

## Staff Report

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**File #:** LN-274

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**PLANNING AND ZONING BOARD**

Meeting Date: APRIL 27, 2022

**POST DECISION ACTION - EXTENSION OF SITE PLAN APPROVAL & AIRPARK  
OBSTRUCTION PERMIT**

**Request:** Extension of Site Plan Approval & Airpark Obstruction Permit  
**P&Z#** 18-12000047 & 18-12400003  
**Owner:** Pompano City Place LLC  
**Project Location:** 3300 SE 1 Street  
**Folio Number:** 494306060740  
**Land Use Designation:** C  
**Zoning District:** B-3/ AOD  
**Commission District:** 1  
**Agent:** Andrea Harper (954) 788-3400  
**Project Planner:** Daniel Keester-O'Mills ((954) 786-5541 / [daniel.keester@copbfl.com](mailto:daniel.keester@copbfl.com))

**Summary:**

The applicant is requesting an Extension of Expiration Time Period for the development orders of a Major Site Plan (PZ# 18-12000047) & Airpark Obstruction Permit (PZ# 18-12400003) for 3300 SE 1 Street. The Site Plan development order was approved by the Planning & Zoning Board and filed with the Department on April 10, 2019. The property owner entered into a license agreement, allowing the city to utilize the site for parking on the vacant lot. The license agreement was adopted by Resolution (2020-98), and was extended twice (2021-40 & 2021-158), and the agreement is set to expire April 27, 2022. The City Commission is authorized to extend the development order based on the tolling period, provided that a particular property was used by a governmental entity for a public purpose. As a result, the City Commission approved a Resolution to extend the development order for 833 days (the total term of the parking agreement), which extended the expiration date to July 22, 2023.

The extension under consideration by the Planning & Zoning Board is an additional request by the applicant to add an additional two years to the development order. The pandemic is considered to be a "force majeure" or "Act of God," and therefore, the Site Plan Development Order may be eligible for an extension, pursuant to Section 155.2308.B.2.a.iv, which states:

*For development orders for a Site Plan, except for development orders subject to or governed by an enforceable Development Agreement the PZB may, subsequent to any extension(s) granted by the Development Services Director, grant up to one extension for up to two years (including extensions granted by the Development Services Director). Under no circumstances shall a Development Order for a Site Plan be extended for more than two years. The aforementioned required written basis and reason for extension must provide competent and substantial evidence demonstrating compliance with one or more of the following*

*criteria:*

*(A) Reasonable efforts were made to apply for a Building Permit and reasonable steps were taken to secure any other development approvals that may be needed from other permitting authorities to allow for the submittal of an application for a Building Permit; or*

*(B) Since the date of the development order, substantial expenditures have been made or substantial obligations have been incurred in reliance on the approval and in furthering and proceeding with the development; or*

*(C) The delay in proceeding with the commencement of development resulted from a "force majeure" or "Act of God" or extreme economic conditions of the market, and not acts of omission by the applicant or owner.*

The project consists of a new 21-story extended stay hotel with 240 condo hotel units, ground floor retail, parking garage and associated landscaping. The footprint of the proposed building is 331,226 square feet and lot coverage of 29,170 on a 44,000 square foot (1.01 acre) site (a lot coverage of 66.3%). The scope of the project has not changed, since the original approval.

The project is located on the east side of Hibiscus Avenue and between SE 1 St and SE 2 St.

**Staff Conditions:**

1. The Conditions of the Site Plan Development Order (PZ# 18-12000047) and Airpark Obstruction Permit (PZ# 18-12400003) remain in effect.