

Real Property Manager #19-007

October 31, 2018

To: Mark Berman, City Attorney

Through: Suzette Sibble, Assistant City Manager

From: Cassandra LeMasurier, Real Property Manager

Subject: Request for Resolution to Approve and Authorize a Contract for Sale and Purchase of the Property Located at 1207 E Atlantic Boulevard, Pompano Beach, FL 33064

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Please prepare a resolution for the City Commission to approve and authorize the proper City officials to execute a contract for the sale and purchase of the property identified as Broward County Property Appraiser (BCPA) folio 4842 36 00 0360 located at 1207 E Atlantic Boulevard, Pompano Beach, FL 33060. The BCPA information and aerial of the property is attached.

Property owner Cumm Partners, Inc. has indicated a desire to sell the property located at 1207 E Atlantic Boulevard to the City of Pompano Beach for \$500,000.00. The property is a 17,537 square foot lot with a parking lot, located directly west of the City owned property 1213 E Atlantic Boulevard, which was the site of the library that relocated to the new library facility at 50 W. Atlantic Boulevard January 2018. Both properties are zoned TO/EOD, Transit Oriented/East Overlay District in the East Transit Oriented Corridor.

The City intends to unify the 1207 property with the City owned property located at 1213 E Atlantic Boulevard to surplus for future development. Purchase of this property will increase the site from 29,223 to 46,760 square feet, which will maximize the options for future use and development of the site. If each property is developed individually the lot area limits the types of buildings allowed, which removes structured parking as an option on either site and creates a challenge for any developer to maximize the allowed density and meet the parking requirements. If unified the site would allow for a Courtyard Building Type which allows for structured parking and would allow maximization of the development entitlements based upon the land use and zoning. The Planning and Zoning Division has prepared the attached development analysis for developing the old library at 1213 E Atlantic and the 1207 E Atlantic property separately or as a unified site to illustrate the limitations on development entitlements if either site is developed without being unified.

In 2016 the City initiated a change in the future land use designation of the East Atlantic Boulevard Corridor to create the East Transit Oriented Corridor (ETOC), to provide the connection between the east Atlantic neighborhoods, the Beach area and the Downtown district at Atlantic Boulevard and Dixie Highway.

February 2018 the City adopted major land use plan and zoning code changes to implement the Transit Oriented/East Overlay District (TO/EOD) in the East Transit Oriented Corridor. As described in section 155.3709 A. of the City's Code of Ordinances "The East Overlay District (EOD) is established and intended to encourage an urban form that promotes transit usage and pedestrian oriented development in the area connecting the Downtown Pompano Beach Overlay District and the Atlantic Boulevard Overlay District. The purpose of the district standards is to stimulate economic revitalization, create a pedestrian-friendly environment and promote mixed-use development."

The intent of the Zoning Code amendments associated with the ETOC are to allow for a mixture of commercial and residential uses (mixed-use development) and to provide a comprehensive approach to redevelopment. The City has taken the lead on this effort to ensure that the planning for the District is not done on a piecemeal basis by individual developers seeking their own Comprehensive Plan amendment and rezoning to Planned Development (PD). The implementation of the ETOC land use designation and TO/EOD is listed as a "High Priority" in the City's Strategic Plan and is expected to be a boost for existing property values, as well as serve as another tool for attracting further private sector investment to the City.

As provided for in Florida Statutes Chapter 166.021(8)(a) "The Legislature finds and declares that this state faces increasing competition from other states and other countries for the location and retention of private enterprises within its borders. Furthermore, the Legislature finds that there is a need to enhance and expand economic activity in the municipalities of this state by attracting and retaining manufacturing development, business enterprise management, and other activities conducive to economic promotion, in order to provide a stronger, more balanced, and stable economy in the state, to enhance and preserve purchasing power and employment opportunities for the residents of this state, and to improve the welfare and competitive position of the state. The Legislature declares that it is necessary and in the public interest to facilitate the growth and creation of business enterprises in the municipalities of the state."

Florida Statute Chapter 166.021(8)(b) confirms the purchase of real property by the City with public funds towards the achievement of economic development goals constitutes a public purpose "The governing body of a municipality may expend public funds to attract and retain business enterprises, and the use of public funds toward the achievement of such economic development goals constitutes a public purpose."

Florida Statute Chapter 166.021(8)(c) includes the attraction of new businesses to the community by conveying or leasing property as one of many permitted expenditures of public funds "it constitutes a public purpose to expend public funds for economic development activities, including, but not limited to, developing or improving local infrastructure, issuing bonds to finance or refinance the cost of capital projects for industrial or manufacturing plants, leasing or conveying real property, and making grants to private enterprises for the expansion of businesses existing in the community or the attraction of new businesses to the community."

Future development of the unified site as a mixed-use development will stimulate economic revitalization and will generate increased tax revenue for the City.

An appraisal has been completed to verify the City is purchasing the property at less than the appraised value. Staff is requesting City Commission approval to enter into a purchase contract with Cumm Partners, Inc. for \$500,000.00 to purchase the property located at 1207 E Atlantic Boulevard.