

EXHIBIT NO. 1

7
2-23-08

Docket Item #5

Text Amendment #2008-0001

FLOOR AREA TRANSFER FOR PRIVATE SCHOOLS

Planning Commission Meeting

February 5, 2008

ISSUE: Consideration of a request to amend Article 7 of the Zoning Ordinance by adding Section 7-2300 allowing the transfer of floor area in private schools.

STAFF: Department of Planning and Zoning

PLANNING COMMISSION ACTION, FEBRUARY 5, 2008: On a motion by Mr. Komoroske, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the text amendment. The motion carried on a vote of 6 to 0. Ms. Lyman was absent.

Reason: The Planning Commission generally agreed with staff's analysis.

Speakers: Duncan Blair, attorney, representing the applicant.

I. INTRODUCTION

The Alexandria Country Day School submitted a proposal for a 15,000 sq.ft. addition to their existing 31,000 sq.ft. school facility. The proposed addition would consist of a new gymnasium, cafeteria, kitchen and storage facilities. While staff was not opposed to allowing the school to provide updated amenities such as a new gymnasium, cafeteria, and kitchen, the proposed addition exceeded the 0.30 floor area ratio (FAR) permitted within the R-12 zone. Staff recommended that the applicant investigate other alternatives in order to comply with the permitted floor area within the R-12 zone that included:

- construction of the gymnasium underground;
- extend the drive aisle around the building expansion; or
- propose a text amendment to transfer floor area between school owned lots.

Staff considers the option of building the addition or a portion of the addition below grade, similar to recent projects such as the Old Presbyterian meeting housing expansion to be the most desirable option because the expansion would not technically count as floor area and the proposed underground addition would maintain the sense of open space and openness associated with the campus. The applicant contends that constructing an underground option while technically possible is not financially feasible for the school. Staff acknowledges while an underground option would be the most desirable and it has been constructed in other locations in the City, construction of the proposed addition below grade would be considerably more expensive than the above grade structure proposed by the school.

Alexandria Country Day School owns two parcels including Outlot-A and the main campus, that have a combined lot area of approximately four acres. The larger lot containing the main campus is 2.8 acres and the smaller lot (Outlot-A) contains the soccer field and is approximately 1.0 acre in size. Both lots are located within a residential neighborhood, zoned R-12.

Following the analysis that the proposed addition exceeded the permitted floor area and that an underground addition was not viable, the possibility of “transferring” the unused floor area from Outlot-A to the lot with the main campus to accommodate the proposed addition was discussed. However,



Fig 1: Alexandria Country Day School



Fig 2: Aerial of School's Parcels

because the properties are separated by a public right-of-way (Charles Alexander Court), the zoning ordinance does not permit transferring floor area from one lot to another despite the common ownership of the parcels. Therefore, a text amendment to the zoning ordinance is required to permit private academic schools to transfer the unused floor area from one lot to another lot held in common ownership across a public right-of-way.

On December 11, 2007, City Council noted that a text amendment proposed by Alexandria Country Day School, that would enable private schools, academic, to transfer FAR across lots commonly owned by the schools and separated by a public right-of-way would be brought forward by staff for the consideration of the Planning Commission and City Council at a future date.



Fig 3: School's Soccer Field (Outlot A)

II. BACKGROUND/PROPOSAL

The existing Alexandria Country Day School building was originally constructed as St. Mary's Academy in 1941 on a nine-acre campus that also included an early 19th century manor house. In 1992, Sisters of the Holy Cross subdivided the nine-acre lot into a 3 acre lot for the school, 10 residential lots, including one large central lot for the historic manor house, an outlot (referred to as Outlot A) and a new public street - Charles Alexander Court. The residential subdivision was titled the Colonial Park Subdivision.

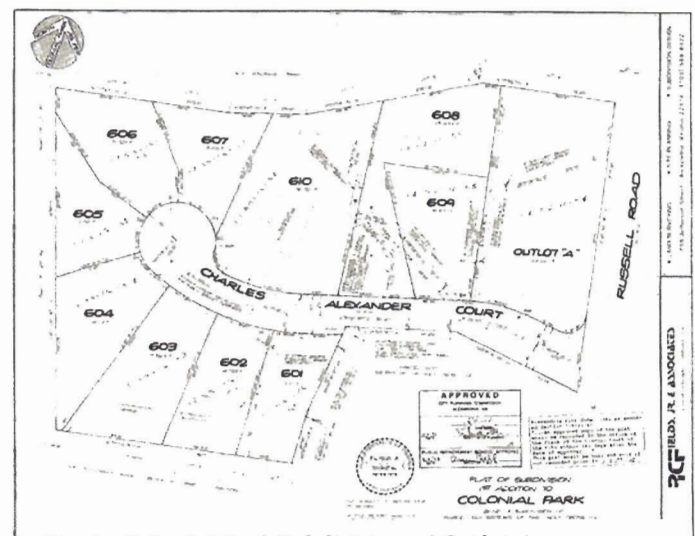


Fig 4: Colonial Park Subdivision w/ Outlot A

The concept development project as currently proposed by Alexandria Country Day School would consist of a three-story addition to provide a new gymnasium, cafeteria, kitchen, staff offices, changing rooms and storage with a renovation to the school's current gymnasium for a new multi-purpose auditorium and stage. Currently the school does not possess a cafeteria so the students eat within the individual classrooms. Since the existing drive aisle configuration and site topography confines the large gymnasium's location, Alexandria Country Day School's concept plan proposes to construct the gymnasium over the top of



Fig 5: Manor House, built in early 1800's

the existing southern drive aisle, creating a passageway for the drive aisle through the ground level of the school addition. While the covered passageway does not provide usable interior space for the school, it does increase the bulk and mass of the building and is considered in the FAR calculations.



Fig 6: Perspective of Existing School



Fig 7: Perspective of Proposed Addition

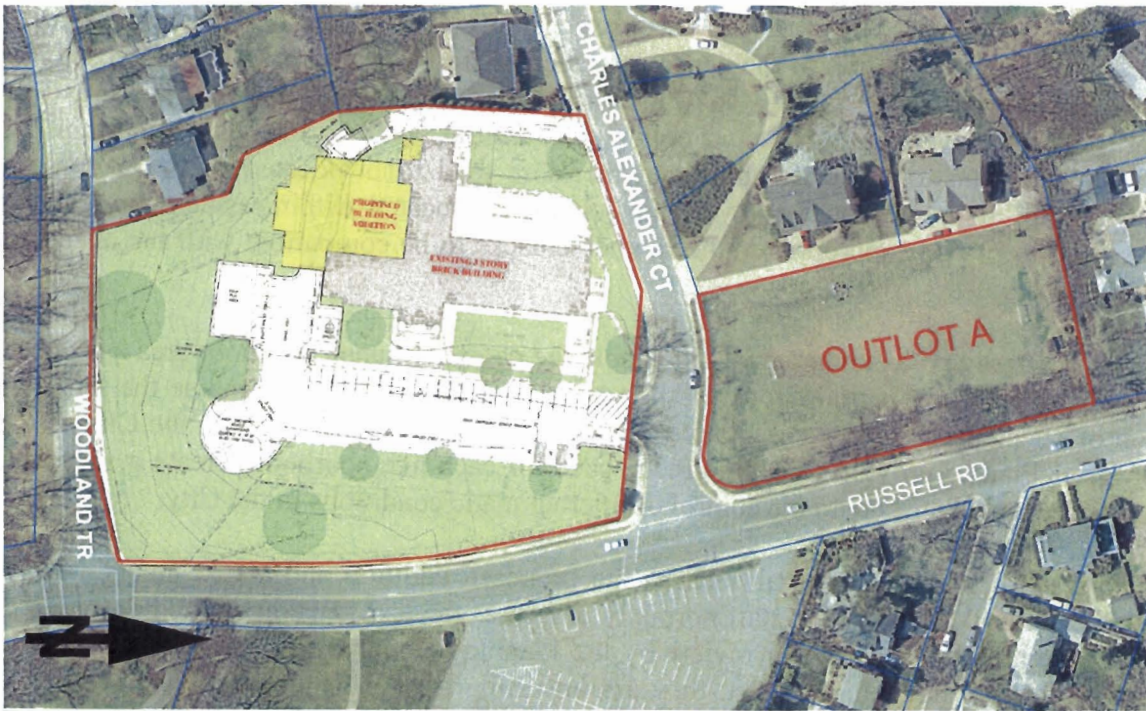


Fig 8: Concept Site Plan for Alexandria Country Day School Expansion (Proposed addition in yellow)

III. STAFF ANALYSIS

The proposed text amendment would add a provision to the supplemental zone regulations to add a new section to **Section 7-2300 Increased density for private schools, academic** that would state:

“Notwithstanding any contrary provision in this ordinance, a private school, academic located on real property zoned residential and whose campus consists of two or more lots or parcels of land, at least one of which is vacant and separated by a public right-of-way, may be constructed, expanded or reconstructed to a size which exceeds the density permitted by the regulations; provided that a special use permit is approved, and, provided further that an increase in height above the height permitted within the zone shall not be permitted. Any density increase attributable to the transfer of density from the vacant parcel that has been utilized for the construction, expansion, enlargement or reconstruction of the private school, academic shall reduce the density available for any development of the vacant parcel or land. A notice of the reduction of allowable density for the vacant lot shall be approved by the City and recorded among the City Land Records.”

The proposed amendment would allow a private academic school to utilize “unused” floor area from a parcel separated from the main parcel by a public right-of-way, with approval of a development special use permit. The development special use permit would calculate the amount of lot area contributing to the density transferred from one lot to another to ensure that the applicable portion of the lot that is “transferring” floor area would be maintained as open space or remain undeveloped. Private schools require central facilities such as gymnasiums and cafeterias in addition to the classrooms and therefore tend to be located within a clustered collection of buildings. Because many of the schools are located within residential zones, the facilities need to provide appropriate buffers and setbacks to be compatible with the residential neighborhoods.

While the proposed text amendment would enable the potential transfer of floor area as part of a development special use permit approval, the text amendment would also enable the long-term retention of open space/buffers and undeveloped areas which is consistent with the City’s Open Space Master Plan to provide valuable green space for each neighborhood, create a significant visual amenity and contribute to the control of microclimatic conditions in the City.

Normally when a specific proposal such as the proposed addition and a text amendment are discussed as part of one proposal, staff normally processes the text amendment and development special use permit concurrently for review by the Planning Commission and City Council. In this case the school has indicated that they are unwilling to spend the expense to prepare the necessary engineering and architectural documents until the text amendment has been approved because of the considerable cost to the school. Staff feels comfortable processing the text amendment prior to the site plan because the applicant has prepared conceptual architectural drawings and site plans to depict the proposed addition as depicted below and the City will have the necessary authority to review the proposal as part of a subsequent development special use permit.

As part of this proposed text amendment, staff evaluated the parcels whose primary use was a private academic school to determine how many could potentially be impacted by the proposed text amendment. Only the Alexandria Country Day school has a configuration that would be affected by the proposed text amendment.

While the Alexandria Country Day School (ACDS) is currently the only school affected by the proposed text amendment, other private schools could in the future purchase vacant lots across the street from their school. Under this new provision and pending approval of a development special use permit by the Planning Commission and City Council, these schools could potentially transfer all or a portion of the applicable FAR to enlarge the structures on the main campus.

The development special use permit process will enable the City to evaluate each of the proposals on a case-by-case basis to ensure issues such as mass and scale and compatibility with the character of the neighborhood. While staff believes that floor area transfers for educational uses are appropriate, in general, it may not be appropriate for each campus. Rather staff is recommending that each proposal be evaluated within the context of the special use permit process.

Site Plan Restrictions

One of staff's initial concerns when researching the 1992 site plan for the residential Colonial Park subdivision was the restrictive note recorded on both the preliminary and final site plans that restricts development on Outlot A, currently used as the soccer field for Alexandria Country Day School. The site plan note states: "Outlot A is intended for usable space. *"No buildings construction, development or subdivision of this outlot will be allowed."*

Given this restriction, it did not appear that there was FAR to transfer from Outlot A to the main campus. In discussions with the City Attorney it was determined that since this limitation was not a legal, recorded deed or subdivision restriction, the FAR had not been extinguished from the property but was simply unusable on the outlot. This text amendment as proposed does not seek to alter the restriction placed on the outlot, only to allow the applicable FAR from the outlot to be transferred to the main campus.

Potential of Alexandria Country Day School FAR Transfer

If we look at the lot sizes and FAR permitted in the R-12 zone for the two Alexandria Country Day School properties (*refer to Table 1*), we can see that by transferring the entire development potential of the vacant lot to the main campus, the FAR potential for the main campus would be 0.40. As currently proposed by the Alexandria Country Day School, the concept development plan is requesting an FAR of approximately 0.32. This text amendment does not grant an entitlement to the private school for the entire FAR available on the satellite site, but rather allows an opportunity for a school to modestly increase its development potential in exchange for the preservation of publicly visible open space.

Table 1: Alexandria Country Day School Potential

	Lot Size	0.30 FAR
Main Campus:	126,225 sf	37,867.5 sf
Vacant Lot:	43,245 sf	12,973.5 sf
Development Potential of Main Campus		
Current FAR:	37,867.5 sf	
Maximum FAR transferred:	12,973.5 sf	
New potential FAR:	50,841.0 sf (or 0.40 FAR)	

IV. COMMUNITY

Staff and the Alexandria Country Day School presented the proposed addition and text amendment to the North Ridge Community Association and Alexandria Country Day School spoke to the adjacent property owners for feedback on the development proposal. It was noted by the school's representative that an adjoining property owner has expressed concerns regarding current and proposed erosion and stormwater management and no concerns were expressed regarding the proposed building expansion or text amendment at the community meeting other than the potential for the covered passageway to create an after hours hang-out for students.

V. CONCLUSION

Since the amendment only impacts schools that have lands separated by a public right-of-way, any floor area transfers approved under this new amendment, will subsequently and permanently deed restrict the land to enable open space and buffers that will benefit the City and the neighborhood in which the schools are located. Any open space areas created through the implementation of this new text amendment would be consistent with the City's Master Plan goal of preserving and increasing open space throughout the City. In addition each of the proposals will require approval of a development special use permit to enable each case to be evaluated on a case by case basis based on the characteristics of each proposal and neighborhood. With these provisions and the language outlined below staff recommends approval of the text amendment to Article VII, Section 7-2300 of the Zoning Ordinance to permit private academic schools to transfer floor area across commonly owned parcels separated by a public right-of-way with a development special use permit and the standards outlined below.

STAFF: Faroll Hamer, Director, Planning and Zoning;
Jeffrey Farner, Chief, Development;
Patti Haefelli, Principal Planner; and
Kristen Mitten, Urban Planner.

VI. STAFF RECOMMENDATION:

Staff recommends approval of the proposed text amendment to ARTICLE VII. SUPPLEMENTAL ZONE REGULATIONS of the Zoning Ordinance.

Section 7-2300 Increased density for private schools, academic.

“Notwithstanding any contrary provision in this ordinance, a private school, academic located on real property zoned residential and whose campus consists of two or more lots or parcels of land, at least one of which is vacant and separated by a public right-of-way, may be constructed, expanded or reconstructed to a size which exceeds the density permitted by the regulations; provided that a special use permit is approved, and, provided further that an increase in height above the height permitted within the zone shall not be permitted. Any density increase attributable to the transfer of density from the vacant parcel that has been utilized for the construction, expansion, enlargement or reconstruction of the private school, academic shall reduce the density available for any development of the vacant parcel or land. A notice of the reduction of allowable density for the vacant lot shall be approved by the City and recorded among the City Land Records.”

SPEAKER'S FORM

DOCKET ITEM NO. 7

PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM.

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. **NAME:** Duncan W. Blair, Esquire
2. **ADDRESS:** 524 King Street, Alexandria, Virginia 22314
TELEPHONE NO. 703 836-1000 **E-MAIL:** dblair@landclark.com
3. **WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF?**
Alexandria Country Day School
4. **WHAT IS YOUR POSITION ON THE ITEM?**
For
5. **NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):**
Attorney
6. **ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?**
Yes

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.
- (b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.
- (c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker