

ORDINANCE NO. 3453

AN ORDINANCE to amend Section 7-6-3 (ZONE BOUNDARIES; ADOPTION OF ZONING MAPS) of Article A (GENERAL PROVISIONS), Chapter 6 (ZONING), Title 7 (PLANNING AND DEVELOPMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

WHEREAS, CNS Partnership and Duke Street Partnership ("Owner") have filed for the rezoning, with proffers, of the property described below;

WHEREAS, pursuant to due and timely notice provided by publication in a newspaper of general circulation in the City of Alexandria, by mailing and by posting, public hearings have been held before the Planning Commission and the Council of the City of Alexandria on the rezoning of the property described below, at which hearings parties in interest and citizens have had an opportunity to be heard; and

WHEREAS, the Council of the City of Alexandria has determined that the rezoning of the property described below is in the public interest; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the "Fifth Revised Zoning Map" described and referred to in Section 7-6-3 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by changing, in the manner set forth below, the zoning of the property hereafter described:

All of that property shown on the plat entitled "Plat showing rezoning of the properties of CNS Partnership, Southern Railway Company, Duke Street Partnership, L.P.", prepared by William H. Gordon, Associates, Inc., dated April 26, 1990, attached hereto and incorporated herein by reference, containing (exclusive of the area of any public streets and alleys included within the perimeter of the land rezoned hereby) approximately 76.5 acres, and as described more fully by metes and bounds in a document entitled "Description of the property of CNS Partnership, Southern Railway Company and Duke Street Partnership, L.P., City of Alexandria, Virginia" dated July 5, 1989, (Rev. April 26, 1990)," which is on file in the Department of Planning and Community Development.

FROM: I-1 Industrial/PUD, I-2
Industrial/PUD and M-1 Metro-King
Street Station Area zones

TO: C-0 Commercial Office zone, with
proffers

Section 2. That the rezoning of the property described in Section 1 of this ordinance (the "Property") is forever subject to and conditioned upon the following proffers, voluntarily offered by the Owner on its own behalf and on behalf of any and all of the successors to any of its interest in the Property and accepted by city council:

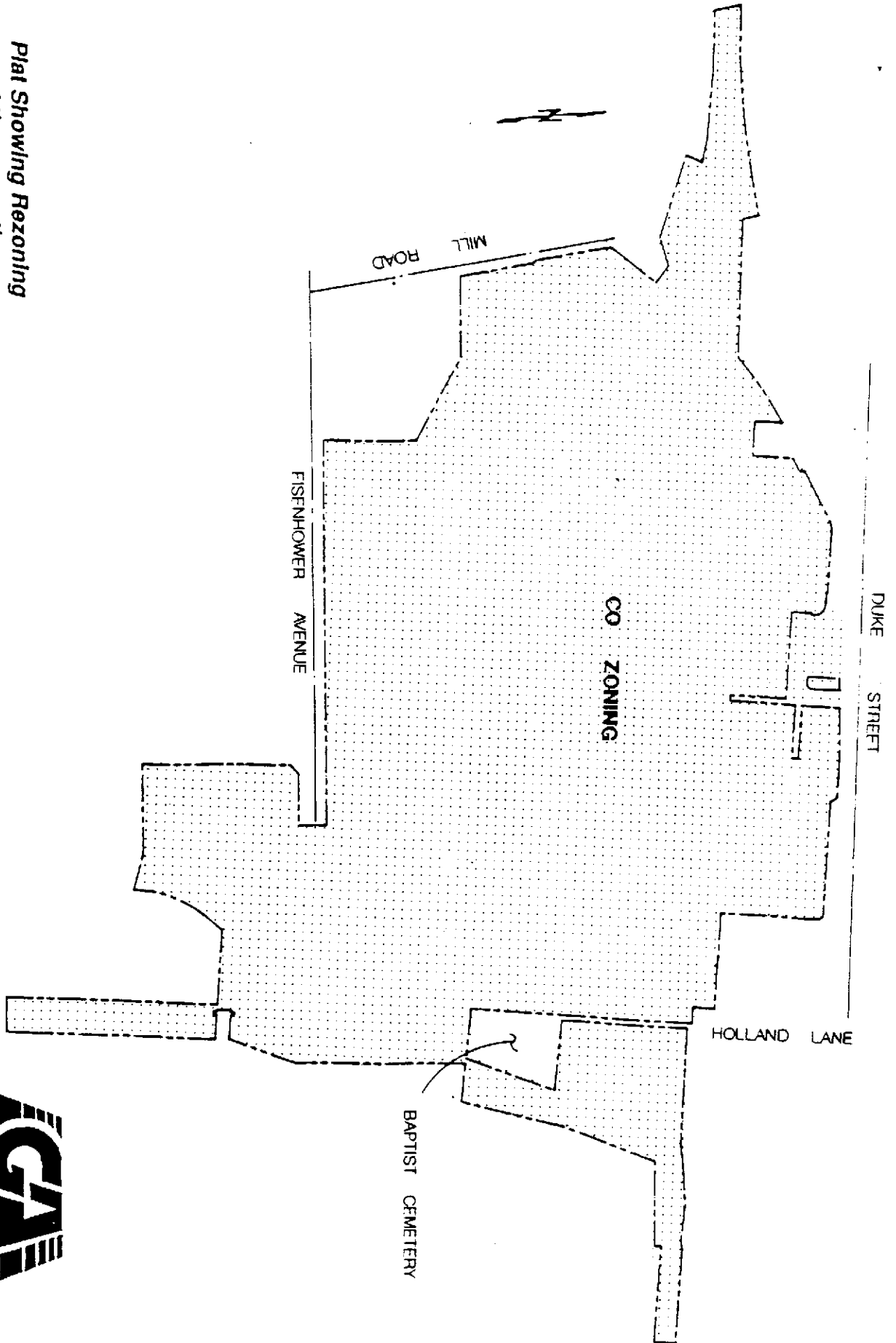
1. The Property shall be developed in accordance with an approved special use permit for a planned residential and/or commercial development issued pursuant to Section 7-6-28(i) of The Code of the City of Alexandria, Virginia, 1981, as amended.
2. Any vested rights which Owner or any of its successors in interest may have to the use or development of the Property or any part thereof shall arise under the vesting provisions of the special use permit for the Property, issued by the Alexandria City Council pursuant to Section 7-6-28(i) of the Alexandria City Code, and that any legislation enacted by the Virginia General Assembly, including legislation enacted after the making of this proffer, which is inconsistent with the vesting provisions of the permit shall have no effect upon the right of Owner or any successor in interest to use or develop the Property or any part thereof; provided, that this paragraph 2, but not paragraph 1, shall be null and void and have no effect in the event the special use permit for the Property shall be finally declared invalid for any reason by a court of competent jurisdiction.

Section 3. That this ordinance shall be effective upon the date and at the time of its final passage.

JAMES P. MORAN, JR.
Mayor

Final Passage: May 12, 1990

*Plat Showing Rezoning
of the properties
CNS Partnership
Southern Railway Company
Duke Street Partnership, L. P.*



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