



DEVELOPMENT REVIEW COMMITTEE (DRC) COMMENT REPORT

MEETING DATE: March 22, 2022

**PROPERTY OWNER /
APPLICANT:** FAT Village Project, LLC.

AGENT: Andrew Schein, Esq., Lochrie & Chakas, P.A.

PROJECT NAME: FAT Village East and West

CASE NUMBER: UDP-V22002

REQUEST: Right-of-Way Vacation Review: 60-Foot Wide by 620-Foot Long Roadway Portion of NW 1st Avenue

LOCATION: South of NW 6th Street, North of NW 5th Street, West of North Andrews Avenue and east of Florida East Coast Railway

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

LAND USE: Downtown Regional Activity Center

CASE PLANNER: Jim Hetzel



Case Number: UDP-V22002

CASE COMMENTS:

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

1. Written documentation supporting City's Criteria for Vacation of Rights-of-Way review per ULDR Section 47-25.2 is not acceptable as follows.
 - a. Section a. The reason provided for the justification of the right-of-way no longer needed for public purposes are not acceptable. In addition to traffic, the right-of-way is also required for existing public utilities.
 - b. Section b. Provide engineering utility relocation plans showing how the city-owned and maintained utilities will be conveyed through alternative routes without impacting surrounding users.
 - c. Section d. Pedestrian route shall not be impacted by the proposed additional travel distance of one block.
 - d. Section e. Easement are not acceptable without proper justification or prior approval.
2. Please contact City's Public Works Department, Gabriel Garcia by email at ggarcia@fortlauderdale.gov or by phone at 954-828-5115 city owned and maintained 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.
3. 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 right-of-way; the letters should specifically state whether the franchise utility providers have existing facilities within the Easement vacation area that will need to be relocated or abandoned.
4. Please be advised that the vacating ordinance if approved 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.

Additional comments may be forthcoming at the meeting.

City's Surveyor review will be deferred until staff comments are addressed and accepted.



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CASE COMMENTS:

1. The transportation and mobility department is not in support of vacating this Right of way. As per ULDR 47-24.6 Vacations of right of way this application does not meet criteria 4.a "The right of way is no longer needed for public purposes.



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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 the Planning and Zoning Board (PZB), 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 PZB meeting;
 - b. The applicant shall then conduct a public participation meeting(s) a minimum of 30 days prior to the PZB. 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 PZB 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 proposed project requires review and recommendation by the PZB and approval by the City Commission. A separate fee is required for both PZB review and City Commission review and 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. The request to vacate NW 1st Avenue is inconsistent with the Downtown Master Plan (DMP), Chapter 3, Framework, Movement and Access, which contains a specific goal to discourage vacating city streets except those identified in the DMP for strategic redevelopment purposes. This street is currently utilized, is not identified as a strategic location to vacate in the DMP, and it provides for neighborhood mobility and connectivity options within the existing street grid network.
4. Pursuant to Section 47-24.6, Vacation of rights-of-way criteria, the applicant's responses to the criteria do not demonstrate that the right-of-way will no longer be needed for public purpose. The applicant is proposing to grant an access and utility easement over the subject right-of-way which indicates and further supports there is a need for the public right-of-way. In addition, the unique design of NW 1st Avenue does not address right-of-way vacation criteria. The project was granted approval for the design through the site plan approval process for the "FAT Village East" and "FAT Village West" developments, with the right-of-way intact. .
5. Letters must be provided from the following utility companies: AT&T, Comcast Cable, Florida Power & Light, TECO Gas as well as the City of Fort Lauderdale Public Works Department indicating no objections to the vacation. Contact Information for utilities is as follows:

AT&T

Greg Kessell, Design Manager
(561) 699-8478

City of Fort Lauderdale, Public Works Department

Igor Vassiliev, Project Manager II
(954) 828-5862



G30576@att.com

ivassiliev@fortlauderdale.gov

Comcast

Patesha Johnson, Permit Coordinator
(754) 221-1339

Patesha_Johnson@comcast.com

Florida Power & Light (FP&L)

Mark Morkos, Engineer II
(954) 717-2138

Mark.Morkos@fpl.com

Mike Keightley, Senior Engineer
(954) 956-2019

Mike.S.Keightley@fpl.com

Peoples Gas

Joan Domning, Specialist
(813) 275-3783

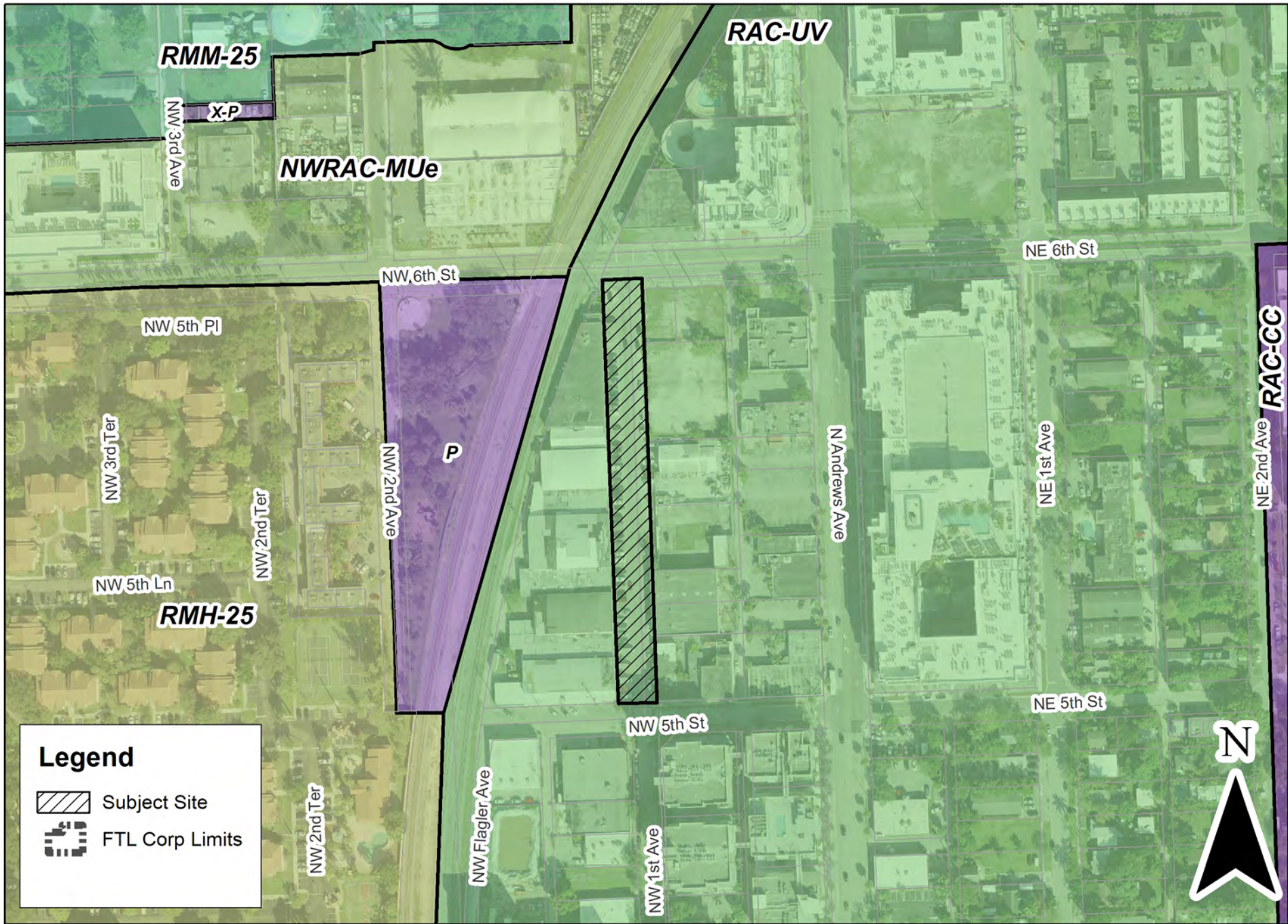
JDomning@tecoenergy.com

4. Signoffs from the City Surveyor and the City's Engineering Design Manager will be required, prior to PZB submittal.
5. The ordinance approving the ROW vacation shall be recorded in the public records of Broward County within (30) days after adoption.

GENERAL COMMENTS

The following comments are for informational purposes.

6. 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.
7. An additional follow-up coordination meeting may be required to review changes necessitated by the DRC comments. Please schedule an appointment with the project planner (954-828-5019) to review revisions.
8. Additional comments may be forthcoming at the DRC meeting.
9. Provide a written response to all DRC comments within 180 days.



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