

MEMORANDUM

TO: Max Royle, City Manager

FROM: William Tredik, P.E. Public Works Director

DATE: November 23, 2020

SUBJECT: Alvin's Island Driveway Connection on Versaggi Drive

BACKGROUND

On March 2, 2015, the City Commission voted to deny driveway connections from Versaggi Drive to 3848 A1A South (Alvin's Island) and 3900 A1A South (property south of Versaggi Drive). Edmunds Family Partnership, LLP (Owner), the owner of both properties, appealed the decision to the Circuit Court, and the Court remanded the issue back to the City Commission. On March 1, 2016, the City Commission denied the request on remand.

The Owner filed suit against the City regarding the city's sign ordinance and the denial of the driveways. In February 2017 mediation between the City and the Owner resulted in a settlement agreement which was approved unanimously by the City Commission on April 3, 2017. The settlement agreement specifically states:

- a) *The City has agreed to allow Plaintiffs to construct a curb cut on the south side of Versaggi Drive on the east side of State Road A-1-A on the real property owned by the Plaintiff (the "South Side Curb Cut"). The South Side Curb Cut shall be constructed in accordance with Plaintiffs' most recent application for a curb cut at this location, a copy of which is attached as **Exhibit A**, and shall be designed to only allow traffic to enter from the west into the real property owned by Plaintiff on the south side of Versaggi Drive. Additionally, Plaintiffs shall erect and maintain signage indicating that no exit is permitted out of the South Side Curb Cut.*
- b) *Two and one-half years after the Effective Date, but not sooner, Plaintiffs may submit an application for a curb cut request on the north side of Versaggi Drive on the east side of State Road A-1-A on the real property owned by the Plaintiff (the "North Side Curb Cut"), which shall be considered on its own merit. The North Side Curb Cut shall be constructed in accordance with Plaintiffs' most recent application for a curb cut at this location and shall be designed to only allow traffic to enter from the west into the real property owned by Plaintiff on the north side of Versaggi Drive. The City retains the right to review Plaintiffs' North Side Curb Cut application to ensure it complies with the City's then existing code requirements, and the Plaintiffs reserve the right to modify the most recent*

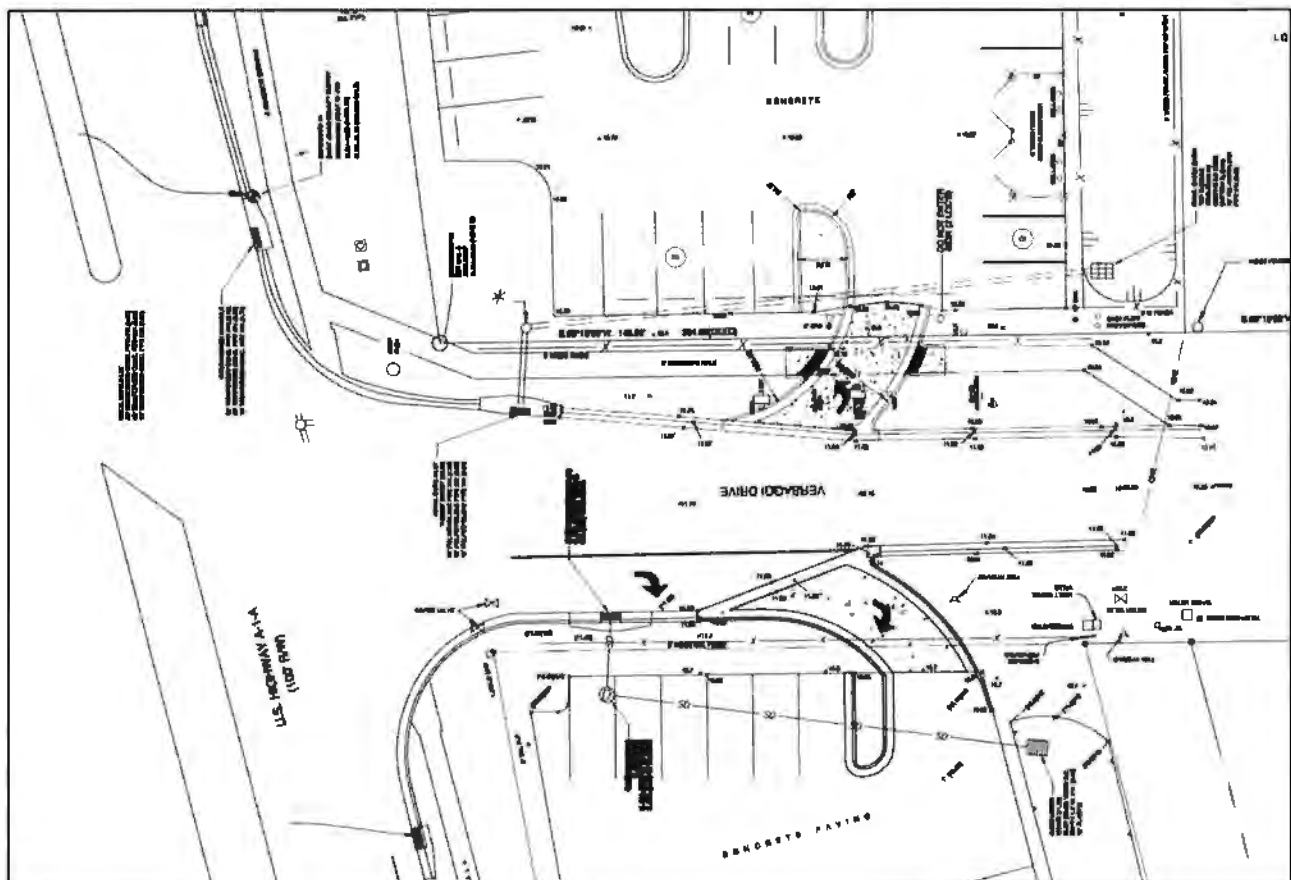
application to the extent appropriate to respond to amendments or deletions to the City's applicable standards between the Effective Date of this Agreement and the date of application for the North Side Curb Cut. Regardless of code or other modifications to applicable standards, Plaintiffs shall not be entitled to a curb cut that would allow entry from or exit to the east. Additionally, Plaintiffs shall erect and maintain signage indicating that no exit is permitted out of the North Side Curb Cut. The Parties agree that this provision shall not be construed so as to require any future Commission to grant a curb cut request on the north side of Versaggi, to the extent the application does not comply with the conditions set forth herein.

- c) *Plaintiffs hereby voluntarily waive any right to pursue any other curb cut requests or modifications from the City concerning its parcels at the intersection of Versaggi Drive and A-1-A.*

Paragraph a) above relates to the driveway on the south side of Versaggi. This driveway has been constructed per the settlement agreement.

DISCUSSION

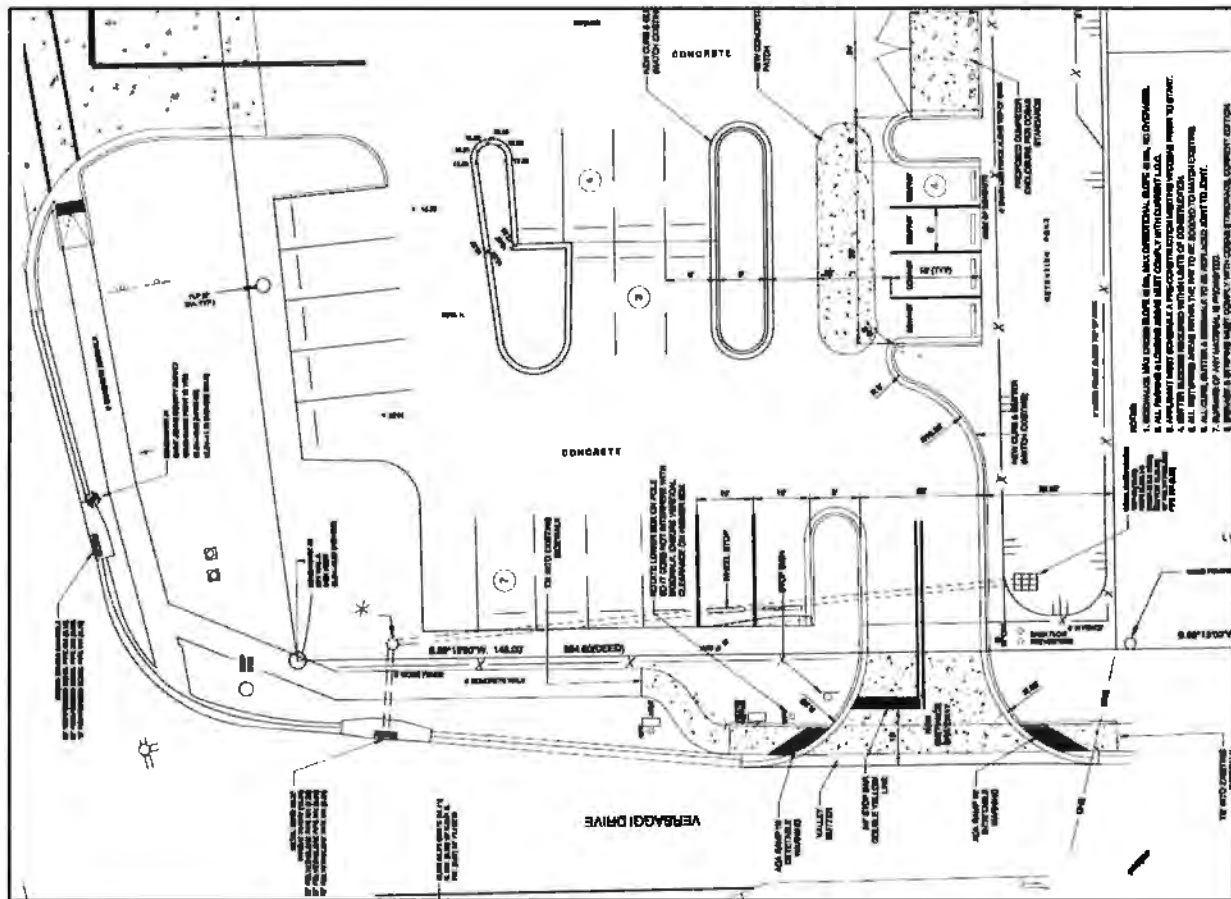
The required two and a half years passed since the settlement agreement, and in January 2020 the Owner's engineer submitted the following preliminary sketch showing a left-in only driveway to the North parcel:



Though the left-in concept meets the intent of the settlement agreement, it poses safety concerns due to its unusual configuration, including:

- The sweeping left-in encourages vehicles coming from S.R A1A to enter the Alvin's Island parking lot at higher velocities than would a typical 90° ingress/egress driveway. These higher entry velocities pose safety concerns for westbound traffic on Versaggi Drive as well as pedestrians on the sidewalk.
- A sweeping left-in which crosses traffic, when done, is typically accompanied by a dedicated left turn lane which allows queued turning vehicles to stack and await an opening. There is no room for such a dedicated lane in this location. Turning drivers are thus encouraged to quickly enter the Alvin's parking lot, increasing the risk of conflict as discussed in the previous bullet.
- Though the driveway is intended to be a left-in only, its configuration is identical to a right-out only. As such, the likelihood of driver confusion and frustration is increased, resulting in both unintentional use of the driveway for egress, and intentional egress for convenience sake. The potential for vehicle/vehicle as well as vehicle/pedestrian conflict is increased when the geometric design is inconsistent with the desired traffic pattern.

Due to these safety concerns, the Public Works Director met with the owner's engineer onsite to investigate safer driveway configurations. After investigation and discussion, it was agreed that a standard driveway ingress/egress driveway configuration provided a safer alternative. The engineer agreed to modify the plan as such and resubmit. The engineer submitted a revised plan in June 2020, and the Public Works Director required further improvements to improve pedestrian safety. The following plan was submitted in September 2020, addressing the Public works Director's comments.



The revised plan offers several safety improvements from the previous left-in only plan, including:

- The ingress/egress configuration reduces driver confusion and eliminates the potential for intentional driver disregard of traffic patterns.
- The ingress is at a 90° angle, requiring entering vehicles to slow to a near stop to turn into the driveway.
- The driveway is slightly further from S.R. A1A, thus allowing vehicles turning from S.R. A1A additional time to decelerate or break to avoid a queued turning vehicle.
- The sidewalk has been shifted closer to Versaggi Drive to provide better vehicle/pedestrian visibility at the driveway.

In addition to the safety improvement, an aesthetic improvement has been made by moving the dumpster enclosure further away from Versaggi Drive. The final plan may also include a reduced radius on the eastern side of the driveway – and signage – to prohibit westbound traffic on Versaggi Drive from turning right into the parking lot.

Though egress from Alvin's Island to Versaggi Drive exceeds what the Owner is entitled per the settlement agreement, it provides a safer driveway connection. Additionally, it increases safety along S.R. A1A by allowing exiting vehicles additional distance to cross

traffic to make a U-turn at the intersection of S.R. A1A and A1A Beach Boulevard. With the existing egress, drivers exiting Alvin's Island who wish to go south must now immediately cross a partial merge lane plus two (2) northbound through lanes to access the left turn lane for a U-turn. Vehicles exiting at Versaggi Drive would only have to cross one (1) through lane and have more distance to maneuver to the northbound left turn lane. This additional distance thus provides a safer traffic flow on S.R. A1A.



Neighborhood Meeting

In order to fully engage the property owners and discuss the pros and cons of the driveway options, the City hosted a neighborhood meeting at City Hall on November 5, 2020. Letters were mailed to all property owners which use Versaggi Drive for ingress and egress, including:

- Versaggi Drive
- Linda Mar Drive
- Oceanside Circle
- Oceanside Drive
- Carole Court
- Manatee Court
- Santa Maria Lane
- Versaggi Place.

Prior to the November 5th meeting, the City received one (1) email request for a copy of the settlement agreement and one (1) email in opposition to a driveway. The objecting email contained the following suggestions:

- No southbound A1A U-turn allowed at Versaggi Drive
- Addition of signs to increase pedestrian and bicycle safety
- Concern that allowing ingress and egress on Versaggi Dr. increases danger

The neighborhood meeting was held as scheduled at 6:00 PM on November 5, 2020. Only three owners of the approximately 100 property owners who were mailed letters attended. Two property owners were from Versaggi Drive (including the property owner directly abutting Alvin's Island) and one property owner was from Linda Mar Drive. Also in attendance was the Owner of the Alvin's Island property and the Public Works Director. The property owner abutting Alvin's was initially opposed to any driveway connection due to the increased potential for noise and traffic in the vicinity of their home. The owner stated that their house was recently purchased and they were not aware of past issue when they purchased. The other Versaggi Drive owner had concerns about vehicles turning into Versaggi Drive from northbound A1A to access Alvin's Island, only to find no driveway, then turning around in front of their home. The Linda Mar owner was not opposed to the driveway connection.

In the meeting, the history of the issue was discussed, including the settlement agreement which gives the Owner the right to construct a left-turn ingress from Versaggi Drive. A comparison of the pros and cons of an ingress only, versus a more typical ingress/egress driveway was discussed. After discussion, it was agreed that an ingress/egress driveway would be acceptable if the following conditions were addressed:

- Left turn egress would not be permitted onto Versaggi drive.
- The Owner would construct a privacy fence on the east side of the Alvin's Island retention area to provide a visual buffer, and to attenuate noise from the Alvin's Island parking lot.
- The Owner would relocate the Alvin's island dumpster area away from Versaggi Drive.

The Owner verbally agreed to these terms.

Subsequent to the neighborhood meeting, the City received one additional email stating an inability to attend the meeting and noting their objection to the driveway connection. In addition to stating objection to the driveway, this property owner raised several concerns, including:

- Worry about increased traffic congestion in the Versaggi neighborhood, particularly at the intersection of Versaggi and S.R. A1A.
- Lack of maintenance of existing signs at Alvin's Island, including damaged or difficult to read do not enter signs, stop sign, etc.

SUMMARY

Per the terms of the 2017 settlement agreement, the Owner has a legal right to construct a driveway connection on Versaggi Drive with westbound left-turn ingress. Though the Owner has no right to expect more than this ingress connection, the City is not precluded from approving egress onto Versaggi Drive to provide for increased public safety. A driveway connection which includes a right-only egress onto Versaggi Drive provides increased public safety over a left-in only driveway. Allowing a right-only egress onto Versaggi Drive also provides increased public safety on S.R. A1A by providing more room for drivers desiring to go south on S.R. A1A to navigate to the northbound left turn lane to initiate a U-turn at the intersection of S.R. A1A and A1A Beach Boulevard. Public Works therefore recommends that the Alvin's Island driveway connection to Versaggi Drive be allowed to include both eastbound left-in ingress from Versaggi Drive and right-out only egress to Versaggi Drive.

ACTION REQUESTED

Authorize the Alvin's Island driveway connection to include a right-out only egress to Versaggi Drive in addition the westbound left-in connection that is provided for in the settlement agreement.