

City of Alexandria, Virginia

MEMORANDUM

DATE: DECEMBER 7, 2010

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: CRITERIA FOR REZONING WITHOUT MASTER PLAN STUDY

ISSUE: When is it appropriate for a rezoning application to proceed without the need for an area wide master plan study?

RECOMMENDATION: That City Council adopt the proposed *Criteria for Rezoning Without a Master Plan Study* (Attachment 1) as a policy document for the City to guide consideration of rezoning cases without a Master Plan Study.

BACKGROUND: City Council discussed this issue at its June 22 legislative meeting, and after a public hearing on September 25 suggested that Vice Mayor Donley and Councilman Krupicka work with Planning and Zoning staff to refine the draft *Criteria for Rezoning Without a Master Plan Study* (the "Criteria") to address issues raised by Council and others at the public hearing. Vice Mayor Donley and Councilman Krupicka met twice with Planning and Zoning staff, and the attached criteria reflects revisions suggested by staff, as well as by Vice Mayor Donley and Councilman Krupicka (Attachment 2).

REZONING CRITERIA

The history of the City's rezoning practice in relation to area wide planning studies is discussed in the June and September docket memoranda (Attachment 3). The memoranda identify cases where rezonings have proceeded without the need for such a study, as well as those where applicants have been asked to wait and participate in an ongoing or planned Master Plan study so that development guidelines can be established as part of a larger community process. It also discusses those matters typically essential to the question of whether an area wide planning study is important to the rezoning review.

While Planning and Zoning staff and the Planning Commission previously have viewed adopting criteria as not necessary given the City's history of processing "standalone" rezonings, there does appear to be confusion surrounding the issue. Planning staff met with Northern Virginia Building Industry Association representatives, who stated their strong interest in some statement clarifying that each landowner is entitled to file an application for rezoning and have it reviewed and processed for consideration, even if the City would prefer that the applicant participate in a planning process first. In addition, the following issues were raised at Council's public hearing in September:

- There is a need to be flexible with rezonings in order to capture potential economic development;
- There are areas of the City where the City government may actively seek redevelopment, such as in Arlandria and West Eisenhower;
- There is a need for timely processing of rezoning applications;
- There is a need to protect established residential neighborhoods from any rezoning that would threaten the neighborhood's character;
- Although the small area plan process is a community pact about how the area will develop generally in the future, there is a need for clarity and guidance about the rezoning process; and
- By adopting the criteria, the City is not changing any process or City Code.

Planning staff supports the attached Criteria, revised to incorporate the above points, and with a significant preamble setting out clearly why and how the Criteria applies to existing processes and entitlements. Changes in the Criteria from that presented previously to Council and the revised Criteria language are noted in the blacklined version of the Criteria (Attachment 2).

STAFF:

Faroll Hamer, Director, Planning and Zoning
Barbara Ross, Deputy Director, Planning and Zoning

ATTACHMENTS:

Attachment 1: Criteria for Rezoning without a Master Plan Study (without revisions shown)
Attachment 2: Criteria for Rezoning without a Master Plan Study (showing revisions)
Attachment 3: September 15, 2010, memo from City Manager James K. Hartmann to City Council

CRITERIA FOR REZONING WITHOUT A MASTER PLAN STUDY

(Reflects Council comments on 9/25/10, with revisions by P&Z, Donley and Krupicka)

The following general guidelines are designed to help staff, the community and potential applicants determine which rezoning applications are assisted by an area-wide planning study and which can typically be processed with a reasoned staff recommendation without an area-wide study. There are rezoning applications which do not require an area-wide planning study in order for staff to come to a reasoned recommendation on its merits. Further, every landowner is entitled to apply for a rezoning and have that application heard by the Planning Commission and City Council under section 11-800 of the zoning ordinance, regardless of staff's professional judgment that a planning study would be advisable. Finally, it is important to note that these are guidelines and not technical regulations.

SMALL AREA PLAN Is the proposal consistent with the small area plan for the area, or is a master plan amendment required? 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 it is typical for the rezoning to proceed on its own.*

TYPE OF AREA Is the area one where redevelopment is encouraged or one that is slated for revitalization, such as Arlandria and West Eisenhower? 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 an established residential neighborhood would not be consistent with the City's policy to protect residential areas. *If redevelopment is appropriate, that factor weighs in favor of proceeding.*

ISOLATED PARCEL(S) If the property if one of several within the immediate area, all of which holding the potential for redevelopment with foreseeable impacts on traffic, public benefits, the street network or other amenities which suggest the benefit of further study, then a small area plan review may be warranted. The need for further and broader study will impact the consideration of a rezoning application. *If a study is necessary for the subject property as well as others, then that fact weighs in favor of the application not proceeding.*

STATUS OF PLANNING FOR AREA Is there a small area plan or other planning study 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. If a study is not formally scheduled for the area, then that fact weighs in favor of the application proceeding without a study.*

APPLICATION'S CONSISTENCY WITH CITY GOALS Is the parcel well served by mass transit? Is expanded high capacity transit service anticipated in the near term in the area? Could development of the parcel contribute to the viability or implementation of already planned expansion of transit services? 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 and for protecting existing residential neighborhoods? 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 the application proceeding without a study.*

CRITERIA FOR REZONING WITHOUT A MASTER PLAN STUDY

(Reflects Council comments on 9/25/10, with revisions by P&Z, Donley and Krupicka)

The following general guidelines are designed to help staff, the community and potential applicants determine which rezoning applications are assisted by an area-wide planning study and which can typically be processed with a reasoned staff recommendation without an area-wide study. There are rezoning applications which do not require an area-wide planning study in order for staff to come to a reasoned recommendation on its merits. Further, every landowner is entitled to apply for a rezoning and have that application heard by the Planning Commission and City Council under section 11-800 of the zoning ordinance, regardless of staff's professional judgment that a planning study would be advisable. Finally, it is important to note that these are guidelines and not technical regulations.

~~SMALL AREA PLAN 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 it is typical for the rezoning to ~~should~~ proceed on its own.*

TYPE OF AREA Is the area one where redevelopment is encouraged or one that is slated for revitalization, such as Arlandria and West Eisenhower? ~~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?~~ an established residential neighborhood would not be consistent with the City's policy to protect residential areas. *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(S) ~~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 the property if one of several within the immediate area, all of which holding the potential for~~

redevelopment with foreseeable impacts on traffic, public benefits, the street network or other amenities which suggest the benefit of further study, then a small area plan review may be warranted. The need for further and broader study will impact the consideration of a rezoning application. If a study is necessary for the subject property as well as others, then that fact weighs in favor of the application ~~should not proceeding~~.

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. If a study is not ~~planned~~ formally scheduled for the area, then that fact weighs in favor of the application proceeding without a study.*

~~APPLICATION'S CONSISTENCY WITH CITY GOALS 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? Is the parcel well served by mass transit? Is expanded high capacity transit service anticipated in the near term in the area? Could development of the parcel contribute to the viability or implementation of already planned expansion of transit services? 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~~ and for protecting existing residential neighborhoods? 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 proceeding without a study.*

City of Alexandria, Virginia

MEMORANDUM

DATE: SEPTEMBER 15, 2010

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: CRITERIA FOR REZONING WITHOUT MASTER PLAN STUDY

ISSUE: When is it appropriate for a rezoning application to proceed without the need for an area wide master plan study?

RECOMMENDATION: That City Council receive public comment and determine whether it wishes to adopt the attached list of criteria for consideration of rezoning applications without an area wide master plan study.

BACKGROUND: City Council discussed this issue at its June 22 meeting (#21) and determined that a public hearing on the matter was appropriate. The attached docket item from June sets out the history of the City's rezoning practice with regard to whether a rezoning application is considered in conjunction with an area wide planning study or may be considered. It also discusses those matters typically essential to the question of whether an area wide planning study is necessary. Finally, it includes, as an attachment, criteria that could be adopted by the City to guide future rezoning cases.

Staff does not believe that adopting formal criteria is necessary, as Planning and Zoning staff have historically handled rezoning requests consistently with good planning practice as to when an area wide planning study is required and when it is not. If Council wishes to formally adopt the criteria, staff will incorporate it more prominently into the process for consideration of future rezoning requests.

ATTACHMENT:
Docket memo with attached Criteria for Rezoning without a Master Plan Study, June 22, 2010, #21.

STAFF:
Faroll Hamer, Director, Department of Planning and Zoning

Attachment

EXHIBIT NO. 1

21
6-22-10

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 15, 2010
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: JAMES K. HARTMANN, CITY MANAGER *J*
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

PC Docket Item #15
Discussion on Rezoning
Criteria



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

From: "Poul Hertel" <pouh@erols.com>
To: "Donna Fossum" <donna.fossum@verizon.net>, <erwagner@comcast.net>, "Jesse Jennings" <jssjennings@aol.com>, <jkr@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 alley 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

21

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

21
6-22-10



COA Contact Us: Zoning cases without Master Plan

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

06/22/2010 10:21 AM

Please respond to Scott Humphrey



Time: [Tue Jun 22, 2010 10:21:02] Message ID: [22458]

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

6

9-25-10

City Council of Alexandria, Virginia
Public Hearing Meeting
Saturday, September 25, 2010

Docket Item #6
Public Hearing and Consideration of Policy and Criteria for Consideration of Individual
Zoning Cases Without Master Plan Study

Nancy Jennings
on behalf of
Seminary Hill Association, Inc.

Good Morning
Mayor Euille, Vice Mayor Donley, Members of City Council:

My name is Nancy Jennings and I live at 2115 Marlboro Drive. I am President of the Seminary Hill Association, Inc., and will speak on its behalf today.

Seminary Hill residents were outraged when the boundaries of the Beauregard Corridor Plan area included properties already in the Seminary Hill Small Area Plan. We asked staff in the City's Planning and Zoning Department to remove them. They did not. We asked you to direct City staff to remove them.

You, instead, requested staff prepare this document for consideration. It is an outrageous proposal. It is opaque and lacks definition. Its purpose is to serve special interests rather than preserve the quality of life in Alexandria and the value of existing properties.

This sort of arbitrary planning has not served the City well in the past and must be stopped! Do not adopt this nonsense.

Thank you.

6
9-25-10



City Council Hearing of September 25, 2010 -- Comments Regarding Docket Item No. 6

Goodale, Geoffrey M.

to:

William.Euille, Kerry.Donley, Frank.Fannon, Alicia.Hughes, council, delpepper,
paulcsmedberg

09/24/2010 05:11 PM

Cc:

jackie.henderson, erwagner, "j komoros", hsdunn, donna.fossum, jlr, jssjennings, mslyman
Show Details

1 Attachment



BSVCA Comments on Rezoning Criteria Proposals.pdf

Dear Mayor Euille and Members of City Council:

Attached please find comments that the Board of Directors of Brookville-Seminary Valley Civic Association, Inc. (BSVCA) respectfully submits for your consideration in determining what actions the City Council should take with respect to the proposals recommended by the City Manager for criteria for rezoning without a Master Plan study (Rezoning Criteria Proposals). As discussed in the attached letter, we urge the Council to defer consideration of the Rezoning Criteria Proposals and recommend that the Council direct City staff to conduct community outreach on them, modify them to reflect concerns raised, and present them to the Planning Commission for further consideration.

Thank you for your consideration of our comments. We respectfully request that this e-mail and the attached document be included in the record relating to this proceeding, and accordingly, we are including the City Clerk as a "cc" recipient on this e-mail. If you have any questions regarding our comments and recommendations, please do not hesitate to contact me at geoff.goodale@bsvca.net or at (703) 618-6640.

Respectfully submitted,

Geoffrey M. Goodale
President, Brookville-Seminary Valley Civic Association, Inc.

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BROOKVILLE-SEMINARY VALLEY CIVIC ASSOCIATION, INC.
P.O. Box 23348
Alexandria, VA 22304

September 24, 2010

Mayor William D. Euille and Members of City Council
301 King Street – City Hall
Alexandria, VA 22314

Re: Comments on Docket Item No. 6 for Public Hearing of September 25, 2010

Dear Mayor Euille and Members of City Council:

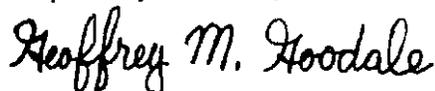
The Board of Directors of Brookville-Seminary Valley Civic Association, Inc. (BSVCA) respectfully submits these comments for your consideration in determining what actions the City Council (Council) should take with respect to the proposals recommended by the City Manager for criteria for rezoning without a Master Plan study (Rezoning Criteria Proposals). As discussed below, we urge the Council to defer consideration of the Rezoning Criteria Proposals and recommend that the Council direct City staff to conduct community outreach on them, modify them to reflect concerns raised, and present them to the Planning Commission (Commission) for further consideration.

We are concerned that the Rezoning Criteria Proposals could have adverse effects on the ability of the community and the Commission to ensure that rezoning applications are considered in a holistic manner. Currently, there is a City-imposed requirement necessitating the concomitant filing of both a Master Plan amendment application and a rezoning application. If implemented, the Rezoning Criteria Proposals would effectively do away with the separate Master Plan amendment application in many cases. Doing so would diminish the Commission's influence in the rezoning process, inasmuch as the Commission has unfettered authority to approve or reject Master Plan applications, but can merely recommend for or against a rezoning application that can be "over-ruled" by Council. In addition, if the Rezoning Criteria Proposals are adopted, and Council approves a rezoning application that is not in accordance with the Master Plan, it is entirely possible that such a decision could be challenged and that a court may deem the Council's decision to be illegal spot zoning.

It also should be noted that, to the extent that the Rezoning Criteria Proposals are adopted and are outside of or in addition to the criteria established by the Zoning Ordinance, then such criteria would not be in accordance with law. Reliance on such extra-legal policies or criteria could render a zoning decision vulnerable to successful challenge based on invalid process grounds.

For the reasons discussed above, we urge the Council to defer consideration of the Rezoning Criteria Proposals and recommend that the Council direct City staff to conduct community outreach on them, modify them to reflect concerns raised, and present them to the Commission for further consideration. Your consideration of our comments is greatly appreciated.

Respectfully submitted,



Geoffrey M. Goodale
President, Brookville-Seminary Valley Civic Association, Inc.

6
9-25-10



COA Contact Us: September 25, 2010 City Council Meeting, Docket Item #6

Andrew Rosenberger to: william.euille, frank.fannon, kerry.donley,
alicia.hughes, delpepper, paulcsmedberg,
rose.boyd, jackie.henderson, elaine.scott,
rob.krupicka, linda.owens, elizabeth.jones

09/24/2010 08:27 AM

Please respond to Andrew Rosenberger

1 attachment



356293a76b59801ef0c8fd84e69eacdc.pdf



Time: [Fri Sep 24, 2010 08:27:00] Message ID: [24425]

Issue Type: Mayor, Vice Mayor, and Council Members

First Name: Andrew

Last Name: Rosenberger
NVBIA Urban Chapter

Street Address: 112 Pleasant St, NW, Suite H

City: Vienna

State: VA

Zip: 22180

Phone: 703 506-9292 x15

Email Address: andrew@madisonhomesinc.com

Subject: September 25, 2010 City Council Meeting, Docket Item #6
Please see attached letter from NVBIA Urban Chapter regarding the City of
Alexandria's policy and criteria for consideration of individual zoning
cases without master plan study.

Comments: Thank you,

Andrew
Rosenberger
President
NVBIA Urban Chapter

Attachment: 356293a76b59801ef0c8fd84e69eacdc.pdf

N·V·B·I·A
NORTHERN VIRGINIA
BUILDING INDUSTRY
ASSOCIATION

September 23, 2010

The Honorable Mayor and Members of the City Council
City of Alexandria
Alexandria City Hall
301 King Street
Alexandria, Virginia 22314

Subject: Policy and Criteria for Consideration of Individual Zoning Cases without
Master Plan Study

Mr. Mayor and Members of the City Council,

This letter is written on behalf of the Northern Virginia Building Industry Association (NVBIA) in response to the proposal before you regarding the appropriateness of allowing rezoning applications to proceed without the need for an area wide planning study. Specific reference is made to that certain Memorandum to the Mayor and City Council from James K. Hartman, City Manager dated June 15, 2010.

NVBIA has substantial concerns about the creation of criteria for determining when a rezoning may proceed and when it may not. This proposal does not take into account the right of property owners to make a rezoning request and have it processed, does not advance the transparency of the process and does not promote economic development within city limits.

It is our firm opinion that a landowner has the right to make a rezoning and/or master plan amendment request at any time and that all rezoning and master plan amendment requests should be accepted and reviewed regardless of the status of any master plan or small area plan efforts that may or may not be underway at that time. Such rezoning and master plan amendment applications should be processed in a timely fashion and in a transparent manner that encourages input from various governmental authorities and community stakeholders. Finally, each application should be evaluated on its own merits and the final authority for the decision to approve or disapprove any application should rest solely with City Council after a public hearing.

This is a time of great economic uncertainty both nationally and locally. We believe that affirmative actions by our elected officials should be taken to promote reasonable economic development in the city. Our association will not support any practice, policy

or regulation that in any way impedes the economic development of the city. We hope that you do not adopt the recommendations contained in the aforementioned Memorandum.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'A. Rosenberger', written in a cursive style.

Andrew Rosenberger
President
NVBIA Urban Chapter



COA Contact Us: Docket Item #6 9/25/2010

Eric Dobson to: william.euille, frank.fannon, kerry.donley,
alicia.hughes, delpepper, paulcsmedberg, rose.boyd,
jackie.henderson, elaine.scott, rob.krupicka,
linda.owens, elizabeth.jones

09/24/2010 04:44 PM

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9-25-10

Please respond to Eric Dobson

1 attachment



0125c1b4886df7c72f808a4c24c81da8.pdf

Time: [Fri Sep 24, 2010 16:44:55] Message ID: [24446]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Eric
Last Name: Dobson
Street Address: 4900 Seminary Road
Suite 104
City: Alexandria
State: VA
Zip: 22311
Phone: 703-845-7080
Email Address: edobson@naiopva.org
Subject: Docket Item #6 9/25/2010
Comments:
Attachment: 0125c1b4886df7e72f808a4c24c81da8.pdf

NAIOP

COMMERCIAL REAL ESTATE
DEVELOPMENT ASSOCIATION
NORTHERN VIRGINIA CHAPTER

September 24, 2010

William D. Euille
Mayor
City of Alexandria
301 King Street
Alexandria, Virginia 22314

RE: Docket Item #6: Zoning Cases Without Master Plan Study

Dear Mayor Euille:

NAIOP Northern Virginia is a regional association which represents the commercial development industry. Our membership includes many of the major property owners and developers in the City of Alexandria.

On behalf of the association's membership, I am writing to express our concern with the City's adoption of any criteria for rezoning without a master plan study. The creation of any such criteria is unnecessary and counterproductive. Under Virginia Law, all property owners have the right to submit an application for a rezoning at any time. It is in the best interests of the City, the residents and the property owners for the City to process such applications in a timely manner and for the City Council to evaluate the merits of such an application in a public hearing. Public hearings provide an open and transparent means of evaluating the merits of any application.

It is in the best interests of the City of Alexandria, its citizens and property owners to ensure that the application process does not hinder or preclude the ability to respond to market demands by preventing property owners from submitting rezoning applications based on the circumstances associated with the small area plan amendment work schedule.

The City Council needs to maintain its ability to review and evaluate proposed rezoning and master plan amendments and not have that ability restricted by the timing of an ongoing or future small area plan study. The current economic conditions require increased, not decreased, flexibility for the City of Alexandria and property owners to respond to market demands.

I appreciate your consideration of this matter and look forward to discussing it further. Adoption of this policy at this time would hinder economic growth of the City of Alexandria.

Sincerely,



Martha D. Marks
President



6
9-25-10

COA Contact Us: September 25, 2010 City Council Meeting, Docket Item #6

william.euille, frank.fannon, kerry.donley, alicia.hughes,
Tina Leone to: delpepper, paulcsmmedberg, rose.boyd, jackie.henderson, 09/23/2010 04:22 PM
elaine.scott, rob.krupicka, linda.owens, elizabeth.jones

Please respond to Tina Leone

COA Contact Us: Mayor, Vice Mayor, and Council Members

Time: [Thu Sep 23, 2010 16:22:27] Message ID: [24416]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Tina
Last Name: Leone
Street Address: Alexandria Chamber of Commerce
801 N Fairfax St, Suite 402
City: Alexandria
State: VA
Zip: 22314
Phone: 703-739-3802
Email Address: tleone@alexchamber.com
Subject: September 25, 2010 City Council Meeting, Docket Item #6
Re: September 25, 2010 City Council Meeting, Docket Item #6

Dear Mayor,

Vice Mayor and Council Members,

This Saturday you will be considering docket item #6, Criteria for Rezoning without a Master Plan Study. The Chamber understands that currently, City staff has the ability to process the rezoning of properties and associated Master Plan Amendments without requiring a property owner to wait for a full study of the Small Area Plan in which the property is located. This capability has been used by City staff in the past. However, there have also been instances in which Staff has delayed rezoning/Master Plan Amendment applications in areas where a Small Area Plan study was either planned or underway, even though the proposed project was desirable and approvable prior to adoption of the associated Small Area Plan. By the time those applications were finally processed, the property owners were faced with very different economic

times than when they first requested their rezonings and, as a result, those projects remain on the shelf instead of being built.

Under the

current Virginia Code, a landowner has the right to request a rezoning and/or Master Plan Amendment at any time and such a request should be processed and heard by the appropriate governing bodies in a reasonable amount of time. Each rezoning and Master Plan Amendment application should be evaluated by staff, the community, Planning Commission and City Council on its own merits and should be docketed for consideration in a timely fashion. If the goal is to ensure transparency, this is the only means for a full and public review of a rezoning/Master Plan Amendment request.

Comments:

The City should maintain its focus on its economic development goals outlined in the City's strategic plan Goal 1 by allowing for quality development and redevelopment, increasing office and retail occupancy rates through business recruitment, retention, and expansion as well as maintaining an environment where businesses can thrive. Considering the progress that has been made toward making the City more business-friendly, the Chamber requests that Council not take action with regard to the rezoning policy that would further hinder our economic development goals. Such actions would amount to a step in the wrong direction and make it more difficult for companies to bring the economic growth that Alexandria needs to prosper. Any action should encourage a policy that recognizes that all rezoning/Master Plan Amendment applications should be processed and docketed to be heard by the appropriate governing bodies in a reasonable timeframe.

Thank you for your consideration of this matter,

Tina

Leone
President/CEO
Alexandria Chamber of Commerce

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9-25-10

September 23, 2010

Hon. Mayor William D. Euille
Members of City Council
City of Alexandria Virginia

Via Email

Re: City Council Docket of September 25, 2010, Item 6

Dear Mayor Euille and Members of City Council:

We the undersigned encourage consideration of Rezoning applications in areas where growth is wanted (i.e. around Metro, Eisenhower Avenue, etc.) without amending approved Small Area Plans or preparing new neighborhood plans.

Your Docket Item 6 of September 25, 2010 proposes specific criteria for consideration of rezoning applications without an areawide master plan study. We believe that each application should be considered on its own merits, and if not inconsistent with published City policy (embodied in the City's Strategic Plan), should be allowed to be reviewed by City staff and then forwarded to Planning Commission and City Council for action.

This in no way waives any of the safeguards currently in the development review process. City staff will certainly uphold the same standards they apply now, and Planning Commission and City Council are under no obligation to approve the application. A full public hearing would continue to be held by each of these two bodies.

Allowing a proposed land development project *the possibility* of being reviewed by staff means that projects that have the potential to spur revitalization or make an economic sustainability contribution don't have to wait the two or three years it takes to carry out a complete planning process. If we know the project would be good for the City and for the immediate neighborhood, why wait? Waiting carries the risk that the market will have changed by the time the project is approved, and that the project owner will decide not to go forward, as has happened to a number of projects recently.

We urge City Council to approve the concept of a project proposal being allowed to be reviewed by staff and forwarded for public hearing without a recent area plan being in effect in the project's location. This in no way implies automatic approval or waiver of the current thorough review process.

Sincerely yours,

Lisa Lettieri
Scott Humphrey
Donald Simpson Sr.
Harry P. Hart
Benjamin Webster
Monty Duncan
Agnes Artemel
Janet Gregor
Mark Feldheim
Engin Artemel
Andres Domeyko

Arval Hettler
Aunt Humphrey
Ronald Simpson, Sr.
Harry O. Post
George
Mouk
Lloyd
Janet R. Green
Ernie Arter