



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

**DEVELOPMENT REVIEW COMMISSION
STAFF REPORT**

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

According to Planning & Development Services 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 & DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on **August 4, 2021 at 1:00 P.M.** in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 21-33000012 PLAT SHEET: F-4

REQUEST: Approval of vacation of a 5-foot wide dead-end north/south alley in the block bounded by Grove Street North and 8th Street North between 4th Avenue North and Interstate 375.

OWNER: Fourth North Holdings, LLC
5308 Central Avenue
Saint Petersburg, Florida 33707

ADDRESS: 747 4th Avenue North

PARCEL ID NO.: 19-31-17-53622-000-0100

LEGAL DESCRIPTION: On File

ZONING: Downtown Center (DC-2)

DISCUSSION AND RECOMMENDATION:

Request. The request is to vacate a 5-foot wide dead-end north/south alley in the block bounded by Grove Street North and 8th Street North between 4th Avenue North and Interstate 375. This is an unimproved alley segment which dead-ends into the Interstate to the 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 the existing dead-end alley to incorporate it into the property to the west of the alley for redevelopment. The property to the east of the alley is owned by the City of St. Petersburg.

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 **does** provide background or analysis supporting a conclusion that vacating the subject right-of-way 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 sanitary sewer mains and public manholes which will be required to either be removed or properly abandoned; and, Water Resources is requiring that a new manhole be installed, see Attachments C and D. Compliance with the conditions of approval provided within the Engineering and Water Resources Memorandums is included as a condition of approval at the end of this report. Duke Energy provided a letter indicating that they have existing facilities within the alley to be vacated and will require removal/relocation of existing facilities or granting of an easement, see Attachment E.

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 the subject right-of-way will not deny access to any 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.*

Vacating the existing dead-end alley will not affect any utilized travel patterns. The integrity of the existing alley network was previously interrupted by the construction of the Interstate to the north of the alley.

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 right-of-way is not needed for the purpose for which the City has a legal interest and there is no present or future need for the right-of-way. This request was routed to the Transportation and Parking Management Department for review and comments and they indicated that they have 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

Future Land Use Element Policy T1.6 The City shall support high-density mixed-use developments and redevelopments in and adjacent to Activity Centers, redevelopment areas and locations that are supported by mass transit to reduce the number and length of automobile trips and encourage transit usage, bicycling and walking.

Future Land Use 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.

The subject right-of-way is within the boundaries of the Downtown Neighborhood Association. The vacation of this alley will foster redevelopment which is a goal of the Comprehensive Plan. The City's Transportation and Parking Management Department has reviewed the proposed vacation and has no objection.

C. Adopted Neighborhood or Special Area Plans

The subject right-of-way is within the boundaries of the Downtown Neighborhood Association. There are no neighborhood plans which affect vacation of right-of-way in this area of the City.

The subject property is within the boundaries of the Intown Activity Center. The Intown Activity Center plan has two elements which apply to this vacation of right-of-way:

Under the Residential Development Program it is noted that the "City may initiate vacation of alleys and streets for development".

While this is not a City initiated vacation, the policy allows vacation of alleys specifically for residential development.

One of the Development Guidelines is to “To encourage consolidation of blocks and promote a unified development concept, the City will consider the closing of selected streets and alleyways in accordance with an appropriate proposal”.

This proposed vacation is in support of redevelopment of the adjacent parcel.

Comments from Agencies and the Public. The request to vacate the alley was routed to City Departments and Private Utility Providers for comments. The City's Transportation and Parking Management Department reviewed the proposed vacation and has no objection. The Engineering Department's Memorandum dated July 20, 2021 and the Water Resources Department's Memorandum dated June 30, 2021 both state that they have no objection to the proposed vacation provided that the sanitary sewer mains and public manholes identified in their memorandums either be removed or properly abandoned; and, Water Resources is requiring that a new manhole be installed, see Attachments C and D. The conditions of approval provided within the Engineering and Water Resources Memorandums are included as conditions of approval at the end of this report. Duke Energy provided a letter indicating that they have existing facilities within the alley to be vacated and will require removal/relocation of existing facilities or granting of an easement, see Attachment E. A condition of approval has been included requiring the removal or relocation of existing Duke Energy facilities; or, granting of an easement over the portion of the alley requested to be vacated.

At the time of writing of the Staff Report there were no comments received from the public for or against the requested vacation of public right-of-way.

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 the recording of the vacation ordinance the vacated right-of-way, along with the abutting property to the west, shall be replatted.
2. Prior to recording the vacation ordinance, the applicant shall comply with the conditions in the Engineering Memorandum dated July 20, 2021.
3. Prior to recording the vacation ordinance, the applicant shall comply with the conditions in the Water Resources Department's Memorandum dated June 30, 2021.
4. Prior to recording the vacation ordinance, the applicant shall either remove/relocate existing Duke Energy facilities; or, grant an easement over the portion of the alley requested to be vacated. In either case a written letter of no objection from Duke Energy is required stating that the easement is sufficient for their interest, that the facilities have been relocated, or that there is no conflict.
5. As required by City Code Section 16.70.050.1.1.F, 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.

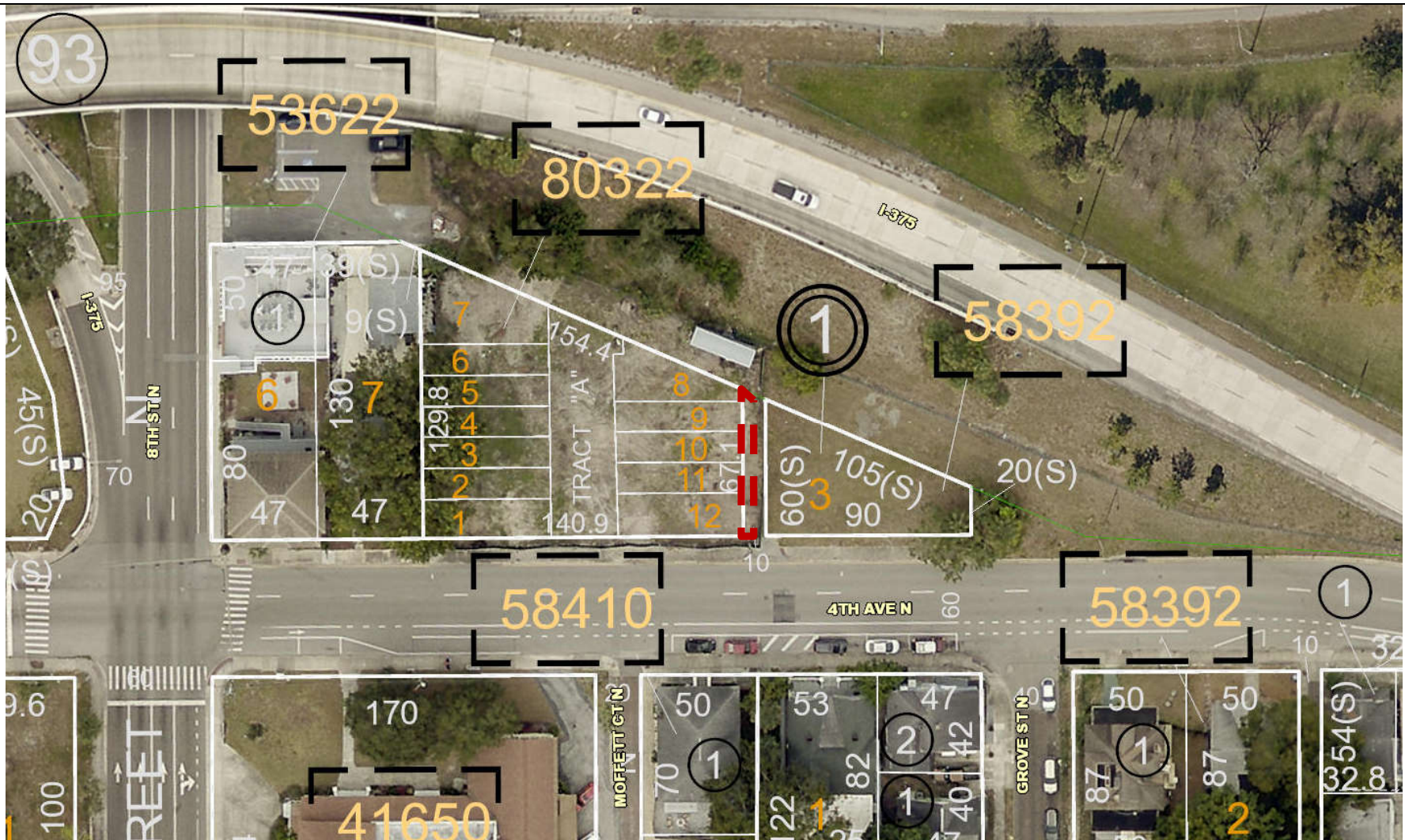
REPORT PREPARED BY:

<i>/s/ Scot Bolyard</i>	<i>7/22/2021</i>
Scot Bolyard, AICP, Deputy Zoning Official Development Review Services Division Planning & Development Services Department	DATE

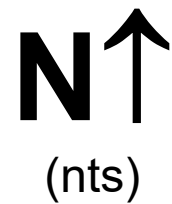
REPORT APPROVED BY:

<i>/s/ Jennifer Bryla</i>	<i>7.22.2021</i>
Jennifer Bryla, AICP, Zoning Official (POD) Development Review Services Division Planning & Development Services Department	DATE

Attachments: A – Location Map, B – Sketch and Legal Description, C – Engineering Memorandum dated July 20, 2021, D – Water Resources Memorandum dated June 30, 2021, E – Duke Energy letter dated July 19, 2021, F – Correspondence from Transportation dated June 28, 2021



Project Location Map
 City of St. Petersburg, Florida
 Planning and Development Services
 Department
 Case No.: 21-33000012
 Address: 747 4th Avenue North



SECTION 19, TOWNSHIP 31 SOUTH, RANGE 17 EAST
DESCRIPTION AND SKETCH

ALLEY VACATION DESCRIPTION:

A 5 FOOT WIDE PLATTED ALLEY LYING SOUTH OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 375 (LIMITED ACCESS RIGHT-OF-WAY), LYING NORTH OF 4TH AVENUE NORTH RIGHT-OF-WAY LINE AND BOUNDED ON THE WEST BY 747 TOWNHOMES, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 144, PAGES 59 AND 60 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA AND BOUNDED ON THE EAST BY THE WEST LINE OF LOT 3, BLOCK 1, MAP OF MOFFETT'S ADDITION TO ST. PETERSBURG, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 63 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA OF WHICH PINELLAS COUNTY WAS FORMERLY A PART.

ALL THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 12 OF SAID 747 TOWNHOMES AND RUN THENCE N.00°14'23"E. ALONG THE EAST LINE OF SAID 747 TOWNHOMES A DISTANCE OF 67.14 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NUMBER 375 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 15002- 2501, SHEET 5 OF 6; THENCE RUN S.65°59'22"E. ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 5.46 FEET TO A POINT ON THE EAST LINE OF SAID 5 FOOT WIDE ALLEY AND THE WEST LINE OF SAID LOT 3, BLOCK 1, MAP OF MOFFETT'S ADDITION TO ST. PETERSBURG; THENCE RUN S.00°14'23"W. ALONG SAID EAST LINE OF A 5 FOOT WIDE ALLEY AND THE WEST LINE OF SAID LOT 3, BLOCK 1 A DISTANCE OF 64.92 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3, BLOCK 1; THENCE RUN N.89°56'47"W. ALONG THE SOUTH LINE OF SAID 5 FOOT WIDE ALLEY A DISTANCE OF 5.00 FEET TO THE AFORESAID SOUTHEAST CORNER OF LOT 12 AND THE POINT OF BEGINNING.

CONTAINING 330 SQUARE FEET MORE OR LESS.

UPDATED: 6/01/21
REVISED: 4/26/16
PREPARED: 1/28/16

FOR: FOURTH NORTH HOLDINGS, LLC

THIS IS NOT A SURVEY

This Description and Sketch was prepared without the benefit of a title search and is subject to all easements, rights-of-way, and other matters of record.

NOTE: Description and Sketch not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

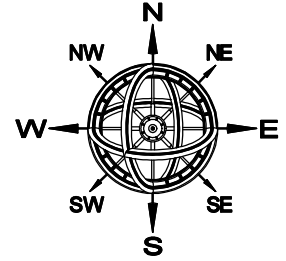
Job: 1510-56B
Drawn: DS

I hereby certify that the Description and Sketch represented hereon meet the requirements of Chapter 9J-17, Florida Administrative Code.
John O. Brenda
STATE OF FLORIDA
JOHN O. BRENDA
Florida Surveyors' Registration No. 4601
Certificate of Authorization No. 760

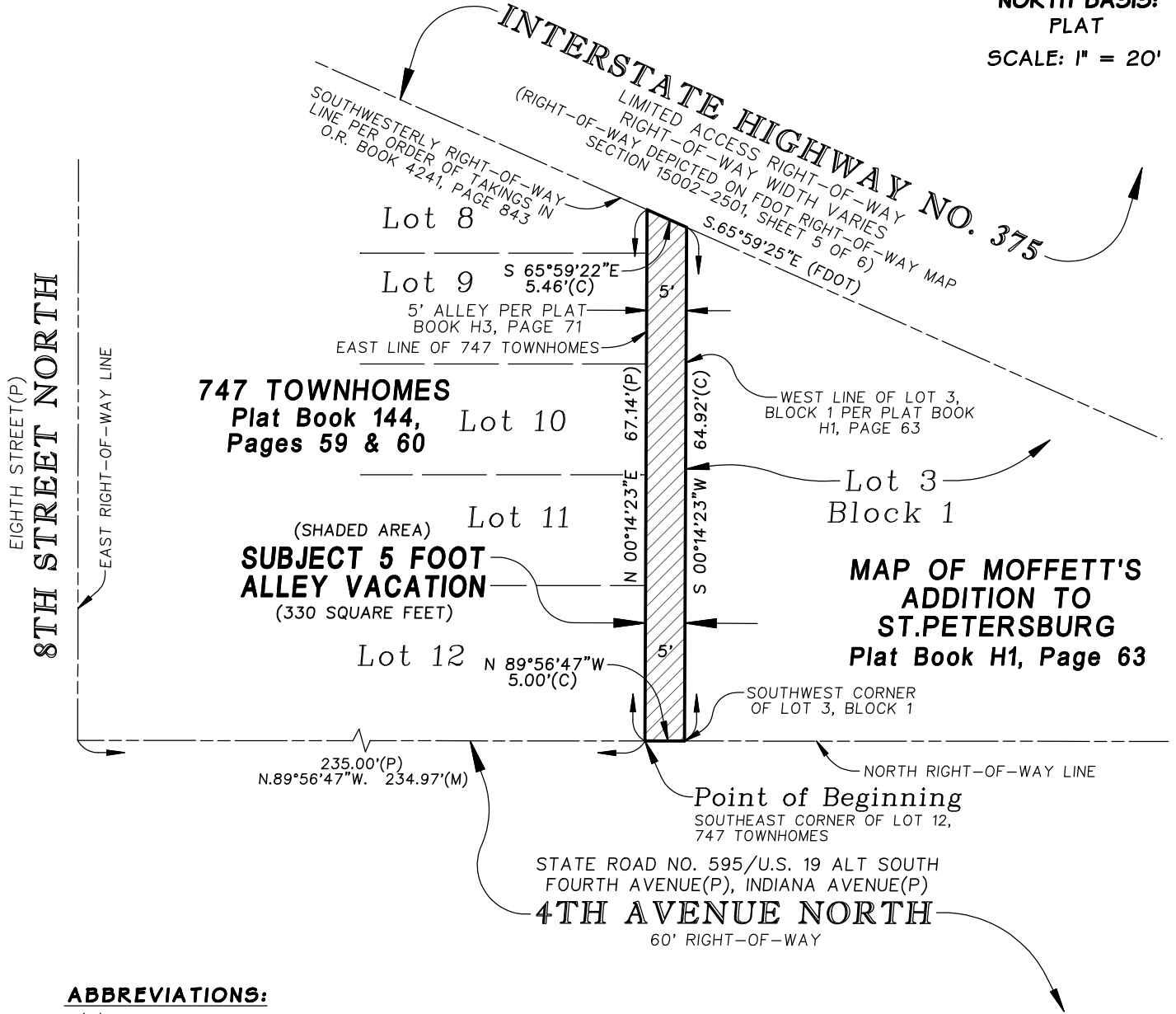
Prepared by:
JOHN C. BRENDA AND ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS AND MAPPERS
4015 82nd Avenue North
Pinellas Park, Florida 33781
phone (727) 576-7546 ~ fax (727) 577-9932

SHEET 1 OF 2

SECTION 19, TOWNSHIP 31 SOUTH, RANGE 17 EAST
SKETCH OF DESCRIPTION



NORTH BASIS:
 PLAT
 SCALE: 1" = 20'



ABBREVIATIONS:

- (C) = CALCULATED
- (FDOT) = FLORIDA DEPARTMENT OF TRANSPORTATION
- H = HILLSBOROUGH COUNTY
- (M) = MEASURED
- O.R. = OFFICIAL RECORDS
- (P) = PLAT

UPDATED: 6/01/21
 REVISED: 4/26/16
 PREPARED: 1/28/16

THIS IS NOT A SURVEY

Job: 1510-56B
 Drawn: DS

Assumed Basis of Bearings:
 NORTH RIGHT-OF-WAY LINE OF 4TH AVENUE NORTH
 AS BEING N.89°56'47"W., PER PLAT BOOK 144, PAGES
 59 & 60.

FOR: FOURTH NORTH HOLDINGS, LLC

Prepared by:
JOHN C. BRENDA AND ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS AND MAPPERS
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 Pinellas Park, Florida 33781
 phone (727) 576-7546 ~ fax (727) 577-9932

MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING & CAPITAL IMPROVEMENTS DEPARTMENT (ECID)

TO: Iris Winn, Administrative Clerk, Development Services
Jennifer Bryla, Zoning Official, Development Review Services
Cheryl Bergailo, Planner II, Planning & Development Services

FROM: Nancy Davis, Engineering Plan Review Supervisor

DATE: July 20, 2021

SUBJECT: Approval of a vacation of a 5-foot wide dead-end alley located between Lots 8 – 12, 747 Townhomes Subdivision and Lot 3, Block 1, Moffett's Addition.

FILE: 21-33000012

LOCATION AND PIN: 747 4th Ave N Parcel #19/31/17/80322-000-0001

ATLAS: I-16 Zoning: DC-2

REQUEST: Approval to vacate a 20-foot utility easement on south side of property in the IT Zoning District.

The Engineering and Capital Improvements Department (ECID) has no objection to the proposed vacation with the following special conditions of approval.

SPECIAL CONDITIONS OF APPROVAL:

1. A terminal sanitary sewer manhole shall be constructed in the northern parkway of 4th Avenue South and north of public manhole F4-120 which shall be used for connection of the private wastewater collection system for the adjacent 747 Townhomes plat. Any section of the 12" VCP pipe to be utilized for connection shall be televised by the applicant and submitted to the City for review and approval prior to connection. Note that the City's WRD may require replacement of the VCP all the way to public manhole F4-120 if the VCP is found in poor condition or considered beyond its useful life.
2. The applicant is responsible to obtain an individual FDEP private wastewater collection system permit for construction of the private sanitary sewer collection system extended within private property to service the 747 Townhome subdivision. An individual private sewer service lateral and clean out shall be provided for each of the townhomes within the private site. A homeowner's association shall be created to address private maintenance of the collection system within the private property. Please coordinate with Mark.Riedmueller@stpete.org for instructions on how to submit the FDEP private wastewater collection system permit for the required City signature prior to submittal to FDEP. The contractor shall not connect to the public wastewater collection system prior to obtaining the FDEP collection system permit. Submit a copy of the FDEP permit to City ECID as evidence of meeting this condition.
3. The existing 12" VCP sanitary sewer main which lies north of the new terminal manhole (to be constructed in the northern parkway of 4th Avenue North), shall be removed (preferred method) or if this is not technically possible, may be isolated from manhole structures and filled with grout.

4. Existing public manhole F4-60 (located at the northeast corner of the proposed plat), shall be removed (preferred method). If this is not technically possible, the structure may be properly abandoned by the developer via removal of the south pipe invert, removal of the structure ring and cone, and filling the remaining underground portion of the manhole structure completely with grout.
5. The sanitary sewer main between F4-55 and F4-50 (paralleling the 747 Townhomes northern plat boundary) shall be completely removed (preferred method), or if this is not technically possible, it must be properly abandoned by isolating it from the manhole structures and filling it with grout. The City will not allow any future connections to this main as it is the intent to abandon the public main.
6. Public manhole F4-55 shall be removed (preferred method), or if this is not technically possible, it must be properly abandoned by the developer via removal of the northwest invert pipe, removal of the structure ring and cone, and filling the remaining underground portion of the manhole structure completely with grout.
7. The southeast invert of public manhole F4-50 shall be removed from the structure and the structure opening shall be properly sealed to be watertight.
8. A work permit issued by the Engineering Department must be obtained prior to the commencement of construction within dedicated right-of-way or public easement. All work within right of way or public utility easement shall be in compliance with current City Engineering Standards and Specifications and shall be installed at the applicant's expense in accordance with the standards, specifications, and policies adopted by the City.

NED/MJR/meh

cc: Adam Iben – City WRD

MEMORANDUM
CITY OF ST. PETERSBURG
Water Resources Department

TO: Jennifer Bryla, Zoning Official

FROM: Adam Iben, Designer II, Water Resources

DATE: June 30, 2021

SUBJECT: Approval of a vacation of a 5-foot wide dead-end alley located between Lots 8-12, 747 Townhomes Subdivision and Lot 3, Block 1, Moffett's Addition.

PLAT: F-4

CASE: 21-33000012

LOCATION: 747 4th Avenue North

REMARKS: Water Resources (WRD) has no objection to the above referenced subject provided the following conditions:

- 1.) The existing 12" VCP sanitary main in the alley must be properly abandoned in place with flowable fill.
- 2.) Manhole F004-M060 must be properly abandoned and removed.
- 3.) A new manhole must be installed in the right of way (ROW) that connects to the remainder of the 12" sanitary main north of manhole F004-M120 for the purpose of collecting future sanitary flows.

Project file

MEMORANDUM
CITY OF ST. PETERSBURG
Water Resources Department

4.) Applicant may choose in the future to apply for a vacation of the 15' sanitary easement to the north of the property as WRD prefers future sanitary flows to be routed to the newly constructed manhole in the ROW north of manhole F004-M120.

2401 25th St. N.
St. Petersburg, FL 33713
SP-15
Jonathan.Kasper@duke-energy.com
o: 727-893-9262



July 19, 2021

Scot Bolyard
City of St. Petersburg
One Fourth Street North
St. Petersburg, FL 33701

**RE: *Approval of 10' Right of Way Vacation
Section 19, Township 31 South, Range 17 East, Pinellas County, Florida
Case #: 21-33000012
Address: 747 4th Ave N., St. Petersburg
Parcel: 19-31-17-80322-000-0110***

Dear Mr. Bolyard:

Please be advised that **DUKE ENERGY FLORIDA, LLC., d/b/a DUKE ENERGY** *Distribution Department* and *Transmission Department* have "**OBJECTIONS**" to the approval of a 10' alley Right of Way Vacation between **747 TOWNHOMES, LOTS 8-12-Plat Book 144/59** and **MOFFETT'S ADD BLK 1, LOT 3- Plat Book H1-63**, further shown on accompanying Exhibit.

This is due to underground facilities within the area. No Objection letter would be provided upon the **removal/relocation of existing facilities**. Removal or relocation will need to be handled by a Duke Energy Engineering.

OR

The **granting of a Duke Energy easement** over the 10' wide described property in connection with property owner's attendant acquisition of fee title ownership thereof.

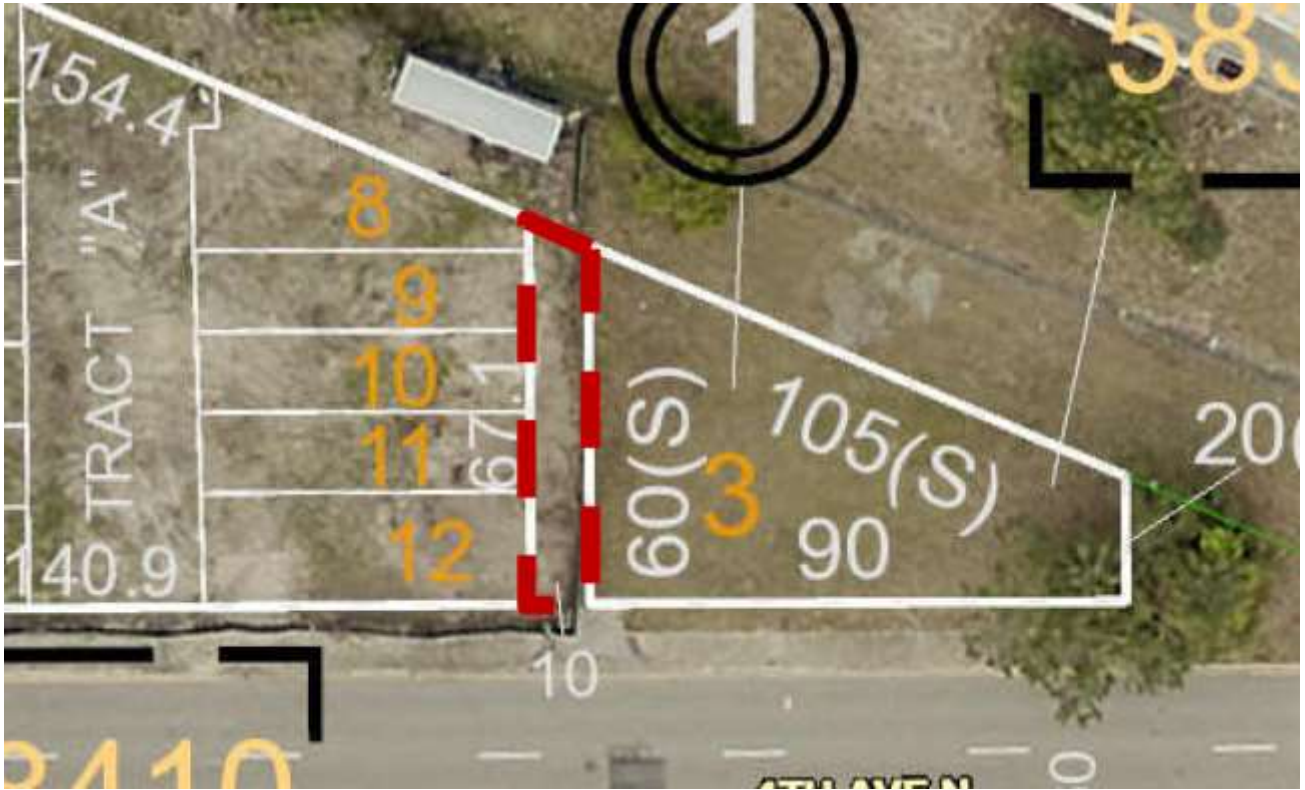
If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Jonathan Kasper

Jonathan Kasper
Land Representative
Duke Energy Florida

Exhibit



Scot K. Bolyard

From: Kyle Simpson
Sent: Monday, June 28, 2021 9:31 AM
To: Scot K. Bolyard
Subject: RE: 747 4th Ave N Alley Vacation Application (DRC 21-33000012)

Scot,

Transportation and Parking Management has reviewed the case and has no comments.

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>
Sent: Wednesday, June 16, 2021 12:54 PM
To: Michael J. Frederick <Michael.Frederick@stpete.org>; Thomas M Whalen <Tom.Whalen@stpete.org>; Kyle Simpson <Kyle.Simpson@stpete.org>; Mark Riedmueller <Mark.Riedmueller@stpete.org>; WRD-UtilityReviewRequest <WRD-UtilityReviewRequest@stpete.org>; Troy D. Davis <Troy.Davis@stpete.org>; Aaron M. Fisch <aaron.fisch@stpete.org>; Christina M. Boussias <Christina.Boussias@stpete.org>; Timothy R. Collins <Timothy.Collins@stpete.org>; Michael J. Kovacsev <Michael.Kovacsev@stpete.org>; Robert P Bassett <Robert.Bassett@stpete.org>; 'Mixer, Brian C' <Brian.Mixer@charter.com>; Avila, David <David.Avila@charter.com>; Willingham, Jared <JWillingham@tecoenergy.com>; 'Waidley, Stephen' <stephen.waidley@ftr.com>; 'Dave Hamlin' <dave.hamlin@wowinc.com>; 'vacate@duke-energy.com' <vacate@duke-energy.com>; 'relocations@lumen.com' <relocations@lumen.com>
Subject: 747 4th Ave N Alley Vacation Application (DRC 21-33000012)

Good afternoon,

Please find attached for your review and comments the submitted request to vacate a dead-end alley, generally located at 747 4th Ave N (DRC 21-33000012). This request was previously approved (DRC Case 16-33000002) but was withdrawn by the applicant and now they wish to go through with the vacation. Please review the attached application and return your comments by **June 30, 2021**.

Thanks,

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
Scot.Bolyard@StPete.org