



## Staff Report

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**File #:** LN-76

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Development Review Committee

Meeting Date: March 17, 2021

### **POMpano CENTER EXCHANGE REZONING**

**Request:** Planned Development Rezoning  
**P&Z#** 20-13000004  
**Owner:** Pompano Industrial Venture LLC  
**Project Location:** 1700 NW 18th St  
**Folio Number:** 484227440030  
**Land Use Designation:** I  
**Zoning District:** O-IP/PCD  
**Commission District:** 4  
**Agent:** Drew Melville (954-336-9366)  
**Project Planner:** Daniel Keester-O'Mills (954-786-5541) / daniel.keester@copbfl.com

### **Summary:**

Applicant is requesting approval of a REZONING application amending the adopted Master Plan to include "Outdoor Storage (as an accessory use)" as a use permitted within the Planned Development.

### **Staff Conditions:**

#### **PLANNING & ZONING**

Plan Reviewer: Daniel Keester-O'Mills

Status: Resubmittal Required

#### **General Comments**

1. In 2004, a resolution (2004-76) was approved by the Pompano Beach CRA Board authorizing the execution of the Development Agreement. The Development Agreement was between Pompano Center of Commerce LLC & the Community Redevelopment Agency (CRA). The agreement was entered into on July 20, 2004, subsection "P" is entitled Declarations Running with the Land. Exhibit "E" is the Declaration of Prohibited Uses, and letter "F" lists "Outdoor Storage" as a prohibited use. The Development Agreement is effective for 30 years (July 20, 2034). Provide an opinion from the CRA that outdoor storage is permitted on the property, or provide a copy of an amended Development Agreement.

2. The original Master Plan was adopted by Ordinance (2009-32) and included 3 Exhibits. Exhibit "A" was a copy of the survey, Exhibit "B" outlined the details and restrictions for the property, Exhibit "C" listed the permitted uses allowed on the property. The Applicant has provided a "Narrative" explaining the desired outcome of the Applicant & rationale for approval. The Narrative must be amended as follows:
  - a. A rezoning may only be approved by the City Commission if the Applicant: (1) provides competent substantial evidences that the proposed amendment is consistent with the comprehensive plan (155.2405 D.), and compliance with the standards for the specific Planned Development (155.3602). The narrative begins to address conformance with the comprehensive plan, but must respond to the general purpose of the PD (155.3601), and explain how the proposed amendment is still compatible with the surrounding areas.
    - i. The second submittal does not appear to respond to the review standards in 155.3601 - explain how the adoption / readoption of the amended zoning will:
      1. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
      2. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
      3. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
      4. Allowing more efficient use of land, with smaller networks of streets and utilities, and thereby lowering development and housing costs; and
      5. Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, wetlands, floodplains, and historic features.
  - b. Exhibit "A" should be replaced, with the current survey of the property.
    - i. A survey has been submitted
  - c. Exhibit "B" must be amended, to update the information & replace the previous details. So as to prevent confusion for future tenants and staff, Exhibit "B" should be updated with current conceptual plans, updated maps (land use, zoning, landscaping, etc.)
    - i. The PD Plan must include all of the information in 155.3602. This was "Exhibit B" on the original rezoning, and must be updated to reflect current conditions.
    - ii. The conceptual plan submitted illustrated "outdoor storage" on top of required landscape islands. Update the plans, so that it's clear that outdoor storage may not encroach into landscaped areas.
  - d. Exhibit "C" must be updated to include all applicable uses permitted in the development.
    - i. Exhibit "C" has been updated, but repeats the same uses within the same table, you may remove duplicates, they only need to be included once in the list to be considered "permitted." Each use may have their own line item.

Staff recommendations:

3. The conceptual plan submitted illustrated "outdoor storage" on top of required landscape islands. Update the plans, so that it's clear that outdoor storage may not encroach into landscaped areas.
4. The proposal seeks to deviate from the screening requirements for "Outdoor Storage." Staff advises that you focus all comments related to the requested deviation on one place, for the Planning & Zoning Board and City Commission to review the deviations from code & how you've mitigated for or what you've proposed instead. What is required (solid wall, landscaping, etc.), what will be provided if/when outdoor storage is proposed & how will it be comparable or better than the minimum code requirements.

5. Review Ordinance 2009-32 and update the relevant pages (Exhibit "B" - also known as the "PD Narrative"). Given this narrative will replace the currently adopted master plan, a revised "Narrative" must be submitted that outlines the purpose of the rezoning, the project size, location & proposed development, the proposed uses, the development standards, landscaping requirements, etc. (Refer to 155.3602 for a list of all the requirements to include in the PD Plan).

Make the necessary changes to the plan & documents, for staff to review prior to resubmitting to DRC for review.

## **ENGINEERING DEPARTMENT**

Plan Reviewer: David McGirr | [david.mcgirr@copbfl.com](mailto:david.mcgirr@copbfl.com) <<mailto:david.mcgirr@copbfl.com>>  
Status: Review Complete No Comments

Engineering has no comments at this time for REZONING APPROVAL.

## **FIRE DEPARTMENT**

Plan Reviewer: Jim Galloway | [jim.galloway@copbfl.com](mailto:jim.galloway@copbfl.com) <<mailto:jim.galloway@copbfl.com>>  
Status: Review Complete Pending Development Order

This P&Z application is able to meet all of the Fire Department requirements at this time for REZONING ONLY. Site plan approval will be required, maintaining all proper fire department access and water supply requirements as per chapter 18 of NFPA 1 as amended from time to time.

\*Additional comments may follow throughout the remainder of the permitting process. The buildings shall be in compliance with All NFPA Standards prior to receiving Fire Department approval.

Current Adopted Fire Code:

Florida Fire Prevention Code 6th Edition

NFPA 1 and 101, 2015 Editions with Florida Changes.

Reference:

FAC 69A-3.012 for other Adopted NFPA Standards.

( ) Permits and plans must be submitted for any type of storage: storage plans must provide for fire apparatus access to the existing structures and proposed storage.

( ) All exits must be maintained from structures to public right of ways, as per NFPA 101-2018 ch 7.

## **BUILDING DIVISION**

Plan Reviewer: Carpelo Jeoboam | [Carpelo.Jeoboam@copbfl.com](mailto:Carpelo.Jeoboam@copbfl.com) <<mailto:Carpelo.Jeoboam@copbfl.com>>  
Status: Review Complete

No Comments

## **BSO**

Plan Reviewer: Scott Longo | [scott\\_longo@sheriff.org](mailto:scott_longo@sheriff.org) <[mailto:scott\\_longo@sheriff.org](mailto:scott_longo@sheriff.org)>

Status: Review Complete Pending Development Order

### Disclaimer:

The services of an independent, experienced, qualified and certified Security Crime Prevention/ CPTED Consultant are highly recommended for objective and credible security review integrity.

This review does not guarantee a crime will never occur; it is an effort to mitigate opportunities for crime and to help avoid any present and future security deficiencies, conflicts, or liabilities that might occur without any review.

### Attention:

DRC submissions require a CPTED/ Security Strengthening Narrative Folder, and a SEPARATE Drawing Folder for review. All mandatory compliance condition requirements MUST BE THOROUGHLY ADDRESSED WITH SPECIFIC DETAILED CORRELATING REFERENCES TO EACH ITEM on Narrative and Drawing plans.

## **CRA**

Plan Reviewer: Kimberly Vazquez | [kimberly.vazquez@copbfl.com](mailto:kimberly.vazquez@copbfl.com) <<mailto:kimberly.vazquez@copbfl.com>>

Status: Resubmittal Required

- 1) The CRA does not support the general idea of rezoning the property from O-IP/PCD to that of PCD zoning only for outdoor storage in this zoning district.

## **UTILITIES**

Plan Reviewer: Nathaniel Watson | [nathaniel.watson@copbfl.com](mailto:nathaniel.watson@copbfl.com)

Status Pending Development Order

1. Please note that additional comments may be forth coming contingent upon future submittals to the PAM and/or DRC review process.
2. The City of Pompano Beach Utilities Dept. has no comment regarding the requested rezoning approval.

## **LANDSCAPE REVIEW**

Plan Reviewer: Wade Collum | [wade.collum@copbfl.com](mailto:wade.collum@copbfl.com) <<mailto:wade.collum@copbfl.com>>

Status: Resubmittal Required

It is unclear what the hatching represents as it appears to be on one bldg. only

Is the proposed for the NW bldg only?

**SOLID WASTE AND RECYCLING**

Plan Reviewer: Beth Dubow | [beth.dubow@copbfl.com](mailto:beth.dubow@copbfl.com) <<mailto:beth.dubow@copbfl.com>>

Status: Review Complete

No comments at this time. Review for a garbage collection plan will be made at time of site planning.

PLEASE NOTE: Applications that require resubmission to the DRC have 45 days from the time of original DRC meeting in which to resubmit. Applications that fail to be resubmitted before the completion of these 45 days, or fail to receive a time extension from the Development Services Director, shall be considered withdrawn (§155.2304.B).