



## Staff Report

**File #:** LN-554

### PLANNING AND ZONING BOARD

Meeting Date: JULY 24, 2024

### GLC 22ND

**Request:** Major Site Plan  
**P&Z#** 23-12000046  
**Owner:** GLC Pompano 1 LLC  
**Project Location:** 31 NE 22 Avenue  
**Folio Number:** 484236011830  
**Land Use Designation:** ETOC (East Transit Oriented Corridor)  
**Zoning District:** TO-EOD (Transit Oriented East Overlay District)  
**Commission District:** 1 (Andrea McGee)  
**Agent:** Thuy Turner (thuy@turnerplanningsolutions.com)  
**Project Planner:** Pamela Stanton (pamela.stanton@copbfl.com / 954-786-5561)

### Summary

The applicant is requesting Major Building Design approval for a 67-unit mixed-use development, which includes approximately 1,792 square feet of commercial use on the ground floor, parking and amenities on a 19,575 square foot lot (approximately 0.449 acres). The project is in the TO/EOD, within the Core Sub-Area on property located on the northwest corner of NE 22 Avenue, north of East Atlantic Boulevard. The proposed building height of 8 stories, or 80 feet is the maximum allowable height for a residential or mixed-use building in the Core Sub-Area.

The project proposes to apply four Density Bonus Options to increase the allowable density by 27 units, from 40 to 67 units (a maximum allowable 150 dwelling units per acre in any TO District). The proposed Density Bonus Options for the project are:

- Density Bonus Option #1: All new non-residential, multi-family residential and mixed-use construction that provide public art using one or a combination of the following strategies: 1) a fee equal to 1% of the project's construction costs or \$250,000 whichever is less; or 2) a piece of artwork valued at 1% of the project's construction costs or a maximum of \$250,000, whichever is less. The artwork shall be accessible to the public and may be displayed in public open spaces or areas along the street abutting the building. Public art shall be required to receive a recommendation by the Public Art Committee and approval from the City Commission. Funds, or an appropriate bonding instrument, shall be placed in escrow at the time of building permit and will be held until the art is approved after installation.
- Density Bonus Option #3: Development which achieves at least 28 points in accordance with Table 155.5802 <[https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl\\_zone/0-0-0-39612](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-39612)>, Sustainable Development Options and Points or is designated LEED Gold or Platinum.

- Density Bonus Option #6: Properties that provide structured parking to accommodate 100% of the total required parking need for the development.
- Density Bonus Option # 7: Properties that provide a minimum of 25% of residential units as small studio or 1-bedroom units. This shall be units that are 600 square feet or less.

The project was reviewed by the DRC on January 3, February 21, April 3 and May 1, 2024, and received Building Design approval from the Architectural Appearance Committee on July 2, 2024.

### **Site Plan Review Standards**

An application for a Major Site Plan or Minor Site Plan shall be approved only on a finding that there is competent substantial evidence in the record that the development, as proposed:

1. Is consistent with the land use designation in the comprehensive plan;

*The land use designation for this property is ETOC (East Transit Oriented Corridor). The proposal is for a mixed-use development. The Development is consistent with the City of Pompano Beach Comprehensive Plan, and the Future Land Use Element Goals, Objectives and Policies contained therein:*

***Objective 01.02.00. Right-of-Way Protection and Accessibility. Protect the existing and future building encroachments and ensure proper accessibility with the roadway and transit network.***

***Policy 01.02.02. Approve site plans, plats and other development approvals on the condition that the applicant will dedicate right-of-way according to the requirements of the Broward County Trafficways Plan and the City's street standards in Chapter 100 of the City's Code of Ordinances.***

***Policy 01.05.01. Continue to require all substantial improvement, new development and redevelopment to be consistent with the minimum finished floor elevations as specified in the Federal Emergency Management Agency Flood Insurance requirements, the South Florida Building Code, Chapter 152 of the City's Code of Ordinances and future maps being prepared to determine appropriate finished floor elevations and crown of road elevations based on adopted sea level rise projections.***

***Policy 01.14.07. All site plans will be reviewed for Crime Prevention Through Environmental Design (CPTED) design principles such as lighting, street design, natural surveillance, natural access control, and territorial reinforcement. CPTED infrastructure such as security lighting, security cameras, bollards and other access control methods will be required based on the specific needs of the project.***

***Plan Implementation Requirements Section 3.02.N.2.a.iv. Affordable Housing: The ETOC land use plan amendment created 2,399 new residential units and a minimum of 15% of those units (360 units) are required to be affordable or to contribute to the implementation of the City's policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing in the City.***

2. Complies with the applicable district, use, and intensity and dimensional standards of this Code (Articles 3, 4, and 5);

Article 3: Zoning Districts

*The project complies with the Intensity and Dimensional Standards of the TO/EOD Zoning District in Article 3.*

Article 4: Use Standards

*The proposed mixed-use development is allowed in the TO/EOD Zoning District.*

Article 5: Development Standards

*See Section 3 below.*

3. Complies with the applicable development standards of this Code (Article 5);

*The development complies with the requirements of Article 5, including Access, Parking and Loading. Staff conditions included in this report include provisions that the applicant must provide evidence that the project will comply with the requirements for Sustainable Development.*

4. Complies with all other applicable standards in this Code;

*The proposed site plan complies with applicable standards in the Code.*

5. Complies with all requirements or conditions of any prior applicable Development Orders;

*No prior applicable Development Orders are in place.*

6. The concurrency review has been completed in accordance with [Chapter 154](#)  
<http://library.amlegal.com/nxt/gateway.dll?>  
(Planning) of the Code of Ordinances;

*Based on the estimated demand calculated below, the proposed project complies with concurrency requirements.*

Wastewater Treatment Demand	22,484 gallons per day *
Water Treatment Demand	26,666 gallons per day *
Raw Water Demand	28,799 gallons per day *
Park Acreage Required	0.46 acres
School Impacts	Broward County School Capacity Availability Determination (SCAD) must be provided.
Transportation	Transit fees are paid to the Broward County to meet concurrency.
Solid Waste Generation	978 lbs. per day (City has a contract with the Waste Management for disposal of all solid waste through 2032).

*\* The City has adequate capacity to serve the proposed project.*

7. Is designed to provide safe, adequate, paved vehicular access between buildings within the development and streets as identified on the Broward County Trafficways Plan;

*The project was designed to provide safe and adequate paved vehicular access between the proposed buildings and the adjacent streets as identified on the Broward County Trafficways Plan.*

8. Complies with any applicable hazardous material licensing requirements in the Broward County Wellfield Protection Ordinance;

*The Property is not located within a wellfield protection area. The Development does not anticipate requiring any hazardous material licensing.*

9. Complies with crime prevention security strengthening and CPTED standards for natural surveillance, natural access control, territorial reinforcement, maintenance, and activity support.

*As part of the Major Site Plan and Building Design application, the applicant's design team has developed a separate CPTED security plan which addresses the CPTED standards for natural surveillance, natural access control, territorial reinforcement, maintenance and activity support.*

10. Complies with the adopted Fire Codes and Standards pursuant to City Code Section 95.02;

*The proposed site plan was reviewed by Fire Plans Examiner during DRC.*

11. Considers and mitigates any potential adverse impacts on environmentally sensitive lands identified by

the City Comprehensive Plan or Broward County Land Use Plan;

*The proposed development is not located in or near an Environmentally Sensitive Land as identified by Broward County or the City.*

12. Complies with the approved Transportation Corridor Study, unless in direct conflict with another Zoning Code provision.

*The proposed development is not on a roadway that is in the Transportation Corridor Study.*

**Staff Conditions:**

Pursuant to §155.2304.C, Applications Subject to Staff Recommendation, the Development Services Director has compiled the department reports from the Development Review Committee (DRC) meeting which are recorded on file with the Department of Development Services. The Development Services Department recommends approval of the Major Site Plan subject to the following comments and conditions:

1. For Density Bonus Option #1, clarify which strategy will be provided: a piece of artwork valued at 1% of the project's construction costs or a maximum of \$250,000 whichever is less; or a fee equal to 1% of the project's construction costs or \$250,000 whichever is less. If providing the artwork, it must be displayed in public open spaces or areas along the street abutting the building. The art must receive a recommendation by the Public Art Committee and approval from the City Commission. Funds, or an appropriate bonding instrument, must be placed in escrow at the time of building permit and will be held until the art is approved after installation.
2. For Density Bonus Option #3, the applicant has proposed to provide 28 Sustainable Development Points from Table 155.5802, and must provide evidence that indicates compliance with each of the selected Options from the Table, prior to permit approval.
3. Provide calculations indicating the percentage amount of stormwater runoff of the site impervious area, including the building roof, that will drain into the rain gardens, pursuant to Table 155.5802. Show where the runoff to these gardens will be generated.
4. Demonstrate that the building height does not exceed 80 feet when measured in accordance with Section 155.9401.G, Height. [The height of a structure shall be determined by measuring the vertical distance from the average elevation of the existing finished grade at the front of the structure to the top of the roof for a flat roof.] Because the building fronts the right-of-way line with a 0-foot setback, the average finish grade in front of the building will be the elevation of the adjacent sidewalk in the right-of-way, from which the height of the building must be measured.
5. Provide evidence that the building footers and/or foundation will not diminish or reduce the landscape area to below 10% plantable area of the overall site area.
6. Pursuant to Section 155.3709.K and the underlying land use designation, each residential development is required to set aside a minimum of 15% of their proposed units as affordable housing. The ability to pay an in-lieu fee to meet this requirement depends on how the entitlements are granted. The City adopted a policy to require the use of the County's mixed income housing density bonus policies 2.16.3 or 2.16.4 for any project in the ETOC with 7 or more units. This project is eligible for the use of policy 2.16.4 which does allow for payment of an in-lieu fee. Should the Applicant choose to provide the 15% affordable units, however, a Declaration of Restrictive Covenants for the affordable housing must be recorded prior to the

issuance of building permits. If the Applicant chooses to buy out of the affordable requirement, the in-lieu fee will apply to every unit in the project in the amount applicable at the time of building permit per Chapter 154.80 (currently \$10,300 per unit which is escalated 3% every January 1st).

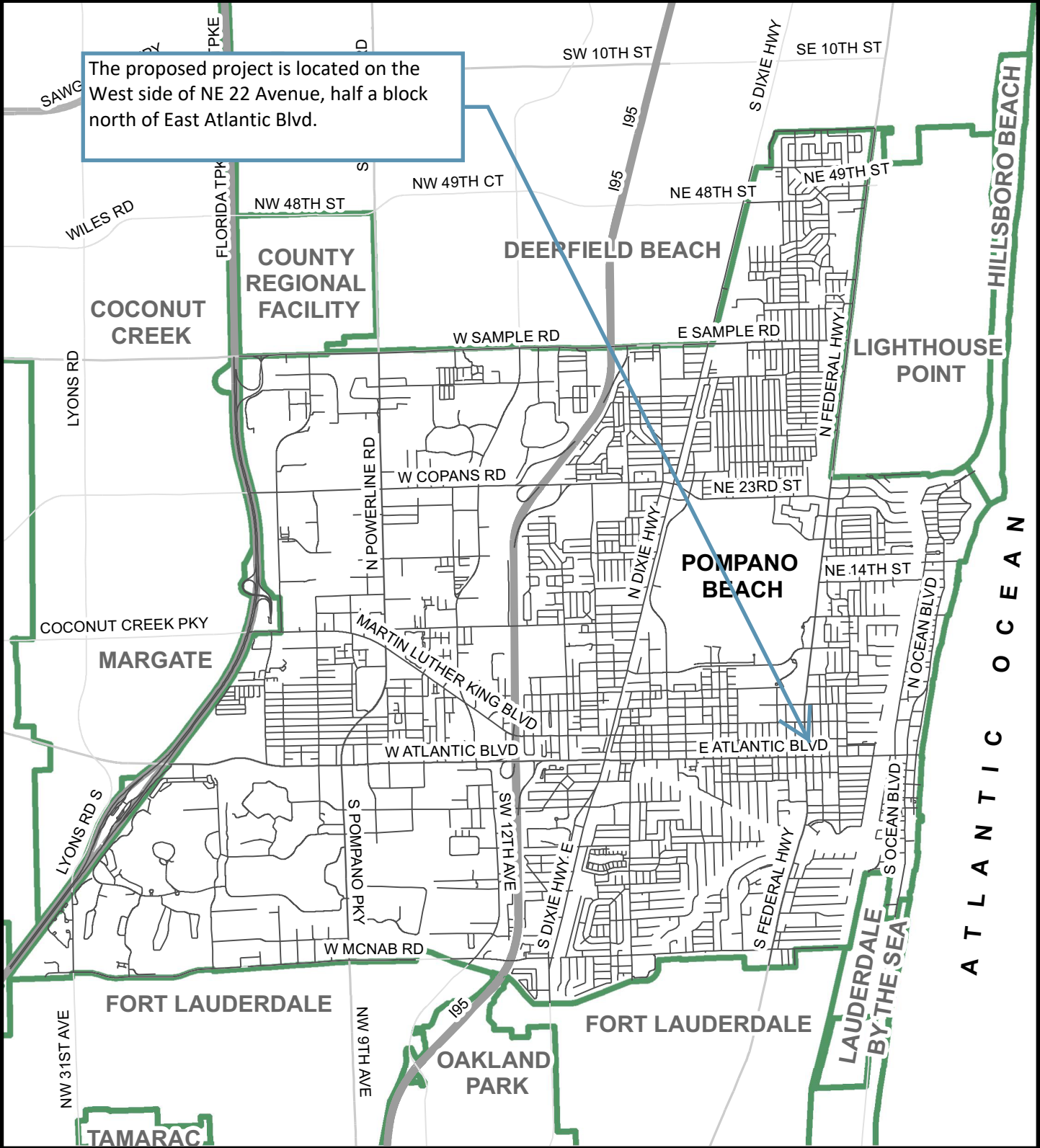
7. Standard conditions of approval and/or specifications required prior to Building Permit/Zoning Compliance Permit issuance:
- a. Park Impact fees will be assessed upon Zoning Compliance Permit approval.
  - b. Pursuant to Section 155.5509, in all new development, all overhead utilities located on the development site and/or along the public right-of-way fronting the development site must be placed underground to the maximum extent practicable-provided that the Development Services Director can waive this requirement where the relevant utility company demonstrates that undergrounding will be detrimental to the overall safety and/or reliability of the circuit.
  - c. Plans are subject to compliance with all applicable Code requirements, including but not limited to DRC comments issued for this site plan.
  - d. A copy of the CPTED plan and narrative approved by the Broward Sheriff's Office must be submitted for Zoning Compliance Permit approval.
  - e. Prior to Zoning Compliance Permit approval, a final School Capacity Availability Determination (SCAD) letter from the Broward County School Board must be provided to confirm that student capacity is available.
  - f. Landscape and Irrigation Plans must comply with all Zoning Code requirements as verified by the City's Urban Forestry Division.



# CITY OF POMPANO BEACH LOCATION MAP



The proposed project is located on the West side of NE 22 Avenue, half a block north of East Atlantic Blvd.



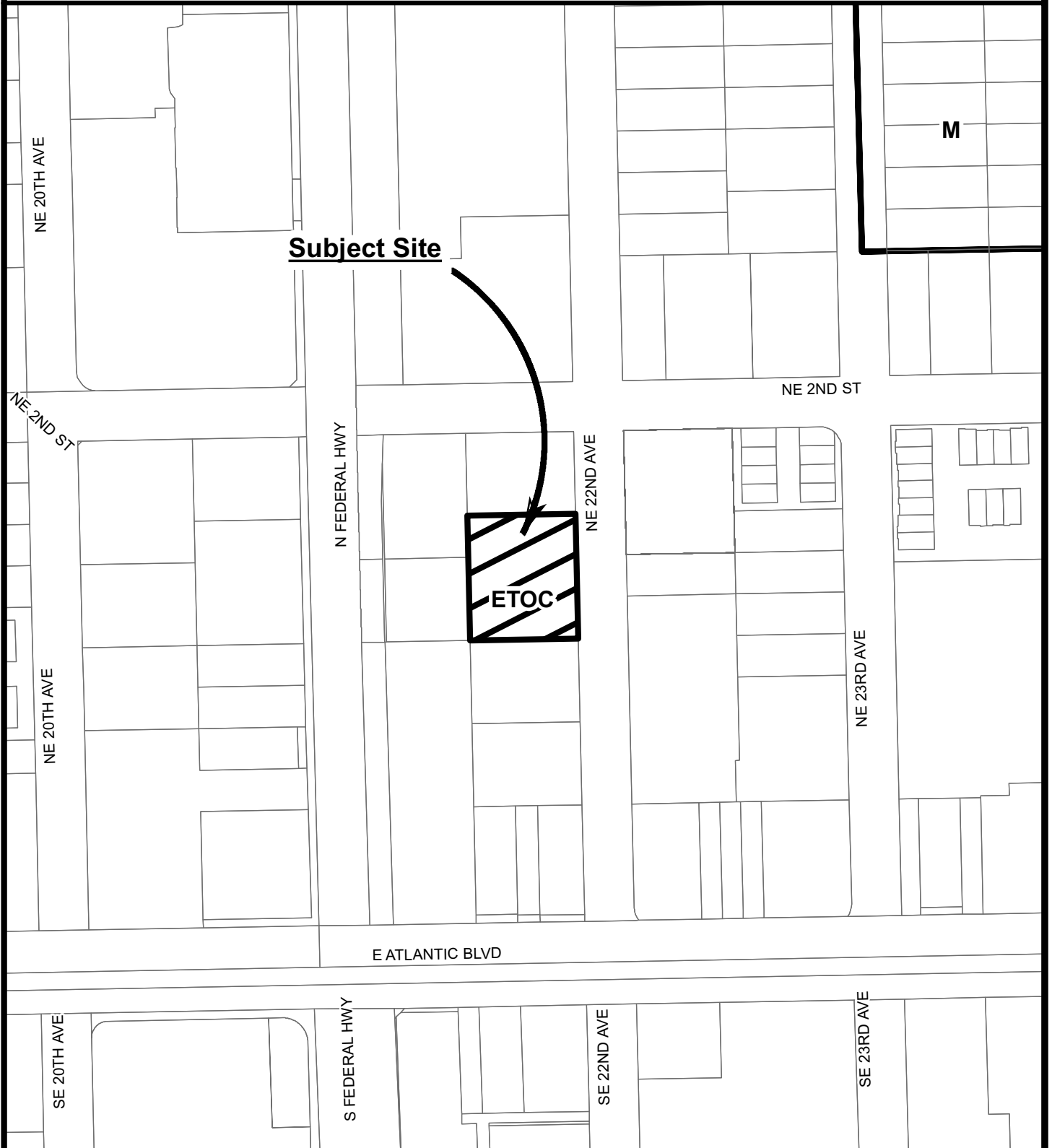


CITY OF POMPANO BEACH  
AERIAL MAP





# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



**P&Z**  
6/4/2024 AdkBob

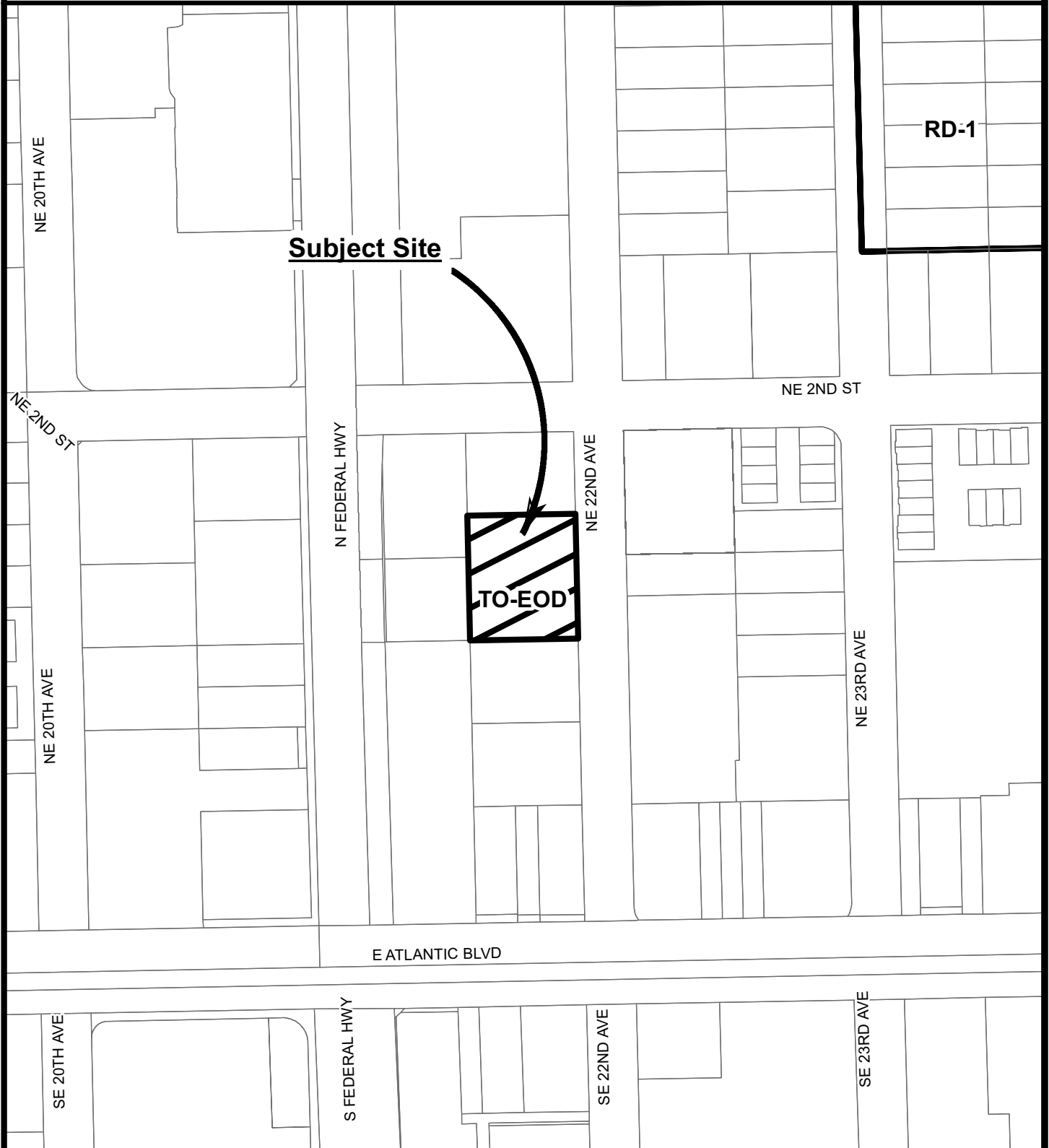
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PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

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07/24/2024

# CITY OF POMPANO BEACH OFFICIAL ZONING MAP



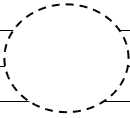
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6/4/2024 AdkBob

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PZ23-12000046  
07/24/2024

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			
	MUR-H	Mixed-Use Residential (High)		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	Regional Activity Center		O-IP	Office Industrial Park
				M-2	Marina Industrial
	LAC	Local Activity Center			
			*	TO	Transit Oriented
	DPTOC	Downtown Pompano		PR	Parks & Recreation
		Transit Oriented Corridor		CF	Community Facilities
				PU	Public Utility
*	ETOC	East Transit Oriented		T	Transportation
		Corridor		BP	Business Parking
		Number		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
			*	EOD	East Overlay District
				DPOD	Downtown Pompano Beach Overlay District