

OUTLINE OF TESTIMONY TO THE ZONING COMMISSION

CASE NO. 08-06-7 ZONING REGULATIONS REWRITE CAMPUS/INSTITUTIONAL

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- I. Introduction
- II. All institutional uses in residential zones should be subject to same regulatory structure with requirements determined by size and impact rather than the type of use

Comments/questions:

A. What is an "institutional" use?

- 1. Notice cites to private schools, churches, chanceries and hospitals
- 2. What about other uses permitted in residential zones; e.g., public schools, other public and government uses, museums, clinics, child development centers?
- 3. Is this loosely intended to mean "anything other than residential?"

B. What about other zones that currently have discretionary review standards and processes for institutional uses (e.g., colleges in SP and CR, hospitals or clinics in CR)?

- III. Institutional uses with more than 300,000 square feet of gross floor area would be required to submit a campus plan
 - A. Campus Plan valid for 10 years
 - B. Uses and buildings approved in the Plan would require no further review

- C. Uses below 300,000 square feet could either submit a campus plan for a ten year period or submit separate special exception applications for each development project

Comments/questions:

- A. Confirm our assumption that campus plan cases go to the Zoning Commission and special exceptions to the BZA**
 - B. What is the minimum threshold to be subject to review?**
 - 1. Will there be any matter-of-right "institutional" uses or will "institutional" uses of any size be subject to some kind of review?**
 - 2. Will all non-residential uses be subject to some kind of review? (see question about what constitutes an institutional use, above)**
 - C. What about uses that were previously subject to campus plan review, where the plan is or will expire but where no new construction is proposed or change from existing conditions will occur? Those uses should be allowed to continue without having to go back for a discretionary review.**
 - D. Special exception process for private schools has worked well, has the same citizen participation and essentially the same review process**
- IV. Create criteria for what information and analysis must be in a Campus Plan

Comments:

- A. Should be flexibility to determine the level of response to each category (e.g., some campuses may have no historic considerations, others may have less need for wayfinding and signage)**
- B. Also need to create criteria against which Zoning Commission will judge applications; assume that the criteria will be in the nature of a special exception**
- C. Requirement to provide information on "community benefits" should not turn this review into a PUD-like process with a balancing test**

- V. Unanticipated uses or additions, up to 3,500 square foot should be permitted without having to go through a campus plan review or amendment process

Comments:

Support, but suggest that the Commission consider raising that level (3,500 square feet is only about 1% of the minimum threshold to be subject to the campus plan review process and is a far smaller percentage of the size of most larger institutional campuses)

- VI. Create criteria for what information and analysis must be in a special exception application

Comments:

- A. Should be flexibility to determine the level of response to each category (e.g., some campuses may have no historic considerations, others may have less need for a multi-modal transportation plan)**
- B. Also need to create criteria against which Zoning Commission will judge applications**
- C. Requirement to provide information on "community benefits" should not turn this review into a PUD-like process with a balancing test**

- VII. Allow ancillary non-residential uses for institutional uses as part of a campus plan but not as part of a special exception

Comments:

- A. No reason to exclude ancillary (accessory) uses from special exception review**
- B. Every hospital, regardless of size, has a gift shop, a flower shop, food services, etc., most houses of worship, regardless of size, have shops that sell religious articles**
- C. BZA is competent to determine whether impacts can be tolerated or are excessive**

VIII. Conclusions

- A. Non-residential uses can be compatible with residential zones**
- B. Even the Comprehensive Plan talks about the range of services needed to support residential areas**

- C. Not all institutional uses need to be subject to a discretionary review**
- D. More specific standards as to what needs to be in a campus plan or special exception application are helpful to all involved; the inclusion of specifics in the Regulations as to what a plan should address is not radically different from current practice**
- E. Allowing uses and buildings approved in a campus plan to proceed without further review is a time saving and beneficial step**