

Mr. Stacer asked Carrie Sarver what the response was to approving the minutes if you, a Board member, were not present at the meeting. Ms. Sarver stated that the Board members can vote to approve minutes even if they were not present.

MOTION was made by Trip Bechert and seconded by Jeff Torrey to approve the February 24th, 2016 meeting minutes. All voted in favor of the above motion; therefore, the motion passed.

E. INDIVIDUALS TESTIFYING PLACED UNDER OATH

City staff and members of the public testifying before the Board at the meeting were placed under oath by Kerrie MacNeil, Zoning Technician and Notary Public in the State of Florida.

F. ABANDONMENT / VACATION REQUESTS

→ 1. **TSATAS ACQUISITIONS, LLC / 55' ABANDONMENT OF
RIGHT-OF-WAY AT 101 S. RIVERSIDE DRIVE**
Planning and Zoning #13-18000002

Consideration of the request by **JULIO MONTANER** on behalf of **TSATAS ACQUISITIONS, LLC** to abandon the 55-foot public right-of-way located on South Riverside at 101 S. Riverside Drive from East Atlantic Boulevard south approximately 237 feet. The property is legally described as follows:

A PORTION OF THE EXISTING RIGHT-OF-WAY OF RIVERSIDE DRIVE, POMPANO BEACH PARK, ACCORDING THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 20 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 3, BLOCK 5, POMPANO BEACH PARK, ACCORDING THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 20 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE NORTH 05°55'30" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID RIVERSIDE DRIVE, A DISTANCE OF 236.72 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF EAST ATLANTIC BOULEVARD, AS NOW LAID OUT AND IN USE; THENCE NORTH 85°24'45" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF EAST ATLANTIC BOULEVARD, A DISTANCE OF 25.43 FEET; THENCE SOUTH 05°55'30" WEST, A DISTANCE OF 5.09 FEET; THENCE NORTH 85°24'45" EAST, A DISTANCE OF 30.51 TO A POINT 5.00 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF SAID RIVERSIDE DRIVE; THENCE SOUTH 05°55'30" WEST, ALONG A LINE 5.00 FEET, EAST OF, AND PARALLEL WITH, SAID EAST RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE, DISTANCE OF 241.85 FEET; THENCE NORTH 84°04'30" WEST, A DISTANCE OF 55.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID RIVERSIDE DRIVE, SAID POINT BEING FURTHER DESCRIBED AS BEING THE SOUTHEAST

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. // kem

CORNER OF SAID LOT 3, BLOCK 5 AND THE POINT OF BEGINNING OF THIS DESCRIPTION.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA.

CONTAINING: 13,147.96' SQUARE FEET, MORE OR LESS

AKA: Right-of-way on S. Riverside at 101 S. Riverside Drive

ZONED: General Business/Atlantic Boulevard Overlay District (B-3/AOD)

STAFF CONTACT: Maggie Barszewski (954)786-7921

Karen Friedman introduced herself to the Board as a Principal Planner and stated that this application is a request to vacate a portion of South Riverside Drive. The portion of the 55-foot right-of-way to be abandoned extends 237 feet from East Atlantic Boulevard south to 101 South Riverside Drive. The purpose of the request is allow the adjacent property owner to development, on a consolidated property, a restaurant and retail development. The Applicant has concurrently applied for a Major Site Plan Review to be considered at a future hearing date. Ms. Friedman displayed the portion of the roadway to be abandoned on the overhead projector.

Ms. Friedman stated that 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 existing sidewalks. The backup includes a copy of the requested major site plan which demonstrates the proposed east/west alley on the southern edge of the property, a north/south driveway located at the site of the abandoned roadway, a one-lane traffic circle at the terminus of the new east/west alley and north/south driveway, and there are proposed sidewalks along the east and west sides on the north/south driveway as well as sidewalks along the north side of the east/west alley.

Ms. Friedman stated that the report summarizes the feedback from the City Departments and other service providers. This summary includes conditions provided by the City Utilities Department.

Ms. Friedman stated that the Right-of-Way or Easement Vacation or Abandonment Review Standards are as follows:

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.

Ms. Friedman stated that the Staff Report contains the list of the pertinent goals, objectives and policies from the Comprehensive plan.

Ms. Friedman stated that 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.

The first is to 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. There would be conditions with this recommendation. Ms. Friedman stated that she would like to bring condition number seven (7) to the Board's attention which refers to compliance with the Utility related conditions listed in the Staff Report.

Ms. Friedman stated that the Applicant has advised to the City that they are not in support of the recommended conditions from the Utilities Department. Staff believes that the applicant and the Utility Department will be able to work together to create a compromise. Ms. Friedman stated that she would like to revise condition seven (7) to say that the item shall not be placed on the City Commission agenda until an agreement between the City Utilities Department and the Applicant is submitted to the Development Services Department.

Ms. Friedman stated that Alternative Motion II is to table the abandonment request and Alternative Motion III is to 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.

There were no questions from the Board.

Christina Bilenki of Dunay, Miskel and Backman (14 SE 4th Street Boca Raton, FL) introduced herself to the Board as the representative for Tsatas Acquisitions. Ms. Bilenki announced that the abandonment is tied to the Riverside Promenade project and presented a PowerPoint. Ms. Bilenki commented that this portion of Riverside Drive is constantly flooded and this is one of the major reasons why the applicant is requesting the abandonment. The Applicant is proposing a one-way road (right-in only) and no right-out onto Atlantic Boulevard due to safety concerns. The Applicant will provide an east-west alley and a traffic circle. Ms. Bilenki added that vehicles that wish to travel to Atlantic Boulevard may do so through along Hibiscus (there is a traffic light at Hibiscus). The applicant will have easements in place for public access. Ms. Bilenki spoke about the upcoming site plan application.

Mr. Stacer asked if the Applicant is going to obtain a license from the South Florida Water Management District to control the water on their property and Ms. Bilenki confirmed. Mr. Stacer asked if the street would be raised and Ms. Bilenki confirmed that the right-of-way would be raised so that the flooding would no longer be an issue. Mr. Stacer asked if the Applicant will be responsible for constructing the roundabout and Ms. Bilenki confirmed. Mr. Stacer asked if the Applicant is willing to take care of any drainage issues on the roundabout and Ms. Bilenki confirmed and added that the drainage has been thoroughly reviewed to make sure surrounding properties are not affected. Mr. Stacer asked if there would be a one-way street to the north of the roundabout and the rest

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. // kem

of the streets would remain two-way streets (to the east, south and west of the roundabout). Ms. Bilenki confirmed.

Mr. Stacer asked if the Applicant was resolving issues with the Utilities Department and Ms. Bilenki stated that they met with Utilities and there are still some issues to work out. Mr. Stacer asked if the client is fine with the other six conditions (six out of the seven) and Ms. Bilenki confirmed.

Ms. Sarver asked about the condition referencing a driveway connection permit needing to be obtained before building permit. Ms. Sarver asked Karen Friedman how this permit will affect the project overall and that she is concerned that if the right-of-way is abandoned and the site plan does not move forward, will the City be able to have the right-of-way back in our ownership (if the criteria is not met). Ms. Friedman explained to the Board that the driveway permit is the new proposed north-south driveway. Ms. Friedman stated that Staff's condition three (3) mentions that the abandonment ordinance would not become effective until the traffic circle and the proposed alley are constructed (does not include the driveway). Ms. Sarver asked why the condition does not include the driveway. Ms. Friedman responded that the roadway cannot be abandoned until the other access points have been created. Therefore, the driveway connection would not be necessary because at this point we have not yet allowed them to touch the roadway. Ms. Sarver asked if it was possible to add a clause to the abandonment approval that assures that if the driveway permit is not obtained, the right-of-way reverts back to the City.

Ms. Friedman mentioned Staff Recommendation 1a which states that the City would not give the Applicant the easement without the driveway connection. Ms. Sarver, Mr. Stacer, Ms. Friedman and Ms. Bilenki continued to discuss the issue. Ms. Friedman suggested including a "reversion clause" as long as it is lawful. Mr. Stacer asked the Applicant if they knew how much longer it would take to obtain the driveway connection permit from FDOT. Ms. Bilenki stated that they have not started that process yet.

Julio Montaner of Southeast Architects (4313 W Broward Blvd. Plantation, FL) introduced himself to the Board and stated that he was present at a meeting with FDOT and said FDOT informed them that they cannot make a connection yet because it is still the City's property. Therefore, the Applicant is waiting for the abandonment until they can apply. Carrie Sarver asked about adding a reversion clause. Ms. Sarver asked for a "reverter clause" that states that the City would have the right to retain the right-of-way if the driveway connection permit is not obtained. Ms. Bilenki stated that she would be ok with that. Ms. Friedman stated that she would like to talk to FDOT before she commits the applicant or the City to anything that would require them to return to the Planning and Zoning Board or City Commission. Ms. Sarver suggested that the issue be approved by the City Attorney's office.

Mr. Stacer asked if the abandoned portion of the right-of-way becomes the Applicant's legal responsibility and Ms. Bilenki confirmed.

Mr. Stacer asked about traffic backing up onto Atlantic Boulevard. Ms. Bilenki stated that the valet area allows for some control of the vehicles that are waiting in line.

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. // kem

Mr. Stacer asked if anyone in the audience wished to speak.

John Derynda (resides at 309 S Riverside Drive, owns 313 and 317 S Riverside Drive). Mr. Derynda stated that traffic backs up on the west side of the bridge. Mr. Derynda added that the “bleeder” streets (Riverside Drive and Hibiscus) are working but if we impair them, we will see traffic back up even further. Mr. Derynda stated that he believes the street (portion of Riverside Drive to be abandoned) might as well be closed. Mr. Derynda does not think that the Applicant has a workable plan. Mr. Derynda stated that he does not think you can responsibly abandon 1/3 of an acre to whomever. Mr. Derynda stated that the land is worth millions of dollars to the Applicant and he does not think abandoning this property is a good idea.

Mr. Stacer asked why Mr. Derynda suggested closing the street and if he meant from Atlantic Boulevard. Mr. Derynda confirmed. Mr. Stacer asked how this would benefit the neighbors living south of the project. Mr. Derynda suggested that the Applicant buy the right-of-way from the City. Mr. Derynda stated that he would rather turn on Hibiscus Avenue rather than turn right at Riverside Drive (if the abandonment application goes through).

Matthew Pictrowski (400 S Riverside Drive) introduced himself to the Board and stated that he agrees with John on a few points (not including closing off S. Riverside Drive at Atlantic Boulevard). Mr. Pictrowski stated that he believes the project can move forward without the abandonment and he believes that traffic stacking is a problem. Mr. Pictrowski stated that he believes having more traffic funneling out from Hibiscus will pose a problem. Mr. Pictrowski asked if the residents could still drive on the property (turn right onto S. Riverside Drive from Atlantic Boulevard) even if the abandonment takes place. Mr. Stacer confirmed that they could. Mr. Pictrowski had concerns about people using the neighborhood as a southbound egress after leaving the new development. Mr. Pictrowski asked if it would be possible to provide sidewalks and speed humps in the neighborhood. Mr. Stacer pointed out that there will be sidewalks installed at the subject property but not off of their property. Mr. Pictrowski asked if the City could look into providing the traffic calming elements for the neighborhood.

Steven Sondov (501 S Riverside Drive) introduced himself to the Board and stated that he would like to see access to South Riverside Drive closed off at the roundabout. Mr. Sondov stated that the road is used now as a cut through in the morning and evenings and there will be more traffic coming from and going to the new development. Mr. Sondov stated that someone from the community tried to get speed bumps in the neighborhood and the road did not qualify. Mr. Pictrowski stated that a dangerous situation will be created if more than just the restaurant traffic is attempting to turn right onto South Riverside Drive from Atlantic Boulevard.

Donna Eames (South Riverside Drive) introduced herself to the Board and asked if this hearing is only related to the abandonment. Fred confirmed. Ms. Eames asked if the Applicant is obligated in any way to follow through with the site plan proposal which has not yet been approved. Mr. Stacer answered yes and no: the Applicant must follow

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. // kem

through with the conditions attached to the abandonment application to do certain things. However, they still do need site plan approval. Ms. Eames stated that the homeowners are concerned that there is no assurance to them that the Applicant will follow through with the project. Mr. Stacer stated that there is never a guarantee; however, the right-of-way will revert back to the City if the Applicant does not obtain the approvals they need. Ms. Sarver stated that there will be an added condition that if the Applicant does not meet the abandonment conditions or follow through with the Site Plan proposal, the right-of-way would return to the City.

Ms. Friedman stated that the abandonment is not subject to any specific use or any specific site plan. Ms. Sarver stated that Karen has a good point and the abandonment approval would only be subject to the conditions in Staff's report. Mr. Stacer explained to Ms. Eames that the abandonment is not conditioned on a site plan approval. Ms. Eames stated that she is not in favor of the abandonment because the community uses the road several times a day and if the abandonment would create a burden on the community. Ms. Eames stated that the abandonment takes something away from the community and does not give anything back.

Ms. Eames stated that South Riverside Drive does not flood on a sunny day. Ms. Eames asked where the flood waters are going to be directed to. Mr. Stacer explained that a surface water license means that the Applicant has to maintain all the water on their property. This means that this property and the roadway will not flood. Mr. Stacer mentioned that if the street is not abandoned, then the Applicant is not responsible for containing the water. Ms. Eames stated that she does not think valet parking is a good idea. Ms. Eames stated that she agrees that she does not think the expensive property should just be abandoned without anything being given back to the community. Ms. Eames also agrees that they should close the road and provide green space at the southern end of the abandoned portion of Riverside Drive.

Calcuta Saint (605 S Riverside Drive) introduced himself to the Board. Mr. Saint does not think giving the land away is necessary. Mr. Saint asked if there was a height restriction on this property and if a traffic study is necessary. Mr. Stacer answered that the Applicant has the right to construct a ten story building in the B-3 zoning district and they are proposing two restaurants that are two stories tall as well as a retail building that is one story tall. Mr. Saint asked if there is no street connecting South Riverside Drive and 1st Avenue. Ms. MacNeil asked if Mr. Saint had been sworn in since he mentioned he arrived late. Ms. MacNeil placed Mr. Saint under oath. Mr. Saint stated that he thinks a traffic study is needed to understand the impacts of the development. Mr. Saint stated that he does not think the land needs to or should be abandoned in order to build the project.

Mr. Stacer read staff Condition 1, section D to the audience which stated that a traffic impact analysis is required. Mr. Stacer stated that if the traffic impact study finds adverse impacts, the P&Z approval to the City Commission shall be null and void.

Michael Kennedy (500 S Riverside Drive) introduced himself to the Board and stated that he was the person who requested traffic calming devices on South Riverside Drive due to

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. // kem

increases in traffic volume and speed. Mr. Kennedy stated that he is in favor of the development but one of his concerns is diverting traffic to Hibiscus Avenue. Mr. Kennedy mentioned traffic backing up when the bridges are up and stated that the new development will increase the volume of traffic. Mr. Kennedy asked if the traffic study can be addressed before the abandonment approval. Mr. Stacer stated that the traffic study is a condition of the approval.

The Applicant returned and stated that they submitted an initial traffic analysis with their submittal in 2013. Ms. Bilenki acknowledged the fact that a traffic study is required to address issues brought up by the residents.

Mr. Stacer asked the Applicant if there will be a bypass lane next to the valet lane so that traffic can pass through. Ms. Bilenki stated that there will be a bypass lane next to the valet line.

Julio Montaner (Architect) stated that the valet parking line will not be on the road and the road will be 23 feet wide. Mr. Stacer asked if the client will be using the whole 23 feet. Mr. Montaner replied he will not. Mr. Stacer asked if there will always be one lane open. Mr. Montaner confirmed.

Ms. Bilenki stated that they have designed the project so that residents can still access their properties on South Riverside Drive. Ms. Bilenki stated that the abandonment is crucial to development of the property due to the differences in the grading. Currently, the grading is 2 to 3 feet below FEMA standards. Between the elevations required for the buildings and ADA grading requirements for sidewalks, it is difficult to meet the ADA requirements with the existing differences in grading. Ms. Bilenki stated that their client is spending a lot of money to make sure the drainage concerns are no longer an issue. The applicant is also providing pedestrian connections throughout the site and providing public access to the waterway. Mr. Stacer asked if the CRA underpass will connect to their project if the CRA project follows through and Ms. Bilenki confirmed.

John Derynda (309 S Riverside Drive) re-introduced himself to the Board and stated that if there are two lanes then he does not see a reason for abandonment if they can change the traffic pattern. Mr. Stacer clarified that it will only be one lane heading south (even though it is 23 feet wide). Mr. Derynda stated that delivery trucks will block the street and emergency vehicles will not be able to head south on Riverside Drive at all times.

Ms. Bilenki stated that stacking will be reviewed in the traffic study and emergency services will have to review the site plan and the proposed access. Ms. Bilenki added that the traffic analysis will be produced prior to being scheduled on the Commission agenda. Ms. Bilenki stated that they would be happy to share the analysis with any members of the public.

Mr. Stacer asked when they will come back to the Planning and Zoning Board for Site Plan approval. Ms. Bilenki responded that she anticipates the site plan coming before this Board as early as next month.

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. // kem

Donna Eames re-introduced herself to the Board and stated that she does not think a private business parking lot constitutes the abandonment of the street.

Calcuta Saint re-introduced himself to the Board and asked the Applicant if the embankments are too steep now. Ms. Bilenki confirmed. Mr. Saint asked if the Applicant has to abandon the street to raise it. Mr. Stacer stated that if they do not, then the City would have to pay for it. Mr. Saint asked if there were other ways to achieve the same goal. Mr. Stacer answered that there are no other free ways to achieve this.

Mr. Stacer asked if there were any other questions of the applicant and received no response. Mr. Stacer asked if there was any other board discussion and received no response. Mr. Stacer asked if there were closing comments from Applicant.

Ms. Bilenki stated that if anything shows adverse in the traffic study they will be required to come back before this board.

The Chairman closed the public hearing.

MOTION was made by Beth Anderson and seconded by Trip Bechert to recommend approval of the abandonment request subject to the eight (8) conditions. Staff Condition seven (7) was amended to state that the request will not be placed on City Commission agenda until the Applicant and the City Utilities Department to the Development Services Department come to an agreement and said agreement is submitted to the Development Services Department. A eighth condition was added to state that if the seven staff conditions are not met, there will be language in the abandonment instrument that gives the City a reversionary interest. All voted in favor of the above motion; therefore, the motion passed.

G. PROPOSED PLATS

2. 16TH STREET POMPANO BEACH, LLC / 16TH STREET PLAT
Planning and Zoning #15-14000017

Consideration of the proposed PLAT submitted by **MICHAEL GAI** on behalf of **16TH STREET POMPANO BEACH, LLC**. The plat is restricted to 80,000 square feet of industrial use on Tract 'A' on a site area of approximately 224,071 square feet or 5.1440 acres. The plat is located at the eastern terminus of NW 16th Street, approximately 1000 feet due west of Powerline Road, more specifically described as follows:

THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA.

ALSO KNOWN AS:

A PARCEL OF LAND BEING THE EAST ONE-HALF (E. 1/2) OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF THE SOUTHWEST ONE-QUARTER (S.W. 1/4) OF THE SOUTHWEST ONE-QUARTER (S.W. 1/4) OF

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. // kem