

Docket Item # 11  
VACATION #2003-0003  
South Washington Street

Planning Commission Meeting  
December 2, 2003

**ISSUE:** Consideration of a request for vacation of a public alley.

**APPLICANT:** WRIT, LP  
by M. Catharine Puskar, attorney

**LOCATION:** 801-833 South Washington Street, 712 Jefferson Street, and 806-828 South Columbus Street

**ZONE:** CRMU-L/Commercial Retail Mixed Use - Low

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**PLANNING COMMISSION ACTION, NOVEMBER 6, 2003:** By unanimous consent, the Planning Commission deferred the request.

**PLANNING COMMISSION ACTION, OCTOBER 7, 2003:** On a motion by Mr. Dunn, seconded by Mr. Leibach, the Planning Commission voted to defer this item. The motion carried on a vote of 7 to 0.

Reason: The Commission requested additional information about the value of the vacation of the alley.

**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, P&Z)
2. The vacated right-of-way shall be consolidated with the adjoining lot, and the plat of consolidation filed with the Departments of Planning and Zoning and Transportation and Environmental Services. (T&ES) (P&Z)
3. Easements shall be retained for all public and private utilities located within the vacated street right-of-way. (T&ES)
4. A public access easement shall be provided over the vacated public right-of-way. The easement shall be depicted and labeled on the site plan and shall be approved by the City Attorney prior to the release of the final site plan. (P&Z)

## **DISCUSSION**

The applicant, Washington Real Estate Investment Trust requests approval of a vacation of the existing public alley located behind the retail shops in the 800 block of South Washington Street. The 20-foot-wide public alley runs east-west and extends from Jefferson to Green streets. The alley consists of approximately 7,180 sq. ft. and provides vehicular access to the surface parking lot and pedestrian access to the rear entrances of the retail shops on South Washington Street.

The applicant seeks the vacation in order to transfer floor area ratio from the parcels along South Washington Street, which are developed with restaurant and retail uses, to the western portion of the site. The transfer of density is permitted within the CRMU zone and will enable the applicant to construct a 75-unit multifamily residential apartment building, including underground parking (DSUP #2003-0020). Without approval of the vacation, the transfer of floor area from the eastern portion to the western portion of the site would not be permitted.

Under the proposed development plan, the alley will remain and will provide vehicular access to the underground parking garage. In addition, pedestrian access will continue to be possible between the parking garage and the rear entrances of the retail shops. Deliveries for the retail uses and the apartment building will be received in the alley.

The fair market value of the alley as calculated by the City's Real Estate Office is \$430,800 (*see attached memorandum*).

## **STAFF ANALYSIS**

In general, staff does not support requests to vacate public alleys in Old Town because there are usually several properties with different owners who adjoin the alleys, and access to the properties, for loading and parking, in the historic district, is required to occur via alleys. In this particular case, the applicant owns all of the parcels in this block. In addition, vehicular access to the proposed underground parking structure, and pedestrian access between the new building and the rear entrances of the commercial uses will be maintained via a public access easement that will be granted by the applicant. With this easement, the alley will continue to function as a public alley although it will be privately owned and maintained.

The transfer of the floor area from the eastern portion of the site will enable the existing retail portion of the site will be retained and that the scale of those buildings will not intensify in the future, as no new square footage may be constructed on the property.

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Staff recommends approval of the applicant's request to vacate the public alley located in the 800 block of South Washington Street. In order to ensure public access in perpetuity, staff has recommended that, if the vacation is granted, the applicant will be required to provide a perpetual public access easement. Staff has also included a condition requiring the applicant to pay fair market value for the vacation of the land as determined by the Office of Real Estate Assessments, which is estimated to be \$430,800.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;  
Jeffery Farner, Development, Division Chief;  
Kathleen Beeton, Urban Planner.