

Ord. 32

RESOLUTION NO. 2019- 270

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING RESOLUTION NO. 2015-32 TO REAFFIRM THE ALLOCATION OF SEVENTY-SEVEN RESERVE UNITS FOR A PROPOSED MIXED-USE DEVELOPMENT LOCATED AT 3350 EAST ATLANTIC BOULEVARD AND TO PROVIDE AN EXTENSION FOR A PRINCIPAL BUILDING PERMIT CONSISTENT WITH SECTION 155.2405 OF THE CITY CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission approved Resolution No. 2011-134, which allocated to Atlantic 3350 LLC seventy-seven (77) reserve units (which are now referred to as flex units) in order to construct 77 dwelling units, along with hotel and retail uses, on a 3.23 gross acre property known as 3350 East Atlantic Boulevard ("Project"), legally described in Exhibit "A"; and

WHEREAS, the City Commission approved Resolution No. 2012-320, amending City Resolution No. 2011-134 and removing the requirement for meeting the city's affordable housing requirements; and

WHEREAS, City Resolution No. 2012-320 required Atlantic 3350 LLC to obtain a principal building permit for its Project no later than July 10, 2014; and

WHEREAS, City Resolution No. 2015-32 reaffirmed the allocation of the 77 flex units and extended the deadline for Atlantic 3350 LLC to obtain a principal building permit for its Project to October 14, 2016; and

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WHEREAS, Atlantic 3350 LLC was granted an extension through January 22, 2017, pursuant to a Florida legislative action that authorized the extension of development orders that expire between January 1, 2014 and January 1, 2016; and

WHEREAS, extenuating circumstances unrelated to acts of omission by Atlantic 3350 LLC led to the expiration of the flex units after January 22, 2017, but not the approved rezoning and master plan in accordance with City Ordinance 2012-57; and

WHEREAS, Atlantic 3350 LLC requests that the allocation be extended, based upon the active status of the Project's Planned Development (PD) Zoning District and approved Master Plan, which includes the 77 flex units as part of the PD entitlements; and

WHEREAS, the proposed density of the freestanding residential building would not exceed the maximum density of 46 dwelling units per net acre as allowed in the B-3, General Business, Zoning District, and 25 units per gross acre related to flex unit allocation limitations on the barrier island pursuant to the Broward County Land Use Plan; and

WHEREAS, the city's flex receiving area map does not include the barrier island, so new flex units cannot be allocated to the Project, but can only be reaffirmed based on the previous approvals and extensions; now, therefore,

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

SECTION 1. That City Resolution No. 2015-32 is amended and reaffirmed as follows:

SECTION 1. That the City Commission of the City of Pompano Beach hereby reaffirms the allocation of 77 ~~reserve~~ flex units to be constructed on property known as 3350 East Atlantic Boulevard, which is legally described in Exhibit "A," which is attached hereto and made a part hereof.

SECTION 2. That accordingly the number of flex ~~reserve~~ units available to the city shall be reduced by 77 units.

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SECTION 3. That 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 hereto and made a part hereof.

SECTION 4. Failure of the applicant to obtain a principal building permit for its freestanding residential project, as shown in Exhibit "B" attached, within two years of the date of this resolution or any amendment shall ~~render~~ require reaffirmation of the allocation of 77 units ~~null and void~~.

SECTION 5. Failure of the applicant to construct the residential project substantially in accordance with the conceptual site plan as shown in Exhibit "B" attached, shall ~~render~~ require the reallocation of the 77 units ~~null and void~~; the units may not be used for or applied to any other project or projects.

SECTION 2. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this 10th day of September, 2019.



REX HARDIN, MAYOR

ATTEST:



ASCELETA HAMMOND, CITY CLERK

JES/MEB:jrm
8/27/19
l:reso/2019-284

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6/3/2020

EXHIBIT "A"

ATLANTIC 3350

**3350 E. ATLANTIC BOULEVARD
POMPANO BEACH, FLORIDA 33062**

LEGAL DESCRIPTION

ALL OF LOTS 1 THROUGH 15, BLOCK 7, OF 'POMPANO BEACH BLOUNT BROS. REALTY CO.'S SUBDIVISION', ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 43 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA;

LESS: THE NORTHERLY 25.9 FEET OF LOT 1, AND THE NORTHERLY 25 FEET OF LOTS 11 THROUGH 15, BLOCK 7, OF SAID 'POMPANO BEACH BLOUNT BROS. REALTY CO.'S SUBDIVISION'; ALSO LESS: THE EASTERLY 15 FEET OF LOTS 1 THROUGH 5, BLOCK 7, OF SAID 'POMPANO BEACH BLOUNT BROS. REALTY CO.'S SUBDIVISION'; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 49 SOUTH, RANGE 43 EAST; THENCE WESTERLY, ALONG THE NORTHERLY LINE OF SAID SECTION 6, USING AN ASSUMED BEARING OF SOUTH 89°50'30" WEST, A DISTANCE OF 292.43 FEET; THENCE SOUTH 00°09'30" EAST, A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST LINE OF LOT 11, BLOCK 7, OF SAID 'POMPANO BEACH BLOUNT BROS. REALTY CO.'S SUBDIVISION', AND THE POINT OF BEGINNING; THENCE NORTH 89°50'30" EAST, ON A LINE 50.00 FEET SOUTH OF AND PARALLEL TO THE SAID NORTHERLY LINE OF SECTION 6, TOWNSHIP 49 SOUTH, RANGE 43 EAST, A DISTANCE OF 250.80 FEET; THENCE SOUTH 04°25'43" WEST, A DISTANCE OF 0.82 FEET; THENCE NORTH 89°53'51" EAST, A DISTANCE OF 135.42 FEET; THENCE SOUTH 04°25'45" WEST, A DISTANCE OF 230.86 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 20 FEET AND A CENTRAL ANGLE OF 90°00'00"; THENCE SOUTHWESTERLY AN ARC DISTANCE OF 31.42 FEET TO A POINT OF TANGENCY; THENCE NORTH 85°34'15" WEST, A DISTANCE OF 365.00 FEET; THENCE NORTH 04°25'45" EAST, A DISTANCE OF 220.92 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF POMPANO BEACH, FLORIDA AND CONTAINING 90,795.4 SQUARE FEET (2.08 ACRES) MORE OR LESS.

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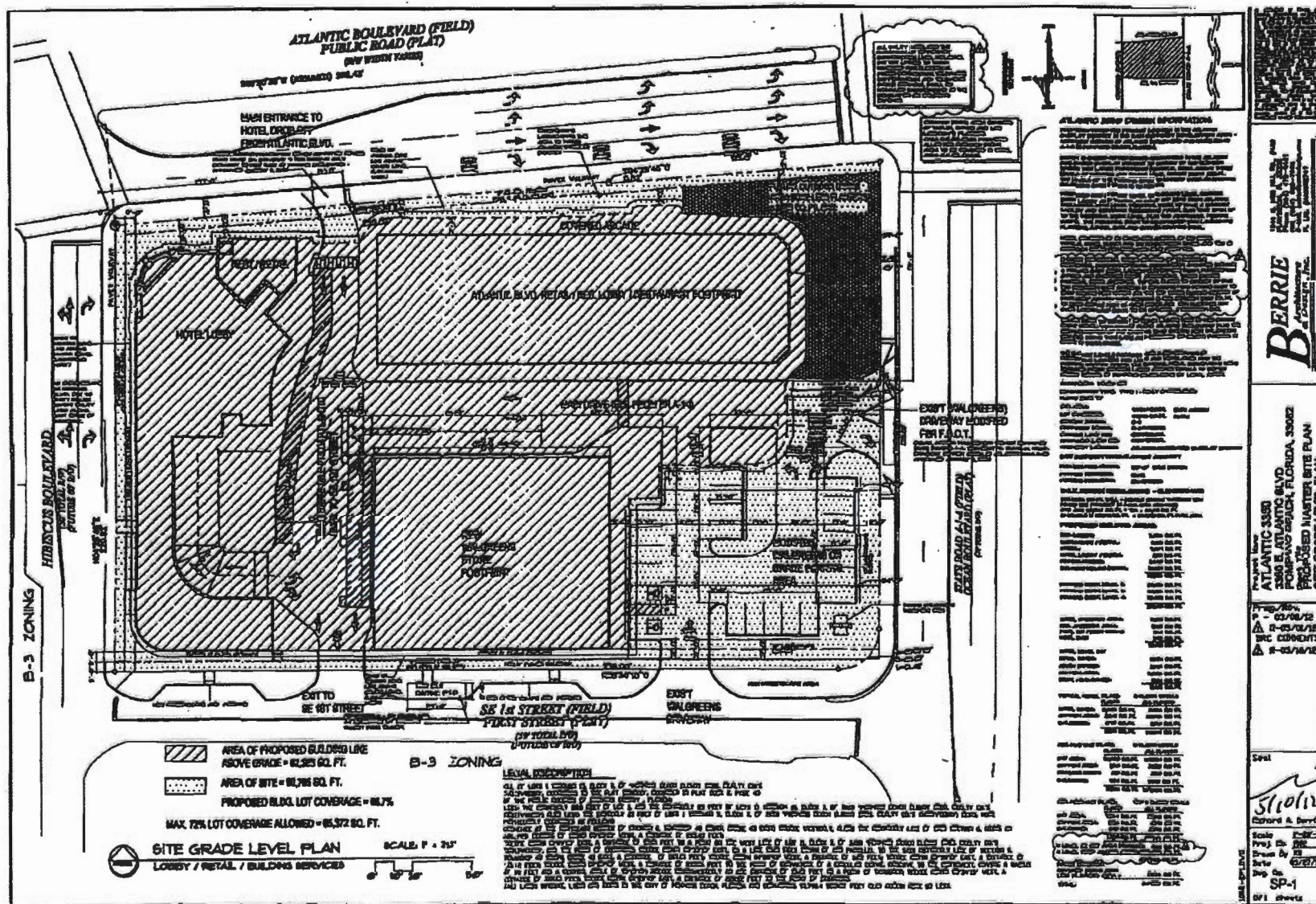
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EXHIBIT "B"



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