



SM

CITY OF

POMPANO BEACH

FLORIDA

**CITY HALL OFFICES:**

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PLANNING AND ZONING BOARD/LOCAL  
PLANNING AGENCY

September 23, 2009  
Wednesday

City Commission Chambers

7:00 P.M.

**AGENDA**

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

**B. ROLL CALL:**

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

**C. APPROVAL OF THE MINUTES:**

Regular Meeting of July 22, 2009

**D. INDIVIDUALS TESTIFYING PLACED UNDER OATH**

**E. SITE PLAN REVIEWS**

**1. CITY OF POMPANO BEACH - Planning and Zoning No. 09-1200022**

Consideration of the plans submitted by **HELEN GRAY, CITY ENGINEER**, on behalf of the **CITY OF POMPANO BEACH** for construction of a passive public park on the following described property consisting of approximately 35,016 square feet of .80 acre:

A portion of Lots 10 through 23 inclusive of RUSTIC BRIDGE PARK, according to the plat thereof as recorded in Plat Book 5, Page 96, (Plat Book 2, Page 15, Broward County Records), of the public records of Palm Beach County, Florida. Subject to the right of way of Atlantic Boulevard (State Road 814), the right of way for South Florida Water Management District's Canal C-14 and the right of way for Cypress Road.

AKA: 220 East Atlantic Boulevard                      ZONED: B-3

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**2. CITY OF POMPANO BEACH - Planning & Zoning No. 04-4132**

Consideration of the plans for Phase 3 renovations to COMMUNITY PARK as submitted by **ABBAS ZACKRIA** on behalf of the **CITY OF POMPANO BEACH**, located on the following described property:

A portion of the POMPANO BEACH AIR PARK AND RECREATIONAL FACILITIES PLAT, according to the plat thereof as recorded in Plat Book 149, Page 20, of the public records of Broward County, Florida.

AKA: 920 N.E. 18th Avenue (Community Park)

ZONED: CF

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F. **PUBLIC HEARINGS**

3. **PUBLIC HEARING #09-30**

Consideration of the request by the **CITY OF POMPANO BEACH** to rezone the following described property:

A portion of the Southeast one-quarter of Section 31, Township 48 South, Range 43 East, said portion being more particularly described as follows:

Commencing at the intersection of the East right of way line of Riverside Drive and the most Southerly Northwest corner of Parcel "B", ATLANTIC POINT PLAT NO. 1, according to the plat thereof as recorded in Plat Book 169, Page 7 of the public records of Broward County, Florida; thence along said East right of way the following four (4) described courses: (1) North 00^ 58' 54" West 312.80 feet to a point of curvature of a curve concave to the Southeast; (2) Northeasterly along the arc of said curve having radius of 990.42 feet, a central angle of 04^ 15' 38" for an arc distance of 73.65 feet to the Point of Beginning; (3) continuing Northeasterly along the arc of said curve through a central angle of 06^ 59' 33", a radius of 990.42 feet for an arc distance of 120.87 feet to a point of tangency; (4) North 10^ 16' 17" East, 338.26 feet to a point on the South right of way of N.E. 2nd Street; thence along said South right of way, North 88^ 57' 35" East, 184.93 feet; thence departing said South right of way line, South 01^ 02' 25" East, 250.00 feet; thence North 88^ 57' 35" East, 225.00 feet to a point on the West right of way line of State Road A-I-A as shown on the Florida Department of Transportation Right of Way Map Section 86050-2518; thence South 09^ 08' 21" West, along said West right of way line, 213.78 feet; thence departing said West right of way, North 81^ 40' 56" West, 40.48 feet; thence South 88^ 44' 05" West, 383.01 feet; thence North 83^ 58' 05" West, 32.23 feet to the Point of Beginning, containing 146,747 square feet or 3.37 acres, more or less.

AKA: 109 North Ocean Boulevard

FROM: PR (Parks and Recreation)

TO: CF (Community Facilities)

\* \* \* \* \*

4. **PUBLIC HEARING #09-31**

Consideration of the request by **CITY OF POMPANO BEACH** to amend the Land Use Plan Map designation for the following described property, consisting of approximately 3.37 acres:

A portion of the Southeast one-quarter of Section 31, Township 48 South, Range 43 East, said portion being more particularly described as follows:

Commencing at the intersection of the East right of way line of Riverside Drive and the most Southerly Northwest corner of Parcel "B", ATLANTIC POINT PLAT NO. 1, according to the plat thereof as recorded in Plat Book 169, Page 7 of the public records of Broward County, Florida; thence along said East right of way the following four (4) described courses: (1) North 00^ 58' 54" West 312.80 feet to a point of curvature of a curve concave to the Southeast; (2) Northeasterly along the arc of said

curve having radius of 990.42 feet, a central angle of 04^ 15' 38" for an arc distance of 73.65 feet to the Point of Beginning; (3) continuing Northeasterly along the arc of said curve through a central angle of 06^ 59' 33", a radius of 990.42 feet for an arc distance of 120.87 feet to a point of tangency; (4) North 10^ 16' 17" East, 338.26 feet to a point on the South right of way of N.E. 2nd Street; thence along said South right of way, North 88^ 57' 35" East, 184.93 feet; thence departing said South right of way line, South 01^ 02' 25" East, 250.00 feet; thence North 88^ 57' 35" East, 225.00 feet to a point on the West right of way line of State Road A-I-A as shown on the Florida Department of Transportation Right of Way Map Section 86050-2518; thence South 09^ 08' 21" West, along said West right of way line, 213.78 feet; thence departing said West right of way, North 81^ 40' 56" West, 40.48 feet; thence South 88^ 44' 05" West, 383.01 feet; thence North 83^ 58' 05" West, 32.23 feet to the Point of Beginning, containing 146,747 square feet or 3.37 acres, more or less.

AKA: 109 North Ocean Boulevard

FROM: Parks and Recreation  
TO: Community Facilities

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5. **PUBLIC HEARING #09-32**

Consideration of the request by **SCOZAK REALTY, INC.** 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 parcel of land in the Northeast one-quarter of Section 34, Township 48 South, Range 42 East, being more particularly described as follows:

Commence at the Northeast corner of Section 34, Township 48 South, Range 42 East; thence proceed South 01^ 36' 04" East, for a distance of 663.85 feet; thence proceed South 88^ 46' 41" West along the North line of BUDGET PLAT, for a distance of 68.43 feet; thence proceed South 01^ 13' 19" East along the North line of BUDGET PLAT for a distance of 11.24 feet to a point on a circular curve concave to the South and Southeast, said curve having a radius of 666.78 feet, a radial bearing from said point bears South 03^ 03' 16" East, said arc sub extended by a central angle of 11^ 29' 03", said arc being the North line of the proposed BUDGET PLAT; thence proceed Southwesterly along the arc of said curve for a distance of 133.65 feet to the Point of Beginning, said point bears South 14^ 32' 19" East to the radius point, thence proceed South 01^ 00' 18" East, for a distance of 341.91 feet; thence proceed South 88^ 59' 42" West for a distance of 180.00 feet; thence proceed North 01^ 00' 18" West for a distance of 269.57 feet to a point on a circular curve concave to the Southeast, a radial bearing from said point bears South 31^ 16' 05" East said curve having a radius of 666.78 feet and sub extended by a central angle of 16^ 43' 46", said curve being the North line of BUDGET PLAT; thence proceed Northeasterly along the arc of said curve for a distance of 194.69 feet to the Point of Beginning of the herein described parcel of land, containing 55,952 square feet or 1.28 acres, more or less.

AKA: 1041 N.W. 12th Terrace ZONED: I-1

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G. **PROPOSED PLATS**

6. **DELTA POMPANO PLAT**

Consideration of the proposed **DELTA POMPANO PLAT** submitted by **CATHERINE A. DONN** and **EDWARD P. PLOSKI**, encompassing the

following described property:

A 40.00 foot strip of land being a portion of that certain road right of way recorded in Official Records Book 3971, Page 210, of the public records of Broward County, Florida, said 40.00 foot strip of land being more particularly described as follows:

That portion of the West 40.00 feet of the Southwest one-quarter of the Northeast one-quarter of the Northeast one-quarter of Section 28, Township 48 South, Range 42 East, Broward County, Florida, lying South of the Westerly prolongation of the North line of Lot 8, POWER PARK, according to the plat thereof as recorded in Plat Book 112, Page 45, of the public records of Broward County Florida, together with:

Lots 8 and 9 of POWER PARK according to the plat thereof as recorded in Plat Book 112, Page 45, of the public records of Broward County Florida, together with:

The Northwest one-quarter of the Southeast one-quarter of the Northeast one-quarter of Section 28, Township 48 South, Range 42 East, together with:

The South one-half of the Northeast one-quarter of the Southeast one-quarter of the Northeast one-quarter of Section 28, Township 48 South, Range 42 East. Excepting therefrom the East 33 feet thereof for public road purposes and the West 10 feet of the East 77 feet thereof, together with:

The Northeast one-quarter of the Southwest one-quarter of the Northeast one-quarter of Section 28, Township 48 South, Range 42 East, less the West 50.00 feet thereof and less all that external area lying Southwesterly of an arc formed by a 150.00 foot radius which is tangent to a line 50.00 feet East of and parallel to the West boundary of the above described parcel and tangent to the South boundary of the above described parcel, together with:

The South 100 feet of the East one-half of the Northwest one-quarter of the Northeast one-quarter of Section 28, Township 48 South, Range 42 East, less the West 50 feet for right of way, together with:

All of Parcel "A", COPANS LAKEVIEW CENTER, according to the map or plat thereof recorded in Plat Book 128, Page 39, Broward County, Florida; excepting therefrom that part being more particularly described as follows:

Beginning at the Northwest corner of said Parcel "A"; thence South 83^ 21' 50" East, along the North boundary of said Parcel "A", 104.98 feet; thence South 89^ 55' 39" East, along said North boundary 516.78 feet to the Northeast corner of said Parcel "A"; thence South 00^ 05' 30" West, along the East boundary of said Parcel "A", 473.12 feet; thence North 89^ 07' 58" West, 49.95 feet; thence North 00^ 38' 37" West, 39.60 feet to a Point of Curvature; thence Northwesterly along the arc of said curve being concave to the Southwest having a radius of 3.00 feet, a delta of 88^ 48' 10". an arc distance of 4.65 feet to a Point of Tangency; thence North 89^ 26' 47" West, 17.35 feet; thence North 00^ 52' 23" East, 52.77 feet to a point of curvature; thence Northwesterly along the arc of said curve being concave to the Southwest, having a radius of 20.00 feet, a delta of 77^ 30' 18", an arc distance of 27.05 feet to a Point of Tangency; thence North 76^ 37' 55" West, 73.11 feet to a point of curvature, thence Southwesterly along the arc of said curve being concave to the Southeast having a radius of 20.55 feet, a delta of 51^ 14' 15", an arc distance of 18.38 feet; thence North 76^ 00' 28" West, 459.97 feet to a point on the West boundary of said Parcel "A"; thence North 00^ 02' 56" West, along said West boundary, 245.54 feet to the Point of Beginning, containing 40.407 acres, more or less.

AKA: 1951 North Powerline Road                      ZONED: I-1

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**H. ABANDONMENT REQUESTS**

**7. PAUL N. GARDNER COMPANY, INC., MBPFF HOLDING COMPANY, INC. AND ELIZABETH KEITH**

Consideration of the request by **PAUL N. GARDNER COMPANY, INC., MBPFF HOLDING COMPANY, INC. AND ELIZABETH KEITH** to abandon that certain 14 foot alleyway lying between Lots 1 through 10 of Block 8, CAMPBELL AND SAXON ADDITION, according to the plat thereof as recorded in Plat Book 1, Page 125, of the public records of Palm Beach County, as described in full on the survey submitted with this application.

NOTE: This matter was tabled by the Board at the January, February, March and May meetings. All back-up material previously provided.

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**8. WALGREEN COMPANY**

Consideration of the request submitted by **LAWRENCE H. BROZAK** on behalf of **WALGREEN COMPANY** to abandon that certain 12 foot utility easement lying in Parcel "A", of POWERLINE MART, according to the plat thereof as recorded in Plat Book 121, Page 16, of the public records of Broward County, Florida as described in full on the survey submitted with this application.

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**9. COMMUNITY REDEVELOPMENT AGENCY**

Consideration of the request by **LARRY SCHUSTER** on behalf of the **CITY'S COMMUNITY REDEVELOPMENT AGENCY** to abandon the following described properties:

- 1) That portion of the right of way for N.W. 3rd Avenue lying immediately east of Lot 15, WOODRUFF ADDITION TO POMPANO FLA, as recorded in Plat Book 2, Page 35, of the public records of Palm Beach County, Florida; and
- 2) That portion of the alleyway (Spruce Avenue) lying immediately north of Lots 1, 12, 13 and 14 of WOODRUFF ADDITION TO POMPANO FLA, as recorded in Plat Book 2, Page 35, of the public records of Palm Beach County, Florida; and
- 3) That portion of the right of way for N.W. 2nd Avenue lying immediately east of Lots 10 and 14 of WOODRUFF ADDITION TO POMPANO FLA, as recorded in Plat Book 2, Page 35, of the public records of Palm Beach County, Florida.

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**I. PROPOSED CODE AMENDMENTS**

**10. CODE AMENDMENT - SECTION 155.113 - COMMERCIAL VEHICLES**

Consideration of Department of Development Services Memorandum #09-263, setting forth a proposed amendment Section 155.113 (F) (1) (d) of Chapter 155 of the Code of Ordinances modifying the definition of a COMMERCIAL VEHICLE.

NOTE: This matter was tabled by the Board at the July meeting.

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**11. CODE AMENDMENT - RECYCLING CONTAINERS**

Consideration of Department of Development Services Memorandum

#09-341, setting forth three proposed amendments to Chapter 155 of the Code of Ordinances with respect to recycling containers as follows:

- a) Section 155.003 - Defining the difference between a garbage dumpster and a recycling container.
- b) Section 155.037 - Exempting recycling containers from the dumpster enclosure regulations, subject to Code requirements.
- c) Section 155.113 - Allowing for one parking space credit for recycling containers over a certain size, subject to Code requirements.

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12. **CODE AMENDMENT - SECTION 157.55 - EMINENT DOMAIN**

Consideration of the proposal by the IBI GROUP for approval of a Code amendment to provide a process to address non-conformities and establish an enforceable "cure plan" that limits the degree of non-conformity when a portion of property is taken through the eminent domain process.

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J. **OTHER BUSINESS**

13. **APPOINTMENT TO COMMUNITY DEVELOPMENT ADVISORY COMMITTEE**

Consideration of recommendation for appointment of a member of the Planning and Zoning Board/Local Planning Agency to serve on the Community Development Advisory Committee to fill the unexpired term of Richard Klosiewicz. (Term Expires July 1, 2010).

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K. **AUDIENCE TO BE HEARD**

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L. **BOARD MEMBERS DISCUSSION**

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M. **REPORTS BY STAFF**

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N. **ADJOURNMENT**

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Linda R. Hora  
Advisory Board Secretary  
9.16.09

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.