

# DEVELOPMENT REVIEW COMMITTEE (DRC) COMMENT REPORT

**MEETING DATE:** January 26, 2021

**PROPERTY OWNER:** Las Olas Harbor Club, LLC.

**APPLICANT/AGENT:** Stephanie Toothaker, Toothaker.org

**PROJECT NAME:** One North Birch ROW Vacation

**CASE NUMBER:** UDP-V20003

**REQUEST:** Vacation of Right-of-Way Review: 115-foot by 50-foot  
Wide Portion of Valencia Street

**LOCATION:** West of North Birch Road and North of East Las Olas  
Circle

**ZONING:** Intracoastal Overlook Area District (IOA)

**LAND USE:** Central Beach Regional Activity Center

**CASE PLANNER:** Yvonne Redding

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**CASE COMMENTS:**

**Please provide a written response to each of the following comments:**

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).
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.
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.
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.
5. Per the DRC Vacation Application, provide a current certified boundary survey (within last 6 months) that is signed and sealed.
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.
7. Please contact City's Public Works Department, Rick Johnson at [rjohnson@fortlauderdale.gov](mailto:rjohnson@fortlauderdale.gov) or 954-828-7809 for water and sewer utilities, and Elkin Diaz at 954-828-6539 or [ediaz@fortlauderdale.gov](mailto:ediaz@fortlauderdale.gov) for stormwater infrastructure, to verify and determine whether there are any public utilities present within the Rights-of-Way to be considered for vacation. If so, a surveyed location of the utilities shall be provided to staff for review, the full cost of relocation of the utilities shall be borne by the Applicant, and the utility relocation plan shall be reviewed and approved by the City's Public Works Department prior to implementation.
8. Provide letters from all franchise utility providers, including Public Works as appropriate, demonstrating their interests in maintaining or no objection to the vacation of this Rights-of-Way; the letters should specifically state whether or not the franchise utility providers have existing facilities within the Rights-of-Way vacation area that will need to be relocated or abandoned.
9. Submit a stamped copy of the surveyor's sketch and legal description to the City's Surveyor for his review and approval of the Rights-of-Way to be considered for vacation.
10. Provide written authorization/ concurrence from all property owners adjacent to the right of way to be vacated.
11. Please be advised that the vacating ordinance shall not be in full force and effect until an Engineer's Certificate is executed by the City Engineer or designee. This Engineer's Certificate shall be executed by the proper authorities and recorded in the public records of Broward County. A copy

of the recorded certificate is to be provided to the City upon recordation. The City Engineer's certificate shall also state that all existing facilities located within the vacated Rights-of-Way have been relocated or abandoned to the satisfaction of the respective utility owners.

12. Please be advised that additional Easements may need to be dedicated to the City resulting from the Vacation of Rights-of-Way approval process, including Utility Easement(s) that allow the City perpetual maintenance access to existing public sewer, storm drain, and water infrastructure, and Access Easement(s) that mitigate an otherwise dead-end Alley condition.

As applicable, provide documents such as easement and/or right-of-way deed, joinders, consents and Attorney's Opinion of Title. Please refer to City's Web site:

<http://fortlauderdale.gov/departments/sustainable-development/building-services/engineering-forms-and-info> (under 'Engineering Forms' and 'Dedicated Public Rights of Way and Easements') or click on <http://www.fortlauderdale.gov/home/showdocument?id=1558>.

13. Additional comments may be forthcoming.

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**CASE COMMENTS:**

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.
2. Provide vehicle turning movements for both properties using largest use vehicles (emergency/moving/delivery) for both properties.
3. Why is this vacation being requested, if it is for proposed development please provide plan set.
4. Cross access agreements with site to the south may be required.
5. Site stacking and/or VRS requirement must not conflict with access to the south entry and exit access.
6. Applicant shall provide letter of approval from Portofino community.
7. Additional comments may be provided upon further review.
8. Sign off is required.

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**CASE COMMENTS:**

Please provide a response to the following:

- 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.
- 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](#).
- 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).
- 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.
  1. Sec. 47-25.2, Adequacy Requirements
  2. Sec. 47-24.6.A.4, Criteria for Right-of-Way Vacation
- 5) It appears that the right-of-way is being utilized for public purpose and the proposed vacation may adversely impact vehicular and/or pedestrian access. Please discuss at DRC meeting.
- 6) Provide the adjacent property owners written authorization to proceed with the Right-of-Way vacation.
- 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 vacated.
- 8) Signoffs from the City Surveyor and the City's Engineering Design Manager will be required prior to Planning and Zoning Board submittal.
- 9) Discuss any right-of-way requirements with the City's Engineering Design Manager.
- 10) Coordinate need for easements with the franchise public utilities.
- 11) Letters must be provided from the following utility companies: Florida Power & Light, AT&T, Comcast Cable, TECO Gas as well as the City of Fort Lauderdale Public Works Department indicating no objections to the vacation. If any easements are required, legal and easement documents must be provided prior to item being scheduled for Planning and Zoning Board. If any facilities need to be relocated, plans satisfactory to that agency must be approved prior to Planning and Zoning Board submittal.
  - a. Contact Information for utilities is as follows:

AT&T  
Dyke Tittle  
954-577-5602  
[dt5431@att.com](mailto:dt5431@att.com)

Comcast  
Leonard Maxwell-Newbold  
954-447-8405  
[leonard\\_maxwell-newbold@comcast.com](mailto:leonard_maxwell-newbold@comcast.com)

Florida Power and Light (FPL)  
Lucas Cornish  
954-717-2062  
[Lucas.Cornish@fpl.com](mailto:Lucas.Cornish@fpl.com)

TECO Peoples Gas  
David Rivera  
954-453-0794  
[DRRivera@tecoenergy.com](mailto:DRRivera@tecoenergy.com)

Public Works  
Elkin Diaz  
954-828-6539  
[Ediaz@fortlauderdale.gov](mailto:Ediaz@fortlauderdale.gov)

- 12) The ordinance approving the right-of-way vacation shall be recorded in the public records of the County within (30) days after adoption.

