



# DEVELOPMENT REVIEW COMMITTEE (DRC) COMMENT REPORT

**MEETING DATE:** January 26, 2021

**PROPERTY OWNER:** City of Fort Lauderdale

**APPLICANT/AGENT:** Allen Zeman, Dolphin Isles HOA

**PROJECT NAME:** Dolphin Isles Vacation of Right-of-Way

**CASE NUMBER:** UDP-V20001

**REQUEST:** Vacation of Right-of-Way Review: 112-foot by 50-foot  
Wide Portion of NE 32nd Avenue

**LOCATION:** South of NE 19th Street and West of NE 33rd Avenue

**ZONING:** Residential Single Family/Low Medium Density (RS-8)

**LAND USE:** Low-Medium Residential

**CASE PLANNER:** Jim Hetzel



Case Number: UDP-V20001

**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 right-of-way area to be considered for vacation will not adversely affect adjacent streets and properties.
3. 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.
4. Per the DRC Vacation Application, provide a current certified boundary survey (within last 6 months) that is signed and sealed.
5. Provide copy of latest corresponding Site Plan, so that it can be reviewed for consistency. Confirm that limits of proposed right-of-way vacation are consistent with Site Plan.
6. 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 right-of-way 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.
7. Provide letters from all franchise utility providers, as appropriate, demonstrating their interests in maintaining or no objection to the vacation of the right-of-way; the letters should specifically state whether or not the franchise utility providers have existing facilities within the area that will need to be relocated or abandoned.
8. Please note that the Public Works Department has previously reviewed the request for a "No Objection Letter" vacation request for the right-of-way located at this location. Pursuant to Public Work's response (dated December 4, 2020), a "No Objection letter" cannot be provided at this time.
9. 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.
10. Provide written authorization/ concurrence from adjacent property owner located immediately west of NE 32<sup>nd</sup> Street.
11. 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.



12. 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.
13. 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 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>.

14. The survey shows existing wooden poles, overhead wires, and a guy anchor located within the street to be vacated; relocated facilities shall require inspection and approval by the applicable franchise utility owner prior to issuance of City Engineer's certificate.
15. Additional comments may be forthcoming.



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**CASE COMMENTS:**

1. Provide concurrence of accepting the right of way vacation from adjacent property owners and from Hugh Taylor Birch State Park.
2. Cross access Agreement will be needed if driveway is not relocated.
3. Sketch with proposed East side driveway should be provided.
4. East side driveway relocation may impact existing utilities that will need to be relocated. Provide proposed relocation plans.
5. Proposed driveway relocation should not be within 50 feet of intersection.
6. Additional comments may be provided upon further review.
7. Sign off is required.

**GENERAL COMMENTS:**

Please address comments below where applicable.

1. 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.
2. 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 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.
2. 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 PZB review and City Commission review. Pursuant to ULDR Section 47-27, the applicant is responsible for all public notice requirements. Note: The City Clerk's office requires 48 hour notice prior to Commission meeting if a computer presentation is planned (i.e. *PowerPoint*), to be provided on CD or flash drive and a copy submitted to the City Clerk, contact the project planner for more information.
3. Provide authorization letter from the property owner at 3114 NE 19<sup>th</sup> Street granting the Dolphin Isle Civic Association permission to process this application. In addition, the letter should acknowledge that ownership of half of the vacated right-of-way will be assumed by this property owner. The letter provided is not sufficient.
4. Provide authorization letter from the Dolphin Isle Civic Association stating acceptance by the association for the application to be submitted on their behalf. Board meeting minutes and/or vote should be provided as well.
5. Indicate the project's compliance with the following ULDR section by providing point-by-point responses to criteria, on letterhead, with date and author indicated:
  - a. Section 47-25.2, Adequacy Requirements.
6. Pursuant to ULDR, Section 47-24.6, Criteria for vacation of right-of-way, the applicant references Birch State Park in the responses to the specific criteria; however, there is no documentation or correspondence from the State outlining whether there is an objection or no objection to the request. Furthermore, the State should identify in writing their needs for access; e.g. 10-foot wide pedestrian easement, vehicular access, etc.



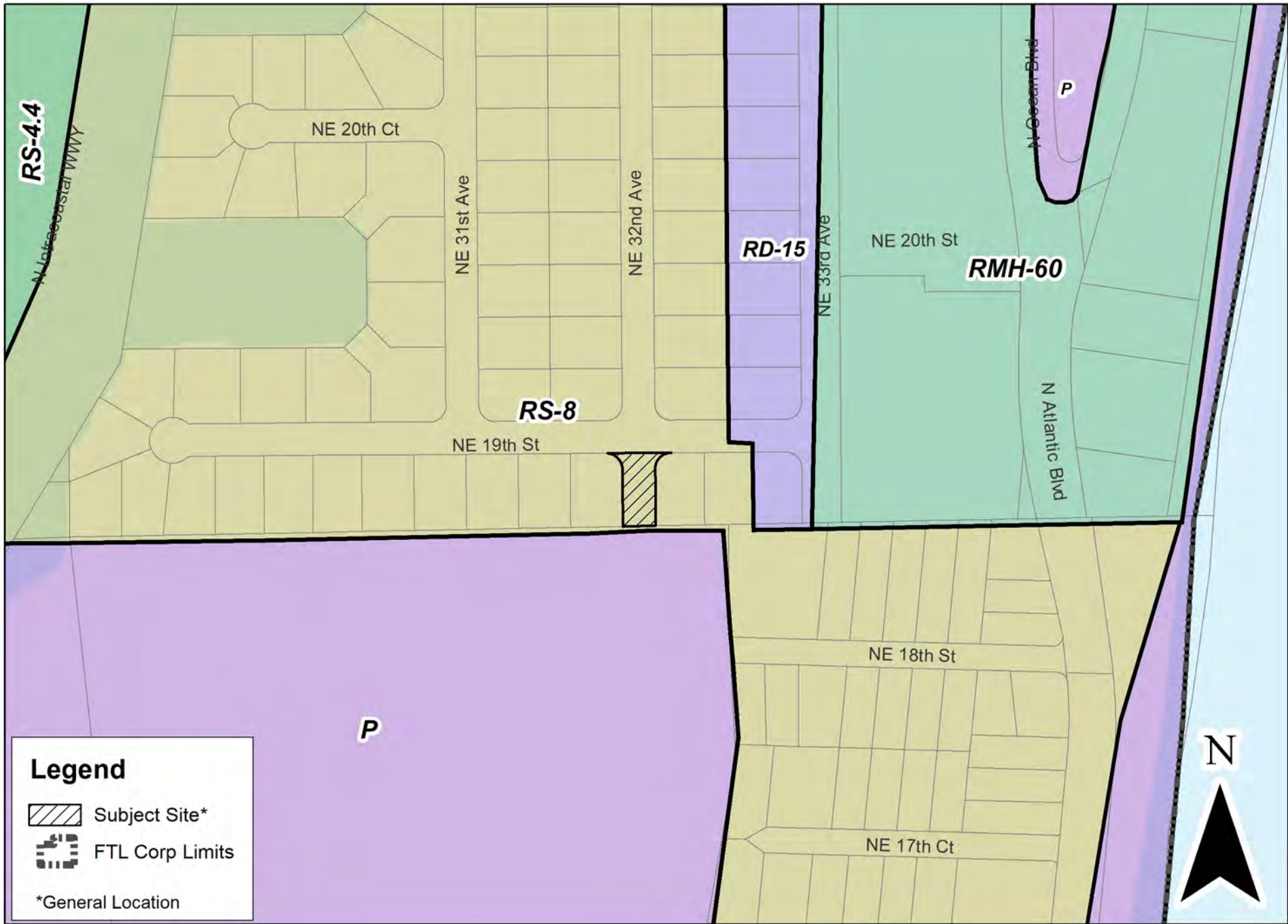
7. Provide utility letter from City's Public Works Department stating no objection or objection to this application request.
8. There are existing utilities in the proposed right-of-way vacation area, which include overhead utilities and underground infrastructure. If approved, these areas will need easements for access based upon the respective agency needs and given that the overhead utilities are located on the western edge of the area and the underground infrastructure is located somewhat in the middle, the overall width of the easement area may be the same as the proposed right-of-way vacation area thereby restricting the entire vacated area with easements. Furthermore, there will be a need to provide public access to the entrance into Birch Park. The applicant must acknowledge that such easements will restrict use of the area and prepare proposed easement sketch and legal description for City review.
9. The existing driveway for 3200 NE 19<sup>th</sup> Street is currently accessed from the proposed right-of-way vacation area and it is unclear if the driveway will be relocated and if so, indicate the relocation of the driveway and ensure it does not conflict with other site elements such as utility box, trees, etc.
10. Be advised, any improvements in the proposed right-of-way vacation area that require building permits will need to meet code requirements for such improvements, for example the driveway.
11. Signoffs from the City Surveyor and the City's Engineering Design Manager will be required, prior to PZB submittal.
12. The ordinance approving the right-of-way vacation shall be recorded in the public records of Broward County within (30) days after adoption
13. Be advised, additional comments may be generated based on revised plans.

#### **GENERAL ADVISORY COMMENTS**

The following comments are for informational purposes.

14. 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.
15. Additional comments may be forthcoming at the DRC meeting.





**Legend**

- Subject Site\*
- FTL Corp Limits
- \*General Location

# UDP-V20001

