

STATE OF FLORIDA
BEFORE THE PUBLIC SERVICE COMMISSION

IN RE:

20 North Oceanside Owner, LLC.
a Florida Limited Liability Co.

Docket# 20250081

Petitioner

_____/

NOTICE OF FILING

COMES NOW Petitioner 20 North through the undersigned and
hereby gives notice of filing Exhibit 3-Zoning Memo.

/s/ Marc Mazo

MARC D. MAZO
3050 Sandpiper Ct
Clearwater, Florida 33762
Telephone (727) 542-0538
powck@aol.com
Authorized Representative

CERTIFICATE OF SERVICE

I hereby certify the foregoing Notice of Filing has been
furnished electronically this 3rd day of June 2025 to Adam
Teitzman, Commission Clerk, Director, Division of the Commission
Clerk and Administrative Services, Florida Public Service
Commission.

/s/ Marc Mazo
MARC MAZO

MEMORANDUM

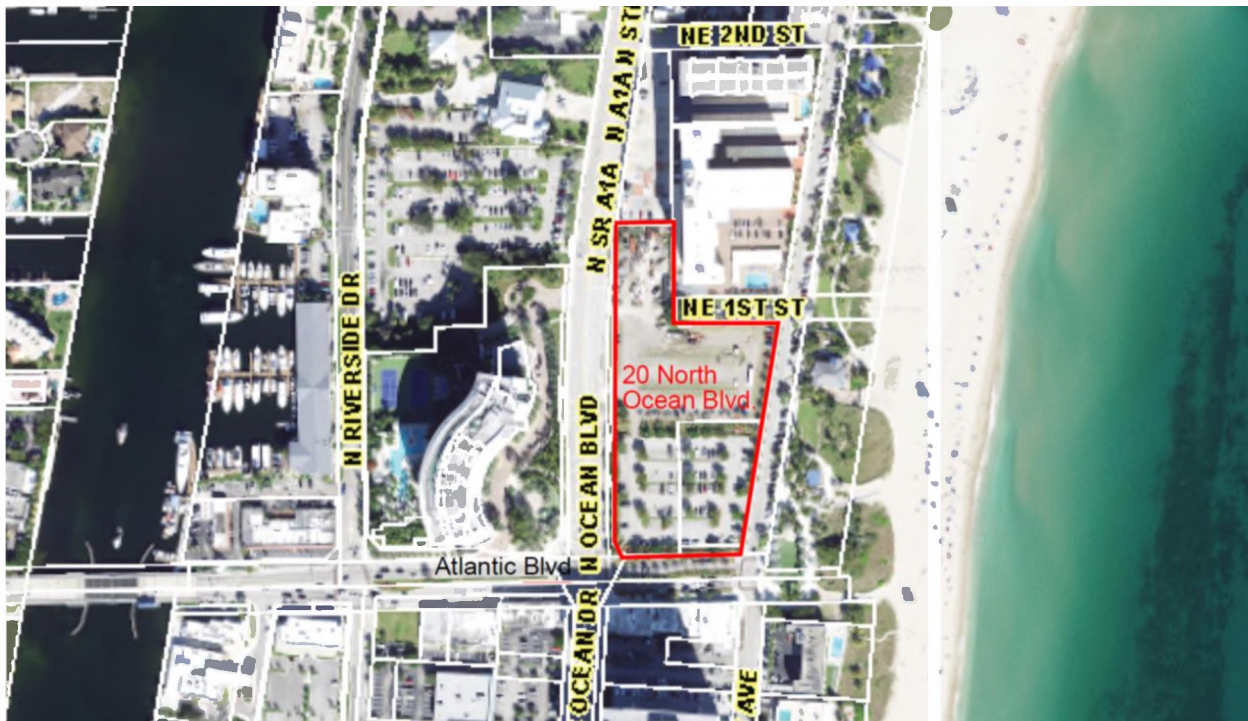
TO: Patrick Campbell, Executive Vice President Condo Division, The Related Group
Greg Knobloch, Senior Development Manager, The Related Group

FROM: Nectaria M. Chakas, Esq.

DATE: May 16, 2023

RE: Property generally located at the northeast corner of Atlantic Boulevard and N. Ocean Boulevard (A1A) having an address of 20 N. Ocean Boulevard in the City of Pompano Beach, Florida (the “Property”)

1. **GENERAL INFORMATION.** Related is under contract to purchase a 3.75-acre parcel which has active development approvals for a 24-story project consisting of 303-room hotel, 77 multifamily units, restaurants, spa and retail uses (see later in the memo for a detailed description of uses) (“Project”). It is our understanding that Related intends to keep the same uses as the existing approved site plan, but wishes to make some changes to the architecture, floor plans and layout of the building. Surveys of the Property are attached as **Exhibit A.** The location of the Property is outlined in red on the aerial below:



2. **LAND USE DESIGNATION.** The Property is designated as “Commerce” by Broward County (“County”) and “Commercial” by the City of Pompano Beach (“City”) Comprehensive Plan. Both of these

categories permit the contemplated hotel and commercial uses. Residential uses are allowed subject to the allocation of "flexibility units." The Project was allocated 77 flexibility units in 2006 by the City Commission.

3. ZONING DESIGNATION. The Property is zoned B-3/Planned Commercial District (PCD)/Atlantic Overlay District (AOD). The PCD is intended to be a flexible zoning district. The site is also

a. PCD Approval. The Property located within the Planned Commercial District ("PCD") zoning district. The Property is governed by a master plan (the Property is identified as "Parcel A" of the PCD/Master Plan). The PCD zoning history is as follows:

- i. Original rezoning to PCD: Ordinance No. 98-26 adopted 1/27/1998 (see **Exhibit A**);
- ii. Major Amendment to the PCD: Ordinance No. 2006-38 adopted 5/9/2006 (see **Exhibit B**);
- iii. Administrative Amendment to the PCD: approved 8/3/2016 (See **Exhibit C**).

The current approval for the PCD is as follows:

	<u>1998 PCD Approval</u> <u>Ordinance No. 98-26</u> <u>(Parcel A)</u>	<u>2006 PCD Approval</u> <u>Ordinance No. 2006-38</u> <u>(Parcel A)</u>	<u>2016 Approval</u> <u>(Administratively</u> <u>approved)</u> <u>Current Active Approval</u>
<u>APPROVED</u> <u>USES:</u>			
	1. Multifamily Residential 2. Hotel 3. Timeshare 4. Condominium 5. Marina 6. Office 7. Retail Sales 8. Restaurant 9. Outdoor Dining 10. Bars	1. Multifamily Residential 2. Hotel 3. Timeshare 4. Condominium 5. Marina 6. Office 7. Retail Sales 8. Restaurant 9. Outdoor Dining 10. Bars	1. Multifamily Residential 2. Hotel 3. Condo-Hotel 4. Condominium 5. Office 6. Retail Sales 7. Restaurant 8. Outdoor Dining 9. Bars
<u>HEIGHT:</u>			
	27 stories (242 feet)	24 stories (265'-2" top of condo tower) 22 stories (241'-4" top of hotel tower)	24 stories (265'-2" top of condo tower) 22 stories (241'-10" top of hotel tower)
<u>INTENSITY</u> <u>OF USES:</u>			
Hotel	168 hotel rooms	303 condo-hotel units	303 hotel (254 hotel/49 condo-hotel)
Time share	332 units	None stated	None stated
Residential	None	77 multifamily units	77 multifamily units
Retail	13,600 sf	3,888 sf total (1,000 sf hotel retail and 2,888 sf retail tenant)	4,836 sf total sf (542 sf hotel retail and 4,284 sf retail tenant)
Restaurant	20,000 sf	11,518 sf total restaurant (5,274 sf hotel and 6,244 sf restaurant tenant)	9,875 sf total sf (4,525 sf hotel restaurant and 5,350 sf hotel tenant)
Banquet	None stated	12,800 sf	12,311 sf
Spa	None stated	22,000 sf	21,357 sf
Employee	None stated	227 sf	227 sf

c. PCD Development modifications. The PCD is intended to be a flexible zoning category. The following design items may be modified through the PCD procedure:

1. Density maximum (in this case, the density is limited to 77 units)
2. Floor area ratio
3. Lot area
4. Lot width
5. Impervious surfaces
6. Building height
7. Setbacks
8. Access and Circulation
9. Off street parking and loading
10. Landscaping
11. Tree Preservation
12. Screening, Fences and walls
13. Exterior lighting
14. Sustainable design

The following items cannot be modified through the PCD development process and therefore must either be adhered to or a variance would be needed:

1. Commercial and mixed-use design standards Section 155.5602
2. Residential compatibility
3. Parking deck or garage standards

d. Deviations from the approved PCD. Minor deviations from the PCD may be approved, without the need to amend the PD Plan, provided such deviations are limited to changes that the Development Services Director determines:

1. Address technical considerations that could not reasonably be anticipated during the planned development approval process;
2. Have no material effect on the character of the approved PD district and the terms and concept of the PD Plan. These include, but are not limited to, the following:
 - a. Changes in driveway locations;
 - b. Minor shifts in building size, configuration, or location;
 - c. Structure floor plan revisions; and
 - d. Facility design modifications for amenities and the like.

If the proposed deviations do not comply with the above criteria, a PCD Amendment would need to be processed as a new rezoning, which requires review/approval by the City's Development Review Committee (DRC), Planning and Zoning Board (PZB) and City Commission.

4. PLAT. The Property is subject to two (2) separate plats:

- a. Atlantic Point Plat No. 1 recorded in Plat Book 169, Page 7 – The Property is Parcel A of this plat.
- b. Pompano Beach recorded Plat Book 1, Page 15

Parcel A of the Atlantic Point plat has a restrictive note which limits the use of the Property to:

77 high rise units
40,715 sf of commercial uses
360 hotel rooms

The Pompano Beach Plat does not have a note restriction. Please note that the Atlantic Point Plat No. 1 affects a portion of the Property (not the entire Property). Therefore, the plat note restriction is only applicable to the portion of the Property which is subject to the Atlantic Point Plat No. 1. If you stay within the above uses, then no plat amendment is needed. If you wish to increase or modify the above uses, then you will need to amend the plat note restriction. A plat note amendment must be approved by the City Commission and Broward County Commission. After approval, an agreement will need to be recorded in order for the new plat note restriction to become effective. The time to process this amendment is normally 4-6 months from the date of filing. To the extent possible, you can process this application concurrently with the site plan. The Plats and last approval are attached as **Exhibit D, E and F, respectively.**

5. SITE PLAN AND OTHER APPROVALS.

a. List of site plan and other approvals. In addition to the PCD approval, the Project has also received the following approvals:

<u>Approval Date/Case No.</u>	<u>Approving Body</u>	<u>Subject</u>
5/22/2006 PZ#06-12000032	AAC	Signage
5/22/2006 PZ#06-12000032	AAC	Landscape Plans
6/26/2006 PZ#06-12000032	AAC	Site Plan Approval
6/15/2006 Appeal #06-60-A	ZBA	Variance to construct a building 285 feet above mean sea level or 265 feet above the Air Park elevation, rather than the height limit of 170 feet above mean sea level or 150 feet above the Air Park elevation.
6/28/2006 PZ# 06-12000032	PZB	Site Plan
10/19/2006 Appeal #07-04	ZBA	Variance to construct a building with a finished floor elevation of 11 feet above mean sea level, rather than a finished floor elevation of 13.5 feet above mean sea level (6 inches above the highest point of the crown of the adjacent streets), as required by the Code.
1/26/2016 PZ No. 15-12100040	AAC	Revised building plans
8/2016		

Key:

AAC = Architectural Appearance Committee
PZB = Planning and Zoning Board
ZBA = Zoning Board of Appeals

Notes:

AAC approvals are attached as **Exhibit G.**
PZB approval is attached as **Exhibit H.**
ZBA approvals are attached as **Exhibit I.**

b. Amendments to the approved site plan. If the approved site plan (attached as Exhibit C) is proposed to be amended, and such changes are deemed to be “minor,” the amendment may be approved administratively, provided that Architectural Appearance Committee reviews the changes (no Planning and Zoning Board). “Minor deviations” are limited to changes that the Development Services Director determines would not:

- a. Increase or significantly decrease the density of residential development;
- b. Increase or decrease the number of building stories;
- c. Materially alter the drainage, streets, or other engineering design;
- d. Adversely impact the management of stormwater quality or stormwater quantity;
- e. Substantially affect the terms of the original approval;
- f. Result in significant adverse impacts on the surrounding properties or the city at large;
or
- g. Increase or significantly decrease the intensity of nonresidential development that affects the overall character of the project.

c. Site plan extension. The development approvals have been extended to 3/9/2026. A copy of the letter is attached as **Exhibit J**.

6. DESIGN STANDARDS FOR MIXED USE DEVELOPMENTS. If the modifications are required to major PCD amendments, the Project will likely need to comply with the requirements contained in Sec. 155.5602 Commercial, Institutional and Mixed Use Development Standards (attached as **Exhibit K**).

7. CONDITIONS OF APPROVAL. There are several conditions of approval stemming from the PCD approval. The conditions are listed on Sheet A-100 of the site plan approved in 2016 and attached as Exhibit C.

8. CONCLUSIONS. After reviewing the relevant documents, we conclude the following:

<u>Land use:</u>	The site is designated Commercial and allows the proposed uses.
<u>Zoning:</u>	The Property is zoned PCD, and is governed by a PCD Master Plan which allows Hotel, Condo-Hotel, Restaurants, Banquet Facilities, shown in more detail on the Table in Section 3.a of this memorandum.
<u>Site Plan:</u>	There is an active site plan approval which is valid until 3/9/2026. The site plan is attached as Exhibit C to this memorandum and the uses approved are summarized on the table in Section 3.a. of this memorandum.
<u>Plat:</u>	The property does not need to be re-platted. A portion of the Property is subject to the Atlantic Point No. 1 Plat which contains a restrictive note as outlined in Section 4 of this memorandum. If the proposed development is at or below the uses shown on the plat restriction, then the plat will not need to be modified.
<u>Conditions of approval:</u>	There are several conditions of approval that are tied to the overall PCD. The conditions are shown on Sheet A-100 of the Approved Development Plan.

We trust this information satisfies your request. Please note that this memorandum does not address environmental issues, survey issues and title matters. Should you have any questions or require additional information, please feel free to contact me.

Exhibits:

- A – Ordinance No. 98-26
- B – Ordinance No. 2006-38
- C – Administrative Amendment to PCD – Approved Development Plan
- D – Atlantic Point Plat No. 1 - Plat Book 169 Page 7
- E – Pompano Beach Plat - Plat Book 1 Page 15 Plat
- F – Agreement Amending Notation on Plat – Official Records Book 42225 Page 1005
- G – AAC Approvals (2006 Site Plan, Signage, Landscape Plans and 2016 Amendment to Site Plan)
- H – ZBA (2006 variances for Finished Floor and Height)
- I – PZB (2006 Site Plan approval)
- J – Site Plan Extension letter
- K – Section 155.5602 – Commercial, Institutional and Mixed-Use Development Standards

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the above Exhibit 2-Prospectus-Condo/Hotel has been furnished this 31st day of May via electronic filing to Adam Teitzman, Commission Clerk, Director Division of the Commission Clerk and Administrative Service, Florida Public Service Commission.

/s/ Marc Mazo
Authorized Representative
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