

**City of**  
**Gainesville**

**Inter-Office Communication**

**Planning Division**  
**x5023, FAX x3259, Station 12**

**Item No. 9**

**TO:** City Plan Board

**DATE:** January 20, 2005

**FROM:** Planning Division Staff

**SUBJECT:** **Petition 187SVA-04PB**: City of Gainesville. Pursuant to Sec. 30-192(b) of the Gainesville Land Development Code, vacate, abandon and close that portion of Northeast 11<sup>th</sup> Terrace lying east of and adjacent to Lot 2, Block 6, Range 16 and North of the North right-of-way line of Northeast 12<sup>th</sup> Avenue all being and lying in the Elliot L'Engle Addition to Gainesville, Florida as per Plat recorded in Deed Book "J", page 230, of the Public Records of Alachua County, Florida.

**Recommendation:**

The petition is approvable, subject to the conditions provided in Exhibit B, to retain an overall utility easement in the right-of-way to be vacated.

**Explanation:**

This petition involves a 30-foot wide strip of right-of-way that lies immediately east of a single-family residential lot located at 1116 Northeast 12<sup>th</sup> Avenue (Parcel No. 10492). The subject right-of-way extends from the north right-of-way line of Northeast 12<sup>th</sup> Avenue to the rear (southern) property line of a single-family residential lot located at 1111 Northeast 13<sup>th</sup> Place (Parcel No. 10572-026) for a distance of 136 feet (mol). Approval of this petition will allow the subject right-of-way to be combined with the residential lot immediately west as real property that is taxable. (See Exhibit A.)

According to the City of Gainesville Public Works Department, the 30-foot wide strip of right-way proposed for vacation is part of Northeast 11<sup>th</sup> Terrace. This segment of Northeast 11<sup>th</sup> Terrace has remained unimproved since the construction of the Northeast 12<sup>th</sup> Street Extension. The same was true of a segment of Northeast 11<sup>th</sup> Terrace located between the south right-of-way line of Northeast 12<sup>th</sup> Avenue and the north right-of-way line of Northeast 11<sup>th</sup> Avenue. The City vacated this segment in 1988. The traffic circulation that was originally intended for these two segments of Northeast 11<sup>th</sup> Terrace right-of-way on the plat for Elliot L'Engle Addition to Gainesville, Florida is now located on the Northeast 12<sup>th</sup> Street Extension. The Northeast 12<sup>th</sup> Street Extension is a paved, two-lane street with concrete sidewalk along the west side.

Policy 1.2.1 of the Concurrency Management Element of the City of Gainesville 2000-2010 Comprehensive Plan states that the City shall not close or vacate streets except under the following conditions:

- a. **The loss of the street will not foreclose reasonably foreseeable future bicycle/pedestrian use.**  
The subject right-of-way is presently unimproved. It has been replaced by the Northeast 12<sup>th</sup> Street Extension, which facilitates vehicle/pedestrian circulation.

- b. **The loss of the street will not foreclose non-motorized access to adjacent land uses or transit stops.** Non-motorized access to adjacent land uses or transit stops can be accomplished using local streets to be retained. The properties abutting the subject right-of-way will retain direct access to improved local streets
- c. **The loss of the street is necessary for the construction of a high-density, mixed use project containing both residential and non-residential uses or creating close proximity of residential and non-residential use.** N/A. Properties abutting the subject right-of-way are zoned for single-family residential development and public services and operations. (See Exhibit A.)
- d. **There is no reasonably foreseeable need for any type of transportation corridor for the area in the future.** The subject right-of-way has been replaced by the Northeast 12<sup>th</sup> Street Extension, and has not been deemed necessary for the construction of future transportation corridors for the area.


In addition to the above, the following criteria for vacation or closure of right-of-way must also be considered:

- 1. **Whether the public benefits from the use of the subject right-of-way as part of the city street system.** The subject right-of-way is unimproved and not a part of the city street system serving the impacted area.
- 2. **Whether the proposed action is consistent with the city's comprehensive plan.** This petition is consistent with the city's comprehensive plan, as discussed in items a. through d. above.
- 3. **Whether the proposed action would violate individual private property rights.** Properties abutting the subject right-of-way will retain access to improved, local streets.
- 4. **The availability of alternative action to alleviate the identified problems.** This petition has not been initiated as a result of identified problems.
- 5. **The effect of the proposed action upon traffic circulation.** Approval of this petition is not expected to impact traffic circulation. The subject right-of-way is unimproved and is not used for traffic circulation.
- 6. **The effect of the proposed action upon crime.** Approval of this petition will grant the abutting property owner to the west the ability to treat and protect the subject right-of-way as private property.
- 7. **The effect of the proposed action upon the safety of pedestrians and vehicular traffic.** Approval of this petition will restrict the subject right-of-way to those uses permitted within the RSF-1 (single-family, residential) zoning district, which limits the number of driveway connections to local streets and on-site vehicular parking. Non-permitted off-street parking is occurring on the subject right-of-way and abutting property to the east in association with nearby recreation activities.
- 8. **The effect of the proposed action upon the provision of municipal services including but not limited to emergency services and waste removal services.** The subject right-of-way is not used or needed for the provision of municipal services. These services are provided along existing right-of-way to be retained.
- 9. **The necessity to relocate utilities both public and private.** Public utilities are within the subject right-of-way and will be retained. Approval of this petition shall result in the City retaining an overall utility easement over the subject right-of-way.
- 10. **The effect the proposed action will have upon property values in the immediate and surrounding areas.** Approval of this petition is expected to enhance the property value of the immediate and

surrounding areas by restricting the use of the subject right-of-way to single-family residential development. Single-family residential development is the predominant use in the immediate and surrounding areas.

11. **The effect of the proposed action on geographic areas that may be impacted.** The impact of this petition will be limited to properties abutting the subject right-of-way and properties within the immediate and surrounding areas. This petition is not expected to impact areas outside of the Elliot & L'Engle Subdivision, in which the subject right-of-way is located.
12. **The effect of the proposed action on the design and character of the area.** Approval of this petition will allow the subject right-of-way to be used in accordance with the residential zoning and land use designations that have been applied to the majority of lots within the immediate and surrounding areas.

Sincerely,

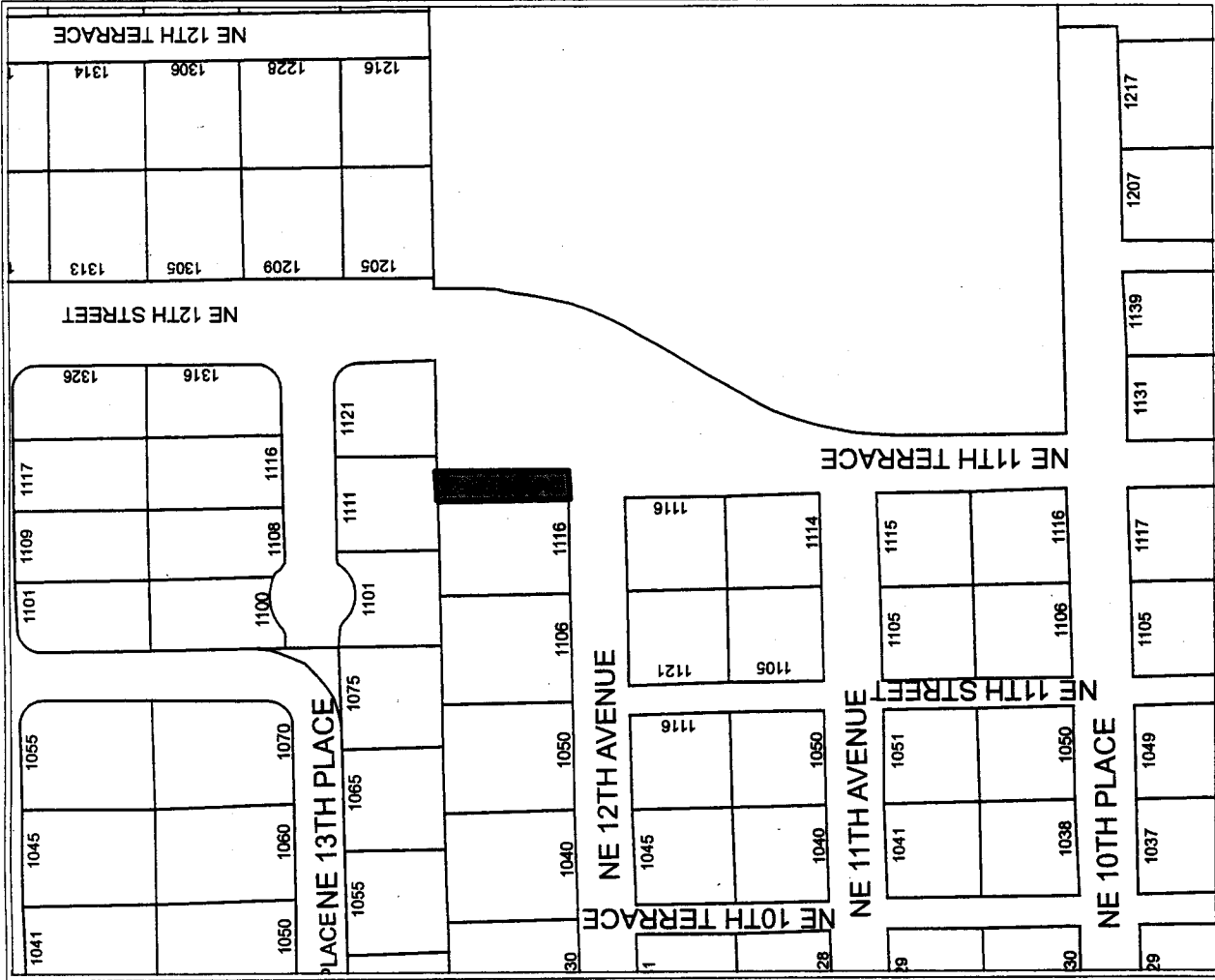


Ralph Hilliard  
Planning Manager

RH:lc:bem  
#27/187rec.doc

# Street Closing

City Limits



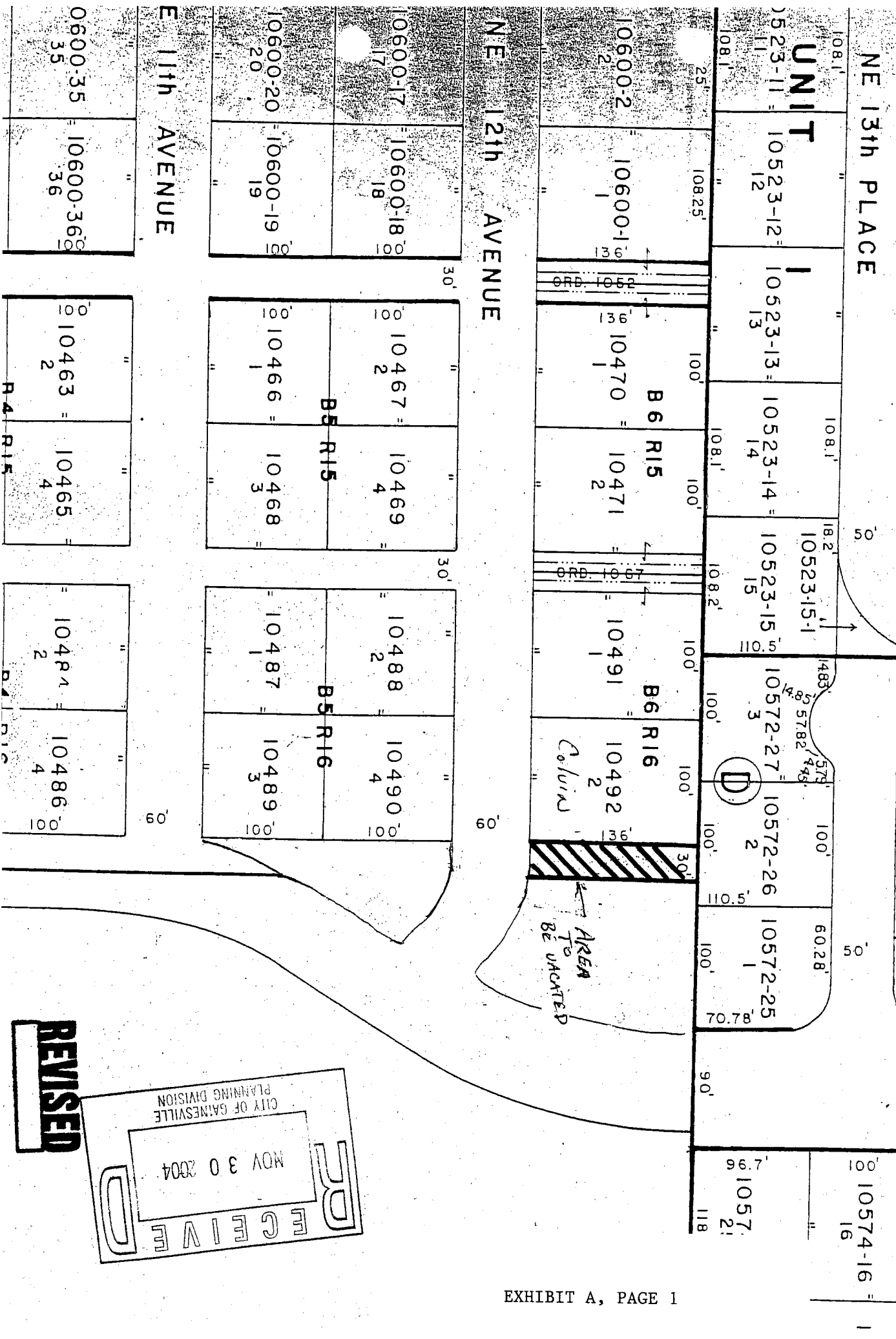
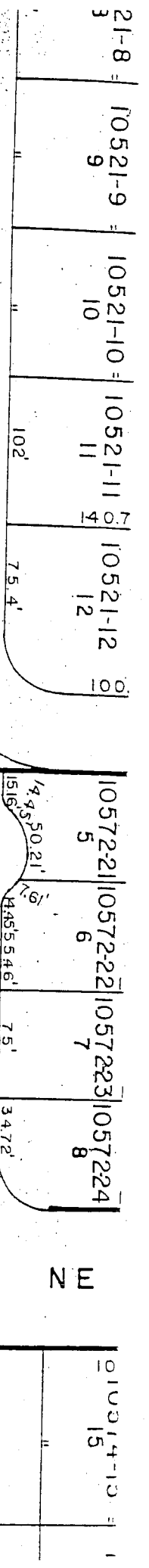
Area under petition consideration



## STREET CLOSING

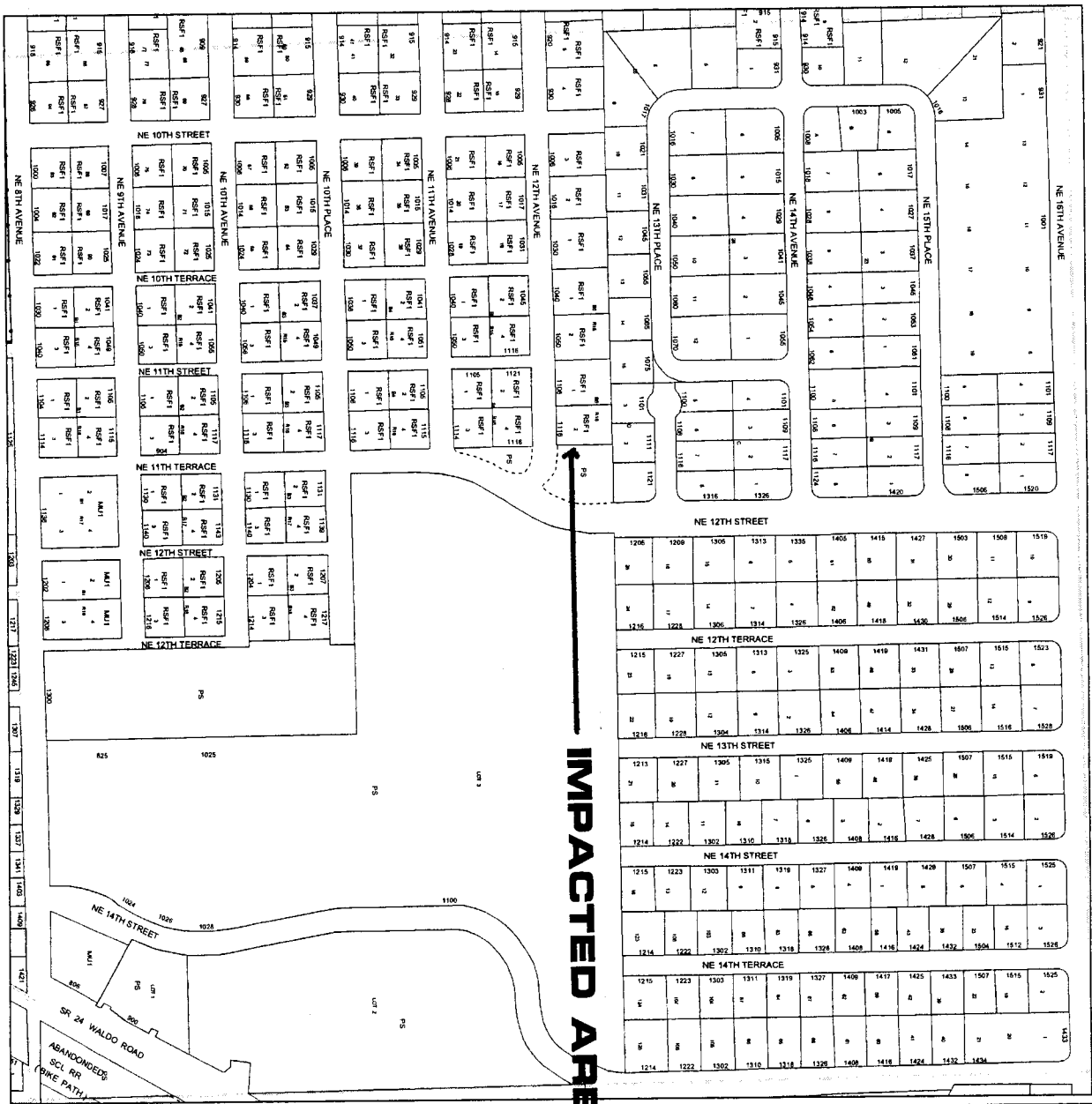
Name	Petition Request	Map(s)	Petition Number
City of Gainesville Public Works	Street Vacation	3853	187SVA-04PB





**RECEIVED**  
 NOV 30 2004  
 CITY OF GAINESVILLE  
 PLANNING DIVISION

**REVISED**



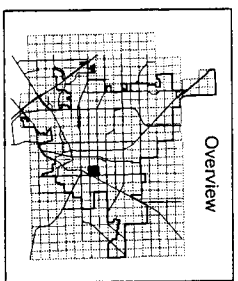
### City of Gainesville Zoning Atlas

- Legend**
- City Limits
  - Quarter section
  - Regulated Creek
  - Zoning Split-use-line
  - Historic District
  - Central Corridor
  - Special Area Plan
  - National Historic Register
  - Local Historic Register

All Properties Zoned:  
 \* RSF2  
 Except as noted

Note:

\* Default zoning applies only to the map number designated below. Zoning for partially displayed areas near the map edge should be verified on the adjacent map number.



CITY OF GAINESVILLE, FLORIDA  
 QTR. SE 1/4 SECTION 33.19S-R20E  
 UPDATE: 1/28/04 MAP 3853

**City of Gainesville**  
**Department of Community Development**  
**Current Planning Division**  
**Summary of Technical Review Committee Comments**

**Petition:** 187SVA-04PB

**City Plan Board**

**Meeting Date:** 1/20/05

**Planner:** Bedez E. Massey

**Project Name/Description:** City of Gainesville. Pursuant to Sec. 30-192(b) of the Gainesville Land Development Code, vacate, abandon and close that portion of Northeast 11<sup>th</sup> Terrace lying east of and adjacent to Lot 2, Block 6, Range 16 and North of the North right-of-way line of Northeast 12<sup>th</sup> Avenue all being and lying in the Elliot L'Engle Addition to Gainesville, Florida as per Plat recorded in Deed Book "J", page 230, of the Public Records of Alachua County, Florida.

**I. Department Comments:**

1. **Planning:** Approvable as submitted
2. **City Engineering:** Approvable with conditions
3. **Gainesville Regional Utilities:** Approvable with conditions
4. **Building:** Approvable as submitted
5. **Fire:** Approvable as submitted
6. **Police:** Approvable as submitted
7. **Arborist:** Approvable as submitted
8. **A.C.E.P.D.:** No involvement

**II. Overall Recommendation:** The petition is approvable with conditions.

**SITE PLAN EVALUATION SHEET**  
**DEVELOPMENT PLAN & SUBDIVISION REVIEW EVALUATION**  
**CURRENT PLANNING, ROOM 158, THOMAS CENTER "B"**  
**306 Northeast 6th Avenue 334-5023**

<b>Petition No.</b> 187SVA-04PB	<b>Date Plan Rec'd:</b> 11/30/04	<b>Review Type:</b> Street Vacation
<b>Review For:</b> Plan Board	<b>Review Date:</b> 1/20/05	<b>Project Planner:</b> Bedez E. Massey

**APPROVABLE**  
(as submitted)

**APPROVABLE**  
(subject to below)

**DISAPPROVED**

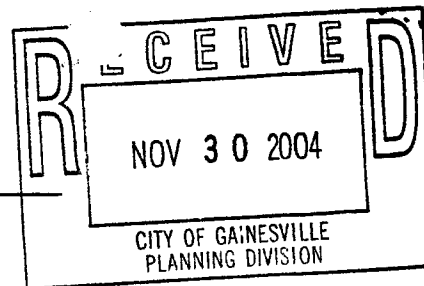
**Description/Location/Agent:** Vacation of that portion of Northeast 11<sup>th</sup> Terrace lying east of and adjacent to Lot 2, Block 6, Range 16 and North of the North right-of-way line of Northeast 12<sup>th</sup> Avenue all being and lying in the Elliot L'Engle Addition to Gainesville, Florida as per Plat recorded in Deed Book "J", page 230, of the Public Records of Alachua County, Florida. City of Gainesville, Public Works Department.

**RECOMMENDATIONS/REQUIREMENTS/COMMENTS**




# CITY OF GAINESVILLE

Inter-Office Communication



TO: Planning Division

DATE: November 30, 2004

FROM: Sam Bridges 

SUBJECT: Petition **187SVA-04 PB** Right-of-Way vacate NE 11 Terr. north of NE 12 Ave. and adjacent to Lot 2, Block 6, Range 16, lying in the Elliot L'Engle Addition

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As per standard procedure in the vacation of this and other right-of-ways, Public Works, as the petitioner, proposes to retain an over-all utility easement on the right-of-way to be vacated.

**Reviewing Department:** Real Estate Division  
**Checking Official:** Kristie Brewer - Box A130  
**Phone No.:** 334-3400, x. 1230  
**Return to:** Planning Division - Box 12  
P.O. Box 490, Gainesville, FL 32602  
Room 158, Thomas Center B  
phone 334-5023; fax 334-3259

PETITION NO. 187SVA-04 PB

Response due date: ?November 17, 2004

Planner: Bedez Massey (334-5023)

Staff discussion of proposed street closing at Development Review Staff Meeting in the First Step Center, Room 119, Thomas Center B, Gainesville, Florida on Thursday, November 18, 2004

**RECOMMENDATION:**

Based upon the below criteria and any other relevant considerations, please indicate your recommendation concerning this request.

Maintain easement over all electric lines.

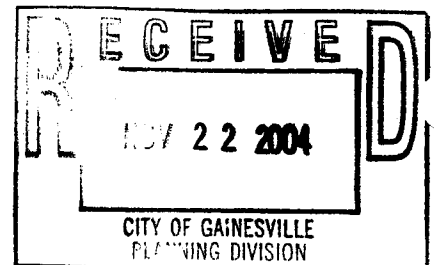
Cathy Dobbs  
GRU Electric Engineering

OKAY to vacate R/w if POE is retained

There are existing overhead electric lines.

Kristie Brewer  
GRU, Land Rights Coordinator  
11/19/04

Checking Official Signature: K. Brewer Date: 11/19/04  
GRU Land Rights Coord.





**DEVELOPMENT REVIEW EVALUATION  
GAINESVILLE REGIONAL UTILITIES**

Ellen Underwood, New Development Coordinator  
PO Box 147117, Gainesville, FL 32614  
Voice (352) 393-1644 - Fax (352) 334-3480

Nov 18, 2004

2 Petition 187SVA-04 PB

C of G, Public Works Dept., Pursuant to Sec. 30-192(b) of the LDC, vacate, abandon and close that portion of NE 11th Terr. lying east of and adjacent to Lot 2, Block 6, R 16 and North of the North R/W line of NE 12th Ave.; that portion of NE 11th Terr. lying east of and adjacent to Lot 4, Block 5, R 16 and South of the South R/W line of NE 12th Avenue; & that portion of NE 11th Terr. lying east of & adjacent to Lot 3, Block 5, Range 16 & West of the West R/W line of that diagonal R/W connecting NE 11th Avenue to NE 12th Street, a Sixty foot R/W. (Planner, Bedez

- Conceptional Comments
- Approved as submitted
- Conditions/Comments
- Insufficient information to approve

**New Services** There is an existing overhead electric secondary located at the very north end of this proposed area to be closed. A 15 foot wide public utility easement should be obtained for operation and maintenance.

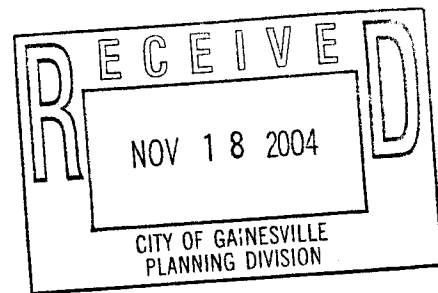
**Water** no involvement

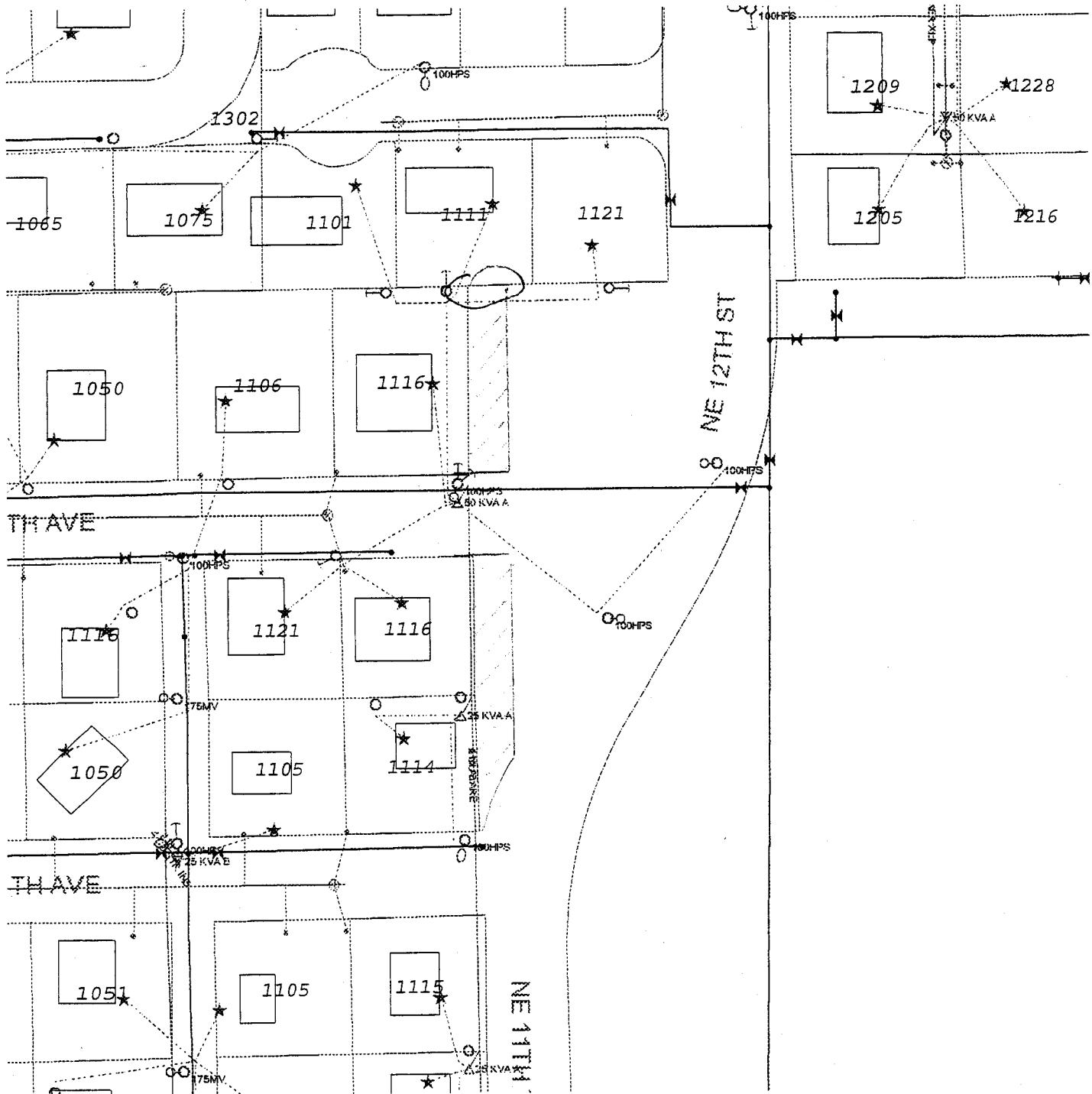
**Sanitary Sewer** no involvement

**Electric**

**Gas** no involvement

**Real Estate**





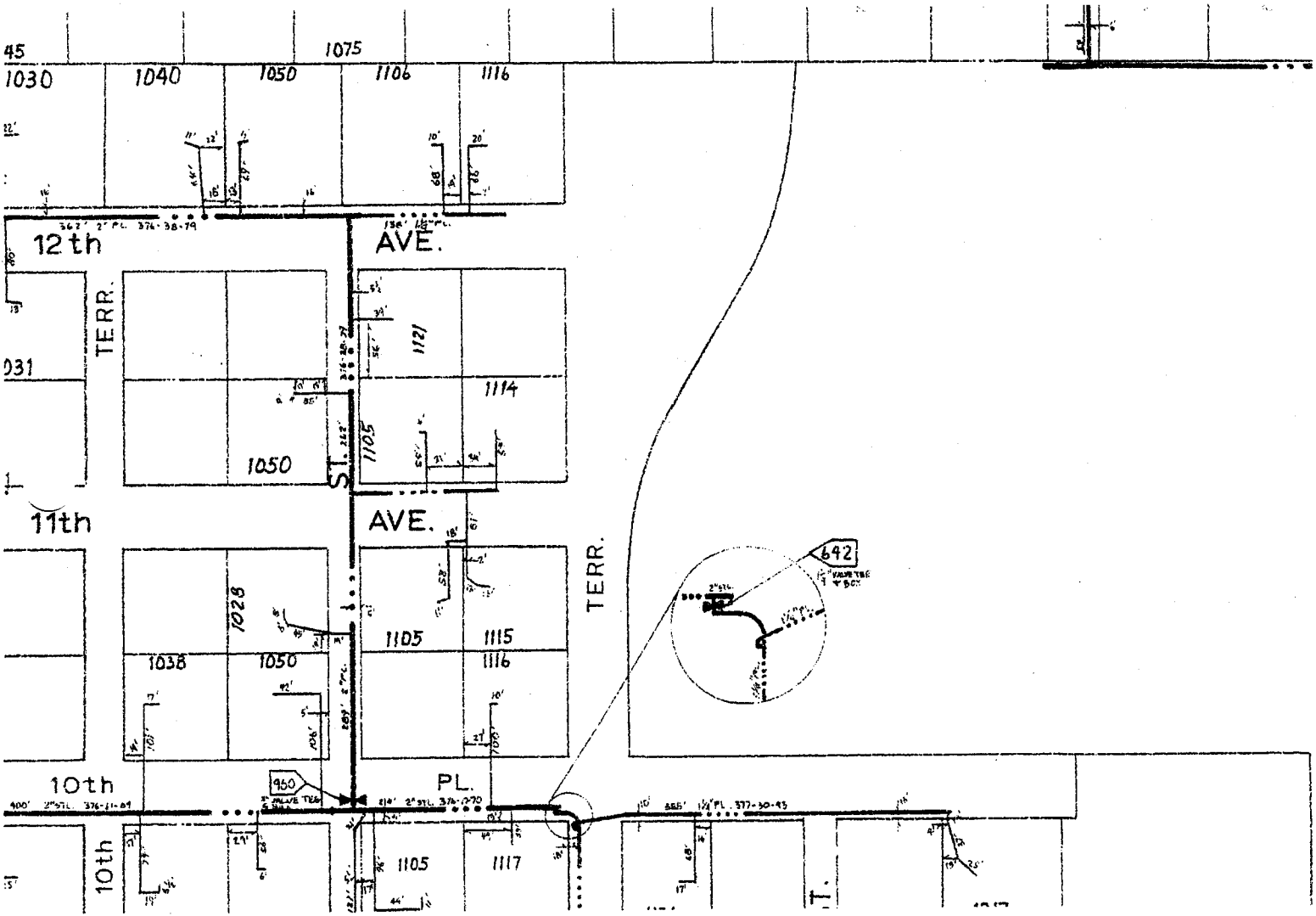
Gainesville Regional Utilities has prepared the information depicted on this map for its own use. It is not intended to be, nor should it be relied upon by others for any other purpose. Gainesville Regional Utilities assumes no responsibility for errors or omissions in the information on this map. Further information may be obtained by contacting the Electric Engineering Department by calling (352) 334-3400 ext. 1515.

**DevLoc**

Energy Delivery Department (352) 334-3400 x1515

Date: 11/16/2004

Time: 16:13



**Reviewing Department:** Building  
**Checking Official:** Brenda Strickland  
**Phone No.:** 334-3400, x. 5644  
**Return to:** Planning Division - Box 12  
P.O. Box 490, Gainesville, FL 32602  
Room 158, Thomas Center B  
phone 334-5023; fax 334-3259

PETITION NO. 187SVA-04 PB

Response due date: ?November 17, 2004

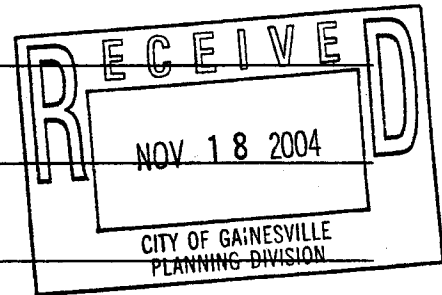
Planner: Bedez Massey (334-5023)

Staff discussion of proposed street closing at Development Review Staff Meeting in the First Step Center, Room 119, Thomas Center B, Gainesville, Florida on Thursday, November 18, 2004

RECOMMENDATION:

Based upon the below criteria and any other relevant considerations, please indicate your recommendation concerning this request.

The Building Inspection Department has no  
problem with the proposed street closing.



Checking Official Signature: Brenda S. Strickland Date: 11-16-04



**Reviewing Department:** Police  
**Checking Official:** Sgt. Jeff Reese - Box 50  
**Phone No.:** 334-2400  
**Return to:** Planning Division - Box 12  
P.O. Box 490, Gainesville, FL 32602  
Room 158, Thomas Center B  
phone 334-5023; fax 334-3259

PETITION NO. 187SVA-04 PB

Response due date: ?November 17, 2004

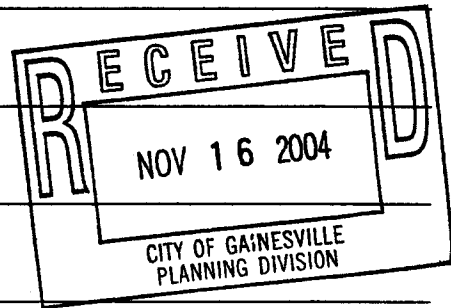
Planner: Bedez Massey (334-5023)

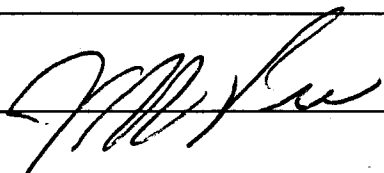
Staff discussion of proposed street closing at Development Review Staff Meeting in the First Step Center, Room 119, Thomas Center B, Gainesville, Florida on Thursday, November 18, 2004

**RECOMMENDATION:**

Based upon the below criteria and any other relevant considerations, please indicate your recommendation concerning this request.

No Comments. Recommended Approval.



Checking Official Signature:  Date: 11/16/04




# SITE PLAN EVALUATION SHEET

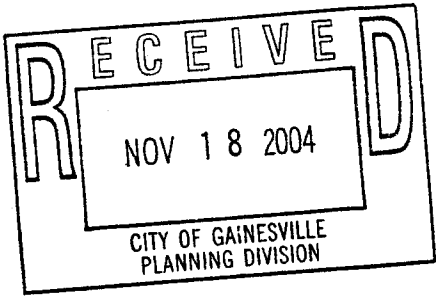
Urban Forestry Inspector 334-2171 – Sta. 27

Petition: 187 SVA-04 PB Review For: Technical Review Committee Agent: <b>City of Gainesville Public Works Department</b> located at NE 11 Terrace lying east of and adjacent to Lot 2, Block 6, Range 16 North of North ROW of NW 12 <sup>th</sup> Avenue.	Review date: 11/11/04 Review: Vacate-Abandon-Close Planner: Bedez
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**APPROVED** (as submitted)       **APPROVED** (with conditions)       **DISAPPROVED**

<input type="checkbox"/> Tree Survey Required <input type="checkbox"/> Landscape Plan Required <input type="checkbox"/> Irrigation system required <input type="checkbox"/> Attention to conditions (revisions/recommendations)	Comments by:  Earline Luhrman Urban Forestry Inspector
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Approved as submitted.



No impact on the Urban Forest.

9. **Petition 187SVA-04 PB** City of Gainesville. Pursuant to Sec. 30-192(b) of the Gainesville Land Development Code, vacate, abandon and close that portion of Northeast 11<sup>th</sup> Terrace lying east of and adjacent to Lot 2, Block 6, Range 16 and North of the North right-of-way line of Northeast 12<sup>th</sup> Avenue all being and lying in the Elliot L'Engle Addition to Gainesville, Florida as per Plat recorded in Deed Book "J", page 230, of the Public Records of Alachua County, Florida.

Ms. Bedez Massey was recognized. Ms. Massey indicated that the Public Works Department initiated the petition. She explained that the purpose was to vacate right-of-way that had been made obsolete by improvements to NE 12<sup>th</sup> Street. She presented a map of the location of the right-of-way to be vacated and described the surrounding uses in detail. She discussed the history of the street extensions and improvements that led to the request for vacation. She noted that the right-of-way would revert back to the original tax parcel from which it was taken. She noted that there were conditions requested by GRU and the Public Works Department, which involved a utility easement. Ms. Massey presented slides of the right-of-way. She offered to answer any questions from the board.

Mr. Reiskind asked if the addition of the right-of-way would impose a tax burden upon the property to which it would become a part.

Mr. Massey indicated that the property owner would have to pay taxes on the additional property. She noted that the City would benefit with the additional taxes and the property owner would benefit from a greater property value. She noted that it appeared that the property owner was currently utilizing the right-of-way anyway.

Mr. Reiskind asked if the right-of-way was taken.

Ms. Massey explained that the property was not taken, but was platted when the subdivision was created. She noted that, in some cases rights-of-way are split between the abutting properties on both sides.

Chair Pearce opened the floor to public comment.

Mr. Dave Forestall was recognized. Mr. Forestall asked if the property owners who would be receiving the right-of-way were aware of the situation.

Ms. Massey explained that when an application for a vacation of right-of-way was received, the abutting property owners had to sign it, so they had been made aware of the situation by Public Works Department staff.

<u>Motion By:</u> Mr. Gold	<u>Seconded By:</u> Mr. Reiskind
<u>Moved to:</u> Approve Petition 187SVA-04 PB, with staff conditions.	<u>Upon Vote:</u> Motion Carried 7 - 0 Ayes: Cohen, Gold, Rwebyogo, Reiskind, Cole, Pearce, Tecler.

**Board Member Cohen left the meeting at 10:00 PM.**