



**REQUEST:** Vacation of Right-of-Way: 40-Foot-Wide Portion of SW 1<sup>st</sup> Street

<b>Case Number</b>	UDP-V22003	
<b>Applicant</b>	City of Fort Lauderdale	
<b>Agent</b>	Florentina Hutt, KEITH	
<b>General Location</b>	Portion of SW 1 <sup>st</sup> Street North of SW 2 <sup>nd</sup> Court, East of SW 14 <sup>th</sup> Avenue, South of Broward Boulevard, and West of SW 12 <sup>th</sup> Avenue	
<b>Address</b>	1300 W. Broward Boulevard and 1201 SW 1 <sup>st</sup> Street	
<b>Property Size</b>	15,251 square feet (0.35 acres)	
<b>Zoning District</b>	Community Facility (CF), and Residential Multifamily Mid Rise/ Medium High Density (RMM-25)	
<b>Proposed Zoning District</b>	Community Facility (CF)	
<b>Existing Use</b>	Police Headquarters	
<b>Future Land Use Designation</b>	Community Facilities and Medium-High Residential	
<b>Applicable Unified Land Development Regulations (ULDR) Sections</b>	Section 47-24.6, Vacation of Right-of-Way Section 47-25.2, Adequacy Requirements	
<b>Notification Requirements</b>	Section 47-27.6, Sign Posting 15 days prior to meeting Section 47-27.6, Mail Notice 10 days prior to meeting Section 47-27.4, Public Participation	
<b>Action Required</b>	Recommend Approval of Vacation to City Commission, or Deny	
<b>Project Planner</b>	Lorraine Tappen, Principal Urban Planner	LLT CP

**PROJECT DESCRIPTION:**

The applicant, the City of Fort Lauderdale, requests to vacate a 40-foot-wide by 100-foot-long portion of public right-of-way known as SE 1<sup>st</sup> Street, running west of SW 12<sup>th</sup> Avenue between Broward Boulevard and SW 2<sup>nd</sup> Court, in order to construct a new Police headquarters and parking garage. The portion of SW 1<sup>st</sup> Street proposed to be vacated is located completely within the Police Department's existing headquarters property located at 1300 W. Broward Boulevard. The location map and sketch and legal description of the proposed vacation is attached as **Exhibit 1**. The application, narratives and utility letters are provided as **Exhibit 2**.

**PRIOR REVIEWS:**

The request was reviewed by the Development Review Committee (DRC) on April 26, 2022. All comments have been addressed and are attached as **Exhibit 3**. On May 18, 2022, the Planning and Zoning Board (PZB) deferred the item until June 15, 2022.

The application is related to a Site Plan Level IV Public Purpose Use application to construct a new Police headquarters which was reviewed by the Planning and Zoning Board at the April 20, 2022 meeting (Case Number SR21029). There is also a separate right-of-way application for an alley vacation (Case Number 22004) and a plat application (Case Number P22003) related to the proposed project, which are both scheduled on this agenda.

**REVIEW CRITERIA:**

The following Unified Land Development Regulations (ULDR) criteria apply to the proposed request:

- Section 47-24.6, Vacation of Right-of-Way
- Section 47-25.2, Adequacy Requirements

**Vacation of Right-of-Way:**

As per 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 northern portion of the right-of-way is used by the existing multifamily property at 1201 SW 1<sup>st</sup> Avenue for parking and the southern portion is a driveway and parking area for the Police headquarters. This segment of right-of-way only serves the applicant's properties abutting this portion of SW 1<sup>st</sup> Avenue, all of which are included in the proposed redevelopment project and is no longer needed as right-of-way for public purposes.

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

The right-of-way is currently not used for vehicular circulation. Alternative public access routes exist in and around adjacent streets without any impacts on circulation in the immediate area. Access from SW 12<sup>th</sup> Avenue and SW 1<sup>st</sup> Street east of SW 12<sup>th</sup> Avenue to Broward Boulevard will remain unchanged.

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

The north side of the 40-foot street ROW was abutting parking for a multi-family residential which has been acquired by the City for the proposed development of the police headquarters. The proposed right-of-way vacation does not create any dead-end conditions and vehicles will still be able to navigate SW 12<sup>th</sup> Avenue.

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

The right of vacation will not impact pedestrian connectivity along SW 12<sup>th</sup> Avenue. As it is part of the parking area of the newly acquired property for the new police headquarters and part of the existing headquarters property, redevelopment will require maintaining or upgrading the existing sidewalk.

- 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;*

There are currently franchise and public utilities within the subject right-of-way. The applicant will work with the franchise utilities to address their facilities existing within the vacation area.

Letters of no objection have been requested from the franchise utilities and the City's Public Works Department. The applicant will relocate utilities within the portion of the right-of-way to be vacated at their sole expense, as needed. If required by the affected agencies, the applicant will grant utility easements.

**Adequacy Requirements:**

The adequacy requirement criteria of ULDR Section 47-25.2 are used to evaluate the demand created on public services and facilities by a proposed vacation. The proposed right-of-way vacation will not affect the adequacy of the public services and facilities. The development project for this site is the subject of a separate DRC application which will address each section of the Adequacy Requirements – SEC. 47-25.2. This narrative relates only to those adequacy requirements which may apply to the proposed right-of-way vacation.

The application and narrative responses regarding the project's compliance with ULDR Section 47-24.6.A.4., Vacation of Right-of-Way and Section 47-25.2, Adequacy Requirements are attached as part of Exhibit 2, to assist the Board in determining if the application meets the criteria.

**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 17<sup>th</sup>, 2021, to offer the neighborhood surrounding the proposed vacation the opportunity to learn about the proposed right-of-way vacations. The public participation meeting summary and affidavit are attached as **Exhibit 4**.

In addition, this request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed seven signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. The sign affidavit and photographs of the posted signs are attached as **Exhibit 5**.

**CONDITIONS OF APPROVAL:**

Should the Board approve the proposed vacation, the following conditions apply:

1. 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.
2. The City's Public Works Department, TECO and possibly Comcast, FPL and AT&T have facilities within the existing right-of-way or have conditions for acceptance. Prior to the Engineer's Certificate being executed, letters from these utility owners shall be provided to the City Engineer or designee indicating the removal, relocation, or satisfaction of any applicable condition.
3. 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.
4. Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at applicant's expense, or easements granted, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider.

**PLANNING & ZONING BOARD REVIEW OPTIONS:**

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 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.

**EXHIBITS:**

1. Location Map and Sketch and Legal Description
2. Application, Narratives and Utility Letters
3. DRC Comments, April 26, 2021
4. Public Participation Meeting Summary and Affidavit
5. Public Notice Signs and Sign Affidavit