

Page 1: PZB ROW Vacation - Applicant Information Sheet

INSTRUCTIONS: The following information is requested pursuant to the City's Unified Land Development Regulations (ULDR). The application must be filled out accurately and completely. Please print or type and answer all questions. Indicate N/A if does not apply.

NOTE: To be filled out by Department

Case Number	
Date of complete submittal	

NOTE: For purpose of identification, the **PROPERTY OWNER** is the **APPLICANT**

Property Owner's Name	Las Olas Harbor Club,
Property Owner's Signature	If a signed agent letter is provided, no signature is required on the application by the owner
Address, City, State, Zip	
E-mail Address	
Phone Number	
Proof of Ownership	<input type="checkbox"/> Warranty Deed or <input checked="" type="checkbox"/> Tax Record

NOTE: If **AGENT** is to represent **OWNER**, notarized letter of consent is required

Applicant / Agent's Name	Stephanie J. Toothaker,
Applicant / Agent's Signature	
Address, City, State, Zip	501 SW 2nd Avenue, Suite A, Fort Lauderdale, FL
E-mail Address	stephanie@toothaker.org cc:
Phone Number	954.648.937
Letter of Consent Submitted	Yes

Development / Project Name	Valencia Street ROW	
Development / Project Address	<u>Existing:</u>	<u>New:</u>
Legal Description	See sketch and legal	
Tax ID Folio Numbers (For all parcels in development)		
Request / Description of Project	Vacation of ROW (Valencia)	
Applicable ULDR Sections	Section 47-24.6 and	
Total Estimated Cost of Project	\$ NA	(Including land costs)

Future Land Use Designation	
Current Zoning Designation	
Current Use of Property	

Additional property owners who wish to be included in the request, if applicable. Use additional sheets if necessary.				
Name and Signature	Folio Number	Subdivision	Block	Lot

NOTE: Applicant must indicate how they meet one of the following provisions:

1. All utilities (list below) located within the easement and/or right-of-way must be relocated pursuant to a relocation plan; and
2. The owner of the utility facilities must consent to the vacation; or
3. A utilities easement must be retained over the area or portion thereof; or
4. An easement in a different location must be provided for the utility facilities by the owner to the satisfaction of the City; or
5. Any combination of same and utilities maintenance are not disrupted.

TECO, Peoples Gas
 5101 NW 21st Avenue
 Fort Lauderdale, FL 33309
 (954) 453-0817, (954) 453-0804 fax

BellSouth
 8601 W. Sunrise Blvd., 2nd Floor
 Plantation, FL 33322
 (954) 476-2909

Florida Power and Light
 Service Planning
 3020 N.W. 19 St.
 Fort Lauderdale, FL 33311
 (954) 717-2057, (954) 717-2118 fax

Comcast, Inc.
 Leonard Maxwell-Newbold
 Engineering-Design Dept.
 2601 SW 145 Ave.
 Miramar, FL 33027
 (954)447-8405

Page 2: Required Documentation & Mail Notice Requirements

One (1) copy of the following documents:

- Original Pre-PZB signed-off plans and all supplemental documentation (ie. narratives, photos, etc.)
- Completed application (all pages must be filled out where applicable)
- Mail notice documents
- One (1) electronic version of complete application and plans in PDF format

Two (2) original sets, signed and sealed, of Pre-PZB plans at 24" x 36"

Thirteen (13) copy sets, of Pre-PZB half-size scaled plans at 12" x 18"

- Narrative** describing specifics of vacation request. Narratives must be on letterhead, dated, and with author indicated.
- Narrative** quoting all applicable sections of the ULDR, with point-by-point responses of how project complies with such criteria. Narratives must be on letterhead, dated, and with author indicated.
- Land Use and Zoning maps** indicating all properties within 700 ft. of the subject property. These should be obtained from Urban Design & Planning Division. Site should be highlighted or clearly marked to identify the parcel(s) under consideration on all sets.
- Cover sheet** on plan set to state project name and table of contents.
- Current survey(s)** of property, signed and sealed, showing existing conditions; survey must be As-Built and Topographic with Right-of-Way and Easement Vacations Excluded. The survey should consist of the proposed project site alone. Do not include adjacent properties or portions of lands not included in the proposed project unless specifically requested by the City.
- Most **current recorded plat** including amendments, with site highlighted. This may be obtained from Broward County Public Records at 115 S. Andrews Ave.
- Aerial photo** indicating all properties within 700 ft. of the subject property. Must be clear and current with site highlighted.
- Sketch and legal description** right-of-way proposed to be vacated (prepared by Engineer or Surveyor).

Note: All copy sets must be clear and legible. If original set is in color, copy sets must also be in color.

Note: Plans must be bound, stapled and folded to 8 1/2" x 11". All non-plan documents should be 8 1/2" x 11" and stapled or bound.

Note: Civil Engineering plans are only required at Final-DRC sign-off. Contact DRC Engineering Representative for details.

Note: For examples of project narratives, site plan data tables, and renderings required with your application, please refer to the "Submittal Reference Book" available at the Planning & Zoning Department office.

Applicant's Affidavit	Staff Intake Review
I acknowledge that the Required Documentation and Technical Specifications of the application are met:	For Urban Design & Planning staff use only:
Print Name <u>Stephanie J. Toothaker,</u>	Date _____
Signature 	Received By _____
Date <u>July 8, 2022</u>	Tech. Specs Reviewed By _____
	Case No. _____

MAIL NOTIFICATION

Notice shall be in the form provided by the department and mailed on the date the application is accepted by the department. The names and addresses of homeowner associations shall be those on file with the City Clerk).

- **REQUIREMENT:** Mail notice of development proposal shall be provided to real property owners within 300 feet of applicant's property, as listed in the most recent ad valorem tax records of Broward County.
- **TAX MAP:** Applicant shall provide a tax map of all property within the required notification radius, with each property clearly shown and delineated. Each property within the notice area must be numbered (by Folio ID) on the map to cross-reference with property owners notice list.
- **PROPERTY OWNERS NOTICE LIST:** Applicant shall provide a property owners notice list with the names, property control numbers (Folio ID) and complete addresses for all property owners within the required notification radius. The list shall also include all homeowners associations, condominium associations, municipalities and counties noticed, as indicated on the tax roll.
- **ENVELOPES:** The applicant shall provide business size (#10) envelopes with first class postage attached (stamps only, metered mail will not be accepted). Envelopes must be addressed to all property owners within the required notification radius, and mailing addresses must be typed or labeled; no handwritten addresses will be accepted. Indicate the following as the return address on all envelopes: City of Fort Lauderdale, Urban Design & Planning, 700 NW 19th Avenue, Fort Lauderdale, FL 33311.
- **DISTRIBUTION:** The City of Fort Lauderdale, Urban Design & Planning office will mail all notices prior to the public hearing meeting date, as outlined in Section 47-27.

Updated: 10/01/2020

CASE No: UDP-V20003

Exhibit 2

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CAM #22-0865

Exhibit 2

Page 2 of 22

Page 3: Sign Notification Requirements and Affidavit

SIGN NOTICE

Applicant must POST SIGNS (for Planning and Zoning Board and City Commission Hearings) according to Sec. 47-27.4.

- Sign Notice shall be given by the applicant by posting a sign provided by the City stating the time, date and place of the Public Hearing on such matter on the property which is the subject of an application for a development permit. If more than one (1) public hearing is held on a matter, the date, time and place shall be stated on the sign or changed as applicable.
The sign shall be posted at least fifteen (15) days prior to the date of the public hearing.
The sign shall be visible from adjacent rights-of-way, including waterways, but excepting alleys.
If the subject property is on more than one (1) right-of-way, as described above, a sign shall be posted facing each right-of-way.
If the applicant is not the owner of the property that is subject of the application, the applicant shall post the sign on or as near to the subject property as possible subject to the permission of the owner of the property where the sign is located or, in a location in the right-of-way if approved by the City.
Development applications for more than one (1) contiguous development site shall be required to have sign notice by posting one (1) sign in each geographic direction, (north, south, east and west) on the public right-of-way at the perimeter of the area under consideration.
If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the City and posting the sign on the property.
The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearings by another body. The sign information shall be changed as above to reflect any new dates.
The applicant shall, five (5) days prior to the public hearing, execute and submit to the department an affidavit of proof of posting of the public notice sign according to this section. If the applicant fails to submit the affidavit the public hearing will be postponed until the next hearing after the affidavit has been supplied.

AFFIDAVIT OF POSTING SIGNS

STATE OF FLORIDA
BROWARD COUNTY

RE: BOARD OF ADJUSTMENT
HISTORIC PRESERVATION BOARD
PLANNING AND ZONING BOARD
CITY COMMISSION

CASE NO. _____

APPLICANT: _____

PROPERTY: _____

PUBLIC HEARING DATE: _____

BEFORE ME, the undersigned authority, personally appeared _____, who upon being duly sworn and cautioned, under oath deposes and says:

- 1. Affiant is the Applicant in the above cited City of Fort Lauderdale Board or Commission Case.
2. The Affiant/Applicant has posted or has caused to be posted on the Property the signage provided by the City of Fort Lauderdale, which such signage notifies the public of the time, date and place of the Public Hearing on the application for relief before the Board or Commission.
3. That the sign(s) referenced in Paragraph two (2) above was posted on the Property in such manner as to be visible from adjacent streets and waterways and was posted at least fifteen (15) days prior to the date of the Public Hearing cited above and has remained continuously posted until the date of execution and filing of this Affidavit. Said sign(s) shall be visible from and within twenty (20) feet of streets and waterways, and shall be securely fastened to a stake, fence, or building.
4. Affiant acknowledges that the sign must remain posted on the property until the final disposition of the case before the Board or Commission. Should the application be continued, deferred or re-heard, the sign shall be amended to reflect the new dates.
5. Affiant acknowledges that this Affidavit must be executed and filed with the City's Urban Design & Planning office five (5) calendar days prior to the date of Public Hearing and if the Affidavit is not submitted, the Public Hearing on this case shall be cancelled.
6. Affiant is familiar with the nature of an oath or affirmation and is familiar with the laws of perjury in the State of Florida and the penalties therefore.

Affiant

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this ____ day of _____, 20__.

(SEAL)

NOTARY PUBLIC
MY COMMISSION EXPIRES:

NOTE: I understand that if my sign is not returned within the prescribed time limit as noted in Sec. 47.27.3.i of the City of Fort Lauderdale ULDR, I will forfeit my sign deposit. _____ (initial here)
_____ Initials of applicant (or representative) receiving sign as per 47-27.2(3)(A-J)

April 1, 2022

VIA LAUDERBUILD

URBAN DESIGN & PLANNING DIVISION
DEPARTMENT OF SUSTAINABLE DEVELOPMENT
CITY OF FORT LAUDERDALE
700 NW 19TH AVE
FORT LAUDERDALE, FL 33311

**RE: Site Plan Level IV Review: 50-Foot Right-Of-Way (Valencia Street) Vacation
UDP-V20003 Right-of-Way Vacation and Adequacy Requirements Narrative**

LAS OLAS HARBOR BEACH CLUB, LLC (the “Applicant”) is seeking to vacate a 50-foot right-of-way known as Valencia Street adjacent to the real property owned by the Applicant at 1 and 7 North Birch Road, Fort Lauderdale (Folio Nos. 5042-12-10-1150 and 5042-12-10-1160) with the endorsement of the neighboring property to the south known as the Portofino-On-The-Intracoastal Condominium (“Portofino”) and the Central Beach Alliance neighborhood association as provided in the attached letter of support and meeting minutes. Provided below is a point-by-point analysis demonstrating the application’s compliance with the applicable ULDR criteria.

Section 47-24.6. - Vacation of Rights-Of-Way

4. Criteria. An application for a vacation of a right-of-way or other public place shall be reviewed in accordance with the following criteria:

- a. The right-of-way or other public place is no longer needed for public purposes; and
RESPONSE: The right-of-way is not needed for public purposes. At this location, Valencia Street dead-ends into the Intracoastal Waterway. There is no water taxi stop at this location. There is no public access or connectivity along the waterway as either side adjacent to Valencia Street is privatized and gated. The right-of-way is currently utilized as Portofino’s vehicular accessway.
- b. Alternate routes if needed are available which do not cause adverse impacts to surrounding areas; and
RESPONSE: Portofino property owners will continue to have access through their half of the vacated right-of-way. Vehicular access to the Applicant’s proposed development is currently contemplated along Birch Road to meet stacking requirements.
- c. The closure of a right-of-way provides safe areas for vehicles to turn around and exit the area; and
RESPONSE: The Portofino will continue to have access through their half of the proposed vacated right-of-way. Refer to the site circulation plan that includes ingress/egress for the Portofino development. Vehicular access to the Applicant’s proposed development is currently contemplated along Birch Road to meet stacking requirements.
- d. The closure of a right-of-way shall not adversely impact pedestrian traffic; and
RESPONSE: Pedestrian traffic will not be adversely affected by the vacation of the right-of-way. Incomplete sidewalks currently exist in the area proposed to be vacated.

Stephanie J. Toothaker, Esq.

land use development political strategy procurement

Stephanie J. Toothaker, Esq., PA 954.648.9376 stephanie@toothaker.org [@stoothaker](#) [@toothakerdevelopment](#)
401 E Las Olas Blvd, Suite 130-154 Fort Lauderdale, FL 33301

- 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: Applicant will provide letters of no objection from all applicable utility companies. Applicant will relocate all utilities to the satisfaction of the respective utility owners or will grant an easement over the existing right-of-way for the utilities that will remain as applicable.

Section 47-25.2 – Adequacy Requirements

- A. *Applicability.* The adequacy requirements set forth herein shall be used by the city to evaluate the demand created on public services and facilities created by a proposed development permit.

RESPONSE: Acknowledged.

- B. *Communications network.* Buildings and structures shall not interfere with the city's communication network. Developments shall be modified to accommodate the needs of the city's communication network, to eliminate any interference a development would create or otherwise accommodate the needs of the city's communication network within the development proposal.

RESPONSE: No buildings or structures are proposed within the right-of-way Area; therefore, no interference will be created.

- C. *Drainage facilities.* Adequacy of stormwater management facilities shall be evaluated based upon the adopted level of service requiring the retention of the first inch of runoff from the entire site or two and one-half (2½) inches of runoff from the impervious surface whichever is greater.

RESPONSE: Conceptual storm improvements and demolition plans for the ROW vacation have been provided to the City's Public Works Department for consideration.

- D. *Environmentally sensitive lands.*

- 1. In addition to a finding of adequacy, a development shall be reviewed pursuant to applicable federal, state, regional and local environmental regulations. Specifically, an application for development shall be reviewed in accordance with the following Broward County Ordinances which address environmentally sensitive lands and wellfield protection which ordinances are incorporated herein by reference:

- a. Broward County Ordinance No. 89-6.
- b. Section 5-198(I), Chapter 5, Article IX of the Broward County Code of Ordinances.
- c. Broward County Ordinance No. 84-60.

- 2. The applicant must demonstrate that impacts of the proposed development to environmentally sensitive lands will be mitigated.

RESPONSE: The proposed right-of-way vacation does not impact environmentally sensitive lands.

- E. *Fire protection.* Fire protection service shall be adequate to protect people and property in the proposed development. Adequate water supply, fire hydrants, fire apparatus and facilities shall be provided in accordance with the Florida Building Code, South Florida Fire Code and other accepted applicable fire and safety standards.

RESPONSE: Fire protection and access will be maintained where needed.

F. *Parks and open space.*

1. The manner and amount of providing park and open space is as provided in Section 47-38A, Park Impact Fees, of the ULDR.
2. No building permit shall be issued until the park impact fee required by Section 47-38A of the ULDR has been paid in full by the applicant.

RESPONSE: Park impact fees will be satisfied with the associated site plan at time of permit.

- G. *Police protection.* Police protection service shall be adequate to protect people and property in the proposed development. The development shall provide improvements which are consistent with Crime Prevention Through Environmental Design (CPTED) to minimize the risk to public safety and assure adequate police protection.

RESPONSE: The project will provide improvements consistent with CPTED principles.

H. *Potable water.*

1. Adequate potable water service shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of potable water systems in accordance with city engineering standards, the Florida Building Code, and applicable health and environmental regulations. The existing water treatment facilities and systems shall have sufficient capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which potable water treatment capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended from time to time. Improvements to the potable water service and system shall be made in accordance with city engineering standards and other accepted applicable engineering standards.

2. *Potable water facilities.*

- a. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.
- b. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the development.
- c. Where the county is the projected service provider, a similar written assurance will be required.

RESPONSE: Potable water infrastructure is not anticipated to be affected by the proposed right-of-way vacation.

I. *Sanitary sewer.*

1. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from the design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.
2. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the proposed development.
3. Where the county is the projected service provider, a written assurance will be required.

4. Where septic tanks will be utilized, the applicant shall secure and submit to the city a certificate from the Broward County Health Unit that certifies that the site is or can be made suitable for an on-site sewage disposal system for the proposed use.

RESPONSE: Sanitary sewer infrastructure is not anticipated to be affected by the proposed right-of-way vacation.

- J. *Schools.* For all development including residential units, the applicant shall be required to mitigate the impact of such development on public school facilities in accordance with the Broward County Land Development Code or section 47-38C. Educational Mitigation, as applicable and shall provide documentation to the city that such education mitigation requirement has been satisfied.

RESPONSE: N/A to right-of-way vacation. A School Capacity Availability Determination will be obtained for the associated site plan.

- K. *Solid waste.*

1. Adequate solid waste collection facilities and service shall be obtained by the applicant in connection with the proposed development and evidence shall be provided to the city demonstrating that all solid waste will be disposed of in a manner that complies with all governmental requirements.
2. *Solid waste facilities.* Where the city provides solid waste collection service and adequate service can be provided, an adequacy finding shall be issued. Where there is another service provider, a written assurance will be required. The impacts of the proposed development will be determined based on Table 4, Solid Waste, on file with the department.

RESPONSE: No impact to solid waste collection facilities is anticipated as part of the right-of-way vacation.

- L. *Stormwater.* Adequate stormwater facilities and systems shall be provided so that the removal of stormwater will not adversely affect adjacent streets and properties or the public stormwater facilities and systems in accordance with the Florida Building Code, city engineering standards and other accepted applicable engineering standards.

RESPONSE: Conceptual storm improvements and demolition plans for the ROW vacation have been provided to the City's Public Works Department for consideration.

- M. *Transportation facilities.*

1. The capacity for transportation facilities shall be evaluated based on Table 1, Generalized Daily Level of Service Maximum Volumes, on file with the department. If a development is within a compact deferral area, the available traffic capacity shall be determined in accordance with Table 2, Flowchart, on file with the department.
2. *Regional transportation network.* The regional transportation network shall have the adequate capacity, and safe and efficient traffic circulation to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the adopted traffic elements of the city and the county comprehensive plans, and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is needed in order to evaluate the impacts of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit such a study to the city which will be considered by the DRC in its review. Roadway improvements needed to upgrade the regional transportation network shall

be made in accordance with the city, the county, and Florida Department of Transportation traffic engineering standards and plans as applicable.

RESPONSE: The proposed right-of-way vacation will not adversely impact the regional transportation network.

3. *Local streets.* Local streets shall have adequate capacity, safe and efficient traffic circulation, and appropriate functional classification to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the city's comprehensive plan and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is required in order to evaluate the impact of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit to the city such a study to be considered as part of the DRC review. Street improvements needed to upgrade the capacity or comply with the functional classification of local streets shall be made in accordance with the city engineering standards and acceptable applicable traffic engineering standards. Local streets are those streets that are not classified as federal, state or county roadways on the functional classification map adopted by the State of Florida.

RESPONSE: The proposed right-of-way vacation will not adversely impact local streets.

4. *Traffic impact studies.*
 - a. When the proposed development may generate over one thousand (1,000) daily trips; or
 - b. When the daily trip generation is less than one thousand (1,000) trips; and (1) when more than twenty percent (20%) of the total daily trips are anticipated to arrive or depart, or both, within one-half ($\frac{1}{2}$) hour; or (2) when the proposed use creates varying trip generation each day, but has the potential to place more than twenty percent (20%) of its maximum twenty-four (24) hour trip generation onto the adjacent transportation system within a one-half ($\frac{1}{2}$) hour period; the applicant shall submit to the city a traffic impact analysis prepared by the county or a registered Florida engineer experienced in trafficways impact analysis which shall:
 - i. Provide an estimate of the number of average and peak hour trips per day generated and directions or routes of travel for all trips with an external end.
 - ii. Estimate how traffic from the proposed development will change traffic volumes, levels of service, and circulation on the existing and programmed trafficways.
 - iii. If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local trafficways, define what city, county or state agencies have programmed the necessary construction and how this programming relates to the proposed development.
 - iv. A further detailed analysis and any other information that the review committee considers relevant.
 - v. The traffic impact study may be reviewed by an independent licensed professional engineer contracted by the city to determine whether it adequately addresses the impact and the study supports its conclusions. The cost of review by city's consultant shall be reimbursed to the city by the applicant.
 - vi. When this subsection M.4.b. applies, the traffic study shall include an analysis of how the peak loading will affect the transportation system including, if necessary, an operational plan showing how the peak trips will be controlled and managed.

RESPONSE: A traffic impact study is not required for the associated site plan application.

5. *Dedication of rights-of-way.* Property shall be conveyed to the public by plat, deed or grant of easement as needed in accordance with the Broward County Trafficways Plan, the city's comprehensive plan, subdivision regulations and accepted applicable traffic engineering standards.

RESPONSE: N/A

6. *Pedestrian facilities.* Sidewalks, pedestrian crossing and other pedestrian facilities shall be provided to encourage safe and adequate pedestrian movement on-site and along roadways to adjacent properties. Transit service facilities shall be provided for as required by the city and Broward County Transit. Pedestrian facilities shall be designed and installed in accordance with city engineering standards and accepted applicable engineering standards.

RESPONSE: Pedestrian crossing and other pedestrian facilities will comply where applicable with the associated site plan application.

7. *Primary arterial street frontage.* Where a proposed development abuts a primary arterial street either existing or proposed in the trafficways plan, the development review committee (DRC) may require marginal access street, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with or without rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to assure separation of through and level traffic.

RESPONSE: Driveway access points for the associated site plan application are currently proposed along Birch Road.

8. *Other roadway improvements.* Roadways adjustments, traffic control devices, mechanisms, and access restrictions may be required to control traffic flow or divert traffic, as needed to reduce or eliminate development generated traffic.

RESPONSE: Signage and pavement marking improvements will be provided as applicable with the associated site plan application.

9. *Street trees.* In order to provide for adequate landscaping along streets within the city, street trees shall be required along the length of the property abutting a street. A minimum of fifty percent (50%) of the required street trees shall be shade trees, and the remaining street trees may be provided as flowering or palm trees. These percentages may be varied based on existing or proposed physical conditions which may prevent the ability to comply with the street tree requirements of this subsection. The street trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements, except in the downtown RAC districts the requirements of Sec. 47-13.20.H.8 shall apply. The location and number of street trees shall be determined by the department based on the height, bulk, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties. The requirements for street trees, as provided herein, may be located within the public right-of-way as approved by the entity with jurisdiction over the abutting right-of-way.

RESPONSE: Street trees will comply where applicable with the associated site plan application.

N. *Wastewater.*

1. *Wastewater.* Adequate wastewater services shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of a wastewater and

disposal system in accordance with applicable health, environmental and engineering regulations and standards. The existing wastewater treatment facilities and systems shall have adequate capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which wastewater treatment or disposal capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended for time to time. Improvements to the wastewater facilities and system shall be made in accordance with the city engineering and accepted applicable engineering standards.

RESPONSE: A capacity availability determination from the Public Works Department will be obtained during the DRC process for the associated site plan.

- O. *Trash management requirements.* A trash management plan shall be required in connection with non-residential uses that provide prepackaged food or beverages for off-site consumption. Existing non-residential uses of this type shall adopt a trash management plan within six (6) months of the effective date of this provision.

RESPONSE: N/A

- P. *Historic and archaeological resources.*

1. If a structure or site has been identified as having archaeological or historical significance by any entity within the State of Florida authorized by law to do same, the applicant shall be responsible for requesting this information from the state, county, local governmental or other entity with jurisdiction over historic or archaeological matters and submitting this information to the city at the time of, and together with, a development permit application. The reviewing entity shall include this information in its comments.

RESPONSE: Acknowledged and will comply.

- Q. *Hurricane evacuation.* If a structure or site is located east of the Intracoastal Waterway, the applicant shall submit documentation from Broward County or such agency with jurisdiction over hurricane evacuation analysis either indicating that acceptable level of service of hurricane evacuation routes and hurricane emergency shelter capacity shall be maintained without impairment resulting from a proposed development or describing actions or development modifications necessary to be implemented in order to maintain level of service and capacity.

RESPONSE: The project will comply with the standard evacuation routes required for this area.

Respectfully submitted,

/s/ Stephanie J. Toothaker

Stephanie J. Toothaker, Esq.

May 9, 2021

Mayor Dean Trantalis
Vice Mayor Heather Moraitis
Commissioner Steve Glassman
Commissioner Ben Sorensen
Commissioner Robert McKenzie
City of Fort Lauderdale City Commission
100 N. Andrews Avenue
Fort Lauderdale, FL 33301

**RE: Letter of Support for Valencia Street Right-of-Way Vacation
Case No. UDP-V20003**

Dear Honorable Mayor Trantalis, Vice Mayor Morraitis, and Commissioners Glassman, Sorensen, and McKenzie:

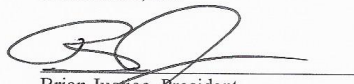
On behalf of the Portofino-On-The-Intracoastal Condominium Association, Inc., located at 77 S Birch Road, Fort Lauderdale, FL 33316, we would like to express our full support of the proposed 50-foot-wide Valencia Street right of way vacation, Case No. UDP-V20003, associated with the residential development proposed by Las Olas Harbor LLC at 1 and 7 North Birch Road, Fort Lauderdale.

The subject dead-end right-of-way is currently unimproved and is regularly used for unlawful parking and loading. The applicant has committed to substantially enhance the public realm experience and quality of life for the residents of the Portofino and One Birch project as presented in the attached conceptual plan, including beautifying the vacated portion of the right-of-way, maintaining the entry drive aisle to access our property, and providing a parking/drop-off/loading space on the Developer's portion of the vacated right-of-way for the Portofino's mutual use.

We believe the right-of-way vacation request complies with the code criteria established in ULDR Section 47-24.6.A.4. and as such respectfully request that the City approve the application. Thank you for your attention to this matter.

Respectfully,

Portofino-On-The-Intracoastal Condominium
Association, Inc.



Brian Justice, President

cc: William Brown, President, Central Beach Alliance (CBA)
Ella Parker, AICP, Urban Design & Planning Manager
Yvonne Redding, Planner III
Stephanie J. Toothaker, Esq., Agent

April 7, 2022

YVONNE REDDING
CITY OF FT. LAUDERDALE/DSD
 700 NW 19th Avenue
 Ft. Lauderdale, FL 33301
 954.828.6495 / yredding@fortlauderdale.gov

Re: 1 N. Birch - Utility Easement Vacation
DRC Case#: UDP-V20003

ENG CASE COMMENTS (ALFREDO LEON) – Received January 26, 2021

1. Provide written documentation that proposed Vacation of Rights-of-Way meets the City's Criteria for Review per ULDR Section 47-25.2 (Adequacy Review) and ULDR Section 47-24.6 (Vacation of ROW Requirements).
RESPONSE: See narratives provided.
2. Demonstrate compliance with Adequacy Review requirements per ULDR Sections 47-25.2.C (Drainage facilities) and 47-25.2.L (Stormwater), that the Rights-of-Way area to be considered for vacation will not adversely affect adjacent streets and properties.
RESPONSE: See narratives provided.
3. Please note that the City has stormwater infrastructure (i.e., 42-inch reinforced concrete pipe (RCP) and a 12-inch RCP along with their respective catch basin(s) and outfall) that exist on Valencia St within the proposed right-of-way (ROW) vacation. Please modify the plans to illustrate the above-referenced infrastructure.
RESPONSE: The Applicant's team has worked directly with Public Works and the ENG department to meet their review requirements. Final plans were sent Feb 2022.
4. Provide a signed and sealed boundary and topographic survey showing all above ground improvements, utilities, rights of way dimensions and all easements. This survey shall be based on a Standard Title Commitment issued by a title insurer licensed to do business in Florida or an Opinion of Title issued by an attorney admitted to the Florida Bar.
RESPONSE: Survey has been provided dated 08/04/21 signed on 07/01/22.
5. Per the DRC Vacation Application, provide a current certified boundary survey (within last 6 months) that is signed and sealed.
RESPONSE: Survey has been provided dated 08/04/21 signed on 07/01/22.
6. Provide copy of latest corresponding Site Plan, so that it can be reviewed for consistency. Confirm that limits of proposed Easement vacation are consistent with Site Plan.
RESPONSE: Site Plan has been provided. Site Plan case # is PLN-SITE-20090002.

Stephanie J. Toothaker, Esq.
 land use development political strategy procurement

Stephanie J. Toothaker, Esq., PA 954.648.9376 stephanie@toothaker.org [@stoothaker](#) [@toothakerdevelopment](#)
 401 E Las Olas Blvd, Suite 130-154 Fort Lauderdale, FL 33301

TAM CASE COMMENTS (ISTVAN VIRAG) – Received January 26, 2021

1. Valencia Street is currently in use by the neighboring association, vacating this R/W would require the Portofino community to agree to this request. Portofino association access should not be hindered by this process.
RESPONSE: Letter has been provided in full support.
2. Provide vehicle turning movements for both properties using largest use vehicles (emergency/moving/delivery) for both properties.
RESPONSE: See exhibit provided (sheet V4).
3. Why is this vacation being requested, if it is for proposed development please provide plan set.
RESPONSE: Site Plan Case # is PLN-SITE-20090002.
4. Cross access agreements with site to the south may be required.
RESPONSE: See access agreement exhibit (sheet V2).
5. Site stacking and/or VRS requirement must not conflict with access to the south entry & exit access.
RESPONSE: Plans comply with stacking requirements.
6. Applicant shall provide letter of approval from Portofino community.
RESPONSE: See letter of full support from Portofino dated May 09, 2021.
7. Additional comments may be provided upon further review.
RESPONSE: Acknowledged.
8. Sign off is required.
RESPONSE: Acknowledged.

PLNG CASE COMMENTS (YVONNE REDDING) – Received January 26, 2021

1. The site is designated Central Beach – Regional Activity Center on the City's Future Land Use Map. The proposed use is permitted in this designation. This is not a determination on consistency with Comprehensive Plan Goals, Objectives and Policies.
RESPONSE: Acknowledged.
2. Provide a Plat Determination Letter from Broward County Planning Council verifying whether the property needs to be platted or re-platted. If a plat or re-plat is not required, contact the Broward County, Development Management and Environmental Review Section, at (954) 357-8695 to ensure that the proposed project is consistent with the latest recorded plat restriction(s). If a plat note or non-vehicular access line (NVAL) amendment is needed, a separate application is required, which is reviewed administratively and can be found here: Administrative Review Application.
RESPONSE: See BCPC letter dated Feb 04, 2021.
3. The proposed project requires review and recommendation by the Planning and Zoning Board and approval by the City Commission. A separate application and fee are required for PZ Board review, and a separate submittal is required for City Commission review. The applicant is responsible for all public notice requirements (Sec. 47-27).
RESPONSE: Acknowledged. The Applicant will comply as applicable.
4. Indicate the project's compliance with the following ULDR sections by providing a point-by-point narrative response, on letterhead, with date and author indicated.
 - a. Sec. 47-25.2, Adequacy Requirements
 - b. Sec. 47-24.6.A.4, Criteria for Right-of-Way Vacation**RESPONSE: See ULDR narratives the Applicant provided.**

5. It appears that the right-of-way is being utilized for public purposes and the proposed vacation may adversely impact vehicular and/or pedestrian access. Please discuss at BMC meeting.
RESPONSE: Taken into consideration.
6. Provide the adjacent property owners written authorization to proceed with the Right-of-Way vacation.
RESPONSE: See letter dated Feb 2022.
7. Provide the proposed site plan, also include the proposed circulation and access plan for the development to the south include any and all improvements planned adjacent to the Right-of-Way to be installed.
RESPONSE: Proposed plan has been included in this set as well as in Case # PAL-2022-000002.
8. Signoffs from the City Surveyor and the City's Engineering Design Manager will be required prior to Planning and Zoning Board Submittal.
RESPONSE: Acknowledged.
9. Discuss any right-of-way requirements with the City's Engineering Design Manager.
RESPONSE: Applications will meet all code requirements.
10. Coordinate need for easements with the franchise public utilities.
RESPONSE: See No Objections letters from the Franchise companies. The Applicant has reviewed plans with City of Fort Lauderdale Public Works and is working to attain approval for this vacation request.
11. Letters must be provided from AT&T, the City of Fort Lauderdale Public Works Department, Comcast Cable, Florida Power & Light, and FPCO Peoples Gas indicating no objections to the vacation. If any easements are required, legal and easement documents must be provided prior to them being scheduled for City Commission. If any facilities need to be relocated, plans satisfactory to that agency must be approved prior to City Commission submittal.
 a. Contact information for utilities is as follows:

AT&T	City of Fort Lauderdale	Comcast Cable
Dan Tice	Public Works Department	Louise Knepp Harshbald
(954) 377-5622	City Hall	(954)617-4800
(954) 377-5622	(954) 438-6139	www.comcast.com
(954) 377-5622	www.fortlauderdale.gov	

RESPONSE: Please see the no objection letters attached from the applicable franchise utility companies.

12. The evidence supporting the right-of-way vacation shall be recorded in the public records of the County within 300 days after adoption.
RESPONSE: Acknowledged.
- Respectfully,
/s/ Stephanie J. Toothaker
 Stephanie J. Toothaker, Eng.

February 4, 2021

Stephanie J. Toothaker, Esquire
401 East Las Olas Boulevard, Suite 130-154
Fort Lauderdale, Florida 33301

Via Email Only

Dear Ms. Toothaker:

Re: Platting requirements for a parcel legally described as Lots 10 and 11, Block 11, "Lauder Del Mar," according to the Plat thereof, as recorded in Plat Book 7, Page 30, of the Public Records of Broward County, Florida, together with unplatted land between said Lots and the Intracoastal Waterway, together with the proposed vacated North 25 feet of Valencia Street right-of-way. This parcel is generally located on the west side of Birch Road, between Las Olas Circle and Sebastian Street, in the City of Fort Lauderdale.

This letter is in response to your correspondence regarding the Broward County Land Use Plan's platting requirements for a proposed multi-family residential development on the above referenced parcel.

Planning Council staff has determined that replatting **would not be required** by Policy 2.13.1 of the Broward County Land Use Plan for the proposed development, subject to compliance with any applicable Broward County Trafficways Plan requirement.

As per the criteria of Policy 2.13.1, replatting is required for the issuance of building permits when constructing a non-residential or multi-family residential development, unless all of the following conditions are met:

- a. The lot or parcel is smaller than 10 acres and is unrelated to any adjacent development;
- b. The lot or parcel has been specifically delineated in a recorded plat;
- c. All land within the lot or parcel which is necessary to comply with the County Trafficways Plan has been conveyed to the public by deed or easement; and
- d. The proposed development is in compliance with the applicable land development regulations.

Stephanie J. Toothaker
February 4, 2021
Page Two

The subject parcel is less than 10 acres (approximately 0.52 acres) and meets the specifically delineated requirement. This platting interpretation is subject to the municipality finding that the proposed development is unrelated to any adjacent development, as noted in "a." above.

Planning Council staff notes that when a specifically delineated parcel (i.e., Lots 10 and 11) is combined with unplatted lands (i.e., unplatted land between said Lots and the Intracoastal Waterway), or with vacated right-of-way (i.e., the North 25 feet of Valencia Street right-of-way), Policy 2.13.1 of the Broward County Land Use Plan does not require replatting if the specifically delineated portion of the parcel constitutes the majority of the enlarged parcel; in this case the specifically delineated portion constitutes a majority of the enlarged parcel.

Some jurisdictions may be more restrictive and require platting in more situations than the Broward County Land Use Plan. The City of Fort Lauderdale's platting requirements should be investigated.

The contents of this letter are not a judgment as to whether this development proposal complies with the Broward County Trafficways Plan, permitted uses and densities, local zoning, the land development regulations of the municipality or the development review requirements of the Broward County Land Use Plan, including concurrency requirements.

If you have any additional questions concerning the Broward County Land Use Plan's platting requirements, please contact Leny Huaman, Planner, at your convenience.

Respectfully,



Barbara Blake Boy
Executive Director

BBB:LRH

cc/email: Chris Lagerbloom, City Manager
City of Fort Lauderdale

Anthony Fajardo, Director, Department of Sustainable Development
City of Fort Lauderdale



July 18, 2022

Sarah Owen DelNegri
Flynn Engineering
241 E. Commercial Blvd.
Lauderdale-By-The-Sea, FL, 33308

Subject: **No Objection Letter for the Easement Vacation for the 50 ft of Right-of-Way of Valencia St between the Intercoastal Waterway and N. Birch Rd., Fort Lauderdale, FL**

Dear Ms. DelNegri,

The City of Fort Lauderdale's Public Works Department (PW) has reviewed the request for vacating the 50 linear feet of Right-of-Way (ROW) of Valencia Street between the Intercoastal Waterway and N. Birch Road per the plans provided by Flynn Engineering. The City has no objection to this request provided the following conditions are met:

- 1.) A Utility Easement shall be granted over the entire vacated 50' Right-Of-Way between the Intercoastal Waterway and N. Birch Road for Public Works access, maintenance, and future infrastructure improvements.
- 2.) There are to be no private utilities installed within the proposed Utility Easement.
- 3.) There are to be no private aboveground structures constructed within the proposed Utility Easement.
- 4.) Any proposed landscape improvements within the proposed Utility easement will require approval from the City.

Should you have any questions or require any additional information, please contact me at (954) 828-6982.

Sincerely,

Roberto Betancourt, P.E.
Project Manager II

October 25, 2021

Aaron Bengochea
Flynn Engineering Services, P.A.
241 Commercial Blve
Lauderdale-By-The-Sea, FL 33308

Re: No Objection Letter for Right of Way Vacation:
50' public Right of Way, Plat Book 7, Page 30, Valencia St, Ft. Lauderdale, FL 33316

Mr. Bengochea,

Please be advised that AT&T has reviewed the proposal for the right of way vacation of the 50' public right of way, Plat Book 7, Page 30 Valencia St Ft. Lauderdale FL 33316 per the attached documents. AT&T has no objection.

AT&T has existing facilities in the right of way. It is understood that any relocation of existing AT&T facilities associated within the proposed project and encroachments will be at the owner's expense. Additional future easements in another location may be required to maintain existing service and provide service to the proposed project.

Should you have any questions, please contact me at 561-310-5185.

Sincerely,



Carlos Lozano
Manager - OSP Planning &
Engineering Design

3020 NW 19th St, Ft Laud. FL 33311



10/20/21

Flynn Engineering Services, PA
241 Commercial Blvd
Lauderdale By The Sea. FL 33308

Attn: Aaron Bengochea

RE: 1 N Birch Rd (Vacation of the Valencia St ROW

This is a 50-foot ROW as shown on the Lauder del Mar Plat recorded in Broward County Plat Book 7 Page 30. An application has been submitted to the City of Fort Lauderdale (Case #UDP-V20003).

Dear Mr. Bengochea:

FPL has **no objections** to the abandonment of the above referenced unimproved rights of way and as described and illustrated on attached surveys and description of the site to be abandoned.

If you require any further information or assistance, please do not hesitate to contact me at 954-717-2086

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan R. Agustin', written in a cursive style.

Dan R. Agustin



10/19/2021

To: Aaron Bengochea
Flynn Engineering Service, P.A.
241 Commercial Blvd.
Lauderdale-By-The-Sea, FL 33308

RE: Vacation of Right-Of-Way
1 Birch Rd.
Ft. Lauderdale, FL 33304
05-0572.02
Case #UDO-V20003

From: TECO Peoples Gas

To: Whom It May Concern,

Thank you for contacting TECO Peoples Gas Company regarding the vacate of Right-Of-Way at the above referenced location. After reviewing the documents provided, TECO-PGS has NO objection to this request.

If you have further questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Joan Domning".

Joan Domning
Administrative Specialist, Senior
Peoples Gas-Distribution Engineering
8416 Palm River Road
Tampa, FL 33619
Office: 813-275-3783



**Engineering – Design Department
6565 Nova Drive. Davie, FL 33317**

Friday, July 01, 2022

**Mr. John Kramer
Project Manager
Flynn Engineering Services, P.A.
241 Commercial Blvd.
Lauderdale-By-The-Sea, FL 33308**

Re: Proposed vacation of the Valencia Street 50' Right-of-Way.

Dear Mr. John Kramer:

Please be advised... in reference to the proposed vacation of the Valencia Street 50' Right-of-Way. Ss shown on the Lauder del Mar Plat recorded in Broward County Plat Book 7 Page 30.

On behalf of COMAST this letter shall serve as a notice of **"No-Objection"** to the vacation of the Valencia Street 50' Right-of-Way. Should it become necessary, Comcast will coordinate with the developer for a separate easement if needed.

Should you need any further information, please do not hesitate to contact me.

Sincerely,

COMCAST.

Ricardo Davidson
Ricardo Davidson
Construction Supervisor

Digitally signed by
Ricardo Davidson
Date: 2022.07.01
08:35:41 -04'00'