



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

DATE: May 10, 2016

TO: Robert Baldwin, City Manager

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

FROM: Corinne Lajoie, AICP, LEED G.A., Planning and Zoning Manager *CLajoie*
Anne-Christine Carrie, Planning Associate *ACCarrie*

SUBJECT: **VC-19-16/VC-20-16/VC-34-16/VC-35-16:** The applicant, Linda C. Strutt, AICP, on behalf of the property owner, Dania Live 1748, LLC., is requesting a vacation of utility easements for property generally located on the north side of Stirling Road, between Bryan Road and Interstate 95 (FIRST READING).

VACATION REQUEST

To vacate four (4) utility easements dedicated to the city for water and sewer.

The City Commission has previously approved several actions in preparation for development of the Dania Pointe project. The current application request is to vacate four (4) utility easements that had previously been dedicated to the City for water and sewer purposes.

VACATION EASEMENT

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 utilities and the action taken by the applicant.

- Comcast – Provided a letter of no objection on March 16, 2016.
- Teco Peoples Gas – Provided a letter of no objection on March 21, 2016.
- Florida Power & Light – Applicant sent contact letter dated January 13, 2016 & March 1, 2016.
- Broward Sheriff's Office: Fire Marshal – Reviewed as part of the Dania Pointe Progress meeting and has no objections.
- Dania Beach Public Services – Reviewed as part of the Dania Pointe Progress meeting and has no objections.

VACATION CRITERIA

Section 655 of the Land Development Code (LDC) states, that the city commission shall hold its public hearing and, after consideration of the application, staff findings, and information presented at the public hearing, 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. Per Section 655-40(B), applicant will have to provide proof of compliance with this requirement to provide "notice of the passage of such an ordinance by the City Commission shall be published one time within 30 days following its passage, in one issue in a newspaper of general circulation published in Broward County. Proof of public notification, the adopted ordinance, and the proof of publication of the notice of the passage of such ordinance shall be recorded in the public records of Broward County, Florida, with certified copies of same to the board of county commissioners and the property appraiser of 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.

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

CITY COMMISSION PREVIOUS ACTION

On February 23, 2016 the City Commission approved the plat for the subject property on second reading.

On February 9, 2016 the City Commission approved a text amendment to the City's Code of Ordinance, Alcohol regulations for the subject property on second reading.

On January 12, 2016 the City Commission approved a Tree Removal and Mitigation Agreement for the subject property.

On January 12, 2016 the City Commission approved a Tree Agreement for this removal of trees on the property.

On October 27, 2015 the City Commission approved a Text Amendment to allow site preparation before site plan approval for this site.

On October 13, 2015 the City Commission approved the creation of the Planned Mixed Use Development text amendment for the subject property on second reading.

On February 24, 2015 the City Commission approved a Temporary Use to allow storage of fill on the site.

On September 9, 2014 the City Commission rezoned several properties from industrial to commercial zoning.

PLANNING AND ZONING BOARD RECOMMENDATION

On March 16, 2016 and March 31, 2016 the Planning and Zoning Board recommended approval of these vacation requests.

STAFF RECOMMENDATION

Approve.