



Cover Memorandum/Staff Report

File #: 24-1638

Agenda Date: 4/22/2025

Item #: 7.A.1.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: April 22, 2025

APPROVAL OF AN AGREEMENT WITH GS DEERFIELD, LLC TO PERMIT THE OWNER TO LEAVE IN PLACE AND MAINTAIN AN EXISTING FENCE WITHIN THE RIGHT-OF-WAY ALONG SW 13TH AVENUE.

Recommended Action:

Review and consider an agreement to allow the owner to leave and maintain an existing fence within the SW 13th Avenue right-of-way, until notified by the City to remove the fence.

Background:

The Owner submitted an application to construct a one-story, 20,216 square-foot warehouse building including 2,476 square feet of air conditioned office space. The warehouse tenant bays are for small start-up type businesses.

Pursuant to Land Development Regulation (LDR) Section 5.3.1, right-of-way dimensions and dedications shall be consistent with Table MBL-1, "Street Network and Classification and Improvements" of the Mobility Element. Per the regulations, the adjoining right-of-way has an ultimate width of 50 feet. Currently, the right-of-way width is 45 feet (20 feet along the west side and 25 feet along the east side of 13th Avenue). Therefore, a 5-foot right-of-way dedication is required by the property. When dedicated, the existing fence would be located within the SW 13th Avenue right-of-way. The City does not have plans to improve SW 13th Avenue in the Capital Improvement Plan at this time.

The agreement with GS Deerfield, LLC would permit the existing fence to remain in place, within the public right-of-way of SW 13th Avenue. This Agreement requires the Owner to remove (at their expense), the existing fence within the SW 13th Avenue right-of-way when the City provides 30 days written notice to Owner. If the fence is not removed following notice, the agreement stipulates the City may enter the Owner's Property and remove the fence at Owner's Expense and the Owner agrees to indemnify the City harmless against any and all liabilities and costs.

As part of the development application, the proposal involves closing one driveway opening and replacing the existing access gate with new fencing that aligns with the existing fence within the 5-foot dedication for SW 13th Avenue. The existing fence has gates that were installed for two future openings that are no longer needed. These gates will be replaced with fencing that matches and aligns with the current fencing. Additionally, a new gated driveway is proposed for vehicle access to SW 13th Avenue, and a gated pedestrian access will connect to the sidewalk. The fence will also circumvent a new FPL transformer.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

This agreement will be considered with the Level 4 Site Plan application for the project.