

CITY OF POMPANO BEACH  
BROWARD COUNTY  
FLORIDA

DEVELOPMENT ORDER

PLANNING AND ZONING NO. 23-12000007

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A DEVELOPMENT ORDER ISSUED BY THE PLANNING AND ZONING BOARD (LOCAL PLANNING AGENCY) OF THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, PURSUANT TO CHAPTER 155 OF THE CODE OF ORDINANCES; APPROVING WITH CONDITIONS THE APPLICATION FOR DEVELOPMENT PERMIT FOR ALLIANCE WEST ATLANTIC, LLC.

WHEREAS, Section 155.2407, of the Code of Ordinances, defines the specific application for Development referenced above as a Major Site Plan Review; and

WHEREAS, Section 155.2204, of the Code of Ordinances, authorizes the Planning and Zoning Board (Local Planning Agency) to review and issue a final development order with respect to the Applicant's request to construct a new 176,408 square foot warehouse with accessory office space along with associated parking and landscaping (Project). The Project encompasses the following properties: 1500 W Atlantic Blvd, 75 NW 13<sup>th</sup> Ave, and 1291 W Atlantic Blvd; which is more specifically described as follows:

TRACT 1:

BEGIN AT A POINT IN THE CENTER OF THE MAIN LINE TRACK OF THE SEABOARD AIR LINE RAILROAD COMPANY DISTANT 1,398 FEET SOUTH OF INTERSECTION OF SAID MAIN LINE AND THE CENTER LINE OF THE HAMMONDVILLE HIGHWAY; RUN THENCE EASTERLY AT A RIGHT ANGLE TO SAID MAIN LINE TRACT, 60 FEET TO A POINT OF BEGINNING; BEING THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED BY SEABOARD AIR LINE RAILROAD COMPANY TO GOLD COAST PRODUCE AND PACKING COMPANY, INCORPORATED, BY DEED DATED FEBRUARY 23, 1955; RUN THENCE EASTERLY AT A RIGHT ANGLE TO SAID MAIN LINE TRACK AND ALONG THE SOUTHERLY LINE OF LAND OF GOLD COAST PRODUCE AND PACKING COMPANY, 156 FEET THE WESTERLY EDGE OF A PAVED DRIVEWAY; THENCE SOUTHERLY AND PARALLEL WITH SAID MAIN LINE TRACT, 400 FEET; THENCE WESTERLY AT A RIGHT ANGLE 156 FEET TO A

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POINT DISTANT 60 FEET MEASURED AT A RIGHT ANGLE FROM THE CENTER OF SEABOARD AIR LINE RAILROAD COMPANY'S MAIN TRACK, THENCE NORTHERLY PARALLEL WITH SAID MAIN TRACK 400 FEET TO THE POINT OF BEGINNING, BEING LOCATED IN THE W1/2 OF THE SW1/4 OF THE SE1/4 AND IN THE E1/2 OF THE SE1/4 OF THE SW1/4 OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 42 EAST.

TOGETHER WITH:

PARCEL L-46 (PART)

A PORTION OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER, OF SOUTHEAST 1/4 OF SECTION 34; THENCE NORTH 01°24'49" WEST, 639.23 FEET ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 TO THE POINT OF BEGINNING; THENCE SOUTH 88°53'21" WEST, 27.03 FEET ALONG THE EXISTING RIGHT OF WAY LINE OF THE C.S.X. RAILROAD; THENCE NORTH 10°46'50" EAST, 127.96 FEET TO THE INTERSECTION OF THE WEST LINE OF SOUTHEAST 1/4 OF SECTION 34, THENCE SOUTH 01°24'49" EAST, 125.22 FEET ALONG SAID 1/4 SECTION LINE TO THE POINT OF BEGINNING.

CONTAINING 1,692 SQUARE FEET, MORE OR LESS.

TRACT 2:

BEGIN AT A POINT IN THE CENTER OF THE MAIN LINE TRACT OF THE SEABOARD COAST LINE RAILROAD COMPANY DISTANT 1.798 FEET SOUTH OF INTERSECTION OF SAID MAIN LINE WITH THE CENTER LINE OF THE HAMMONDVILLE HIGHWAY; RUN THENCE EASTERLY AT A RIGHT ANGLE TO SAID MAIN LINE TRACK 60 FEET TO A POINT OF BEGINNING; RUN THENCE EASTERLY AT A RIGHT ANGLE TO SAID MAIN LINE TRACK 156 FEET TO THE WESTERLY EDGE OF A PAVED DRIVEWAY; THENCE SOUTHERLY AND PARALLEL WITH SAID MAIN LINE TRACK 500 FEET, MORE OR LESS TO THE NORTHERLY BOUNDARY OF THE RIGHT OF WAY OF THE POMPANO CANAL IN THE SOUTH LINE OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 42 EAST; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 34, 162 FEET, MORE OR LESS, TO A POINT DISTANT 60 FEET MEASURED AT A RIGHT ANGLE FROM THE CENTER OF SAID COMPANY'S MAIN TRACK; THENCE NORTHERLY AND PARALLEL WITH SAID MAIN TRACK 530 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, SAID PARCEL OF LAND CONTAINING 1.84 ACRES, MORE OR LESS, AND BEING LOCATED IN THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (W1/2 OF SW 1/4 OF SE 1/4) AND IN THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (E1/2 OF SE 1/4 OF SW 1/4) OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 42 EAST, AND BEING A PORTION OF THAT CERTAIN PARCEL OF LAND CONVEYED TO SEABOARD-ALL FLORIDA RAILWAY (PREDECESSOR IN RIGHT, TITLE, INTEREST AND ESTATE OF SAID COMPANY) BY H.W. MERRILL, ET UX., BY DEED DATED DECEMBER 10, 1938, RECORDED IN DEED BOOK 323, PAGE 199, PUBLIC RECORDS OF SAID BROWARD COUNTY.

EXCEPTING, HOWEVER, THAT PARCEL OF LAND HERETOFORE DEEDED TO THE CENTRAL AND SOUTH FLORIDA FLOOD CONTROL DISTRICT, RECORDED IN

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DEED BOOK 874, PAGE 570. AND THAT CERTAIN PARCEL OF LAND IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 34; THENCE RUN WEST ALONG THE SOUTH LINE OF SAID SECTION 34 A DISTANCE OF 5.70 FEET; THENCE RUN NORTHEASTERLY MAKING AN ANGLE OF 78° 08' 23" IN THE NORTHEAST QUADRANT FROM THE PRECEDING COURSE A DISTANCE OF 23 SECONDS IN THE NORTHEAST QUADRANT FROM THE PRECEDING COURSE A DISTANCE OF 139.31 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTHEASTERLY ALONG THE LAST DESCRIBED COURSE A DISTANCE OF 271.00 FEET; THENCE RUN SOUTHEASTERLY MAKING AN INCLUDED ANGLE OF 90° 00' 00" A DISTANCE OF 47.15 FEET; THENCE RUN SOUTHWESTERLY MAKING AN INCLUDED ANGLE OF 90° 00' 00" A DISTANCE OF 261.10 FEET; THENCE RUN WEST MAKING AN INCLUDED ANGLE OF 101° 51' 37" A DISTANCE OF 48.18 FEET TO THE POINT OF BEGINNING; SAID PARCEL OF LAND CONTAINING 12,544 SQUARE FEET, MORE OR LESS, AS SHOWN ON PRINT OF SURVEY DATED JULY 13, 1962, REVISED AUGUST 10, 1962, PREPARED BY MCLAUGHLIN ENGINEERING CO., AS EVIDENCED BY ATTACHED DRAWING 1, AND BEING A PORTION OF THE LAND CONVEYED TO SEABOARD-ALL FLORIDA RAILWAY (PREDECESSOR IN RIGHT, TITLE, INTEREST AND ESTATE OF SEABOARD COAST LINE RAILROAD COMPANY) BY H. W. MERRILL, ET UX, BY DEED DATED DECEMBER 10, 1938, RECORDED IN DEED BOOK 323, PAGE 199, PUBLIC RECORDS OF SAID BROWARD COUNTY.

COMMENCING AT THE SE CORNER OF THE SW1/4 OF SAID SECTION 34; THENCE WEST ALONG THE SOUTH LINE OF SAID SW 1/4 A DISTANCE OF 5.7 FEET; THENCE NORTH WITH AN ANGLE OF 78° 08' 23" IN THE NORTHEAST QUADRANT AND PARALLEL TO SEABOARD COAST LINE RAILROAD COMPANY'S MAIN LINE TRACK A DISTANCE OF 61.31 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF ATLANTIC BOULEVARD AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH ALONG THE AFORESAID COURSE A DISTANCE OF 78 FEET, THENCE EAST WITH AN INCLUDED ANGLE OF 101° 51' 37" A DISTANCE OF 129.76 FEET; THENCE SOUTH WITH AN INCLUDED ANGLE OF 78° 08' 23" A DISTANCE OF 78 FEET TO A POINT ON THE SAID NORTH RIGHT-OF-WAY LINE OF ATLANTIC BOULEVARD; THENCE WEST WITH AN INCLUDED ANGLE OF 101°51'37" ALONG THE SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 129.76 FEET TO THE POINT OF BEGINNING; SAID PARCEL OF LAND BEING SHOWN ON PRINT OF SURVEY DATED DECEMBER 8, 1959, PREPARED BY MCLAUGHLIN ENGINEERING COMPANY, AS EVIDENCED BY ATTACHED DRAWING 2 AND BEING A PORTION OF THAT CERTAIN PARCEL OF LAND CONVEYED TO SEABOARD-ALL FLORIDA RAILWAY (PREDECESSOR IN RIGHT, TITLE, INTEREST AND ESTATE OF SAID COMPANY) BY H. W. MERRILL, ET UX, BY DEED DATED DECEMBER 10, 1938, RECORDED IN DEED BOOK 323, PAGE 199, PUBLIC RECORDS OF SAID BROWARD COUNTY.

AND

A PORTION OF THE SOUTH ONE-HALF (S1/2) OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

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COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER (SW1/4) OF SAID SECTION 34; THENCE WEST ALONG THE SOUTH LINE OF THE SAID SOUTHWEST ONE-QUARTER (SW1/4) A DISTANCE OF 5.7 FEET; THENCE NORTHERLY ALONG A LINE THAT IS 156 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL TO THE EAST RIGHT-OF-WAY LINE OF SEABOARD COAST LINE RAILROAD MAKING AN ANGLE OF  $78^{\circ} 08' 23''$  IN THE NORTHEAST QUADRANT A DISTANCE OF 410.31 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTHERLY ALONG SAID PARALLEL LINE A DISTANCE OF 89.93 FEET; THENCE SOUTHEASTERLY MAKING AN INCLUDED ANGLE OF  $35^{\circ} 35' 31''$  A DISTANCE OF 42.95 FEET; THENCE EASTERLY MAKING AN INCLUDED ANGLE OF  $234^{\circ} 24' 29''$  A DISTANCE OF 22.15 FEET; THENCE SOUTHERLY ALONG A LINE THAT IS 203.15 FEET EAST OF AS MEASURED AT RIGHT ANGLES AND PARALLEL TO THE SAID EAST RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD MAKING AN INCLUDED ANGLE OF  $90^{\circ}$ , A DISTANCE OF 55 FEET; THENCE WESTERLY MAKING AN INCLUDED ANGLE OF  $90^{\circ}$ , A DISTANCE OF 47.15 FEET TO THE POINT OF BEGINNING; CONTAINING 3030 SQUARE FEET, MORE OR LESS AND BEING SHOWN OUTLINED IN YELLOW ON PRINT OF SURVEY MADE BY MCLAUGHLIN ENGINEERING CO., DATED MAY 13, 1970.

### TRACT 3:

A PARCEL OF LAND IN THE SOUTHWEST ONE-QUARTER (S.W.1/4) OF THE SOUTHEAST ONE-QUARTER (S.E.1/4) OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY FLORIDA AS DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE CENTERLINE OF HAMMONDVILLE ROAD, AND THE CENTERLINE OF THE MAIN TRACK OF THE S.A.L. RAILROAD

THENCE S- $10^{\circ} 46' 40''$  W, ALONG THE CENTERLINE OF THE MAIN TRACK OF THE S.A.L. RAILROAD 1354.78 FEET, THENCE S- $79^{\circ} 13' 20''$  E, 216.0 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE CONTINUE ON THE LAST DESCRIBED COURSE S- $79^{\circ} 13' 20''$  E, 351.83 FEET,

THENCE S- $10^{\circ} 46' 40''$  W, PARALLEL WITH THE CENTERLINE OF THE MAINTRACK OF THE S.A.L. RAILROAD,

610.00 FEET,

THENCE S- $89^{\circ} 01' 10''$  W, 229.76 FEET,

THENCE S- $10^{\circ} 46' 40''$  W, PARALLEL WITH THE CENTERLINE OF THE MAINTRACK OF THE S.A.L. RAILROAD, 120.60 FEET,  
THENCE S- $88^{\circ} 49' 12''$  W, 81.55 FEET,

THENCE N- $10^{\circ} 46' 40''$  E, PARALLEL WITH THE CENTERLINE OF THE MAINTRACK OF THE S.A.L. RAILROAD, 316.10 FEET,

THENCE N- $79^{\circ} 13' 20''$  W, 22.15 FEET,

THENCE N- $24^{\circ} 49' 07''$  W, 42.95 FEET,

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THENCE N.10° 46'40" E, PARALLEL WITH THE CENTERLINE OF THE MAINTRACK OF THE S.A.L. RAILROAD, 443.23 FEET TO THE POINT OF BEGINNING, SAID LAND LYING AND BEING IN THE CITY OF POMPANO BEACH, FLORIDA, CONTAINING 227,046 SQUARE FEET (5.21 ACRES), MORE OR LESS.; and

WHEREAS, the Development Review Committee has met to review this Project and has provided the Applicant with written comments; and

WHEREAS, the Application for Development Permit is not in compliance with the applicable standards and minimum requirements of this Code, but the developer has agreed in writing that no building permit will be issued until those conditions the Development Services Director finds reasonably necessary to insure compliance are met; and

WHEREAS, copies of the survey and final site plan are on file with the Department of Development Services, stamped with the meeting date of January 24, 2024.

**IT IS THEREFORE ORDERED** by the Board that the requested Major Site Plan Application for the above Project is hereby **GRANTED**, with the following conditions to which the Applicant has agreed to comply with:

1. All un-used easements shall be abandoned. An access easement for the northern properties shall be provided in order to access Atlantic Blvd. A new survey shall be submitted showing this access easement for the northern properties and the abandonment of the existing easements prior to building permit approval.
2. The site plan is proposing to close the access point to Wawa on Atlantic Blvd and share the southern access point from the subject property. Provide an access agreement for both this southern connection to the Wawa property as well as the proposed connection on the east side through the Wawa property (these shall be separate from the access easement for the northern properties to access Atlantic Blvd).
3. In accordance with Code Section 155.5603.F.2, the property must maintain the 10-foot wall and superior landscaping on either side of the wall along the entire length of the eastern property line for the purposes of screening the overhead doors facing N Andrews Avenue.

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4. A Unity of Title shall be obtained in accordance with Code Section 155.2401.C. for the three subject folios owned by Alliance West Atlantic LLC.
5. Provide a recorded plat in accordance with Code Section 155.2410.Plat, per the Broward County Platting Determination letter.
6. Work with the Urban Forester on the nine (9) trees on West Atlantic Boulevard.
7. Standard Conditions of Approval and/or Specifications required prior to Building Permit / Zoning Compliance Permit issuance:
  - a. The applicant shall provide evidence of compliance for the points used for the Sustainability Narrative as submitted to the DRC by time of building permit approval in accordance with Table 155.5802: Sustainable Development Options and Points.
  - b. Plans are subject to compliance with all applicable Code requirements, including but not limited to DRC comments issued for this site plan.
  - c. Landscape and Irrigation Plans must comply with all Zoning Code requirements as verified by the City's Urban Forestry Division.
  - d. A copy of the CPTED plan approved by the Broward Sheriff's Office must be submitted for Zoning Compliance Permit approval.

**Be advised that pursuant to Section 155.2308(B)(1) of the Pompano Beach Code of Ordinances, this DEVELOPMENT ORDER shall expire if a Zoning Compliance Permit is not obtained within two years.**

Heard before the Planning and Zoning Board/Local Planning Agency and Ordered this

\_\_\_\_ 24<sup>th</sup> \_\_\_\_ day of \_\_\_\_ January \_\_\_\_, 2024.

DocuSigned by:



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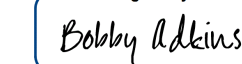
Fred Stacer

Chair

Planning and Zoning Board/Local Planning Agency

Filed with the Advisory Board Secretary this \_\_\_\_ 12 \_\_\_\_ day of \_\_\_\_ February \_\_\_\_, 2024

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Bobby Adkins  
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