




ADMINISTRATIVE MEMORANDUM NO. 20-093

TO: Planning and Zoning Board
VIA: David L. Recor, ICMA-CM, Director of Development Services 
VIA: Jennifer Gomez, AICP, Assistant Director of Development Services 
FROM: Maggie Barszewski, AICP, Planner 
SUBJECT: Request to abandon a 15 – foot wide Utility Easement Abandonment for 1899 SW 13th Ct.
P&Z #20-27000001/ March 25, 2020 P&Z Meeting
DATE: March 10, 2020

This is a request to abandon a 15-foot wide Utility Easement, by Joseph Valane, Vice President, on behalf of BRE Pompano Industrial Owner, LLC. The easement is located on property situated at the end of SW 13 Court, west of S. Andrews Avenue (1899 SW 13th Ct.). The Applicant is proposing to construct a 153,436-square foot warehouse building, without being encumbered by the easement. A Site Plan was approved at the February 26, 2020 Planning & Zoning meeting (see attached P&Z # 19-12000029).

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:	No Objection
Code Compliance:	No Objection
Fire Department:	No Objection
Public Works Department:	No Objection
Development Services:	No Objection
Utilities Department:	No objection (upon submittal of an executed agreement for a rerouted water line and easement)
FP&L:	No Objection
AT&T:	No Objection
TECO Gas:	No Objection
Comcast Cable:	No Comments have been received

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

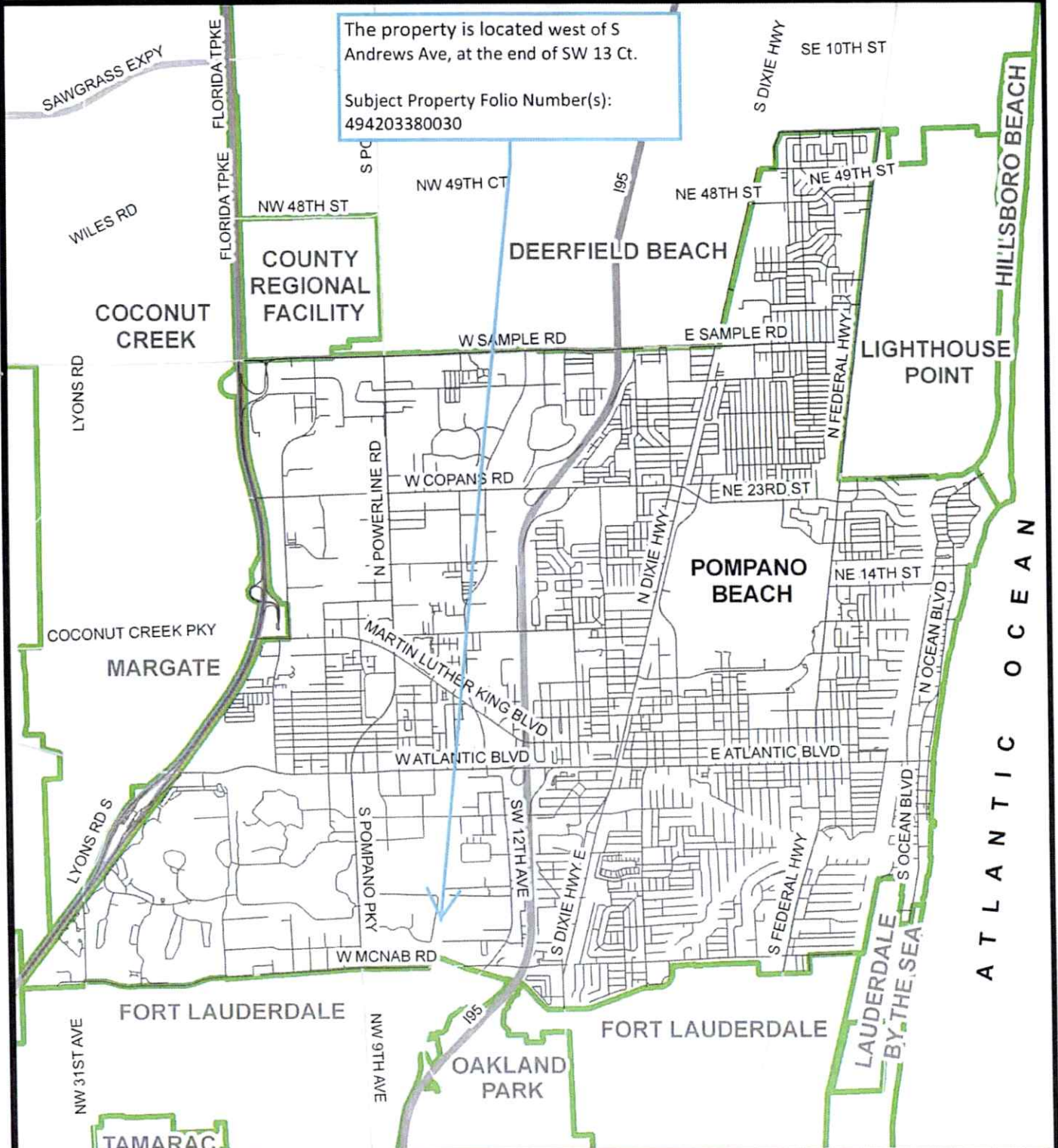
1. The easement is located on property situated at the end of SW 13 Court, west of S. Andrews Avenue.
2. The Applicant's request was generated from the proposed construction of a new 153,436-square foot warehouse building without being constrained by the easement.

CITY OF POMPANO BEACH LOCATION MAP



The property is located west of S Andrews Ave, at the end of SW 13 Ct.

Subject Property Folio Number(s):
494203380030



1 in = 1 miles

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DEVELOPMENT SERVICES

CITY OF POMPANO BEACH AERIAL MAP

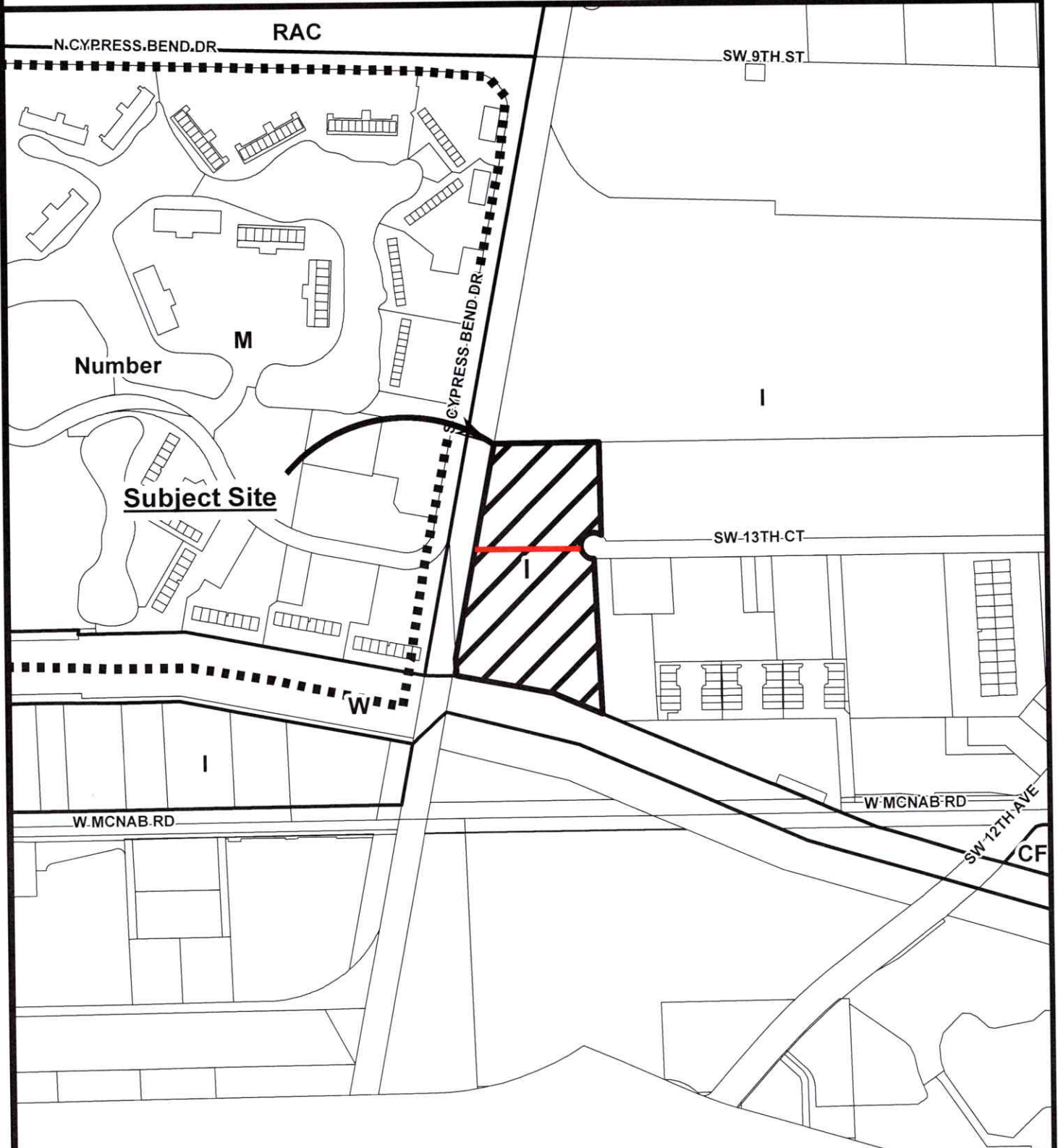


1 in = 500 ft

3

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CITY OF POMPANO BEACH OFFICIAL LAND USE MAP

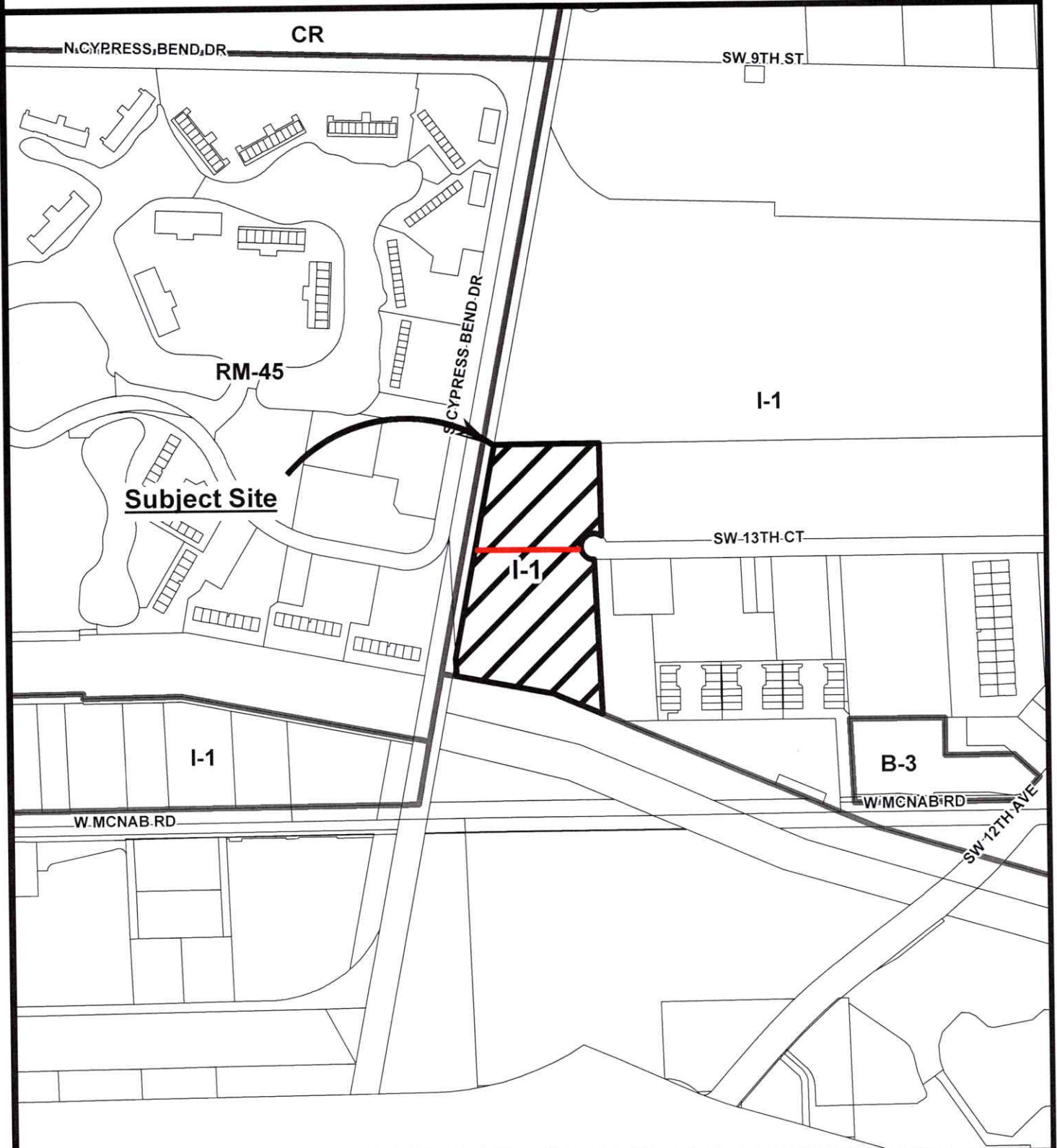


1 in = 500 ft

4

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CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 500 ft

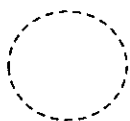
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LEGEND

FOR LAND USE PLAN

<u>Symbol</u>	<u>Classification Units/ Acre</u>
	Residential
L	Low (1-5 DU/AC)
LM	Low- Medium (5-10 DU/AC)
M	Medium (10-16 DU/AC)
MH	Medium-High 16-25 DU/AC)
H	High (25-46 DU/AC)
12	Irregular Density
36	Irregular Density
C	Commercial
CR	Commercial Recreation
* I	Industrial
T	Transportation
U	Utilities
CF	Community Facilities
OR	Recreation & Open Space
W	Water
RAC	Regional Activity Center
LAC	Local Activity Center
DPTOC	Downtown Pompano Transit Oriented Corridor
ETOC	East Transit Oriented Corridor
	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

<u>Symbol</u>	<u>District</u>
RS-1	Single-Family Residence 1
RS-2	Single-Family Residence 2
RS-3	Single-Family Residence 3
RS-4	Single-Family Residence 4
RS-L	Single-Family Residence Leisureville
RD-1	Two- Family Residence
RM-7	Multiple-Family Residence 7
RM-12	Multiple-Family Residence 12
RM-20	Multiple-Family Residence 20
RM-30	Multiple-Family Residence 30
RM-45	Multiple-Family Residence 45
MH-12	Mobile Home Park
B-1	Limited Business
B-2	Neighborhood Business
B-3	General Business
B-4	Heavy Business
M-1	Marina Business
CR	Commerical Recreation
* I-1	General Industrial
I-1X	Special Industrial
O-IP	Office Industrial Park
M-2	Marina Industrial
TO	Transit Oriented
PR	Parks & Recreation
CF	Community Facilities
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

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 have been submitted with no objection. However, the City's Utility Department conditioned the no objection with a required agreement to provide the rerouting of the water line and an access easement. The applicant has been working with the Utility Department and has agreed to reroute the water line and record a new water easement to accommodate access for it. An agreement for such has been submitted and is currently being reviewed by the City Attorney's Office. A condition will be included in the recommended motion.

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 condition

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

1. An executed agreement will be submitted requiring the existing 15' perpetual utility easement and water main to be replaced and rerouted to the outside of the proposed building footprint area, to the satisfaction of the Utility Department.

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.

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.

CITY OF POMPANO BEACH
BROWARD COUNTY
FLORIDA

DEVELOPMENT ORDER

PLANNING AND ZONING NO. 19-12000029

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 THE CITY OF POMPANO BEACH.

WHEREAS, Section 155.2407, of the Code of Ordinances, defines the specific application for Development referenced above as a Major Site Plan Review; and

WHEREAS, Section 155.2204, of the Code of Ordinances, authorizes the Planning and Zoning Board (Local Planning Agency) to review and issue a final development order with respect to the Applicant's request to new 1-story warehouse buildings along with associated parking areas, loading bays, and landscaping. (Project). The Project encompasses the following properties: 1899 SW 13 Ct.; which are more specifically described as follows:

A PORTION OF PARCEL "A" STIMPSON., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 183, PAGES 183 THROUGH 186, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL "A"; ALSO BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE CHESSIE AND SEABOARD RAILROAD (CSX); THENCE ALONG SAID EAST RIGHT-OF-WAY LINE AND THE WEST LINE OF SAID PARCEL "A". SOUTH 10 DEGREES 47 MINUTES 11 SECONDS WEST, A DISTANCE OF 782.22 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 3. TOWNSHIP 49 SOUTH, RANGE 42 EAST; THENCE ALONG SAID WEST LINE SOUTH 02 DEGREES 30 MINUTES 32 SECONDS EAST, A DISTANCE OF 64.04 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF THE C-14 CANAL (CYPRESS CREEK) ALSO BEING A POINT ON THE SOUTH LINE OF

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PARCEL "A"; THENCE ALONG SAID SOUTH LINE THE FOLLOWING TWO DESCRIBED COURSES: (1) SOUTH 79 DEGREES 11 MINUTES 37 SECONDS EAST, A DISTANCE OF 356.45 FEET; (2) SOUTH 67 DEGREES 08 MINUTES 14 SECONDS EAST, A DISTANCE OF 190.01 FEET; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE AND SAID SOUTH LINE, NORTH 02 DEGREES 35 MINUTES 14 SECONDS WEST 556.35 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE SOUTHWEST 13TH COURT, ALSO BEING A POINT ON A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 47.00 FEET, (A RADIAL BEARING FROM SAID POINT BEARS NORTH 00 DEGREES 26 MINUTES 40 SECONDS WEST); THENCE WESTERLY, NORTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 214 DEGREES 26 MINUTES 41 SECONDS, AN ARC DISTANCE OF 175.91 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY; NORTH 00 DEGREES 36 MINUTES 58 SECONDS WEST, 334.24 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID PARCEL "A"; THENCE ALONG SAID NORTH LINE SOUTH 89 DEGREES 33 MINUTES 20 SECONDS WEST, A DISTANCE OF 378.84 FEET TO THE POINT OF BEGINNING.

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 February 26, 2020.

IT IS THEREFORE ORDERED by the Board that the requested Major Site Plan Application for the above Project is hereby **GRANTED**, with the following conditions to which the Applicant has agreed to comply with:

Obtain approval and revise affected plans to address the following issues prior to Zoning Compliance Permit approval:

1. Illustrate and provide details, specifications and notes for the access gate at the south buffer for maintenance purposes.

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2. Standard Conditions of Approval and/or Specifications required prior to Building Permit/
Zoning Compliance Permit issuance:

- a. Include a copy of the approved CPTED plan, approved by the Broward Sheriff's Office.
- b. Provide a copy of the Resolution by the City Commission approving the abandonment of the 15-foot utility easement.
- c. Compliance with all applicable City Ordinances, including but not limited to comments issued by the Development Review Committee.
- d. Substantial compliance with the plans, as submitted with this application.

Be advised that pursuant to Section 155.2308(B)(1) of the Pompano Beach Code of Ordinances, this DEVELOPMENT ORDER shall expire if a Zoning Compliance Permit is not obtained within two years.

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

____26th____ day of ____February____, 2020.

Fred Stacer
Chairman
Planning and Zoning Board/Local Planning Agency

Filed with the Advisory Board Secretary this ____4th____ day of ____March____, 2020.

Pamela McCleod
Assistant Planner

