

May 21, 2021

Maggie Barszewski
Development Services Department
100 West Atlantic Blvd.
Pompano Beach, FL 33060

RE: DRC Response Letter
Santa Barbara Isle Rezoning
PZ21 – 13000003

Dear Ms. Barszewski:

Below are the responses to the DRC comments dated May 12, 2021 for the above referenced project.

ZONING – Comments:

1. The surveys provided are not legible. Provide clear copies of each survey.

Response: The surveys have been updated and will be uploaded.

2. The applicant must demonstrate that each property can comply with the minimum requirements of the proposed zoning district RS-2 zoning district (155.3203). This includes minimum lot area, minimum lot width, setbacks, and all other requirements of the district. Staff cannot confirm that it is in compliance with the zoning district intensity & dimensional standards with the survey submitted. Provide a conceptual plan that includes dimensions of each proposed lot.

Response: Sketch and descriptions of the proposed new lots have been updated to include dimensions which comply with the RS-2 zoning category.

3. "Lot width" shall be determined by calculating the average distance between the interior side lines of a lot, as measured along a line running along the midpoints between the interior side lot lines (155.9401.B). It is unclear if the subject properties would have a minimum width of 70 ft. wide each, as required by the RS-2 zoning district.

Response: The sketch and descriptions of the new lots have been updated to include dimensions of each proposed lot. The subject properties would comply with the City's Land Development Regulations if the rezoning occurred from RS-1 to RS-2.

Here are the lot widths.

3A. $46.23 + 103.31 = 149.54 / 2 = 74.77$ lot width

3B. $46.23 + 103.31 = 149.54 / 2 = 74.77$ lot width

4A. $46.37 + 101.31 = 147.85 / 2 = 73.93$ lot width

4B. $46.37 + 101.48 = 147.85 / 2 = 73.93$ lot width

UTILITIES - Comments

1. Please note that additional comments may be forth coming contingent upon future submittals to the PAM and/or DRC review process.

Response: Acknowledged.

2. Please provide a utility easement for the existing stormwater infrastructure located on Lot #3.

Response: At the time of permitting, the applicant will provide a utility easement for the existing stormwater infrastructure located on Lot 3.

LANDSCAPE REVIEW

Comments will be rendered at time of site plan submittal.

Response: Acknowledged.

Provide landscape plans in accordance with 155.5203 for the entire site.

Response: This is a rezoning application. Landscape plans will be provided at the time of building permit submittal.

PLANNING - Comments

1. Upload entire Application, not just page 1.

Response: The entire application has been uploaded.

2. Staff cannot support this rezoning request. The Applicant has not provided competent substantial evidence that there are any special circumstances, site characteristics, or other factors warranting the increased density on these two lots that would justify the rezoning. Staff considers this request to be "spot zoning" which is not allowed.

Response: The applicant respectfully disagrees. A special circumstance does exist given a unique mapping error in the Broward County Property Appraisers database for all six (6) existing lots in the RS-1 zoning. The existing square footage lot areas are overstated and must be recalculated to the existing wetface of the seawall. Lot ownerships do not extend into the waterway beyond the seawall as originally mapped and miscalculated by the property appraiser. Lot areas cannot be relied on from this database without field verification by a surveyor. Further, the subject site is currently surrounded by single family residents to the north, south, west and fronts Lake Santa Barbara to the east. The application request for single family (RS-2 zoning) is consistent with the goals, objectives, and policies of the City's Comprehensive Plan as specified in the application narrative and is consistent with surrounding single family uses including the other single-family homes on the peninsula. Specifically, the proposed RS-2 zoning designation and the existing residential land use is consistent and does not violate the permitted densities. Moreover, the application protects and enhances the aesthetics of Lake Santa Barbara Isle area by improving the housing stock and maintaining high quality neighborhoods for present and future residents.

3. The review standards of Section 155.2404.C state that competent substantial evidence must be provided showing that the proposed amendment:

Response: The applicant has provided a narrative with the rezoning application demonstrating the consistency and compatibility with the surround area including all other single-family lots which front Lake Santa Barbara and the Intracoastal. The application is also consistent with the goals, objective and policies of the comprehensive plan including:

FUTURE LAND USE ELEMENT

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 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.

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

Policy 01.03.11 Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezoning's.

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.

Policy 01.07.03 Evaluate and revise the land use regulations to conform to current development practices as to housing types and mixed-use developments.

Policy 01.07.10 Through ongoing updates to the land development regulations revise the RS zoning districts based upon performance standards.

HOUSING ELEMENT

Policy 05.08.02 Encourage new housing, including housing at higher densities, to be directed toward areas designated as Urban Corridors, Regional Intermodal Centers, Intermodal Centers and Regional Centers as depicted on the Livability and Connectivity Illustration of the Strategic Regional Policy Plan (SRPP).

Policy 05.09.01 The City shall use incentives and educational efforts to promote new housing projects which contain compact building design principles, mixed use, medium to medium high densities, promote pedestrian activity and support multi-modal transportation options.

- 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: The rezoning application is consistent with the Future Land Use designation of Low Residential and does not violate the density allowed by the Future Land Use Plan.

The following policies of the City's Future Land Use Element of the Comprehensive Plan shall be considered in evaluating this rezoning:

Policy 01.03.11 - Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

Staff Response: 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.

Applicant's Response: When considering the compatibility of adjacent property, not only should the directly abutting properties be considered, but the surrounding (adjacent) areas. All other single family homes fronting Lake Santa Barbara and the intracoastal waterway are zoned RS-2. There is nowhere in the City's code of ordinances that quantifies a reduction in lot area abutting another parcel as being incompatible. Further, given the above described by the unique mapping error in the Broward County Property Appraisers database, it has been determined through survey and existing ground conditions, the lots sizes of Lot 3 is 16% overstated and Lot 4 is 13% overstated. It appears a similar circumstance exists



with the remaining four lots on the island. Therefore the 33% calculation provided cannot be relied upon, given the use of the property appraisers current information as a base.

Special Circumstance Broward County Property Appraiser			
	BCPA	Acutual	Error
Lot 3	24,351	20,394	-16%
Lot 4	26,050	22,742	-13%

It should also be considered that the City has allowed for residential lots along the Lake to be divided in two by administrative adjustment in recent years resulting in four new single-family homes being constructed after two dated homes were demolished. The addresses of the Administrative Adjustment in RS-2 for the lot widths are 2580 and 2610 SE 7th Drive.

Policy 01.03.12 - The following criteria with the respective-staff response will be used in evaluating rezoning requests:

- A. Density - Staff Response: 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.

Applicant's Response: When considering density, the site is currently surrounded by single family residents to the north, south, west and abuts Lake Santa Barbara to the east. The existing Future Land Use Designation is Residential – LOW 1-5 DU/AC which allows up to 5 units per acres. This rezoning application does not violate the density requirements. Based on the size of both parcels, the applicant could be permitted to construct five single family homes per the Land Use Plan, however, this rezoning request will allow for only considering four single family homes. The request complies with the density permitted in a RS-2 zoning district and does not exceed the allowable density permitted in the Comprehensive Plan.

- B. Design - Staff Response: 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.

Response: Design of a single-family home is subjective. Staff cannot imply that all the other homes fronting Lake Santa Barbara and the Intracoastal Waterway are poor in design since they are not zoned RS-1. The proposed rezoning to RS-2 will allow the applicant to replace a vacant lot and outdated 1960's house with four new luxury single family waterfront homes ranging from 4,500 - 5,500 square feet under-air.

- C. Distance to similar development - Staff Response: 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.

Response: When considering distance to similar development the proposed rezoning is consistent. The requested rezoning from RS-1 to RS-2 is compatible with the existing development pattern and zoning of nearby properties along Lake Santa Barbara and the entire intercoastal waterway. Most of the properties facing the waterway are RS-2. The parcels immediately at the entrance to this island is a large commercial operation, Marine Max, zoned B-3 and Multi-family townhomes, Santa Barbara Estates, zoned RM-20. The waterway separating these parcels is 100 feet wide and therefore must be considered as reflective of the area.

- D. Existing adjoining uses - Staff Response: Adjoining uses are single family estate homes on lots that are significantly larger than those proposed to be split by this rezoning.



Response: An “estate” home is undefined in the Zoning Code and Comprehensive Plan. The proposed rezoning would be consistent and compatible with all other single family homes fronting Lake Santa Barbara and the intracoastal waterway and new “estate” single family waterfront homes will range from 4,500 - 5,500 square feet under-air.

- E. Proposed adjoining uses - Staff Response: 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.

Response: The shape and size of the island’s lots were established in the past based upon the character of the area; however, the character of the neighborhood continuously changes. The 1960’s homes in the area are aging and based on the Broward County Property Appraiser Records, only two out of six lots have homestead exemptions. Also, several homes on the peninsula were used as boat dockage rentals and short-term vacation rentals. The proposed rezoning to RS-2 zoning is consistent with the character of the surrounding area and current development trends of properties which front Lake Santa Barbara and the Intercoastal Waterway.

- F. Readiness for redevelopment of surrounding uses - Staff Response: This is not a redevelopment area.
Response: Based on Broward County Land Development Map, the parcels are in the Urban Infill Area. Many single-family homes in the area, and throughout Pompano Beach’s waterway communities, are being redeveloped and/or reconstructed due to the age of the existing house stock and more stringent building regulations.

- 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.

Response: The proposed rezoning will not create additional needs for mass transit. Adding two additional luxury single-family homes will not require additional mass transit related improvements over the existing transit system. The existing bus stop is located within approximately 1,500 feet and will remain there whether there are two homes or four homes.

4. A Neighborhood Meeting per Section 155.2302 of the Code is required prior to the Planning and Zoning Board Hearing. All 4 of the other lot owners and/or residents (if different than the owners) must be present or contacted separately if they cannot attend the group meeting. Any concerns of these 4 lot owners/residents must be documented and addressed prior to this request being heard at any public hearings.

Response: Although a neighborhood meeting is not required by the City’s Zoning Code, the applicant has been in contact with existing lot owners and will hold a noticed neighborhood meeting.

5. Include sketch and legal descriptions of potential 4 lots in the P&Z upload.

Response: The sketch and descriptions will be uploaded.

6. This island is particularly vulnerable to sea level rise; 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 will be necessary. The applicant shall provide a conceptual site plan and building elevations for all 4 lots being created, which demonstrate how the finish floor elevations will be designed and elevated above the projected 3’ of sea level rise without flooding the adjacent lots. These building elevations and site plans must be shown to the other 4 lot owners/residents at the neighborhood meeting prior to the Planning and Zoning Board Hearing.

Response: This property is in the tidal coastal stormwater basin of the Atlantic Ocean located approximately 0.25 miles west of the Intracoastal waterway and 3 miles south of the Hillsboro Inlet. The current 2014 FEMA Base Flood Elevation (BFE) is 5.0 Ft, NAVD88.



The Preliminary 2019/2021 Proposed BFE is 8.0 Ft. NAVD88.

Finished floor elevations for the proposed structure will be set at a minimum of (9.0 Ft. NAVD88, per Florida Building Code (FBC) requirement of BFE + 1. Ft.

Per FBC, the design of the site shall insure that no stormwater will sheet flow onto adjacent property.

The project will also be designed in compliance with County, and State (FDEP and SFWMD) water management criteria.

This design concept is in conformance with City of Pompano Beach COMP Plan Objectives and Policies:

Objective Flood Protection

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

This Project will be consistent with FEMA Flood Elevation Maps.

Policies

01.05.01 Continue to require all development to be consistent with the minimum finished floor elevations as specified in the Federal Emergency Management Administrations Flood Insurance requirements.

This Project will be consistent with minimum finished floor elevations as specified in the Federal Emergency Management Administrations Flood Insurance requirements.

01.05.02 Continue to enforce the land development regulations which require the application of minimum road crown elevations standards as established by the South Florida Water Management District and local drainage districts to all new development and substantial reconstruction.

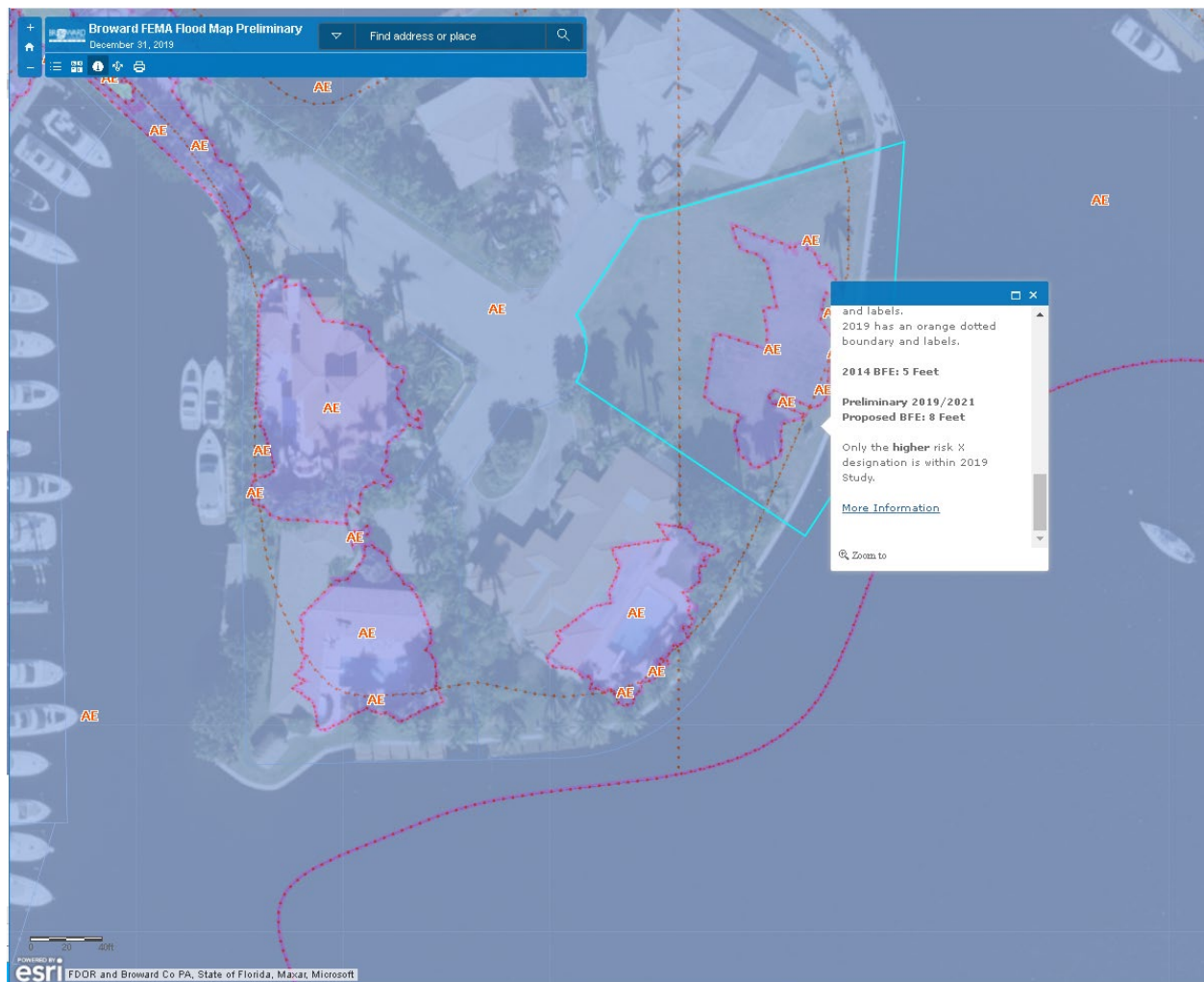
This Project will be consistent with City land development regulations including application of minimum road crown elevations standards as established by the South Florida Water Management District.

01.05.03 The City of Pompano Beach shall require redevelopment within identified 100-year floodplains to address existing and potential flooding problems, as may be identified.

This Project will be consistent with City criteria required to address potential flooding to this property and adjacent properties.

FEMA Flood Map





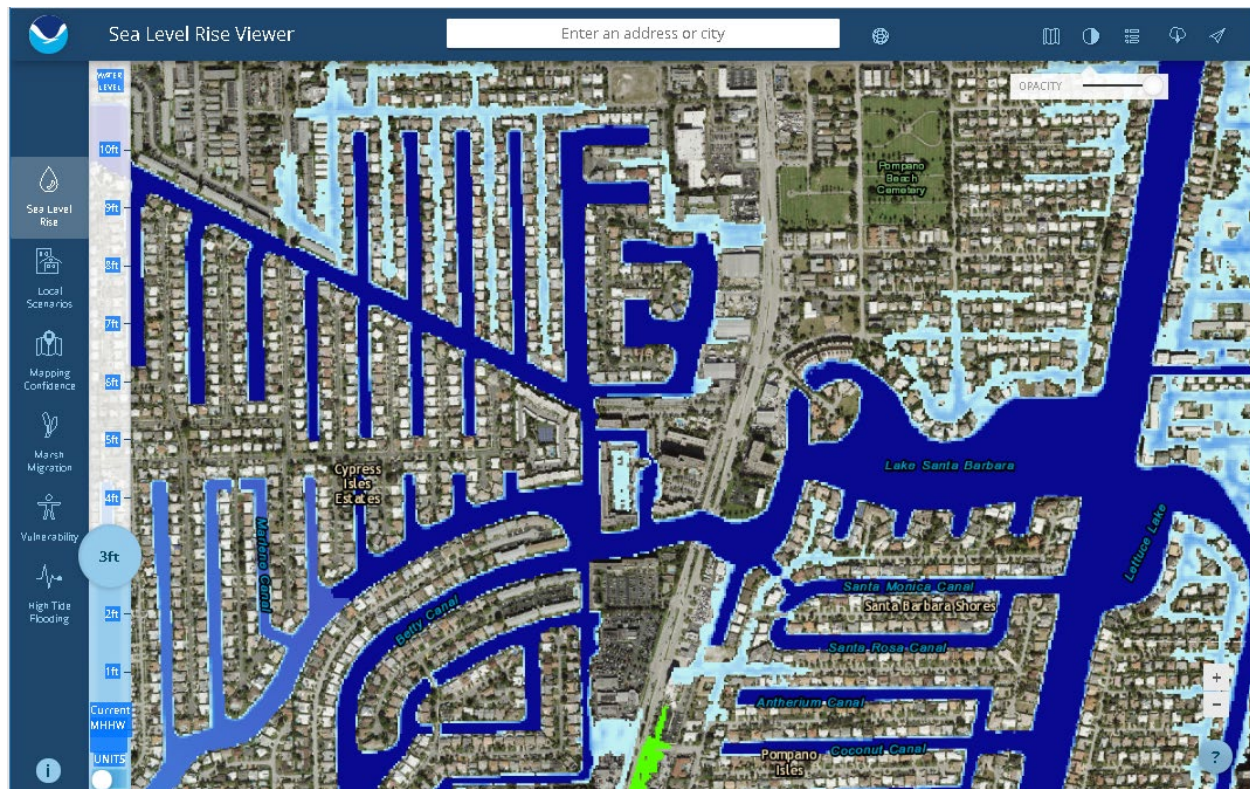
7. The attached Maps show the potential impact that sea level rise (SLR) could have on this area and the possible impact of SLR in combination with a major rain event.

Response:



Response:

The NOAA Sea Level Rise viewer for 3 ft. of sea Level Rise indicates minimal effect on the Island [Sea Level Rise and Coastal Flooding Impacts \(noaa.gov\)](#):



FIRE DEPARTMENT - Comments

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.

Response: Acknowledged.

*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.

Response: Acknowledged.

