

REQUESTED COMMISSION ACTION:

**QUASI-JUDICIAL**

Consent

Ordinance

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 POMPANO BEACH COMMERCE CENTRE PLAT; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

The property owner, My Storage Bin, LLC, has requested to amend the plat note on the Pompano Beach Commerce Centre plat. The applicant is currently building Phase I of a self-storage facility on the site located at 51 NE 10<sup>th</sup> Street, and anticipates building Phase II in the next five years. The existing note currently reads "This plat is restricted to 80,000 square feet of self-storage warehouse use, including one caretaker unit." The proposed note would read, "This plat is restricted to 250,000 square feet of self-storage warehouse use, including one caretaker unit." (Therefore the plat would allow for an additional 170,000 square feet.) Staff has no objections to the change.

- (1) Origin of request for this action: Michael Vonder Meulen, AICP of Keith & Associates
- (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

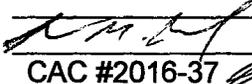
DEPARTMENTAL RECOMMENDATION

DEPARTMENTAL HEAD SIGNATURE

Dev. Serv. Dept.

10/6/2015

Approval

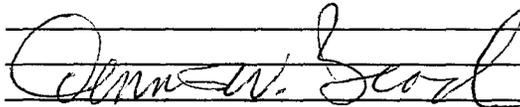
  
CAC #2016-37

City Attorney

10/9/2015

Advisory Board

City Manager



ACTION TAKEN BY COMMISSION:

Ordinance

Resolution

Consideration

Workshop

1<sup>st</sup> Reading

1<sup>st</sup> Reading

Results:

Results:

2<sup>nd</sup> Reading



**City Attorney's Communication #2016-37**  
October 9, 2015

**TO:** Maggie Barszewski, AICP, Planner  
**FROM:** Mark E. Berman, City Attorney  
**RE:** Resolution – Pompano Commerce Centre Plat Note

As requested in your memorandum of October 6, 2015, Department of Development Services Memorandum #15-546, 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 POMPANO BEACH COMMERCE CENTRE PLAT; PROVIDING AN EFFECTIVE DATE.**

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

  
MARK E. BERMAN

MEB/jrm  
l:cor/dev-srv/2016-37

Attachment

RESOLUTION NO. 2016-\_\_\_\_\_

**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 POMPANO BEACH COMMERCE CENTRE 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 Pompano Beach Commerce Centre 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**

October 6, 2015

Peggy Knight  
Broward County Development and Environmental Regulation  
1 North University Drive, Suite 102-A  
Plantation, FL 33324

RE: Pompano Beach Commerce Centre, Plat Book 179, Page 91

Dear Ms. Knight:

The City of Pompano Beach has no objection to amendment of notation on the Pompano Beach Commerce Centre Plat. The change to the note is, as follows:

**From:**

This plat is restricted to 80,000 square feet of self-storage warehouse use, including one caretaker unit.

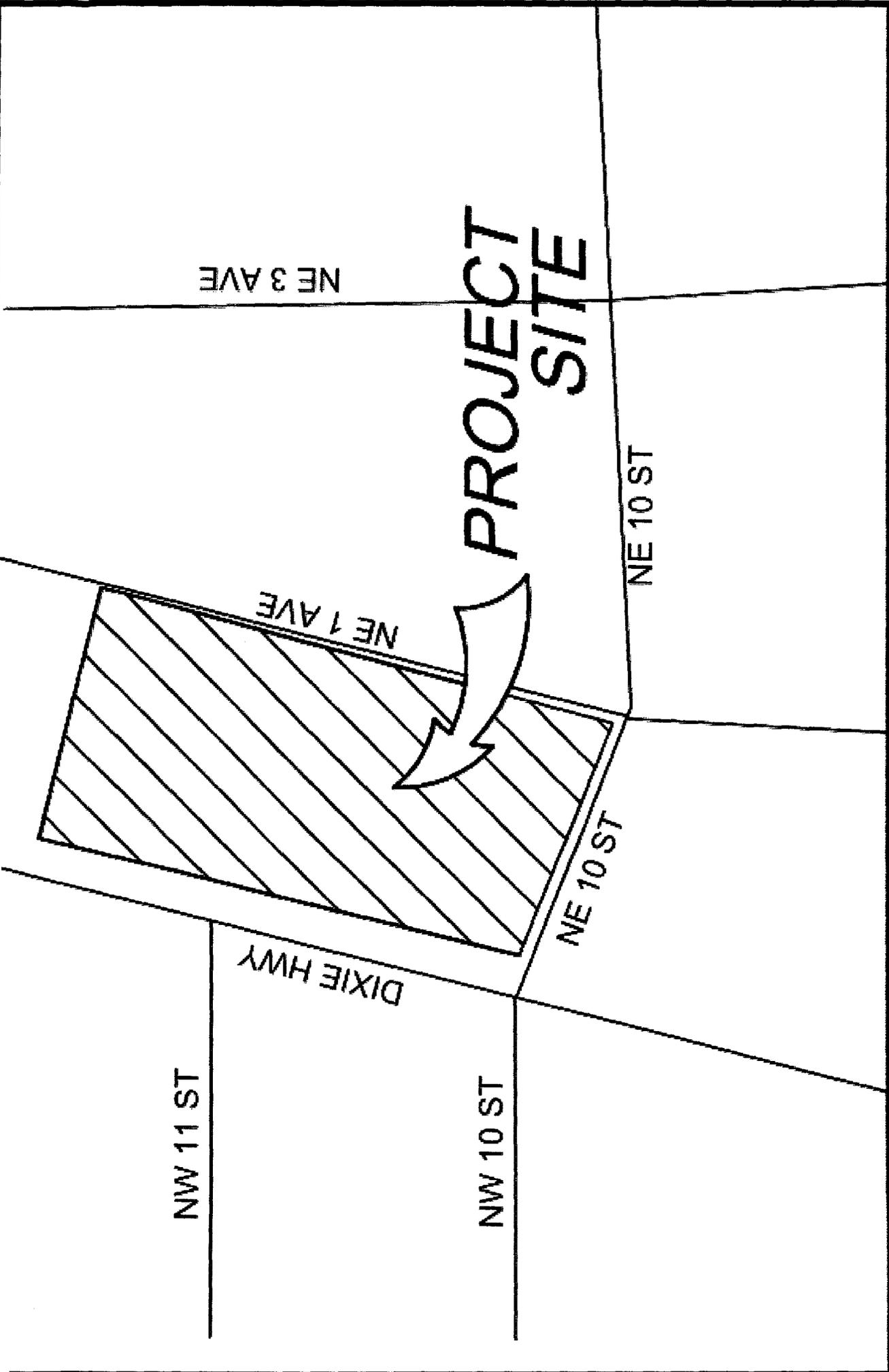
**To:**

This plat is restricted to 250,000 square feet of self-storage warehouse use, including one caretaker unit.

If we may be of further assistance, please contact me at 954.786.7921.

Sincerely,

Maggie Barszewski, AICP  
Planner



VICINITY MAP

(NOT TO SCALE)

# POMPANO BEACH COMMERCE CENTRE

A REPLAT OF PORTION OF LOTS 7 & 8 IN THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST, CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA.

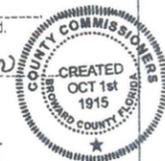
CFN # 109374159,  
Page 1 of 2  
Recorded 06/10/2010 at 08:04 AM

### BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT COUNTY RECORDS DIVISION - RECORDING SECTION:

This instrument was filed for record this 10 day of June 2010, and recorded in Plat Book 179 Page 41, record verified.

Attest: Bertha Henry  
County Administrator

By: *Renee Palmer*  
Deputy



### 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 13 day of May 2008.

Attest: Bertha Henry  
County Administrator

By: *Kate Kil*  
Mayor - County Commission  
*David Manna*  
Deputy



### BROWARD COUNTY HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION:

This plat was approved and accepted for record.

By: *Richard Tognese*  
Date 6/3/10  
Richard Tognese  
Director of Engineering  
Florida Professional Engineer  
Florida Registration Number 40263

By: *Robert P. Legu, Jr.*  
Date 6/2/10  
Robert P. Legu, Jr.  
Professional Surveyor and Mapper  
Florida Registration Number LS 4030

### BROWARD COUNTY PLANNING COUNCIL:

This is to certify that the Broward County Planning Council approved this plat subject to its compliance with the dedication of rights-of-way for trafficways this 23 day of August 2008.

By: *Chris*  
Date 6/24/2008  
Chris  
Chairperson

This plat complies with the approval of the Broward County Planning Council of the above date and is approved and accepted for record this 5 day of June 2010.

By: *SB*  
Executive Director or Designee

### BROWARD COUNTY ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT:

This Plat is hereby approved and accepted for record.

By: *John H. Dant* 6-3-10  
Date  
John H. Dant  
Director/Designee

### SURVEYORS CERTIFICATE:

I hereby certify that the attached plat is a true and correct representation of the lands recently surveyed, subdivided and platted under my responsible direction and supervision. That the survey data complies with the applicable requirements of Chapter 177, Part 1, Florida Statutes and with the applicable section of Chapter 61G17-6, Florida Administrative Code. And further that the Permanent Reference Monuments (PRM's) were set this 4th day of September 2007 in accordance with section 177.091 of said Chapter 177. The benchmarks shown hereon are referenced to the National Geodetic Vertical Datum (NGVD) of 1929 and were established in conformity with standards adopted by the National Ocean Survey for third order vertical control.

Dated this 4th day of September 2007, in Broward County, Florida.

By: *Mikki H. Ulrich*  
Mikki H. Ulrich  
Professional Surveyor and Mapper  
No. 5853  
State of Florida

DEN: LAND SURVEYORS, INC.  
Certificate of Authorization LB Number 7381

### DESCRIPTION:

A parcel of land in the Northeast 1/4 of Section 35, Township 48 South, Range 42 East, PLAT OF THE SUBDIVISION OF SECTION 35, TOWNSHIP 48 SOUTH RANGE 42 EAST, according to the plat thereof, as recorded in Plat Book B, Page 76 of the Public Records of Dade County, Florida, said parcel being more particularly described as follows:

BEGINNING on the North line of the Northwest 1/4 of the of the Southeast 1/4 of the Northeast 1/4 of Section 35, thence run due East 232.59 feet (on an assumed bearing) along said North line, to an intersection with a line 223.78 feet East of, as measured at right angles, and parallel to said Easterly right-of-way line of the Florida East Coast Railroad; thence run South 15°49'17" West 622.0 feet along said parallel line, also forming the Westerly right-of-way line of Northeast 1st Avenue, to a point of curvature of a curve to the right; thence along the arc of said curve to the right, having a radius of 25.00 feet and a central angle of 85°47'48", run Southwesterly 37.44 to a point of compound curvature, on the Northernly right-of-way line of Northeast 10th Street; thence along said Northernly right-of-way line, on the arc of a curve to the right, having a radius of 210 feet and a central angle of 09°29'58", run Northwesterly 34.82 feet, to a point of tangency; thence run North 68°52'57" West along said Northernly right-of-way line, being the tangent extended, to a intersection with said Easterly right-of-way line of Florida East Coast Railroad; thence run North 15°49'17" East 567.79 feet along said Easterly right-of-way line, to the POINT OF BEGINNING. Said lands situate in Pompano Beach, Broward County, Florida, containing 3.127 acres, more or less.

### DEDICATION:

Know all men by these presents that POMPANO BEACH COMMERCE CENTRE, LLC, a Florida Limited Liability Company, owners of the lands described hereon, have caused said lands to be surveyed, subdivided and platted in the manner shown hereon. Said plat to be known as "POMPANO BEACH COMMERCE CENTRE", a replat.

All easements shown hereon are dedicated for the use of the public for proper purposes. All road rights-of-way are dedicated in fee simple to the public for proper purposes.

IN WITNESS WHEREOF, POMPANO BEACH COMMERCE CENTRE, LLC, a Florida Limited Liability Company, set their hand and seal this 12th day of June 2010.

By: *Richard W. Moger*  
Richard W. Moger, LLC  
Print Name: RICHARD W. MOGERMAN  
Manager

Witness  
By: *Mary Holmberg*  
Print Name: MARY HOLMBERG

### CITY ENGINEER:

This plat is approved for record this 13th day of May 2008.

By: *Heleen Gray*  
Heleen Gray, P.E.  
City Engineer

### CITY OF POMPANO BEACH 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 26 day of May 2008.

By: *George Fivek*  
George Fivek, Chairman

This 26 day of May 2008.

### CITY OF POMPANO BEACH CITY COMMISSION:

This is to certify that this plat has been approved for recording by the City of Pompano Beach, Florida, and passed by Resolution No. 2008-87 This 11th day of December 2008.

No building permits shall be issued for the construction, expansion, and/or conversion of a building within this plat until such time as the developer provides this municipality with written confirmation from Broward County that all applicable impact fees have been paid or are not due.

Attest:  
By: *Lamar Fisher*  
Lamar Fisher, Mayor

This 14th day of January 2008.

By: *Mary Chambers*  
Mary Chambers, City Clerk

This 15th day of January 2008.

### ACKNOWLEDGEMENT:

STATE OF FLORIDA S.S.  
COUNTY OF BROWARD S.S.  
BEFORE ME personally appeared *Richard W. Moger* as Manager of POMPANO BEACH COMMERCE CENTRE, LLC, a Florida Limited Liability Company, to me well known to be the person described in and who executed the foregoing dedication, personally appeared before me and acknowledged to and before me the foregoing instrument of dedication for the purposes therein expressed. He did not take an oath.

Witness my hand and official seal this 12th day of June 2010.

By: *Ronald Beasley*  
Notary Public

### MORTGAGE DEDICATION:

Know all men by these presents that: STONEGATE BANK, a Florida Banking Corporation, holder of the mortgage of the lands described hereon as recorded in Official Records Book 42405, Page 1455 of the Public Records of Broward hereby joins in the foregoing dedication as shown hereon.

STONEGATE BANK

Witness: *Staci Bluestein*  
Print Name: Staci Bluestein

Witness: *Steven Sanzone*  
EVP

Witness: *Melissa Merlini*  
Print Name: Melissa Merlini

### MORTGAGE ACKNOWLEDGEMENT:

STATE OF FLORIDA S.S.  
COUNTY OF BROWARD S.S.  
I hereby certify that: *Steven Sanzone* as EVP of STONEGATE BANK, to me well known to be the persons described in the foregoing dedication, personally appeared before me on this day and acknowledged to and before me the execution of the foregoing instrument of dedication for the purposes therein expressed. He did not take an oath.

IN WITNESS WHEREOF: I have hereunto set my hand and seal this 8th day of June 2007.

My commission expires: *Lori Correa*  
Notary Public LORI CORREA



# POMPANO BEACH COMMERCE CENTRE

CFN #109374159  
Page 2 of 2

SHEET 2 OF 2

A REPLAT OF PORTION OF LOTS 7 & 8 IN THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST, GEO. O. BUTLER SUBDIVISION (PB B, PG 76, DCR), CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA.

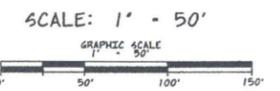
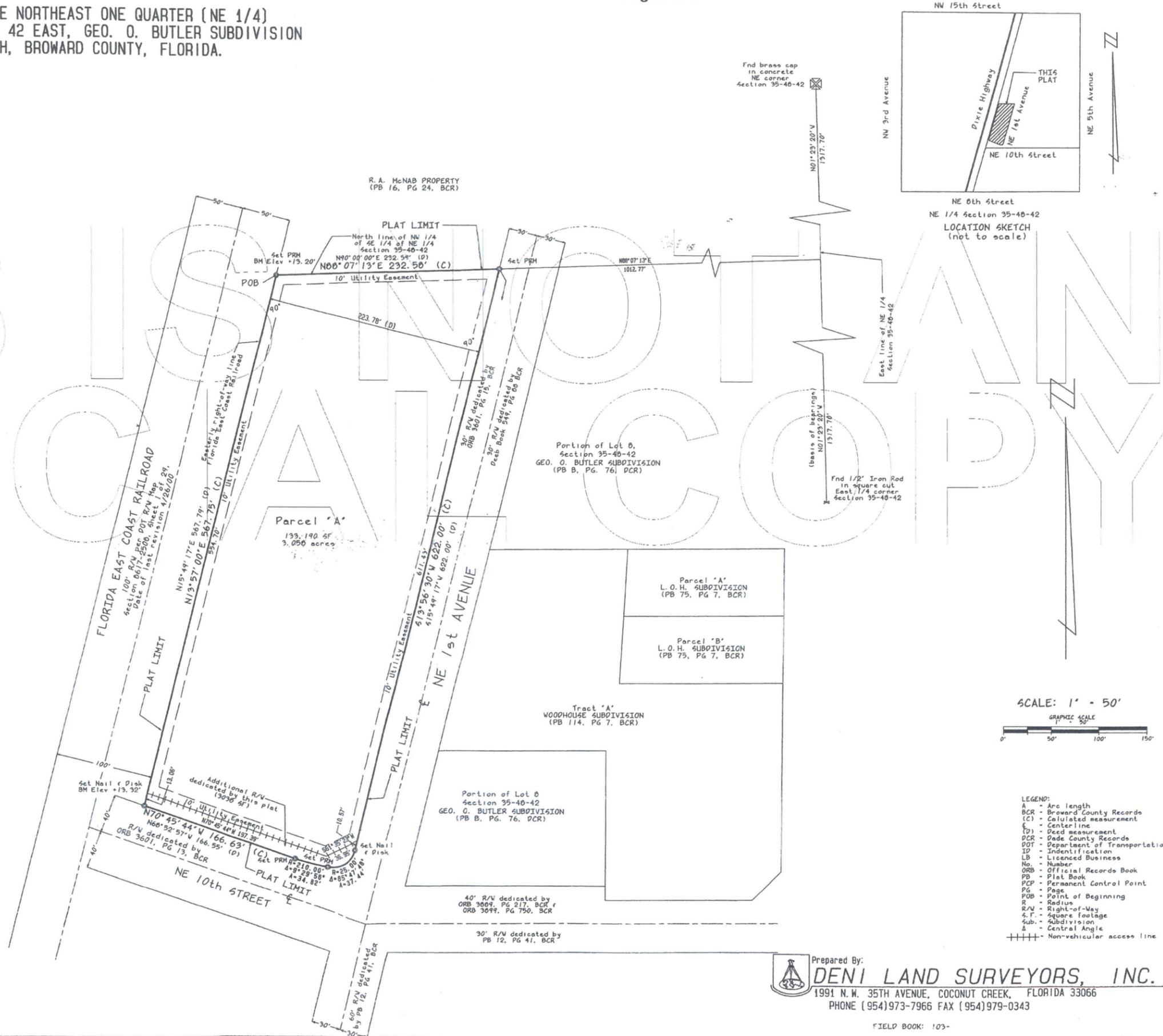
## NOTES:

1. P.R.M. Indicates Permanent Reference Monument (5" round, 24" long concrete monument with aluminum disk stamped DENI LAND SURVEYORS, PRM, LB #7281)
2. Bearings shown hereon are based on assumed meridian. The bearing reference line is the East line of the Northeast 1/4 of Section 35-48-42. Said line bears North 01°23'20" East.
3. B.M. elev. where indicated refers to benchmark elevation.
4. Benchmarks shown hereon are referenced to the National Geodetic Vertical Datum (N.G.V.D.) of 1929 and are based on Broward County Benchmark No. 693; Northwest rim of manhole, Northwest 3rd Avenue and Northwest 10th Street; elevation +12.810'.
5. NOTICE: This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.
6. Gross area: 136,223 SF 3.127 acres  
New area: 133,185 SF 3.058 acres
7. This plat is restricted to: 10,000 square feet of commercial use and 60,000 square feet of warehouse use. No free standing or drive-thru bank facilities are permitted on this plat. Commercial/retail uses, industrial uses or stand alone office uses are permitted within the warehouse use without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts. Warehouse buildings are further restricted to no more than 30X ancillary office per bay or single tenant building.

Any structure within this plat must comply with Section IV D.1.f., Development Review Requirements, of the Broward County Land Use Plan, regarding hazards to air navigation.

This note is required by Chapter 5, Article IX, Broward County Code of Ordinances and may be amended by approval of the Broward County Board of County Commissioners. The notation and any amendments thereto are solely indicating the approved development level for property located within the plat and do not operate as a restriction in favor of any property owner including an owner or owners of property within this plat who took title to the property with reference to this plat.

1. If a building permit for a principal building (excluding dry models, sales and construction offices) and first inspection approval are not issued by May 13, 2013, which date is five (5) years from the date of approval of this plat by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County makes a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property shall be responsible for providing evidence to Broward County from the appropriate governmental entity documenting compliance with this requirement within the above referenced time frame; and/or
2. If project water lines, sewer lines, drainage and the rock base for internal roads are not issued by May 13, 2013, which date is five (5) years from the date of approval of this plat by Broward County, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County makes a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. This requirement may be satisfied for a phase of the project, providing a phasing plan has been approved by Broward County. The owner of the property shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame.
3. The following note is required by the Broward County Surveyor pursuant to Chapter 177.091, subsection (28), Florida Statutes: Platted utility easements are also easements for the construction, installation, maintenance and operation of cable television services; provided, however, no such construction, installation, maintenance and operation of cable television services shall interfere with the facilities and services of electric, telephone, gas or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This does not apply to private easements granted to or obtained by a particular electric, telephone, gas or other public utility. Such construction, installation, maintenance and operation shall comply with the National Electric Safety Code as adopted by the Florida Public Service Commission.
4. All facilities for the distribution of electricity, telephone and cable television shall be installed underground.
5. Sidewalks will be installed along all street frontages and included with a principal building.



- LEGEND:
- A - Arc length
  - BCR - Broward County Records
  - (C) - Calculated measurement
  - CL - Centerline
  - DM - Deed measurement
  - DCR - Dade County Records
  - DOT - Department of Transportation
  - ID - Identification
  - LB - Licensed Business
  - No. - Number
  - ORB - Official Records Book
  - PB - Plat Book
  - PCP - Permanent Control Point
  - PG - Page
  - POB - Point of Beginning
  - R - Radius
  - R/W - Right-of-Way
  - S.F. - Square Footage
  - Sub. - Subdivision
  - Δ - Central Angle
  - ++++ - Non-vehicular access line

Prepared By:  
**DENI LAND SURVEYORS, INC.**  
1991 N. W. 35TH AVENUE, COCONUT CREEK, FLORIDA 33066  
PHONE (954) 973-7966 FAX (954) 979-0343