



**CITY OF FORT LAUDERDALE  
City Commission Agenda Memo  
REGULAR MEETING**

**#19-0480**

**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Chris Lagerbloom, ICMA-CM, City Manager

**DATE:** September 3, 2019

**TITLE:** Quasi-Judicial Ordinance Vacating an Alley Right-of-Way Located between and perpendicular to NW 5th Street and NW 6th Street – 501 NW 7th Avenue – Fort Lauderdale Community Redevelopment Agency (CRA), Sistrunk 2245 LLC, 220145 LLC, Urbano 500 LLC, Anointed by Christ International Christian Center Inc. – 501 NW 7th Street - West Village - Case No. V19002 - (Commission District 3)

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**Recommendation**

It is recommended the City Commission consider an ordinance vacating a 15-foot-wide, approximately 633.70-foot-long portion of an alley right-of-way located between and perpendicular to NW 5th Street and of NW 6th Street.

**Background**

The applicant, Keith and Associates, under the authorization of the property owners, City of Fort Lauderdale Community Redevelopment Agency; Sistrunk 2245, LLC; 220145, LLC; Urbano 500, LLC; and Anointed by Christ International Christian Center Inc., requests a vacation of a 15-foot-wide, approximately 633.70-foot-long portion of a North/South alley right-of-way located between NW 5<sup>th</sup> Street and NW 6<sup>th</sup> Street. An associated Site Plan Level II development application (Case No. R19014) for a height bonus request, for the “West Village” mixed-use development is currently under review and will be subject to City Commission approval. The current proposed development consists of a six-story building with 455 multifamily units and 17,752 square feet of commercial use on the first floor. The planned building configuration proposes to utilize 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 Applicant’s Application, Narratives, and Utility Letters are attached as Exhibit 2. The associated development application (Case No. R19014) is attached as Exhibit 3. The rezoning application associated with the proposed development is also scheduled on this agenda as CAM No. 19-0429.

The vacation request was reviewed by the Planning and Zoning Board (PZB) on June 19, 2019. The PZB Staff Report and Minutes are attached as Exhibit 4 and 5, respectively. The PZB recommended approval of the vacation of the right-of-way by a vote of 6-2 including staff conditions of approval as listed herein.

## **REVIEW CRITERIA:**

### **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 by the public for pedestrian or vehicular access to the abutting properties. 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 6<sup>th</sup> Street, NW 7<sup>th</sup> Terrace, or NW 5<sup>th</sup> 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 4<sup>th</sup> Avenue, NW 7<sup>th</sup> Street, or NW 3<sup>rd</sup> 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 2, pages 36-40.

#### **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 2, pages 7-12, to assist the City Commission 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. Staff also received a letter from the Historic Dorsey Riverbend Civic Association dated June 10, 2019, regarding questions and concerns pertaining to the development project that they would like to be taken into consideration. The public participation meeting summary, affidavit and Historic Dorsey Riverbend Civic Association letter are attached as Exhibit 6.

In addition, this request is subject to mail notice and 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 6 contains the mail notice, affidavit and photographs of the posted signs.

#### **Conditions**

Should the City Commission 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.

### **Resource Impact**

There is no fiscal impact associated with this action.

### **Strategic Connections**

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Neighborhood Enhancement Cylinder of Excellence, specifically advancing:

- Goal 1: Be a pedestrian friendly, multi-modal City.
- Objective 2: Integrate transportation land use and planning to create a walkable and bikeable community.
- Initiative 3: Develop a citywide comprehensive public/private sidewalk polity and plan to improve sidewalks and connections.

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We Are Community*.

### **Related CAM**

#19-0429

### **Attachments**

Exhibit 1 - Sketch and Legal Description

Exhibit 2 - Applicant's Application, Narratives, and Utility Letters

Exhibit 3 - Associated Development Application Case No. R19014

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Exhibit 4 - PZB Staff Report  
Exhibit 5 - PZB Minutes  
Exhibit 6 - Public Participation, Mail Notice and Sign Notification  
Exhibit 7 - Ordinance

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