

**INDIAN RIVER COUNTY, FLORIDA
M E M O R A N D U M**

TO: Jason E. Brown; County Administrator

THROUGH: Stan Boling, AICP; Community Development Director

THROUGH: John W. McCoy, AICP; Chief, Current Development

FROM: Ryan Sweeney; Senior Planner, Current Development

DATE: February 26, 2018

SUBJECT: Prima Vista II Corporation's Request for Abandonment of a Portion of 129th Avenue (now being 93rd Avenue) and a Portion of 130th Avenue (now being 93rd Court) within the Paradise Park Unit No. 3 Subdivision [ROWA-17-02-01 / 2002010153-78160]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of March 6, 2018.

BACKGROUND:

This item was previously scheduled for a public hearing at the April 11, 2017 Board meeting. However, the item was pulled from that agenda due to a discrepancy in the property owner information. That discrepancy has been addressed to the satisfaction of the County Attorney's Office and is now presented for the Board's consideration.

DESCRIPTION AND CONDITIONS:

Schulke, Bittle, and Stoddard, LLC, on behalf of Prima Vista II Corporation, is requesting abandonment of a portion of 129th Avenue (now being 93rd Avenue) and a portion of 130th Avenue (now being 93rd Court) within the Paradise Park Unit No. 3 Subdivision, which is generally located at the northeast corner of Interstate 95 (I-95) and S.R. 60 (see attachment 2). Both rights-of-way are 70 feet wide and are essentially "paper streets." The rights-of-way were platted in 1956 and have never been formally improved for vehicular use, drainage improvements, or utility improvements.

Currently, the applicant owns all of the abutting property [i.e. all of Block P and all of Block K (less the I-95 right-of-way), Paradise Park Unit No. 3 Subdivision] on either side of the subject portions of rights-of-way, and all of those lots have been combined via Unity of Title(s). Those properties, as well as other properties in the area are currently vacant (see attachment #3) and are designated C/I, Commercial/Industrial or M-1, Medium-Density Residential-1 (up to 8 units/acre). If abandoned, the applicant will combine the two parcels and the two rights-of-way, creating a single ±4.97 acre parcel with frontage on other existing, currently unimproved platted rights-of-way (see attachment #2). No other property owners will be affected by the proposed abandonment, as the applicant currently owns all property (lots) abutting the subject rights-of-way.

As required by the County land development regulations (LDRs), prior to the Technical Review Committee (TRC) meeting at which the subject application was reviewed, staff notified each property owner adjacent to the subject portions of rights-of-way by regular mail. Staff has received no objections regarding the request.

At this time, the applicant requests that the subject rights-of-way be abandoned.

ANALYSIS:

Consistent with guidelines established by the Board, this petition was reviewed by all County divisions and utility providers having jurisdiction or potential interests within the subject portions of rights-of-way. Upon review, all reviewing departments and agencies indicated that they reviewed and approved the request for abandonment without the need to retain a drainage or utility easement over the area to be abandoned. Therefore, the proposed abandonment resolution does not include a request to retain a drainage or utility easement over the area to be abandoned. It should be noted that the subject portions of rights-of-way are either abutting or near I-95. Therefore, the subject abandonment request was also reviewed by Florida Department of Transportation (FDOT) staff. FDOT staff have approved the request.

As noted on the County Thoroughfare Plan, the subject right-of-way is not part of the County's major roadway system and is not needed for the thoroughfare system or for traffic circulation in the surrounding platted subdivision. In this case, the subject rights-of-way do not provide primary access to any property, and most of the rights-of-way within the Paradise Park Unit No. 3 Subdivision are unimproved, "paper streets." Additionally, I-95 was designed and constructed after the plat of Paradise Park Unit No. 3, effectively split the plat in half, and eliminated part of the subdivision grid layout.

The properties adjacent to the subject portions of rights-of-way are mostly zoned CG, General Commercial and the proposed abandonment will facilitate future commercial development of the site. The subject properties and other adjacent properties that are owned by the applicant will be accessed via code-required road improvements that will be defined during a future development review process (e.g. a site plan or planned development application) for the subject properties. Since all adjacent lots have adequate frontage on a remaining platted (unimproved) road right-of-way, the abandonment will not affect the right of convenient access to any surrounding properties. Also, the County Attorney's Office has reviewed and approved the attached abandonment resolution for legal form and sufficiency.

RECOMMENDATION:

Based on the analysis, staff recommends that the Board abandon its rights to the subject portions of rights-of-way and authorize the chairman to execute the attached abandonment resolution.

ATTACHMENTS:

1. Application
2. Location Map
3. Aerial
4. Abandonment Resolution