

**G. FLEX**

**2. WTLG, LLC, PAOLA FLORIDA LLC & CITY OF POMPANO BEACH /  
DIXIE & 8<sup>th</sup> FLEX**  
**Planning and Zoning No. 19-05000005**  
**Commission District: 4**

Consideration of the FLEXIBILITY UNITS REQUEST submitted by **MICHAEL VONDER MEULEN** on behalf of **WTLG, LLC & PAOLA FLORIDA, LLC** approval for 100 Flexibility Units on a 6.87-acre property in order to develop a 121 unit mixed-use mixed-income project. All parcels are legally defined as follows:

ADDRESS: North Dixie Highway, 717 N. Dixie Highway, 621 N. Dixie Highway,  
NW 7 Street, & NW 3 Avenue  
FOLIO: 484235000120, 484235000130, 484235110070, 484235001210,  
484235001220, 484235001230, 484235001240, 484235001251, & 484235001250  
ZONED: B-3 (General Business) & RM-20 (Multiple Family Residence 20)  
STAFF: Maggie Barszewski, AICP (954) 786-7921

Ms. Barszewski explained that the applicant is requesting 101 flexibility units to develop a mixed-use project with 121 residential units. She stated that a few of the parcels are owned by the City and that the applicant is proposing to construct three buildings in total. The applicant must meet the affordable housing requirements by providing the required housing units or by paying into the affordable housing trust fund. Without the flex unit allocation, the total residential density for the property would be 21 units. 87 of the flex units are where there is a commercial land use designation and 13 are on the portion with a residential land use designation.

Given the information provided to the Board, as the finders of fact, the Development Services Department provides the following recommendation, and alternative motions, which may be revised or modified at the Board's discretion.

**Alternative Motion I**

Recommend approval of the Flex Allocation request subject to the following conditions:

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, any flex units that will not fit on the site must be returned to the flex pool;
2. Prior to site plan approval, the Applicant shall provide a signed agreement documenting the that forty five units will be leased at 70% AMI and 15 units will be market rate units (above 120% of AMI) and how the affordability requirements will be met, pursuant to Section 154.61(E) Planning;

3. Any future site plan submitted 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. In order to ensure compatibility with adjacent properties, the conceptual plan shall illustrate a type C perimeter buffer in accordance with Section 155.5203.F, Perimeter Buffers, shall screen off-street surface parking areas located adjacent to single-family residential development.
5. Prior to site plan approval, the applicant shall receive approval of an abandonment for the right-of-way that exists in the southwestern corner of the south parcel.
6. Prior to the building permit approval, the dedication for additional right-of-way along Dixie Hwy, NW 8<sup>th</sup> Court, and NW 3<sup>rd</sup> Avenue shall be made.
7. Prior to the building permit approval, the applicant shall provide a Unity of Title or its equivalent.
8. Prior to the building permit approval, the applicant shall submit a platting determination letter.

### Alternative Motion II

Table this application for additional information as requested by the Board.

### Alternative Motion III

Recommend denial as the Board finds that the use of the reserve and flexibility units will not be consistent with Section 154.61(D) of the Code.

Alternative motion number I is recommended.

Ms. Smith asked if there are any approved flex units that are about to expire and go back into the pool.

Ms. Barszewski responded that the information in the staff report is the most accurate.

Ms. Smith requested a condition that the flex units would expire after two years.

Mr. Stacer stated that this is already written in the code.

Mr. Stacer asked about what happens to the other 61 units not accounted for in condition number two. He also asked a 2015 ordinance that required units being reserved at a different AMI percentage. He also asked what the total number of floors will be since the staff report says an 8-floor building.

Ms. Barszewski clarified that she misspoke when stating it would be 5 floors.

Mr. Mike Vonder Meulen (301 E. Atlantic Boulevard, Pompano Beach) presented himself and noted that this site was previously awarded flex units by a previous developer in 2015 but failed to obtain financing and so the flex units expired. He stated that this development proposal

includes additional City-owned land along NW 8th Street and that there are a total of three different property owners at this point. The developer intends to purchase all the land, consolidate the lot, and plat the property.

Ms. Coleman asked if the applicant is seeking Sadowski funding.

Mr. Josh Thomason (2700 SW 27 Ave, Miami) presented himself and stated that they are applying for this year's funding cycle. He stated that they apply to as many funding sources as they can.

Ms. Coleman asked if their finances won't be in place until the legislation makes appropriations in the coming year.

Mr. Thomason responded that they are going in on last year's appropriations that haven't been distributed yet.

Mr. Stacer asked Mr. Saunders if a new ordinance will be required.

Mr. Vonder Meulen clarified that he provided documentation from the 2015 approval just to show how similar this request is to that one.

Mr. James Saunders, Assistant City Attorney, responded that this matter will have to return to the City Commission but that the text shouldn't be any different.

Mr. Stacer asked if anyone in the audience wished to speak.

Ms. Vanessa Russel (324 NW 8 Street, Pompano Beach) stated that she was born and raised in the neighborhood. She stated that she opposes development of the lot because there are already existing buildings in the area that need to be rehabilitated. She is also worried that the children living there will not have anywhere to play and will be forced into the street. She stated that she is speaking for other residents who couldn't attend this meeting and that there is no need for these extra housing units proposed.

Mr. Thomas Drum (2700 NE 8 St.) presented himself to the Board. He complained that the City is allowing too much development and that there is going to be a backlash.

Mr. Stacer closed the public hearing.

Mr. Michael Vonder Meulen responded that there is additional vacant land throughout NW Pompano and that more affordable housing is much needed in the City and the County.

Mr. Stacer asked what will happen to the existing stormwater management facility.

Mr. Vonder Meulen responded that they will store and treat that water elsewhere in the project.

Ms. Coleman asked if the City owns any of the land in this project.

Mr. Vonder Meulen responds that it does. He explained that the six small lots along Dixie that are all owned by the City and the other are privately owned.

Mr. Stacer asked if the CRA had acquired those lots.

Mr. Vonder Meulen responded that the City has obtained this land from FDOT, which had acquired them for Dixie Highway drainage.

Ms. Coleman commented that every study done nationally indicates that this is the housing price point that is desperately needed everywhere. She wished the applicant good luck because she knows how competitive these funds are.

**MOTION** was made by Carla Coleman and seconded by Richard Klosiewicz to recommend approval of the Flex PZ #19-05000005 per the 8 conditions of staff. All voted in favor of the motion.