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City of
Gainesville

Inter-Office Communication

Planning Division
X5022, FAX x2282, Station 12

Item No. 6

TO: City Plan Board

DATE: August 17, 2000

FROM: Planning Division Staff

SUBJECT: Petition 111SVA-00 PB, Brown and Cullen, Inc., agent for University of Florida Foundation Inc. and State of Florida IITF. Pursuant to Section 30-192(b), City of Gainesville Land Development Code, to vacate, abandon and close, that portion of the right-of-way of Northwest 20th Street lying between West University Avenue and Northwest 1st Avenue.

Recommendation

Staff recommends approval of Petition 111SVA-00PB, with conditions.

Explanation

Brown & Cullen, Inc., on behalf of the University of Florida Foundation (UFF), has submitted this request to vacate, abandon, and close the first block of NW 20th Street, from West University Avenue north to NW 1st Avenue. The closed right-of-way will be transformed into an outdoor, quasi-public plaza that will connect the two UFF buildings on the east and west sides of NW 20th Street with a design that provides an inviting open space that safely conveys the pedestrian and bicyclists to the signalized intersection crossing at West University Avenue and North-South Drive.

Existing Conditions

Northwest 20th Street has a high number of bicycle and pedestrian trips between the residential area to the north of the University of Florida, and a high number of pedestrian trips between the two UFF buildings on either side of NW 20th Street. The street has a low volume of automobile traffic, however, specific counts are not available from the Public Works Department.

The "Corridors To Campus" study (1997), prepared by Dr. Ruth Steiner for the Florida Department of Transportation's State Safety Office and the City of Gainesville, recommends closing that segment of NW 20th Street (see attached documentation). The study counted a total of 958 combined bicycle, pedestrian

and jay-walker/cyclists per day crossing at the intersection of West University and NW 20th Street (Corridors to Campus, pages 28 & 29).

The existing right-of-way for NW 20th Street is 42.5 feet wide. Currently, three streets in the immediate vicinity have "T" intersections with West University Avenue. Northwest 20th Street and NW 20th Terrace have unsignalized intersections, while North-South Drive is a signalized intersection. Northwest 20th street and NW 20th Terrace are approximately 150 feet apart, located on the north side of West University Avenue, and North-South Drive is located on the south of West University Avenue, 90 feet west of NW 20th Street and 35 feet east of NW 20th Terrace.

Given the existing street locations and intersections, and particularly the offset with North-South Drive, the NW 20th Street and NW 20th Terrace intersections currently operate as right-in/right-out only, and have signage and some traffic medians intended to prevent left turns. Only North-South Drive accommodates left turns from West University Avenue. The NW 20th Street intersection does not contain any pedestrian facilities for crossing West University Avenue. A sidewalk is present on the east side of NW 20th Street, which must be crossed in order to access the signalized pedestrian crossing at North-South Drive and West University Avenue. Sidewalks are present on West University and North-South Drive. Figure 1 is attached which depicts the relationships between NW20th Street, NW 20th Terrace, North-South Drive, and West University Avenue.

Proposed Conditions

This petition proposes to close the first (southernmost) block of NW 20th Street. Closing the first block of NW 20th Street constitutes a safety improvement that will eliminate one offset intersection. The closed right-of-way will be converted into an outdoor, quasi-public plaza that will be designed to allow the continued flow of bicycle and pedestrian traffic while eliminating vehicular traffic. The new plaza will reduce bicycle and pedestrian/vehicle conflicts by directing the existing bicycle and pedestrian traffic on NW 20th Street to the signalized, striped crosswalk at North-South Drive and West University Avenue. This allows the bicycle and Pedestrian traffic to focus solely on crossing West University Avenue.

The petitioner has indicated that the vacated right-of-way will be transformed into a large quasi-public open space, with aesthetically pleasing landscaping and street furniture that matches the City's Streetscaping projects on NW16th and NW 17th Streets. The plaza will also serve as an architectural element tying the two UFF buildings together, and provide an outdoor gathering space for University-oriented events. The anticipated renovation and reconstruction of the UFF buildings, on either side of the right-of-way, should be timed to coincide with construction of

the plaza to create a truly inviting presence along the West University Avenue corridor. Figure 2 is attached which shows the existing right-of-way area reconfigured as an outdoor plaza.

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.

Analysis of this issue is provided in the "Corridors to Campus" study. The public, presently, gains minimal benefit from the right-of-way in question due to the restrictions placed on the turning movements allowed of motor vehicles (right-in/right-out only). This block and intersection has proven, over the years, to be relatively dangerous due the number of pedestrian and bicycle conflicts with motor vehicles. The adjacent property owners will continue to retain access to their property from adjacent streets. The public will continue to have safe or safer pedestrian, bicycle, and emergency vehicle access across, over or through this abandoned right-of-way.

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

Staff finds that the proposed action would be consistent with the City's comprehensive plan objective of continued revitalization of the Traditional City Area/College Park Neighborhood by; improving the sense of place and community; providing a vibrant mix of civic, commercial, office, retail, and residential uses in close proximity; reducing crime by encouraging a 24-hour mix of uses and pedestrians; striking a balance between the needs of the car and pedestrian by creating a pleasant ambiance and interesting people-scaled features; and substantially improving the safety and convenience of non-moterized multi-modal transportation methods.

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

Staff finds that the proposed action should 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.

If the city decides not to close this block, the possibility of left-turning movements could be reduced with islands that direct traffic in only the right-in

and right-out direction. Signage at NW 1st Avenue and University Avenue indicates that no left turns are allowed could reinforce this message. However, the viability of the project and safety could be jeopardized because of the lack of gathering space for overflow crowds and guests.

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

This issue is covered in the "Corridors to Campus" plan. Although there are numerous north/south streets in this area of the College Park Neighborhood, the vacation of the street in-question could necessitate the re-evaluation of one or more of the existing streets in the area into one-way pairs. Access to the signalized crossing at West University will be improved, and the existing bicycle and pedestrian safety and traffic conditions will be substantially enhanced by vacating the existing right-of-way. Due to the right in/right out intersection design of NW 20th Street, the street currently carries a low volume of automobile traffic. Vehicular access in this location will be closed and dispersed to the surrounding roadway network. The existing street grid will not be substantially altered, and the outdoor public plaza can be designed and constructed to provide better pedestrian and bicycle access, yet also continue to provide access for fire, police and other emergency vehicles.

6. The effect of the proposed action on crime.

There should be no negative impact associated with this request.

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

Continued existence of this right-of-way configuration maintains the unsafe intersection design, which includes 3 "T" intersections and encourages unsignalized crossings at West University Avenue, and perpetuates the City's maintenance obligations and existing safety liabilities. Vacating the right-of-way will allow the area to be reconstructed as an outdoor public plaza designed to direct pedestrians and bicyclist to the signalized crossing at West University and North-South Drive, and will eliminate the City's maintenance cost and bicycle and pedestrian liabilities.

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 effect of the proposed action should not adversely impact municipal services. Vehicular access in this location will be closed and dispersed to the surrounding roadway network. The existing street grid will not be substantially altered, and

the outdoor public plaza can be designed and constructed to provide better pedestrian and bicycle access, yet also continue to provide access for fire, police, and other emergency vehicles.

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

The petitioner will be granting to the City or the City will be retaining a utilities easement over, under, and across the right-of-way in question, so there should be no problem relocating any utilities if required or desired. All utility changes, if any, will be at petitioner's expense.

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

The action of the street vacation along with the proposed site improvements proposed should increase the property values in the surrounding neighborhood.

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

The proposed action should have little effect on the geographic area in which it is located. The existing vista along Northwest 20th Street should remain much as it is today with no buildings to interrupt the view.

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

The effect of the proposed action (street vacation) in conjunction with the proposed development of the "Alumni Hall" and "Plaza" (see attached drawing) should do much to further enhance the importance and tie between the UF campus and the College Park Neighborhood area to the south. The new multi-story brick UF style building should provide a "Sense of Place" for returning alumni to the University at one of its more important entrances (Florida Field and O'Connell Center) on North-South Drive.

The recommendation to approve Petition 111SVA-00 PB, with conditions, is based, in part, on the comments from the following Departments:

City Departments and Utilities

- 1. Bell South:** Bell South cables feed UF Foundation buildings. Please locate cables and retain easement for buried cables (feed is from the north-east).
- 2. GRU:** Gas, electric, and sewer facilities are only services and could be abandoned. Water facilities need to remain or be relocated, as this line is important to the distribution system in the area. If this portion of NW 20th Street is vacated, a public utilities easement will be needed.
- 3. Real Estate Division:** There are existing utilities within the right-of-way of NW 20th Street. A (PUE) public utilities easement must be retained of the area of vacation.
- 4. City Arborist:** Approved with conditions (See attached memo). Comments are more pertinent to site plan review by DRB.
- 5. Public Works Department:** We support closing this block. This is a difficult intersection because it is so close to North-South Drive. It basically functions as a right-in/right-out. Corridor to Campus pretty much supports closing the block, see page 76. Ingress/egress to the neighborhood can be via 18/19/22 streets. This project would really transform this block into a nice pedestrian area at a main entrance to UF.
- 6. Fire:** The right-of-way vacation is approved as submitted. Access onto the proposed plaza by emergency vehicles would be desired to facilitate high rise apparatus use during an emergency incident. Please consider mountable curbs on each end. Through access would not be required.
- 7. Building:** The Building Department has no problem with the proposed street vacation.
- 8. Planning Division:** The "Alumni Hall" project will not require Development Plan Review by the City of Gainesville Development Review Board because the project is located within the boundaries of the adopted University of Florida "Comprehensive Master Plan 1994-2004".

It is staff's understanding that the Master Plan will be amended to include the proposed plaza area. However, the petitioner has agreed to coordinate the design of the project with the appropriate city departments as the design is developed.

City Plan Board
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The petitioner intends to include improved bike/ pedestrian access to the University Avenue crosswalks into the design. In addition to the requirements of the other departments, city staff shall review and coordinate with the petitioner regarding provisions of a pedestrian cross-access easement, bus stop/shelter relocation, and any approvals needed for drop-off/loading areas and parking lot/garage access affecting adjacent streets. The street will be officially vacated at the appropriate time to accommodate the plaza development.

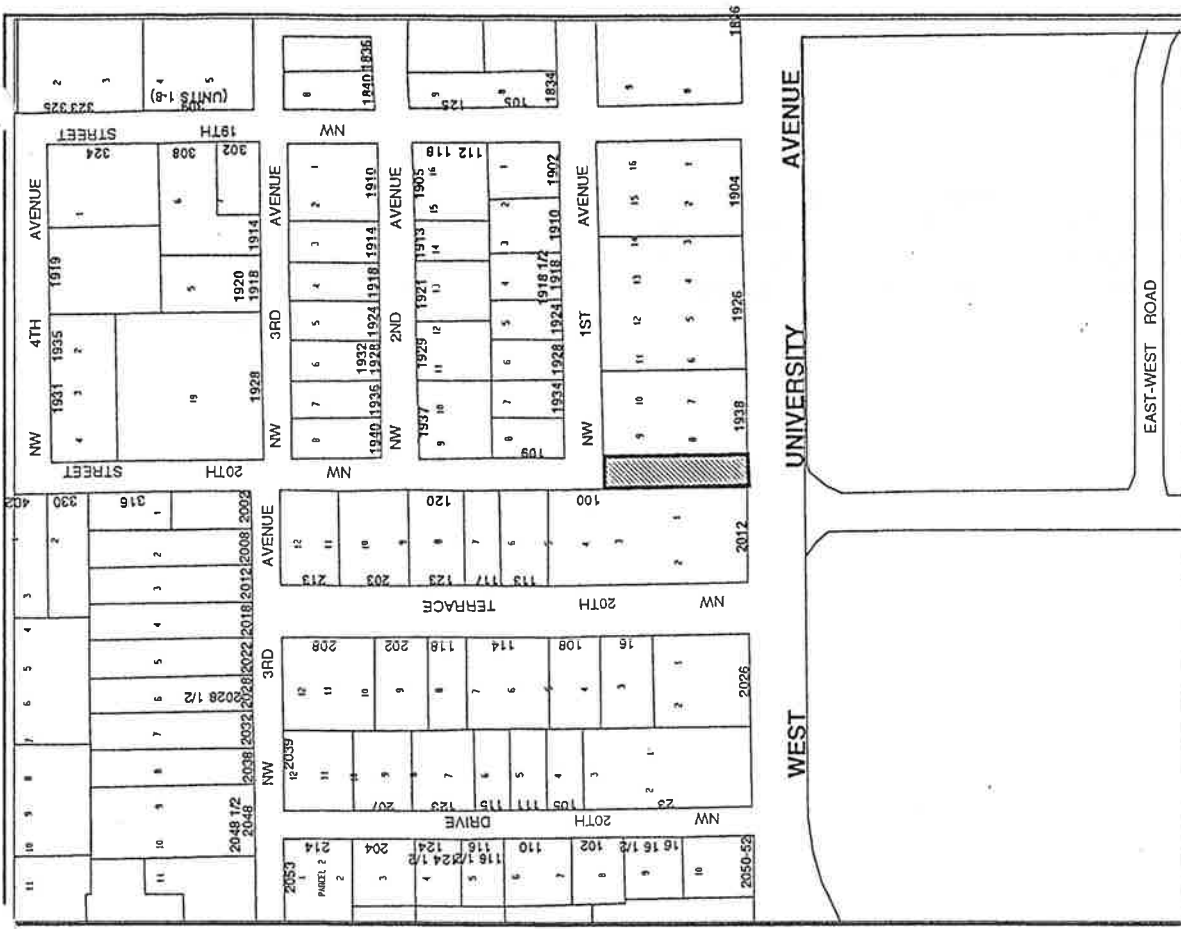
Respectfully submitted,

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

Ralph Hilliard
Planning Manager

RH: GGF

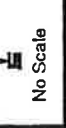
Street Closing



Area under petition consideration



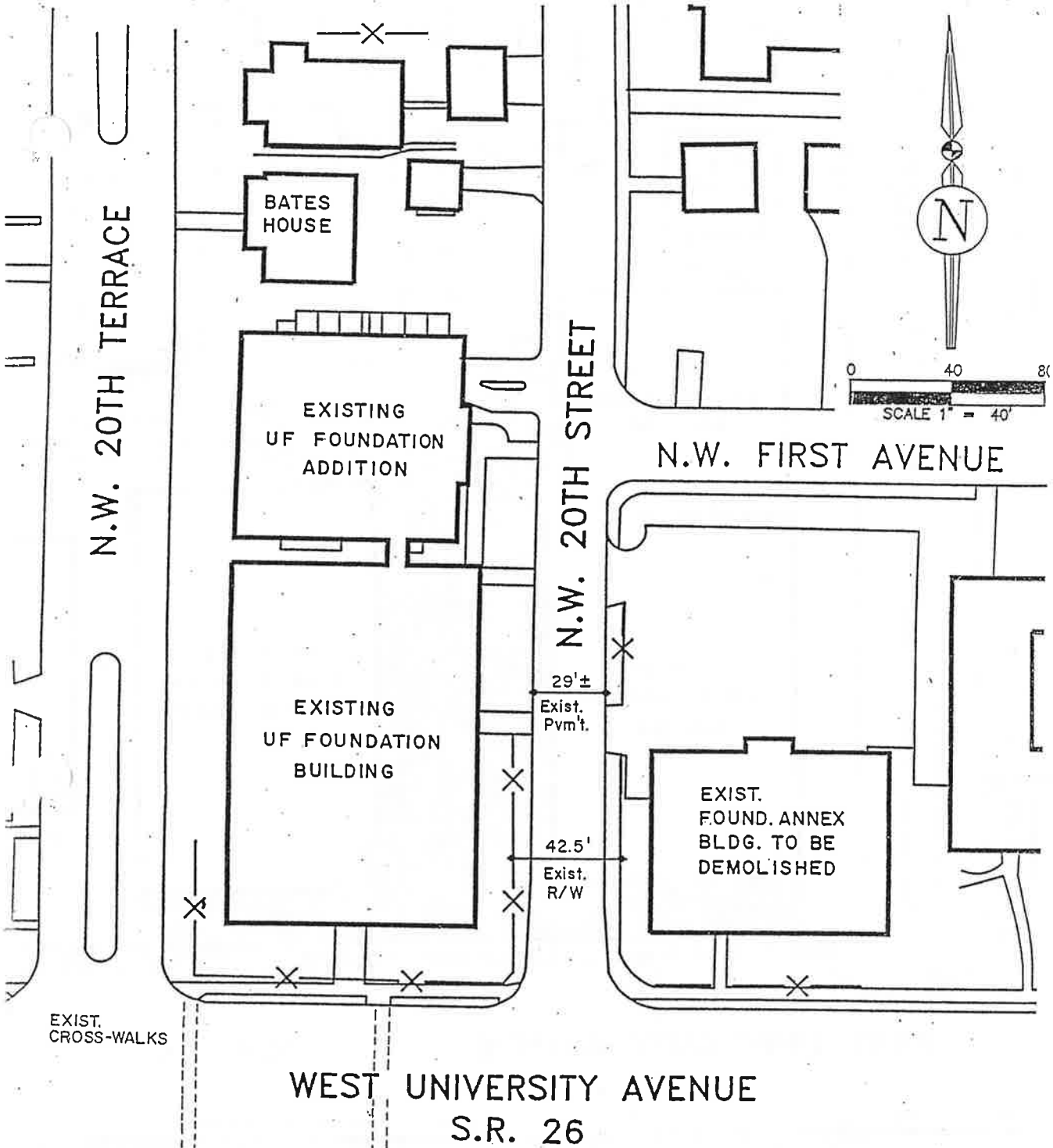
Name	Petition Request	Map(s)	Petition Number
University of Florida Foundation, Inc. & State of Florida, I.I.T.F.	Street Vacation	3948	111SVA-00PB



No Scale

September 4, 2000
Petition 111SVA-00PB
Legal Description

All of that right-of-way known as N.W. 20th Street lying between Block 1 of College Court as per Plat Book "A", page 134 of the Public Records of Alachua County, Florida, and Block 4 of College Park as per Plat Book "A", page 9 of the Public Records of Alachua County, Florida, and lying south of a westerly extension of the north line of said Block 4 of College Park. Lying and being in the City of Gainesville, Florida.



UF PROPERTY BOUNDARY

**O'CONNELL
CENTER**

RECEIVED
JUL 12 2000
PLANNING
DIVISION

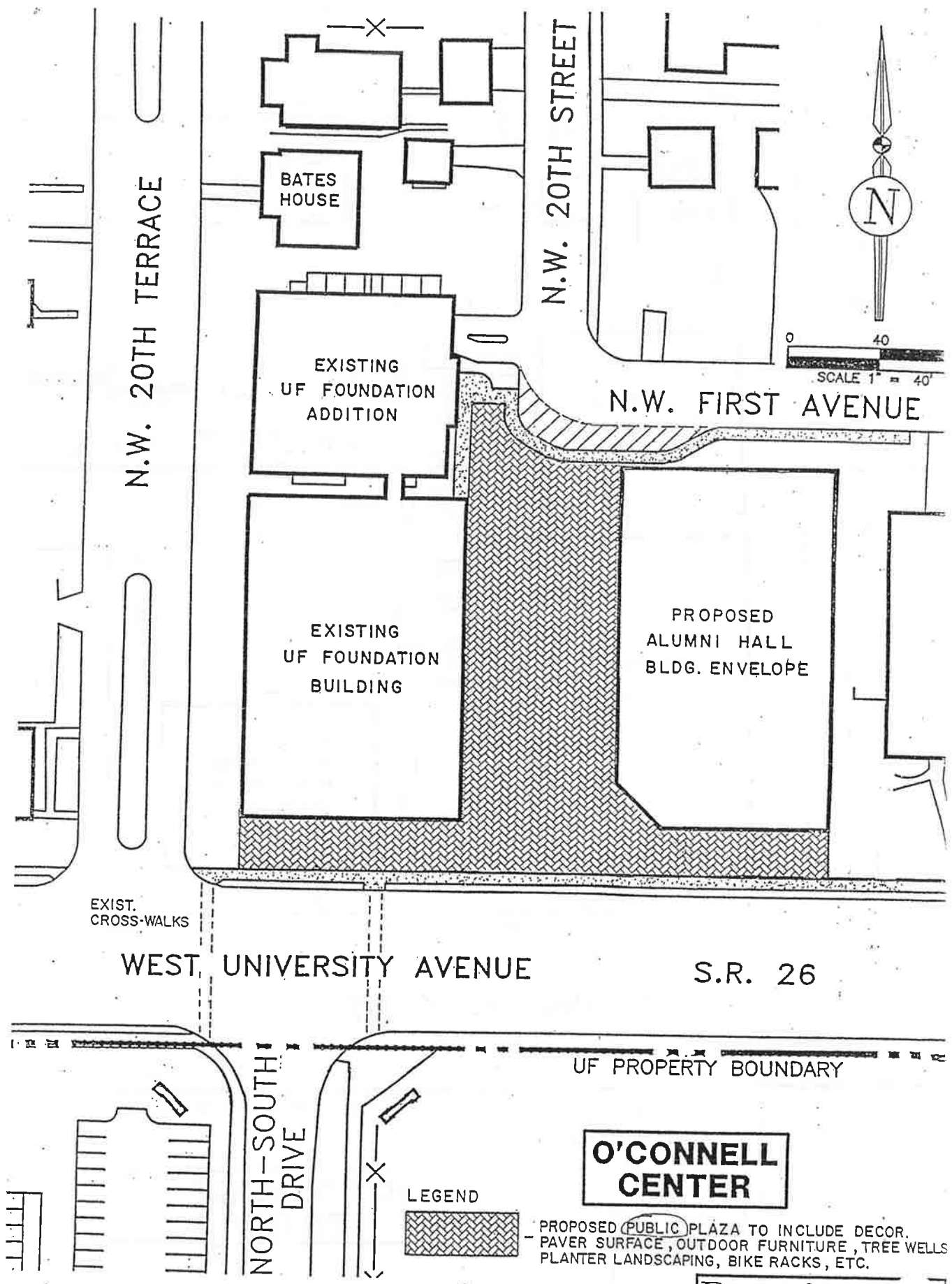
15VA-00PB

N.W. 20th. ST.
PARTIAL R/W VACATION
EXISTING CONDITIONS

**BROWN &
CULLEN** CIVIL ENGINEERS
and
INC. LAND PLANNERS

3530 N.W. 43rd Street
Gainesville, Florida 32606
PHONE: (352) 375-8999 FAX: (352) 375-0833

GURE 1



WEST UNIVERSITY AVENUE

S.R. 26

UF PROPERTY BOUNDARY

**O'CONNELL
CENTER**

LEGEND



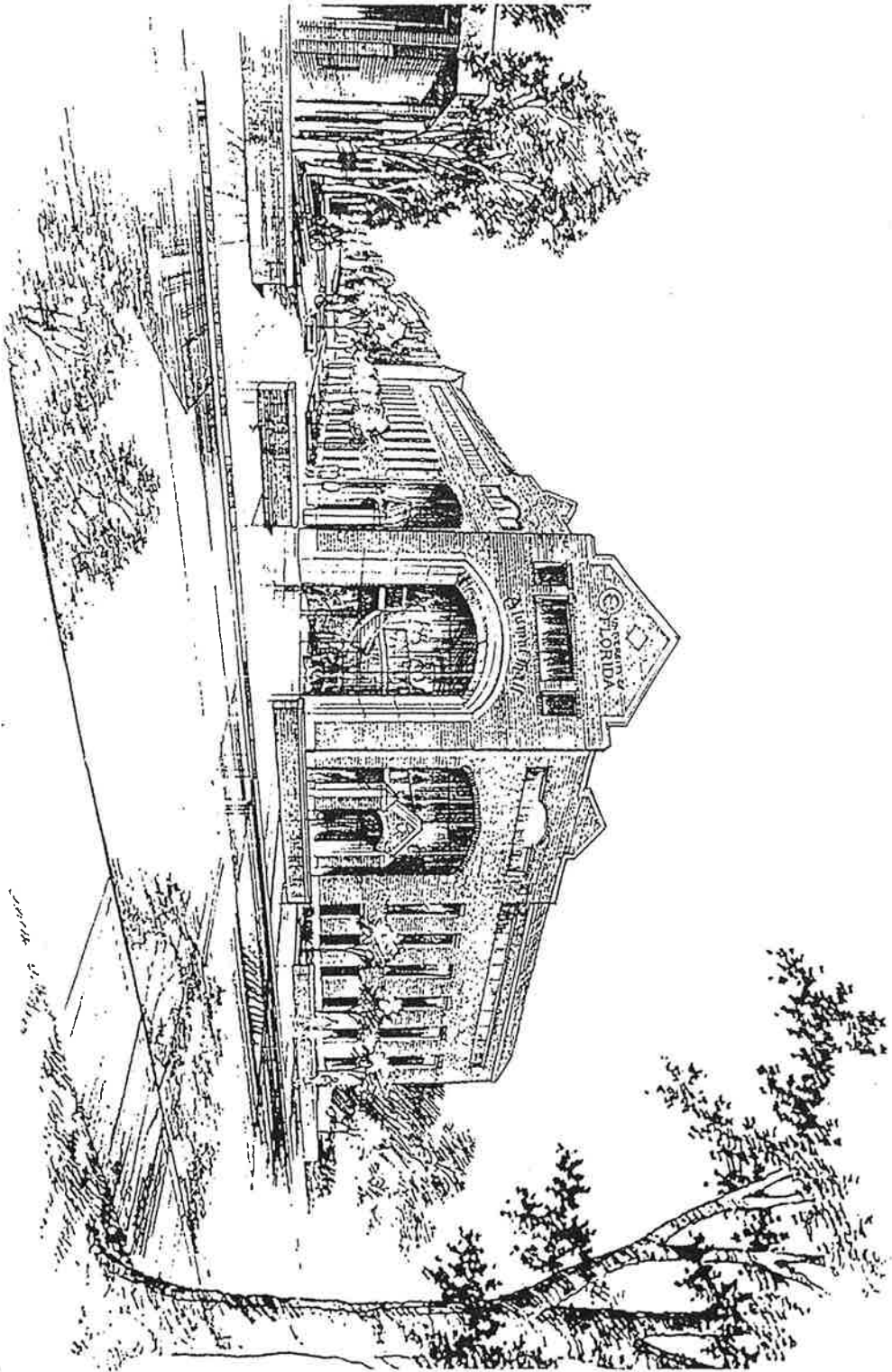
PROPOSED PUBLIC PLAZA TO INCLUDE DECOR. PAVER SURFACE, OUTDOOR FURNITURE, TREE WELLS, PLANTER LANDSCAPING, BIKE RACKS, ETC.

FIGURE 2

N.W. 20th. ST.
PARTIAL R/W VACATION
CONCEPT PLAN

BROWN & CULLEN INC. CIVIL ENGINEERS and LAND PLANNERS

3530 N.W. 43rd Street
Gainesville, Florida, 32608
PHONE: (352) 375-8999 FAX: (352) 375-0833
E-MAIL: bcl@brown-cullen.com
St. of Fla. Brd. of Prof. Eng. Cert. of Auth. No. 8263



**CORRIDORS TO CAMPUS: AN EVALUATION OF THE AREA
SURROUNDING THE UNIVERSITY OF FLORIDA CAMPUS FOR
PEDESTRIAN AND BICYCLE SAFETY IMPROVEMENTS**

RECEIVED

JUL 25 2000

PLANNING
DIVISION

Prepared by

**Ruth L. Steiner, Ph. D.
Principal Investigator**

**Helena Atalla
Graduate Research Assistant**

**With assistance from Eric Finnen, Sarah Owen, Rodney Chatman
Graduate Research Assistants, and
Karen Flores, Folks Huxford, Christie Keller, Ted Kitchens and Mark Mistretta**

For

**The Florida Department of Transportation, State Safety Office
under Grant #FPS-97-12-01-01
and
The City of Gainesville, Florida**

September 1997

Pedestrian and bicycle counts conducted at the intersection of Archer Road and SW 34th Street yielded the following:

	Pedestrians	Bicyclists	Jay-walkers/cyclists
7:15 AM-9:45 AM	54	24	7
11:30 AM-1:30 PM	14	36	30
4:00 PM-6:00 PM	24	77	27
Total	92	137	64

The peak 15 minute interval yielded a total of 15 pedestrians, bicyclists, and jay-walkers/cyclists from 11:15 AM to 11:30 AM and from 4:30 PM to 4:45 PM. See Appendix E for more detailed count information.

Vehicular ADTs for the SW 34th Street area are as follows:

Year	Corridor	Count
1995	SW 34 th Street (1600 block)	48,000
1995	SW 34 th Street (2000 block)	41,500
1995	SW 34 th Street (N of Radio Road)	41,000
1995	SW 34 th Street (2800 block)	30,000
1995	SW 34 th Street (100 block)	25,000
1995	SW 34 th Street (4300 block)	14,600
1993	SW 34 th Street (900 block)	38,026

Description **NW 20th Street (City of Gainesville)**

The NW 20th Street corridor is a local street extending from West University Avenue north to NW 5th Avenue. NW 20th Street is 30 feet wide, with a right-of-way of approximately 43 feet. It connects with NW 19th Street via NW 1st, 2nd, 3rd, and 4th Avenues.

The NW 20th Street corridor is well-maintained except for changes in sidewalk elevation. Facilities include stop signs for east/west traffic at all intersections and on-street decal parking facilities on the west side for approximately 29 cars. The sidewalk network is continuous on the east side with a lack of buffer strips from the 100 through the 400 blocks. The west side does not have a sidewalk network. Light fixtures are located on the west side.

Crosswalks and curb cuts are lacking at intersections through the entire corridor. RTS does not serve this corridor.

Counts conducted at the intersection of NW 20th Street and West University Avenue during three peak time intervals yielded the following:

	Pedestrians	Bicyclists	Jay-walkers/cyclists
7:00 AM-9:30 AM	87	139	35
11:00 AM-1:15 PM	138	131	93
4:00 PM-6:00 PM	210	96	29
Total	435	366	157

According to the count data, the peak 15 minute interval yielded a total of 59 pedestrians, bicyclists, and jay-walkers/cyclists from 11:30 AM to 11:45 AM. See Appendix E for more detailed count information.

NW 19th Street (City of Gainesville)

NW 19th Street is a two-lane, two-way local street extending from West University Avenue north to NW 7th Place. The corridor runs from West University Avenue north to NW 5th Avenue. NW 19th Street is 30 feet wide with a right-of-way of approximately 50 feet.

NW 19th Street corridor is a well-maintained corridor. Facilities include stop signs for east/west traffic at all intersections except a two-way stop at the intersection with NW 5th Avenue. It contains on-street decal parking facilities for approximately 28 vehicles on the west side. Sidewalks exist on both sides of the street and contain protective buffer strips in some areas. Lighting also exists on both sides of the street. Crosswalks are located at the NW 5th Avenue and the West University Avenue intersections. The corridor contains no bicycle lanes and curb cuts are generally lacking. RTS does not serve this corridor.

Counts conducted at the intersection of NW 19th Street and West University Avenue during three peak time intervals yielded the following:

	Pedestrians	Bicyclists	Jay-walkers/cyclists
7:00 AM-9:30 AM	145	156	65
11:00 AM-1:15 PM	176	152	111

34th Street

This study incorporates all of the recommendations of the Multimodal corridor study. The level of pedestrian and bicycle activity in this area is low enough to suggest the large number of students in this area may be better served by the transit system. However, the University currently has plans to build a parking lot on the west side of 34th Street. If, and when, this parking lot is built, there may be a need for a pedestrian and bicycle overpass to provide a safe means to cross 34th Street.

NW 20th Street

Like many other corridors in the College Park/University Heights Redevelopment Area, it is recommended that the sidewalk be completed. Along NW 20th Avenue, this recommendation includes only the sidewalk on the east side of the street. The sidewalks are not recommended on the west side of the street because there is insufficient space to locate the sidewalk without removing trees or other shrubbery.

Recommendation * * The recommendation to close the first block is made based upon discussions with the Redevelopment Agency, the City of Gainesville Traffic Engineering and the University of Florida Foundation. While the project team does not generally support the closure of streets, this location has special characteristics that may justify the closure. Currently, this street carries a low volume of traffic, has high volumes of pedestrian traffic between the two Alumni Association buildings and, because of the offset with North-South Drive, has a dangerous intersection in which it is difficult to maintain safe movements. To implement this recommendation the University of Florida Foundation would need to negotiate with the city for the closure of the street; the city would expend no money to close this block of the street. * *
If the city decides not to close this block the possibility of left-turning movements could be reduced with islands that direct traffic in only the right-in and right-out direction. Signage at NW 1st Avenue and University Avenue that indicates that no left turns are allowed could reinforce this message.

NW 1st Avenue Corridor

Improvement	Responsibility	Included in 5 year work program	Included in Cost-Feasible Plan	Included in Needs Plan	Included in Multimodal Study	Included in Bic/Ped board recs	Cost
Lay sidewalk on NW 1st Avenue between NW 18th and NW 17th Streets and reconstruct broken sidewalk and install handicap ramps between NW 17th And NW 16th Sts.	City						\$22,700 *

NW 20th Street Corridor

Improvement	Responsibility	Included in 5 year work program	Included in Cost-Feasible Plan	Included in Needs Plan	Included in Multimodal Study	Included in Bic/Ped board recs	Cost
* * Close off first block	City / UF						\$0
Completion of sidewalk networks, reconstruction of broken sidewalks, and installation of handicap ramps.	City						\$17,900 *

* This estimate reflects half the original mobilization cost assuming the entire street will be corrected at one time.

** Mobilization costs are excluded but are included in the completion of the sidewalk network.

34. NW 16th Street:
 - Make this street right turn only
35. NW 17th Street:
 - It is 24 and 3/4 feet wide with in street bike lanes. When you have 15' lanes in street bike lanes are not recommended because the cars go too fast.
 - Designated as a collector street by the city
 - Need more pedestrian storage space at the intersection of 17th St. and University Ave.
 - Good place for an exclusive pedestrian signal at the intersection of University Ave.
 - Good place to try advanced storage lanes for cyclists
 - UF is spending money on Buchman for bike lanes
36. NW 1st Avenue:
 - Make this a heavy pedestrian area but there is a problem with the post office
37. One-way pairs:
 - NW 2nd and 3rd Avenues make one-way pairs to 16th St.
 - Not practical to do one-way pairs between 2nd and 3rd Ave because 3rd has back out parking. More practical one-way pairs between 1st and 2nd Ave.
- * * 38. NW 20th Street:
 - Close NW 20th Street to automobiles because of accident data on North/South Drive.
39. NW 23rd Street:
 - Can make a connection with the greenway
 - There is a curve, hill, and no signal at University Ave. This is why more people use 22nd St.
40. SW 2nd Ave (26A)
 - The one way pairs in the 26/26A project will hurt the bicyclist. There needs to be an off street facility or a counter flow. People will not think to look the other way for bicyclists
 - The off-street facility needs to be replaced. It is heavily used.
 - There will be some striping maintenance but no resurfacing because they would rather wait until the 26/26A project is complete.

RECOMMENDATIONS

NW 20th Street Corridor

Improvement	Responsibility	Included in 5 year work program	Included in Cost-Feasible Plan	Included in Needs Plan	Included in Multimodal Study	Included in Bic/Ped board recs	Cost
* * Close off first block	City / UF						\$0
	City						\$17,900 *
Completion of sidewalk networks, reconstruction of broken sidewalks, and installation of handicap ramps.	City						\$17,900 *

NW 19th Street Corridor

Improvement	Responsibility	Included in 5 year work program	Included in Cost-Feasible Plan	Included in Needs Plan	Included in Multimodal Study	Included in Bic/Ped board recs	Cost
Change existing stop in first block or improve visibility of existing stop sign	City						\$0
	City						\$23,500 *
Completion of sidewalk networks, reconstruction of broken sidewalks, and installation of handicap ramps.	City						\$23,500 *

NW 18th Street Corridor

Improvement	Responsibility	Included in 5 year work program	Included in Cost-Feasible Plan	Included in Needs Plan	Included in Multimodal Study	Included in Bic/Ped board recs	Cost
Change existing stop at first block (from north/south to east/west)	City						\$0
	City						\$9,800 *
Complete sidewalk network between NW 1st and NW 2nd Avenues (westside of street) and install handicap ramps.	City						\$9,800 *

* This estimate reflects half the original mobilization cost assuming the entire street will be corrected at one time.

** Mobilization costs are excluded but are included in the completion of the sidewalk network.

6. **Petition 111SVA-00 PB** Brown & Cullen, Inc., agent for University of Florida Foundation, Inc. and State of Florida IITF. Pursuant to Sec. 30-192(b), Land Development Code, to vacate, abandon and close that portion of the right-of-way of Northwest 20th Street lying between West University Avenue and Northwest 1st Avenue.

Mr. Gene Francis was recognized. Mr. Francis pointed out the location of the site on a map and described it and the surrounding uses in detail.

Mr. Mike Castine, agent for the petitioner, was recognized. Mr. Castine noted that the petition came to the board with a staff recommendation of approval. He explained that the goal of the project was to provide a safety improvement. He presented drawings illustrating the function of the roads as they existed and how they would be modified by the proposed vacation of right-of-way. He also presented a drawing of the proposed streetscape and building and noted that the plan would channelize bicycle and pedestrian traffic to signalized intersections. Mr. Castine pointed out the landscaping and noted that it would provide public open space. He presented traffic accident data for 1997 and 1998. He cited the recommendation for closure of the street by the "Corridors to Campus Study" prepared by Dr. Ruth Steiner. He indicated that the existing streets in the area would be adequate to carry vehicular traffic. Mr. Castine indicated that the closure had been included in the City's Five Year Workplan, the Cost Feasible Plan, the Needs Plan, and the Bicycle and Pedestrians Board recommendations.

Mr. Bruce DeLaney, Director of Real Estate for the University of Florida, was recognized. Mr. DeLaney discussed the new plaza to be constructed over the area of the street to be vacated. He also discussed the proposed mixed-use parking facility to be constructed at the Catholic Church and other improvements in the College Park Neighborhood. Mr. DeLaney explained that the project would create public open space and the equivalent of a pocket park. He offered to answer any questions from the board.

Mr. Polshek noted that the staff report on the project called the area a "quasi-public plaza." He requested an explanation of the term.

Mr. DeLaney stated that the area would be a University of Florida plaza and would be quasi-public in the same manner as any of the UF campus.

Mr. Polshek asked if the land, once vacated, would fall under the ownership of the University or State of Florida and no longer be under the purview of the City of Gainesville's planning procedure.

Mr. DeLaney indicated that it would.

Chair Guy asked how pedestrian and bicycle conflicts would be addressed.

Mr. DeLaney pointed out the proposed sidewalks and how they conveyed pedestrian and bicycle traffic to the signalized crossing. He discussed the details of the proposed plaza. He agreed that conflicts were possible. He noted that, through the use of pavers and other materials to delineate specific areas, conflicts could be minimized.

Chair Guy asked why the city could not grant an easement and retain control of the street.

Mr. DeLaney explained that, under state rules, it was difficult to spend funds on land not owned by the University. He pointed out that the city would retain easement rights through the property. He noted that there were utilities under the street.

There was discussion of the loss of six on-street parking spaces on the section of the street to be vacated.

Chair Guy asked how pedestrian and bicycle traffic would be channelized to other crossings without a wall at the terminus of the plaza to prevent crossing of University Avenue at that point.

Mr. DeLaney discussed the design of the sidewalks.

Mr. McGill noted that, while the intent of the project before the board was an open plaza, the University could fence it off at a later date. He asked if any language could be added to the ordinance that would prevent that closure.

Mr. DeLaney pointed out that rights would be retained by utility ingress and egress easements.

Mr. McGill cited a concern about future closings of the plaza. He agreed, however, as long as it was clear that pedestrian and bicycle traffic was allowed, he could support the petition.

Dr. Fried noted that NW 20th Street was now a major bicycle path. He asked how the bicycle traffic would be routed to compensate for the road closure.

Mr. DeLaney presented a map and discussed the proposed rerouting of bicycles and noted that the area through the plaza would be fifty or sixty feet wide.

Mr. Polshek asked if staff could make it explicit that the property fall under the City of Gainesville land use codes.

Mr. DeLaney indicated that he would object to such a provision. He pointed out that the plan would fall under the University of Florida Master Plan.

Mr. Ralph Hilliard was recognized. Mr. Hilliard explained that there would be provisions for pedestrian, bicycle and utility cross-access agreements. He pointed out that those recommended conditions were on page six of the staff report.

Mr. Polshek cited concern with an increase in bicycle traffic and students' historic disregard for crossing locations. He suggested that the use of the plaza might be so successful that rights of access might be curtailed. He cited a concern that the plaza might be closed in the future. He indicated that the issue should be addressed explicitly.

Mr. DeLaney agreed that it could be a concern. He suggested that staff's recommendations for pedestrian cross-access agreements would be adequate to address those concerns.

Mr. Polshek discussed problems associated with universities and cities and suggested that the new building not look so much like campus. He pointed out that it engendered the perception in the community that the campus is spreading.

Mr. DeLaney indicated that he did not object to that perception and it was his desire to blur the edges of the University and the city.

Mr. Polshek noted that the information presented spoke to a 24-hour mix of uses. He asked if the area would be closed at some time.

Mr. DeLaney explained that, while the buildings would be closed during certain hours, the plaza would be open 24-hours a day.

Chair Guy opened the floor to public comment.

Ms. Helen Hill, President of the University Park Neighborhood Association, was recognized. Ms. Hill indicated that she wished to challenge the idea that the street closure was a safety issue. She noted that the traffic report presented was from three intersections and not just NW 20th Street and University Avenue. She read the text of the Corridors to Campus Study regarding the closure of the street and noted that it used the words "may" justify the closure. Ms. Hill pointed out that the Study offered other options in addition to the possible closure of the street, therefore, closure was not the only solution. She requested that the board consider those other options. She asked how the proposed Catholic garage and one-way modifications to NW 1st and 2nd Avenues would fit into the proposed closure. She suggested that those modifications and the street closing be considered at one time rather than closing the street first. Ms. Hill cited a concern about the quasi-public nature of the proposed plaza and the fact that the city would not be overseeing the site plans. She asked if it was possible that the petitioner could place a building on the vacated right-of-way in the future.

Mr. Josh Smith, member of the University Park Neighborhood Association, was recognized. Mr. Smith cited a concern about the effect of the street closing on other streets in the neighborhood.

Mr. McGill cited a concern about the quasi-public nature of the project and what could be built on the vacated street. He asked exactly how much of an easement the city would retain over the site.

Mr. Francis stated that the city would retain utilities and a perpetual pedestrian access easement over approximately forty feet of right-of-way and no building construction could take place in that area.

There was discussion of the easements on the right-of-way.

Mr. McGill requested information on the effect of the closure of the street on the grid pattern of surrounding streets.

Mr. DeLaney presented a map and discussed the grid in detail. He also reviewed aspects of the Comprehensive Plan he believed supported the proposed plaza. He stated that he believed the grid system

for bicycles and pedestrians did not have to be identical to the grid system for automobiles. He pointed out that automobiles were a minority of the trips on the street at the present time.

Mr. McGill requested information on the one-way options for NW 1st and 2nd Avenues.

Mr. Brian Kanely, of the Public Works Department, was recognized. Mr. Kanely discussed the NW 17th Streetscape project and changing NW 1st Avenue to one-way west bound and NW 2nd Avenue to one way east bound. He indicated a detailed presentation would be made to the Community Redevelopment Agency (CRA) in September. He offered to answer any questions from the board.

Mr. Polshek pointed out that, if NW 1st Avenue and NW 2nd Avenue were one-way, and NW 20th Street north of the proposed vacation were one-way north, it would force bicyclists and pedestrians to move against the traffic if they were going south towards campus unless they were on the sidewalk which would not sustain the amount of bicycle traffic that is expected.

Mr. Kanely agreed, but noted that staff was working with the NW 17th Street project and had not moved to the study of NW 1st and 2nd Avenues. He indicated that steps could be taken with signage and bicycle lanes. He noted that the streets were relatively low volume streets.

Mr. DeLaney noted that closing of NW 20th Street had been included in the recommendations of the Bicycle-Pedestrian Advisory Board's recommendation.

Chair Guy asked about the ability of the city to review the site plan for the project.

Mr. Hilliard explained that, once the land became state-owned property, the City had no review authority over the University Master Plan and the vacated street could be modified as the petitioner wished.

Mr. Carter made the motion to approve the petition with staff conditions.

Dr. Fried seconded the motion.

Mr. Polshek suggested that it was premature to allow a street vacation without having a more integrated understanding of the flow of traffic. He noted that data had not been provided on automobile traffic counts on NW 20th Street which was very much part of the petition. He urged the board to consider that the request was not holistically reviewed given the proposed Catholic Church and NW 17th Street projects. Mr. Polshek cited a concern that the City would lose total purview over the property.

<u>Motion By:</u> Mr. Carter	<u>Seconded By:</u> Dr. Fried
<u>Moved to:</u> Approve Petition 111SVA-00 PB with staff conditions.	<u>Upon Vote:</u> Motion Carried 4-1 Yeas: Fried, McGill, Carter, Guy. Nay: Polshek

6210 Utah Ave. NW
Washington, Dc 20015
August 11, 2000

RECEIVED

City Plan Board
P.O. Box 490
Gainesville, FL 32602-0490

AUG 14 2000

PLANNING
DIVISION

Re: Petition 111SVA-00PB

Dear Sirs:

The referenced petition, on behalf of the University of Florida, requests that NW 20th Street be closed between West University Avenue and NW 1st Avenue. We are affected property owners because we own a home at 118 NW 20th Terrace.

We recommend and request that this petition not be approved. The existing NW 20th Street provides a basic link between University Avenue and NW 5th Avenue, itself a significant west-to-east street. To close it would bounce traffic onto even more fully residential streets, like NW 20th Terrace and NW 19th Street.

The significance of NW 20th Street--and thus the need to keep it open--is shown by the fact that there is a light at the intersection of NW 20th Street and University Avenue. While the light also serves traffic entering the University Campus, significant traffic goes north into 20th Street or south from it. Indeed, NW 20th Street is particularly useful during football season.

Pedestrian benefit on the north side of University Avenue cannot be the reason for the proposed street closing. Pedestrians can cross the street with the present traffic light. But more fundamentally, if traffic is viewed as heavy, the street is needed; if it is viewed as light, keeping the street open is not a major inconvenience to pedestrians.

Incidentally, would the University pay the city for the use of the land (right of way) if the street were closed?

The University has a great deal of land south of University Avenue and extending far to the West which it can use as it wishes. It should not also need to have a city street closed.

Sincerely yours,



Pierce K. and Helene C. Bullen

HEARING BEFORE
THE CITY COMMISSION

The City Commission of the City of Gainesville, FL will consider the following items at the regular Public Hearing scheduled on Monday, November 13, 2000, after 8:00 P.M. in the City Hall, First Floor Auditorium, 200 E. University Avenue, Gainesville, Florida.

Petition 1115VA-00 PB. Brown & Cullen, Inc., agent for University of Florida Foundation, Inc. and State of Florida IITF. Pursuant to Sec. 30-192(b), Land Development Code, to vacant, abandon and close that portion of the right-of-way of Northwest 20th Street lying between West University Avenue and Northwest 1st Avenue. Legislative Matter No. 00231

Petition 103LUC-00 PB. Brown & Cullen, Inc., agent for Ron Shema, owner. Amend the City of Gainesville Future Land Use Map from AGR (Agriculture) and IND (Industrial) on property located east of lots 8, 10 and 11 in the 6809 block of Northwest 18th Drive of the Northwest Industrial Park. Related to Petition 104ZON-00 PB. Tax Parcel No. Portion of 07879-006-000. Legislative Matter No. 000151

Petition 104ZON-00 PB. Brown & Cullen, Inc., agent for Ron Shema, owner. Rezone property from AGR (Agriculture) to I-1 (Industrial) on property located east of lots 8, 10 and 11 in the 6800 block of Northwest 18th Drive of the Northwest Industrial Park. Related to Petition 103LUC-00 PB. Tax Parcel No. Portion of 07879-006-000. Legislative Matter No. 00152.

Petition 148TCH-00 PB. City of Gainesville. Amend the City of Gainesville Land Development Code definition of Single-family to include factors for determining when a residential building shall be considered a multi-family dwelling.

In order to participate in the quasi-judicial portion of the proceeding before the City Commission, all parties who are entitled to actual notice must file the registration form with the Board's secretary or Clerk of the City Commission. A party who is not entitled to actual written notice, but who believes that he or she has a special interest or would suffer an injury distinct in kind and degree from that shared by the public at large by the petition, may request affected party status by filing an application with the Clerk of the City Commission in writing during regular business hours no less than seven (7) days prior to the meeting when the petition is scheduled to be heard. The application must be filed and received by the Clerk of the City Commission, First Floor, City Hall, 200 East University Avenue, during business hours. If you do not choose to participate in the quasi-judicial portion of the proceeding, you will be allowed to provide testimony and evidence during the public hearing portion of the meeting, up to 5 minutes per person.

If you have questions about a petition or the process, phone the Department of Community Development at 334-5022 or come to Room 158, Thomas Center B, 306 NE 6th Avenue, Gainesville, Florida, during business hours.

If any person decides to appeal a decision of this body with respect to any matter considered at the above-referenced meeting or hearing, he/she will need a record of the proceedings, and for such purposes it may be necessary to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



10/27/00
for 11/13
cc meeting

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Equal Opportunity who require assistance to participate in the meeting are requested to notify the Equal Opportunity Development at 445-5051 at least 48 hours prior to the meeting date. If you have questions about a petition or the process, phone the Department of Community Development at 334-5022 or come to Room 158, Thomas Center B, 306 NE 6th Avenue, Gainesville, Florida, during business hours.

(#19235) 10-27




MEMORANDUM

Office of the City Attorney

000231
Phone: 334-5011/Fax 334-2229
Box 46

TO: Wayne Bowers, City Manager **DATE:** December 1, 2000

FROM: Marion J. Radson, City Attorney 

SUBJECT: Proposed License Agreement between the City and the University of Florida Foundation, Inc. (Legistar No. 000231)

In accordance with the City Commission action of November 13, 2000, we have completed negotiations on a proposed License Agreement for the limited use of the right-of-way of N.W. 20th Street between W. University Avenue and N.W. 1st Avenue. Attached hereto is a letter from Mr. Bruce D. DeLaney, Assistant Vice President, University of Florida Foundation, Inc., requesting withdrawal of Petition No. 111SVA-00PB on the condition that the City Commission approve the terms of the License Agreement. Also attached hereto is the proposed License Agreement.

Please include these items as additional backup to Petition No. 111SVA-00PB, Legistar No. 000231.

MJR/afm

Attachments (2)

UNIVERSITY OF FLORIDA FOUNDATION, INC.

2012 West University Avenue
P.O. Box 14425 ■ Gainesville, FL 32604-2425
Telephone: (352) 392-1691 ■ Fax: (352) 392-8736

- Direct Line: (352) 392-5405
- Fax: (352) 392-9833
- E-mail: bdelaney@uff.ufl.edu

December 1, 2000

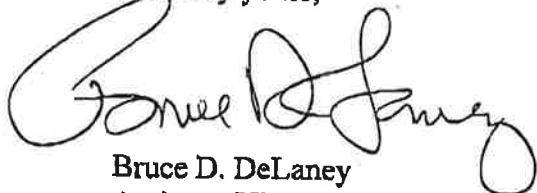
Marion J. Radson, Esquire
City Attorney
City of Gainesville
Post Office Box 1110
Gainesville, Florida 32602

Dear Mr. Radson:

In accordance with Commission action and our discussions regarding a license to use the unit block of NW 20 St., we wish to withdraw the petition to vacate the street upon the condition that the City grants us the license agreement in the attached form.

Please call me, or Susan Goffman, should you have questions.

Sincerely yours,



Bruce D. DeLaney
Assistant Vice President
for Administration - Real Estate

BDD/csh
Enclosure

LICENSE AGREEMENT

THIS AGREEMENT made this ___ day of _____, 2000, between the City of Gainesville, a municipal corporation of the State of Florida, (CITY), and the University of Florida Foundation, Inc., (LICENSEE).

WITNESSETH:

WHEREAS, the Licensee desires to obtain a license from the City for the purpose of constructing, maintaining and using certain right of way for an open air pedestrian plaza that is accessible to pedestrians and non-motorized vehicles, as more fully set forth herein; and

WHEREAS, The City is willing to grant this License under the terms and conditions as set forth herein.

NOW THEREFORE, in consideration of the premises and the mutual covenants and conditions herein contained, it is agreed by the parties hereto as follows:

1. **License.** The City hereby grants to the Licensee and the Licensee hereby accepts from the City a license to construct, maintain and use certain right-of-way, as more fully described in Exhibit "A" and hereinafter referred to as the "Property" for an open air plaza as more fully described in paragraphs 5 and 6 below.
2. **License Term.** The term of this license will commence on the License Commencement Date; as defined in Exhibit B described below. The City and Licensee will execute a memorandum in the form attached as Exhibit "B" to reflect the date on which the term begins and ends (which date is the License Commencement Date) which date shall coincide with the demolition of the building located at 1938 W. University Avenue. Licensee agrees to provide to the City written notice at least 30 days in advance of the date demolition is scheduled for said building. In no event shall this date be later than December 31, 2002. The license term shall then extend for 40 years except as provided in paragraph 3. This License is expressly contingent upon Licensee's construction and completion of a 3-4 story building, to be known as Alumni Hall, located on the lot immediately east of the Property, on or before December 31, 2003. Unless otherwise terminated as provided in this License Agreement, upon the expiration of the 40 year term, this License Agreement shall be automatically renewed from year to year unless either party serves notice of termination to the other party at least 90 days prior to the end of the license year. If major capital improvements (not including routine maintenance) are needed on Property that require the expenditure of state funds, then upon approval by the City Commission, the term of this License may be extended at that time for an additional forty years.
3. **Right of Cancellation.** In addition to the City's right to terminate this license agreement in the event of default by Licensee, the City reserves the right to immediately terminate this license agreement after the passage of 5 years from the License Commencement Date, if the City Commission finds, after holding an advertised public hearing, that the Property is required for automobile or other

motorized traffic circulation. In this event the City shall compensate Licensee in an amount agreed to by the City Manager or designee and Licensee, provided the Licensee is not otherwise in default of this Agreement. In reaching the amount, the parties shall consider the actual value of the improvements on the Property. However, between the sixth year and the fifteenth year from the License Commencement Date, the value shall be amortized on a declining balance method. After the passage of 15 years, no compensation shall be due the Licensee. In the event the City and Licensee cannot agree on an amount, the matter shall be decided by an arbitrator selected by both parties whose decision shall be final.

4. **Consideration.** As additional consideration of this Agreement, the Licensee agrees to pay the City as monetary compensation for this license the sum of One (\$1.00) Dollar per year. The City hereby acknowledges receipt of forty dollars (\$40.00) representing the total monetary compensation due under this License Agreement. The Licensee further agrees to pay any taxes levied on the Property because of the use permitted under this License Agreement.
5. **Use.** The Licensee agrees that it will use the Property only for the purpose of constructing, maintaining and operating an open-air plaza as approved by the City as provided in paragraph 6. The plaza will be open and accessible to the general public and non-motorized vehicles except for: 1) university and alumni special events not to exceed 15 per year, as long as reasonable pedestrian and non-motorized vehicular access is maintained; and 2) special maintenance and construction purposes. The Licensee further agrees that it will not suffer or permit the premises or any part thereof to be used for any other purpose.
6. **Alterations.** It is agreed that Licensee shall alter the Property by converting the paved street and sidewalks to an open air pedestrian plaza. Licensee will install and maintain brick pavers, curbs, street-type furniture, and landscaping that will be consistent with the City's streetscaping projects in the College Park/University Heights Redevelopment District. Licensee agrees to submit plans to the City Manager or designee, for approval prior to any construction on the Property. Any modifications or changes to the approved plans shall also be subject to approval by the City Manager or designee. It is expressly agreed that all appurtenances presently or hereafter located in and upon the Property whether affixed thereto or not, are and shall become and remain the property of the City.
7. **Maintenance.** The Licensee shall at all times keep the Property free of trash and debris and in neat appearance. Licensee agrees, if notified by the City Manager or designee that any part of the Property is unsatisfactory in appearance, to remedy the condition within 24 hours.
8. **No Illegal Use.** The Licensee agrees not to use, nor suffer or permit any person to use in any manner whatsoever, the Property or any part thereof for any illegal purpose, or for any purpose in violation of any federal, state or municipal law, ordinance, rule or regulation of the City now in effect or hereafter enacted or adopted.

9. **No Interest in Real Property.** It is expressly understood and agreed that no real or personal property is leased to the licensee; that it is a Licensee not a lessee; that the Licensee's right to occupy the Property and to operate the license hereby granted shall continue only so long as the Licensee shall comply strictly and promptly with each and all of the undertakings, provisions, covenants, agreements, stipulations and conditions contained herein. The City retains the public right-of-way over, under, across and through the Property in order to construct, operate and maintain public utilities. The City agrees to place the Property in the same condition that existed prior to any construction or maintenance of utilities.
10. **Insurance.** The Licensee shall procure at its own cost and expense and keep in full force and effect such liability insurance as will protect the Licensee, the City, and their officers, agents, and employees from any claims for damages to Property and for personal injuries, including death, which may arise on said Property. The following minimum limits of liability shall apply:
- \$1,000,000 per occurrence – bodily injury
- \$1,000,000 per occurrence – property damage
- The insurance policy shall contain a 30 day cancellation clause. A Certificate of Insurance in the above minimum amounts and coverages shall be furnished the City, naming the City of Gainesville as an additional insured as respects this agreement.
11. **Indemnification.** Licensee will protect, indemnify and forever save and keep harmless the City, its employees, elected and appointed officers, and agents, from and against any damage, penalty, fine, judgement, expense or charge suffered, imposed, assessed or incurred for any violation or breach of law, ordinance, rule or regulation occasioned by any act, neglect or omission of the Licensee, or any employee or agent of Licensee. As to the City, the Licensee assumes all risks in the operation of this license and shall be solely responsible and answerable in damages for all accidents or injuries to person or property and hereby covenants and agrees to indemnify and keep harmless the City and its elected or appointed officers, agents, and employees from any and all claims, suits, losses, damage or injury to person or property of whatsoever kind and nature, whether direct or indirect, arising out of the operation of this license or the carelessness, negligence or improper conduct of the Licensee or any agent or employee. This indemnification shall not be limited to the insurance coverage herein provided for.
12. **Assignment.** The Licensee is permitted to assign the License to the State of Florida with prior written notification to the City. The Licensee is not permitted to assign this License Agreement to any other person or party. If the Licensee shall assign, transfer, convey or otherwise dispose of the same to any other person or party, the City reserves the right to declare this license terminated. In the event of assignment to the State of Florida, the University of Florida Foundation, Inc., or its successor, shall continue to indemnify and hold harmless the City as

provided in paragraph 11 above in lieu of the State of Florida, and the assignment instrument shall so provide.

13. **Strict Compliance and Default.** Failure of the Licensee to strictly comply with its obligations under this license agreement shall constitute default. In the event of default, the City shall provide notice to Licensee of the default and allow the Licensee 30 days to cure the default. Failure of the Licensee to cure the default, or to begin a diligent effort to cure in the event the default cannot be reasonably cured within 30 days, shall be cause for immediate termination of this agreement without further notice to the Licensee.

14. **No Waiver or Breach.** City's failure on one occasion to demand Licensee's strict observance of Licensee's obligations under this License Agreement will not be construed as a waiver of the City's right to demand strict observance of Licensee's obligations on any subsequent occasion.

15. **Notice.** Any notice required under the terms of this License Agreement must be in writing and must be sent by certified mail to the address of the party to whom the notice is to be given. Addresses of the parties are as follows:

City: City Manager
City of Gainesville
P O Box 490
Gainesville FL 32602

Licensee: University of Florida Foundation, Inc.
P.O. Box 14425
Gainesville, FL 32604-2425

Copy: City Attorney
City of Gainesville
P O Box 1110
Gainesville, FL 32602

16. **Recording.** This License Agreement shall be recorded in the public records of Alachua County, Florida, at the expense of the Licensee.

17. **Entire Agreement.** This License Agreement contains the entire agreement of the parties hereto and no representations, inducements, promises or agreements, oral or otherwise, between the parties not embodied herein shall be of any force or effect.

IN WITNESS WHEREOF, the parties to this License Agreement have set their hands and seals on the day and year first above written.

WITNESSES AS TO LICENSEE:

UNIVERSITY OF FLORIDA
FOUNDATION, INC. (LICENSEE)

BY: _____

TITLE: _____

WITNESSES AS TO CITY:

CITY OF GAINESVILLE, FLORIDA

BY: _____

City Manager

Approved as to Form and Legality

BY: _____

City Attorney

All of that right-of-way known as N.W. 20th Street lying between Block 1 of College Court as per Plat Book "A", page 134 of the Public Records of Alachua County, Florida, and lying south of a westerly extension of the north line of said Block 4 of College Park. Lying and being in the City of Gainesville, Florida.

Memorandum of License Commencement Date

The undersigned are City and Licensee, respectively, in that certain License, dated _____, 2000.

The purpose of this memorandum is to establish the License Commencement Date as _____ and to give notice of the term to all whom it may concern.

The term of the License begins on _____ at 12:01 a.m. and ends _____, at 11:59 p.m., unless sooner terminated as provided in the License.

Executed this _____ day of _____, 2000.

WITNESSES AS TO LICENSEE:

**UNIVERSITY OF FLORIDA
FOUNDATION, INC. (LICENSEE)**

BY: _____

TITLE: _____

WITNESSES AS TO CITY:

CITY OF GAINESVILLE, FLORIDA

BY: _____
City Manager

Approved as to Form and Legality

BY: _____
City Attorney

