

Meeting Date: 1/27/2015

Agenda Item 19

REQUESTED COMMISSION ACTION: **QUASI-JUDICIAL**

<u>        </u> Consent	<u>        </u> Ordinance	<u>  X  </u> Resolution	<u>        </u> Consideration/ Discussion	<u>        </u> Presentation
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SHORT TITLE AN RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ALLOCATING A MAXIMUM OF ONE HUNDRED ONE (101) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED AT 641 NORTH DIXIE HIGHWAY, 200 AND 216 NORTHWEST 8<sup>TH</sup> COURT; PROVIDING AN EFFECTIVE DATE.

**Summary of Purpose and Why:**

This Flex allocation request is for a 6.966-acre subject property that has both Commercial (C) and Low Medium (LM) Residential Land Use designations on two parcels. The property is located on both sides of NW 8<sup>th</sup> Street, with the northern parcel on the corner of NW 8<sup>th</sup> Street and Dixie Hwy. The request is for a total of 101 Flex units to be allocated on property that has a Commercial Land Use. The site is owned by the Paola Florida, LLC & WTLG, LLC. The purpose for this flex unit allocation request is to allow the development of a multifamily affordable-housing development with a total of 121 units. The applicant has submitted a conceptual site plan (see Exhibit B of Resolution) showing the layout of the four proposed residential buildings. The applicant has submitted a voluntary Declaration of Restrictive Covenants instrument restricting the property to provide affordable housing (see Attachment I). The Planning and Zoning Board unanimously recommended approval with the following conditions: 1) The applicant must deed restrict the property to meet Sec. 154.61(D)(3); and 2) If funding is not secured for the project, any allocated flex units shall be returned to the City. These conditions are sited in Sections 4 and 5 of the Resolution.

- (1) Origin of request for this action: PHG Holdings, LLC
- (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

<u>DEPARTMENTAL COORDINATION</u>	<u>DATE</u>	<u>DEPARTMENTAL RECOMMENDATION</u>	<u>DEPARTMENTAL HEAD SIGNATURE</u>
<u>Dev. Services</u>	<u>12/4/14 &amp; 12/17/14</u>	<u>Approval</u>	<u>Memo# 14-566 &amp; Memo # 14-578</u>
<u>City Attorney</u>	<u>1/7/15</u>	<u>        </u>	<u>CAC# 2015-420</u>

X Planning and Zoning Board  
X City Manager *[Signature]*

Approval Memo #14-082  
*[Signature]*

**ACTION TAKEN BY COMMISSION:**

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



**City Attorney's Communication #2015-420**

January 7, 2015

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

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

**RE:** Resolution Review for Pinnacle Flex Allocation for Property Located at 641 N. Dixie Highway, 200 and 216 NW 8<sup>th</sup> Court

As requested in your memorandum to me of January 7, 2015, Development Services Department Memorandum #14-595, I have reviewed the draft resolution regarding flex allocation for 101 flex units that was attached to your memorandum and find same to be acceptable as to legal form and content providing the revision we discussed is made to the document.

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

GORDON B. LINN

GBL/jrm  
l:cor/dev-srvc/2015-420

CITY OF POMPANO BEACH  
Broward County, Florida

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING A MAXIMUM OF ONE HUNDRED AND ONE (101) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED AT 641 NORTH DIXIE HIGHWAY, 200 AND 216 NORTHWEST 8<sup>TH</sup> COURT; PROVIDING AN AFFECTIVE DATE.**

**WHEREAS**, Pinnacle Housing Group, LLC. requests an allocation of a maximum of one hundred one (101) flex units in order to construct 121 dwelling units for a residential development on property known as 641 N. Dixie Hwy., 200 and 216 NW 8<sup>th</sup> Court, 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 50 years to require renters or purchasers of units with income at 60 percent of area-medium income or less, adjusted for family size; and

**WHEREAS**, in order to construct the proposed project on the subject property, the city will have to allocate a maximum of 101 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 101 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 however many units are necessary for the project, not to exceed 101 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 50-year deed restriction placed on the property requiring renters or purchasers of units with an income at 60 percent of area-medium income or less, adjusted for family size.

**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 27<sup>th</sup> DAY OF January, 2015

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

ATTEST:

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

## Exhibit A

### Survey 1:

#### PARCEL 1:

THE SOUTH FOUR (4) ACRES OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, LYING WEST OF THE FLORIDA EAST COAST RAILWAY RIGHT-OF-WAY, LESS THE NORTH 133 FEET OF THE SOUTH 164 FEET OF THE EAST 210 FEET OF THE WEST 619.5 FEET THEREOF, AND LESS THE SOUTH 30 FEET FOR ROADWAY PURPOSES SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

LESS THE RIGHT-OF-WAY FOR OLD DIXIE HIGHWAY, INCLUDING THE FOLLOWING PORTION THEREOF RECENTLY DEEDED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO WIT:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 35; THENCE RUN NORTH  $87^{\circ}56'39''$  EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER (NE 1/4), A DISTANCE OF 870.28 FEET, THENCE NORTH  $02^{\circ}03'21''$  WEST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH  $50^{\circ}57'00''$  EAST, A DISTANCE OF 30.09 FEET; THENCE NORTH  $13^{\circ}57'20''$  EAST, ALONG A LINE 80.00 FEET WESTERLY OF AND PARALLEL TO THE WESTERLY EXISTING RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY RAILROAD, A DISTANCE OF 93.62 FEET; THENCE NORTH  $38^{\circ}52'36''$  WEST, A DISTANCE OF 39.84 FEET; THENCE NORTH  $88^{\circ}17'28''$ , A DISTANCE OF 58.94 FEET TO THE WESTERLY EXISTING RIGHT OF WAY LINE FOR STATE ROAD 811 (DIXIE HIGHWAY); THENCE SOUTH  $13^{\circ}57'20''$  WEST, A DISTANCE OF 145.27 FEET; THENCE SOUTH  $87^{\circ}56'39''$  WEST, A DISTANCE OF 44.84 FEET TO THE POINT OF BEGINNING.

AND LESS:

#### PARCEL NO. 110

THAT PART OF TRACT II OF THE PLAT OF THE SUB'D OF SEC. 35, T 48 S, R 42 E, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK B, PAGE 76 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, ALSO BEING A PORTION OF THE SOUTH FOUR (4) ACRES OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 35; THENCE RUN NORTH  $87^{\circ}56'39''$  EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER (NE 1/4) A

DISTANCE OF 870.28 FEET; THENCE NORTH 02°03'21" WEST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 50°57'00" EAST, A DISTANCE OF 30.09 FEET; THENCE NORTH 13°57'20" EAST, ALONG A LINE 80.0 FEET WESTERLY OF AND PARALLEL TO THE WESTERLY EXISTING RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY RAILROAD, A DISTANCE OF 93.62 FEET; THENCE NORTH 38°52'36" WEST, A DISTANCE OF 39.84 FEET; THENCE NORTH 88°17'28" EAST, A DISTANCE OF 60.83 FEET TO THE WESTERLY EXISTING RIGHT OF WAY LINE FOR STATE ROAD 811 (DIXIE HIGHWAY); THENCE SOUTH 13°57'00" WEST, A DISTANCE OF 145.25 FEET; THENCE SOUTH 87°56'39" WEST, A DISTANCE OF 46.75 FEET TO THE POINT OF BEGINNING.

SAID LAND HAVING AN AREA OF 96,568 SQUARE FEET EQUAL TO 2.217 ACRES MORE OR LESS.

PARCEL II:

THAT PORTION OF THE SOUTH FOUR (4) ACRES OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 409.5 FEET EAST OF, AND 31 FEET NORTH OF, THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 35, RUNNING THENCE EASTERLY PARALLEL WITH AND 31 FEET NORTH OF THE SOUTH BOUNDARY OF SAID NORTHEAST ONE-QUARTER (NE 1/4), 210 FEET TO A POINT, THENCE NORTHERLY 133 FEET TO A POINT, THENCE WESTERLY PARALLEL WITH THE SOUTH BOUNDARY OF SAID NORTHEAST ONE-QUARTER (NE 1/4), 210 FEET TO A POINT; THENCE SOUTHERLY 133 FEET TO THE POINT OF BEGINNING.

FURTHER DESCRIBED AS LOTS 1, 2, 4, 5, 6, AND 7 OF BLOCK 2 OF SYLVANIA, ACCORDING TO THE UNRECORDED PLAT THEREOF PREPARED BY CHARLTON-DAVIS & SHELTON CIVIL ENGINEERS, IN MARCH, 1927, ALL OF SAID LANDS LYING AND BEING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA.

THE ABOVE PROPERTY IS ALSO DESCRIBED AS THE NORTH 133 FEET OF THE SOUTH 164 FEET OF THE EAST 210 FEET OF THE WEST 619.5 FEET OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 35.

SAID LAND HAVING AN AREA OF 27,930 SQUARE FEET EQUAL TO 0.641 ACRES MORE OR LESS.

## Survey 2:

LOTS 1, 2, 3, 6 THRU 12 AND THE EAST 1/2 OF LOT 13 OF SUMPTER'S ADDITION TO POMPANO THE FIRST ADDITION PER PLAT BOOK 10 PAGE 67; TOGETHER WITH A VACATED ALLEY PORTION OF NW 6 CT (7 ST) AS DESCRIBED IN OR 45181/321 AND PER VACATED 15' ALLEY LYING BETWEEN LOTS 6 THRU 12 AND EAST 1/2 OF 13 PER OR 38597/1455 AND OR 43583/377.

SOURCE OF THE LEGAL DESCRIPTION: BROWARD COUNTY PROPERTY APPRAISER

SAID LAND HAVING AN AREA OF 116,603 SQUARE FEET EQUAL TO 2.677 ACRES MORE OR LESS.

# Exhibit B



**SITE PLAN**  
SCALE: 1" = 50'



5101 N.W. 21ST AVENUE, SUITE 340  
FORT LAUDERDALE, FL 33309  
T: (954) 332-0184  
F: (954) 332-0187  
A: 0002317

DESIGNED: PKA  
DRAWN: PKA  
CHECKED: PKA

VERIFY FROM PASQUALE, INC. (SHEETWORK)  
 VERIFY FROM SITE PLAN (SHEETWORK)

## PINNACLE AT ENTRADA

POMPANO BEACH FL

PROJECT NO: 1450  
DATE: 11/15/14

REVISIONS  
11/14/14 SUBMITTAL

SITE PLAN

FLEX UNIT SUBMITTAL

A-1.0

# Attachment I

CFN # 109699463, OR BK 47516 Page 1780, Page 1 of 5, Recorded 11/10/2010 at 03:59 PM, Broward County Commission, Deputy Clerk 3330

Return recorded copy to:

Development and Environmental Regulation Division  
115 S. Andrews Avenue, A240  
Fort Lauderdale, FL 33301

Document prepared by:

Keith M. Poliakoff, Esq.  
Becker and Poliakoff  
3111 Stirling Road  
Fort Lauderdale, FL. 33312

## DECLARATION OF RESTRICTIVE COVENANTS (AFFORDABLE HOUSING)

This Declaration of Restrictive Covenants, made this 28 day of October, 2010, by EVERY GLEN, LLC, hereinafter referred to as "OWNER," and [N/A] as MORTGAGEE (if property described in Exhibit "A" is encumbered by a mortgage).

WHEREAS, OWNER is the fee title owner of that certain real property known as the Avery Glen Plat ("Plat"), located in Broward County, Florida, and legally described in Exhibit "A," attached hereto and incorporated herein (the "Property"); and

WHEREAS, OWNER hereby covenants that OWNER is lawfully seized of said Property in fee simple; that the Property is free and clear of all encumbrances that are inconsistent with the terms of this Declaration and all mortgagees have been joined or subordinated; that OWNER has good right and lawful authority to make this Declaration; and that OWNER agrees to fully warrant and defend this Declaration against the claims of all persons whomsoever; and

WHEREAS, OWNER intends to build affordable housing units on the Property and has applied to BROWARD COUNTY for the waiver of One Hundred and Sixty-Six, Eight Hundred and Fifty Four and No/100 (\$166,854.00) in impact and/or administrative fees related to the Plat; and

WHEREAS, pursuant to Section 5-184 of the Broward County Land Development Code, a condition of waiving the impact and/or administrative fees for affordable housing is that OWNER must reasonably ensure that affordable housing units are rented or sold to persons meeting the income limitations defined in Section 5-201 of the Broward County Code of Ordinances; and

WHEREAS, OWNER, in fulfillment of that obligation hereby places certain restrictions on the use of the Property; NOW, THEREFORE:

1. The recitals set forth above are true and correct and are incorporated into these restrictive covenants.

2. OWNER hereby declares that the Property shall be held, maintained, transferred, sold, conveyed, and owned subject to the following designations and restrictive covenants:

OWNER hereby agrees that One Hundred and Sixty-Six, Eight Hundred and Fifty Four and No/100 (\$166,854.00) in impact and/or administrative fees have been waived for the Plat for the construction of:

14 very low income units  
126 low income units

within the Plat. OWNER shall ensure that the aforementioned units shall be sold and rented to persons meeting the applicable income limitations, as defined in Section 5-201 of the Broward County Code of Ordinances.

3. This Declaration of Restrictive Covenants shall be recorded in the Public Records of Broward County, Florida, and shall run with the Property at the specified income level(s) for a period of at least:

- Twenty (20) years for rental housing, or  
 Ten (10) years for owner-occupied housing.

4. BROWARD COUNTY, at the request of OWNER or its successor, shall cause a release to be recorded in the Official Records of Broward County, Florida upon payment of all applicable impact fees at the rate in effect at the time of the request for the release of the restrictive covenant prior to the above referenced time periods.

5. BROWARD COUNTY, through its Board of County Commissioners, its successors and assigns, is the beneficiary of these restrictive covenants and as such, BROWARD COUNTY may enforce these restrictive covenants by an action at law or in equity against any person or persons, entity or entities, violating or attempting to violate the terms of these restrictions. Additionally, BROWARD COUNTY may institute foreclosure proceedings against the Property for the amount of fees that OWNER is bound to repay.

6. Any failure of BROWARD COUNTY to enforce these restrictive covenants shall not be deemed a waiver of the right to do so thereafter.

7. Invalidation of any one of these restrictive covenants by judgment or court order shall in no way affect any other conditions which remain in full force and effect.

8. This Declaration of Restrictive Covenants shall be recorded in the Public Records of Broward County, Florida, and shall become effective upon recordation.

9. (a) If there is a mortgage against the Property described in Exhibit "A," MORTGAGEE hereby agrees that the Mortgage it holds from OWNER recorded in Official Records Book \_\_\_\_\_, Page \_\_\_\_\_, of the Public Records of Broward County, Florida, all of which encumber the Property described herein shall be and are subordinate to the restrictive covenants set forth above, restricting the use of the real Property for the time periods set forth above.
- (b) In the event of a foreclosure whereby MORTGAGEE takes title to the Property, MORTGAGEE may request the release of the restrictive covenant restricting the Property included in Exhibit "A." The County Administrator is authorized to execute a release of the restrictive covenant upon payment of all applicable impact fees at the rate in effect at the time of the request for the release of the restrictive covenant.

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THIS IS NOT AN  
OFFICIAL COPY

**OWNER-CORPORATION/PARTNERSHIP**

Witnesses (if partnership):

[Signature]  
(Signature)

Print name: Lisa M. Gonzalez

[Signature]  
(Signature)

Print name: Jaclynnggo

AVERY GLEN, LLC

Name of Owner (corporation/partnership)

By [Signature]  
(Signature)

Print name: David O. Deutch

Title: Vice President of PHG-Avery, LLC

Managing Member of Avery Glen, LLC

Address: 9400 S. Dadeland Blvd., #100

Miami, Florida 33156

28 day of October, 2010

ATTEST (if corporation):

[Signature] (CORPORATE SEAL)

(Secretary Signature)

Print Name of Secretary:

[Signature]

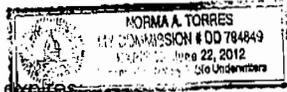
**ACKNOWLEDGMENT - CORPORATION/PARTNERSHIP**

STATE OF FLORIDA )  
) SS.  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 28 day of October, 2010, by David O. Deutch, as Vice President of PHG-Avery, LLC, the Managing Member of AVERY GLEN, LLC, a Florida Limited Liability Company, on behalf of the corporation/partnership. He or she is:

personally known to me, or  
 produced identification. Type of identification produced \_\_\_\_\_

(Seal)



My commission expires: \_\_\_\_\_

NOTARY PUBLIC:

[Signature]

Print name: Norma A. Torres

EXHIBIT "A"

LEGAL DESCRIPTION

All of Parcel 'A' of "Avery Glen", according to the Plat thereof, as recorded in Plat Book 178, Page 31 of the public records of Broward County, Florida.

THIS IS NOT AN  
OFFICIAL COPY

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY  
MEMORANDUM #14-082**

**DATE:** December 26, 2014  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** FLEX UNIT REQUEST  
641 N DIXIE HY; 200 NW CT; 216 NW 8 CT  
P & Z #14-05000002 Paola Florida, LLC and WTLG, LLC/Pinnacle at Entrada

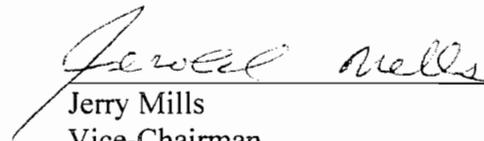
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At the meeting of the Planning and Zoning Board/ Local Planning Agency held on December 17, 2014, the Board considered the request by **Paola Florida, LLC and WTLG, LLC** requesting 101 FLEX UNITS on the above referenced property.

The applicant, Paola Florida, LLC and WTLG, LLC, intends to provide one-hundred percent of affordable housing for the project.

As it is consistent with the goals, objectives, and policies of the Comprehensive Plan stated in Administrative Report 14-566, the Board unanimously recommends the approval of only the amount of units necessary for this project, not to exceed 101, with the following two (2) conditions of staff:

1. Applicant must deed restrict the property to meet Section 154.61(D)(3).
2. If funding is not secured for the project, any allocated flex units shall be returned to the City.

  
\_\_\_\_\_  
Jerry Mills  
Vice-Chairman  
Planning and Zoning Board/ Local Planning Agency

# MEMORANDUM

## Development Services

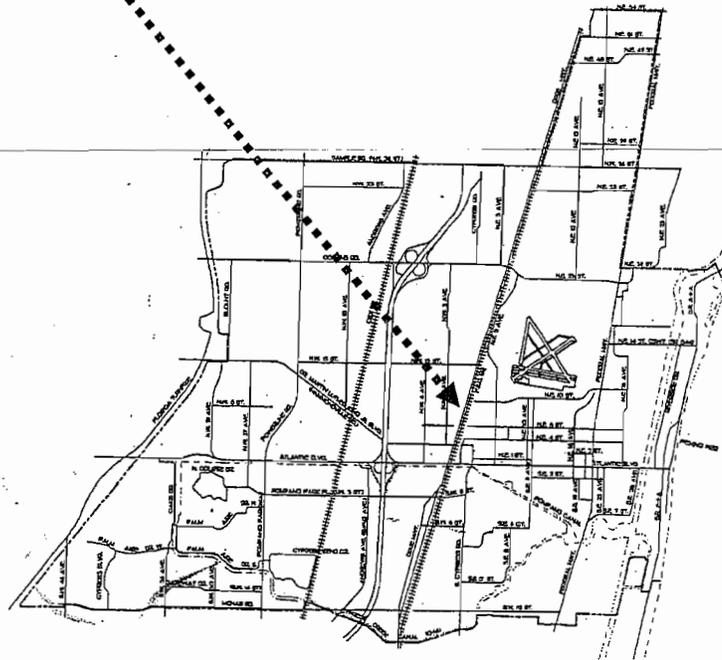
**ADMINISTRATIVE MEMORANDUM NO. 14-566**

DATE: December 4, 2014  
TO: Planning and Zoning Board  
VIA: Robin M. Bird, Development Services Director *RB*  
FROM: Maggie Barszewski, AICP, Planner *MB*  
RE: Pinnacle at Entrada Flex Allocation Request  
December 17, 2014 meeting

P&Z # 14-5000002

This Flex allocation request is for a 6.966-acre subject property that has both Commercial (C) and Low Medium (LM) Residential Land Use designations on two parcels. The property is located on both sides of NW 8<sup>th</sup> Street, with the northern parcel on the corner of NW 8<sup>th</sup> Street and Dixie Hwy. The request is for a total of 101 Flex units to be allocated on property that has a Commercial Land Use. The site is owned by the Paola Florida, LLC & WTLG, LLC. The purpose for this flex unit allocation request is to allow the development of a multifamily affordable-housing development with a total of 121 units. The applicant has submitted a conceptual site plan (see Attachment I) showing the layout of the four proposed residential buildings.

641 N. Dixie Hwy.  
200 NW 8<sup>th</sup> Court  
216 NW 8 Court



## LEGEND

### FOR LAND USE PLAN

Symbol    Classification Units/ Acre

		Gross Residential Density
		Residential
	E	Estate
	L	Low
>*	LM	Low- Medium
	M	Medium
	MH	Medium-High
	H	High
>*	C	Commercial
	CR	Commercial Recreation
	I	Industrial
	T	Transportation
	U	Utilities
	CF	Community Facilities
	OR	Recreation & Open Space
	W	Water
	RAC	Regional Activity Center
		Boundaries

### FOR ZONING MAP

Symbol    District

	RS-1	One-Family Residence
	RS-2	One-Family Residence
	RS-3	One-Family Residence
	RS-4	One-Family Residence
	RD-1	Two- Family Residence
	RM-12	Multi-Family Residence
>*	RM-20	Multi-Family Residence
	RM-30	Multi-Family Residence
	RM-45	Multi-Family Residence
	RM-45/HR	Overlay
	RPUD	Residential Planned Unit Dev.
	AOD	Atlantic Boulevard Overlay District
	MH-12	Mobile Home Park
	B-1	Limited Business
	B-2	Neighborhood Business
>*	B-3	General Business
	B-4	Heavy Business
	RO	Residence Office
	M-1	Marina Business
	M-2	Marina Industrial
	I-1	General Industrial
	I-1X	Special Industrial
	O-IP	Office Industrial Park

City of Pompano Beach

13 Number

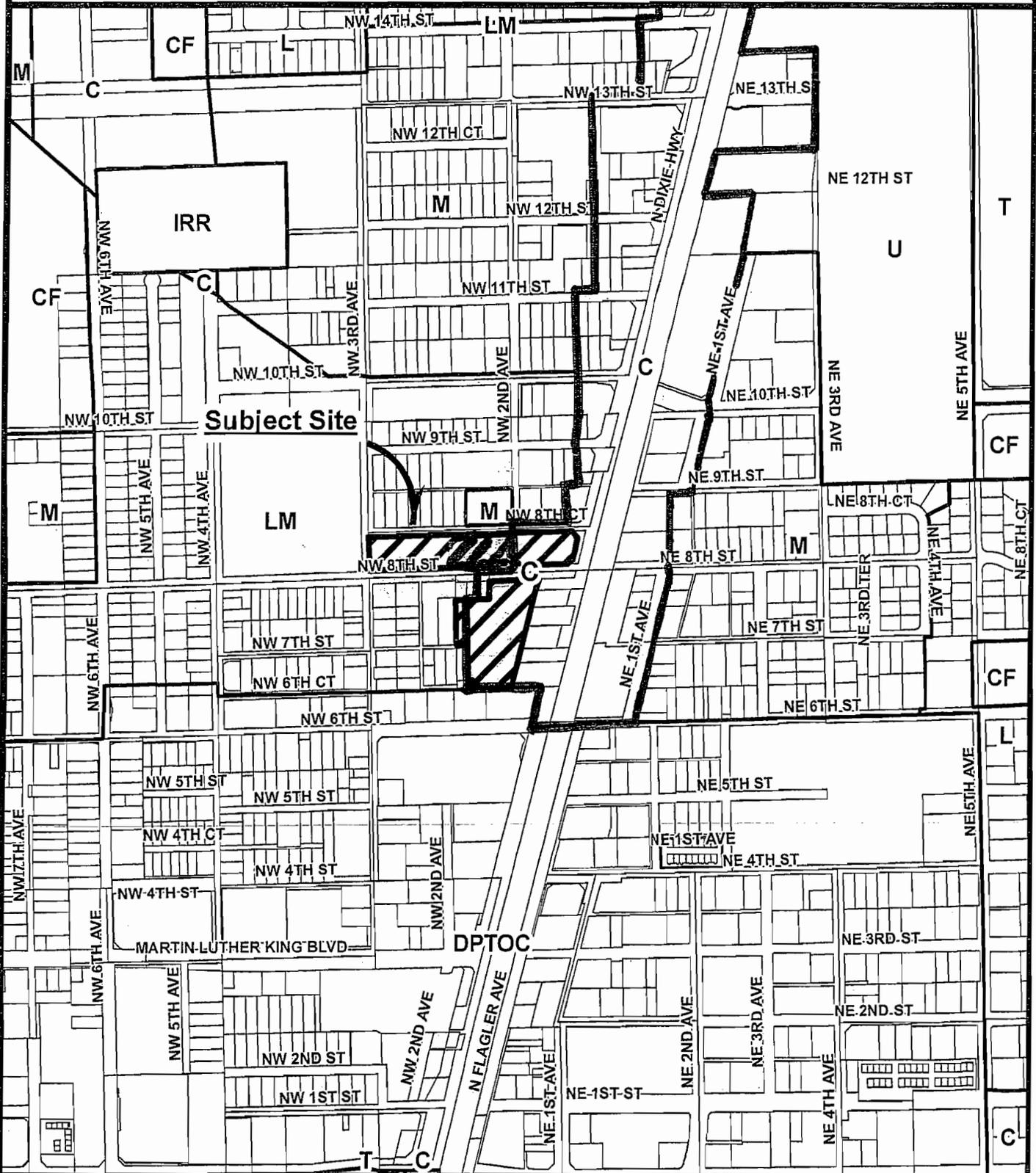


Reflects the maximum total number of units permitted within the dashed line of Palm Aire & Cypress Bend being 9,724 and 1,998

BP	Business Parking
BSC	Planned Shopping Center
PCI	Planned Commercial / Industrial Overlay
PR	Parks & Recreation
CR	Commerical Recreation
CF	Community Facilities
T	Transportation
PU	Public Utility

*    Existing
>    Proposed

# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP

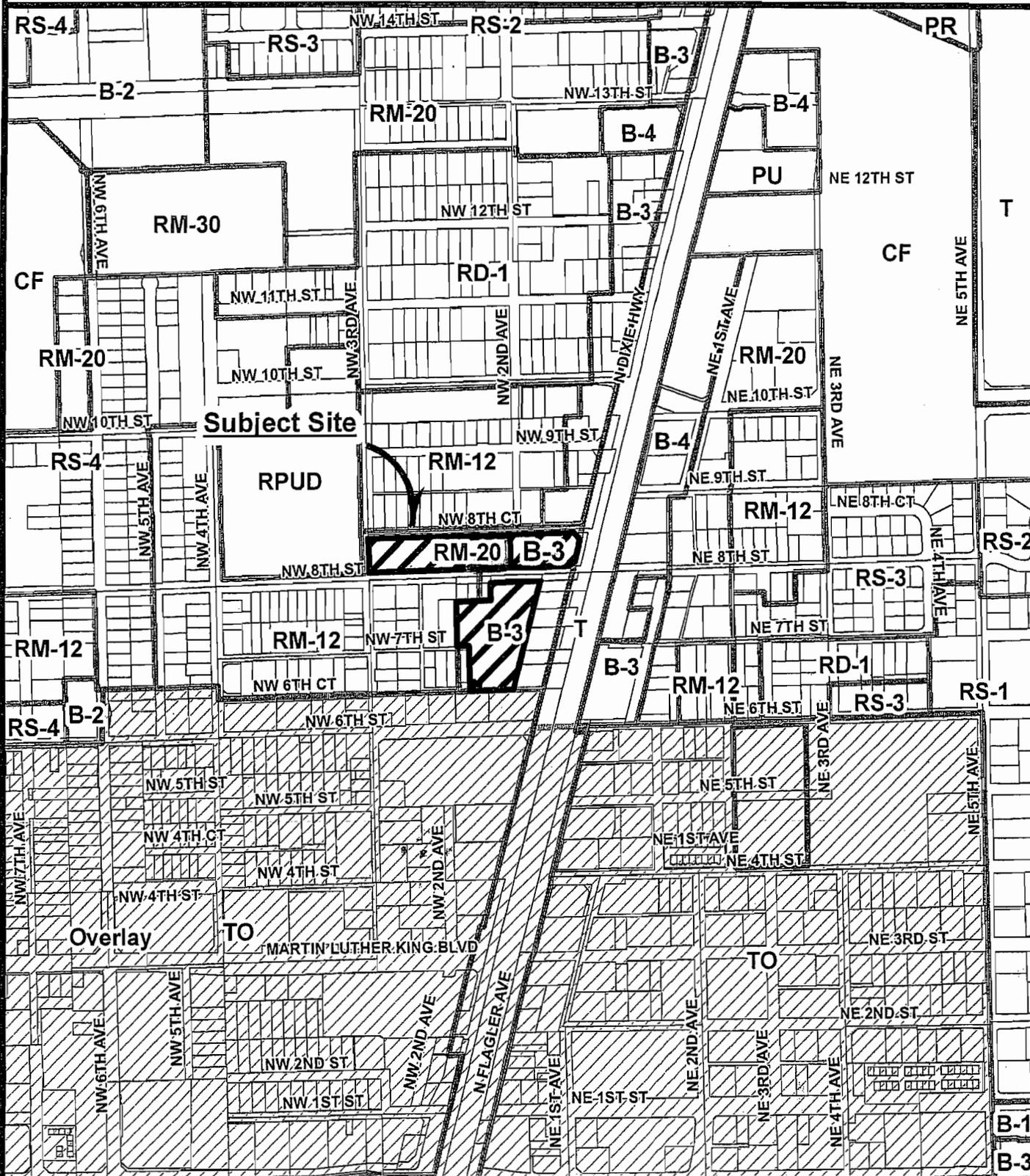


1 in = 600 ft

3

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

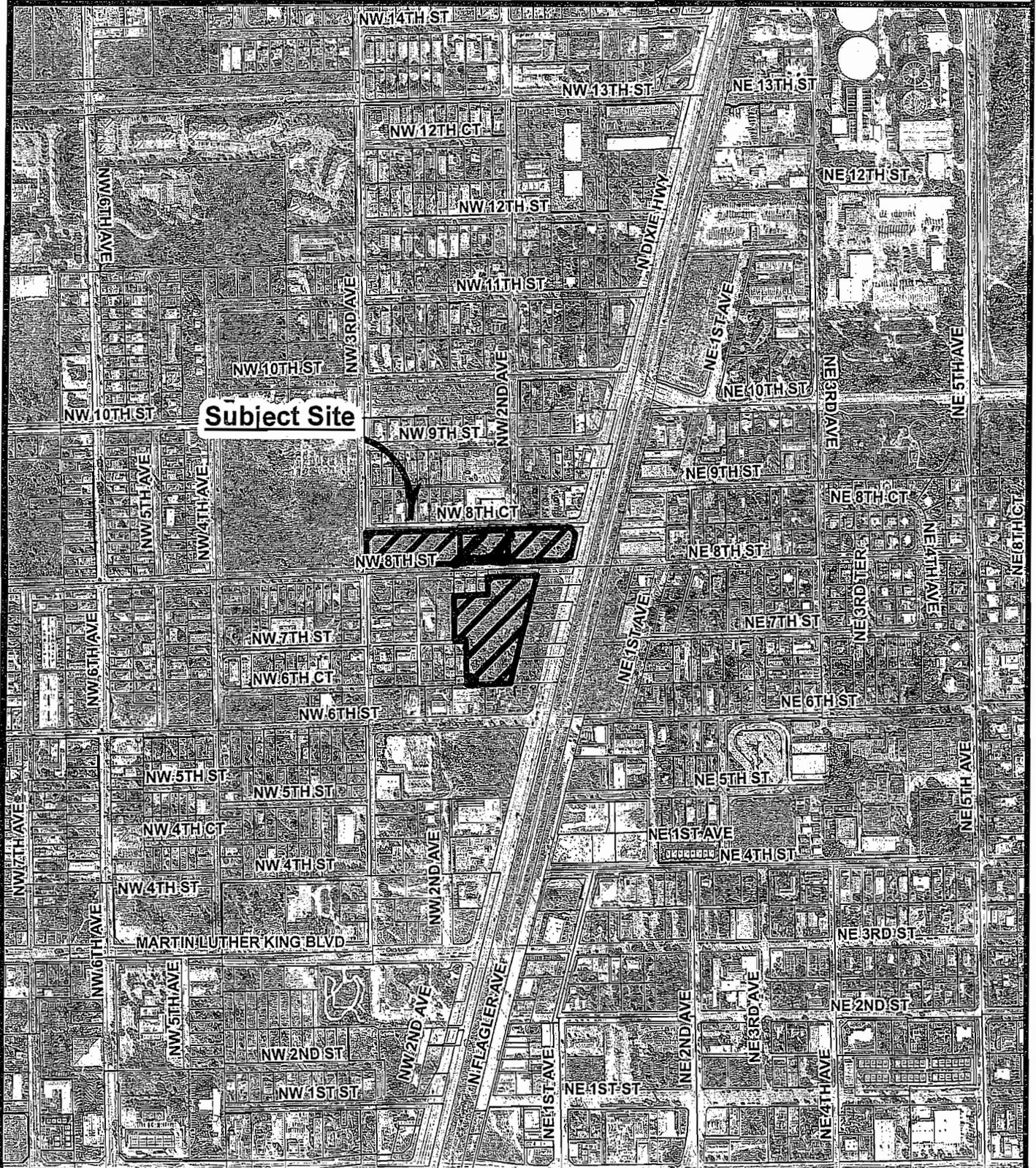
# CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 600 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# CITY OF POMPANO BEACH AERIAL MAP



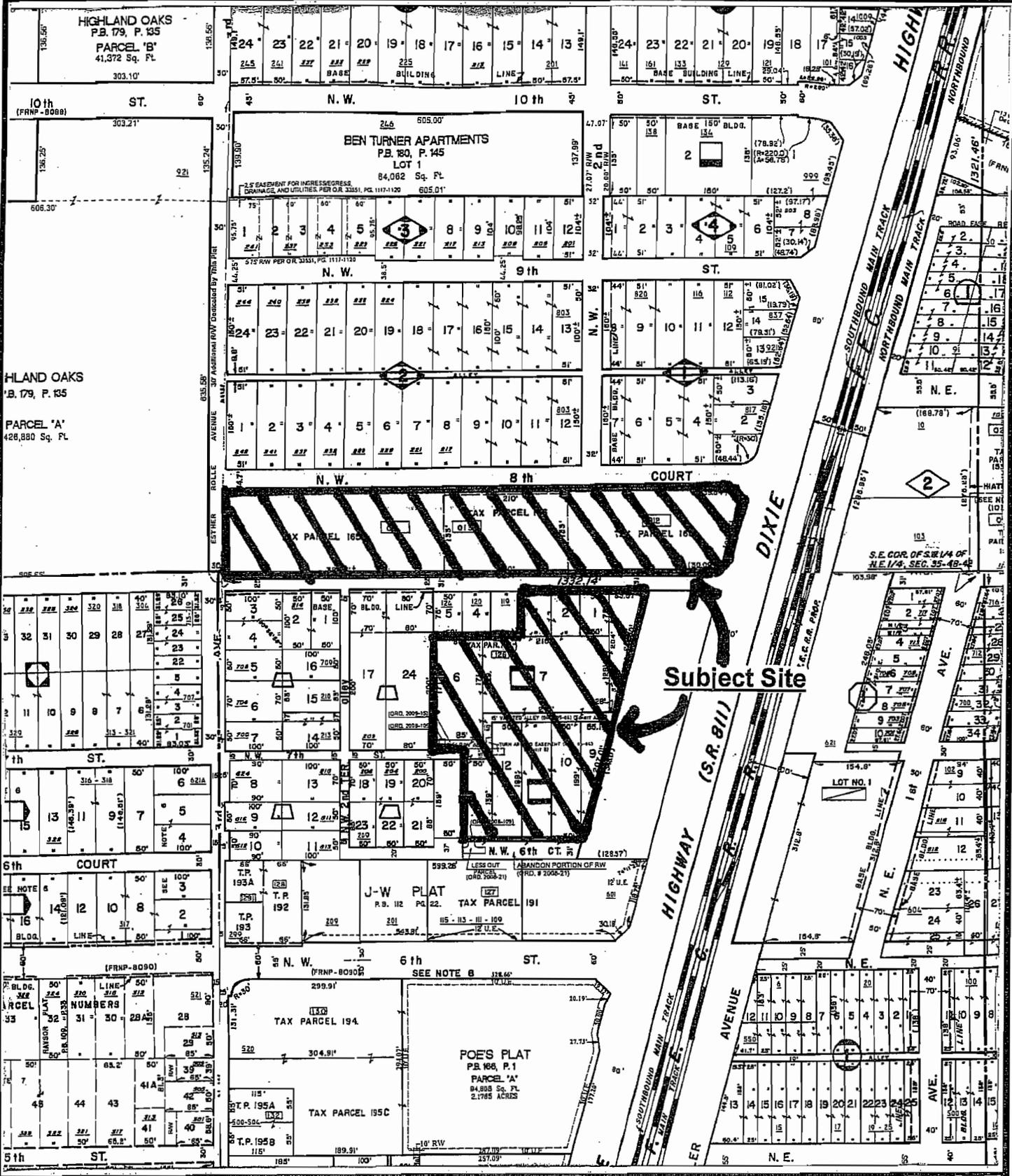
**Subject Site**

1 in = 600 ft

5

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

# EXCERPT FROM THE CITY OF POMPANO 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 on both sides of NW 8<sup>th</sup> Street, with the northern parcel on the corner of NW 8<sup>th</sup> Street and Dixie Hwy.
2. The Zoning and uses of adjacent properties are:  
North – RM-12 – Multiple Family Residential/single family properties  
South – TO – Transit Oriented Overlay/used auto dealership & vacant Business buildings  
West – RM-12 & RPUD – Multiple Family Residential & Residential Planned Unit Development/single family properties & vacant property  
East – B-3 – General Business/retention basin, vacant properties & Dixie Hwy.
3. The main access to this property will be from NW 8<sup>th</sup> Street.
4. The Land Use Designation is C (Commercial) and LM (Low Medium Residential).
5. The subject property is included in the Flex Receiving Area.
6. The Transportation Corridor Study that was approved by the City Commission partially supports this request since the plan calls for the infusion of residential along the Dixie Highway Corridor. However it also calls for mixed use on the eastern edges of the two parcels along the Highway.
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.  
The placement of residential use adjacent to existing multifamily-zoned residential is more compatible than the Commercial Land Use that the site has as its current designation. Furthermore, the site is within a quarter mile of the mass transit station located on Martin Luther King Boulevard, thereby promoting increased ridership.
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. This project will be providing 100 percent affordable housing.

**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**

01.04.01 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.

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, and policies of the Comprehensive Plan and with Section 154.61(D)(3) of the Code, specifically:

#### **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**

- 01.04.01 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.
- 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**

# MEMORANDUM

## Development Services

### ADMINISTRATIVE MEMORANDUM NO. 14-578

DATE: December 17, 2014  
TO: Robin M. Bird, Development Services Director  
FROM: Maggie Barszewski, AICP, Planner *MB*  
RE: Pinnacle at Entrada Flex Allocation Request Number of Units

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P&Z # 14-5000002

The applicant is requesting a Flex Allocation of 101 units; however that was based on a gross-acreage calculation instead of net. In order to provide for the project's 121 units all that is necessary for the Flex request is actually 97 flex units. Therefore staff recommends that the motion for approval should be as follows:

#### **Motion 1:**

**Recommend approval of the Flex allocation of only the amount of units necessary for this project, not to exceed 101 units; 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 stated goals, objectives and policies of the Comprehensive Plan (which have been read into the record) and it is consistent with Section 154.61(D)(3) of the Code.**