



**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Lee R. Feldman, ICMA-CM, City Manager

**DATE:** September 3, 2014

**TITLE:** QUASI-JUDICIAL – SECOND READING OF ORDINANCE – Vacation of  
a 15-foot right-of-way - Case V14003

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**Recommendation**

It is recommended that the City Commission adopt an ordinance vacating a 15-foot wide alley right-of-way, located on the north side of NE 5th Street between NE 2nd Avenue and NE 3rd Avenue.

**Background**

The vacation request for the 2,250 square-foot portion of right-of-way is proposed in association with the development of a residential project on the subject property, which includes the area where the alley is currently located. There are two associated easement vacations on the subject site, also scheduled on this agenda (CAM 14-0883 and CAM 14-0913). The elimination of the alley to allow for the Pineapple House development project will further the goals noted in the 2013 Fort Lauderdale Downtown Walkability Analysis document conducted by Jeff Speck. Specifically, the improvements made by the proposed development include improved street trees, a mix of uses, and the building brought up to the street. This will provide a better walkable scale than the fragmented alley that currently exists on the site. A map showing the location of the proposed vacation is provided as **Exhibit 1**.

Pursuant to Unified Land Development Regulations (ULDR) Section 47-24.6, Vacation of right-of-way, the project and the associated development were reviewed by the Planning and Zoning Board (PZB) on June 18, 2014, and approved by a vote of 9-0. The applicant's narrative, minutes and report of the PZB are attached as **Exhibits 2, 3 and 4** respectively. The sketch and legal descriptions are provided in the attached ordinance.

The application is subject to ULDR Section 47-24.6, Vacation of right-of-way, which includes the following criteria under subsection 4:

- a. *The right-of-way or other public place is no longer needed for public purposes; and*

If the associated development application is approved, the existing right-of-way would be replaced by a multi-story residential structure. The subject alley is located on a narrow portion of an existing city block which has a depth of approximately 270 feet and terminates less than a quarter of the block's length. The remaining street grid pattern provides sufficient alternative options for movement along the edge of the property, to accommodate pedestrian and vehicular traffic.

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

The existing street grid network provides alternative options for vehicular and pedestrian movement around the property. The closing of the alley will cause vehicles and pedestrian to move approximately 120 feet to the east or west to access the rest of the block. The proposed development associated with this vacation will enhance the pedestrian experience with improved sidewalks around the perimeter of the site.

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

The closure of the right-of-way would not affect how vehicles turn around and exit the area. The proposed development will be designed with on-site parking and vehicular use areas engineered to provide adequate maneuverability within the private property. The existing street grid network provides alternative options for vehicular movement around the property.

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

The proposed vacation will not adversely affect pedestrian traffic. The proposed development associated with this vacation will enhance the pedestrian experience with improved sidewalks around the perimeter of the site.

- 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.*

As part of the proposed development, 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.

The City Commission shall hold a public hearing to consider the application and the record and recommendations forwarded by the Development Review Committee and the Planning and Zoning Board and shall hear public comment on the application when determining whether the vacation request meets the criteria for vacation of right-of-way. The DRC record and recommendations are available upon request.

Should the Commission 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.

### **Strategic Connections**

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the **Neighborhood Enhancement Cylinder of Excellence**, specifically advancing:

- **Goal 5:** Be a community of strong, beautiful, and healthy neighborhoods.
- **Objective 2:** Enhance the beauty, aesthetics, and environmental quality of neighborhoods.

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We Are Community*.

### **Resource Impact**

There is no fiscal impact associated with this action

Related CAMs: #14-0883, #14-0913

Attachments:

Exhibit 1 - Location Map

Exhibit 2 - Applicant's Narrative

Exhibit 3 - Staff report – June 18, 2014 Planning and Zoning Board meeting

Exhibit 4 - Approved minutes – June 18, 2014 Planning and Zoning Board meeting

Exhibit 5 - Ordinance

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