

REQUESTED COMMISSION ACTION:

X Consent Ordinance X Resolution Consideration/
 _____ _____ _____ Discussion _____
 Presentation

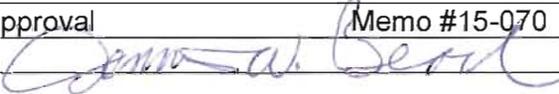
SHORT TITLE

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RECOMMENDING TO THE BROWARD COUNTY PLANNING COUNCIL THE REMOVAL OF NE 48th / 49th STREET FROM THE BROWARD COUNTY TRAFFICWAYS PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

At the March 10, 2015 City Commission hearing, Staff was directed to study NE 48th / 49th Street in regards to its designation as a Broward County Trafficway (copy of the minutes are attached). Staff has undertaken the study and has prepared an application to delete the roadway from the Trafficway Plan (copy of the *Draft* application is attached). As part of the application submittal package, the Broward County Planning Council requires a Resolution from the City specifically describing the Trafficway segment proposed for amendment and recommended width(s) and/or realignment (copy of the BCPC application is attached). A consideration for this application is the roadway's ownership; specifically, preliminary feedback from Broward County's Traffic Engineering Division indicates they will support the request if the city agrees to take ownership of the roadway. An additional consideration for this application is feedback from both County and MPO Staff, which indicates they will support the request if the City agrees to implement Complete Streets for this roadway; specifically, City Commission support for the proposed bike lanes for NE 48th / 49th Street included in the 2017/2019 MPO Mobility Projects (presented under separate resolution). The proposed application was recommended at the September 23, 2015 Planning and Zoning Board meeting.

- (1) Origin of request for this action: Development Services Dept.
- (2) Primary staff contact: Robin M. Bird/ Karen Friedman Ext. 7792
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: \$6,798.00 / Professional Services Acct #001-1510-515.31-60

| DEPARTMENTAL COORDINATION | DATE | DEPARTMENTAL RECOMMENDATION | DEPARTMENTAL HEAD SIGNATURE |
|-----------------------------|------------|--|--|
| Dev. Services | 09/03/2015 | Approval | Memo #15-475  |
| City Attorney | 09/02/2015 | Approval  | Memo #2015-1548  |
| X Planning and Zoning Board | | Approval | Memo #15-070 (09/30/2015)  |
| X City Manager | | | |

| <u>Ordinance</u> <u>Workshop</u> | <u>Resolution</u> | <u>Consideration</u> |
|-------------------------------------|-------------------------------|----------------------|
| 1 st Reading _____ | 1 st Reading _____ | Results: _____ |
| 2 nd Reading _____ | _____ | Results: _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |



City Attorney's Communication #2015-1548
September 2, 2015

TO: Karen Friedman, AICP, Principal Planner
FROM: Mark E. Berman, City Attorney
RE: Resolution – Amendment to the Broward County Trafficways Plan

As requested in your memorandum of August 31, 2015, Department of Development Services Memorandum No. 15-458, the following form of Resolution, relative to the above-referenced matter, has been prepared and is attached:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPAÑO BEACH, FLORIDA, RECOMMENDING TO THE BROWARD COUNTY PLANNING COUNCIL THE REMOVAL OF NE 48TH / 49TH STREET FROM THE BROWARD COUNTY TRAFFICWAYS PLAN; PROVIDING AN EFFECTIVE DATE.

Please feel free to contact me if I may be of further assistance.


MARK E. BERMAN

/jrm
l:cor/dev-srv/2015-1548

Attachment

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RECOMMENDING TO THE BROWARD COUNTY PLANNING COUNCIL THE REMOVAL OF NE 48TH / 49TH STREET FROM THE BROWARD COUNTY TRAFFICWAYS PLAN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, NE 48th / 49th Street is an Arterial Road with a 106 foot right-of-way requirement from Dixie Highway to Federal Highway; and

WHEREAS, the majority of the existing right-of-way is 70 feet, with a small portion at 93 feet; and

WHEREAS, NE 48th / 49th Street serves the single family residential area known as the Highlands, which is approximately 100% developed; and

WHEREAS, the 106 foot right-of-way requirement would intersect many existing single family homes located on NE 48th /49th Street; and

WHEREAS, NE 48th / 49th Street is an existing two lane road, does not serve as a regional road, but operates as a local road for the Highlands neighborhood; and

WHEREAS, the city does not desire to widen the road or to redevelop the abutting single family properties, but desires to keep the two lane configuration to maintain the existing residential character; and

WHEREAS, the city has supported, via separate resolution, bike lanes to be designed and constructed along NE 48th / 49th Street as part of the MPO Complete Streets Initiative's Mobility Programs in order to create a residential roadway which promotes pedestrian and bicycle

transportation and maintain the existing residential character of NE 48th / 49th Street; now, therefore,

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

SECTION 1. That the City of Pompano Beach hereby recommends to the Broward County Planning Council that NE 48th / 49th Street be removed from the Trafficways Plan of Broward County.

SECTION 2. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2015.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
9/2/15
l:reso/2015-484

| Names of Commrs. | M | S | Y | N |
|--|---|---|---|---|
| CITY COMMISSION MEETING MINUTES MARCH 10, 2015 | | | | |
| PAGE 29 | | | | |
| <u>REGULAR ITEMS – CONTINUED</u> | | | | |
| Comr. Moss stated that perhaps staff would like to discuss this further with him, because he has owned and operated a consignment store. | | | | |
| P.H. 2015-46; ORD. NO. 2015-... TIME 01:31:06 ITEM 20 | | | | |
| <p>AN ORDINANCE AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 100.01, "MINIMUM RIGHT-OF-WAY," TO REVISE MINIMUM WIDTH REQUIREMENT FOR VARIOUS STREETS WITHIN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p> <p>The Ordinance was read by title only.</p> | | | | |
| MOTION: To approve the Ordinance upon First Reading, as amended | | | | |
| <u>ROLL CALL</u> | | | | |
| Dockswell | | x | x | |
| Hardin | x | | x | |
| Moss | | | x | |
| Phillips | | | x | |
| Burrie | | | x | |
| Fisher | | | x | |
| <p>Karen Friedman, Principal Planner, Development Services Department, stated that the item relates to text amendments to Chapter 100. In addition, she will also address some of the issues on Northeast 48th and 49th Street.</p> <p>Ms. Friedman's presentation provided the following:</p> <ul style="list-style-type: none"> ➤ Background information ➤ Proposed Amendments ➤ Broward County Trafficways Plan <p><i>Please refer to the attached presentation for details.</i></p> | | | | |

| Names of Commrs. | M | S | V Y | V N |
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| <p>CITY COMMISSION MEETING MINUTES MARCH 10, 2015</p> <p>PAGE 30</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Ms. Friedman noted that during the processing of the code amendment, she was contacted by a member of the Highland Civic Association, who expressed strong concerns about the inclusion of Northeast 48th and 49th street in the City’s list of roadways that had a greater right-of-way (ROW) requirement. In sum, those concerns were that Northeast 48th and 49th Street not be included in the proposed list. The civic associations cannot apply for this. Therefore, the City Commission would apply for Northeast 48th and 49th Street to be removed from the Broward County Trafficways Plan.</p> <p>Ms. Friedman continued her presentation strictly addressing the Northeast 48th and 49th Street issues as follows:</p> <ul style="list-style-type: none"> - Specific Concerns - Existing Conditions - Regional Roadway - 106 foot Right Of Way Analyzed (staff agrees with the Civic Association’s concern of the impact if this was implemented) - Additional Considerations (although shown, none was implemented) - Recommendation <p><i>Please refer to the attached presentation for details.</i></p> <p>Additionally, Ms. Friedman indicated there were funds received by the Highlands Civic Improvement Association (Association) in relationship to the Shoal Creek Land Use Plan Amendment. However, upon review of the language in the agreement, staff felt that the cost associated with this has met the intent of the money received by the Association, with regard to the request not to include Northeast 48th and 49th Street in the proposed list of streets. Therefore, until it is removed from the Trafficways Plan it would be disingenuous, as well as incorrect not to include it in the list of streets. This is to reiterate the County’s requirement.</p> | | | | |
| | | | | |

| Names of Commrs. | M | S | V Y | V N |
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| <p>CITY COMMISSION MEETING MINUTES MARCH 10, 2015</p> <p>PAGE 31</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Roy Rogers, 5141 Northeast 31st Avenue, Lighthouse Point, FL, indicated that he is a resident of Lighthouse Point. However, he requested that the city continue Northeast 48th and 49th Street as it is really a corridor with two numbered streets. On the other side of Federal Highway from this corridor, it is like “night and day.” The area is depressed and crying out for help. Therefore, he commended Ms. Friedman for simplifying a very complex situation.</p> <p>Finally, as a resident of Lighthouse Point, as a member and authorized speaker of the City of Pompano Beach Economic Development Council, as well as a coordinator/consultant of the City who has been requested by the administration to look at type of matters such as this, he endorses this item.</p> <p>Walter Syrek, 1311 Northeast 43rd Court, Pompano Beach, FL, stated that he is representing the Pompano Beach Highlands Civic Improvement Association, which opposes this proposed ordinance. Subsequently, he asked a number of questions of staff to include:</p> <ol style="list-style-type: none"> 1) Did Broward County lodge any objection or complaint to deleting the Trafficways plan from the zoning ordinance when Clarion Associates revised the zoning ordinance and that section was removed? <p>Ms. Friedman replied, she did not know if they were made aware of it, so the answer is no.</p> <ol style="list-style-type: none"> 2) Has the City received any requests from Broward County to include the Trafficways plan in the City Code? <p>Ms. Friedman replied no.</p> | | | | |
| | | | | |

CITY COMMISSION MEETING MINUTES MARCH 10, 2015

PAGE 31

REGULAR ITEMS – CONTINUED

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- 2) Has the City received any requests from Broward County to include the Trafficways plan in the City Code?

Ms. Friedman replied no.



City of Pompano Beach, Florida

| Names of Comms. | M | S | V Y | V N |
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| <p>CITY COMMISSION MEETING MINUTES MARCH 10, 2015</p> <p>PAGE 32</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Mr. Syrek provided an explanation on the neighborhood road and how it currently operates and the surrounding establishments located on the road. He indicated that a major roadway such as Dixie Highway is dedicated an 80 foot collector road, yet the road in his neighborhood is designated to be a 106 foot arterial. The houses in his neighborhood were built in the 1950's according to the code of Broward County at that time. So, the intent to take this out of the zoning ordinance and put it in the City Code in Section 100.01(B) where it will be hard to find, will only create an opportunity for staff to create problems for homeowners in their requests for permits.</p> <p>Additionally, Mr. Syrek requested that the City allow them some time to consider the different options that exist. He questioned whether the commission's failure to pass the item would delay any planned development for the area, to which Ms. Friedman replied no.</p> <p>In conclusion, Mr. Syrek stated that the issues that the City has brought forward need to be discussed and options be reviewed. Moreover, to put this in the City's code does not help with any case the homeowners' may have with the county to perform changes to the county's plan. Therefore, widening the road would have no benefit to Pompano Beach, so the commission should not ratify something that the County may or may not want.</p> <p>Vice Mayor Burrie noted that a comment was made that this was in the City in 1957, however, the Highlands area was not in the city at that time. In addition, no indication was provided as to how this would affect the residents. In fact, the road would actually be right in the front door of those property owners. Moreover, the possibility of Broward County doing anything to the road would take numerous years prior to it happening. Therefore, to recommend putting this in the City's code would only create angst in a number of residents who are trying to quietly live and improve their neighborhood.</p> | | | | |

CITY COMMISSION MEETING MINUTES MARCH 10, 2015

PAGE 32

REGULAR ITEMS – CONTINUED

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| <p>CITY COMMISSION MEETING MINUTES MARCH 10, 2015</p> <p>PAGE 33</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Additionally, Vice Mayor Burrie indicated that she will be voting against the item if Northeast 48th and 49th Street is added into it. She indicated that sometime ago, the Highlands Civic Improvement Association negotiated with a builder for a sum of money to be used for improvements to the homes in their neighborhoods and an internal trafficway study for speedbumps, as well as \$10,000 for a dog park. In addition to that, she and a former planner negotiated with the same builder to get a much larger sum of money for the City. Later on, they negotiated for a lesser sum of money so that they would provide a right of way for the seven-year plan for the North Broward Park. All this was vetted and everybody “got what they wanted.”</p> <p>Furthermore, the money that the Association had received, the check went to Broward County and thereafter went to the City’s Zoning Department. Vice Mayor Burrie clarified that the deal was between the Association and the Developer, not the City of Pompano Beach. She does not understand why the Development Services Department is requesting that the Association pay for a traffic study, when no other Association in the City has been required to do it. Finally, she questioned the reason behind putting this into the City’s code.</p> <p>Robin M. Bird, Development Services Director indicated that the points brought out are excellent. However, he said the County did not receive the money neither did the City. In fact, as to who should the check be made out to had created a long process with the Developer and the County to acquire a deed restriction required by the County, which was worked out. Nevertheless, staff is presenting an opportunity to partner with the neighborhood to get it off the Trafficways plan or reduce it from the right-of-way. In fact, similar action has been successfully completed in other neighborhoods.</p> | | | | |
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| Names of Comms. | M | S | V Y | V N |
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| <p>CITY COMMISSION MEETING MINUTES MARCH 10, 2015</p> <p>PAGE 34</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Additionally, Mr. Bird provided a brief historical background on prior and post annexation of the Highlands into the City, as well as how the road was put into the code. Therefore, staff is seeking direction to move forward. Monies will be involved as well as a traffic study, which there is no need to do two. In sum, Mr. Bird said that if the Association partner with the City they would get more for their money.</p> <p>Mayor Fisher confirmed that the City was able to remove Northeast 5th Avenue, 10th Street and 11th Street.</p> <p>Dennis W. Beach, City Manager stated that Mr. Syrek indicated that if this goes into the City's code, it could create title and financing issues, and things of that nature for the neighborhood. Therefore, he asked if that condition exist today, and if it does how would that exasperate the issue.</p> <p>Mr. Bird replied that the City is already obligated to gain the rights-of-way according to the Broward County Trafficways plan.</p> <p>Vice Mayor Burrie explained that currently the residents cannot do anything to the front of their houses. However, if this became a reality, they would literally cut off the front part of their houses, causing them to step out of their front door right on to a four-lane street.</p> <p>A lengthy discussion ensued between the City Manager, the Development Services Director, staff, Mr. Syrek and the Commission regarding the pros and cons of placing this in the City's Code of Ordinances.</p> <p>Mayor Fisher asked what steps would be necessary to remove it from the trafficway and leave the road as it is today.</p> <p>Mr. Bird replied that they would have to provide an application accompanied by a traffic study in order to justify a lower width.</p> | | | | |

| Names of Commrs. | M | S | Y | N |
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| CITY COMMISSION MEETING MINUTES MARCH 10, 2015 | | | | |
| PAGE 35 | | | | |
| <u>REGULAR ITEMS - CONTINUED</u> | | | | |
| <p>Gordon B. Linn, City Attorney advised that the Commission could direct staff to start the study and make the application the study to reduce the roadway with the Broward County plan. However, to keep it in the ordinance or not, staff is recommending that the City go ahead and put it on as it actually is with the County's plan. If this will create other problems, perhaps it could be stricken from the ordinance with the understanding that as soon as the study comes back they will revisit the issue.</p> <p>Mayor Fisher suggested that the commission strike that particular portion and direct staff to go for further study of it.</p> <p>MOTION: To amend the Ordinance by striking from it the particular section regarding Northeast 48th and 49th Street and direct staff to do further study on it.</p> | | | | |
| <u>ROLL CALL</u> | | | | |
| Dockswell | | | X | |
| Hardin | | X | X | |
| Moss | | | X | |
| Phillips | | | X | |
| Burrie | X | | X | |
| Fisher | | | X | |
| <p>Comr. Phillips reasoned that if Broward County will be putting in a bike path, they would have done a study for it and perhaps that could be utilized.</p> <p>Vice Mayor Burrie indicated that on Thursday, she will attend a meeting of the Metropolitan Planning Organization, (MPO) and have all the documentation on where all the bike paths will be located.</p> | | | | |
| <p>P.H. 2015-45; ORD. NO. 2015-... TIME 02:16:34 ITEM 21</p> <p>AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.5704, "FRONTAGE AND ACCESS," TO PLACE RIGHT-OF-WAY MINIMUM WIDTH REQUIREMENTS WITHIN SECTION 100.01 OF THE CITY CODE OF ORDINANCES AND TO REVISE MINIMUM DISTANCE A STRUCTURE MAY</p> | | | | |

**APPENDIX 2 - APPLICATION FOR AMENDMENT TO THE
BROWARD COUNTY TRAFFICWAYS PLAN**

THE FOLLOWING INFORMATION MUST BE PROVIDED TO THE BROWARD COUNTY PLANNING COUNCIL BEFORE AN AMENDMENT TO THE BROWARD COUNTY TRAFFICWAYS PLAN WILL BE ACCEPTED FOR PROCESSING.

1. LOCAL GOVERNMENT RECOMMENDATION

- A. Resolution from the local government specifically describing the Trafficways segment proposed for amendment and recommended width(s) and/or realignment.
- B. Minutes from local governing body meeting.
- C. Local government staff report on the amendment as provided to the local governing body.
- D. The local government's rationale for the amendment. The Planning Council requests a condensed version suitable for inclusion in the Planning Council staff report.
- E. Name, title, address, telephone and facsimile number for the local government contact.

2. APPLICATION FEE

Amendment applications, other than those submitted by the Broward County Board of County Commissioners or which are (co)sponsored by the Broward County Planning Council as per Article 3.3 of the "Documentation of the Broward County Trafficways Plan", are subject to the Broward County Trafficways Plan amendment fee schedule. Please contact the Planning Council office for information regarding the current fee.

3. AMENDMENT SUPPORT INFORMATION

- A. If a specific right-of-way plan or (re)alignment is proposed for a corridor, engineering drawings and/or other supporting documentation to establish the precise (re)alignment must be provided.
- B. Amendments to specific Trafficways which are also identified as "State Principal Arterial" or "State Minor Arterial" on the current Broward County State Highway Functional Classification Map must be accompanied by a position statement from the District IV Secretary of the Florida Department of Transportation.

- C. Describe the existing and planned future land uses, per the effective municipal land use plan(s), in the amendment area.
- D. Describe the current availability of public right-of-way along the amendment corridor and the extent of existing uses and structures within the current and/or proposed Trafficways corridor.
- E. Describe the feasibility of acquiring additional rights-of-way along the amendment corridor as per the current and/or proposed Trafficways Plan width through the development and/or redevelopment of adjacent parcels.
- F. Describe impacts the amendment may have on ingress and egress relative to adjacent properties.
- G. Describe anticipated impacts on transit, bicycle, or pedestrian travel along the subject Trafficways segment and on the surrounding regional roadway network.

Planning Council staff will collect the information listed below and analyze traffic impacts resulting from the amendment. You may provide a traffic impact analysis for the amendment. If you submit a traffic impact analysis, please address the items listed below and provide information on the methodology utilized.

- H. Provide the current average daily traffic volumes, roadway capacity, and level of service for the Trafficways segment proposed for amendment and the affected surrounding regional roadway network.
- I. Provide Broward County Five (5) Year and Adopted Long Range Transportation Plan average daily traffic volumes, roadway capacities, and levels of service for the Trafficways segment proposed for amendment and the surrounding regional roadway network, both with and without the amendment.
- J. Indicate what improvements are programmed or planned for the Trafficways segment proposed for amendment, including intersection, mass transit, bikeway, and pedestrian improvements. Indicate the year of the programmed or planned improvement(s).

Appendix 2 - Adopted: January 25, 2001

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY
MEMORANDUM #15-070**

DATE: September 30th, 2015
TO: City Commission
FROM: Planning and Zoning Board/ Local Planning Agency
SUBJECT: Broward County Trafficways Plan Amendment Recommendation

At a meeting of the Planning and Zoning Board/ Local Planning Agency held on September 23rd, 2015, the Board reviewed the APPLICATION TO AMEND THE BROWARD COUNTY TRAFFICWAYS PLAN. The amendment requests removing NE 48th/49th Street from the Broward County Trafficways Plan.

It is the unanimous recommendation of the Board that APPLICATION TO AMEND THE BROWARD COUNTY TRAFFICWAYS PLAN be approved as submitted by staff.



Jim Beeson
Chairman
Planning and Zoning Board/ Local Planning Agency

MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 15-475

DATE: September 3, 2015

TO: Planning and Zoning Board

VIA: Robin M. Bird, Director of Development Services *MB*

FROM: Karen Friedman, AICP, Principal Planner *KBF*

RE: Application to Amend Broward County Trafficway
Delete NE 48th / 49th Street

At the March 10, 2015 City Commission Hearing, Staff was directed to process an application to amend the Broward County Trafficways Plan in regards to NE 48th / 49th Street. Staff has prepared an application to remove the roadway from the Trafficway Plan. As part of the application submittal, the Broward County Planning Council requires a resolution from the local government specifically describing the Trafficways segment proposed for amendment and recommended width(s) and/or realignment. Therefore the *attached Resolution* will be placed on the October 12, 2015 City Commission Agenda.

The following staff report provides a background as to how the determination to delete NE 48th / 49th Street was made as well as other pertinent information.

Staff is seeking a recommendation from the Planning and Zoning Board to the City Commission regarding the proposed application to delete NE 48th / 49th Street from the Broward County Trafficways Plan.

Existing Conditions

The NE 48th / 49th Street Trafficway originates at the intersection of NE 48th Street and Dixie Highway and concludes at the intersection of NE 49th Street and Federal Highway. The entire length of the roadway has a Trafficway designation as Arterial, 106 feet.

- The portion of the roadway between Dixie Highway and one block west of NE 14th Avenue is bordered by heavy commercial uses. The existing right-of-way in this portion of the roadway varies from 70 feet to 93 feet.
- The portion of the roadway between NE 14th Avenue and NE 19th Avenue is bordered by single family homes. The existing right-of-way in this portion of the roadway is 70 feet.
- The portion of the roadway between NE 19th Avenue and Federal Highway is bordered by retail uses. The existing right-of-way in this portion of the roadway is 70 feet.

Concerns Regarding Trafficway Designation

This roadway traverses the heart of a stable, single family neighborhood known as the Highlands. As mentioned, the existing dedicated ROW along the majority of the roadway is 70 feet. Additionally, the majority of the roadway is abutting single-family properties. The Trafficway designation of Arterial 106 ft would equate into an additional 18 feet of ROW into abutting properties. Due to the shallow depth of many of the abutting single-family properties' front yards, this additional 18 feet would, in many

instances, bisect existing homes. Further, other homes “doorsteps” are situated just outside of this additional 18 feet area.

ROW dedication per the Trafficway Plan designation is required for Plat, Rezoning, Major Site Plans or the building of a new principal structure. Because of the historic and deep-routed single family community along this roadway, it is highly unlikely this area would be subject to Plat, Rezoning, or Major Site Plans. Therefore, the feasibility of acquiring additional right-of-way remains very challenging. Further, because the lots sizes are 75 feet or less in width, ROW dedication would result in a patchwork of ROW dedication.

Determination to Reduce Trafficway Designation vs. Remove from Trafficway Plan

Per Broward County land Use Plan, Article 3:

3.6(B) Width of Trafficways – *“No Trafficway shall be a width of less than 80 feet except for one-way pairs, corridors presently built out to either a 4-lane divided or 5-lane municipal cross section within 70 feet of right-of-way, and corridors with an adopted specific right-of-way plan which are consistent with and facilitate a specific regional purpose.”*

Unless a specific right-of-way plan which facilitates a specific regional purpose is created, such as a Context Sensitive Corridor (discussed further below), the smallest Trafficway width is 80 feet. Therefore, the City has two options: (1) Request NE 48/49th Street be removed from the Trafficways Plan or (2) Request a reduction from 106 ft to 80 ft. If the City requests a reduction to 80 feet, abutting properties would be required to dedicate 5 feet if subject to Plat, Rezoning, or Major Site Plan, or if a new principal structure was built. Previous public comments received indicate that the abutting property owners do not want to be subject to any further roadway expansion or ROW dedications.

A Context Sensitive Corridor is a specific right-of-way plan which would enable a 70 foot ROW designation. However in order to be eligible to apply for a Context Sensitive Corridor the roadway must either be included in a CRA or traverse a mixed-use land use designation (RAC, LAC, TOC, TOD or MU-R). NE 48th / 49th Street does not meet either of these conditions and therefore cannot apply to be a Context Sensitive Corridor.

Therefore, due to the desire of the City to maintain this roadway at 70 feet, limit any expansion of roadway width, or disrupt the Highlands neighborhood, Staff has prepared an application to remove NE 48th / 49th Street from the Trafficways Plan. *A copy of the application and supporting documents is attached for your reference.*

Application Consideration: Roadway Ownership

The roadway is currently owned by Broward County. In conjunction with the Trafficway amendment application, Broward County's Traffic Engineering Division Staff has requested the city consider transferring ownership from the County to the City. ***A copy of the email with the request is attached.*** (In 2002, in conjunction with the deletion of NE 5th Avenue from the Trafficways Plan, the County transferred ownership to the City).

Application Consideration: Complete Streets

In addition to requesting a transfer of ownership, Broward County's Traffic Engineering Division Staff's preliminary feedback also includes the city agreeing to implement “Complete Streets” design elements with any future improvements on this Trafficway segment.

Additionally, the Application for Amendment to the Broward County Trafficways Plan requests the impact of the proposed deletion on transit, pedestrian transportation, and bicycle transportation.

Therefore, in order to address both the Broward County's Traffic Engineering Division's concerns, as well as the criteria regarding impacts on bicycle traffic, Staff is also recommending that the City Commission support the proposed bike lanes for NE 48th / 49th Street which are included in the 2017/2019 MPO Mobility Projects. This project is also included in a Resolution on the October 12, 2015 City Commission Agenda. The project includes a five foot wide bike lane on both sides of the street, narrowing the existing lanes from 12 feet wide to 10 feet wide, and increasing the paved right of way three feet on both sides. No additional ROW would be dedicated. Further, due to the recent repaving of the roadway, the MPO has agreed to delay the construction by one year (start as early as July 2019 and as late as June 2020).

Staff's Recommendation

Based on the aforementioned, Staff recommends applying for a complete deletion of NE 48th / NE 49th Street from the Broward County Trafficways Plan.

Enclosures:

1. Proposed Resolution
2. Email from David Huizenga / Broward County Traffic Engineering Division
3. Draft Trafficway Amendment Application / Visual of proposed MPO Bike Lane Project for NE 48th / 49th Street

Karen Friedman

From: Huizenga, David <DHUIZENGA@broward.org>
Sent: Tuesday, March 31, 2015 11:35 AM
To: Karen Friedman
Cc: Robin Bird; Tornese, Richard; Terrier, Brad; Ton, Anh; Sebo, Andrew; Brunner, Scott; Schwarz, Pete
Subject: RE: NE 48th / 49th Street

Karen,

I have now heard back from County Public Works Department staff and there are no objections.

However, there was a comment about the City's plan for improvements on this Trafficway segment and whether the improvements would include "Complete Streets" design elements.

So, HCED staff is willing to support Planning Council approval of the proposed Trafficway reduction subject to two conditions:

1. The City taking over ownership of this segment of NE 48th/49th Street, and
2. The City would have to agree to implement "Complete Streets" design elements with any future improvements on this Trafficway segment.

I hope this information will assist you.

-dh

David Huizenga
Engineer III, Plat Section

Broward County Highway Construction and Engineering Division
Government Center West
1 N. University Drive, Room 300B
Plantation, FL 33324

Office: 954-577-4597
Cell: 954-494-7592



CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RECOMMENDING TO THE BROWARD COUNTY PLANNING COUNCIL THE REMOVAL OF NE 48TH / 49TH STREET FROM THE BROWARD COUNTY TRAFFICWAYS PLAN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, NE 48th / 49th Street is an Arterial Road with a 106 foot right-of-way requirement from Dixie Highway to Federal Highway; and

WHEREAS, the majority of the existing right-of-way is 70 feet, with a small portion at 93 feet; and

WHEREAS, NE 48th / 49th Street serves the single family residential area known as the Highlands, which is approximately 100% developed; and

WHEREAS, the 106 foot right-of-way requirement would intersect many existing single family homes located on NE 48th /49th Street; and

WHEREAS, NE 48th / 49th Street is an existing two lane road, does not serve as a regional road, but operates as a local road for the Highlands neighborhood; and

WHEREAS, the city does not desire to widen the road or to redevelop the abutting single family properties, but desires to keep the two lane configuration to maintain the existing residential character; and

WHEREAS, the city has supported, via separate resolution, bike lanes to be designed and constructed along NE 48th / 49th Street as part of the MPO Complete Streets Initiative's Mobility Programs in order to create a residential roadway which promotes pedestrian and

bicycle transportation and maintain the existing residential character of NE 48th / 49th Street;
now, therefore,

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

SECTION 1. That the City of Pompano Beach hereby recommends to the Broward
County Planning Council that NE 48th / 49th Street be removed from the Trafficways Plan of
Broward County.

SECTION 2. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2015.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
9/2/15
l:reso/2015-484

City of Pompano Beach, Florida

NE 48th/ 49th Street Trafficway Amendment

Application for Amendments to the Broward County Trafficways Plan



10-27-2015
Prepared by the City of Pompano Beach
Development Services Department



1) LOCAL GOVERNMENT RECOMMENDATION

A. Resolution from the Local Government

Response: See Exhibit A

B. Minutes from City Commission Hearing

Response: See Exhibit B

C. Local Government Staff Report

Response: See Exhibit C

2) APPLICATION FEE

Enclosed

3) AMENDMENT SUPPORT INFORMATION

A. If a specific right-of-way plan or (re)alignment is proposed for a corridor, engineering drawings and/or other supporting documentation to establish the precise (re)alignment must be provided.

Response: “Not Applicable” as application is to delete the entire length of NE 48th / NE 49th Street from the Trafficways Plan.

B. Amendments to specific Trafficways which are also identified as “State Principal Arterial” or “State Minor Arterial” on the current Broward County State Highway Functional Classification Map must be accompanied by a position statement from the District IV Secretary of the Florida Department of Transportation.

Response: “Not Applicable” as roadway is not a State Principal Arterial or State Minor Arterial.

C. Describe the existing and planned future land uses, per the effective municipal land use plan(s), in the amendment area.

Response: A copy of the section of the City’s Future Land Use Plan Map is Exhibit D. A copy of the section of the City’s Zoning Map is Exhibit E. Also see below table.

| Trafficway Portion | Future Land Use Designation | Zoning District | General Description of Existing Uses |
|--|-----------------------------|--------------------------------|--|
| <i>West Portion</i> / Dixie Highway and one block West of NE 14 th Ave. | I-Industrial | I-1-General Industrial | Industrial Uses (<i>See Exhibit F</i>) |
| <i>Middle Portion</i> / NE 14 th Ave. to NE 19 th Ave. | L-Low 1-5 DU/AC | RS-3-Single Family Residence 3 | Single Family Use |
| <i>East Portion</i> / NE 19 th Ave. to Federal Hwy/US-1 | C-Commercial | B-3-General Business | Retail Use (<i>See Exhibit F</i>) |

D. Describe the current availability of public right-of-way along the amendment corridor and the extent of existing uses and structures within the current and/or proposed Trafficways corridor.

Response: Please see the below table and referenced exhibits.

| Trafficway Portion | Dedicated ROW | Structures in existing ROW | Structures in Designated 106 ft ROW |
|--|--------------------------------|-----------------------------------|---|
| <i>West Portion</i> / Dixie Highway and one block West of NE 14 th Ave. | 70 ft to 93 ft (See Exhibit G) | Drive-ways and sidewalks | Parking lots, trees, and sidewalks |
| <i>Middle Portion</i> / NE 14 th Ave. to NE 19 th Ave. | 70 ft (See Exhibit G) | Drive-ways and sidewalks | Several single family dwelling units are impacted. A pictorial overview of the impacted properties is Exhibit H |
| <i>East Portion</i> / NE 19 th Ave. to Federal Hwy/US-1 | 70 ft (See Exhibit G) | Drive-ways and sidewalks | Business structures and parking lots are impacted. |

E. Describe the feasibility of acquiring additional rights-of-way along the amendment corridor as per the current and/or proposed Trafficways Plan width through the development and/or redevelopment of adjacent parcels.

Response: City of Pompano Beach Code of Ordinances §100.01 lists the Minimum Right-of-Way for all street types and lists the required ROW per the Broward County Trafficway Plan. Zoning Code §155.5704 requires the following:

1. All property which abuts a local, collector, minor arterial and principal arterial street(s) shall not erect a building or structure closer than half of the applicable right-of-way width to the center line of the street(s).
2. All lots subject to a Plat, Rezoning, or Major Site Plan approval, as well as lots not subject to Major Site Plan approval but are developing a new structure or increasing an existing structure by 50% of the existing gross floor area, shall dedicate the required right-of-way.

Within the non-residential portions of the Trafficway, the feasibility of acquiring additional right-of-way per the current Trafficway Plan through the redevelopment of adjacent parcels is assured due to the above code sections.

Within the residential portions of the Trafficway, however, the feasibility of acquiring additional right-of-way is very challenging. As shown above, the city requires ROW dedication for Plat, Rezoning, Major Site Plans or the building of a new principal structure. Because of the historic and deep-routed single family community along this roadway, it is highly unlikely this area would be subject to Plat, Rezoning, or Major Site Plans. Therefore, the feasibility of acquiring additional right-of-way remains very challenging. Further, because the lots sizes are 75 feet or less in width, ROW dedication would result in a patchwork of ROW dedication.

Second, as demonstrated in Exhibit H, the 106 ft ROW designation runs right through many of the existing single-family dwellings units or ends at the “doorstep” of the remaining existing single-family dwellings units. Therefore even if several abutting lots were redeveloped and ROW was dedicated, adjacent parcels could likely have a home on either end of the ROW dedication.

Finally, the request to remove the roadway from the Trafficways Plan and maintain the 70 ft ROW is consistent with the Assessment of Broward County’s Trafficways Plan for the Urban Infill Area prepared by Walter Keller in December 1999 which recommended the designation of this roadway be reduced to 80 feet.

F. Describe impacts the amendment may have on ingress and egress relative to adjacent properties.

Response: The amendment to delete the roadway from the Trafficway plan will have no impact on the ingress and egress relative to adjacent properties as the City will maintain the existing ROW. Further, all properties in the city are required to provide minimum ROW.

G. Describe anticipated impacts on transit, bicycle, or pedestrian travel along the subject Trafficways segment and on the surrounding regional roadway network.

Response: The anticipated impacts are listed below:

- Transit – No impacts, because there are no BCT bus routes on NE 48th / 49th Street. *See Exhibit I.*
- Bicycle – No impacts, because the city, via Resolution XX-XXXX has shown its supports for the MPO Mobility Program which includes bike lanes for NE 48th / 49th Street. *See Exhibit J.*
- Pedestrian – No impacts, because sidewalks currently exist along the entirety of NE 48th / 49th Street.

Name, title, address, telephone, facsimile number and e-mail of the local government contact.

Robin M. Bird, AICP
Development Services Director
robin.bird@copbfl.com

Karen Friedman, AICP
Principal Planner
karen.friedman@copbfl.com

City of Pompano Beach
Development Services Department
100 W. Atlantic Blvd.
Pompano Beach, Florida 33060
Phone (954)786-4634
Fax (954) 786-4666

EXHIBITS

- Exhibit A Resolution from the Local Government (Resolution **16-XXXX**)
- Exhibit B Minutes from City Commission Meeting (October 27, 2015)
- Exhibit C Local Government Staff Report
- Exhibit D Future Land Use Map
- Exhibit E Zoning Map
- Exhibit F Existing Uses along Western and Eastern portion of Trafficway
- Exhibit G Plat Maps showing Dedicated ROW
- Exhibit H Pictorial overview of properties impacted by 106 ft Trafficway Designation
- Exhibit I BCT Map
- Exhibit J Resolution **16-XXXX** in support of MPO Mobility Project /bike lanes along NE 48th/49th Street
- Exhibit K Information regarding MPO bike lane project for NE 48th/49th Street

EXHIBIT A

***(Resolution from City
Commission – to be
inserted after 10/27/2015
CC Hearing)***

Exhibit B

***(Minutes from City
Commission Hearing – to
be inserted after
10/27/2015 CC Hearing)***

EXHIBIT C

MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 15-475

DATE: September 3, 2015

TO: Planning and Zoning Board

VIA: Robin M. Bird, Director of Development Services *RS*

FROM: Karen Friedman, AICP, Principal Planner *KBF*

RE: Application to Amend Broward County Trafficway
Delete NE 48th / 49th Street

At the March 10, 2015 City Commission Hearing, Staff was directed to process an application to amend the Broward County Trafficways Plan in regards to NE 48th / 49th Street. Staff has prepared an application to remove the roadway from the Trafficway Plan. As part of the application submittal, the Broward County Planning Council requires a resolution from the local government specifically describing the Trafficways segment proposed for amendment and recommended width(s) and/or realignment. Therefore the *attached Resolution* will be placed on the October 12, 2015 City Commission Agenda.

The following staff report provides a background as to how the determination to delete NE 48th / 49th Street was made as well as other pertinent information.

Staff is seeking a recommendation from the Planning and Zoning Board to the City Commission regarding the proposed application to delete NE 48th / 49th Street from the Broward County Trafficways Plan.

Existing Conditions

The NE 48th / 49th Street Trafficway originates at the intersection of NE 48th Street and Dixie Highway and concludes at the intersection of NE 49th Street and Federal Highway. The entire length of the roadway has a Trafficway designation as Arterial, 106 feet.

- The portion of the roadway between Dixie Highway and one block west of NE 14th Avenue is bordered by heavy commercial uses. The existing right-of-way in this portion of the roadway varies from 70 feet to 93 feet.
- The portion of the roadway between NE 14th Avenue and NE 19th Avenue is bordered by single family homes. The existing right-of-way in this portion of the roadway is 70 feet.
- The portion of the roadway between NE 19th Avenue and Federal Highway is bordered by retail uses. The existing right-of-way in this portion of the roadway is 70 feet.

Concerns Regarding Trafficway Designation

This roadway traverses the heart of a stable, single family neighborhood known as the Highlands. As mentioned, the existing dedicated ROW along the majority of the roadway is 70 feet. Additionally, the majority of the roadway is abutting single-family properties. The Trafficway designation of Arterial 106 ft would equate into an additional 18 feet of ROW into abutting properties. Due to the shallow depth of many of the abutting single-family properties' front yards, this additional 18 feet would, in many

instances, bisect existing homes. Further, other homes “doorsteps” are situated just outside of this additional 18 feet area.

ROW dedication per the Trafficway Plan designation is required for Plat, Rezoning, Major Site Plans or the building of a new principal structure. Because of the historic and deep-routed single family community along this roadway, it is highly unlikely this area would be subject to Plat, Rezoning, or Major Site Plans. Therefore, the feasibility of acquiring additional right-of-way remains very challenging. Further, because the lots sizes are 75 feet or less in width, ROW dedication would result in a patchwork of ROW dedication.

Determination to Reduce Trafficway Designation vs. Remove from Trafficway Plan

Per Broward County land Use Plan, Article 3:

3.6(B) Width of Trafficways – *“No Trafficway shall be a width of less than 80 feet except for one-way pairs, corridors presently built out to either a 4-lane divided or 5-lane municipal cross section within 70 feet of right-of-way, and corridors with an adopted specific right-of-way plan which are consistent with and facilitate a specific regional purpose.”*

Unless a specific right-of-way plan which facilitates a specific regional purpose is created, such as a Context Sensitive Corridor (discussed further below), the smallest Trafficway width is 80 feet. Therefore, the City has two options: (1) Request NE 48/49th Street be removed from the Trafficways Plan or (2) Request a reduction from 106 ft to 80 ft. If the City requests a reduction to 80 feet, abutting properties would be required to dedicate 5 feet if subject to Plat, Rezoning, or Major Site Plan, or if a new principal structure was built. Previous public comments received indicate that the abutting property owners do not want to be subject to any further roadway expansion or ROW dedications.

A Context Sensitive Corridor is a specific right-of-way plan which would enable a 70 foot ROW designation. However in order to be eligible to apply for a Context Sensitive Corridor the roadway must either be included in a CRA or traverse a mixed-use land use designation (RAC, LAC, TOC, TOD or MU-R). NE 48th / 49th Street does not meet either of these conditions and therefore cannot apply to be a Context Sensitive Corridor.

Therefore, due to the desire of the City to maintain this roadway at 70 feet, limit any expansion of roadway width, or disrupt the Highlands neighborhood, Staff has prepared an application to remove NE 48th / 49th Street from the Trafficways Plan. *A copy of the application and supporting documents is attached for your reference.*

Application Consideration: Roadway Ownership

The roadway is currently owned by Broward County. In conjunction with the Trafficway amendment application, Broward County's Traffic Engineering Division Staff has requested the city consider transferring ownership from the County to the City. ***A copy of the email with the request is attached.*** (In 2002, in conjunction with the deletion of NE 5th Avenue from the Trafficways Plan, the County transferred ownership to the City).

Application Consideration: Complete Streets

In addition to requesting a transfer of ownership, Broward County's Traffic Engineering Division Staff's preliminary feedback also includes the city agreeing to implement “Complete Streets” design elements with any future improvements on this Trafficway segment.

Additionally, the Application for Amendment to the Broward County Trafficways Plan requests the impact of the proposed deletion on transit, pedestrian transportation, and bicycle transportation.

Therefore, in order to address both the Broward County's Traffic Engineering Division's concerns, as well as the criteria regarding impacts on bicycle traffic, Staff is also recommending that the City Commission support the proposed bike lanes for NE 48th / 49th Street which are included in the 2017/2019 MPO Mobility Projects. This project is also included in a Resolution on the October 12, 2015 City Commission Agenda. The project includes a five foot wide bike lane on both sides of the street, narrowing the existing lanes from 12 feet wide to 10 feet wide, and increasing the paved right of way three feet on both sides. No additional ROW would be dedicated. Further, due to the recent repaving of the roadway, the MPO has agreed to delay the construction by one year (start as early as July 2019 and as late as June 2020).

Staff's Recommendation

Based on the aforementioned, Staff recommends applying for a complete deletion of NE 48th / NE 49th Street from the Broward County Trafficways Plan.

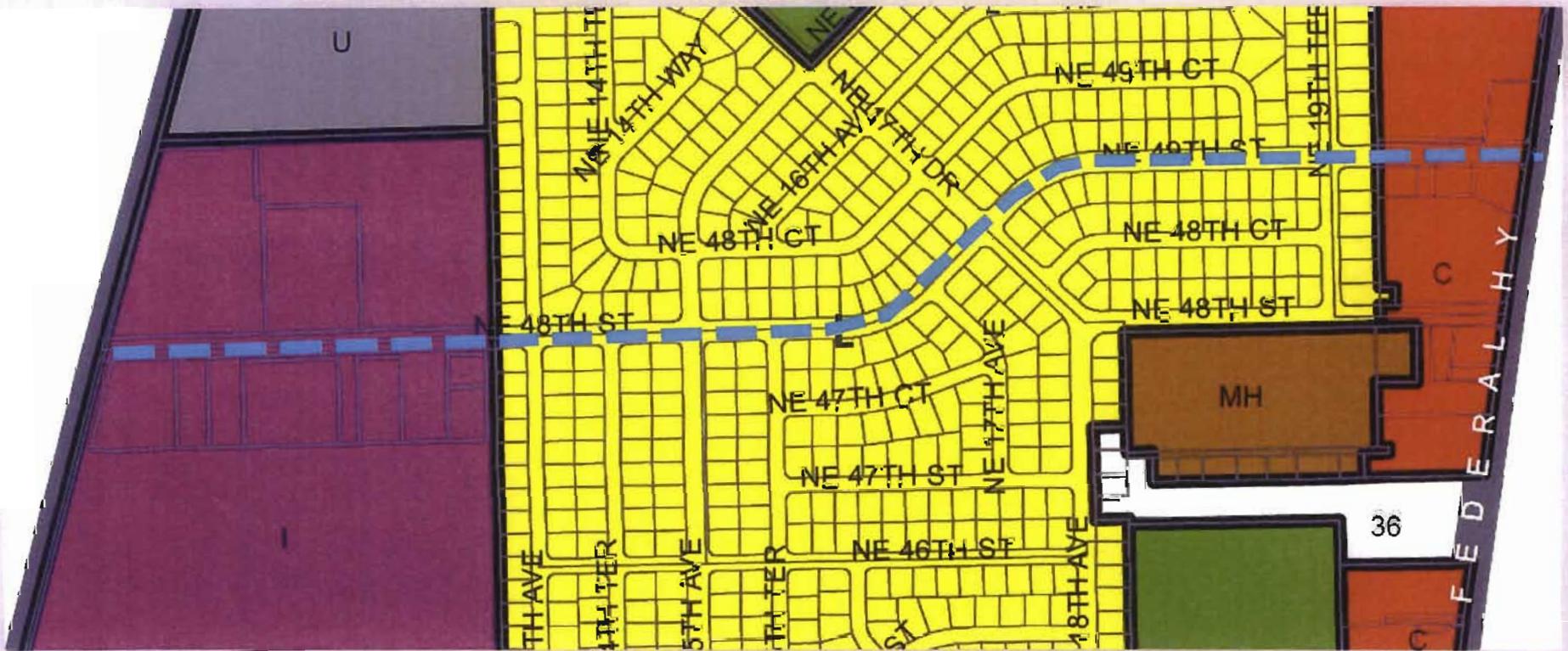
Enclosures:

1. Proposed Resolution
2. Email from David Huizenga / Broward County Traffic Engineering Division
3. Draft Trafficway Amendment Application / Visual of proposed MPO Bike Lane Project for NE 48th / 49th Street

Exhibit D

CITY OF POMPANO BEACH Future Land Use Map

Map Updated: August 21, 2015



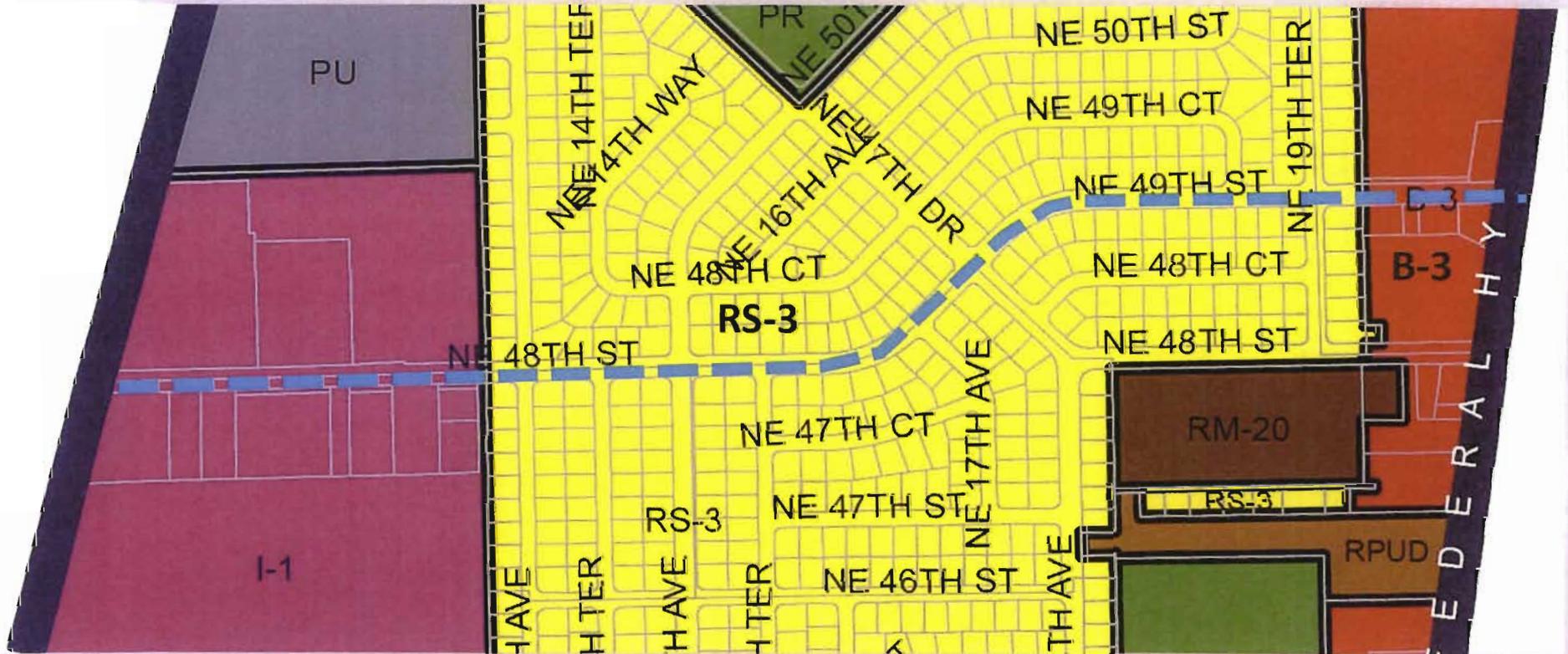
--- NE 48 / 49th Street

Exhibit E

CITY OF POMPANO BEACH, FLORIDA

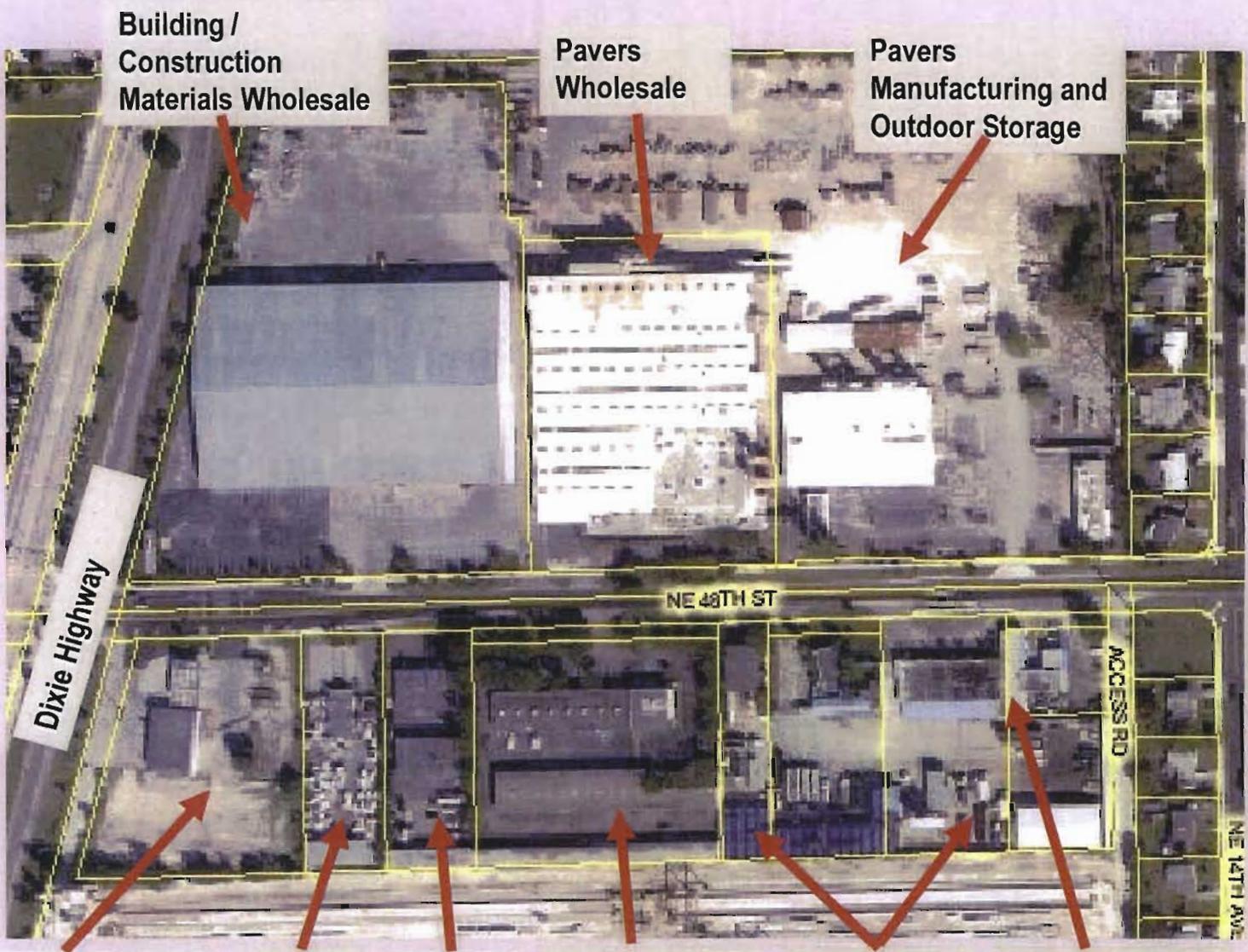
Official Zoning Map

Map Updated: August 06, 2015



--- NE 48 / 49th Street

Exhibit F



**Building /
Construction
Materials Wholesale**

**Pavers
Wholesale**

**Pavers
Manufacturing and
Outdoor Storage**

Dixie Highway

NE 48TH ST

ACCESS RD

NE 14TH AVE

**Vacant since 2010 –
former Gas Station**

**Boat &
Marine
Repair**

**Auto
Body &
Repair**

**General
Commercial &
Contractors
Offices**

**Gasoline &
Oil
Wholesale**

**Water treatment
Systems
Wholesale**



Gas Station

Walmart

Federal Highway

NE 60th St

NE 19th Ter

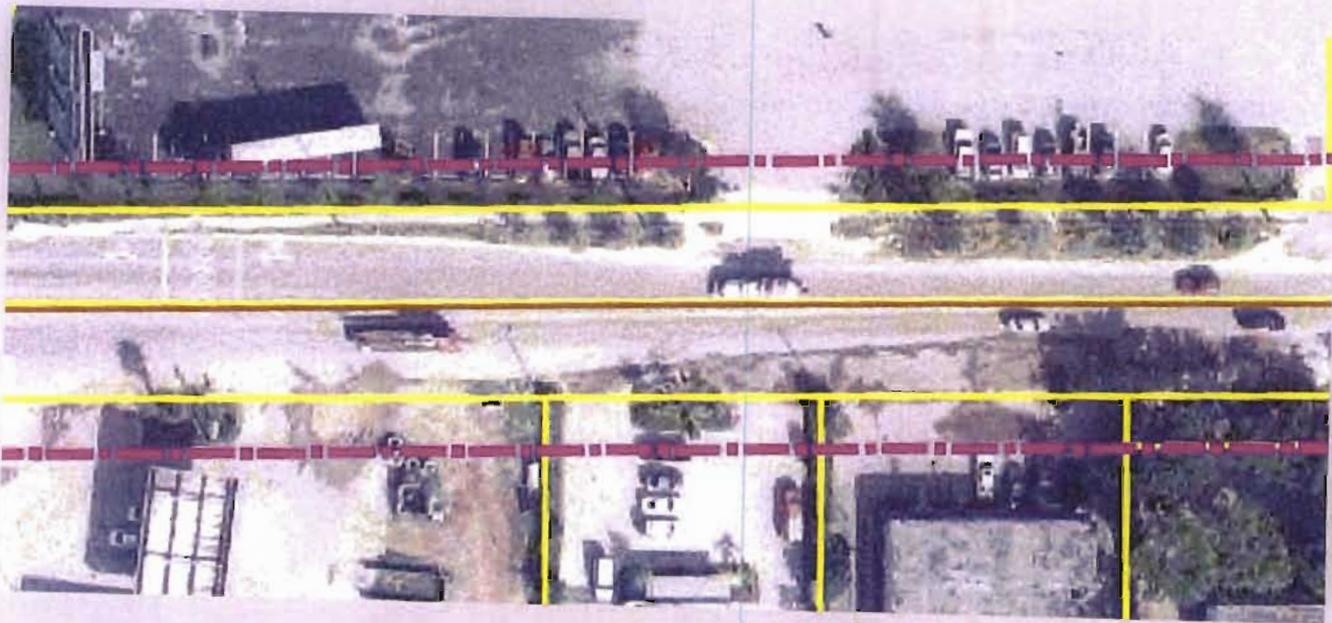
General Retail

Exhibit G



The existing ROW from NE 19th Ave to Federal Hwy/US 1 is 70 ft.
 (Section of City of Pompano Beach Plat Map #227)

Exhibit H



BCPA Folio Numbers:

484212000523
484213010023
484213010043
484213010030

484212000522
484213010035
484213010034
484213010033

Legend

— Streets

 106 ROW on 48 49 ST

 pompano_gis.DBO.PompanoBeach





8TH

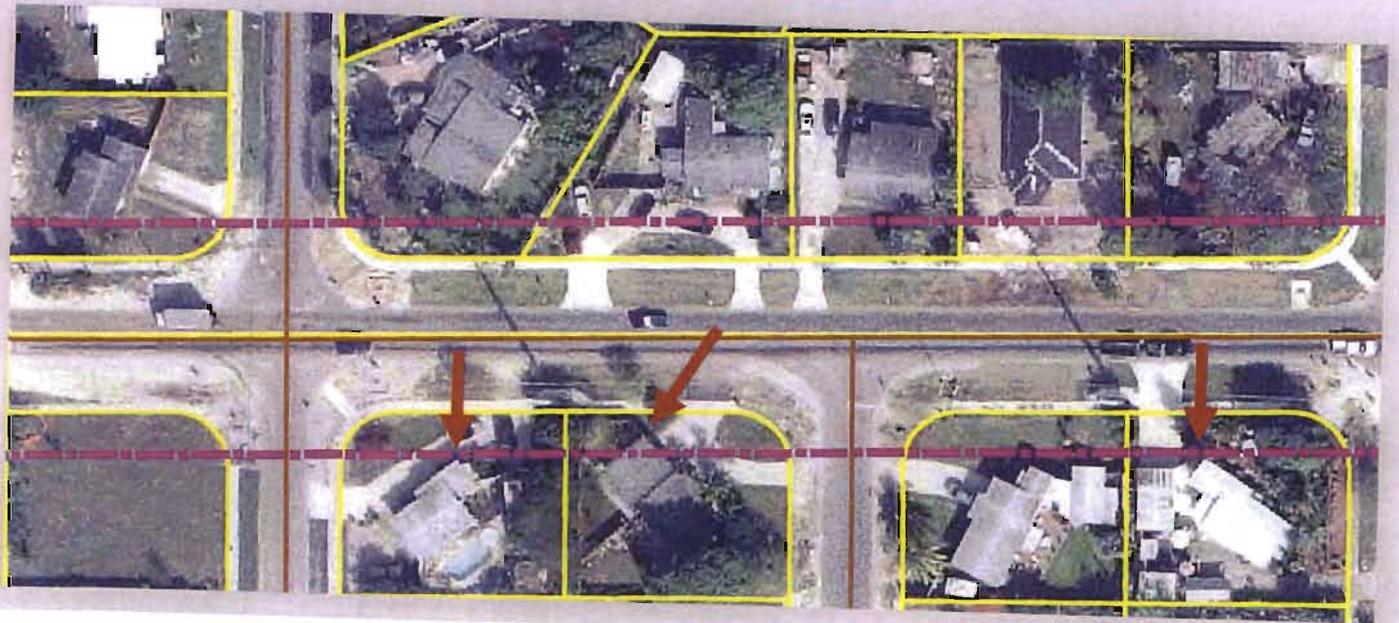
Folio Numbers

484212000520
484213010033
484213010032
484213280010

484307022890
484307022850
484213041300

Legend

-  Streets
-  106 ROW on 48 49 ST
-  Property Line





Folio Numbers

484307022400

484213040950

484213040390

484213040400

484213040410

484213040290

484213040200

Legend

— Streets

 106 ROW on 48 49 ST

 Property Line





Folio Numbers

484307020710

484307020750

484307020760

484307020770

484307020780

Legend

-  Streets
-  106 ROW on 48 49 ST
-  Property Line





Folio Numbers

484307020810

484307030100

484307020022

484307020021

484307020010

Legend

-  Streets
-  106 ROW on 48 49 ST
-  Property Line



Exhibit I



Anticipated Impacts on Transit

Legend

- Street
- Interstate
- State Road
- Federal Highway
- Florida's Turnpike
- Bus Route

Commuter Limited Stop Service

- Breeze Stop
- 95 Express Pembroke Pines North Perry Airport to Miami Civic Center
- 95 Express Pembroke Pines/Miramar CB Smith Park/Arslin Sports Complex to Downtown Miami
- 95 Express Miramar Miramar Regional Park to Miami Civic Center
- 95 Express Hollywood Hollywood to Miami Civic Center
- 595 Express Sunrise to Miami/Brickell
- 595 Express Sunrise to Ft. Lauderdale
- 595 Express Sunrise to Miami/Civic Center
- Park and Ride Lot

- Tri-Rail
- Miami-Dade Transit
- Palm Tran
- County Line

Exhibit J

***(Copy of MPO Mobility
Projects Resolution – to be
inserted after 10/27/2015
CC Hearing)***

Exhibit J

***(Copy of Resolution – to be
inserted after 10/13/2015
CC Hearing)***

Exhibit K

NE 48th /49th St (Dixie Highway to US1)

New bicycle lanes on North and South side



Comment: In order to build a five foot wide bike lane on both sides of the street, the project includes narrowing the existing lanes from 12 feet wide to 10 feet wide, and increasing the paved right of way three feet on both sides.

