



Staff Report

**File #:** LN-323

PLANNING AND ZONING BOARD

Meeting Date: OCTOBER 26, 2022

**BROWARD PARTNERSHIP FOR THE HOMELESS INC FLEX**

**Request:** Flex Units  
**P&Z#** 22-05000007  
**Owner:** Broward County Board of County Commissioners  
**Project Location:** 1700 NW 30 Avenue (Blount Road)  
**Folio Number:** 484228250050  
**Land Use Designation:** Industrial  
**Zoning District:** CF (Community Facility)  
**Commission District:** 4 (Beverly Perkins)  
**Agent:** John Rinaldi (954-788-3400)  
**Project Planner:** Jean Dolan (954-786-4045 / jean.dolan@copbfl.com)

**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 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 County has recently adopted Policy 2.16.3 in the County Land Use Plan which allows for bonus units to be allocated when affordable housing is provided. The number of bonus units depends on the affordability level of the deed restricted units. For very low income units (50% of median or less of Broward County median income), the Applicant will be awarded 19 bonus units for every 1 unit of very low income housing unit deed restricted for 30-years.

The Applicant (KEITH), on behalf of the Broward Partnership for the Homeless, Inc., is requesting approval for a 138 unit tax credit subsidized housing project on a 3.0-acre portion of the North Homeless Assistance Center (NHAC) property at 1700 Blount Road (NW 30<sup>th</sup> Avenue). The site is in the rear of the NHAC parcel located on the east side of Blount Road, roughly equidistant between Dr. Martin Luther King, Jr Boulevard and Copans Road. The project’s conceptual plan consists of one building 98’ in height (approximately 9 stories) with 8-stories of 1- bedroom apartments, one layer of parking on the ground floor and the remainder of the parking lining the driveway. The narrative clarifies that the intent is to provide a mix of bedroom sizes, however, the conceptual plan shows 100% one-bedroom units.

The Land Use designation on the property is currently Industrial, however, a concurrent Land Use Plan Amendment is being processed to change the land use designation to Commercial. The current zoning of the parcel is Community Facility (CF), however, a concurrent rezoning is being process to change the 3-acre residential portion of the property to B-3 zoning.

The property is not eligible for flex in its current Industrial land use designation as shown on the flex receiving area map

which specifies that industrial land use is not eligible for flex units. The land use plan amendment to commercial must be approved before the property is eligible for flex units. If the 138 unit project is approved, the proposed density on the 3-acre parcel is 46 du/acre which is the maximum allowed by the B-3 zoning with an allocation of flex units.

The proposed tax credit project will be 100% affordable housing and thus is a good candidate for the use of Policy 2.16.3 which allows 19 bonus units for every 1 very low income housing unit deed restricted for 30-years. This bonus allows the total flex units to be reduced from 138 to 7 (a savings of 131 flex units) with the remainder being made up by the 19 bonus units for every very low income housing unit deed restricted for 30-years (7 very low income flex units x 19 bonus units = 133 bonus units + the 7 very low income flex units = 140 total units which is greater than the 138 requested).

#### **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:**

##### **Objective 03.01.00 - Housing to Accommodate Future Population**

The City should provide, through the undertaking or support of public and private development efforts, sufficient housing units through the 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 income and those with special housing needs, including homelessness.

##### **Policy 03.01.04**

The City shall continue to cooperate with other local governments concerning providing affordable housing for very-low, low, and moderate income households and the homeless.

#### **Comprehensive Plan Goals, Objectives and Policies that do not support the project include:**

##### **Objective 03.03.00 - Land for Affordable Housing**

The City shall continue to provide adequate sites for very-low, low and moderate income housing and manufactured homes through the long term planning horizon in a manner that supports the goal to deconcentrate poverty.

##### **Policy 03.03.02**

Through the review of development proposals, the City shall support public and private sector efforts to create and/or preserve affordable housing for very-low, low and moderate-income groups in areas designated for residential land use for future and current residents recognizing the need for distance separation for subsidized low income tax credit projects of no less than one-half mile. Review of such proposals shall be based on overall compatibility with already established residential areas, the extent to which the location supports the de-concentration of poverty, and consistency with the land development code.

##### **Policy 03.03.04**

To promote and support affordable housing, the City shall consider locations that permit residents to walk or bike to work which will provide savings to the residents, reduce traffic, promote health, and reduce carbon 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 01.03.11**

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

**Policy 01.03.08**

Establish criteria to protect residential areas and other land uses that are adjacent to industrial and commercial areas from excessive, odors, traffic and parking impacts.

**Policy 01.03.09**

Discourage Future Land Use Map amendments, rezonings or other methods that would place residential units into or adjoining industrial land use designations.

**Policy 01.23.01**

To create balanced communities, encourage the expansion of neighborhood-serving retail and office uses in areas dominated by the industrial, and manufacturing sectors if appropriate to better serve the local community.

**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 use and residential developments.

**Compatibility Statement:** The project is located in the heart of Pompano’s industrial core. The Comprehensive Plan does not support the location of new residential projects in the industrial area.

**(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 does not 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:

<b>Direction</b>	<b>Land Use Designation/Zoning</b>	<b>Use</b>
North	Industrial/I-1	Warehouse/Trucking
East	Industrial/I-1	Warehouse/Trucking
South	Industrial/I-1	Broward County Bridge and Highway Maintenance Yard
West	Industrial/I-1	Warehouse/Trucking

**(3) Design Standards in 155.4202.A.1**

The Mixed-Income Housing Ordinance (Ord. #2022-36) included design standards for all projects using policies 2.16.3, 2.16.4 and flex units to increase the density/intensity of projects. For residential projects, these regulations require the following:

- Height transitions if the buildings are over 35 feet in height and adjacent to low density residential;
- Allow for clustering and additional lot coverage;
- Define minimum floor area by unit type for multi-family housing; and
- Establish setbacks from external streets.

The proposed conceptual site plan does not include unit sizes so it cannot be determined at this time if that particular standard is met. The conceptual plan satisfies the other design standards within the parameters established in 155.4202.A.1.

**FLEXIBLE ALLOCATION TRACKING**

The City has 401 Flexibility Units available (assuming Gateway Luxury Apartments is granted the requested 19 unit being requested concurrently with this project) 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 394 Flexibility Units remaining (401-7 = 394).

**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.

**(1) Motion to recommend denial of the proposed flex unit allocation** as the Board finds the proposed residential project incompatible with adjacent uses and the majority of the Goals, Objectives and Policies in the Comprehensive Plan.

**(2) Motion to recommend approval** of the proposed flex unit allocation as the Board finds it to be compatible 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;
- 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.

In addition, prior to first reading by the City Commission, amend the Conceptual Plan to show the correct bedroom mix and parking counts that more realistically reflects the intended project to ensure the requested density can fit on the site without variances. Revise the conceptual plan to show a reasonable set aside for a play area and open space for residents. Make the revisions on the conceptual plan

requested in the DRC comments provided for the project.

**(3) Motion to table** the proposed flex allocation request to allow further analysis of any issues raised by the Board, Staff, Applicant or the general public.

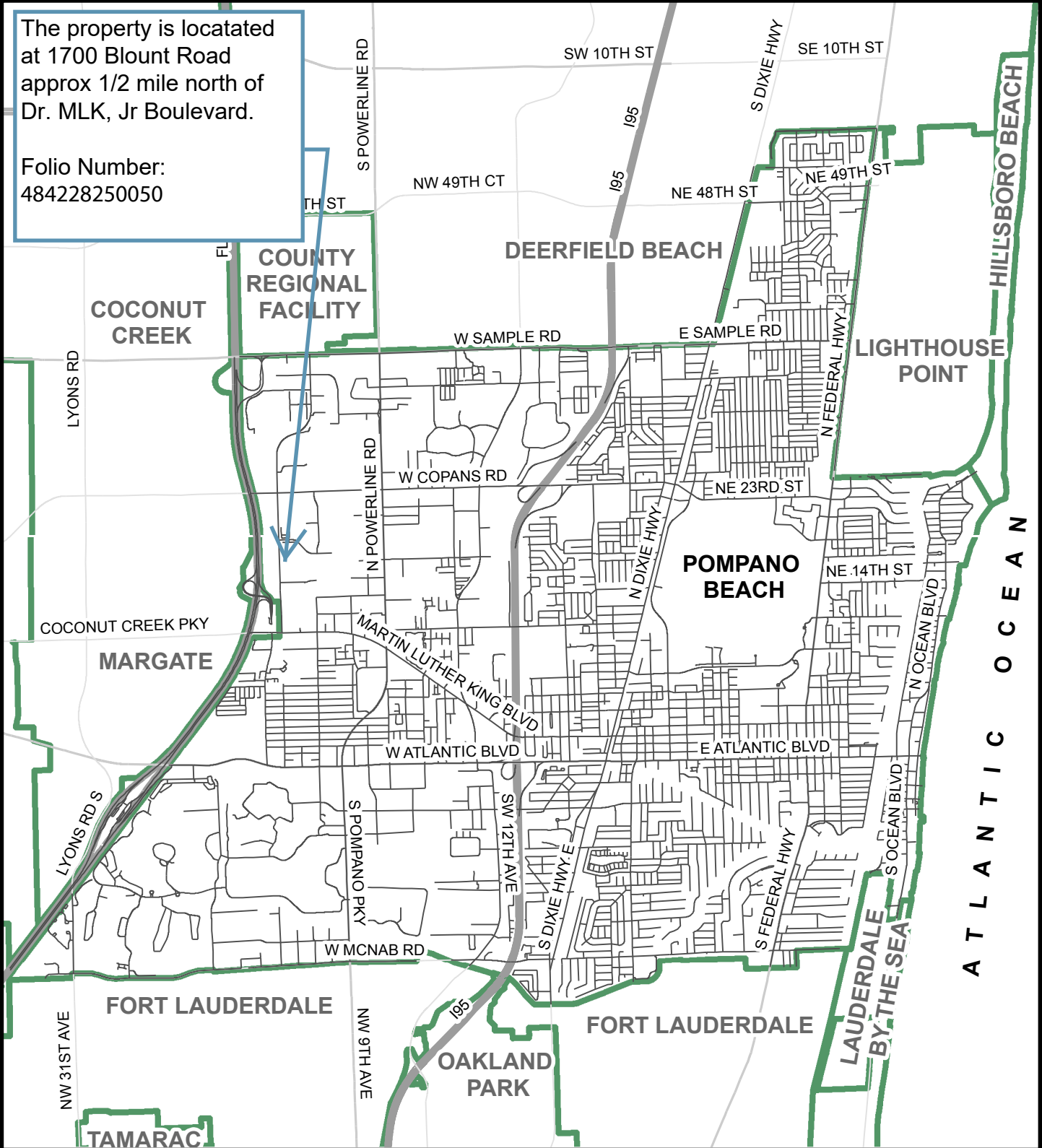
**Staff recommends motion number (1).**

# CITY OF POMPANO BEACH LOCATION MAP



The property is located at 1700 Blount Road approx 1/2 mile north of Dr. MLK, Jr Boulevard.

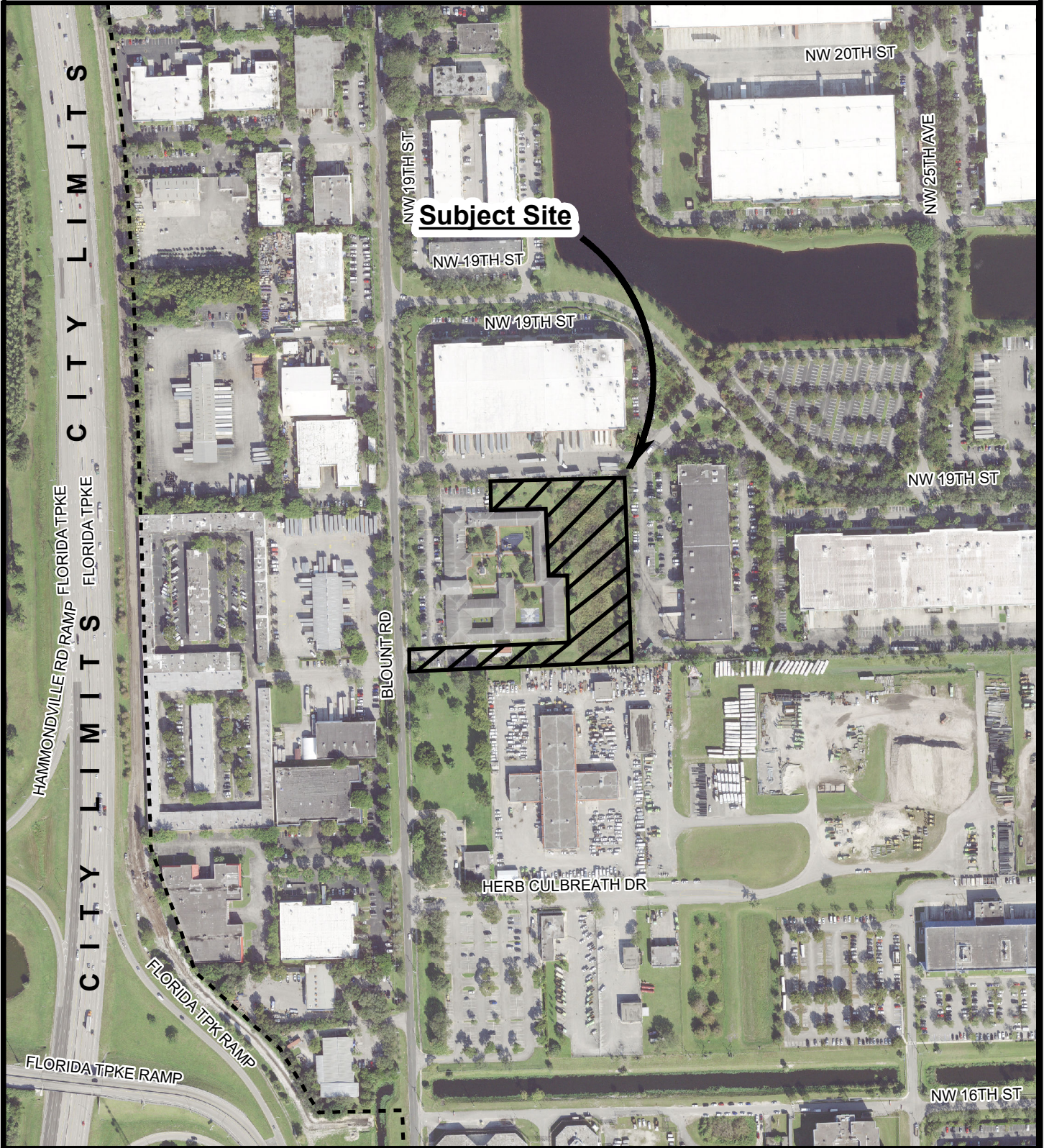
Folio Number:  
484228250050



1 in = 1 miles

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# CITY OF POMPANO BEACH AERIAL MAP

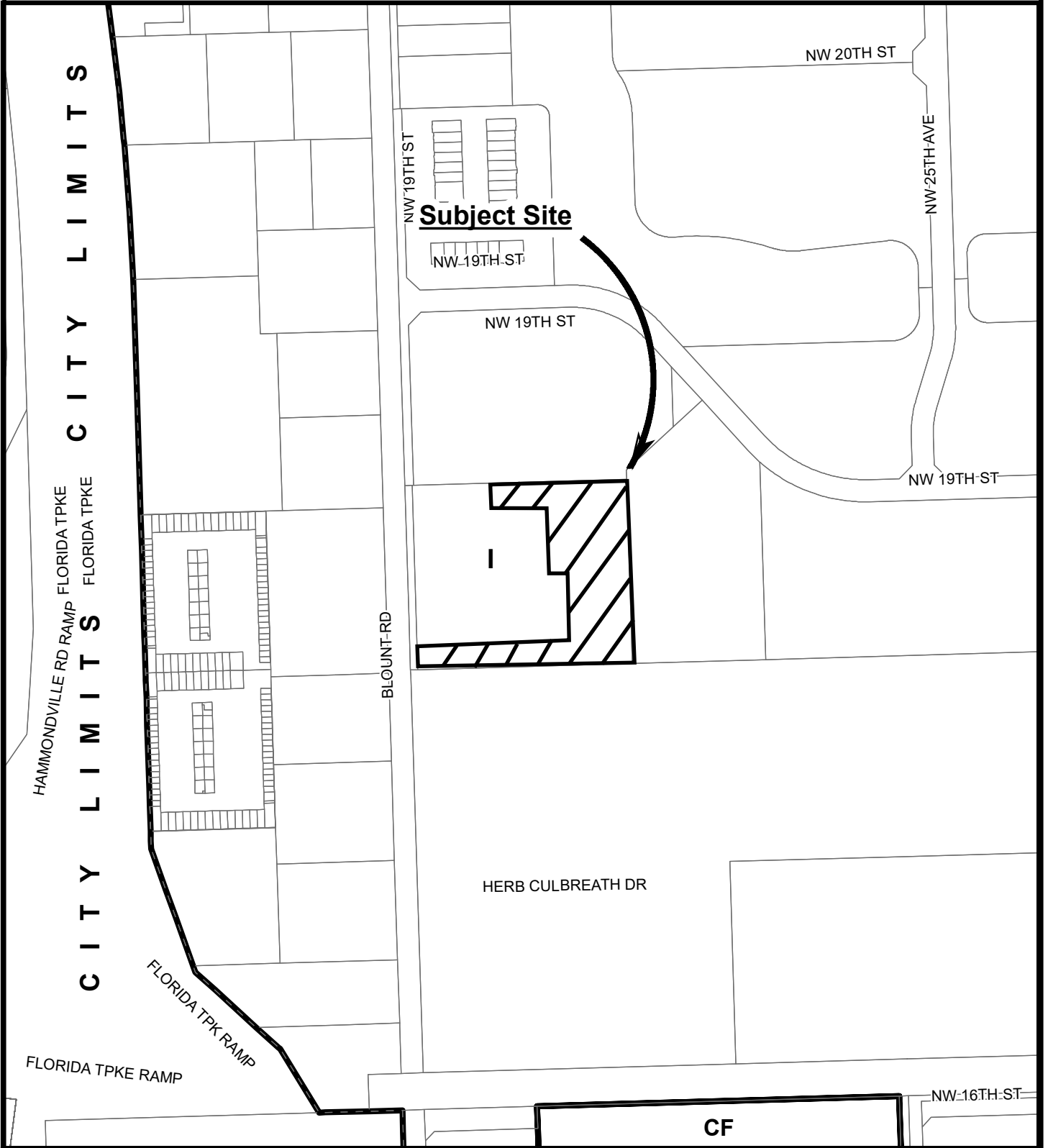


**Subject Site**

1 in = 375 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



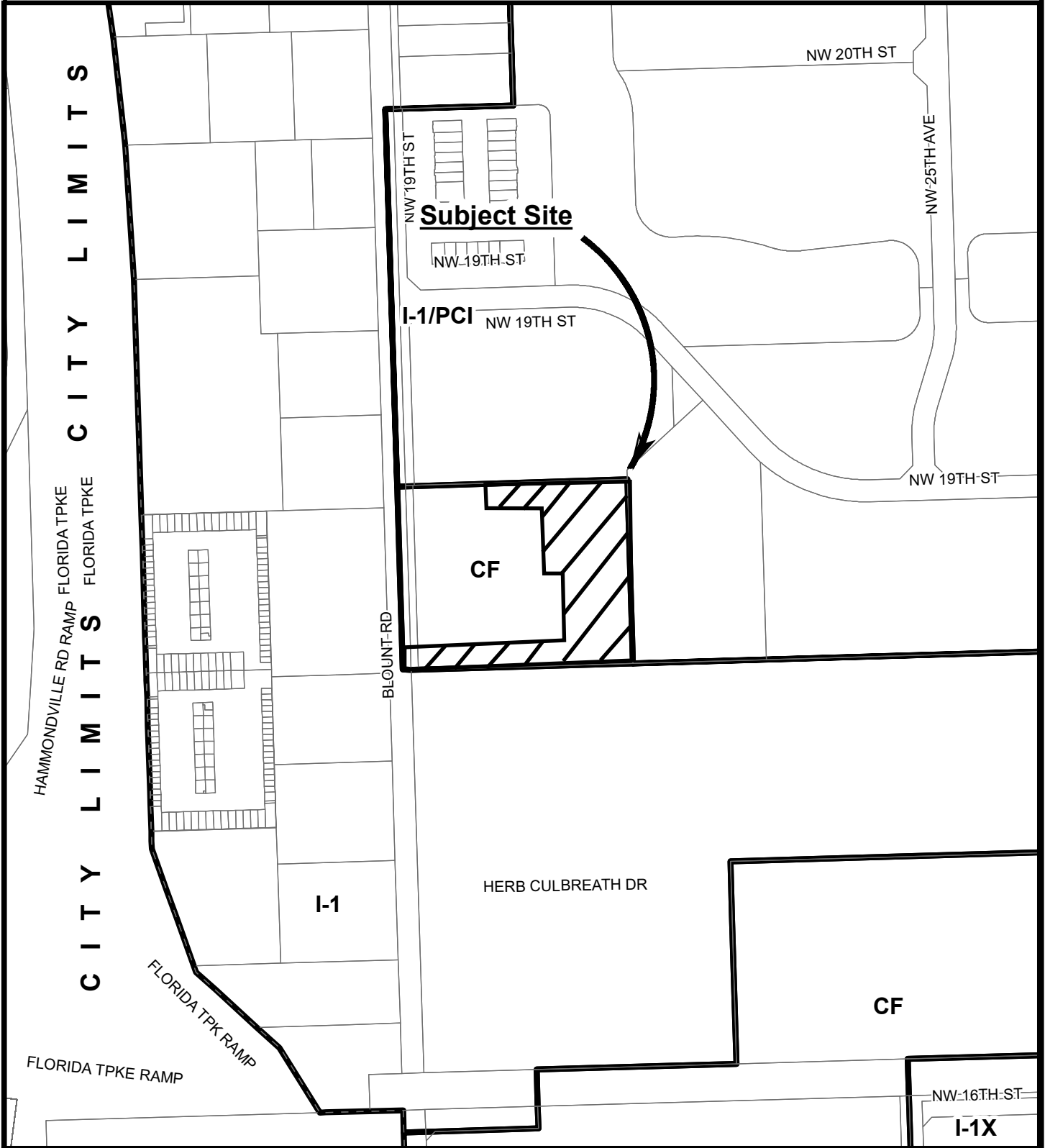
1 in = 375 ft

CF

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES



# CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 375 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

