

Ms. Barszewski stated that the information was provided at the City Commission meeting.

Ms. Sarver suggested that she and Development Services staff could follow up with information for the speaker.

Mr. Willie Pinkney (601 NW 15 Avenue, Pompano Beach, FL) introduced himself to the Board as a neighborhood resident. He stated that his elderly mother uses the area to walk her dog. He noted that the applicant does not currently take care of the property or the landscaping provided to screen the wall. The applicant is using the local roads as a thoroughfare, which is a hazard to the community.

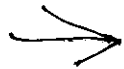
Mr. Mills asked staff if there is a policy to deny abandonments due to the right-of-way being in public use.

Ms. Barszewski stated that one of the standards for abandonment is that the alley is not being used by the City or its inhabitants.

Ms. Sarver commented that the correct terminology for this action is "postpone", since "table" strictly interpreted just merely defers an item until later in the same meeting.

MOTION was made by Richard Klosiewicz and seconded by Dwight Evans to postpone PZ #16-18000004 to the February 22, 2017 meeting per the applicant's request. All voted in favor of the motion with the exception of Carla Coleman and Jerry Mills.

MOTION by Jerry Mills and second by Richard Klosiewicz to remove Agenda Item #2 from the table. All voted in favor.



2. STEVE PAVLOU / PAVLOU UTILITY EASEMENT VACATION
Planning and Zoning #16-27000002

Consideration of the request by **STEVE PAVLOU** to abandon a 5-foot wide utility easement located at 605 SE 28 Avenue, in order to construct an in-ground swimming pool. The area to be abandoned is approximately 362.5 square feet. The property is legally described as follows:

THE WEST 5 FEET OF LOT 3, BLOCK 5 OF CYPRESS POINT,
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN
PLAT BOOK 28, PAGE 16 OF THE PUBLIC RECORDS OF
BROWARD COUNTY, FLORIDA, OTHER-WISE KNOWN AS
605 SE 28TH AVENUE, POMPAÑO BEACH, FLORIDA.

AKA: Utility easement at 605 SE 28th Avenue
STAFF CONTACT: Maggie Barszewski (954)786-7921

Note: This item was tabled at the September 28, 2016 Planning and Zoning Board meeting.

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. // 1.5.17 ME

Ms. Barszewski stated that the applicant is requesting a utility easement abandonment. The applicant requested a postponement for 60 days at the September 2016 meeting. The applicant is now requesting an additional 30-day postponement. Ms. Barszewski stated that according to the Planning and Zoning Board procedures, if the applicant's 60 days tabling has been granted, the request must either be heard or stricken at the end of that time period.

Mr. Stacer asked for clarification about the postponement procedures.

Mr. Edge clarified that the 60 days ended after the November meeting date, which is why the request wasn't on that meeting agenda.

Mr. Tom Johnston stated that he disagrees that there are only two options for the Board to consider. He read paragraph 4 from the Board's tabling rules and stated that the Board has the discretion to grant an additional postponement if they wished. He gave the Board a brief background on the reason for the application and pointed out the applicant's hardship in needing this postponement. Mr. Johnston added that they have been working with TECO/Peoples Gas to receive a utility easement agreement. He stated that his client will be ready to proceed at the January meeting.

Ms. Sarver commented that she doesn't agree that requiring the applicant to pay for any costs associated with re-advertisement would constitute a penalty, and that the only notice required would be postage for three letters since there is no published notice. She added that she agrees with Mr. Johnston, however, in that the Board could grant this requested postponement if they feel that there is a public benefit in doing so. Lastly, she asked to be copied on the agreement between TECO and the applicant for the abandonment.

Ms. Kovac asked if staff's only issue was the type of response received from TECO.

Ms. Barszewski stated that their agreement was conditioned, but the City does not allow abandonments with conditions. She also noted that the abandonment would not be added to the City Commission agenda until all responses are received. She stated that the Board could recommend approval of the request on the condition that the request will not be placed on a City Commission agenda until all service provider comments are received or until 60 days have passed from the date of this recommendation, whichever occurs first.

Mr. Stacer asked why there are time limits on the response for the utilities companies.

Ms. Barszewski responded that this is because it can be difficult to obtain responses from service providers regarding proposed abandonments.

Mr. Mills asked how the Board could postpone the item further if the rules state that the item must be stricken after 60 days of postponement.

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Ms. Sarver stated that paragraph 4 of the postponement rules states that the Board can act on their own and grant a further postponement if they feel that there has been evidence submitted that the application requires more information or further study. She commented that her opinion is that she is unsure of what evidence has been submitted to this effect.

Mr. Johnston stated that there is more evidence, but he has not received it at this time.

Ms. Coleman asked if there is anything else missing that would prohibit the board from approving the abandonment.

Ms. Barszewski responded that the necessary items must be in place before placement on the City Commission agenda, but that the Board can make a recommendation before all of these items have been received.

Mr. Stacer asked if the item could be heard tonight with a condition that the letter from TECO must be received by staff prior to it being added to the city commission meeting.

Ms. Sarver responded that this could be a conditioned recommendation of approval.

There was no one from the audience who wished to be heard.

MOTION was made by Richard Klosiewicz and seconded by Joan Kovac to recommend approval of the PZ #16-27000002 subject to the Development Services Department staff review and approval of the agreement between the applicant and TECO. All voted in favor of the motion; therefore, the motion passed.

*****NOTE: Dr. Jerry Mills left the meeting at this time.*****

H. SITE PLAN REVIEWS

3. CITY OF POMPANO BEACH / POMPANO BEACH FISHING PIER Planning and Zoning #16-12000051

Consideration of the MAJOR SITE PLAN submitted by **FRANK ZAREMBA** on behalf of **THE CITY OF POMPANO BEACH** in order to replace the existing pier. The replacement pier will be of similar length (870 ft. 9 in) and 30 feet wide. The pier will include 4 to 5 shade structures. The total area of the pier proposed under this application is approximately 28,308 square feet and total area of the shade structures proposed over the pier is 4,900 square feet. The property is located at the northeast corner of 222 & 250 N Pompano Beach Boulevard, legally defined as follows:

ALL OF LOTS 2-5, BLOCK 7, LOT 1, BLOCK 12 AND
A PORTION OF NE 2ND STREET, POMPANO BEACH,
ACCORDING TO THE PLAT THEREOF AS

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