

3. [LN-363](#) **GATEWAY LUXURY APARTMENTS EASEMENT ABANDONMENT**

Request: Easement Abandonment
P&Z# 22-27000007
Owner: US Gateway Investments LLC
Project Location: 950 N Powerline Rd
Folio Number: 484234480010
Land Use Designation: Commercial
Zoning District: B-3 (General Business)
Agent: Tiffany Crump
Project Planner: Jean Dolan

Ms. Maggie Barszewski, Project Planner, introduced herself to the Board and stated the applicant is requesting to abandon a 24-foot access easement by Keith, Inc. on behalf of US Gateway Investments, LLC. The easement is located the east side of Powerline Road, approximately 500 feet south of Dr. Martin Luther King Jr. Blvd (with an address of 950 N Powerline Road). The easement is shown on the face of the Hurok Plat (P.B. 178 - PG. 164 & 165). The Easement will be replaced with a smaller access easement providing a cross access with the adjacent property to the north. The abandonment will allow for the construction of the northernmost proposed building included in the “Gateway Luxury Apartments” project Site Plan that is also being considered at the November 16th Planning & Zoning hearing.

Given the information provided to the Board, staff provides the following alternative motions, which may be revised or modified at the Board’s discretion:

- Alternative Motion I: Recommend approval to the City Commission as the Board finds that the easement abandonment meets the standards of Section 155.2431 D.1. & 2, with the following conditions that must be satisfied prior to placement on a City Commission agenda:
 1. The applicant provides staff with proof that the new access easement has been submitted to the County for recordation.
- Alternative Motion II: Table this abandonment request to allow time for the Applicant to address any objections raised by the affected parties or to get additional information.

Ms. Barszewski stated that staff recommends Alternative Motion I.

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

Ms. Coleman asked for clarification on the service provider letters. Ms. Barszewski noted the County no longer believes they are necessary from the service providers, which is why it is no longer considered a condition. She confirmed the City has other methods to determine whether the easement is being used by a service provider.

Ms. Tiffany Crump, KEITH, (301 E. Atlantic Boulevard, Pompano Beach) introduced herself to the Board on behalf of the applicant. She confirmed the applicant has no objections to the staff conditions and added the easement is a cross access easement and not a utility easement.

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

(21:08)

MOTION by Darlene Smith and seconded by Tundra King that the Board finds that competent, substantial evidence has been presented for the Easement Abandonment that satisfies the review criteria, and move approval of the item, subject to the one condition provided by staff under Alternative Motion I. All voted in favor. The motion was approved.