

**RESOLUTION NO. 2018 - \_\_\_\_\_**

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

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ALLOCATING 0.7 ACRES OF NONRESIDENTIAL FLEXIBILITY TO CHANGE A RESIDENTIAL LAND USE CATEGORY TO A COMMERCIAL LAND USE CATEGORY ON PROPERTY LYING SOUTH OF NE 28<sup>TH</sup> COURT AND WEST OF FEDERAL HIGHWAY AND COMMONLY KNOWN AS 1628, 1642, 1656, 1670, 1684 AND 1698 NE 28<sup>TH</sup> COURT; PROVIDING CONDITIONS AND FOR REVERSION OF NONRESIDENTIAL FLEXIBILITY IF CONDITIONS ARE NOT MET; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Pompano Ford Lincoln (“Applicant”) requests an allocation of 0.7 acres of Residential to Commercial flexibility on property known as 1628, 1642, 1656, 1670, 1684 and 1698 NE 28 Court, legally described in Exhibit “A”; 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 properties at 1628, 1642, 1656, 1670, 1684 and 1698 NE 28<sup>th</sup> Court, Pompano Beach, Florida, (the “Project”) concurrent with a rezoning application from RS-4 to B-3; 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 24, 2018; 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 transfer 0.7 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 0.7 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 Phase 1 and Phase 2 conceptual site plans, provided herein as Exhibit "B."

**SECTION 3.** The conceptual site plans must be processed for zoning compliance during the formal site plan approval process. 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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
**LAMAR FISHER, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**ASCELETA HAMMOND, CITY CLERK**

:jrm  
2/7/18  
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## Exhibit A

## Exhibit B