

ADMINISTRATIVE MEMORANDUM NO. 19-060

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: St. Elizabeth Gardens
Flexibility Units P&Z #19-05000001/ March 27, 2019 P&Z Meeting
DATE: March 13, 2019

APPLICANT'S REQUEST:

The applicant, St. Elizabeth Gardens, Inc. is requesting approval for 15 Flexibility Units in order to bring the existing development into compliance with the City's Zoning Code. The existing development is composed of 153 low-income senior housing units owned and managed by the Archdiocese of Miami. St. Elizabeth Gardens was built in 1970 when the property was under the jurisdiction of Broward County. In 2000, the City annexed this area of the City. Unfortunately, the City applied the same Land Use designation and Zoning category that was comparable to the County's at that time, which was not reflective of the existing use.

St. Elizabeth Gardens is undergoing rehabilitation construction to substantially renovate and upgrade the facilities. In connection with obtaining construction financing for the renovation it came to the applicant's attention that the facilities have legally non-conforming elements under the City's current Zoning Code. The subject property is approximately 7 gross acres in size with a RM-12 zoning designation and has a land use designation of Low-Medium Residential, which allows a maximum 10 dwelling units per acre (du/acre). The actual existing 153 units currently brings the density to 21.9 units per acre. Additionally, the applicant proposes to split two of the units, in order to create two additional units, bringing the total number of dwelling units to 155 units (22.1 units per acre).

In 2017, Broward County added a policy to promote affordable housing to the Broward County Land Use Plan (Policy 2.16.3). The policy grants the property owner and developers bonus residential density for affordable housing. The Archdiocese of Miami has already recorded a HUD Agreement (included in the Applicant's "DRC Comment Response Letter") that deed restricts the property to very low-income elderly housing for 20 years. According to the County's bonus formula (Policy 2.16.3 [2][4]), this project is eligible to have double the allowable density. Given the gross acreage of the property (7.0 acres) and the Low-Medium Residential land use (10 dwelling units per acre) that would bring the number of units permitted by right to a total of 140 (7.0 acres x 10 du/acre x 2). Thus the applicant is requesting 15 Flex units, so that the 155 dwelling units will no longer be considered legally non-conforming.

FLEXIBILITY UNITS:

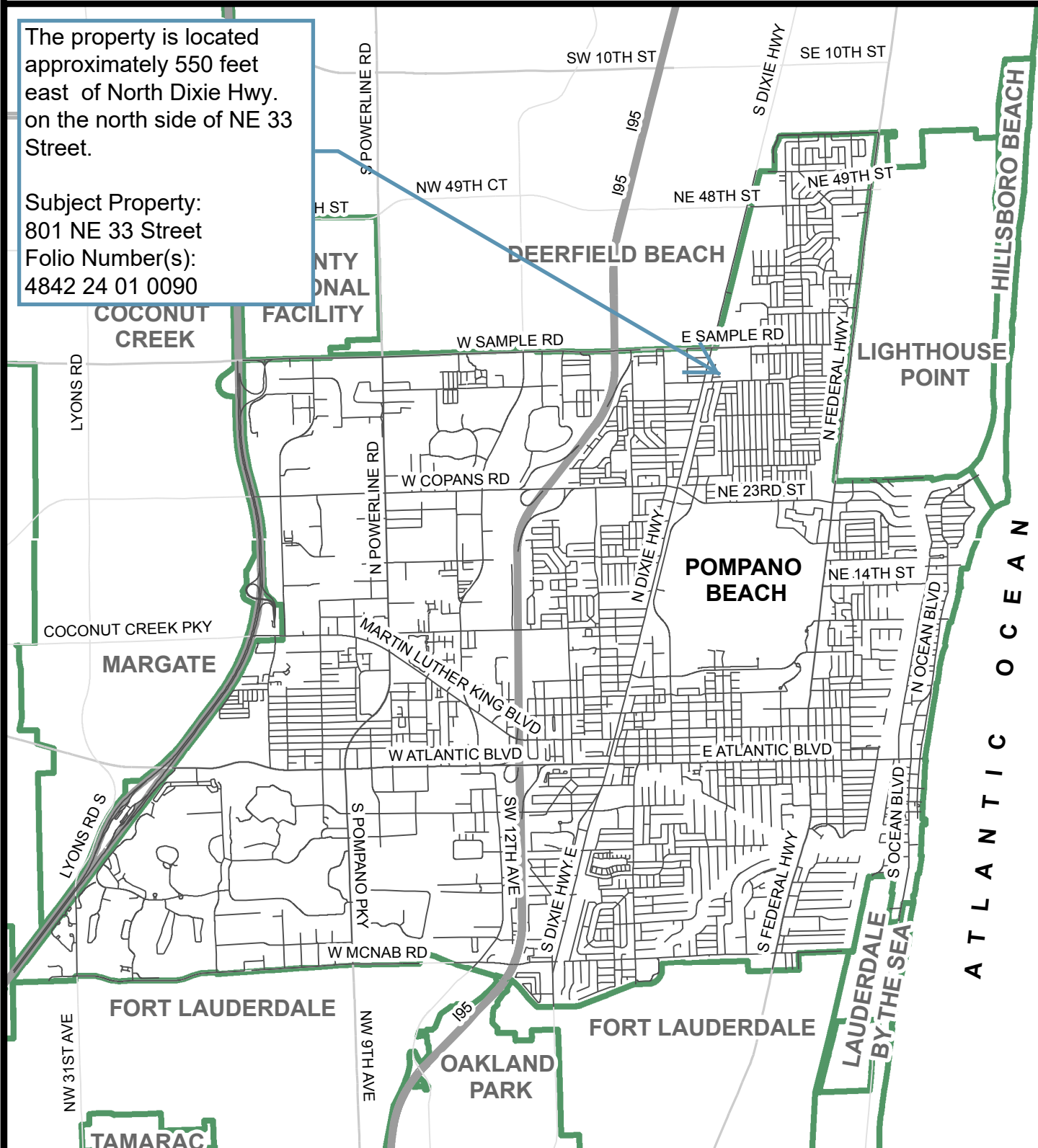
The provision of Flexibility Units is a function of the Broward County Land Use Plan and administered by the County's "Administrative Rules Document." Local governments are permitted to allocate residential units without amending the City's Future Land Use Map or requesting permission through the County. 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.

CITY OF POMPANO BEACH LOCATION MAP



The property is located approximately 550 feet east of North Dixie Hwy. on the north side of NE 33 Street.

Subject Property:
801 NE 33 Street
Folio Number(s):
4842 24 01 0090



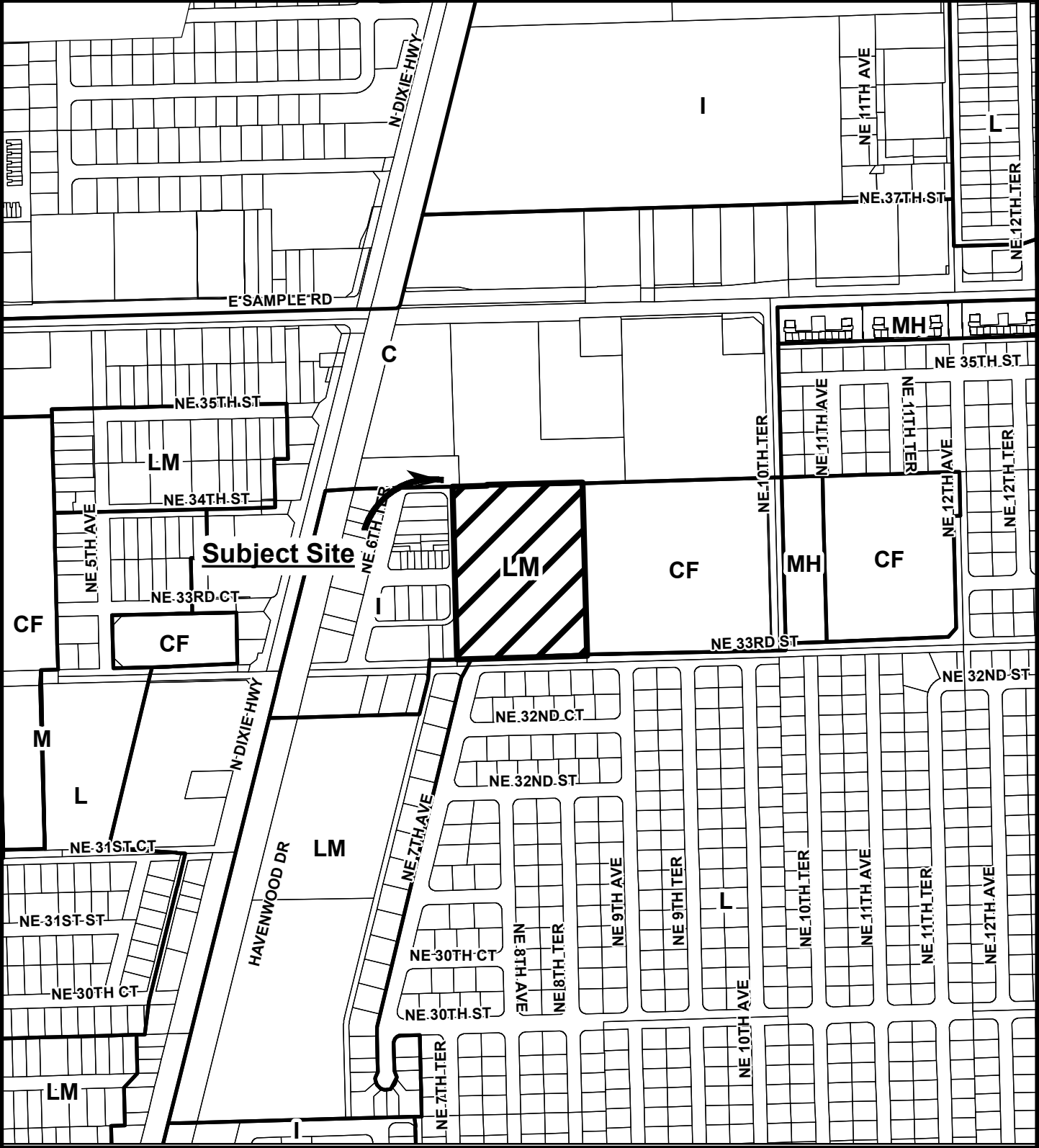
1 in = 1 miles

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES



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CITY OF POMPANO BEACH
OFFICIAL LAND USE MAP





LEGEND

FOR LAND USE PLAN

Symbol Classification Units/ Acre

Gross Residential Density

Residential

E Estate
L Low
LM Low- Medium
M Medium
MH Medium-High
H High

C Commercial

CR Commercial Recreation

I Industrial

T Transportation

U Utilities

CF Community Facilities

OR Recreation & Open Space

W Water

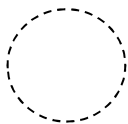
LAC Local Activity Center

RAC Regional Activity Center

Boundaries

City of Pompano Beach

Number



Reflects the maximum total number of units permitted within the dashed line of Palm Aire & Cypress Bend being 9,724 and 1,998

FOR ZONING MAP

Symbol District

RS-1 One-Family Residence

RS-2 One-Family Residence

RS-3 One-Family Residence

RS-4 One-Family Residence

RD-1 Two- Family Residence

RM-12 Multi-Family Residence

RM-20 Multi-Family Residence

RM-30 Multi-Family Residence

RM-45 Multi-Family Residence

RM-45/HR Overlay

RPUD Residential Planned Unit Dev.

AOD Atlantic Boulevard Overlay District

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

M-2 Marina Industrial

LAC Local Activity Center

I-1 General Industrial

I-1X Special Industrial

O-IP Office Industrial Park

BP Business Parking

BSC Planned Shopping Center

PCI Planned Commercial / Industrial Overlay

PR Parks & Recreation

CR Commerical Recreation

CF Community Facilities

T Transportation

PU Public Utility

<p>* Existing > Proposed</p>

FLEXIBLE UNIT ALLOCATION REVIEW STANDARDS & STAFF REVIEW

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 01.12.00 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 01.16.01 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.

The existing development of St Elizabeth Gardens provides a reasonable development pattern as it is situated between the Industrial Land Use to the west and the Community Facility to the East. It also provides a buffer between the Commercial Land Use on the north and the Low Residential on the south. It is Staff's opinion that the use of residential flexibility units on this subject property for the existing residential development has been in harmony with 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	B-4/C	Storage Business
East	CF	Archdiocese of Miami St. Elizabeth of Hungary Church
South	RS-3/L	Single Family Residential Units
West	I-1/I	Industrial Bays

Furthermore staff believes that it would be prudent to use the tools that the Flex Allocation and County Density Bonus provide in this situation, since the project has very little impact on the surrounding area.

The table below provides an overview of this request, as it relates to zoning and land use.

Subject Property/ Land Area (Acres)	Existing Zoning	Maximum Density	Land Use/ Max Density	Maximum Density, permitted by right	Density Increased, due to Affordable Housing Density Bonus (<i>Doubling the DU/Acre</i>) ^a	Flex Request	Total
6.73 (Net) 7.00 (Gross)	RM-12 ^b (per net)	80.76 units	LM / 10 du/acre (per gross)	70.0 units (per gross)	140 units ^c (per gross)	15 units ^d	155 units
a) Per Broward County Comprehensive Plan Policy 2.16.3 b) Property to be rezoned to Planned Development (PD) c) Shall be restricted through a Declaration of Restrictive Covenant requiring affordability be maintained for 15 years per County Policy 2.16.3 d) Shall be restricted through a Declaration of Restrictive Covenant requiring affordability be maintained for 30 years per Section 154.61(E)(3)(c)							

(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.

All requirements will be enforced through a Declaration of Restrictive Covenants, which must be submitted prior to the placement on the City Commission. The applicant has submitted a conceptual site plan and states that they will be providing an instrument that will deed restrict the property for 30 years, consistent with Section 154.61(E) of the Zoning Code to continue to provide affordable housing units. This application was reviewed by the Development Review Committee (DRC) on February 6, 2019.

(4) Flexible Allocation Tracking

The City has 1,238 Flexibility Units available to be allocated. If this request was to be approved, the City would have 1,223 Flexibility Units available.

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. Prior to placement on a City Commission Agenda, the applicant shall provide a Declaration of Restrictive Covenant requiring that 140 units shall have maintain affordability for 15 years per County Policy 2.16.3
2. Prior to placement on a City Commission Agenda, the applicant shall provide a Declaration of Restrictive Covenant requiring the affordability of 15 units be maintained for 30 years per Section 154.61(E)(3)(c)5.
3. The parcel must be rezoned to allow a maximum of 22.1 units per acre prior to building permit issuance;
4. Any future site plan submitted for this project shall be substantially conforming to the submitted conceptual site plan; and
5. The allocation of the approved flex units shall become null and void upon two years from the resolution's approval date.

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.

Staff recommends Alternative Motion I