



Staff Report

**File #:** LN-359

PLANNING AND ZONING BOARD Meeting  
Date: February 22, 2023

2050 DR. MARTIN LUTHER KING JR. BLVD

**Request:** Flex  
**P&Z#** 22-05000008  
**Owner:** Merijul LLC & One-Quarter Ham LLC  
**Project Location:** 2040-2050 Hammonville Road  
**Folio Number:** 484234000270 & 484234000271  
**Land Use Designation:** C (Commercial)  
**Zoning District:** B-3 (General Business)  
**Commission District:** 4 (Beverly Perkins)  
**Agent:** Tiffany Crump (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 moderate income units (no more than 120% of Broward County median income), the Applicant will be awarded 6 bonus units for every 1 unit of moderate income housing deed restricted for 30-years.

The Applicant (KEITH), on behalf of the Premium Development, Inc., is requesting approval for a 261 unit mixed-income housing project on a 3.79-acre parcel at the southeast corner of Powerline and Dr. Martin Luther King, Jr. Boulevard. The site currently contains a convenience store (to be demolished) and two billboards (to remain). The project’s conceptual plan consists of four, 8-story buildings, approximately 90 feet in height and a parking garage with 5 floors of parking (including the roof).

The Land Use designation on the property is Commercial. The zoning of the parcel is General Commercial B-3 which allows for 46 units per acre when flex units are allocated. The property is eligible for flex as shown on the flex receiving area map. The City’s mixed income housing ordinance allows the B-3 density of 46 du/ac to be increased by 50% to 69 units per acre in those areas required to provide market rate units. This project is within the link of Powerline between

Atlantic Boulevard and NW 15<sup>th</sup> Street that is limited to 20% deed restricted affordable housing in order to inject market rate units into the corridor.

The proposed project is a good candidate for the use of Policy 2.16.3 which allows 6 bonus units for every 1 moderate income housing unit deed restricted for 30-years. This bonus allows the total flex units to be reduced from 261 to 38 (a savings of 223 flex units) with the remainder being made up by the 6 bonus units for every moderate income housing unit deed restricted for 30-years (38 moderate income flex units x 6 bonus units = 228 bonus units + the 38 moderate income flex units = 266 total units which is greater than the 261 allowed).

#### **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.

##### **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 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 01.03.09**

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

**Policy 01.04.01**

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 adjacent to and west of the City’s new Senior Center. The area east of the senior center is the location of the recently completed Marquis Apartments project. The area south of Dr. Martin Luther King, Jr, Boulevard on either side of Powerline is primarily residential with the new Gateway Apartments project immediately south of the 2050 MLK site. A residential development in this location is compatible with the redevelopment occurring in this corridor.

**(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 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	C/B-4	Truck sales and leasing/Warehouse
East	C/B-3	City of Pompano Beach Senior Center
South	C/B-3	Proposed Mixed Income Gateway Apts
West	C/B-3; CF/PU; Low 5/CF	Gas Station/Electric Substation/ Church

**(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 and build-to zones along external streets.

The conceptual plan satisfies these design standards within the parameters established in 155.4202.A.1.

**FLEXIBLE ALLOCATION TRACKING**

The City has 394 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 356 Flexibility Units remaining (394-38 = 356).

**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 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 and the City's mixed income housing code with the following requirements prior to finalizing the Conceptual Plan and being placed on a City Commission agenda.

- Modify the Conceptual Plan to show the billboards to remain and the edge of the ROW/road easements associated with Powerline Road and the distance to the buildings from this line;
- Reduce the total units shown on the Conceptual Plan to 261 and provide the number of parking spaces based on proposed unit sizes per Table 155.5102.D.1. The unit sizes indicate the target market is larger families that will need adequate parking;
- Provide a traffic circulation analysis that shows how the ingress/egress will function and how trip generation will be distributed on local streets with particular attention to the intersection of NW 18<sup>th</sup> Avenue and Dr. MLK Boulevard where the City is attempting to get a signal warrant from Broward County, include projected traffic from the Marquis Apartments, the Senior Center, the Gateway Apartments, Hunter's Manor RPUD and the Golden Acres expanded project;
- Provide a route and distance traveled analysis for pedestrians travelling from the parking structure to each of the buildings. Explain how handicapped parking and circulation is addressed;
- Amend the Conceptual Plan to show a playground and resident amenity area;
- Amend the Conceptual Plan to show the leasing office and associated parking;
- Provide a graphic of the 6' high painted aluminum perimeter fence; and
- Provide a Declaration of Restrictive Covenants ensuring the 38 flex units will be restricted to moderate income for a period of 30-years as required by County Policy 2.16.3 to qualify for the 6 bonus units for every moderate income unit.

**(2) Motion to table** the proposed flex allocation request to allow further analysis of the detailed version of the site plan as it moves through the DRC process and of any other issues raised by the Board, Staff, Applicant or the general public.

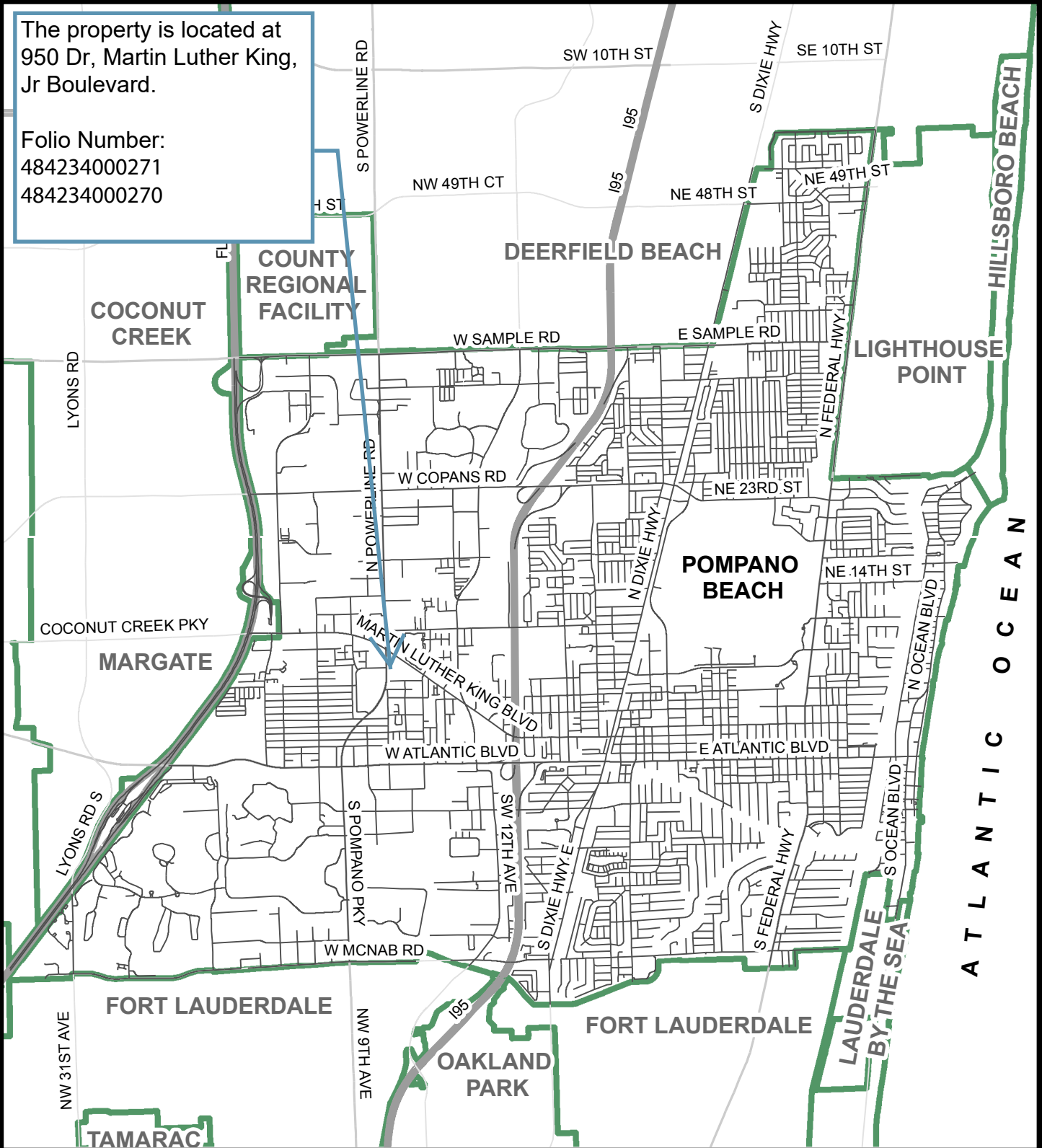
**Staff recommends motion number (1).**

# CITY OF POMPANO BEACH LOCATION MAP



The property is located at  
950 Dr, Martin Luther King,  
Jr Boulevard.

Folio Number:  
484234000271  
484234000270



1 in = 1 miles

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

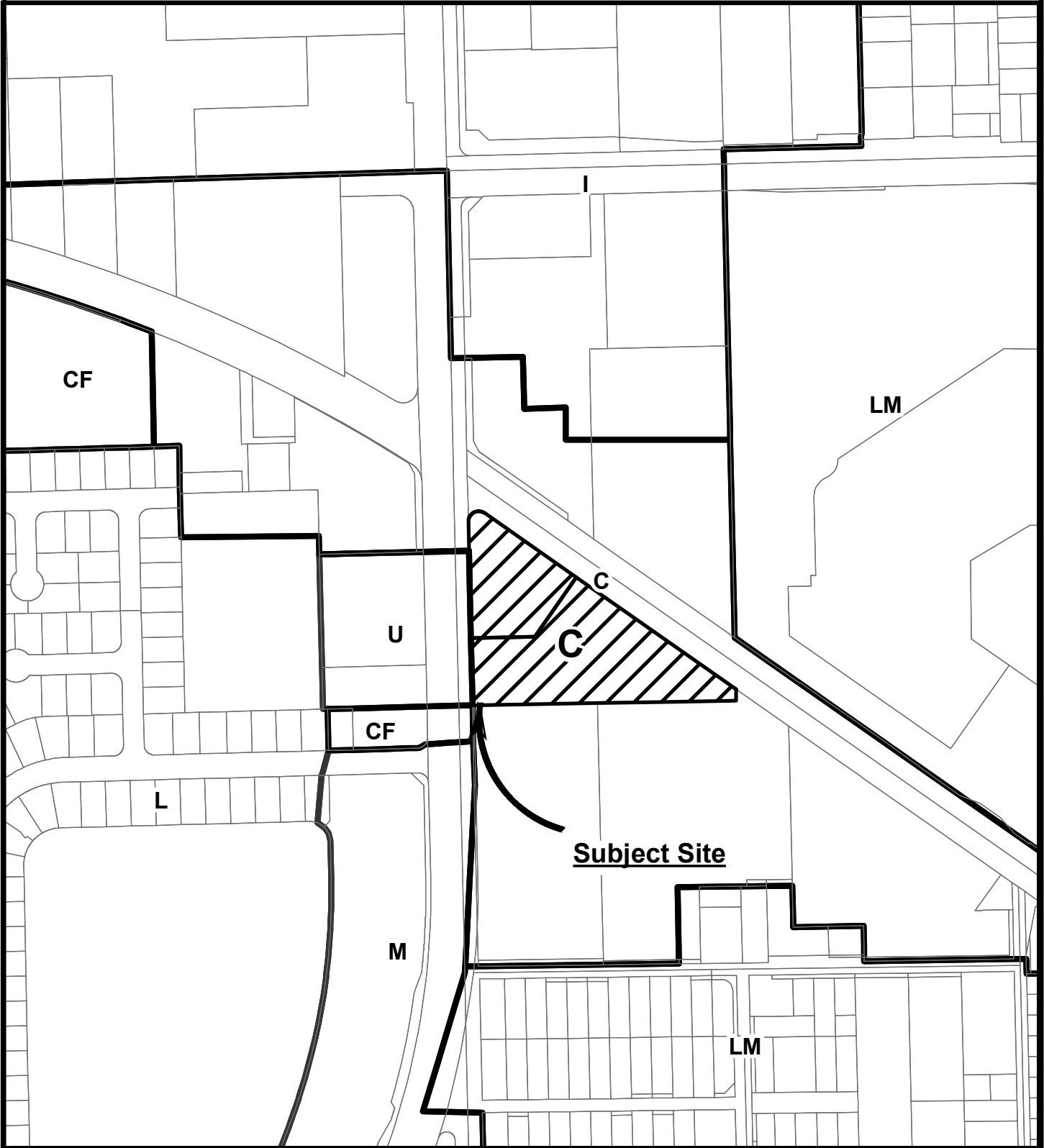
# CITY OF POMPANO BEACH AERIAL MAP



1 in = 333 ft

PREPARED BY:  
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DEVELOPMENT SERVICES

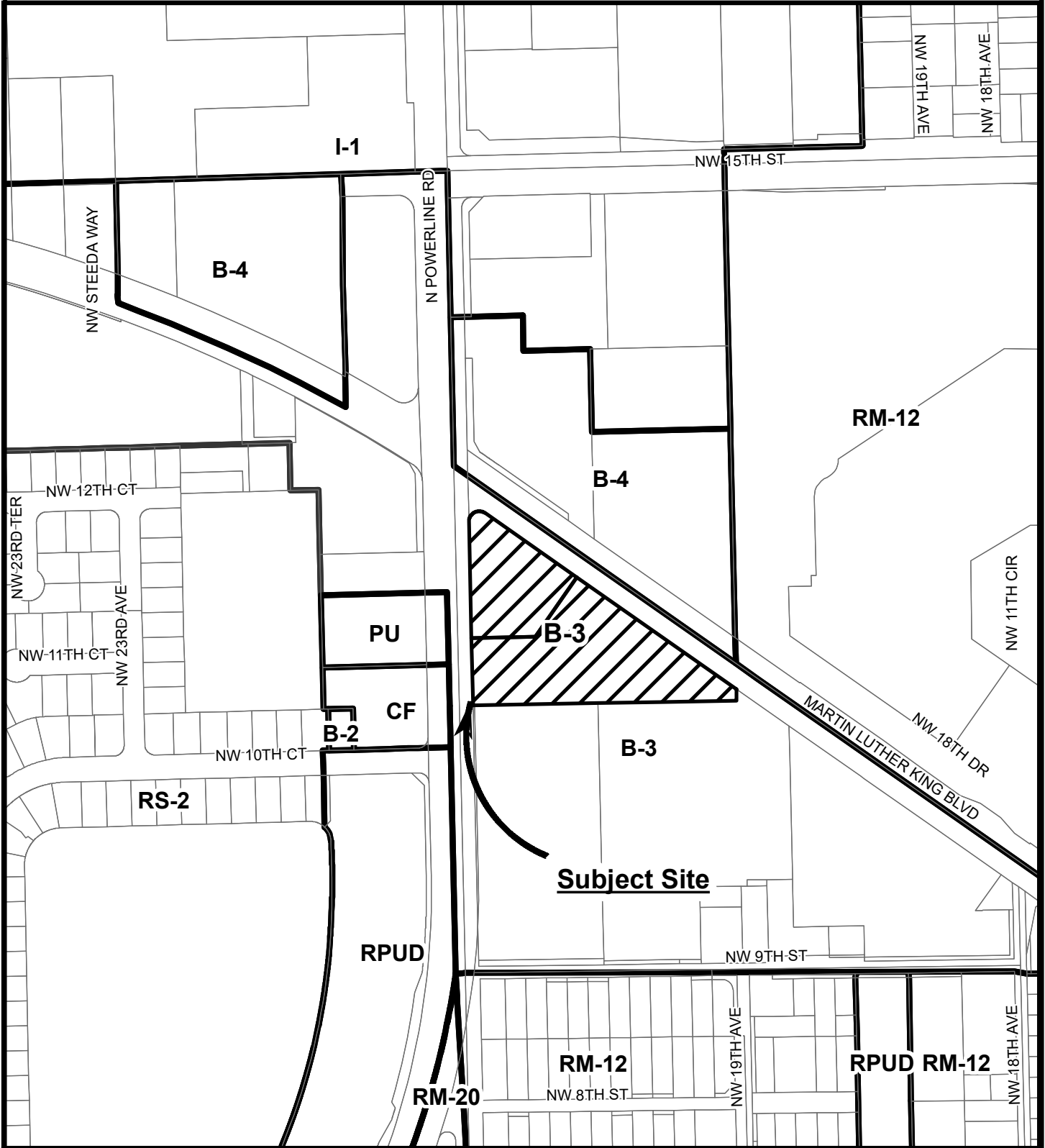
# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



1 in = 333 ft

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# CITY OF POMPANO BEACH OFFICIAL ZONING MAP

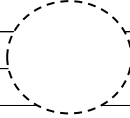


1 in = 333 ft

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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
*	Current Designation	LAC	Local Activity Center
		RPUD	Residential Planned Unit Dev.
>	Proposed Designation	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