

Alltech Group Parcel 1  
61 NE 1<sup>st</sup> Street  
Pompano Beach, FL 33060

Request for 99 Flexibility or Reserve units Palm Aire Property. Folio# 4942 04 00 0145

Narrative

Alltech Group Parcel 1 (the "Applicant") owns property located in the World of Palm Aire and requests the allocation of 99 Flexibility or Reserve units. The known street address is 2606 Palm Aire Drive N. The property was originally part of the Palm Aire Golf Course and Tennis Facility. The property consisted of a pool, sauna/bath and 6 tennis courts. As the original World of Palm Aire gentrified, the facility became obsolete as membership declined. The pool on the property was filled in prior to the sale of all the Recreation facilities to Palm Aire Associates Limited Partnership in 1994. Palm Aire Associates Limited Partnership closed 2 of the 5 original golf courses and obtained a Land Use change for the defunct course North of Atlantic Blvd. The Land Use change was approved to convert an otherwise blighted, unusable golf course to new market rate housing that is under construction today.

The Applicant purchased the property in question from Palm Aire Associates in 2004 with the current RM-45 zoning designation. Due to Hurricane Wilma in 2005 and subsequently the Great Recession in 2008, the property as a viable recreation facility for profit was entirely eliminated. The Applicant did reroof and repair the building in hopes of future use; however, the tennis courts, fencing and lighting were beyond repair and therefore removed. In 2011, Club Link purchased the remaining golf facilities, but has no interest in other recreational facilities.

Although the Zoning is RM-45, the applicable Land Use for the parcel is LM (Residential Low/Medium) the same as most of the existing Palm Aire condominium properties. At issue is that the Land use is further controlled by a dashed line designation for all of what is formally known as The World of Palm Aire, North and South of Atlantic Blvd. All of the units within the dashed line have been built throughout Palm Aire for quite some time, with the exception of the newly granted land use change for the golf course north of Atlantic Blvd. Originally the units per the dashed line have been allocated to parcels and built through a settlement agreement between the County, City and original developer. This history and the way units were allocated has left several parcels without any reasonable use.

Working with City Staff, the Applicant today is requesting to be allocated 99 Flexibility or Reserve units per section 154.61(A), in order to provide a reasonable and complimentary residential condominium project compatible with all of Palm Aire.

The applicant respectfully submits the following responses addressing the required criteria for allocating Flexibility and Reserve Units:

**Criteria**

**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.**

**Response**

The Applicant acknowledges Chapter 154 of the code of ordinances and the criteria for approval. The application is consistent with the requirements of the chapter and the below identified applicable specific Goals, Objectives and Policies of the Comprehensive plan in **bold**. A brief analysis statement is provided below each as evidence of consistency.

**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**

This broad goal identifies the need to provide a reasonable compatible use on the property, which otherwise cannot be economically utilized. Development of the parcel will provide the highest and best use and benefit the tax base of the City as well as support the local businesses.

**Policy**

**01.01.04 Maintain public and private recreation and open space facilities at a level of five (5) acres for each 1,000 residents.**

The underlying land use is currently Residential (LM) therefore there is **no** decrease in the measured recreation and open space with this allocation of units.

**Policy**

**01.02.05 All property to be platted, or newly created lots are encouraged to be directly accessible from a publicly dedicated and improved road, which satisfies the right of way requirements of the Broward County Trafficways Plan and/or Master Arterial Street Plan.**



The Applicant will plat if necessary and or dedicate necessary right-of-way as determined through site plan review and staff analysis.

**Objective Right of Way Protection and Accessibility**

**01.02.00 Protect the existing and future right of way from building encroachments and ensure proper accessibility with the roadway and transit network.**

All accessibility will be addressed and meet code requirements of the Land Development Regulations including bicycle and access to nearby mass transit.

**Policy**

**01.02.01 Require new commercial and residential (of more than 10 dwelling units) development to provide their primary access to the abutting arterial roadway system with only secondary access points to local streets so that traffic impacts to single family neighborhoods are minimized.**

The location of the site and access will not affect single family neighborhoods. The closest single family in proximity is over one half mile interior of Palm Aire and a dead end street.

**Objective Inconsistent Land Uses**

**01.03.00 Annually review and periodically update adopted land development regulations and established procedures that encourage the elimination or reduction of uses inconsistent with the City's character and Future Land Use Plan.**

This broad object has been included to demonstrate that past use was abandoned and the current vacant use or possible special exception use would be inconsistent with the surrounding uses and development pattern.

**Policy**

**01.03.01 Eliminate or reduce nonconforming uses which are inconsistent with the land development regulations and the designations of the Future Land Use Plan map.**

Providing residential units enables the property to be developed in a desirable manner and eliminate the possibility of inconsistency with current land development regulations.

**Policy**

**01.03.02 Require residential densities of zoning districts to be consistent with the densities on the Future Land Use Map.**

As discussed in the opening narrative, Palm Aire has a Land Use Designation of Low, Low Medium and Medium throughout for the residential uses. A Land Use designation of SR

establish for the golf courses, but all has been encompassed and regulated by a dashed line number for maximum units inclusive of both residential and open space land uses. Given the total acreage density for Palm Aire is relatively low, below 7 units per gross acre, the allocation of 99 units to this site will have a de minimus change to the number regardless of the exact figures.

**Policy**

**01.03.03 Encourage property owners to rezone the subject properties when initiating the development and/or redevelopment proposals to be consistent with the designations of the Land Use Plan Map.**

The request is not to rezone but to provide a use consistent with the current zoning which the Applicant has been paying taxes since 2004 and consistent with the residential nature of the land use.

**Policy**

**01.03.04 Consider the preservation of established single family neighborhoods in all rezonings, land use plan amendments and site plan approvals.**

Policy is included but not necessarily relevant as previously stated. There is no immediate adjacent single family neighborhood.

**Policy**

**01.03.05 All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying residential land use designations.**

This request is neither a map amendment nor rezoning, however the allocation will provide an orderly transition into the Community from the nearby arterial Powerline Rd.

**Policy**

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

Given the proximity to Powerline Rd. for access and essential services. The ability to go North and South by use of a signaled intersection, the Applicant has not been able to identify a negative impact to existing residential properties especially single family.

**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.**

The Applicant has provided the required conceptual site plan, indicating all landscape and buffering can be met. The site plan is also inclusive of a large recreation open space on the southern portion of the site.



## **Policy**

### **01.03.11 Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezoning,**

While this is neither a rezoning nor a Land Use Plan amendment, the allocation and subsequent development will be consistent with the Wyndham time share to the North, Club Link Corporate Headquarters, golf course and parking lots to the South and East. Lastly, it will provide a proper and compatible transition to the apartment and many condominiums to the West.

## **Objective Major Corridor Land Use**

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

Clearly this objective has specifically been met. Please refer back to the previous statement in response to policy 01.03.11. Powerline Rd. is no doubt a Major corridor within 250' and there are several immediate different uses.

## **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**

This policy is also clearly specifically met and encourages the allocation of the Flexibility and Reserve units for this project. There is in fact a bus stop within a 1200' walking distance of the property.

## **Policy**

### **01.09.02 Adhere to the City's Unified Flex Zone which does not contain a receiving area located east of the Intracoastal Waterway.**

The Property is within a receiving area which is clearly west of the Intracoastal Waterway.

## **Policy**

### **01.09.03 Adhere to Broward County/State of Florida requirement mandating high rise buildings of 75 feet or higher to maintain a working generator and fuel for elevator usage. Maintain an annual inspection program to insure compliance.**

The Applicant agrees and will comply per building codes and State laws.

## **Policy**

### **01.09.04 Encourage homeowners to retrofit and fortify homes in accordance with Florida Building Code and recommendations to insure that they can withstand tropical or hurricane force winds and water associated with storms.**

The new building will comply with the high velocity wind load requirements of the Florida Building Code.

#### **Policy**

**01.12.04 The City shall utilize flexibility units and reserve units to increase residential densities within the flex and reserve receiving areas 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 13.01.10 of the Broward County Land Use Plan.**

The proposed development is a 9 story condominium similar to nearby properties throughout Palm Aire. The property has not been identified as environmentally sensitive and was previously developed. Appropriate impact fees for both schools and parks will be assessed and paid at the time of permitting.

#### **Objective Smart Growth Initiative**

**01.16.00 The City will promote “Smart Growth” type initiatives providing for energy efficient development and land use patterns which also account for existing and future electrical power generation and transmission systems in an effort to discourage urban sprawl and reduce greenhouse gasses. Policies**

#### **Policy**

**01.16.02 The City will encourage and implement the use of compact building design principles which preserve more open space, contain mixed use, support multi-modal transportation options, make public transportation viable, reduce infrastructure costs and take advantage of recycled building materials.**

The above policy and objective encourage this type of development which is close to a major arterial. Easily serviced mass transit, water/sewer and emergency services.

#### **Criteria**

- (2) The use of the redevelopment and flexibility units; the establishment of nonresidential development within a residential land use designation; or the approval of commercial uses in an Industrial Land Use category 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.**

#### **Response**

Please refer back to the response with regard to policy 01.03.11 and objective 01.04.00. The proposed use is a 99 unit 9 story condominium which will meet all site criteria as required by the code and have a North/South orientation enhancing the entrance to the Palm Aire condominium community.



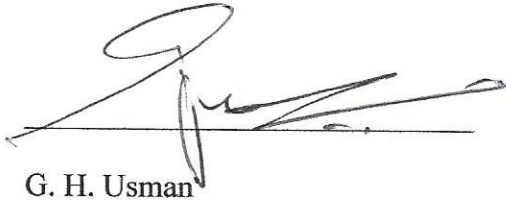
***Criteria***

- (3) Applications for the use of residential flexibility or redevelopment units requires an agreement to provide affordable housing units per subsection (E) below or an in lieu of fee in accordance with § [154.80](#), except that infill properties which are one-acre or less are exempt from this requirement.

***Response***

The Applicant acknowledges the requirement and will comply. The Applicant is in the process of designing the building and would respectfully ask the staff to consider it a condition in the Resolution to address the agreement through the site plan process when the building design and financing is finalized.

Thank you for your kind consideration of this request and please notify us if any additional information is needed.



G. H. Usman

12/19/17  
Date