

ADMINISTRATIVE MEMORANDUM NO. 19-329

TO: Planning and Zoning Board
VIA: David L. Recor, ICMA-CM, Director of Development Services
VIA: Jennifer Gomez, AICP, Assistant Director of Development Services
FROM: Maggie Barszewski, AICP, Planner *M/B*
SUBJECT: BW Andrews Plat Request (Wawa) / Plat P&Z #18-14000012 / November 18, 2019 Meeting
DATE: October 30, 2019

A plat is a map, drawn to scale, showing the divisions of a piece of land. It can delineate blocks, streets, alleys and easements. Further refinement often splits blocks into individual lots, usually for the purpose of selling the described lots, this has become known as subdivision. The statutory definition of subdivision according to Chapter 177.031(18), F.S. is "the division of land into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and re-subdivisions." Upon the filing of a plat, legal descriptions can then refer to block and lot-numbers rather than portions of sections. In order for plats to become legally valid, a local governing body must review and approve them.

In Broward County, such legal authority is bestowed upon the Broward County Commission as stipulated in the County Charter and within Article 7 of the Broward County Administrative Rules Document. Section 7.2 – 'Countywide Platting Authority' states that "No plat of lands lying within Broward County, either in the incorporated or unincorporated areas, may be recorded in the Official Records prior to approval by the County Commission." Section 7.4 provides for the input of each local government within Broward County, whereby a plat application must first be approved by the local jurisdiction before final approval with the County Commission. That section states that "local Jurisdictions shall require platting at least in those circumstances where the Broward County Land Use Plan requires platting."

The applicant is requesting plat approval for the entitled "BW Andrews Plat." The agent Matthew Scott, Esq., of Dunay, Miskel and Backman, LLP, is representing the owner of the property, BW Atlantic Andrews, LLC. The subject property has never been platted and is currently vacant. The proposed plat is comprised of one parcel, with an additional right-of-way parcel being dedicated along N. Andrews Avenue. The plat proposes to restrict the property to a convenience store/service station use with a maximum of 16 fuel positions. The site plan was approved on April 24, 2019 (see attached D.O. # 18-12000030).

The property is located on the northwest corner of Atlantic Blvd. and the Andrews Avenue Extension.

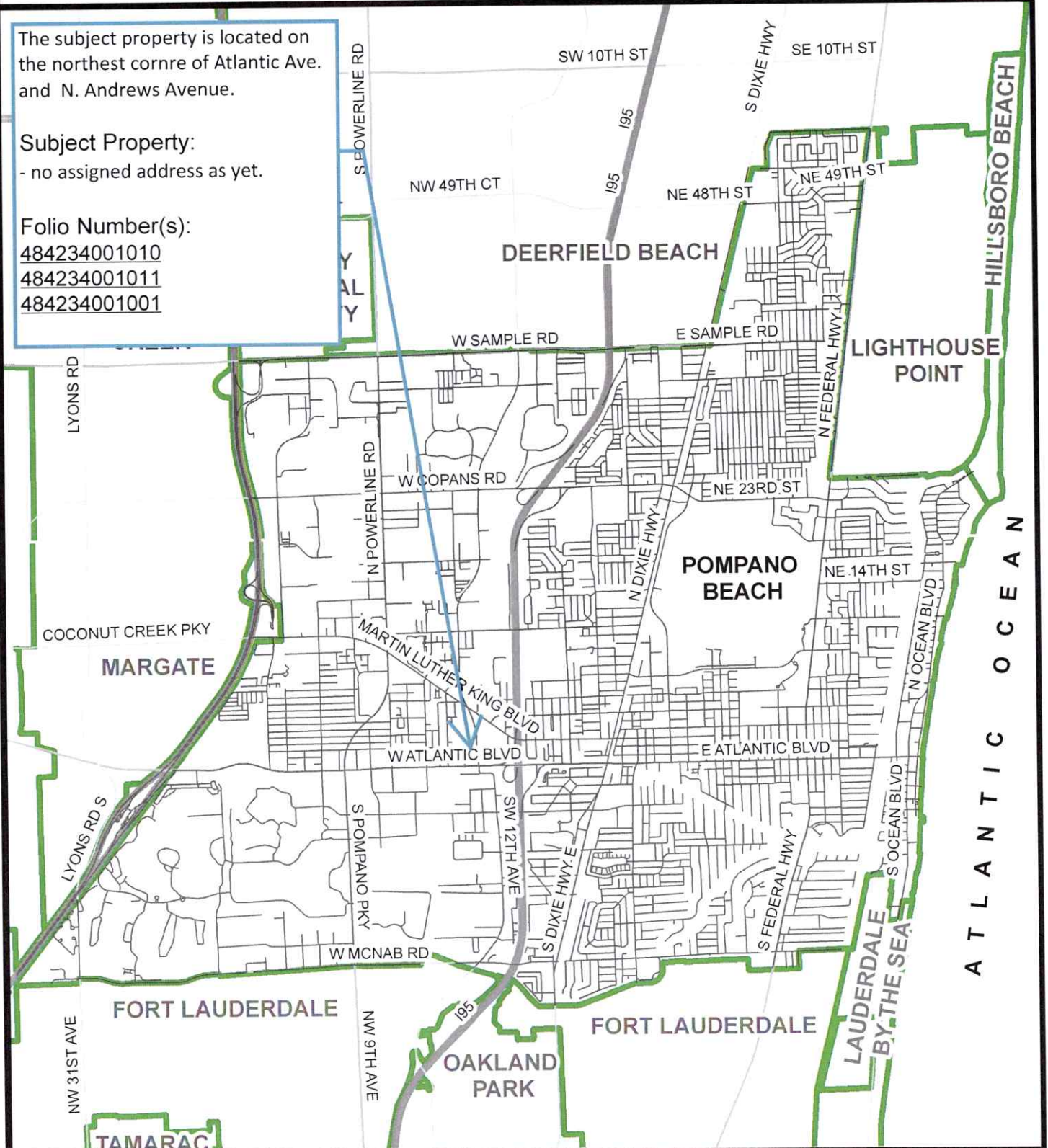
CITY OF POMPANO BEACH LOCATION MAP



The subject property is located on the northeast corner of Atlantic Ave. and N. Andrews Avenue.

Subject Property:
- no assigned address as yet.

Folio Number(s):
484234001010
484234001011
484234001001

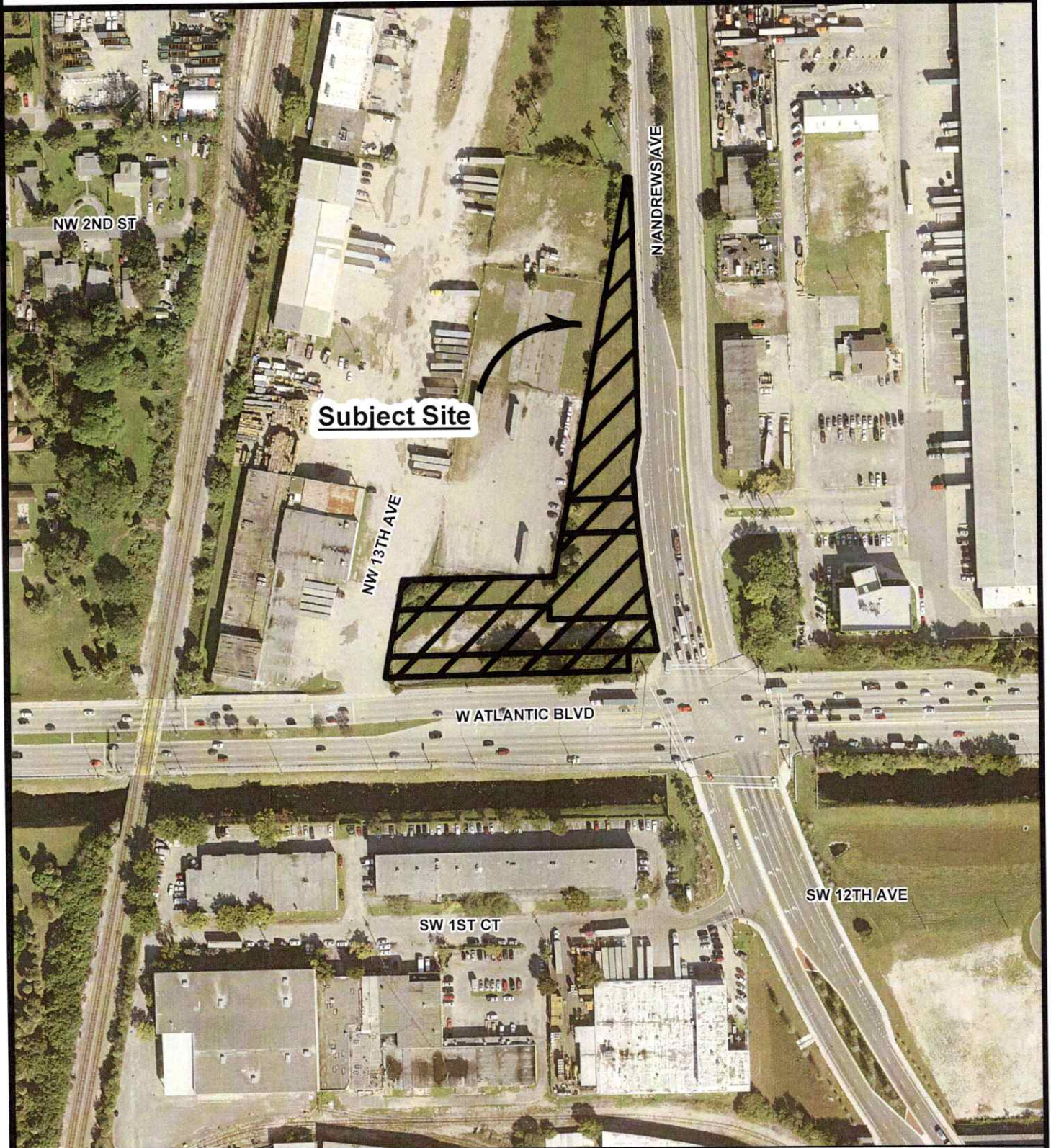


1 in = 1 miles

2

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CITY OF POMPANO BEACH AERIAL MAP

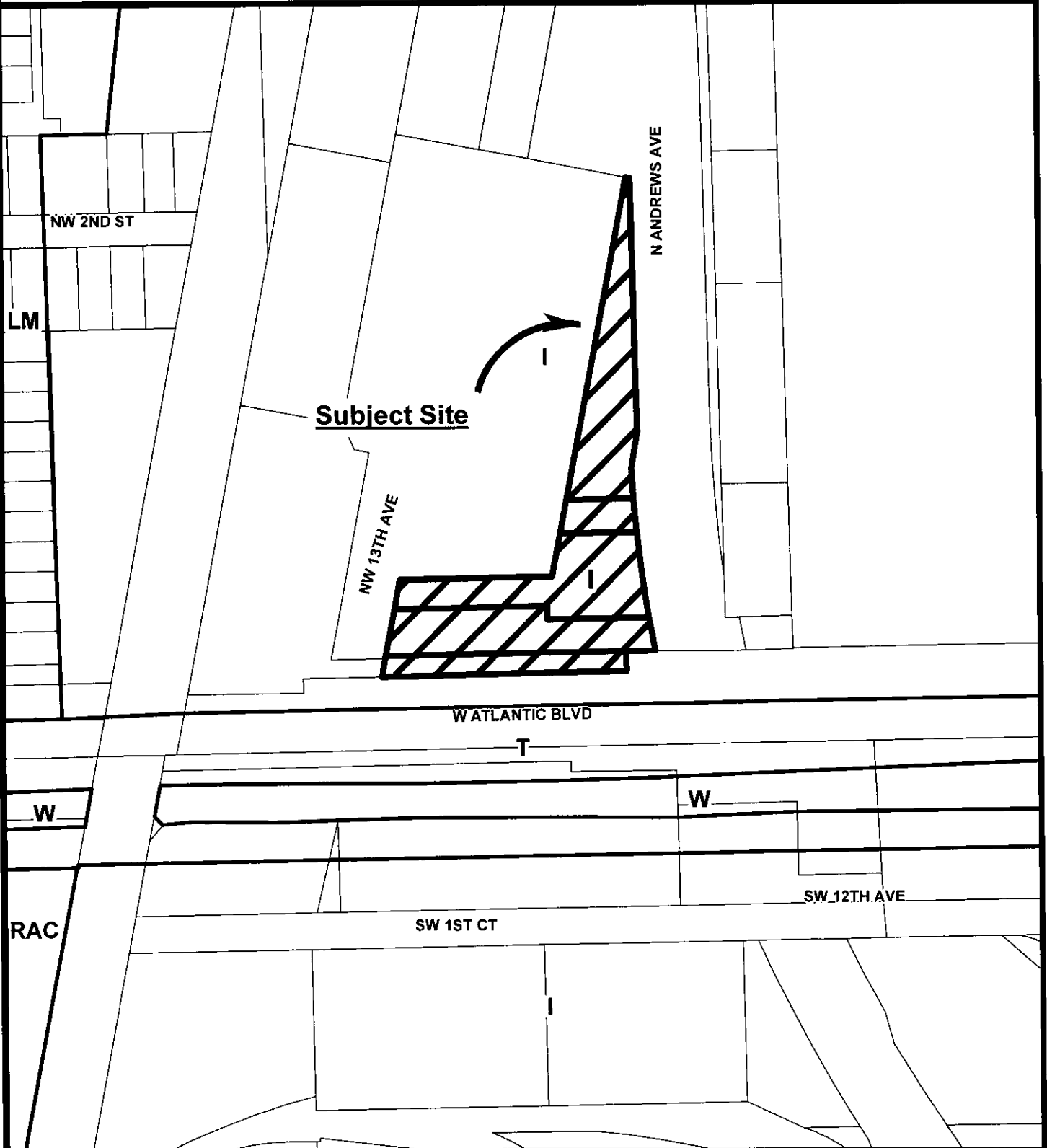


1 in = 208 ft

3

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CITY OF POMPANO BEACH OFFICIAL LAND USE MAP

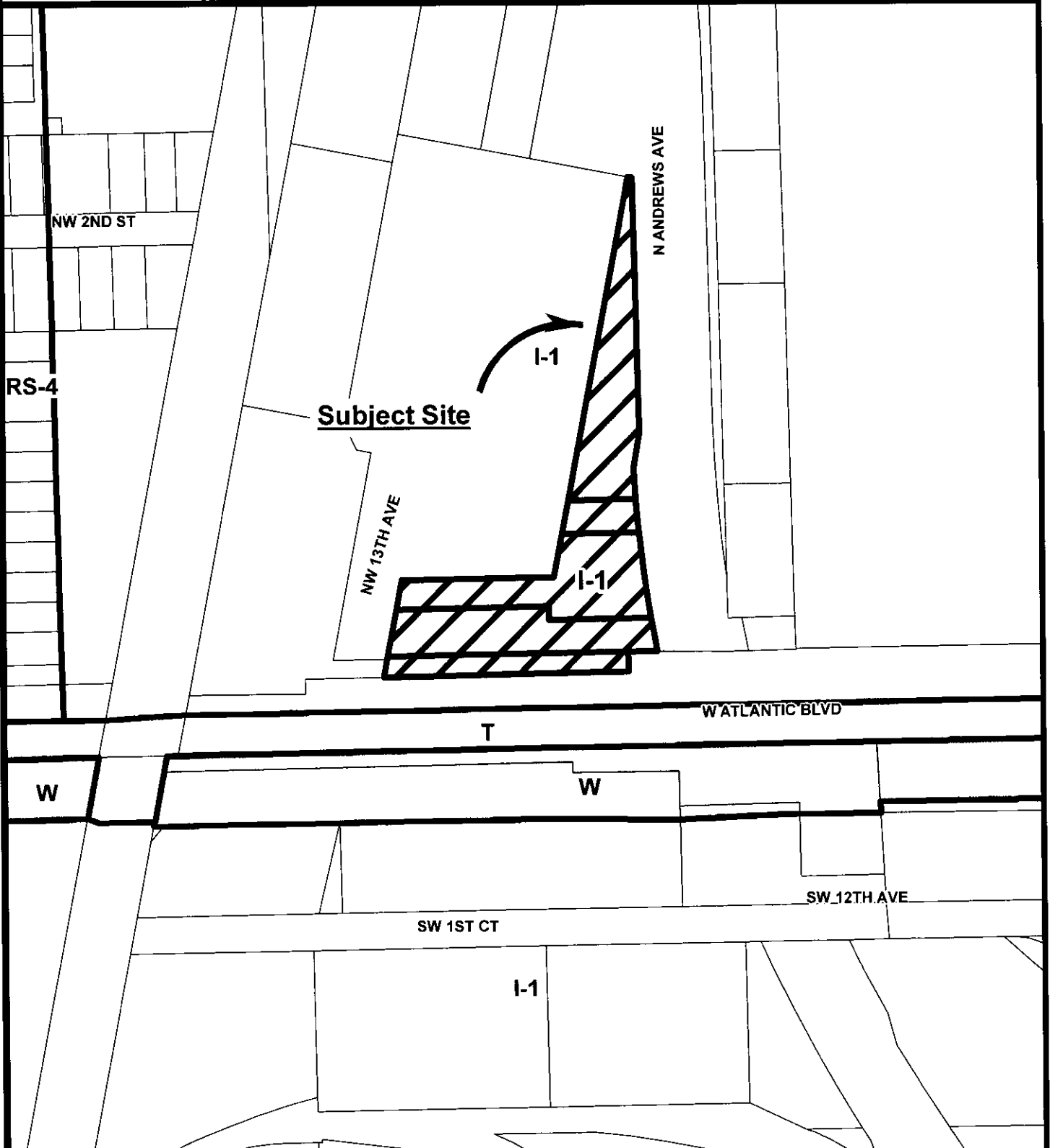


1 in = 208 ft

4

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CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 208 ft

5

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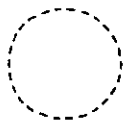
LEGEND

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

Section 155.2410. PLAT

Purpose

The purpose of this section is to provide a review procedure to conform to the Broward County Land Use Plan's requirement that local governments require compliance with the county's platting requirements and to ensure subdivisions of land within the city:

1. Provide for the orderly growth and development of the city;
2. Coordinate proposed streets with existing and planned streets in the city's street system, and with other public facilities;
3. Provide rights-of-way for streets and utility easements;
4. Avoid congestion and overcrowding of streets;
5. Ensure there is adequate access to development;
6. Ensure there are adequate utility facilities to serve development;
7. Ensure there is adequate open space and recreation facilities to serve development; and
8. Ensure there is proper recordation of land ownership or property owner association records, where applicable.

...

Plat Review Standards

An application for a Plat shall be approved only on a finding that the proposed subdivision or development on the lots proposed to be platted meets all of the following standards:

1. The development complies with the applicable standards in [Part 7](#) (Lots) of [Article 5](#): Development Standards;
2. The development complies with all other applicable standards in this Code;
3. The development complies with all requirements or conditions of any applicable development orders (e.g., Planned Development);
4. Any land within the platted lot(s) that is necessary to comply with the Broward County Trafficways Plan has been conveyed to the public by deed or grant of easement;
5. The development complies with any applicable hazardous material licensing requirements in the Broward County Wellfield Protection Ordinance; and
6. All facilities for the distribution of electricity, telephone, cable television, and similar utilities, shall be placed underground.

Staff Analysis

The property has a Land Use designation of "I" for Industrial and is Zoned I-1 (General Industrial). This plat was reviewed by the Development Review Committee (DRC) on November 21, 2018, and found to be in compliance with the City's Land Development Regulations subject to the submittal of all service provider comments. At the date of this review, service provider comments from AT&T, Comcast, Teco Gas and FPL have not yet been received; therefore a condition prior to placement on a City Commission agenda is suggested. All comments from the Broward County Development Review Report (DRR) have been addressed on the Plat.

Department of Development Services Recommendation

Development Services staff recommends **approval** of this Plat with the following conditions to be satisfied prior to the City Commission hearing:

1. All letters from the four service providers must be submitted stating no objection to the proposed plat; and
2. Plat cover page must be signed and sealed by the surveyor and signed by all owners.

CITY OF POMPANO BEACH
BROWARD COUNTY
FLORIDA

DEVELOPMENT ORDER

PLANNING AND ZONING NO. 18-12000030

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 new convenience store/restaurant and 16-station gasoline filling station with associated parking and landscaping (Project). The Project encompasses the following properties: NW corner of W Atlantic Blvd. and N Andrews Ave.; which are more specifically described as follows:

A PORTION OF THE SOUTHEAST ONE-QUARTER OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 42 EAST, CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER (1/4) OF SAID SECTION 34; THENCE N.89°01'23"E. ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 609.15 FEET TO A POINT ON THE BASELINE OF SURVEY FOR ANDREWS AVENUE EXTENSION, AS RECORDED IN ROAD PLAT BOOK 14, PAGE 94 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE N.01°25'51"W. ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 141.38 FEET; THENCE S.88°34'09"W., A DISTANCE OF 47.70 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID ANDREWS AVENUE EXTENSION, AS RECORDED IN OFFICIAL RECORD BOOK 41828, PAGE 330 OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE S.89°01'23"W. ALONG THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 814 (ATLANTIC BOULEVARD), AS RECORDED IN OFFICIAL RECORD BOOK 5444, PAGE 206 OF SAID PUBLIC RECORDS, A DISTANCE OF 44.13 FEET; THENCE S.00°58'37"E. ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 28.19

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FEET; THENCE S.88°50'28"W. ALONG THE NORTH RIGHT-OF-WAY OF SAID STATE ROAD 814 (ATLANTIC BOULEVARD), AS RECORDED IN OFFICIAL RECORD BOOK 12285, PAGE 668 OF SAID PUBLIC RECORDS, A DISTANCE OF 369.07 FEET; THENCE N.10°47'39"E., A DISTANCE OF 146.45 FEET; THENCE N.89°01'24"E., A DISTANCE OF 229.83 FEET; THENCE N.10°47'39"E., A DISTANCE OF 610.00 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID ANDREWS AVENUE EXTENSION; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES AND DISTANCES; S.79°12'21"E., A DISTANCE OF 6.69 FEET; THENCE S.01°25'55"E., A DISTANCE OF 382.44 FEET; THENCE S.10°06'13"W., A DISTANCE OF 54.43 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.86°40'16"E., A RADIAL DISTANCE OF 2,035.50 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07°45'49", A DISTANCE OF 275.81 FEET TO THE POINT OF BEGINNING.

CONTAINING 95,756 SQUARE FEET OR 2.1983 ACRES MORE OR LESS.

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 April 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. For permit approval, obtain the following final approvals:
 - a) Successfully obtain approval of the Commercial Flex application prior to allow the convenience store/restaurant use in a General Industrial (I-1) Zoning District.
 - b) Successfully obtain Minor Administrative Adjustment approval to allow a modification to the front setback, pursuant to §155.2421.

DEVELOPMENT ORDER

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- c) The Plat must be approved by the City Commission and County Commission, and recorded in the Public Records of Broward County, pursuant to §155.2410.
 - d) Obtain approval from Broward County EPD Surface Water Management Division for the proposed paving and drainage plans.
 - e) Obtain approval from Broward County Engineering and Broward County Traffic Engineering Division for proposed work on N Andrews Ave.
 - f) The Broward Sheriff's Office shall provide approval for the Submitted CPTED Plan.
 - g) Building permit plans subject to compliance with all applicable Code requirements, including but not limited to DRC comments issued for this site plan.
 - h) Landscape and Irrigation Plans must comply with Zoning Code requirements as verified by the City's Urban Forestry Division.
2. Provide additional documentation to verify the techniques that were used to satisfy the requirement of 12 sustainable development points required by code section §155.5802.

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 ____ April ____, 2019.

DocuSigned by:

Fred Stacer

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Fred Stacer

Chairman

Planning and Zoning Board/Local Planning Agency

Filed with the Advisory Board Secretary this ____ 9th ____ day of ____ May ____, 2019.

DocuSigned by:

Pamela McCleod

BA9370D588D4A10

Pamela McCleod

Assistant Planner