

***ARCHITECTURAL APPEARANCE COMMITTEE
CITY OF POMPANO BEACH
BROWARD COUNTY, FLORIDA***

DEVELOPMENT ORDER

PLANNING AND ZONING NO. 19-12000043

AN ORDER ISSUED BY THE ARCHITECTURAL APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, PURSUANT TO ORDINANCE NO. 98-57; APPROVING WITH CONDITIONS THE APPLICATION FOR DEVELOPMENT PERMIT FOR 1621 S DIXIE HWY LLC.

WHEREAS, Ordinance No. 98-57, authorizes the Architectural Appearance Committee (“Committee”) to review plans for this project which consists of the construction of a mixed-use development with 228 apartments units and 8,962 square feet of commercial use, along with associated landscaping, amenities, and parking on the property known as 1621 S Dixie Highway (“Project”); which is more specifically described as follows:

A PORTION OF THE NORTH ONE-HALF (N 1/2) OF THE NORTH ONE-HALF (N 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 11, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTH ONE-HALF OF THE NORTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 11, TOWNSHIP 49 SOUTH, RANGE 42 EAST; THENCE SOUTH 01°37'49" EAST, ALONG THE WEST LINE THEREOF, A DISTANCE OF 75.25 FEET TO THE POINT OF BEGINNING, SAID POINT LYING ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT, AT WHICH THE RADIUS POINT BEARS SOUTH 09°24'10" EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF MCNAB ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 13995 AT PAGE 728 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, HAVING A RADIUS OF 1856.86 FEET AND A CENTRAL ANGLE OF 08°52'29", A DISTANCE OF 287.61 FEET TO THE POINT OF TANGENCY; THENCE NORTH 89°29'19" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF MCNAB ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 5623 AT PAGE 645 OF SAID PUBLIC RECORDS, A DISTANCE OF 495.76 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, THENCE EASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, ALSO BEING

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SAID SOUTH RIGHT-OF-WAY LINE OF MCNAB ROAD, HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 88°27'50", A DISTANCE OF 46.32 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 02°03'51" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF DIXIE HWY, ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP (SECTION 86170-2509), A DISTANCE OF 247.73 FEET; THENCE SOUTH 89°21'26" WEST, A DISTANCE OF 813.93 FEET; THENCE NORTH 01°37'49" WEST, ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 11, A DISTANCE OF 256.28 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA AND CONTAIN 5.129 ACRES, MORE OR LESS.

ALSO DESCRIBED AS FOLLOWS:

PARCEL 1:

ALL THAT PART OF THE NORTH ONE-HALF (N 1/2) OF THE NORTH ONE-HALF (N 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 11, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE ABOVE DESCRIBED PARCEL; THENCE SOUTH 88°53'52", EAST 561.25 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE ALONG THE LAST DESCRIBED LINE, 250.00 FEET TO A POINT; THENCE SOUTH 00°19'12" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF THE OLD DIXIE HIGHWAY AS SAME IS NOW LOCATED, CONSTRUCTED AND USED, 187.54 FEET TO A POINT; THENCE SOUTH 89°07'08" WEST, 61 FEET TO A POINT; THENCE NORTH 00°19'12" WEST, 26.38 FEET TO A POINT; THENCE SOUTH 89°07'08" WEST, 188.93 FEET TO A POINT; THENCE NORTH 00°19'12" WEST, 169.81 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

ALL THAT PART OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE ABOVE-DESCRIBED PARCEL; THENCE SOUTH ALONG THE WEST BOUNDARY THEREOF, A DISTANCE OF 331.515 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 89°59'51" EAST, 813.07 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF THE OLD DIXIE HIGHWAY AS SAME IS NOW LOCATED, CONSTRUCTED AND USED; THENCE NORTH 00°19'12" WEST, 142.27 FEET TO A POINT; THENCE SOUTH 89°07'08" WEST, 61 FEET TO A POINT; THENCE NORTH 00°19'12" WEST, 26.38 FEET TO A POINT; THENCE SOUTH 89°07'08" WEST, 726.09 FEET TO A POINT; THENCE NORTH, PARALLEL TO THE WEST BOUNDARY OF THE SAID NORTH 1/2 OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, 188.39 FEET TO A POINT ON THE NORTH BOUNDARY THEREOF; THENCE NORTH 88°53'52" WEST, ALONG THE SAID NORTH BOUNDARY, 25 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA; THENCE SOUTH 88 DEGREES, 53 MINUTES, 52 SECONDS EAST, ALONG THE NORTH LINE THEREOF, 25 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THEN CONTINUE

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SOUTH 88 DEGREES, 53 MINUTES, 52 SECONDS EAST, ALONG THE LAST DESCRIBED LINE, 536.25 FEET TO A POINT; THENCE SOUTH 00 DEGREES, 19 MINUTES, 12 SECONDS EAST, 169.81 FEET TO A POINT; THENCE SOUTH 89 DEGREES, 07 MINUTES, 08 SECONDS WEST, 537.16 FEET TO A POINT; THENCE DUE NORTH, PARALLEL TO AND 25 FEET EAST OF THE WEST LINE OF THE SAID NORTH 1/2 OF THE NORTH 1/2 OF THE NORTHEAST 1/4, OF THE NORTHWEST 1/4, 188.39 FEET TO THE POINT OF BEGINNING.

LESS LANDS CONVEYED TO BROWARD COUNTY IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 13995, PAGE 728, AND LANDS DESCRIBED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5623, PAGE 645;and

WHEREAS, the Committee has met and reviewed this Project and does not find the plans submitted for review in compliance with the criteria for approval as set forth in Ordinance 98-57 as follows, 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

- a) The plan for the proposed structure or project is in conformity with good taste, good design and, in general, contributes to the image of Pompano Beach as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality;
- b) The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value;
- c) The proposed structure or project is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved;
- d) The proposed structure or project is in harmony with the proposed developments in the general area, with the Comprehensive Plan for the City and with the criteria set forth in the adopted "Supplemental Criteria of the Architectural Appearance Committee".

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Upon further examination and participation of the Development Services Staff, the following conditions were offered to further comply with the City Code and offer further clarification for the building permitting process:

1. *Obtain two approvals from the Architectural Appearance Committee for two separate Vernacular or Superior Design Alternatives in lieu of compliance with 1) Section 155.5602.C.7.a Fenestration and Transparency, and 2) 155.5602.C.8.b Roofs with three-dimensional cornice treatments.*
2. *Provide a copy of the recorded Plat prior to building permit approval.*
3. *Master Sign Program approval is required, prior to permit approval.*
4. *Prior to building permit approval, provide an executed Declaration of Covenants regarding the provision of affordable housing as indicated in the Resolution for Flex (Resolution 2020-117).*
5. *Building Permit plans will be subject to compliance with all applicable Code requirements, including but not limited to DRC comments issued for this Site Plan.*
6. *Landscape and Irrigation Plans must comply with Zoning Code requirements as verified by the City's Urban Forestry Division.*

VERNACULAR OR SUPERIOR DESIGN ALTERNATIVE

In accordance with the authority granted to the Committee, pursuant to Section §155.2408.E of Chapter 155 of the Code of Ordinances, the Architectural Appearance Committee hereby grants approval of two (2) Vernacular or Superior Design Alternatives. The first request is to allow a deviation from the requirements of Section §155.5602.C.7.a where at least 30 percent of the street-facing façade area of the ground-level floor of buildings (as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by windows or doorways. The second request is to allow a deviation from the requirements of Section §155.5602.C.8.b where flat roofs on principal

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buildings shall be concealed by parapet walls that extend at least three feet above the roof level and have three-dimensional cornice treatments that project at least eight inches outward from the parapet facade plane.

After careful consideration of the Project and the recommendations of City staff, the Committee approves the plans and the request for Vernacular or Superior Design Alternative, subject to the six City staff conditions and additional conditions below:

1. *A professional artist must be used to create the wave artwork on the building as well as the sculpture.*
2. *The package of the proposed artwork must come back to the AAC for review and approval, prior to building permit approval. This will include the wave materials on the building.*

25 JUNE
DONE AND ORDERED this _____ day of _____, 2020.

DocuSigned by:

ROBERT ZBIKOWSKI

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ROBERT H. ZBIKOWSKI

Chairman

Architectural Appearance Committee

25th June
Filed with the Advisory Board Secretary this _____ day of _____, 2020.

DocuSigned by:

Lauren Gratzner

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Lauren Gratzner

Planner

LG 6/24/2020

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