

# City of Coconut Creek InterOffice Memorandum

To: Planning and Zoning Board

Date: January 8, 2020

From: W. Scott Stoudenmire, AICP  
Deputy Director of Sustainable  
Development

Subject: **Lyons Exchange Center  
Underground Utility Waiver**

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**Applicant/Agent:** John Wheeler, Caulfield & Wheeler, Inc

**Owner:** FR Lyons Road, LLC

**Requested Action/Description:** Underground Utility Waiver

**Location:** 6301 Lyons Road

**Legal Description:** Parcel "A" and Tract "GB-1" of Springs-McKenzie Plat, according to the plat thereof as recorded in Plat Book 165, Page(s) 7, Pubic 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/Description:**

Section 13-142 of the City's Land Development Code addresses the requirements for undergrounding of utilities within or in the public rights-of-way adjacent to a new development. In accordance with the requirements of the Section, the Applicant must complete one of the following requirements; (1) provide a signed agreement between the applicant and each affected utility company demonstrating that the utility will be placed underground, (2) process an agreement with the City indicating the property owners' intent to comply with the under-grounding requirements for utilities, (3) if electrical lines with a rate load of 23k volts or higher exists, then a written detailed statement from a licensed professional engineer, qualified to verify such utility issues and, stating the rate load shall be provided, or (4) process an Underground Utility Waiver Application, which

must be processed for consideration by the Planning and Zoning Board and the City Commission. **At this time, the applicant is requesting an Underground Utility Waiver, as discussed below.**

**Project Description:**

On June 12, 2019, the property owner received a recommendation for site plan approval by the Planning and Zoning Board for the construction of a warehouse flex building. As approved, the warehouse building is to be located on the vacant parcel immediately south of the existing Food For The Poor headquarters, on Lyons Road.

Along Lyons Road, the subject property contains approximately 375 linear feet of frontage, which includes FPL distribution lines, as well as AT&T and Comcast lines. The FPL distribution lines and the AT&T and Comcast lines are subject to the requirements of this section. All such lines to the north and to the south of the subject property remain above ground as they are adjacent to development that occurred before the City's undergrounding provisions became effective. If these lines were to be placed underground, it would have an up and down roller coaster effect on facilities creating an excessive amount of potential points of failure and impact service reliability. As such, the applicant is requesting a waiver given the technical and practical infeasibility.

**Staff Recommendation:**

The applicant has completed the required waiver application and at this time is requesting to make a payment to the City's Underground Utility Fund in the amount of \$86,625.00 in lieu of placing the adjacent utilities underground. This proposed payment in lieu of undergrounding reflects the estimated costs of undergrounding the existing utilities that are subject to this requirement.

Staff accepts the rationale for the proposed payment and recommends a payment by the applicant to the City's Underground Utility Fund in the amount of \$86,625.00.

WSS\ae

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**Attachments:**

- Aerial Photo
- DRC Report
- Exhibits