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Pompano Fire Station
3500 NE 16th Terrace
Request for Assignment of Flexibility Units Statement of Use and Justification
Submitted: June 8, 2020

WHITNEY LLC, 40TH STREET LLC, 40th STREET LLC, and CLERMONT REALTY LLC (collectively referred to herein as "Petitioner") are the owners of the 0.36-net (0.45-gross) acre property located at 3500 NE 16th Terrace, which is generally located on the northeast corner of 16th Terrace and NE 35th Street ("Property") in the City of Pompano Beach ("City"). The Property is designated Community Facilities on the City's Land Use Map and is zoned CF, Community Facilities. It is further designated as Low-Medium (10) Residential on the Broward County ("County") Future Land Use Map. The Property is also located within a Flex-Receiving Area. The Property is currently unused, however it was developed as a neighborhood Community Center and last used as a City Fire Department Station. Petitioner is proposing to utilize the Property for office use and to integrate the Property and use with the adjacent Shopper's Haven shopping center ("Shopping Center"). The land use must be amended, or flexibility units must be assigned by the City, in order to allow for the utilization of the space as an office. As such, at this time, Petitioner respectfully requests approval of the following application:

- Assignment of a 0.45-acre commercial flexibility allocation to allow for utilization of existing 2,418 square-foot structure as an office for the adjacent commercial shopping center ("Allocation of Flex").

Concurrently with this request, Petitioner has submitted a request to amend the underlying land use designation for the Property from CF to RM-10, Residential Medium-10 units per acre, to reinstate compatibility with the County's existing land use designation and to allow for integration with the adjacent Shopping Center. Ultimately, the Allocation of Flex will allow for office and neighborhood-serving commercial use of the Property. Petitioner has also submitted a request to rezone the Property from CF to B-3, General Business, to allow for consistency with the resulting land use designation and for integration with the adjacent Shopping Center as an office use serving the Shopping Center.

Allocation of Flex Justification

Petitioner will demonstrate compliance with Section 154.61 and 154.62 of the City's Code of Ordinances ("Code") and the following standards: (1) the Allocation of Nonresidential Flex is consistent with the applicable goals, objectives and policies of the City's Comprehensive Plan and Chapter 154; (2) the establishment of the nonresidential flexibility units will produce a reasonable development pattern and is compatible with adjacent land uses and suitable of the parcel for various development patterns; and (3) this request is not for the establishment of residential flexibility units and will not require an agreement to provide affordable housing.

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(1) The Allocation of Flex is consistent with the applicable goals, objectives and policies of the City's Comprehensive Plan and Chapter 154.

The Allocation of Flex is consistent with the applicable goals, objectives and policies of the City's Comprehensive Plan. Specifically, the request is consistent with the following:

- *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 reserve units and approval of land use plan map amendments allowing for residential developments.*
 - The Allocation of Flex will allow for a small-scale, neighborhood commercial use that will both balance the predominantly residential uses to the south and west and serve as a transition from the low and medium-density residential uses to the west and south to the more intense commercial uses along Federal Highway and Sample Rd to the north and east. The Property is further located within 150 feet of Sample Road, a major traffic corridor. Convenient access to mass transportation is available along both Sample Road and Federal Highway, within 1,000 feet away, as Broward County Transit has bus stops within walking distance of the Property along both thoroughfares.
- *Policy 01.09.02 – Adhere to the City's Unified Flex Zone which does not contain a receiving area located east of the Intracoastal Waterway.*
 - As noted above, the Property is within a Flex Receiving Area and is west of the Intracoastal Waterway.
- *Policy 01.16.01 – The City shall emphasize re-development and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources.*
 - The Allocation of Flex will support emphasis on redevelopment and infill by concentrating growth and intensification of land uses consistent with the existing development pattern and availability of existing services and infrastructure. While the Allocation of Flex will not entail redevelopment of the Property, it will allow for the appropriate reactivation of the Property while meeting the current demand for office use in the area. This will offset the pressure for new development and infrastructure in order to satisfy the demand, and as such will directly work to meet the intent of this policy and the greater Objective for Smart Growth Initiatives.

As such, the Allocation of Flex complies with the goals, policies and objectives of the Plan. In addition, the Allocation of Flex is consistent with Chapter 154 of the City's Code, as Section 154.62 allows for the assignment of flex to authorize nonresidential uses on properties with residential land use designations.

(2) The use of the flexibility units will produce a reasonable development pattern and is compatible with adjacent land uses and suitable of the parcel for various development patterns.

The allocation of the requested commercial flexibility will produce a reasonable development pattern. As noted above, the Property is currently zoned CE, and Petitioner has requested to rezone the Property to

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B-3 concurrently with this request. The Property is adjacent to commercial businesses to the north and east. The adjacent properties immediately to the south are zoned RM-12, Multiple-Family Residence 12, and the adjacent properties immediately to the west are zoned RS-3, Single-Family Residential 3. The property immediately adjacent to the north is vacant and undeveloped. Per Section 155.3209, the Multiple-Family Residence 12 (RM-12) district "is established and intended to accommodate primarily multiple family dwellings at moderate densities", and per Section 155.3204, the Single-Family Residence 3 (RS-3) district "is established and intended to primarily single-family dwellings including family community residences at moderate densities on lots greater than 6,000 square feet". The Property's adjacent lands are mostly developed with such single and multi-family residential uses in accordance with the respective underlying zoning districts. The Project is compatible with the adjacent residential uses as it provides a logical transition between the RM-12 multifamily developments and the higher intensity commercial corridor at the intersections of NE 16th Terrace and Sample Road, and N Federal Highway and Sample Road. The Property was developed as a neighborhood community center, was most recently used as a City Fire Station (Fire Station #16), and now sits empty and unutilized. As the parcel on the east side of NE 16th Terrace, adjacent to the Shopping Center, are all zoned RM-12 and developed with multifamily uses, it would be difficult to develop the property with a similar residential use and meet current Code standards due to the small size of the property. As such, the Property is well suited for reactivation as a neighborhood office use integrated with the Shopping Center, as it has long served the community with non-residential uses. Further, the proposed office use will serve as the office space for management of the adjacent Shopping Center, thereby supporting and further contributing to its compatibility to surrounding uses. With the above foregoing, the Allocation of Flex is suitable for the development pattern as it will support and allow for a transition into the intense commercial uses north and east of the Property and along two (2) major thoroughfares. This makes the Property ideal for an office use, as the users can easily access the various commercial uses in the area and have convenient means to public transportation.

(3) The use of residential flexibility units will include an agreement to provide affordable housing units per subsection (E) or an in lieu of fee in accordance with Section 154.80.

This Allocation of Flex request is not for the establishment of residential flexibility units and will not require an agreement to provide affordable housing. As such, this criterion does not apply.

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