

REQUESTED COMMISSION ACTION: QUASI JUDICIAL

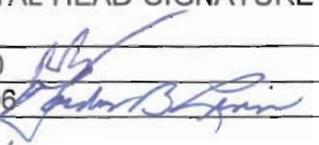
Consent                      Ordinance                       Resolution                      Consideration/  
Discussion                      Presentation

SHORT TITLE      AN RESOLUTION OF THE CITY OF POMPANO BEACH, FLORIDA, ALLOCATING A MAXIMUM OF TWENTY ONE (21) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF NORTH WEST 15<sup>TH</sup> STREET AND NORTH WEST 6<sup>TH</sup> AVENUE; PROVIDING AN EFFECTIVE DATE.

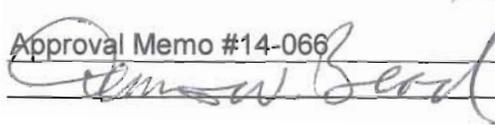
**Summary of Purpose and Why:**

This Flex allocation request is for a 2.32-acre property that has a Commercial Land Use designation and is located on the southwest corner of NW 15<sup>th</sup> Street and NW 6<sup>th</sup> Avenue. The request is for a maximum of 21 units to be located on property that has a Commercial Land Use. The site is owned by the Abyssinian Baptist Church of Christ, Inc. There is a concurrent rezoning request on the total project site, which is approximately 9.03 acres and is located at 600-800 NW 15<sup>th</sup> Street. The purpose for the rezoning and the flex unit allocation requests was originally to allow the development of single-family and duplex units. Since the Planning and Zoning Meeting however, the applicant has reduced the density to eliminate the duplex and only build single-family units in order to accommodate concerns of neighboring residents. The applicant has submitted a conceptual site plan (see Exhibit B of the proposed Ordinance) showing the layout of the units. The overall project is proposing to develop 80 total units on the 9.03-acre residential site, if the rezoning and flex requests are approved.

- (1) Origin of request for this action: Habitat for Humanity
- (2) Primary staff contact: Robin M. Bird/ Maggie Barszewski Ext. 7921
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Services	10/10/14	Approval	Memo# 14-460
City Attorney	12/4/14		CAC# 2015-306 

- Planning and Zoning Board
- City Manager 

Approval Memo #14-066 

**ACTION TAKEN BY COMMISSION:**

<u>Ordinance</u>	<u>Resolution</u>	<u>Consideration</u>
<u>Workshop</u>		
1 <sup>st</sup> Reading	1 <sup>st</sup> Reading	Results:                      Results:
2 <sup>nd</sup> Reading		





**City Attorney's Communication #2015-306**

December 4, 2014

**TO:** Maggie Barszewski, AICP, Planner

**FROM:** Gordon B. Linn, City Attorney

**RE:** Resolution Review for Habitat for Humanity Flex Allocation for Property Located at 600-800 NW 15<sup>th</sup> Street

As requested in your memorandum to me of December 2, 2014, Development Services Department Memorandum #14-556, I have reviewed the draft resolution regarding flex allocation for 21 flex units that was attached to your memorandum and find same to be acceptable as to legal form and content.

Should you have any further questions regarding this matter, please feel free to contact me.



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GORDON B. LINN

GBL/jrm  
l:cor/dev-srvc/2015-306

RESOLUTION NO. \_\_\_\_\_

CITY OF POMPANO BEACH  
Broward County, Florida

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING A MAXIMUM OF TWENTY ONE (21) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF NORTH WEST 15<sup>TH</sup> STREET AND NORTH WEST 6<sup>TH</sup> AVENUE; PROVIDING AN AFFECTIVE DATE.**

**WHEREAS**, Habitat for Humanity of Broward, Inc. requests an allocation of a maximum of twenty one (21) flex units in order to construct 80 dwelling units for a residential development on property known as 600 North West , legally described in Exhibit "A"; and

**WHEREAS**, the city of Pompano Beach has passed Ordinance No. Ordinance 2007-48 which requires that applications for flex and reserve units must comply with certain requirements to construct affordable housing; and.

**WHEREAS**, the applicant intends to comply with the affordable housing requirements of Ordinance No.2007-48, by deed restricting the subject property for 30 years to require "Low income" purchasers; and

**WHEREAS**, in order to construct the proposed project on the subject property, the city will have to allocate a maximum of 21 flex units; now, therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF CITY OF POMPANO BEACH, FLORIDA:

**SECTION 1:** That the City Commission of the City of Pompano Beach hereby allocates a maximum of 21 flex units, all of which will come from the unified flex zone for the proposed housing project to be constructed on the property which is legally described in Exhibit "A."

**SECTION 2:** The number of flex units in the unified flex zone shall be reduced by how ever many units are necessary for the project, not to exceed 21 units.

**SECTION 3:** The proposed project must be built in substantial conformity with the attached conceptual site plan as shown in Exhibit “B,” a copy of which is attached hereto and made a part hereof.

**SECTION 4:** The applicant must comply with the affordable housing requirements of Ordinance No.2007-48, which will be through the Applicant’s voluntary commitment to have a 30-year deed restriction placed on the property requiring sales to be made to only “Low-income” purchasers, as defined by the U.S. Department of Housing and Urban Development.

**SECTION 5:** Failure of the applicant to obtain a principal building permit for its project as shown in Exhibit “B” within two years of the date of this resolution shall render the allocation of the flex units null and void.

**SECTION 6:** Failure of the applicant to construct the project substantially in accordance with the conceptual site plan as shown in Exhibit “B” shall render the allocation of the flex units null and void; the units may not be used for or applied to any other project or projects.

**SECTION 7:** That all Ordinances or parts of Ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

**SECTION 8:** This Resolution shall become effective upon passage.

**PASSED AND ADOPTED** this 13<sup>th</sup> DAY OF January, 2015

\_\_\_\_\_  
LAMAR FISHER, MAYOR

ATTEST:

\_\_\_\_\_  
MARY L. CHAMBERS  
CITY CLERK

# Exhibit A

## **HABITAT ABYSSINIAN COMMERCIAL PARCEL**

### **LEGAL DESCRIPTION**

ALL THAT PART OF THE NW ¼ OF THE NE ¼ OF THE NW ¼ LYING WEST OF AND ADJACENT TO NW 6<sup>TH</sup> AVENUE, LESS THE F.E.C. RAILROAD RIGHT OF WAY OF THE SOUTH 150 FEET AND NORTH 35 FEET WHICH HAS BEEN DEDICATED FOR ROAD RIGHT-OF-WAY OF NW 15<sup>TH</sup> STREET, ALL IN SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA;

AND

THE EAST 100 FEET OF THE E ½ OF THE NE ¼ OF THE NW ¼ OF THE NW ¼, EXCEPT THE SOUTH 150 FEET FOR FLORIDA EAST COAST RIGHT-OF-WAY AND EXCEPT THE NORTH 35 FEET THEREOF, DEDICATED FOR STREET RIGHT-OF-WAY, IN SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA.









Florida's Warmest Welcome

Development Services Department  
Robin M. Bird, Director  
Planning and Zoning Division  
City of Pompano Beach, Florida

100 W. Atlantic Boulevard, Pompano Beach, Florida 33060 | p: 954.786.4629 | f: 954.786.4044

December 22, 2014

Sam Hornsby  
Director of Construction and Real Estate Development  
Habitat for Humanity of Broward County, Inc.  
3564 North Ocean Boulevard  
Fort Lauderdale, FL 33308

Subject: Abyssinian Baptist Church of Christ, Inc. Flex Allocation Request

Dear Mr. Hornsby

Per our conversation on Thursday, the Flex Unit Allocation request has been placed on the agenda for January 13, 2015. Since Section 3.02 B. 8. of the Comprehensive Plan's Land Use Element prohibits Flex Unit Allocation for single family development, a Local Future Land Use Element will have to be submitted and approved before the issuance of any permits. As we discussed, the Planned Unit Development can be applied for concurrently with this Local Land Use Amendment, as long as the amendment is approved first.

I look forward to working with you on this endeavor. If you should have any questions, please don't hesitate to contact me.

Sincerely,

Maggie Barszewski, AICP

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY  
MEMORANDUM #14-066**

**DATE:** October 28, 2014  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** FLEX UNIT REQUEST  
600-800 NW 15 ST  
P & Z #14-05000001 Habitat for Humanity of Broward

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At the meeting of the Planning and Zoning Board/ Local Planning Agency held on October 22, 2014, the Board considered the request by **Habitat for Humanity of Broward** requesting 21 FLEX UNITS on the above referenced property.

The applicant, Habitat for Humanity of Broward, intends to provide a deed restriction for the property requiring all sales to Low-income purchasers for a term of 30 years.

As it is consistent with the goals, objectives, and policies of the Comprehensive Plan stated in Administrative Report 14-460, it is the unanimous recommendation of the Board that the FLEX UNIT request be approved with the following one (1) condition of staff:

1. Applicant must deed restrict the property to meet Section 154.61(D)(3): Affordable Housing Requirements



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Jim Beeson  
Chairman  
Planning and Zoning Board/ Local Planning Agency

# MEMORANDUM

## Development Services

**ADMINISTRATIVE MEMORANDUM NO. 14-460**

DATE: October 10, 2014  
TO: Planning and Zoning Board  
VIA: Robin M. Bird, Development Services Director *RB*  
FROM: Maggie Barszewski, AICP, Planner *MB*  
RE: Habitat for Humanity Flex Allocation Request  
October 22, 2014 meeting

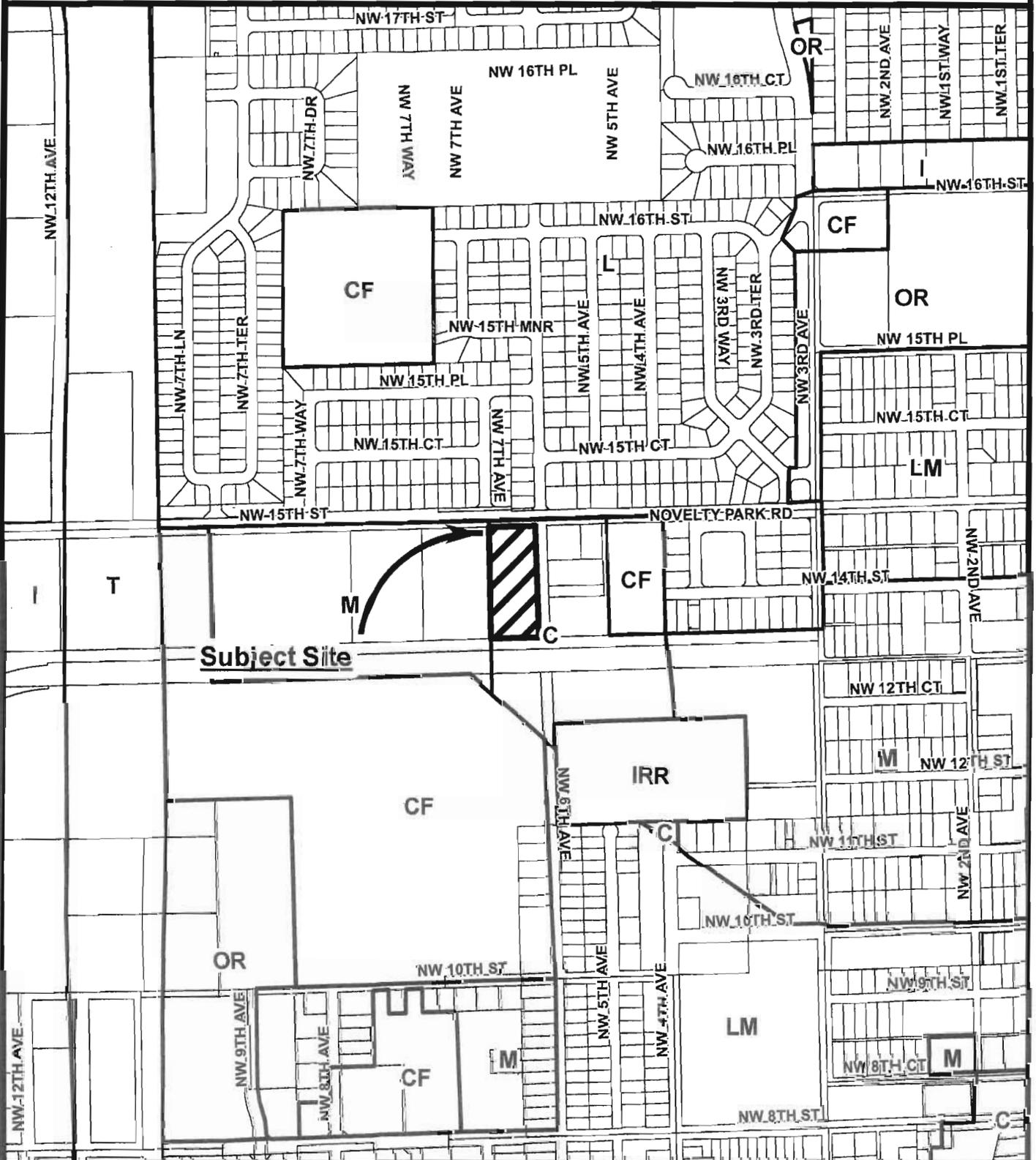
P&Z # 14-500001

This Flex allocation request is for a 2.32-acre property that has a Commercial Land Use designation and is located on the southwest corner of NW 15<sup>th</sup> Street and NW 6<sup>th</sup> Avenue. The request is for 21 units to be located on property that has a Commercial Land Use. The site is owned by the Abyssinian Baptist Church of Christ, Inc. There is a concurrent rezoning request on the total project site, which is approximately 9.03 acres and is located at 600-800 NW 15<sup>th</sup> Street. This total property is owned by both the Abyssinian Baptist Church of Christ, Inc. and Habitat for Humanity. The purpose for the rezoning and the flex unit allocation requests is to allow the development of a combination of single-family and duplex units. The applicant has submitted a preliminary site plan (see Attachment I) showing the layout of 9 single-family and 12 duplex units on this flex-site subject property for a total of the 21 flex units. The overall project is proposing to develop 80 total units on the 9.03-acre residential site, if the rezoning and flex requests are approved.

600-800 NW 15<sup>th</sup> Street



# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



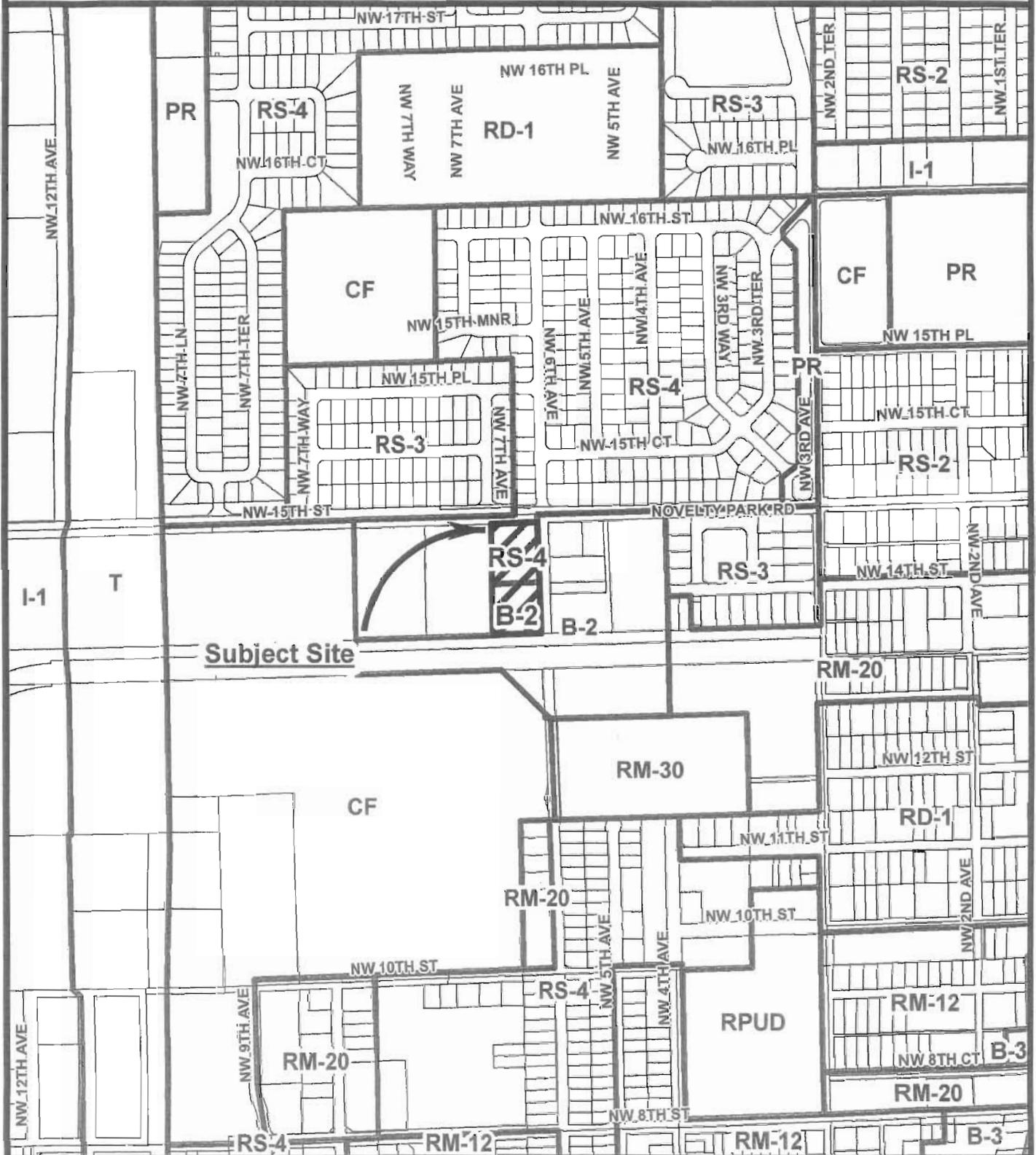
**Subject Site**

1 in = 600 ft

3

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 600 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# CITY OF POMPANO BEACH AERIAL MAP



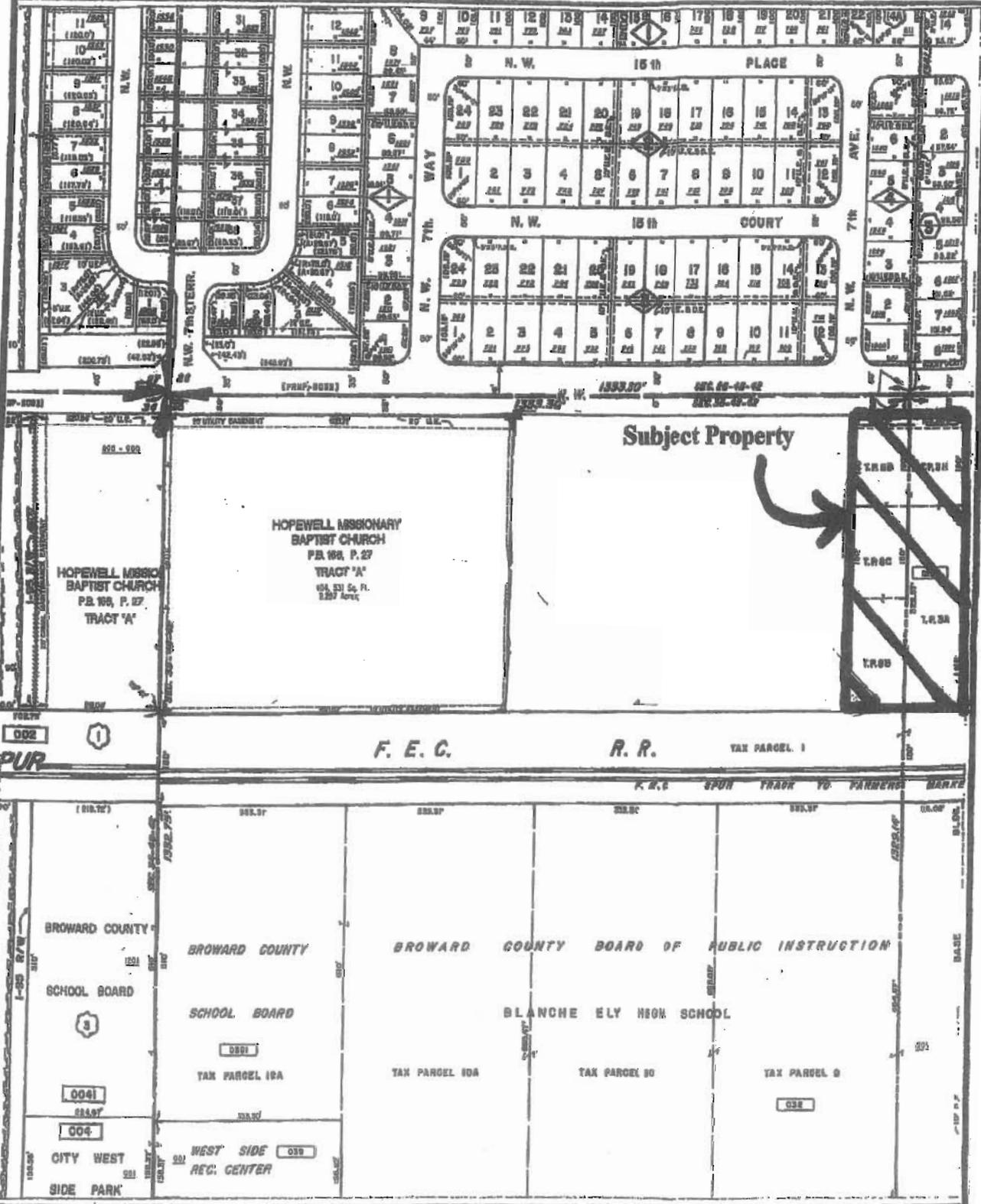
**Subject Site**

1 in = 600 ft

5

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# EXCERPT FROM THE CITY OF POMPAÑO BEACH PLAT MAP



SCALE: NTS

NORTH

## REVIEW & SUMMARY

- A. Development Services Department staff submits the following factual information which is relevant to this rezoning request:**
1. The property is located at 600-800 NW 15<sup>th</sup> Street.
  2. The area included in this flex application is 2.32 acres (approximately 101059.2 square feet).
  3. The Zoning and uses of adjacent properties are:  
North – (RS-4) – Single-Family Residential  
South – (B-2) – High School  
East – (B-2) – Retail/Commercial  
West – (CF) – Church
  4. The main access to this property will be from NW 6<sup>th</sup> Avenue.
  5. The Land Use Designation is C (Commercial).
  6. The subject property is included in the Flex Receiving Area
  7. The review criteria is Section 154.61(c)(2) and states the following:  
(2) Approval by the City Commission for the requested number of reserve and flexibility units, or such lesser number, upon applicant establishing by competent and substantial evidence, the following:  
(a) Consistency with applicable goals, objectives and policies of the City's Comprehensive Plan and this chapter.  
(b) 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.
  8. Section 154.61(D)(3) requires that to be eligible for the allocation of flexibility and reserve units the applicant must agree to provide affordable housing units on the application site of any one type. The applicant for this project is Habitat for Humanity of Broward and they will be providing a deed restriction for the property requiring all sales to Low-income purchasers for a term of 30 years.

**B. The following goals, objectives and policies of the City's Comprehensive Plan have been identified as pertinent to this flex 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.

**Policies**

01.03.04 Consider the preservation of established single family neighborhoods in all rezonings, Land Use Plan amendments and site plan approvals.

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

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.

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.

**Objective Urban Infill Criteria**

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.

**C. Recommendation:**

Given the information provided to the Board, as the findings of fact, staff 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 with the condition that the applicant deed restrict the property to meet Section 154.61(D)(3). This approval is recommended since the request is consistent with the following goals, objectives and policies of the Comprehensive Plan and with Section 154.61(D)(3) of the Code, specifically:

**Policies**

- 01.03.04 Consider the preservation of established single family neighborhoods in all rezonings, Land Use Plan amendments and site plan approvals.
- 01.03.05 All Land Use Plan amendments and rezonings shall provide for the orderly transition of varying land use designations.
- 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.
- 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.

**Objective Urban Infill Criteria**

- 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.

**Pompano Beach Code of Ordinances**

Section 154.61(D)(3) requires that to be eligible for the allocation of flexibility and reserve units the applicant must agree to provide affordable housing units on the application site of any one type.

**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 produce a reasonable development pattern, including failure to demonstrate compatibility of adjacent land uses and suitability of the parcel for various development patterns.

Further, the Flex request is not consistent with the goals, objectives and policies of the Comprehensive Plan, specifically:

#### **Goal**

01.00.0 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.

### **STAFF RECOMMENDS ALTERNATIVE MOTION I**