



DEVELOPMENT REVIEW COMMITTEE (DRC) COMMENT REPORT

MEETING DATE: September 11, 2018

APPLICANT: RWL 8, LLC. 812 NE 5th Avenue, LLC. Helping Abused Neglected Disadvantaged Youth, Inc. and Boyes Gas Serv, Inc.

PROJECT NAME: Modera 555- Alley Vacation

CASE NUMBER: V18008

REQUEST: Vacation of Right-of-Way: Alley Vacation

LOCATION: 15-foot alley north of NE 8th Street, west of NE 5th Terrace, south of NE 9th Street and east of NE 5th Avenue

ZONING: Regional Activity Center – Urban Village (RAC-UV)

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

CASE PLANNER: Yvonne Redding



Case Number: V18008

CASE COMMENTS:

Please provide a written response to each of the following review 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 Rights-of-Way 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. The title commitment or Opinion of Title must have an effective date no more than thirty days prior to the date of submittal of the survey and must be certified to the City of Fort Lauderdale.
3. Please contact City's Public Works Department, Rick Johnson at rjohnson@fortlauderdale.gov or 954-828-7809 for water and sewer utilities, and Elkin Diaz at 954-828-6539 or 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.
4. Provide letters from all franchise utility providers, including Public Works, demonstrating their interests in maintaining or no objection to the vacation of this Right-of-Way; the letters should specifically state whether or not the franchise utility providers have existing facilities within the Right-of-Way vacation area that will need to be relocated or abandoned. AT&T letter does not specify whether AT&T has facilities within the alley or not.
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. For partial alley/ right of way vacation requests, the entire alley length within the block shall be vacated. Provide written authorization/ concurrence from all property owners adjacent to the alley/ right of way to vacate the entire alley/ right of way.
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. 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>.

9. Additional comments may be forthcoming at the meeting.



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CASE COMMENTS:

Please provide a response to the following:

1. Pursuant to Public Participation requirements of ULDR, Section 47-27.4.A.2.c, the applicant must complete the following:
 - a. Prior to submittal of the application to Planning and Zoning Board, a notice from the applicant via letter or e-mail shall be provided to 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 Planning and Zoning Board meeting;
 - b. The applicant shall then conduct a public participation meeting(s) a minimum of 30 days prior to the Planning and Zoning Board. This date and location of the meeting is 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; and,
 - c. Accordingly, a minimum of ten (10) days prior to the Planning and Zoning Board meeting, the applicant shall execute and submit an affidavit of proof of public notice to the Department. If the applicant fails to submit the affidavit, the public hearing will be postponed until the next available hearing date after the affidavit has been supplied.
2. The site is designated Downtown Regional Activity Center 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. Staff recommends vacating the entire alley reservation. The application would need to be revised to include the additional property owners and the sketch and legal description would need to be revised to include the entire block. The owners of the properties where the alley reservation traverses should state that they concur with the narrative that the alley reservation is not currently used for pedestrians or vehicular traffic.
4. Verify that copy of plat is the most current recorded plat, including notes and amendments, for the proposed site. Provide documentation from the Broward County Planning Council verifying that the site does not require platting or replatting. If replatting or platting is not required, contact the Development Review Services Section of the Planning and Environmental Regulation Division of Broward County at (954) 357-6637 to ensure that proposed project is consistent with the latest recorded plat restriction.
5. The proposed project requires review and recommendation by the Planning and Zoning Board 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 Unified Land Development Regulations 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.

6. Signoffs from the City Surveyor and the City's Engineering Design Manager will be required prior to Planning and Zoning Board submittal.
7. The letters have been provided from all franchise utility providers stating they have no objection to the vacation of this alley reservation. A letter must be provided from the City of Fort Lauderdale Public Works Department indicating objection/no objection to the vacation. If any easements are required, legal and easement documents must be provided prior to item being scheduled for City Commission. If any facilities need to be relocated, plans satisfactory to that agency must be approved prior to City Commission submittal.
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.

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

9. Provide a written response to all Development Review Committee comments within 180 days.
10. An additional follow-up coordination meeting may be required to review project 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 project revisions and/or to obtain a signature routing stamp.
11. Additional comments may be forthcoming at the Development Review Committee meeting.

