

## MINOR DEVIATION OF PD-I PLAN

### PCD ORDINANCE NO. 2021-02: LIVE! RESORTS POMPANO

**PZ #: 22-13200001**

**A MINOR DEVIATION DETERMINATION ISSUED BY THE DEVELOPMENT SERVICES DIRECTOR, CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, PURSUANT TO SECTION 155.2405 (J), CODE OF ORDINANCES; APPROVING A MINOR DEVIATION TO LIVE! RESORTS POMPANO PCD PLAN, EXHIBIT "B" OF ORDINANCE NO. 2021-02 IN ORDER TO ALLOW MINOR DEVIATIONS FROM THE CODE OF ORDINANCES AS ENUMERATED BELOW, SPECIFIC TO THE SUBJECT DEVELOPMENT PARCEL IDENTIFIED IN EXHIBIT "A", CONSISTENT WITH SITE PLAN PZ#21-12000035 (TAX FOLIO ID: 494203220022, 494203220023, 494203220021 & PORTIONS OF 494203350010).**

**WHEREAS**, Section 155.2405 (J), Code of Ordinances, provides criteria to evaluate minor deviations to a PD plan. The following deviations have no material effect on the character of the approved PCD and address technical consideration not reasonably anticipated during the approval process of the PCD Plan (Ordinance No. 2021-02) referenced above. The following deviations are to apply only to the industrial portion of the PCD as identified in Exhibit E<sub>1</sub> of the PCD Plan (Exhibit "B" of Ordinance No. 2021-02)

1. Change to Exhibit P – Deviation Table of the PCD Plan adding a deviation from Section 155.5203.D.4.b.i of the City Code to allow landscape islands to be provided every 10 parking spaces on average. In no instance shall a row of parking spaces exceed 13 spaces without a landscape island. Parking spaces designed to accommodate freight trailer parking will not require landscape islands within parking bays as shown in the Exhibit 'A' of this Minor Deviation.
2. Change to Exhibit P – Deviation Table of the PCD Plan adding a deviation from Section 155.5203.D.4.c of the City Code to allow for the elimination of landscape islands between parking bays. This deviation is permitted to accommodate electric vehicle charging equipment and conduit. Walkways that would otherwise be required within the landscape island shall still be required at least every third bay.

**WHEREAS**, the letter, table and plan requesting deviations are attached as Exhibit 'A' of this Minor Deviation (PZ # 22-13200001), and on file with the Development Services Department. The Minor Deviation to the PCD Plan (Ordinance No. 2021-02) is hereby approved for the requests described above by the Development Services Director.

**THIS MINOR DEVIATION DETERMINATION DOES NOT EXPIRE.**

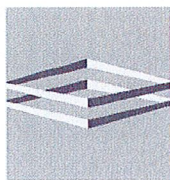


David L. Recor, ICMA-CM, Development Services Director

1/6/22

Date

**P&Z**



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**SPA Properties, LLC  
777 Isle of Capri Cir.  
PCD Minor Deviations Request  
January 5, 2022**

SPA Properties, LLC (“Applicant”), with the consent from Pompano Park JV Land Holdings, LLC (“Property Owner”) is submitting a request for 2 PCD Minor Deviations for the Live! SPA Properties Industrial Development project. Concurrent with this request, the Applicant has submitted a site plan application and request to the modify the building design to develop six parcels of land generally located north of Cypress Bend Drive, between South Powerline Road and the Tri-Rail train track and addressed at 777 Isle of Capri Circle in the City of Pompano Beach (“Property”) with +/-658,122 square feet of industrial use, including a +/- 516,762 square foot sortation facility and a +/- 141,360 square foot delivery station building and supporting accessory uses (“Project”).

The Property recently received approvals to develop additional industrial buildings on the site. Specifically, a Land Use Plan Amendment was approved on June 1, 2021 to decrease the office use square footage within the RAC from 2,000,000 square feet to 1,350,000 square feet and add 1,500,000 square feet of industrial use. Second, a rezoning amendment to the PCD was approved on October 27, 2020 to modify the PCD to allow the industrial uses.

At this time, Applicant is requesting the following 2 PCD minor deviations to develop the Project: 1.) from Section 155.5203.D.4.b.i of the City Code to allow landscape islands to be provided every 10 parking spaces on average; and 2.) from Section 155.5203.D.4.c of the City Code to allow for the elimination of landscape islands between parking bays. Exhibits describing each request and the justifications in more detail have been included with this submittal.

**P&Z**

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**PZ21-12000035  
4/27/2022**



# Additional Deviations from City Code

Code Section	Type	Description	Deviation	Justification
155.5203.D.4.b.i	Landscape Islands in parking bays – island spacing	A minimum 8' wide landscaped island shall be provided at each end of every row of parking spaces. Where a row of parking spaces contains ten (10) or more parking spaces, additional landscaped islands shall be provided at a spacing no greater than one every ten (10) parking spaces.	Landscape islands will be provided every 10 spaces on average. In no instance will a row of parking spaces exceed 13 spaces without a landscape island. Parking spaces designed to accommodate freight trailer parking will not require landscape islands within parking bays as shown in the attached Deviation Exhibit.	<p>It should be noted that all the employee and delivery van/truck parking areas are not open to the public. Over \$3Million of conduit (over 5 miles long), transformers and electric vehicle ("EV") charging stations are being installed in the van parking lot on the east side of the Delivery Station building. This investment is being made to accommodate for future EV delivery vans for these facilities. Every effort is being made to provide the required landscaping by using root barriers and positioning larger trees with large root systems away from the conduit. The long-term positive environmental impact of the EV delivery vans will certainly outweigh the potential heat island effect resulting from deviations to the landscape Code. In some cases, is not possible to co-locate the required landscape island and electrical conduit, transformers and EV charging equipment due to the likelihood of the root systems damaging the electrical lines in these areas.</p> <p>For the Sortation Facility parking areas, specifically the truck parking area, it is not conducive to co-locate landscape trees in islands alongside large 18-wheel trucks. The presence of large trees adjacent to truck parking spaces is not safe or feasible due to the operational need for trucks to maneuver into parking spaces. Additionally, the operations of this facility require as many truck storage spaces as possible around the building.</p>
155.5203.D.4.c	Landscape areas between parking bays	A landscaped area at least eight (8) feet wide shall be provided between abutting parallel parking bays. The landscaped area shall contain canopy trees spaced no more than 40 feet apart, a continuous hedge, and grass or groundcover throughout the remaining area.	Allow for the elimination of landscape islands b/n parking bays as shown in the attached Deviation Exhibit.	<p>It should be noted that all the employee and delivery van/truck parking areas are not open to the public. Over \$3Million of conduit (over 5 miles long), transformers and electric vehicle ("EV") charging stations are being installed in the van parking lot on the east side of the Delivery Station building. This investment is being made to accommodate for future EV delivery vans for the facility. Every effort is being made to provide the required landscaping by using root barriers and positioning larger trees with large root systems away from the conduit. The long-term positive environmental impact of the EV delivery vans will certainly outweigh the potential heat island effect resulting from deviations to the landscape Code. Due to the location of the conduit, transformers and EV charging equipment, the required landscape area cannot be provided between abutting parking bays. Additionally, the Applicant is providing walkways at least every third parking bay to allow for employees and guests a safe pathway between parking areas and the buildings.</p>

**P&Z**  
Code Section



