

Staff Report

File #: LN-404

PLANNING AND ZONING BOARD

Meeting Date: FEBRUARY 22, 2023

AVIARA WEST EASEMENT ABANDONMENT

Request: Easement Abandonment
P&Z# 23-27000001
Owner: Aviara Corporate Park LLC
Project Location: 1350 NW 31 Ave
Folio Number: 4842-33-68-0020
Land Use Designation: Commercial
Zoning District: B-3 (General Commercial)
Commission District: 5 (Barry Moss)
Agent: Matt Edge (954-739-6400)
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 Matt Edge of Cravin Thompson & Associates on behalf of Aviara Corporate Park, LLC. The easement is illustrated on the face of the Lanier Plat, Plat Book 180, Page 182. This is a perimeter utility easement located at 1350 NW 31 Avenue, which lies on the east side of NW 31st Avenue, approximately 350 feet south of Dr. Martin Luther King, Jr. Blvd. There are no utility assets within the easement. A McDonald's establishment had recently been torn down on the site and the owner wants to redevelop 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 Comments have been received
Public Works Dept: No Objection
Development Services: No Objection
Utilities Department: No Comments have been received
FP&L: No Comments have been received
AT&T: No Comments have been received
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. The property is located on the east side of NW 31st Avenue, approximately 350 feet south of Dr. Martin Luther King, Jr. Blvd.
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. There are four service providers that have not yet submitted comments, which include: the City Utilities and Fire Departments, as well as FP&L and AT&T. The outstanding statements of no objection are required prior to the City Commission consideration.

With the exception of the outstanding letters of no objection, the abandonment of this easement meets the standards of Section 155.2431.D.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 155.2431.D.1. & 2. With the following condition:

1. The Applicant provides the outstanding letters of 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.

Staff recommends alternative motion number I.

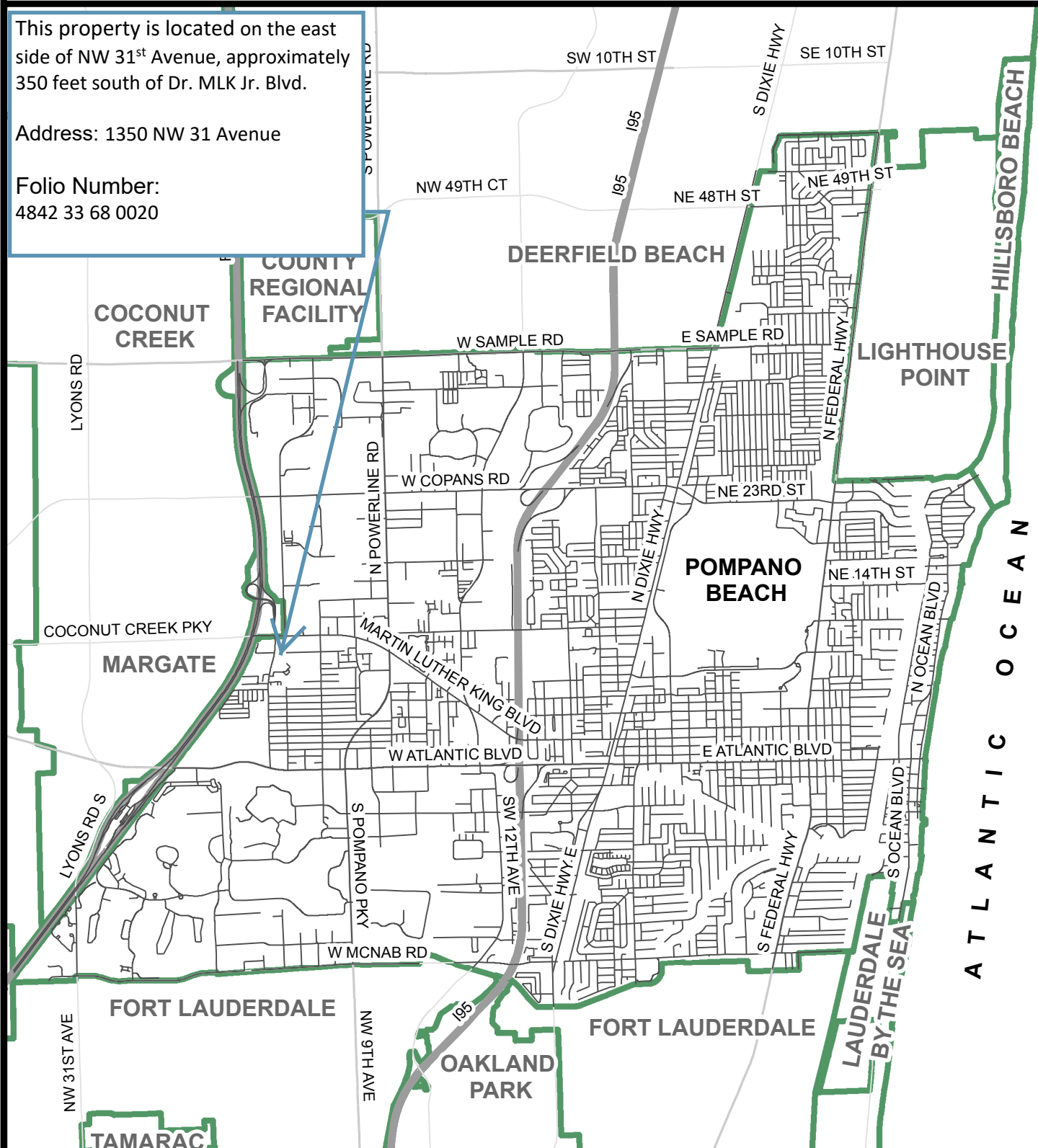
CITY OF POMPANO BEACH LOCATION MAP



This property is located on the east side of NW 31st Avenue, approximately 350 feet south of Dr. MLK Jr. Blvd.

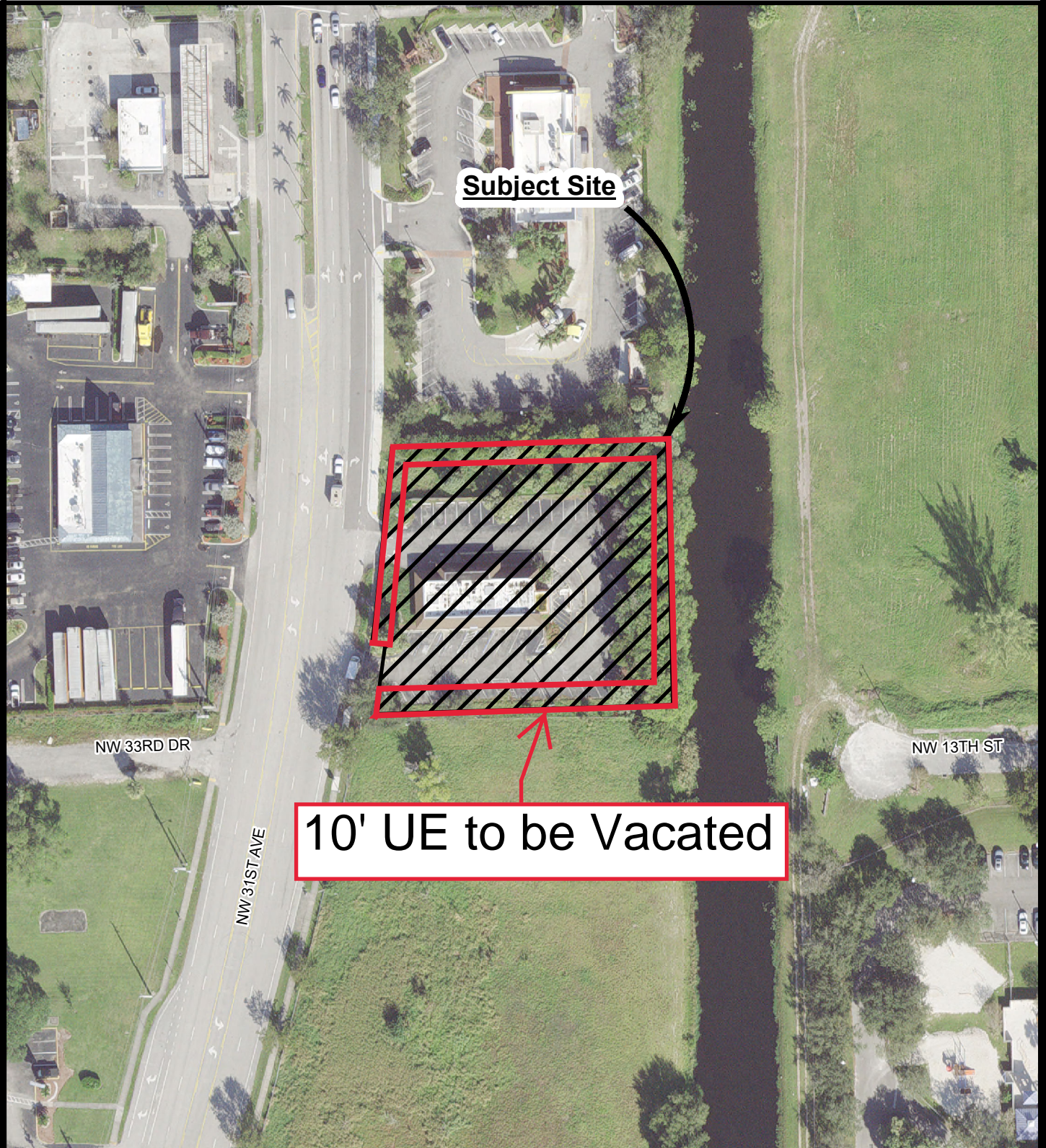
Address: 1350 NW 31 Avenue

Folio Number:
4842 33 68 0020



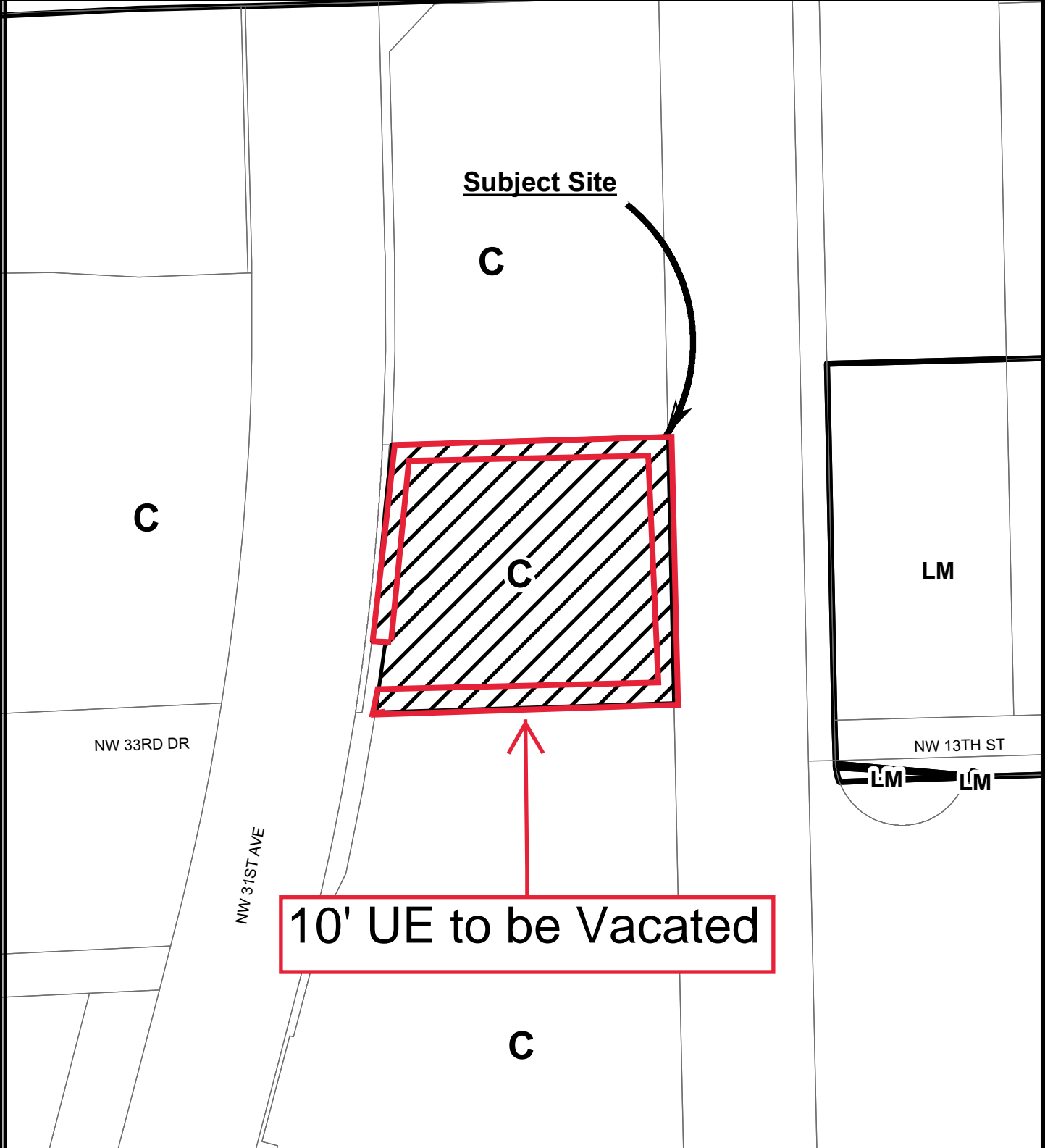
1 in = 1 miles

CITY OF POMPANO BEACH AERIAL MAP



1 in = 104 ft

CITY OF POMPANO BEACH
OFFICIAL LAND USE MAP

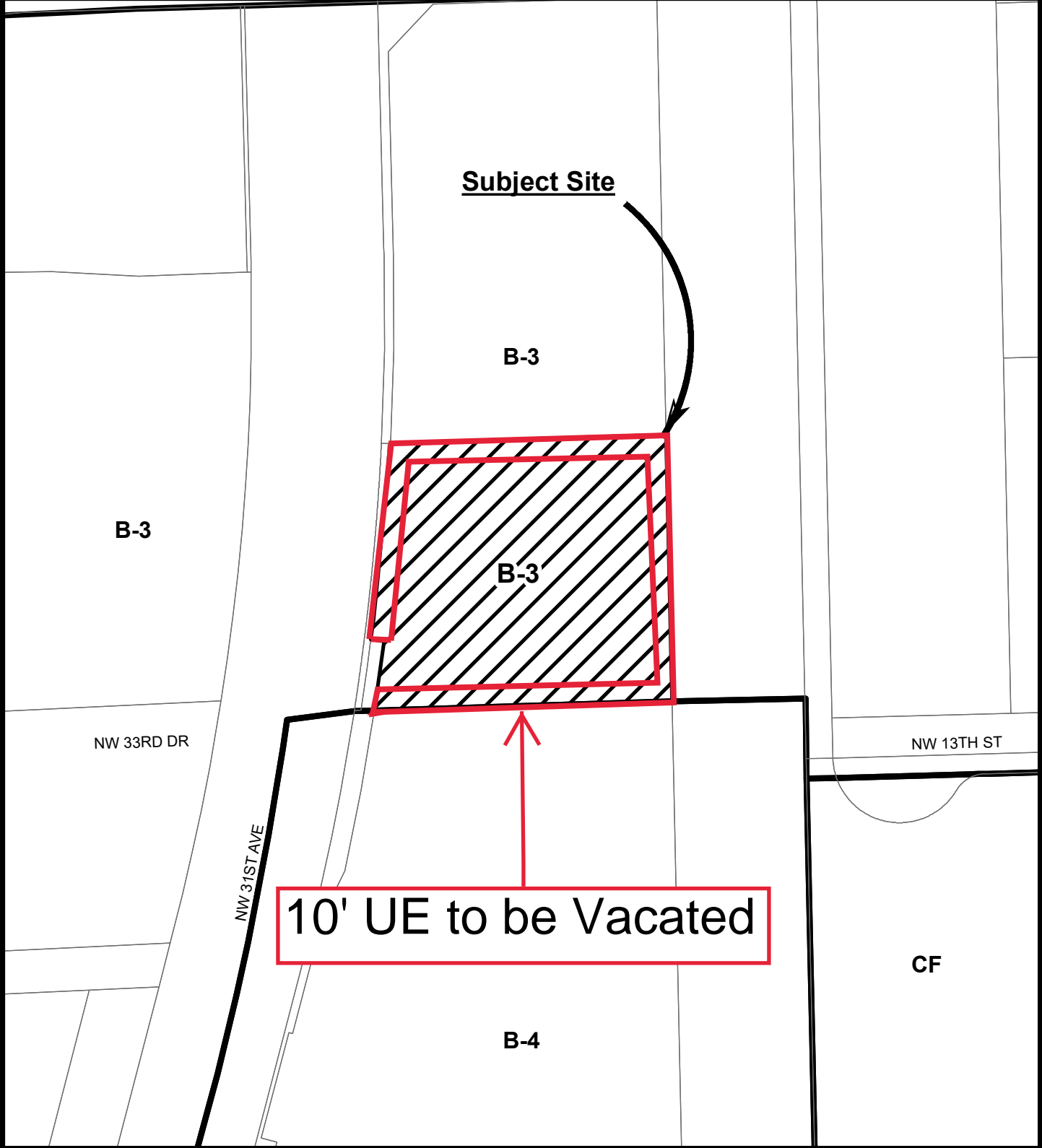


10' UE to be Vacated

1 in = 104 ft

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DEPARTMENT OF
DEVELOPMENT SERVICES

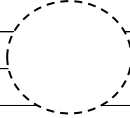
CITY OF POMPANO BEACH
OFFICIAL ZONING MAP



1 in = 104 ft

PREPARED BY:
DEPARTMENT OF
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	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
	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
			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