



## Legislation Details (With Text)

**File #:** 20-099      **Version:** 1      **Name:**  
**Type:** Request      **Status:** Passed  
**File created:** 1/28/2020      **In control:** City Commission  
**On agenda:** 3/3/2020      **Final action:** 3/3/2020  
**Title:** ACCEPTANCE OF A PEDESTRIAN CLEAR ZONE EASEMENT AND ASSOCIATED FINAL (MAJOR) SUBDIVISION REPLAT OF LOTS 27 AND 28, BLOCK 81, SUBDIVISION OF BLOCK 81, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 32 (P.R.P.B.CO.), ALSO KNOWN AS TOWNHOMES AT 214 4TH.  
**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Townhomes at 214 4th Location Map, 3. Townhomes at 214 4th Plat, 4. Townhomes at 214 4th Site Plan, 5. Townhomes at 214 4th executed PCZ Agreement, 6. Townhomes at 214 4th PZ Plat Staff Report 5-20-19, 7. Legal Review Pedestrian Clear Zone Easement for 214 4th Townhomes.pdf

Date	Ver.	Action By	Action	Result
3/3/2020	1	City Commission	approved	

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** George Gretsas, City Manager  
**DATE:** March 3, 2020

ACCEPTANCE OF A PEDESTRIAN CLEAR ZONE EASEMENT AND ASSOCIATED FINAL (MAJOR) SUBDIVISION REPLAT OF LOTS 27 AND 28, BLOCK 81, SUBDIVISION OF BLOCK 81, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 32 (P.R.P.B.CO.), ALSO KNOWN AS TOWNHOMES AT 214 4<sup>TH</sup>.

**Recommended Action:**

Review and consider the Easement Agreement for the Pedestrian Clear Zone, as presented, with consideration of the Final (Major) Plat for Townhomes at 214 4th, located at the southwest corner of the intersection of NE 3<sup>rd</sup> Avenue and NE 4<sup>th</sup> Street, by adopting that the request and approval thereof is consistent with the criteria set forth in the Land Development Regulations Section 2.4.5(J) (Major Subdivisions).

**Background:**

At its meeting of March 13, 2019, the Site Plan Review and Appearance (SPRAB) approved a Class V Site Plan (2018-044) which included Landscape Plans, Architectural Elevations. The 0.33-acre subject property is located at the southwest corner of the intersection of NE 4<sup>th</sup> Street and NE 3<sup>rd</sup> Avenue. The site is zoned Central Business District (CBD-RC) in the Railroad Corridor Sub-district and has a Central Core (CC) Future Land Use Map (FLUM) Designation. The Site Plan was approved with a 5-0 vote. The resulting site plan is required to be platted.

On October 15, 2018, the Development Services Department received an application (2019-011-FSP-CCA) for the replat of two existing lots into five fee-simple townhome lots in association with the Townhomes at 214 4<sup>th</sup>.

Per LDR Section 2.4.5(J)(3)(b), a Major Plat must be reviewed by the Planning and Zoning Board. The Planning and Zoning Board must certify that the final plat is in compliance with the approved preliminary plat. On May 20, 2019, the Planning and Zoning Board voted 7-0 that the final plat was in compliance with the approved preliminary plat.

The Plat request is to subdivide two existing lots into five lots by a Major Plat. Lots 1-5 are proposed residential lots reserved for the owner of the development, its successors or assigns, for private purposes as allowed in accordance with the zoning regulations of City.

Tract A is alleyway dedication; Tract B is right-of-way dedication and corner clip dedication at the intersection of NE 3<sup>rd</sup> Avenue and NE 4<sup>th</sup> Street. Tract C is dedicated for ingress and egress and utility purposes. In addition, there is a pedestrian clear zone easement along NE 4<sup>th</sup> Street, as well as general utility and drainage easements dedicated via this plat.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Building Permit cannot be issued until the plat is recorded.