

JOHNSTON & METEVIA, P.A.

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January 10, 2023

Chairman Dan Yaffe
Zoning Board of Appeals
City of Pompano Beach
100 W. Atlantic Blvd.
Pompano Beach, FL 33060

Re: Application for Major Temporary Use Permit - 1661 N. Dixie Highway
Upper Pompano Properties and Investments, LLC
Dixie Properties and Investments, LLC
P&Z #22-15000022

Dear Chairman and Board Members:

This letter and the attachments are a supplement to our December 20, 2022, application and is being filed prior to the preparation of staff's report.

There was certain calculated data and financial information that was reposed, with our client the Applicant, and it required archival retrieval and preparation so the record submitted on the 20th could be supplemented.

How has Applicant used the time during 2022: very meticulously, methodically, and carefully. The year came and went in a hurry, but the time was productively used by Applicant.

First, there were two major "acts of God" that occurred during the year. First was Hurricane Ian and then Hurricane Nicole, and both of these acts of God slowed progress on this site. I attach Exhibit A from Applicant's agent showing that in addition to the cost of acquisition of the property, which occurred several years ago, Applicant in 2022 spent \$90,137.82 on construction. This includes a sum of \$20,824 for demolition, and the permit which was only issued in late fall by the City (you have to go through a matrix

of City and County inspections) and that demolition cost applicant \$20,824. This was a requirement of the site plan.

Also in Exhibit A is the projection for coming year 2023 and is outlined in that same communication dated January 9, 2023. That shows in addition to the monies previously spent prior to 2022, and the \$90,137.82 spent in 2022, and the acquisition costs for the property, an additional \$857,861 to complete budgeted capital items which are called for in the development plan approved by the City and the current building permit.

Prior to 2022, please find attached Exhibit B which is a recapitulation of the costs Applicant has incurred and paid for during construction between August 8, 2018 and May 2020.

Therefore, in addition to the cost of acquisition of this property, with the money already spent and the money projected to be spent, this Applicant will have more than \$4 million invested in this property.

As demonstrated in these documents, and the Major Temporary Use Permit application, Applicant feels that it has demonstrated that this is an ongoing operation, and is entitled to be completed through the use acceptable to the Board, of one additional Major Temporary Use Permit. This allows the current tenants to remain in possession, the construction to take its final course, and the project can be completed well before the end of this year.

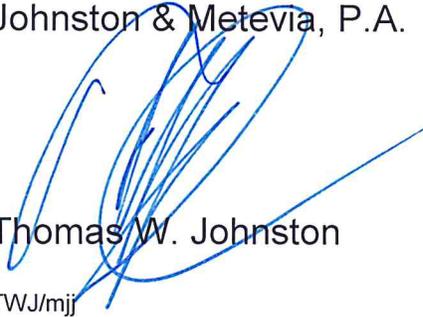
A lot of the timetable was involuntarily amended without the ability of the owner and developer to have any control over the situation, because of the several year Covid-19 issues, supply chain issues, labor issues, the two intervening hurricanes and the normal give and take between the various governmental agencies, Broward County, City of Pompano Beach and the client's engineers, planners and contractors.

Please keep in mind the City Commission just this last year, approved by two 6-0 votes, and demonstrated their confidence in this project by changing the zoning from B-3 to B-4.

We stand ready to answer any and all other questions at the hearing. Thank you for your consideration.

Very truly yours,

Johnston & Metevia, P.A.



Thomas W. Johnston

TWJ/mjj

File No. 14-08

cc: William Murphy on behalf Upper Pompano Properties and Investments, LLC, Dixie Properties and Investments, LLC
Gina Yehuda, Berger Commercial

Enclosures: Exhibits A-C

From: GYehuda@bergercommercial.com,
To: tjwm1@aol.com,
Cc: wmurphy@dmrifi.com, wmurphy@mpg-holdings.com,
Subject: RE: 1661 N. Dixie Highway accounting/cost numbers for 2022
Date: Mon, Jan 9, 2023 10:06 am
Attachments:

Tom:

In 2022, ownership spent \$90,137.82. which includes the \$20,824.00 December invoice to demo the concrete building. A key point that needs to be stressed it that a majority of the work which has commenced subsequent to the issuance of the permit has been the elevations and underground work (trenches and sleeves for irrigation & electrical) – which would not be visible to a lay person if they happen to drive by the property to see if any progress has been made. In addition, working with COPB engineering department to contract with vendor to cap off the utilities. Now that the building has been demo'd – we will be trenching and installing additional sleeves for lightpoles.

Below please find the cost estimates for the completion of the parking lot.

UPPER POMPANO	
Capital/Building Improvements	
Orangemen/Permit Fees - allowance	\$ 18,000.00
Demo existing structure	\$ 21,000.00
Landscape Property/Irrigation	\$ 196,000.00
Lighting Parking Lot	\$ 34,800.00
Paving Co	\$ 535,000.00
Fence - Decorative Gates	\$ 5,000.00
16' Double Swing	
28' V-Track Roll gate	
Chain Link Fence & Gates	\$ 11,531.00
435' 6' Galvanized + Gates	
2 - 20' Roll Gates	
657' 2' PVC Fence Mounted to CBS	18,430
Electric Gates/Access Control	\$ 18,000.00
	\$ 857,861.00
TOTAL 2023 BUDGETED CAPITAL: 857,861	

Gina Yehuda | Vice President of Property Management
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COMMERCIAL BROKERAGE AND PROPERTY MANAGEMENT



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EXHIBIT A

From: GYehuda@bergercommercial.com,
To: wmurphy@dmrfl.com, tjwm1@aol.com, lgeldmaker@ammi.net,
Subject: RE: Payment Receipt from City of Pompano Bch
Date: Mon, Jan 9, 2023 3:28 pm

Attachments:

Tom:

Just need to fill in between 08/08/18-05/2020

I had expenditures prior to 08/08/18 from one of the hearings. Once I get this from Lauren – I will add to the below.

CAPX_1661 N. DIXIE HIGHWAY, POMPANO BEACH, FL	
Architectural/Planning:	\$ 58,226.75
Consulting/Legal Fees:	\$ 168,379.79
Whse Cap Expenses	\$ 431,012.50
Avis Building Cap Expenses	\$ 199,436.94
Parking Lot - Phase 1 Buffer Landscaping	\$ 165,954.95
Parking Lot - Phase 2 - CONSTRUCTION IN PROGRESS	\$ 69,833.69
TOTAL:	\$ 1,023,010.93

Gina Yehuda | *Vice President of Property Management*
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EXHIBIT B

DIXIE PROPERTIES & INVESTMENTS, LLC
UPPER POMPANO PROPERTIES & INVESTMENTS, LLC

Capital/Construction Projects

Report Period Ending: December 31, 2022

Project: Avis Parking Lot
Address/Suite#: 1661 N. Dixie Highway
Contractor: Orangemen/Weekly
Architect: Craven Thompson
Permit #: BP20-00006365
T/I Budget:

Status Updates

- 08/31/22 Pre-construction meeting at the site.
- 09/06/22 Reached out to Pat G w/ Craven to shoot elevations and mark trenches for electrical underground.
- 09/14/22 Precon/barrier inspection scheduled with landscaping - PASSED

- 09/14/22 Landscaper met with Mark Brumet from Pompano for an initial pre-con. Mark will be logging this in the system at the end of the day which will automatically give you your extension.
- 09/21/22 Meeting with City on site for a consult. Was informed that the City requires that we set up a pre-con meeting at the building department with all of the disciplines and engineer/architect of record for this project.
- 09/29/22 GC reached out to COPB - no response - due to hurricane

- 10/03/22 Reached out to building dept to set up required pre-con meetings

- 10/06/22 Email from COPB - building dept - David McGirr re Pre-Con engineering meeting

- 10/11/22 Pre-con meeting with landscape
- 10/12/22 Pre-con meeting with COPB engineering
- 10/11/22 Pre-con meeting with Landscaping

- 10/20/22 Began trenching and installing sleeves for irrigation and electric

- 10/26/22 Installed required barricades

- 11/02/22 Hire MOT Plans to handle MOT

- 11/17/22 Landscaper met with Mark Burnett from the City - regarding the parcel to the nw - His comments were that he confirmed that the parcel is part of that property. That being said he wants the following done:
 - Whole area sodded.
 - 3 understory trees installed (Silver Buttonwood)
 - We need to run irrigation under the wall and put heads and bubblers for the sod and trees.
 - Then the drawings have to be updated to include all of that as part of the as-built landscape plans.

Comments sent to Craven for revisions

EXHIBIT C

12/07/22 Contracted for demo of concrete structure

12/12/22 Demo co found 3 footers - will take additional time to demo slab

12/15/22 Demo of structure and footers complete - will install barricades

12/17/22 Reached out to additional plumbing vendors to cap off utilities - NW corner of property

08/29/22 Bergeron will not be managing project. Meeting set up on 08/31/22 on site.