
REQUEST: Right-of-Way Vacation

Case Number	7P13	
Applicant	PDKN P-4, LLC	
General Location	Alley Behind 3212 NE 32 Street	
Property Size	20 foot by 35 foot portion of Alley	
Zoning	Community Business (CB)	
Existing Use	Public Right-of-Way	
Future Land Use Designation	Commercial	
Applicable ULDR Sections	Sec. 47-24.6 Vacation of Right-of-Way Sec. 47-25.2 Adequacy Review	
Notification Requirements	Sec. 47-27.6. Sign Posting 15 days prior to meeting, Mail Notice 10 days prior to meeting. Sec. 47-27.4. Public Participation	
Action Required	Recommend Approval of Vacation to City Commission, or Deny	
Project Planner	Eric Engmann, Planner II	

PROJECT DESCRIPTION:

The applicant requests to vacate a 700 square foot portion of alley lying east of NE 32 Avenue. The vacation request would allow the reconstruction of Fire Station # 54 in order to maximize use of the property and allow for access to the fire station and parking area. The proposed site for Fire Station # 54 is divided by the east and west alley that is proposed to be is vacated. A 2,379 square foot portion of the alley to the west of this segment was vacated on September 18, 2007.

A sketch and legal description is provided as Exhibit 1. Letters have been obtained from the area utility providers, utilities will need to be relocated as a part of the approval, attached as Exhibit 2.

PRIOR REVIEWS:

The request was reviewed by the Development Review Committee (DRC) on March 26, 2013. 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 currently provide vehicular or pedestrian access. The portion of the alley to the west of this area was vacated in 2007 (6-P-07). The subject 700 square foot segment does not serve a vehicular function and will be incorporated into the site for the replacement fire station. 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;*

The alley would terminate at the location where the fire station will be located. There are alternative access routes on existing streets surrounding the block.

- 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 will not affect vehicular circulation. Open access around the exterior of the block will continue to provide for safe vehicular turn around and exit.

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

The proposed vacation will not adversely affect pedestrian traffic. Existing sidewalks provide for safe pedestrian circulation around the block.

- 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 utilities held by the City, will remain in their existing location. All affected utility franchises have provided letters of no objection to the proposed vacation.

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

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 Public Safety Cylinder of Excellence, specifically advancing:

- Goal 9: Be the safest urban coastal City in South Florida through preventative and responsive police and fire protection.
- Objective 2: Provide quick and exceptional fire, medical, and emergency response.

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

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; and,
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 (PZB) 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 PZB 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