



CITY OF FORT PIERCE

PLANNING DEPARTMENT

REBECCA GROHALL, AICP, PLANNING MANAGER
COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING

TO: Robert J. Bradshaw, City Manager
THROUGH: Rebecca Grohall, AICP, Planning Manager
FROM: Kori Benton, Historic Preservation Officer
SUBJECT: Abandonment of Right-of-way
Boston Avenue Extension – East of Indian River Drive
DATE: July 23rd, 2014

STAFF REPORT

Owner(s): St Andrews Episcopal Church St. Andrews Episcopal Academy
210 S Indian River Dr 210 S Indian River Dr
Fort Pierce FL 34950-4337 Fort Pierce FL 34950-4337

Applicant: St. Andrews Episcopal Church & School c/o John Liebler
210 S Indian River Dr
Fort Pierce FL 34950-4337

Representative: Trina Angelone, Head of School
210 S Indian River Dr
Fort Pierce FL 34950-4337

Requested Action: Abandonment of Boston Avenue Extension

Location: Boston Avenue East of S. Indian River Drive, West of the Indian River –
Approximately 290 S. Indian River Drive

Parcel ID: 2410-804-0003-000-4, 2410-804-0004-000-1, &
2410-808-0001-000-2

Zoning: C-4, Central Commercial & C-1, Office Commercial

Surrounding Zoning:

North	East	South	West
C-4	A-2	C-1	C-4

Future Land Use: CBD, Central Business District

Land Area of Subject ROW: .22 acres

Staff Analysis:

In accordance with City Code Section 17-1, Abandonment, narrowing, etc., of streets, the applicant is requesting the City Commission of the City of Fort Pierce vacate and abandon a 25 ft. by approximately 380 ft. extension of right-of-way known as Boston Avenue, as identified in Plat Book 5, Page 32, Public Records of St. Lucie County, Florida; said right-of-way lying east of South Indian River Drive and west of the Indian River, north of Citrus Avenue.

The subject right-of-way was created in the 1920s, after dredging and shoaling extended the river bank east of Indian River Drive several hundred feet into the Indian River Lagoon. The property boundaries were extended eastward, continuing the Boston Avenue right-of-way eastward as well, terminating at the existing seawall established and maintained by the City of Fort Pierce. The subject section of Boston Avenue has never been formally paved, however the City Commission opened a portion of the right-of-way in 1975 to provide formal access to an apartment complex previously situated along the riverfront. Although this section of Boston Avenue remains unpaved, it provides legal access to a parcel of land, and to the former apartments, which would be landlocked otherwise. The noted apartment complex was demolished in 2003.

St. Andrew's Episcopal Academy has purchased 2.31 acres of property adjacent to this section of Boston Avenue; supplementing the 2.77 acres of land owned by St. Andrew's Church representative of their established facilities. The request is based upon St. Andrew's acquisition of land abutting this extension of Boston Avenue, and their preparation of a development plan to pursue expansion of their existing private school in Downtown Fort Pierce. The abandonment and acquisition of this section of right-of-way provides greater flexibility and capacity for design as St. Andrews prepares plans for the prospective expansion.

Staff has noted that the abandonment of this section of Boston Avenue would effectively land lock Parcel# 2410-804-0004-000-1, rendering it a non-conforming lot, therefore the applicant shall complete a Unity of Title with their currently held Parcel to the west, or to the north, prior to the recording of the proposed abandonment.

All affected Departments have reviewed the submittals, and provided approvals for the proposed abandonment based on compliance with the requirements of the City Code.

Code of Ordinances

City of Fort Pierce Code Section 17-1 outlines considerations of the abandonment, narrowing, etc., of streets as follows:

(a) No street, alley or way shall be closed, abandoned, relinquished or narrowed except by ordinance.

(b) The person requesting abandonment of any street alley, or right-of-way shall be responsible for the payment of all costs involved in, or incurred by, the process of vacating and abandonment of any street, alley, or right-of-way.

(Ord. No. K-106, § 1, 10-1-01)

Comprehensive Plan

The adopted City of Fort Pierce Comprehensive Plan seeks to develop opportunities to provide the public with expanded access to the waterfront. The proposed request shall be reviewed based upon the appropriate Goals, Objectives, and Policies within the Comprehensive Plan that express this strategy as the abandonment includes a section of right-of-way abutting the water front. The applicable Goals, Objectives and Policies identified are as follows:

1.8 Objective:

The City will coordinate with the Community Redevelopment Agency (CRA) to address blighted areas in the City, provide basic needs of the area, discourage urban sprawl, and take advantage of opportunities for economic, social, or aesthetic improvements.

1.8.2 Policy: The City will coordinate with the CRA to encourage redevelopment and reinvestment within the Community Redevelopment Area:

- (3) Enhance public open spaces, small community centers, amphitheaters, and address public access to the waterfront.

7.4.3 Policy:

The City of Fort Pierce shall actively pursue the development of linear parks and integrated open space systems along waterfront properties. This shall be accomplished by collocating pathways, pedestrian accommodations and plantings alongside waterways and water bodies such as, but not limited to, canals, creeks, streams, rivers, lakes, channels and other water features. Public access to waterfront areas shall be secured through the recordation of access easements or land dedication as outlined in the Land Development Regulations.

The initial concept presented by Staff was centered upon the expansion of existing waterfront access along Melody Lane, the implemented concept at the Inlet Linear Park facilitated by the acquisition of public access easements, and the presented elements of the City's Comprehensive Plan, however; a variety of design approaches and concepts are encompassed within the identified policies, providing numerous approaches to achieve the recognized vision.

Planning Board Recommendation:

The Planning Board, at their May 13th, 2014 meeting, voted unanimously to recommend approval of the request with the conditions recommended by Staff. It is noted that a previously recommended condition of approval sought the retention of utility easements for the benefit of the Fort Pierce Utilities Authority (FPUA), however FPUA has declared that the discussed easements are unnecessary to the absence of infrastructure.

The recommendation forwarded by the Planning Board encompassed the endorsement of the initial option identified to exchange the subject right-of-way for an easement along the waterfront, extending from Melody Lane to the southern boundary of Boston Avenue, as it fulfilled the commitment of the City of Fort Pierce to maximize public access to the waterfront, and appeared to minimize impacts to the proposed expansion of St. Andrew's Episcopal Academy.

Applicant Proposal:

The applicant and representative of the request have expressed concerns regarding the acquisition of a linear access easement for the public along the waterfront, extending from Melody Lane south to the terminus of Boston Avenue. The applicant and representative have presented two counter proposals, or requested options for the City Commission to consider in exchange for the abandonment of the subject section of Boston Avenue. The two proposals are outlined as follows:

- 1) **Payment of Appraised Market Value:** The applicant would pay the City of Fort Pierce \$170,000, the appraised market value of the Right-of-way requested to be abandoned; or
- 2) **Dedication & Development of a Public Access Parcel:** The applicant would convey to the City a Public Access Parcel along the Indian River. The proposed conveyance is presented in the attached Sketch & Legal Description of the Public Access Parcel and the Conceptual Rendering of Public Access Space. In addition to dedication of the Parcel, the applicant would agree to improve the Parcel substantially as shown on the enclosed artist's rendering as presented in the attached St. Andrews'

Conceptual Plan for Proposed Public Access Parcel, concurrent with the development of the applicant's property, and upon receipt of any necessary approvals and permits from the City. The presented improvements include paving, benches, decorative lighting (power to be supplied by City), landscaping and a central elevated base where the City may display a sculpture or other art feature (art to be supplied by City). The present value of the Parcel (\$60,000) coupled with the estimated cost of the design and installation of the improvements as presented in the artist's rendering (estimated at approximately \$100,000) are estimated to accrue very near the presented value of the right-of-way requested to be vacated. The cumulative value is estimated at nearly \$160,000 to complete this proposal.

The elements contained with the advance of Option 2, Dedication & Development of a Public Access Parcel, embrace identified Comprehensive Plan Policies 1.8.2 (3) and 7.4.3 through the enhancement of public open spaces via the expansion of public access to the waterfront beyond the current terminus at Melody Lane. The proposal also encompasses enriched open space features to compliment the present walkway and future Melody Lane Fishing Pier. Furthermore, the design offers to advance the integrated open space system present along the waterfront, supplementing the linear walkway that stretches nearly a mile from Seaway Drive to this extended point. The Conceptual Plan presented similarly embodies pedestrian accommodations and landscape plantings alongside the waterfront to augment the established pedestrian corridor.

The applicant has further indicated that a component of both counter proposal options includes a guarantee of maintenance for the seawall by the property owner of real property abutting the seawall. The costs associated with the continued maintenance of this section of bulkhead along the waterfront is immeasurable as this time, as the City has not compiled such figures or identified this as a priority capital improvement project. The presented commitment provides an opportunity to offset future costs or repair or reconstruction to this essential infrastructure.

The selection of either option presented by the applicant would necessitate the advertisement and authoring of a revised Ordinance to facilitate formal action taken upon the request for Abandonment and the associated components for inclusion.

Staff Recommendation:

The recommendation of Staff is that the City Commission directs the preparation and advertisement of a revised draft of Ordinance 14-018 to include the following provisions:

- 1) The dedication of the proposed Public Access Parcel as presented by St. Andrew's;
- 2) A Developer's Agreement detailing commitments to construct the presented amenities within the Public Access Parcel, as well as maintenance of the bulkhead abutting their privately held property, and potential successors; and
- 3) A reversion clause that authorizes the City of Fort Pierce to regain ownership of the subject extension of Boston Avenue if a Site Plan is not approved by the City Commission within twelve (12) months;

The proposed condition of approval remains that the applicant records a Unity of Title between Parcels 2410-804-0003-000-4 & 2410-804-0004-000-1 prior to the effective date of the abandonment as to avoid the creation of a nonconforming lot.