

TO: City of Gainesville
 Development Review Board

Item Number: 1

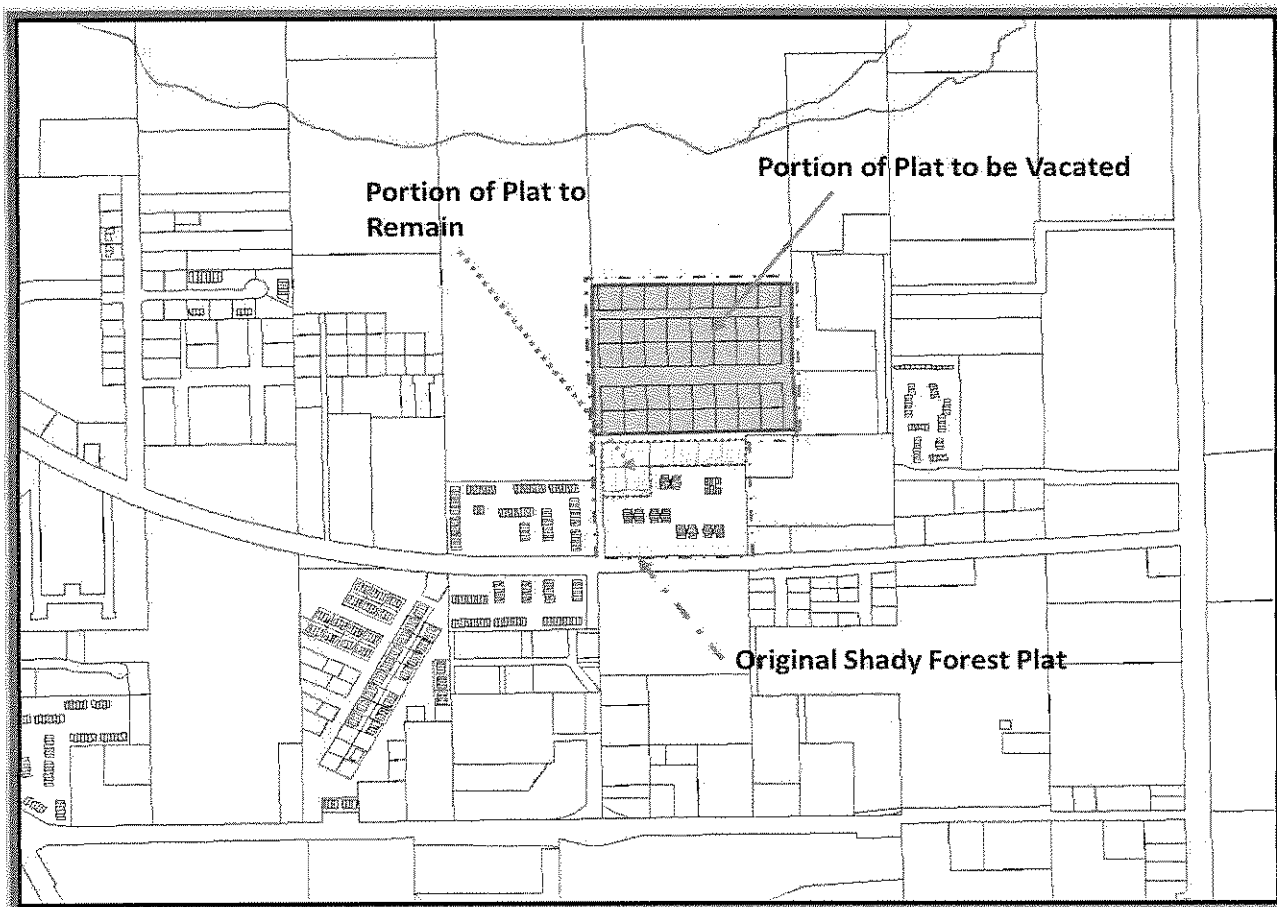
FROM: Planning and Development Services
 Department

DATE: February 14, 2013

SUBJECT: Petition CC-13-04 SUB: Causseaux, Hewett and Walpole, Inc., agent for Garrison SW 17th Avenue LLC. Reversion of subdivided land, Shady Forest, to acreage. Zoned: Urban mixed-use district 2 (UMU-2). Located north of SW 20th Avenue between SW 37th Street and SW 38th Terrace.

Recommendation

Staff recommends that the DRB forward a recommendation of approval of Petition CC-13-04 SUB to the City Commission.



PROJECT ANALYSIS

PROJECT DESCRIPTION: Causseaux, Hewett and Walpole, Inc., agent for Garrison SW 17th Avenue LLC. Reversion of subdivided land, Shady Forest, to acreage. Zoned: Urban mixed-use district 2 (UMU-2). Located north of SW 20th Avenue between SW 37th Street and SW 38th Terrace

PROPERTY DESCRIPTION:

Address/Parcel: North of SW 20th Avenue between SW 37th Street and SW 38th Terrace.
Acreage: 15.6 Acres
Land Use: UMU-2
Zoning: Urban mixed-use district 2 (UMU-2).
Special Features: Property has a proposal for multi-family high density development and the land is encumbered by an older plat with unimproved roads and small lots.
Agent/Applicant: Causseaux, Hewett and Walpole, Inc.
Property Owner: Garrison SW 17th Avenue LLC
Related Petitions: None

General Description:

This petition addresses a proposal to vacate a portion of an older subdivision, Shady Forest, returning it to acreage for future development. The subdivision is located between SW 38th Terrace and SW 37th Street, approximately 300 feet north of SW 20th Avenue. It is surrounded on the west and north by undeveloped properties and on the east and south by multi-family residential and the UF Orthopedic Center. The plat originally included 64 lots of which sixteen have been incorporated into other developments, leaving a total of 48 existing lots. This petition is to convert 40 of the 48 remaining lots into acreage. The eight remaining lots are improved with single-family dwellings which are served by dirt roads and will retain formal access to SW 20th Avenue via the existing dirt roads which has a right-of-way width of 30 feet, (See Appendix A).

The subdivision contains two north/south roads and four east/west roads which are unimproved but connect, formally or informally, to SW 34th Street and SW 20th Avenue. The portion of the plat to be vacated was once developed with about sixteen single-family dwellings which have been removed. If approved and converted to acreage the resulting parcel will maintain its frontage via the unimproved private roads, SW 38th Terrace and SW 17th Place.

Most of the subdivision will be converted into acreage, leaving the remaining Shady Forest subdivision with eight of the original lots. The eight lots are improved with single-family dwellings which are served by dirt roads and will retain formal access to SW 20th Avenue via the existing dirt roads which has a right-of-way width of 30 feet.

The key issues related to implementing the plat vacation are:

1. Authorization of the applicant to vacate the referenced portion of the Shady Forest Subdivision.
2. Providing adequate access to the resulting acreage parcel to facilitate minimum allowable development.
3. Maintaining current property rights and right of convenient access of persons owning the remaining lots in the subdivision.

Comprehensive Plan Consistency:

The Shady Forest subdivision is located in an area designated in the City's Future Land Use Element as the Urban Village. The existing lots, as laid out, are very small and not conducive to redevelopment at the densities now allowed and encouraged in the Urban Village by the City's Comprehensive Plan. The UMU-2 land use designation allows up to 100 units per acre by right. The area is intended to be supportive of multi-modal transportation, which requires higher densities.

The plat vacation is supported by several comprehensive plan principles. These include:

1. The plat vacation supports the long-term vision for redevelopment in the Urban Village as stated in Future Land Use Element Policy 4.3.7. That policy envisions redevelopment that supports an attractive pedestrian environment, a gridded street network, and a complementary mix of land uses with appropriate densities and intensities.
2. The plat vacation will allow the combination of small lots to create larger parcels that will support higher density multi-family housing in the Urban Village. Minimum densities of 20 units per acre are required in the Urban Village. The small lots would not allow a developer to meet the minimum density requirements (smaller lots are exempt). The higher densities are considered transit-supportive. In addition, the combination of lots will allow for a future mix of uses on the site.
3. The plat vacation will allow for the creation of the Hull Road extension road network through the development site. This is supportive of the transportation mobility goals in the Urban Village area.
4. Chapter 163.3177(6)(a)2.j. requires that local government future land use plans and amendments be based upon surveys, studies, and data regarding the area...including:... "The need to modify land uses and development patterns within antiquated subdivisions." Antiquated subdivisions are defined in state law (Chapter 163.3154 (5)) as "a subdivision that was recorded or approved more than 20 years ago and that has substantially failed to be built and the continued build out of the subdivision in accordance with the subdivision's zoning and land use purposes would cause an imbalance of land uses and would be detrimental to the local and regional economies and environment, hinder current planning practices, and lead to inefficient and fiscally irresponsible development patterns as determined by the respective jurisdiction in which the subdivision is located." The Shady Forest plat vacation meets the state statute definition for an antiquated subdivision. Vacating this plat will lead to a more efficient and fiscally responsible development pattern in the Urban Village as specified by the policies in the City's Comprehensive Plan.

Florida Statutes Chapter 177.102 and Land Development Code Compliance:

The Land Development Code states that reversion of subdivided land to acreage shall be in accordance with the provisions of F.S. § 177.101, (see attached Appendix B). Staff has reviewed the request based on the requirements of FS 177.101 with the following findings:

1. In accordance with the above referenced Florida Statutes Chapter 177.102, the City intends to adopt a resolution requesting that Alachua County adopt a similar resolution, vacating a portion of the Shady Forest plat.
2. The application includes documentation indicating that Garrison SW 17th Avenue, LLC owns fee simple title to the portion of Shady Forest to be vacated, (See Appendix D).
3. The plat vacation by the governing body of the county will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

The requested plat vacation is for a portion of the Shady Forest Plat leaving eight lots on the south portion of the subdivision fronting two streets, SW 17th Place and SW 18th Place. The existing plat shows a connection to the general road network via an unimproved road labeled as SW 38th Terrace. That road is shown as a 30-foot wide corridor but is unimproved. Lots within the subdivision are served by unimproved interior roads running off SW 38th Terrace. The unimproved roadway serving the eight remaining lots will remain in place offering the same level and degree of access currently existing. Based on the proposal for future development, access to parcels in the area will be much improved satisfying the requirement that convenient access must be afforded to the lots remaining in the subdivision.

4. The applicant seeking to vacate the plat either in whole or in part shall provide legal notice of their intention in a newspaper of general circulation in the county.

Proper notice for the public hearing has been provided in the form of a neighborhood meeting, notice to surrounding property owners and posting of the property. It is anticipated that additional notice will be provided for the meeting before the City Commission when the required resolution is considered.

5. The applicant must provide certificates showing that all state and county taxes have been paid to vacate said plat.

The applicant has provided documents attesting to the payment of all state and county taxes satisfactory to the regulating agencies. Prior to adoption of the resolution, certificates of payment will be required.

6. The county shall be furnished with a certified copy of a resolution of the City Commission verifying vacation of the subject plat.

This review process will result in a resolution which will be executed by the City Commission and presented to Alachua County as evidence that the City Commission has vacated the subject portion of the subdivision.

7. Staff has determined that the associated roadways, streets, and alleys to be vacated are not roadways or streets necessary for use by the travelling public and can be vacated without creating limitations to the overall transportation network.

Land Development Code Compliance:

The property was annexed into the city in several stages, the northern portion in 2005, the central portion in 2006 and 2007 and the southern portion in 2009. The property has development rights by virtue of the county approved subdivision establishing individual lots within the subdivision. Vacation of the plat would terminate those rights but allowing development rights for the resulting acreage parcel per the Gainesville Land Development Code. Accordingly, the code also establishes minimum development standards as a pre-requisite for implementing development on a parcel. One important criterion which is relevant to the plat vacation is availability of adequate access commensurate with the type of development. After the plat is vacated and the property converted to acreage, it must meet minimum access and development standards in order to be considered for future development. Since the property has no direct frontage to an improved public right-of-way or an approved private street, the property would be allowable development of one single-family dwelling per Section 30-338 of the Land Development Code. In order to pursue additional development, adequate rights-of-way to the public road network must be established in the form of a dedicated or an approved private street.

Condition 1.

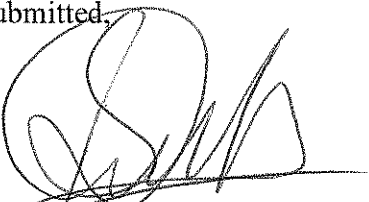
After approval of the plat vacation, the resulting parcel is only eligible to have one single-family dwelling until adequate access is provided in the form of a public right-of-way or approved private street. The property is zoned UMU-2 (Urban Mixed Use) and may pursue development in accordance with the allowable uses, densities and development standards of the zoning district. Any future subdivision of the property will be subject to the subdivision review process.

Condition 2.

Prior to adoption of the resolution, the applicant must address the maintenance and suspension of existing utilities within the vacated portion of the subdivision.

Respectfully submitted,

Prepared by:


Lawrence Calderon
Lead Planner

List of Attachments

Appendix A - Existing Shady Forest Subdivision

Appendix B - Florida Statutes Chapter 177.102 and Land Development Code Reference

Appendix C - Technical Review Committee Comments

Appendix D - Application and Other Supporting Documents