

ADMINISTRATIVE MEMORANDUM NO. 19-330

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 MB
SUBJECT: Hos Flex Allocation Request P&Z #18-05000008/ November 18, 2019 P&Z Meeting
DATE: October 31, 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 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.

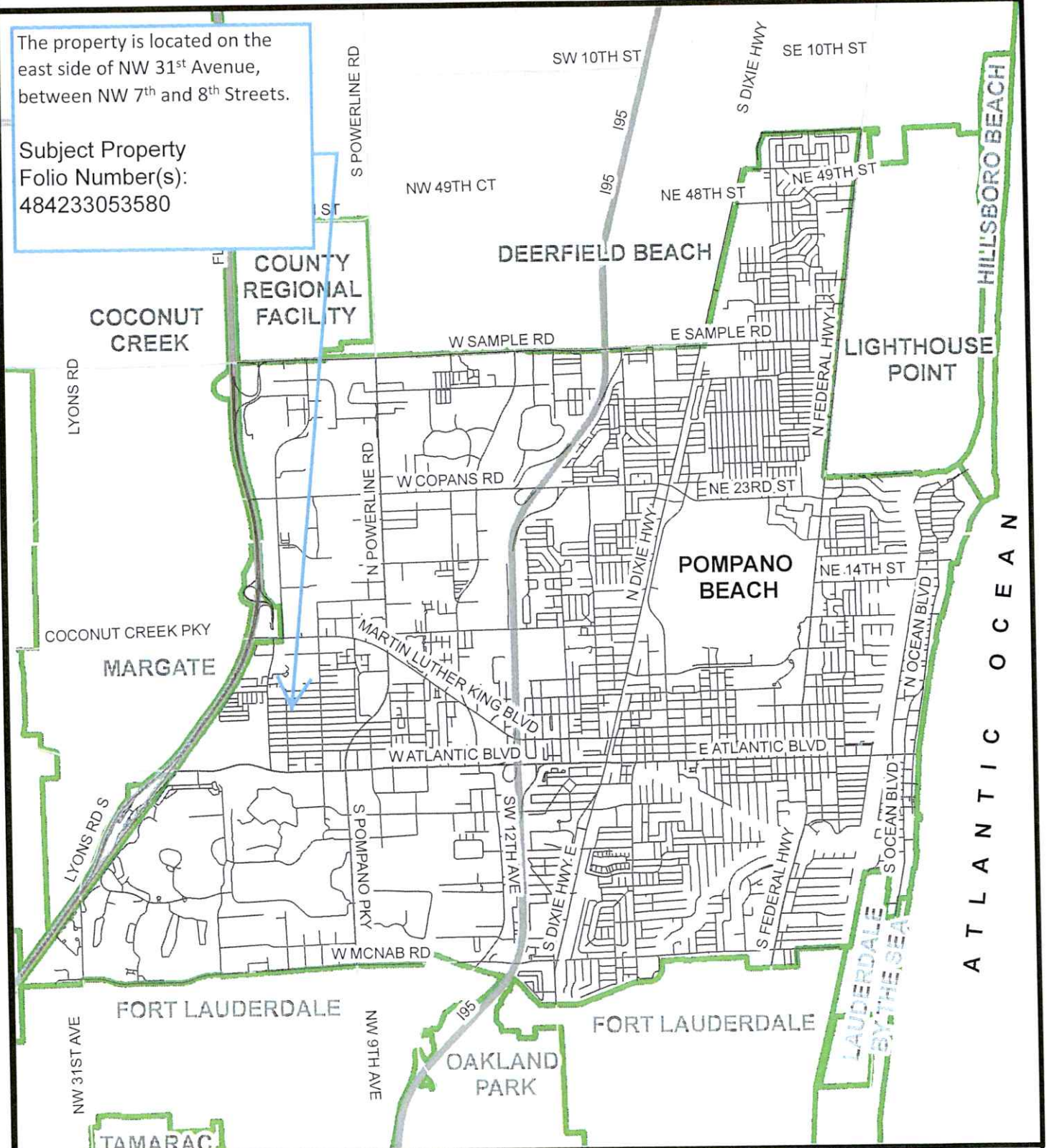
SH Brandt & Associates, on behalf of HUS Group, LLC, is requesting Flex allocation approval for a 41-unit affordable rental apartment community to be located on a 1.1-acre property that has a Commercial Land Use designation. The property is located on the northeast corner of NW 31st Avenue and NW 7th Street, and is currently vacant. The applicant proposes to develop 41 multi-family units on property that has a Commercial land use designation. The zoning designation of B-3 allows the multi-family residential use, as long as Flex allocation is approved to provide the residential entitlements. The applicant has submitted a conceptual site plan (Attachment I) showing a variation of 3 and 4-story units, and states that they will be providing an agreement consistent with Section 154.61(E) of the Zoning Code to commit to providing affordable moderate and workforce housing units. A site plan has not been submitted for this project as yet. There is a concurrent Plat Application for this property also being considered on this same Planning and Zoning Board agenda. This Plat application submittal was reviewed by the Development Review Committee (DRC) on August 1, 2018.

CITY OF POMPAÑO BEACH LOCATION MAP



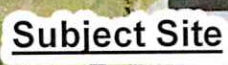
The property is located on the east side of NW 31st Avenue, between NW 7th and 8th Streets.

Subject Property
Folio Number(s):
484233053580



1 in = 1 miles

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES



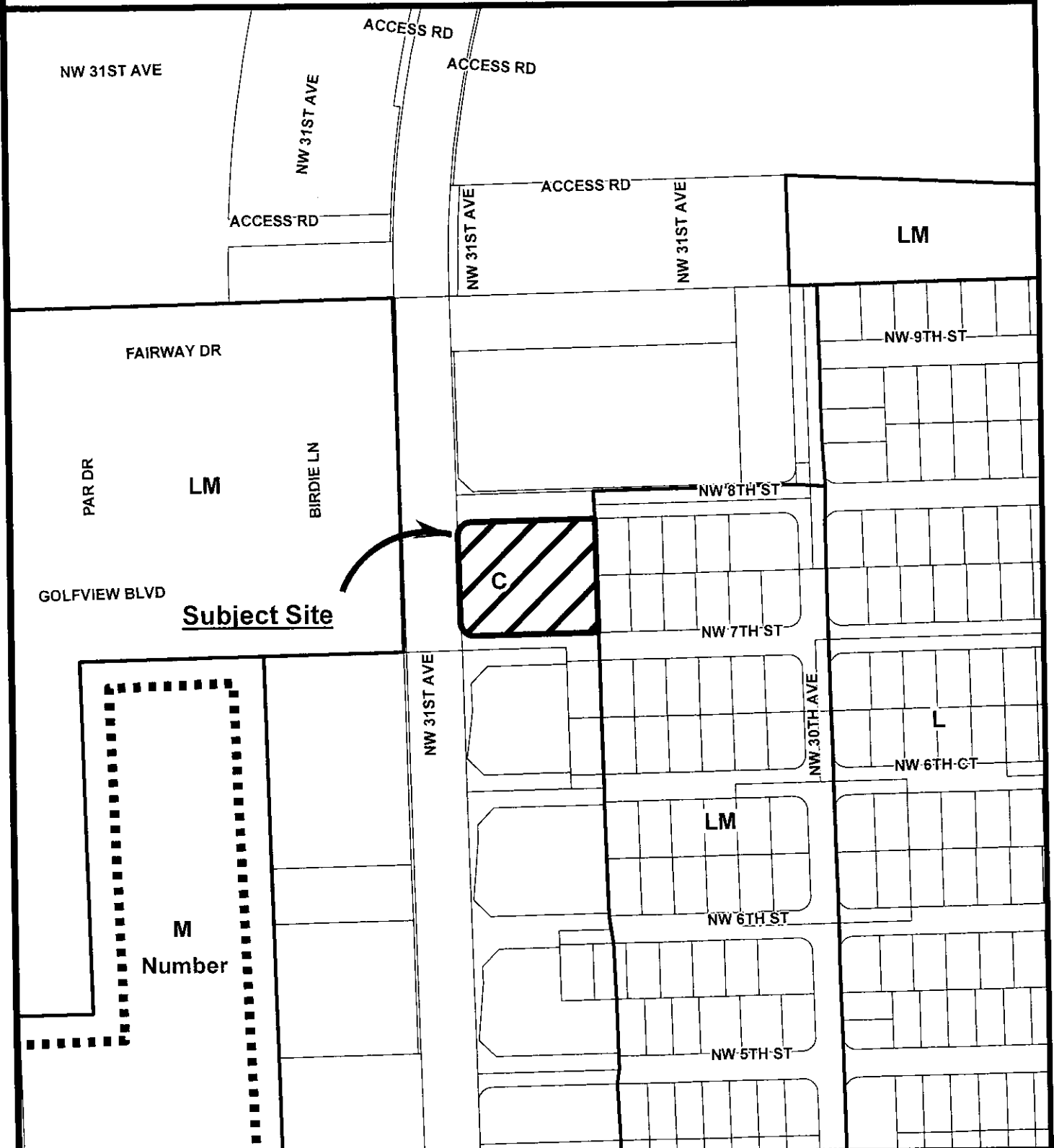
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10/4/2018

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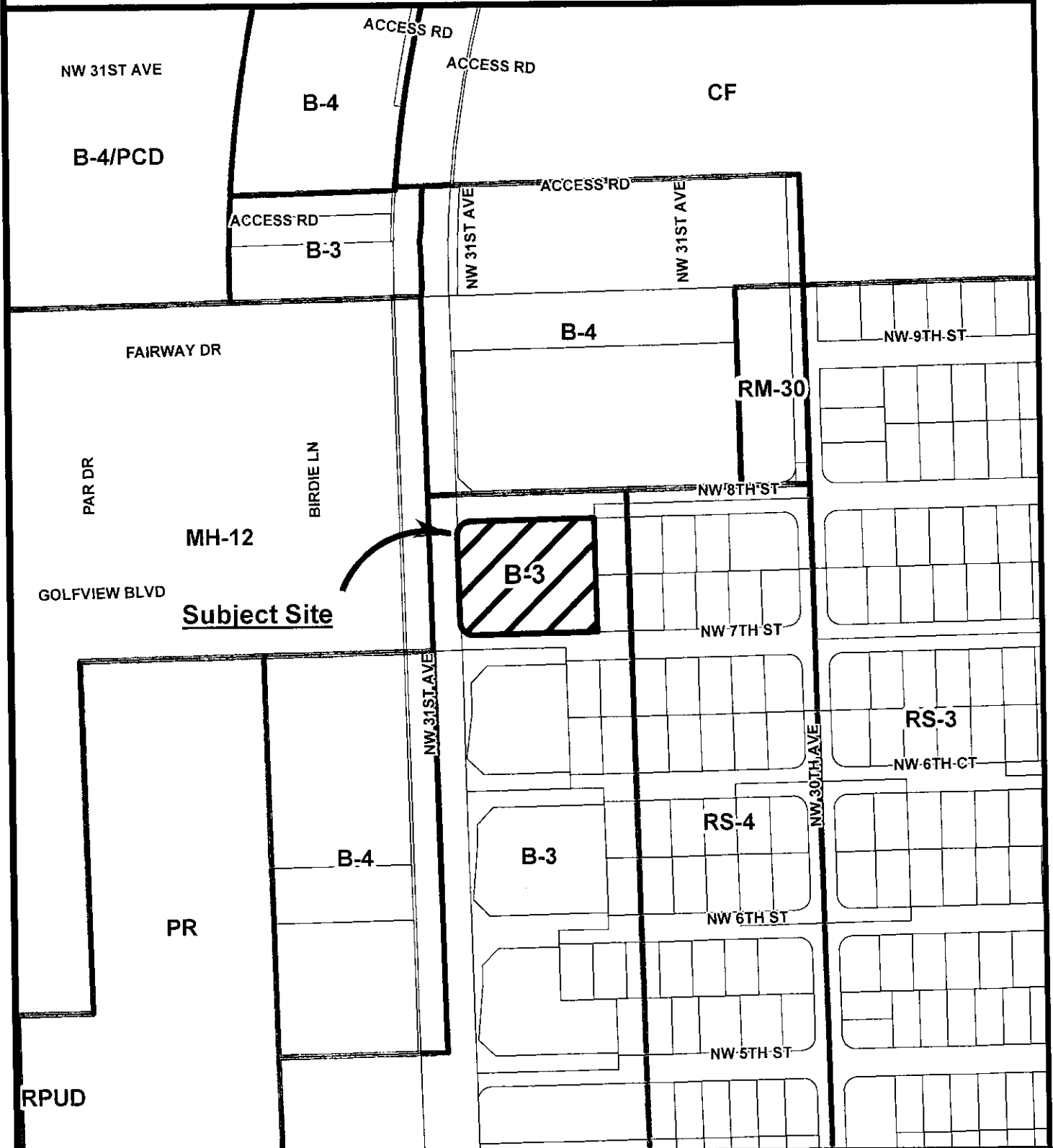
CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



1 in = 250 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 250 ft

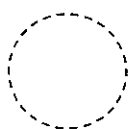
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PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

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
ETOC	East Transit Oriented Corridor
	Number



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

Policy 01.07.22 The city's land development code shall include provisions to encourage or enable a variety of housing opportunities in varying price ranges, including housing for low and moderate income families in large scale residential developments.

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.

(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 the adjacent residential uses to the east and on the same block as the subject parcel.

Direction	Zoning/Land Use Designation	Use
North	B-3/C	Storage facility
East	B-3/LM	Single Family Residential
South	B-3/C	Vacant
West	MH-12/LM	Mobile Homes

ANALYSIS

In the review criteria it states that the Applicant must provide competent substantial evidence that the proposed amendment is consistent with the Future Land Use Category and any applicable goals, objectives, and policies of the comprehensive plan and all other applicable city-adopted plans.

There are one Goal and three Policies included in this report as being relevant in the consideration of this flex unit request. Policies 01.03.06, 01.07.22 and 01.12.03 of the Future Land Use Element require minimal negative impacts to existing residential and compatibility with adjacent properties, while also promoting affordable housing. The applicant states in the narrative, “The height of the dwelling units will vary in height to be compatible with the surrounding residential area. A mix of 3 and 4-story units will be used to provide an aesthetically pleasing appearance from the main traffic corridor and east residential community.” It is Staff’s opinion that this residential project will provide more compatibility than if a commercial use was developed on site.

Staff is therefore of the opinion that there is a reasonable basis to support this request for Flex allocation.

FLEXIBLE ALLOCATION TRACKING

The City has 750 Flexibility Units available to be allocated, and there is one other pending application* that received approval from the Planning & Zoning Board. This application is being reconsidered by the City Commission in January of 2020. Assuming that the pending application is granted by the City Commission, and if this request of 41 flex units is approved, the City will have 651 Flexibility Units remaining. (750-58-41=651)

*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 41 unit Flex Unit allocation with the following conditions of implementation:

1. 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.
2. 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;
3. If a building permit is not issued within 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

REVISIONS

NO.	DATE	DESCRIPTION
1	10/25/19	ISSUED FOR PERMIT
2	11/05/19	REVISED PER CITY COMMENTS
3	11/15/19	REVISED PER CITY COMMENTS
4	11/25/19	REVISED PER CITY COMMENTS
5	12/05/19	REVISED PER CITY COMMENTS
6	12/15/19	REVISED PER CITY COMMENTS
7	12/25/19	REVISED PER CITY COMMENTS
8	01/05/20	REVISED PER CITY COMMENTS
9	01/15/20	REVISED PER CITY COMMENTS
10	01/25/20	REVISED PER CITY COMMENTS
11	02/05/20	REVISED PER CITY COMMENTS
12	02/15/20	REVISED PER CITY COMMENTS
13	02/25/20	REVISED PER CITY COMMENTS
14	03/05/20	REVISED PER CITY COMMENTS
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20	05/05/20	REVISED PER CITY COMMENTS
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97	06/25/22	REVISED PER CITY COMMENTS
98	07/05/22	REVISED PER CITY COMMENTS
99	07/15/22	REVISED PER CITY COMMENTS
100	07/25/22	REVISED PER CITY COMMENTS

S H BRANDT ASSOCIATES
ARCHITECTS
1000 NW 31st Ave
Pompano Beach, FL 33069
Phone: (954) 384-3111
Website: shbrandt.com
Email: info@shbrandt.com

ARCHITECTURE
INTERIOR DESIGN

Site Plan

1000 NW 31st Ave
Pompano Beach, FL 33069
1000 NW 31st Ave
Pompano Beach, FL 33069

Pompano Point
Apartments
1000 NW 31st Ave
Pompano Beach, FL 33069

DATE: 10/25/19
PROJECT NO: 1900000000
DRAWN BY: JH
CHECKED BY: JH
SCALE: 1/8" = 1'-0"

A0.1
SHEET

LANDSCAPE PLAN

1000 NW 31st Ave
Pompano Beach, FL 33069
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Pompano Beach, FL 33069

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SCALE: 1/8" = 1'-0"

A0.1
SHEET

SITE NOTES AND CALCULATIONS	
1. SITE AREA: 12,280 SF	2. TOTAL LOT AREA: 12,280 SF
3. LOT AREA: 12,280 SF	4. LOT AREA: 12,280 SF
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