

Mr. Saunders concurred with Mr. Lauber's advice. He stated that the Fair Housing Act would consider such a restriction against Special Exceptions discriminatory. He stated that all processes must be consistent like any other action.

Ms. Jackson asked Mr. Saunders if what the Board is doing tonight is to make sure that the City does not discriminate.

Mr. Saunders responded that the Board is reviewing text amendments that have been proposed. The Board's recommendation will be forwarded to the City Commission. The Commission's meeting will be publicly advertised so that anyone may participate at that meeting where text amendments will be considered.

Vote:

All voted in favor of the motion with the exception of Jerry Mills. Therefore, the Motion passes.

G. EASEMENT VACATIONS



2. LONE OAK – BROWARD LLC % REYES HOLDINGS LLC / NW 12 AVENUE RIGHT OF WAY VACATION
Planning and Zoning #18-18000001

Consideration of the request by **DAMIAN BRINK** on behalf of **LONE OAK – BROWARD LLC % REYES HOLDINGS LLC** to abandon portions of NW 12 Avenue right-of-way adjacent to 1751 NW 12th Avenue. The Applicant is requesting to vacate portions of this right-of-way in order to reconfigure the entrance, gate, signage, landscape and utilities of the Gold Coast Beverage site. The Applicant has received approval for a Minor Site Plan and Minor Building Design Application to construct a new 9,500-sq. ft. addition to the existing warehouse facility. The property is legally described as follows:

A PORTION OF PARCEL A, FLO EAST CO ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 134, PAGE 42, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL "A", THENCE NORTH 88°28'31" EAST, ALONG THE SOUTH LINE OF SAID PARCEL "A", A DISTANCE OF 627.14 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE TO THE WEST AND RADIAL TO THE LAST DESCRIBED LINE AND THE POINT OF BEGINNING; THENCE NORTHERLY AND NORTHWESTERLY ALONG SAID CURVE HAVING A RADIUS OF 628.15 FEET, A CENTRAL ANGLE OF 10°07'52", FOR AN ARC DISTANCE OF 111.07 FEET; THENCE NORTH 11°39'22" WEST, A DISTANCE OF 36.08 FEET, THE LAST TWO DESCRIBED COURSES BEING ALONG THE WEST LINE OF NW 12TH AVE PER SAID FLO EAST CO ADDITION PLAT; THENCE NORTH 87°38'27" EAST, A DISTANCE OF 60.80 FEET TO A POINT ON THE EAST LINE OF SAID NW 12TH AVE; THENCE SOUTH 11°39'22" EAST, A DISTANCE OF 26.25 FEET TO A CURVE TO THE RIGHT; THENCE SOUTHERLY ALONG SAID CURVE HAVING A RADIUS OF 688.15 FEET, A CENTRAL ANGLE OF 08°27'38", FOR AN ARC DISTANCE OF 101.62' FEET; THENCE SOUTH 02°21'33" EAST, ALONG THE EAST LINE OF SAID PARCEL "A", A DISTANCE OF 20.06 FEET TO THE SOUTH LINE OF SAID

PARCEL "A", THE LAST THREE (3) DESCRIBED COURSES BEING ALONG THE EAST LINE OF SAID NW 12TH AVE; THENCE SOUTH 88°28'31" WEST, ALONG SAID SOUTH LINE OF PARCEL "A", A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING;

CONTAINING 8851.27 SQUARE FEET, MORE OR LESS.

As well as,

A PORTION OF PARCEL A, FLO EAST CO ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 134, PAGE 42, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL "A", THENCE NORTH 10°47'34" EAST, ALONG THE WEST LINE OF SAID PARCEL "A", A DISTANCE OF 16.38 FEET; THENCE NORTH 88°28'31" EAST, ALONG A LINE 16.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID PARCEL "A", A DISTANCE OF 600.65 FEET TO A POINT OF CUSP OF A CURVE CONCAVE TO THE EAST, WHOSE RADIUS BEARS DUE NORTH OF THE LAST DESCRIBED POINT AND THE POINT OF BEGINNING; THENCE WESTERLY, NORTHWESTERLY, NORTHERLY, NORTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 65.00 FEET, A CENTRAL ANGLE OF 180°00'00" AND AN ARC DISTANCE OF 204.20 FEET; THENCE NORTH 87°38'27" EAST, A DISTANCE OF 3.39 FEET TO A POINT ALONG THE WEST LINE OF NW 12TH AVE PER SAID FLO EAST CO ADDITION PLAT AND A POINT HEREINAFTER REFERED TO AS REFERENCE POINT "A"; THENCE SOUTH 11°39'22" EAST, ALONG SAID WEST LINE OF NW 12TH AVE, A DISTANCE OF 36.08 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE SOUTHERLY ALONG SAID CURVE HAVING A RADIUS OF 628.15 FEET, A CENTRAL ANGLE OF 8°40'17" FOR AN ARC DISTANCE OF 95.07 FEET; THENCE SOUTH 88°28'31" WEST, ALONG A LINE 16.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID PARCEL "A" A DISTANCE OF 22.79 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

COMMENCING AT SAID REFERENCE POINT "A", THENCE NORTH 87°38'27" EAST, FOR A DISTANCE OF 60.80 FEET TO A POINT ON THE EAST LINE OF SAID NW 12TH AVE AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87°38'27" EAST, A DISTANCE OF 13.21 TO A POINT ON THE EAST LINE OF SAID PARCEL "A"; THENCE SOUTH 02°21'33" EAST, ALONG SAID EAST LINE, A DISTANCE OF 127.08 FEET TO A POINT OF CUSP OF A CURVE CONCAVE TO THE WEST WHOSE RADIUS BEARS SOUTH 86°48'25" WEST FROM THE LAST DESCRIBED POINT; THENCE NORTHERLY ALONG SAID CURVE HAVING A RADIUS OF 688.15 FEET, A CENTRAL ANGLE OF 08°27'38", FOR AN ARC DISTANCE OF 101.62 FEET; THENCE NORTH 11°39'22" WEST, A DISTANCE OF 26.25 FEET TO THE POINT OF BEGINNING;

CONTAINING 9196 SQUARE FEET, MORE OR LESS.

AKA: Portions of NW 12 Avenue right-of-way adjacent to 1751 NW 12th Avenue

ZONED: I-1 (General Industrial)

STAFF CONTACT: Maggie Barszewski (954) 786-7921

Ms. Maggie Barszewski, Planner, indicated that the applicant is requesting to vacate portions of the NW 12 Avenue right-of-way in order to reconfigure the entrance, gate, signage, landscape and utilities of the Gold Coast Beverage site. The applicant has received approval for a Minor Site Plan and Minor Building Design application to construct a new 9,500-sq. ft. addition to the existing warehouse facility. There are four service provider comments that have yet to be received. The Development Services Department is requiring the retention of a public access easement to permit.

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

I- Approve with conditions

Recommend **approval** to the City Commission; however it will not be placed on a City Commission agenda until the following conditions are met:

1. A public access easement is retained in perpetuity that satisfies the Development Services Department; and
2. The applicant provides an agreement instrument that satisfies the Utility Department concerns for relocating a backflow device to a newly-recorded property line out of the abandonment area; and provides for the applicant taking ownership of the remaining water main and sewer system; and
3. 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.

Ms. Barszewski stated that staff recommends alternative motion number I.

Mr. Damian Brink (1551 N Flagler Drive, Suite 102, West Palm Beach, FL) introduced himself to the Board as the representative for the property owner adjacent to the subject property requesting the abandonment. He stated that the applicant has conditional approval for a Minor Site Plan and Minor Building Design for partial demolition and addition of 9,500 square feet to the existing building. He stated that the integrity, function and public use of the existing cul-de-sac will remain and that they have worked with the Fire Department on this project. He stated that there was a portion of 12th Avenue that has been previously abandoned. He showed renderings of the new proposed building addition. He stated that they have agreed to all the conditions of approval and added that they have an upcoming meeting to discuss the Utility Department's concerns about the backflow preventer.

Ms. Jackson asked for images of what the cul-de-sac will look like.

Mr. Brink explained that it will look similar to how it is now. He stated that they need to vacate the right-of-way in order to provide access to the site.

Ms. Jackson asked if the applicant will beautify the cul-de-sac.

Mr. Brink said that it will look similar to how it looks today but will include landscaping and fencing.

Mr. Stacer closed the public hearing.

MOTION was made by Jerry Mills and second by Rhonda Eaton to recommend approval of the right-of-way abandonment PZ #18-18000001 per Alternative Motion I as described in the staff report. All voted in favor of the motion; therefore, the motion passed.

H. REZONINGS

3. ISLAMIC CENTER OF SOUTH FLORIDA INC / ISLAMIC CENTER OF SOUTH FLORIDA Planning and Zoning #17-13000008

Consideration of the REZONING submitted by **SALAH ELROWENY** on behalf of **ISLAMIC CENTER OF SOUTH FLORIDA INC.** to rezone the property from RM-12 (Multiple-Family Residence) to CF (Community Facility) in order to add a full-time school to the property. The subject site currently consists of the worship hall, an administration area, and 11 weekend-school classrooms. The applicant's short-term plan is to expand the educational uses starting with preschool and elementary-grade levels. The long-term plan is to eventually provide preschool to 12th grade education. The existing classrooms will serve for the short-term preschool and elementary-grade phase; however for the long-term preschool – 12th grade phase, new construction will be necessary. All parcels are legally defined as follows:

ALL OF "FERNANDER / WRIGHT SUBDIVISION" ACCORDING TO THE PLAT THEREOF
AS RECORDED IN PLAT BOOK 159, PAGE 6 OF THE PUBLIC RECORD OF BROWARD
COUNTY RECORDS

AKA: 1641 NW 15th Street
ZONED: RM-12 (Multiple-Family Residence 12)
PROPOSED: CF (Community Facility)
STAFF CONTACT: Maggie Barszewski (954) 786-7921

Mr. Daniel Keester-O'Mills, Principal Planner, stated that the applicant is requesting to rezone the property from RM-12 (Multiple-Family Residence) to CF (Community Facility) in order to add a full-time school to the property. The property received a Special Exception approval from the Zoning Board of Appeals in 2006 for a house of worship. Religious education is permitted as an accessory use to the house of worship use. The subject site currently consists of the worship hall, an administration area, and 11 classrooms for weekend use. The applicant's short-term plan is to expand the educational uses starting with preschool and elementary-grade levels. The long-term plan is to