


**REQUEST:** Portion of Right-of-Way Vacation

<b>Case Number</b>	10P12
<b>Applicant</b>	D. Fredrico Fazlo
<b>General Location</b>	Southwest corner of SE 8 <sup>th</sup> Street and SE 2 <sup>nd</sup> Avenue
<b>Property Size</b>	1,623 SF Row Vacation
<b>Zoning</b>	Regional Activity Center – City Center (RAC-CC)
<b>Existing Use</b>	Public Right-of-Way
<b>Future Land Use Designation</b>	Downtown Regional Activity Center
<b>Applicable ULDR Sections</b>	Sec. 47-24.6 Vacation of Right-of-Way
<b>Notification Requirements</b>	Sign Posting 15 days prior to meeting; Mail Notice 10 days prior to meeting.
<b>Action Required</b>	Recommend Approval of Vacation to City Commission, or Deny
<b>Project Planner</b>	Thomas Lodge, Planner II <span style="float: right;">18. </span>

**PROJECT DESCRIPTION:**

The applicant requests the vacation of a 5-foot, 1,623 SF portion of SE 8<sup>th</sup> Street and SE 2<sup>nd</sup> Avenue right-of-way located at 101 SE 9<sup>th</sup> Street to create a consistent project streetscape for the associated "French Village" multi-family residential project, currently in the site plan review process. The applicant is proposing to grant a 5-foot pedestrian and utility easement over the vacated portion of right-of-way. A sketch and legal description is provided as part of the submittal package.

**PRIOR REVIEWS:**

The request was reviewed by the Development Review Committee (DRC) on August 28, 2012. All comments have been addressed. The Property and Right-of-Way (PROW) Committee recommended approval of the vacation on August 16, 2012, subject to conditions as stated in the conditions of approval herein. PROW Committee meeting Minutes are attached as **Exhibit 1**. TECO Peoples Gas, Comcast, FP&L and AT&T have no existing facilities in the right-of-way and have no objection to the vacation.

**REVIEW CRITERIA:**

As per ULDR Section 47-24.6.A.4, the request is subject to the following criteria:

- a. The right-of-way or other public place is no longer needed for public purposes; and
- b. Alternate routes if needed are available which do not cause adverse impacts to surrounding areas; and
- c. The closure of a right-of-way provides safe areas for vehicles to turn around and exit the area; and
- d. The closure of a right-of-way shall not adversely impact pedestrian traffic; and
- e. All utilities located within the right-of-way or other public place have been or will be relocated pursuant to a relocation plan; and the owner of the utility facilities has consented to the vacation; or a utilities easement has been retained over the right-of-way area or portion thereof; or an easement in a different location has been provided for the utility facilities by the owner to the satisfaction of the city; or any combination of same and utilities maintenance shall not be disrupted.

Applicant's response narratives are attached to the submittal package.

**STAFF FINDINGS:**

The application meets the criteria as indicated in ULDR Section 47-24.6, Vacation of Right-of-Way. The proposed vacation of the subject portions of the right-of-ways is in keeping with the streetscape design, as defined in the Downtown Master Plan, and public access will be maintained and improved. Staff recommends the Board approve the request subject to the conditions herein.

**CONDITIONS:**

Should the Board approve the proposed vacation, staff proposes the following conditions:

1. The applicant dedicates a 5-foot pedestrian sidewalk to the City, as provided on the site plan for the associated "French Village" multi-family residential project;
2. Any utilities required to be removed, replaced or relocated, shall be done so at the applicant's expense, and as approved by the City Engineer. All improvements constructed within the easement shall conform to City engineering standards;
3. The vacating ordinance shall be in full force and effect on the date a certificate, executed by the City Engineer, is recorded in the public records of Broward County, Florida. The certificate shall state that all conditions of the vacation have been met. A copy of the recorded certificate must be provided to the City.

**PLANNING & ZONING BOARD REVIEW OPTIONS:**

As per ULDR Section 47-24.6.3, the Planning and Zoning Board shall consider the application for vacation-of-right-of-way and the record and recommendations forwarded by the DRC, and shall hear public comment on the application.

If the Planning and Zoning Board determines that the application meets the criteria for vacation, the recommendation shall be forwarded to the City Commission for consideration. If the Planning and Zoning Board determines that the criteria for vacation have not been met, the Board shall deny the application and the procedures for appeal to the City Commission as provided in Section 47-26B, Appeals, shall apply.