

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 15, 2010

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER *JKH*

SUBJECT: POLICY AND CRITERIA FOR CONSIDERATION OF INDIVIDUAL ZONING CASES 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: That Council receive the attached list of criteria for determining when a rezoning application should proceed without an area wide planning study and determine whether or not to hold a public hearing.

BACKGROUND: Council asked that staff prepare this report, obtain input from the Planning Commission and docket the report for Council consideration. 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. Others are located in an area where new zoning should be considered along with other properties nearby, thus requiring a planning study 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 had previously zoned 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 answered adequately 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. When an area should be studied as a whole, it is difficult to answer the standard land use questions above if considering only one property at a time.

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 improve the 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.

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, the Department of Planning and Zoning has considered and processed for Planning Commission and City Council action 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 condominium 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 (52 ARHA units and 100 market rate units) 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 condominium 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 out and, with the exception of the Preston, it was not likely that there would be similar nearby rezoning requests in the near future. 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 general community agreement on the appropriate location, size and type of development for those sites. Both developments were processed successfully, with Planning and Zoning 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.

PLANNING COMMISSION COMMENTS ON POTENTIAL CRITERIA

Planning and Zoning staff discussed the issue of potential criteria for processing rezonings with the Commission at its continued hearing on June 3 and shared the attached Criteria with it.

Commissioners stated that the City's existing process and method of deciding when to process rezonings and when to wait for a planning study to conclude (at least in part) was a good one and had served the City very well. They were clear about not wanting to change the existing system staff uses with applicants. They also commented about the amount of development that has been approved in the last 10 years, and stated their opinion that it would be hard to imagine a process that permitted more. More than one Commissioner expressed concern about whether there was a need for criteria and whether articulating criteria did not suggest that a change in process was being made and in fact invite rezoning applications. The Commission noted that it annually reviews the Planning Work Program with Council and sets priorities for planning areas.

If Council wishes to go beyond just receiving this report, and wishes to formally adopt a policy, then Council may wish to schedule a public hearing for the fall.

ATTACHMENTS:

Attachment 1: Criteria for Rezoning Without a Master Plan Study

Attachment 2: Letter from Federation

Attachment 3: Letter from Old Town Civic Association

STAFF:

Barbara Ross, Deputy Director, Planning and Zoning

CRITERIA FOR REZONING WITHOUT A MASTER PLAN STUDY

- A. **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.

- B. **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.

- C. **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.

- D. **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.

- E. **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.

- F. **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, it is consistent with them?
If the parcel meets the City’s goals for an area, that weighs in favor of allowing the application.

Rezoning criteria

Katy Cannady

to:

william.euille, Kerry.Donley, frank.fannon, alicia.hughes, Council, del, paulsmedberg

06/14/2010 10:43 AM

Cc:

Faroll.Hamer

Show Details

Dear Mayor Euille and Members of City Council:

At its May meeting the Alexandria Federation of Civic Associations, Inc., heard a presentation from Vice Mayor Donley on the rezoning criteria which you will discuss at your June 22 legislative meeting.

Our members believe these criteria have the potential for major impacts on the city and its neighborhoods. Accordingly we voted unanimously during our meeting to request public hearings at the Planning Commission and City Council. The Planning Commission met the following week with the rezoning criteria as an item of business not open to public discussion. We communicated our position to the chairman, Mr. Komoroske, in advance of that meeting. Subsequently the commission recommended that public hearings take place.

We ask now on behalf of our member associations that you commit to having a City Council public hearing on these rezoning criteria. More information on how they might be applied would also be helpful as a basis for future discussion.

As we think you already know, the Federation's sole mission is to inform its members on the issues facing local government and help them to express effectively whatever positions on those issues, the member associations and civic activists choose to adopt. We do not believe that there can be any of the very necessary public dialogue on the issue of rezoning criteria without a City Council public hearing. We look forward to having your assurances that this will happen.

Sincerely,

Joanne Lepanto and Katy Cannady, co-chairs of the Alexandria Federation of Civic Associations

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PC Docket Item #15
 Discussion on Rezoning
 Criteria



To:
 Cc:
 Bcc:
 Subject: Fw: Criteria for Rezoning

From: "Poul Hertel" <poulh@erols.com>
 To: "Donna Fossum" <donna.fossum@verizon.net>, <erwagner@comcast.net>, "Jesse Jennings" <jssjennings@aol.com>, <jlr@cpma.com>, "John Komoroske" <john.komoroske@nasd.com>, "John Komoroske" <komorosj@nasd.com>, "Mary Lyman" <mslyman@verizon.net>, "Stew Dunn" <hsdunn@ipbtax.com>
 Cc: <Barbara.Ross@alexandriava.gov>, <Faroll.Hamer@alexandriava.gov>
 Date: 06/03/2010 10:38 AM
 Subject: Criteria for Rezoning

Old Town Civic Association, Inc.
 P.O. Box 1213
 Alexandria, Virginia 22313

RE: Criteria for Rezoning

Dear Chairman Komoroske and Members of the Planning Commission

The Board of the Old Town Civic Association wishes to convey its deepest concerns about the proposal and strongly endorse the Alexandria Federation of Civic Associations request to have a public hearing on this issue.

Rezoning outside the scope of small area plan review has occurred in the past. The problem is creating the specific criteria that will determine which cases to do so in the future without giving the community the impression that they are now fair game for zoning changes. For instance, setting a ½-mile proximity criterion for metro or BRT line includes, practically all of Rosemont and Northeast and adding highest and best use, euphemism for as much density as the market can bear, does not help allay those fears.

There should be compelling reasons why and protective measures to ensure why not. Otherwise, the community cannot respond positively and that can only occur in a setting with a dialogue between the parties as opposed to unilateral determination of those criteria.

The new City Strategic Plan has dropped all references to protecting neighborhoods and this proposal does not add to the already eroding confidence that you believe that we live in established neighborhoods. After all, the Northeast and Old Town are older than most of the City, but loosely defined criteria that does not carry the necessary protection we are entitled to, will, we fear, open the door that could undermine our current small area plans. Irrespective of how golden the path of good intentions is.

Sincerely

Poul Hertel
 President

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6-22-10



Item #21 - Rezoning and Master Plan Amendments

Kerry J. Donley

to:

Rob Krupicka, Paul Smedberg, Del.Pepper, William.Euille, Frank.Fannon, paul.smedberg

06/22/2010 03:39 PM

Cc:

Jackie.Henderson

Show Details

Colleagues -

Earlier this year Councilman Krupicka and I discussed establishing a rezoning policy to handle requests without a concurrent master plan review. Our feeling was that the current policy was not flexible enough in today's climate (especially in areas like Eisenhower West) and I felt we needed to avoid a situation which has occurred at Seminary Plaza where a parcel was removed from a Small Area Plan. I suggest that we defer any action tonight and hold the matter over for public hearing in the Fall. I intend to make that motion.

Thanks for your consideration.

Kerry



COA Contact Us: Zoning cases without Master Plan

william.euille, frank.fannon, kerry.donley,
Scott Humphrey to: alicia.hughes, council, delpepper, paulcsmedberg,
rose.boyd, jackie.henderson, elaine.scott,
rob.krupicka, linda.owens

06/22/2010 10:21 AM

Please respond to Scott Humphrey

21
6-22-10

Time: [Tue Jun 22, 2010 10:21:02] Message ID: [22456]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Scott
Last Name: Humphrey
Street Address: 1250 S. Washington
City: Alexandria
State: Virginia
Zip: 22314
Phone: 703 549 2800
Email Address: kanemanor @AOL.com
Subject: Zoning cases without Master Plan
Please give this matter enough consideration that will allow a PUBLIC
Comments: HEARING so that the public will have some input.
Thanks for all you

do. Scott