

ORDINANCE NO. 4104

AN ORDINANCE to amend and reordain Sections 4-1002 (PERMITTED USES) and 4-1003 (SPECIAL USES), and add a new Section 4-1008 (CERTAIN STRUCTURES, LOTS AND USES INCONSISTENT WITH THESE PROVISIONS), under Section 4-1000 (OCM(100)/OFFICE COMMERCIAL MEDIUM (100) ZONE), and to amend and reordain Sections 4-1102 (PERMITTED USES) and 4-1103 (SPECIAL USES), and add a new Section 4-1107 (CERTAIN STRUCTURES, LOTS AND USES INCONSISTENT WITH THESE PROVISIONS), under Section 4-1100 (OCH OFFICE COMMERCIAL HIGH ZONE, of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), of the City of Alexandria Zoning Ordinance (TA NO. 99-0010).

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. The City=s Master Plan envisions that the Eisenhower Avenue Corridor will be a primary area for economic development and high density mixed use development, in order to implement, in part, the Master Plan=s goal of balanced growth for the City. Because of the limited land resources in the City available for such development, it is essential that the land resources in the Eisenhower Avenue Corridor be used in a way that will achieve that goal.

2. The existing land uses and zoning in the Eisenhower Valley show a growth area in transition, but also demonstrate the problem of allowing unrestricted residential development. The Eisenhower Avenue Corridor has historically been a desirable place for public facilities, such as the Cameron Run Regional Park, the WMATA maintenance yards, the waste-to-energy plant, the Alexandria Sanitation Authority wastewater treatment plant, the City=s jail and police headquarters and the new animal shelter. It has also been the location of significant public investment, such as the construction of Eisenhower Avenue over Telegraph Road and the Holmes Run flood plain improvements. Private uses in the Eisenhower Valley include several industrial uses, especially at its west end, such as Newton Asphalt and Vulcan Materials. Many of the remaining existing uses, such as storage, wholesale and trucking operations, are not actually permitted under current zoning; they are allowed to continue and be replaced with new users only by virtue of their noncomplying status.

3. On the other hand, the Eisenhower Avenue Corridor is blessed with two Metro stations and three interchanges with the Capital Beltway, giving the area the greatest means of transportation access within the City. The eastern end of the valley also has direct access to the VRE and Amtrak rail facilities. When the zoning was updated in 1992, the Eisenhower Avenue Corridor zoning reflected its unique location and opportunity for development. Apart from the UT zoned land owned by Metro and the railroads, most of the remaining land in the Eisenhower Avenue Corridor is zoned CDD, OCH, and OCM(100).

4. The CDD zone is the City=s most flexible and most dense zone, allowing very large scale developments provided they exhibit a mix of uses and provided they are subjected

to careful scrutiny at the conceptual, preliminary and final development plan stage. The heightened level of review for CDDs is designed to ensure that the project is well planned and designed, so that the large scale development and mix of uses all work well together. The Duke Street (Carlyle) and Eisenhower (Hoffman) CDD areas have approved high density mixed use development plans that are consistent with the City's land use goals. A mark of the area's attractiveness is the fact that the Carlyle site was chosen by the federal government as the site for the new Patent and Trademark Office, a substantial change in circumstances since the 1992 zoning was adopted.

5. Outside of the CDD areas, the remaining private land for development in the Eisenhower Avenue Corridor is zoned OCH and OCM(100). Those zones are designed to achieve dense office and dense residential development in close proximity, and are the City's prime office zones. They also, however, allow single family, two family, townhouse and multifamily dwellings with only site plan approval. In the typical case, site plan review does not afford the City the same authority to control the location of a use, or impose appropriate conditions on a use, as is afforded by the special use permit process.

6. Two townhouse residential projects have developed along Eisenhower Avenue over the last five years, Summers Grove at the west end and Cameron Parke in the center. In addition, the Avalon apartment development at Telegraph Road was built three years ago. In recent months, City staff has received numerous additional inquiries and applications, and met with several potential developers, regarding additional residential development, chiefly garden apartments, at various sites along and near Eisenhower Avenue Corridor.

7. Where the OCH and OCM(100) zones are applied to the land area in the Eisenhower Avenue Corridor, however, with its remnants of industrial and quasi-industrial uses and public facilities, as opposed to other areas of the City where the zones apply, residential use in general, or the type of residential use most likely to locate in proximity to industrial and quasi-industrial uses and public facilities, may not be compatible with the high quality, high density mixed use development envisioned by the Master Plan, or may not be compatible at the location chosen.

8. Likewise, there are sites in the Eisenhower Avenue Corridor which may be appropriate for residential development but which are located adjacent to industrial and quasi-industrial uses and public facilities not typically proximate to residential uses. In such cases, the City needs the special use permit authority to impose conditions on the later arriving residential uses in order to ensure that the mix of these uses in close proximity can be made compatible.

9. Based upon the foregoing findings and all other facts and circumstances of which the City Council may properly take notice in its capacity as the legislative body of the

City of Alexandria, adoption of this ordinance is necessary and desirable to protect the public health, safety and general welfare; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Subsections (A), (A.1), (A.2) and (B) of Section of 4-1002 of the City of Alexandria Zoning Ordinance be, and the same hereby are, amended to read as follows:

- (A) Single-family dwelling, except as limited by section 4-1003(A.1);
- (A.1) Two-family dwelling, except as limited by section 4-1003(A.1);
- (A.2) Townhouse dwelling, except as limited by section 4-1003(A.1);
- (B) Multifamily dwelling, except as limited by section 4-1003(A.1);

Section 2. That Section 4-1003 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Subsection (A.1) to read as follows:

- (A.1) Single-family, two-family, townhouse and multi-family dwellings on lots located within 1,000 feet of the centerline of Eisenhower Avenue.

Section 3. That Section 4-1000 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 4-1008 to read as follows:

Sec. 4-1008 Certain structures, lots and uses inconsistent with these provisions.

Single-family, two-family, townhouse and multifamily dwellings on lots located within 1,000 feet of the centerline of Eisenhower Avenue, existing on November 9, 1999, or for which a building permit application or preliminary site plan application was pending or had been approved on or before November 9, 1999, shall not be subject to the requirement for a special use permit, shall not be characterized as nonconforming or noncomplying uses or structures, and shall be characterized as uses or structures grandfathered under prior law, pursuant to Section 12-500 of this ordinance.

Section 4. That Subsections (A), (A.1), (A.2) and (B) of Section of 4-1102 of the City of Alexandria Zoning Ordinance be, and the same hereby are, amended to read as follows:

- (A) Single-family dwelling, except as limited by section 4-1103(A.1);
- (A.1) Two-family dwelling, except as limited by section 4-1103(A.1);
- (A.2) Townhouse dwelling, except as limited by section 4-1103(A.1);
- (B) Multifamily dwelling, except as limited by section 4-1103(A.1);

Section 5. That Section 4-1103 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Subsection (A.1) to read as follows:

(A.1) Single family, two-family, townhouse and multi-family dwellings on lots located within 1,000 feet of the centerline of Eisenhower Avenue.

Section 6. That Section 4-1100 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 4-1107 to read as follows:

Sec. 4-1107 Certain structures, lots and uses inconsistent with these provisions.

Single family, two-family, townhouse and multi-family dwellings on lots located within 1,000 feet of the centerline of Eisenhower Avenue, existing on November 9, 1999, or for which a building permit application or preliminary site plan application was filed, and was pending or had been approved on or before November 9, 1999, shall not be subject to the requirement for a special use permit, shall not be characterized as nonconforming or noncomplying uses or structures, and shall be characterized as uses or structures grandfathered under prior law, pursuant to Section 12-500 of this ordinance.

Section 7. That Sections 4-1000 and 4-1100 of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 8. That this ordinance shall become effective upon the date at the time of its final passage, and, shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which are on such date pending before any city department, agency or board, or before city council, or on judicial review, shall apply to all such applications which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Sections 3 and 6 of this Ordinance and Article XII of the Zoning Ordinance.

KERRY J. DONLEY  
Mayor

Introduction: 02/08/00  
First Reading: 02/08/00  
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