

DOCKET ITEM #11

DATE: OCTOBER 25, 2004

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: EILEEN P. FOGARTY, DIRECTOR, PLANNING AND ZONING

SUBJECT: TEXT AMENDMENT #2004-0001  
POTOMAC YARD DESIGN ADVISORY COMMITTEE (PYDAC)

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**I. Summary**

This text amendment, originally proposed a year ago, sought to adjust the membership of the Potomac Yard Design Advisory Committee (PYDAC) to specifically designate representatives within the development as members of the Committee. City Council considered the Commission's recommendation on the matter on March 13, 2004, and declined to act on it. Council asked staff to look at the issue again, and referred it back to the Commission for further consideration.

Staff recommends that no changes be adopted and that the existing committee structure, as outlined in the Potomac Yard approval, be maintained. The public has expressed many different and competing opinions on the matter over the last year, showing that there appears to be no public consensus on changing the Committee. Furthermore, it is imperative that the issue of Committee membership be finalized. The new owners of Potomac Yard, Pulte and Centex Homes, plan to develop the site over the next several years and the Committee must begin to perform its advisory role to the City, Planning Commission and City Council.

**II. Background**

The recent process proposing to change the Committee composition has been the subject of extensive consideration at the Planning Commission and City Council. See the attached staff report and background documentation.

### *Concept Plan requirement*

The Concept Plan approval for Potomac Yard (CDD#99-0001), approved in 1999, includes, as condition #17, the establishment of PYDAC in order to ensure that future development is built generally to a high standard of design quality and specifically consistent with the demanding design guidelines that are part of the concept plan approval. Citizens of nearby neighborhoods were very involved in the assessment of the concept plan and have a stake in ensuring that the ultimate development reflects what was envisioned at the time of the concept plan approval.

The committee, as currently required, consists of seven members appointed by City Council for terms of no more than two years. Membership consists of two representatives of the Potomac West area, with the remaining five members to be from the City at-large and to include three representatives of residential neighborhoods and the business community, and two qualified members (from Northridge and Old Town) who are the professional architects on the Committee. The Committee has operated successfully for the last five years, meeting in 2002 and 2003 to deal with the approval of additional housing at Potomac Greens and the Potomac Plaza retail development on Slaters Lane.

The City may not unilaterally change an applicant's approved concept plan, therefore, a change to the committee, if there is to be one, requires a zoning text amendment.

### *Original Proposal*

In November 2003, a zoning ordinance amendment was initiated by City Council to consider a change in the composition of the Committee and specifically to require that two of the three at-large residents be representatives of the Potomac Yard/Potomac Greens area. The change was supported at the time by the Old Town Greens Townhouse Owners Association and Del Ray Citizens Association.

### *Planning Commission Action*

On February 3, 2004, Planning staff brought the proposed text amendment, as initiated by Council, to the Planning Commission for consideration. At its public hearing, there was considerable public testimony with divergent views on the subject, and several different suggestions for changes to the committee composition. Suggestions from the public and Commissioners included:

- expanding the committee membership, specifically including Northeast Civic Association as a member;
- making no changes to the committee structure;
- not specifically designating any seat on the committee for any specific neighborhood; and
- expressing representation as guidelines and not requirements.

The Commission asked staff to reconsider the matter and to return with alternative recommendations.

On March 2, 2004, the Commission considered the five different alternatives for committee composition that staff had outlined. After a second public hearing, with again many different views, the Commission recommended approval of a sixth alternative as a text amendment. Under that proposal, the committee would be increased in size to nine members, and would include the following representatives: two architect/urban designers; one business representative; one representative from each of the following neighborhoods: Potomac West, Potomac Yard, and Northeast; and three at-large resident members. The Commission also determined that it was not necessary to provide for meetings called by the Planning Director in the zoning ordinance.

### *City Council Action*

On March 13, 2004, City Council held a public hearing and considered the Commission's recommendation. It again heard divergent views regarding the recommended structure, and asked Planning staff to take still another look at the committee representation issue, after talking to affected neighborhoods. Council also suggested that staff might wish to design a completely new committee, and asked staff to further assess PYDAC's role.

### **III. Staff Recommendation**

Staff recommends that the Committee structure, as outlined in the concept plan conditions, and as has successfully operated over the last few years, not change at this time.

Participants at hearings before City Council and Planning Commission, including Councilpersons and Commissioners, have offered varied and disparate opinions on the subject of the Committee structure. While speakers recognized the interests of residents within Potomac Yard/Potomac Greens developments, other adjoining civic groups claimed that they too are greatly affected by development on the Yard and, if new members are to be designated, they should be included. At the same time, there was general recognition that Potomac West, Northeast, Inner City and other residents played a predominant and critical role in the forming of the approved concept plan and design guidelines, and that their institutional knowledge was critical as development applications come forward. There was also agreement that the large Potomac Yard development will affect the City as a whole, making membership by representatives beyond the immediate area appropriate.

Some speakers at each of the hearings suggested that there be no change to the Committee. The status quo option recognizes that there is no consensus on an appropriate change to the Committee membership. Many citizens also support the existing structure as a reasonable balance: it recognizes the historic involvement of Potomac West while still allowing opportunities for other neighborhoods to be represented. Staff also acknowledges that when terms of the current membership expires groups such as Northeast should be represented on the Committee.

Staff recommends that the Committee structure not be changed at this time. This is based on the following:

- there is no consensus about a potential change;
- there is a need for an established committee to function immediately;
- that no harm will occur from keeping the committee in its current form, as originally required by the concept approval; and
- the Committee now includes qualified and concerned residents.

The development process is all inclusive, and there are ample opportunities for all members of the public to participate. The role of the Committee is to provide a specific and limited advisory role only. The review of each proposal will require review by the Planning Commission and City Council. Staff is committed to ensuring that all affected neighborhoods are part of the development approval process both through PYDAC and the Planning Commission.

*Attachment: Council docket material, 3-13-04.*

DATE: FEBRUARY 23, 2004

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: EILEEN FOGARTY, DIRECTOR  
PLANNING AND ZONING

SUBJECT: POTOMAC YARD DESIGN ADVISORY COMMITTEE (PYDAC)

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At its February 3 hearing, the Commission deferred consideration of Text Amendment #2004-0001, regarding the composition of the Potomac Yard Design Advisory Committee (PYDAC), asking staff to present additional alternatives based on the Commission's discussion. The text amendment creates a zoning ordinance provision regarding PYDAC, instead of having its composition be governed by the SUP condition that has been part of the Potomac Yard concept plan approval. The purpose of the recommended change in composition is to specifically include residents of the Potomac Yard area as members of the Committee.

Concerns expressed by the Commission and residents at the February hearing included the fact that areas of the city beyond Potomac West and Potomac Yard will be affected by the development of the Yard, and should have an opportunity to be on the Committee. Commissioners also discussed whether the category requirements could be stated as goals or targets instead of as rigid requirements. Based on these concerns, the Commission may want to consider the following three new alternatives, shown on the attached chart, as it makes its decision:

OPTION 1

status quo; no change

OPTION 2

text amendment as proposed

OPTION 3 (new)

Include one designated member from each of the following: Potomac West, Potomac Yard, Northeast; plus one at large member; one business representative and two architects/urban designers.

OPTION 4 (new)

Make all four representatives of the residential neighborhoods at large members.

OPTION 5 (new)

Make all members of the Committee at large representatives, except for the two members to be architects or urban designers, with the goal of including representatives of the surrounding neighborhoods, including Potomac West, Potomac Yard, and Northeast, and representatives of the business community.

**POTOMAC YARD DESIGN ADVISORY COMMITTEE  
COMPOSITION ALTERNATIVES**

<b>Option 1 (Status Quo)</b>	<b>Option 2 (Proposed)</b>	<b>Option 3 (New)</b>	<b>Option 4 (New)</b>
2 Architects/Urban Designers	2 Architects/Urban Designers	2 Architects/Urban Designers	2 Architects/Urban Designers
3 Residential Neighborhoods and the Business Community	1 Business Community	1 Business Community	1 Business Community
2 Potomac West area	2 Potomac West area	1 Potomac West area	
	2 Potomac Yard area	1 Potomac Yard area	
		1 Northeast area	
		1 At Large (resident)	4 At Large (representation of residential neighborhoods)
<b>7 Total</b>	<b>7 Total</b>	<b>7 Total</b>	<b>7 Total</b>

Docket Item #18  
TEXT AMENDMENT #2004-0001

Planning Commission Meeting  
March 2, 2004

**CASE:** TEXT AMENDMENT #2004-0001  
POTOMAC YARD DESIGN ADVISORY COMMITTEE (PYDAC)

**ISSUE:** Consideration of an amendment to Section 5-602 of the Zoning Ordinance to provide for the Potomac Yard Design Advisory Committee.

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**CITY COUNCIL ACTION, MARCH 13, 2004:** City Council referred this item back to the Planning Commission to initiate a text amendment as quickly as possible that would take into consideration some general recommendations: Establishment of a new design committee with seven seats; another proposal to have a committee closer to nine members; until then, the current composition of the PYDAC would remain intact so it could continue to function; and as part of the review, it should look at the role of the PYDAC in the greater sense.

**PLANNING COMMISSION ACTION, MARCH 2, 2004:** On a motion by Ms. Fossum, seconded by Mr. Leibach, the Planning Commission voted to recommend approval of the text amendment with the Potomac Yard Design Advisory Committee to include: 2 architect/urban designers, 1 business representative, 1 Potomac West resident, 1 Potomac Yard resident, 1 Northeast resident and 3 at large resident members, increasing the size of the committee to nine members, and eliminating the proposed language in Section 5-602 (E)(3). The motion passed on a vote of 7 to 0.

**Reason:** The Commission generally agreed with staff's "Option 3," but increased the number of at large members, as well as the total number of committee members, in order to allow representation of new communities at Potomac Yard, as well as residential communities throughout the city. The Commission also found the language in Sec. 5-602 (E)(3) to be unnecessary.

**Speakers:**

Amy Slack, representing Del Ray Citizens Association, spoke in support of keeping the committee status quo or growing the committee by two to include members of Potomac Yard community.

David Fromm, representing himself and the Del Ray Citizens Association, discussed the fact that existing neighboring communities were extensively involved over many years in the development of the Design Guidelines that apply to new development at Potomac Yard. Of the options before the Commission, he believed either Option #3 or Bill Hendrickson's was best.

Poul Hertel, resident, felt that the committee structure proposed by Council excluded Northeast residents. He believed that the status quo, Option #5, or the Lillian White option, expanding the number of members, was best.

Sylvia Sibrover, resident, spoke in support of Option #5 because it includes the most at large representation.

Lillian White, resident, suggested increasing the committee to nine members to include 1 architect/urban designer, 1 business representative, 2 Potomac West (to include Del Ray), 2 Potomac Yard and 3 at large members. Ms. White felt that the current membership is too specific and her suggestion would allow more representation from surrounding communities.

Richard Cooper, 1219 Powhatan Street, would prefer the status quo. If the committee is modified, he preferred either Option #5 or #3.

Katy Cannady, resident, spoke in support of having 3 non-designated seats for citizens at large because there are so many areas of the City affected by changes made to Potomac Yard.

**PLANNING COMMISSION ACTION, FEBRUARY 3, 2004:** On a motion by Mr. Dunn, seconded by Mr. Robinson, the Planning Commission voted to defer the text amendment. The motion carried on a vote of 7 to 0.

Reason: The Commission was very concerned about the composition of the PYDAC, the affect of Potomac Yard development on neighboring areas, on existing and future residents of Potomac Yard, and on the city as a whole. Members suggested several different ideas including, that composition categories should be stated only as guidelines, not requirements; changes in the wording to make membership more flexible; keeping the status quo; and expanding the committee to accommodate more members. The Commission asked staff to return with a few of the alternatives discussed by the Commission as options for them at the next meeting.

Speakers:

Mariella Posey suggested that representatives from all areas of the city, or at least one member, should be eligible for membership because what happens on Potomac Yard affects all areas of the city.

Sylvia Sibrover spoke in favor of broader representation.

Justin Wilson, President, Del Ray Citizens Association, explained the Associations involvement in the original proposal, and supports the original language which includes at least one resident from the city at large. (See p. 8)

Brian Detter, President, Old Town Greens Townhomes Association, spoke in support of the originally proposed language at p. 8 of this report.

Poul Hertel argued in favor of the status quo, urging the Commission not to vote in favor of the proposed text amendment, so that representatives of other neighborhoods, including Northeast, Inner City, Old Town North, as well as Potomac Yard residents, could be included.



Richard Cooper, 1219 Powhattan Street, spoke in support of the status quo; in the alternative, there should be seats for residents at large.

Lillian White recommended expanding the membership of the committee to allow at least three at large resident members.

POTOMAC YARD DESIGN ADVISORY COMMITTEE

STAFF RECOMMENDATION: Staff recommends that the Planning Commission recommend approval of the following text amendment:

ARTICLE V: MIXED USE ZONES

Sec. 5-600 Coordinated development district

.....

5-602 Coordinated development districts created, consistency with master plan, required approvals.

.....

(E) There is hereby established a Potomac Yard Design Advisory Committee (PYDAC)

(1) The purpose of PYDAC is to review applications for preliminary development plan approval under this ordinance for compliance with the Potomac Yard Urban Design Guidelines and make recommendations to the Planning Commission and the City Council.

(2) PYDAC shall consist of ~~nine~~ **seven** members to be appointed by the City Council for staggered terms of no more than two years each. The Committee shall include ~~one two~~ members representing the Potomac West area; ~~one two~~ members representing the Potomac Yard area; **one member representing the Northeast area; three at large resident members**; one member representing the business community; and two qualified professionals skilled in architecture or urban design.

(3) Meetings of PYDAC shall be called by the director as necessary to accomplish the purpose of the Committee.

(4) Nothing in this section shall be deemed to alter the authority of the Carlyle Design Review Board, or any other committee or advisory group established by a CDD SUP after the date of the adoption of this section.

DISCUSSION

This text amendment is designed to change the composition of the Potomac Yard Design Advisory Committee previously established under the authority of the Potomac Yard CDD Concept Plan approval. The amendment would modify the Committee's membership to include two representatives of the area covered by the Potomac Yard/Potomac Greens small area plan.

The text amendment responds to a request from Councilman Ludwig Gaines, as recommended by the City Manager. (11/21/03 Council memo attached.) The text amendment was initiated by City Council by resolution on November 25, 2003, and referred to the Planning Commission for an amendment to the zoning ordinance, to provide full and adequate public representation on the Committee. (Resolution attached.)

CDD Condition

As a condition of the approval for the Potomac Yard/Potomac Greens CDD concept approval, City Council required that a PYDAC be established to assist the City in reviewing applications for preliminary development plan approval. Condition 17 of the CDD SUP establishes PYDAC and, as to membership, states:

The PYDAC shall consist of seven members to be appointed by the City Council for staggered terms of no more than two years each. The Committee shall include two members representing the Potomac West area; the remaining five members shall be from the City at large and shall include three representatives of residential neighborhoods and the business community and two qualified professionals skilled in architecture.

PYDAC is authorized to review applications for preliminary development plan approval for compliance with the Potomac Yard Urban Design Guidelines, and to provide recommendations for consideration by the Planning Commission and City Council.

PYDAC has held five meetings over the last year. The last four meetings were held in October and December 2002, and January and February 2003 to review development proposals for Potomac Greens (Parcel A), Potomac Plaza (Parcel C), and Rail Park (Parcel D).

Concern has been expressed regarding PYDAC composition, and specifically that the above language does not expressly include representatives of the area covered by the Potomac Yard/Potomac Greens small area plan area as members of the Committee.

TA #2004-0001  
POTOMAC YARD DESIGN ADVISORY COMMITTEE

Proposed Text Amendment

Generally consistent with Councilman Gaines' proposal, the City Manager has recommended and Council resolved to change the membership of the Committee by adding representatives from the Potomac Yard/Potomac Greens area. Specifically, the recommendation, included in this text amendment is:

The PYDAC shall consist of seven members to be appointed by the City Council for staggered terms of no more than two years each. The Committee shall include two members representing the Potomac West area; ~~the remaining five members shall be from the City at large and shall include three representatives of residential neighborhoods and the business community and two qualified professionals skilled in architecture.~~ two members representing the Potomac Yard area; one member representing the business community; and two qualified professionals skilled in architecture or urban design.

With these changes,

- the Committee will continue to include seven members;
- two members will continue to be from Potomac West;
- two members will continue to be architects or urban designers;
- instead of three members from the "residential neighborhoods and the business community," there will be
  - two members from the Potomac Yard area, and
  - one member from the business community.

The only difference between Councilman Gaines' proposal and the City Manager's recommendation is specifying that one member of the Committee be from the business community.

A text amendment is necessary because the city does not have the power to change the conditions of the SUP without the applicant's involvement.

The ordinance adopting this text amendment will provide for the continued terms of existing members of the Committee under current guidelines.

STAFF: Eileen Fogarty, Director, Planning and Zoning  
Barbara Ross, Deputy Director  
Jeffrey Farner, Division Chief, Development

Attachments: 1. Councilman Gaines' Memo to City Council 11/21/03  
2. Resolution adopted by Council 11/25/03