

Docket Item #19
VACATION #2004-0001

Planning Commission Meeting
September 9, 2004

ISSUE: Consideration of a request for vacation of a public right-of-way.
APPLICANT: Ruby R. Schropp
LOCATION: 700 South Lee Street
ZONE: RM/Residential Medium

CITY COUNCIL ACTION, SEPTEMBER 21, 2004: City Council deferred this item at the request of the applicant.

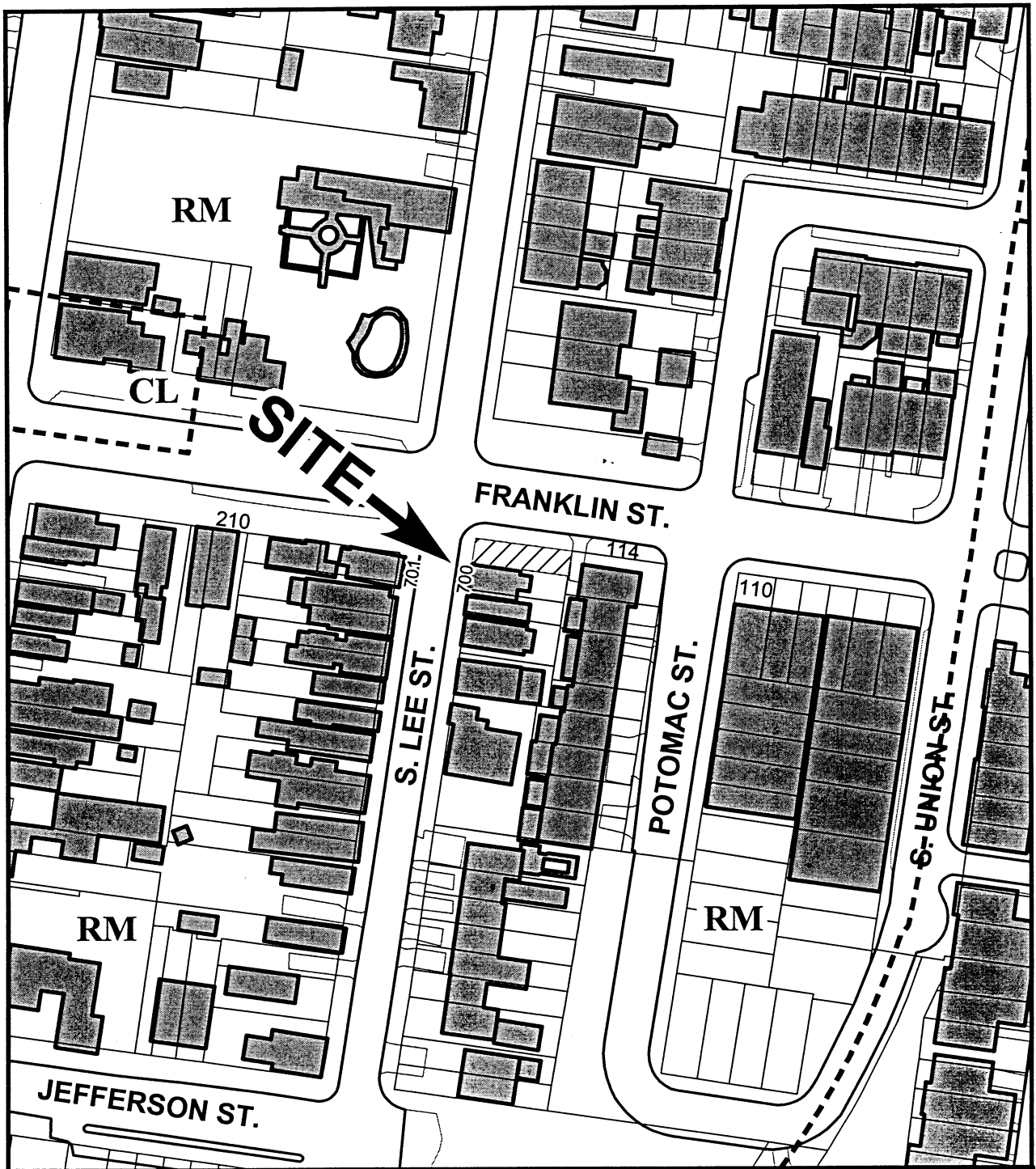
PLANNING COMMISSION ACTION, SEPTEMBER 9, 2004: On a motion by Mr. Jennings, seconded by Mr. Komoroske, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Tyler Schropp, represented the application on behalf of Mrs. Schropp.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the permit conditions found in Section III of this report.



VAC #2004-0001

09/09/04



I. DISCUSSION

REQUEST

The applicant, Ruby R. Schropp, requests the vacation of an area at the corner of Franklin and South Lee Streets.

SITE DESCRIPTION

The subject property is right-of-way land with 17 feet of frontage on South Lee Street, 62.50 feet of frontage on Franklin Street, and a total area of 1,062.5 square feet. The applicant is the owner of the adjacent property, 700 South Lee Street, which is one lot of record with approximately 18.25 feet of frontage on South Lee Street, 62.50 feet of depth, and a total lot area of 1,143 square feet. The property is occupied by a residential three-story dwelling unit of approximately 1,217 square feet. The surrounding area is occupied by residential townhouses.

PROJECT DESCRIPTION

The applicant requests a vacation of the 1,062.5 square feet of Franklin Street to consolidate it with her existing property at 700 South Lee Street (see attached plat). If the vacation request is approved, the applicant's total lot area will be approximately 2,205.5 square feet, adding 17 feet of frontage on South Lee Street.

The applicant uses and maintains the vacant property, which is currently planted with grass, shrubs, and one crabapple tree. She has no immediate plans to build on the vacated area; however, the applicant has considered building a driveway at the existing curb cut along Franklin Street and working with the City on constructing a sidewalk to fill in the gap between the sidewalk to the east side of the property and to the west, across from Lee Street.

DEVELOPMENT POTENTIAL

According to Section 3-1106 (C) of the zoning ordinance, the maximum permitted floor area ratio in the RM zone is 1.5. The private lot at 700 South Lee Street now includes 1,143 square feet of land and 1,217 square feet of building area, resulting in a building with a floor area ratio of 1.06. Technically, an additional 497.5 square feet could be added to the existing building under the zoning regulations for a maximum building area of 1,714.5 square feet. If the proposed vacation is approved and the additional land consolidated into the existing lot, the current building will amount to a .55 floor area ratio. In that case, theoretically, an additional 2,091.3 square feet of building area would be allowed to be built for a maximum total building area of 3,308.3 square feet.

BACKGROUND

From a right-of-way perspective, City Council adopted a policy in 1979 stating that the City would entertain requests to vacate the public right-of-way along Franklin Street by the adjacent property owners (Ordinance #2425). Since that time, the City Council has approved a number of requests for vacations along Franklin Street (see attached map). Some recent approvals include: 1,245 square

feet at 109 Franklin Street (VAC#2001-0004), 50 square feet at 108 Franklin Street, at South Union (VAC #2000-0002), 599 square feet at 111 Franklin Street (VAC#99-0008), and a very similar case last winter on the south east corner of Royal and Franklin Streets (VAC2003-0006). In 1988, Ordinance No. 3348 approved the vacation of the same size land adjacent to the subject site, located on the corner of Franklin and Potomac Streets. In that case, no specific development limitations were attached to the vacation so that the property owner had permission to build structures in accordance with the applicable zoning regulations. Today, a driveway and townhouse is located on the consolidated lot, encroaching into a portion of the vacated land, and therefore extending beyond the building line of the applicant's house located at 700 S. Lee Street.

ZONING / MASTER PLAN

The subject property is zoned RM/Townhouse zone, and is located in the Old Town Small Area Plan.

II. STAFF ANALYSIS

Staff supports the applicant's request for a vacation of the public right-of-way located adjacent to 700 South Lee Street, and notes that the proposed vacation request is similar to other vacations that the City Council has previously granted along Franklin Street. The proposed vacation will leave 66 feet of public right-of-way as required by the 1979 ordinance.

Staff is concerned about the loss of public land, especially green areas, and about creating additional development opportunities through the sale of public land to private owners. Last year, when a similar case seeking to vacate right-of-way at South Royal Street was before the City, Council discussed its policy in terms of open space and with regard to the valuation of the land to be vacated. As a result of its discussion of vacation policy, Council acted in two ways. First, it approved the South Royal Street vacation application, but required that the approval include the condition recommended by staff that precluded future development potential from the vacated public land. Second, on February 10, 2004, Council adopted a new valuation policy for vacated city land, essentially distinguishing between those cases where development rights accrue to the purchaser of city land and those where they do not. In addition, Council asked that staff advise about new vacation cases early in the process, and directed that the proceeds from right-of-way vacations be allocated to the City's Open Space Fund.

In this case, Planning staff provided Council with a copy of the vacation case when it was filed. In addition, the applicant is agreeable to a condition that specifically prevents the creation of any additional development rights as a result of this vacation and has been told by staff that they are unlikely to achieve approval of a driveway and parking space (see Condition #3) because it would interfere with the existing green space and would run afoul of Condition #3. Finally, the Office of Real Estate Assessments has calculated the value of the land pursuant to Council's adopted policy, given the limitation on future development.

Therefore, consistent with Council's action on the last Franklin Street vacation case, and consistent with its policy discussions last year, staff recommends approval.

III. PERMIT CONDITIONS

1. The vacated area is to be consolidated into the adjoining property, and the plat of consolidation filed with the Departments of Planning and Zoning and Transportation and Environmental Services. (T&ES) (P&Z)
2. Easements must be reserved for all existing public and private utilities within the area to be vacated. (T&ES)
3. The property owners may not construct any buildings, or improvements, including driveways and parking spaces, on the vacated area other than approved perimeter fencing and may not use the vacated land area to derive any increased development rights for the lands adjacent to the vacated area, including increased floor area, subdivision rights or additional dwelling units. This restriction shall appear as part of the deed of vacation and shall also appear as a note on the consolidation plat, both of which shall be approved by the Director of Planning and Zoning prior to recordation. (P&Z)

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Bettina Irps, Urban Planner.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 The vacated right-of-way shall be consolidated with the existing lot, and the plat of consolidation shall be filed with Planning and Zoning Department.
- R-2 Easements shall be retained for all public and private utilities located within the vacated street right-of-way.

Code Enforcement:

- F-1 No comments.

Recreation, Parks & Cultural Activities (Arborist):

- F-1 If there is a condition restricting development on the proposed land, and consistent with Council policy, we support the vacation application.

Real Estate Assessments:

- F-1 On February 10, 2004 City Council adopted a general policy for the valuation of vacated city right-of-ways. The applicant for vacation of the portion of Franklin Street adjacent to 700 South Lee Street has agreed to place a restriction on the deed prohibiting additional development on the land to be vacated, and not to utilize any density or other development rights associated with the vacated land area. As such, and following the general policy adopted by City Council, the indicated market value based on abutting assessments and with the restrictions on the use of the vacated area is \$32,100.

This was determined by applying the 2004 assessed value of the abutting property which is \$151.22 per square foot times the square footage to be vacated (1,062 square feet) equals \$161,600. This value is then reduced by 80% to adjust for the restrictions in use placed on the property. The remaining value at 20% is \$32,100. This consistent with the valuation of other open space parcels in the city and is reduced based on the property rights that the owner has agreed to give up in order to acquire this property pursuant to this vacation.

VAC #2004-0001
700 South Lee Street

Police Department:

F-1 No objections.

APPLICATION for VACATION # 2004-0001

[must use black ink or type]

PROPERTY LOCATION: vacant lot beside 700 S. Lee Street, Alexandria

TAX MAP REFERENCE: 81.03-01-36 ZONE: RM

APPLICANT'S NAME: Ruby R. Schropp

ADDRESS: 700 S. Lee Street, Alexandria VA 22314

PROPERTY OWNER NAME: Same as above

(Owner of abutting area to be vacated)

ADDRESS: _____

VACATION DESCRIPTION: corner lot beside 700 S. Lee Street,

1062 sq. ft

THE UNDERSIGNED hereby applies for a Vacation Ordinance in accordance with the provisions of Chapter 10 of the Code of the State of Virginia, the Alexandria City Charter and City Code, and the Alexandria Zoning Ordinance.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Ruby R. Schropp
Print Name of Applicant or Agent

R.R. Schropp
Signature

700 S. Lee Street
Mailing/Street Address

703 549 5734 703 549 0138
Telephone # Fax #

Alexandria, VA 22314
City and State Zip Code

4/29/2004
Date

=====**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**=====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

33.04'

SUBDIVISION OF THE LAND OF
NETTIE G. EMBREY
LOT 600

35.25'

S 09°30'00" W
17.00'

18.25'

CITY NORTH

62.50'

62.50'

22'

EX. ROW
PORTION OF
FRANKLIN STREET
HEREBY VACATED
AREA = 1,062.5 S.F.

POWER/
RATIO

OK -
hang

S 80°49'00" E

N 80°49'00" W

Z-ORDER
FF: 36.46
LF: 23.00
HF: 3.50

#700

17.00'
N 09°30'00" E

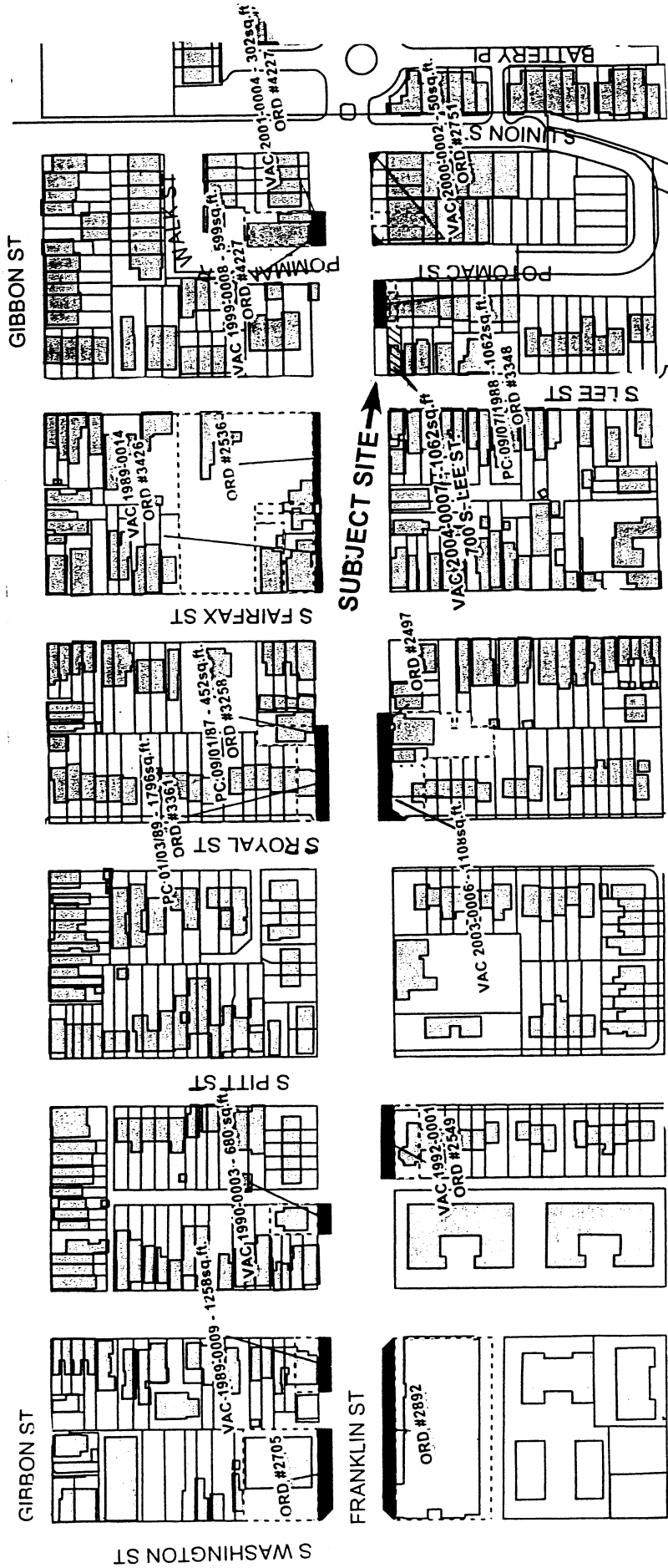
25.00'

MONUMENT LINE

SOUTH LEE STREET

GRANTED VACATIONS ALONG FRANKLIN STREET

(depicted in black)



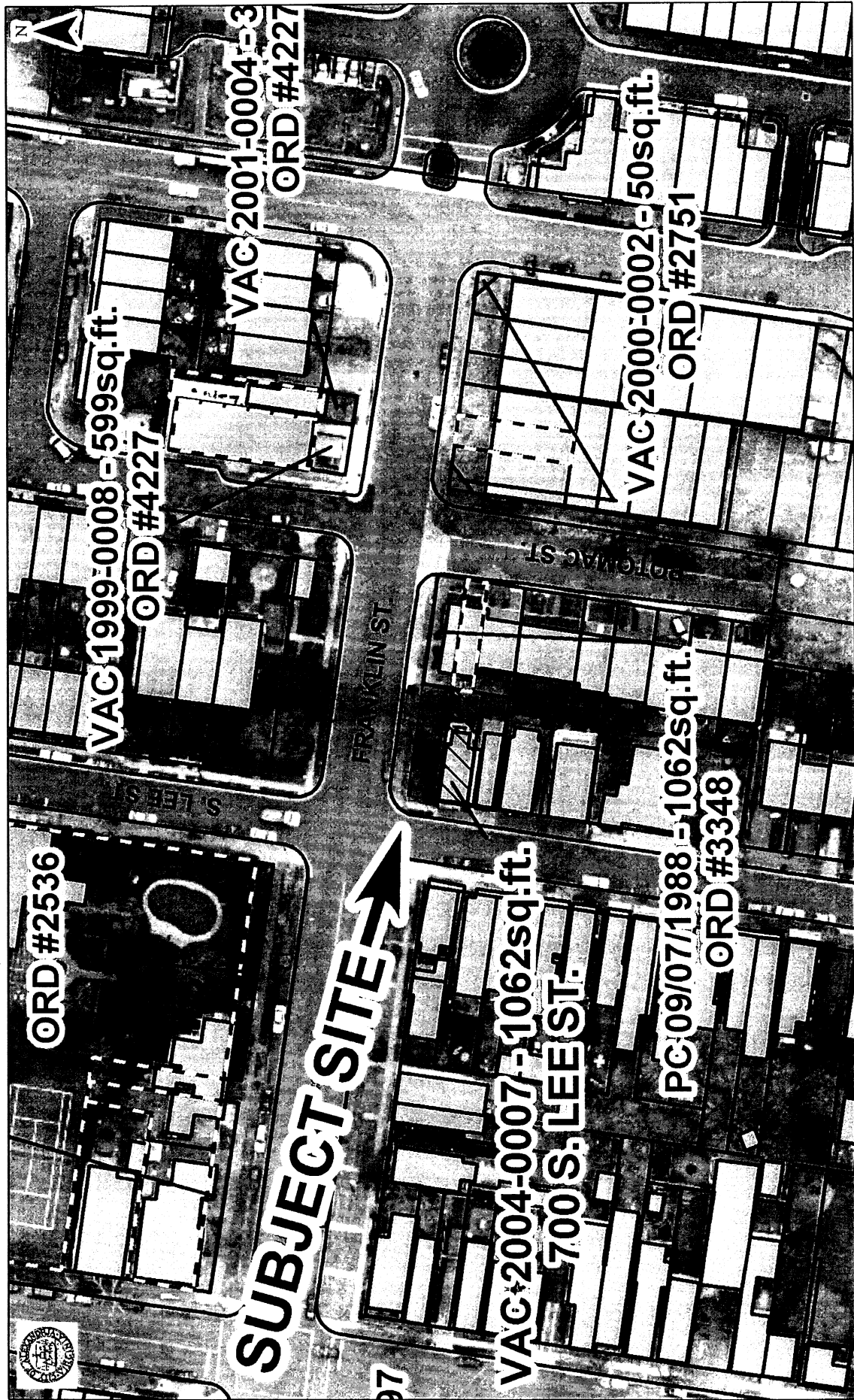


SUBJECT SITE

WILKE



AREAL OF SUBJECT SITE AND GRANTED VACATIONS IN THE IMMEDIATE AREA



Timothy E. Bright
734 South Lee Street
Alexandria, VA 22314

PC Docket Item #19
VAC 2004-0001

September 3, 2004

Alexandria Planning Commission
301 King Street
Alexandria, VA 22313

Dear Sir or Madam:

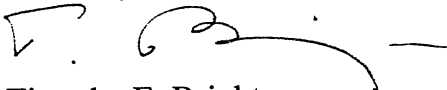
This letter is in regards to the request for vacation of a public right-of-way at 700 South Lee Street (Docket Item #19, Vacation #2004-0001), which is scheduled for the Planning Commission Meeting on September 9.

On behalf my family—and the several other families with young children—who reside on the 700 block of South Lee Street, I request that the permit conditions found in Section III of the report be expanded to include the addition of a sidewalk at the corner of Franklin and South Lee Streets in order to fill the gap between the sidewalk to the east side of the property proposed for vacation and to the west, across from Lee Street.

The lack of a sidewalk presents a significant safety challenge, especially for families with baby strollers, toddlers, or handicapped individuals attempting to access Fords Landing Waterfront Park from the 700 block of Lee Street and the surrounding area.

My discussions with the staff of the Department of Planning and Zoning indicate that the City places a priority on maintaining the existing green space and that a sidewalk is not a main concern for the property. (However, the report indicates that perimeter fencing for the site could be permitted—calling into question the value derived from “green space” preservation.) In my family’s view, the right-of-way land should serve the public’s safety interests first—which includes sidewalks for our children and others.

Sincerely,



Timothy E. Bright

APPLICATION for VACATION # 2004-0001 ¹¹⁵

[must use black ink or type]

PROPERTY LOCATION: vacant lot beside 700 S. Lee Street, Alexandria

TAX MAP REFERENCE: 81.03-01-36 ZONE: RM

APPLICANT'S NAME: Ruby R. Schropp

ADDRESS: 700 S. Lee Street, Alexandria VA 22314

PROPERTY OWNER NAME: same as above

(Owner of abutting area to be vacated)
ADDRESS: _____

VACATION DESCRIPTION: corner lot beside 700 S. Lee Street,
1062 sq. ft

THE UNDERSIGNED hereby applies for a Vacation Ordinance in accordance with the provisions of Chapter 10 of the Code the State of Virginia, the Alexandria City Charter and City Code, and the Alexandria Zoning Ordinance.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 19 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Ruby R. Schropp
Print Name of Applicant or Agent

R.R. Schropp
Signature

700 S. Lee Street
Mailing/Street Address

703 549 5734 703 549 0138
Telephone # Fax #

Alexandria, VA 22314
City and State Zip Code

4/29/2004
Date

=====**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**=====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: 11/13/04 CC approved the vacation 7-0) (see attached

and 3:00 p.m. EST, on school days. *In general, the applicant shall comply with applicable provisions of the Noise Control Ordinance, including Section 11-5-4 and Section 11-5-5 (related to noise levels for motorized construction devices);*" (4) modify Condition #90 to read as follows: "Prior to issuance of a demolition permit for existing structures on the site, the applicant shall submit an asbestos removal and fugitive dust control plan to the Code Enforcement Division;" (5) modify Condition #85(a) to read as follows: "Construction trucks removing debris shall arrive and depart from the site via North Royal Street unless directed otherwise by the Director of T&ES;" (6) include in condition #22 a noise suppression plan to be determined by the Director of Transportation and Environmental Services; and (7) encourage the applicant to work with Habitat for Humanity Restore program for reuse of leftover building materials.

Council Action: _____

16. DEVELOPMENT SPECIAL USE PERMIT #2003-0019
1180 & 1100 PENDLETON STREET, 1121 & 1101 ORONOCO STREET AND
511 N. FAYETTE STREET.
THE MONARCH (HENNAGE PROPERTY)
Public Hearing and Consideration of a request for a development special use permit, with site plan and modifications to construct a residential building with ground floor retail; zoned CRMU-H/Commercial Residential Mixed Use High.
Applicant: Diamond Alexandria, LLC by Harry P. Hart, attorney

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 6-1

City Council held the public hearing and approved the recommendation of the Planning Commission with the following modifications: (1) the addition of condition #101 stating, "the applicant shall relocate 2-3 units that are recommended to be eliminated to minimize the perceived mass and scale on North Henry Street to the satisfaction of the Director of Planning and Zoning;" (2) to include language in condition #16(2) concerning additional bike racks stating, " the applicant shall reserve additional spaces for expansion to the satisfaction to the Director of Transportation and Environmental Services;" (3) include language in condition #85 that gives staff the option of allowing the developer to make a monetary contribution of \$1 million to the Housing Trust Fund in lieu of the 5 affordable units; (4) remand the restaurant special use permit back to the Planning Commission for public hearing and public comment; (5) modify the language in condition 17(j) to state, "A public art feature that is an appropriate scale for the space shall be provided and permanently mounted within the public pocket park, located in consultation with the Director of Planning and Zoning and the Arts Commission;" (6) include language in condition #40 stating, "the applicant shall develop a plan of communication with the community in consultation with the Departments of Planning and Zoning and Transportation and Environmental Services;" and (7) encourage the applicant to work with Habitat for Humanity Restore program for reuse of leftover building materials.

Council Action: _____

17. TEXT AMENDMENT #2004-0008
AMENDMENT TO NONCOMPLYING USE REGULATION APPLICABLE TO
COAL FIRED POWER PLANTS
Public Hearing and Consideration of a request for a text amendment to the Zoning Ordinance to revoke the noncomplying use status of coal fired power plants, which was granted in 1992, and to categorize such plants as nonconforming uses, subject to abatement. Applicant: City of Alexandria, City Attorney's Office.

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

City Council held the public hearing and approved the Planning Commission recommendation.

Council Action: _____

18. VACATION #2004-0001
700 SOUTH LEE STREET

Public Hearing and Consideration of a request for a vacation of a public right-of-way; zoned RM/Residential Medium. Applicant: Ruby R. Schropp (Deferred from the 9/21/04 meeting)

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

City Council held the public hearing and approved the Planning Commission recommendation. The following viewers were appointed: Rodger Digilio, Gila Harris and John Hines.

Council Action: _____

19. SPECIAL USE PERMIT #2003-0115
301 LAVERNE AVENUE
SUBSTANDARD LOT DEVELOPMENT
Public Hearing and Consideration of a request for a special use permit to construct a single family dwelling on a substandard lot and for a parking reduction; zoned R/Residential. Applicant: Brett D. Rice (Deferred from the 9/21/04 and 10/16/04 meetings)

PLANNING COMMISSION ACTION: RECOMMEND DENIAL 7-0

City Council held the public hearing and approved the Planning Commission recommendation for denial.

Council Action: _____

ORDINANCES AND RESOLUTIONS

20. Public Hearing, Second Reading and Final Passage of an Ordinance to Convert Four Designated Positions on the Sister Cities Committee For Representatives From the Police Department, Fire Department, Alexandria Convention and Visitors Association and the School Board to Four Citizen Voting Members. (#15, 11/9/04)(ROLL-CALL VOTE)

City Council passed the ordinance to convert four designated positions on the Sister Cities Committee for representatives from the Police Department, Fire Department Alexandria Convention and Visitors Association and the School Board to four voting members. (Ord. No. 4365)

Council Action: _____

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (21-22)

Planning Commission (continued)

21. SPECIAL USE PERMIT #2004-0089
1300 & 1400 NORTH ROYAL STREET
MIRANT POTOMAC RIVER GENERATING STATION
Public Hearing and Consideration of a request for the revocation of Special Use Permit #2296, granted in 1989, which approved the construction and use of 18,000 square feet of administrative offices, laboratories, conference, training and other space at the Mirant Potomac River Generating Station. Applicant: City of Alexandria, City Attorney's Office.

PLANNING COMMISSION ACTION: DEFERRED

22. SPECIAL USE PERMIT #2004-0090
1300 & 1400 NORTH ROYAL STREET
MIRANT POTOMAC RIVER GENERATING STATION
Public Hearing and Consideration of a request for the revocation of Special Use Permit #2297, granted in 1989, which approved the Transportation Management Plan required for the Mirant Potomac River Generating Station. Applicant: City