

000753

**City of
Gainesville**

Inter-Office Communication

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

Item No.: 1

TO: City Plan Board

DATE: January 20, 2005

FROM: Planning Division Staff

SUBJECT: Petition 152SVA-03 PB, Gainesville Ford, Inc. Pursuant to Section 30-192(b) of the Gainesville Land Development Code, vacate, abandon and close a portion of the east side of North Main Street in the 3300 block.

Recommendation

Planning Division staff recommends approval of Petition 152SVA-03PB with the condition that GRU retain a public utilities easement over the entire right-of-way.

Explanation

The petitioners are proposing to close a section of right-of-way (ROW) in the 3300 block of North Main Street that was received by the City in 1972. The ROW (not including the existing road and sidewalk) is 35 feet wide in this section. The proposed street vacation will not affect the width of the paved street nor will it include the public sidewalk. Currently, GRU has water, wastewater, electric, gas and a fire hydrant along the remaining Main Street right-of-way. Street trees are planted back of the sidewalk in the remaining Main Street right-of-way.

The street vacation is requested to display vehicles for sale. Currently, the dealership vehicles are displayed in the right-of-way. There are no physical improvements to accommodate the auto display. Displayed vehicles are often too close to the City's street trees and fire hydrant, and are not buffered by required landscaping. A development plan has been reviewed by staff adding the required street buffer and proposing specific concrete pads for display vehicles.

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

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

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

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

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

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

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

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

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

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

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

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

6. The effect of the proposed action on crime.

The proposed petition will have no direct effect on crime.

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

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

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

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

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

GRU requires a Public Utilities Easement over the entire right-of-way. The fire hydrant must remain in the right-of-way.

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

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

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

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

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

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

Respectfully submitted,

Ralph Hilliard

Ralph Hilliard
Planning Manager

RH:CRM

DATE: 1/13/04

TO: Carolyn Morgan, Sr. Planner
Planning

FROM: Ann Mullins, Land Rights Coordinator
Real Estate Division

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

GRU staff has reviewed the plans for the above listed R/W vacation requests for City owned R/W adjacent to Gatorland Toyota/ Acura and the Ford Dealership. GRU has determined that a public utility easement needs to be reserved over all the areas proposed for vacation, in their entirety. GRU has existing water, sanitary sewer and electric facilities located in the both R/W strips and additionally gas facilities are also located in #152SVA-03-PB. This information was also previously provided to Causseaux and Ellington, the engineer for the project.

SITE PLAN EVALUATION SHEET

CITY ARBORIST 334-2171 – Sta. 27

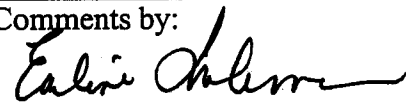
Petition: 152SVA-03 PB Review date: 11/18/03
Review For: Technical Review Committee
Agent: **Gainesville Ford** pursuant to Section 30-192 (b)
vacate, abandon, and close a portion of east side of North Main
Street in the 3300 block.

Review: Vacate
Planner: Carolyn

APPROVED APPROVED DISAPPROVED
(as submitted) (with conditions)

- Tree Survey Required
- Landscape Plan Required
- Irrigation system required
- Attention to conditions (revisions/recommendations)

Comments by:



Earline Luhrman
Urban Forestry Inspector

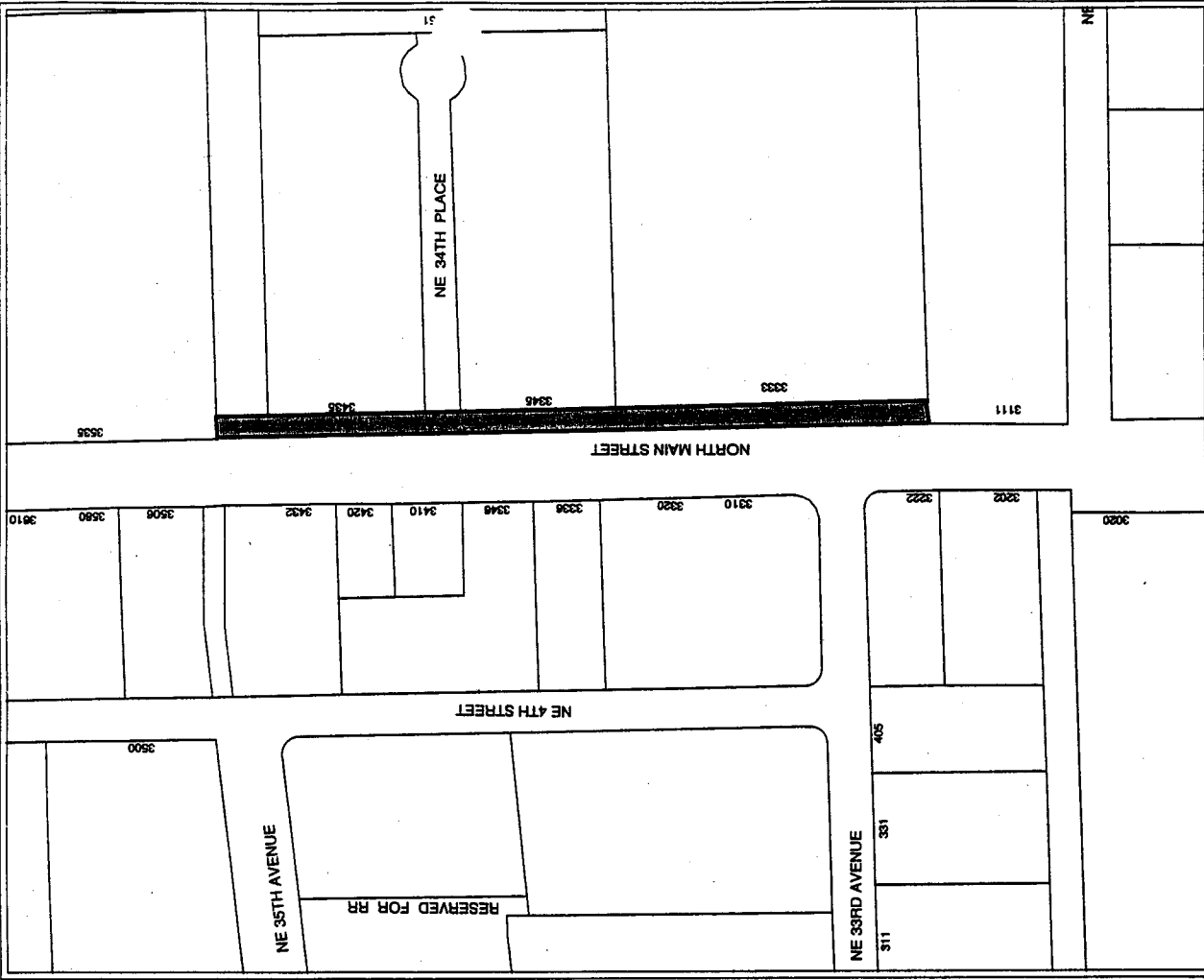
Drake Elm Trees

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

No Impact on the Urban Forest 11/19/03.

Street Closing

City Limits



STREET CLOSING

Name	Petition Request	Map(s)	Petition Number
Gainesville Ford & Gainesville Toyota	Street Vacation	3552	152SVA-03PB & 153SVA-03PB



Reviewing Department: Public Works
Checking Official: Rick Melzer - Box 58
Phone No.: 334-5072
Return to: Planning Division - Box 12
P.O. Box 490, Gainesville, FL 32602
Room 158, Thomas Center B
phone 334-5023; fax 334-3259

PETITION NO. 152SVA-03 PB
(Wednesday)

Response due date: November 19, 2003

Planner: CAROLYN MORGAN

Staff discussion of proposed street closing at Development Review Staff Meeting in the First Step Center, Room 119, Thomas Center B, Gainesville, Florida on Thursday, November 20, 2003.

RECOMMENDATION:

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

The City of Gainesville shall retain the
westerly 10 feet of said property
10 ft. no longer needed.
R.M. 11/1/03

Checking Official Signature: RA-MJ Date: 12/2/03

1. **Petition 152SVA-03 PB** Gainesville Ford, Inc. Pursuant to Section 30-192(b) of the Gainesville Land Development Code, vacate, abandon and close a portion of the east side of North Main Street in the 3300 block.

Ms. Carolyn Morgan was recognized. Ms. Morgan indicated that she would be discussing Petitions 152SVA-03 PB and 153SVA-03 PB simultaneously. She presented a map of the sites and described them in detail. She explained that, in 1972 the City acquired a right-of-way along N Main Street to be used as a frontage road. She noted that the frontage road was never constructed. She indicated that the board heard the petition in 2004 and staff recommended continuation until the petitioners could provide minor development site plans that would show the required landscaping and deal with outstanding issues with utilities, fire hydrant and street trees. Ms. Morgan noted that GRU was requesting that they maintain an easement over the entire property. She indicated that staff recommended approval of the street closings with the condition that GRU retain a public easement. She noted that for street closings there were findings to be made and staff had provided recommended findings in the board member's packets. She presented slides of the site showing display vehicles parked in the street right-of-way and noted that the intended improvement would be that the appropriate 9-foot landscaping buffer would be outside the street right-of-way, which would move the vehicles back. She explained that the Gatorland Toyota and Acura site would be developed with bollards and landscaping, however, the Ford site would have specific pads where vehicles could be parked. Ms. Morgan offered to answer any questions from the board.

Mr. Gold asked if the Ford site would ever be completely developed.

Ms. Morgan explained that the plan for the Ford site was more expensive than the petitioners believed was justified. She explained that all of the plans presented had lapsed and new plans would have to be provided.

Ms. Janice Roland, agent for the petitioner, was recognized.

Mr. Gold asked if the plan would move the vehicles back and place landscaping in front of them.

Ms. Roland stated that it would. She noted that the City required the landscaping and the petitioner wished to comply. She stated that the vehicles were parked on City right-of-way but the petitioner wished it to be legal and landscaped.

There was no public comment on the petition.

<u>Motion By:</u> Mr. Gold	<u>Seconded By:</u> Mr. Cole
<u>Moved to:</u> Approve Petition 152SVA-03 PB with the condition that GRU retain a public utilities easement across the right-of-way.	<u>Upon Vote:</u> Motion Carried 7 - 0 Ayes: Cohen, Gold, Rwebyogo, Reiskind, Cole, Pearce, Tecler.