



ADMINISTRATIVE MEMORANDUM NO. 18-283

TO: Planning and Zoning Board
VIA: David L. Recor, ICMA-CM, Director of Development Services 
VIA: Jennifer Gomez, AICP, Assistant Director of Development Services 
FROM: Maggie Barszewski, AICP, Planner *MB*
SUBJECT: Dixie & 8th Flex
Flexibility Units P&Z #19-05000005/ September 25, 2019 P&Z Meeting
DATE: September 16, 2019

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 Flexible Units allocated and reports back to the County with each approval. The use of such allocation is advantageous when the City has determined through specific studies that an infusion of residential units would enhance a project or area.

The applicant, Paola Florida, LLC and WTLG, LLC and the City of Pompano Beach is requesting approval for 100 Flexibility Units in order to develop a 121 unit multi-family project. The request is proposing to deed-restrict the 6.87-acre property for a mixed-use, mixed-income housing project. The project would consist of two three-story buildings and one eight-story building along Dixie Highway with ground floor commercial square footage (on the south parcel). The property consists of 9 separate parcels, 6 of which are owned by the City. The Land Use designations of the parcels are Commercial and Low-Medium Residential (10 dwelling units per acre). The subject properties are zoned B-3 and RM-20.

This Flexibility Unit request is unique because Flexibility Units can be allocated in one of two ways and the Applicant has requested to employ both mechanisms to achieve the desired density on the property. The first is to allow residential development on a property with a Land Use designation of Commercial (69 allocated units). The second is to allow an increase in density for property with a Low-Medium (LM-10) Residential Land Use designation (13 allocated units). The LM-10 parcel has 21 units by right. Should this request be approved, a total of 121 units would be allowed to be constructed on the property, 21 units by right and 100 flex units

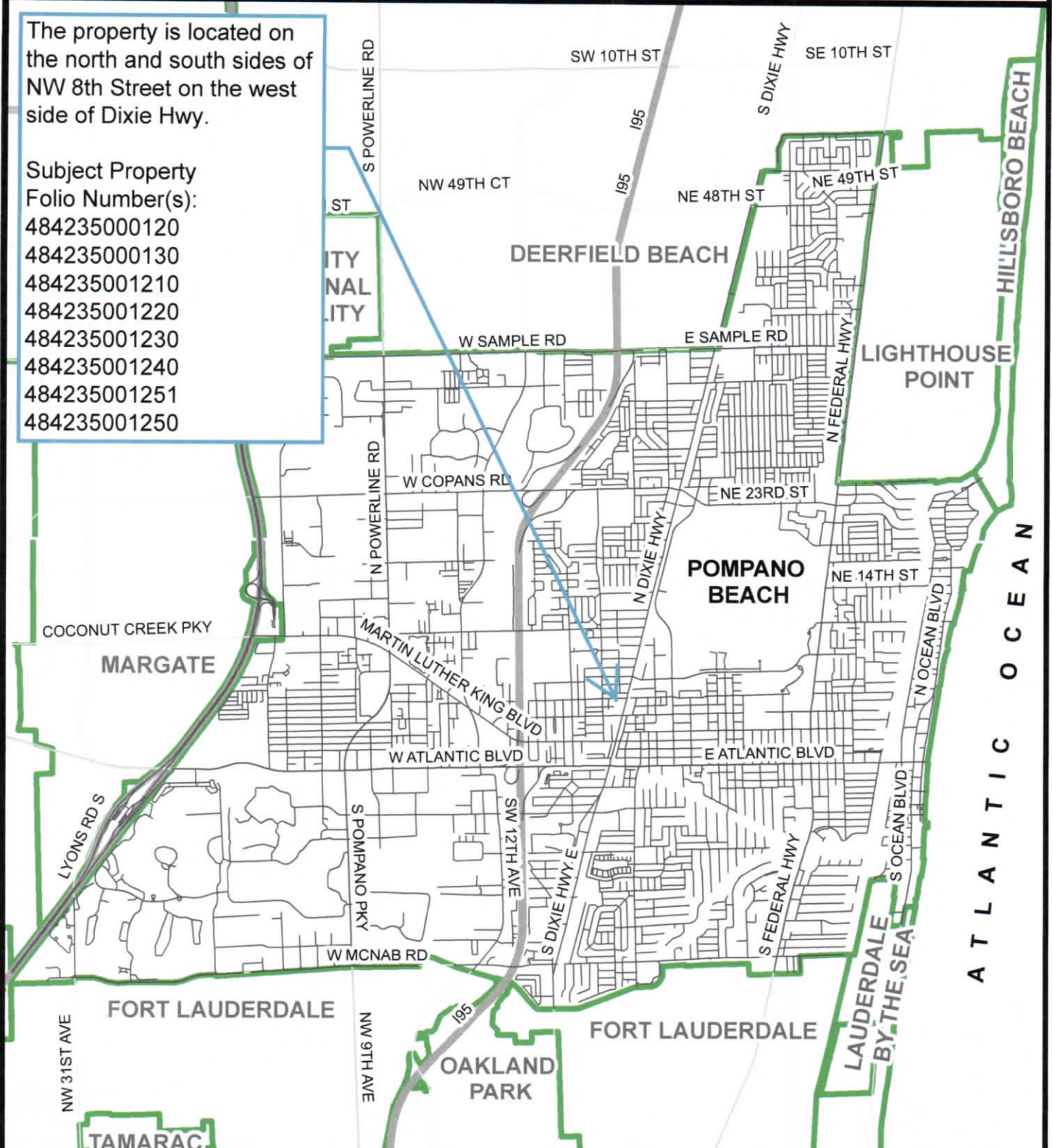
The property is currently vacant. The applicant has submitted conceptual site plans (Attachment I) and state that they will be providing an agreement consistent with Section 154.61(E) of the Zoning Code to commit to providing affordable housing units. This application was reviewed by the Development Review Committee (DRC) on August 7, 2019.

CITY OF POMPANO BEACH LOCATION MAP



The property is located on the north and south sides of NW 8th Street on the west side of Dixie Hwy.

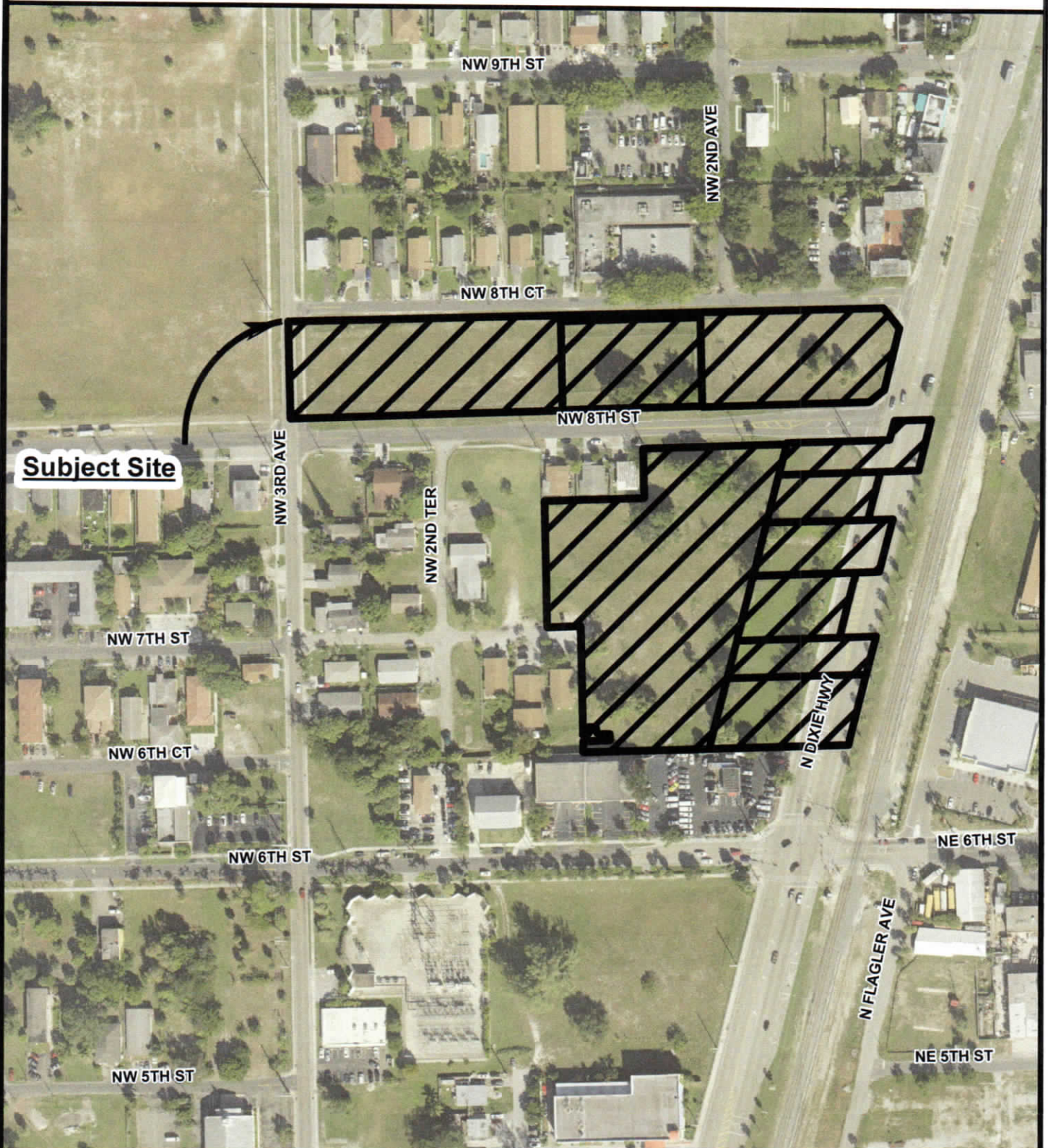
Subject Property
Folio Number(s):
484235000120
484235000130
484235001210
484235001220
484235001230
484235001240
484235001251
484235001250



1 in = 1 miles

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH AERIAL MAP

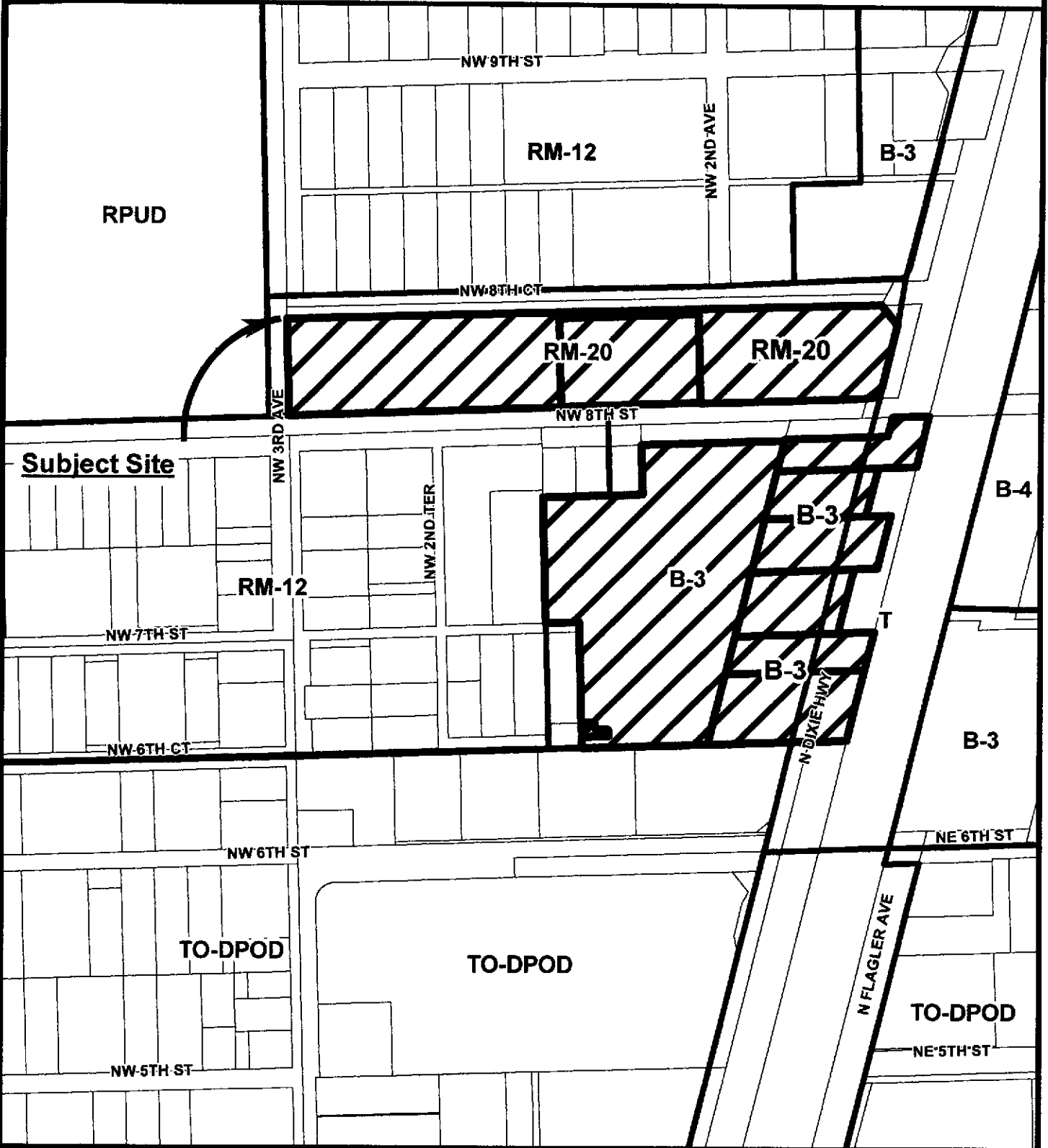


1 in = 208 ft

3

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DEVELOPMENT SERVICES

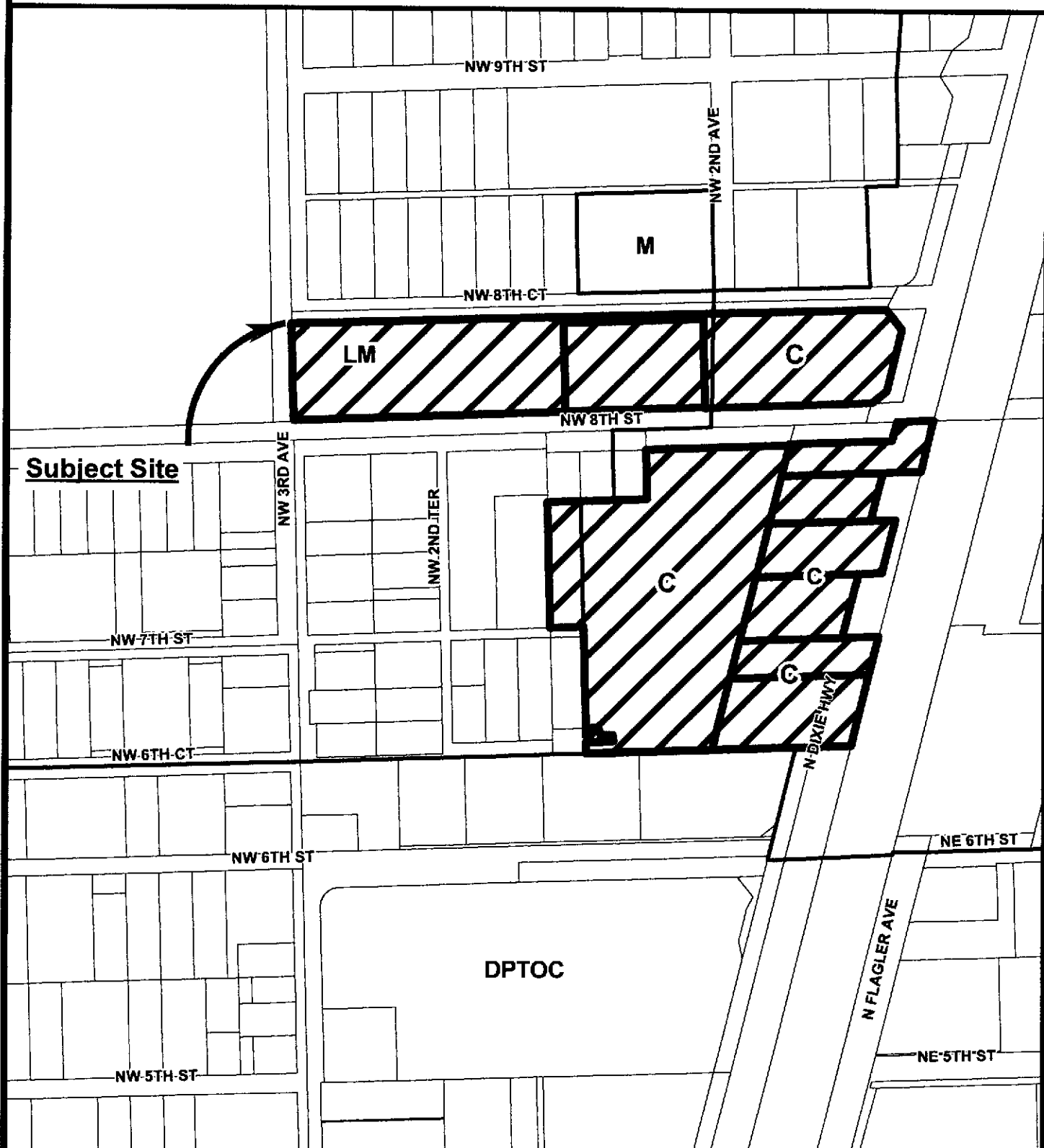
CITY OF POMPANO BEACH
OFFICIAL ZONING MAP



1 in = 208 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH
OFFICIAL LAND USE MAP



1 in = 208 ft

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DEPARTMENT OF
DEVELOPMENT SERVICES

LEGEND

FOR LAND USE PLAN

Symbol Classification Units/ Acre

Residential

	L	Low (1-5 DU/AC)
*	LM	Low- Medium (5-10 DU/AC)
	M	Medium (10-16 DU/AC)
	MH	Medium-High 16-25 DU/AC)
	H	High (25-46 DU/AC)
	12	Irregular Density
	36	Irregular Density

*	C	Commercial
	CR	Commercial Recreation

I Industrial

T Transportation

U Utilities

CF Community Facilities

OR Recreation & Open Space

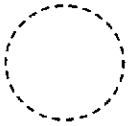
W Water

RAC Regional Activity Center

LAC Local Activity Center

DPTOC Downtown Pompano
Transit Oriented Corridor

Number

*  Reflects the maximum total number of units permitted within the dashed line of Palm Aire & Cypress Bend being 10,631 and 1,998

*	Existing
>	Proposed

FOR ZONING MAP

Symbol District

RS-1 Single-Family Residence 1

RS-2 Single-Family Residence 2

RS-3 Single-Family Residence 3

RS-4 Single-Family Residence 4

RS-L Single-Family Residence
Leisureville

RD-1 Two- Family Residence

RM-7 Multiple-Family Residence 7

* RM-12 Multiple-Family Residence 12

* RM-20 Multiple-Family Residence 20

RM-30 Multiple-Family Residence 30

RM-45 Multiple-Family Residence 45

MH-12 Mobile Home Park

B-1 Limited Business

B-2 Neighborhood Business

* B-3 General Business

B-4 Heavy Business

M-1 Marina Business

CR Commerical Recreation

I-1 General Industrial

I-1X Special Industrial

O-IP Office Industrial Park

M-2 Marina Industrial

TO Transit Oriented

PR Parks & Recreation

CF Community Facilities

PU Public Utility

T Transportation

BP Business Parking

LAC Local Activity Center

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

FLEXIBLE UNIT ALLOCATION REVIEW STANDARDS

An application for Flexible Unit Allocation shall be approved only on a finding that there is competent substantial evidence in the record that the development, as proposed, meets the following review standards found in Section 154.61(D):

Application review standards. An application shall only be approved on a finding that there is competent substantial evidence in the record that all of the following standards are met:

(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.

Objective 01.04.00 Support and promote the intermix of residential and commercial uses along major traffic corridors.

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.

Objective 01.12.00 Establish criteria which encourage development of urban infill and community redevelopment areas to promote economic development, increase housing opportunities and maximize the use of existing public facilities and services.

Policy 01.12.03 Utilize the existing flexibility provisions to facilitate proposed mixed use developments in urban infill areas provided that the proposed developments are compatible with the community character.

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.

(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 flexibility units into this subject property would produce a reasonable development pattern in considering compatibility to adjacent uses and the suitability of the

parcel for various development patterns. This is based upon the fact that the surrounding properties include the following:

Direction	Zoning/Land Use Designation	Use
North	RM-12&B-3/LM & C	Residential units
East	T/C	Dixie Hwy & FEC
South	TO/TOC	Ultimate Stone & Marble
West	RM-12 & RPUD/LM	Residential Units

The flex unit allocation requested is compatible with the surrounding land use pattern.

The table below provides an overview of the unique circumstance that this collection of properties faces, as it relates to zoning and land use. A map, labeled as Attachment II, has been added to this report illustrating the information below.

Parcel ID	Subject Property (Acres)	Existing Zoning	Maximum Density by Zoning	Land Use	Maximum Density by Land Use	Flex Request	Proposed Units
North-west	1.94 net 2.17 gross	RM-20	38 Units	LM 10	21 Units	13 Units	34 Units
North-east	0.92 net 1.42 gross	RM-20	18 Units	C	0 Units	18 Units	18 Units
South	4.01 net 4.73 gross	B-3	184 Units	C	0 Units	69 Units	69 Units
Totals	6.87 net 8.32 gross					100 Units	121 Units

(3) An agreement to provide affordable housing units per Section 154.61(E), except that infill properties which are one-acre or less are exempt from this requirement.

The Applicant has been working with the City NW CRA to develop an agreement to provide a mixed-income project, which will be consistent with 154.61(E) of the Zoning Code. To ensure compliance with this section, submittal of a signed agreement between the applicant and the City CRA, prior to site plan approval, has been included as a suggested condition of approval.

(4) Flexible Allocation Tracking

The City has 1,038 Flexibility Units available to be allocated, and there are two other pending applications* that have received approval from the Planning & Zoning Board. This applications have yet to be granted or denied by the City Commission. Assuming that the pending applications are granted by the City Commission, if this request was to be approved, the City would have 692 Flexibility Units remaining ($1,038 - 58 - 188 - 100 = 692$).

***Pending Applications:**

- **19-05000002** – 58 Units (Recommended for Approval by the P&Z June 26, 2019) *“Usman Palm Aire”*
- **19-05000004** – 188 Units (Recommended for Approval by the P&Z August 28, 2019) *“Aviara”*

DEPARTMENT RECOMMENDATION

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 8th Court, and NW 3rd 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.

Attachment I
Conceptual Plan

[illegible]

**PRELIMINARY PLAN
NOT FOR CONSTRUCTION**
THESE PLANS ARE NOT FULLY PERMITTED
AND ARE SUBJECT TO REVISIONS MADE
DURING THE PERMITTING PROCESS.
RESPONSIBILITY FOR THE USE OF THE SE
PLANS PRIOR TO OBTAINING PERMITS
FROM ALL AGENCIES HAVING JURISDICTION
OVER THE PROJECT WILL FALL SOLELY
UPON THE USER.

MIXED USE
DEVELOPMENT
DIXIE & 8TH

SCALE:	AS NOTED
DATE ISSUED:	SEPT. 5, 2019
DRAWN BY:	
DESIGNED BY:	
CHECKED BY:	

SHEET TITLE

CONCEPT PLAN

SHEET NUMBER
CSP-101

PROJECT NO. 10961.00



SCALE: 1"=30'

NOTE: PRINTED DRAWING SIZE MAY HAVE
CHANGED FROM ORIGINAL. VERIFY SCALE
USING BAR SCALE ABOVE.

SITE DATA TABLE:		
PROJECT ADDRESS:		
N DUNE HIGHWAY & NW 4TH STREET		
PROJECT SITE:	484235001270, 484235001280, 484235001290, 484235001291, 484235001292	
PROJECT INFORMATION:		
LAND USE DESIGNATION:	COMMERCIAL	
ZONING DESIGNATION:	B-3 GENERAL BUSINESS	
COMMERCIAL RETAIL SF	3,500 SF	
# OF RESIDENTIAL UNITS	69	
<u>PARKING CALCULATIONS:</u>		
MIXED USE BUILDING	REQUIRED	PROVIDED
RESIDENTIAL (1 PER UNIT X 69)	69	
RETAIL (1 PER 300 SF @ 3,500 SF)	12	
TOTAL PARKING	81	156
		151 STANDARD (8"X18") ADA (12"X18")



**Dixie & NW 8th
North Parcel**

POMPADOUR BEACH, FL

PROJECT NO. 1450

DATE: 11/13/14

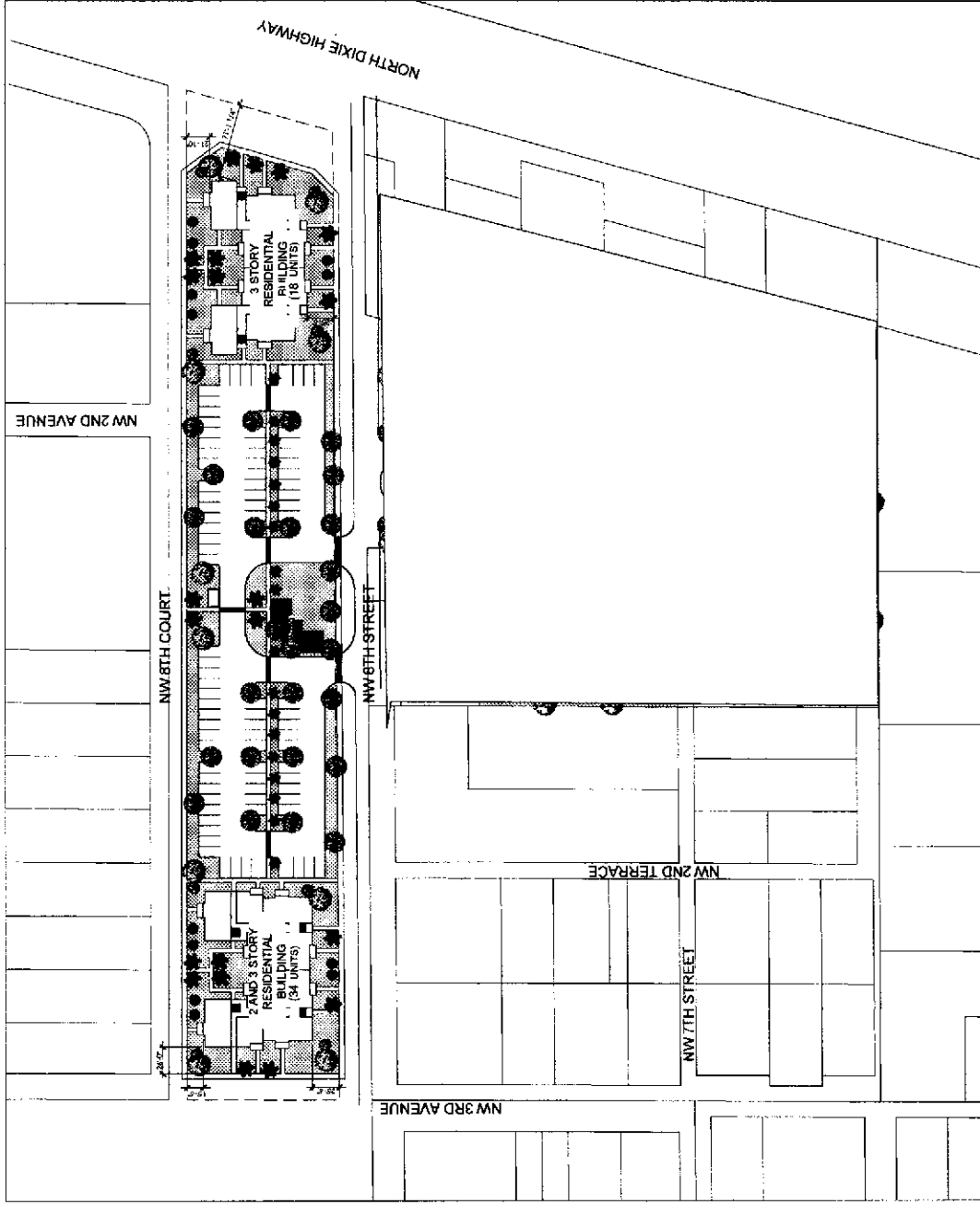
REVISIONS

11/14/14 SUBMITTAL

SITE PLAN

PER UNIT SUBMITTAL

A-1.0



SITE PLAN
SCALE 1" = 50'

Attachment 2: Flex Analysis Diagram

