


MEMORANDUM

Development Services

MEMORANDUM NO. 18-017

DATE: January 12, 2018

TO: Planning & Zoning Board

VIA: David Recor, Development Services Director 
Jennifer Gomez, Assistant Development Services Director 

FROM: Maggie Barszewski, AICP, Planner *MB*

RE: Request for abandonment of a portion of a 14-foot Utility Easement Located north of and parallel to NE 2 St. between NE 1 Avenue and NE 2 Avenue for Old Town Square, LLC

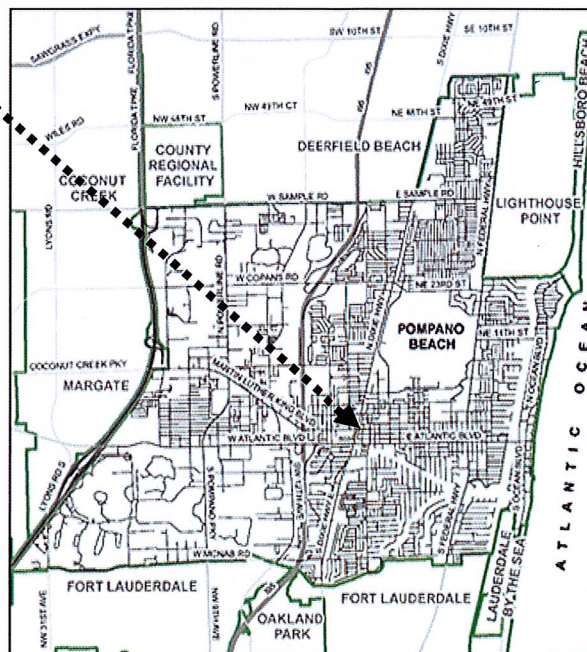
P & Z # 17-27000005

Request

The Applicant, Nectaria M. Chakas, P.A., of Lochrie & Chakas, P.A., on behalf of Old Town 2nd Street, LLC & CP Old Town Square, LLC is requesting the abandonment of a portion of a 14-foot utility easement located north of and parallel to NE 2 St. between NE 1 Avenue and NE 2 Avenue. The utility easement is located on a former alley that was abandoned in 2011 (Ord. No. 2011-63 see attached). The applicant intends to redevelop the property in order to construct a mixed-use multifamily housing project, which is proposed on top of the existing utility easement. This project was approved at the October 25, 2017 Planning and Zoning meeting, where the Board approved a Major Site Plan for the construction of 277 residential units, approximately 4,652 sq. ft. of commercial/retail space, a parking garage (D.O. # 17-12000018 see attached). The applicant has agreed to the relocation of FPL and AT&T assets that are currently located in this utility easement.

The property is located north of
and parallel to NE 2 St. between
NE 1 Avenue and NE 2 Avenue:

Folio numbers: 484235250120,
484235250130, 484235250110,
484235250140, 484235250100



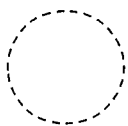
LEGEND

FOR LAND USE PLAN

Symbol Classification Units/ Acre

	Gross Residential Density
	Residential
E	Estate
L	Low
LM	Low- Medium
M	Medium
MH	Medium-High
H	High
C	Commercial
CR	Commercial Recreation
I	Industrial
* DPTOC	Downtown Pompano Transit Oriented Corridor
T	Transportation
U	Utilities
CF	Community Facilities
OR	Recreation & Open Space
W	Water
RAC	Regional Activity Center
	Boundaries
	City of Pompano Beach

13 Number



Reflects the maximum total number of units permitted within the dashed line of Palm Aire & Cypress Bend being 9,724 and 1,998

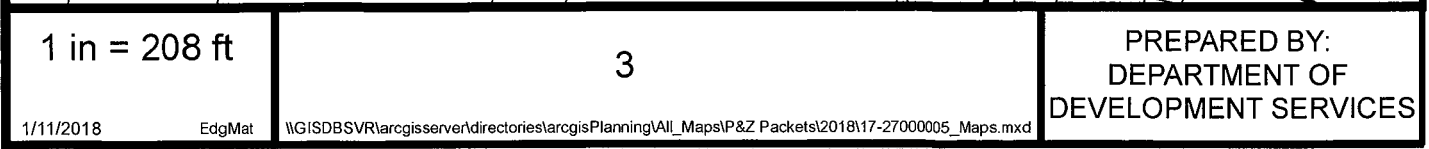
FOR ZONING MAP

Symbol District

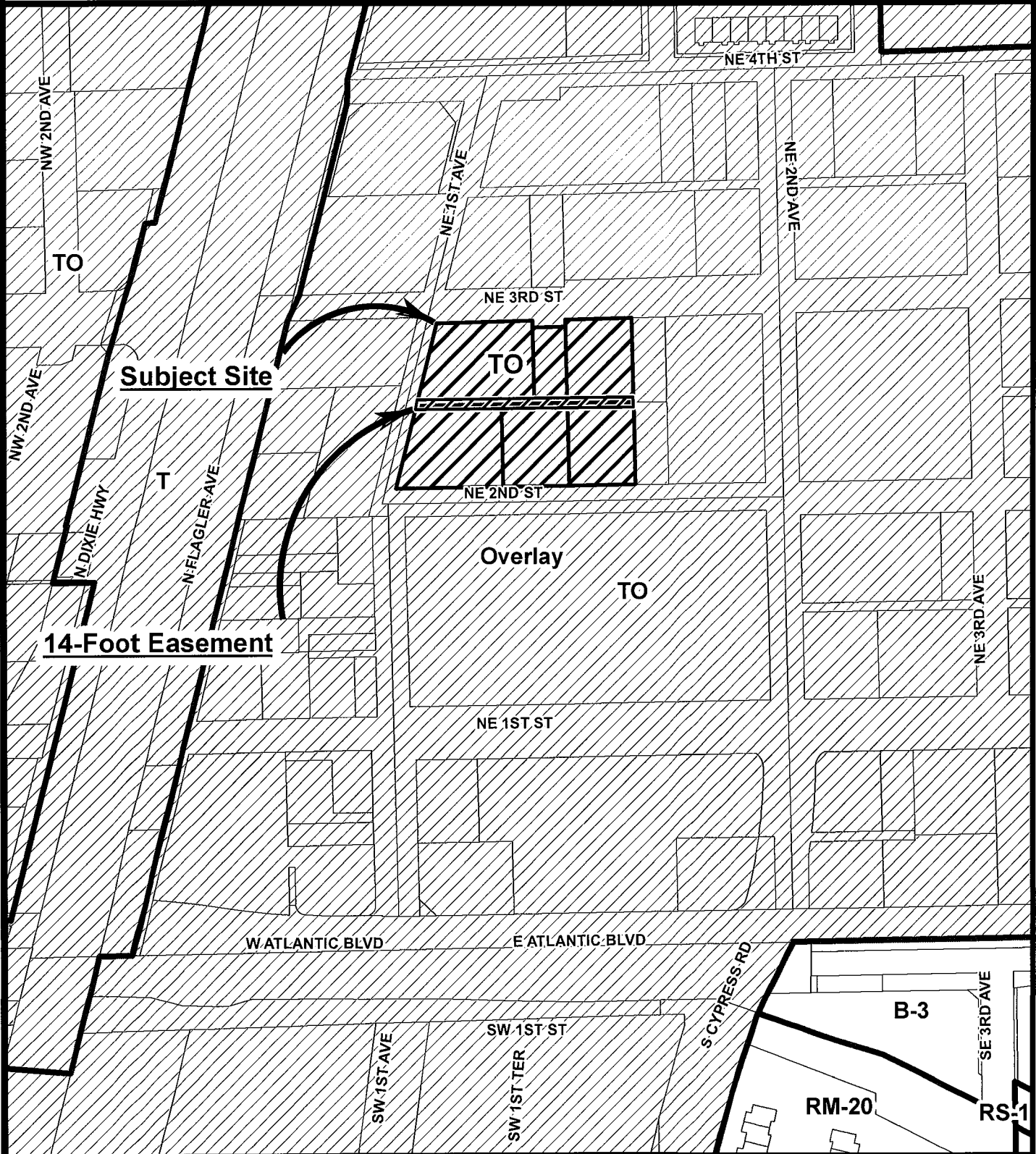
RS-1	One-Family Residence
RS-2	One-Family Residence
RS-3	One-Family Residence
RS-4	One-Family Residence
RD-1	Two- Family Residence
RM-12	Multi-Family Residence
RM-20	Multi-Family Residence
RM-30	Multi-Family Residence
RM-45	Multi-Family Residence
RM-45/HR	Overlay
RPUD	Residential Planned Unit Dev.
AOD	Atlantic Boulevard Overlay District
MH-12	Mobile Home Park
B-1	Limited Business
B-2	Neighborhood Business
B-3	General Business
B-4	Heavy Business
RO	Residence Office
M-1	Marina Business
M-2	Marina Industrial
I-1	General Industrial
I-1X	Special Industrial
O-IP	Office Industrial Park
BP	Business Parking
BSC	Planned Shopping Center
TO	Transit Oriented
PCI	Planned Commercial / Industrial Overlay
PR	Parks & Recreation
CR	Commerical Recreation
CF	Community Facilities
T	Transportation
PU	Public Utility

*

* Existing
> Proposed



CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 208 ft

4

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

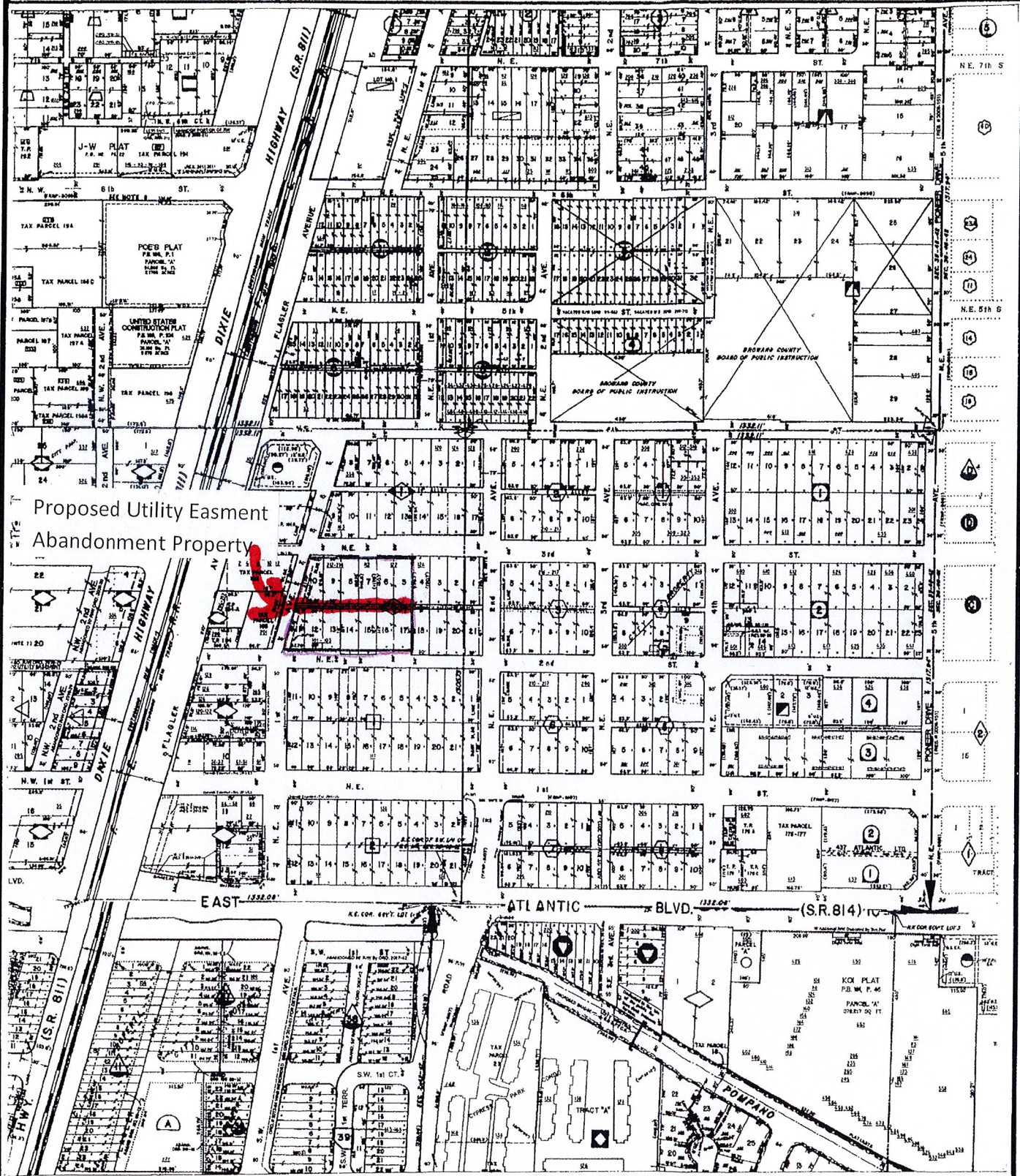
CITY OF POMPANO BEACH AERIAL MAP



1 in = 208 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

EXCERPT FROM THE CITY OF POMPAÑO BEACH PLAT MAP



SCALE: NTS

NORTH

REVIEW AND SUMMARY

DRC Dates: Note that Vacation/ Abandonment Requests do not go to DRC.

A. The following Service Providers commented on this request (all such comments must be received prior to City Commission unless conditioned otherwise):

Community Redevelopment Agency	No Objection subject to other service providers' conditions.
Code Compliance	No Objection
Fire Department:	No Comments have been received
Public Works Department:	No Objection
Utilities Department:	No Objection
Zoning Department:	No Objection
FP&L:	No Objection
FDOT	No Objection
AT&T:	No Objection once existing facilities have been relocated.
TECO Gas:	No Objection
Comcast Cable:	No Comments have been received

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

1. The property is located north of and parallel to NE 2 St. between NE 1 Avenue and NE 2 Avenue.
2. The purpose for the applicant's request is to remove a utility easement that is located where new development is proposed.
3. The property is owned by Old Town 2nd Street, LLC & CP Old Town Square, LLC.

C. Review Standards

Section 155.2431D. 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 right-of-way or easement is consistent with the comprehensive plan.

D. Staff Analysis

As a service provider, AT&T commented that they will have no objection once the existing facilities have been relocated. This will require staff to condition the withholding of placement of this request on a City Commission agenda until the applicant works with AT&T to satisfy their concerns of the proposed location of their new assets as provided for on the approved Site Plan. In addition, all other service-provider comments, not yet received, must be sent within a reasonable time period prior to placement on the City Commission agenda. Based on the above-noted exceptions, the abandonment of this utility easement meets the abandonment standards of Section 155.2431D. 1. & 2, and therefore staff recommends approval of this request with conditions.

ZONING 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 with the following conditions:

1. This request will not be placed on a City Commission Agenda until the applicant works with AT&T to satisfy their concerns of the proposed location of their new assets as provided for on the approved Site Plan; and
2. This request will not be placed on a City Commission Agenda until all other positive comments are received from each service provider, or until 60 days from the date of this recommendation, whichever occurs first.

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.

ORDINANCE NO. 2011-63

**CITY OF POMPANO BEACH
Broward County, Florida**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING THAT CERTAIN FOURTEEN FOOT ALLEYWAY LYING NORTH OF AND PARALLEL TO NE 2ND STREET AND BETWEEN NE 1ST AVENUE AND NE 2ND AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, fifteen (15) days' notice has been given by publication in a paper of general circulation in the City notifying the public of this proposed Ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; and

WHEREAS, the City Commission has received a request for the abandonment of the remaining portion of that certain fourteen foot alley lying north of and parallel to NE 2nd Street and between NE 1st Avenue and NE 2nd Avenue; and

WHEREAS, the Planning and Zoning Board has made its recommendation upon said request; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. It is hereby found and determined by the City Commission that the public health, welfare, safety and necessity no longer require retention by the public in that certain alley as more fully described below.

SECTION 2. It is hereby further found and determined that abandonment and vacation of that alley will not have a detrimental effect upon the surrounding property or area.

SECTION 3. That the City of Pompano Beach does hereby abandon and vacate the following described alley:

See Exhibit "A" attached hereto and incorporated herein as if set forth in full.

SECTION 4. That the City Clerk is hereby instructed to record this Ordinance in the Public Records of Broward County, Florida.

SECTION 5. The City of Pompano Beach reserves for its own purposes, and for the purposes of all recognized public utility companies offering public utility services in the City to its customers including, but not limited to, Florida Power & Light Company, AT&T, TECO Peoples Gas, and Comcast Cable, the reservation of an easement forever for the construction, operation and maintenance of overhead and underground electric facilities (including wires, poles, guys, cables, conduits, buried cables, cable terminals, markers, splicing boxes and pedestals, manholes, amplifier boxes, pipes, gas transmission lines, water and sewer lines and all appurtenant devices and equipment) to be installed from time to time; with the right to construct, reconstruct, improve, add to, enlarge, change the voltage, change pressure, as well as the size of, and to remove such facilities or any of them, together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communication purposes, the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and obstructions within the easement area; the right to trim and cut and keep trimmed and cut, all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines of systems of communication or power or

telephone or gas transmission or distribution; and further reserves to the fullest extent, the right and power to grant, if at all, the rights herein granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property. The easement is described on Exhibit "A" attached hereto and incorporated herein by reference as if set forth in full.

SECTION 6. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 7. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 12th day of July, 2011.

PASSED SECOND READING this 26th day of July, 2011.



LAMAR FISHER, MAYOR

ATTEST:



MARY L. CHAMBERS, CITY CLERK

GBL/jrm
6/16/11
L:ord/2011-330

EXHIBIT "A"
LEGAL DESCRIPTION OF ALLEY TO BE ABANDONED

That certain 14 foot alley in Block 2, SMOAK'S ADDITION TO POMPANO, according to the plat thereof as recorded in Plat Book 5, Page 10, of the public records of Palm Beach County, Florida.

CITY OF POMPANO BEACH
BROWARD COUNTY
FLORIDA

DEVELOPMENT ORDER

PLANNING AND ZONING NO. 17-12000018

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 OLD TOWN 2ND STREET, LLC AND CP OLD TOWN SQUARE.

WHEREAS, Section 155.2407, of the Code of Ordinances, defines the project referenced above as a Major Review; and

WHEREAS, Section 155.2204, of the Code of Ordinances, authorizes the Planning and Zoning Board (Local Planning Agency) to issue a final development order for the subject project to construct a ten-story mixed use building. The project consists of 277 residential units, approximately 4,652 sq. ft. of commercial/retail space, a parking garage, on-street parking and landscaping improvements. The property is currently occupied by several structures on multiple parcels. The building footprint will be 63,423 sq. ft. on a proposed 74,139 sq. ft. (1.70 acres) site (86% lot coverage). The property is located at the intersection of NE 2nd Street and NE 1st Avenue, bordered to the north by NE 3rd Street. One parcel is located on the north side of NE 3rd Street; more specifically described in the legal description below:

FOLIO # 484235250110
LOT 7, BLOCK 2 LESS THE NORTH 10 FEET THEREOF, TOGETHER WITH THE NORTH ONE HALF (N1/2) OF THE 14 FOOT ALLEY LYING SOUTH OF AND ADJACENT TO SAID

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LOT 7 OF "SMOAKS ADDITION TO POMPAÑO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 10 OF THE PUBLIC RECORDS OF PALM/BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

FOLIO # 484235250120

LOTS 8 THROUGH 10, BLOCK 2, TOGETHER WITH THE NORTH ONE HALF (N1/2) OF THE 14 FOOT ALLEY LYING SOUTH OF AND ADJACENT TO SAID LOTS 8 THROUGH 10 OF "SMOAKS ADDITION TO POMPAÑO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 10 OF THE PUBLIC RECORDS OF PALM/BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

FOLIO # 484235250130

LOTS 11 THROUGH 13, LESS THE SOUTH 16.00 FEET FOR RIGHT -OF-WAY, BLOCK 2, TOGETHER WITH THE SOUTH ONE HALF (N1/2) OF THE 14 FOOT ALLEY LYING NORTH OF AND ADJACENT TO SAID LOTS 11 THROUGH 13 OF "SMOAKS ADDITION TO POMPAÑO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 10 OF THE PUBLIC RECORDS OF PALM/BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

FOLIO # 484235250140

LOTS 14 AND 15, BLOCK 2, TOGETHER WITH THE SOUTH ONE HALF (N1/2) OF THE 14 FOOT ALLEY LYING NORTH OF AND ADJACENT TO SAID LOTS 14 AND 15 OF "SMOAKS ADDITION TO POMPAÑO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 10 OF THE PUBLIC RECORDS OF PALM/BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

FOLIO # 484235250150

LOTS 16 AND 17, LESS THE SOUTH 16.00 FEET FOR RIGHT-OF-WAY, BLOCK 2, TOGETHER WITH THE SOUTH ONE HALF (S1/2) OF THE 14 FOOT ALLEY LYING NORTH OF AND ADJACENT TO SAID LOTS 16 AND 17 OF "SMOAKS ADDITION TO POMPAÑO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 10 OF THE PUBLIC RECORDS OF PALM/BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

FOLIO # 484235250100

LOTS 5 AND 6, BLOCK 2, TOGETHER WITH THE NORTH ONE HALF (N 1 /2) OF THE 14 FOOT ALLEY LYING SOUTH OF AND ADJACENT TO SAID LOTS 5 AND 6 OF "SMOAKS ADDITION TO POMPAÑO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 10 OF THE PUBLIC RECORDS OF PALM/BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

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

MRE

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WHEREAS, copies of the survey and final site plan are on file with the Department of Development Services, stamped with the meeting date of October 25, 2017.

The Application for Development Permit is hereby approved by the Planning and Zoning Board (Local Planning Agency) subject to the following conditions and bases therefore:

1. Be advised of the following items:
 - a. Staff acknowledges that a Master Sign Program has been proposed, and will be evaluated at a future date.
2. Make the following revisions on plans:
 - a. Overall floor plans for each level of the building depict dwelling units that are not accurately represented on sheet A-12 for typical unit types. Revise floor plans and/or sheet A-12 to provide consistency between proposed unit type square footages on all applicable sheets.
 - b. A call-out was not found for the material that is proposed for the openings at the parking garage levels on the east elevation. Openings must include a treatment or material to screen vehicular use areas and associated parking from view. The rendering of the same elevation appears to show clear openings, which does not comply with screening standards.
 - c. The Roof Plan depicts two "SCREENED MECHANICAL EQUIPMENT" locations. The elevations call-out "Translucent glass with internal lighting" at these locations, which will not adequately screen the roof top mechanical equipment, pursuant to 155.5301.2.a. Revise plans to comply.
 - d. Sheet A-13 Rendering (b) is mislabeled as the southeast corner of the building. It appears to be a view of the southwest corner of the building. Revise accordingly.
 - e. Utility connections and service boxes must be placed on secondary walls and away from corners, pursuant to §155.3501.H.1.e
 - f. Revise the site plan and/or the parking calculations to correctly identify the non-residential parking allocation(s). Currently, the calculations indicate parking for retail and restaurant areas; however restaurant area is not depicted on the plan.
 - g. Provide a breakdown of the number of parking spaces provided for each use, in compliance with §155.5102.D.5. For commercial uses, the number of off-street

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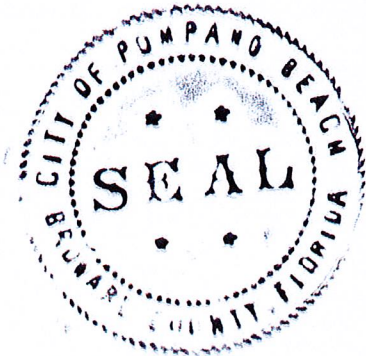
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- TO properties are exempt from the standards in Section 155.5401.C (Lighting Location and Required Landscaping and Tree Protection).
 - c. Provide information pertaining to the surface material that is proposed for the terraces shown on the second floor plan adjacent to the individual dwelling units.
 - d. Staff calculated the total required parking is 217. Clarify where the restaurant space will be located and how this requires 238 spaces.
 - e. Compact parking spaces are limited to 20% of the total requirement. Clarify which parking spaces will be designated as compact and ensure this number does not exceed code requirements.
 - f. Provide a detail verifying that the colonnade and all rooves are guttered and drainage will be deposited onsite.
6. Landscape and Irrigation Plans must comply with Zoning Code requirements and verified by the City's Urban Forestry Division.

Be advised that pursuant to Section 155.2407 (G) of the Pompano Beach Code of Ordinances, a DEVELOPMENT ORDER for a site plan application shall remain in effect for a period of 24 months from the date of its issuance.

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

25th day of October, 2017.



Joan Kovac
JOAN KOVAC

DATE

Vice-Chairman

Planning and Zoning Board/Local Planning Agency

Filed with the Advisory Board Secretary this 20 day of December, 2017.

Matthew R. Edge
Matthew R. Edge

Zoning Technician

MRE

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- parking spaces cannot exceed 125 percent of the minimum number of parking spaces required.
- h. Along the primary, secondary, or tertiary streets, provide building breaks every 160 feet, 30 feet in width and 10 feet in length at the ground level, pursuant to §155.3501.J.2.c, and provide dimensions and labels indicating compliance.
 - i. Colonnade columns spacing shall be proportioned such that the height of each opening is greater than its width. Revise plans to comply, pursuant to 155.3501.J.2.i.iv.
 - j. Street trees are required at 15 feet to 25 feet apart, pursuant to 155.3501.G.2.e.
3. Provide additional documentation to verify the techniques that were used to satisfy the requirement of 18 sustainable development points required by §155.5802.
4. For permit approval, obtain the following final approvals:
- a. A Development Order for Major Building Design from the Architectural Appearance Committee. (§155.2408.B.1)
 - b. A Unity of Title Agreement from the City's Planning & Zoning Division which shall be recorded in the Public Records of Broward County. (§155.2401.C)
 - c. CPTED plan approved by the Broward Sheriff's Office. (§155.2407.E.9)
 - d. Building permit plans subject to compliance with all applicable Code requirements, including but not limited to DRC comments issued for this site plan.
 - e. Abandonment of all easements.
 - f. Platting determination letter from Broward County Planning Council.
 - g. Provide SCAD letter from Broward County School District.
5. Provide clarification for the following:
- a. Provide information pertaining to proposed access to the second-floor terrace that is located above the area on the north side of the building that is not adjacent to a dwelling unit. It appears that access to this terrace location has not been provided.
 - b. Provide details, notes and specifications indicating compliance with the following lighting requirements of 155.3501.I:
 - Light poles must not exceed a height of 17.5 feet above the adjacent finished grade;
 - No cobra head lights are permitted;
 - All lighting must be weather and vandal resistant; and