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**Shopper's Haven Redevelopment
Minor Site Plan and Major Building Design
Planning and Zoning No. 21-12000004**

Request for Modification to Condition in AAC Development Order dated September 6, 2022

WHITNEY LLC, 40TH STREET LLC, NEWTOWN HALL LLC, and CLERMONT REALTY LLC (collectively referred to herein as "Petitioner") are the owners of the +/- 22.1-acre parcel located at 3301-3573 N Federal Highway, which is generally located at the southwest corner of Sample Road and North Federal Highway ("Property") in the City of Pompano Beach ("City"). The Property is designated Commercial on the City's Future Land Use Map and is zoned B-3, General Business. The Property is currently developed with a +/- 200,376 square foot commercial plaza which includes a Bed Bath & Beyond, Youfit, Party City, Bealls, and a variety of other retail uses ("Shopper's Haven").

In 2022, Petitioner obtained minor site plan approval and major building design approval to replace the anchor tenant with a new grocery store and make a variety of upgrades and renovations to the overall appearance and site design of the Property. As part of major building design approval, the Architectural Appearance Committee ("AAC") included a condition of approval which required installation of decorative brick pavers at the driveway entrances to the shopping center and in front of the new anchor tenant store.

Petitioner has been working on permitting for the overall project and concern has arisen with installing brick pavers in front of the new grocery store as they can shift over time and become a tripping hazard. Accordingly, Petitioner requests this condition be modified to permit installation of painted concrete in front of the grocery store in lieu of the decorative pavers. The pavers will still be installed at the driveway entrances to the shopping center, and the painted concrete will match the color scheme of the pavers. Petitioner believes the AAC's reasoning for requiring pavers in front of the grocery store was to call out that vehicular use area as an active pedestrian area. The painted concrete design will achieve the same objective as decorative pavers without the aforementioned tripping hazard issues. No other changes are proposed to the overall design and architectural upgrades to the shopping center.

AAC

PZ21-12000004

4/4/23