

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

<b>Case Number</b>	V14006
<b>Applicant</b>	All Aboard Florida, Operations LLC
<b>General Location</b>	Portion of NW 2 <sup>nd</sup> Avenue; between Broward Blvd. and NW 2 <sup>nd</sup> ST
<b>Property Size</b>	Right-of-Way Vacation
<b>Zoning</b>	Transitional mixed-Use (RAC-WMU)
<b>Existing Use</b>	Street 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 Sec. 47-25.2 Adequacy Review
<b>Notification Requirements</b>	Sign Posting 15 days prior to meeting Mail Notice(300 foot radius) 10 days prior to meeting
<b>Action Required</b>	Recommend Approval of Vacation to City Commission, or Deny
<b>Project Planner</b>	Jim Hetzel, AICP, LEED Green Associate Planner III

**PROJECT DESCRIPTION:**

The applicant, All Aboard Florida, Operations LLC, requests to vacate a portion of right-of-way for NW 2<sup>nd</sup> Avenue, generally south of NW 2<sup>nd</sup> Street and north of Broward Boulevard, in order to construct a pedestrian concourse bridge as part of a proposed passenger rail station. The pedestrian bridge will connect the proposed 60,000 square-foot station building to the train platform. The vacated right-of-way will contain support columns for the pedestrian concourse bridge. A site plan of the subject area depicting the support columns as well as a sketch and legal description are provided in the submittal package.

In connection with the proposed vacation, the applicant is proposing to construct a passenger rail station in downtown Fort Lauderdale as part of the All Aboard Florida passenger rail service planned from Miami to Orlando. The Fort Lauderdale station site is approximately 150,000 square feet in size and is bound by NW 2<sup>nd</sup> Street to the north, an existing office building to the south, NW 4<sup>th</sup> Avenue to the west, and the Florida East Coast Railway right-of-way to the east. The associated All Aboard passenger station site plan is being reviewed concurrently as a Site Plan Level II (Development Review Committee) application, pursuant to ULDR, Section 47-24, Development Review and Procedures.

**PRIOR REVIEWS:**

The request was reviewed by the Development Review Committee (DRC) on September 23, 2014. All comments have been addressed.

**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;*

Response: NW 2<sup>nd</sup> Avenue is being reconstructed and extended north by the Applicant and will continue to operate as a two-way road with sidewalk/multi-use path as requested by planning staff and therefore, the portions of this right of way being vacated are no longer needed for public purposes.

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

Response: see response to a. above.

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

Response: see response to a. above.

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

Response: pedestrian traffic is being directed to the west side of NW 2<sup>nd</sup> Avenue, in conjunction with the site development and the expansion of NW 2<sup>nd</sup> Avenue between NW 2<sup>nd</sup> Street and NW 4<sup>th</sup> Street.

- 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.*

Response: Existing utilities affected by the vacation will be relocated and access to infrastructure will be maintained.

Applicant's response narratives to the criteria are provided as part of the submittal package.

**STAFF FINDINGS:**

The application meets the criteria as indicated in ULDR Section 47-24.6, Vacation of Right-of-Way and 47-25.2, Adequacy Review. Staff recommends the Board approve the request subject to conditions provided herein.

**CONDITIONS:**

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

1. Applicant shall relocate an existing 8" water main with a new 8" DIP water main located with a minimum of 6' horizontal separation from the edge of the pedestrian bridge support column footers.
2. Applicant shall replace an existing 10" clay sewer main with a new 10" PVC pipe in the same location from exiting manhole to manhole.
3. An extension of NW 2<sup>nd</sup> Avenue from NW 2<sup>nd</sup> Street to NW 4<sup>th</sup> Street, minimum of 50 foot width, shall be dedicated to the City and the applicant shall agree to construct and maintain such dedicated right-of-way.
4. In the event the All Aboard Station is abandoned, including the abandonment of the pedestrian bridge, or the property is no longer used for transportation related uses within 75 years from ordinance approval date, the Vacated ROW for NW 2<sup>nd</sup> Avenue shall be rededicated to the City.
5. In the event there are substantial changes to the design of the All Aboard Station that impact the location of the pedestrian bridge support columns, whereas there is an impact the minimum lowest level elevations associated with the Air Right Vacation, the ROW vacation shall be resubmitted to the City for approval.

**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.