

Jennifer Gomez, Assistant Development Services Director
Dwayne Dickerson
Jose Aguila
Gus Carbonell

C. MOMENT OF SILENCE

The Board observed a moment of silence.

D. APPROVAL OF THE MINUTES:

Approval of the minutes of the meeting on December 16, 2019.

MOTION by Carla Coleman and second by Richard Klosiewicz to approve the minutes of the December 16, 2019 meeting. All those voted in favor.

E. INDIVIDUALS TESTIFYING PLACED UNDER OATH

City staff and members of the public testifying before the Board at the meeting were placed under oath by Pamela McCleod, Assistant Planner and Notary Public in the State of Florida.

F. EASEMENT ABANDONMENT

1. **AVIARA CORPORATE PARK LLC / AVIARA CORPORATE PARK**
Planning and Zoning No. 19-27000005
Commission District: 5

Consideration of the EASEMENT ABANDONMENT submitted by **ROBERT C. MODYS** on behalf of **AVIARA CORPORATE PARK LLC** in order to abandon a 10-foot Utility Easement. The Applicant is proposing to construct a four story office building without being constrained by the easement. All parcels are legally defined as follows:

AKA: 1350 NW 31 Avenue
ZONED: B-3 (General Business)
STAFF CONTACT: Maggie Barszewski, AICP (954) 786-7921

Ms. Maggie Barszewski, Planner, presented herself to the Board and explained that the applicant is proposing to construct a four story office building and so is seeking to abandon the existing 10' utility easement that is on the property. She stated that subsequent to the writing of the staff report, a letter of no objection was received from FP&L. The only outstanding letter, therefore, is from Code Enforcement. A site plan is being prepared for

the site, and the applicant has agreed to remove the existing FP&L lines at their own expense.

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; however, it will not be placed on a City Commission agenda until the following condition is met:

1. The submission of the remaining service providers comments with no objection.

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.

III- Denial

Recommend denial to the City Commission as the Board finds that the easement serves a public purpose and should not be abandoned.

Staff recommends alternative motion number I, as amended.

Mr. Robert Modys (301 Atlantic Blvd, Pompano Beach) presented himself to the Board on behalf of the applicant and provided a brief presentation of the request, noting that only this subject property would be impacted by this abandonment and that there are several other parallel applications in process for this site, including a Site Plan, Plat Note Amendment, and NVAL Modification.

Ms. Smith asked if the applicant has communicated out to the Collier City Association.

Mr. Modys responded that they have not, but expect to engage after they begin their DRC process. He clarified that the Major Site Plan will eventually come to this Board.

Mr. James Saunders asked for clarification on staff's recommended conditions.

Ms. Barszewski responded that it is to get the one outstanding comment letter from Code Enforcement.

Mr. Saunders explained that the Board should, in making its motion to approve an application, be stating its finding that the application has demonstrated compliance with the given review criteria.

MOTION was made by Carla Coleman and seconded by Richard Klosiewicz that the Board find that competent, substantial evidence has been presented for Easement Abandonment PZ #19-27000005 that satisfies the review standards and that the Board recommends approval of the request to the City Commission per alternative motion I, as described and amended in the staff presentation, noting that the item should not be placed on a City Commission agenda until the outstanding comment letter is received. All voted in favor of the motion.

G. REZONING

**2. ANNALOU INC. / FLORIDA’S ULTIMATE HEAVY HAULING & RIGGING
Planning and Zoning No. 19-13000010
Commission District: 4**

Consideration of the REZONING submitted by **DWAYNE L. DICKERSON** on behalf of the **ANNALOU INC.** is requesting to rezone the subject property from General Industrial/Planned Commercial Development (I-1/PCD) to General Industrial (I-1) in order to remove the master plan requirements from the property. All parcels are legally defined as follows:

AKA: 1750 N. Powerline Road
ZONED: I-1/PCD (General Industrial/Planned Industrial Overlay)
PROPOSED: I-1 (General Industrial)
STAFF: Maggie Barszewski, AICP (954) 786-7921

Ms. Barszewski stated that the request is to rezone the property from I-1/PCD to I-1 in order to remove the Master Plan requirements from the property. She provided a brief description of the property and surrounding area, noting that the zoning and land use of all surrounding parcels is I-1 and Industrial. She noted the review criteria for rezonings, and stated that the request is consistent with the Comprehensive Plan and compatible with surrounding properties.

Given the information provided to the Board, as the finder of fact, the Development Services Department provides the following recommendation, and alternative motions, which may be revised or modified at the Board’s discretion.

Alternative Motion I

Recommend approval of the rezoning request as the Board finds the rezoning application is consistent with the aforementioned pertinent Future Land Use policies.

Alternative Motion II