

## Staff Report

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**File #:** LN-214

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PLANNING AND ZONING BOARD  
Meeting Date: SEPTEMBER 27<sup>TH</sup>, 2023

### COVENT GARDENS FLEX APPLICATION

**Request:** Flex  
**P&Z#** 21-05000013  
**Owner:** ICG CGP 58, LLC.  
**Project Location:** 90-140 NW 27<sup>th</sup> Avenue  
**Folio Number:** 484233650010, 484233053810  
**Land Use Designation:** Commercial  
**Zoning District:** B-3 (General Business)  
**Commission District:** 5 (Barry Moss)  
**Agent:** Andrea Harper / Carlos Ushdi (954-788-3400)  
**Project Planner:** Maggie Barszewski (954-786-7921 / maggie.barszewski@copbfl.com)

### Summary:

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

The applicant, Keith, Inc., on behalf of ICG CGP 58, LLC, is requesting 40 residential flex units to develop a multifamily residential project on a 2.67-acre parcel located at 90 NW 27 Avenue and 140 NW 27 Avenue. The Property is designated Commercial on the City's Future Land Use Map and zoned B-3, General Business. The property is within the City's flex receiving area and is therefore eligible to be considered for the allocation of flex. The site is currently vacant. Multi-family residential development is a permitted use under the land use (C) and zoning (B-3), subject to allocation of residential flexibility units. No deed restricted affordable housing is required since this subject property is within close proximity to income-restricted housing. Section 154.61.F.3.b. states that "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." The project is 100% non-income restricted and consists of a total of 40 units within ten 2-story Garden-style apartment buildings.

The proposed density is approximately 15 du/acre which is less than the 46 du/ac allowed by the B-3 zoning with an allocation of flex units. 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 the Major Site Plan when it has completed the DRC process.

## **FLEXIBLE UNIT ALLOCATION REVIEW STANDARDS**

An application for a Flex Unit allocation must meet the following review standards found in Section 154.61(D):

### **Application review standards.**

#### **(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.

**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 01.03.06** - Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single family areas.

**Policy 01.03.11** - Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

**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 used and residential developments.

**Objective 01.08.00** - Community Redevelopment Areas  
Amend the Land Use Plan map and zoning map to support new development and redevelopment in the Community Redevelopment Areas.

**Policy 01.08.01**  
Follow the recommendation of the Community Redevelopment Plan in all Land Use Plan amendments and rezoning.

**Objective 03.01.00**  
The city should provide, through the undertaking or support of public and private development efforts, sufficient housing units through long range planning horizon to meet the anticipated population through 2040. Provision of these units shall be based on the need for adequate and affordable housing for all segments of the existing and future population including those households with very-low, low, and moderate incomes and those with special housing, including homelessness.

### Policy 03.01.01

The City's adopted future land use map shall provide locations for residentially designated property at a variety of density classifications. The relative location of parcels with different density designations shall be based on sound planning principles.

**Compatibility Statement:** The project is east of NW 27<sup>th</sup> Avenue and is adjacent to some existing residential to the north and west (see table below for adjacent uses). The buffer along the north property line between the project and the single-family residential use must meet the Residential Compatibility Standards required in Sec. 155.5604 of the Code. The introduction of a residential project in this location is considered more compatible with the residential use to the north and west, than if the area were to be developed with a commercial use currently allowed by the land use and zoning designations.

**(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 units on the subject property would produce a reasonable development pattern considering adjacent uses and the suitability of the parcel for development. The land use, zoning and uses on surrounding properties are shown in the following table:

Direction	Land Use Designation/Zoning	Use
North	Low Residential & Commercial/RS-3 & B-3	Vacant, Single-Family & Duplexes
East	Commercial/RS-3	Place of Worship
South	Commercial/RS-3	Retail Plaza
West	Commercial/B-3 & B-2	NW 27 Ave, Duplexes & vacant

### Flexible Allocation Tracking

The City has 340 Flexibility Units available to be allocated and 500 Redevelopment Units that can be used when all the flex units have been allocated. If this request is approved, the City will have 300 Flexibility Units remaining (340 - 40 = 300).

### Recommendation

Given the information provided to the Board, as the finder of fact, staff provides the following alternative motions, which may be revised or modified at the Board's discretion.

Alternative Motion 1: Recommend approval of the requested 40 Flex Unit allocation as the Board finds the application is consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies, with the following conditions:

1. 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;
2. If a building permit is not issued within two years from the Resolution's approval date, the Applicant must

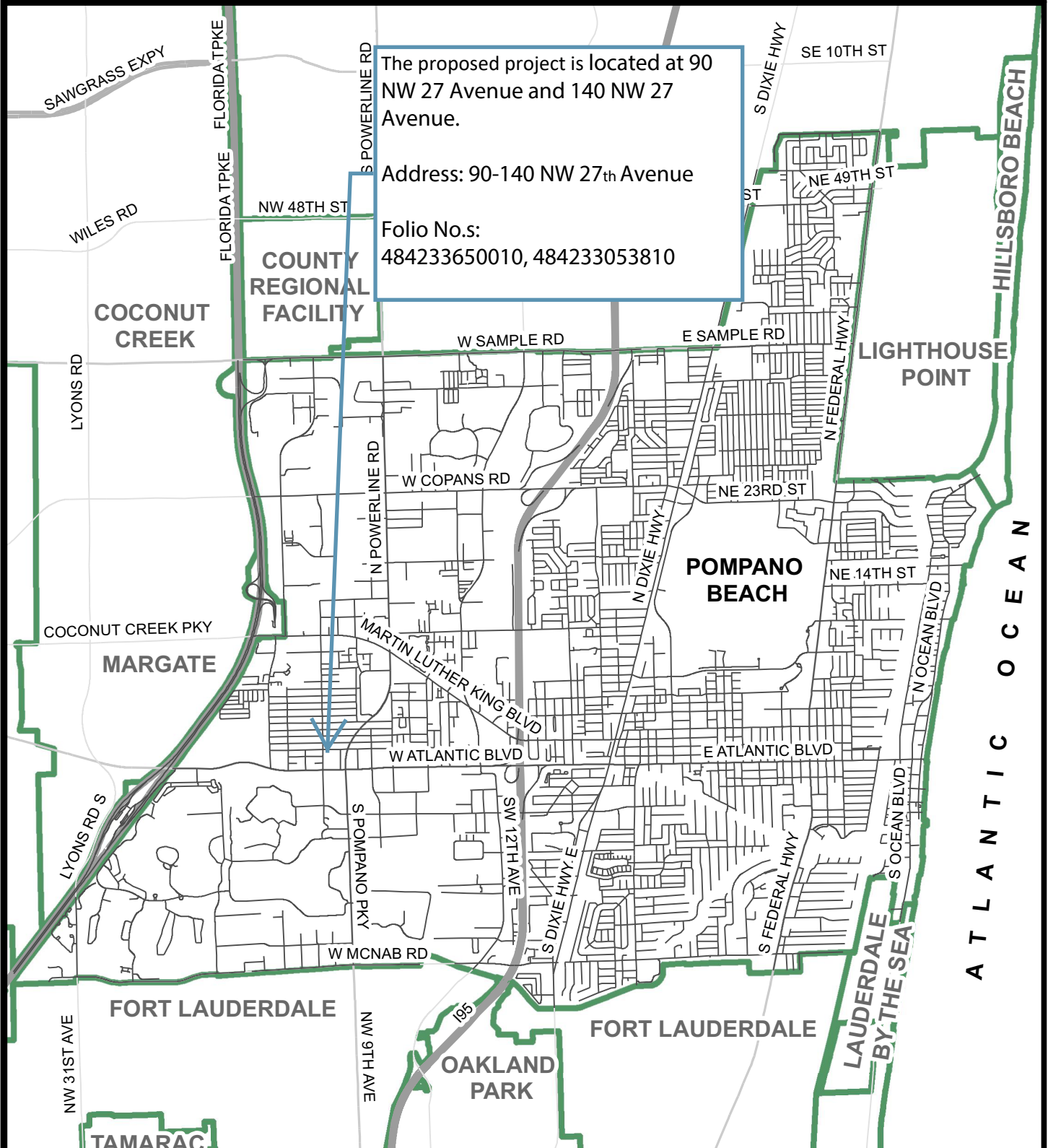
request an extension or the approval of this Flex Allocation will become null and void.

Alternative Motion 2: Table this application for additional information as requested by the Board.

Staff recommends Alternative Motion #1.

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# CITY OF POMPANO BEACH LOCATION MAP



1 in = 1 miles

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DEPARTMENT OF  
DEVELOPMENT SERVICES

7/30/2017

KeeDan

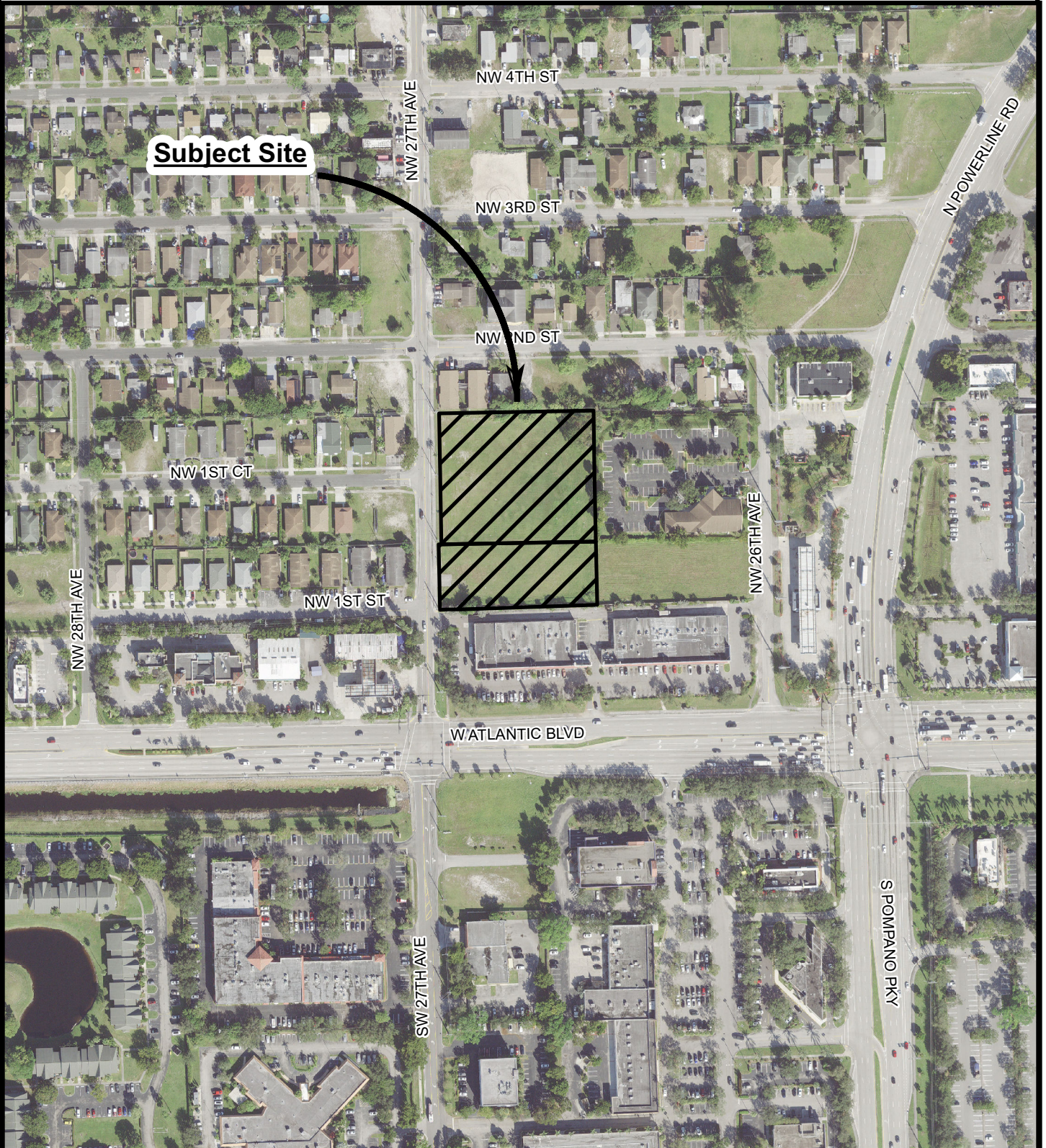
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09/27/2023



# CITY OF POMPANO BEACH AERIAL MAP



1 in = 271 ft

6/7/2023

AdkBob

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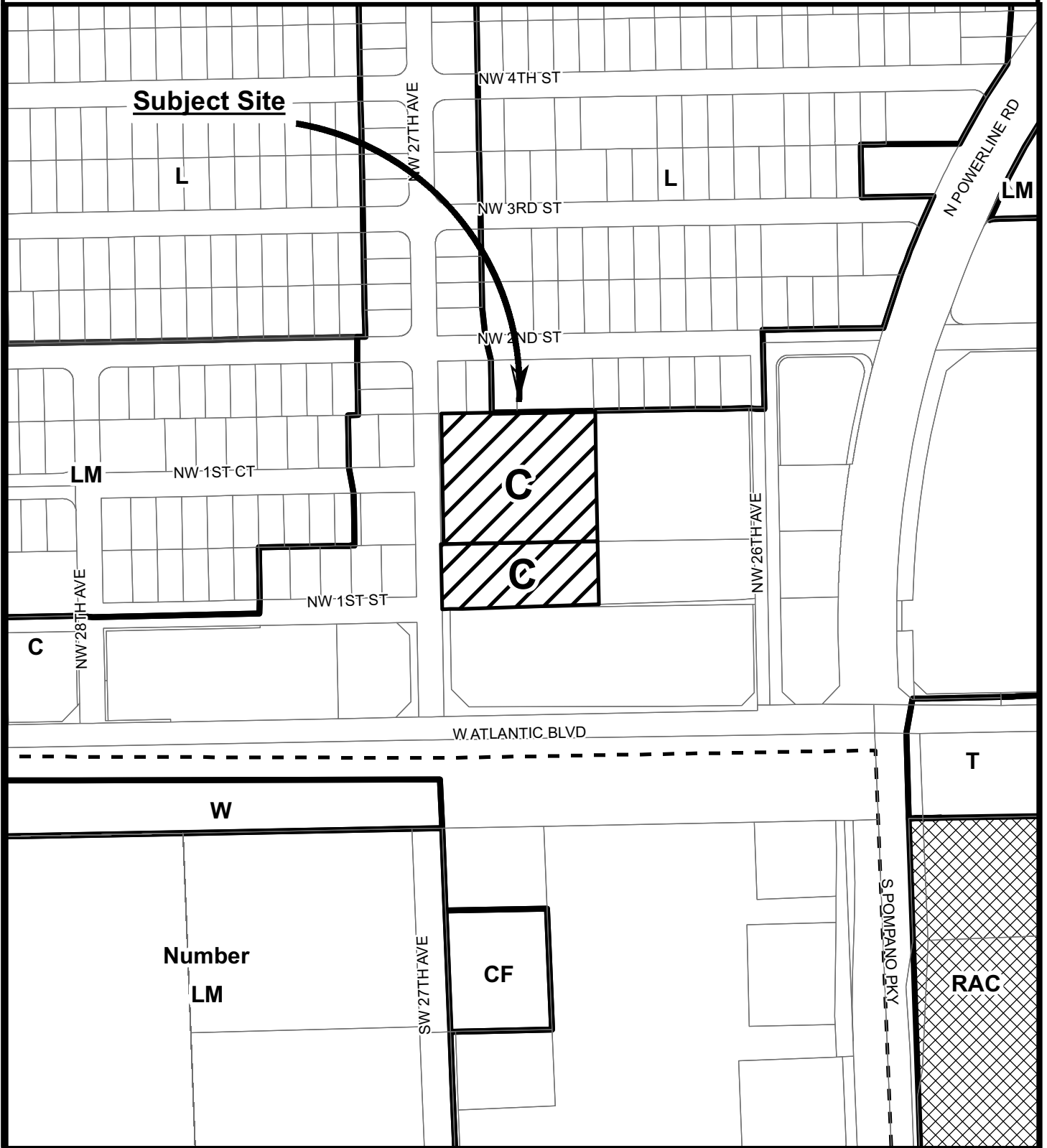
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# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



1 in = 271 ft

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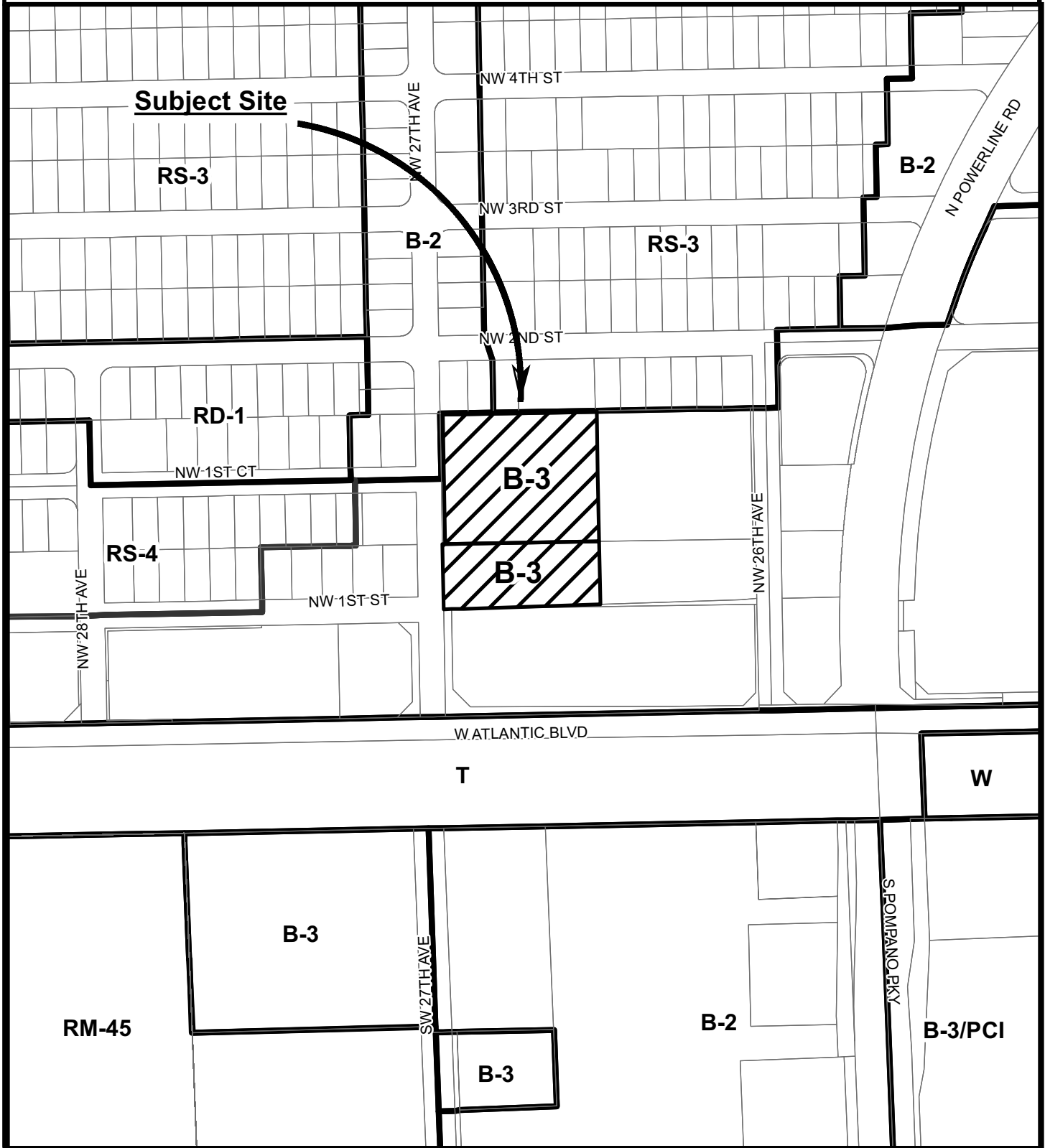
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# CITY OF POMPANO BEACH OFFICIAL ZONING MAP



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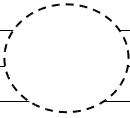
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LEGEND					
FOR LAND USE PLAN			FOR ZONING MAP		
	Symbol	Classification Units/ Acre		Symbol	District
				RS-1	Single-Family Residence 1
	L	Low (1-5 DU/AC)		RS-2	Single-Family Residence 2
	LM	Low- Medium (5-10 DU/AC)		RS-3	Single-Family Residence 3
	M	Medium (10-16 DU/AC)		RS-4	Single-Family Residence 4
	MH	Medium-High 16-25 DU/AC)		RS-L	Single-Family Residence Leisureville
	H	High (25-46 DU/AC)			
	12	Irregular Density		RD-1	Two- Family Residence
	36	Irregular Density			
	MUR-H	Mixed-Use Residential (High)		RM-7	Multiple-Family Residence 7
*	C	Commercial		RM-12	Multiple-Family Residence 12
	CR	Commercial Recreation		RM-20	Multiple-Family Residence 20
				RM-30	Multiple-Family Residence 30
	I	Industrial		RM-45	Multiple-Family Residence 45
				MH-12	Mobile Home Park
	T	Transportation			
				B-1	Limited Business
	U	Utilities		B-2	Neighborhood Business
			*	B-3	General Business
	CF	Community Facilities		B-4	Heavy Business
				M-1	Marina Business
	OR	Recreation & Open Space		CR	Commerical Recreation
	W	Water		I-1	General Industrial
				I-1X	Special Industrial
	RAC	Regional Activity Center		O-IP	Office Industrial Park
				M-2	Marina Industrial
	LAC	Local Activity Center			
				TO	Transit Oriented
	DPTOC	Downtown Pompano		PR	Parks & Recreation
		Transit Oriented Corridor		CF	Community Facilities
				PU	Public Utility
	ETOC	East Transit Oriented		T	Transportation
		Corridor		BP	Business Parking
		Number		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
			*	EOD	East Overlay District
				DPOD	Downtown Pompano Beach Overlay District

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