



Staff Report

File #: LN-587

PLANNING AND ZONING BOARD

Meeting Date: MAY 22, 2024

REZONING - LIVE! PCD TEXT AMENDMENT (USES)

Request: Rezoning/PCD Text Amendment (Industrial Uses)
P&Z# 24-13000002
Owner: Pompano Park JV Land Holdings LLC
Project Location: 777 Isle of Capri Circle
Folio Number: Multiple Folios
Land Use Designation: RAC (Regional Activity Center)
Zoning District: PCD (Planned Commercial/Industrial District)
Commission District: 5 (Barry Moss)
Agent: Michael Amodio (mamodio@keithteam.com)
Project Planner: Max Wemyss (954-786-4671 / max.wemyss@copbfl.com)

Summary:

Per Section 155.2405.K (Planned Development, Amendment), KEITH is submitting an amendment to a PCD Ordinance (Ord 2021-02) for the Live! Resorts Pompano project. This property is 232.05 gross acres and consists of 9 separate parcels located on the property in redevelopment and currently occupied by Harrah’s Casino, Top Golf, and several in process Site Plans, such as the Live! Venue, the NW Corner Retail Center and Grocery Store, and the Industrial Park Development. The general location of this proposed rezoning application is the southeast corner of Powerline Road and SW 3rd Street (Racetrack Road).

The site was rezoned to PCD with Ordinance 2019-107 on September 24, 2019 to encourage a mix of employment generating uses, entertainment uses, and residential units. A PCD Amendment (Rezoning) was approved in October of 2020 to allow for industrial use (Ordinance 2021-02). The development team is now proposing to amend the permitted use list (Exhibit “Q” of the PCD Planned Development Document) to allow several light manufacturing uses that are presently permitted on properties zoned General Industrial (I-1) and for PCDs generally, but which were previously excluded within the Live! Resorts PCD. An Amendment to a PCD requires a Rezoning of the property.

A. BACKGROUND

This is an application to amend a Planned Commercial/Industrial District (Ordinance 2021-02) . Since the district has been reviewed for compliance with the requirements and standards of a Planned Development

Rezoning and approved by City Commission previously with Ordinance 2019-107 and 2021-02, this review and report will focus on the proposed amendments to the district and the impacts of these amendments. The final adoption document for this amendment will be a complete PD Document and Master Plan. For ease of review and to better focus on the proposed amendments, strikethrough and underline format of only the altered document is provided. All other previously reviewed PCD and Zoning Code regulations will continue to apply. A timeline of entitlement and development of the subject property is provided in the Findings of Fact in Section B of this report.

B. FINDINGS OF FACT. Development Services Department Staff submits the following factual information which is relevant to this Rezoning Application:

- Former zoning regulations for the property, approved on September 12, 2000 through Ordinance 2000-379, amended the commercial and industrial zoning, added the Planned Commercial/Industrial Districts, and retained the commercial recreation zoning on the south portion of the site.
- In 2010, a land use plan amendment for the subject property was approved to create the Pompano Park South Regional Activity Center.
- The current zoning regulations were adopted by the City Commission on September 24th 2019, providing a unified mixed-use PCD Zoning District, to permit the Live! Planned Development Master Plan.
- The developers for the LIVE! Resorts Pompano project amended the land use entitlements of the property in 2019 and 2020 as shown below and the proposed PCD Amendment does not result in any change to the Land Use Entitlements, as follows:

ENTITLEMENTS BY LAND USE CATEGORY

| Type of Land Use | Entitlements Approved in 2019 | Entitlements approved in 2020 | No Change in Entitlements with this Amendment (2024) |
|--------------------------|-------------------------------|-------------------------------|--|
| Commercial Recreation | 1,000,000 SF | 1,000,000 SF | No change from prior approval. |
| Commercial | 300,000 SF | 300,000 SF | No change from prior approval. |
| Office | 2,000,000 SF | 1,350,000 SF | No change from prior approval. |
| Industrial | 0 SF | 1,500,000 SF | No change from prior approval. |
| Multi-Family Residential | 4,100 Units | 4,100 Units | No change from prior approval. |

- The current PCD (Ordinance 2021-02) provides for the following Industrial Uses as permitted:
 - Educational, scientific, or industrial research and development
 - General industrial services
 - Audio and visual recording and production studio
 - Repair of scientific or professional instruments
 - Warehouse, distribution, or storage
 - Waste composting facility (as accessory)

- Showroom, wholesale
- Other wholesale use
- The proposed PCD Amendment introduces the following Industrial Uses as permitted, in addition to the above:
 - Electric motor repair
 - Manufacturing, assembly, or fabrication, light
- No other changes are proposed with this PCD Amendment.
- Industrial Uses are permitted within the Live! Resorts PCD only for the portion of the site identified for Industrial Park on the Industrial Park Regulating Plan (Exhibit E1 of the PCD, Ordinance 2021-02)
- The request to amend the PCD was reviewed by the Development Review Committee on April 3, 2024.
- The applicant provides case studies as examples of how the uses may be incorporated into the PCD, further described and supported within the applicant’s narrative.
- The Zoning and uses of adjacent properties are:

| Property Adjacent Property Zoning District Existing Use | | | |
|--|-------|-------------------|--|
| Southeast corner of Powerline Road and NW 3rd Avenue (Racetrack Road) | North | B-3/PC-I I-1/PC-I | Commercial Industrial |
| | South | RM 45 | Cypress Bend Condominiums |
| | East | I-1 | CSX/Florida Tri-Rail and Industrial |
| | West | RM-45 PR | Palm Aire Condominiums and Golf Course |

C. Analysis

The review criteria states that the applicant must provide competent substantial evidence that the proposed amendment 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.

PLANNED DEVELOPMENT (REZONING) REVIEW STANDARDS

In determining whether to adopt or deny a proposed Planned Development Amendment, the City shall weigh the relevance of information submitted by the applicant and consider the extent to which the proposed amendment is consistent with the Future Land Use Category and any applicable goals, objectives and policies of the Comprehensive Plan. Accordingly, the review criteria for a Planned Development Rezoning Application is as follows:

Section 155.2405.D, 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 155.2404.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.

Section 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:

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 01.14.01

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 manmade resources.

Objective 01.15.00 - Regional Activity Center

The Regional Activity Center Land Use Category encourages attractive and functional mixed living, working, shopping, education and recreational activities.

Policy 01.15.01

The Planned Development Land Development Regulations shall provide the zoning district that facilitates attractive and functional mixed living, working, shopping, education and recreational activities for application to Regional Activity Centers.

Policy 01.15.12

The City shall maintain design standards within its land development regulations to ensure compatibility between existing and planned land uses within and adjacent to Regional Activity Centers.

Section 155.3602. General Standards for All Planned Development Districts

A. PD Plan

The following is a summary of the amendments made to the PD Plan as a result of this application. Standards and sections that are not affected by this amendment are described as “*not applicable*”. The revised PCD is still regulated by any non-amended section of the previously approved PCD District (Ordinance 2021-02). A complete package, based on the previously approved PCD and these reviewed amendments will be presented to the City Commission for consideration.

The proposed amendments to the PCD are found only on Exhibit Q - Consolidated Uses Table of the PCD.

1. Exhibit Q - Consolidate Uses Table

The current PCD (Ordinance 2021-02) provides for the following Industrial Uses as permitted:

- a. Educational, scientific, or industrial research and development

- b. General industrial services
- c. Audio and visual recording and production studio
- d. Repair of scientific or professional instruments
- e. Warehouse, distribution, or storage
- f. Waste composting facility (as accessory)
- g. Showroom, wholesale
- h. Other wholesale use

The proposed PCD Amendment introduces the following Industrial Uses as permitted, in addition to the above:

- i. Electric motor repair
- j. Manufacturing, assembly, or fabrication, light

The Live! Resorts Pompano Regional Activity Center (Land Use) includes 1.5 million square feet of Industrial Use with no specific industrial use restrictions. The uses proposed are defined within our Zoning Code and are permitted uses for planned developments generally that were previously prohibited within this PCD as submitted by the applicant. Now the applicant is seeking to amend the PCD to permit those uses. Staff has no objections to the proposal as the uses are generally permissible and consistent with the land use plan and other industrial districts.

The applicant has added a notation to the manufacturing, assembly, or fabrication, light to ensure that machinery and technology repairs are to be permitted including jet engine and aerospace components. The purpose of this is not to deviate from the definition of the use as defined in our code, but to ensure to the applicant that they will be able to incorporate this specific use. The proposed use must still be consistent with our definition as follows:

“A light manufacturing, assembly, or fabrication use is an establishment primarily engaged in manufacturing uses that involve the mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. This use type does not include other manufacturing uses specifically listed in the principal use tables. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; computer design and development; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of cosmetics; and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.”

- 2. No other changes are proposed with this PCD Amendment.

B. Consistency with City Plans

The “Isle Development Project” has been listed as a Top Priority in the City’s Strategic Plan. The proposed PCD Amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan as identified in Section C.1 above. The application is consistent with the permitted uses of the land use plan and the industrial entitlements within the RAC (Live! Resorts Pompano Regional Activity Center) boundaries. The proposed rezoning of this property is consistent with an approved Site Plan for the Industrial Park area of the PCD, PZ#23-12000013. There are no other changes to the prior approved Ordinance (2021-02) or the terms of the approval, including the Conditions of Project Implementation and other exhibits of that Ordinance.

C. Compatible with Surrounding Area

The proposed changes in uses for the Industrial Park area of the PCD are consistent with adjacent properties. The applicant proposes a 50' buffer (minimum) on the south property line which is adjacent to residential uses to the south zoned RM-45. The proposed industrial use area is situated in the most ideal location for that use on the site which is the area abutting the CSX/Florida Tri-Rail track and an I-1 (General Industrial) Zoning District to the east of the property.

D. Development Phasing Plan

Not applicable.

E. Conversion Schedule

Conversions would be allowed provided the uses are identified within PCD and are no greater than the entitlements for that use per the Future Land Use designations on the City and Broward County Land Use Plans.

F. Onsite Public Facilities

Not applicable.

G. Uses

Exhibit Q of the PCD application identifies the permitted uses proposed for the PCD. New uses as proposed with this amendment are described in A.1 of this Section C of this Staff Report. Any additional uses will require a rezoning of this PCD to add additional permitted uses. (consistent with this application)

H. Densities/Intensities

Not applicable.

I. Dimensional Standards

Not applicable.

J. Development Standards

Not applicable.

K. Amendments to Approved PD plan

Any amendments to the approved PD plan will require compliance with Section 155.2405.J Minor Deviations from the Approved PD Plan and Section 155.2405.K. Amendment of the Pompano Beach Zoning Code. (consistent with this application)

L. Traffic Study

A traffic study was completed by Kimley Horn for prior rezoning (Ordinance 2021-02) which established the industrial entitlements. Traffic Studies for each site plan are required per Exhibit S of the PCD.

Per Exhibit E of the PCD, Truck access to the site is restricted so that trucks must enter from east and exit to the east, towards Andrews Avenue rather than towards Powerline Road. This remains unchanged from prior approvals.

DEPARTMENT RECOMMENDATION

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

- (1) Motion to recommend approval of the proposed rezoning as the Board finds it to be compatible with the Commercial Future Land Use Category and the Goals, Objectives and Policies in the Comprehensive Plan.

- (2) Motion to table the proposed rezoning to allow further analysis of any issues raised by the Board, Staff, Applicant or the general public.

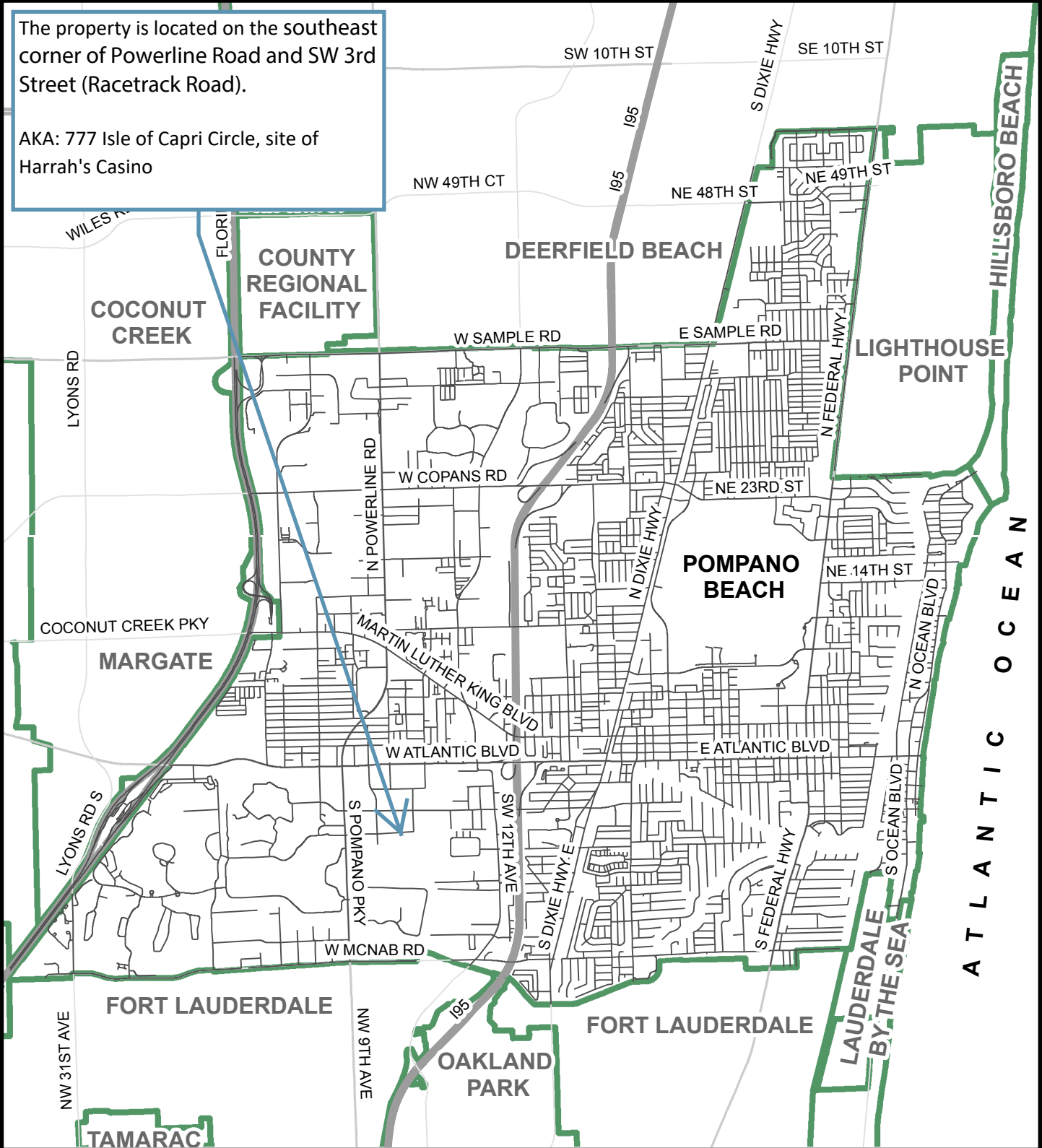
Staff recommends motion number (1).

CITY OF POMPANO BEACH LOCATION MAP



The property is located on the southeast corner of Powerline Road and SW 3rd Street (Racetrack Road).

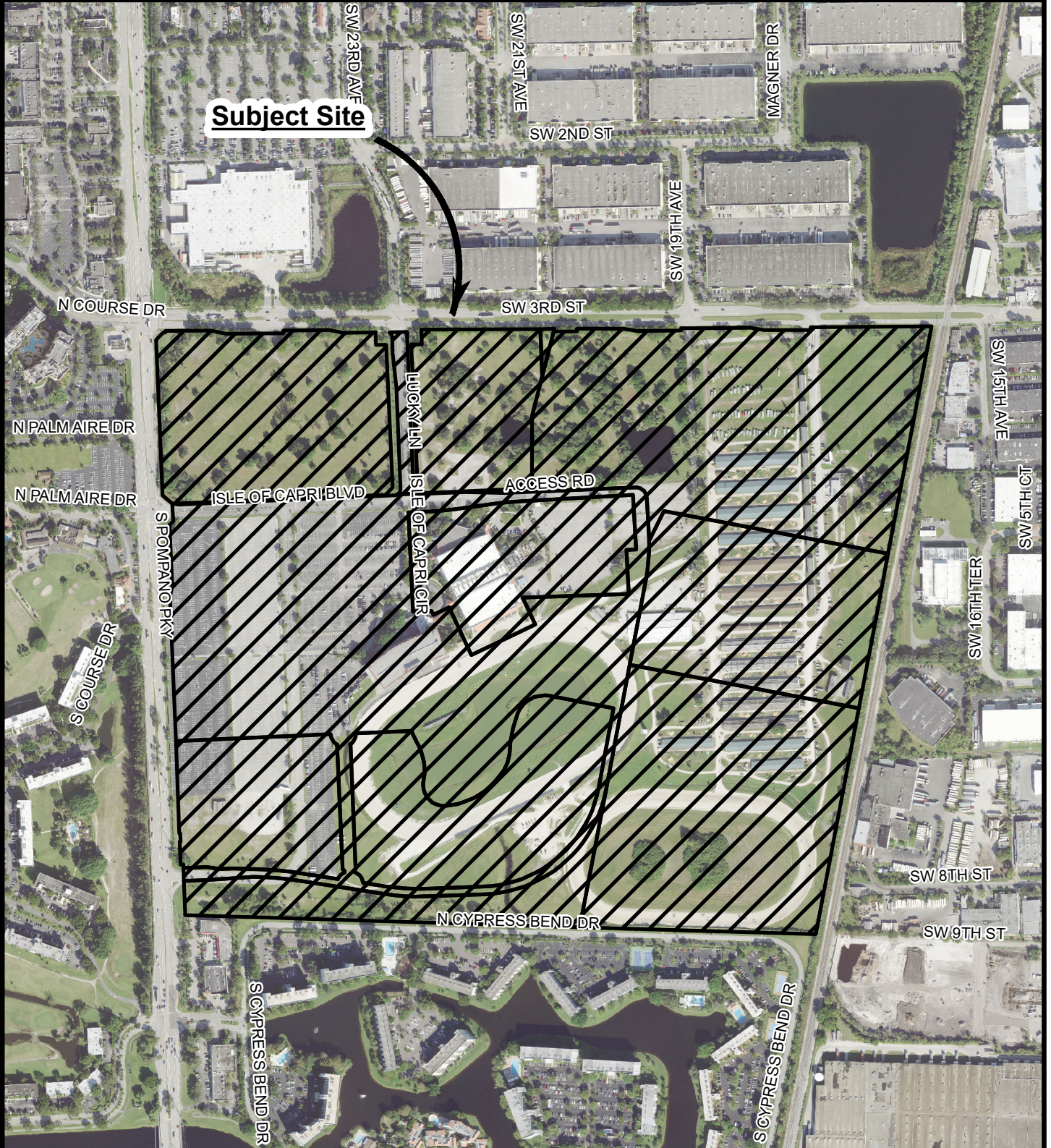
AKA: 777 Isle of Capri Circle, site of Harrah's Casino



1 in = 1 miles

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DEPARTMENT OF
DEVELOPMENT SERVICES

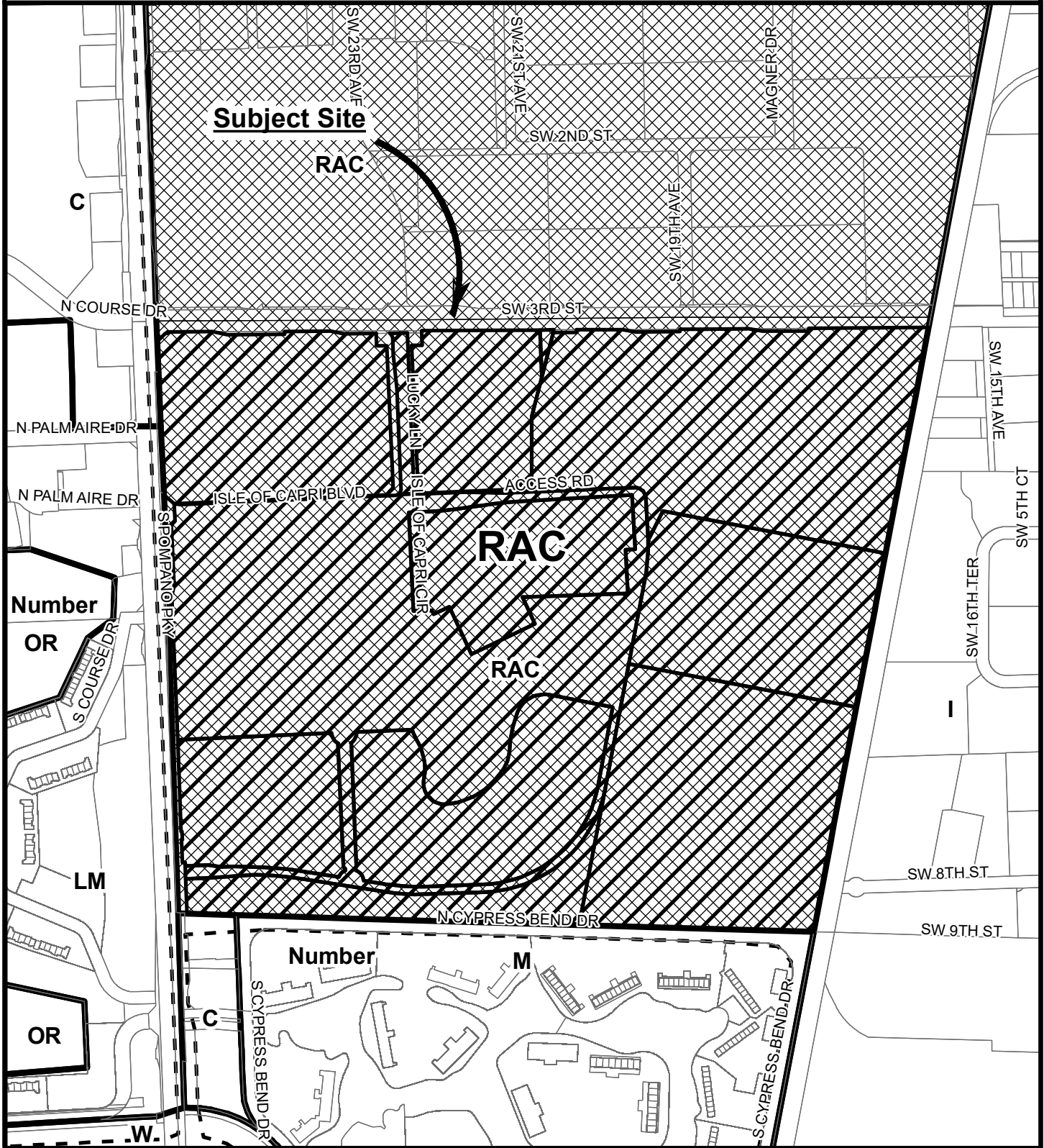
CITY OF POMPANO BEACH AERIAL MAP



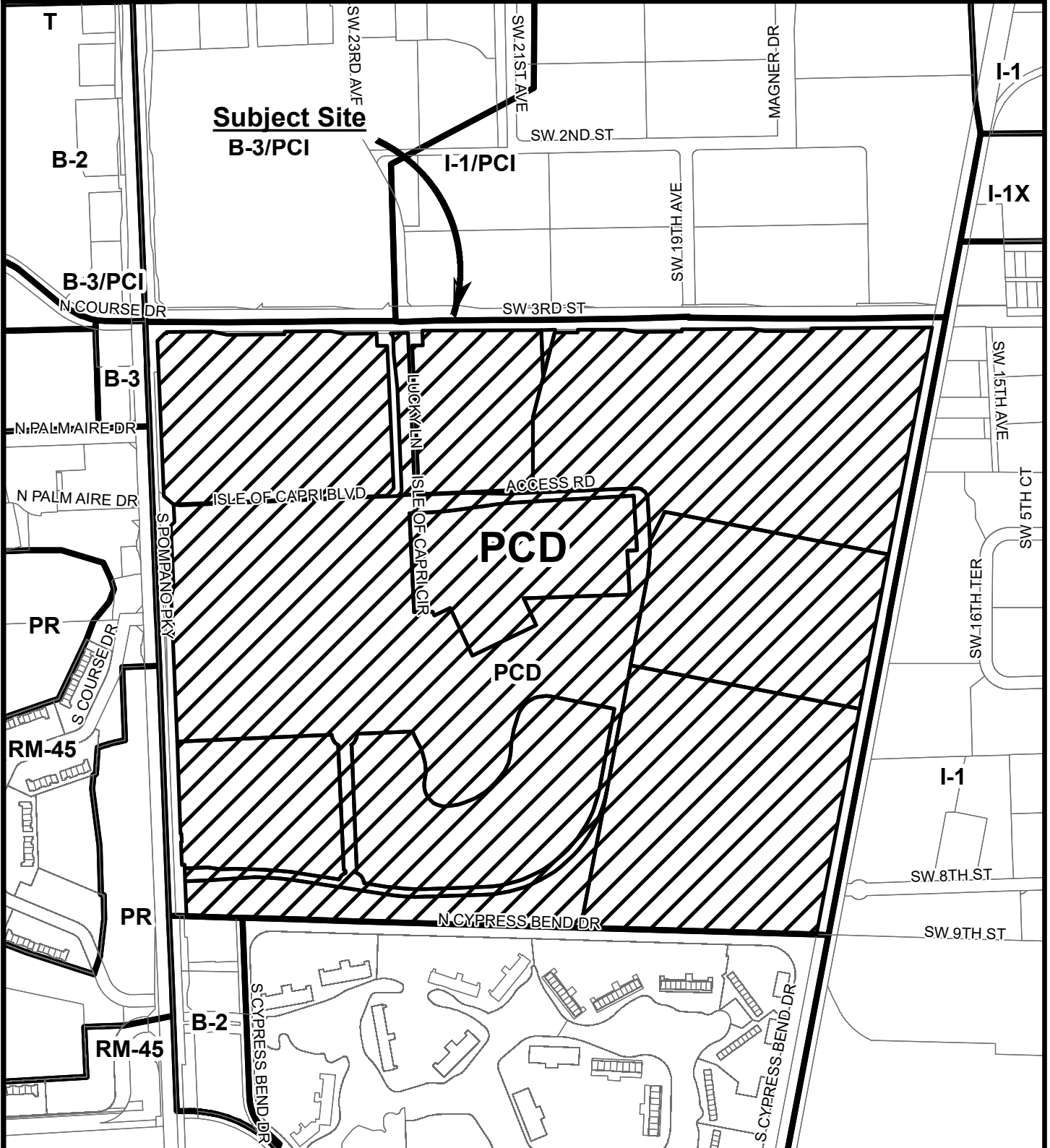
1 in = 667 ft

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CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 667 ft

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LEGEND

| FOR LAND USE PLAN | | FOR ZONING MAP | |
|-------------------|----------------------------|----------------|--|
| Symbol | Classification Units/ Acre | Symbol | District |
| | | RS-1 | Single-Family Residence 1 |
| L | Low (1-5 DU/AC) | RS-2 | Single-Family Residence 2 |
| LM | Low- Medium (5-10 DU/AC) | RS-3 | Single-Family Residence 3 |
| M | Medium (10-16 DU/AC) | RS-4 | Single-Family Residence 4 |
| MH | Medium-High 16-25 DU/AC) | 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 | O-IP | Office Industrial Park |
| | | M-2 | Marina Industrial |
| | LAC | | |
| | | TO | Transit Oriented |
| | DPTOC | PR | Parks & Recreation |
| | Transit Oriented Corridor | CF | Community Facilities |
| | | PU | Public Utility |
| | Number | T | Transportation |
| | | BP | Business Parking |
| | | LAC | Local Activity Center |
| | | | |
| | * Current | RPUD | Residential Planned Unit Dev. |
| | > Proposed | * | 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 |