

February 15, 2022

VIA ELECTRONIC SUBMITTAL

c/o Scott Reale, AICP, Senior Planner/ZBA Liaison
Honorable Zoning Board of Appeals
100 W. Atlantic Boulevard
City of Pompano Beach
Pompano Beach, Fl 33060

RE: Major Temporary Use Permit for 1380 Ocean Temporary Sales Center

Dear Members of the Zoning Board of Appeals:

Our firm represents 1380 OCEAN ASSOCIATES, LLC, (the “Applicant”), owner of the real property located at 1380 South Ocean Boulevard, Pompano Beach (Folio Nos. 494306580010, 494306000320, and 494306580020). The property is on the east and west sides of A1A (i.e. South Ocean Boulevard), approximately 500 feet north of Terra Mar Drive.

The property obtained approvals for a Major Site Plan (PZ #18-12000019) and Air Park Obstruction Permit (PZ #18-12400001) on October 1, 2018 and Major Building Design (PZ #18-12000019) on October 25, 2018 to construct 239 residential dwelling units and 11,000 square feet of ancillary uses and spa/personal services establishment (the “Project”) in accordance with the approved PD-I Plan (Ordinance No. 2018-54). More recently, the approved development orders were extended per executive orders pursuant so that the new expiration date of the development orders is July 18, 2024 and August 11, 2024, respectively.

A Major Temporary Use Permit to develop and operate a temporary sales center on the east parcel (the “Temporary Sales Center”) for the Project was approved by the ZBA on March 18, 2021 (PZ #21-15000002) per the attached Order. Applicant obtained the associated necessary governmental approvals, including building and zoning compliance permits, and is currently constructing the Temporary Sales Center. On behalf of the Applicant, we are respectfully filing this additional Major Temporary Use Permit application in order to continue operations.

The 4,200 square-foot Temporary Sales Center is intended to provide a high-end experience for prospective buyers, representative of what the completed Project will encompass, within a modern sales center that is further complemented by surrounding enhanced temporary landscape and site improvements. Vehicular access is provided on A1A and leads to the 11 on-site parking spaces. The Temporary Sales Center building is located seaward of the Coastal Construction Control Line (“CCCL”) and landward of the Dune Vegetation Line. An uncovered, elevated dune walkover, designed in accordance with applicable Florida Department of Environmental Protection (“FDEP”) requirements, connects to the rear of the Temporary Sales Center and provides beach access.

As demonstrated below and in the original approval of the Temporary Sales Center, the Temporary Sales Center complies with the review standards as specified in Section 155.2412 [Temporary Use Permit]:

1. Is on its face temporary in nature;

The Temporary Sales Center is intended to be temporary in nature for use during the sales period of the Project prior to and during the construction of the Project.

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2. Is in harmony with the spirit and intent of this Code;

The Temporary Sales Center is in harmony with the spirit and intent of the Code and the approved PD-I Plan (Ordinance No. 2018-54) in that this type of commercial use on the property is permitted.

3. Is not detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare;

The Temporary Sales Center is not detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare. The adjacent road network and other public facilities serving the area are anticipated to have adequate capacity to accommodate this type of commercial use on the property.

4. Does not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;

The Temporary Sales Center is not anticipated to have any substantial adverse effects or noise impacts on any nearby uses and residential neighborhoods given the low-intensity and scale of the use and its operations.

5. Is compatible with any principal uses on the site;

The Temporary Sales Center will be the only use as the subject site is currently vacant.

6. Is located on a site containing sufficient land area to allow the temporary use and associated structures, and accommodate any associated parking and traffic movement, without disturbing environmentally sensitive lands; and

The subject site is approximately 98,195 square feet and is therefore suitable for and capable of accommodating the proposed Temporary Sales Center and associated site improvements. The subject site is not listed on Broward County's Protected Natural Lands Inventory and contains no identified archaeological or environmentally significant features such as specimen trees, wetlands, listed species or listed species habitat. All proposed plantings seawards of the CCCL will be native in accordance with FDEP requirements. The Temporary Sales Center was reviewed and approved by the FDEP.

7. Complies with all applicable use-specific standards in Section 155.4403.

This temporary sales center use is a Major Temporary Use and not listed in Section 155.4403. Therefore, there are not any applicable use-specific standards.

Thank you for your consideration. We respectfully request the Zoning Board of Appeals grant the property a Major Temporary Use Permit as justified above. If you have any questions, please do not hesitate to contact me.

Respectfully,

/s/ Stephanie J. Toothaker

Stephanie J. Toothaker, Esq.

THE ZONING BOARD OF APPEALS
CITY OF POMPANO BEACH, FLORIDA

Landowner: 1380 Ocean Associates, LLC
Case No.: 21-15000002
Address: 1380 South Ocean Boulevard
Zoned: Planned Development-Infill (PD-I)
Folio(s): 494306580010

Legal Description:

Parcel A, BF POMPANO PLAT, according to the plat thereof as recorded In Plat Book 180, Page 1, of the Public Records of Broward County, Florida.

Request:

The Applicant Landowner is requesting a Major Temporary Permit from the provisions of Chapter 155: Article 4[Use Standards] and Article 5 [Development Standards] of the City of Pompano Beach Zoning Code in order to temporarily utilize a vacant lot for a temporary sales center and parking without complying with the applicable use and development standards as required by Code.

* * * * *

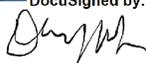
ORDER

Upon presentation of the Applicant’s request for a Major Temporary Permit at a public hearing before the Zoning Board of Appeals (“Board”), and upon review and consideration of all testimony, evidence and argument presented at the hearing, the Board finds that competent substantial evidence was presented to satisfy the review standards for granting Major Temporary Permit pursuant to the City of Pompano Beach Zoning Code. THEREFORE, the Applicant’s Request for the above Major Temporary Permit Chapter 155: Article 4[Use Standards] and Article 5 [Development Standards] of the City of Pompano Beach Zoning Code in order to temporarily utilize a vacant lot for a temporary sales center and parking without complying with the applicable use and development standards as required by Code is granted.

The Board includes the following conditions as part of the Order:

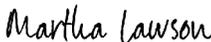
- 1) Obtain all necessary governmental approvals, including building and zoning compliance permits, and a business tax receipt for the sales center.
- 2) Substantial compliance with conceptual site plan submitted with this application.
- 3) Compliance with coastal lighting requirements for marine turtle protection.
- 4) The walkway proposed seaward of the City’s Vegetation Line shall comply with Section 155.4303, KK, Uncovered Porches, Decks, Patios, Terraces and Walkways.
- 5) Landscape plan and landscape material proposed seaward of the City’s Vegetation Line shall be approved by the City’s Urban Forester.

This matter was heard before the Zoning Board of Appeals, and the Board pronounced its decision on March 18, 2021.

DocuSigned by:


 Dan Yaffe, Chairman, Zoning Board of Appeals
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Filed with the Development Services Department this March 24, 2021 day of March, 2021

DocuSigned by:


 Martha Lawson, Director, Development Services
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