

STAFF REPORT

MOTION TO APPROVE Vehicular Access Agreement, Limitation of Hours of Use of Facilities for the Yellow Green Farmer's Market

A request to approve a vehicular access agreement limiting the hours of operation for the Yellow Green Farmer's Market has been filed with the Development and Environmental Regulation Division. The proposed agreement (**Exhibit 2**) applies to property located on the west side of North 30th Road, north of Taft Street in the City of Hollywood (see attached aerial photo). The site contains approximately 4.45 acres.

Pursuant to Chapter 27 of the Broward County Code of Ordinances, the applicant applied for County Environmental Review Approval and submitted interior renovation plans to change the use of an existing 64,986 square foot building from an industrial manufacturing facility to a commercial use called the Yellow Green Farmer's Market. Staff calculated the additional trips that equal the difference between the trips to be generated by the proposed farmer's market and the trips generated by the previous industrial use. The transportation concurrency fees were calculated to be \$241,070.00 based on the P.M. peak hour traffic generation for property located in the Southeast Concurrency District.

The applicant asserts that the Yellow Green Farmer's Market will not generate traffic during the weekday P.M. peak hour and is willing to restrict all vehicular traffic from entering or exiting the property between the hours of 4:00 p.m. to 6:00 p.m., Monday through Friday, except for emergency vehicles and vehicles of the three registered managers of the owner (**Exhibit 3**). The applicant has agreed that the Yellow Green Farmer's Market will be open to the public only on Thursdays from 7:00 p.m. to 11:00 p.m., on Saturdays and Sundays from 7:00 a.m. to 4:00 p.m. and on Federal legal holidays from 7:00 a.m. to 3:00 p.m.

Staff finds that these restrictions will satisfy the County's transportation concurrency requirements upon recordation of the Agreement.

The City of Hollywood has approved this agreement (**Exhibit 4**) and consented to be responsible for monitoring the Yellow Green Farmer's Market, or any subsequent uses on the property, for compliance with the restrictions set forth in the agreement and shall provide the Broward County Development and Environmental Regulation Division with written notice of any violation.

If a default occurs, the owner shall have fifteen (15) days after the receipt of a written notice of default to cure the default to satisfaction of the County and/or City. If the owner cures the default addressed in the written notice to the satisfaction of the County and/or City, the owner's rights under this Agreement shall be restored. However, the owner's right to cure a default following written notice of default shall be limited to once per twelve (12) month period.

In the event the owner fails to cure a default, the owner agrees that the County shall be entitled to immediate payment of outstanding transportation concurrency fees due in effect at the time of the default, plus costs and interest as described in the agreement. If payment of the outstanding amount due is not made within thirty (30) days of notice of

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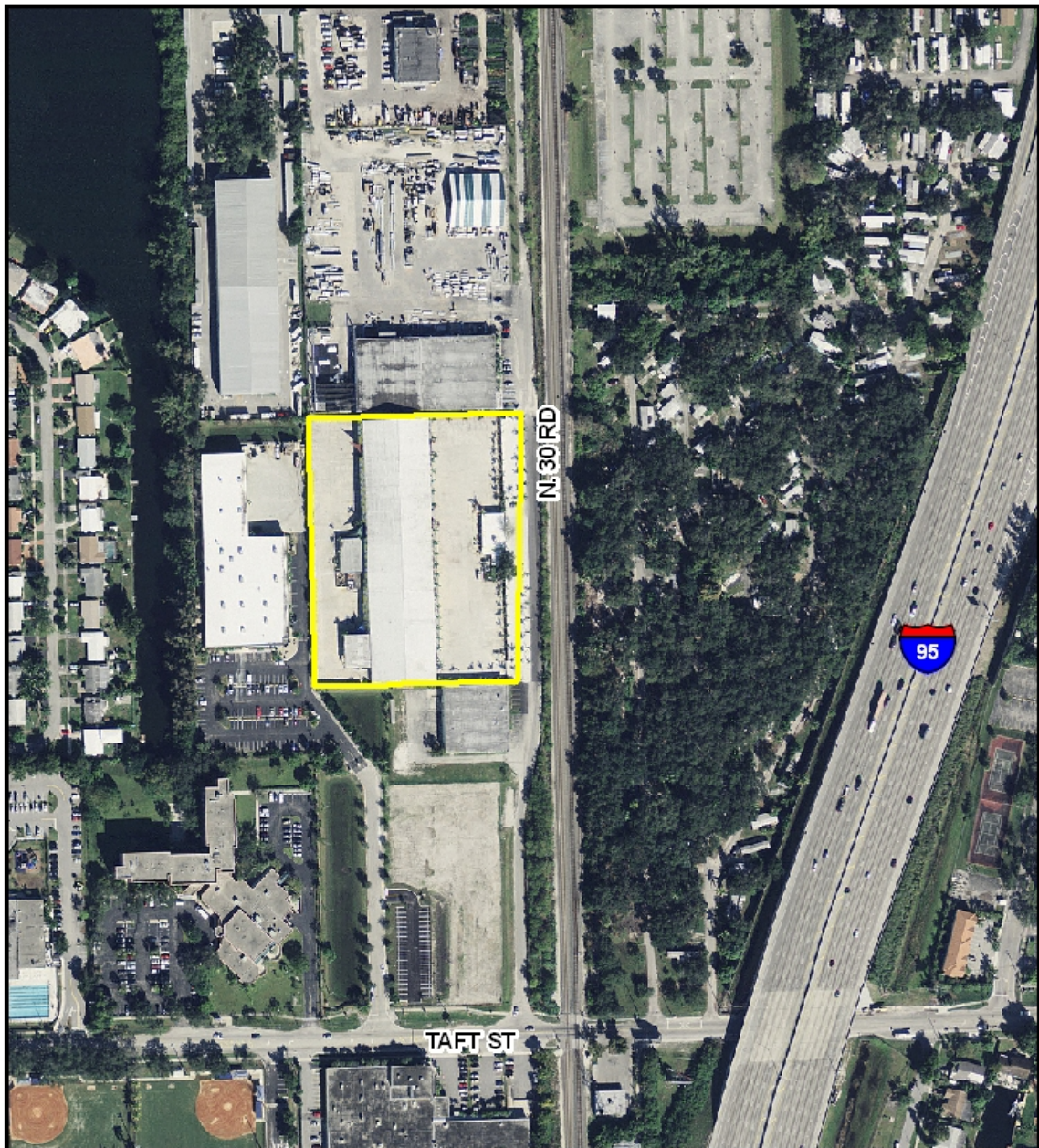
the default, the County may maintain an action against owner for the amount due, plus costs and interest accrued from the due date and, at the option of the County and/or City, the County and/or City may withhold any further approvals on the property until the outstanding fees are paid.

The attached Agreement has been approved by the by Broward County Attorney's Office.

Staff recommends **APPROVAL** of the attached agreement subject to recordation of the agreement by the owner and the provision of recorded copies to the County and the City of Hollywood.

In addition, staff recommends that the Board authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments and recommendations.

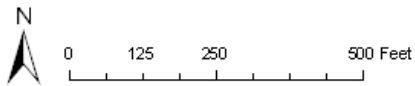
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Commission District No. 6
Municipality: Hollywood
S/T/R: 08/51/42



Yellow Green Farmer's Market



Prepared by: Development and Environmental Regulation Division
Date Flown: January 2010