



## Staff Report

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**File #:** LN-67

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### PLANNING AND ZONING BOARD MEETING/LOCAL PLANNING AGENCY

Meeting Date: APRIL 28, 2021

### SABBIA BEACH PARCEL B REZONING

**Request:** Planned Development Rezoning  
**P&Z#** 20-13000007  
**Owner:** Fernbrook Florida, LLLP  
**Project Location:** 730 N Ocean Blvd  
**Folio Number:** 484331DE0010  
**Land Use Designation:** MH (Medium High 25-46 DU/AC)  
**Zoning District:** RM-20 (Multiple Family Residence 20)  
**Commission District:** 1  
**Agent:** Paola A. West (954-529-9417)  
**Project Planner:** James Hickey, Consultant, with Scott Reale (954-786-4667) /  
scott.reale@copbfl.com

### Summary:

The applicant is requesting to rezone a property from RM-20 Multiple-Family Residence (RM-20) to Residential Planned Unit Development (RPUD). This property is 0.72 gross acres and consists of one parcel. The general location is the southwest corner of N Ocean Boulevard (A1A) and NE 7th Court. The request is to demolish the existing structure on site which was used for a sales office for the Sabbia Beach Condominium and construct a 12-unit, 3-story residential development with a proposed density of 17 units per gross acre.

The RPUD district is 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. The project aims to provide additional redevelopment and value to the north beach area.

RPUD's are required to have a minimum of 5 acres; however, this requirement 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 Commission would need to consider waiving this requirement if the RPUD application is approved.

**Findings of Fact. Development Services Department Staff submits the following factual information which is relevant to this Rezoning Application:**

1. City staff and its planning consultant (Calvin Giordano & Associates) reviewed the DRC submittal for this rezoning. A DRC meeting was scheduled for January 20, 2021 and comments were provided to the applicant the week prior to the meeting. The applicant declined to attend the DRC meeting to discuss comments. Attached to this application is the response of the applicant based on staff's comments.
2. The property is platted on the Pompano Beach Residences Plat (Plat Book 176, Page 166) and as part of the plat, a portion of the east side of the property was dedicated as right-of-way.
3. The site is 0.47 net acres and 0.72 gross acres.
4. The Zoning and uses of adjacent properties are:

Property	Adjacent Property	Zoning District	Existing Use
Southeast corner of N Ocean Blvd (A1A) and NE 7 <sup>th</sup> Court	North	RM-20	Church
	South	RM-20	Parking lot
	East	RM-45HR	Condominium
	West	RM-20	Condominium

5. The RPUD application requests a maximum of 3 stories not to exceed 35 feet. This property is located within the Airpark Overlay District and the proposed height is not considered an obstruction to the air space or the approach path for the Airpark.
6. The height of neighboring buildings is:

Direction	Building / Height	Maximum height allowed by Zoning
North neighbor	St. Gabriel Church (1-2 stories)	35 feet
South neighbor	Parking Lot	35 feet
East neighbor	A1A, and Sabbia Beach (19 stories)	105 feet*
West neighbor	Oceanside Apartments Co-op (3 stories)	35 feet
<i>*This property is located within the High-Rise Overlay District. Properties within the overlay district may exceed 105 feet, subject to certain conditions.</i>		

7. The Land Use Designation is MH (Medium High) which allows a maximum of 25 dwelling units per acre, the zoning district (RM-20) limits the property to 20 units per acre and is based off the "net acreage." The formula for calculating density in the zoning code is based off the total land area within the property lines, which limit the number of units allowed on the property to 9 units. The current RPUD proposal requests 12 units which is a density of 17 units to the "gross acre," which includes a portion of the right-of-way abutting the property.

8. The proposed RPUD is not proposing an increase in height.

	RM-20	Proposed RPUD
Maximum Number of Units	9	12
Density	20 units/ net acre	17 units/ gross acre 26 units/ net acre
Building Height	35	35
Front Yard Setback	25	20

9. Site History: The parcel has most recently been used as a sales office for the Sabbia Beach Condominium while the building was under construction. Now that the building is complete, the Condominium association sold the property to the current owner. The parcel was annexed into the City of Pompano Beach in 1971 and has always had a multiple-family zoning designation according to records provided by the applicant.

## PLANNED DEVELOPMENT REVIEW STANDARDS

Review of and the decision on a Planned Development application shall be based on compliance of the proposed zoning reclassification and the PD Plan with the review standards in Section 155.2402.C, Site-Specific Zoning Map Amendment Review Standards and the standards for the proposed type of PD district in Part 6 (Planned Development Zoning Districts) of Article 3: Zoning Districts.

### §155.2404.C. Site-Specific Zoning Map Amendment Review Standards

Site-specific amendments to the Official Zoning Map (Rezoning) are a matter subject to quasi-judicial review by the City Commission and constitute the implementation of the general land use policies established in this Code and the comprehensive plan. In determining whether to adopt or deny a proposed Site-Specific Zoning Map Amendment, the city shall find that:

1. The applicant has provided, as part of the record of the public hearing on the application, competent substantial evidence that the proposed amendment:
  - a. Is consistent with the Future Land Use Category and any applicable goals, objectives, and policies of the comprehensive plan and all other applicable city-adopted plans;

*Staff Analysis: The rezoning is consistent with the following Goals, Objectives & Policies (GOPs) in the Future Land Use Element of the City's Comprehensive Plan.*

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.

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

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

rezonings.

01.03.05 All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying residential land use designations.

01.03.12 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.

01.16.01 The City shall emphasize re-development and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources.

#### B. Use Standards

Principal uses allowed in a RPUD district shall be established in the PD Plan. Uses shall be consistent with the comprehensive plan, other city-adopted plans, and the purpose of the RPUD district, and shall comply with Appendix A : Consolidated Use Table, and the use-specific standards in Article 4: Use Standards.

*Staff Analysis: The RPUD district is 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 and efficient use of open space. The project aims to provide additional redevelopment and value to the north beach area and be constructed to be consistent with the RM-20 zoning to the north, south and west of the site as well as the RM-45H east of the proposed site.*

C. Intensity and Dimensional Standards	
District area, minimum (acres)	5 <sup>1</sup>
Density, maximum (du/ac) <sup>2</sup>	To be established in PD Plan—see Section 155.3602.A, PD Plan
Floor area ratio (FAR), maximum	
Lot area, minimum (sq ft)	
Lot width, minimum (sq ft)	
Impervious surfaces, maximum (% of district area)	
Individual building size, maximum (sq ft)	To be established in PD Plan—see Section 155.3602.A, PD Plan
Building height , maximum (ft) <sup>3,4</sup>	
Setbacks, minimum (ft)	
Setback from abutting RS zoning district or existing single-family dwelling use, minimum (ft)	
NOTES:	
1. 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 .	
2. Residential development may not exceed the maximum gross density established by the Land Use Plan for the Residential land use classification.	
3. Except for RPUD development whose prior zoning district was RM45-HR, the maximum building height shall not exceed 65 feet.	
4. For developments who are restricted to a maximum 65 feet height , the height may be increased to 85 feet provided after 60 feet in height the front façade is stepped back 20 feet. The resulting 20 foot space must be usable plaza or patio space.	

*Staff Analysis: Applicant has provided the intensity and dimensional standards for the proposed RPUD district. The majority of the standards (minimum lot area, minimum lot width, impervious surfaces, building height, pervious area, and street, interior side, side and rear setbacks) are all consistent with the existing RM-20 district. The applicant is requesting an increase to the number of units on the site from 9 to 12 units. Below is a table depicting the number of units, density and front yard setback requirements for the proposed RPUD which are explained in detail under the Deviations section below.*

	RM-20	Proposed RPUD
Maximum Number of Units	9	12
Density	20 units/ net acre	17 units/ gross acre 26 units/ net acre
Front Yard Setback	25	20

## Proposed Deviations from RPUD zoning

- Front Yard Setback.** Request reduction from 25 feet to 20 feet.  
*Staff Analysis:* Applicant states that the loss of the area in the front of the parcel for right-of-way dedication has reduced the parcel greatly making it difficult to develop the proposed development in the existing footprint. The reduction in the front setback will assist in maintaining the rear setback directly adjacent to an existing residential development.
- Density.** Applicant is requesting a total of 12 units versus a maximum of 9 within RM-20 zoning.  
*Staff Analysis:* The existing RM-20 zoning district calculates the density of a parcel based on the parcel size (also known as net density) multiplied by the density of the zoning district (20 units to the acre) which would equal 9 units ( $0.47 \text{ acres} \times 20 \text{ units/acre} = 9 \text{ units}$ ). All planned developments within the City of Pompano Beach calculate residential density using gross acreage, which is the total parcel area and  $\frac{1}{2}$  of any public right-of-way that is adjacent to the property. Based on that calculation, the net acreage (parcel size) of the site is 0.72 making the allowable density 17 units to the acre ( $0.72 \times 17 \text{ units/acre} = 12 \text{ units}$ ).
- Pool Location.** Applicant requesting location within front setback.  
*Staff Analysis:* The request to move the pool is based on the rear yard not having sufficient space to provide the pool area and the necessary landscaping for the parcel to the east. Also, the pool location would not impact the existing neighbors and provide for more air and circulation as it is located on the southeast corner of the site.
- 5- Acre Minimum.** Applicant requesting approval by City Commission for reduction in size.  
*Staff Analysis:* RPUD request is based on large area of site (2,426 square feet) dedicated for right-of-way purposes.

## Development Standards

D. Development Standards	
The development standards in Article 5: Development Standards, shall apply to all development in RPUD but some development standards may be modified as part of the PD Plan if consistent with the general purpose of the RPUD district and the comprehensive plan, and in accordance with the means of modification noted below.	
Development Standards	Means of Modifying
Access and circulation	Specify in PD Plan
Off-street parking & loading	Specify in Master Parking Plan
Landscaping <sup>1</sup>	Specify in Alternative Landscaping Plan
Tree preservation	
Screening	Specify in Alternative Screening Plan
Fences and walls	Specify in Master Fencing Plan
Exterior lighting	Specify in Master Lighting Plan

Multifamily residential design	Modifications prohibited
Commercial and mixed-use design	
Industrial design	
Residential compatibility	
Sustainable design	Specify in PD Plan
Signage (Ch. 156, Sign Code)	Specify in Master Sign Plan
NOTES: 1. Internal uses shall not be required to provide perimeter buffers.	

*Staff Recommendation: All requirements of a PD Plan are graphically demonstrated in the RPUD application package which includes exhibits, plans and a survey unless stated below.*

**Access and circulation** - Access from the site will be from an ingress/egress from NE 7<sup>th</sup> Court on the northwest corner of the site.

**Off-street parking and loading** - Off-street parking and loading will be located within the first floor of the proposed building. According to the submittal, the proposed development includes 22 parking spaces on the ground level and 18 are required by code. Therefore, there are 4 additional spaces above the required number for this development to allow for additional owner and/or visitor parking.

**Landscaping** - Applicant has provided a landscape plan with the rezoning application. Applicant must follow requirements of Article 5, Development Standards of the City's Code.

**Screening, fences, and walls** - Applicant plans on installing fencing on the east and south side of the development around the pool area and will follow requirements of Article 5, Development Standards of the City's Code.

**Lighting** - Not identified in RPUD application. Applicant will follow requirements of Article 5, Development Standards of the City's Code.

**Design and compatibility** - Not identified in RPUD application. Applicant will follow requirements of Article 5, Development Standards of the City's Code.

**Sustainable design** - Not identified in RPUD application. Applicant will follow requirements of Article 5, Development Standards of the City's Code.

**Staff Conditions:**

**P&Z REVIEW AND RECOMMENDATION**

The development as currently proposed is consistent with the City's Comprehensive Plan. The RPUD seeks to allow more units on the property than the existing RM-20 zoning district would permit. The density adopted for the majority of zoning district's "Intensity and Dimensional Standards" in Article 3 are calculated using the net density, which is described earlier in this report under "Proposed Deviations from RPUD zoning." Through the Planned Development approval, the calculated density is assessed using gross density, resulting in the actual units per acre in the proposed RPUD to be 17 units to the acre (12 units proposed in the RPUD versus 9 in the RM-20). The requested Deviations will reduce the front setback from 25 feet to 20 feet due to the larger right-of-way dedication required by the plat and the intent of the development to maximize the setbacks and landscape areas to the west of the property. In addition, the request to relocate the pool area to the front (east) of the property will reduce noise impact from adjacent neighbors and also help to maintain a landscape buffer to the west property line. The density requested is in keeping with the adjacent residential properties. Although below the 5-acre minimum size requirement, the proposed development is in keeping with PD requirements within the City's Chapter 155 - Zoning Code.

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 modification of the RPUD rezoning request as the Board finds that rezoning application is consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies and the purpose of the Residential Planned Unit Development (RPUD) district purpose.

**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 goals, objectives, and policies of the Comprehensive Plan.

**STAFF RECOMMENDS ALTERNATIVE MOTION I**

Staff finds that there is sufficient information to support this rezoning request. The applicant has worked with City staff to provide the necessary information to show that the rezoning meets the intent of the Future Land Use goals, objectives, and policies, the purpose of the Planned Development and the RPUD district purposes.

# CITY OF POMPANO BEACH AERIAL MAP



1 in = 167 ft

4/22/2021

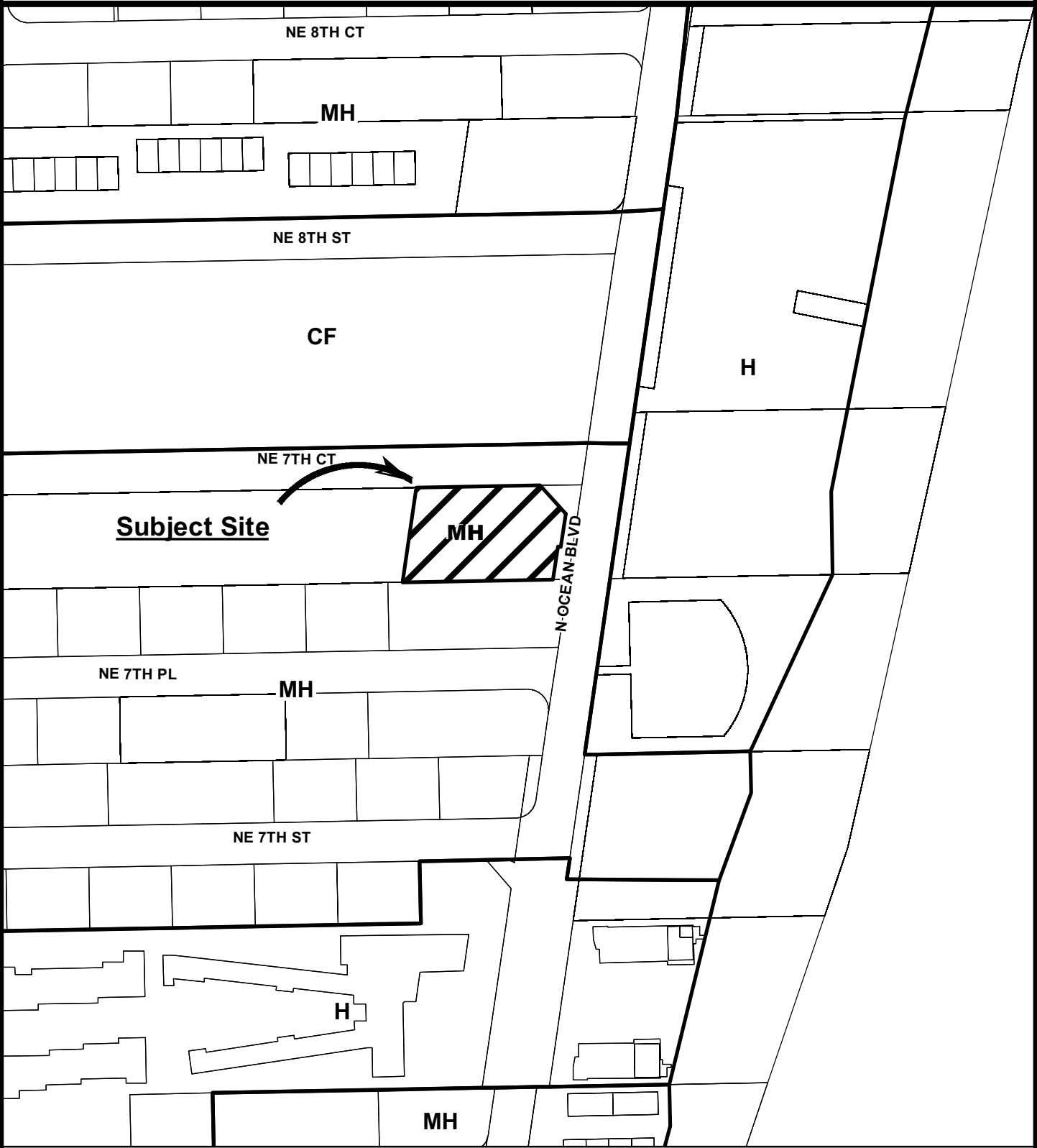
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PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

**P&Z**  
PZ20-13000007  
4/28/21

CITY OF POMPANO BEACH  
OFFICIAL LAND USE MAP



1 in = 167 ft

4/22/2021

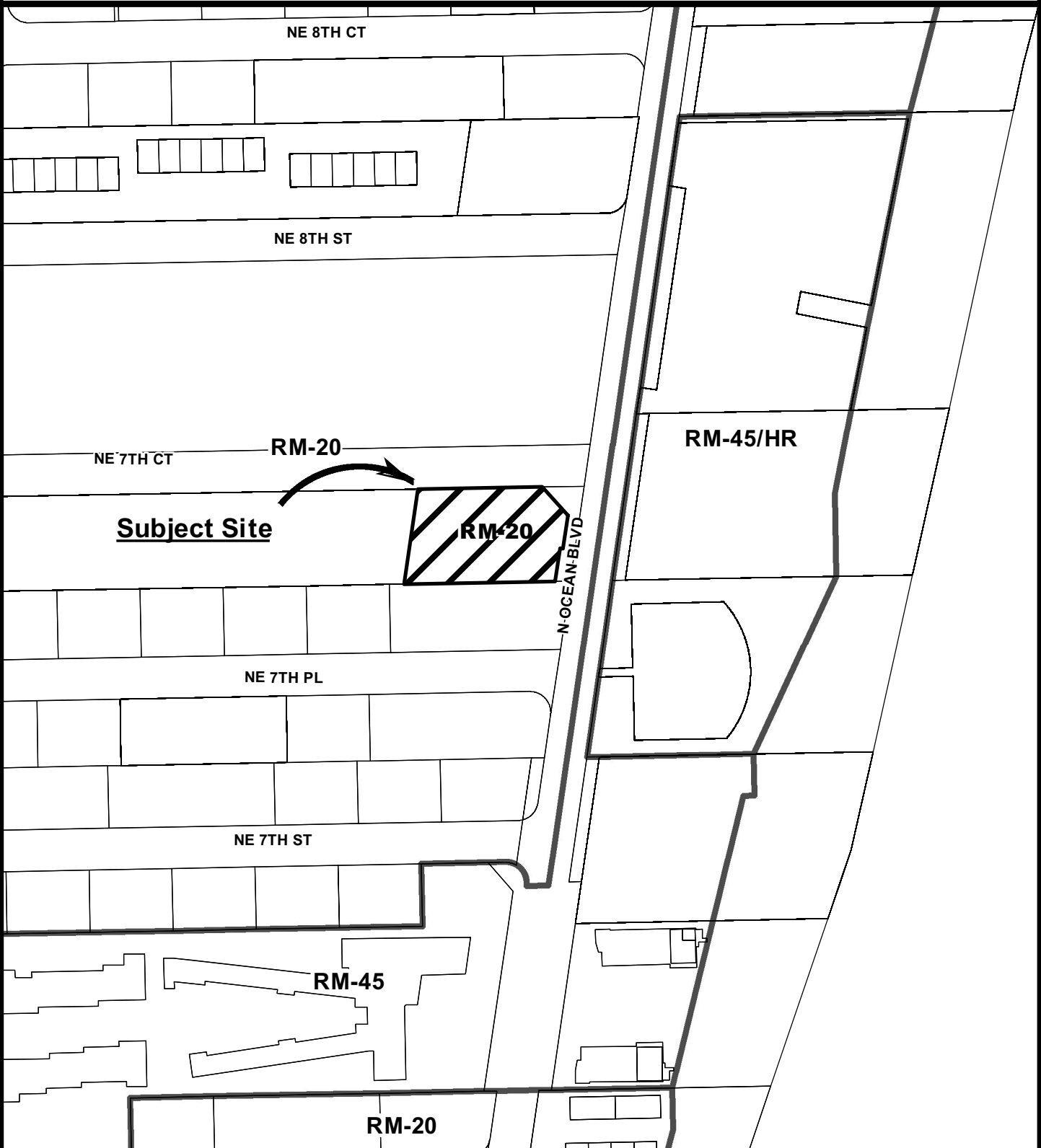
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**PZ20-13000007**  
**4/28/21**

# CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 167 ft

4/22/2021

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