

---

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

<b>Case Number</b>	V15004
<b>Applicant</b>	Bruce Paddock
<b>General Location</b>	Right-of-Way abutting 1837 SE 7 <sup>th</sup> Street
<b>Property Size</b>	742 square foot portion of Right-of-Way
<b>Zoning</b>	Residential Single Family/Low Density District (RS-4.4)
<b>Existing Use</b>	Public Right-of-Way
<b>Future Land Use Designation</b>	Low Residential
<b>Applicable ULDR Sections</b>	Sec. 47-24.6 Vacation of Right-of-Way Sec. 47-25.2 Adequacy Review
<b>Notification Requirements</b>	Sec. 47-27.6. Sign Posting 15 days prior to meeting, 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>	Eric Engmann, Planner II

**PROJECT DESCRIPTION:**

The applicant requests to vacate a 742 square foot portion of right-of-way located on the west side of NE 7<sup>th</sup> Street / Ponce De Leon Drive in the Rio Vista Isles subdivision. The portion of the subject right-of-way extends at an angled turn of the road behind the existing sidewalk. If vacated, the applicant's new property line will be consistent with the existing property line of other properties located along the north side of SE 7<sup>th</sup> Street. The 50-foot minimum right-of-way width for local roadways will be maintained with the proposed configuration.

A sketch and legal description is provided as Exhibit 1. Letters have been obtained from the area utility providers indicating no objection to the proposed vacation, attached as Exhibit 2.

**PRIOR REVIEWS:**

The request was reviewed by the Development Review Committee (DRC) on July 28, 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;*

This portion of right-of-way does not serve as a thoroughfare and does not provide vehicular or pedestrian access. The 742 square-foot segment does not serve a vehicular function other than to the abutting property owned by the applicant. The vacation will not restrict or prevent access to the existing roadway or sidewalk.

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

This portion of the right-of-way is currently not used for access, as a fence exists at its western end. Adequate vehicular and pedestrian access to the neighborhood is provided on the remaining portion of NE 7<sup>th</sup> Street. Therefore, no alternate routes will be required to serve this area.

- 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 vehicular circulation. A safe turnaround area is located approximately 125 feet south of the subject area at the terminus of SE 7<sup>th</sup> Street.

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

The proposed vacation will not adversely affect pedestrian traffic. The proposed vacation will be located behind the existing pedestrian sidewalk.

- 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.*

All utilities located within the vacation area, including any utilities held by the City, will remain in their existing location. All affected utility franchises have provided letters of no objection to the vacation.

*Applicant's response narratives to the criteria are provided as part of the submittal package.*

### **Public Participation**

The rezoning request is subject to the public participation requirements established in ULDR Sec.47-27.4. A notice was emailed to the Rio Vista Civic Association, which represents the civic only civic association within 300 feet of the subject property. The applicant held a Public Participation meeting on August 12, 2015 in Fort Lauderdale. The agent presented the request and provided copies of the area requested for vacation. The applicant's summary, presentation and letter of support is attached as Exhibit 3.

The information and affidavits provided meet the Public Participation requirements for a site plan level III application.

### **STAFF FINDINGS:**

Staff recommends the Board approve this request, consistent with:

ULDR Section 7-24.6, Vacation of Right-of-Way

ULDR Section 47-25.2, Adequacy Review

The applicant has provided a narrative response to the criteria, which is provided in the plan sets. 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 Infrastructure Cylinder of Excellence, specifically advancing:

- Goal 1: Be a pedestrian friendly, multi-modal City.
- Objective 2: Integrate transportation land use and planning to create a walkable and bikeable community.

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

## **CONDITIONS:**

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

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.

## **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.

## **Exhibits**

1. Sketch and Legal
2. Utility Provider and City Service Letters
3. Public Participation Report