



## DEVELOPMENT REVIEW COMMITTEE (DRC) COMMENT REPORT

**MEETING DATE:** September 14, 2021

**PROPERTY OWNER:** David Ide, Peter Le Ide, and Lindsey Way

**APPLICANT/AGENT:** Jason Crush, Crush Law, P.A.

**PROJECT NAME:** Right of Way Vacation – Coconut Drive

**CASE NUMBER:** UDP-V21002

**REQUEST:** Right-of-Way Vacation: 50-foot wide by 102-foot long  
Portion of Coconut Drive

**LOCATION:** South of SW 9th Street, West of SW 11th Avenue, East of  
the South Fork New River Canal

**ZONING:** Residential Single Family and Duplex/Medium Density  
(RD-15)

**LAND USE:** Medium Residential

**CASE PLANNER:** Tyler Laforme

**Case Number: UDP-V21002**

**CASE COMMENTS:**

**Please provide a written response to each of the following comments:**

1. Submittal does not adequately support the following Vacation of Rights-of-Way Criteria as per Section 47-24.6.(4)
  - a. The right-of-way is needed for public purposes as public accessibility to property 910 Coconut Dr. (Parcel Id: 504209200220) will be eliminated.
  - b. Utilities plan and relocation has not been provided.
  - c. Letter of consent from utility owners not provided.

**RESPONSE:** Per multiple meetings and discussions, it is agreed that the Applicant will perfect the Vacation by satisfying the requirements of the City to create a Florida LLC for the purpose of owning the reverted properties and providing the necessary utilities access. Additionally, as agreed, a utility easement will be granted back to the City.

2. The following supporting documentation is required for a complete review per Vacation of Rights-of-Way Review Section 47-24.6.(3).
  - a. Provide a signed and sealed boundary and topographic survey showing all above ground improvements, utilities, rights of way dimensions and all easements. This survey shall be 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. Per the DRC Vacation Application, the survey shall be current within last 6 months.

**RESPONSE:** Per our conversation, the submitted sketch and legal descriptions addresses this comment.

- b. Provide Site Plan, showing proposed improvements should right-of-way be vacated so that it can be reviewed for consistency.

**RESPONSE:** No improvements are proposed aside from a separately permitted gate once vacation is perfected.

- c. Please contact [plan@fortlauderdale.gov](mailto:plan@fortlauderdale.gov) to verify and determine whether there are any public utilities present within the right-of-way to be considered. 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 Department prior to implementation.

**RESPONSE:** As discussed, see submitted civil engineer's sketch showing utilities.

- d. Provide letters from all franchise utility providers, including Public Works as appropriate demonstrating their interests in maintaining or no objection to the vacation of this right-of-way. The letters should specifically state whether the franchise utility providers have existing facilities within the vacation area that will need to be relocated or abandoned.

**RESPONSE:** All franchise utility provider letters submitted.

3. Please be advised shall this case be approved; the following conditions will be applicable at a minimum:

- a. 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.

- b. Should private utilities existing withing vacation area, prior to Engineer certificate being

executed, letters from the franchise utilities indicating relocation/ removal of their facilities and any easement requirements shall be provided.

**RESPONSE:** Understood.

4. Additional comments may be forthcoming at the meeting.



**Case Number:** UDP-V21002

**CASE COMMENTS:**

Comments may be forthcoming.



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CASE COMMENTS:

Please provide a response to the following:

- 1) Pursuant to Public Participation requirements of Unified Land Development Regulations (ULDR), Sections 47-24.1.F.14 and 47-27.4.A.2.c, the applicant must complete the following:
a. Prior to submittal of an application to the Planning and Zoning Board (PZB), the applicant shall:
i. Provide notice via e-mail and regular mail to the official city-recognized civic organization(s) within 300 feet of the proposed project, notifying of the date, time and place of applicant's project presentation meeting to take place prior to the PZB meeting (a listing of officially-recognized neighborhood associations is provided on the City of Fort Lauderdale website: http://www.fortlauderdale.gov/neighbors/civic-associations); and,
ii. Provide notice via mailed letter to property owners whose real property is located within 300 feet of the proposed project, notifying of the date, time and place of applicant's project presentation meeting to take place prior to the PZB meeting.
b. The applicant shall conduct the public participation meeting(s) a minimum of 30 days prior to the PZB. This date and location of the meeting are at the discretion of the applicant. Once the meeting(s) is conducted, the applicant shall provide a written report letter to the Department of Sustainable Development, with copy to subject association(s), documenting the date(s), time(s), location(s), number of participants, presentation material and general summary of the discussion after a public participation meeting(s). The report letter shall summarize the substance of comments expressed during the process and shall be made a part of the administrative case file record. A minimum of ten (10) days prior to the PZB meeting, the applicant shall execute and submit an affidavit of proof of public notice to the Department.

RESPONSE: Public Participation Meeting was held at Civic Association meeting and summary and affidavit has been submitted.

- 2) The proposed project requires review and recommendation by the Planning and Zoning Board and approval by the City Commission. An updated application and fee are required for Planning and Zoning Board review, and an updated submittal is required for City Commission review. The applicant is responsible for all public notice requirements (Section 47-27).

RESPONSE: Understood.

- 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. Section 47-24.6, Vacation of Rights-of-Way, provide additional clarification on why this right-of-way is no longer needed for public purpose.
a.b. Section 47-25.2, Adequacy Requirements.
b. In respect to right-of-way vacation criteria, it is not clear from application submittal why this right-of-way is no longer needed for public purpose. Provide additional clarification on this.

RESPONSE: Applicant has submitted a revised Narrative addressing this comment.

- 4) The proposed vacation will impact the existing street grid pattern and character of streets along adjacent blocks, which all terminate at the waterway;waterway, including SW 11th Ave, SW 10th Terrace, and SW 9th Terrace. If the intent of this vacation is to combine the three parcels of land adjacent to the subject right-of-way into one lot, it would impact the character of the area with future redevelopment and set a precedent for the rest of the blocks south of SW 9th Street, which in addition to access also serve as light and air corridors with visual connections to the water. In relation to addressing vacation criteria, provide a

description of intent for the proposed vacation and its impact on the neighborhood, including impacts on the unique street grid pattern with openings to the water.

**RESPONSE:** Coconut Drive does not in fact terminate at the waterway, it in fact terminates at the private property owned by the applicants. The intent is not to combine the 3 parcels into one – the intent is to restrict vehicular and pedestrian traffic to the private properties. The daily traffic flow dead ending into the private property – where no turn around is present results in continual trespass on private property. The street grid was disrupted when the development to the south – River Reach – was developed and dredged a mote around its property and thereby eliminating the ability for Coconut Drive to continue southward as was intended by the original creation. Additional discussion is provided in the revised narrative.

- 5) Provide updated sketch and legal documents showing cross-access easements for properties located at 900 and 910 Coconut Drive, to address access to them from SW 9<sup>th</sup> Street if the ROW is vacated.

**RESPONSE:** As discussed above under Engineering Comments – the reverted parcels will be owned by a Florida LLC for the purpose of providing all necessary access.



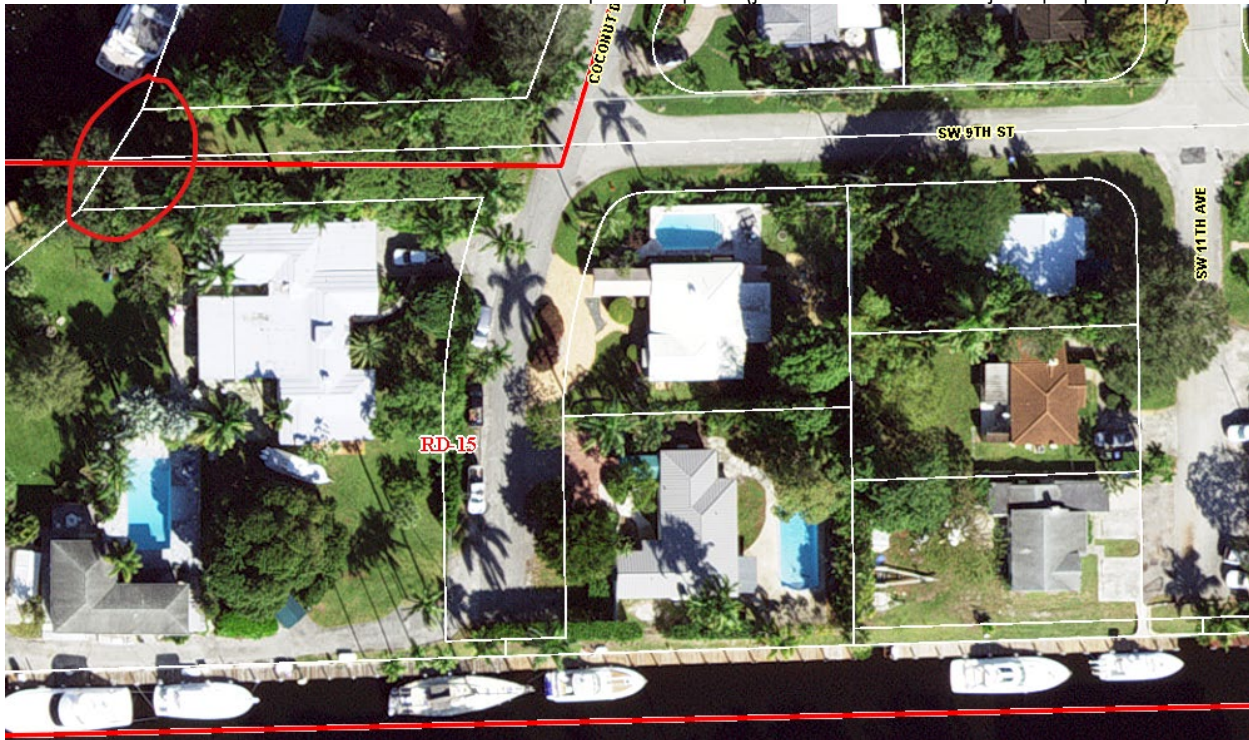
6) The City's adopted Park and Recreation Master Plan indicated the need to maintain access and views to waterways throughout the City. Provide locations of other water access points in the surrounding area.

**RESPONSE:** Note, that there is no access or views on the end of Coconut Dive as it dead ends into private property.

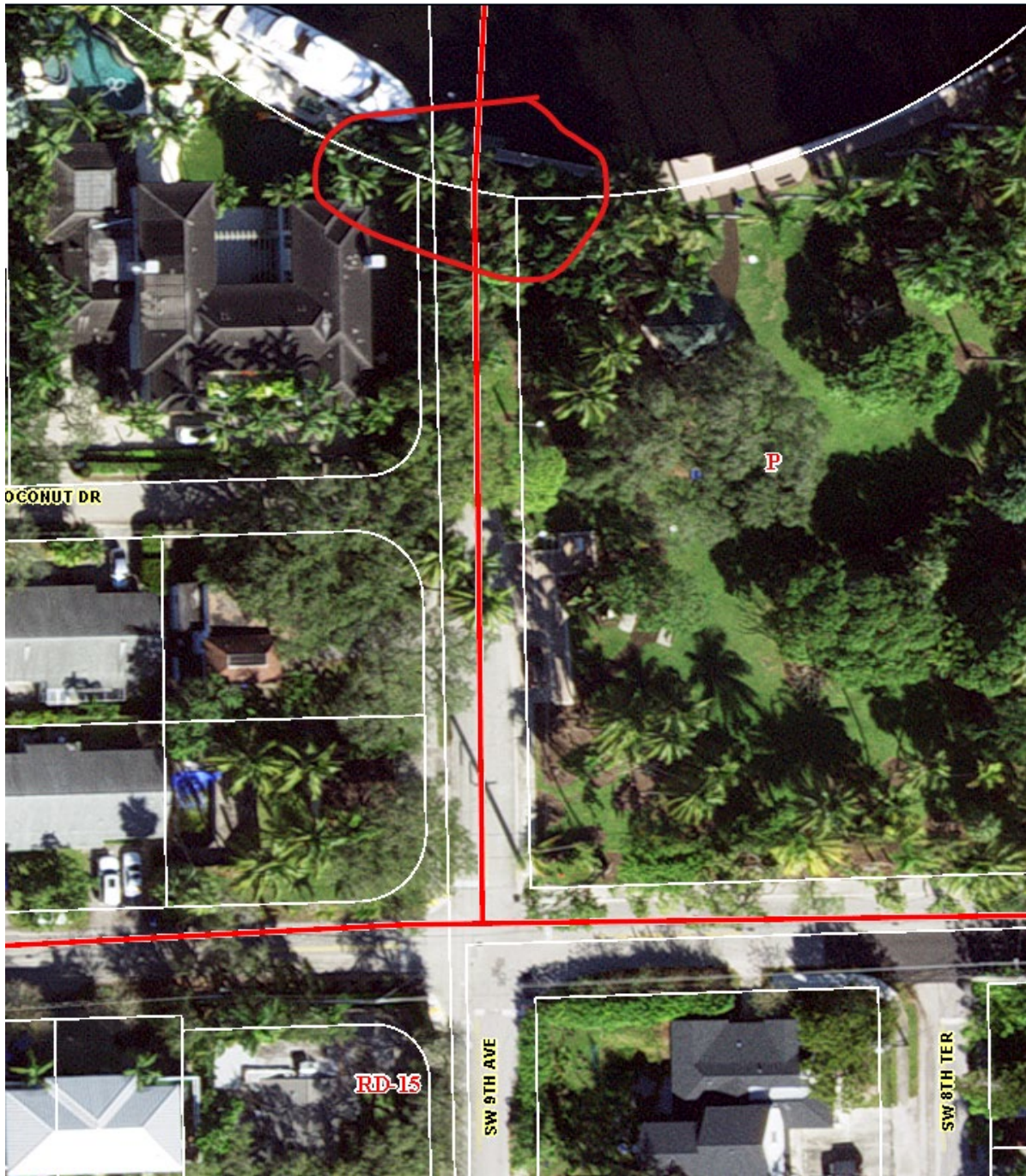


There are multiple water access points in the Tarpon River Neighborhood. For example:

SW 9th Street dead ends into the river and has a pocket park (just north of the subject properties):



SW 9th Ave dead ends into the river and has a packet park and Lewis Landing Park:



SW 7<sup>th</sup> Ave dead ends into the river and has a pocket park:



- 7) 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:** Understood.

- 8) Letters must be provided from the following utility companies: AT&T, Comcast Cable, Florida Power & Light, TECO Gas as well as the City of Fort Lauderdale Public Works Department indicating no objections to the vacation. If any easements are required, legal and easement documents must be provided prior to item being scheduled for Planning and Zoning Board. If any facilities need to be relocated, plans satisfactory to that agency must be approved prior to Planning and Zoning Board submittal.
- a. Contact Information for utilities is as follows:

**AT&T**

Greg Kessell, Design Manager  
 (561) 699-8478  
[G30576@att.com](mailto:G30576@att.com)

**City of Fort Lauderdale, Public Works Department**

Igor Vassiliev, Project Manager II  
 (954) 828-5862  
[ivassiliev@fortlauderdale.gov](mailto:ivassiliev@fortlauderdale.gov)

**Comcast**

Patesha Johnson, Permit Coordinator  
 (754) 221-1339  
[Patesha\\_Johnson@comcast.com](mailto:Patesha_Johnson@comcast.com)

**Florida Power & Light (FP&L)**

Mark Morkos, Engineer II (954) 717-2138 <a href="mailto:Mark.Morkos@fpl.com">Mark.Morkos@fpl.com</a>	Mike Keightley, Senior Engineer (954) 956-2019 <a href="mailto:Mike.S.Keightley@fpl.com">Mike.S.Keightley@fpl.com</a>
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**Peoples Gas**

Joan Domning, Specialist  
 (813) 275-3783  
[JDomning@tecoenergy.com](mailto:JDomning@tecoenergy.com)

**RESPONSE:** Understood. Letters submitted.

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

**RESPONSE:** Understood.

**GENERAL COMMENT**

Please consider the following prior to submittal for Planning and Zoning Board review:

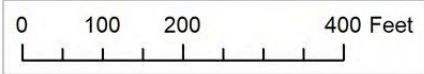
- 10) Provide a written response to all Development Review Committee comments within 180 days.
- 11) An additional follow-up coordination meeting is required to review changes necessitated by the Development Review Committee comments. Prior to routing your plans for Pre-Planning and Zoning Board sign-off, please schedule an appointment with the project planner (954-828-6495) to review revisions and/or to obtain a signature routing stamp.
- 12) Additional comments may be forthcoming at the Development Review Committee meeting.



# UDP-V21002

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 Development Review Committee

September 14, 2021



Graphic Scale 6 of 6