

REQUESTED COMMISSION ACTION:

QUASI-JUDICIAL

Consent

Ordinance

X Resolution

Consideration/
Discussion

Presentation

SHORT TITLE: A RESOLUTION OF THE CITY COMMISSION 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 FLO EAST CO ADDITION PLAT; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

The property owner, Lone Oak – Broward, LLC, wishes to amend the plat note on the Flo East Co Addition plat for the purpose of accommodating an ancillary office space on the site at 1751 NW 12th Avenue. Currently the note restricts development to a "single story," thereby prohibiting a mezzanine area the applicant desires to construct within the existing structure (with no additional height necessary). The existing note currently reads "This plat is restricted to single story industrial use only. Commercial/retail uses are not permitted with(out) the approval of the Board of County Commissioners who shall review and address these uses for increased impacts. This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by agreement with Broward County." The proposed note is to read, "This plat is restricted to 375,000 square feet of industrial use (333,716 square feet - Existing, 41,284 square feet - proposed). Commercial/retail uses and freestanding office buildings are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts. Industrial buildings may have no more than 30% ancillary office use per bay or single tenant building." Staff has no objections to the change.

- (1) Origin of request for this action: Joseph J. Verdone, AICP of Carlton, Fields, Jordan, Burt
- (2) Primary staff contact: Maggie Barszewski/ Robin M. Bird Ext. 7921
- (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.

7/16/2015

Approval

City Attorney

7/15/2015

7/17/15

CAC #2015-1281

Advisory Board

X City Manager

ACTION TAKEN BY COMMISSION:

Ordinance

Resolution

Consideration

Workshop

1st Reading

1st Reading

Results:

Results:

2nd Reading



City Attorney's Communication #2015-1281
July 15, 2015

TO: Maggie Barszewski, AICP, Planner
FROM: Gordon B. Linn, City Attorney
RE: Resolution Approving Plat Note Amendment

As requested in your memorandum of July 16, 2015, Department of Development Services Memorandum #15-329, 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 FLO EAST CO ADDITION PLAT; PROVIDING AN EFFECTIVE DATE.

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

GORDON B. LINN

GBL/jrm
l:cor/dev-srv/2015-1281

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 FLO EAST CO ADDITION 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 Flo East Co Addition 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:

ASCELETA HAMMOND, CITY CLERK

GBL/jrm
7/15/15
l:reso/2015-422



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

July 16, 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 Flo East Co Addition

Dear Ms. Knight:

The City of Pompano Beach has no objection to amendment of notation on the Flo East Co Addition. The change to the note is, as follows:

From:

“This plat is restricted to single story industrial use only. Commercial/retail uses are not permitted with(out) the approval of the Board of County Commissioners who shall review and address these uses for increased impacts. This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by agreement with Broward County.”

To:

“This plat is restricted to 375,000 square feet of industrial use (333,716 square feet - Existing, 41,284 square feet - proposed). Commercial/retail uses and freestanding office buildings are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts. Industrial buildings may have no more than 30% ancillary office use per bay or single tenant building.”

Regards,

Maggie Barszewski, AICP
Planner

CARLTON FIELDS
JORDEN BURT

ATTORNEYS AT LAW

CityPlace Tower
525 Okeechobee Boulevard | Suite 1200
West Palm Beach, Florida 33401-6350
P.O. Box 150 | West Palm Beach, Florida 33402-0150
561.659.7070 | fax 561.659.7368
www.CFJBLaw.com

Atlanta
Hartford
Los Angeles
Miami
New York
Orlando
Tallahassee
Tampa
Washington, DC
West Palm Beach

July 1, 2015

City of Pompano Beach Planning & Zoning
City Hall Main Building - Third Floor
100 West Atlantic Boulevard
Pompano Beach, Florida 33060

RE: Flo East Coast Addition PB 134 Page 42 Plat Note Amendment Request

Maggie-

On behalf of the property owner I am requesting an amendment to the existing plat note on the Flo East Coast Addition, PB 134 Page 42. As we have previously discussed the original plat note restricted development on site to a single story industrial use, however the property was developed with 337,716 square feet of industrial use that also includes 12,954 SF of ancillary office space located on a second floor within the existing industrial building (survey provided). Therefore we are proposing to amend the existing plat note to be consistent with the existing approved development constructed on site.

Proposed Plat Amendment

Replace the existing plat note language, which currently states:

"This plat is restricted to single story industrial use only. Commercial/retail uses are not permitted with(out) the approval of the Board of County Commissioners who shall review and address these uses for increased impacts. This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by agreement with Broward County."

with the proposed plat note language, which will state:

"This plat is restricted to 375,000 square feet of industrial use (333,716 square feet - Existing, 41,284 square feet - proposed). Commercial/retail uses and freestanding office buildings are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts. Industrial buildings may have no more than 30% ancillary office use per bay or single tenant building."

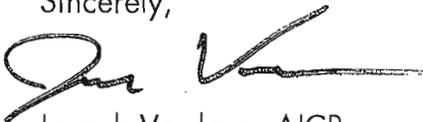
Both Pompano Beach and Broward County staff have reviewed the request and have agreed on the preliminary format and note language proposed. The proposed amended note will also provide for the ability to seek new permits for an additional 41,284 square feet of potential future growth. The site will continue to conform to the existing industrial property development regulations and all applicable zoning requirements.

A search of the public records of Broward County as performed on July 1, 2015, The results of that search found no evidence of any additional plat note amendment being recorded to date in the public record.

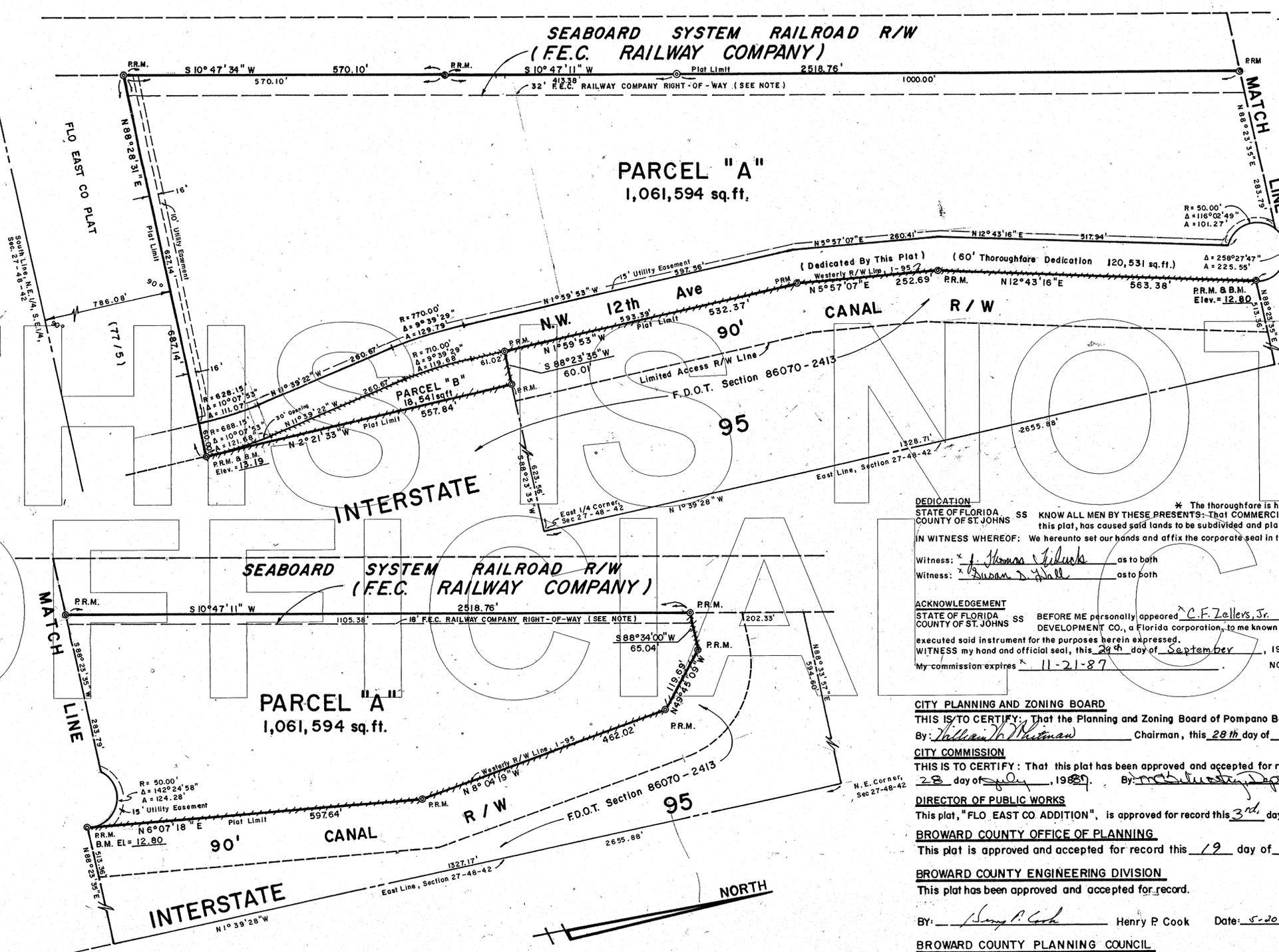
A plat amendment package including the required \$350.00 fee check, property survey, warranty deed as proof of ownership, notarized owners' consent, together with 15 copies of the existing recorded Flo East Coast Addition Plat is attached to the request.

Please contact me at (561) 650-8044 or www.cfjblaw.com, if you have any question or need additional information.

Sincerely,



Joseph Verdone, AICP



DESCRIPTION
A portion of the East one-half (E. 1/2) of Section 27, Township 48 South, Range 42 East bounded as follows:
On the North and East by the Westerly right-of-way line of Interstate 95; On the South by the North Line of Parcel "A", "FLO EAST CO PLAT", as recorded in Plat Book 77, Page 5, of the public records of Broward County, Florida; And on the West by the East right-of-way line of the Seaboard System Railroad.

NOTES
 1. P.R.M. - indicates Permanent Reference Monument
 2. B.M. - indicates Bench Mark
 This plat contains 27.5635 acres
 Bearings refer to an assumed meridian
 ***** - indicates Non-Vehicular Access Line
 The 18' and 32' F.E.C. Railroad Company Right-of-Way indicates F.E.C. Railroad Company Operating Right-of-Way
 A 10' Landscape Buffer shall be provided along the East limits of Parcel "B", and along the East limits of Parcel "A", excluding the South 500 feet of Parcel "A", and driveway openings.
 There will be no more than 10 driveway openings from Parcel "A" onto N.W. 12th Avenue with a 150 foot separation between openings.
 Reference Bench Mark: Broward County Bench Mark No. 467, Elevation 12.935
 Square cut in back of conc. sidewalk on N.E. corner of N.W. 15 St & N.W. 8 Ave
NOTICE: There may be additional restrictions that are not recorded on this plat that may be found in the public records of Broward County.
PLAT RESTRICTION: This plat is restricted to single story industrial use only. Commercial/retail uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts. This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by agreement with Broward County.

DEDICATION
 STATE OF FLORIDA SS KNOW ALL MEN BY THESE PRESENTS: That COMMERCIAL REALTY & DEVELOPMENT CO., a Florida corporation, owner of the lands described and shown as included in this plat, has caused said lands to be subdivided and platted as shown hereon, said plat to be known as "FLO EAST CO. ADDITION".
 IN WITNESS WHEREOF: We hereunto set our hands and affix the corporate seal in the City of St. Augustine, County of St. Johns, State of Florida, this 29th day of September, 1986.
 Witness: *J. Thomas Wilbur* as to both
 Witness: *Susan J. Hill* as to both
 COMMERCIAL REALTY & DEVELOPMENT CO.
 Officer: *Patricia F. Bagley* Title: *President*
 Officer: *Patricia F. Bagley* Title: *Assistant Secretary*

ACKNOWLEDGEMENT
 STATE OF FLORIDA SS BEFORE ME personally appeared *C.F. Zellers, Jr.* and *Patricia F. Bagley*, as *President* and *Assistant Secretary* of COMMERCIAL REALTY & DEVELOPMENT CO., a Florida corporation, to me known to be the persons described in and who executed the foregoing instrument and acknowledged to and before me that they executed said instrument for the purposes herein expressed.
 WITNESS my hand and official seal, this 29th day of September, 1986.
 My commission expires 11-21-87
 NOTARY PUBLIC *Clara C. DeVano*

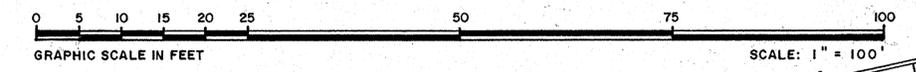
CITY PLANNING AND ZONING BOARD
 THIS IS TO CERTIFY: That the Planning and Zoning Board of Pompano Beach, Florida, has approved and accepted this plat, this 20th day of January, 1987.
 By: *Tullian Whitman* Chairman, this 28th day of July, 1987.
CITY COMMISSION
 THIS IS TO CERTIFY: That this plat has been approved and accepted for record by the City of Pompano Beach, Florida, and passed by Ordinance No. 87-63, this 28 day of July, 1987. By: *Richard J. DePaola* City Clerk, this 4 day of August, 1987.
DIRECTOR OF PUBLIC WORKS
 This plat, "FLO EAST CO ADDITION", is approved for record this 3rd day of August, 1987. Director: *J. G. Gumbert*
BROWARD COUNTY OFFICE OF PLANNING
 This plat is approved and accepted for record this 19 day of MAY, 1988. By: *Donald W. Howell* Director
BROWARD COUNTY ENGINEERING DIVISION
 This plat has been approved and accepted for record.
 By: *Henry P. Cook* Henry P. Cook Date: 5-20-88, Director, Fla. 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 for Traffic Ways by Resolution duly adopted this 27th day of AUGUST, 1987. By: *Alan J. Goldberg*, this 5 day of OCT, 1987.
BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - 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 County Commissioners of Broward County, Florida, this 15th day of September, 1987. L.A. HESTER - COUNTY ADMINISTRATOR
 By: *Phyllis Flewgen* Deputy By: *Sylvan Patton* Chairperson - County Commission
BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - COUNTY RECORDS DIVISION - RECORDING SECTION
 This plat filed for record this 25th day of May, 1988, in BOOK 134 of PLATS, at Page 42, record verified L.A. HESTER - COUNTY ADMINISTRATOR By: *Carole C. Doyle* Deputy

SURVEYOR'S CERTIFICATE
 STATE OF FLORIDA SS I HEREBY CERTIFY: That the attached plat, is a true and correct representation of the lands recently surveyed, subdivided and platted under my COUNTY OF BROWARD responsible direction and supervision, that the survey data shown complies with the applicable requirements of Chapter 177, FLORIDA STATUTES, and further that the PERMANENT REFERENCE MONUMENTS (P.R.M.'S) were set in accordance with Section 177.091 of said Chapter 177, on this 1st day of October, 1987. The BENCH MARKS shown are referenced to N.G. VERTICAL DATUM and conform to standards for third order work. This plat conforms to all applicable sections of Chapter 21-HH-6, FLORIDA ADMINISTRATIVE CODE.
 McLAUGHLIN ENGINEERING CO.
 This plat dated at Fort Lauderdale, Florida, this 18th day of November, 1986. By: *Robert C. McLaughlin* Registered Land Surveyor No. 3356, State of Florida.

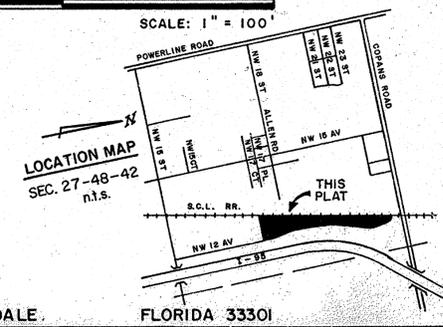
"FLO EAST CO ADDITION"

A PORTION OF SECTION 27, TOWNSHIP 48 S., RANGE 42 E.
CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA



#12

Robert C. McLaughlin
 Seal
 Commercial Realty
 Comm. Realty Notary
 Corp. Seal
 Seal
 PREPARED BY: McLAUGHLIN ENGINEERING CO. 400 N.E. 3rd AVENUE FORT LAUDERDALE, FLORIDA 33301



THIS IS AN OFFICIAL COPY

DEDICATION

STATE OF FLORIDA SS KNOW ALL MEN BY THESE PRESENTS: That KIMMEL INVESTMENTS, LTD., a
COUNTY OF DADE Florida limited partnership, owner of the lands described and shown as included
in this plat, has caused said lands to be subdivided and platted as shown hereon, said plat to be known as
"FLO EAST CO ADDITION". The thoroughfare is hereby dedicated to the public in fee simple. All easements
are hereby dedicated to the public for proper purposes.

IN WITNESS WHEREOF: I hereunto set my hand in the City of Miami, County of Dade, State of Florida,
this 12 day of August, 1987.

Witness: _____
Witness: Robert Kimmel General Partner

ACKNOWLEDGEMENT

STATE OF FLORIDA SS BEFORE ME personally appeared ROBERT KIMMEL, known to me to be the in-
COUNTY OF DADE dividual described in and who executed this instrument as a GENERAL PARTNER
of KIMMEL INVESTMENTS, LTD., a Florida Limited Partnership, acknowledged before me that he executed this
instrument as an act of the partnership for the purposes herein expressed.

WITNESS: My hand and official seal this 12 day of August, 1987.

My commission expires the 7 day of July 1990 NOTARY PUBLIC Marlino Rodriguez
STATE OF FLORIDA

DEDICATION OF MORTGAGE HOLDER

BARNETT BANKS TRUST COMPANY, N.A., a national banking association, owner and holder of a mortgage
on this property recorded in O.R. BOOK 14021, PAGE 148, Broward County Records, does hereby join in the
dedication shown hereon.

IN WITNESS WHEREOF: I hereunto set my hand and affix the corporate seal in the City of Miami,
County of Dade, State of Florida, this 4 day of MAY, 1988.

Witness: _____
Witness: Syndia D. Hingore Officer, Dennis P. Clum Title vice PRESIDENT
BARNETT BANKS TRUST COMPANY, N.A.

ACKNOWLEDGEMENT

STATE OF FLORIDA SS BEFORE ME personally appeared Dennis P. Clum
COUNTY OF Dade being the Vice President of BARNETT BANKS TRUST COMPANY, N.A.,
a national banking association, to me known to be the individual described in and who executed said instrument
for the purposes herein expressed.

My commission expires the 29th day of September, 1991.

NOTARY PUBLIC Marlino Rodriguez STATE OF FLORIDA

"FLO EAST CO ADDITION"

A PORTION OF SECTION 27, TOWNSHIP 48 S., RANGE 42 E.
CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA

Kimmel Notary	Barnett Banks Trust Co.	Barnett Notary