

# City of Coconut Creek InterOffice Memorandum

To: Planning and Zoning Board

Date: June 12, 2019

From: W. SCOTT STOUDEMIRE, AICP  
Deputy Director of Sustainable Development

Subject: Lyons Exchange Center  
Vacation of Easement

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**Applicant/Agent:** John F. Wheeler, Caulfield & Wheeler, Inc  
**Owner:** Food For The Poor, Inc  
**Requested Action/Description:** Vacation of Easement  
**Location:** 6401 Lyons Road  
**Legal Description:** A portion of Parcel "A" of SPRINGS-MCKENZIE PLAT, according to the plat thereof as recorded in Plat Book 165, Page(s) 7, Public Records of Broward County, Florida.  
**Size:** 7.7898 +/- Gross Acres  
**Existing Zoning:** IO-1 Industrial Office  
**Existing Use:** Vacant  
**Future Land Use Plan Designation:** Industrial  
**Platted:** Springs-McKenzie Plat  
**Plat Restriction:** 265,000 square feet of office or industrial use

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## **Requested Action**

The applicant, John F. Wheeler, Caulfield & Wheeler, Inc., on behalf of the owner, Food For The Poor, is seeking approval for the vacation of a portion of a 12-foot easement adjacent to the western property line of "Parcel A" of the Springs-McKenzie Plat, generally located on the west side of Lyons Road and north of the Sawgrass Expressway.

## **Project Description**

The Springs McKenzie Plat consists of parcels "A" & "GB-1" (Parcel "A") on the south and parcels "B" & "GB-2" (Parcel "B") on the north. Parcels "GB-1" and "GB-2" are restricted to landscape buffer use. Collectively, parcels "A" and "B" are approximately 10 acres in size each.

On May 4<sup>th</sup>, 2004, the Planning and Zoning Board approved a site plan for the construction of the Food For The Poor (FFTP) headquarters on Parcel "B" (north) of the Springs-Kenzie Plat. Subsequent parking and retention expansions encroached from Parcel "B" onto Parcel "A" (south) leaving approximately 7.78 +/- acres of vacant developable land on Parcel "A". Concurrently with this application, the applicant is seeking site plan approval to construct a warehouse flex building on the remaining vacant portion of Parcel "A".

As currently platted within the Springs-McKenzie Plat, a ten (10) foot utility easement is located along the north, south and western property lines and a twelve (12) foot utility easement is located along the east property line (Lyons Road). Adjacent to the platted 10' utility easement along the western property line, a "second" 12' utility easement was recorded separately in January 2008, for the installation of a water service line.

Pursuant to Section 13-346(c)15, a minimum fifty (50) foot landscape buffer is required between an Industrial zoned parcel and a residential district. Per the City's Land Development Code, specifically engineering requirements, larger maturing landscape material may not be located within an easement. As such, the applicant is seeking approval to vacate a portion of the above referenced "second" 12' utility easement adjacent to the western property line. If approved, the vacated easement will allow the installation of landscaping including trees along the western property line in compliance with minimum landscape buffer requirements between the subject property and the existing Regency Lakes Single Family community to the west.

As required, the applicant has provided correspondence from affected utility companies, and have determined that only a water service line currently exists within the subject utility easement. The applicant has agreed to remove and relocate utility lines in accordance with City Engineering Department requirements and new easements will be recorded as required and applicable.

**Public Involvement:**

Per Section 13-36.2, property owners within 500 feet of the subject property were notified by mail of the vacation of easement request and invited to attend the Planning and Zoning Board meeting. One hundred and eighty-five (185) notices were mailed by the City on May 29, 2019. To date, staff has received two (2) public inquiries related to the project.

**Analysis and Findings:**

Upon reviewing the application, staff has concluded that utility conflicts may be resolved in accordance with utility requirements and no new utilities would be required within the vacated subject easement. Further, the City's Engineering Department has reviewed the application and will coordinate with the applicant on utility relocation and the recordation of new easement(s) prior to the completion of the project, as required.

In summary, the vacation of easement is in compliance with the City's Land Development Code. However, prior to final approval, the following comments must be addressed:

1. Outstanding DRC comments remain effective throughout the development review process and must be addressed prior to building permit issuance.

**Staff Recommendation:**

Staff has reviewed the application and finds the proposed vacation of easement, subject to the above conditions, to be in compliance with Section 13-36.2 of the City of Coconut Creek Land Development Code, Vacation and Abandonment of Easements and recommends approval.

LAWSS/ae

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**Attachments:**

- Aerial/Map Photo
- DRC Report
- Exhibit