



REQUEST: Right-of-Way Vacation: Alley Vacation

Case Number	V17001
Applicant	2980 Investments, LLC.
General Location	A portion of alley right-of way that runs north and south lying adjacent to Lots 4 and 5 of Block 66 and Lot 2 of Block 61, east of Federal Highway and west of Middle River Drive
Property Size	46,965 Square-Feet
Zoning	Boulevard Business (B-1) and Residential Multifamily Mid Rise/ Medium High Density (RMM-25)
Existing Use	Alley Right-of-Way
Future Land Use Designation	Commercial and Medium- High
Applicable Unified Land Development Regulations (ULDR) Sections	Section 47-24.6, Vacation of Right-of-Way Section 47-25.2, Adequacy Review
Notification Requirements	Section 47-27.6, Sign Posting 15 days prior to meeting Section 47-27.6, Mail Notice 10 days prior to meeting Section 47-27.4, Public Participation
Action Required	Recommend Approval of Vacation to City Commission, or Deny
Project Planner	Karlanne Grant, Planner II

PROJECT DESCRIPTION:

The applicant, 2980 Investments, LLC, requests to vacate a 20-foot alley right-of-way running north and south, lying adjacent to Lots 4 and 5 of Block 66 and Lot 2 of Block 61, east of Federal Highway and west of Middle River Drive. The alley transects a site where a proposed restaurant and potential furniture / retail store are proposed. The associated site plan is also scheduled on this agenda as Case No. ZR17003. The sketch and legal description of the proposed vacation are included as part of Exhibit 1.

PRIOR REVIEWS:

This item was deferred at the June 21, 2017 Planning and Zoning Board (PZB) meeting at the applicant’s request. The request was reviewed by the Development Review Committee (DRC) on February 14, 2017. All comments have been addressed and are available on file with the Department of Sustainable Development (DSD).

REVIEW CRITERIA:

As per 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;*

The subject portion of the right-of-way alley is no longer needed for public purposes. The applicant owns the property on either side of the alley that is requested to be vacated. The unpaved alley continues to the south of the subject development and does not provide pedestrian or vehicular access for the public. A portion of the alley to the north of the subject development has already been vacated by resolution. The Applicant proposes to grant utility easements for utilities and for public access to Middle River Drive to the satisfaction of the City.

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

A new 20-foot wide access easement is proposed through the development from the remaining alley to Middle River Drive which will provide for improved vehicular circulation and to grant the public access to Middle River Drive.

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

The proposed site plan is designed to accommodate the new configuration by providing safe areas for vehicles to turn around and for emergency vehicles to ingress and egress the site. A new 20-foot-wide access easement is proposed through the subject development from the remaining alley to Middle River Drive which will provide for improved vehicular circulation.

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

The alley does not currently serve as a pedestrian access. A new sidewalk is proposed along Middle River Drive as part of the associated development to enhance pedestrian access and safety.

- 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.*

There are no existing public utilities. Florida Power and Light (FPL) has existing utilities in the subject alley. The applicant is proposing to grant a utility easement over the same portion of the alley which will be vacated to provide access.

Letters of no objection have been received from all of the franchise utilities 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. FPL has no objection to vacating the alley because the applicant is proposing a utility easement. AT&T has no objection as long as they have access to any facilities located within the alley/easements at any time. The letters are attached as Exhibit 2.

Adequacy and Neighborhood Compatibility:

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 in the plan sets to assist the Board 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, a public participation meeting was held on April 13, 2017, to offer the neighborhood surrounding the property the opportunity to learn about the proposed project. The public participation meeting summary and affidavit are provided as Exhibit 3.

In addition, this request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed a total of 4 signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. Exhibit 4 contains the affidavit and pictures of the posted signs.

STAFF FINDINGS:

Staff recommends the Board approve this request with conditions as stated further below, and consistent with:

ULDR Section 47-24.6, Vacation of Right-of-Way
ULDR Section 47-25.2, Adequacy Review

CONDITIONS OF APPROVAL:

Should the Board approve the proposed vacation, the following conditions are proposed:

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;
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.

EXHIBITS:

1. Sketch and Legal
2. Utility Provider Letters
3. Public Participation Meeting Summary and Affidavit
4. Public Notice Signs and Sign Affidavit