



Staff Report

File #: LN-296

PLANNING AND ZONING BOARD

Meeting Date: OCTOBER 26, 2022

GATEWAY LUXURY APARTMENTS

Request: Flex
P&Z# 22-05000005
Owner: Gateway Investments LLC
Project Location: 950 N. Powerline Rd
Folio Number: 484234480010
Land Use Designation: Commercial
Zoning District: B-3 (General Business)
Commission District: 4 (Beverly Perkins)
Agent: Tiffany Crump (954-788-3400)
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 County has recently adopted Policy 2.16.3 which allows for bonus units to be allocated when affordable housing is provided. The number of bonus units depends on the affordability level of the deed restricted units. For moderate income units (80-120% of Broward County median income), the Applicant will be awarded 6 bonus units for every 1 unit of moderate income housing unit deed restricted for 30-years.

The Applicant (KEITH), on behalf of US Gateway Investments, LLC., is requesting approval for a 128 unit project on a 4.2-acre property located at 950 N. Powerline Road on the east side of Powerline, south of Dr. Martin Luther King, Jr Boulevard and north of NW 9th Street. The project consists of four, 3-story buildings with surface parking. The Land Use designation on the property is commercial and the Zoning is B-3. The property is within the City’s flex receiving area and is therefore eligible to be considered for the allocation of flex. The proposed density is approximately 30 du/acre which is allowed by the B-3 zoning with an allocation of flex units. A conceptual site plan has been submitted for this request and a formal Site Plan is currently being reviewed by the Development Review Committee (DRC). The Applicant will be proceeding to the Planning & Zoning Board with their Major Site Plan when it has completed the DRC process.

The mixed-income housing ordinance (Ord. #2022-36) recently adopted by the City Commission identifies the segment of North Powerline Road between Atlantic Boulevard and NW 15th Street as an area where new residential projects requiring the allocation of flex units should be mixed-income with no more than 20% of the units deed restricted for affordable housing. In addition, the recently adopted City policy in Resolution 2022-185 requires projects that are

eligible to use County policies 2.16.3 or 2.16.4 to utilize these policies to generate residential entitlements. These two affordable housing related actions work well in tandem for the Gateway Luxury Apartment project. The use of Policy 2.16.3 allows the total flex units requested to be reduced from 128 to 19 (a savings of 109 flex units) with the remainder being made up by the 6 bonus units for every moderate income housing unit deed restricted for 30-years (19 moderate income flex units x 6 bonus units = 114 market-rate units + the 19 moderate income flex units = 133 total units which is greater than the 128 requested). With only 19 affordable units in the 128 unit project, the total deed restricted affordable is 14.8% and thus is consistent with the mixed income housing ordinance at this location.

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 01.03.07 - Require the provision of decorative structural or vegetative buffers between different density residential land uses, and residential and non-residential land uses unless the applicant can demonstrate by evidence that the proper buffer is provided.

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

Compatibility Statement: The project is adjacent to the City's Senior Center to the east, a vacant commercial site to the north and single-family homes to the south. The setbacks and buffers shown on the conceptual site plan meet the Residential Compatibility Standards required in Sec. 155.5604 of the Code relevant to the south property line. The introduction of a residential project in this location is considered more compatible with the senior center and the single-family to the south than if the area were developed in a commercial use currently allowed by the land use and zoning designations.

(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	C/B-3	Vacant
East	C/B-3	City of Pompano Beach Senior Center
South	LM 10/RM 12	Single family residences

(3) Design Standards in 155.4202.A.1

The Mixed-Income Housing Ordinance (Ord. #2022-36) included design standards for all projects using policies 2.16.3, 2.16.4 and flex units to increase the density/intensity of projects along the City's primary arterials. For residential projects like Gateway Luxury Apartments, these regulations require the following:

- Height transitions if the buildings are over 35 feet in height and adjacent to low density residential;
- Allow for clustering and additional lot coverage;
- Define minimum floor area by unit type for multi-family housing; and
- Establish setbacks from external streets.

The Gateway Luxury Apartment conceptual site plan satisfies these design standards within the parameters established in 155.4202.A.1.

FLEX UNIT ALLOCATION TRACKING

The City has 420 Flexibility Units available to be allocated 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 401 Flexibility Units remaining (420-19 = 401).

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 19 Flex Unit allocation as the Board finds the application is consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies and the City's policies and design regulations related to mixed-income housing and the use of Broward County affordable housing bonus density policy 2.16.3 with the following conditions of implementation:

1. The conceptual and final site plan must be able to meet all code requirements with no variances. If the requested density cannot be accommodated on the site based on all applicable code requirements, the flex/bonus units must be reduced accordingly.
2. Prior to Building Permit approval, the Applicant shall provide a Declaration of Restrictive Covenants restricting the 19 flex units to moderate income affordable for 30-years.
3. The final site plan approved for this project shall be substantially conforming to the submitted conceptual site plan with any amendments needed to comply with the zoning code and other relevant city codes;
4. If a building permit is not issued within two years from the Resolution's 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.

Alternative Motion 3: Recommend denial of the Flex Unit allocation as the Board finds that the allocation of the flex units is not consistent with the goals, objectives and policies of the Comprehensive Plan, that are stated in this report.

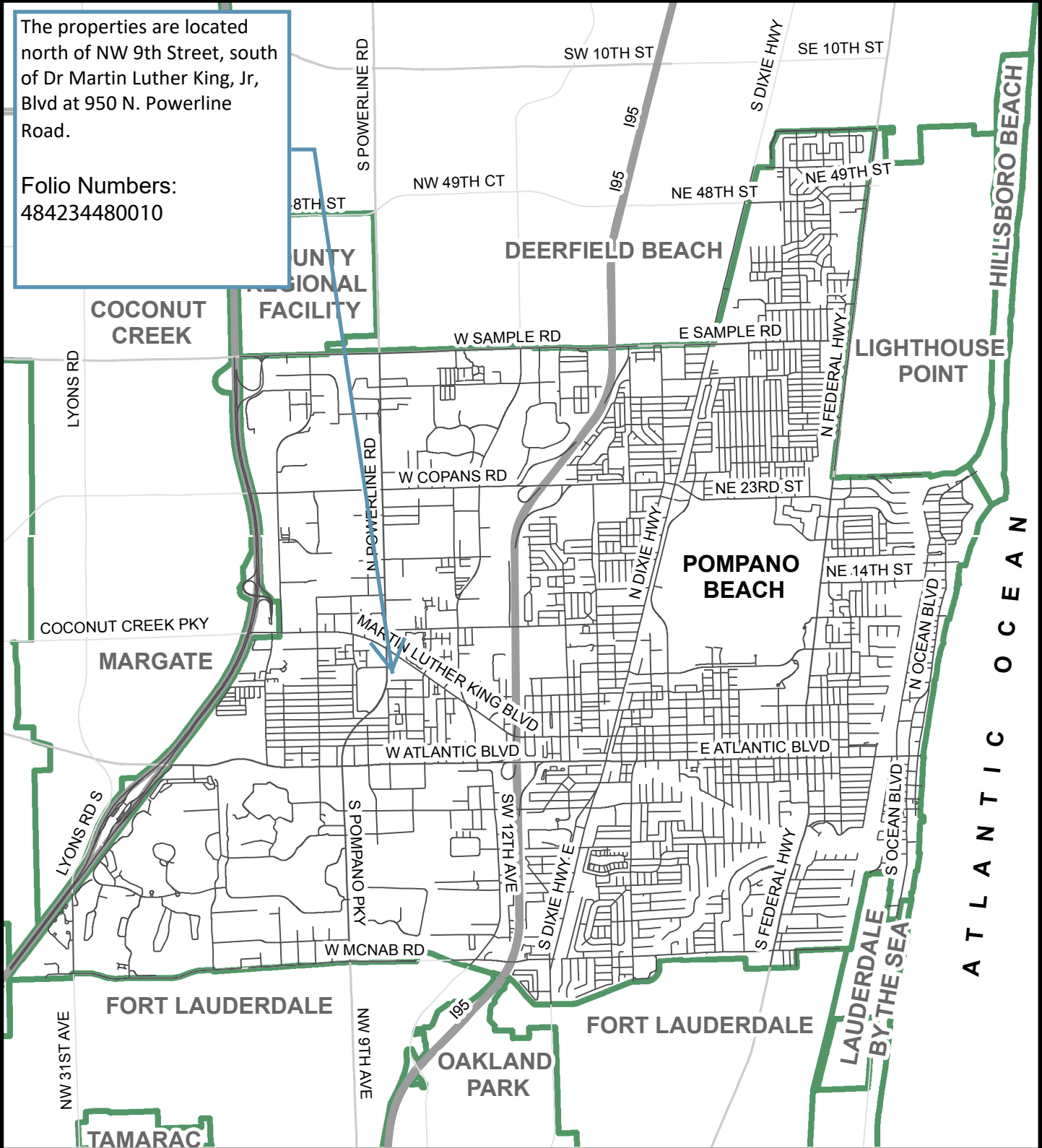
Staff recommends Alternative Motion #1.

CITY OF POMPANO BEACH LOCATION MAP



The properties are located north of NW 9th Street, south of Dr Martin Luther King, Jr, Blvd at 950 N. Powerline Road.

Folio Numbers:
484234480010



1 in = 1 miles

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CITY OF POMPANO BEACH AERIAL MAP

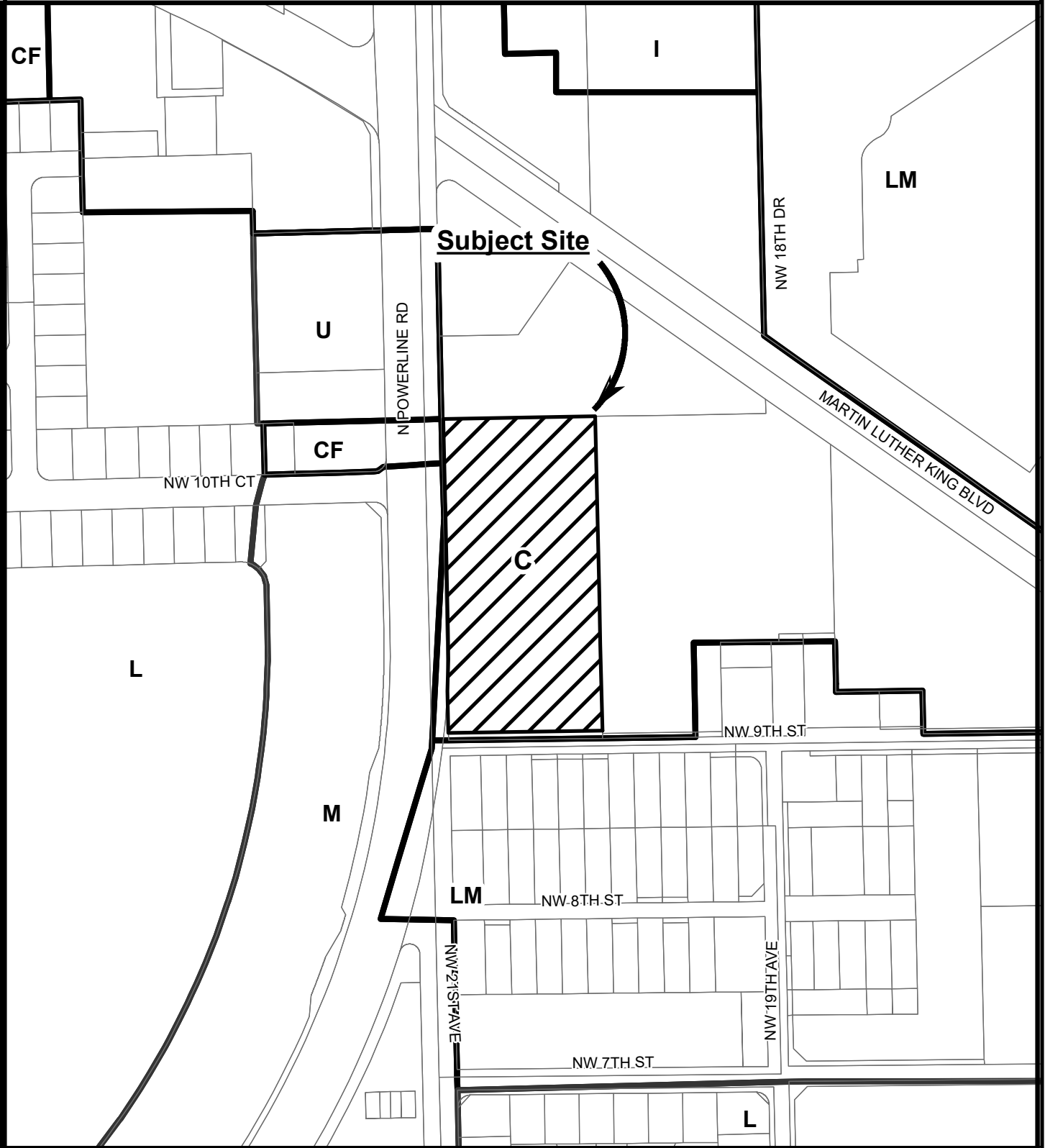


Subject Site

1 in = 271 ft

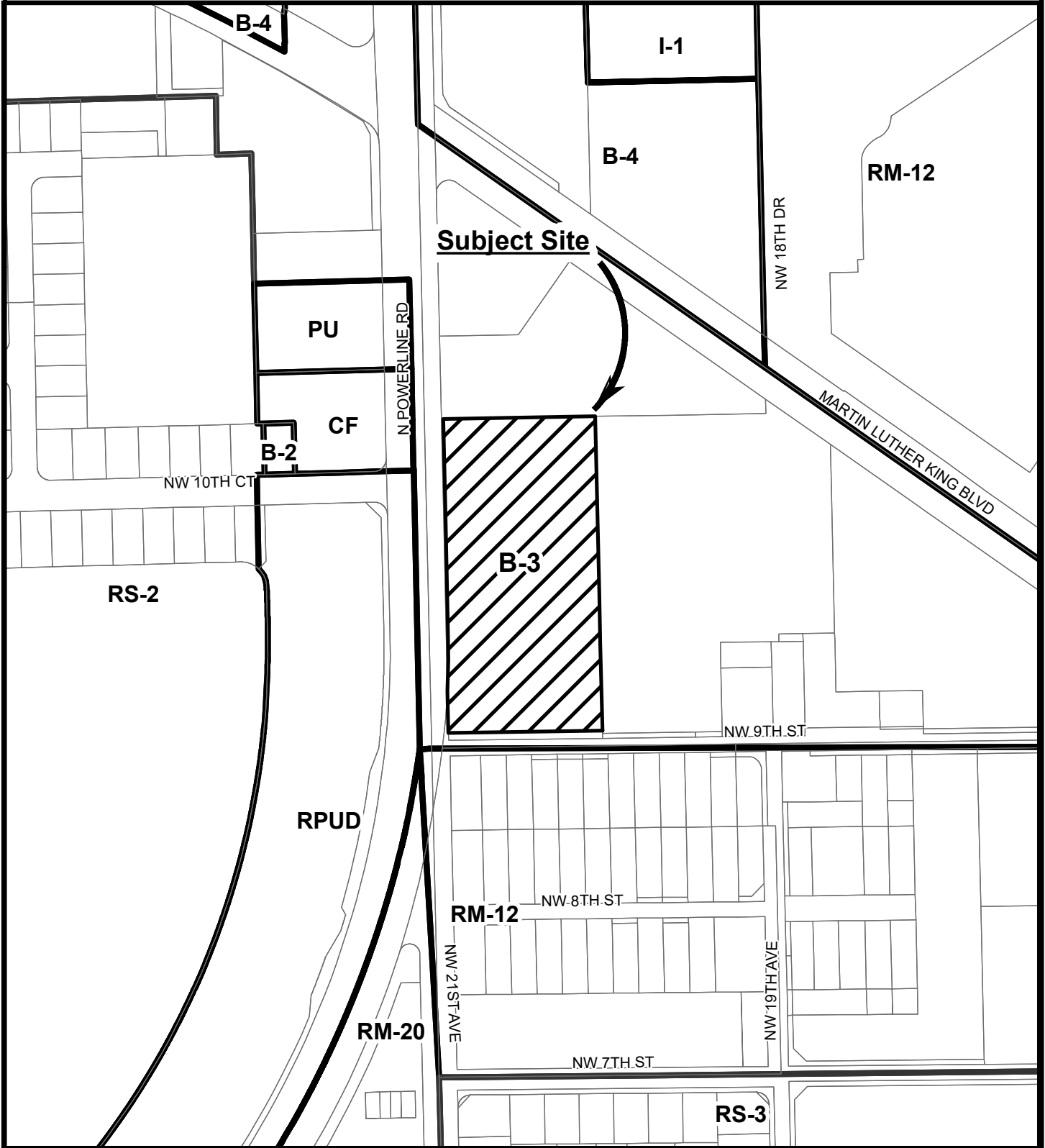
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CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



1 in = 271 ft

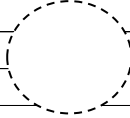
CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 271 ft

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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
*	C Commercial	RM-12	Multiple-Family Residence 12
	CR Commercial Recreation	RM-20	Multiple-Family Residence 20
		RM-30	Multiple-Family Residence 30
I	Industrial	RM-45	Multiple-Family Residence 45
		MH-12	Mobile Home Park
T	Transportation		
		B-1	Limited Business
U	Utilities	B-2	Neighborhood Business
		*	B-3 General Business
CF	Community Facilities	B-4	Heavy Business
		M-1	Marina Business
OR	Recreation & Open Space	CR	Commerical Recreation
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
	Number	PU	Public Utility
		T	Transportation
		BP	Business Parking
		LAC	Local Activity Center
	* Current		
	> Proposed	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