



Legislation Text

File #: 160682., **Version:** 4

VACATION OF PUBLIC RIGHT-OF-WAY - PORTION OF SOUTH SIDE OF SW 5TH AVENUE LYING BETWEEN SW 11TH DRIVE AND SW 10TH DRIVE (B)

Ordinance No. 160682; Petition PB-16-181 SVA

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close a certain portion of public right-of-way on the south side of SW 5th Avenue lying between SW 11th Drive and SW 10th Drive, as more specifically described in this ordinance; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an effective date.

The City Commission adopt the proposed ordinance.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance vacates a public right-of-way that is an approximately 10'x150' portion of SW 5th Avenue (south side) lying between SW 11th Drive and SW 10th Drive. The property is located in the University Heights Special Area and University Heights Historic District-South. According to the applicant, the purpose of the request is to allow three relocated historic structures to be closer to the sidewalk; to match a previous vacation of public right-of-way located in the vicinity of SW 5th Avenue; and to allow for a more efficient placement of point of service locations for GRU.

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 February 23, 2017, held a public hearing and voted to recommend that the City Commission approve Petition PB-16-181 SVA.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings and will become effective immediately upon adoption.