

# MEMORANDUM

## Development Services

### ADMINISTRATIVE MEMORANDUM NO. 18-104

DATE: March 16, 2018

TO: Planning and Zoning Board

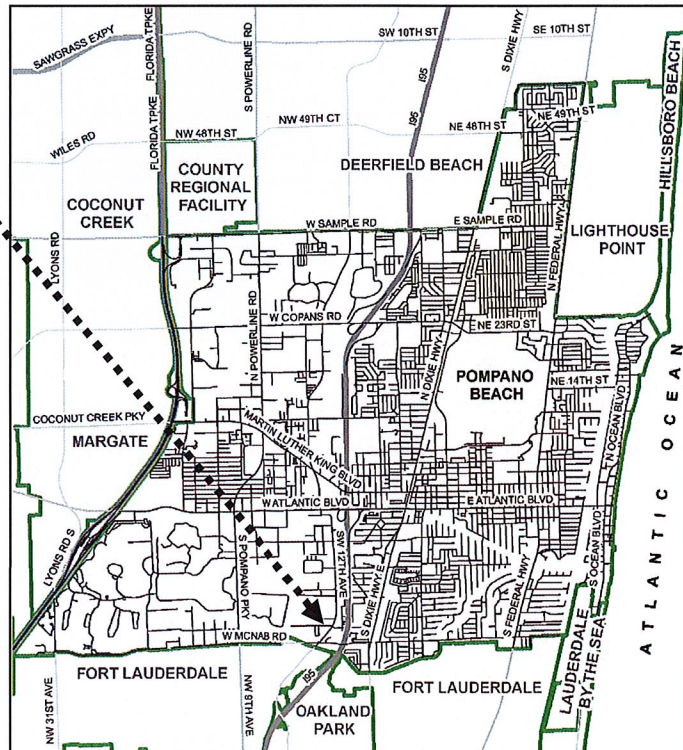
VIA: David Recor, Development Services Director  
Jennifer Gomez, Assistant Development Services Director

FROM: Maggie Barszewski, AICP, Planner *MB*

RE: Request for abandonment of a 20-foot Utility Easement 1570 SW 13<sup>th</sup> Ct.  
March 28, 2018 Meeting P&Z #17-27000003

The Applicant, J. Mark Shapland, of Becknell Services, LLC, on behalf of 1570 SW 13<sup>th</sup> Court Florida Becknell Investors, LLC is requesting the abandonment of a 20-foot wide Utility Easement located along a portion of the eastern boundary of the property located at 1570 SW 13<sup>th</sup> Court. The applicant intends to construct a new 68,996 sq. ft. warehouse facility on the currently vacant subject property. This project was approved at the August 23, 2017 Planning and Zoning meeting, where the Board approved a Major Site Plan (D.O. # 17-12000022 see attachment I). One of the conditions of approval on the development order was to vacate the easement or seek the necessary approval for the proposed construction within the easement.

1570 SW 13<sup>th</sup> Court  
Folio: 494203360010



## 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

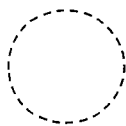
W      Water

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

### 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      Commerical Recreation

CF      Community Facilities

T      Transportation

PU      Public Utility

*	<b>Existing</b>
>	<b>Proposed</b>

CITY OF POMPANO BEACH  
OFFICIAL LAND USE MAP



SW 12TH ST

SW 13TH CT

20' Utility Easement

I

SW 12TH AVE

W.MCNAB RD

CITY LIMITS

W

CF

1 in = 250 ft

3

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# CITY OF POMPANO BEACH OFFICIAL ZONING MAP



SW 12TH ST

SW 13TH CT

I-1

**20' Utility Easment**

I-1

B-3

W.MCNAB RD

SW 12TH AVE

CITY LIMITS

1 in = 250 ft

4

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES



# CITY OF POMPANO BEACH AERIAL MAP



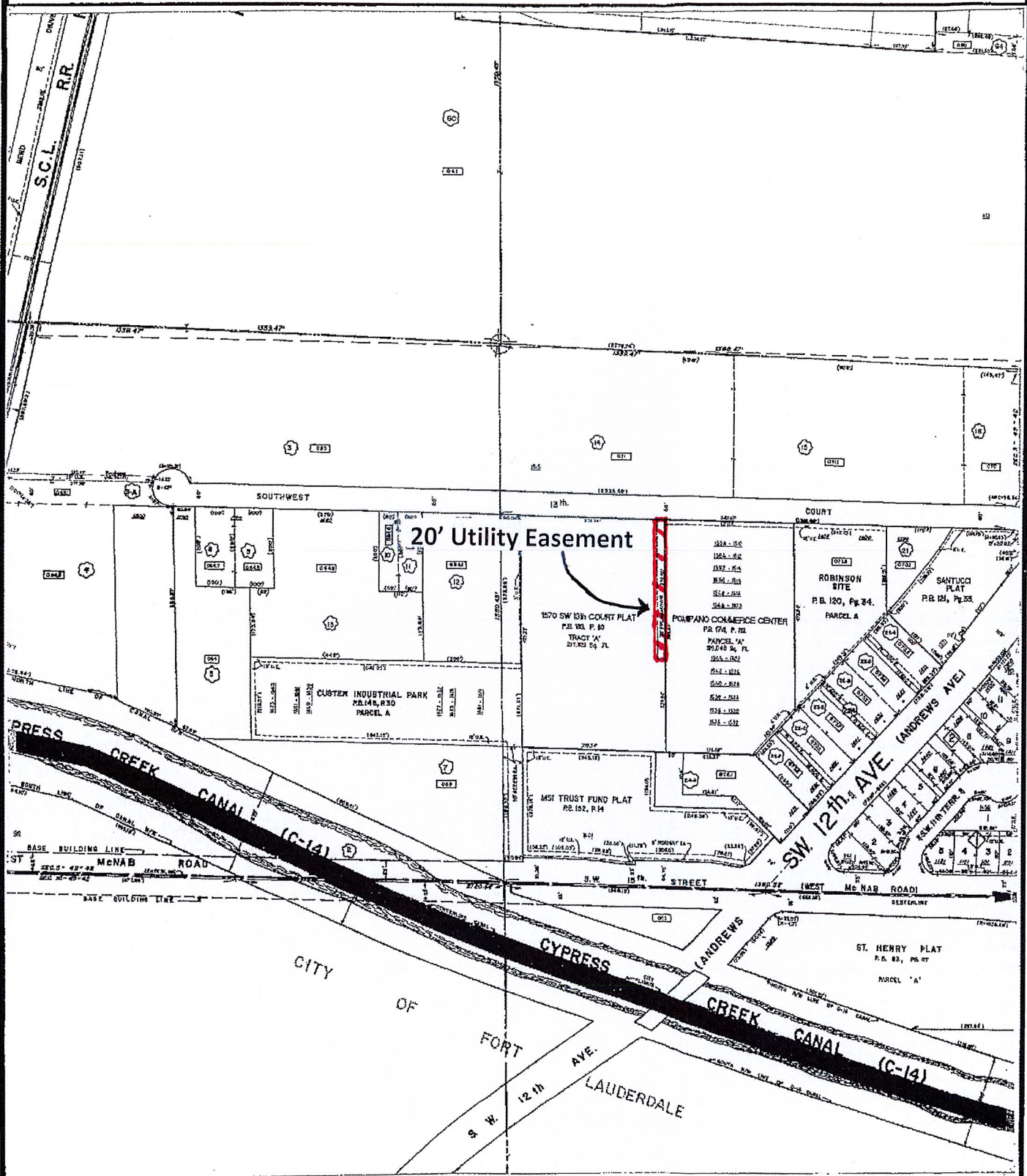
1 in = 250 ft

5

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES



# EXCERPT FROM THE CITY OF POMPANO BEACH PLAT MAP



SCALE: NTS

6

NORTH

## **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):**

Community Redevelopment Agency	No Objection
Code Compliance	No Objection
Fire Department:	No Comments have been received
Public Works Department:	No Objection
Utilities Department:	No Objection
Zoning Department:	No Objection
FP&L:	No Comments have been received
FDOT	No Objection
AT&T:	No Comments have been received
TECO Gas:	No Comments have been received
Comcast Cable:	No Comments have been received

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

1. The 20-foot easement is located along a portion of the eastern boundary of the property located at 1570 SW 13<sup>th</sup> Court.
2. The purpose for the applicant's request is to remove a utility easement that is located where new development is proposed.
3. The property is owned by 1570 SW 13<sup>th</sup> Court Florida Becknell Investors, LLC.

## **ABANDONMENT REVIEW STANDARDS & ANALYSIS**

### **A. Review Standards**

Section 155.2431D. 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.

### **B. Staff Analysis**

The easement is solely contained on the site located at 1570 SW 13<sup>th</sup> Court and serves no current or future public use. However, five service-provider comments have not yet been received. Such comments must be received within a reasonable time period prior to placement on the City Commission agenda. Based on the service providers comments that have been received, the abandonment of this utility easement meets the standards of Section 155.2431D. 1. & 2, and therefore staff recommends approval of this request with a condition.



## DEPARTMENT OF DEVELOPMENT SERVICES 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 condition:

1. This request will not be placed on a City Commission Agenda until all positive comments are received from each service provider, or until 60 days from the date of this recommendation, whichever occurs first.

#### **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.

## **Attachment I**

CITY OF POMPANO BEACH  
BROWARD COUNTY  
FLORIDA

### **DEVELOPMENT ORDER**

PLANNING AND ZONING NO. 17-12000022

---

A DEVELOPMENT ORDER ISSUED BY THE PLANNING AND ZONING BOARD (LOCAL PLANNING AGENCY) OF THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, PURSUANT TO CHAPTER 155 OF THE CODE OF ORDINANCES; APPROVING WITH CONDITIONS THE APPLICATION FOR DEVELOPMENT PERMIT FOR LORD CORPORATION.

WHEREAS, Section 155.2407, of the Code of Ordinances, defines the project referenced above as a Major Review; and

WHEREAS, Section 155.2204, of the Code of Ordinances, authorizes the Planning and Zoning Board (Local Planning Agency) to issue a final development order for the subject project to construct a new warehouse facility with a truck court, associated parking, and landscaping improvements. The property is currently vacant. The building footprint will be 68,996 sq. ft. on a 217,631 sq. ft. (5 acres) site (31.7% lot coverage). The property is located south of SW 13th Court, north of W McNab Road and west of S Andrews Avenue; more specifically described in the legal description below:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 3, TOWNSHIP 49 SOUTH, RANGE 42 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING ON THE SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTH HALF (S 1/2) OF SAID SE 1/4 OF THE SE 1/4, AT A POINT 50.04 FEET EAST OF THE SOUTHWEST CORNER OF SAID N 1/2 OF THE S

DEVELOPMENT ORDER

Planning and Zoning Board/Local Planning Agency

Planning and Zoning No. 17-12000022 Lord Corporation / New Building for Becknell Industrial

Page 2

1/2 OF THE SE 1/4 OF THE SE 1/4, THENCE RUN NORTH 00°07'20" WEST (ON ASSUMED BEARING) ALONG A LINE PARALLEL TO THE WEST LINE OF SAID SE 1/4 OF THE SE 1/4, FOR A DISTANCE OF 587.32 FEET TO A POINT OF INTERSECTION WITH A LINE 924.05 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 3; THENCE RUN SOUTH 87°58'24" EAST 370.26 FEET; THENCE RUN SOUTH 00°07'20" EAST 589.04 FEET, TO THE SOUTH LINE OF SAID N 1/2 OF THE S 1/2 OF THE SE 1/4 OF THE SE 1/4; THENCE RUN NORTH 87°42'27" WEST 370.34 FEET TO THE POINT OF BEGINNING. SAID LANDS SITUATE IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA.

WHEREAS, the Development Review Committee has met to review this project and has provided the applicant with written comments; and

WHEREAS, the Application for Development Permit is not in compliance with the applicable standards and minimum requirements of this Code, but the developer has agreed in writing that no building permit will be issued until those conditions the Development Services Director finds reasonably necessary to insure compliance are met; and

WHEREAS, copies of the survey and final site plan are on file with the Department of Development Services, stamped with the meeting date of August 23, 2017.

The Application for Development Permit is hereby approved by the Planning and Zoning Board (Local Planning Agency) subject to the following conditions and bases therefore:

1. Be advised of the following:
  - a. Future rooftop mechanical equipment will need to be screened by the parapet walls or a separate roof screen at a height equal to or above the height of the mechanical equipment being screened pursuant to code section 155.5301.A.2.a. Roof-Mounted Mechanical Equipment.
  - b. Pursuant to Plat Note #4, future ancillary office space is limited to 30 to 50 percent or up to 30 percent ancillary commercial/office use per bay or single tenant building upon satisfaction of transportation concurrency fees.
  - c. Pole mounted light fixtures are not permitted to be located in utility easements pursuant to code section 155.4302.B.2.a. Prohibited Location of Accessory Uses and Structures.
2. Make the following revisions:
  - a. Exterior lighting shall not exceed 3.0 foot-candles at the property lines pursuant to code section 155.5401.E. Minimum and Maximum Illumination Levels. Revise plans accordingly.



DEVELOPMENT ORDER

Planning and Zoning Board/Local Planning Agency

Planning and Zoning No. 17-12000022 Lord Corporation / New Building for Becknell Industrial

Page 3

required by code section 155.5401.E. Minimum and Maximum Illumination Levels. Revise plans accordingly.

- c. Pole mounted light fixtures shall be located 15 feet away from tree trunks pursuant to code section 155.5203.B.2.g.i.C. Relocate light poles accordingly.

3. Provide additional documentation for the following:

- a. Documentation of the techniques that were used to satisfy the requirement of 12 sustainable development points required by code section 155.5802.

4. For building permit approval, obtain approvals for the following:

- a. A Development Order from the Architectural Appearance Committee for Major Building Design.
- b. An Easement Vacation for 20' Florida Power and Light easement on east side of property or obtain easement agreements for proposed parking in the easement.
- c. CPTED plan approved by the Broward Sheriff's Office
- d. Approval from the Utilities Department

5. Provide clarification for the following:

- a. Wall Pack lights shall have a light output of 900 lumens or less pursuant to code section 155.5401.I. Wall Pack Lights. Specify on the cut sheet provided, which model is being installed so that Staff may verify that it complies with code requirements.
- b. Landscape Plan shall comply with Zoning Code requirements

**Be advised that pursuant to Section 155.2407 (G) of the Pompano Beach Code of Ordinances, a DEVELOPMENT ORDER for a site plan application shall remain in effect for a period of 24 months from the date of its issuance.**

Heard before the Planning and Zoning Board/Local Planning Agency and Ordered this

23rd day of August, 2017.



FRED STACER

Chairman

Planning and Zoning Board/Local Planning Agency

9/27/17  
Date

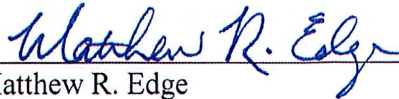
DEVELOPMENT ORDER

Planning and Zoning Board/Local Planning Agency

Planning and Zoning No. 17-12000022 Lord Corporation / New Building for Becknell Industrial

Page 4

Filed with the Advisory Board Secretary this 27 day of September, 2017.

A handwritten signature in blue ink, reading "Matthew R. Edge", is written over a horizontal line.

Matthew R. Edge  
Zoning Technician