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May 15, 2023

Development Review Committee
City of Pompano Beach
100 West Atlantic Boulevard, Dept. 1510
Pompano Beach, Florida 33060

Via Electronic Mail: Maggie.Barszewski@copbfl.com; Jean.Dolan@copbfl.com

RE: Distribution of Flexibility & Redevelopment Units (1350 NW 31 AV, Folios 484233680020, 484233680030)

Dear members of the Development Review Committee,

PlanW3st is representing AVIARA CORPORATE PARK LLC in pursuit of Flexibility & Redevelopment Unit allocation for the above-referenced properties. The subject properties are located within the B-3 (General Business) and B-4 (Heavy Business) Zoning Districts, and are also located within the C Commercial Land Use designation of the City's adopted Future Land Use Map.



Zoning Map Excerpt



Future Land Use Map Excerpt

The owner is concurrently seeking to rezone the southern property from B-4 (Heavy Business District) to B-3 (General Business), as well as a Major Site Plan approval for the construction of 245 apartment units with 6,910 sq. ft. of commercial office space on both parcels. The residential flex allocation will allow the residential component of the project within commercial land use. The subject 5.35-acre property is located just east of NW 31st Avenue and south of Dr. Martin Luther King Jr. Boulevard (refer to **Exhibit "A"** included with this narrative). In accordance with Broward County Policy 2.16.3 as well as city Resolution 2022-185, the project must provide 35 moderate-income housing units to meet the intent of providing mixed income housing within the development, or obtain a waiver from the City Commission.

We believe that we meet all review standards as specified in code section 154.61.D [REDEVELOPMENT AND FLEXIBILITY UNITS] and understand that an application for Distribution of Flexibility Units must comply with the following standards:

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

The project is proposing a mixed-use project of 6,910 sq. ft of commercial use and 245 residential multi-family units. In accordance with the City's Comprehensive Plan, retail uses, office, and business use, as well as residential uses are permitted within the Commercial Land Use designation. Residential uses within this land use are allowed for projects that include a minimum of 15% affordable housing restricted to such use for a minimum of 15 years) are permitted via City Commission allocation of "flexibility units" and/or "redevelopment units", which we are also concurrently seeking. Furthermore, the project is consistent with the following policies from the City's adopted Comprehensive Plan:

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 use and residential developments.

Policy 01.03.03 Encourage property owners to rezone the subject properties when initiating development and/or redevelopment proposals to be consistent with the designations on the Future Land Use Map.

Policy 01.01.13 The City shall utilize flexibility units and redevelopment units to increase residential densities within the flex receiving area when consistent with the community character; adjacent land uses; and public school capacity both within Pompano and affected contiguous municipalities; and has undergone a compatibility review relative to potential impacts on Environmentally Sensitive Lands and County or regional parks in accordance with Policy 2.10.01 of the Broward County Land Use Plan.

Policy 01.01.18 Future Land Use Plan amendments that create 100 additional residential units or more will be reviewed in conformance with County policy 2.16.2 in regard to affordable housing.

Policy 01.14.01 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 manmade resources.

- (2) The use of the redevelopment and flexibility units and/or the establishment of nonresidential development within a residential land use designation 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.

The project provides residential and commercial uses in an area that is predominantly commercial, across from Charles Drew Elementary School. A mixed-use project is needed in this area, as the pattern is mostly commercial and Charles Drew is currently at 70% capacity, with projections dropping to 49.3% by the 2026/2027 school year.

- (3) Applications for the use of residential flexibility or redevelopment units requires an agreement to provide affordable housing units per subsection (F) below or an in lieu of fee in accordance with § 154.80, except that infill properties which are one-acre or less are exempt from this requirement.

This project is over one acre and will be deed-restricting and designating the 35 dwelling units, in accordance with Broward County Policy 2.16.3.

We further understand that in order for an application for flexibility or redevelopment units to be eligible, the following provisions shall be applicable:

- a) All new residential and mixed-use development projects with a residential component along Dixie Highway and North Powerline Road (between Atlantic Boulevard and NW 15th Street) must include a minimum of 80% non-income restricted units.

This project is not located within the designated area.

- b) All new residential and mixed-use development projects with a residential component within one-half mile radius of an income restricted housing development must include a minimum of 50% non-income restricted units.

This project is not located within one-half mile radius of an income restricted housing development.

- c) Comply with additional residential and mixed-use standards of § 155.4202.A.1.

The project will comply with this code section.

- d) Projects that use the 50% zoning density incentive shall be required to provide a mix of commercial and residential uses, per § 155.4202.A.1.a.vii.(A).

This project does not fall into this category.

- e) Those projects that are required to provide non-income restricted units are not required to pay into the Local Affordable Housing Trust Fund.

This project does not fall into this category.

- f) All other areas: All projects must include a minimum of 15% affordable housing or pay into the Local Affordable Housing Trust Fund for every unit that is not classified as affordable.

This project will deed-restrict and designate the 35 dwelling units, in accordance with Broward County Policy 2.16.3.

Thank you for your consideration. We respectfully request you grant the property.

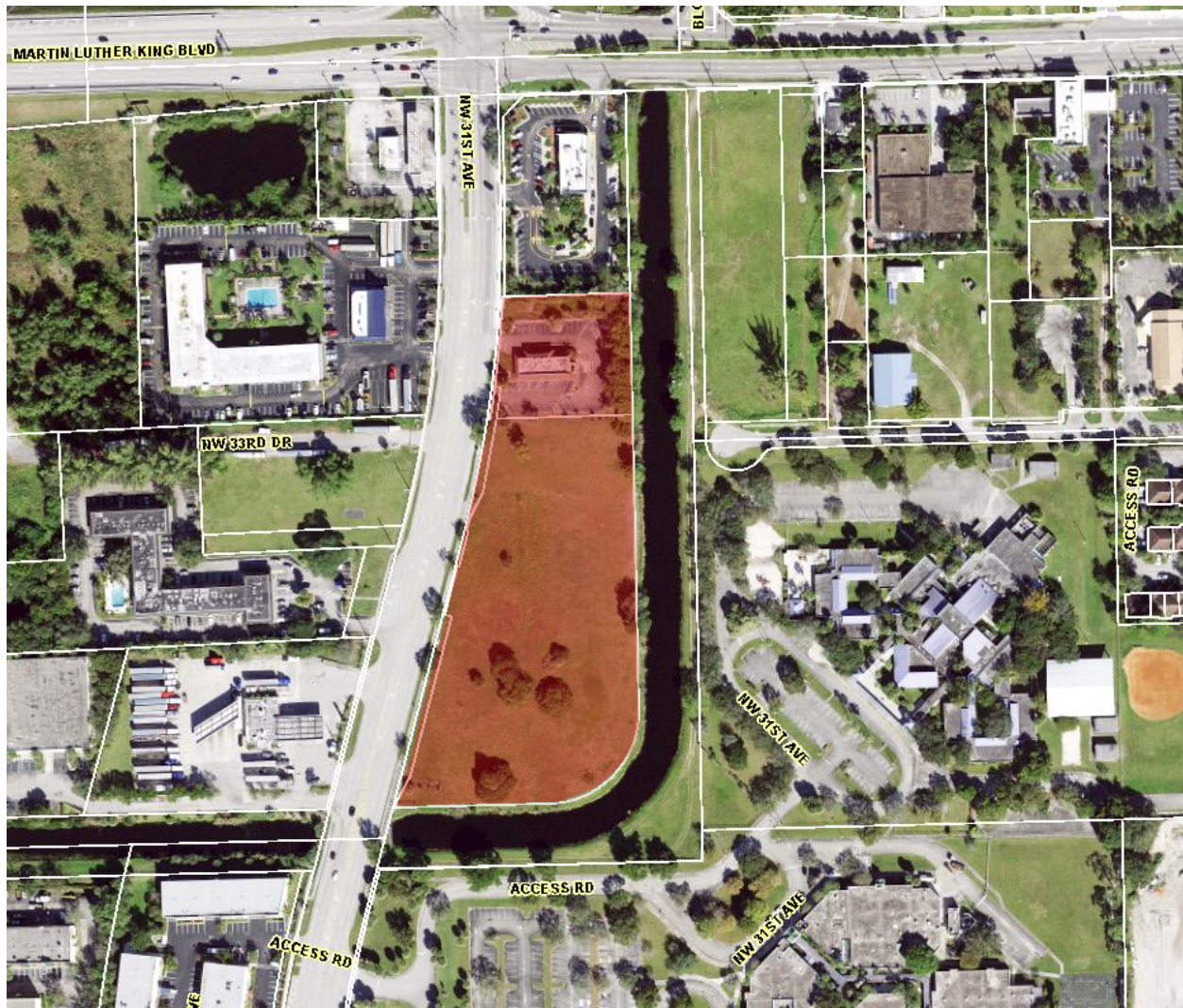
Flexibility & Redevelopment for 245 dwelling units.

Please do not hesitate to contact me with any questions.



Paola A. West, AICP, ISA-CA
Principal, Senior Land Planner

Exhibit "A"



Parcel Id: [484233680030, 484233680020](#)

Owner: AVIARA CORPORATE PARK
LLC

Situs Address: 1350 NW 31 AVE POMPANO
BEACH FL 33069

Legal: LANIER PLAT 180-182
PARCELS B AND C