

Chair Stacer asked if the sewer is currently public. Ms. Dolan affirmed.

Mr. Hartsell asked if it is prudent to proceed before an agreement is approved. Assistant City Attorney Saunders responded that it is not the City's role to dictate the agreement, but the City is a beneficiary of the agreement and aims to protect its interests.

Mr. Matthew Wojciechowski, 1551 N Flagler Dr Ste 102, West Palm Beach, on behalf of the applicant, introduced himself to the Board. He corrected the new owner and applicant and informed they agree to the conditions.

Chair Stacer opened the public hearing. No one came forth to speak. Chair Stacer closed the public hearing.

MOTION by Carla Coleman and seconded by Richard Dally that the Board finds that competent, substantial evidence has been presented for the Easement Abandonment that satisfies the review criteria and move approval of the item, subject to the two conditions provided by staff. All voted in favor. The motion was approved.

(1:11:28)

3. [LN-614](#)

512 SE 28 AVE EASEMENT ABANDONMENT

Request:	Easement Abandonment
P&Z#	24-27000002
Owner:	James J Maguire TR
Project Location:	512 SE 28th Ave
Folio Number:	494306190090
Land Use Designation:	L (Low 1-5 DU/AC)
Zoning District:	RS-2 (Single-Family Residence 2)
Commission District:	1 (Andrea McGee)
Agent:	John Greene
Project Planner:	Maggie Barszewski

Ms. Jean Dolan, Principal Planner, introduced herself to the Board. She stated this is a request to abandon a 10-foot-wide utility easement by Applicant, John Greene, on behalf of the owner the James J Maguire Trust. The easement is shown on the face of the Cypress Point Plat (ORB 28, PG 16) and is located on the east side of SE 28th Avenue at the terminus of SE 6th Street. This had been a perimeter utility easement, however, this lot was created by combining portions of Lots 11 & 12. Therefore, the 10-foot easement is located in the middle of the lot. There are no utility assets located within the easement and a single-family home was built on top of it in 1954.

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 as the Board finds that the easement abandonment meets the standards of Section 155.2431D.1. & 2. With the following condition:

1. The Applicant must submit a legal description & sketch of the easement to be abandoned.

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.

Staff recommends alternative motion number I.

Chair Stacer asked the Board if there were any questions for staff. There were none.

Chair Stacer opened the public hearing. No one came forth to speak. Chair Stacer opened the public hearing.

Ms. Dolan confirmed the applicant accepts the condition.

MOTION by Darlene Smith and seconded by Tundra King that the Board finds that competent, substantial evidence has been presented for the Easement Abandonment that satisfies the review criteria and move approval of the item, subject to the one condition provided by staff. All voted in favor. The motion was approved.

(1:15:58)

4. [LN-566](#)

RETAIL DEVELOPMENT

Request:	Major Site Plan
P&Z#	23-12000049
Owner:	Thieme Family LLC
Project Location:	4791 N Federal Hwy
Folio Number:	484318000092
Land Use Designation:	C (Commercial)
Zoning District:	B-3 (General Business)
Commission District:	2 (Rhonda Sigerson-Eaton)
Agent:	Carlos Justiniano
Project Planner:	Lauren Gratzer

Ms. Lauren Gratzer, Project Planner, introduced herself to the Board. She began her presentation and stated the property is located on the southwest corner of N Federal Highway and NE 48th Street. The applicant is requesting Major Site Plan approval in order to construct a new 5,124 square foot commercial/retail building, which includes restaurant and retail space. The existing animal hospital on site will remain. The height of the building is approximately 20'. The site plan was reviewed by the Development Review Committee in February 2024, and April 2024. The project was heard and approved at the June 4, 2024 Architectural Appearance Committee meeting. She noted the zoning district is B-3 (General Business) and land use is C (Commercial).

Ms. Gratzer stated that should the Board find that the application has provided competent, substantial evidence to satisfy the review standards for Major Site Plan approval, staff recommends approval of the Major Site Plan subject to the following comments and conditions:

1. Provide a recorded plat in accordance with Code Section 155.2410.Plat.
2. The locations of the light poles on the landscape plan do not match the photometrics plan. Revise so all plans are consistent. All trees will be planted at least 15 feet from any light fixture mounted on a pole (155.5203.B.2.g.i.c).
3. The height of a structure is determined by measuring the vertical distance from the average elevation of the existing finished grade at the front of the structure to the top of the roof for a flat roof, to the deck line for a mansard roof, or to the mean height between eaves and ridge for a gable, hip, cone, gambrel, or shed roof (155.9401.G). Revise the elevations to correctly reflect the height of the building from finished grade to the roofline and update the height listed on the site plan data table.
4. Standard Conditions of Approval and/or Specifications required prior to Building Permit / Zoning Compliance Permit issuance:
 - a. The applicant shall provide evidence of compliance for the 12 points used for the Sustainability Narrative as submitted to the DRC by time of building permit approval in accordance with Table 155.5802: Sustainable Development Options and Points.