



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of April 24, 2010

DATE: March 24, 2010

SUBJECT: Request to Advertise public hearings on a proposed Zoning Ordinance amendment to Section 5 "R-20" One-Family Dwelling Districts to enable the County Board to approve by use permit one (1) building of up to 55 feet in height on a site of 100 acres or more.

C.M. RECOMMENDATION:

Adopt the attached resolution to authorize advertisement of public hearings by the Planning Commission on June 1, 2010, and the County Board on June 12, 2010, on the attached ordinance to amend, reenact, and recodify the provisions in Section 5 of the Arlington County Zoning Ordinance.

ISSUES: This is a request for authorization by the County Board to advertise an amendment to the Zoning Ordinance to allow the County Board to approve, by special exception use permit, one (1) building only of up to 55 feet in height on residentially zoned sites of 100 acres or more. Issues include potential impact on surrounding properties.

SUMMARY: Currently, the Zoning Ordinance maximum height limits in "R" districts can not be modified by the County Board. The proposed amendment would allow one (1) building to be increased to a height of up to 55 feet in "R-20" One-Family Dwelling Districts, by special exception use permit on sites of 100 acres or more, subject to a minimum 150-foot setback from streets and neighboring properties. There are currently only two (2) residentially-zoned lots of 100 acres or more in the County, both of which are country clubs. Therefore, staff recommends that the County Board authorize advertising public hearings by the Planning Commission on June 1, 2010 and the County Board on June 12, 2010, on the attached ordinance to consider amending, reenacting, and recodifying the provisions in Section 5 of the Arlington County Zoning Ordinance.

BACKGROUND: The proposed text amendment arises from staff's evaluation of a use permit amendment application from the Army Navy Country Club that proposes a new 55-foot high clubhouse in a single-family zoning district where building height is limited to 35 feet. In order to consider this issue, staff examined how height is treated in other zoning districts in relation to lot size, and found that on extremely large lots, a greater height might be considered for one (1) structure on such lots under certain circumstances that would not negatively impact either

County Manager: BMD/GA

County Attorney: CEW/MK/SAM

Staff: Peter Schulz, Planning Division, DCPHD

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surrounding properties or uses.

DISCUSSION: The maximum building height of 35 feet in the “R-20” One-Family Dwelling District applies to all “R” zoning districts where the height regulation refers back to “R-20” (“R-10”, “R-8”, “R-6”, “R-5”, and “R2-7”). The “R-20” zoning district permits a wide range of uses, such as churches, schools and country clubs, all of which are limited to the maximum building height of 35 feet, regardless of the lot size.

Other zoning districts permit greater building heights on larger lots: “S-3A” Special Districts was amended in 2005 to permit, by use permit, a maximum height of 75 feet for a high school and school administration building on sites of 19 acres or more; “RA14-26” Apartment Dwelling Districts permits, by-right, a maximum height of 60 feet for dwellings on lots of five (5) acres or more; the “RA8-18” district permits by site plan approval heights of up to 75 feet on tracts of any size and 95 feet on lots of 20 acres or more; and “C-O-A” Commercial, Office and Apartment Districts permits heights on a progressive scale based on lot size.

The proposed amendment to Section 5.B of the Zoning Ordinance would permit the County Board, by special exception use permit, and therefore with a public review process, to approve building heights, for one (1) building only, of 55 feet on lots of 100 acres or more (see table below). The 100 acre minimum lot size would strictly limit the applicability of the text amendment to extremely large tracts of land where the possible impact on adjacent neighborhoods of a 55-foot high building could be mitigated by careful placement. Allowing the heights only by use permit would ensure that they have a public review process. A minimum 150-foot setback from public rights-of-way and neighboring properties is proposed to be required, to minimize the impact on neighboring properties and to provide a space in which the property owner could agree to provide landscaping and appropriate buffering and transition between a taller structure and the property boundaries.

In addition, the suggested text amendment language includes a maximum permissible height for penthouses, cupolas, flagpoles and other non-architectural features of up to 15 feet above the increased building height permitted by use permit approval. Ordinarily, the Zoning Ordinance permits a maximum height of 23 additional feet for penthouses and non-architectural features, in addition to the permitted building height.

Having this provision available only by use permit would allow the Board to consider the proposal’s impact on the surrounding properties, the placement of the building, and the off-setting community benefits offered on a case-by-case basis. The suggested text amendment will not affect by-right heights in “R” districts.

The text amendment would not apply to zoning districts that do not refer back to “R-20” for height regulations, such as “S-3A”. Properties zoned “S-3A” will continue to be limited to the maximum building height of 45 feet (75 feet for school buildings).

Table 1. Tracts in Arlington County of 100 acres or more

Tract	Acres	Zoning
Washington National Airport*	723	“S-3A”
Arlington National Cemetery*	620	“S-3A”
Fort Myer Military Reservation*	256	“S-3A”
Army Navy Country Club	254	“R-6”
Pentagon Reservation*	233	“S-3A”
Washington Golf and Country Club	121	“R-10”
Glencarlyn Park	98	“S-3A”

COMMUNITY PROCESS: The proposed amendment was presented to the Zoning Committee of the Planning Commission at their September 8, October 20, and November 10, 2009 meetings. Staff incorporated the Zoning Committee’s concerns about impact on adjacent properties by incorporating minimum setback requirements, and reducing height limits on penthouses and architectural features to 15 feet, instead of the 23 feet allowed by the Zoning Ordinance.

CONCLUSION: It should be noted that a recommendation of a request to advertise does not imply support of approval of the proposed text amendment. Therefore, staff recommends that the County Board adopt the attached resolution to authorize advertisement of public hearings by the Planning Commission on June 1, 2010, and by the County Board on June 12, 2010, on the attached zoning ordinance amendment to allow by use permit, building heights of up to 55 feet in the “R-20” district, in order to facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

* These properties are owned by the Federal Government, and while under Federal ownership are not subject to Arlington County zoning laws.

RESOLUTION TO AUTHORIZE THE ADVERTISEMENT OF PUBLIC HEARINGS TO CONSIDER THE PROPOSED AMENDMENT TO SECTION 5 OF THE ARLINGTON COUNTY ZONING ORDINANCE AT THE JUNE 1, 2010, PLANNING COMMISSION AND THE JUNE 12, 2010, COUNTY BOARD MEETINGS TO ALLOW ONE (1) BUILDING A HEIGHT OF UP TO 55 FEET ON LOTS OF 100 ACRES OR MORE SUBJECT TO USE PERMIT APPROVAL; AND IN ORDER TO FACILITATE THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY; TO FACILITATE ECONOMIC DEVELOPMENT; AND FOR OTHER REASONS REQUIRED BY THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE AND GOOD ZONING PRACTICE.

The County Board of Arlington County hereby resolves to authorize advertisement of the following amendments to Section 5 of the Arlington County Zoning Ordinance for public hearings at the June 1, 2010, Planning Commission and the June 12, 2010, County Board meetings. The amendment would amend, reenact and recodify the Zoning Ordinance provisions in order to allow one (1) building a height of up to 55 feet on lots of 100 acres or more subject to use permit approval; and in order to facilitate the creation of a convenient, attractive and harmonious community; to encourage economic development; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice:

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1 **SECTION 5. "R-20" ONE-FAMILY DWELLING DISTRICTS**

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B. Height Limit.

No building nor the enlargement or any building shall be hereafter erected to exceed thirty-five (35) feet. Provided, however, that the County Board may, on lots of 100 acres or more, by use permit approval in accordance with Section 36.G, approve an increase in the height of one main building to 55 feet. Notwithstanding the provisions of subsection 31.B. of this ordinance, when a use permit is approved with such a height increase, the County Board may approve non-occupiable architectural features such as cupolas, flagpoles and chimneys that are no more than 15 feet in height above the height of the main building. Height increases allowed under this subsection 35.B may only be approved where the main building is set back a minimum of 150 feet from all lot lines and public rights-of-way.
