




REQUEST: Right-of-Way Vacation; Alley west of Federal Highway, east of SE 4th Avenue, south of SE 16th Court and north of SE 17th Street

Case Number	V16005
Applicant	HS 17 th Street, LLC
General Location	Alley west of Federal Highway, east of SE 4th Avenue, south of SE 16th Court and north of SE 17th Street
Property Size	3,915 SF Row Vacation
Zoning	Boulevard Business (B-1) and Residential Office (RO)
Existing Use	Public Right-of-Way
Future Land Use Designation	South Regional Activity Center (S-RAC)
Applicable ULDR Sections	Sec. 47-24.6 Vacation of Right-of-Way
Notification Requirements	Sec. 47-27.6 Sign Posting 15 days prior to meeting; Sec. 47-27.6 Mail Notice 10 days prior to meeting. Sec. 47-27.4. Public Participation
Action Required	Recommend approval to City Commission, or deny
Project Planner	Randall Robinson, Planner III 

PROJECT DESCRIPTION:

The applicant requests to vacate a 261-foot long, 15-foot wide, 3,916 square-foot portion of right-of-way located west of Federal Highway, east of SE 4th Avenue, south of SE 16th Court and north of SE 17th Street. 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 December 13, 2016. All comments have been addressed and are on file with the department.

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;*

The alley is currently used for purposes of service and loading operations in connection with the existing Denny's restaurant on the site. The alley is not necessary for public access, as there are three major rights-of-way immediately to the north, east, and south of the alley. Applicant plans to demolish the existing restaurant and construct a mixed-use project on the property.

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

The alley is not currently used as a main thoroughfare for pedestrian or vehicular traffic. Upon demolition of the restaurant and construction of the new project, new accommodations for ingress/egress to the site, as well as loading access and public sidewalks will be accommodated on the property.

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

There are three major rights-of-way to the north, east, and south of the alleyway (SE 16th Court, Federal Highway, and SE 17th Street, respectively). Upon construction of the new project, new accommodations for ingress and exit will be accommodated on the property.

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

The alley is generally not utilized by pedestrian traffic. The applicant intends to improve existing pedestrian connectivity by constructing new 7-foot sidewalks along SE 16th Court, SE 17th Street, and SE 4th Avenue, respectively as well as a 10-foot sidewalk along Federal Highway.

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 applicant has provided letters of no objection, subject to relocation of utilities as necessary, from utility companies including FPL, Teco, AT&T, Comcast, and the City's Public Works Department. The letters are attached to the vacation application.

A sketch and legal description is provided as Exhibit 1. Letters of no objection have been obtained from the area utility providers, attached as Exhibit 2. Applicant's response narratives to the criteria are provided as part of the submittal package as Exhibit 3.

Public Participation

The Right-of-Way Vacation request is subject to the public participation requirements established in ULDR Sec. 47-27.4. According to the applicant, five public participation meetings have been held between November, 2016 and March 2017 in order to offer the Poinciana Park, Harbordale and Lauderdale Harbors neighborhood associations surrounding the property the opportunity to learn about the proposed project.

The applicant's public participation meeting background information and affidavits are provided as Exhibit 4.

STAFF FINDINGS:

Staff recommends the Board approve this request consistent with:

ULDR Section 7-24.6, Vacation of Right-of-Way; and
ULDR Section 47-25.2, Adequacy Review.

The applicant has provided narrative responses to the criteria, attached as Exhibit 3. Staff concurs with applicant's assessment and finds that the application meets the requirements.

STRATEGIC CONNECTIONS

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Business Development 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: Facilitate a responsive and proactive business climate.

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

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.

CONDITIONS OF APPROVAL:

Should the Board 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;
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.

Exhibits

1. Sketch and Legal Description
2. Utility Letters
3. Applicant's Narratives
4. Applicant's Public Participation Information

