



MEMORANDUM

Development Services

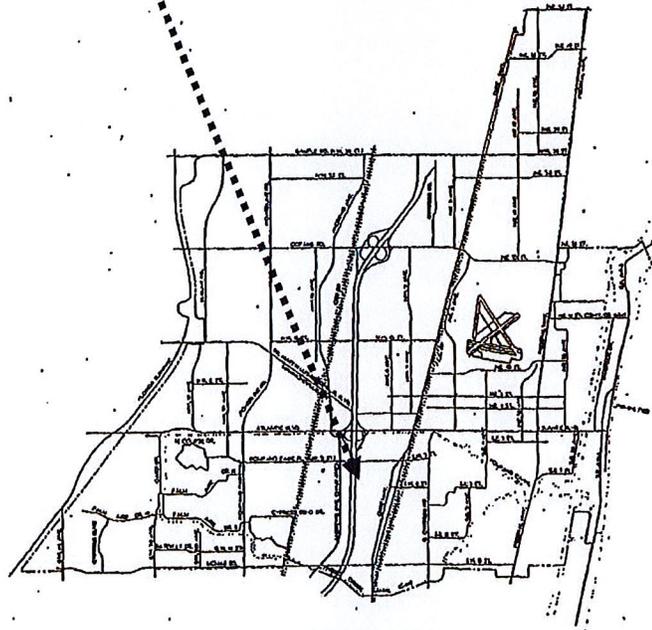
MEMORANDUM NO. 16-437

DATE: September 16, 2016
TO: Planning & Zoning Board
VIA: Robin M. Bird, Development Services Director *RM*
FROM: Maggie Barszewski, AICP, Planner *MBS*
RE: Request for Abandonment of a portion of SW 9th Ave. Public Right-of-Way
P & Z # 14-18000001

Request:

The Applicant and owner, Jean Emanuel, is requesting the abandonment of a .32 acre portion of SW 9th Avenue located to the north of the intersection of SW 9th Avenue and SW 8th Street, lying east of the I-95 wall. The width of the right-of-way varies from 60-feet to 30-feet. The right-of-way was never developed nor used as a street.

Area lying to the east of the I-95 wall north of intersection of SW 9th & SW 8th Street



LEGEND

FOR LAND USE PLAN

Symbol Classification Units/ Acre

	Gross Residential Density
	Residential
E	Estate
L	Low
LM	Low- Medium
*	M Medium
MH	Medium-High
H	High
C	Commercial
CR	Commercial Recreation
I	Industrial
*	T Transportation
U	Utilities
CF	Community Facilities
OR	Recreation & Open Space
W	Water
RAC	Regional Activity Center
	Boundaries
	City of Pompano Beach

13 Number



Reflects the maximum total number of units permitted within the dashed line of Palm Aire & Cypress Bend being 9,724 and 1,998

*	Existing
>	Proposed

FOR ZONING MAP

Symbol District

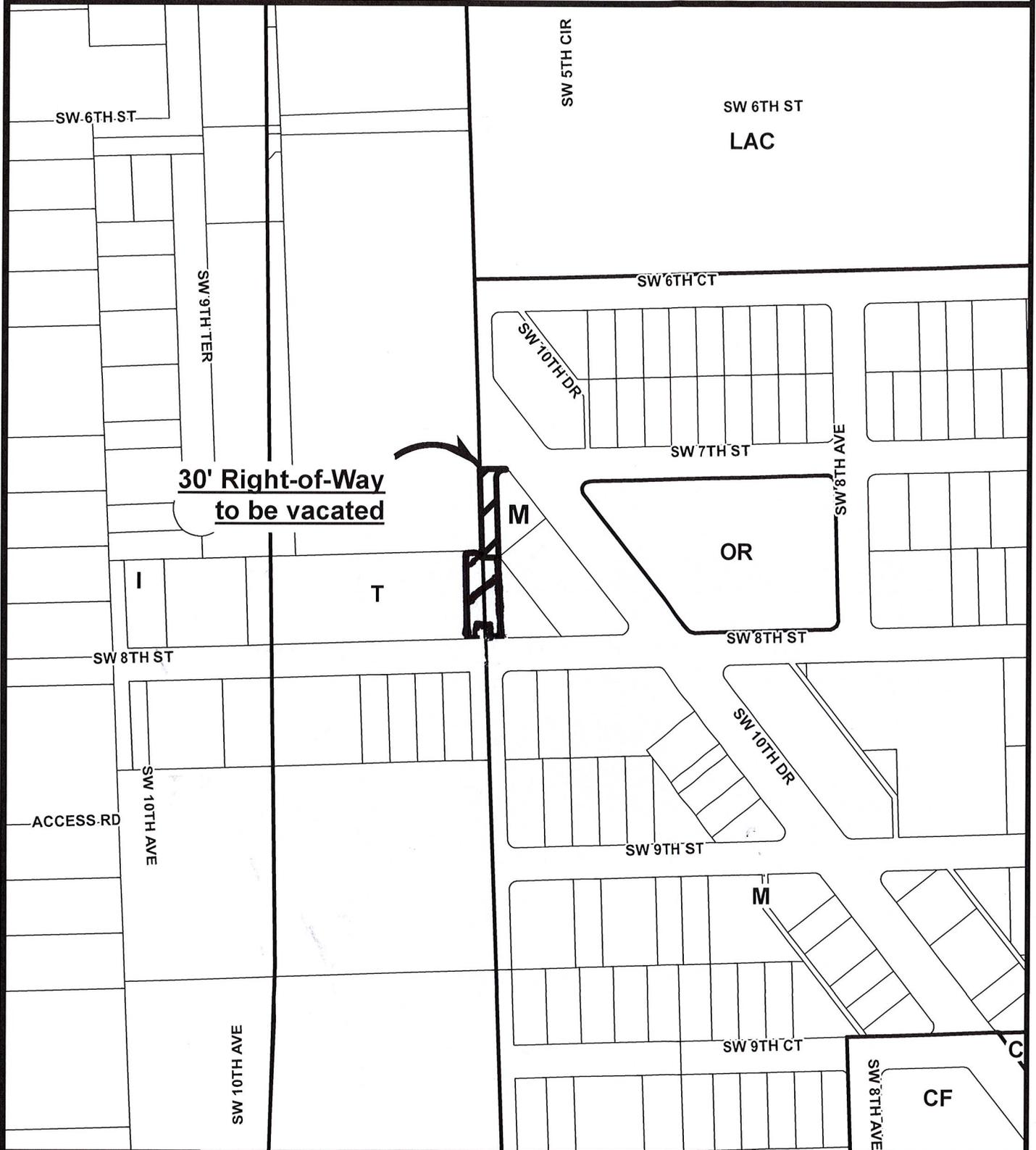
RS-1	One-Family Residence
RS-2	One-Family Residence
RS-3	One-Family Residence
RS-4	One-Family Residence
RD-1	Two- Family Residence
RM-12	Multi-Family Residence
*	RM-20 Multi-Family Residence
RM-30	Multi-Family Residence
RM-45	Multi-Family Residence
RM-45/HR	Overlay
RPUD	Residential Planned Unit Dev.
AOD	Atlantic Boulevard Overlay District
MH-12	Mobile Home Park
B-1	Limited Business
B-2	Neighborhood Business
B-3	General Business
B-4	Heavy Business
RO	Residence Office
M-1	Marina Business
M-2	Marina Industrial
I-1	General Industrial
I-1X	Special Industrial
O-IP	Office Industrial Park
BP	Business Parking
BSC	Planned Shopping Center
PCI	Planned Commercial / Industrial Overlay
PR	Parks & Recreation
CR	Commercal Recreation
CF	Community Facilities
*	T Transportation
PU	Public Utility

P&Z

PZ17-1400004

6/28/2017

CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



**30' Right-of-Way
to be vacated**

M

OR

I

T

M

CF

C

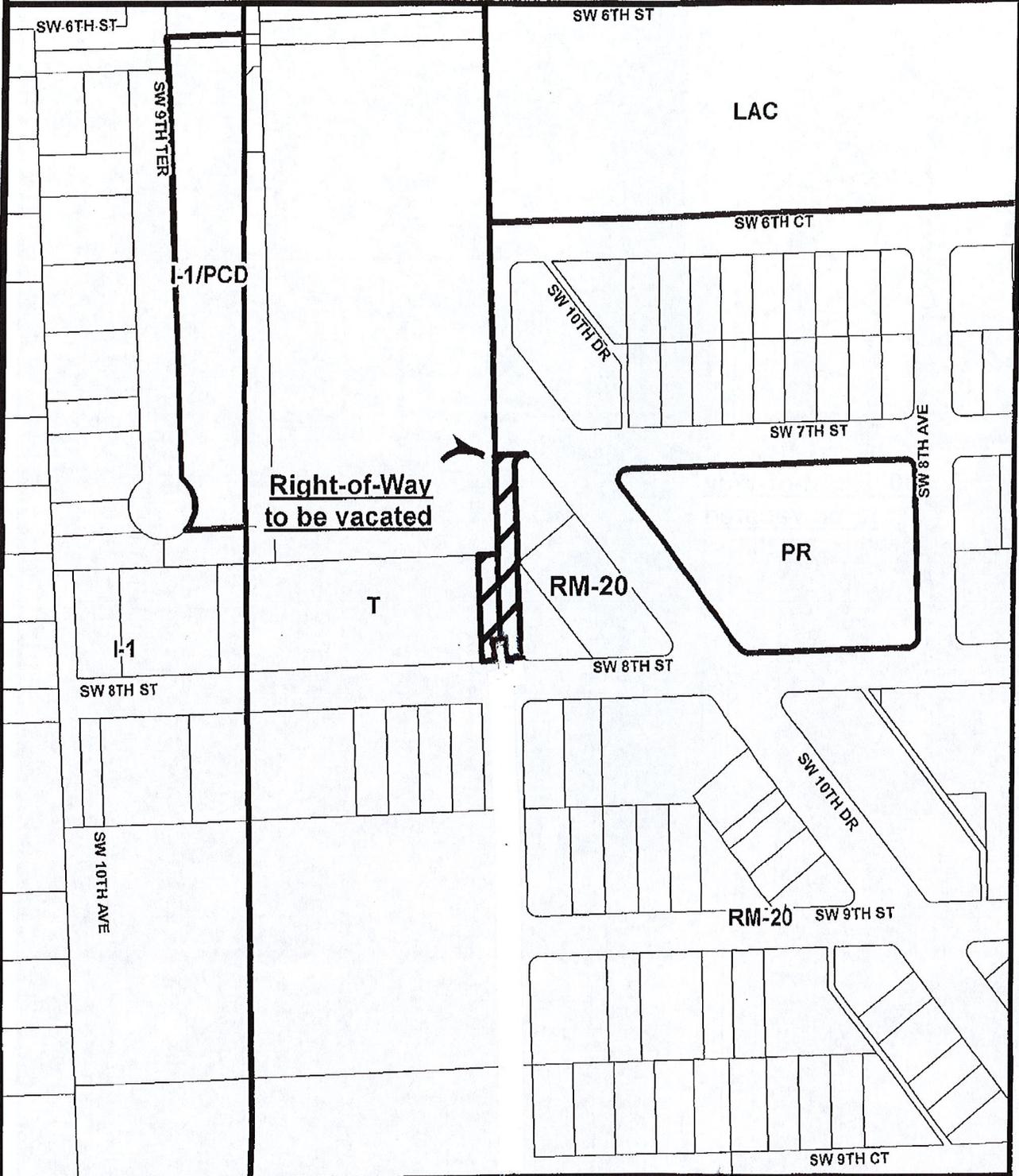
1 in = 250 ft

3

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES



CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 208 ft

4

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES



PZ17-14000004
6/28/2017

CITY OF POMPANO BEACH AERIAL MAP



**Right-of-Way
to be vacated**

1 in = 250 ft

5

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DEPARTMENT OF
DEVELOPMENT SERVICES
P&Z

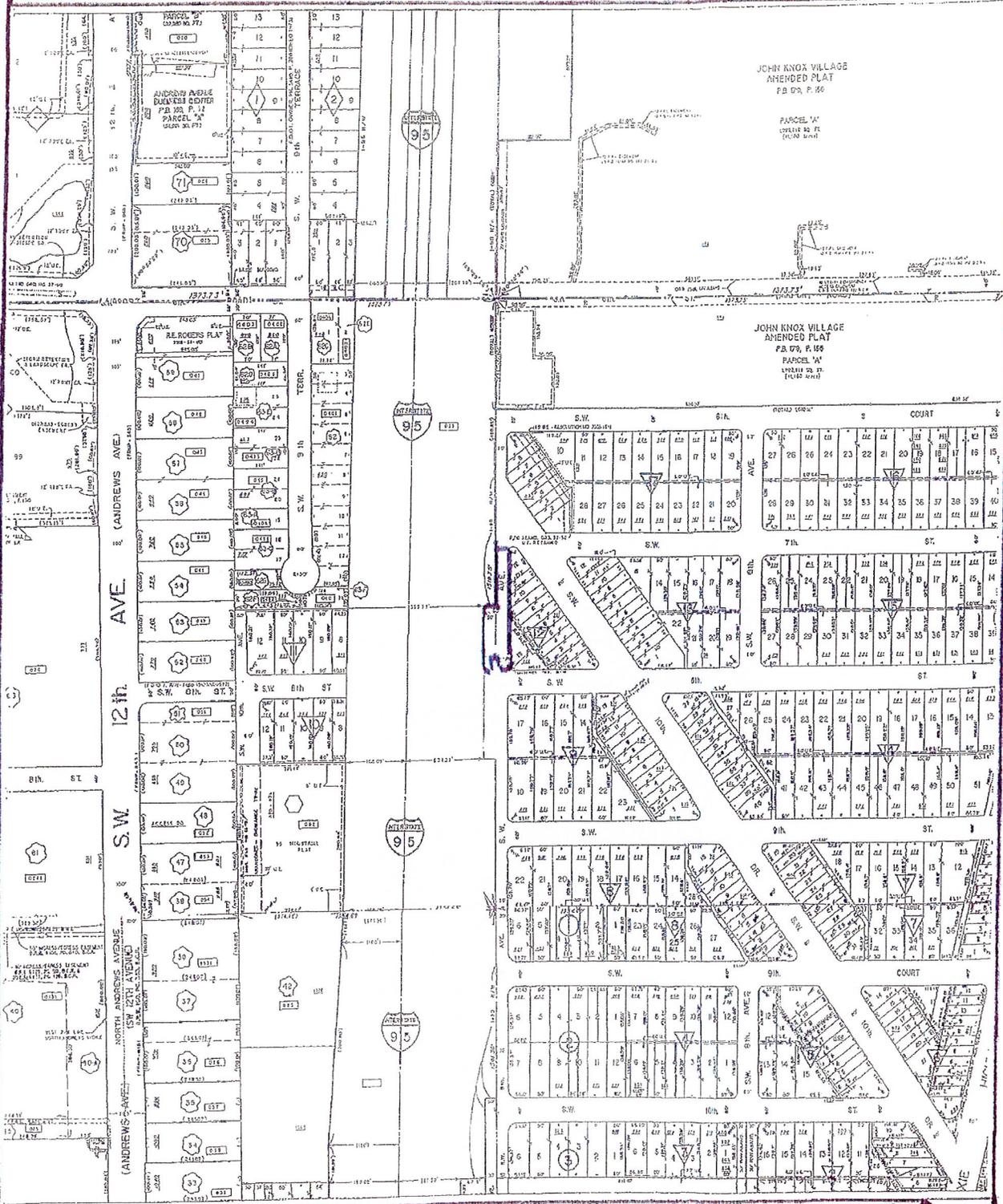
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PZ17-1400004
6/28/2017

EXCERPT FROM THE CITY OF POMPANO BEACH PLAT MAP



SCALE: NTS



PZ17-1400004
6/28/2017

REVIEW AND SUMMARY

DRC Dates: Note that Vacation/ Abandonment Requests do not go to DRC.

A. The following Service Providers commented on this request (all such comments must be received prior to City Commission unless conditioned otherwise):

Zoning Department:	No Objection
Community Redevelopment Agency	No Objection
Code Compliance	No Objection
Fire Department:	No Objection
Engineering Department:	No objection as long as an easement is provided
Public Works Department:	No Objection
Utilities Department:	No objection as long as an easement is provided
AT&T:	No Comment Received Yet
TECO Gas:	No Comment Received Yet
Department of Transportation:	No Objection
FP&L:	No Comment Received Yet
Comcast Cable:	No Comment Received Yet

B. Development Services Department staff submits the following factual information which is relevant to this abandonment request:

1. The property is located to the north of the intersection of SW 9th Avenue and SW 8th Street, lying east of the I-95 wall.
2. The purpose for the applicant's request is to widen his irregular lot in order to build a duplex.
3. The applicant initially requested abandoning only the area adjacent and to the west of his property; however staff was not supportive of the request unless the applicant included the entire block of the right-of-way. The request was then amended and new comments from service providers were collected.
5. The revised requested abandonment now abuts three different properties and if vacated, would revert to the three adjacent property owners as follows: 4,726.8 square feet to Jean Emanuel; 4,794.6 square feet to FDOT; and 4,412.1 square feet to the southern property owner (Michael Colquhoun). Both FDOT and Michael Colquhoun have been notified of the proposed vacation. The applicant is proposing to use the undeveloped right-of-way to widen his adjacent property in order to build a duplex unit. **A copy of FDOT's notification and acknowledgment is Attachment I. A copy of the notification to Michael Colquhoun is Attachment II.**

6. A portion of a hammerhead turn has been retained in the right-of-way on the parcel that is adjacent to SW 8th Street and Mr. Colquhoun's property, in order to accommodate a potential emergency vehicle turnaround.

7. The Utility & Engineering Dept. comment requests that an easement be provided in order for the City to have possible maintenance access to a storm water pipe (which will be included in the suggested conditions).

C. Review Standards

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

With the comments received to date, staff believes this request meets the review standards and can proceed for a recommendation from the Planning & Zoning Board with suggested conditions to be met prior to placement on a City Commission agenda.

P&Z

**PZ14-1800001
OCT 26 2016**

ZONING 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 with the following conditions:

1. This request will not be placed on a City Commission Agenda until all comments are received from each service provider, or until 60 days from the date of this recommendation, whichever occurs first.
2. Prior to placement on a City Commission agenda, an easement shall be included in the Ordinance that satisfies the Engineering & Utility Departments.

II- Table

Table this abandonment request to allow time for the Applicant to address any objections raised by the affected parties.

III- Denial

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