



Legislation Details (With Text)

**File #:** ORD 2019-019      **Name:** Lyons Exchange Vacation of Easement Western

**Type:** Ordinance      **Status:** Passed

**File created:** 6/13/2019      **In control:** City Commission

**On agenda:** 8/8/2019      **Final action:** 8/8/2019

**Title:** AN ORDINANCE VACATING, RELEASING, AND ABANDONING A UTILITY EASEMENT FOR THE PROJECT KNOWN AS LYONS EXCHANGE CENTER, GENERALLY LOCATED ON THE WEST SIDE OF LYONS ROAD AND NORTH OF THE SAWGRASS EXPRESSWAY, WITH SAID EASEMENT LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO. (QUASI-JUDICIAL) (SECOND PUBLIC HEARING)

**Sponsors:**

**Indexes:** Ordinance, Planning and Zoning, Vacation of Easement

**Code sections:**

**Attachments:** 1. ORDINANCE 2019-019-Lyons Exchange Western Easement Vacation, 2. EXHIBIT A-Sketch & Legal-Lyons Exchange Western Easement Vacation, 3. BACKUP-Aerial Photo-Lyons Exchange Western Easement Vacation, 4. BACKUP-Exhibit-Lyons Exchange Western Easement Vacation, 5. MINUTES-2019-0612 PZ Mtg

Date	Ver.	Action By	Action	Result
8/8/2019	1	City Commission		
7/11/2019	1	City Commission		

AGENDA ITEM REPORT

**TITLE:**

AN ORDINANCE VACATING, RELEASING, AND ABANDONING A UTILITY EASEMENT FOR THE PROJECT KNOWN AS LYONS EXCHANGE CENTER, GENERALLY LOCATED ON THE WEST SIDE OF LYONS ROAD AND NORTH OF THE SAWGRASS EXPRESSWAY, WITH SAID EASEMENT LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO. (QUASI-JUDICIAL) (SECOND PUBLIC HEARING)

**BACKGROUND:**

**This item was approved on First Reading at the July 11, 2019, City Commission Meeting.**

The applicant, Butters Acquisitions LLC, is seeking approval for the vacation of a portion of a 12-foot easement adjacent to the western property line of "Parcel A" of the Springs-McKenzie Plat, generally located on the west side of Lyons Road and north of the Sawgrass Expressway.

Along the west property line there are two parallel easements. One is ten (10) foot and one is twelve (12) foot. The twelve (12) foot easement houses a water service line that is being relocated and thus the easement is proposed to be vacated.

Pursuant to Section 13-346(c)15, a minimum fifty (50) foot landscape buffer is required between an

Industrial zoned parcel and a residential district. Per the City's Land Development Code, specifically engineering requirements, larger maturing landscape material may not be located within an easement. As such, the applicant is seeking approval to vacate a portion of the above referenced "second" 12' utility easement adjacent to the western property line. If approved, the vacated easement will allow the installation of landscaping including trees along the western property line in compliance with minimum landscape buffer requirements between the subject property and the existing Regency Lakes Single Family community to the west.

**DISCUSSION:**

As required, the applicant has provided correspondence from affected utility companies, and has determined that only a water service line currently exists within the subject utility easement. The applicant has agreed to remove and relocate utility lines in accordance with City Engineering Department requirements and new easements will be recorded as required and applicable.

**PUBLIC INVOLVEMENT:**

Per Section 13-36.2, property owners within 500 feet of the subject property were notified by mail of the vacation of easement request and invited to attend the City Commission meeting. One hundred and eighty-five (185) notices were mailed by the City on June 27, 2019. To date, staff has received two (2) public inquiries related to the project.

**RECOMMENDATION:**

The Planning and Zoning Board, at its June 12, 2019, meeting, recommended approval of this application subject to the condition that outstanding DRC comments remain effective throughout the development review process and must be addressed prior to issuance of a building permit. Outstanding DRC comments are included in the Planning and Zoning Board Agenda backup and are available online for review.

**FISCAL IMPACT: N/A**