



**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 August 2, 2107, at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 17-33000008 **PLAT SHEET:** L-3

REQUEST: Approval of a Vacation of a 22-foot segment of a 20-foot street and public utility easement.

OWNER: City of St. Petersburg
Parks and Recreation
1 4th Street North
Saint Petersburg, Florida 33731-2842

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

ADDRESS: 601 45th Street South

PARCEL ID NO.: 22-31-16-99091-001-0010

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Traditional (NT-2)

DISCUSSION AND RECOMMENDATION:

Request. The request is to vacate a 22-foot segment of a 20-foot street and public utility easement located within Child's Park, in order to build a press box for the football field. This 20-

foot street and public utility easement was dedicated by the Plat of Child's Park Athletic Field Complex in 2009.

The area of the right-of-way proposed for vacation is depicted on the attached maps (Attachments "A" and "B") and Sketch and Legal description (Exhibit "A"). The applicant's goal is to vacate this portion of the street and public utility easement in order to be able to construct a building.

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 16.40.140.2.1 E 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 the standard list of City Departments and private utility providers. The City's Engineering Department has comments on the application. Private utility providers indicated that they had no objection to the vacation.

An associated special condition of approval has been suggested at the end of this report which would ensure that the applicant complies with the Engineering conditions.

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 this portion of the street easement will not cause a detrimental effect upon or impair or 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.*

The vacation of this portion of the street easement will not adversely impact the existing roadway network or alter utilized travel patterns, or undermine the integrity of a historic plat.

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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 portion of the street easement is not needed for the purpose for which the City has a legal interest and there is no known present or future need for this portion of the street easement.

The portion of the public utility easement may have City utilities within the area to be vacated and Engineering has asked for additional location verification. As a proposed condition of approval, the applicant will comply with the conditions in the Engineering Memorandum prior to release of construction permits.

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

There are no policies in the City's Comprehensive Plan which apply to this request.

C. Adopted Neighborhood or Special Area Plans

The subject right-of-way is within the boundaries of the Child's Park Neighborhood Association and within the South St. Petersburg CRA. There are no neighborhood or special area plans which affect vacation of this street easement in this area of the City.

Comments from Agencies and the Public: Four calls were received from the public in response to the mailed public notice. Neither indicated any concerns with the project.

As noted above City Departments did indicate that facilities may exist in the portion of the easement to be vacated and requested relocation at the applicant's expense if the City's water main is found to be within the portion of easement proposed for vacation. The applicant will be required to provide an additional public notice prior to the public hearing before the City Council.

RECOMMENDATION. Staff recommends **APPROVAL** of the proposed street and public utility easement vacation. If the DRC is inclined to support the vacation, Staff recommends the following special conditions of approval:

1. Prior to issuance of construction permits for the press box, the applicant shall comply with condition number 1 in the Engineering Memorandum dated June 13, 2017.
2. Prior to issuance of a CO for the press box, the applicant shall comply with condition number 2 in the Engineering Memorandum dated June 13, 2017.

3. As required City Code Section 16.70.050.1.1 F, Approval of right-of-way vacations shall lapse and become void unless the vacation ordinance is recorded by the City Clerk in the public records within 24 months from the date of such approval or unless an extension of time is granted by the commission designated in the Decisions and Appeals Table or, if appealed, by the City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one year. The vacation ordinance shall be recorded after any conditions precedent have been compiled with.

REPORT PREPARED BY:


KATHRYN YOUNKIN, AICP, LEED AP BD+C, Deputy Zoning Official
Development Review Services Division
Planning & Economic Development Department

7/25/17
DATE

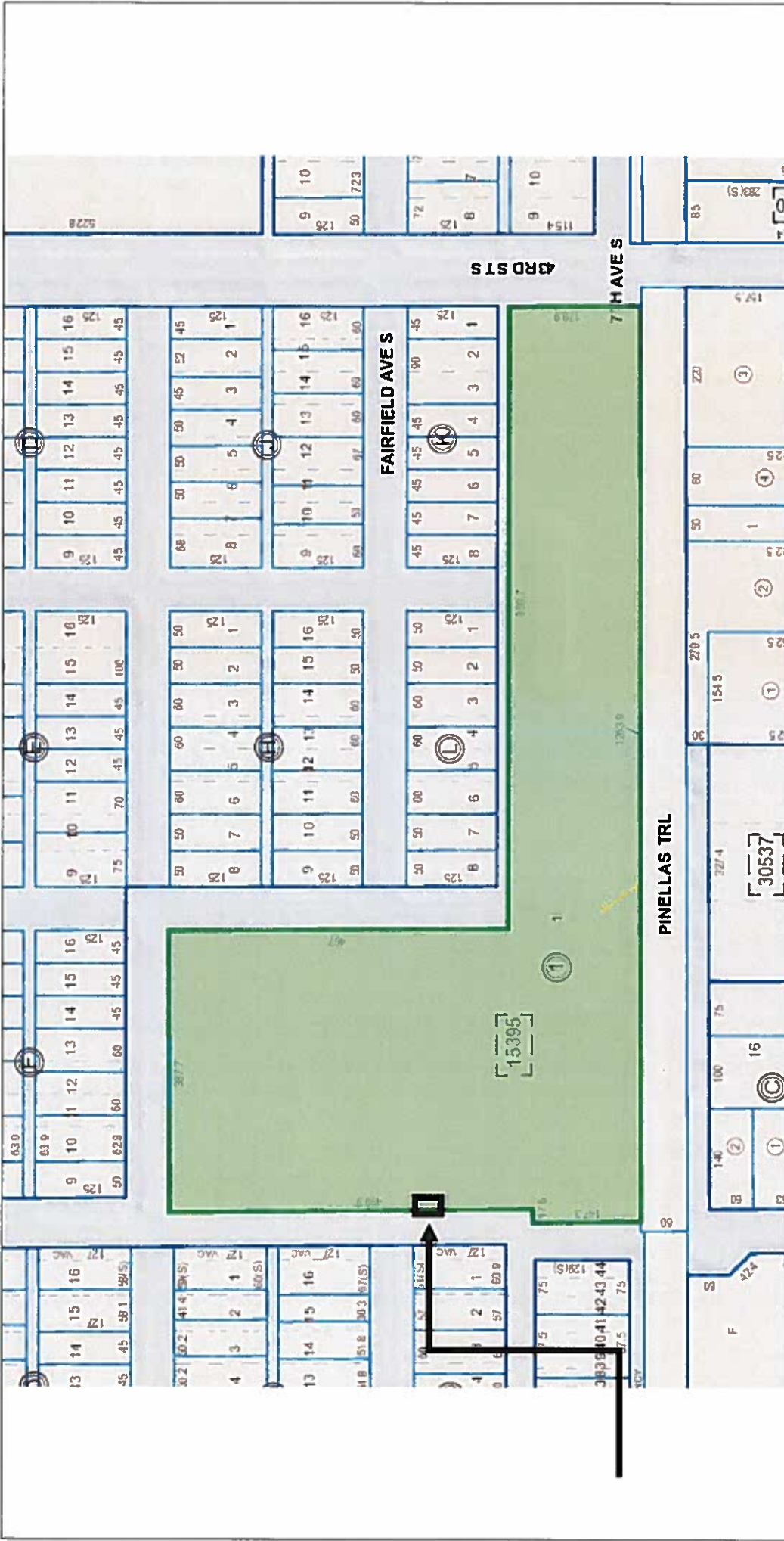
REPORT APPROVED BY:


ELIZABETH ABERNETHY, AICP, Zoning Official (POD)
Planning and Economic Development
Development Review Services Division

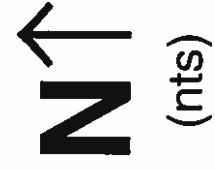
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DATE

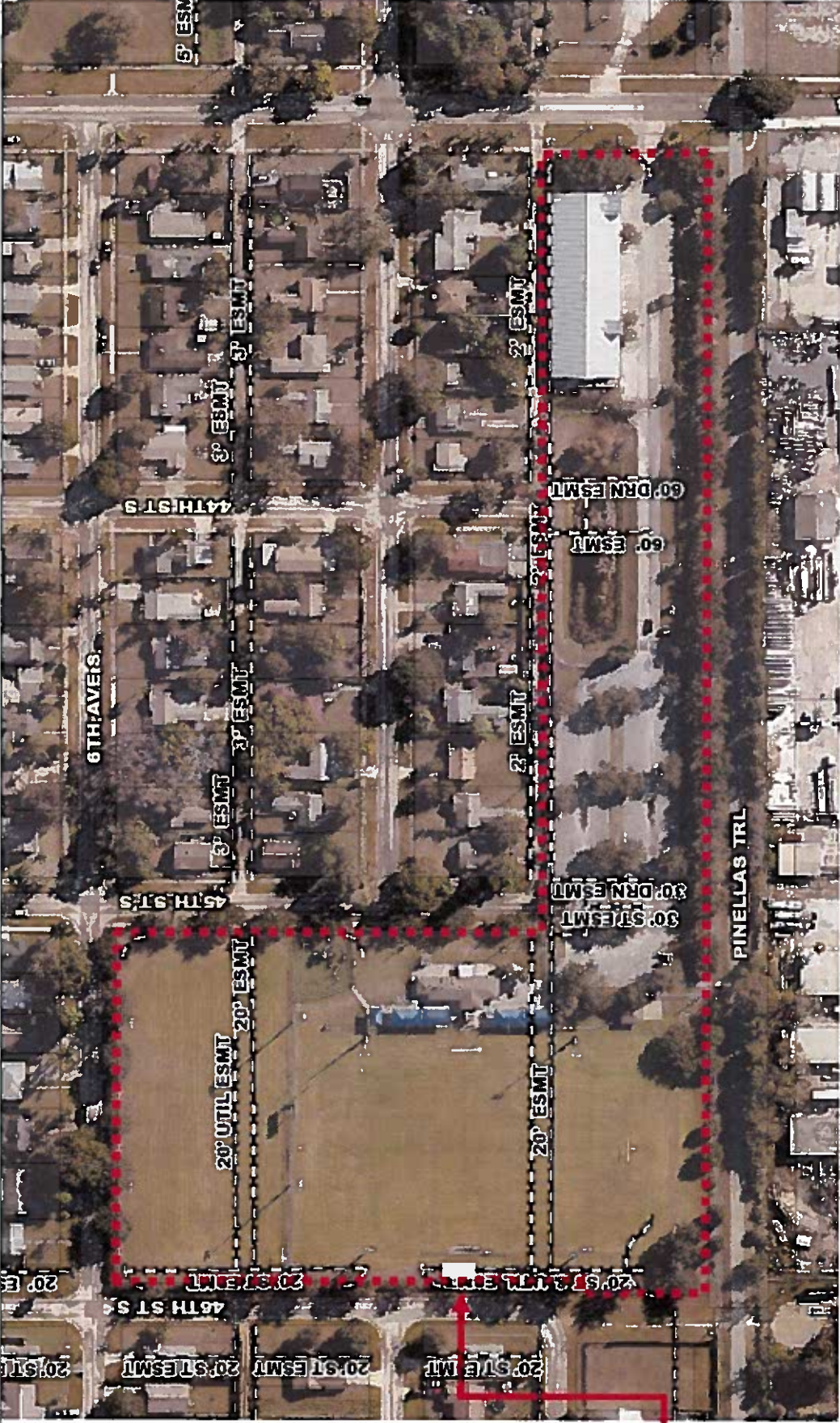
Attachments: A – Parcel Map, B – Aerial Map, C – Engineering Conditions of Approval dated June 13, 2017

Exhibits: "A" – Sketch and Legal Description of easement portion to be vacated



Attachment A
 City of St. Petersburg, Florida
 Planning and Economic Development
 Department
 Case No.: 17-3300008
 Address: 601 45th Street South





Attachment B
 City of St. Petersburg, Florida
 Planning and Economic Development
 Department
 Case No.: 17-3300008
 Address: 601 45th Street South



LEGAL DESCRIPTION

Exhibit "A" - Pg 1 of 2

A portion of that certain 20 foot Street and Public Utility Easement as shown on Plat of CHILDS PARK ATHLETIC FIELD COMPLEX as recorded in Plat Book 136, Pages 25 and 26, Public Records of Pinellas County, Florida described as follows:

From the Northwest corner of Lot 1, Block 1, of said CHILDS PARK ATHLETIC FIELD COMPLEX, as the Point of Commencement, thence S.00°08'15"E. along the West line of said Lot 1, said line also being the East right-of-way line of 46th Street South, said line also being the West line of said 20 feet Street and Public Utility Easement, 368.72 feet to the POINT OF BEGINNING; thence continue S.00°08'15"E. along said East right-of-way line, and along the West line of said Lot 1, and along the West line of said 20 foot Street and Public Utility Easement, 22.00 feet; thence departing said East right-of-way line and the West line of said Lot 1 and the West line of said 20 foot Street and Public Utility Easement, N.89°51'45"E., 20.00 feet to a point of intersection with the East line of said 20 foot Street and Public Utility Easement; thence along said East line, N.00°08'15"W., 22.00 feet; thence departing said East line, S.89°51'45"W., 20.00 feet to the POINT OF BEGINNING.

Containing 440 square feet or 0.010 acre, more or less.

St. Petersburg, Florida


NOTES

1. This sketch is a graphic illustration for informational purposes only and is not intended to represent a field survey.
2. NOT A BOUNDARY SURVEY.
3. Basis of Bearings: S.00°08'15"E. along the East right-of-way line of 46th Avenue South, as per record plat.
4. This sketch is made without the benefit of a title report or commitment for title insurance.
5. This map intended to be displayed at a scale of 1" = 30'.
6. Additions or deletions to survey maps and reports by other than the signing party or parties are prohibited without written consent of the signing party or parties.
7. Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

LEGEND

LB Licensed Business
LS Land Surveyor

PSM Professional Surveyor and Mapper
R/W Right-of-way

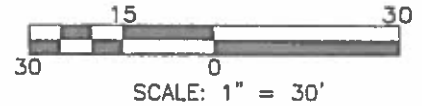
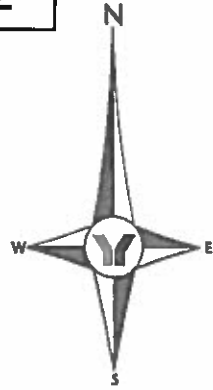
PREPARED FOR: CITY OF ST. PETERSBURG		DESCRIPTION AND SKETCH			REVISED	BY	DATE	DESCRIPTION
		SECTION 22	TOWNSHIP 31 S.	RANGE 16 E.				
CREW CHIEF	INITIALS	DATE				George F. Young, Inc. 299 DR. MARTIN LUTHER KING JR. STREET N. ST. PETERSBURG, FLORIDA 33701-3126 PHONE (727) 822-4317 FAX (727) 822-2919 LICENSED BUSINESS 18021 ARCHITECTURE - ENGINEERING - ENVIRONMENTAL - LANDSCAPE - PLANNING - SURVEYING - UTILITIES GAINESVILLE - LAKEWOOD RANCH - ORLANDO - PALM BEACH - ST. PETERSBURG - TAMPA		
DRAWN	WOK	05/16/17						
CHECKED	CAB	05/17/17						
FIELD BOOK								
SCALE	1" = 30'		May 17, 2017 DATE			JOB NO. 15Y25617SS SHEET NO. 1 OF 2		

FILE 15Y25617SS0001 DWG

Exhibit "A" - Pg 2 of 2

POINT OF COMMENCEMENT
NORTHWEST CORNER LOT 1

6TH AVENUE SOUTH



46TH STREET SOUTH

S00°08'15"E 368.72'

POINT OF BEGINNING

20.00'
S89°51'45"W

22.00'
S00°08'15"E

N00°08'15"W
22.00'

N89°51'45"E
20.00'

EAST R/W LINE

20-FOOT STREET AND
PUBLIC UTILITY EASEMENT

LOT 1
BLOCK 1
CHILDS PARK ATHLETIC FIELD COMPLEX
(PLAT BOOK 136, PAGES 25 & 26)

FREEDOM TERRACE SOUTH

SOUTH R/W LINE

LOT 46
VICTORY TERMINALS
(PLAT BOOK 5, PAGE 96)

PREPARED FOR:
CITY OF ST. PETERSBURG

DESCRIPTION AND SKETCH

SECTION 22 TOWNSHIP 31 S. RANGE 16 E.

REVISED	BY	DATE	DESCRIPTION

CREW CHIEF	INITIALS	DATE
DRAWN	WDK	05/16/17
CHECKED	CAB	05/17/17
FIELD BOOK		
SCALE	1" = 30'	

SEE SHEET ONE OF
TWO FOR SIGNATURE,
SEAL, DESCRIPTION,
LEGEND AND NOTES



George F. Young, Inc.

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GAINESVILLE • LAKEWOOD RANCH • ORLANDO • PALM BEACH • ST. PETERSBURG • TAMPA

JOB NO
15Y25617SS
SHEET NO.
2 OF 2

DATE PLOTTED: 05/17/17 10:00 AM PLOTTER: HP DesignJet T1100PS