

REQUEST: Vacation of Right-of-Way

Case Number	V14004
Applicant	Pacific National Bank/ John Hart/ Alan Jay Braverman
General Location	South Side of NE 7 th Street between NE 2 nd Avenue and NE 3 rd Avenue
Property Size	2,250 Square Foot Right-of-Way Vacation
Zoning	Regional Activity Center - Urban Village (RAC-UV)
Existing Use	Unopened 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 an unopened 15 foot wide right-of-way (alley reservation) located on the south side of NE 7th Street between NE 2nd Avenue and NE 3rd Avenue, in the Regional Activity Center – Urban Village (RAC-UV) zoning district. The applicant has stated that the vacation application is part of a larger development project that will take place on the northern half of this block. A conceptual site plan has been submitted as a part of this application. The right-of-way is 15 feet wide by 375 feet in length. The applicant has also proposed dedicating a new 15 foot access and utility easement that will connect the end of the existing easement to NE 2nd Avenue. 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 July 22, 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;*

This right-of-way was dedicated as an easement for an “alley reservation” in the 1911 Progresso plat. This alleyway was never constructed but it remains shown as an easement on the subject properties. Due to the presence of the City grid pattern, there are sufficient alternative options for movement along the edge of the property along NE 2nd avenue and NE 3rd avenue 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 vacation would not cause vehicles or pedestrians to alter their circulation pattern since the alley is unopened.

- 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. Sufficient areas for maneuverability currently exist within the developed right-of-way and

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. This unopened alley runs the length of the block, which ever opened, would cause pedestrians to move approximately 120 feet to the east or west to access the rest of the block.

- 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.*

Staff has recommended as a condition of approval that 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.