

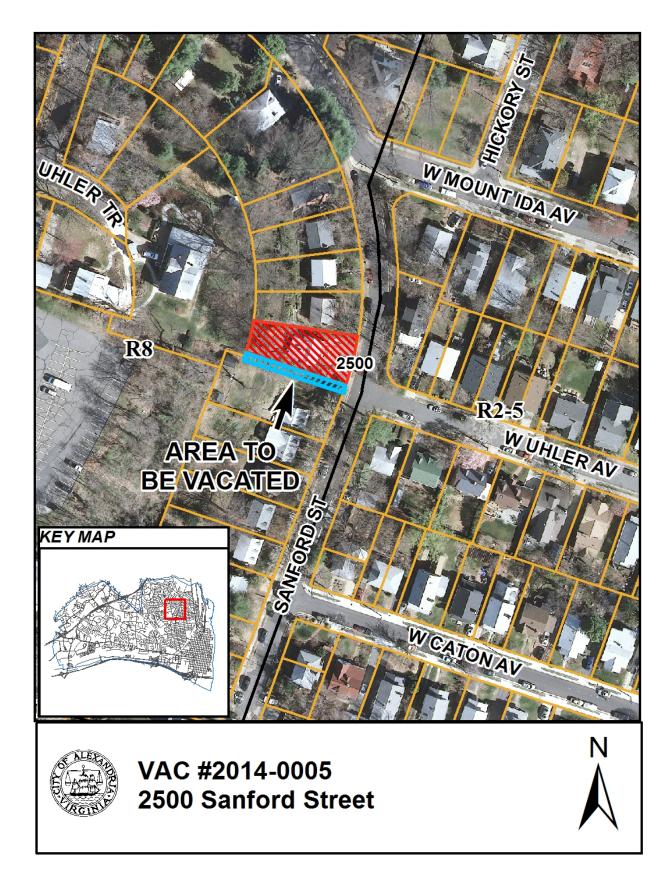
# DOCKET ITEM #2 Vacation #2014-0005 2500 Sanford Street

# CONSENT AGENDA ITEM

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Application	General Data	
Request:	Planning Commission	
Public hearing and consideration of	Hearing:	January 6, 2015
a request for a vacation of public	City Council	
right-of-way.	Hearing:	January 24, 2015
Address:	Zone:	R-8/Residential Single-Family
2500 Sanford Street		
Applicant:	Small Area Plan:	Potomac West
Joe Salama		

**Staff Recommendation:** APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report. **Staff Reviewers:** Nathan Randall <u>nathan.randall@alexandriava.gov</u>



### I. DISCUSSION

The applicant, Joe Salama, requests approval to vacate public right-of-way adjacent to his property at 2500 Sanford Street.

#### SITE DESCRIPTION

The subject site is a rectangular-shaped portion of City-owned right of way measuring a total of 1,157 square feet. No improvements are located on the surface of this steeply-sloped, grassy portion of land except for a retaining wall at the base of the hill. A 12-inch underground storm sewer pipe is located below the center of the right-of-way.

The right-of-way is located immediately adjacent to the applicants' property at 2500 Sanford Street. That site is one pieshaped lot of record with 55 feet of frontage on Sanford Street, a lot depth of



115 feet, and a total lot area of 5,252 square feet. The lot features a steep slope throughout, with the higher land located at the rear of the property. It is substandard in area and frontage for the R-8 zone. It is improved with a two-story residential dwelling, accessory structures, and a circular driveway accessed from either of two curb cuts on Sanford Street.

The subject site is surrounded primarily by other single-family residences. The Del Ray Baptist Church, which faces Russell Road, is located to the southwest.

#### BACKGROUND

The area of land in question is the only remaining City-owned portion of a once much-larger and wider right-of-way that existed continuously between Uhler Terrace (to the northwest of the subject site) and West Uhler Avenue (to the east of the subject site). It is believed that the purpose of the original right-of-way was for the potential construction of a street connection between Uhler Terrace and West Uhler Avenue. However, the steep topography apparently made such a street connection impractical, and it was never built.

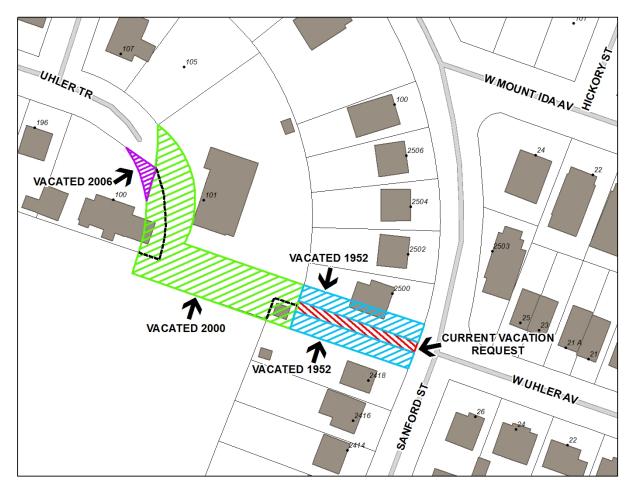
The original right-of-way has been vacated in stages over the years (see Figure #1 on the following page). In 1952, City Council approved Ordinance #753 to vacate the majority of the eastern portion of the original right-of-way to the previous owners at 2500 Sanford Street (to the north) and at 2418 Sanford Street (to the south). Each abutting property owner obtained 15 feet of the right-of-way, leaving the 10-foot balance in the central portion of the right-of-way that is the subject of the current request.

VAC #2014-0005 2500 Sanford Street

The western portion of the original right-of-way was vacated in two stages. City Council approved VAC#2000-0006 in October 2000 to allow the vacation of over 8,000 square feet of land to three adjacent property owners, including the prior owner of 2418 Sanford Street. City Council also approved VAC#2006-0001 in April 2006 to vacate to the owner of 100 Uhler Terrace a small portion of remaining right-of-way adjacent to Uhler Terrace.

In late 2006, the previous owners of 2418 Sanford Street (to the south of the subject site) applied for a vacation of the same land in question in the current request. Staff recommended approval of the vacation request, consistent with the City's 2004 Vacation Policy and with the extinguishing of development rights for the land in question. However, the applicants withdrew their request prior to the public hearing scheduled for March 2007.

Staff has spoken with the current property owner of 2418 Sanford Street about the current vacation request. He has provided a written statement indicating that he does not wish to obtain the half of the right-of-way that immediately abuts his property, which he could have requested.



**Figure 1: Vacation History** 

#### PROPOSAL

The applicant requests that the City vacate the 1,157 square-foot public right-of-way located immediately south of their existing residence at 2500 Sanford Street (see Figure 2 on the following page). The property in question would be consolidated with the existing lot to the north. If approved, the additional land would be used for the applicant's passive enjoyment. The applicant may also plant landscaping, such as flowers and bushes, on the land, if vacated.

### VACATION POLICY

In 2004, City Council approved a City policy related to vacating public rights-of-way. It emphasized the consideration and preservation of open space, clarified how land proposed to be vacated should be valued, and confirmed that proceeds from vacated land should be directed to the City's Open Space Fund. It reiterated that conditions, such as uniform right-of-way widths and the establishment of public or private utility easements, may be placed on requests recommended for approval. It also included the following criteria for evaluating vacation requests:

- 1. There is no public use of the right-of-way at the time that the application is submitted;
- 2. No reasonable use of the right-of-way could exist in the future, either for its original purpose or for some other public purpose. Reasonable use includes but is not limited to future roads, bike paths/trails, recreational facilities, open space, utilities, or environmental protection;
- 3. No portion of public right-of-way shall become landlocked;
- 4. No abutting property owners shall be become landlocked or have access substantially impaired, and
- 5. The vacation shall provide a public benefit.

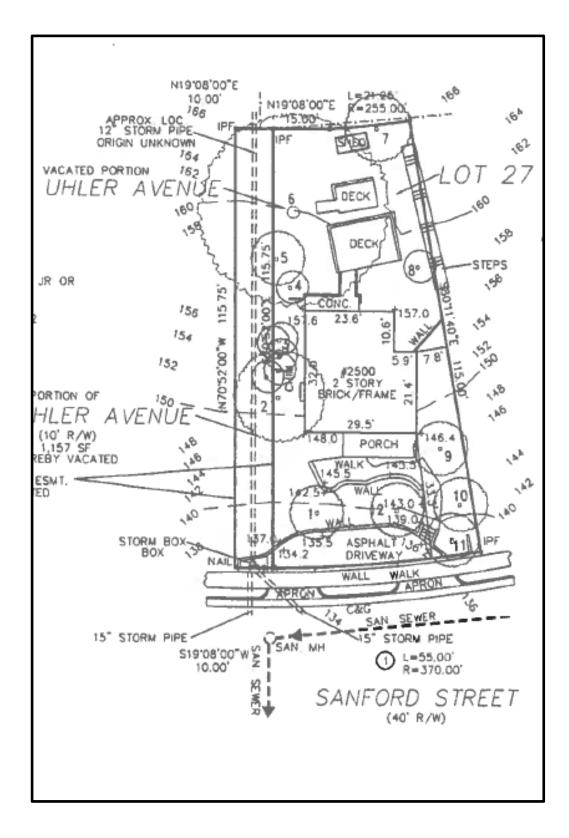
# ZONING/MASTER PLAN DESIGNATION

The property is zoned R-8 / Single-Family Residential. The request to vacate the 1,157 squarefoot parcel of land is consistent with the Potomac West Small Area Plan. Although the Plan identifies a general need for open space, it does not specifically contemplate public uses for the land in question.

#### VALUE OF VACATED RIGHT-OF-WAY

The Department of Real Estate Assessments has valued the 1,157 square feet of land in question in this vacation application at \$13,400. Staff has attached to this report a memorandum from Real Estate Assessments (Attachment A) which discusses the process used to arrive at this value. The value of the property has been significantly discounted from fair market value because the development rights for the area proposed to be vacated have been extinguished pursuant to Condition #6 of this report.

# **Figure 2: Vacation Plat**



# II. STAFF ANALYSIS

Staff supports the requested vacation of public right-of-way. Aside from the presence of an underground storm sewer pipe, no historic, present or planned public use of the property exists. The assumed original intent behind public ownership of the land, for construction of a street connection between Uhler Terrace and West Uhler Avenue, has not been practical in the past, nor would it be in the future, due to steep topography at the site. The potential for public use of the land in question has been further precluded by the approval of three other vacation requests in the immediate area that have left the subject land the only remaining portion of the once much-larger right-of-way. Staff also recommended approval of a nearly identical vacation request for the land in question in 2007.

In its review of the request, staff has found that the application meets all five approval criteria endorsed by City Council as follows:

# 1. Existing Public Use

The right-of-way in question currently includes an underground storm sewer pipe but has no existing, proposed, or historical above-ground public use. Granting the vacation would not conflict with the storm sewer so long as the applicant provides an easement to the City to allow for future access to and maintenance of the storm sewer. Condition #2 would require the applicant to grant a utility easement to the City. Similar public utility easements exist on private land throughout the City.

#### 2. Reasonable Future Use

Aside from the existing storm sewer, the right-of-way in question does not present an opportunity for any reasonable public use at this time or in the future. The steep slope of the property does not lend itself to use as a future alley, bike path/trail, recreational facility or useful open space.

# 3. Landlocked Public Property

# 4. Landlocked Private Property/Impaired Access

Approval of this vacation request would not landlock any public or private property nor would it impair access to neighboring parties. The right-of-way in question does not now provide access to any other public property or public right-of-way. Although the steep slope of the land in question does not lend itself to offering reasonable access to any private property, it is also true that no other adjacent private properties have either primary or secondary access from the right-of-way. These properties would continue to have access from other public rights-of-way, such as Sanford Street, Uhler Terrace, or Russell Road.

#### 5. Public Benefit

If the vacation request is approved, the applicant would provide payment in the amount of \$13,400, which must be distributed to the City's Open Space Fund as stipulated in the vacation policy. The proceeds from of the steep-sloped public right-of-way in question here could therefore provide the public benefit of providing funds to purchase more valuable and useable open space located elsewhere in the City.

#### **Condition Language**

Staff has included six conditions of approval in this report, nearly all of which are standard conditions for vacation requests. Condition #1 would require the applicant to consolidate the vacated property with the existing lot at 2500 Sanford. Condition #2 requires the dedication of a storm sewer easement on the entirety of the vacated property. Condition #6 extinguishes the development rights for the vacated land to ensure that it functions as open space as a practical matter, consistent with standard practice for vacation requests and with the discounted value for the property of \$13,400.

Subject to the conditions contained in Section III of this report, staff recommends approval of the vacation request.

# III. STAFF RECOMMENDATION

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

- 1. The vacated right-of-way shall be consolidated with the adjoining lot. The plat of consolidation shall be submitted for review and approval of the Departments of Planning & Zoning and Transportation & Environmental Services. The approved plat shall be recorded with the Land Records Division of Alexandria Circuit Court within 90 days of final approval by the City Council. (P&Z)(T&ES)
- 2. The right of way to be vacated shall be dedicated to the City as storm sewer easement. (T&ES)
- 3. The applicant shall show all public and private easements on the final plat of consolidation. No permanent structure may be constructed over any existing or proposed private and/or public utility easements.
- 4. The applicant shall pay the fair market value for the vacated right-of-way, as determined by the Director of Real Estate Assessments. (P&Z)(T&ES)
- 5. The applicant shall be responsible for perpetual ownership and maintenance of the vacated right of way. (T&ES)
- 6. The property owner shall not construct any new buildings or improvements, including driveways or 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 increase 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 & Zoning prior to recordation. (P&Z) (T&ES)

#### CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 The right of way to be vacated shall be dedicated to the City as storm sewer easement. (T&ES)
- R-2 The vacated right-of-way shall be consolidated with the adjoining lot. (T&ES)
- R-3 The applicant shall show all public and private easements on the final plat of consolidation. No permanent structure may be constructed over any existing or proposed private and/or public utility easements. (T&ES)
- R-4 The approved plat shall be recorded with the Land Records Division of Alexandria Circuit Court within 90 days of the approval by the City Council. (T&ES)
- R-5 The applicant shall pay the fair market value for the vacated right-of-way, as determined by the Director of Real Estate Assessments. (T&ES)
- R-6 The applicant shall be responsible for perpetual ownership and maintenance of the vacated right of way. (T&ES)
- R-7 The property owners shall not use the vacated land area to derive any increased above grade development rights for the lands adjacent to the vacated area, including increased floor area, subdivision rights or additional dwelling units. (T&ES)
- R-8 The restrictions 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 Transportation &Environmental Services (T&ES). (T&ES)

Code Enforcement:

F-1 No comments

Parks and Recreation:

F-1 No comments received

Police Department:

F-1 No comments

Fire Department:

F-1 No comments or concerns

# City of Alexandria, Virginia

# **MEMORANDUM**

DATE: DECEMBER 8, 2014
TO: KARL MORITZ, ACTING DIRECTOR DEPARTMENT OF PLANNING AND ZONING
FROM: WILLIAM BRYAN PAGE, SRA, REAL ESTATE ASSESSOR OFFICE OF REAL ESTATE ASSESSMENTS / MAD
SUBJECT: VACATION OF RIGHT-OF-WAY WITH NO ADDITIONAL DEVELOPMENT RIGHTS (VAC#: 2014-0005)

Based on my review of the current assessment data and subject to the limiting conditions stated in this memorandum, it is my opinion that the right-of-way to be vacated had an assemblage value to the adjacent property owner as of the date of application for vacation (October 28, 2014) of:

#### Thirteen Thousand Four Hundred Dollars (\$13,400)

Per your request, we have reviewed the proposed vacation of City owned property adjacent to 2500 Sanford Street, Alexandria, Virginia. According to a plat submitted with the application, the proposed street vacation contains a total land area of 1,157 square feet that extends in a westerly direction 115.75 feet along the south side of an uninstalled section of West Uhler Avenue. From there, it turns in a northerly direction a distance of 10.00 feet to the southwest corner of lands titled to Joe M. and Laurie M Salama (2500 Sanford Street). It then turns in an easterly direction extending a distance of 115.75 feet, and then to the south a distance of 10.00 feet to the initial point of origin. If the proposed vacated area were to be incorporated with the adjacent property at 2500 Sanford Street, the total site area would increase to 6,409 square feet (5,252 SF + 1,157 SF). The site is landscaped with cleared and wooded areas and has rather steep topographical features sloping upward from east (90 feet +/-) to west (116 feet +/-).

Adjacent properties are zoned R-8, Single-Family Zone. The R-8 zone is established to provide and maintain land areas for low density residential neighborhoods for single-family homes on 8,000 square-foot lots. The pre- and post-vacation lot size fails to meet the minimum size requirement, but is considered to be "grandfathered" under the current zoning ordinance.

#### Page 2 of 2

I have estimated the value of the right-of-way to be vacated using the CY 2014 per square-foot land assessment of the subject and other nearby properties of similar size and zoning, and have also considered the preclusion of any additional development density beyond that which currently exists on the adjacent property at 2500 Sanford Street.

The January 1, 2014 land assessment of 2500 Sanford Street was \$318,750, or \$60.69 per square-foot. Under traditional economic theory, unit prices tend to decrease as the agents of production increase. Therefore, we have estimated an assemblage value of \$58.00 per square-foot, which for 1,157 square feet equals \$67,106 (1,157 SF x \$58.00/SF).

In accordance with current City policy involving street vacations with no additional development rights, we have discounted the total value by 80 percent (67,106 SF x 0.20), which results in an indicated value of \$13,400 (rounded).

The discounted value above is contingent upon the recordation of the restrictions placed by the City that there will be no development on the vacated area and that no additional density will be permitted on the consolidated parcel commensurate with the additional land square footage gained as a result of this vacation.

11

APPLICATION for VACATION # 2005		
[must use black ink or type]		
PROPERTY LOCATION: Sanford Street, Alexandria, VA 22301		
TAX MAP REFERENCE: 024.03-09 ZONE: R 8		
APPLICANT'S NAME: Joe Salama		
ADDRESS: 2500 Sanford Street, Alexandria, VA 22301		
PROPERTY OWNER NAME: City of Alexandria (Owner of abutting area to be vacated)		
ADDRESS:		
VACATION DESCRIPTION: Vacated Property of West Uhler Street		

**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 1992 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.

Joe Salama		
Print Name of Applicant or Agent	Signature	
2500 Sanford Street	703-519-1966	
Mailing/Street Address	Telephone #	Fax #
Alexandria, VA 22301		
City and State Zip Code	Date	
ACTION - PLANNING COMMISSION: ACTION - CITY COUNCIL:	<u>S LINE - OFFICE USE (</u>	ONLY

# OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

<u>1. Applicant.</u> State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
JOE SALAMA	2500 Sanford Street, Alexandria, VA 22301	50%
Laurie SALAMA	2500 Sanford Street, Alexandria, VA 22301	50%
3.		· · · · · · · · · · · · · · · · · · ·

Name	Address	Percent of Ownership
City of Alexandria		100%
2. /		
3.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are require to disclose **any** business or financial relationship, as defined by , existing at the time of this application, or within the12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity and "None" in the corresponding fields).

For a list of current council, commission and board members, as well as the definition of business and financial relationship,

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
None	None	City Council
None	None	Planning Commission
None	None	Board of Zoning Appeals

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

DE SALAMA

<u>Signature</u>

Date

Vacated Portion of West Uhler Avenue Adjacent to Lot 27, Block 13, Mt. Ida & A Vacated Portion of West Uhler Avenue City of Alexandria Virgnia

Beginning at a nail in the westerly right-of-way line of Sanford Street (40' R/W), said point being a common corner to Lot 501, Block 14, Mt. Ida and a point of intersection of Sanford Street and West Uhler Avenue (10' R/W), thence with the line of Lot 501;

115.75 feet N 70 degrees 52 minutes 00 seconds W;

To an iron pipe found, thence continuing with the line of Lot 501, Block 14 and running with the line of Lot 500, Block 13, Mt. Ida;

10.00 feet N 19 degrees 08 minutes 00 seconds E;

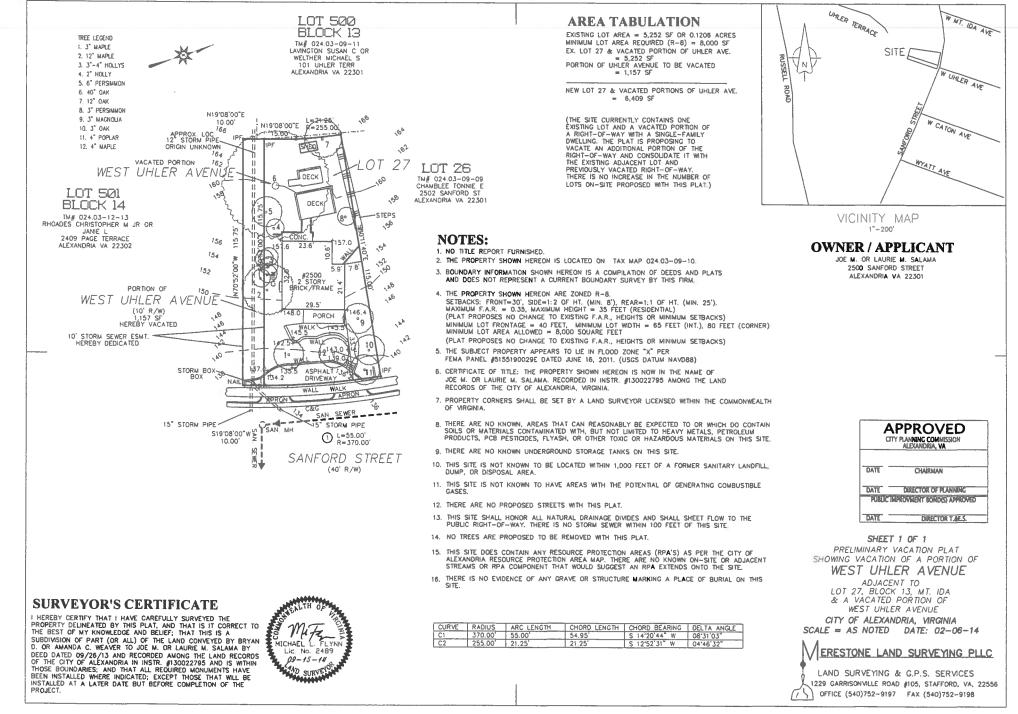
To an iron pipe found, said point being a common corner to a previously vacated portion of West Uhler Avenue (Deed Book 1329, Page 1455). Thence with the line of the previously vacated portion of West Uhler Avenue;

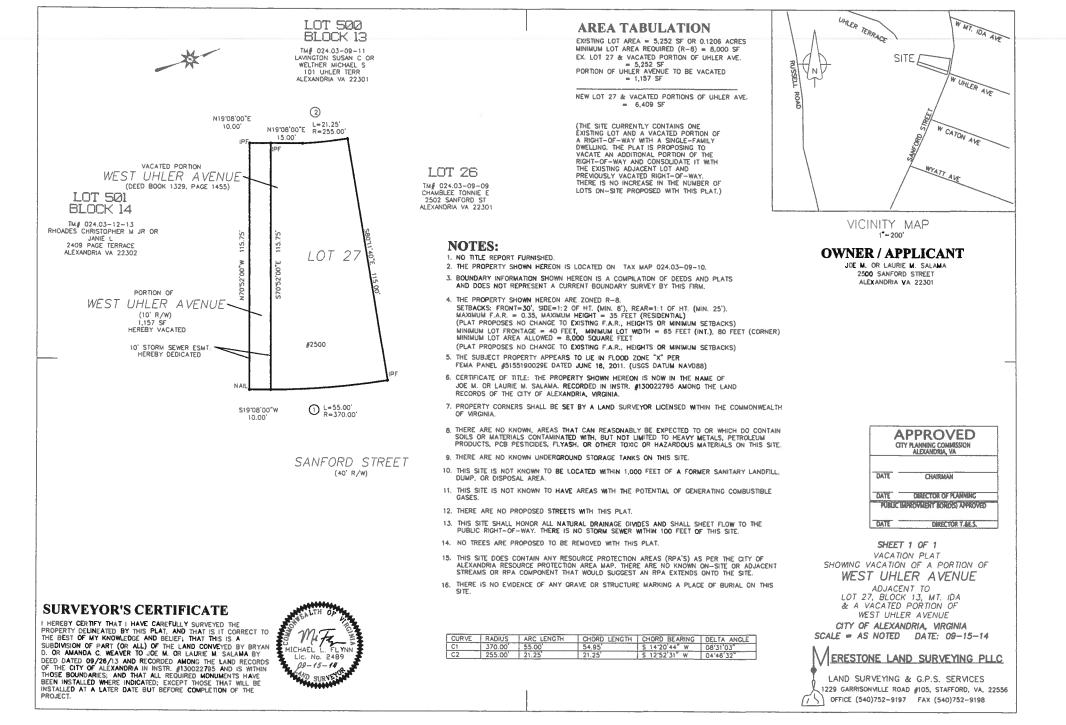
115.75 feet S 70 degrees 52 minutes 00 seconds E;

To a point in the westerly right-of-way line of Sanford Street, thence with the line of Sanford Street;

10.00 feet N 19 degrees 08 minutes 00 seconds E;

To the point of beginning and containing 1,157 square feet or 0.0266 acres.





From: Sent: To: Subject: allanbracker . <allanbracker@gmail.com> Friday, December 05, 2014 6:21 PM Nathan Randall vacated West Uhler Avenue property in Alexandria

Dear Mr. Randall,

I'm writing to follow up on our conversation today about the city's possible sale of the vacated West Uhler Avenue property located between my house (2418 Sanford Street) and my neighbors Joe and Laurie Salama (2500 Sanford St).

I do not wish to purchase part of that property, assuming the city would sell it to Joe and Laurie. My position would be different if the city were considering selling the property to somebody else (a non-neighbor).

I also would assume that if the property is sold, the city will continue monitoring and maintaining the drainage pipe that runs underground from the top of the steep hill in our back yards. This pipe is very important to prevent erosion and flooding on our properties by rain that falls in the Baptist church parking lot. Please let me know if the status of the drainage system would change in any way.

Feel free to contact me if you have any questions. I can be reached by email or by phone.

Sincerely,

Allan Bracker