

## ADMINISTRATIVE MEMORANDUM NO. 19-239

**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:** Daniel T. Keester-O'Mills, AICP, Principal Planner  
**SUBJECT:** Avira / Flexibility Units P&Z #19-05000004/ August 28, 2019 P&Z Meeting  
**DATE:** August 12, 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, Michael Vonder Meulen is the applicant on behalf of 1621 S Dixie Hwy, LLC. He is requesting approval for 188 Flexibility Units on a 5.13-acre property located on the southwestern corner of South Dixie Highway and West McNab Road (AKA: SW 14 Street). The land use on the eastern portion of the property is commercial, the land use on the western portion of the property is Medium (10 - 16 dwelling units per acre). The property is within the City's flex receiving area and is therefore eligible to be considered for the allocation of flex. The applicant is requested Flex Allocation for increasing residential density on residential land use, as well as requesting residential units on commercial land use for an overall density of approximately 45 units per acre. The site is zoned B-3 and B-4, and a concurrent application has been submitted to rezone the B-4 to B-3 (P&Z: 19-13000008).

The property was previously used as a junk yard. The applicant must meet the Flex-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 not stated in their application how they will address this requirement. This application was reviewed by the Development Review Committee (DRC) on June 19, 2019.

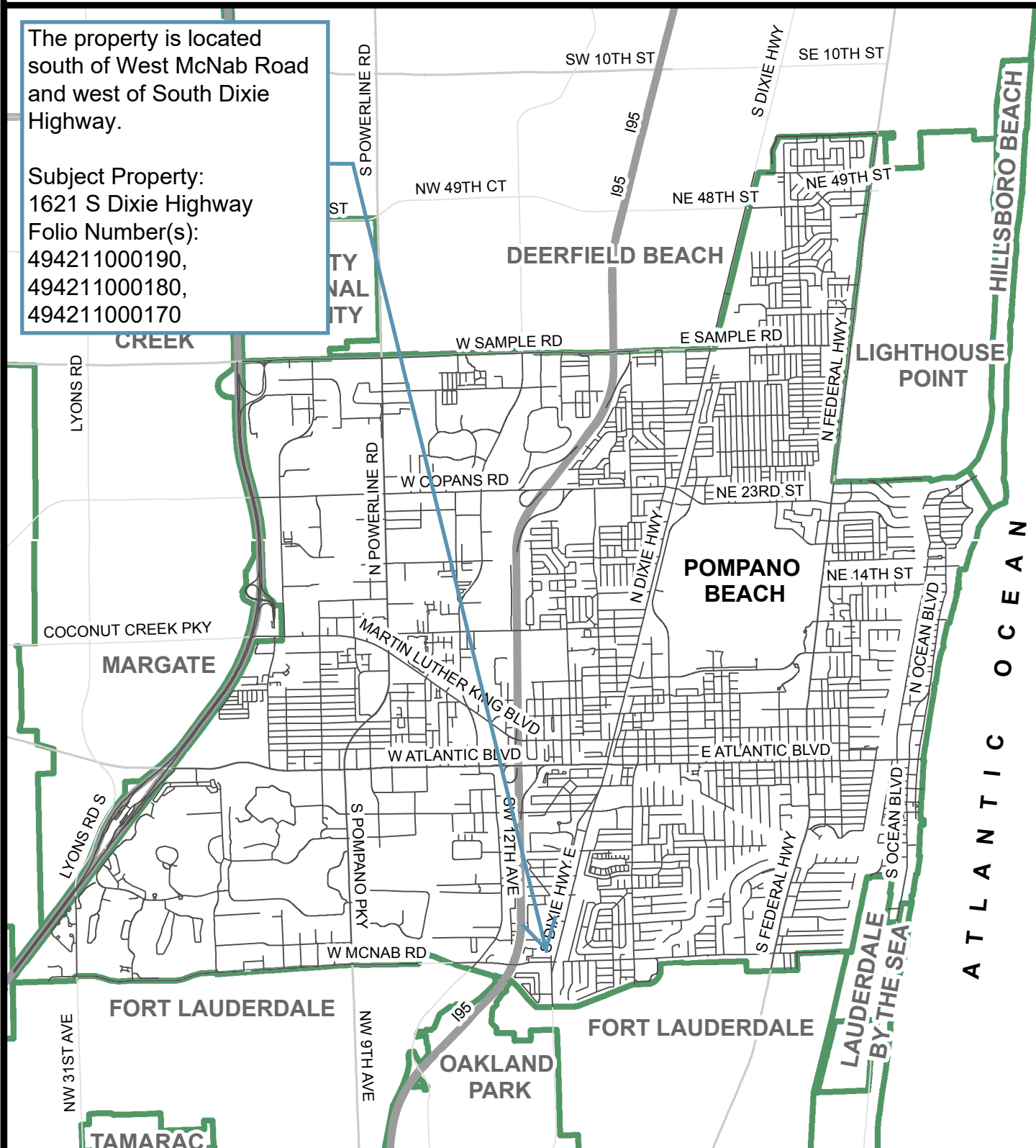
Subject Property (Net Acreage)	Existing Zoning	Proposed Zoning	Maximum Density, per Zoning	Land Use	Maximum Density, per Land Use	Flex Units Requested	Total Units Proposed
2.61	B-3	B-3	120 <sup>a</sup>	M (16)	41	73 <sup>b</sup>	<b>114</b>
2.5	B-4	B-3	115 <sup>a</sup>	C	0 <sup>c</sup>	115	<b>115</b>
<b>Totals:</b>			<b>235</b>		<b>41</b>	<b>188</b>	<b>229</b>
(a) Residential units can be afforded to commercial zoned properties, with the allocation of flex. (b) The maximum density on property with a Residential Land Use may be increased using Flexibility Units. (c) Residential units can only be afforded to properties with commercial land use, with the allocation of flex.							

# CITY OF POMPANO BEACH LOCATION MAP



The property is located south of West McNab Road and west of South Dixie Highway.

Subject Property:  
1621 S Dixie Highway  
Folio Number(s):  
494211000190,  
494211000180,  
494211000170



1 in = 1 miles

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES



# CITY OF POMPANO BEACH AERIAL MAP

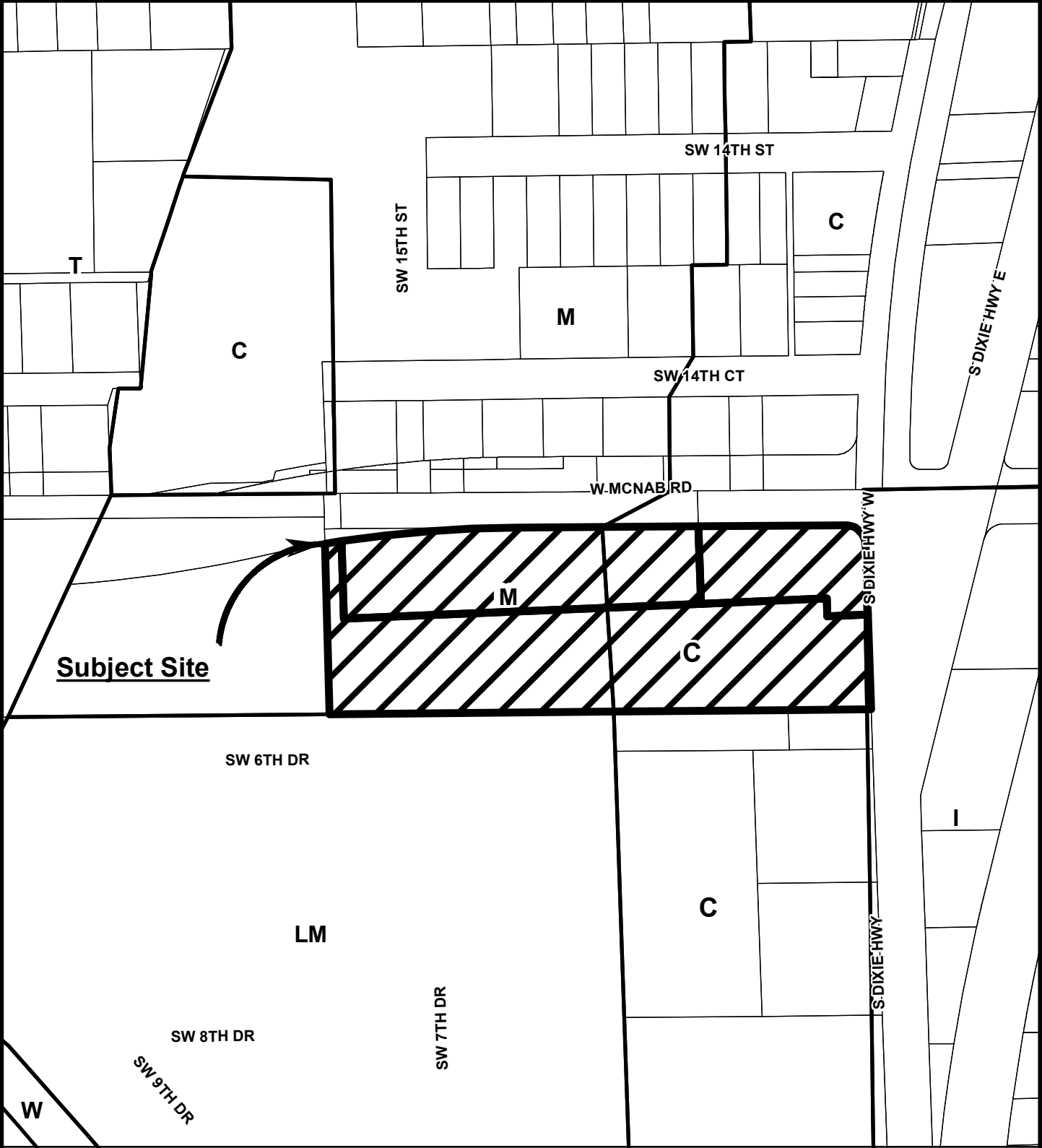


**Subject Site**

1 in = 208 ft

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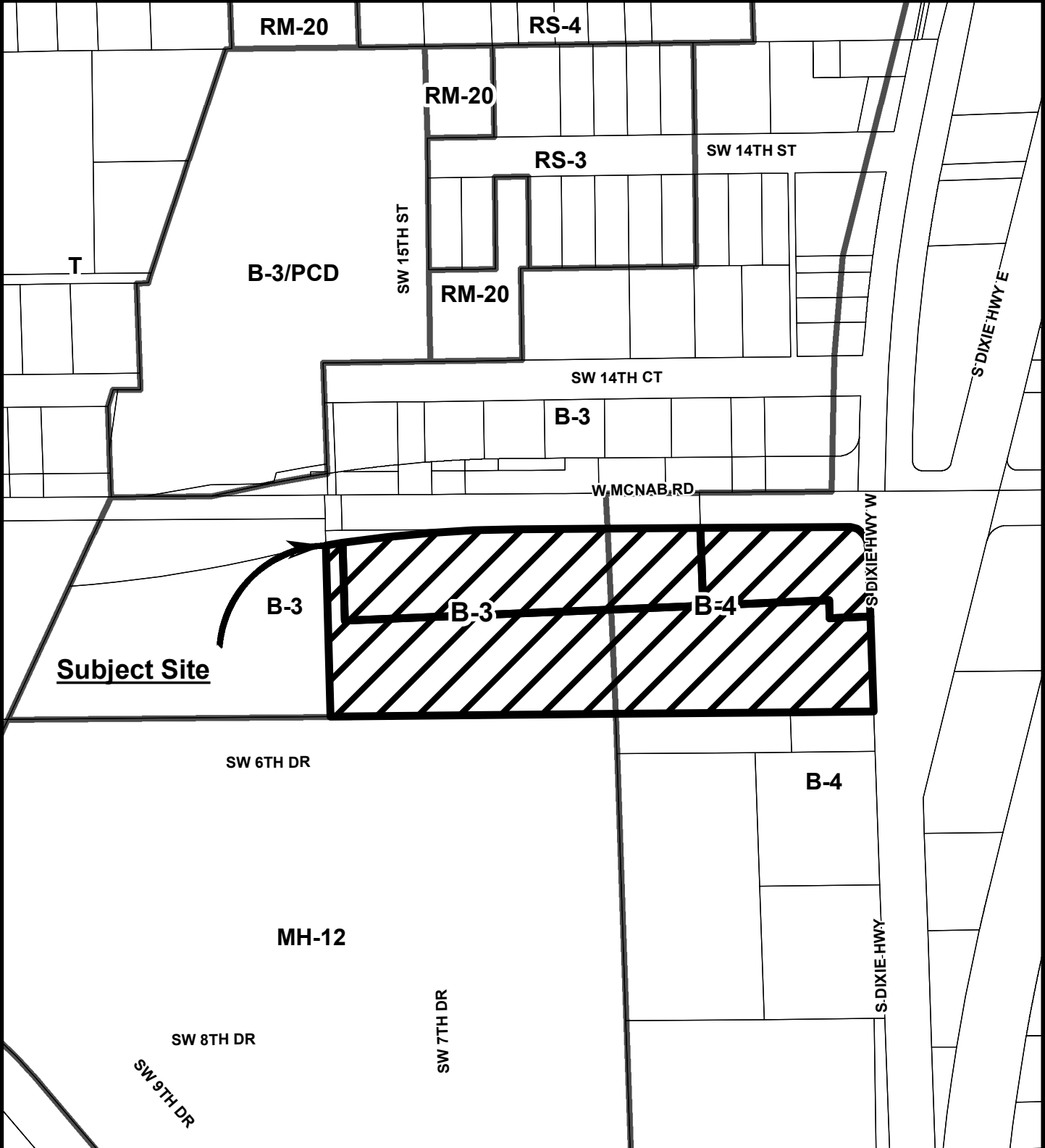
CITY OF POMPANO BEACH  
OFFICIAL LAND USE MAP



1 in = 208 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 208 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES



## LEGEND

### FOR LAND USE PLAN

Symbol      Classification Units/ Acre

#### 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
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T	Transportation
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U	Utilities
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CF	Community Facilities
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OR	Recreation & Open Space
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W	Water
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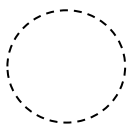
RAC	Regional Activity Center
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LAC	Local Activity Center
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DPTOC	Downtown Pompano Transit Oriented Corridor
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ETOC	East Transit Oriented Corridor
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Number



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

*	<b>Existing</b>
>	<b>Proposed</b>

### FOR ZONING MAP

Symbol      District

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	Commercal 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

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\*

**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.

**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.

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

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

**(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 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 McNab Road to the residential areas south of the property. The surrounding properties are included in the following table:

Direction	Zoning/Land Use Designation	Use
North	B-3/C	Commercial Buildings
East	B-4/I	Commercial Building / Offices
South	MH-12 & B-4/ LM & C	Mobile Homes, Offices, Showroom
West	B-3 / M	Vacant/ Undeveloped Land

**FLEXIBLE ALLOCATION TRACKING**

The City has 1,115 Flexibility Units available to be allocated, and there is one other pending application\* that has received approval from the Planning & Zoning Board. This application has yet to be granted or denied by the City Commission. Assuming that the pending application is granted by the City Commission, if this request was to be approved, the City would have 869 Flexibility Units remaining ( $1,115 - 58 - 188 = 869$ ).

**\*Pending Application:**

- **19-05000002** – 58 Units (Recommended for Approval by the P&Z June 26, 2019) *“Usman Palm Aire”*

**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.

**Alternative Motion I****Approval of the requested 188 unit Flex Unit allocation with the following conditions of implementation:**

1. The parcel with B-4 zoning must be rezoned to B-3.
2. 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 unit that will not fit on the site must be returned to the flex pool.
3. 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.
4. 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;
5. In order to ensure compatibility with adjacent properties, the conceptual plan shall illustrate the following three restrictions:
  - a) An increased setback of no less than 80 feet from the residential property to the south.
  - b) A Type “B” buffer along the southern property line, where the property abuts the residential community.
6. 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**