

REQUEST: Right-of-Way Vacation

Case Number	17P13
Applicant	Harbor Park Warehouse, LLC.
General Location	SE 10 th Avenue between SE 19 th Street and SE 20 th Street
Property Size	Approx. 15,785 Square Foot Row Vacation
Zoning	General Business (B-2) and Port Everglades Development District (PEDD)
Existing Use	Public Right-of-Way
Future Land Use Designation	Employment Center
Applicable ULDR Sections	Sec. 47-24.6 Vacation of Right-of-Way
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	Yvonne Redding, Planner II

PROJECT DESCRIPTION:

The applicant requests the vacation of a 55 foot wide, 287 square-foot right-of-way, located south of SE 19 Street and north of SE 20 Street and associated with the redevelopment of the Harbor Park Apartment, also scheduled on this agenda. A sketch and legal description is provided as part of the submittal package. The associated site plan for the mixed-use project and rezoning request is also scheduled on this agenda.

PRIOR REVIEWS:

The request was reviewed by the Development Review Committee (DRC) on August 13, 2013. 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; and
- b. Alternate routes if needed are available which do not cause adverse impacts to surrounding areas; and
- c. The closure of a right-of-way provides safe areas for vehicles to turn around and exit the area; and
- d. The closure of a right-of-way shall not adversely impact pedestrian traffic; and
- 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.

The right-of-way to be vacated is intended to allow access to the “East Point Condominiums” an existing multi-family development south of the Harbor Park Apartments site. The applicant will improve and maintain the right-of-way as shown on the associated site plan. With this proposal, the right-of-way will be vacated in order to permit the redevelopment of the site and to provide access to the new fitness center on the east side, as well as the proposed Harbor Park Apartments on the west side of the existing right-of-way.

The applicant will provide improvements including nine on-street parking spaces within the right-of-way, which include maintenance of the existing median, construction of a new round-about at the entrance of the East Point Condominiums, new pedestrian cross walk and a new shaded pedestrian public plaza area. Applicant’s response narratives 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. The right-of-way will continue to function as a roadway providing vehicular and pedestrian access as part of the existing street network and a public access easement will be conveyed over the vacated portion of right-of-way. Staff recommends the Board approve the request subject to conditions provided herein and consistent with ULDR Section 47-24.6, Vacation of Right-of-Way.

CONDITIONS:

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

1. A public access easement shall be conveyed over the vacated right-of-way that will be granted to the applicant.
2. Any utilities required to be removed, replaced or relocated, shall be done so at the applicant's expense, and as approved by the City Engineer. All improvements constructed within the easement shall conform to City engineering standards;
4. 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.