

## EXECUTIVE SUMMARY



**To:** Bogdan Vitas, City Manager

**Through:** Donald Leland Craig, AICP, Planning Director

**From:** Kevin Bond, AICP, LEED Green Associate, Planner II

**Meeting Date:** June 3, 2014

**RE:** **Petition for Vacation of City Property – 1300 White Street (RE # 00040100-000000, AK # 1040827)** – A petition for vacation of a portion of the Whalton Street public right-of-way located within the Historic Public and Semipublic Services (HPS) Zoning District pursuant to Article VII of Chapter 90 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

### ACTION STATEMENT:

Request: To grant the vacation of a 50-foot-wide by 185-foot-long portion of Whalton Street right-of-way within the proposed City Hall property.

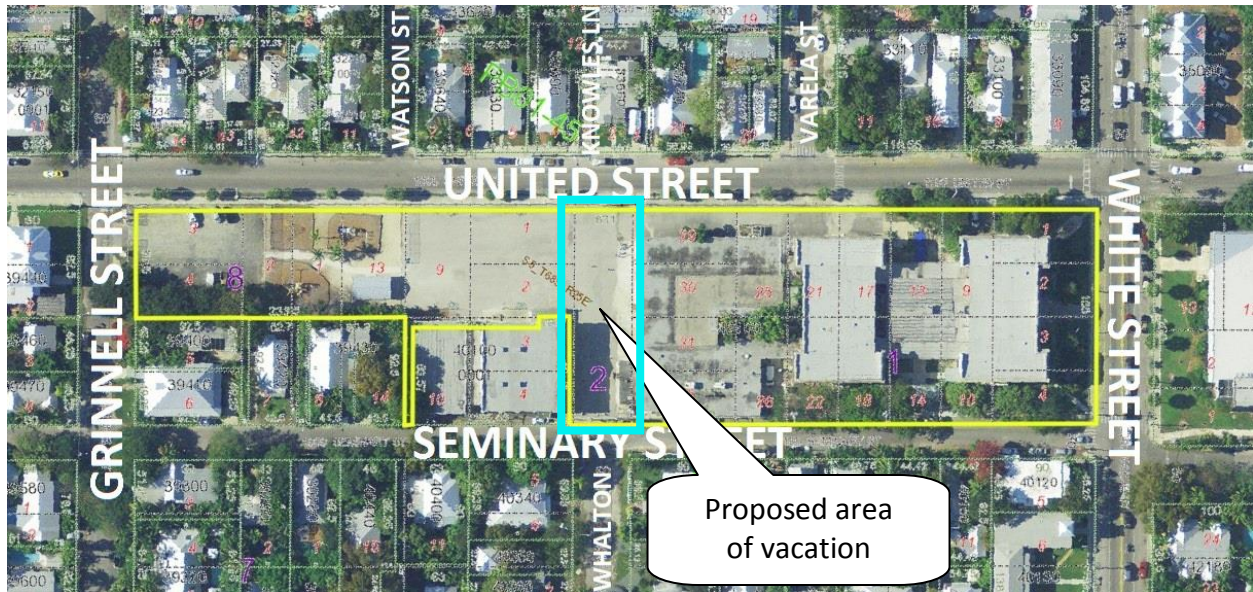
Applicant: Bender & Associates Architects, P.A.

Property Owner: City of Key West

Location: 1300 White Street (RE # 00040100-000000, AK # 1040827)

Zoning: Historic Public and Semipublic Services (HPS)





**BACKGROUND:**

The City of Key West acquired the former Glynn R. Archer Elementary School property located at 1300 White Street from the Monroe County School Board in August 2013 with the intention of renovating the historic building to become its new City Hall, including administrative offices for many City departments and Commission Chambers. The City would consolidate and relocate City departments from elsewhere in the City, including all offices from the current City Hall in Habana Plaza located at 3100 Flagler Avenue.

During the title work for the property acquisition, it was discovered that a portion of Whalton Street, a City right-of-way, that runs northwest/southeast through the middle of the former school property was never properly abandoned. The remnant portion of Whalton Street measures 50 feet wide and 185 feet long. Whalton Street originally terminated at United Street. The two-lane road now runs between Seminary Street to the north and Casa Marina Court to the south.

The remnant portion of Whalton Street existed as a public road from the time the subdivision was platted until the late 1950s or early 1960s, when the School Board built an addition to the rear of the existing school. Referred to as Building C, the addition contained a cafeteria, library, classrooms and a courtyard. At some point, chain-link fences and a low wall were erected enclosing the Whalton Street area within the school property. As part of the proposed City Hall project, Building C has been demolished. The area where Whalton Street existed is proposed to become part of the new parking lot for City Hall. Evidence of the former road can be found in the attached historic maps and photos.

Concurrent with the Petition for Vacation of City Property, several other development approvals would be necessary in order to implement the proposed City Hall project. These applications are being reviewed separately.

- Major Development Plan review is required due to the reconstruction of more than 2,500 square feet of gross floor area, pursuant to Section 108-91.A.2.(b) of the Land Development

Regulations (LDRs) of the Code of Ordinances (the “Code”) of the City of Key West (the “City”);

- Conditional use review is required for cultural and civic activities within the HPS Zoning District, pursuant to City Code Section 122-958(2);
- Waivers to landscaping requirements, pursuant to City Code Section 108-517;
- A height variance for a new mechanical structure and a new elevated hallway/breezeway;
- A variance for the reduction of nonconforming impervious surface ratio.

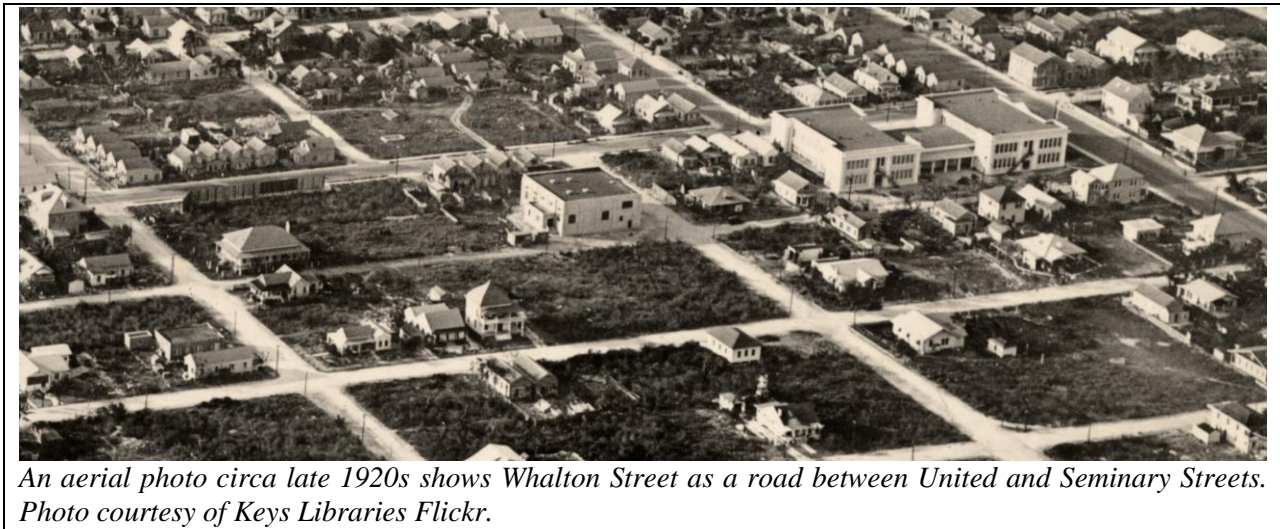
**City Actions:**

Development Review Committee:

January 23, 2014

City Commission:

June 3, 2014



**PLANNING STAFF ANALYSIS:**

The proposed vacation of easements and rights-of-way of governed by Chapter 90, Article VII of the Land Development Regulations (LDRs) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”). City Code Section 90-587 requires the following information to be identified.

(1) *The specific location and legal description of the easement or right-of-way;*

See the attached survey by Frederick H. Hildebrandt.

(2) *The current use of the easement or right-of-way;*

Since the late 1950s or early 1960s, the right-of-way has been a part of the school parking and playground area. The right-of-way is enclosed by fences.

(3) *The projected future use or reuse of the easement or right-of-way;*

The right-of-way is proposed to become part of the parking area for the new City Hall.

(4) *The projected impacts of the proposed vacation on public services now and in the future; and*

No impacts on public services are projected now or in the future. The right-of-way area has effectively been abandoned for over 50 years. The Applicant requested letters of no objection from all public service utility providers, including FKAA, Keys Energy, telephone, cable and



the school district. No objections to the proposed vacation have been received from any public service utility provider.

(5) *The impact on adjacent properties as well as major areas or land uses currently benefiting from a public service or system that uses the subject easement or right-of-way.*

The proposed City Hall project has been designed to avoid or mitigate any impacts on adjacent properties. There would continue to be no vehicular access to or from the property from Seminary Street. No public service utility provider has objected to the proposed vacation.



*Aerial photo from April 2014 depicting the demolition phase of the proposed City Hall development. Building C, the non-historic addition, has been demolished. Photo courtesy of Rob O'Neal.*

**Findings of No Public Purpose:**

Pursuant to City Code Section 90-588, in considering applications for vacating public easements or rights-of-way, the Development Review Committee (DRC) shall review whether any public purpose is served by the subject easement or right-of-way. The DRC reviewed the proposed vacation on January 23, 2014. No objections were filed by any DRC member, including the City Engineering Department, City Fire Department and Keys Energy. Additionally, the Applicant requested letters of no objection from all public service utility providers and the school board, who is still an adjacent property owner. No objections have been received. Therefore, the DRC finds that no current or future public purpose can be identified for maintaining the Whalton Street right-of-way as a public road.

**Final Determination by City Commission:**

Pursuant to City Code Section 90-589, the City Commission shall render the final determination regarding a vacation of a public easement or right-of-way after convening a public hearing with due notice and considering the DRC's findings. The City Commission shall cite specific findings in support of a final decision to vacate a public easement or right-of-way, including an absence of public purpose for the subject easement or right-of-way. Similarly, the City Commission shall identify specific findings in support of any decision to retain the public easement or right-of-

way. Any decision to vacate a public easement or right-of-way shall be by resolution of the City Commission.

**Options / Advantages / Disadvantages:**

**Option 1.** Approve the Petition for Vacation of City Property, based on a finding of no public purpose, with the following condition:

1. This approval shall not become effective until the concurrent applications for Major Development Plan/Conditional Use and Height Variance are approved and effective.

**Consistency with the City’s Strategic Plan, Vision and Mission:** Granting the request would be consistent with the Strategic Plan. Specifically:

- Economy Goals #2: Commercial and residential (re)development this is appropriate to a small city and enhances the sociability of neighborhoods.
- Economy Goal #4: Invest in the development of our workforce.
- Environment Goal #2: The City’s built environment reflects and supports Key West values, architectural history and mixed uses.
- Environment Goal #4: The City leads by example utilizing sustainable practices in City Operations.
- Infrastructure Goal #2: Safe and secure neighborhoods and business districts.
- Infrastructure Goal #4: Long term sustainability of the City’s hard assets.

**Financial Impact:** There would be no cost to the City for granting the request.

**Option 2.** Deny the Petition for Vacation of City Property based on finding of public purpose for maintaining the right-of-way.

**Consistency with the City’s Strategic Plan, Vision and Mission:** Denial of the request would not be inconsistent with the Strategic Plan.

**Financial Impact:** There would be no cost to the City for denying the request. However, there would continue to be property title concerns and other potential legal issues.

**RECOMMENDATION: Option 1.**

Based on the DRC’s finding of no public purpose and Staff’s analysis, the Planning Department recommends to the City Commission **APPROVAL** of the proposed Resolution granting the requested vacation of City Property with the condition outlined above.