



SM

CITY OF

POMPANO BEACH

FLORIDA

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PLANNING AND ZONING BOARD/LOCAL  
PLANNING AGENCY

June 24, 2009  
Wednesday

City Commission Chambers

7:00 P.M.

**AGENDA**

A. Call to order by the Vice Chairman of the Board, Mr. Jim Beeson.

**B. ROLL CALL:**

Jim Beeson  
Ben Miller  
Fred Stacer  
Jerry Mills  
Joan Kovac  
Jeff Torrey

Alternate Member: Deidra Daisey

**C. APPROVAL OF THE MINUTES:**

Regular Meeting of May 27, 2009

**D. INDIVIDUALS TESTIFYING PLACED UNDER OATH**

**E. SITE PLAN REVIEWS**

**1. ROYAL PALM BUSINESS CENTER, LLC.-Planning and Zoning  
No. 05-1200025**

Consideration of the REVISED PLANS submitted by **ANDRE' CAPI** on behalf of **ROYAL PALM BUSINESS CENTER, LLC.** for construction of a warehouse/storage complex on the following described property:

A portion of the South one-half of Section 34, Township 48 South, Range 42 East, more fully described as follows:

Beginning at the Southwest corner of the Northeast one-quarter of the Northeast one-quarter of the Southeast one-quarter of the Southwest one-quarter of Section 34, Township 48 South, Range 42 East; thence due East along the South boundary of said Northeast one-quarter of the Northeast one-quarter of the Southeast one-quarter of the Southwest one-quarter of Section 34, a distance of 258.12 feet to a point on the West right of way line of the Seaboard Railroad System, said point being 57 feet West of, as measured at right angles to the centerline of the main track of the Seaboard system Railroad; thence North 11° 40' 37" East along a line 57 feet West of and parallel with said centerline of main track, a distance of 346.02 feet to a point 10 feet more or

less, East of the centerline of a spur track; thence North 05^ 07' 17" East, along a line 10 feet more or less, East of and parallel with the centerline of said spur track, a distance of 200.71 feet; thence North 06^ 28' 17" East, a distance of 93.87 feet to a point 10 feet more or less, East of said centerline of spur track; thence North 07^ 52' 37" East, a distance of 280.31 feet to a point, said point being 107 feet West of, as measured at right angles, the centerline of main track of Seaboard System Railroad; thence North 11^ 40' 37" East, along a line 107 feet West of and parallel with the said centerline of main track a distance of 482.97 feet to a point on the South right of way of Hammondville Road; thence North 54^ 05' 53" West along said right of way line a distance of 211.22 feet to a point on the East line of Block 5, SEABOARD HIGHLANDS, according to the plat thereof as recorded in Plat Book 15, Page 30 of the public records of Broward County, Florida; thence South 0^ 31' 53" East, along said East line of Block 5, a distance of 202.02 feet to a point on a line, said line being 257 feet West of, as measured at right angles, to the centerline of said main track; thence South 11^ 40' 37" West along said line, a distance of 786.01 feet to a point; thence North 89^ 54' 07" West, a distance of 169.12 feet to a point on the West line of the East one-half of the Southeast one-quarter of the Northeast one-quarter of the Southwest one-quarter of Section 34; thence South 0^ 29' 34" East, along said West line and along the West line of the East one-half of the Northeast one-quarter of the Southeast one-quarter of the Southwest one-quarter of Section 34, a distance of 535.10 feet to the Point of Beginning, containing 7.1739 acres, more or less.

AKA: 1370 Hammondville Road                      ZONED: I-1

NOTE: The Board issued a DEVELOPMENT ORDER for this project on December 20, 2006.

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2.       **PUBLIX SUPER MARKETS, INC. - Planning & Zoning No. 09-12000010**

Consideration of the plans submitted by **BOB NEWMAN** on behalf of **PUBLIX SUPER MARKETS, INC.** for construction of a new 110 square foot guard booth and truck staging facility on the following described property, consisting of approximately 8.18 acres:

That parcel of land described as the Southwest one-quarter of the Southeast one-quarter of the Northwest one-quarter, less the West 100 feet and less the South 40 feet thereof in Section 27, Township 48 South, Range 42 East. Said property also shown as Parcel "A" of LOWE INDUSTRIAL plat according to the plat thereof as recorded in Plat Book 103, Page 18 of the public records of Broward County, Florida.

AKA: 1731 N.W. 18th Street                      ZONED: I-1

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F.       **PUBLIC HEARINGS**

3.       **PUBLIC HEARING #09-08**

Consideration of the request by **GRAY TAXIDERMY, INC.** requesting *SPECIAL EXCEPTION* approval in order to provide an outdoor storage area for industrial uses on property zoned I-1 (General Industrial) in accordance with the provisions of Section 155.205 (C) (4) of Chapter 155 of the Code of Ordinances.

The property in this Public Hearing is as follows:

Parcel "A", GRAY PLAT, according to the plat thereof as recorded in Plat Book 139, Page 48 of the public records of Broward County, Florida.

**NOTE: This matter was tabled by the Board at the February and April meetings upon request of the applicant.**

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4. **PUBLIC HEARING #09-16**

Consideration of the request by **MILTON VERGARA**, for *SPECIAL EXCEPTION* approval per Section 155.080 (Special Exception Uses, Authorization) of the Code of Ordinances. This petitioner is requesting *SPECIAL EXCEPTION* use in accordance with the provisions of Section 155.180 (C) (3) in order to utilize the subject property in a B-1 (Limited Business District) for a church.

The property in this Public Hearing is as follows:

Lots 1 through 5, less the North 20 feet thereof, and all of Lots 6 and 7 less the South 10.00 feet thereof, Block 2, OCEAN DRIVE ESTATES, according to the map or plat thereof as recorded in Plat Book 8, Page 2, of the public records of Broward County, Florida.

AKA: 1000 East Atlantic Boulevard

ZONED: B-1

**NOTE: This matter was tabled by the Board at the April and May meetings as the check submitted for the application fee was returned for "Insufficient Funds". As of June 9, 2009, the filing fee had still not be paid. Staff recommends this item be STRICKEN from the agenda.**

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5. **PUBLIC HEARING #09-22**

Consideration of the request by **JONATHAN M. PLATTS**, for *SPECIAL EXCEPTION* approval as required by Section 155.205 (C) (4) in accordance with Section 155.080 (Special Exception Uses) of Chapter 155 of the Code of Ordinances in order to utilize the subject property for outdoor storage.

The property in this Public Hearing is as follows:

A portion of the Northeast one-quarter of Section 34, Township 48 South, Range 42 East, being more particularly described as follows:

Commence at the Southeast corner of said Northeast one-quarter thence along the South line of said Northeast one-quarter, South 89° 26' 59" West, 1336.68 feet to a point on the West line of the Southeast one-quarter of the Northeast one-quarter of said Section 34; thence along said West line, North 01° 25' 28" West, 200.02 feet to a point on a line 200 feet North of and parallel with said South line and the Point of Beginning; thence continue along said West line, North 01° 25' 28" West, 200.60 feet; thence North 89° 20' 09" East, 200.02 feet; thence along a line 200 feet East of and parallel with said West line, south 01° 25' 28" East, 201.00 feet; thence along a line 200 feet North of and parallel with said south line, south 89° 26' 59" West, 200.02 feet to the Point of Beginning.

AKA: 851 N.W. 12th Terrace

ZONED: I-1

**NOTE: This matter was tabled by the Board at the May meeting upon request of the applicant.**

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6. **PUBLIC HEARING #09-25**

Consideration of the request by **SHOAL CREEK PROPERTIES POMPANO, LLC.** to rezone the following described properties:

Parcel 1:

Lot 8, Block 32, POMPANO BEACH HIGHLANDS 3RD SECTION, according to the plat thereof as recorded in Plat Book 39, Page 31, of the public records of Broward County, Florida, containing 7,894.5 square feet.

FROM: RPUD (Residential Planned Unit Development)

TO: RS-3 (Single Family Residence)

Parcel 2:

All that part of the North one-half of the Northeast one-quarter of the Northwest one-quarter of Section 18, Township 48 South, Range 43 East, lying West of the West right of way line of State Road No. 5, (formerly State Road No. 4/U.S. Highway No. 1) commonly known as Federal Highway, lying South of a line parallel to and 526.67 feet South of the North line of said North one-half of the Northeast one-quarter of the Northwest one-quarter of said Section 18; together with:

That portion of the Southeast one-quarter of the Northeast one-quarter of the Northwest one-quarter of Section 18, Township 48 South, Range 43 East, lying West of the West right of way line of State Road No. 4, also known as Federal Highway, as now located and established, which is described as follows:

Beginning at the Northwest corner of the Southeast one-quarter of the Northeast one-quarter of the Northwest one-quarter of Said Section 18, thence running North 89° 07' 30" East, a distance of 446.8 feet to the West boundary line of said State Road No. 4, also known as Federal Highway, as now located and established; thence South 07° 15' 30" West, along the West boundary of said highway, a distance of 150 feet to a point; thence South 89° 07' 30" West, a distance of 426.27 feet to a point on the West line of the Southeast one-quarter of the Northeast one-quarter of the Northwest one-quarter of said Section 18; thence North 00° 36' 30" West, along the West line of the Southeast one-quarter of the Northeast one-quarter of the Northwest one-quarter of said Section 18, a distance of 148.5 feet to the Point of Beginning; together with:

A portion of the South 99.05 feet of the North 526.67 feet of that part of the North one-half of the Northeast one-quarter of the Northwest one-quarter lying West of the right of way of Federal Highway in Section 18, Township 48 South, Range 43 East, described as follows:

Beginning at a point on the Southerly boundary of the above described property 1135.65 feet West of the Southeast corner thereof; thence North along the Westerly boundary thereof 79.05 feet to a point; thence East parallel with the Southerly boundary thereof 80 feet to a point; thence South parallel with the Westerly boundary thereof 79.05 feet to the Southerly boundary; thence West along the said Southerly boundary 80 feet to the Point of Beginning, containing 224,178.5 square feet, or 5.146 acres, more or less.

AKA: 4661 N. Federal Highway and 4610, 4620, 4700 and 4720 N.E. 18th Avenue

FROM: RPUD (Residential Planned Unit Development)

TO: RM-45 (Multi-Family Residential)

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7. **PUBLIC HEARING #09-26**

Consideration of the request by **CORNERSTONE PROPANE OPERATING, LLC.** for *SPECIAL EXCEPTION* approval as required by Section 155.205 (C) (4), in accordance with Section 155.080 (Special Exception Uses), of Chapter 155 of the Code of Ordinances in order to utilize the subject property for outdoor storage.

The property in this Public Hearing is as follows:

The South 200 feet of the West 200 feet of the Southwest one-quarter of the Southeast one-quarter of the Northeast one-quarter of Section 34, Township 48 South, Range 42 East.

AKA: 809 N.W. 12th Terrace                      ZONED: I-1

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**G. ABANDONMENT REQUEST**

**8. PORTION OF N.W. 15TH STREET**

Consideration of the request by **MC DERMOTT PROPERTIES, INC.** to abandon that certain 13 foot portion of the right of way for N.W. 15th Street lying between N.W. 12th Avenue and the F.E.C. Railroad Spur, immediately south of a portion of Parcel "A", FLO EAST CO PLAT, as recorded in Plat Book 77, Page 5, of the public records of Broward County, Florida.

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**H. OTHER BUSINESS**

**9. CODE AMENDMENT - SECTION 155.127 (C) (7)**

Consideration of Department of Development Services Memorandum 09-221, recommending an amendment to the Code to create a Construction Mitigation Plan in order to provide relief from construction activities for adjacent property owners and to the City in general.

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**I. AUDIENCE TO BE HEARD**

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**J. BOARD MEMBERS DISCUSSION**

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**K. REPORTS BY STAFF**

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**L. ADJOURNMENT**

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Linda R. Hora  
Advisory Board Secretary  
6.17.09

Any person who decides to appeal any decision of the **PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY** with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.