

RESOLUTION NO. 2021 - ____

**CITY OF POMPANO BEACH
Broward County, Florida**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING 0.45 ACRES OF NONRESIDENTIAL FLEXIBILITY TO ALLOW A COMMERCIAL USE IN A RESIDENTIAL LAND USE CATEGORY ON PROPERTY LOCATED SOUTH OF SAMPLE ROAD AND WEST OF FEDERAL HIGHWAY AND COMMONLY KNOWN AS 3500 NE 16th TERRACE; PROVIDING CONDITIONS AND FOR REVERSION OF NONRESIDENTIAL FLEXIBILITY IF CONDITIONS ARE NOT MET; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the current owner (“Applicant”) requests an allocation of 0.45 acres of Residential to Commercial flexibility on property known as 3500 NE 16th Terrace, legally described in Exhibit “A”. The site being the former location of Fire Station 103; and

WHEREAS, the City’s Comprehensive Plan provides for the utilization of Residential to Commercial flexibility which allows up to 5% of all the residential land use acreage in the City be used for nonresidential purposes without requiring a Comprehensive Plan amendment; and

WHEREAS, the City’s Comprehensive Plan further provides for the use of Residential to Commercial flexibility within the adopted flex receiving areas when consistent with the community character and adjacent land uses; and

WHEREAS, the City has received an application for use of Residential to Commercial flexibility on the property at 3500 NE 16th Terrace, Pompano Beach, Florida (the “Project”) concurrent with a land use plan amendment application changing the property from CF (for the previous Fire Station use) to LM-10 residential; and a rezoning application from CF to B-1 (allowed after the approval of this commercial flexibility request); and

WHEREAS, pursuant to Section 154.61 (C)(3), the Development Services Department has obtained a recommendation of approval from the Planning and Zoning Board on January 27, 2021; and

WHEREAS, the City desires to ensure that the application complies with the City’s Comprehensive Plan together with all other applicable regulations affecting the proposed project; and

WHEREAS, the City is willing to allocate 0.45 acres of Residential to Commercial flexibility to the Applicant pursuant to the terms of this Resolution; now, therefore,

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

SECTION 1. That the City Commission of the City of Pompano Beach finds that the requirements in Section 154.61(C) have been met and hereby allocates a maximum of 0.45 acres of Residential to Commercial flexibility for the proposed project to be constructed on the property, which is legally described in Exhibit “A.”

SECTION 2. The proposed project must be built in substantial conformity with the conceptual site plan, provided herein as Exhibit “B.”

SECTION 3. The Development Services Director may approve minor modifications to the attached conceptual site plans if needed to comply with the Zoning Code. Any major deviations from the Conceptual Site Plans will require City Commission approval.

SECTION 4. Failure of the Applicant to obtain rezoning approval within twenty four (24) months of the date of this resolution shall render the allocation of the Residential to Commercial flexibility null and void.

SECTION 5. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2021.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
2/3/21
L:reso/2021-58

Exhibit A

Legal Description

Lots 1 and 2, Block 1, "Cresthaven No. 9 Replat", According to the plat thereof, recorded in Plat Book 46, Page 1, of the public records of Broward County, Florida.

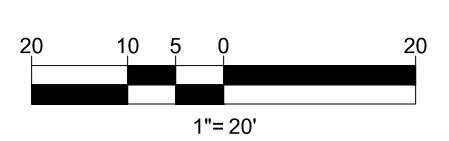
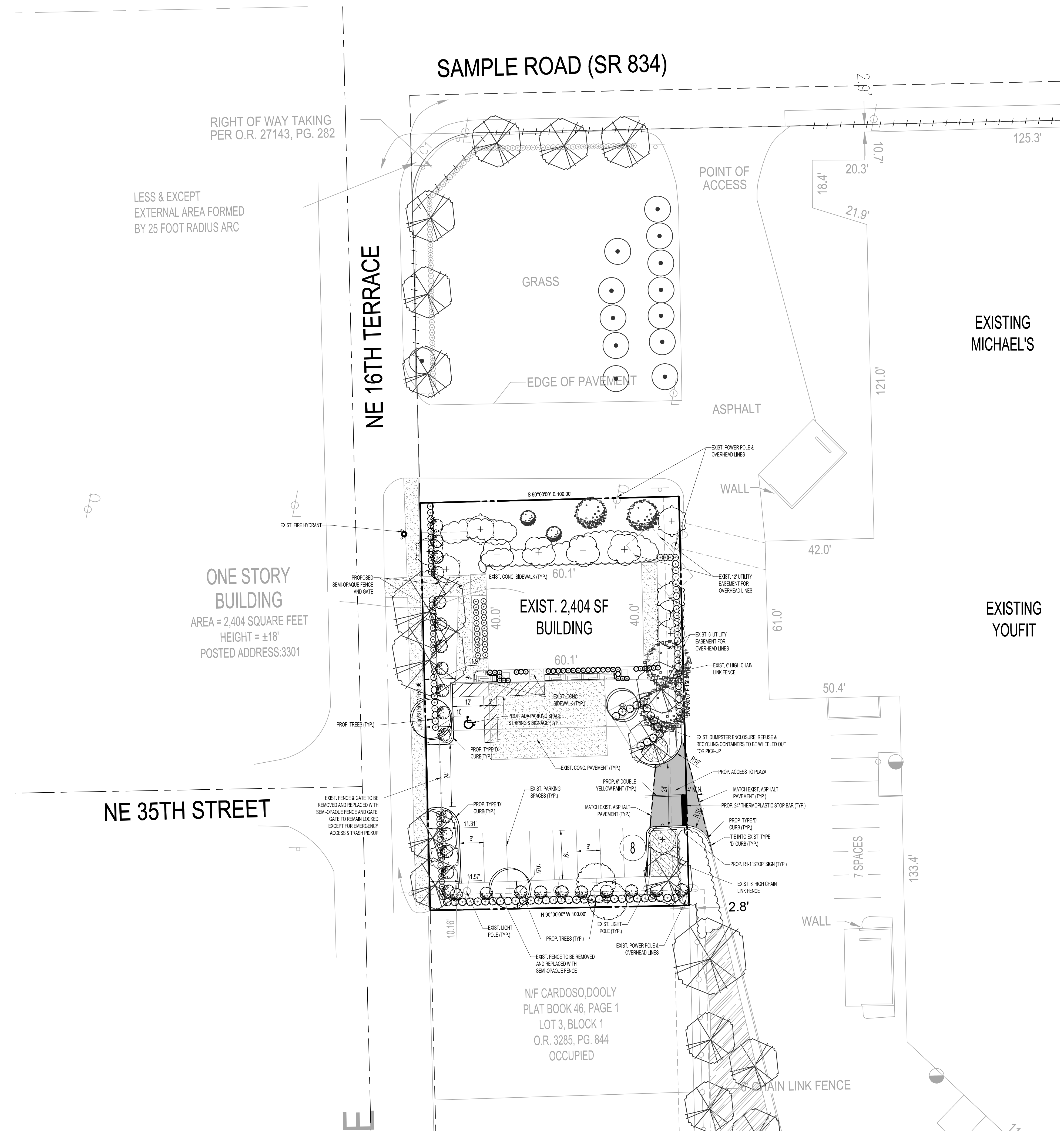
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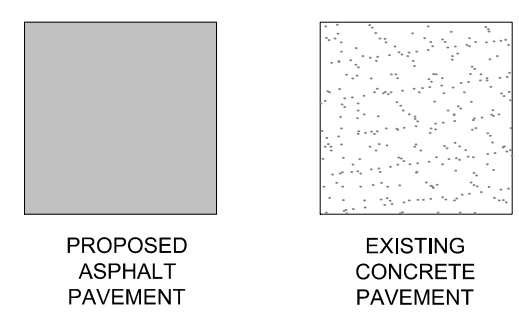
1/27/21

Exhibit B

Printed on Friday, January 29, 2021, 4:13 PM by Max Kasper
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HATCH LEGEND



SITE DATA

OWNER/APPLICANT:	WHITNEY LLC / 40TH STREET LLC / NEWTOWN HALL LLC / CLERMONT LLC
SITE ADDRESS:	3500 NE 16 TERRACE, POMPANO BEACH, FL 33064
FOLIO NUMBER:	4842-24-19-0060
CURRENT USE:	FIRE STATION
PROPOSED USE:	COMMERCIAL OFFICE
SITE AREA:	15,700 SF
CURRENT ZONING DESIGNATION:	COMMUNITY FACILITIES (CF)
PROPOSED ZONING DESIGNATION:	GENERAL BUSINESS (B-3)
WATER/WASTEWATER SERVICE PROVIDER:	BROWARD COUNTY WATER WASTEWATER SERVICES
BUILDING SETBACKS:	REQUIRED PROVIDED
FRONT YARD:	0' 25.16'
STREET SIDE YARD:	0' 24.71'
INTERIOR SIDE YARD:	0' 15.04'
REAR YARD:	30' 92.12'

PARKING CALCULATIONS:

USE	RATIO	REQUIRED	PROVIDED
OFFICE (2,404 SF)	1 PER 400 SF	6 SPACES	8 SPACES
ONE (1) ADA SPACE PROVIDED (ONE (1) SPACE REQUIRED)			

NOTE: USES IN THE BUILDING WILL BE LIMITED TO USES ALLOWED IN THE B-1 ZONING DISTRICT

LEGAL DESCRIPTION

LOTS 1 AND 2 AND THE EAST 33 FEET OF LOT 17, TOGETHER WITH LOTS 18, 19 AND 20, BLOCK 1, AND PARCEL 'A', LESS THE NORTH 15 FEET OF SAID PARCEL 'A', "CRESTHAVEN NO. 9 REPLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 46, PAGE 1, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AND LESS THAT PART OF SAID PARCEL 'A' WHICH IS INCLUDED IN THE EXTERNAL AREA FORMED BY A 25 FOOT RADIUS ARC, WHICH IS TANGENT TO THE WEST LINE OF SAID PARCEL 'A' AND TANGENT TO A LINE 15 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID PARCEL 'A'; AND LESS THAT PART OF SAID PARCEL 'A' WHICH IS INCLUDED IN THE EXTERNAL AREA FORMED BY A 25 FOOT RADIUS ARC, WHICH IS TANGENT TO THE EAST LINE OF SAID PARCEL 'A' AND TANGENT TO A LINE 15 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID PARCEL 'A'.

LESS AND EXCEPT THEREFROM THOSE LANDS CONVEYED TO BROWARD COUNTY BY WARRANTY DEED RECORDED OCTOBER 15, 1997 IN OFFICIAL RECORDS BOOK 27143, PAGE 282; FURTHER LESS AND EXCEPT THOSE LANDS CONTAINED IN PARCEL NO. 108 AS DESCRIBED IN COUNTY DEED RECORDED AUGUST 14, 1997 IN OFFICIAL RECORDS BOOK 28853, PAGE 991; AND FURTHER LESS AND EXCEPT THOSE LANDS CONVEYED TO BROWARD COUNTY BY WARRANTY DEED RECORDED MAY 13, 1997 IN OFFICIAL RECORDS BOOK 26416, PAGE 92.

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REVISIONS

REV.	DATE	COMMENT	BY

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PROJECT No.:	F170010
DRAWN BY:	CAD
CHECKED BY:	ROT
DATE:	
CAD I.D.:	F170010 - SITE PLAN - FIRE STATION

PROJECT: **SHOPPER'S HAVEN**
 FOR **PARTRIDGE EQUITY GROUP**
 POMPANO BEACH FLORIDA

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RYAN OSCAR THOMAS
 No. 53891
 PROFESSIONAL ENGINEER
 FLORIDA BUSINESS PROFESSIONAL SEAL No. 27528
 EXPIRES 12/31/2021

SHEET TITLE: **SITE PLAN**
 SHEET NUMBER: **SP-1**