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# 105 Elm Ave Driveway Access

Gagne Construction

May 16<sup>th</sup>, 2022



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# Agenda

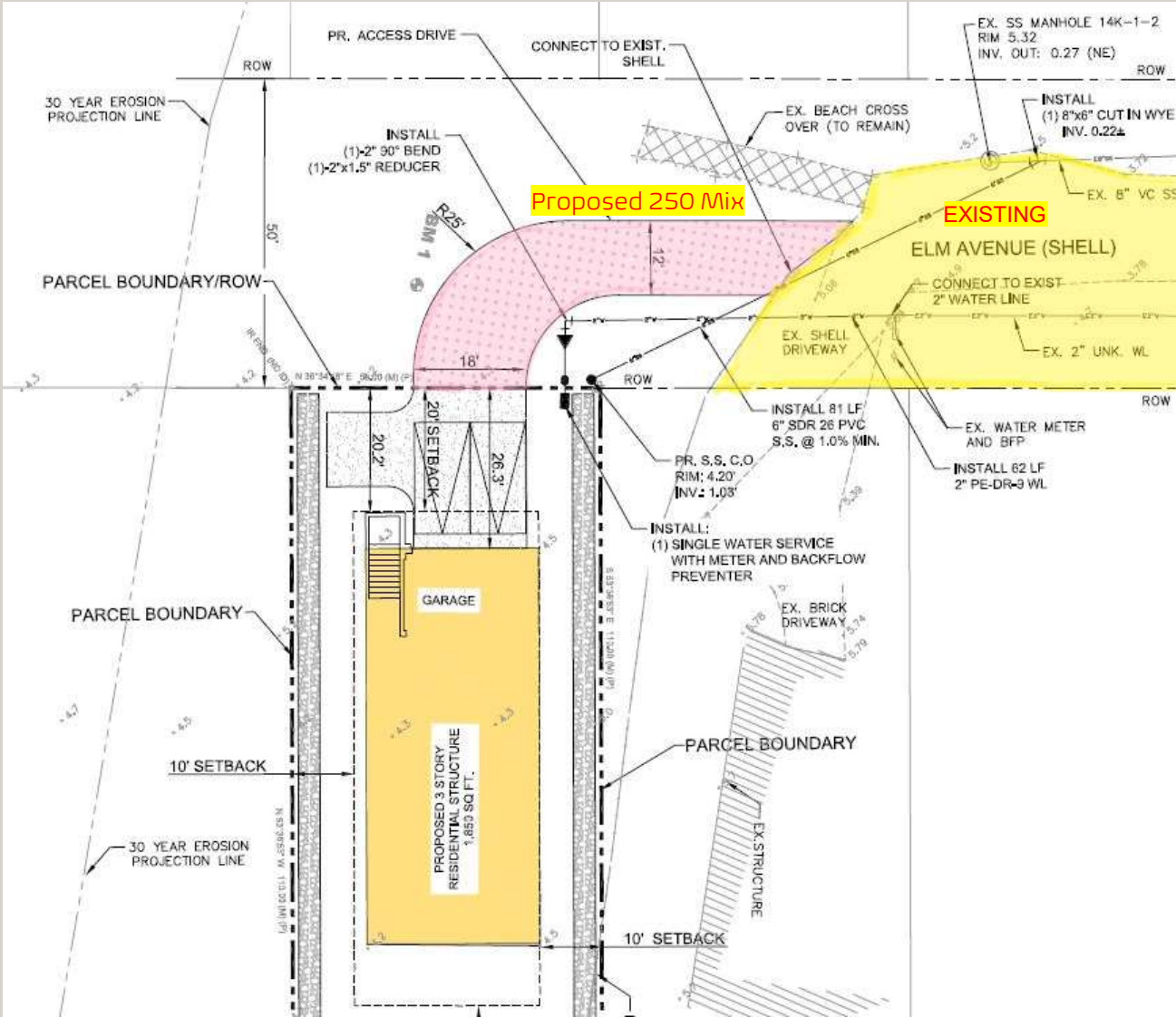
- 01 Introduction & Proposed Plan
- 02 Current Conditions of Elm Avenue
- 03 Right of way access permit
- 04 Applicable Code Provisions
- 05 Questions
- 06 Closing

# Introduction

- Nicole Poot – Esquire Lewis,  
Longman & Walker
- Dan Gagne – General Contractor  
Gagne Construction
- Erin Tumolo –PE  
Morris Engineering
- Fedora Campbell  
Property Owner

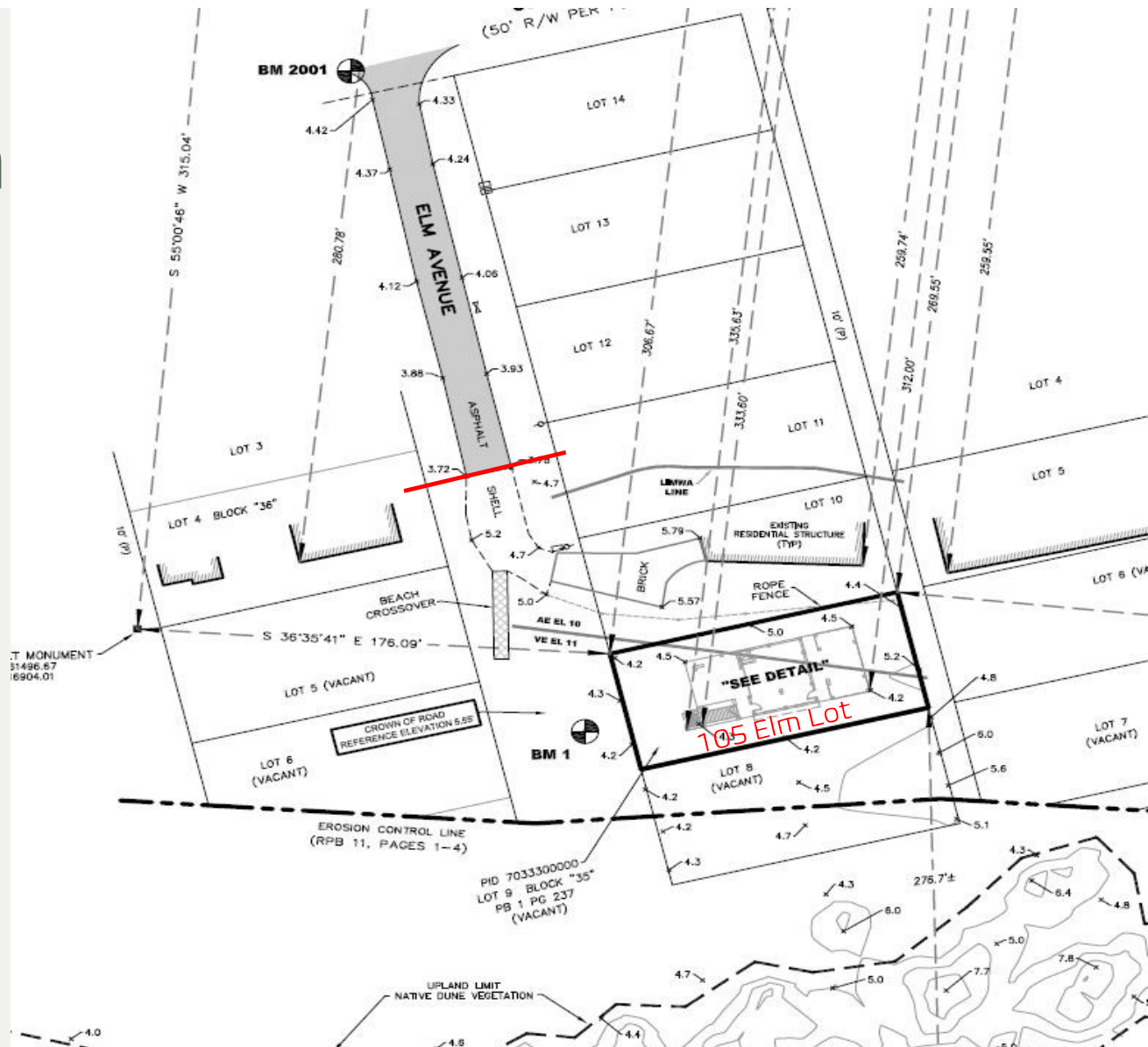
# Proposed Plan

Provide our client Mrs. Campbell, with driveway access by extending the existing 250 mix roadway to her property. This proposed access will cause the least amount of impact on the existing habitat and coincide with the previous roadway extensions.



# Current Conditions of Elm Avenue

- The Survey depicts where the existing asphalt ends, and the existing 250 mix roadway begins.



# Photos of current 250 mix roadway

Aerial view of end of asphalt



# More photos of current Elm Avenue



# Right of Way Access Permit

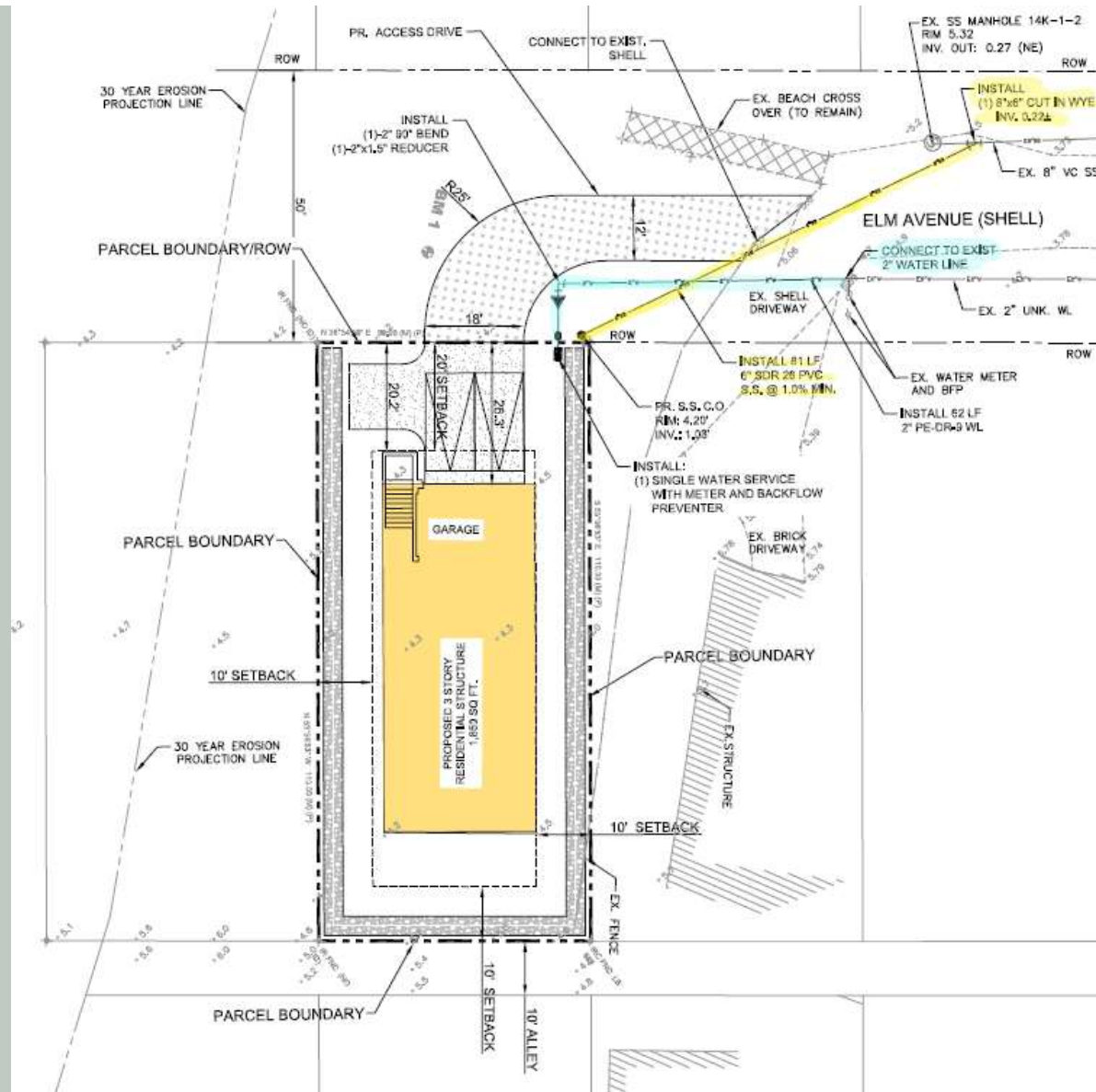


Gagne Construction has applied for a right of way access permit to use a portion of the city's right of way for access to the future driveway of Mrs. Campbell's home. Some Key points in our right of way access permit application are the proposed utilities plan and the proposed drainage plan.



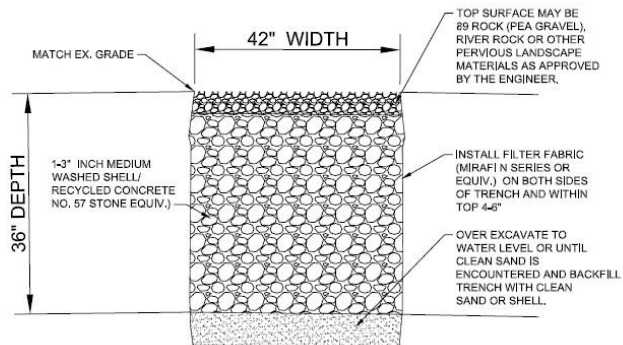
# Utilities Plan - Water & Sewer

We have located the existing water and sewer service on Elm avenue. We proposed to extend the water and sewer to 105 Elm.



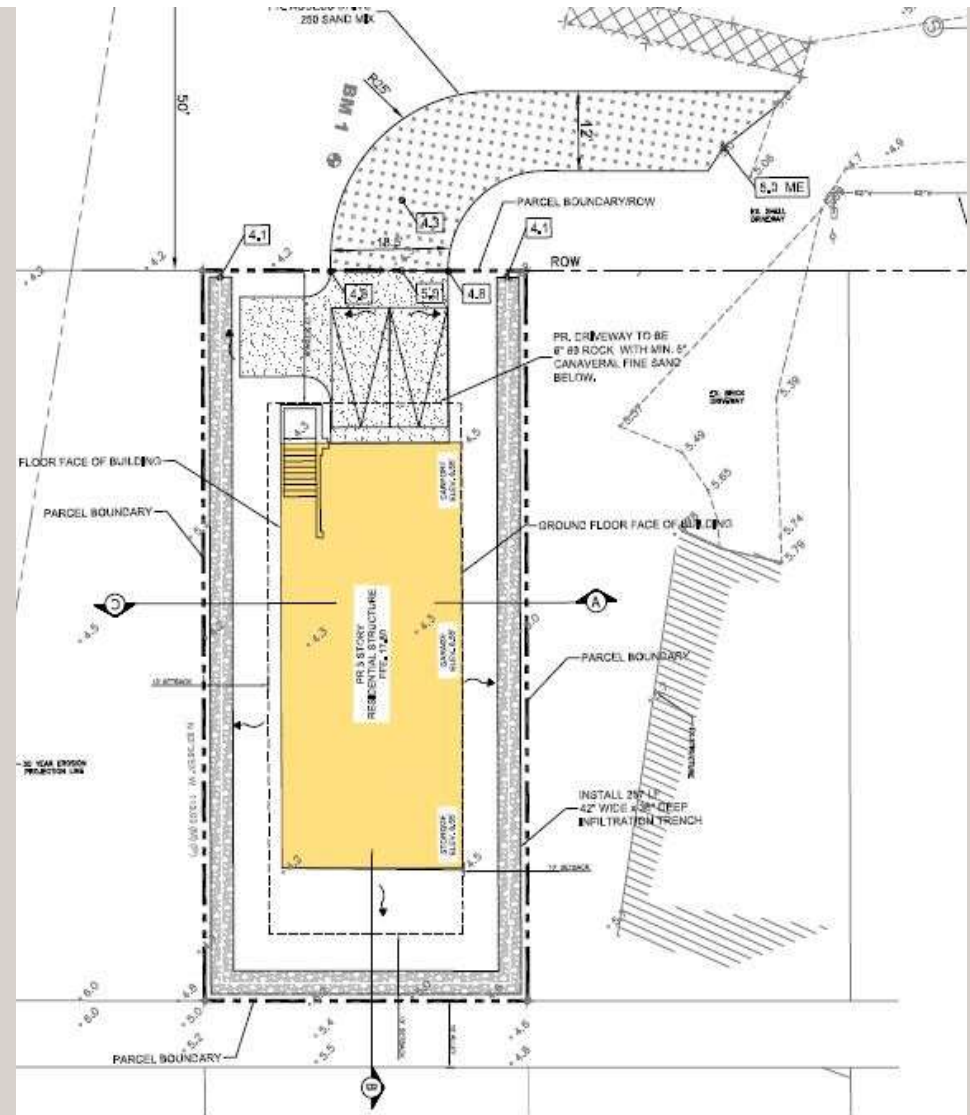
# Site Drainage

We are proposing to provide standard infiltration trenches on the property. This drainage system will serve to protect and maintain the natural wildlife habitats and minimize flooding for the surrounding properties.



**TYPICAL INFILTRATION TRENCH**

NTS



# Applicable Code Provisions

## Sec. 114-604. - Permits.

(a)

Except as otherwise provided in this article or other city or valid law, any work in, or use of, any right-of-way without a valid permit is prohibited. Except as provided by this article, any work in progress in any right-of-way, or use of any right-of-way, without a valid permit, shall be stopped with or without an order from the director of public works until such time as a valid permit is produced on the site. The director of public works, or any other person authorized by the mayor, may issue a stop-work order, which shall have the effect of suspending all work at an un-permitted site until such time as a permit has been issued. Any person receiving a stop work order shall cease all work except for any work needed to ensure safety.

(b)

The director of public works is authorized to approve an application/permit for right-of-way utilization which is in compliance with this article.

(c)

After approval of an application/permit by the director of public works and payment of the required fee by the applicant, a copy of the approved application/permit will be issued to the applicant. The copy of the permit must be available for inspection at all times at the work site while work is being performed. All permits will contain a copy of "Standard Instructions and Conditions", a copy of which is attached hereto and incorporated herein as Exhibit "A". The director of public works may impose additional reasonable conditions on any permitted project, which conditions shall be included in the "Standard Instructions" of that particular project. Changes to the standard instructions and conditions may be approved by director of public works from time to time.

(d)

The permit is valid for a period to be set by the director of public works, not to exceed one year. The expiration date must appear on the permit. Prior to expiration, the permittee may request an extension. The director of public works may grant an extension by issuing a new permit, which permit may not be issued for a period of more than six months. No more than one such extension shall be granted.

(e)

Permits shall not be required prior to emergency repairs but as-built drawings shall be provided in accordance with subsection [114-605\(b\)](#) below.

(f)

Permits may be issued pursuant to this article authorizing the temporary closure of public rights-of-way in order to facilitate work done in the public right-of-way or on property adjoining or in proximity to the public right-of-way, when such work will or has the potential to be a danger to those persons using the public right-of-way. The director of public works is authorized to attach conditions to such permits including signage, posting of flagmen, or limiting the hours in which the right-of-way may be closed as circumstances dictate.

# Applicable Code Provisions

## Sec. 114-421. - Uses within right-of-way.

(a)

*Generally.* With the exception of the planting of grass or 250 filter mix, no encumbrances of any kind, such as trees, bushes, rocks, stones, plantings, pea gravel, crushed shell, etc., shall be placed or constructed on the right-of-way within eight feet of the edge of pavement without the written approval of the director of public works and a majority of the members of the city commission; provided, however, that regulatory signage pertaining to traffic control, safety structures, and public utility equipment are permitted by right within the right-of-way. The city commission is authorized to approve by resolution administratively established fees necessary for processing this section.

(b)

*Pervious brick pavers system.* Notwithstanding the foregoing, a permit for a pervious brick paver system within the right-of-way may be issued by the Building Department with the approval of the public works director under the following conditions:

(1)

The pavers must be constructed using pervious pavers meeting the city's design and installation standards.

(2)

Pavers in the right-of-way shall not extend beyond the border of the driveway or a maximum width of 24-feet, whichever is less.

(3)

A non-exclusive right-of-way use/maintenance agreement shall be prepared, executed and submitted to the city, obligating the owner of the property to perpetually maintain the paver improvements. The agreement shall be in recordable form and recorded in the public records of Manatee County at the owner's expense.

(c)

*Business activities.* No commercial business or business activity shall be conducted on the right-of-way.

(d)

*Right of city to trim or remove plantings and remove pervious brick pavers systems.* The city retains the right to trim or remove any plantings, or pervious brick pavers system, or other privately placed obstructions on the right-of-way if the plantings, pervious brick paving system, or other obstruction are a hazard or have the potential to be a hazard to the public using the right-of-way, or if it is appropriate (as determined by the city) that they be removed to facilitate work on any utility or for any other public purpose. Plantings, pervious brick paving systems, and any other obstructions placed within the right-of-way are there subject to the city's overriding right of control of uses within the right-of-way. The city retains the right to remove or trim any plantings, pervious brick paving systems, and any other obstructions placed within the right-of-way, and there shall be no right of reimbursement on the part of any party for loss of same.

(e)

*Parking.* Parking within the right-of-way shall be controlled by the city commission, and appropriate signage may be posted on the appropriate rights-of-way indicating parking regulations pertaining to the subject length of right-of-way.

# Comprehensive Plan Compliance and Existing Entitlements

- Also as stated in your agenda backup this property is specifically identified as one of the lots within the conservation district (CON-1) appropriate for development of a residential unit. It is one of only 9 such vacant lots.
- The Property received a Determination of Buildable Area from the City for development of the Parcel – finding that the project would not contravene City regulations.
- The Property received a Letter of No Objection from City confirming compliance with setback, building height and other standards of Zoning Code.
- Property received a FDEP CCCL Permit in August of 2021

# Questions

We welcome any questions and feedback from the planning and zoning board.



# Closing

We therefore request that the Planning and Zoning board recommend approval of Right-of-way Use Permit No. ROW22-000002 with the stipulation proposed that the permit be transferred to FDEP for review and approval.

The proposed 250 mix extension is consistent with the previous street extensions, and the project meets all of the applicable City building and code requirements.

