Ms. Kovac stated that the area is different because it is an area that will be redeveloped with mixed uses. She said that the City should not hamper these attempts.

Mr. Hill asked what would be said to the existing daycares or churches that are no longer protected. He stated that perhaps the distance requirements could be changed or reduced, but that this should be done City-wide.

Ms. Eaton stated that she agrees with Mr. Hill that there is a line between redevelopment and removing the protection of the existing businesses. She stated that she supports the overlay districts, but noted that there is currently a mishmash of development in the City. She stated that she feels that the thoughts and concerns of the Board have been made clear and that this matter can be brought to the City Commission.

Mr. Klosiewicz stated that there are many lines of change in the City through the implementation of the zoning code. He stated that this district is a special area and that these standards proposed would be appropriate.

Mr. Stacer asked what would happen in the areas where the EOD and AOD overlap.

Ms. Dolan stated that the AOD will go away.

Mr. Stacer commented that the St. Martin's Church has lived with Houstons, Umberto's and other large restaurants for years. He also pointed out several other instances where the close proximity of alcoholic beverage establishments does not appear to have caused harm to existing churches, school, or daycares and commented that the uses have lived with each other. He recalled that in past meetings for the EOD/ETOC there was never any discussion of restrictions of alcoholic beverage establishments or restaurants. He noted that restricting small restaurants while allowing larger ones seems absurd on its face. He stated that the EDC and East CRA Board have both written letters of support.

Mr. Hill stated that he agrees with the absurdity of the example of small versus large restaurants, but thinks that the standard should be looked at for what works for the entire City.

MOTION was made by Joan Kovac and seconded by Jerry Mills that the properties within the East Overlay District have the same distance requirement exemption as they would in the Atlantic Overlay District. All voted in favor of the motion with the exception of Tony Hill. Therefore the motion passed.



G. EASEMENT VACATIONS

2. <u>CP OLD TOWN SQUARE LLC / DOWNTOWN POMPANO APARTMENTS</u>

Planning and Zoning #17-27000005

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // ME

Consideration of the request by NECTARIA CHAKAS on behalf of CP OLD TOWN SQUARE LLC AND OLD TOWN 2ND STREET LLC to abandon 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. The properties are legally described as follows:

FOLIO # 484235250120 212 NE 1 AVE

LOTS 8 THOUGH 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 POMPANO", 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 # 484235250110 112 NE 3 ST

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 LOT 7 OF "SMOAKS 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. SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

FOLIO # 484235250100 116 NE 3 ST

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 POMPANO", 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 NE 2 ST

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 POMPANO", 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 101 NE 2 ST

LOTS 11 THOUGH 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 POMPANO", 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.

AKA: 14-foot easement at 112 NE 3 St, 116 NE 3 St, 212 NE 1 Ave, 101 NE 2 St, etc.

STAFF CONTACT: Maggie Barszewski (954)786-7921

Ms. Maggie Barszewski, Planner, introduced herself to the Board and stated that the request is to abandon a 14 ft. utility easement. She stated that there are currently two service provider comments that have yet to be received by staff and are from the Fire Department and Comcast. AT&T has no objection provided that utilities are relocated. All of the other providers have no objection. Staff has determined that both review standards have been met for this request.

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.

Ms. Nectaria Chackas, (1401 E Broward Boulevard, Fort Lauderdale, FL) presented herself as the applicant's attorney. She stated that the easement is part of a vacated alley and explained that a recently approved site plan for the property would locate the building directly over the existing easement.

Mr. Stacer opened the item to the public. Seeing none, the public hearing was closed.

MOTION was made by Rhonda Eaton and second by Tony Hill to recommend approval of the abandonment PZ #17-2700005 per Alternative Motion I as described in the staff report. All voted in favor of the motion; therefore, the motion passed.

H. <u>FLEXIBILITY ALLOCATION REQUESTS</u>

3. <u>ALLTECH GROUP PARCEL 1 / 2606 PALM AIRE DRIVE</u> Planning and Zoning #17-05000004

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // ME