



Staff Report

**File #:** LN-429

PLANNING AND ZONING BOARD

Meeting Date: APRIL 26, 2023

**SUNEXUS APARTMENTS EASEMENT ABANDONMENT**

**Request:** Easement Abandonment  
**P&Z#** 23-27000004  
**Owner:** Sunexus Park LLLP  
**Project Location:** 820 NW 9<sup>th</sup> Ave  
**Folio Number:** 484234120010  
**Land Use Designation:** M (Medium 10-16 DU/AC)  
**Zoning District:** RM-20 (Multiple-Family Residence 20)  
**Commission District:** 4 (Beverly Perkins)  
**Agent:** Miguel Ortiz (305-333-3135)  
**Project Planner:** Maggie Barszewski (954-786-7921 / maggie.barszewski@copbfl.com)

**Summary:**

This is a request to abandon a 10-foot wide utility easement, by Miguel Ortiz on behalf of the owner, Sunexus Park LLLP. The easement is illustrated on the face of the Annie Laurie Plat, Plat Book 72, Page 13. This utility easement is located on a parcel lying on the northeast corner of NW 9 Avenue and NW 8<sup>th</sup> Street. There are no utility assets within the easement. The abandonment will allow the development of the property to not be encumbered by this easement.

**REVIEW AND SUMMARY**

**A. The following Service Providers commented on this request:**

Code Compliance: No Comments have been received  
Fire Department: No Objection  
Public Works Department: No Objection  
Utilities Department: No Objection  
FP&L: No Comments have been received  
AT&T: No Objection  
FDOT: 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. This utility easement is located on a parcel lying on the northeast corner of NW 9 Avenue and NW 8<sup>th</sup> Street
2. The Applicant's request is necessary in order to develop the property without being encumbered by this easement.

**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. Only FP&L and Code Enforcement have not yet submitted a comment. Therefore a suggested condition will require these comment letters prior to the City Commission consideration.

With the exception of the outstanding letters of no objection, the abandonment of this easement meets the standards of Section 155.2431D.1. & 2, and therefore staff recommends approval of this request.

**Staff Conditions:**

**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 easement abandonment meets the standards of Section 155.2431D.1. & 2. With the following conditions to be met prior to City Commission:

1. That the Applicant provides the no objection letter from FPL and Code Enforcement.
2. The Applicant must submit a sketch and legal description of abandonment area.

**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.

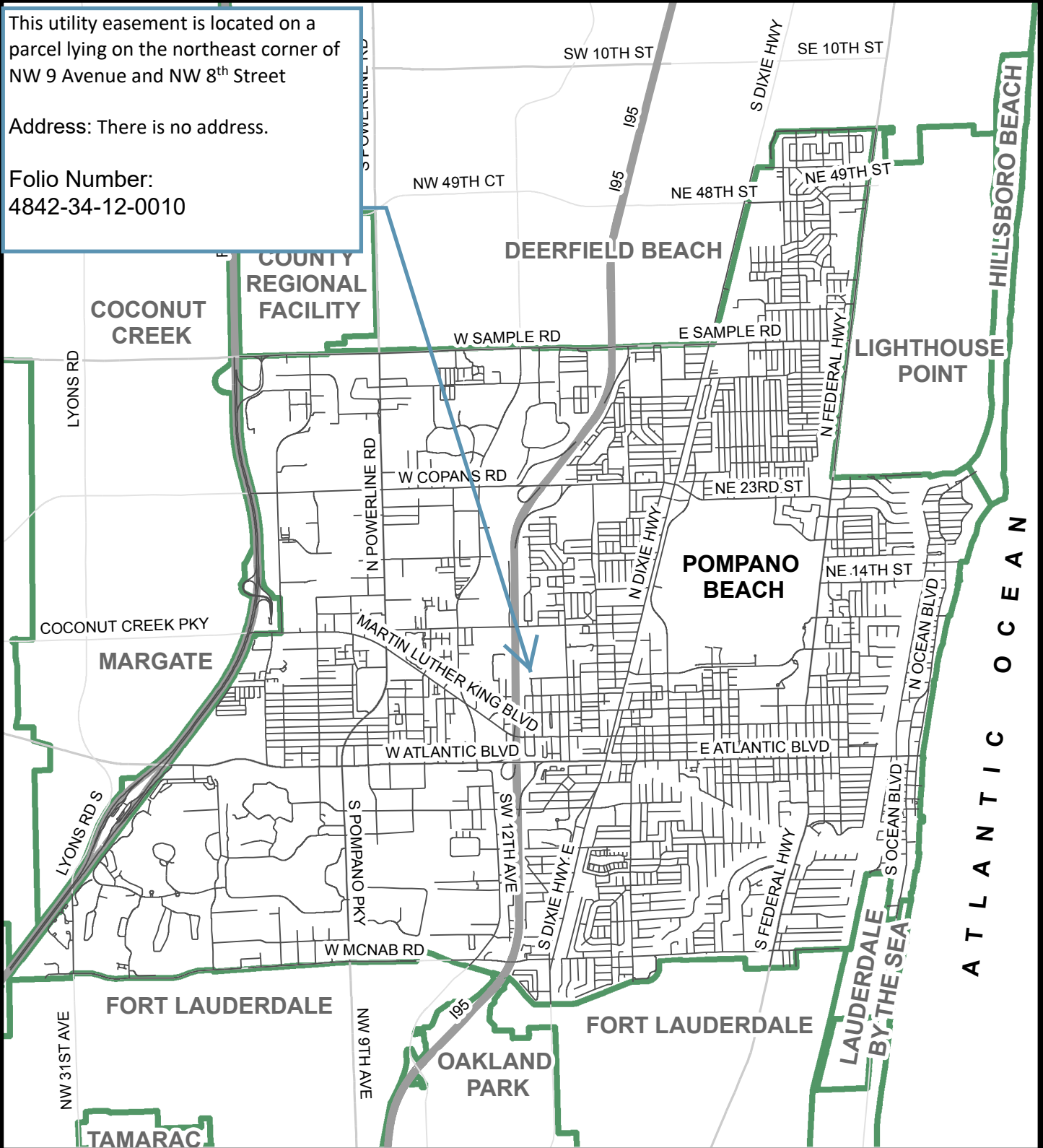
# CITY OF POMPANO BEACH LOCATION MAP



This utility easement is located on a parcel lying on the northeast corner of NW 9 Avenue and NW 8<sup>th</sup> Street

Address: There is no address.

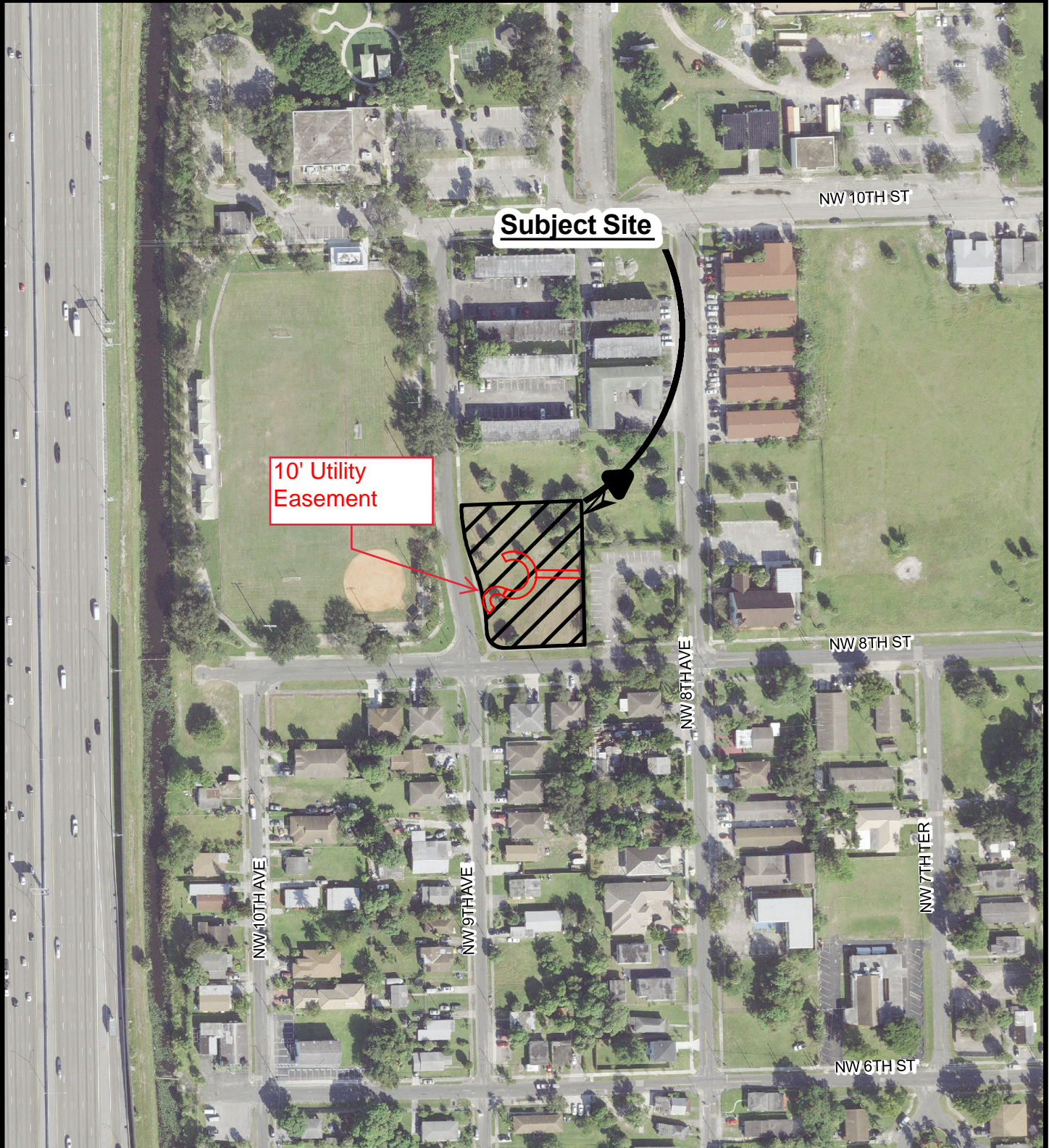
Folio Number:  
4842-34-12-0010



1 in = 1 miles

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

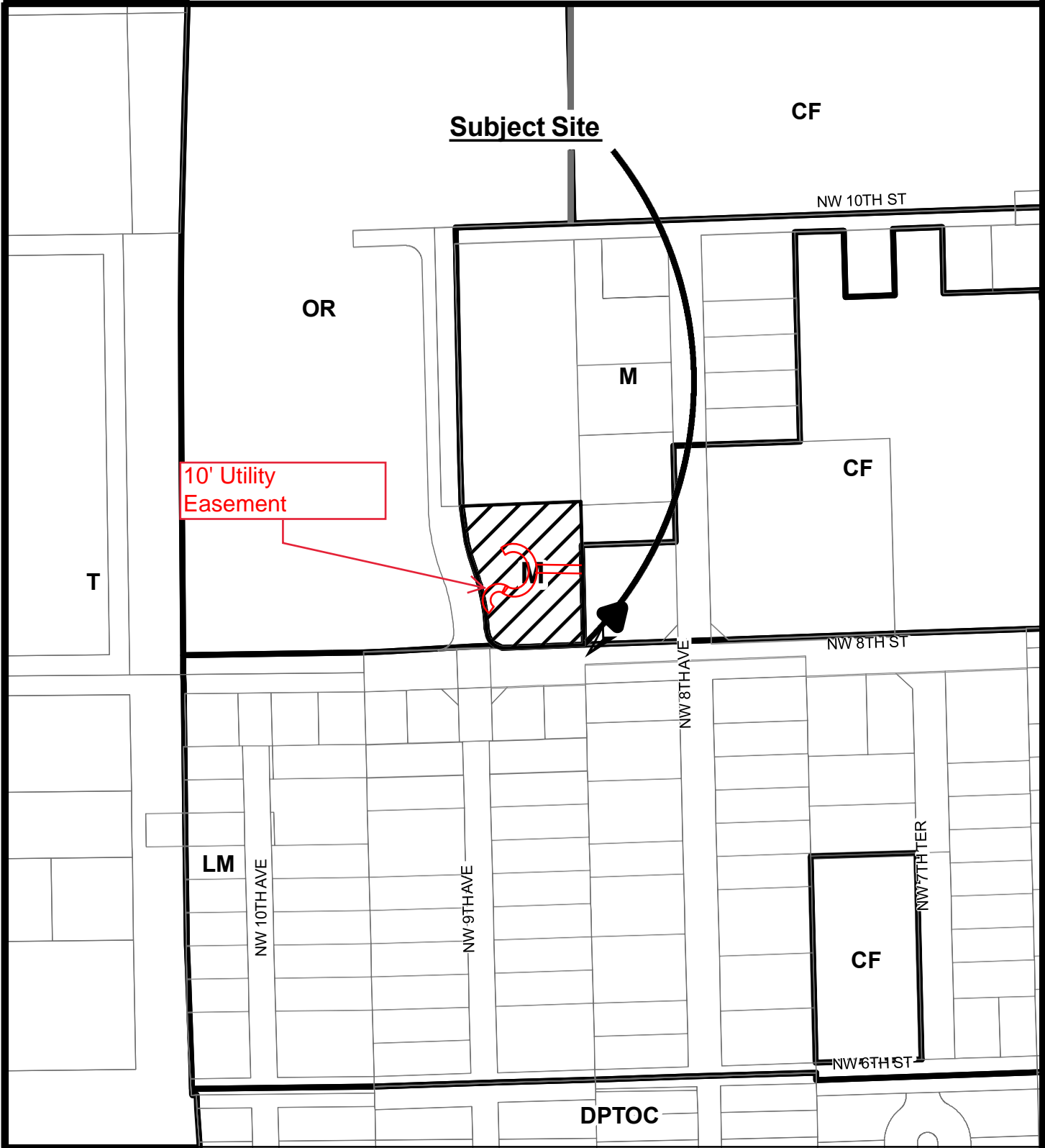
# CITY OF POMPANO BEACH AERIAL MAP



1 in = 208 ft

PREPARED BY:  
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DEVELOPMENT SERVICES

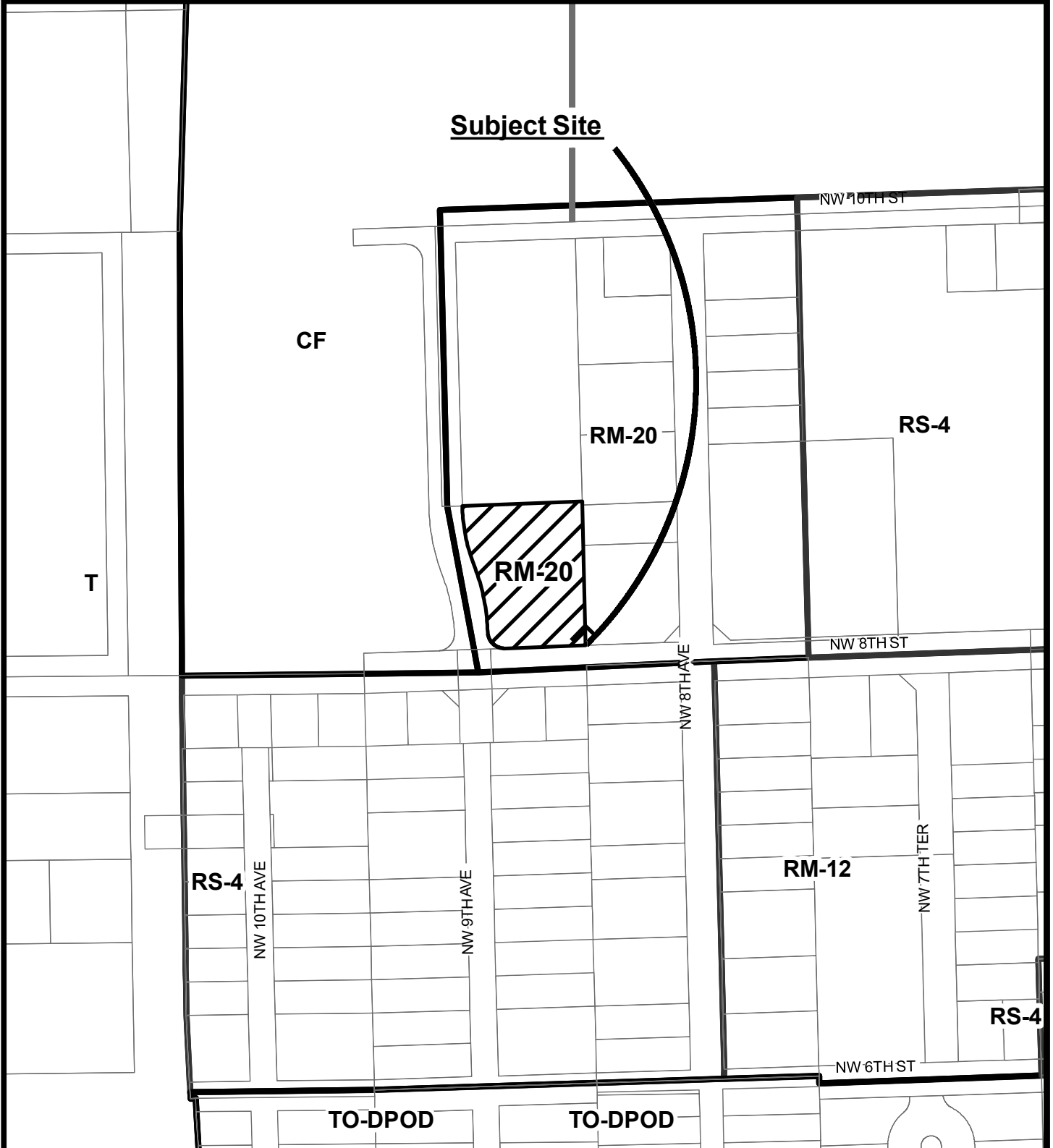
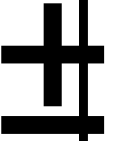
# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



1 in = 208 ft

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# CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 208 ft

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## 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	RS-4	Single-Family Residence 4
	MH	RS-L	Single-Family Residence Leisureville
	H		
	12	RD-1	Two- Family Residence
	36		
		RM-7	Multiple-Family Residence 7
	C	RM-12	Multiple-Family Residence 12
	CR	*	RM-20
	Commercial Recreation		Multiple-Family Residence 20
			RM-30
	I		Multiple-Family Residence 30
	Industrial		RM-45
			Multiple-Family Residence 45
	T		MH-12
	Transportation		Mobile Home Park
		B-1	Limited Business
	U	B-2	Neighborhood Business
	Utilities	B-3	General Business
		B-4	Heavy Business
	CF	M-1	Marina Business
	Community Facilities		
		CR	Commerical Recreation
	OR		
	Recreation & Open Space		
	W	I-1	General Industrial
	Water	I-1X	Special Industrial
		O-IP	Office Industrial Park
	RAC	M-2	Marina Industrial
	Regional Activity Center		
	LAC		
	Local Activity Center		
	ETOC	TO	Transit Oriented
	East Transit Oriented Corridor	PR	Parks & Recreation
	DPTOC	CF	Community Facilities
	Downtown Pompano		
	Transit Oriented Corridor	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