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GAINESVILLE

INTER-OFFICE COMMUNICATION

Item No. 5

TO: City Plan Board DATE: November 15, 2007

FROM: Planning Division Staff

SUBJECT: Petition 122SVA-07 PB, City of Gainesville/Public Works Department. Vacate, abandon and close Northwest 5<sup>th</sup> Street from CSX Railroad Right of Way to a point 10 feet south of the northwest corner of Lot 26 of Brush's Addition to Gainesville as per plat recorded in Plat Book "A," page 88 of the Public Records of Alachua County, and Northwest 7<sup>th</sup> Place from Northwest 5<sup>th</sup> Street to Northwest 4<sup>th</sup> Street.

Recommendation

Planning Division staff recommends approval of Petition 122SVA-07 PB with the condition that a utility easement be retained over the vacated area.

Explanation

The purpose of this request is to vacate the right-of-way of Northwest 5<sup>th</sup> Street from the CSX railroad right-of-way to a point ten (10) feet south of the northwest corner of Lot 26 of Brush's Addition to Gainesville as per plat recorded in Plat Book "A," page 88 of the Public Records of Alachua County and vacate Northwest 7<sup>th</sup> Place from Northwest 5<sup>th</sup> Street to Northwest 4<sup>th</sup> Street. The Gainesville Police Department has expansion plans for the area. The rights-of-way are not paved or maintained and have occasionally become overgrown with vegetation. They also separate some Gainesville Police Department properties from others.

The right-of-way to be vacated for Northwest 5<sup>th</sup> Street does not extend south all the way to Northwest 7<sup>th</sup> Place because of the requirement to maintain the minimum lot width for tax parcel 14409. The property is currently vacant but may be built upon at some point in the future, requiring access to be provided to the lot. The lot is zoned MU-1 (Mixed use low intensity district), which allows residential use in accordance with the requirements of the RMF-6, RMF-7 or RMF-8 zoning districts (8-15, 8-21 or 8-30 units/acre multiple-family residential). A single-family lot in these districts must be a minimum of 50 feet in width. Only the amount of

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Northwest 5<sup>th</sup> Street right-of-way that can be vacated while maintaining at least 50 feet of width for parcel 14409 can be allowed.

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 right-of-way will not foreclose reasonably foreseeable future bicycle/pedestrian use and will not foreclose non-motorized access to adjacent land uses or transit stops. The Gainesville Police Department expansion plans in the area may lead to the redirection of the future bicycle/pedestrian facility planned for the CSX railroad right-of-way. This right-of-way could become part of the Gainesville Police Department campus, while the trail would be redirected to the east before turning north to intersect with Northwest 8<sup>th</sup> Avenue. Northwest 5<sup>th</sup> Street would still be able to connect directly with the revised trail course.

**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.

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**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. Trip 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 existing utilities located within the rights-of-way to be vacated. The reservation of a public utilities easement is a condition for approval of this request.

**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.

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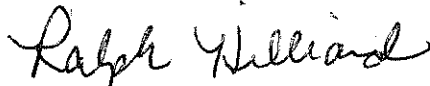
**The recommended approval of Petition 122SVA-07PB, is based on the recommendations/conditions from the following departments:**

1. **AT&T:** AT & T has no facilities on this right of way. Therefore we do not object to this right of way closing.
2. **GRU:** Approvable as submitted.
3. **GRU Real Estate:** Approved as recommended from the utility aspect.
4. **Police:**
5. **Public Works:** Approvable as submitted. Petition was initiated by Public Works with the request to retain a public utility easement.
6. **Fire:** Approvable as submitted.
7. **Planning Division:** Street vacation is approvable as submitted as long as tax parcel 14409 maintains a minimum width of 50 feet.
8. **Building:** The Building Department has no problem with the proposed street vacation.
9. **City Arborist:** Approvable as submitted.

**Condition:**

Approvable with the condition that an overall utility easement be retained.

Respectfully submitted,



Ralph Hilliard  
Planning Manager

RH: JS

<ul style="list-style-type: none"> <li>➤ Condition 7 – M thru F 7 to 4 ; and Sat. 9 to 4</li> <li>➤ Condition 11 – maximum of 30 seats</li> <li>➤ Condition 12 – stricken</li> <li>➤ Add a Condition 14 – double the amount of bicycle spaces/racks to 6.</li> <li>➤ Condition 16 becomes 15 since that number was skipped.</li> </ul>	
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**4. Petition 119SUP-07PB Atawa W. Rollins, agent for Church Of God By Faith. (Church Of God By Faith.) A Special Use Permit with Preliminary development plan review for an addition to the fellowship hall. Zoned: RMF-5 (Residential low density district 12 du/acre.) Located at 735 Southeast 15th Street. Note: Related to 121SPA-07CD.**

Jason Simmons, Planner gave the Staff presentation and stated that the petitioner is proposing to add 840 square feet to the rear of the building that will include a kitchen and an addition to the fellowship hall area. Mr. Simmons further stated that Staff is requesting that the petitioner meet all conditions before the final developmental plan approval stage.

Chair Polshek opened the floor for public comment and no one came forward.

<b>Motion By:</b> Laura High	<b>Seconded By:</b> Jack Walls
<b>Moved To:</b> Approve with Staff's conditions.	<b>Upon Vote:</b> 7 – 0.

**5. Petition 122SVA-07PB City of Gainesville/Public Works Department, agent for Gainesville Police Department. Vacate, abandon and close Northwest 5<sup>th</sup> Street from CSX Railroad Right of Way to a point 10 feet south of the northwest corner of Lot 26 of Brush's Addition to Gainesville as per plat recorded in Plat Book "A", page 88 of the Public Records of Alachua County, and Northwest 7<sup>th</sup> Place from Northwest 5<sup>th</sup> Street to Northwest 4<sup>th</sup> Street.**

Jason Simmons, Planner gave the Staff presentation and stated that this petition would vacate some of the 20 foot wide right-of-ways starting at 5<sup>th</sup> Street heading south. Mr. Simmons further stated that there are twelve criteria that the Board must consider in determining whether the public interest would be best served and based on those criteria Staff is of the opinion that the right-of-ways can be vacated.

David Gold inquired if this petition would force the future bike trail to change its location. Mr. Simmons stated the rail will be moved and looped towards 8<sup>th</sup> Avenue at a 90 degree angle and connect on the north side of 8<sup>th</sup> Avenue.

Sergeant Art Atkins, Gainesville Police Department stated that they were asked by the Rails to Trails representatives to reroute the trail and to install a pedestrian crosswalk to have a safety zone for both pedestrians and bicyclists due to the volume of vehicle traffic.

Mr. Reiskind inquired if the bike route would be part of 4<sup>th</sup> Street. Sergeant Atkins stated no.

Mr. Wells stated that he is concerned about where the trails will be wrapping around the large

warehouse. Sergeant Atkins stated that he has had several groups look at the rerouting of the trail without concern.

Mr. Reiskind inquired as to who will receive the vacated land. Sergeant Atkins stated that areas where there are homeowners, it will be split. Mr. Reiskind further inquired why 7<sup>th</sup> Avenue needs to be vacated. Sergeant Atkins stated that one of the homeowners would like to renovate/add-on a handicap ramp and GPD is giving them some of the property.

Chair Polshek requested that in the future when Staff has a preliminary site plan, the Plan Board would love to see it, whether or not it is required at that time.

Mr. Cohen stated that he appreciates everything Sergeant Atkins is doing especially with the new GPD Administration Building that is not only functional but is esthetically beyond what is expected of a Police Department.

<b>Motion By:</b> Jon Reiskind	<b>Seconded By:</b> Bob Cohen
<b>Moved To:</b> Approve .	<b>Upon Vote:</b> 7 - 0.

**6. Petition 128PDV-07PB Brown & Cullen, Inc., agent for Denney Family Limited Partnership. (Magnolia Park PD Extension.) Re-establishment of the Magnolia Park PD with a new development schedule for a maximum of five years. Zoned: PD (Planned Development.) Located in the 4700 block of Northwest 39th Avenue.**

Bede Massey, Planner gave the Staff presentation and stated that the Magnolia Park PD that was adopted in 1997 has expired and the petitioner is requesting that it be re-established for a period of twenty years, as Staff is recommending five years.

Chair Polshek inquired if any of the changes or additions has anything to do with the overall planning of Magnolia Park. Ms. Massey stated no as the primary concern is to get more time as there have been changes that have been requested by the concurrency Planner that will affect the language pertaining to concurrency management. Mr. Hilliard clarified and stated that no additional development can move forward due to the expiration of the PD.

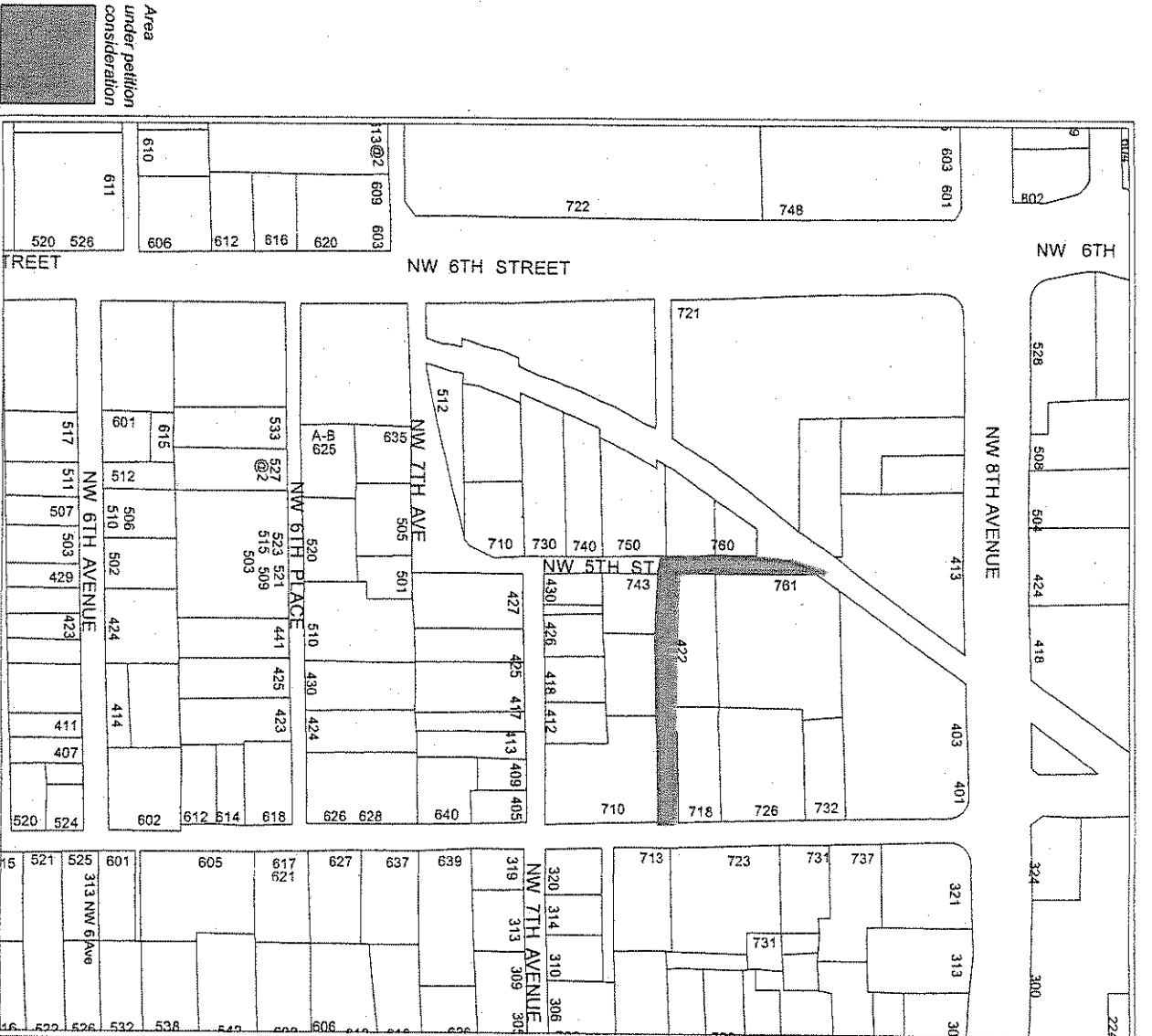
Stewart Cullen, representative for the petitioner stated that the only change in substance that they are asking for is to extend the date on the PD, as they have not proposed to change any of the design standards or change the PD layout plan. Mr. Stewart detailed the time frame of the expired PD and stated that when they completed the update in 1999-2000 they thought the PD was being extended for four or five years and later realized that the PD referred back to the original expiration PD date of August 2007.

Mr. Cullen gave a presentation on where things are currently with the PD and stated that the PD boundary itself did not include a wetland, as the property to the north has been sold and part of that approval was for a pedestrian connection from the PD through the property. Mr. Cullen added that in the past ten years they were able to construct 111,00 square feet of non-residential and 18,000 square feet of residential, and have at least 170, 000 square feet of non-residential and a minimum of 62,000 square feet of residential to construct. Mr. Cullen stated that Staff's recommendation of five years may not be enough time.

# Street Vacation

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City Limits



## STREET VACATION

Name

City of Gainesville, applicant for the Gainesville Police Department

Petition Request

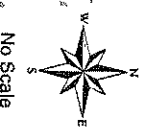
Vacate Portions of NW 7th Place and NW 5th Street as Indicated

Map(s)

3951

Petition Number

122SVA-07PB

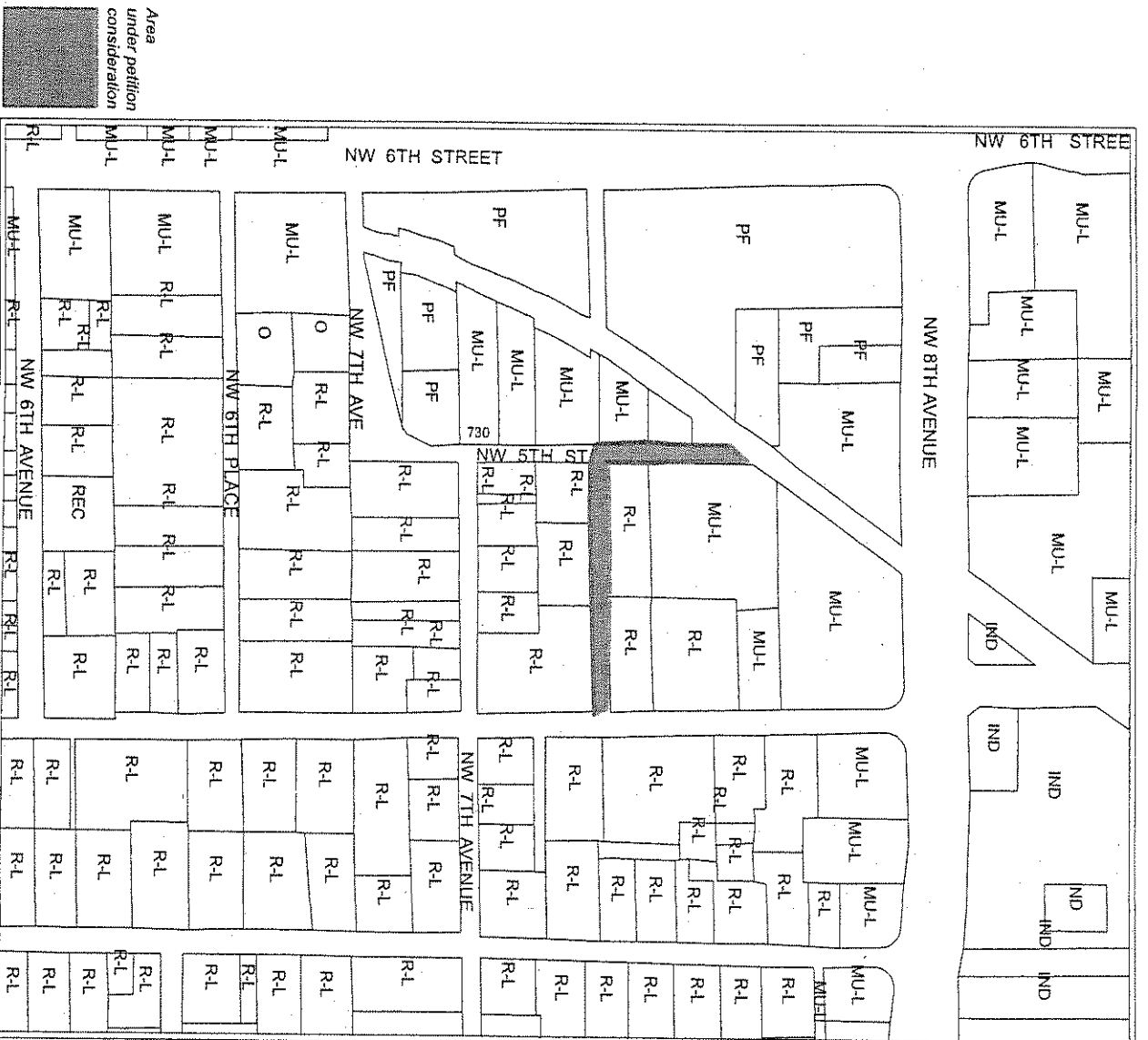


# Land Use Designations

- 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

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Division line between two land use districts  
City Limits



## EXISTING LAND USE

Name

City of Gainesville, applicant for the Gainesville Police Department

Petition Request

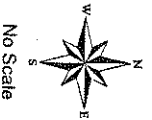
Vacate Portions of NW 7th Place and NW 5th Street as indicated

Map(s)

3951

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122SVA-07PB



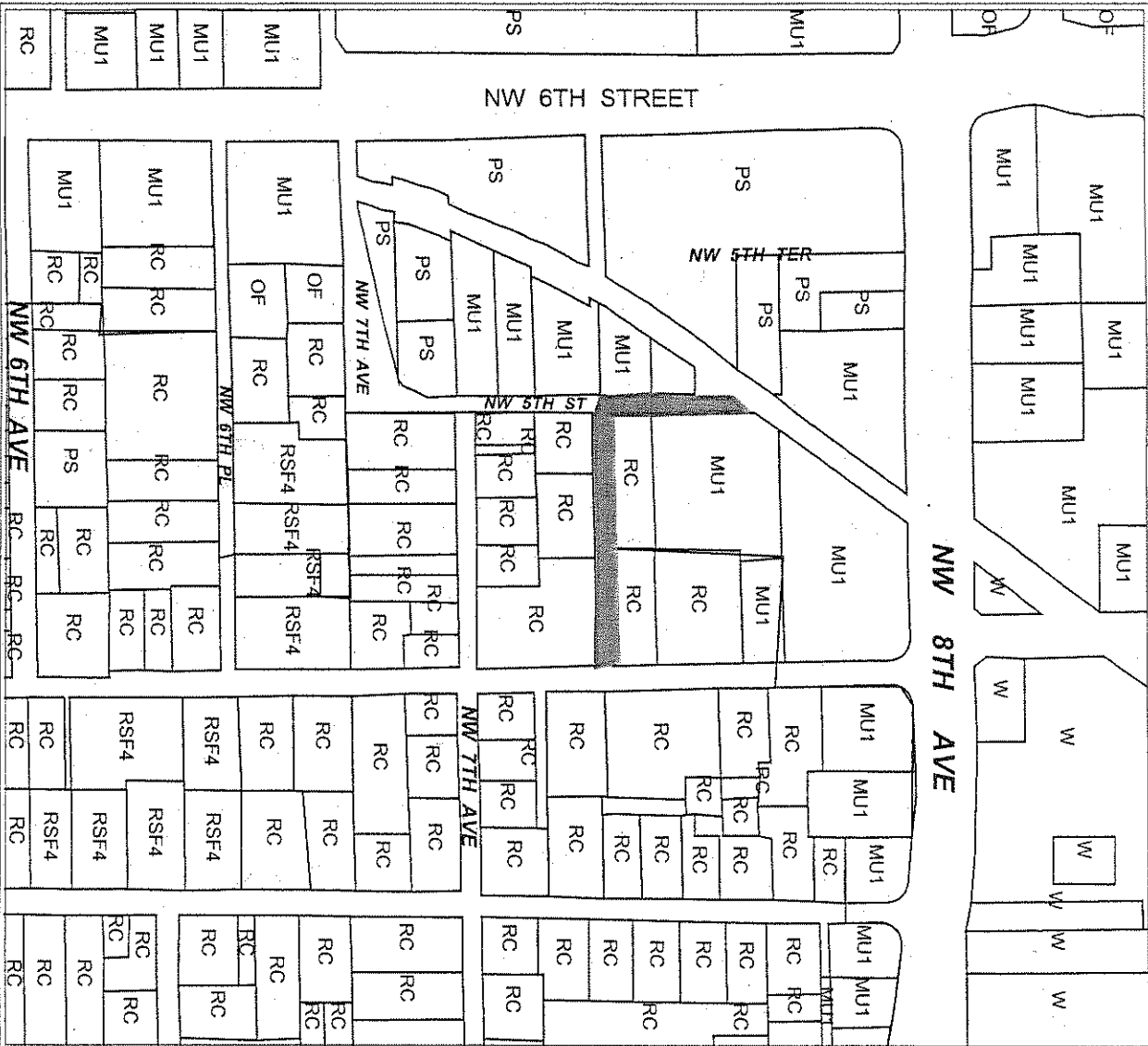


# Zoning District Categories

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- 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)
- RMF5 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)
- RO Office Residential (up to 20 du/acre)
- PO Planned Development
- PD General Business
- BUS Automotive-Oriented Business
- BA Tourist-Oriented Business
- BT Mixed Use Low Intensity (8-30 du/acre)
- MU1 Mixed Use Medium Intensity (12-30 du/acre)
- MU2 Urban Mixed Use District 1 (up to 75 du/acre)
- UMU1 Urban Mixed Use District 2 (up to 100 du/acre)
- UMU2 Central City District
- CCD Warehouseing and Wholesaling
- W General Industrial
- 11 Limited Industrial
- 12 Agriculture
- AGR Conservation
- CON Medical Services
- MD Public Services and Operations
- PS Airport Facility
- AF Educational Services
- Corporate Park
- Historic Preservation/Conservation District
- Special Area Plan
- Division line between two zoning districts
- City Limits

Area under petition consideration



## EXISTING ZONING

Name

City of Gainesville, applicant for the Gainesville Police Department

Petition Request

Vacate Portions of NW 7th Place and NW 5th Street as Indicated

Map(s)

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Petition Number

122SVA-07PB





AERIAL PHOTOGRAPH

Name	Petition Request	Map(s)	Petition Number
 <p>No Scale</p>	City of Gainesville, applicant for the Gainesville Police Department	3951	122SVA-07PB

## Legal Description

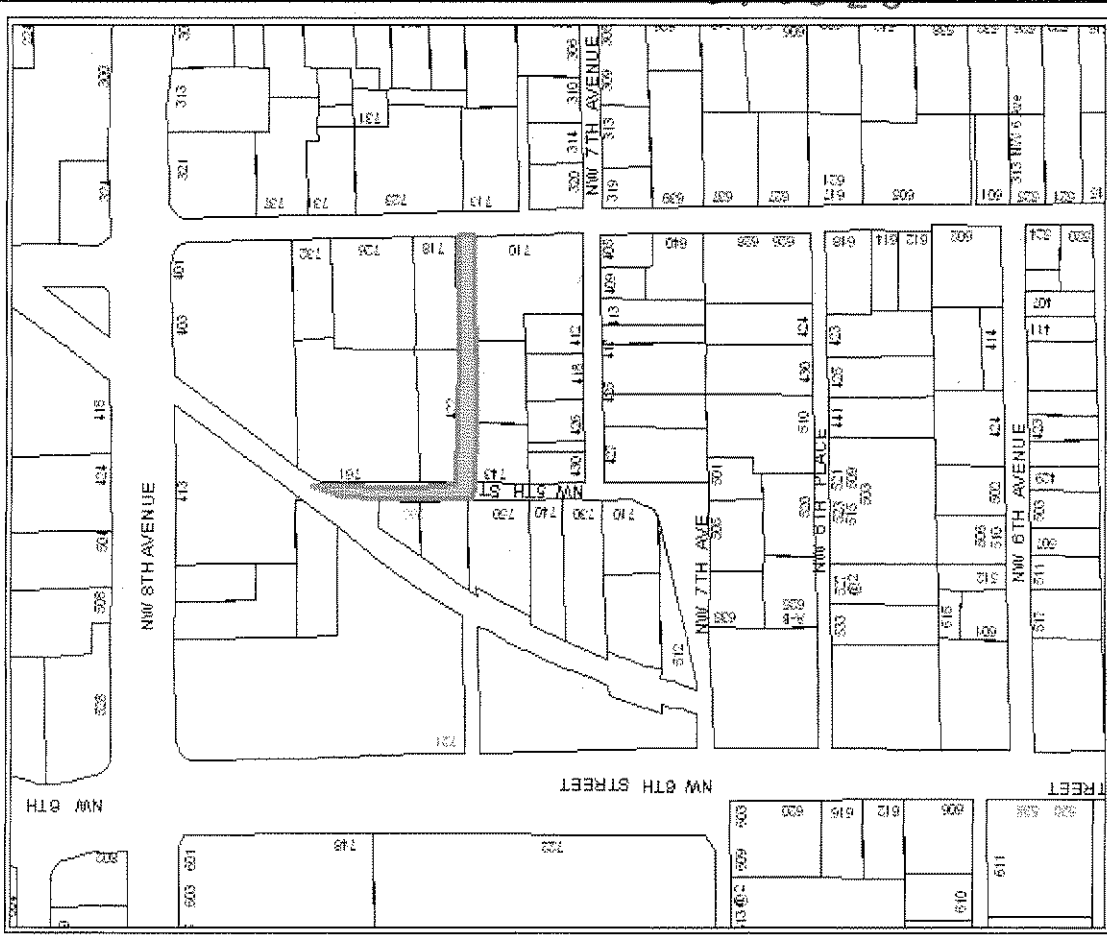
The following described property being in Section 5, Township 10 South, Range 20 East, Brush's Addition to Gainesville, Plat Book "A", page 88 of the Public Records of Alachua County, Florida being more particularly described as follows:

Commence at a point on the South line of Lot 25 also being the North right-of-way line of Northwest 7th Place in Block 25, Brush's Addition to Gainesville as per plat recorded in Plat Book "A", page 88 of the Public Records of Alachua County, Florida at said south lines' intersection with the West right-of-way line of Northwest 4th Street also being the POINT OF BEGINNING; thence run West along the South line of Lots 25 and 26 of said plat and said North right-of-way line to the Southwest corner of said Lot 26; thence run South to the Northwest corner of Lot 33 of said plat and the South right of way line of said northwest 7th Place; thence run East along said South right of way line and the North line of Lots 33 and 34 to the intersection of the South right of way line of Northwest 7th Place and the West right of way line of Northwest 4th Street; thence run North along said West right of way line to the POINT OF BEGINNING.

ALSO

Commence at point on the East right of way line of Northwest 5th Street, said point being Ten (10) feet South of the Northwest corner of Lot 26 of Brush's Addition to Gainesville as per plat recorded in Plat Book "A", page 88 of the Public Records of Alachua County, Florida, and the POINT OF BEGINNING; thence run North along the West lines of Lots 26, 23, and 18 of said plat, also being the East right- of-way line of Northwest 5th Street to a point on the West line of Lot 18 and the intersection of the Southeasterly right-of-way line of the abandoned CSX Transportation railroad right-of-way; thence run Southwesterly along said Southeasterly right-of-way line to a point of intersection of the East line of Lot 19 of said plat also being the West right-of-way line of Northwest 5th Street; thence run South along the East line of Lots 19, 22, and 27 of said plat to a point lying Ten (10) feet South of the Northeast corner of said Lot 27; thence leaving said right of way line, run Easterly to the East right of way line of Northwest 5th Street and the POINT OF BEGINNING.

Street Vacation



Area under petition  
containing ration

City Limits

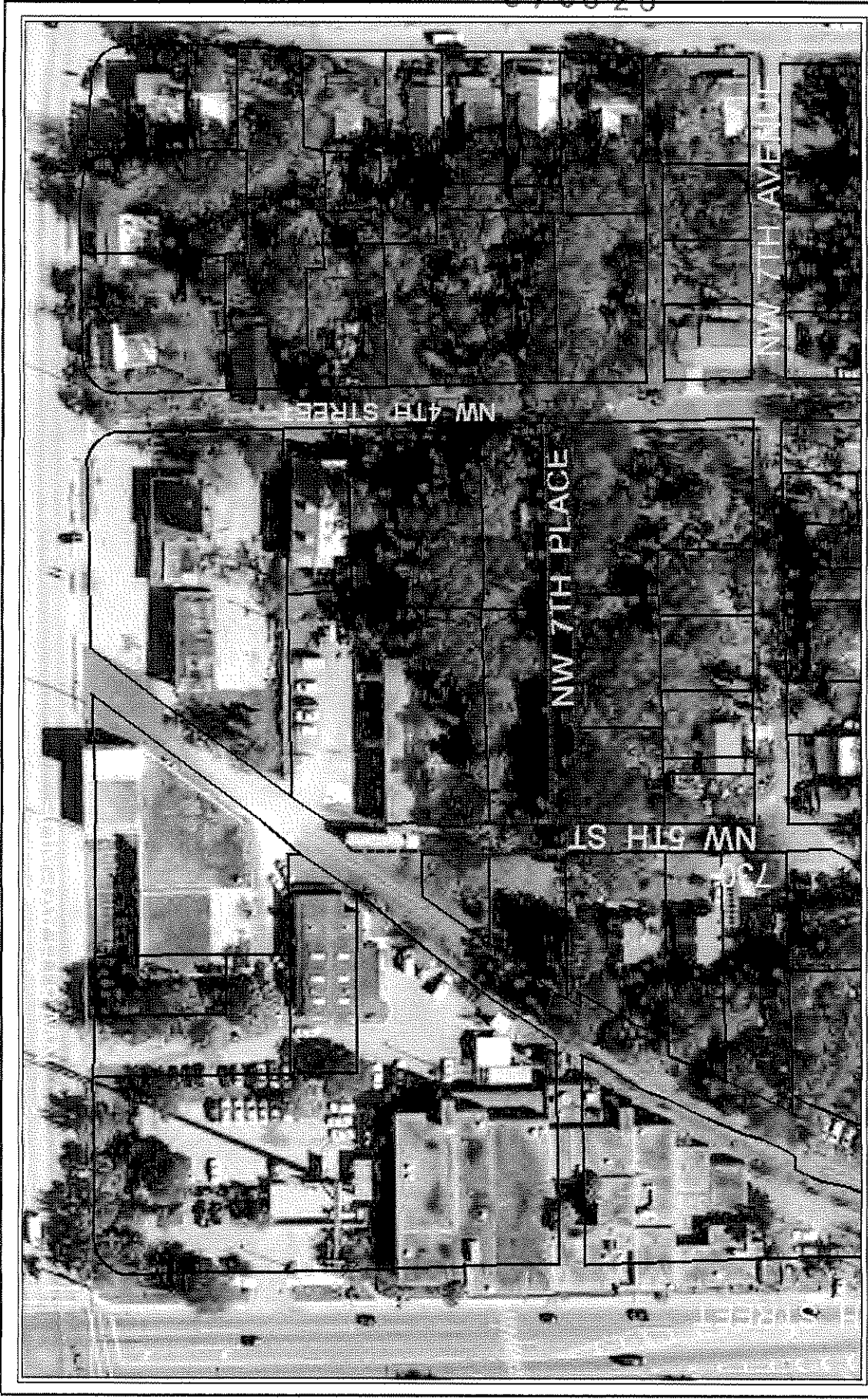


STREET VACATION

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City of Gainesville, applicant for the Gainesville Police Department	Vacate Portions of NW 7th Place and NW 5th Street as Indicated	3951	122SVA-07PB



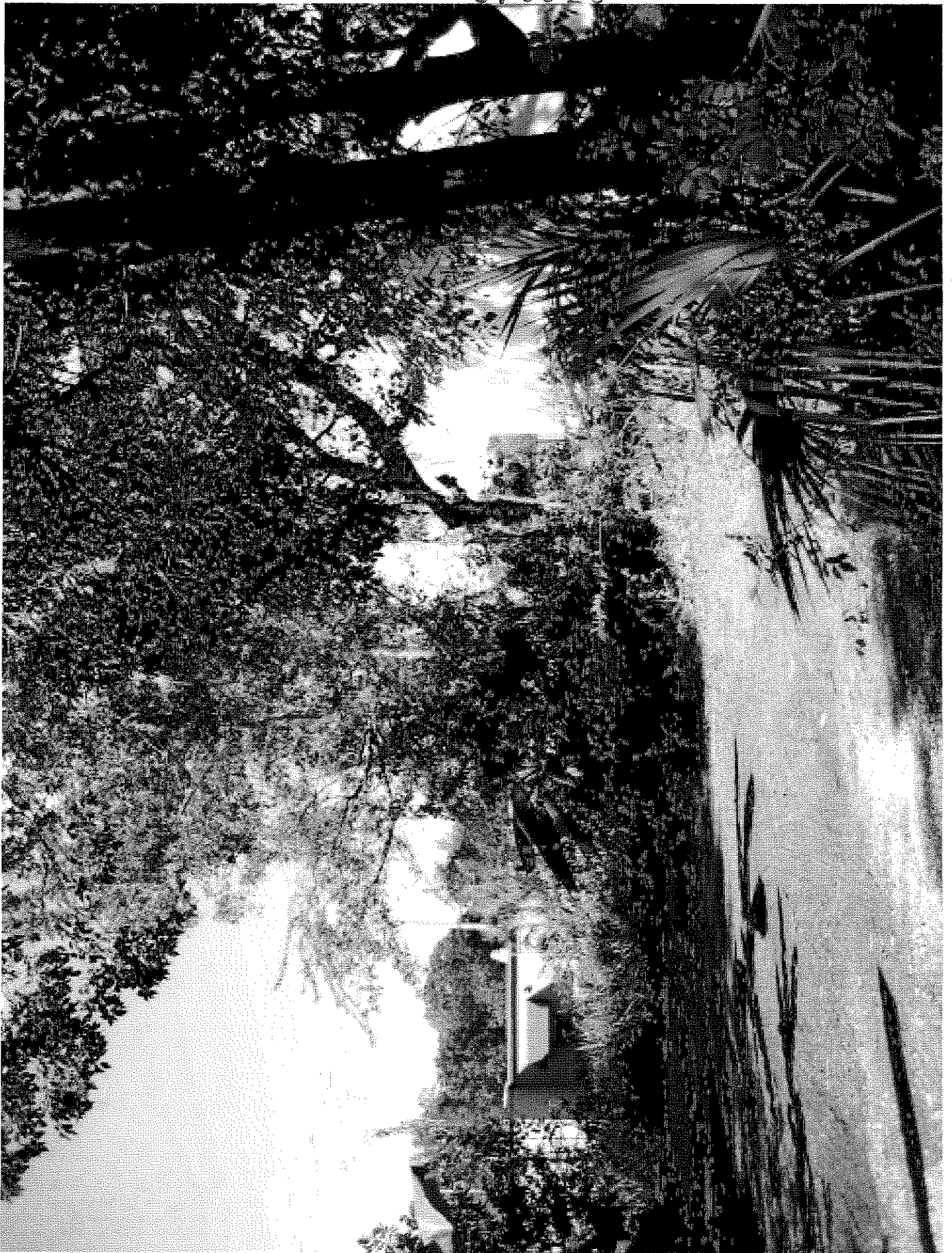
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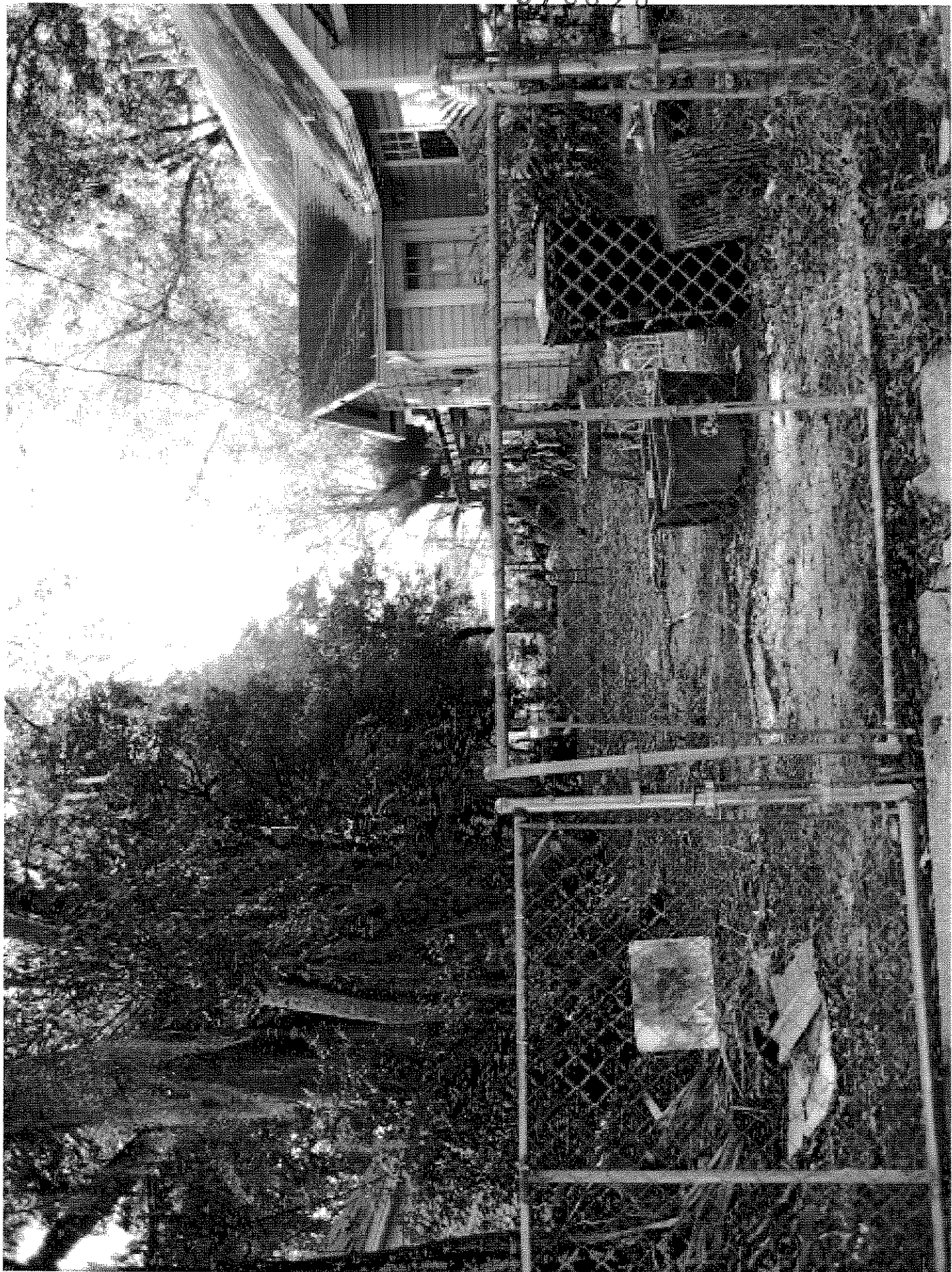


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**STAFF RECOMMENDATION:  
APPROVAL**

