



DEVELOPMENT SERVICES

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ADMINISTRATIVE MEMORANDUM NO. 19-298

TO: Planning and Zoning Board

VIA: David L. Recor, ICMA-CM, Director of Development Services *[Signature]*

VIA: Jennifer Gomez, AICP, Assistant Director of Development Services *JG*

FROM: Maggie Barszewski, AICP, Planner *Maggie*

SUBJECT: Request to abandon two 10-foot wide Easements for the Lamont Plat for Southeastern Freight Lines, Inc. *Just for MB.*
Abandonment P&Z #19-27000004/ October 23, 2019 P&Z Meeting

DATE: October 1, 2019

The following is a brief summary of information on the subject property and surrounding properties. This is a request to abandon a 10-foot wide easement dedicated to People’s Gas, Inc, and a 10-foot wide easement dedicated to both AT&T and FP&L. The applications have been submitted by Pulice Surveyors, Inc., on behalf of Southeastern Freight Lines, Inc. The Applicant is proposing to expand the current 83,904-square foot distribution facility by constructing an addition of 45,496-square foot. The two easements proposed in this request interfere with the redevelopment plan for this site. A Site Plan has been approved by the Planning and Zoning Board at the Meeting held on July 24, 2019 (Development Order # 18-12000049, attached). This abandonment was one of the conditions for that Site Plan approval.

The subject property is located at 933 Andrews Avenue (SW 12 Avenue), which is actually on the south side of SW 9th Street, approximately 500 feet west of Andrews Avenue.

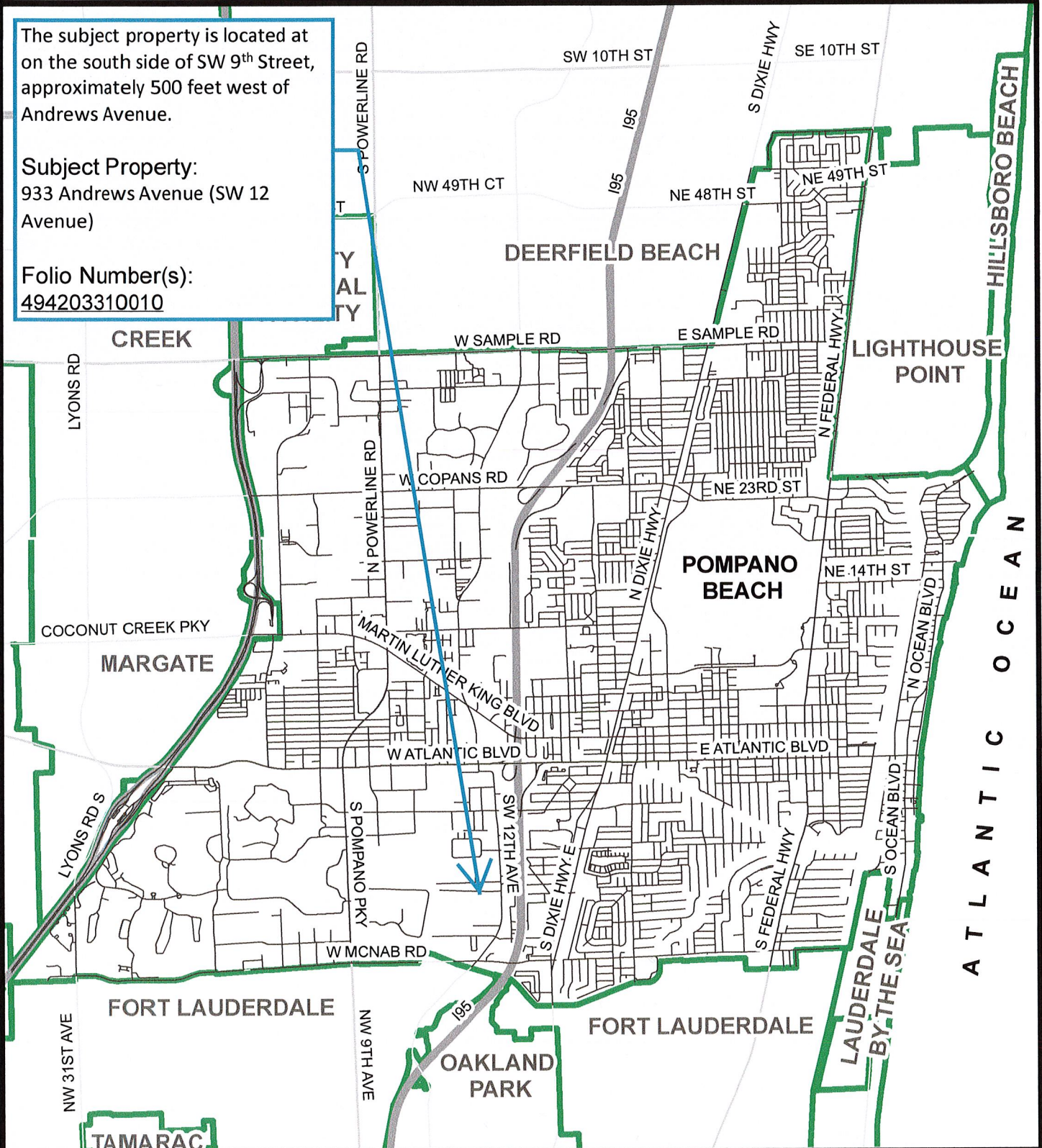
CITY OF POMPANO BEACH LOCATION MAP



The subject property is located at on the south side of SW 9th Street, approximately 500 feet west of Andrews Avenue.

Subject Property:
933 Andrews Avenue (SW 12 Avenue)

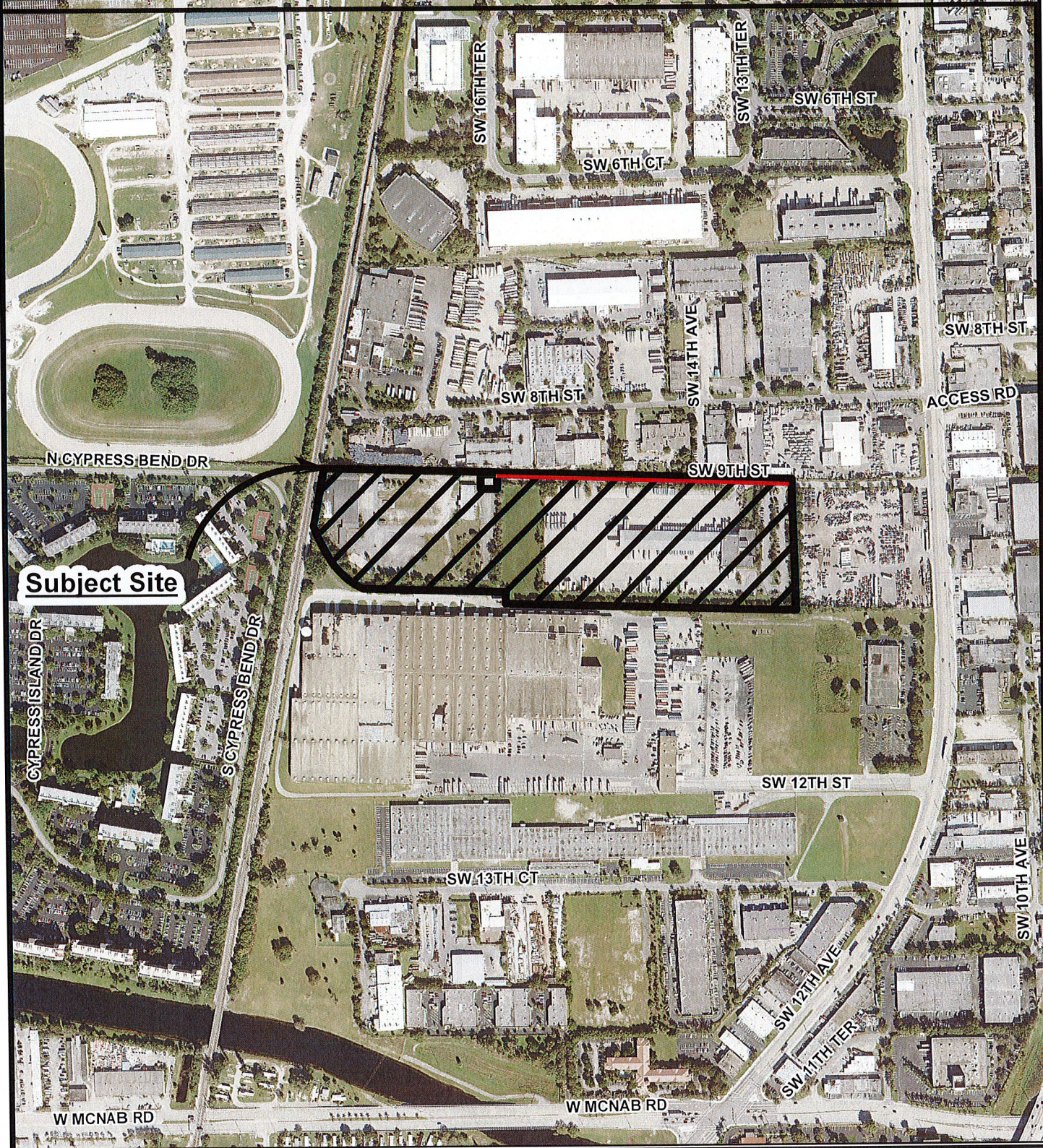
Folio Number(s):
494203310010



1 in = 1 miles

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CITY OF POMPANO BEACH AERIAL MAP



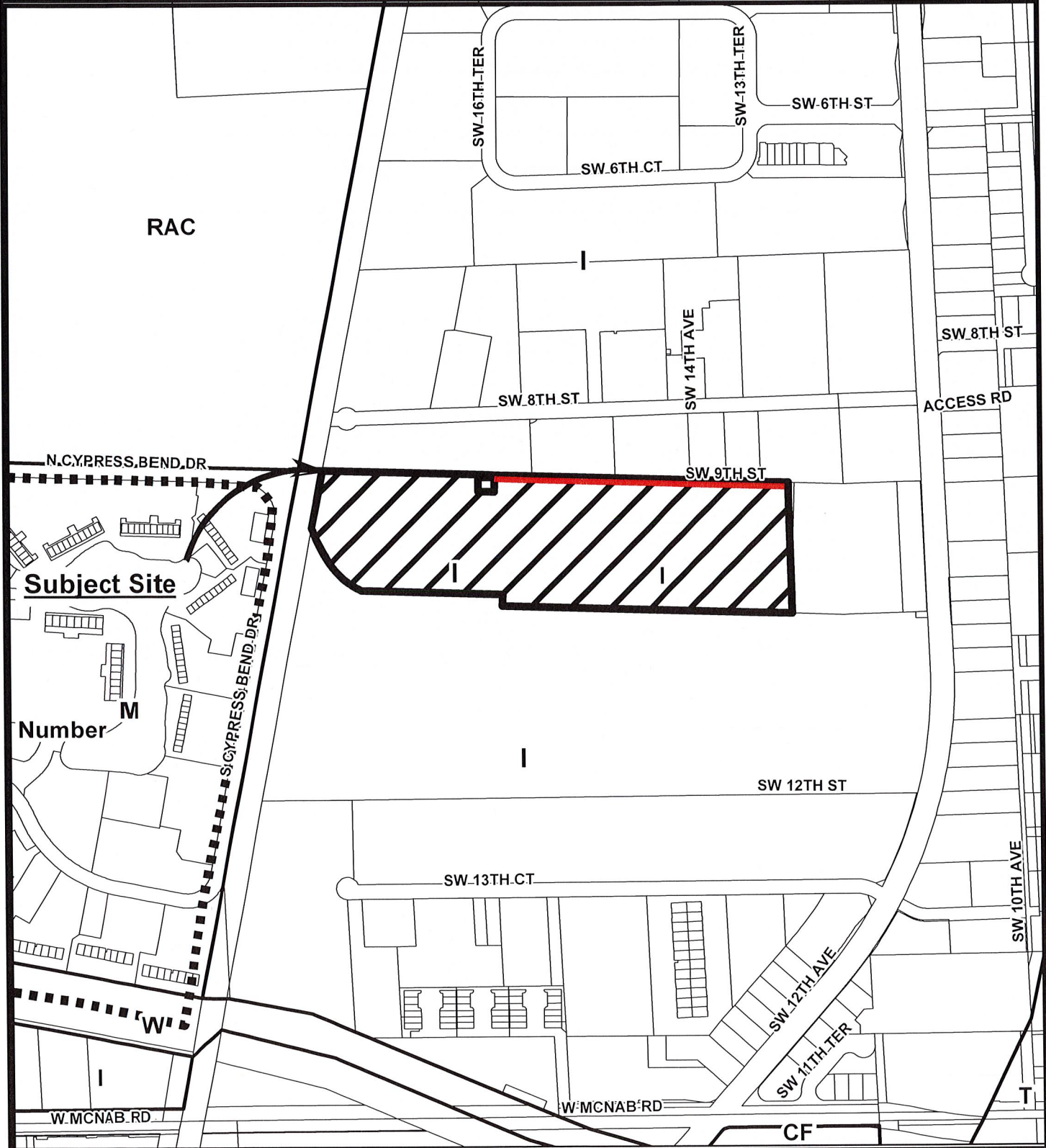
Subject Site

1 in = 583 ft

3

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CITY OF POMPANO BEACH OFFICIAL LAND USE MAP

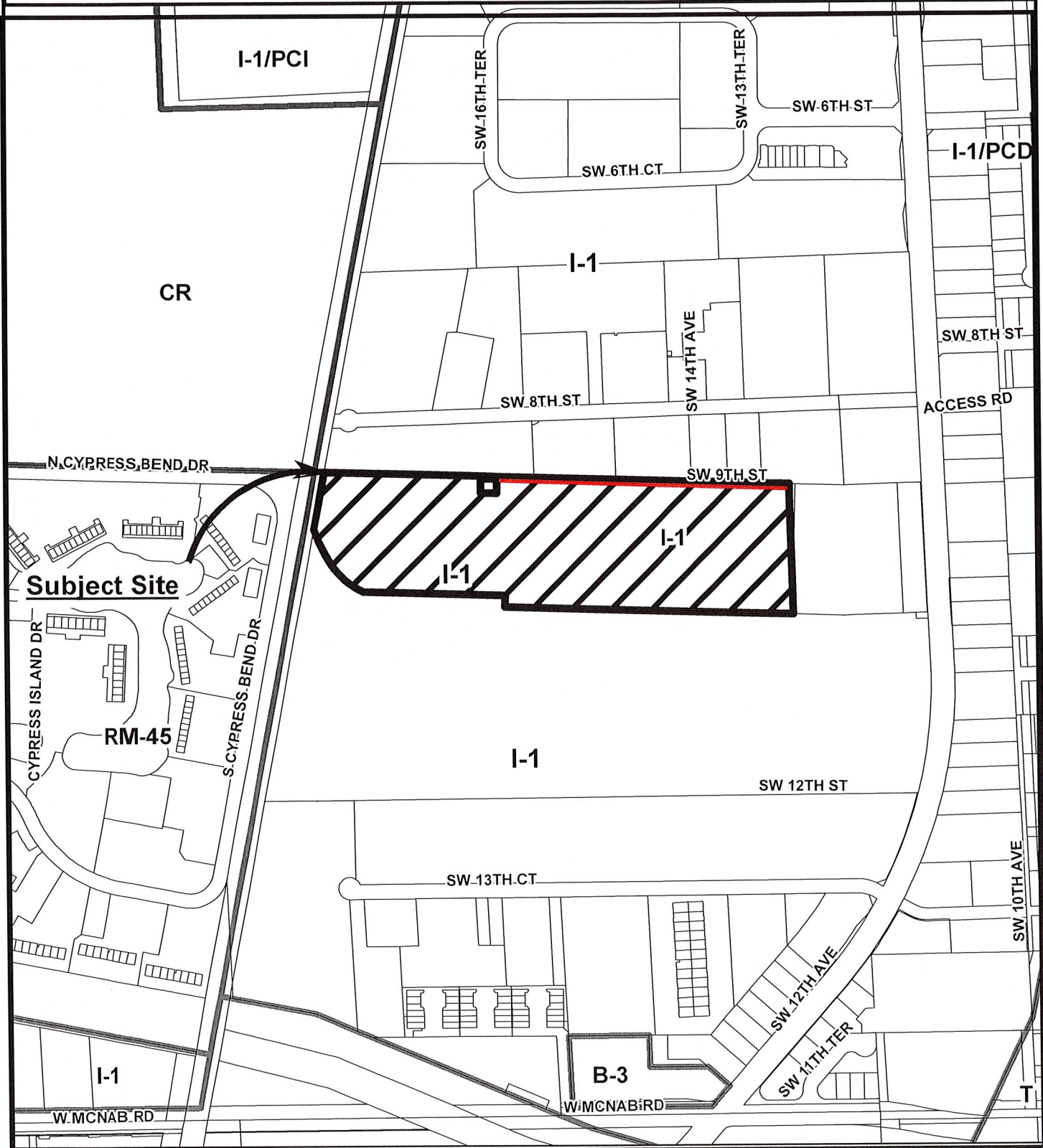


1 in = 583 ft

4

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CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 583 ft

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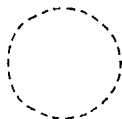
LEGEND

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
CR	Commercial Recreation
*	I Industrial
DPTOC	Downtown Pompano Transit Oriented Corridor
T	Transportation
U	Utilities
CF	Community Facilities
OR	Recreation & Open Space
W	Water
RAC	Regional Activity Center
	Boundaries
	City of Pompano Beach

13 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
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
TO	Transit Oriented
PCI	Planned Commercial / Industrial Overlay
PR	Parks & Recreation
CR	Commerical Recreation
CF	Community Facilities
T	Transportation
PU	Public Utility

*	Existing
>	Proposed

REVIEW AND SUMMARY

A. The following Service Providers commented on this request (all such comments must be received prior to City Commission unless conditioned otherwise):

Community Redevelopment:	No Objection
Code Compliance:	No Objection
Fire Department:	No Objection
Public Works Department:	No Objection
Development Services:	No Objection
Utilities Department:	No Comments have been received
FP&L:	No Comments have been received
AT&T:	No Comments have been received
TECO Gas:	No Comments have been received
Comcast Cable:	No Comments have been received

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

1. The subject property is located at 933 Andrews Avenue.
2. The Applicant’s request was generated from the proposed construction of a 45,496-square foot addition to an existing building on the subject property without being constrained by the easements.

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

Five of the 10 service provider letters have been submitted stating they have no objection to this request. The five service providers that have not yet submitted comments include: the City Utility Dept., AT&T, FP&L, TECO Gas and Comcast. Therefore a condition will be recommended to ensure this is addressed prior to City Commission placement.

The Easements were included on the original plat in order to accommodate future needs; however the easements currently have no assets in them.

With the conditioning of submitting the above-noted missing comments, the abandonment of these easements meets the abandonment standards of Section 155.2431D.1. & 2, and therefore staff recommends approval of this request with two conditions to be satisfied prior to City Commission placement.

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; however, it will not be placed on a City Commission agenda until the following condition is met:

1. The submittal of the remaining service providers comments with no objection, 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 or to get additional information.

III- Denial

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

Staff recommends alternative motion number I.

CITY OF POMPANO BEACH
BROWARD COUNTY
FLORIDA

DEVELOPMENT ORDER

PLANNING AND ZONING NO. 18-12000049

A DEVELOPMENT ORDER ISSUED BY THE PLANNING AND ZONING BOARD (LOCAL PLANNING AGENCY) OF THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, PURSUANT TO CHAPTER 155 OF THE CODE OF ORDINANCES; APPROVING WITH CONDITIONS THE APPLICATION FOR DEVELOPMENT PERMIT FOR THE CITY OF POMPANO BEACH.

WHEREAS, Section 155.2407, of the Code of Ordinances, defines the specific application for Development referenced above as a Major Site Plan Review; and

WHEREAS, Section 155.2204, of the Code of Ordinances, authorizes the Planning and Zoning Board (Local Planning Agency) to review and issue a final development order with respect to the Applicant's request to construct a 45,496 square foot covered loading dock expansion, attached restroom facility, and shop building along with associated parking areas, loading bays, and landscaping. (Project). The Project encompasses the following property: 933 SW 12 Avenue; which are more specifically described as follows:

PARCEL I

A PARCEL OF LAND IN THE SE 1/4 OF SECTION 3, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SE 1/4 OF SECTION 3, THENCE RUN WEST 1479.80 FEET ALONG THE NORTH LINE OF SAID SE 1/4 TO THE POINT OF BEGINNING; THENCE RUN WEST ALONG SAID NORTH LINE OF THE SE 1/4 A DISTANCE OF 730.7 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD AND THE NORTH LINE OF THE SAID SE 1/4 OF SECTION 3, THENCE SOUTH 9°07'00" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 128.98 FEET; THENCE SOUTH 6°5'16" EAST A DISTANCE OF 84.94 FEET; THENCE

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SOUTH 25°36'51" EAST A DISTANCE OF 75.51 FEET; THENCE SOUTH 28°25'44" EAST A DISTANCE OF 64 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 283.62 FEET AND A CENTRAL ANGLE OF 37°25'18" AN ARC DISTANCE OF 185.24 FEET; THEN DUE EAST ALONG A LINE OF 460 FEET SOUTH OF

AND PARALLEL TO SAID NORTH LINE OF THE SE 1/4 OF SECTION 3, A DISTANCE OF 545.66 FEET; THENCE DUE NORTH A DISTANCE OF 460.00 FEET ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE, TO THE POINT OF BEGINNING. LESS THE FOLLOWING DESCRIBED REAL PROPERTY:

A PORTION OF THE SE 1/4 OF SECTION 3, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SE 1/4 OF SECTION 3, THENCE RUN WEST 1479.80 FEET ALONG THE NORTH LINE OF SAID SE 1/4, THENCE RUN SOUTH ALONG A LINE PERPENDICULAR TO THE NORTH LINE OF THE SE 1/4 A DISTANCE OF 10' TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH ALONG SAID COURSE A DISTANCE OF 60'; THENCE WEST ALONG A LINE 70' SOUTH OF AND PARALLEL TO SAID NORTH LINE OF THE SE 1/4 A DISTANCE OF 70'; THENCE NORTH ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE A DISTANCE OF 60'; THENCE EAST ALONG A LINE 10' SOUTH OF AND PARALLEL TO THE SAID NORTH LINE OF THE SE 1/4 A DISTANCE OF 70' TO THE POINT OF BEGINNING.

PARCEL II

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER PORTIONS OF SECTION 2 AND 3, TOWNSHIP 49 SOUTH, RANGE 42 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SECTION 2, THENCE NORTH 86°30'51" EAST ALONG THE NORTH LINE OF SAID SW 1/4 OF SECTION 2, A DISTANCE OF 329.37 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF ANDREWS AVENUE; THENCE SOUTH 4°02'24" EAST ALONG THE SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 40 FEET; THENCE SOUTH 86°30'51" WEST ALONG A LINE 40 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL TO THE SAID NORTH LINE OF THE SW 1/4 OF SECTION 2, A DISTANCE OF 330.95 FEET; THENCE DUE WEST ALONG A LINE 40 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL TO THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 3, A DISTANCE OF 1480.99 FEET; THENCE DUE NORTH A DISTANCE OF 40 FEET TO A POINT ON THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 3; THENCE DUE EAST ALONG SAID NORTH LINE OF THE SE 1/4 OF SECTION 3, A DISTANCE OF 1479.80 FEET TO THE POINT OF BEGINNING. ALL OF SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

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PARCEL III
PARCELS "A" AND "B" OF LAMONT PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 172, PAGE 132, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

WHEREAS, the Development Review Committee has met to review this Project and has provided the Applicant with written comments; and

WHEREAS, the Application for Development Permit is not in compliance with the applicable standards and minimum requirements of this Code, but the developer has agreed in writing that no building permit will be issued until those conditions the Development Services Director finds reasonably necessary to insure compliance are met; and

WHEREAS, copies of the survey and final site plan are on file with the Department of Development Services, stamped with the meeting date of July 24, 2019.

IT IS THEREFORE ORDERED by the Board that the requested Major Site Plan Application for the above Project is hereby **GRANTED**, with the following conditions to which the Applicant has agreed to comply with:

Obtain approval and revise affected plans to address the following issues prior to Zoning Compliance Permit approval:

1. Obtain the following final approvals:
 - a. Obtain approval from the Broward Sheriff's Office for the proposed CPTED plan.
 - b. Landscape and Irrigation Plans must comply with Zoning Code requirements as verified by the City's Urban Forestry Division.
 - c. The portion of the property not owned by the applicant must be purchased and a unity of title for the two properties must be recorded.
 - d. All easements within the fenced area must be vacated.
 - e. The property must be platted before permits can be approved for the principal structure.

2. Make the following revisions on the plans:

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- a. Provide dimensional info for the loading berths that are part of Phase II. Dimensions are to be in accordance with 155.5102.M.2: Dimensional Standards for Loading Areas.
- b. Provide additional landscape islands so that there are no more than 10 parking spaces in a row. Each island must be as long as the adjacent spaces. This applies to all parking rows on site.

Be advised that pursuant to Section 155.2308(B)(1) of the Pompano Beach Code of Ordinances, this DEVELOPMENT ORDER shall expire if a Zoning Compliance Permit is not obtained within two years.

Heard before the Planning and Zoning Board/Local Planning Agency and Ordered this

24th day of July, 2019.

DocuSigned by:

Fred Stacer

5C071C0DE1944A7

Fred Stacer

Chairman

Planning and Zoning Board/Local Planning Agency

Filed with the Advisory Board Secretary this 31st day of July, 2019.

DocuSigned by:

Pamela McCleod

BA9370D598DA410

Pamela McCleod

Assistant Planner