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**Minor Site Plan and Major Building Design Justification Statement  
Shopper’s Haven Redevelopment**

WHITNEY LLC, 40TH STREET LLC, NEWTOWN HALL LLC, and CLERMONT REALTY LLC (collectively referred to herein as “Petitioner”) are the owners of the +/- 22.1-acre parcel located at 3301-3573 N Federal Highway, which is generally located at the southwest corner of Sample Road and North Federal Highway (“Property”) in the City of Pompano Beach (“City”). The Property is designated Commercial on the City’s Future Land Use Map and is zoned B-3, General Business. The Property is currently developed with a +/- 200,376 square foot commercial plaza which includes a Bed Bath & Beyond, Youfit, Party City, Bealls, and a variety of other retail uses (“Shopper’s Haven”). Shopper’s Haven was initially developed in the 1960s and has been a successful commercial plaza over the years, although it is in need of remodeling and updating to ensure its continued success. With this application, Petitioner is proposing to redevelop portions of the Property, modify and repaint parts of the building facades, and upgrade the parking and vehicular use areas.

Specifically, Petitioner is proposing to redevelop the grocery store retail space that was previously occupied by Winn-Dixie. The previously existing Winn-Dixie permanently closed in early 2019 and the grocery store retail space has since been vacant. The proposed changes include reconstructing the grocery store structure at the same location as the prior store which will be operated by a new national grocer. In addition, Petitioner aims to improve and enhance the facades of the entire shopping center to create a more modern and inviting appearance. Petitioner is also proposing to update the existing parking areas to enhance circulation and accessibility. The Project will add to the character of North Federal Highway by revitalizing this dated commercial plaza with a new, modern and vibrant commercial center with uses that will serve the community.

Pursuant to Section 155.2407 of the City’s Zoning Code (“Code”), Petitioner is seeking minor site plan approval and major building design approval for the proposed partial redevelopment of the Shopper’s Haven Shopping Center. In accordance with Section 155.2407(E) of the Code, the Applicant will demonstrate that the application meets each of the following criteria: (1) Is consistent with the land use designation in the comprehensive plan; (2) Complies with the applicable district, use, and intensity and dimensional standards of this Code (Articles 3, 4, and 5); (3) Complies with the applicable development standards of this Code (Article 5). While not required to comply with the Sustainable Development Standards in Part 8, Sustainable Development Standards, of Article 5, Development Standards, applications for Minor Site Plan shall be approved only on a finding that there is competent substantial evidence in the record that the proposed development is consistent with the goals and intention found in Section 155.5801, Purpose; (4) Complies with all other applicable standards in this Code; (5) Complies with all requirements or conditions of any prior applicable development orders or prior applicable approved plans on record; (6) The concurrency review has been completed in accordance with Chapter 154 (Planning) of the Code of Ordinances; (7) Is designed to provide safe, adequate, paved vehicular access between buildings within the development and streets as identified on the Broward County Trafficways

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Plan; (8) Complies with any applicable hazardous material licensing requirements in the Broward County Wellfield Protection Ordinance; (9) Complies with crime prevention security strengthening and CPTED standards for natural surveillance, natural access control, territorial reinforcement, maintenance, and activity support; (10) Complies with adopted Fire Codes and Standards per City Code Section 95.02; (11) Considers and mitigates any potential adverse impacts on environmentally sensitive lands identified by the city Comprehensive Plan or Broward County Land Use Plan; and (12) Complies with the approved Transportation Corridor Study, unless in direct conflict with another zoning code provision.

Each of the criteria are listed below in bold, with Petitioner’s justification provided below each.

**1. Is consistent with the land use designation in the comprehensive plan;**

The proposed site plan is consistent with the City’s Comprehensive plan. Specifically, the Project furthers the following goals, objectives and policies of the City’s Comprehensive Plan:

**Goal 01:** The attainment of a living environment which provides the maximum physical, economic and social well-being for the City and its residents through the thoughtful and planned use and control of the natural and man-made environments that discourages urban sprawl, is energy efficient and reduces greenhouse gas emissions.

**Objective 01.04.00-** Support and promote the intermix of residential and commercial uses along major traffic corridors.

**Policy 01.14.01-** The City shall emphasize re-development and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and manmade resources.

**2. Complies with the applicable district, use, and intensity and dimensional standards of this Code (Articles 3, 4, and 5);**

The new proposed structures and parking areas will comply with all applicable district, use, and intensity and dimensional standards. The grocery store use is permitted as of right in the B-3 zoning district. Much of the landscaping and parking areas on site are legally nonconforming as the shopper center was developed decades ago. Petitioner proposes improving these areas and bringing them up to code, while preserving as many mature trees on site as possible.

**3. Complies with the applicable development standards of this Code (Article 5). While not required to comply with the Sustainable Development Standards in Part 8, Sustainable Development Standards, of Article 5, Development Standards, applications for Minor Site Plan shall be approved only on a finding that there is competent substantial evidence in the record that the proposed development is consistent with the goals and intention found in Section 155.5801, Purpose;**

The Project will comply with the design and development standards for commercial shopping centers. In addition, the proposed new grocery store structure will be more energy efficient in comparison to the prior structure.

**4. Complies with all other applicable standards in this Code;**

The Project will comply with all other applicable standards in the Code.

**5. Complies with all requirements or conditions of any prior applicable development orders or prior applicable approved plans on record;**

This criterion is not applicable to this application.

**6. The concurrency review has been completed in accordance with Chapter 154 (Planning) of the Code of Ordinances;**

As the Project entails replacing an existing structure with a structure which is roughly the same size within an established shopping center, the proposal should meet any concurrency requirements. The City has sufficient service capacity to service the shopping center.

**7. Is designed to provide safe, adequate, paved vehicular access between buildings within the development and streets as identified on the Broward County Trafficways Plan;**

The proposed reconfiguration of the parking and vehicular areas will provide safe and adequate vehicular access between buildings and the development as a whole. The Petitioner is not proposing any modifications to the streets in the area and is not required to dedicate right of way as Petitioner is proposing replacing an existing structure, rather than adding a new structure.

**8. Complies with any applicable hazardous material licensing requirements in the Broward County Wellfield Protection Ordinance;**

This criterion does not apply to the Project.

**9. Complies with crime prevention security strengthening and CPTED standards for natural surveillance, natural access control, territorial reinforcement, maintenance, and activity support;**

Among other objectives with this Project, improving the safety and security situation at the shopping center is a primary aim. The plans will comply with the City's CPTED requirements and improve the safety conditions at the site.

**10. Complies with adopted Fire Codes and Standards per City Code Section 95.02;**

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The proposed new structure and parking areas will comply with the adopted Fire Codes and Standards.

**11. Considers and mitigates any potential adverse impacts on environmentally sensitive lands identified by the city Comprehensive Plan or Broward County Land Use Plan;**

This criterion is inapplicable as no environmentally sensitive lands are located on the Property.

**12. Complies with the approved Transportation Corridor Study, unless in direct conflict with another zoning code provision.**

The Project proposes replacing an existing structure with a structure roughly the same size and is not proposing substantial new development. As an existing shopping center, the Project will comply with the approved Transportation Corridor Study.

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