

Exhibit No. 1
17
6-18-94

Docket Item 22A
MPA #94-02

Planning Commission
June 7, 1994

ISSUE: Consideration of a request for an amendment to the Strawberry Hill/Seminary Hill Small Area Plan Chapter of the 1992 Master Plan to change the land use designation of the property at 3750 Duke Street from RL, Residential Low to RM, Residential Medium.

APPLICANT: Rosewood Development Company, by Harry P. Hart, Attorney.

LOCATION: 3750 Duke Street

PLANNING COMMISSION ACTION, JUNE 7, 1994: On a motion by Mr. Wagner, seconded by Mr. Ragland, the Planning Commission voted to adopt the master plan amendment by resolution. The motion carried on a vote of 6-0; Ms. Burke was absent.

Reasons: The Planning Commission believed that a townhouse development is appropriate at this location and that the additional proffer limiting variations and modifications provides adequate protection.

Speakers:

Thomas H. Hoffman, Society Hill Homeowner's Association, spoke in support.

Bernard Brenman, Holmes Run Committee, spoke in support.

Representations: The applicant provided a new and additional proffer, as follows:

"If the rezoning is granted, the applicant proffers that the only variations from the zoning code that will be pursued from the Planning Commission or otherwise under the attached plan are a variation from the setback of 75 feet from the centerline of Duke Street and any variation required to allow stacked parking at each unit (one space in the garage, one in the driveway.)

There is an RPA buffer reduction (100 feet to 50 feet) that is handled by T&ES as an administrative matter."

PLANNING COMMISSION ACTION, MAY 2, 1994: On a motion by Ms. Fossum, seconded by Mr. Leibach, the Planning Commission voted to defer this item to its June meeting.

Reason: The Planning Commission believed that the master plan and zoning amendments should be considered along with a specific development plan for the site and asked the applicant to submit one.

Speakers:

Joe Mallot, representing Society Hill Homeowner's Association, expressed the groups' support for the change to the master plan provided that the City right-of-way not be used for street widening, that the number of units be limited, that care be taken over drainage, and that the development compliment the design of Society Hill.

Harry P. Hart represented the applicant and proffered that the development would proceed under a SUP cluster plan.

SPEAKERS AT STAFF PUBLIC MEETING APRIL 7, 1994

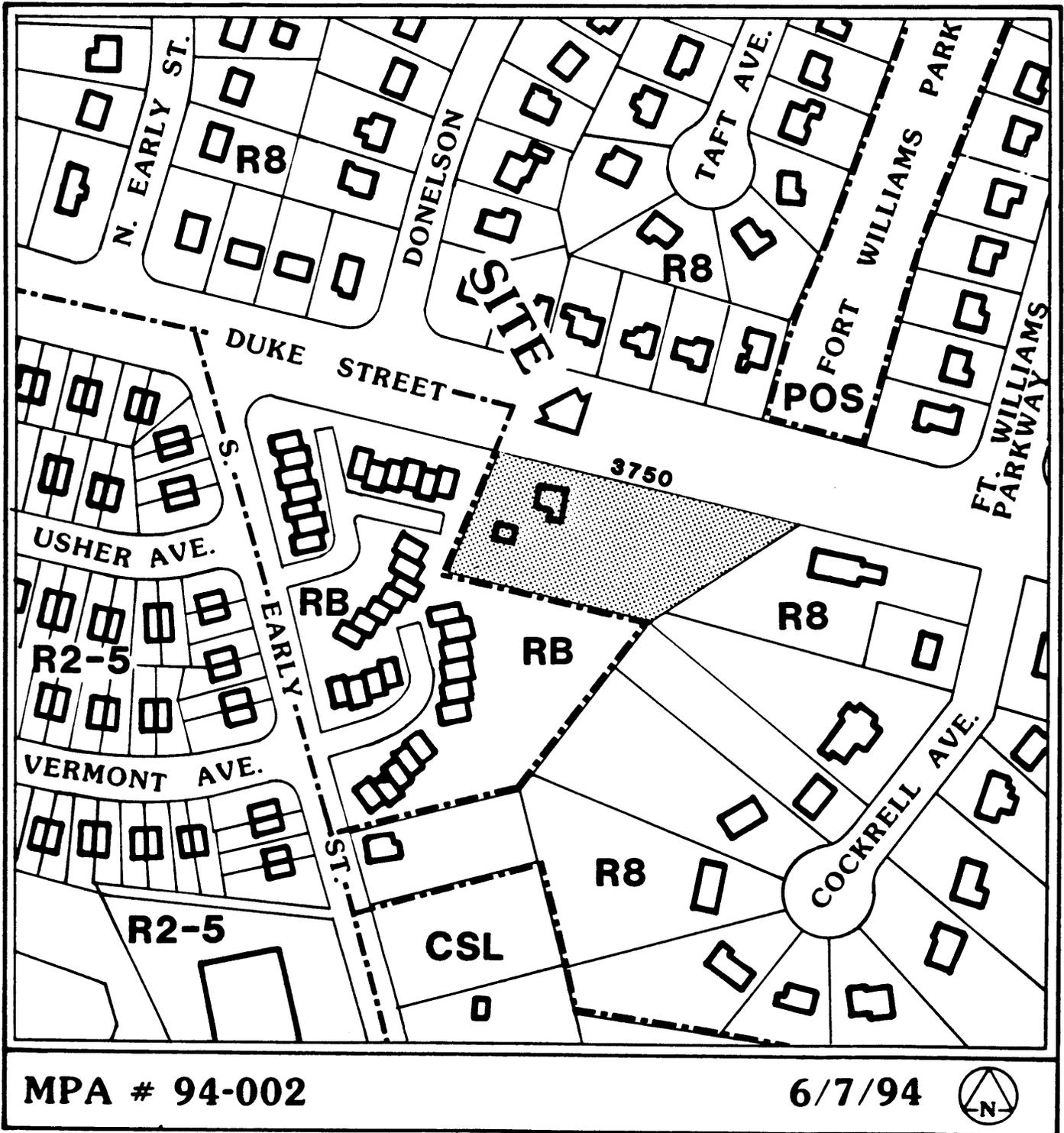
Cyril Calley presented the plan. He noted that the property had been in the flood plain at the time of adoption of the new zoning ordinance, but is no longer in the flood plain.

Tom Hoffman, Vice President of the Society Hill Homeowner's Association, expressed concern about the addition of a deceleration lane immediately north of their housing, and was also concerned about drainage on the site.

John Murphy and Donald Williams also spoke on the issue.

STAFF RECOMMENDATION: Staff recommends that the proposed change be denied.

The subject property and surrounding land uses are shown on the sketch below



DISCUSSION:

The Rosewood Land Company is seeking an amendment to the Seminary Hill/Strawberry Hill Small Area Plan Chapter of the Master Plan to change the land use designation of the land at 3750 Duke Street from RL/Residential Low to RM/Residential Medium so that they can seek a rezoning of the land to allow up to 12 townhouses.

The property is a 1.13 acre site immediately to the east of the Society Hill Townhouses, and is situated predominantly at an elevation about 12 feet below the level of Duke Street. The property is currently improved with a single family house and an outbuilding which appears to be used for residential. The only access to the site is from Duke Street down a steep drive.

The site is bounded by single family residential to the north, the east, and the southeast, and by townhouses to the west. The site is located on the boundary between single family and townhouse dwellings on Duke Street. The site is a large one and could be subdivided into three single family lots under the current R-8 zoning.

Most of the site was shown on the Federal Emergency Management Agency maps to be in the 100 year flood plain. Holland Engineering in November, 1992, performed calculations in accord with the Agency regulations and has demonstrated that most of the site is outside of the 100 year flood plain. The 100 feet west of the Strawberry Run is a resource protection area, which cannot be built upon unless special water quality measures are taken, in which case the western 50 feet of the resource protection area may be built upon.

The applicant contends that the revision of the flood plain boundaries was a change in circumstances since adoption of the Master Plan, namely removal of most of the site from the 100 year flood plain, that would justify changes to the master plan and zoning ordinance.

The major issue to be faced in considering a change to the Master Plan designation is access to the site. The Director of Transportation and Environmental Services is unwilling to recommend approval of the proposed development until a protected left turn is provided for drivers traveling west on Duke Street, which would require widening the street to allow a fifth lane. The Director believes that left turns from the existing street configuration are both dangerous and would cause severe congestion. Therefore, he is opposed to increasing the number of dwellings built on the site until Duke Street is widened. If Duke Street is widened, the Director would have no objection to the master plan change.

RECOMMENDATION: Staff recommends denial of the proposed change to the master plan until Duke Street is widened.

If Duke Street is widened, as recommended by the Director of Transportation and Environmental Services, staff would have no objection to changing the Master Plan designation of the site from RL/Residential Low to RM/Residential Medium in order to facilitate development of townhouses. The site is located on the boundary line between single family residences and townhouses. In preparing the land use designations for the 1992 Master Plan, the site was left in the single family category because staff typically did not change existing residential land use categories, but also because the flood plain situation would have presented an argument against allowing larger numbers of dwellings to be built on the site. Had there not been a flood plain issue, staff might well have supported an extension of the RM/townhouse category. With the change to the flood plain status of the site, the objection to the change was removed, except for the issue of access.

DEVELOPMENT PLAN

At the Planning Commission hearing of May 2, the Commission declined to act on the master plan or zoning amendment proposal and requested that the applicant file a development plan for consideration. The Commission stated that it believed, as a matter of practice, it should not act on requests for a master plan or zoning change without being able to tie the proposed amendment to a specific development proposal.

In response, the applicant has submitted the attached plan, as well as a proffer to limit the rezoning to it. The plan submitted is admittedly not fully developed; it does not contain the level of detail required of applicants for either a special use or a site plan. It shows one potential layout design for the project, including a roadway south from Duke Street with 12 townhouse units facing each other across the road. It does not show lot lines; it does not include calculations for parking, lot size, floor area, or open space. It does not include landscaping or show the limits of any resource protection area on the parcel.

The applicant suggests that it is difficult to submit a more detailed plan at this point because it is too costly and time-consuming an undertaking prior to zoning approval. According to the applicant, the language in the proposed proffer is sufficient to cover any changes in design necessitated by creating a more detailed plan after approval is given. The proffer provides:

"If this rezoning is granted, the property will be developed in keeping with the attached plan as modified to meet zoning, engineering or staff requirements. Any changes will be subject to special use permit approval as part of a cluster development plan.

There will also be a tot lot on site as determined by the Department of Recreation or a contribution (of up to \$2000) for tot lot equipment on another site as agreed between the Department of Recreation and the owner."

Without a more detailed plan, however, staff is in a difficult position because it is unable to react and make a recommendation regarding the concept submitted as it typically does to other plans. Staff has already stated its recommendation that a townhouse development of some number of units on this site is not objectionable, as long as a left hand lane is provided for westbound Duke Street traffic. Beyond that, staff is unable to state whether the lot sizes are desirable because there are no lot dimensions included. Staff cannot react to the parking plan because, except for three guest parking spaces, the plan is not specific about parking. Staff has already told the applicant that additional guest parking will be required. Staff cannot recommend landscaping or other site amenities because those details await more specific drawings.

Staff is not even certain that 12 townhouses can be developed on the site. The proposed concept plan does not comply with zoning because the two townhouse units closest to Duke Street lie within the required Duke Street highway setback area. The zoning ordinance specifically requires that all buildings be set back at least 75' from the centerline of Duke Street from Quaker Lane west to the City boundary. In addition, to receive cluster approval, an applicant must first demonstrate the number of lots that could be designed on the site under a non-cluster layout. Not having such a layout plan to assess, staff cannot state that 12 units can be developed.

In response to staff's concerns, the applicant has modified the proffer language to acknowledge that certain changes in the design may be required to comply with the zoning ordinance, engineering requirements or staff suggestions, and has added language agreeing to submit a cluster plan for special use permit approval that will include any such changes. Staff has no objection to the proffer. It does not in any way approve 12 dwelling units on the site; it specifically says that zoning requirements could change that number.

Staff would point out, however, that the submission of a plan document has not advanced either staff or the Planning Commission's understanding of what the proposed development will

be. The original proffer language limited development to a maximum of 12 townhouses; the applicant represented at the hearing that a cluster plan would be submitted for approval. Given the conceptual nature of the proffered plan, in staff's opinion, it amounts to little if anything more than the original proffer limitation of a maximum of 12 units, to be approved by cluster special use permit.

Staff believes, however, that those statements may provide an adequate basis for approving the change to the master plan and zoning, given the requirement that the final plan of development for the site must still be reviewed and approved as a cluster special use permit.

STAFF: Sheldon Lynn, Director, Planning and Community Development.

ATTACHMENTS:

1. Application
2. Resolution
3. Letter from Harry P. Hart, Attorney
4. Letter from Thomas Hoffman
5. Letter from James Gleason Wilson
6. Proposed proffer, with attached concept plan.

3750 Duke St

ATTACHMENT 155

APPLICATION FOR MASTER PLAN AMENDMENT AND/OR ZONING MAP AMENDMENT	MPA #94002 ZMA #94052
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A	TYPE OF APPLICATION: (Check One)		
	Master Plan	Zoning Map	<input checked="" type="checkbox"/> Master Plan and Zoning Map

B	APPLICANT		
	Name Rosewood Development Company		Telephone 764-2604
	Address P. O. Box 10320, 9006 Advantage Court, Burke, VA 22015		
	INTEREST IN PROPERTY (Check One)	<input type="checkbox"/> Owner <input type="checkbox"/> Developer	<input checked="" type="checkbox"/> Contract Purchaser <input type="checkbox"/> Lessee <input type="checkbox"/> Other (specify) _____
If property owner or applicant is being represented by an authorized agent such as an attorney, a realtor or other person for which there is some form of compensation, does this agent or the business in which they are employed have a business license to operate in Alexandria: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> ? If yes, provide proof of current City business license. If no, said agent shall be required to obtain a business license prior to filing application.			

C	PROPERTY OWNERSHIP (Check One)	<input type="checkbox"/> Individual Owner <input checked="" type="checkbox"/> Corporation or Partnership Owner
Identify each person or individual with ownership interest, or, if Corporation or Partnership Owner, each person with more than 10% interest in such Corporation or Partnership		
1	Name Mrs. Rosalie Metzger Address 3750 Duke Street	Extent of Interest Landowner
2	Name James M. Ballard Address 7353 Royal Court, Annandale, VA 22003	Extent of Interest 50% of Rosewood
3	Name Terry Spragens Address 6620 Old Chesterbrook Rd, McLean VA 22101	Extent of Interest 50% of Rosewood
CHECK HERE IF CONTINUED ON SEPARATE ATTACHED SHEET _____		

**APPLICATION FOR MASTER PLAN AMENDMENT
AND/OR ZONING MAP AMENDMENT**

**MPA #
ZMA #**

D PROPERTY INFORMATION

Provide the following information for each property for which an amendment is being requested.

	Address and Tax Map-Blk-Lot No.	Use		Master Plan Designation		Zoning Designation		Street Front- age (Feet)	Land Area (Acres)
		Existing	Proposed	Existing	Proposed	Existing	Proposed		
1	3750 Duke Street 60.02-05-3	Single Family Resid'L	RB	R-8	RB	R8	RB	312	1.13
2									
3									
4									
5									
6									
7									
8									
9									
10									

CHECK HERE IF CONTINUED ON SEPARATE ATTACHED SHEET _____

**APPLICATION FOR MASTER PLAN AMENDMENT
AND/OR ZONING MAP AMENDMENT**

**MPA #
ZMA #**

E JUSTIFICATION FOR AMENDMENT

- 1 Explain how and why the proposed amendment(s) is necessary, desirable, beneficial to surrounding properties, consistent with the applicable Small Area Plan and with City policies.**

The property is surrounded by: Townhouses to the West and South, stream bed to the East, Duke Street to the North. It would be compatible with its surroundings and beneficial re-development for approximately 12 new townhouses to be built on this site.

CHECK HERE IF STATEMENT CONTINUES ON SEPARATE ATTACHED SHEET _____

- 2 Explain how the property proposed for reclassification will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools.**

Twelve townhouses would be easily serviced by the existing system of highways, streets, parking spaces (all would be on site) police and fire protection, drainage structures, refuse disposal, water & sewers and schools.

CHECK HERE IF STATEMENT CONTINUES ON SEPARATE ATTACHED SHEET _____

**APPLICATION FOR MASTER PLAN AMENDMENT
AND/OR ZONING MAP AMENDMENT**

**MPA #
ZMA #**

E JUSTIFICATION FOR AMENDMENT (CONTINUED)

3 If this application is for conditional zoning approval pursuant to section 11-804 of the zoning code, identify all proffered conditions that are to be considered part of this application (See zoning code section 11-804 for restrictions on conditional zoning).

A sketch drawing is being submitted to illustrate likely proposed development. The plan will go through the required cluster SUP process. The zoning does not require that it be proffered. Applicant will consider a proffer if the City desires one to be made limiting the development to no more than 12 townhouses.

CHECK HERE IF STATEMENT CONTINUES ON SEPARATE ATTACHED SHEET _____

I certify that the information supplied for this application is complete and accurate, and, pursuant to to Section 11-301B of the Zoning Ordinance, hereby grant permission to the City of Alexandria, Virginia, to post placard(s) notice on the property(ies) which is the subject of this application.

Name of Owner or Authorized Agent (print or type)

HART & CALLEY, P.C. by Harry P. Hart

Telephone

836-5757

Address

307 North Washington Street, Alexandria, VA 22314

Signature

Harry P. Hart

Date

3/1/94

FOR CITY STAFF USE ONLY

Date Application Received: 3-1-94

Fee Paid: \$ 400 (420 req.)

Date Application Complete:

Staff Reviewer:

Date Planning Commission Public Hearing:

Action

Date City Council Public Hearing:

Action

Date Ordinance Adopted:

Number

VA825-18
TGG/cb
2/24/84

DESCRIPTION
OF THE LAND OF
C. A. & KATHERINE M. METZGER, ETAL
Being Tax Map Parcel 60.02-05-3
To be Rezoned
From R-8 to RB
City of Alexandria, Virginia

BEGINNING AT A POINT lying in the southerly line of Duke Street (variable width), said point being also the northwest corner of Lot 18-A, Alnor Heights Subdivision;

thence with the West line of said lot and West lines of Lots 15 and 14, South $56^{\circ} 30' 43''$ West, 195.82 feet to a point marking a northeasterly corner of the common area of Society Hill Subdivision,

thence with the northerly and easterly lines of said land, North $77^{\circ} 00' 17''$ West, 239.18 feet to a point and North $21^{\circ} 57' 30''$ East, 164.21 feet to a point lying in the aforementioned line of Duke Street,

thence with the southerly lines of said street, the following courses and distances.

South $87^{\circ} 23' 17''$ East, 34.88 feet to a point,

South $76^{\circ} 47' 17''$ East, 172.40 feet to a point of curvature, with the arc of a curve to the right whose radius is 5,704.58 feet and whose chord bearing and chord are South $76^{\circ} 38' 57''$ East, 27.65 feet respectively for a distance of 27.65 feet to a point,

South $51^{\circ} 38' 57''$ East, 77.37 feet to a point and South $88^{\circ} 36' 17''$ East, 40.73 feet to the POINT OF BEGINNING.

Containing 49,353 square feet or 1.13 acres

TH 60.02

R8

R8

POS

R8

R8

R8

R2-5

R8

R8

CSL

CSL

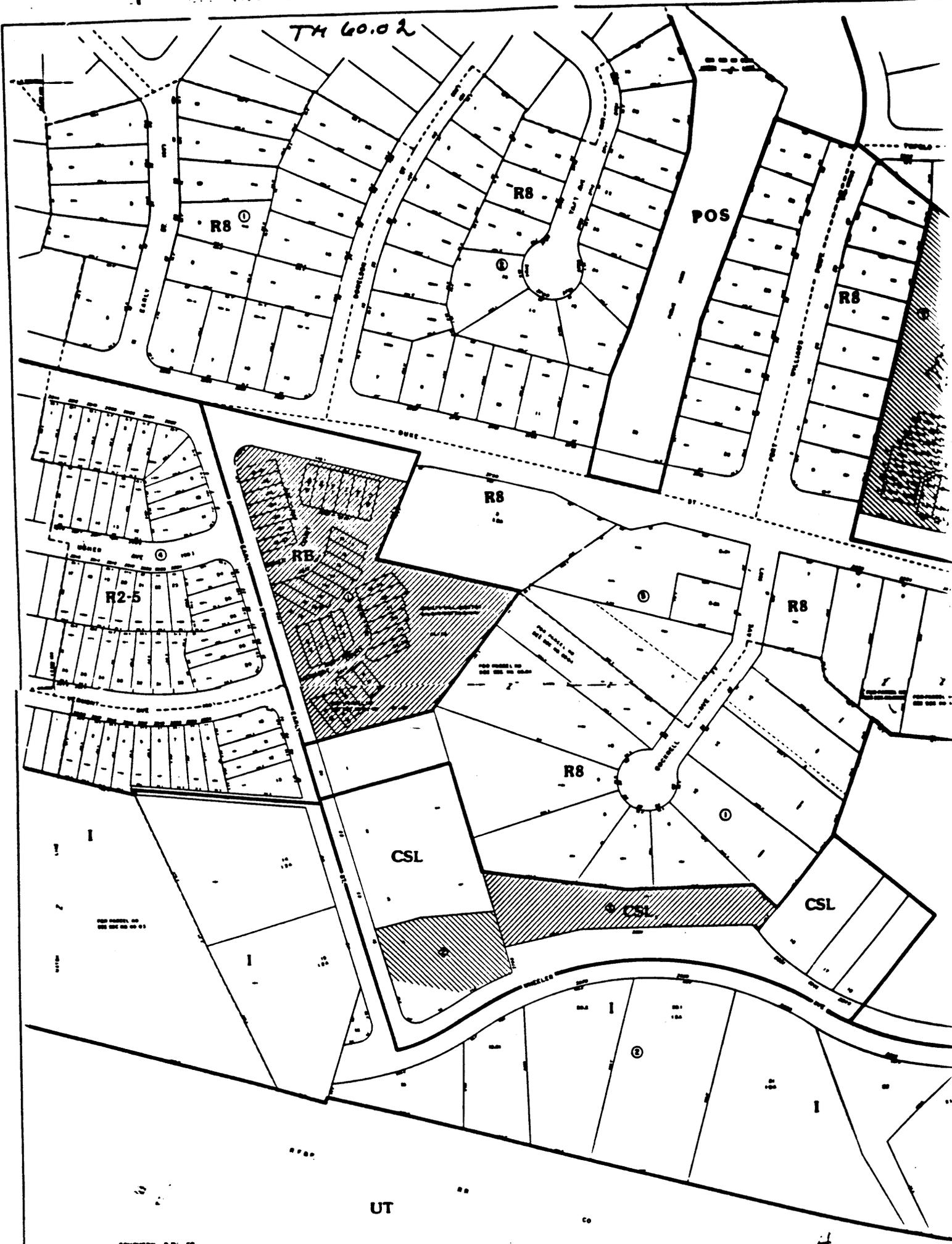
CSL

UT

SOUTHERN R & CO

12

UT



REZONING PLAT
TAX MAP PARCEL 60.02-05-3

BEING THE LAND OF

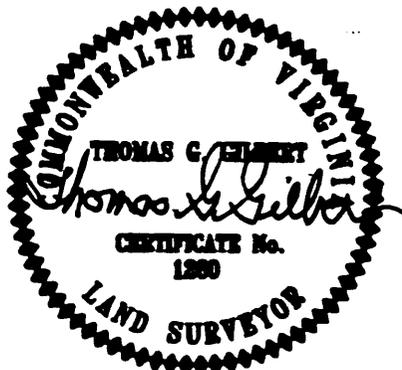
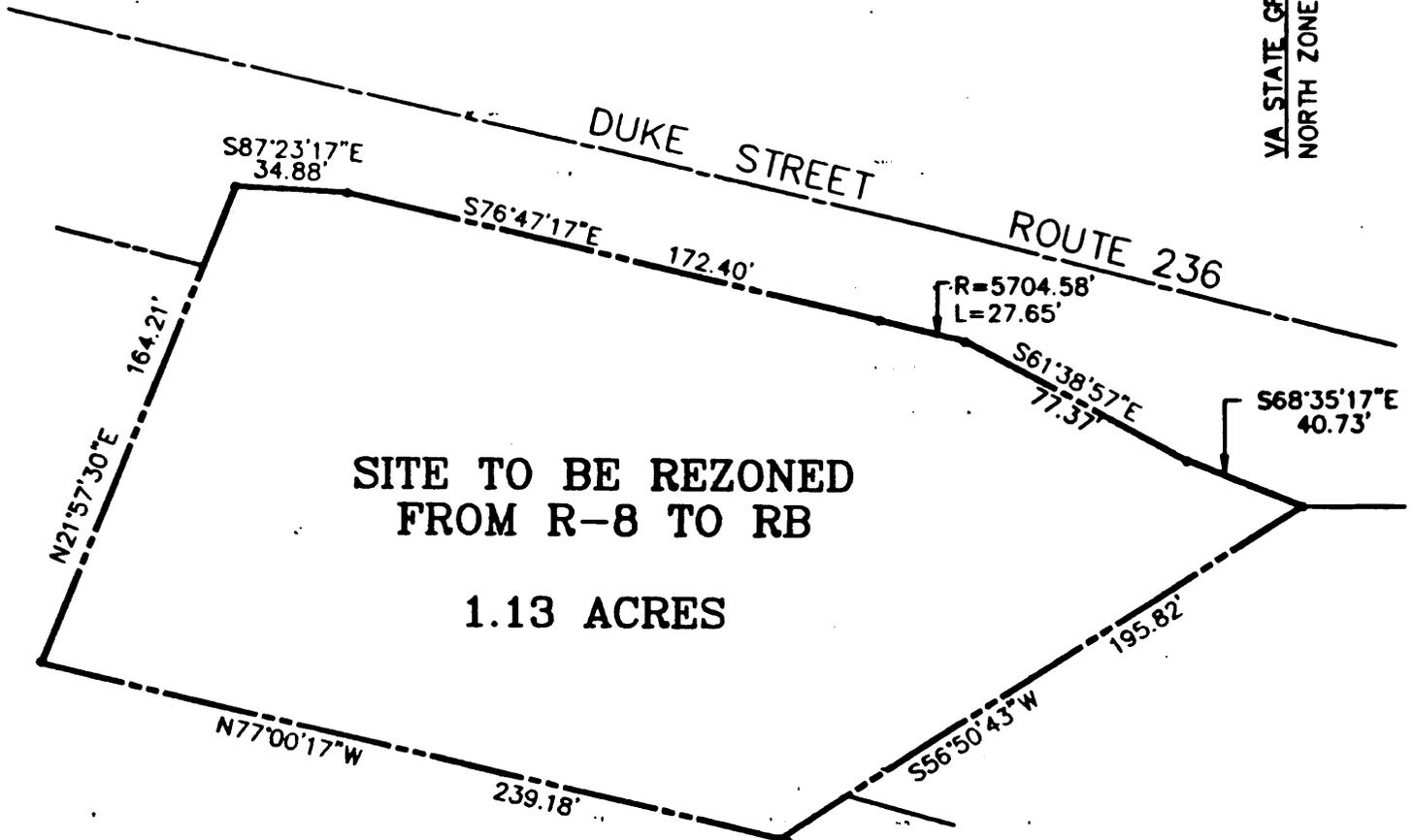
C.A. & KATHERINE M. METZGER, ETAL.

CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1"=60' DATE: FEBRUARY 24, 1994

NOTE:

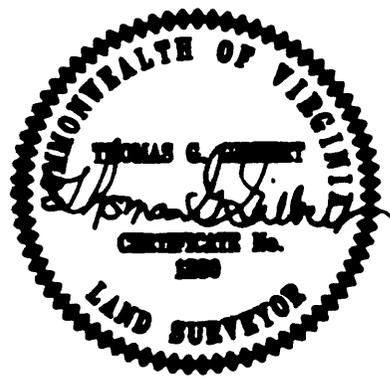
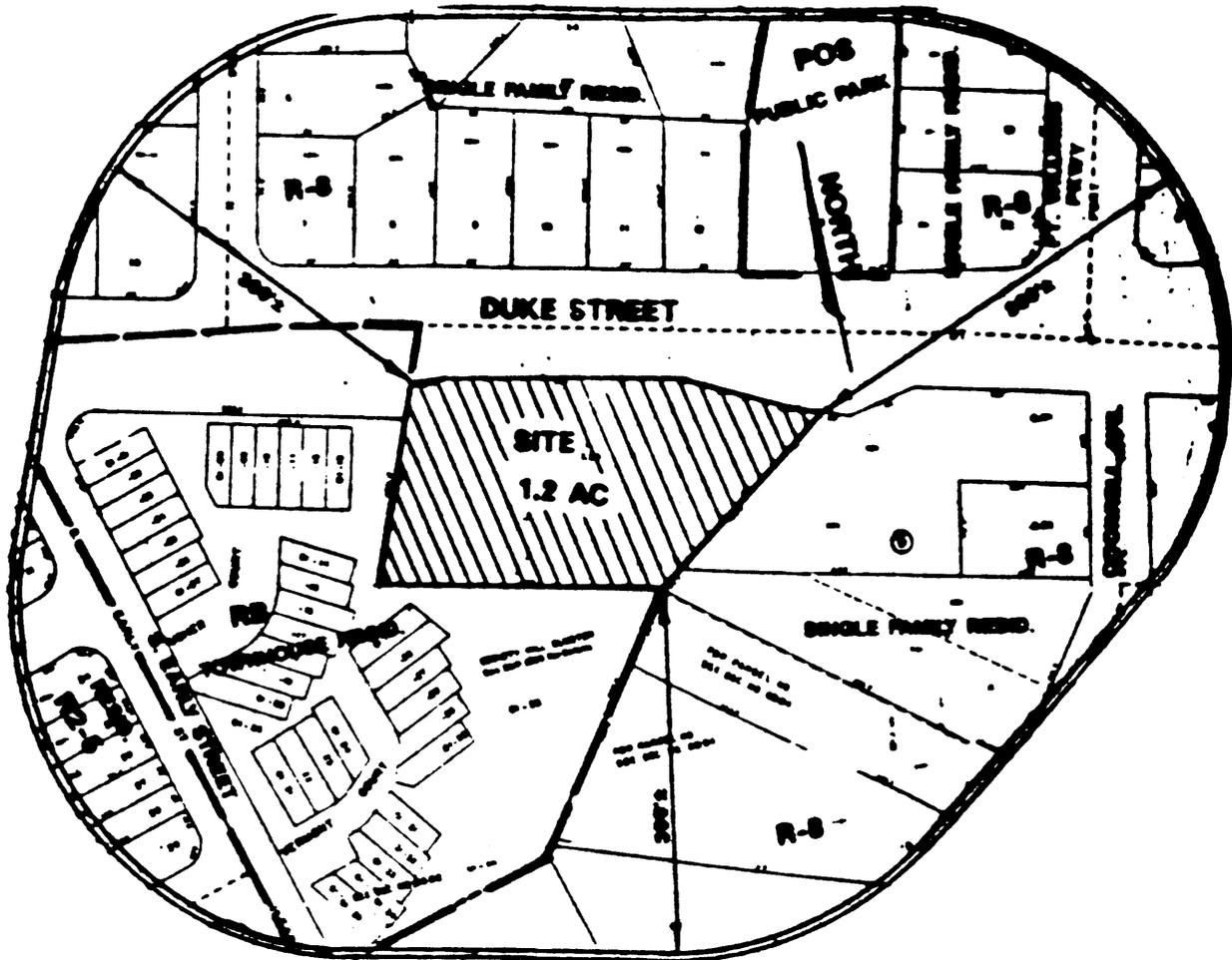
THE BOUNDARY SHOWN HEREON HAS BEEN PREPARED FROM AVAILABLE RECORDS AND DOES NOT CONSTITUTE A FIELD-RUN SURVEY.



**HOLLAND
ENGINEERING**
2111 EISENHOWER AVENUE
ALEXANDRIA, VIRGINIA 22314
(703) 548-2188

DRAWN BY: TGG/ACADD
CHECKED BY: TG
F.B./PG.: _____
CASE NAME: _____
JOB NO.: VA825-18

VICINITY MAP
TAX MAP PARCEL 60.02-05-3
 BEING THE LAND OF
C.A. & KATHERINE M. METZGER, ETAL
 TO BE REZONED
FROM R8 TO RB
 CITY OF ALEXANDRIA, VIRGINIA
 SCALE: 1"=60' DATE: FEBRUARY 24, 1994



HOLLAND ENGINEERING
 2111 EISENHOWER AVENUE
 ALEXANDRIA, VIRGINIA 22314
 (703) 548-2188

DRAWN BY: TGG/ACADD
 CHECKED BY: TG
 F.B./PG.: _____
 CASE NAME: _____
 JOB NO.: VAB25-18

**ISSUES FOR PLANNING COMMISSION AND CITY COUNCIL
NOTICE TO ADJOINING PROPERTY OWNERS**

Date: April 18, 1994

NOTICE OF PUBLIC HEARINGS

You are hereby notified of the following public hearings to be held by the Alexandria Planning Commission and the Alexandria City Council on the issue described below:

ALEXANDRIA PLANNING COMMISSION
Date: May 3, 1994
7:30 P.M., City Hall
301 King Street
City Council Chambers
Alexandria, Virginia

ALEXANDRIA CITY COUNCIL
Date: May 14, 1994
9:30 A.M., City Hall
301 King Street
City Council Chambers
Alexandria, Virginia

ISSUE DESCRIPTION: This proposed change in the Master Plan and Zoning Map to allow for RB townhouse use of 1.13 acres of land

PROPERTY ADDRESS: 3750 Duke Street

TAX MAP REFERENCE: 60.02-05-3

As a citizen and party in interest, you are invited to attend these meetings and express your views concerning the above issue.

If you have any questions regarding the request you may call at 836-5757.

Sincerely yours,

Harry P. Hart

POST IN CONVENIENT AND CONSPICUOUS PLACE (SEC. 9-1-26)

LICENSE NO. 17641-01

**1993
BUSINESS LICENSE**

THIS LICENSE EXPIRES
DECEMBER 31, 1993 AND
MUST BE RENEWED BY
JANUARY 31, 1994 TO AVOID
PENALTIES AND INTEREST.

DEPARTMENT OF FINANCE
BUSINESS TAX BRANCH
CITY HALL — ROOM 1500
ALEXANDRIA, VA 22313
(703) 838-4680

TRADE NAME	HART & CALLEY PC
BUSINESS ADDRESS	307 N WASHINGTON ST
BUSINESS DESCRIPTION	9-071-007 PROF'L OCCUPATIONS/BUSINE Attorney-At-Law

LICENSEE AND MAILING ADDRESS
HART & CALLEY PC
307 N Washington St
Alexandria, VA 22314

NOT VALID WITHOUT CURRENT YEAR LICENSE NUMBER.

RESOLUTION NO. MP-94-004

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, an application for amendment to the **SEMINARY HILL/STRAWBERRY HILL SMALL AREA PLAN** section of the 1992 Master Plan was filed with the Department of Planning and Community Development in March 1, 1994 for changes in the land use designation of the properties at 3750 Duke Street; and

WHEREAS, the Department of Planning and Community Development met with residents and property owners in the **SEMINARY HILL/STRAWBERRY HILL** area on April 7, 1994 to discuss the proposed revision; and

WHEREAS, the Department of Planning and Community Development 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 May 2, 1994 and on June 7, 1994 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 AREA** 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 AREA** 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 AREA**; 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 AREA** 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** 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:

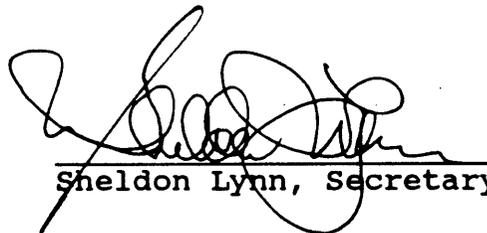
Change the designation of parcels 60.02-05-3 from RL/Residential to RM/Residential Medium.

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 JUNE, 1994.



William B. Hurd, Chairman

ATTEST: 

Sheldon Lynn, Secretary

HART & CALLEY
A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELLORS AT LAW
307 NORTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA 22314-2557

1201 CONNECTICUT AVENUE, N.W.
TWELFTH FLOOR
WASHINGTON, D.C. 20036

HARRY P. HART
CYRIL D. CALLEY
OF COUNSEL
ROBERT L. MURPHY

(703) 836-5757
FAX (703) 548-5443

April 7, 1994

Mr. Sheldon Lynn, Director
Planning & Community Development
City Hall, Room 2100
Alexandria, Virginia 22314

Re: Metzger Property at 3750 Duke Street

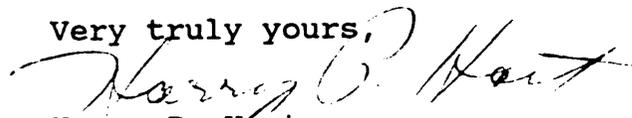
Dear Mr. Lynn:

As I discussed with you on Friday, April 1, 1994, the Metzger property has been determined by the Transportation and Environmental Services Department (T & ES) to be primarily out of the flood plain. This conclusion was reached in 1993 based on a review of a flood plain study conducted by Holland Engineering. We have asked Mr. Gilbert to provide you with a copy of the plat showing the new flood plain line, but this conclusion can be confirmed with T & ES.

This is obviously a substantial change in the circumstance presumed in June of 1992, when the property was thought to be almost entirely within the flood plain as shown on the then ruling flood plain map.

We look forward to discussing this case further with you.

Very truly yours,

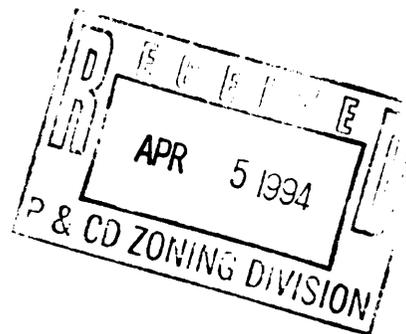

Harry P. Hart

HPH/ach
xc: Rosalie Metzger
James Ballard
Holland Engineering

A:\ballard\lynn.Ap7

APR. 05 1994

Society Hill Homeowner's Association
c/o Property Management Associates, Inc.
1600 Prince Street, Suite 114
Alexandria, Virginia 22314



Mr. William Hurd
Chairman, Planning Commission
City Hall
Alexandria, Virginia

Dear Mr. Hurd:

The Society Hill Homeowner's Association is extremely concerned about the proposed development of 3750 Duke Street. At a neighborhood civic association meeting last week, Jim Ballard presented a proposal to build 12 town houses on this site.

We request that this proposal be reviewed for proper site development ratios as we feel that the site cannot support 12 units.

We request that the drainage and the flood plain be studied with regard to the development of this site as standing water in this area is currently a problem. Longtime residents can attest to the fact that in the past two decades 3750 Duke Street was an island completely surrounded by water after hurricanes and other severe storms.

We are most concerned with egress and access to this site as the developer's proposal depicted a de-acceleration lane using land deeded to the City by Society Hill and maintained by Society Hill as a green space. The de-acceleration lane would place Duke Street even closer to existing Society Hill homes. A de-acceleration lane into 3750 Duke Street would invite unwanted traffic and add to the many safety hazards along Duke Street.

All things considered, we are in general agreement that town house development is an appropriate use of this land; however, we do not want to be flooded out and we will fight the use of our green buffer zone to provide access to 3750 Duke Street. Please advise Society Hill of the process, reviews, permits, etc. involved so that we can monitor the developer's progress. Please ensure that this proposal be scrutinized to comply with all city, state, and federal site development laws and regulations.

Sincerely,

Thomas H. Hoffman
Vice President,
Society Hill Homeowner's Association

SOCIETY HILL HOMEOWNERS' ASSOCIATION
c/o Property Management Associates, Inc.
1600 Prince Street, Suite 104
Alexandria, Virginia 22314
Phone: (703)-549-3370
Fax: (703)-836-8755

19 April 1994

Mr. Sheldon Lynn
Director, Planning Department
City of Alexandria
City Hall
Alexandria, Virginia

RE: Proposed Development of 3750 Duke Street, the Metzger Property

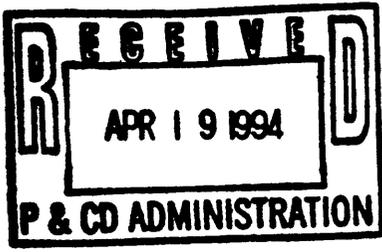
Dear Mr. Lynn:

Society Hill, which consists of 35 town homes on Usher Court and Vermont Court, adjoins the Metzger property at 3750 Duke Street along two boundaries, the west and south. Owners and residents of Society Hill will be directly affected by whatever development is approved by the City of Alexandria.

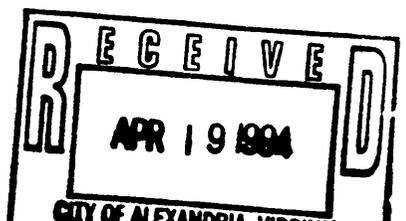
The Board of Directors of Society Hill, acting for the Association as-a-whole, is encouraged by the initial efforts of the Rosewood Development Company, the proposed developer, to both inform and work with Society Hill and other neighbors of the property. Nevertheless, should the site be overdeveloped, there could be significant adverse effects on our community and its individual owners as well as the surrounding neighborhood.

We submit the following memorandum to advise the Planning Staff of our concerns as well as our recognition that the Rosewood Development Company proposal, as presently portrayed, represents a very positive initial approach to the evolutionary change that inevitably will impact on our neighborhood. We will work to ensure that the impact is a positive one.

BACKGROUND: In late March, 1994, we in the Society Hill Homeowners' Association learned about the intended property development located at 3750 Duke Street, the Metzger property. This memorandum reflects both the general position as well as specific concerns that the Association as-a-whole and several of its individual members would like the Planning Staff to consider when reviewing the Rosewood Development Company's requested changes to the Alexandria Master Plan. We understand the requested changes to be as follows:



1
21



- ** Master Plan to be (1) Amended from "RL" (residential low) to "RM" (residential medium)
- ** Zoning Variance to be Changed from 'R8" (single residence) to "RB" (town homes)
- ** Future Cluster Special Use Permit submission to occur in Fall, 1994

In preparation for the upcoming Planning Commission meeting on the Metzger property agenda item, which we understand will be held on 5 May, and the subsequent 14 May meeting of the City Council, owners from Society Hill attended several neighborhood community presentations by representatives of Rosewood. We also attended the April 7th Community Planning Meeting. We have conducted other background research to familiarize us with the Metzger property issue.

On 15 April, members of Society Hill's Board of Directors, an independent owner, and the Association's attorney met directly with the developer, Mr. James Ballard, several of his planning personnel, and Rosewood's attorney.

We have examined property--Lenox Hills near Glebe Road and Old Dominion--presently being constructed in Alexandria by Mr. Ballard and have concluded that similar construction on the Metzger property would fit well into our neighborhood.

CONCLUSION: The Board of Directors of Society Hill, after eliciting the comments of the membership and acting for the Association as-a-whole, conclude that the development of the Metzger property from its current state is likely to occur. We believe that the type of limited development proposal presented to us by Mr. Ballard is generally both appropriate and desirable and will be of long term benefit to our community.

Nonetheless, because of the unique topography of the Metzger parcel itself, drainage runoff from Duke Street, and the Duke Street traffic situation, we would like the approved site development plan to be very tightly crafted and supervised to preclude both overdevelopment of the site as well as placing any construction too close to the homes within Society Hill.

Our specific issues of concern are addressed in the 4-page attachment. Four photographs are included as well to illustrate the significant impact any development of the Metzger property will have on Society Hill.

We appreciate the opportunity to convey our concerns to the Planning Staff and hope this memorandum will assist you in recommending the best long term development plan for the parcel at 3750 Duke Street.

Should you have any questions pertaining to this memorandum or the position of the Society Hill Homeowners' Association, please contact Mr. Tom Hoffman, the Association's vice-president and overseer of the Metzger property issue, at 212-7357 or me at 751-0386. We would also refer you to our attorney, Mr. John Hartnett of Brincefield, Hartnett, and Associates, located in Alexandria, at 836-2880.

Regards,



James Gleason Wilson
President, Board of Directors
Society Hill Homeowners' Association

Attachments

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ATTACHMENT TO SOCIETY HILL MEMORANDUM

ISSUE 1: Site Topography

Specific Point of Concern: Drainage Situation and Impact on Land Available for Development

DISCUSSION: Although 1.13 acres in size, the property's longest dimension parallels Duke Street. Its maximum depth is only 165 feet deep, and this is toward the west end of the parcel, nearest Society Hill.

A creek bounds the east side of the property. Duke Street, which is at an elevation higher than the parcel itself serves as the north boundary. Society Hill property bounds the west and south sides.

It is our understanding that the total land area of the parcel technically would permit 22-plus town homes to be built. Rosewood has stated its intention to build twelve (12) town homes on the site.

It is our understanding that the creek is a part of a Resource Protected Area, which would likely preclude a third of the eastern end of the parcel from development. Furthermore, a developer would need to emplace a filtration device for water draining from the property into the creek.

It is our understanding that the topography of the land is such that the 100-year flood line generally encompasses much, if not all of the Metzger property. However, construction of dwellings can occur if living spaces are constructed above this line. Town homes with garages on the lowest floor would seem to be a permissible type of dwelling.

Nonetheless, the low-lying character of the land apparently precluded the original developer of Society Hill--with its town home style of construction--from developing the substantial piece of land that bounds the south side of the Metzger parcel. This part of Society Hill is generally well-covered with vegetation and along with much of the Metzger property forms part of a natural drainage pattern that remains damp, especially in its lower areas, for extended periods.

Past experience also has shown that rain water drainage from Duke Street is often very heavy and naturally flows east and south down the existing draining patterns. Construction of the access road and the new buildings on the Metzger parcel may have a direct impact on increasing the quantity of water and its flow pattern on the already poorly drained part of Society Hill.

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POINT OF CONCERN: We believe that the topography of this piece of property, when considered in light of the impact of a Resource Protected Area, the placement of the 100-year flood line contour, and the general evidence of slow drainage, should preclude the development of any more than 10 town homes. The town homes have been proposed by the developer to be built only on the western half of the site. Certainly, the absence of previous development on a substantial portion of land of similar character belonging to Society Hill is precedent for strict control of any development of the parcel.

Drainage patterns, especially onto Society Hill property ought to be thoroughly evaluated by the City and the developer and an appropriate engineering solution implemented, if required.

ISSUE 2: Site Topography

Specific Point of Concern: Construction of a Deceleration Lane

DISCUSSION: Original site presentations by Rosewood depicted the construction of a deceleration lane on the east-bound side of Duke Street. to assist in exiting onto the site access road. This lane would be an estimated 12-14 feet wide and be of unspecified length. The City bike path running parallel to the south side of Duke Street would need to be relocated. All construction would be on City property that lies adjacent to a brick-and-wrought iron fence, which is the north boundary of Society Hill.

This land was conveyed to the City by the original developer of Society Hill. Since 1985, however, Society Hill has maintained the land (mowing/planting/trash pickup) at no cost to the City because of the obvious impact this green buffer has on the visual appearance of our community.

The existing green buffer space serves as both a visual and limited noise buffer for those homes on Usher Court homes within Society Hill backing up to Duke Street. Specifically, homes on Usher Court will have their master bedrooms and living rooms brought much closer to the already considerable visual, noise, and other pollution effects that emanate from traffic on Duke Street.

When the 12-14 feet of the proposed deceleration lane is combined with the width needed to reconstruct the existing asphalt bike path paralleling the south side of Duke Street, the width of the existing green space will be cut in half. Several older trees as well as a number of newer (post 1985) trees and other vegetation will have to be destroyed.

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It is our understanding that the developer no longer believes this deceleration lane necessary for his development plan.

POINT OF CONCERN: We believe the construction of a deceleration lane would have a serious, negative impact--aesthetically, economically, and on quality of life--on the owners and residents of Society Hill living adjacent to Duke Street. The existing depth of the green buffer space is even now the minimum necessary for those owners within Society Hill who have to endure in their bedrooms, living rooms, and back yards, the noise and pollution from Duke Street.

We strongly oppose the construction of such a deceleration lane.

ISSUE 3: Site Topography

Specific Point of Concern: Set Backs

DISCUSSION: Given the shallowness of the Metzger parcel, the requirement to construct an access road of given slope into the property, and the proposed physical dimensions of the town homes, we are concerned that the setbacks appropriate to the new zoning variance could not be complied with if 12 town homes are constructed as presently configured.

It is our understanding that the developer intends to build twelve (12) town homes in two facing rows of six (6) each on either side of an access road leading directly from Duke Street.

It is our understanding, given Lenox Hill as an example, that the individual town homes with garages would be approximately 22 feet wide and 36 to 38 feet deep, with fence-enclosed backyards.

It is our understanding that no additional land will be allocated to visitors parking in a 12-town home development scenario.

POINT OF CONCERN: The developer's current illustrative site plan indicates construction to be paced very close to the Society Hill property line, especially those proposed units whose backyards would be facing west. Also the south end of each six-unit group appears to terminate practically on the boundary.

We are concerned about what specific amount of land will have to be allocated to the Duke Street and rear property line setbacks. There does not seem to be enough space available in the current configuration.

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We believe that construction of 10 town homes should be considered as the best use of the property. To construct 12 town homes in the configuration presently depicted by the developer may require excessive waiving of setback and other standard building requirements.

We would be strongly opposed to any construction that was placed too close to any portions of Society Hill property, especially that portion with residences. Besides, why do neighbors have to practically live in each others' home when space may be available?

Similarly, placing new homes too close to Duke Street may in and by itself be a deterrence for any prospective purchaser.

ISSUE 4: Architectural Blending

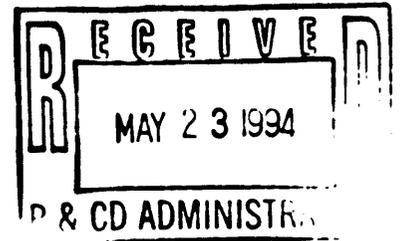
Specific Point of Concern: Compatibility of Design with Neighborhood

OBSERVATION: We believe there should be an architectural blending of the community rather than stark contrast between its component elements. Certainly the style of construction present in the Lenox Hill development would be very compatible with our neighborhood.

Blending, especially along Duke Street, in harmony with Society Hill, could be further enhanced by the following:

- (1) construction along the Duke Street portion of the Metzger parcel of an extension of the brick-and wrought iron fence that Society Hill maintains and
- (2) Developing similar landscaping patterns along the Duke Street green buffer

The developer has suggested that "blending" is possible. We would certainly encourage it and would work with developer to make it a reality.



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HARRY P. HART
CYRIL D. CALLEY
OF COUNSEL
ROBERT L. MURPHY

TO: Sheldon Lynn, Director
Barbara Ross, Deputy Planning Director
Planning & Community Development

FROM: Harry P. Hart, Esq. *Harry P. Hart*
Attorney for Ballard

RE: Proffer re: Ballard/Rosewood/Metzger Property
3750 Duke Street

DATE: May 23, 1994

If this rezoning is granted, the property will be developed in keeping with the attached plan as modified to meet zoning, engineering or staff requirements. The development, including any changes, will be subject to special use permit approval as part of a cluster development plan.

There will also be a tot lot on site as determined by the Department of Recreation or a contribution (of up to \$2,000.00) for the building, replacement or upgrading of a tot lot on another site as agreed between the Department of Recreation and the owner.

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ROBERT L. MURPHY

(703) 836-5757
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TO: The Honorable William Hurd, Chairman
and Members of the Planning Commission

FROM: Harry P. Hart, Esq.

RE: Proffer re: Ballard/Rosewood/Metzger Property

DATE: June 7, 1994

If this rezoning is granted, the applicant proffers that the only variations from the zoning code that will be pursued from the Planning Commission under the attached plan are a variation from the setback of 75 feet from the centerline of Duke Street and any variation required to allow stacked parking at each unit (one space in the garage, one in the driveway.)

There is an RPA buffer reduction (100 feet to 50 feet) that is handled by T & E S as an administrative matter.



or otherwise: agreed to at PC meeting

xc: Sheldon Lynn

ballard\proffer.607

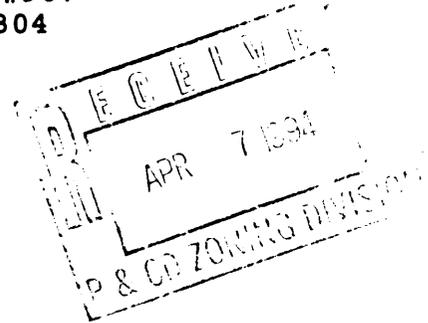
MAY 2 COMMISSION

MASTER PLAN AMEND. # 94-002
REZONING #94-002

HOLMES RUN COMMITTEE
CONVERSE WEST, CHAIRMAN
200 NORTH PICKETT STREET, #907
ALEXANDRIA, VIRGINIA 22304

April 26, 1994

Mr. William Hurd, Chairman
and Members of the Planning Commission
City Hall
Alexandria, Virginia 22314



RE: 3750 DUKE STREET

Dear Chairman Hurd and Members of the Planning Commission:

Mr. Ballard and his representative appeared at our April 7, 1994 Committee meeting and presented to us the application for townhouse zoning of the Metzger property.

After consideration, the Holmes Run Committee voted unanimously to support this application with the following conditions:

1. The applicant agrees to put a tot lot on its open space at such time as the Department of Parks and Recreation determines its appropriateness and in consultation with that Department as to the suitable play equipment.

2. The property be limited to twelve (12) townhouses.

Further, having listened to Mr. O'Kane's presentation to the Alexandria 2000 and beyond Committee regarding a future turn lane on Duke Street, it would appear appropriate that this development be set back adequately to accommodate such widening.

FOR THE HOLMES RUN COMMITTEE:

Bernard Brenman
Secretary

OVERSIZE DOCUMENT(S)

**OVERSIZE DOCUMENT(S)
FILMED SEPARATELY**

SEE DRAWING FILE