

February 15, 2023

Planning & Zoning
Nadia Di Tommaso
535 Park Avenue
Lake Park, FL 33403

Re: Justification Statement
Easement Abandonment Request

Property Location

The subject property is located on the southeast corner of Federal Highway & Cypress Drive in Lake Park, FL. It is comprised of the following parcels and consists of 2.78 acres:

- Parcel 1 – PCN: 36-43-42-20-01-114-0010 (0.8708 acres)
- Parcel 2 – PCN: 36-43-42-20-01-114-0090 (0.2228 acres)
- Parcel 3 – PCN: 36-43-42-20-01-114-0130 (0.2706 acres)
- Parcel 4 – PCN: 36-43-42-20-01-114-0351 (0.1535 acres)
- Parcel 5 – PCN: 36-43-42-20-01-114-0352 (0.4673 acres)
- Parcel 6 – PCN: 36-43-42-21-26-000-0010, -0020, -0030, -0040, -0050, -0060, -0070, -0080, -0090, -0100



Figure 1: Subject Site

The site has a Federal Highway Mixed Use Future Land Use designation and is located within the Mixed-Use Zoning District and Federal Highway Mixed Use District Overlay.

Property History

As stated above, the subject site is comprised of multiple parcels and situated east of Federal Highway within the Town of Lake Park. Historically, this area has been composed of various commercial and residential uses. Prior to land acquisition by the applicant, the subject parcels previous uses included

marine & boat sales, retail, multi-family and single-family residential uses. The site is also located directly west of the Lake Park Marina. In 2017, the Town completed a data analysis of the Federal Highway Mixed Use District, which outlines the overall goals and intentions for economic growth and neighborhood improvements in this area. The site lies within the study area of this report and therefore part of the Town's redevelopment agenda for this district.

Since 2017, the applicant has been coordinating with and receiving feedback from the Town of Lake Park in order to provide a development plan that aligns with the overall objectives of the Federal Highway Mixed-Use District.

On November 20, 2019, the Town Commission approved Ordinance No. 13-2019 which amended the Town Code Section 78-83, Appendix A, Figure 1 "Tower Building Type" to eliminate the interior side setback requirement for buildings when 80% block consolidation is achieved for a development plan. The Ordinance also provided for the creation of Town Code Section 78-84 K (3), (4) and (5) which set forth height and stories exemptions for parking garages. The newly adopted text amendment allows for the exemption of podium parking levels, accommodating for increased height and stories if there is clear and satisfactory benefit provided to the Town.

On December 18, 2019 the Town Commission approved a site plan for a Mixed-Use development identified as Nautilus 211 via Resolution No. 97-12-19. The approved site plan includes a 23-story building, inclusive of 5 parking levels, providing 332 residential units, 13,000 sf of office space, 8,058 sf of retail, 14,550 sf of restaurant and roof top amenities. The approved plan complies with building height restrictions and the maximum allowable stories, by reason of the adopted text amendment which exempts the five proposed parking levels, provided sufficient public contribution. The contribution eliminates 5-stories/41-feet and convert the project's proposed building height to 209-feet/17-stories, thus adhering to code requirements.

On June 3, 2020 the Town Commission approved a site plan amendment to allow minor site plan modifications.

Surrounding Uses

Below are descriptions of the zoning and land uses of the adjacent properties.

North: Identified by PCN: 36-43-42-20-01-115-0070 & Multiple PCN's of a condominium, located in the Town of Lake Park. The west parcel supports a commercial use and the east parcel a residential use. Both properties have a Federal Highway Mixed Use District FLU designation and are within the Federal Highway Mixed Use Zoning District.

South: Two parcels identified by PCN(s): 36-43-42-20-01-114-0321 & 36-43-42-20-01-114-0160 located in the Town of Lake Park. The east parcel abuts the subject site on the north and west boundaries with a single-family current land use. The west parcel is a municipality owned public parking area. Both properties have a Federal Highway Mixed Use District FLU designation and are within the Federal Highway Mixed Use Zoning District.

East: Identified by PCN: 36-43-42-21-00-004-0010 located within the Town of Lake Park. The property has a Public Buildings & Grounds FLU designation with a Recreation Overlay within the Public Zoning District. The entire property consists of the Lake Park Marina.

West: Identified by PCN: 36-43-42-20-01-03-80-0310 located within the Town of Lake Park. The property consists of retail uses and has a Federal Highway Mixed Use District FLU designation within the Federal Highway Mixed Use Zoning District.

Application Request

The petitioner has submitted this application to request an abandonment of a 10' Utility Easement (PB 8 / PG 15-23) depicted in the image to the right.

Per attached circulation exhibit, access for the trailer parking lot will re-circulate to the east. The proposed circulation plan eliminates the need for the ingress/egress easement. In order to accommodate the proposed change, construction would need to occur on City property and therefore will require cooperation from the City for construction access and permitting.

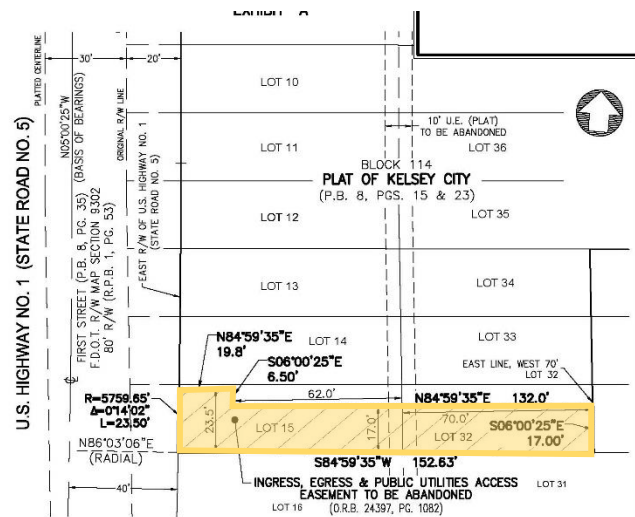


Figure 2: Easement Subject to Abandonment

Abandonment Review Criteria

The proposed plan is consistent with the Town of Lake Park's Code of Ordinances and shall comply with the following criteria outlined in the Land Development Regulations:

- a. **The abandonment does not deprive a business or individual of a reasonable means of ingress and egress to that business or individuals property;**

The proposed abandonment does not deprive a business or individual of a reasonable means of ingress and egress to that business or property. The easement subject to this request runs

through the development and does not provide any ingress or egress access.

Notably, construction plans include building a temporary road for Bayberry in Spring/Summer 2023. Once completed the road will be used for construction purposes only until the end of the project and will be fenced off for safety purposes. No access will be available from the trailer parking lot to Bayberry until the end of the construction. Construction is anticipated to end between 4th quarter 2024 and 1st quarter 2025.



Figure 3: Circulation Exhibit

Subsequently, an alternative is proposed that allows the vehicular access from western most lot to connect to the drive-isle to the east within the existing marina trailer lot. This will assure continued circulation for the trailer lot that is currently isolated. As shown in the image above.

- b. The abandonment does not adversely affect utility service efficiency or preclude the future provision of public or private utility services;**

The proposed abandonment does not adversely affect utility service efficiency or preclude the future provision of public or private utility services. Easement release letters have been provided for the utility companies of interest.

- c. The abandonment does not reduce adjacent property values;**

The abandonment will not adversely affect property values in adjacent areas. To the contrary, the easement abandonment is necessary in order to continue development of the approved mixed-use project which will stimulate economic growth and provide enhancements to the subject site and surrounding area, increasing the value of the overall area.

- d. The abandonment does not eliminate the potential use of dedicated property for a public purpose, including but not limited to, pedestrian or vehicular access, recreation, environmental preservation or Stormwater management.**

The proposed easement abandonment does not eliminate the potential use of dedicated property for a public purpose. Public pedestrian and vehicular access are still provided by the development.