

REQUEST: Right-of-Way Vacation

Case Number	3P13
Applicant	New Mount Olive Baptist Church, Inc.
General Location	East of NW 9 th Avenue between NW 3 Street and NW 4 Street
Property Size	9,000 SF Row Vacation
Zoning	Residential Mid Rise Multifamily/Medium High Density District (RMM-25)
Existing Use	Public Right-of-Way
Future Land Use Designation	Northwest Regional Activity Center
Applicable ULDR Sections	Sec. 47-24.6 Vacation of Right-of-Way
Notification Requirements	Sign Posting 15 days prior to meeting; Mail Notice 10 days prior to meeting.
Action Required	Recommend Approval of Vacation to City Commission, or Deny
Project Planner	Thomas Lodge, Planner II

PROJECT DESCRIPTION:

The applicant requests the vacation of a 10-foot wide, 4,500 square-foot right-of-way, located east of NW 9 Avenue, between NW 3 Street and NW 4 Street and associated with the proposed parking for the redevelopment of the New Mount Olive Baptist Church, also scheduled on this agenda. 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 March 26, 2013. All comments have been addressed. The Property and Right-of-Way (PROW) Committee recommended approval of the vacation on October 18, 2012, subject to conditions as provided herein. TECO Peoples Gas, Comcast and FP&L have no existing facilities in the right-of-way and have no objection to the vacation. AT&T has no objection, but requests the applicant grant a new easement, conduit and any other support facilities that AT&T may require.

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 alley to be vacated was intended to allow secondary access to the church's existing unimproved parking areas between NW 8 Avenue and NW 9 Avenue, and was never improved. With this proposal, the alley will be vacated in order to permit the redevelopment of the narrow block to provide associated parking including circulation, associated with the expansion of the church, and will continue to provide public access via an easement, which will be conveyed over the vacated portion granted to the applicant. The rest of the alley will remain unimproved until a future redevelopment. Applicant's response narratives 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. 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.

CONDITIONS:

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

1. A public access easement shall be conveyed over the portion of the vacated alley that will be granted to the applicant.
2. As per AT&T, the owner will be required to grant a new easement, conduit and any other support facilities required by the company within the 10-foot right-of-way to be vacated;
3. Any utilities required to be removed, replaced or relocated, shall be done so at the applicant's expense, and as approved by the City Engineer. All improvements constructed within the easement shall conform to City engineering standards;
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.