

Docket Item 22A
MPA #94-02

Planning Commission
June 7, 1994

ISSUE: Consideration of a request for an amendment to the Strawberry Hill/Seminary Hill Small Area Plan Chapter of the 1992 Master Plan to change the land use designation of the property at 3750 Duke Street from RL, Residential Low to RM, Residential Medium.

APPLICANT: Rosewood Development Company, by Harry P. Hart, Attorney.

LOCATION: 3750 Duke Street

PLANNING COMMISSION ACTION, JUNE 7, 1994: On a motion by Mr. Wagner, seconded by Mr. Ragland, the Planning Commission voted to adopt the master plan amendment by resolution. The motion carried on a vote of 6-0; Ms. Burke was absent.

Reasons: The Planning Commission believed that a townhouse development is appropriate at this location and that the additional proffer limiting variations and modifications provides adequate protection.

Speakers:

Thomas H. Hoffman, Society Hill Homeowner's Association, spoke in support.

Bernard Brenman, Holmes Run Committee, spoke in support.

Representations: The applicant provided a new and additional proffer, as follows:

"If the rezoning is granted, the applicant proffers that the only variations from the zoning code that will be pursued from the Planning Commission or otherwise under the attached plan are a variation from the setback of 75 feet from the centerline of Duke Street and any variation required to allow stacked parking at each unit (one space in the garage, one in the driveway.)

There is an RPA buffer reduction (100 feet to 50 feet)

that is handled by T&ES as an administrative matter."

PLANNING COMMISSION ACTION, MAY 2, 1994: On a motion by Ms. Fossum, seconded by Mr. Leibach, the Planning Commission voted to defer this item to its June meeting.

Reason: The Planning Commission believed that the master plan and zoning amendments should be considered along with a specific development plan for the site and asked the applicant to submit one.

Speakers:

Joe Mallot, representing Society Hill Homeowner's Association, expressed the groups' support for the change to the master plan provided that the City right-of-way not be used for street widening, that the number of units be limited, that care be taken over drainage, and that the development compliment the design of Society Hill.

Harry P. Hart represented the applicant and proffered that the development would proceed under a SUP cluster plan.

SPEAKERS AT STAFF PUBLIC MEETING APRIL 7, 1994

Cyril Calley presented the plan. He noted that the property had been in the flood plain at the time of adoption of the new zoning ordinance, but is no longer in the flood plain.

Tom Hoffman, Vice President of the Society Hill Homeowner's Association, expressed concern about the addition of a deceleration lane immediately north of their housing, and was also concerned about drainage on the site.

John Murphy and Donald Williams also spoke on the issue.

STAFF RECOMMENDATION: Staff recommends that the proposed change be denied.

graphic

DISCUSSION:

The Rosewood Land Company is seeking an amendment to the Seminary Hill/Strawberry Hill Small Area Plan Chapter of the Master Plan to change the land use designation of the land at 3750 Duke Street from RL/Residential Low to RM/Residential Medium so that they can seek a rezoning of the land to allow up to 12 townhouses.

The property is a 1.13 acre site immediately to the east of the Society Hill Townhouses, and is situated predominantly at an elevation about 12 feet below the level of Duke Street. The property is currently improved with a single family house and an outbuilding which appears to be used for residential. The only access to the site is from Duke Street down a steep drive.

The site is bounded by single family residential to the north, the east, and the southeast, and by townhouses to the west. The site is located on the boundary between single family and townhouse dwellings on Duke Street. The site is a large one and could be subdivided into three single family lots under the current R-8 zoning.

Most of the site was shown on the Federal Emergency Management Agency maps to be in the 100 year flood plain. Holland Engineering in November, 1992, performed calculations in accord with the Agency regulations and has demonstrated that most of the site is outside of the 100 year flood plain. The 100 feet west of the Strawberry Run is a resource protection area, which cannot be built upon unless special water quality measures are taken, in which case the western 50 feet of the resource protection area may be built upon.

The applicant contends that the revision of the flood plain boundaries was a change in circumstances since adoption of the Master Plan, namely removal of most of the site from the 100 year flood plain, that would justify changes to the master plan and zoning ordinance.

The major issue to be faced in considering a change to the Master Plan designation is access to the site. The Director of Transportation and Environmental Services is unwilling to recommend approval of the proposed development until a protected left turn is provided for drivers traveling west on Duke Street, which would require widening the street to allow a fifth lane. The Director believes that left turns from the existing street configuration are both dangerous and would cause severe congestion. Therefore, he is opposed to increasing the number of dwellings built on the site until Duke Street is widened. If Duke Street is widened, the Director would have no objection to the master plan change.

RECOMMENDATION: Staff recommends denial of the proposed change

to the master plan until Duke Street is widened.

If Duke Street is widened, as recommended by the Director of Transportation and Environmental Services, staff would have no objection to changing the Master Plan designation of the site from RL/Residential Low to RM/Residential Medium in order to facilitate development of townhouses. The site is located on the boundary line between single family residences and townhouses. In preparing the land use designations for the 1992 Master Plan, the site was left in the single family category because staff typically did not change existing residential land use categories, but also because the flood plain situation would have presented an argument against allowing larger numbers of dwellings to be built on the site. Had there not been a flood plain issue, staff might well have supported an extension of the RM/townhouse category. With the change to the flood plain status of the site, the objection to the change was removed, except for the issue of access.

DEVELOPMENT PLAN

At the Planning Commission hearing of May 2, the Commission declined to act on the master plan or zoning amendment proposal and requested that the applicant file a development plan for consideration. The Commission stated that it believed, as a matter of practice, it should not act on requests for a master plan or zoning change without being able to tie the proposed amendment to a specific development proposal.

In response, the applicant has submitted the attached plan, as well as a proffer to limit the rezoning to it. The plan submitted is admittedly not fully developed; it does not contain the level of detail required of applicants for either a special use or a site plan. It shows one potential layout design for the project, including a roadway south from Duke Street with 12 townhouse units facing each other across the road. It does not show lot lines; it does not include calculations for parking, lot size, floor area, or open space. It does not include landscaping or show the limits of any resource protection area on the parcel.

The applicant suggests that it is difficult to submit a more detailed plan at this point because it is too costly and time-consuming an undertaking prior to zoning approval. According to the applicant, the language in the proposed proffer is sufficient to cover any changes in design necessitated by creating a more detailed plan after approval is given. The proffer provides:

"If this rezoning is granted, the property will be

developed in keeping with the attached plan as modified to meet zoning, engineering or staff requirements. Any changes will be subject to special use permit approval as part of a cluster development plan.

There will also be a tot lot on site as determined by the Department of Recreation or a contribution (of up to \$2000) for tot lot equipment on another site as agreed between the Department of Recreation and the owner."

Without a more detailed plan, however, staff is in a difficult position because it is unable to react and make a recommendation regarding the concept submitted as it typically does to other plans.

Staff has already stated its recommendation that a townhouse development of some number of units on this site is not objectionable, as long as a left hand lane is provided for westbound Duke Street traffic. Beyond that, staff is unable to state whether the lot sizes are desirable because there are no lot dimensions included. Staff cannot react to the parking plan because, except for three guest parking spaces, the plan is not specific about parking. Staff has already told the applicant that additional guest parking will be required. Staff cannot recommend landscaping or other site amenities because those details await more specific drawings.

Staff is not even certain that 12 townhouses can be developed on the site. The proposed concept plan does not comply with zoning because the two townhouse units closest to Duke Street lie within the required Duke Street highway setback area. The zoning ordinance specifically requires that all buildings be set back at least 75' from the centerline of Duke Street from Quaker Lane west to the City boundary. In addition, to receive cluster approval, an applicant must first demonstrate the number of lots that could be designed on the site under a non-cluster layout. Not having such a layout plan to assess, staff cannot state that 12 units can be developed.

In response to staff's concerns, the applicant has modified the proffer language to acknowledge that certain changes in the design may be required to comply with the zoning ordinance, engineering requirements or staff suggestions, and has added language agreeing to submit a cluster plan for special use permit approval that will include any such changes. Staff has no objection to the proffer.

It does not in any way approve 12 dwelling units on the site; it specifically says that zoning requirements could change that number.

Staff would point out, however, that the submission of a plan document has not advanced either staff or the Planning Commission's

understanding of what the proposed development will be. The original proffer language limited development to a maximum of 12 townhouses; the applicant represented at the hearing that a cluster plan would be submitted for approval. Given the conceptual nature of the proffered plan, in staff's opinion, it amounts to little if anything more than the original proffer limitation of a maximum of 12 units, to be approved by cluster special use permit.

Staff believes, however, that those statements may provide an adequate basis for approving the change to the master plan and zoning, given the requirement that the final plan of development for the site must still be reviewed and approved as a cluster special use permit.

STAFF: Sheldon Lynn, Director, Planning and Community Development.

ATTACHMENTS:

1. Application
2. Resolution
3. Letter from Harry P. Hart, Attorney
4. Letter from Thomas Hoffman
5. Letter from James Gleason Wilson
6. Proposed proffer, with attached concept plan.

RESOLUTION NO. MP-94-004

WHEREAS, under the Provisions of Section 9.05 of the City Charter, the Planning Commission may adopt amendments to the Master Plan of the City and submit to the City Council such revisions in said plans as changing conditions may make necessary; and

WHEREAS, an application for amendment to the **SEMINARY HILL/STRAWBERRY HILL SMALL AREA PLAN** section of the 1992 Master Plan was filed with the Department of Planning and Community Development in March 1, 1994 for changes in the land use designation of the properties at 3750 Duke Street; and

WHEREAS, the Department of Planning and Community Development met with residents and property owners in the **SEMINARY HILL/STRAWBERRY HILL** area on April 7, 1994 to discuss the proposed revision; and

WHEREAS, the Department of Planning and Community Development has analyzed the proposed revision and presented its recommendations to the Planning Commission; and

WHEREAS, a duly advertised public hearing on the proposed amendment was held on May 2, 1994 and June 7, 1994 with all public testimony and written comment considered; and

WHEREAS, the Commission finds that:

1. The proposed amendment is necessary and desirable to guide and accomplish the coordinated, adjusted and harmonious development of the **SEMINARY HILL/STRAWBERRY HILL AREA** section of the City; and
2. The proposed amendment is generally consistent with the overall goals and objectives of the 1992 Master Plan and with the specific goals and objectives set forth in the **SEMINARY HILL/STRAWBERRY HILL AREA** section of the 1992 Master Plan; and
3. The proposed amendment shows the Commission's long range recommendations for the general development of the **SEMINARY HILL/STRAWBERRY HILL AREA**; and

4. Based on the foregoing findings and all other facts and circumstances of which the Commission may properly take notice in making and adopting a master plan for the City of Alexandria, adoption of the amendment to the **SEMINARY HILL/STRAWBERRY HILL AREA** section of the 1992 Master Plan will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the residents of the City;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Alexandria that:

1. The following amendment is hereby adopted in its entirety as an amendment to the **SEMINARY HILL/STRAWBERRY HILL** section of the 1992 Master Plan of the City of Alexandria, Virginia in accordance with Section 9.05 of the Charter of the City of Alexandria, Virginia:

**Change the designation of parcels
60.02-05-3 from RL/Residential to
RM/Residential Medium.**

2. This resolution shall be signed by the Chairman of the Commission and attested by its secretary, and a true copy of this resolution forwarded and certified to the City Council.

ADOPTED THE 7th DAY OF JUNE, 1994.

Chairman

William B. Hurd,

ATTEST:

Sheldon Lynn, Secretary