



PLN-EV-20030003 - 818 UT. ESMT
SUSTAINABLE DEVELOPMENT – URBAN DESIGN & PLANNING
CITY COMMISSION (CC) - GENERAL APPLICATION












Rev: 2 | Revision Date: 10/01/2020 | I.D. Number: PREID - AR

CITY COMMISSION (CC)
General Application

Cover: Deadline, Notes, and Fees
Page 1: Applicant Information Sheet, Required Documentation & Mail Notice Requirements
Page 2: Sign Notification Requirements & Affidavit

DEADLINE: City Commission submittal deadlines are set by the City Clerk and vary by type of application. Contact project planner to determine deadline prior to submittal of complete application.

FEES: All applications for development permits are established by the City Commission, as set forth by resolution and amended from time to time. In addition to the application fee, any additional costs incurred by the City including review by a consultant on behalf of the City, or special advertising costs shall be paid by the applicant. Any additional costs, which are unknown at the time of application, but are later incurred by the City, shall be paid by the applicant prior to the issuance of a development permit.

	Planned Development District (PDD)	\$ 3,600.00
	Site Plan Level IV	\$ 1,700.00
	Site Plan Level II in RAC (Regional Activity Centers - Central Beach, South Andrews, Northwest)	\$ 2,900.00
	Plat	\$ 1,100.00 (\$450 Final-DRC Fee)
	Easement Vacation	\$ 1,100.00 (\$300 Final-DRC Fee)
	ROW Vacation	\$ 1,050.00 (\$600 Final-DRC Fee)
	Rezoning (In addition to above site plan fee)	\$ 1,750.00 (\$250 Final- DRC Fee)
	Appeal and/or DeNovo Hearing	\$ 3,150.00
	Site Plan Deferral	\$ 1,050.00
	City Commission Request for Review	\$ 1,200.00
	City Commission General Review	\$ 150.00 / Hr.*

*The above fee is calculated at a rate of \$150.00 per hour. Generally these applications take no more than 3 hours total to review (\$450.00), however any additional time required by staff will be charged prior to the City Commission meeting.


Page 1: City Commission Submittal Requirements

INSTRUCTIONS: The following information is requested pursuant to the City's Unified Land Development Regulations (ULDR). The application must be filled out accurately and completely. Please print or type and answer all questions. Indicate N/A if does not apply.

NOTE: To be filled out by Department

Case Number	
Date of complete submittal	

NOTE: To be filled out by Applicant

Property Owner's Name	Searstown Warehouse LLC (Patricia)
Applicant / Agent's Name	Stephanie J. Toothaker, Esq., 
Development / Project Name	818 Utility Easement
Development / Project Address	<u>Existing:</u> 818 NE 4th <u>New:</u> 818 NE 4th
Current Land Use Designation	D-
Proposed Land Use Designation	RAC
Current Zoning Designation	RAC-
Proposed Zoning Designation	UV
Specific Request	Vacate Utility

The following number of Plans:

- ☐ One (1) original signed-off set, signed and sealed at 24" x 36"
- ☐ Two (2) copy sets at 11" x 17"
- ☐ One (1) electronic version* of complete application and plans in PDF format to include only the following:
 - ☐ Cover page
 - ☐ Survey
 - ☐ Site plan with data table
 - ☐ Ground floor plan
 - ☐ Parking garage plan
 - ☐ Typical floor plan for multi-level structure
 - ☐ Roof plan
 - ☐ Building elevations
 - ☐ Landscape plan
 - ☐ Project renderings i.e. context plan, street-level perspectives, oblique perspectives, shadow study, etc.
 - ☐ Important details i.e. wall, fence, lighting, etc.

*All electronic files provided should include the name followed by case number "Cover Page Case no.pdf"

MAIL NOTIFICATION

Mail notice is required for City Commission hearing of a Rezoning of Less than Ten Acres and of an Appeal of ROW Vacation. Notice shall be in the form provided by the Department and mailed on the date the application is accepted by the Department. The names and addresses of homeowner associations shall be those on file with the City Clerk. Rezoning of Less Than Ten Acres hearing notice must be mailed within 30 days of the hearing and Appeal of ROW Vacation hearing notice within 10 days of hearing.

- **REQUIREMENT:** Mail notice of development proposal shall be provided to real property owners within 300 feet of applicant's property, as listed in the most recent ad valorem tax records of Broward County.
- **TAX MAP:** Applicant shall provide a tax map of all property within the required notification radius, with each property clearly shown and delineated. Each property within the notice area must be numbered (by Folio ID) on the map to cross-reference with property owners notice list.
- **PROPERTY OWNERS NOTICE LIST:** Applicant shall provide a property owners notice list with the names, property control numbers (Folio ID) and complete addresses for all property owners within the required notification radius. The list shall also include all homeowners associations, condominium associations, municipalities and counties noticed, as indicated on the tax roll.
- **ENVELOPES:** The applicant shall provide business size (#10) envelopes with first class postage attached (stamps only, metered mail will not be accepted). Envelopes must be addressed to all property owners within the required notification radius, and mailing addresses must be typed or labeled; no handwritten addresses will be accepted. Indicate the following as the return address on all envelopes: City of Fort Lauderdale, Urban Design & Planning, 700 NW 19th Avenue, Fort Lauderdale, FL 33311.
- **DISTRIBUTION:** The City of Fort Lauderdale, Urban Design & Planning Division will mail all notices prior to the public hearing meeting date, as outlined in Section 47-27.

October 23, 2019

Searstown Warehouse, LLC
2400 NE 26th Ave,
Fort Lauderdale, FL 33305

To Whom It May Concern:

Please accept this letter as authorization for **Stephanie J. Toothaker, Esq.** and **Flynn Engineering Services, P.A.** to serve as Agents for the Development Review Committee (DRC), Planning & Zoning Board and any other governmental approvals related thereto for the property located 818-824 NE 4th Avenue, Fort Lauderdale, FL 33304 also identified by Property tax ID number listed

Property ID # 4942 34 36 0020

Sincerely,

Searstown Warehouse LLC, a Florida Limited Liability Company

(CORPORATE SEAL)

By:

Name:

Title:

Shelby G. Smith III
Manager

Signed, sealed and delivered in the presence of:

WITNESSES:

Aufel

Signature
Lilyana Nenkova

Print Name

Suzette Smith

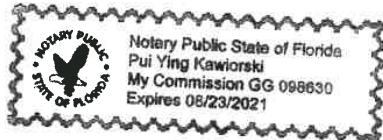
Signature
Suzette Smith

Print Name

STATE OF FLORIDA :
COUNTY OF BROWARD :

The foregoing instrument was acknowledged before me this 23 day of Oct., 2019, by Shelby G. Smith the manager of Searstown Warehouse LLC, a Florida Limited Liability Company

(SEAL)



Pui Ying Kawiorski
Notary Public, State of Florida
(Signature of Notary Public)

Pui Ying Kawiorski
(Print, Type, or Stamp Commissioned
Name of Notary Public)

Personally Known ☒ OR Produced Identification _____
Type of Identification Produced _____

SKETCH AND DESCRIPTION

DESCRIPTION:

A PORTION OF THAT PLATTED UTILITY EASEMENT ALONG THE WEST 6.00 FEET OF LOTS 12 THROUGH 21 AND ALONG THE EAST 6.00 FEET OF LOTS 31 THROUGH 38, "RESUBDIVISION OF BLOCK 254, PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 72, PAGE 2 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SAID LANDS SITUATE LYING AND BEING IN BROWARD COUNTY, FLORIDA. CONTAINING 2,700 SQUARE FEET MORE OR LESS

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF LOT 21, BLOCK 254 WITH AN ASSUMED BEARING OF N 89°47'26" W.
2. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER STATED HEREON.
3. THE UNDERSIGNED AND DAVID & GERCHAR, INC. MAKE NO REPRESENTATIONS OR GUARANTEES AS TO THE INFORMATION REFLECTED HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS AND OTHER MATTERS, AND FURTHER, THIS INSTRUMENT IS NOT INTENDED TO REFLECT OR SET FORTH ALL SUCH MATTERS. SUCH INFORMATION SHOULD BE OBTAINED AND CONFIRMED BY OTHERS THROUGH APPROPRIATE TITLE VERIFICATION. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY AND OR EASEMENTS OF RECORD.
4. THIS SKETCH AND DESCRIPTION CONSISTS OF TWO (2) SHEETS AND IS NOT COMPLETE WITHOUT BOTH SHEETS.

THIS IS NOT A SKETCH OF SURVEY

SHEET 1 OF 2

REVISIONS	DATE	BY	CKD	
REVISE PER CITY ENGINEER COMMENT	6/5/2020	RM	TD	

**PORTION OF
UTILITY EASEMENT
TO BE VACATED**

David & Gerchar, Inc.
Surveyors & Mappers
Licensed Business No. 6935
12075 NW 40th Street, Suite 1
Coral Springs, FL 33065
(954) 340-4025
Theodore J. David, P.S.M.
Florida Registration No. 5821

6/5/2020
DATE

THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY THEODORE J. DAVID, ON THE DATE NOTED ON THIS SHEET USING A SHA-256 AUTHENTICATION CODE.
PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SHA-256 AUTHENTICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

**THEODORE J. DAVID FOR THE FIRM
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 5821
DAVID & GERCHAR, INC. LB#6935**

SCALE:
N/A

FB/PG:
N/A

DRAWN BY:
RM

CKD. BY:
TD

JOB NO:
20-007

CAD. FILE: F:\dwgs\
20-jobs\20-007

DATE:
3/12/2020

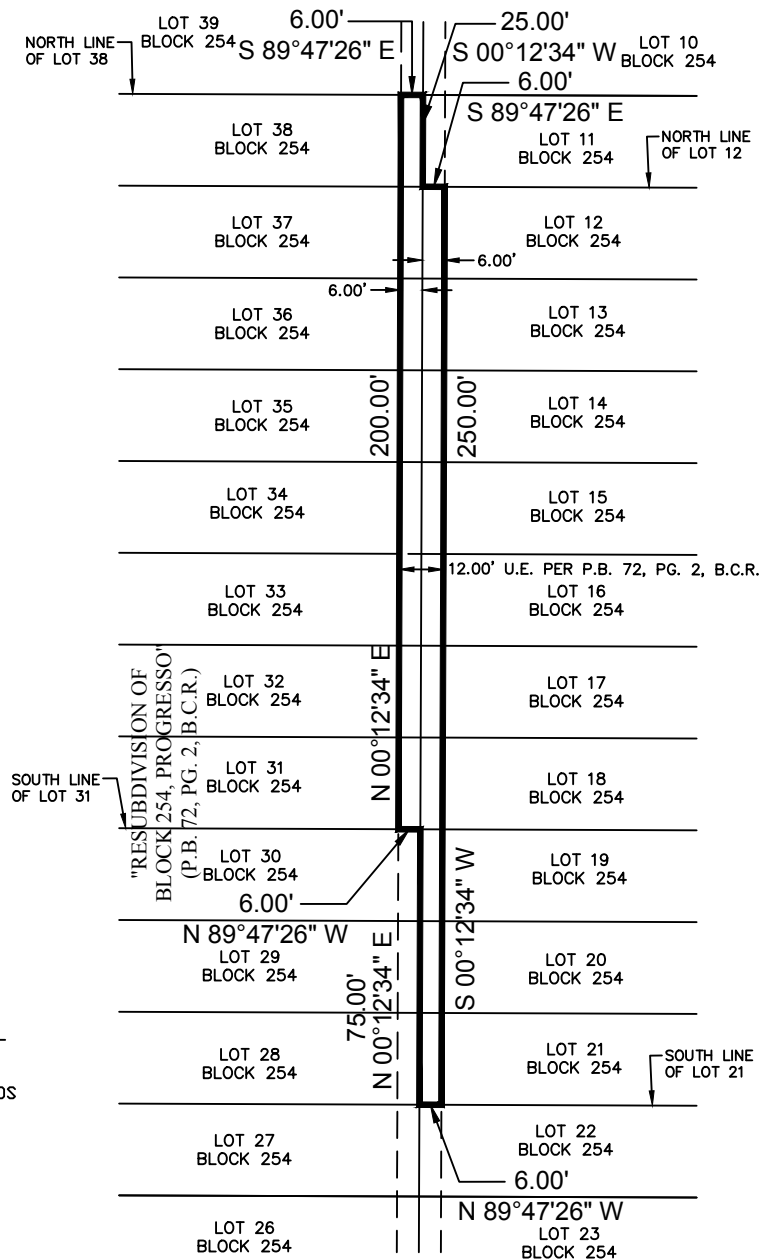
PROJ. FILE:
20-007

**DAVID &
GERCHAR,**
SURVEYORS AND MAPPERS
12750 N.W. 40th Street, Bay 1
Coral Springs, Florida 33065
(954) 340-4025 • email: ted@davidandgerchar.com

CAM# 21-0028

Exhibit 1

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P. B.	PLAT BOOK
PG.	PAGE
B. C. R.	BROWARD COUNTY RECORDS

SHEET 2 OF 2

REVISIONS	DATE	BY	CKD	
REVISE PER CITY ENGINEER COMMENT	6/5/2020	RM	TD	

REVISION PER CITY ENGINEER COMMENT

6/5/2020

RM

TD

TD

12750 N.W. 40th Street, Bay 1
Coral Springs, Florida 33065
(954) 340-4025 • email: ted@davidandgerchar.com

Page 6 of 25

March 13, 2020

Project: 818 NE 4th Ave Utility Easement Vacation (DRC Case# PLN-EV-20030003)
Address: 818 NE 4th Avenue - Ft. Lauderdale

Sec. 47-24.7 - Vacation of easement.

A. Vacation of easement (city commission).

1. *Applicant.* The applicant shall be the owner of property subject to public easement sought to be vacated or the city.

RESPONSE: The Applicant owns the property subject to the utility easement to be vacated.

2. *Application.* An application for a vacation of easement shall be made to the department, and shall include a legal description of the easement or portion thereof proposed to be vacated and written consent executed by every utility company with existing utilities or a right to locate such utilities within the easement.

RESPONSE: The Applicant will comply as applicable. See utility letters of 'NO OBJECTION' and sketch & legal description both attached.

3. *Review process.*

- a. An application shall be submitted to the development review committee for review to consider if the application meets the criteria for a vacation of easement.
- b. The DRC shall prepare a report to be included with the application regarding existing utilities within the easement and whether the criteria have been met.
- c. The DRC shall forward its recommendation for a vacation of an easement to the city commission.
- d. During a regular public meeting, the city commission consider the application and the record and recommendations forwarded by the DRC and shall hear public comment on the application.
- e. If the city commission determines that the application meets the criteria for vacation, the city commission shall approve the vacation. If the city commission determines that the proposed development or use does not meet the criteria, the city commission shall deny the vacation.
- f. Approval of a vacation of an easement shall be by resolution adopted by the city commission.

RESPONSE: The Applicant will comply as applicable.

4. *Criteria.* An application for a vacation of an easement shall also be reviewed in accordance with the following criteria:

- a. The easement is no longer needed for public purposes.

RESPONSE: The 10' utility easement will be relocated on-site, if needed, for the utility companies. The Applicant is working with the utility providers.

Stephanie J. Toothaker, Esq.

land use development political strategy procurement

Stephanie J. Toothaker, Esq., PA 954.648.9376 stephanie@toothaker.org [@stoothaker](https://twitter.com/stoothaker) [@toothakerdevelopment](https://www.instagram.com/toothakerdevelopment)
 401 E Las Olas Blvd, Suite 130-154 Fort Lauderdale, FL 33301

- b. All utilities located within the easement 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 portion of the easement area is maintained; or an easement in a different location has been provided by the utility facilities by the owner to the satisfaction of the city; or any combination of same.

RESPONSE: The Applicant is working with the utility providers to re-route any existing utilities. See attached letters of 'NO OBJECTION' provided by the utility companies.

5. *Appeal.* If an application for vacation is denied by the city commission, the applicant may appeal the decision in accordance with the procedures provided in Section 47-26B, Appeals.

RESPONSE: The Applicant has taken this comment under advisement.

6. *Effect upon approval.* The resolution approving a vacation of easement shall be recorded in the public records of the county within thirty (30) days after adoption. The resolution may provide for the retention of a utility or other type of easement needed by the city, and may have a delayed effective date in order that any necessary conditions relating to the vacation may be made.

RESPONSE: The Applicant has taken this comment under advisement.

Respectfully,

/s/ Stephanie J. Toothaker

Stephanie J. Toothaker, Esq.

March 13, 2020

Project: 818 NE 4th Ave Utility Easement Vacation (DRC# E19)
Address: 818 NE 4th Avenue - Ft. Lauderdale

Sec. 47-25.2 ADEQUACY REQUIREMENTS

- A. ***Applicability.*** The adequacy requirements set forth herein shall be used by the city to evaluate the demand created on public services and facilities created by a proposed development permit.

Response: The Applicant has taken this comment under advisement.

- B. ***Communications network.*** Buildings and structures shall not interfere with the city's communication network. Developments shall be modified to accommodate the needs of the city's communication network, to eliminate any interference a development would create or otherwise accommodate the needs of the city's communication network within the development proposal.

Response: N/A – Utility Easement

- C. ***Drainage facilities.*** Adequacy of stormwater management facilities shall be evaluated based upon the adopted level of service requiring the retention of the first inch of runoff from the entire site or two and one-half (2 1/2) inches of runoff from the impervious surface whichever is greater.

Response: N/A – Utility Easement

- D. ***Environmentally sensitive lands.***

1. In addition to a finding of adequacy, a development shall be reviewed pursuant to applicable federal, state, regional and local environmental regulations. Specifically, an application for development shall be reviewed in accordance with the following Broward County Ordinances which address environmentally sensitive lands and well field protection which ordinances are incorporated herein by reference:
 - a. Broward County Ordinance No. 89-6.
 - b. Section 5-198(I), Chapter 5, Article IX of the Broward County Code of Ordinances.
 - c. Broward County Ordinance No. 84-60.
2. The applicant must demonstrate that impacts of the proposed development to environmentally sensitive lands will be mitigated.

Response: There are no environmentally sensitive lands on this site.

- E. ***Fire protection.*** Fire protection service shall be adequate to protect people and property in the proposed development. Adequate water supply, fire hydrants, fire apparatus and facilities shall be provided in accordance with the Florida Building Code, South Florida Fire Code and other accepted applicable fire and safety standards.

Response: N/A – Utility Easement

- F. ***Parks and open space.*** New ordinance adopted in June 2006.

Response: N/A – Utility Easement

Stephanie J. Toothaker, Esq.

land use development political strategy procurement

Stephanie J. Toothaker, Esq., PA 954.648.9376 stephanie@toothaker.org [@stoothaker](https://twitter.com/stoothaker) [@toothakerdevelopment](https://www.instagram.com/toothakerdevelopment)
 401 E Las Olas Blvd, Suite 130-154 Fort Lauderdale, FL 33301

- G. **Police protection.** Police protection service shall be adequate to protect people and property in the proposed development. The development shall provide improvements which are consistent with Crime Prevention through Environmental Design (CPTED) to minimize the risk to public safety and assure adequate police protection.

Response: N/A – Utility Easement

H. **Potable water.**

1. Adequate potable water service shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of potable water systems in accordance with city engineering standards, the Florida Building Code, and applicable health and environmental regulations. The existing water treatment facilities and systems shall have sufficient capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which potable water treatment capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended from time to time. Improvements to the potable water service and system shall be made in accordance with city engineering standards and other accepted applicable engineering standards.
2. **Potable water facilities.**
 - a. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.
 - b. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the development.
 - c. Where the county is the projected service provider, a similar written assurance will be required.

Response: N/A – Utility Easement

I. **Sanitary sewer.**

1. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from the design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.
2. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the proposed development.
3. Where the county is the projected service provider, a written assurance will be required.
4. Where septic tanks will be utilized, the applicant shall secure and submit to the city a certificate from the Broward County Health Unit that certifies that the site is or can be made suitable for an on-site sewage disposal system for the proposed use.

Response: N/A – Utility Easement

- J. **Schools.** For all residential plats, the applicant shall contribute to school facilities in accordance with the Broward County Land Development Code and shall provide documentation to the city that such contribution has been satisfied.

Response: N/A – Utility Easement

K. *Solid waste.*

1. Adequate solid waste collection facilities and service shall be obtained by the applicant in connection with the proposed development and evidence shall be provided to the city demonstrating that all solid waste will be disposed of in a manner that complies with all governmental requirements.
2. *Solid waste facilities.* Where the city provides solid waste collection service and adequate service can be provided, an adequacy finding shall be issued. Where there is another service provider, a written assurance will be required. The impacts of the proposed development will be determined based on Table 4, Solid Waste, on file with the department.

Response: N/A – Utility Easement

- L. ***Stormwater.*** Adequate stormwater facilities and systems shall be provided so that the removal of stormwater will not adversely affect adjacent streets and properties or the public stormwater facilities and systems in accordance with the Florida Building Code, city engineering standards and other accepted applicable engineering standards.

Response: N/A – Utility Easement

M. *Transportation facilities.*

1. The capacity for transportation facilities shall be evaluated based on Table 1, Generalized Daily Level of Service Maximum Volumes, on file with the department. If a development is within a compact deferral area, the available traffic capacity shall be determined in accordance with Table 2, Flowchart, on file with the department.

Response: N/A – Utility Easement

2. *Regional transportation network.* The regional transportation network shall have the adequate capacity, and safe and efficient traffic circulation to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the adopted traffic elements of the city and the county comprehensive plans, and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is needed in order to evaluate the impacts of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit such a study to the city which will be considered by the DRC in its review. Roadway improvements needed to upgrade the regional transportation network shall be made in accordance with the city, the county, and FDOT traffic engineering standards and plans as applicable.

Response: N/A – Utility Easement

3. *Local streets.* Local streets shall have adequate capacity, safe and efficient traffic circulation, and appropriate functional classification to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the city's comprehensive plan and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is required in order to evaluate the impact of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit to the city such a study to be considered as part of the DRC review. Street improvements needed to upgrade the capacity or comply with the functional classification of local streets shall be made in accordance with the city engineering standards and acceptable applicable traffic engineering standards. Local streets are those streets that are

not classified as federal, state or county roadways on the functional classification map adopted by the State of Florida.

Response: N/A – Utility Easement

4. *Traffic impact studies.*

- a. When the proposed development may generate over one thousand (1,000) daily trips; or
- b. When the daily trip generation is less than one thousand (1,000) trips; and (1) when more than twenty percent (20%) of the total daily trips are anticipated to arrive or depart, or both, within one-half (1/2) hour; or (2) when the proposed use creates varying trip generation each day, but has the potential to place more than twenty percent (20%) of its maximum twenty-four (24) hour trip generation onto the adjacent transportation system within a one-half (1/2) hour period; the applicant shall submit to the city a traffic impact analysis prepared by the county or a registered Florida engineer experienced in traffic ways impact analysis which shall:
 - i. Provide an estimate of the number of average and peak hour trips per day generated and directions or routes of travel for all trips with an external end.
 - ii. Estimate how traffic from the proposed development will change traffic volumes, levels of service, and circulation on the existing and programmed traffic ways.
 - iii. If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local traffic ways, define what city, county or state agencies have programmed the necessary construction and how this programming relates to the proposed development.
 - iv. A further detailed analysis and any other information that the review committee considers relevant.
 - v. The traffic impact study may be reviewed by an independent licensed professional engineer contracted by the city to determine whether it adequately addresses the impact and the study supports its conclusions. The cost of review by city's consultant shall be reimbursed to the city by the applicant.
 - vi. When this subsection M.4.b. applies, the traffic study shall include an analysis of how the peak loading will affect the transportation system including, if necessary, an operational plan showing how the peak trips will be controlled and managed.

Response: N/A – Utility Easement

5. ***Dedication of rights-of-way.*** Property shall be conveyed to the public by plat, deed or grant of easement as needed in accordance with the Broward County Trafficways Plan, the city's comprehensive plan, subdivision regulations & accepted applicable traffic engineering standards.

Response: N/A – Utility Easement

6. ***Pedestrian facilities.*** Sidewalks, pedestrian crossing and other pedestrian facilities shall be provided to encourage safe and adequate pedestrian movement on-site and along roadways to adjacent properties. Transit service facilities shall be provided for as required by the city and Broward County Transit. Pedestrian facilities shall be designed and installed in accordance with city engineering standards and accepted applicable engineering standards.

Response: N/A – Utility Easement

7. ***Primary arterial street frontage.*** Where a proposed development abuts a primary arterial street either existing or proposed in the traffic ways plan, the development review committee (DRC) may require marginal access street, reverse frontage with screen planting contained in a

non-access reservation along the rear property line, deep lots with or without rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to assure separation of through and level traffic.

Response: Acknowledged.

8. ***Other roadway improvements.*** Roadways adjustments, traffic control devices, mechanisms, and access restrictions may be required to control traffic flow or divert traffic, as needed to reduce or eliminate development generated traffic.

Response: Acknowledged.

9. ***Street trees.*** In order to provide for adequate landscaping along streets within the city, street trees shall be required along the length of the property abutting a street. A minimum of fifty percent (50%) of the required street trees shall be shade trees, and the remaining street trees may be provided as flowering or palm trees. These percentages may be varied based on existing or proposed physical conditions which may prevent the ability to comply with the street tree requirements of this subsection. The street trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements, except in the downtown RAC districts the requirements of Sec. 47-13.20.H.8 shall apply. The location and number of street trees shall be determined by the department based on the height, bulk, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties. The requirements for street trees, as provided herein, may be located within the public right-of-way as approved by the entity with jurisdiction over the abutting right-of-way.

Response: N/A – Utility Easement

N. *Wastewater.*

1. ***Wastewater.*** Adequate wastewater services shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of a wastewater and disposal system in accordance with applicable health, environmental and engineering regulations and standards. The existing wastewater treatment facilities and systems shall have adequate capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which wastewater treatment or disposal capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended for time to time. Improvements to the wastewater facilities and system shall be made in accordance with the city engineering and accepted applicable engineering standards.

Response: N/A – Utility Easement

- O. ***Trash management requirements.*** A trash management plan shall be required in connection with non-residential uses that provide prepackaged food or beverages for off-site consumption. Existing non-residential uses of this type shall adopt a trash management plan within six (6) months of the effective date of this provision.

Response: Acknowledged.

P. *Historic and archaeological resources.*

1. If a structure or site has been identified as having archaeological or historical significance by any entity within the State of Florida authorized by law to do same, the applicant shall be responsible for requesting this information from the state, county, local governmental or other entity with jurisdiction over historic or archaeological matters and submitting this information

to the city at the time of, and together with, a development permit application. The reviewing entity shall include this information in its comments.

Response: There are no structures within the easement, and the property itself has not been identified as having archaeological or historical significance.

- Q. **Hurricane evacuation.** If a structure or site is located east of the Intracoastal Waterway, the applicant shall submit documentation from Broward County or such agency with jurisdiction over hurricane evacuation analysis either indicating that acceptable level of service of hurricane evacuation routes and hurricane emergency shelter capacity shall be maintained without impairment resulting from a proposed development or describing actions or development modifications necessary to be implemented in order to maintain level of service and capacity.

Response: N/A. Project is not located east of the Intracoastal Waterway.

Respectfully,

/s/ Stephanie J. Toothaker

Stephanie J. Toothaker, Esq.

May 15, 2020

Yvonne Redding
CITY OF FT. LAUDERDALE – URBAN DESIGN & PLANNING DIVISION
 700 NW 19th Avenue
 Ft. Lauderdale, FL 33301
 954.828.6495 / yredding@fortlauderdale.gov

Re: 818 Utility Easement Vacation [Easement Vacation]
FES Project #19-1540.00
DRC Case# PLN-EV-20030003

CASE COMMENTS – Received April 14, 2020

1. The applicant is strongly encouraged to contact all neighborhood associations located within three hundred feet (300') of the development site, to advise of this proposal (a map and listing of all neighborhood associations are listed on the City's website).
RESPONSE: The applicant will comply as applicable.
2. Discuss the option to vacate the easement throughout the entire block, to avoid the need for additional easement dedications.
RESPONSE: The applicant has taken this comment under consideration. The applicant is working extensively with the franchise companies to provide the required easements as needed. See attached FPL easement exhibit.
3. Indicate the project's compliance with the following ULDR sections by providing a point-by-point narrative response, on letterhead, with date and author indicated.
 - a. Sec. 47-25.2 Adequacy Requirements
 - b. Sec. 47-24.7A.4 Criteria for Vacation of Easement**RESPONSE: See ULDR narratives the applicant provided at time of submittal.**
4. Signoffs from the City Surveyor and the Urban Design Engineer will be required prior to City Commission submittal. The signoff for the City Surveyor will be routed by Planning Staff.
RESPONSE: This has been taken under advisement. The applicant will promptly address any comments provided by city surveyor review.
5. The proposed project requires review and approval by the City Commission. A separate application and fee are required for City Commission review.
RESPONSE: Acknowledged. The applicant will comply as applicable.
6. Letters must be provided from AT&T, the City of Fort Lauderdale Public Works Department, Comcast Cable, Florida Power & Light, and TECO Peoples Gas indicating no objections to the vacation. If any easements are required, legal and easement documents must be provided prior to item being scheduled for City Commission. If any facilities need to be relocated, plans satisfactory to that agency must be approved prior to City Commission submittal.

Stephanie J. Toothaker, Esq.
 land use development political strategy procurement

Stephanie J. Toothaker, Esq., PA 954.648.9376 stephanie@toothaker.org @stoothaker @toothakerdevelopment
 401 E Las Olas Blvd, Suite 130-154 Fort Lauderdale, FL 33301

Contact Information for utilities is as follows:

AT&T

Dyke Tittle
(954) 577-5602
DT5431@att.com

City of Fort Lauderdale

Public Works Department
Elkin Diaz
(954) 828-6539
EDiaz@fortlauderdale.com

Comcast Cable

Leonard Maxwell-Newbold
(954) 447-8405
Leonard Maxwell-Newbold@comcast.com

Florida Power & Light

Lucas Cornish
(954) 717-2062
Lucas.Cornish@fpl.com

RESPONSE: Please see the no objection letters attached from the city's public works department and the applicable franchise utility companies.

7. The resolution approving the vacation of easement shall be recorded in the public records of Broward County within (30) days after adoption.

RESPONSE: Comment taken under advisement.

GENERAL COMMENTS:

1. Be advised that pursuant to State Statute, Section 166.033, states that development permits which require a quasi-judicial or public hearing decision must be complete within 180 days unless an extension of time is mutually agreed upon between the City and the applicant.

RESPONSE: This comment has been taken under advisement.

2. The following easement documents must be reviewed and approved by City Staff, prior to final approval:

- Attorney's Opinion of Title
- Easement Deed
- Survey, Sketch and Legal Description
- Joinder, Consent, and Partial Release by Mortgagee/Lien Holder

The instructions for associated documents can be found at:

<https://www.fortlauderdale.gov/departments/sustainable-development/building-services/engineering-forms-and-info> Please submit these documents electronically to Caroline Yeakel, at CYeakel@fortlauderdale.gov. ((954) 828-6159)

Respectfully,

/s/ Stephanie J. Toothaker

Stephanie J. Toothaker, Esq.

May 14, 2020

Alfredo Leon, P.E.

CITY OF FT. LAUDERDALE – ENGINEERING DIVISION

700 NW 19th Avenue

Ft. Lauderdale, FL 33301

954.828.6205 / Aleon@fortlauderdale.gov

Re: 818 Utility Easement Vacation [Easement Vacation]

FES Project #19-1540.00

DRC Case# PLN-EV-20030003

CASE COMMENTS – Received April 14, 2020

1. Per ULDR Section 47-24.1, provide written documentation that easement to be considered for vacation meets the City's development review criteria per ULDR Section 47-25.2 (Adequacy Review) and ULDR Section 47-24.7 (Vacation of Easement Requirements).
RESPONSE: Please see the narrative provided, which addresses ULDR Sections 47-24.7 & 47-25.2.
2. Demonstrate compliance with Adequacy Review requirements per ULDR Sections 47-25.2.C (Drainage facilities) and 47-25.2.L (Stormwater), that the easement area to be considered for vacation will not adversely affect adjacent streets and properties.
RESPONSE: Please see the narrative provided, which addresses ULDR Section 47-24.2.
3. Provide a signed and sealed boundary and topographic survey based on a Standard Title Commitment issued by a title insurer licensed to do business in Florida or an Opinion of Title issued by an attorney admitted to the Florida Bar. The title commitment or Opinion of Title must have an effective date no more than thirty days prior to the date of submittal of the survey and must be certified to the City of Fort Lauderdale. If any encumbrances are found in the property, provide a copy of the recorded documents accordingly (i.e. easements, agreements, etc.).
RESPONSE: The survey provided was recertified on Aug. 29, 2019 with the current title work. A City of Fort Lauderdale Site Plan DRC Application (PLN-SITE-19100020) in conjunction with this Utility Easement Vacation was submitted to the City on Sept 18, 2019.
4. Provide copy of latest corresponding Site Plan, so that it can be reviewed for consistency. Confirm that limits of proposed Easement vacation are consistent with Site Plan.
RESPONSE: Please see the exhibit attached, which shows the portion of the easement to be vacated on the latest site plan.
5. Please contact City's Public Works Department, Thomas Lawrence at TLawrence@fortlauderdale.gov (954-828-6126) or Igor Vassiliev at IVassiliev@fortlauderdale.gov (954-828-5862), for stormwater infrastructure, and water and sewer utilities, to verify and determine whether there are any public utilities present within the easement to be considered for vacation. If so, a surveyed location of the utilities shall be provided to staff for review, the full cost of relocation of the utilities shall be borne by the Applicant, and the utility relocation plan shall be reviewed and approved by the City's Public Works Dept. prior to implementation.
RESPONSE: Please see the no objection letter from the public works department attached.

Stephanie J. Toothaker, Esq.

land use development political strategy procurement

Stephanie J. Toothaker, Esq., PA 954.648.9376 stephanie@toothaker.org [@stoothaker](https://twitter.com/stoothaker) [@toothakerdevelopment](https://www.instagram.com/toothakerdevelopment)
401 E Las Olas Blvd, Suite 130-154 Fort Lauderdale, FL 33301

6. Provide letters from all franchise utility providers, including Public Works as appropriate (i.e. if easement being vacated is public), demonstrating their interests in maintaining or no objection to the vacation of this Easement; the letters should specifically state whether or not the franchise utility providers have existing facilities within the Easement vacation area that will need to be relocated or abandoned.
RESPONSE: Please see the letters attached.
7. Submit a stamped copy of the surveyor's sketch and legal description to the City's Surveyor for his review and approval of the Easement to be considered for vacation. The approved surveyor's sketch shall then be routed to the Land Development Manager or designee for signoff, prior to submittal to the case planner for final authorization to present this item to the City Commission.
RESPONSE: The sketch & legal description has been provided.
8. Please be advised that the vacating ordinance shall not be in full force and effect until an Engineer's Certificate is executed by the City Engineer or designee. This Engineer's Certificate shall be executed by the proper authorities and recorded in the public records of Broward County. A copy of the recorded certificate is to be provided to the City upon recordation. The City Engineer's certificate shall also state that all existing facilities located within the vacated easement have been relocated or abandoned to the satisfaction of the respective utility owners.

The City's Public Works Department, FPL, Comcast, Teco, and possibly AT&T currently have facilities within the existing 15' ingress/egress easement to be vacated. Please be advised that prior to the Engineer's Certificate being executed, letters from the franchise utilities indicating relocation/removal of their facilities and any easement requirements have been completed/recorded to their satisfaction, shall be provided to the City Engineer or designee.
RESPONSE: This comment has been taken under advisement.
9. The survey shows an existing fence within the 6' Utility Easement to be vacated; relocated facilities shall require inspection and approval by the applicable franchise utility owner prior to issuance of City Engineer's certificate.
RESPONSE: This comment has been taken under advisement.
10. The City of Fort Lauderdale (City) has determined that there are no City utilities located within the subject utility easement. The City has no objection to the proposed vacation of the utility easement provided that the vacation is condition upon the relocation, removal, or proper abandonment of any facilities found. Any relocation, removal, or abandonment of the existing utilities must be conducted with approved engineering plans, at the developer's expense, and the relocated, removed, or abandoned utilities would be required to be inspected and accepted by the Department of Sustainable Development.
RESPONSE: Acknowledged and will comply as applicable.
11. Please be advised that additional easements may need to be dedicated to the City resulting from the Vacation of Easement approval process, including Utility Easement(s) and Access Easement(s) that mitigate an otherwise dead-end Alley condition.

As applicable, provide documents such as easement and/or right-of-way deed, joinders, consents and Attorney's Opinion of Title. Please refer to City's Web site:
<http://fortlauderdale.gov/departments/sustainable-development/building-services/engineering-forms-and-info> (under 'Engineering Forms' and 'Dedicated Public Rights of Way and Easements') or click on <http://www.fortlauderdale.gov/home/showdocument?id=1558>.
RESPONSE: This comment has been taken under advisement.
12. Additional comments may be forthcoming at the meeting.
RESPONSE: Acknowledged.

Respectfully,

/s/ Stephanie J. Toothaker

Stephanie J. Toothaker, Esq.



Dyke Tittle
Manager - OSP Planning
& Engineering Design

ATT Florida
8601 W Sunrise Blvd
Plantation, FL 33322

T: 954-577-5602
dt5431@att.com

December 6th 2019

Sarah Owen DelNegri
Flynn Engineering Services, P.A.
241 Commercial Blvd,
Lauderdale-By-The-Sea, Florida 33308

Subject: No Objection Letter for vacation of Utility Easement, City of Fort Lauderdale,
818 NE 4th Ave

Dear Mrs. DelNegri:

ATT does not object to your request for an easement vacation of the easement within the property described. Applicants property is 818 NE 4th Ave and legally described as LOTS 9 THROUGH 21 AND LOTS 28 THROUGH 40, BLOCK 254 OF "RESUBDIVISION OF BLOCK 254, PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 71, AT PAGE 2 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

It is understood that any relocation of existing ATT facilities associated with the proposed project and encroachments will be at the owner's expense. Additional future easements in another location may be required to provide service to the proposed project.

Should you have any questions, please contact me at 954-577-5602.

Sincerely,

Dyke Tittle
Manager - OSP Planning &
Engineering Design

May 13, 2020

Sarah Owen DelNegri
Flynn Engineering Services, P.A.
241 Commercial Blvd,
Lauderdale-By-The-Sea, Florida 33308

Subject: **Utility Easement Vacation for Searstown (DRC Case No. PLN-EV-20030003)
818 NE 4th Avenue, Fort Lauderdale, FL 33304**

Dear Ms. DelNegri,

This letter is in response to your request of a letter of No Objection regarding the proposed vacation of the utility easement described as follows:

A PORTION OF THAT PLATTED UTILITY EASEMENT ALONG THE WEST 6.00 FEET OF LOTS 12 THROUGH 21 AND ALONG THE EAST 6.00 FEET OF LOTS 31 THROUGH 37, "RESUBDIVISION OF BLOCK 254, PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 72, PAGE 2 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID LANDS SITUATE LYING AND BEING IN BROWARD COUNTY, FLORIDA. CONTAINING 2,550 SQUARE FEET MORE OR LESS.

Upon review of the documents provided and City of Fort Lauderdale (City) records, it appears there are no City utilities located within the utility easement. The City has **no objection** to the proposed vacation of the aforementioned utility easement provided that the vacation is condition upon the relocation, removal, or proper abandonment of any infrastructure found. Any relocation, removal, or abandonment of the existing utilities must be conducted with approved engineering plans, at the developer's expense, and the relocated, removed, or abandoned utilities would be required to be inspected and accepted by the Department of Sustainable Development.

Should you have any questions or require any additional information, please contact me at (954) 828-6126.

Sincerely,



Thomas Lawrence, P.E.
Project Manager II

October 1, 2020

Sarah Owen DelNegri
Flynn Engineering Services, P.A.
241 Commercial Blvd
Lauderdale-By-The-Sea, FL 33308

Subject: **Drainage Easement for Flagler Creative**
 DRC Case PLN-EV-20030003
 818 NE 4th Ave, Fort Lauderdale, FL

Dear Ms. DelNegri,

This letter is in response to your request of a Letter of No Objection regarding the proposed vacation of the City of Fort Lauderdale's (City) utility easement as shown on the plans provided by Flynn Engineering, P.A. (Sheet C0). The City has determined that there are no City utilities located within the utility easement. The City has **no objection** to the vacation.

Should you have any questions or require any additional information, please contact me at (954) 828-5115.

Sincerely,



Gabriel Garcia
Project Manager II



Florida Power & Light Company

December 1, 2020

To:

Joseph J. Sullivan
Wellington FFI LLC
7900 Glades Rd. Suite 320
Boca Raton FL 33434
O 561-883-5959
C 561-239-6986

Re: 818 NE 4TH AVE, FORT LAUDERDALE

Dear Joseph,

FPL has no objection to abandoning or vacating the above right of way.

However, FPL has existing facilities and utility easements at this site. FPL will remove our existing facilities and vacate the existing easement at this location at the customer's expense. Prior to this being done, provisions must be made, new easements secured and facilities constructed to serve any existing FPL customers that may be affected by your request.

FPL will require a complete set of plans prior to construction. These would include the survey of property, site plan, water sewer & drainage, paving, and electrical plans. As the FPL engineering process takes about three to four months, it is imperative that complete plans be provided well in advance of construction.

Please contact me at 954 717 2062 should you have any questions or concerns.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Lucas Cornish', with a long horizontal flourish extending to the right.

Lucas Cornish
Engineer II



10/4/2019

To: Flynn Engineering Services, P.A.
241 Commercial Blvd.
Lauderdale-By-The-Sea, FL 33308

RE: Vacation of Easement: FES#19-1540.01
818 NE 4th Ave
Ft. Lauderdale, FL 33304

**LOTS 12 THROUGH 21 AND LOTS 31 THROUGH 38, BLOCK 254 OF
"RESUBDIVISION OF BLOCK 254, PROGRESSO", ACCORDING TO THE PLAT
THEREOF, AS RECORDED IN PLAT BOOK 72, AT PAGE 2 OF THE PUBLIC
RECORDS OF BROWARD COUNTY, FLORIDA.**

From: TECO Peoples Gas

To whom it may concern:

Thank you for contacting TECO Peoples Gas Company regarding vacate of easement at the above referenced location. After reviewing the documents provided, TECO-PGS has NO objection to this vacate.

If you have further questions, please do not hesitate to call.

Sincerely,

Joan Domning
Administrative Specialist, Senior
Peoples Gas-Distribution Engineering
8416 Palm River Road
Tampa, FL 33619
Office: 813-275-3783



Engineering – Design Department
2601 SW 145th Ave Miramar, FL 33027

Thursday, October 01, 2020

Joseph J. Sullivan
Wellington FFI LLC
7900 Glades Rd. Suite 320
Boca Raton FL 33434

RE: Comcast Letter of No Objection / Easement Vacation
818 NE 4th Ave Ft. Lauderdale FL 33304
[Comcast muid_10512_B](#)

Dear Mr. Sullivan

Comcast has ***no objection*** and approves to the vacation of the easement provided the Developer agrees to the total reimbursement of the relocation cost, provides a P.U.E. for this subject relocation within the footprint of the subject property(s), ...the acquisition of all permits and other easement related needs, to include legal fees and recording fees ...where needed, ...construction, design, engineering and material cost.

Below, you'll find a copy of your survey document and a screen shot of Comcast NWT of the subject area outlining the existing aerial facilities on the pole line.



Should you have any further questions, please feel free to call me at 1-954-444-5113 or e-mail at leonard_maxwell-newbold@cable.comcast.com

Sincerely

Leonard Maxwell-Newbold

Permit Supervisor / Central Division

10/1/2020 8:14:58 AM

cc:

Don Batura – Comcast Area Construction Coordinator_resi

Ric Davidson – Comcast Construction Supervisor_resi

John Matonti – Comcast Betterment Supervisor

Ft. Lauderdale Draw

File