

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. She reviewed the adjacent zoning map designation and Resolution 22-185. She noted the proposed project will be providing 19 deed restricted moderate units and thus the density bonus offered by Policy 2.16.3 will provide 6 units for very moderate-income units deed restricted for 30 years. 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.

Given the information provided to the Board, staff provides the following alternative motions, which may be revised or modified at the Board’s discretion:

- Alternative Motion I: 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 II: Table this application for additional information as requested by the Board.
- Alternative Motion III: 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.

Ms. Dolan stated that staff recommends Alternative Motion I.

Mr. Mike Vonder Meulen, KEITH, (301 E. Atlantic Boulevard, Pompano Beach) introduced himself to the Board on behalf of the applicant. He noted the applicant has no objections to the staff conditions and volunteered to forego his presentation.

Mr. Stacer opened the public hearing. No one came forth to speak. Mr. Stacer closed the public hearing.

(41:35)

**MOTION** by Carla Coleman and seconded by Tundra King that the Board finds that competent, substantial evidence has been presented for the Residential Flexibility that satisfies the review criteria, and move approval of the item, subject to the four conditions provided by staff under Alternative Motion I. All voted in favor. The motion was approved.

(43:06)

**4. [LN-324](#) BROWARD PARTNERSHIP FOR THE HOMELESS INC LUPA**

<b>Request:</b>	Local-Only LUPA from Industrial to Commercial for a Future Proposed Residential Development
<b>P&amp;Z#</b>	22-92000003
<b>Owner:</b>	Broward County Board of County Commissioners

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<b>Project Location:</b>	1700 NW 30 Avenue (Blount Road)
<b>Folio Number:</b>	484228250050
<b>Land Use Designation:</b>	Industrial
<b>Zoning District:</b>	CF (Community Facility)
<b>Agent:</b>	John Rinaldi
<b>Project Planner:</b>	Jean Dolan

Ms. Jean Dolan, Planner, introduced herself to the Board and stated the applicant is requesting to change the entitlements for a 7.0 gross acre site (approximately 6.7 net acres) currently occupied by the North Homeless Assistance Center (NHAC) located at the east side of Blount Road (aka, NW30th Avenue) approximately a half-mile north of Dr. Martin Luther King, Jr. Boulevard. She reviewed the context ariel, adjacent land use map designations, and the Land Use Plan Amendment. The change in land use is from Industrial to Commercial to allow the rear 3 acres to be zoned B-3 so the property can be developed as residential using a combination of flex units and County Policy 2.16.3 to provide the desired 138-unit residential project (46 du/acre). She reviewed the public facility impact analysis based on the 138 residential unit development and noted there are not bus routes on Blount Road. She stated the Declaration of Restrictive Covenant will be required to address impacts and ensure adequate capacity and convenient facilities to serve demand. She summarized the Comprehensive Plan Goals, Objects, and Policies that support and then reviewed the ten Comprehensive Plan GOPs that do not support the project. She outlined the City of Pompano Beach Local-Only LUPA Process.

Ms. Dolan reviewed the following Alternative Motions:

1. Motion to recommend denial of the proposed Land Use Map Amendment as the Board finds the proposed map change incompatible with adjacent uses and the Goals, Objectives and Policies in the Comprehensive Plan that specifically discourage placing residential in the industrial area.
2. Motion to recommend approval of the proposed Future Land Use Map Amendment as the Board finds it to be consistent with the Goals, Objectives and Policies in the Comprehensive Plan related to providing affordable housing with the following commitments in a Declaration of Restrictive Covenant (or equivalent binding agreement) to be provided prior to City Commission second reading:
  - Broward Transit will provide adequate bus routes along Blount Road to service the project and the Apartment management will provide transportation services to residents until such time as Broward County mass transit is adequate to serve their daily needs;
  - Broward County will accommodate and permit stormwater management off-site on their property to the south of the subject property;
  - That reasonable recreation and open space amenities will be provided on-site to serve the residents; and
  - The 7 flex units will be deed restricted to very low income for a period of 30-years as required by County Policy 2.16.3 to qualify for the 19 bonus units for every very low income unit.
3. Motion to table the proposed Future Land Use Map Amendment to allow further analysis of any issues raised by the Board, Staff, Applicant or the general public.

Ms. Dolan stated that staff recommends Alternative Motion I.

Ms. Jana Loda, Attorney Holland & Knight, (515 E. Las Olas, Fort Lauderdale), introduced herself on behalf of the applicant. She introduced additional team members. She noted they will be showing one presentation for all three items. She reviewed the development site adjacent to Broward Partnership NHAC and the property size.

Dodie Keith-Lazowick, CEO of KEITH, (301 E. Atlantic Boulevard, Pompano Beach) introduced herself to the Board and noted that she is representing her role as the immediate past chair of Broward Partnership for the Homeless and

current Chair for the Master Planning Committee. She provided historical background and purpose of the Broward Partnership for the Homeless, current projects, services, and resources.

Ms. Loda continued by summarizing the three pending applications and reviewed the goals, objectives, and policies from the staff report that the applicant believes ultimately support approval of the application. She reviewed Objective 03.03.00 – Land for Affordable Housing, Policy 03.03.01, and Policy 03.03.02. She showed a proximity map to other tax credit affordability housing developments and the proposed project site. She confirmed the closest project to the site is over 4,800 feet property line to property line. The second closest one is 4,873 feet property line to property line. She also addressed Policy 03.03.04, Policy 01.03.08, and Policy 01.23.01. She presented aerials to show employers and services surrounding the development location in response to the applicant’s argument that it is not a heavy industrial area and is more of a mixed used area instead. Ms. Loda highlighted omitted Goals, Objectives, and Policies that would directly support the applications. She reviewed Objective 01.01.00, Policy 01.01.12, Objective 01.07.00, and Policy 01.07.18 to support their claims. She summarized Policy 03.01.05, Policy 03.01.06, Policy 01.01.09, and Policy 03.03.03.

Mitch Rosenstein, Principal Green Mills Group, (3323 W. Commercial Boulevard, Suite E220, Fort Lauderdale) introduced himself to the Board. He provided additional comments on the employers surrounding the development location. He reviewed the Silver Creek project they completed in Miami and summarized the data of the City of Pompano rental market. He spoke on the average rent, affordable housing need, and available rental inventory in Pompano Beach. He showed a slide to outline their community income and rent limits. Mr. Rosenstein continued by reviewing their proposed security measures, including an anticipated two full-time staff and two part-time staff on premises. He reviewed communities they developed in Lakeland and Silver Creek.

Ms. Loda closed by reminding the Board the site has been used for quasi-residential use for twenty (20) years. She acknowledged that, by and large, the applicant has no objections to the conditions. She noted the County has committed to providing a full-service bus line on Blount Road prior to the opening of the property. She noted the applicant objects to the condition of the flex allocation to provide a correct site plan prior to the City Commission approval. She argued that the cost and expense of refining a site plan is not warranted at this time. She requested that condition be removed.

She requested approval on all three applications.

Ms. King noted District 4 and District 5 has the highest calls for service volume. Ms. King expressed concern about transportation on Blount Road.

Mr. Rosenstein said they are sensitive to the calls for service in that area and provided some thoughts on deterring crime. Ms. Keith-Lazowick said the Broward Partnership has helped to reduce calls for service in high call volume areas. She spoke to the benefit of activating communities with permanent residents. She provided additional comments on bus transportation and the Green Mills partnership.

Mr. Richard Klosiewicz acknowledged the presentation and the benefits of the project.

Mr. Stacer opened the public hearing.

Mr. Larry Slappy (126 N. Flagler, Pompano Beach) distributed materials to the Board. He stated he does not support changing the zoning and it will have a significant impact on residents. He spoke about District 4, industrial properties, and ad valorem taxes. He expressed concern about an influx of homeless population.

Mr. Richard DeWitt, Government Law Group, introduced himself on behalf of First Industrial Realty Trust. He acknowledged the applicant’s passion and advocacy but does not support the applications. He said the Board needs to defer to staff and their recommendation. He requested denial of the applications.

Ms. Janie McIntire (2335 E. Atlantic Boulevard, Pompano Beach) was sworn in. She noted she serves on the Broward Partnership for the Homelessness Board and is proud of the challenges they have addressed.

Mr. Rosenstein responded to the public comments. He asked to see the images distributed by Mr. Slappy which he assumed would be people loitering on the subject with their things on the public sidewalk. He addressed the fact that the Broward Partnership cannot tell people they can't loiter on the public sidewalk in front of the shelter. He clarified they are not within the CRA and are not asking for tax abatements or tax incentives. He stated they expect to pay City and County property taxes.

Mr. Stacer closed the public hearing.

Ms. Coleman acknowledged the outstanding work of the Broward Partnership for Homelessness and Green Mills. However, she noted the Board needs to determine whether the requested change is compatible with the Comprehensive Plan. She asked Assistant City Attorney Saunders what criteria the Board should be looking at when considering the applications.

Assistant City Attorney Saunders noted staff has made it clear the LUPA needs to be decided based upon the Goals, Objectives, and Policies in the Comprehensive Plan.

Ms. Coleman said they have been very intentional about rezoning their industrial to commercial because it would not be compatible as residential. She asked staff about the ten (10) GOPs that do not support the LUPA and the Applicants reinterpretation of some of those GOPs. Ms. Dolan stated that the Staff and the Board know what the City's Comprehensive Plan means and it means that Industrial is not compatible with residential. Ms. Coleman asked if there is another location to site it on City-owned land. Ms. Dolan replied that there has not been an alternatives analysis completed to identify any other location in the City or in the County. She noted Pompano Beach provides more subsidized housing than any other city in Broward County and so the most appropriate location would be in a residential area in one of the 60% of Broward's cities that do not provide any subsidized housing.

Chair Stacer stated they take affordable housing very seriously. He spoke about other projects he has been involved in and argued it is a heavy industrial area. He summarized the recent Florida Department of Transportation's presentation about MLK Boulevard and future plans to redirect truck traffic on Blount Road. He acknowledged the facility is fabulous, but it is not appropriate in the proposed location. He noted he would not support the LUPA.

Ms. Kovac asked about the NHAC. Ms. Dolan stated she does not know the history, but it has been there for a significant amount of time. Ms. Keith-Lazowick provided a brief historical background on NHAC. Ms. Keith-Lazowick defended the location for the project. She said they have been discussing other site location in area cities. She said the future MLK interchange creates opportunities that her team considers beneficial and the project will make the Blount Road area better.

Carla Coleman expressed a desire to make a motion of deny the request, however, the Board attorney noted that the motion had to be made "in the affirmative" and then Board members would have to vote NO if they wanted to deny the project.

(2:27:26)

**MOTION** by Carla Coleman and seconded by Richard Klosiewicz that the Board recommend approval of the item, subject to conditions contained in the staff report as outlined in Alternative Motion II. All voted in favor, except for Carla Coleman and Fred Stacer, who voted in opposition. The motion was approved 5-2.

(2:34:48)

5. [LN-324](#)

**BROWARD PARTNERSHIP FOR THE HOMELESS INC REZONING**

**Request:**

Request to rezone from Community Facility to Commercial for a Future Proposed Residential Development