



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Staff Report

File #: LN-459

PLANNING AND ZONING BOARD

Meeting Date: FEBRUARY 28, 2024

AVIARA WEST FLEX

Request: Flex
P&Z# 23-05000006
Owner: Aviara Corporate Park LLC
Project Location: 1350 NW 31 Ave & Adjacent parcel to the south
Folio Number: 484233680020 & 484233680030
Land Use Designation: C (Commercial)
Zoning District: B-3 & B-4 (General business & Heavy business)
Commission District: 5 (Barry Moss)
Agent: Paola West (954-519-9417 / pwest@planw3st.com)
Project Planner: Jean Dolan (954-786-4045 / jean.dolan@copbfl.com)

INTRODUCTION

The provision of Flexibility Units is a function of the Broward County Land Use Plan and administered by the County's "Administrative Rules Document." Local governments are permitted to allocate residential units without amending the City's Future Land Use Map or requesting permission through the County. Each City keeps track of the number of Flexibility Units allocated and reports back to the County regarding each approval. The use of such allocation is advantageous when the City has determined that an infusion of residential units would enhance a project or area.

The Applicant (Aviara Corporate Park, LLC), is taking advantage of the recently adopted package of City incentives to encourage mixed income housing projects. Using the incentives for applying County mixed income housing policy 2.16.3, the Applicant is leveraging 53 moderate-income flex units to generate the entitlements for a 369 unit multi-family project on a 5.35-acre property located at 1350 NW 31st Avenue (484233680030). The use of Policy 2.16.3 comes with three incentives. First, it allows for 6 bonus units for every 1 moderate income unit deed restricted to affordable for 30-years per the County's policy language. Second, the City added an additional incentive to allow 1.5 times the zoning density for projects using this policy, thus increasing the density allowed on this property from 46 to 69 dwelling units per acre. Third, the City Commission delegated the authority to approve flex units for projects using Policy 2.16.3 to the P&Z Board. The flex units, therefore, will be considered concurrent with site plan approval. Finally, the code amendments approved as a result of recommendations by the NW 31st Avenue Task Force provided a fourth incentive to this project by stating that B-4 zoning on this corridor will allow residential projects using the same requirements as B-3 zoning without the need to rezone to B-3.

FLEXIBLE UNIT ALLOCATION REVIEW STANDARDS

An application for a Flex Unit allocation must meet the following review standards found in Section 154.61(D):

Application review standards.

(1) Consistency with applicable goals, objectives and policies of the City's Comprehensive Plan and this chapter.

The following Comprehensive Plan Goals, Objectives and Policies support this Application:

Goal 01.00.00 - The attainment of a living environment which provides the maximum physical, economic and social well-being for the City and its residents through the thoughtful and planned use and control of the natural and man-made environments that discourages urban sprawl, is energy efficient and reduces greenhouse gas emissions.

Policy 01.03.06 - Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single family areas.

Policy 01.03.11 - Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

Objective 01.04.00 - Major Corridor Land Use

Support and promote the intermix of residential and commercial uses along major traffic corridors.

Policy 01.04.01 - The Planning department shall support and promote the intermix of residential and commercial uses along major traffic corridors, where mass transit is available, through the allocation of flex and redevelopment units and approval of land use plan map amendments allowing for mixed used and residential developments.

Objective 01.08.00 - Community Redevelopment Areas

Amend the Land Use Plan map and zoning map to support new development and redevelopment in the Community Redevelopment Areas.

Policy 01.08.01

Follow the recommendation of the Community Redevelopment Plan in all Land Use Plan amendments and rezoning.

Objective 03.01.00

The city should provide, through the undertaking or support of public and private development efforts, sufficient housing units through long range planning horizon to meet the anticipated population through 2040. Provision of these units shall be based on the need for adequate and affordable housing for all segments of the existing and future population including those households with very-low, low, and moderate incomes and those with special housing, including homelessness.

Compatibility Statement: The project is adjacent to NW 31st Avenue on the west, a McDonald's restaurant to the north, and a secondary drainage canal to the east and south. The County recently purchased the motel property immediately west of this site at 1201 NW 31st Avenue for an affordable housing project. The introduction of a residential project in this location is considered compatible with the surrounding area and the vision for the NW 31st Avenue corridor identified by the NW 31st Avenue Task Force. NW 31st Avenue is identified in the Comprehensive Plan as a "gateway corridor" because it is one of the main roads bringing residents and visitors into Pompano Beach from the Turnpike. Beautification of the corridor through redevelopment is a major objective supported by this project.

2) The use of the reserve and flexibility units will produce a reasonable development pattern. The criteria for

reasonableness shall include compatibility of adjacent land uses and suitability of the parcel for various development patterns.

It is Staff's opinion that the infusion of residential units on the subject property would produce a reasonable development pattern considering adjacent uses and the suitability of the parcel for development. The land use, zoning and uses on surrounding properties are shown in the following table:

Direction	Land Use Designation/Zoning	Use
North	Commercial/B-3	McDonald's Restaurant
East	Secondary drainage canal	Drainage ROW
South	Secondary drainage canal	Drainage ROW
West	NW 31 st Avenue	ROW

FLEXIBLE ALLOCATION TRACKING

The City has 340 Flexibility Units available for allocation and 500 Redevelopment Units that can be used when all the flex units have been allocated. If this request is approved, the City will have 287 Flexibility Units remaining (340 - 53 = 287).

RECOMMENDATION

Given the information provided to the Board, as the finder of fact, staff provides the following alternative motions, which may be revised or modified at the Board's discretion.

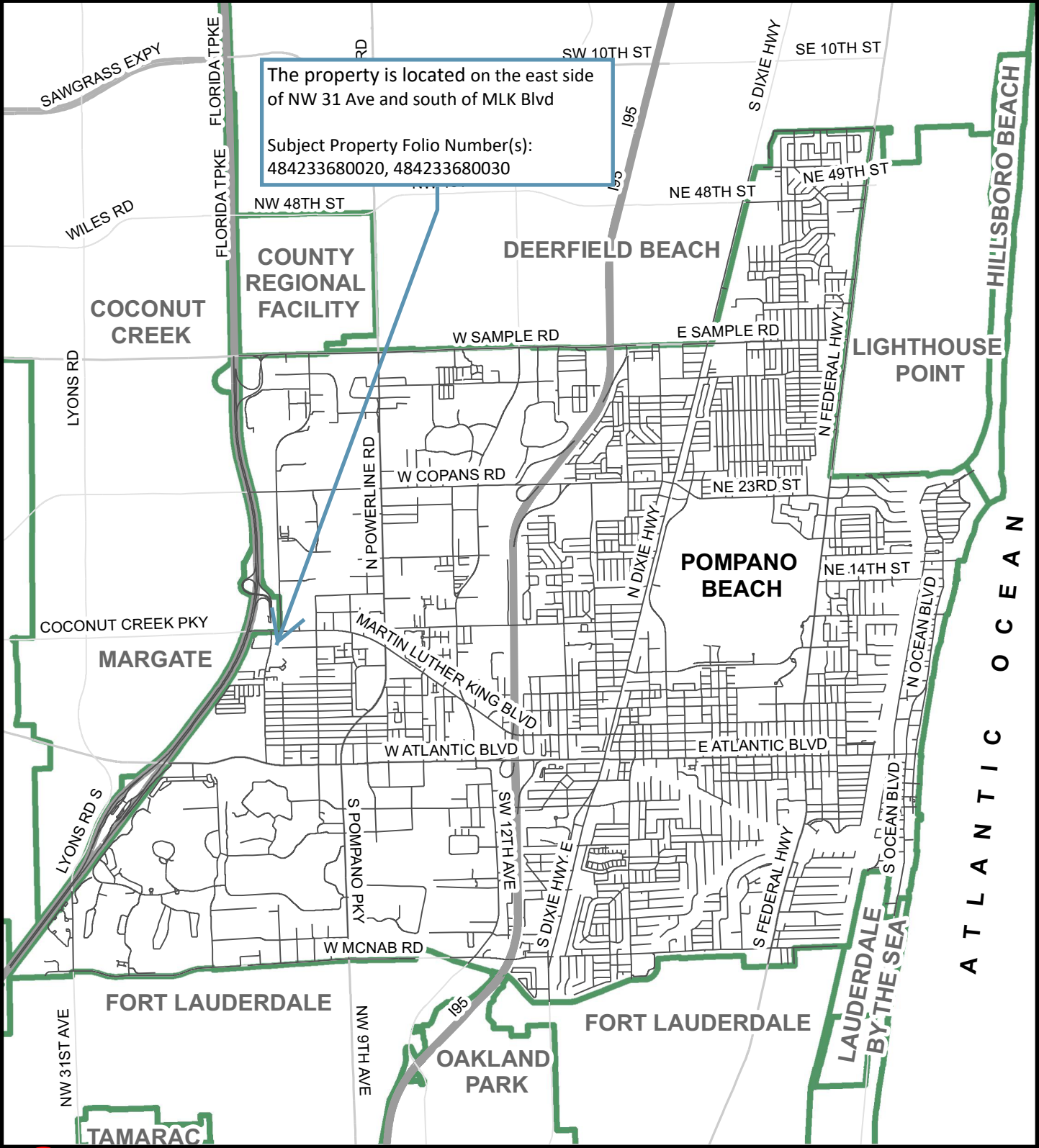
Alternative Motion 1: Recommend approval of the requested 53 Moderate Income Flex Unit allocation as the Board finds the application is consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies, with the following conditions:

1. The Flex units will be documented as approved on the Development Order for the final site plan for this project which is being reviewed and considered concurrent with this flex unit request;
2. The Declaration of Restrictive Covenants committing the 53 units to moderate income for 30-years must be recorded prior to issuance of the first building permit for the project;
3. If a building permit is not issued within two years of the approval date, the Applicant must request an extension or the approval of this Flex Allocation will become null and void.

Alternative Motion 2: Table this application for additional information as requested by the Board.

Staff recommends Alternative Motion #1.

CITY OF POMPANO BEACH LOCATION MAP



The property is located on the east side
of NW 31 Ave and south of MLK Blvd

Subject Property Folio Number(s):
484233680020, 484233680030

CITY OF POMPANO BEACH AERIAL MAP



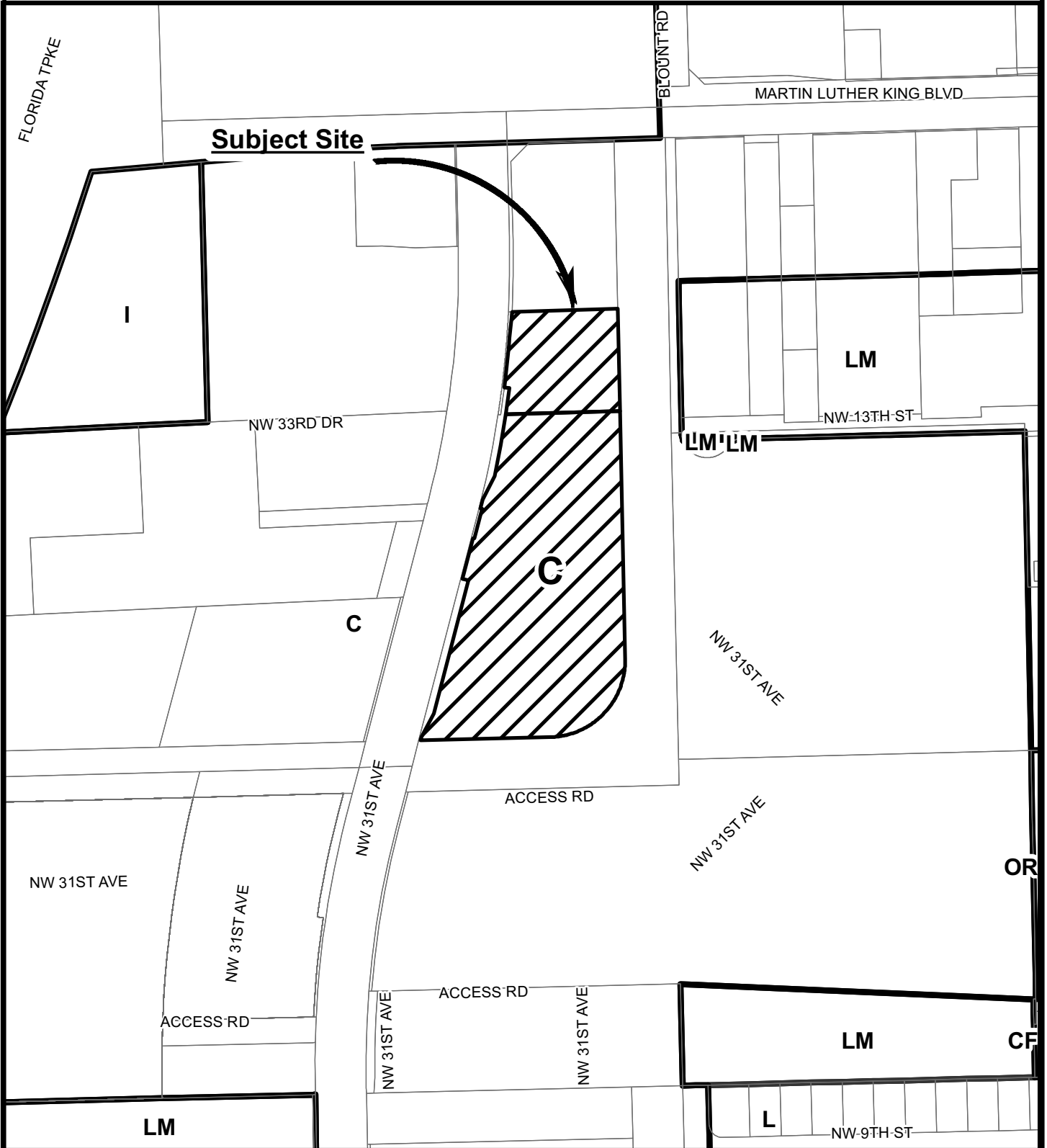
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PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

PZ23-05000006
02/28/2024

CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



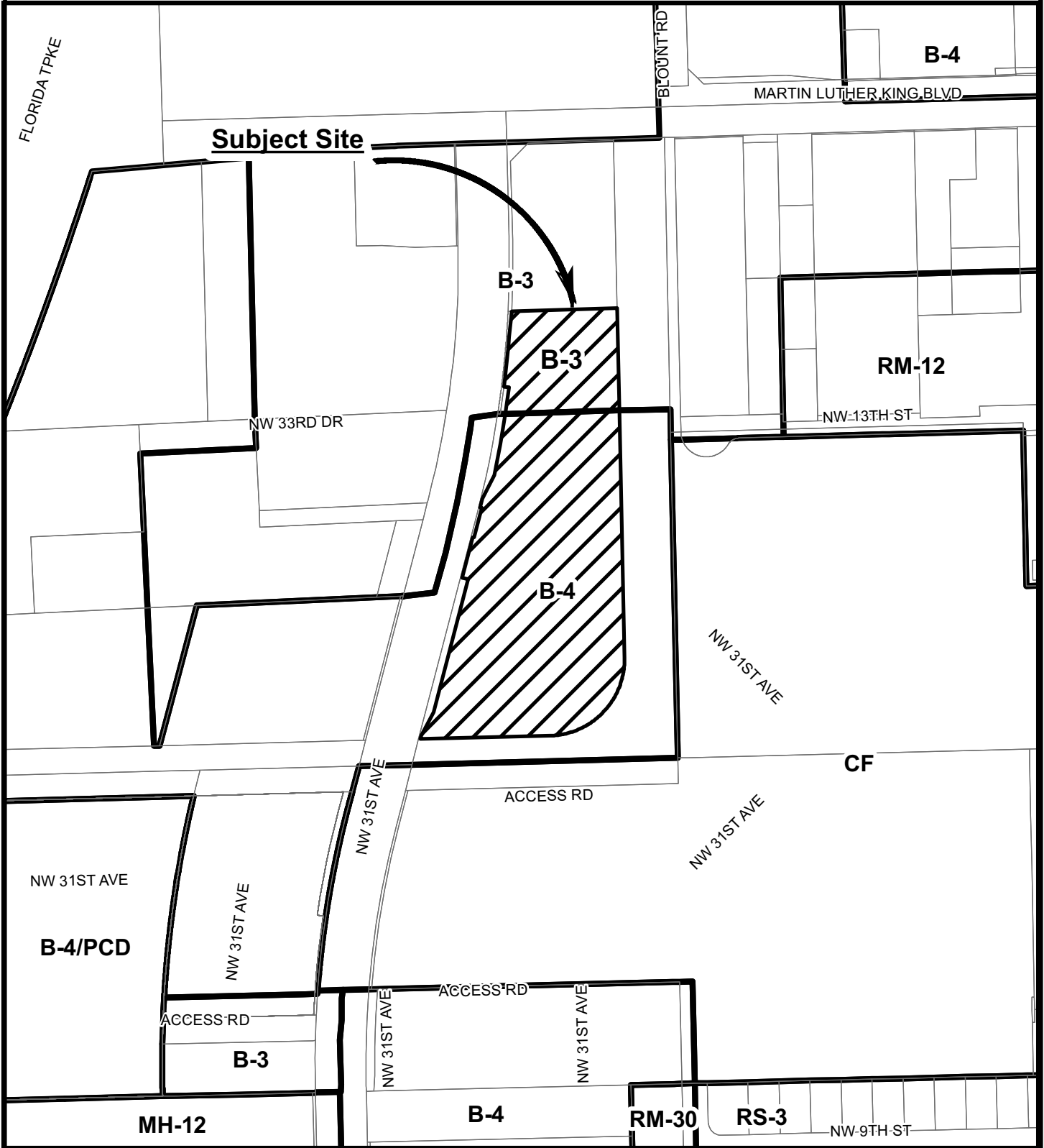
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CITY OF POMPANO BEACH OFFICIAL ZONING MAP




P&Z
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LEGEND					
FOR LAND USE PLAN			FOR ZONING MAP		
	Symbol	Classification Units/ Acre		Symbol	District
				RS-1	Single-Family Residence 1
	L	Low (1-5 DU/AC)		RS-2	Single-Family Residence 2
	LM	Low- Medium (5-10 DU/AC)		RS-3	Single-Family Residence 3
	M	Medium (10-16 DU/AC)		RS-4	Single-Family Residence 4
	MH	Medium-High 16-25 DU/AC)		RS-L	Single-Family Residence Leisureville
	H	High (25-46 DU/AC)			
	12	Irregular Density		RD-1	Two- Family Residence
	36	Irregular Density			
				RM-7	Multiple-Family Residence 7
				RM-12	Multiple-Family Residence 12
				RM-20	Multiple-Family Residence 20
				RM-30	Multiple-Family Residence 30
				RM-45	Multiple-Family Residence 45
				MH-12	Mobile Home Park
	T	Transportation			
				B-1	Limited Business
				B-2	Neighborhood Business
			*	B-3	General Business
			*	B-4	Heavy Business
	CF	Community Facilities		M-1	Marina Business
				CR	Commerical Recreation
	OR	Recreation & Open Space			
	W	Water		I-1	General Industrial
				I-1X	Special Industrial
	RAC	Regional Activity Center		O-IP	Office Industrial Park
				M-2	Marina Industrial
	LAC	Local Activity Center			
				TO	Transit Oriented
	DPTOC	Downtown Pompano		PR	Parks & Recreation
		Transit Oriented Corridor		CF	Community Facilities
				PU	Public Utility
		Number		T	Transportation
				BP	Business Parking
				LAC	Local Activity Center
				RPUD	Residential Planned Unit Dev.
				PCD	Planned Commercial Development
				PD-TO	Planned Development - Transit Oriented
				PD-I	Planned Development - Infill
				RM-45 HR	Multiple-Family Residence 45 High Rise-Overlay
				AOD	Atlantic Boulevard Overlay District
				CRAO	Community Redevelopment Area Overlay
				NCO	Neighborhood Conservation Overlay
				APO	Air Park Overlay
				DP	Downtown Pompano Beach Overlay