



## Staff Report

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**File #:** LN-132

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### PLANNING AND ZONING BOARD

Meeting Date: September 22, 2021

### RAISING CANE'S POMpano BEACH PLAT

**Request:** Plat  
**P&Z#** 21-14000010  
**Owner:** Rozap ,Inc.  
**Project Location:** 2501 N. Federal Highway  
**Folio Number:** 484319000290  
**Land Use Designation:** C (Commercial)  
**Zoning District:** B-3 (General Business)  
**Commission District:** 2  
**Agent:** Kristina Belt (722-794-4033)  
**Project Planner:** Maggie Barszewski(954-786-7921/Maggie.barszewski@copbfl.com)

#### Summary:

##### A. Plat Background

A plat is a map, drawn to scale, showing the divisions of a piece of land. It can delineate blocks, streets, alleys and easements. Further refinement often splits blocks into individual lots, usually for the purpose of selling the described lots, this has become known as subdivision. The statutory definition of subdivision according to Chapter 177.031(18), F.S. is "the division of land into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and re-subdivisions." Upon the filing of a plat, legal descriptions can then refer to block and lot-numbers rather than portions of sections. In order for plats to become legally valid, a local governing body must review and approve them.

In Broward County, such legal authority is bestowed upon the Broward County Commission as stipulated within Article 7 of the Broward County Administrative Rules Document. Section 7.2 - 'Countywide Platting Authority' states that "No plat of lands lying within Broward County, either in the incorporated or unincorporated areas, may be recorded in the Official Records prior to approval by the County Commission." Section 7.4 provides for the input of each local government within Broward County, whereby a plat application must first be approved by the local jurisdiction before final approval with the County Commission. That section states that "local Jurisdictions shall require platting at least in those circumstances where the Broward County Land Use Plan requires platting."

##### B. Request

The agent, Elizabeth Tsouroukdissian, of Pulice Land Surveyors, Inc., representing the owner of the property, Rozap, Inc., is requesting approval of the Raising Cane's Pompano Beach Plat for the property located at 2501 N. Federal Highway. The Plat restricts the property to a maximum of 5,000 square feet of Commercial use and

350 square feet of Utility Building use. The plat includes dedication of right-of-way for a turn lane along Federal Highway. The property's acreage is approximately 2.07 acres. The site is currently occupied by an 11,809-square foot structure for the existing Bobby Rubino's Restaurant. A Conceptual Site Plan has been provided for this Plat submittal, which constitutes the submitted Site Plan that was approved on August 17, 2021 as a Minor Site Plan.

**C. Section 155.2410. PLAT - A. Purpose**

The purpose of this section is to provide a review procedure to conform to the Broward County Land Use Plan's platting requirement and to ensure subdivisions of land within the city:

1. Provide for the orderly growth and development of the city;
2. Coordinate proposed streets with existing and planned streets in the city's street system, and with other public facilities;
3. Provide rights-of-way for streets and utility easements;
4. Avoid congestion and overcrowding of streets;
5. Ensure there is adequate access to development;
6. Ensure there are adequate utility facilities to serve development;
7. Ensure there is adequate open space and recreation facilities to serve development; and
8. Ensure there is proper recordation of land ownership or property owner association records, where applicable.

**D. Plat Review Standards**

An application for a Plat shall be approved only on a finding that the proposed subdivision or development on the lots proposed to be platted meets all of the following standards:

1. The development complies with the applicable standards in Part 7 (Lots) of Article 5: Development Standards;
2. The development complies with all other applicable standards in this Code;
3. The development complies with all requirements or conditions of any applicable development orders (e.g., Planned Development);
4. Any land within the platted lot(s) that is necessary to comply with the Broward County Trafficways Plan has been conveyed to public by deed or grant of easement;
5. The development complies with any applicable hazardous material licensing requirements in the Broward County Wellfield Protection Ordinance; and
6. All facilities for the distribution of electricity, telephone, cable television, and similar utilities, shall be placed underground.

**E. Staff Analysis**

The subject property has a Commercial Land Use designation and is Zoned B-3 (General Business). The proposed Plat was reviewed by the DRC on June 2, 2021, and found to be in compliance with the City's Land Development Regulations. The Broward County Development Review Report (DRR) recommendations have been addressed on the Plat. Furthermore, all applicable Development Standards in Part 7 of Article 5 have been met.

Code Section 155.5509 there is a requirement that utilities be placed underground, however it can be waived in certain cases as stated in the Section.

**P&Z**  
City of Pompano Beach

155.5509. UTILITY LINES LOCATION

In all new development, as well as redevelopment that increases gross floor area by 50 percent or more, all overhead utilities located on the development site and/or along the public right-of-way fronting the development site shall be placed underground to the maximum extent practicable-provided that the Development Services Director shall waive this requirement where the relevant utility company demonstrates that undergrounding will be detrimental to the overall safety and/or reliability of the circuit.

A condition is suggested in this report that prior to City Commission placement, the applicant submits a letter from FPL and receives the appropriate waiver.

Service providers are required to provide a letter prior to City Commission approval. The applicant has submitted all five service provider letters:

FDOT:	A letter from FDOT has been submitted and the applicant is complying with requirements.
Teco Peoples Gas:	There is a letter submitted from Teco Gas stating no objection.
AT&T:	There is a letter submitted from AT&T stating no objection.
Comcast:	There is a letter submitted from Comcast stating no objection.
FPL:	There is a letter submitted from FPL stating no objection.

**Staff Conditions:**

Department of Development Services Recommendation

Development Services staff recommends approval of this Plat with the following conditions to be satisfied prior to the City Commission hearing:

1. The Applicant must submit a Letter from FPL stating that undergrounding the electrical lines will be detrimental to the overall safety and/or reliability of the circuit and the appropriate waiver is granted by the Development Services Director.
2. The Plat cover page must be signed and sealed by the surveyor and signed by all owners.
3. A Title Certificate must be submitted that is less than 6 months old and is made out to the City of Pompano Beach.

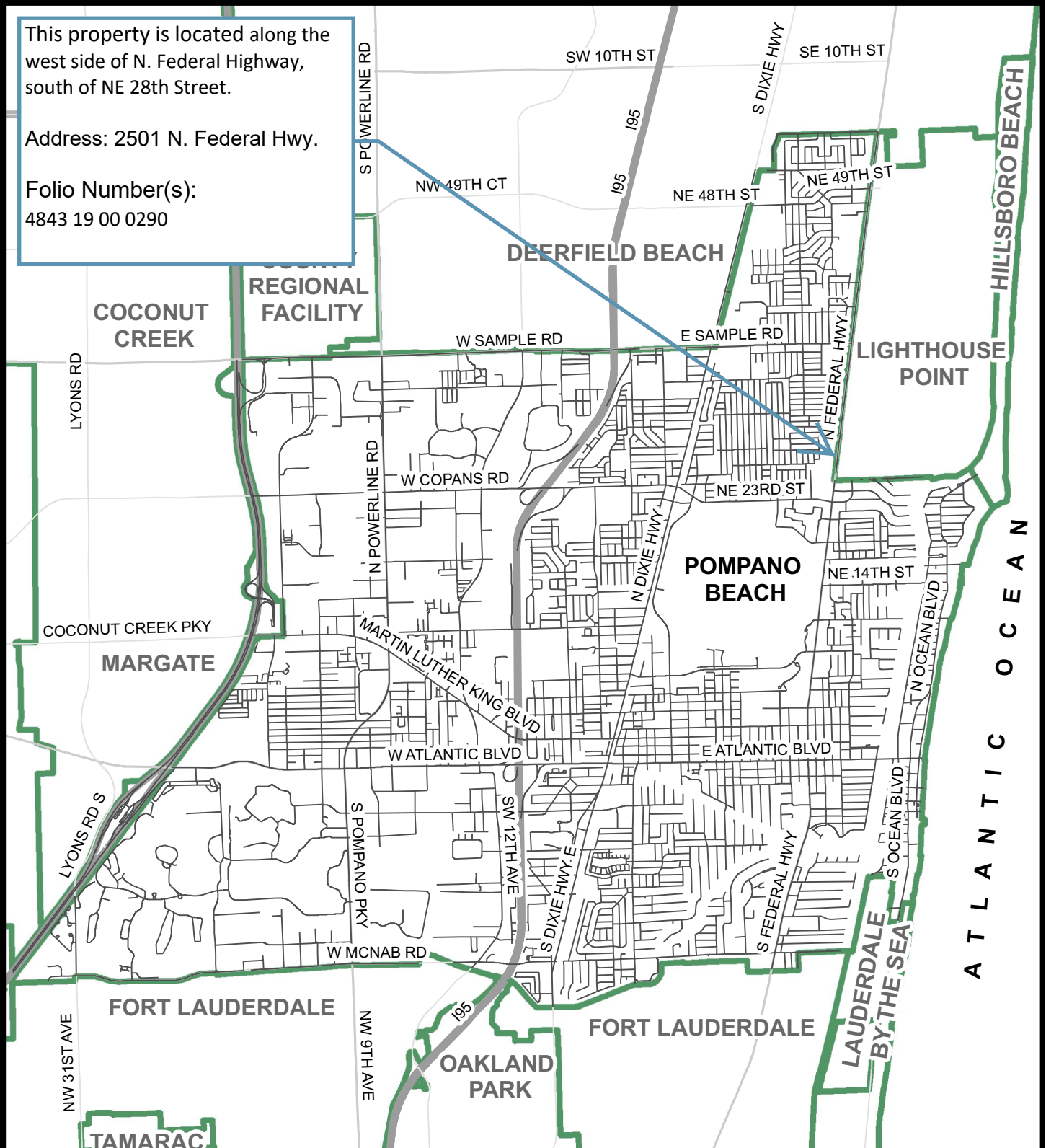
# CITY OF POMPANO BEACH LOCATION MAP



This property is located along the west side of N. Federal Highway, south of NE 28th Street.

Address: 2501 N. Federal Hwy.

Folio Number(s):  
4843 19 00 0290





# CITY OF POMPANO BEACH AERIAL MAP



**Subject Site**

**P&Z**  
1 inch = 200 ft  
9/1/2021 DesHul

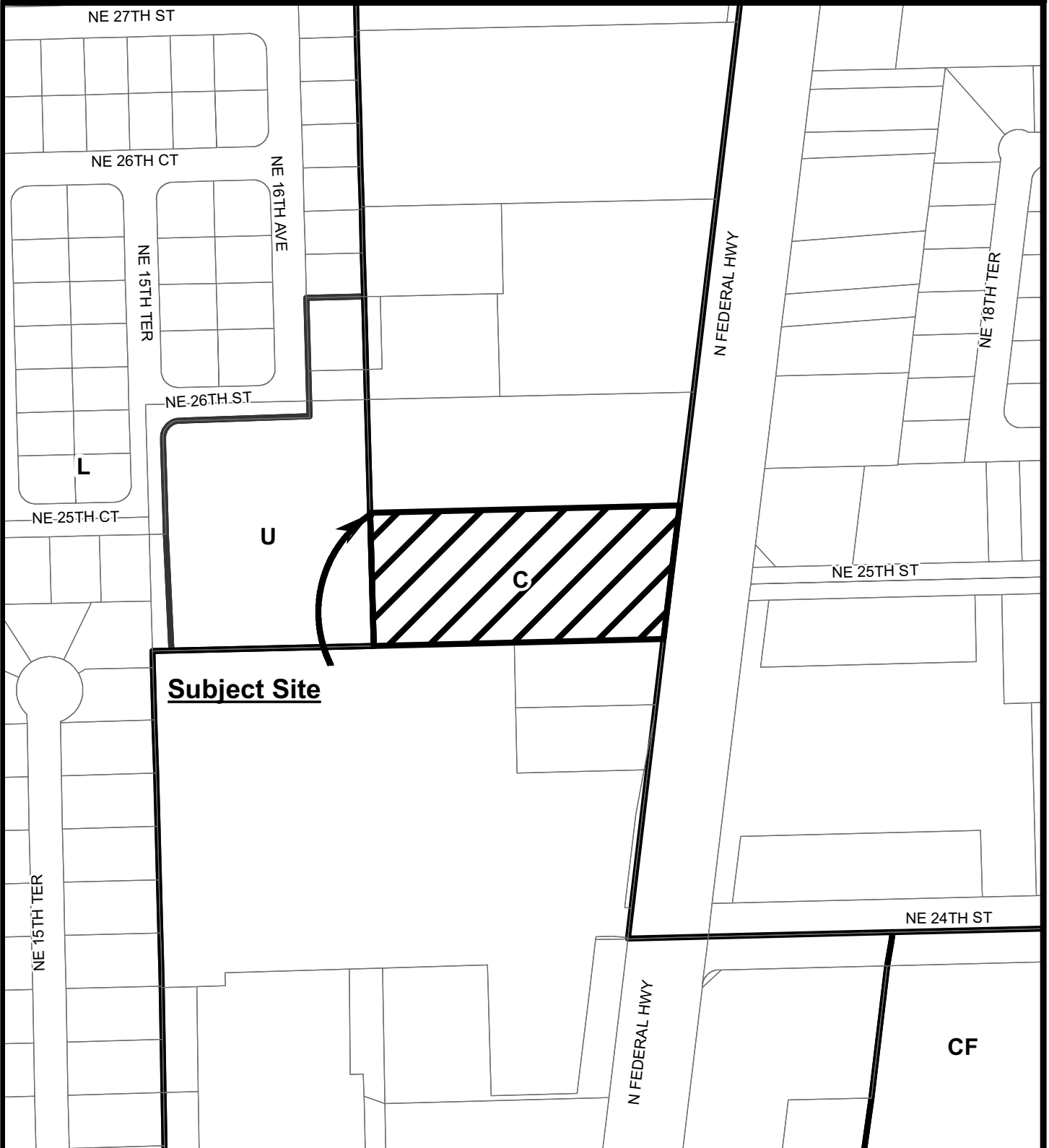
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PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

PZ21-14000010  
9/22/2021



# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



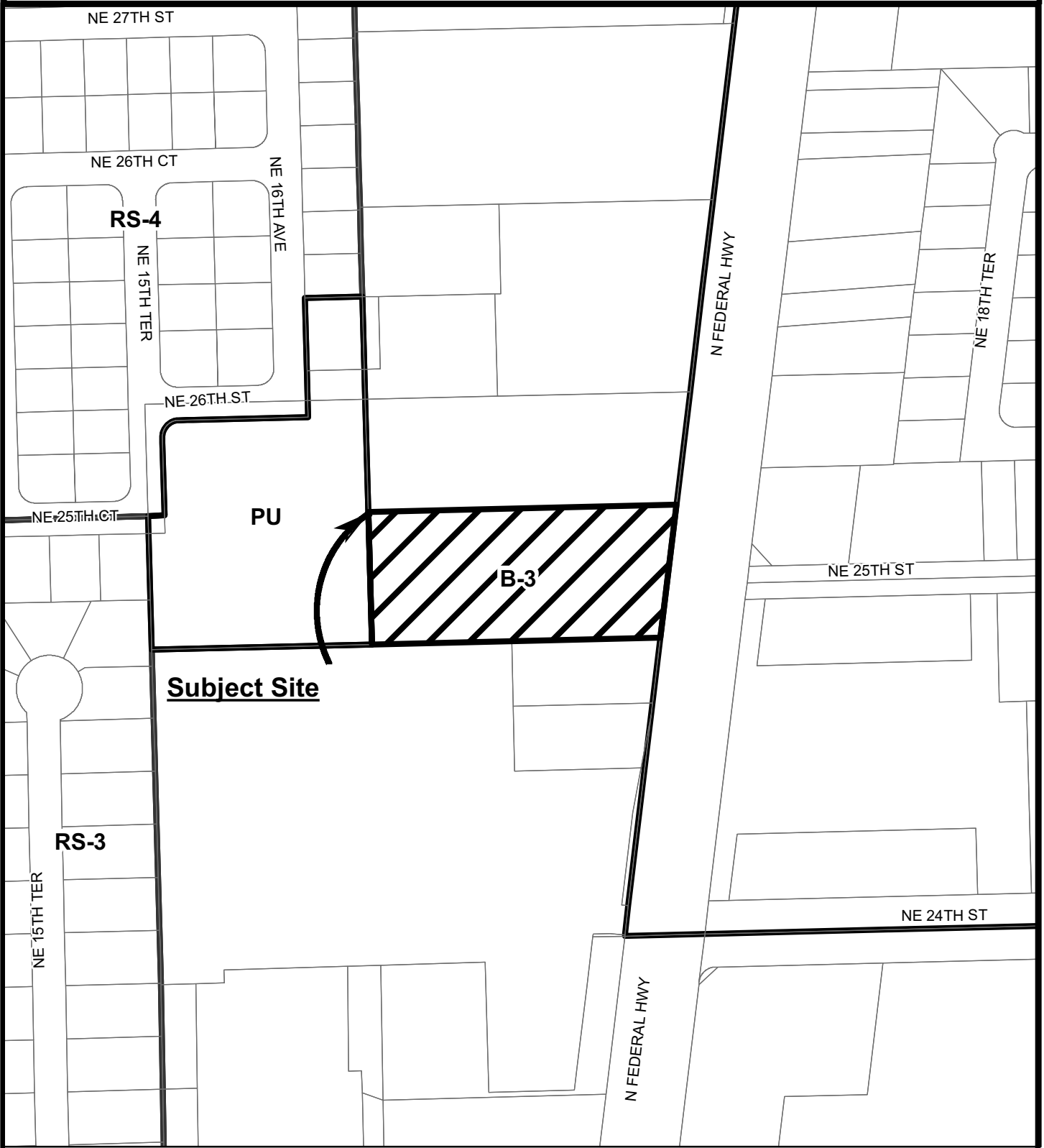
**P&Z**  
1 inch = 200 feet

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# CITY OF POMPANO BEACH OFFICIAL ZONING MAP



**P&Z**  
1 inch = 200 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	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	Regional Activity Center		O-IP	Office Industrial Park
			M-2	Marina Industrial
LAC	Local Activity Center			
			TO	Transit Oriented
DPTOC	Downtown Pompano		PR	Parks & Recreation
	Transit Oriented Corridor		CF	Community Facilities
			PU	Public Utility
	Number		T	Transportation
			BP	Business Parking
			LAC	Local Activity Center
*	Current Designation		RPUD	Residential Planned Unit Dev.
>	Proposed Designation		PCD	Planned Commercial Development
			PD-TO	Planned Development - Transit Oriented
			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
			DP	Downtown Pompano Beach Overlay

P&Z