



REQUEST: Right-of-Way Vacation: a portion of SW 27th Terrace right-of-way running north and south between SW 11th Court and SW 12th Street

Case Number	V17006
Applicant	St. Thomas Aquinas High School Inc.
General Location	Portion of SW 27th Terrace, generally located south of SW 11th Court, east of SW 28th Avenue, north of SW 12th Street and west of SW 27th Avenue
Property Size	13,000 Square-Feet
Zoning	Residential Multifamily Mid Rise/ Medium High Density (RMM-25)
Existing Use	Public Right of Way
Future Land Use Designation	Medium-High 25 Units/Acre
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	Florentina Hutt, AICP, Planner III DH EL

PROJECT DESCRIPTION:

The applicant, St. Thomas Aquinas High School Inc., requests to vacate a portion of SW 27th Terrace right-of-way running north and south between SW 11th Court and SW 12th Street. The street transects a site where a proposed parking extension for St. Thomas Aquinas High School is proposed. The rezoning associated with the site is also scheduled on this agenda as Case No. Z17008. The sketch and legal description of the proposed vacation are included as part of Exhibit 1.

PRIOR REVIEWS:

The request was reviewed by the Development Review Committee (DRC) on June 13, 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 is no longer needed for public purposes. The street runs north and south between SW 11th Court and SW 12th Street through a site that currently provides parking for St. Thomas Aquinas High School. It does not provide pedestrian or vehicular access for the public.

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

Alternate routes along SW 27th avenue and SW 28th Avenue are available and do not cause adverse impacts to surrounding areas.

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

The closure of SW 27th Terrace will not affect circulation around the site. Vehicles will be able to exit the area along SW 12th Street and SW 11th Court.

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

The street closer will not adversely impact pedestrian traffic. Pedestrian improvements are proposed around the perimeter of site as part of a proposed parking lot expansion.

- 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.*

Letters of no objection have been received from all applicable 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 street vacation. AT&T, FPL and City of Fort Lauderdale have no objection to vacating the street as long as the existing facilities are relocated by the applicant. Teco Peoples Gas has no facilities in the area to be vacated and has no objection. 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 August 16, 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 2 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 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. The certificate shall state that all conditions of the vacation have been met. A copy of the recorded certificate must be provided by the applicant 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