


MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 18-149

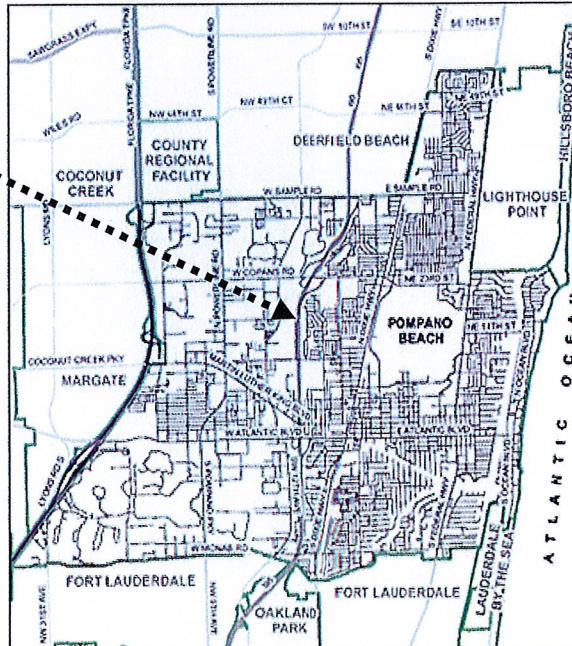
DATE: April 17, 2018
TO: Planning & Zoning Board
VIA: David Recor, Development Services Director 
 Jennifer Gomez, Assistant Development Services Director
FROM: Maggie Barszewski, AICP, Planner
RE: Request for abandonment of portions of the NW 12th Avenue Right-of-Way located at 1751 NW 12 Avenue

P & Z # 18-18000001

This is a request to abandon portions of NW 12 Avenue right-of-way adjacent to 1751 NW 12th Avenue by Damian Brink of Schmidt Nichols Land Planning, Inc., on behalf of Lone Oak – Broward LLC% Reyes Holdings, LLC. The Applicant is requesting to vacate portions of this right-of-way in order to reconfigure the entrance, gate, signage, landscape and utilities of the Gold Coast Beverage site. The Applicant has received approval for a Minor Site Plan and Minor Building Design Application to construct a new 9,500-sq. ft. addition to the existing warehouse facility (see attached D.O. 17-12000042).

Subject Site: Adjacent to 1751
NW 12th Avenue:

Adjacent to Folio number:
484227380011



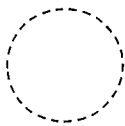
LEGEND

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
DPTOC	Downtown Pompano Transit Oriented Corridor
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
TO	Transit Oriented
PCI	Planned Commercial / Industrial Overlay
PR	Parks & Recreation
CR	Commercal Recreation
CF	Community Facilities
T	Transportation
PU	Public Utility

CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



Right-of-Way Abandonment



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L

1 in = 188 ft

3

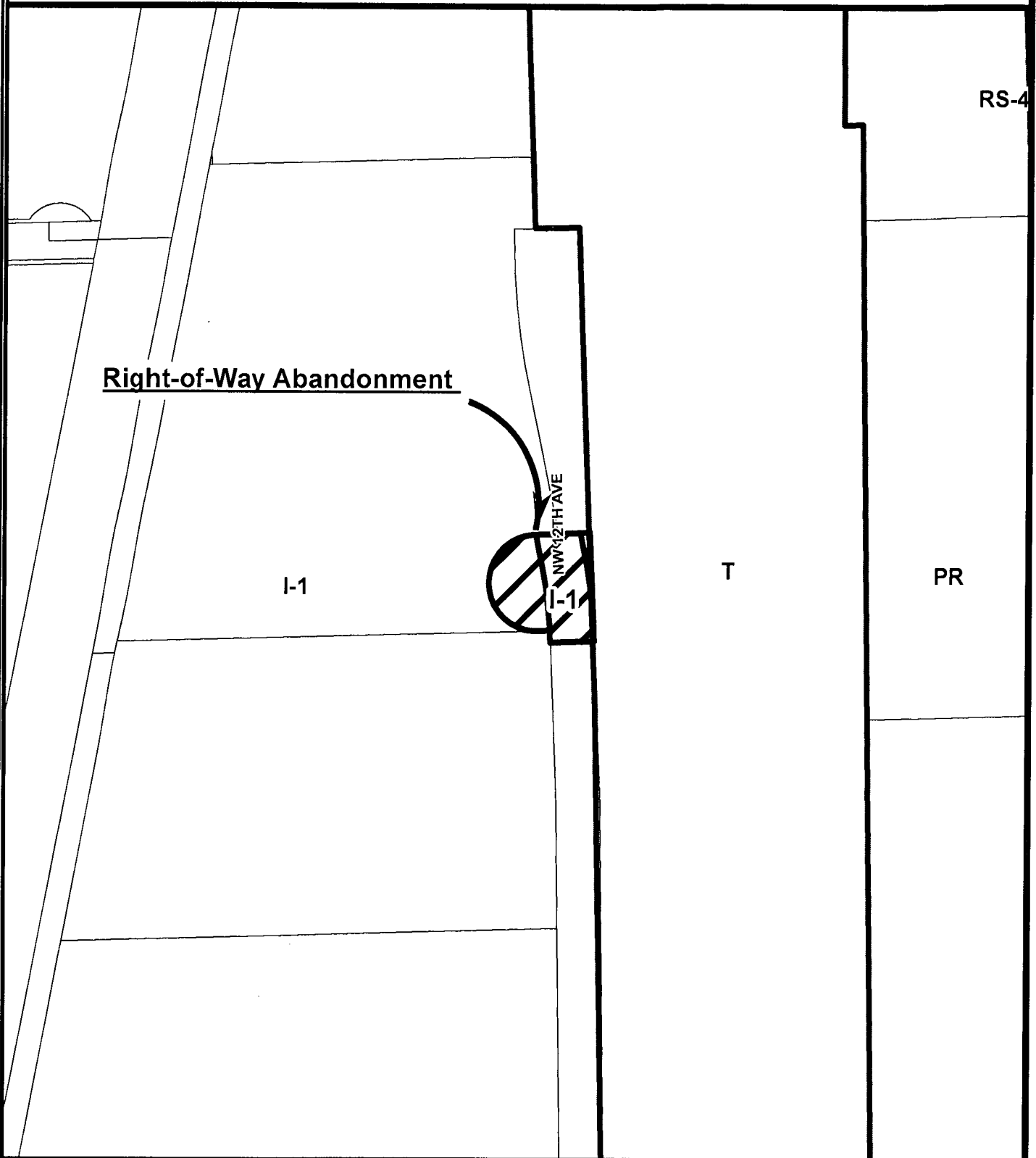
PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

4/19/2018

BenLui

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CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 188 ft

4

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4/19/2018

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CITY OF POMPANO BEACH AERIAL MAP

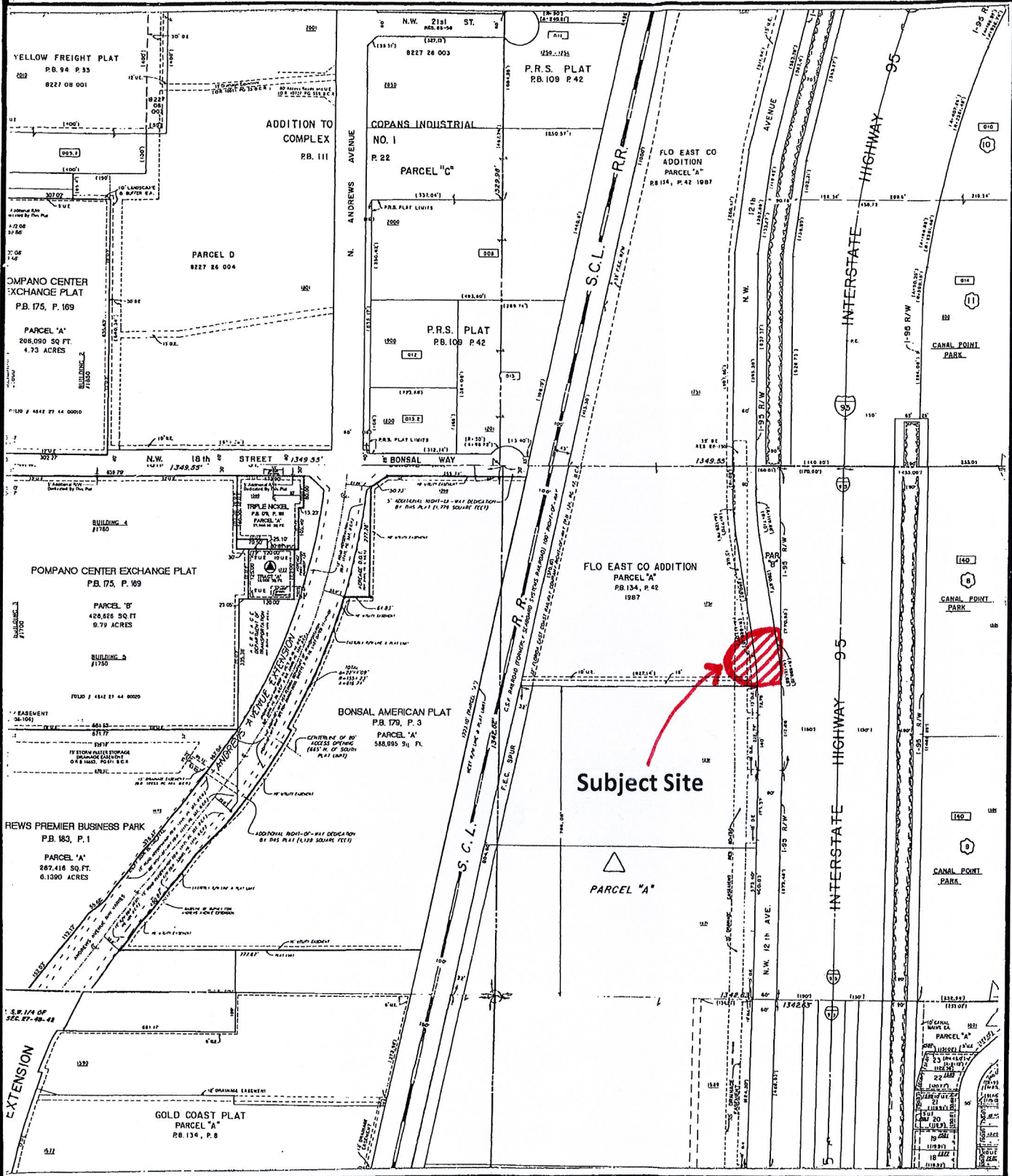


1 in = 188 ft

5

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DEPARTMENT OF
DEVELOPMENT SERVICES

EXCERPT FROM THE CITY OF POMPAÑO BEACH PLAT MAP



SCALE: NTS

NORTH

REVIEW AND SUMMARY

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 Objection
Public Works Department:	No Objection
Development Services Department:	No Objection subject to retention of a public access easement.
Utilities Department:	Objection unless applicant relocates backflow device to new recorded property line out of the abandonment area; and deem the remaining water main and sewer system as privately owned.
FP&L:	No Comments have been received
FDOT	No Comments have been received
AT&T:	No Objection as long as applicant assumes cost of relocation if necessary
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 property is located along NW 12th Avenue. adjacent to 1751 NW 12th Avenue.
2. The purpose for the applicant's request is to reconfigure the entrance, gate, signage, landscape and utilities of the Gold Coast Beverage site.

C. Review Standards

Section 155.2431D. 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

In order for this request to meet the requirements of number 1 above, two City Departments require conditions in order to allow this abandonment to proceed to the City Commission. The Development Services Department requires the retention of a public access easement (in perpetuity) that would comply with the minimum dimensional standards to permit adequate turn-around capacity for fire trucks and cars that may traverse the area. Also, the Utility Department has stated they do not object, subject to a condition requiring the applicant to relocate a backflow device to a newly-recorded property line out of the abandonment area; and take ownership of the remaining water main and sewer system.

The rest of the service providers have yet to comment on the request except for AT&T, who did not object as long as the applicant assumes the cost of relocation (if necessary). So an additional condition will have to address the need for the four missing service provider comments.

Based on the above-noted exceptions, the abandonment of this utility easement meets the abandonment standards of Section 155.2431D. 1. & 2, and therefore staff recommends approval of this request with conditions.

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; however it will not be placed on a City Commission agenda until the following conditions are met:

1. A public access easement is retained in perpetuity that satisfies the Development Services Department; and
2. The applicant provides an agreement instrument that satisfies the Utility Department concerns for relocating a backflow device to a newly-recorded property line out of the abandonment area; and provides for the applicant taking ownership of the remaining water main and sewer system; and
3. This request will not be placed on a City Commission Agenda until all other 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.

DEVELOPMENT ORDER
(17 - 12000042)

A DEVELOPMENT ORDER ISSUED BY THE CHAIRMAN OF THE DEVELOPMENT REVIEW COMMITTEE, CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, PURSUANT TO SECTION 155.2407 and 155.2408, CODE OF ORDINANCES; APPROVING THE APPLICATION FOR THE DEVELOPMENT PERMIT FOR SITE PLAN AND BUILDING DESIGN IMPROVEMENTS ON THE PROPERTY LOCATED AT 1751 NW 12TH AVENUE.

WHEREAS, Section 155.2407 and Section 155.2408, Code of Ordinances, defines the project referenced above as a Minor Review;

WHEREAS, Section 155.2207 and Section 155.2408, Code of Ordinances, authorizes the Development Services Director to review plans for this project that involves the construction of a new 9,500 square foot addition to the existing warehouse facility, along with associated parking, landscaping, and site improvements;

WHEREAS, the application for development permit is not in compliance with applicable standards and minimum requirements of this code, and no permit will be issued until those conditions are met; and

WHEREAS, a copy of the final site plan and elevations are attached hereto as **Exhibit "A"** and **Exhibit "B"**, respectively, and are incorporated herein by reference as if set forth in full.

The Application for Development Permit is hereby approved by the Development Services Director as Chairman of the Development Review Committee subject to the following DRC comments from the meeting of February 21, 2018 and subsequent correspondence with staff:

1. Make the following revisions:
 - a. Modify parking space details whereby both standard and ADA-space are identified with double striping. (§155.5102.C.4.a)
 - b. Relocate proposed monument sign at entrance to at least four (4) feet from right-of-way and at least ten (10) feet from adjacent property line. (§156.04.C)
 - c. Update base layer on CPTED plan to reflect changes to site layout.
2. For permit approval, successfully obtain the following final approvals:
 - a. Abandonment of that portion of NW 12th Avenue. (§155.2431)
 - b. Unity of Title, including newly vacated right-of-way. (§155.2401.C)
 - c. Nonconforming Certificate for existing structure's five (5) foot rear yard setback. (§155.2433)
3. Landscape and Irrigation Plans must comply with Zoning Code requirements as verified by the City's Urban Forestry Division.

EXPIRATION DATE IS 24 MONTHS FROM THE DATE OF SIGNING

David L. Recor, ICMA-CM, Development Services Director

Date