

03.16

RESOLUTION NO. 2020- 09

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 EIGHTY EIGHT (188) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED ON THE SOUTHWEST CORNER OF SOUTH DIXIE HIGHWAY AND WEST MCNAB ROAD; PROVIDING AN EFFECTIVE DATE.

WHEREAS, 1621 S Dixie Hwy, LLC., requests an allocation of a maximum of one hundred eighty eight (188) residential flex units in order to construct 229 dwelling units for a residential development on property located on the southwest corner of South Dixie Highway and West McNab Road, legally described in Exhibit "A"; and

WHEREAS, the subject property has both Medium Residential Commercial and 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 Section 154.61(E), by providing an executed Declaration of Covenants regarding the provision of affordable housing prior to site plan approval; and

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, in order to construct the proposed project on the subject property, the city will have to allocate a maximum of 188 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 hereby allocates a maximum of 188 flex units, all of which will come from the unified flex zone for the proposed housing 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 however many units are necessary for the project, not to exceed 188 units.

SECTION 3. The proposed project shall be generally consistent in regard to building placement, setbacks and buffering with the attached conceptual site plan as shown in Exhibit “B,” a copy of which is attached hereto. Minor revisions that are necessary to meet the City’s Code and/or do not affect the density or intensity of the site, such as (but not limited to) building dimensions, stormwater retention and access locations, will be allowed without additional public hearings.

SECTION 4. 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 5. Prior to site plan approval the Applicant shall determine the preferred approach to meeting the affordable housing requirement pursuant to Section 154.61(E) Planning by either: providing an agreement to provide affordable housing units; or by providing an in lieu of fee in accordance with Section 154.80.

SECTION 6. The parcel with a B-4 zoning must be rezoned to B-3.

SECTION 7. The site plan and conceptual plan shall illustrate the following two restrictions:

- a) An increased setback of no less than 80 feet from the residential property to the south; and
- b) A Type “B” buffer along the southern property line, where the property abuts the residential community.

SECTION 8. Failure of the applicant to obtain a principal building permit for its 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 9. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this 7th day of October, 2019.



REX HARDIN, MAYOR

ATTEST:



ASCELETA HAMMOND, CITY CLERK

MEB/jrm
9/23/19
l:reso/2019-326

EXHIBIT A
LEGAL DESCRIPTION:

A PORTION OF THE NORTH ONE-HALF (N 1/2) OF THE NORTH ONE-HALF (N 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 11, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTH ONE-HALF OF THE NORTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 11, TOWNSHIP 49 SOUTH, RANGE 42 EAST; THENCE SOUTH 01°37'49" EAST, ALONG THE WEST LINE THEREOF, A DISTANCE OF 75.25 FEET TO THE POINT OF BEGINNING, SAID POINT LYING ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT, AT WHICH THE RADIUS POINT BEARS SOUTH 09°24'10" EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF MCNAB ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 13995 AT PAGE 728 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, HAVING A RADIUS OF 1856.86 FEET AND A CENTRAL ANGLE OF 08°52'29", A DISTANCE OF 287.61 FEET TO THE POINT OF TANGENCY; THENCE NORTH 89°29'19" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF MCNAB ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 5623 AT PAGE 645 OF SAID PUBLIC RECORDS, A DISTANCE OF 495.76 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, THENCE EASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF MCNAB ROAD, HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 88°27'50", A DISTANCE OF 46.32 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 02°03'51" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF DIXIE HWY, ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP (SECTION 86170-2509), A DISTANCE OF 247.73 FEET; THENCE SOUTH 89°21'26" WEST, A DISTANCE OF 813.93 FEET; THENCE NORTH 01°37'49" WEST, ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 11, A DISTANCE OF 256.28 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA AND CONTAIN 5.129 ACRES, MORE OR LESS.

ALSO DESCRIBED AS FOLLOWS:

PARCEL 1:

ALL THAT PART OF THE NORTH ONE-HALF (N 1/2) OF THE NORTH ONE-HALF (N 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 11, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE ABOVE DESCRIBED PARCEL; THENCE SOUTH 88°53'52", EAST 561.25 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE ALONG THE LAST DESCRIBED LINE, 250.00 FEET TO A POINT; THENCE SOUTH 00°19'12" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF THE OLD DIXIE HIGHWAY AS SAME IS NOW LOCATED, CONSTRUCTED AND USED, 187.54 FEET TO A POINT; THENCE SOUTH 89°07'08" WEST, 61 FEET TO A POINT; THENCE NORTH 00°19'12" WEST, 26.38 FEET TO A POINT; THENCE SOUTH 89°07'08" WEST, 188.93 FEET TO A POINT; THENCE NORTH 00°19'12" WEST, 169.81 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

ALL THAT PART OF THE NOF THE NOF THE NE,OF THE NW,OF SECTION 11, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

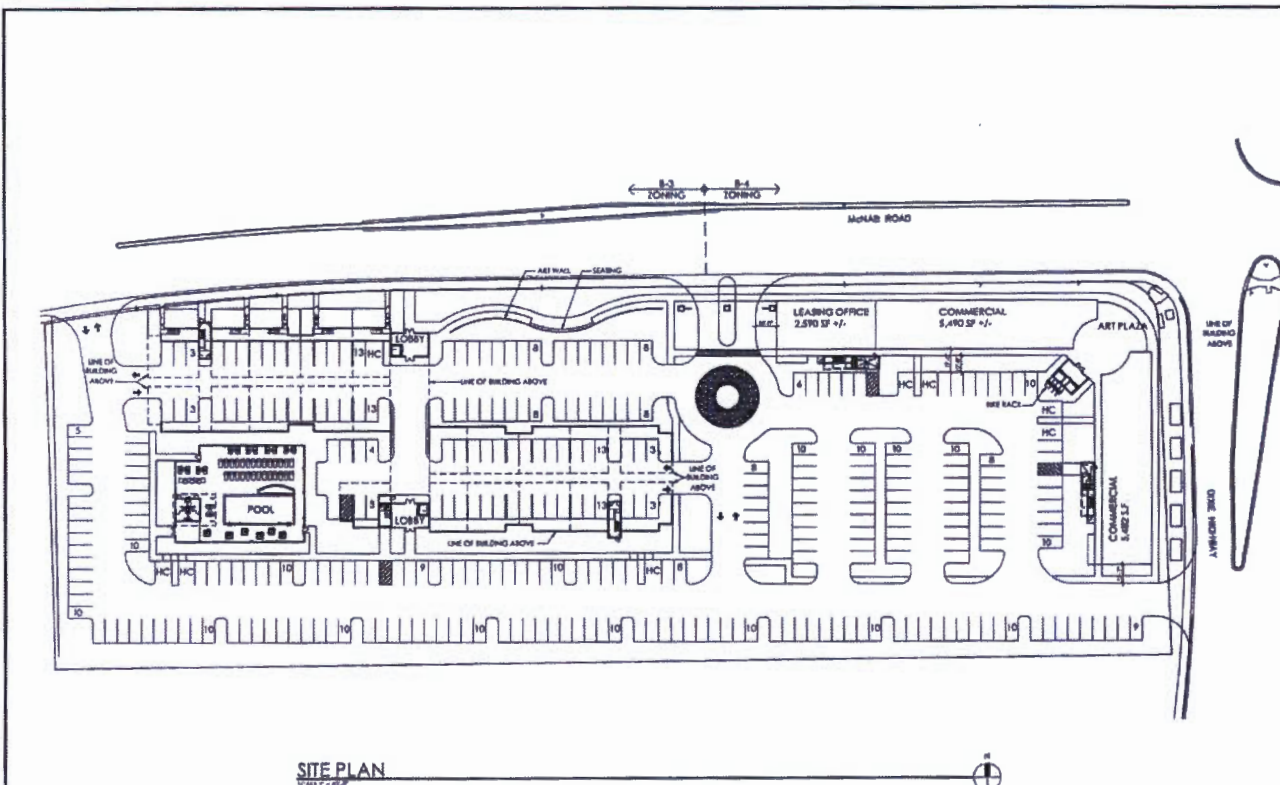
BEGINNING AT THE NORTHWEST CORNER OF THE ABOVE-DESCRIBED PARCEL; THENCE SOUTH ALONG THE WEST BOUNDARY THEREOF, A DISTANCE OF 331.515 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 89°59'51" EAST, 813.07 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF THE OLD DIXIE HIGHWAY AS SAME IS NOW LOCATED, CONSTRUCTED AND USED; THENCE NORTH 00°19'12" WEST, 142.27 FEET TO A POINT; THENCE SOUTH 89°07'08" WEST, 61 FEET TO A POINT; THENCE NORTH 00°19'12" WEST, 26.38 FEET TO A POINT; THENCE SOUTH 89°07'08" WEST, 726.09 FEET TO A POINT; THENCE NORTH, PARALLEL TO THE WEST BOUNDARY OF THE SAID N OF THE N OF THE NE, OF THE NW 1/4, 188.39 FEET TO A POINT ON THE NORTH BOUNDARY THEREOF; THENCE NORTH 88°53'52" WEST, ALONG THE SAID NORTH BOUNDARY, 25 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

BEGINNING AT THE NORTHWEST CORNER OF THE N OF THE N OF THE NE, OF THE NW, OF SECTION 11, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA; THENCE SOUTH 88 DEGREES, 53 MINUTES, 52 SECONDS EAST, ALONG THE NORTH LINE THEREOF, 25 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THEN CONTINUE SOUTH 88 DEGREES, 53 MINUTES, 52 SECONDS EAST, ALONG THE LAST DESCRIBED LINE, 536.25 FEET TO A POINT; THENCE SOUTH 00 DEGREES, 19 MINUTES, 12 SECONDS EAST, 169.81 FEET TO A POINT; THENCE SOUTH 89 DEGREES, 07 MINUTES, 08 SECONDS WEST, 537.16 FEET TO A POINT; THENCE DUE NORTH, PARALLEL TO AND 25 FEET EAST OF THE WEST LINE OF THE SAID N OF THE N OF THE NE 1/4, OF THE NW 1/4, 188.39 FEET TO THE POINT OF BEGINNING.

LESS LANDS CONVEYED TO BROWARD COUNTY IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 13995, PAGE 728, AND LANDS DESCRIBED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5623, PAGE 645.

The figure consists of three side-by-side maps. The first map, titled 'ZONING MAP', shows the site location with various colored zones (red, yellow, green) and a 'SITE LOCATION' label. The second map, titled 'LAND-USE MAP', shows the site location with various colored zones (red, yellow, green) and a 'SITE LOCATION' label. The third map, titled 'LOCATION MAP', is an aerial photograph showing the site location with a 'SITE LOCATION' label and a 'LOCATION MAP' label.

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Minimum Fee \$2,000
Architect's fee includes all drawings and construction documents.
Additional fees may apply for site visits, model making, etc.
All payments are due upon receipt of invoice.

DESIGNED BY PKA

DRAWN BY PKA

CHECKED BY PKA

**AVIARA EAST
POMPAHO**
MICHAEL AND DODIE HIGHWAY
POMPAHO, FL

PROJECT NO. 1309
DATE: 05/07/19

REVISIONS

SITE PLAN

P&Z

PRELIMINARY MEETING

08/28/19