

RESOLUTION NO. 2019 - ____

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

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF POMPANO BEACH, FLORIDA, ALLOCATING A
MAXIMUM OF ONE HUNDRED EIGHT (108) FLEX 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, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed resolution and of a public hearing in the City Commission Chambers of the City of Pompano Beach, Florida; and

WHEREAS, in accordance with Section 154.61(C)(4), of the Pompano Beach Code of Ordinances, notice in accordance with said section has been mailed notifying residents within 500 feet of the subject property of one public hearing on this proposed Resolution; and

WHEREAS, ALOHA 1, LLC requests 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"; and

WHEREAS, the subject property has both Medium Residential (M) and Commercial (C) Land Use Designations; and

WHEREAS, the City of Pompano Beach Planning Code Section 154.61 requires that applications for flex and reserve units must comply with certain requirements to construct affordable housing; and

WHEREAS, the applicant intends to comply with the affordable housing requirements of City Code Section 154.61(E), by providing an executed Declaration of Restrictive Covenants regarding the provision of affordable housing prior to site plan approval; and

WHEREAS, in order to construct the proposed project on the subject property, the city will have to allocate a maximum of 108 flex units; 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 allocates a maximum of 108 flex units, all of which will come from the unified flex zone for the proposed housing project (“Development Project”) to be constructed on the property which is legally described in Exhibit “A.”

SECTION 2. 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 108 units.

SECTION 3. The parcel with a RM-20 zoning must be rezoned to allow a minimum of 32 units per acre.

SECTION 4. The concurrent application for abandonment of the SW 11 Street right of way must be approved.

SECTION 5. The proposed Development 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 that shows a maximum density on the residentially zoned portion of the subject property to be 32 units per acre and a height of four-stories for all structures that are not adjacent to Dixie Highway. The conceptual and final site plan must be able to meet all code requirements with no variances. If the requested density cannot be accommodated on site based

on all applicable code requirements, any flex units that will not fit on site must be returned to the flex pool.

SECTION 6. The Applicant must comply with the affordable housing requirements of City of Pompano Beach Planning Code Section 154.61(E) and execute a Declaration of Restrictive Covenant voluntarily committing to provide affordable housing prior to Site Plan approval.

SECTION 7. Prior to issuance of a building permit, the Applicant shall unify its properties lying on the north and south sides of SW 11th Street and record a Type “B” buffer along the north, west and south sides of such unified properties along with increased setbacks of approximate 65 feet, which shall be reflected in the conceptual plan. Also to be illustrated on the conceptual plan: is the maximum density of 32 units per acre on the property; and a height of four-stories for all structures of the project that are not adjacent to Dixie Hwy.

SECTION 8. The Applicant shall resolve issues related to ingress/egress and landscape areas during the site plan approval process.

SECTION 9. Failure of the Applicant to obtain a principal building permit for its Development Project as shown in Exhibit “B” within two years of the date of this Resolution shall render the allocation of the flex units null and void.

SECTION 10. Failure of the applicant to construct the Development Project substantially in accordance with the conceptual site plan as shown in Exhibit “B” shall render the allocation of the flex units null and void; the units may not be used for or applied to any other project or projects.

SECTION 11. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this ____ day of _____, 2019.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

JES:jrm

6/11/19

l:reso/2019-23