

REQUEST: Air Rights Vacation

Case Number	V14005	
Applicant	All Aboard Florida, Operations LLC	
General Location	101 NW 2 nd Avenue	
Property Size	Air Rights Vacation	
Zoning	Transitional mixed-Use (RAC-WMU)	
Existing Use	Street 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 (300 foot radius) 10 days prior to meeting	
Action Required	Recommend Approval of Vacation to City Commission, or Deny	
Project Planner	Jim Hetzel, AICP, LEED Green Associate Planner III	

PROJECT DESCRIPTION:

The applicant, All Aboard Florida, Operations LLC, requests to vacate a portion of Air Rights above NW 2nd Avenue, generally south of NW 2nd Street and north of Broward Boulevard, in order to construct a pedestrian concourse bridge as part of a proposed passenger rail station. The pedestrian bridge will connect the proposed 60,000 square-foot station building to the train platform. A cross section of the subject vacation area as well as a sketch and legal description are provided in the submittal package.

In connection with the proposed vacation, the applicant is proposing to construct a passenger rail station in downtown Fort Lauderdale as part of the All Aboard Florida passenger rail service planned from Miami to Orlando. The Fort Lauderdale station site is approximately 150,000 square feet in size and is bound by NW 2nd Street to the north, an existing office building to the south, NW 4th Avenue to the west, and the Florida East Coast Railway right-of-way to the east. The associated All Aboard passenger station site plan is being reviewed concurrently as a Site Plan Level II (Development Review Committee) application, pursuant to ULDR, Section 47-24, Development Review and Procedures.

PRIOR REVIEWS:

The air rights vacation request was reviewed by the Development Review Committee (DRC) on September 23, 2014. All comments have been addressed.

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;*

Response: the subject air rights are not being utilized by the public at this time, other than necessary clearance for municipal services trucks and such clearance is not affected by the requested vacation.

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

Response: see response to a. above.

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

Response: clearance for municipal service vehicles and other trucks will be maintained as required by City engineering standards to provide a minimum a 17-foot clearance Above the existing right-of-way.

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

Response: as an air rights vacation pedestrian traffic is unaffected by the closure; it should be noted that the air rights vacation is requested to accommodate a pedestrian bridge from the All Aboard train station to the platform for this transit service.

- 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.*

Response: No utilities are affected by this vacation. Access to city infrastructure will be maintained.

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 recommend approval of the request, subject to conditions provided herein.

CONDITIONS:

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

1. The lowest elevation of the Vacated Air Rights for the All Aboard Station pedestrian bridge shall be 25 feet (24.99 feet) above finished street grade with an appendage to accommodate support columns, at lowest level being 17 feet above finished street grade.
2. In the event the All Aboard Station is abandoned, including the abandonment of the pedestrian bridge, or the property is no longer used for transportation related uses within 75 years from ordinance approval date, the Vacated Air Rights shall be rededicated to the City.
3. In the event there are substantial changes to the design of the All Aboard Station that impact the minimum lowest level elevations as indicated in above condition #1, the Air Right Vacation shall be resubmitted to the City for approval.

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.