



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

<b>Case Number</b>	V17004
<b>Applicant</b>	Project Andrews, LLC.
<b>General Location</b>	A portion of NW 1 <sup>st</sup> Avenue, south of Sunrise Boulevard and north of NW 9 <sup>th</sup> Street
<b>Property Size</b>	18,900 square feet (0.43 acres)
<b>Zoning</b>	Northwest Regional Activity Center – Mixed Use Northeast (NWRAC-MUne)
<b>Existing Use</b>	Public Right-of-Way
<b>Future Land Use Designation</b>	Northwest Regional Activity Center
<b>Applicable Unified Land Development Regulations (ULDR) Sections</b>	Section 47-24.6, Vacation of Right-of-Way Section 47-25.2, Adequacy Review
<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, Project Andrews, LLC, requests to vacate a portion of public right-of-way running north and south, lying adjacent to Lots 2 and 47 of Block 209 and 210 and Lots 19 and 30 of Block 209 and 210, west of Andrews Avenue and east of NW 2<sup>nd</sup> Avenue. The public right-of-way is located between land parcels which have been secured for a larger development site for a proposed shopping center. The sketch and legal description of the proposed vacation are included as part of Exhibit 1.

**PRIOR REVIEWS:**

The request was reviewed by the Development Review Committee (DRC) on March 28, 2017. All comments have been addressed and are available on file with the Department of Sustainable Development (DSD).

**REVIEW CRITERIA:**

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 both sides of the portion of right-of-way proposed to be vacated and is proposing to redevelop it 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;*

In 1997 the City began prohibiting certain access routes into the neighborhood surrounding the subject property due to a recognized traffic cut-thru problem and as part of a solution physical barriers were installed at specific locations such as this to limit vehicular access. As a result, the right-of-way portion proposed for vacation has been closed to vehicular and pedestrian traffic for a number of years. With the proposed vacation, access to adjoining properties directly south of the proposed segment to be vacated will be maintained from NW 9<sup>th</sup> Street and applicant will provide a T-turn around at the terminus of the vacated portion of right-of-way. 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.

- 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 of the proposed segment to be vacated will be maintained from NW 9<sup>th</sup> Street and applicant will provide a T-turn around at the terminus of the vacated portion of right-of-way. 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 improvements proposed adjacent to the subject development site along Sunrise Blvd. and Andrews Avenue will provide improved accessibility.

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

As stated in response to criteria point "b" above, NW 1st Avenue has been closed to pedestrian and vehicular traffic for a number of years and does not provide pedestrian access today. 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 (FPL) has existing overhead facilities and utility easements in the subject area. FPL will remove their existing facilities and vacate the easement at this location at the applicant's expense with provisions made for new easements and facilities to serve any existing FPL customers that are affected by the proposed vacation.

The applicant contacted but did not obtain a response from Comcast and AT&T regarding any potential utility easements they may have on the site. If any public utilities are within the area, easement will be dedicated to the City or applicable utility to ensure their protection. The applicant is coordinating how to address existing facilities and future service. The email correspondence between the utility providers and the applicant are provided as part of Exhibit 3.

**Adequacy and Neighborhood Compatibility:**

The adequacy 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 vacation does not adversely impact or create additional demand on public services and facilities.

The applicant has provided a narrative response 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 provided in the plan sets to assist the Board 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 April 17, 2017 and June 27, 2017 to offer the neighborhood surrounding the property the opportunity to learn about the proposed project. The public participation meeting summary and affidavit are provided as Exhibit 3.

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 4 contains the affidavit and pictures of the posted signs.

**STAFF FINDINGS:**

Staff recommends the Board 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 Review

**CONDITIONS OF APPROVAL:**

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

1. Applicant shall construct a T-turn around at the terminus of the vacated portion of right-of-way to provide access to adjoining properties directly south of the proposed segment to be vacated;
2. 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;
3. 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;
4. 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 Letters
3. Public Participation Meeting Summary and Affidavit
4. Public Notice Signs and Sign Affidavit