



# DEVELOPMENT SERVICES

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ADMINISTRATIVE MEMORANDUM NO. 19-407

**TO:** Planning and Zoning Board

**VIA:** David L. Recor, ICMA-CM, Director of Development Services *DLR*

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

**FROM:** Maggie Barszewski, AICP, Planner

**SUBJECT:** Request to abandon a 10 – foot wide Utility Easement for Aviara Corporate Park, LLC.  
Abandonment P&Z #19-27000005/ January 22 P&Z Meeting

**DATE:** January 6, 2020

This is a request to abandon a 10-foot wide Utility Easement, by Robert Modys, of Keith, Inc., on behalf of Aviara Corporate Park, LLC. The property is located at 1350 NW 31<sup>st</sup> Avenue. The Applicant is proposing to construct a four-story office building on the subject property without being encumbered by the easement. A Site Plan is being prepared for the project that will include the property located to the south of the subject easement property. There are no utility assets located within the easement except for an FPL line that terminates on the parcel where the easement is located. The applicant has agreed to remove the FPL lines at their own expense.

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

**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 NW 31<sup>st</sup> Street approximately 350 feet south of Dr. Martin Luther King Jr. Blvd.
2. The Applicant’s request was generated from the proposed construction of a new 4-story office building on the subject property without being constrained by the easement.



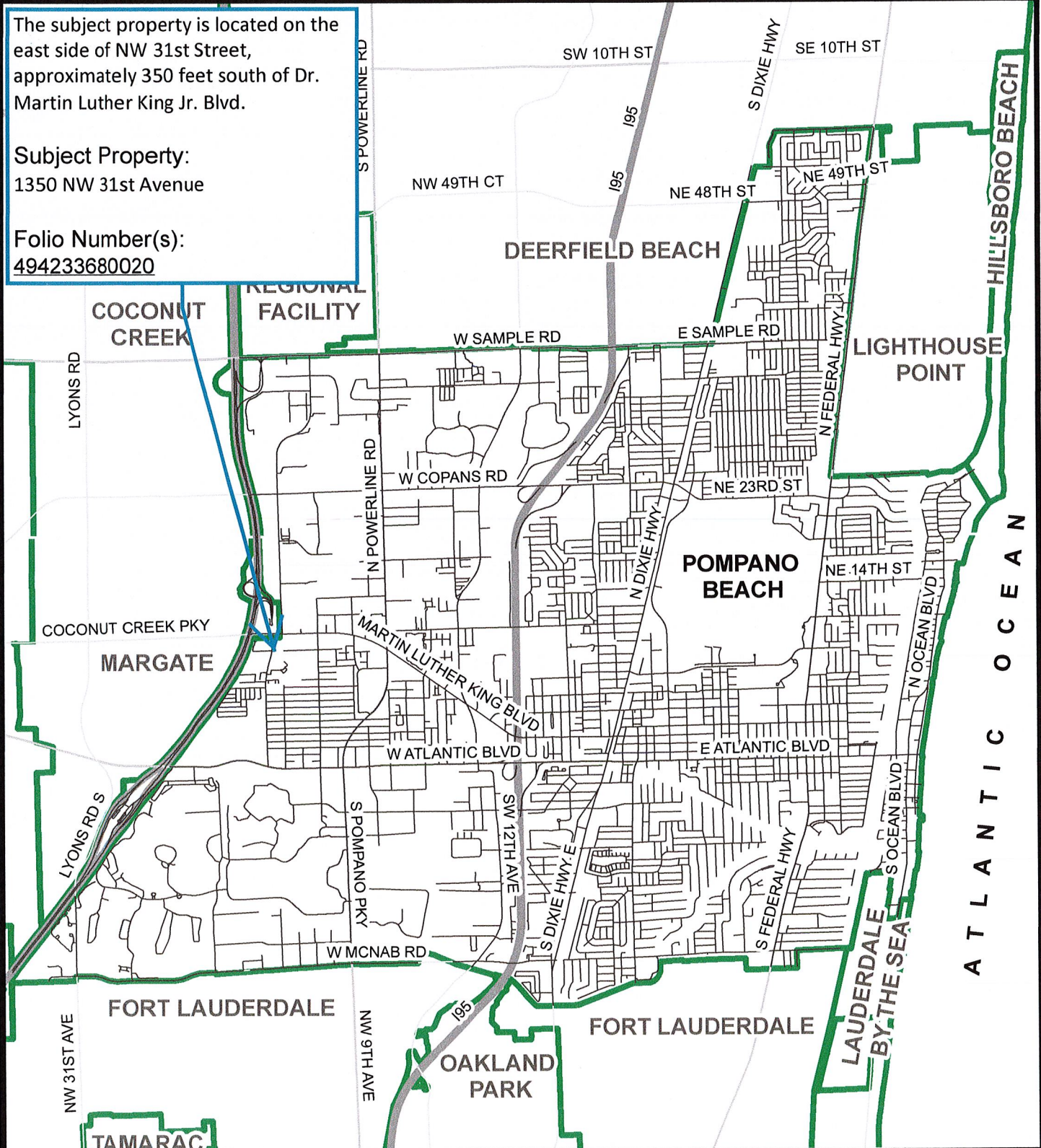
# CITY OF POMPANO BEACH LOCATION MAP



The subject property is located on the east side of NW 31st Street, approximately 350 feet south of Dr. Martin Luther King Jr. Blvd.

**Subject Property:**  
1350 NW 31st Avenue

**Folio Number(s):**  
494233680020



1 in = 1 miles

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# CITY OF POMPANO BEACH AERIAL MAP



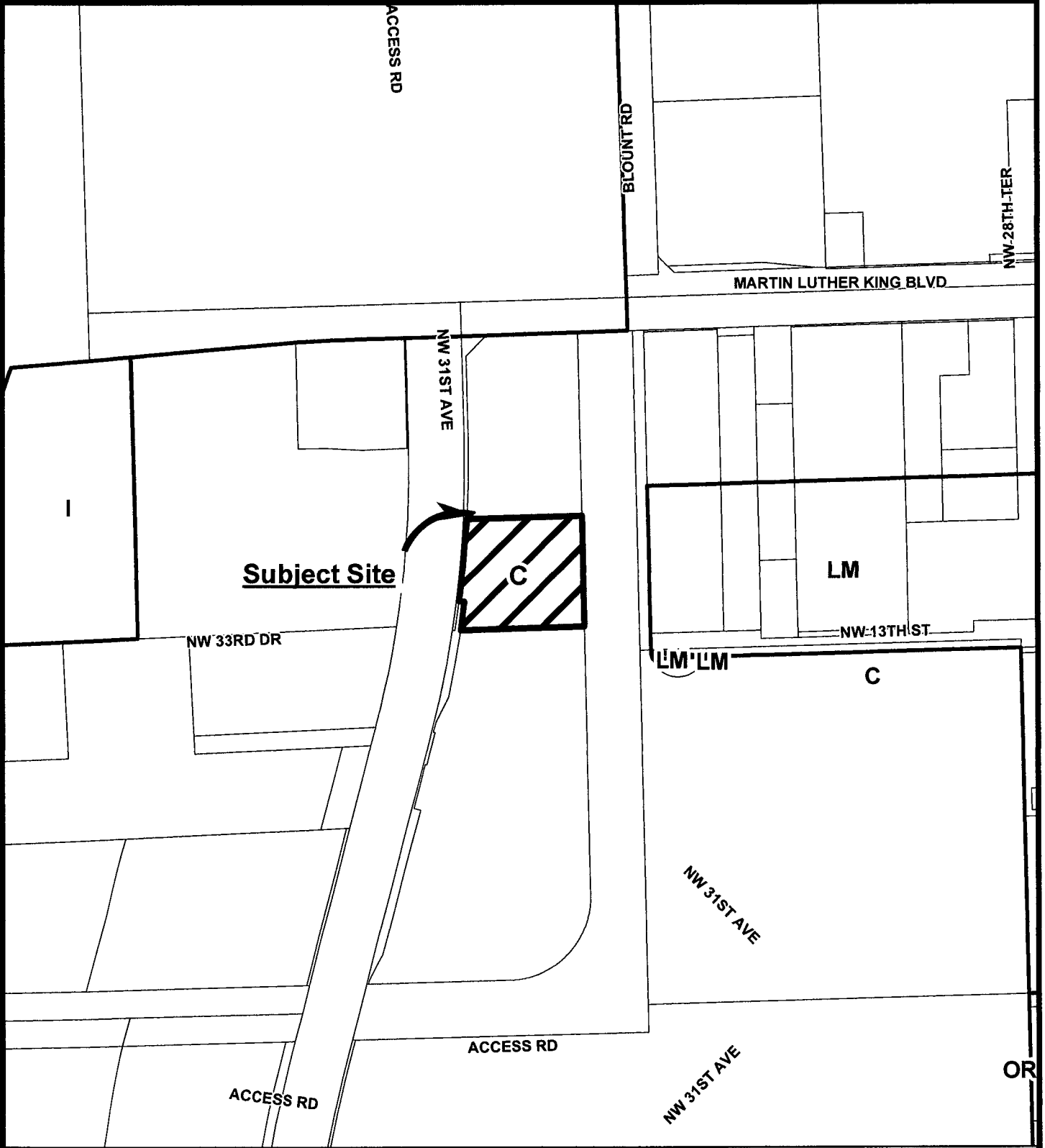
**Subject Site**

1 in = 250 ft

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# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP

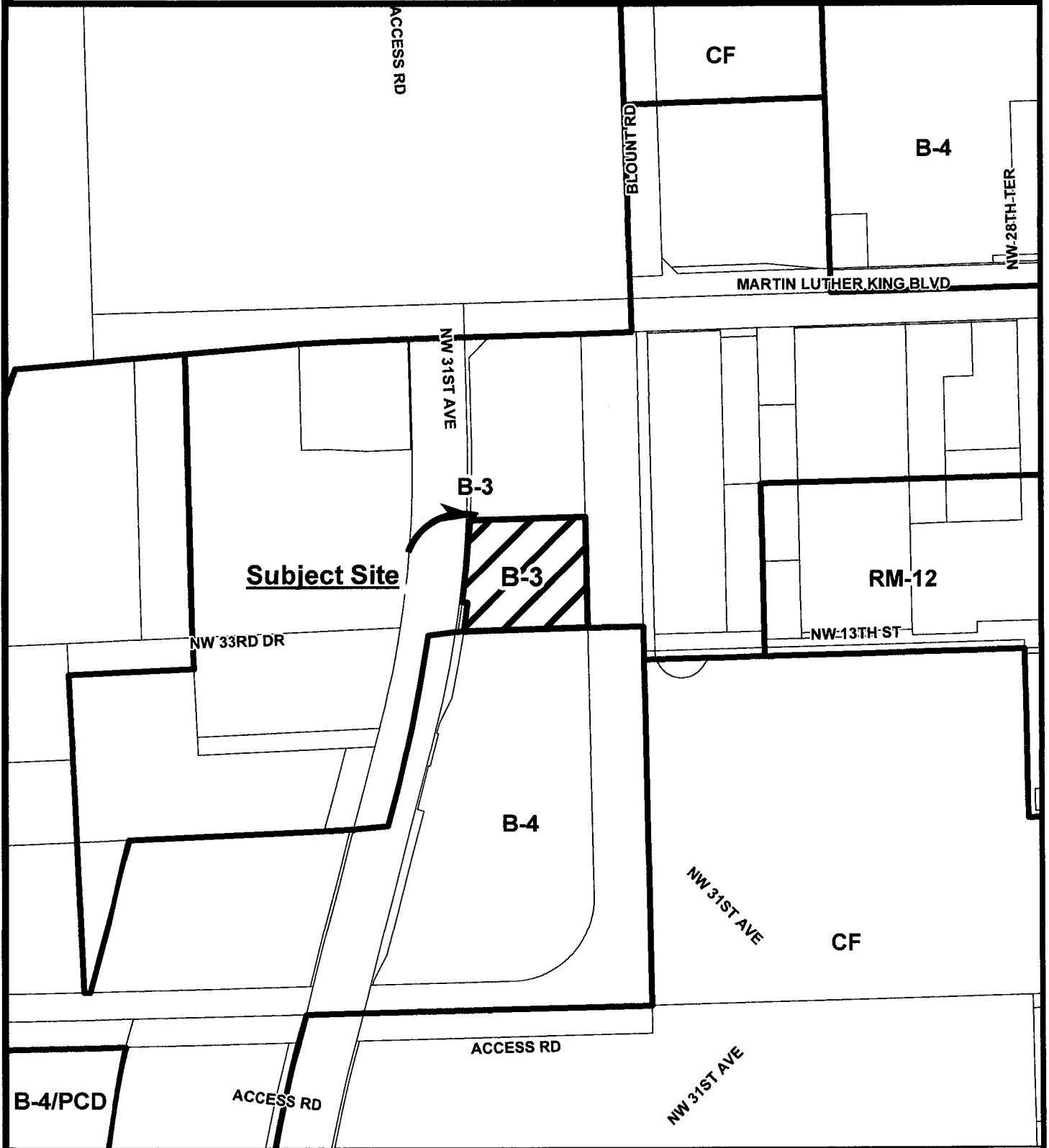


1 in = 250 ft

4

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# CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 250 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

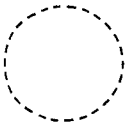
W      Water

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

* <b>Existing</b>
> <b>Proposed</b>

**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 of the service providers that have submitted comments have stated they have no objection to this request. The two service providers that have not yet submitted comments include: FP&L and Code Enforcement. Therefore a condition will be recommended to ensure this is addressed prior to City Commission placement.

The Utility Easement was included on the original plat in order to accommodate future needs for the property. Since the applicant is reconfiguring the property to adjoin with the adjacent property to the south, such an easement is no longer necessary and the above-mentioned review standards can be met once all the service provider comments have shown 'no objection.'

With the condition of submitting the above-noted missing comments, the abandonment of this easement meets the abandonment standards of Section 155.2431D.1. & 2, and therefore staff recommends approval of this request with one condition.

**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.