

Analysis – Staff’s review of a vacation application is guided by the City’s Land Development Regulations (LDR’s), the City’s Comprehensive Plan and any adopted neighborhood or special area plans. In this case, Staff finds that vacating the subject easement can be supported, subject to specific conditions described at the end of this report.

A. Land Development Regulations

Section 16.40.140.2.1E of the LDR’s contains the criteria for reviewing proposed vacations. The criteria are provided below in italics, followed by itemized findings by Staff.

1. Easements for public utilities including stormwater drainage and pedestrian easements may be retained or required to be dedicated as requested by the various departments or utility companies.

There are no records of existing utility lines or infrastructure within the area of the proposed vacation. No easements have been requested by City departments or non-City utility providers.

2. The vacation shall not cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record as shown from the testimony and evidence at the public hearing.

The applicant owns all of the land on both sides of the right-of-way. Vacation of this unimproved right-of-way will not have a detrimental effect upon access to any other lot of record. If approved, the vacation will allow for land assembly which will facilitate development of the existing vacant land to the north and south.

3. The vacation shall not adversely impact the existing roadway network, such as to create dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or neighborhoods.

Vacation will not alter or impact the existing network of paved streets or alter current public travel patterns.

4. The easement is not needed for the purpose for which the City has a legal interest and, for rights-of-way, there is no present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.

The City’s legal interest in the subject right-of-way is to accommodate a public street and any associated utilities that may be necessary to serve nearby development. The right-of-way has never been utilized for those purposes and is not planned for such use in the future.

5. The POD, Development Review Commission, and City Council shall also consider any other factors affecting the public health, safety, or welfare.

The far northeastern part of the City, was platted prior to 1950 but was not developed until much later under county regulations and without the benefit of long-term planning. Uses typically found throughout this area include mobile home parks, boat yards, marinas, industrial activities, strip commercial uses, and scattered residential subdivisions. Redevelopment of this area has been handicapped by an irregular street pattern in the area including a number of unimproved rights-of-way, awkward intersections and irregularly-shaped lots. Given the limited land resources available within the City, it is in the public interest improve the development potential

of land if there is no adverse public impact. In this case, the City can, by vacation of an unimproved and unnecessary right-of-way, help the applicant to consolidate lands and the right-of-way to create a more efficient and beneficial development site.

B. Comprehensive Plan

Transportation Element Policy T2.4: *The City should preserve the historical grid street pattern, including alleys, and shall not vacate public right-of-way until it is determined that the right-of-way is not required for present or future public use.*

This policy language in the Comprehensive Plan requires consideration of both current and future public use when determining whether vacation is appropriate. As noted earlier in this report, the subject right-of-way is not improved, contains no utilities, is not used by the public and is not planned for improvements in the future.

C. Adopted Neighborhood or Special Area Plans

There are no adopted neighborhood or special area plans which address vacation of this particular right-of-way.

Comments from Agencies and the Public

No requests for easements have been received from City departments or non-City utilities. No other public comments have been received as of the date of this report.

RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed vacation, subject to the following condition.

1. The applicant shall pay any outstanding assessments on the property prior to scheduling of the application for City Council consideration.
2. Prior to the City Clerk recording the vacation ordinance, the applicant shall obtain City Council approval of a final replat for the vacated public right-of-way together with the abutting private property to the north and south.

REPORT PREPARED BY:



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01.29.2014

DATE

Attachment "A"
Parcel Map



Attachment "B" Aerial Map



Attachment "C"
Surveyor's Sketch

