



## Staff Report

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**File #:** LN-489

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### PLANNING AND ZONING BOARD

Meeting Date: SEPTEMBER 27, 2023

### NE 26<sup>TH</sup> AVE RIGHT OF WAY ABANDONMENT

**Request:** Right of Way Abandonment  
**P&Z#** 23-18000003  
**Owner:** City of Pompano Beach  
**Project Location:** N.E. 26<sup>th</sup> Avenue  
**Folio Number:** Multiple Folios  
**Land Use Designation:** Residential (L)  
**Zoning District:** Residential (RS-2)  
**Commission District:** 1 (Andrea McGee)  
**Agent:** Maggie Barszewski (954-786-7921 / [maggie.barszewski@copbfl.com](mailto:maggie.barszewski@copbfl.com))  
**Project Planner:** Maggie Barszewski (954-786-7921 / [maggie.barszewski@copbfl.com](mailto:maggie.barszewski@copbfl.com))

### Summary:

This is a City-initiated request to abandon a right-of-way shown on the Avalon Garden Estates 1<sup>st</sup> Addition Plat. The subject right-of-way consists of swale area located along the east and west sides of NE 26<sup>th</sup> Avenue north of NE 13<sup>th</sup> Street. The request originated with Rodney Mackenburg, whose property lies along the eastern side of NE 26<sup>th</sup> Avenue (1320 NE 26<sup>th</sup> Avenue). He requested an abandonment of 10 feet along the frontage of his property. After researching the request, the Development Services Department made the determination that this segment of NE 26<sup>th</sup> Avenue is wider (70-foot width) than the typical residential Street (50-foot width). Since the property owners along this segment of the avenue have expressed a desire to have the width of NE 26<sup>th</sup> Avenue be the same as any typical residential street, the Development Services Department determined that a City-initiated request should be made. The request had to be adjusted to accommodate a utility line running along the eastern side of NE 26 Avenue. As a result, only 5 feet can be abandoned along the east side and 10 feet can be abandoned along the west side. Utility easements will be retained over the entire area being abandoned.

It must be noted that when contacted, two of the adjacent property owners declined to accept the abandoned area adjacent to their lots so those areas will not be abandoned. The City Engineer has acknowledged and accepted this partial abandonment.

### 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 Objection with only 5 feet along east side
FP&L:	Notice sent, no objection has been received
AT&T:	No Objection
TECO Gas:	No Objection as long as there's an easement replacing it
Comcast Cable:	Notice sent, no objection has been received

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

1. The subject right-of way to be abandoned is 5 feet along the east side of NE 26<sup>th</sup> Avenue and 10 feet along the west side of NE 26<sup>th</sup> Avenue.
2. The width of the right of way within that segment of NE 26<sup>th</sup> Avenue is currently 70 feet, where only 50 feet is required for a typical residential street.

**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**

With the provision of an easement to accommodate possible utility access, there is no public purpose to this excess right-of-way located within this segment of NE 26<sup>th</sup> Avenue. The width had originally been simply an extension of that which was provided south of NE 13<sup>th</sup> Street to accommodate additional landscaping for Harbor Drive.

All of the service providers that have submitted comments have stated they have no objection to this request. Notice was sent to FP&L and Comcast to respond if objecting and no objection has been received. A utility easement is being reserved over the entire area being abandoned to accommodate any potential utility locations.

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.

Alternative Motions

**I- Approve with conditions**

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

1. A utility easement will be retained over the entire area being 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.

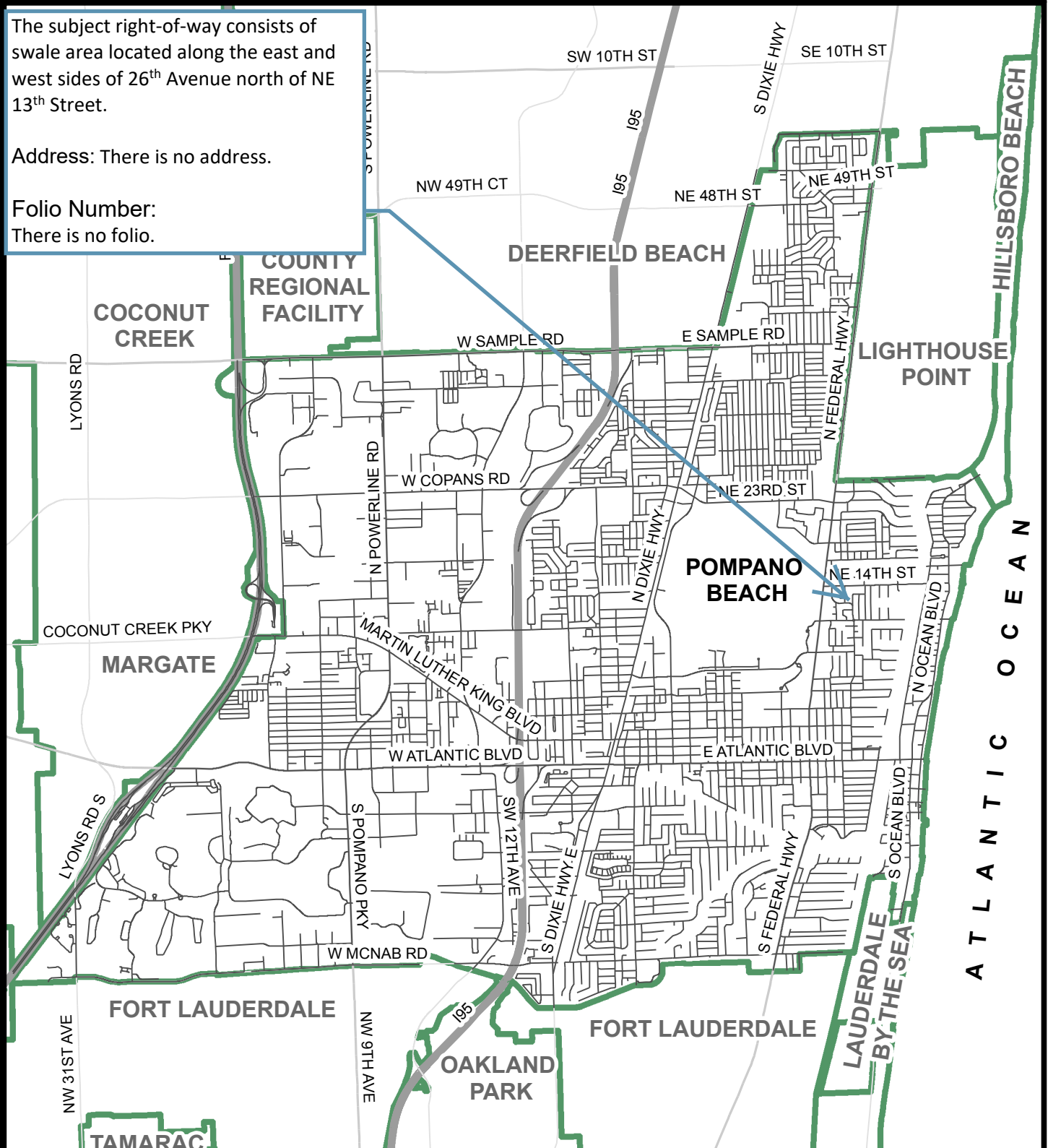
# CITY OF POMPANO BEACH LOCATION MAP



The subject right-of-way consists of swale area located along the east and west sides of 26<sup>th</sup> Avenue north of NE 13<sup>th</sup> Street.

Address: There is no address.

Folio Number:  
There is no folio.



1 in = 1 miles

7/30/2017

KeeDan

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PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES



# CITY OF POMPANO BEACH AERIAL MAP



10 Feet Wide ROW Abandonment

5 Feet Wide ROW Abandonment

1 in = 150 ft

8/10/2023

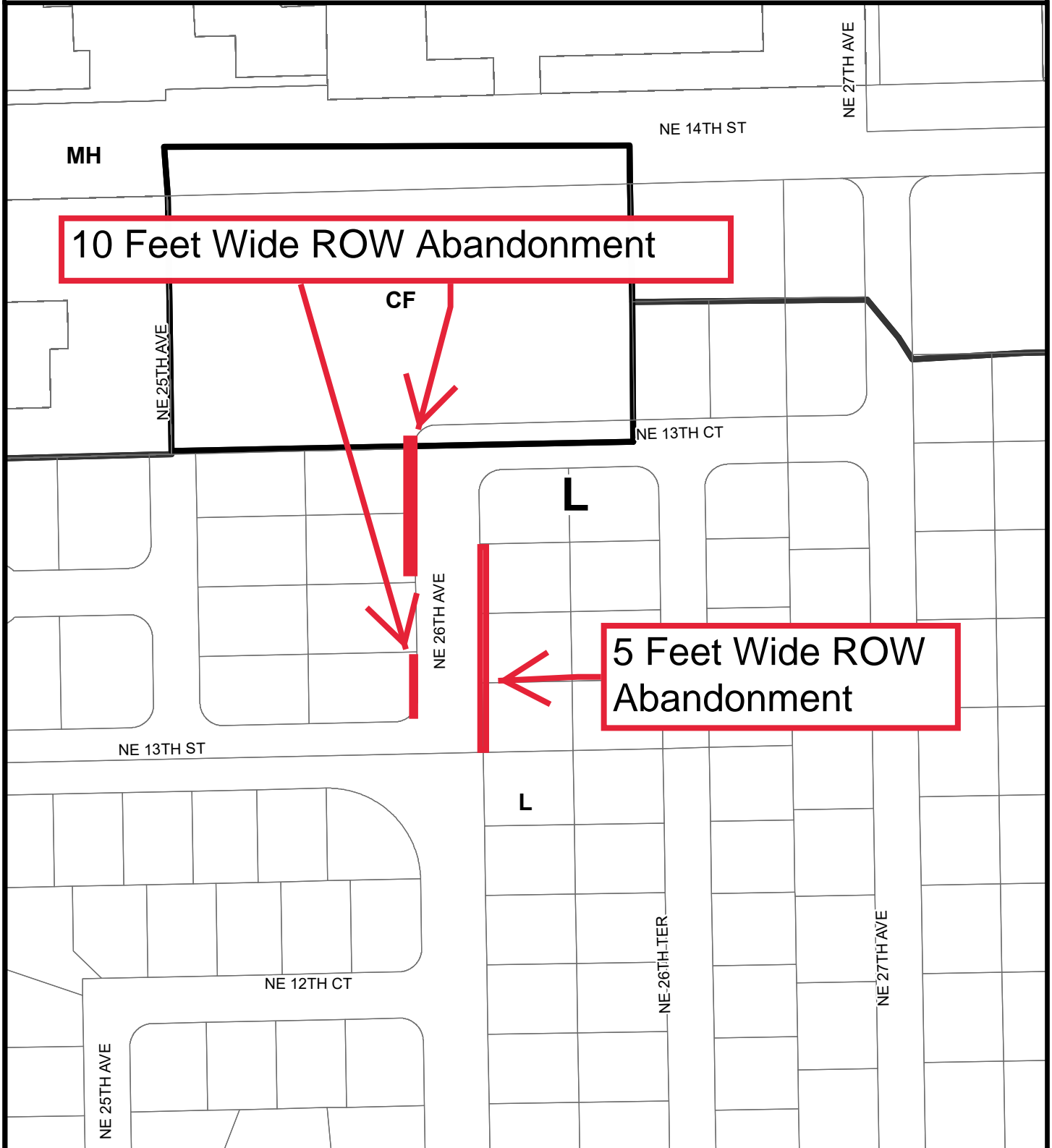
AdkBob

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DEVELOPMENT SERVICES



# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



1 in = 150 ft

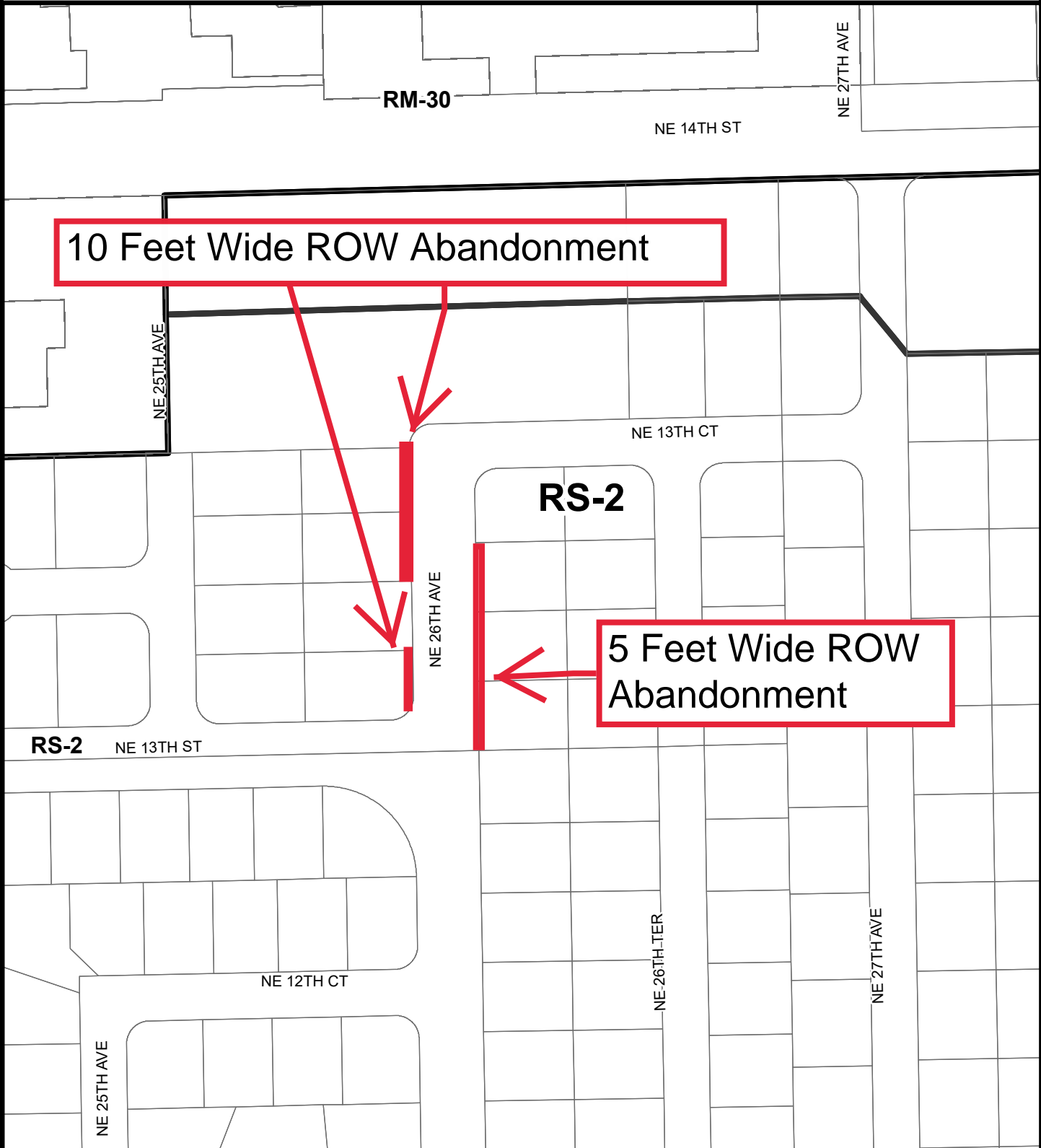
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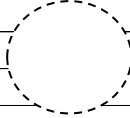
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CITY OF POMPANO BEACH  
OFFICIAL ZONING MAP



1 in = 150 ft

## LEGEND

FOR LAND USE PLAN			FOR ZONING MAP	
	Symbol	Classification Units/ Acre		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