

CITY OF POMPANO BEACH  
BROWARD COUNTY  
FLORIDA

DEVELOPMENT ORDER

MAJOR ADMINISTRATIVE ADJUSTMENT AND MAJOR SITE PLAN

PLANNING AND ZONING NOS. 20-16500002 AND 19-12000047

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A DEVELOPMENT ORDER ISSUED BY THE PLANNING AND ZONING BOARD (LOCAL PLANNING AGENCY) OF THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, PURSUANT TO CHAPTER 155 OF THE CODE OF ORDINANCES; APPROVING WITH CONDITIONS THE APPLICATION FOR DEVELOPMENT PERMIT FOR THE CITY OF POMPANO BEACH.

WHEREAS, Section 155.2407, of the Code of Ordinances, defines the specific application for Development referenced above as a Major Site Plan Review; and

WHEREAS, Section 155.2421, of the Code of Ordinances, defines the specific application for Development referenced above as a Major Administrative Adjustment Review; and

WHEREAS, Section 155.2204, of the Code of Ordinances, authorizes the Planning and Zoning Board (Local Planning Agency) to review and issue a final development order with respect to the Applicant's request approval in order to construct two new 8-story mixed-use buildings with a total of 355 dwelling units (Project). The Project encompasses the following properties: 2335, 2401, 2413 E Atlantic Blvd.; which are more specifically described as follows:

THE SOUTH 35 FEET OF LOTS 7 AND 8, AND ALL OF LOTS 9 THROUGH 18 AND LOTS 23 THROUGH 28, BLOCK 16 OF PINHURST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 13, PUBLIC RECORDS OF BROWARD COUNTY,

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FLORIDA. TOGETHER WITH: LOTS 11 THROUGH 22, BLOCK 17, LESS THE SOUTH 10 FEET OF LOTS 21 and 22, AND LESS THE SOUTH 10 FEET OF LOT 20 LESS THE WEST 15 FEET THEREOF, BLOCK 17, OF PINEHURST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 13, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

WHEREAS, the Development Review Committee has met to review this Project and has provided the Applicant with written comments; and

WHEREAS, the Application for Development Permit is in general compliance with the applicable standards and minimum requirements of this Code, and no building permit will be issued until the Development Services Director finds all conditions issued are met; and

WHEREAS, copies of the survey and final site plan are on file with the Department of Development Services, stamped with the meeting date of December 16, 2020.

**IT IS THEREFORE ORDERED** by the Board that the requested Major Administrative Adjustment Application for the above Project is hereby **GRANTED**, for a 17.5% reduction in the percentage of building frontage active use required on secondary streets in the Core Sub-Area of the East Overlay District (EOD) from 80% to 66%, with the following conditions to which the Applicant has agreed to comply with:

**Obtain approval and revise affected plans to address the following issues prior to Zoning Compliance Permit approval:**

1. The proposed pedestrian bridge across the NE 24 Avenue right-of-way must be approved by the City Engineer prior to building permit approval with a Revocable License Agreement approved by Resolution by the City Commission.
2. Subject to substantial conformance to the Site Plan approved under PZ# 19-12000047.

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**IT IS THEREFORE ORDERED** by the Board that the requested Major Site Plan Application for the above Project is hereby **GRANTED**, with the following conditions to which the Applicant has agreed to comply with:

**Obtain approval and revise affected plans to address the following issues prior to Zoning Compliance Permit approval:**

1. The proposed pedestrian bridge across the NE 24 Avenue right-of-way must be reviewed by the City Engineer and other necessary City disciplines, prior to building permit, and an Agreement must be approved by the City Commission.
2. Provide the required public art and/or fee, pursuant to Table 155.3709.E.3: Density Bonus Option #1 which requires new construction to provide public art to use one or a combination of the following strategies: a fee equal to 1% of the project's construction costs or \$250,000 whichever is less, or a piece of artwork valued at 1% of the project's construction costs or a maximum of \$250,000, whichever is less.
3. To meet the requirements of the East Transit Oriented Corridor (ETOC) land use category and the TO/EOD Zoning district, file a Declaration of Restrictive Covenants prior to building permit addressing the affordable/workforce housing requirement acceptable to the City's Development Services Department and City Attorney. Provide an annual report in a form acceptable to the City verifying compliance with affordable/workforce housing.
4. Within 6 months of completion of the first parking garage, the proposed public plaza on the abutting property must commence construction. The plaza must be completed prior to issuance of the final Certificate of Occupancy (C.O.).
5. Standard Conditions of Approval and/or Specifications required prior to Building Permit/Zoning Compliance Permit issuance:
  - a. Include a copy of the approved CPTED plan, approved by the Broward Sheriff's Office.
  - b. A School Capacity Availability Determination (SCAD) letter from the Broward County School Board must be provided to confirm that the project is exempt from concurrency, is vested, or states that student capacity is available.
  - c. A recorded Unity of Title or other acceptable instrument for all properties demonstrated as unified on the Land Title Survey and all affected neighboring properties (shared parking/loading/access agreements) must be provided prior to building permit. Agreements between subject properties and adjacent properties may be necessary for relocated parking and trash facilities.
  - d. Provide a survey that depicts property lines that are consistent with the Broward County Property Appraiser's records.
  - e. Identify construction phasing of the project in order to provide parking continuity for the existing businesses on East Atlantic Blvd that currently utilize the surface parking lots.
  - f. Provide evidence that existing easements that will no longer be needed have been abandoned.
  - g. Compliance with all applicable City Ordinances, including but not limited to comments issued by the Development Review Committee.
  - h. Substantial compliance with the plans, as submitted with this application.

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**Be advised that pursuant to Section 155.2308(B)(1) of the Pompano Beach Code of Ordinances, this DEVELOPMENT ORDER shall expire if a Zoning Compliance Permit is not obtained within two years.**

Heard before the Planning and Zoning Board/Local Planning Agency and Ordered this

16<sup>th</sup> day of December, 2020.

DocuSigned by:

*Fred Stacer*

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Fred Stacer

Chairman

Planning and Zoning Board/Local Planning Agency

Filed with the Advisory Board Secretary this 22nd day of December, 2020

DocuSigned by:

*Pamela McCleod*

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Pamela McCleod

Planner