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December 29, 2020

City of Pompano Beach
Development Services Department
100 West Atlantic Blvd., 3rd Floor
Pompano Beach, Florida 33060

Mr. Mark Berman, Esq.
City Attorney
100 West Atlantic Blvd.
Pompano Beach, Florida 33060

RE: Request for City Commission Hearing for Flexibility or Reserve units Palm Aire Property. Folio# 4942 04 02 0013 – Usman Palm Aire, LLC.

I hope all is well. Thank you for the opportunity to request the above referenced Flexibility Units (“Flex Units”). This letter shall serve as a formal request for City Commission hearing regarding the above referenced request for allocation of flexibility units.

As you are aware, due to Covid-19 and continued communications with proponents and opponents of the allocation, on July 21, 2020 we requested a postponement of a public hearing on the above reference Flexibility Allocation. We now request that the item be brought back for a hearing on the matter.

As a point of historical procedural posture, on February 20th 2019 the applicant met formally with the Development Review Committee (“DRC”) and the application was approved. On March 12th 2019 Broward County School Board received and on April 11, 2019 the school board concluded that the project satisfies public school concurrency “on the basis that adequate school capacity is anticipated to be available to support the residential development as currently proposed by the applicant. On April 1, 2019, the applicant met with the Director of Development Services, Mr. David Recor, and no concerns regarding the allocation of units were raised. On April 10, 2019, the applicant then met with Commissioner Moss and the local neighborhood community to discuss the project and potential impacts and benefits to the neighborhood community and no

concerns were raised regarding the allocation of units. On June 26, 2019, the City's Planning and Zoning Board heard testimony during a quasi-judicial hearing regarding the allocation of units. There were no substantive objections to the allocation and the allocation of the units was approved unanimously – including an affirmative vote from the district representative (also a president of a Palm Aire Condominium Association). On September 24, 2019, the City Commission voted to deny the allocation of units despite the application meeting all of the explicit criteria under Section 154.61. On September 24, 2019, upon request of the applicant, the City Commission voted in favor of rehearing regarding the allocation request. On January 6, 2020, the applicant held a town hall meeting with 110 residents of Palm Aire and addressed their concerns. On February 24, 2020, the Pompano Beach Economic Development Council voted in support of the allocation of units for the project. Throughout the application process the applicant has received over 40 letters of support which were forwarded to the City.

As a result of meetings with the Commissioners and the neighborhood community the applicant has agreed to reduce the allocation request from 58 original units to 40 units. This substantial reduction in unit allocation sufficiently and undoubtedly quells concerns of most neighboring residents while allowing the applicant a reasonable use of the property consistent with the community.

The applicant respectfully requests to be placed on the next City Commission Agenda or as soon as possible and be heard regarding the approval of the allocation. Please contact the undersigned if you have any questions regarding the application or request for placement on the agenda.

Respectfully,



Robert N. Hartsell, Esq.
Florida Bar No. 636207
ROBERT N. HARTSELL, P.A.

cc: City Clerk Asceleta Hammond asceleta.hammond@copbfl.com;
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