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**TO:** City Plan Board

**Item Number: 4**

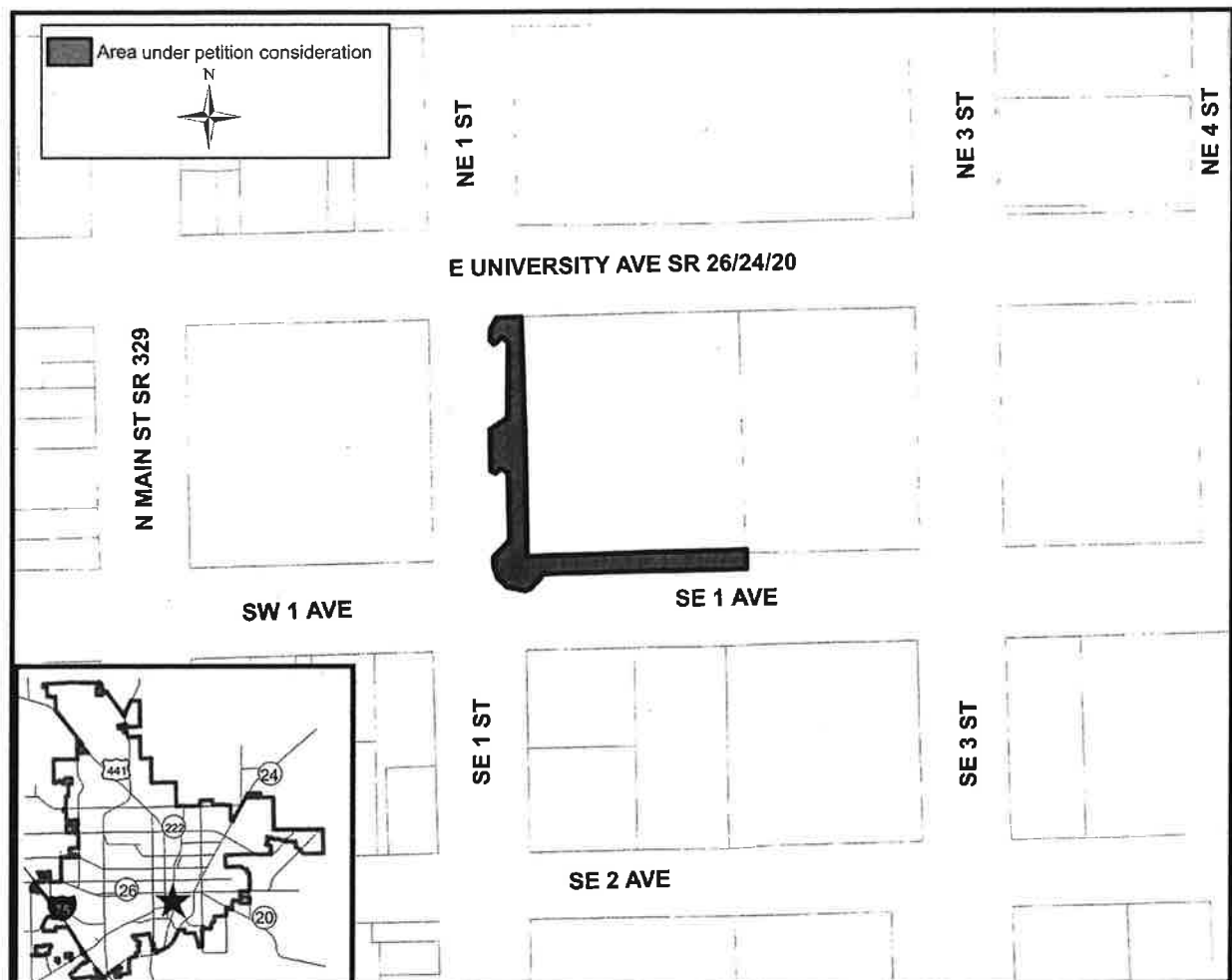
**FROM:** Planning & Development Services Department

**DATE:** Dec. 1, 2015

**SUBJECT:** Petition PB-15-122 SVA. City of Gainesville. Vacation of right-of-way to incorporate the vacated area into the Downtown Plaza. Located on the east side of SE 1<sup>st</sup> Street and the north side of SE 1<sup>st</sup> Avenue between University Avenue and SE 1<sup>st</sup> Avenue.

### Recommendation

Staff recommends approval of Petition PB-15-122 SVA and finds: 1) that the vacation of right-of-way for these sidewalks will not foreclose pedestrian or bicycle use of them and will not foreclose non-motorized access to adjacent uses or transit stops; and 2) that the vacation of right-of-way is in the public interest.



## Description

The request is to vacate the right-of-way area of the adjacent sidewalks along SE 1<sup>st</sup> Street and SE 1<sup>st</sup> Avenue and to incorporate this area into the City's Downtown Plaza. These sidewalks are adjacent to the west and south edges of the 1.65-acre Downtown Plaza that is currently being redeveloped by the Community Redevelopment Agency. East University Avenue (4-lane arterial highway, State Road 26/24/20) is to the north, SE 1<sup>st</sup> Street (local 2-lane street) is to the west, and SE 1<sup>st</sup> Avenue (local 2-lane street) is to the south and east. See map on previous page and see Exhibit B-1 (Aerial Photograph).

The right-of-way to be vacated (see Sketch and Legal Description in Exhibit C-1 – Application) comprises a total area of approximately 8,713 square feet or 0.2 acres. Vacation of this City of Gainesville right-of-way area and incorporating it into the Downtown Plaza will have no impact on pedestrian or bicycle access to or use of these sidewalks, which are to remain in place. Incorporation of this current right-of-way area into the adjacent, 1.65-acre Downtown Plaza will allow the City to subject the sidewalk area to the same City park rules that will apply to the Downtown Plaza, which differ from those that pertain to sidewalks that are in the public right-of-way. This will give the City more control of the use of these sidewalk areas than currently exists.

## 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 does benefit from use of the subject right-of-way as part of the sidewalk component of the city street system. Because the proposed vacated area will remain in use for sidewalks, the public will continue to benefit from them for pedestrian/bicycle mobility purposes, regardless of the fact that they are to be incorporated into the Downtown Plaza and will be subject to applicable City park rules.

**2. Whether the proposed action is consistent with the Comprehensive Plan.**

This proposal is consistent with Policy 10.2.1 of the Transportation Mobility Element, which requires that the City shall only vacate streets (sidewalks are a component of the street system) under certain conditions. The proposed vacation of right-of-way within this City-owned property will not foreclose current or reasonably foreseeable future bicycle or pedestrian use, and will not foreclose non-motorized access to adjacent land uses or transit stops.

**3. Whether the proposed action would deny access to private property.**

The proposed action will have no impact upon access to adjacent or nearby private (or public) property.

Petition PB-15-122 SVA  
December 1, 2015

## **List of Appendices**

### **Appendix A Comprehensive Plan GOPs**

Exhibit A-1 Comprehensive Plan GOPs

### **Appendix B Supplemental Documents**

Exhibit B-1 Aerial Photograph

Exhibit B-2 Sec. 30-192 – Supplemental provisions

### **Appendix C Application**

Exhibit C-1 Application

**4. The effect of the proposed action upon public safety.**

The proposed vacation of right of way within this City-owned property will have no effect upon public safety.

**5. 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 by this proposed vacation of right of way. The sidewalks are to remain in place and open for use by pedestrian and bicycle (and other non-motorized vehicles) use.

**6. The effect of the proposed action upon the provision of municipal services including, but not limited to, emergency service and waste removal.**

The proposed vacation of right of way will have no effect upon the provision of municipal services (including, but not limited to, emergency service and waste removal) for this property or for adjacent or other nearby properties.

**7. The necessity to relocate utilities, both public and private.**

No need to relocate utilities has been cited by GRU staff, which has reviewed the proposed vacation of right of way and has deemed it approvable, including by GRUCom, which noted that "GRUCom has facilities in Alachua County owned 2" conduit".

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

The proposed vacation of right of way will have no impact upon the design and character of the area, which has Central City District zoning, the Traditional City Special Area Plan overlay, and is in the Downtown Redevelopment Area.

Petition PB-15-122 SVA  
December 1, 2015

Respectfully submitted,

A handwritten signature in blue ink, reading "Ralph Hilliard".

Ralph Hilliard  
Planning Manager

Prepared by:

A handwritten signature in blue ink, reading "Dean Mimms".

Dean Mimms, AICP  
Lead Planner