



Staff Report

**File #:** LN-416

PLANNING AND ZONING BOARD

Meeting Date: MARCH 22, 2023

**LIVE! RESORTS POMPANO - EASEMENT ABANDONMENT**

**Request:** Utility Easement Abandonment  
**P&Z#** 23-27000002  
**Owner:** Pompano Park JV Land Holdings LLC  
**Project Location:** 777 ISLE OF CAPRI BLVD.  
**Folio Number:** 494203220021  
**Land Use Designation:** RAC (Regional Activity Center)  
**Zoning District:** PCD (Planned Commercial / Industrial)  
**Commission District:** 5 (Barry Moss)  
**Agent:** Ann DeVeaux (954-788-3400)  
**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 Ann DeVeaux of Keith, Inc. on behalf of the owner, Pompano Park JV Land Holdings. The easement is illustrated on the face of the Pompano Park Racino Plat, Parcel A, Plat Book 181, Page 22-27. This utility easement is located on a parcel addressed as 777 Isle of Capri Blvd., which lies on the southwest corner of Race Track Road & the CSX Railroad. There are no utility assets within the easement. The abandonment will allow for the redevelopment of the property without being encumbered by this easement.

**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  
 Development Services: 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 the parcel addressed as 777 Isle of Capri Blvd., which lies on the southwest corner of Race Track Road & the CSX Railroad. The portion of the 10-foot easement requested to be abandoned starts along Access Road, then follows the Plat's eastern boundary and then turns perpendicular to extend close to the CSX Railroad.
2. The Applicant's request is necessary in order to redevelop 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 has not yet submitted a comment. Therefore a suggested condition will require this comment letter prior to City Commission consideration.

With the exception of the one outstanding letter 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.

**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 condition:

1. That the Applicant provides the no objection letter from FPL prior to the City Commission submittal.

**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.

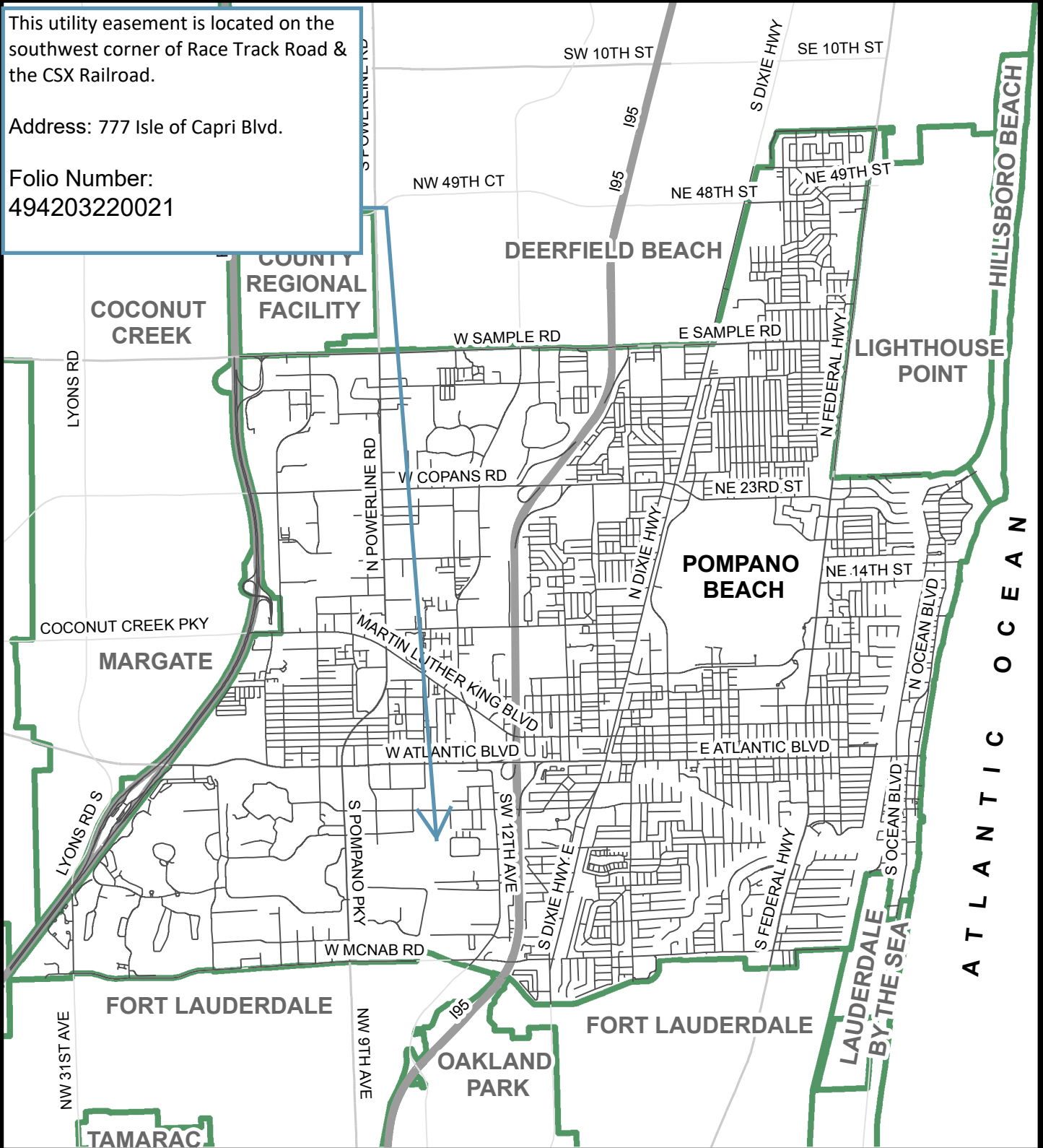
# CITY OF POMPANO BEACH LOCATION MAP



This utility easement is located on the southwest corner of Race Track Road & the CSX Railroad.

Address: 777 Isle of Capri Blvd.

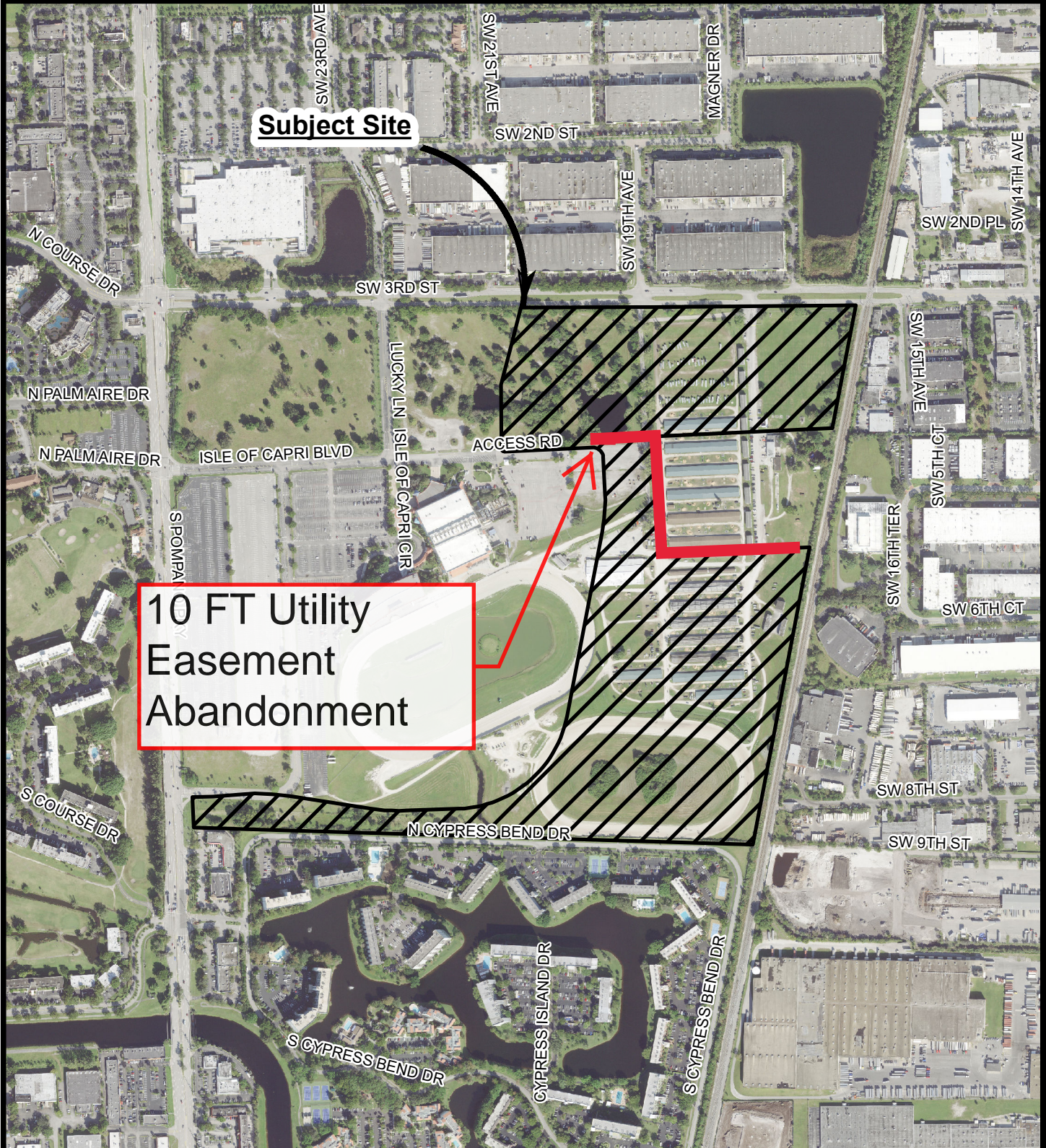
Folio Number:  
494203220021



1 in = 1 miles

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DEPARTMENT OF  
DEVELOPMENT SERVICES

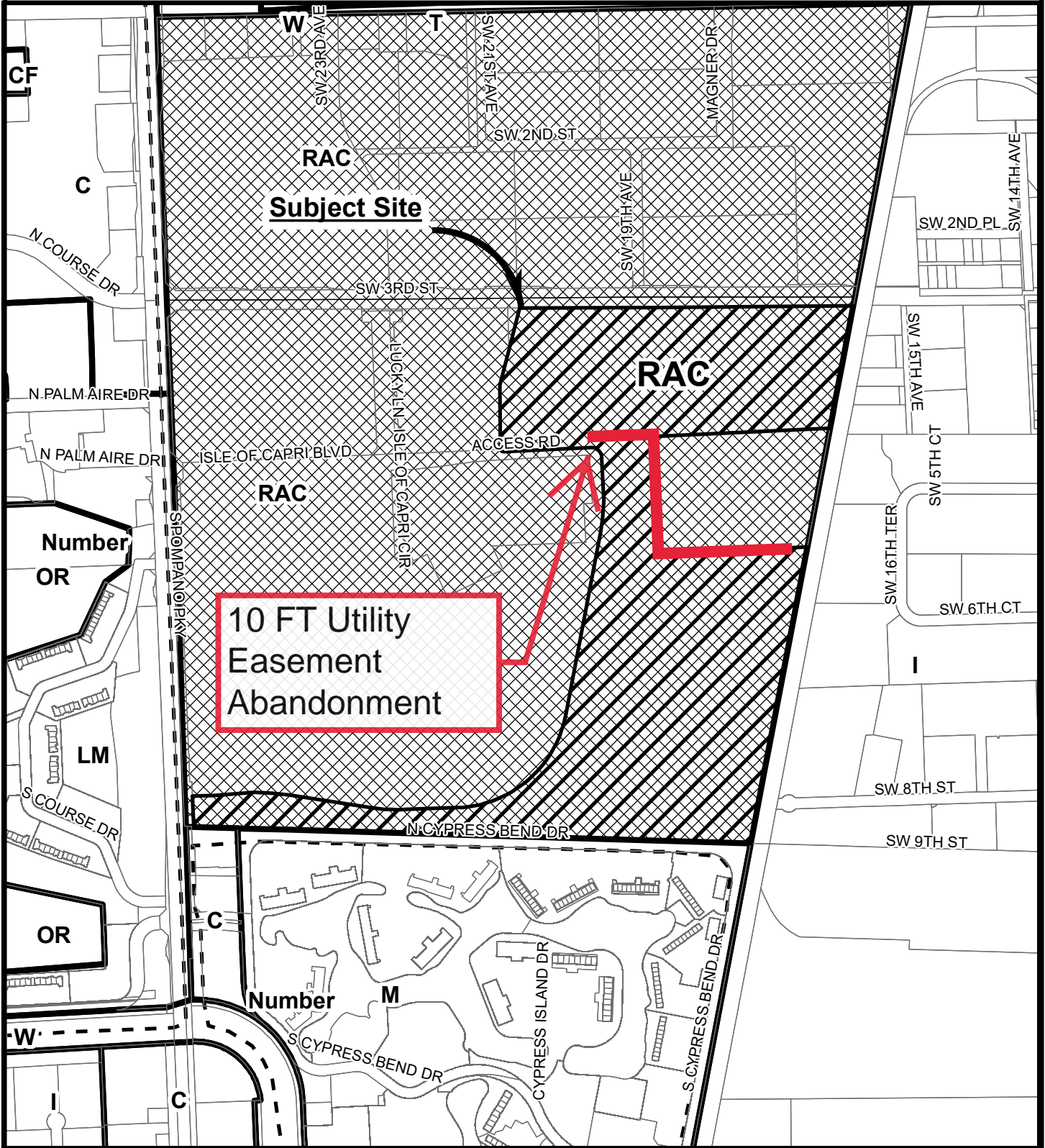
# CITY OF POMPANO BEACH AERIAL MAP



1 in = 750 ft

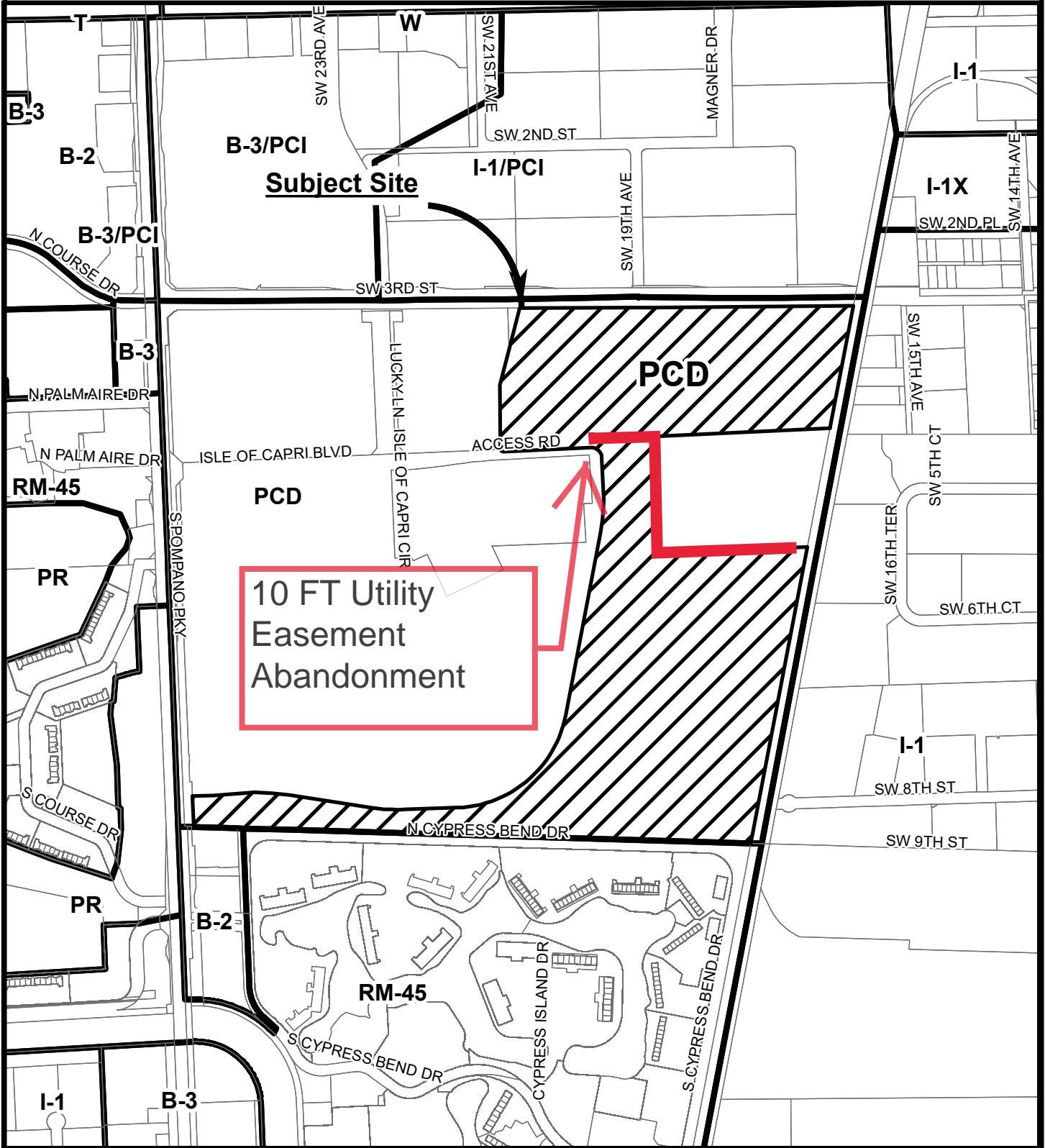
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# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



1 in = 750 ft

# CITY OF POMPANO BEACH OFFICIAL ZONING MAP



**Subject Site**

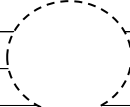
**PCD**

**10 FT Utility  
Easement  
Abandonment**

1 in = 750 ft

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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)		
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	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