

1. Introduce and pass the proposed repealed vacation implementation ordinance with amended language permitting the development rights on the two (2) associated vacated public alleys on the first reading September 13, 2022; and
2. Schedule the ordinance for second reading, public hearing, and final approval on September 17, 2022.

BACKGROUND: On May 15, 2021, City Council approved Development Special Use Permit (DSUP) #2020-10027 for 180-unit multi-family development at 727 North West Street (known as the Braddock West Development). The proposal included the vacation of two public alleys (VAC #2020-00004). After approval of the DSUP, a vacation implementation ordinance (Ordinance No. 5443) was adopted after the second reading at the June 18, 2022 City Council Public Hearing.

DISCUSSION: The vacation implementation ordinance erroneously included a provision which prohibited development rights upon the vacated land. However, the DSUP contemplated development rights associated with the vacation of the two alleys. The owner has since made a payment in the amount of \$650,000 for the valuation of the development rights of the vacated alleys. At this time, to correct this error, Ordinance No. 5443 must be repealed, and a new ordinance adopted. There are no changes to the approved DSUP. It is anticipated the Final Site Plan will be released in the coming months.

The following changes will be made with the new vacation implementation ordinance:

- ~~3. The Owner may not construct any buildings, or improvements, including driveways and 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 consolidated plat, both of which shall be approved by the Director of Planning and Zoning prior to recordation.~~
4. 3. Owner ~~shall pay~~ has paid \$650,000, the fair market value, as determined by the Director of Real Estate Assessment, to the City for the vacated land.

Section 7. That Ordinance No. 5443 is repealed.

FISCAL IMPACT: None.

ATTACHMENTS:

1. Ordinance Cover
2. Ordinance

STAFF:

Emily A. Baker, Deputy City Manager
Christina Brown, Deputy City Attorney
Karl Moritz, Director, P&Z
Rob Kerns, Division Chief, P&Z - Development Division
Catherine Miliaras, Principal Planner, P&Z - Development Division
Daniel Welles, Urban Planner, P&Z - Development Division