



Staff Report

**File #:** LN-589

**PLANNING AND ZONING BOARD**

Meeting Date: APRIL 24, 2024

**FIBERBUILT UMBRELLAS ROW ABANDONMENT**

**Request:** Right-Of-Way Abandonment  
**P&Z#** 24-18000001  
**Owner:** 2201 LLC  
**Project Location:** Six Lots North of 2201 W Atlantic Blvd  
**Folio Number:** 484233054280; 484233054282; 484233054285; 484233054284; 484233054281; 484233054283  
**Land Use Designation:** LM (Low-Medium 5-10 DU/AC)  
**Zoning District:** RM-12 (Multiple-Family Residence 12)  
**Commission District:** 4 (Beverly Perkins)  
**Agent:** John Tice (jtice@galloherbert.com / 954-703-8103)  
**Project Planner:** Jean Dolan (jean.dolan@copbfl.com / 954-786-4045)

This is a request by the property owner to abandon right-of-way that was dedicated via deeds for several properties that have since been purchased for consolidation and development as part of the commercial property to the south. The affected properties include:

- the north 25’ of Folio Number 484233054280 (herein after referred to as Parcel 1);
- the north 25’ of Folio Number 484233054282 (herein after referred to as Parcel 2);
- the north 25’ of Folio Number 484233054284 (herein after referred to as Parcel 4); and
- the north 25’ of Folio Number 484233054283 (herein after referred to as Parcel 6).

The attached exhibit shows the subject parcels and rights-of-way. There have been no improvements to or utilities built in the dedicated right-of-way to be abandoned.

**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  
 FP&L:.....No Objection  
 AT&T:.....No Objection  
 TECO Gas:.....No Objection  
 Comcast Cable:.....No Response

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

1. The right-of-way dedications are generally located on the north 25' of the subject lots and were intended to provide access to the subject lots. The dedications are not continuous and do not create any potential of forming a road or an alley for access to the lots that dedicated the land.
2. The SF homes to the north of the incomplete dedicated right-of-way were never intended to be accessed from the south. In fact, if this right-of-way were to ever become a legal road, the properties to the north would have to dedicate the southern-most 25' of their lots as right-of-way. The lots to the north were designed and built over 40 years ago to front on and have access to NW 2<sup>nd</sup> Street. There is no requirement to create a street or alley in the backyard of these lots.
3. The Applicant has purchased all the lots that dedicated this random right-of-way as well as the intervening lots that did not dedicate ROW (referred to in the attached Exhibit as Parcels 3 and 5). The Applicant has plans to consolidate and develop the lots without providing access from the north. The random dedications, therefore, are not needed to provide access to the lots that dedicated the land. Per note #2 above, the dedication was never intended to provide access to the rear yards of the lots to the north which were built to have access to and from NW 2<sup>nd</sup> Street.

**C. Review Standards**

Section 155.2431 D. 1. & 2. state 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. Only Comcast failed to respond to the inquiry.

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 Motion 1:**

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

1. That the Applicant provides the no objection letter from Comcast.

**Alternative Motion 2**

Table this abandonment request to allow time for the Applicant to address any outstanding issues identified by the Board, staff or the affected parties.

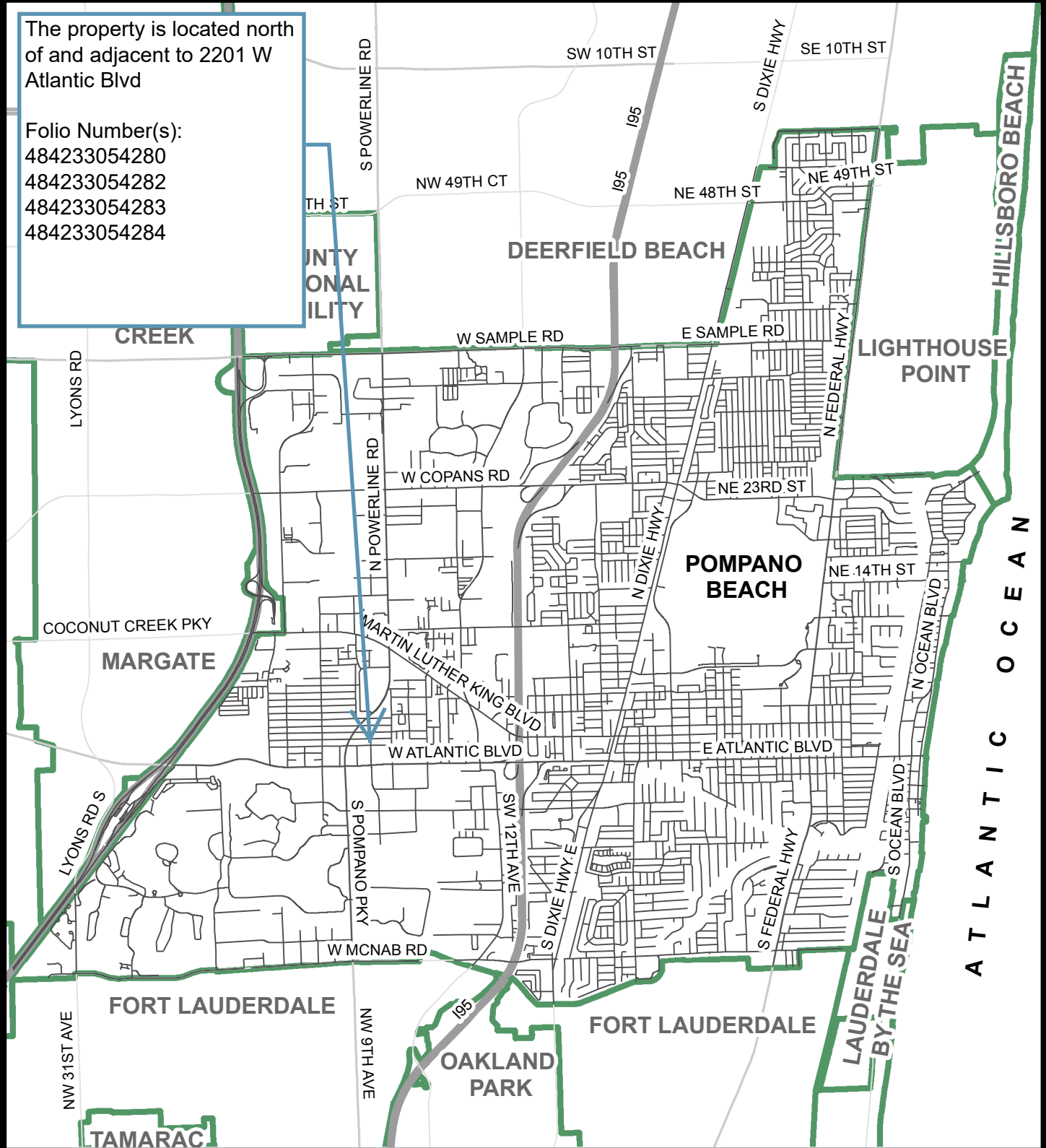
Staff recommends alternative motion number 1.

# CITY OF POMPANO BEACH LOCATION MAP



The property is located north of and adjacent to 2201 W Atlantic Blvd

Folio Number(s):  
 484233054280  
 484233054282  
 484233054283  
 484233054284



1 in = 1 miles

PREPARED BY:  
 DEPARTMENT OF  
 DEVELOPMENT SERVICES

# CITY OF POMPANO BEACH AERIAL MAP



Subject Site

25 FT ROW Abandonment

Parcel 1

Parcel 2

Parcel 3

Parcel 4

Parcel 5

Parcel 6

NW 23RD AVE

W ATLANTIC BLVD

1 in = 104 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



Subject Site

25 FT ROW Abandonment

Parcel 1

Parcel 2

Parcel 3

Parcel 4

Parcel 5

Parcel 6

LM

C

CF

NW 23RD AVE

T

W ATLANTIC BLVD

1 in = 104 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# CITY OF POMPANO BEACH OFFICIAL ZONING MAP



Subject Site

25 FT ROW Abandonment

RM-12

Parcel 1

Parcel 2

Parcel 3

Parcel 4

Parcel 5

Parcel 6

NW 23RD AVE

CF

B-3

T

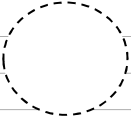
W ATLANTIC BLVD

W

1 in = 104 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

## LEGEND

FOR LAND USE PLAN		FOR ZONING MAP	
Symbol	Classification Units/ Acre	Symbol	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)		
IRR	Irregular Density	RD-1	Two- Family Residence
MUR-H	Mixed Use Residential (High)		
		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		
	Transit Oriented Corridors:	TO	Transit Oriented
DPTOC	Downtown Pompano	PR	Parks & Recreation
ETOC	East Atlantic Blvd	CF	Community Facilities
		PU	Public Utility
		T	Transportation
	Number	BP	Business Parking
		LAC	Local Activity Center
			<i>Planned Developments</i>
		RPUD	Residential Planned Unit Development
		PCD	Planned Commercial Development
*	Current Designation	PD-TO	Planned Development - Transit Oriented
>	Proposed Designation	PD-I	Planned Development - Infill
			<i>Overlay Districts</i>
		RM-45 HR	Multiple-Family Residence 45 High Rise
		DPOD	Downtown Pompano Beach
		EOD	East Atlantic Blvd.
		AOD	Atlantic Boulevard