

TO: City Plan Board

Item Number: 2

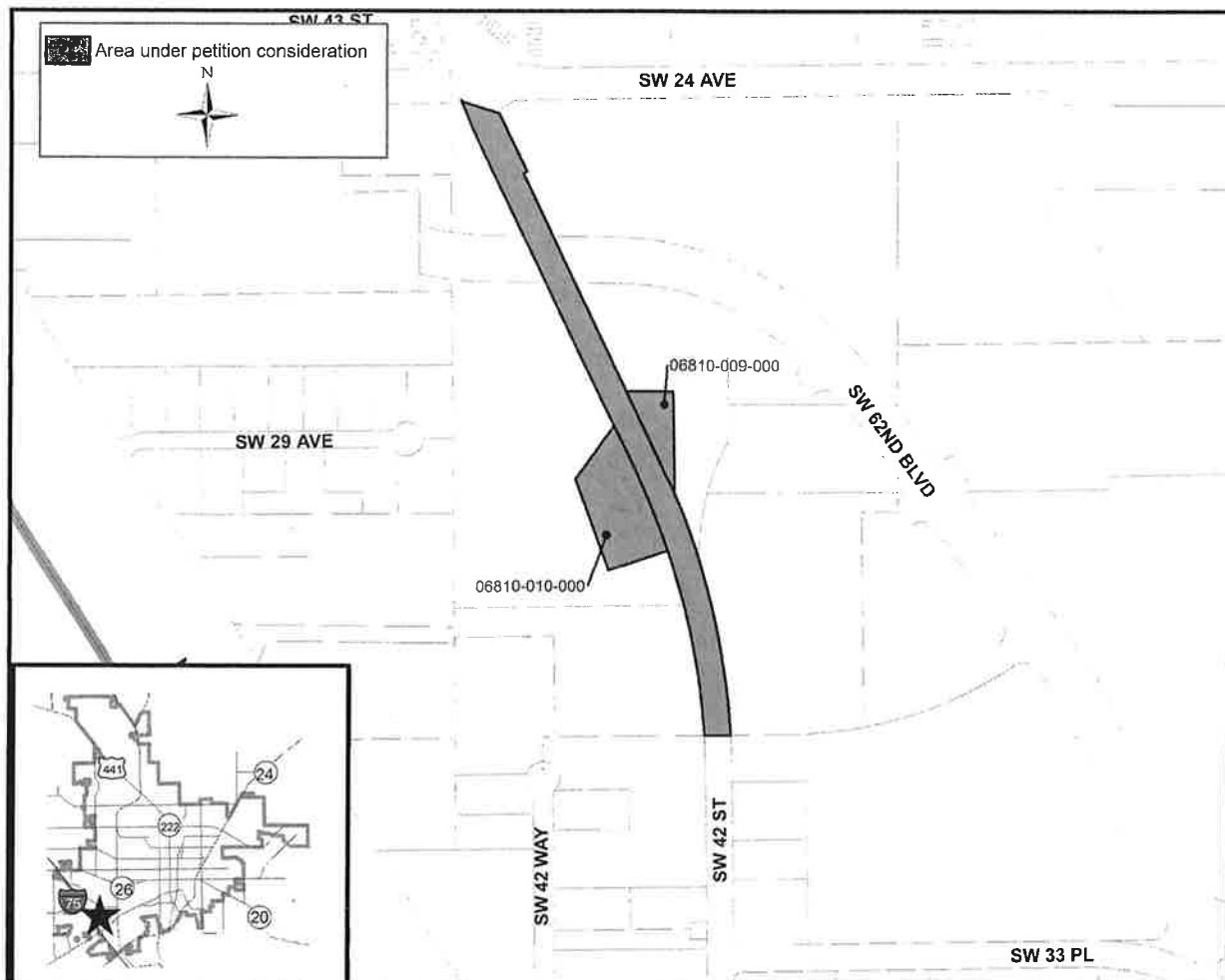
FROM: Planning & Development Services Department

DATE: Jan. 22, 2015

SUBJECT: Petition PB-14-148 SVA. City of Gainesville. Conditional vacation of SW 42nd Street Right-of-Way and 2 stormwater ponds. Located at SW 42nd Street from SW 24th Ave south approximately 2,133.5 feet and tax parcels 06810-009-000 & 06810-010-000

Recommendation

Staff recommends approval of Petition PB-14-148 SVA with the staff conditions recommended in this report.



Description

The purpose of this request is to vacate right-of-way that includes a portion of SW 42nd Street between the northern and southern boundaries of the Butler Development Planned Development (PD) (approximately from SW 24th Avenue to the 3200 block of SW 42nd Street) together with two stormwater parcels associated with that portion of SW 42nd Street. The right-of-way to be vacated is 80 feet wide, and is currently being utilized for public access. The vacated right-of-way will be replaced by new right-of-ways currently under construction. The new right-of-ways will consist of an extension of SW 62nd Boulevard from Archer Road to the western boundary of the Butler Development PD with modification to SW 43rd Street to connect the northernmost part of the new SW 62nd Boulevard extension to SW 24th Avenue. Additionally a new extension of SW 42nd Street will be built that will connect the Butler PD's southern boundary to the new SW 62nd Boulevard extension.

Basis for Recommendation

The City Plan Board shall consider the following criteria in determining whether the public interest will 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 currently utilize the existing right-of-way, however new right-of-ways will be constructed and opened prior to the actual closure of the vacated portion of SW 42nd Street. The new public right-of-ways that will be constructed will provide appropriate access for the public and businesses in the area.

2. Whether the proposed action is consistent with the City's Comprehensive Plan.

This proposal is consistent with Policy 10.2.1 of the Transportation Mobility Element, which states that the City shall only vacate streets under certain conditions:

The loss of the street will not foreclose reasonably foreseeable future bicycle/pedestrian use;

The loss of the street will not foreclose non-motorized access to adjacent land use and transit stops;

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 uses; and

There is no reasonably foreseeable need for any type of transportation corridor for the area.

The closure of the right-of-way will not foreclose reasonably foreseeable future bicycle or pedestrian use or other transportation corridor in the area, and it will not foreclose non-motorized access to adjacent land uses or transit stops. The closure of the street will be supporting the redevelopment of the Butler Development PD a high density development in accordance with the City's Comprehensive Plan and Land Development Code by Planned Use District (PUD) Ordinance No. 121107 and PD Ordinance No. 121108.

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

Staff finds that the proposed action will not violate existing property rights, and specifically that the vacation of the right-of-way will not make any properties landlocked or inaccessible.

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

There is a development proposal that will utilize the existing right-of-way once it is vacated, and the street vacation is necessary in order for this development to proceed as planned. The development proposal for the Butler Development includes alternative right-of-ways that will be constructed to alleviate any problems that could arise. Staff has not identified any problems associated with the vacation of this right-of-way if all of staff conditions are met.

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

Since the right-of-way will be replaced by additional right-of ways approved by the City, the vacation should not have any lasting negative impacts on traffic circulation.

6. The effect of the proposed action on crime.

There should be no impact on crime in the area. The street vacation will facilitate the development of currently vacant properties.

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 affected, and should improve with the redevelopment that will occur in the area.

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 likely improve the provision of municipal services, given that the planned replacement right-of-ways will be more efficient for the delivery of services.

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

The Developer shall relocate all public utilities that are located within the public right-of-way and stormwater parcels as predetermined. The Developer will also be required to grant utility easement for any affected property to Gainesville Regional Utilities and any other public or private utilities by a recorded Easement Agreement.

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

It is not anticipated that the vacation will have a direct effect on the property values in the surrounding area. The vacation will actually facilitate new development on vacant properties in the area.

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

The proposed street vacation will not negatively affect this part of the City.

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

Specifically, the vacation will facilitate the redevelopment of the area and the surrounding neighborhood..

Conditions: (See attached Ordinance for Exhibits mentioned below)

1. The Developer shall construct and dedicate to the public use and benefit: 1) an extension of SW 62nd Boulevard from Archer Road to the western boundary of the Butler Development PD, 2) modifications of SW 43rd Street to connect the northernmost part of the new SW 62nd Boulevard extension to SW 24th Avenue, and 3) a new extension of SW 42nd Street that will connect the Butler Development PD's southern boundary to the new SW 62nd Boulevard extension, all as shown on Exhibit "A" attached hereto and made a part hereof as if set forth in full.
2. The Developer shall construct all necessary intersection modifications in association with the road improvements set forth in Exhibit "A".
3. The Developer shall complete all improvements that may be required by the Florida Department of Transportation in association with the road improvements set forth in Exhibit "A".
4. The Developer shall relocate all utilities that are located within the public right-of-way and stormwater parcels described in Section 1 of this ordinance. The relocated utilities shall be fully constructed, certified as complete and acceptable for service by the Florida Department of Environmental Protection (FDEP Certificate of Completion has been issued), and accepted for service by Gainesville Regional Utilities.

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5. The Developer shall grant utility easements in the property set forth in Exhibit "A" to Gainesville Regional Utilities or any other affected public or private utilities by recorded Easement Agreement, in form and content acceptable to the utility and at no cost or expense to the utility.
6. All road improvements described herein and set forth in Exhibit "A" shall be fully constructed, certified as open for traffic, and accepted for maintenance by the City's Public Works Department.
7. The Developer shall convey to the City fee simple title free from any encumbrances, except any utility easements granted, to the property associated with the road improvements set forth in Exhibit "A".

Respectfully submitted,



Ralph Hilliard
Planning Manager

Attachment

Proposed Ordinance