

Law Offices
COKER & FEINER
1404 South Andrews Avenue
Fort Lauderdale, FL 33316-1840

Telephone: (954) 761-3636
Facsimile: (954) 761-1818

Richard G. Coker, Jr., P.A.
Rod A. Feiner
Kathryn R. Coker

rgcoker@coker-feiner.com
rafeiner@coker-feiner.com
krcoker@coker-feiner.com

August 31, 2020

Mr. David L. Recor, ICMA-CM
Development Services Director
City of Pompano Beach
100 West Atlantic Boulevard
Pompano Beach, FL 33060

Re: Pompano Industrial Park Development of Regional Impact

Dear Mr. Recor:

I represent Festival Real Estate, LLC, the owners of the Festival Marketplace Property which consists of Tracts A, B and G of the Pompano Industrial Park Third Addition plat recorded in PB 111, p 33 (Folio numbers 4842 21 07 0010 and 4842 21 07 0070). The Festival Marketplace Property is part of the Pompano Industrial Park Development of Regional Impact ("PIP DRI"). The PIP DRI is essentially built-out and the last extension of the build-out date expired on December 29, 2005. The owners of the Festival Marketplace Property have submitted development plans to the City for additional commercial development on Tract B and industrial development on Tract G. Accordingly, the owner and the City must consider the PIP DRI in the review of these development proposals.

Based on the records that are available to me, the following is a list and description of the PIP development orders:

- on March 9, 1981, the Broward County Board of County Commissioners adopted Ordinance No. 81-35(Z), approving a Development Order for Pompano Industrial Park which Development Order was amended by Broward County by the adoption of Ordinance No. 82-55, effective October 13, 1982; and
- by special act of the Florida Legislature, effective September 1, 1983, the Pompano Industrial Park was annexed into the City of Pompano Beach and by adoption of Ordinance

- No. 85-9 on December 4, 1984, the City of Pompano Beach, Florida, through its City Commission ("City"), approved a new Development Order; and
- on January 6, 1988, the City adopted Ordinance No. 88-29, amending the Development Order with conditions for the Pompano Industrial Park DRI; and
 - on March 7, 1989, the City adopted Ordinance No. 89-48, amending the Development Order for the Pompano Industrial Park DRI; and
 - on June 28, 1994, the City adopted Ordinance No. 94-47, amending the existing Development Order for the Pompano Industrial Park DRI and establishing the build-out date for Phase II of the DRI as December 31, 1998; and
 - on December 20, 1994, the City adopted Ordinance No. 95-25, amending the existing Development Order for the Pompano Industrial Park DRI, which Amendment established the build-out date for Phase I as December 30, 1998; and
 - on June 8, 1999, the City adopted Ordinance No. 99-50, amending the existing Development Order to extend the build-out date to December 31, 2001;
 - on May 27, 2003, the City adopted Ord. 2003-50 extending the build-out date to December 29, 2005.

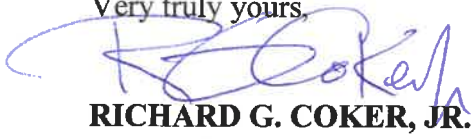
The DRI statute (Sec. 380.06 generally) has undergone significant changes over the past few years. Most developments within Broward County are exempt from the DRI process and modifications or even abandonment of existing DRIs are streamlined and completely controlled by local governments without any review at the State level. Especially for urban counties like Broward, the new State law encourages development which is consistent with the comprehensive plan and land development regulations without adding another layer of approvals such as the DRI process.

Sec. 380.06 (11), Florida Statutes, passed in 2018, establishes a process for the abandonment of a DRI development order that can be initiated by either an owner or developer or by the City. Sec. 380.06 (11)(b) provides that the DRI development order must be abandoned by the local government if requested by the owner or developer upon a showing that all required mitigation related to the amount of development which existed on the date of abandonment has been completed. In this case, the mitigation for the development within the DRI has been completed years ago.

Based on the foregoing, the owners of the Festival Marketplace Property respectfully request that the City adopt an ordinance abandoning the Pompano Industrial Park DRI pursuant to Section 380.06 (11) Florida Statutes.

Mr. David Recor
August 31, 2020
Page - 3 -

Very truly yours,

A handwritten signature in blue ink, appearing to read "R. G. Coker, Jr.", written over the closing "Very truly yours,".

RICHARD G. COKER, JR.
For the Firm

cc: