

Meeting Date: 4/28/2015

Agenda Item #15-195

21

REQUESTED COMMISSION ACTION:

QUASI-JUDICIAL

Consent

Ordinance

X Resolution

Consideration/
Discussion

Presentation

SHORT TITLE:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE U. S. 1 SUBDIVISION PLAT; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

The property owner, Pompano Marketplace Owner, LLC, wishes to amend the plat note on the US1 Subdivision plat (P.B. 138, Page 2) for the purpose of accommodating a proposed bank with drive-thru use on the site. The existing note currently reads "This plat is restricted to 240,000 square feet of commercial use. The proposed note is to read, "This plat is restricted to 240,732 square feet of existing commercial use and 4,200 square feet of bank use. No free standing banks or banks with drive-thru facilities are permitted within the commercial use without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts." Per the plat, the site contains 835,318 square feet, 19.176 acres. Staff has no objections to the change.

- (1) Origin of request for this action: Michael Troxell, Thomas Engineering Group
(2) Primary staff contact: Chris Clemens/ Robin M. Bird Ext. 4048
(3) Expiration of contract, if applicable: N/A
(4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION

DATE

DEPARTMENTAL RECOMMENDATION

DEPARTMENTAL HEAD SIGNATURE

Dev. Serv. Dept.

4/13/2015

Approval

City Attorney

4/13/2015

#2015-858

Handwritten signature and date 4-16-15.

Advisory Board

X City Manager

Handwritten signature of Robin M. Bird

ACTION TAKEN BY COMMISSION:

Ordinance

Resolution

Consideration

Workshop

1st Reading

1st Reading

Results:

Results:

2nd Reading

RESOLUTION NO. 2015-_____

**CITY OF POMPANO BEACH
Broward County, Florida**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE U. S. 1 SUBDIVISION PLAT; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That city staff's letter of no objection to amendment of notation on the U. S. 1 Subdivision Plat, a copy of which letter is attached hereto and incorporated herein by reference as if set forth in full, is hereby approved and authorized.

SECTION 2. That the proper city staff is hereby authorized to forward said letter to Broward County.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2015.

LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK



City Attorney's Communication #2015-858
April 13, 2015

TO: Christopher J. Clemens, AICP, Planner
FROM: Gordon B. Linn, City Attorney
RE: Resolution – U. S. 1 Subdivision Plat Note Amendment

As requested in your memorandum received on April 13, 2015, Department of Development Services Memorandum #15-195, the following form of resolution, relative to the above-referenced matter, has been prepared and is attached:

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF POMPANO BEACH, FLORIDA, APPROVING
AND AUTHORIZING CITY STAFF'S LETTER OF NO
OBJECTION TO AMENDMENT OF NOTATION ON THE
U. S. 1 SUBDIVISION PLAT; PROVIDING AN EFFECTIVE
DATE.**

Please feel free to contact me if I may be of further assistance.



GORDON B. LINN

/jrm
l:cor/dev-srvc/2015-858

Attachment



Florida's Warmest Welcome

Development Services Department
Robin M. Bird, Director
Planning and Zoning Division
City of Pompano Beach, Florida

100 W. Atlantic Boulevard, Pompano Beach, Florida 33060 | p: 954.786.4629 | f: 954.786.4044

April 10, 2015

Ms. Peggy Knight
Broward County Planning & Redevelopment Division
1 N University Drive, Ste 102A
Plantation, Florida 33324

Re: City of Pompano Beach Letter of No Objection to the amendment to the plat note US1
Subdivision Plat recorded in PB 138, PG 2.

Dear Ms. Knight:

The City of Pompano Beach has no objection to amending the plat note on the above noted plat.
The change to the note is, as follows:

From: This plat is restricted to 240,000 square feet of commercial;

To: This plat is restricted to 240,732 square feet of existing commercial use and 4,200 square feet of bank use. No freestanding banks or banks with drive-thru facilities are permitted within the commercial use without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

Regards,

Christopher J. Clemens, AICP
Planner

U.S. 1 Subdivision

Current Note:

This plat is restricted to 240,000 square feet of commercial.

Proposed Note:

This plat is restricted to 240,732 square feet of existing commercial use and 4,200 square feet of bank use. No freestanding banks or banks with drive-thru facilities are permitted within the commercial use without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

EXCERPT FROM THE BROWARD COUNTY PROPERTY APPRAISER
AERIAL MAP



NTS

5

NORTH

U.S. 1 SUBDIVISION

A PORTION OF THE SE 1/4 OF SECTION 1, TOWNSHIP 49 SOUTH, RANGE 42 EAST
AND A PORTION OF THE SW 1/4 OF SECTION 6, TOWNSHIP 49 SOUTH, RANGE 43 EAST,
CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA

DESCRIPTION:

THE EAST ONE-HALF (E 1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4), LESS THE WEST 60 FEET AND THE NORTH 60 FEET THEREOF. AND THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4), LESS THE NORTH 60 FEET THEREOF.

AND THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4).

ALL IN SECTION 1, TOWNSHIP 49 SOUTH, RANGE 42 EAST:

TOGETHER WITH:

A PORTION OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, TOWNSHIP 49 SOUTH, RANGE 43 EAST, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 6; THENCE NORTH ALONG THE WEST LINE THEREOF A DISTANCE OF 68.96 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH ALONG SAID WEST LINE A DISTANCE OF 321.48 FEET; THENCE EAST MAKING AN INCLUDED ANGLE OF 89°12'10" A DISTANCE OF 119.91 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 329.48 FEET; THENCE WEST MAKING AN INCLUDED ANGLE OF 103°47'50", A DISTANCE OF 40.91 FEET TO THE POINT OF BEGINNING; SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

THE NORTH 86.15 FEET OF THE SOUTH THREE-QUARTER (S 3/4) OF THE WEST ONE-HALF (W 1/2) OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 1, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

A TRACT OF LAND LYING IN SECTION 6, TOWNSHIP 49 SOUTH, RANGE 43 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 AND THE WEST LINE OF SAID SECTION 6; THENCE NORTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 170.62 FEET TO A POINT; THENCE WESTERLY WITH AN INCLUDED ANGLE OF 76°12'10" A DISTANCE OF 40.91 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 6; THENCE SOUTHERLY ALONG SAID WEST LINE A DISTANCE OF 165.70 TO THE POINT OF BEGINNING.

TOGETHER WITH:

ALL THAT PART OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) LYING WEST OF STATE ROAD NO. 5, FORMERLY STATE ROAD NO. 4 (U.S. HIGHWAY NO. 1), IN SECTION 1, TOWNSHIP 49 SOUTH, RANGE 42 EAST.

SAID LANDS LYING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA AND CONTAINING 19.3254 ACRES MORE OR LESS.

DEDICATION

STATE OF FLORIDA }
COUNTY OF BROWARD }
KNOW ALL MEN BY THESE PRESENTS THAT
POMP COMMERCIAL CORP., A FLORIDA CORPORATION

THE OWNER OF THE LAND DESCRIBED AND SHOWN HEREON, AS INCLUDED WITH THIS PLAT, HAS CAUSED SAID LANDS TO BE SUBDIVIDED AND PLATTED AS SHOWN HEREON, SAID PLAT TO BE KNOWN AS U.S. 1 SUBDIVISION. EASEMENTS SHOWN HEREON ARE DEDICATED TO THE PUBLIC FOR PROPER PURPOSES.

IN WITNESS WHEREOF, THE OWNER HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS 9th DAY OF JANUARY, A.D. 1989.

POMP COMMERCIAL CORP.,
A FLORIDA CORPORATION.

By: Harold Wenal
WITNESS: Harold Wenal
HAROLD WENAL
PRESIDENT AND SECRETARY

ACKNOWLEDGEMENT

STATE OF FLORIDA }
COUNTY OF BROWARD }
BEFORE ME PERSONALLY APPEARED
HAROLD WENAL
PRESIDENT AND SECRETARY
TO ME WELL KNOWN TO BE THE INDIVIDUAL DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AS PRESIDENT AND SECRETARY OF POMP COMMERCIAL CORP., A FLORIDA CORPORATION, AND THAT HE ACKNOWLEDGED BEFORE ME THAT HE EXECUTED SUCH INSTRUMENT AS SUCH OFFICER OF SAID CORPORATION AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND SEAL THIS 9th DAY OF JANUARY, A.D. 1989.

MY COMMISSION EXPIRES AUG. 27, 1991

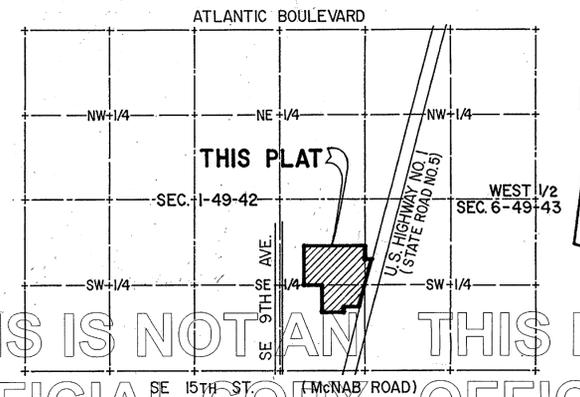
Marie C. Harris
NOTARY PUBLIC, STATE OF FLORIDA

SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS SURVEYED; THAT PERMANENT REFERENCE MONUMENTS (P.R.M.) HAVE BEEN FOUND AS INDICATED HEREON; THAT THE SURVEY WAS MADE UNDER OUR RESPONSIBLE DIRECTION AND SUPERVISION, AND THAT THE SURVEY DATA COMPLIES WITH ALL REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND BROWARD COUNTY ORDINANCE 81-16. ELEVATIONS SHOWN HEREON ARE BASED ON N.G.V.D.: OF 1929 AND CONFORM TO THIRD ORDER ACCURACY STANDARDS.

DATED 10-7-86 KEITH AND SCHNARS, P.A.
Adolph M. Schnars
By: A.M. LAZOWICK
PROFESSIONAL LAND SURVEYOR #405
STATE OF FLORIDA

PREPARED BY:
KEITH AND SCHNARS, P.A.
ENGINEERS - PLANNERS - SURVEYORS
6500 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA 33309
(305) 776-1616
OCTOBER 1986



LOCATION SKETCH
SEC. 1-49-42 AND WEST 1/2 SEC. 6-49-43
(NOT TO SCALE)

MORTGAGEE'S CONSENT

STATE OF CALIFORNIA }
COUNTY OF ORANGE }
THE UNDERSIGNED HEREBY CERTIFIES THAT IT IS THE HOLDER OF A MORTGAGE UPON THE PROPERTY DESCRIBED HEREON AND DOES HEREBY JOIN IN AND CONSENT TO THE DEDICATION OF THE LAND DESCRIBED IN SAID DEDICATION BY THE OWNERS THEREOF AND AGREES THAT ITS MORTGAGE, WHICH IS RECORDED IN OFFICIAL RECORDS BOOK 15980, PAGE 95 OF THE PUBLIC RECORDS OF BROWARD COUNTY, SHALL BE SUBORDINATED TO THE DEDICATION SHOWN HEREON.

IN WITNESS WHEREOF, THE MORTGAGEE HAS CAUSED THESE PRESENTS TO BE SIGNED THIS 19 DAY OF JAN., A.D. 1989.

Len C. Duren
WITNESS AS TO BOTH
Kim Abangan
WITNESS AS TO BOTH
SECURITY PACIFIC NATIONAL BANK
By: LEN C. DUREN - SENIOR VICE PRESIDENT
Kim Abangan
By: KIM ABANGAN - ASSISTANT SECRETARY

ACKNOWLEDGEMENT

STATE OF CALIFORNIA }
COUNTY OF ORANGE }
BEFORE ME PERSONALLY APPEARED
LEN C. DUREN - SENIOR VICE PRESIDENT
KIM ABANGAN - ASSISTANT SECRETARY
TO ME WELL KNOWN AND KNOWN TO ME TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AS SENIOR VICE PRESIDENT AND ASSISTANT SECRETARY OF SECURITY PACIFIC NATIONAL BANK AND THEY ACKNOWLEDGED BEFORE ME THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICERS OF SAID BANK AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID BANK.

WITNESS MY HAND AND SEAL THIS 19 DAY OF JAN., A.D. 1989
MY COMMISSION EXPIRES: 8/29/89

Sue Henwood
NOTARY PUBLIC, STATE OF CALIFORNIA

POMPANO BEACH CITY COMMISSION

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN APPROVED AND ACCEPTED FOR RECORD BY THE CITY OF POMPANO, FLORIDA AND PASSED BY ORDINANCE NO. THIS 12 DAY OF JANUARY, A.D. 1987.

DATE 1-15-87 BY: Vernon H. Bennett
CITY CLERK

CITY PLANNING AND ZONING BOARD

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING BOARD OF POMPANO BEACH FLORIDA APPROVED AND ACCEPTED THIS PLAT THIS 22 DAY OF OCTOBER, A.D. 1985.

DATE 1-15-87 BY: William H. Winters
CHAIRPERSON

DIRECTOR OF PUBLIC WORKS

THIS PLAT, ENTITLED U.S. 1 SUBDIVISION IS APPROVED FOR RECORD THIS DAY 16th OF JANUARY, A.D. 1987.

DATE Jan 16th 1987 BY: John P. Gumbert
DIRECTOR

BROWARD COUNTY OFFICE OF PLANNING

THIS PLAT IS APPROVED AND ACCEPTED FOR RECORD THIS 15 DAY OF February, A.D., 1987.

BY: Donald J. Knapp 2-15-87
DIRECTOR DATE

BROWARD COUNTY ENGINEERING DIVISION

THIS PLAT IS HEREBY APPROVED AND ACCEPTED FOR RECORD.

BY: Henry P. Cook 2-15-87
HENRY P. COOK - DIRECTOR DATE
FLORIDA P.E., REG. NO. 12506

BROWARD COUNTY PLANNING COUNCIL

THIS IS TO CERTIFY THAT THE BROWARD COUNTY PLANNING COUNCIL APPROVED THIS PLAT WITH REGARD TO DEDICATION OF RIGHTS - OF - WAY BY RESOLUTION ADOPTED THIS 20th DAY OF NOVEMBER, A.D. 1986.

BY: John P. Gumbert 2/2/87
CHAIRMAN DATE

BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPT., COUNTY RECORDS DIVISION- MINUTES SECTION

THIS IS TO CERTIFY THAT THIS PLAT COMPLIES WITH THE PROVISIONS OF CHAPTER 177, FLORIDA STATUTES, AND WAS ACCEPTED FOR RECORD BY THE BOARD OF COMMISSIONERS OF BROWARD COUNTY, FLORIDA, THIS 17 DAY OF February, A.D., 1987.

ATTEST: L.A. HESTER COUNTY ADMINISTRATOR
BY: Thelma J. Thompson DEPUTY
BY: Nick E. Grossman CHAIRPERSON - COUNTY COMMISSION

BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPT., COUNTY RECORDS DIVISION- RECORDING SECTION

THIS INSTRUMENT WAS FILED FOR RECORD THIS 17th DAY OF February, A.D. 1987, AND RECORDED IN PLAT BOOK 138, PAGE 2, RECORD VERIFIED.

ATTEST: L.A. HESTER COUNTY ADMINISTRATOR
BY: Carole C. Doyle DEPUTY

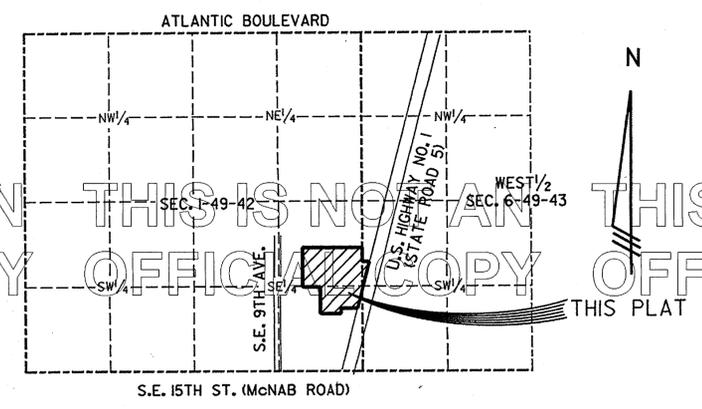
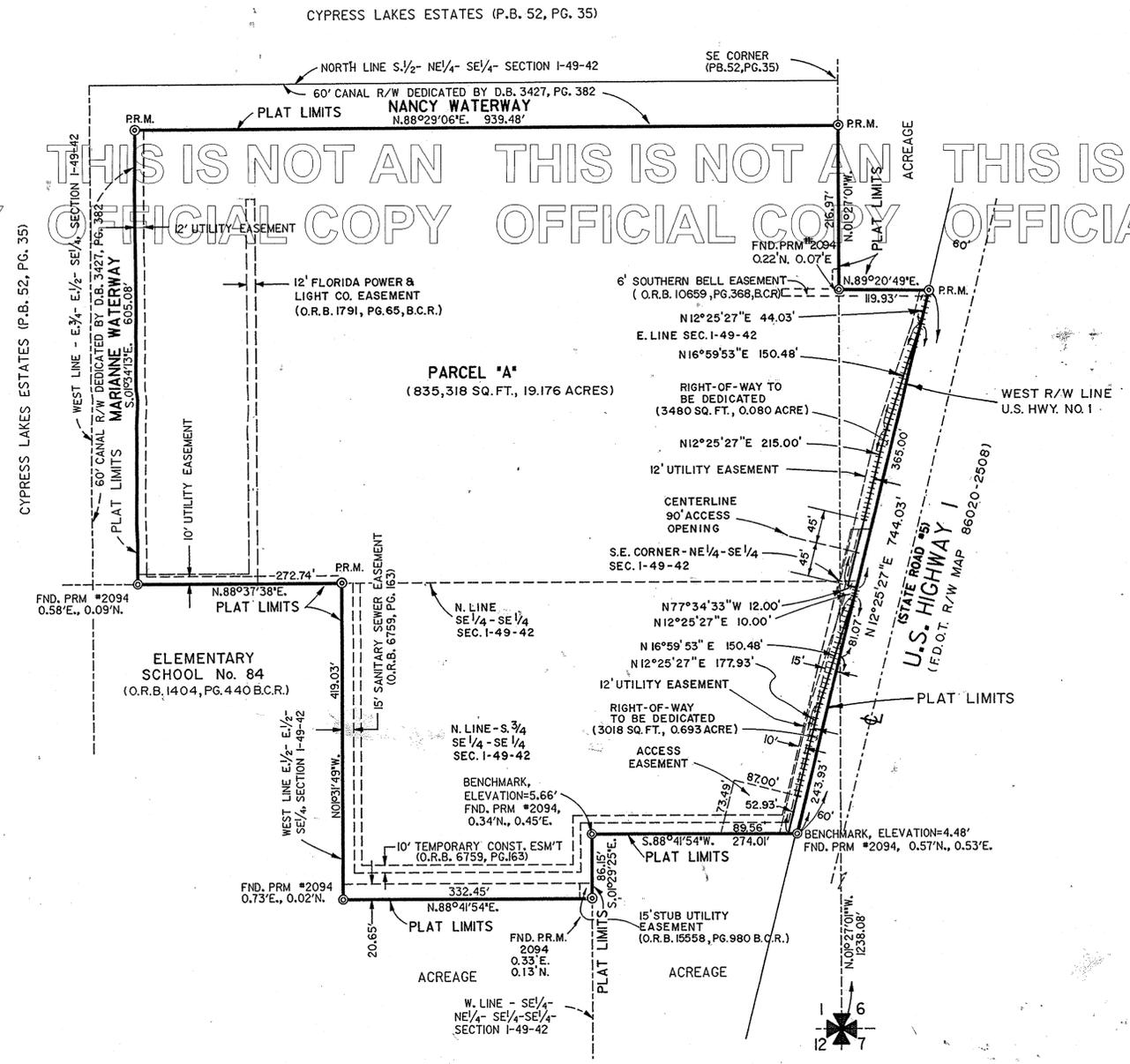
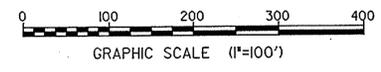
CORPORATE SEAL POMP COMMERCIAL CORP.	NOTARY DEDICATION	CORPORATE SEAL	NOTARY MORTGAGEE'S CONSENT	SURVEYOR	CORPORATE SEAL TRAILER RANCH, INC.	CORPORATE SEAL BOWLERS Lanes OF POMPANO, INC.	NOTARY DEDICATION	CORPORATE SEAL COUNTY NAT'L BANK	THE FIRST BANKERS	NOTARY MORTGAGEE'S CONSENT	NOTARY MORTGAGEE'S CONSENT	CITY OF POMPANO, BEACH	COUNTY ENGINEER	COUNTY SURVEYOR
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O.R. 16207 P. 332

#21

U.S. 1 SUBDIVISION

A PORTION OF THE SE 1/4 OF SECTION 1, TOWNSHIP 49 SOUTH, RANGE 42 EAST
AND A PORTION OF THE SW 1/4 OF SECTION 6, TOWNSHIP 49 SOUTH, RANGE 43 EAST,
CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA



LOCATION SKETCH
SEC. 1-49-42 AND WEST 1/2 SECTION 6-49-43
(NOT TO SCALE)

PLAT RESTRICTIONS

THIS PLAT IS RESTRICTED TO 240,000 SQUARE FEET OF COMMERCIAL. THIS NOTE IS REQUIRED BY CHAPTER 5, ARTICLE IX, BROWARD COUNTY CODE OF ORDINANCES, AND MAY BE AMENDED BY AGREEMENT WITH BROWARD COUNTY.

SURVEY NOTES

1. © P.R.M. INDICATES FOUND PERMANENT REFERENCE MONUMENT WITH BRASS DISC STAMPED #2094, UNLESS OTHERWISE NOTED.
2. SURVEY DATA IN FIELD BOOK 417.
3. ELEVATIONS SHOWN HEREON ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 AND SAID ELEVATIONS ARE BENCHMARKS SUPPLIES BY: CITY OF POMPANO BEACH, BENCHMARK #11H, ELEVATION=9.503
4. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED DATUM.
5. - - - - - INDICATES NON-VEHICULAR ACCESS LINE.
6. THE LANDS DELINEATED BY THE PLAT LIMITS SHOWN HEREON ARE SUBJECT TO A NON-EXCLUSIVE EASEMENT (ACCESS EASEMENT) UPON, OVER AND ACROSS THE DRIVEWAYS AS STIPULATED IN O.R.B. 15558, PG. 980, B.C.R.

NOTICE

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

PREPARED BY:
KEITH AND SCHNARS, P.A.
ENGINEERS - PLANNERS - SURVEYORS
6500 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA 33309
(305) 776-1616
OCTOBER 1986