

MEMORANDUM

Development Services

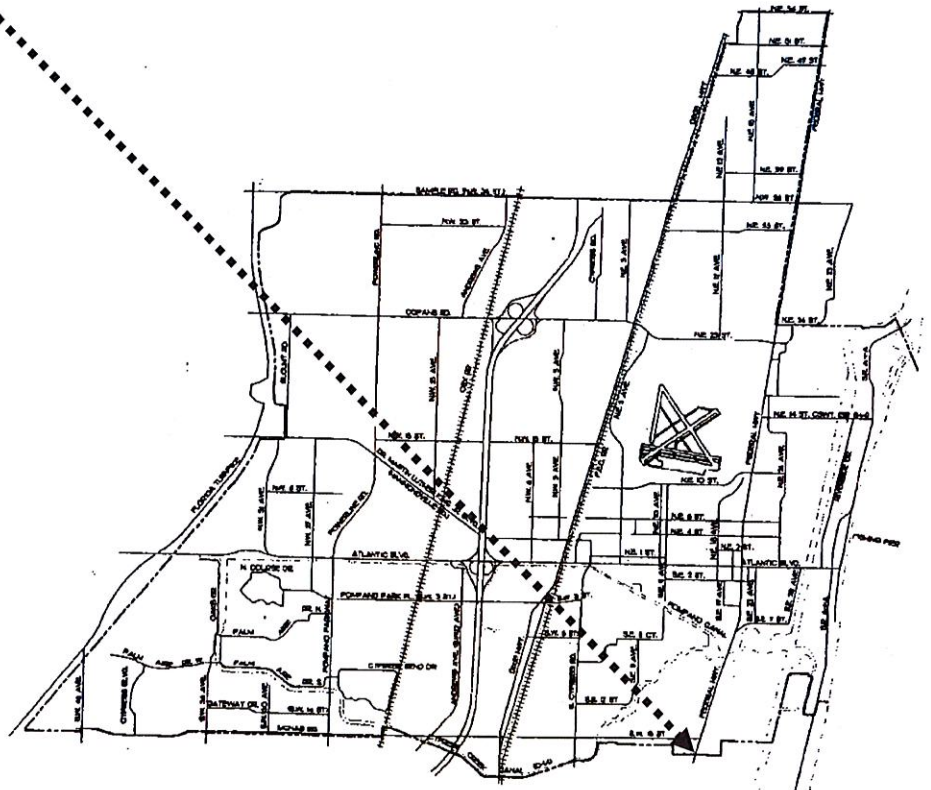
ADMINISTRATIVE MEMORANDUM NO. 17-059

DATE: February 10, 2017
TO: Planning & Zoning Board
VIA: Robin M. Bird, Development Services Director
FROM: Jae Eun Kim, Planner *JK TAW MB*
RE: Rezoning – From B-3 to PCD (Planned Commercial/Industrial) at 950 East McNab Road
February 22, 2017 Meeting

P & Z #16-13000004

The applicant is requesting to rezone the subject property from B-3 (General Business) to PCD (Planned Commercial/Industrial). This property is 1.71 net acres (1.94 gross acres) and the address is 950 East McNab Road. The general location is the south side of McNab Rd between South Federal Highway (US 1) and SE 9th Avenue. The parcel is currently vacant. As part of the rezoning application, the applicant is requesting a self-storage facility as the primary use, with accessory retail and restaurant uses. The current zoning for the property, B-3, does not permit self-storage facility uses. The Planned Commercial/Industrial (PCD) district is established and intended to encourage the use of innovative and creative design to provide a mix of employment-generating uses (office, research, shopping mall or other concentrated retail, and/or light industrial), as well as ancillary service, retail, and institutional uses.

950 East McNab Road



LEGEND

FOR LAND USE PLAN

Symbol Classification Units/ Acre

Residential

L	Low (1-5 DU/AC)
LM	Low- Medium (5-10 DU/AC)
M	Medium (10-16 DU/AC)
MH	Medium-High 16-25 DU/AC)
H	High (25-46 DU/AC)
12	Irregular Density
36	Irregular Density

* C	Commercial
CR	Commercial Recreation

I Industrial

T Transportation

U Utilities

CF Community Facilities

OR Recreation & Open Space

W Water

RAC Regional Activity Center

LAC Local Activity Center

DPTOC Downtown Pompano
Transit Oriented Corridor

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

Symbol District

RS-1 Single-Family Residence 1

RS-2 Single-Family Residence 2

RS-3 Single-Family Residence 3

RS-4 Single-Family Residence 4

RS-L Single-Family Residence
Leisureville

RD-1 Two- Family Residence

RM-7 Multiple-Family Residence 7

RM-12 Multiple-Family Residence 12

RM-20 Multiple-Family Residence 20

RM-30 Multiple-Family Residence 30

RM-45 Multiple-Family Residence 45

MH-12 Mobile Home Park

B-1 Limited Business

B-2 Neighborhood Business

B-3 General Business

B-4 Heavy Business

M-1 Marina Business

CR Commerical Recreation

I-1 General Industrial

I-1X Special Industrial

O-IP Office Industrial Park

M-2 Marina Industrial

TO Transit Oriented

PR Parks & Recreation

CF Community Facilities

PU Public Utility

T Transportation

BP Business Parking

LAC Local Activity Center

RPUD Residential Planned Unit Dev.

* PCD Planned Commercial/Industrial

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

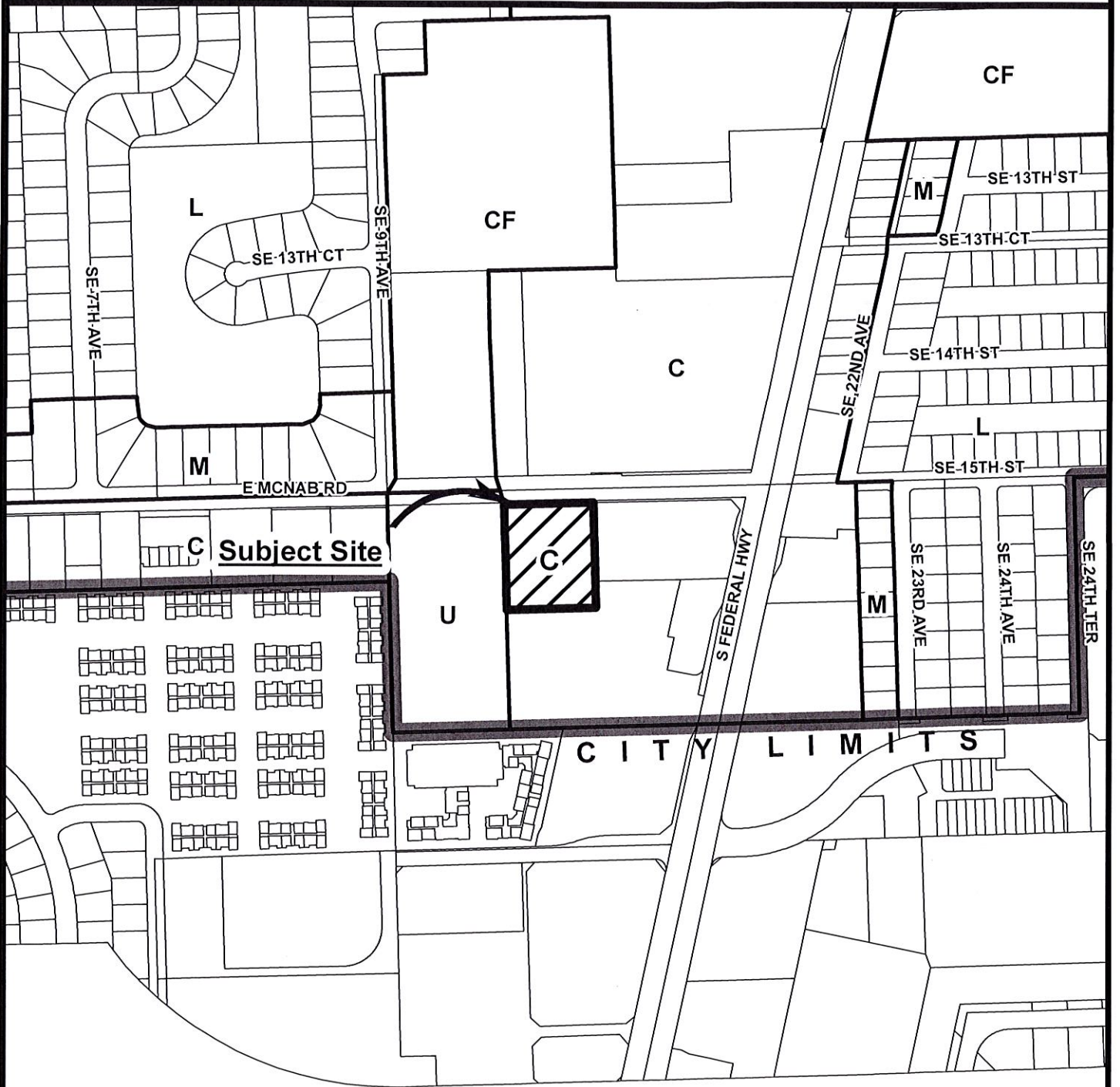
CRAO Community Redevelopment Area
Overlay

NCO Neighborhood Conservation
Overlay

APO Air Park Overlay

DP Downtown Pompano Beach
Overlay

CITY OF POMPANO BEACH OFFICIAL LAND USE MAP

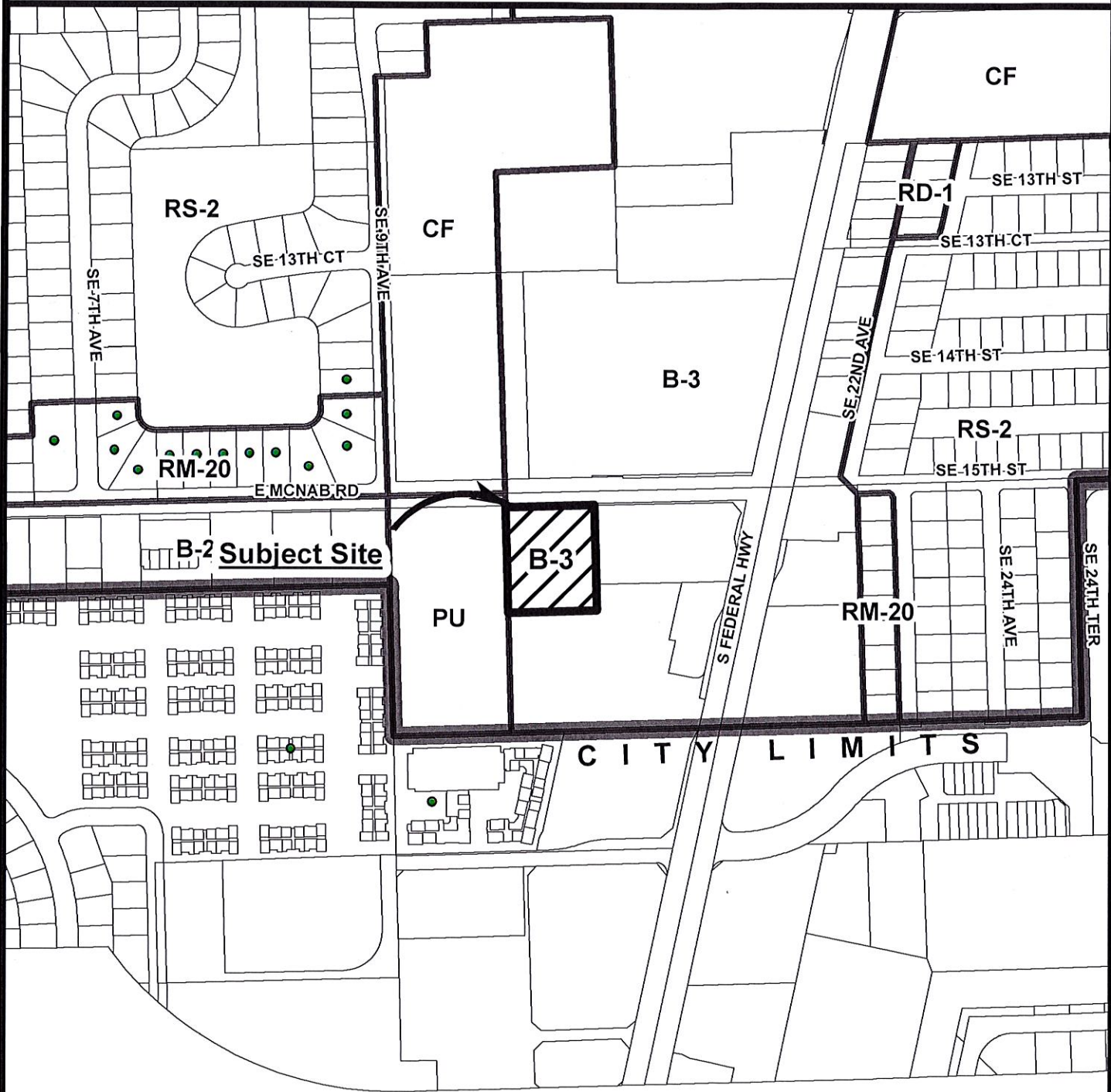


1 in = 417 ft

3

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 417 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH AERIAL MAP

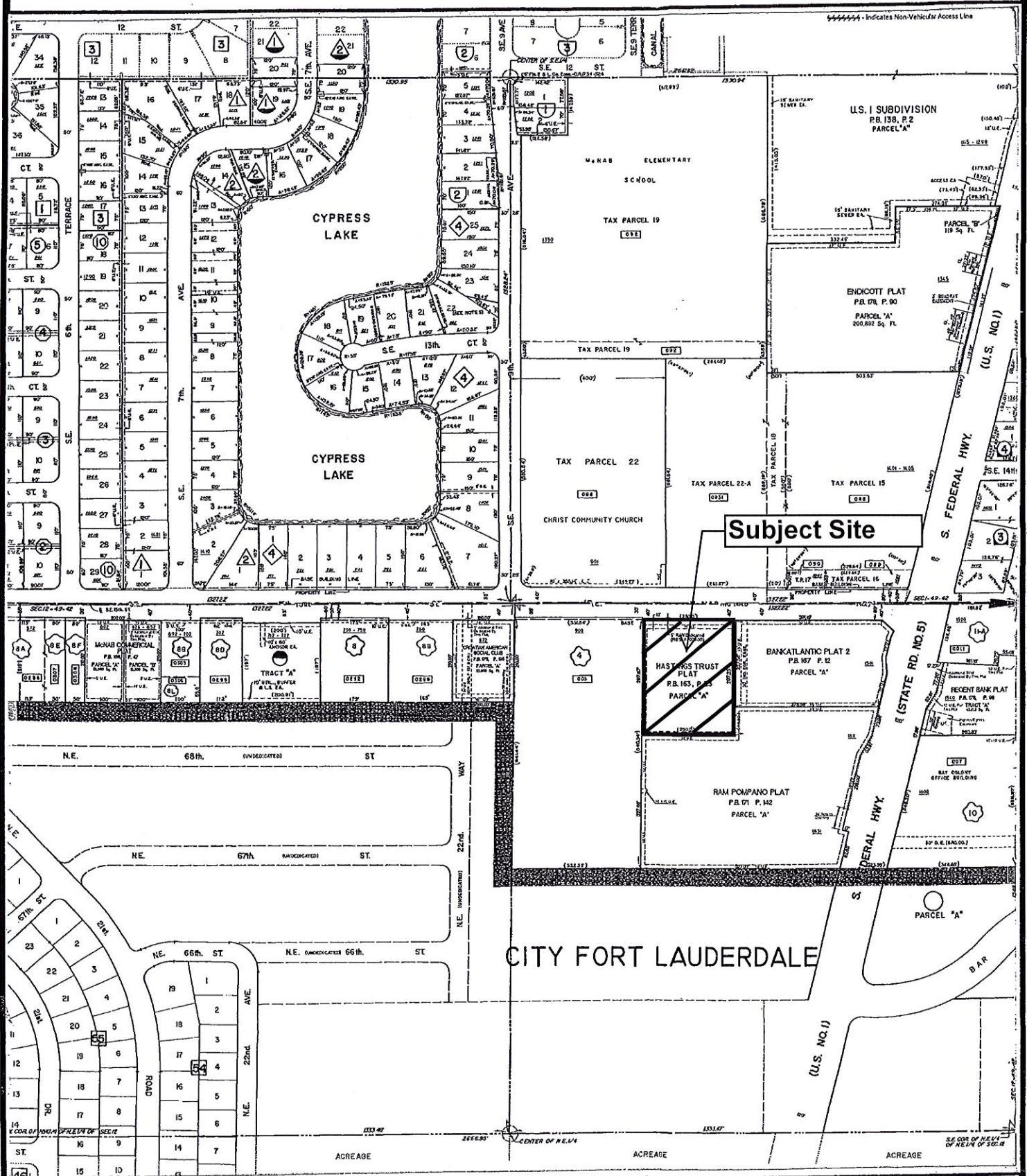


1 in = 417 ft

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DEPARTMENT OF
DEVELOPMENT SERVICES

EXCERPT FROM THE CITY OF POMPANO BEACH PLAT MAP



REVIEW & SUMMARY

- A. Pursuant to Section 155.2207(B) [Development Review Committee Report and Notice to Applicant], the Development Services Director has compiled the department comments from the Development Review Committee (DRC) meetings held on September 7, 2016 and December 7, 2016.**

Review comments from the DRC meeting on December 7, 2016 are summarized below:

Engineering Department: No comments from the City Engineering Division on this proposed rezoning.

Fire Department:

Fire has no objections at this time, subject to site plan changes from other departments:

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.

Utilities:

The Utilities department has no comment with regard to the proposed B-3 to B-3 / PCD rezoning request.

Broward Sheriff Office: No Comments on this proposed rezoning.

Disclaimer: The services of an experienced, qualified and certified Security Crime Prevention/ CPTED Consultant are highly recommended. 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.

Note: DRC submissions require a CPTED/ Security Strengthening Narrative Folder and a separate Drawing Folder for review. All mandatory compliance condition requirements must be listed and specifically addressed with details on Narrative and Drawing plans.

Building: No Comments on this proposed rezoning.

CRA: No Comments on this proposed rezoning.

This project is outside the CRA boundary and does not conflict with the CRA redevelopment goals and objectives.

Urban Forestry:

Justification for the landscape deviation was not sufficiently provided for relief from 155.5203.D.5., and is conflict with the submitted landscape plan included 16.12000045. The deviation for 155.5203.D.3.c.i is understood, however, the applicant shall list the square feet of landscaped areas that would be provided per required site perimeters, building base landscaping, and VUA area landscaping, and demonstrate how the same amount (square feet) of landscaped areas is provided based on this proposal. Please correct the narrative on page 19 stating the application shall exceed in Article 5...., as the plan does not appear to exceed that.

Applicant shall justify how all of the requested deviations will encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, and energy efficiency.

Planning and Zoning:

Review for consistency with City's Comprehensive Plan

The application is inconsistent with the following Policies in the City's Comprehensive Plan. Specifically Staff believes that the rezoning application would fail to be consistent with the following Policies:

- Policy 01.03.07** Require the provision of decorative structural or vegetative buffers between different density residential land uses, and residential and non-residential land uses unless the applicant can demonstrate by evidence that the proper buffer is provided.
- Policy 01.03.11** Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

Comments:

The B-3 District does not permit self-storage uses, as it is considered a Heavy Commercial Use. In order to develop a self-storage facility at this location the applicant has applied for a PCD Rezoning; however the applicant's proposed Master Plan does not provide any superior design in order to compensate for the requested self-storage facility. This is inconsistent with Policies 01.03.07 and 01.03.11. Provision of superior landscaping, both in terms of materials and amount, should exceed the code minimum, which would otherwise be required for the B-3 District. Additional landscaping is needed to increase the compatibility of a self-storage facility and the adjacent residential uses.

Review for consistency with adopted Corridor Study

The application is located within the Federal Highway Corridor and is subject to the recommendations for Federal Highway and more specifically, the Cypress Lake Center. The proposed application has not demonstrated consistency with the following:

Cypress Lake Center is envisioned as evolving into an area with a strong mix of residential and commercial uses that complements and strengthens the neighborhood-level retail. Changing the urban form and expanding the pedestrian network, in combination with a focus on tying the corridor to surrounding residential areas, will expand the opportunities for non-automobile forms of movement.

McNab Road, east and west of Federal Highway/US 1 is a Pedestrian Emphasis Street. Designated pedestrian emphasis streets that are important to move people through non-automobile means, namely walking and bicycling, and prioritize capital improvement projects to enhance the bicyclist and pedestrian experience. These streets provide key connections between residential neighborhoods and Federal Highway/US 1, allowing for safe and convenient non-motorized forms of transportation to reach key destinations - shopping, dining, recreation, or employment. While some of these streets have existing sidewalks, the condition is typically less than ideal and there is a lack of pedestrian amenities, such as shade trees or adequate widths to support a comfortable pedestrian experience. Improvements should consist of some or all of the following treatments: enhanced sidewalks with lighting, shade trees and pedestrian amenities such as benches, on-road sharrows for bicycles, and bulb outs or other traffic calming measures at intersections.

Comments:

1. The proposed bubble plan does not adequately demonstrate the size, shape, and design of the pedestrian plaza in order for staff to determine if the proposed master plan is consistent with the Corridor Study. Minimum dimensions for length and width must be provided on the plan and document (which would then be refined during the Site Plan process). Schematics for proposed materials and amenities must be provided (which would then be refined during the Site Plan process).
2. *The four following comments were previously provided for 9-7-2016 DRC. Resubmittal did not adequately address.* Plans intended to demonstrate compatibility must include minimum (or maximum thresholds as

applicable) and must provide enough detail in order for staff to determine if the proposal addresses the specific described issue:

- a. The self-storage proposed on the second floor shall be stepped back from the front building line, in order to create human-scale architectural appearance.
- b. The plan does not list the minimum retail/restaurant floors areas under Intentional and Dimensional standard in the PCD rezoning document and therefore it is unclear if the proposal will result in a mix of commercial uses along this corridor.
- c. Revise the proposal in order to soften the building height and enhance the appearance, especially where the building faces the adjacent residential building.
- d. Based on the Master Plan and renderings, it is unclear how the proposed design will limit the impacts of the proposed self-storage and the loading and unloading of vehicles for the adjacent residential building.

Should the Applicant decide to proceed with the application even though staff is unable to support the request, the following comments also apply to the application as submitted:

Review for consistency with City's Zoning Code:

Pursuant to Code Section 155.3604. A. Purpose of Planned Commercial District, this rezoning request shall be established and intended to encourage the use of innovative and creative design to provide a mix of employment-generating uses (office, research, shopping mall or other concentrated retail, light industrial), as well as ancillary service, retail, and institutional uses.

Staff has determined that the application was incomplete as the following were not provided. All of the following must be submitted in order to be placed on the Planning and Zoning Board Agenda:

1. Justification to be specified on plans and the method of the mitigation to be illustrated on plans,
 - a. Comment previously provided for 9-7-2016 DRC. Resubmittal did not address. Justification for the landscape deviation was not sufficiently provided. Applicant shall list the square feet of landscaped areas that would be provided per required site perimeters, building base landscaping, and VUA area landscaping, and demonstrate how the same amount (square feet) of landscaped areas is provided based on this proposal. Applicant shall justify how all of the requested deviations will encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, and energy efficiency.
 - b. Comment previously provided for 9-7-2016 DRC. Resubmittal did not address. A justification for permitting Self-Storage use in a property which currently does not allow for this use, including how this use will be compatible with surrounding land use and encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, and energy efficiency,
 - c. Illustration justifying the deviation requested for the minimum stacking lane requirements.
2. Provision of dimensional standards per Code Section 155.3602.A.2.a. Dimensional Standards,
3. Comment previously provided for 9-7-2016 DRC. Resubmittal did not address. Itemized descriptions of the list below in accordance with Code Section 155.3602.A.2,
 - i. Provisions related to environmental protection and monitoring;
 - ii. Detailed description of the community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the PD district;
 - iii. Plan identifying the general location of on-site stormwater management facilities, and how they will connect to city systems.
4. Unified control of the development
5. Comment previously provided for 9-7-2016 DRC. Resubmittal did not address. 25 Sustainable Points (This application is subject to Zoning in Progress for the revisions to the City's Sustainable Development Standards and is required to demonstrate 25 Sustainable Points.), and

6. Written justification addressing the criteria used by the City Commission to waive the 5-acre minimum requirement for a PCD (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.).

Based on the documentation provided, below are technical comments, that shall be addressed in order to be placed on the Planning and Zoning Board Agenda:

Document

1. Comment previously provided for 9-7-2016 DRC. Resubmittal did not address. Ensure that plans associated with this rezoning proposal are referenced in the PCD rezoning document as an Exhibit.
2. Include a recent survey in the PCD rezoning document as an Exhibit.
3. Comment previously provided for 9-7-2016 DRC. Resubmittal did not address. Any numbered items shall be in the table format to be identifiable.
4. Comment previously provided for 9-7-2016 DRC. Resubmittal did not address. In the statement under Section III. D, in the PCD rezoning document, 'previously approved deviations' is noted. Clarify the statement.
5. Comment previously provided for 9-7-2016 DRC. Resubmittal did not address. Revise the maximum building height to reflect the proposal requested in this rezoning application.
6. Remove the trees off the shadow plan.
7. Any plans or drawings referenced throughout the PCD document must be called an exhibit. For instance the "Development Standards" section of the PCD document (page 19) consistently refers to Sheet PD-2. This makes the PCD document difficult to read.
8. Include the survey or legal sketch in the PCD document and to be referred as an Exhibit.
9. Provide complete zoning code sections including subjects.
10. Provide a Master Parking Plan including off-street parking table, indicating the maximum number of spaces to be provided. This number can be further refined in the Site Plan process but will not be able to exceed the maximum provided indicated in the PCD document.
11. On page 9 of the PCD Document is a description of the architecture and design of the building, including that the building will not appear as a fortress. Applicant should confirm if the architecture is in addition to the requirements for Commercial Building Design per the Zoning Code?
12. If the intent is to share the perimeter landscaping strips, the PCD plan must specify the width to be provided on the property. Please note that the shared landscaping must comply with the requirements listed in Code Section 155.5203.D.3. Perimeter Landscaping Strips.
13. Correct words 'utilities' to 'utilize' on page 19 in the PCD document.
14. Correct the word 'Sustainability' to 'Sustainable Development Standards' in the PCD document.

Master Plan

1. In addition to the detailed plan for the pedestrian plaza, a detailed plan showing the bike lanes, pedestrian path and other improvements immediately adjacent to McNab Rd shall be provided including minimum and maximum dimensions.
2. The sidewalk crossing the access shall be identified clearly for pedestrians, and the walkway width should be increased in order to improve pedestrian access.
3. Illustrate bioswales and pervious pavers that are referred on page 8, the PD Plan as well as underground retention being proposed.
4. Comment previously provided for 9-7-2016 DRC. Resubmittal did not address Revise Consolidated Use Table on sheet PD-2 to remove the following uses:
 - a. All Health Care Uses except Medical Offices.
 - b. Solar Energy Collection System(as a principal use)
 - c. All Boat and Marine Sales and Service uses except "Part sales without installation".
 - d. Conference and Training Center
 - e. Other Outdoor Commercial or Membership Recreational/Entertainment Use"
 - f. All Motor Vehicular Sales and Service Uses
 - g. Check Cashing or Payday Stores

B. 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 September 7, 2016 and December 7, 2016.
2. The property is platted and is located south of East McNab Road.
3. The overall site is 1.71 acres net (1.94 acres gross).
4. The Zoning and uses of adjacent properties are:

	Zoning District	Existing Use
North	B-3, General Business	Retail and Bank with drive-through
South	B-3, General Business	Multifamily / Multistory Apartment
East	B-3, General Business	Pharmacy
West	PU, Public Utility	FPL Substation

5. The Land Use Designation is C (Commercial) Designation.
6. The narrative submitted by the applicant states the following, "The objective of the 950 East McNab Road PCD district is to provide innovative commercial mixed use development that complements and enhances the surrounding commercial areas and residential neighborhoods. The retail, restaurant, office and self-storage uses proposed for the project will help meet the growing demands for these types of uses in a manner that achieves a more efficient use of land and complements the goals of the Federal Highway/US 1 Corridor."
7. The review criteria for a Planned Development Rezoning Application are 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***
 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;
 - ***The standards for the proposed type of PD district in Part 6 (Planned Development Zoning Districts) of Article 3: Zoning Districts.***

The Planned Development (PD) districts are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other city goals and objectives by:

 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.

The Planned Commercial/Industrial (PCD) district is established and intended to encourage the use of innovative and creative design to provide a mix of employment-generating uses (office, research, shopping mall or other concentrated retail, light industrial), as well as ancillary service, retail, and

institutional uses. Limited moderate and high-density residential uses are appropriate when integrated into the development, both on upper stories and as stand-alone development, so as to encourage pedestrian access and activity. PCD districts are generally appropriate in areas designated by the Land Use Plan as Commercial or Industrial. PCD development is subject to buffer requirements and transitional standards that ensure compatibility with any adjacent lower-density residential development.

C. The following goals, objectives and policies of the City's Future Land Use Element of the Comprehensive Plan have been identified as pertinent to this rezoning:

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.

Objective Inconsistent Land Uses

Policy 01.03.07

Require the provision of decorative structural or vegetative buffers between different density residential land uses, and residential and non-residential land uses unless the applicant can demonstrate by evidence that the proper buffer is provided.

Policy 01.03.11

Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

D. Recommendation:

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 PCD rezoning request as the board finds the rezoning application is consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies, Corridor Study, and the purpose of the Planned Development and Planned Commercial/Industrial (PCD) district purposes.

The following conditions must be addressed prior to placement on the City Commission hearing agenda:

- A) In order to achieve the intent and purpose of the PCD district, the project shall demonstrate innovative and creative design to provide a mix of employment-generating uses, while encouraging pedestrian access and activity. Revise the PCD documents and plans as follows:
 - 1. Submit a justification for permitting Self-Storage use in a property which currently does not allow for this use, including how this use will be compatible with surrounding land use and encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, and energy efficiency.
 - 2. Revise the PCD rezoning document and plan to include a minimum retail/restaurant space(s) square feet under Intentional and Dimensional standard in to ensure that the proposal will result in a mix of commercial uses.
 - 3. Make a note that as part of a future site plan the following will be addressed:
 - a) The proposed bike parking will not be placed in front of the proposed restaurant use area.
 - b) Innovative design solution for the building façade facing the street shall be implemented. Proposed 4 foot step-back of the second floor wall facing the street is not adequate to create human-scale architectural appearance.
 - c) The building façade facing the adjacent residential building shall be soften and enhanced.
 - d) The loading and unloading area shall be designed to reduce the impact to the adjacent residential building.
 - e) A landscape plan submitting for a Major Site Plan application must be in substantial compliance with the Conceptual Plan (Exhibit H).
- B) Correct the following errors within the PCD documents and plans:
 - 1. Rename PD to PCD in the PCD documents and plans.
 - 2. Exhibit plans or drawings referenced throughout the PCD document.
 - 3. Remove the uses of medical clinics, vehicle and boat sales and check cashing stores, mentioned under II. G. & III. B. Uses in the PCD document.
 - 4. Revise the maximum building height to reflect the proposal requested in this rezoning application.
 - 5. Correct dimensions and call-outs on sheet PD-3.
 - 6. Revise Consolidated Use Table on sheet PD-2 to remove the following uses:
 - a. Alcoholic beverage sales as an accessory use to a brewery, winery or distillery package sales an accessory use to a bar or lounge.
 - b. Temporary use of an accessory structure as a principal dwelling after a catastrophe
 - 7. Provide legible Shadowing Study plans to verify the shadow impacts on neighboring property.
 - 8. Add the title and page ranges for each Exhibit for clarification.
- C) Unified control of the development shall be provided as a part of this rezoning application. Note that this may be processed on the same agenda as the Rezoning Ordinance.

NOTE: This rezoning application does not comply with the minimum 5-acre requirement, which may only 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.

Alternative Motion II

Table this application for additional information as requested by the Board.

Alternative Motion III

Recommend denial as the Board finds that the request is not consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies, Corridor Study, and the purpose of the Planned Development and Planned Commercial/Industrial (PCD) district purposes.