REQUEST: Vacation of Right-of-Way: 50-foot Wide by 209-foot Long Portion of Right-of-Way

Case Number	PLN-VAC-20060001
Property Owner / Applicant	Len & Melody Renne and Christian Garay
Agent	Marc Isaac, Flynn Engineering Services, P.A.
General Location	South of Broward Boulevard, west of SW 14th Avenue and north of SW 1st Street
Zoning District	Boulevard Business (B-1) and Residential Multifamily Low Rise/Medium High Density (RML-25)
Future Land Use Designation	Commercial
Applicable Unified Land Development Regulations (ULDR) Sections	Section 47-24.6, Vacation of Rights-of-Way Section 47-25.2, Adequacy Requirements
Notification Requirements	Section 47-27.6, Sign Posting 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, Urban Planner II — ER YMR

PROJECT DESCRIPTION:
The applicants, Len & Melody Renne and Christian Garay, requests to vacate a 50-foot wide by 209-foot long portion of public right-of-way known as SW 15th Terrace located south of W. Broward Boulevard and north of SW 1st Street. The proposed vacation is associated with a proposed redevelopment of the site located at 1490-1500 W. Broward Boulevard. The applicant plans on renovating an existing building to continue the watercraft sales and service facility at this location and has submitted an associated rezoning request and development application (Case #PLN-SITE-20060001) which will be scheduled on an upcoming Planning and Zoning Board agenda. The application, applicant's narrative responses, proposed site plan and a sketch and legal description of the proposed vacation are attached as **Exhibit 1**.

PRIOR REVIEWS:
The right-of-way vacation request was reviewed by the Development Review Committee on July 14, 2020. 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 portion of the right-of-way to be vacated has not been accessible for many years. The closure does not allow for vehicular or pedestrian access to the neighborhood.

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

   The portion of the subject right-of-way results in a dead-end and is not used for vehicular traffic.

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

If the right-of-way is vacated, vehicles will continue to travel south on SW 14th Avenue and turn west on SW 1st Street to circulate the area as is currently done today.

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

Pedestrian traffic will not be affected by the vacation of the right-of-way. Sidewalks do not currently exist in the area proposed to be vacated, and the right-of-way is not currently used for pedestrian through-travel.

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*;

Applicant has obtained letters of no objection from applicable franchise utilities and the City's Public Works Department. Applicant will relocate all utilities to the satisfaction of the respective utility owners or will grant an easement over the existing right-of-way for the utilities that will remain. The utility easement is required by the City's Public Works Department and is a condition of approval. The utility letters along with the applicant's narrative responses 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, two public participation meetings were held one on August 12, 2020 and another on September 3, 2020 to offer the neighborhood surrounding the proposed vacation the opportunity to learn about the proposed right-of-way vacation along with the overall 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 three 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

Pursuant to 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 standards and requirements of the ULDR and criteria for vacation of right-of-way, the Planning and Zoning Board 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;

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;

4. Per the City's Engineering Representative, prior to permit issuance engineering plans are to provide further detailing and dimensioning on the required fifteen (15) foot utility easement along the existing water and sanitary sewer mains within the boundaries of the proposed right-of-way vacation. The required easement is to also encompass any water service and meter proposed or existing to remain;

5. Per the City's Engineering Representative, prior to issuance of Final Certificate of Occupancy, applicant shall dedicate a fifteen (15) foot utility easement along the existing water and sanitary sewer mains within the boundaries of the proposed right-of-way vacation to facilitate City maintenance access as approved by the City Engineer. The fifteen (15) foot utility easement shall also extend along any domestic water service line to include existing or proposed water meter;

6. Per the City's Engineering Representative, prior to permit issuance, a Recorded Temporary Structure Affidavit will be required for the construction of the proposed five (5) foot tall concrete wall withing the water and sewer utility easement.

7. Per the City's Engineering Representative, all proposed improvements adjacent and within W. Broward BLVD (SR 842) are subject to Florida Department of Transportation (FDOT) review and approval.

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.

The applicant has provided narrative responses regarding the project's compliance with ULDR Section 47-24.6.A.4., Vacation of Rights-of-Way attached as Exhibit 2, to assist the Board in determining if the application meets the criteria.

EXHIBITS:

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