



Staff Report

File #: LN-117

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

Meeting Date: JUNE 23, 2021

SANTA BARBARA ISLE REZONING

Request: Rezoning
P&Z# 21-13000003
Owner: Frank M. Russo, Trustee / Jin-Marie Russo 2020 Family Trust
Project Location: 300 & 400 Circle Dr.
Folio Number: 494306150030 & 494306150040
Land Use Designation: L (Low 1-5 DU/AC)
Zoning District: RS-1 (Single Family Residence 1)
Commission District: 1
Agent: Andrea Harper (954-788-3400)
Project Planner: Maggie Barszewski (954-786-7921 / Maggie.barszewski@copbfl.com)

Summary:

The Applicant, Frank M Russo, Trustee, is proposing to rezone the property located at 300 and 400 Circle Drive from Single-Family Residence 1 (RS-1) to Single-Family Residence 2 (RS-2). The subject property is located on two lots within the island/peninsula that lies in Lake Santa Barbara. The site subject property is approximately 1.16 acres in size with a Future Land Use designation is Low Density 1-5 DU/AC (L). Lot 3 is vacant, and a 4,780 square foot single-family residence built in 1951 exists on Lot 4. The Folio ID numbers are 494306150030 and 494306150040. The property owner intends to subdivide the two parcels in such a way that a rezoning is required. The applicant provided the attached sketches that show the 2 lots subdivided to create 4 potential lots that meet the RS-2 lot size requirements.

A. Section 155.2404.C, Site-Specific Zoning Map Amendment Review Standards

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.

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

1. The rezoning was reviewed by the DRC on May 19, 2021.

- 2. The overall site is 1.16 net acres and consists of 2 parcels.
- 3. The Land Use Designation is L (Low Residential).
- 4. The Zoning and uses of adjacent properties are:

Adjacent property	Zoning District	Future Land Use
North	RS-1 (Single Family Residence 1); Waterway, RM-20 (Multiple-Family Residence), PR (Public Recreation), RS-2 (Single Family Residence 2)	L (Low Residential), Waterway, M (Medium Residential), OR (Open Space & Recreation)
West	RS-1 (Single Family Residence 1)	L (Low Residential)
South	Waterway, RS-2 (Single Family Residence 2)	Waterway, L (Low Residential)
East	Waterway, RS-2 (Single Family Residence 2)	Waterway, L (Low Residential)

C. The following goals, objectives and policies of the City’s Future Land Use Element of the Comprehensive Plan have been identified as pertinent to this rezoning:

Policy 01.03.04 - Consider the preservation of established single family neighborhoods in all rezonings, land use plan amendments and site plan approvals.

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 building height transitions and decorative structural or vegetative buffers between different density residential land uses, and residential and non- residential land uses.

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 with the respective-staff response will be used in evaluating rezoning requests:

D. Analysis

In the review criteria it states that the applicant must provide 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 does not believe the compatibility and buffering required in Policies O1.03.04, 01.03.06, 01.03.07 and 01.03.11 has been met. The Manzo Subdivision was created in April of 1951, dividing the area into 6 large lots. It had the unique advantage of being located on a lone peninsula within Lake Santa Barbara. The lots platted within this peninsula were created to meet the size and width requirements of the RS-1 Estate Zoning District. Section 155.3202 states that the RS-1 width requirement is 90 ft. (110 for corners) & size requirement is 12,000 square feet. The Applicant is requesting that 2 out of the 6 lots on this peninsula be rezoned to RS-2 having a width requirement of 70 ft. & size requirement of 7,000 square feet. Such dimension-requirement reductions have the potential of creating lots that are 33% smaller on average (as shown in the submitted potential sketches) and therefore are not compatible with the adjacent properties located on this peninsula.

Policy 01.03.12 requires compliance with seven specific criteria which are labeled A through G and are evaluated by Staff as follows:

- A. Density - The density on these two lots would be greater than on the other 4 lots on island with this rezoning and, therefore, the rezoning is not compatible with the density on the remainder of the island.
- B. Design - The design of the houses built on these 33% smaller lots (on average) will be inconsistent with the design of the rest of the island.
- C. Distance to similar development - Similar lots dimensions are not found on this peninsula/island and the closest lots with similar dimensions are separated by water and do not reflect on the character of the island.
- D. Existing adjoining uses - Adjoining uses are single family estate homes on lots that are significantly larger than those proposed to be split by this rezoning.
- E. Proposed adjoining uses - The proposed use are single family homes on 33% (average) smaller lots with very different dimensions than the adjoining estate homes and are not of the same character of the rest of the island.
- F. Readiness for redevelopment of surrounding uses - This is not a redevelopment area.
- G. Proximity to mass transit - The site is not proximate to mass transit and increasing the density of this isolated and unique island will not support mass transit or any other planning objectives.

Furthermore, the request may be considered “Spot Zoning” which is typically considered inadvisable. A definition for such is found in an excerpt from “A Planner’s Dictionary” - APA Resource Library. It states that ‘Spot Zoning’ is a change in district boundaries characterized by the following:

- a) Individuals seek to have property rezoned for their private benefit.
- b) Usually the amount of land involved is small and limited to one or two ownerships.
- c) The proposed rezoning would give privileges not generally extended to properties similarly located in the area.
- d) Applications show little or no evidence or consideration of the effect on surrounding property (including adequate buffers).

Finally, concerning Climate Change - this island is particularly vulnerable to sea level rise (SLR) (see attached SLR Maps); therefore in order to consider the full impact of a rezoning approval that would provide for the intended result of 4 new structures being constructed, conceptual site plans and elevations are necessary. The applicant could demonstrate how the finish floor elevations will be designed and elevated above the projected 3’ of sea level rise without flooding the adjacent lots, which might address some of Staff’s concerns about the impact that this request would have on adjacent properties.

The Applicant should be aware that for any future construction on the island, easements must be dedicated for the existing and any proposed drainage infrastructure. In addition, a development agreement to share the costs of upgrading and/or installing the appropriate outfall pipe(s) with tidal backflow prevention valves, as determined by Utilities Dept., on any and all outfall pipes to mitigate high tide flooding may be required prior to building permit approval for any new construction.

Staff Conditions:

Recommendation:

Given the information provided to the Board, as the finder of fact, staff provides the following recommendations and alternative motions, which may be revised or modified at the Board's discretion.

Alternative Motion 1: Recommend denial as the Board finds that the rezoning request is not consistent with the Future Land Use goals, objectives, and policies of the comprehensive plan cited in this report, as required in Section 155.2404.C.

Alternative Motion 2: Table this application for additional information as requested by the Board.

Alternative Motion 3: Recommend approval of the rezoning request as the Board finds the rezoning application is consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies, and all applicable Zoning Code standards.

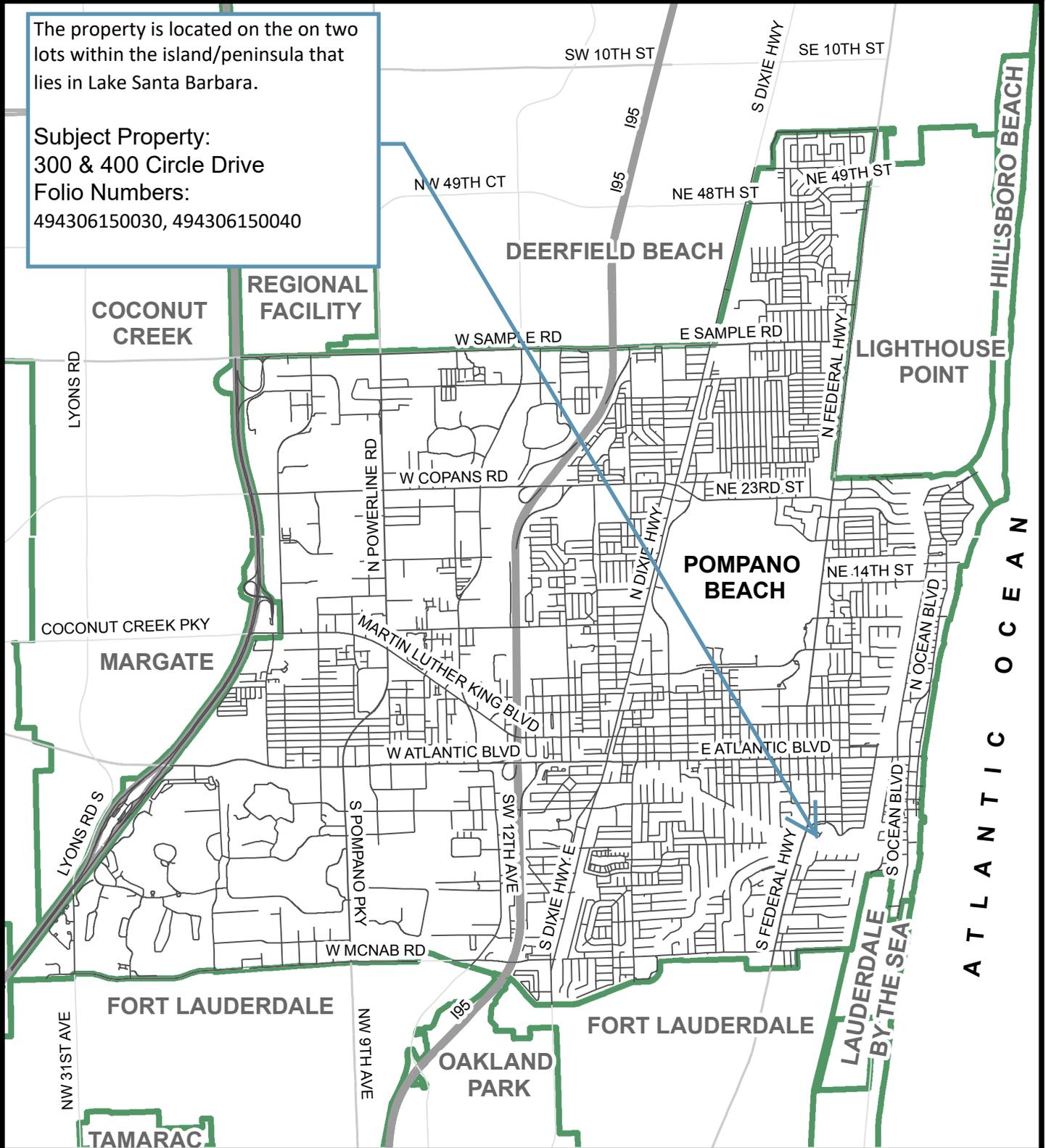
Staff recommends Alternative Motion 1.

CITY OF POMPANO BEACH LOCATION MAP



The property is located on the on two lots within the island/peninsula that lies in Lake Santa Barbara.

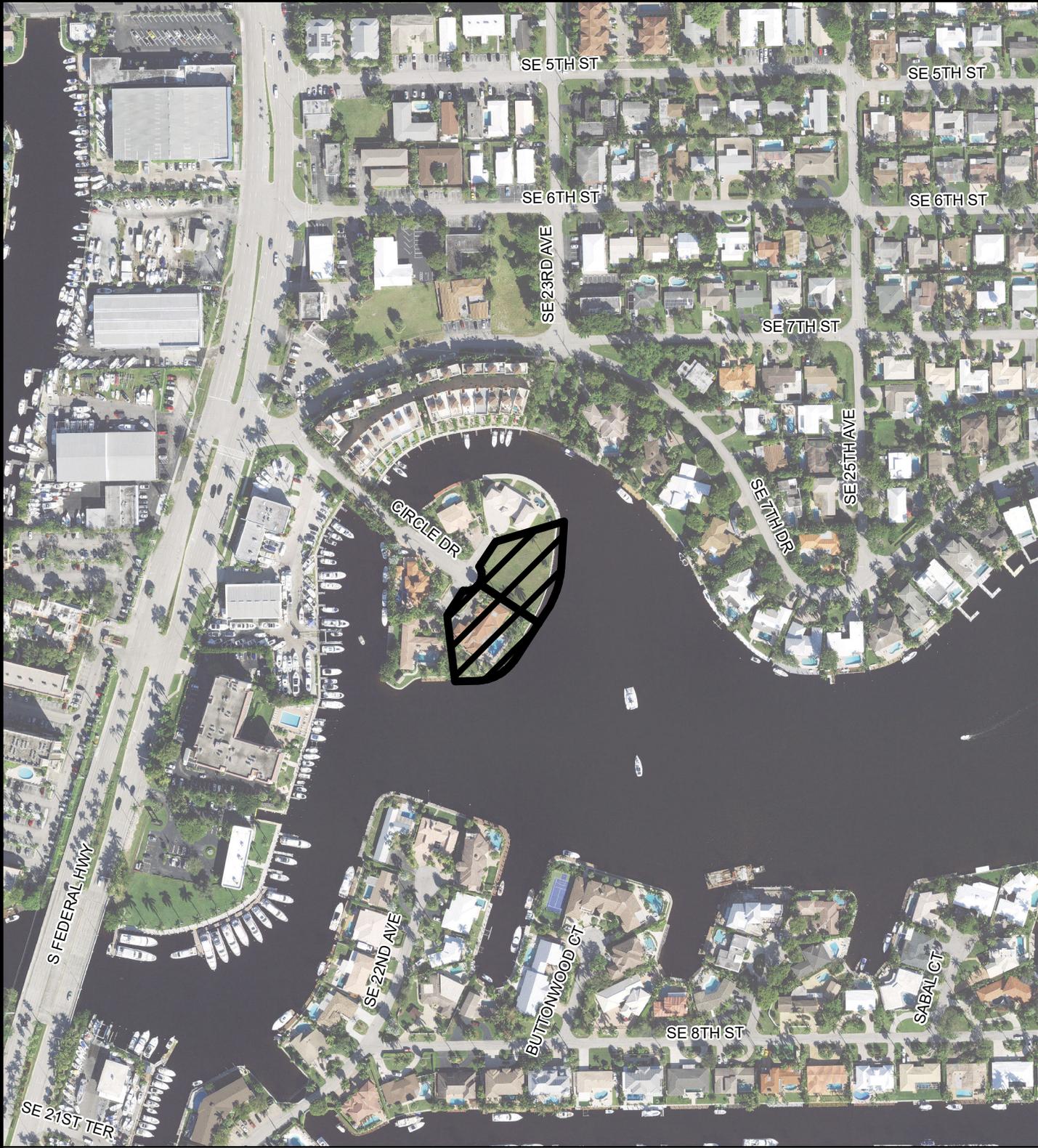
Subject Property:
300 & 400 Circle Drive
Folio Numbers:
494306150030, 494306150040



1 in = 1 miles

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

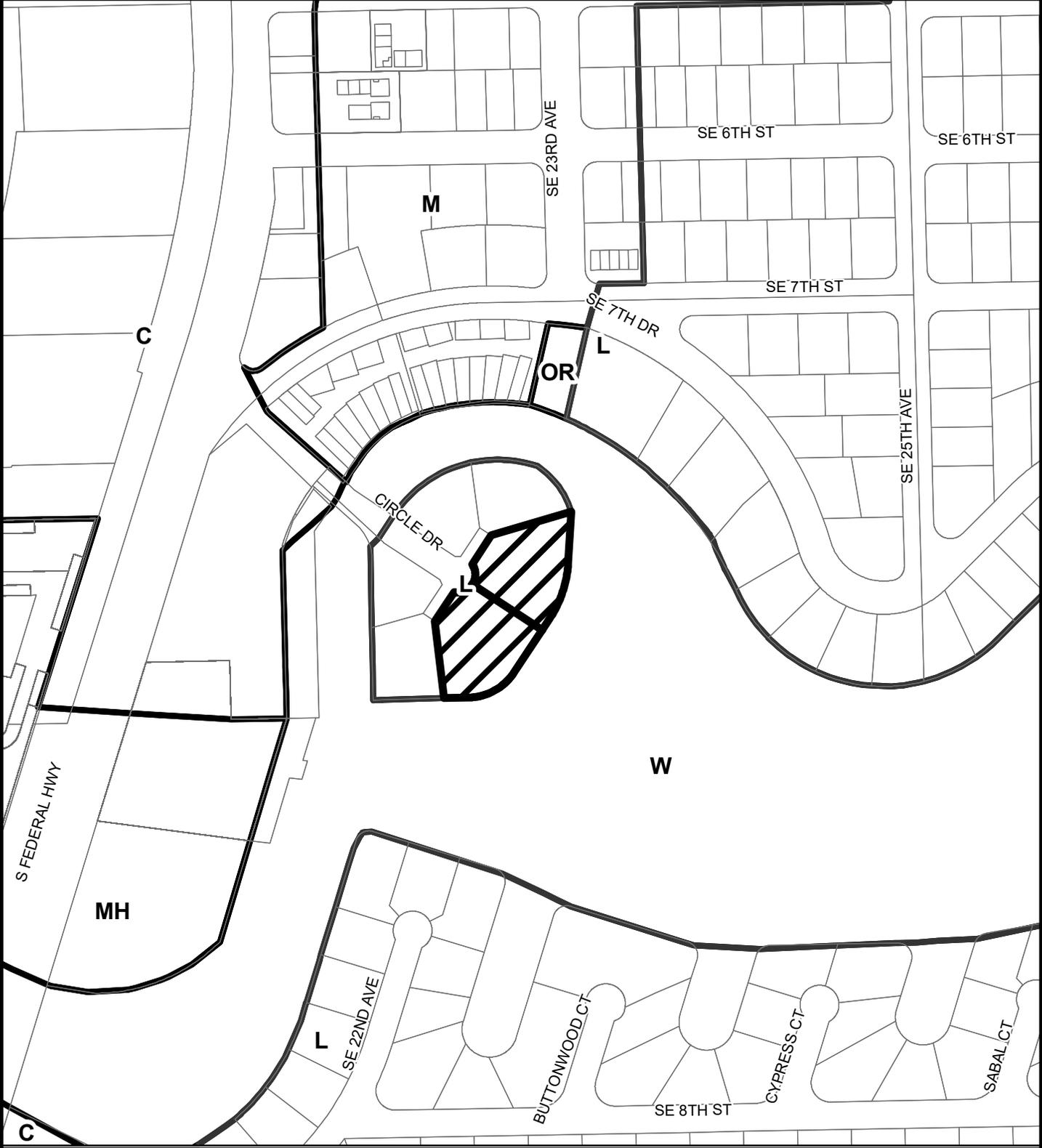
CITY OF POMPANO BEACH AERIAL MAP



1 in = 292 ft

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DEVELOPMENT SERVICES

CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



1 in = 250 ft

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CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 292 ft

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LEGEND

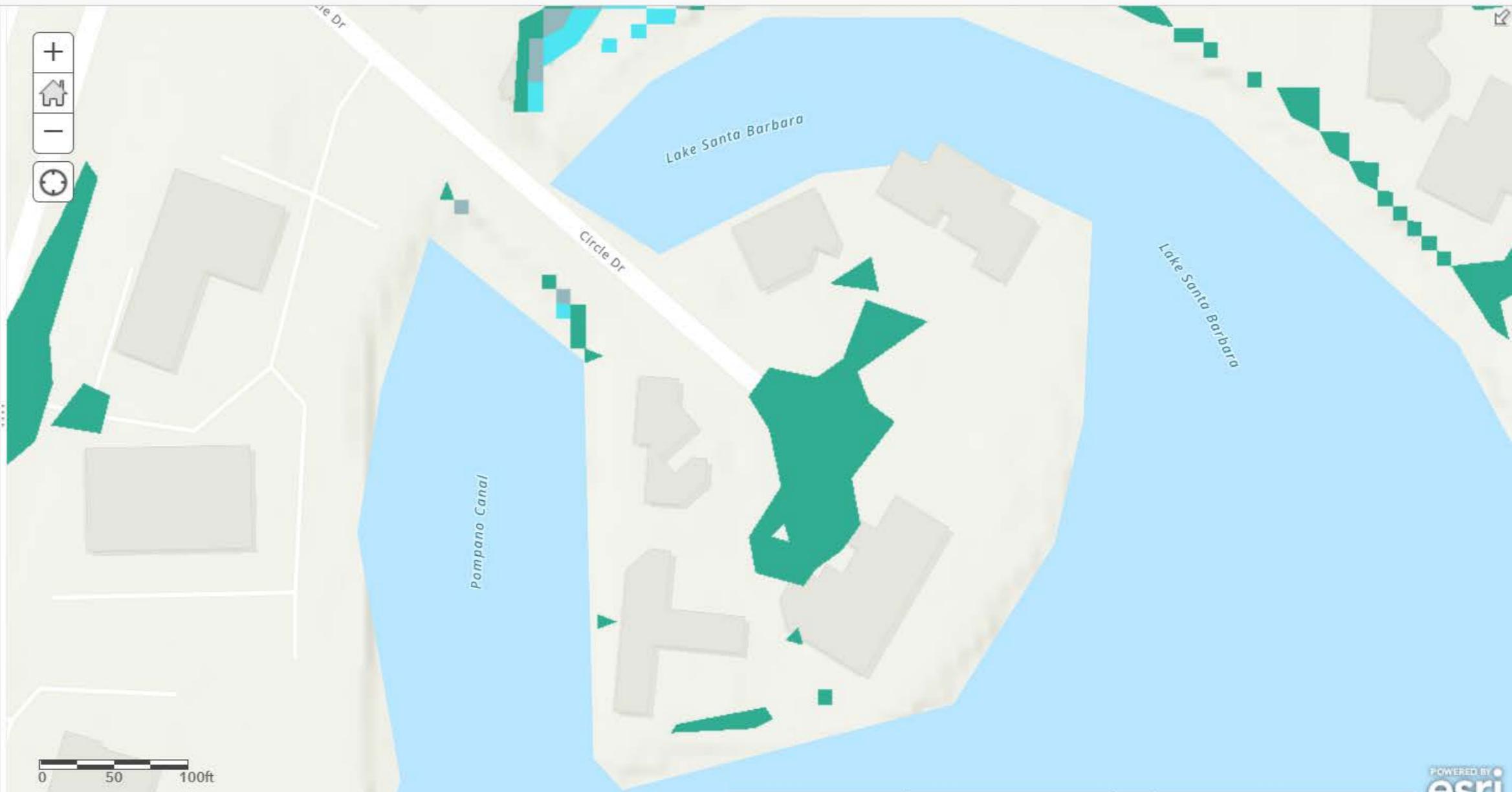
FOR LAND USE PLAN			FOR ZONING MAP		
Symbol	Classification	Units/ Acre	Symbol	District	
			*	RS-1	Single-Family Residence 1
*	L	Low (1-5 DU/AC)	>	RS-2	Single-Family Residence 2
	LM	Low- Medium (5-10 DU/AC)		RS-3	Single-Family Residence 3
	M	Medium (10-16 DU/AC)		RS-4	Single-Family Residence 4
	MH	Medium-High 16-25 DU/AC)		RS-L	Single-Family Residence Leisureville
	H	High (25-46 DU/AC)			
	12	Irregular Density		RD-1	Two- Family Residence
	36	Irregular Density			
				RM-7	Multiple-Family Residence 7
	C	Commercial		RM-12	Multiple-Family Residence 12
	CR	Commercial Recreation		RM-20	Multiple-Family Residence 20
				RM-30	Multiple-Family Residence 30
	I	Industrial		RM-45	Multiple-Family Residence 45
				MH-12	Mobile Home Park
	T	Transportation			
				B-1	Limited Business
	U	Utilities		B-2	Neighborhood Business
				B-3	General Business
	CF	Community Facilities		B-4	Heavy Business
				M-1	Marina Business
	OR	Recreation & Open Space		CR	Commerical Recreation
	W	Water		I-1	General Industrial
				I-1X	Special Industrial
	RAC	Regional Activity Center		O-IP	Office Industrial Park
				M-2	Marina Industrial
	LAC	Local Activity Center			
				TO	Transit Oriented
	DPTOC	Downtown Pompano		PR	Parks & Recreation
		Transit Oriented Corridor		CF	Community Facilities
		Number		PU	Public Utility
				T	Transportation
				BP	Business Parking
				LAC	Local Activity Center
				RPUD	Residential Planned Unit Dev.
				PCD	Planned Commercial Development
				PD-TO	Planned Development - Transit Oriented
				PD-I	Planned Development - Infill
				RM-45 HR	Multiple-Family Residence 45 High Rise-Overlay
				AOD	Atlantic Boulevard Overlay District
				CRAO	Community Redevelopment Area Overlay
				NCO	Neighborhood Conservation Overlay
				APO	Air Park Overlay
				DP	Downtown Pompano Beach Overlay

Legend

SeaLevelRiseAndFlood

Areas Underwater After Sea Level Rise

- 1 foot
- 2 feet
- 3 feet

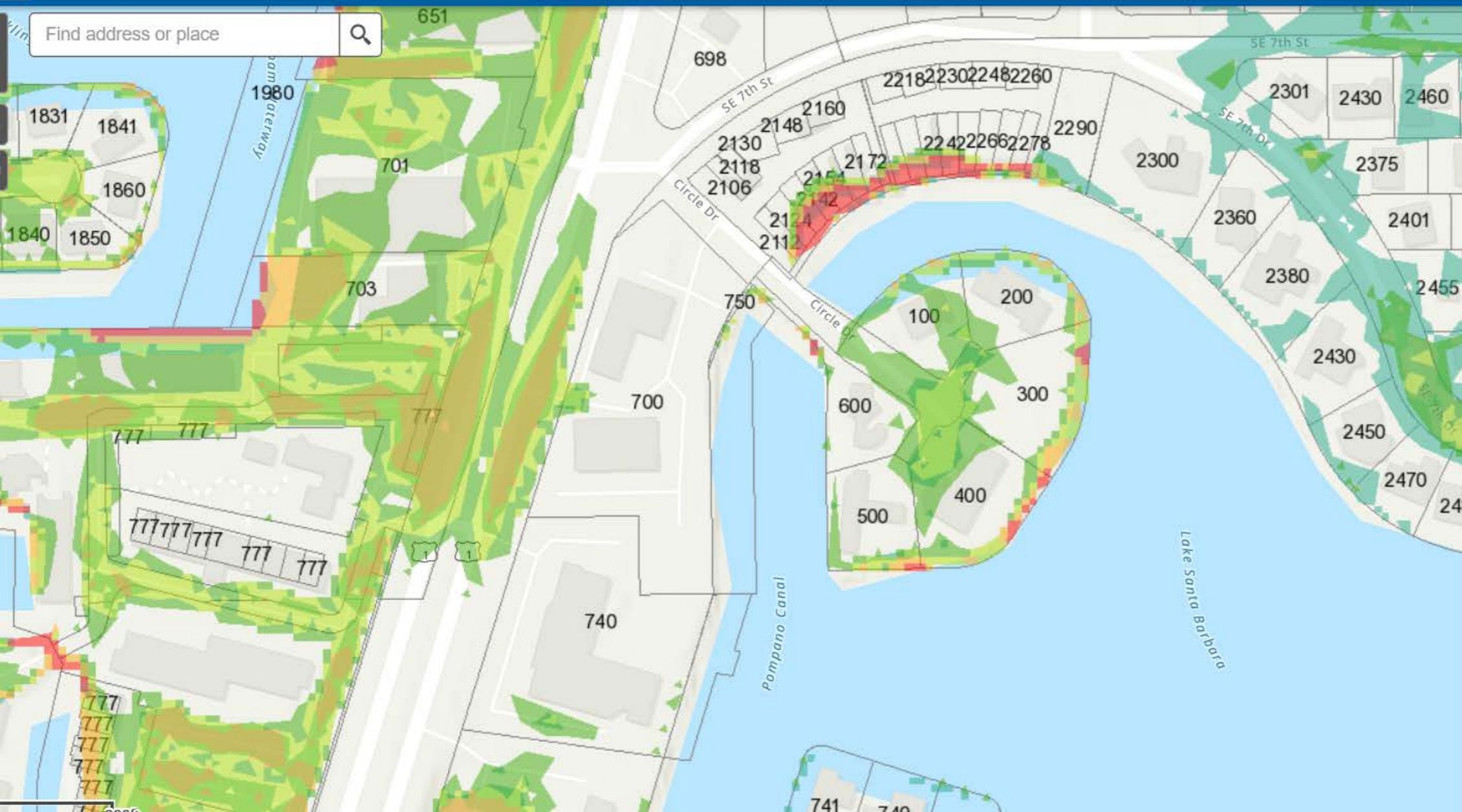


FEMA, Storm Water, Flooding, Sea Level Rise, Elevation

Engineering Division



Find address or place



Layer List

- FEMA Flood Zone City
- Sea Level Rise and Flood
- Basins
- Potential Flood Depth- After 7.8 Inches of Rain in 24 Hours
- Areas Underwater After Sea Level Rise
- Stormwater Project Areas
- Elevation Service
- Parcels with Addresses
- Zoning and FLU
- Street Names
- Water
- Waste Water
- Storm Water