

MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 17-424

DATE: December 11, 2017

TO: Planning & Zoning Board

VIA: David L. Recor, Acting Development Services Director
Jennifer Gomez, Assistant Development Services Director

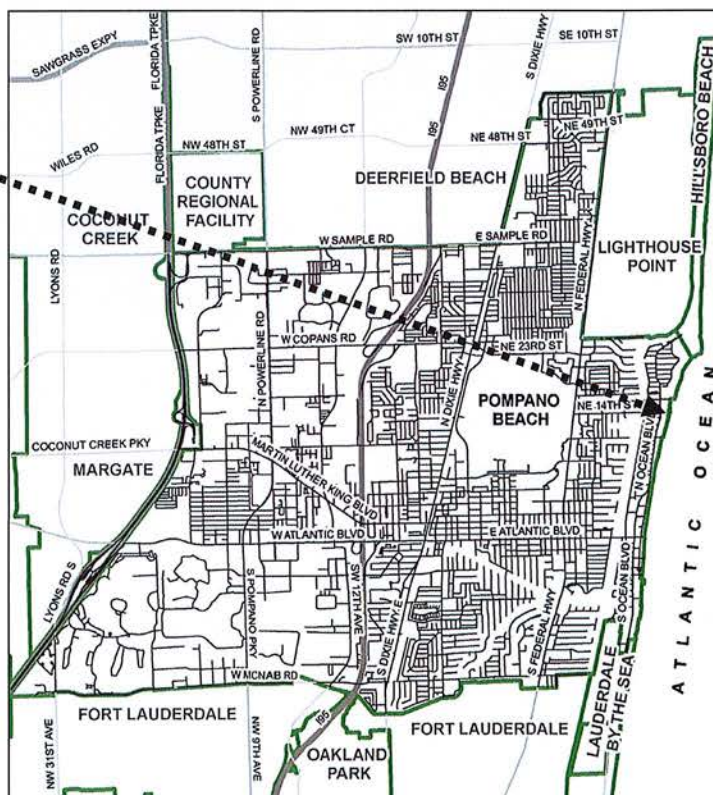
FROM: Sarah Sinatra Gould, AICP, Consulting Planner

RE: Rezoning – From RM 45 to PD-I (Planned Development-Infill)
Location – 1508 N Ocean Boulevard
December 20, 2017 Meeting

P & Z #16-13000001

The applicant is requesting to rezone the subject property from RM-45 (Multiple-Family Residence 45) to PD-I (Planned Development Infill). This property is 0.62 net acres (including a future ROW dedication along A1A) and 0.86 gross acres. The address is 1508 N Ocean Boulevard. The general location is the southeast corner of the intersection of A1A and NE 16 Street. The parcel is currently vacant. As part of the rezoning application, the applicant is requesting 35 multi-family dwelling units in a 22 story building. The building is made up of two, 18 story towers over a three floor podium with a pool and amenity deck on level four. The project also includes 768 square feet of unmanned kiosk & convenience type sales and 400 square feet of a police substation. The Planned Development-Infill (PD-I) district is intended to provide the flexibility to enable high-quality, mixed-use development on relatively small sites, yet require design that ensures infill development is compatible with both surrounding existing development and available public infrastructure.

1508 N Ocean Boulevard
Tax Folio ID: 484329010070



LEGEND

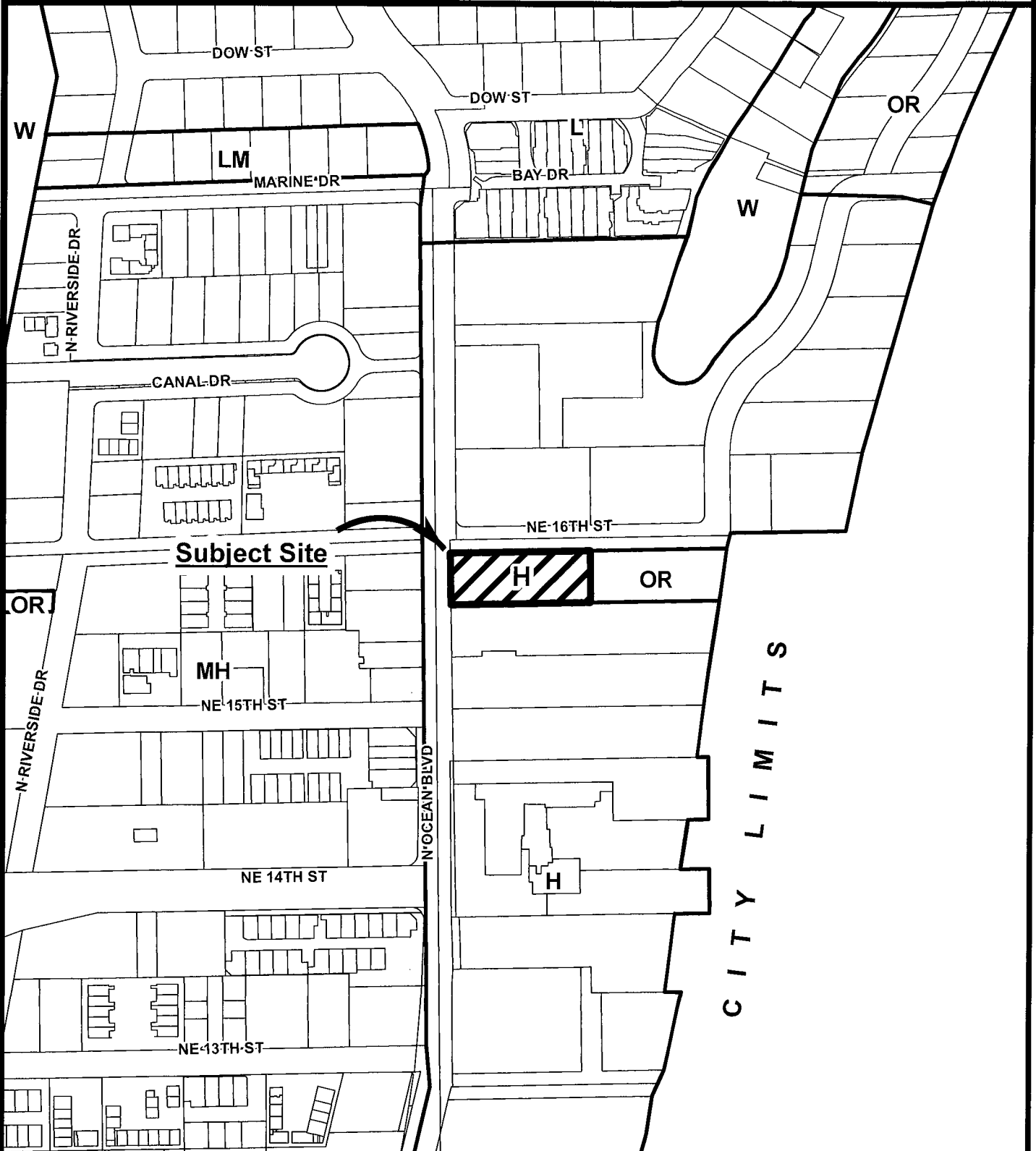
FOR LAND USE PLAN

Symbol	Classification Units/ Acre
	Residential
L	Low (1-5 DU/AC)
LM	Low- Medium (5-10 DU/AC)
M	Medium (10-16 DU/AC)
MH	Medium-High 16-25 DU/AC)
* H	High (25-46 DU/AC)
12	Irregular Density
36	Irregular Density
C	Commercial
CR	Commercial Recreation
I	Industrial
T	Transportation
U	Utilities
CF	Community Facilities
OR	Recreation & Open Space
W	Water
RAC	Regional Activity Center
LAC	Local Activity Center
DPTOC	Downtown Pompano Transit Oriented Corridor
Number	
	Reflects the maximum total number of units permitted within the dashed line of Palm Aire & Cypress Bend being 9,724 and 1,998
* Existing	
> Proposed	

FOR ZONING MAP

Symbol	District
RS-1	Single-Family Residence 1
RS-2	Single-Family Residence 2
RS-3	Single-Family Residence 3
RS-4	Single-Family Residence 4
RS-L	Single-Family Residence Leisureville
RD-1	Two- Family Residence
RM-7	Multiple-Family Residence 7
RM-12	Multiple-Family Residence 12
RM-20	Multiple-Family Residence 20
RM-30	Multiple-Family Residence 30
* RM-45	Multiple-Family Residence 45
MH-12	Mobile Home Park
B-1	Limited Business
B-2	Neighborhood Business
B-3	General Business
B-4	Heavy Business
M-1	Marina Business
CR	Commerical Recreation
I-1	General Industrial
I-1X	Special Industrial
O-IP	Office Industrial Park
M-2	Marina Industrial
TO	Transit Oriented
PR	Parks & Recreation
CF	Community Facilities
PU	Public Utility
T	Transportation
BP	Business Parking
LAC	Local Activity Center
RPUD	Residential Planned Unit Dev.
PCD	Planned Commercial/Industrial
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

CITY OF POMPANO BEACH OFFICIAL LAND USE MAP

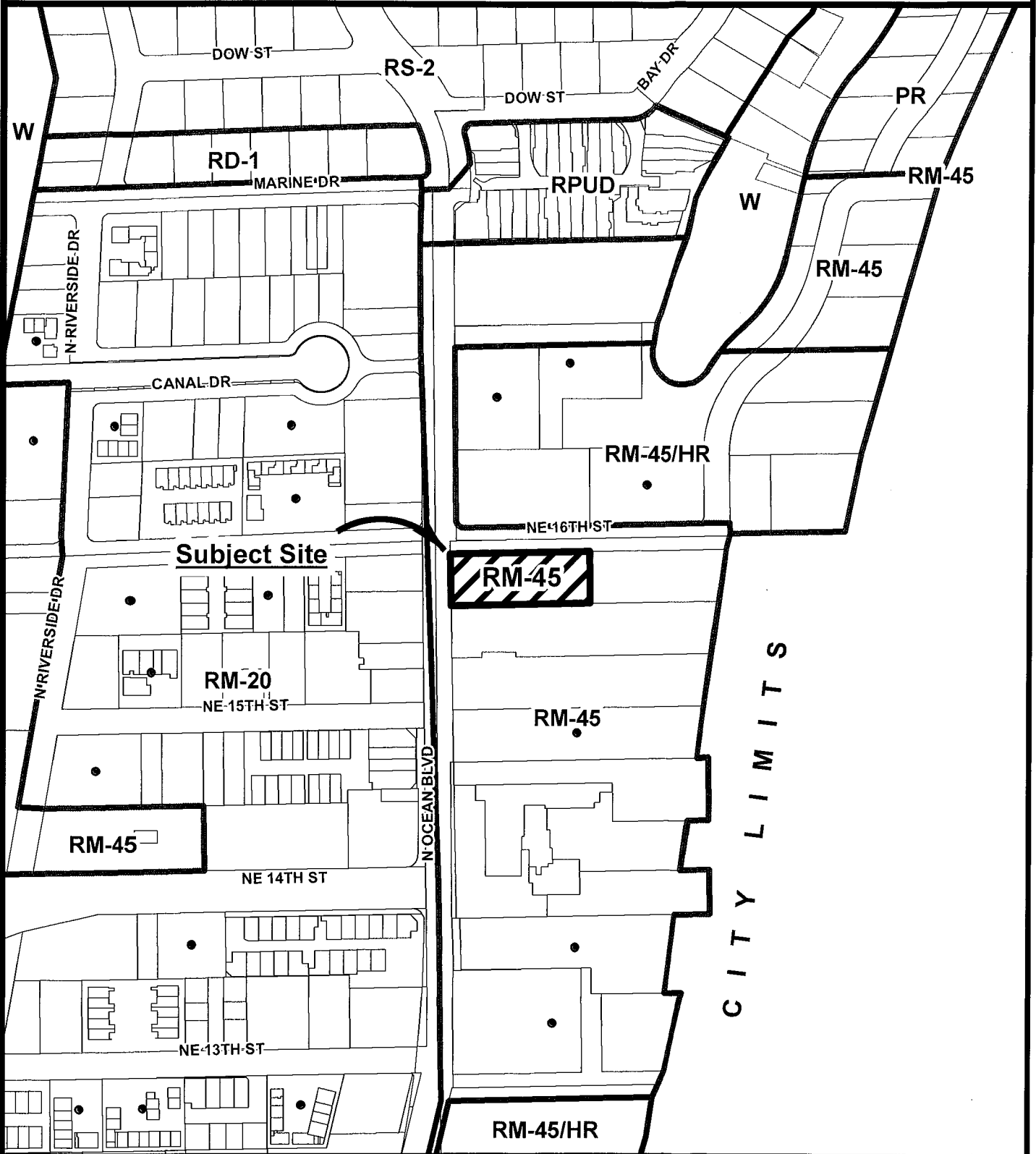


1 in = 267 ft

3

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 267 ft

4

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

4/11/2017

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CITY OF POMPANO BEACH AERIAL MAP

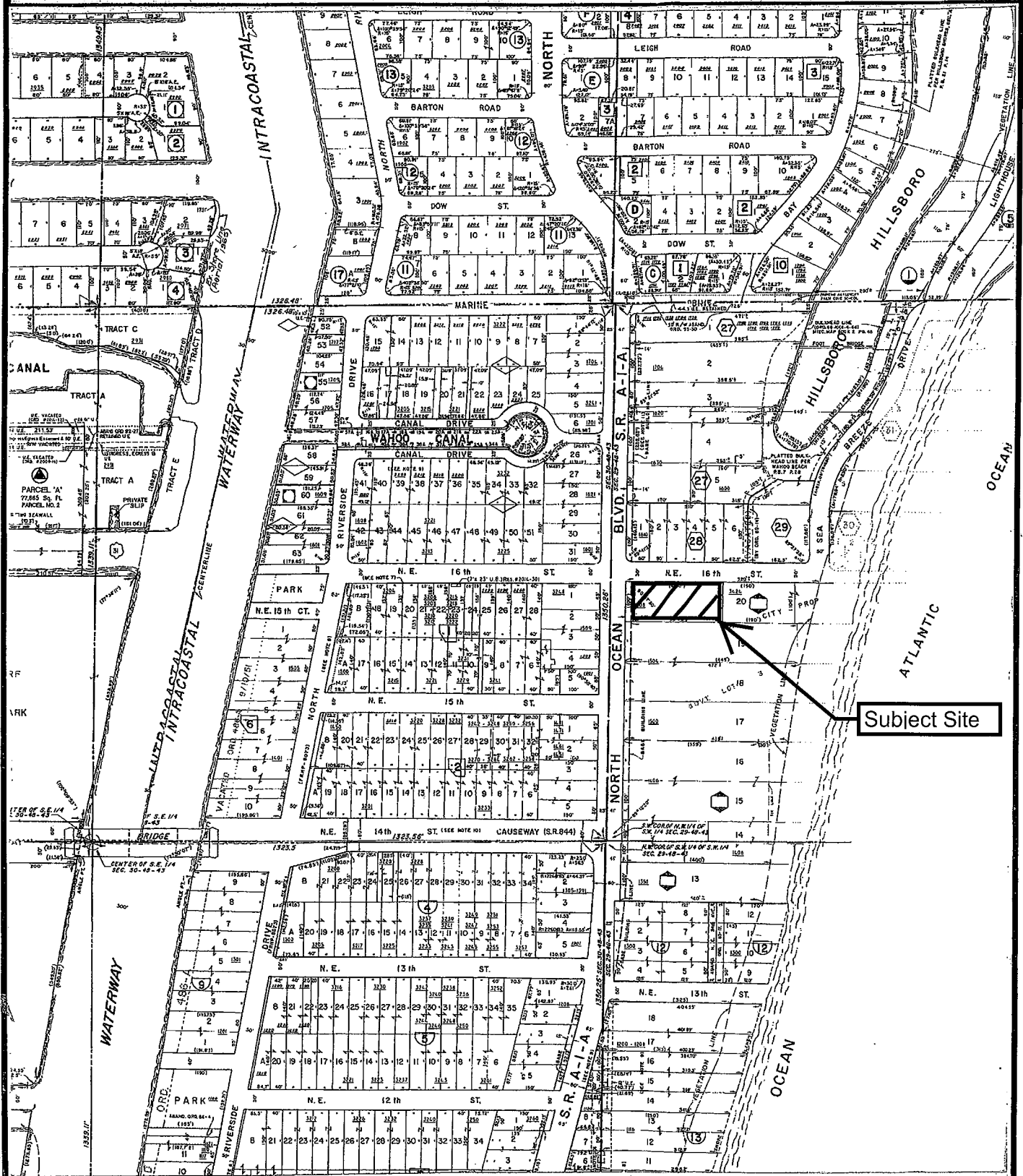


1 in = 267 ft

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DEPARTMENT OF
DEVELOPMENT SERVICES

EXCERPT FROM THE CITY OF POMPANO BEACH PLAT MAP



SCALE: NTS

NORTH

REVIEW & SUMMARY

Review for consistency with City's Zoning Code

A. Staff has determined that the application does not achieve the General Purposes of Planned Development Zoning Districts and in particular the achievement of mixed use.

1. The master plan includes 768 square feet of space to be utilized for unmanned kiosks.
2. The plans provide for a 400 square foot office for Broward Sheriff's Office.
3. These two components do not result in mixed use for a building with 18 floors of residential.

B. Staff has determined that the application is incomplete as it does not address the following General Standards for all Planned Development Districts:

1. Justifications in regards to this rezoning application. Justification shall be specified on plans, and the method of the mitigation shall be presented for the following:
 - a. Increased height from 105 feet to 248 feet (an 136% increase over the RM-45 height limit).
 - b. Decreased pervious area from 25% to 18.5%.
 - c. Increased lot coverage from 60% to 71% (an 18% increase in lot coverage).
 - d. Pursuant to Section 155.9402, Exceptions and Variations (balconies are not allowed encroaching into required yard setbacks except for a rear setback). Setbacks of this rezoning application shall be revised to reflect a measurement from balconies to property lines.
 - e. Proposed street, interior, front, rear yard setbacks, as illustrated on Elevations (Exhibit B) and shown on the PD Table (Exhibit D) must be consistent.
 - f. Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the PD district.

C. The following plans were submitted with errors and/or are inconsistent with other submitted plans. All errors and inconsistencies must be corrected.

1. Revise Intensity and Dimensional Standards to be based on the property area post right-of-way dedication along A1A.
2. Correct the code references on page 24 of the PD-I document to 155.2405.I, Minor Deviations and 155.2405.J, Amendments.
3. Revise title blocks and sheet numbers of Exhibit B plans to be consistent with the List of Exhibits.
4. The building height noted on the PD Table (Exhibit D) is inconsistent with the FAA letter (Exhibit G). Clarify the exact building height proposed with this rezoning request.
5. Clarify exact areas of commercial uses proposed with this rezoning request. Commercial use areas are noted differently throughout the PD-I document (page 4), sheet G-10 and PD Table (Exhibit D).
6. Provide dimension from balconies to the street side property line.
7. Clarify overhead structures and extended awnings illustrated on Elevations (Exhibit B).
8. Identify superior landscape requirements as referenced on page 25 [Landscaping] of the PD-I document.
9. The proposed bike rack location on the Master Plan (PD-I, Exhibit D) conflicts with the Pervious Diagram (G-11, Exhibit D).
10. Remove the statements of "Potential Improvements to Neighboring Properties" on page 9, 13, and 14.
11. Remove Exhibits I & J, which could be used for a back-up, not a part of the PD-I rezoning.
12. Clarify 'Share Factor Reduction' in the parking table on sheet G-10 (Exhibit D).
13. Revise 'Open Balcony' in the Deviation Table (Exhibit D) in accordance with Section 155.9402, Exceptions and Variations.

14. The following concerns identified by the City's Urban Forester shall be addressed:
- a. Clarify proposed improvements to NE 16th Street that exceed code requirements as referenced in Exhibit I.
 - b. Pervious hardscape/pavers are not counted towards the pervious area calculations and the project is does not meet required pervious area.
 - c. Clarify the provisions related to environmental protection as current local and state codes require appropriate turtle lighting for projects proposed on or adjacent to the beach.
 - d. Clarify how onsite water treatment and storage of rainwater will function.
 - e. Clarify how the project meets the landscape requirements. The narrative and renderings from LAND are conflicting.
 - f. The species, sizes and heights of the planting material has not been provided. The narrative refers to small trees and under plantings rather than signature palms and large canopy trees, which must be clarified and corrected. The renderings and plans relating to the site and the park must be separate.
 - g. Clarify sheet V-1, which appears to propose additional trees east of Tiffany Gardens.
 - h. The proposed shade trees street side on the West side of the property facing A1A may require suspended pavement systems to support the sustainability of the trees.
 - i. Each rendering is different as it relates to park improvements. The plans indicate eliminating some specimen trees located in this park which will not be supported.
 - j. The park proposal appears to eliminate the pavilions that serve the citizens. The elimination of either the original or new pavilions will not be supported.
 - k. Any changes to the beach as it pertains to trees and chaise lounges must be permitted through Florida DEP and a note is required on the plans.
 - l. Provide a plan that shows the plantings on the parking level as shown in the renderings reflected on sheet A4-1.01.
 - m. Sheet A1-1.01 conflicts with renderings and other sheets.
 - n. The narrative from LAND does not clearly identify how the project meets the code or what waiver is being proposed.

D. The following additional plans / documents are required:

1. Diagram identifying the landscape buffer required along the property line abutting residential properties on the PD-I Master Plan (Exhibit D); and
2. Approval of perpendicular parking spaces and site improvements proposed on NE 14 Street by the City's Engineering Division.

E. The following issues need to be resolved:

1. Illustrative improvements of the North Ocean Park shall obtain approval and legally established with the City. The renderings in the LAND narrative in Exhibit I are graphic representations only and no detailed plan has been provided. By including these renderings in the application, it could be construed that the improvements will be implemented. There is no plan associated with this and therefore no enforcement mechanism can be established.
2. The portion of on-street parking spaces along NE 16 Street, which encroaches into the subject property, shall be recorded as an easement and referenced.

F. 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 February 17 and December 7, 2016. To address staff comments from the DRC submittal, additional information and justification was provided by the applicant and included within the P&Z submittal.
2. The property is platted as East Coast Finance Corp Sub Gov Lot 3 (Book 1 Page 25, recorded in 1978).
3. The site is 0.62 net acres (including a future ROW dedication along A1A) / 0.86 gross acres.
4. The Zoning and uses of adjacent properties are:

Property	Adjacent Property	Zoning District	Existing Use
East of A1A	North	RM-45HR	Condo
	South	RM-45	Condo (Time Share)
	East	RM-45	City Park/Beach
	West	RM-20	Residential

5. The PD-I application requests a maximum 248 feet in height. This property is located within the Airpark Overlay District and the proposed height is considered an Airpark Obstruction.
6. The height of neighboring buildings are:

Direction	Building / Height
North neighbor	Tiffany Gardens East Condo/ 145 feet
South neighbor	La Costa Beach Club Resort Condo Time Share / 3 & 7 Stories
West neighbor	Residential / one story

7. The Land Use Designation is H (Residential High / 25 – 46 dwelling units per acre).
8. Page 8 of the Rezoning Application indicates the Ocean Park project is being planned for 35 units in two slender towers. The towers each have 18 residential floors above a three floor podium for parking. Level 4 contains the pool/amenity deck for a total of 22 floors. The building height to the top of the mechanical room is 254 feet. Roof of the residential floor is 248. The ground floor proposes 768 square feet for unmanned kiosks and a 400 square foot office proposed for the Broward Sheriff's Office.
9. Site History:
 - a. Prior to 2004, as evidenced by historic aerials, the site was developed as a 1 to 3 story motel with 32 rooms and a pool.
 - b. On December 20, 2006, the site plan (PZ no. 16-12000074) obtained approval to construct 103.5 (top of roof deck) foot height building for 20 units/10 stories with the parking garage on the first floor. The application also obtained approval of the Modification (ZBA no. 06000105) of 20% setback relief for the side yard setback (from the required 31.25 feet to 25 feet), the street side yard setback (from the required 31.25 feet to 26.25 feet) and the rear yard setback (from the required 31.25 feet to 25 feet). The project was never submitted for a permit.
 - c. On July 6, 2010, the site plan (PZ no. 10-12000010) obtained approval to construct 74.5 foot height building for 21 dwelling units with a parking garage on the first level. The application also obtained approval of 20% setback modification for the front yard

setback (20 feet provided) and the side yard setback (19 feet and 21.5 feet provided). The project was never submitted for a permit.

10. The review criteria for a Planned Development Rezoning Application includes compliance to the proposed zoning reclassification and the PD Plan with the review standards in:

- *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;
- *The standards for the proposed type of PD district in Part 6 (Planned Development Zoning Districts) of Article 3: Zoning Districts.*

The Planned Development (PD) districts are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other city goals and objectives by:

1. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
2. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
3. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
4. Allowing more efficient use of land, with smaller networks of streets and utilities, and thereby lowering development and housing costs; and
5. Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, wetlands, floodplains, and historic features.

155.3607. A. Purpose of the Planned Development - Infill (PD-I) district

The Planned Development - Infill (PD-I) district is established and intended to accommodate small-site infill development within the city's already developed areas. The PD-I district is intended to provide the flexibility to enable high-quality, mixed-use development on relatively small sites, yet require design that ensures infill development is compatible with both surrounding existing development and available public infrastructure. PD-I districts are generally appropriate in most of the Land Use Plan's land use classifications, consistent with the adopted objectives and policies for the classification.

G. 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:

- 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.

- 01.03.07 Require the provision of decorative structural or vegetative buffers between different density residential land uses, and residential and non-residential land uses unless the applicant can demonstrate by evidence that the proper buffer is provided.
- 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.
- 10.01.03 The City shall coordinate and participate with Broward County in the sea turtle program including beach lighting regulations.
- 11.04.05 To maintain and enhance the existing recreational facilities which provide physical or visual access to the water.

H. Staff response:

While high rise development is consistent within this corridor, the proposed east building will be 248 feet in height. The buildings to the north are 145 feet in height and the buildings to the south range from three to seven stories. While the proposed buildings are higher than the neighboring properties, the corridor allows for high rise development and a building of this height could be considered compatible.

In this case, the proposed planned development does not relate to the adjacent park and if approved as is, could result in a missed opportunity. The conceptual plans have "back of house" features where the building is adjacent to the park rather than activating the building, which is only setback 10 feet from the park's property line. The fact that the site has no active open spaces, community benefits or public amenities while being 10 feet from a beachfront park demonstrates a lack of compatibility with the neighboring properties. This condition also creates a potentially unsafe environment from a CPTED (Crime Prevention Through Environmental Design) by locating back of house activities adjacent to a public space. This results in the condition where there is a lack of "eyes on the park" and essentially a wall created by the parking and amenity podium adjacent to the park. Additional egress and windows would create a more accessible feel and reduce the CPTED concerns.

The applicant revised their initial submittal on December 1, 2017 and provided a conceptual plan for North Ocean Park. The landscape narrative relating to the park indicates a butterfly garden, tree sanctuary, a rectangular lawn for gatherings, bicycle points and routes, seating, restroom facilities, outdoor showers and vending/food truck opportunities have been envisioned. However, there are no guarantees or commitments in the form of a development agreement requiring the proposed park improvements.

The revised application also removed the retail space that was originally proposed. Instead, unmanned kiosks are proposed. This is not a use, rather a feature, similar to a vending machine. Due to the removal of the commercial component, the request to rezone to PD-I is not appropriate. The only use other than residential is a 400 square foot office for the Broward Sheriff's Office. Providing only a 400 square foot office is not meeting the intent of providing mixed use within an 18 story residential building. If it were to be determined that by removing the commercial component in this version of the application and that the PD-I is not appropriate, the applicant would be required to rezone to RPUD and be limited to a maximum of 85 feet in height. Therefore, the addition of a small office appears to be a way to achieve greater height without offering the commercial amenities expected or desired in the PD-I district.

It is staff's opinion that the project is not compatible due to lack of mitigation of the site, specifically the relationship to the neighboring properties at the ground level. The rezoning to PD-I is also not appropriate since the mixed-use components outlined in the intent of the zoning district is not achieved. The primary use of residential is not supported by the auxiliary use of a 400 square foot office, which has resulted in staff's concern that the PD-I district is not applicable. The application does not meet the requirement of compatibility with surrounding areas at this time, but could be deemed compatible if modified to address the CPTED concerns relating to the edges of the property adjacent to the park as well providing a plan detailing commitments to specific park improvements. However, no plan detailing the commitments, either financial contributions and/or physical improvements, has been submitted, thus the application fails to demonstrate a community benefit.

I. Recommendation:

Staff finds that there is insufficient information to support this rezoning request. In addition, revisions to the application have resulted in changed conditions. Specifically, the removal of commercial has resulted in the request to rezone to a district that is no longer appropriate for this application. Staff has determined that the rezoning application is not consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies, and the purpose of the Planned Development and the PD-I (Planned Development-Infill) District purposes.

Alternative Motion I

Recommend denial as the Planning and Zoning Board finds that this rezoning request needs to be revised to demonstrate consistency with the following pertinent Future Land Use goals, objectives, and policies, and the purpose of the Planned Development and Planned Development - Infill (PD-I) district.

- 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.
- 01.03.05** All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying residential land use designations.
- 01.03.07** Require the provision of decorative structural or vegetative buffers between different density residential land uses, and residential and non-residential land uses unless the applicant can demonstrate by evidence that the proper buffer is provided.

- 01.03.11** Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.
- 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.
- 11.04.05** To maintain and enhance the existing recreational facilities which provide physical or visual access to the water.

Alternative Motion II

Recommend approval of the PD-I rezoning request as the board finds the rezoning application is consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies, and the purpose of the Planned Development and Planned Development - Infill (PD-I) District purposes.

The following conditions must be addressed prior to placement on the City Commission hearing agenda:

- 1. The following additional plans / documents are required:**
 - a. Diagram identifying the landscape buffer required along the property line abutting residential properties on the PD-I Master Plan (Exhibit D); and
 - b. Approval of perpendicular parking spaces and site improvements proposed on NW 14 Street by the City's Engineering Division.
- 2. The following plans were submitted with errors and/or inconsistent with other submitted plans. All errors and inconsistencies must be corrected.**
 - a. Address all items described as insufficient or missing as identified by staff in the report.
 - b. Address comments provided by the City's Urban Forester.
- 3. Prior to site plan approval, address the following:**
 - a. Provide a plat determination letter from the Broward County Planning Council.
 - b. Address the right-of-way dedication along A1A. The front yard setback shall be measured from the post dedication lot line.
 - c. Describe how the existing utility easement on the property will be utilized.
 - d. Provide an active space at the rear of the property, adjacent to the park.
 - e. Applicant must comply with the Air Park Overlay (APO) District requirements for Airpark Obstructions.
- 4. Illustrated improvements of the North Ocean Park shall obtain approval and legally established with the City through a developer's agreement.**
- 5. The portion of on-street parking spaces along NE 16 Street, which encroaches into the subject property, shall be recorded as an easement and referenced.**