

OCEAN 723

PD Document



Paola A. West, PlanW3st LLC | Gustavo J. Carbonell, Architect/Planner P.A.



I. INTRODUCTION & HISTORY

P&Z

PZ20-13000007
4/28/21

The parcel of land located at 723 North Ocean Boulevard is currently known as Sabbia Beach Parcel "B" ("Subject Property"), to be named "OCEAN 723". The Subject Property is owned by Fernbrook Florida LLLP ("Applicant"). This parcel of land consists of a total of 0.47 net acres. The Subject Property is generally located east of the Intracoastal Waterway and West of N Ocean Boulevard (A1A), between NE 7th CT and NE 7th Place in Pompano Beach. A survey of the Subject Property has been provided in **Exhibit I**. The property is located in the Beach neighborhood. The Subject Property is currently unified with the parcel to the east, located at 730 N Ocean Boulevard, which is known as Sabbia Beach Parcel "A". The Subject Property was temporarily serving as a construction office and now serves as a sales office to the Sabbia Beach Parcel "A" Multi-family development. As that development is now completed, the Applicant wishes to reunify the parcels and develop the Subject Property as a separate, lower scale multi-family development. In order to provide a superior development than the minimum code would allow, the Applicant is seeking Rezoning approval from the Multiple Family Residence 20 (RM-20) Zoning District to a Residential Planned Unit Development (RPUD) Zoning District. Additionally, in order to provide for a superior development, Applicant is requesting a waiver of the 5-acre minimum as required by code section 155.3603(C).

The property was annexed into the City in 1971 via Ordinance 71-28. The Subject Property was zoned RC-1L (Multiple Family Residential) after annexation as shown in the City's historic 1975 zoning map (refer to **MAP A**). The site is currently used as a sales office with accessory parking for the Sabbia Beach Parcel "A" development to the east. The Applicant successfully developed the property to the east as a 69-unit multifamily high-rise development and now seeks to develop this parcel as well. The Applicant is not requesting to include noncompatible uses in this Rezoning application.

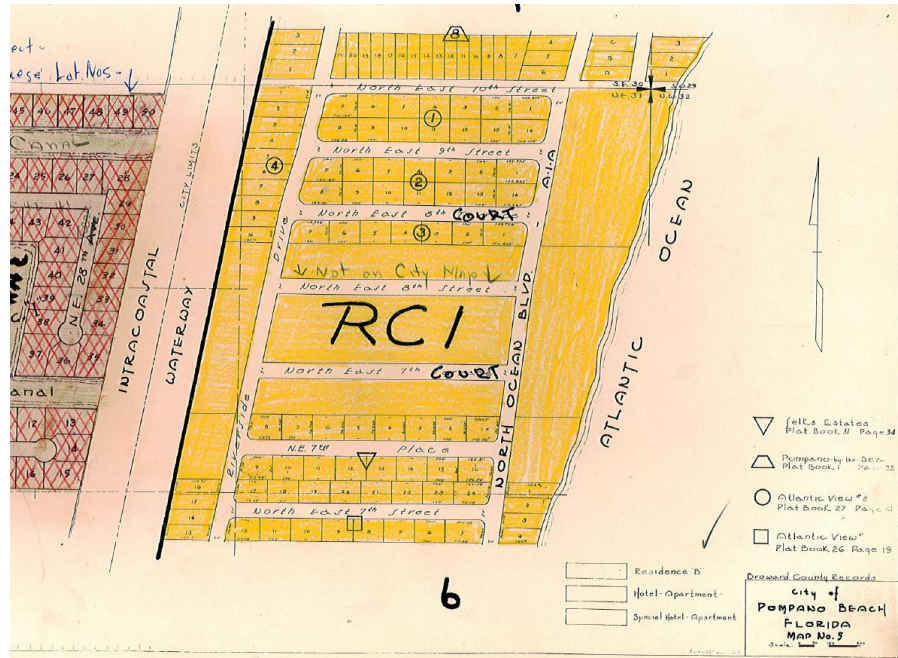
Map A.- City of Pompano Beach Official Zoning Map, dated 1975.



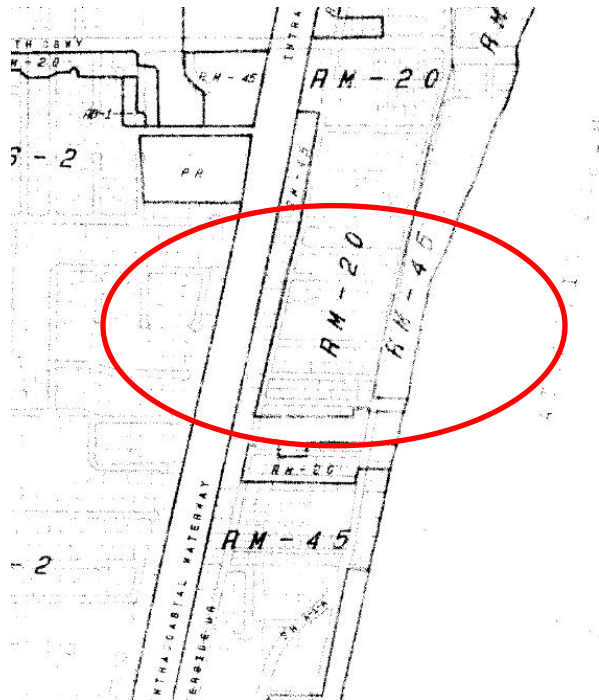
This property has been zoned multifamily since its annexation in 1971. At the time of annexation, there was no maximum or minimum density cap. The property was rezoned from RC1 (designation prior to annexation) to RC-1L (after annexation) between 1957 and 1975, and then rezoned again to RM-20 sometime between

1975 and 1994 (see **Maps A, B, & C**). Multiple family was always intended in this area, though the density was not planned as density caps did not exist when the lots were created.

Map B.- City of Pompano Beach Historic Zoning Map, dated 1957.



Map C.- City of Pompano Beach Historic Zoning Map, dated 1994.



The master site and master landscape plans, which combined make up the PD Plan, are included in this

II. GENERAL PURPOSES OF PLANNED DEVELOPMENT ZONING DISTRICTS

A. General Purpose

1. The request reduces or diminishes the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots. While designing the project to meet the RM-20 by-right zoning density of 9 dwelling units would not require rezoning, the proposed building design would look like every other project in the area. The site would propose the minimal landscape permitted by the code and would propose the most basic parking lot layout that would not completely screen it or buffer it from adjacent views. The proposed project not only provides a superior architectural design of the building, but also goes above and beyond landscape minimums (in quality, quantity, and in installation size), as well as provides for the maximum buffering and screening of the project's parking areas.
2. The request allows greater freedom in the use of the site. The proposed development provides vehicular access from the northwest side of the lot (from NE 7th Court) into a screened parking garage. Since the plat restricts vehicular access to the northwest corner of the site, (49 lineal feet maximum, going from west to east), there is no additional freedom in providing additional access into the site. Although the lot is only slightly over the 100' minimum required width, the proposed development is providing the full 10-foot buffers on the north, west, and south sides. The buffers are proposed to be robust with landscape material of superior quantity and quality. The pool is proposed to be located on the southeast corner of the site, also buffered from adjacent views. This location was chosen as the west side (rear) is too noisy for the adjacent neighbors and it is also too small of an area for a pool. The building would need to shift east causing a greater principal structure setback encroachment into the front yard, rather than a minor encroachment for an accessory structure or use. Additionally, the proposed location takes advantage of the breeze coming in from the southeast since the sun in the afternoon is too hot to use the pool or deck without proper ventilation. Finally, on the west side (rear) the pool would be in the shadow during most of the morning and mid-day hours, rendering it practically useless as an amenity.
3. The request allows greater freedom in providing a well-integrated mix of land uses in the same development. No mixed-use development is being proposed with this rezoning request. The proposed development provides 12 apartment dwelling units with accessory parking and site amenities. 12 units are being proposed rather than the 9 that are permitted by right under the RM-20 zoning district. The 12 dwelling units being proposed are less than the 14 that would be permitted by utilizing the MH (Medium-High) land use density. To make the site and parking work, 12 dwelling units would be the maximum for the property. All 12 apartment units are proposed to be 2-bedroom units, ranging from 1,433 sq. ft. to 1,645 sq. ft in unit floor area.
4. The request allows more efficient use of land. No additional streets or alteration of streets is being proposed with this rezoning request. The current use is a sales office with parking and the proposed use is a multi-family development, consistent with the current zoning and land uses. Additionally, the property as it exists, has the benefit of being located along a state road, yet providing access into the property from a local road.

5. The request promotes environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features. The existing development currently includes landscaping that was installed with the development of the sales office for the development to the east. The proposed development will relocate and reuse the landscaping that is existing on the site currently. The property is located in an AE Special Flood Hazard Area and all construction will follow FEMA and City Floodplain regulations. The site is bordered on the south by a parking lot, and along the west side by a multi-family building. NE 7th Court is located along the north and N Ocean Boulevard (SR A1A) is located along the east side. Across NE 7th Court on the north side, the property faces a house of worship, and across SR A1A to the east, the property faces Sabbia Beach, Parcel "A", a high-rise development and sister to this development. There are no other wetlands, historic features, or natural features within or near the subject site.

B. Classification of Planned Development Zoning Districts

It is the intent of the Applicants to obtain approval of the rezoning from RM-20 to RPUD in accordance with the procedures and requirements of 155.2404 [Site Specific Zoning Map Amendment (Rezoning)], 155.2405 [Planned Development], and 155.3603 [Residential Planned Unit Development (RPUD)] of the City of Pompano Beach Zoning Code.

1. In accordance with section 155.2404 [Site Specific Zoning Map Amendment (Rezoning)], this request 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 as further justified in Section III(B) of this PD Document.
2. In accordance with section 155.2405 [Planned Development], this request is in compliance of the proposed zoning reclassification and the PD Plan with the review standards identified under subsection 1 above and further justified in Section II of this PD Document.
3. In accordance with section 155.3603 [Residential Planned Unit Development (RPUD)] this request is in compliance with the standards for the proposed type of RPUD Zoning District as further justified in Section IV of this PD Document.

C. City of Pompano Beach Transportation Corridor Studies

The Subject Property is not addressed or located within a corridor or area identified in the City of Pompano Beach Transportation Corridor Studies Transformation Plan.

D. Organization of Planned Development Zoning District Regulations

This document will list and address each of the requirements of section 155.2404 [Site Specific Zoning Map Amendment (Rezoning)], 155.2405 [Planned Development], 155.3602 [General Standards for all Planned Development Districts], and 155.3603 [Residential Planned Unit Development (RPUD)] of the City of Pompano Beach Zoning Code. The exhibits attached to this document provide the required plans and other documentation in order to implement the zoning regulations outlined here.

III. 155.3602 GENERAL STANDARDS FOR ALL PLANNED DEVELOPMENT DISTRICTS

A. PD Plan

1. Planning Objective

The purpose for seeking the RPUD zoning district is to 1) provide a superior development in an effort to increase area and property values, 2) to create compatibility between the existing and adjacent uses; and 3) allow for more efficient use of land.

Objective 1: Superior Development

Designing the proposed development to the letter of the code would result in a very generic project with a basic look. The proposed building design would look like every other project in the area. To the letter of the code, the site would propose the minimal landscape required and would propose the most basic parking lot layout without adequate screening or buffers from adjacent views. The pool, if it fits, would be required to be located at the rear (west) of the building. This location would render it as a useless amenity as it would sit in the shade for a major part of the day and the location does not provide for any breeze or natural ventilation under direct sunlight. Additionally, the congregation of people in the pool area would make this area a noise nuisance for the neighbors to the west. Since the rear of the property is almost triangular due to the angle of the property line, there may not be any space for the pool, thereby promoting a project without any amenities.

The proposed development provides vehicular access from the northwest side of the lot (from NE 7th Court) into a screened parking garage. This preserves the views from A1A (designated Scenic Highway) from looking into the parking garage. Since the plat restricts vehicular access to where it currently enters the site (49 lineal feet maximum), there is no additional access proposed into the site. Although the lot is only slightly over the 100' minimum required width, the proposed development is providing the full 10-foot buffers on the north, west, and south sides. The buffers are proposed to be robust with landscape material of superior quantity and quality. The proposed project not only provides a superior architectural design of the building, but also goes above and beyond landscape minimums (in quality, quantity, and in installation size), as well as provides for the maximum buffering and screening of the project's parking areas (refer to **Exhibits II and III**, PD Plan). The plan provides accent, specimen, and native palms, FPL compatible trees where there are conflicts with overhead powerlines, buffer hedges for proper screening, and ornamentals for additional accent.

The Master Site Plan (**Exhibit II**) is superior and can be described as follows:

- All parking stalls are concealed within a parking garage thus screening the vehicles and protecting them from the weather and vandalism. It allows residents to access the vehicles internally.
- The garage contains a decorative gate for added security.
- The zoning code requires 18 parking stalls; 22 stalls are provided to guarantee enough parking for residents and guests.
- The garage is naturally ventilated. Ventilation provided thru strategically located decorative louvers.
- The resident's active area, the site amenity consisting of a swimming pool and decks, is located along the east, or the front yard, very distant from the sidewalk (A1A) and the front

property line.

- The amenity area fencing has a design that matches the balcony railings.
- A prominent lobby welcoming entrance is located at the corner where two rights-of-way intersect. The lobby provides direct access to the public sidewalks.
- The parking garage structure and ground floor contain multiple offsets and undulation that add interest and reduce the perception of massing as opposed to a very rectangular building with minimum undulation.
- Bicycle racks are provided for residents and visitors at a very accessible location.
- Dumpster located near the right of way for easy pickup, completely concealed, large enough to accommodate recycling containers and a separate pedestrian entrance.
- The structure located on a city block that does not contain any recent redevelopment, is very compatible in height, scale, and mass. It provides a design concept that will set higher standards for future redevelopment of the area. It will become a catalyst for future redevelopment to occur. It is a good transition to the much higher density and taller structures on the east side of A1A.

The Master Landscape Plan (**Exhibit III**) is superior and can be described as follows:

- Buffer of canopy trees and hedges along the adjacent properties that employs the use of lush landscape plant material throughout the building foundation area.
- Tall accent palms and sabal palms that relate to the height of the building provide a softening effect.
- Street trees separate the building from the roadways.
- Matched specimen palms frame and enhance the entry area as you enter from the street.
- The plant selection is both elegant and appropriate for the seaside location, and is designed to enhance the building architecture.
- The site landscaping is proposed on all 4 sides interrupted only by a single driveway.
- Neighboring properties protected with wide buffer yards with superior landscaping.
- Landscaping provides privacy and areas shaded for those looking for such areas and still enjoying the outdoors.

The architecture is superior and can be described as follows:

- An ample lobby provides a place to meet with an enclosed exercise space that allows natural light in. The lobby adjacent to the rights-of-way provides active uses that enhance the pedestrian experience. The lobby also contains a restroom readily accessible to the amenity area for guests without the need to access the individual apartments.
- The lobby contains large expanses of custom floor to ceiling glazing and an elegant double door entrance. A similar but smaller feature provides access to the amenity area.
- Undulation of the façade on all sides, especially along the street frontages.
- Second and third floors contain 6 two-bedroom apartments per floor. Apartments are ample in area. Each apartment contains two usable roofed balconies, large enough for outdoor living. The balconies provide interesting design with undulation every few feet that add interest and reduce massing. Additionally, the unit breakdown serves the current market demand for 2-bedroom units as shown below (listed from lesser to greater unit area):
 - Apt 1 and 7: 1,484 square feet
 - Apt 2, 3, 5, 8, 9, & 11: 1,433 square feet
 - Apt 4 & 10: 1,645 square feet
 - Apt 6 & 12: 1,552 square feet

- Master bedrooms contain their own balconies separated from the living area balconies. Balconies contain modern horizontal piping railings.
- Large expanses of fenestration, sliding doors recessed to shield them from the sun, and large floor to ceiling windows at living rooms. Full height windows naturally illuminate the interior of the stairways that will be used often by residents of the low-rise building.
- Varied parapet heights, including taller volumes at stair and elevator that add interest to the elevation.
- Variation of colors, textures, reveal lines, and banding on the exterior of the building.
- All mechanical equipment located on the roof and fully screened by parapet walls extended to the top of the equipment.
- East stair tower as a prominent architectural feature with added cantilevered eyebrows that are used as part of a historic element widely utilized in South Florida architecture that blends well with the modern design.

Objective 2: Compatibility

The proposed RPUD seeks to develop an underutilized property with a consistent project that not only compliments the area but also provides a transition between the high-rises east of A1A and the lower density residential west of the Subject Property. The existing land use designation of HM is consistent with the proposed use of the Subject Property and the surrounding properties. Medium to high density residential developments surround the Subject Property to the south, west, and across the north property. To the west, the parcel sizes reduce in area, thereby providing smaller density projects. In this manner, the Subject Property acts as a transition between the high-rises to the east across A1A, and the lower dense residential to the west.

The uses surrounding the Subject Property include a house of worship across NE 7th Court to the north, multi-family residences to the west, parking lot to the south that is accessory to multi-family, and high-rise multi-family residential across A1A to the east. This area and the associated neighborhood contain primarily multi-family residential uses, as shown in **MAP E**. With the proposed PD Plan (**Exhibits II and III**) the Subject Property will not only be consistent with the existing pattern, but will also transition the area from lower to higher densities.

Objective 3: Efficient Use of the Property

The proposed use of the Subject Property is an efficient use of the land. The Subject Property contains more pervious and open space area than most of the surrounding multi-family developments in the area. The height of the proposed structure has been designed not to exceed the height of the multi-family development to the west (also a 3-story building), and also does not exceed the height limitations of the RM-20 zoning district. The density and height of the building will provide a needed transition between the multi-family development on the west side of A1A and the high-rise developments on the east side of A1a. The site will be developed to encourage pedestrian connectivity and walkability from both abutting public rights-of-way, as no pedestrian walkway exists along NE 7th Court today. Neither this block nor the blocks to the north or south include continuous sidewalks, which this project will promote for future development. The provision of medium to high density residential use, accessory amenities, the required parking, open spaces and superior architecture and landscaping are being proposed without the need or request for any deviations from the code. Other uses permitted within the existing RM-20 zoning would alternatively require potential developments to provide substantial surface parking area or other impervious areas. Additionally,

P&Z

PZ20-13000007

4/28/21

developments would provide subpar or minimal design that would not benefit the community, and instead would only provide the required minimums to get built.

2. Detailed Description of the Entire PD Plan

The OCEAN 723 project is a multi-family residential development consisting of 0.47 acres. The significance of the project design is that it is consistent with the proposed uses of the site and surrounding area. As mentioned previously, the high-rise to the east was approved and built within the last few years. The Subject Property, owned by the same entity, was included in the platting and developed as a sales office to support the high-rise development for occupancy after construction. The Master Site Plan (**Exhibit II**), Master Landscape Plan (**Exhibit III**), and the building architecture are all superior and are described in full detail in Section III(A)(1) of this PD Document. The Master Site and Landscape Plans, **Exhibits II and III** under this request, will be the combined PD Plan.

a. Dimensional Standards

The Dimensional Standards are provided in **TABLE 2**. The Dimensional Standards are the standards proposed for this PD Plan. As a basis of comparison, **TABLE 1** below is a summary of the existing zoning designation of RM-20 versus the proposed RPUD zoning designation. The proposed RPUD only deviates or exceeds the dwelling unit density of the RM-20 zone but does not exceed the dwelling unit density of the MH land use designation.

TABLE 1- Comparison of Dimensional Standards.

Comparison of Dimensional Standards ¹			
Standard	Current RM-20 Zone	Proposed RPUD	PD Surplus
District Area, minimum (acres)	NA	0.47	-4.54
Lot area, minimum (sq ft)	8,800 ²	20,341	11,541
Lot width, minimum (ft)	75 ²	114	39
Density, maximum (du/ac)	20 ^{2,3}	26 ²	-6
Floor area per dwelling unit, minimum (sq ft)	650 + 100 per BR>1 (850 for 2 BR)	1,000	150
Lot coverage, maximum (% of lot area)	60 ²	60 ²	0
Pervious area, minimum (% of lot area)	25 ²	25 ²	0
Building Height, maximum (ft)	35	34	1
Front yard setback, minimum (ft)	25	20	5

P&Z

PZ20-13000007
4/28/21

Street side yard setback, minimum (ft)	10 ^{2,4}	10 ³	0
Setback from a waterway or canal, minimum (ft)	25	n/a	n/a
Setback from the historic dune vegetation line, minimum (ft)	25	n/a	n/a
Interior side yard setback, minimum (ft)	10 ^{2,4,5}	10 ³	0
Rear yard setback, minimum (ft)	10 ⁴	10 ³	0
Spacing between principal structures, minimum (ft)	25	25	0
Dimensional Standards for Accessory Structures	See Accessory Use -Specific standards in Article 4: Part 3.	See Accessory Use - Specific standards in Article 4: Part 3.	None
<p>NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre; SF = single-family dwelling; 2F = two-family dwelling; MF = multifamily dwelling; BR = bedroom]</p> <p>1. See measurement rules and allowed exceptions/variations in Article 9: Part 4.</p> <p>2. For townhouse development, applies only to the development site as a whole, provided individual townhouse lots have a minimum area of 1,800 sq ft and a minimum width of 18 ft.</p> <p>3. On land classified Residential by the Land Use Plan, maximum gross residential density may not exceed that established for the particular land use classification.</p> <p>4. Those portions of a structure extending above a height of 20 feet shall be set back an additional 1 ft for each 4 ft (or major fraction thereof) the height of the portion of the structure exceeds 20 ft.</p> <p>5. For developments with zero-lot-line single-family dwellings, 0 ft along the zero-lot line and 15 ft for the opposite interior side lot line.</p>		<p>NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]</p> <p>1. See measurement rules and allowed exceptions/variations in Article 9: Part 4.</p> <p>2. Residential development on land classified as Commercial by the Land Use Plan is subject to allocation of flex or reserve units in accordance with Chapter 154, Planning.</p> <p>3. Structures within the Air Park Overlay (APO) zoning district must also comply with the height limits in Section 155.3707.</p>	

b. Modifications of Standards

The proposed RPUD requires a waiver by the City Commission for the 5-acre minimum as per code section 155.3603(A), Note 1. The site proposes a superiorly-designed multi-family residential development, which acts as a transition between the lower density development pattern to the west and the high-density development pattern to the east. The site does not require 5 acres to offer this transition or level of design. The proposed RPUD deviates or increases the density by 6 dwelling units per net acre, though this only equates to an additional 3 units total for the development. Additionally, this increase is well within the allowances of the land use density (16-25 DU/AC), which utilize the gross area to the centerline of adjacent roadways. The proposed RPUD also deviates from the 25-foot front setback required in the RM-20 zoning district. The deviation is only for 5 feet, making the front setback 20 feet. The need to deviate in the front comes from the angle of the rear and front property lines that forces the building to be shifted toward the center of the lot. Lastly, the proposed RPUD deviates from the required location for the pool. The pool is located in the front, rather than to the rear of the building, also due to the angular aspect of the rear property line. Additionally, the proposed location benefits the neighboring development to the west and allows the pool to be more usable. Additional information on the Modifications and Deviations of the RPUD are discussed in section IV(F).

c. Provisions addressing transportation, potable water, wastewater, stormwater management, and other public facilities.

The Subject Property is currently developed and is located within a developed area of Pompano Beach. All water, wastewater and stormwater management facilities have been in place since the area was established in the mid-1960s. Enhancements will be made to the site to support the RPUD development as shown on **Exhibit IV**, Drainage Plan.

d. Provisions related to environmental protection and monitoring

There are no identified environmentally sensitive lands, wildlife habitats, or wetlands on the Subject Property. The subject property is located within Special Flood Hazard Area (SFHA) AE with a Base Flood Elevation of 7 and will be developed in accordance with both FEMA and the City of Pompano Beach minimums floodplain regulations.

e. Identification of community benefits provided for flexibility afforded by the PD Plan.

There are several community-serving components that make this project unique as identified in Section II (A), **TABLES 1-3, and Exhibit VI** of this PD Document. The development will be consistent with the area and will provide a beneficial density transition between the high-rises on the east side of A1A and the lower dense multi-family to the west. The development is designed to respect the neighboring property to the west in that the setback deviation is not putting the building closer to the adjacent property but rather farther away. Placing the pool away from this area further respects the adjacent neighbor in that it keeps the more active and noisy areas of the site far from the perimeter. The pool makes more sense to be closer to the street as A1A is an active corridor and this location would not be impacting any adjacent private properties. The proposed development provides pedestrian access from the adjacent public sidewalks and

screens all unwanted uses, such as the parking garage and the pool area. The design and landscaping are also of superior quality that will enhance the area and the neighborhood.

f. Development Phasing Plan

The project will be developed in one (1) phase.

g. Conversion Schedule

There are no use conversions as part of this request.

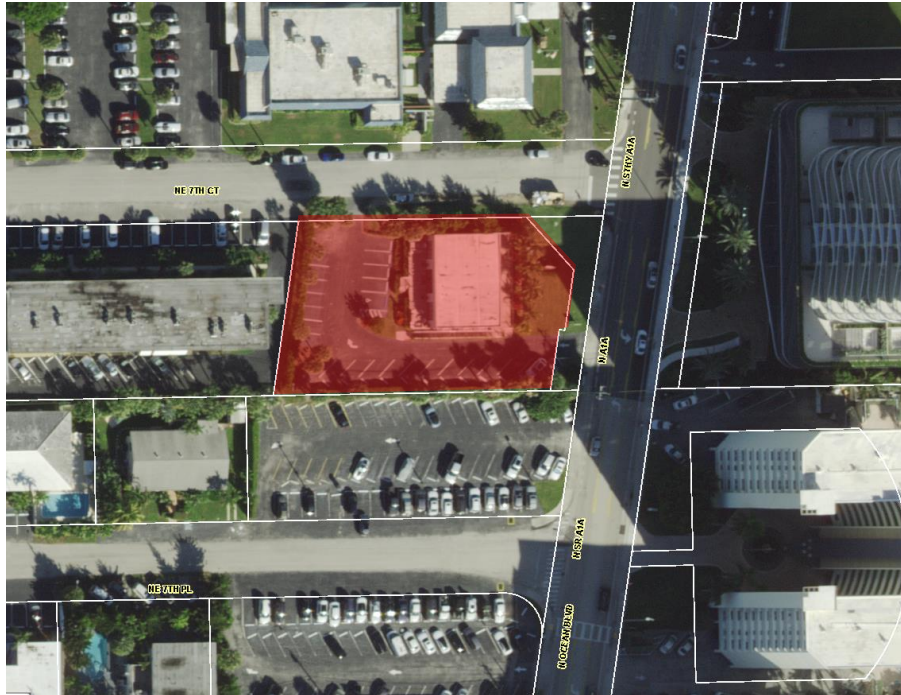
h. Any other provisions deemed by the City Commission

At the City Commission's discretion, the Applicants are open to discuss ideas and suggestions for the Subject Property.

3. General Location

The property is comprised of one parcel, currently unified with the parcel to the east, across Ocean Boulevard (730 N Ocean Boulevard, Sabbia Beach, Parcel "A"). The subject parcel is currently used as a sales office for the Sabbia Beach Parcel "A" high rise development, and has the physical address of 723 N Ocean Boulevard. This parcel will be extracted from the Parcel to the east so that it stands on its own. The property is currently zoned RM-20 (Multiple Family Residence 20 District). The property is bounded by RM-20 (Multiple Family Residence 20) zoning to the west, N Ocean Boulevard to the east, NE 7th Court to the north, and RM-20 (Multiple Family Residence 20) zoning to the south. Across N Ocean Boulevard to the east is RM-45/HR (Multiple Family Residence 45/ High-Rise Overlay District) zoning and across NE 7th Court to the north is RM-20 (Multiple Family Residence 20) zoning.

MAP D- Aerial Map of the Subject Property.



a. Individual Intensities and Densities

As shown in **MAP D**, the Subject Property is on one (1) parcel of land. The existing zoning of the Subject Property is Multiple Family Residence 20 (RM-20). A comparison of the proposed development in relation to the existing RM-20 zoning designation has been provided in **TABLE 1**. Most importantly, the impact and level of service under the proposed development plan will not be exceeding as the multiple family residential use is being maintained and no additional uses are being proposed.

b. Open Space

There are several opportunities for pervious area under the proposed development plan. The pervious area and buffers are not only beneficial for the existing residents west of the project, but are also help buffer and reduce heat index and pavement glare for residents and guests in the Subject Property. The landscape plan provides robust landscaped buffers, high quality landscape material, and larger installation sizes. Landscaping on the RPU Master Landscape Plan is superior in landscape substance and proves a surplus of 28% of pervious area. The Master Landscape Plan (**Exhibit III**) is described in detail in Section III(A)(2) of this PD Document.

c. All public and private streets, existing or projected transit corridors, pedestrian and bicycle paths and how they will connect with existing and planned city systems.

The only pedestrian designated areas are an existing 5-foot sidewalk located within the A1A right-of-way and a connecting proposed 5-foot sidewalk along NE 7th Court. There will be two connecting walkways from the public sidewalk into the development—2 of which will be directly perpendicular to the public sidewalk (refer to **Exhibit II** Master Site Plan). Bicyclists will be able

to turn into NE 7th Court and use the bike rack proposed adjacent to the building on the north side. Additionally, cyclists will be able to access the building from the garage entrance on NE 7th Court.

d. Environmentally sensitive lands, wildlife habitats, wetlands and floodplains

The property is located in an AE Special Flood Hazard Area and all construction will follow FEMA and City Floodplain regulations. There are no other known sensitive lands, wildlife habitats, wetlands within or near the subject site.

e. On-site water and wastewater facilities and how they connect to city systems

The Subject Property has contained office uses on the site including the existing sales office. Due to the prior use of the land for these purposes, the water and wastewater connections are already in place to service the proposed development and will be improved after site plan approval is granted and with the construction of the proposed development (refer to **Exhibit V** Water and Sewer Plan).

f. On-site stormwater management facilities and how connect to city systems

The Subject Property has contained office uses on the site including the existing sales office. Due to the prior use of the land for these purposes, the stormwater management and drainage connections are already in place to service the proposed development and will be improved after site plan approval is granted and with the construction of the proposed development (refer to **Exhibit V** Water and Sewer Plan).

g. All other public facilities serving the development

The only public facilities proposed are connections to the existing 5-foot sidewalk located within the A1A right-of-way a new proposed 5-foot sidewalk along NE 7th Court.

4. Graphic Demonstration

a. Projects with structures greater than 35 feet in height, the shadowing in adjacent properties at the following time, two hours after sunrise, noon, and two hours before sunset during the winter solstice, spring equinox, summer solstice, and fall equinox.

The proposed project's building is less than 35 feet in height; therefore, a shadow study is not required.

b. The impacts to view corridors of any adjacent properties of natural resources, including but not limited to beaches, shores, recreation spaces and conservation spaces.

The Subject Property is not located in an area that will obstruct view corridors of any of natural resources, beaches, shores, recreation spaces, or conservation spaces. The building is proposed to maintain the same height as the building to the west (3 stories) and does not exceed the RM-20 minimum height requirements of 35 feet. The perimeters will include enhanced landscaping to further buffer the development from the surrounding area. The parking garage is enclosed and located on the first floor with its entrance facing NE 7th Street. This protects the

P&Z

PZ20-13000007

4/28/21

Scenic Highway (SR A1A) views as well.

B. Consistency with City Plans

The RPUD zoning designation and proposed use contained within the PD Plan are consistent with the existing land use designation of MH Medium-High and consistent with the Goals, Objectives and Policies of the City of Pompano Beach Comprehensive Plan. The following Policies and Objectives are provided which demonstrate the project's compatibility with the goals of the City of Pompano Beach through

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 thoughtful and planned use and control of the natural and man-made environments that discourages urban sprawl, is energy efficient and reduces green gas emissions.

Policy 01.01.06

All site plan applications shall provide pedestrian facilities, such as but not limited to sidewalks and street trees (where not in conflict with underground utilities and permitted by City Engineer).

Policy 01.01.08

Those facilities which are subject to concurrency requirements include: traffic circulation/transit, parks and recreation, drainage and flood protection, potable water, solid waste, sanitary sewer facilities and public schools.

Objective Right of Way Protection and Accessibility, Policy 01.02.00

Protect the existing and future right of way from building encroachments and ensure proper accessibility with the roadway and transit network.

Policy 01.02.03

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 Master Arterial Street Plan.

Policy 01.03.01

Eliminate or reduce nonconforming uses which are inconsistent with the land development regulations and the designations of the Future Land Use Plan map.

Policy 01.03.02

Require residential densities of zoning districts to be consistent with the densities on the Future Land Use Map.

Policy 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.

Policy 01.03.06

Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single-family areas.

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.

Policy 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.

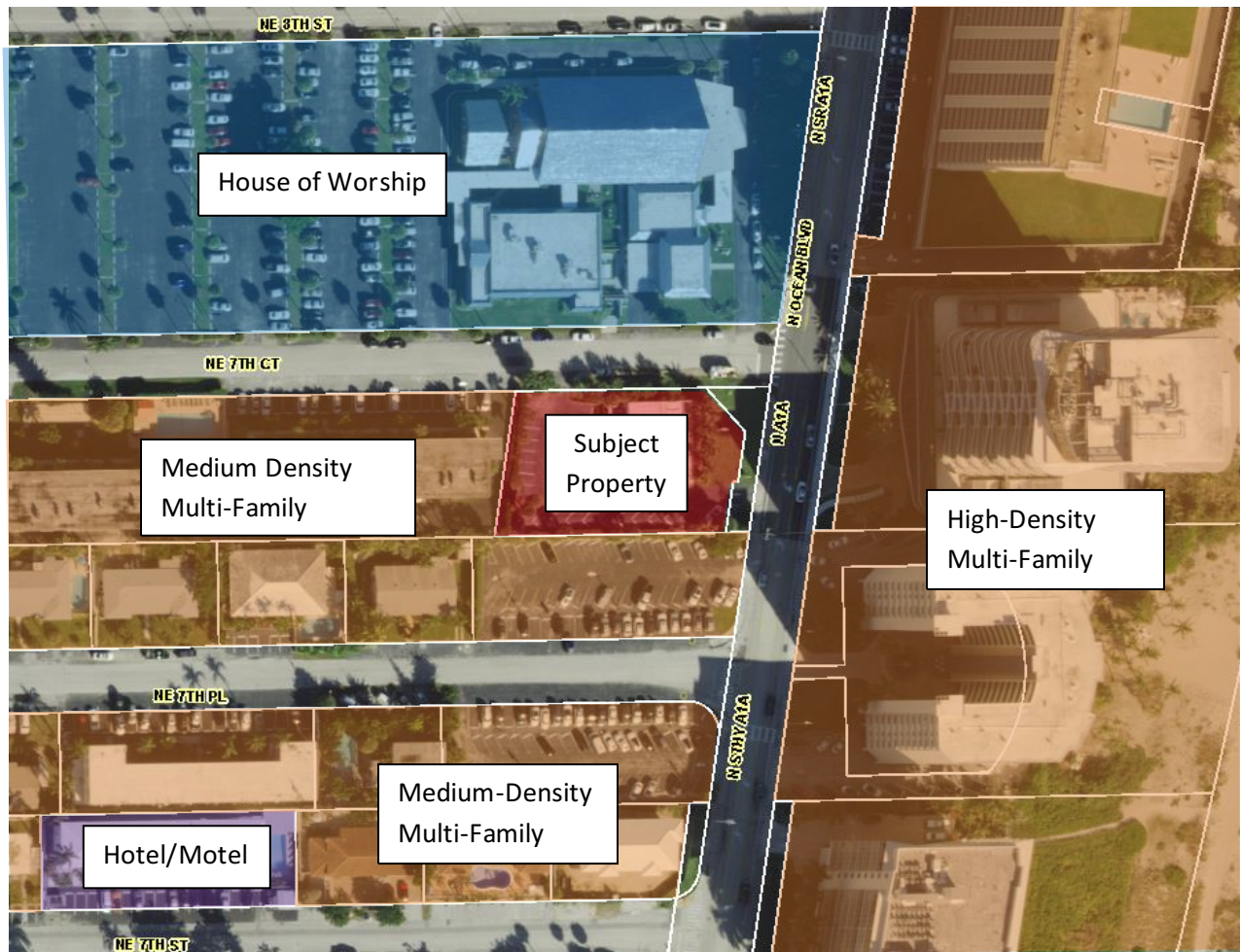
Objective Flood Protection, 01.05.00

Require all new development and redevelopment to be consistent with Federal Emergency Management Administration's Flood Elevation Maps.

C. Compatibility with Surrounding Areas

The existing zoning designation of RM-20 is consistent with the Subject Property and several adjoining properties to the Subject Property. The uses surrounding the Subject Property include a house of worship across NE 7th Court to the north, multi-family residences to the west, parking lot to the south that is accessory to multi-family, and high-rise multi-family residential across A1A to the east. The use of the Subject Property is being replaced as the existing use of the property is a sales office to the high-rise development to the east (Sabbia Beach, Parcel "A"). This sales office was always intended as temporary and is now being removed for permanent development. This area and the associated neighborhood contain primarily multi-family residential uses, as shown in **MAP E**. With the proposed PD Plan (**Exhibits II and III**) the Subject Property will not only be consistent with the existing pattern, but will also improve the site and beautify the area. Compatibility with the surrounding areas is further detailed in Section III(A)(1) of this PD Document.

MAP E- Aerial showing adjacent uses.



D. Development Phasing Plan

This project will be developed in one (1) phase.

E. Conversion Schedule

There are no proposed use conversions with this request.

F. On-Site Public Facilities

1. Design and Construction

Due to the proposed residential use that is the primary use intended for the site, the only public facilities provided are access from the public sidewalks into the development and the guest parking spaces. The pool and landscaped open spaces of the project are proposed to be for the residents and guests.

2. Dedication

There are no dedications proposed with this request as they have been previously done

through platting.

3. *Modification to Street Standards*

There are no modifications to the street standards proposed with this request.

G. Uses

This RPUD request does not propose to deviate or modify any of the permitted uses for the RM-20 zoning district.

H. Densities and Intensities

Densities and Intensities are established by **TABLE 2-** Density and Intensity Standards.

TABLE 2- Density and Intensity Standards.

Density and Intensity Standards	
Overall Development Area	Residential, Parking Garage, Residential Pool Amenity
Density/Intensity	12 Dwelling Units

I. Dimensional Standards

Dimensional standards are established by **TABLE 3-** Dimensional Standards.

J. Development Standards

The development standards set forth in Article 5 Development Standards of the City of Pompano Beach Zoning Code will be followed as established.

K. Amendments to Approved PD Plan

Amendments to the approved PD Plan shall be considered in accordance with the standards in section 155.2405.I. [Minor Deviations from Approved PD Plan, and section 155.2405.J, Amendment.]

IV . 155.3603 RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD)

A. Purpose

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, as well as community residences and recovery communities, 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.

The proposed development will be incorporating innovative and creative architectural and landscape to provide a superior project. As shown in **Map E**, this development provides a medium-density multi-family residential project between high-density multi-family residential and lower scale medium density multi-family. Many of the lots to the west are smaller in area and provide less units (10 or less). The proposed RPUD is located within the MH (Medium-High) land use area, which is designated on the comprehensive plan's future land use map as Residential and therefore appropriate for the area it is proposed. The site had been vacant for a few years before it was developed into a sales office supporting the development to the east. The infrastructure and utilities are already in place for the development currently on the site and will need to be strengthened for the proposed use that is consistent throughout the area.

B. Use Standards

The primary use proposed within the RPUD consists of multiple-family residential and associated site amenities. No additional uses or use modifications are being proposed with this rezoning.

C. Dimensional Standards

Dimensional Standards for the RPUD are established by **TABLE 3**.

TABLE 3- Dimensional Standards.

RPUD Dimensional Standards		
District area, minimum (acres)	0.47 ⁴	
Density, maximum (du/ac)	26 ^{1,2}	
Floor area per dwelling unit, minimum (sq ft)	SF	950
	2F	750
	MF	Efficiency units: 500
		Other units: 650 + 100 per BR>1
Lot area, minimum (sq ft)	MF: 8,800 ²	
Lot width, minimum (ft)	MF: 75 ²	
Lot coverage, maximum (% of lot area)	60 ¹	
Impervious surfaces, maximum (% of district area)	75	
Individual building size, maximum (sq ft)	35,500	
Building height, maximum (ft)	34	
Pervious area, minimum (% of lot area)	25 ¹	
Front yard setback, minimum (ft)	20	
Street side yard setback, minimum (ft)	10 ^{1,3}	
Interior side yard setback, minimum (ft)	10 ^{1,3}	
Rear yard setback, minimum (ft)	10 ³	
Spacing between principal structures, minimum (ft)	25	
Dimensional Standards for Accessory Structures	See Accessory Use -Specific standards in Article 4: Part 3.	

Landscaping ¹	Specified in Master Landscape Plan, Exhibit III
<p>NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre; MF = multifamily dwelling; BR =bedroom] Bolded items are proposed; non-bolded items remain as per underlying RM-20 zoning district.</p> <p>1. See measurement rules and allowed exceptions/variations in Article 9: Part 4.</p> <p>2. On land classified Residential by the Land Use Plan, maximum gross residential density may not exceed that established for the particular land use classification.</p> <p>3. Those portions of a structure extending above a height of 20 feet shall be set back an additional 1 ft for each 4 ft (or major fraction thereof) the height of the portion of the structure exceeds 20 ft.</p> <p>4. 5 Acre-minimum requested to be waived by City Commission (total includes areas to the centerline of the roadway).</p>	

D. Development Standards

The development standards established in the City of Pompano Beach Zoning Code Chapter 155: Article 5 will be adhered to.

E. Master Parking Requirements

There are no parking changes proposed with this request.

F. Deviations and Justifications

The proposed development meets all of the RM-20 minimum regulations except for three: the density, the front setback, and the location of the pool amenity. Additionally, the site is 4.54 acres short of the 5-acre minimum required for any RPUD zoning district.

5-Acre Minimum: Code section 155.3603(A), Note 1 states 5-acre minimum “May 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.” The site lost about 2,426 sq. ft.—a significant amount of land—for-right-of-way purposes for both North Ocean Boulevard and NE 7th Place. The remaining site area of 20,341 sq. ft. leaves little land to build a multi-family project, which is what the site is zoned for. On the east side of North Ocean Boulevard, the development pattern is high-density residential (mostly high-rises). On the west side of the subject property, west of North Ocean Boulevard, is medium density residential zone with many low-density housing developments. The site proposes a superiorly-designed multi-family residential development, which acts as a transition between the lower density development pattern to the west and the high-density development pattern to the east. The site does not require 5 acres to offer this transition to the neighborhood or superior level of design.

Density: The development and platting for the high-rise development to the east (Sabbia Beach, Parcel “A”), included the subject property. The subject property lost about 2,459 sq. ft.—a significant amount of land—for-right-of-way purposes for both North Ocean Boulevard and NE 7th Place. This amount, coupled with the site area of 20,341 sq. ft. would a

10 dwelling units utilizing the maximum gross zoning density calculation (20 dwelling units per acre); that is, using the land area lost to the right-of-way dedication. The RM-20 zoning district allows a maximum of 9 dwelling units in accordance to the current net lot area by zoning (20 dwelling units per acre); that is, using the lot area to the property line, excluding right of way dedications.

Land use density is calculated utilizing areas to the centerline of adjacent roadway. These measure about 8,501 sq. ft. for the subject property, for a total of 31,301 sq. ft. A total of 14 dwelling units are permitted in the LM Land Use, utilizing the minimum gross land use density calculation (20 dwelling units per acre) and a total of 17 dwelling units are permitted in the LM Land Use utilizing the maximum gross land use density calculation (25 dwelling units per acre). The applicant is not proposing to do a significantly intensive use that is not permitted on the site today—multi-family residential is a permitted use. The RPUD will only be providing 3 additional units from what is allowed by right in the RM-20 zoning district today (for a total of 12), utilizing the net zoning density calculation. As previously mentioned, the project by right would look like every other project in the area. It may need a reduction in parking or would need to be designed taller to incorporate the parking it needs for the 14-17 dwelling units. The proposed project not only provides a superior architectural design of the building, but also goes above and beyond landscape minimums as well as provides for the maximum buffering and screening of the project's parking areas. *The Applicant is aware that a Plat Note Amendment is required for the Subject Property, as the plat is currently restricted to 9 townhome units for Parcel "B".*

Front Setback: The proposed RPUD deviates from the 25-foot front setback required in the RM-20 zoning district. This deviation is only for 5 feet, making the proposed front setback 20 feet minimum. The purpose for needing this deviation is due to the 8-degree angle of the rear and front property lines. This angle discourages a building to be located close to any of property line, especially if there are buffer or perimeter landscaping requirements. The angle further forces the building to be shifted toward the center of the lot to maintain the setback requirements. Because the Applicant wants to respect the neighbor to the rear and provide the required buffers and green space, this deviation is necessary.

Pool Location: The pool is proposed to be located on the southeast corner of the site (front) rather than in the west side (rear). This location was chosen for several reasons. First, locating the pool to the rear would make this area noisy for the adjacent neighbors and accessing it would prove challenging since the parking garage is located on the first and second levels of the building. There is about 20-25 feet between the angled rear property line and the proposed building, which becomes narrower as the property line moves closer to the building at an angle, to the 10-foot setback minimum. This does not provide enough room for the pool. The building would need to shift east causing a greater principal structure setback encroachment into the front yard, rather than a minor encroachment for an accessory structure or use. Additionally, the sun in the afternoon is too hot to use the pool or deck without proper ventilation. The proposed location takes advantage of the breeze coming in from the southeast to offset the heat. Lastly, the pool would be in the shadow during most of the morning and mid-day hours if it is located on the west side (rear), rendering it practically useless as an amenity. Utilizing superior landscape design, the pool will be significantly buffered from all adjacent views in the front and will not be a noise issue for the neighbors here.