

Project # REZN-2024-1
Initial Submittal: 1/9/2024
Resubmittal:

Lakes at Palm Aire

City of Pompano Beach, Florida



Submitted to:
City of Pompano Beach
Development Services Department
Pompano Beach, FL 33060
O: 954-786-4000

Prepared for:
Pulte Home Company, LLC.
Mr. Patrick Gonzalez
1475 Centrepark Blvd. Suite 140
West Palm Beach, FL 33401

Prepared by:
Design & Entitlement Consultants LLC.
Ken DeLaTorre
1127 Royal Palm Beach Blvd., Unit 411
Royal Palm Beach, FL 33411

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List of Applicant / Consultants

1. Client /Applicant:

Pulte Home Company, LLC
Representative: Mr. Patrick Gonzalez
1475 Centrepark Blvd. Suite 140
West Palm Beach, Fl. 33401
O: 561-206-1458
E: patrick.gonzalez@pulte.com

2. Site Planning / Landscape Architect:

Design & Entitlement Consultants, LLC /
Divine Design Landscape LLC
Representative: Ken DeLaTorre
1127 Royal Palm Beach Blvd., Unit 411
Royal Palm Beach, Fl. 33411
O: 561-707-3410
E: ken@designandentitlement.com

3. Engineering:

Schnars Engineering Corp.
Representative: Jeff Schnars
947 Clint Moore Road
Boca Raton, Fl. 33487
O: 561-241-6455
E: jeff@schnars.com

4. Surveyor:

Caulfield & Wheeler
Representative: David Lindley
7900 Glades Road
Boca Raton, Fl. 33434
O: 561-392-1991
E: dave@cwiasoc.com

5. Traffic Engineer

Bowman
Representative: Natalia Lercari
2090 Palm Beach Lakes Blvd. Suite 400
West Palm Beach, Fl. 33409
O: 561-840-8650
E: nlercari@mcmahonassociates.com

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Section I: Justification Statement – Rezoning Application

Introduction and Proposed Applications

This Development Application is being filed on behalf of Pulte Home Company, LLC. for the development of the Lakes At Palm Aire Property (Subject Property). This application is proposing to rezone a 20.64 acre parcel on the south side of West Atlantic Avenue from PR - Parks and Recreation Zoning District to RM-12 Multiple Family Residential District. This application supplements a Land Use Plan Amendment application submitted by others, which proposes to amend the City Land Use Designation of the Subject Property from OR - Recreation And Open Space Within An Irregular Dashed Line (10,631 D.U.) to LM - Low Medium Residential (0 - 10 D.U./Ac.).

The subject property is located on the south side of West Atlantic Boulevard approximately .6 miles east of the Florida Turnpike. The subject property is the former, now closed, Pines and Sable Golf Course within the Palm Aire residential golf community. The new residential community will consist of fee simple residential townhome units with a maximum of one hundred - eighty six (186) residential units available for sale to prospective home buyers. The townhomes will be further broken down by two different home types: a 20' wide townhome and a 24' wide townhome is proposed for sale to prospective home buyers. The main entrance for this residential community, as indicated on the current Master Site Plan, will be on the north property line off of West Atlantic Boulevard and is proposed to line up with N.W. 31st Avenue on the north side of West Atlantic Avenue. Additional details on how each City code requirement and criteria is addressed is provided within the Justification Statement Section of this document.

Surrounding Properties and Compatibility

Should the indicated application requests be approved, the proposed Lakes At Palm Aire Residential Community will be compatible with most of the existing uses surrounding it. Directly to the north of the property are two non-residential properties located on the north side of the Pompano Canal. The property to the northwest is zoned CR, Commercial Recreation, with a Land Use of CR Commercial Recreation. The property to the northeast is zoned B-3 General Business, with a Land Use of C - Commercial. It is the applicant's understanding that these parcels are currently seeking Entitlement approvals for hotel and supporting uses. The Pompano Canal provides a natural buffer between the incompatible uses. A ten foot buffer is also proposed on the Master Site Plan to further address incompatibility between the parcels.

To the east of the subject property is the existing Palm Aire Condominium residential community. This is an existing condominium residential community which consists of two story condominium residential units. This development has a Land Use Designation of LM - Low Medium 5 - 10 D.U./Ac. and a Zoning Designation of RM-45 Multiple Family Residential 45.

To the southeast of the subject property is open space lake area. This parcel has a Land Use Designation of OR - Recreation And Open Space Within An Irregular Dashed Line (10,631 D.U.) and a Zoning Designation of PR - Parks and Recreation Zoning District. This parcel was part of the former golf course but also contains a large lake for drainage purposes.

To the south of the subject property is a mix of two parcels. The easternmost parcel is the existing Palm Aire Country Club Apartment Condominium residential community. This is an existing community that consists of eight story condominium apartment residential units. This development has a Land Use Designation of LM - Low Medium 5 - 10 D.U./Ac. and a Zoning Designation of RM-45 Multiple Family Residential 45. The applicant design team designed the current Master Plan in order to have either Recreation uses, or drainage uses adjacent to these existing high rise residential units.

The second parcels is a large existing lake which also was part of the former golf course but also is utilized for drainage purposes. The applicant is proposing to expand this lake into the subject property limits in order to increase the lake area and open space area. This parcel has a Land Use Designation of OR - Recreation And Open Space Within An Irregular Dashed Line (10,631 D.U.) and a Zoning Designation of PR - Parks and Recreation Zoning District.

Finally, to the west of the subject property is the Canal 14 property. Further west of the canal is also existing residential developments. These existing residential developments are compatible with the proposed townhome residential community.

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A summary of zoning and land uses of surrounding properties is provided below:

Adjacent property to the:	Land Use Designation	Zoning Designation	Existing use(s) of Property	Approved use(s) of Property
NORTH	CR & C	CR & B-3	Vacant	Seeking approval for hotel and supporting uses.
SOUTH	OR & LM	PR & RM-45	Lake Area / Open Space & Residential	Lake Area / Open Space & Residential
EAST	LM	RM-45	Residential	Residential
WEST	Low	RM-45 / HR	Residential	Residential

Rezoning Justification Statement & Development Application Requirements

Rezoning Application Request – City Land Development Regulations

The following is a brief summary of how the proposed Lakes At Palm Aire Residential Development conforms to the City Comprehensive Plan and the application requirements of City of Pompano Beach Code Article 2, Part 4, Chapter 155.2404 Site Specific Zoning Map Amendment Rezoning of the subject property. In addition, the application will comply with the General Purposes of the proposed Zoning Designation of RM-12, per Article 3, Part 2, Chapter 155.3201 General Purposes of Residential Base Zoning District. A summary and Justification is provided below. Please see the Land Use Plan Amendment, prepared by others, which provides the justification for the Land Use Plan Designation Amendment, as well as addresses City Concurrence requirements.

155.2404. SITE-SPECIFIC ZONING MAP AMENDMENT (REZONING)

A. Purpose

The purpose of this section is to provide a uniform means for reviewing and deciding site-specific amendments to the Official Zoning Map (Rezoning) whenever the public necessity, convenience, general welfare, comprehensive plan, or appropriate land use or public facility practices justify or require doing so.

B. Site-Specific Zoning Map Amendment Procedure

1. Step 1: Pre-Application Meeting

Applicable (See Section [155.2301](#).).

Response: N.A. The applicant has followed up with staff and a Pre-Application meeting is not required since the applicant is rezoning to a straight zoning designation.

2. Step 2: Neighborhood Meeting

Optional (See Section [155.2302](#).).

Response: Applicant team has met, preliminarily, with the surrounding Condominium Association leadership to discuss the proposed residential project.

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3. Step 3: Application Submittal and Acceptance

Applicable (See Section [155.2303.](#)), except applications may be initiated by the City Commission, P&Z, or Development Services Director as well as a person who may submit an applications in accordance with Section [155.2303.A](#), Authority to Submit Applications.

Response: Rezoning application is being submitted on behalf of the contract purchaser Pulte Home Company LLC. The current property owner has provided Design and Entitlement Consultants consent to file this application request on behalf of the contract purchaser. A copy of the consent letter is included within the application package.

4. Step 4: Staff Review and Action

Applicable to a recommendation by the Development Services Director following DRC review and comment (See Section [155.2304.](#)).

Response: Acknowledged. The applicant is requesting that this application be reviewed concurrently with the Land Use Plan Amendment.

5. Step 5: Public Hearing Scheduling and Notice

Applicable (See Section [155.2305.](#)).

Response: Acknowledged. The applicant is requesting that this application be reviewed concurrently and also scheduled on the same public hearing agenda as the Land Use Plan Amendment

6. Step 6: Advisory Body Review and Recommendation

Applicable to recommendations by the P&Z (See Section [155.2306.](#)), following a quasi-judicial public hearing on the application conducted in accordance with Section [155.2307.B](#), Public Hearing.

Response: Acknowledged. The applicant is requesting that this application be reviewed concurrently and also scheduled on the same public hearing agenda as the Land Use Plan Amendment.

7. Step 7: Decision-Making Body Review and Decision

Applicable to a final decision by the City Commission, following a quasi-judicial public hearing (See Section [155.2307.](#)), except that the City Commission's final decision shall be one of the following:

- a. Approval of the application as submitted;
- b. Approval of the application with a reduction in the area proposed to be rezoned;

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- c. Approval of a rezoning to a more restricted base zoning district; or
- d. Denial of the application.

Response: Acknowledged. The applicant is requesting that this application be reviewed concurrently and also scheduled on the same public hearing agenda as the Land Use Plan Amendment.

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;

Response: Acknowledged. The applicant is requesting that this application be reviewed concurrently and also scheduled on the same public hearing agenda as the Land Use Plan Amendment. Shroud the application for Rezoning be approved, the RM-12 is a Zoning Designation that is allowable and compatible with the requested Land Use Plan Amendment of Low - Medium 5 - 10 D.U./Ac. This requested Land Use Designation is also compatible with the surrounding Land Use Designations - Low and LM.

155.3201. GENERAL PURPOSES OF RESIDENTIAL BASE ZONING DISTRICTS

The residential base zoning districts established in this part are intended to provide a comfortable, healthy, safe, and pleasant environment in which to live and recreate. More specifically, they are intended to:

- A. Provide appropriately located lands for residential development that are consistent with the goals, objectives, and policies of the comprehensive plan and any functional plans and small area plans adopted by the city.

Response: Acknowledged. The proposed townhome residential community will be consistent with the goals, objectives and policies of the City Comprehensive Plan. The requested Zoning Designation of RM-12 is compatible and allowable under the requested Land Use Designation of LM Low Medium. The density cap of 10 dwellings units per acre is also compatible with the surrounding Land Use Designations.

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B. Ensure adequate light, air, privacy, and recreational and open space areas for each dwelling, and protect residents from the negative effects of noise, incompatible population density, traffic congestion, flooding, and other significant adverse environmental impacts;

Response: Applicant has submitted a Traffic Study with the Land Use Plan Amendment which will address traffic impacts of the project on surrounding roadways. Any negative affects on surrounding roadways will be addressed within the Traffic Study and also conditioned by the City as part of the Land Use Amendment application. Applicant has designed the Master Site Plan of the proposed residential community with transitional buffers in order to limit the impact of the proposed residential community on surrounding existing residential communities. Applicant is proposing internal drainage facilities and proposing an expansion of the existing lake to the south to address drainage of the proposed community.

C. Protect residential areas from fires, explosions, toxic fumes and substances, and other public safety hazards;

Response: Applicant is proposing a residential community which is a compatible use with the surrounding residential areas. The applicant is not proposing a non - residential use which could potentially produce some of the indicated safety hazards. The applicant is proposing transitional buffers to provide landscape, privacy and to limit impacts on surrounding residential communities.

D. Provide for residential housing choice, affordability, and diversity with varying housing densities, types, and designs, including accessory dwelling units;

Response: Applicant is proposing a mix of two different style fee simple ownership townhome residential homes for prospective buyers. This mix will provide for a wide range of pricing for prospective home buyers.

E. Provide for safe and efficient vehicular access and circulation and promote bicycle-, pedestrian-, and transit-friendly neighborhoods;

Response: Applicant is proposing private residential access street which will be the maintenance responsibility of the to be formed homeowners association. Internal roadways will be designed to meet the minimum standards for pavement width as provided by the City code. Internal private roadways will also be designed in order to allow for the access of emergency medical and fire apparatus. Details will be provided with the subsequent Major Site Plan application.

F. Provide for public services and facilities needed to serve residential areas and accommodate public and semi-public land uses that complement residential development or require a residential environment while protecting residential areas from incompatible nonresidential development;

Response: Applicant has submitted a Traffic Study with the Land Use Plan Amendment which will address traffic impacts of the project on surrounding roadways. Any negative affects on surrounding roadways will be addressed within the Traffic Study and also conditioned by the City as part of the Land Use Amendment application. Applicant has designed the Master Site Plan of the proposed residential community with transitional buffers in order to limit the impact of the proposed residential community on surrounding existing residential communities. Applicant is proposing internal drainage facilities and proposing an expansion of the existing lake to the south to address drainage of the proposed community. Finally, applicant will also pay all required City and County impact fees which will also address other concurrency items such as City and County parks etc. Applicant is proposing internal recreational opportunities (passive and active) in order to provide for onsite recreational use which will limit impacts on surrounding City and County parks.

G. Create neighborhoods and preserve existing community character while accommodating new infill development and redevelopment consistent with the city's goals and objectives;

Response: Applicant is proposing a fee simple ownership residential townhome community. This proposed residential community is compatible with the surrounding existing residential communities. In addition, buffer transitions are proposed in order to provide privacy and transitions with surrounding communities.

H. Preserve the unique character and historic resources of the traditional neighborhoods and the community; and

Response: Applicant is proposing a fee simple ownership residential townhome community. This proposed residential community is compatible with the surrounding existing residential communities. In addition, buffer transitions are proposed in order to provide privacy and transitions with surrounding communities.

This new residential character will be a traditional community and preserve the existing character of the surrounding residential communities. In addition, expansion of the existing lake will also provide additional transitions and open space that will serve as a natural buffer with existing residential communities.

I. Promote sustainable development in terms of energy efficiency and conservation, greenhouse gas reductions, food security, materials recycling, and similar sustainability goals.

Response: Applicant has designed the community to address the City requirements for sustainable development. A detail of how this is accomplished will be provided with the subsequent Major Site Plan application. Applicant is sensitive to the fact that this proposed residential community is located adjacent to existing City well infrastructure and is therefore incorporating sustainable design concepts to continue and increase permeability in areas.