

080165

CITY
-----OF-----
GAINESVILLE

INTER-OFFICE COMMUNICATION

Item No. 3

TO: City Plan Board DATE: June 19, 2008

FROM: Planning Division Staff

SUBJECT: Petition 107SVA-07PB, Public Works, agent for the City of Gainesville, vacate, abandon and close all of Northeast 13th Terrace and that portion of Northeast 22nd Avenue lying one foot west of a line between the Southeast corner of lot 14 and the Northeast corner of lot 29 and that portion of Northeast 21st Avenue lying west of a line between the Southeast corner of lot 35 and the Northeast corner of lot 50, as per the plat of the third addition to Carol Estates.

Recommendation

Planning Division staff recommends approval of Petition 107SVA-07 PB, with the condition that the City will waive the right to retain an overall 50-foot utility easement over the rights-of-way to be vacated in exchange for a 20-foot utility easement along the western property line of the YMCA.

Explanation

The purpose of this request is to vacate the right-of-way of Northeast 13th Terrace and that portion of Northeast 22nd Avenue lying one foot west of a line between the Southeast corner of lot 14 and the Northeast corner of lot 29 and that portion of Northeast 21st Avenue lying west of a line between the Southeast corner of lot 35 and the Northeast corner of lot 50, as per the plat of the third addition to Carol Estates. The City of Gainesville entered into a License Agreement with the North Central Florida Young Men's Christian Association, Inc. (YMCA) in August of 2002 for the use of the unimproved rights-of-way that loop through their property and separate two major sections of the property. The rights-of-way are not paved or maintained and are overgrown with vegetation. One of the stipulations of the agreement was that the City will initiate a petition to vacate the unimproved rights-of-way.

The rights-of-way to be vacated are 50-feet wide. Northeast 22nd Avenue is paved west from Northeast 15th Street to a point adjacent to Lots 15 and 28. Northeast 21st Avenue is paved west from Northeast 15th Street to a point adjacent to Lots 36 and 49. Northeast 13th Terrace is the connector

right of way between Northwest 21st Avenue and 22nd Avenue. Typically, upon vacation of a right of way, an overall utility easement is retained. In this case, Gainesville Regional Utilities (GRU) has requested that the City not retain an overall 50-foot utility easement over the vacated right-of-way. GRU has requested that the YMCA grant a utility easement over the westerly 20 feet of their property. The YMCA has agreed to grant the easement in exchange for the City vacating the subject rights-of-way. Vacating the rights-of-way adjacent to property designated for Single-Family on the Future Land Use Map and zoned for single-family use does not indicate support for those properties to be used for recreation use.

The City Plan Board must consider the following criteria in determining whether the public interest 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 public gains minimal benefit from the subject rights-of-way because they are undeveloped and do not currently serve as access for ingress or egress for the general public.

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

This proposal is consistent with the City's Concurrency Management Policy 1.2.1, concerning vacating streets only under certain conditions. The closure of the subject rights-of-way will not foreclose reasonably foreseeable future bicycle/pedestrian use, will not foreclose non-motorized access to adjacent land uses or transit stops, and there is no reasonably foreseeable need for any type of transportation corridor for the area in the future.

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

Staff finds that the proposed action does not violate any individual property rights. No properties shall be made landlocked or inaccessible.

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

The subject rights-of-way are not currently being used as public thoroughfares. No alternative action is needed.

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

There will be no impact on traffic circulation since the subject rights-of-way cannot be used as public thoroughfares.

6. The effect of the proposed action on crime.

There should be no negative impact associated with this petition.

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

The safety of pedestrians and vehicular traffic will not be impacted by this proposal.

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

The proposed action will not adversely impact municipal services in the area. Traffic circulation in the area will not be altered since the proposed vacated rights-of-way are not being used as public thoroughfares.

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

There are no existing utilities located within the rights-of-way to be vacated. There is no reservation of a public utility easement requested for the subject rights-of-way; however, GRU is requesting a 20-foot utility easement over the westerly 20 feet of the YMCA property in exchange for vacation of the subject rights-of-way.

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

The proposed street vacation should not have any negative impact on the property values in the surrounding neighborhood.

11. The effect of the vacation on geographic areas that may be impacted.

The proposed street vacation should have no impact on the geographic area in which it is located.

12. The effect of the vacation on the design and character of the neighborhood.

The proposed street vacation should not have any negative impact on the design and character of the neighborhood. The rights-of-way are not being used as public thoroughfares.

The recommended approval of Petition 107SVA-07PB, with conditions, is based on the recommendations/conditions from the following departments:

1. **AT&T:** AT&T has no objection to the vacation of right-of-way. We have no facilities located in right-of-way and do not have plans to place any new facilities in this area.
2. **GRU:** Approvable as submitted.
3. **GRU Real Estate:** GRU does not need a public utility easement reserved over right-of-way to be vacated. However, we will request that the YMCA grant an easement for existing utilities (width to be determined – minimum will be 15 feet wide) along their west property line.
4. **Police:** No comments.
5. **Public Works:** Approvable as submitted. Petition was initiated by Public Works.
6. **Fire:** Approvable as submitted.
7. **Planning Division:** Approvable as submitted.
8. **Building:** The Building Department has no problem with the proposed street vacation.
9. **City Arborist:** Approvable as submitted.

080165

Condition:

Approvable with the condition that the City will waive the right to retain an overall 50-foot utility easement over the rights-of-way to be vacated in exchange for a 20-foot utility easement along the western property line of the YMCA.

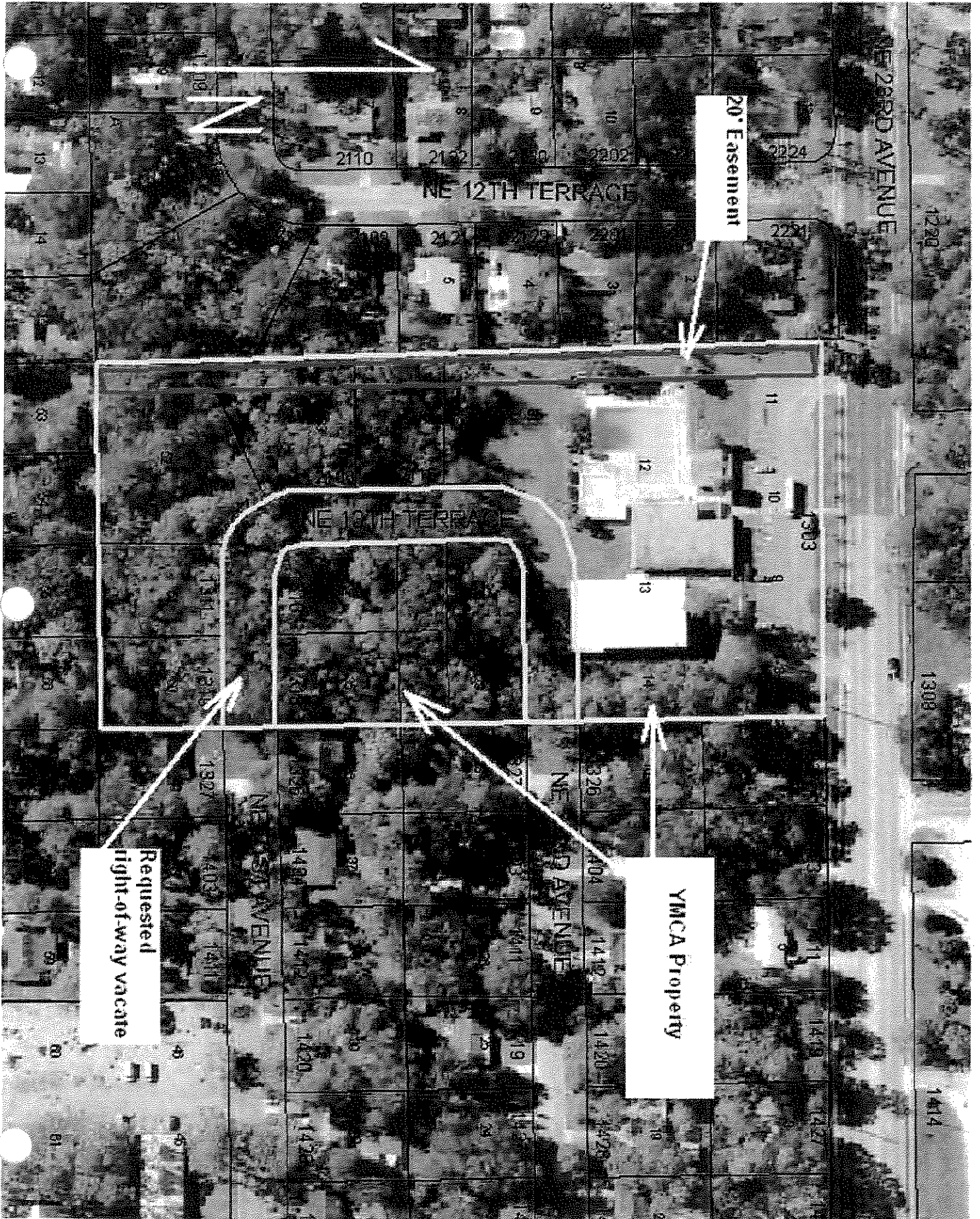
Respectfully submitted,

A handwritten signature in cursive script that reads "Ralph Hilliard".

Ralph Hilliard
Planning Manager

RH: JS

080165



20' Easement

YMCA Property

Requested right-of-way vacate



Land Use Designations

- SF Single Family (up to 8 du/acre)
- RL Residential Low Density (up to 12 du/acre)
- RM Residential Medium Density (8-30 du/acre)
- RH Residential High Density (8-100 du/acre)
- MUR Mixed Use Residential (up to 75 du/acre)
- MUL Mixed Use Low Intensity (8-30 du/acre)
- MUM Mixed Use Medium Intensity (12-30 du/acre)
- MUH Mixed Use High Intensity (up to 150 du/acre)
- UMU1 Urban Mixed Use 1 (up to 75 du/acre)
- UMU2 Urban Mixed Use 2 (up to 100 du/acre)
- O Office
- C Commercial
- IND Industrial
- E Education
- REC Recreation
- CON Conservation
- AGR Agriculture
- PF Public Facilities
- PUD Planned Use District

----- Division line between two land use districts
 _____ City Limits

Area under petition consideration



EXISTING LAND USE

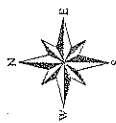
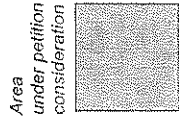
Name	Petition Request	Map(s)	Petition Number
City of Gainesville, applicant	Vacate NE 13th Terrace Between NE 21st and 22nd Avenues	3753	107SVA-07PB



No Scale

Zoning District Categories

- RSF1 Single-Family Residential (3.5 du/acre)
 - RSF2 Single-Family Residential (4.6 du/acre)
 - RSF3 Single-Family Residential (5.8 du/acre)
 - RSF4 Single-Family Residential (8 du/acre)
 - RSF5 Residential Low Density (12 du/acre)
 - RC Residential Conservation (12 du/acre)
 - MH Mobile Home Residential (12 du/acre)
 - RMF6 Multiple-Family Medium Density Residential (8-15 du/acre)
 - RMF7 Multiple-Family Medium Density Residential (8-21 du/acre)
 - RMF8 Multiple-Family Medium Density Residential (8-30 du/acre)
 - RMU Residential Mixed Use (up to 75 du/acre)
 - RH1 Residential High Density (8-43 du/acre)
 - RH2 Residential High Density (8-100 du/acre)
 - OR Office Residential (up to 20 du/acre)
 - OF General Office
 - PD Planned Development
 - BUS General Business
 - BA Automotive-Oriented Business
 - BT Tourist-Oriented Business
 - MU1 Mixed Use Low Intensity (8-30 du/acre)
 - MU2 Mixed Use Medium Intensity (12-30 du/acre)
 - UMU1 Urban Mixed Use District 1 (up to 75 du/acre)
 - UMU2 Urban Mixed Use District 2 (up to 100 du/acre)
 - CCD Central City District
 - W Warehousing and Wholesaling
 - I1 Limited Industrial
 - I2 General Industrial
 - AGR Agriculture
 - CON Conservation
 - MD Medical Services
 - PS Public Services and Operations
 - AF Airport Facility
 - ED Educational Services
 - CP Corporate Park
- Historic Preservation/Conservation District
 Special Area Plan
 Division line between two zoning districts
 City Limits



No Scale




080105

EXISTING ZONING

Name	Petition Request	Map(s)	Petition Number
City of Gainesville, applicant	Vacate NE 13th Terrace Between NE 21st and 22nd Avenues	3753	107SVA-07PB



AERIAL PHOTOGRAPH

 <p>No Scale</p>	<p>Name</p> <p>City of Gainesville, applicant</p>	<p>Petition Request</p> <p>Vacate NE 13th Terrace Between NE 21st and 22nd Avenues</p>	<p>Map(s)</p> <p>3753</p>	<p>Petition Number</p> <p>107SVA-07PB</p>
---	--	---	----------------------------------	--

Petition 107SVA-07PB Public Works, agent for the City of Gainesville, vacate, abandon and close all of Northeast 13th Terrace and that portion of Northeast 22nd Avenue lying one foot west of a line between the Southeast corner of lot 14 and the Northeast corner of lot 29 and that portion of Northeast 21st Avenue lying west of a line between the Southeast corner of lot 35 and the Northeast corner of lot 50, as per the plat of the third addition to Carol Estates.

Jason Simmons, Planner gave the staff presentation and stated that this petition is to vacate a 50 foot right-of-way that includes portions of NE 13th Terrace, NE 22nd Avenue and NE 21st Avenue. Mr. Simmons further stated that in 2002 the City of Gainesville entered into an agreement with the YMCA for the use of that unimproved right-of-way that loops through their property and one of the stipulations of that agreement was that the City would initiate a petition to vacate that unimproved right-of-way. Mr. Simmons added that staff is recommending approval with the condition that the City will waive the right to retain a 50 foot utility easement over the right-of-ways to be vacated in exchange for a 20 foot utility easement along the western property line of the YMCA.

Chair Reiskind inquired if there will be access to the residential neighborhoods given the zoning to the single family area is not changing. Mr. Simmons stated that this area was never developed because it is wet. Chair Reiskind further inquired if there was a neighborhood workshop for this petition. Mr. Simmons stated that a neighborhood workshop was not required because it is a street vacation and not a zoning change.

Motion: Randy Wells	Seconded By: Jack Walls
Moved To: Approve.	Upon Vote: 4 – 0.