REQUEST: Vacation of Right-of-Way: Partial Right-of-Way

Case Number	V18001
Applicant	195 Federal, LLC.
General Location	East of NE 3rd Avenue, south of NE 2nd Street, west of N Federal Highway and north of NE 1st Street
Property Size	750 square feet (.01 acres)
Zoning District	Downtown Regional Activity Center – Urban Village (RAC-UV)
Existing Use	Public Right-of-Way
Future Land Use Designation	Downtown Regional Activity Center (D-RAC)
Applicable Unified Land Development Regulations (ULDR) Sections	Section 47-24.6, Vacation of Right-of-Way Section 47-25.2, Adequacy Requirements
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
Action Required	Recommend Approval of Vacation to City Commission, or Deny
Project Planner	Nicholas Kalargyros, Planner II

PROJECT DESCRIPTION:
The applicant, 195 Federal, LLC., requests to vacate a 6-foot wide portion of public right-of-way running parallel to NE 2nd Street, west of Federal Highway. The right-of-way was dedicated to meet a 60-foot roadway width when the property was platted, which does not reflect the local street cross section in the City's Downtown Master Plan today. In addition, the right-of-way that was dedicated does not extend the full length of the property thereby creating an inconsistent right-of-way edge along the property line. A 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 February 13, 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 right-of-way was dedicated at the time of platting in 1991 prior to the City adopted the Downtown Master Plan. The Downtown Master Plan contains cross sections for

local streets in Downtown, which is less than the width required at the time of platting. Sufficient right-of-way exists today.

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

   The right-of way to be vacated does not adversely impact the surrounding areas as there are existing routes that provide access to the sites immediately adjacent to the area.

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

   The right-of way to be vacated does not compromise the ability for vehicles to move safely in and out of the vicinity nor does it compromise NE 2nd Street.

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

   Pedestrian traffic will not be impacted by the right-of way vacation as there is existing sidewalks provided for along the right-of way edge and adjacent property.

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.*

   There are no utilities in the portion of the right-of way to be vacated. The applicant has obtained letters of no objection from the franchise utilities and the City's Public Works Department. The utility letters are provided as Exhibit 2.

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 applicant proposes to relocate easements and vacate the portion or right of way in order to comply with the Downtown Master Plan, Design Guidelines. Without the right-of-way vacation the local street cross section, as identified in the Downtown Master Plan, would not be possible to achieve. Furthermore, the existing development contains existing connections to the roadway network both via Federal Highway and NE 2nd Street the site connects to utilities and therefore, there is no negative impact to City infrastructure or services.

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 3 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, a public participation meeting was held on March 14, 2018 to offer the neighborhood surrounding the proposed vacation the opportunity to learn about the overall proposed project. The public participation meeting summary and affidavit are attached as Exhibit 4.

In addition, this request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed one sign on the property and has submitted a sign affidavit indicating proper sign notification was provided. Exhibit 5 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. Project Narratives
4. Public Participation Meeting Summary and Affidavit
5. Public Notice Signs and Sign Affidavit