

DOCKET ITEM #3
Subdivision #2010-0006
250 & 296 South Whiting Street

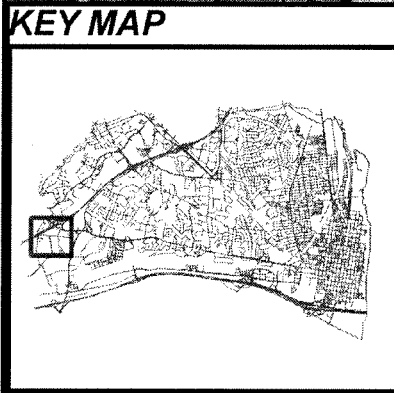
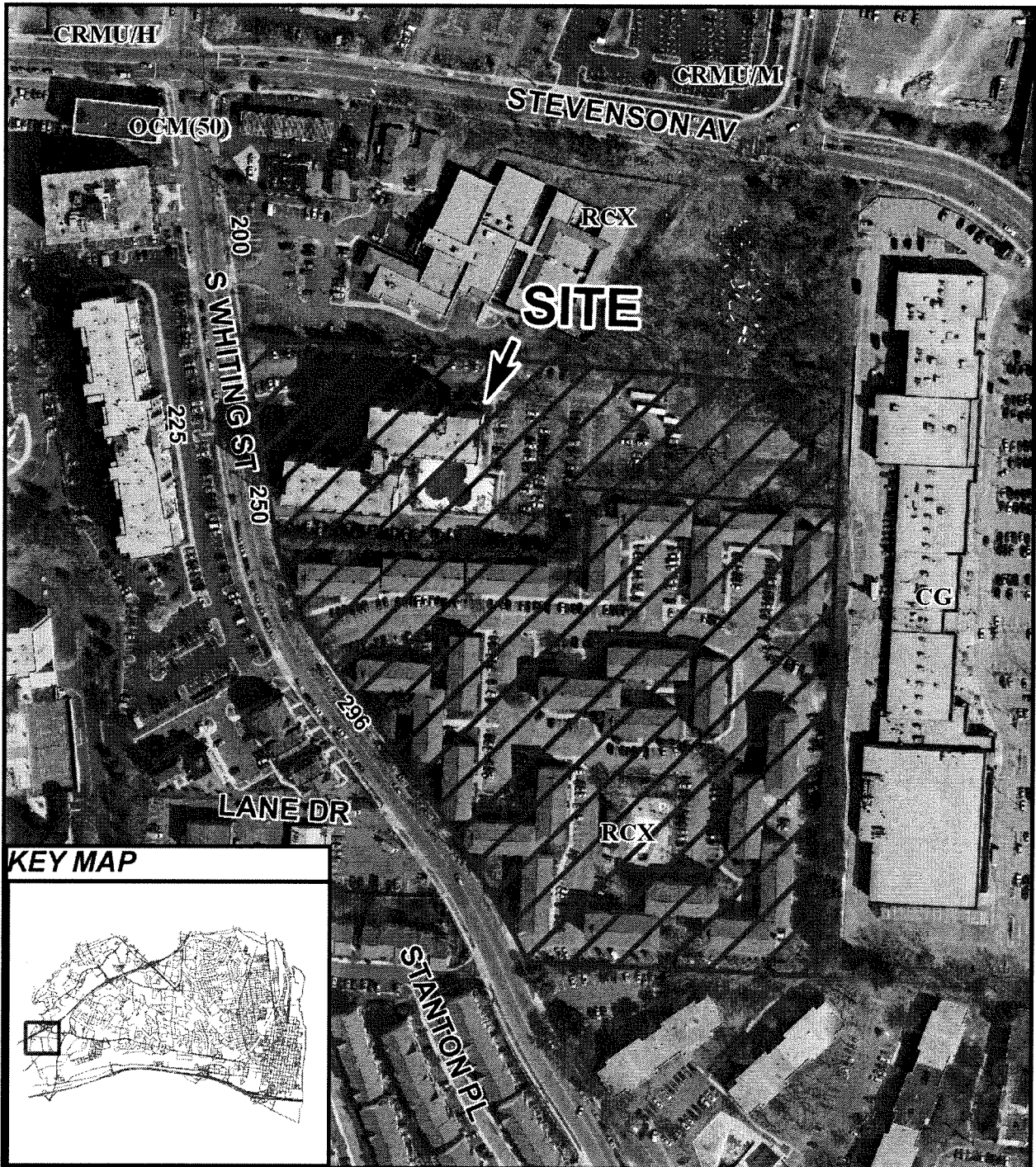
CONSENT AGENDA ITEM

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Application	General Data	
Request: Consideration of a request for a subdivision.	Planning Commission Hearing:	November 4, 2010
Address: 250 & 296 South Whiting Street	Approved Plat must be recorded by:	May 3, 2012
Applicants: Broadstone Foxwood, LLC and FP Landmark, LLC by M. Catharine Puskar, attorney	Zones: Small Area Plan:	RC/High Density Apartment and RCX/ Medium Density Apartment Landmark/Van Dorn

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov



SUB #2010-0006

11/04/10



I. DISCUSSION

REQUEST

The applicants, Broadstone Foxwood LLC and FP Landmark, LLC by Cathy Puskar, request subdivision approval to adjust the existing property lines between two parcels at 250 and 296 South Whiting Street.

SITE DESCRIPTION

The subject site includes two lots of record. The existing lot at **250 South Whiting Street** has approximately 283 feet of frontage on South Whiting Street and 834 feet of depth. The legally recorded lot area of this parcel is 180,714 square feet. The lot is developed with a 10-story apartment building containing 228 residential units as well as a convenience store and professional offices on the ground level. This building is commonly known as Foxwood Place but today uses the trade name Broadstone Landmark.



The existing lot at **296 South Whiting Street** has approximately 693 feet of frontage on South Whiting Street, a lot depth that varies from 770 feet to 400 feet, and a lot area of 373,206 square feet. The lot is developed with a complex consisting of 290 residential units spread across 19 three-story apartment buildings. The complex is commonly known as Crestview Gardens Apartments but today uses the trade name The Fields at Landmark.



The surrounding area is occupied by a mix of residential, institutional, and commercial uses. The Northern Virginia Juvenile Detention Home is located directly to the north of the site. Residential apartments, residential townhouses, a convenience store, and an automobile repair shop are all located to the west. Residential apartments are also located to the south. The Van Dorn Plaza Shopping Center, which faces Van Dorn Street, is located to the west.

BACKGROUND

The Crestview Gardens Apartments complex at 296 South Whiting was constructed in 1965 under approved Site Plans #64-026 (southern portion) and #65-050 (northern portion). The Foxwood Place building at 250 South Whiting was constructed in 1973 under approved Site Plan #72-024. The property on which Foxwood Place was built was subdivided from the Northern Virginia Juvenile Detention Home property to the north in 1973.

The owner of Foxwood Place recently discovered that the property lines for the two subject parcels overlap such that both owners are claiming ownership of the same sliver of land. The deed for Foxwood Place incorrectly claimed 1,756 square feet of land already owned by

Crestview Gardens and recorded prior to 1973. When removed from the Foxwood parcel, this small amount of land makes Foxwood Place out of compliance with the maximum number of dwelling units per acre allowed in the RC zone.

PROPOSAL

The applicants request subdivision approval to adjust the shared property lines between the two multifamily apartment complexes. The purpose of the request is to correct the error in ownership for the 1,756 square feet of land and to bring Foxwood Place into compliance with RC zone regulations. The new property lines constitute a minor adjustment that follows a course between the properties similar to the existing lines. The difference between the existing and proposed lot lines ranges from zero in some places, meaning that the line remains the same, to up to a change of five feet in others. The amount of land that will be transferred from Crestview to Foxwood is 1,756 square feet. This transfer will result in a lot size at Crestview of 371,450 square feet and will return the lot size at Foxwood to 182,470 square feet, which is the amount of land assumed to have existed on that property all along. No new lots will be created as a result of this proposal.

ZONING

The **Foxwood Place** property at 250 South Whiting Street (Lot 501) is located in the RC / High Density Apartment zone. Although the lot currently does not comply with the minimum lot size requirement or maximum density allowed for a building of its size in the RC zone, this is due to the error in the amount of land believed to have been included in this parcel. Upon approval of this subdivision request, the lot will comply with both of these requirements. The lot and multi-story residential building will continue to comply with all other zoning requirements.

The **Crestwood Gardens Apartments** property at 296 South Whiting Street (Lot 502) is located in the RCX / Medium Density Apartment zone, having been rezoned from RC in 1992. Five buildings on the northern portion of the lot that are currently not in compliance regarding side setback requirements will come into compliance as a result of this subdivision request. The remaining buildings on the lot and the lot itself will remain in compliance with all other zoning requirements.

The following table highlights relevant zoning elements of the subdivision proposal:

	Foxwood Place (Lot 501)			Crestview Gardens (Lot 502)		
	Required	Existing	Proposed	Required	Existing	Proposed
Lot Area	800 Sq Ft / DU (182,400 Sq Ft)	180,714 Sq Ft	182,467 Sq Ft	1,245 Sq Ft / DU (361,050 Sq Ft)	373,206 Sq Ft	371,450 Sq Ft
Density	54.45 DU/acre Max	54.96 DU/acre	54.43 DU/acre	35 DU/acre Max	33.85 DU/acre	34.01 DU/acre
Lot Frontage	50 Feet Min	283 Feet	288 Feet	50 Feet	693 Feet	688 Feet
FAR	1.25 Max	1.074	1.063	1.25 Max	0.830	0.834

II. STAFF ANALYSIS

Staff supports the subdivision request, which is essentially a minor adjustment to the existing property lines. The proposed lot configuration is substantially similar to the present configuration and is consistent with the character of the area, which consists of large irregular-shaped lots. The proposal will not result in any new lots being created or the construction of any new dwelling units. It is in compliance with zoning requirements and subdivision regulations.

The proposal will correct the overlapping lot lines and recordation of the same 1,756 square feet of land to both properties. It also brings the subject properties into compliance with zoning requirements in two ways. First, the proposal will bring Foxwood Place in compliance with the RC zone requirement of no more than 54.45 dwelling units per acre. Second, as a part of its review process staff also observed that five buildings on the Crestview Gardens property adjacent to the shared property line with Foxwood Place are out of compliance with the 16-foot setback requirement established in the approved 1965 Site Plan. The applicants have further adjusted the property lines to correct this circumstance.

Subject to the conditions contained in this report, staff recommends approval.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The final subdivision plat shall comply with the requirements of Section 11-1709 of the Zoning Ordinance. (P&Z) (T&ES)
2. Locations of all easements and reservations shall be depicted on the final subdivision plan. (P&Z)

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

F-1 Any future development on either of the subdivided lots shall conform to the City of Alexandria's storm water management regulations regarding water quality. The requirements consist of the phosphorus removal requirement and second, the water quality volume default requirement. Contact the Office of Environmental Quality with any questions regarding the water quality requirements. (T&ES)

R-1 The final subdivision plat shall comply with the provisions of Section 11-1709 of the City's Zoning Ordinance. (T&ES)

Code Enforcement:

F-1 No Comment

Health Department:

F-1 No Comment

Historic Alexandria:

F-1 There is low potential for significant archaeological resources to be disturbed by this project. No archaeological action is required.

Parks and Recreation:

F-1 No Comment

Police Department:

F-1 The Police Department has no comments or objections to the subdivision.

REVISED



APPLICATION

SUBDIVISION OF PROPERTY

SUB # SUB 2010-0006

PROPERTY LOCATION: 250 and 296 S. Whiting Street

TAX MAP REFERENCE: 57.01-03-01 & 57.01-03-02 **ZONE:** RC and RCX

APPLICANT:

Name: Broadstone Foxwood LLC
Address: 2415 E. Camelback Rd.
Suite 600
Phoenix, AZ 85016

FP Landmark LLC
c/o Foulger Pratt Development LLC
9600 Blackwell Road, Suite 200
Rockville, MD 20850

PROPERTY OWNER:

Name: Broadstone Foxwood LLC
Address: 2415 E. Camelback Rd.
Suite 600
Phoenix, AZ 85016

FP Landmark LLC
c/o Foulger Pratt Development LLC
9600 Blackwell Road, Suite 200
Rockville, MD 20850

SUBDIVISION DESCRIPTION

Re-subdivision & consolidation of property to adjust boundary line between
250 and 296 S. Whiting Street

THE UNDERSIGNED hereby applies for Subdivision in accordance with the provisions of Section 11-700 of the Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of his/her knowledge and belief.

Broadstone Foxwood LLC

Print Name of Applicant or Agent

by: M. Catharine Puskar, Attorney/Agent

Mailing/Street Address
2200 Clarendon Boulevard, Suite 1300
Arlington, VA 22201

City and State

Zip Code

M. C. Puskar

Signature

(703) 528-4700, ext. 5413 / fax-703-525-3197

Telephone #

Fax #

Cpuskar@arl.thelandlawyers.com

Email address

revised 10/20/10
August 24, 2010

Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: _____

Fee Paid and Date: _____

ACTION - PLANNING COMMISSION: _____

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ALL APPLICANTS MUST COMPLETE THIS FORM.

Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is: (check one)

- the Owner Contract Purchaser Lessee or Other: Agent for owner of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

See ownership and disclosure statement

If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes.** Provide proof of current City business license.
- No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

N/A

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2. Please describe the existing and proposed use of the property/properties. Include a description of any structures, trees and landscaping, or other elements that occupy the property/properties.

The Applicant, Broadstone Foxwood LLC, with the consent of the adjacent property owner, FP Landmark LLC requests a resubdivision and consolidation of property in order to adjust the boundary line between their properties, 250 and 296 S. Whiting Street, respectively (the "Properties"). 250 S. Whiting Street is zoned RC/High Density Apartment Zone and is improved with a multifamily residential development, commonly known as Foxwood Place, that was constructed in 1973. 296 S. Whiting Street is zoned RCX/Medium Density Apartment Zone and is improved with a multifamily residential development, commonly known as Crestview Gardens, that was constructed in 1965.

In performing due diligence associated with 250 S. Whiting Street, the engineers determined that there was an overlapping property line between the Properties, such that the deeds and real estate information for both Properties referenced ownership of the same 1,756 square feet of land. Given that the Crestview Gardens deed was recorded first in time, the 1,756 square feet was attributed to their property when the engineers prepared recent ALTA surveys for the Properties. The parties have now agreed to resubdivide and consolidate the 1,756 square feet into Foxwood Place. In doing so, both properties remain in conformance with the permitted FAR and densities in their respective zones. There are no other changes proposed to the properties.

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Alliance Residential Fund I, LP	2415 E. Camelback Road, Suite 600 Phoenix, Arizona 85106	100% of Applicant
2. Scout Fund I-A, LP	3600 N. Capital of Texas Highway Building B, Suite 200 Austin, Texas 78746	51.1% of sole member of Applicant
3. Scout Fund I-C, LP	3600 N. Capital of Texas Highway Building B, Suite 200 Austin, Texas 78746	40.9% of sole member of Applicant

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 250 S. Whiting St., Alexandria, VA _____ (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Alliance Residential Fund, I, LP	2415 E. Camelback Road, Suite 600 Phoenix, Arizona 85106	100% of Owner
2. Scout Fund I-A, LP	3600 N. Capital of Texas Highway Building B, Suite 200 Austin, Texas 78746	57.1% of sole member of Owner
3. Scout Fund I-C, LP	3600 N. Capital of Texas Highway Building B, Suite 200 Austin, Texas 78746	40.9% of sole member of Owner

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

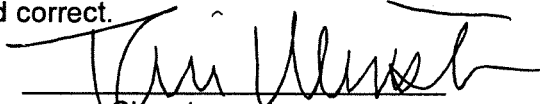
Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Alliance Residential Fund, I, LP	none	none
2. Scout Fund I-A, LP	none	none
3. Scout Fund I-C, LP	none	none

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

8/24/10
Date

Toni Weinstein
Printed Name


Signature

OWNERSHIP AND DISCLOSURE STATEMENT
Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Richard I. Knapp	c/o Foulger-Pratt Companies, Inc. 9600 Blackwell Road Rockville, MD 20850	14%
2. Richard W. Hausler & Lyndon Skelly-Hausler	c/o Sack & Associates, Inc. 8300 Greensboro Drive, Suite 800 McLean, VA 22012	28%
3. FDP Landmark LLC	c/o Foulger-Pratt Companies, Inc. 9600 Blackwell Road, Rockville, MD 20850	20%

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 296 S. Whiting St. (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Richard I. Knapp	c/o Foulger-Pratt Companies, Inc. 9600 Blackwell Road Rockville, MD 20850	14%
2. Richard W. Hausler & Lyndon Skelly-Hausler	c/o Sack & Associates, Inc. 8300 Greensboro Drive, Suite 800 McLean, VA 22012	28%
3. FDP Landmark LLC	c/o Foulger-Pratt Companies, Inc. 9600 Blackwell Road, Rockville, MD 20850	20%

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Richard I. Knapp	None	None
2. Richard W. Hausler & Lyndon Skelly-Hausler	None	None
3. FDP Landmark LLC	None	None

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

8-24-10 M. Catharine Puskar
Date Printed Name


Signature

WAIVER OF RIGHT TO AUTOMATIC APPROVAL

**SUBMITTED TO
THE DEPARTMENT OF PLANNING AND ZONING
CITY OF ALEXANDRIA, VIRGINIA**

PROJECT NAME: Foxwood Place

PROJECT ADDRESS: 250 S. Whiting Street

DESCRIPTION OF REQUEST:

Resubdivision of property

THE UNDERSIGNED hereby waives the right to the 45 day automatic approval provision of Section 11-1708 (B)(2) of the Zoning Ordinance of the City of Alexandria, Virginia, for the application stated above, to no later than November 4, 2010.

Date: 8/24/10

Applicant

Agent

Signature: M C Puskar

Printed Name: Broadstone Foxwood LLC by M. Catherine Puskar, Attorney/Agent

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Faroll Hamer
City of Alexandria, Department of Planning and Zoning
Room 2100, City Hall
301 King Street
Alexandria, VA 22314
Faroll Hamer

Re: Letter of Authorization for Subdivision Application


Dear Ms. Hamer:

As the owner of the property located at 296 S. Whiting Street (Tax Map 57.01-03-02), FP Landmark LLC authorizes Broadstone Foxwood LLC to submit and process an application for the subdivision of property described in the Application and depicted on the associated preliminary subdivision plat prepared by Bowman Engineering, so long as there is no adverse impact on the zoning compliance for the development located at 296 S. Whiting Street.

Very truly yours,

FP Landmark, LLC, a Maryland LLC

By: FPD Landmark, LLC, a Maryland LLC, its General Manager

By: 

Date: 8/24/10

Name: B. Cameron Pratt

Title: Authorized Party & Manager