



DEVELOPMENT REVIEW COMMITTEE (DRC) COMMENT REPORT

MEETING DATE: September 10, 2019

APPLICANT: Initech Properties

PROJECT NAME: Tarpon Lofts

CASE NUMBER: V19007

REQUEST: Vacation of Right-of-Way: 6,725 Square Feet of Right-of-Way

LOCATION: SE 4th Avenue, South of SE 9th Street and North of SE 9th Court

ZONING: Regional Activity Center -Residential and Professional Office (RAC-RPO)

LAND USE: Downtown Regional Activity Center (D-RAC)

CASE PLANNER: Nicholas Kalargyros



Case Number: V19007

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. 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.
3. Please contact City's Public Works Department, Thomas Lawrence at TLawrence@fortlauderdale.gov or 954-828-6126 for water and sewer utilities, and Igor Vassielliev at 954-828-5862 or IVassielliev@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.
4. 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.
5. 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.
6. Provide written authorization/ concurrence from adjacent property owner located immediately west of SE 4th Avenue, that allows this proposed development to request to vacate the entire Alley width located between the two properties.
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.

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 easement requirements have been completed/ recorded to their satisfaction shall be provided to the City Engineer or designee.

8. 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 allow for public use.

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>.

9. Additional comments may be forthcoming at the meeting.



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CASE COMMENTS:

1. Pursuant to Public Participation requirements of Unified Land Development Regulations (ULDR), Section 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 mailed letter or e-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.
2. The site is designated Downtown Regional Activity Center (D-RAC) on the City’s Future Land Use Map. The proposed use is permitted in this designation. This is not a determination on consistency with Comprehensive Plan Goals, Objectives and Policies.
3. The proposed project requires review and recommendation by the PZB and approval by the City Commission. A separate application and fee is required for both Planning and Zoning Board review and City Commission review. The applicant is responsible for all public notice requirements (See ULDR Section 47-27). *Note: The City Clerk’s office requires 48-hour notice prior to a Commission meeting if a computer presentation is planned (i.e. Power Point) to be provided on CD or flash drive and a copy submitted to the City Clerk, contact the project case planner for more information (954) 828-5193.*
4. Signoffs from the City Surveyor and the City’s Engineering Design Manager will be required prior to PZB submittal.
5. Letters must be provided from the following utility companies: AT&T, Comcast Cable, Florida Power & Light (FPL), TECO Peoples Gas, as well as the City of Fort Lauderdale Public Works Department indicating no objections to the vacation. If any easements are required, legal description and sketch depicting the easement must be provided prior to item being scheduled for PZB. If any facilities need to be relocated, plans satisfactory to that agency must be approved prior to PZB submittal.
 - a. Contact Information for utilities is as follows:

AT&T
Dyke Tittle
954-577-5602
DT5431@att.com

Comcast
Leonard Maxwell-Newbold
954-447-8405
Leonard_Maxwell-Newbold@comcast.com

**City of Fort Lauderdale
Public Works Department**
Elkin Diaz
954-828-6539
EDiaz@fortlauderdale.gov

Florida Power & Light (FPL)
Lucas Cornish
954-717-2062
Lucas.Cornish@fpl.com

TECO Peoples Gas
David Rivera
954-453-0794
DRRivera@tecoenergy.com

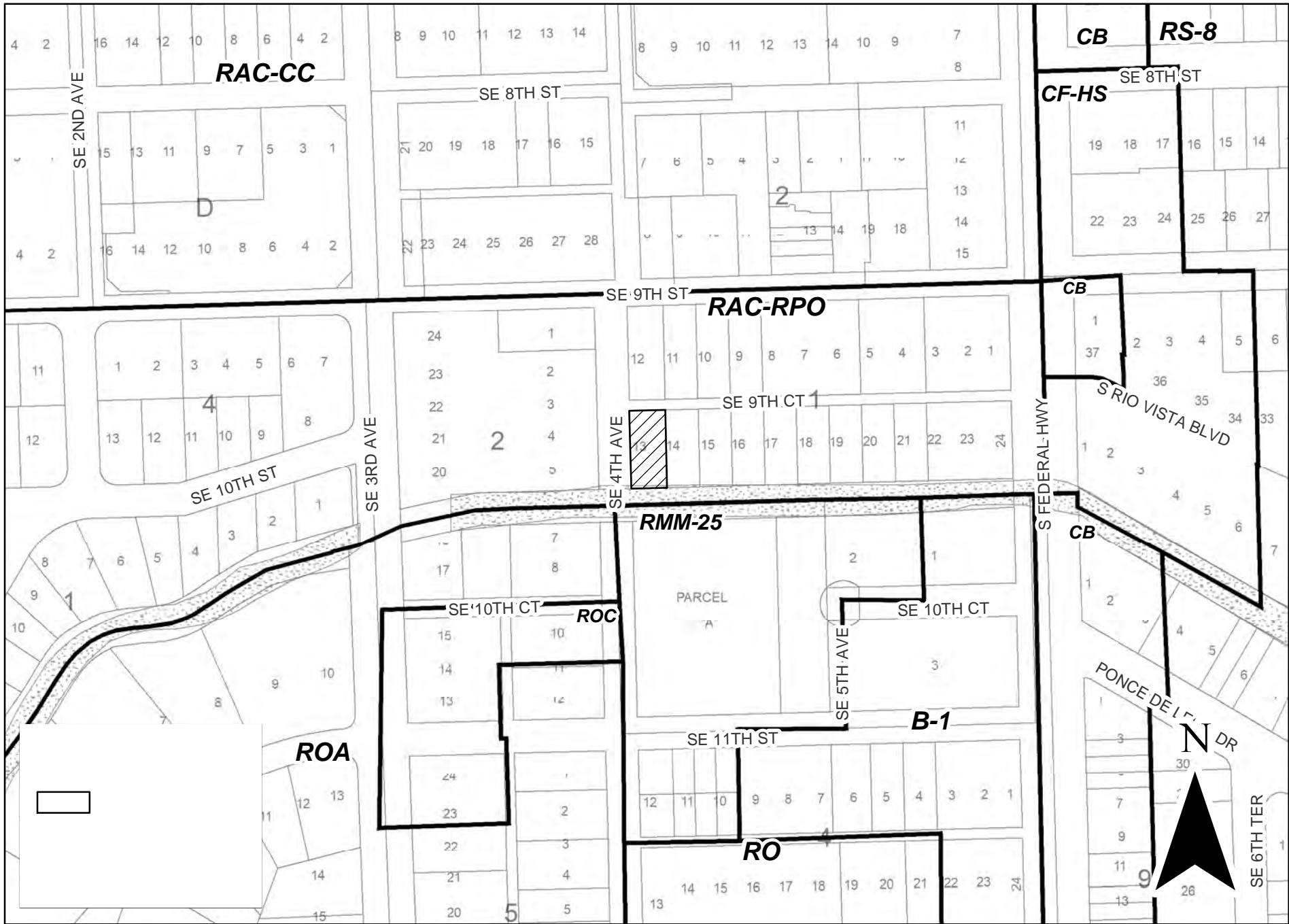


6. Indicate the project's compliance with the following ULDR sections by providing a point-by-point narrative response, on letterhead, with date and author indicated.
 - a. Section 47-24.6.A.4, Criteria for Right-of-Way Vacation.
7. Discuss the public access easement proposed for pedestrian access to the waterway and the hours of operation on the property for such access. Applicant shall provide the public 24-hour access to any public access areas that are utilized as part of the public sidewalk, along a public right-of-way, for entire project frontage, if applicable or the applicant may limit access for safety purposes when crossing over private property. Any required easements shall be vetted with Planning, Engineering, and City Attorney's Office and be recorded and provided to the City prior to obtaining a certificate of occupancy or certificate of completion, as applicable, from the City. It is unclear to the location of the public access easement. Provide legible documentation and/or exhibit(s) depicting such easements.
8. The ordinance approving the right-of-way vacation shall be recorded in the public records of the County within (30) days after adoption.

GENERAL COMMENTS

The following comments are for informational purposes.

9. Please be advised that pursuant to State Statute, Section 166.033, development permits which require a quasi-judicial or public hearing decision, must be completed within 180 days, unless an extension of time is mutually agreed upon between the City and the applicant.
10. Additional comments may be forthcoming at the Development Review Committee meeting.



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