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Daniel Keester-O'Mills, AICP
Development Services Dept
City of Pompano Beach
100 W Atlantic Boulevard
Pompano Beach, FL

RE: Release of Special Exception Agreement for Property located at 3400 East Atlantic Boulevard

Dear Mr. Keester-O'Mills,

As you may know, this firm represents 3400 Atlantic LLC ("Owner"), the owner of the property located at 3400 East Atlantic Boulevard and 3428 East Atlantic Boulevard, which is generally located on the southwest corner of East Atlantic Avenue and State Road A1A ("Property") in the City of Pompano Beach ("City"). The Property has a land use designation of Commercial and is zoned B-3, General Business. The Property is also located within the City's Atlantic Boulevard Overlay District ("AOD"). The Property is currently improved with a two-story structure and associated parking designed for general commercial uses.

When the Property was initially developed almost thirty (30) years ago, the owner at the time had entered into a Special Exception Agreement with the City, as recorded in Official Records Book 9631, Page 852 of the Public Records of Broward County, Florida ("Agreement"). A copy of the Agreement is enclosed for your review. The Agreement was intended to provide for the joint use of parking facilities and included various provisions restricting the percentage of parking spaces to be occupied by certain uses based on the time of day. As Section 155.3703.E.2.a.ii of the City's Zoning Code currently allows for a variety of commercial uses with no required off-street parking spaces where there is a change in use of an existing building, the Agreement is no longer needed. As such, Owner respectfully requests the City release the Agreement in order to allow Owner to use the Property in accordance with the permitted uses within the AOD.

Should you have any questions or require additional information related to the above request to release the Agreement, please do not hesitate to contact me at 561-405-3350.

Sincerely,

Matthew H. Scott, Esq.

Dunay, Miskel & Backman, LLP