

Docket Item #15
VACATION #2003-0006

Planning Commission Meeting
November 6, 2003

ISSUE: Consideration of a request for vacation of right-of-way on the Franklin and South Royal Streets public rights-of-way.

APPLICANT: William Savage and Ilona Garrad
represented by Harry Hart, attorney

LOCATION: 700 South Royal Street and a portion of Franklin Street

ZONE: RM/Residential

STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The applicant shall pay fair market value for the area to be vacated as determined by the Office of Real Estate Assessments. (T&ES)
2. The vacated area is to be consolidated into the adjoining property. (T&ES)
3. Easements must be reserved for all existing public and private utilities within the area to be vacated. (T&ES)

DISCUSSION:

1. The applicant, William H. Savage and Ilona S. Garrard, by Harry P. Hart, attorney, request the vacation of an area at the corner of Franklin and South Royal Streets.
2. The subject parcel is one lot of record with approximately 26 feet of frontage on South Royal Street, 64 feet of frontage on Franklin Street, and a total lot area of 1,108 square feet. The applicant sees to the maintenance of the vacant property, and it is currently planted with grass and bordered with plants, shrubs, and flowers. The applicant's property at 700 South Royal Street is one lot of record with approximately 43 feet of frontage on South Royal Street, 73 feet of depth, and a total lot area of 2,928 square feet. The property is occupied by a residential townhouse of 828 square feet. The surrounding area is occupied by residential townhouses.
3. The applicant requests a vacation of approximately 1,108 square feet of Franklin Street to consolidate it with their existing property at 700 South Royal Street (see attached plat). If the vacation request is approved, the applicant's total lot area will total 4,036 square feet, adding 26 feet of frontage on South Royal Street. The applicant's attorney advised staff that the applicant has no immediate plans to build upon the vacated area, however, the applicant does have plans to sell the consolidated property in the near future.
4. According to Section 3-1106 (C) of the zoning ordinance, the maximum permitted floor area ratio in the RM zone is 1.5. The lot at 700 South Royal Street now includes 2,928 square feet of land and a 828 square feet townhouse; the existing floor area ratio is .28. Technically, an additional 3,564 square feet could be added to the existing building under the zoning regulations. If the proposed vacation is approved and the additional land consolidated into the existing lot, the current building will amount to a .21 floor area ratio and an additional 5,226 square feet of additional building area could be built.
5. 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. 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), and 599 square feet at 111 Franklin Street (VAC#99-0008).
6. Master Plan/Zoning: The subject property is zoned RM/Townhouse zone, and is located in the Old Town Small Area Plan.

STAFF ANALYSIS:

Staff supports the applicant's request for a vacation of the public right-of-way located adjacent to 700 South Royal 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. In addition, the vacation will not interfere with public use of the sidewalk, traffic or other public uses along Franklin Street, as the requested land is currently an open grassed area adjacent to the applicant's residence and has a public sidewalk.

Staff is concerned about the increased density allowed for the property as a result of the vacation. On the other hand, this particular block has been the subject of other successful vacation requests. In fact the proposed vacation will bring the property line out to a point consistent with adjacent properties. Therefore, staff is recommending approval as a matter of consistency.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valerie Peterson, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 The applicant shall pay fair market value for the area to be vacated as determined by the Office of Real Estate Assessments.
- R-2 The vacated area is to be consolidated into the adjoining property.
- R-3 Easements must be reserved for all existing public and private utilities within the area to be vacated.

Code Enforcement:

- F-1 No comment.

Recreation, Parks & Cultural Activities (Arborist):

- F-1 No comments.

Real Estate Assessments:

- F-1 See attached.

Police:

- F-1 No objections.