

Meeting Date: 2/10/2015

Agenda Item

17

REQUESTED COMMISSION ACTION:

QUASI-JUDICIAL

Consent

Ordinance

X Resolution

Consideration/
Discussion

Presentation

SHORT TITLE: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE POMPANO BEACH RESIDENCES PLAT; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

The property owner, Fernbrook Florida, LLLP, wishes to amend the plat note on the Pompano Beach Residences plat (P.B. 176, Page 167) for the purpose of accommodating a high rise development on the site (at 730 N Ocean Blvd). The existing note currently reads "This plat is restricted to 50 high rise units on Parcel A and 9 townhouse units on Parcel B. The proposed note is to read, "This plat is restricted to 73 high rise units on Parcel A and 9 townhouse units on Parcel B." Per the plat, the site contains 70,695 square feet, 1.62 acres on Parcel A and 20,341 square feet, 0.47 acres on Parcel B. Staff has no objections to the change.

- (1) Origin of request for this action: Mike Vonder Meulen, Keith & Associates, Inc.
- (2) Primary staff contact: Chris Clemens/ Robin M. Bird Ext. 4048
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION

DATE

DEPARTMENTAL RECOMMENDATION

DEPARTMENTAL HEAD SIGNATURE

Dev. Serv. Dept.

1/15/2015

Approval



City Attorney

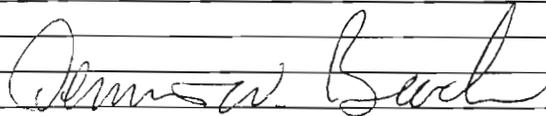
1/20/2015

CAC #2015-457



Advisory Board

X City Manager



ACTION TAKEN BY COMMISSION:

Ordinance

Resolution

Consideration

Workshop

1st Reading

1st Reading

Results:

Results:

2nd Reading

RESOLUTION NO. 2015-_____

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE POMPANO BEACH RESIDENCES PLAT; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That city staff's letter of no objection to amendment of notation on the Pompano Beach Residences Plat, a copy of which letter is attached hereto and incorporated herein by reference as if set forth in full, is hereby approved and authorized.

SECTION 2. That the proper city staff is hereby authorized to forward said letter to Broward County.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2015.

LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

January 15, 2015

Peggy Knight
Broward County Planning & Redevelopment Division
1 N. University Drive, Ste 102A
Plantation, Florida 33324

RE: City of Pompano Beach Letter of no objection to the note amendment on the Pompano Beach Residences plat recorded in PB 176, PG 166.

Dear Ms.Knight:

The City of Pompano Beach has no objection to amending the restrictive note pertaining to the above noted plat. The change to the note is, as follows:

From: This plat is restricted to 50 high rise units on Parcel A and 9 townhouse units on Parcel B.

To: This plat is restricted to 73 high rise units on Parcel A and 9 townhouse units on Parcel B.

Regards,

Christopher J. Clemens, AICP
Planner

2015 JAN -7 AM 10:46

CITY OF POMPAÑO BEACH

January 7, 2015

Chris Clemens, AICP, City Planner
Planning and Zoning Department
City of Pompano Beach
100 West Atlantic Boulevard
Pompano Beach, FL 33351

RE: Findings of Adequacy and Plat Note Amendment – Letter of No Objection
“Pompano Beach Residences” Plat P.B. 176, P. 167
Location: 730 North Ocean Boulevard
K&A Project Number: 04039.06

Dear Mr. Clemens;

On behalf of Fernbrook Florida, LLLP (property owner), Keith & Associates, Inc., is requesting a letter of no objection as required by Broward County from the City of Pompano to extend the Findings of Adequacy which expired on June 27, 2011 and amend the note of the face of the plat.

From:

This plat is restricted to 50 High Rise Units on Parcel A and 9 Townhouse Units on Parcel B.

To:

This plat is restricted to 73 High Rise Units on Parcel A and 9 Townhouse Units on Parcel B.

Attached for your records is a copy of the plat and a check in the amount of \$350.00 for the application fee. If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

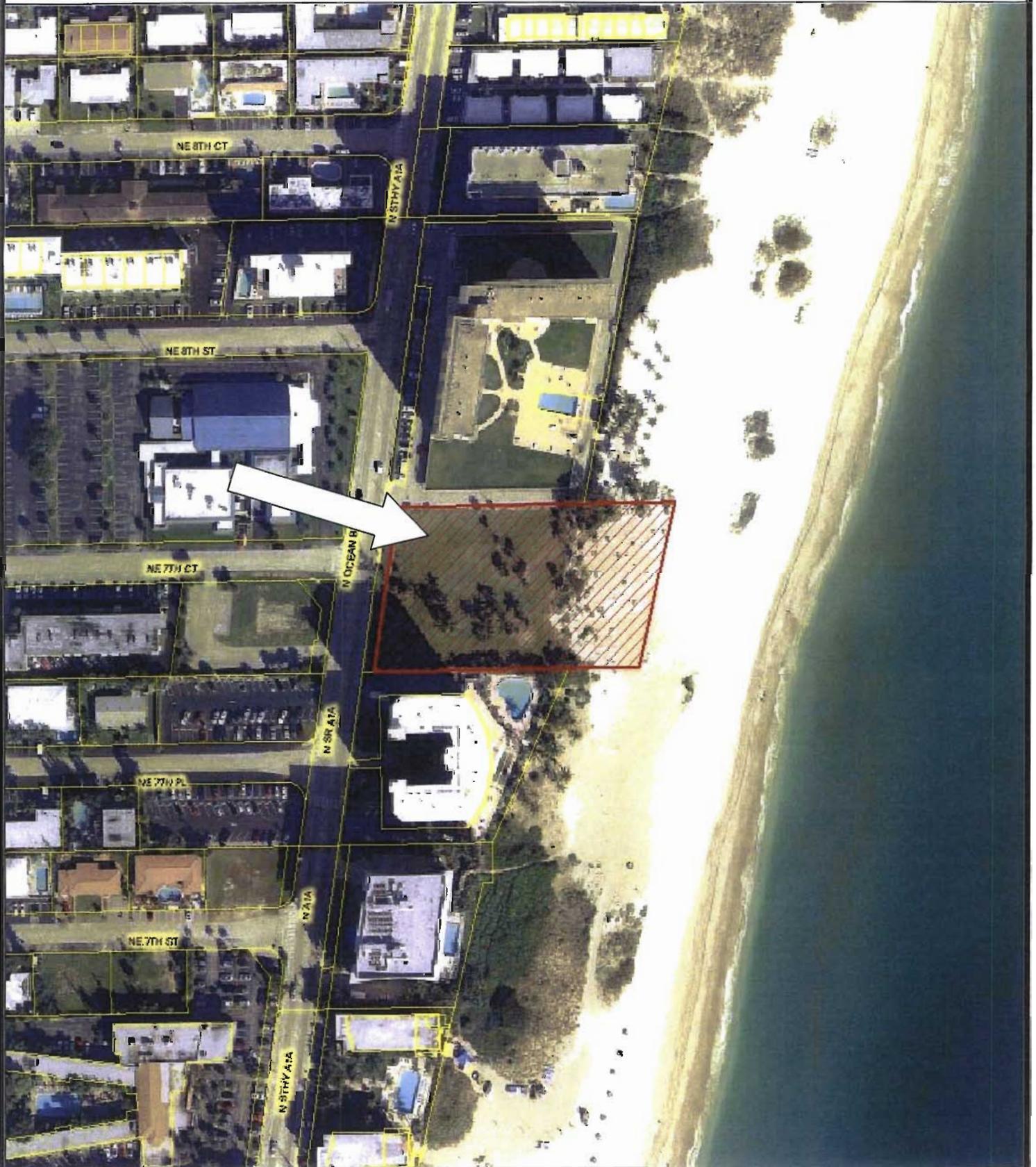


Mike Vonder Meulen, AICP
Keith & Associates, Inc.

Cc: Raphael Pecchio, Fernbrook Florida, LLLP
Joe Falso, First Building Corp of Florida

Attachment

EXCERPT FROM THE BROWARD COUNTY PROPERTY APPRAISER
AERIAL MAP



"POMPANO BEACH RESIDENCES"

A PORTION OF GOVERNMENT LOT 1 OF SECTION 31,
TOWNSHIP 48 SOUTH, RANGE 43 EAST, CITY OF
POMPANO BEACH, BROWARD COUNTY, FLORIDA

Description:

The South 100 feet of the North 1,065 feet of Government Lot 1 in Section 31, Township 48 South, Range 43 East, lying East of State Road A-1-A.

Together with:
The East 200 feet of the South 114 feet of the North 1,065 feet of that part of Government Lot 1 in Section 31, Township 48 South, Range 43 East, lying West of State Road A-1-A.

Together with:
The North 100 feet of the South 200 feet of that portion of the North 1065 feet of Government Lot 1 of Section 31, Township 48 South, Range 43 East, lying East of State Road A-1-A.

Said land lying in the City of Pompano Beach, Broward County, Florida, and containing 96,534 square feet or 2.216 acres more or less.

Dedication:

State of Florida } KNOW ALL MEN BY THESE PRESENTS that
County of Broward } ss TW/Beach Residences-Pompano, a Florida
limited liability company, owner of the land
shown hereon, being in Section 31, Township 48 South, Range 43 East,
Broward County, Florida, shown hereon as "POMPANO BEACH RESIDENCES"
do hereby dedicate the following:

Parcel "X" and Parcel "Y", as shown hereon, is hereby dedicated to the public for roadway purposes.

Utility Easement (U.E.) as shown hereon is hereby dedicated to the public for the installation and maintenance of utilities. (Refer to the PLAT NOTES of Sheet 2 of 2 for limitations on the use of this easement by cable television providers)

IN WITNESS WHEREOF: We hereto set our hands and affix our seal this 7th day of July, 2005.

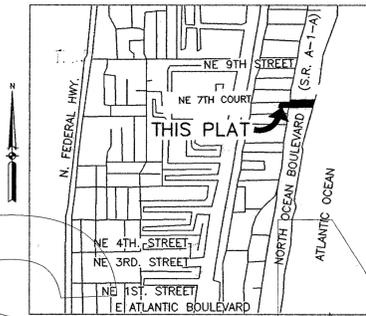
TW/Beach Residences-Pompano, a Florida limited liability company
By: Joseph P. Covelli
Print Name: Joseph P. Covelli, President
Managing member
Witness: Stephanie L. Pleasant
Print Name: Stephanie L. Pleasant
Witness: Alison D. France
Print Name: Alison D. France

IN WITNESS WHEREOF: We hereto set our hands and affix our seal this 3 day of August, 2005.

Lancaster Ltd., a Florida Limited Partnership
By: David A. Aldridge
Print Name: David A. Aldridge
Witness: David A. Aldridge
Print Name: David A. Aldridge
Sole general partner

IN WITNESS WHEREOF: We hereto set our hands and affix our seal this 3 day of August, 2005.

Lancaster Sea Castle Resort, Ltd., a Florida Limited Partnership
By: Deborah S. Rich
Print Name: Deborah S. Rich
Witness: Deborah S. Rich
Print Name: Deborah S. Rich
Sole general partner



Acknowledgment:

State of Florida } BEFORE ME personally appeared
County of Broward } ss Joseph P. Covelli, who is personally known
to me, and who executed the foregoing
instrument as President of Taylor Woodrow U.S. Tower, Inc.,
Managing Member and severally acknowledged to and before me that he
executed such instrument as such Managing member of said company,
and that the seal affixed to the foregoing instrument is the company
seal of said agency and that it is affixed to said instrument by due and
regular authority, and that said instrument is the free act and deed of
said company.

WITNESS my hand and official seal this 7th day of July, 2005.

My commission expires: 7-3-2007 Notary Public
Rita Jane Jacino
Print Name: Rita Jane Jacino
NOTARY PUBLIC-STATE OF FLORIDA
Rita Jane Jacino
Commission # DD376704
Expires: DEC. 20, 2008
Bonded thru Atlantic Bonding Co., Inc.

Acknowledgment:

State of Florida } BEFORE ME personally appeared
County of Broward } ss Theresa Granamir, who is personally known
to me, or has produced Florida Driver License
as identification, and who executed the foregoing instrument as Managing
Partner of Lancaster Sea Castle Resort, Ltd., a Florida Limited Partnership,
and severally acknowledged to and before me that he executed such
instrument as such Managing Partner of said Partnership and that the
seal affixed to the foregoing instrument is the seal of said Partnership
and that said instrument is the free act and deed of said Partnership.

WITNESS my hand and official seal this 3rd day of Aug, 2005.

My commission expires: 7-3-2007 Notary Public
Oliver Sanders
Print Name: Oliver Sanders

CITY OF POMPANO BEACH APPROVALS:

City Commission:

This is to certify that this plat has been APPROVED and ACCEPTED for recording by the CITY OF POMPANO BEACH, Florida, and by Resolution No. 2006-164 this 11th day of April, A.D., 2006.

The City agrees not to issue building permits for the construction, expansion, and / or conversion of a building within this plat until such time as the developer provides the City with written confirmation from Broward County that all applicable impact fees have been paid of are not due.

In WITNESS WHEREOF said City Commission

Attest: Mary L. Chambers By: John C. Rayson
City Clerk Mayor
Mary L. Chambers John C. Rayson

Planning and Zoning Board:

This is to certify that the PLANNING AND ZONING BOARD OF POMPANO BEACH, Florida has ACCEPTED and APPROVED this plat this 20th day of DECEMBER, A.D., 2006.

By: George Fiver
Planning and Zoning Board Chair
A. Stein GEORGE FIVER

Engineering Department:

This plat is hereby APPROVED for record this 20th day of APRIL, A.D., 2006.

By: Helen Gray
City Engineer
Helen Gray, P.E.
Florida Professional Engineer,
Registration No. 57837

BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT, COUNTY RECORDS DIVISION-MINUTES SECTION

This is to certify that this plat complies with the provisions of Chapter 177, Florida Statutes, and was ACCEPTED for record by the Board of County Commissioners of Broward County, Florida, this 27th day of JUNE, A.D., 2006.

Attest: Pamela D. Brangaccio County Administrator
By: John Wray
Deputy Mayor-County Commission

BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT, COUNTY RECORDS DIVISION-RECORDING SECTION

This instrument was filed for record this 1 day of MARCH, A.D., 2006 and recorded in PLAT BOOK 176 PAGE 166, Record verified.

Attest: Pamela D. Brangaccio County Administrator
By: Mary DeLo
Deputy

BROWARD COUNTY AND REDEVELOPMENT DEPARTMENT URBAN PLANNING

This plat is hereby APPROVED and ACCEPTED for record.

By: Don R. Duff Date: 2-28-07
Director or Designee

BROWARD COUNTY HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION

This plat is hereby APPROVED and ACCEPTED for record.

By: Richard Tornese By: Robert P. Legg, Jr.
Director of Engineering Florida Professional Surveyor and Mapper
Florida Professional Engineer, Registration No. 40263 Registration No. 4030
Date: 2/27/07 Date: 2/27/07

BROWARD COUNTY PLANNING COUNCIL

This is to certify that the Broward County Planning Council APPROVED this plat subject to its compliance with dedication of rights of way this 15th day of DECEMBER, A.D., 2006.

By: John C. Rayson Date: 02/22/06
Chairperson

This plat complies with the APPROVAL of the Broward County Planning Council on the above date and is hereby APPROVED and ACCEPTED for record this 28 day of FEBRUARY, A.D., 2006.

By: John C. Rayson Date: 2-28-07
Executive Director or Designee

SURVEYOR'S CERTIFICATE

I hereby certify that the attached plat is a true and correct representation of the lands recently surveyed, subdivided and platted under my responsible direction and supervision, that the survey data shown conforms to the applicable requirements of Chapter 177, Part 1, Florida Statutes, and with the applicable sections of Chapter 61G17-6, Florida Administrative Code. The Permanent Reference Monuments (P.R.M.'s) were set on April 27, 2005. The Bench marks shown are referenced to the National Geodetic Vertical Datum of 1929 in conformity with standards adopted by the National Ocean Survey for third order control standards.

Keith & Associates, Inc. Florida Department of Business and Professional Regulation Certificate of Authorization number LB 6860.

Date: 6/29/05 For the Firm By: Gregory Mire
Gregory Mire
Professional Surveyor and Mapper
Registration No. 4437
State of Florida

TW/BEACH RESIDENCES-POMPANO, LLC	NOTARY DEDICATION	SEA CASTLE RESORT, INC.	NOTARY DEDICATION	SEA CASTLE RESORT, INC.	NOTARY DEDICATION	CITY COMMISSION	COUNTY COMMISSION	COUNTY ENGINEER	COUNTY SURVEYOR	SURVEYOR

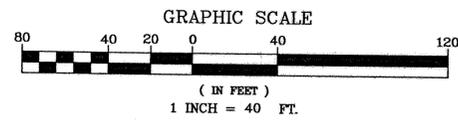
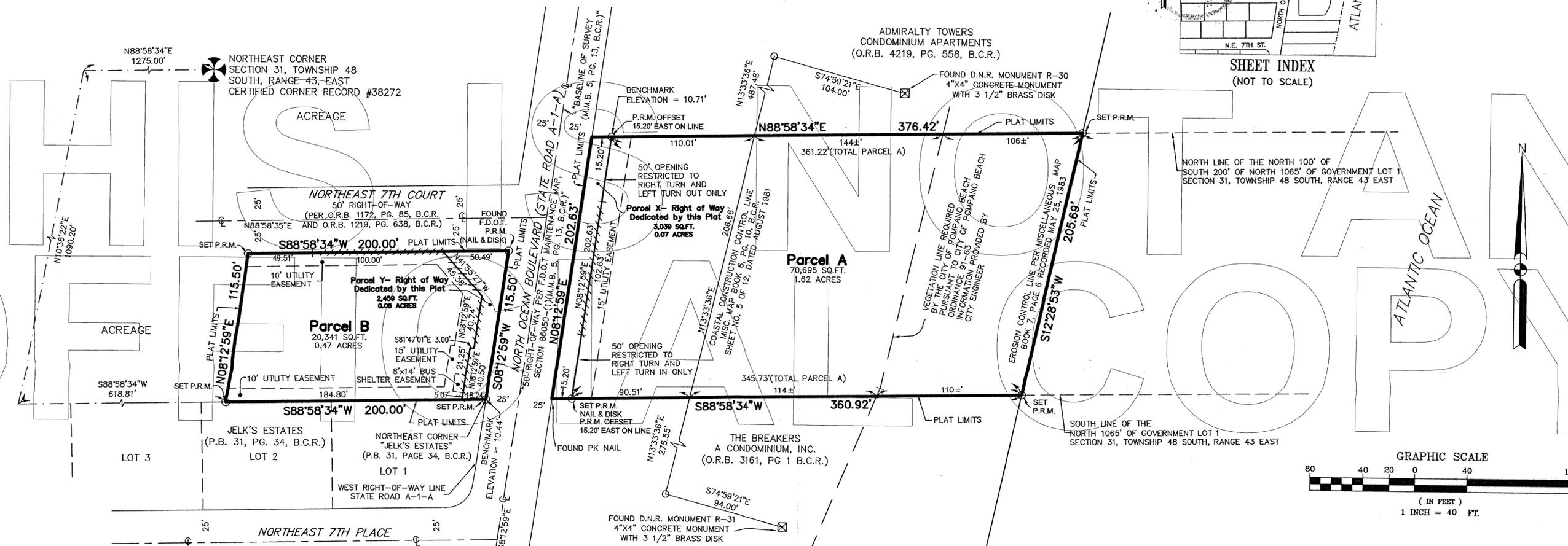
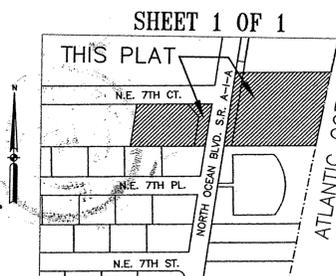
PREPARED BY:
KEITH ASSOCIATES, INC.
consulting engineers
301 EAST ATLANTIC BOULEVARD
POMPANO BEACH, FLORIDA 33060-6643
(954)788-3400 FAX(954)788-3500
EMAIL: mail@keith-associates.com LB NO. 6860

"POMPANO BEACH RESIDENCES"

A PORTION OF GOVERNMENT LOT 1 OF SECTION 31,
TOWNSHIP 48 SOUTH, RANGE 43 EAST, CITY OF
POMPANO BEACH, BROWARD COUNTY, FLORIDA

CFN #106878855
Page 2 of 2

AREA TABULATION		
PARCEL	SQ.FT.	ACRES
PARCEL A	70,695	1.62
PARCEL B	20,341	0.47
PARCEL X	3,039	0.07
PARCEL Y	2,459	0.06
TOTAL	96,534	2.22



NOTICE:

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

PLAT NOTES:

⊙ Indicates set Permanent Reference Monument (P.R.M.) 4"x4"x24" concrete monument with brass disk No. LB6860 (unless noted otherwise).

Bearings, shown hereon, are based on an assumed meridian on the Coastal Construction Setback Line between monuments R-31 and R-30 as described on Miscellaneous Map Book 6, page 10, Broward County Records = North 13°33'36" East.

Elevations, shown hereon, are based on National Geodesic Vertical Datum of 1929 and said elevations are based on benchmarks supplied by the Broward County Highway Construction and Engineering Division; Benchmark number 3863: Concrete marker in the vicinity of "Shore Crest Motel", 9.3 feet East Northeast of the Southeast corner of the North building, 1.6 feet West of the East edge of seawall and 30.6 feet South of it's Northeast corner, 3.3 feet East of the East edge of a small sidewalk between building and seawall. Has a standard Department of Natural Resources Brass disk and is flush with surface benchmarks found 9-26-2000, Note: Mark is behind ADD.#700. Elevation= 14.91'.

The following note is required by the Broward County Surveyor present to Chapter 177.091, subsection (28), Florida Statutes: Platted utility easements are also easements for the construction, installation, maintenance, and operation of cable television services; Provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This note does not apply to private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, Maintenance, and operation shall comply with the National Electric Safety Code, as adopted by the Florida Public Service Commission.

If a building permit for a principal building (excluding dry models, sales and construction offices) and first inspection approval are not issued by June 27, 2011, which date is five (5) years from the date of approval of this plat by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County makes a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame; and/or

If project water lines, sewer lines, drainage, and the rock base for internal roads are not installed by June 27, 2011, which date is five (5) years from the date of approval of this plat by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County makes a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. This requirement may be satisfied for a phase of the project, provided a phasing plan has been approved by Broward County. The owner of the property shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame.

This plat is restricted to 50 High Rise Units on Parcel A and 9 Townhouse Units on Parcel B.

This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by approval of the Broward County Board of County Commissioners. The notation and any amendments thereto are solely indicating the approved development level for property located within the plat and do not operate as a restriction in favor of any property owner including an owner or owners of property within this plat who took title to the property with reference to this plat.

Any structure within this plat must comply with Section IV D. 1. f., Development Review requirements, of the Broward County Land Use Plan, regarding hazards to air navigation.

LEGEND:

- P.B. PLAT BOOK
- O.R.B. OFFICIAL RECORD BOOK
- PG. PAGE
- B.C.R. BROWARD COUNTY RECORDS
- L.B. FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION CERTIFICATE OF AUTHORIZATION LICENSED BUSINESS DESIGNATION
- ⊙ PERMANENT REFERENCE MONUMENT (PRM)
- SQ. FT. SQUARE FEET
- NGVD NATIONAL GEODETTIC VERTICAL DATUM OF 1929
- NON VEHICULAR ACCESS LINE
- D.N.R. DEPARTMENT OF NATURAL RESOURCES
- F.D.O.T. FLORIDA DEPARTMENT OF TRANSPORTATION
- M.M.B. MISCELLANEOUS MAP BOOK

PREPARED BY:

KEITH
consulting engineers

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