



REQUEST: Right-of-Way Vacation: Alley Vacation

Case Number	V19002
Applicants	City of Fort Lauderdale Community Redevelopment Area; Sistrunk 2245, LLC; 220145, LLC; Urbano 500, LLC; and Anointed By Christ International; Christian Center Inc.
General Location	North/South Right-of-Way between NW 5th Street and NW 6th Street
Property Size	9, 506 square feet (0.218 acres)
Zoning	Northwest Regional Activity Center - Mixed Use west (NWRAC-MUw) and Residential Multifamily Mid Rise/ Medium High Density (RMM-25)
Existing Use	Public Right-of-Way
Future Land Use Designation	Northwest Regional Activity Center (NW-RAC)
Applicable Unified Land Development Regulations (ULDR) Sections	Section 47-24.6, Vacation of Right-of-Way Section 47-25.2, Adequacy Review
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	Linda Mia Franco, AICP, Principal Urban Planner <i>LMF</i>

PROJECT DESCRIPTION:

The applicants, City of Fort Lauderdale Community Redevelopment Area; Sistrunk 2245, LLC; 220145, LLC; Urbano 500, LLC; and Anointed By Christ International; Christian Center Inc., request a vacation of a 15-foot-wide, approximately 633.70-foot-long portion of a North/South alley right-of-way located between NW 5th Street and of NW 6th Street. An associated Site plan Level II Development Review Committee (DRC) application (Case #R19014) for a height bonus request, subject to City Commission approval for the "West Village" mixed-use development is currently under review. It consists of a six -story building with 470-multifamily units and 16,575 square feet of commercial use on the first floor. The proposed building configuration utilizes the adjacent alleyway, requiring a vacation of the right-of-way. The sketch and legal description of the proposed vacation is attached as **Exhibit 1**. The right-of-way application is attached as **Exhibit 2**. The associated development application (Case #R19014), which is subject to change, is attached as **Exhibit 3** for reference. The rezoning application associated with the proposed development is also scheduled on this agenda as Case No. Z19001.

PRIOR REVIEWS:

The right-of-way vacation request was reviewed by the Development Review Committee (DRC) on March 26, 2019. Comments have been addressed and are subject to the conditions of approval provided herein. The DRC record is 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 the Unified Land Development Regulations (ULDR), Section 47-24.6.A.4., Vacation of Right-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 15-foot-wide right-of-way is currently not needed for public purposes. The alley is not used for pedestrian or vehicular access to the abutting properties or used by the public. The alley bisects the proposed development site for the "West Village" development. The applicant has indicated that pedestrian and vehicular access and circulation will be provided by the current easement which will be repurposed and access provided on other portions of the site. The applicant will also grant easements for relocated utilities existing in this portion of the alley, as needed and as required by conditions of utility holders.

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

The alley is not currently used for pedestrian or vehicle traffic. The surrounding areas and other abutting properties can be accessed from NW 6th Street, NW 7th Terrace, or NW 5th Street.

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

The alley cannot currently be used for vehicular traffic due to landscaping, utility poles, and development on the alley. Vehicles will be able to utilize NW 4th Avenue, NW 7th Street, or NW 3rd Avenue to access the abutting properties.

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

The alley is not currently used for pedestrian traffic. The proposed "West Village" development includes an east to west cross-access within the block. Finalization of location of said cross access is subject Final DRC Site Plan approval. The proposed development plans will enhance the sidewalk experience along all perimeters of the site, per the intent of the design standards for projects located within the North West Regional Activity Center District.

- 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.*

Letters of no objection have been received from all applicable franchise utilities and the applicant is coordinating how to address existing facilities and future service. All providers state they have no objection to the proposed street vacation. AT&T and FPL have no objection to vacating the street as long as the existing facilities are relocated by the customer (owner/developer) including any new easements secured and facilities constructed to serve any existing FPL customers that may be affected by the request. Additionally, FPL will require a complete set

of plans prior to construction for review and approval. The utility provider letters are attached as **Exhibit 4**.

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 Rights-of-Way and Section 47-25.2 Adequacy Requirements, which are provided and attached herein as **Exhibit 5** 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 11, 2019 and May 6, 2019, to offer the neighborhood surrounding the property the opportunity to learn about the proposed project. The public participation meeting summary and affidavit are attached as **Exhibit 6**.

In addition, this request is subject to sign notification requirements established in ULDR, Section 47-27.4. The applicant has installed a total of 6 signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. **Exhibit 7** contains the affidavit and photographs of the posted signs.

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.

CONDITIONS OF APPROVAL:

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

1. The applicant shall provide concurrency/correspondence from all utility owners (i.e. Florida Power and Light (FPL), AT&T, Comcast and TECO), regarding proposed conceptual utility relocation plan and any easement requirements associated with the relocation/ removal of their facilities. Prior to Engineer certificate being executed, letters from these utility owners shall be provided to the City Engineer or designee, indicating relocation and/or removal of their facilities, additional provisions and easements have been completed to the utility owners satisfaction;
2. A cross-access easement shall be recorded along east to west of property, exact location to be determined, prior to Final DRC Approval of Case Number R19014. Prior to Engineer certificate being executed, a copy of recorded document shall be submitted City Engineer or designee and to Department of Sustainable Development (DSD) Urban Design & Planning Division, indicating recorded cross-access easement;

3. 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;
4. 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,
5. 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 by the applicant to the City.

EXHIBITS:

1. Sketch and Legal Description
2. Application
3. Development Plans
4. Utility Provider Letters
5. Applicant's Narratives
6. Public Participation Affidavit and Meeting Summary
7. Public Notice Signs and Sign Affidavit