

ADMINISTRATIVE MEMORANDUM NO. 19-158

TO: Planning and Zoning Board
VIA: David L. Recor, ICMA-CM, Director of Development Services
VIA: Jennifer Gomez, AICP, Assistant Director of Development Services *JG*
FROM: Maggie Barszewski, AICP, Planner *MB*
SUBJECT: Usman Palm Aire Flex Request
Flexibility Units P&Z #19-05000002/ June 25, 2019 P&Z Meeting
DATE: June 10, 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 Flexibility 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.

In this Flex Allocation request, Ghulem Usman is the applicant on behalf of Usman Palmaire, LLC. He is requesting approval for 58 Flexibility Units on a 1.3-acre property located on the southwestern corner of South Palm Aire Drive and South Powerline Road (AKA: SW 26th Avenue and South Pompano Parkway). The flex allocation is necessary because the property had not previously been allocated residential units in the Palm Aire Stipulated Settlement Agreement, also known as the "Palm Aire Dashed Line." In 1985, the City and Developer agreed to allow the distribution of residential density not to exceed 10,631 dwelling units. The agreement included a map & table that assigned a certain number of residential units to each area of Palm Aire. In 1993, the maximum number of allowable residential units within the Palm Aire Dashed Line was reduced to 9,724. In 2010, all of the residential units within the Palm Aire Dashed Line were developed, or slated for development, and another land use plan amendment was adopted by the City Commission to increase the maximum number back to 10,631 (Ordinance 2010-43). The land use and zoning of the golf courses (north of Atlantic Blvd, east of Florida's Turnpike) was approved with a RPUD Master Plan for 907 residential units. Again, leaving other undeveloped parcels without residential entitlements.

The allocation of flexibility units is a possible method for allowing residential development of the site since the units allocated to the Palm Aire Dashed Line land use district have been fully allocated. 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 zoned RM-45 and can accommodate the requested 58-unit, 75-foot building under the approved density for the site.

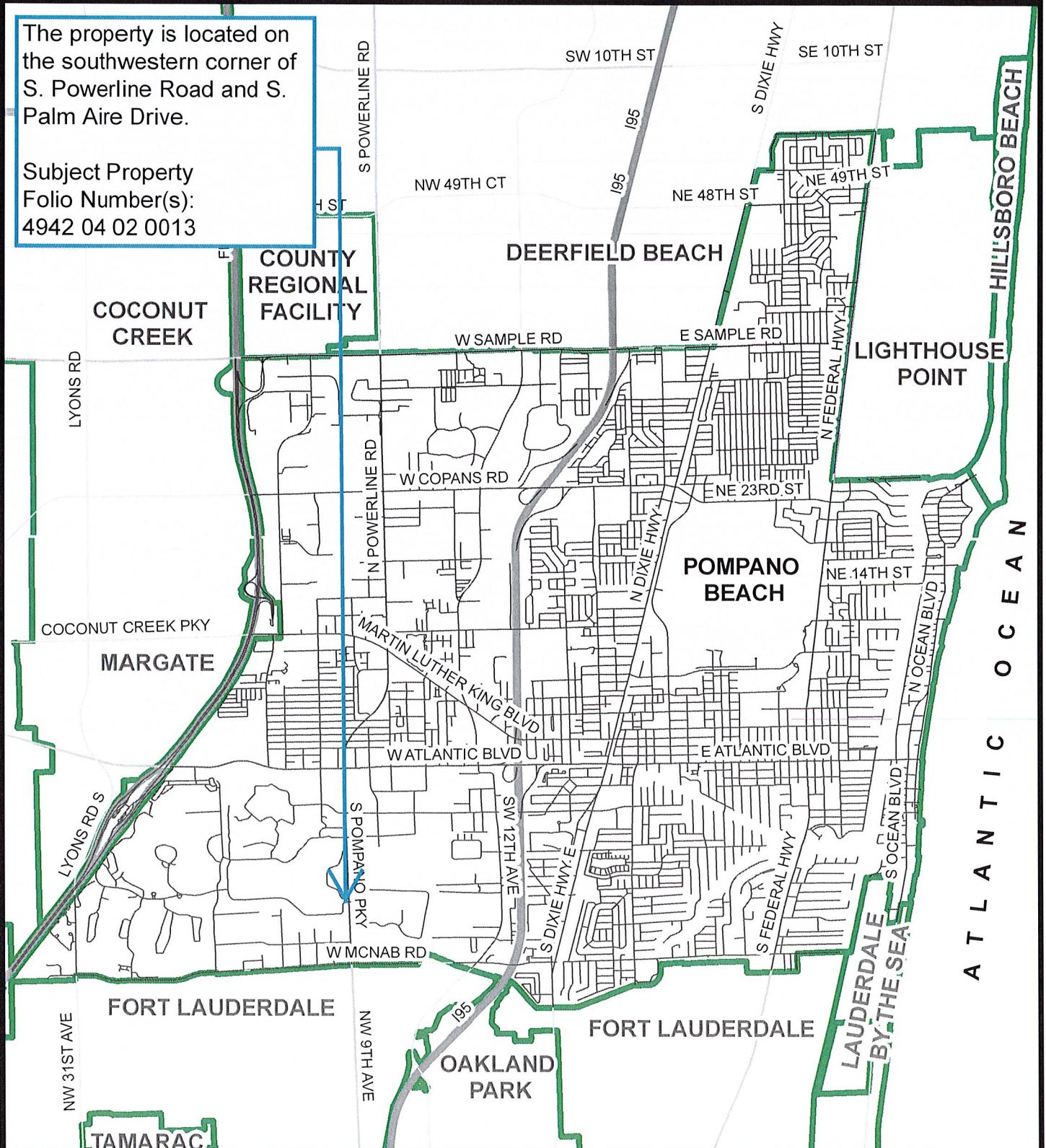
The property is currently vacant. The applicant intends to meet the Flex-affordable housing commitment requirement of Section 154.61(E) by contributing a fee in lieu of providing such housing per Section 154.80. This application was reviewed by the Development Review Committee (DRC) on February 20, 2019.

CITY OF POMPANO BEACH LOCATION MAP



The property is located on the southwestern corner of S. Powerline Road and S. Palm Aire Drive.

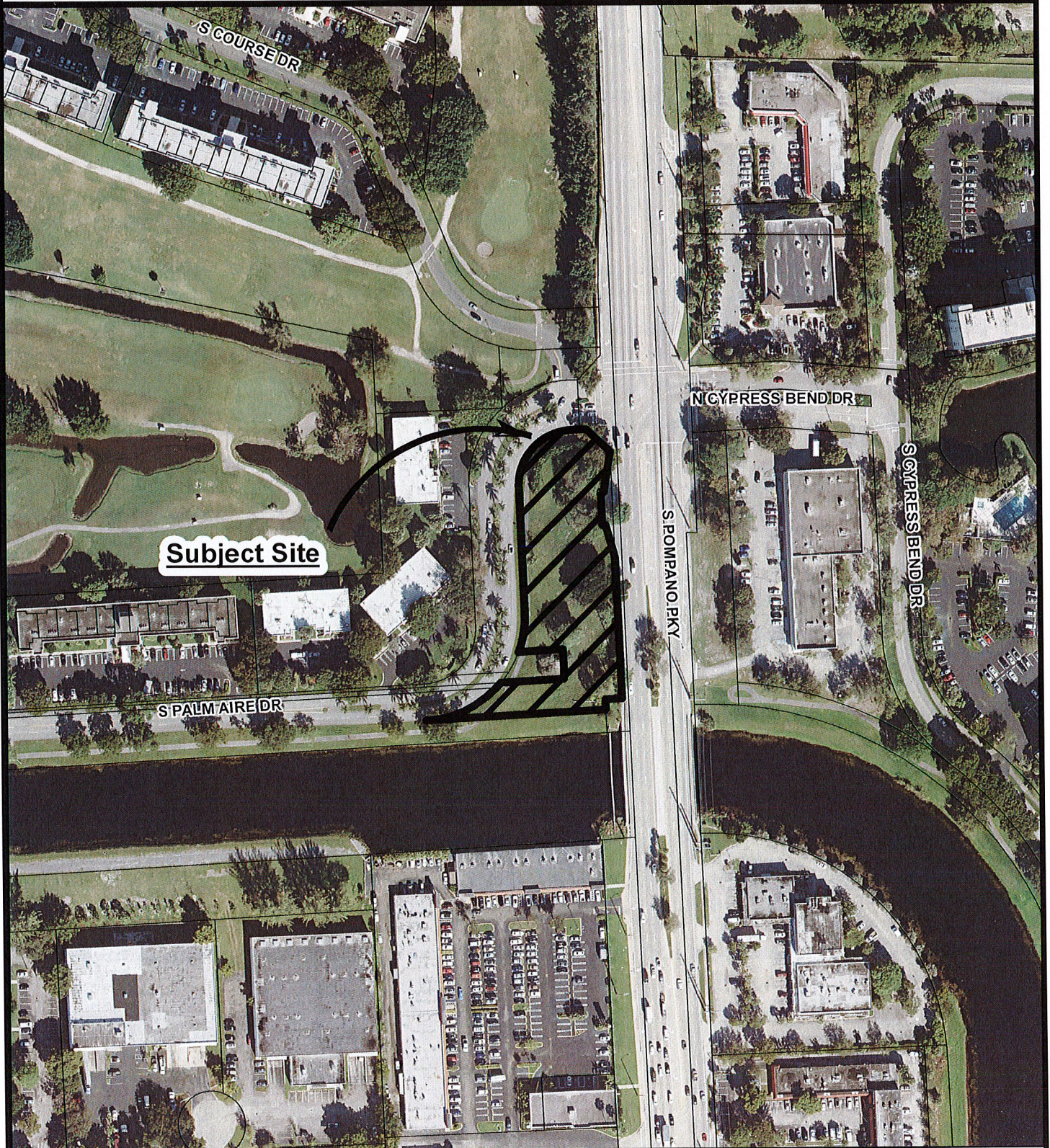
Subject Property
Folio Number(s):
4942 04 02 0013



1 in = 1 miles

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DEVELOPMENT SERVICES

CITY OF POMPANO BEACH AERIAL MAP



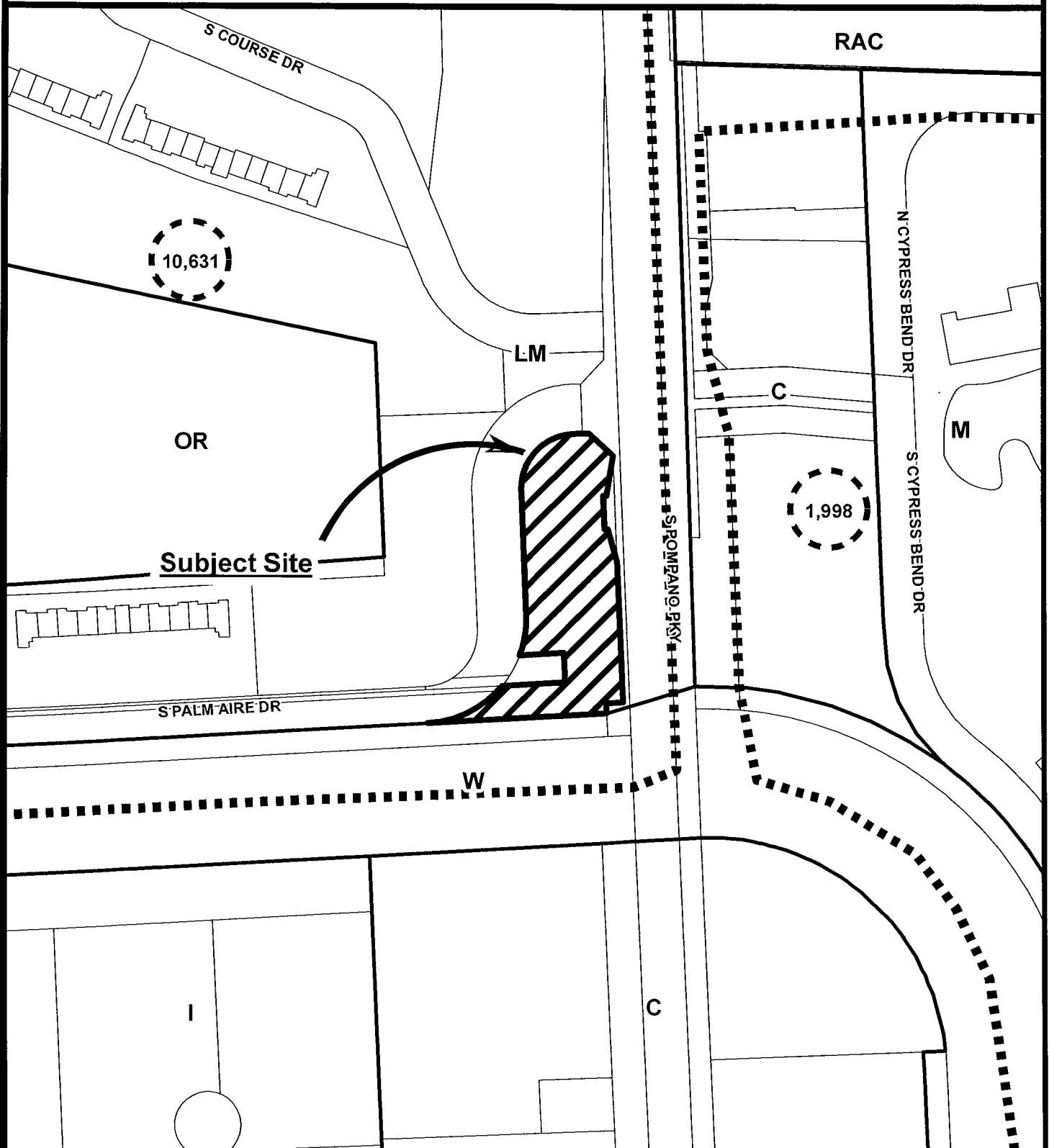
Subject Site

1 in = 208 ft

3

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CITY OF POMPANO BEACH OFFICIAL LAND USE MAP

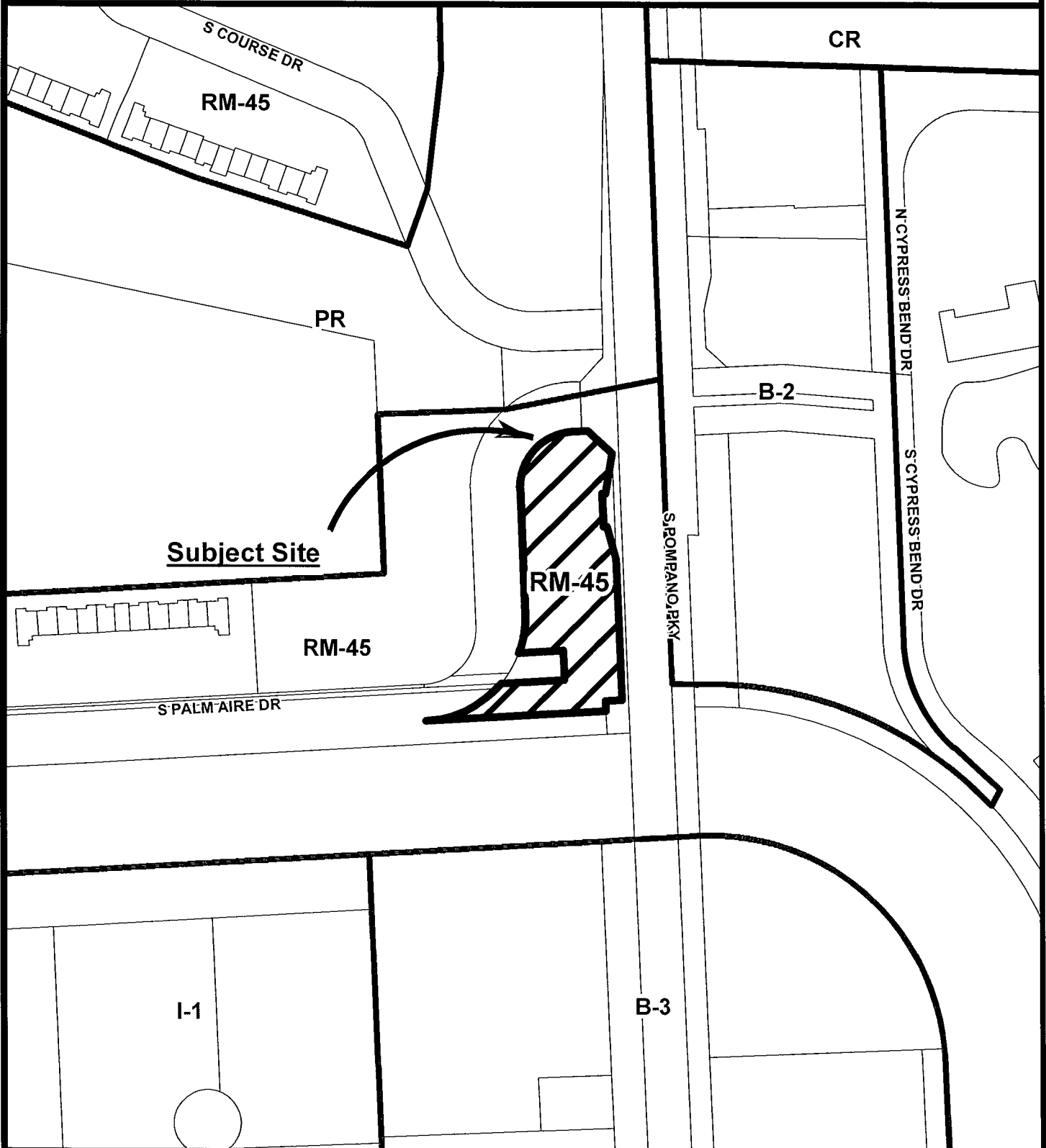


1 in = 208 ft

4

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CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 208 ft

5

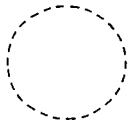
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LEGEND

FOR LAND USE PLAN

<u>Symbol</u>	<u>Classification Units/ Acre</u>
	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

<u>Symbol</u>	<u>District</u>
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.

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

Compatibility Statement: The residential areas in Palm Aire are similar in density and design to the proposed project.

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.

Compatibility Statement: The setbacks and buffers shown on the conceptual site plan meet the multifamily design standards in the City's Code and the proposed project is compatible with its surroundings.

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

Compatibility Statement: The allocation of flex units allows this site to be developed without a Land Use Plan amendment and is compatible with the adjacent land uses in Palm Aire.

(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 development. This project would produce a viable transition between the Commercial located to the East and South, and the less intense residential located to the west. The surrounding properties are included in the following table:

Direction	Zoning/Land Use Designation	Use
North	RM-45/Dashed Line	Golf Course
East	B-2/Commercial	Retail Plaza
South	B-3/Commercial	Single Family Residential Units
West	RM-45/Dashed Line	Residential (2-Story)

FLEXIBLE ALLOCATION TRACKING

The City has 1,238 Flexibility Units available to be allocated, and there are two other pending applications* that have received approval from the Planning & Zoning Board, recommending the allocation of Flex totaling 123 units. These 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 1,057 Flexibility Units remaining ($1,238 - 123 - 58 = 1,057$).

*Pending Applications:

- **18-05000002** – 108 Units (Recommended for Approval by the P&Z August 22, 2018) *“Aloha 1”*
- **19-05000001** – 15 Units (Recommended for Approval by the P&Z March 27, 2019) *“St. Elizabeth Gardens”*

RECOMMENDATION

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

Alternative Motion I

Approval of the requested 58 unit Flex Unit allocation with the following conditions of implementation:

1. The site plan ultimately approved for this site shall be generally consistent in regard to building placement, setbacks and buffering with the Conceptual Plan (Attachment 1). Minor revisions that are necessary to meet the City’s Code and/or do not affect the density or intensity of the site, such as (but not limited to) building dimensions, stormwater retention and access locations, will be allowed without additional public hearings.
2. Prior to site plan approval the Applicant shall determine the preferred approach to meeting the affordable housing requirement pursuant to Section 154.61(E) Planning by either: providing an agreement to provide affordable housing units; or by providing an in lieu of fee in accordance with Section 154.80.
3. If a building permit is not issued by two years from the Resolution’s approval date, then the approval of this Flex Allocation shall become null and void.

Alternative Motion II

Table this application for additional information as requested by the Board.

Alternative Motion III

Denial of the Residential Flex Allocation. 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 on the previous page.

Staff recommends Alternative Motion I - Approval