REQUEST: Vacation of Right-of-Way: 50-Foot-Wide by 115-Foot-Long Portion of Valencia Street

CASE NUMBER	UDP-V20003	
APPLICANT	Las Olas Harbor Club, LLC.	
AGENT	Stephanie Toothaker, Esq.	
GENERAL LOCATION	Portion of Valencia Street; South of Sebastian Street, North of East Las Olas Circle, East of North Birch Road, and West of the Intracoastal Waterway	
ZONING DISTRICT	Intracoastal Overlook Area (IOA)	
LAND USE	Central Beach Regional Activity Center	
COMMISSION DISTICT	District 2 – Commissioner Steven Glassman	
NEIGHBORHOOD ASSOCIATION	Central Beach Alliance	
APPLICABLE ULDR SECTIONS	Section 47-24.6, Vacation of Right-of-Way Section 47-25.2, Adequacy Requirements	
NOTIFICATION REQUIREMENTS	Section 47-27.6 Sign Posting Section 47-27.6 Mail Notice 10 days prior to meeting Section 47-27.4. Public Participation	
SECTION 166.033, FLORIDA STATUTES	**180-day Expiration Date**	**Extension Date (s)**
	June 28, 2021	October 13, 2022
ACTION REQUIRED	Recommend Approval of the Vacation to the City Commission, or Deny the Application	
PROJECT PLANNER	Yvonne Redding, Planner III	YR

PROJECT DESCRIPTION:

The applicant, Las Olas Harbor Club, LLC., requests to vacate a 50-foot-wide by 115-foot-long portion of public right-of-way known as Valencia Street, running west of North Birch Road, between Sebastian Street and East Las Olas Circle, in order to construct a new 10-unit multifamily residential development. The portion of Valencia Street proposed to be vacated is located between 1 Birch Road and the existing *Portofino on the Intracoastal* condominium. The Location Map, Sketch and Legal Description, Access Easement and Utility Easement exhibits are attached as part of **Exhibit 1**. The application, applicant's narrative responses to criteria and utility letters are provided as **Exhibit 2**.

PRIOR REVIEWS:

The request was reviewed by the Development Review Committee (DRC) on January 26, 2021. All comments have been addressed and are attached as **Exhibit 3**. The application is related to a Site Plan Level IV application for a new residential development, which will be scheduled on an upcoming Planning and Zoning Board agenda (Case #PLN-SITE-20090002).

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;

At this location, Valencia Street dead-ends into the Intracoastal Waterway. The right-of-way is currently utilized as *Portofino* condominium's vehicular accessway, for which the applicant is proposing to grant a 498 square-foot access easement over their portion of the vacated area. As part of the vacation certification, the City and franchise utility providers will be provided with utility relocations or easements for their respective infrastructure, as needed.

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

Portofino condominium property owners will continue to have access through their half of the vacated right-of-way as well as through the proposed access easement. Vehicular access to the applicant's proposed development is currently contemplated along Birch Road to meet stacking requirements.

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

Portofino condominium property owners will continue to have access through their half of the vacated right-of-way as well as through the proposed access easement. Refer to the Access Easement Exhibit included as part of Exhibit 1. Vehicular access to the applicant's proposed development is currently contemplated along Birch Road.

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

Pedestrian traffic will not be impacted to destinations in the immediate area, with exception of the Intracoastal waterway at this location. Incomplete sidewalks currently exist in the area proposed to be vacated.

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 will relocate all utilities to the satisfaction of the respective utility owners or will grant an easement over the existing right-of-way for the utilities that will remain, as applicable. The applicant proposes utility access easements over the vacated area as shown on the Utility Easement Exhibit included as part of Exhibit 1. Applicant has provided utility letters from all applicable utility companies, included as part of Exhibit 2.

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. Criteria specific to any associated development plan will be applied at the time of site plan review.

Public Participation
This application is subject to the public participation requirements established in ULDR Section 47-27.4. According to the applicant, several public participation meetings were held beginning on

October 15, 2020 through November 11, 2021, in order to offer the neighborhood associations surrounding the property an opportunity to learn about the proposed vacation. Meeting notifications were sent to the Central Beach Alliance and the Portofino Condominium Association. The public participation summary and affidavit are provided as **Exhibit 4**.

In addition, this request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed a total of three 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 included as **Exhibit 5**.

CONDITIONS OF APPROVAL:

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

1. Applicant will coordinate and provide proposed access to accommodate vehicular turning movements and utility easements over portions of the vacated area as depicted on page 4 and page 5 of Exhibit 1. Per the City's Public Works Department, a utility easement shall be granted over the entire vacated 50-foot right-of-way, between the Intracoastal Waterway and N. Birch Road for Public Works access, maintenance, and future infrastructure improvements. There are to be no private utilities installed and no private aboveground structures constructed within the proposed utility easement. Any proposed landscape improvements within the proposed Utility easement will require approval from the City.

2. The City's Public Works Department and AT&T have facilities within the existing right-of-way and have conditions for acceptance. Prior to the execution of the Engineer's Certificate, letters from these utility owners shall be provided to the City Engineer or designee indicating the removal, relocation, or satisfaction of any applicable conditions. 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.

3. Any City infrastructure known or unknown and found to be within the vacated area that may be required to be relocated shall be done so 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, Sketch and Legal Description, Access Easement and Utility Easement Exhibits
2. Application, Applicant's Narrative Responses to Criteria and Utility Letters
3. DRC Comments, January 26, 2021
4. Public Participation Meeting Summary and Affidavit
5. Public Notice Signs and Sign Affidavit