

Legislation Details (With Text)

File #: LN-16 **Version:** 2 **Name:**
Type: PZB Submission **Status:** Passed
File created: 10/7/2020 **In control:** Planning and Zoning Board
On agenda: 1/27/2021 **Final action:** 1/27/2021
Title: FS 103 SITE FLEX

Sponsors:

Indexes:

Code sections:

Attachments: 1. 10/21 DRC Meeting Documents, 2. 10/21 DRC Meeting Drawings, 3. 1/27/21 PZB Meeting Documents.zip, 4. 1/27/21 PZB Meeting Drawings.zip

| Date | Ver. | Action By | Action | Result |
|------------|------|------------------------------|--------------------------|--------|
| 1/27/2021 | 2 | Planning and Zoning Board | APPROVED WITH CONDITIONS | |
| 10/21/2020 | 1 | Development Review Committee | RECOMMENDED FOR APPROVAL | |

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

Meeting Date: JANUARY 27, 2021

FS 103 SITE FLEX

Request: Commercial Flex
P&Z# 20-05000004
Owner: Whitney LLC, 40th Street LLC, Clermont Realty LLC & Newtown Hall, LLC
Project Location: 3500 NE 16th Terrace
Folio Number: 484224190060
Land Use Designation: CF
Zoning District: CF
Commission District: 2
Agent: Christina Bilenki (561-405-3323)
Project Planner: Jean Dolan (954-786-4045) / jean.dolan@copbfl.com

Summary:

Request

The Applicant is processing three concurrent applications for the 0.45 gross acre property at 3500 NE 16th Terrace, which is adjacent and west of the shopping center on the SW corner of Sample Road and US 1 and was previously the site of Fire Station 103. The three applications include a local-only land use plan amendment (LUPA) to change the property from Community Facility (CF) to Residential (Low-Medium 10); a commercial flex request to allow local business uses on a residential land use classification and a rezoning to B -1 to allow the commercial use. The purpose of these three applications is to allow an office use in the existing structure on the site for the management staff of the adjacent shopping center. This report will focus

on the commercial flex request.

The City's Future Land Use Map shows the site as Community Facility (CF) while the County's Land Use Plan shows it as Residential (LM 10). The concurrent LUPA will make the City and the County's plan both show a LM -10 land use designation. Chapter 154.60 of the City's Code defines the 5% rule which establishes that the Broward County Land Use Plan and the City of Pompano Beach Comprehensive Plan permit up to five percent of the area with a designated residential land use category to be used for neighborhood commercial uses without applying for a land use plan amendment. This is referred to as nonresidential (or commercial) flexibility.

Requests for commercial flexibility requires the submittal of a conceptual plan which defines how the property will be developed in a manner compatible with the adjacent residential uses. This attached conceptual site plan limits the commercial use to the existing building.

Rationale for the Commercial Flexibility Request

The Pompano Beach land use designation on the property is CF to accommodate the Fire Station which previously occupied the existing building. A new station was built to serve Cresthaven and this station was subsequently abandoned and sold to the current Applicant who also owns the adjacent shopping center to the east. The reason for the concurrent LUPA is to change the land use back to LM 10 to match the County's Plan and then use the commercial flexibility provision of the Comprehensive Plan and Chapter 154.60 to allow local -scale commercial uses in the existing building to accommodate the management staff of the adjacent shopping center. By changing the land use designation to LM-10, the Applicant avoids a County land use plan amendment while achieving their objective of an office use by applying for commercial flexibility. The Applicant is also processing a rezoning to B-1 that has intensity standards similar to the current CF land use entitlements (CF allows for 1.5 FAR while B-1 allows for a 1.75 FAR). Commercial flexibility, however, is further limited to what is shown on the attached conceptual site plan limiting the commercial entitlements on the site to the 2,418 SF building existing on the site.

Surrounding Land Uses

The future land use designation and existing uses of the properties immediately surrounding the subject property are summarized as follows:

EXISTING AND PLANNED USE OF ADJACENT AREAS

| Land Use | Site | North | South | East | West |
|---|--|--------------------------------------|-------------------------------------|--------------------------------------|------------------------------|
| City and County Future Land Use Map Designation | City: Community Facility (CF) - with concurrent request to amend to LM-10 County: Residential LM-10 | City: Commercial County: Commerce | City: LM 10 County: LM 10 | City: Commercial County: Commerce | City: Low 5 County: Low 5 |
| Existing Uses | Abandoned building previously used as Fire Station 103 | Vacant | Residential Multi-family apartments | Shopping Center | Single Family Homes |

The existing commercial designations to the north and east of the property, the restriction of the commercial

uses to the existing building footprint and the additional buffering added to the site plan to increase compatibility with the residential uses to the south and west make the proposal compatibility with adjacent development and create a reasonable development pattern.

Commercial Flexibility Review Standards

An application for Commercial Flexibility shall be approved only on a finding that there is competent substantial evidence in the record that the development, as proposed, meets the following review standards found in Section 154.61(D):

- (1) Consistency with applicable goals, objectives and policies of the City's Comprehensive Plan and this chapter.
- (2) The nonresidential development within the residential land use designation will produce a reasonable development pattern. The criteria for reasonableness shall include compatibility of adjacent land uses.

The following Comprehensive Plan Goals, Objectives and Policies support this Application:

Policy 01.01.05

Review proposals for new development, including future land use plan amendments, to identify the cumulative impacts of the proposed development on public services and facilities.

Policy 01.01.11

Require that all future land use map amendments ensure the availability of potable water supplies and water supply facilities, and reuse where available.

Policy 01.03.04

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

Policy 01.03.05

All Land Use Plan Map amendments and rezonings 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 rezonings.

Policy 01.06.12

Review all land use plan map amendments, rezonings and site plan applications to ensure that there is sufficient wastewater collection and treatment facilities, potable water resources available and if reuse water is available, require it be used, and that they pose no noxious impacts to the Biscayne Aquifer.

Staff Conditions:

Recommendation

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

Alternative Motion I

Approval of the requested Commercial Flexibility with the following conditions:

The site plan ultimately approved for this site shall be generally consistent in regard to building dimensions and placement, setbacks and buffering with the Conceptual Plan (Attachment 1). The following revisions must be made to the Conceptual Plan before this request will be placed on a City Commission agenda:

- (1) The perimeter buffer along the south and west property lines must be at least 10 feet wide.
- (2) Label the south and west fence as follows: "Existing fence to be removed and replaced with a semi-opaque fence and gate".
- (3) Add the required shrubs on the interior side of the semi-opaque wall/fence.
- (4) Discuss with staff the areas requiring installation of a type D curb.
- (5) Add a note to the west-side gate on NE 16 Terrace as follows: "To remain locked except for emergency access and trash pickup."

Alternative Motion II

Table this application for additional information as requested by the Board.

Alternative Motion III

Denial of the Commercial Flexibility as the Board finds it is not consistent with the goals, objectives and policies of the Comprehensive Plan.

Staff recommends Alternative Motion I.