



TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: August 21, 2018

TITLE: Quasi-Judicial - Ordinance Vacating a Portion of a Right-of-Way (Public Street) Identified as NW 1st Avenue Adjacent to and South of West Sunrise Boulevard - Andrews Project Development, LLC. – Case No. V17004

Recommendation

It is recommended that the City Commission adopt an ordinance vacating a 40-foot-wide, approximately 460-foot-long portion of a right-of-way identified as NW 1st Avenue adjacent to and south of West Sunrise Boulevard located north of NW 9th Street, east of NW 2nd Avenue, west of North Andrews Avenue.

Background

The applicant, Andrews Project Development, LLC., requests to vacate a 40-foot wide portion of public right-of-way running north and south, lying adjacent to Lots 1 through 19 of Block 209 and Lots 30 through 48 of Block 210, north of NW 9th Street, east of NW 2nd Avenue, south of West Sunrise Boulevard and west of North Andrews Avenue. The proposed right-of-way vacation is associated with the “Progresso Commons” shopping center development (Case No. R17028), which is currently under review. Additional right-of-way vacations associated with the overall development site are also scheduled on this agenda as CAM #18-0579 (Case No. V18005) and CAM #18-0587 (Case No. V18004). The sketch and legal description of the proposed vacation is attached as Exhibit 1. The Applicant’s Application, Narratives, and Utility Letters are included as part of Exhibit 2.

The vacation request was reviewed by the Planning and Zoning Board (PZB) on July 19, 2017. The PZB Staff Report and Meeting Minutes are attached as Exhibit 3 and 4, respectively. The PZB recommended approval of the vacation of the right-of-way by a vote of (7-0) with the following staff conditions of approval:

1. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and the relocated facilities shall be required to be inspected and accepted by the City’s Public Works Department;

2. Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider; and,
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 by the applicant to the City.

Review Criteria

As per the Unified and Land Development Regulations (ULDR), Section 47-24.6.A.4., Vacation of Rights-of-Way, 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,*

The subject portion of the right-of-way is no longer needed for public purpose. The applicant owns the property adjacent to both sides of the portion of right-of-way proposed to be vacated and is proposing to redevelop it as a unified site. The applicant proposes to grant utility easements for any utilities that are needed and/or will be relocated to the satisfaction of the City.

- b. *Alternate routes if needed are available which do not cause adverse impacts to surrounding areas;*

In 1997 the City began prohibiting certain access routes into the neighborhood surrounding the subject property due to a recognized traffic cut-thru problem, crime and as part of a solution physical barriers were installed at specific locations such as this to limit vehicular access. As a result, the right-of-way portion proposed for vacation has been closed to vehicular and pedestrian traffic for a number of years. With the proposed vacation, access to adjoining properties directly south of the proposed segment to be vacated will be maintained from NW 9th Street and the applicant will provide a pedestrian entrance at the terminus of the vacated portion of right-of-way. The segment of right-of-way is not needed to implement future circulation plans as the right-of-way bisects two fairly narrow blocks and alternative access exists in the immediate surroundings.

- c. *The closure of a right-of-way provides safe areas for vehicles to turn around and exit the area;*

No adverse impacts to the existing road network are anticipated as a result of the proposed vacation. Access to adjoining properties directly south will be maintained from NW 9th Street. The associated site plan will accommodate ingress and egress to the development site from Sunrise Boulevard and Andrews Avenue. In addition, the pedestrian and vehicular right-of-way adjacent to the subject development site will provide improved accessibility.

d. The closure of a right-of-way shall not adversely impact pedestrian traffic;

As stated in response to criteria above, NW 1st Avenue has been closed to pedestrian and vehicular traffic for a number of years and does not provide pedestrian access today. The associated redevelopment of the property will improve pedestrian circulation and enhance pedestrian access and safety in the immediate area by providing a pedestrian entrance at the terminus of the vacated portion of right-of-way and by creating wider sidewalks and a landscape buffer along the perimeter of the site.

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.

Florida Power and Light has existing overhead facilities in the subject area. Florida Power and Light will remove their existing facilities and at the applicant's expense new easements will be recorded to provide Florida Power and Light the ability to install necessary lines. The City of Fort Lauderdale Public Works Department, TECO Peoples Gas, AT&T, and Comcast and have no facilities in the area to be vacated and have no objection. The proposed easements are included as part of Exhibit 5

Letters of no objection have been received from all applicable franchise utilities and the City's Public Works Department and the applicant is coordinating how to address existing facilities and future service. All providers state they have no objection to the proposed alley vacation.

Adequacy Requirements:

The adequacy criteria of ULDR, Section 47-25.2 are used to evaluate the demand created on public services and facilities by a proposed vacation. The proposed vacation does not adversely impact or create additional demand on public services and facilities.

The applicant has provided a narrative response regarding the project's compliance with ULDR, Sections 47-24.6.A.4., Vacation of Rights-of-Way and Section 47-25.2 Adequacy

Requirements, which are provided and attached herein as part of Exhibit 2 to assist the City Commission in determining if the proposal meets the criteria.

Public Participation

The right-of-way vacation request is subject to the public participation requirements established in ULDR, Section 47-27.4. According to the applicant, public participation meetings were held on November 16, 2016, January 19, 2017, April 17, 2017, June 27, 2017, and January 22, 2018 to offer the neighborhood surrounding the property the opportunity to learn about the overall proposed project. The public participation meeting summary and affidavit are attached as Exhibit 6.

In addition, this request is subject to sign notification requirements established in ULDR, Section 47-27.4. The applicant has installed a total of 2 signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. Exhibit 7 contains the affidavit and pictures of the posted signs.

Conditions

Should the City Commission approve the proposed vacation, the following conditions apply:

1. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department;
2. Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider; and,
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 by the applicant to the City.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Public Safety Cylinder of Excellence, specifically advancing:

- Goal 7: Be a well-positioned City within the global economic and tourism markets of the South Florida region, leveraging our airports, port, and rail connections.
- Objective 2: Enhance the beauty, aesthetics and environmental quality of

neighborhoods.

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We Are Community*.

Related CAM

#18-0579

#18-0587

Attachments

Exhibit 1 - Sketch and Legal Description

Exhibit 2 - Applicant's Application, Narratives, and Utility Letters

Exhibit 3 - PZB Staff Report

Exhibit 4 - PZB Meeting Minutes

Exhibit 5 - Proposed Easements

Exhibit 6 - Public Participation

Exhibit 7 - Sign Notification

Exhibit 8 - Ordinance

Prepared by: Nicholas Kalargyros, Planner II, Sustainable Development

Department Director: Anthony Greg Fajardo, Sustainable Development