



CITY OF FORT LAUDERDALE
City Commission Agenda Memo

12-2055

TO: Honorable Mayor & Members
Fort Lauderdale City Commission

FROM: Lee Feldman, City Manager

DATE: September 18, 2012

TITLE: Public Hearing – Vacation of a 40-foot Right-of-Way – Holman Automotive, Inc. - Case 8P11

Recommendation

It is recommended that the City Commission adopt an ordinance, subject to conditions stated herein, vacating a 40-foot, 21,688 square foot portion of NE 7th Avenue right-of-way located south of Sunrise Boulevard and north of NE 9th Street effective upon the completion all conditions of approval.

Background

The City Commission shall hold a public hearing to consider the application and the record and recommendations forwarded by the department and the Planning and Zoning Board (“PZB”) and shall hear public comment on the application when determining whether the vacation request meets the criteria for vacation of right-of-way.

The project was reviewed by the PZB on August 15, 2012, and approved by a vote of 6-0 subject to a condition that the vacation shall not be effective until the applicant grants a 14-foot pedestrian easement, either within the east half of the right-of-way proposed to be vacated or along the western boundary of the property, creating a right-angle connection from Sunrise Boulevard to 7th Avenue, which today would require the demolition of an existing building.

The application and the record and report of the PZB are available as Exhibits 2, 3 and 4. The sketch and legal are provided in the attached ordinance.

The applicant requests the vacation of a 40-foot, 21,688 square foot portion of NE 7th Avenue right-of-way located south of Sunrise Boulevard and east of Federal Highway. The application is subject to the criteria as indicated in ULDR Section 47-24.6, Vacation of Right-of-Way, which includes the following:

- 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.

The attached PZB report addresses these criteria. While staff recognizes that in it's current state and context NE 7th Avenue is not perceived as a pedestrian environment, to maintain this important mid-block access for future public needs, an alternative access route can be determined with a future site or redevelopment plan.

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

1. Prior to recordation and the proposed vacation taking effect, the applicant shall provide to the City a 14-foot cross access easement for the benefit of the public for pedestrians, bicyclists, and other non-motorized modes of transportation within said ROW and record the appropriate documents to memorialize same. Should the existing site layout be reconfigured or property redeveloped in the future and a proposal submitted to alter the currently approved site plan, a more appropriate placement of said easement may be determined and agreed upon to continue to provide mid-block access through the property from Sunrise Boulevard south, depending on site layout and design of a proposed redevelopment plan. As a last alternative the right-angle connection from Sunrise Boulevard to 7th Avenue, as identified by the Planning and Zoning Board, could be established as part of the easement to complete the connection.
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. This certificate shall state that all conditions of the vacation have been met. A copy of the recorded certificate must be provided to the City.

Resource Impact

There is no fiscal impact associated with this action

Attachments

Exhibit 1 – Location Map

Exhibit 2 - Applicant's narrative

Exhibit 3 - Staff report from August 15, 2012 Planning and Zoning Board meeting

Exhibit 4 - Draft minutes from August 15, 2012 Planning and Zoning Board meeting

Exhibit 5 - Ordinance

Prepared By: Thomas Lodge, Planner II

Department Director: Greg Brewton, Sustainable Development