

REQUESTED COMMISSION ACTION:

**QUASI-JUDICIAL**

Consent

Ordinance

Resolution

Consideration/  
Discussion

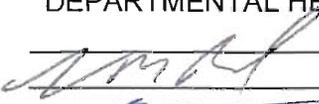
Presentation

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 POWERLINE/MCNAB COMMERCIAL PLAT; PROVIDING AN EFFECTIVE DATE.

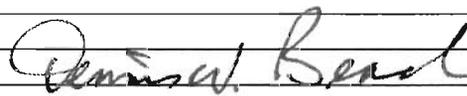
Summary of Purpose and Why:

The applicant, Linda Strutt of Linda Strutt, Inc., on behalf of 1400 Investments, LLC, has requested to amend the square-footage limitations on the plat note on the Powerline/McNab Commercial Plat. The Plat was originally approved in 1985 and then amended in 1988 (see attached Amendment). The purpose is to correct a deficiency in the amount of commercial square footage currently built (2,427 square feet) and to allow for additional commercial square footage for the outparcel that exists on the site (51,573 square feet). The property is located at 1400-1442 South Powerline Rd. The existing note currently reads "This plat is restricted to 46,061 square feet of commercial" The proposed note would read, "This plat is restricted to 54,000 square feet of commercial (44,460 square feet existing, 9,540 feet proposed). Free-standing banks and drive-through bank uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts." Staff has no objections to the change.

- (1) Origin of request for this action: Linda Strutt of Linda Strutt, Inc.
- (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.	6/07/2016	Approval	
City Attorney	6/17/16		
Advisory Board			

City Manager



ACTION TAKEN BY COMMISSION:

Ordinance Workshop	Resolution	Consideration
1 <sup>st</sup> Reading	1 <sup>st</sup> Reading	Results:
2 <sup>nd</sup> Reading		Results:





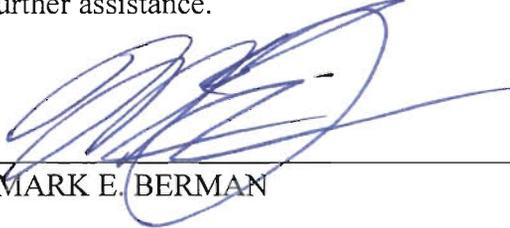
**City Attorney's Communication #2016-913**  
June 15, 2016

**TO:** Maggie Barszewski, AICP, Planner  
**FROM:** Mark E. Berman, City Attorney  
**RE:** Resolution – Powerline/McNab Commercial Plat

As requested in your memorandum of June 7, 2016, Department of Development Services Memorandum #16-270, 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 POWERLINE/MCNAB COMMERCIAL PLAT; PROVIDING AN EFFECTIVE DATE.**

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



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MARK E. BERMAN

MEB/ds  
l:cor/dev-srv/2016-913  
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 POWERLINE/MCNAB COMMERCIAL 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 Powerline/McNab Commercial 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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
**LAMAR FISHER, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**ASCELETA HAMMOND, CITY CLERK**

MEB/ds  
6/14/16  
l:reso/2016-232



May 24, 2016

City of Pompano Beach  
Planning & Zoning Division  
100 West Atlantic Boulevard  
Pompano Beach, Florida 33060

**REQUEST FOR  
“POWERLINE/MCNAB COMMERCIAL”  
PLAT NOTE AMENDMENT  
LETTER OF REQUEST AND PROJECT NARRATIVE**

To Whom It May Concern:

The applicant, 1400 Investments, LLC, is seeking to modify the plat restriction note on the Powerline/McNab plat recorded at PB 123 Pg 41.

The plat restriction note on the recorded plat was amended in 1988. The recorded plat note amendment agreement provides for 46,061 square feet of commercial use. The note needs to be increased to permit additional development on the vacant outparcel.

The existing and proposed plat restriction note language are provided below:

**Existing Plat Note:**

This plat is restricted to 46,061 square feet of commercial.

**Proposed Plat Note:**

This plat is restricted to 54,000 square feet of commercial (48,488 square feet existing, 5,012 feet proposed). Free-standing banks and drive-through bank uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

The ensuing narrative further describes the proposed request.

The site is located at 1400-1442 South Powerline Road (folio # 4942 03 20 0010). The site which is the subject of this plat note amendment request includes all of Tract A of the Powerline/McNab Commercial plat, 5.06 acres.

Most of the site is developed as a shopping center constructed in 1988. The existing approximately 48,488 gross square feet of commercial use is leased for the Planet Fitness gym, medical office, physical therapy and casual restaurant uses. Approximately 14,000 square feet is currently vacant.

The current owners purchased the site in late 2014 and are actively pursuing leases for the vacant portions of the existing building. They expect to submit a site plan in the near future for construction of a restaurant with drive-through facility for the undeveloped outparcel. A portion of the adjacent right-of-way has been vacated recently and will be included in the overall development parcel. No structures are proposed for the vacated right-of-way.

In order to avoid requiring another plat note amendment, the requested plat restriction note is in excess of the currently existing and anticipated new building square footage. The County includes all covered areas including drive-through canopies and covered breezeways in the gross square footage for the plat note.

The County will ultimately require that the new plat restriction note indicate what portion of the plat note square footage has been constructed. This square footage will be provided in a letter or plan signed and sealed by an architect, surveyor or engineer prior to County approval. For the purposes of the City's letter of approval to the County, the County will accept the estimate included in the requested note (derived from the Property Appraiser's data). A copy of the certified square footage will be provided to the City as soon as it is available.

Once the County Commission has approved this request, a plat note amendment agreement will be recorded which will render the plat restriction note change effective. A copy of the recorded Agreement will be provided to the City as soon as it becomes available.

Sincerely,



Linda C. Strutt, AICP  
Authorized Agent

Enclosures

Cc: John Brennan  
Cary Goldberg

88262282

AGREEMENT FOR AMENDMENT  
OF NOTATION ON PLAT

THIS IS an AGREEMENT between BROWARD COUNTY, a political subdivision of the State of Florida, its successors and assigns hereinafter referred to as "COUNTY"; AND  
1400 Plaza Associates Ltd., a Florida Limited Partnership,  
By 1400 Palm Plaza Inc., a Fla. Corp., General Partner  
\_\_\_\_\_, its successors and assigns, hereinafter referred to as "DEVELOPER,"

Doc 5-1-88 14:19:58

WHEREAS, DEVELOPER is the owner of The Palm Plaza Shopping Center, as shown on the Powerline/McNab Commercial Plat, which Plat was recorded in Plat Book 123, Page 41, in the Public Records of Broward County on June 4, 1985; and

WHEREAS, the Powerline/McNab Commercial Plat contains the following notation on the face of the Plat:

"This plat is restricted to 38,843 square feet of general commercial; 4,218 square feet of sit down restaurant and 3,000 square feet of bank, Convenience stores, restaurants and service stations are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts."

and

WHEREAS, DEVELOPER has determined there exists a need for an amendment to said notation; and

WHEREAS, the COUNTY has no objection to amending said notation and the Board of County Commissioners approved such an amendment at its meeting of April 19, 1988;

NOW, THEREFORE, in consideration of the mutual terms, conditions and promises hereinafter set forth, the COUNTY and DEVELOPER agree as follows:

1. The above recitals and representations are true and correct.
2. COUNTY and DEVELOPER hereby agree that the notation shown on the face of the Powerline/McNab Commercial Plat for the purpose of clarifying and limiting the use of the Powerline/McNab Commercial Plat property which states:

"This plat is restricted to 38,843 square feet of general commercial; 4,218 square feet of sit down restaurant and 3,000 square feet of bank, Convenience stores, restaurants and service stations are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts."

Approved BCC 4-19-88 #59

Submitted By [Signature]

RETURN TO DOCUMENT CONTROL [Signature]

BK15573PG 007

17  
250  
1988

is hereby amended to read as follows:

"This plat is restricted to 46,061 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."

- 3. This Agreement shall be recorded in the Public Records of Broward County, Florida, to evidence the agreements and representations of the parties as set forth herein.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Chairman, authorized to execute same by Board action on the 19th day of April, 19 88, and v 1400 Palm Plaza, Inc. \_\_\_\_\_, signing by and through its President \_\_\_\_\_, duly authorized to execute same.

COUNTY

ATTEST:

Celene Bruu  
 County Administrator and Ex-  
 Officio Clerk of the Board of  
 County Commissioners of  
 Broward County, Florida

BROWARD COUNTY, through its  
BOARD OF COUNTY COMMISSIONERS

By Sylvia Poitier  
 Sylvia Poitier, Chair  
 30 day of June, 19 88

Approved as to form and legality by  
 Office of General Counsel  
 for Broward County, Florida  
 SUSAN F. DELEGAL, General Counsel  
 Governmental Center, Suite 423  
 115 South Andrews Avenue  
 Fort Lauderdale, Florida 33301  
 Telephone: (305) 357-7600

By David M. Fee, Jr.  
 David M. Fee, Jr.  
 Assistant General Counsel



BK15573PG 008

STATE OF FLORIDA )  
 ) SS.  
 COUNTY OF )

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared Sylvia Poitier, to me well known and known to me to be the Chairman of the Board of County Commissioners of Broward County, Florida, and who executed the foregoing instrument, and acknowledged to and before me that she executed said instrument for the purposes therein expressed.

19 88 WITNESS my hand and official seal, this 30 day of June

Shylla K. [Signature]  
 Notary Public

My commission expires:  
 NOTARY PUBLIC, STATE OF FLORIDA  
 COMMISSION EXPIRES JAN. 23, 1990,  
 BOUND THROUGH NOTARY PUBLIC UNDERWRITERS

DEVELOPER

1400 PLAZA ASSOCIATES LTD.  
A FLORIDA LIMITED PARTNERSHIP

WITNESS:

Marissa McFarlane  
Marie Champagne

By 1400 PALM PLAZA INC., A FLORIDA  
CORPORATION, GENERAL PARTNER

By: Antonio Gonzalez  
Antonio Gonzalez, PRESIDENT

20th day of May, 1988.

STATE OF FLORIDA )  
                          ) SS.  
COUNTY OF BROWARD )

(Corp. Seal  
1400 Palm Plaza, Inc.)

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared Antonio Gonzalez, to me well known and known to me to be the President of 1400 Palm Plaza, Inc., and who executed the foregoing instrument, and acknowledged to and before me that he executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 20 day of May, 1988.

Marie Champagne  
Notary Public

My commission expires:

NOTARY PUBLIC STATE OF FLORIDA  
BY COMMISSION EXP. NOV. 7, 1990  
BONDED THRU GENERAL INV. UND.

BK 15573PG 009

MORTGAGEE'S CONSENT AND ACKNOWLEDGMENT

The undersigned, BARNETT BANK OF SOUTH FLORIDA, N.A., hereby certifies that it is the holder of a mortgage upon the parcel as shown on the Powerline/McNab Plat; and does hereby consent to the foregoing Agreement for Amendment of Notation on the Powerline/McNab Plat.

WITNESS:

*Uma Spence*  
*[Signature]*

BARNETT BANK OF SOUTH FLORIDA, N.A.

By *Victoria Nicholson*

1st day of June, 1988, 1988

(SEAL)

STATE OF FLORIDA )  
COUNTY OF DADE ) SS.

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared Victoria Nicholson, to me well known and known to me to be the Vice President of Barnett Bank of South Florida, N.A., and who executed the foregoing instrument, and acknowledged to and before me that she executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 1st day of June, 1988.

*[Signature]*  
Notary Public

My commission expires:

NOTARY PUBLIC STATE OF FLORIDA  
MY COM. EXPIRES 12/31/88, REV. 6/1/85  
FORM NO. 100, GENERAL REG. 100

RECORDED IN THE OFFICE OF THE CLERK  
OF BROWARD COUNTY, FLORIDA  
L. A. HESTER  
COUNTY ADMINISTRATOR

ASL:ibi  
A138-N  
7/18/85  
#85-109

BK15573PG 010

Property Id: 494203200010



May 17, 2016

### POWERLINE/McNAB COMMERCIAL LOCATION MAP

