



MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 16-146

DATE: April 12, 2016

TO: Planning and Zoning Board

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

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

RE: Proposed Revisions to §154.61, Reserve and Flexibility Units

At the September 21, 2015 City Commission hearing, after a lengthy discussion by the City Commission regarding the need for a clearer articulation of the City's vision and the allocation of flex units, Staff was directed to schedule a workshop for the Commission to decide on the allocation of flex units (A copy of the minutes are attached).

A City Commission workshop on flex units was subsequently held on November 12, 2015. A copy of the Presentation as well as the Minutes from the meeting are attached. Staff recommended Option 4, which recommended *"Create a mechanism for evaluation of flex units that all applications must meet. This option would allow the Commission to evaluate all applications involving flex units for specific quality development attributes that improve the urban form."*

Staff has therefore prepared text amendments to the Flex Allocation Review Standards. The overall intent of the proposed text amendments is twofold:

1. To further the purpose of the unified flex zone which is to *"direct residential flex and reserve units into mixed use development along the City's transit priority corridors as a means to promote energy efficient development and redevelopment"*
2. To ensure that application for flex allocations implement specific qualitative development attributes that improve urban form

A detailed description of the proposed changes is below:

§154.61(A)	Language is revised to remove reference to multifamily and mixed use developments. This change reflects the intent of flex units to be used primarily for mixed use development.
§154.61(C)	Add in expiration language. This language simply codifies the existing practice of flex unit approvals expiring if a principal building permit is not obtained within 24 months.
§154.61(D)	The review criteria has been comprehensively revised. The standards quantify the desired qualitative attributes by addressing the following design standards: Innovative Development, Sustainable Development, Compatible Development, Accessible Development, and Pedestrian-Oriented Development. Finally the standards include specific requirements related to mixed-use and limiting stand-alone multifamily development.

MEMORANDUM

Development Services

§154.61(D)(2)(a)	“Innovative” development includes a requirement to demonstrate innovative land planning (a standard already utilized in conjunction with Planned Development (PD) applications)
§154.61(D)(2)(b)	“Sustainable” development includes a requirement to obtain an additional ten Sustainability Points.
§154.61(D)(2)(c)	“Compatible” development includes a requirement to demonstrate compatibility and specifically demonstrate various compatibility requirements in the Zoning Code. <i>(NOTE: Staff has prepared a related text amendment to the Zoning Code which revises Residential Compatibility Standards.)</i>
§154.61(D)(2)(d)	“Accessible” development is applicable to properties abutting a natural feature, including a park, beach, or waterway. The requirements is to dedicate public access to the abutting beach, park, or water.
§154.61(D)(2)(e)	“Pedestrian-Oriented” development includes standards for properties abutting arterial roadways. These standards include minimal front setbacks, human scaled architecture and design, requirements for parking to be placed behind buildings, wide and shaded sidewalks that are separated from the curb by landscaping, and limitations on fences and walls in the front of properties.
§154.61(D)(2)(f)	This section clarifies the primary purpose of flex units allocations is for the development “mixed” use projects. Therefore this section permits, without any additional restrictions, the development of Live/Work Dwellings or Mixed Use Dwellings. Stand-alone multifamily development would be permitted with certain requirements. Stand-alone multifamily must either have parking in garages or the surface parking lot must utilize low impact development design. Further the project must have enhanced onsite private recreation opportunities. <i>(NOTE: Staff has prepare a related text amendment to the Zoning Code which revises the standards related to Mixed Use Developments.)</i>
§154.61(D)(3)	Language has been added to address with flex units are allocated in order to remedy any inconsistencies between the local and county land use plan (i.e. for the development of single family units).

Staff's Request

Staff is requesting the Board approve the recommended changes to the Planning Code to the City Commission for adoption.

§ 154.61 RESERVE AND FLEXIBILITY UNITS.

(A) In conformance with the Comprehensive Plan, flexibility and reserve units as defined in § 154.60 of this chapter, may be allocated to authorize ~~multifamily dwellings for residential projects or mixed-use projects~~ on properties with commercial land use designations or additional units on properties with residential land use designations. Approval of a transfer of flexibility and reserve units shall be achieved as outlined below.

...

(C) Procedure.

...

(5) The availability allocation of reserve and flexibility units will become null and void upon the expiration of the following time limits, unless otherwise provided in the resolution allocating said flexibility and reserve units. Time extensions may only be granted for good cause shown if sufficient progress is demonstrated.

(a) Principal Building Permit. The applicant shall obtain a principal building permit for the proposed principal structure within twenty-four months of the date of the resolution.

(D) Application review standards. An application shall only be approved on a finding that ~~there is~~ the applicant has provided 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.~~ Compliance with the following:

(a) Innovative Development. The proposed development demonstrates innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development.

(b) Sustainable Development. The proposed development demonstrates environmental sensitivity and energy efficiency by achieving an additional ten sustainability development points over what would otherwise be required for the relevant development type.

(c) Compatible Development. The proposed development demonstrates compatibility with adjacent land uses. The applicant shall demonstrate how the project will comply with compatibility requirements including, but not limited to, Perimeter Buffer Standards in Zoning Code §155.5203.F. and Residential Compatibility Standards in Zoning Code §155.5604.

(d) Accessible Development. Public access to waterways, public parks, and/or the beach is dedicated, where applicable.

(e) Pedestrian-Oriented Development. Developments abutting an Arterial Roadway shall be designed to enhance the adjacent roadway's streetscape and promote walkable communities by implementing wide sidewalks, pedestrian-scale architecture, pedestrian-oriented site-layout, and context-sensitive landscaping as follows:

i. Buildings should be placed as close as possible to the property line abutting the Arterial Roadway, with the bulk of the building oriented towards the Arterial roadway. When setback from the front or street side property line, a plaza or similar public space, including hardscaping and

landscaping, in between the property line and the building shall be provided.

- ii. Architecture shall be human-scaled and a minimum of 50% of the ground-level street-facing façade shall be occupied by transparent window or door openings. In lieu of the 50% transparency requirement, residential facades shall be articulated in a manner that promotes pedestrian activity including the provision of pedestrian-oriented street furniture or other seating surfaces, hardscaping and landscaping, awnings, and alternative paving materials in areas of pedestrian access.
- iii. No off-street parking or vehicular use areas shall be located between the street and the building.
- iv. Sidewalks shall be shaded, a minimum of 10 feet in width, and located at least five feet from the curb. Landscaping shall be located between the edge of curb and the sidewalk. This landscaped area shall not include sod, but shall include drought resistant ground cover. Street Trees shall be selected and placed to offer maximum shade of pedestrians. For properties installing on-street parking, the sidewalk width along the side of the property abutting the on-street parking spaces may be reduced to seven feet and can be located abutting the curb. The required landscape area shall be accommodated as bulb outs and street trees shall be installed.
- vi. When placed along front and/or street sides of a property, walls and fences shall be limited to a maximum 4 ft in height and a minimum 75% transparency.

(f) Mixed Use and Multifamily Development. The proposed development shall be of a use or typology as listed below:

- i. The proposed development meets the Zoning Code's definition and standards for a Live/Work Dwelling;
- ii. The proposed development meets the Zoning Code's definition and standards for a Mixed Use Dwelling;
- iii. Multifamily Dwelling development shall only be permitted if parking is provided in garages and enhanced multi-use trails or other enhanced recreation spaces are provided. In lieu of garage parking, low impact design surface parking may be permitted if, at a minimum, all of the following low impact design components are included in the parking lot design: drought tolerant ground coverings in all landscaped areas, landscaped islands designed to capture and store stormwater, and 25% additional trees.
- iv. The City reserves the right to allocate flex units for other uses and typologies in order to address inconsistencies between the City's Local Land Use Plan and the County's Land Use Plan.

(3) Submittal of an Agreement and Restrictive Covenants addressing at a minimum the applicant's compliance with the standards listed in Section 154.61(D)(2).

Names of Comms.	M	S	V Y	V N

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REGULAR ITEMS – CONTINUED

Mayor Fisher announced that Police Chief John Hale, Broward Sheriff's Office would provide a report prior to getting into the final reports.

Broward Sheriff's Office Report – John Hale, Police Chief, Broward Sheriff's Office (BSO), thanked the Commission for their consideration and approval of Agenda item 17, designating the BSO motorcycle garage in memory of the late motorcycle Deputy Chris Schaub, who was killed in a traffic crash in the line of duty. On his anniversary, a dedication ceremony will be held on Saturday, September 26, 2015, at 2:00 p.m. at the motorcycle garage, which is located at the rear lot, south side of the Public Safety Building, 100 Southwest 3rd Street, Pompano Beach, FL. He invited everyone to join members of Chris' family, Sheriff Israel, Mayor and Commissioners, as well as members of the Pompano Beach District staff in this occasion and dedication ceremony.

REPORTS

City Manager – No Report.

City Attorney – No Report.

City Clerk – No Report.

Commissioner Barry J. Dockswell – Flex Units and Study on LAC/Transit Oriented Corridor – Comr. Dockswell stated that he would like to discuss the Flex Units in the City and the study being prepared relative to either a Local Activity Center (LAC) or a Transit Oriented Corridor (TOC) mainly focused on the Atlantic Boulevard corridor, as well as in other areas. To date, while there have been great results with the redevelopment throughout the City, which has been satisfying to the Commission, as well as with all the progress made to date in the last several years. The City is now at a "key and reflection point, possibly."

Notwithstanding, there are many redevelopment proposals starting to come into the City, but the City is not as prepared as it should be to be able to respond to property owners or developers when they present a plan. There appear to be problems providing a clear direction on what is the City's vision.

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REPORTS - CONTINUED

Comr. Dockswell cited the Atlantic Boulevard corridor east of Federal Highway where there are several properties that are zoned B-3, a commercial zoning, which allows for 110 feet height structures on the parcels. The Atlantic Boulevard corridor is in the AOD (Atlantic Overlay District), which allows for more entitlements and encourages mixed use. Recently, he had asked for a study of the traffic, the congestion, parking, density, the massing and all of these elements, which are key for quality of life in this regard. Therefore, all of that is being worked on, but perhaps a request would be generated from the City of Pompano Beach to Broward County to create either a Local Activity Center (LAC) or a TOC on the Atlantic Boulevard area. The problem is that it is on a long time schedule, and the City is not scheduled to get the results on the traffic study. However, the analysis goes with it until January 2016. key

Additionally, Comr. Dockswell stated other problems the City is currently facing are: Developers are asking for flex units from the City's pool of flex units; specifically, two projects replacement plans for Atlantic Square, which is the shopping center across the street from the new Publix on Atlantic Boulevard. As well as, the other parcel that has the eight story Everest University building located on Federal Highway and some adjacent parcels where there is a development proposal for that whole area.

The City does not have a clear vision articulating the development desires for the Atlantic Boulevard corridor, as well as the Federal Highway corridor. Even if there was a vision, the City does not have the approval of a LAC or a TOC from Broward County. Therefore, not only is there a lack of a vision for the Atlantic Square project, but the City do not have the tools to use dwelling units and other incentives to encourage property owners and developers to help realize a vision for the City.

Until now, a lot of emphasis has been placed on mixed use. However, he noted that many of his constituents are requesting the study that would analyze the congestion and the new units and provide information on what the City is facing. Therefore, if a proposal is received, but the City is not ready to respond and deal with it effectively, it causes a lot of mass confusion, and people are concerned that the City will not be creating issues of gridlock in traffic as it moves forward with the development of certain areas.

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REPORTS - CONTINUED

The key point is, flex unit is an authorization to build a residential dwelling unit on the parcel the City grants for flex units. Therefore, if a property owner asks for flex units and it is granted, the City would be granting millions of economic value to a property owner at the time the flex units are granted.

Additionally, Comr. Dockswell stated that whether it is staff, CRA or the Commission, different types of messages being communicated to the developers is causing confusion among the residents, as well as the developers. The situation is challenging to deal with effectively and responsively. We need to have a consensus on where we are taking these main corridors such as the Atlantic Boulevard corridor and the Federal Highway corridor.

In sum, Comr. Dockswell stated that the City is in the middle of a long process. It would have been much better if this were already completed to deal with the proposals currently being made, but we are not done with it yet. In the meantime, the City must deal with the developers that are coming in with proposals, which one voice needs to be speaking on this. That is, the City needs to know what it desires to get back from a property owner before flex units are granted, as it is the City's moment of greatest leverage. Therefore, he is concerned about this entire issue.

Finally, Comr. Dockswell stated that he is not in favor of granting any more flex units, especially in his district, unless there is a clearer articulation of the City's vision and where it is heading. As well as, to activate the process of getting the package of entitlements that is needed to help encourage developers to assist with realizing the City's vision. Therefore, Comr. Dockswell suggested that perhaps a discussion item on a regular agenda regarding this issue could be considered or a Workshop.

Mayor Fisher is hopeful that the City will get there, where the premise would be that the Commission would have control. So, if a person wanted to do a mixed use, they could be granted whatever the entitlements, such as height and so forth. He believes staff is working on some ordinances they will be able to bring before the Commission for approval, perhaps in October or November.



City of Pompano Beach, Florida

City Commission Workshop Minutes

Agenda No. 2016-04

Date: November 12, 2015

Subject	Ord. No.	Res. No.	Page
<p><u>APPROVAL OF AGENDA</u></p> <p>November 12, 2015 City Commission Workshop Agenda</p>			1
<p><u>DISCUSSION ITEM</u></p> <p>A Workshop to review procedures and codes associated with Flexibility and Reserve Units (City-wide). The Workshop will also provide an overview of the Atlantic Boulevard Overlay District (AOD) Land Use Plan Amendment Application and Master Plan, which is currently being prepared by the City's Development Services Department and the Community Redevelopment Agency (CRA).</p>			1-30
<p><u>ADJOURNMENT</u></p>			30

CITY OF POMPANO BEACH, FLORIDA

CITY COMMISSION WORKSHOP MINUTES

Agenda No. 2016-04

Date: November 12, 2015

Commission Meeting Room

The Mayor called the meeting to order at 9:30 a.m. and presided as the chairman.

ROLL CALL:

Mayor
Vice Mayor
Commissioner
Commissioner
Commissioner
Commissioner

Present:

Lamar Fisher
Charlotte Burrie
Barry Dockswell
Rex Hardin
Barry Moss
Edward Phillips

and

City Manager
City Attorney
City Clerk

Dennis W. Beach
Mark E. Berman
Asceleta Hammond

INVOCATION BY:

Mayor Lamar Fisher

PLEDGE OF ALLEGIANCE LED BY: *Asceleta Hammond, City Clerk*

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION WORKSHOP MINUTES November 12, 2015</p> <p>PAGE 2</p> <p><u>DISCUSSION ITEM - CONTINUED</u></p> <p>Mr. Bird introduced the team that will be working on the project. Kim Briesemeister, Principal with the Community Redevelopment Agency (CRA); Robin Bird, City Development Services Department Director; Jennifer Gomez, City Planner who will be providing the project oversight for the LUPA and Karen Friedman, City Planner who will assist with code amendments, revisions and provide hands on assistance with projects. Also, included is Natasha Alfonso, and Jean Dolan who are working together on the LUPA, Kimley-Horn Associates will be providing assistance relative to traffic, as well as John McWilliams, Alley Haines and Kevin Crowder who is the Economic Development Coordinator/Director providing support relative to the LUPA.</p> <p>Mr. Bird outlined the format of the meeting, which will commence with a presentation from Kim Briesemeister, and then two other presentations during which time the Commission could take notes to ask questions afterwards.</p> <p>Kim Briesemeister, Principal, RMA, stated that one of the important parts of the discussion is due to the excitement that the City has been experiencing as it relates to what is happening in the City most recently, which is not just within the CRA districts. The City Commission makes those bigger picture decisions that make a difference in how the City is viewed as a potential city to live in, invest in, to open a business in and to develop in. Therefore, she indicated that as they go through the process it is important to keep the “big picture” and the vision in mind.</p> <p>Ms. Briesemeister stated that to keep in mind the two (2) redevelopment districts, the Commission should “not think of them as individual redevelopment areas and don’t think of the individual redevelopment areas as an isolation without the City as a whole.” As they grow the promise part, and there are hundreds and thousands of office buildings and units built, those people who work there will need somewhere to live. Hence, they desire to assist in guiding that process. She indicated the discussion today is about the “big picture vision” and where the City is going and how will it get there, which is the details of the Land Use Amendments, Zoning Amendments or Flex Units.</p>				

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<p>CITY COMMISSION WORKSHOP MINUTES November 12, 2015</p> <p>PAGE 3</p> <p><u>DISCUSSION ITEM - CONTINUED</u></p> <p>Finally, Ms. Briesemeister stated she is looking forward to assisting the team to go through the process. In sum, the East CRA Advisory Board has had limited discussions, which is a good forum to continue to discuss some of the things that are happening in a geographic area but, it is a lengthy process. Notwithstanding, there will be many forums and discussions. Therefore, the two advisory committees the East and West CRA are a great mechanism to air and vent those discussions. In addition, this ongoing process has great potential to make the City get to the next level, which is one of the best cities in Broward County or even in South Florida.</p> <p>Mayor Fisher requested that Ms. Gomez make available her presentation on the City's website for those persons who were unable to attend the meeting.</p> <p>Jennifer Gomez, Assistant Development Services Director, provided a brief overview of the presentation. She indicated that discussion of the following would take place:</p> <ul style="list-style-type: none"> ➤ Corridor Studies and Mixed Use Nodes ➤ Introduction to Flex Units and how they are used ➤ LUPA vs. Flex Allocation ➤ Possible Flex Unit Text Amendments – Discuss some tweaks that could be made to the flex code if that is the direction of the Commission ➤ East Atlantic Land Use Plan Amendment (LUPA) <p><u>Corridor Studies</u></p> <p>Ms. Gomez pointed out that the corridor studies was an initiative that stemmed directly from the Mayor's Stimulus Task Force in 2010. One of the task force members felt it was important to develop a vision and set specific recommendations for the corridors. After going through the process, the first three corridors completed were Dixie Highway, Federal Highway and Atlantic Boulevard, which are the completed ones to date, with A1A in progress. Nevertheless, they plan to continue to work on other corridors.</p>				



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Names of Commrs.	M	S	Y	V	V
<p>CITY COMMISSION WORKSHOP MINUTES November 12, 2015</p> <p>PAGE 4</p> <p><u>DISCUSSION ITEM - CONTINUED</u></p> <p>Continuing, the Corridor Studies identified key nodes where the intensity/density of zoning and Future Land Use designations should be modified in order to create the desired built form.</p> <p>Ms. Gomez indicated that based on the findings of the corridor studies there are key activity nodes, which requires the City to modify its zoning, land use densities, intensities, and mixes in order to promote redevelopment. So concentration is focused specifically on the key notes that will assist to guide and formulate the economic development strategy. Therefore, as illustrated on Page 2 of Exhibit A, in the center of the City, the downtown TOC District LUPA has already occurred. On the other hand, Ms. Gomez indicated that the East Atlantic LUPA currently in progress would be presented at the second half of the presentation.</p> <p>Continuing, the corridor studies recommended that the City link the two areas that is the Downtown Pompano Transit Oriented District (DPTOD) and Atlantic/Ocean</p> <p>She introduced the Land Use Map with its many classifications to include residential, industrial, and commercial. However, currently, they are only highlighting the commercial aspects, as this is the element under discussion today. She noted that there are no mixed use by right development allowed on the commercial corridors that houses commercial Land Use. Therefore, the City has two possible avenues to do either a mixed use or a standalone residential development in selected areas identified in red on the Map. The two possibilities for these areas are through the Flex Unit allocation and the LUPA.</p> <p>Ms. Gomez then provided the details on what Flex Units are, which are technically Flex and Reserve units. There is also an affordable housing pool within those, specifically set aside. She noted that for the purpose of the presentation these will be referred to as “flex units.” (Please refer to the attached Exhibit A for details).</p>					



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<p>CITY COMMISSION WORKSHOP MINUTES November 12, 2015</p> <p>PAGE 5</p> <p><u>DISCUSSION ITEM - CONTINUED</u></p> <p>Continuing, Ms. Gomez introduced the Flex Map with the Receiving Areas, which she explained in details the areas to apply “flex units”. (See Exhibit A attached). She noted that the barrier island is not a receiving area so flex cannot be done east of the Intracoastal. Also, flex cannot be used to build single-family development.</p> <p>Ms. Gomez introduced the City’s Requirements for Allocating Flex Units (See Exhibit A) for details.</p> <p>Continuing,, Ms. Gomez introduced the two tools to obtain mixed use or residential on the commercial corridors, which are the Flex Allocation and the LUPA. She then provided details on the LUPA vs. Flex Unit Allocation (See Exhibit A attached).</p> <p>Ms. Gomez indicated that there is a variety of options in terms of allowing residential or mixed used development on the commercial corridors. She then introduced three options, Flex Allocation, Private Land Use Plan Amendment and City-driven Land Use Amendment based on a Vision. Details on these are provided in the attached Exhibit A.</p> <p>Continuing, Ms. Gomez introduced the Possible Flex Unit Allocation Standards that would provide the City Commission with four (4) Options, which is detailed in the attached Exhibit A. She indicated that staff recommends Option 4.</p> <p>Ms. Gomez reiterated the reason for the Corridor Studies and the Next Steps involved as detailed in the attached Exhibit A.</p> <p>Ms. Gomez reiterated that the East CRA has almost exhausted the pool of flex. Since there is no mixed use development by right in the East CRA, once this gone the City and the CRA are working together to proactively plan a vision for the desired mix of residential and commercial along East Atlantic Boulevard.</p> <p>Finally, prior to further discussion on the LUPA, Ms. Gomez described the Bert J. Harris Act, which is detailed in the attached Exhibit A.</p>				

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<p>CITY COMMISSION WORKSHOP MINUTES November 12, 2015</p> <p>PAGE 6</p> <p><u>DISCUSSION ITEM - CONTINUED</u></p> <p>Mayor Fisher requested that questions be entertained at this time from the Commission regarding the Flex Units.</p> <p>Comr. Dockswell commended staff for the good work on their presentation. He then commented on the slides pertaining to the Land Use Plan Amendment (LUPA) versus Flex Allocations as well as a chart regarding affordable housing requirements. He noted that there was information referring to a large city sponsored LUPA, and asked if the City received 1,000 units after completing a large regional LUPA, would there be an affordable housing requirement against all the units.</p> <p>Jean Dolan, Planning Consultant, stated when doing a LUPA, flex allocation becomes irrelevant; however, the affordable housing requirement would remain. Fifteen percent (15%) is typically set aside for affordable housing for whatever rights granted or residential units created through the LUPA process as permitted through the County. In fact, the County recently did a Regional Activity Center Amendment for the City of Fort Lauderdale, and they agreed to set aside 15% for affordable housing. Therefore, she anticipates this will be required of the City of Pompano Beach as well.</p> <p>Comr. Dockswell asked if the City received 1,000 units with a large LUPA, would 150 units needed to be reserved for affordable housing, which could then be distributed down to people who receive them on parcels.</p> <p>Ms. Dolan replied that staff would have to set some conditions regarding the 150 units so that the County has some assurance that this would take place.</p> <p>Mayor Fisher recalled past projects, specifically in Vice Mayor Burrie's district, on North Federal Highway, there were certain allocations made for affordable housing for example, the Jefferson project. There was an opportunity for the developer to purchase those affordable units and place the proceeds into an affordable housing trust fund. Therefore, he wanted to ensure the City would reserve the right. Also, there have been discussions on what the fee would be, and he thought the City did a great job in negotiating a fee much higher than what the County Commission was actually charging.</p>				



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<p>CITY COMMISSION WORKSHOP MINUTES November 12, 2015</p> <p>PAGE 7</p> <p><u>DISCUSSION ITEM - CONTINUED</u></p> <p>Ms. Dolan stated there would probably be quite a few options, such as linking the two TOC's together and sharing the requirements between them, especially since they have already received some affordable housing projects in the DPTOC to include proposals. Moreover, staff will come up with creative ways of sharing the requirements throughout the City, because the City does have a nice pool of affordable housing. Currently, staff has undertaken a study on affordable housing to determine market potential, market rate versus affordability, and so forth. Therefore, there is plenty of time to work on those policies through the plan amendment process.</p> <p>Vice Mayor Burrie commented on the Jefferson Project, stating that there were meetings in her office with Ms. Dolan along with the Civic Association whereby they were able to receive the monies; therefore, she thanked Ms. Dolan for her efforts on the matter.</p> <p>Comr. Phillips asked how many times the City can do a LUPA in a specific area.</p> <p>Mr. Bird stated that generally the Land Use Plan is not often amended. The plan is reviewed on a 7-year basis through an evaluation appraisal report. However, one of the reasons why they are discussing this matter is because land use is such a dictatory process of what can be used. For instance, small amendment under 100 units does not require affordable housing. Therefore, they have to concentrate on what will happen if the City does not do anything or does not get control to prevent our governing body from making a decision that is not in the best interest of the big picture.</p> <p>Comr. Phillips commented that since there is no affordable housing for 100 units or less, would the flex unit component kick in.</p> <p>Mr. Bird replied that under a Land Use Plan Amendment flex units are not considered. A LUPA simply changes what is allowed on the land based on care and capacity along with any concurrency issues imposed by the County, as well as compatibility with the Comp Plan.</p>				



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<p>CITY COMMISSION WORKSHOP MINUTES November 12, 2015</p> <p>PAGE 8</p> <p><u>DISCUSSION ITEM - CONTINUED</u></p> <p>Ms. Dolan stated that Flex is an invention of Broward County, which is a means of allowing some residential units on commercial property without doing a LUPA. However, if a LUPA is done then flex is not required, because the entitlements are being created by rights.</p> <p>In response to Comr. Phillips' and Mayor Fisher's comments, Ms. Gomez clarified that concerning the flex unit applications, the affordable housing would have to be addressed and the 100 unit component does not come into play. On the other hand, the 100 unit is associated with the LUPA. Therefore, if a LUPA created 80 units, affordable housing would not have to be addressed but it is required with flex, except when it involves a mixed use in the AOD or a 1-acre property.</p> <p>Comr. Dockswell asked if under Option 3, the parcel owner would be required to rezone, for instance, from a B-3 to a planned development and could ask for any number of flex units. Also, would the City measure how well they are helping to move towards the vision of the master plan to include approval rights.</p> <p>Mr. Bird stated the owner would be limited based on the land use plan. A commercial property is still limited to 46 units per acre and it is based on the amount of land.</p> <p>Comr. Dockswell asked if the 46 units per acre were carried over from the residential zoning.</p> <p>Mr. Bird replied yes. In fact, this was equated in the comprehensive plan and it is included in any allocation of flex in commercial. In fact, it is the highest density in the City's Land Use Plan, which is multi-family high with up to 46 units per acre.</p> <p>Comr. Dockswell indicated that he would be uncomfortable with the City going back to Option 3 to permit the construction of a building that includes all the densities of B-3 and RM-45 on the same parcel. Nevertheless, he understands staff is recommending Option 4.</p>				

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION WORKSHOP MINUTES November 12, 2015</p> <p>PAGE 9</p> <p><u>DISCUSSION ITEM - CONTINUED</u></p> <p>Ms. Gomez stated that staff is recommending Option 4. In terms of intensity, she gave an example of a B-3 property with a basic intensity, which is setup by lot coverage and height. Those two things are predetermined regardless of what is being built. Therefore, if a flex allocation of residential were granted, additional density would not be given. So, it would be confined to lot coverage and height, and it would be done with residential versus commercial.</p> <p>A lengthy discussion ensued among Comr. Dockswell, Mr. Bird, Ms. Gomez, Ms. Dolan and Mayor Fisher regarding the intensity and density factors associated with Option 4 and the reasons why staff endorsed the option.</p> <p>Comr. Phillips commented there are City driven LUPAs based on a vision. Also, he noticed information concerning neighborhood compatibility heights and questioned what is the City doing to ensure the criteria fits the vision.</p> <p>Ms. Gomez stated that staff has put much thought on that issue. In fact, much of that will be covered in the second half of the presentation.</p> <p>Comr. Phillips asked if it is economical for a developer to have flex units versus a LUPA.</p> <p>Ms. Gomez stated it is cheaper to apply for a flex than a LUPA.</p> <p>Comr. Hardin asked how the City obtains flex units.</p> <p>Ms. Gomez stated that there are some instances such as with the Jefferson's Project, where a LUPA was done; however, the developer did not use all the density that was allocated to them. So, through negotiations the density was returned to the City. Also, she gave another example with a property owner who received a flex allocation and then later decided to do LUPA. As a result, the City took back those flex units. Therefore, the City cannot increase the pool from a greater land use perspective, rather it can take from existing land uses.</p>				

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION WORKSHOP MINUTES November 12, 2015</p> <p>PAGE 10</p> <p><u>DISCUSSION ITEM - CONTINUED</u></p> <p>Mr. Bird stated that he had a presentation from the Broward County Planning Council about the 2035 Plan. Part of that discussion involved the allocation of more flex units to cities. In fact, there are some cities that have none and since they go through the County's process, their redevelopment agencies and planners are stuck. The Council is contemplating different ways to get density to cities in a fair and equal manner. Therefore, it would behoove the City to have another presentation from the Planning Council as it moves forward.</p> <p>Comr. Hardin commented on the 233 flex units reserved for the East CRA. He asked if there is a reason why additional units cannot be used in that area.</p> <p>Mr. Bird stated that when the City decided not to move forward with managing the CRA, it decided to have RMA come in and now the CRA is moving along. Moreover, it was always contemplated that a LUPA would be done in order to get control of that area. Granted, the City can change the policy. In fact, it was in the City's zoning code rewrite. There were actually 312 flex units and some still exist with 77 currently located on Parcel A. However, he said, "If they do not build or do 100% hotel there, those would go back into that pool".</p> <p>Mayor Fisher clarified that Parcel A is located around Atlantic Boulevard, Pompano Beach Boulevard and A1A. This parcel was part of the WCI development and is currently a City parking lot.</p> <p>Mr. Bird believes the City is taking the right steps concerning the LUPAs and that tool is available for other area in the City where there are not enough options such as North Federal Highway, West CRA and outside the TOC. Actually, he has seen the City used these options inappropriately, harming the downtown area and the AOD. The City took 100% and made a quick decision to build on South Federal Highway. Although, today it is a nice development it has stagnated the area by exhausting all of the flex or reserved units east of Federal Highway to the Intercoastal and south of Atlantic Boulevard. Therefore, he is a little conservative regarding where they go and fro what use.</p> <p>Comr. Hardin asked if there is prohibition against using additional flex units.</p>				



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Names of Commrs.	M	S	V	V
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DISCUSSION ITEM - CONTINUED

Mr. Bird replied that staff could be directed to allocate more.

Comr. Phillips commented on the following from the backup material, "Difficult for City to deny based on ambiguous standards," and asked for an example of an ambiguous standard.

Ms. Gomez explained that she prefers to use is a subjective standard. In terms of compatibility, she believes what one commissioner would consider as a compatible development would differ from another commissioner and so forth. Because there are multiple subjectivities or interpretations of what that could be that is what staff meant as ambiguous. In sum, if Option 4 were selected, staff would have to set the objectives clearly.

Pilar Ojea, Renaissance II Condominium, 1370 South Ocean Boulevard, Pompano Beach, FL, stated that there are studies required in order to allow flex units. Some of the studies require impacts on sanitary, potable water, drainage, solid wastes, parks, traffic, mass transit and historic and natural resources. Therefore, she asked if those requirements apply to the Barrier Island planned developments.

Mr. Bird replied yes. In fact, that project consisting of 6 acres went through a small-scale LUPA. They were commercial, which has a higher intensity. Although city staff was against it, the property owner has a very good case whereby he was lowering the capacity of the land to residential, which passed through the Planning Council despite having to deal with hurricane evacuation issues and whether the City has a requirement to maintain waterfront and commercial activities near the beach. Therefore, because it went from commercial to residential, they were able to show a reduction in impacts on all those aspects.

Bruce Voelkel, 2700 SE 2nd Street, Pompano Beach, FL, asked if a developer gets 233 units, does he have the right to go to the County to ask for additional units.



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<p>CITY COMMISSION WORKSHOP MINUTES November 12, 2015</p> <p>PAGE 12</p> <p><u>DISCUSSION ITEM - CONTINUED</u></p> <p>Ms. Gomez replied yes. If a developer goes through a flex application, he can obtain a LUPA, and then staff would have to discuss with that particular developer whether they go back to the City or to have it counted toward the allowable density.</p> <p>Mayor Fisher clarified that should the developer desire additional units to that particular project besides the 233, they can go through the LUPA process in order to get the County to grant them more units. In fact, if they go through the LUPA process and obtain the units, the 233 would return to the City.</p> <p>Comr. Hardin stated that if they received 233 units and then went to the County to get a LUPA, they would not receive more entitlements for that property, which would otherwise be allowed.</p> <p>Fred Stacer, 2501 SE 9th Street, Pompano Beach, FL, stated that it sounds like staff will not only provide a narrative but also have a list that would show how a developer is in compliance.</p> <p>Ms. Gomez replied correct. Also, she stated that staff would define what Option 4 meant and create the criteria, but it would be up to the applicant to demonstrate how they address the criteria, which would likely be a combination of narrative responses and conceptual design plans that would illustrate their points.</p> <p>Mr. Stacer asked what is going to drive it to come back before the Commission because this process is dynamic and they are going to see some changes. If you make certain changes something will potentially come up.</p> <p>Ms. Gomez stated that there is the flex process and the site plan process and explained in detail what would happen if they should deviate significantly from the original application.</p> <p>Mr. Stacer asked if she plans to get them to the Development Review Committee (DRC) for the flex process prior to going through the Site Plan approval process.</p> <p>Ms. Gomez responded that is correct.</p>				



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DISCUSSION ITEM - CONTINUED

Mr. Stacer noted that the Commission does not see the site plan approvals, so it is possible that during that dynamic process that some changes would be made. Therefore, he wonders if they had thought about it because that would be something that the Commission would like to know. Therefore, he asked what would bring this back to them?

Mr. Bird responded that Mr. Stacer's comments are relatively good. However, there is going to be a checklist because currently the criteria are nebulous, and very political. Therefore, it sets a guideline and helps current and future Commissioners to know that they have a criterion acceptable citywide. Then, it is going to be a conceptual plan because a developer will not develop until he knows he has the flex units. Moreover, when it comes down to the design, it goes through the development review process for site plan approval. Both the allocation of flex units and the criteria will have to be provided to the developer. Therefore, there will be a check and balance originally not in place so the criteria will be noted in the resolution which will be attached to the site plan, stating why it was awarded and allowed.

Comr. Phillips stated that during the presentation regarding Land Use Amendment, there were comments made about the component of 15% Affordable Housing, and asked how is that going to affect the flex units if the City removes the affordable housing component. He noted that he would like to understand the dynamics of that, because it seems like a useful tool for the workforce is being removed.

Ms. Gomez clarified that she believes it is important to think about them in two different processes to include the flex, which will still require affordable housing and land use.

Comr. Phillips replied that he understands that but questioned how the flex could become a part of affordable housing when the criteria is taken away.



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Names of Commrs.	M	S	Y	V	V
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Mr. Bird responded that the City took off the affordable housing component, which was only added in 2006 to the flex and reserve units. Historically, the City never had that component. A LUPA with over 100 units or more has an affordable housing component. The City has not issued a flex or reserve unit since the adoption of the affordable housing component. Also, the City removed the affordable housing component from one acre or less within the AOD.

Comr. Phillips expressed that fortunately or perhaps unfortunately there are many infill properties that are one acre or less in the northwest area. The affordable housing component was a draw and not necessarily something that was viewed as a negative.

Mr. Bird specified that if someone would like to build affordable housing and use flex or reserve units, they could still do that. There is no prohibition against being allowed to utilize the flex for that. The only thing is they are not making it a requirement, which is an inhibitor. In fact, the City has not granted any with the affordable housing component.

Comr. Phillips stated if it was created in 2006 there had to be a rationale for the creation in 2006. Therefore, he asked if that had dissipated and what are the reasons for it.

Mr. Bird clarified that situation was a “knee jerk” reaction of the former Acting Planning Director put forth. He noted that he was the Zoning Director at the time and he did not provide a positive recommendation on that. It came down to where the entire county was in disarray because the housing bubble was at its max and there was no affordable housing anywhere. This way was perceived to satisfy the Planning Council that they were doing a good thing in the right direction. Furthermore, it went through very quickly and he did not believe that it went through with the best amount of thought. At the time when they adopted it, it seemed like it was the right thing to do.

Mayor Fisher stated that he is correct and that the Planning Council did the same thing along with the County Commission, it was a quick fix to the rising cost of real estate that nobody was able to afford anything.

Names of Commrs.	M	S	Y	V	V
<p>CITY COMMISSION WORKSHOP MINUTES November 12, 2015</p> <p>PAGE 15</p> <p><u>DISCUSSION ITEM - CONTINUED</u></p> <p>Comr. Hardin commented that it might be helpful because if someone went for a LUPA with the County for 99 units, there is no affordable housing component. Moreover, the City's' threshold is stricter than if someone desired to go for a LUPA with the County, even though they did make some slight changes in one acre.</p> <p>Comr. Phillips said that he appreciated the explanation but he is somehow concerned that some of the smaller projects would be lost in the process. Besides, they would be able to structure the big developments.</p> <p>Natasha Alfonso, Redevelopment Management Association (RMA) and Community Redevelopment Agency (CRA) stated that this portion of the presentation would focus specifically on the Future of the Atlantic Boulevard Overlay District (AOD), which is the eastern portion of the City. Therefore, it would include:</p> <ul style="list-style-type: none"> ➤ Vision ➤ Land Use Designation ➤ Boundaries ➤ Market Analysis - To be presented by Kevin Crowder ➤ Traffic Analysis – To be presented by Natasha Alfonso ➤ Urban Design Principles and Standards – Natasha Alfonso to present ➤ Proposed Project Timeline and Public Input Process ➤ Recommendations ➤ Questions and Answers <p><u>Vision</u></p> <p>Ms. Alfonso provided a historical background on the Vision for the east CRA and the entire area within the east began approximately 15 years ago when the City had identified the area as “slum and blight”, which needed to change. Furthermore, 15 years ago there was the realization that development had taken place everywhere but Pompano. For example, the focus was on the suburban outskirts of the City, and larger cities such as Fort Lauderdale, Miami, etc. The Commission at the time designated the area as a Community Redevelopment area, which was established in 2001.</p>					

Flex Units (City-wide) & East Atlantic Land Use Plan Amendment

City Commission Workshop, November 12, 2015

Contents

- Corridor Studies and Mixed Use Nodes
- Introduction to Flex Units
- LUPA vs. Flex Allocation
- Possible Flex Unit Text Amendments
- East Atlantic Land Use Plan Amendment

Corridor Studies

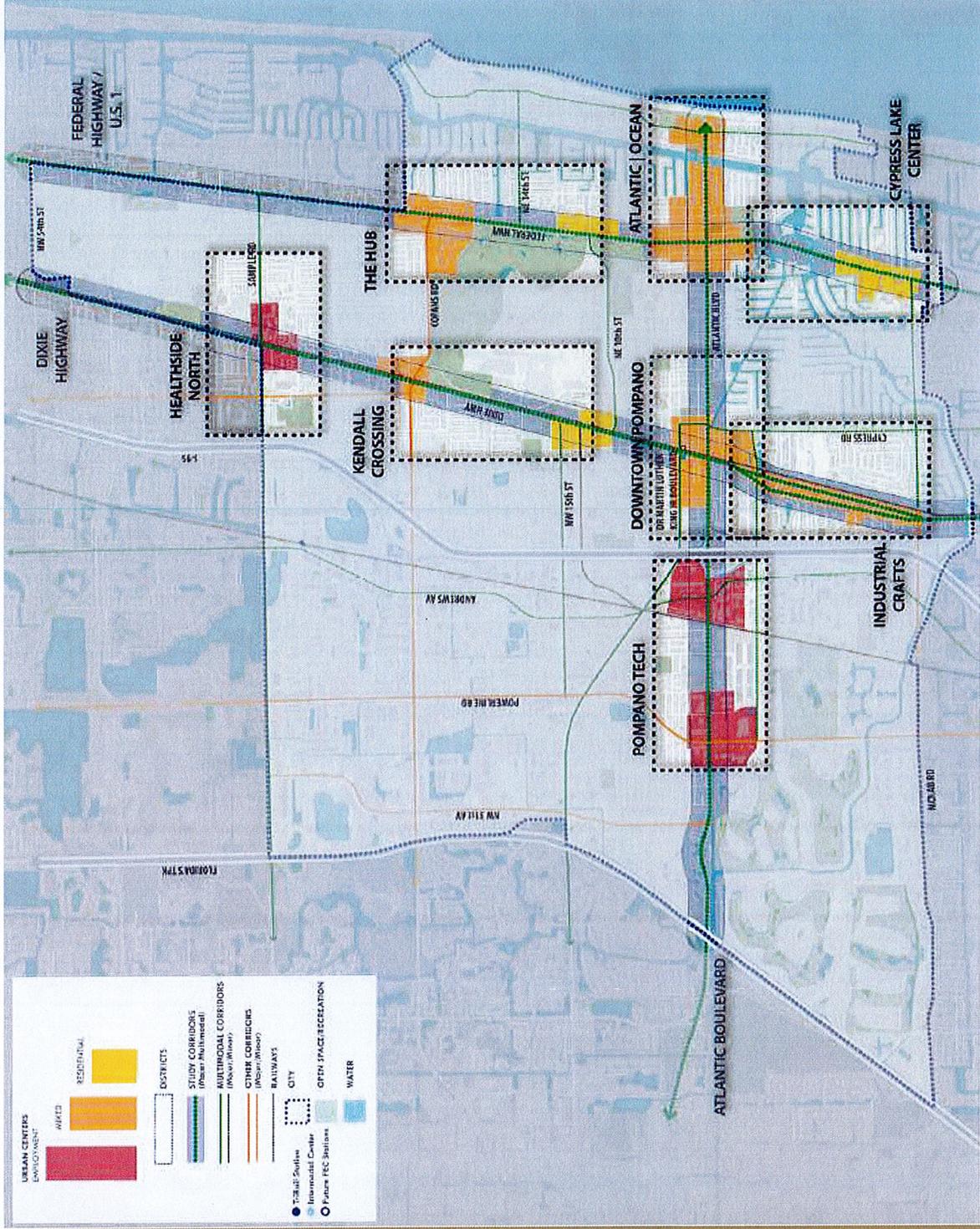
Mayor's Stimulus Task Force Initiative

First three corridors: Atlantic, Federal Highway, Dixie

The Corridor Studies identify key nodes where the intensity/ density of zoning and future land use designations should be modified in order to create the desired built form.

The Corridor Studies recommended the City link the DPTOD and Atlantic/Ocean

The concentration of development within nodes helps support transit and redevelopment/ economic development.



Commercial Land Use

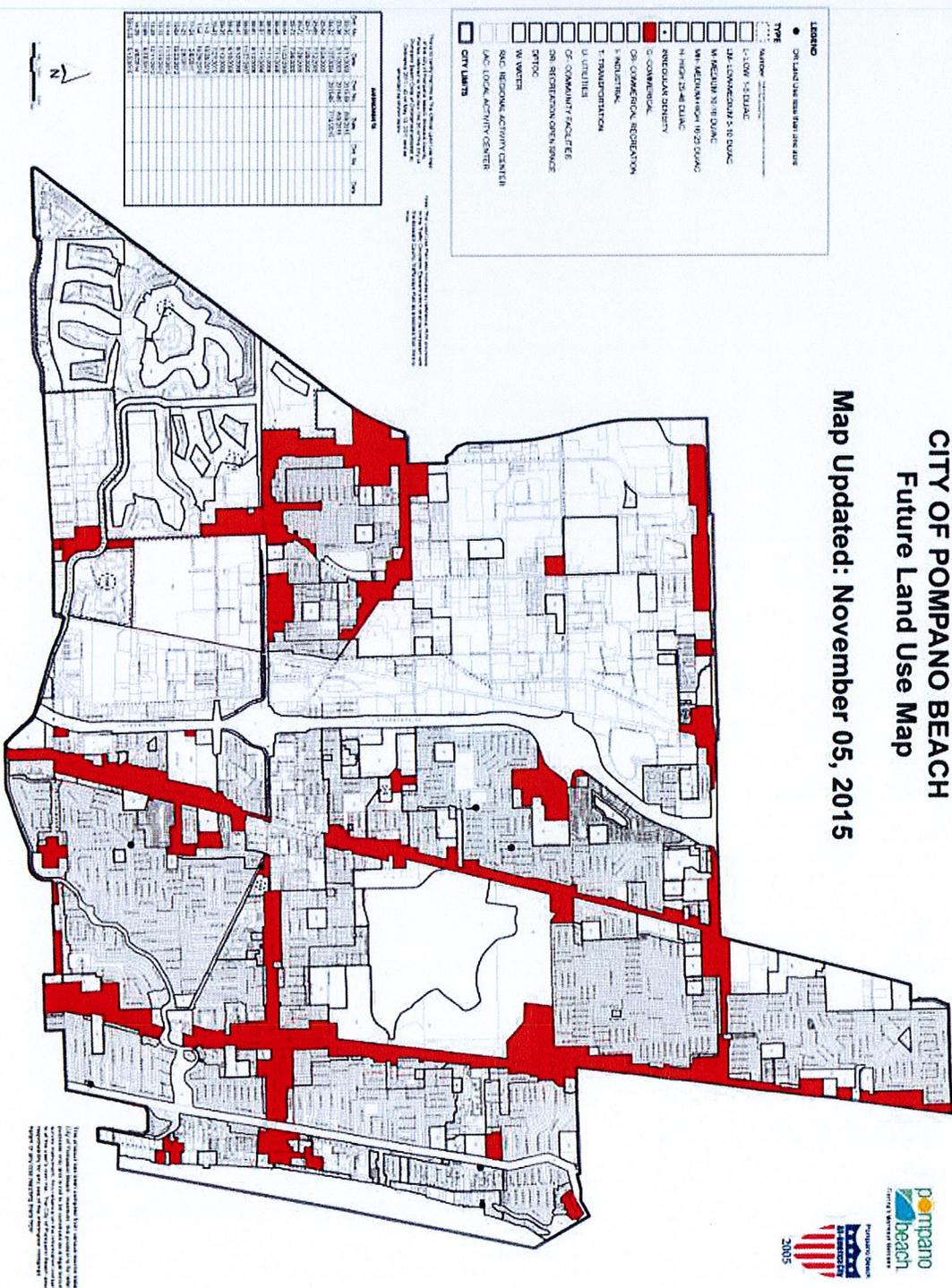
Corridors lined almost entirely with Commercial Land Use.

No By-Right Residential (Mixed Use Development or Stand-alone) permitted on the Commercial Land Use.

Mixed uses can be created corridors with two tools:

1. Flex Units
2. Land Use Plan Amendments

CITY OF POMPAÑO BEACH
Future Land Use Map
Map Updated: November 05, 2015



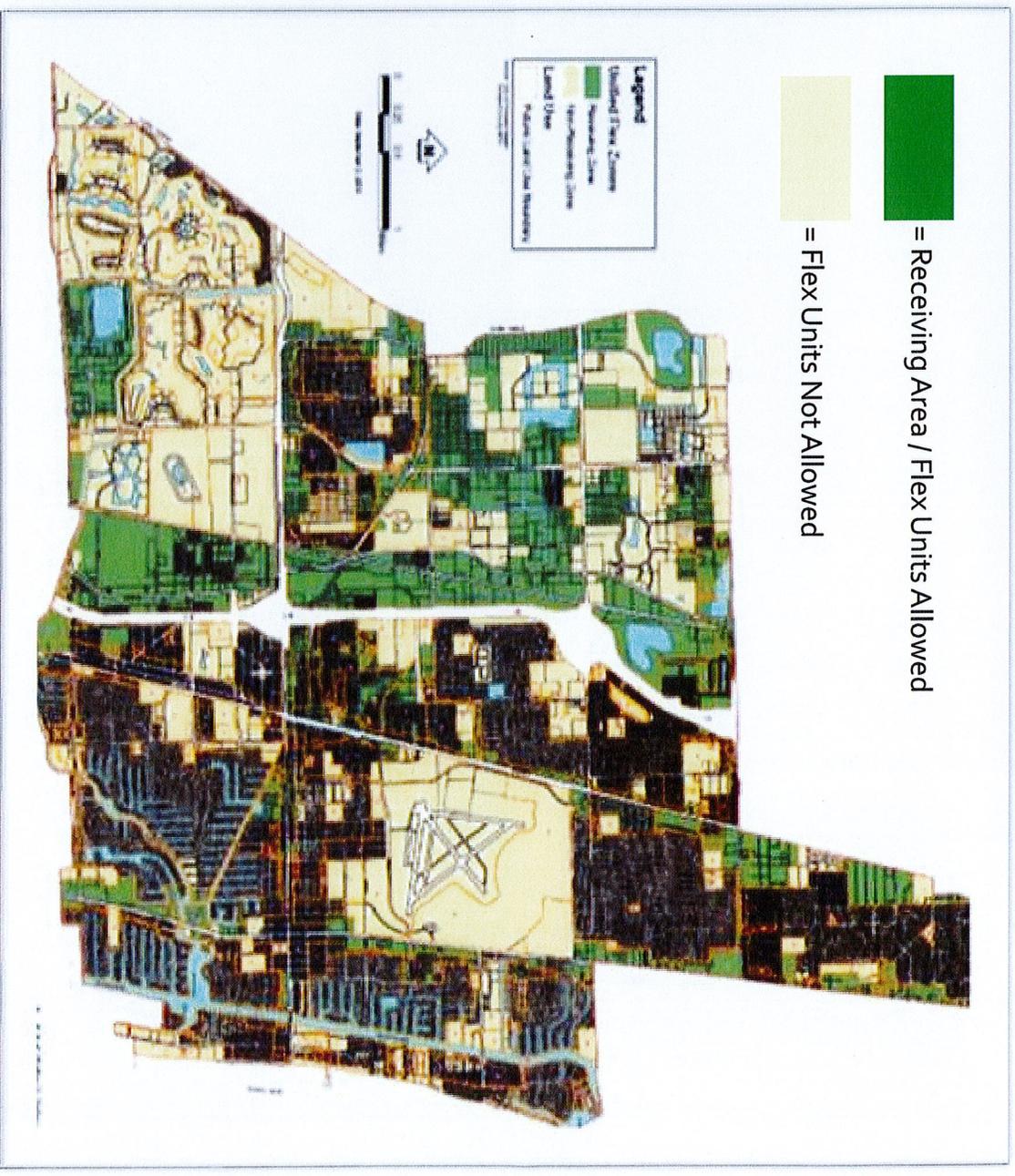
Map of Pompano Beach, Florida, showing the future land use map. The map is a technical drawing showing the city's boundaries and various land use zones. The zones are color-coded and labeled with codes. The map is titled 'CITY OF POMPAÑO BEACH Future Land Use Map' and 'Map Updated: November 05, 2015'. The map shows a network of streets and corridors, with several corridors highlighted in red. The map is oriented with North at the top.

What are Flex Units?

- Official term is “Flexible Units” or “Reserve Units”. But commonly referred to as Flex Units.
- Are a function of Broward County Land Use Plan.
- They are allocated by the City, without amending the Future Land Use Plan Map or requesting permission through the County.
- Regulated by Chapter 154 Planning
- **Flex units allow for residential development on land with Commercial Land Use**
- Other Uses for Flex (not a focus of this presentation)
 - Flex units can increase density on land with Residential Land Use
 - Flex is also used for Commercial Uses on Industrial and Residential land uses
- The city currently has 1,427 flex units.
- A pool of units was set aside specifically for the East CRA. 233 of these units are remaining. There is a pending application for those 233 units, which if approved would leave no units left in the East CRA pool.

Where are the Receiving Areas?

-  = Receiving Area / Flex Units Allowed
-  = Flex Units Not Allowed



The Receiving Areas were specifically located along the major transportation corridors in order to increase mixed use development and increase infill development.

FAQ: Why is Industrial Land included in the receiving area?

Answer: Industrial Land is allowed Commercial Flex. Commercial Flex is used for retail uses or hotels in Industrial areas.

What are the City's Requirements for Allocating Flex Units?

- Required to provide affordable housing units:
 - Mixed use developments in the AOD are exempt
 - 1-acre, infill properties are exempt
- Must comply with the Comprehensive Plan
- 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.

LUPA vs. Flex Unit Allocation

	LUPA	Flex Allocation
Approvals Required	City and County	City only
Approval Mechanism	Ordinance	Resolution
Studies Required	Yes. Impacts on Sanitary Sewer, Potable Water, Drainage, Solid Waste, Parks, Traffic, Mass Transit, Historic / Natural Resources, Schools	No
Application Fee - City	\$4,940	\$1,765 + \$120 per acre
Application Fee – County	\$12,146	N/A
Public Hearings Required	8 = 1 DRC, 1 P&Z Board, 2 City Commission, 2 BCPC, 2 County Commission	3 = 1 DRC, 1 P&Z Board, 1 City Commission
Affordable Housing Requirement	Allocations of 100+ residential units require provision of affordable housing (typical is 15% of units)	Affordable Housing required unless mixed use project in AOD or if no larger than 1 acre

Mixed Use/ Residential Options on Commercial Corridors

Flex Allocation

Only works if there are enough units to distribute.

Difficult for City to deny based on ambiguous standards.

Private Land Use Amendment

Individual Parcels/
Not comprehensive

Will not include a Master Plan

Difficult for County and City to deny request based on the "net reduction"

Not required to address neighborhood compatibility

City-driven Land Use Amendment based on a Vision

Focus on comprehensive vision for redevelopment

Master Plan: Clear vision and design principles

Proactive vs. Reactive

Traffic - Scope of Study

Potential public benefits:

Pedestrian connectivity and open space

Neighborhood Compatibility - heights

Design criteria

Possible Flex Unit Allocation Standards

- **Option 1: Status quo**
 - **Considerations:** Recent revisions require DRC review and noticing similar to Rezoning. Must adhere to a conceptual plan.
- **Option 2: Limit maximum allocation of flex units to 46 units.**
 - Why 46 units? 46 units is the number of units allowed for 1 acre of commercial property.
 - Properties who want more than 46 units would only be able to get units through a LUPA
 - **Considerations:** Large projects would be required to undergo numerous public hearings and undertake studies of impacts on capital facilities.
- **Option 3: Require applicants to rezone as PD or meet standards required for PD applicants.**
 - Applicants would need to submit a Master Plan with the same requirements of a PD Plan
 - **Considerations:** Applicants would need to demonstrate the general location of site features and provide specific site development standards. Applicants would be bound to the Master Plan. PDs have a procedure for Minor Deviations.
- **Option 4: Create a mechanism for evaluation of flex units that all applications must meet.**
 - **This option would allow the Commission to evaluate all applications involving flex units for specific quality development attributes that improve the urban form.**