



Legislation Text

File #: 180860., **Version:** 3

Vacation of Right-Of-Way for the Southern Portion of SW 5th Terrace and a Segment of an Adjacent Alley Located Southeast of the Intersection of SW 6th Street and SW 4th Avenue (B)

Petition PB-19-010 SVA. City Plan Board. Right-of-Way Vacation for a southern portion of SW 5th Terrace and a segment of an alley located south of the intersection of SW 4th Avenue and SW 6th Street.

This ordinance vacates a public right-of-way that is an approximately 10'x150' portion of SW 5th Terrace (south side) lying between SW 5th Avenue and SW 4th Avenue; and approximately 22'x 266' portion of the adjacent alley.

This petition was initiated by the City Commission on November 15, 2018. The property is located within the Porters Neighborhood.

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, on March 28, 2019, held a public hearing and voted to continue Petition PB-19-010 SVA to the April Plan Board meeting. Postcard notices were mailed to surrounding property owners on March 13, 2019. A neighborhood workshop was held on March 16, 2019. At the April 25, 2019, City Plan Board meeting the board recommended denial of PB-19-010 SVA.

None

Staff to City Plan Board - The City Plan Board approve Petition PB-19-010 SVA.

City Plan Board to City Commission - The City Commission deny Petition PB-19-010 SVA.

The City Plan Board voted 3-1.

Staff to City Commission - Four (4) options - 1) The City Commission approve Petition PB-19-010 SVA as presented. 2) The City Commission approve the vacation of the alley only. 3) The City Commission approve the vacation of the adjacent alley and authorize a land swap between the City and the adjacent landowner for an equal portion of SW 5th Terrace and. 4) The City Commission deny Petition PB-19-010 SVA as presented.