



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of July 8, 2006  
Recessed to July 10, 2006**

**DATE:** July 10, 2006

**SUBJECTS:** Adoption of proposed Amendments to the Master Transportation Plan, Part I and Section 20. "CP-FBC," Columbia Pike - Form Based Code Districts and Appendix A, of the Zoning Ordinance to:

- A. Amend the Master Transportation Plan – Part I to delete the two-lane neighborhood minor street segment of 9<sup>th</sup> Road South between South Barton Street and South Adams Street.
- B. Add language to Section 20 E. 3. of the Zoning Ordinance to make it consistent with Section VII. B. - Administration of the Appendix regarding allowable modifications for signage.
- C. Add language to Section 20 E. 3. of the Zoning Ordinance and Section VII. B. - Administration of the Appendix. For sites that are constrained by (a) topography with a slope of more than 3 percent, and (b) a public square or green is required to be dedicated as per the Form Based Code, and (c) new streets are required to be dedicated as per the Form Based Code, and (d) include a grocery store in the development, the County Board may, by use permit approval, modify the Form Based Code provisions in the following areas provided that the it has been determined that the proposed project otherwise conforms to the Form Based Code:
  1. Story height, clear height and number of permitted stories,
  2. Building and use requirements, including allowable floorplate for the grocery store, and retail square footage on the second floor,
  3. Fenestration requirements,
  4. Location of demarcations between Building Envelope Standard designations,
  5. Garage entrance locations,
  6. Alley (requirements may be eliminated),

County Manager: \_\_\_\_\_

County Attorney: \_\_\_\_\_

Staff: Richard Tucker, DCPHD, Planning Division

PLA-4384

7. Siting specifications, such that lot and unit width are not required to be the same for multi-family development on a Local Site incorporated into the larger site, and
  8. Minimum contiguous open lot area requirements.
- D. Modify Section III (C) - Regulating Plans for properties located along proposed Cleveland and Adams Streets between Columbia Pike and 9<sup>th</sup> Street South to show Required Building Lines that provide appropriate street space from face-of-building to face-of-building

**C. M. RECOMMENDATION:**

1. Defer consideration of the Master Transportation Plan amendment (Subject A) to the October 14, 2006 County Board meeting; and
2. Deny subjects B through D.

**ISSUE:** What is the appropriate process to facilitate redevelopment with a grocery store?

**DISCUSSION:** The proposed amendments to the Master Transportation Plan and to the Form Based Code in response to the Penrose Square Use Permit request (the subject of another staff report) to help achieve new streets, public open space, and a full service grocery store in the Town Center area along Columbia Pike. The applicant has requested withdrawal of their use permit application and is working with the staff and community to consider this project through the site plan process. Therefore, staff recommends that the proposed Master Transportation Plan amendment, which may be needed for consideration of a site plan application, be deferred to the October 14, 2006 County Board meeting, and that the proposed Zoning Ordinance amendments to the Form Based Code be denied.

**ORDINANCE A**  
**Not Recommended for Adoption**

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**ORDINANCE TO AMEND, REENACT, AND RECODIFY ZONING PROVISIONS OF THE ARLINGTON COUNTY ZONING ORDINANCE, SECTION 20. E. 3b “CP-FBC,” COLUMBIA PIKE - FORM BASED CODE DISTRICTS, TO DEFINE DEVELOPMENT OPTIONS, INCLUDING REVISIONS TO CLARIFY MODIFICATIONS PERMISSIBLE UNDER THE ZONING ORDINANCE.**

BE IT ORDAINED, by the County Board of Arlington County, that Section 20. (Appendix A) “CP-FBC,” Columbia Pike – Form Based Code Districts, of the Zoning Ordinance be amended, reenacted, and re-codified as shown on the attached pages to define permitted use in “CP-FBC” District; to preserve and promote mixed-use retail and other commercial activity within commercial districts; to encourage economic development activities; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

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Proposed Changes to Section 20. “CP-FBC” – Columbia Pike Form Based Code Districts

E. 3. Standards for Reviewing Use Permits

- a . Proposals that do not conform to the Form Based Code: The County Board may modify the provisions of the Form Based Code upon a finding that, after the proposed modification, the subject development will better accomplish the purposes and intent of Section 20 of the Arlington County Zoning Ordinance than would the development without those modifications and that the proposed uses will not (1) affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use; (2) be detrimental to the public welfare or injurious to property or improvements in the neighborhood; (3) be in conflict with the purposes of the master plans of the County.
  
- b. Pursuant to a use permit application, the County Board may modify only the following requirements of the Form Based Code. Provided, however, that after such modifications, the County Board is still able to make the finding called for in subsection 3.a. above.
  - (1) Height of first floor relative to fronting sidewalk elevation;
  - (2) RBLs for the location of new alleys or streets, for historic buildings and for existing parking garages;
  - (3) Breaks between buildings;
  - (4) **Signs**
  - (5) Streetscape details; and
  - (6) Design issues related to the inclusion of existing or historic buildings or mature trees.

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**ORDINANCE B**  
**Not Recommended for Adoption**

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**ORDINANCE TO AMEND, REENACT, AND RECODIFY ZONING PROVISIONS OF THE ARLINGTON COUNTY ZONING ORDINANCE, SECTION 20. E. 3c AND APPENDIX A “CP-FBC,” COLUMBIA PIKE - FORM BASED CODE DISTRICTS, TO DEFINE DEVELOPMENT OPTIONS, INCLUDING ADDITIONAL MODIFICATIONS TO FOR SITES CONSTRAINED BY THE DEDICATION OF A PUBLIC SQUARE OR GREEN AS DESIGNATED IN THE FORM BASED CODE; AND EXTREME TOPOGRAPHY (SLOPES GREATER THAN 3%); THE DEDICATION OF NEW STREETS PER THE FORM BASED CODE, AND INCLUSION OF A GROCERY STORE.**

BE IT ORDAINED, by the County Board of Arlington County, that Section 20. (Appendix A) “CP-FBC,” Columbia Pike – Form Based Code Districts, of the Zoning Ordinance be amended, reenacted, and re-codified as shown on the attached pages for a period of up to 24 months from July 8, 2006 to define permitted use in “CP-FBC” District; to preserve and promote mixed-use retail and other commercial activity within commercial districts; to encourage economic development activities; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

Proposed Changes to Section 20. “CP-FBC” – Columbia Pike Form Based Code Districts

E. 3. Standards for Reviewing Use Permits

- a . Proposals that do not conform to the Form Based Code: The County Board may modify the provisions of the Form Based Code upon a finding that, after the proposed modification, the subject development will better accomplish the purposes and intent of Section 20 of the Arlington County Zoning Ordinance than would the development without those modifications and that the proposed uses will not (1) affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use; (2) be detrimental to the public welfare or injurious to property or improvements in the neighborhood; (3) be in conflict with the purposes of the master plans of the County.
  
- b. Pursuant to a use permit application, the County Board may modify only the following requirements of the Form Based Code. Provided, however, that after such modifications, the County Board is still able to make the finding called for in subsection 3.a. above.
  - (1) Height of first floor relative to fronting sidewalk elevation;
  - (2) RBLs for the location of new alleys or streets, for historic buildings and for existing parking garages;
  - (3) Breaks between buildings;
  - (4) Signs
  - (5) Streetscape details; and

(6) Design issues related to the inclusion of existing or historic buildings or mature trees.

c. In approving a use permit application for a site that (1) is required to dedicate all or a portion of a public square or green under the Form Based Code, and (2) has extreme topography (slope greater than 3% across the site from property line to property line), and (3) is required to dedicate all or a portion of new streets pursuant to the Form Based Code, where the application includes provision of a full-service grocery store, the County Board may modify the following requirements of the Form Based Code, provided that after such modifications, the County Board is still able to make the findings called for in subsection 20.E.3.a. above:

(1) Story height (up to 10 feet for one [1] floor within a building), clear height (reduction of up to 25%), and number of stories permitted (up to one [1] additional story - for Main Street sites only)

(2) Building and use requirements, including allowable floorplate for the grocery store (up to an additional 20,000 square feet), and allowing retail square footage on the second floor

(3) Fenestration (for the first floor only)

(4) Location of demarcations between Building Envelope Standard designations (can be moved no more than an additional 30 feet)

(5) Garage entrance locations

(6) Alleys (requirements may be eliminated if public access is maintained through the site in some manner, with due consideration of parking and loading access on a site)

(7) Lot / Unit width – The County Board may eliminate the lot/unit width requirements for Local sites developed in conjunction with a Main Street site.

(8) Open Contiguous Lot Area requirements – the County Board may reduce the Open Contiguous Lot Area requirement by up to half of the public space dedicated to the County as part of a Public Square or Green on the same site.

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## Form Based Code (Appendix A)

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### Proposed Changes to the Form Based Code, Section VII Administration (page 54 of the FBC)

#### B. Special Exception/Use Permit Option

The proposed Special Exception Use Permit process will be required for sites over 40,000 square feet or with floorplates over 30,000 square feet. Such sites will be required to meet the intent of the **Code** and will be evaluated in terms of how well they conform to the **Code** and meet other objectives of the *Columbia Pike Initiative—A Revitalization Plan*. The Use Permit process also provides the opportunity for community input as well as fine tuning of a development proposal to address issues that may not have been contemplated by the **Form Based Code**.

The Use Permit process will give the opportunity for appropriate deviations from the **Code** that are consistent with the County's goals and plans to revitalize Columbia Pike as detailed in the Columbia Pike Initiative that was recently adopted by the County Board. Examples of these deviations may include problems related to topography or STREET grade, the location of ALLEYS and STREETS, breaks and passages between buildings, signs, STREETScape details, design issues related to the inclusion of existing buildings or mature trees as part of a development proposal. Where properties of less than 40,000 square feet have such difficulties, they too, could seek a use permit to gain approval of their development with needed variations.

Additionally, the County Board may modify provisions of the Code where a site (1) is required to dedicate all or a portion of a public square or green under the Form Based Code, and (2) has extreme topography (slope greater than 3% across the site from property line to property line), and (3) is required to dedicate all or a portion of new streets pursuant to the Form Based Code, and where the use permit application for that site includes provision of a full-service grocery store. Modifications may include: story height (up to 10 feet for one [1] story; clear height (may be reduced up to 25% for one floor); number of stories (may be increase up to one (1) story – for a Main Street site only); fenestration (for the first floor only); Building and use requirements, including allowable floorplate for the grocery store (up to an additional 20,000 square feet), and allowing retail square footage on the second floor; Location of demarcations between Building Envelope Standard designations (can be moved no more than an additional 30 feet); Garage entrance locations; Alleys (requirements may be eliminated if public access through the site is maintained in some manner, with due consideration of parking and loading access to a site); Lot / Unit width requirements (may be eliminated on Local sites that are developed in conjunction with Main Street sites) and Open Contiguous Lot Area requirements (may be reduced by up to one half of the public space dedicated to the County as part of a Public Square or Green).

As currently proposed, the Special Exception process would take approximately 55 days from acceptance of a completed application to public hearing by the Planning Commission and County Board. Applicants will be required to provide copies of their application to the Columbia Pike Revitalization Organization and all affected civic associations at the time of submission to the County. Applicants also will be required to perform property owner notification (affected, abutting and owners across the STREET) as required by the *Code of Virginia*. At the time an application is received, a Planning Commission representative will be designated and civic

association representatives from the affected neighborhood will be contacted to begin coordinating community input on the project.

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**ORDINANCE C**  
**Not Recommended for Adoption**

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**ORDINANCE TO AMEND, REENACT, AND RECODIFY ZONING PROVISIONS OF THE ARLINGTON COUNTY ZONING ORDINANCE, SECTION 20. “CP-FBC,” COLUMBIA PIKE - FORM BASED CODE DISTRICTS (APPENDIX A) SECTION III. – REGULATING PLANS, TO DEFINE DEVELOPMENT OPTIONS, INCLUDING REVISIONS TO REQUIRED BUILDING LINES SHOWN ON THE REGULATING PLAN FOR CLEVELAND AND ADAMS STREETS .**

BE IT ORDAINED, by the County Board of Arlington County, that Section 20. (Appendix A) “CP-FBC,” Columbia Pike – Form Based Code Districts, of the Zoning Ordinance be amended, reenacted, and re-codified as shown on the attached pages to define permitted use in “CP-FBC” District; to preserve and promote mixed-use retail and other commercial activity within commercial districts; to encourage economic development activities; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

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(See Attached Pages)