



Legislation Details (With Text)

File #: 180859. **Version:** 2 **Name:**

Type: Petition **Status:** Failed

File created: 3/21/2019 **In control:** City Manager

On agenda: 8/1/2019 **Final action:** 8/1/2019

Title: Request to Vacate Public Right-of-Way for a portion of SW 7th Avenue Located East of the Intersection of SW 9th Street and SW 7th Avenue (B)

Petition PB-18-173 SVA. Midtown Properties of Gainesville, LLC, applicant to vacate a public right-of-way for a portion of SW 7th Avenue located east of the intersection of SW 9th Street and SW 7th Avenue.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 180859A_Staff Report w Exhibits 1 - 3_20190801, 2. 180859B_PB-18-173 SVA_03.28.19 CPB minutes_20190801, 3. 180859C_PB-18-173 SVA Staff PPT_20190801, 4. 180859D_Engagement Note_20190801

Date	Ver.	Action By	Action	Result
8/1/2019	2	City Commission	Denied (Petition)	Pass
3/28/2019	1	City Plan Board	Approved	Pass

Request to Vacate Public Right-of-Way for a portion of SW 7th Avenue Located East of the Intersection of SW 9th Street and SW 7th Avenue (B)

Petition PB-18-173 SVA. Midtown Properties of Gainesville, LLC, applicant to vacate a public right-of-way for a portion of SW 7th Avenue located east of the intersection of SW 9th Street and SW 7th Avenue.

Petition to vacate a portion of public right-of-way on the eastern portion of SW 7th Avenue lying east of the intersection of SW 9th Street and SW 7th Avenue, south of Lot 104, and north of lot 103, within the plat of O.A. Porter’s Addition. The portion of right-of-way to be vacated is approximately 35 feet wide and approximately 100 feet long and does not provide through access. Only a portion of the right-of-way is improved and terminates into a wetland area.

The criteria for the vacation of public streets or public places are found in both Policy 10.2.1 of the Transportation Mobility Element of the Comprehensive Plan and Section 30-192 of the Land Development Code. Specifically, Policy 10.2.1 of the Transportation Mobility Element states that the City shall not close or vacate streets except under the following conditions: A) the loss of the street will not foreclose reasonably foreseeable future bicycle/pedestrian use; B) the loss of the street will not foreclose non-motorized access to adjacent land uses or transit stops; C) 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 D) there is no reasonably foreseeable need for any type of transportation corridor for the area. Section 30-192 of the Land Development Code states that, in order to vacate public right-of-way, the City Commission shall find that: A) the public street or public place no longer serves a public purpose; or B) the vacation of the public street or public place is in the public interest. In making this determination,

Section 30-192 requires the City Commission to consider the following criteria in determining whether the vacation is in the public interest: A) whether the public benefits from the use of the subject right-of-way as part of the city street system; B) whether the proposed action is consistent with the Comprehensive Plan; C) whether the proposed action would deny access to private property; D) the effect of the proposed action upon public safety; E) the effect of the proposed action upon the safety of pedestrians and vehicular traffic; F) the effect of the proposed action upon the provision of municipal services including but not limited to emergency service and waste removal; G) the necessity to relocate both public and private utilities; and H) the effect of the proposed action on the design and character of the area.

The City Plan Board held a public hearing on March 28, 2019. Postcard notices were mailed to surrounding property owners on March 13, 2019. A neighborhood workshop was held on February 28, 2019.

None

City Plan Board to City Commission - The City Commission deny Petition PB-18-173 SVA.

The City Plan Board voted 3-1.

Staff to City Commission - The City Commission approve Petition PB-18-173 SVA.

Staff to City Plan Board - The City Plan Board approve Petition PB-18-173 SVA.