

RESOLUTION NO. 2019-_____

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

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.

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.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

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