

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO THE VEHICULAR ACCESS AGREEMENT AMONG 1940 N. 30 ROAD HOLLYWOOD, LLC., 1954 N. 30TH ROAD, LLC., 3080 SHERIDAN STREET, LLC., 30 RAILROAD, LLC. (COLLECTIVELY KNOWN AS THE YELLOW GREEN FARMER'S MARKET), AND BROWARD COUNTY TO REVISE THE HOURS OF OPERATION PERMITTED FOR THE YELLOW GREEN FARMER'S MARKET IN ORDER TO COMPLY WITH BROWARD COUNTY'S TRANSPORTATION CONCURRENCY FEES REQUIREMENT.

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 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 ("Owner") 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, on September 2, 2010, the City, Broward County and the Owner entered into a Vehicular Access Agreement to address the transportation issues for the Yellow Green Farmer's Market that included a limitation on the Owner's hours of operation for the market; and

WHEREAS, on December 15, 2010, the City Commission passed and adopted Resolution No. R-2010-374 authorizing the appropriate City officials to execute an amendment to the existing Vehicular Access Agreement among the Owner, Broward County, and the City to revise the Owner's hours of operation to Fridays from 7:00 p.m. to 11:00 p.m. and keeping the hours of operation on 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 p.m.; and

WHEREAS, the Owner has requested from both the City and Broward County that its hours of operation be changed to Saturdays, Sundays and legal holidays from 8:00 a.m. to 9:30 p.m.; and

WHEREAS, both City and County staff have reviewed the Owner's request and are recommending that the attached Second Amendment to the Vehicular Access Agreement be approved.

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

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That it approves and authorizes the execution, by the appropriate City officials, of the attached Second Amendment to the Vehicular Access Agreement among 1940 N. 30 Road Hollywood, LLC, 1954 N. 30th Road, LLC., 3080 Sheridan Street, LLC., 30 Railroad, LLC. (collectively known as the Yellow Green Farmers Market), and Broward County, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 3: That this Resolution shall become effective upon approval of the attached Second Amendment to the Vehicular Access Agreement by the Board of Broward County Commissioners.

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PASSED AND ADOPTED this _____ day of _____, 2021.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY for the use and reliance
of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES
CITY ATTORNEY