

DEVELOPMENT REVIEW COMMITTEE

Meeting Date: FEBRUARY 1, 2023

..title

580 BRINY REZONING

Request:	Rezoning
P&Z#	22-13000012
Owner:	CLARIDGE HOMES BEACHBOYS LP
Project Location:	580 Briny Avenue
Folio Number:	494306060260
Land Use Designation:	MH (Medium-High 16-25 DU/AC)
Zoning District:	RM-20/AOD (Multiple-Family Residence 20 / Atlantic Boulevard Overlay District)
Commission District:	1 (Andrea McGee)
Agent:	Andrew J. Schein (954-617-8919)
Project Planner:	Scott Reale, AICP (954-786-4667 / scott.reale@copbfl.com)

Summary:

This is a Rezoning request from RM-20 (located within the AOD) to PD-I (Planned Development – Infill) on the barrier island. The subject property is located on the east side of Briny Avenue between SE 4th Street and SE 6th Street. If approved, the PD-I will allow the applicant to capture the gross density which equates to 28 dwelling units. This Rezoning application and the corresponding Site Plan application proposes a mixed-use development consisting of 28 multi-family dwelling units with ground floor retail in an 11-story building.

Staff Conditions:

PLANNING & ZONING

Plan Reviewer: Scott Reale | scott.reale@copbfl.com

Status: Pending Resubmit

Comments issued by Jim Hickey, Planning Consultant | jhickey@cgasolutions.com | 954.766.2786

1. Based on the site plan provided with the PD-I application, it looks like the north portion of the building encroaches slightly into the setback line. Can the building be moved slightly south to allow for more of a setback on the north side as it is adjacent to another residential use and would not then require a deviation through the PD-I?

RESPONSE: Yes, the north portion of the building and balconies have been pulled back to comply with the 15' setback requirement.

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2. The site plan shows area on the south side of the site that looks to not be part of the main structure. What is the use of this area?

RESPONSE: The only thing shown on the south side of the site that is not part of the main structure is the FPL transformer.

3. Residential Parking requirements shown on the site plan provided state that residential parking is not required. Here is the section of the code:

RESPONSE: Applicant intends to pull a building permit by January 4, 2026. Nevertheless, the PD Plan will ultimately control in regards to required parking.

4. Commercial area shows 878 SF on the site plan, but 935 SF in the data table. Is the additional SF for outdoor seating?

RESPONSE: The commercial area is 878 SF interior and the site plan on sheet A-101 has been updated to reflect that number.

5. Ensure compliance with 155.3602 General Standards for all Planned Development Districts. The Dimensional Standards were provided but the other criteria were not provided:
155.3602(2)
 - b. Modifications of Development Standards;
 - c. Provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;
 - d. Provisions related to environmental protection and monitoring;
 - e. Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the PD district;
 - f. Development Phasing Plan;
 - g. Conversion Schedule; and
 - h. Any other provisions the City Commission determines are relevant and necessary to the development of the planned development in accordance with applicable standards and regulations.
3. Identify the general location of the following:
 - a. Individual development areas, identified by land use(s) and/or development density or intensity;
 - b. Open space (whether designated for active or passive recreation), including amount, and type of;
 - c. All public and private streets, existing or projected transit corridors, and pedestrian and bicycle pathways, and how they will connect with existing and planned city systems;
 - d. Environmentally sensitive lands, wildlife habitat, wetlands, and floodplains;
 - e. On-site potable water and wastewater facilities, and how they will connect to city systems;

- f. On-site stormwater management facilities, and how they will connect to city systems; and
- g. All other on-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management.

RESPONSE: See 155.3602 Narrative included in this resubmission.

6. Graphics demonstrating the following:

- a. Projects with structures greater than 35 feet in height, the shadowing on adjacent properties at the following times: two hours after sunrise, noon, and two hours before sunset during the winter solstice, spring equinox, summer solstice, and fall equinox.
- b. The impacts to view corridors of any adjacent properties of natural resources, including but not limited to, beaches, shores, waterways, recreation spaces and conservation spaces.

https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-34215

RESPONSE: See added shadow studies on sheets A-503 and A-504.

ENGINEERING DEPARTMENT

Plan Reviewer: David McGirr | david.mcgirr@copbfl.com

Status: Authorized

No comments 1-10-23

FIRE DEPARTMENT

Plan Reviewer: Jim Galloway | jim.galloway@copbfl.com

Status: Authorized With Conditions

This P&Z application is able to meet all of the Fire Department requirements at this time for REZONING ONLY. Site plan approval will be required, maintaining all proper fire department access and water supply requirements as per chapter 18 of NFPA 1 as amended from time to time.

*Additional comments may follow throughout the remainder of the permitting process. The buildings shall be in compliance with All NFPA Standards prior to receiving Fire Department approval.

BUILDING DIVISION

Plan Reviewer: Todd Stricker | todd.stricker@copbfl.com

Status: Authorized

BLDG 1-9-23

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BSO

Plan Reviewer: Patrick Noble | Patrick_Noble@sheriff.org

Status: Authorized

Development Review Committee

Subject: CPTED and Security Strengthening

Reviewer: BSO Deputy Patrick Noble for the City of Pompano Beach

Disclaimer: The services of an experienced, qualified and certified Security Crime Prevention/ CPTED Consultant are highly recommended. This review does not guarantee a crime will never occur; it is an effort to mitigate opportunities for crime and to help avoid any present and future security deficiencies, conflicts, or liabilities that might occur without any review.

Note: DRC submissions require a CPTED/ Security Strengthening Narrative Folder and a separate Drawing Folder for review. All mandatory compliance condition requirements **MUST BE LISTED AND SPECIFICALLY ADDRESSED WITH DETAILS** on Narrative and Drawing plans.

CRA

Plan Reviewer: Kimberly Vazquez | kimberly.vazquez@copbfl.com

Status: Authorized

Completed 1.19.23

UTILITIES

~~[No comments entered as of 1/23/2023]~~

Updated 2/1/2023

Plan Reviewer: Nathaniel Watson | Nathaniel.watson@copbfl.com

Status: Authorized With Conditions

1. Please note that additional comments may be forth coming contingent upon future submittals to the PAM and/or DRC review process.
2. The City of Pompano Beach Utilities Dept. has no comment with regard to the requested rezoning approval from RM-20 to PD-I of the subject property.

LANDSCAPE REVIEW

Plan Reviewer: Wade Collum | wade.collum@copbfl.com

Status: Pending Resubmit

Plan does not meet a host of minimum standards and there were no corrections to the plan per the Pre app meeting and review.

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22-12000043 DRC.

General Purposes of PD #5 is not addressed and the response leads reviewer to believe the "project will incorporate lush landscaping" and is not reflective in the design and plans

1. Provide evidence and note on plans and in narrative that all overhead utilities will be buried for this project as per 155.5509.

RESPONSE: Note added to sheet L-2.1 Plant Specification.

2. Provide a landscape plan prepared and signed and sealed by a Florida Registered Landscape Architect in accordance with Code Section 155.5203

RESPONSE: Plans signed and sealed by RLA.

3. Submit a tree survey prepared, signed, and sealed by a Florida Registered Surveyor showing the locations of all existing trees and palms in accordance with Code Section 155.2411, and Part 5.

RESPONSE: Survey provided.

4. Submit a Tree Appraisal prepared by an ISA Certified Arborist in accordance with Rule 14-40.030 of the Florida Administrative Code as amended, for all trees and palms that are specimen size , and DBH for caliper for all nonspecimen trees, that assigns each existing tree a number; that specifies the common and botanical name for each existing tree; describes the overall size and caliper of each existing tree; evaluates the health condition of each existing tree; identifies the status of each existing tree (whether the tree is to be protected in place, be relocated, or be removed); and provides a dollar value for each existing tree included on the tree survey in accordance with Code Section 155.2411, and Part 5.

RESPONSE: Arborist report provided and attached.

5. Provide the dollar value for specimen trees, height on palms, and DBH of all non specimen trees removed vs. the dollar value, palm height, and caliper of trees replaced.

RESPONSE: No specimen trees are being replaced or removed.

6. Provide a data table showing how the site is meeting the requirements of 155.5203. C Minimum Site Development Landscaping.

RESPONSE: See calculations sheet L-2.1 Plant Specification.

7. Provide VUA requirements as per 155.5203.D.

RESPONSE: See calculations sheet L-2.1 Plant Specification.

8. As per 155.5203.B.2.ii.Based on the height of the building half of all required canopy trees are to be 14 / 16' tall and palms to be 18' / 22' OA, please adjust.

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RESPONSE: See landscape plan L-2.0, palms and mast trees added. See Specifications sheet L-2.1 Plant Specification.

9. Provide 10' perimeter landscaping strip requirements around entire property as per 155.5203.D. This is to be a clear measurement not to include vehicular overhang.

RESPONSE: See sheet L-2.0 Landscape Plan. Parking Garage provided – not vehicular overhang. The VUA is the access to the garage and dropoff and visibility to the road which will creating visual screen to walkway to south may create a CPTED issue and per same section in code : Conflict with CPTED Guidelines The Development Services Director may waive all or part of the standards in this subsection 155.5203.D., if it is demonstrated that the implementation of the standards result in a conflict with the city's adopted CPTED guidelines.

10. Show how requirements from 155.5203.D.5 VUA Landscaping are being met. Provide a minimum of 24' of landscape areas between a vehicular use area and an abutting building. Provide what is required vs. what is going to be proposed as to a superior landscape design.

RESPONSE: Per Code 5. Landscaping Between Vehicular Use Areas and Buildings: No landscaped area is required along those parts of an abutting building facade containing building entrances, driveways into garages or carports, or loading dock.

All areas outside of the access to building and garage are landscape.

We have preserved most site trees and provided more trees in areas that meet “plant the right plant in the right place” per Florida Friendly Landscape.

11. Show how requirements as per 155.5203.E., Building Base Plantings are being met.

RESPONSE: Base Building planting is shrub planted at base of building façade which we provided. See landscape plan L-2.0 and See calculations sheet L-2.1 Plant Specification.

12. No exterior lighting fixtures shall be located in any landscaped planting areas required in and around vehicular uses areas in accordance with Section 155.5401.C, Vehicular Use Area Landscaping (e.g., perimeter landscaping strips, landscaped islands in parking bays, landscaped areas between parking bays, and landscaping between vehicular use areas and buildings).

RESPONSE: All proposed lighting and clear zones indicated on Sheet L-2.1 Landscape Plan. Please note the VUA includes the entry drive and drop-off as the parking is in the garage.

13. Provide Street Trees at 1:40' as per 155.5203.G.2.c.

RESPONSE: One palm added to existing three. See landscape plan L-2.0 and See calculations sheet L-2.1 Plant Specification.

14. As per 155.5203.B.2.g No more than 50 percent of the total number of required trees shall be palm trees. Correct.

RESPONSE: See calculations sheet L-2.1 Plant Specification.

15. Please provide a staggered grouping of palms at the street facing corners to soften the building and create sense of scale as it pertains to the pedestrian realm.

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RESPONSE: As noted in comment #14, no more than 50% of the tree requirement shall be palm trees.

16. Provide a cross section detail of the proposed building footers / slab as it appears that it will encroach into the required foundation landscaping soil space at the footers of the building. Provide drawings and verification of the use of monolithic slabs as it relates to these areas

RESPONSE: See Arch plans. Footers are 2'-10" depth providing sufficient soil for shrubs and landscape to root.

17. As per 155.5203.B.5.a thru e: Provide a scaled Irrigation Plan illustrating a rust free, automatic underground irrigation system installed in accordance with requirements of the Building Code, include a rain-sensing cutoff device, providing 100% coverage with 50% overlap, and reuse water wherever practicable and available.

RESPONSE: See IP-2.0 Irrigation Plans.

18. Bubblers will be provided for all new and relocated trees and palms.

RESPONSE: See IP-2.0 Irrigation Plans, bubblers have been provided to all new and relocated trees and palms.

19. Provide a note that a Notarized Certificate of Variety for the Medjool species for this site, this will be required at time of inspection.

RESPONSE: Note added to sheet L-2.1 Plant Specification.

20. Provide an enhanced dune planting on East side with angled beach access that is not perpendicular to the shoreline.

RESPONSE: We are providing dune planting. At this time no access will be provided over the dune. The access will be provided by the existing public south access.

21. All proposed beach demolition and construction, landscaping and irrigation must first be approved by the Florida Department of Environmental Protection (FDEP). Approved, stamped plans and permit must be submitted with the building permit and prior to permit issuance by the City.

RESPONSE: Note added to sheet L-2.1 Plant Specification.

22. Provide a planting on the north perimeter where there are not trees or palms proposed.

RESPONSE: Added palms on North perimeter, see sheet L-2.0 Landscape plan.

23. Provide pervious area requirements.

RESPONSE: See landscape calculations on sheet L-2.1 Plant Specifications.

24. Provide notes in accordance with 155.5402 Lighting Requirements for Marine Turtle Protection at time of site plan submittal on landscape plan

RESPONSE: Note added, though no landscape lighting is being proposed.

25. Provide a mechanical equipment screening detail.

RESPONSE: See Sheet L-4.0 Details.

26. Provide a landscape notes and detail sheet.

RESPONSE: See Sheets L-0.2 Notes and L-3.0 Details.

27. Trees #’d 357, 358, and 359 are required to stay in the ROW due the Briny streetscape design. Required street trees shall me intermingled to meet the requirement

RESPONSE: Understood and we propose to keep them in ROW even protecting one in place, transplanting two within ROW and adding more.

28. Provide spreads of proposed shrubs and groundcover material so as to align with spacing. Also, please note that plant spacing shall supersede plant quantity to fill the bed.

RESPONSE: Noted on sheet L-2.1 Plant Specifications.

29. Provide a note stating; All trees designated as single trunk shall have a single, relatively straight, dominant leader, proper structural branching and even branch distribution. Trees with bark inclusion, tipped branches, and co-dominant trunks will not be accepted. Trees with girdling, intact leader circling and/or plunging roots will be rejected.

RESPONSE: Noted on sheet L-2.1 Plant Specifications.

30. Provide a note on the plans specifying that all hedges abutting City Rights of way are maintained at a height no greater than 24”. It is staffs recommendation that all trees VUA perimeter trees be 14’ OA to create a largest CPTED clear line of sight from roadway.

RESPONSE: Noted on sheet L-2.0 Landscape plan.

31. As per 155.5203.D.4: Landscaping of vehicular use area interior d. Landscaped Driveway Medians. Driveways within vehicular use areas may include a center landscaped median provided the median: i. Is at least eight feet wide; ii. Is maintained in grass, groundcover, shrubs, ornamental trees, or understory trees; and iii. Is protected from vehicular encroachment by curbing.

RESPONSE: Curbing provided in VUA. See architectural site plan A-101.

32. As per 155.5204.F. No development, work, or demo activity shall be allowed within the dripline of a tree or tree protection area.

RESPONSE: Noted on sheet L-1.0 Tree Disposition plan.

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33. Provide a note on the plan describing fines and penalties for encroachment into the critical root zones and within the tree protection zone for existing trees to be protected and preserved.

RESPONSE: Noted on sheet L-1.0 Tree Disposition plan.

34. For example; Penalties would be incurred by the contractor for damages to the existing trees on site from the contractor, the subcontractors, or employees. Any encroachment within the tree protection zone, failure to maintain the tree protection zone, or any damage to the tree(s) or critical root zones will result in mitigation. The cause of damages would include, but not be limited to, storage of materials, placing fill or debris, disposal of paint or solvents, parking of machines under trees or tree protection zone encroachment. An example of this would be; Violations of this will result in a fine of \$1000.00 for the first offense, \$1500.00 for the second, and \$2000.00 for the third, etc. If physical damage is done to the tree, an appraisal of the damages and related fees will be determined by an ASCA Registered Consulting Arborist, and be based on all, or a percentage of, the established value assigned to the tree.

RESPONSE: RESPONSE: Noted on sheet L-1.0 Tree Disposition plan.

35. Please provide specifications and directives by a Registered Consulting Arborist prescribing timelines, watering, root pruning procedure and rootball size for all relocation proposed if any.

RESPONSE: Noted on sheet L-1.0 Tree Disposition plan recommendation for transplanting palms.

36. Provide a note on plan that a Pre Construction meeting with Urban Forestry is required before any work is performed onsite. where there is tree protection and/or plant material is installed on site.

RESPONSE: Noted on sheet L-1.0 Tree Disposition plan.

37. Provide a note that all road rock, concrete, asphalt and other non natural material be removed from all planting areas prior to landscape installation and be replaced with planting soil prior to landscape installation.

RESPONSE: Noted on sheet L-2.1 Plant Specifications.

38. All tree work will require permitting by a registered Broward County Tree Trimmer.

RESPONSE: Noted on sheet L-2.1 Plant Specifications.

39. Provide a comment response sheet as to specifically how comments have been addressed at time of resubmittal.

RESPONSE: This comment response sheet is included in the resubmission.

40. Additional comments may be rendered a time of resubmittal.

P&Z

RESPONSE: Acknowledged.

WASTE MANAGEMENT

Plan Reviewer: Beth Dubow | beth.dubow@copbfl.com

Status: Authorized

Environmental Services Comments

Project Name: 580 Briny

Address: 580 Briny Avenue

P&Z#: 21-13000012

Review: 01/09/2023

DRC Meeting: 02/01/2023

REVIEW COMPLETE; NO OBJECTIONS TO THE REZONING APPLICATION

1. There are several unresolved comments for the site plan application at this time.

NOTE: Additional comments may be necessary based upon revisions, additional plans and/or documents. Contact Beth Dubow at 954-545-7047 or beth.dubow@copbfl.com should you have any questions or concerns regarding this review.

PLEASE NOTE: Applications that require resubmission to the DRC have 45 days from the time of original DRC meeting in which to resubmit. Applications that fail to be resubmitted before the completion of these 45 days, or fail to receive a time extension from the Development Services Director, shall be considered withdrawn (§155.2304.B).

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