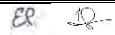


REQUEST: Vacation of Right-of-Way: 10-Foot Wide by 75-Foot Long Alley

Case Number	PLN-VAC-20080001	
Property Owner/Applicant	800 Las Olas, LLC & Mustang Properties, Inc.	
Agent	Lochrie & Chakas, P.A. / Robert Lochrie	
General Location	South of SE 2nd Court, west of SE 10th Terrace, and north of Broward Boulevard	
Zoning District	Exclusive Use Parking (XP) and Boulevard Business (B-1)	
Future Land Use Designation	Commercial and Medium-High Density Residential	
Applicable Unified Land Development Regulations (ULDR) Sections	Section 47-24.6, Vacation of Right-of-Way	
Notification Requirements	Section 47-27.6, Sign Notice 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	Trisha Logan, Historic Preservation Planner	

PROJECT DESCRIPTION:

The applicant, 800 Las Olas, LLC & Mustang Properties, Inc., requests to vacate a 10-foot wide by 75-foot long portion of a right-of-way established as an alley, located south of SE 2nd Court, north of East Las Olas Boulevard, east of NE 10th Terrace and west of NE 9th Avenue. The proposed vacation is associated with a proposed new hotel development called "1007 East Las Olas," which is also scheduled on the February 17, 2021 Planning and Zoning Board agenda as Case# PLN-SITE-20080001. The application, **applicant's narrative** responses, and a sketch and legal description of the proposed vacation are attached as Exhibit 1.

PRIOR REVIEWS:

The vacation request was reviewed by the DRC on September 8, 2020. All comments have been addressed and are available on file with the Department of Sustainable Development (DSD).

REVIEW CRITERIA:

Pursuant to 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 will still provide public access for thru traffic and will provide a permanent public access easement. The public will be able to access the alley from both NE 9th Avenue and NE 10th Terrace.

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

The vacation of the right-of-way will not require alternate routes as access will be provided through the redevelopment of the "1007 East Las Olas Boulevard" project and there are alternative access points provided through East Las Olas Boulevard, SE 10th Terrace, and SE 2nd Court.

- 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 completely close access to the alley for thru traffic and will provide a permanent public access easement for the portion of the alley to be vacated.

- 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 as Exhibit 2.

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 November 23, 2020, to offer the neighborhood surrounding the proposed vacation the opportunity to learn about the overall proposed project. The public participation meeting summary and affidavit are attached as Exhibit 3.

In addition, this request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed three signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. Exhibit 4 contains the affidavit and photographs of the posted signs.

PLANNING & ZONING BOARD REVIEW OPTIONS:

The Planning and Zoning Board shall consider the application and make a determination based on the following criteria:

- ULDR Section 47-24.6.A.4., Vacation of Rights-of-Way

Pursuant to 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 Development Review Committee and shall hear public comment on the application.

If the Planning and Zoning Board determines that the vacation request meets the standards and requirements of the ULDR and criteria for vacation of right-of-way, the Planning and Zoning Board shall forward its recommendation to the City Commission. If approved, the following conditions shall apply:

1. **Per the City's Engineering Reviewer,** applicant shall grant a public access easement over the vacated alley right-of-way to maintain the existing pedestrian and vehicular connection between SE 9th Avenue and SE 10th Terrace.

2. **Per the City's Engineering Reviewer**, applicant shall provide a CCTV videotape of the existing sanitary sewer system beginning at the manhole located at the intersection of SE 10th Terrace to verify all existing services that will need to be reconnected to the new sanitary sewer system.
3. **Per the City's Engineering Reviewer**, applicant' shall design, permit, and construct a new public sanitary sewer manhole to be located west of the western end of the vacated alleyway. The portion of the existing 8" sewer main located east of the new manhole shall be removed.
4. **Per the City's Engineering Reviewer**, applicant shall design, permit, and construct a new public sanitary sewer system. The new system shall connect proposed development and reconnect all existing service along the remaining portion of the Alley east of SE 10th Terrace between E las Olas and SE 2nd Court. The point of connection shall be at the existing public sanitary sewer manhole on SE 10th Terrace north of SE 2nd Court identified as SSMH-5367.
5. **Per the City's Engineering Reviewer**, 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.
6. **Per the City's Engineering Reviewer**, 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.
7. **Per the City's Engineering Reviewer**, 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. This certificate shall state that all conditions of the vacation have been met. A copy of the recorded certificate must be provided to the City.

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.

The applicant has submitted narratives outlining how the vacation of right-of-way complies with the applicable sections of the ULDR as described herein and are attached as Exhibit 1, to assist the Board in determining if the requested vacation of right-of-way meets the criteria.

EXHIBITS:

1. Application, Narratives, and Sketch and Legal Description
2. Utility Provider Letters
3. Public Participation Meeting Summary and Affidavit
4. Public Notice Signs and Sign Affidavit