



Resilient Environment Department
URBAN PLANNING DIVISION

1 N. University Drive, Box 102A • Plantation, FL 33324 • T: 954-357-6634 • F: 954-357-6521 • Broward.org/Planning

Application Number 053-MP-05

Urban Planning Division | Platting Section Online Application

Project Information			
Plat/Site Plan Name McNab-Cypress Corners			
Plat/Site Number 053-MP-05		Plat Book - Page (if recorded) 178-5	
Owner/Applicant/Petitioner Name One East McNab Real Estate, LLC			
Address 150 N. WACKER DRIVE-SUITE 1500		City Chicago	State IL
		Zip 60606	
Phone Please contact agent		Email Please contact agent	
Agent for Owner/Applicant/Petitioner Dunay, Miskel & Backman, LLP		Contact Person Christina Bilenki, Esq.; Sara Thompson, Esq.	
Address 14 SE 4th Street, Suite 36		City Boca Raton	State FL
		Zip 33432	
Phone 561-405-3323; 561-405-3363		Email cbilenki@dmbblaw.com; sthompson@dmbblaw.com	
Folio(s) 494201570010			
Location <div> <div>northeast corner</div> <div>side of</div> <div>S Cypress Road</div> <div>at/between/and</div> <div>E McNab Road</div> <div>and/of</div> <div></div> </div> <div> <div>north side/corner north</div> <div>street name</div> <div>street name / side/corner</div> <div>street name</div> </div>			

Type of Application (this form required for all applications)

Please check all that apply (use attached **Instructions** for this form).

- ☐ **Plat** (fill out/PRINT **Questionnaire Form, Plat Checklist**)
- ☐ **Site Plan** (fill out/PRINT **Questionnaire Form, Site Plan Checklist**)
- ☒ **Note Amendment** (fill out/PRINT **Questionnaire Form, Note Amendment Checklist**)
- ☐ **Vacation** (fill out/PRINT **Vacation Continuation Form, Vacation Checklist**, use **Vacation Instructions**)
 - ☐ **Vacating Plats, or any Portion Thereof** (**BCCO 5-205**)
 - ☐ **Abandoning Streets, Alleyways, Roads or Other Places Used for Travel** (**BCAC 27.29**)
 - ☐ **Releasing Public Easements and Private Platted Easements or Interests** (**BCAC 27.30**)
- ☐ **Vacation** (**Notary Continuation Form Affidavit** required, fill out **Business Notary** if needed)

Application Status			
Has this project been previously submitted?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Don't Know
This is a resubmittal of:	<input type="checkbox"/> Entire Project	<input type="checkbox"/> Portion of Project	<input checked="" type="checkbox"/> N/A
What was the project number assigned by the Urban Planning Division?	Project Number	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Don't Know
Project Name		<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Don't Know
Are the boundaries of the project exactly the same as the previously submitted project?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know
Has the flexibility been allocated or is flexibility proposed to be allocated under the County Land Use Plan?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know
If yes, consult Policy 13.01.10 of the Land Use Plan. A compatibility determination may be required.			

Replat Status	
Is this plat a replat of a plat approved and/or recorded after March 20, 1979?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know
If YES, please answer the following questions.	
Project Name of underlying approved and/or recorded plat	Project Number
Is the underlying plat all or partially residential?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know
If YES, please answer the following questions.	
Number and type of units approved in the underlying plat.	
Number and type of units proposed to be deleted by this replat.	
Difference between the total number of units being deleted from the underlying plat and the number of units proposed in this replat.	

School Concurrency (Residential Plats, Replats and Site Plan Submissions)	
Does this application contain any residential units? (If "No," skip the remaining questions.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If the application is a replat, is the type, number, or bedroom restriction of the residential units changing?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If the application is a replat, are there any new or additional residential units being added to the replat's note restriction?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is this application subject to an approved Declaration of Restrictive Covenants or Tri-Party Agreement entered into with the Broward County School Board?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>If the answer is "Yes" to any of the questions above</p> <p>RESIDENTIAL APPLICATIONS ONLY: Provide a receipt from the School Board documenting that a Public School Impact Application (PSIA) and fee have been accepted by the School Board for residential projects subject to school concurrency, exempt from school concurrency (exemptions include projects that generate less than one student, age restricted communities, and projects contained within Developments of Regional Impact), or subject to an approved Declaration of Restrictive Covenant or Tri-Party Agreement.</p>	

Land Use and Zoning	
EXISTING	PROPOSED
Land Use Plan Designation(s) Commercial	Land Use Plan Designation(s) Commercial
Zoning District(s) B-3 General Business	Zoning District(s) B-3 General Business

Existing Land Use					
<p>A credit against impact fees may be given for the site's current or previous use. No credit will be granted for any demolition occurring more than three (3) years of Environmental Review of construction plans. To receive a credit, complete the following table. Note: If buildings have been demolished, which are not shown on the survey required with this application, attach an additional "as built" survey dated within three (3) years of this application. Other evidence may be accepted if it clearly documents the use, gross square footage and/or number and type of dwelling units, and date of demolition.</p>					
Are there any existing structures on the site?					<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Land Use	Gross Building sq. ft. * or Dwelling Units	Date Last Occupied	EXISTING STRUCTURE(S)		
			Remain the Same?	Change Use?	Has been or will be Demolished?
Banking	6,350		YES NO	YES NO	HAS WILL NO
			YES NO	YES NO	HAS WILL NO
			YES NO	YES NO	HAS WILL NO
<p>*Gross non-residential square footage includes permanent canopies and overhangs for gas stations, drive-thru facilities, and overhangs designed for outdoor tables at a restaurant. A building id defined by the definition in the Land Development Code.</p>					

Proposed Use			
RESIDENTIAL USES		NON-RESIDENTIAL USES	
Land Use	Number of Units/Rooms	Land Use	Net Acreage or Gross Floor Area
		Sit down restaurant with drive-through window	7,000 square feet

NOTARY PUBLIC: Owner/Agent Certification

This is to certify that I am the owner/agent of the property described in this application and that all information supplied herein is true and correct to the best of my knowledge. By signing this application, owner/agent specifically agrees to allow access to described property at reasonable times by County personnel for the purpose of verification of information provided by owner/agent.

[Signature]
Owner/Agent Signature

9/12/2023

Date

NOTARY PUBLIC

STATE OF FLORIDA COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence | ☐ online notarization, this 12th day of September, 2023, who ☒ is personally known to me | ☐ has produced _____ as identification.

Cynthia Mary DiPonti
Name of Notary Typed, Printed or Stamped

Cynthia Mary DiPonti
Signature of Notary Public - State of Florida



Notary Seal (or Title or Rank)

Serial Number (If applicable)

For Office Use Only

Application Type

Note Amendment

Application Date 09/13/2023	Acceptance Date 09/19/2023	Fee \$ 2,090.00
Comments Due 10/09/2023	Report Due 10/19/2023	CC Meeting Date TBD
Adjacent City or Cities None		
<input checked="" type="checkbox"/> Plats <input type="checkbox"/> Surveys <input checked="" type="checkbox"/> Site Plans <input type="checkbox"/> Landscaping Plans <input type="checkbox"/> Lighting Plans <input checked="" type="checkbox"/> City Letter <input type="checkbox"/> Agreements		
<input checked="" type="checkbox"/> Other: Narrative		
Distribute To <input checked="" type="checkbox"/> Full Review <input type="checkbox"/> Planning Council <input type="checkbox"/> School Board <input type="checkbox"/> Land Use & Permitting <input type="checkbox"/> Health Department <input type="checkbox"/> Zoning Code Services (BMSD only) <input type="checkbox"/> Administrative Review <input type="checkbox"/> Other:		
Received By Adrien Osias		

Statement of Interest in Property and Authorization to File Petitions

One East McNab Real Estate, LLC ("Owner"), certifies that it is the Owner of the subject property located at 1 East McNab Road (Folio # 4942 0157 0010) in the City of Pompano Beach and authorizes DUNAY, MISKEL, & BACKMAN, LLP, as agent, to submit and process any and all development applications to the City of Pompano Beach, Broward County, and the State of Florida and in the approval and permitting of the proposed commercial redevelopment, and appear at any meetings or public hearings necessary for the approval, permitting and development of the proposed commercial redevelopment located within the City of Pompano Beach and Broward County.

Eugene Fontanini
Print Name

[Signature]
Signature

150 N Wacker Drive #1500
Address

Chicago, IL 60606
City/State/Zip

State of FLORIDA
County of PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 6th day of July, 2023, by Eugene Fontanini, as owner of One East McNab Real Estate, LLC, who is ☐ personally known to me or who has produced F535-214-52-108-0 as identification and who did take an oath.

NOTARY PUBLIC
Sign: [Signature]
Print: Kelly G. Quinn

My Commission Expires:





Application Number 053-MP-05

Development and Environmental Review Online Application Questionnaire Form

Type of Application		
<input type="checkbox"/> Plat	<input type="checkbox"/> Site Plan	<input type="checkbox"/> Note Amendment

Project Questionnaire					
Please answer the questions marked for the type of application checked.					
1.	Why is this property being platted? Attach an additional sheet(s) if necessary.				
2.	Is this project within an existing Development of Regional Impact (DRI) or Florida Quality Development (FQD)? If "Yes", indicate DRI or FQD name and Latest Ordinance number <input type="checkbox"/> Yes <input type="checkbox"/> No or Official Record Book and Page Number.				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">DRI Name</td> <td style="width: 50%; padding: 2px;">FQD Name</td> </tr> <tr> <td style="padding: 2px;">Latest Ordinance Number</td> <td style="padding: 2px;">Official Record Book and Page Number</td> </tr> </table>	DRI Name	FQD Name	Latest Ordinance Number	Official Record Book and Page Number
DRI Name	FQD Name				
Latest Ordinance Number	Official Record Book and Page Number				
3.	Is the project subject to any existing or proposed agreement(s) with Broward County or a municipality? If "Yes", state the title and subject of the agreement(s) and attach a copy(s). <input type="checkbox"/> Yes <input type="checkbox"/> No				
4.	Is any portion of this plat currently the subject of a Land Use Plan Amendment (LUPA)? <input type="checkbox"/> Yes <input type="checkbox"/> No <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">If YES, LUPA Number</div>				
5.	Does the note represent a change in TRIPS? <input type="checkbox"/> Increase <input type="checkbox"/> Decrease <input type="checkbox"/> No Change				
6.	Does the note represent a major change in Land Use? <input type="checkbox"/> Yes <input type="checkbox"/> No				
7.	Are any off-site roadway improvements being required by any government agency or proposed by the applicant? If "Yes", attach any sheets and describe fully. <input type="checkbox"/> Yes <input type="checkbox"/> No				
8.	Does this property or project have an adjudicated or vested rights status? If "Yes", please attach the appropriate documentation. <input type="checkbox"/> Yes <input type="checkbox"/> No				
9.	Does the owner have any financial interest in properties near or adjacent to this project? If "Yes", please attach a sheet(s) and describe fully. <input type="checkbox"/> Yes <input type="checkbox"/> No				
10.	Does this property abut a State Road? If "Yes", see Supplemental Documentation Requirement No. 19 for required letter from Florida Department of Transportation (FDOT). <input type="checkbox"/> Yes <input type="checkbox"/> No				

	11. Has consideration been given to public transportation routes, shelters, or turnouts for the proposed project? If "Yes", please attach sheet(s) and describe fully.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	12. Are bikeways and walkways to be provided to connect residential areas to school or recreational sites? If "Yes", attach five (5) drawings showing facilities (if not show on plat).	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	13. Is credit being requested for private recreational facilities? If "Yes", attach two (2) sets of plans showing facilities. (APPLIES TO PROJECTS IN THE UNINCORPORATED AREA ONLY.)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	14. Has any discussion with the School Board taken place? If "Yes", state the name and title of the person contacted.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Name/Title		
	15. If a school site will be reserved or dedicated on the property, is the site delineated on the plat or site plan?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	16. Are there any natural features located on the property (e.g. wetlands, dunes, areas of native tree canopy wildlife, habitats, etc.)? If "Yes", attach a sheet(s) and describe fully. For information, contact Aquatic and Wetland Resources Section, Environ. Licensing & Bldg. Permitting (ELBP) Division.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	17. Does the property contain any portion of lands identified as "Natural Resource Areas"? If "Yes" see Supplemental Documentation Requirement No. 8. For locations, contact Aquatic and Wetland Resources Section (ELBP Division).	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	18. Does the property contain any portion of lands identified as an "Urban Wilderness Area" or "Vegetative Resource Category Local Area of Particular Concern"? If "Yes", please see Supplemental Documentation Requirement No. 9. For locations, contact Aquatic and Wetland Resources Section (ELBP Division).	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	19. Does the property contain any portion of lands identified as a "Cultural Resource Category Local Area of Particular Concern" which include archaeological sites and/or historic sites and structures? If "Yes", for archaeological sites, see Supplemental Documentation Requirement No. 10. For historic locations, contact the Broward County Historic Preservation Officer.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	20. Will any dredging or major filling operation be necessary, or is a waterway involved in the proposed project? If "Yes", permits may be required from Broward County. Please contact Broward County Aquatic and Wetland Resources Section (ELBP Division).	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	21. Is the project to be served by an approved potable water system? If "Yes", state the name of facility and facility address.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Facility Name		
	Address		
	22. Is this project to utilize on-site wells for its potable water? If "Yes", see Supplemental Documentation Requirement No. 13 for required letter.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	23. Is this project to be served by an approved wastewater (sewage) treatment plant? If "Yes", state the name of facility and facility address.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Facility Name		
	Address		

	24. Will septic tanks serve this project? If "Yes", see Supplemental Documentation Requirement No. 12 for required letter. <input type="checkbox"/> Yes <input type="checkbox"/> No	
	25. Have provisions been made for the collection of solid waste for this project? If "Yes", state the name of the collector. <input type="checkbox"/> Yes <input type="checkbox"/> No <div data-bbox="217 321 1508 394" style="border: 1px solid black; padding: 2px;">Solid Waste Collector</div>	
	26. Has any contact been made with FPL and AT&T regarding service availability and easement requirements? If "Yes", state name and title of the person contacted. <input type="checkbox"/> Yes <input type="checkbox"/> No <div data-bbox="217 489 1508 552" style="border: 1px solid black; padding: 2px;">FPL – Name/Title</div> <div data-bbox="217 552 1508 615" style="border: 1px solid black; padding: 2px;">AT&T – Name/Title</div>	
	27. Estimate or state the total number of on-site parking spaces to be provided.	Spaces
	28. If applicable, state the seating capacity of any proposed restaurant or public assembly facility, including day care centers or schools, or places of worship.	Seating



Gary Dunay
Bonnie Miskel
Scott Backman
Eric Coffman

Hope Calhoun
Dwayne Dickerson
Ele Zachariades
Matthew H. Scott

Christina Bilenki
David F. Milledge
Jeffrey Schneider
Sara Thompson

August 28, 2023

Karina Da Luz
Resilient Environment Department
Broward County Urban Planning Division
1 N University Drive, Box 102
Plantation, FL 33324

RE: McNab – Cypress Corners (053-MP-05) – Plat Note Amendment

Dear Ms. Da Luz:

One East McNab Real Estate, LLC (“Petitioner”), is the owner for the +/-1.23 net acre property generally located on the northeast corner of East McNab Road and South Cypress Road (“Property”) in the City of Pompano Beach (“City”) and Broward County (“County”). The Property has an underlying land use designation of Commercial on the City’s Future Land Use Map and is zoned B-3, General Business. Currently, a former Bank of America building occupies the Property. Petitioner seeks to utilize the existing structure as a sit-down restaurant with a takeout window option, which the Petitioner is currently going through site plan review to approve this use (PZ 23-12000020).

The Property is platted as the McNab – Cypress Corners Plat (“053-MP-05”), as recorded in Plat Book 178, Page 5 of the Public Records of Broward County, Florida (“Plat”). The restrictive note on the Plat specifies that the Plat is restricted to 7,000 square feet of bank use. As the Project is to redevelop the existing building with a restaurant use, Petitioner is proposing to amend the restrictive note on the Plat as follows:

From: This plat is restricted to 7,000 square feet of bank use.

To: This plat is restricted to 7,000 square feet of a restaurant with a drive-thru.

Petitioner respectfully requests that the County approve this delegation request application to amend the note on the face of the Plat as described above. Please contact me at (561) 405-3363 should you have any questions or need additional information to process this request.

Sincerely,

Sara Thompson

Sara Thompson, Esq.
Dunay, Miskel & Backman, LLP