



MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 19-243

DATE: August 20, 2019

TO: Planning & Zoning Board

VIA: David L. Recor, ICMA-CM, Development Services Director 
Jennifer Gomez, AICP, Assistant Development Services Director 

FROM: James Hickey, AICP, Consulting Planner

RE: Rezoning – From B-3/PCI (General Business Planned Industrial Overlay), I-1/PCI (General Industrial Planned Industrial Overlay) and CR (Commercial Recreation) to PCD (Planned Commercial Development)
Location – 777 Isle of Capri Circle, and parcels on Isle of Capri Boulevard, Racetrack Road, and S Powerline Road

August 28, 2019 Meeting

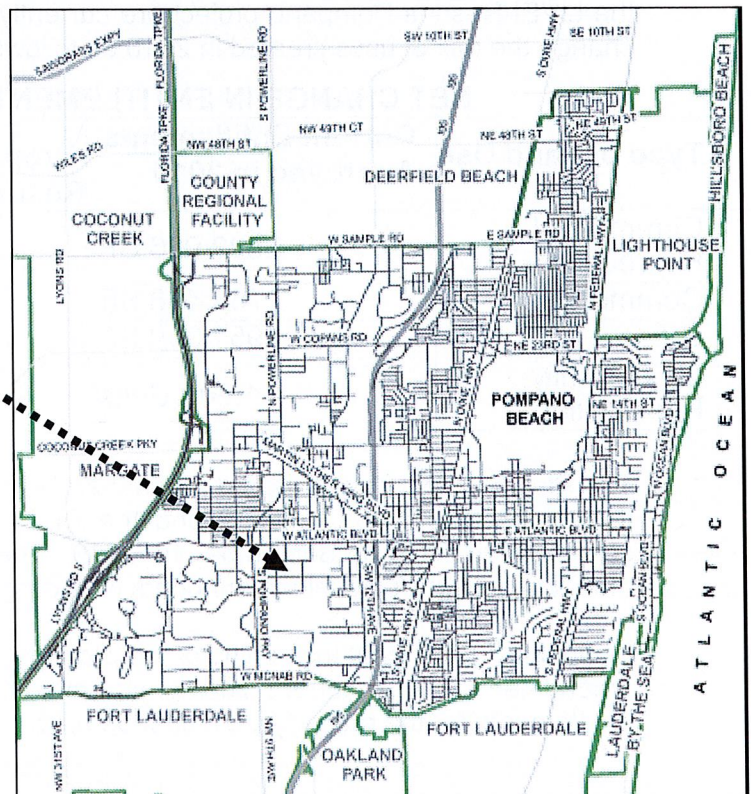
P & Z #19-13000003

The applicant is requesting to rezone the subject property from B-3/PCI, I-1/PCI and CR to PCD (Planned Commercial Development). This property is 232.05 gross acres and consists of 5 separate parcels located on the property currently utilized as the Isles Casino. The general location of the proposed rezoning is the corner of Powerline Road and SW 3rd Street (Racetrack Road). There are existing roadways within the development that will be relocated or upgraded for the proposed development.

The site currently consists of a 45,000 SF casino with an existing horse track and accessory retail/office and horse track related uses. The proposed development will include several phases and is projected to be built-out within a 10-year timeframe.

777 Isle of Capri Circle, and parcels on Isle of Capri Boulevard, Racetrack Road, and S Powerline Road.

Tax Folio IDs: 494203350010, 494203220010, 494203220020, 494203220021, 494203220022.



CITY OF POMPANO BEACH
AERIAL MAP

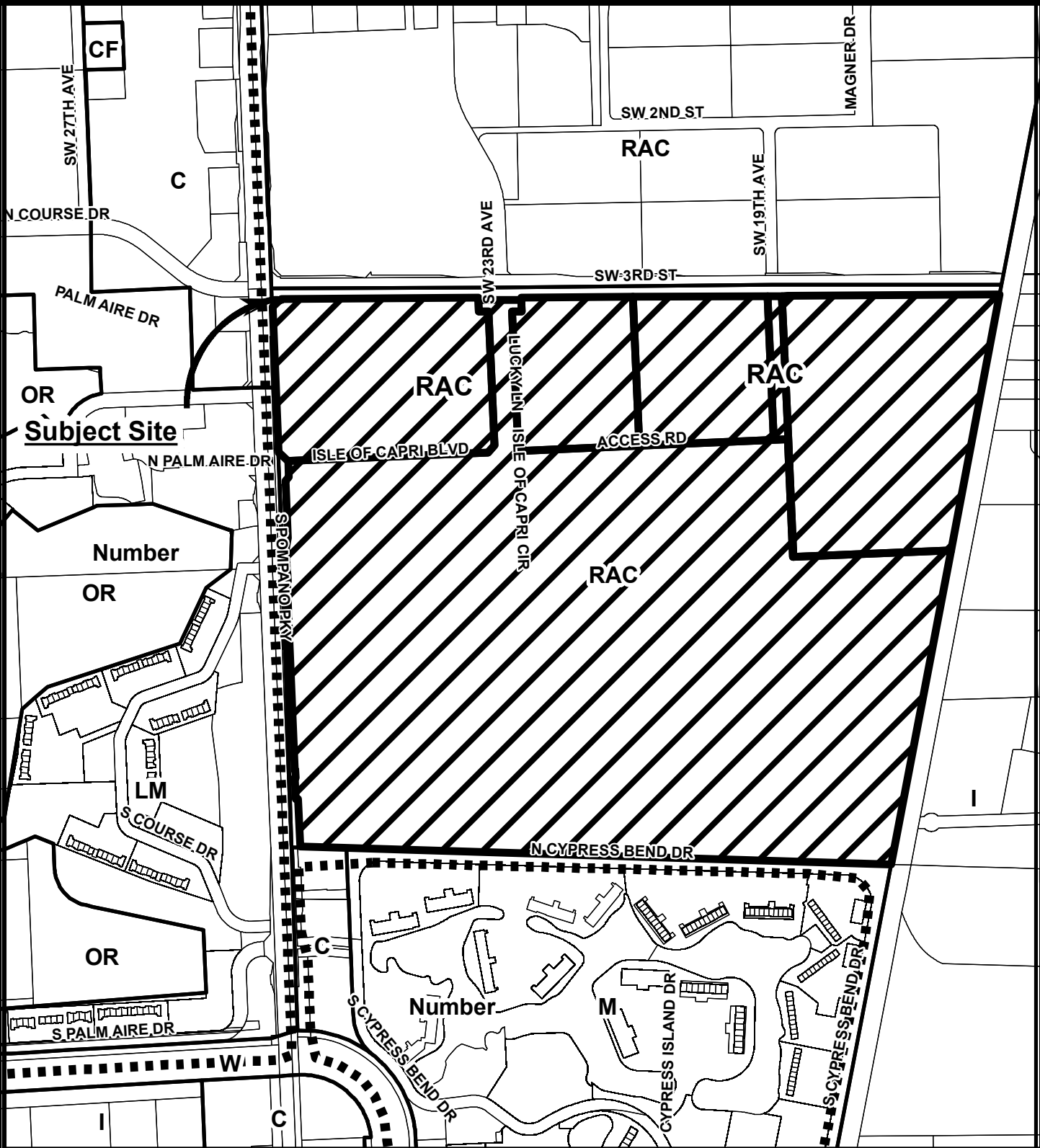


Subject Site

1 in = 708 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

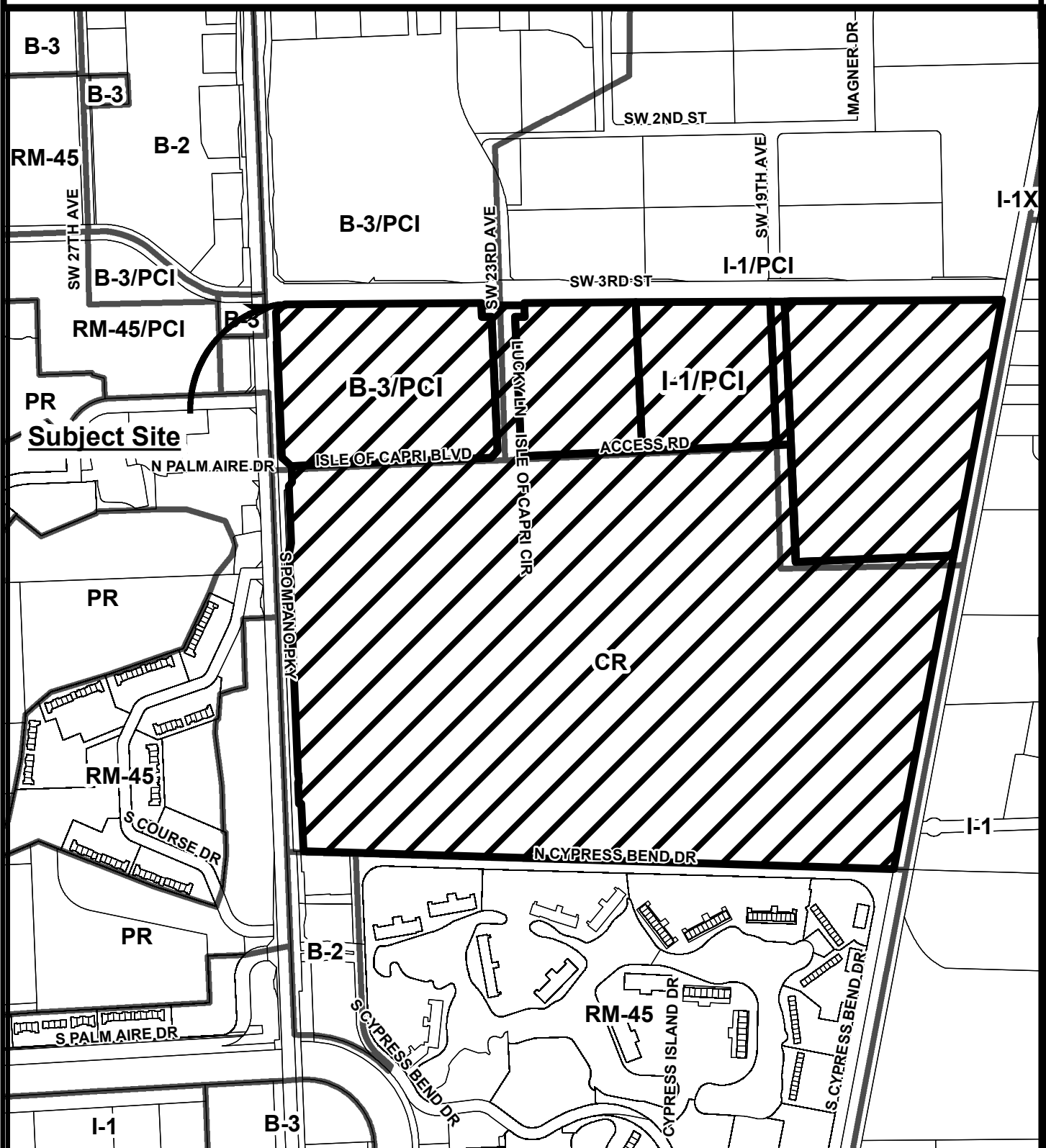
CITY OF POMPANO BEACH
OFFICIAL LAND USE MAP



1 in = 708 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 708 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

Due to the size and scale of this development, there are many considerations that need to be determined as to how and when the infrastructure and proposed amenities will be in place as the development occurs. The applicant has identified three phases of development (Exhibit M). However, the applicant cannot specifically state when and what development will occur as this large area becomes developed. For this reason, conditions of implementation will be established to identify how/when certain requirements/amenities must be completed.

The Planned Commercial/Industrial (PCD) district is established and intended to encourage the use of innovative and creative design to provide a mix of employment-generating uses (office, research, shopping mall or other concentrated retail, light industrial), as well as ancillary service, retail, and institutional uses. Limited moderate and high-density residential uses including community residences and recovery communities are appropriate when integrated into the development, both on upper stories and as stand-alone development, so as to encourage pedestrian access and activity. PCD districts are generally appropriate in areas designated by the Land Use Plan as Commercial or Industrial. PCD development is subject to buffer requirements and transitional standards that ensure compatibility with any adjacent lower-density residential development.

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

- The existing zoning regulations were adopted by the City Commission on September 12, 2000 through Ordinance 2000-379 which amended the existing commercial and industrial zoning and added the Planned Commercial/Industrial Districts and retained the commercial recreation zoning on the south portion of the site.
- In 2010, a land use plan amendment for the subject property was approved to create the current entitlements for the district which is referred to in the current Future Land Use Element of the City's Comprehensive Plan as the Pompano Park South Regional Activity Center. The developers for the LIVE! Resorts Pompano project are currently processing a land use plan text amendment to change the mix of uses created in 2010 as follows:

NET CHANGE IN ENTITLEMENTS BY LAND USE CATEGORY

Type of Land Use	Current Entitlements Approved in 2010	Proposed by LIVE! Resorts	Net Change
Commercial Recreation	1,822,986 SF	1,000,000 SF	-822,986 SF
Commercial	764,418 SF	300,000 SF	-464,000 SF
Office	951,350 SF	2,000,000 SF	+1,048,650 SF
Multi-Family Residential	1,300 Units	4,100 Units	+2,800 Units

The Planning and Zoning Board recommended approval of this change in development rights at their meeting of July 24, 2019 and the City Commission first reading of this amendment is scheduled to occur on September 10, 2019. The Broward County Land Use Plan amendment to modify the district's development rights is undergoing concurrent review.

It should be noted that the zoning of the property was never amended after the 2010 land use plan amendment so the current zoning approved in 2000 is outdated and does not reflect the entitlements for the property and must be amended to allow for buildout of the project.

- The Applicant is rezoning the property to modify the PCD which was reviewed by the Development Review Committee on July 3, 2019. The analysis within this document is based on documents received for the Planning and Zoning Board submittal prior to August 14, 2019.
- The applicant anticipates development within three phases as identified in Exhibit F of the PCD application. These phases will include roadway and infrastructure development to provide access and utilities into the redeveloped areas.
- Due to the size and scale of this application, a traffic study was completed by Kimley Horn and reviewed by Calvin, Giordano and Associates (CGA). Recommendations regarding the traffic study and improvements will be discussed later in this document.
- The site is 232.05 gross acres and the applicant is proposing a maximum of 4,100 multi-family units which calculates to 17.67 units per acre (4,100 units / 232.05 = 17.67 units per acre).
- The Zoning and uses of adjacent properties are:

Property	Adjacent Property	Zoning District	Existing Use
Southeast corner of Powerline Road and NW 3rd Avenue (Racetrack Road)	North	B-3/PC-I I-1/PC-I	Commercial Industrial
	South	RM 45	Cypress Bend Condominiums
	East	I-1	CSX/Florida Tri-Rail and Industrial
	West	RM-45 PR	Palm Aire Condominiums and Golf Course

- The application states that 15% of the site will be pervious. Additionally, the site will include perimeter buffers, and a centrally located active open/green space featuring a 12-15 acre "Crystal Lagoon" lake, which will be a brand-new amenity for the development.
- The height of neighboring buildings is:

Direction	Building / Height
North neighbors	Commercial (1-2 stories) Industrial (1 story)
South neighbors	Cypress Bend (9 stories)
East neighbor	Industrial (1-2 Stories)
West neighbor	Palm Aire (6 stories)

PLANNED DEVELOPMENT REVIEW STANDARDS

Review of and the decision on a Planned Development application shall be based on compliance of the proposed zoning reclassification and the PD Plan with the review standards in Section 155.2404.C, Site-Specific Zoning Map Amendment Review Standards and the standards for the proposed type of PD district in Part 6 (Planned Development Zoning Districts) of Article 3: Zoning Districts.

§155.2404.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;

Staff Analysis: The rezoning is consistent with the following Goals, Objectives & Policies (GOPs) in the Future Land Use Element of the City's Comprehensive Plan.

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.

Objective Right of Way Protection and Accessibility

01.02.00 Protect the existing and future right of way from building encroachments and ensure proper accessibility with the roadway and transit network.

Policies

01.02.01 Require new commercial and residential (of more than 10 dwelling units) development to provide their primary access to the abutting arterial roadway system with only secondary access points to local streets so that traffic impacts to single family neighborhoods are minimized.

01.02.02 Require a traffic impact analysis for development projects when necessary to determine post-development conditions of adjacent roadways and the local multimodal transportation system.

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.

Objective Smart Growth Initiative

01.16.00 The City will promote "Smart Growth" type initiatives providing for energy efficient development and land use patterns which also account for existing and future electrical power generation and transmission systems in an effort to discourage urban sprawl and reduce greenhouse gasses.

Policies

01.16.01 The City shall emphasize re-development and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources.

155.3602 General Standards for All Planned Development Districts

A. PD Plan

1. A statement of planning objectives for the district;

The new development, LIVE! Resorts Pompano will create an innovative mixed-use redevelopment project within the City of Pompano Beach. The proposed PCD plan will encourage a live-work-play atmosphere within the entire development site. The Development will be apportioned into four districts – Entertainment District, Corporate District, Residential/Mixed-Use and Open Space Buffer District. See PCD Exhibit E.

2. Detailed description of the following for the entire PD district and for each development area

a. Dimensional Standards

Land Area – The property is 232.05 gross acres and consists of 5 separate parcels located on the property currently utilized as the Isles Casino. As proposed, the residential density of the site will be 17.67 units to the acre. The lot coverage for the site is proposed as a maximum of 85% of the site area and the pervious area is a minimum of 15% of the site area.

The Applicant has provided Exhibit O within the PCD application which identifies the Density and Intensity standards. As drafted, the applicant has proposed different Dimensional Standards for each section of the development (Open Space, Entertainment District, Residential/Mixed-use District and Corporate District.

The applicant is proposing the following maximums for the PCD District:

Use	Intensity
Multi-Family Units	4,100 Units
Commercial Recreation (Includes casino and hotel rooms)	1,000,000 SF
Commercial Uses (Includes hotel rooms)	300,000 SF
General Office	1,400,000 SF

For the Entertainment, Residential/Mixed-use and Corporate districts, the applicant is proposing a 400' height maximum which will be dependent on requirements set forth within Section 155.3707 Air Park Overlay (APO) District as well as approvals by the FAA as well as the City of Fort Lauderdale as they have authority over Fort Lauderdale Executive Airport (FXE). For the Entertainment and Residential/Mixed-use standards, a maximum of 200' is proposed for properties fronting Powerline Road. For the Open space buffer, the applicant is proposing a minimum buffer of 10' for Powerline Road and SW 3rd Street. For the southern boundary adjacent to the Cypress Bend neighborhood, the applicant is proposing a 50' buffer.

Staff Analysis: The dimensional standards do not clarify the depth of this limitation on height for frontage along Powerline Road or the required setback from any existing FPL Transmission Lines. Provide correspondence from FPL to ensure an appropriate setback from the FPL transmission lines. As part of Exhibit O, the applicant provided additional graphics depicting the proposed height of buildings as they relate to Powerline Road, and as compared to Atlantic Blvd in the East Overlay District (EOD). However, as drafted, these regulations are more intense than the EOD.

Revise Exhibit O: Building design and massing along Powerline Road and SW 3rd Street should be modified to more closely reflect the Design Standards of the City's East Overlay District (EOD) including tower setbacks, building length, building separation and tower mass. Additionally, clarify if the ground level setback can be credited toward the required setback. Provide the depth of frontage that must be maintained at a maximum height of 200 feet along Powerline Road. Provide a note on Exhibit O limiting the maximum number 400-foot tall buildings to two office buildings and four residential buildings.

Due to the size, scale and complexity of this proposed area, the maximum lot area and minimum lot width were not provided.

b. Modifications of Development Standards

The applicant is requesting 19 deviations from the City's Code Requirements. A full list of these deviations can be found in Exhibit P of the PCD Application. A summary of staff's recommendations of these deviations are described below.

Staff Analysis:

1. *Vehicle Stacking for Parking Lots and Garages - Applicant is requesting relief from this section of the Code and states that they will utilize outbound stacking requirements from Broward County and FDOT, as specified on the plat. The minimum stacking lane distance required by the City's Code*

is for parking lot entrance driveways and does not apply to the off-site intersection stacking depth. Staff understands that the BC and FDOT requirement will be upheld and recommends noting this on Exhibit F. Parking Lot and Garage driveway entrances will not require stacking when abutting a private internal street, as the intent of this code requirement is to prevent vehicle stacking within the public right-of-way **Staff recommends removing this requested deviation and noting the FDOT/BC stacking requirement on Exhibit F.**

2. Pedestrian Walkways through large parking areas – The applicant is requesting that a walkway be required every 500'. The applicant has addressed Staff's concern by providing 1 per 500' or 1 per discernible parking lot area, whichever is less. Locations shall align with primary pedestrian entrances to buildings where possible, along anticipated paths of travel. A landscape strip is required abutting pedestrian walkways through parking areas. This amendment is reflected in the most recent Exhibit P, provided on 8/14/19.
3. Existing Parking Lots – Staff agrees with the applicant that the existing parking lots were developed and do not meet current code. These parking areas would not need to be brought up to current code unless the land that the parking areas are located are redeveloped.
4. Continuous curbing – The applicant is requesting relief from providing continuous curbing for all parking spaces, but rather only to protect vehicular use area landscaping. VUA landscaping is required every 10 parking spaces, every 3rd parking bay in the form of a landscape median between parking bays, and surrounding each pedestrian walkway through parking lot areas. This design will result in head-to-head parking using wheel stops in lieu of a curbed median between parking bays.
5. Maximum number of parking spaces – The applicant is requesting that a shared parking study be completed as to limit the number of parking spaces needed for the development. Staff concurs with this request and will require the study as a Condition of Implementation. It is not necessary to request a deviation as a Shared Parking Study is a permitted parking reduction strategy. Therefore, **Staff recommends removing this requested deviation.**
6. Compact parking spaces – The applicant is requesting that up to 25% of the parking spaces be compact spaces (8'x16') for surface lots and parking garages. The Code permits up to 20% compact spaces within parking garages only. Compact Parking Spaces within surface parking lots, or exceeding 15% of the required number of spaces, must be justified within a Shared Parking Study. **Modify the deviation justification to state that compact parking spaces will not exceed 25% of the required parking per discernible parking lot area.**
7. Bike Parking Facilities – The request is to provide the necessary bike facilities within the development; however, the amount of bicycle facilities may not be built (4 bike racks per 10 parking spaces) at the time of parking. Staff will request bike facilities where appropriate if not provided by each site plan application.
8. Loading Area Standards – Staff concurs with the applicant request to have some shared loading areas within the development which can be accomplished through the site plan process.
9. Landscape Islands in Parking Bays – The applicant is requesting to reduce these islands from 8 feet to 5 feet. These areas provide needed space/pervious area for shade trees within parking areas. **Staff recommends modifying the deviation to require suspended pavement systems, structured soils, etc., to accommodate an appropriate soil volume for a shade tree..**
10. Landscape Islands Between Parking Bays – Applicant is proposing providing a landscape median every 3rd parking bay at a width of 5 feet wide rather than between every head-to-head parking bay at a width of 8 feet wide. As previously stated, this design will result in head-to-head parking using wheel stops in lieu of a curbed median between parking bays.
11. Landscaped Area Between Vehicular Use Areas and Building – Request is to provide a 5' maximum for Residential/Mixed-use areas and no requirement for Corporate or Entertainment Districts. Planters will be provided in the Corporate and Entertainment Districts in lieu of foundation plantings.
12. Development Within Buffers – The applicant is requesting that some impervious areas be allowed within the open space buffer such as water features, fitness trails, and water retention within the south buffer. The applicant has addressed staff's concern by establishing a maximum of 20% impervious area within the buffer and that impervious areas within the buffer will not count toward

pervious area calculations. This amendment is reflected in the most recent Exhibit P, provided on 8/14/19.

13. *Street Trees* – There are some specific public and private roadways that the applicant would like to utilize palms in lieu of street trees. Shade trees for street trees would be required along the perimeter of the site on SW 3rd Street. As Powerline Road had overhead powerlines, understory trees will be installed along this roadway. **Staff recommends providing a plan in the form of an exhibit, or modifying exhibit F-1, detailing on which streets the applicant is requesting relief from this code section.**
14. *Parking Lot Lighting Maximum Height* – The applicant is requesting a maximum height of 60 feet for nonresidential uses rather than 30 feet required by Code. Staff does not object, as shielding and overflow requirements will be upheld.
15. *Wall Pack Lighting* – Staff concurs with the use of these for added lighting/safety.
16. *Parking Structures* – The applicant is requesting a deviation to provide alternative design of parking garages to include screening in lieu of required architectural treatments and is requesting no requirements to provide shade on the top level of garages. **Modify the deviation to propose an alternative percent (or alternative to a percent measure) of shade cover as part of an alternative design.**
17. *Parking Structures Ingress/Egress* – The code requirement places a 30' width on entrances/exits to parking garages. As this site will be a mix of uses including a casino and entertainment venue, as well as office, retail and residential uses, a larger entry area may be needed to ease congestion within parking garages. **Modify the deviation so that the locations exceeding 30' in width shall be located off an internal street, and not facing Powerline Road, SW 3rd Street, or N. Cypress Bend Drive if within a depth of 175 feet.**
18. *Parking Structures With More Than One Ingress/Egress Per Street* – As described in the previous deviation, the need to provide flexible requirements for the design and operation of garages may be needed. **Modify the deviation so that the locations exceeding one point of access per street shall be located off an internal street, and not facing Powerline Road, SW 3rd Street, or N. Cypress Bend Drive if within a depth of 175 feet.**
19. *Nonconforming Site Features* – There are existing parking lots existing onsite. The applicant is requesting that these parking areas remain until redevelopment is proposed for these parking areas. City staff concurs with this request provided that when the parking area is redeveloped, any new parking lot areas will need to be brought up to current code.

c. Provisions addressing how transportation, potable water, wastewater, stormwater management and other public facilities will be provided to accommodate development

Traffic – The applicant provided analysis of the proposed impact of this site as it relates to traffic which is provided in Exhibit S of the PCD application prepared by Kimley Horn. The City hired Calvin Giordano and Associates (CGA) to review the analysis and provide recommendations to the City with respect to the analysis and proposed conditions of approval. The applicant's traffic analysis includes a Trip Generation table which identifies how future development will be converted to trips. In addition, there is a summary of the proposed improvements that will need to be completed provided certain thresholds are reached as development occurs within the proposed PCD. The applicant has also provided information regarding existing transit as well as a discussion with Broward MPO on a future transit stop along the Tri-Rail/CSX rail line.

Staff Analysis: Revise Exhibit S4 to include the following: "Plans for any roadway improvements should be addressed as development meets criteria set forth in Exhibit S of the PCD which shall be reviewed and approved at site plan and constructed prior to C/O."

Utilities – The applicant has provided water and sewer improvements are proposed (PCD Exhibit G) and will have to be reviewed and approved by the City's Engineer and Utilities to ensure compliance with City requirements.

Staff analysis: Add the following notes to Exhibit G: “Each site plan will be reviewed to determine the point at which Pump Station #110 located on SW 3rd Street north of the site will need to be upgraded to accommodate the flows from the project.” This condition may be revised upon review and confirmation by the Utilities Department.

d. Environmental Monitoring

The applicant provided the information regarding environmental monitoring. There is existing Declaration of Restrictive Covenant on the land (BCR Instrument #115913209) which details the presence of contaminants on the northwest corner of the site. The No Further Action letter (NFA) resolving the Declaration of Restrictive Covenants states that there is a restriction on groundwater use which will be taken into consideration as development occurs.

e. Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the PD district;

The applicant's application states the proposal will bring world class entertainment, along with an expanding casino, a movie theater, an entertainment venue with hotels, offices, neighborhood-oriented retail, restaurants and over 4,000 new residential units. This development will create a mixed-use development that will promote job creation and allow for future locations of corporate headquarters.

f. Development Phasing Plan Shown in Exhibit M of the PCD

- The applicant has identified three phases of development for the project. Phase I includes much of the entertainment, commercial and retail uses along with some residential development. Phase II includes the remaining residential units along with the proposed commerce/office area. Phase III would include the remaining residential along with any remaining commercial uses. As this development is over 220 acres, large-scale infrastructure and improvements should be identified to determine which items will be addressed holistically through the overall site development and which items will be determined as site plans are submitted. Some of these include roadway construction, utilities, buffer areas, pervious area calculations, bicycle infrastructure and trees/landscaping. The Applicant plans on improving areas as they are redeveloped making sure that dead ends to roads, pedestrian, and bicycle facilities are not created when infrastructure is put into place. The goal is to make the infrastructure connect without having to build the entire backbone system as the first phase.

Staff's Analysis: Staff recommends that Exhibit M and M2 be combined and modified to reflect all of the elements of the project that will be phased on one exhibit, to include the following, at a minimum:

- **Buffer Areas – Graphically depict on the consolidated phasing exhibit the Development Areas A, B, C, D as currently shown on Exhibit M2. Maintain all the notes from Exhibit M2 on the consolidated phasing exhibit.**
- **Roadways – Add a reference on the new phasing exhibit to Exhibit F1.**
- **Bicycle/Pedestrian Facilities – Add note to the consolidated phasing exhibit stating, “The area abutting roadways will accommodate landscape, pedestrian walkways, and bicycle facilities and will be developed concurrent with the roadway. Bicycle facilities include [insert specifics], and will be located according to [insert exhibit].”**
- **Traffic Mitigation – Add a note to the consolidated phasing plan referencing the off-site roadway improvement phasing set forth in Exhibit S.**
- **Crystal Lagoon – Add a note to the consolidated phasing plan stating: “The Crystal Lagoon shall be constructed and completed as follows:**
 - i. **prior to the issuance of certificates of occupancy for new development generating more than 1500 net new P.M. peak hour trips based upon the Trip Generation Rates Table attached as Exhibit S-3 complete a minimum of 5 acres of the Crystal Lagoon;**

ii. prior to the issuance of certificates of occupancy for new development generating more than 3000 net new P.M. peak hour trips based upon the Trip Generation Rates Table attached as Exhibit S-3 complete construction of the Crystal Lagoon.”

- **Pervious Area – Add a note to the consolidated phasing plan as follows: “As each site plan is approved, pervious area calculations for the entire PD District will be calculated and be no less than 15%.”**

g. Conversion Schedule

Because the development is an Activity Center within the Broward County Land Use Plan, the only conversions that can be done are within the list of uses identified for the site. The maximums of any one land use cannot exceed what is approved per the City's Future Land Use Plan or the Broward County Land Use Plan without a local/County amendment to approved additional intensity.

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.

The proposed rezoning of this property cannot be fully implemented until the corresponding Land Use Plan Amendment is approved by the City Commission and Broward County. The current Land Use Plan Amendment will increase the intensity of the development to be consistent with the maximum amount of development requested by this rezoning. The applicant's agent has provided a letter to the City Attorney detailing this information and provided case law when approving Planned Developments. This information will be specified in the Rezoning Ordinance.

3. Identify the general location of the following:

- a. Individual development areas, identified by land use(s) and/or development density or intensity;
Exhibit E provides the approximate location of the Entertainment District, the Residential/Mixed-Use District and the Corporate District. Densities and intensities are identified in the PCD application, Exhibit O.
- b. Open space (whether designated for active or passive recreation), including amount, and type of;
Applicant has provided information regarding the creation of the 12- to 14-acre Crystal Lagoon which will provide an open space amenity for the development. In addition, a 10' buffer is proposed for the Powerline Road as well as the SW 3rd Street frontages. A 50' buffer is proposed for the southern boundary of the property adjacent to the Cypress Bend community.
- 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
The applicant has provided the proposed roadway network in Exhibits F and F1. The applicant is currently researching the possibility of creating a Community Development District per State Statutes to construct the onsite improvements. The major roadways may or may not be dedicated to the City, to be maintained by the developer. Pedestrian and bicycle facilities will be put into place as Development Areas redevelop.

Several improvements are proposed to create a street network for the development as well as make the necessary improvements to the adjacent roadway network to implement the project. Exhibit H of the PCD application shows the improvements to the adjacent roadway network including adding new signals to the development along SW 3rd Avenue (at SW 19th Avenue) and on Powerline Road (between Isle of Capri Boulevard and the southern boundary of the property).

Additional improvements will be required to Powerline Road, SW 3rd Street, Andrews Avenue and Atlantic Boulevard as the property develops consistent with Exhibit S of the PCD application.

Staff analysis: Staff recommends the note on Exhibit F be modified as follows: “Bicycle paths, pedestrian walkways, and roadways in all phases of development shall provide a cohesive network connected to Powerline Road and SW 3rd Street and do not result in dead-end conditions.”

- d. Environmentally sensitive lands, wildlife habitat, wetlands, and floodplains;
This site has several flood zones per the Flood Insurance Rate Map (FIRM). All construction on the site will be in compliance with the National Flood Insurance Program (NFIP).
- e. On-site potable water and wastewater facilities, and how they will connect to city systems;
Exhibit G of the PCD application shows the onsite utilities. Additional conditions of project implementation have been established to ensure compliance with City requirements.
- f. On-site stormwater management facilities, and how they will connect to city systems; and
Stormwater management systems will be reviewed and permitted by Broward County at the time of building permit.
- 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.
The applicant has been working with the Broward County Sheriff's Office as well as the Fire Department on the intensity of the proposed development. Park impact fees will be collected with each relevant building permit application. The applicant will have to receive a School Capacity Determination from the School Board of Broward County to determine overall impact and any fees owed to the School Board at time of building permit.

A condition of approval in Exhibit C of the Rezoning Ordinance will reflect the agreement with the Fire Department as follows: “The first improvement plan and/or site plan for the Casino building and the new Jai Ali structure shall include medical and public safety rooms as well as staging areas for emergency vehicles along an exterior wall of each structure.”

4. 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.

Shadow studies were provided in Exhibit K of the PCD. As the final location of structures is yet to be determined, the applicant provided an overall view of the proposed impact on any structure within the site. The main impact on adjacent development will be the areas of Palm Aire directly adjacent to Powerline Road. As noted on Exhibit K, further analysis of these impacts will be required as site plans are submitted to the City.

When these shadow studies are submitted, the applicant should provide the shadow studies based on two hours after sunrise and two hours before sunset for each of the projects submitted.

- 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.

Not Applicable

B. Consistency with City Plans

The "Isle Development Project" is listed as a Top Priority in the 2019-2020 Strategic Plan Action Agenda. The proposed rezoning is consistent with the Goals, Objectives and Policies of the Comprehensive Plan. The rezoning as proposed is above the allowable entitlements in the City's Future Land Use Plan. The proposed rezoning of this property cannot be fully implemented until the corresponding Land Use Plan Amendments are adopted by the City Commission and Broward County. The current Land Use Plan Amendment will increase the intensity of the development to be consistent with the maximum amount of development requested by this rezoning.

C. Compatible with Surrounding Area

Proposed density is consistent with adjacent properties. The applicant proposes a 50' buffer on the south property line which is adjacent to residential uses to the south zoned RM-45.

D. Development Phasing Plan

Section 2.f of this Staff Report details the phasing plan.

The developer is preparing the "Covenants, Conditions and Restrictions (CCR)" documents in lieu of Unity of Title.

E. Conversion Schedule

Conversions would be allowed provided the uses are identified within PD and are within the intensities identified within the City's Permitted Uses of the Future Land Use Element as well as the Broward County Land Use Plan.

F. Onsite Public Facilities

Section 3.e describes the Onsite Public Facilities.

G. Uses

Exhibit Q of the PCD application identifies the permitted uses proposed for the PCD. Any additional uses will require a rezoning of this PCD to add additional permitted uses.

H. Densities/Intensities

Densities/intensities are shown in Exhibit O of the PCD.

I. Dimensional Standards

If not identified in Exhibit O, the Dimensional Standards will be required per City Code.

J. Development Standards

Modifications or deviations from the Development Standards are identified in Exhibit P. If not identified, the Development Standards will be required per City Code.

K. Amendments to Approved PD plan

Any amendments to the approved PD plan will require compliance with Section 155.2405.1 Minor Deviations from the approved PCD plan and Section 155.2405.j, Amendment of the Pompano Beach Zoning Code.

L. Traffic Study

A traffic study was completed by Kimley Horn and reviewed for the City by CGA. The Trip Generation Equivalency Tables, provided as Exhibit S3 clarifies the number of trips each use will generate based on square footage or residential units proposed. The table will also provide a way to calculate trips if uses within the development site are changed or redeveloped. Exhibit S4 –

Traffic Conditions details the improvements required. The improvements are based on an increase of net new PM peak hour trips at three levels: 923 trips, 1231 trips and 2,895 trips.

Improvements and/or signal timing are proposed are primarily for the following intersections in the first phase:

- Atlantic Boulevard/Powerline Road
- Atlantic Boulevard/Andrews Avenue
- SW 3rd Avenue/East Project Driveway
- Powerline Road/Proposed Project Driveway

The following improvements and/or signal timing would be required during full build-out at the following locations

- Atlantic Boulevard/NW 27th Avenue
- Atlantic Boulevard/Powerline Road
- Powerline Road/ SW 3rd Avenue
- SW 3rd Avenue/SW 23rd Avenue and West Project Driveway
- Powerline Road and McNab Road

See Exhibit S for additional information concerning these improvements.

CONDITIONS OF PROJECT IMPLEMENTATION

In addition to compliance with the PD Ordinance, and PD Master Plan and Document, Development within this PD Zoning District will require compliance with the following Conditions of Project Implementation prior to site plan approval, as applicable:

1. Entitlements - The PCD Master Plan reflects 1,400,000 square feet of office square footage and 4,100 residential units, which is more than is currently permitted pursuant to the existing City of Pompano Beach Land Use Plan for this Regional Activity Center which is currently undergoing a Land Use Plan Text Amendment. The Applicant will be permitted to develop up to 1,300 dwelling units and 951,000 square feet of office space, as well as the Commercial Recreation and Commercial entitlements reflected on the PCD Master Plan, until the Live! Resorts Pompano RAC land use is amended to permit the additional residential units and office square footage and such amendment becomes effective as provided by law.
2. Traffic Improvements - Plans for any roadway improvements should be addressed as development meets criteria set forth in Exhibit S of the PCD which shall be reviewed and approved at site plan and constructed prior to C/O.
3. The Crystal Lagoon shall be constructed and completed as follows:
 - i. prior to the issuance of certificates of occupancy for new development generating more than 1500 net new P.M. peak hour trips based upon the Trip Generation Rates Table attached as Exhibit S-3 complete a minimum of 5 acres of the Crystal Lagoon;
 - ii. prior to the issuance of certificates of occupancy for new development generating more than 3000 net new P.M. peak hour trips based upon the Trip Generation Rates Table attached as Exhibit S-3 complete construction of the Crystal Lagoon.
4. Bicycle paths, pedestrian walkways, and roadways in all phases of development shall provide a cohesive network connected to Powerline Road and SW 3rd Street and do not result in dead-end conditions.
5. Airspace Obstruction Permit - Development will be required to provide evidence of compliance with Section 155.3707 Airpark Overlay (APO) District. Airspace Obstruction Permit to be issued by Fort Lauderdale Executive Airport.
6. Public Safety Requirement - The first improvement plan and/or site plan for the Casino building and the new Jai Ali structure shall include medical and public safety rooms as well as staging areas for emergency vehicles along an exterior wall of each structure.
7. Utilities - All proposed city owned utility connections shall show a City point of service connection just behind the recorded property line adjacent the State, County or City owned public right-of-way. All utility services after the City point of service connection shall be private. Each phased construction shall state the MGD of water consumption and the MGD of wastewater discharge of the project. The project(s) shall be subject to any costs incurred as a result of any required feasibility study, design and upgrades to the City's water/wastewater system to accommodate the projected utility service demands.
8. Unity of Control Document – A Declaration document prepared in lieu of Unity of Title shall be provided prior to the first site plan approval.
9. Environmental Monitoring – There is existing Declaration of Restrictive Covenant on the land (BCR Instrument #115913209) which details the presence of contaminants on the northwest corner of the site. The No Further Action letter (NFA) resolving the Declaration of Restrictive Covenants states that there is a restriction on groundwater use which will be taken into consideration during the review of each site plan as applicable.
10. Tri-Rail Coordination - The Applicant shall coordinate with the appropriate agencies and the City to facilitate development of a Tri-Rail Station on the subject property.
11. Shared Parking Studies – In order to develop parking areas that better reflect parking efficiencies of a mixed-use project by reducing the number of parking spaces required, the Applicant shall provide Shared Parking Studies subject to review and approval by the Development Services Director, utilizing methodology established by the Institute of Transportation Engineers.

P&Z REVIEW AND RECOMMENDATION

The proposed development as currently proposed is consistent with the Goals, Objectives and Policies of the City's Comprehensive Plan. The Land Use Plan Amendment, currently in process will provide the consistency needed with respect to densities and intensities of the permitted uses identified in the PCD. The proposed development will provide an exciting and innovative new development to the City which will allow residents to work-live-play within this 220+ acre site. This PCD will create a framework to allow for future development to occur including commercial, office, residential, retail and casino uses all within a walkable and pedestrian/bicycle-friendly development.

The applicant has submitted a traffic study which details the proposed impact of the development on the existing roadway network and has provided a list of improvements to mitigate the increase in traffic and trips on the major roadways. Documents have been provided that detail when improvements need to occur and how staff can calculate and document these improvements when site plans are submitted. In addition, the applicant has been meeting with Broward MPO on a potential Tri-Rail station at this development. This new station would further reduce the traffic impact on the surrounding roadway network and provide direct access from this site to the South Florida region including the three international airports.

Several deviations were requested by the applicant and staff has provided feedback on them as submitted. Given the size, scale and complexity of this development, staff suggests a number of conditions of approval, if the development is considered by the Planning and Zoning Board as well as the City Commission to ensure the public purpose of this development is met and that there is minimal impact on adjacent land uses. The conditions that follow, reflect only those that must be addressed prior to the City Commission Hearing of the Rezoning. Conditions of Project Implementation will be provided as an exhibit to the Ordinance to be adopted and implemented as the project is implemented.

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

Alternative Motion I

Recommend approval of the PCD rezoning request as the Board finds that rezoning application is consistent with the pertinent Future Land Use goals, objectives, and policies and the purpose of the Planned Commercial/Industrial Development (PCD) district purpose, subject to the following conditions:

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

- 1. Phasing**
Provide the consolidated phasing plan requested in accordance with the Staff Analysis provided in the review of Section 155.3602.A.2.f
- 2. Traffic**
Revise exhibit S-4 in accordance with the Staff Analysis provided in the review of Section 155.3602.A.2.c related to Traffic.
- 3. Pedestrian and Bicycle Facilities**
Revise Exhibit F in accordance with the Staff Analysis provided in the review of Section 155.3602.A.3.c related to Public and Private Streets.
- 4. Utilities (Public vs. Private)**
Revise Exhibit G in accordance with the Staff Analysis provided in the review of Section 155.3602.A.3.e related to potable water and wastewater facilities.
- 5. Zoning Code Deviations**
Revise Exhibit P in accordance with the Staff Analysis provided in the review of Section 155.3602.A.2.b related to Modifications of Development Standards. Staff has provided

recommendations related to Vehicle Stacking for Parking Lots and Garages, Landscape Islands in Parking Bays, Street Trees, and Parking Structures.

6. Uses

Provide information relating to Sports Entertainment/Commercial Recreation Venues with a Golf Driving Range. Provide lighting and signage information and standards as necessary.

7. Building design and Massing

Revise Exhibit O in accordance with the Staff Analysis provided in the review of Section 155.3602.A.2.a

8. Issues with FPL Transmission Lines

Separation is required from these facilities. Provide correspondence to ensure an appropriate setback from transmission lines.

Alternative Motion II

Table this application for additional information as request by the Board

Alternative Motion III

Recommend denial as the Board finds that the request is not consistent with the goals, objectives, and policies of the Comprehensive Plan.

STAFF RECOMMENDS ALTERNATIVE MOTION I

Staff finds that there is sufficient information to support this rezoning request. The applicant has worked with City staff to provide the necessary information to show that the rezoning meets the intent of the overall goals, objectives, and policies of the Pompano Beach Comprehensive Plan and the purpose of the Planned Development and the PCD (Planned Commercial/Industrial) District purposes. Additional information will need to be provided to ensure the development will be redeveloped in conformity with the City's Code.