



**CITY OF DANIA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

DATE: October 27, 2015

TO: Robert Baldwin, City Manager

VIA: Marc LaFerrier, AICP, Director
Ronnie Navarro, PE, Acting Public Services Director *pen*

FROM: Corinne Lajoie, AICP, Planning and Zoning Manager, LEED G.A. *Clajoie*

SUBJECT: **VC-87-15:** The applicant, Calvin, Giordano and Associates, Inc. on behalf of the property owner, Dania Entertainment Center, LLC., is requesting vacation of right-of-ways and easement for property located at 301 East Dania Beach Boulevard (FIRST READING).

VACATION OF RIGHT-OF-WAY

1. To vacate relocated NE 2 Street platted through vacant land immediately south of the Dania Canal and east of NE 4 Court.
2. Vacate the traffic control device easement and corner chord at the south east corner of the Dania Jai Alai Plat.
3. Vacate the bus landing pad easement on East Dania Beach Boulevard as shown on the plat.
4. Vacate the bus shelter easement behind the landing pad as shown on the plat.

In 2006, the City Commission approved a vacation and relocation of a portion of NE 2 Street creating a larger contiguous Jai Alai parcel with no access from NE 2 Street, thereby, completely separating local residential traffic from Jai Alai/Casino Traffic. The improvement for the new right-of-way were never made. In 2014, the City Commission approved an Amended Developers Agreement which envisions NE 2 Street in its original location. To facility the latest Developers Agreement, the applicant is requesting to vacation the previously relocated right-of way for the portion of NE 2 Street immediately east of the vacant parcel owned by Dania Entertainment Center, LLC., also known as the tomato field.

In addition, the applicant is requested to vacate the traffic control devise easement and corner chord currently located at the south east corner of the plat, where SE 5 Avenue crosses East Dania Beach Boulevard. Finally the applicant is requesting to vacation the bus landing pad and shelter easement currently located in the south west corner of the plat, near the intersection of Fronton Boulevard and East Dania Beach Boulevard..

VACATION OF RIGHT-OF-WAY

The vacation of right-of-way process is identified in the City's Land Development Code (LDC) in Section 655-20. This code provision requires the applicant to provide evidence of notification to all utilities (public and private) that may have an interest in the area to be vacated. Below is a list of all public utilities and the action taken by the applicant.

- Comcast – Applicant sent contact letter dated July 22, 2015.
- Teco Peoples Gas – Applicant sent contact letter dated July 22, 2015. No objection received.
- Broward Sheriff's Office: Police – Applicant sent contact letter dated July 22, 2015.
- Florida Power & Light – Applicant sent contact letter dated July 22, 2015.
- BellSouth/AT&T – Applicant sent contact letter dated July 22, 2015
- Broward Sheriff's Office: Fire Marshal – Reviewed as part of the DRC process and has no objections.
- Dania Beach Public Services – Reviewed as part of the DRC process and has no objections, see e-mail dated 8/13/15.
- South Florida Water Management District – Applicant sent contact letter dated July 22, 2015. No objection received August 27, 2015.
- Broward County Traffic Engineering Division – Applicant sent contact letter dated July 22, 2015.

VACATION CRITERIA

Section 655 of the Land Development Code states, the city commission shall hold its public hearing and, after consideration of the application, staff findings, and information presentation at the public hearing. The City Commission may deny, approve or approve with conditions the application for vacation, based upon its determination that the request meets the criteria identified in Section 655-40, which are identified below.

1. "Whether the vacation will adversely affect access to neighboring properties."
2. "Whether the subject right-of-way or easement is needed for any public purpose."

The applicant has provided written justification indicating the request is consistent with the criteria.

Staff is in support of the vacation requests provided the following:

1. Consistent with the Second Amended and Restated Development Agreement entered into between Dania Entertainment Center, LLC and the City dated November 6, 2014, upon vacation of Relocated NE 2 Street by Broward County, Florida from the plat, Dania Entertainment Center, LLC shall rededicate to the City the previously vacated NE 2 Street; and
2. Subject to the rededication of a relocated bus landing pad and shelter easement by Broward County, Florida.

DEVELOPMENT REVIEW COMMITTEE (DRC)

The vacation request was reviewed by the Development Review Committee, which includes representatives from the Fire Marshal's office, Public Services, the City's landscape consultant and the Planning Division. Each discipline reviewed the plans for consistency with regulatory requirements. The applicant has addressed all of the DRC comments.

This vacation request will require two (2) public hearings at the City Commission.

CITY COMMISSION PREVIOUS ACTION

On August 25, 2015 the City Commission waived the replatting requirement for vacation of a public street.

PLANNING AND ZONING BOARD RECOMMENDATION

On October 21, 2015 the Planning and Zoning Board will hear this item. The Board's recommendation will be presented at the City Commission meeting.

STAFF RECOMMENDATION

Recommend approval to the City Commission with the following conditions:

1. Consistent with the Second Amended and Restated Development Agreement entered into between Dania Entertainment Center, LLC and the City dated November 6, 2014, upon vacation of Relocated NE 2 Street by Broward County, Florida from the plat, Dania Entertainment Center, LLC shall rededicate to the City the previously vacated NE 2 Street; and
2. Subject to the rededication of a relocated bus landing pad and shelter easement by Broward County, Florida.