



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

<b>CASE NUMBER</b>	UDP-V23003	
<b>APPLICANT</b>	Local Equity Three, LLC.	
<b>AGENT</b>	Jason Crush / Crush Law, P.A.	
<b>GENERAL LOCATION</b>	2901 S. Federal Highway	
<b>ZONING DISTRICT</b>	Heavy Commercial/Light Industrial Business District (B-3)	
<b>LAND USE</b>	Commercial	
<b>COMMISSION DISTRICT</b>	District 4 – Commissioner Warren Sturman	
<b>NEIGHBORHOOD ASSOCIATION</b>	Poinciana Park Civic Association	
<b>APPLICABLE ULDR SECTIONS</b>	Section 47-24.6, Vacation of Right-of-Way Section 47-25.2, Adequacy Requirements	
<b>NOTIFICATION REQUIREMENTS</b>	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	
<b>SECTION 166.033, FLORIDA STATUTES</b>	<b>180-day Expiration Date</b>	<b>Waiver Provided</b>
	January 23, 2024	Yes
<b>ACTION REQUIRED</b>	Recommend Approval of the Vacation to the City Commission, or Deny the Application	
<b>PROJECT PLANNER</b>	Yvonne Redding, Urban Planner III	<i>YMR</i>

**PROJECT DESCRIPTION:**

The applicant requests the vacation of a 16-foot, 1,567 square-foot portion of an alley located near the southeast corner of SE 30<sup>th</sup> Street and US 1 (Dixie Highway) for a proposed self-storage facility (Case No. UDP-S23041). The location map, sketch and legal description of the area to be vacated are attached as **Exhibit 1**.

**PRIOR REVIEWS:**

The request was reviewed by the Development Review Committee (DRC) on August 8, 2023, and all comments have been addressed. The DRC comment responses are provided as **Exhibit 2**.

The City's Public Works Department, TECO Peoples Gas, Comcast, and Florida Power & Light have no objection to the vacation and no utilities are located within the right-of-way. The application, narratives and the letters indicating no objection to the vacation from all applicable utility providers are provided as **Exhibit 3**.

**REVIEW CRITERIA:**

The following Unified Land Development Regulations (ULDR) criteria apply to the proposed request:

- Section 47-24.6, Vacation of Right-of-Way
- Section 47-25.2, Adequacy Requirements

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

As per ULDR Section 47-24.6.A.4., Vacation of Right-of-Way, the request is subject to the following criteria:

- The right-of-way or other public place is no longer needed for public purposes;*

The alley to be vacated dead ends into private property owned by the applicant and is not needed for public purpose. The right-of-way is not in use by the surrounding property owners, and is not used for public purpose.

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

Alternate routes are not necessary. The alley is not used by surrounding property owners and there will be no adverse impacts to the surrounding area.

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

The alley to be vacated is a dead end and is not used by the surrounding property owners for access.

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

The closure of the alley will not adversely impact pedestrian traffic.

- 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 utilities in the portion of the alley to be vacated. The applicant has obtained letters of no objection from franchise utilities and the City's Public Works Department.

**Adequacy Requirements:**

The adequacy requirement 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 right-of-way vacation will not affect the adequacy of the public services and facilities. Criteria specific to any associated development plan will be applied at the time of site plan review.

**Public Participation**

This application 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 November 29, 2023, in order to offer the neighborhood associations surrounding the property the opportunity to learn about the proposed project. A meeting notification was sent to the Poinciana Park Civic Association and neighbors within 300-feet of the proposed right-of-way vacation. The public participation summary and affidavit are provided as **Exhibit 4**.

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

**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.

**PLANNING & ZONING BOARD REVIEW OPTIONS:**

Pursuant to 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 Development Review Committee, 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. Location map, Sketch and Legal Description
2. Application, Narratives and No Objection Utility Letters
3. August 8, 2023 DRC Comment Responses
4. Public Participation Affidavit and Meeting Summary