



Staff Report

**File #:** LN-106

PLANNING AND ZONING BOARD

Meeting Date: October 27, 2021

**ENCORE FALCONE**

**Request:** Flex Units  
**P&Z#** 20-05000003  
**Owner:** 1307 South Wabash LLC  
**Project Location:** 3151 - 3251 Federal Highway  
**Folio Number:** 484224180010  
**Land Use Designation:** C (Commercial)  
**Zoning District:** B-3 (General Business)  
**Commission District:** 2  
**Agent:** Joe Dicristing (561-961-1000)  
**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 with each approval.

Matthew Scott, of Dunay, Miskel and Backman, LLP is the applicant on behalf of 1307 South Wabash, LLC. The Applicant is requesting approval for 285 Flexibility Units on a 6.2-acre property located on the west side of Federal Highway between NE 31st Court and NE 33rd Street (AKA: 3151 - 3251 N. Federal Highway). The property is within the City’s flex receiving area and is therefore eligible to be considered for the allocation of flex. The property has a Commercial land use designation and a B-3 zoning which allows for a maximum density of 46 units per acre. The property was previously used as a night club and prior to that a theater. The Applicant’s intent is to develop a mixed-use project with 285 dwelling units and 4,356 square feet of commercial use. A conceptual site plan has been submitted for this request. The Applicant will be proceeding to the Planning & Zoning Board with a detailed Site Plan should this Flex Allocation request be approved.

The applicant must meet the affordable housing commitment requirement of Section 154.61(E) by either developing affordable housing or contributing a fee in lieu of providing such housing per Section 154.80. The applicant has stated that they will not be developing affordable housing, but instead will pay the fee in lieu of such housing. This application was reviewed by the Development Review Committee (DRC) on April 21, 2021.

**FLEX UNIT ALLOCATION REVIEW STANDARDS**

An application for allocation of flex units can be considered if it meets the following review standards found in

Section 154.61(D), as follows:

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

Policy 01.03.07 - Require the provision of decorative structural or vegetative buffers between different density residential land uses, and residential and non-residential land uses unless the applicant can demonstrate by evidence that the proper buffer is provided.

Consistency Statement: The setbacks and buffers shown on the conceptual site plan meet the Residential Compatibility Standards required in Sec. 155.5604 of the Code. The Conceptual Site Plan shows the commercial uses are positioned along Federal Highway, away from single family homes. Also buildings along the west side of project step down in height to comply with Code requirements that any portion of a structure greater than 40 feet in height that is contiguous to an existing single-family residential development shall be set back one foot for each foot of height over 40 feet in addition to the district setbacks. Lastly, there is an existing 6' wall along the west side of the project which will be maintained. There are also existing mature trees which are being maintained and enhanced with new plantings along the entire west side to further increase the buffer between the proposed project and the single-family neighborhood.

(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.

Compatibility Statement: It is Staff's opinion that the infusion of residential flexibility units into this subject property would produce a reasonable development pattern considering compatibility to adjacent uses and the suitability of the parcel for development. This project would produce a viable transition between the Commercial that fronts along Federal Highway and the residential areas west of the subject property. The surrounding properties are included in the following table:

<b>Direction</b>	<b>Zoning/Land Use Designation</b>	<b>Use</b>
North	B-3/C	Commercial Buildings
East	B-3/C	N. Federal Highway & Lighthouse Point Commercial Buildings
South	B-3 & RS-4/ C & L	Commercial Buildings & Multi Family & single family residences

West

RS-3/L

Single Family Residences

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**Flexible Allocation Tracking**

The City has 575 Flexibility Units available to be allocated. If this request is approved, the City would have 290 Flexibility Units remaining ( $575 - 285 = 290$ ).

**Staff Conditions:**

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 285 Flex Unit allocation as the Board finds the application is consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies, and all applicable Zoning Code standards with the following conditions of implementation:

1. The final site plan must 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 unit that will not fit on the site must be returned to the flex pool.
2. Prior to Building Permit approval the Applicant shall meet the affordable housing requirement pursuant to Section 154.61(E) by providing an in lieu of fee for every flex unit allocated in accordance with Section 154.80.
3. The final 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. If a building permit is not issued within two years of the Resolution's approval date, then the approval of this Flex Allocation shall become null and void.

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

Alternative Motion 3: Recommend denial of the Flex Unit allocation as the Board finds that the allocation of the flex units is not consistent with the goals, objectives and policies of the Comprehensive Plan, that are stated in this report.

Staff recommends Alternative Motion 1.

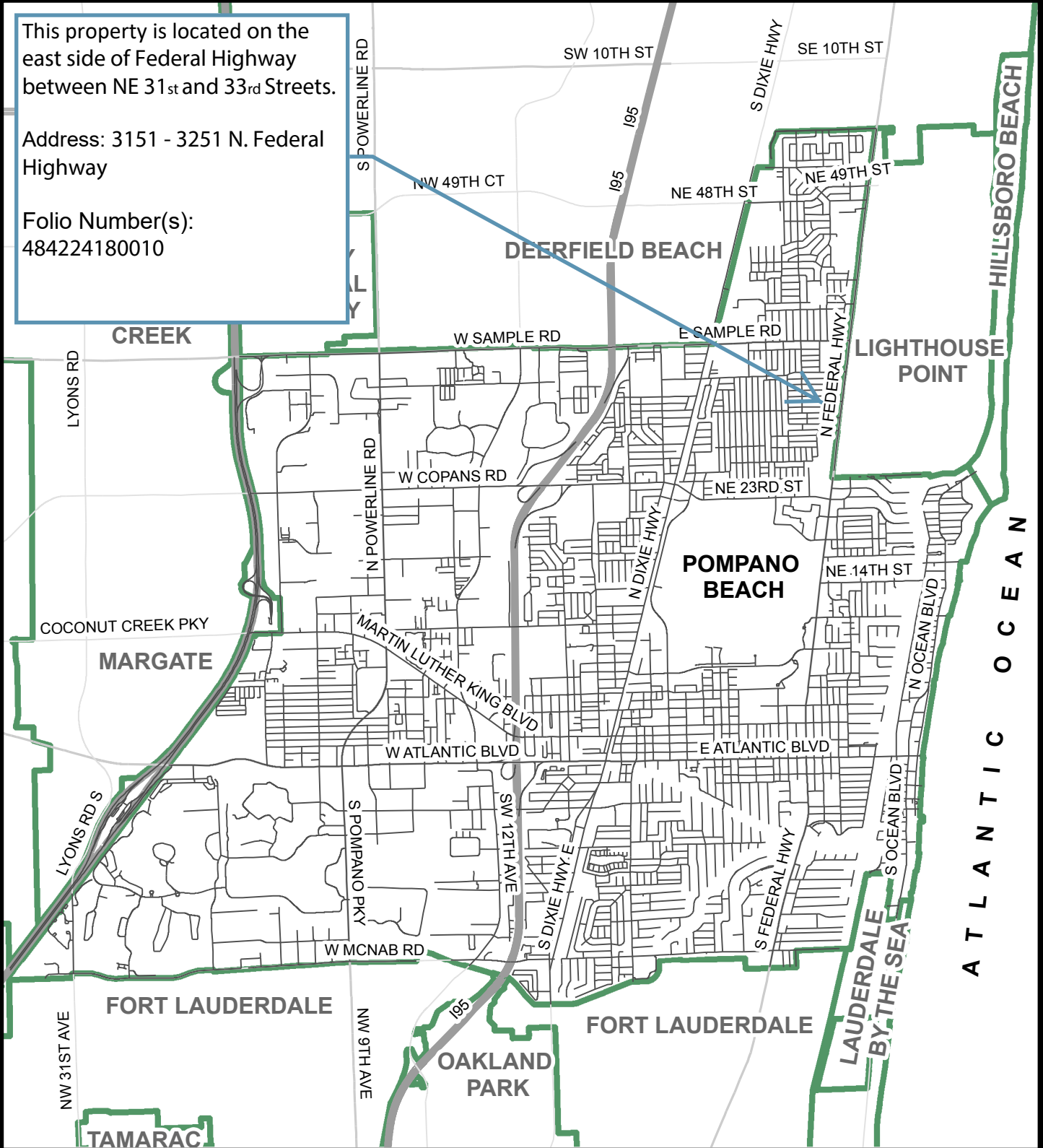
# CITY OF POMPANO BEACH LOCATION MAP



This property is located on the east side of Federal Highway between NE 31<sup>st</sup> and 33<sup>rd</sup> Streets.

Address: 3151 - 3251 N. Federal Highway

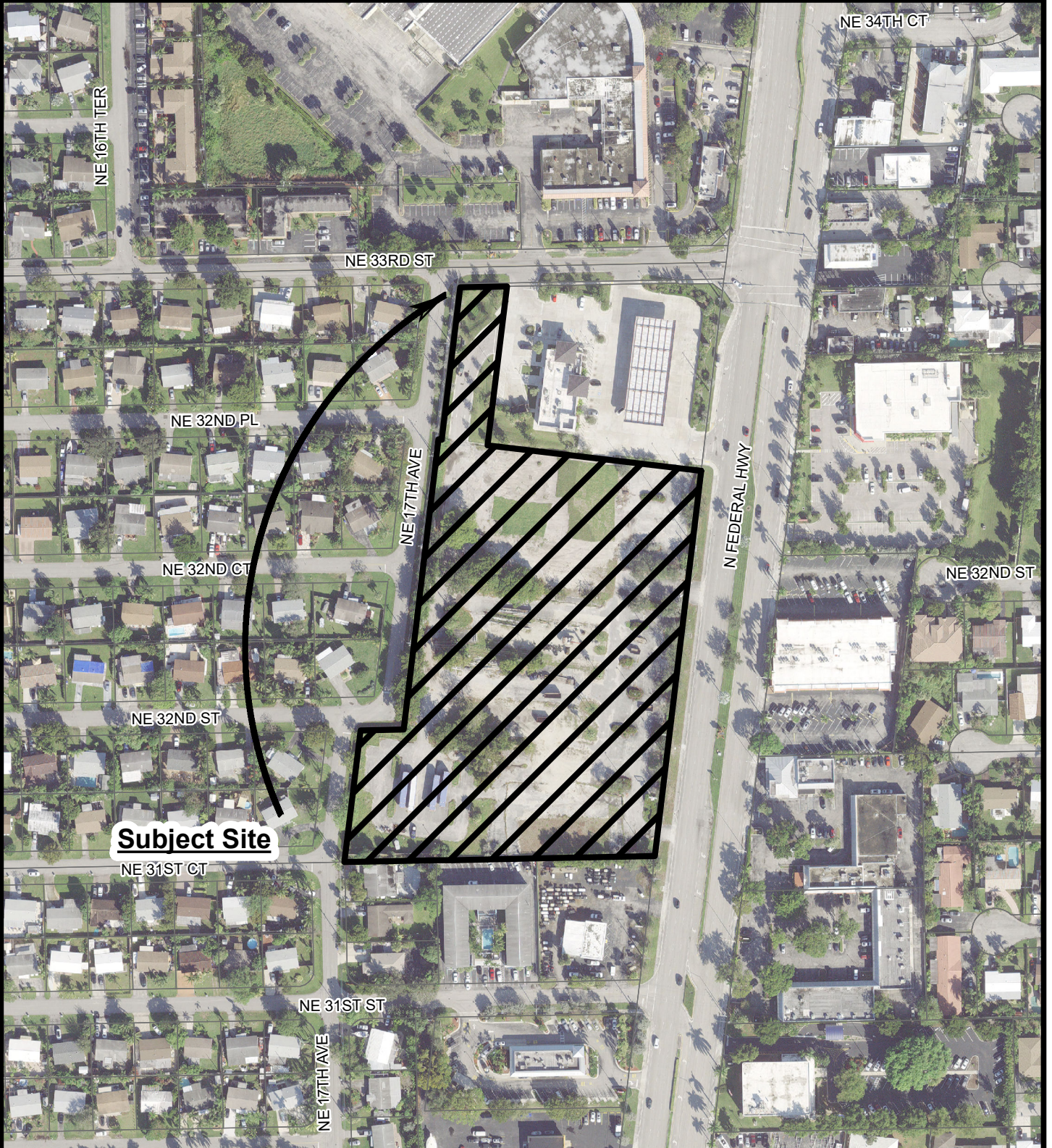
Folio Number(s):  
484224180010



1 in = 1 miles

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# CITY OF POMPANO BEACH AERIAL MAP



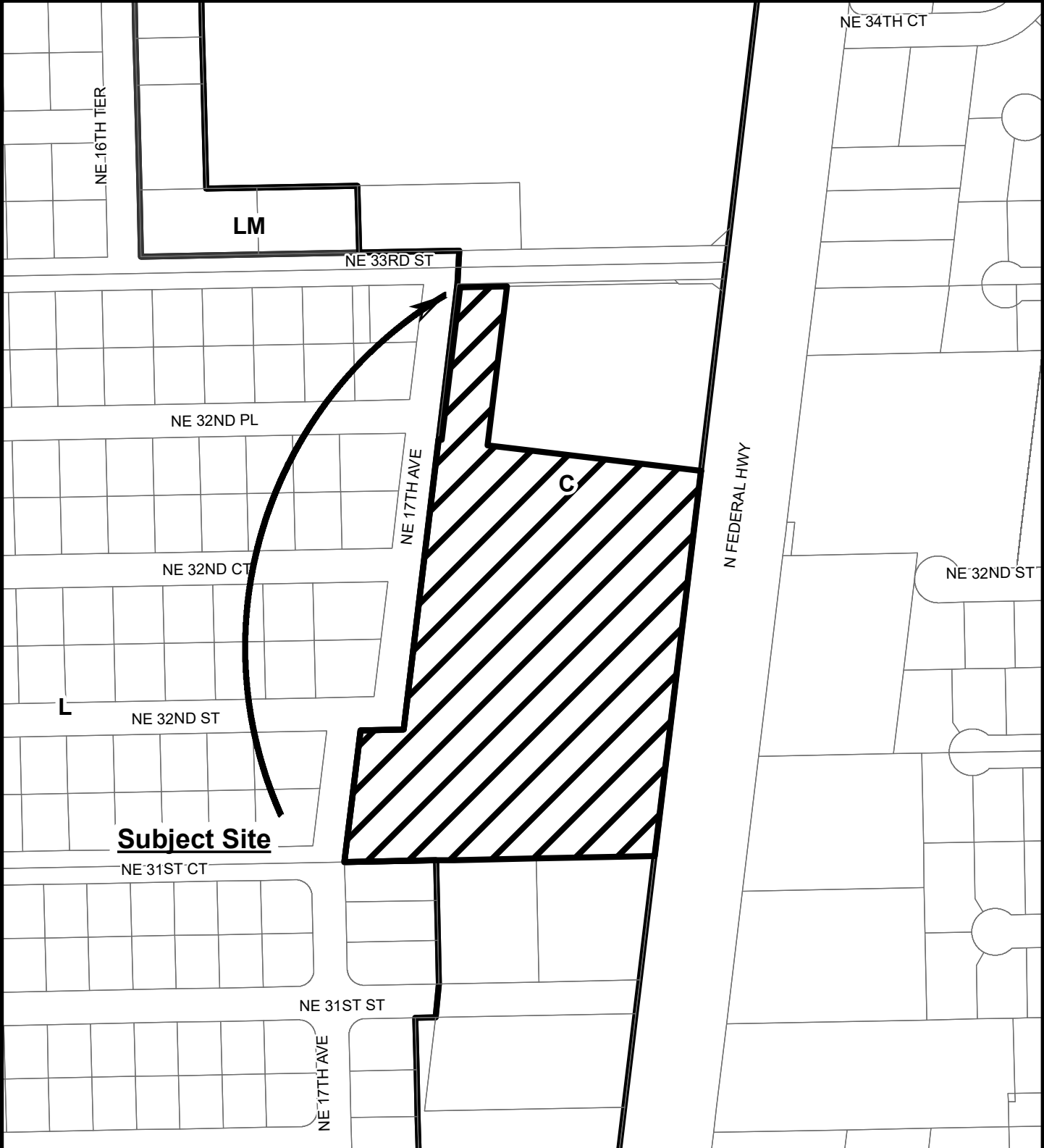
**Subject Site**

1 in = 208 ft

AERIAL MAP PAGE

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# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP

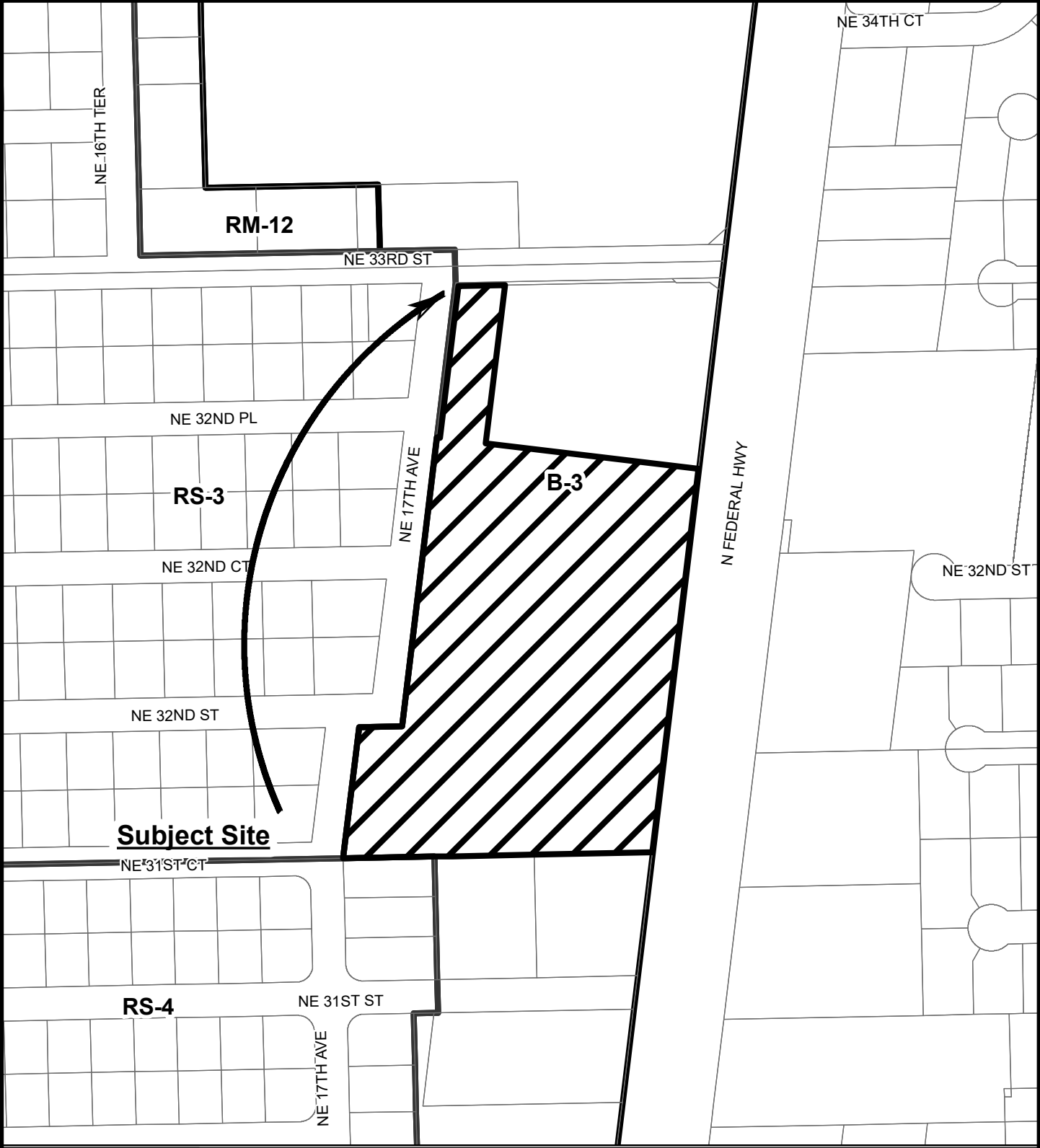


1 in = 208 ft

LAND USE MAP PAGE

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# CITY OF POMPANO BEACH OFFICIAL ZONING MAP



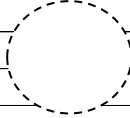
1 in = 208 ft

ZONING MAP PAGE

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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		
		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
	Number	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