
REQUEST: Right-of-Way Vacation

Case Number	V15001
Applicant	Flagler Village Land Trust
General Location	Portion of NE 5 th Terrace; between NE 7 th Street and NE 8 th Street
Property Size	19,0000 Square Foot Right-of-Way Vacation
Zoning	Regional Activity Center - Urban Village (RAC-UV)
Existing Use	Street Right-of-Way
Future Land Use Designation	Downtown Regional Activity Center
Applicable ULDR Sections	Sec. 47-24.6 Vacation of Right-of-Way Sec. 47-25.2 Adequacy Review
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	Eric Engmann, Planner II

PROJECT DESCRIPTION:

The applicant, Flagler Village Land Trust, requests to vacate a portion of right-of-way known as NE 5th Terrace, located approximately 125 feet south of NE 8th Street and north of NE 7th Street, in order to reconfigure the block as part of a development project. The applicant has requested to vacate a portion of right-of-way that is 40 feet wide portion of right-of-way. The applicant has also proposed dedicating new vehicular and pedestrian easements that will provide an alternate north-south connection within the block. This action will provide a larger developable parcel that fronts on Federal Highway. The submittal package includes a site plan depicting the proposed development and easements, as well as a sketch and legal description of the subject area.

In connection with the proposed vacation, the applicant is proposing to construct a mixed-use commercial and residential project. The proposed site plan consists of multifamily units on the western portion of the site and a hotel and retail space on the east side of the site, facing North Federal Highway. The associated site plan (case R15001) was reviewed as a Site Plan Level II (Development Review Committee) application, pursuant to the City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-24, Development Review and Procedures.

PRIOR REVIEWS:

The request was reviewed by the Development Review Committee (DRC) on January 13, 2015. 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;*

The proposed easements will continue to operate as a two-way road with a sidewalk/multi-use path as requested by planning staff and therefore, the portions of the right of way that would be vacated are no longer needed for public purposes.

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

Vacating the right-of-way will not disrupt the grid pattern in the neighborhood. The existing street grid system provides alternative options for vehicular movement around the property. Staff recommends a condition that requires the dedication of vehicular and pedestrian easements that will replace this portion of NE 5th Terrace and allow for cross access within the development.

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

The closure of the right-of-way would not affect how vehicles turn around and exit the area. Sufficient areas for maneuverability currently exist within the developed right-of-way and private property. The existing street grid system provides alternative options for vehicular movement around the property.

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

Pedestrian traffic will be located within the sidewalk of the proposed easement. Staff has worked with the applicant to ensure that safe and adequate sidewalks for pedestrians will exist within the proposed development.

- 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.*

Staff has recommended as a condition of approval that all utilities located within the vacation area, including any utilities held by the City, will be relocated as part of the redevelopment of the property. All affected utility franchises have provided letters of no objection to the vacation subject to the relocation of any existing utilities within the right-of-way.

Applicant's response narratives to the criteria 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 and 47-25.2, Adequacy Review. Staff finds that the request is consistent with the applicable ULDR sections and recommends the Board approve the request subject to conditions provided herein.

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*.

CONDITIONS:

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

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. 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.
4. Applicant shall record the vehicular and pedestrian easements agreed to by the City prior to the issuance of the engineering certificate.

5. All interior sidewalks, including along the proposed access roadway, will be a minimum of seven feet wide.

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 ULDR Section 47-26B, Appeals, shall apply.