




ADMINISTRATIVE MEMORANDUM NO. 18-297

**TO:** Planning and Zoning Board  
**VIA:** David L. Recor, ICMA-CM, Director of Development Services   
**VIA:** Jennifer Gomez, AICP, Assistant Director of Development Services   
**FROM:** Maggie Barszewski, AICP, Planner   
**SUBJECT:** Aloha 1  
Flexibility Units P&Z #18-05000002/ August 22, 2018 P&Z Meeting  
**DATE:** July 27, 2018

## 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 Flexible 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.

The applicant, Aloha 1, LLC is requesting approval for 108 Flexibility Units in order to develop a 129 unit multi-family project. The applicant is proposing to deed-restrict the 3.05-acre property for affordable workforce housing. The project would consist of three four-story buildings and one five-story building along Dixie Highway with ground floor commercial square footage. The property consists of 4 separate parcels and a public right-of-way that is dependent on the approval of a concurrent abandonment request (P&Z: 18-18000003). The Land Use designations of the four parcels are Commercial and Medium Residential (16 dwelling units per acre). The subject properties are zoned B-3 and RM-20.

This Flexibility Unit request is unique because Flexibility Units can be allocated in one of two ways and the Applicant has requested to employ both mechanisms to maximize the density on the property. The first is to allow residential development on a property with a Land Use designation of Commercial (86 allocated units). The second is to allow an increase in density for property with a Medium Residential Land Use designation (22 allocated units). The Applicant is also submitting a concurrent rezoning (P&Z: 18-13000002) request proposing to amend the RM-20 parcel to RM-45 (with a voluntary declaration of restrictive covenants) which, if approved, would ensure that the zoning of the property corresponded to the appropriate density granted by the combination of the Land Use designation and Flexibility Units.

The property is currently vacant. The applicant has submitted a conceptual site plan (Attachment I) and states that they will be providing an agreement consistent with Section 154.61(E) of the Zoning Code to commit to providing affordable housing units. This application was reviewed by the Development Review Committee (DRC) on June 20, 2018.



## LEGEND

### FOR LAND USE PLAN

Symbol      Classification Units/ Acre

Gross Residential Density

Residential

E      Estate  
L      Low  
LM      Low- Medium  
\* M      Medium  
MH      Medium-High  
H      High

\* C      Commercial

CR      Commercial Recreation

I      Industrial

T      Transportation

U      Utilities

CF      Community Facilities

OR      Recreation & Open Space

W      Water

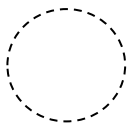
LAC      Local Activity Center

RAC      Regional Activity Center

Boundaries

City of Pompano Beach

Number



Reflects the maximum total number of units permitted within the dashed line of Palm Aire & Cypress Bend being 9,724 and 1,998

### FOR ZONING MAP

Symbol      District

RS-1      One-Family Residence

RS-2      One-Family Residence

RS-3      One-Family Residence

RS-4      One-Family Residence

RD-1      Two- Family Residence

RM-12      Multi-Family Residence

\* RM-20      Multi-Family Residence

RM-30      Multi-Family Residence

> RM-45      Multi-Family Residence

RM-45/HR      Overlay

RPUD      Residential Planned Unit Dev.

AOD      Atlantic Boulevard Overlay District

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

M-2      Marina Industrial

LAC      Local Activity Center

I-1      General Industrial

I-1X      Special Industrial

O-IP      Office Industrial Park

BP      Business Parking

BSC      Planned Shopping Center

PCI      Planned Commercial / Industrial Overlay

PR      Parks & Recreation

CR      Commerical Recreation

CF      Community Facilities

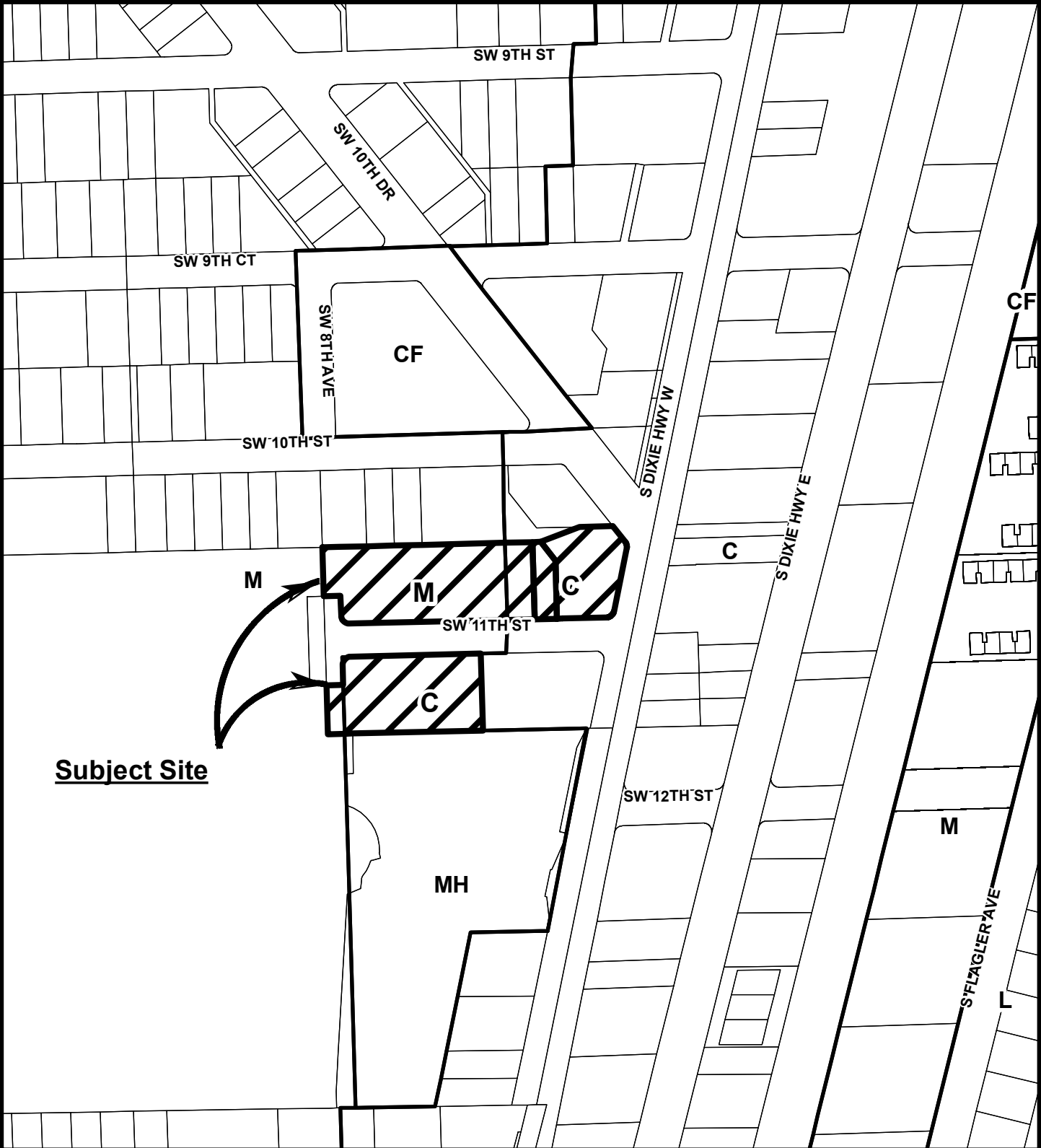
T      Transportation

PU      Public Utility

|                 |
|-----------------|
| *      Existing |
| >      Proposed |



CITY OF POMPANO BEACH  
OFFICIAL LAND USE MAP



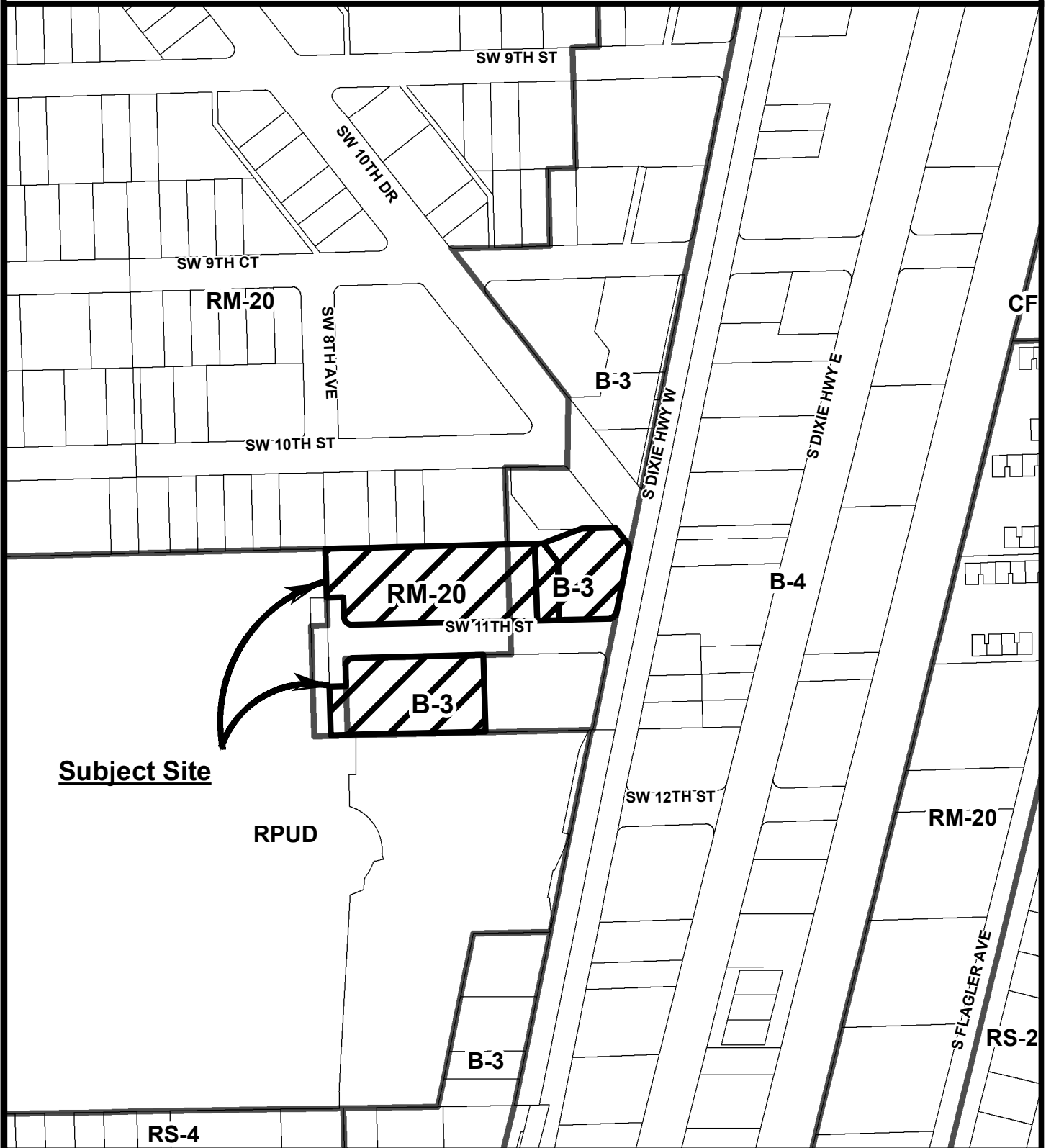
Subject Site

1 in = 250 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES



# CITY OF POMPANO BEACH OFFICIAL ZONING MAP

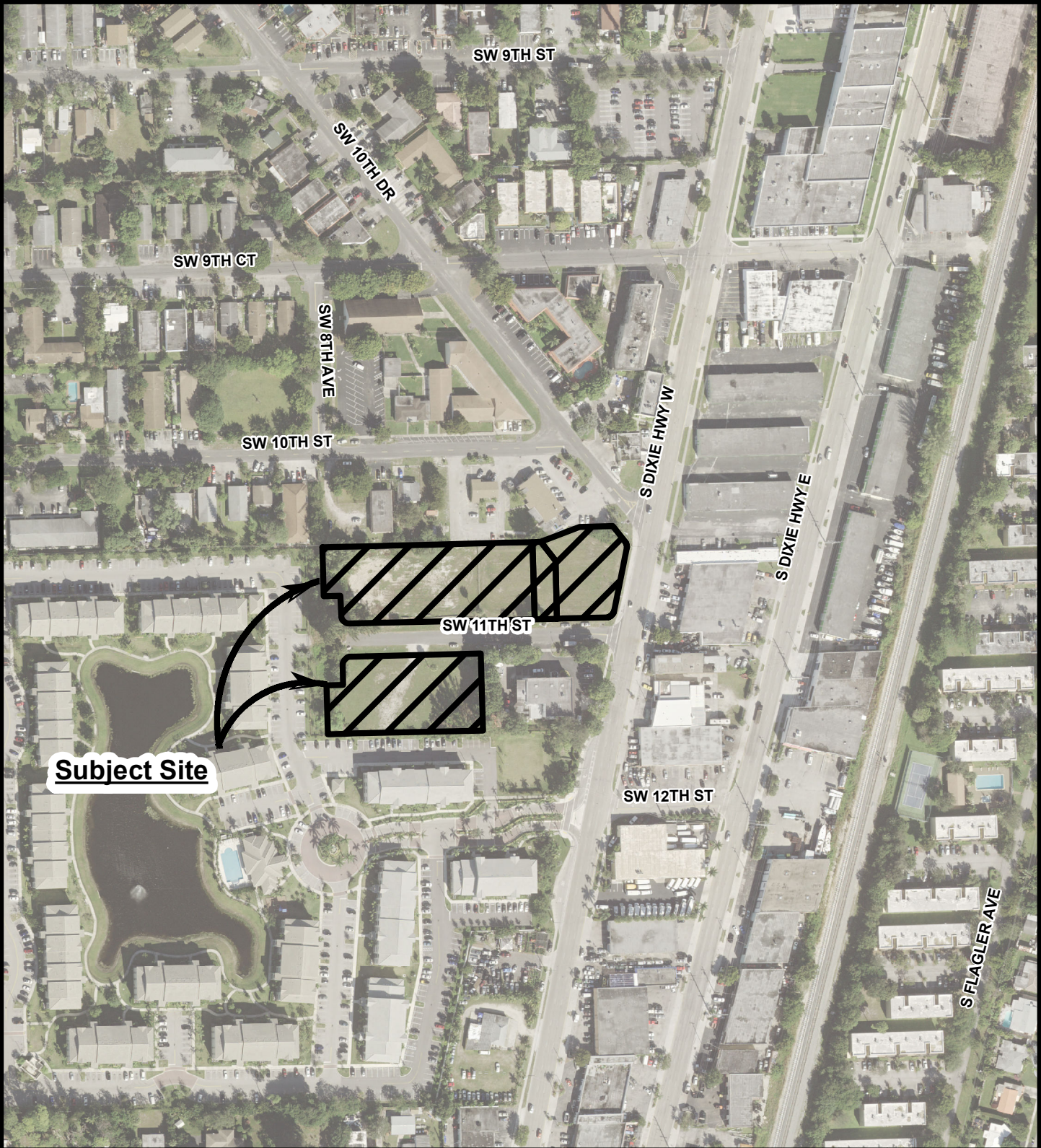


1 in = 250 ft

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CITY OF POMPANO BEACH  
AERIAL MAP

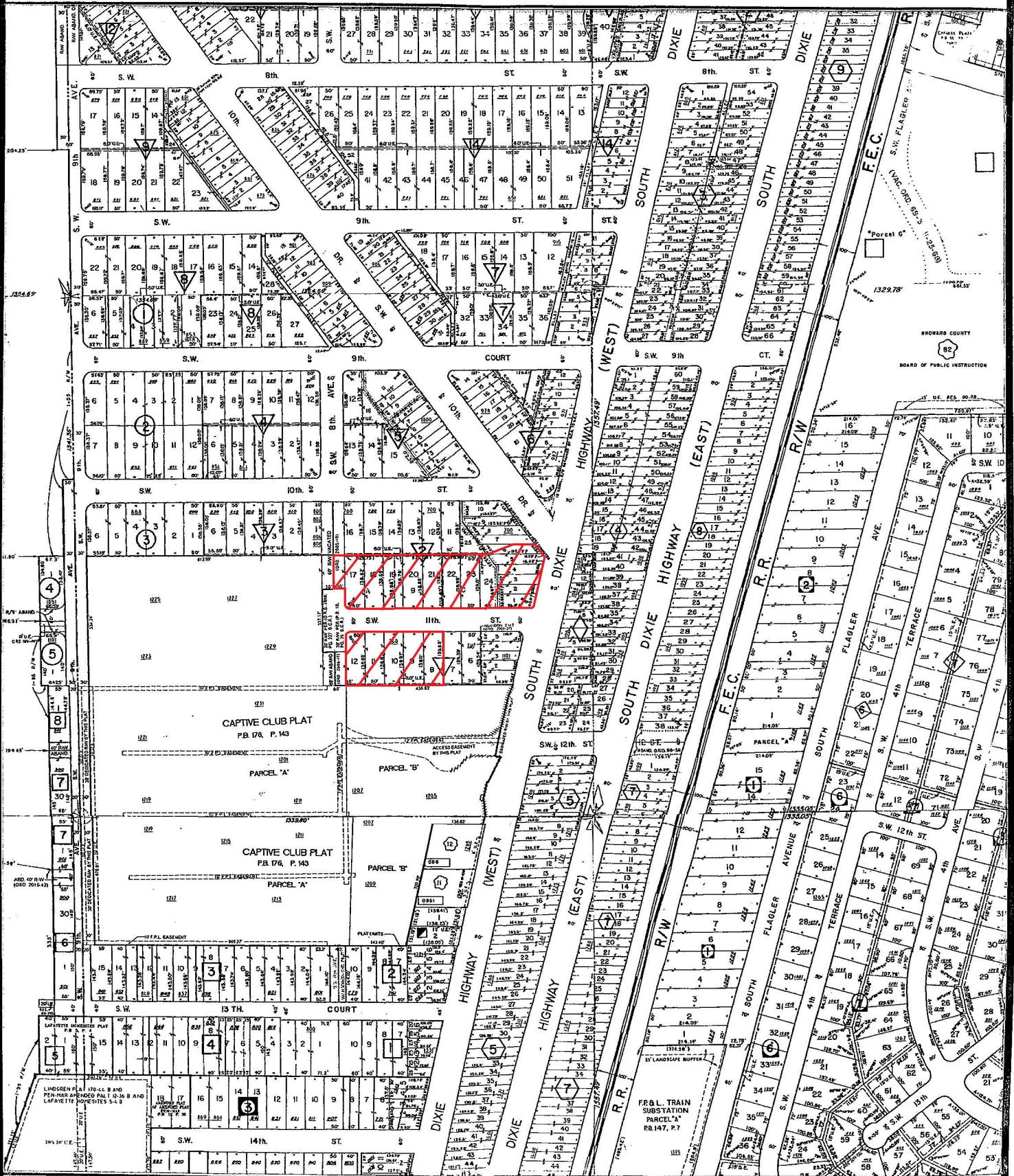


1 in = 250 ft

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# EXCERPT FROM THE CITY OF POMPANO BEACH PLAT MAP



SCALE: NTS

NORTH

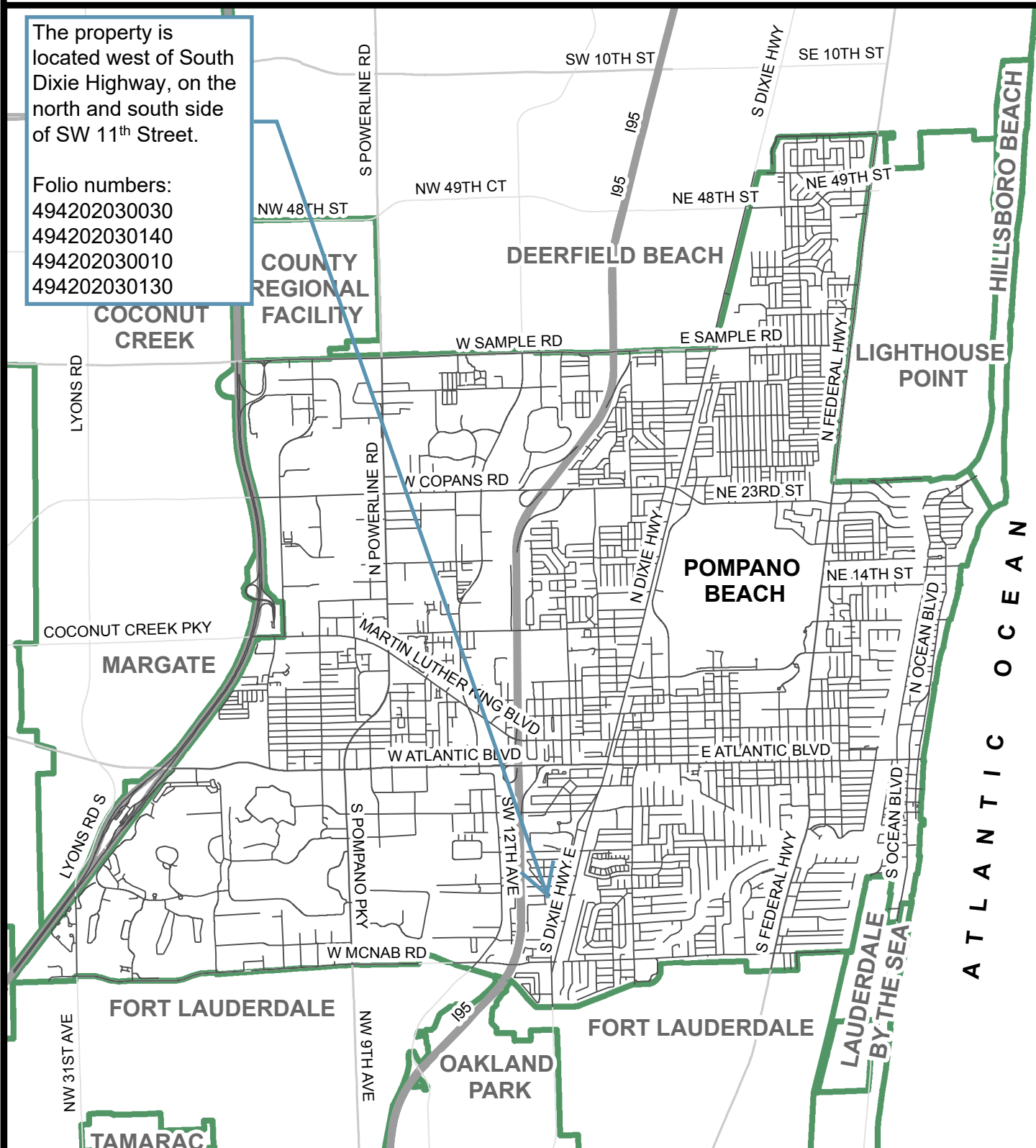


# CITY OF POMPANO BEACH LOCATION MAP



The property is located west of South Dixie Highway, on the north and south side of SW 11<sup>th</sup> Street.

Folio numbers:  
494202030030  
494202030140  
494202030010  
494202030130



1 in = 1 miles

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES



## 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.

**Objective 01.04.00** Support and promote the intermix of residential and commercial uses along major traffic corridors.

**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 reserve units and approval of land use plan map amendments allowing for residential developments.

**Objective 01.12.00** Establish criteria which encourage development of urban infill and community redevelopment areas to promote economic development, increase housing opportunities and maximize the use of existing public facilities and services.

**Policy 01.12.03** Utilize the existing flexibility provisions to facilitate proposed mixed use developments in urban infill areas provided that the proposed developments are compatible with the community character.

**Policy 01.16.01** The City shall emphasize re-development and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources.

**(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 various development patterns. This is based upon the fact that the surrounding properties include the following:



| Direction | Zoning/Land Use Designation | Use  |
|-----------|-----------------------------|--|
| North     | RM-20/M & B-3/C             | Residential units & Church-owned AA Meeting facility |
| East      | B-3/C                       | Auto Repair Shops & Retail Store                     |
| South     | RPUD/MH                     | Captiva Cove Rental Units                            |
| West      | RPUD/M                      | Captiva Cove Rental Units                            |

From SW 10th Street to SW 13th Court, west of Dixie Highway, the Land Use designations vary from Medium Residential, Medium-High to Commercial. By allocating Flex units, it would support a transition of the subject property on the northwest from Medium Residential (maximum 16 units per acre), by doubling the allowed density to the requested 32 units per acre adjacent to the Commercial property (46 units to the acre) on the parcel fronting Dixie Highway.

The table below provides an overview of the unique circumstance that this collection of properties faces, as it relates to zoning and land use. A map, labeled as Attachment II, has been added to this report illustrating the information below.

| Subject Property/<br>Land Area<br>(Acres) | Existing Zoning  | Maximum Density      | Proposed Zoning    | Maximum Density       | Land Use            | Maximum Density, permitted by right | Density Increased, afforded to residential property through Flex ( <i>Doubling the DU/Acre</i> ) <sup>a</sup> |
|---|------------------|----------------------|--------------------|-----------------------|---------------------|-------------------------------------|---|
| 1.08                                      | RM-20            | 21 units             | RM-45 <sup>b</sup> | 48 units              | M (16)              | 17 units                            | 35 units  |
| .26                                       | RM-20            | 5 units <sup>c</sup> | RM-45 <sup>b</sup> | 11 units <sup>d</sup> | M (16)              | 4 units                             | 8 units   |
| 1.52                                      | B-3 <sup>e</sup> | 70 units             | B-3                | 70 units              | C (46) <sup>f</sup> | 70 units                            | 70 units  |
| .36                                       | B-3 <sup>e</sup> | 16 units             | B-3                | 16 units              | C (46) <sup>f</sup> | 16 units                            | 16 units  |
| <b>Totals:</b>                            |                  | <b>112 units</b>     |                    | <b>145 units</b>      |                     | <b>107 units</b>                    | <b>129 units</b>  |

a) The maximum density on property with a Residential Land Use may be increased using Flexibility Units, providing for compatibility, pursuant to 154.61(B)(4).

b) The number of residential dwelling units cannot exceed what is authorized by the Land Use.

c) Residential density would only be afforded to this property, if the abandonment application is approved, residential density is based on net acreage & would not account for adjacent roadways.

d) Residential density would only be afforded to this property, if the abandonment application is approved, residential density is based on net acreage & would not account for adjacent roadways.

e) Residential units are only afforded to commercially zoned properties, with the allocation of flex.

f) Residential units are only afforded to properties with commercial land use, with the allocation of flex.



**(3) An agreement to provide affordable housing units per Section 154.61(E), except that infill properties which are one-acre or less are exempt from this requirement.**

The Applicant has been working with the City to develop an agreement to provide affordable housing units, which will be consistent with 154.61(E) of the Zoning Code. To ensure compliance with this section, submittal of a signed agreement between the applicant and the City, prior to site plan approval, has been included as a suggested condition of approval.

**(4) Flexible Allocation Tracking**

The existing “Recertification Flex Table” reflects that the City has 1,238 Flexibility Units available to be allocated. If this request was to be approved, the City would have 1,109 Flexibility Units available.



## DEPARTMENT RECOMMENDATION

Given the information provided to the Board, as the finders of fact, the Development Services Department provides the following recommendation, and alternative motions, which may be revised or modified at the Board's discretion.

### Alternative Motion I

Recommend approval of the Flex Allocation request subject to the following conditions:

1. The parcel with a RM-20 zoning must be rezoned to allow a minimum of 32 units per acre;
2. The concurrent application for abandonment of the SW 11 Street ROW must be approved;
3. The conceptual and final site plan must be able to 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 units that will not fit on the site must be returned to the flex pool;
4. Prior to site plan approval, the Applicant shall provide a signed agreement documenting how the affordability requirements will be met, pursuant to Section 154.61(E) Planning;
5. Any future 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;
6. In order to ensure compatibility with adjacent properties, the conceptual plan shall illustrate the following three restrictions:
  - a. A maximum density on the subject property to be 32 units per acre;
  - b. A height of four-stories for structures not adjacent to Dixie Hwy.;
  - c. A Type "B" buffer along the north, west and south sides along with increased setbacks of approximate 65 feet.;
7. During the site plan approval process, resolve issues related to ingress/egress and landscape areas.

### Alternative Motion II

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

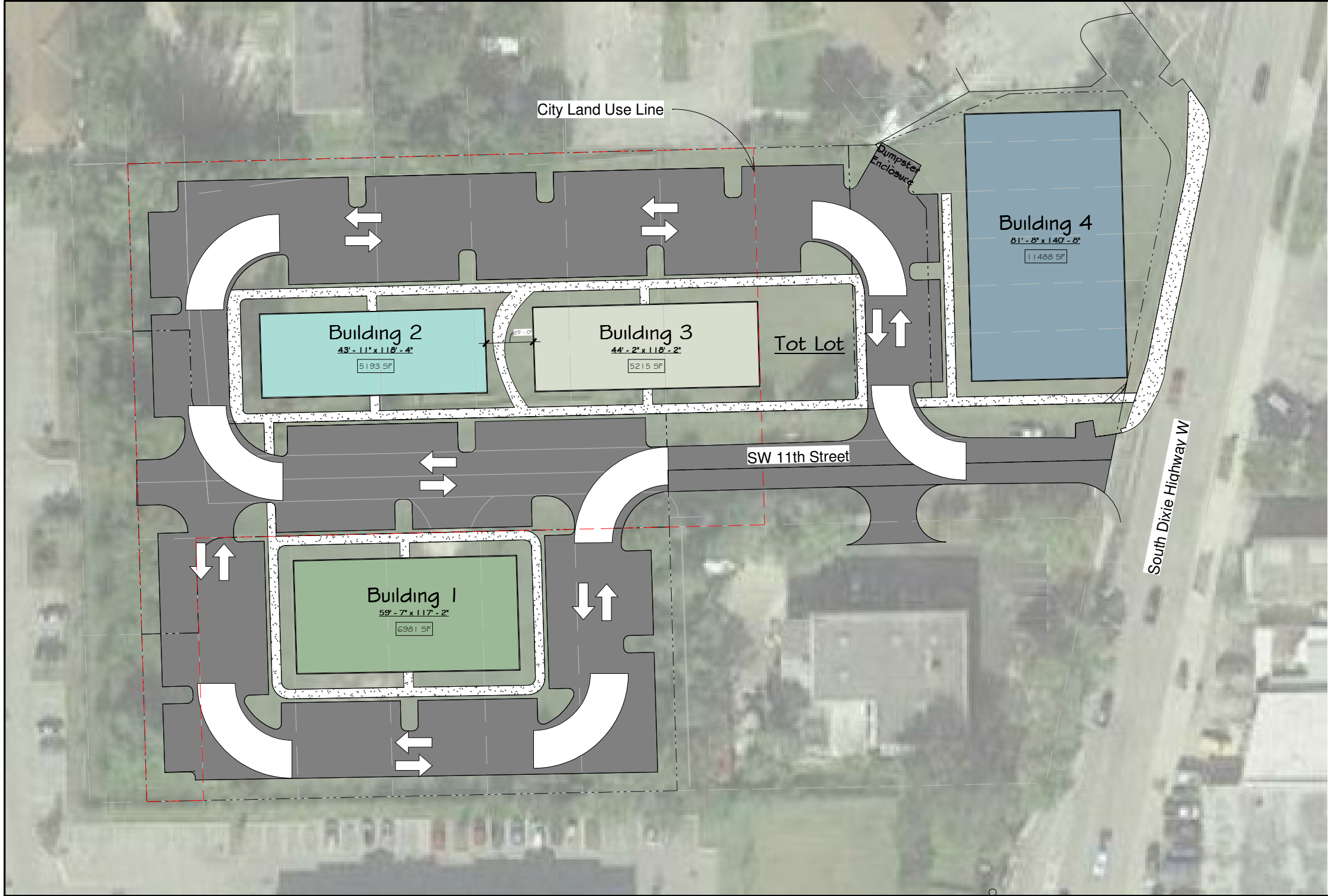
### Alternative Motion III

Recommend denial as the Board finds that the use of the reserve and flexibility units will not be consistent with Section 154.61(D) of the Code.



**Attachment I**  
Conceptual Plan





**SITE DATA**

|                                 |                              |
|---------------------------------|------------------------------|
| <b>TOTAL SITE (PER SURVEY):</b> | <b>140,039 SF. (3.21 AC)</b> |
| B-3 COMMERCIAL 1                | 19,279 SF. (0.44 AC)         |
| B-3 COMMERCIAL 2                | 5,131 SF. (0.11 AC)          |
| B-3 COMMERCIAL 3                | 6,960 SF. (0.16 AC)          |
| B-3 COMMERCIAL 4                | 34,677 SF. (0.80 AC)         |
| B-3 ROW VACATION                | 15,601 SF. (0.36 AC)         |
| RM-20                           | 46,936 SF. (1.08 AC)         |
| RM-20 ROW VACATION              | 11,455 SF. (0.26 AC)         |

|  |                                    |
|--|------------------------------------|
| RESIDENTIALLY ZONED PROPERTY:          | <b>1.08 X 32 DU/ACRE - 34.7 DU</b> |
| RESIDENTIALLY ZONED ROW BEING VACATED: | <b>0.26 X 32 DU/ACRE - 8.3 DU</b>  |
| COMMERCIAL ZONED PROPERTY:             | <b>1.52 X 46 DU/ACRE - 69.9 DU</b> |
| COMMERCIAL ZONED ROW BEING VACATED:    | <b>0.36 X 46 DU/ACRE - 16.6 DU</b> |
|  | <b>MAX ALLOWABLE DU = 129.5</b>    |

**BUILDING DATA:**

- BUILDING 1 (32 UNITS)**
- 52' - 56' HIGH (4-FLOORS)
- BUILDING 2 (21 UNITS)**
- 52' - 56' HIGH (4-FLOORS)
- BUILDING 3 (22 UNITS)**
- 52' - 56' HIGH (4-FLOORS)
- BUILDING 4 (54 UNITS)**
- 72' - 80' HIGH (5-FLOORS)
    - GROUND FLOOR:
      - 2,000 SF - COMMERCIAL/RETAIL
      - 9,488 SF - STORAGE/PARKING
    - UPPER 4-FLOORS (RESIDENTIAL)

**TOTAL DU = 129**

**FLEX ALLOCATION:**

B-3 COMMERCIAL @ (100%) - 86 DU

RM-20 @ (50%) - 22 DU

**PARKING REQUIREMENTS:**

MINIMUM # OF OFF-STREET PARKING SPACES PER TABLE 155.5102.D.1

1.5 PARKING REQUIRED FOR 1 OR 2 BEDROOM DU

1.5 X 129DU = 194 PARKING.



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1" = 60'-0"

PROJECT NO: Project Number  
DRAWN BY: Author  
CHECKED BY: Checker

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Conceptual Site  
Plan

A-100



**Attachment II**  
Subject Property/ Land Area



