



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

DATE: March 22, 2016
TO: Robert Baldwin, City Manager
VIA: Marc LaFerrier, AICP, Director *[Signature]*
FROM: Corinne Lajoie, AICP, LEED G.A., Planning and Zoning Manager *[Signature]*
SUBJECT: **VC-05-16:** The applicant, Pulice Land Surveyors, Inc. on behalf of the property owner, Forest View Estates, LLC., is requesting vacation of a public park for property located at 3517 Forest View Circle (SECOND READING).

VACATION OF PUBLIC PARK

To vacate a public park identified on the Forest View Estates plat.

PROPERTY INFORMATION

ZONING DESIGNATION: Planned Residential Development (PRD-1)
LAND USE DESIGNATION: Low Residential
PROPOSED USE OF LAND: Private Recreational Facility

The subject property, legally described as Forest View Estates Plat Parcel "P" is a 0.284 acre parcel located at the NE corner of the approved Forest View Estates residential subdivision. The Forest View Estates Plat dedicated the subject property to the City as a public park in satisfaction of the park concurrency requirements of the City Code for the development of the Forest View Estates single-family residential subdivision.

On October 12, 2004, the amended re-plat of Forest View Estates Plat, consisting of thirty-one (31) detached single-family homes, was approved and accepted by the City Commission pursuant to Ordinance No. 2004-028 and was subsequently recorded in Plat Book 175, Page 182, of the Public Records of Broward County, Florida.

On January 27, 2015, private control of the land in Parcel "P" was returned to Forest View Estates.

At the request of Broward County, the applicant is requesting to vacate the public park land, consistent with the plat note amendment.

VACATION OF PUBLIC PARK

The vacation 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 – No objection letter received on 7-15-15.

- Teco Peoples Gas – No objection letter received.
- Florida Power & Light – No objection to release the property, but must maintain 10' easement on property. Letter received 8-19-15.
- BellSouth/AT&T – No objection letter received 9-1-15.
- Dania Beach Public Services – No objection letter received 7-29-15
- Broward County Water and Wastewater Engineering Division – No objection letter received 7-30-15.

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 how the request is consistent with the criteria. Staff is in support of the vacation request based on the previous City Commission actions.

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

CITY COMMISSION PREVIOUS ACTION

On March 8, 2016 the City Commission heard this item on first reading.

On October 12, 2014 the City Commission approved Forest View Estates plat.

On January 15, 2015 the City Commission transferred deed for the former park to Forest View Estates, LLC.

On October 27, 2015 the City Commission approved a plat note amendment removing the public park from the plat.

PLANNING AND ZONING BOARD RECOMMENDATION

On February 17, 2016 the Planning and Zoning Board heard this item and recommended approval of the vacation.

STAFF RECOMMENDATION

Approval.