



## DEVELOPMENT REVIEW COMMITTEE (DRC) COMMENT REPORT

**MEETING DATE:** April 9, 2019

**CASE:** V19003

**REQUEST:** Vacation of Right-of-Way

**APPLICANT:** Edward and Betty Kirwin

**PROJECT NAME:** 800 & 811 SW 6th

**GENERAL LOCATION:** East/West Right-of-Way east of SW 8th Avenue on SW 6th Street

**COMMISSION DISTRICT:** 4 - Ben Sorensen

**CIVIC ASSOCIATION:** Tarpon River Civic Association

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

**LAND USE:** Medium Density Residential

**CASE PLANNER:** Tyler LaForme



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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. 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. Per the DRC Vacation Application, provide a current certified boundary survey (within last 6 months) that is signed and sealed.
4. Provide copy of latest corresponding Site Plan, so that it can be reviewed for consistency. Confirm that limits of proposed Easement vacation are consistent with Site Plan.
5. Applicant to provide copy of deed book records for easement background and purpose.
6. There are any public utilities present within the right-of-way to be considered for vacation. 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.
7. 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 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.
8. Submit a stamped copy of the surveyor's sketch and legal description to the City's Surveyor for his review and approval of the Right-of-way 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.
9. 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 right-of-way have been relocated or abandoned to the satisfaction of the respective utility owners.
10. 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.

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>.

11. Based on site aerials there are 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.
12. Based on site aerials there is an existing City sewer infrastructure (i.e. one manholes at the end of a sewer service connection to the property) located within the right-of-way to be vacated; relocated facilities shall require inspection and approval by City's Public Works Department prior to issuance of City Engineer's certificate.
13. Additional comments may be forthcoming at the meeting.

**PUBLIC WORKS REVIEWED BY Public Works (Thomas Lawrence, 954-828-6126):**

1. Permanent Utility Easement dedication would be required as appropriate within vacated ROW due to existing sewer and water infrastructure that is already in place. Please coordinate with City's Public Works Department to determine to what extent (if any) the proposed fence, landscape trees, irrigation, etc. will be allowed with the Drainage Easement.



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**CASE COMMENTS:**

1. No comment.

**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. 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 Low-Medium Residential 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 City's adopted Park and Recreation Master Plan indicated the need to maintain access and views to waterways throughout the City. 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.
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. Letters must be provided from the following utility companies: Florida Power & Light, Comcast Cable, 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**  
Dyke Tittle  
954-577-5602  
[dt5431@att.com](mailto:dt5431@att.com)

**Comcast**  
**Leonard Maxwell-Newbold**  
**954-447-8405**  
[leonard\\_maxwell-newbold@comcast.com](mailto:leonard_maxwell-newbold@comcast.com)

**Florida Power and Light (FPL)**  
**Lucas Cornish**  
**954-717-2062**  
[Lucas.Cornish@fpl.com](mailto:Lucas.Cornish@fpl.com)

TECO Peoples Gas  
David Rivera  
954-453-0794  
[DRRivera@tecoenergy.com](mailto:DRRivera@tecoenergy.com)

**Public Works**  
**Elkin Diaz**  
**954-828-6539**  
[Ediaz@fortlauderdale.gov](mailto:Ediaz@fortlauderdale.gov)

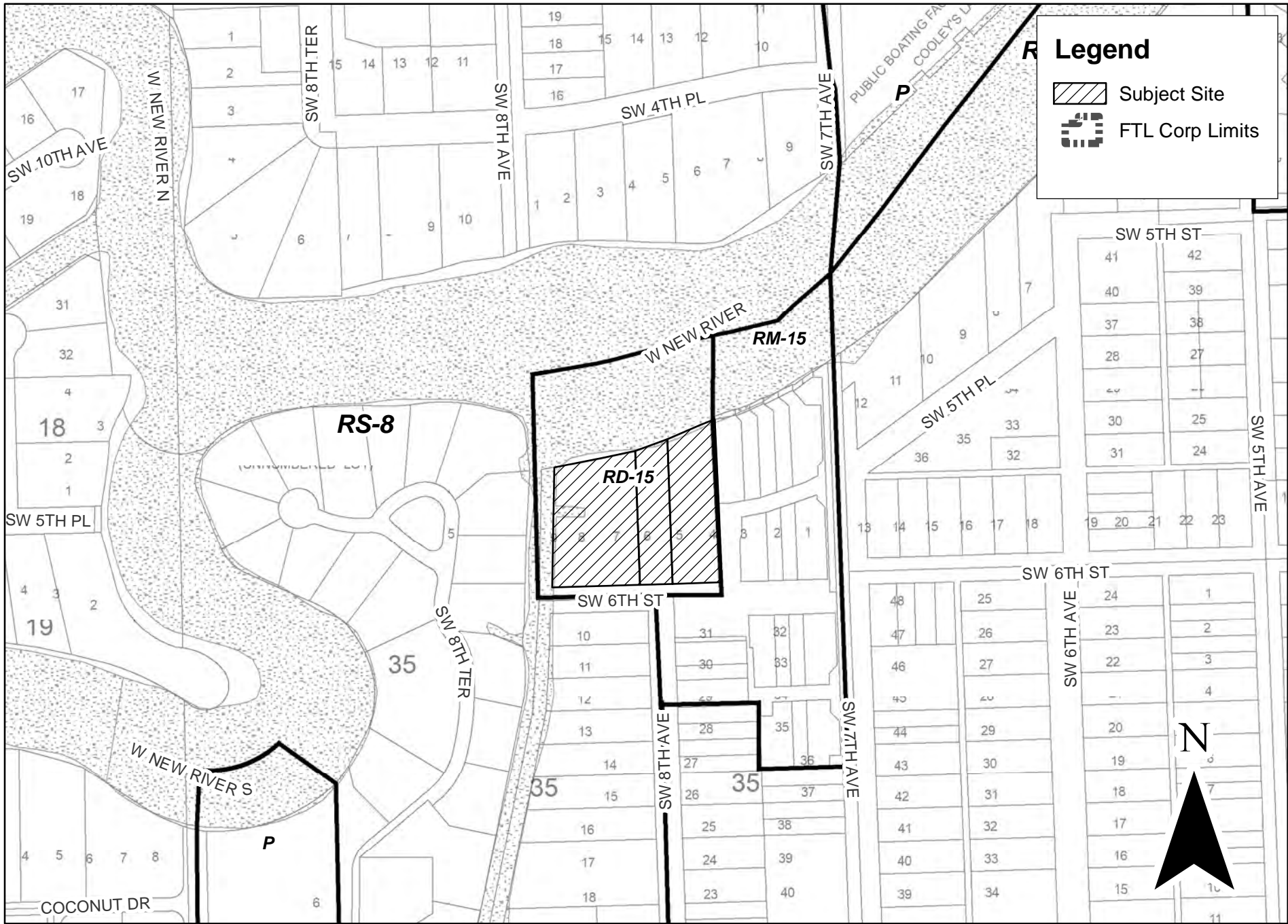
- 8. The ordinance approving the right-of-way vacation shall be recorded in the public records of the County within (30) days after adoption.

**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.



# V19003

