

RESOLUTION NO. 2022 - 168**CITY OF POMPANO BEACH
Broward County, Florida****A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF POMPANO BEACH, FLORIDA, RESCINDING
RESOLUTION NO. 2020-190 AND REAFFIRMING AND
REDUCING THE ALLOCATION OF FLEX UNITS TO 5
UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT
LOCATED WEST OF SOUTH DIXIE HIGHWAY ON THE
NORTH AND SOUTH SIDES OF SW 11TH STREET;
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, In 2020, ALOHA 1, LLC requested an allocation of a maximum of one hundred eight (108) residential flex units in order to construct 129 dwelling units for a residential development on property located west of South Dixie Highway, on the north and south sides of SW 11th Street, legally described in Exhibit “A,” which was approved in Resolution No. 2020-190; and

WHEREAS, the project has been modified to become Phase 3 of the Captiva Cove development, reduced to 106 total units, and will include 16 very low income units as part of a 100% tax credit project deed restricted for more than 30 years; and

WHEREAS, in 2021, Broward County adopted policy 2.16.3 which grants a density bonus of 19 units for every very low income unit deed restricted for 30 years; and

WHEREAS, the applicant intends to comply with the affordable housing requirements of Broward County policy 2.16.3 by providing 100% very low and low income tax credit units; and

WHEREAS, in order to construct the proposed project on the subject property and be eligible for the density bonus the city will have to allocate a maximum of five flex units; now, therefore,

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BE IT RESOLVED BY THE CITY COMMISSION OF CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Resolution No. 2020-190 is hereby rescinded in its entirety.

SECTION 2. That the City Commission of the City of Pompano Beach allocates a maximum of five flex units, all of which will come from the unified flex zone and constructed on the property, which is legally described in Exhibit "A."

SECTION 3. The number of flex units in the unified flex zone shall be reduced by the number of units necessary for the project, not to exceed five units, and the remainder of the density for the project will be achieved through the policy 2.16.3 density bonus; and

SECTION 4. The proposed project must be built in substantial conformity with the attached conceptual site plan as shown in Exhibit "B," a copy of which is attached and made a part of this Resolution.

SECTION 5. Failure of the Applicant to obtain a principal building permit for the project within two years of the date of this Resolution shall render the allocation of the flex units null and void.

SECTION 6. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this 28th day of June, 2022.

DocuSigned by:
Rex Hardin
502CB780EB3F480...

REX HARDIN, MAYOR

ATTEST:

DocuSigned by:
Asceleta Hammond
62AB0835850F4A1...

ASCELETA HAMMOND, CITY CLERK

DocuSigned by:



jrm
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L:reso/2020-222

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8/24/2022

Exhibit "A"
LEGAL DESCRIPTION

ALL OF LOTS 1, 2, 3, 4, 5, 17, 18, 19, 20, 21, 22, 23, 24, AND A PORTION OF LOT 6, BLOCK 2, ALL OF LOTS 8, 9, 10, 11, AND 12, BLOCK 1, AMENDED PLAT OF FAIRVIEW, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 25 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. TOGETHER WITH A PORTION OF THAT CERTAIN 60 FOOT RIGHT OF WAY FOR MAGNOLIA DRIVE (SW 11th STREET) NOW VACATED PER INSTRUMENT NUMBER 115976317, OFFICIAL RECORDS BOOK 41418, PAGE 410, AND OFFICIAL RECORDS BOOK 38974, PAGE 372 IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID PORTIONS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 17, OF SAID BLOCK 2; THENCE NORTH 88°30'47"E ALONG THE NORTH LINE OF LOTS 17 THROUGH 24 OF SAID BLOCK 2, 364.73 FEET TO THE WESTERLY MOST NORTHEAST CORNER OF LOT 24 OF SAID BLOCK 2; THENCE NORTH 69°00'54" EAST, 74.64 FEET TO A POINT ON THE NORTH LINE OF LOT 6 OF SAID BLOCK 2; THENCE NORTH 88°29'15" EAST ALONG THE NORTH LINE OF SAID LOT 6, 60.77 FEET TO THE NORTHEAST CORNER OF LOT 6, OF SAID BLOCK 2; THENCE SOUTH 38°22'37" EAST ALONG THE EASTERLY LINE OF SAID BLOCK 2 AND THE WESTERLY RIGHT OF WAY LINE OF SW 10th DRIVE (RACELAND BOULEVARD PER PLAT) 34.54 FEET TO A POINT OF CURVATURE WITH A CURVE TO THE RIGHT; THENCE SOUTHEASTERLY, SOUTHERLY, AND SOUTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 15.00 FEET, THROUGH A CENTRAL ANGLE OF 49°45'40", AN ARC DISTANCE OF 13.03 FEET TO A POINT TANGENCY ON THE EASTERLY LINE OF SAID BLOCK 2 AND THE WESTERLY RIGHT OF WAY LINE OF S. DIXIE HIGHWAY; THENCE SOUTH 11°23'02" WEST ALONG SAID EASTERLY LINE AND WESTERLY RIGHT OF WAY LINE, 115.38 FEET TO A POINT OF CURVATURE WITH A CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 15.00 FEET, THROUGH A CENTRAL ANGLE OF 77°12'10", AN ARC DISTANCE OF 20.21 FEET TO A POINT OF TANGENCY ON THE SOUTH LINE OF SAID BLOCK AND THE NORTH RIGHT OF WAY LINE OF SW 11th STREET (MAGNOLIA DRIVE PER PLAT); THENCE SOUTH 88°35'13" WEST ALONG SAID SOUTH LINE AND SAID NORTH RIGHT OF WAY LINE, 228.35 FEET TO THE SOUTHEAST CORNER OF LOT 21 OF SAID BLOCK 2; THENCE SOUTH 01°41'57" EAST ALONG THE EAST LINE OF LOT 8, OF SAID BLOCK 1 AND ITS NORTHERLY EXTENSION THEREOF, 199.26 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8, BLOCK 1; THENCE SOUTH 88°44'56" WEST ALONG THE SOUTH LINE OF LOTS 8 THROUGH 12, OF SAID BLOCK 1, AND THE WESTERLY EXTENSION THEREOF, ALSO BEING THE NORTH LINE OF PARCEL "B", CAPTIVA CLUB ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 176, PAGES 143 & 144, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, 310.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF THE SAID VACATED RIGHT OF WAY FOR PALM TERRACE ALSO BEING A POINT ON THE EASTERLY LINE OF PARCEL "A", OF SAID CAPTIVA CLUB PLAT; THENCE NORTH 01°42'04" WEST ALONG SAID WEST VACATED RIGHT OF WAY LINE AND SAID EASTERLY LINE, 336.85 FEET TO THE NORTHERN MOST NORTHEAST CORNER OF SAID PARCEL "A", ALSO BEING THE SOUTHEAST CORNER OF LOT 1, BLOCK 3, OF SAID AMENDED PLAT OF FAIRVIEW; THENCE NORTH 88°30'47" EAST, 60.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 17 AND THE POINT OF BEGINNING.

SAID LAND LYING AND SITUATED IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA AND CONTAINING 142,839 SQUARE FEET (3.279 ACRES) MORE OR LESS.

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6/1/2022