



SAINT PETERSBURG CITY COUNCIL

Meeting of October 15, 2009

TO: The Honorable Jeff Danner, Chair, and Members of City Council

SUBJECT: Ordinance approving a vacation of a 16-foot wide unimproved alley on the east side of 24th Street South, immediately south of 2342 Emerson Avenue South (City File No.: 09-33000010).

RECOMMENDATION: The Administration and the Development Review Commission recommend **APPROVAL**.

The Request: The request is to vacate the unimproved, 16-foot wide alley on the east side of 24th Street South, lying immediately south of the property located at 2342 – Emerson Avenue South. The area of the right-of-way proposed for vacation is depicted on the attached maps (Attachments “A” and “B”) and Existing Conditions Plan (Attachment “C”).

Background: The applicant’s goal is to eliminate the unnecessary, unimproved alley and assemble the north half of the alley together with the private property to the north. The entire parcel is planned for the applicant’s, an artist, new glass art production facility, which is currently located in the City of Tampa. The proposed site plan is depicted in Attachment “D”.

The original application also proposed to vacate a similar portion of unimproved street to the north (Emerson Avenue South). However, the applicant has deleted the portion of the request associated with the Emerson Avenue right-of-way at this time. It is possible that an application to vacate that area may be submitted in the future as the applicant refines plans for future phases of development. At this time, the only right-of-way proposed for vacation is the alley to the south of 2342 – Emerson Avenue South.

Discussion: Staff is recommending approval, as the request is consistent with the criteria in the City Code, the Comprehensive Plan, and the Dome Industrial Park Community Redevelopment Area (DIP CRA) Plan. The Engineering & Stormwater Management Department has requested conditions related to maintenance of existing drainage patterns, removal of any unnecessary driveways, and restoration of the right-of-way and street curb. Verizon and Progress Energy requested dedication of a public utility easement to protect any existing infrastructure or utilities. Vacation of this dead-end alley would not impair or deny access to any other lot. The adjacent lot to the south uses the frontage along 24th Street South as the means of access to the property.

No other lots would be affected by vacation of the alley. The lots, blocks, streets and alleys in this area were originally platted in 1912 (Attachment "E") and appear to have been originally intended for residential development. The original plat is no longer appropriate for the context of the area, which has changed significantly with the construction of the railroad tracks to the east. The subject street is now a dead-end and is no longer necessary as a public right-of-way. Access to any infrastructure can be protected by dedication of an easement.

The subject right-of-way is within the boundaries of the Dome Industrial Park Community Redevelopment Area (DIP CRA), which was adopted in 2007 by the City Council. The Plan recognizes the existence of inadequate lot sizes throughout the CRA. The Plan identifies vacations of unnecessary streets, alleys, and utility easements, where appropriate, to assemble parcels of adequate size to accomplish the established redevelopment goals. Objective 1.5 of the Plan directs promotion of block consolidation through vacation of deficient streets and alleys, provided such vacation does not negatively impact the level of service or street network within the CRA (Objective 3.3).

Agency Review: The Engineering & Stormwater Management will ensure through the permitting process that existing drainage patterns are maintained, that any unnecessary driveways are removed, and that right-of-way and street curbs are restored, as may be necessary. Two utilities have requested a public utility easement over any existing any existing infrastructure or utilities, which has been incorporated as a special condition of approval.

Public Comments: The original application also proposed to vacate the section of Emerson Avenue South, to the north of 2342 Emerson Avenue South. However, after discussing the plan in more detail with other adjacent property owners, the applicant elected to revise the application to only vacate the alley at this time. Since that modification to the application, no further public comments have been received as of the date of this report.

DRC Action/Public Comments: On September 2, 2009, the Development Review Commission (DRC) held a public hearing on the subject application. No person spoke in opposition to the request. After the public hearing, the DRC voted 7-0 to recommend approval of the proposed vacation. In advance of this report, no additional comments or concerns were expressed to the author.

RECOMMENDATION:

The Administration recommends **APPROVAL** of the alley right-of-way vacation, subject to the following conditions:

1. Prior to recording the vacation ordinance, the applicant shall dedicate a public utility easement over any existing infrastructure or utilities lying within the alley right-of-way.

ORDINANCE NO. _____

AN ORDINANCE APPROVING A VACATION OF THE ALLEY LOCATED EAST OF 24TH STREET SOUTH AND WEST OF THE PINELLAS TRAIL, IMMEDIATELY SOUTH OF THE PROPERTY LOCATED AT 2342 EMERSON AVENUE SOUTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. The following right-of-way is hereby vacated as recommended by the Administration and the Development Review Commission:

The remaining 159 feet, more or less, of the 16-foot wide alley lying north of the remaining portions of Lots 9 through 12, and south of Lots 5 through 8, Block 7, Highland Crest Subdivision, as recorded in Plat Book 1, Page 20, of the Public Records of Pinellas County, Florida, and lying east of 24th Street South and west of the railroad right-of-way now known as the Pinellas Trail.

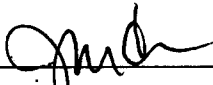
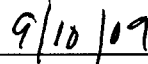
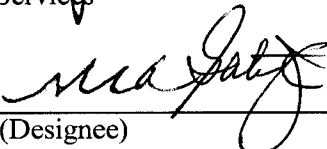
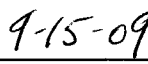
SECTION 2. The above-mentioned right-of-way is not needed for public use or travel.

SECTION 3. The vacation is subject to and conditional upon the following:

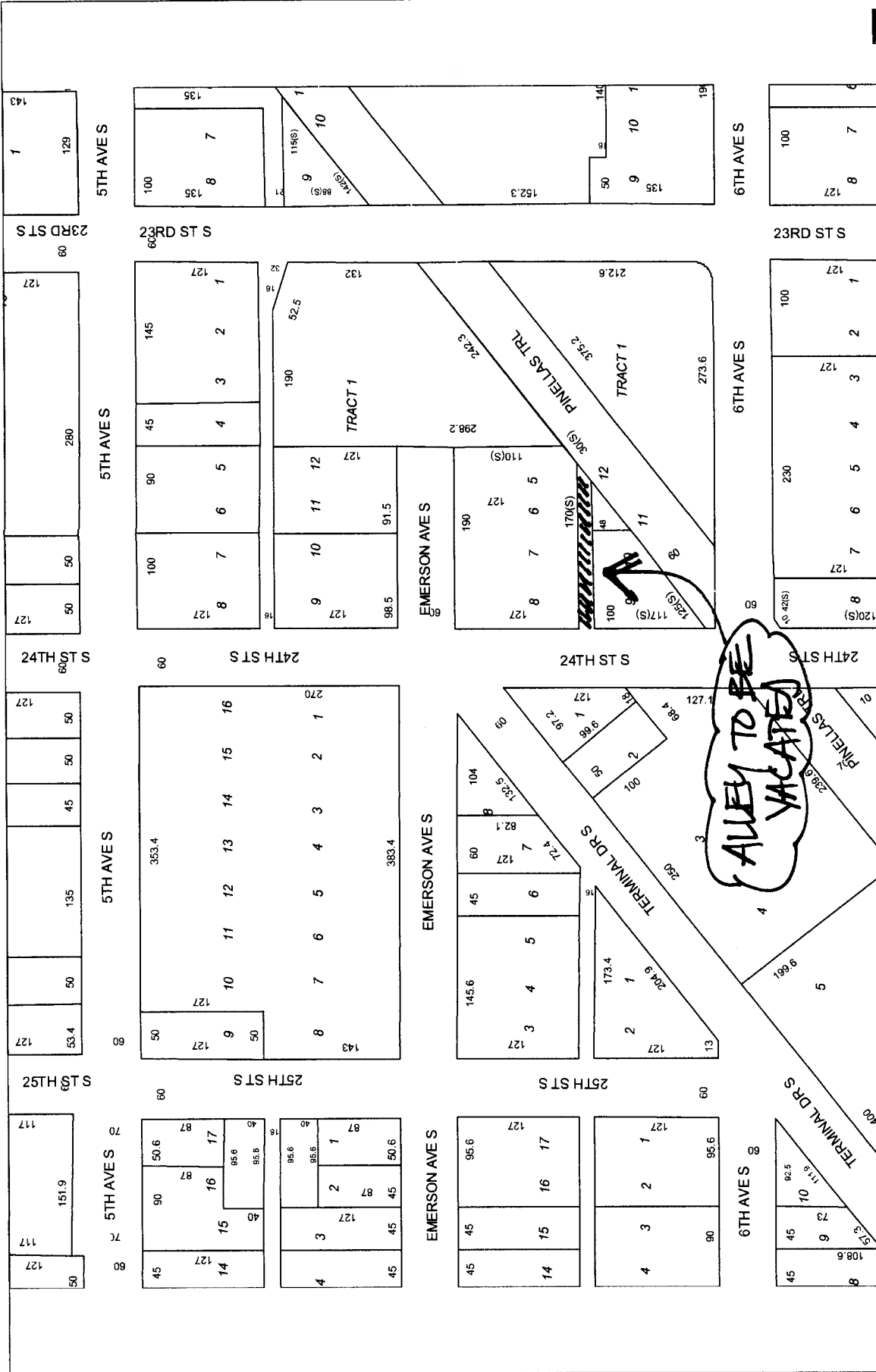
1. Prior to recording the vacation ordinance, the applicant shall dedicate a public utility easement over any existing infrastructure or utilities lying within the alley right-of-way.

SECTION 4. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

APPROVED AS TO FORM AND SUBSTANCE:

 _____	 _____
Development Services	Date
 _____	 _____
City Attorney (Designee)	Date

Attachment "A" Parcel Map



Development Services Department
Case No.: 09-33000010
Address: 2342 – Emerson Avenue South



Attachment "B"

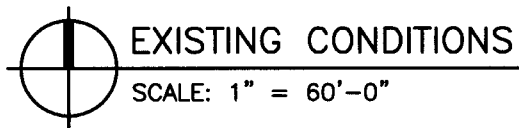
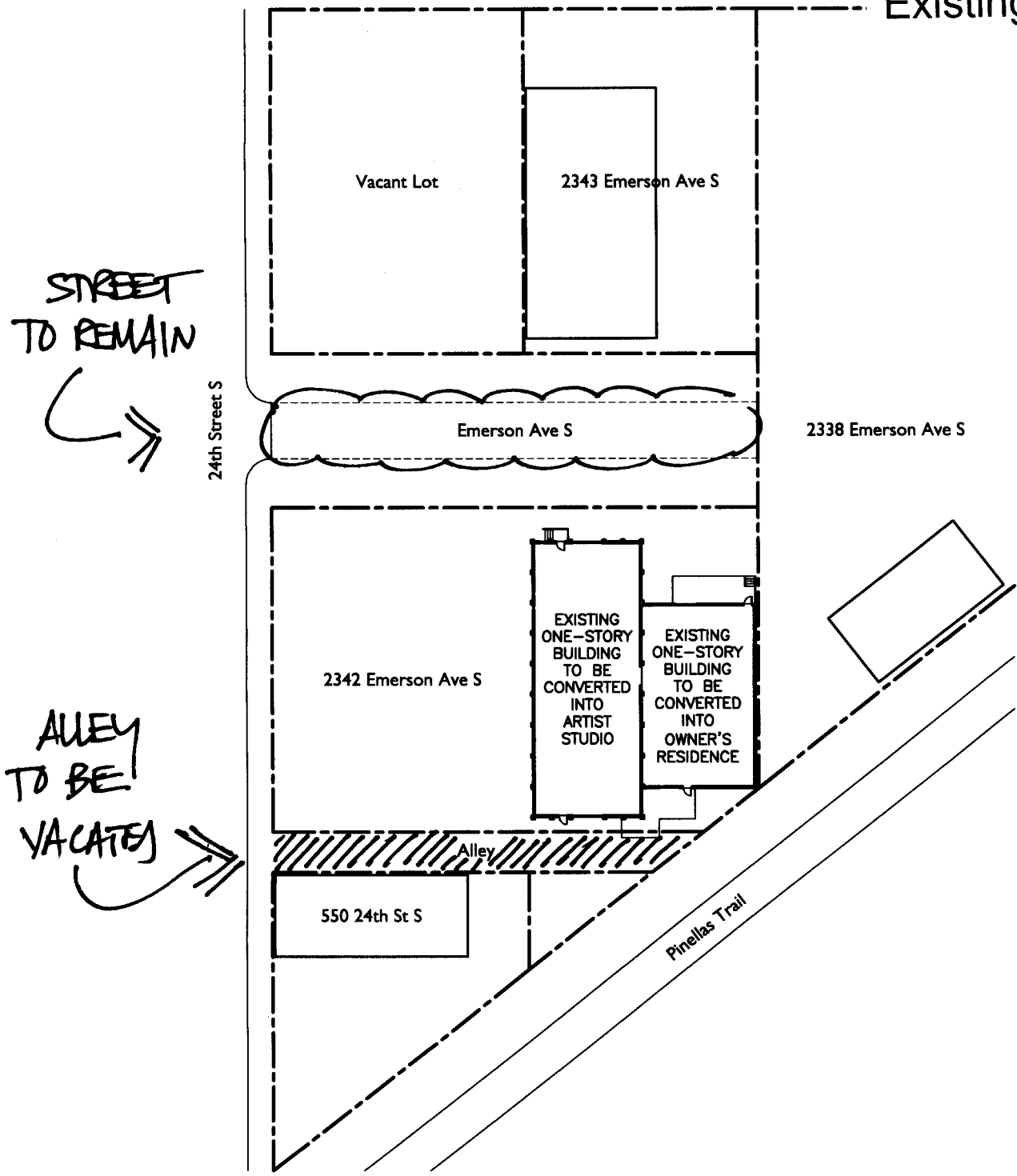
Aerial Map



Development Services Department
Case No.: 09-33000010
Address: 2342 – Emerson Avenue South



Attachment "C" Existing Conditions



July 20, 2009

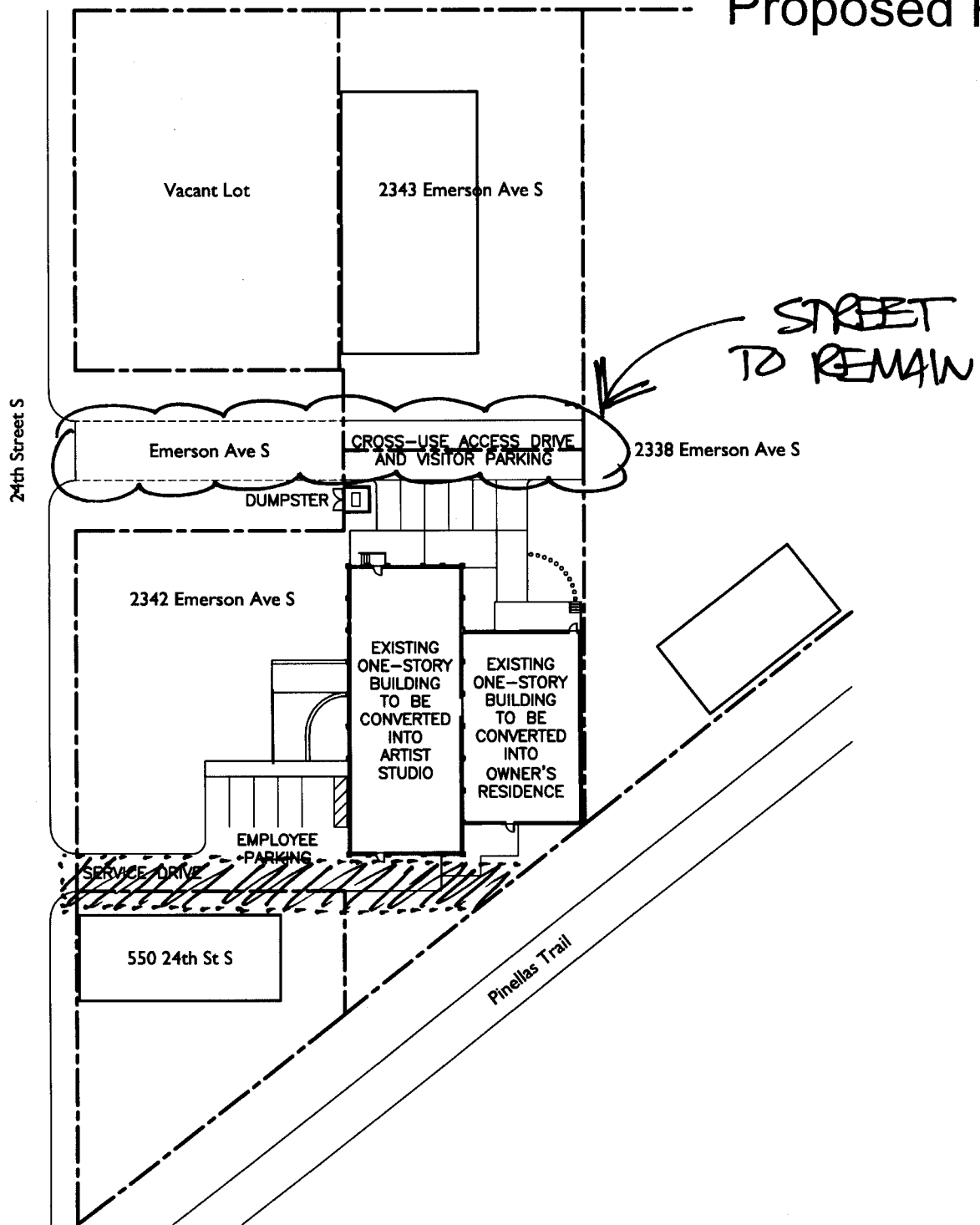
clemmonsArchitecture


415 First Avenue North St. Petersburg, Florida 33701
ph727.821.7878 fx727.821.7979 aa26001401

McClellan Studio

2342 Emerson Avenue South
St. Petersburg, Florida 33712

Attachment "D" Proposed Plan



 PROPOSED SITE PLAN
SCALE: 1" = 60'-0"

July 20, 2009

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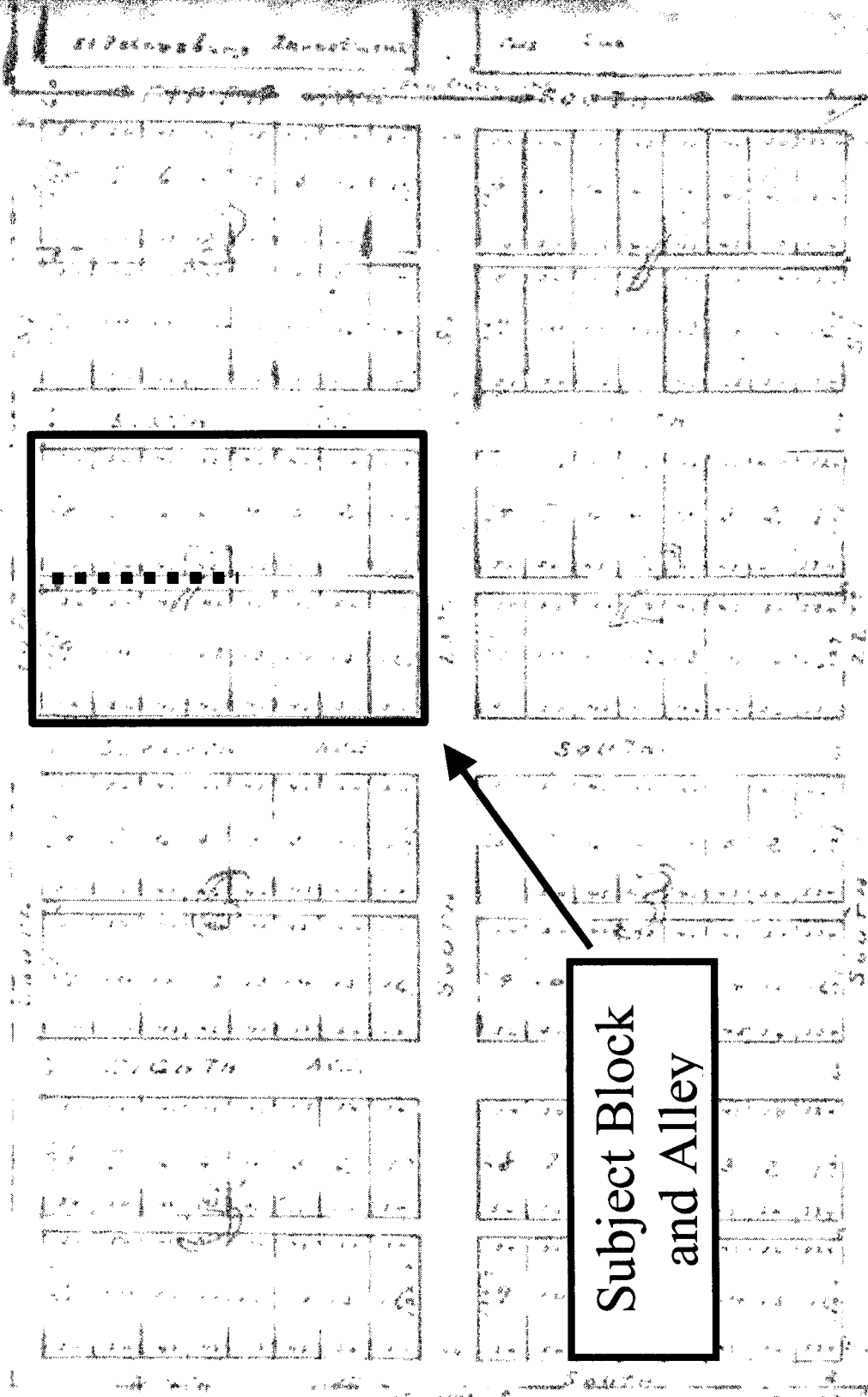
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McClellan Studio

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Attachment "E"
1912 Plat

BLOCKING UP
HIGHLAND CREST
A SUBDIVISION IN THE CITY OF DENVER, CO. 1912.
SECTION 23, T.11S. R.10W. S.10E. 10th Precinct, City and County of Denver, Colorado.
City Council Record



Subject Block
and Alley