

MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 19-211

DATE: July 12, 2019

TO: Planning & Zoning Board

VIA: David L. Recor, ICMA-CM, Development Services Director *[Signature]*
Jennifer Gomez, Assistant Development Services Director *[Signature]*

FROM: James Hickey, AICP, Consulting Planner

RE: Rezoning – Amend a Previously Approved RPUD (Residential Planned Unit Development)
Location – 1116 N Ocean Boulevard (A1A)

July 24, 2019 Meeting

P & Z #19-13000006

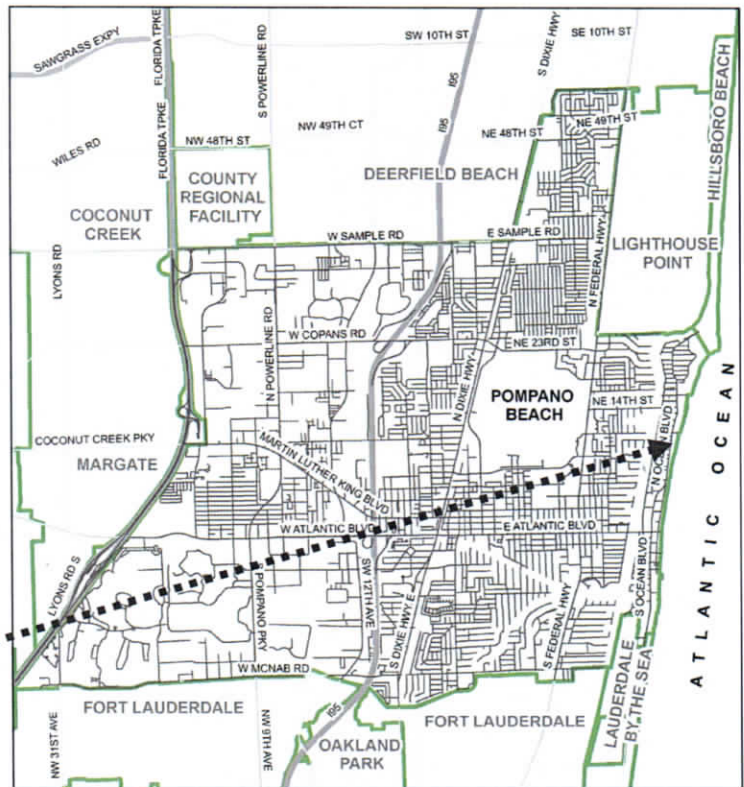
The applicant is requesting to amend a previously approved RPUD Development Order adopted by the City Commission through Ordinance 2012-10. This property contains 2.9 acres and consists of four separate parcels. The general location is the east side of N Ocean Boulevard just south of NE 12th Street. The property is located directly on the beach and is currently vacant. The request is to reduce the number of approved towers on the site from two to one and to reduce the number of units from 130 units to 105 units. The plan also reduces the podium height from three to two stories. The proposal includes an increase in height from 170' to 220' (230' to parapet) in a 20-story residential building.

The RPUD district is intended to encourage the use of innovative and creative design to provide a mix of different residential uses in close proximity to one another, while at the same time providing and efficient use of open space. The project aims to provide additional redevelopment and value to the north beach area.

RPUD's are required to have a minimum of 5 acres; however, this requirement may be waived by the City Commission on finding that creative site planning is necessary to address a physical development constraint, protect sensitive natural areas or promote a community goal when more conventional development would result in more difficult or undesirable development. This requirement was waived by the City Commission in the original approval of the RPUD in 2012.

1116 N. Ocean Boulevard

Tax Folio IDs: 484330011180, 484330011390,
484330011171, & 484330011160.



CITY OF POMPANO BEACH AERIAL MAP

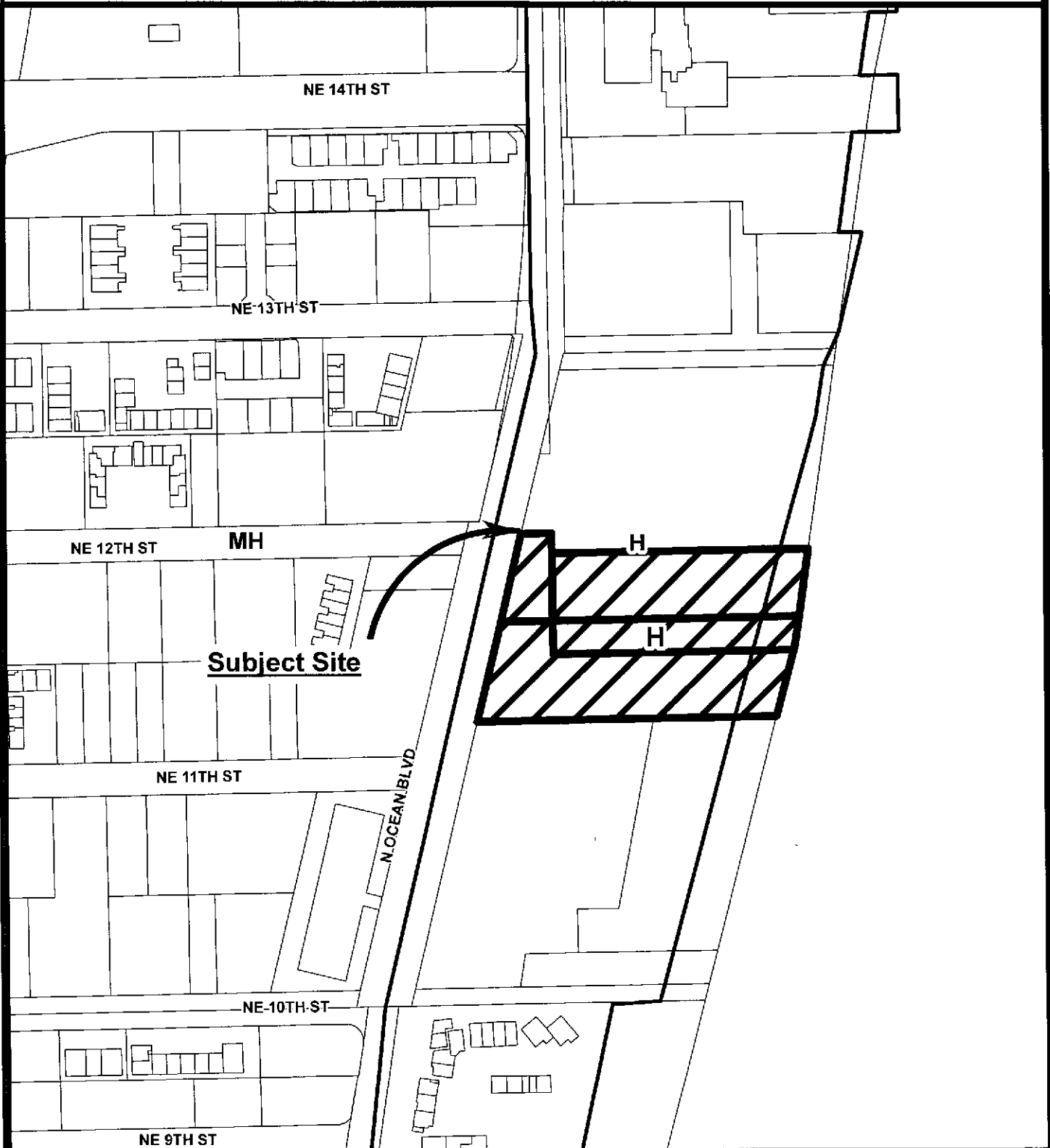


1 in = 208 ft

2

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH OFFICIAL LAND USE MAP

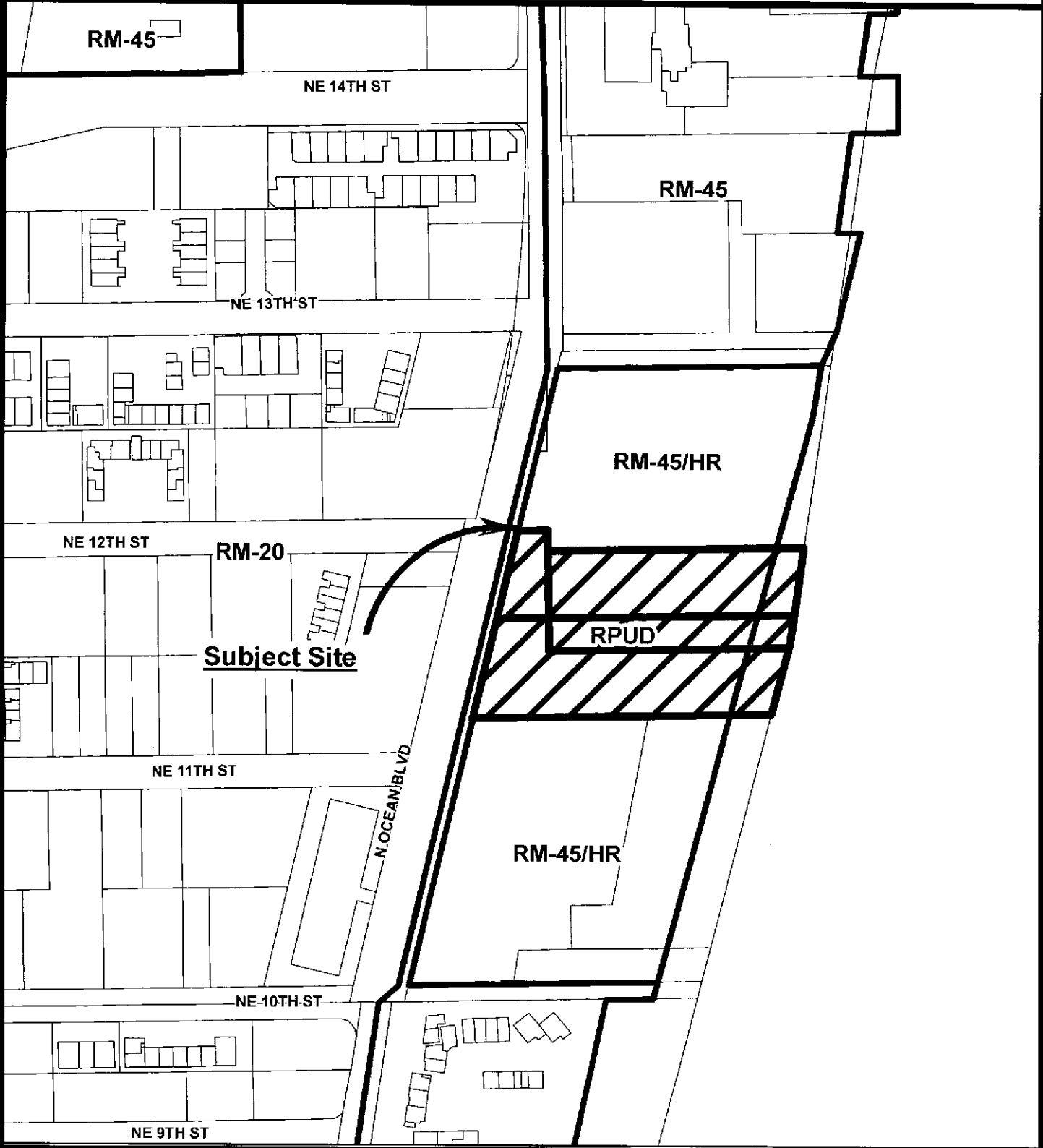


1 in = 208 ft

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DEVELOPMENT SERVICES

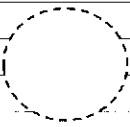
CITY OF POMPANO BEACH
OFFICIAL ZONING MAP



1 in = 208 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

LEGEND

FOR LAND USE PLAN			FOR ZONING MAP	
Symbol	Classification Units/ Acre		Symbol	District
L	Low (1-5 DU/AC)		RS-1	Single-Family Residence 1
LM	Low- Medium (5-10 DU/AC)		RS-2	Single-Family Residence 2
M	Medium (10-16 DU/AC)		RS-3	Single-Family Residence 3
MH	Medium-High 16-25 DU/AC)		RS-4	Single-Family Residence 4
			RS-L	Single-Family Residence Leisureville
* H	High (25-46 DU/AC)			
12	Irregular Density		RD-1	Two- Family Residence
36	Irregular Density			
			RM-7	Multiple-Family Residence 7
C	Commercial		RM-12	Multiple-Family Residence 12
CR	Commercial Recreation		RM-20	Multiple-Family Residence 20
			RM-30	Multiple-Family Residence 30
I	Industrial		RM-45	Multiple-Family Residence 45
			MH-12	Mobile Home Park
T	Transportation			
			B-1	Limited Business
U	Utilities		B-2	Neighborhood Business
			B-3	General Business
CF	Community Facilities		B-4	Heavy Business
			M-1	Marina Business
OR	Recreation & Open Space		CR	Commerical Recreation
W	Water		I-1	General Industrial
			I-1X	Special Industrial
RAC	Regional Activity Center		O-IP	Office Industrial Park
			M-2	Marina Industrial
LAC	Local Activity Center			
			TO	Transit Oriented
DPTOC	Downtown Pompano		PR	Parks & Recreation
	Transit Oriented Corridor		CF	Community Facilities
	Number		PU	Public Utility
			T	Transportation
			BP	Business Parking
			LAC	Local Activity Center
		*	RPUD	Residential Planned Unit Dev.
			PCD	Planned Commercial Development
			PD-TO	Planned Development - Transit Oriented
			PD-I	Planned Development - Infill
			RM-45 HR	Multiple-Family Residence 45 High Rise-Overlay
			AOD	Atlantic Boulevard Overlay District
			CRAO	Community Redevelopment Area Overlay
			NCO	Neighborhood Conservation Overlay
			APO	Air Park Overlay
			DP	Downtown Pompano Beach Overlay

Findings of Fact. Development Services Department Staff submits the following factual information which is relevant to this Rezoning Application:

1. The rezoning was reviewed by the DRC on June 5, 2019. To address staff comments from the DRC submittal, additional information and justification was provided by the applicant and is included within the P&Z submittal.
2. The property is platted on Pompano by the Sea Resub (Plat Book 1, Page 22) and includes an abandoned right-of-way (Alta Drive) which is shown on the original plat.
3. The site contains 2.9 acres.
4. The Zoning and uses of adjacent properties are:

Property	Adjacent Property	Zoning District	Existing Use
East side of North Ocean Boulevard just south of NE 12 th Avenue	North	RM-45/HR	Hotel
	South	RM-45/HR	Condo
	East	N/A	Atlantic Ocean
	West	RM-20	Apartment building and Parking lot

5. The RPUD application requests a maximum of 20 stories not to exceed 230 feet. This property is located within the Airpark Overlay District and the proposed height is considered an Airpark Obstruction.
6. The height of neighboring buildings is:

Direction	Building / Height
North neighbor	Marriott (8 stories)
South neighbor	Century Plaza (14 stories)
East neighbor	N/A
West neighbor	Apartments (1 story)

7. The Land Use Designation is H – High 25-46 DU/AC which would allow a total of 133 units. The current RPUD proposal is requesting 105 units which is a density of 36 units to the acre.
8. The proposed RPUD is requesting a increase of height from 170' to 220'. The proposed RPUD results in the following reductions based on the approved RPUD:

	Approved	Proposed
Dwelling Units	130	105
Sellable Area	247,289SF	237,060SF
Required Parking*	231	167
Number of Towers	2	1
Density per Acre (Gross)	45	36
Impervious Area	61,881SF	45,938SF
Podium (stories)	3	2

9. Site History: The property was initially rezoned from RM-45/HR to RPUD in 2001 through Ordinance 2001-72. That ordinance had a stipulation that the approval expired for failure to develop the property in a timely manner. Within that Ordinance, analysis concluded that "the property has a irregular shape which creates traditional design problems making this property

suitable for RPUD zoning.” In 2012, the property was again rezoned from RM-45/HR to RPUD allowing for a density of 45 units to the acre allowing for 130 residential units.

PLANNED DEVELOPMENT REVIEW STANDARDS

Review of and the decision on a Planned Development application shall be based on compliance of the proposed zoning reclassification and the PD Plan with the review standards in Section 155.2402.C, Site-Specific Zoning Map Amendment Review Standards and the standards for the proposed type of PD district in Part 6 (Planned Development Zoning Districts) of Article 3: Zoning Districts.

§155.2404.C. Site-Specific Zoning Map Amendment Review Standards

Site-specific amendments to the Official Zoning Map (Rezoning) are a matter subject to quasi-judicial review by the City Commission and constitute the implementation of the general land use policies established in this Code and the comprehensive plan. In determining whether to adopt or deny a proposed Site-Specific Zoning Map Amendment, the city shall find that:

1. The applicant has provided, as part of the record of the public hearing on the application, competent substantial evidence that the proposed amendment:
 - a. Is consistent with the Future Land Use Category and any applicable goals, objectives, and policies of the comprehensive plan and all other applicable city-adopted plans;

Staff Analysis: The rezoning is consistent with the following Goals, Objectives & Policies (GOPs) in the Future Land Use Element of the City's Comprehensive Plan.

- | | |
|----------|---|
| 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. |
| 01.03.02 | Require residential densities of zoning districts to be consistent with the densities on the Future Land Use Map. |
| 01.03.11 | Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings. |
| 01.03.05 | All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying residential land use designations. |
| 01.03.12 | The following criteria may be used in evaluating rezoning requests: <ol style="list-style-type: none">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. |
| 01.06.01 | Consider the impacts that land use amendments, rezonings or site plan approvals have on natural resources and historic properties. |
| 01.16.01 | The City shall emphasize re-development 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. |

Principal uses allowed in a RPUD district shall be established in the PD Plan. Uses shall be consistent with the comprehensive plan, other city-adopted plans, and the purpose of the RPUD district, and shall comply with [Appendix A](#): Consolidated Use Table, and the use-specific standards in [Article 4](#): Use Standards.

Staff Analysis: The RPUD district is intended to encourage the use of innovative and creative design to provide a mix of different residential uses in close proximity to one another, while at the same time providing and efficient use of open space. The project aims to provide additional redevelopment and value to the north beach area and be constructed to be consistent with the RM-45/HR zoning to the north and south of the proposed site.

C. Intensity and Dimensional Standards

District area, minimum (acres)	5 ¹
Density, maximum (du/ac) ²	To be established in PD Plan—see Section 155.3602.A , PD Plan
Floor area ratio (FAR), maximum	
Lot area, minimum (sq ft)	
Lot width, minimum (sq ft)	
Impervious surfaces, maximum (% of district area)	
Individual building size, maximum (sq ft)	To be established in PD Plan—see Section 155.3602.A , PD Plan
Building height, maximum (ft) ^{3,4}	
Setbacks, minimum (ft)	
Setback from abutting RS zoning district or existing single-family dwelling use, minimum (ft)	

NOTES:

1. May be waived by the City Commission on finding that creative site planning is necessary to address a physical development constraint, protect sensitive natural areas, or promote a community goal when more conventional development would result in more difficult or undesirable development.
2. Residential development may not exceed the maximum gross density established by the Land Use Plan for the Residential land use classification.
3. Except for RPUD development whose prior zoning district was RM45-HR, the maximum building height shall not exceed 65 feet.
4. For developments who are restricted to a maximum 65 feet height, the height may be increased to 85 feet provided after 60 feet in height the front façade is stepped back 20 feet. The resulting 20 foot space must be usable plaza or patio space.

Staff Analysis: Applicant has provided the intensity and dimensional standards for the proposed RPUD district. Many of the standards (land area, mix of uses, minimum lot area, lot width and setbacks) have not

changed. The proposed District will contain 105 units equaling a density of 36 units per acre which is consistent with the land use of H – High Residential 25-46 DU/AC. Impervious area is proposed to decrease to 45,938SF which equals 57% of the site. The proposed building will contain less developable square footage. Setbacks approved as part of the existing RPUD will remain. Building height is proposed to be 220' to the roof and 230' to the parapet. Maximum building height in the existing RPUD is 170'. Adjacent property to south is 14 stories and approximately 170'. Property to the north is 8 stories and approximately 90'. Development is within the Horizontal Zone of the Air Park Overlay and thus requires an Air Park Obstruction Permit (PZ: 19-12400001 scheduled for 7/24/2019 PZB meeting) per Section 155.2422 of the City's Zoning code.

Proposed Deviations from RPUD zoning

- Ten percent (10%) reduction in required parking spaces per Section 155.5102.D.1

Staff Analysis: Applicant is proposing a parking reduction from 170 required parking spaces to 167.

- Site is below the minimum 5 acres required for an RPUD. Applicant requesting this requirement be waived by City Commission

Staff Analysis: Existing RPUD had this requirement waived by the City Commission, and applicant is again requesting a waiver of this requirement.

Development Standards

D. Development Standards	
The development standards in Article 5 : Development Standards, shall apply to all development in RPUD districts, but some development standards may be modified as part of the PD Plan if consistent with the general purposes of the RPUD district and the comprehensive plan, and in accordance with the means of modification noted below.	
Development Standards	Means of Modifying
Access and circulation	Specify in PD Plan
Off-street parking & loading	Specify in Master Parking Plan
Landscaping ¹	Specify in Alternative Landscaping Plan
Tree preservation	
Screening	Specify in Alternative Screening Plan
Fences and walls	Specify in Master Fencing Plan
Exterior lighting	Specify in Master Lighting Plan
Multifamily residential design	Modifications prohibited
Commercial and mixed-use design	
Industrial design	
Residential compatibility	
Sustainable design	Specify in PD Plan
Signage (Ch. 156 , Sign Code)	Specify in Master Sign Plan

NOTES:

1. Internal uses shall not be required to provide perimeter buffers.

Staff Recommendation: All requirements of a PD Plan are graphically demonstrated in the RPUD application package which includes exhibits, plans and a survey unless stated below.

Access and circulation – Access from the site will be from a main ingress/egress from N Ocean Boulevard. The site will include a valet drop off area in the front of the building. There will be additional drive aisles that will run along the west, north and south portions of the site to provide access into and out of the structured parking areas. The applicant is also proposing public beach access on the south portion of the building which will provide needed access to area residents.

Off-street parking and loading – Off-street parking and loading will be located within a two-story podium containing 167 parking spaces. According to a previous site plan submittal, the proposed development includes 63 spaces on the ground level which includes mechanical lifts. Second story contains 104 spaces with 31 tandem spaces.

Landscaping - As the site is currently vacant, the only tree removals will be on the north and south boundaries of the parcel. Applicant will follow requirements of Article 5, Development Standards of the City's Code.

Screening, fences, and walls – Applicant plans on installing 6' concrete walls on the north and south side of the development and will follow requirements of Article 5, Development Standards of the City's Code.

Lighting – Not identified in RPUD application. Applicant will follow requirements of Article 5, Development Standards of the City's Code.

Design and compatibility – Not identified in RPUD application. Applicant will follow requirements of Article 5, Development Standards of the City's Code.

Sustainable design - Not identified in RPUD application. Applicant will follow requirements of Article 5, Development Standards of the City's Code.

P&Z REVIEW AND RECOMMENDATION

The proposed development as currently proposed is consistent with the City's Comprehensive Plan. The proposed RPUD district has a lower density than the approved RPUD (105 units versus 130 units) but the height proposed for the new zoning district is 60' higher than the existing zoning district. The proposed RPUD also proposes to reduce sellable area, require less parking, reduce the number of buildings from two to one, and reduce overall impervious area. The proposed plan also reduces the podium height from three stories to two stories which will help the overall design of the proposed structure as it relates to N Ocean Boulevard/A1A.

Given the information provided to the Board, as the finder of fact, staff provides the following recommendation and alternative motions, which may be revised or modified at the Board's discretion.

Alternative Motion I

Recommend approval of the modification of the RPUD rezoning request as the Board finds that rezoning application is consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies and the purpose of the Residential Planned Unit Development (RPUD) district purpose, subject to the following conditions:

1. Beach access along the south property line shall be recorded in the Public Records of Broward County.
2. Air Park Obstruction Permit approval required for the building's height.

Alternative Motion II

Table this application for additional information as request by the Board

Alternative Motion III

Recommend denial as the Board finds that the request is not consistent with the goals, objectives, and policies of the Comprehensive Plan.

STAFF RECOMMENDS ALTERNATIVE MOTION I

Staff finds that there is sufficient information to support this rezoning request. The applicant has worked with City staff to provide the necessary information to show that the rezoning meets the intent of the Future Land Use goals, objectives, and policies, the purpose of the Planned Development and the RPUD district purposes.