

Docket Item #9
SUBDIVISION #2006-0001

Planning Commission Meeting
May 4, 2006

This subdivision will be automatically approved if not acted on by March 20, 2006, except that the applicant has waived the right to automatic approval.

ISSUE: Consideration of a request to resubdivide the subject properties.

APPLICANT: Sharif Shafik & Wilbur Salas

LOCATION: 5300 & 5310 Seminary Road

ZONE: R-12/Residential & R-20/Residential

STAFF RECOMMENDATION: Staff recommends **approval** subject to the compliance with all applicable codes and ordinances and the recommended conditions found in Section III of this report.

I. DISCUSSION

REQUEST

The applicants, Mr. Sharif Shafik & Mr. Wilbur Salas, request approval for a re-subdivision of two properties located at 5300 and 5310 Seminary Road.



SITE DESCRIPTION

The subject properties are two lots of record, one (Lot 9) with 50 feet of frontage at 5300 Seminary Road, 208 feet of depth and a total lot area of approximately 10,403 square feet. The other lot (Lot 10) located at 5310

Seminary Road has 139 feet of frontage along Seminary Road, 208.9 feet of depth, and a total lot area of approximately 29,040 square feet. Access to both lots is from Seminary Road. Each property at one time contained a single family dwelling, both of which were demolished on February 1, 2006.

SURROUNDING USES

The surrounding area is occupied by mostly residential uses. The Seminary Professional Village Medical and Dental Center, and other commercial uses are located to the north of the subject properties.

BACKGROUND

In January, 2005, staff reviewed a concept plan for three lots and three dwelling units for the subject properties. The concept plan was submitted for a rezoning of Lot 9 from R-20 zoning to R-12 zoning. Staff did not support the requested rezoning and the applicant is now pursuing the current subdivision.

APPLICANT'S PROPOSAL

The applicants propose to resubdivide the existing two lots by moving the common property line between the lots approximately 38.79 feet to the north, resulting in 8,148 square feet from the property at 5310 Seminary Road (Lot 9) being added to 5300 Seminary Road (Lot 10). The applicants have indicated to staff that they intend to build one home on each lot. The proposed subdivision will increase the area of Lot 10 from its current size of 10,403 square feet (0.38 acres) to 18,551 square feet (0.43 acres). The proposed subdivision will decrease Lot 9 from 29,040 square feet (0.67 acres) to 20,892 square feet (0.52 acres). The applicant proposes the subdivision to create two lots of a more equal size to develop two similarly sized homes.

ZONING REGULATIONS

Currently, zoning regulations allow a single family home to be built on each property. Lot 10 is zoned R-12 residential and does not meet the minimum lot area, lot width, and lot frontage requirements of the R-12 zone. Although the lot does not meet the minimum requirements for lot area, width, and frontage, a single family home could be built because a home previously existed in the lot prior to the current zoning ordinance that was adopted by City Council in 1992. A house can be re-built within one year after demolition of the previous non-complying home. Lot 9 is zoned R-20 residential and is in compliance with the R-20 lot area, lot width, and lot frontage requirements.

With the proposed re-subdivision, the shifted lot line will result in a split zoning on Lot 10, with both R-12 and R-20 zoning. The R-12 zone regulations can only apply to the area of Lot 10 that is zoned R-12. The R-20 zone regulations can only apply to the area of both Lots 9 and 10 that are zoned R-20. Therefore development on each lot must conform to its individually respective zoned requirements.

	Lot 9 (R-20)	Lot 10 (R-12)
Required Lot Area	20,000 sq. ft.	12,000 square feet
Current Lot Area	29,040 sq. ft.	10,403 square feet
<i>Proposed Lot Area</i>	<i>20,892 sq. ft.</i>	<i>18,551 square feet</i>
Required Lot Width	100 Feet	80 Feet
Current Lot Width	139 Feet	50 Feet
<i>Proposed Lot Width</i>	<i>100.21 Feet</i>	<i>88.79 Feet</i>
Required Lot Frontage	75 Feet	60 Feet
Current Lot Frontage	139 Feet	50 Feet
<i>Proposed Lot Frontage</i>	<i>100.21 Feet</i>	<i>88.79 Feet</i>

SUBDIVISION STANDARDS

Section 11-1710(B) of the Zoning Ordinance requires a subdivision to meet the following standard:

No lot shall be resubdivided in such a manner as to detract from the value of adjacent property. Lots covered by a re-subdivision shall be of substantially the same character as to suitability for residential use, areas, street frontage, alignment to streets and restrictions as other land within the subdivision, particularly with respect to similarly situated lots within the adjoining portions of the original subdivision.

MASTER PLAN DESIGNATION

The subject properties are located in the Alexandria West Small Area Plan chapter of the Master Plan and are designated as RL/Residential Low use. The proposed resubdivision is consistent with the Master Plan.

TREES

The subject properties have a number of large trees. The applicant has indicated to staff that he intends to remove two trees on Lot 9 that are dead, and one other tree on Lot 10 will likely be removed for the construction of a new home. The City Arborist has confirmed that the two trees on Lot 9 are dead and should be removed. The tree on Lot 10 that will likely be removed is a large Oak Tree, measuring 30 inches in circumference. The applicant proposes to replace the removed trees.

ACCESS

Currently, access to Lot 9 is from two curb cuts along Seminary Road and access to Lot 10 is from one curb cut along Seminary Road. To the rear of both properties is an unimproved 15 feet wide public alley, that extends to Fillmore Avenue to the north.

II. STAFF ANALYSIS

Staff recommends approval of the proposed subdivision. The applicant has worked with staff for two years on both the original proposal for a three lot development and the current subdivision case. The proposed re-subdivision is consistent with the neighborhood and with the Alexandria West Small Area Plan. With the proposed subdivision, Lot 10 will ultimately conform to the standard R-12 lot area, width, and frontage requirements and Lot 9 will continue to comply with the R-20 lot requirements. Besides zoning conformance, staff was concerned about the potential loss of significant trees on the property and about the number of existing curb cuts along Seminary Road for the lots.

Staff has discussed with the applicant the need to preserve trees, orient the houses on the lots so that the frontage faces Seminary Road and any attached or detached garages are located to the side of the homes with doors not facing Seminary Road. The applicant has indicated to staff that they will concur with the provisions indicated within the conditions of this special use permit.

TREES

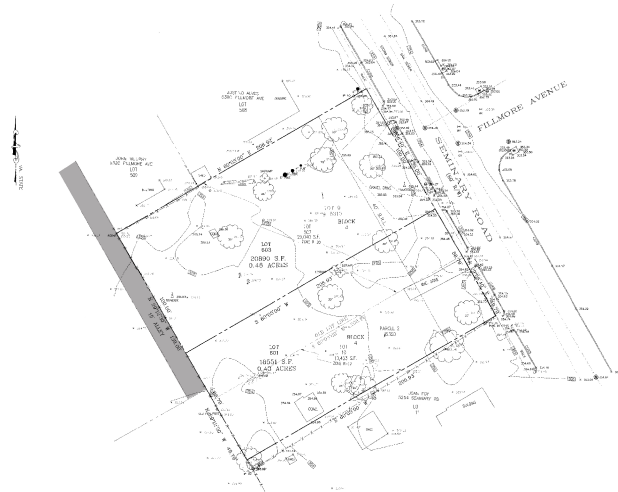
Staff is concerned generally with the loss of trees. The subject lots contain large trees such as Willow, White Oak, and Oak, measuring 30 inches and greater in circumference, which add to the character of the neighborhood. Staff has included a condition requiring the applicant to submit and comply with a tree preservation plan that indicates tree protection zones which shall be to the approval of the City Arborist and the Director of Planning and Zoning. Tree preservation is important because it is consistent with the character of the community.

ACCESS

Currently, there are three curb cuts in the front of the subject properties along Seminary Road. As a general policy, staff has been persistent in minimizing curb cuts along major arterial roads throughout the city. By minimizing curb cuts, the potential impacts to pedestrians and traffic are decreased. Staff is concerned about the impact of three curb cuts on a busy thoroughfare. To address this issue, staff explored three alternative access solutions:

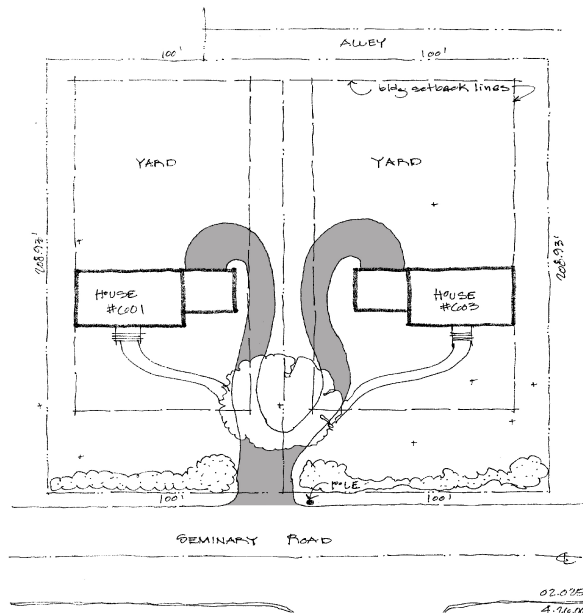
ALTERNATIVE #1- ALLEY ACCESS

Staff considered improvements to the 15-foot public alley located at the rear of the properties that is accessed by Fillmore Avenue. Under this alternative, all existing curb cuts to the properties from Seminary Road would be closed and the alley shared by the two properties. However, Code Enforcement staff has indicated that the alley must be a minimum of 22 feet wide for emergency vehicle access. Since the alley is only 15 feet, it does not meet the minimum requirement to provide access to both lots. In addition, there are currently four large mature trees that will have to be removed if the alley is improved for access to both Lots 9 and 10. While this would have been the preferred alternative, it was considered to be infeasible.



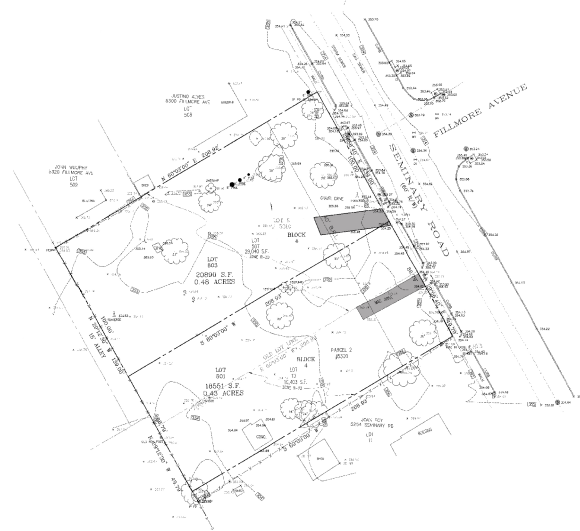
ALTERNATIVE #2- SHARED CURB CUT ACCESS

Another possible solution is for the properties to have a single shared curb cut along Seminary Road. This option would eliminate two of the three existing curb cuts along Seminary Road, providing a single, shared access point for both properties. The driveways could also be configured to minimize impacts on existing mature trees. However, the applicant is concerned about future maintenance issues that may arise between two different future owners.



In addition, in order to avoid several large trees on the property, the only viable design is a 22 foot driveway entrance that splits into two driveways around a prominent tree. Even with this design, the mature tree would be highly threatened.

The applicant is also concerned about the significant additional cost associated with the curb cut widening and closure of two of the curb cuts. The applicant has indicated to staff that it is possible to build a new house on each existing lot, without this resubdivision and without removing any curb cuts.



ALTERNATIVE #3- SINGLE CURB CUT FOR EACH PROPERTY

Another solution is to remove one curb cut from Lot 10 and have one curb cut for each property along Seminary Road. Removing one curb cut along Seminary Road would be consistent with other properties that have access along Seminary Road. Using two of the existing curb cuts will not require removal of any trees due to access. Staff has attached a copy of the applicant’s concept plan, which indicates the location of the curb cut for each property.

STAFF’S RECOMMENDED ALTERNATIVE

On balance, staff finds that the single curb cut for each property is the better alternative in this situation. The alternative poses the least risk to large mature trees and is more consistent with the development pattern that exists along Seminary Road. One curb cut will still be removed and the applicant has agreed to this alternative.

ARCHAEOLOGICAL FINDINGS

Staff has also found that the subject properties are located along a transportation route for the Union Army during the Civil War. Although there is no supporting information that would indicate that the property is in the vicinity of a camp location, staff finds that it is possible that the lots could yield archaeological resources. Staff has included conditions that should minimize any possible archaeological impacts.

With compliance with the below conditions, staff agrees that the proposed subdivision will not negatively impact the community and recommends approval.

III. STAFF RECOMMENDATION:

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 11-1700 of the Zoning Ordinance. (P&Z)(T&ES)
2. Locations of all easements and reservations such as the ingress/egress easement for the alley and all other easements and reservations shall be depicted on the final subdivision plan. (P&Z)
3. The final plat shall include the Surveyors Certification and plat title to indicate resubdivision of the existing lots as well as a drawing to show the access point to the properties that will not require removal of the potentially impacted tree. (P&Z)
4. In the event that a home and garage are developed on either or both lots 9 or 10, the garage shall be side loaded. (P&Z)
5. In the event that homes are developed on either or both lots 9 or 10, the homes shall be arranged with their facades toward Seminary Road and one curb cut on lot 9 shall be removed. (P&Z)
6. The applicant shall, for each tree removed within the approved tree preservation plan, plant a tree on the lot that the previously removed tree was taken from. (P&Z)
7. All archaeological work will be carried out in accordance with the City of Alexandria Archaeological Standards and is subject to the approval of the City Archaeologist. (Archaeology)
8. The applicant should not allow any other metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.(Archaeology)
9. For the construction of new single-family homes, a Plot Plan showing all improvements and alterations to the site must be approved by T&ES prior to issuance of building permits. (T&ES)

10. City Code Section 8-1-22 requires that roof, surface and sub-surface drains be connected to the public storm sewer system. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (T&ES)
11. Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
12. All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
13. An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet. (T&ES)
14. No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)
15. Prior to release of the plot plan the applicant shall post an Erosion and Sediment control bond. (T&ES)
16. Any future redevelopment proposed will be required to comply with Article XIII of the City's Zoning Ordinance. Article XIII indicates that the storm water management regulations regarding water quality are two-fold: first, phosphorus removal requirement and second, water quality volume default. Compliance with the phosphorus requirement does not relieve the applicant from the water quality default requirement. (DEQ)
17. In conjunction with the plot plan review, the applicant shall encourage the use of green building technology. Provide specific examples where this development will incorporate this technology, including low impact development, green roofs, and energy efficient materials, into its design. (DEQ)
18. The applicant must comply with the City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4. (DEQ)

19. All trees located outside of the 40' Building Restriction Line (Front Yard) on both lots 9 and 10 and in all required side yard setbacks must be saved and protected during construction. This includes two 30" oak trees located in front of Lot 9, a white oak located in front of Lot 10, and the 30" willow oak located near the proposed property line and the 40' Building Restriction Line on Lot 10. (RP&CA)
20. The applicant is encouraged to configure the building footprints in such a way as to provide additional undisturbed area adjacent to the 30" oak tree located on Lot 10 near the intersection of the proposed property line and the 40' Building Line Restriction.(RP&CA)
21. All underground utilities and services should be located in such a way as to avoid passing through designated tree preservation zones. (RP&CA)
22. Tree protection zones and a tree preservation plan prepared by a certified arborist shall be submitted for approval by the City Arborist and the Department of Planning and Zoning with the submittal of a Plot Plan. The tree preservation plan shall specify the location, construction and installation of the all tree protection fencing, and tree preservation measures to be implemented before, during and after the completion of construction. These measures should include but not be limited to root pruning, removal of deadwood and limbs that may interfere with the proposed construction, insect pest and disease control, fertilization and irrigation. Tree protection must be installed by the applicant for approval of the City Arborist before any construction may proceed. (RP&CA) (P&Z)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
James Hunt, Urban Planner.

Staff Note: This plat will expire 18 months from the date of approval, unless recorded sooner.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Final subdivision plat shall comply with the provisions of Section 11-1709 of the City's Zoning Ordinance.
- R-2 For the construction of new single-family homes, a Plot Plan showing all improvements and alterations to the site must be approved by T&ES prior to issuance of building permits.
- R-3 City Code Section 8-1-22 requires that roof, surface and sub-surface drains be connected to the public storm sewer system. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services.
- R-4 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity.
- R-5 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design.
- R-6 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet.
- R-7 No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan.
- R-8 Prior to release of the plot plan the applicant shall post an Erosion and Sediment control bond.
- R-9 Any future redevelopment proposed will be required to comply with Article XIII of the City's Zoning Ordinance. Article XIII indicates that the storm water management regulations regarding water quality are two-fold: first, phosphorus removal requirement and second, water quality volume default. Compliance with the phosphorus requirement does not relieve the applicant from the water quality default requirement.

- R-10 In conjunction with the plat plan review, the applicant shall encourage the use of green building technology. Provide specific examples where this development will incorporate this technology, including low impact development, green roofs, and energy efficient materials, into its design.
- R-11 The applicant must comply with the City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4.
- F-1 The applicant is advised that if the construction of the residential unit(s) results in total land disturbing activities in excess of 2500 square feet, the applicant is required to comply with the provisions of Article XIII of the City's zoning ordinance for stormwater quality control.
- F-2 Section 8-1-17 of the City Code requires that curb, gutter and sidewalk be installed at the property owner's expense whenever construction or alteration of a building site will increase the fair market value of the property by more than 50 percent. However, the City Manager has the authority to waive this requirement upon finding that installation of the public improvements will not be compatible with the character of the neighborhood or serve a substantial useful purpose. Provide a design for the missing curb/gutter and R-sidewalk to be installed as part of this project or seek waiver for same.
- C-1 Prior to release of the plot plan the applicant shall be required to pay a sanitary sewer tap fee in the amount of \$6,684.00 per unit.

Code Enforcement:

- F-1 No Comment

Police Department:

- F-1 The Police Department has no objections to the subdivision of the properties.

Historic Alexandria Commission (Archaeology):

- F-1 This property is situated along Seminary Road, a supply and transportation route for the Union Army during the Civil War. There were numerous encampments along the major roads throughout the City. Although there is no information about a camp location in the vicinity of this property, it is possible that the lots could yield archaeological resources that could provide insight into military activities.
- C-1 To insure that significant information is not lost when development occurs, the applicant must hire an archaeological consultant to complete a Documentary Study and an Archaeological Evaluation (including a metal detection survey). Contact Alexandria Archaeology to obtain a scope of work for this investigation. If significant resources are discovered, the consultant must complete a Resource Management Plan, as outlined in the *City of Alexandria Archaeological Standards*. Preservation measures presented in the Resource Management Plan, as approved by the City Archaeologist, will be implemented.
- C-2 All archaeological preservation measures must be completed prior to ground-disturbing activities (such as coring, grading, filling, vegetation removal, undergrounding utilities, pile driving, landscaping and other excavations as defined in Section 2-151 of the Zoning Ordinance). To confirm, call Alexandria Archaeology at (703) 838-4399.
- C-3 Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
- C-4 The statements in C-2 and C-3 above must appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including sheeting and shoring and grading) so that on-site contractors are aware of the requirements. Additional statements to be included on the Final Site Plan will be determined in consultation with Alexandria Archaeology.
- C-5 Certificates of Occupancy will not be issued for this property until the final archaeological report has been received and approved by the City Archaeologist.
- C-6 If warranted by the City Archaeologist, the developer will erect a historic marker on the property according to specifications provided by Alexandria Archaeology. The marker will highlight the historical and archaeological significance of the property.

- C-7 If warranted by the City Archaeologist, the developer will produce a booklet for the public on the history and archaeology of the property, according to specifications provided by Alexandria Archaeology.
- R-1 All archaeological work will be carried out in accordance with the *City of Alexandria Archaeological Standards and is subject to the approval of the City Archaeologist.*
- R-2 The applicant should not allow any other metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.

Recreation, Parks & Cultural Activities (Arborist):

- R-1 All trees located outside of the 40' Building Restriction Line on both lots 601 and 603 and in all required sideyard setbacks must be saved and protected during construction. This includes two 30" oak trees located in front of Lot 9, a white oak located in front of Lot 10, and the 30" willow oak located near the proposed property line and the 40' Building Restriction Line on Lot 10.
- R-2 The applicant is encouraged to configure the building footprints in such a way as to provide additional undisturbed area adjacent to the 30" oak tree located on lot 10 near the intersection of the proposed property line and the 40' Building Line Restriction.
- R-3 All underground utilities and services should be located in such a way as to avoid passing through designated tree preservation zones.
- R-4 Tree protection zones and a tree preservation plan prepared by a certified arborist shall be submitted for approval by the City Arborist and the Department of Planning and Zoning with the submittal of a Plot Plan. The tree preservation plan shall specify the location, construction and installation of the all tree protection fencing, and tree preservation measures to be implemented before, during and after the completion of construction. These measures should include but not be limited to root pruning, removal of deadwood and limbs that may interfere with the proposed construction, insect pest and disease control, fertilization and irrigation. Tree protection must be installed by the applicant for approval of the City Arborist before any construction may proceed.

SUB #2006-0001
5300 & 5310 Seminary Road

**REPORT ATTACHMENTS
AVAILABLE IN THE PLANNING AND ZONING OFFICE**