

REQUESTED COMMISSION ACTION: **QUASI-JUDICIAL**

Consent     Ordinance     Resolution     Consideration     Workshop

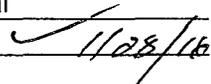
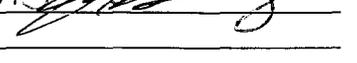
SHORT TITLE    AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A CERTAIN PORTION OF RIGHT-OF-WAY FOR SW 13<sup>TH</sup> STREET LYING EAST OF I-95 AND WEST OF SW 9<sup>TH</sup> AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

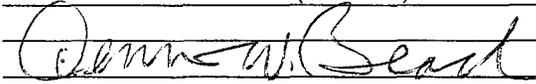
This is a City-initiated request to abandon a 40-foot portion of the 13<sup>th</sup> Street public right-of-way located between I-95 and SW 9th Avenue. After an assessment of the usage of various public rights-of way, staff has concluded that this small portion of public right-of-way is not considered necessary as a public roadway, and therefore eligible for abandonment. This request was initially considered at the October 28, 2015 Planning & Zoning Meeting, where the item was tabled and staff was directed by the Board to ensure the adjacent property owners were made aware of resulting responsibilities should the request be approved. Staff, then sent a certified letter (*included in the backup*) that provided such notification. The request was then heard at the December 16, 2015 Planning & Zoning meeting where it was unanimously recommended for approval with one condition. The condition was that staff had to hold up placement of this request on a City Commission Agenda until all comments were received from all service providers, or until 30 days from the date of the recommendation, whichever occurred first. A copy of the minutes from both Planning & Zoning meetings is attached. During that time, the Department of Transportation requested an easement be placed on the property to be abandoned, in order for them to continue to have access to the I-95 barrier wall. Staff objects to this easement request since there has been no such access needed in the past, nor has there been such a need with similar properties along the I-95 Corridor. Furthermore, it would encumber property that the two adjacent property owners will receive. Therefore, staff does not agree with DOT's easement request.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Development Services Dept.
- (2) Primary staff contact: Maggie Barszewski / Robin 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. Services	10/15/2015	Approval	P&Z # 15-566 
City Attorney	1/11/2016		CAC # 2016-364 

Planning & Zoning Board    P&Z Memo # 16-001 (1/11/16)

City Manager     

ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration	Workshop
1 <sup>st</sup> Reading <u>2/9/16</u> Approved	1st Reading _____	Results: _____	Results: _____
2 <sup>nd</sup> Reading <u>2/23/16</u>	_____	_____	_____



**City Attorney's Communication #2016-364**  
January 11, 2016

**TO:** Maggie Barszewski, AICP, Planner  
**FROM:** Mark E. Berman, City Attorney  
**RE:** Ordinance Abandoning a Portion of SW 13<sup>th</sup> Street Right-of-Way

As requested in your memorandum of December 30, 2015, Department of Development Services Memorandum #15-325, the following form of ordinance, relative to the above-referenced matter, has been prepared and is attached:

**AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A CERTAIN PORTION OF RIGHT-OF-WAY FOR SW 13<sup>TH</sup> STREET LYING EAST OF I-95 AND WEST OF SW 9<sup>TH</sup> AVENUE; PROVIDING FOR SEVERABILITY; 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/2016-364

Attachment

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

**AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A CERTAIN PORTION OF RIGHT-OF-WAY FOR SW 13<sup>TH</sup> STREET LYING EAST OF I-95 AND WEST OF SW 9<sup>TH</sup> AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City notifying the public of this proposed Ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

**WHEREAS**, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; and

**WHEREAS**, the City Commission has received a request for the abandonment of a certain portion of right-of-way for SW 13<sup>th</sup> Street lying east of I-95 and west of SW 9<sup>th</sup> Avenue; and

**WHEREAS**, the Planning and Zoning Board has made its recommendation upon said request; now, therefore,

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** It is hereby found and determined by the City Commission that the public health, welfare, safety and necessity no longer require retention of any interest by the public in that certain portion of the right-of-way as more fully described below.

**SECTION 2.** It is hereby further found and determined that abandonment and vacation of that certain portion of the right-of-way will not have a detrimental effect upon the surrounding property or area.

**SECTION 3.** That the City of Pompano Beach does hereby abandon and vacate the following described right-of-way:

**See Exhibit "A" attached hereto and incorporated herein as if set forth in full.**

**SECTION 4.** That the City Clerk is hereby instructed to record this Ordinance in the Public Records of Broward County, Florida.

**SECTION 5.** If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 6.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm  
1/11/16  
L:ord/2016-89

## **Exhibit A**

### **City-Initiated Right-of-Way Abandonment**

#### **Legal Description**

##### **Dead End at SW 13<sup>th</sup> Street**

**The Southern 20 feet of SW 13th Street lying between lot 1 block 7 and lot 30 block 6 of the subdivision of Lafayette Homesites as recorded in Plat Book 5, page 4 of the public records of Broward County.**

**Together with,**

**The Northern 20 feet of SW 13<sup>th</sup> Street lying between lot 1 block 7 and lot 30 block 6 of the subdivision of Lafayette Homesites as recorded in Plat Book 5, page 4 of the public records of Broward County.**

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY  
MEMORANDUM #16-001**

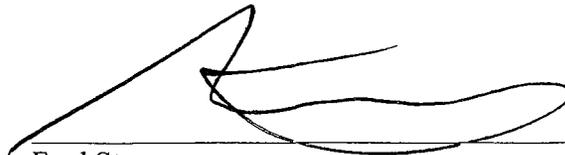
**DATE:** January 11, 2016  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** RIGHT-OF-WAY ABANDONMENT - City of Pompano Beach dead end on SW 13<sup>th</sup> Street between SW 9<sup>th</sup> Avenue and I-95  
P & Z #15-18000002 40-foot right-of-way abandonment

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At the meeting of the Planning and Zoning Board/ Local Planning Agency held on December 16, 2015, the Board considered the request by the **CITY OF POMPANO BEACH** requesting the ABANDONMENT OF THE FORTY (40)--FOOT RIGHT-OF-WAY on the above referenced property.

It is the unanimous recommendation of the Board that the RIGHT-OF-WAY ABANDONMENT request be approved with the following condition of staff:

1. This request will not be placed on a City Commission Agenda until all comments are received from each service provider, or until 30 days from the date of this recommendation, whichever occurs first.



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Fred Stacer  
Chairman  
Planning and Zoning Board/ Local Planning Agency



# MEMORANDUM

## Development Services

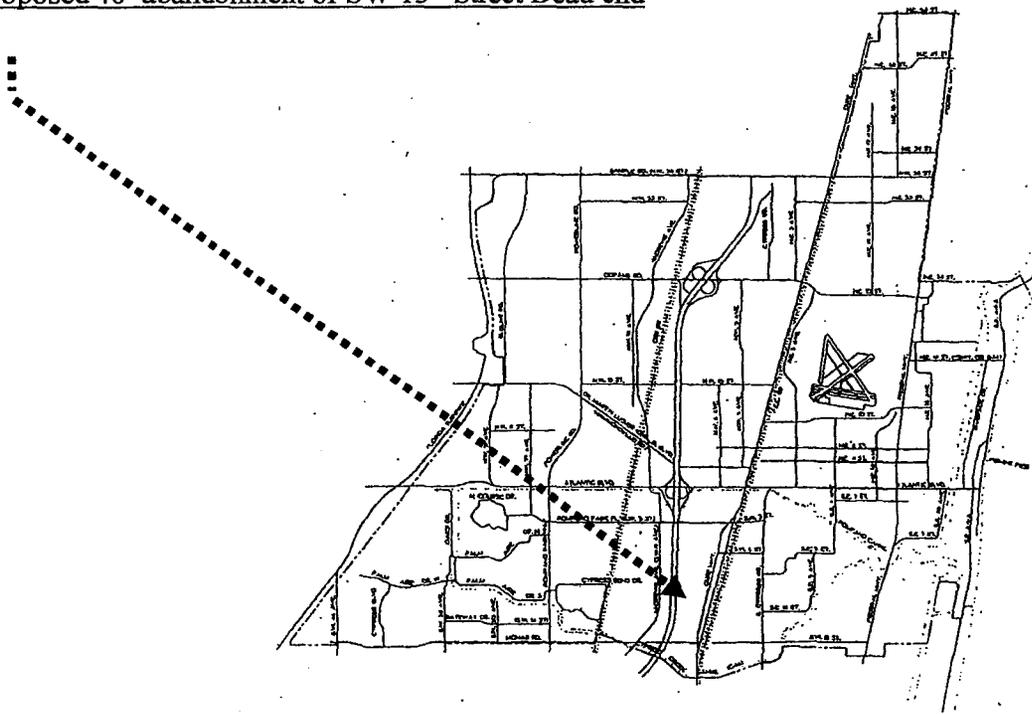
**MEMORANDUM NO. 15-566**

**DATE:** October 15, 2015  
**TO:** Planning & Zoning Board  
**VIA:** Robin M. Bird, Development Services Director *RV*  
**FROM:** Maggie Barszewski, AICP, Planner *MAB*  
**RE:** Request to vacate a 40-foot right-of-way dead end on SW 13<sup>th</sup> Street between SW 9<sup>th</sup> Avenue and I-95

P & Z # 15-1800002

The City of Pompano Beach has conducted an analysis to assess the usage of various public rights-of-way. The dead end public right-of-way located at SW 13 Street, between SW 9<sup>th</sup> Avenue and I-95 was assessed as being eligible for abandonment, since it is not considered necessary as a public roadway. Therefore, the City is requesting abandonment of the 40-foot right-of-way. Since this right-of-way had been dedicated by plat, if this request is ultimately approved by the City Commission, the north half will revert to the property owner to the north and the south half will revert to the property owner to the south.

Proposed 40' abandonment of SW 13<sup>th</sup> Street Dead end

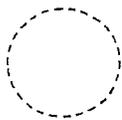


## LEGEND

### FOR LAND USE PLAN

Symbol      Classification Units/ Acre

	Gross Residential Density	
	Residential	*
E	Estate	
L	Low	
LM	Low- Medium	
* M	Medium	
MH	Medium-High	
H	High	
C	Commercial	
DPTOC	Downtown Pompano Transit Oriented Corridor	
CR	Commercial Recreation	
I	Industrial	
T	Transportation	
U	Utilities	
CF	Community Facilities	
OR	Recreation & Open Space	
W	Water	
RAC	Regional Activity Center	
	Boundaries	
	City of Pompano Beach	
	Number	



Reflects the maximum total number of units permitted within the dashed line of Palm Aire & Cypress Bend being 9,724 and 1,998

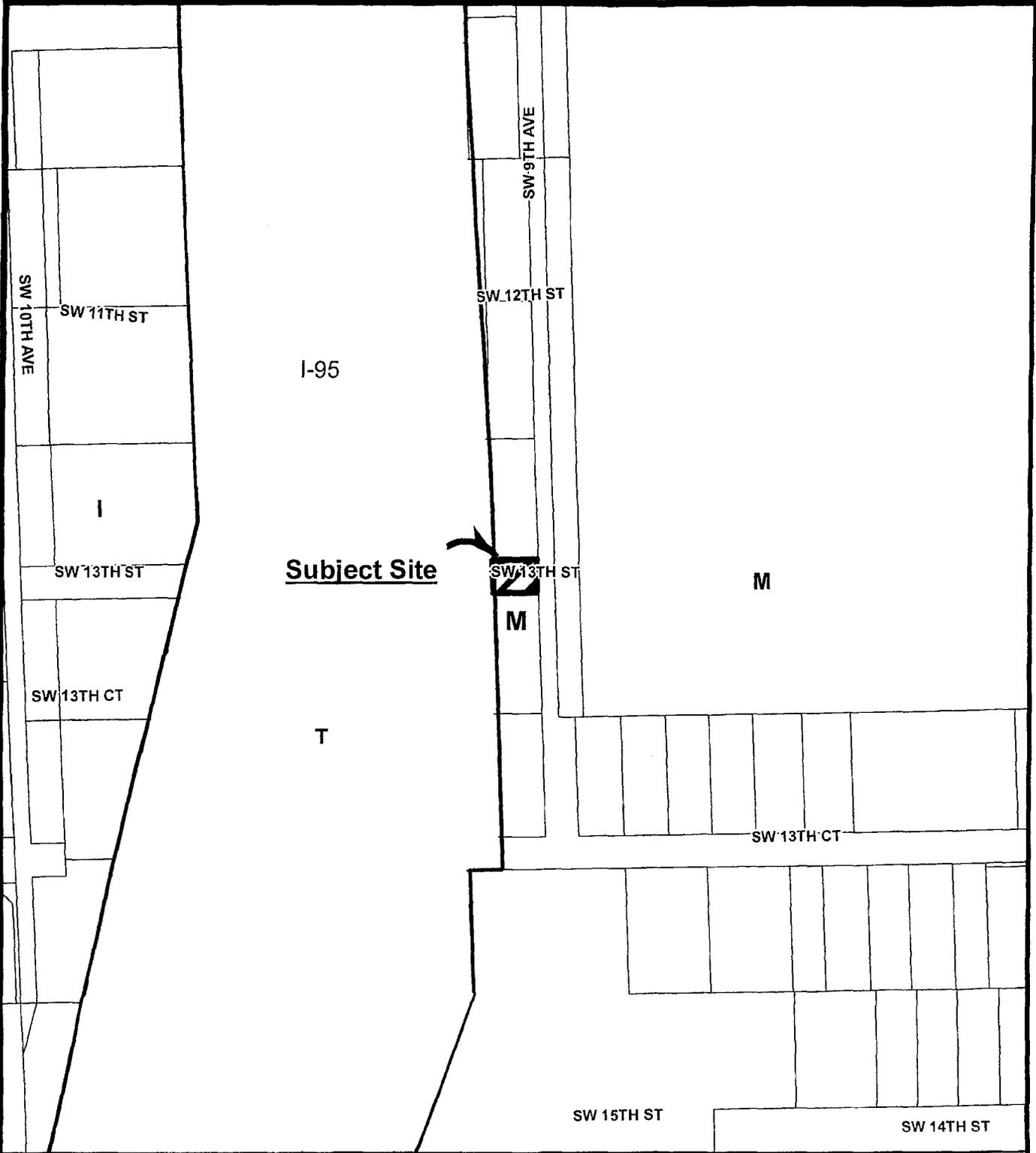
### FOR ZONING MAP

Symbol      District

RS-1	One-Family Residence
RS-2	One-Family Residence
RS-3	One-Family Residence
RS-4	One-Family Residence
RD-1	Two- Family Residence
RM-12	Multi-Family Residence
RM-20	Multi-Family Residence
RM-30	Multi-Family Residence
RM-45	Multi-Family Residence
RM-45/HR	Overlay
RPUD	Residential Planned Unit Dev.
AOD	Atlantic Boulevard Overlay District
MH-12	Mobile Home Park
B-1	Limited Business
B-2	Neighborhood Business
B-3	General Business
B-4	Heavy Business
RO	Residence Office
M-1	Marina Business
M-2	Marina Industrial
I-1	General Industrial
I-1X	Special Industrial
O-IP	Office Industrial Park
BP	Business Parking
BSC	Planned Shopping Center
PCI	Planned Commercial / Industrial Overlay
PR	Parks & Recreation
CR	Commerical Recreation
CF	Community Facilities
T	Transportation
PU	Public Utility

* <b>Existing</b>
> <b>Proposed</b>

# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP

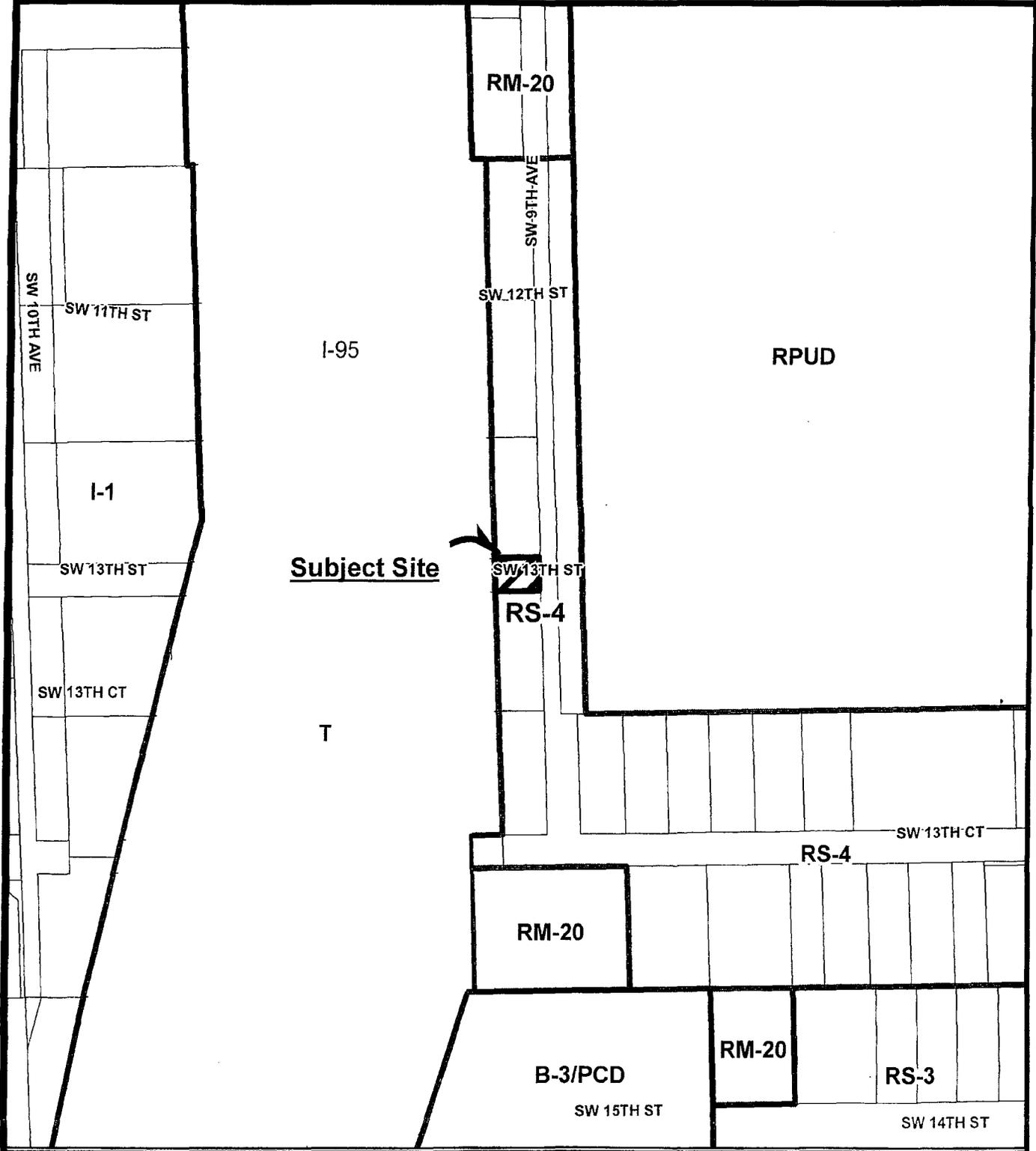


1 in = 167 ft

3

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# CITY OF POMPANO BEACH OFFICIAL ZONING MAP

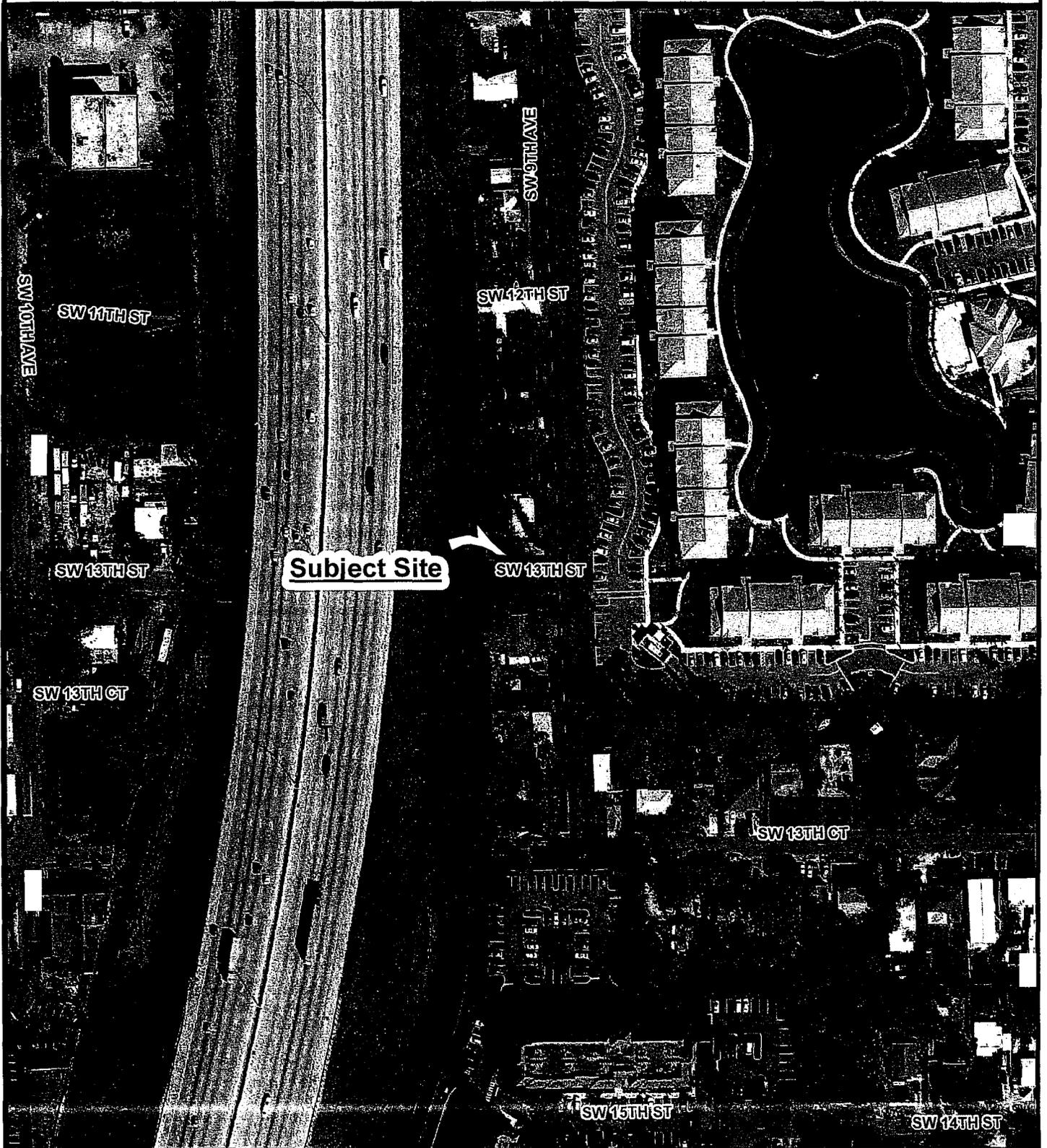


1 in = 167 ft

4

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# CITY OF POMPANO BEACH AERIAL MAP



1 in = 167 ft

5

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES



**REVIEW AND SUMMARY**

DRC Dates: Note that Vacation/ Abandonment Requests do not go to DRC.

<b>Zoning Department:</b>	<b>No Objection</b>
<b>Community Redevelopment Agency</b>	<b>No Objection</b>
<b>Code Compliance</b>	<b>No Objection</b>
<b>Fire Department:</b>	<b>No Response to Date</b>
<b>Engineering Department:</b>	<b>No Objection</b>
<b>Public Works Department:</b>	<b>No Objection</b>
<b>Utilities Department:</b>	<b>No Objection</b>
<b>AT&amp;T:</b>	<b>No Response to Date</b> ✓ <i>Now received</i>
<b>TECO Gas:</b>	<b>No Response to Date</b>
<b>Department of Transportation:</b>	<b>No Response to Date</b> ✓ " "
<b>FP&amp;L:</b>	<b>No Response to Date</b> ✓ " "
<b>Comcast Cable:</b>	<b>No Response to Date</b>



Development Services Department  
Robin M. Bird, Director  
Advisory Board Secretary  
City of Pompano Beach, Florida

100 W. Atlantic Boulevard, Pompano Beach, Florida 33060 | p: 954.786.4662 | f: 954.786.4044

November 13, 2015

Dear Property Owner,

The City of Pompano Beach has filed an application to abandon the 40-foot right-of-way (aka dead-end) located on SW 13<sup>th</sup> Street. This application requires a recommendation by the Planning and Zoning Board and approval by the City Commission. Since this right-of-way was dedicated to the City by plat it is likely that (after a Title search) the County will revert the northern half to the adjacent property owner to the north and revert the southern half to the adjacent property owner to the south.

The below list includes the impacts if this proposed abandonment is approved:

- 1) The property owner will have an additional 1,100 square feet added to your property;
- 2) The property owner may, as a result of the additional property, have an increased property tax;
- 3) The property owner will be responsible for maintaining this additional property;
- 4) The property owner will be able to fence in this property, if proper permits are obtained.

The city's abandonment request of the 40-foot right-of-way (aka dead-end) will be heard at the **December 16, 2015 Planning & Zoning Board Meeting at 7:00 pm**. The Board will make a recommendation on the application for abandonment and then it will have two more public hearings before the City Commission.

You are invited to attend the Planning & Zoning meeting and make your comments known to the Board in person, or if you prefer, you may submit your written comments to the following:

City of Pompano Beach Planning and Zoning Board  
c/o Kerrie MacNeil, Zoning Technician  
P.O. Drawer 1300  
Pompano Beach, Florida 33061  
Email: Kerrie.macneil@copbfl.com

If you have any questions concerning this abandonment request, or desire any additional information, please feel free to contact Maggie Barszewski at 954-786-7921.

Sincerely,

Robin M. Bird, Development Services Director

**D.    INDIVIDUALS TESTIFYING PLACED UNDER OATH**

*Took place after item 8 which was heard first.*

City staff and members of the public testifying before the Board at the meeting were placed under oath by Kerrie MacNeil, Zoning Technician and Notary Public in the State of Florida.

**E.    ABANDONMENT / VACATION REQUESTS**

**1.    CITY OF POMPANO BEACH / 40' ABANDONMENT OF RIGHT-OF-WAY AT SW 13<sup>TH</sup> STREET DEAD END**

**Planning and Zoning #15-1800002**

Consideration of the request by the **CITY OF POMPANO BEACH** to abandon the dead end 40-foot public right-of-way located at SW 13th Street, between SW 9<sup>th</sup> Avenue and I-95. The property is legally described as follows:

THE SOUTHERN 20 FEET OF SW 13<sup>TH</sup> STREET LYING BETWEEN LOT 1 BLOCK 7 AND LOT 30 BLOCK 6 OF THE SUBDIVISION OF LAYFAYETTE HOMESITES AS RECORDED IN PLAT BOOK 5, PAGE 4 OF THE PUBLIC RECORDS OF BROWARD COUNTY.

TOGETHER WITH,

THE NORTHERN 20 FEET OF SW 13<sup>TH</sup> STREET LYING BETWEEN LOT 1 BLOCK 7 AND LOT 30 BLOCK 6 OF THE SUBDIVISION OF LAYFAYETTE HOMESITES AS RECORDED IN PLAT BOOK 5, PAGE 4 OF THE PUBLIC RECORDS OF BROWARD COUNTY.

AKA: SW 13<sup>th</sup> Street between SW 9<sup>th</sup> Avenue and I-95

ZONED: Single-Family Residence (RS-4)

STAFF CONTACT: Maggie Barszewski (954)786-7921

Karen Friedman introduced herself to the Board and stated that this item is a request by the City of Pompano Beach to abandon a portion of the right-of-way located at SW 13 Street, between SW 9<sup>th</sup> Avenue and I-95. Staff has determined that this application meets the criteria that the right-of-way does not currently, nor in the future will it, serve a public purpose. This request had been considered at the October 28<sup>th</sup> Planning & Zoning Meeting. The Planning & Zoning Board directed staff to ensure the adjacent property owners were made aware of resulting responsibilities should the request be approved. Since that meeting staff has sent letters via certified mail to both the north and south property owners. Staff has also received a letter of no objection response from seven of the service providers. Currently five additional service providers have not yet responded.

Mrs. Friedman stated that staff is recommending approval with one condition:

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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. // kem

1. This request will not be placed on a City Commission Agenda until all comments are received from each service provider, or until 30 days from the date of this recommendation, whichever occurs first.

Walter Syrek asked staff if they have received all letters from the service providers and Mrs. Friedman clarified that staff is still waiting on five providers to respond.

Trip Bechert asked if either of the property owners responded. Mrs. Friedman answered that one property owner sent the letter back and we have not received any response from the other property owner.

Mr. Stacer asked if anyone in the audience would like to speak on the item. No one responded.

**MOTION** made by Trip Bechert and seconded by Dwight Evans to recommend approval of the right-of-way abandonment request subject to the one (1) condition of staff. All voted in favor of the above motion; therefore, the motion passed.

**2. CITY OF POMPANO BEACH / ABANDONMENT OF CANAL-CORNER  
RIGHT-OF-WAY SOUTH OF 2600 NE 5<sup>TH</sup> STREET**

**Planning and Zoning #15-18000003**

Consideration of the request by the **CITY OF POMPANO BEACH** to abandon the triangular canal-corner right-of-way located adjacent to NE 26<sup>th</sup> Avenue and 2600 NE 5<sup>th</sup> Street. The property is legally described as follows:

ALL THAT PARCEL OF LAND LOCATED SOUTH OF AND ADJACENT THERETO TO THE SOUTH BOUNDARY LINE OF LOT 1, BLOCK 10, OF HARBOR VILLAGE SECTION "C", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 33, PAGE 47, OFFICIAL RECORDS OF BROWARD COUNTY, FLORIDA, (SAID SOUTH BOUNDARY LINE BEING COINCIDENT WITH THE NORTH LINE OF A 100 FOOT CANAL DEDICATED PER SAID PLAT AS CALIANDRA CANAL) AND LOCATED EAST OF AND ADJACENT THERETO TO THE EAST BOUNDARY LINE OF LOT 1, BLOCK 10, OF HARBOR VILLAGE SECTION "C", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 33, PAGE 47, OFFICIAL RECORDS OF BROWARD COUNTY, FLORIDA, (SAID EAST BOUNDARY LINE BEING COINCIDENT WITH THE WEST LINE OF A 100 FOOT CANAL DEDICATED PER SAID PLAT AS CALIANDRA CANAL) AND LOCATED NORTH OF AND ADJACENT THERETO TO THE CENTER LINE OF AN EXISTING CONCRETE SEAWALL.

AKA: Canal corner adjacent to NE 26<sup>th</sup> Ave and 2600 NE 5<sup>th</sup> Street

ZONED: Single-Family Residence (RS-2)

STAFF CONTACT: Maggie Barszewski (954)786-7921

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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. // kem



CITY OF POMPANO BEACH  
FLORIDA

**CITY HALL OFFICES:**

100 W. Atlantic Boulevard  
Pompano Beach, Florida  
PHONE: (954) 786-4662

*Visit Our Website At:*

*http://www.pompanobeachfl.gov*

**MAILING ADDRESS:**

City of Pompano Beach  
P.O. Box 1300  
Pompano Beach, FL 33061

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PLANNING AND ZONING BOARD/LOCAL  
PLANNING AGENCY

October 28<sup>th</sup>, 2015  
Wednesday

City Commission Chambers

7:00 P.M.

**AGENDA**

A. Call to order by the Vice Chairman of the Board, Dr. Jerold Mills.

**B. ROLL CALL:**

Jerold Mills  
Elizabeth Anderson  
M. Dwight Evans  
Joan Kovac  
Fred Stacer  
Trip Bechert  
Jeff Torrey  
Karen Friedman  
Kerrie MacNeil  
Dina Gray

*Also present*

**C. RESCHEDULING OF SPECIAL SET MEETING**

The Vice Chair announced the cancellation of the 6pm special set meeting regarding the temporary moratorium and discussed rescheduling the meeting to a date before the December Planning and Zoning Board hearing. Joan Kovac asked if they could choose another date and Karen responded that these are the only dates that the Commission Chambers are available. Fred asked for the meeting time to be pushed back to at least 6:30pm.

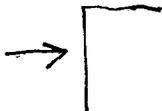
SAID LANDS SITUATE AND LYING IN THE CITY OF POMPANO BEACH, FLORIDA AND CONTAINING 2.9974 ACRES, 130,568 SQUARE FEET, MORE OR LESS.

AKA: 350 & 400 W Copans Road  
ZONED: Community Business (B-2) & Single-family Residence 4 (RS-4)  
TO: General Business (B-3)  
STAFF CONTACT: Maggie Barszewski, AICP (954) 786-7921

Dina Gray introduced herself to the Board and stated that the applicant is requesting to table the item until the November 18, 2015 meeting due to the need to address concerns raised by the community.

**MOTION** made by Fred Stacer and seconded by Dwight Evans to table the item to the November 18, 2015 meeting. All voted in favor of the above motion; therefore, the motion passed.

**H.    ABANDONMENT / VACATION REQUESTS**



**3.    CITY OF POMPANO BEACH / 40' ABANDONMENT OF RIGHT-OF-WAY AT SW 13<sup>TH</sup> STREET DEAD END**

**Planning and Zoning #15-1800002**

Consideration of the request by the **CITY OF POMPANO BEACH** to abandon the dead end 40-foot public right-of-way located at SW 13th Street, between SW 9<sup>th</sup> Avenue and I-95. The property is legally described as follows:

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TOGETHER WITH,

THE NORTHERN 20 FEET OF SW 13<sup>TH</sup> STREET LYING BETWEEN LOT 1 BLOCK 7 AND LOT 30 BLOCK 6 OF THE SUBDIVISION OF LAYFAYETTE HOMESITES AS RECORDED IN PLAT BOOK 5, PAGE 4 OF THE PUBLIC RECORDS OF BROWARD COUNTY.

AKA: SW 13<sup>th</sup> Street between SW 9<sup>th</sup> Avenue and I-95  
ZONED: Single-Family Residence (RS-4)  
STAFF CONTACT: Maggie Barszewski (954)786-7921

Karen Friedman introduced herself to the Board and stated that this is a City initiated request for the abandonment of a right-of-way located on 13<sup>th</sup> Street between SW 9<sup>th</sup> Avenue and I-95. For years, the property has been troubled with illegal dumping and it has been a nuisance property to the neighboring community. Mrs. Friedman stated that if the

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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. // kem

City abandon this property, the southern half would revert to the property to the south and the northern half of the property would return to the owner to the north. The abandonment would allow the owners to fence in the property. The City believes this would curb the illegal dumping. Mrs. Friedman stated that we are required to receive feedback from twelve utility providers and at the moment, we are waiting on responses from six of those providers. Six providers have already stated that they have no objection to the proposed abandonment. Staff is recommending approval of the request; however, there is a condition that states that the item is not to be placed on the City Commission agenda until the six remaining utility service providers respond with letters of no objection.

Dr. Mills asked staff if the property owners (to the north and south) agree to assume the ownership of the land. Mrs. Friedman responded that they have been notified via a mailing and that Maggie Barszewski has spoken with southern property owner and they are happy to assume the ownership because it means that they can fence in the property.

Mr. Stacer asked if they were initially trying to abandon two properties. Mrs. Friedman confirmed and stated that there is another right-of-way on SW 13th Court that the City would like to abandon. However, there are issues that need to be worked out with the City's Utility Department. The application for this abandonment will not be brought to the Planning and Zoning Board until these issues are resolved.

Mr. Bechert asked staff if the homeowners will incur additional tax liability and if so, have they agreed to accept this responsibility. Mrs. Friedman stated that she would assume so but she cannot testify to this. The homeowners did receive a notice about the meeting tonight.

Mr. Evans asked if the property owners who would assume responsibility for the land would incur fines if the dumping continues. Mrs. Friedman responded that they could be cited if they do not maintain their property.

Mr. Bechert stated that he has a problem with this abandonment request. Dr. Mills stated that he also has a problem and asked if we can get a waiver from each of the two property owners stating that they agree to the property tax increase. Mrs. Friedman stated that we can bring the item back to the Board with a written letter. Mr. Stacer asked if staff could speak with the City Attorney. Mr. Stacer and Mrs. Friedman discussed the rules about fencing on vacant lots. Mr. Bechert stated that he is not in agreeance with the City shifting its problems onto the homeowners.

Mr. Evans asked if the notices were sent certified or regular mail. Mrs. Friedman responded that all notices are sent via regular mail.

Dr. Mills said that it appears as if the Board consensus is to table the item.

Mr. Bechert asked if staff could speak with the City Attorney to see what information we are required to send to the property owners.

Mrs. Friedman stated that she understands that the Board is requesting a written authorization or some sort of formal declaration from the abutting property owners that they understand the implications of assuming responsibility for the additional property.

**MOTION** made by Trip Bechert and seconded by Elizabeth Anderson to recommend tabling the item to the November 18, 2015 Planning and Zoning Board hearing. All voted in favor of the above motion; therefore, the motion passed.

**I.     AUDIENCE TO BE HEARD**

Dr. Mills if there was anyone in the audience who wished to speak and no one responded.

**J.     BOARD MEMBERS DISCUSSION**

Joan Kovac suggested that the Board elect an interim Chairman for the November meeting since Jerry Mills will not be present at this meeting.

**MOTION** made by Joan Kovac and seconded by Dwight Evans to elect Fred Stacer as the interim Chairman to facilitate the November 18, 2015 Planning and Zoning Board meeting. All voted in favor of the above motion; therefore, the motion passed.

There was discussion between the Board members and the Board secretary about running next month's meeting.

Fred Stacer stated that the City is moving towards extending the length of the notice requirement after a discussion at the latest Zoning Board of Appeals meeting. Mr. Stacer stated that he believes it is important for this Board to voice support of the City Commission's effort to change the notice requirements.

**MOTION** made by Fred Stacer and seconded by Joan Kovac to support the City Commission's effort to extend the notice period beyond five calendar days. All voted in favor of the above motion; therefore the motion passed.

Mr. Stacer announced that the City Commission is having a workshop at 9:30am on November 12, 2015. Mr. Stacer stated that the topic of discussion at the workshop is the development of the east CRA. Mrs. Friedman added that the workshop is about flex units. Mr. Stacer told the suggested that the Planning and Zoning Board members attend if possible.

Mr. Stacer asked Mrs. Friedman when the AOD was enacted and Mrs. Friedman responded that she does not know that answer by heart but she could provide him with a date. Mr. Stacer stated that there are some issues with the AOD that he would like staff to review. Mr. Stacer stated that he will send Mrs. Friedman an email containing his concerns.

Mrs. Anderson stated that she is excited to be a part of the Board. Joan Kovac and Dwight Evans welcomed her to the Board.

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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. // kem

Dr. Mills announced that he will not be present at the next meeting but he wishes everyone a happy Thanksgiving.

**K.    REPORTS BY STAFF**

Karen Friedman stated that staff was given direction today from the Development Services Director that all five calendar day mailings will be changed to 6 business days. The official code change will come in front of the Planning and Zoning Board in November or December.

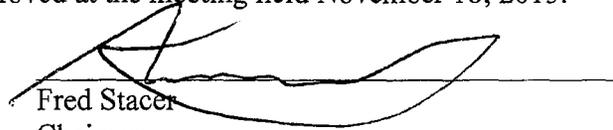
Kerrie MacNeil read aloud the section of the Zoning Code that mentioned the procedure for running a meeting if the Chair and Vice Chair are absent. Ms. MacNeil also mentioned that the City Commission workshop that Fred Stacer brought up will be broadcast on Channel 78 on November 12, 2015 at 9:30am.

Mrs. Friedman stated that November 30, 2015 is the special set hearing.

**L.    ADJOURNMENT**

**MOTION** made by Fred Stacer and seconded by Elizabeth Anderson to adjourn the meeting at 7:36pm. All voted in favor of the motion; therefore the motion passed.

Approved at the meeting held November 18, 2015.



Fred Stacer  
Chairman  
Planning and Zoning Board/Local Planning Agency