## CITY OF ST. PETERSBURG PLANNING \& DEVELOPMENT SERVICES DEPT. DEVELOPMENT REVIEW SERVICES DIVISION

## VACATION OF RIGHT-OF-WAY PUBLIC HEARING

According to Planning \& Development Services Department records, Commissioner Melissa Rutland resides or has a place of business within 2,000 feet of the subject property. All other possibleconflicts should be declared upon the announcement of the item.


#### Abstract

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING \& DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on Wednesday, February 3, 2021 at 1:00 P.M. at Council Chambers, City Hall, located at $1755^{\text {th }}$ Street North, St. Petersburg, Florida. Procedures will be implemented to comply with the CDC guidelines during the Public Hearing, including mandatory face coverings and social distancing with limitations on the number of attendees within Council Chambers. The City's Planning and Development Services Department requests that you visit the City website at www.stpete.org/meetings for up-to-date information.


| CASE NO: | 20-33000024 |
| :--- | :--- |
| REQUEST: | Approval of a partial vacation of 39th Avenue North consisting of <br> $2,727.1$ square-feet of right-of-way located on the northern side of <br> 39th Avenue North between 3rd Street North and 38th Avenue <br> North. |
|  | Z A G Enterprise Holdings, LLC <br> 2 24675 th Avenue |
| Saint Pete Beach, Florida 33706 |  |

## DISCUSSION AND RECOMMENDATION:

Request. The request is to vacate a portion of $39^{\text {th }}$ Avenue North consisting of $2,727.1$ squarefeet of right-of-way located on the northern side of 39th Avenue North between 3rd Street North and 38th Avenue North.

The area of the right-of-way proposed for vacation is depicted on the attached map (see Attachment A) and sketch and description (see Attachment B). The applicant's goal is to vacate a portion of $39^{\text {th }}$ Avenue North and combine the vacated parcel with the property located at $39013^{\text {rd }}$ Street North through replatting in order to redevelop the property as a single parcel with a new grocery store.

Analysis. Staff's review of a vacation application is guided by:
A. The City's Land Development Regulations (LDR's);
B. The City's Comprehensive Plan; and
C. Any adopted neighborhood or special area plans.

Applicants bear the burden of demonstrating compliance with the applicable criteria for vacation of public right-of-way. In this case, the material submitted by the applicant (see Attachment C) does provide background or analysis supporting a conclusion that vacating the subject right-ofway would be consistent with the criteria in the City Code, the Comprehensive Plan, or any applicable special area plan.

## 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.

The application was routed to City Departments and Private Utility Providers for review and comments. Engineering and Water Resources identified a sanitary sewer main and a potable water main running through the parcel to be vacated which will require dedicated easements, see Attachments D and E. The applicant is aware of the required easements and has agreed to dedicate the entirety of the parcel to be vacated as a utility easement. Dedication of a utility easement over the entire parcel to be vacated is included as a condition of approval at the end of 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.

The vacation of a portion of $39^{\text {th }}$ Avenue North will not have any effect on access to any lot of record. The applicant is the owner of the abutting property to the north of the parcel proposed for vacation.
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 requested vacation of public right-of-way will not create any dead-ends or substantially alter utilized travel patterns. The portion of the right-of-way to be vacated is currently a grass lot with a sidewalk running east/west through the northern portion of the lot.
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.

Public utilities exist within the portion of the right-of-way to be vacated which will remain and be protected through the required easement that will be dedicated over the entire parcel to be vacated. Existing public vehicular access will not be impacted by the request. There is a public sidewalk running through the parcel to be vacated; however, there is another sidewalk that provides pedestrian access around the parcel to be vacated. This application was routed to Transportation for review and comments and they indicated that they had no objection, see Attachment F.
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.

## B. Comprehensive Plan

Transportation Element Policy T2.4 states, "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."

The portion of the right-of-way to be vacated is currently being utilized as an empty grass lot. There is no future public use of this portion of the right-of-way as the remaining portions of the public right-of-way that are currently being used for vehicular and pedestrian traffic will not be vacated and are sufficient to serve the needs of the public.

## C. Adopted Neighborhood or Special Area Plans

The subject right-of-way is not within the boundaries of any neighborhood associations. There are no neighborhood or special area plans which affect vacation of right-of-way in this area of the City.

## Comments from Agencies and the Public

The request to vacate the alley was routed to City Departments and Private Utility Providers for comments. As stated, the City's Transportation and Parking Management Department reviewed the proposed vacation and has no objection. The Engineering Department's Memorandum dated January 13, 2021 and the Water Resources Department's Memorandum dated January 20, 2021 both state that they have no objection to the proposed vacation provided that easements are dedicated over existing utilities, see Attachments D and E.

At the time of writing of the Staff Report there were no comments received from the public.
RECOMMENDATION. Staff recommends APPROVAL of the request to vacate a portion of $39^{\text {th }}$ Avenue North consisting of $2,727.1$ square-feet. If the DRC is inclined to support the vacation, Staff recommends the following special conditions of approval:

1. Prior to the recording of the vacation ordinance the vacated rights-of-way, along with the abutting property, shall be replatted.
2. Prior to recording the vacation ordinance, as a part of the replatting process, the applicant shall provide a public utility easement over the entire 2,727.1 square foot portion of $39^{\text {th }}$ Avenue North that is requested to be vacated.
3. As required City Code Section 16.70.050.1.1 G, approval of right-of-way vacations requiring replat shall lapse unless a final plat based thereon is recorded in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.

## REPORT PREPARED BY:



## REPORT APPROVED BY:

## P.P IrísL. Wínn

01/28/2021

Jennifer Bryla, AICP, Zoning Official (POD)<br>DATE<br>Development Review Services Division<br>Planning \& Development Services Department

Attachments: A - Location Map, B - Sketch and Legal Description, C - Applicant's Narrative, D - Engineering Memorandum dated January 20, 2021, E - Water Resources Memorandum dated January 15, 2021, F - Email from Transportation and Parking Management dated January 11, 2021, G - Right-of-Way Vacation Survey


## SECTION 6, TOWNSHIP 31 SOUTH, RANGE 17 EAST PINELLAS COUNTY, FLORIDA



LOCATION MAP<br>(NOT TO SCALE)

## SURVEYOR'S CERTIFICATE:

LEGEND:
POC - POINT OF COMMENCEMENT POB - POINT OF BEGINNING
SQ.FT. - SQUARE FEET
MOL - MORE OR LESS
GOVT. - GOVERNMENT
NO. - NUMBER
U.S. - UNITED STATES

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS A TRUE REPRESENTATION OF A SKETCH AND LEGAL DESCRIPTION, PREPARED UNDER MY DIRECT SUPERVISION AND MEETS THE INTENT OF THE STANDARDS OF PRACTICE AS SET FORTH IN CHAPTER 5J-17.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

DRAFT
WILLIAM C. WARD
PROFESSIONAL LAND SURVEYOR NO. 4815
STATE OF FLORIDA

1-27-21
DATE
NOT A BOUNDARY SURVEY
Legal Description to Accompany Sketct

## RIGHT OF WAY VACATION PARCEL

|  | DRAWN BY: | AAW |  |
| :---: | :---: | :---: | :---: |
|  | APPROVED BY: | WCW |  |
| URVEYING - PLANNING - GEOMATICS | DATE: | 1-27-21 |  |
| State of Florida LB No. 8168 | FILE LOCATION: | 20024 |  |
|  | JOB NUMBER: | 20062 | SHEET NO.: 1 OF 3 |

## SECTION 6, TOWNSHIP 31 SOUTH, RANGE 17 EAST PINELLAS COUNTY, FLORIDA

## LEGAL DESCRIPTION :


#### Abstract

A PORTION OF THE 39TH AVENUE NORTH RIGHT OF WAY AS SHOWN ON THE PLAT OF SYCAMORE PARK, AS RECORDED IN PLAT BOOK 1, PAGE 52, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF LOT 6, BLOCK 5 OF SAID PLAT OF SYCAMORE PARK AS THE POINT OF BEGINNING; THENCE ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE THEREOF, SOO04'14"E, 6.09' FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 68.00 FEET, A CENTRAL ANGLE OF $15^{\circ} 18^{\prime} 39$ ", AN ARC LENGTH OF 18.17 FEET AND A CHORD BEARING AND DISTANCE OF $550^{\circ} 29^{\prime} 40^{\prime \prime}$ E, 18.12 FEET TO A POINT OF TANGENCY; THENCE S58º ${ }^{\circ} 8^{\prime} 59^{\prime \prime}$ E FOR 39.55 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY, SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF  3.92 FEET TO A POINT ON A LINE BEING 40.00 FEET SOUTHERLY OF AS MEASURED PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 6; THENCE ALONG SAID LINE S89'36'26"E FOR 19.10 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 35'06'14", AN ARC LENGTH OF 15.08 FEET AND A CHORD BEARING AND DISTANCE OF N $50^{\circ}{ }^{\circ} 22^{\prime} 52^{\prime \prime} \mathrm{E}, 15.32$ FEET TO A POINT OF TANGENCY; THENCE N32'49'45"E, 35.91 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 6; THENCE ALONG SAID SOUTH LINE, N89³6'26"W, 101.35 FEET TO THE POINT OF BEGINNING.


LEGEND:<br>POC - POINT OF COMMENCEMENT<br>POB - POINT OF BEGINNING<br>SQ.FT. - SQUARE FEET<br>MOL - MORE OR LESS<br>GOVT. - GOVERNMENT<br>NO. - NUMBER<br>U.S. - UNITED STATES

## RIGHT OF WAY VACATION PARCEL

|  | DRAWN BY: | AAW |  |
| :---: | :---: | :---: | :---: |
|  | APPROVED BY: | WCW |  |
| SURVEYING - PLANNING - GEOMATICS | DATE: | 1-27-21 |  |
| State of Florida LB No. 8168 | FILE LOCATION: | 20062 |  |
| 204A, ST. PETE BEACH, 1 L 33706 727-289-213 | JOB NUMBER: | 20062 | SHEET NO.: 2 OF 3 |



December 11, 2020
City of St. Petersburg
Dept of Development Review Services, Attn: Jennifer Bryla
One $4^{\text {th }}$ Street North, First Floor
St. Petersburg, Florida 33701

RE: Application to Vacate Triangular ROW abutting $39013^{\text {rd }}$ Street North on the south side, St Petersburg

Dear Ms. Bryla,
Following up our pre-application meeting on November 18, 2020, we are pleased to submit our application for vacation of the small triangular ROW parcel on the north side of $39^{\text {th }}$ Avenue North and east of $3^{\text {rd }}$ Street which abuts $39013^{\text {rd }}$ Street North (Parcel ID \# 06-31-17-88866-005-0050). Also attached is the related Preliminary Plat application for the ROW parcel, together with the two adjacent parcels proposed for redevelopment as a freestanding grocery store.

The applicants (Zag Enterprise Holdings LLC and Sunrise Plaza Holdings LLC) are related entities controlled by Mr. Abraham Reichbach and family. Zag intends to deed the property at $39013^{\text {rd }}$ Street North to Sunrise Plaza Holdings by quitclaim deed in order to create a single parcel which will be replatted together with the subject right-of-way (ROW) to accommodate redevelopment of the properties for a new organic grocery store.

There is an existing water line and gravity sewer line running east west underneath this ROW parcel and we propose to provide an easement for each to the City in order to service the line. In addition, the property owner on the south side of $39^{\text {th }}$ Avenue has agreed to quitclaim any property to which it may be entitled as a result of the vacation to Sunrise Plaza Holdings LLC. That property owner (Suntrust Bank) has consented to the application. The documentation of the quitclaim deed has been requested and is in process.

Attached please find the proposed preliminary site plan for the new grocery store use illustrating the location of the ROW to be vacated, conceptual location of the utility easements (to be dedicated later) along with a sketch of survey and legal description of the right of way parcel to be vacated. In addition to the sketch of survey, we've included a draft as-built survey of the ROW parcel so that City Departments can see the existing horizontal improvements in the vicinity. This ROW parcel, once vacated, will be used for green space needed to meet the pervious surface requirements for the redevelopment of the shopping center.

Should you have any questions, please don't hesitate to contact me.


# MEMORANDUM <br> CITY OF ST. PETERSBURG <br> ENGINEERING \& CAPITAL IMPROVEMENTS DEPARTMENT (ECID) 

TO: Iris Winn, Administrative Clerk, Development Services
Jennifer Bryla, Zoning Official, Development Review Services
Scot Bolyard, Depuity Zoning Official, Planning \& Development Services
FROM: $\quad$ Nancy Davis, Engineering Plan Review Supervisor
DATE: January 13, 2021
SUBJECT: Approval for partial vacation of 39th Avenue North
FILE: 20-33000024

LOCATION AND PIN: 3901 3 ${ }^{\text {rd }}$ Street North; 06/31/17/88866/005/0050

ATLAS: E-22

## REQUEST:

## Zoning: CCS-1

Approval of a partial vacation of 39th Avenue North consisting of 2,727.1 square-feet of right-of-way located on the northern side of 39th Avenue North between 3rd Street North and 38th Avenue North.

The Engineering and Capital Improvements Department (ECID) has no objection to the proposed vacation provided the following special conditions are added as conditions of approval:

## SPECIAL CONDITIONS OF APPROVAL:

1. The 30 " VCP 10 -foot deep sanitary sewer main will require the dedication of a 40 -foot wide Public Utility Easement centered over the main.
2. The 8 " potable water main will require the dedication of a 20 -foot wide exclusive Public Water Main Easement centered over the water main.
3. Per City Code 16.40.140.4.4, no building or other structure shall be erected and no trees or shrubbery shall be planted on any easement other than fences, trees, shrubbery and hedges of a type approved by the POD. All costs involving repairing of hard surfaces, removal and replacement of fences, walls, trees, shrubbery, and hedges shall be the responsibility of the property owner

# MEMORANDUM CITY OF ST. PETERSBURG <br> Water Resources Department 

$\begin{array}{ll}\text { TO: } & \text { Jennifer Bryla, Zoning Official } \\ \text { FROM: } & \text { Adam Iben, Designer II, Water Resources Department }\end{array}$

DATE:
$\begin{array}{ll}\text { SUBJECT: } & \text { The right-of-way (ROW) vacation for case 20-33000024 (3901 } 3 \text { rd } \\ & \text { St N). }\end{array}$
PLAT: E-22

CASE:
20-33000024

LOCATION: $39013^{\text {rd }}$ Street N

REMARKS: The Water Resources Department (WRD) has no objection to the ROW vacation for the referenced subject. The WRD requires that a Public Access Easement of $40^{\prime}$ is designated for the existing 30" sanitary sewer main and a $20^{\prime}$ Public Access Easement for the existing 8 " water main.

Project file

## Scot K. Bolyard

## From:

Kyle Simpson
Sent: Monday, January 11, 2021 4:21 PM
To:
Subject:
Scot K. Bolyard
RE: Comments for Partial ROW Vacation at 3901 3rd St N (DRC 20-33000024)

Scot,

The Transportation and Parking Management Department has no comments on the case.

Best,

Kyle Simpson, AICP
Planner I, Transportation and Parking Management
City of St. Petersburg
(727) 893-7151

Kyle.simpson@stpete.org

From: Scot K. Bolyard [Scot.Bolyard@stpete.org](mailto:Scot.Bolyard@stpete.org)
Sent: Tuesday, December 22, 2020 5:08 PM
To: Michael J. Frederick [Michael.Frederick@stpete.org](mailto:Michael.Frederick@stpete.org); Thomas M Whalen [Tom.Whalen@stpete.org](mailto:Tom.Whalen@stpete.org); Kyle Simpson [Kyle.Simpson@stpete.org](mailto:Kyle.Simpson@stpete.org); Mark Riedmueller [Mark.Riedmueller@stpete.org](mailto:Mark.Riedmueller@stpete.org); Nancy Davis
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Cc: Jennifer C. Bryla [Jennifer.Bryla@stpete.org](mailto:Jennifer.Bryla@stpete.org)
Subject: Comments for Partial ROW Vacation at 3901 3rd St N (DRC 20-33000024)

Good afternoon,

Please review the attached application for vacation of public right-of-way. It will be much appreciated if you can get your comments to us by Tuesday, January $12^{\text {th }}$ so that they can be included in the staff report.

Thank you,

Scot Bolyard, AICP
Deputy Zoning Official, Planning \& Development Services
City of St. Petersburg
One Fourth Street North, St. Petersburg, FL 33701
Phone: 727-892-5395 / Fax: 727-892-5557

Please note that all emails are subject to public records law.


