



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#20-0434

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: August 18, 2020

TITLE: Public Hearing and Quasi-Judicial Ordinance Vacating Right-of-Way
Identified as a 15-Foot Wide by 663-Foot Long Alley Between NW 1st
Avenue and Andrews Avenue – FAT Village Properties, LLC. – Case No.
PLN-VAC-19100002 - **(Commission District 2)**

Recommendation

It is recommended the City Commission consider an ordinance vacating a 15-foot wide by 663-foot long alley between NW 1st Avenue and Andrews Avenue.

Background

The applicant, FAT Village Properties, LLC., requests to vacate a 15-foot wide by approximately 663-foot long portion of a right-of-way established as an alley, located south of NW 6th Street, north of NW 5th Street, east of NW 1st Avenue and west of North Andrews Avenue. The sketch and legal description of the proposed vacation is attached as Exhibit 1. The application, applicant's narrative responses, and utility letters are attached as Exhibit 2.

The vacation request was reviewed by the Development Review Committee (DRC) on November 26, 2019. All comments have been addressed and are available on file with the Department of Sustainable Development (DSD). The item was reviewed by the Planning and Zoning Board (PZB) on May 20, 2020 and was recommended for approval by a vote of 7-0 subject to conditions as contained in the PZB Staff Report and restated herein. The May 20, 2020 PZB Staff Report and Meeting Minutes are attached as Exhibit 3 and Exhibit 4, respectively.

Review Criteria

As per the Unified Land Development Regulations (ULDR), Section 47-24.6.A.4., Vacation of Right-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 right-of-way alley will no longer be needed as the alley is included in the redevelopment of the "FAT Village East" project which will have multiple access points to the new development site. The existing access to the alley from both NW

5th Street and NW 6th Street will remain to the new project. All the properties located along the alley are under the same ownership and, therefore, the alley will no longer be needed for public purpose. However, the public will be able to access the site from the surrounding street network and the applicant is proposing to keep the access in the same location as the existing alley.

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

The vacation of the right-of-way alley will not require alternate routes as access will be provided through the redevelopment of the "FAT Village East" project and alternative access points are provided through Andrews Avenue and NW 1st Avenue.

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

The vacation of the right-of-way alley will not create vehicular movement issues. The proposed redevelopment will include safe movement into the site and within the site for both vehicular and delivery truck movement. The improvements to the street network as part of the "FAT Village East" project will enhance the safety of vehicles and pedestrians in and around the area.

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

Pedestrian traffic will not be impacted by the right-of-way vacation as there are extensive sidewalks proposed along the perimeter of the new redevelopment project which will provide enhanced pedestrian movement in and around the project and adjacent area.

- 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 obtained letters of no objection from impacted franchise utilities and the City's Public Works Department. The franchise utility company letters state that some utilities exist within the alley and the applicant will be responsible for relocation. The utility letters are provided in Exhibit 2.

Notice Requirements

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 September 16, 2019, to offer the neighborhood surrounding the proposed vacation the opportunity to learn about the overall proposed project. The public

participation meeting summary is attached as Exhibit 5.

In addition, this request is subject to mail notice requirements established in ULDR Section 47-27.6.A..1 for the PZB meeting. The mail notice is also included as part of Exhibit 5.

Furthermore, this request is subject to sign notification requirements established in ULDR Section 47-27.4 for the PZB meeting. The applicant installed two signs on the property and submitted a sign affidavit indicating proper sign notification was provided. Exhibit 5 contains the photographs 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, or easements granted, 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, or easements granted, 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 to the City.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a *Fiscal Year 2020 Commission Annual Action Plan* priority, included within the Management Agenda, advancing the Business Development initiative.

This item supports the Press Play Fort Lauderdale 2024 Strategic Plan, specifically advancing:

- The Infrastructure Focus Area
- Goal 2: Build a multi-modal and pedestrian friendly community.
- Objective: Improve roads, sidewalks, and trails to prioritize a safer, more walkable and bikeable community.

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

Attachments

Exhibit 1 – Sketch and Legal Description of Proposed Right of Way Vacation
Exhibit 2 – Application, Applicant's Narratives, and Utility Letters
Exhibit 3 – May 20, 2020 PZB Staff Report
Exhibit 4 – May 20, 2020 PZB Meeting Minutes
Exhibit 5 – Public Participation Meeting Summary, Mail Notice and Sign Notification
Exhibit 6 – Aerial Location Map
Exhibit 7 – Ordinance

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