



**REQUEST:** Vacation of Right-of-Way: 15-Foot Wide by 663-Foot long Alley

Case Number	PLN-VAC-19100002	
Property Owner/Applicant	FAT Village Properties, LLC.	
Agent	Flynn Engineering	
General Location	South of NW 6 <sup>th</sup> Street, north of NW 5 <sup>th</sup> Street, east of NW 1 <sup>st</sup> Avenue and west of North Andrews Avenue	
Existing Use	Public Right-of-Way: 15-Foot Wide Alley	
Zoning District	Regional Activity Center – Urban Village (RAC-UV)	
Future Land Use Designation	Downtown Regional Activity Center	
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	Jim Hetzel, Principal Urban Planner	JH EP

**PROJECT DESCRIPTION:**

The applicant, FAT Village Properties, LLC., requests to vacate a 15-foot wide by approximately 663-foot long portion of a right-of-way established as an alley, located south of NW 6<sup>th</sup> Street, north of NW 5<sup>th</sup> Street, east of NW 1<sup>st</sup> Avenue and west of North Andrews Avenue. The proposed vacation is associated with a proposed mixed-use development called "FAT Village East" (Case R19059), which was reviewed by the Development Review Committee (DRC) on September 10, 2019. An associated application for "FAT Village West" (Case R19060) is also scheduled on the May 20, 2020 Planning and Zoning Board agenda as Agenda Item #1. The application, applicant's narrative responses, and a sketch and legal description of the proposed vacation are attached as **Exhibit 1**.

**PRIOR REVIEWS:**

The vacation request was reviewed by the DRC on November 26, 2019. All comments have been addressed and are available on file with the Department of Sustainable Development (DSD).

**REVIEW CRITERIA:**

Pursuant to 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 right-of-way alley will no longer be needed as the alley is included in the redevelopment of the "FAT Village East" project which will have multiple access points to the new development site. The existing access to the alley from both NW 5<sup>th</sup> Street and NW 6<sup>th</sup> Street will remain to the new project. All the properties located along the alley are under same ownership and therefore, the alley will no longer be a need for public purpose. However, the public will be able to access the site from the surrounding street network and the applicant is proposing to keep the access in the same location as the existing alley.

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

The vacation of the right-of-way alley will not require alternate routes as access will be provided through the redevelopment of the "FAT Village East" project and there are alternative access points provided through Andrews Avenue and NW 1<sup>st</sup> Avenue.

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

The vacation of the right-of-way alley will not create vehicular movement issues. The proposed redevelopment will include safe movement into the site and within the site for both vehicular and truck movement. The improvements to the street network as part of the "FAT Village East" project will enhance the safety of vehicles and pedestrians in and around the area.

- 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 extensive sidewalks proposed along the perimeter of the new redevelopment project which will provide enhanced pedestrian movement in and around the project and adjacent area.

- 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 some utilities exist within the alley and the applicant will be responsible for relocation. 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 September 16, 2019, 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 3**.

In addition, this request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed two signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. **Exhibit 4** contains the affidavit and photographs of the posted signs.

#### **PLANNING & ZONING BOARD REVIEW OPTIONS:**

The Planning and Zoning Board shall consider the application and make a determination based on the following criteria:

- ULDR Section 47-24.6.A.4., Vacation of Rights-of-Way

If the Planning and Zoning Board determines that the vacation request meets the standards and requirements of the ULDR and criteria for vacation of right-of-way, the Planning and Zoning Board shall approve or approve with conditions necessary to ensure compliance with the standards and requirements of the ULDR and criteria for the vacation of right-of-way and shall forward its recommendation to the City Commission. If approved, the following conditions shall 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; and
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.

If the Planning and Zoning Board determines that the proposed vacation request does not meet the standards and requirements of the ULDR and criteria for vacation of right-of-way, the Planning and Zoning Board shall deny the request.

The applicant has submitted narratives outlining how the vacation of right-of-way complies with the applicable sections of the ULDR as described herein and are attached as **Exhibit 1**, to assist the Board in determining if the requested vacation of right-of-way meets the criteria.

**EXHIBITS:**

1. Application, Narratives, and Sketch and Legal Description
2. Utility Provider Letters
3. Public Participation Meeting Summary and Affidavit
4. Public Notice Signs and Sign Affidavit