

RESOLUTION NO. R-2010-200

(10-RESO-46)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF THE ATTACHED VEHICULAR ACCESS AGREEMENT BETWEEN 1940 N. 30 ROAD HOLLYWOOD, LLC (YELLOW-GREEN FARMER'S MARKET), BROWARD COUNTY, FLORIDA AND THE CITY OF HOLLYWOOD, FLORIDA TO COMPLY WITH BROWARD COUNTY'S TRANSPORTATION CONCURRENCY FEES, AS MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A".

WHEREAS, Chapter 5, Article IX, Broward County Code of Ordinances, requires that the regional transportation network be adequate to serve the reasonably projected needs of proposed developments; and

WHEREAS, Chapter 5, Article IX, Broward County Code of Ordinances, requires that a transportation Concurrency Satisfaction Certificate be obtained from the Broward County Development and Environmental Regulation Division prior to application for any building permit with any local government within Broward County; and

WHEREAS, pursuant to Chapter 27 of the Broward County Code of Ordinances, the Owner has applied for County Environmental Review approval of building plans for a "Yellow Green Farmer's Market" on the Property; and

WHEREAS, County staff calculated the additional trips that equal the difference between the trips to be generated by the Yellow Green Farmer's Market and the trips generated by the existing warehouse building; and

WHEREAS, on November 23, 2009, the Broward County Development and Environmental Regulation Division calculated the Transportation Concurrency Fees to be \$241,070.00 based on the P.M. peak hour traffic generation for a 64,986 square foot commercial building located in the Southeast Concurrency District; and

WHEREAS, the Owner maintains 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 Fridays and Federal legal holidays from 7:00 a.m. to 3:00 p.m. and on Saturdays and Sundays from 7:00 a.m. to 4:00 p.m. and

WHEREAS, the Owner maintains 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; and

WHEREAS, the County finds that these restrictions on the Property will satisfy the County's transportation concurrency requirements for the Yellow Green Farmer's Market which will be met upon the execution of, recordation and compliance with, the terms of this Agreement by the Owner; and

WHEREAS, the County and City agree that the City shall 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 this Agreement; and

WHEREAS, the Owner, in fulfillment of that obligation hereby places certain restrictions on the use of the Property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:


Section 1: That it hereby approves and authorizes the execution, by the appropriate City Officials, of the attached Vehicular Access Agreement between 1940 N. 30 Road Hollywood, LLC, Broward County, Florida and the City of Hollywood, Florida, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legality by the City Attorney.

Section 2: That this Resolution shall become effective upon approval of the Vehicular Access Agreement by the Board of Broward County Commissioners.


PASSED AND ADOPTED this 7 day of July, 2010.


PETER BOBER, MAYOR

ATTEST:


PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida, only.


JEFFREY P. SHEFFEL
CITY ATTORNEY



CITY of HOLLYWOOD, FLORIDA

OFFICE OF PLANNING

August 12, 2010

LTR 10-064

Development and Environmental Regulations Division
Attn: David M. Danovitz, AICP, Assistant Director
1 N. University Drive, Building A, Suite 102
Plantation, FL 33324

Re: Yellow Green Farmer's Market Tri-Party Agreement

Dear Mr. Danovitz:

On July 7, 2010 the City of Hollywood City Commission approved the Tri-Party Vehicular Access Agreement limiting hours of use for the Yellow Green Farmer's Market at 1940 N. 30th Road. The agreement approved by the City Commission contained a scrivener's error identifying Friday hours of operation. However, we do not believe this to be the intent of the City or County.

The accompanying Traffic Study, License Agreement and Perpetual Parking & Access Easement submitted by the applicant all exclude Friday within the proposed hours of operation. Per our discussions, the City of Hollywood supports the modification to the Vehicular Access Agreement to remove Fridays.

If you have any additional comments or questions regarding this information, please contact myself or Julie Krolak, Principal Planner, at (954) 921-3471.

Sincerely,



Jaye M. Epstein
Director, Planning and Development Services

C: Cameron Benson, City Manager, City of Hollywood
Jeffrey Sheffel, City Attorney, City of Hollywood
Debra Reese, Senior Attorney, City of Hollywood
Maite Azcoipia, Deputy Attorney, Broward County