

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

<b>Case Number</b>	26P13
<b>Applicant</b>	Riverbend South LLC, GDC Broward RB LLC, Sunmax LLC, Donald T. Swinarski Jr., Brian Pattulo, City of Fort Lauderdale, George and Arlene Berger, Les Wills Riverland Bait Tackle & Gun Shop, Inc/ Riverbend Marketplace
<b>General Location</b>	East of SW 27 Avenue, south of SW 2 Street
<b>Property Size</b>	17,964 Square Foot ROW Vacation
<b>Zoning</b>	Existing: General Business (B-2), Mobile Home Park (MHP) Note: rezoning application pending; see <i>Prior Reviews</i> section herein.
<b>Existing Use</b>	Public Right-of-Way
<b>Future Land Use Designation</b>	Commercial
<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 10 days prior to meeting.
<b>Action Required</b>	Recommend Approval of Vacation to City Commission, or Deny
<b>Project Planner</b>	Thomas Lodge, Planner II

**PROJECT DESCRIPTION:**

The applicant requests the vacation of a 30-foot wide, 17,964 square-foot right-of-way, located on the east side of SW 27 Avenue and south of SW 2 Street. The right-of-way vacation is proposed as part of the request to develop a commercial retail shopping center for a proposed Walmart Store and other future retail, restaurant and service uses. The vacation is one of four right-of-way vacation applications proposed as part of the redevelopment of the site and scheduled on this agenda. A map showing the locations of the proposed vacations in context of the overall site is included in the plan sets. For reference, a draft conceptual site plan of the proposed redevelopment is also attached. 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 October 22, 2013. All comments have been addressed.

As part of separate but associated requests related to the project, the applicant has also submitted an application to amend the Future Land Use Map of the City of Fort Lauderdale and Broward County, to change the land use on the subject site from Medium-High Residential to Commercial in order to develop the new shopping center. The land use amendment was reviewed by the Planning and Zoning Board on November 28, 2012 and was approved by a vote of 9-0. The City Commission reviewed the land use amendment on first reading at the January 8, 2013 meeting and approved the item by a vote of 4-0. The second reading of the ordinance is currently scheduled on the December 17<sup>th</sup> Commission agenda.

The plat request and associated rezoning applications for six separate parcels associated with the redevelopment, which includes incorporation of the subject right-of-way, were reviewed by the Planning and Zoning Board on August 21, 2013. The associated site plan for the development was reviewed by the Development Review Committee (DRC) on October 22, 2013. Applicant is in the process of addressing comments, pending the associated requests.

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

- c. The closure of a right-of-way provides safe areas for vehicles to turn around and exit the area; and
- d. The closure of a right-of-way shall not adversely impact pedestrian traffic; and
- 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 proposed vacation will permit the redevelopment of the site to accommodate a shopping center and associated parking including accommodation for vehicular and pedestrian access and circulation. As part of the redevelopment of the site, the applicant is proposing three vehicular access openings along SW 27<sup>th</sup> Avenue, one along SW 24<sup>th</sup> Avenue and the main entrance to the site will be accommodated from West Broward Boulevard. The applicant is proposing new seven-foot sidewalks along SW 24<sup>th</sup> Avenue, SW 27<sup>th</sup> Avenue and West Broward Boulevard, as well as new pedestrian walkways through the proposed development.

The vacation shall be conditioned upon the relocation of any City infrastructure known or unknown found to be within the areas to be vacated. The City is requesting that a temporary utility easement shall be retained until such time as the engineering certificate is recorded, evidencing that the utilities in the vacation area have been removed or abandoned. A utility relocation plan is included in the plans sets. 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 and consistent with ULDR Section 47-24.6, Vacation of Right-of-Way and 47-25.2, Adequacy Review.

### **CONDITIONS:**

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

1. A temporary utility easement shall be retained until such time as the engineering certificate is recorded evidencing that any utilities in the vacation area have been relocated or abandoned;
2. 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;
3. 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;
4. 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.

### **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.