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10/21/2021

November 30, 2020

Jae Eun Kim, PLA
Planner
City of Pompano Beach, Planning and Zoning
100 West Atlantic Boulevard
Pompano Beach, FL 33060

RE: PZ 20-12000027 – 400 East Atlantic Boulevard and Southeast 4th Terrace
Justification Statement for Major Site Plan Application

Dear Jae:

Atlantic Estate, LLC (“Applicant”), through undersigned counsel, is pleased to submit this Major Site Plan Application to construct a mixed-use residential development on two adjacent parcels measuring 1.57 acres in the Snug Harbor neighborhood with the addresses of 400 East Atlantic Boulevard and Southeast 4th Terrace (together referred to as the “Property”). As discussed herein, the application, plans, and supporting documents demonstrate compliance with the pertinent criteria and requirements of the Pompano Beach Zoning Code (“Code”), and therefore the Applicant respectfully requests approval.

Description of Project

The Applicant proposes converting the Property from its existing use of office space and townhomes to a stunning, eight-story mixed use development with structured parking and associated amenities (“Project”). The Property is located on the south side of Atlantic Boulevard directly west of the Koi/Envy development. The Applicant envisions developing 234 multifamily residential rental units with parking and amenities and approximately 3,000 square feet of retail/commercial space on the ground floor facing Atlantic Boulevard.

The Property is designated with a base zoning of Transit Oriented (TO) and is located in the Atlantic Boulevard East Overlay District, the City’s newest mixed-use zoning district. The Future Land Use Designation is ETOC (East Transit Oriented Corridor). These land use and zoning designations are newly adopted districts that were created specifically for the area generally located around Atlantic Boulevard between the Intracoastal Waterway and Northeast 5th Avenue. Accordingly, the Property is suitable for development as a mixed-use community under its land use and zoning designation, as the use, which is a combination of residential and retail/commercial, is permitted in the TO-EOD district.

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The Property borders the Koi/Envy project and a small office building to the east. To the west is a Dunkin' drive thru, and to the south is the Pompano Canal. The Project's modern design will fit nicely next to the Koi/Envy project and will contribute to the trend of quality redevelopment along East Atlantic Boulevard. Retail space and the leasing office are proposed at the ground level along Atlantic Boulevard to create the urban, pedestrian-friendly environment sought after by the new EOD zoning regulations. Floors 1-4 will have liner residential units wrapped around the parking garage. Floor 5 will have residential units and an open-air garden and deck with amenity space. Floors 6-8 will have residential units looking down on the garden deck, with a pool proposed for the 8th floor. Upon completion, the Project will surely be a premium, luxury rental development in the heart of Pompano Beach.

Code Criteria Analysis

For the proposed use, the primary focus of the Code criteria analysis is compliance with the Review Standards listed in Section 155.2407(E) of the Code. Each requirement is listed below with the Applicant's response in bold.

Sec. 155.2407(E) – Review Standards

1. Is consistent with the comprehensive plan

The Applicant is proposing a mixed-use development that includes general multi-family residential units, commercial retail areas, and parking areas, all collectively designed with a focus on preserving the aesthetics of the area and maintaining an integration between the Project and the community. As mentioned above, the Property's land use designation is ETOC, and the uses proposed for the Project are explicitly consistent with the goals, objectives, and policies of the City's comprehensive plan. The ETOC, in fact, was adopted with the fundamental purpose of encouraging mixed-use development.

With regard to affordable housing, the Applicant acknowledges the requirements relative to same and will elect at time of building permit to either provide affordable units in the Project or make the required payment in lieu.

2. Complies with the applicable district, use, and intensity and dimensional standards of this Code (Articles 3, 4, and 5).

The Applicant is proposing a mixed-use development that includes multi-family units, retail areas, and a parking garage. All of these uses are permitted in a base zoning district of TO with an overlay district of EOD. Regarding the EOD, the Project is specifically located in the Core sub-area of the EOD. The Project is proposing 234 residential units in the Project. Based on the permitted density for the Core sub area which is 90 units/acre, the site is permitted up to 141 units as a base density (1.57 acres x 90 = 141.3).

To obtain additional density, the Applicant is pursuing three bonus density options offered in the EOD zoning regulations. Specifically, Applicant is incorporating the

following bonus density features, with the associated bonus unit amounts indicated in parentheses: PZ20-12000027
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1. **Bonus Density Option #3: Sustainable Features** equaling at least 28 points – see zoning data table for list of sustainable features. (20 units/acre = 31 units);
2. **Bonus Density Option #6: Structured Parking** – the parking garage will accommodate 100% of the total required parking. (20 units/acre = 31 units);
3. **Bonus Density Option #7: 25% of residential units provided as small studio or 1 bedroom** – see site plan for unit dimensions. (20 units/acre = 31 units).

In addition to meeting all density and intensity requirements of the Code, the Project also complies with the height and setback requirements. The proposed structure is 8 stories in height and is designed in accordance with the “Tower” typology regulations. Applicant intends to seek administrative adjustments in relation to the maximum building length and maximum floor plate size requirements, as these features slightly exceed the maximum permitted. The Project complies with the parking and open space requirements of the Code.

3. *Complies with the applicable development standards of this Code (Article 5).*

The Applicant is proposing a mixed-use development that includes multi-family units, retail space, and a parking garage. The proposed Project complies with the applicable development standards of this Code.

Access, circulation, parking, and loading:

The Project’s proposed access, circulation, parking, and loading comply with the standards required by the Code. The parking garage provides for all required parking with parking for the retail uses and the loading zone identified on the ground floor. Ingress/egress from the site is located on the north side towards the east property line, maintaining the cross access easement with the office building to the east. Moreover, the entry feature to the garage and cross access area were thoughtfully designed to allow for fire and solid waste vehicles to circulate on site without issue.

Landscaping and tree preservation:

Among other interesting features, the landscaping for this Project is unique. In addition to the landscaping proposed for the ground floor areas along Atlantic Boulevard and the waterway space which are sure to present drastic improvements, the Project contemplates a raised garden on the 5th Floor and resort-style landscaping on the rooftop pool deck.

Screening, fences and walls:

To the extent applicable, the Project complies with all screening, fences, and walls development standards provided in the Code.

Exterior lighting:

The Project complies with all exterior lighting development standards provided in the Code.

Environmental protection/infrastructure:

The Project complies with all environmental protection/infrastructure standards provided in the Code. With regard to solid waste, sufficient space is provided on site for solid waste vehicles to circulate on site, with dumpsters being brought to an accessible location by property maintenance staff.

Design standards:

The Project complies with all Design standards provided in the Code. The Project was designed to encourage a vibrant, pedestrian-friendly development along Atlantic Boulevard.

Lots:

The Project complies with all Lots standards provided in the Code.

Sustainable development standards:

The Project complies with all sustainable development standards in the Code. Specifically, the Applicant aims to provide 28 points worth of sustainable features from the Code's sustainability chart. See Site Data Table for specific information.

Performance and maintenance:

The Project complies with all Performance and Maintenance standards provided in the Code.

Sign structure design standards:

A formal sign package for the Project will be submitted to the City at a later stage in the process.

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4. *Complies with all other applicable standards in this Code.*

The proposed mixed-use development complies with all other applicable standards in the Code.

5. *Complies with all requirements or conditions of any prior applicable development orders.*

N/A.

6. *Is issued a concurrency review certificate in accordance with Chapter 154 (Planning) of the Code of Ordinances.*

N/A.

7. *Is designed to provide safe, adequate, paved vehicular access between buildings within the development and streets as identified on the Broward County Trafficways Plan;*

The Project was designed to provide safe, adequate, paved vehicular access. The Project also complies with the Broward County Trafficways Plan with regard to roadway width as the Applicant will dedicate the required right of way dimension prior to issuance of building permits.

8. *Complies with any applicable hazardous material licensing requirements in the Broward County Wellfield Protection Ordinance.*

N/A.

9. *Complies with crime prevention security strengthening and CPTED standards for natural surveillance, natural access control, territorial reinforcement, maintenance, and activity support.*

The Project complies with crime prevention, security strengthening and CPTED standards for natural surveillance, natural access control, territorial reinforcement, maintenance, and activity support. Please refer to CPTED Plan for further details.

10. *Complies with the approved Transportation Corridor Study, unless in direct conflict with another zoning code provision.*

The Project complies with the approved Transportation Corridor Study.

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Thank you for reviewing this Application. Please contact me if you require additional information. On behalf of the Applicant, we look forward to working through the site plan review process with you and your team.

Sincerely,

DUNAY, MISKEL & BACKMAN, LLP

/s/ Matthew H. Scott

Matthew H. Scott, Esq.

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