

(2:15:06)

H. REZONING

**6. POMPANO PARK HOLDINGS, LLC & PPI, INC. / LIVE!
RESORTS POMPANO REZONING
Planning and Zoning No. 20-13000003
Commission District: 5**

Consideration of the REZONING submitted by **DEBBIE ORSHEFSKY** on behalf of the **POMPANO PARK HOLDINGS, LLC & PPI, INC.** is requesting to rezone the subject property from PCD (Planned Commercial/Industrial District) to Amended PCD (Planned Commercial/Industrial District).

ADDRESS: 777 Isle of Capri Circle
ZONED: PCD (Planned Commercial Development)
STAFF: Jean Dolan (954) 786-4045

Mr. Max Wemyss, Planner, introduced himself to the Board and was placed under oath by Pamela McCleod, Assistant Planner and State of Florida Notary Public.

Mr. Wemyss introduced the team for land use and zoning on behalf of the City. He showed the Board a presentation which included the property location and the request. The applicant is requesting to rezone the subject property from PCD (Planned Commercial Development) to Amended PCD (Planned Commercial Development). This property is 232.05 gross acres and consists of 7 separate parcels located on the property currently utilized as the Isles Casino. The general location of the proposed rezoning is the southeast corner of Powerline Road and SW 3rd Street (Racetrack Road). The site was recently rezoned to PCD with Ordinance 2019-107 on September 24, 2019 to encourage a mix of employment generating uses, entertainment uses, and residential units. The purpose of this application to amend the PCD is to permit certain industrial park uses into the east side of the PCD Master Plan. The applicant provides that “incorporation of the industrial park use is to address recent but dramatic changes in the office and commercial recreation market as a result of current worldwide conditions and an interest by a warehouse/distribution user to develop an over one million square foot facility at this location and bring over 1,200 new jobs to the City. This proposed use will be a catalyst for the previously approved live/work/play uses also to be developed within the LIVE! Resorts Pompano RAC. The reduction in the size of the crystalline lagoon to a minimum of 1.5 acres will allow a new lake with a minimum size of 12 acres to be constructed and provide a water based active recreation amenity for the community, as well as provide stormwater storage for the development.”

Mr. Wemyss stated that concurrent to this request is also the land use text amendment that was just presented, which proposes to reduce office entitlements by 650,000 sq. ft and introduce industrial entitlements to 1,500,000 sq. ft. He states that the proposed masterplan, broken into three exhibits, is very similar to the previous with the exception of a dimensioned red line on the Industrial District Plan. This line limits the proposed

industrial development to only the east side. Another significant amendment proposed is to the Open Space Plan. The crystal lagoon was proposed to occupy up to 15 acres previously but the proposed reduces the crystal lagoon to 1.5 acres with the introduction of a 12-acre lake. The lake will provide a recreational amenity to the site as well as stormwater drainage. Then last significant change is to Exhibit Q – PCD Use Table. The table will include 7 additional industrial uses, which are considered compatible with the adjacent uses of the area where it is confined.

Mr. Wemyss reminded the Board that the previous approval included Site Plan Approval Considerations. Staff is including 4 additional considerations as conditions in order to ensure that 1. The entitlements of the land use are in place prior to site plan approval for the use, 2. Any development completed to date of the adoption of this ordinance, following the adoption of Ordinance No 2019-107, is considered in the thresholds for development approvals (traffic improvements, buffer, recreation areas), 3. The lagoon and the lake be developed once 1,500 trips are generated, rather than the 3,000 previously permitted, and 4. Any outstanding platting issues be resolved prior to site plan approval.

Mr. Wemyss confirmed that the amended PCD meets the goals, objectives, and policies of the City's Comprehensive Plan and will provide a mixture of uses that are all located within a walkable, pedestrian, and bicycle-friendly distance. The applicant submitted a traffic study, which was reviewed by the City's traffic consultant, Traftech Engineering.

Mr. Wemyss stated that given the size, scale, and complexity of this development, staff suggests a number of conditions of approval to ensure the public purpose of this development is met and there is minimal impact on adjacent land uses. The conditions reflect only those that must be addressed prior to the City Commission Hearing for the Rezoning. Conditions of Project Implementation will be provided as an exhibit to the Ordinance to be adopted and implemented as the project is constructed. He added that given the information provided to the Board, as the findings 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 for second reading:

1. Exhibit F – Road Network, Pedestrian and Bike Revise Exhibit F to show designated truck access points/routes. The industrial uses/truck traffic and access shall not impede access (vehicular/pedestrian/etc.) of district guests and residents to the potential Tri-Rail Station. Revise note "All roads are subject to reconfiguration and/or elimination" to state "All roads may be modified with respect to alignment, provided that the final design is consistent with the typical street sections T1 – T7 and will not have an impact on external traffic impacts".
2. Exhibit F1 – Road Typology Revise note "All roads are subject to reconfiguration and/or elimination" to state "All roads may be modified with respect to alignment,

provided that the final design is consistent with the typical street sections T1 – T7 and will not have an impact on external traffic impacts”. Provide legible detail sheets for typical sections T1 – T7.

3. Exhibit L – Open Space Revise note “Lake/water recreation will be designed and permitted to allow boating, fishing and other water based recreation” to say “...designed to accommodate boating, fishing, and other water based recreation...”
4. Exhibit U (Lake Area change only) Correct the unusual shape of the 400’ building height area around the recreational lake and lagoon area to exclude the open space / recreation area.
5. Updated Traffic Impact Study Upon conclusion of the study, amend documents to address recommendations as necessary.

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 and 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 purposes of the Planned Development and the PCD (Planned Commercial/Industrial) Districts. Additional information will need to be provided to ensure the property will be redeveloped in conformity with the City’s Code prior to the City Commission Hearing for second reading of the rezoning.

Mr. Miller asked if the crystal lagoon will be reduced and asked about the lake. Mr. Wemyss responded yes and explained the concept is like a giant pool surrounded by a lake.

Ms. Orshefsky discussed the original the concept of the lagoon as a focal point and clarified that the uses or drainage were not initially thought out. It is now better for drainage, recreation, and is more environmentally friendly.

Mr. Miller asked if the applicant will go back to the community. Ms. Orshefsky responded it is difficult to do community outreach considering the circumstances. She stated they may do a targeted community outreach on Zoom.

Mr. Miller stated it is difficult to grasp the concept with so many changes.

Ms. Orshefsky stated that the size of the project resulted in some evolution and ensured that the lake will be active for recreation and the lagoon would have fishing, which is not typical. She says as the project progresses, they have hopes to be able to hold community outreach. She said they will make an effort to do so before the site plans come out.

Ms. Stacer asked Ms. Dolan about the notice mailings. Ms. Dolan stated that both mailings have a 500-foot radius requirement and there were 911 envelopes mailed. She mentioned

she only received 1 call. Mr. Miller stated they should have noticed further than 500 feet and he did not receive a notice.

Ms. Kovac asked why the wording changed from “permitted” to “accommodate” under I and 3. Mr. Wemyss stated that the word permitted infers actual permission by approval and they may still need additional approvals. Ms. Orshefsky agreed that this is clearer. Ms. Kovac agreed and stated that she would like to see that in the application.

Ms. Stacer asked if there is anyone from the public that wished to speak.

Mr. Tom Drum (2700 NE 8th Street, Pompano Beach) stated that he understands that these are very difficult times for outreach, but he thinks the rezoning is too nebulous and it seems that they can hide behind these times and push things through.

Ms. Smith stated she’d like to be clear on the process. She asked if the items 5 and 6 are approved, will there be opportunity for public input. Ms. Dolan responded after this hearing the two items will go to the City Commission for first reading on September 8th. The DEO and other state agencies will then review the LUPA and staff will bring it back to Commission October 27th. If approved, the LUPA will be contingent on the county approving the matching LUPA on the county’s plan. There will be a big gap for the county to catch up and if any changes happen then, they would have to come back and further amend our process because the county creates the entitlements. There is some time but it follow’s the county’s process.

Ms. Orshefsky stated that they have other protections and standards that were already approved and are not being modified or removed. This is a small piece of a larger puzzle that the Board will see. Mr. Stacer agreed and stated that the Board will see the applicant again numerous times with each building.

Ms. Coleman reminded that given the circumstances and with 30 million Americans unemployed, many of them will need to look to do things that they haven’t done before. She agreed that the Board will see the project many times before it is done. We have to take the facts into consideration regardless of who you are. These are incredible times and with the project of this size, the Board would have to see request for changes come in anyway. She stated she looks forward to having some of these things come back.

Mr. Stacer stated that he wanted to discuss Mr. McWilliams’s letter that explains the trip distributions.

Mr. John McWilliams (Kimley Horn) explained the different models to calculate traffic distributions for development. He stated they used Version 7 of an adopted MPO model as the model for the original distribution. With the change proposed, the type of trip changed though the number did not as much. That warranted running the model again. Since the original approval of the rezoning, a new version of the MPO model came out (Version 8). FDOT asked them to use this version, and also refine and add more detail to the model. The new version is also different socioeconomically. They noticed that traffic was lower on Racetrack Road in the new model. The conclusion is that there was no huge shift

between the two models. Additionally, FDOT will be looking over all of the data for their approvals and if anything changes, they need to come back to the City.

Mr. Stacer stated the type of traffic concerned him, specifically truck traffic getting mixed in with Poweline Road traffic before getting to Atlantic Boulevard. He asked that they make a recommendation to use Racetrack Road to the east and encourage the use of Andrews Avenue extension to get to the Turnpike. Additionally, we would discourage going up Andrews to the new bridge and then to MLK.

Mr. McWilliams says that there is a lot that the model does not account for. He says they know they will have to adjust the information anyway. If Powerline and Atlantic is the most congested area, the tenant is sophisticated enough to change where they come in and reroute if needed. He stated he believes FDOT is probably going to be concerned about the same issues.

Mr. Stacer stated he wants this to be a hub and does not want to discourage the applicant. Ms. Orshefsky agreed and stated they are still looking to be a part of this and are fully committed.

There were no further questions.

(3:06:45)

MOTION was made by Richard Klosiewicz and seconded by Willie Miller to table item #6 for discussion until the discussion for item #5 is complete. All voted in favor.

(3:09:56)

MOTION was made by Richard Klosiewicz and seconded by Willie Miller to remove Item #6 from the table. All voted in favor.

(3:11:00)

MOTION was made by Carla Coleman and seconded by Richard Klosiewicz to recommend approval of the Rezoning PZ #20-13000003 per Alternative Motion I, subject to the five conditions requested by Staff. All voted in favor.

I. TEXT AMENDMENT

7. BEELINE ENTERTAINMENT PARTNERS, LLC / TEXT AMENDMENT TO SECTION 155.4211. C. 1. , PRIVATE CLUBS Planning and Zoning No. 20-81000002 Commission District:

Consideration of the TEXT AMENDMENT submitted by **R. BRUCE MCLAUGHLIN** on behalf of the **BEELINE ENTERTAINMENT PARTNERS, LLC** is to amend the zoning districts where a “Lodge or Club,” is permitted to include the I-1X zoning district.

ADDRESS: All I-1X Zoning Districts within the City.