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2. [LN-589](#)

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
Project Planner:	Jean Dolan

Ms. Jean Dolan, Principal Planner, introduced herself to the Board and noted one correction. The original exhibit for the abandonment included the strip on the west side of the first lot and was no longer being considered. She said this is a request by the property owner to abandon right-of-way that was dedicated via tax 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).

There have been no improvements to the utilities built in the dedicated right-of-way to be abandoned.

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. The single-family 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 2nd Street. There is no requirement to create a street or alley in the backyard of these lots. 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 2nd Street. Ms. Dolan outlined the review standards. 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.

Given the information provided to the Board, staff provides the following alternative motions for the Board's review.

Recommendation and Alternative Motions:

Staff recommends approval of this code amendment and offers the following alternative motions:

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 II:

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 I.

Chair Stacer asked the Board if there were any questions for staff.

Ms. Smith inquired about the exemption of Parcels 3 and 5. Ms. Dolan explained that they were exempt because no right-of-way had ever been dedicated for them. She noted that the right-of-way for these parcels was established through a deed, which is uncommon.

Mr. Joshua Pinsky on behalf of the applicant, introduced himself to the Board and said he was available for questions.

Mr. Lewis asked about the Comcast condition. Mr. Pinsky agreed to the condition.

Chair Stacer opened the public hearing. No one came forth to speak. Chair Stacer closed the public hearing.

MOTION by Derek Lewis and seconded by Tundra King that the Board finds that competent, substantial evidence has been presented for the Right-of-Way Abandonment that satisfies the review criteria, and move approval of the item, subject to the one (1) condition provided by staff. All voted in favor. The motion was approved.