

Docket Item #7
VACATION #2006-0004

Planning Commission Meeting
April 3, 2007

ISSUE: Consideration of a request for vacation of public right-of-way.

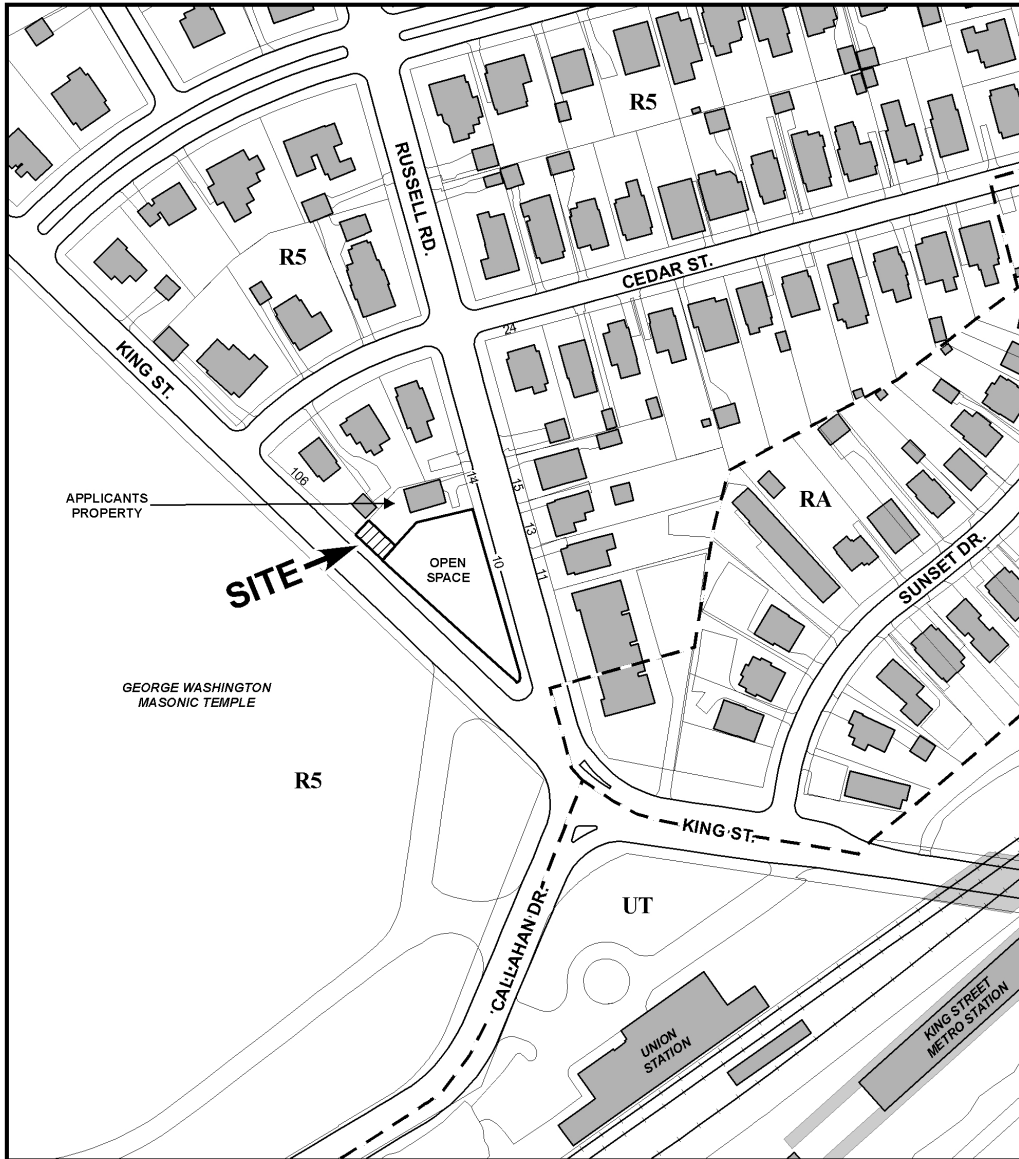
APPLICANT: Earnest Bauccom & Vi Jaramillo

STAFF: James Hunt, Planner
james.hunt@alexandriava.gov

LOCATION: 10 Russell Road

ZONE: R-5/Residential

STAFF RECOMMENDATION: Staff recommends denial of the vacation request.



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04/03/07



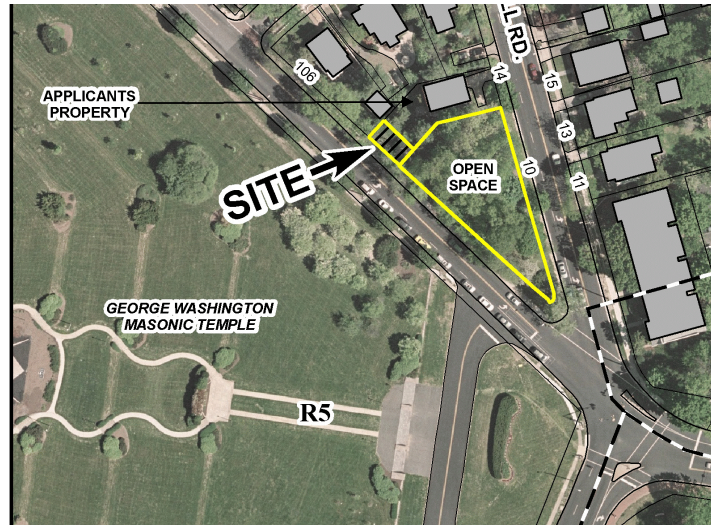
I. DISCUSSION

REQUEST

The applicant, Earnest Baucom and Vi Jaramillo, requests the vacation of 800 square feet of right-of-way, located at 10 Russell Road.

SITE DESCRIPTION

The subject property is a portion of an existing right-of-way with 40 feet of frontage on King Street, 20 feet of depth, and a total area of 800 square feet. The applicant is the owner of the adjacent property at 14 Russell Road, which is one lot of record with approximately 40 feet of frontage on Russell Road, approximately 115 feet of depth, and a total lot area of 4,166 square feet. The property is occupied by a single family home, as are most of the surrounding properties.



PROPOSAL

The applicant requests a vacation of 800 square feet of city owned property to consolidate it with the existing property at 14 Russell Road (see attached plat). There is an existing unused curb cut, granting access to the property from King Street. If the vacation request is approved, the applicant's total lot area will be approximately 4,966 square feet.

Currently, the subject area is a portion of an existing 10,730 square foot right-of-way, owned by the City and used as open space. The applicant requests the vacation of a portion of this right-of-way to maintain landscaping on the property and to move an existing fence.

DEVELOPMENT POTENTIAL AND OPEN SPACE

According to Section 3-406(B) of the Zoning Ordinance, the maximum permitted floor area ratio in the R-5 zone is 0.45. The private lot at 14 Russell Road now includes 4,166 square feet of land and approximately 2,080 square feet of building area, resulting in a building with a floor area ratio of 0.50. If the proposed vacation request is granted, the new consolidated lot will consist of 4,966 square feet of area, the existing building area of 2,080 square feet, and a floor area ratio of 0.42. Technically, an additional 154 square feet could be added to the existing building under the zoning regulations for a maximum building area of 2,234 square feet and floor area ratio of 0.45.

ZONING / MASTER PLAN

The subject property is zoned R-5/Single-family zone, and is located in the Northridge/Rosemont Small Area Plan.

OPEN SPACE

As part of the Open Space Master Plan efforts, the City completed an inventory of open space in Alexandria and included the subject parcel in the tabulation of open space acreage. In 2003, when the Open Space Plan was adopted, staff implemented a series of policies to preserve existing open space as well as to enhance and add to open space acreage throughout the City. The Open Space Steering Committee was also established at this time and submitted a report the following year (2004) with a series of recommendations for action. The recommendations included a policy to reclaim public land/right-of-ways that have been encroached upon as an essential component in successful open space preservation.

II. STAFF ANALYSIS

Staff is concerned about the loss of public land identified as green, open space in the Open Space Master Plan. In addition, the request is not in accordance with the City's Strategic Plan, adopted in 2004. The Strategic Plan's objectives are to respect, protect, and enhance the existing open space throughout the City.

In addition, staff finds that if approved, the vacation will establish an undesirable policy allowing vacations adjacent to large areas of open space. This policy is in conflict with the Open Space Master Plan which encourages the City to maintain, enhance, and add to the existing open space acreage.

In 2004, City 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. Although the applicant is agreeable to a condition that specifically prevents the creation of any additional development rights as a result of this vacation, staff finds the loss of publically owned open space not to be in the best interests of the community or the City.

Based on the above, staff recommends denial of the applicant's request for a vacation of the public right-of-way located at 10 Russell Road.

STAFF: Richard Josephson, Acting Department of Planning and Zoning;
James Hunt, Urban Planner.

III. RECOMMENDED CONDITIONS

Staff recommends **denial** of this application. If City Council approves the request, staff recommends that approval be subject to compliance with all applicable codes and ordinances and the following conditions:

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. (T&ES)
2. The applicant shall pay fair market value for the area to be vacated as determined by the Director of Real Estate Assessments. (T&ES)
3. Easements must be reserved for all existing public and private utilities within the area to be vacated (storm sewer easement). (T&ES)
4. No driveways to King Street shall be permitted. (T&ES)
5. An easement shall be granted to the City for the purpose of installing a concrete pad for a bus shelter, to the satisfaction of the Director of T&ES. (T&ES)
6. The property owners may not construct any buildings, or improvements, including driveways, parking spaces, on the vacated area 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)

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 The applicant shall pay fair market value for the area to be vacated as determined by the Director of Real Estate Assessments.
- R-3 Easements must be reserved for all existing public and private utilities within the area to be vacated (storm sewer easement).
- R-4 No driveways to King Street shall be permitted.
- R-5 An easement shall be granted to the City for the purpose of installing a concrete pad for a bus shelter, to the satisfaction of the Director of T&ES.
- F-1 Staff does not support the request to vacate the City right-of-way as it is part of public open space as identified in the adopted Open Space plan.

Code Enforcement:

- F-1 No comment.

Recreation, Parks & Cultural Activities (Arborist):

- F-1 This site area, including this right-of-way area, is shown as valuable open space in the City of Alexandria's Open Space Master Plan. A reduction of publicly owned open space is not supported by Recreation Parks and Cultural Activities.
- R-1 Recreation, Parks and Cultural Activities (RP&CA) does not support the vacation of public right-of-ways, and therefore does not recommend approval to vacate the right-of-way located at 10 Russell Road.

Real Estate Assessments:

Comments and market value information from Real Estate Assessments are pending.

Police:

F-1 The Police Department has no comments or objections to the vacation.

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**REPORT ATTACHMENTS
AVAILABLE IN THE PLANNING AND ZONING OFFICE**