

## Staff Report

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**File #:** LN-259

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PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY  
Meeting Date: APRIL 27, 2022

### **CRESTHAVEN #8 / 1307 SOUTH WABASH LLC - EASEMENT VACATION**

**Request:** Easement Vacation  
**P&Z#** 22-27000003  
**Owner:** 1307 South Wabash LLC  
**Project Location:** 3207 North Federal Highway  
**Folio Number:** 484224180010  
**Land Use Designation:** C (Commercial)  
**Zoning District:** B-3 (General Business)  
**Commission District:** 3 (Rhonda Eaton)  
**Agent:** Rachel Ross (954-572-1777)  
**Project Planner:** Maggie Barszewski (954-786-7921 / [maggie.barszewski@copbfl.com](mailto:maggie.barszewski@copbfl.com))

#### **REQUEST**

This is a request to abandon a 6-foot wide utility easement, by Jane Storms of Pulice Land Surveyors, Inc. on behalf of 1307 S. Wabash, LLC. The easement runs north/south within a lot located at 3207 N. Federal Highway, which is on the west side of Federal Highway just south of NE 33rd Street. The easement was included in Cresthaven No. 8 Plat, O. R. Book 44, Page 8. There are no longer any utilities located within the easement. The Applicant intends to redevelop the property into the Falcone/Wabash Project, a mixed-use development that will include 285 dwelling units and 4,164 square feet of commercial use. A site plan was approved for this redevelopment on December 15, 2021 (D.O. # 21-12000015, attached). The proposed building encroaches upon this easement and therefore this abandonment request must be approved in order for the project to proceed.

#### **REVIEW AND SUMMARY**

**A. The following Service Providers commented on this request:**

Code Compliance:	No Objection
Fire Department:	No Objection
Public Works Dept.:	No Objection
Development Services:	No Objection
Utilities Department:	No Objection
FP&L:	No Objection
AT&T:	No Comments have been received
TECO Gas:	No Objection
Comcast Cable:	No Objection

**B. Development Services Department staff submits the following factual information which is relevant to this abandonment request:**

1. The easement runs north/south within a lot located at 3207 N. Federal Highway, which is on the west side of Federal Highway just south of NE 33rd Street.
2. The Applicant's request is necessary in order to allow for redevelopment of the property.

**C. Review Standards**

Section 155.2431 D. 1. & 2. states that an application for vacation or abandonment of a public right-of-way or easement shall be approved only on a finding that all of the following standards are met:

1. The right-of-way or easement is not now, or in the foreseeable future, of any benefit to the city or its inhabitants; and
2. Vacation or abandonment of the easement is consistent with the comprehensive plan.

**D. Staff Analysis**

All of the service providers that have submitted comments have stated they have no objection to this request, however, AT&T has not yet submitted comments.

With the exception of the missing AT&T comment letter, the abandonment of this easement meets the abandonment standards of Section 155.2431D.1. & 2, and therefore staff recommends approval of this request with a condition to be met prior to placement on the City Commission agenda.

**DEPARTMENT RECOMMENDATION**

Given the information provided to the Board, staff provides the following alternative motions for the Board's review.

**Alternative Motions**

**I- Approve with conditions**

Recommend approval to the City Commission; however, it will not be placed on a City Commission agenda until the following condition is met:

1. The submittal of the remaining service provider letter with no objection.

**II- Table**

Table this abandonment request to allow time for the Applicant to address any objections raised by the affected parties or to get additional information.

**III- Denial**

Recommend denial to the City Commission as the Board finds that the easement serves a public purpose and should not be abandoned.

Staff recommends alternative motion number I.

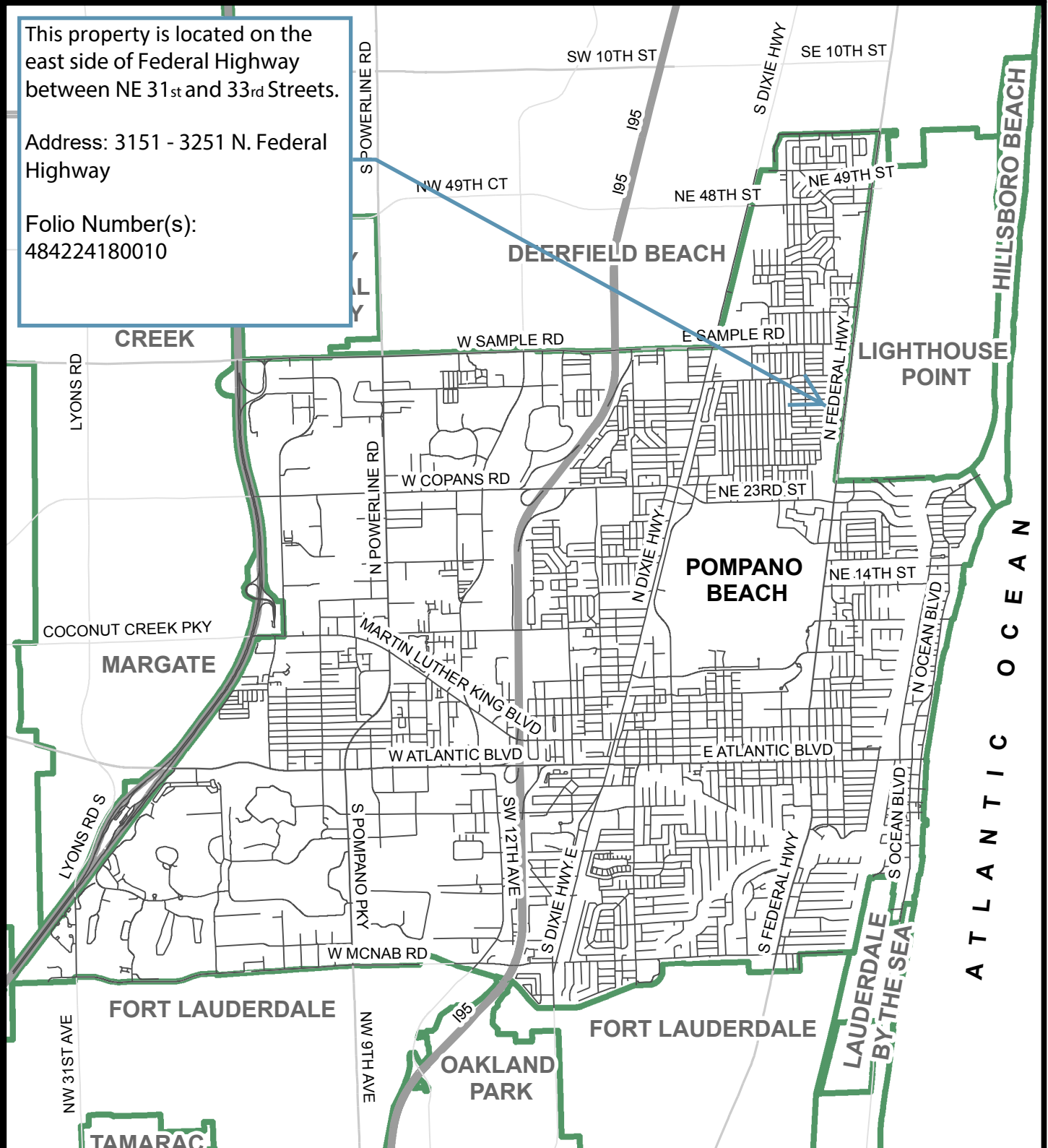
# CITY OF POMPANO BEACH LOCATION MAP



This property is located on the east side of Federal Highway between NE 31<sup>st</sup> and 33<sup>rd</sup> Streets.

Address: 3151 - 3251 N. Federal Highway

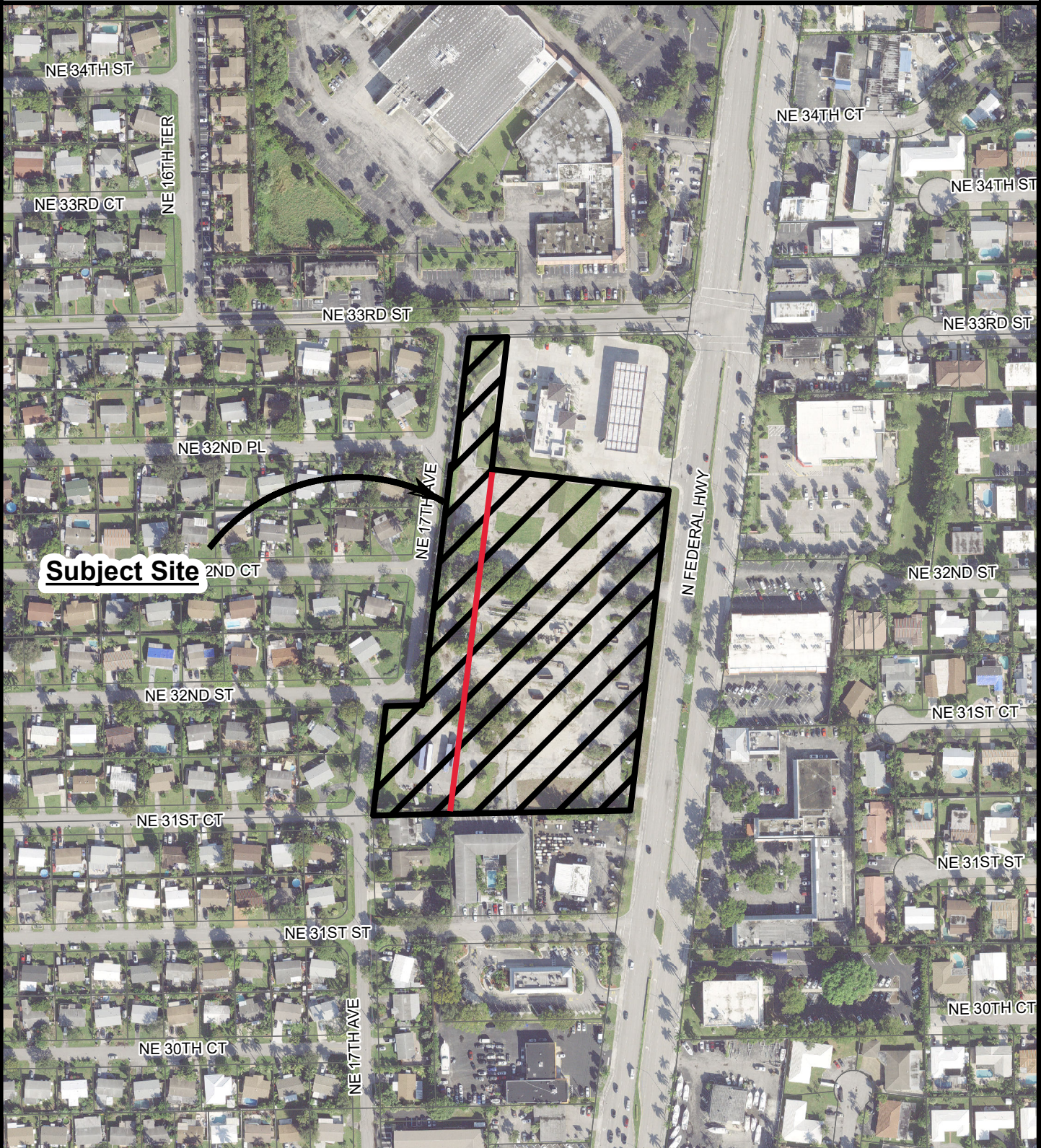
Folio Number(s):  
484224180010



1 in = 1 miles



# CITY OF POMPANO BEACH AERIAL MAP

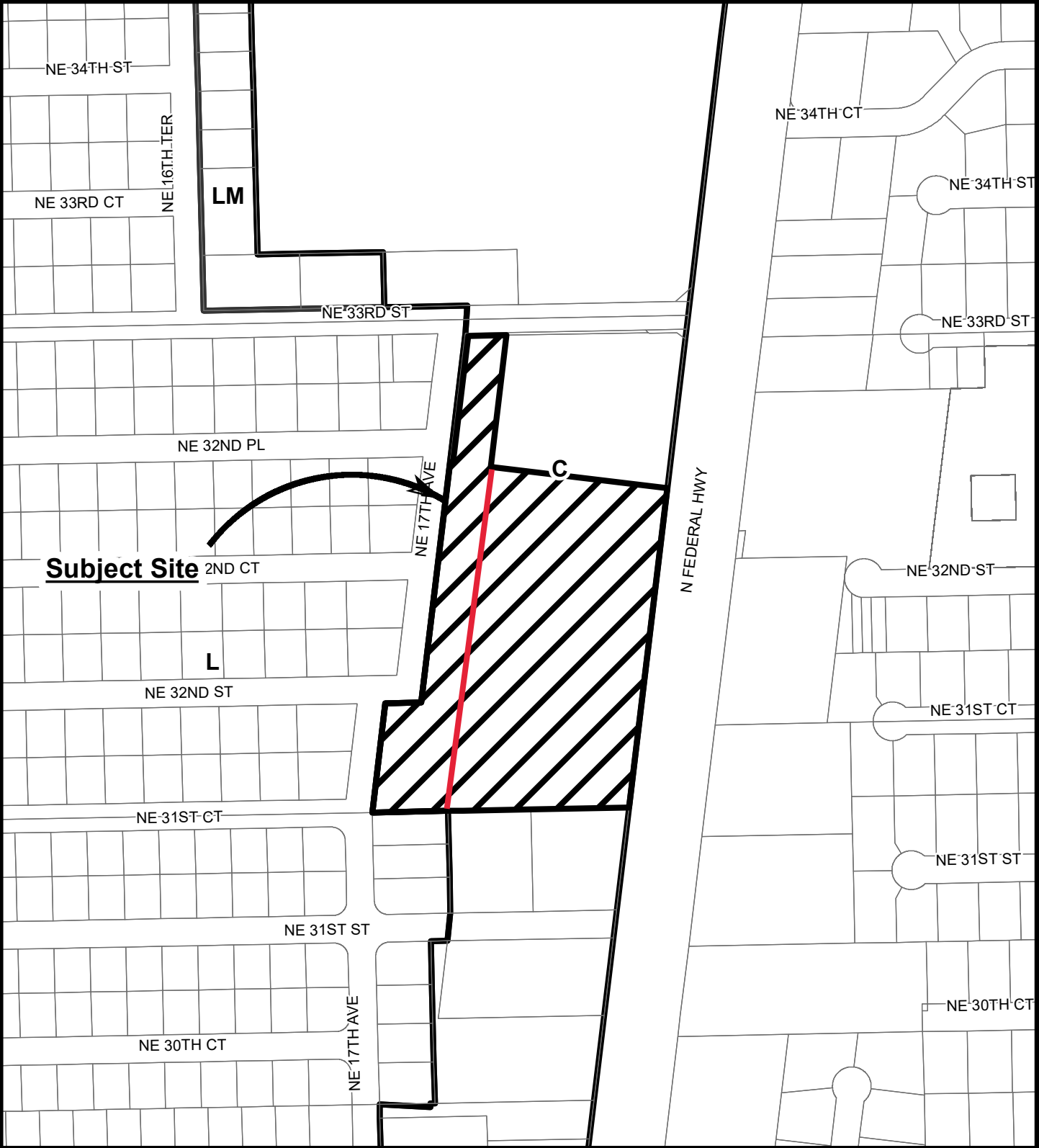


1 in = 250 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES



# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



1 in = 250 ft

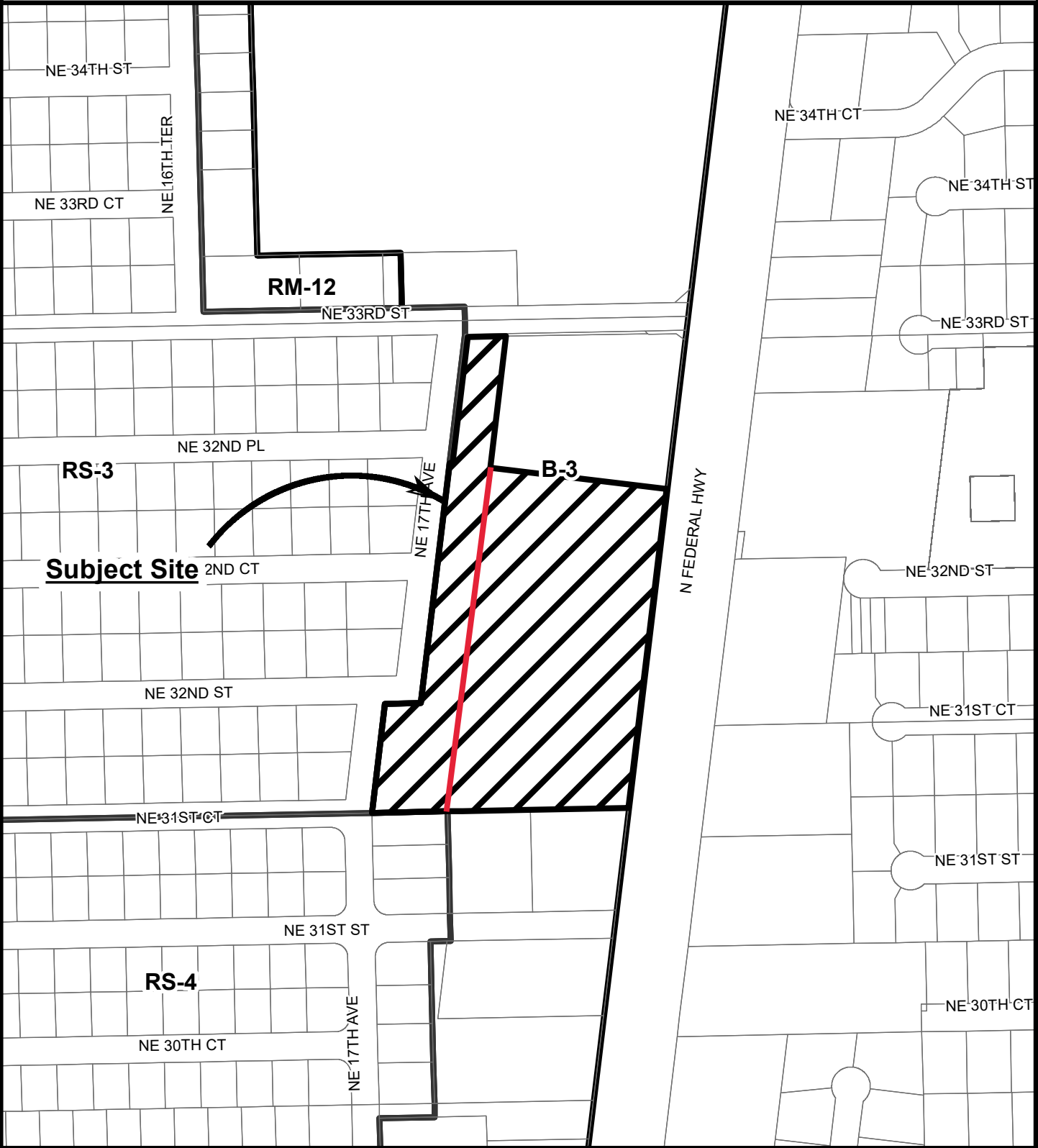
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PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

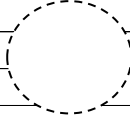
# CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 250 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

## LEGEND

FOR LAND USE PLAN			FOR ZONING MAP	
Symbol	Classification	Units/ Acre	Symbol	District
			RS-1	Single-Family Residence 1
L	Low (1-5 DU/AC)		RS-2	Single-Family Residence 2
LM	Low- Medium (5-10 DU/AC)		RS-3	Single-Family Residence 3
M	Medium (10-16 DU/AC)		RS-4	Single-Family Residence 4
MH	Medium-High (16-25 DU/AC)		RS-L	Single-Family Residence Leisureville
H	High (25-46 DU/AC)			
12	Irregular Density		RD-1	Two- Family Residence
36	Irregular Density			
			RM-7	Multiple-Family Residence 7
*	C	Commercial	RM-12	Multiple-Family Residence 12
	CR	Commercial Recreation	RM-20	Multiple-Family Residence 20
			RM-30	Multiple-Family Residence 30
I	Industrial		RM-45	Multiple-Family Residence 45
			MH-12	Mobile Home Park
T	Transportation			
			B-1	Limited Business
U	Utilities		B-2	Neighborhood Business
		*	B-3	General Business
CF	Community Facilities		B-4	Heavy Business
			M-1	Marina Business
OR	Recreation & Open Space		CR	Commerical Recreation
W	Water		I-1	General Industrial
			I-1X	Special Industrial
RAC	Regional Activity Center		O-IP	Office Industrial Park
			M-2	Marina Industrial
LAC	Local Activity Center			
			TO	Transit Oriented
DPTOC	Downtown Pompano		PR	Parks & Recreation
	Transit Oriented Corridor		CF	Community Facilities
	Number		PU	Public Utility
			T	Transportation
			BP	Business Parking
			LAC	Local Activity Center
			RPUD	Residential Planned Unit Dev.
			PCD	Planned Commercial Development
			PD-TO	Planned Development - Transit Oriented
			PD-I	Planned Development - Infill
			RM-45 HR	Multiple-Family Residence 45 High Rise-Overlay
			AOD	Atlantic Boulevard Overlay District
			CRAO	Community Redevelopment Area Overlay
			NCO	Neighborhood Conservation Overlay
			APO	Air Park Overlay
			DP	Downtown Pompano Beach Overlay

CITY OF POMPANO BEACH  
BROWARD COUNTY  
FLORIDA

DEVELOPMENT ORDER

PLANNING AND ZONING NO. 21-12000015

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A DEVELOPMENT ORDER ISSUED BY THE PLANNING AND ZONING BOARD (LOCAL PLANNING AGENCY) OF THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, PURSUANT TO CHAPTER 155 OF THE CODE OF ORDINANCES; APPROVING WITH CONDITIONS THE APPLICATION FOR DEVELOPMENT PERMIT FOR 1307 WABASH, LLC

WHEREAS, Section 155.2407, of the Code of Ordinances, defines the specific application for Development referenced above as a Major Site Plan Review; and

WHEREAS, Section 155.2204, of the Code of Ordinances, authorizes the Planning and Zoning Board (Local Planning Agency) to review and issue a final development order with respect to the applicant is requesting Major Site Plan approval for a mixed-use development with 285 dwelling units and 4,164 square feet of commercial use on a 6.2-acre parcel of land. The project consists of three 7-story buildings, a 4-story parking garage, and a 7-space detached parking garage. which are more specifically described as follows:

PARCEL 1:

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 AND 13, AND A PORTION OF PARCEL 'A', BLOCK 10, CRESTHAVEN NO. 8, ACCORDING TO THE PLAT THEREOF, RECORDED IN. PLAT BOOK 44, PAGE 8 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL "A" THENCE NORTH 89°59'15" WEST, ON THE SOUTH LINE OF SAID PARCEL "A", AND ON THE SOUTH LINE OF SAID LOT 13, A DISTANCE OF 464.49 FEET TO THE SOUTHWEST CORNER OF SAID LOT 13; THENCE NORTH 07°57'00" EAST ON THE WEST LINE OF SAID LOTS 13, 12 AND 11, A DISTANCE OF 198.90 FEET TO THE NORTHWEST CORNER OF SAID LOT 11; THENCE SOUTH 89°59'15" EAST ON THE NORTH LINE OF SAID LOT 11, A DISTANCE OF 64.49 FEET; THENCE NORTH 07°57'00" EAST ON THE WEST LINES OF SAID LOTS



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10, 9, 8, 7, 6 5, 4, 3, 2 AND 1, A DISTANCE OF 672.42 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 89'59'15" EAST ON THE NORTH LINE OF SAID LOT 1, AND THE NORTH LINE OF SAID PARCEL "A", A DISTANCE OF 325.85 FEET; THENCE SOUTH 44'59'15" EAST, A DISTANCE OF 9.28 FEET; THENCE SOUTH 89'59'15" EAST, A DISTANCE OF 49.54 FEET; THENCE SOUTH 53'57'26" EAST, A DISTANCE OF 19.23 FEET; THENCE SOUTH 07'57'00" WEST, ON THE EAST LINE OF SAID PARCEL "A", A DISTANCE OF 852.28 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

BEING A PORTION OF LOTS 1, 2, 3 AND 4, BLOCK 10 AND A PORTION OF PARCEL "A" OF CRESTHAVEN NO. 8, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 44, PAGE 8 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING FULLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID PARCEL "A"; THENCE SOUTH 07'57'00" WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, A DISTANCE OF 18.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 07'57'00" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 271.95 FEET; THENCE NORTH 82'03'00" WEST, A DISTANCE OF 321.89 FEET; THENCE NORTH 07'57'00" EAST, A DISTANCE OF 245.12 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF NE 33RD STREET; THENCE FOR THE FOLLOWING 4 COURSES AND DISTANCES ALONG SAID SOUTH RIGHT-OF-WAY LINE, SOUTH 89'59'15" EAST, A DISTANCE OF 250.85 FEET; THENCE SOUTH 44'59'15" EAST, A DISTANCE OF 9.28 FEET; THENCE SOUTH 89'59'15" EAST, A DISTANCE OF 49.54 FEET; THENCE SOUTH 53'57'26" EAST, A DISTANCE OF 19.23 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

EASEMENTS FOR THE BENEFIT OF PARCEL 1 EASEMENTS, COVENANTS AND RESTRICTIONS AGREEMENT BY AND BETWEEN 1307 SOUTH WABASH LLC, A FLORIDA LIMITED LIABILITY COMPANY AND RACETRAC PETROLEUM, INC., A GEORGIA CORPORATION, DATED 05/18/2016, AND RECORDED 06/27/2016 IN OFFICIAL RECORDS INSTRUMENT 113777521, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SAID LANDS LYING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA AND CONTAINING 272,327 SQUARE FEET (6.2518 ACRES) MORE OR LESS.

WHEREAS, the Development Review Committee has met to review this Project and has provided the Applicant with written comments; and

WHEREAS, the Application for Development Permit is not in compliance with the applicable standards and minimum requirements of this Code, but the developer has agreed in

DEVELOPMENT ORDER

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writing that no building permit will be issued until those conditions the Development Services Director finds reasonably necessary to insure compliance are met; and

WHEREAS, copies of the survey and final site plan are on file with the Department of Development Services, stamped with the meeting date of December 15, 2021.

**IT IS THEREFORE ORDERED** by the Board that the requested Major Site Plan Application for the above Project is hereby **GRANTED**, with the following conditions to which the Applicant has agreed to comply with:

1. Successfully obtain approval for the allocation of 285 flex units by the City Commission and meet all conditions including affordable housing fees.
2. Provide architectural treatment to the north façade of the detached parking garage, consistent with the principal building, pursuant to Section 155.5601.C.1.a prior to building permit approval.
3. Provide a treatment to the west elevation of the 4-story parking garage so that all openings are treated with decorative screening or in a manner that creates the appearance of an active use area and conceals all internal elements such as plumbing pipes, fans, ducts and lighting, pursuant to Section 155.5601.C.1.b prior to building permit approval.
4. Standard conditions of approval and/or specifications required prior to Building

Permit/Zoning Compliance Permit issuance:

- a. Correct the Site Information table on sheet SP-1 to reflect the correct Land use designation and Zoning district, to remove the reference to the Core Sub-Area, and revise the Current use of the property as vacant.

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- b. Plans are subject to compliance with all applicable Code requirements, including but not limited to DRC comments issued for this site plan, one landscape island for every 10 parking spaces, one shade tree in every parking island.
- c. Include a copy of the approved CPTED plan, approved by the Broward Sheriff's Office.
- d. Landscape and Irrigation Plans must comply with all Zoning Code requirements as verified by the City's Urban Forestry Division.

**Be advised that pursuant to Section 155.2308(B)(1) of the Pompano Beach Code of Ordinances, this DEVELOPMENT ORDER shall expire if a Zoning Compliance Permit is not obtained within two years.**

Heard before the Planning and Zoning Board/Local Planning Agency and Ordered this

15<sup>th</sup> day of December, 2021.

DocuSigned by:

*Fred Stacer*

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Fred Stacer

Chairman

Planning and Zoning Board/Local Planning Agency

Filed with the Advisory Board Secretary this 29<sup>th</sup> of December, 2021,

DocuSigned by:

*Saul Umana*

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Saul Umana

Assistant Planner

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11/10/2021