

**APPROVED**  
**PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING**  
**CITY HALL 8<sup>TH</sup> FLOOR**  
**COMMISSION CONFERENCE ROOM**  
**THURSDAY, SEPTEMBER 15, 2011 – 10:00 A.M.**

**Committee Members Present**

Peter Partington, Chair  
Tony Irvine, Engineering  
Leona Lettsome, Parks and Recreation  
Tom Terrell, Public Works  
Julie Leonard, Utilities  
Anthony Fajardo, Planning and Zoning  
Robert Dunckel, Assistant City Attorney  
Carrie Sarver, Assistant City Attorney

**Staff**

Victor Volpi, Liaison, Senior Real Estate Officer  
Dennis Girisgen, Public Works  
Diana Alarcon, Director of Parking and Fleet Services  
Antoinette Butler, Parking and Fleet Services  
Barbara Hartmann, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None.

**Call to Order**

Chair Partington called the meeting to order at 10:03 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.

**ITEM ONE**

**APPROVAL OF AUGUST 18, 2011 MINUTES**

**Motion** made by Mr. Irvine, seconded by Mr. Terrell, to approve the minutes of the August 18, 2011 meeting. In a voice vote, the **motion** passed unanimously.

The following Item was taken out of order on the Agenda by request.

**ITEM THREE**

**PLACEMENT OF HOUSE ON CITY-OWNED  
PROPERTY**

Address: 220 SW 3 Avenue

Mr. Volpi explained that the original request was to relocate the Shippey House to Cooley's Landing; however, it was learned that this was not an appropriate site due to utilities and other factors. The new proposed site is in the Historic District of Downtown Fort Lauderdale on 3 Street. He referred the members to the new site plan, noting that there are concerns with the new location as well.

Charles Jordan, representing the Friends of the Shippey House, stated that when the Applicant learned it was not possible to relocate the house to Cooley's Landing, they arrived at the alternate solution of bringing the house to the Historic District. Mr. Jordan pointed out that even after the inception of the Historic District in 1976, some major assets have been lost in that area. The proposal is to restore the streetscape through the placement of the Shippey House. He noted that zoning, setbacks, and the Comprehensive Plan are all appropriate for the relocation, and the Historic Preservation Board has made a recommendation to the City Commission in favor of the Application. This recommendation is expected to be heard at the City Commission's September 20 meeting.

Chair Partington requested more information on the ownership of the Shippey House. Mr. Jordan said it is located in the Sailboat Bend Historic District and its owner had applied for a demolition permit, but was denied by the Historic Preservation Board and the City Commission. The owner won the case when it went to court, however, and a demolition permit for the Shippey House was pulled in June 2011. The Applicant has asked the owner not to demolish the structure, but to allow them a chance to relocate it. The owner has donated the building to the Friends of the Shippey House, who will renovate and maintain the house when it is moved. The City would determine the appropriate uses for the structure through a ground lease.

Mr. Jordan concluded that the Applicant is not requesting City money: they would assume responsibility for removing asphalt from the lot and restoring a green area. The Riverwalk Trust is working with the Friends and has donated two oak trees to place on the site. The relocation would restore linkage of historic structures in the District, and would be included in the Historic Society's tours.

Chair Partington asked why the house is on the City Commission's September 20 Agenda. Mr. Jordan said the first step in the relocation process would be for the City Commission to endorse the site and authorize the signature of an application for a Certificate of Appropriateness. The parcel of land to which the house would be relocated is owned by the City.

Mr. Jordan noted that there are presently 31 parking spaces on the lot in question. The Applicant proposes to remove all 16 spaces on the south side of the lot and restore two spaces on the north side. Because a curb cut is not needed, a parking space will be added on the street. A comprehensive parking

plan has been discussed for the area as well as a means of addressing the potential parking issue.

Mr. Jordan stated that the Applicant would like to work with the City and the surrounding neighborhood to resolve any issues. A total of 13 parking spaces would be lost. The Applicant also hopes to work with the local business community to determine more ways to add parking spaces if they are an issue.

Mr. Irvine asked who owns the site. Mr. Volpi said it is owned by the City of Fort Lauderdale. Attorney Dunckel added that the property may also be encumbered by the new River House lease, as it is currently part of the RFP for the River House as a proposed valet lot. For this reason he declined to opine further on the Application.

Chair Partington advised that members of the public who were present to speak on this Item would be allowed to do so when the Committee had concluded its discussion.

Mr. Irvine asked to hear input from Parking and Fleet Services on the proposed relocation, as it would mean the loss of public parking. Ms. Alarcon said there is illegal parking in the surrounding area, which would be addressed in the future; when the illegal parking is no longer available, it would create a deficit of parking spaces. She clarified that the lot in question is a legal conforming parking lot within the Historic District, but is the only lot to meet the necessary requirements in the area.

She added that most of the lot's use comes from the River House, which will need the parking spaces in order to survive. Parking and Fleet Services has discussed the development of a valet master program in the area; this would support the business community and would be provided by the existing lot. Ms. Alarcon said the final step in this program would be rejuvenation and cleanup of the area, which would be affected by the proposal to relocate the Shippey House.

Chair Partington requested clarification of where illegal nonconforming parking is located in the area. Ms. Alarcon noted that some of this illegal parking takes place on 2 Street, and will eventually be removed; at present, it is handling some of the current demand for parking in the area.

Chair Partington asked for more information on the RFP related to the River House. Ms. Alarcon said the RFP is being handled through the Economic Development Department. It has been awarded by the City Commission and there are live negotiations underway. She asserted that the land in question is part of this commitment.

Mr. Jordan asked for clarification of the term “legal conforming lot,” asking if the lot conforms to present-day landscape requirements. Ms. Alarcon said the City lot meets all the requirements for the area.

Jackie Scott, representing the Friends of the Shippey House, asserted that the River House was not an appropriate site for a restaurant, as two restaurants had been unsuccessful at that location. Ms. Alarcon stated that an RFP has been solicited and a proposal has been awarded for the site. She confirmed that the City Commission has seen and approved the proposal and Staff is negotiating a contract with the bidder.

Attorney Dunckel observed that the City Commission, by authorizing the RFP, has determined that the River House could be successful as a restaurant. He explained that in the Committee’s view, the parking lot in question is an asset whether or not the proposed restaurant succeeds, and they must consider the parking requirements that would be generated by that use.

Mr. Volpi said City Commissions have felt the space is appropriate for a restaurant for the past several years, as this use would tie together other locations such as the Performing Arts Center and the Riverwalk. He suggested that one reason other restaurants may not have been successful in that location was its age; this is one reason the site had gone out for RFP, as the operator would renovate the space.

Ms. Scott asked if it is possible to address the issue with the operator to which the contract has been awarded. Chair Partington said there are likely to be other issues as well. He stated that if the Shippey House is placed on the property, it would change negotiations of the contract for the River House, and would perhaps jeopardize the agreement.

Chair Partington asked if the proposed master valet program would use the lot in question as well as other lots, and if the program would be implemented through negotiations with the River House operator. Ms. Alarcon confirmed both statements, explaining that one valet operator would handle the entire area of the program.

Attorney Dunckel compared the award of the RFP and the contract negotiations to a real estate transaction in which signing the contract gives the buyer equitable title. He cautioned that the City’s exposure would have to be determined, should they pull out of the negotiating process.

Mr. Irvine agreed, pointing out that the building and the parking lot had been advertised as part of the RFP. He suggested that the Applicant might negotiate with those responsible for the River House.

Ms. Scott stated that in May 2011, she had convinced the owner of the Shippey House not to demolish the property, asserting that she could have it moved. She said if the Committee agreed to support the relocation on the condition that the Applicant work with the respondents of the RFP, they would have some hope that the project could be accomplished; if the Committee denied the Application, the house would be demolished, as the owner has an active permit for its demolition. She expressed frustration with the pace of the approval process, noting that a company cannot be scheduled to move the structure until the City has given its approval.

Tim Petrillo, restaurateur, explained that he did not take issue with the relocation of the building, but the site to which the Applicant hoped to relocate it. He pointed out that a critical piece of parking in the lot would be taken away.

Chair Partington asked why the parking would be critical to Mr. Petrillo's business if the parking lot is primarily associated with the River House. Mr. Petrillo replied that he has been working with Parking and Fleet Services on the master valet program, which would incorporate the lot. Business owners are currently struggling to have private parking lots conform to the restrictions in the area. He did not feel it was wise for the City to remove a parking lot used by several businesses during a period of economic difficulty.

Mr. Petrillo continued that he had "walked away from doing the River House" because the City had not approved an expense for infrastructure improvements in the area. He felt the new proposal for the site could succeed, but could not do so without sufficient parking. He noted that the relocation would also make it difficult to attract more operators to the Riverwalk area, as operators were unlikely to come into an area without access to parking.

Marc Falsetto, restaurateur, stated that the lot in question is the only public parking lot in the area; the other lots are private and charge between \$5 and \$20 for parking. He noted that it is difficult for his employees, as well as customers, to find other places to park in the area, and did not feel it was appropriate to ask customers to add the cost of valet parking to a lunch visit. He concluded that removal of the lot would affect not only his business but his customers, as it would be more expensive without public parking.

Alan Hooper, property owner, said if there is sufficient retail in the area, the private sector will eventually build a garage; however, this would not be in time to affect the outcome for the Shippey House. He suggested that the Friends consider relocating within the CRA, which might be able to purchase a site for the Shippey House. He felt relocation within the proposed area would cause greater complexity and crowding if it is not done in conjunction with a comprehensive plan.

James Kerris, President of the Himmarshee Village Association, said while he is strongly in favor of preserving the Shippey House, its relocation to the proposed site would be “the wrong site at the wrong time.” He added that taking away the parking spaces in an area that serves as an economic generator for the City would affect not only the River House but other businesses as well.

Chair Partington asked if the lot includes regular metered parking spaces. Ms. Alarcon confirmed this, stating it is currently a general public parking lot. Chair Partington asked if it would be possible to relocate the house and reconfigure the remaining lot for valet parking. Ms. Alarcon advised that this would place several limitations on the access to and flow of the lot. She stated it would be better to leave the remaining spaces as part of a general public parking lot if the building is relocated.

Chair Partington asked if the master valet program would mean the lot would be operated differently. Ms. Alarcon agreed. Chair Partington asked if this has been acknowledged as part of the agreement with the River House operator. Ms. Alarcon said it has been discussed as part of the negotiations.

Mr. Jordan said a comprehensive parking plan was necessary for the area, and he noted that no one from the business community had spoken against this project. He said the idea that 13 parking spaces would “make or break” any part of the district was a false assumption, and advised that the existing illegal parking had been accepted as a way to support businesses. He concluded that the businesses should also be willing to support the Historic District.

Chair Partington requested clarification of the numbers of parking spaces that would be used and would remain. Mr. Jordan said 13 parking spots would be lost. Attorney Dunckel noted that in his presentation, Mr. Jordan had said the plan would remove 16 parking spaces and add two back. Mr. Jordan said because a curb cut would not be necessary, a space would also be provided on the street.

Chair Partington advised that this meant 13 regular spaces would remain in the lot without valet parking, and asked how valet parking would change this. Ms. Alarcon said valet parking would only accommodate a few more spaces, as there is only one ingress/egress to the lot.

Jay Archer, architect, said he had been asked to help conceptualize the site plan for the relocation of the Shippey House. He said there was a systemic district-wide issue related to parking in the area, which meant there should be a district-wide solution. He asserted that the loss of 13 public spaces should be replaced with 13 more public spaces, and felt if side streets and parking options are fully considered, these spaces could be found on the public right-of-way.

Mr. Archer continued that another issue relative to the River House was whether or not it could “become something else,” such as small shops, a bed and breakfast, or office use. This would not remove the parking requirements, but could change them. He agreed that the contract negotiations would add a legal aspect to the discussion, but felt all the issues he had cited could ultimately be solved if the principals chose to work toward this goal.

David Baber, Broward County Historic Preservation Coordinator, stated that a great deal of parking is available in the Historic District and the Downtown area, including a 1200-space County structure and the Performing Arts Center lot. He agreed that a new parking structure would eventually be built when there is sufficient demand, such as when the illegal lots are no longer available.

Mr. Baber said successful historic districts involve pedestrian traffic, and parking is more often located on the perimeter than in the heart of these areas. He stated that the existing parking lot is “absolutely in the wrong place,” and suggested that the proposed valet parking could be located some blocks away rather than in the center of the Historic District. He concluded that the relocation of the Shippey House would contribute to the overall character and success of the Historic District.

Mr. Irvine said it was clear this issue would not be solved in a short time. He recalled that the Applicant was working with the goodwill of the building’s owner, and asked if it might be possible to identify another City property to which the house could be moved in order to prevent its destruction.

Ms. Scott again stated her frustration with the relocation process, which began in May 2011. She emphasized that the reason the public had not been previously aware of the proposed relocation to the Historic District was because earlier efforts had been focused on another site; at present she said the Friends did not have the luxury of considering yet another potential location, and the relocation to an appropriate area, such as the Historic District, was critical.

Alysa Plummer, President of the Sailboat Bend Civic Association, explained that she had met with representatives of the Fort Lauderdale Historical Society and the Riverwalk Trust, both of whom understand the business community’s concerns but also endorse the relocation to the Historic District site. The plan would also reclaim the streetscape from parking spaces to historic homes. She agreed with Mr. Baber that parking is most often located on the perimeter of historic districts rather than in their centers in order to enhance the visual experience.

Ms. Plummer concluded that the Applicant hoped to work with the business community of the Historic District in order to make the experience more positive for all involved.

Mr. Fajardo pointed out that the Committee does not make decisions, but makes recommendations to the City Commission. Attorney Dunckel added that the City Commission takes the Committee's recommendations into consideration, but ultimately decides for itself.

Ms. Plummer said the Applicant had met with City Commissioners Rogers and Rodstrom, who had said the City would "do nothing to stand in the way of this project." She again asserted that they are operating on a deadline and that parking is a systemic problem in the Historic District.

Mr. Petrillo commented that while he was sensitive to the deadline involved, the businesses and Parking and Fleet Services had been working on their plan for over a year and have not yet arrived at a suitable solution. He added that he had spoken to the same representatives of the Historical Society and the Riverwalk Trust that Ms. Plummer had named, and had "heard a different story from them," including the fact that the ongoing capital necessary for the Shippey House project was not presently in place. He concluded that while the issue is time-sensitive, its long-term ramifications should also be taken into consideration: not only was it taking away parking spaces, it was adding another use to that area.

Ms. Scott addressed the funding issue, stating that Remax International had committed to a large fundraiser to help solicit funds to restore the Shippey House. Should the Riverwalk Trust become the ultimate user of the property, they would have a budget to sustain the building. She advised that the first step of the project was to gain the City's approval to use the location.

Mr. Terrell noted that it took approximately seven weeks for the Applicant to learn that there were issues with the first proposed relocation site; he expressed concern that should there be permission from the City Commission to use the Historic District site, they would have to go through the permitting process for the new location.

Mr. Jordan said the issues at the former site included a need for rezoning and the existence of a right-of-way and utilities where the house would have been located. He stated that the new site has the appropriate zoning and comprehensive plan designation, meets all the setback requirements, and does not have the same issues that had arisen at the proposed Cooley's Landing site. He felt the issue was as simple as asking whether the character of the district or the existence of 13 parking spaces was more important, and asserted that the Applicant would deal with other issues as they arose, including working with businesses.

Chair Partington commented that it was difficult to believe all necessary approvals for the relocation would be in place within the stated deadline before

demolition was scheduled, and asked if there was a contingency plan. Ms. Scott said she had been representing the house's owner throughout the process, and if the relocation received a positive recommendation, she felt she would "be able to move this forward." Conversely, she felt a negative recommendation would mean they could not proceed. Chair Partington again reminded all present that this would be a City Commission decision rather than a Committee decision.

Mr. Volpi asked if anyone had spoken to the individual who had taken over River House. Mr. Jordan said the Friends had not known about the ongoing RFP negotiations, and would like this information to be forwarded to them; however, he did not feel it was possible to prejudge how the business operator would see the issue before the Friends had had a chance to contact him.

Chair Partington asked if there were any issues regarding putting the Friends and the operator in contact with one another. Mr. Terrell said he was not comfortable with this, as these discussions should also include members of City Staff and other merchants who use the lot.

Ms. Alarcon stated she would like to go on record as a supporter of the Shippey House, and agreed it would fit into the Historic District; however, her greater concern was that the current contract under negotiations includes the lot the proposed relocation would occupy. Should the City recommend the relocation, she felt this would create a potential for liability. She felt this should be investigated further before the Board made any recommendation, and suggested that the Item be deferred until information on potential liability is available. Ms. Alarcon added that the master valet program is also part of the City's negotiations with the operator.

Mr. Fajardo stated that there is a preliminary site plan for the relocation rather than a full Application: while it appears to meet setback and other requirements, it has not been reviewed for any other ULDR requirements. He explained that he did not want anyone to have the mistaken impression that the Application for the site has undergone a thorough review at this time.

Mr. Irvine pointed out that the PROW is a public Committee and cannot take legal advice, as that advice would then be part of the public record. He felt the businesses, and Parking and Fleet Services, should both understand that the existing 31 parking spaces in question may have now been removed from the equation if they are included in the RFP, as they are part of the operator's contract. He felt the only solution at this point was for the Applicant to come to an agreement with the operator.

Attorney Dunckel asked Ms. Alarcon if she had spoken with the operator. She said she had discussed the valet master program with the operator, who had liked the program, as it would be beneficial to his business.

Mr. Fajardo did not agree with Mr. Irvine, stating that if the bidder on the RFP allows the Shippey House to be relocated to the lot, the parking spaces in question have to go elsewhere. Attorney Sarver added that she agreed the business owners should remain involved in case negotiations for the RFP fall through with the prospective operator.

Mr. Terrell said he felt that “the merchants and the restaurateurs are that neighborhood” and therefore deserve the same support as any other entities. Mr. Irvine said this support was taken away when the lot was included as part of the RFP.

Attorney Sarver said the Committee is charged with making a recommendation on the site to the City Commission, and asked if there were any outstanding issues that had not yet been discussed.

Ms. Leonard said she had not had an opportunity to examine water, sewer, or storm drain atlases to determine whether or not there was any existing infrastructure going through the site. Ms. Alarcon added that Parking and Fleet Services had not built the site, but had brought it up to Code by resurfacing, striping, and adding Americans with Disabilities Act (ADA) requirements, lighting, and landscaping. She explained that the parking lot was created in the 1940s after the original structure on that site had burned down.

Attorney Dunckel said if there are utilities on the site, the developer, which in this case would be the Friends of the Shippey House, would be required to relocate those utilities. He explained that when utilities are located beneath a City parking lot, the City accepts responsibility for shutting down the lot in order to service the utilities; this issue is treated differently depending upon the end user.

Mr. Jordan said if the Committee felt compelled to add conditions regarding the RFP to their recommendation on the Application, such as working with the business owners to arrive at consensus on parking issues, the Applicant would encourage this, as they felt it necessary to move forward.

Attorney Dunckel recognized that the Friends have put a great deal of work into their Application and overcome a number of obstacles; however, the Committee was now being asked to make their recommendation in a short time. He expressed concern that there could be too many unknowns, and advised that their usual course of action is to continue the Item until they can hear all the information available, although this was apparently not an option in this case.

He continued that in the past, when developers have displaced public parking in order to perform construction, the Committee has granted them revocable licenses and has sought lost parking revenues. He pointed out that in considering

the Application, he was not certain that adequate consideration had been given to the value of the parking lot in question.

Attorney Dunckel advised that while there has been discussion of alternative long-term solutions to the parking issue, there is not sufficient time to implement all these solutions. He concluded that while he did not want to see the Shippey House demolished, he also did not want the Committee to be pressured into approving the Application without knowing how all the information fits together.

Chair Partington recalled that the Application is scheduled to go before the City Commission the following week. Attorney Dunckel added that there could also be building Code issues: in order for permits to be granted to move the Shippey House to the proposed site, inspections will be required to satisfy any outstanding violations of work previously done on the structure without permits. Permits for moving a building also require that the structure be attached to a new foundation. Other permits associated with electrical, plumbing, and mechanical work may also apply. Attorney Dunckel asked Mr. Jordan if he was comfortable that these permits and any associated work could be done by September 30.

Ms. Plummer said the Friends of the Shippey House are volunteers rather than developers. She pointed out that the Shippey House was identified by the City as a contributing structure to the Sailboat Bend Historic District, which meant the structure helps to define that area. This was a major reason for the importance of keeping the building within the Historic District. She stated that the response to the discussion of land value and lost revenue was that retaining the building was in the interest of the greater good, and she felt the conversation should be framed in that context.

Chair Partington commented that he felt the River House and the viability of that area were extremely important, and he did not want to jeopardize this. He added that he felt a recommendation in favor of the Application could be made, if it is subject to the Shippey House obtaining a letter of no objection from the operator of the River House.

Attorney Dunckel said another concern is the perception of parking in the area, as individuals will not go to a site if they feel the parking is not going to be sufficient. For this reason, he shared the business owners' concern for the economic vitality of the area. He suggested that the Committee could recommend against the specific location until satisfactory arrangements can be made with the responder to the RFP and other business owners. These arrangements would be left to the discretion of the City Commission.

Mr. Irvine pointed out that rather than recommending against the proposed location, the recommendation could be for that location, pursuant to the arrangements Attorney Dunckel had mentioned. Attorney Dunckel replied that he

was uncomfortable recommending the location for several reasons, and felt it would be better to recommend against the specific location in question. Attorney Sarver added that the zoning and utility issues might also be factored into the Committee's recommendation.

**Motion** made by Attorney Dunckel, seconded by Mr. Terrell, to decline to make a recommendation at this time and let the record speak for itself to the Commission.

Mr. Jordan said if the Application would be sent with "a negative language **motion**," he would prefer to withdraw the Application and let it stand on its own before the City Commission. Attorney Dunckel explained that the language used was neutral. Mr. Jordan objected to this, stating that when something is declined, the language is not neutral. Chair Partington added that the **motion** only states that the Committee has heard all the information, and although they are asked to make a recommendation on the Application, they decline to do so.

Attorney Dunckel advised that the minutes of the meeting will be presented to the City Commission so the Commissioners can see their analysis, comments, and public input. He stated he was not averse to Mr. Jordan's suggestion that the Application be withdrawn, but was interested in what other members might say about it.

Chair Partington requested clarification that the Applicant would prefer the Committee not vote on the **motion**, and they would withdraw the Application. Mr. Jordan confirmed this.

Attorney Sarver said she would prefer to see a motion to defer the Item.

Mr. Jordan said he felt a recommendation on the Application would be "more than anything else a political decision of historic preservation versus losing 13 parking spots." He stated that this could be beyond the Committee's scope, as the property in question belongs to the City rather than to a private owner or developer.

Mr. Jordan asked if the City Commission would ask for the Committee's recommendation after they have seen the pertinent information. Attorney Dunckel advised this was unlikely due to the deadline for demolition.

Mr. Jordan said he felt the Committee should make a recommendation based on the information and issues discussed at today's meeting, including the River House issues, City parking, and concerns of the surrounding business community. Chair Partington explained that Mr. Jordan's concerns are part of the record and these issues have been discussed in some detail; he pointed out that

the City Commission would be asked to read the record, as the Committee had declined to make a recommendation.

Chair Partington summarized that the Applicant is now asking that the Committee not approve the **motion** to decline to make a recommendation, and Attorney Dunckel, who made the **motion**, was in agreement with Mr. Jordan's request. If the **motion** was withdrawn, the Committee would instead move to defer the Item as Mr. Jordan had requested.

Attorney Dunckel asked that they hear further discussion of the **motion** before the Committee arrived at a decision on how to proceed.

Mr. Irvine said he was personally inclined to save the Shippey House and keep it within the Historic District; however, he did not feel it could be placed on the proposed location. He agreed that the City Commission should be presented with the minutes of today's meeting so they could make a decision on the Application. He added that any motion made by the Committee should be neutral so the Commissioners would be able to decide the issue for themselves.

**Motion** made by Attorney Dunckel, seconded by Mr. Terrell, to table the previous **motion**. In a voice vote, the **motion** to table passed unanimously.

**Motion** made by Attorney Dunckel, seconded by Mr. Irvine, to defer and allow the record made here today to speak to the City Commission. In a show of hands, the **motion** passed unanimously.

**ITEM TWO**

**PAVERS, ISLANDS AND LANDSCAPING IN CITY  
RIGHT-OF-WAY**

Address: 3100 NE 48 Street

Mr. Volpi stated that the Pilot House Condo Association is asking to place pavers and islands in the right-of-way of NE 48 Street. He noted that some of these items are already in place at this location.

Keith Emery of Construction Management Services Inc., representing the Applicant, said there is no landscaping involved in the request; the Applicant would like to remove a section of blacktop asphalt and put down pavers in its place. He explained that on the street in question, most parked cars extend a couple of feet into the right-of-way as well, and have done so for 27 years.

Mr. Emery advised that the street ends in a cul-de-sac, which is the property of Pilot House. He asked if this meant there had been an arrangement with the City regarding parking. Attorney Dunckel said this was not necessarily the case, and the parking could have been in relation to the location of the bumper stops. He

asked Mr. Emery to take a closer look at the bumper stops, which may be able to be adjusted. Mr. Terrell said the bumper stops may have been moved due to ADA regulations.

Chair Partington commented that the issue would be giving a permit to allow work in the right-of-way, which could give the impression that the City is legitimizing private parking in public space. Mr. Girisgen agreed with this, and recalled that this has been a concern in similar cases involving other properties. It was clarified that while the spaces are regularly used by residents of and visitors to Pilot House, the public is not prohibited from using these spaces, as they extend into the right-of-way.

Attorney Dunckel pointed out that there are questions regarding whether or not a condominium association could provide an affidavit regarding the use of the right-of-way. He recommended that a revocable license and engineering permit be used to implement the solution, explaining that the revocable license would show that no private property rights are derived by the parking spaces in the right-of-way and those spaces remain available to the public.

Ms. Leonard noted there is a manhole located in the area. Attorney Dunckel said before making a motion on the Application, he would need additional information regarding the catch basin and manhole. Mr. Terrell pointed out that the road is not being paved, and the pavers would be located in the parking lot.

**Motion** made by Mr. Irvine, seconded by Attorney Dunckel, that the Committee recommend the granting of a revocable license for the installation of the pavers as shown on the supplemental, and that all matters including the maintenance and the activity be addressed in the license.

It was noted that reference to an engineering permit is included in the standard text of a revocable license.

Mr. Girisgen observed that it did not appear a car could turn around in the street without using a cul-de-sac on private property. Mr. Emery confirmed that this had been the case for several years. Mr. Girisgen suggested that this be included in the revocable license with respect to public access. Attorney Dunckel said the license would articulate that the Applicant would acquire no private property rights with regard to parking spaces within the public right-of-way, and the spaces will remain available to any member of the public, including residents of Pilot House.

Chair Partington clarified that Mr. Girisgen was proposing that an area be designated as a public access easement. Mr. Girisgen confirmed this. Attorney Dunckel observed that condominium documents sometimes provide the power to their board of directors to grant governmental easements.

Mr. Emery said no such area exists, as the space in question is a driveway into the parking garage. Mr. Girisgen explained that he was asking the Committee if they wanted to take the opportunity to request an easement to allow the public to use this space to turn around, as the owner could close the space if they wished. Mr. Emery said the design of the space prevented it from being closed off without creating problems.

Attorney Dunckel said Mr. Girisgen's point was well taken, and he would need to examine the condominium documents to determine whether or not the association had the authority to make this decision. He added that he would also like to see a sketch of the proposed public access easement.

Chair Partington recalled that Mr. Girisgen had raised the issue of an easement as something that could be made part of the revocable license. Mr. Girisgen agreed with this. Attorney Dunckel added that he would not mind if the language of the **motion** allowed the City Attorney's Office to look into the possibility of an easement and implement it, if the City Attorney's Office and City Engineers agree it is feasible.

Mr. Irvine and Attorney Dunckel **amended** their **motion** as follows: **motion** that the Committee recommend the granting of a revocable license for the installation of the pavers as shown on the supplemental, and that all matters including the maintenance and the activity be addressed in the license; and that in the preparation of the revocable license, the City Attorney's Office explore and use their discretion at getting a public easement for the turnaround at the end of this street.

In a voice vote, the **amended motion** passed unanimously.

Attorneys Dunckel and Sarver explained the approval process to Mr. Emery, noting that the issue would still need to go before the City Commission for final approval.

#### **ITEM FOUR**

#### **VACATION OF A PORTION OF THE ALLEY**

Address: 100 SW River Drive

Robert Lochrie, representing the Applicant, showed a visual of the general area. The Applicant is requesting the vacation of roughly 120 ft. of the property. The existing alley is a substandard 15 ft. wide alley. The Applicant proposes to have an opening for the alley in the building that will be constructed, so the alley would open up into a 20 ft. dedicated vehicular easement that comes out onto SW 1 Avenue.

Attorney Dunckel noted that in the past, overpasses have required more vertical clearance than 15 ft. Mr. Irvine agreed that the minimum requirement would be 16 to 18 ft., as it is sometimes necessary to bring large equipment into an area. Mr. Lochrie said the Applicant could comply within this range, and advised that there are no utilities on the site. Mr. Irvine explained that there could still be a need to service utilities on 1 Avenue and other locations.

Mr. Lochrie continued that the alley cuts into 1 Avenue, with a curb cut along a pedestrian priority street. This is discouraged by both the City's Master Plan and the New River Master Plan. There are currently sewer services flowing north to south in the alley, which are accessed by a manhole. The Applicant proposes to relocate the manhole to the south side of the property. FPL services and a gas meter crossing the site will also be relocated.

Chair Partington asked if drivers can currently drive north to south through the alley. Mr. Lochrie confirmed this. He added that in the future it may be necessary to relocate the entire alley. Chair Partington asked if the alley to the south services a location. Mr. Lochrie said this area is presently vacant, but the alley is being kept in case the property to the south is purchased.

Chair Partington observed that the property to the south would only be accessible through "a right-angle bend." Mr. Lochrie said the Applicant would need to meet the Engineering Department's design requirements in any case. Mr. Girisgen agreed that the turn was very sharp. Mr. Lochrie said it would be possible to exit the alley into the new dedicated area, where the turn to the south would be made.

Mr. Girisgen noted that they must look at the existing width of the alley to determine if it is sufficient to vehicles making this turn. Chair Partington observed that it would be particularly difficult to execute the turn in a large truck. Mr. Lochrie pointed out that a building at the corner in question requires a similar turn under existing conditions.

Chair Partington asked if Mr. Girisgen believed the existing alley would serve the purpose if the property to the south is redeveloped. Mr. Girisgen said it could, but advised that it is the City's practice to dedicate half of what it would take to make the alley 20 ft. wide for the abutting property owners. He requested clarification of where the vacation starts and stops, and noted the area for which a dedication would be requested.

Mr. Lochrie said he had believed the typical alley width was 15 ft. Mr. Girisgen said it is "20 [ft.] ultimately," because alleys are serving more often as access areas at the request of Planning and Zoning.

Mr. Fajardo advised that the Application has gone through DRT review, but has not gone before the DRC. Mr. Lochrie said they will appear before the DRC within the next two weeks. Mr. Fajardo continued that because the project is consistent with the New River Master Plan, Planning and Zoning had no issues with it.

**Motion** made by Chair Partington to approve, subject to the Applicant working with [Mr. Girisgen] on the geometry of where the new public access easement joins the old alley, an additional 2.5 ft. dedication, and the relocation of the sewer, and finalizing the height allowed over the new public access easement.

Ms. Leonard noted that there is only one catch basin in the area, located on the street. It was noted that the Applicant would need to remove or relocate this basin.

Chair Partington added the following **amendment** to his **motion**: subject to removing the storm water catch basin and the height clearance being in conformity with DOT standards.

Mr. Terrell **seconded** the **motion**.

Mr. Irvine expressed concern with the height requirement. Chair Partington asked if the height requirement was related to use by tall vehicles or to maintenance. Mr. Irvine said the 20 ft. height would not apply to regular vehicles, as the DOT's requirement is in the range of 16 ft. Mr. Irvine expressed concern that 18 ft. might be the most appropriate height to request of the Applicant.

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 12:26 p.m.

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