

CRITERIA FOR REZONING WITHOUT A MASTER PLAN STUDY

The following general guidelines are designed to help staff, the community and potential applicants determine which rezoning applications are assisted by an area-wide planning study and which can typically be processed with a reasoned staff recommendation without an area-wide study. There are rezoning applications which do not require an area-wide planning study in order for staff to come to a reasoned recommendation on its merits. Further, every landowner is entitled to apply for a rezoning and have that application heard by the Planning Commission and City Council under section 11-800 of the zoning ordinance, regardless of staff's professional judgment that a planning study would be advisable. Finally, it is important to note that these are guidelines and not technical regulations.

SMALL AREA PLAN Is the proposal consistent with the small area plan for the area, or is a master plan amendment required? Is the proposal consistent with the intent of the master plan for the area, even if the zoning needs adjustment? Will the proposal be inconsistent with or a radical departure from the other existing uses in the area? *If there is no master plan amendment required, then it is typical for the rezoning to proceed on its own.*

TYPE OF AREA Is the area one where redevelopment is encouraged or one that is slated for revitalization, such as Arlandria and West Eisenhower? Would the proposal be inconsistent with or a radical departure from the other existing uses in the area? For example, a proposal for a high rise in the middle of single family homes would not be consistent with the City's policy to protect residential areas. *The need to protect residential neighborhoods would weigh in favor of not proceeding without a thorough study and, if necessary, an area wide rezoning plan.*

ISOLATED PARCEL(S) If the property is one of several within the immediate area, all of which holding the potential for redevelopment with foreseeable impacts on traffic, public benefits, the street network or other amenities which suggest the benefit of further study, then a small area plan review may be warranted. The need for further and broader study will impact the consideration of a rezoning application. *If a study is necessary for the subject property as well as others, then that fact weighs in favor of the application not proceeding.*

STATUS OF PLANNING FOR AREA Is there a small area plan or other planning study slated to begin within the next fiscal year, or in progress? *If a study is underway or about to be, then the rezoning should not proceed until guidelines for appropriate development are understood as a result of the planning work. If a study is not formally scheduled for the area, then that fact weighs in favor of the application proceeding without a study.*

APPLICATION'S CONSISTENCY WITH CITY GOALS Is the parcel well served by mass transit? Is expanded high capacity transit service anticipated in the near term in the area? Could development of the parcel contribute to the viability or implementation of already planned expansion of transit services? Does the proposal comply with all city policies other than the land use called for in the Master Plan? Does it, for example, reflect the direction, policy and goals of the City for its future transportation, environment, and housing and for protecting existing residential neighborhoods? If Council has made land use decisions for the area, it is consistent with them? *If the parcel meets the City's goals for an area, that weighs in favor of the application proceeding without a study.*

EXHIBIT NO. 1


3.1
12-18-10 ~~33~~
~~12-14-10~~

City of Alexandria, Virginia

MEMORANDUM

DATE: DECEMBER 7, 2010

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: CRITERIA FOR REZONING WITHOUT MASTER PLAN STUDY

ISSUE: When is it appropriate for a rezoning application to proceed without the need for an area wide master plan study?

RECOMMENDATION: That City Council adopt the proposed *Criteria for Rezoning Without a Master Plan Study* (Attachment 1) as a policy document for the City to guide consideration of rezoning cases without a Master Plan Study.

BACKGROUND: City Council discussed this issue at its June 22 legislative meeting, and after a public hearing on September 25 suggested that Vice Mayor Donley and Councilman Krupicka work with Planning and Zoning staff to refine the draft *Criteria for Rezoning Without a Master Plan Study* (the "Criteria") to address issues raised by Council and others at the public hearing. Vice Mayor Donley and Councilman Krupicka met twice with Planning and Zoning staff, and the attached criteria reflects revisions suggested by staff, as well as by Vice Mayor Donley and Councilman Krupicka (Attachment 2).

REZONING CRITERIA

The history of the City's rezoning practice in relation to area wide planning studies is discussed in the June and September docket memoranda (Attachment 3). The memoranda identify cases where rezonings have proceeded without the need for such a study, as well as those where applicants have been asked to wait and participate in an ongoing or planned Master Plan study so that development guidelines can be established as part of a larger community process. It also discusses those matters typically essential to the question of whether an area wide planning study is important to the rezoning review.

While Planning and Zoning staff and the Planning Commission previously have viewed adopting criteria as not necessary given the City's history of processing "standalone" rezonings, there does appear to be confusion surrounding the issue. Planning staff met with Northern Virginia Building Industry Association representatives, who stated their strong interest in some statement clarifying that each landowner is entitled to file an application for rezoning and have it reviewed and processed for consideration, even if the City would prefer that the applicant participate in a planning process first. In addition, the following issues were raised at Council's public hearing in September:

- There is a need to be flexible with rezonings in order to capture potential economic development;
- There are areas of the City where the City government may actively seek redevelopment, such as in Arlandria and West Eisenhower;
- There is a need for timely processing of rezoning applications;
- There is a need to protect established residential neighborhoods from any rezoning that would threaten the neighborhood's character;
- Although the small area plan process is a community pact about how the area will develop generally in the future, there is a need for clarity and guidance about the rezoning process; and
- By adopting the criteria, the City is not changing any process or City Code.

Planning staff supports the attached Criteria, revised to incorporate the above points, and with a significant preamble setting out clearly why and how the Criteria applies to existing processes and entitlements. Changes in the Criteria from that presented previously to Council and the revised Criteria language are noted in the blacklined version of the Criteria (Attachment 2).

STAFF:

Faroll Hamer, Director, Planning and Zoning
Barbara Ross, Deputy Director, Planning and Zoning

ATTACHMENTS:

Attachment 1: Criteria for Rezoning without a Master Plan Study (without revisions shown)
Attachment 2: Criteria for Rezoning without a Master Plan Study (showing revisions)
Attachment 3: September 15, 2010, memo from City Manager James K. Hartmann to City Council

ATTACHMENT 1

CRITERIA FOR REZONING WITHOUT A MASTER PLAN STUDY (Reflects Council comments on 9/25/10, with revisions by P&Z, Donley and Krupicka)

The following general guidelines are designed to help staff, the community and potential applicants determine which rezoning applications are assisted by an area-wide planning study and which can typically be processed with a reasoned staff recommendation without an area-wide study. There are rezoning applications which do not require an area-wide planning study in order for staff to come to a reasoned recommendation on its merits. Further, every landowner is entitled to apply for a rezoning and have that application heard by the Planning Commission and City Council under section 11-800 of the zoning ordinance, regardless of staff's professional judgment that a planning study would be advisable. Finally, it is important to note that these are guidelines and not technical regulations.

SMALL AREA PLAN Is the proposal consistent with the small area plan for the area, or is a master plan amendment required? Is the proposal consistent with the intent of the master plan for the area, even if the zoning needs adjustment? *If there is no master plan amendment required, then it is typical for the rezoning to proceed on its own.*

TYPE OF AREA Is the area one where redevelopment is encouraged or one that is slated for revitalization, such as Arlandria and West Eisenhower? Will the proposal constitute a radical departure for the other existing uses in the area? For example, a proposal for a high rise in the middle of an established residential neighborhood would not be consistent with the City's policy to protect residential areas. *If redevelopment is appropriate, that factor weighs in favor of proceeding.*

ISOLATED PARCEL(S) If the property is one of several within the immediate area, all of which holding the potential for redevelopment with foreseeable impacts on traffic, public benefits, the street network or other amenities which suggest the benefit of further study, then a small area plan review may be warranted. The need for further and broader study will impact the consideration of a rezoning application. *If a study is necessary for the subject property as well as others, then that fact weighs in favor of the application not proceeding.*

STATUS OF PLANNING FOR AREA Is there a small area plan or other planning study slated to begin within the next fiscal year, or in progress? *If a study is underway or about to be, then the rezoning should not proceed until guidelines for appropriate development are understood as a result of the planning work. If a study is not formally scheduled for the area, then that fact weighs in favor of the application proceeding without a study.*

APPLICATION'S CONSISTENCY WITH CITY GOALS Is the parcel well served by mass transit? Is expanded high capacity transit service anticipated in the near term in the area? Could development of the parcel contribute to the viability or implementation of already planned expansion of transit services? Does the proposal comply with all city policies other than the land use called for in the Master Plan? Does it, for example, reflect the direction, policy and goals of

the City for its future transportation, environment, and housing and for protecting existing residential neighborhoods? If Council has made land use decisions for the area, it is consistent with them? *If the parcel meets the City's goals for an area, that weighs in favor of the application proceeding without a study.*