REQUEST: Vacation of Right-of-Way

CASE	UDP-V24002		
APPLICATION TYPE	Vacation of Right-of-Way		
APPROVAL LEVEL	Planning and Zoning Board Recommendation to City Commission		
APPLICANT	Vacation of a 40-foot-wide by 140-foot-long portion of SE 2 Court		
AGENT	John Terrill, Agnes Howard, and Luciano and Mayer Del Valle Bonaldo)		
PROPERTY ADDRESS	Robert Lochrie, Lochrie and Chakas, P.A.		
GENERAL LOCATION	A portion of SE 2nd Court, South of 212 S. Victoria Park Road Between S. Victoria Park Road and Rio Navarro Waterway		
ZONING DISTRICT	Residential Single Family/Low Medium Density (RS-8) District		
LAND USE	Low-Medium Residential		
COMMISSION DISTRICT	District 4 – Ben Sorensen		
NEIGHBORHOOD ASSOCIATION	Colee Hammock Homeowners Association		
APPLICABLE ULDR SECTIONS	Section 47-27.6 Sign Posting 15 days prior to meeting Section 47-27.6 Mail Notice 10 days prior to meeting Section 47-27.4. Public Participation		
NOTIFICATION REQUIREMENTS	Section 47-27.6 Sign Posting 15 days prior to meeting Section 47-27.6 Mail Notice 10 days prior to meeting Section 47-27.4. Public Participation		
STATE STATUTE 166.033	**180-DAY EXPIRATION DATE**	**EXTENSION DATE**	
EXPIRATION DATE	December 12, 2024	Waived	
ACTION REQUIRED	Recommend to City Commission to Approve or Deny		
CASE PLANNER	Yvonne Redding, Urban Planner III	*YMR*	

PROJECT DESCRIPTION:

The applicant requests to vacate a 40-foot-wide by 140-foot-long portion of SE 2 Court, located between S. Victoria Park Road and Rio Navarro Waterway. The right-of-way area totals approximately 5,636 square feet (0.13 acres). A location map is attached as Exhibit 1. The sketch and legal description of the area to be vacated is attached as Exhibit 2.

PRIOR REVIEWS:

The request was reviewed by the Development Review Committee (DRC) on November 12, 2024, and all comments have been addressed. The DRC comments and the applicant's responses are provided as Exhibit 3.

The application and applicants' narrative are included as Exhibit 4. The letters of no objection to the vacation from all applicable utility providers are provided as Exhibit 5.

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;

This portion of right-of-way that runs east and west does not allow for vehicular traffic due to the dense vegetation on site and location adjacent to the Rio Navarro Waterway.

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

Alternate routes are not necessary as the right-of-way is not used by surrounding properties.

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

The right-of-way vacation will not affect the ability for vehicles to exit the area and traffic will continue to follow the current pattern.

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

There are no pedestrian facilities within the right-of-way and there is an existing north-south pedestrian path on S. Victoria Park Road that provides a pedestrian connection from SE 2 Court to S. Victoria Park Road.

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 applicant has obtained letters of no objection from the franchise utilities and the City's Public Works Department.

Adequacy Requirements:
The adequacy requirement criteria of ULDR Section 47-25.2 are used to evaluate the demand created on public services and facilities. The proposed right-of-way vacation will not affect the adequacy of the public services and facilities. 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, as conditioned herein.

Public Participation
This application is subject to the public participation requirements established in ULDR Section 47-27.4. According to the applicant, a public participation meeting was held on December 19, 2024, in order to offer the neighborhood associations surrounding the property the opportunity to learn about the proposed project. The meeting notification was sent to the Victoria Park Civic Association, Colee Hammock Homeowners Association and neighbors within 300-feet of the proposed right-of-way vacation. The public participation summary and affidavit are provided as Exhibit 6.

In addition, this request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed a total of two 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 also included in Exhibit 7.

Letters of support have been included as Exhibit 8.

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 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.

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
2. Sketch and Legal Description
3. August 27, 2024, DRC Comment Report and Responses
4. Application and Applicant's Narratives
5. No Objection Letters from Utility Providers
6. Public Participation Affidavit and Meeting Summary
7. Sign affidavit and photographs
8. Letters of Support