

ADMINISTRATIVE MEMORANDUM NO. 19-380

TO: Planning and Zoning Board
VIA: David L. Recor, ICMA-CM, Director of Development Services *JGR for PZ*
VIA: Jennifer Gomez, AICP, Assistant Director of Development Services *JG*
FROM: Max Wemyss, AICP, Planner *WW*
SUBJECT: Sports Residence Flex Allocation Request
P&Z#s 18-05000004, 18-05000005, 18-05000006, 18-05000007
DATE: December 2, 2019 for December 16, 2019 PZB Meeting

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.

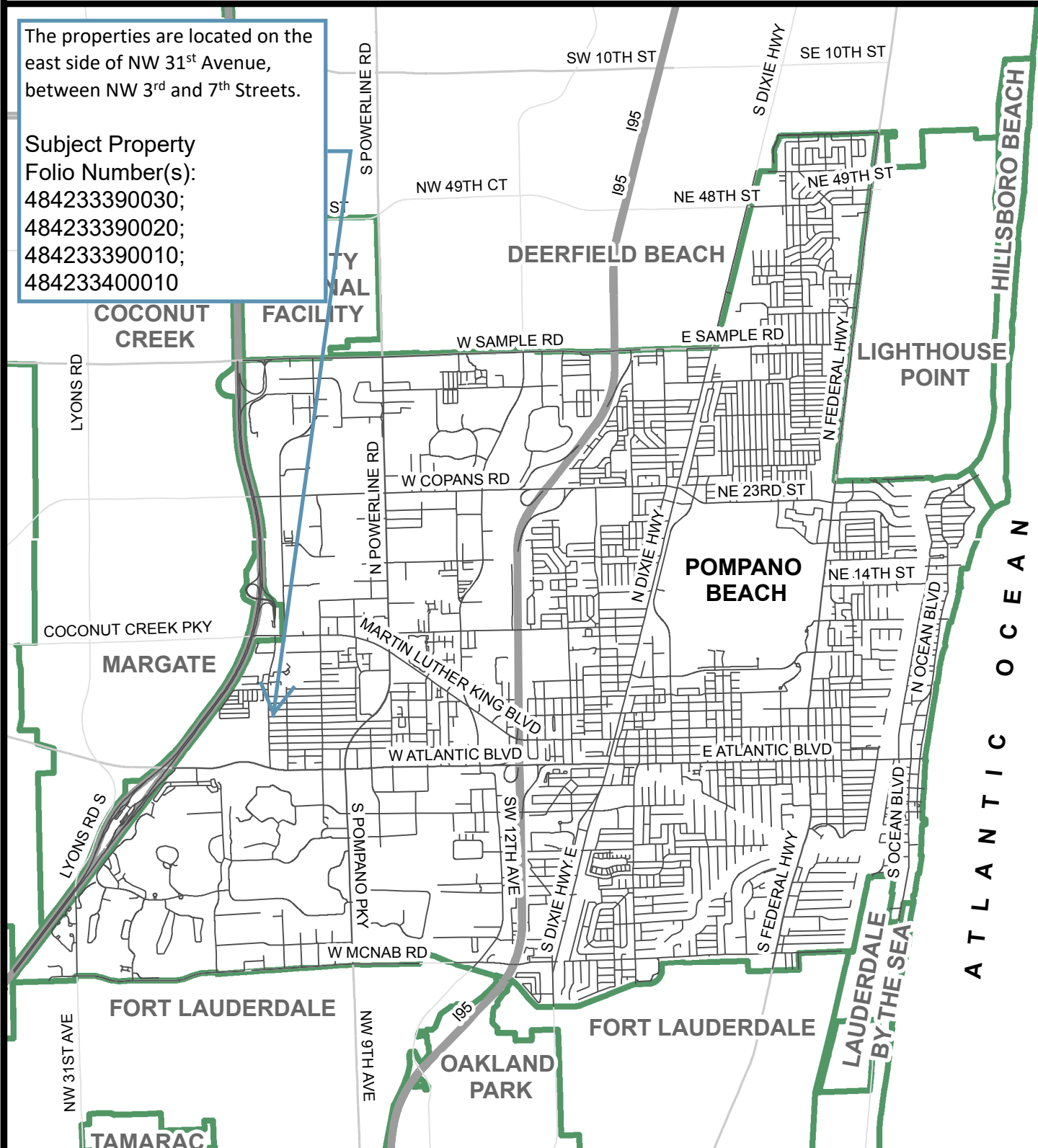
Robert Sherman, on behalf of The Pompano Beach Community Redevelopment Agency is requesting Flex allocation approval for a total of 52 townhouse units to be located on four properties along the east side of NW 31st Ave. There are four separate applications that have been submitted for consideration. Each application must be voted on separately and will be approved individually by Resolution by the City Commission. The properties are 300 NW 31st Ave (14 Townhomes proposed), 500 NW 31st Ave (12 Townhomes proposed), 600 NW 31st Ave (14 Townhomes proposed), and 620 NW 31st Ave (12 Townhomes proposed). All properties are currently vacant with a combined land area totaling 3.65 acres. All properties have a Commercial land use designation and a zoning designation of B-3, which allows the multi-family residential use, as long as Flex allocation is approved to provide the residential entitlements. The applicant has submitted conceptual site plans (Attachment A-D) showing a variation of 2 and 3-story unit types, and states that they are requesting the units consistent with Section 154.61(E) of the Zoning Code to commit to providing affordable moderate and workforce housing units. Four minor site plan applications have been submitted for these projects, pending flex application approval. The Development Review Committee (DRC) reviewed these Flex application submittals on April 3, 2019.

CITY OF POMPANO BEACH LOCATION MAP



The properties are located on the east side of NW 31st Avenue, between NW 3rd and 7th Streets.

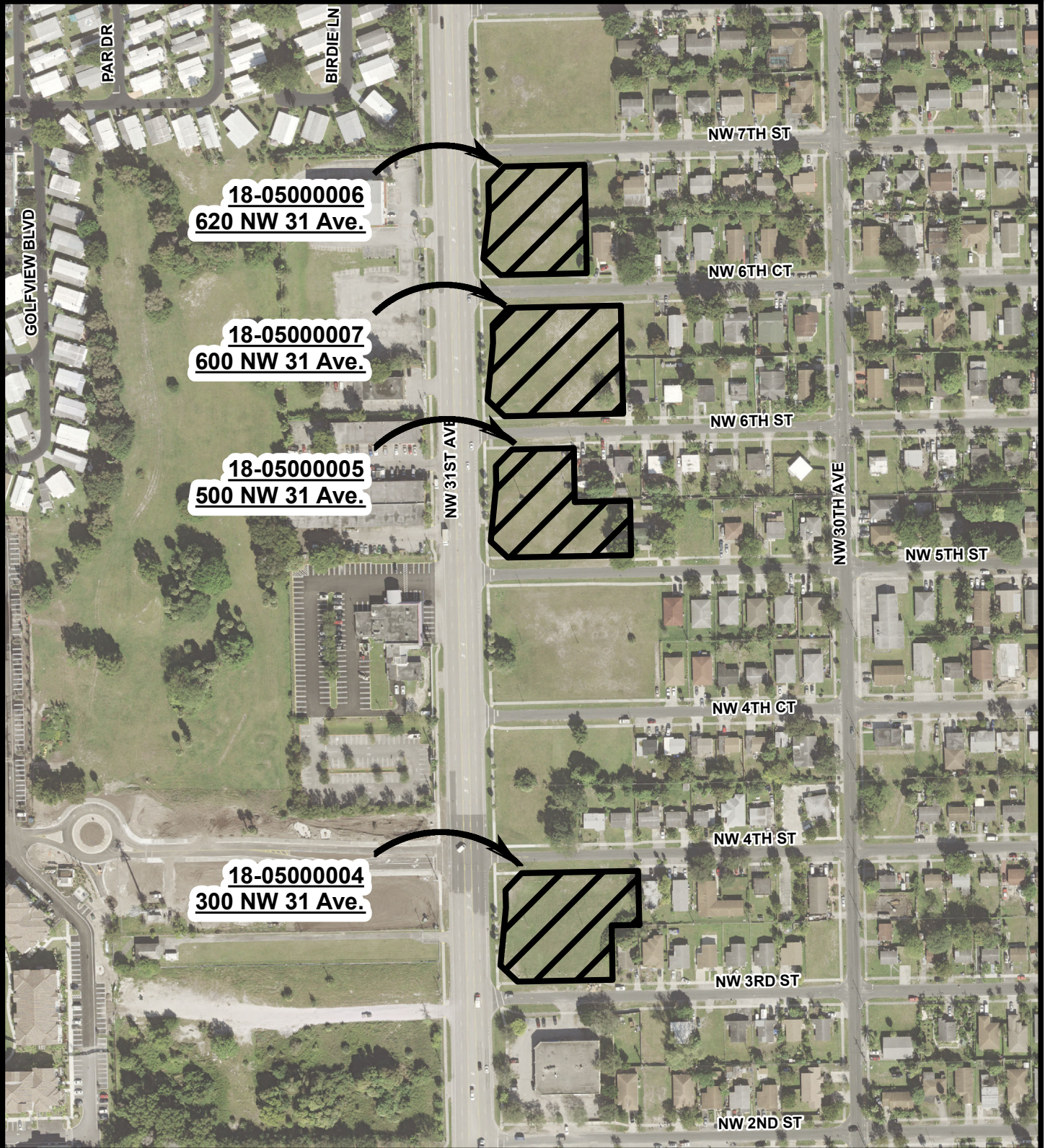
Subject Property
Folio Number(s):
484233390030;
484233390020;
484233390010;
484233400010



1 in = 1 miles

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

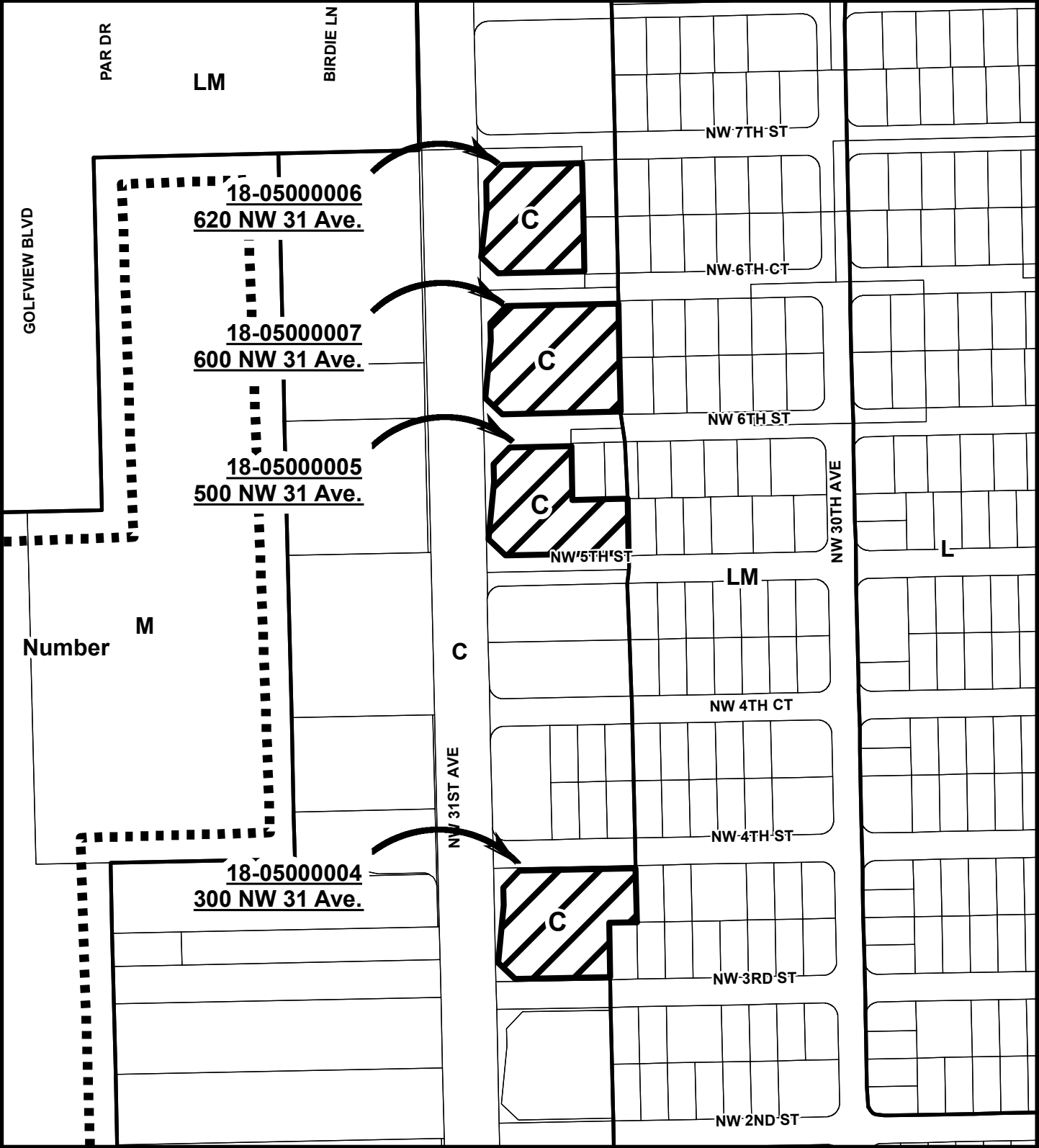
CITY OF POMPANO BEACH AERIAL MAP



1 in = 250 ft

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DEPARTMENT OF
DEVELOPMENT SERVICES

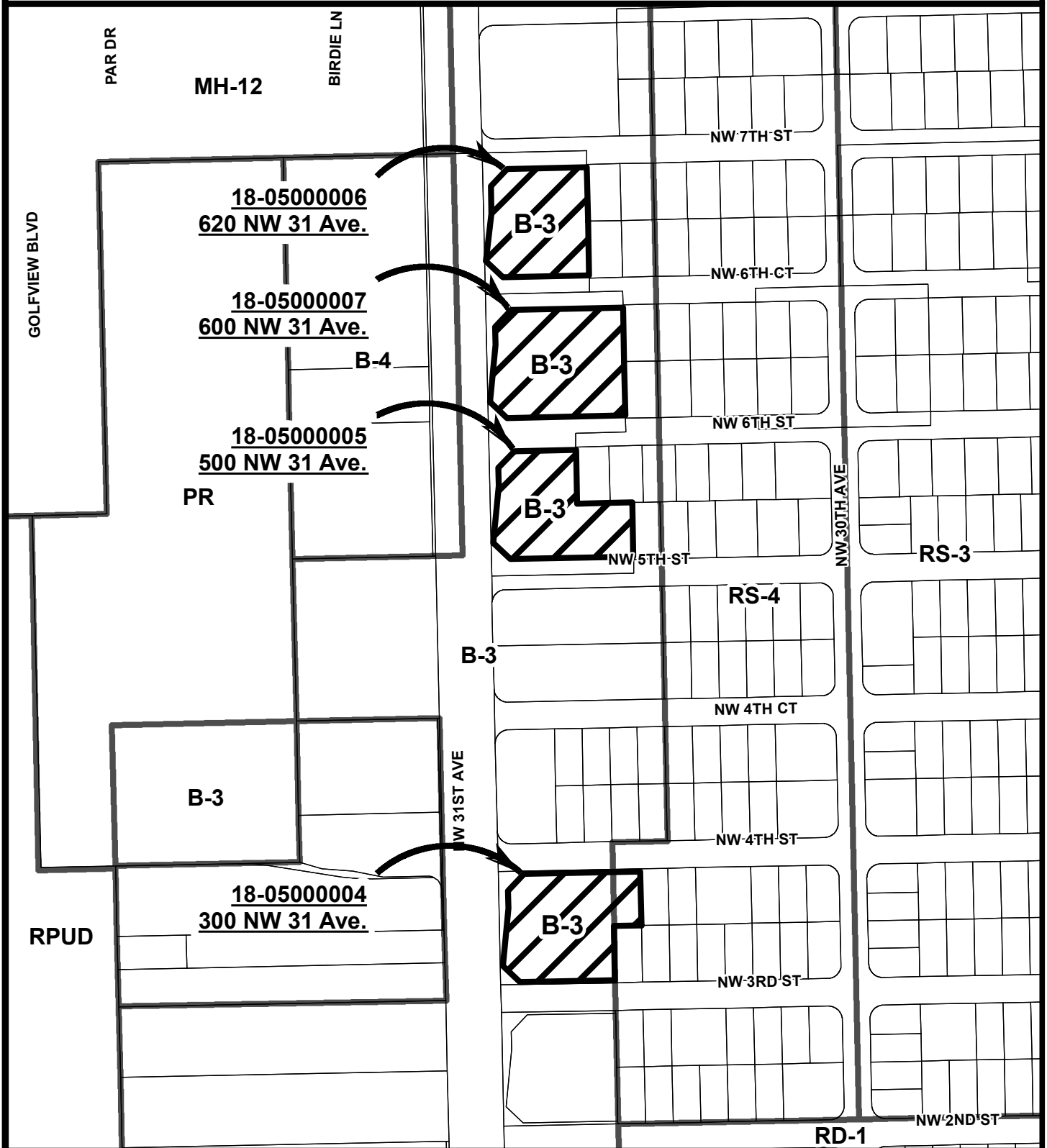
CITY OF POMPANO BEACH
OFFICIAL LAND USE MAP



1 in = 250 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH OFFICIAL ZONING MAP



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

T Transportation

U Utilities

CF Community Facilities

OR Recreation & Open Space

W Water

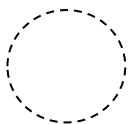
RAC Regional Activity Center

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

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 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 01.04.01 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.

Policy 01.07.21 Annually evaluate the effect of land development regulations and permitting on the affordability of housing and take appropriate actions to support the affordability of housing. Continue to implement the incentives for providing affordable housing currently in the land development regulations including the use of flex units for affordable housing and the expedited permit review process for developments primarily aimed at providing affordable housing.

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 the subject properties would produce a reasonable development pattern in considering compatibility to the adjacent residential uses to the east and on the same blocks as the subject parcels.

Direction	Zoning/Land Use Designation	Use
North	B-3/C	Vacant Land Recent Flex Unit Allocation
East	RS-4/LM	Single Family Residential
South	B-3/C	Vacant Land and Retail Building south of 300 NW 31 st Ave
West	B-3,B-4/C	Vacant Land, Commercial/Light Industrial Building

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 five Policies included in this report as being relevant in the consideration of this flex unit request. Policies 01.04.01, 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, “Landscape buffers are provided along all frontages and interior property lines to provide ample vegetation, site drainage, green area and as well as to screen for privacy. Private balconies and terraces are provided in each unit to encourage outdoor living and natural cross ventilation. However as required by code, there are no private balconies facing any neighbor single family residential private yard.” It is Staff’s opinion that this residential project will provide more compatibility than any commercial use that could be developed on site.

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

FLEXIBILITY ALLOCATION TRACKING

The City has 750 Flexibility Units available to be allocated, and there are two other pending applications* that received approval from the Planning & Zoning Board. Assuming that the City Commission grants the two pending applications, and that this request for 52 flex units is approved, the City will have 599 Flexibility Units remaining. (750-41-58-52=599)

*Pending Application:

- 18-05000007 – 41 Units (Recommended for Approval by the P&Z November 18, 2019) “HUS Group, LLC”
- 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. The Board must vote on each request separately.

Alternative Motion I: Flex Request Application 18-05000004

Approval of the requested 14-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. Amend the subject plat to move the NVAL in accordance with the conceptual site plans at time of site plan approval. Note on the conceptual plans that the NVAL location is pending plat note amendment;
4. 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 I: Flex Request Application 18-05000005

Approval of the requested 12-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. Amend the subject plat to move the NVAL in accordance with the conceptual site plans at time of site plan approval. Note on the conceptual plans that the NVAL location is pending plat note amendment;
4. 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 I: Flex Request Application 18-05000006

Approval of the requested 12-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. Amend the subject plat to move the NVAL in accordance with the conceptual site plans at time of site plan approval. Note on the conceptual plans that the NVAL location is pending plat note amendment;
4. 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 I: Flex Request Application 18-05000007

Approval of the requested 14-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. Prior to City Commission Approval, correct the discrepancy between the Survey, the Plat, and the Conceptual Site Plan. The location of the NVAL does not appear to be amended however it is in a different location on the survey than the Plat and Site Plan. If the plat does need to be amended, do so in accordance with the conceptual site plans at time of site plan approval and note on the conceptual plans that the NVAL location is pending plat note amendment;
4. 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 for each of the four Flexibility Unit Allocation Requests

Conceptual Plan

NW 31ST AVENUE
ATLANTIC BLVD EXTENSION
(RIGHT OF WAY VARIES)

NW 4TH STREET
55' RIGHT OF WAY
PARALLEL STREET PARKING

NW 3RD STREET
60' RIGHT OF WAY

Units:
UNIT 01 TYPE A
UNIT 02 TYPE A
UNIT 03 TYPE A
UNIT 04 TYPE B
UNIT 05 TYPE A
UNIT 06 TYPE A
UNIT 07 TYPE B
UNIT 08 TYPE A
UNIT 09 TYPE A
UNIT 10 TYPE B
UNIT 11 TYPE A
UNIT 12 TYPE A
UNIT 13 TYPE B
UNIT 14 TYPE A

Other Features:
PARALLEL STREET PARKING
EXISTING 5' SIDEWALK
PEDESTRIAN WALKWAY
PARKING AREA
TRASH AREA
LOT ZONING: RS-4
ADJACENT LOT ZONING: RS-4
ADJACENT BACK YARD AREA
AREA OF ONE CAR GARAGE INSIDE EACH UNIT
EXISTING FIRE HYDRANT
CENTERLINE OF ASPHALT ROAD ELEVATION (TYP.)
AVERAGE CENTERLINE OF ASPHALT
W. LINE OF THE E. 1/2 OF THE W. 1/2 OF THE S.W. 1/4 OF SECTION 33, TOWNSHIP 48 SOUTH, RANGE 42 EAST
12' UTILITY EASEMENT
10' LANDSCAPE EASEMENT
R/W
NVAL
PLAT LIMIT
EX. NVAL
SHARED VEHICULAR AND BICYCLE ACCESS THROUGHOUT

GROSS NET AREA: 71,990 SF = 1.65 ACRES

FLEX-1

Exhibit B: 18-05000005 / 500 NW 31st Ave
Conceptual Plan

GENERAL SITE INFORMATION:

PROPERTY ADDRESS	500 NW 31ST AVENUE POMPAHO BEACH, FL 33069
FOLIO #	4842 33 39 0020
LEGAL DESCRIPTION	PARCEL "B", HORN PLAT NO.2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 129, AT PAGE 47, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SITE ZONING (EXISTING):

ZONING:	B-3 (GENERAL BUSINESS)
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TOTAL LOT AREA:

LOT AREA:	37,397 SF = 0.86 ACRES
GROSS NET AREA:	65,903 SF = 1.51 ACRES

PROJECT AND OWNER:

SPORTS RESIDENCE 500

500 NW 31ST AVENUE
POMPAHO BEACH, FL | 33069

HADAR HOMES, LLC
300 S. PINE ISLAND ROAD, SUITE 309
PLANTATION | FL | 33324

ARCHITECT:

itec design • • • • • • • • • • • • • • • www.itecdesign.net	7261 NE 4TH AVE #101 Miami, FL 33138 t 305 673 2121 f 305 673 4640 w www.itecdesign.net # A A 0 0 0 3 3 9 4
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CONSULTING ENGINEERS:

MEP:

STRUCTURAL ENGINEER:

CIVIL ENGINEER:

CDI ENGINEERING AND PLANNING
4535 HUNTING TRAIL
LAKE WORTH | FL | 33467
t | 954 524 9800

LANDSCAPE ARCHITECT:

THOMAS WHITE, ASLA-ISA

2600 NE 27TH AVENUE
FORT LAUDERDALE | FL | 33306
t | 954 253 2265

KEY PLAN:

FLEX SET

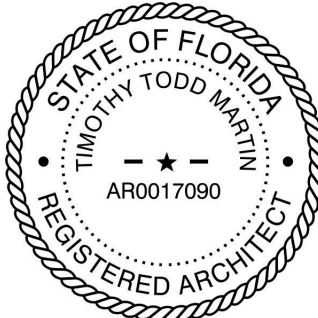
PERMIT APPLICATION DATE: 11-06-19

PROJECT NO.: 1805

DRAWN BY: BJ APPROVED BY: TM

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SEAL:



SIGNATURE:

T. TODD MARTIN RA,
LIC# AR0017090

SHEET TITLE:

CONCEPTUAL PLAN

SCALE:

N.T.S.

SHEET NO:

FLEX-1

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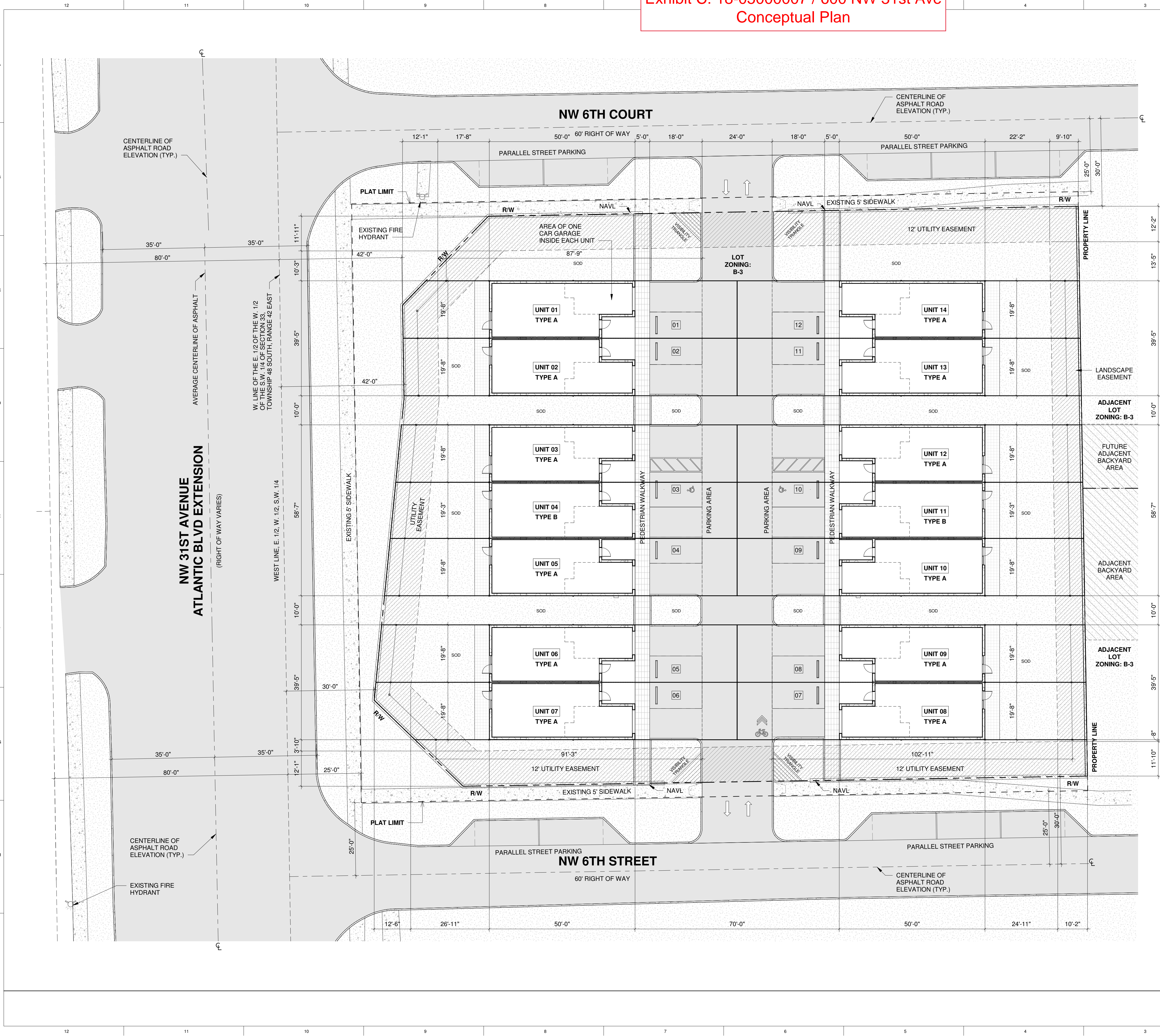


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CONCEPTUAL PLAN

SCALE: 1/16" = 1'-0"

Exhibit C: 18-05000007 / 600 NW 31st Ave
Conceptual Plan



GENERAL SITE INFORMATION:	
PROPERTY ADDRESS	600 NW 31ST AVENUE POMPANO BEACH, FL 33069
FOLIO #	4842 33 39 0010
LEGAL DESCRIPTION:	PARCEL "A", HORN PLAT NO.2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 129, AT PAGE 47, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
SITE ZONING (EXISTING):	
ZONING:	B-3 (GENERAL BUSINESS)
TOTAL LOT AREA:	
LOT AREA:	45,442 SF = 1.04 ACRES
GROSS NET AREA:	76,388 SF = 1.75 ACRES

PROJECT AND OWNER:

SPORTS RESIDENCE 600

600 NW 31ST AVENUE
POMPANO BEACH, FL | 33069

HADAR HOMES, LLC
300 S. PINE ISLAND ROAD, SUITE 309
PLANTATION | FL | 33324

ARCHITECT:

itec design 7261 NE 4TH AVE #101
Miami, FL 33138
t | 305 673 2121
f | 305 673 4640
w | www.itecdesign.net
A A 0 0 3 3 9 4

CONSULTING ENGINEERS:

MEP:

STRUCTURAL ENGINEER:

CIVIL ENGINEER:

CDI ENGINEERING AND PLANNING
4535 HUNTING TRAIL
LAKE WORTH | FL | 33467
t | 954 524 9800

LANDSCAPE ARCHITECT:

THOMAS WHITE, ASLA-ISA

2600 NE 27TH AVENUE
FORT LAUDERDALE | FL | 33306
t | 954 253 2265

KEY PLAN:

FLEX SET

PERMIT APPLICATION DATE: 11-06-19

PROJECT NO.: 1508

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SEAL:

STATE OF FLORIDA
TIMOTHY TODD MARTIN
AR0017090
REGISTERED ARCHITECT

SIGNATURE:

T. TODD MARTIN RA,
LIC# AR0017090

SHEET TITLE:

CONCEPTUAL PLAN

SCALE:

N.T.S.

SHEET NO:

FLEX-1

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2019

Exhibit D: 18-05000006 / 620 NW 31st Ave
Conceptual Plan

GENERAL SITE INFORMATION:	
PROPERTY ADDRESS	620 NW 31ST AVENUE POMPANO BEACH, FL 33069
FOLIO #	4842 33 40 0010
LEGAL DESCRIPTION:	PARCEL "A", S.H. PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 131, AT PAGE 6, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
SITE ZONING (EXISTING):	
ZONING:	B-3 (GENERAL BUSINESS)
TOTAL LOT AREA:	
LOT AREA:	33,988 SF = 0.78 ACRES
GROSS NET AREA:	61,104 SF = 1.40 ACRES

PROJECT AND OWNER:

SPORTS RESIDENCE 620

620 NW 31ST AVENUE
POMPANO BEACH, FL | 33069

HADAR HOMES, LLC
300 S. PINE ISLAND ROAD, SUITE 309
PLANTATION | FL | 33324

ARCHITECT:

itec design
7261 NE 4TH AVE #101
Miami, FL 33138
t | 305 673 2121
f | 305 673 4640
w | www.itecdesign.net
A A 0 0 3 3 9 4

CONSULTING ENGINEERS:

MEP:

STRUCTURAL ENGINEER:

CIVIL ENGINEER:

CDI ENGINEERING AND PLANNING
4535 HUNTING TRAIL
LAKE WORTH | FL | 33467
t | 954 524 9800

LANDSCAPE ARCHITECT:

THOMAS WHITE, ASLA-ISA

2600 NE 27TH AVENUE
FORT LAUDERDALE | FL | 33306
t | 954 253 2265

KEY PLAN:

FLEX SET

PERMIT APPLICATION DATE: 11-06-19

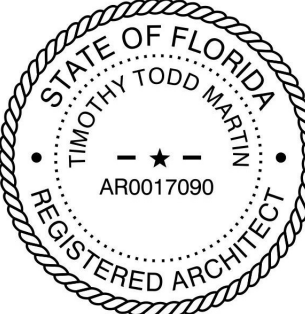
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LIC# AR0017090

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CONCEPTUAL PLAN

SCALE:

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SHEET NO:

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2019



1

CONCEPTUAL PLAN

SCALE: 1/16" = 1'-0"