



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of January 22, 2011**

DATE: January 13, 2011

SUBJECT: Request to Advertise “On The County Board’s Own Motion” a public hearing on a proposed rezoning from "R-6" One-Family Dwelling Districts to "S-3A" Special Districts, for 414 and 420 North Fillmore Street (Lyon Park Community Center and associated private park). (RPC #18-050-001).

C.M. RECOMMENDATION:

Authorize advertisement of a public hearing by the County Board on March 12, 2011 “On The County Board’s Own Motion” for a proposed rezoning from "R-6" One-Family Dwelling Districts to "S-3A" Special Districts, for 414 and 420 North Fillmore Street (Lyon Park Community Center).

ISSUES: This is a request for authorization from the County Board to advertise on its own motion a public hearing to consider rezoning the property at 414 and 420 North Fillmore Street, known as the Lyon Park Community Center and associated grounds, from “R-6” to “S-3A”. The Board of Governors of the Lyon Park Community Center consents to the proposed rezoning. There are no known issues at this time.

SUMMARY: This is a request to authorize advertisement of public hearings, on the County Board’s own motion, to consider rezoning the Lyon Park Community Center and the associated 2.3 acre private park from “R-6” to “S-3A”.” The Community Center and grounds are privately owned. The use of the property is currently nonconforming to the “R-6” zoning regulations, but if rezoned to “S-3A” the center would be a conforming use. The General Land Use Plan (GLUP) designation for the site is “Semi-Public”, and the “S-3A” zoning district most closely corresponds to the GLUP designation and to the actual use of the property as a community center, and as passive and active recreation space. The proposed rezoning would also eliminate the possibility of future residential subdivision and development at an “R-6” density. As this is an amendment advertised by the County Board in the public interest, there will be no fee charged to the applicant. Therefore, staff recommends that the County Board authorize advertisement, “On Its Own Motion, a public hearing on March 12, 2011 on a proposed rezoning from "R-6" One-Family Dwelling Districts to "S-3A" Special Districts for 414 and 420 North Fillmore Street

County Manager: *BMD/GA*

County Attorney: *CWM* *AM*

Staff: Peter Schulz, Planning Division, DCPHD

PLA-5814

23.

(Lyon Park Community Center).

BACKGROUND: The Lyon Park Community Center was established in 1924, and constructed about one (1) year later as an effort by the citizens of the new subdivision of Lyon Park to provide recreation and meeting space for the community. The grounds around the Community Center are a private park used for active and passive recreation, including a playground. The property is privately owned by the not-for-profit Lyon Park Community Center, and administered by a Board of Governors. The property was developed and the use as a community building and private park was established before the adoption of Arlington County's first zoning ordinance (1930) and is considered a legally nonconforming use. The subject property has been zoned "R-6" One-Family Dwelling Districts since the adoption of the current Arlington County Zoning Ordinance in 1950. The "R-6" district (referring back to "R-20") requires a special exception use permit for "community buildings", as well as non-commercial "clubs and grounds for games and sports".

The property has been designated "Semi-Public (Country clubs and semi-public recreational facilities. Churches, private schools and private cemeteries [predominant use on block].)" on the General Land Use Plan since the adoption of the first GLUP in 1961. A legend on the GLUP states that "S-3A" and "S-D" are the most appropriate zoning designations for a "Semi-Public" space.

Other semi-public (i.e., not owned by the County Government or School Board) community centers and recreation grounds in Arlington include Lyon Village Community Hall (zoned "R-6" and designated "Public" on the GLUP), and the Barcroft School and Civic League Center (zoned "R-6" and designated "Low Residential 1-10 du/acre" on the GLUP). Both community center uses were established before the adoption of the current Zoning Ordinance, and are also currently nonconforming.

DISCUSSION: The Lyon Park Community Center and private park is currently nonconforming to the Zoning Ordinance, as no use permit has been approved for either use. Also, the main structure on the site, the Community Center, was built in 1925, and does not conform to the Zoning Ordinance in several ways, including setbacks and parking. In discussions with County staff about the possibility of renovating the 85-year-old Community Center building, it was suggested that possibly rezoning the entire property from "R-6" to "S-3A" would result in the Community Center and private park becoming "by-right" uses, as opposed to legally nonconforming and requiring the applicant to go through the use permit process, as well as bringing the property into conformance with the vision of the General Land Use Plan ("S-D" designation is not considered appropriate in this context as "S-D" does not permit private recreational areas or community centers, either by right or by special exception). In addition, if the property were to be sold by the community for development, "S-3A" designation would permit the construction of only one (1) single family house by -right, rather than potential by-right residential development at an "R-6" density. As this is an amendment advertised by the Board in the public interest, per the Board's adopted FY 2011 fee schedule there will be no fee charged to the applicant. The Board of Governors of the Lyon Park Community Center consent to the proposed rezoning (attached).

CONCLUSION: It should be noted that a recommendation to authorize advertisement does not imply support of approval of the proposed rezoning. However, for the County Board to consider the rezoning, a public hearing must be advertised. As this is an amendment advertised on the

County Board's own motion in the public interest, per the Board's adopted FY 2011 fee schedule there will be no fee charged to the applicant. Therefore, staff recommends that the County Board advertise a public hearing by the County Board on March 12, 2011, to consider on its own motion the proposed rezoning from "R-6" One-Family Dwelling Districts to "S-3A" Special Districts for 414 and 420 North Fillmore Street (Lyon Park Community Center and associated private park).

Lyon Park Community Center
Board of Governors
414 North Fillmore St.
Arlington, Virginia 22201

Mr. Jay Fisette
Chair, Arlington County Board
2100 Clarendon Blvd.
Suite 300
Arlington, VA

December 10, 2010

Dear Mr. Fisette:

The Board of Governors of the Lyon Park Community Center (LPCC – a 501(c)(3) corporation) seeks your guidance and support as our community begins the next phase of renovation and expansion of the Lyon Park Community House. This building is located in Lyon Park at the intersection of Pershing Drive and N. Fillmore St. As a resident of the neighborhood yourself, you no doubt recognize that the Community House and Park are of singular importance to our community. We have a collective role in maintaining this historic community asset.

For some time, many members of the Lyon Park community have been working on this project. We completed a multi-year community design process late in 2009—it culminated in an all-day design workshop. The Lyon Park Community Association, the Woman's Club and the Lyon Park Community Center Board of Governors endorsed the final design earlier this year. We are now running a capital campaign to raise funds for construction. To date, more than \$200,000 has been committed to the renovation. We have also engaged a local architect to prepare detailed design and construction drawings.

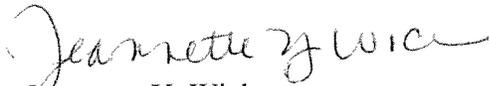
As part of this effort, several members of our Building Committee [Gary Putnam (a trustee of the building), Ken Bell (a resident and member of the committee and the Board) and Brian Harner (architect with LAB of Arlington)] reviewed our proposal with Shahriar Amiri and Melinda Artman. Our purpose was to identify any major code issues that might affect the project. We learned that since the property is zoned "R-6," the community center and park are non-conforming under current zoning regulations. As a result, the building cannot be expanded by-right.

Staff advised us we could pursue two options. The first is rezoning of the property from "R-6" to "S-3A" which would make both the park and the community center by-right uses while eliminating any future possibility that the 2.3 acres of the Park be redeveloped with single-family houses. This alone is a powerful commitment to preserving the historic nature of our community. Moreover, the "S-3A" zoning is consistent with the existing General Land Use Plan designation which would bring the use of the park into line with Arlington County's long term land use plan.

The second option would be to seek County Board approval of a Use Permit for the Community House and Park use. This would continue the non-conforming nature of its current use.

The Board of Governors has discussed these options at some length and favors the first option—rezoning S-3A—in large part because it brings the building and the park into compliance with the County’s use plan and zoning. Having met with you in July, we appreciate your support for this approach as the use question must be resolved before we can seek permits and begin construction. As the representative of the LPCC Board of Governors, I seek County Board approval of our plans.

Sincerely,

A handwritten signature in cursive script that reads "Jeannette Y. Wick". The signature is written in black ink and is positioned above the printed name.

Jeannette Y. Wick
Chair, LPCC Board of Governors

