

Docket Item #
MASTER PLAN AMENDMENT #94-07A

Planning Commission Meeting
February 7, 1995

ISSUE: Consideration of an amendment to the Seminary Hill/Strawberry Hill Small Area Plan Chapter of the 1992 Master Plan to change the land use designation of the subject property from CL/Commercial Low to CRMU-H/Commercial Residential Mixed Use-High.

APPLICANT: N. Vernon Cockrell
by Cyril D. Calley, attorney

LOCATION: 3518/3520 Duke Street (Tax Map #61.03-02-01)

CITY COUNCIL ACTION, MARCH 14, 1995: [Not a public hearing item] City Council approved the recommendation of the Planning Commission, as amended, subject to compliance with all applicable codes, ordinances and staff recommendations, and the amendment to the small area plan for Seminary Hill/Strawberry Hill, as well as the rezoning with the additional proffer stated by Mr. Calley, "that the owner will not ask for a waiver of the 40% open space requirement on the above-referenced property, i.e., the property located at 3518-3520 Duke Street", and that would be included in the amendment to the small area plan and rezoning, and also included, for the record, the letter submitted by Mr. Calley dated March 14, 1995, which outlines his agreement with the Seminary Hill Civic Association.

CITY COUNCIL ACTION, FEBRUARY 25, 1995: City Council closed the public hearing and deferred this item until the first Legislative Meeting in March on March 14, to allow the Seminary Hill Civic Association to review this item.

PLANNING COMMISSION ACTION, FEBRUARY 7, 1995: On a motion by Ms. Fossum, seconded by Mr. Ragland, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The Commission made note, as part of its action, a concern that the applicant may seek a reduction in open space in the future in order to achieve the residential densities permitted under the new designation, and asked the applicant to amend its proffer to disallow

a reduction in open space prior to the City Council public hearing.
The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis, but was concerned that the applicant may seek a reduction in open space in the future in order to achieve the residential density permitted by the new zoning classification.

Speakers:

Dez Calley, representing the applicant.

Insert map page here

STAFF RECOMMENDATION:

Planning staff recommends approval of a change to the land use designation of the subject property in the Seminary Hill/Strawberry Hill Small Area Plan from CL/Commercial Low to CRMU-H/Commercial Residential Mixed Use-High, subject to the proposed rezoning as proffered.

DISCUSSION

Background

The subject property is located on the south side of the 3500 block of Duke Street near Wheeler Avenue, adjacent to a McDonald's restaurant and the Normandy Apartments. The site, which is vacant, contains approximately 1.94 acres of land and is currently zoned CL/Commercial Low.

Prior to the adoption of the new Master Plan and the concurrent rezoning, this property was zoned C-2 commercial, which allowed a full range of commercial uses in addition to residential uses. In June 1989, under the old C-2 zoning, an SUP application was approved to build an office building on the site (70 ft. high, 185,250 sq. ft.). The approval for this development, known as FADCO, expired in December 1990. In an effort to prevent such development in the future, which was considered out of scale with the surrounding area, the new master plan (Seminary Hill/Strawberry Hill small area plan) designated the site as CL/Commercial Low. Compared to the former C-2 zone, the CL zone allows a more limited range of commercial uses and a substantially reduced amount of floor area (from 3.0 FAR to 0.50 FAR commercial and 0.75 residential). Also, the CL zone permits far less residential density than the former C-2 zone (from 54.45 dwelling units/acre to 27 dwelling units/acre for multifamily).

The applicant has requested that the land use designation for the subject property be changed from the current CL/Commercial Low designation to CRMU-H/Commercial Residential Mixed Use - High, and that the property be rezoned from CL to CRMU-H with proffers. The applicant has proposed the following proffer:

Proposed zone shall be limited as follows: 1) development which is allowed in the RCX/Medium Density Apartment Zone, provided that there shall be a maximum residential density of 40 dwelling units per acre, with a height of 35 feet without a special use permit and 45 feet with a special use permit; or 2) a freestanding restaurant subject to the CL/Commercial Low Zone regulations.

The City is currently involved in litigation pertaining to the current master plan land use designation and zoning of the property. According to Assistant City Attorney, Ignacio Pessoa, the litigation is presently on hold pending a decision on this master plan amendment and rezoning.

At an executive session held by City Council on September 13, 1994, the City Attorney's Office and the Director of Planning and Zoning briefed Council on the pending litigation and the property owner's interest in staying the case pending an application to change the master plan land use designation and zoning of the property to CRMU-H, with the understanding that certain proffers would be offered. Council indicated that the party involved needs to submit the necessary applications for the matter to be formally considered by the Planning Commission and City Council. This application and the companion rezoning application (REZ#94-012) have been submitted by the applicant for that purpose.

STAFF ANALYSIS

The primary effect of this master plan amendment and rezoning is to allow increased residential development on the property (FAR increased from 0.75 to 1.25 and residential density increased from 27 to 40 dwelling units/acre), while decreasing the opportunity for commercial development. With the exception of the restaurant use, which is allowed under the existing CL zone, the proposed zone is essentially the same as the RCX zone, but with slightly higher density (40 du/acre instead of 35 du/acre) and lower building heights (35'/45'with SUP, instead of 50').

A review of the City zoning map reveals that there are similarly situated properties elsewhere in the City in terms of zoning (RC or RCX), location and surrounding uses, including along Duke Street. Staff believes the applicant's proposal is generally consistent with language in the master plan involving this site, which mentioned that "the site may be best suited to low scale, lower density commercial development and/or medium density residential development." Although staff would prefer a lower residential density than the 40 dwelling units per acre proposed in the applicant's proffer, the effect of the building height limitation and the open space requirement make it unlikely that such density could be achieved.

Staff recommends approval of the proposed master plan amendment, subject to the proposed rezoning as proffered. Staff believes the proposed change is a reasonable basis for settling the law suit.

STAFF: Sheldon Lynn, Director of Planning and Zoning; Kimberley Johnson, Chief, Development; Ronald Yake, Senior Planner.

Attachments:

1. Master Plan Amendment/Rezoning Application.

2. Resolution MPA#94-07.

RESOLUTION NO. MPA#94-07

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, a request for an amendment to the **SEMINARY HILL/STRAWBERRY HILL SMALL AREA PLAN** section of the 1992 Master Plan was made to the Department of Planning and Zoning in December 1994 in order to change the land use designation of the property at 3518/3520 Duke Street (Tax Map #61.03-02-01); and

WHEREAS, the Department of Planning and Zoning 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 February 7, 1995, 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** 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 SMALL AREA PLAN** 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** section of the City; 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 SMALL AREA PLAN** 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 SMALL AREA PLAN** 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 land use designation of the property at 3518/3520 Duke Street (Tax Map #61.03-02-01) from CL/Commercial Low to CRMU-H/Commercial Residential Mixed Use-High, subject to the proposed rezoning as proffered.

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 FEBRUARY, 1995.

W. B. Hurd, Chairman

ATTEST: _____
Sheldon Lynn, Secretary