

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

City Commission Workshop, November 12, 2015

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- Corridor Studies and Mixed Use Nodes
- Introduction to Flex Units
- LUPA vs. Flex Allocation
- Possible Flex Unit Text Amendments
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Corridor Studies

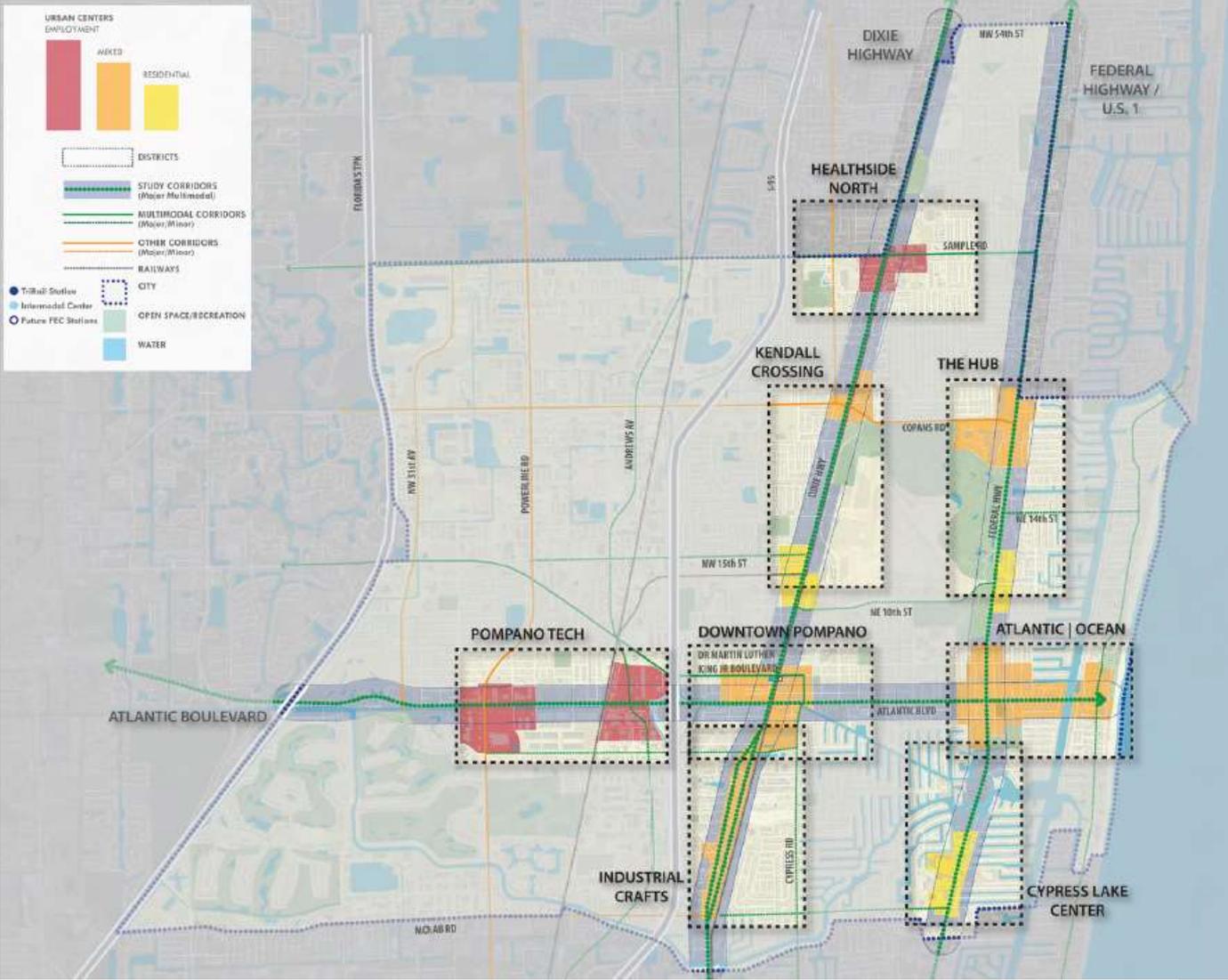
Mayor's Stimulus Task Force Initiative

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 POMPANO BEACH Future Land Use Map

Map Updated: November 05, 2015



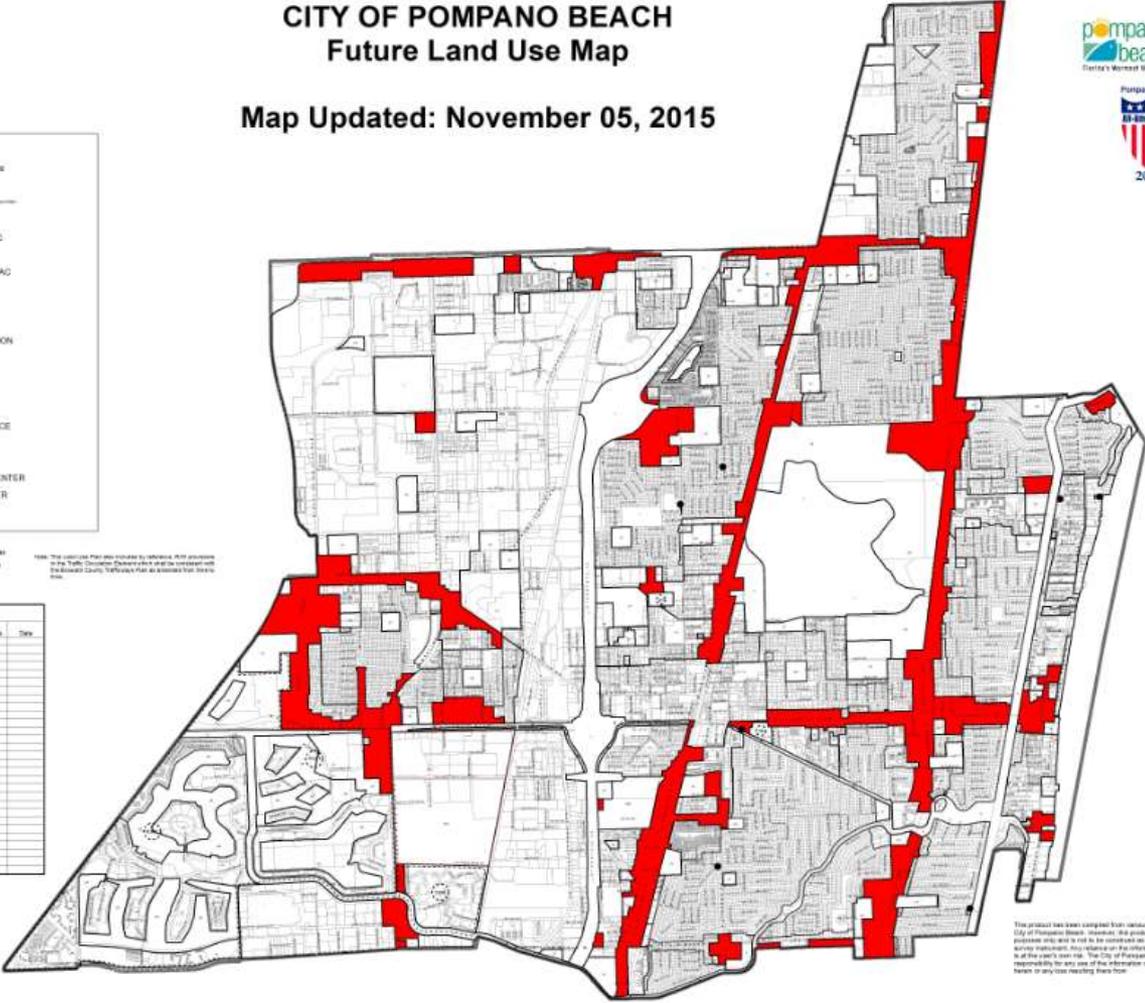
LEGEND

- OR Land Use less than one acre
- TYPE**
- Number
- L- LOW 1-5 DU/AC
- LM- LOW-MEDIUM 5-10 DU/AC
- M- MEDIUM 10-18 DU/AC
- MH- MEDIUM-HIGH 16-25 DU/AC
- H- HIGH 25-48 DU/AC
- IRREGULAR DENSITY
- C- COMMERCIAL
- CR- COMMERCIAL RECREATION
- I- INDUSTRIAL
- T- TRANSPORTATION
- U- UTILITIES
- CF- COMMUNITY FACILITIES
- OR- RECREATION OPEN SPACE
- DPTOC
- W- WATER
- RAC- REGIONAL ACTIVITY CENTER
- LAC- LOCAL ACTIVITY CENTER
- CITY LIMITS

This is to certify that this is the Official Land Use Map of the City of Pompano Beach, Broward County, Florida, adopted on or before 1984 and of the City of Pompano Beach, City of Pompano Beach, as amended by Ordinance 2011-01 on May 18, 2011 and as amended as shown herein.

ADDITIONS TO

Ord. No.	Date	Ord. No.	Date	Ord. No.	Date
01-02	2/13/2001	2010-02	09/20/10		
01-03	3/11/2001	2010-03	09/20/10		
01-04	07/20/04	2010-04	09/20/10		
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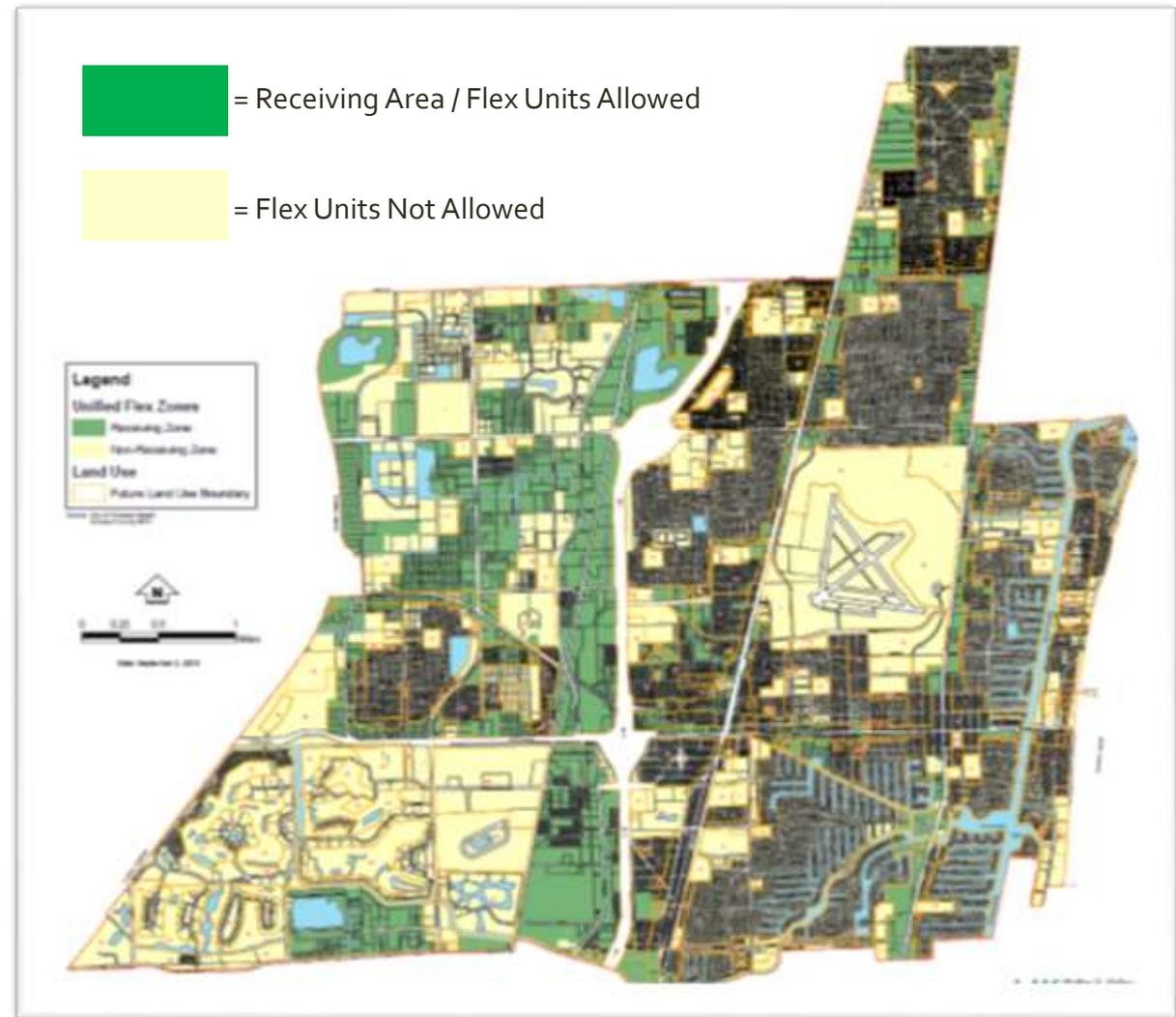


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What are Flex Units?

- 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?



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

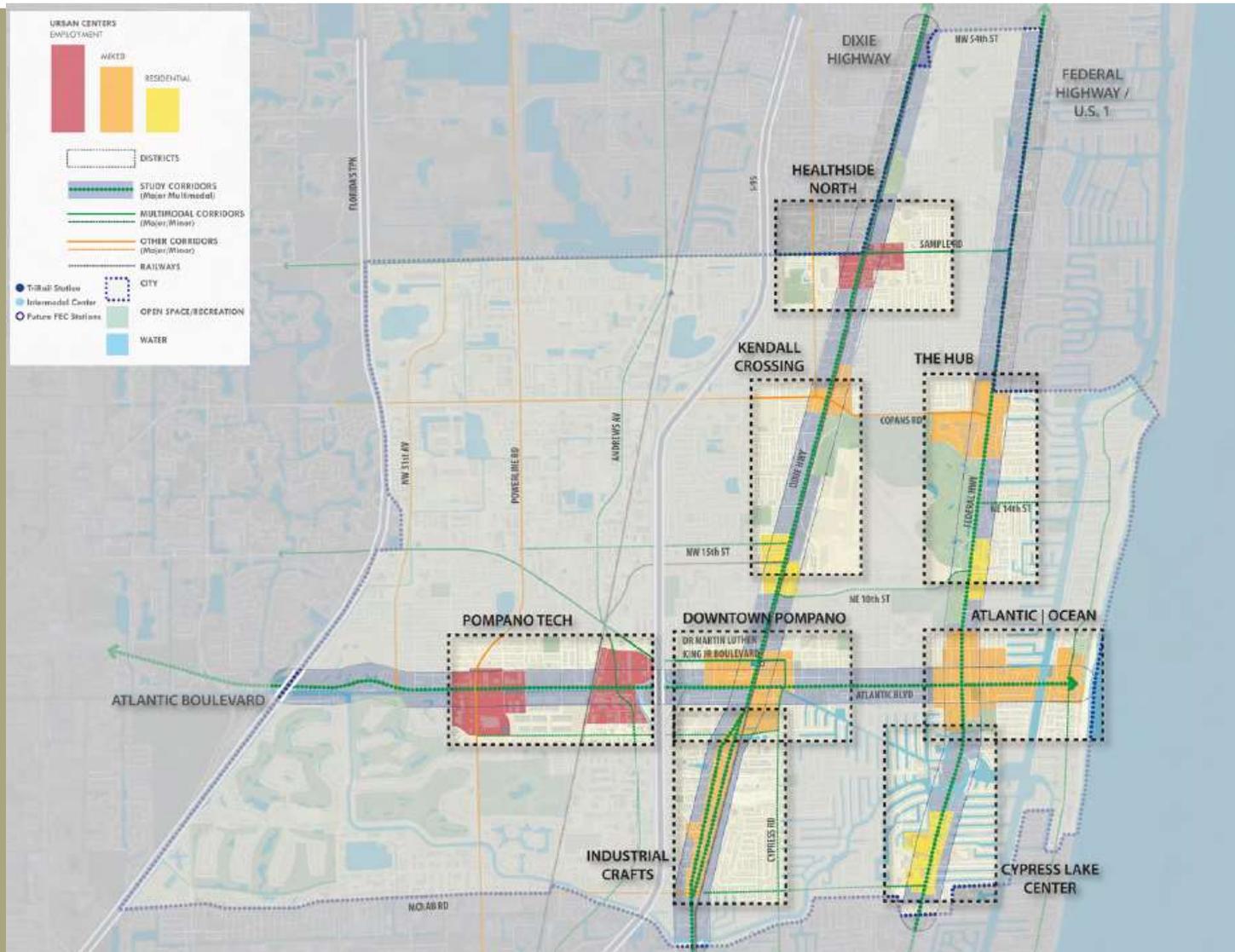
Design criteria

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.**

The Corridor Studies Next Steps:

1. Continue to identify high priority nodes and submit land use plan amendments annually.
2. Continue to complete Corridor Studies annually. Two to be completed in FY 16 (Powerline Road and another TBD)



Flex Units, LUPA, and the future of East Atlantic Blvd.

- East CRA has almost exhausted the pool of flex
- Because there is no mixed use development by Right in the East CRA, the City and CRA are working together to proactively plan a vision for the desired mix of residential and commercial along East Atlantic Boulevard.

Private Property Rights and Florida's "Bert J. Harris Act"

The "**Bert J Harris Act**" provides relief, via payment of compensation, for private property owners whose "existing use" or "vested right" in an existing use of real property is "inordinately burdened" by the a specific action of a governmental entity.

What is an "existing use" or "vested right"?

- An actual, present use or activity on the real property, including periods of inactivity...; **or**
- Reasonably foreseeable, non-speculative land uses which are suitable for the subject real property and compatible with adjacent land uses and which have created an existing fair market value in the property greater than the fair market value of the actual, present use or activity on the real property.

What is "inordinately burdened"?

- When an action has directly restricted or limited the use of property such that the owner is *permanently* unable to attain reasonable, investment-backed expectations for the existing use of the property as a whole, **or**
- If the owner is left with vested uses which are unreasonable such that the owner would permanently bear a disproportionate share of a burden imposed for the public good.

Bert J Harris Example claims:

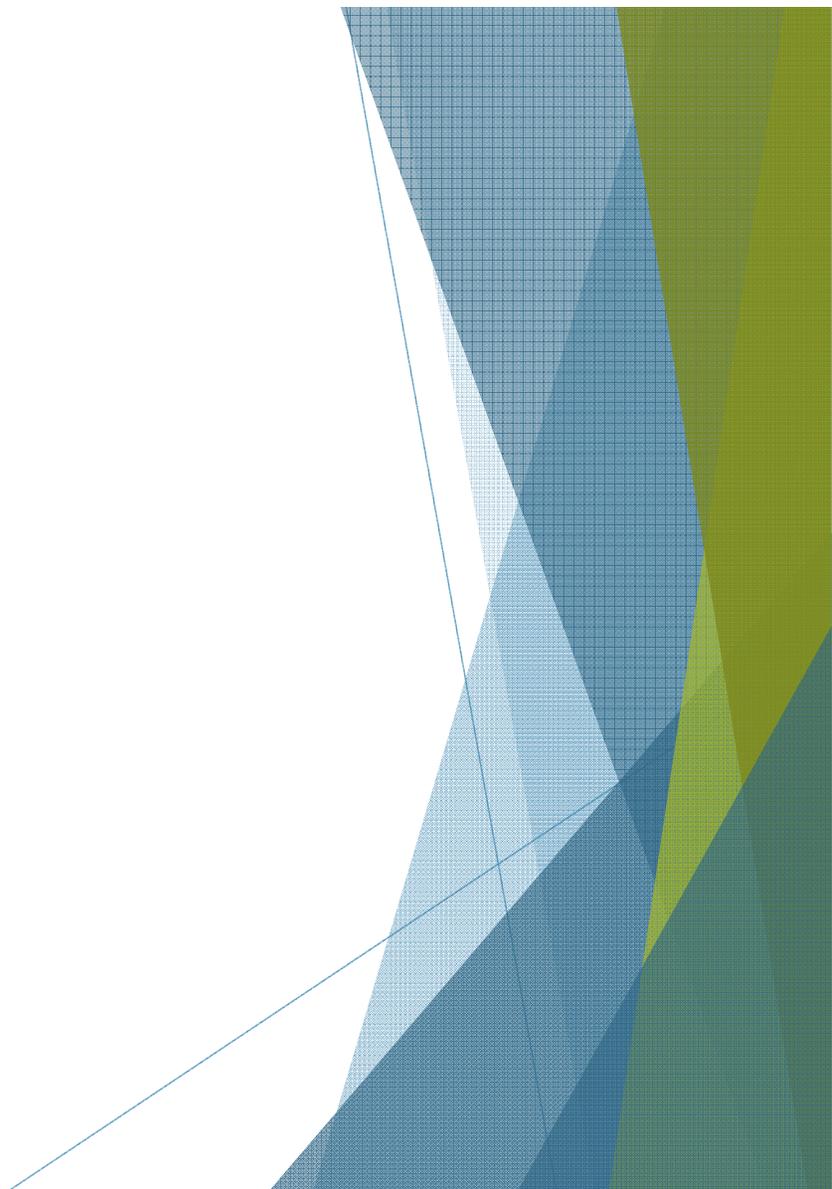
- City initiated rezoning of private property which reduces value of land.
- City revision of zoning district standards while an application is pending (i.e. reducing height or prohibiting class of uses).
- City revision of zoning district standards when city is aware land was recently purchased (i.e. reducing height or prohibiting class of uses).

Future of AOD

Presentation Overview

- ▶ The Vision
- ▶ Land Use Designation
- ▶ Boundaries
- ▶ Market Analysis
- ▶ Traffic Analysis
- ▶ Urban Design Principles and Standards
- ▶ Proposed Project Timeline and Public Input Process
- ▶ Recommendations
- ▶ Questions and Answers

The Vision



The Vision

- ▶ 2000 - Planning began
- ▶ 2001 - ECRA was established
- ▶ 2001 - ECRA Plan adopted
- ▶ 2010 - ECRA Plan was amended
- ▶ 2011 - ECRA Parking and Massing Analysis

Guiding Principles:

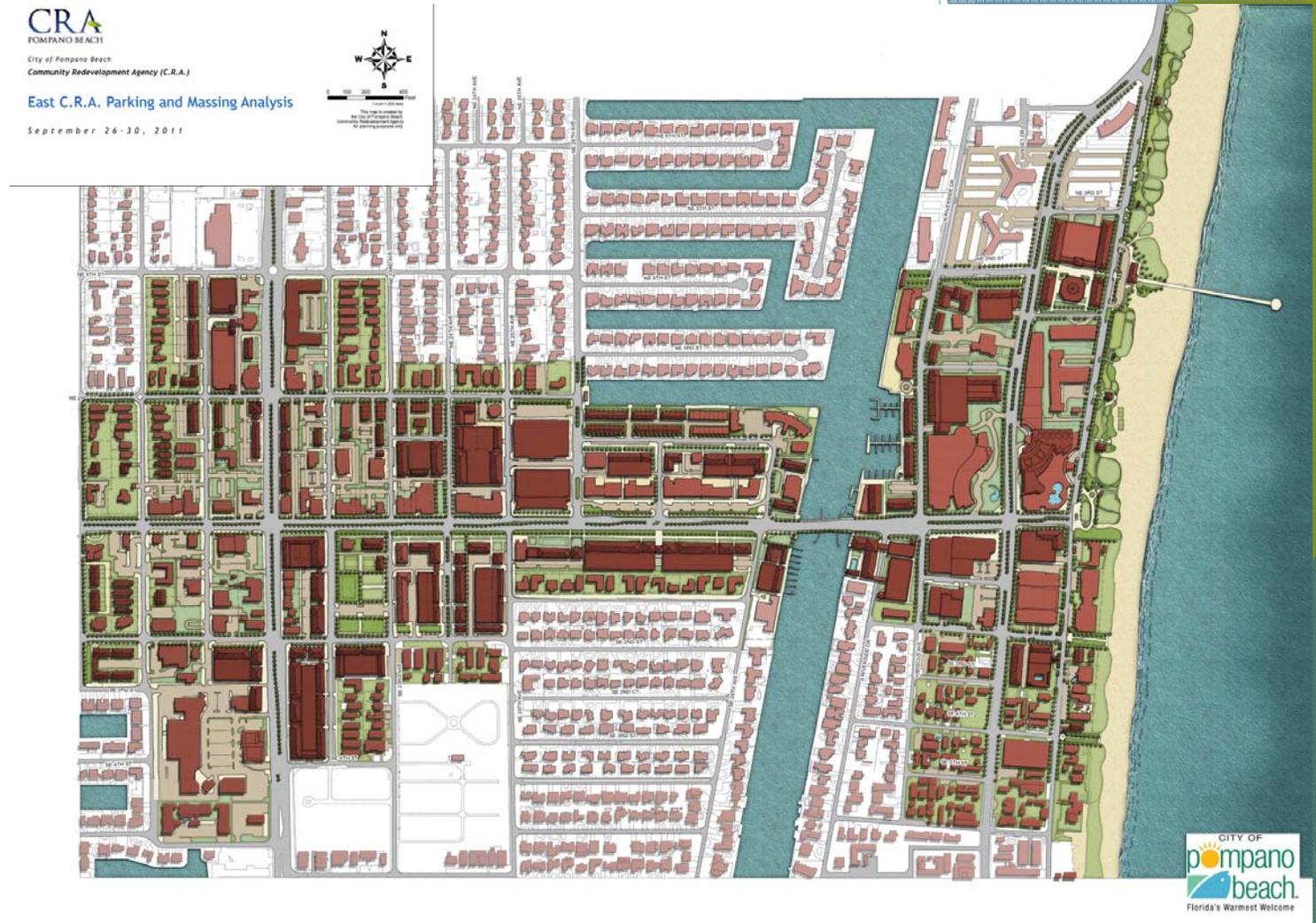
- Plan for streetscape improvements and improve pedestrian activity
- Revise development regulations
- Incentivize Redevelopment
 - Attract new commercial businesses, hotels etc.
 - Encourage market rate housing
- Increase property values (Tax Base)
- Improve the neighborhoods

East CRA Parking & Massing Analysis: September 26-30, 2011



2011 Vision Plan

- ▶ Harbor Village Site Improvements
- ▶ E. Atlantic Blvd. Streetscape Improvements
- ▶ Beach Improvements
- ▶ Pier Redevelopment
- ▶ Beach Library
- ▶ Projects with site plan approvals
- ▶ Addressed building heights and massing



Land Use Designation – LAC vs. TOC

Local Activity Center

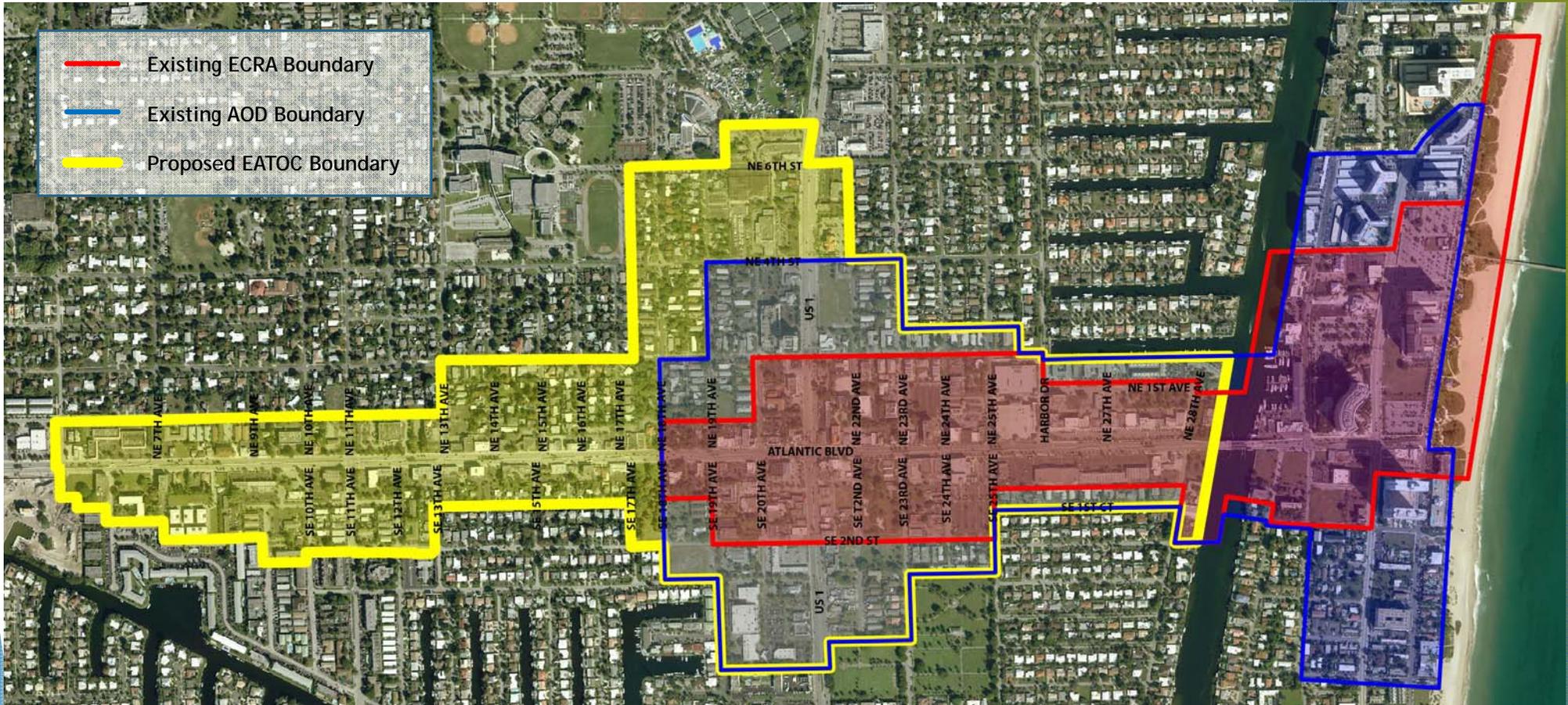
- ▶ Future Land Use Element - Objective 1.15.00; Policies 1.15.01-1.15.12
- ▶ Nodal in Character
- ▶ Close-Knit Neighborhood
- ▶ Compact
- ▶ 5-minute walking radius establishes nodal areas
- ▶ Parks and Recreation an integral component

Transit Oriented Corridor

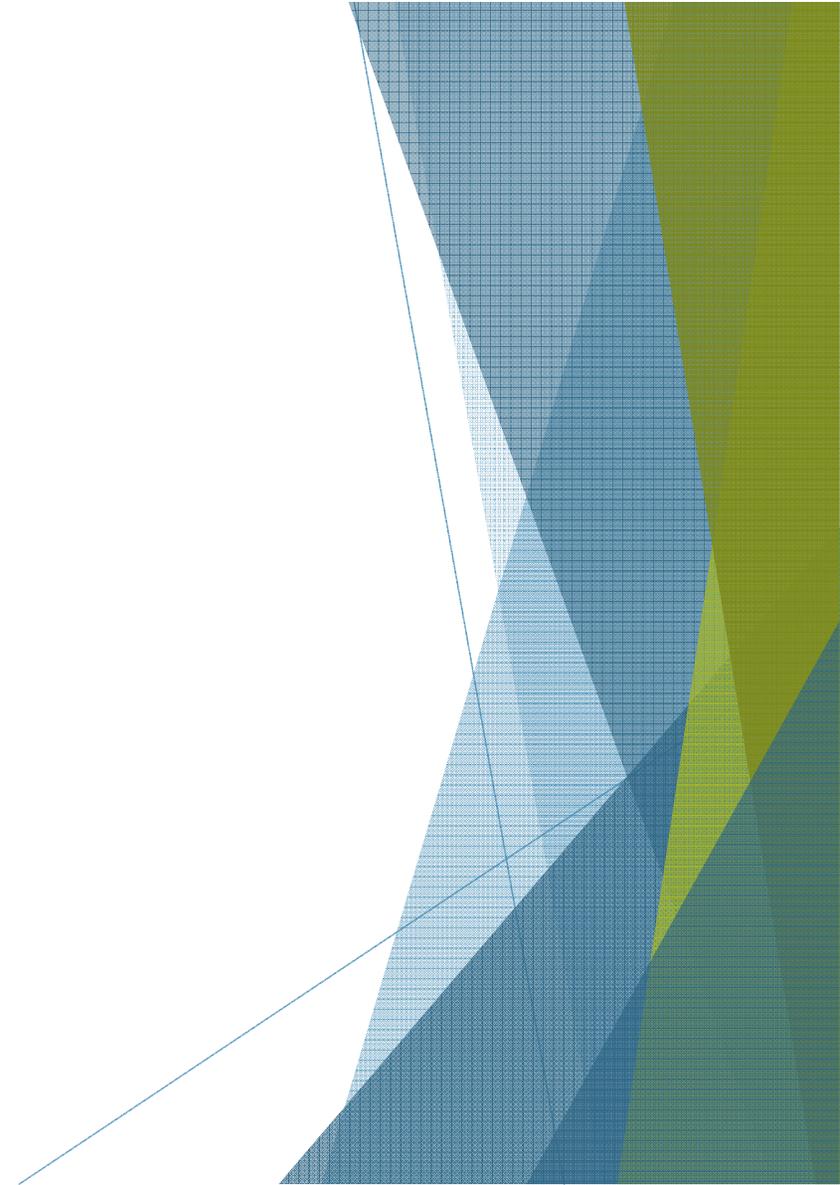
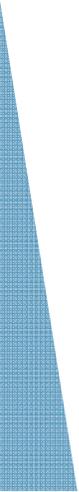
- ▶ Future Land Use Element - Objective 1.19.00; Policies 1.19.01-1.19.13
- ▶ Linear in Character
- ▶ ¼ mile (or more) on either side of major transit routes
- ▶ Transit Oriented Design principles
- ▶ Mixed-Use development with access to transit
- ▶ Transit the integral component

Boundaries

East Atlantic Transit Oriented Corridor



Market Analysis



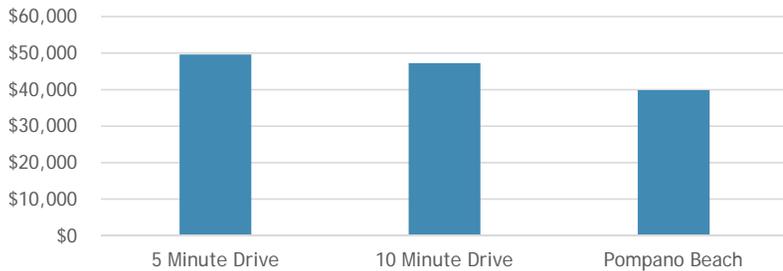
RMA Market Demand and Potential Analysis

- ▶ Supply and demand analysis is not sufficient.
- ▶ At the county level, new units must respond to demand and projected increases in households.
- ▶ Locally there is no increase in population if no units are to be built.
- ▶ “They will come” only works if units are matched to the households that make up the potential market, and the developer can execute in a manner that connects to the area’s “brand.”
- ▶ The bottom line is that market demand analysis looks at the past, while market potential looks to the future. For the Pompano Beach CRA, RMA believes that it is not the quantity of market demand that is important; rather, it is the quality of market potential.

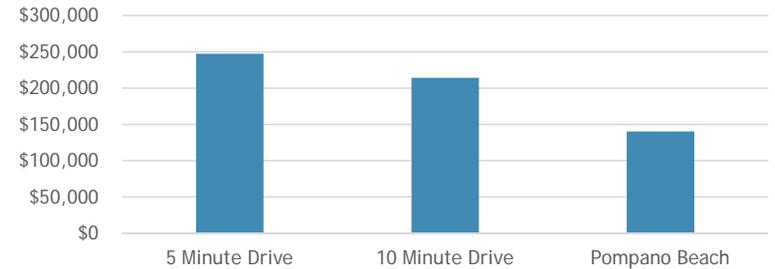
EATOC Existing Residential Conditions

	5 Minute Drive	10 Minute Drive	Pompano Beach
Population	33,733	124,791	102,391
Households	17,048	55,344	43,019
Median HH Income	\$ 49,598	\$ 47,248	\$ 39,847
Housing Units	23,984	71,206	56,952
Vacant	28.9%	22.3%	15.7%
Owner Occ	40.4%	44.3%	56.4%
Renter Occ	30.7%	33.5%	27.9%
Median Home Value	\$ 247,240	\$ 214,096	\$ 140,213

Median Household Income



Median Home Value



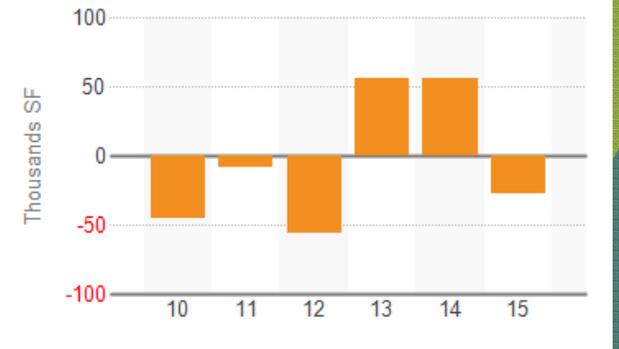
EATOC Office Market

- ▶ Significant space is currently available;
- ▶ Limited new construction activity;
- ▶ Primary office locations are downtown Fort Lauderdale, select I-95 interchanges, and west Broward County;
- ▶ The strongest local office market potential is at Atlantic Blvd and I-95;
- ▶ Pompano Beach rents are lower than countywide average. While attractive to users, the lower rates may be an obstacle to new office construction.
- ▶ Atlantic Blvd and US1 is a small tenant office market with limited demand.
- ▶ Some additional demand for space may be driven by new residents, but will likely be smaller infill construction.
- ▶ Responsiveness to build to suit opportunities.

Vacancy



Absorption



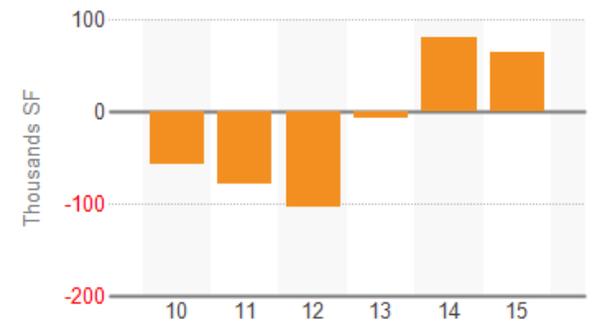
EATOC Retail Market

- ▶ 2010 - 2012 saw significant negative absorption. 2014 and 2015 have seen a reversal.
- ▶ Cap rates are 5.7%, below their 5 year average of 6.5% indicating a strengthening retail environment with lower perceived risk.
- ▶ The vacancy rate of 6.3% is lower than the 5-year average of 9.2%.
- ▶ Sale prices per square foot are increasing along with rents.

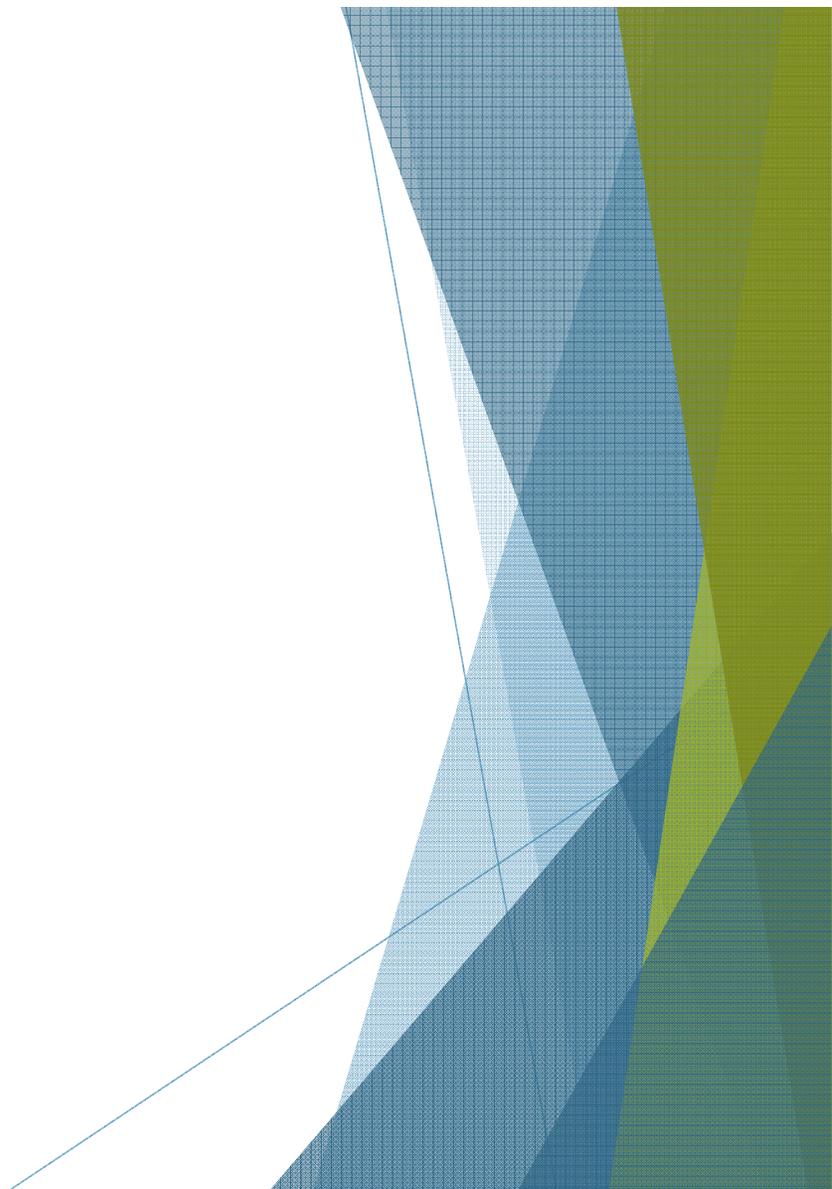
Vacancy



Absorption

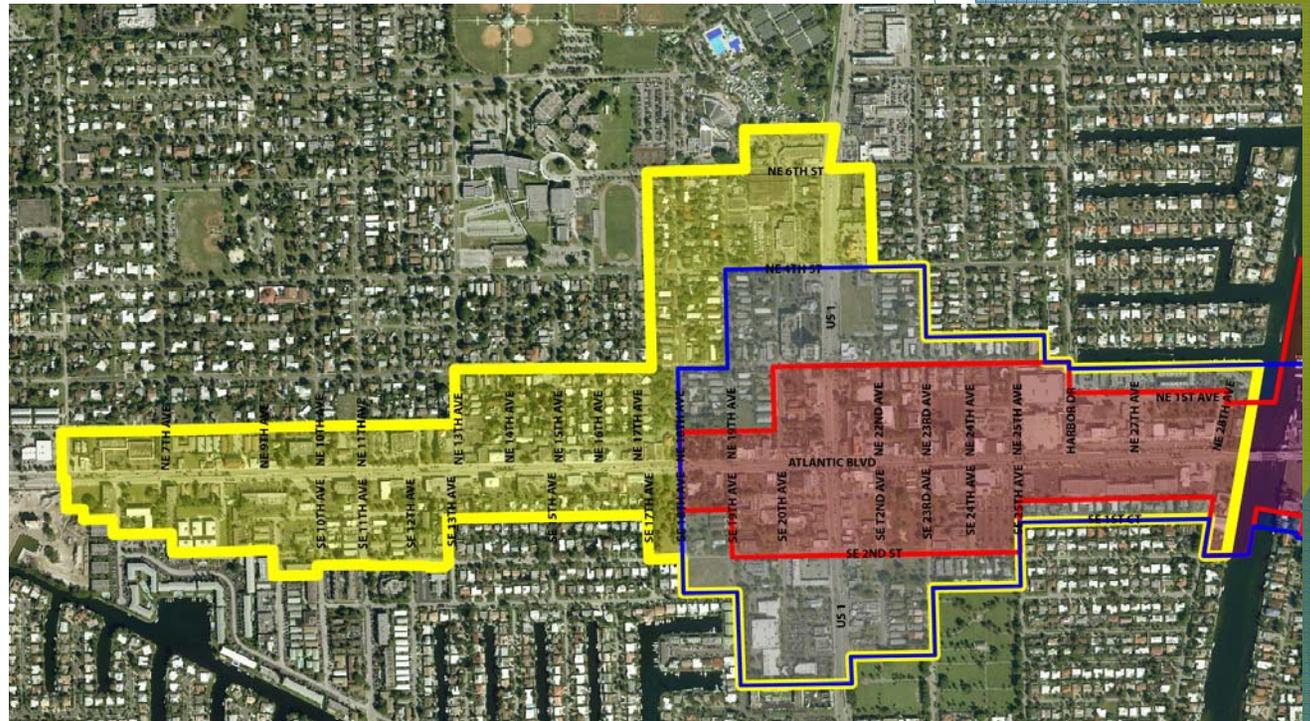


Traffic Analysis



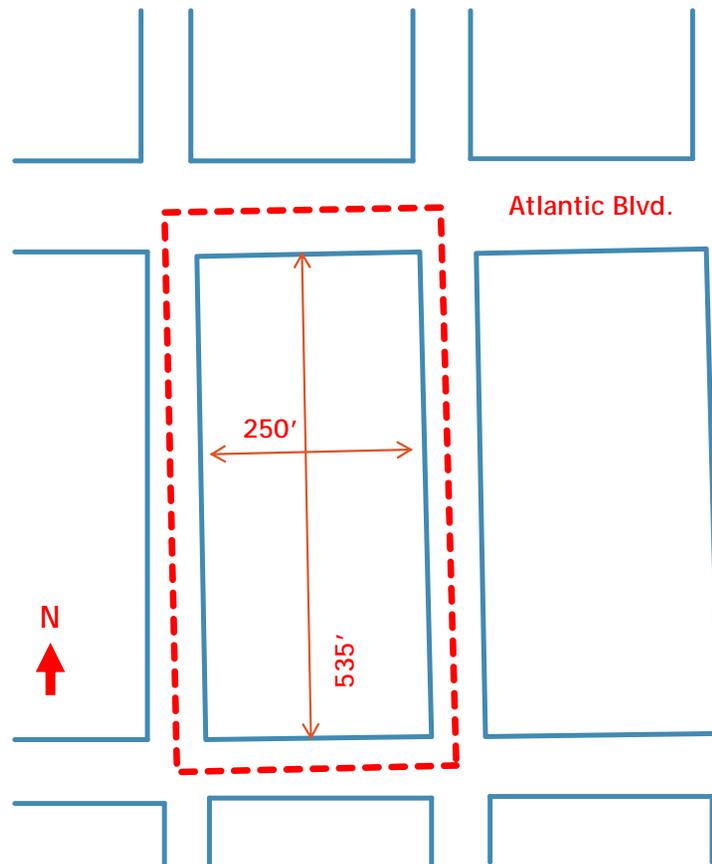
Existing Entitlements

- ▶ Commercial square footage
- ▶ Residential Units
 - ▶ By right
 - ▶ Existing and Unbuilt
 - ▶ Thru Flex



Total of 284.3 acres (66 blocks)

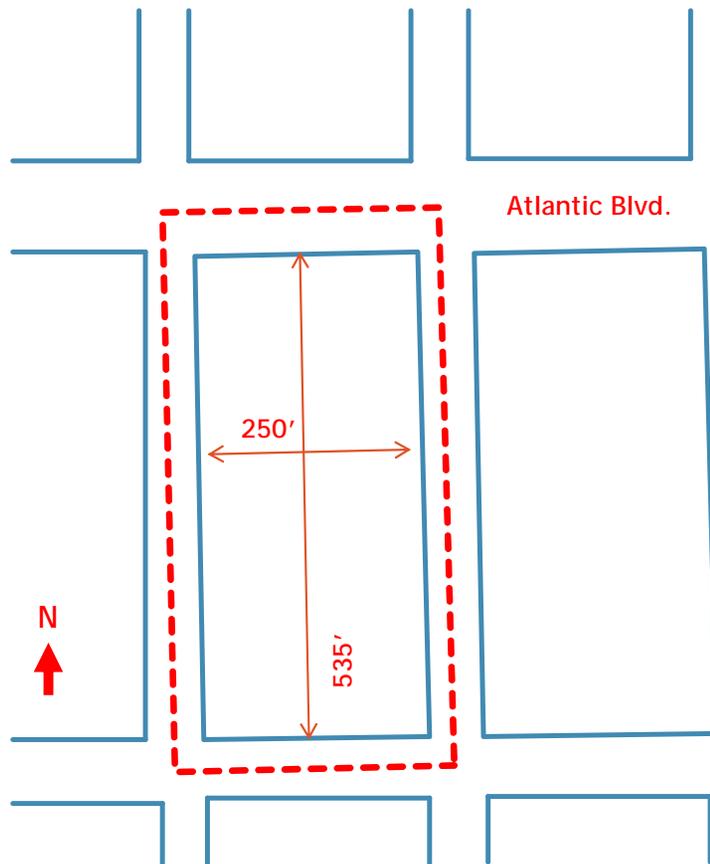
Existing Entitlements



Typical Block Example

- ▶ Commercial (Based on gross land area)
 - ▶ 196,933 sf (4.52 acres)
 - ▶ 196,933 sf x 60% (lot coverage) = 118,160 sf per floor
 - ▶ 118,160 sf x 10 floors = **1,181,600 sf**
(Max height permitted in B-3 District is 105 feet)
- ▶ Residential (Based on net land area, thru flex allocation only)
 - ▶ 138,640 sf (3.18 acres)
 - ▶ 3.18 acres x 46 u/acre = **146 units**
(Max density permitted in B-3 District is 46 u/acre with flex)

Existing Entitlements



Summary: Block Example

- ▶ Commercial = **1,181,598 sf**
- ▶ Residential = **146 units**

Note: The Pompano Citi Center regional mall is approximately 972,000 square feet



Traffic - How is it measured?

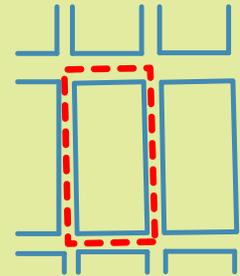
Institute of Transportation Engineers (ITE) Common Trip Generation Rates (PM Peak Hours)

- ▶ Commercial trips/1000 sf:
 - ▶ General Office - 1.49
 - ▶ Medical/dental office - 3.57
 - ▶ Shopping Center - 3.71
 - ▶ Quality Restaurant - 7.49
 - ▶ Supermarket - 9.48
 - ▶ Banks (no drive-thru) - 12.13
 - ▶ Fast food restaurants (no drive-thru) - 26.15
 - ▶ Convenience stores (24 hr) - 52.41
- ▶ Residential trips/unit
 - ▶ Apartments 0.62

580 S Federal Hwy



- ▶ Commercial = 1,181,598 sf
 - ▶ Generates 4,218 trips (i.e. medical office)
or
- ▶ Convenience Store = 5,000 sf
 - ▶ Generates 262 trips
- Vs.
- ▶ Residential = 146 units
 - ▶ Generates 91 trips

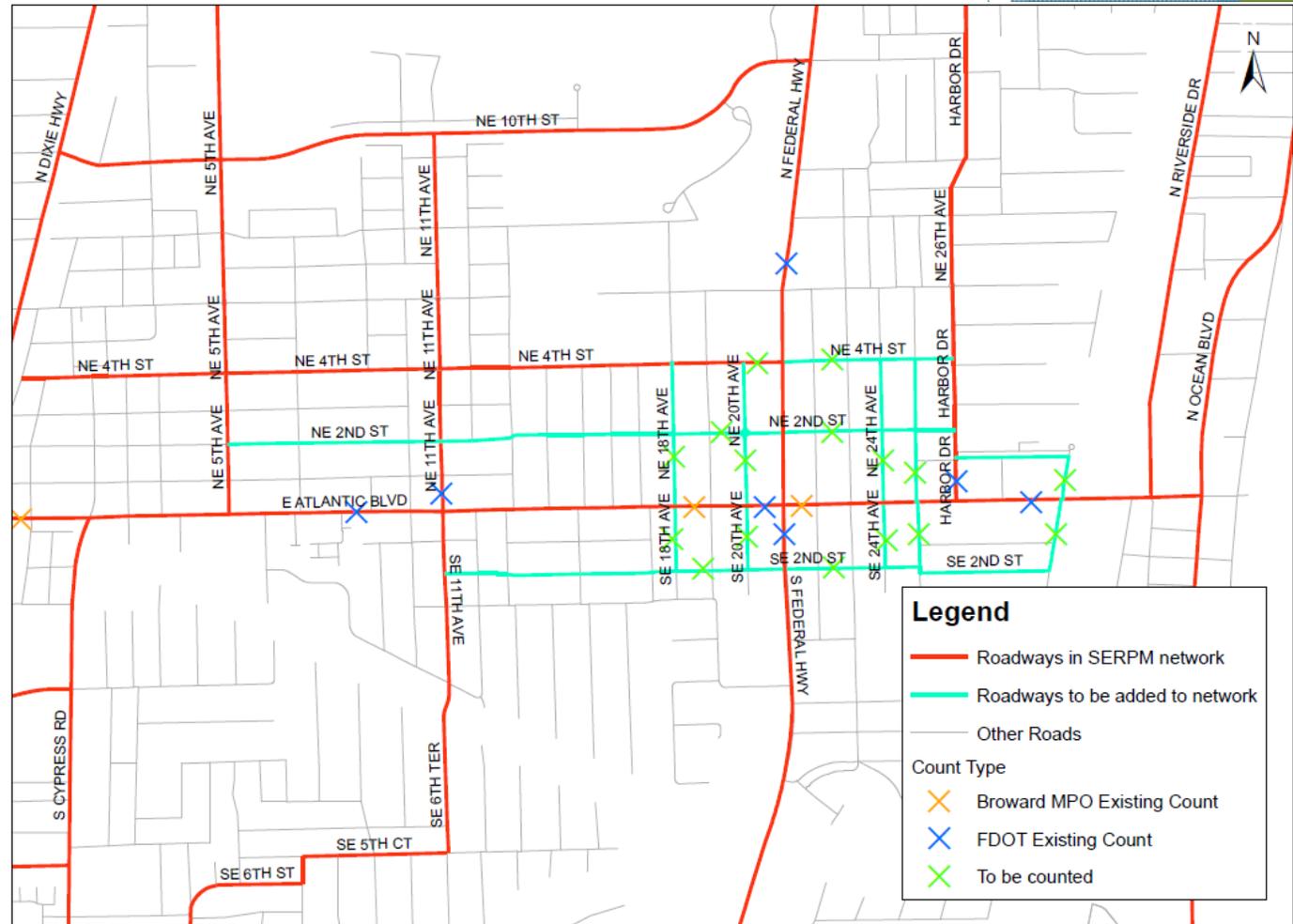


Typical Block Example

Traffic - How do we manage it?

Scope of Traffic Study:

- ▶ Southeast Regional Planning Model Modification
- ▶ Traffic Counts
- ▶ Trip Generation of Phase 1 Basket-of-Rights
- ▶ Trip Distribution and Assignment
- ▶ PM Peak Hour Traffic Impact Analysis (10-15 year horizon)
- ▶ Findings and Mitigation Recommendations



Urban Design Principles and Standards



Urban Design Principles

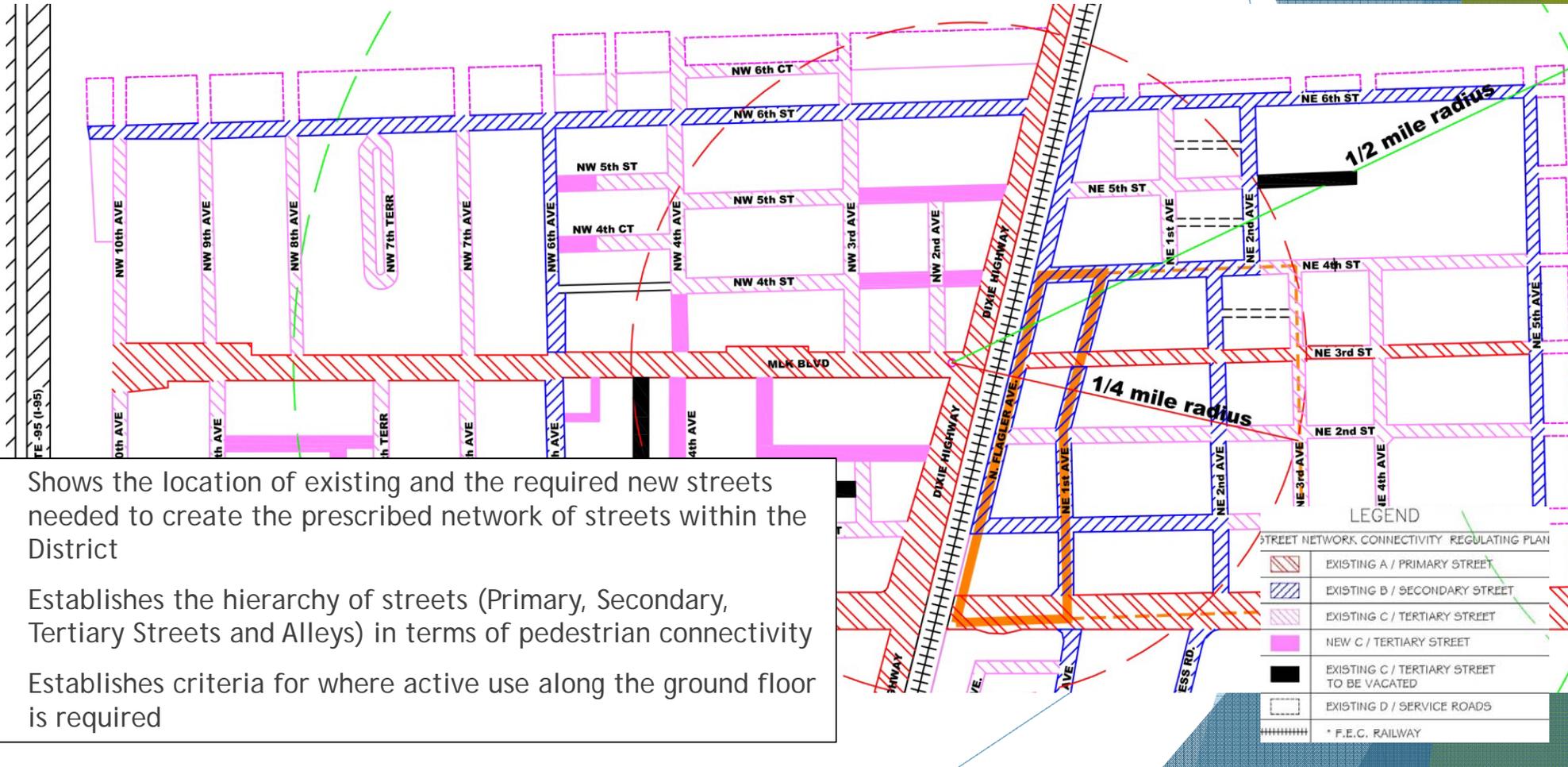
- Vehicular Connectivity (minimize impact to surrounding neighborhoods)
- Transportation alternatives (reduce traffic)
- Pedestrian connectivity and walkability (enhance streetscapes)
- Public Open Space
- Waterfront access and beautification
- Building standards to ensure compatibility with existing residential neighborhoods in terms of height and mass



Urban Design Standards

Vehicular Connectivity

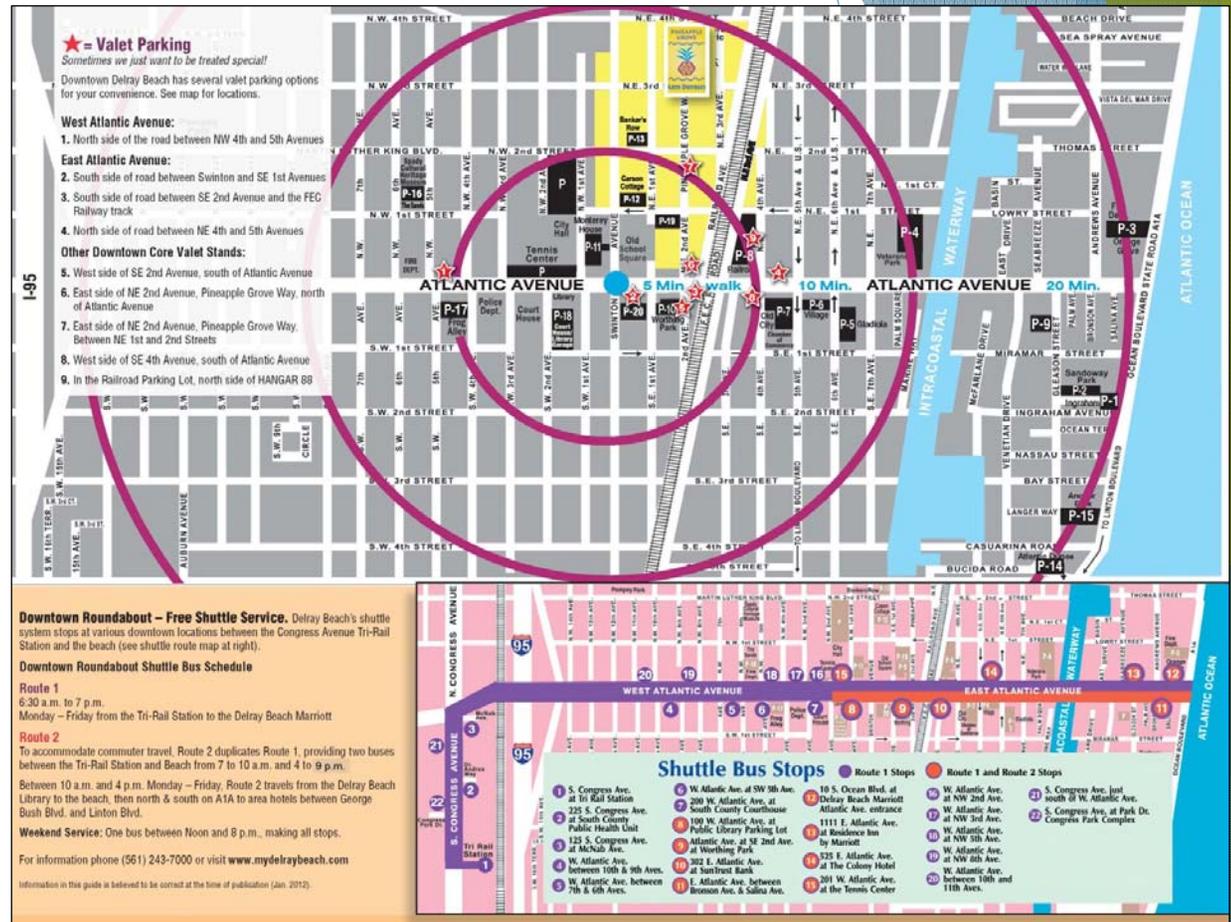
Street Network Connectivity Regulating Plan (Downtown TOC)



Urban Design Standards

Modes of Transportation

- Parking Enterprise Fund Adopted
- Establish a Shuttle Service from Downtown to Beach with specific routes within each district

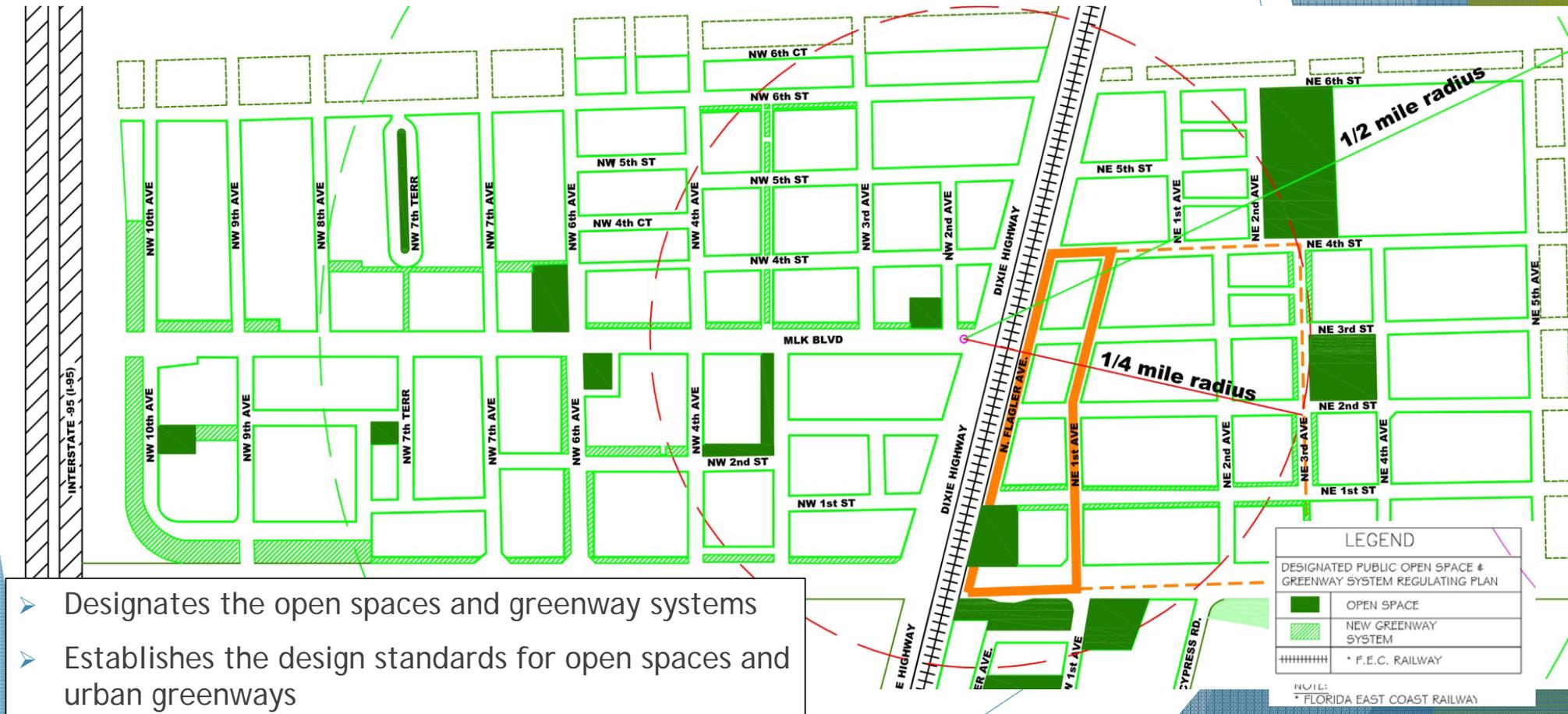


Downtown Delray

Urban Design Standards

Pedestrian Connectivity and Open Space

Public Open Space and Greenway System Regulating Plan (Downtown TOC)



Urban Design Standards

Pedestrian Connectivity



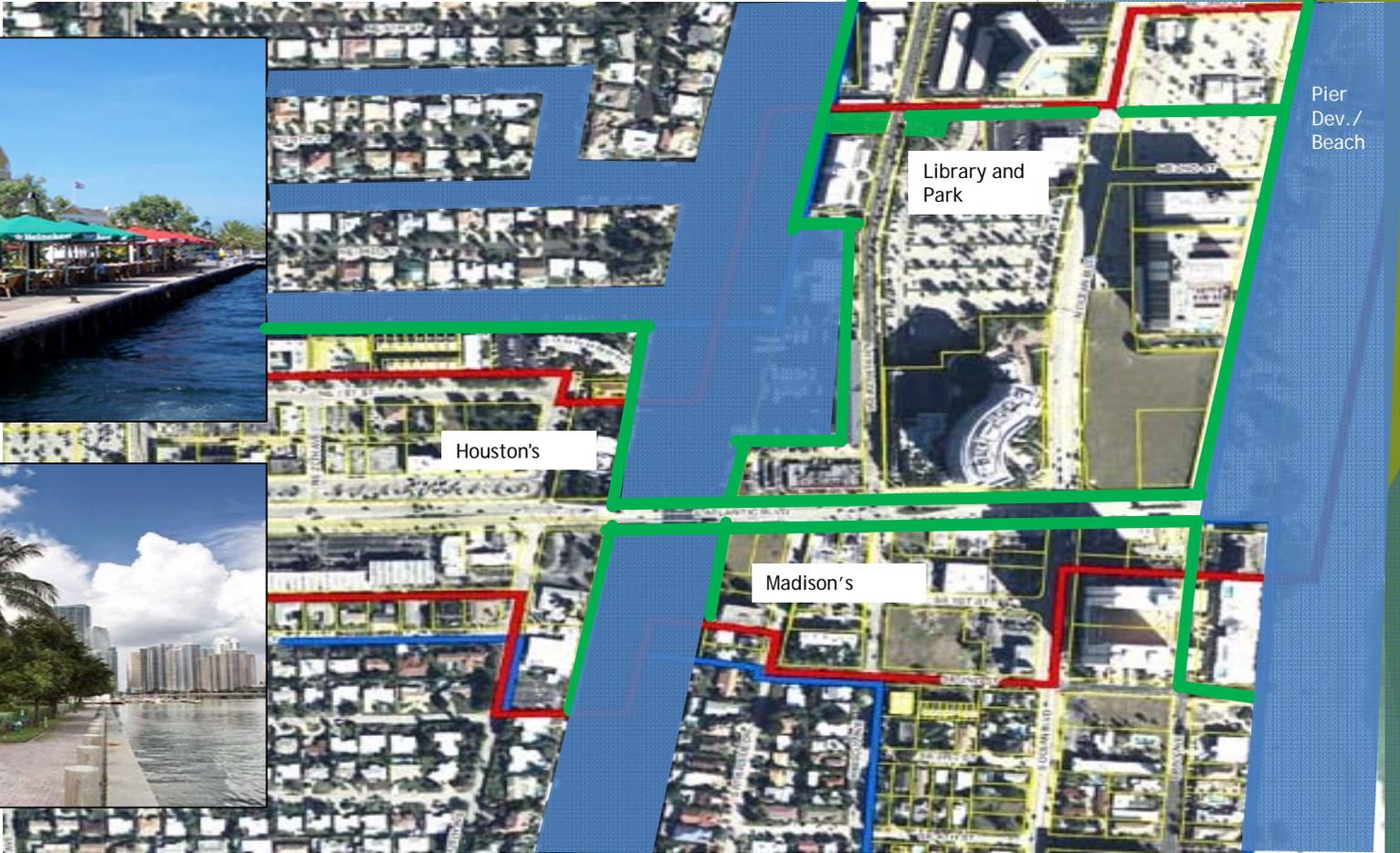
NE 24th Avenue
Existing Street Conditions
(View to North)

E. Atlantic Boulevard
Streetscape Enhancements



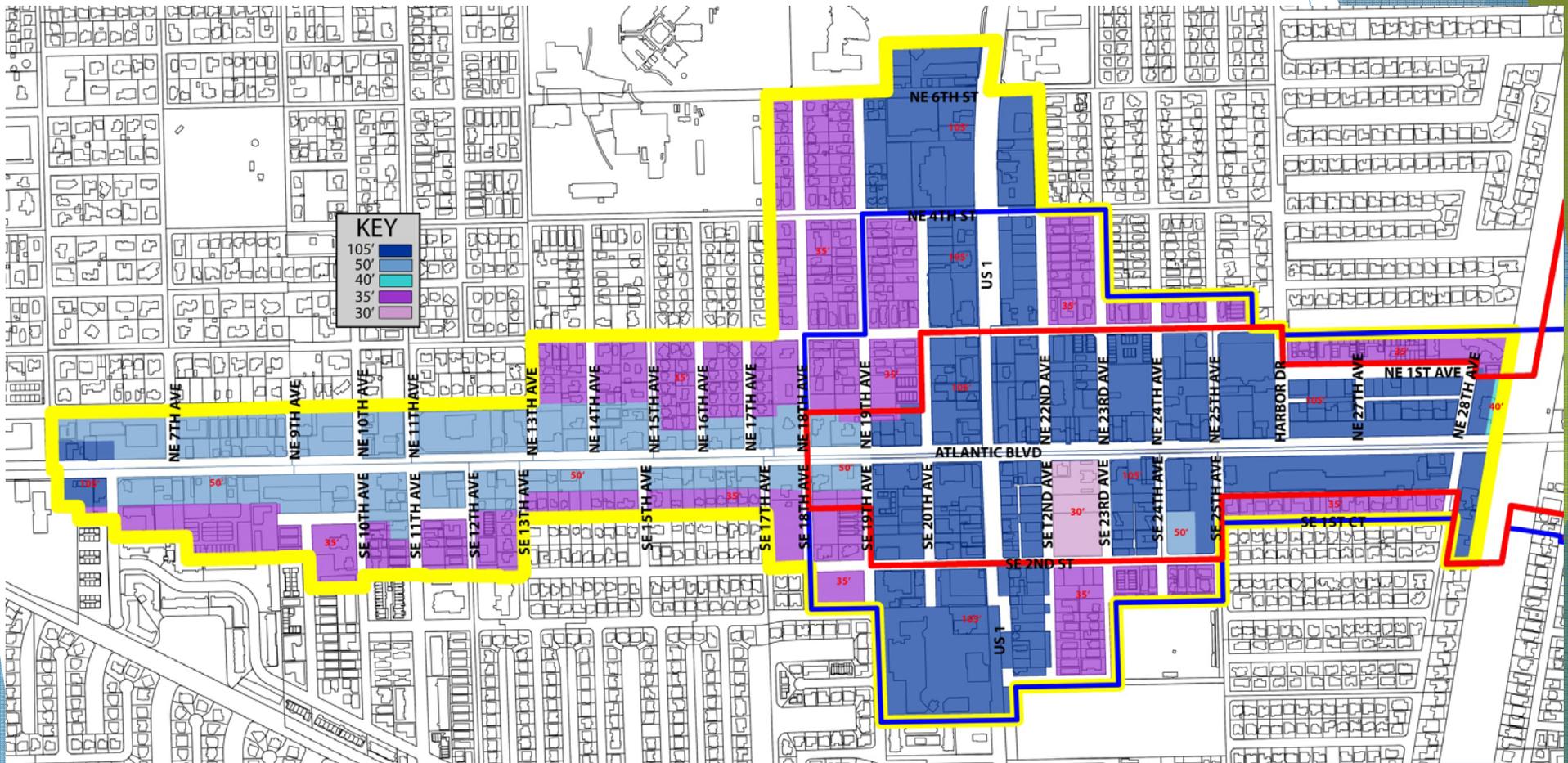
Urban Design Standards

Waterfront Access and Beautification

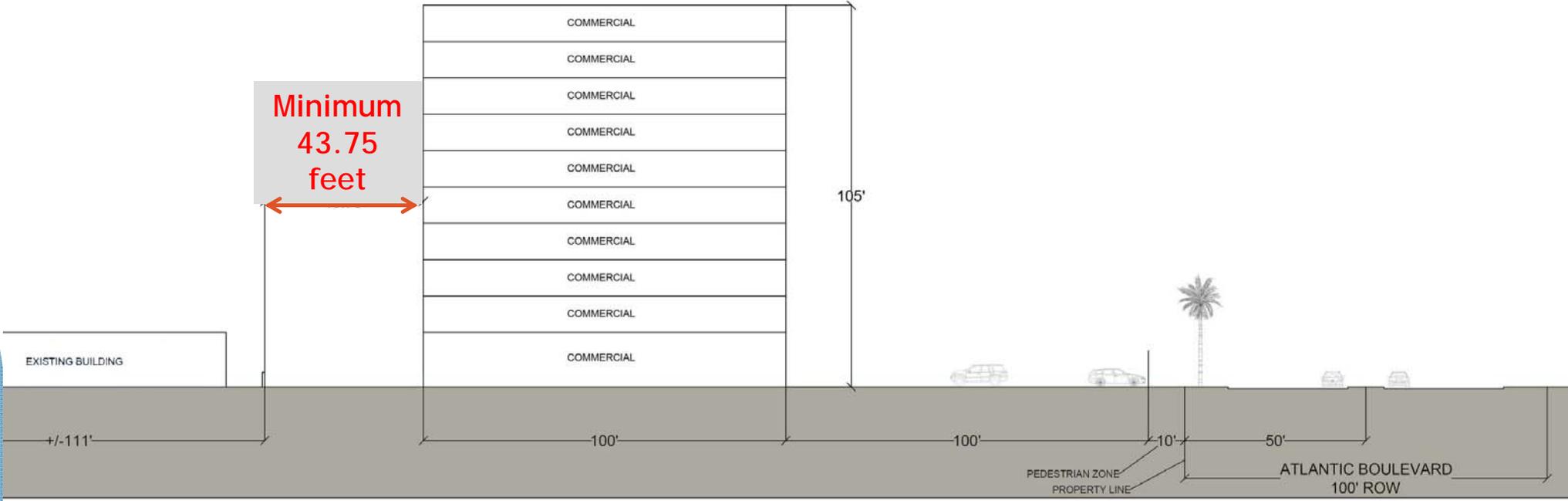


Urban Design Standards

Neighborhood Compatibility (Existing Building Heights)



Existing Height Transition

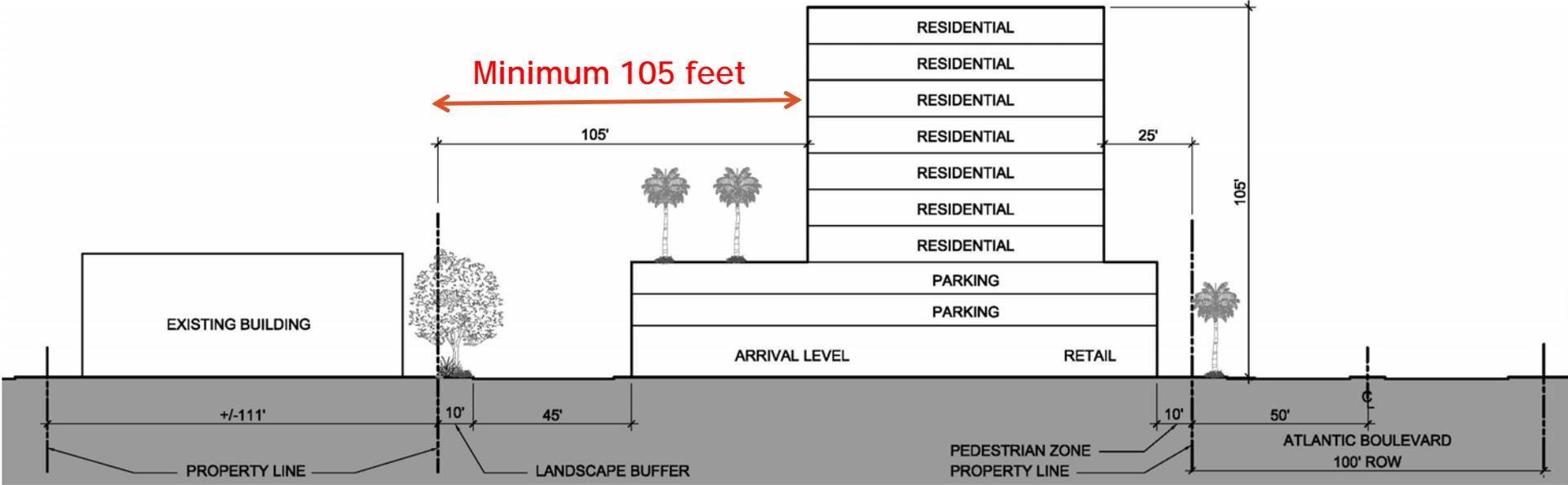


Urban Design Standards

Neighborhood Compatibility (Proposed Building Heights Regulating Plan)



Proposed Height Transition



Urban Design Standards

Neighborhood Compatibility (Building Mass and Scale)



E. Atlantic Boulevard

Urban Design Standards

Neighborhood Compatibility (Building Mass and Scale)

1941 U.S. 1
Miami, Florida

Not Desirable



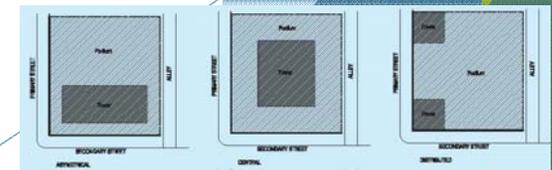
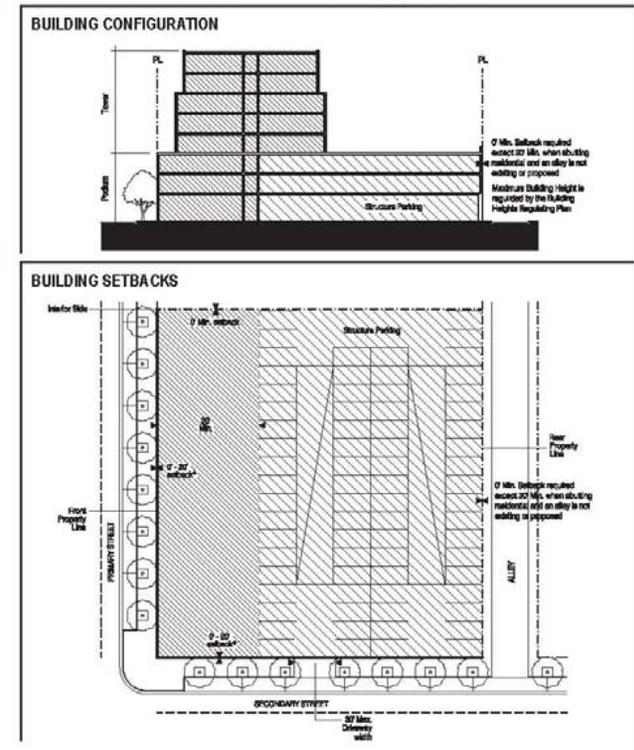
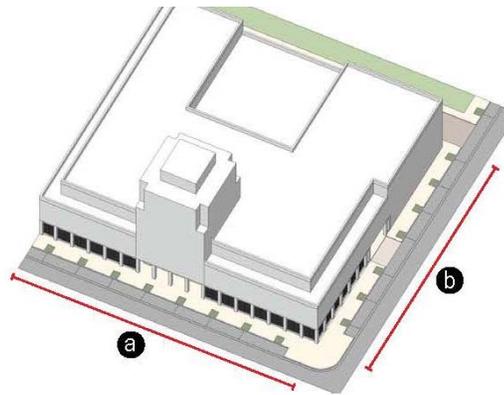
Desirable



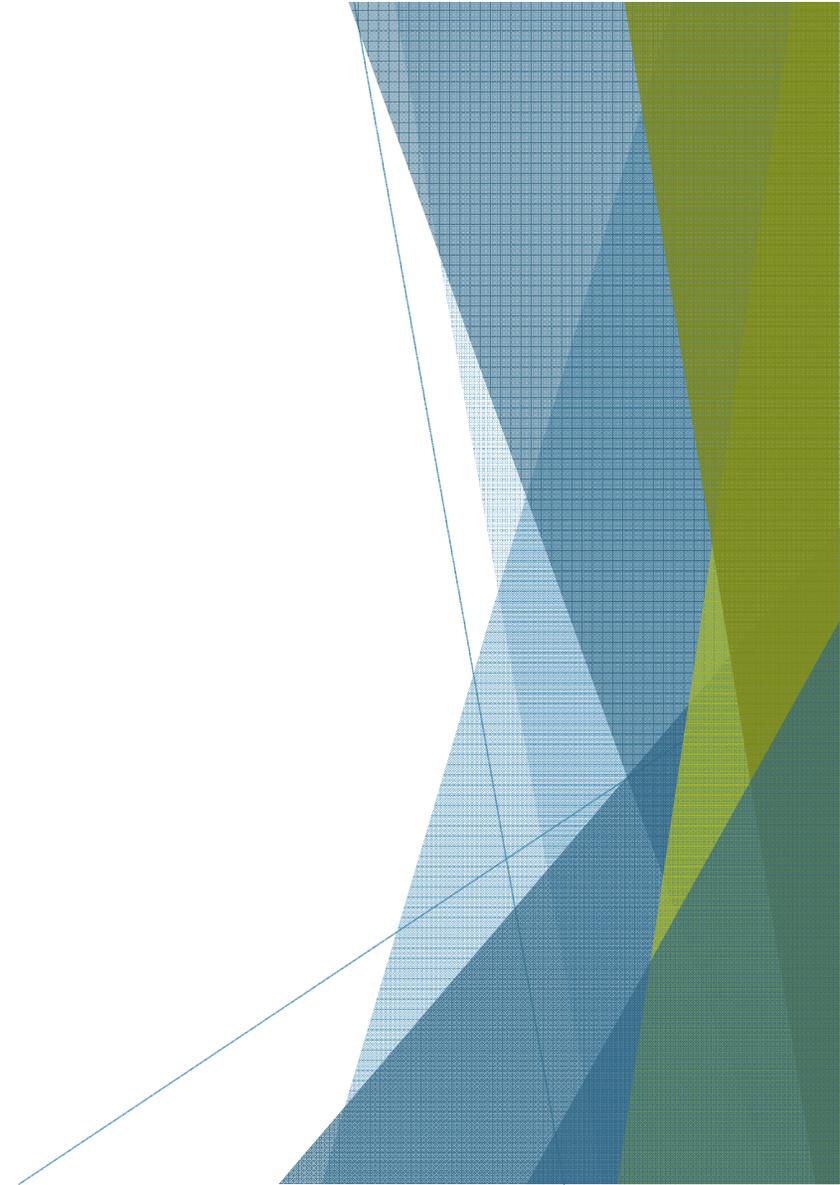
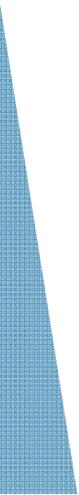
Urban Design Standards

Neighborhood Compatibility (Building Mass and Scale)

- Maximum Building Length
- Maximum Tower Footprint Size
- Setbacks from the Street
- Setbacks from adjacent property



Proposed Project Timeline and Public Input Process



Proposed Project Timeline and Public Input Process

September-October 2015

- Boundaries for EATOC Land Use Designation
- Parcel Analysis (Existing entitlements, built entitlements and remaining entitlements)
- Market Analysis
- Potential Phase 1 EATOC basket-of-rights

November 2015 - January 2016

- **November 12, 2015 - Commission/Stakeholder Kick-off Meeting**
- 2011 Master Plan and parcel analysis update
- Traffic study of existing conditions plus Phase 1 EATOC basket of rights
- Begin text amendments for TO Zoning District and new EATOC Zoning District

February 2016

- One-on-One Commissioner meetings
- **Stakeholder Interviews**
- **Stakeholder Workshop**
- **East CRA Advisory Committee**
- **Economic Development Council**
- Revisions based on outreach input
- LUPA (text and map) Application, including concurrency analysis
- Submit LUPA for initial DRC review

KEY

Text in Red: Public Meetings/Workshops

Text in Blue: Public Hearings

* Dates are subject to change

March, 2016

- DRC Hearing and review comments for LUPA and Zoning Code Amendment
- Address DRC comments
- Schedule and prepare for public hearings

April, 2016

- P&Z Hearing for LUPA and Zoning Code Amendment

May, 2016

- Agenda package for City Commission
- City Commission First Reading and County transmittal for LUPA
- City Commission First Reading Zoning Code amendment and Rezoning

June, 2016

- Submit to BCPC for County LUPA review

KEY

Text in Red: Public Meetings/Workshops

Text in Blue: Public Hearings

* Dates are subject to change

July - August, 2016

- Receive County Staff Comments
- Address County staff comments on LUPA

September, 2016

- BCPC Hearing

November, 2016

- Broward County Commission (BCC) First Reading and Transmittal to State

December, 2016 - January, 2017

- State Review
- Address comments from State Review

February, 2017

- BCPC Second Reading

April, 2017

- BCC Second Reading and Adoption

KEY

Text in Red: Public Meetings/Workshops

Text in Blue: Public Hearings

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May, 2017

- City Commission second reading of LUPA and adoption
- City Commission second reading of Zoning Code Amendment and rezoning adoption

June, 2017

- Submit to State for compliance review
- Submit to BCPC for Recertification

July, 2017

- BCPC Recertification

July, 2017

- LUPA and Rezoning become effective.

KEY

Text in Red: Public Meetings/Workshops

Text in Blue: Public Hearings

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Questions and Answers

