



st.petersburg
www.stpete.org

**CITY OF ST. PETERSBURG
PLANNING & ECONOMIC DEVELOPMENT DEPT.
DEVELOPMENT REVIEW SERVICES DIVISION**

**DEVELOPMENT REVIEW COMMISSION
STAFF REPORT**

**VACATION OF RIGHT-OF-WAY
PUBLIC HEARING**

According to Planning & Economic Development Department records, **no Commission member** resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, for Public Hearing and Executive Action on **April 2, 2014 at 2:00 P.M.** in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 14-33000002 **PLAT SHEET:** F-28

REQUEST: Approval of the vacations of: 1) a portion of 5th Street North lying south of 54th Avenue North, 2) a portion of 53rd Avenue North lying east of 5th Street North, 3) a 10-foot wide sanitary sewer easement and 4) a 15-foot wide public utility easement.

APPLICANT: D.R. Horton, Inc.
Anne Mize
12602 Telecom Drive
Tampa, Florida 33637-0935

AGENT: George F. Young, Inc.
Michael E. Rissman, Jr.
299 Dr. Martin Luther King Jr. Street North
Saint Petersburg, Florida 33701

ADDRESS: 5222 4th Street North

PARCEL ID NO.: 06/31/17/00324/000/0010; 06/31/17/60471/001/0010

LEGAL DESCRIPTION: On File

ZONING: NSM-1

OVERVIEW & ANALYSIS:

Request – The applicant is requesting the following vacations:

- 1) 5th Street North between 53rd Avenue North and 54th Avenue North;
- 2) 53rd Avenue North commencing at 5th Street North and continuing east for approximately 342 feet;
- 3) The 10-foot wide, north-south sanitary sewer easement lying south of the existing intersection of 5th Street South and 53rd Avenue South; and
- 4) The 15-foot wide public utility easement lying east of 5th Street North and between 53rd Avenue North and 54th Avenue North.

The areas of right-of-way and the easements proposed for vacation are depicted on the attached maps. The purpose of the proposed vacations is to assemble the property for redevelopment with a 128-unit townhome project (DRC Case 14-31000002, April 2, 2014).

Analysis – In this case, Staff has determined that the request is **consistent** with the applicable City policies and regulations and is appropriate for approval.

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.

Various public utility easements through the property will be necessary. These easements can be dedicated through the replatting process, which will be a condition of the approval, if the vacations are granted by the City.

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 only properties immediately affected by the proposed vacation are the lots owned by the applicant. The vacation will not deny access to any other lot.

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.

The proposed vacation will not substantially impact the existing public roadway network. The City's Engineering Department has requested construction of a vehicular turnaround, which has been adopted as one of the special condition of approval suggested for adoption by the DRC.

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 rights-of-way and easements were dedicated to serve multiple parcels created as part of a previous subdivision. The assembly of the abutting private property for redevelopment with a townhouse project which will utilize a different system of internal streets and utilities eliminates the need for which the subject right-of-ways and easements were originally dedicated. There is no need for these public rights-of-way to remain in their originally platted configuration.

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

The requested vacations were previously approved in 2006 and expired after the associated conditions of approval were not completed within the prescribed two-year period.

Comments from Agencies and the Public

Comments from other City departments and outside utility providers have been addressed in the list of suggested special conditions of approval contained within this report. As of the date of this report, no questions or comments from the public have been received.

RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed right-of-way and easement vacations. If the DRC is inclined to support the vacations, Staff recommends the following special conditions of approval:

1. The vacated public right-of-way and easements shall be replatted together with the abutting private property pursuant to City standards.
2. The replat shall be designed to comply with the requirements set forth in the attached memorandum provided by the Engineering Department dated February 13, 2014, as may be amended by the Engineering Department.
3. The applicant shall be responsible for all associated applications, plans, permits, work, inspections and costs.

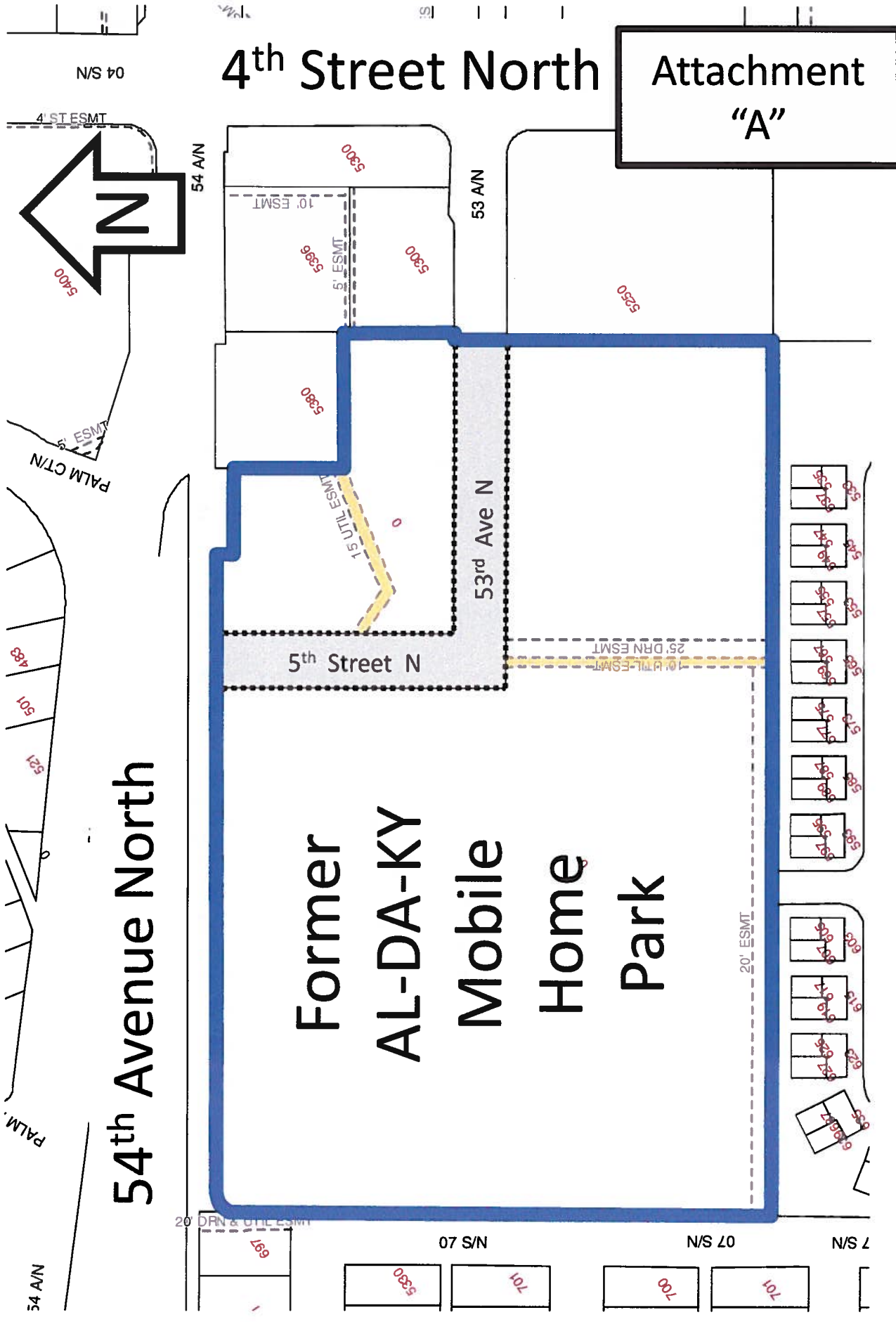
REPORT PREPARED BY:



PHILIP T. LAZZARA, AICP, Zoning Official (POD)
Development Review Services Division
Planning & Economic Development Department

MAR 17, 2014

DATE



Attachment
"A"

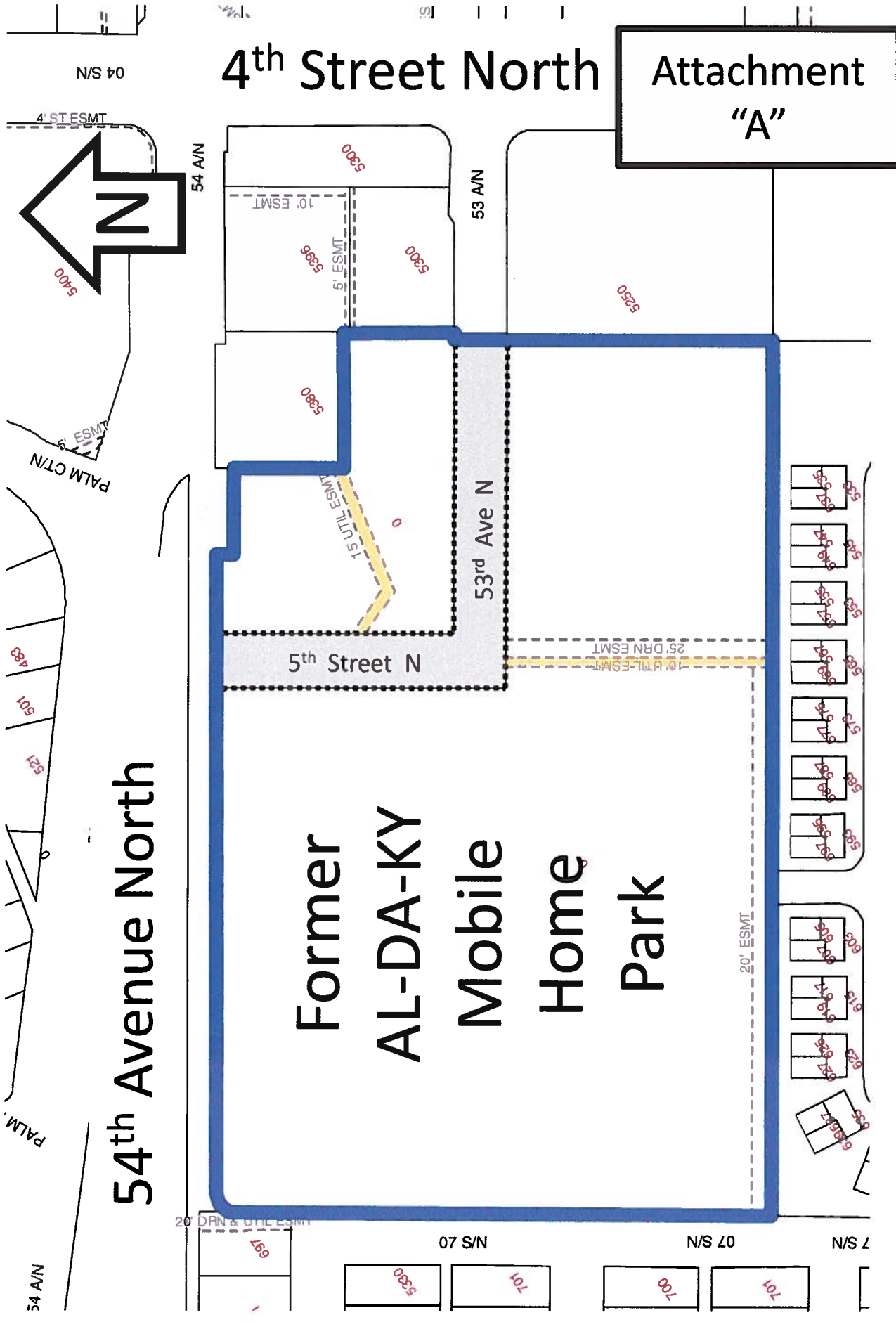
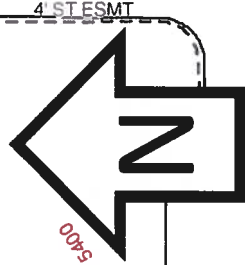
4th Street North

Former
AL-DA-KY
Mobile
Home
Park

54th Avenue North

53rd Ave N

5th Street N





Attachment
"B"



4th Street North

54th Avenue North



5th Street N

53rd Ave N

04 SN

ST ESMT

54 AN

10 ESMT

8 ESMT

5 ESMT

5 ESMT

5 ESMT

5 ESMT

5 ESMT

5 ESMT

5 ESMT

5 ESMT

5 ESMT

5 ESMT

5 ESMT

5 ESMT

5 ESMT

5 ESMT

5 ESMT

5 ESMT

5 ESMT

5 ESMT

5 ESMT

5 ESMT

5 ESMT

5 ESMT

5 ESMT

53 AN

5250

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

28 DFM ESMT

20 ESMT

20 DFM ESMT

07 SN

07 SN

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

0895

MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING DEPARTMENT

TO: Barbara Race, Development Services
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: February 13, 2014
SUBJECT: Easement Vacation
FILE: 14-33000002

LOCATION: 5222 4th Street North
PIN: 06/31/17/00324/000/0010; 06/31/17/60471/001/0010
ATLAS: F-28
PROJECT: Utility Easement Vacation

REQUEST: Approval of a vacation of 5th Street North between 53rd Avenue North and 54th Avenue North and a vacation of 53rd Avenue North commencing at 5th Street North continuing east for approximately 342 feet. Approval of a vacation of a 10-foot wide sanitary sewer easement and a 15-foot wide public utility easement in the block bound by 4th Street North, 50th Avenue North, 7th Street North and 54th Avenue North.

COMMENTS: The Engineering and Capital Improvements Department has no objection to the vacation requests provided that the following are added as conditions of approval:

1. A drainage conveyance ditch which provides the drainage outfall path for the 30" drainage pipe from the adjacent Phase I located to the south and a 6" potable water main exist within the 5th Street right of way to be vacated. The entire vacated right of way of 5th Street North must be dedicated as "**Public Utility and Drainage Easement**". Any proposed modifications to the 54th Avenue ditch system must be coordinated and approved through all applicable governmental agencies (i.e. City of St. Petersburg, SWFWMD, and/or FDEP, etc.).
2. A 6" potable water main exists within the 53th Avenue North right of way to be vacated. A "**20-foot wide Public Utility Easement**" (centered over the water main and encompassing any water meters or appurtenances) must be dedicated to the City.
3. The existing sanitary sewer pipe located within the 10-foot Sanitary Sewer Easement to be vacated shall be abandoned to the ownership and maintenance of the private property owner. The applicant shall verify that any remaining pipe connections to public manholes are adequately plugged and sealed per current City Engineering Standards and Specifications.
4. The existing sanitary sewer pipe and manhole which were located within the 15' Public Utility Easement to be vacated shall be abandoned to the ownership and maintenance of the private property owner. The applicant shall verify that the any remaining pipe connections to public manholes are adequately plugged and sealed per current City Engineering Standards and Specifications.
5. Per City of St. Petersburg Code Section 16.40.140.2.1(E)(3), a vacation shall not adversely impact the existing roadway network to create dead-end rights-of-way. Because the partial vacation of 53rd Avenue North will leave the remaining right of way of 53rd Avenue North west of 4th Street North as a dead end,

the applicant shall provide an entrance design with adequate turn around space for vehicles traveling west bound on 53rd Avenue North at the private site entrance. This may be accomplished via construction of a City Engineering Standard turn-around / cul de sac at the terminal west end of the right of way or possibly by providing a turn-around area on site outside the project gate. Design, permitting, and construction of the turn-around / cul de sac shall be by and at the sole expense of the applicant. *If* necessary, additional public right of way or easement must be dedicated to adequately encompass the turn-around. Adequate signage to identify the dead end shall be installed by and at the sole expense of the applicant per the US Department of Transportation Federal Highway Administrations “Uniform Traffic Control Devices for Streets and Highways” and the Florida State Department of Transportation’s “Roadway and Traffic Design Standards”.

NED/PHF/jw

pc: Kelly Donnelly
Reading File
Correspondence File
2014 Easement Vacation File – 14-3300002
Subdivision File, ALDAKY BAY STATE REP