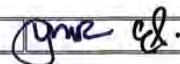




REQUEST: Vacation of Right-of-Way: Alley Reservation

Case Number	V18008
Applicants	RWL 8 LLC, 812 NE 5 th Avenue, LLC, Boye's Gas Serv, LLC, and Helping Abused Neglected Disadvantaged Youth, Inc.
General Location	North of NE 8th Street, south of NE 9th Street, east of NE 5th Avenue, and west of NE 5th Terrace
Existing Use	Public Right-of-Way
Zoning District	Regional Activity Center – Urban Village (RAC-UV)
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
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	Yvonne Redding, Planner II 

PROJECT DESCRIPTION:

The applicants, RWL 8, LLC., 812 NE 5th Avenue, LLC., Boyes Gas Serv, LLC., and Helping Abused Neglected Disadvantaged Youth, Inc., request to vacate a 15-foot wide, approximately 250-foot-long portion of a right-of-way established as an alley reservation, located north of NE 8th Street, south of NE 9th Street, east of NE 5th Avenue, and west of NE 5th Terrace. The proposed vacation is associated with the "Modera 555" project (case number R18060), a 350-unit multifamily development. The applicant has submitted a Site Plan Level II Development Review Committee (DRC) application. A sketch and legal description of the proposed vacation is attached as Exhibit 1.

PRIOR REVIEWS:

The vacation request was reviewed by the DRC on September 11, 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. The applicant has provided response narratives to help the Board determine if the criteria has been met. The DRC Responses are attached as Exhibit 2.

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 right-of-way segment is currently delineated as a "reservation," and is not a distinct roadway used by vehicles or pedestrians. Proposed improvements on the adjacent lots, which include a multi-story residential use building, will utilize the alley

reservation area, which prompts the applicant's vacation request to allow for effective redevelopment of the site. Granting the vacation will not affect or impede public access and the reservation is not needed for public purpose.

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

The right-of way reservation proposed to be vacated does not adversely impact the surrounding area as there are existing routes that provide access to the properties immediately adjacent to the area. The Applicant and the Modera 555 project proposes to provide sidewalks along all adjacent right-of-ways allowing for safe pedestrian connections with minimal vehicular conflicts.

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

The closure of the alley reservation and proposed site improvements will provide a safe environment for vehicles to maneuver throughout the site.

- 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 are existing sidewalks provided along the perimeter of the block and adjacent to the property. The existing pedestrian circulation will not be affected.

- 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.*

The applicant has obtained letters of no objection from impacted franchise utilities and the City's Public Works Department. The franchise utility company letters state that no utilities exist within the alley reservation. The utility letters are provided as Exhibit 2.

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 August 15, 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 photographs 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

CONDITIONS OF APPROVAL:

Should the PZB approve the proposed vacation, the following conditions apply:

1. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, or easements granted, 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, or easements granted, 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. DRC Comment Responses
3. Utility Provider Letters
4. Project Narratives
5. Public Participation Meeting Summary and Affidavit
6. Public Notice Signs and Sign Affidavit