

Docket Item #2

Subdivision #2009-0005

***520 and 521 E. Monroe Avenue; 1400 Mainline Blvd.
Virginia Electric & Power Company***

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 subdivision plat approval with a variation.	Planning Commission Hearing:	December 1, 2009
	Approved Plat must be recorded by:	June 1, 2011
Address: 501 and 521 E. Monroe Avenue, 1400 Mainline Boulevard	Zone:	CSL, CDD #10
Applicant: Virginia Electric & Power Company by Joanna Frizzell, attorney	Small Area Plan:	Potomac Yard/ Potomac Greens and Potomac West

STAFF RECOMMENDATION: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section VI of this report.

Staff Reviewer: Dirk H. Geratz, Principal Planner Dirk.geratz@alexandriava.gov

PLANNING COMMISSION ACTION:



SUB #2009-0005

12/01/09



I. REQUEST

The applicant, Virginia Electric and Power Company (doing business as Dominion Virginia Power), requests approval of a five lot subdivision that is necessary to implement the new substation proposal on Monroe Avenue that was approved by the Planning Commission and City Council in June, 2009. The primary purpose of this subdivision is to create a reasonable lot size and shape that can accommodate the equipment associated with the substation.

II. SITE DESCRIPTION

The subject property is located at 521 East Monroe Avenue immediately adjacent to the foot of the former Monroe Avenue Bridge that spanned the rail lines at Potomac Yard. The Gold Crust Bakery is located immediately to the west, and Landbay-L of Potomac Yard, to the east. The Gold Crust Bakery building is one of four industrial buildings with Art Deco detailing that make up a small light industrial area along Leslie Avenue. Just beyond these industrial uses to the west is a low density residential neighborhood, a city park and George Washington Middle School. Monroe Avenue, where it fronts the subject site, has been completely rebuilt as part of the relocation of the Route 1 Bridge. Monroe Avenue has been regraded such that it passes beneath the new bridge and connects directly into the future Potomac Yard development. The new street opened to traffic this past summer.

III. BACKGROUND

A Development Special Use Permit application (DSUP #2007-0009) was approved by City Council on June 13, 2009 to develop a new electric substation to serve the future build-out of Potomac Yard. A complex number of land transfers, exchanges and easements are necessary to create the desired lot configuration needed to accommodate the substation equipment. At the time of the DSUP approval, the preliminary plat was not approved concurrently with the DSUP application because a number of minor issues needed to be resolved between the various property owners. As such, the DSUP was approved with the condition that an application for a Preliminary Subdivision Plat be submitted and all applicable deeds and necessary easements be recorded before release of the final site plan. This process requires final approval by the Planning Commission.

IV. PROPOSAL

The substation will be built on a new rectangular-shaped lot of 34,821 square feet, identified as parcel M on the preliminary plat (see attachment), with vehicular access provided from the rear for maintenance. The entire substation site will be enclosed with an attractive brick screening wall and landscaping. The proposed subdivision combines an irregularly shaped lot already owned by Dominion Virginia Power with excess land conveyed to the City by the Virginia Department of Transportation (VDOT). The VDOT land was formerly used as part of the right-of-way for the old Monroe Avenue (Route 1) bridge. Monroe Avenue has been extended in front of the subject site and below the new Route 1 Bridge east to Potomac Yard.

Land presently owned by Dominion Virginia Power along the Monroe Avenue frontage will be conveyed to the City to create parcel H as a landscaped buffer and will contribute to a future dog park to the east. Parcel J is being created by land owned by Potomac Yard Development and will be combined in the future with Parcel H to create the required .91 acre dog park that was subject of a condition of approval as part of the CDD rezoning for Potomac Yard. In addition, Parcel L, at the rear of the Dominion Power site will be held in reservation by Dominion Power for the City's future use and will ultimately allow E. Nelson Avenue to be extended east from Leslie Avenue.

The substation will be built on an unpaved parking lot currently used by Gold Crust bakery for delivery access. In order to facilitate continued delivery access to the bakery, Dominion Power plans to deed a thin piece of property to the west of their site to Gold Crust to create an enlarged parcel 500-A. This will allow for the creation of a driveway with access to Monroe Avenue. Special Use Permit Case #2008-0047 was approved in June to modify existing conditions related to the bakery to allow for the creation of this access.

All the necessary land transaction actions will be required to take place prior to approval of the final subdivision plat.

V. STAFF ANALYSIS

The proposed subdivision is the final approval necessary to allow the Dominion Power substation to move forward.

Zoning Compliance

The property proposed for the substation is zoned CSL, Commercial Service Low, which is a zone intended for light industrial uses that are deemed to be compatible with residential uses. The portion of the subdivision that includes the dog park is zoned CDD #10 which is the current zoning for Potomac Yard.

For nonresidential uses, such as the proposed substation, the CSL zone does not require a minimum lot size or lot frontage. The size of the dog park was approved by City Council as part of SUP case #2008-0029 which established the park to be .91 of an acre. Staff has reviewed the proposed plat for compliance with the zoning regulations and deems it consistent with these requirements.

Subdivision Variation

The current proposal to enlarge the Gold Crust Bakery parcel for the delivery access requires that the "new" lot conform to the requirements of the zone in which the subdivision is situated (per Section 11-1710(D) of the Zoning Ordinance.) However, the existing FAR of the bakery building (which is 1) exceeds the FAR permitted in the CSL zone (which is .5). The bakery lot predates the CSL zone (it was recorded in 1950) and prior to 1992 was zoned industrial which permitted a FAR of 2.5. After the rezoning in 1992, the FAR of the bakery building was deemed legally noncomplying.

This situation makes it necessary for the owners of the Gold Crust Bakery to seek a variation per Section 11-1713 of the zoning code to allow the existing floor area ratio (FAR) of 1.0 to exceed the CSL zoning limit of .5.

Staff supports this variation and finds that the strict adherence of the FAR zoning provision for newly subdivided lot 500-A would result in substantial injustice and hardship because the bakery owners would be required to increase the size of their property which is not physically possible or reduce the size of their building. Under Code Section 11-1713 a variation may be granted if one or more of five circumstances exist with regard to the noncomplying property. In this situation, the bakery lot created in 1950 meets the circumstance identified under Section 11-1713(E), which states that a variation may be approved in the case of *“resubdivision of lots in subdivisions of record as of January 1, 1952, where, because of existing structures or gross area of land involved, the subdivided lots would not conform to all of the requirements of the zone in which the subdivision is located.”*

Furthermore staff finds that the configuration of the proposed lot will not be inconsistent with the provisions of the zone or of the development pattern and character that currently exists in the area.

VI. CONCLUSION & STAFF RECOMMENDATION

The proposed subdivision plat for the Dominion Power Electrical Substation will execute the various land transfers and easements necessary to allow for the substation to be constructed. The new substation is critical in addressing the future electrical load growth that will be triggered by the development of Potomac Yard.

Staff recommends **approval** of the subdivision subject to compliance with all applicable codes and ordinances including the variation requested for the floor area ratio associated with the bakery parcel. The following conditions are recommended as part of this approval:

1. The final subdivision plat shall comply with the requirements of Section 11-1700 of the Zoning Ordinance. (P&Z)
2. Locations of all easements and reservations such as the ingress/egress easements 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 signatures of all participating property owners. (P&Z)

STAFF: Gwen Wright, Division Chief, Department of Planning & Zoning
Dirk H. Geratz, AICP, Principal Planner, Department of Planning & Zoning

VII. CITY DEPARTMENT COMMENTS

Transportation & Environmental Services:

Recommendations:

1. The final subdivision plat shall comply with the provisions of Section 11-1709 of the City's Zoning Ordinance.
2. 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.
3. Include approval block on plat mylar.
4. Make the following changes to the plat:

Sheet 1 - Remove Parcel G from index map.

Sheet 2 - A - Property of Virginia Electric and Power Company to be conveyed to the City of Alexandria and consolidated with Parcel H and Parcel D.

B - Property of Virginia Electric and Power Company to be conveyed to The Gold Crust Baking Company, Inc. and consolidated with Parcel F and Lot 500, Division of Parcel no. 1 R.F.& P. R.R. CO. Land.

C - Property of the City of Alexandria to be conveyed to Virginia Electric and Power Company and consolidated with Parcel M and Parcel E.

D - Property of Virginia Electric and Power Company to be conveyed to the City of Alexandria and consolidated with Parcel H and Parcel A and reserving for Virginia Electric and Power Company a right of use for transmission line purposes.

E - Property of the Potomac Yard Development, LLC to be conveyed to Virginia Electric and Power Company and to be consolidated with Parcel C and Parcel M.

F - Property of the City of Alexandria to be conveyed to Virginia Electric and Power Company and then conveyed by Virginia Electric and Power Company to Gold Crust Baking Company, Inc.

H - Property of the City of Alexandria to be consolidated with Parcel A and Parcel D and retained as a separate parcel.

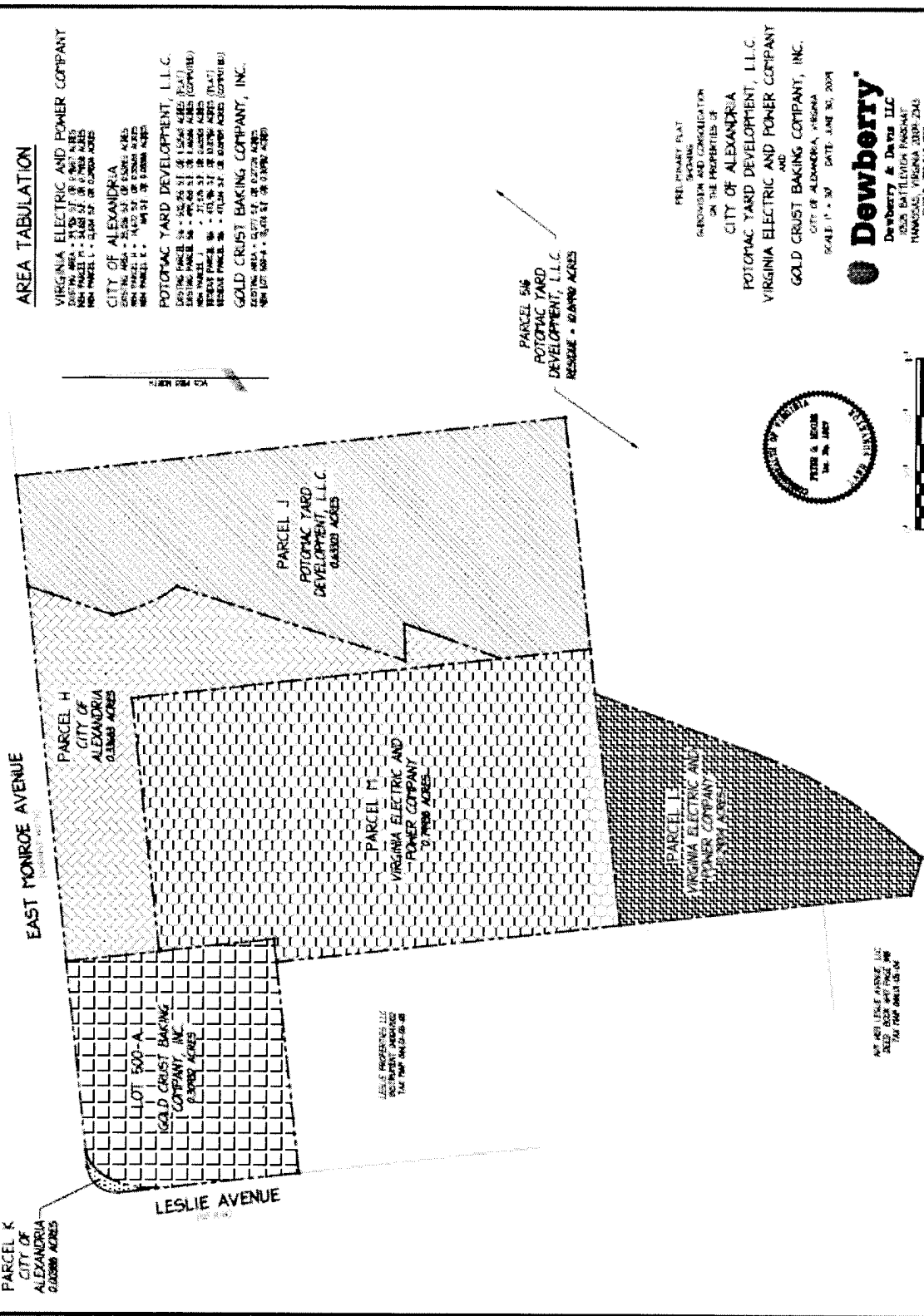
K - Property of the City of Alexandria to be retained for public street purposes.

M - Property of Virginia Electric and Power Company to be retained and consolidated with Parcel C and Parcel E.

Sheet - 2 Show coordinates of two property corners in Virginia Coordinate System 1983.

AREA TABULATION

VIRGINIA ELECTRIC AND POWER COMPANY
 EXISTING AREA - 37.28 AC. OF 8.28 AC. PLOTS
 NEW PARCEL N - 34.63 AC. OF 0.76 AC. PLOTS
 NEW PARCEL L - 3.00 AC. OF 0.20 AC. PLOTS
 CITY OF ALEXANDRIA
 EXISTING AREA - 25.26 AC. OF 8.96 AC. PLOTS
 NEW PARCEL H - 14.67 AC. OF 0.75 AC. PLOTS
 NEW PARCEL I - 14.51 AC. OF 1.59 AC. PLOTS
 POTOMAC YARD DEVELOPMENT, L.L.C.
 EXISTING PARCEL J - 32.79 AC. OF 15.94 AC. PLOTS
 EXISTING PARCEL M - 477.40 AC. OF 1.86 AC. PLOTS (CONTIG.)
 NEW PARCEL K - 14.75 AC. OF 0.31 AC. PLOTS
 NEW PARCEL L - 11.00 AC. OF 0.15 AC. PLOTS
 RESERVE PARCEL N - 41.00 AC. OF 0.20 AC. PLOTS (CONTIG.)
 GOLD CRUST BAKING COMPANY, INC.
 EXISTING AREA - 63.77 AC. OF 0.39 AC. PLOTS
 NEW PARCEL O - 16.20 AC. OF 0.39 AC. PLOTS



PRELIMINARY PLAN
 FOR THE PROPOSED
 SUBDIVISION AND CONSOLIDATION
 OF THE PROPERTIES OF
 CITY OF ALEXANDRIA
 POTOMAC YARD DEVELOPMENT, L.L.C.
 VIRGINIA ELECTRIC AND POWER COMPANY
 AND
 GOLD CRUST BAKING COMPANY, INC.
 CITY OF ALEXANDRIA, VIRGINIA
 SCALE: 1" = 50' DATE: JUNE 30, 2009

Dewberry
 Dewberry & Davis ILC
 1202 EAST HILLDRIP AVENUE
 ANNAPOLIS, MARYLAND 21403
 PHONE: 410.291.4100
 FAX: 410.291.2024

SHEET 4 OF 4
 TMA10P-0005



LESLIE'S PROPERTIES, LLC
 1801 PATENT JUNCTION
 TAX MAP 041-03-08

LOT 500-B IS TO BE ADJOINED TO
 LOT 500-A BY A 44' STRIP OF
 TAX MAP 041-03-08

APPLICATION for SUBDIVISION

SUB # 2009-0005

[must use black ink or type]

PROPERTY LOCATION: 521 E. Monroe Avenue, Alexandria, VA 22314

TAX MAP REFERENCE: 044.01-05-02 ZONE: CSL

APPLICANT'S NAME: Virginia Electric and Power Company d/b/a Dominion Virginia Power

ADDRESS: 120 Tredegar Street, Richmond, VA 23219

PROPERTY OWNER NAME: Virginia Electric and Power Company d/b/a Dominion Virginia Power

ADDRESS: 120 Tredegar Street, Richmond, VA 23219

SUBDIVISION DESCRIPTION: Subdivision and consolidation of various parcels on the lands of Virginia Electric and Power Company, the City of Alexandria, Potomac Yard Development, L.L.C., and Gold Crust Baking Company, Inc. pursuant to DSUP 2007-0009. (See attached list of additional properties with consents)

THE UNDERSIGNED hereby applies for a Subdivision in accordance with the provisions of Section 11-1700 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 their knowledge and belief.

Joanna C. Frizzell, Agent

Print Name of Applicant or Agent

McGuireWoods LLP

1750 Tysons Blvd., Suite 1800

Mailing/Street Address

McLean, VA 22102

City and State Zip Code

Joanna Frizzell
Signature

703-712-5349 703-712-5217

Telephone # *Fax #*

9/22/09
Date

===== **DO NOT WRITE BELOW THIS LINE -OFFICE USE ONLY** =====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

Subdivision # 2009-0005
All applicants must complete this form.

1. The applicant is the *(check one)*:

- Owner Contract Purchaser
 Lessee Other: Agent for Owner

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.

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.

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

The existing site consists of various properties owned by Virginia Electric and Power Company, Gold Crust Baking Company, Inc., Potomac Yard Development, L.L.C., and the City of Alexandria. This Subdivision Application is in accordance with Development Special Use Permit 2007-0009, which requires various transfers of properties between the parties listed above. The proposed use of the property is as an electrical substation, dog park, and continued use as a bakery. The proposed subdivision will create lots that are more in character with the surrounding property. Currently, the property consists of mostly irregularly shaped parcels, which will be adjusted to create lots that are generally rectangular in shape.

List of Additional Properties

PROPERTY LOCATION: 501 E. Monroe Avenue, Alexandria, VA 22314

TAX MAP REFERENCE: 044.01-05-01 ZONE: CSL

PROPERTY OWNER NAME: Gold Crust Baking Company, Inc.

ADDRESS: 501 E. Monroe Avenue, Alexandria, VA 22314

Gold Crust Baking Company, Inc. hereby consents to the filing and processing of this application by the Applicant.

Print Name of Owner

Signature

Mailing/Street Address

Telephone #

Fax #

City and State Zip Code

Date

PROPERTY LOCATION: 1400 Mainline Boulevard, Alexandria, VA 22314

TAX MAP REFERENCE: 044.03-07-01 ZONE: CDD #10

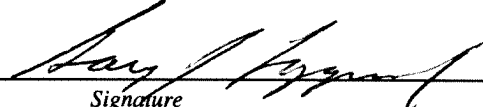
PROPERTY OWNER NAME: Potomac Yard Development, LLC

ADDRESS: Attn: Centex Homes, 3684 Centerview Drive, Suite 100, Chantilly, VA 20151

Potomac Yard Development, LLC hereby consents to the filing and processing of this application by the Applicant.

Gary Legraef

Print Name of Owner



Signature

3684 Centerview Drive, Suite 100

Mailing/Street Address

703-592-083

Telephone #

703-323-2985

Fax #

Chantilly VA 20151

City and State Zip Code

10/1/09

Date

PROPERTY LOCATION: Physical Address Not Assigned

TAX MAP REFERENCE: Tax Map Parcel Not Assigned ZONE: CSL

PROPERTY OWNER NAME: City of Alexandria

ADDRESS: Attn: City of Alexandria, Department of Transportation and Environmental Services, 301 King Street #3200, Alexandria, VA 22314

REVISED

List of Additional Properties

PROPERTY LOCATION: 501 E. Monroe Avenue, Alexandria, VA 22314

TAX MAP REFERENCE: 044.01-05-01 ZONE: CSL

PROPERTY OWNER NAME: Gold Crust Baking Company, Inc.

ADDRESS: 501 E. Monroe Avenue, Alexandria, VA 22314

Gold Crust Baking Company, Inc. hereby consents to the filing and processing of this application by the Applicant.

GOLD CRUST BAKING CO. INC. [Signature] VP.
Print Name of Owner *Signature*
501 EAST MONROE AVE 703/549-0420 703/549-0416
Mailing/Street Address *Telephone #* *Fax #*
ALEXANDRIA VA 22301 9/23/09
City and State Zip Code *Date*

PROPERTY LOCATION: 1400 Mainline Boulevard, Alexandria, VA 22314

TAX MAP REFERENCE: 044.03-07-01 ZONE: CDD #10

PROPERTY OWNER NAME: Potomac Yard Development, LLC

ADDRESS: Attn: Centex Homes, 3684 Centerview Drive, Suite 100, Chantilly, VA 20151

Potomac Yard Development, LLC hereby consents to the filing and processing of this application by the Applicant.

Print Name of Owner *Signature*

Mailing/Street Address *Telephone #* *Fax #*

City and State Zip Code *Date*

PROPERTY LOCATION: Physical Address Not Assigned

TAX MAP REFERENCE: Tax Map Parcel Not Assigned ZONE: CSL

PROPERTY OWNER NAME: City of Alexandria

ADDRESS: Attn: City of Alexandria, Department of Transportation and Environmental Services, 301 King Street #3200, Alexandria, VA 22314

Subdivision # 2009-0005

WAIVER OF RIGHT TO AUTOMATIC APPROVAL

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

SUBDIVISION # _____

Project Name: _____

Project Address: 521 E. Monroe Avenue, Alexandria, VA 22314

Description of Request: See Attached Plat showing a subdivision of the lands of Virginia

Electric and Power Company, the City of Alexandria, Potomac


Yard Development, L.L.C., and Gold Crust Baking Company, Inc.

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.

=====
Date: 9/22/09

Applicant

Agent

Signature: Joanna Frizzell 

Printed Name: Joanna C. Frizzell

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