

Legislation Text

File #: 18-350, **Version:** 1

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND CONSENTING TO A TERMINATION/RELEASE OF DECLARATION OF COVENANTS BY AND AMONG TOP SELF STORAGE THREE, LLC, THE GORI FAMILY LIMITED PARTNERSHIP AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Maggie Barszewski/David Recor)

Summary Explanation/Background:

This is a request to terminate a Declaration of Covenants (attached to Resolution) that had been recorded in 2007. The subject property is generally located on the north side of Dr. Martin Luther King Jr. Boulevard between Blount Road and NW 27th Avenue. On February 13, 2007 the Turnpike Distribution Center, LLC and the Gori Family Limited Partnership, LLC volunteered to commit to this covenant to list prohibited uses on the property, and provide for two landscape-buffer strips. The covenant was concurrent with three Rezoning Ordinances (Ordinances 2007-30, 2007-31 & 2007-32 attached). The Turnpike Distribution Center IV, LLC that owned one of the properties, has since gone bankrupt and sold the property to Top Self Storage Three, LLC. That company has proposed to develop a self-storage facility onsite, a use that was not on the list of restrictions included in the Covenant. The Top Self Storage Plat was approved by the City Commission at the January 23, 2018 meeting, and by the County on April 10, 2018 (see attached Plat). A landscape buffer in accordance with City Code was included on the Top Self Storage Site Plan approved November 15, 2017 by the Planning & Zoning board (see attached D.O. 17-12000028). Furthermore, since this B-4 District is surrounded by B-3 (General Business), CF (Community Facility) and I-1 (General Industrial) and adequate buffers are provided for through code requirements, the Development Services Department has determined that all provisions of the covenant are no longer necessary and therefore recommends that it be terminated.

Origin of request for this action: Nectaria M. Chakas, Esq. of Lochrie & Chakas, P.A. on behalf of Top Self Storage Three, LLC

Fiscal impact and source of funding: N/A