




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

<b>Case Number</b>	V17002
<b>Applicant</b>	BR ArchCo Flagler Village LLC
<b>General Location</b>	Alley east of Andrews Avenue, west of NE 1 <sup>st</sup> Avenue, south of Sistrunk Boulevard and north of NE 5 <sup>th</sup> Street
<b>Property Size</b>	9,750 square feet of public right of way.
<b>Zoning</b>	Regional Activity Center-Urban Village (RAC-UV)
<b>Existing Use</b>	Public Right-of-Way
<b>Future Land Use Designation</b>	Downtown Regional Activity Center (D-RAC)
<b>Applicable ULDR Sections</b>	Sec. 47-24.6 Vacation of Right-of-Way
<b>Notification Requirements</b>	Sec. 47-27.6 Sign Posting 15 days prior to meeting; Sec. 47-27.6 Mail Notice 10 days prior to meeting. Sec. 47-27.4. Public Participation
<b>Action Required</b>	Recommend Approval of Vacation to City Commission, or Deny
<b>Project Planner</b>	Randall Robinson, Planner III 

**PROJECT DESCRIPTION:**

The applicant requests the vacation of a 15-foot-wide, 650-foot-long alley right-of-way located east of Andrews Avenue, west of NE 1<sup>st</sup> Avenue, south of Sistrunk Boulevard and north of NE 5<sup>th</sup> Street. A sketch and legal description is provided as part of the plan package.

**PRIOR REVIEWS:**

The request was reviewed by the Development Review Committee (DRC) on February 28, 2017. All comments have been addressed and are on file with the department.

**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;*

Applicant has unified control of all parcels abutting the alley and plans to construct a mixed use development on the entire city block, providing for adequate access to the site. Therefore, the alley is no longer necessary to serve the existing parcels.

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

Alternate pedestrian and vehicular paths are provided along North Andrews Avenue and NE 1<sup>st</sup> Avenue, which serve the same purpose as the alley. In addition, the applicant will be improving the sidewalks along North Andrews Avenue and NE 1<sup>st</sup> Avenue. Therefore, the alley is no longer necessary as a pedestrian access-way from NE 5<sup>th</sup> Street to NE 6<sup>th</sup> Street.

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

The closure of the 15-foot-wide alley will not impact vehicular ability to turn around and exit the area because the entire alley is under consideration. Alternate

pedestrian and vehicular paths are provided along North Andrews Avenue and NE 1<sup>st</sup> Avenue, which serve the same purpose as the alley.

- d. *The closure of a right-of-way shall not adversely impact pedestrian traffic;*  
The closure of the 15' alley will not adversely impact pedestrian traffic. Applicant is constructing new sidewalks around the Property and improving the existing sidewalks.
- 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.*

Applicant has requested a letter of no objection from all existing utilities in the alley. To the extent that any utilities within this area are abandoned or relocated, a temporary utility easement will be retained by the City until such abandonment or relocation.

A sketch and legal description is provided as Exhibit 1. Letters of no objection have been obtained from the area utility providers, attached as Exhibit 2. Applicant's response narratives to the criteria are provided as part of the submittal package as Exhibit 3.

#### **Public Participation**

The Right of Way Vacation request is subject to the public participation requirements established in ULDR Sec. 47-27.4. According to the applicant, a public participation meeting was held on February 15, 2017 in order to offer the Flagler Village Civic Association the opportunity to learn about the proposed project.

The meeting background information and affidavits are provided as Exhibit 4.

#### **STAFF FINDINGS:**

Staff recommends the Board approve this request consistent with:

ULDR Section 7-24.6, Vacation of Right-of-Way; and  
ULDR Section 47-25.2, Adequacy Review

The applicant has provided narrative responses to the criteria, attached as Exhibit 3. Staff concurs with applicant's assessment and finds that the application meets the requirements.

#### **STRATEGIC CONNECTIONS**

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

- Goal 7: Be a well- positioned City within the global economic and tourism markets of the South Florida region, leveraging our airports, port, and rail connections.
- Objective 2: Facilitate a responsive and proactive business climate.

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

#### **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.

**CONDITIONS OF APPROVAL:**

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

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. 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.

**Exhibits**

1. Sketch and Legal Description
2. Utility Letters
3. Applicant's Narratives
4. Public Participation Information

