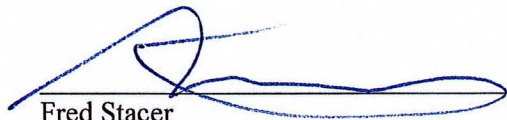


**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY
MEMORANDUM #16-041**

DATE: June 28, 2016
TO: City Commission
FROM: Planning and Zoning Board/ Local Planning Agency
SUBJECT: UTILITY EASEMENT ABANDONMENT
MLK BLVD. between NW 4TH and NW 6TH AVENUES
P & Z #16-27000003 City Vista Abandonment

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on June 22, 2016, the Board considered the request by **City Vista Associates, LLC** requesting ABANDONMENT OF A FORTY (40)-FOOT UTILITY EASEMENT and a FIFTY (50)-FOOT UTILITY EASEMENT on the above referenced property.

It is the unanimous recommendation of the Board that the UTILITY EASEMENTS ABANDONMENT request be approved.


Fred Stacer
Chairman
Planning and Zoning Board/ Local Planning Agency

MEMORANDUM

Development Services

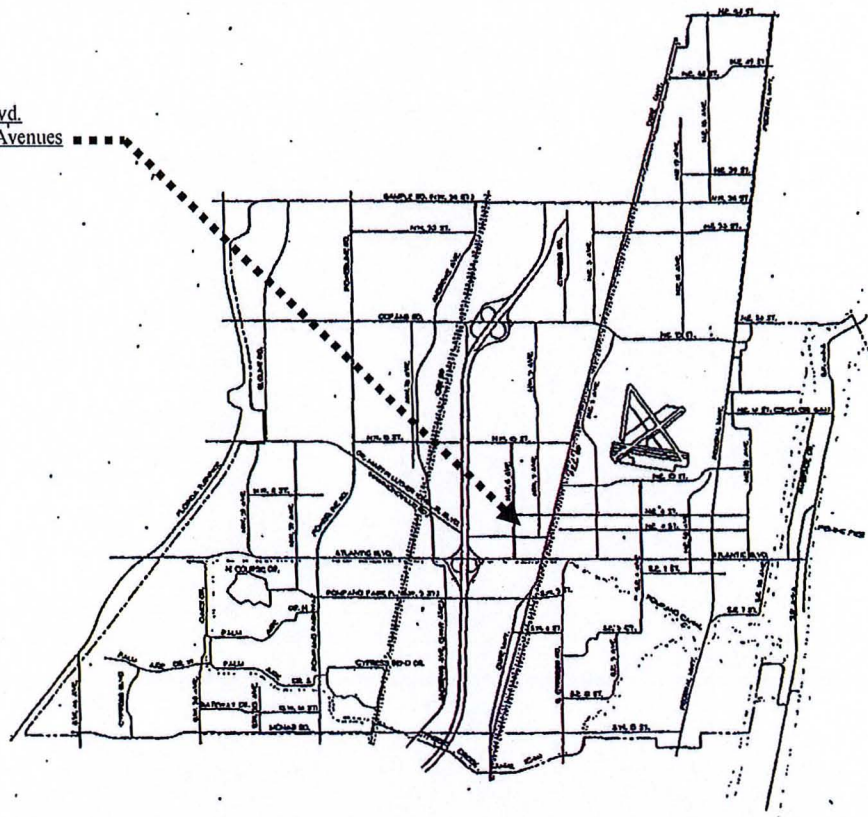
MEMORANDUM NO. 16-279

DATE: June 10, 2016
TO: Planning & Zoning Board
VIA: Robin M. Bird, Development Services Director *RB*
FROM: Maggie Barszewski, AICP, Planner *MB*
RE: Request for Abandonment of a Utility Easement Existing on a Parcel Located Along MLK Blvd. Between NW 4th and NW 6th Avenues

P & Z # 16-27000003

The Applicant, Francisco Rojo, on behalf of City Vista Associates LLC., is requesting the abandonment of a 40-foot utility easement and a 50-foot utility easement existing on a parcel located along MLK Blvd. between NW 4th and NW 6th Avenues. The applicant is proposing to build a mixed-use redevelopment project that will be the cornerstone of redevelopment on MLK Blvd. The area to be abandoned is approximately 18,563 square feet.

Parcel located along MLK Blvd.
between NW 4th and NW 6th Avenues



LEGEND

FOR LAND USE PLAN

Symbol Classification Units/ Acre

Gross Residential Density

Residential

E Estate

L Low

LM Low- Medium

M Medium

MH Medium-High

H High

C Commercial

* DPTOC Downtown Pompano Transit Oriented Corridor

CR Commercial Recreation

I Industrial

T Transportation

U Utilities

CF Community Facilities

OR Recreation & Open Space

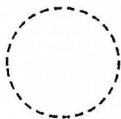
W Water

RAC Regional Activity Center

Boundaries

City of Pompano Beach

Number



Reflects the maximum total number of units permitted within the dashed line of Palm Aire & Cypress Bend being 9,724 and 1,998

FOR ZONING MAP

Symbol District

RS-1 One-Family Residence

RS-2 One-Family Residence

RS-3 One-Family Residence

RS-4 One-Family Residence

RD-1 Two- Family Residence

RM-12 Multi-Family Residence

RM-20 Multi-Family Residence

RM-30 Multi-Family Residence

RM-45 Multi-Family Residence

RM-45/HR * Overlay Downtown Pompano

Transit Oriented Corridor

RPUD Residential Planned Unit Dev.

AOD Atlantic Boulevard Overlay District

MH-12 Mobile Home Park

B-1 Limited Business

B-2 Neighborhood Business

B-3 General Business

B-4 Heavy Business

RO Residence Office

M-1 Marina Business

M-2 Marina Industrial

I-1 General Industrial

I-1X Special Industrial

O-IP Office Industrial Park

BP Business Parking

BSC Planned Shopping Center

PCI Planned Commercial /
Industrial Overlay

PR Parks & Recreation

CR Commerical Recreation

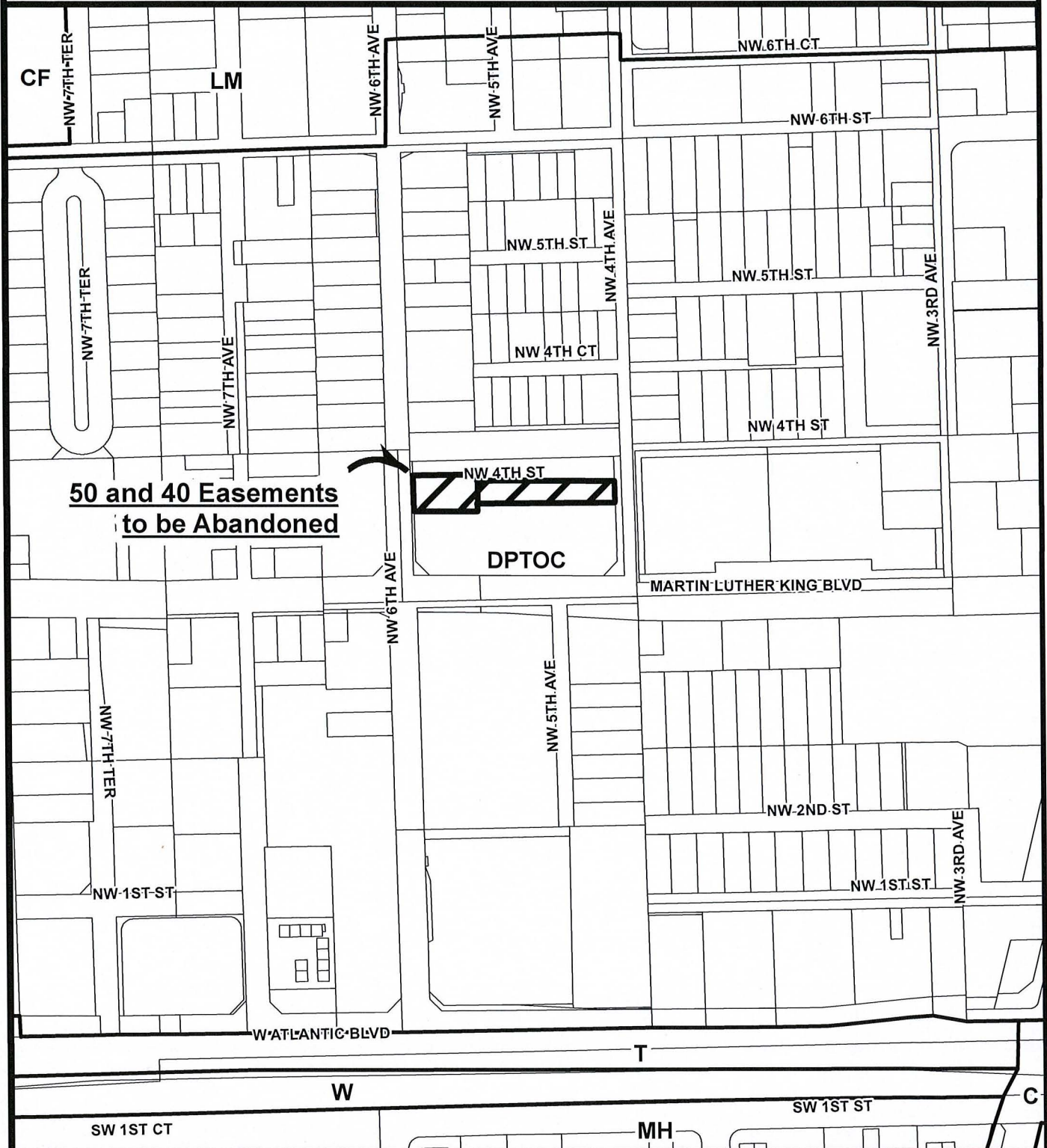
CF Community Facilities

T Transportation

PU Public Utility

*	Existing
>	Proposed

CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



1 in = 292 ft

3

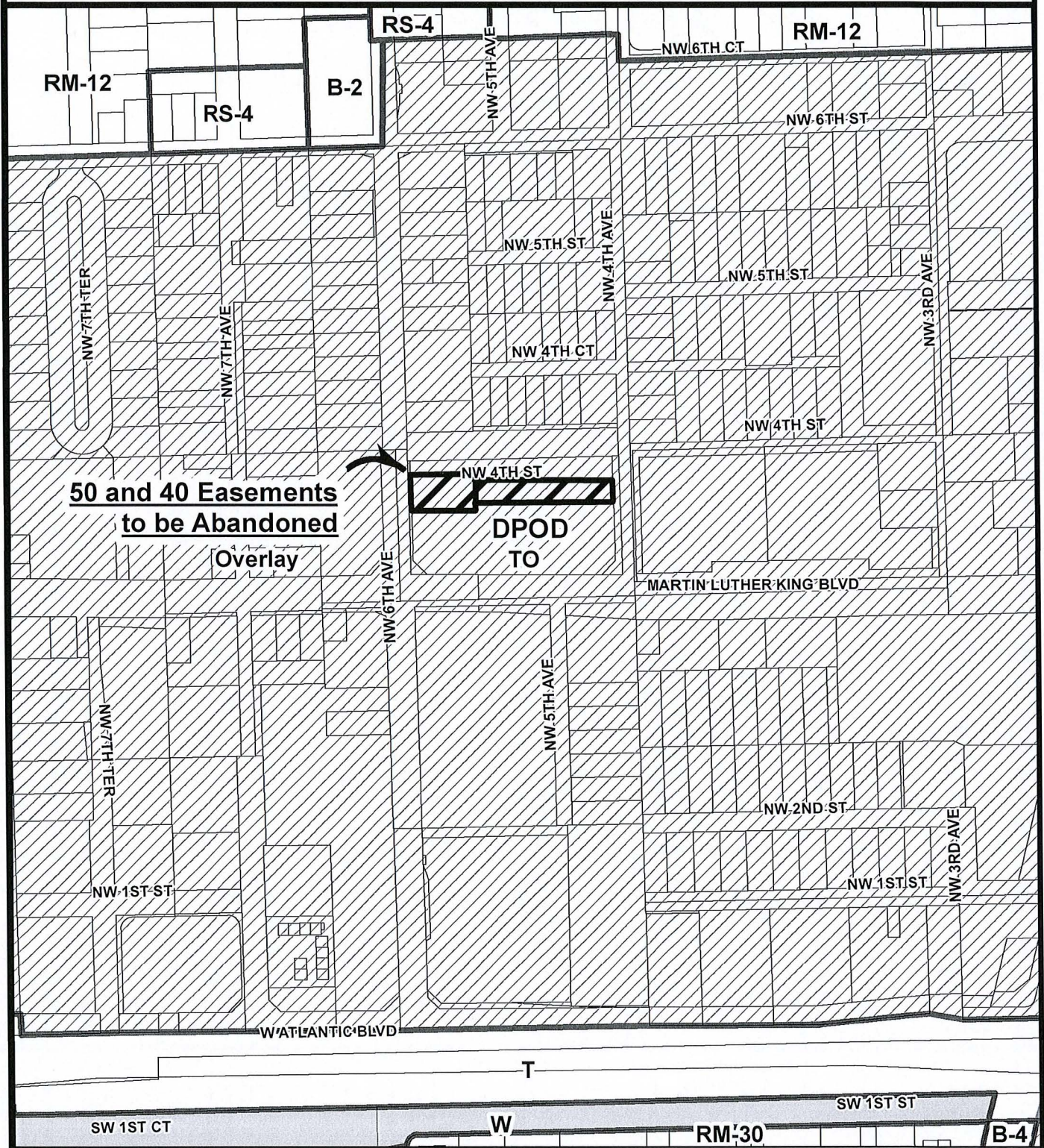
PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

6/8/2016

macker

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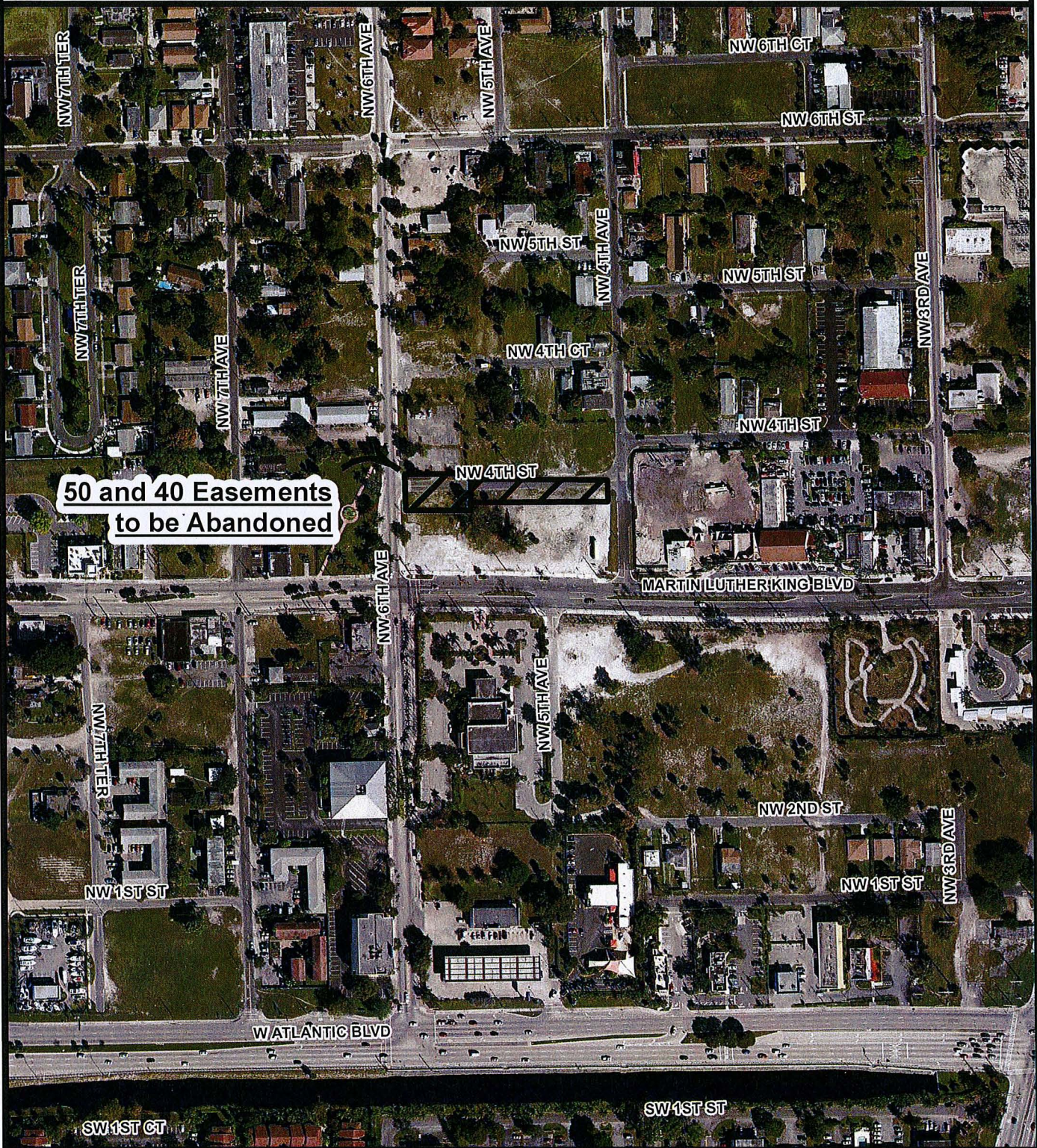
CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 292 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

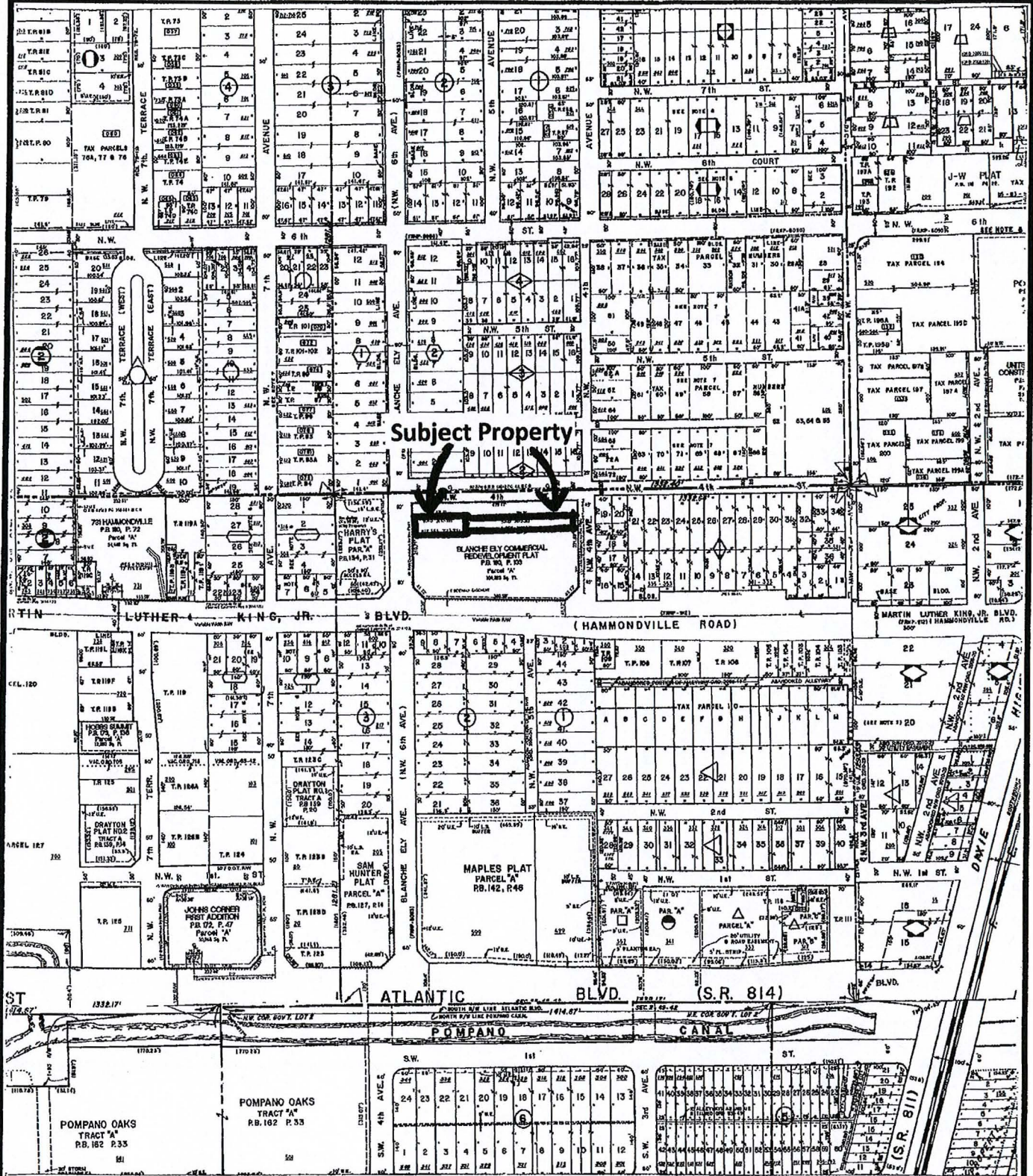
CITY OF POMPANO BEACH AERIAL MAP



1 in = 292 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

EXCERPT FROM THE CITY OF POMPANO BEACH PLAT MAP



SCALE: NTS

NORTH

REVIEW AND SUMMARY

DRC Dates: Note that Vacation/ Abandonment Requests do not go to DRC.

Zoning Department:	No Objection
Community Redevelopment Agency	No Objection
Code Compliance	No Objection
Fire Department:	No Objection
Engineering Department:	No Objection
Public Works Department:	No Objection
Utilities Department:	No Objection
AT&T:	No Objection
TECO Gas:	No Objection
Department of Transportation:	No Objection
FP&L:	No Comment Received Yet
Comcast Cable:	No Comment Received Yet

ZONING DEPARTMENT RECOMMENDATION

Given the information provided to the Board, staff provides the following alternative motions for the Board's review.

Alternative Motions

I- Approve with conditions

Recommend approval to the City Commission with the following conditions:

1. This request will not be placed on a City Commission Agenda until all comments are received from each service provider, or until 60 days from the date of this recommendation, whichever occurs first.

II- Table

Table this abandonment request to allow time for the Applicant to address any objections raised by the affected parties

III- Denial

Recommend denial to the City Commission as the Board finds that the easement serves a public purpose and should not be abandoned.

Dr. Mills asked Ms. Sarver asked why the Board needs to table an item to a time certain. Ms. Sarver asked Ms. Gomez if there was a notice sent out to advertise this item and Ms. Gomez confirmed. Ms. Sarver then explained that in order to avoid sending out another mailer, the item would need to be tabled to a time certain. Dr. Mills asked if there was a time limit on how long or how many times an item can be tabled. Ms. Gomez stated that this was a request of Staff to table, therefore we would not penalize the applicant.

MOTION was made by Walter Syrek and seconded by Richard Klosiewicz to table the item to the July 27, 2016 Planning and Zoning Board hearing. All voted in favor of the above motion; therefore, the motion passed.

3. CITY VISTA ASSOCIATES, LLC / CITY VISTA EASEMENT
ABANDONMENT
Planning and Zoning #16-27000003

Consideration of the request by **FRANCISCO ROJO** on behalf of **CITY VISTA ASSOCIATES, LLC** to abandon a 40-foot utility easement and a 50-foot utility easement existing on a parcel located along MLK Blvd. between NW 4th Avenue and NW 6th Avenue. The property is legally described as follows:

THAT CERTAIN 50.00 FOOT RIGHT OF WAY FOR N.W. 4TH STREET AS DEDICATED BY OFFICIAL RECORDS BOOK 2152, PAGE 113 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA LYING WITHIN TRACT 14, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK B, PAGE 76 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHWEST CORNER OF LOT 9, BLOCK 1, SHEWIMAKE PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 52 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE SOUTH 01°42'20" EAST ALONG THE WEST LINE OF SAID LOT 9 ALSO BEING THE EAST LINE OF SAID 50.00 FOOT RIGHT-OF-WAY, A DISTANCE OF 5.00 FEET TO THE SOUTH LINE OF SAID 50.00 FOOT RIGHT-OF-WAY ALSO BEING A POINT ON A LINE LYING 5.00 FEET SOUTH OF AND PARALLEL WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK 1; THENCE SOUTH 88°44'10" WEST, ALONG SAID SOUTH 50.00 FOOT RIGHT-OF-WAY LINE AND SAID PARALLEL LINE, 143.43 FEET TO A POINT OF INTERSECTION WITH WEST LINE OF SAID 50.00 FOOT RIGHT-OF-WAY ALSO BEING THE EAST RIGHT-OF-WAY LINE OF N.W. 6TH AVENUE; THENCE NORTH 01°26'19" WEST, ALONG SAID EAST AND WEST RIGHT-OF-WAY LINES, 50.00 FEET TO A POINT ON THE NORTH LINE OF SAID 50.00 FOOT RIGHT-OF-WAY ALSO BEING A POINT ON A LOCATION MAP: LINE 5.00 FEET NORTH OF AND PARALLEL WITH THE WESTERLY EXTENSION NOT TO SCALE OF THE SOUTH LINE OF BLOCK 2 OF SAID SHEWIMAKE PARK PLAT; THENCE NORTH 88°44'10" EAST, ALONG SAID NORTH 50.00 FOOT RIGHT-OF-WAY LINE AND SAID PARALLEL LINE, 143.20 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF LOT B OF SAID BLOCK 2;

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // kem

THENCE SOUTH 01°42'20" EAST ALONG SAID WEST LINE AND ITS SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 45.00 FEET TO THE POINT OF BEGINNING

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, CONTAINING 7,166 SQUARE FEET, 0.165 ACRES, MORE OR LESS.

THAT CERTAIN THAT CERTAIN 40-FOOT RIGHT OF WAY FOR N.W. 4TH STREET AS DEDICATED BY SHEWMAKE PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 52 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 2 OF SAID PLAT, THENCE SOUTH 01°24'56" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF N.W. 4th AVENUE, 40.00 FEET TO THE NORTHEAST CORNER OF LOT 16, BLOCK 1 OF SAID PLAT; THENCE SOUTH 88°44'10" WEST ALONG THE NORTH LINE OF SAID BLOCK 1, ALSO BEING THE SOUTH LINE OF SAID 40.00 FOOT RIGHT-OF-WAY, 306.04 FEET TO THE NORTHWEST CORNER OF LOT 9, OF SAID BLOCK 1; THENCE NORTH 01°42'20" WEST, ALONG THE NORTHERLY PROLONGATION OF THE WEST LINE OF SAID LOT 9, 40.00 FEET TO THE SOUTHWEST CORNER OF LOT 8 OF SAID BLOCK 2; THENCE NORTH 88°44'10" EAST, ALONG THE SOUTH LINE OF SAID BLOCK 2 ALSO BEING THE NORTH LINE OF SAID 40.00 FOOT RIGHT-OF-WAY, 306.24 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, CONTAINING 12,246 SQUARE FEET, 0.281 ACRES, MORE OR LESS.

AKA: Right-of-way on S. Riverside at 101 S. Riverside Drive

ZONED: Transit Oriented District / Downtown Pompano Overlay District (TO/DPOD)

STAFF CONTACT: Maggie Barszewski (954)786-7921

Jennifer Gomez introduced herself to the Board and stated that the applicant is requesting the abandonment of a 40-foot utility easement and a 50-foot utility easement existing on a parcel located along MLK Blvd. between NW 4th and NW 6th Avenues. The applicant is proposing to build a mixed-use redevelopment project that will be the cornerstone of redevelopment on MLK Blvd. The area to be abandoned is approximately 18,563 square feet.

Ms. Gomez stated that, in the report, Staff received all no objection letters from all but two utility companies. Since the report was written, we have received no objection letters from both utility companies.

Ms. Gomez stated that Staff provides the following alternative motions:

I- Approve with conditions

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // kem

Recommend approval to the City Commission. There will be no conditions since Staff has received all no objection letters.

II- Table

Table this abandonment request to allow time for the Applicant to address any objections raised by the affected parties

III- Denial

Recommend denial to the City Commission as the Board finds that the easement serves a public purpose and should not be abandoned.

The Chairman asked if the Board has any questions of Staff and no one answered. The applicant also did not have any comments. No one in the audience had any questions or comments.

MOTION was made by Joan Kovac and seconded by Richard Klosiewicz to recommend approval of the proposed easement abandonment. All voted in favor of the above motion; therefore the motion passed.

G. SITE PLAN REVIEWS

4. PPL, INC. / ISLE CASINO ADDITION **Planning and Zoning #15-12000049**

Consideration of the MAJOR SITE PLAN submitted by **JOHN E. TICE** on behalf of **PPL, INC.** in order to construct a new 49,850 square-foot office, administration and warehouse building with associated parking and landscaping. The subject site is currently used as a parking lot. The lot coverage of the proposal is 31,305 square feet on a 223.8 acre site (0.3% lot coverage). The total lot coverage including existing buildings is 217,150 square feet (2.2% lot coverage of the total site). The property is located at southeast corner of the intersection of SW 3 Street (Race Track Road/Pompano Park Place) and Powerline Road, more specifically:

ALL OF TRACTS "A" AND "B ", ARVIDA P OMPANO PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 137, PAGE 33, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

A PORTION OF THE NORTH ONE-HALF (N 1/2) OF SECTION 3, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA. ALL MORE FULLY DESCRIBED IN THE SURVEY SUBMITTED WITH THE APPLICATION.

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // kem



City of Pompano Beach
Department of Development Services
Planning & Zoning Division

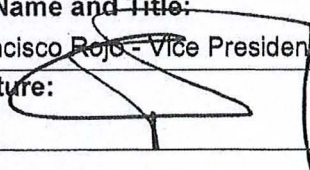
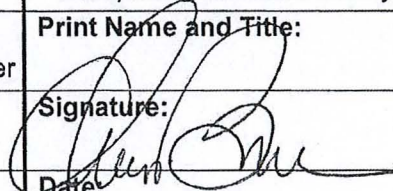
P&Z#: _____

100 W. Atlantic Blvd Pompano Beach, FL 33060
Phone: 954.786.4634 Fax: 954.786.4666

Request for Vacation

Request for Vacation

Request for Vacation		
<input checked="" type="checkbox"/> Easement Vacation	<input type="checkbox"/> Right-of-Way Vacation	
Street Address: NE Corner of NW 6th Ave. & NW 3rd Street	Folio Number: 4842 35 89 0010	Zoning District:
Subdivision: Blanche Ely	Block:	Lot:
Type of Easement (if applicable): Utility		
Does Petitioner have any financial interest in properties near or abutting this property? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, explain: <u>Contract Purchaser</u>		
Improvements Located on Property: Vacant Land		

Applicant	Landowner (Owner of Record)
Business Name (if applicable): City Vista Associates, LLC	Business Name (if applicable): Pompano Beach Community Redevelopment Agency
Print Name and Title: Francisco Rojas - Vice President of Managing Member	Print Name and Title:
Signature: 	Signature: 
Date: May 20, 2016	Date: May 20, 2016
Street Address: 3050 Biscayne Blvd., Suite 300	Street Address: 100 West Atlantic Blvd.
Mailing Address City/ State/ Zip: Miami, FL 33137	Mailing Address City/ State/ Zip: Pompano Beach, FL 33060
Phone Number: 305-490-1611	Phone Number: 954-786-4600
Email: justin@landmarkco.net	Email:
Email of ePlan agent (if different):	



City of Pompano Beach
Department of Development Services
Planning & Zoning Division

100 W. Atlantic Blvd Pompano Beach, FL 33060
Phone: 954.786.4634 Fax: 954.786.4666

Request for Vacation

Reason for Request

(A separate sheet may be attached for additional information.):

Utility easements are being vacated to make way for a 11 unit multifamily development.

City Vista Associates, LLC

Name of Petitioner

Contract Purchaser

Petitioner's Interest in Property



City of Pompano Beach
Department of Development Services
Planning & Zoning Division

100 W. Atlantic Blvd Pompano Beach, FL 33060
Phone: 954.786.4634 Fax: 954.786.4666

Request for Vacation

OWNER'S CERTIFICATE

This is to certify that I am the owner of the subject lands described in this application and that I have authorized the filing of the aforesaid application for rezoning.

Owner's Name: Pompano Beach Community Redevelopment Agency
(Print or Type)

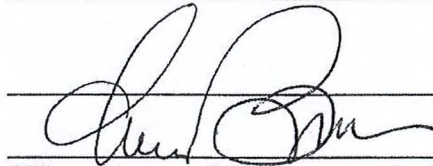
Address: 100 West Atlantic Blvd.

Pompano Beach, FL 33060

(Zip Code)

Phone: 954-786-4600

Email address: _____



(Signature of Owner or Authorized Official)

SWORN AND SUBSCRIBED before me this 23rd day of MAY, 2016.



NOTARY PUBLIC, STATE OF FLORIDA

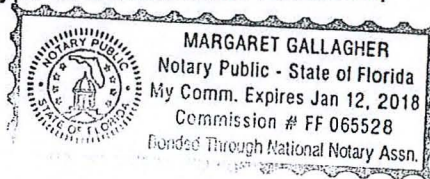
MARGARET GALLAGHER

(Name of Notary Public: Print, stamp, or Type as Commissioned.)

- ☒ Personally know to me, or
☐ Produced identification:

N/A

(Type of Identification Produced)



MEMORANDUM

DATE: May 31, 2016

TO: Department of Development Services
Code Enforcement
Fire Department
Engineering Department
Public Works Department
Utilities Administration

Florida Power and Light Company
AT&T
TECO Peoples Gas Systems
Comcast Communications
Department of Transportation

FROM: Pompano Beach Planning and Zoning Board

SUBJECT: ABANDONMENT -- Utility Easements Abandonment

Please be advised that the Francisco Rojo, of City Vista Associates, LLC is requesting the abandonment of 2 Utility Easements, one 50 feet wide and one 40 feet wide located between NW 4th & 6th Ave.s along MLK Blvd., as shown in attached survey and Legal description sketches.

Please provide your comments on the attached form.

We would appreciate your completing the appropriate portion of the response form as follows:

SECTION I:

DATE: 6/22/16

Christina Gale
Signature

We have NO OBJECTIONS to this abandonment as requested. *please see attachment.*
christina kale / Associate Engineer
Print Name and Official Title

SECTION II:

DATE: _____

We have NO OBJECTIONS to this abandonment request subject to retention of the utility easement described on the attached page.

Signature

Print Name and Official Title

SECTION III:

DATE: _____

We OBJECT to this abandonment request for the following reasons:

Signature

Print Name and Official Title

NOTE: Please retain one copy of this memorandum form and the back-up material for your files and return the other signed memorandum form to this office. Your response within 30 days of this date would be greatly appreciated so we can begin processing this request before the Planning and Zoning Board and the City Commission.

Maggie Barszewski, AICP
City of Pompano Beach
P.O. Drawer 1300
Pompano Beach, Florida 33061
PHONE: (954) 786-7921
EMAIL: Maggie.Barszewski@copbfl.com



330 SW 12th Ave Pompano Beach, FL 33069

June 16, 2016

Maggie Barszewski, AICP
City of Pompano Beach
P.O. Drawer 1300
Pompano Beach, FL 33061

RE: No Objection Letter for the two Utility Easements, one 50 feet wide and one 40 feet wide located between 4th and 6th Ave along MLK Blvd.

Per your request, FPL has no objection to the proposed sketch requesting the abandonment of the two Utility Easements, one 50 feet wide and one 40 feet wide located between 4th and 6th Ave along MLK Blvd.

Please be advised that for any future projects requiring FPL facilities, the customer will need to provide any additional easements needed by FPL. These easements will be required prior to construction or installation of FPL facilities.

Should any FPL facilities be subsequently discovered that have not been relocated, the customer will pay for the total costs of any relocation or replacement of those FPL facilities as deemed necessary by FPL or requested by the applicant.

If I can be of assistance feel free to contact me at 954-956-2047. My fax is 954-956-2020.

Sincerely,

A handwritten signature in cursive script that reads 'Christina Kale'. The signature is written in dark ink and is positioned above the printed name and title.

Christina Kale
Customer Project Manager

MEMORANDUM



DATE: May 31, 2016

CWSI M16-4068/052016

TO: Department of Development Services
Code Enforcement
Fire Department
Engineering Department
Public Works Department
Utilities Administration

Florida Power and Light Company
AT&T
TECO Peoples Gas Systems
Comcast Communications
Department of Transportation

FROM: Pompano Beach Planning and Zoning Board

SUBJECT: ABANDONMENT – Utility Easements Abandonment

Please be advised that the Francisco Rojo, of City Vista Associates, LLC is requesting the abandonment of 2 Utility Easements, one 50 feet wide and one 40 feet wide located between NW 4th & 6th Ave.s along MLK Blvd., as shown in attached survey and Legal description sketches.

Please provide your comments on the attached form.

We would appreciate your completing the appropriate portion of the response form as follows:

SECTION I: leonard_maxwell-

DATE: newbold@cable.comcast.com

Digitally signed by leonard_maxwell-
newbold@cable.comcast.com
DN: cn=leonard_maxwell-newbold@cable.comcast.com
Date: 2016.06.15 08:21:49 -04'00'

We have **NO OBJECTIONS** to this abandonment as requested.

Signature

Print Name and Official Title

SECTION II:

DATE:

We have **NO OBJECTIONS** to this abandonment request subject to retention of the utility easement described on the attached page.

Signature

Print Name and Official Title

SECTION III:

DATE:

We **OBJECT** to this abandonment request for the following reasons:

Signature

Print Name and Official Title

NOTE: Please retain one copy of this memorandum form and the back-up material for your files and return the other signed memorandum form to this office. Your response within 30 days of this date would be greatly appreciated so we can begin processing this request before the Planning and Zoning Board and the City Commission.

Maggie Barszewski, AICP
City of Pompano Beach
P.O. Drawer 1300
Pompano Beach, Florida 33061
PHONE: (954) 786-7921
EMAIL: Maggie.Barszewski@copbfl.com