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THOMAS MILLER  
COORDINATOR

September 13, 2005

Arlington County Board  
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**SUBJECT: 5. ZONING ORDINANCE AMENDMENT** to Section 20 (Appendix A) Columbia Pike Form Based Code Districts of the Zoning Ordinance to: Modify the Building Envelope Standards in Section IV. B., C., D. and E. of the Form Based Code to incorporate a new minimum floor-to-ceiling height requirement for all upper stories; add a definition for the term “open contiguous lot area” to Section II. of the Form Based Code; and modify the historic preservation regulations in Section III. B. of the Form Based Code, modifying the height “bonus” to retain appropriate tapering and reduce the impact of new development on surrounding neighborhoods.

**RECOMMENDATION:** **Approve the ordinance amendment to Section 20 (Appendix A) of the Columbia Pike Form Based Code to incorporate new minimum floor-to-ceiling heights with Section IV. D. and E. removed from the amendment, as recommended in the draft staff report.**

**Approve the ordinance amendment to Section II of the Form Based Code to add a definition for “open contiguous lot area” with the following changes: insert the word “contiguous” to clarify that the open area must be contiguous; add wording to clarify that in no case could the open area be above the top of the 2<sup>nd</sup> story; and include language that would restrict the open area from being used to house or store mechanical equipment, transformers, dumpsters, and similar apparatus.**

**Defer consideration of historic preservation regulations to the November 28, 2005 Planning Commission meeting and the December 10, 2005 County Board meeting.**

Dear County Board Members:

The Planning Commission heard this item at their recessed September 8, 2005 meeting. Richard Tucker provided a staff report on the proposed Zoning Ordinance Amendments to the Columbia Pike Form Based Code regarding minimum floor-to-ceiling heights, open contiguous lot area, and the historic preservation bonus. Staff is recommending deferring action on the historic preservation regulations until December. In addition, the building envelope standards in Section IV., D and E of the Form Based Code would not be amended.

### **Planning Commission Discussion**

Commissioner Dobson reported that the Zoning Ordinance Committee (ZOCO) met in July and in August to review the proposed changes. Representatives of the Historic Affairs and Landmark Review Board and the Columbia Pike Revitalization Organization participated in the meetings. Commissioner Malis noted that at the August meeting members of the Columbia Pike community were invited to participate in the review and discussion. Subsequent to the meeting, draft copies of the board report were furnished to each of the Columbia Pike civic associations. This outreach is part of an effort to regularly involve the Columbia Pike community in the formulation and evolution of the requirements for the Columbia Pike Form Based Code. Commissioner Dobson further noted that since there are new members of the Planning Commission who may not be familiar with the Form Based Code and the Commission's role in the process, ZOCO will host a work session on the Form Based Code for the Commission in October.

Commissioner Hunt questioned whether there is a maximum floor-to-ceiling height given some proposals for residential loft development or other type of loft proposals that do not count the area as gross floor area. Richard Tucker responded that each story has a minimum and maximum floor-to-ceiling height. The upper story maximum floor-to-ceiling height would remain at 14 feet. When the maximum clear heights of all the floors are added together, the maximum building height would be 94 feet (on a Mainstreet site).

Commissioner Fallon questioned how changes or new information on the Form Based Code get out to the development community. Richard Tucker responded that there are a number of developers who have been tracking the Form Based Code and monitor changes. In addition, the loose leaf format of the ordinance allows information to be easily inserted into the Code.

Commissioner Johnson questioned whether there was anything preventing the open contiguous lot area from being an outdoor café or some kind of quasi public space. Richard Tucker responded that the change would not prohibit this.

### **Planning Commission Motion**

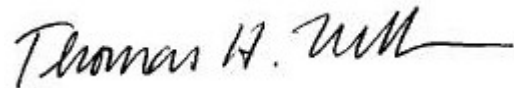
Commissioner Dobson made a motion to recommend that the Planning Commission recommend the County Board approve the ordinance amendment to amend Section 20 of the Columbia Pike Form Based Code with Section IV. D. and E. removed, as recommended in the draft staff report; to approve the ordinance amendment to Section II of the Form Based Code to add a definition for

“open contiguous lot area”; and to defer consideration of Item 3 to the November 28, 2005 Planning Commission meeting and the December 10, 2005 County Board meeting. The motion was seconded by Commissioner Hubbard.

Commissioner Malis expressed concern that the proposed definition of open contiguous lot area does not state that the space must be contiguous. She suggested that the word “contiguous” be inserted into the definition for clarification. The suggested modification to the motion was accepted by unanimous consent. Commissioner Malis also asked for clarification regarding where the open continuous lot area could be located. The definition is intended to allow open area on the top of the first story but in no case above the second story. She confirmed with staff that there might be times when the open space is above the top of the first floor. Richard Tucker confirmed that this was correct. Commissioner Malis suggested adding the language that “in no case could the open space be above the top of the 2<sup>nd</sup> story.” Richard Tucker agreed to the change and it was added to the motion by unanimous consent. Commissioner Malis also expressed concern that while the definition does not permit driving or parking in the open area, it could allow other unintended uses such as the housing or storage of mechanical equipment, transformers, dumpsters and the like. Richard Tucker agreed to develop language to restrict the space from being used in this manner, and this change was also added to the Commission’s motion by unanimous consent.

The Planning Commission voted 11-0 to support the motion. Commissioners Chavez, Dobson, Fallon, Foster, Hubbard, Hunt, Johnson, Malis, Saks, Savela and Weihe voted to support the motion.

Respectfully Submitted  
Arlington County Planning Commission,

A handwritten signature in black ink that reads "Thomas H. Miller" followed by a horizontal line.

Thomas H. Miller  
Planning Commission Coordinator