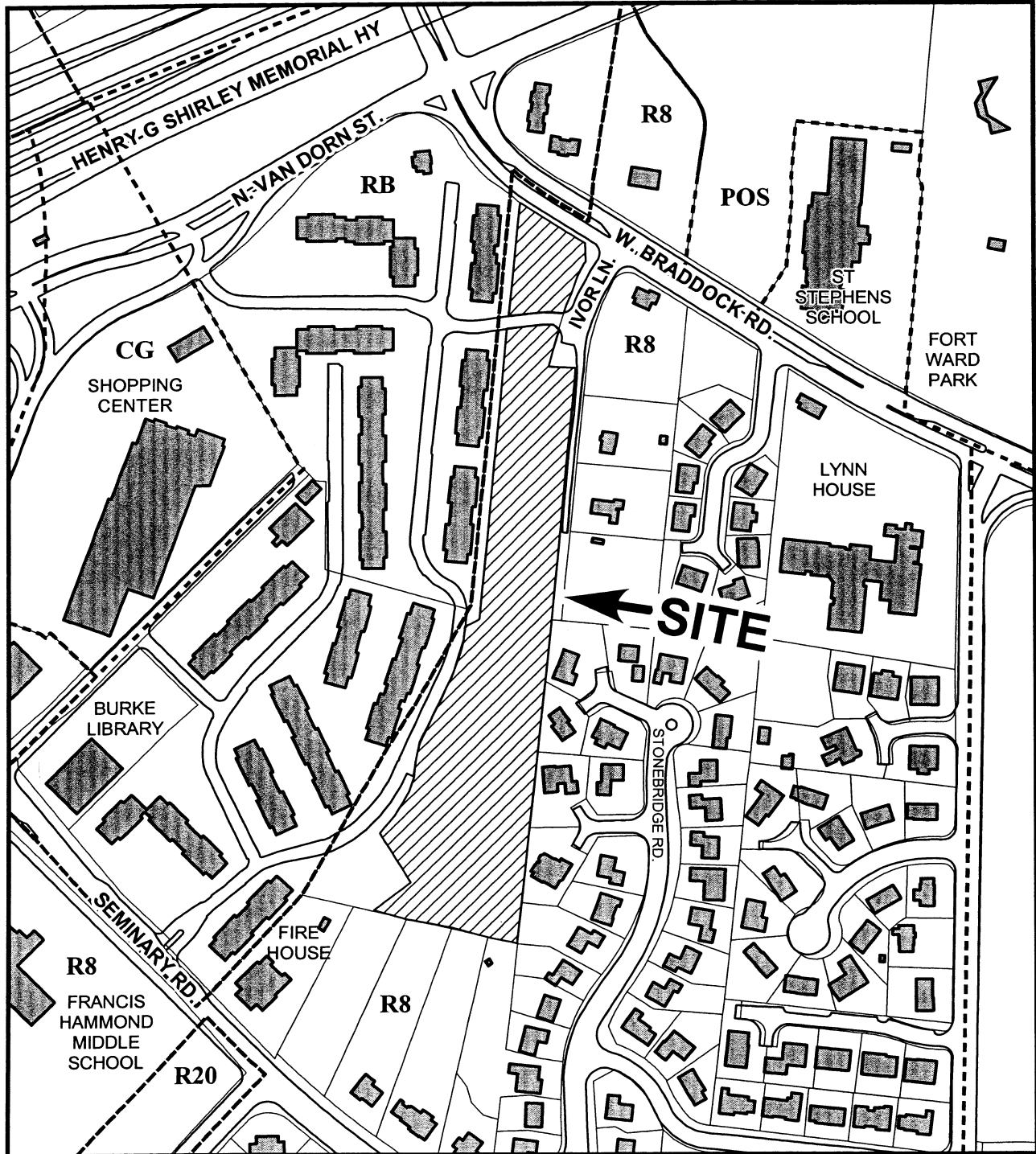
ZONE: R8/Residential

PLANNING COMMISSION ACTION, SEPTEMBER 9, 2004: On a motion by Mr. Dunn, seconded by Mr. Komoroske, the Planning Commission voted to approve the Section 9.06 request. The motion carried on a vote of 4 to 0. Planning Commission members Ms. Fossum, Mr. Robinson and Mr. Leibach recused themselves from this item.

Reason: The Planning Commission found that the acquisition is consistent with the Master Plan, including specifically the Alexandria Open Space Plan chapter.

Speakers:

Mr. William Brandon, supported acquisition of open space, but opposed the City Charter Section 9.06 because he believed the Section 9.06 and the subdivision should be deferred to allow further investigation into issues involving the widening of Ivor Lane.



**C.C. SECTION 9.06
CASE #2004-0002**

09/09/04

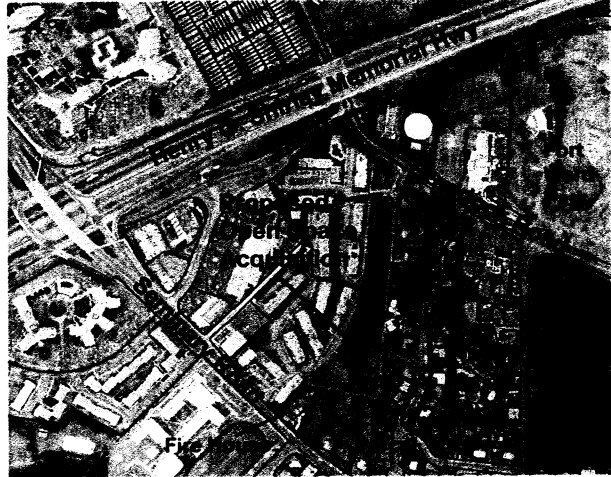


STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve this request, finding that the proposal is consistent with Section 9.06 of the City Charter of the City of Alexandria, Virginia, for the acquisition or sale of public land and any change in streets, squares, parks, public buildings or spaces. The acquisition is consistent with the Master Plan, including specifically the Alexandria Open Space Plan chapter thereof.

DISCUSSION

The City intends to purchase property located at 4615 and 4617 Seminary Road and 4500 W. Braddock Road. The owner of the Seminary Forrest Apartments property has offered to sell the subject land to the City and has filed a subdivision application (SUB#2004-0009) which is pending approval to create the parcels for City acquisition, which are vacant woodlands adjacent to the Seminary Forrest Apartments. The pending subdivision application will consolidate and resubdivide three existing parcels to create four new parcels. Two of the newly created parcels will be acquired by the City for open space in accordance with the Alexandria Open Space Plan.



Aerial View

Property Description/Background

The subject property is owned by Seminary Forest Associates Limited Partnership dba Seminary Forest Apartments and is located along the eastern portion of the Seminary Forest Apartments property between Braddock Road to the north and Seminary Road to the south. The proposed parcels for acquisition will contain a total of 223,294 square feet, or 5.1261 acres. The property is currently vacant open space adjacent to the Seminary Forest Apartments. The site is heavily wooded with extensive grading. The site was originally intended as future right-of-way for extension of North Pickett Street.

The owner(s) of Seminary Forest Apartments are interested in selling the vacant woodland areas of the complex containing approximately 5.1 acres which is currently zoned R-8, residential. The woodland area in question abuts the apartment development to the east. The City is interested in purchasing the property for parkland and open space. Staff has determined that the vacant woodlands area is not necessary to meet Seminary Forest's open space, lot or other zoning area requirements for the 461 unit multifamily development.

In 1980, this same parcel came before the Planning Commission for 9.06 consideration and was approved by the Planning Commission for acquisition for use as a City park. That plan was never implemented, but this case is essentially a reapproval of an idea that has been under consideration for 25 years.

CITY CHARTER SECTION 9.06; CASE #2004-0002
SEMINARY FOREST

Section 9.06

Section 9.06 of the City Charter of the City of Alexandria, Virginia, requires that the Planning Commission approve any acquisition or sale of public land and any change in streets, squares, parks, public buildings or spaces. The Planning Commission is charged with ensuring that any such acquisition, sale or change is consistent with the City's Master Plan.

Master Plan/Zoning

The subject property is zoned R-8, single-family residential. The small area plan identified the site as appropriate for medium to low density residential use. The Alexandria Open Space Plan, adopted in 2003, identified the vacant woodland open space for future protection for open space.

Analysis

The acquisition of this land for open space initiates the implementation of the Alexandria Open Space Plan whereby the City will be acquiring numerous sites throughout the City for open space over the next few years. The Open Space Plan calls for acquiring various parcels throughout the City and where appropriate, establishing pedestrian linkages to various parks and open spaces in the City. Projected use of the park will be for passive recreation and open space, with any improvements being subject to further approvals by the City. The Open Space Plan currently delineates a pedestrian trail through the site that connects Braddock Road to Seminary Road. The trail alignment has yet to be determined and will involve public input in the future. The trail alignment will likely allow for a scenic experience in the park, as well as aligning with the grades of the site so that there is minimal grading.

The current zoning of R-8 permits use of the land for park use, however, in the future there is the opportunity to rezone this and other sites to POS, Parks and Open Space for protection.

Staff Recommendation

Staff recommends that the Planning Commission approve this section 9.06 action. The City's acquisition of the site is consistent with the adopted Alexandria Open Space Plan and zoning.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Jeffrey Farner, Chief, Development;
Hal Phipps, Chief, Zoning;
Gregory Tate, Urban Planner III.

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 18, 2004

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER
IGNACIO B. PESSOA, CITY ATTORNEY *IBP*

SUBJECT: ACQUISITION OF 5 ACRES OF SEMINARY FOREST APARTMENT SITE FOR PASSIVE PUBLIC RECREATION AND OPEN SPACE

ISSUE: Acquisition of approximately 5 acres of the Seminary Forrest Apartment site at 4500 Braddock Road for passive public recreation and open space purposes.

RECOMMENDATION: That City Council authorize the City Manager and City Attorney to acquire the property, along the lines discussed in this memorandum.

DISCUSSION: The Open Space Steering Committee has included this site, at the rear of the Seminary Forrest Apartment Complex, among the "priority sites" for acquisition by the City. The property owner has agreed to sell the parcel to the City, for \$750,000, which is half of the site's assessed value. The owner will, for tax purposes, be treated as having donated the difference between the purchase price and the parcel's fair market value to the City.

This area will need to be subdivided from the balance of the apartment property, and the resulting parcel to be acquired by the City will be approximately 5 acres. The general boundaries of the parcel to be acquired are shown on Attachment 1. Use of the parcel will be limited to passive public recreation and open space uses, and any future improvements to the property by the City will require City Council's approval. Contract negotiations between the City and the property owner will be finalized during Council's summer recess, and the required subdivision will be considered by the Planning Commission in September.

We believe that it is in the City's advantage to secure the property at this time. Accordingly, we recommend that City Council authorize the negotiation and execution of a contract for the purchase of the property, at the price of \$750,000.

FISCAL IMPACT: Money from the Open Space Trust Fund Account, funded by the one cent real estate tax dedicated to open space acquisition, will be used for this acquisition.

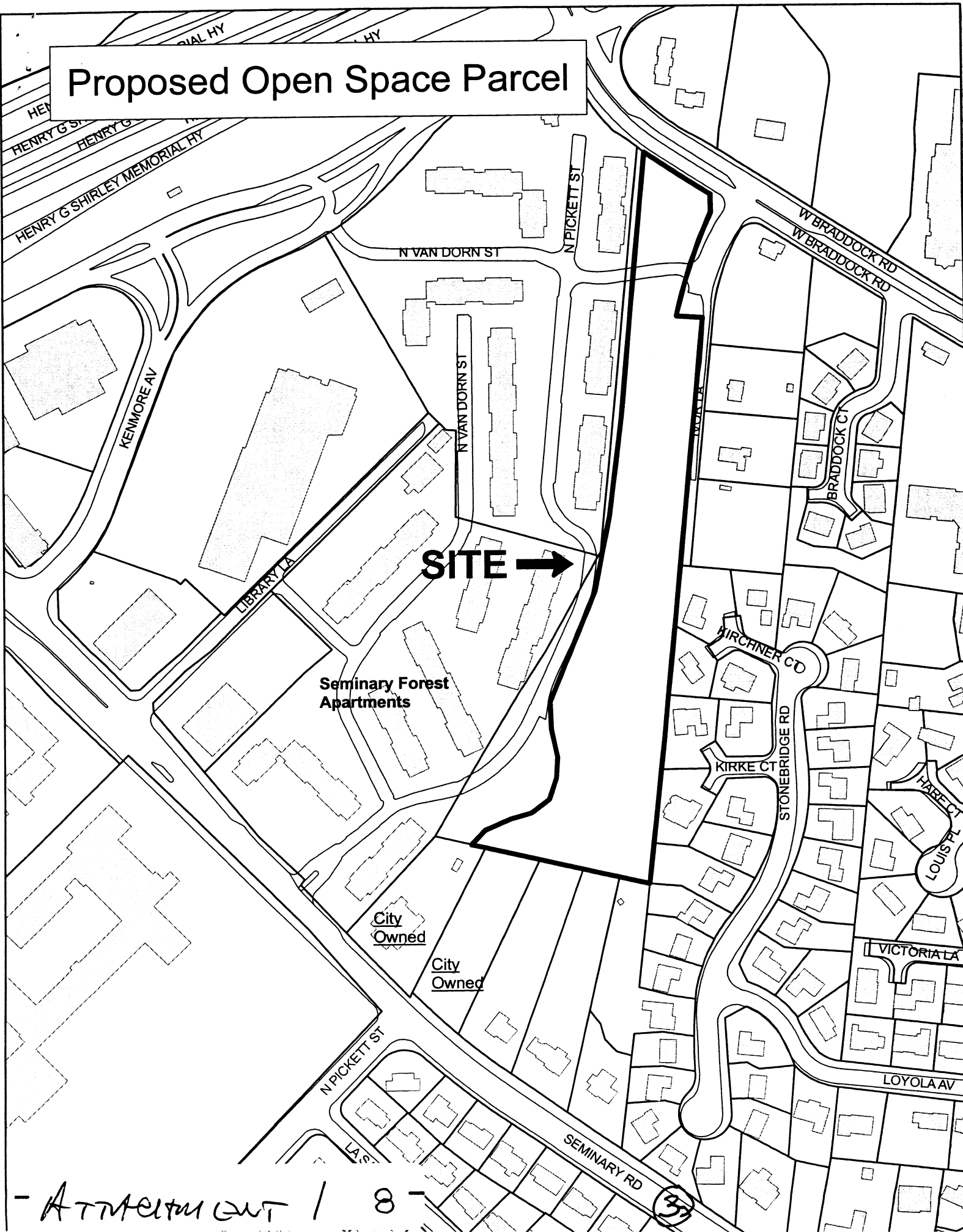
We will be pleased to answer any questions concerning these issues on June 22nd.

Attachment

Staff: Kirk Kincannon
Director, RP&CA

Barbara Ross
Deputy Director, P&Z

Proposed Open Space Parcel



Seminary Forest
Apartments

City
Owned

City
Owned

