

REQUESTED COMMISSION ACTION: **QUASI-JUDICIAL**

Consent Ordinance Resolution Consideration/ Discussion Presentation

SHORT TITLE

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ALLOCATING A MAXIMUM OF 14 FLEX UNITS FOR A PROPOSED RESIDENTIAL PROJECT TO BE LOCATED ON THE NORTH SIDE OF SE 9TH STREET BETWEEN SE 21ST TERRACE AND SE 22ND AVENUE; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

This Flex Unit allocation request is for a .62 acre infill property located at 2119 SE 9th Street. The request is for 14 Flex Units to be located on property that has a Commercial (C) Land Use and is zoned General Business (B-3). The site is owned by Vector of Pompano, LLC. If granted, the flex unit allocation would allow for the development of 14 three-story townhouse units. The property had previously received a flex allocation for 14 flex units per Resolution No. 2006-64 which has since become null and void (*Exhibit B* of the Resolution). The subject property is located in an area that was included in the 2013 Federal Highway Corridor Study and more specifically is located in the Cypress Lake Center District. The overall intent for that district is to infuse residential and mixed-use developments along the corridor. The Study identified this site as a future blueway (access to water). The approval of this project would not only increase residential uses along the corridor but would provide public access (via an easement) along the north side of the property, overlooking the water (*Exhibit C* of the Resolution). The applicant has submitted a conceptual site plan showing the layout of the units on the subject property (*Exhibit D* of the Resolution). The proposed application was recommended at the July 22, 2015 Planning and Zoning Board meeting.

- (1) Origin of request for this action: Development Services Dept.
- (2) Primary staff contact: Robin M. Bird/ Karen Friedman *KBF* Ext. 7792
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: None

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Services	06/11/2015	Approval	Memo #15-320 <i>[Signature]</i>
City Attorney	11/17/2015	Approval <input checked="" type="checkbox"/>	Memo #2016-195 <i>[Signature]</i>
X Planning and Zoning Board		Approval	Memo #15-050 (08/06/2015) <i>[Signature]</i>
X City Manager	<i>[Signature]</i>		<i>[Signature]</i>

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



City Attorney's Communication #2016-195
November 17, 2015

TO: Karen Friedman, AICP, Principal Planner
FROM: Mark E. Berman, City Attorney
RE: Resolution Allocating Flex Units – 2119 SE 9th Street

As requested in your memorandum of November 13, 2015, Department of Development Services Memorandum #15-573, the following form of resolution, relative to the above-referenced matter, has been prepared and is attached:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING A MAXIMUM OF FOURTEEN (14) FLEX UNITS FOR A PROPOSED RESIDENTIAL PROJECT TO BE LOCATED ON THE NORTH SIDE OF SE 9TH STREET BETWEEN SE 21ST TERRACE AND SE 22ND AVENUE; PROVIDING AN EFFECTIVE DATE.

Please feel free to contact me if I may be of further assistance.


MARK E. BERMAN

MEB/jrm
l:cor/dev-srv/2016-195

Attachment

RESOLUTION NO. 2016 - ____

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING A MAXIMUM OF FOURTEEN (14) FLEX UNITS FOR A PROPOSED RESIDENTIAL PROJECT TO BE LOCATED ON THE NORTH SIDE OF SE 9TH STREET BETWEEN SE 21ST TERRACE AND SE 22ND AVENUE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Vector of Pompano Beach, LLC (“Applicant”) requests an allocation of a maximum of fourteen (14) flex units in order to construct a residential project on property known as 2119 SE 9 Street, legally described in Exhibit “A”; and

WHEREAS, the City previously allocated 14 flex units to this property per Resolution No. 2006-64 and the allocation of the flex units became null and void (Exhibit “B”); and

WHEREAS, the City’s Comprehensive Plan Policy 01.04.01 states 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; and

WHEREAS, the subject property is located in an area that was included in the 2013 Federal Highway Corridor Study and more specifically identified within the Cypress Lake Center District, the intent of which is to infuse residential and mixed-use developments along the corridor; and

WHEREAS, the City’s Comprehensive Plan further provides that the City shall use Flex Units to increase residential densities within flex receiving areas when consistent with the community character and adjacent land uses; and

WHEREAS, the Applicant has voluntarily agreed to provide a public access easement along the north side of the property, overlooking the water (Exhibit "C"); and

WHEREAS, pursuant to Section 154.61(C)(3) the Development Services Department has obtained a recommendation of approval from the Planning and Zoning Board on July 22, 2015; and

WHEREAS, the City is willing to transfer a maximum of 14 Flex Units to Applicant pursuant to the terms of this Resolution; 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 finds that the requirements in Section 154.61(D) have been met and hereby allocates a maximum of 14 flex units, all of which will come from the unified flex zone for the proposed residential 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 14 units.

SECTION 3. The proposed project must be built in substantial conformity with the attached conceptual site plan and other conceptual drawings as shown in Exhibit "D," a copy of which is attached hereto and made a part hereof.

SECTION 4. Failure of the applicant to apply for a Major Site Plan for the proposed buildings and related site features as shown in Exhibit "D" within twelve (12) months of the date of this resolution shall render the allocation of the flex units null and void.

SECTION 5. Failure of the applicant to obtain a principal building permit for the proposed buildings as shown in Exhibit "D" within twenty four (24) months of the date of this resolution shall render the allocation of the flex units null and void.

SECTION 6. Failure of the applicant to submit proof that the Public Access Easement shown in Exhibit "C" has been recorded with the Broward County Records Division within twenty four (24) months of the date of this resolution shall render the allocation of the flex units null and void.

SECTION 7. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2015.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

:jrm
11/17/15
l:reso/2016-50

Exhibit A

Legal Description:

PORTIONS OF LOTS 1 AND 5, AND OF THE VACATED ALLEY NORTHEASTERLY OF LOT 5, AND ALL OF LOTS 2, 3 AND 4, OF "AMENDED PLAT OF LOTS 1, 2, 3, 4 AND 5, BLOCK B, SANTA BARBARA SHORES", A SUBDIVISION AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK 51, PAGE 48, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS, COMMENCING AT THE MOST NORTHWESTERN CORNER OF SAID LOT 1, THENCE RUN SOUTH 72' 38' 38" EAST ALONG THE NORTH LINE OF SAID LOT 1, 5,00 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 86" 22' 09" EAST ALONG THE NORTH LINE OF SAID LOTS 1, 2, 3 AND 4, 107,10 FEET; THENCE RUN SOUTH 72" 38' 38" EAST ALONG THE NORTH LINE OF SAID LOT 4 TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE RUN SOUTH 0" 34' 37" EAST ALONG THE EAST LINE OF SAID LOT 4, 7.88 FEET TO THE CENTERLINE OF A 15 FOOT WIDE VACATED ALLEY RIGHT-OF-WAY; THENCE RUN SOUTH 72" 38' 38" EAST ALONG THE CENTERLINE OF SAID VACATED ALLEY RIGHT-OF-WAY, 82.39 FEET; THENCE RUN SOUTH 17' 21' 22" WEST ALONG A LINE PARALLEL WITH AND 5 FEET WESTERLY OF THE EASTERLY LINE OF SAID LOT 5, 98.83 FEET TO A POINT ON A CURVE; THENCE RUN WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 5 AND ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25 FEET AND A CENTRAL ANGLE OF 35" 05' 57", AN ARC LENGTH OF 15.31 FEET TO A POINT OF TANGENCY; THENCE RUN SOUTH 89" 19' 31" WEST ALONG THE SOUTH LINES OF LOTS 1, 2, 3, 4 AND 5, 173.52 FEET TO A POINT OF CURVATURE; THENCE RUN WESTERLY AND NORTHWESTERLY ALONG THE BOUNDARY OF SAID LOT 1 AND ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25 FEET AND A CENTRAL ANGLE OF 71' 09' 39", AN ARC LENGTH OF 31.05 FEET; THENCE RUN NORTH 17' 21' 22" EAST ALONG A LINE PARALLEL WITH AND 5 FEET EASTERLY OF THE WESTERLY LINE OF SAID LOT 1, 121.68 FEET TO THE POINT OF BEGINNING; SAID LAND SITUATE, LYING AND BEING THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA.

Exhibit B

RESOLUTION NO. 2006- 64

CITY OF POMPANO BEACH
Broward County, Florida

**A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF POMPANO BEACH, FLORIDA,
ALLOCATING FOURTEEN RESERVE UNITS FOR
A PROPOSED RESIDENTIAL PROJECT LOCATED
AT 2119-2199 SE 9TH STREET; PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Fred C. Bamman, III has requested the allocation of fourteen (14) reserve units in order to construct fourteen (14) dwelling units on property known as 2119-2199 SE 9th Street, which is legally described in Exhibit A;

WHEREAS, The Comprehensive Plan permits free standing residential buildings in areas designated as Commercial, subject to the allocation of flex or reserve units, on parcels of land ten (10) acres or less in the Urban Infill Area;

WHEREAS, The applicant, being required to obtain a special exception according to Section 155.183 (D) (4) of Chapter 155 of the Code Ordinances, brought his request before the Planning and Zoning Board/Local Planning Agency, who at their November 16, 2005 meeting held a public hearing and subsequently recommended approval;

WHEREAS, The Zoning Board of Appeals is scheduled to hear the special exception at their December 15, 2005 meeting.

WHEREAS, The proposed density of the free standing residential building would not exceed the maximum density of forty-six (46) dwelling units per net acre as allowed in the B-3, General Business, Zoning District;

WHEREAS, in order to construct the proposed free standing residential building on the subject property, the City will have to allocate fourteen (14) reserve units from Flex Zone 23;

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

SECTION 1: That the City Commission of the City of Pompano Beach hereby allocates fourteen (14) reserve units from Flex Zone 23 to property known as 2119-2199 SE 9th Street, which is legally described in Exhibit A.

SECTION 2: The number of flex units in Flex Zone 23 shall be reduced accordingly.

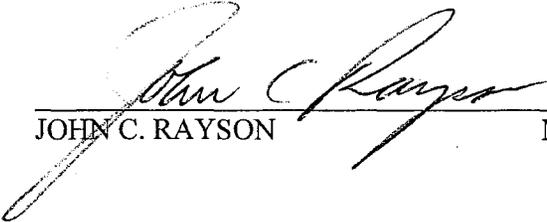
SECTION 3: The applicant is advised that Special Exception Permits shall expire within one hundred eighty (180) days after approval unless the applicant has obtained the principal building permit as per Section 155.024 of the Code of Ordinances of the City of Pompano Beach, Florida.

SECTION 4: That the proposed project must be built in substantial conformity with the attached conceptual site plan as shown as Exhibit B;

SECTION 5: Failure of the applicant to obtain a principal building permit for its free standing residential project as shown in Exhibit B by June 13, 2007 shall render the allocation of fourteen (14) reserve units from Flex Zone 23 null and void.

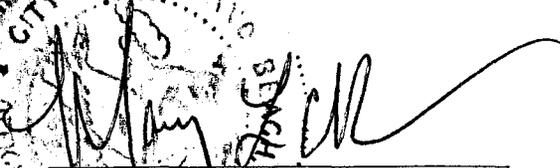
SECTION 6: This Resolution shall become effective upon passage.

PASSED AND ADOPTED this 13th day of December 2005.



JOHN C. RAYSON

MAYOR

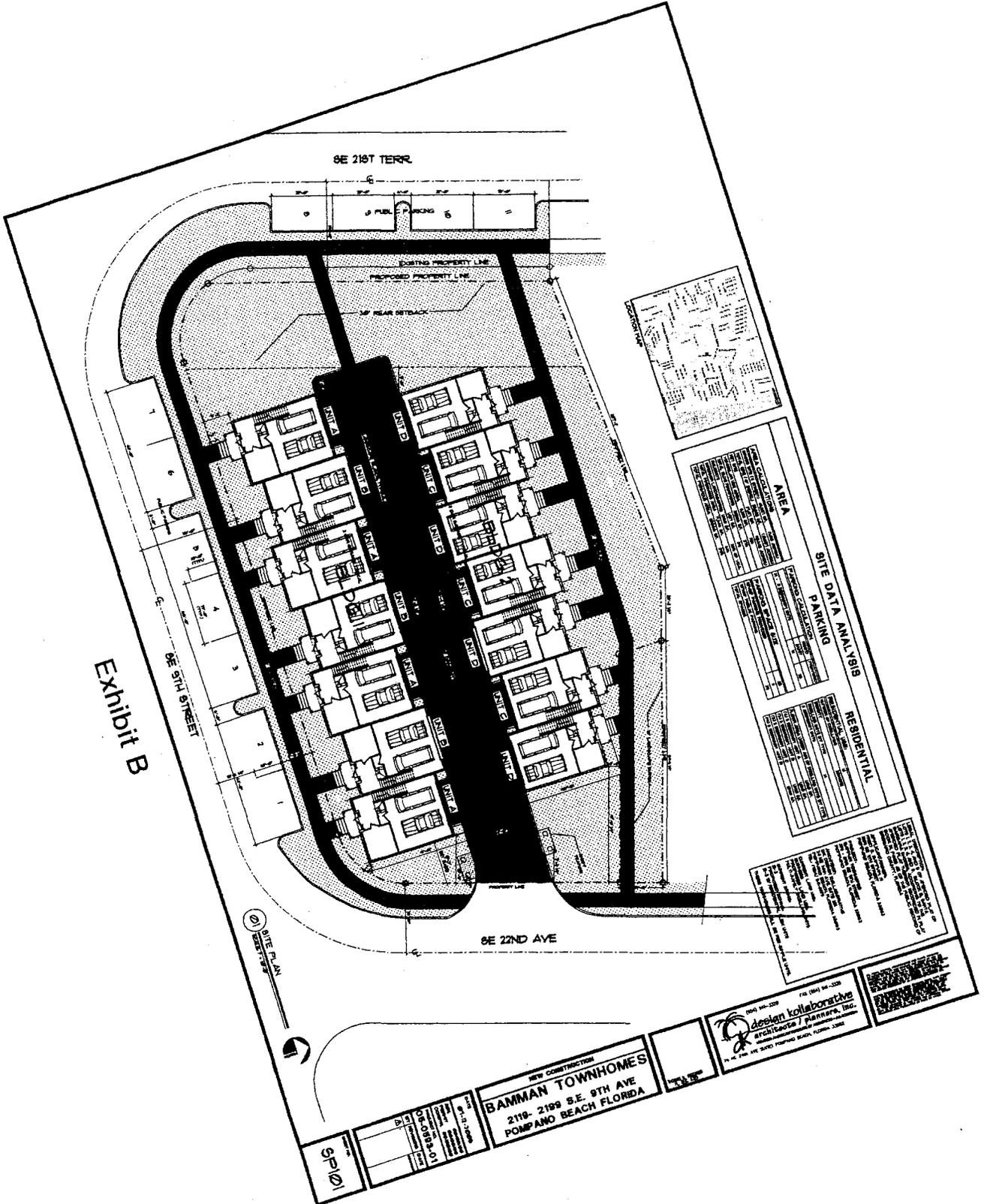



MARY L. CHAMBERS CITY CLERK

Exhibit A: Legal Description

Lots 1, 2, 3 and 4 of a Resubdivision of Lots 1, 2, 3 and 4 Block "B", Santa Barbara Shores according to plat thereof recorded in Plat Book 41, Page 42 of the public records of Broward County, Florida and Lot 5 Block "B" Santa Barbara Shores according to plat thereof recorded in Plat Book 33, Page 21 of the public records of Broward County, Also described as Lots 1, 2, 3, 4 and 5 of the Amended Plat of Lots 1, 2, 3, 4 and 5 of Lots 1, 2, 3, 4 and 5, Block "B", Santa Barbara Shores according to plat thereof as recorded in Plat Book 51, Page 48 of the public records of Broward County, Florida and being in the City of Pompano Beach Broward County Florida.

Exhibit B

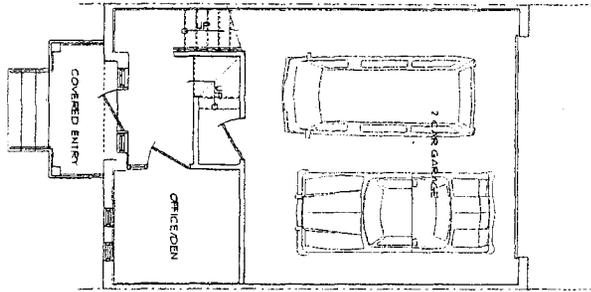


SITE DATA ANALYSIS

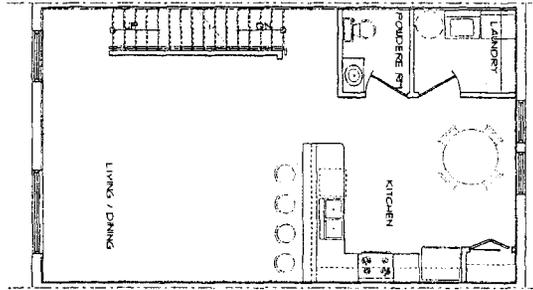
AREA	RESIDENTIAL	PARKING
AREA	1.00	1.00
RESIDENTIAL	1.00	1.00
PARKING	1.00	1.00
TOTAL	1.00	1.00

NEW CONSTRUCTION
BAMAN TOWNHOMES
 2116- 2199 S.E. 9TH AVE
 POMPANO BEACH FLORIDA

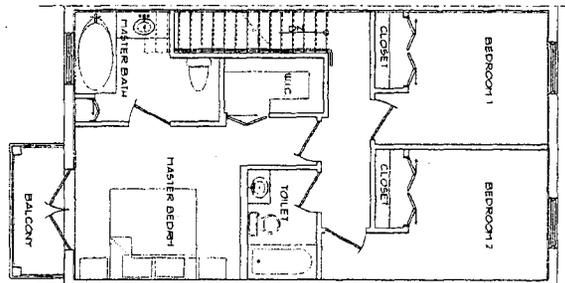
desien kollaborative
 architects / planners, inc.
 2116-2199 S.E. 9TH AVE POMPANO BEACH, FLORIDA 33062



01 LEVEL 1 FLOOR PLAN



02 LEVEL 2 FLOOR PLAN



03 LEVEL 3 FLOOR PLAN

UNIT TYPE C
1590 SF (TYPICAL)

REVISION
A103

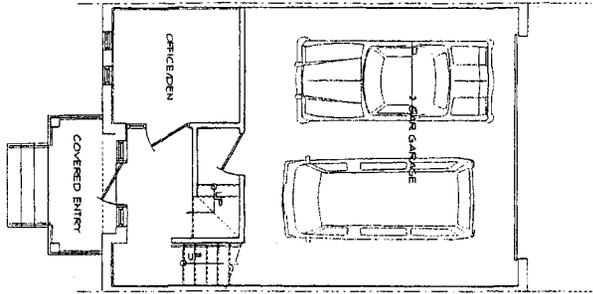
DATE	01-12-2005
BY	DESIGNER
DATE	05-05-01
BY	REVISION
DATE	

NEW CONSTRUCTION
BAMMAN TOWNHOMES
2119- 2199 S.E. 9TH AVE
POMPANO BEACH FLORIDA

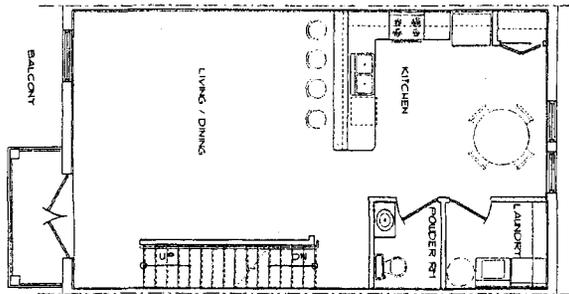
ISSUED FOR PERMITS
15 DEC 2005

design kollaborative
architects / planners, inc.
MEMBER, AMERICAN INSTITUTE OF ARCHITECTS - AIA 000004
24 W. 24th Ave. Suite 400
Pompano Beach, Florida 33062

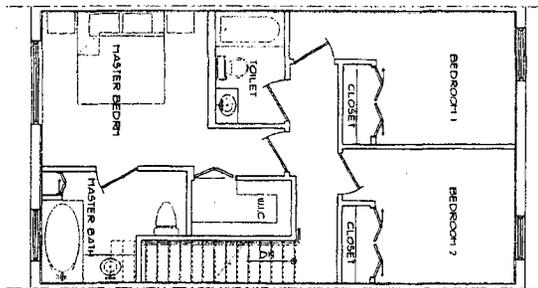
THIS PLAN IS PREPARED BY DESIGNER AND SHALL BE VALID FOR THE PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE. ANY CHANGES TO THIS PLAN SHALL BE MADE BY THE ARCHITECT AND SHALL BE SUBJECT TO THE SIGNATURE OF THE ARCHITECT. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO HIM BY THE CLIENT. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO HIM BY ANY OTHER PARTY. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO HIM BY ANY OTHER PARTY.



01 LEVEL 1 FLOOR PLAN



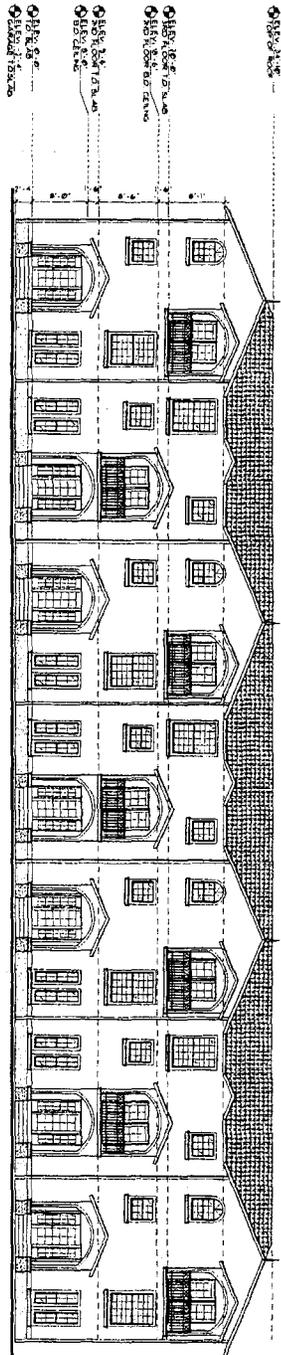
02 LEVEL 2 FLOOR PLAN



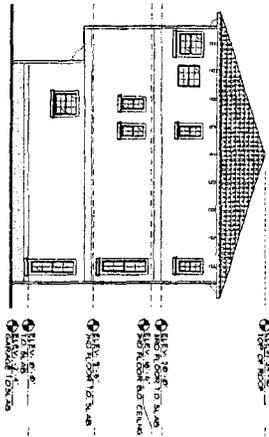
03 LEVEL 3 FLOOR PLAN

UNIT TYPE D
1590 SF (TYPICAL)

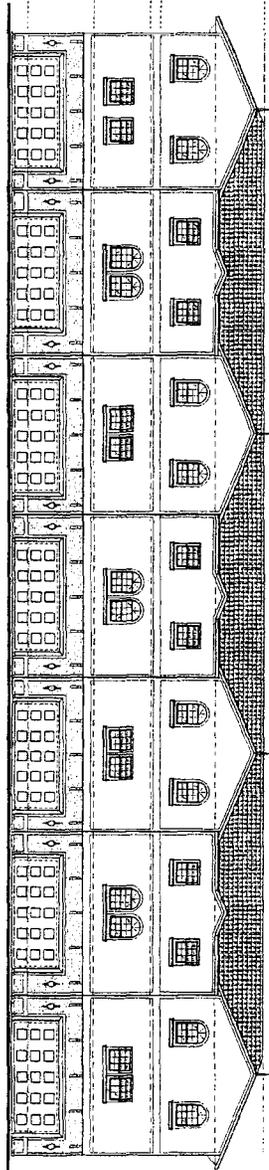
PROJECT NO. A104	DATE 07-12-2005	NEW CONSTRUCTION BAMMAN TOWNHOMES 2119- 2199 S.E. 9TH AVE POMPANO BEACH FLORIDA	design kollaborative architects / planners, inc. MEMBER AMERICAN INSTITUTE OF ARCHITECTS - FLA CHAPTER 224 NE 24TH AVE. SUITE 1000 POMPANO BEACH, FLORIDA 33062 TEL: (954) 944-3333	<small> THIS DOCUMENT IS THE PROPERTY OF DESIGN KOLLABORATIVE ARCHITECTS/PLANNERS, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DESIGN KOLLABORATIVE ARCHITECTS/PLANNERS, INC. </small>
	PROJECT NO. 05-0593-01	DESIGNER DATE		



01 FRONT ELEVATION



03 SID ELEVATION



02 REAR ELEVATION

A201	DATE 07.17.2005	DRAWN BY C. H. HARRIS	CHECKED BY C. H. HARRIS	SCALE AS SHOWN	PROJECT NO. 05-0593-01	REVISED DATE
	<p style="text-align: center;">NEW CONSTRUCTION</p> <p style="text-align: center;">BAMMAN TOWNHOMES</p> <p style="text-align: center;">2119- 2199 S.E. 9TH AVE POINCIANO BEACH FLORIDA</p>					
<p style="text-align: center;">design kollaborative</p> <p style="text-align: center;">architects / planners, inc.</p> <p style="text-align: center;">MEMBER - THE ASSOCIATION OF ARCHITECTS - FLA 000084</p> <p style="text-align: center;">24 10 24th AVE. 3RD FLOOR BEACH, FLORIDA 33432</p>		<p style="text-align: center;">(561) 941-1329</p> <p style="text-align: center;">FAX (561) 941-1333</p>		<p>THIS DRAWING IS THE PROPERTY OF DESIGN KOLLABORATIVE ARCHITECTS/PLANNERS, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, REPRODUCED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DESIGN KOLLABORATIVE ARCHITECTS/PLANNERS, INC.</p>		

Exhibit C

PUBLIC ACCESS EASEMENT

LAND DESCRIPTION: A PARCEL OF LAND LYING IN LOTS 1, 2, 3, 4, AND 5, AMENDED PLAT OF LOTS 1, 2, 3, 4 AND 5, BLOCK B, SANTA BARBARA SHORES, A SUBDIVISION RECORDED IN PLAT BOOK 51, PAGE 48, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST NORTHWEST CORNER OF SAID LOT 1, THENCE RUN S72°38'38"E ALONG THE NORTH LINE OF SAID LOT 1, 5.00 FEET TO POINT OF BEGINNING A; THENCE N86°22'09"E ALONG THE NORTH LINE OF SAID LOTS 1, 2, 3 AND 4, 107.10 FEET TO THE EAST END OF SAID LINE; THENCE S10°09'53"E, 14.51 FEET; THENCE S2°38'29"E, 2.50 FEET TO POINT B; THENCE S2°38'29"E, 2.50 FEET; THENCE S87°21'31"W, 115.37 FEET; THENCE N17°21'22"E ALONG A LINE 5 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY LINE OF SAID LOT 1, 18.67 FEET TO POINT OF BEGINNING A; TOGETHER WITH A STRIP OF LAND LYING WITHIN 2.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: BEGINNING AT SAID POINT B, THENCE N87°21'31"E, 5.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 23°50'22" AND A RADIUS OF 28.86 FEET FOR AN ARC LENGTH OF 12.01 FEET; THENCE S68°48'06"E, 6.91 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 16°49'55" AND A RADIUS OF 54.12 FEET FOR AN ARC LENGTH OF 15.90 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 26°53'33" AND A RADIUS OF 40.53 FEET FOR AN ARC LENGTH OF 19.02 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 28°01'29" AND A RADIUS OF 40.17 FEET FOR AN ARC LENGTH OF 19.65 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 14°07'19" AND A RADIUS OF 38.05 FEET FOR AN ARC LENGTH OF 9.38 FEET; THENCE S72°38'38"E, 10.67 FEET TO THE TERMINUS OF SAID CENTERLINE AND A POINT 5.00 FEET WESTERLY OF THE EASTERLY LINE OF SAID LOT 5 AND 5.00 FEET NORTHERLY OF THE NORTHERLY LINE OF SAID LOT 5; SAID LAND SITUATE LYING AND BEING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA.



PREPARED BY HARLEY GREENE
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA LICENSE NUMBER 3707
 19208 NORTHEAST 25TH AVENUE, UNIT 301
 AVENTURA, FLORIDA 33180-3217
 NOVEMBER 6, 2015

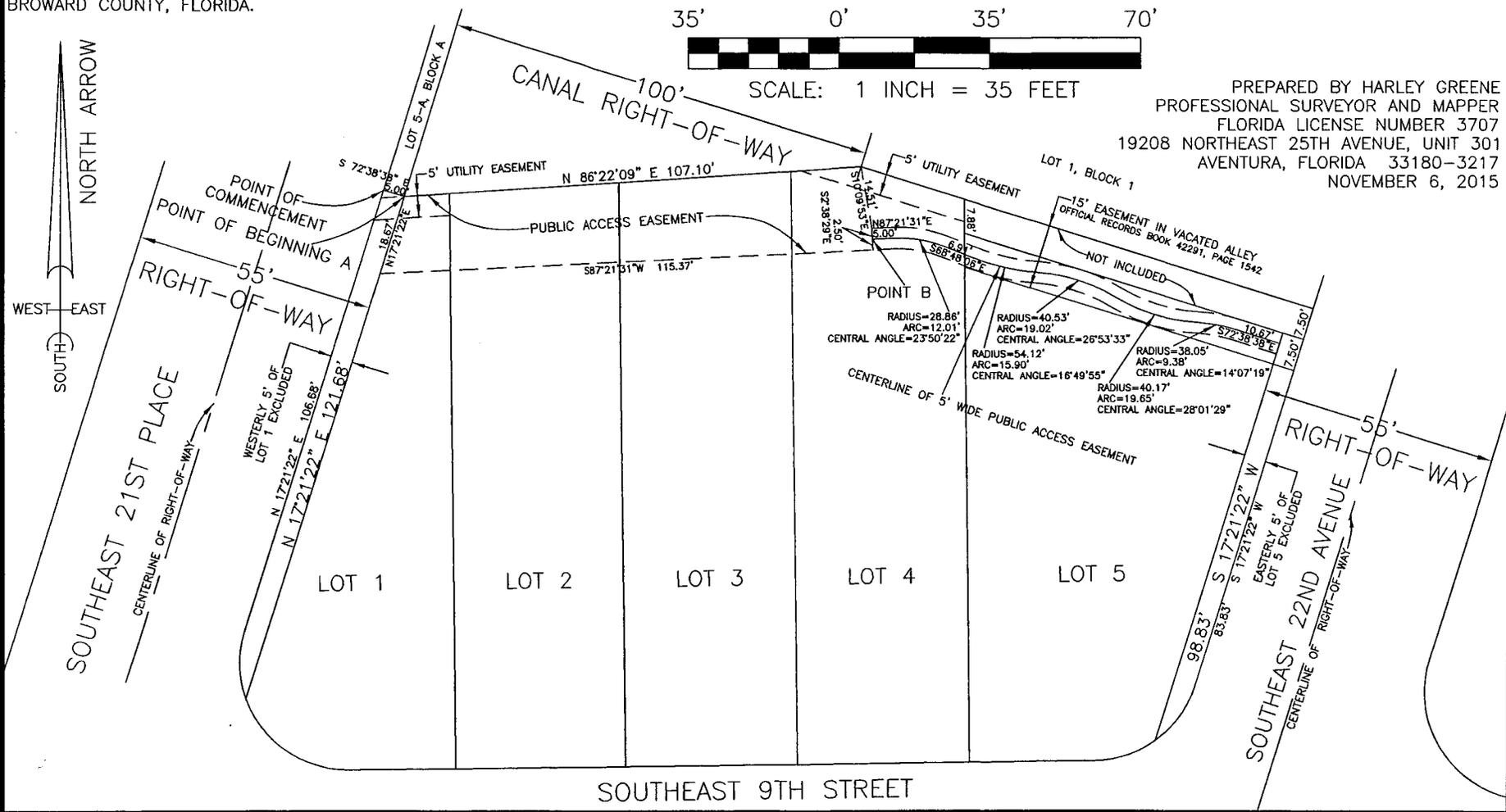
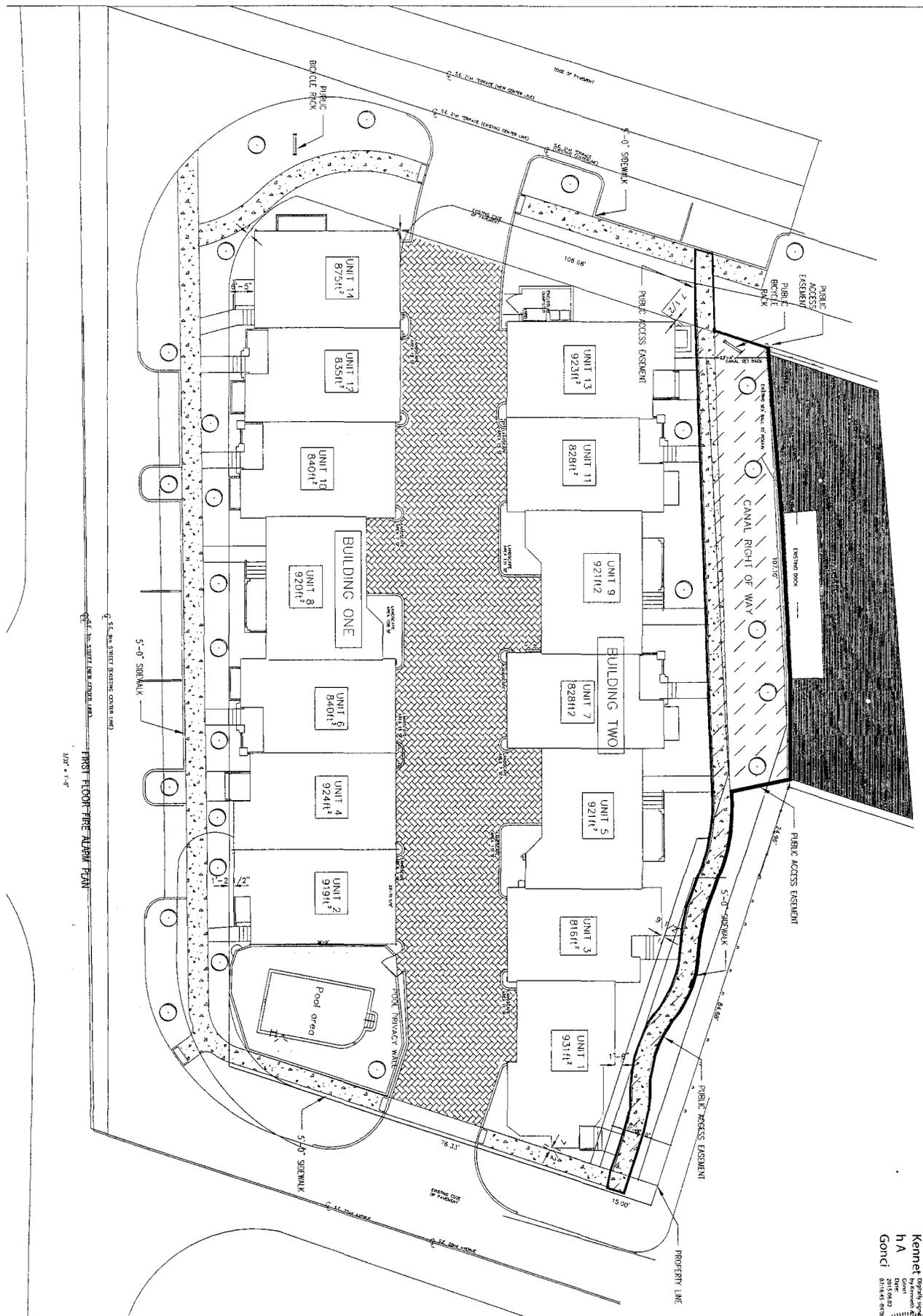
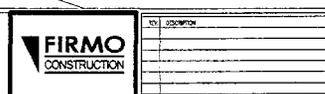


Exhibit D



<p>SP1</p>	<p>Overall Site Plan</p>
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THE PALOMA AT POMPANO BEACH TOWNHOUSES
 2119 SE 9TH ST POMPANO BEACH FL



KAR ENGINEERING & CONSULTING, LLC
 14034 SKIPPACK LOOP
 BRADENTON, FL 34202
 PHONE: (941) 545-4407



Kenneth H.A. Gond
 Registered Professional Engineer
 State of Florida
 License No. 12513
 Date: 07/09/13



MEMORANDUM

Development Services

MEMORANDUM NO. 15-629

DATE: December 2, 2015

TO: Dennis W. Beach, City Manager

VIA: Robin M. Bird, Development Services Director *RM*

FROM: Karen Friedman, AICP, Principal Planner *KBF*

SUBJECT: Flex Unit Allocation Request / 2119 SE 9th Street Standards for Review

The proposed Resolution seeking an allocation of a maximum of 14 flex units is subject to the current review standards recently reiterated in Ord. 2016-12. They are as follows:

§ 154.61 RESERVE AND FLEXIBILITY UNITS.

(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.
- (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.

A copy of applicable goals, objectives and policies are shown on the following page.

Per direction from the City Commission at the November 12, 2015 workshop, Staff is preparing revisions to the Application Review Standards and will present them to the City Commission in February 2016. Applications for allocation of Flex Units received after that time will be reviewed under the revised standards.

Should you have any questions or comments, please contact me at extension 7792.

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.

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.

Policies

01.12.02 Continue to support the allowance of mixed use land at strategic locations within Urban Infill, Urban Redevelopment and Downtown Revitalization Areas.

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.

01.16.02 The City will encourage and implement the use of compact building design principles which preserve more open space, contain mixed use, support multi-modal transportation options, make public transportation viable, reduce infrastructure costs and take advantage of recycled building materials.

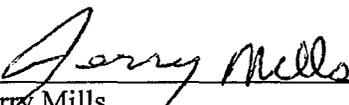
**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY
MEMORANDUM #15-050**

DATE: August 6, 2015
TO: City Commission
FROM: Planning and Zoning Board/ Local Planning Agency
SUBJECT: FLEX UNIT REQUEST
2119 SE 9 ST
P & Z #15-0500003 Vector of Pompano Beach, LLC / The Paloma at Pompano Beach

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on July 22, 2015, the Board considered the request by **Vector of Pompano Beach, LLC** requesting 14 FLEX UNITS on the above referenced property that has a Commercial Land Use.

As it is consistent with Section 154.61(D)(3) of the Code and the goals, objectives, and policies of the Comprehensive Plan stated in Administrative Report 15-320, the Board unanimously recommends the approval of the flex allocation subject to the following condition:

This approval recommendation is conditioned upon the approval of the staff-initiated amendment [regarding affordable housing not being required for Flex-allocated properties less than one acre]. If the amendment is not approved by the City Commission, the applicant shall be required to provide the affordable housing per Section 154.61(D)(3).



Jerry Mills
Vice Chairman
Planning and Zoning Board/ Local Planning Agency

MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 15-320

DATE: June 11, 2015

TO: Planning and Zoning Board

VIA: Robin M. Bird, Development Services Director *RB*

FROM: Maggie Barszewski, AICP, Planner *M.B.*

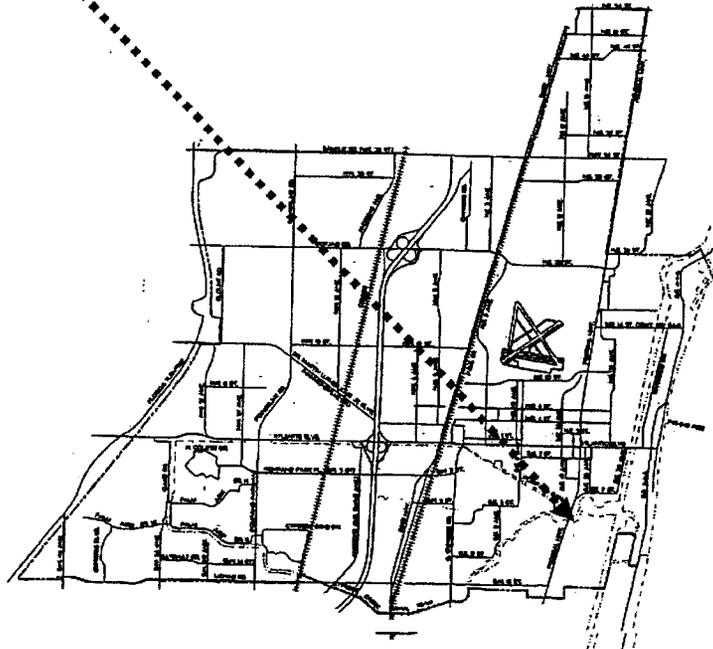
RE: Vector of Pompano Beach, LLC Flex Allocation Request
June 24, 2015 meeting

P&Z # 15-500003

Request

This Flex allocation request is for a .62 of an acre subject property located at 2119 SE 9 Street. The request is for 14 Flex units to be located on property that has a Commercial Land Use. The site is owned by Vector of Pompano Beach, LLC. The purpose for the flex unit allocation request is to allow the development of the 14 three-story townhome units. The applicant has submitted a conceptual site plan (see Attachment I) showing the layout of the units on the subject property. The property had previously received approval for the allocation of 14 Flex units, a Special Exception and Major Site Plan in 2006 and 2007. The subject property is located in an area that was included in the 3013 Federal Highway Corridor Study. The objective of that study is to elevate the visibility of the three major corridors in the City by providing strategies to ensure the corridors remain economically viable into the future and help them achieve full potential. There are 2 districts identified in the study. The subject property is located in the Cypress Lake Center District. The overall intent for that district is to infuse residential and mixed-use developments along the corridor. While the Study designates the subject property as a Greenway/Blueway, the City is not prepared to purchase it to develop a park. In order to be compatible with the study the applicant, has agreed to provide a public access easement along the north side of the property, overlooking the water.

2119 SE 9th St.



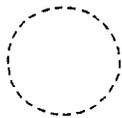
LEGEND

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
	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

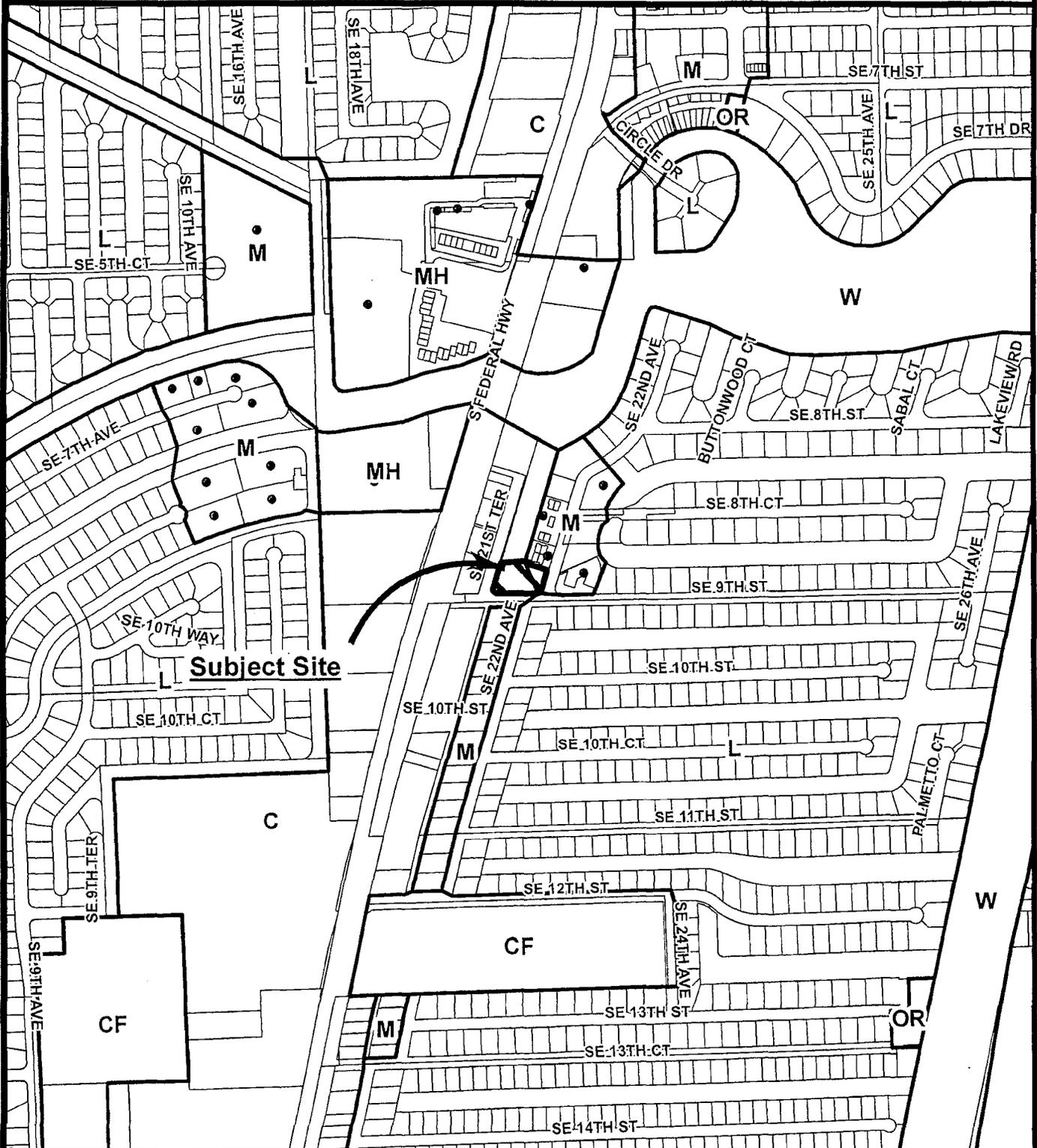
FOR ZONING MAP

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
	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

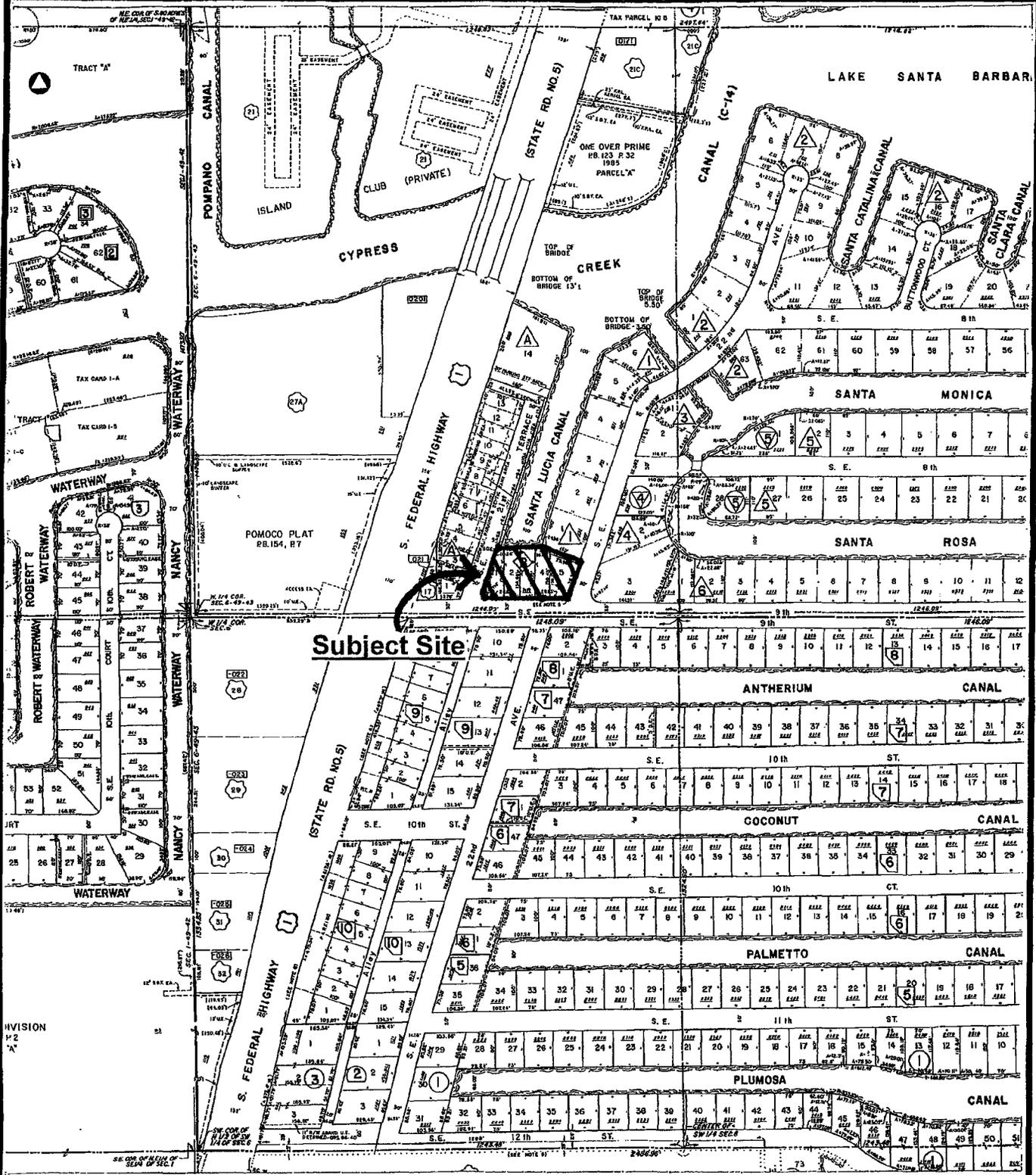


1 in = 600 ft

3

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

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 Flex Allocation request:**
1. The property is located at 2119 SE 9 Street.
 2. The Zoning and uses of adjacent properties are:
North – (RM-20) – Multi-Family Units and a canal
South – (RM-20 & RS-2) – Multi-Family & Single Family units
East – (RM-20) – Multi-Family Units
West – (B-3) – Gas station
 3. The site will be accessed from SE 22nd Avenue and SE 21st Terrace.

4. The Land Use Designation is C (Commercial) and the zoning would remain B-3 (General Business).
5. The subject property is included in the Flex Receiving Area.
6. The B-3 zoning allows 46 units per acer. The maximum density on this lot is 28 units, however the applicant is proposing only 14 units.
7. The review criteria is Section 154.61(c)(2) and states the following:
 - 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 is not planning on providing such affordable housing; they were not required to in 2006. Development Services Staff is currently proposing an amendment to the Code to revise this review standard to only require the provision of affordable housing for properties larger than one-acre. The justification for exempting properties less than one-acre is to encourage infill development.

While infill development is desirable by the city, as it contributes to safe and attractive pedestrian environments as well as utilizes existing infrastructure, it is often more challenging to develop. Cost of land, neighboring property owners' concerns, and other uncertain outcomes often discourage developers' economic interest in undertaking infill projects. Although there is no accepted definition for what size of property constitutes infill, there is a general accepted principle that infill will typically be of compact scale. Potential for infill development exist throughout the City. However it is properties of one acre or less that include some of the greatest challenges for infill redevelopment. Therefore Staff is recommending that properties of less than one-acre, therefore compact sites, be exempt from the affordable housing requirement.

This amendment is on the same Planning and Zoning agenda as this request, and is currently scheduled to be heard at the September City Commission meetings.

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.

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. This approval is recommended since the request will be consistent with Section 154.61(D)(3) of the Code (if the staff-initiated amendment is approved), and the use of the flexibility units will produce a reasonable development pattern. Furthermore, the request is consistent with the goals, and policies of the Comprehensive Plan 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.

This approval recommendation is conditioned upon the approval of the staff-initiated amendment. If the amendment is not approved by the City Commission, the applicant shall be required to provide the affordable housing per Section 154.61(D)(3)

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 found to be not consistent with the goals, objectives and policies of the Comprehensive Plan, 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.

Attachment I Conceptual Plan



City of Pompano Beach
 Department of Development Services
 Planning & Zoning Division

100 W. Atlantic Blvd Pompano Beach, FL 33060
 Phone: 954.786.4634 Fax: 954.786.4666

**DISTRIBUTION OF RESERVE &
 FLEXIBILITY UNITS APPLICATION**

219 SE 9TH STREET	B3	SANTA BARBARA STRIPES	51-48	1,2,3,4,5
STREET ADDRESS	Zoning District	SUBDIVISION	BLOCK #	LOT #

Applicant's interest in property (Owner, Lessee, Etc)	OWNER'S REP
Has any previous application(s) been filed?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If Yes, give date of hearing and finding	10/29/2007 PROJECT APPROVED (Ordinance No. 07-1200007)

Applicant	Landowner (Owner of Record)
ERIC Cowin	Zoltan Hauser as
Print Name and Title	Print Name and Title President of
	VECTOR OF POMPANO BEACH, LLC
Signature	Signature
Date 3/23/15	Date 3/23/15
Street Address 2170 Main St. Suite 104	Street Address c/o Blade + Blade P.A.
Sarasota, FL 34234	515 S. FEDERAL HWY
Mailing Address City/ State/ Zip	Mailing Address City/ State/ Zip
(941) 917-0494 w	Deerfield Beach, FL 33441
(941) 350-7775 c	Phone Number
Phone Number	
Email eric@sibari.us	Email
Indicate your preferred medium to receive agendas and notifications: <input type="checkbox"/> Mail <input checked="" type="checkbox"/> E-Mail	Indicate your preferred medium to receive agendas and notifications: <input type="checkbox"/> Mail <input type="checkbox"/> E-Mail



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PROJECT NARRATIVE
The Paloma at Pompano Beach

2119 SE 9th Street
Pompano Beach, Florida 33062

March 31, 2015
Prepared by: Eric Collin

PROJECT DESCRIPTION

The Sibari Project, LLC (Applicant) on behalf of Vector of Pompano Beach, LLC (Owner of Record) proposes to construct *The Paloma at Pompano Beach*, 14 three-story townhomes ranging from 2,400-2,900SF. The townhomes will feature modern architectural design by Leonardo/Lunardi Architecture. Residents will enjoy canal views to the North as well as a common pool area.

The project intends to contribute to the vision of the Transportation Corridor Study as applicable to the Federal Highway Corridor and provide a connection between the greenway and blueway systems. Pompano citizens will enjoy pedestrian access to the canal from two public accesses (SE 22nd Avenue and SE 21st Terrace). The project will also feature two public bicycle racks. This access along the northern side of the property will be maintained in perpetuity with a public access, the boundaries of which are shown on the Conceptual Site Plan.

Resident parking and garages will be accessed through an internal drive aisle, concealing parking and vehicles to passing pedestrians. Sustainable Florida Native Landscape design will complement the townhomes and serve as a landscape buffer along the property's perimeter. *The Paloma at Pompano Beach* will function as a neat buffer between Single Family residences to the East and heavy commercial activity to the West, facilitating a mixed-use objective for the area.

The Project complies with the B-3 zone district development standards as shown in the data table bellow:

1. Project Zoning Data Table

Intensity and Dimensional Standards	Required	Provided
Lot area, minimum (sq ft)	10,000	26,937.5
Lot width, minimum (ft)	100	173.52
Density maximum (du/ac)	46	22.58
Lot coverage, maximum (% of lot area)	60	46
Pervious area, minimum (% of lot area)	20	73
Height Maximum	105	45
Front yard setback, minimum (ft)	0	0
Street Side yard setback, minimum (ft)	0	0
Setback from a waterway or canal, minimum (ft)	15	23'4"
Setback from a dune vegetation line, minimum	25	n/a
Interior side yard setback, minimum (ft)	0	0
Rear yard setback, minimum (ft)	30	n/a

Table from *City of Pompano Beach, Florida Zoning Code 155.3304 General Business (B-3)*

LOCATION

Located East of S Federal Highway/US1, between SE21st Terrace and SE22nd Avenue on the North Side of SE 9th Street, the project lies within the General Business (B-3) District in the Santa Barbara Shores Subdivision.

I. STANDARDS

1. The proposed property is located within the Pompano Beach Unified Flexibility Zone.
2. It has been previously determined that the affordable housing provision shall not be applied to this project. The property has previously received an approval for the Allocation of 14 Reserve Units (Resolution # 2006-464), a Special Exception approval (Order # 07-170000006) and a Development Order for Major Site Plan was granted (Order # 07-12000017) in order to place 14 townhomes in a commercial business district (B-3). The project remains similar in nature and the Applicant's goal is to continue with a project consistent with the one previously approved. We would therefore request for a similar exemption to be granted. Please see the attached supporting documents regarding previous approvals.

II. APPROVAL STANDARDS

1. The proposed multi-family re-development is consistent with the applicable goals, objectives, and policies of the *City of Pompano Beach Comprehensive Plan, Chapter 154*.

The proposed re-development aims to enrich the Santa Barbara Shores Subdivision and contribute to the City of Pompano's goal to maximize the, "physical, economic, and social well being for the city," (01.00.00) by constructing, with the highest possible quality materials, a modern Architecturally designed infill residential re-development that increases density and aids in the beautification of the surrounding area.

The proposed re-development shall provide pedestrian facilities, such as paved sidewalks, street trees, and a Florida-Friendly landscape design. Consistent with the "Smart Growth Initiative" and principles set forth by the USGBC, the proposed re-development project will utilize existing area infrastructure as well as energy efficient design methods to conserve natural and manmade resources.

The proposed multi-family re-development seeks to provide a structurally sound, energy efficient, modern Architectural design housing option for existing and anticipated future City of Pompano Beach Residents.

2. The use of the reserve and flexibility units will produce a reasonable development pattern as the proposed project is compatible with adjacent land uses and is suitable to various development patterns per Comprehensive Plan Policy 01.12.03

The proposed townhome re-development shall serve as a transition between the neighboring single-family residential neighborhood directly to the East and the Commercial District to the West, along US 1. Existing today, assisting in this transition between Single Family Residence and Commercial zoning are apartment complexes directly South and East of the proposed re-development.