



MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 17-166

DATE: April 18, 2017

TO: Planning and Zoning Board

VIA: Robin M. Bird, Development Services Director *RB*
 Jennifer Gomez, Assistant Director of Development Services *JG*

FROM: Maggie Barszewski, AICP, Planner *MB*

RE: Hillsboro Shores Small Scale Local Land Use Plan Amendment
 2507 N. Ocean Blvd and 2629 N. Riverside Drive

P&Z # 15-92000004

This application is a modification to the LUPA application previously recommended by the Planning and Zoning Board at their September 28, 2016 hearing (*copy of Staff Report, Recommendation Memo, and Minutes attached*).

Project History

This application originally was for Irregular 29 and included 122 dwelling units based on 4.2079 gross acres. It considered at the September 28, 2016 Planning & Zoning (P&Z) hearing and was recommended for approval in a 7-2 vote. Subsequently, on December 13, 2016, the City Commission approved the request on first reading in a 4-2 vote (*copy of minutes attached*). The application was then transmitted to the Broward County Planning Council and the BCPC Staff ruled that the subject property could not include the riparian rights for the abutting Intracoastal Waterway. Therefore, the applicant is modifying the application's gross acreage.

Modifications

The modified application is for Irregular 35.7 (instead of irregular 29). It continues to include 122 dwelling units, but is now based on 3.4256 gross acres (instead of 4.2079). The modified application requests the same square-footage of accessory commercial use. The following Staff Report has been updated from the original report considered at the September P&Z hearing to reflect these changes; however the report is substantially the same. The only changes that have been made to this report are highlighted in yellow (on pages 1, 7, 8, 13 & 14). Other than the changes submitted by the applicant, there is one cross-hatched sentence on page 7 (also highlighted) correcting a misunderstanding that staff had regarding the "conversion of the commercial marina to a residential marina." The applicant has stated that they will be "keeping the marina portion of the site public," and the slips will be available on a first come, first serve bases.

Application

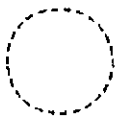
The Applicant is proposing a change in the future land use designation of a 3.4256 gross-acre parcel. This subject property is located at 2507 N. Ocean Blvd and 2629 N. Riverside Drive. The parcel is vacant except for an existing commercial marina and has a Commercial (C) Future Land Use designation. The Applicant is requesting a change in land use to High Residential (H) – Irregular (Dashed Line Area) 35.7. The "Irregular 35.7" refers to the fact that the applicant is not asking for the maximum dwelling units per acre that the 'High' land use designation would permit (the range of density for 'High' is 25 to 46 units per acre).

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LEGEND

FOR LAND USE PLAN

<u>Symbol</u>	<u>Classification</u>	<u>Units/ Acre</u>
	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



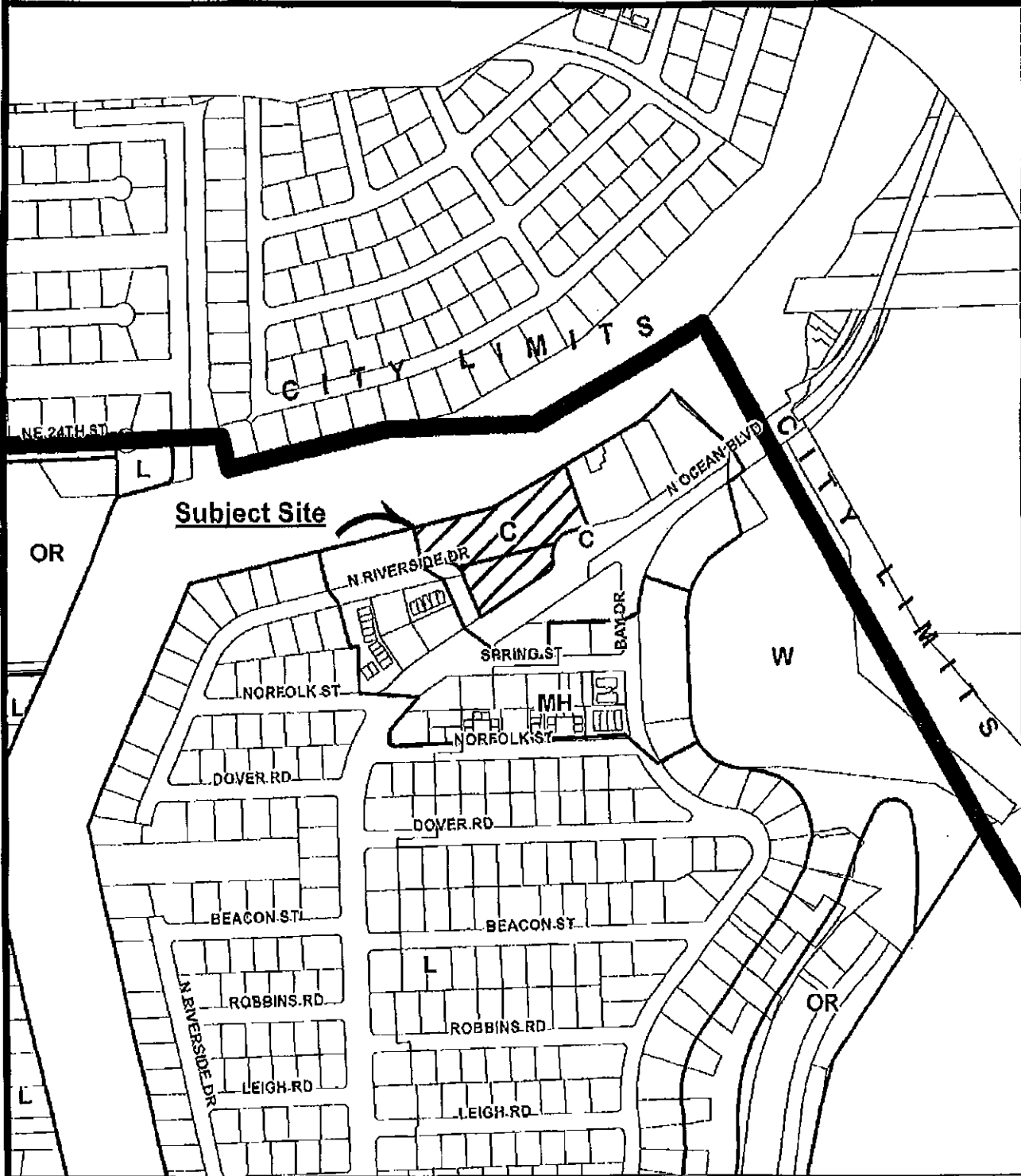
Reflects the maximum total number of units permitted within the dashed line of Palm Aire & Cypress Bend being 9,724 and 1,998

*	Existing
>	Proposed

FOR ZONING MAP

<u>Symbol</u>	<u>District</u>
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

CITY OF POMPANO BEACH OFFICIAL LAND USE MAP

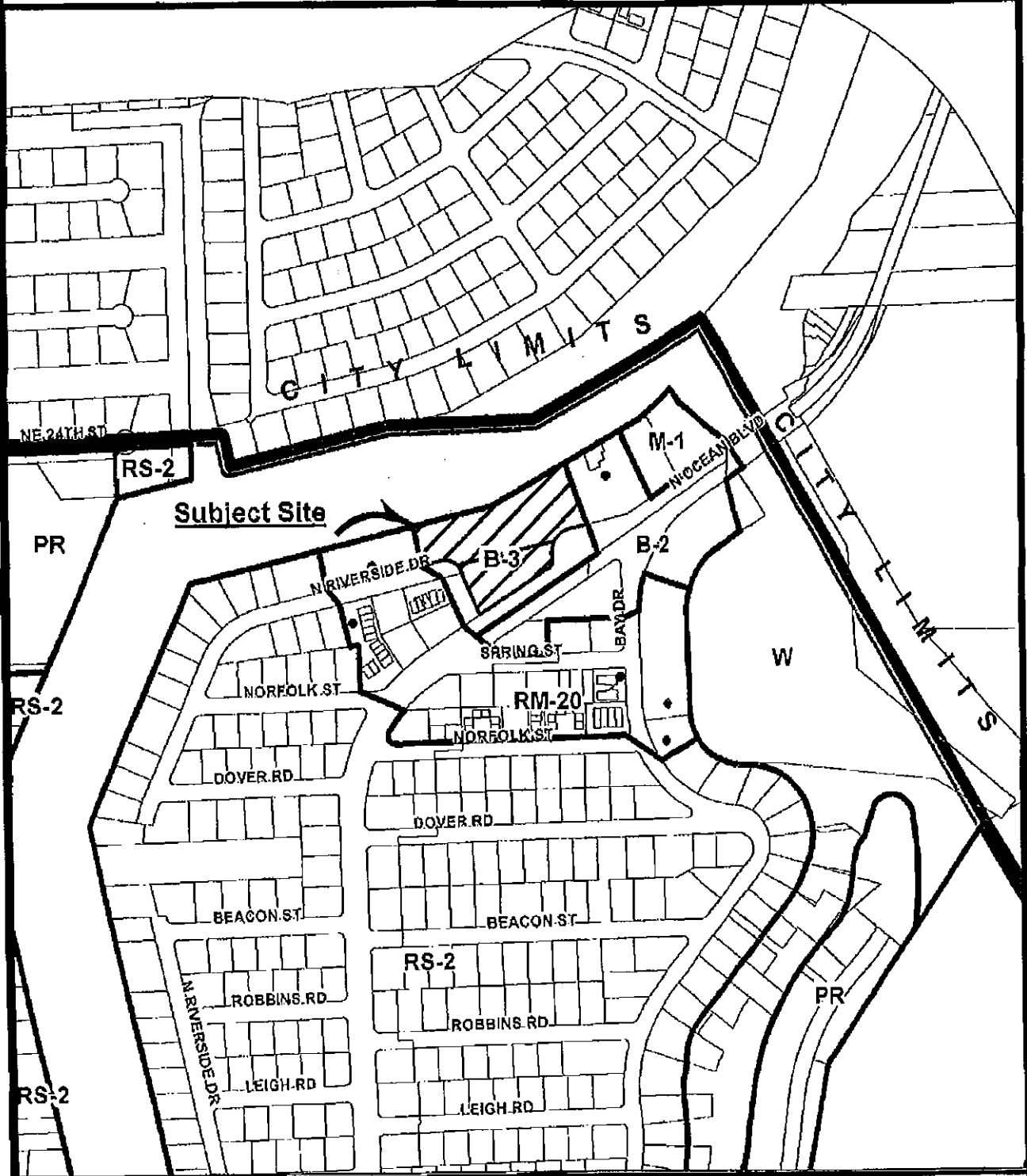


1 in = 417 ft

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DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH OFFICIAL ZONING MAP

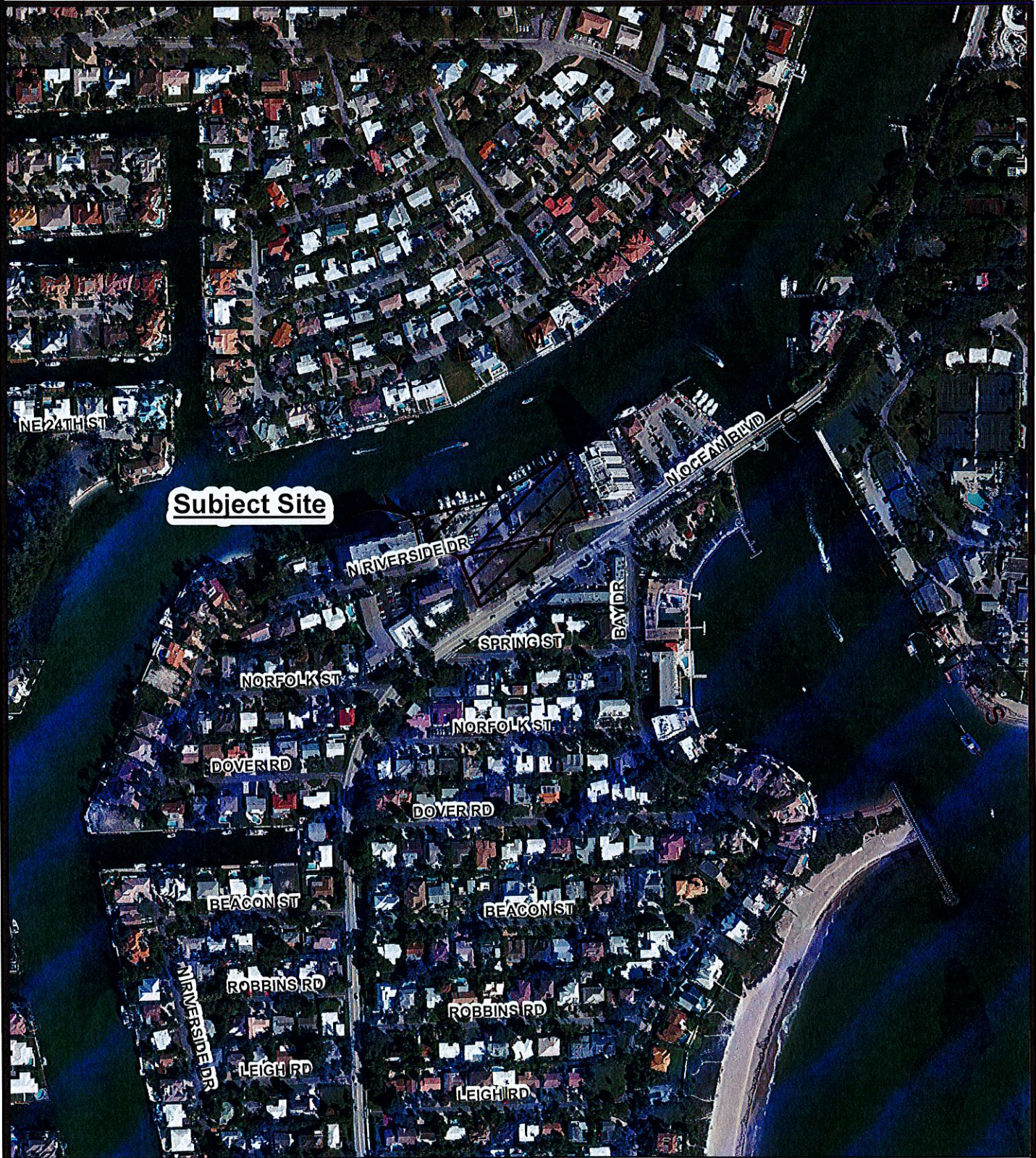


1 in = 417 ft

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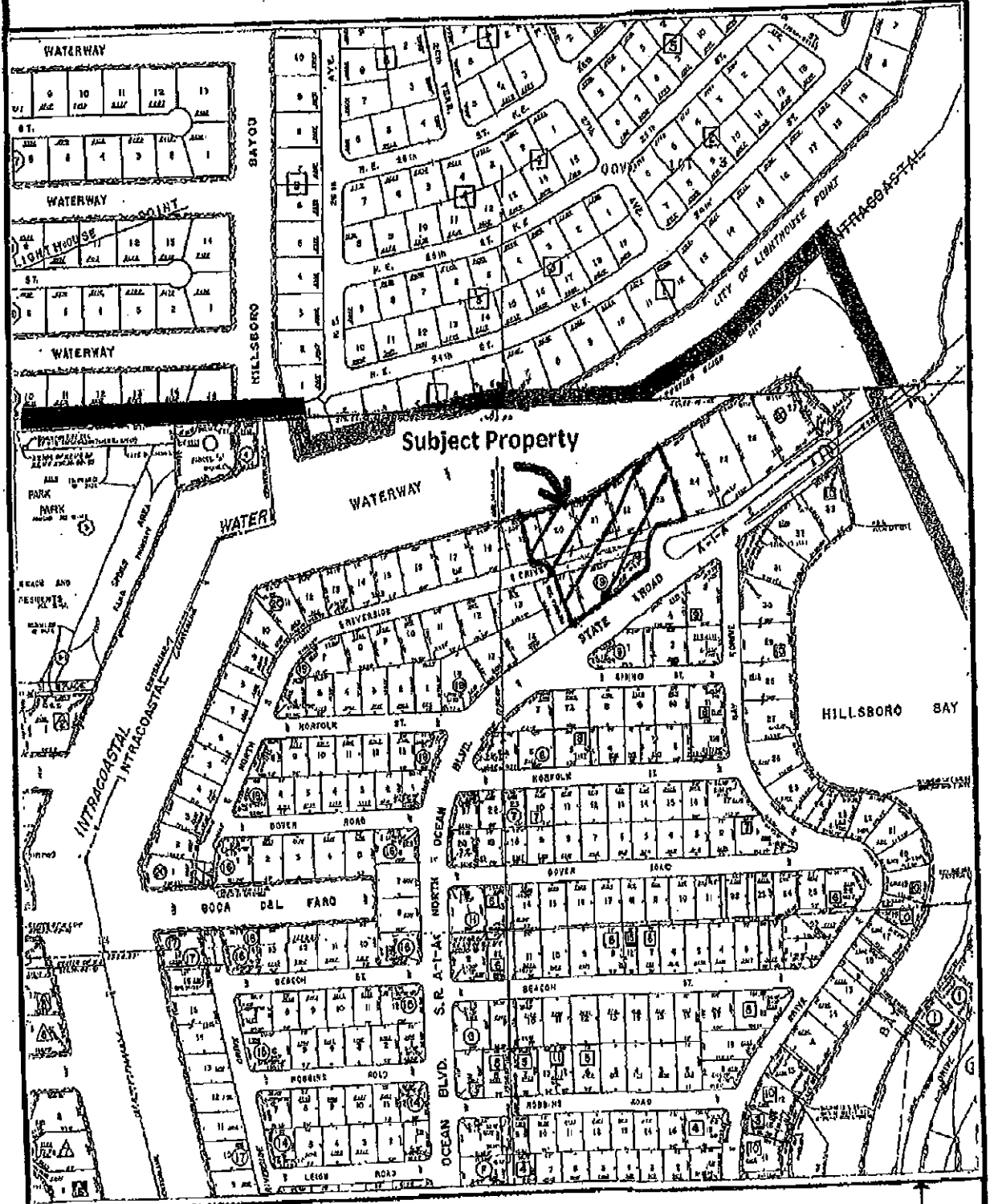
CITY OF POMPANO BEACH AERIAL MAP



1 in = 417 ft

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DEVELOPMENT SERVICES

EXCERPT FROM THE CITY OF POMPANO BEACH
PLAT MAP



SCALE: NTS

NORTH

A. Existing Land Use Designations - Density/Intensities

The land use that is currently permitted by the adopted Future Land Use Map designation within this 3.4256 gross-acre parcel is shown in the table below. The calculation for the maximum square footage allowed on this property is based on the maximum height and lot coverage provided in the Future Land Use Element policy 01.07.20. That policy specifies for Commercial a maximum 60 percent lot coverage and a maximum 105-foot height is permitted.

Maximum Capacity Based on Existing Adopted Land Use Plan				
Land Use Designation/Zoning	Max. Height	Density/Intensity	Net Acres	Sq. Ft.
Commercial/B-3	105 (10 floors)	60% Lot coverage	2.4944	651,936

There was a Major Site Plan application approved in 2013 granting the construction of a 7-story, 120-unit hotel. At the same time the Major Site Plan application was processed, the applicant petitioned the City and received approval for the abandonment of a portion of Riverside Drive. The approved ROW vacation (Ordinance # 2013-01) was based upon the development of a hotel on the subject property.

B. Proposed Land Use Designation - Density/Intensities

The proposed land use would permit a maximum of 122 dwelling units with an overall density of 35.7 units per acre ~~and the conversion of the commercial marina to a residential marina~~. The applicant has indicated an intent to build residential dwelling units, as well as a maximum of 5,115 square feet of commercial accessory use, as permitted within Residential Land Use designation. Future Land Use Element §3.02.A.8.C. states the following is permitted in the Residential Land Use designation:

Regardless of a and b above, space within residential buildings in areas designated for Medium-High (25) Residential or High (50) Residential density may be used for offices and/or retail sales of merchandise or services, as long as no more than 50% of the floor area is used for said purpose.

C. Rationale for the Proposed Amendment

The applicant has advised that a prior approval of a hotel on this property is no longer a viable use and desires to construct instead 122 residential dwelling units, with limited accessory retail on an outparcel of the site. The applicant has advised an intent to convert the existing commercial marina to a residential marina for the residents of the proposed development.

D. Surrounding Land Uses – The subject property is surrounded by the following land use designations:

Location	Future Land Use Designation	Existing Use
North	N/A	Intracoastal Waterway
South	Commercial (C)	Shopping Center (“Hillsboro Inlet Plaza”)
East	Commercial (C)	Condominium
West	Medium High Residential (MH) & Commercial (C)	Condominium & Vacant Lot

E. Proposed City Land Use Designation - The proposed land use designation is High Residential (HR) – Irregular (Dashed Line Area) 35.7, with 122 proposed dwelling units.

F. Impact Analysis

The proposed impact of the application shows a net decrease over what is currently allowed under the City’s adopted plan; the reduction in intensity is due to the elimination of the Commercial land use and replacing it with Residential. The impact on certain public facilities and services at build-out, therefore, is less. The application will, however, result in a population increase and therefore will generate additional demands on the parks systems, hurricane evacuation, and on the school district. Staff’s concerns with the impact analysis are provided below.

Natural and Historic Resources

The applicant does not address natural or historic resources. There are, however, natural resources to be addressed regarding the access to the waterway and protection of water-related uses. Inherent in the nature of Commercial uses is the fact that the public could have access to the Intracoastal Waterway through patronage of various establishments that would be developed on the waterway and use it as an asset for potential business. Furthermore, replacing such limited commercial use on the Barrier Island with private residential use diminishes the potential for water-related activity on a logistically important location near the Hillsboro Inlet. In Section G. of this report, a Goal, Objective and several Policies of the Coastal Zone Management Element of the Comprehensive Plan will be identified that mandates the protection of such vital commercially-designated properties from being replaced by Residential.

Affordable Housing

The requirements of affordable housing units per the Broward County Land Use Plan Policy 1.07.07 must be addressed.

RULES FOR IMPLEMENTATION AND ADMINISTRATION OF BROWARD COUNTY

10.2 BROWARD COUNTY LAND USE PLAN POLICY 1.07.07

For amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the Broward County Land Use Plan. Broward County and affected municipalities shall coordinate and cooperate to implement the affected municipality’s chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing.

The applicant’s application includes the following statement: *“The City of Pompano Beach has a variety of affordable housing policies and programs which meet Broward County Land Use Policy 1.07.07.”*

It is not up to the City to meet this requirement; therefore, the applicant must provide further clarification regarding how affordable housing will be addressed.

Land Use Compatibility

As previously shown in Section D. Surrounding Land Use, the eastern abutting property has a Commercial Land Use designation with Residential existing use; the western abutting property is split between Commercial Land Use and Residential Land Use; the southern neighboring property has Commercial Land Use; and the northern abutting property is the Intracoastal Waterway. Therefore, while not consistent with the Land Use designations to the east and south, the amendment is compatible.

Hurricane Evacuation Analysis

The subject property is within a hurricane evacuation area. The applicant has provided a Hurricane Analysis. The Analysis refers to the 2006 South Florida Regional Hurricane Evacuation Traffic Study. It does not indicate the increase in population for this specific amendment request, however, it identifies various shelters that are to be used and the critical-link clearance times for the evacuation of residents that would populate the subject property if it were to become residential. The applicant states that "the roadways in proximity for the subject property to use in the event of an evacuation off of the barrier island are the Hillsboro, NE 14th Street and Atlantic Boulevard bridges which are less than the worst case scenario clearance time."

G. Consistency with Goals, Objectives and Policies of the City's Comprehensive Plan

The proposed amendment is inconsistent with the following goals, objectives and policies of the Comprehensive Plan:

Future Land Use Element

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.

The amendment is not consistent with the Future Land Use Element's Goal. In particular the request to develop residential use (versus a hotel use) along with the conversion of the existing commercial marina to a residential marina reduces the City's ability to provide the maximum economic well-being for the City and its residents.

The subject property is part of a valuable and historic Commercial node including the Hillsboro Inlet Park, the Hillsboro Inlet Shopping Plaza, and the Hillsboro Inlet Fishing Center. City Business Tax Receipt records indicate in 1988 this site was issued an occupational license for the Pelican Pub restaurant and fish market and continued to operate as a restaurant until 2004 (Tails Tropic Island Grill). City Business Tax Receipt records further indicate many commercial boats operated from the commercial marina at this location, including fishing boats, scuba boats, and other boats offering water sports activities.

The subject property previously received development approvals based on a prior commitment to develop as a hotel. The City's goal of developing hotels, particularly along the barrier island, is demonstrated in the November 2014 "City of Pompano Beach Economic Development Strategy Evaluation and Strategic Update" prepared by Lambert Advisory. Recommendation 2 (Focused Efforts to Attract/Retain Key New Industries) states the following "*Pompano Beach, true to its name, has an excellent quality beach but unlike many other cities to the north and south of Pompano, does not have the depth of new quality hotel product to attract a range of affluent travelers. Given continuing strengthening of the regional hotel market, the beach is in an increasingly envious position to attract and support new hotel investment which will consistently bring outside expenditure into the City and create a substantial number of new jobs. The benefits from hotel development from an economic development perspective are significantly greater than residential development which often competes for the same parcels.*" The report goes on to say "*The City of Pompano has an*

opportunity to realize the development of new full service hotel product particularly as it relates to the beach area of the City. Hotels serve a particularly valuable role in economic development in the sense that they bring outside dollars into the community. The relative economic benefit of this expenditure is greater than for other land uses (i.e. retail) which principally recycle dollars which are already in the community.”

Retaining and strengthening the City of Pompano Beach’s reputation as a premier boating and tourism destination is an ongoing effort of the City. Via Resolution 2014-283, the City Commission hired the Renaissance Planning Group to prepare a Transformation Plan for the A1A Corridor. The Transformation Plan will identify an economic development strategy using the area of the subject property as a northern gateway to the City. An integral part of this economic plan is the creation of the “Hillsboro Inlet District” (see attached pamphlet), which is exclusively focused on this ‘gateway’ area. The vision of this district includes redevelopment as a modern fishing village that promotes water-dependent uses, mixed use development and hotels. Several public outreach meetings have been held to develop this vision and it is scheduled for a September City Commission hearing. The Transformation Plan confirms that retaining this Commercial node is essential for providing necessary complimentary retail services for the Barrier Island and potential tourism vitality for the City as a whole.

Another significant investment in the A1A Corridor is the City’s support of the upcoming Shipwreck Park. Shipwreck Park will be a world-class dive destination where a 324-foot ship will be sunk to a depth of 120 feet about a mile off the Pompano Beach.

Policy 01.03.10 Support and promote hotels, motels and other tourist accommodations in designated residential, commercial and commercial recreation land use designations.

The proposed amendment is for residential development. Residential Development is not consistent with the City’s desire to promote hotels. Further the justification for the 2013 abandonment of a portion of Riverside Dr. was the commitment to develop a Hotel at this site (see July 2012 letter from Land Planning Engineering). The roadway was abandoned per Ord 2013-01 and the letter is part of the official back-up for the ordinance.

Policy 01.16.01 The City shall emphasize redevelopment and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources.

The amendment is inconsistent with Policy 01.16.01 which seeks land uses which are consistent with urban services and infrastructure. The City’s Land Use Plan Implementation section defines “Infrastructure” as follows *“Infrastructure” means those man-made structures which serve the common needs of the population, such as; sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bullwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.*

Commercial marinas are not only an invaluable economic driver, but they are important component of the City’s recreational infrastructure. The City’s Recreation and Open Space Element’s Inventory of Existing Sites includes an analysis of the City’s “Private Recreational Facilities”. The following is

stated about Private Recreational Facilities: *“Overall, the provision of private recreational facilities reduces the demand for public recreational facilities. The first sub-category of private recreational facilities which consist of commercial enterprises offering recreational services involve water-related activities such as boats for hire, for fishing and sightseeing excursions. These boats are privately owned and are available for charter by the half-day, day, weekend, or weekly.”*

Therefore the impact of the proposed amendment on the existing commercial marina at this location must be considered. The amendment’s request to develop residential uses with a residential marina would therefore have a negative impact on the valuable recreational infrastructure located at this site.

- Policy 01.03.12** The following criteria may be used in evaluating rezoning requests:
1. Density;
 2. Design;
 3. Distance to similar development;
 4. Existing adjoining uses;
 5. Proposed adjoining uses;
 6. Readiness for redevelopment of surrounding uses; and.
 7. Proximity to mass transit.

The proposed amendment would negatively impact the readiness for redevelopment of surrounding uses. As previously stated the City is committed to retaining and strengthening its reputation as a premier boating and tourism destination. Via Resolution 2014-283, the City Commission hired the Renaissance Planning Group to prepare a Transformation Plan for the A1A Corridor. The Transformation Plan will identify an economic development strategy using the area of the subject property as a northern gateway to the City. An integral part of this economic plan is the creation of the “Hillsboro Inlet District” (see attached pamphlet), which is exclusively focused on this ‘gateway’ area. The vision of this district includes redevelopment as a modern fishing village that promotes water-dependent uses, mixed use development and hotels. Several public outreach meetings have been held to develop this vision and it is scheduled for a September City Commission hearing. The Transformation Plan confirms that retaining this Commercial node is essential for providing necessary complimentary retail services for the Barrier Island and potential tourism vitality for the City as a whole.

- Policy 01.07.16** Through ongoing updates to the land development regulations provide criteria/performance standards regulating hotel intensity and incentives for hotel development.

Policy 01.07.16 reiterates the City’s desire to promote hotels, including the support for offering incentives for hotel development. The proposed amendment is for residential development and therefore is not consistent with the City’s desire to promote hotels. Further the application justification submitted for the 2012 request to abandon a portion of Riverside Dr. specifically stated the objective was to develop a Hotel (see July 2012 letter from Land Planning Engineering). The roadway was abandoned per Ord 2013-01 and the letter is part of the official back-up for the ordinance.

Recreation and Open Space Element

- Goal 11.00.00** Provide safe well-maintained and adequate open space and recreational

facilities for all Pompano Beach residents and visitors.

Policy 11.05.02 To recognize the contribution that private recreational facilities provide in meeting the needs of seasonal residents and tourists and cooperate with them.

Policy 11.05.03 To promote Pompano Beach as a year-round tourist destination (formerly 11.05.04).

The proposed conversion of the existing commercial marina at this location to a residential marina is not consistent with Goal 11.00.00, Policy 11.05.02 and 11.05.03.

As previously noted, commercial marinas are an important component of the City's recreational infrastructure. The City's Recreation and Open Space Element's Inventory of Existing Sites includes an analysis of the City's "Private Recreational Facilities". The following is stated about Private Recreational Facilities: *"Overall, the provision of private recreational facilities reduces the demand for public recreational facilities. The first sub-category of private recreational facilities which consist of commercial enterprises offering recreational services involve water-related activities such as boats for hire, for fishing and sightseeing excursions. These boats are privately owned and are available for charter by the half-day, day, weekend, or weekly."*

A review of City Business Tax Receipt records indicate many commercial boats operated from the commercial marina at this location, including fishing boats, scuba boats, and other boats offering water sports activities.

Coastal Zone Management Element

Goal 10.00.00 Manage development efforts in the City of Pompano Beach Coastal Zone to maximize aesthetic, environmental, recreational and economical resources.

Objective Support and Protect Water Dependent Uses

Objective 10.03.00 Water dependent and water related uses will be protected and encouraged within the coastal area; this shall include retaining commercial zoning so that private residential redevelopment does not displace such uses.

Policy 10.03.01 Shoreline uses shall be designed in a manner compatible with the environment and be compatible with existing surrounding land uses and are prioritized according to the following criteria:

1. Water dependent commercial and municipal uses.
2. Water related uses in conjunction with water dependent uses.
3. Public accessibility
4. Non-water related uses.

Policy 10.03.02 Other than in areas designated with residential land use categories, intrusions of land uses unrelated to marine activities or not having coastal dependency shall be discouraged from locating in areas on the coast or adjacent to navigable waterways.

Policy 10.03.03 Land zoned for marine and water dependent commercial activities shall be preserved.

Data & Analysis: Water-Related and Dependent Uses: Charter fishing boats are an important part of the City's tourist-based economy and therefore preservation of these uses is very important.

The goal of the City's Coastal Zone Management Element is to maximize the various resources of the coastal zone, including the economic resources. Specifically Objective 10.03.00 (and its supporting policies listed above) seek to protect the City's water dependent uses. The City's Future Land Use Element defines "Water Dependent Uses" to mean "*activities which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for: waterborne transportation including ports or marinas; recreation; electrical generating facilities; or water supply.*" Therefore while the amendment application states the marina area will be improved, the application clarifies the intent is to restrict the marina to a residential marina. Therefore the amendment is not consistent with Objective 10.03.00 nor its supporting Policies 10.03.01, 10.03.02, and 10.03.03.

H. Recommendation of Denial

Based on the above-stated inconsistencies with the Comprehensive Plan, staff has no alternative but to recommend denial of the Land Use Plan Map Amendment from the current Commercial Future Land Use designation to High Residential – Irregular (Dashed Line Area) 35.7.

ALTERNATIVE MOTIONS:

- 1) **Motion to recommend denial** of the Land Use Plan Map Amendment from the from the current Commercial Future Land Use designation to High Residential – Irregular **(Dashed Line Area) 35.7.**

The denial is based upon the finding that the amendment is incompatible with the goals, objectives and policies in the Comprehensive Plan, specifically:

Future Land Use Element

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.

Policy 01.03.10 Support and promote hotels, motels and other tourist accommodations in designated residential, commercial and commercial recreation land use designations.

Policy 01.16.01 The City shall emphasize redevelopment and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources.

Policy 01.03.12 The following criteria may be used in evaluating rezoning requests:

1. Density;
2. Design;
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5. Proposed adjoining uses;
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Policy 10.03.03 Land zoned for marine and water dependent commercial activities shall be preserved.

- 2) **Motion to table** the requested Comprehensive Plan amendment to provide time for any issues raised by the Board, Staff, Applicant or the general public.
- 3) **Motion to recommend approval** as the Board finds the proposed land use change compatible with the goals, objectives and policies in the Comprehensive Plan. Conditions of Implementation will have to be considered regarding meeting the Broward County Affordable Housing requirements.