

APPROVED
PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING
CITY HALL 8TH FLOOR
COMMISSION CONFERENCE ROOM
THURSDAY, JULY 15, 2010 – 10:00 A.M.

Committee Members Present

Mejhrdad Fayyaz, Acting Chair
Yvonne Redding, Planning and Zoning
Carol Ingold, Supervisor, Parks & Recreation
John Grossman, Code Enforcement
Robert Dunckel, City Attorney's Office
Diana Alarcon, Parking and Fleet Services
Tom Terrell, Public Works
Mark Darmanin, Utilities

Staff

Victor Volpi, Liaison, Senior Real Estate Officer
Carrie Sarver, Assistant City Attorney
Barbara Hartmann, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

Call to Order

Acting Chair Fayyaz called the meeting to order at 10:06 a.m., and stated this was a meeting of the City's Property and Right-of-Way Committee, a City Staff committee with the responsibility of advising the City Commission on matters affecting the dispensation of City property.

As of this date there were eight appointed members to the Committee, which means five would constitute a quorum. Following a roll call, it was determined a quorum was present.

ITEM ONE: APPROVAL OF JUNE 17, 2010 MINUTES

Motion made by Mr. Darmanin, seconded by Mr. Terrell, to approve the minutes of the June 17, 2010 meeting. In a voice vote, the **motion** passed unanimously.

ITEM TWO: VACATION OF PORTION OF AN ACCESS AND UTILITY EASEMENT

Address: 1531 S. Andrews Avenue

Mr. Volpi stated the Applicant would like permission to vacate a portion of a 100 ft. access and utility easement left after the vacation of a right-of-way of 16th Street from Andrews Avenue to Turner Avenue. At its June 19, 2002 meeting, the Committee recommended the vacation of this street, with the retention of the entire right-of-way as an easement. At present, the property's developer would like to limit the easement to one 12 ft. storm easement and one 24 ft. access easement.

Robert Lochrie, representing the Applicant, explained that in 2002, the hospital district had received approval from the Planning and Zoning Board and the City Commission for a medical office building and parking garage. Part of the vacation of 16th Avenue was to retain the utility and access easements until the new design was finalized and approved, at which time the Applicant would grant a 24 ft. access and utility easement "through the building itself." As this project is no longer viable, this will not happen. The Applicant now plans to develop the site "as a more traditional aspect," and is asking for a realigned access and utility easement to be consistent with the design.

He showed the Committee the site plan, which has gone before the Development Review Committee (DRC). The plan is comprised of a three-story medical office building with a parking field around it.

Mr. Lochrie continued when the City vacated the right-of-way, an agreement was reached that the hospital would put parking meters on the ground floor of its garage. As there is no garage in the new proposal, the Applicant has met with Parking and Fleet Services, which wants the meters to be placed in a lot that serves the medical office building and surrounding properties. The lot contains 22 parking spaces and a revenue-sharing agreement has been reached with regard to the meters.

The new proposal is for a 24 ft. utility access easement through the center of what was formerly the right-of-way. There is also a storm drain that is not centered within the 24 ft. of the utility easement; a 12 ft. storm drain easement will be placed to the north of the utility easement. The total space is 36 ft. of easements. Mr. Lochrie showed this configuration in relation to the site plan.

Chair Fayyaz asked what is between the two easements. Mr. Lochrie replied it is currently planned to be "just a driveway," although further development of the site could place another building on the south side of the site. The Applicant has been meeting with Planning Staff, FDOT, and the Downtown Development Authority, as there is the possibility of a rail station located in this area in the future, along with a potential Wave stop on Andrews Avenue.

Chair Fayyaz asked why the two easements were not adjacent to one another. Joe Handley of Craven Thompson & Associates replied that this is to cover the existing facilities in place today.

Mr. Darmanin stated he did not feel the water main was “any use,” and asked if there was a reason for the access easement’s location. Mr. Handley said it is used for a fire hydrant in the Applicant’s civil plans.

Mr. Darmanin pointed out from a utilities perspective, it would be preferable for this easement to “go” and a hydrant to be constructed off the main line on Andrews Avenue. There would be no need for a utilities easement. He noted that they would like to find a way to re-route this, although he did not see an alternative that could be easily done. In this case, they would probably request a larger easement over the storm drain.

Mr. Handley observed a wider easement could be granted, but it could not be centered on the line due to placement of a wall. He noted a smaller easement could be given and not centered, with the largest possible width being 12 ft.

He added that the existing plan has been revised to accommodate the most recent comments from the DRC. The proximity to Andrews Avenue has been eliminated in one area, and landscaping and handicap-accessible parking has been added. He noted if the easement was widened, trees must be planted in it per Code requirement.

Mr. Lochrie observed there are “some complications,” noting that the City wants the project to provide flexibility for the potential rail station and Wave stop. He pointed out there are other options for placement of the station, and it is not known whether a pedestrian pathway, for example, will be necessary in the area.

Attorney Dunckel asked for what purpose the access easement would be retained. Chair Fayyaz said he would like to see the easement kept “for public purpose,” such as a pedestrian easement. Attorney Dunckel pointed out the easement would be located in “the middle of the drive aisle,” which would not be ideal for pedestrians, and stated that he was not certain a 24 ft. access easement was necessary.

Mr. Lochrie said he recalled the intent had been to have a walkway through the building, and reminded the Committee that the original plan had differed from the current one. Mr. Handley stated that the access easement as proposed would cover the sidewalk.

Mr. Darmanin noted since landscaping would be done in the area, a pipeline should extend from Andrews Avenue to the site, and it should be ensured that there are “no intrusions” into this pipeline.

Mr. Lochrie reiterated that the Applicant and Parking and Fleet Services had had an agreement regarding parking: the former concept was “to put the parking in the garage.” Since there is now no garage, the most recent proposal is to light, landscape, and generally improve a formerly non-improved lot and install meters there.

Ms. Alarcon said Parking and Fleet Services had hoped to place meters “as close to the building as possible,” as this would generate revenue for the City. The plan to have meters offsite had been “a temporary fix” rather than a long-term solution. She stated the City would rather see the meters as close to the property being built as possible rather than in “an isolated lot.”

Ms. Alarcon noted that the location of meters on-site would also mitigate the lost revenue that had been paid by the hospital. She concluded that she would like to remain with the original concept; the Applicant would need to pay the City a 20-year mitigation for the loss of the 22 meters, or find a place to replace them.

Attorney Dunckel proposed deferring the Item until this issue can be resolved. Ms. Alarcon agreed she would like to have this resolved as well. Mr. Lochrie stated this is “an independent issue” that is not related to the access easement.

Mr. Terrell did not feel this was a separate issue, as an existing agreement had been in place for the garage and must now be settled. He noted the Committee is being asked to modify this agreement, for which they do not have the authority.

Attorney Dunckel pointed out if the Item were deferred until the next month, this issue could be resolved, and the Committee could “wrap” this into a condition for recommendation.

Mr. Darmanin asked if a recommendation could be made conditional upon resolution of this issue. Ms. Alarcon asserted that in her experience, “the resolution doesn’t happen.”

Motion made by Attorney Dunckel to defer further consideration of this Item pending a resolution between the hospital district and Parking as to the 22 spaces.

Chair Fayyaz noted there was no direction regarding the size or location of the easements. Attorney Dunckel felt this would come from the parking agreement that has yet to be resolved.

Mr. Lochrie did not feel this was likely, as “there was never going to be an easement for the parking.” He stated that the parking had been intended to go on the first floor of the garage and had “nothing to do” with the easements. Attorney

Dunckel pointed out that it had been, however, a condition of the vacation. Mr. Darmanin clarified that an access agreement was needed to and resolve the parking issue.

Attorney Dunckel noted that several spaces could be metered and the revenue shared in a manner representative of the original 22-space agreement. While this was not related to the location of the easements, he did not recommend elimination of any potential solutions.

Ms. Alarcon asked if the plan would eliminate any meters on Andrews Avenue. Mr. Handley replied these meters would be increased. Ms. Alarcon suggested that some of the 22 spaces in question could be addressed along Andrews Avenue.

Mr. Lochrie stated that he would like the record to reflect that there is an alternative agreement for 15 additional on-street metered spaces.

Mr. Terrell **seconded** Attorney Dunckel's **motion**. In a voice vote, the **motion** passed unanimously.

There being no further business to come before the Committee at this time, the meeting was adjourned at 10:33 a.m.

[Minutes prepared by K. McGuire, Prototype, Inc.]