

Docket Item #17
INITIATION OF TEXT AMENDMENT
#2003-0005-I

Planning Commission Meeting
October 7, 2003

CASE: INITIATION OF TEXT AMENDMENT #2003-0005
ZONING FOR PUBLIC SCHOOLS

ISSUE: Consideration of initiation of a text amendment to the Zoning Ordinance allowing increased height and density for public schools.

STAFF: Department of Planning and Zoning

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STAFF RECOMMENDATION:

Staff recommends that the Planning Commission, pursuant to the attached motion, initiate a text amendment to the Zoning Ordinance, in order to change the regulations for regarding permitted height and density for public schools, finding that the consideration of such a text amendment is consistent with the public necessity, convenience, general welfare and good zoning practice.

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DISCUSSION

Background

Under section 15.2-2286 (7) of the Virginia Code, the zoning ordinance or map may be amended, “whenever the public necessity, convenience, general welfare or good zoning practice requires.” The same section further outlines that a zoning amendment may be initiated by resolution of Council, a motion of the Planning Commission, or, in the case of a map amendment, by a property owner of the land in question. Finally, the statute requires that any motion or resolution initiating a zoning amendment shall recite the above public purposes therefor. The Alexandria Circuit Court has recently determined that these requirements of the Virginia Code apply to the initiation of zoning amendments in Alexandria, notwithstanding that a formal process and express findings are not required under the zoning enabling authority conferred by the City Charter

In the past, staff has consistently asked the Planning Commission to initiate and act on a proposed zoning amendment in the same action. We are now bifurcating the approach and asking the Planning Commission to consider whether a potential amendment should be considered as an introductory matter. That way, if the Planning Commission does not take the initiation step, and the amendment is not otherwise initiated by City Council or a property owner, then the zoning amendment would not be considered at all. This procedural step will also provide notice of the issue to the general public earlier in the process, allowing additional time for consideration by the public of the matter. Staff will typically bring the actual text amendment forward in the month following the initiation by the Planning Commission.

Public School Zoning

With the comprehensive amendments to the zoning ordinance in 1992, the zoning for public schools was limited considerably by two major changes. First, all school land in residential areas was zoned for residential development, with the thought that if the school was ever closed, then the reuse of the site would be limited to residential development consistent with the neighboring residential area. Second, and most significantly, with the introduction of the Public Open Space (POS) zone, the land adjacent to school buildings, typically school fields, was remapped to the POS category. The combination of these two actions resulted in several schools becoming noncomplying structures because they exceeded the size permitted for houses in the residential zone applied to the site. Noncomplying structures are not permitted to expand, even with a special use permit. While this circumstance has not been a serious problem before now, the planned expansion of Minnie Howard and the construction of a new T.C. Williams High School may not proceed without changes in the zoning.

Staff has been working with the schools to achieve desirable school buildings consistent with surrounding uses, as well as to determine those zoning changes that will be necessary and that are supportable by staff. The first of these two development cases, Minnie Howard, is now scheduled to be considered by Planning Commission and City Council in November. Staff plans to bring

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forward as part of that project a proposed zoning text change that is necessary to allow both projects to move forward. Specifically, staff anticipates an additional provision under the Supplemental Regulations of the zoning ordinance to allow for an increase in permitted height and floor area ratio (FAR) above that allowed for houses in the applicable residential zones, provided that a special use permit is approved.

In addition, as part of both the Minnie Howard and the T.C. Williams land use cases, the Commission and Council will consider an application for a rezoning of some of the POS land adjacent to each school to residential zoning, in order to allow the schools to be built.

More information will be included in the development application, the schools' rezoning application, and in the text amendment, all of which will be brought forward together as a package.

Recommendation

Staff recommends that the Commission initiate a text amendment on its own motion to change the rules for zoning for public schools, because consideration of changes is consistent with the public necessity, convenience, general welfare and good zoning practice.

Staff: Eileen Fogarty, Director, Planning and Zoning;
Barbara Ross, Deputy Director.

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INITIATION MOTION

Whereas the Alexandria Planning Commission may initiate the amendment of the Alexandria Zoning Ordinance whenever it determines that the public necessity, convenience, general welfare or good zoning practice requires an amendment; and

Whereas the current provisions of the Alexandria Zoning Ordinance allow public school buildings but limit their size consistent with the zoning for residences in the zone where the school is located,

Now, therefore, I move that the Alexandria Planning Commission find that the public necessity, convenience, general welfare or good zoning practice requires consideration of Text Amendment No.2003-05, Zoning for Public Schools, to allow increases in height and density for schools with special use permit approval, and

I further move that the Alexandria Planning Commission initiate such text amendment.