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**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 December 3, 2014 at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 14-33000012 **PLAT SHEET:** F-7

REQUEST: Approval of a vacation of a 10 foot wide north/south alley.

APPLICANT: City of St. Petersburg
PO Box 2842
Saint Petersburg, FL 33731-2842

AGENT: Dave Goodwin, Planning and Economic Development Director
PO Box 2842
Saint Petersburg, FL 33731-2842

ADDRESS: 1101 4th Street South, 416 11th Avenue South
PARCEL ID NO.: 30/31/17/77400/000/0010/; 30/31/17/77418/000/0010/

LEGAL DESCRIPTION: On File

ZONING: NSM-1

DISCUSSION AND RECOMMENDATION:

Request The request is to vacate a ten (10) foot wide unimproved alley right-of-way lying south of 11th Avenue South and west of 4th Street South. The area of the right-of-way proposed for vacation is depicted on the attached maps (Attachments "A" and "B") and Legal Description (Attachment "C"). The applicant's goal is to consolidate the properties along the vacated right-of-way for redevelopment.

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.

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.

City of St. Petersburg's Transportation and Parking Management has requested that a six (6) foot easement be retained on the north end of the proposed vacation to allow for a public trail. The City's Engineering Department has requested that a drainage easement be placed on the south end of the proposed vacation on the area over Booker Creek. They also requested a Public Drainage easement for all portions of Booker Creek within the property boundary. The Engineering Department also requested that this easement extend a minimum of 20 feet upland of the top of the north bank or 20 feet north of the back of the seawall cap to allow for adequate public maintenance. In addition an adequate public maintenance easement is to be retained to provide equipment access to the north creek bank from an adjacent improved right-of-way if necessary based on the topography. In addition Engineering has specified that the 8" sanitary sewer main within the alley will be abandoned to the property owner for ownership and maintenance. Related conditions have been added to this report.

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.

To the extent that the alley does not appear to have ever been utilized for the originally intended purpose, vacation of this segment is not expected to result in a negative impact to access to any other lot of record.

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 of the alley is not anticipated to cause an adverse impact to the existing roadway network. This is an unimproved alley which ends at Booker Creek. 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. Though the remainder of the north/south alley right of way south of the proposed alley vacation will be dead-ended as a result of this vacation it is noted that the current alley is bisected by Booker Creek at the south end of the property vacation. Therefore the vacation will not result in any change to traffic 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 primarily intended purpose of the subject alley is to provide secondary access to the rear yards of the abutting privately-owned commercial lots fronting on 4th Street South. Given the unimproved nature of this particular alley, it does not appear to have been utilized for the originally intended purpose. Vacation of the alley will facilitate redevelopment of this City owned property.

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

No other factors have been raised for consideration.

A. Adopted Neighborhood or Special Area Plans

The subject right-of-way is adjacent to the boundary of the Bayboro Harbor Redevelopment Area. The Bayboro Harbor Redevelopment Plan encourages block consolidation. Given the limited land resources available within the City, it is in the public interest to 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, consolidate lands and the right-of-way to create a more efficient and functional development site.

Comments from Agencies and the Public

The application was routed to other City departments and non-City utility agencies. Requests from the City's Transportation and Parking Management and Engineering Departments have been included as recommended conditions of approval. Another recommended condition of approval addresses the relocation of TECO facilities in the alley. Additional easements or relocations may be required for two other utility providers who have not yet responded to our request, Brighthouse and Verizon Florida LLC. The applicant provided the required public notice to owners of nearby properties. Staff has received one call from a neighbor asking general questions. No specific comments or objections were noted. The applicant will provide an additional public notice prior to the public hearing before the City Council.

RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed alley vacation. If the DRC is inclined to support the vacation, Staff recommends the following special conditions of approval:

1. Prior to recording the vacation ordinance, the applicant shall address the following issues:
 - a. Provide an easement as requested by Transportation Management along the northern 6 (six) feet of the alley for the Booker Creek Trail.
 - b. The 8" sanitary sewer main within the alley will be abandoned to the property owner for ownership and maintenance. The applicant would be required to construct a new terminal manhole over the sewer pipe at the property line. All cost associated with the improvements would be the responsibility of the applicant.
 - c. A Public Drainage Easement be retained over Booker Creek prior to sale/redevelopment of these properties. The Public Drainage Easement must encompass all portions of Booker Creek within the property boundary and should

