



## Staff Report

**File #:** LN-614

### PLANNING AND ZONING BOARD

Meeting Date: JUNE 26, 2024

### 512 SE 28 AVE EASEMENT ABANDONMENT

**Request:** Easement Abandonment  
**P&Z#** 24-27000002  
**Owner:** James J Maguire TR  
**Project Location:** 512 SE 28<sup>th</sup> Ave  
**Folio Number:** 494306190090  
**Land Use Designation:** L (Low 1-5 DU/AC)  
**Zoning District:** RS-2 (Single-Family Residence 2)  
**Commission District:** 1 (Andrea McGee)  
**Agent:** John Greene (561-351-5762 / john.greene@elliman.com)  
**Project Planner:** Maggie Barszewski (954-786-7921 / maggie.barszewski@copbfl.com)

This is a request to abandon a 10-foot wide utility easement by Applicant, John Greene, on behalf of the owner the James J Maguire Trust. The easement is shown on the face of the Cypress Point Plat (ORB 28, PG 16) and is located on the east side of SE 28th Avenue at the terminus of SE 6<sup>th</sup> Street. This had been a perimeter utility easement, however, this lot was created by combining portions of Lots 11 & 12. Therefore, the 10-foot easement is located practically in the middle of the lot. There are no utility assets located within the easement and a single-family home was built on top of it in 1954.

### REVIEW AND SUMMARY

#### **A. The following Service Providers commented on this request:**

Code Compliance: No Objection  
Fire Department: No Objection  
Public Works Department: No Objection  
Utilities Department: No comment has been submitted yet  
FP&L: No comment has been submitted yet  
AT&T: No comment has been submitted yet  
TECO Gas: No comment has been submitted yet  
Comcast Cable: No comment has been submitted yet

#### **B. Development Services Department staff submits the following factual information which is relevant to this abandonment request:**

1. The property is located on the east side of SE 28th Avenue at the terminus of SE 6<sup>th</sup> Street.

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2. The Applicant's request is necessary to eliminate this unnecessary 10-foot wide easement located under an existing home.

**C. Review Standards**

Section 155.2431 D. 1. & 2. states that an application for vacation or abandonment of a public right-of-way or easement shall be approved only on a finding that all of the following standards are met:

1. The right-of-way or easement is not now, or in the foreseeable future, of any benefit to the city or its inhabitants; and
2. Vacation or abandonment of the right-of-way or easement is consistent with the comprehensive plan.

**D. Staff Analysis**

All three of the city service providers that have commented have stated they have no objection to this request. There are five service providers that have not yet submitted comments, however, it is obvious that this easement can not be used by any service provider given it has been located under a house for the past 70 years.

The abandonment of this easement meets the standards of Section 155.2431D.1. & 2, and therefore staff recommends approval of this request.

**DEPARTMENT RECOMMENDATION**

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

**I- Approve with conditions**

Recommend approval to the City Commission as the Board finds that the easement abandonment meets the standards of Section 155.2431D.1. & 2. With the following condition:

1. The Applicant must submit a legal description & sketch of the easement to be abandoned.

**II- Table**

Table this abandonment request to allow time for the Applicant to address any objections raised by the affected parties or to get additional information.

Staff recommends alternative motion number I.

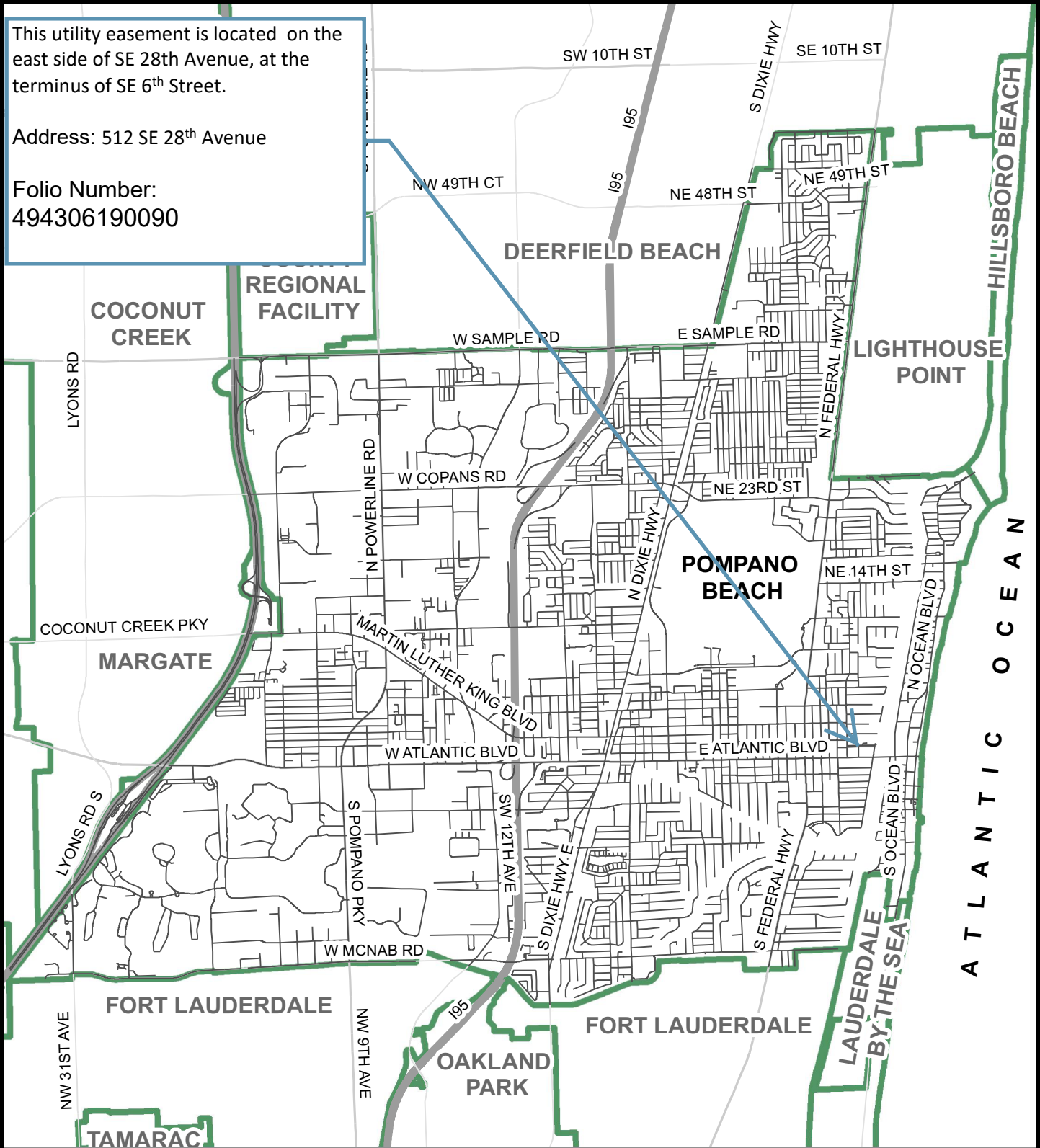
# CITY OF POMPANO BEACH LOCATION MAP



This utility easement is located on the east side of SE 28th Avenue, at the terminus of SE 6th Street.

Address: 512 SE 28th Avenue

Folio Number:  
494306190090





# CITY OF POMPANO BEACH AERIAL MAP



10-foot wide utility easement to be abandoned

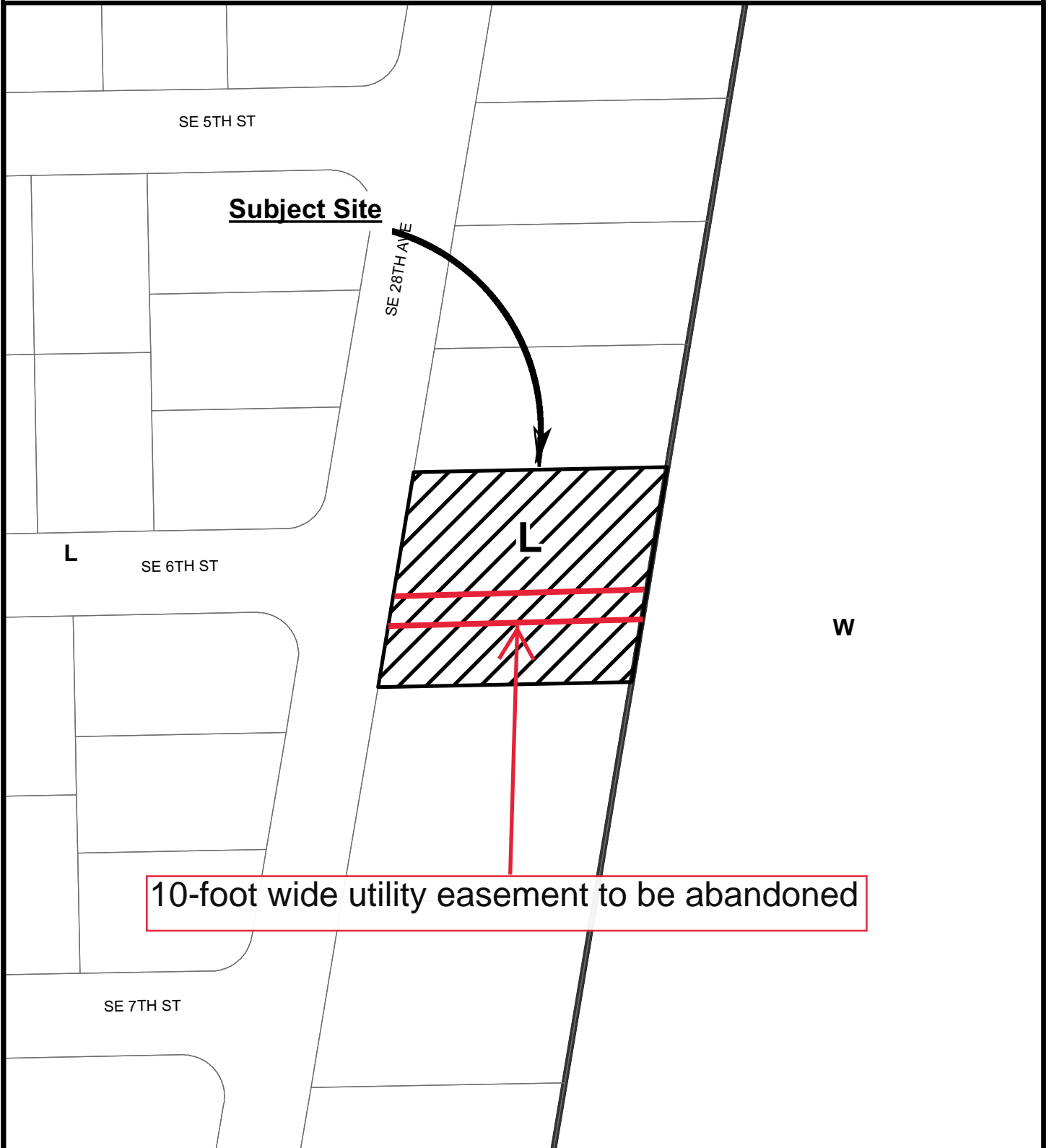
**P & Z**  
in = 83 ft  
6/17/2024 AdkBob

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PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

PZ24-27000002  
06/26/2024

# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



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6/17/2024

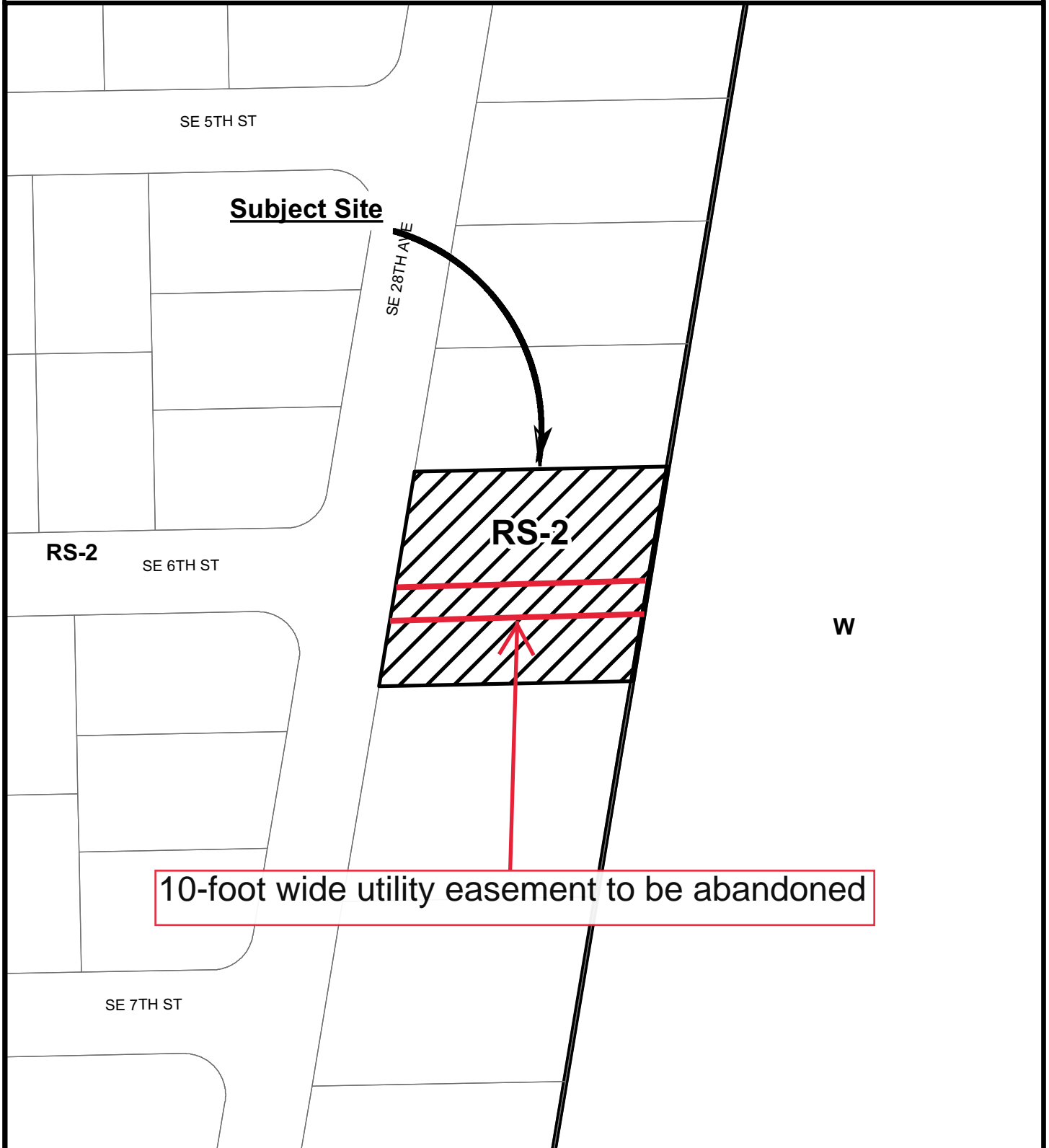
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# CITY OF POMPANO BEACH OFFICIAL ZONING MAP



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6/17/2024

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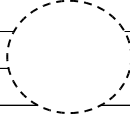
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## LEGEND

FOR LAND USE PLAN			FOR ZONING MAP		
	Symbol	Classification Units/ Acre		Symbol	District
				RS-1	Single-Family Residence 1
*	L	Low (1-5 DU/AC)	*	RS-2	Single-Family Residence 2
	LM	Low- Medium (5-10 DU/AC)		RS-3	Single-Family Residence 3
	M	Medium (10-16 DU/AC)		RS-4	Single-Family Residence 4
	MH	Medium-High 16-25 DU/AC)		RS-L	Single-Family Residence Leisureville
	H	High (25-46 DU/AC)			
	12	Irregular Density		RD-1	Two- Family Residence
	36	Irregular Density			
				RM-7	Multiple-Family Residence 7
	C	Commercial		RM-12	Multiple-Family Residence 12
	CR	Commercial Recreation		RM-20	Multiple-Family Residence 20
				RM-30	Multiple-Family Residence 30
	I	Industrial		RM-45	Multiple-Family Residence 45
				MH-12	Mobile Home Park
	T	Transportation			
				B-1	Limited Business
	U	Utilities		B-2	Neighborhood Business
				B-3	General Business
	CF	Community Facilities		B-4	Heavy Business
				M-1	Marina Business
	OR	Recreation & Open Space		CR	Commerical Recreation
	W	Water		I-1	General Industrial
				I-1X	Special Industrial
	RAC	Regional Activity Center		O-IP	Office Industrial Park
				M-2	Marina Industrial
	LAC	Local Activity Center			
	ETOC	East Transit Oriented Corridor		TO	Transit Oriented
	DPTOC	Downtown Pompano		PR	Parks & Recreation
		Transit Oriented Corridor		CF	Community Facilities
		Number		PU	Public Utility
				T	Transportation
				BP	Business Parking
				LAC	Local Activity Center
				RPUD	Residential Planned Unit Dev.
				PCD	Planned Commercial Development
				PD-TO	Planned Development - Transit Oriented
				EOD	East Overlay District
				PD-I	Planned Development - Infill
				RM-45 HR	Multiple-Family Residence 45 High Rise-Overlay
				AOD	Atlantic Boulevard Overlay District
				CRAO	Community Redevelopment Area Overlay
				NCO	Neighborhood Conservation Overlay
				APO	Air Park Overlay
				DPOD	Downtown Pompano Beach Overlay

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