

MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 17-381

DATE: November 2, 2017

TO: Planning & Zoning Board

VIA: David L. Recor, Acting Development Services Director
Jennifer Gomez, Assistant Development Services Director

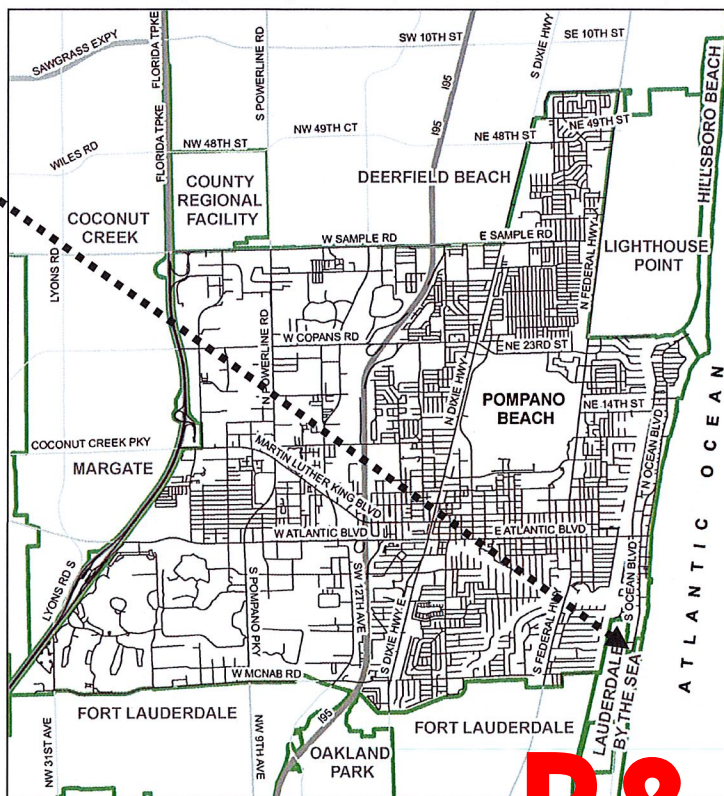
FROM: Sarah Sinatra Gould, AICP, Consulting Planner

RE: Rezoning – From RM 45HR to PD-I (Planned Development-Infill)
Location – 1380 South Ocean Boulevard
November 15, 2017 Meeting

P & Z #16-13000005

The following is a brief summary of information on the subject and surrounding properties. The applicant is requesting to rezone the subject property from RM-45HR (Multiple-Family Residence 45 High-Rise Overlay) to PD-I (Planned Development-Infill). This property is 4.61 net acres (5.2 gross acres) and the address is 1380 S. Ocean Boulevard. The general location is the east and west sides of A1A (a.k.a. South Ocean Boulevard), approximately 500 feet north of Terra Mar Drive. The parcel is currently vacant. As part of the rezoning application, the applicant is requesting 239 residential dwelling units and 18,000 square feet of ancillary spa/personal services establishment (open to residents and guests only). The PD-I (Planned Development-Infill) district is established and intended to accommodate small-site infill development within the City's already developed areas. The PD-I district is intended to provide the flexibility to enable high-quality, mixed-use development on relatively small sites, yet require design that ensures infill development is compatible with both surrounding existing development and available public infrastructure.

1380 South Ocean Boulevard
Tax Folio ID: 494306000320,
494306580020 and 494306580010

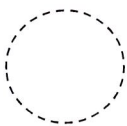


LEGEND

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

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

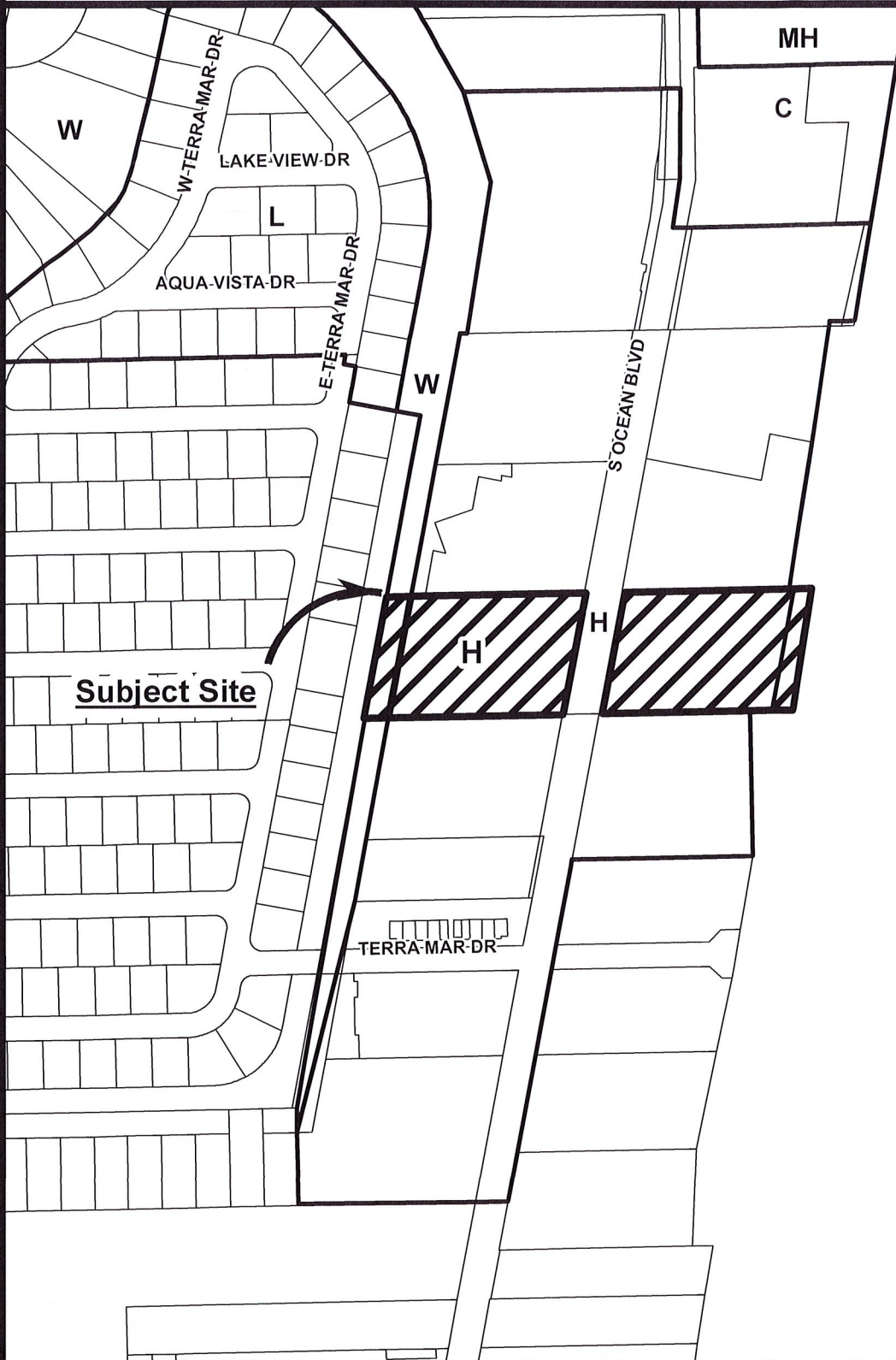
<u>Symbol</u>	<u>District</u>
RS-1	Single-Family Residence 1
RS-2	Single-Family Residence 2
RS-3	Single-Family Residence 3
RS-4	Single-Family Residence 4
RS-L	Single-Family Residence Leisureville
RD-1	Two- Family Residence
RM-7	Multiple-Family Residence 7
RM-12	Multiple-Family Residence 12
RM-20	Multiple-Family 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/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

P&Z

PZ16-13000005

11/15/17

CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



1 in = 338 ft

3

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

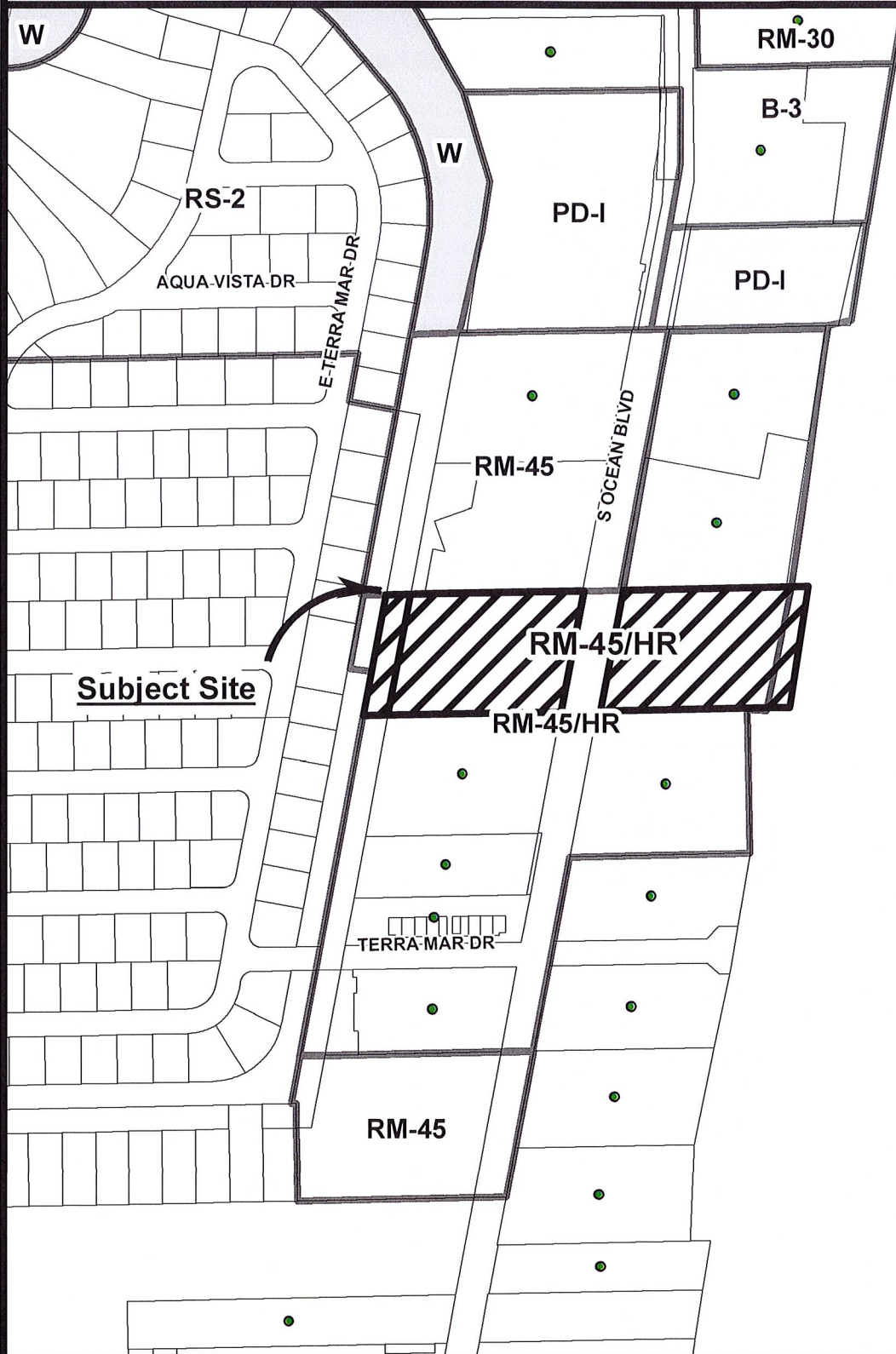
3/9/2017

EdgMat

\\GISDBSVR\arcgisserver\directories\arcgisPlanning\All_Maps\Notice Maps\2017\16-13000005_Maps.mxd

P&Z
PZ16-13000005
11/15/17

CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 338 ft

4

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

3/9/2017

EdgMat

\\GISDBSVR\arcgisserver\directories\arcgis\Planning\All_Maps\Notice Maps\2017\16-13000005_Maps.mxd

P&Z
PZ16-1300005
11/15/17

CITY OF POMPANO BEACH AERIAL MAP



1 in = 338 ft

5

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

P&Z

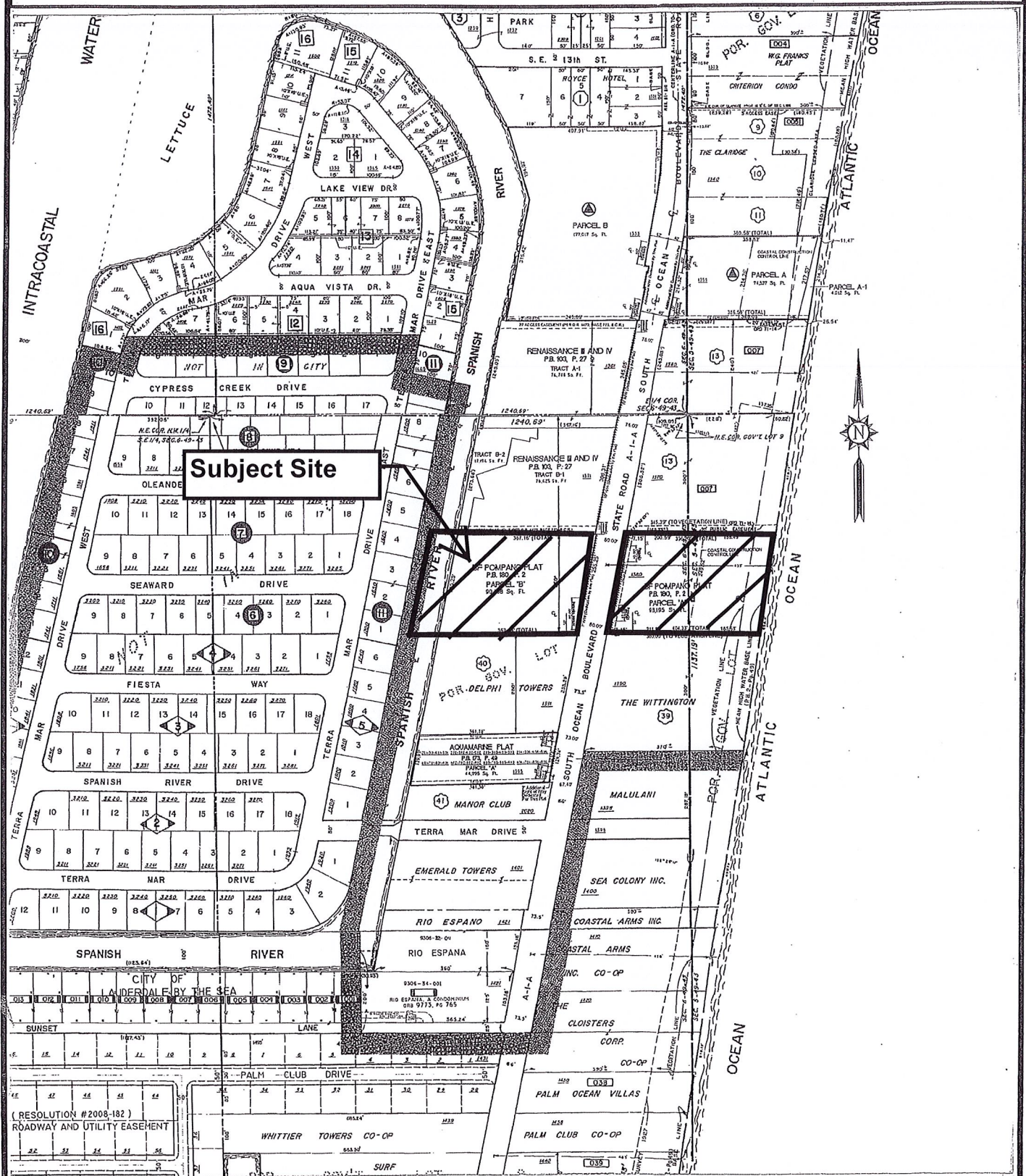
3/9/2017

EdgMat

\\GISDBSVR\arcgissrvr\directories\arcgis\Planning\All_Maps\Notice Maps\2017\16-13000005_Maps.mxd

PZ16-1300005
11/15/17

EXCERPT FROM THE CITY OF POMPANO BEACH
PLAT MAP



SCALE: NTS

6

P&Z

PZ16-13000005
11/15/17

REVIEW & SUMMARY

A. 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 December 7, 2016. To address staff comments from the DRC submittal, additional information and justification was provided by the applicant and included within the P&Z submittal.
2. The property is platted as BF Pompano Plat and the Plat Restriction states: "The plat is restricted to a 396 room hotel and 10 existing boat slips. No residential uses are permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts".
3. The overall site is 4.61 acres net / 5.2 gross acres and is broken down as follows:

Property	BCPA Folio	Acre
East	4943-06-58-0010	2.2542
West	4943-06-58-0020	2.0686
Waterway	4943-06-00-0320	0.2930

4. The Zoning and uses of adjacent properties are:

Property	Adjacent Property	Zoning District	Existing Use
East of A1A	North	RM-45HR	Condo
	South	RM-45HR	Condo
	East	n/a	Beach / Ocean
	West	RM-45HR	A1A / applicant's western property
West of A1A	North	RM-45	Condo
	South	RM-45HR	Condo
	East	RM-45HR	A1A / applicant's eastern property
	West	n/a	Spanish River waterway

5. The PD-I application requests a maximum 330 feet in height for the eastern property and a maximum 150 feet height for the western property. This property is located within the Airpark Overlay District and the proposed heights are considered Airpark Obstructions, which require an Airpark Obstruction Permit issued by the Planning and Zoning Board.
6. The height of neighboring buildings are:

Direction	Building / Height
East Parcel / North neighbor	Renaissance II / 251 ft
East Parcel / South neighbor	Whittington / 156 ft
West Parcel / North neighbor	Five Star Residences / 105 ft
West Parcel / South neighbor	Delphi / 104 ft

7. The Land Use Designation is H (Residential High / 25 – 46 dwelling units per acre) Designation.

8. Page 5 of the Rezoning Application states the following, "The PD-I offers an innovative combination of 239 branded signature residential dwelling units, ancillary Spa / Personal Services Establishment open to the residents and guests of the project only, no greater than 3,000 square feet of ancillary uses divided into two (2) 1,500 square foot operations with one in each of the East and the West buildings open to the residents and guests of the project, 14 private boat slips and 355 parking spaces proposed on the 4.61 net acre parcel of land. The project will not permit any specialty medical, office, or industrial uses at the property." Additionally, 18,000 square feet of the ancillary spa/personal services establishment, open to residents and guests only, is noted on the PD-I Table (Exhibit H).
9. Site History:
- Prior to 1963, as evidenced by historic aerials and City record research, the site was developed as a 3-story motel with 131 rooms on the eastern property and a tennis court on the western property.
 - On February 12, 2002, via Ordinance 2002-33, the property was rezoned from RM-45HR to RPUD (Residential Planned Unit Development). The Ordinance allocated 220 reserve units to the project. The Master Plan was referred to as The Marquee and had 220 multi-family units and a maximum building height of 482.2 ft. The Ordinance was effective for a period of 18 months unless construction of some phase of the approved project is commenced within 18 months of the effective date of the Ordinance. Construction did not occur; therefore, the Ordinance / rezoning became null and void.
 - In 2009 the 131 room motel was demolished.
 - In January 2014 the applicant applied for a Major Site Plan (P&Z 14-12000002). The request was for 134 multifamily dwelling units and 98 hotel rooms. The project was reviewed at the October 1, 2014 DRC and was subsequently withdrawn.
 - On February 27, 2014, via DO 14-17000001, a Special Exception was granted to permit the property to be used as an Apartment Hotel (98 hotel units maximum). The overall project was to include 98 apartment hotel units and 134 condo units. The Special Exception approval was effective for a period of two years unless a Zoning Compliance Permit was obtained within two years of the effective date of the approval. Construction did not occur; therefore, the approval became null and void.
 - On January 15, 2015 the City's Zoning Board of Appeals denied an Airpark Variance for this project.
10. The review criteria for a Planned Development Rezoning Application includes compliance to the proposed zoning reclassification and the PD Plan with the review standards in:
- Section 155.2404.C, Site-Specific Zoning Map Amendment Review Standards**
 - The applicant has provided, as part of the record of the public hearing on the application, 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;
 - 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 Development - Infill (PD-I) district is established and intended to accommodate small-site infill development within the city's already developed areas. The PD-I district is intended to provide the flexibility to enable high-quality, mixed-use development on relatively small sites, yet require design that ensures infill development is compatible with both surrounding existing development and available public infrastructure. PD-I districts are generally appropriate in most of the Land Use Plan's land use classifications, consistent with the adopted objectives and policies for the classification.

B. 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:

- 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.
- 01.03.07** 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.
- 01.03.01** Eliminate or reduce nonconforming uses which are inconsistent with the land development regulations and the designation of the Future 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.
- 01.03.10** Support and promote hotels, motels and other tourist accommodations in designated residential, commercial and commercial recreation land use designations.
- 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.

- 01.06.01** Consider the impacts that land use amendments, rezonings or site plan approvals have on natural resources and historic properties.
- 01.07.16** Through ongoing updates to the land development regulations provide criteria/performance standards regulating hotel intensity and incentives for hotel development.
- 09.08.01** The City shall use its development code standards for the beach sand dune to assure proper location, vegetation, walkovers, etc., when private development takes place.
- 10.01.03** The City shall coordinate and participate with Broward County in the sea turtle program including beach lighting regulations.
- 10.03.05** The City shall seek additional beach access in redevelopment.
- 10.04.02** Modify the Land Development Regulations to require beachfront properties to construct a sand dune system along the beach frontage as part of redevelopment.
- 11.04.05** To maintain and enhance the existing recreational facilities which provide physical or visual access to the water.
- 11.05.03** To promote Pompano Beach as a year-round tourist destination.

C. 155.3602. GENERAL STANDARDS FOR ALL PLANNED DEVELOPMENT DISTRICTS

Before approving a PD zoning district classification, the City Commission shall find that the application for the PD zoning district classification and the associated PD Plan, comply with the following standards:

....

Compatibility with Surrounding Areas

Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the PD Plan shall provide for transition areas at the edges of the PD district that provide for appropriate buffering and/or ensure a complementary character of uses. Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, and siting of service areas.

Staff response:

The proposed east building will be 330 feet in height and the west building will be 150 feet in height. High rise development is consistent with the neighboring properties. The building to the north is 251 feet in height and the building to the south is 156 feet in height. The initial submittal included a seven story lower tower with a 25 foot side setback. This resulted in a building with considerable mass for the first 90 feet as well as height that was out of scale with the neighboring properties. The applicant has revised the request to eliminate the lower tower concept and instead provide a 40 foot side setback from grade, which is the level above the parking deck, to the top of the roof. This has allowed additional landscaping and softening of the structure, while minimizing the mass of the building. While the structure is higher than the existing neighboring properties, the applicant has provided mitigation in the form of additional setbacks and landscaping to complement its neighbors.

D. Recommendation:

Given the information provided to the Board as the finder of fact, staff recommends the Planning and Zoning Board approve the PD-I rezoning request as staff finds the rezoning application is consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies, and the purpose of the Planned Development and the PD-I (Planned Development-Infill) District purposes.

Alternative Motion I

Recommend approval of the PD-I rezoning request as the board finds the rezoning application is consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies, and the purpose of the Planned Development and Planned Development - Infill (PD-I) District purposes.

Prior to placement on the City Commission hearing agenda, provide the following:

1. A note on the plans indicating any accessory structures on the amenity deck shall comply with the PD-I setbacks.
2. Unified control of the development shall be provided as a part of this rezoning application.
3. Technical corrections on the PD-I documents and plans:
 - a. Provide completed Table of Contents of the PD-I document.
 - b. Eliminate the river access in the PD-I document as recommended in the June 28, 2017 PZB meeting.
 - c. Provide a note regarding public art on the Master Plan (Exhibit E) as noted on page 5.
 - d. Add full code sections relevant to Uses proposed on page 19 of the PD-I document for clarification.
 - e. Remove any references to a waiver of the 5 acre minimum requirement from the PD-I document.
 - f. Provide a minimum of 10-foot landscape buffer along the north property line on the west parcel.
 - g. Provide a Loading Area Maneuvering Diagram as part of Exhibit F.
 - h. The justification of Established Setbacks on the PD-I Table (Exhibit H) is not sufficient for evaluation. Provide adequate justifications in order for staff to evaluate the request.
 - i. Revise the PD-I document to reflect the proposed 18,000 square feet of the Accessory Use Maximum on the PD-I Table (Exhibit H).
 - j. Revise a note regarding the use of the Spa on the PD-I Table (Exhibit H) to residents and guests only.
 - k. Provide the formula of the parking space requirement according to proposed uses on PD-I Master Parking Plan (Exhibit F).
 - l. Provide the justification of the parking space requirement for the ancillary Spa / Personal Services establishment on PD-I Tables (Exhibit H).

- m. Correct the code references on page 24 of the PD-I Document to 155.2405.I. Minor Deviations and 155.2405.J. Amendments.

Prior to site plan approval, address the following:

1. Approval of the plat note amendment shall be obtained.
2. Applicant must comply with Air Park Overlay (APO) District requirements for Airpark Obstructions.

Prior to permit approval, address the following:

1. Per Code Section 155.5102. J. 6. [Valet and Tandem Parking], a recorded valet agreement will be required.
2. Public access paths proposed with this rezoning application shall be recorded as an easement, and referenced.

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 pertinent Future Land Use goals, objectives, and policies, and 155.3602. General Standards for All Planned Development Districts.

- 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.
- 01.03.05** All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying residential land use designations.
- 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.
- 11.04.05** To maintain and enhance the existing recreational facilities which provide physical or visual access to the water.