



**REQUEST:** Vacation of Right-of-Way: 15-Foot Alley Reservation

<b>Case Number</b>	V18004
<b>Applicant</b>	Andrews Project Development, LLC.
<b>General Location</b>	North/south alley reservation east of NW 2 <sup>nd</sup> Avenue, south of W Sunrise Boulevard, west of NW 1 <sup>st</sup> Avenue and north of NW 9 <sup>th</sup> Street
<b>Property Size</b>	5,963 square feet (0.13 acres)
<b>Zoning District</b>	Northwest Regional Activity Center – Mixed Use Northeast (NWRAC-MU <sub>ne</sub> )
<b>Existing Use</b>	Public Right-of-Way Reservation
<b>Future Land Use Designation</b>	Northwest Regional Activity Center (NW-RAC)
<b>Applicable Unified Land Development Regulations (ULDR) Sections</b>	Section 47-24.6, Vacation of Right-of-Way Section 47-25.2, Adequacy Requirements
<b>Notification Requirements</b>	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
<b>Action Required</b>	Recommend Approval of Vacation to City Commission, or Deny
<b>Project Planner</b>	Nicholas Kalargyros, Planner II

**PROJECT DESCRIPTION:**

The applicant, Andrews Project Development, LLC., requests to vacate a 15-foot wide portion of public right-of-way reserved for an alley running north and south, lying adjacent to Lots 1 through 20 and Lots 37 through 48 of Block 209, west of NW 1<sup>st</sup> Avenue and east of NW 2<sup>nd</sup> Avenue. The alley reservation is located between land parcels which have been secured for a larger development, which is an accompanying item on the May Planning and Zoning Board (PZB) agenda, Case R17028. The sketch and legal description of the proposed vacation is attached as Exhibit 1.

**PRIOR REVIEWS:**

The request was reviewed by the Development Review Committee (DRC) on April 24, 2018. All comments have been addressed and are available on file with the Department of Sustainable Development (DSD).

**REVIEW CRITERIA:**

The following criteria apply to the proposed request:

- Vacation of Right-of-Way
- Adequacy Requirements

Vacation of Rights-of-Way:

As per ULDR Section 47-24.6.A.4., Vacation of Rights-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;

The subject portion of the right-of-way is no longer needed for public purpose. The applicant owns the property adjacent to the portion of right-of-way and is proposing to redevelop the property as a unified site. The applicant proposes to grant utility easements for any utilities that are needed and/or will be relocated to the satisfaction of the City.

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

The right-of way proposed to be vacated was the reservation for future alley between NW 1<sup>st</sup> Avenue and NW 2<sup>nd</sup> Avenue. The alley was never constructed and the segment of right-of-way is not needed to implement future circulation plans as the right-of-way bisects two fairly narrow blocks and alternative access exists in the immediate surroundings. The five properties to the south presently have access without the use of the western alley. With the proposed vacation, access to adjoining properties directly south will be maintained from NW 9<sup>th</sup> Street.

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

No adverse impacts to the existing road network are anticipated as a result of the proposed vacation. Access to adjoining properties directly south will be maintained from NW 9<sup>th</sup> Street. The associated site plan will accommodate ingress and egress to the development site from Sunrise Boulevard and Andrews Avenue. In addition, the pedestrian and vehicular right-of-way adjacent to the subject development site will provide improved accessibility.

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

As stated in response to criteria above, the associated redevelopment of the property will improve pedestrian circulation and enhance pedestrian access and safety in the immediate area by creating wider sidewalks along the perimeter of the site.

- 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.*

Florida Power and Light has existing overhead facilities in the subject area. Florida Power and Light will remove their existing facilities and at the applicant's expense new easements will be recorded to provide Florida Power and Light ability to install necessary lines.

Letters of no objection have been received from the franchise utilities and the City's Public Works Department. The utility letters are provided as Exhibit 2. The applicant will coordinate with the franchise utilities to address any facilities existing within this portion of the alley and if any are required to be relocated. The proposed easements are attached as Exhibit 3.



**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 development will tie into existing utilities on the site to limit the impact the proposed development has on City infrastructure. The applicant is also proposing to incorporate multiple easements, so utility providers can easily access their equipment.

The applicant has provided narrative responses regarding the project's compliance with ULDR Sections 47-24.6.A.4., Vacation of Right-of-Way and Section 47-25.2 Adequacy Requirements, which are attached as Exhibit 4 to assist the PZB in determining if the proposal meets the criteria.

**Public Participation**

The right-of-way vacation request is subject to the public participation requirements established in ULDR, Section 47-27.4. According to the applicant, public participation meetings were held on November 16, 2016, January 19, 2017, April 17, 2017, June 27, 2017, and January 22, 2018 to offer the neighborhood surrounding the property the opportunity to learn about the overall proposed project. The public participation meeting summary and affidavit are attached as Exhibit 5.

In addition, this request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed a total of five signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. Exhibit 6 contains the affidavit and pictures of the posted signs.

**STAFF FINDINGS:**

Staff recommends the PZB approve this request with conditions as stated further below, and consistent with:

- ULDR Section 47-24.6, Vacation of Right-of-Way
- ULDR Section 47-25.2, Adequacy Requirements

**CONDITIONS OF APPROVAL:**

Should the PZB 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 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. Sketch and Legal
2. Utility Provider Letters
3. Proposed Easement
4. Project Narratives
5. Public Participation Meeting Summary and Affidavit
6. Public Notice Signs and Sign Affidavit