

MEMORANDUM

Development Services

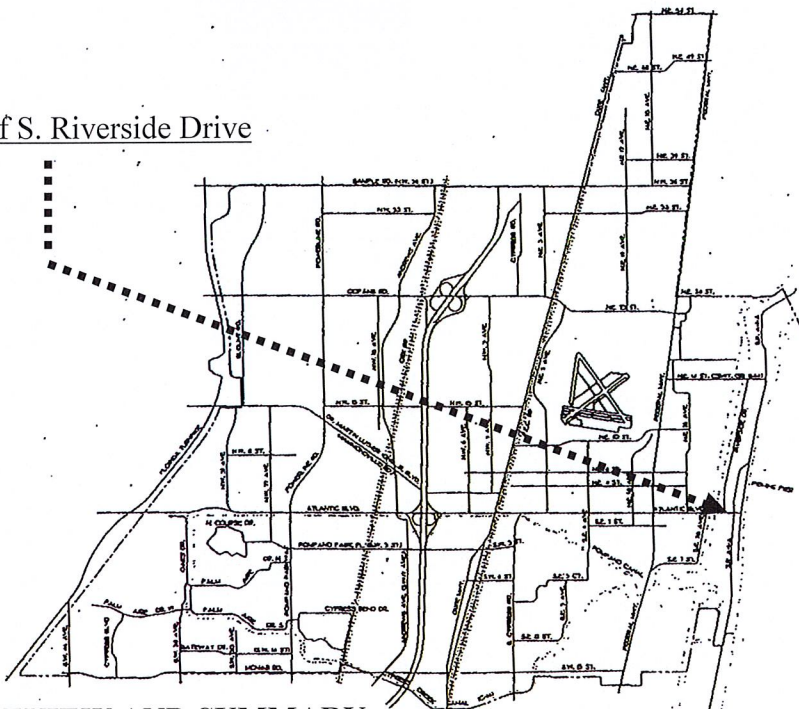
MEMORANDUM NO. 16-129

DATE: March 17, 2016
TO: Planning & Zoning Board
VIA: Robin M. Bird, Development Services Director *RB*
FROM: Maggie Barszewski, AICP, Planner *MB*
RE: Request to vacate 237 feet of S. Riverside Dr. / between Atlantic Blvd and 101 S. Riverside Dr.

P & Z # 13-18000002

This is a request to abandon a portion of Riverside Drive by Julio Montaner of South East Architects, Inc., on behalf of Tsatas Acquisitions, LLC. The Applicant is requesting to vacate 237 feet of S. Riverside Drive, which is a 55-footwide right-of-way. The northern boundary of the request is Atlantic Blvd. and the southern boundary is where the southerly line of property located at 101 S. Riverside Drive meets S. Riverside Drive. The intent is to consolidate the two properties lying on each side of S. Riverside Drive that are owned by the applicant so that a more desirable layout can be achieved for the development of two restaurants and a retail structure to be called the Riverside Promenade. Notice of this hearing was mailed to the owners of real property abutting S. Riverside Dr. The Applicant has concurrently applied for a Major Site Plan Review to be considered at a future hearing date. The Site Plan demonstrates that proposed portion of S Riverside Drive to be abandoned would remain accessible to the public, including to those accessing property located along S. Riverside Drive.

Proposed 55-foot wide abandonment of S. Riverside Drive



REVIEW AND SUMMARY

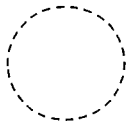
LEGEND

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
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

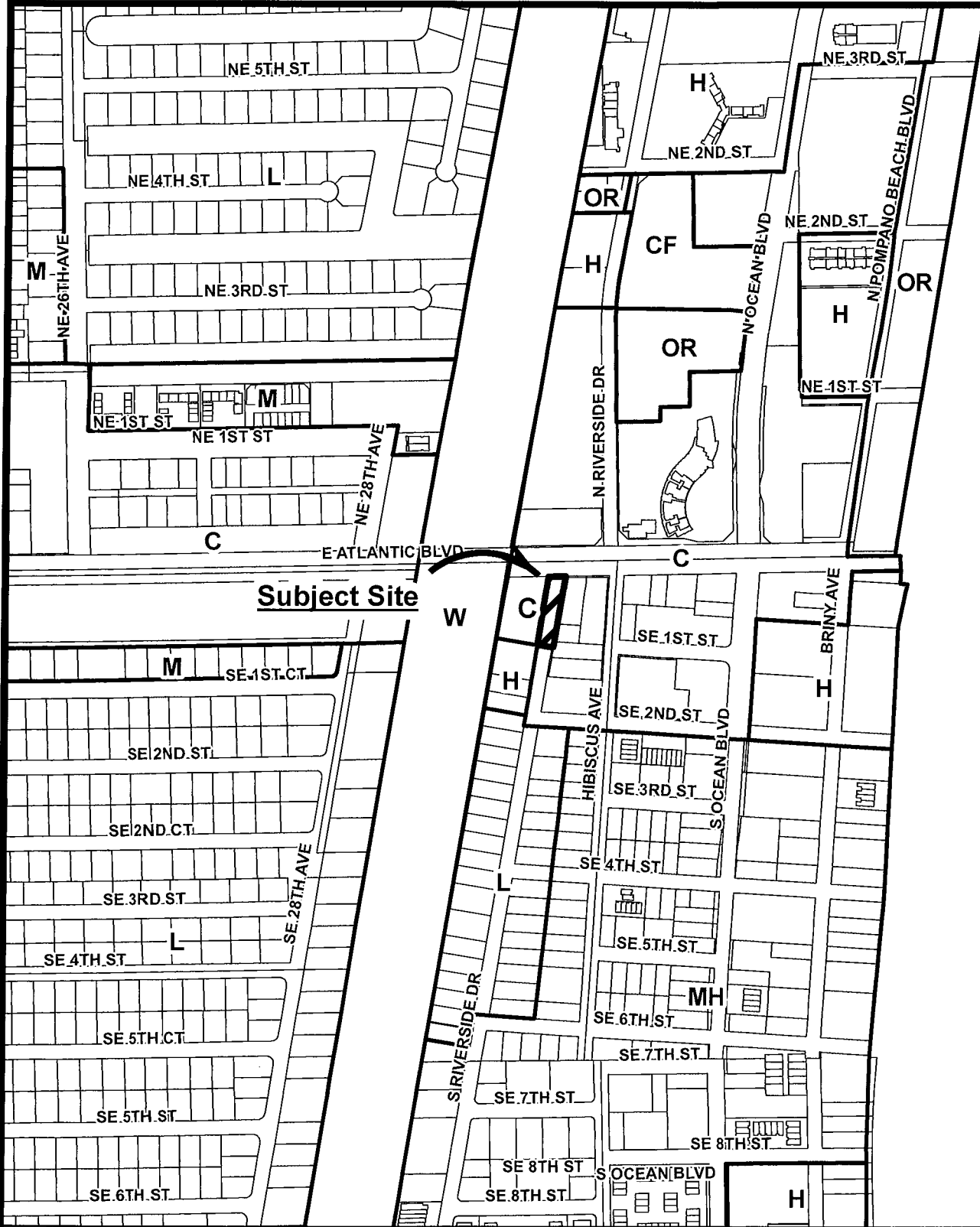
FOR ZONING MAP

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
PCI	Planned Commercial / Industrial Overlay
PR	Parks & Recreation
CR	Commercal Recreation
CF	Community Facilities
T	Transportation
PU	Public Utility

* Existing
> Proposed

CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



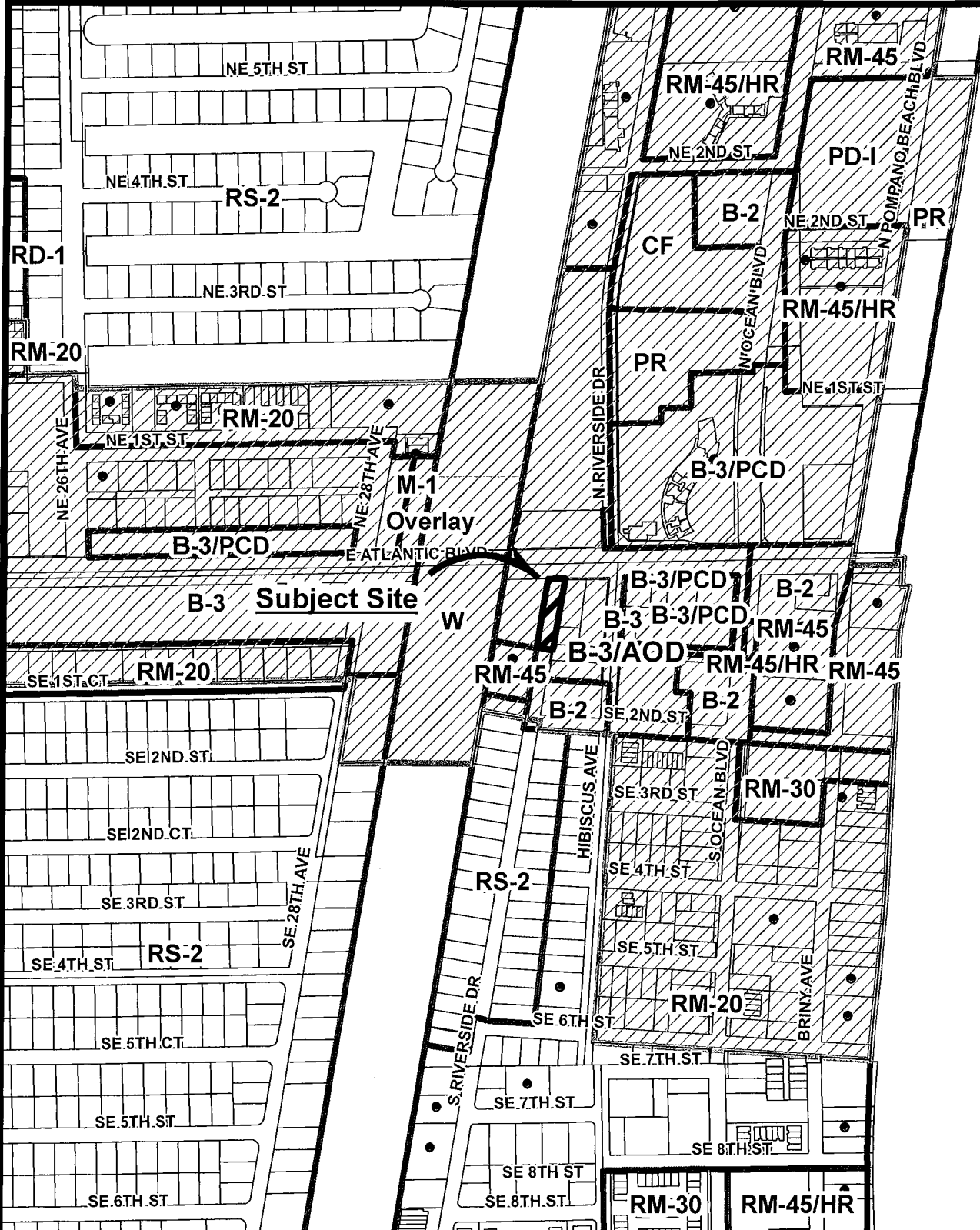
Subject Site

1 in = 500 ft

3

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH OFFICIAL ZONING MAP

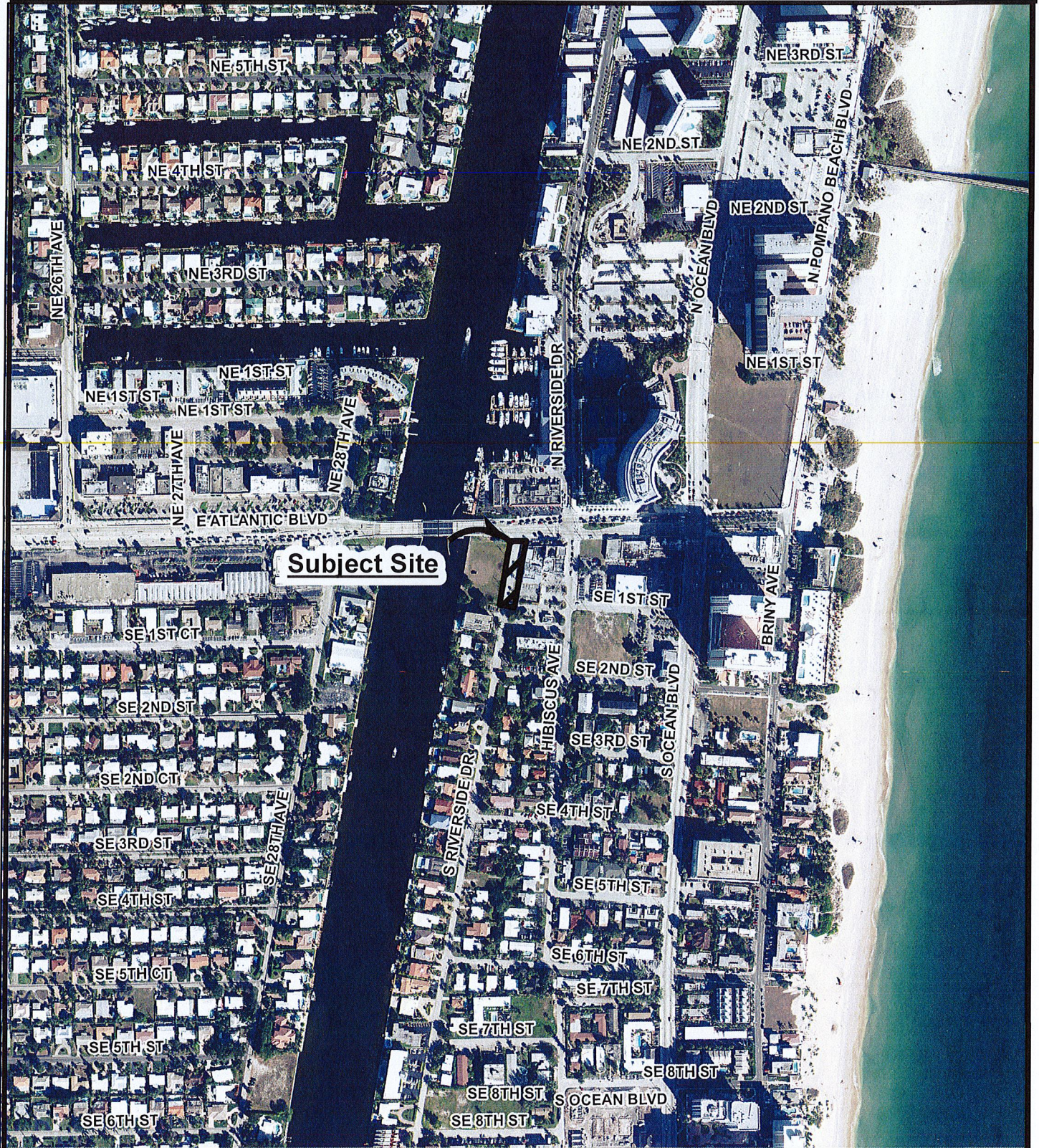


1 in = 500 ft

4

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

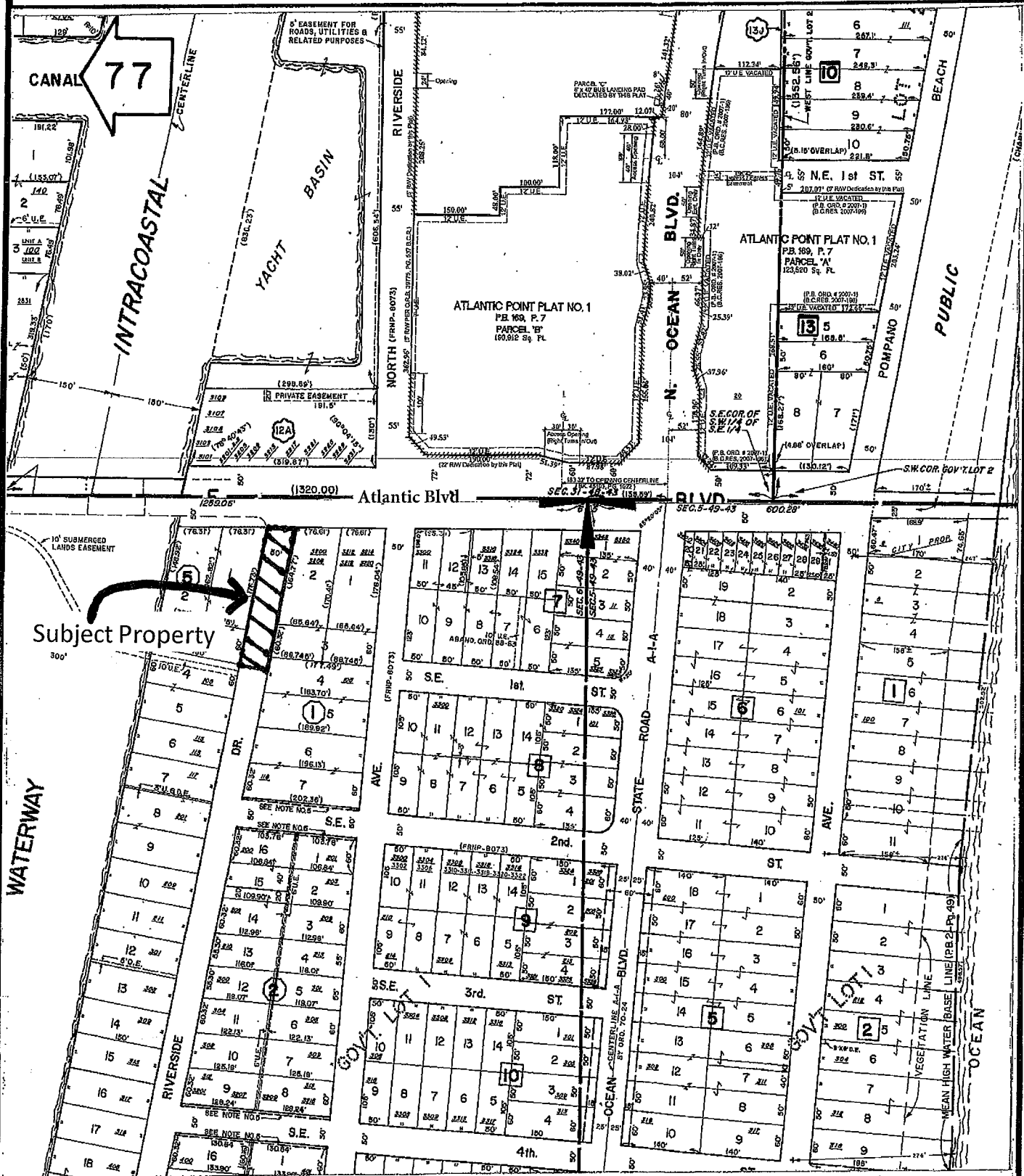
CITY OF POMPANO BEACH AERIAL MAP



1 in = 500 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

EXCERPT FROM THE CITY OF POMPANO BEACH PLAT MAP



SCALE: NTS

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

1. The right-of-way is S. Riverside Dr, starting at Atlantic Blvd. and running south for approximately 237 feet in length.
2. The proposed property to be vacated is a 55-foot wide right-of-way. The existing condition is a two-lane roadway, with 28 feet of pavement. The roadway's configuration is a right-turn in, right-turn out only configuration. There are no sidewalks. An aerial image of the existing conditions is included as **Exhibit I**.
3. The applicant has applied for Major Site Plan approval (P&Z 15-12000011). A copy of the proposed site plan is attached as **Exhibit II**. The Site Plan includes the following proposed vehicular and pedestrian circulation features to compensate for the abandonment request:
 - a. An east/west alley located on the southern edge of the property. The alley would commence at Hibiscus Avenue and terminate at a proposed traffic circle. The alley is a 24 feet wide, two-lane roadway allowing right and left turn in and right and left turn out from Hibiscus Avenue.
 - b. A north/south driveway located at the site of the abandoned roadway. The driveway would commence at Atlantic Boulevard and terminate at a proposed traffic circle. The driveway would be a one-way driveway; therefore right-turns out would no longer be permitted.
 - c. A one-lane traffic circle at the terminus of the new east/west alley and north/south driveway. The traffic circle would allow vehicular access from the site to S. Riverside Drive. Therefore vehicular access from Atlantic Boulevard to S. Riverside Drive would be possible and vehicular access between S. Riverside Drive and Hibiscus Avenue would be possible.
 - d. Sidewalks on both the east and west sides on the north/south driveway and sidewalks along the north side of the east/west alley.
4. City Departments and other service providers provided the following comments regarding this abandonment:

Zoning Department:	No Objection
Community Redevelopment Agency:	No Objection
Code Compliance:	No Objection
Fire Department:	No Objection
Engineering Department:	No Objection subject to conditions (see #5 below)
Public Works Department:	No Objection subject to conditions (see #5 below)
Utilities Department:	No Objection subject to conditions (see #5 below)
AT&T:	No Objection subject to easements
TECO Gas:	No Objection
Department of Transportation:	No Objection subject to conditions (See Exhibit III)
FP&L:	No Response to Date
Comcast Cable:	No Response to Date

5. There are three City Utility lines located within the requested area for abandonment (water main, force main, and gravity line). On March 14, 2016 the Applicant met with the staff from the CRA, Utilities, Public Works and Engineering Departments. At that meeting the appropriate conditions of approval were worked out that would satisfy all concerns brought up in the service provider comments. The following suggested conditions resulted:

For the water main:

The water main that exists within the property to be abandoned shall become privately owned by the Applicant and master meters with backflow shall be installed at each end of the line. This transfer of ownership shall be recorded and a copy of such shall be submitted with the building permit application.

For the force main:

The force main will remain public, however the applicant shall provide an easement be redirected from Riverside Drive, East along the access easement, North on Hibiscus and then West alongside Atlantic Boulevard back to the 24" force main. The Applicant shall post a 15-year bond to the City for \$250,000 or may seek other alternatives that shall satisfy the Utility Dept. This easement shall be recorded and indicated on the survey submitted with the building permit application.

For the gravity line shall:

The gravity line shall remain public. The Applicant will extend the existing sewer northward +/-150 feet to a new terminus. Subject to slope considerations, the CRA will be responsible for any necessary improvements to disconnect the existing septic system servicing the FDOT Bridge Tenderhouse. Work shall include installation of a sanitary sewer lateral and tie-in to extended sewer.

B. Right-of-Way or Easement Vacation or Abandonment Review Standards

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.

C. The following goals, objectives and policies of the City's Comprehensive Plan have been identified as pertinent to this Abandonment application:

Land Use Element

Goal

- 01.00.00 The attainment of a living environment which provides the maximum physical, economic and social well being for the City and its residents through the thoughtful and planned use and control of the natural and man-made environments that discourages urban sprawl, is energy efficient and reduces greenhouse gas emissions.

Policy

- 01.01.09 To ensure the adequate provision of public services and facilities, the City shall take into consideration the tourist population and the seasonal demands placed upon the City's infrastructure.

Objective Right of Way Protection and Accessibility

- 01.02.00 Protect the existing and future right of way from building encroachments and ensure proper accessibility with the roadway and transit network.

Policies

- 01.02.01 Require new commercial and residential (of more than 10 dwelling units) development to provide their primary access to the abutting arterial roadway system with only secondary access points to local streets so that traffic impacts to single family neighborhoods are minimized.
- 01.02.02 Require a traffic impact analysis for development projects when necessary to determine post-development conditions of adjacent roadways and the local multimodal transportation system.

Smart Growth Initiative

Policy

- 01.16.01 The City shall emphasize re-development and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources.

Coastal Zone Management Element

Goal

- 10.00.00 Manage development efforts in the City of Pompano Beach Coastal Zone to maximize aesthetic, environmental, recreational and economical resources.

Objective Support and Protect Water Dependent Uses

- 10.03.00 Water-dependent and water-related uses will be protected and encouraged within the coastal area; this shall include retaining commercial zoning so that private residential redevelopment does not displace such uses.

Policy

- 10.03.01 Shoreline uses shall be designed in a manner compatible with the environment and be compatible with existing surrounding land uses and are prioritized according to the following criteria:
1. Water dependent commercial and municipal uses.
 2. Water related uses in conjunction with water dependent uses.
 3. Public accessibility
 4. Non-water related uses.

Transportation Element

Objective Multimodal Transportation System

Policy

- 02.01.04 The land development regulations will include provisions to control access points and minimize curb cuts on arterial roadways, provide safe and convenient on-site traffic flow and provide sufficient on-site parking for motorized and non-motorized vehicles.

Objective Right of Way Protection

- 02.04.00 For existing or future transportation rights-of-way and corridors designated in the City's comprehensive plan, establish measures for their acquisition, preservation or protection.

Policy

- 02.04.02 Work with the appropriate County and State transportation agencies to identify specific right of way needs for the Atlantic Boulevard Bridge and roadway approaches.

Objective Local Transportation

- 02.03.00 The City of Pompano Beach shall ensure that a safe, convenient and energy efficient local multimodal transportation system is provided in an environmentally sound manner.

Policy

- 02.03.09 Where possible, include the construction of sidewalks and bikeways in all improvement projects; include ample signage or pedestrian signalization provisions to designate and promote preferred non-vehicular routes.

D. Recommendation:

Given the information provided to the Board, as the findings of fact, staff provides the following recommendation and alternative motions, which may be revised or modified at the Board's discretion.

Alternative Motion I

Recommend approval to the City Commission as the Board finds that the request is consistent with the following goals, objectives and policies of the Comprehensive Plan that are included in this report. This recommendation is subject to the following conditions:

1. This request will not be placed on a City Commission Agenda until all the following are provided to the Development Services Department:
 - a. An easement instrument, approved by the City Attorney's office, for a one-way ingress easement for the proposed north/south driveway and a public access easement for the proposed sidewalks adjacent to the north/south driveway.
 - b. A right-of-way dedication instrument, approved by the City Attorney's office, dedicating to the City the proposed east/west alley and the adjacent sidewalk(s) and the portion of the traffic circle located within private property.
 - c. A City-Engineer-approved cost estimate and bond for the roadway ingress egress, sidewalk, traffic circle and drainage improvements.
 - d. A Traffic Impact analysis is provided per Future Land Use Policy 01.02.02. Specifically the Traffic Impact Analysis shall evaluate the impact on through traffic, impact on Atlantic Blvd (including stacking), and impacts on the neighborhood. Should the Traffic Impact Analysis determine any adverse impacts, the P&Z's recommendation of approval to the City Commission shall become null and void.
2. This request will not be placed on a City Commission Agenda until all comments are received from each service provider, or until 30 days from the date of this recommendation, whichever occurs first.
3. The Abandonment Ordinance will not become effective until such time that the traffic circle and proposed alley are constructed.
4. All necessary utility service easements will be provided and recorded prior to the issuance of a building permit. This is very difficult as the ultimate location of proposed utilities (water, sewer, etc.) may vary due to field conditions. Usually, an easement is created with the actual As-Built, and before the utility is turned over to the Utility.
5. The applicant must apply for a "Driveway Connection Permit" for any driveway connection modification along Riverside Promenade's property frontage with S.R. 814 prior to any building permit issuance.
6. The applicant is not permitted to discharge into the nearby curb inlet within FDOT's right-of-way.
7. Compliance with the utility related conditions listed in section A.5. and the FDOT conditions contained in Exhibit III.

Alternative Motion I

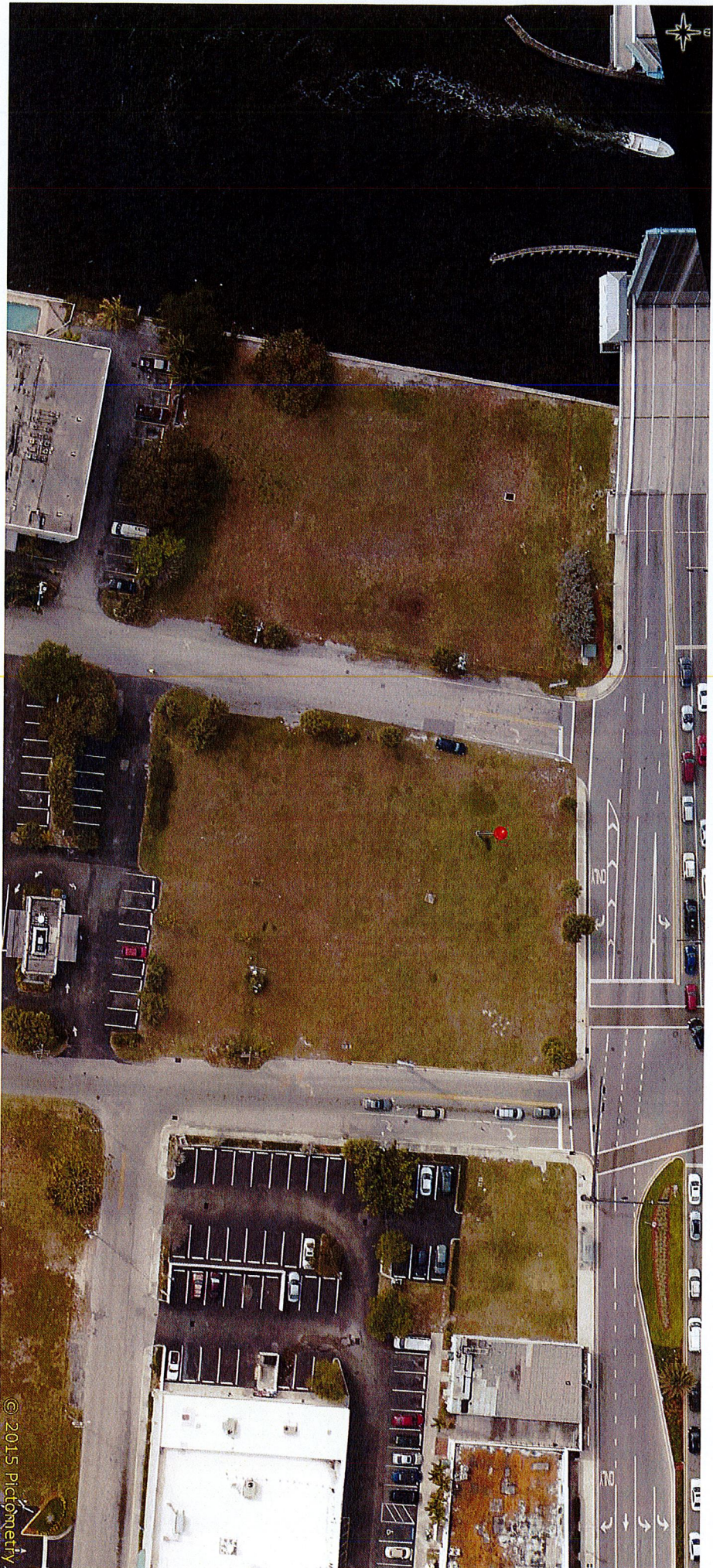
Table this abandonment request.

Alternative Motion III

Recommend denial as the Board finds that the request is not consistent with the objectives and policies of the Comprehensive Plan included in this report.

EXHIBIT I

Aerial Image of the Existing Conditions



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EXHIBIT II

Proposed Site Plan

EXHIBIT III

FDOT Conditions of Approval

Maggie Barszewski

From: Verdugo, Henry <Henry.Verdugo@dot.state.fl.us>
Sent: Monday, February 01, 2016 10:48 AM
To: Maggie Barszewski
Cc: Abreu, Raynier; Overton, Jonathan; Lazarus, Barry; Day, Susan; Fernandez, Dalila
Subject: Riverside Promenade - Pompano Beach Vacation Request
Attachments: Riverside Promenade Vacate Request- Aerials.pdf

Good morning Maggie,

Please be advised that the Department has no objection to the City vacating a portion of S. Riverside Dr. located approximately east of the Intracoastal and intersects with Atlantic Blvd. (SR-814) depicted in the attached aerials and photo, subject to the applicant implementing the following requirements:

- The Department requires the developer of the Riverside Promenade to apply for a Driveway Connection Permit for any driveway connection modification along the Riverside Promenade's property frontage with SR 814. This can begin by contacting Ms. Dalila Fernandez, PE, District Access Manager, at 954-777-4363 to schedule a Driveway Permit Pre-application Meeting.
- The applicant is not permitted to discharge into the nearby curb inlet within FDOT's right of way.

Please feel free to call me if you have concerns.

Thank you.

Regards,
Henry

Henry J. Verdugo
Property Management Administrator
Florida Department of Transportation - District Four
Office of Right of Way
3400 W. Commercial Blvd., Fort Lauderdale, FL 33309
Office: 954.777.4247
Fax: 954.777.4261
henry.verdugo@dot.state.fl.us

"Effective communication, innovative thinking and good leadership skills
are habits subscribing to great teamwork!"