
REQUEST: Right-of-Way Vacation

Case Number	V14003
Applicant	Tropical American Properties LLC/ Balmaseda/ Denaro
General Location	North Side of NE 5 th Street between NE 2 nd Avenue and NE 3 rd Avenue
Property Size	2,250 Square Foot ROW Vacation
Zoning	Regional Activity Center- City Center (RAC-CC)
Existing Use	Public Right-of-Way
Future Land Use Designation	Downtown Regional Activity Center
Applicable ULDR Sections	Sec. 47-24.6 Vacation of Right-of-Way Sec. 47-25.2 Adequacy Review
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	Eric Engmann, Planner II

PROJECT DESCRIPTION:

The applicant requests to vacate a 15 foot wide right-of-way (alley) located on the north side of NE 5th Street between NE 2nd Avenue and NE 3rd Avenue, in the RAC-CC zoning district. The vacation application is part of a larger development project (Case #R14018) to redevelop the entire southern half of the subject block, including the area of the existing alley. The right-of-way is 15 feet wide by 150 feet in length. The alley terminates at an easement, which is also subject to a separate vacation application. 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 April 22, 2014. All comments have been addressed. Staff recommended and applicant has indicated agreement with relocating all utilities located within the 15 foot right-of-way.

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;*

If the associated development application is approved, the existing right-of-way would be replaced by a multi-story residential structure. This will eliminate the need for a public right-of-way at this location. The alley is located on the narrow side of the city block which is approximately 270 feet wide and terminates less than a quarter of the block's length. Therefore, due to the presence of the city grid pattern, there are sufficient alternative options for movement along the edge of the property to accommodate pedestrian and vehicular traffic.

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

The existing street grid system provides alternative options for vehicular movement around the property. The closing of the alley will cause vehicles and pedestrian to move approximately 120 feet to the east or west to access the rest of the block. The proposed development subject to this vacation would enhance the pedestrian experience as the site plan includes improved sidewalks around the perimeter of site.

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

The closure of the right-of-way would not affect how vehicles turn around and exit the area. The proposed development will be designed with on-site parking and vehicular use areas engineered to provide adequate maneuverability within the private property. The existing street grid system provides alternative options for vehicular movement around the property.

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

The proposed vacation will not adversely affect pedestrian traffic. The proposed development includes improved sidewalks on the perimeter of the development site that will enhance the pedestrian experience.

- 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.*

As part of the proposed development, all utilities located within the vacation area, including any utilities held by the City, will be relocated as part of the redevelopment of the property. All affected utility franchises have provided letters of no objection to the vacation subject to the relocation of any existing utilities within the right-of-way.

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 the applicable ULDR Sections.

CONDITIONS:

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

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 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.