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**City of
Gainesville**

Inter-Office Communication

**Planning Division
X5022, FAX x2282, Station 11**

Item No.: 2

TO: City Plan Board

DATE: January 20, 2005

FROM: Planning Division Staff

SUBJECT: Petition 153SVA-03 PB, Gettel Enterprises (dba Gatorland Toyota & Gatorland Acura). Pursuant to Section 30-192(b) of the Gainesville Land Development Code, vacate, abandon and close a portion of the east side of North Main Street in the 3400 block.

Recommendation

Planning Division staff recommends approval of Petition 153SVA-03PB with the condition that GRU will retain a public utilities easement over the entire right-of-way.

Explanation

The petitioner is proposing to close a section of right-of-way (ROW) adjacent to 3400 block of North Main Street that was received by the City in 1972. The ROW (not including the existing road and sidewalk) is 35 feet wide in this section. The proposed street vacation will not affect the width of the paved street nor will it include the public sidewalk. Currently, GRU has water, wastewater, electric and gas along the edge and within the right-of-way proposed for vacation. Street trees are planted at the back of the sidewalk along the Main Street right-of-way which will remain.

The street vacation is requested to display vehicles for sale. Currently, the dealership vehicles are displayed in the right-of-way. There are no physical improvements to accommodate the auto display. Displayed vehicles are often too close to the City's street trees, and are not buffered by required landscaping. Staff has reviewed minor development plans for both the Acura and Toyota dealerships expanding the paved area and adding landscaping to meet street buffer requirements in this area.

The City Plan Board and City Commission shall consider the following criteria in determining whether the public welfare would be best served by the proposed action:

- 1. Whether the public benefits from the use of the subject right-of-way as part of the city street system.**

The City is using the right-of-way for public utilities and street trees.

2. Whether the proposed action is consistent with the City's comprehensive plan.

Future Land Use Element Policy 1.2.1 states: "The City may vacate street right-of-way only if it does not prevent reasonable connection for existing and future public transit, pedestrian, and non-motorized and motorized vehicle trips."

The proposed street vacation will not change the trip-making patterns of any existing street or sidewalk. The subject right-of-way is not continuous along North Main Street, and is not expected to be utilized for road or sidewalk improvements beyond the existing improvements of utilities and street trees.

3. Whether the proposed action would violate individual property rights.

The property owners affected by the proposed street closing have made this application. It will not limit access to any other properties.

4. The availability of alternative action to alleviate the identified problems.

Alternative actions would be to not vacate the right-of-way or to vacate less than the 35-foot width of the right-of-way.

5. The effect of the proposed action on traffic circulation.

There will be no effect on traffic circulation as a result of this petition.

6. The effect of the proposed action on crime.

The proposed petition will have no direct effect on crime.

7. The effect of the proposed action upon the safety of pedestrians and vehicular traffic.

The public sidewalk will remain in the right-of-way.

8. The effect of the proposed action on the provision of municipal services including, but not limited to emergency services and waste removal services.

There will be no change in the availability of municipal services.

9. The necessity to relocate utilities, both public and private.

GRU requires a Public Utilities Easement over the entire right-of-way.

10. The effect the proposed action will have on property values in the immediate and surrounding area.

The street closing will have no taxable property value until it is combined with another parcel or developed. Surrounding properties are currently developed for commercial use. The area to be vacated is not likely to be used for any purpose other than auto sales.

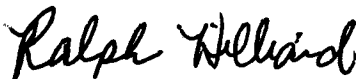
11. The effect of the proposed action on geographic areas, which may be impacted.

The existing right-of-way only affects the width of right-of-way along North Main Street.

12. The effect of the proposed action on the design and character of the area.

The existing non-compliant display of vehicles-for-sale outside of the developed dealership sites will become a code enforcement issue on private property rather than on public right-of-way.

Respectfully submitted,



Ralph Hilliard
Planning Manager

RH:CRM

DATE: 1/13/04

TO: Carolyn Morgan, Sr. Planner
Planning

FROM: Ann Mullins, Land Rights Coordinator
Real Estate Division

SUBJECT: 152-SVA-03-PB and 153-SVA-03-PB

GRU staff has reviewed the plans for the R/W vacation request at Gatorland Toyota and Acura and determined that a public utility easement needs to be reserved over both of the entire areas proposed for vacation. GRU has existing water, sanitary sewer and electric facilities located in both of the R/W strips. This information was also previously provided to Causseaux and Ellington, the engineer for the project.

Reviewing Department: Public Works
Checking Official: Rick Melzer - Box 58
Phone No.: 334-5072
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. 153SVA-03 PB
(Wednesday)

Response due date: November 19, 2003

Planner: CAROLYN MORGAN

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 20, 2003.

RECOMMENDATION:

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

The City of Gainesville SHALL RETAIN THE
WESTERLY 10 FEET OF SAID PROPERTY.

10 FT. NO LONGER NEEDED. RM. 11/10/03

Checking Official Signature: RA. M. J.

Date: 12/2/03

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. 153SVA-03 PB
(Wednesday)

Response due date: November 19, 2003

Planner: CAROLYN MORGAN

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 20, 2003.

RECOMMENDATION:

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

The Building Department recommends approval of
the proposed right of way vacation

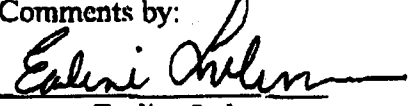
Checking Official Signature: Brenda S. Strickland Date: 11-18-03

SITE PLAN EVALUATION SHEET

CITY ARBORIST 334-2171 - Sta. 27

Petition: 153SVA-03 PB Review date: 11/21/03 Review For: Technical Review Committee Agent: Gettel Enterprises for Gatorland Toyota & Gatorland Acura located at North Main in the 3300 block.	Review: Vacate Planner: Carolyn
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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 checked="" type="checkbox"/> Attention to conditions (revisions/recommendations)	Comments by:  Earline Luhrman Urban Forestry Inspector
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Drake Elm Trees

The City planted Drake Elm trees in the right-of-way several years ago and these trees need to be protected for our Urban Forest. It has taken the Parks Division several years to plant, establish, prune, and maintain these trees.

No impact on the Urban Forest.

Reviewing Department: BellSouth - 6026 NW 1st Place, 32607

Checking Official: E.M. Sparks

Phone No.: 331-9147

Return to: Planning Division - Box 12
P.O. Box 490, Gainesville, FL 32602
Room 158, Thomas Center B
phone 334-5023; fax 334-3259

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Response due date: November 19, 2003

Planner: CAROLYN MORGAN

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RECOMMENDATION:

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

To the best of my knowledge, BellSouth has
no existing buried cables located on this
property. But due to the time limit,
Owner will need to get locates to
verify that no BellSouth cables exist
on this property.

Checking Official Signature: Michelle Jones Date: 11/18/03

2. **Petition 153SVA-03 PB** Gettel Enterprises (dba Gatorland Toyota & Gatorland Acura). Pursuant to Section 30-192(b) of the Gainesville Land Development Code, vacate, abandon and close a portion of the east side of North Main Street in the 3400 block.

Discussed with Petition 152SVA-03 PB.

<u>Motion By:</u> Mr. Gold	<u>Seconded By:</u>
<u>Moved to:</u> Approve Petition 153SVA-03 PB with the condition that GRU retain a public utilities easement across the right-of-way.	<u>Upon Vote:</u> Motion Carried 7 - 0 Ayes: Cohen, Gold, Rwebyogo, Reiskind, Cole, Pearce, Tecler.