



## DEVELOPMENT REVIEW COMMITTEE (DRC) COMMENT REPORT

**MEETING DATE:** July 23, 2019

**APPLICANT:** Holman Automotive, Incorporated

**PROJECT NAME:** Holman's Vacation of ROW on Portion of NE 8th Street

**CASE NUMBER:** V19008

**REQUEST:** Vacation of Right-of-Way: 5,100 Square Foot Portion of NE 8th Street

**LOCATION:** Portion of NE 8th Street right-of way, east of NE 1st Avenue and west of Progresso Drive

**ZONING:** Northwest Regional Activity Center - Mixed Use northeast (NWRAC-MUne)

**LAND USE:** Northwest Regional Activity Center (NW-RAC)

**CASE PLANNER:** Adam Schnell



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**CASE COMMENTS:**

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

1. Provide written documentation that proposed Vacation of Rights-of-Way meets the City's Criteria for Review per ULDR Section 47-25.2 (Adequacy Review) and ULDR Section 47-24.6 (Vacation of ROW Requirements).
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.
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.
4. Please contact City's Public Works Department, Rick Johnson at [rjohnson@fortlauderdale.gov](mailto:rjohnson@fortlauderdale.gov) or 954-828-7809 for water and sewer utilities, and Elkin Diaz at 954-828-6539 or [ediaz@fortlauderdale.gov](mailto:ediaz@fortlauderdale.gov) for stormwater infrastructure, 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 Department prior to implementation.
5. 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.
6. 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.
7. 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.
8. FPL, AT&T and Comcast may have facilities within the right-of-way. Please be advised that prior to Engineer 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.
9. Please be advised that additional Easements may need to be dedicated to the City resulting from the Vacation of Rights-of-Way approval process, including Utility Easement(s) that allow the City



perpetual maintenance access to existing public sewer, storm drain, and water infrastructure, 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>.

10. Provide 40-ft wide (min.) permanent utility easement for existing utilities running along NE 8<sup>th</sup> Street. These include an 8-inch gravity sewer main and a 15-inch storm drain.
11. A gate would be required at both the east and west ends of the permanent utility easement to allow for maintenance access.
12. There are existing wooden poles, overhead wires, and a guy anchor located within the right-of-way to be vacated; relocated facilities shall require inspection and approval by the applicable franchise utility owner prior to issuance of City Engineer's certificate.
13. Additional comments may be forthcoming at the meeting.



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**CASE COMMENTS:**

1. The Transportation and Mobility department is not in favor of vacating the public right of way on NE 8<sup>th</sup> St, and will deny the applicants vacation request.
2. The Transportation and Mobility department would like to request the applicant to open the NE 8<sup>th</sup> St public right of way back to the public for vehicular and pedestrian access.
3. Additional comments may be provided upon further review.
4. Signature required.

**GENERAL COMMENTS:**

Please address comments below where applicable.

1. Contact Benjamin Restrepo at 954-828-5216 or brestrepo@fortlauderdale.gov to set up an appointment for final plan approval.
2. The City's Transportation & Mobility Department encourages the use of sustainable materials such as permeable pavement and electric car charge stations and installation of multimodal facilities such as bicycle pump stations and bike lockers.
3. Please note that any work within the City's right-of-way will require an MOT approved by Transportation and Mobility and Engineering for permitting. Any full closures of roadways, alleys, or sidewalks that are over 72 hours will require a Revocable License Agreement (RLA) with the City of Fort Lauderdale.

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**CASE COMMENTS:**

Please provide a response to the following:

1. The applicant is strongly encouraged to contact neighbors adjacent to, as well as condominium and neighborhood associations located within three hundred feet (300') of the development site, to advise of this proposal (a map and listing of officially-recognized neighborhood associations is provided on the City's website: <http://www.fortlauderdale.gov/neighborhoods/index.htm>). Please provide acknowledgement and/or documentation of any public outreach.
2. The proposed project requires review and recommendation by the Planning and Zoning Board and approval by the City Commission. A separate application and fee are required for PZ Board review, and a separate submittal is required for City Commission review. The applicant is responsible for all public notice requirements (Sec. 47-27).
  - a. Sign notice. Sign notice shall be given prior to the public hearing before the planning and zoning board.
  - b. Public participation meetings and notification requirements shall be adhered to, and affidavits shall be submitted: <https://www.fortlauderdale.gov/home/showdocument?id=8639>
  - c. Prior to the public hearing before the Planning and Zoning Board, mail notice shall be given to the owners of lands abutting a street or public place to be vacated and the owners of lands within three hundred (300) feet of those lands at least ten (10) days prior to the date set for public hearing.
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
4. Signoffs from the City Surveyor and the City's Engineering Design Manager will be required prior to Planning and Zoning Board submittal.
5. Letters need to be provided from all franchise utilities and 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.

Utility Contact Information:

TECO, Peoples Gas  
5101 NW 21st Avenue  
Fort Lauderdale, FL 33309  
(954) 453-0817, (954) 453-0804 fax

BellSouth  
8601 W. Sunrise Blvd., 2nd Floor  
Plantation, FL 33322  
(954) 476-2909

Florida Power and Light  
Service Planning  
3020 N.W. 19 St.  
Fort Lauderdale, FL 33311  
(954) 717-2057, (954) 717-2118 fax

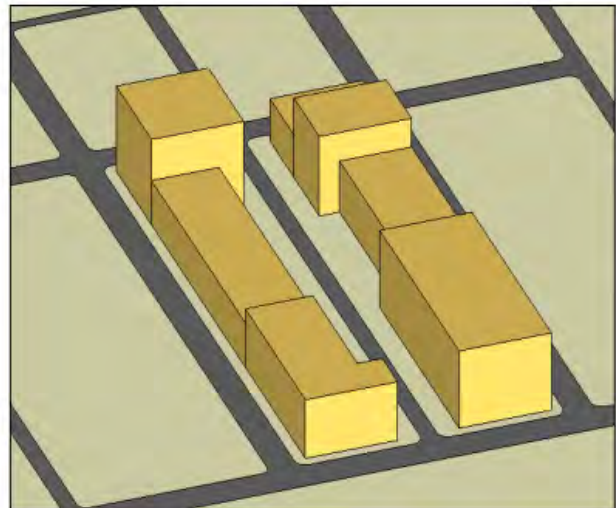
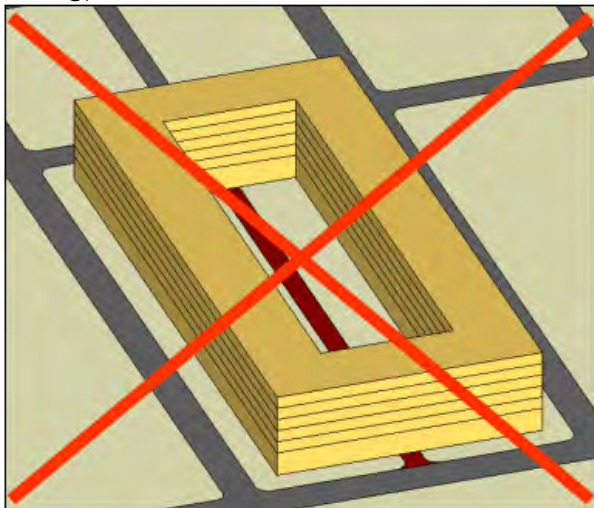
Comcast, Inc.  
Leonard Maxwell-Newbold  
Engineering-Design Dept.  
2601 SW 145 Ave.  
Miramar, FL 33027  
(954)447-8405

6. Provide conceptual site plan to provide insight into future site layout.

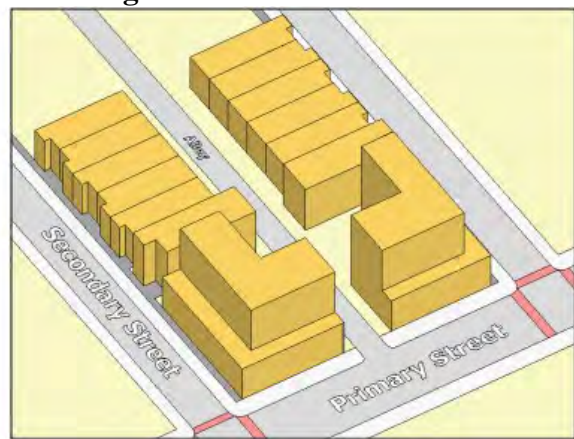
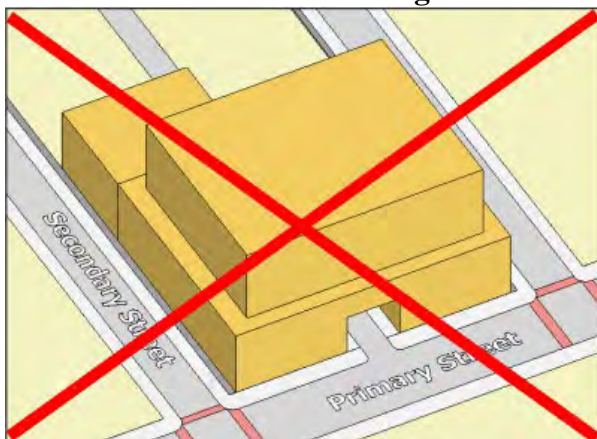


- 7. The right-of-way is located in the North West Regional Activity-Mixed Use (NWRAC-MU) Zoning District and subject to the North West Regional Activity Center NW-RAC Illustrations of Design Standards, specifically sections S-1 and S-2, which depicts the following:
  - a. S-1: "Avoid street closings, except when absolutely necessary to improve prohibitively difficult-to-build parcels. Maintaining the finest-grained street grid is beneficial for a variety of reasons, including the maximum of buildable street frontages and public access, and the increased distribution of traffic flows."
  - b. S-2: "Encourage building types appropriate to lot size and block structure. Pedestrian and vehicular bridges over alley right-of-ways may be acceptable with an integrated design."  
(LINK: North West Regional Activity Center NW-RAC Illustrations of Design Standards (<https://www.fortlauderdale.gov/Home/ShowDocument?id=10514>))

c.



**Figure 2.1 and Figure 2.2 on Page 2.1**



**Figure 2.3 and Figure 2.4 on Page 2.2**

- 8. Per the Encroachment Agreement recorded in the Official Records Book 12963, Page 490 of the Public records of Broward County, Florida, between the City of Fort Lauderdale and Holman Automotive, Inc., Holman is permitted to encroach on a portion of NE 8<sup>th</sup> Street by paving, landscaping and fencing, with agreement " that [the] Owner shall remove the encroachment or



any portion of it at any time that the City requires the use of the above-mentioned encroachment area or determines that the continuation of such encroachment is not in the public interest..." .

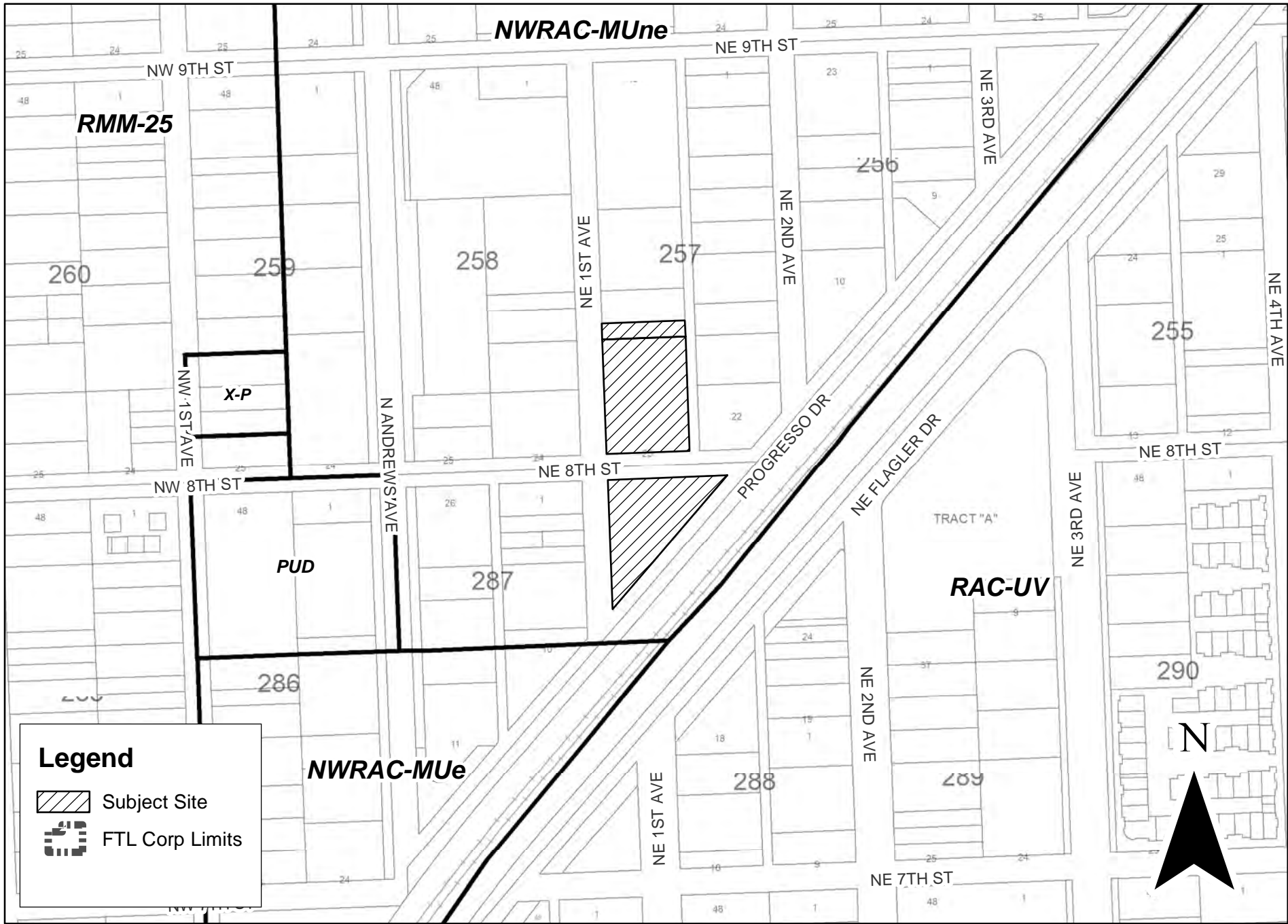
Development in the area surrounding NE 8<sup>th</sup> Street has increased significantly, highlighting the importance of maintaining a network of interconnectivity for pedestrians and vehicular traffic networks, as outlined within Street Design Standards of the North West Regional Activity Center NW-RAC Illustrations of Design Standards. Based on the design standards of the area, the emergence of new development, and a need for interconnectivity, staff believes the above-mentioned encroachment agreement should be terminated.

9. Based on the City's adopted North West Regional Activity Center NW-RAC Illustrations of Design Standards, "maintaining the finest-grained street grid is beneficial for a variety of reasons, including the maximum of buildable street frontages and public access, and the increased distribution of traffic flows". The proposed vacation application is inconsistent with this adopted plan. Furthermore, the applicant's narrative does not justify the request to vacate and the application does not meet the criteria outlined in ULDR, Section 47-24.6.A.4.

### **GENERAL COMMENTS**

The following comments are for informational purposes.

10. The ordinance approving the right-of-way vacation shall be recorded in the public records of the County within (30) days after adoption.



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