

CITY OF FORT LAUDERDALE

DEVELOPMENT REVIEW COMMITTEE



CASE COMMENT REPORT

CASE NO. UDP-V23008



CASE INFORMATION

CASE:	UDP-V23008
MEETING DATE:	January 09, 2024
REQUEST:	Vacation of Right-of-Way: 15-foot Wide by 150-foot Long Alley
APPLICANT:	501 NE Holdings, L.P.
AGENT:	Andrew Schein, Lochrie & Chakas, P.A.
PROJECT NAME:	Flagler Village Residences
PROPERTY ADDRESS:	500 NE 3rd Avenue
ZONING DISTRICT:	Regional Activity Center - City Center District (RAC-CC)
LAND USE:	Downtown Regional Activity Center
COMMISSION DISTRICT:	2 – Steven Glassman
NEIGHBORHOOD ASSOCIATION:	Flagler Village Civic Association
CASE PLANNER:	Tyler Laforme

RESUBMITTAL INFORMATION

- Applicant must provide written responses to all DRC comments contained herein.
- Written responses must specify revisions made to the plans and indicate the sheet.
- Resubmitted plan sets must be accompanied by responses to be accepted.
- Any additional documentation must be provided at time of resubmittal.
- Resubmittals must be conducted through the City's online citizen's portal LauderBuild.
- Questions can be directed to the Case Planner assigned to the case.



Case Number: UDP-V23008

CASE COMMENTS:

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

1. The proposed vacation and the provided letter of compliance has been found to be inconsistent with the right-of-way vacation criteria as set forth by ULDR Section 47-24.6.A.4.

Section a. The need to convey the proposed vacation area as a public access easement indicates that the right-of-way remains needed for public purposes.

Section b. Alternate routes through other individual private properties are not acceptable and cause adverse impacts to surrounding areas by limiting accessibility. Public accessibility is also impacted as code applicability toward development surrounding the area will be lessened when the existing right-of-way is substituted with an access easement.

Section c. The closure of the area does not provide vehicular means for turnaround nor ability to access the remaining public right-of-way other than by means of the proposed substandard access easement.

Section d. Pedestrian traffic through the existing right-of-way alley is also proposed to be impacted by the reduction of the existing right to access from a right-of-way to an access easement.

Section e. The utilities owners have not consented to the right-of-way vacation or the granting of an easement for the retention of the existing infrastructure. Furthermore, the proposed vacation will have an adverse effect on the city's future ability to access, maintain and improve the existing utilities within the area.

2. While directional access exiting through the north end of the alley has been constructed, the public right of access has not been conveyed.
3. The existing alley traffic flow is bi-directional; the proposed vacation would render the remaining segment to the north inaccessible to the public.



Case Number: UDP-V23008

CASE COMMENTS:

1. The alley way needed for public use. The alley is currently being used in both directions including service vehicles, how will the existing users be accommodated in the proposal?
2. Public access easement shall be required if the vacation is approved.

Case Number: UDP-V23008

CASE COMMENTS:

Please provide a response to the following:

- 1) Pursuant to the State Statute 166.033(1) applications must be deemed approved, approved with conditions, or denied within 180 days, June 12, 2024, for applications subject to a quasi-judicial hearing or a public hearing, unless a mutually agreed upon time extension is established between the City and the applicant. Failure to meet the applicable timeframe or request an extension will result in the application being denied by the City and the applicant will be required to refile a new application and fees to proceed. The applicant did not submit a waiver to the timeline requirements.
- 2) The proposed vacation request requires review and recommendation by the Planning and Zoning Board (PZB) and approval by the City Commission. Separate fees are required for both PZB review and City Commission review. The applicant is responsible for all public notice requirements pursuant to Section 47-27.
- 3) 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.
- 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 Engineering staff.
- 5) Pursuant to ULDR, Section 47-24.6, Vacation of rights-of-ways, the applicant has failed to justify this request and the responses are inadequate. The properties to the north still utilize the alley which means there is a public need. If the applicant wishes to vacate then the entire alley must be vacated as part of this application. Written consent from all the adjacent property owners would be needed and any relocation of utilities, stormwater, etc. would need to be resolved and addressed. At this time, staff does not believe there is justification nor has the criteria been met. Furthermore, the associated site plan, DRC Case No. UDP-S23067, utilizes the vacate area to increase the building mass and scale which results in a project not meeting the Downtown Master Plan design requirements and intent. Staff recommends the applicant address these applications in a manner that results in a better coordinated effort and project design.



6) Letters must be provided from the following utility companies: All franchise utility letters have been provided; however, the City of Fort Lauderdale Public Works Department letter indicating no objections to the vacation was not provided.

a. Contact Information for utilities is as follows:

City of Fort Lauderdale, Public Works Department

Igor Vassiliev, Project Manager II

(954) 828-5862

ivassiliev@fortlauderdale.gov

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

GENERAL COMMENT

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

8) Provide a written response to all Development Review Committee comments within 180 days.

9) An additional follow-up coordination meeting is required to review changes necessitated by the Development Review Committee comments. Please schedule an appointment with the project planner (954-828-6495) to review revisions.

10) Additional comments may be forthcoming at the Development Review Committee meeting.



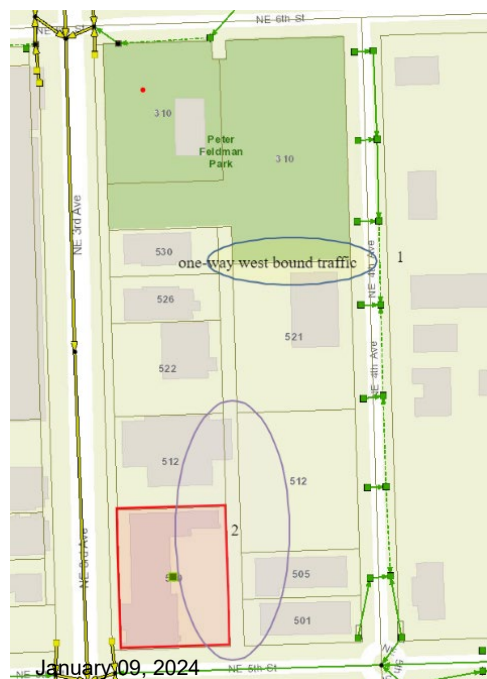
Case Number: V23008 – Vacation Right of Way- 500 NE 3rd Ave Lidar Tile 297

CASE COMMENTS:

Please provide a response to the following:

- 1- Stormwater Operations does not have a specific infrastructure objection to the Vacation Right of Way request from 501 NE Holding L.P.at this location because the City of Fort Lauderdale does not own or operate any existing stormwater infrastructure at this location.
2- Stormwater Operations would like to express several concerns as they relate to this potential request and project.
a. The location of this project is in Flagler Village Neighborhood. A neighborhood that has been identified by the Stormwater Engineering section as a neighborhood of drainage concern. It was added to the Tranche 2 Stormwater neighborhood project list for further assessment by PW Engineering staff. Typically, in Stormwater Engineering projects of this size and scope ROW areas like the area depicted and present at this location are utilized for future city asset (i.e.-Forcemains) construction. (Rares Petricia)
b. Public Works Engineering is currently constructing P12666 Peter Feldman Park Improvement Project for the Parks Department at this location. In the absence of As-builts, we are not able to say if any drainage systems are under construction at 310 NE 6th St that would involve the use of the paved alleyway for the installation of stormwater assets at this location to support their drainage system. (Daniel Fischer)
c. The last concern of Stormwater Operations for the Right of Way Vacation at this location is how development on the south end of the alleyway will impact overland flow for the surrounding properties at this location. Given the current approach to development in the City of Fort Lauderdale is based on raising new structure elevations to meet FL Building Code standards with fill. Fill often creates berms in drainage scenarios and berms facilitate the ponding of water creating a potential drainage issue on the upland side of the berm. (Mark Hagerty)
3- Stormwater Atlas, Google Maps and Lidar screen shots are attached for reference.

Stormwater Viewer Map 17625





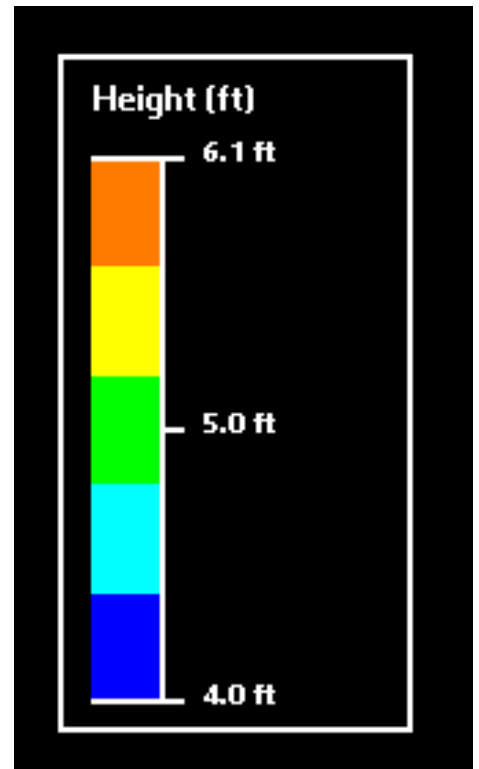
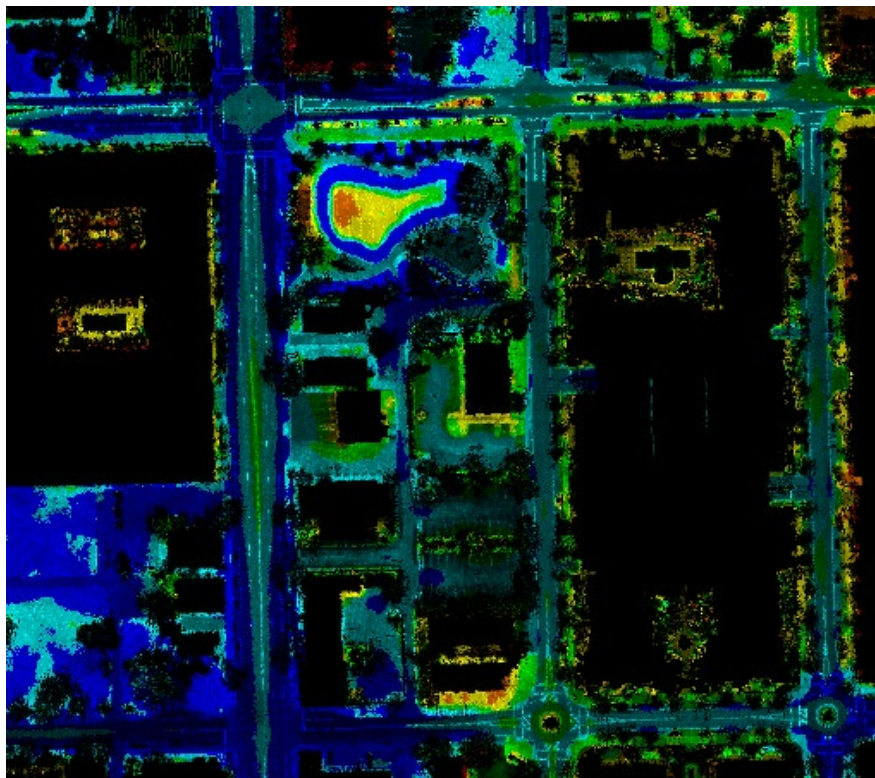
Google Maps – North End



Google Maps- Looking to South End



Lidar Screen Shots





UDP-V23008 - 500 NE 3 AVE.



0 150 300 US Feet