

MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 16-336

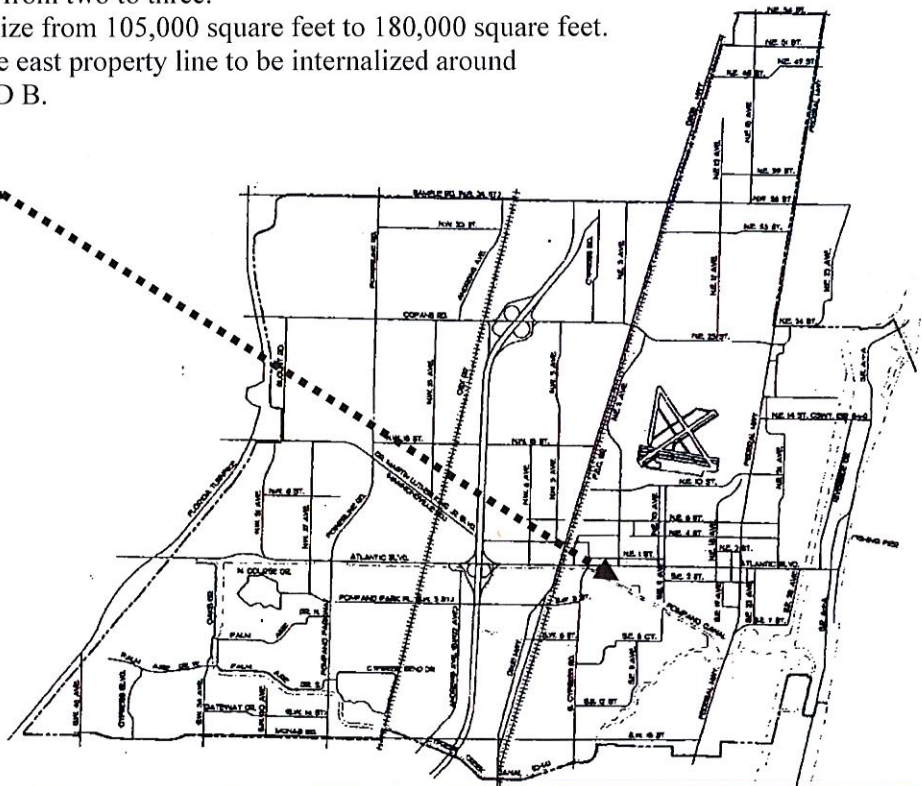
DATE: July 18, 2016
TO: Planning & Zoning Board
VIA: Robin M. Bird, Development Services Director *JB*
FROM: Jae Eun Kim, Planner *JK*
RE: Rezoning – From RPUD to Amendment of RPUD at 450 East Atlantic Boulevard
July 27, 2016 Meeting P & Z #15-1300010

The applicant is requesting to modify a previously adopted RPUD. In 2013 this parcel was rezoned from B-3, RM-20, and RM-30 to RPUD to allow for the construction of a 350 unit multi-family residential project with a marina via Ordinance No. 2013-57. This property is 9.4 gross acres (8.8 net acres). It is located at 450 East Atlantic Boulevard which is south of Atlantic Boulevard between SE 3rd Avenue and SE 6th Avenue. This project consists of three Phases. This amendment application is limited to POD B only, which is a Phase II. Phase I of the project, which includes PODs C, D, E, and F, is under construction and close to completion. Phase III of the project, which includes POD A, is not part of this application and remains as approved in 2013. Pursuant to Zoning Code §155.2404.K, Amendment and §155.2308.C, Modification or Amendment of Development Order, this request requires a new application to be submitted and reviewed in accordance with the full procedural requirements.

The proposed amendments of POD B are as follows:

1. Increasing maximum building height from 55 feet to 85 feet
2. Increasing maximum building stories from four or five to seven
3. Increasing the number of buildings from two to three.
4. Increasing the maximum building size from 105,000 square feet to 180,000 square feet.
5. Relocating the fitness trail along the east property line to be internalized around the proposed three buildings in POD B.

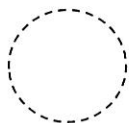
450 East Atlantic Blvd



LEGEND

FOR LAND USE PLAN

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



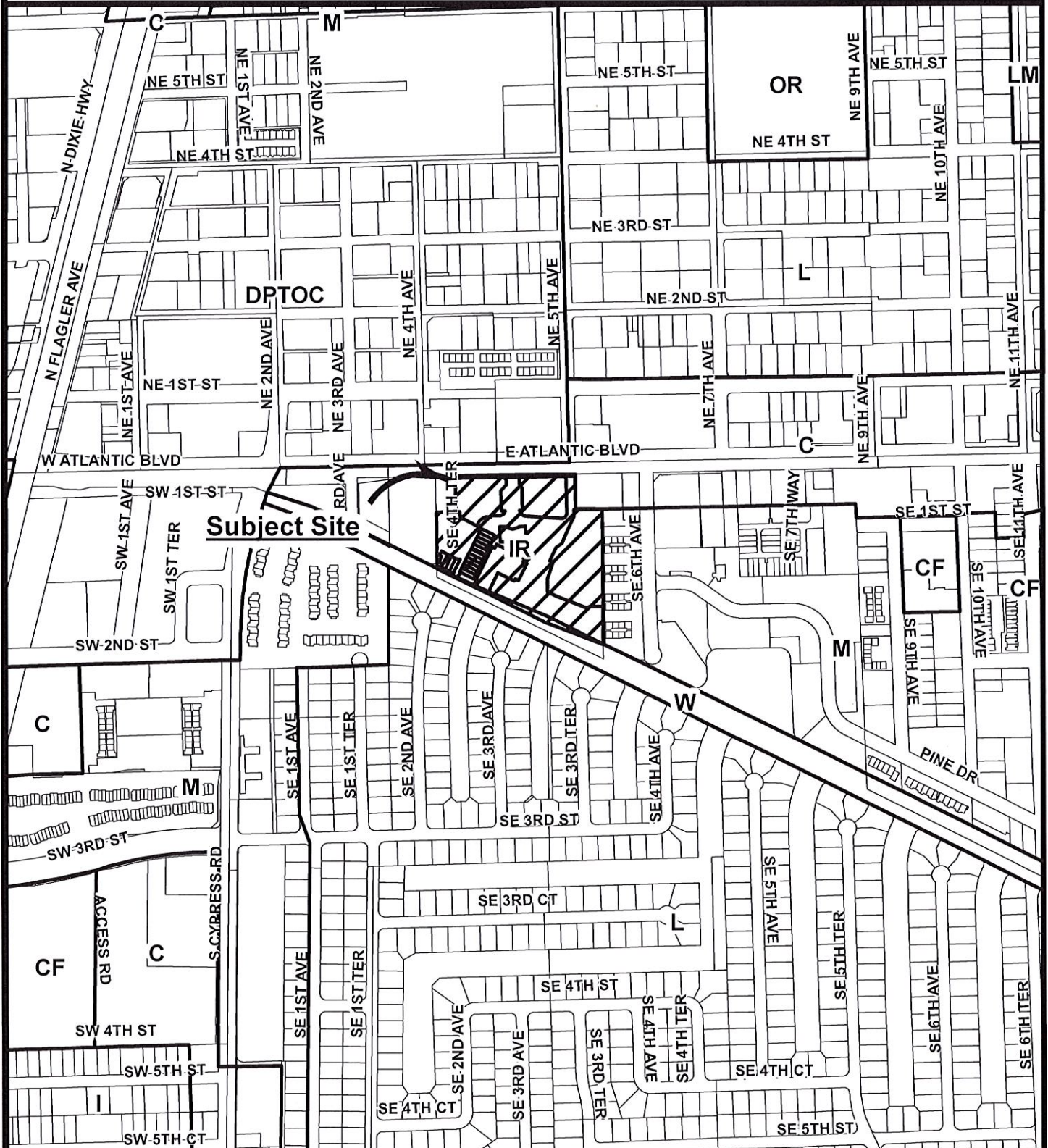
Reflects the maximum total number of units permitted within the dashed line of Palm Aire & Cypress Bend being 9,724 and 1,998

*	Existing
>	Proposed

FOR ZONING MAP

<u>Symbol</u>	<u>District</u>
RS-1	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 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

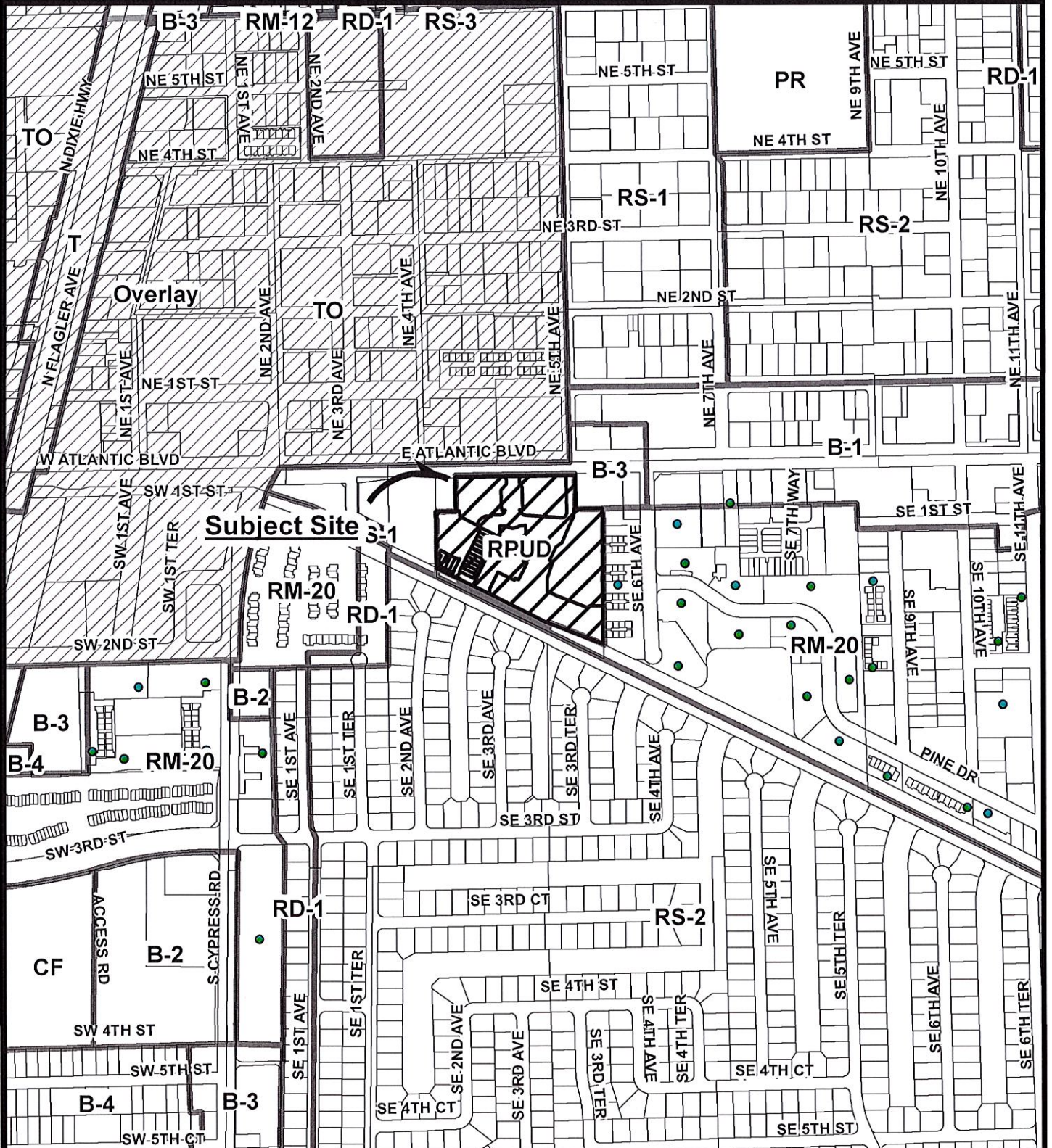
CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



1 in = 600 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 600 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH AERIAL MAP

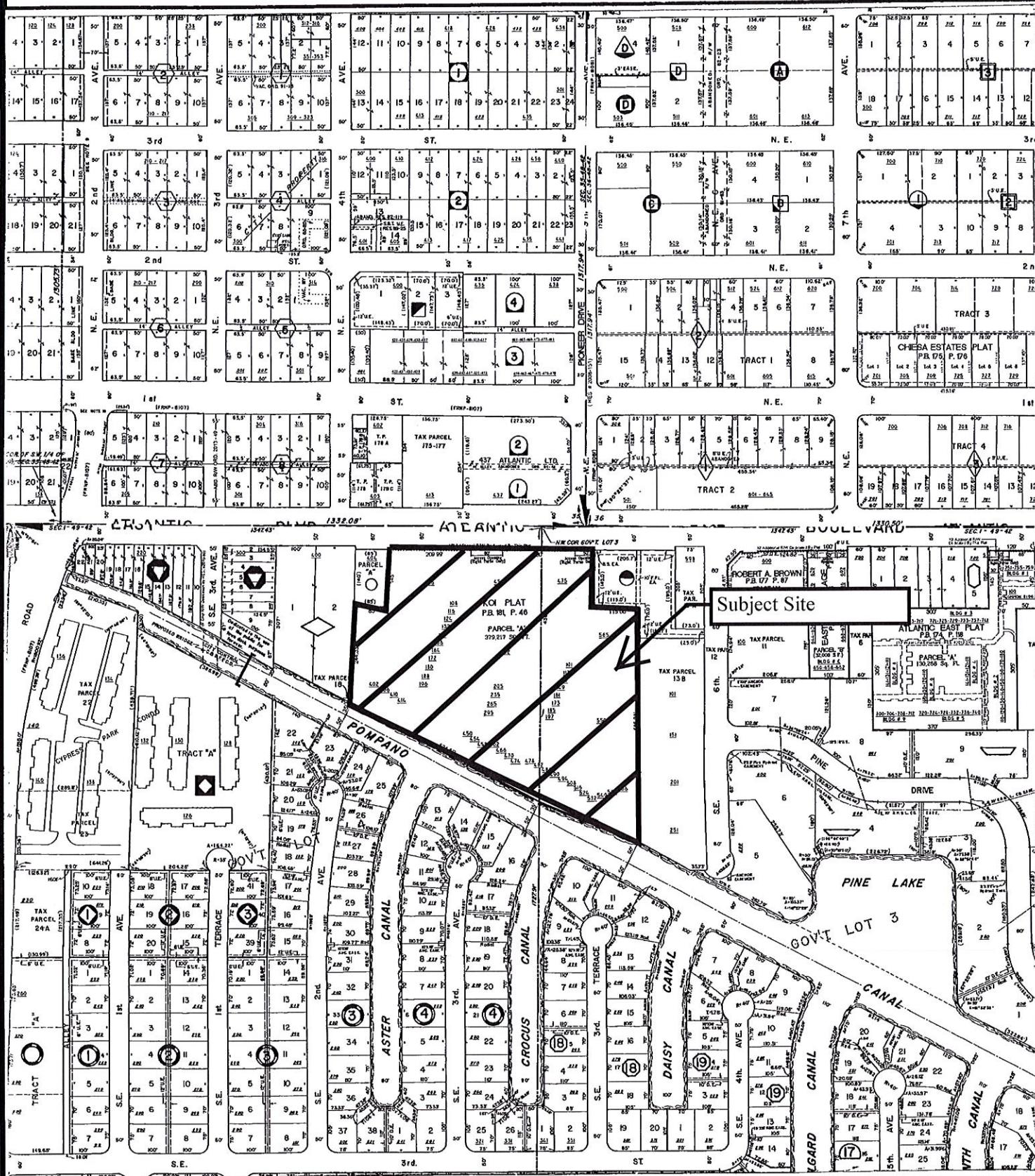


1 in = 600 ft

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PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

EXCERPT FROM THE CITY OF POMPANO BEACH PLAT MAP



SCALE: NTS

NORTH

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 (DRC) meeting held on June 15, 2016, March 16, 2016, and November 17, 2015. Review comments from the DRC meeting on June 15, 2016 are summarized below:**

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

Fire Department:

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.

Solid Waste: No Comments on this proposed rezoning.

Utilities: No Comments on this proposed rezoning.

Please note that additional comments may be forthcoming contingent upon submittals and review process.

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.

Building:

The Building Division has no objections to the requested amendment to RPUD.

Additional comments may follow throughout the remainder of the permitting process. At this time, the Building Division has no objections. Buildings shall comply with the 2014 Florida Building Code, HVHZ requirements, and appropriate floodplain ordinances..

1) Provide Survey, to verify all elevations applicable to the site, in addition, elevations at plans and survey must be in NAVD format and noted at plans and survey.

a. Elevations will be in accordance with City Ordinance 152.29 (C)

2) 53.14 - Erosion and sedimentation control permit To be submitted at the time of permit

3) A construction fence and permit will be required when any construction activity will occur and it shall contain all construction debris, airborne and otherwise, on the subject construction site as per City Ordinance 152.06

CRA: This project is not in the CRA however it supports the redevelopment efforts for the area.

Urban Forestry:

The requests for deviations are not acceptable as staff could not find enough evidence of justification. The landscape shall be in accordance with 155.5203 and will be reviewed under the Master Site plan.

Planning and Zoning:

Review for consistency with City's Comprehensive Plan

This proposed RPUD amendment is consistent with the City's Comprehensive Plan, however the plans and documents submitted for this application shall be modified in accordance with the City's Zoning Code review comments prior to Planning and Zoning Board submittal.

Below are the review comments and shall be addressed prior to the Planning and Zoning Board submittal:

1. Applicant's responses to DRC comments should be clear and straightforward. If no information is necessary, write "Not Applicable". If a response is provided in another section, indicate the document page or sheet number. If a comment needs further clarification, you may contact our office directly for further assistance. In order to limit the need for multiple re-reviews and when specific information requested, provide specific responses to DRC comments.
2. This application must clearly identify the proposed amendments. It appears that the amended standards are related to building height and configuration, proposed pedestrian circulation, and pervious space in POD B. Applicant shall list each standard that is subject to the amendment, in approved standard versus proposed amended standard format.
3. **The following information must be added to the plans and/or tables:**
 - a. Bike storage or rack shall be provided per each building. The applicant's response in the 05/18/2016 document does not provide a clear answer. The specific location for bike racks and storage for each building should be identified on sheet PD-1 or a separate sheet.
 - b. Guest parking spaces for POD B should be provided. Identify guest parking spaces on sheet PD-4 or PD-1 as well as Master Parking Table.
 - c. Clarify the number of bedrooms proposed per unit in the POD B. Parking shall be calculated based on the number of bedrooms proposed for units.
 - d. Parking calculations on sheet PD-4 and amendment document are incorrect as compared to the latest approved plan, PZ 12-13000009. Revise it to be at least equal to the previously approved rezoning plan.
 - e. Revise the Required Parking and Master Parking Table in the RPUD document and PD-4 accordingly. As approved under PZ 12-13000009, parking shall be required and minimally provided based on the number of bedrooms proposed per unit regardless the dwelling type.
 - f. General parking requirements per dwelling unit types are noted on sheet PD-4, however a more informative site plan demonstrating the parking and circulation will be required at the time of site plan approval and cannot refer to the approved Master Plan.
4. **Comments regarding landscape deviations requested with this amendment:**

Requested deviations on sheet PD-1 are not sufficient, and staff is not able to identify enough evidence to support the request based on the justification provided. Deviations requested for POD B shall be separated from the previously approved rezoning (PZ 12-13000009).

 - a. Landscape shall be in accordance with Code Section 155.5203. Landscaping.
 - b. Define or specify the landscape buffer proposed east of POD B. The buffer should not be utilized for any other uses, and be entirely landscaped.
 - c. Any deviations of landscape requirements shall be requested using innovative landscape design and subject to staff approval.
5. **Comments regarding walkways and multiuse trails:**
 - a. Walkways on site shall be least five feet in the area proposed with this amendment. Revise the table. Staff does not support this deviation based on justification.
 - b. Clarify the potential users of the upper level pedestrian circulation path on sheet PD-2. Is it accessible by other residents?
 - c. Clarify the width proposed for each pedestrian circulation. A minimum of seven feet width should be established for fitness trail.
6. **Comments regarding illustration and clarification:**
 - a. Swimming pool under Water/Open Space on sheet PD-2 shall be identified differently.

- b. Items described under the Legend on sheet SITE PLAN +AERIAL VIEW are NOT identified clearly, clarify.
 - c. Revise illustration of the proposed Recreation/Open space on sheet PD-2 to reflect the Building C area correctly.
 - d. Promenade open area for the Building C seems higher than the rest of buildings based on sheet PERSPECTIVE VIEW. Identify the height of each open area.
7. Sustainable point requirements are currently under revision, and applicant shall discuss with staff to be consistent with the City's intent. The applicant shall demonstrate sustainable site design, and it can be demonstrated during site plan review and procedure. Proof of sustainability will be required at permitting. The applicant's response in the 05/18/2016 document does not provide a clear response. Note that the City may possibly adopt the new Code requirements soon.
 8. Applicant shall provide modified HOA documents for staff reviews to ensure that the language is consistent with the proposed development.
 9. Provide a phasing plan, as per Code Section 155.3602. D. Development Phasing Plan. Exhibit XX is not provided as stated in the amendment document.
 10. Reduction of pervious areas is noted; however, applicant must demonstrate innovative solutions for stormwater management.
 11. Revise the statement II.A.3 General Location in the RPUD Document to be consistent with the City zoning code requirements. Itemized narration shall be provided, as provided in the previously approved rezoning document (PZ 12-13000009).
 12. Revise the minimum setback to be 10 feet on PD-1 and the amendment document, III C, Intensity and Dimensional Standards.

B. Zoning Department staff submits the following factual information which is relevant to this rezoning request:

1. The rezoning was reviewed by DRC on November 17, 2015, March 16, 2016, and June 15, 2016.
2. The property is platted and is located south of E Atlantic Blvd.
3. The overall site is 9.4 gross acres (8.8 net acres).
4. The Zoning and uses of adjacent properties are:
North – (TO, Transit Oriented), Retails and Offices
South – (Pompano Canal and then RS-2) – Single Family Residential
East – (RM-20, Multifamily Residential), Multifamily Residential, and (B-3, General Business), Vacant
West – (B-3, General Business), Multifamily Residential and Offices
5. The Land Use Designation is “Dashed-Line” Residential Designation that allows a maximum of 350 residential units.

C. The following describes the planning objective for the Planned Development:

The narrative submitted by the applicant states the following; “ The objective of this RPUD district is to provide innovative residential and mixed use development that meets the growing demands for housing at varied economic levels and the demand for greater variety in tenure, type design and sitting of dwellings in a manner that achieves a more efficient use of land offering residents convenience in location of accessory commercial and service areas, as well as marine opportunities which were developed in Phase I. The proposed multi-family units are constructed around a marina which will serve as the central amenity for the project. The project is characterized by its aesthetic and architectural integrity, waterfront setting and convenient location.”

D. 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

- 01.03.00** Annually review and periodically update adopted land development regulations and established procedures that encourage the elimination or reduction of uses inconsistent with the City's character and Future Land Use Plan.

Policies

- 01.03.02** Require residential densities of zoning districts to be consistent with the densities on the Future Land Use Map.
- 01.03.03** Encourage property owners to rezone the subject properties when initiating the development and/or redevelopment proposals to be consistent with the designations of the Land Use Plan Map.

- 01.03.05** All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying residential land use designations.
- 01.03.06** Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single family areas.
- 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.
- 01.03.11** Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.
- 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.

E. Pursuant to the following purposes of Planned Development Zoning Districts have been identified as pertinent to this rezoning:

Code Section 155.3601. A. General Purposes of Planned Development 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.

Code Section 155.3603. A. Purpose of Residential Planned Unit Development (RPUD)

The Residential Planned Unit Development (RPUD) district is established and 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 an efficient use of open space. Limited, small-scale institutional and commercial uses (e.g., child care facilities, elementary schools, recreational/entertainment uses, dry cleaning or laundry drop-off establishments, restaurants, convenience stores, grocery stores) may be allowed in the RPUD district, when of a type and scale that primarily serves the needs of residents in the development. RPUD districts are appropriate in areas designated on the comprehensive plan's future land use map as Residential.

F. 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 RPUD Amendment request with the following conditions that must be addressed prior to placement on the City Commission hearing agenda:

- A) Correct the following errors within the RPUD amendment documents and plans:
 - 1. The minimum setback of POD B to be 10 feet
 - 2. Remove references to PD-I
 - 3. The site area stated in General Purpose on the RPUD amendment document
 - 4. Delete the Townhouses with 1 – 2 Bedrooms from the Required Parking Table
 - 5. List the correct parking requirements for the community building per Ordinance 2013-57
 - 6. Revise Exhibit 'B-4' to reflect POD B proposed with this amendment request on LD-1 plan
 - 7. Illustrate the proposed Upper Level Pedestrian Circulation legibly on PD-2
- B) In order to achieve the intent and purpose of the RPUD District, the project shall demonstrate innovative and creative design to provide a mix of different residential uses, while providing an efficient use of open space. Revise the RPUD amendment documents and plans as follows:
 - 1. Increase the required parking space for Loft to be 1.5 spaces per unit.
 - 2. Provide Guest Parking spaces for POD B and identify them on the Master Parking Plan on PD-4 plan and the RPUD amendment document.
 - 3. Increase the minimum setback and perimeter landscape width for POD B to be 10 feet
 - 4. Increase the landscape area width to be 10 feet on the Buffer Detail and Landscape Deviation Table for POD B on LD-1 plan
 - 5. Increase the width of the walkways and sidewalk to be a minimum of five feet and the fitness trail to be a minimum of seven feet wide
- C) The following notes shall be added to the RPUD amendment documents and plans:
 - 1. Landscape deviations illustrated and described on LD-1 plan, relevant to POD B, require new approval as part of the Major Site Plan
 - 2. POD B's landscape design shall be innovative and sustainable to meet the intent and purpose of the PD District.
 - 3. The proposed POD B shall demonstrate innovative solutions for stormwater management.
 - 4. The vehicular access clearance height for the proposed pedestrian bridge shall be approved as part of the Major Site Plan.
- D) Provide the following documents to the Development Services Department:
 - 1. Revised Plans per A, B, and C above
 - 2. Modified HOA documents (language must be consistent with the proposed development)
 - 3. Exhibits listed in the RPUD amendment document
- E) Clarify the proposed uses for the Community Center Building. Prior plans have shown a restaurant while other plans have shown a fitness room.

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 following goals, objectives and policies of the Comprehensive Plan, specifically:

- 01.03.05 All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying residential land use designations.
- 01.03.06 Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single family areas.
- 01.03.11 Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.