

CITY OF POMPANO BEACH
BROWARD COUNTY
FLORIDA

DEVELOPMENT ORDER

PLANNING AND ZONING NO. 18-12000005

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 155.2204, 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 to construct a mixed-use development with 327 multifamily dwelling units and ground floor nonresidential uses (Project). The Project encompasses the following properties: 1999 NE 6 Street, 621 N Federal Highway, 2001 NE 6 Street, and 601 N Federal Highway; which are more specifically described as follows:

PARCEL 1

THE NORTH 200 FEET OF THE SOUTH 275 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, LYING WEST OF THE WEST RIGHT-OF-WAY OF FEDERAL HIGHWAY AND THE WEST 200 FEET OF THE SOUTH 75 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, LESS THE SOUTH 25 FEET OF THE STREET RIGHT-OF-WAY, AND LESS THE WEST 144.35 FEET OF THE NORTH 122.75 FEET OF THE SOUTH 147.75 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SOUTHEAST 1/4, LYING, SITUATE AND BEING IN SECTION 36, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA.

AND

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A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 36, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SAID NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 36; THENCE NORTHERLY ALONG THE WEST LINE THEREOF, A DISTANCE OF 147.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTHERLY ALONG THE SAID WEST LINE A DISTANCE OF 127.25 FEET; THENCE EASTERLY AND PARALLEL TO THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE1/4) OF SECTION 36, MAKING AN INCLUDED ANGLE OF 89°52', A DISTANCE OF 144.35 FEET; THENCE SOUTHERLY ALONG A LINE PARALLEL TO THE SAID WEST LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 36, MAKING AN INCLUDED ANGLE OF 90°08', A DISTANCE OF 40 FEET; THENCE SOUTHWESTERLY MAKING AN INCLUDED ANGLE OF 155°28', A DISTANCE OF 15.53 FEET; THENCE SOUTHEASTERLY, MAKING AN INCLUDED ANGLE OF 223°58', A DISTANCE OF 19.20 FEET; THENCE SOUTHERLY AND PARALLEL TO THE SAID WEST LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4), OF SECTION 36, MAKING AN INCLUDED ANGLE OF 160°34', A DISTANCE OF 55.00 FEET; THENCE WESTERLY ALONG A LINE PARALLEL TO AND 147.75 FEET NORTH OF THE SAID SOUTH LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 36, MAKING AN INCLUDED ANGLE OF 89°52', A DISTANCE OF 144.35 FEET TO THE POINT OF BEGINNING,

ALSO

THE WEST 144.35 FEET OF THE NORTH 122.75 FEET OF THE SOUTH 147.75 FEET, OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 36, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA.

ALSO

THAT PORTION OF THE SOUTH 275 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 IN SECTION 36, TOWNSHIP 48 SOUTH, RANGE 42 EAST, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SOUTH 275 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE EAST ALONG THE SOUTH BOUNDARY OF SAID NORTHEAST 1/4 OF NORTHEAST 1/4 OF SOUTHEAST 1/4 A DISTANCE OF 200 FEET FOR THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING EAST ALONG SAID SOUTH BOUNDARY A DISTANCE OF 100 FEET; THENCE NORTH AND PARALLEL WITH THE WEST BOUNDARY OF SAID NORTHEAST 1/4 OF NORTHEAST 1/4 OF SOUTHEAST 1/4 A DISTANCE OF 75 FEET; THENCE WEST AND PARALLEL WITH THE SOUTH BOUNDARY A DISTANCE OF 100 FEET; THENCE SOUTH 75 FEET TO THE POINT OF BEGINNING; LESS THE SOUTH 25 FEET THEREOF.

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PARCEL 2

SOUTH 75 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 LYING WEST OF FEDERAL HIGHWAY, LESS THE WEST 300 FEET AND LESS THE SOUTH 25 FEET THEREOF, ALL IN SECTION 36, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, TOGETHER WITH THE IMPROVEMENTS LOCATED THEREON, SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE SOUTH 275 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 IN SECTION 36, TOWNSHIP 48 SOUTH, RANGE 42 EAST, DESCRIBED AS FOLLOWS:

COMMENCE AT SOUTHWEST CORNER OF SAID SOUTH 275 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE EAST ALONG THE SOUTH BOUNDARY OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 300 FEET FOR THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING EAST ALONG SAID SOUTH BOUNDARY, A DISTANCE OF 214.28 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF FEDERAL HIGHWAY (US #1); THENCE NORTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT 75 FEET NORTH OF, MEASURED AT A RIGHT ANGLE TO SAID SOUTH BOUNDARY; THENCE WEST AND PARALLEL WITH SAID SOUTH BOUNDARY A DISTANCE OF 219.25 FEET; THENCE SOUTH AND PARALLEL WITH THE WEST BOUNDARY OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 75 FEET TO THE POINT OF BEGINNING; LESS THE SOUTH 25 FEET.

LESS THAT PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND ONE-INCH IRON PIPE MARKING THE WEST 1/4 CORNER OF SECTION 31, TOWNSHIP 48 SOUTH, RANGE 43 EAST; THENCE SOUTH 88 DEGREES 37' 39" WEST ALONG THE EAST-WEST 1/4 SECTION LINE OF SAID SECTION 36, A DISTANCE OF 3.286 METERS (10.78 FT.) TO A POINT ON THE BASELINE OF SURVEY FOR SR 5 (US 1), ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 86020-2525, THENCE SOUTH 06 DEGREES 51' 01" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 104.444 METERS (342.66 FT.); THENCE NORTH 83 DEGREES 08' 59" WEST AT RIGHT ANGLE TO THE PREVIOUS DESCRIBED COURSE, A DISTANCE OF 21.335 METERS (70.00 FEET) TO A POINT ON THE NON-VEHICULAR ACCESS LINE PER PLAT, POMPAÑO BEACH AIR PARK AND RECREATION FACILITIES PLAT, RECORDED IN PLAT BOOK 149, PAGE 20, THENCE SOUTH 04 DEGREES 27' 46" EAST ALONG SAID NON-VEHICULAR ACCESS LINE, A DISTANCE OF 18.651 METERS (61.19 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT-OF-WAY LINE FOR SAID STATE ROAD 5 (US 1), ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 86020-2525, AND A POINT ON A CURVE CONCAVE EASTERLY, HAVING A CORD BEARING OF SOUTH 05 DEGREES 46' 52" WEST; THENCE SOUTHERLY ALONG SAID WESTERLY EXISTING RIGHT-OF-WAY LINE AND ALONG SAID CURVE, HAVING A RADIUS OF 1,759.507 METERS (5,772.65 FEET), THROUGH A CENTRAL ANGLE 02 DEGREES 00' 46", AN ARC DISTANCE OF 61.810 METERS (202.79 FEET) TO THE END OF SAID CURVE AND A POINT ON A CURVE CONCAVE EASTERLY, HAVING A CORD BEARING OF SOUTH 04 DEGREES 37' 48" WEST; THENCE SOUTHERLY ALONG SAID CURVE HAVING A RADIUS OF 1,759,507 METERS (5,772.65 FEET), THROUGH A CENTRAL ANGLE OF 00 DEGREES 17' 22", AN ARC DISTANCE OF

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8.888 METERS (29.16 FEET) TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID CURVE CONCAVE EASTERLY, HAVING A CORD BEARING OF SOUTH 04 DEGREES 22' 50" WEST; THENCE SOUTHERLY ALONG SAID WESTERLY EXISTING RIGHT-OF-WAY LINE AND SAID CURVE, HAVING A RADIUS OF 1,759.507 METERS (5,772.65 FEET), THROUGH A CENTRAL ANGLE OF 00 DEGREES 12' 34", AN ARC DISTANCE OF 6.430 METERS (21.10 FEET) TO THE END OF SAID CURVE, SAID POINT BEING ON THE NORTHERLY EXISTING RIGHT-OF-WAY LINE FOR NORTHEAST 6TH STREET; THENCE SOUTH 88 DEGREES 44' 11" WEST ALONG SAID NORTHERLY EXISTING RIGHT-OF-WAY LINE, A DISTANCE OF 23.000 METERS (75.46 FEET); THENCE NORTH 83 DEGREES 25' 34" EAST A DISTANCE OF 10.805 METERS (35.45 FEET); THENCE NORTH 88 DEGREES 44' 11" EAST, A DISTANCE OF 6.904 METERS (22.65 FEET) TO A POINT ON A CURVE CONCAVE NORTHWESTERLY, HAVING A CORD BEARING OF NORTH 46 DEGREES 36' 39" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 6.000 METERS (19.69 FEET), THROUGH A CENTRAL ANGLE OF 84 DEGREES 15' 04", AN ARC DISTANCE OF 8.823 METERS (28.95 FEET) TO THE END OF SAID CURVE AND THE POINT OF BEGINNING.

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 not in compliance with the applicable standards and minimum requirements of this Code, but the developer has agreed in writing that no building permit will be issued until those conditions the Development Services Director finds reasonably necessary to insure compliance 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 May 23, 2018.

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

- 1) A recorded Plat is required prior to Building Permit approval;
- 2) Additional approvals may be required for any use, staging, or work performed on adjacent property;
- 3) Overhead utilities are to be placed underground, pursuant to City Code §155.3501.H.6.c.vi.g. Existing overhead utilities that are not in use or will no longer be needed must be removed;

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- 4) The existing chain link fence along the north and west property lines must be replaced with masonry, wood, aluminum or other metals, vinyl or wrought iron, pursuant to City Code Table 155.3501.L.2.a and b. Chain link is permitted in only single family areas of the Transit Oriented zoning district;
- 5) A sidewalk easement is required for the area abutting N Federal Highway in accordance with the Street Development Regulating Diagram, pursuant to §155.3709.F.2;
- 6) A Traffic Analysis is required to be completed, pursuant to §155.3709.J, to determine the impact of the vehicle trips generated from the proposed development on the surrounding neighborhood. The applicant agrees to implementation of any and all mitigation that may be required;
- 7) Payment of the in-lieu of fee for affordable housing, pursuant to §155.3709.K, must be received prior to Building Permit approval;
- 8) Revise the site plan to provide adequate space for trash collection, service and associated maneuvering of trash collection vehicles and workers. The City Solid Waste Division requires an area of 13' clear width with 24' overhead clearance for collection and service, with adequate area and configuration of that area for ingress/egress movement of trash collection vehicles;
- 9) Revise the site plan to show the 65' setback from the centerline of the N Federal Highway right-of-way, address the 12' building encroachment in compliance with §155.5704, Frontage and Access, and dedicate an additional 22' of right-of-way for N Federal Highway as required by the Table expressed in City Code §100.01(B), Arterial Thoroughfare with Required Right-of-Way Widths, and §155.5101F.2., Access and Circulation;
- 10) Revise all plans and elevations to provide a publicly-accessible door to the non-residential use area located at the northeast corner of the building pursuant to §155.3501.O.2.h.ii.b;
- 11) Revise the site plan to provide a minimum of 90% of building frontage on N Federal Highway, between the minimum and maximum setbacks, pursuant to §155.3709.I.2.b. Provide calculations and information on the site plan/ground floor plan indicating compliance;
- 12) Revise the photometric plan/site lighting plan to depict the limits of the project site and demonstrate that the illumination level does not exceed the maximum lighting level at all property lines pursuant to §155.5401, Exterior Lighting;
- 13) The submitted sustainability narrative includes 2 points for a white roof. City Code Table 155.5802 requires that all roof surfaces are to be painted white to qualify for 2 points toward the sustainable development requirement of 18 points. Specify a finish for the parking area with a comparable solar reflective index or replace the white roof from the list of proposed sustainable development options with a valid and qualifying option;
- 14) Revise the Project Narrative to accurately refer to the Flex Building Typology category;
- 15) Prior to Building Permit approval, Broward County EPD Surface Water Management Division must approve the proposed paving and drainage plans;
- 16) Prior to Building Permit approval, provide written approval/acceptance from FPL for the proposed location, size and orientation of the transformer vault and vault doors shown on the ground level plan;
- 17) Verify the square footage of the proposed private open space and demonstrate on an Open Space Plan the location(s) of the private open space;

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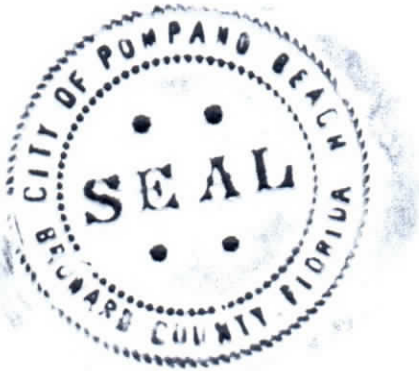
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- 18) Provide detailed information for vertical treatments for levels one through six of the proposed courtyard; and
- 19) Identify the tree preservation measures to protect the critical root zones of the mature canopy trees located on adjacent park property that will be impacted by construction and site improvements.

Be advised that pursuant to Section 157.45 (G) of the Pompano Beach Code of Ordinances, a DEVELOPMENT ORDER for a site plan application shall remain in effect for a period of 24 months from the date of its issuance.

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

23rd day of May, 2018.



Fred Stacer

Chairman

Planning and Zoning Board/Local Planning Agency

Filed with the Advisory Board Secretary this 6th day of June, 2018.

Luis Bencosme

Zoning Technician