

Legislation Details (With Text)

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On agenda: 8/25/2021 **Final action:** 8/25/2021
Title: 900 N OCEAN REZONING

Sponsors:

Indexes:

Code sections:

Attachments: 1. P&Z_Addendum_RE_Notice.pdf, 2. 4/21/21_DRC Drawings.zip, 3. 4/21/21_DRC Documents.zip, 4. PZB Documents_7.28.zip, 5. PZB Drawings_7.28.zip, 6. LetterOfOpposition_Bender_812NOcean, 7. LetterOfOpposition_Butan_812NOcean, 8. LetterOfOpposition_Herring_812NOcean, 9. LetterOfOpposition_Hofman_812NOcean, 10. LetterOfOpposition_Kissane_812NOcean, 11. LetterOfOpposition_Livingway_812NOcean, 12. LetterOfOpposition_Lovitt_812NOcean, 13. LetterOfOpposition_McKee_812NOcean, 14. LetterOfOpposition_Mednitsky_812NOcean, 15. LetterOfOpposition_Pembleton_812NOcean, 16. LetterOfOpposition_Reszko_812NOcean, 17. LetterOfOpposition_Stein_812NOcean, 18. LetterOfOpposition_Tysnes_812NOcean, 19. LetterOfSupport_Vassos_1009NOcean_Tradewinds, 20. PZB Documents_8.25.zip, 21. PZB Drawings_8.25.zip, 22. LetterOfOpposition_Manzi_1009NOcean.pdf, 23. LetterOfOpposition_Vivenzio_3201NE8Street.pdf, 24. LetterOfOpposition_Mistry_1012NOcean.pdf

Date	Ver.	Action By	Action	Result
8/25/2021	2	Planning and Zoning Board		
7/28/2021	2	Planning and Zoning Board	APPROVED	

PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY

Meeting Date: AUGUST 25, 2021

900 N OCEAN REZONING

Request: Rezoning
P&Z# 21-13000002
Owner: Beach Villa 900 Ocean Boulevard Condominium, Inc
Project Location: 900 N Ocean Boulevard
Folio Number: 484331CD0010 - 484331CD0470
Land Use Designation: H (High 25-46 DU/AC)
Zoning District: RM-45 (Multiple Residence 45)
Commission District: 1
Agent: Michael Vonder Meulen (954-612-3203)
Project Planner: James Hickey, Consultant, with Daniel Keester-O'Mills (954.786.5541/
Daniel.Keester@copbfl.com)

Summary:

At the July 28, 2021 Planning & Zoning Board Meeting, the Board approved an application (P&Z: 21-13000002) to rezone 900 North Ocean Boulevard from RM-45 (Multiple-Family Residence -45) to PD-I (Planned Development-Infill). Following the meeting, Staff learned there was an error with the mailed notice. Since the July Meeting, Staff has corrected the error and fully re-noticed the rezoning request. Attached is a detailed memo describing the error and the steps taken to correct it. Staff is presenting the rezoning application to be reheard at the August PZ meeting.

The applicant is requesting to approve the rezoning of a property from RM-45 (Multiple-Family Residence-45) zoning to Planned Development- Infill (PD-I) to develop a 119-unit residential high-rise and mixed-use development. The subject property under consideration for a rezoning is currently joined in title with a property on the west side of North Ocean Blvd, but it is not a part of the rezoning application for the PD-I. The subject property is 3.19 gross acres (138,956 square feet). The general location is the southeast corner of NE 10th Street and North Ocean Boulevard (A1A). The request is to demolish the existing structures which is the Beach Villas Condo and construct a 21-story mixed use development with commercial and parking on the first 3 floors and the remaining stories will include the 119 residential units.

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. The project aims to provide additional redevelopment and value to the north beach area.

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

1. City staff and its planning consultant reviewed the DRC submittal for this rezoning. A DRC meeting was scheduled on April 21, 2021, and comments were provided to the applicant. A DRC meeting was held to discuss comments, which were incorporated into this application.
2. The property is platted on the Atlantic View No.2 Plat (Plat Book 27, Page 21)
3. The site is 2.68 net acres (all land within the property lines) and 3.19 gross acres (land within the property lines and half of the dedicated right-of-way abutting the property).
4. The Zoning and uses of adjacent properties are:

Property	Adjacent Property	Zoning District	Existing Use
Southeast corner of N Ocean Blvd (A1A) and NE 10 Street	North	RM-45/HR	Condominium
	South	RM-45	Condominium
	East	N/A	Dune Vegetation and Beach
	West	RM-20	Motel

5. The PD-I application requests a 21-story structure with a not-to exceed height of 232 feet. This property is located within the Airpark Overlay District and the proposed height is considered an Airpark Obstruction and requires FAA review and city approval. An Airpark Obstruction Permit application (P&Z: 21-12400001) has been submitted by the Applicant for review and will be presented to the Planning & Zoning Board concurrently at the August P&Z Meeting.

6. The height of neighboring buildings are:

Direction	Building / Height	Maximum height allowed by Zoning
North neighbor	Century Plaza Condos (16 stories)	Greater than 105 feet per RM-45/ HR
South neighbor	Golden Shores Apt Co-op (1 story)	105 feet
East neighbor	Dune Vegetation and Beach	N/A
West neighbor	Sea Horse Motel (1 story)	35 feet

7. The underlying Land Use Designation is H-High 25-46 Dwelling units/acre. The survey provided indicates that a portion of the property is seaward of the historic dune vegetation line ("dune vegetation line"). The dune vegetation line shall be considered the rear property (155.9301) for several zoning & dimensional standards (excluding density). The size of this property is approximately 3.19 acres (138,956 square feet); resulting in approximately 146 units (permitted by the land use). The existing zoning district is RM-45 which would allow 120 units at a net acreage of 45 units to the net acre (45 units/ acre x 2.68 acres = 120 units). Through the Planned Development rezoning, the Applicant may utilize the gross acreage for density purposes. The current PD-I proposal requests 119 units which is a density of approximately 37 units to the gross acre (119 units / 3.22 acres = 36.96 units / acre).

	RM-45	Proposed PD-I
Maximum Number of Units	120	119
Density	45 units/ net acre	36.96 units/ gross acre

8. The proposed PD-I is requesting a proposed increase in height from 105 feet to 232 feet which is below the FAA allowable height of 251 feet. The property to the north of the proposed development is zoned RM-45 HR and therefore does not have the height restriction of 105 feet.

	RM-45	Proposed PD-I
Building Height	105	232

9. Site History: The parcel is the Beach Villas Condos with 48 units. The property was built in 1979 according to the Broward County Property Appraiser website.

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 155.2402.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.

Objective 01.02.00 Right-of-Way Protection and Accessibility. Protect the existing and future building encroachments and ensure proper accessibility with the roadway and transit network.

Policy 01.02.02 Approve site plans, plats and other development approvals on the condition that the applicant will dedicate right-of-way according to the requirements of the Broward County Trafficways Plan and the City's street standards in Chapter 100 of the City's Code of Ordinances.

Policy 01.03.03 Encourage property owners to rezone the subject properties when initiating development and/or redevelopment proposals to be consistent with the designations on the Future Land Use Maps.

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

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

Policy 01.03.12 The following criteria may be used in evaluating rezoning requests:

- A. Density;
- B. Design;
- C. Distance to similar development;
- D. Existing adjoining uses;
- E. Proposed adjoining uses;
- F. Readiness for redevelopment of surrounding uses and
- G. Proximity to mass transit.

Policy 01.04.02 The City of Pompano Beach shall amend its land development regulations to reduce parking requirements for residential and commercial uses along major corridors where it can be shown that pedestrian and transit amenities are provided, shared parking is provided or sufficient public

parking nearby.

Policy 01.06.01 Consider and minimize the impacts that land use amendments, rezoning or site plan approvals have on natural resources, including wetlands, and culturally, historically, archaeologically and paleontologically significant resources.

Policy 01.07.08 Through ongoing updates to the land development regulations develop new zoning districts that encourage redevelopment, including mixed use along major highway corridors.

GENERAL STANDARDS FOR ALL PLANNED DEVELOPMENT DISTRICTS

Before approving a PD zoning district classification, the City Commission shall find that the application for the PD zoning district classification and the associated PD Plan, comply with the following standards set forth in §155.3602:

A. PD Plan

The PD Plan includes a statement of planning objectives for the district along with a detail description for the district and the development area. Dimensional includes all of the necessary requirements the following:

1. A statement of planning objectives for the district;
Included within the application.
2. Detailed description of the following for the entire PD District and for each development area:
 - a. Dimensional Standards
The required dimensional standards are provided within Exhibit F
 - xi. Minimum setbacks from adjoining residential development or residential zoning districts.
PD documents need to show distance from adjoining residential property and distance from closest residential property.

b. Modifications of Development Standards;

DEVIATIONS TABLE				
CODE SECTION	TYPE	DESCRIPTION	DEVIATION	JUSTIFICATION

155.5203	Landscape Buffer	Reduction of the Buffer	Reduce from 10 ft. minimum to 9 ft. (portion of south buffer)	Along the south buffer, portions of the driveways, inject wells and other site features encroach into the 10-foot buffer area. Relief from the buffer requirements in this area will allow for these site features. The buffer reduction is compensated with an increase in the amount and size of landscape material proposed and the preservation and enhancement to the dune system.
Table 155.9401. C.	Allowable Required Yard Encroachments	Open Balconies	Extend 3' on side street setback	Per this section balconies may extend up to five feet into a required rear yard. The proposed building has a 3' balcony encroachment on the north side. Allowing this deviation allows for the creative design of the building.
155.5102.C.3.b.	Backing out onto Streets prohibited	Backing out onto Streets Prohibited	Allow trucks to back out onto NE 10 Street from loading area.	NE 10 th Street dead ends into the beach and Atlantic Ocean, therefore has a low volume of traffic while most vehicles will back in and pull out. It is expected that the Waste Truck will be pulling in forward and then backing into NE 10 th Street.

Staff's Analysis: The applicant is requesting three deviations which are shown below and provided in Exhibit K.

- 1. Landscape buffer. The applicant is requesting a reduction on portions of the 10-foot buffer area located on the south side of the development. The applicant is proposing an increase to the landscape size along this buffer along with enhancements to the dune system.*

2. *Allowable Required Yard Encroachment.* The City's Zoning Code allows for rear yard encroachments of balconies but not within the side yard. Their request is to have a 3-foot overhang for balconies on the north side facing NE 10 Street which provides an enhanced aesthetic building design.
3. *Backing out onto streets prohibited.* Based on the design of the building, the applicant is requesting to have back out parking only from the loading area that will service residents and the commercial portion of the building. It is anticipated that this will be a low number of vehicles completing this maneuver.

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

- *Transportation - residents and visitors will access the site at the southwest corner of the development from A1A which has been approved by FDOT. The development will include enhanced bicycle and pedestrian amenities and is serviced by BCT Route 11 as well as the City's Green Route.*
- *Potable Water and Wastewater - Adequate facilities exist for the development.*
- *Stormwater Management - Per city code requirements, on-site stormwater facilities will be part of this development.*
- *On-site Public Facilities - the site will include public areas for bike/pedestrian uses as well as commercial space for use by the public.*

d. Provisions related to environmental protection and monitoring;

Applicant will meet the required lighting for marine turtle protection as well as preserving and enhancing the existing dune.

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

The development will greatly enhance the existing architectural character of the area and provide pedestrian and bicycle facilities. There will also be enhancements to the beach area for all to enjoy. In addition, commercial activity on the first floor will allow residents and tourists to visit the site and enjoy the view of the ocean.

f. Development Phasing Plan;

The development will be completed in one phase.

g. Conversion Schedule; and

The proposed project will not require any conversions of uses.

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 applicant states the development will improve the pedestrian experience and provide an added benefit to City residents.

3. Identify the general location of the following:

a. Individual development areas, identified by land use(s) and/or development density or intensity;

The underlying Land Use Designation is H-High 25-46 Dwelling units/acre. The existing zoning district is RM-45 which would allow 120 units at a net acreage of 45 units to the net acre. The current PD-I proposal requests 119 units which is a density of 36.96 units to the gross acre.

	<i>RM-45</i>	<i>Proposed PD-I</i>
<i>Maximum Number of Units</i>	120	119

Density	45 units/ net acre	36.96 units/ gross acre
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- b. Open space (whether designated for active or passive recreation), including amount, and type of;
Includes landscaped areas and hardscape areas. The dune vegetation will be upgraded and an enhanced landscaped sidewalk will be placed on A1A.
 - 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;
All proposed bicycle and pedestrian improvements are provided in Exhibit H.
 - d. Environmentally sensitive lands, wildlife habitat, wetlands, and floodplains;
The proposed development will make substantial improvements to the dune area and have lighting systems to protect marine turtles during nesting season.
 - e. On-site potable water and wastewater facilities, and how they will connect to city systems;
All water and wastewater will connect to city systems.
 - f. On-site stormwater management facilities, and how they will connect to city systems; and
Per city requirements, all stormwater will have to be managed on-site.
 - 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 will provide all of the necessary public facilities needed for the proposed development.
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 within Exhibit I. The largest impact is the early morning with shadows on the properties located on the west side of A1A. Two hours before sunset provides shadowing on the majority of the beach area.
 - 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.
Within Exhibit J, the applicant provided view corridors for Tradewinds, the Palms on Ocean and Sea Pointe condominiums showing that a view corridor will exist for these properties. The Golden Shores Condominium to the south of the proposed development will continue to have a view from the front condominium units to the beach.

B. Consistency with City Plans

The PD zoning district designation and the PD Plan shall be consistent with the comprehensive plan.

The district is consistent with the comprehensive plan as identified earlier in this analysis.

C. Compatibility with Surrounding Areas

Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the PD Plan shall provide for transition areas at the edges of the PD district that provide for appropriate buffering and/or ensure a complementary character of uses.

Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, and siting of service areas.

The proposed development is consistent with the adjacent zoning designations to the north and south of the property. The additional proposed height is consistent with the RM-45 HR zoning designation to the north and is in keeping with other high rise developments within the area. The architectural features provide an enhanced aesthetic to the area and help to reduce the massing of the building.

D. Development Phasing Plan

If development in the PD district is proposed to be phased, the PD Plan shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the city's capital improvements program.

Project will be developed in one phase.

E. Conversion Schedule

The PD Plan may include a conversion schedule that identifies the extent to which one type of residential use may be converted to another type of residential use (e.g., multifamily dwellings to single-family dwellings) and one type of nonresidential use may be converted to another type of nonresidential use (e.g., office use to retail sales use). Such conversions may occur within development areas and between development areas as long as they occur within the same development phase, as identified by the approved development phasing plan, and are consistent with established extents of conversion set down in the conversion schedule.

No conversion schedule required.

F. On-Site Public Facilities

1. Design and Construction

The PD Plan shall establish the responsibility of the developer/landowner to design and construct or install required and proposed on-site public facilities in compliance with applicable city, state, and federal regulations.

Proposed development must follow all city, county, state and federal requirements.

2. Dedication

The PD Plan shall establish the responsibility of the developer/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable city, state, and federal regulations.

Applicant will dedicate the necessary rights-of-way identified within the plat.

3. Modifications to Street Standards

In approving a PD Plan, the City Commission may approve modifications or reductions of city street design standards-including those for right-of-way widths, pavement widths, required materials, and turning radii-on

finding that:

- a. The PD Plan provides for separation of vehicular, pedestrian, and bicycle traffic;
- b. Access for emergency service vehicles is not substantially impaired;
- c. Adequate off-street parking is provided for the uses proposed; and
- d. Adequate space for public utilities is provided within the street right-of-way.

No modifications requested.

G. Uses

The principal, accessory, and temporary uses allowable in each type of PD district are identified in [Appendix A <https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-41432>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-41432): Consolidated Use Table. Allowed principal uses in a particular PD district shall be established in the PD Plan, subject to conversion in accordance with a schedule incorporated in the PD Plan in accordance with Section [155.3602.E <https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-34215>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-34215), Conversion Schedule. Allowed uses shall be consistent with city plans and the purpose of the particular type of PD district, and subject to applicable use-specific standards in (Principal Uses), [Part 3 <https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-45538>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-45538) (Accessory Uses and Structures), and [Part 4 <https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-46229>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-46229) (Temporary Uses and Structures) of [Article 4 <https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-43262>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-43262): Use Standards, and any additional limitations or requirements set forth in Sections [155.3603 <https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-34275>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-34275) to [155.3607 <https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-34309>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-34309) for the particular type of PD district.

B. Use Standards

Principal uses allowed in a PD-I district shall be established in the PD Plan. Uses shall be consistent with the comprehensive plan, other city-adopted plans, and the purpose of the PD-I district, and shall comply with the use table in Appendix A: Consolidated Use Table, and the use-specific standards in Article 4: Use Standards,

The applicant provided a list of permitted uses in Exhibit G which includes several residential uses and commercial uses that are consistent with a mixed-use developments & listed as permitted uses in the PD-I zoning districts.

H. Densities/Intensities

The densities for residential development and the intensities for nonresidential development applicable in each development area of a PD district shall be as established in the PD Plan, and shall be consistent with the comprehensive plan and other adopted special area and city plans, and with the purpose of the particular type of PD district.

C. Intensity and Dimensional Standards

District area, minimum (acres)	N/A
Density, maximum (du/ac) ¹	To be established in PD Plan- see Section 155.3602.A, PD Plan

Floor area ratio (FAR), maximum	To be established in PD Plan- see Section 155.3602.A, PD Plan
Lot area, minimum (sq ft)	To be established in PD Plan- see Section 155.3602.A, PD Plan
Lot width, minimum (sq ft)	To be established in PD Plan- see Section 155.3602.A, PD Plan
Impervious surfaces, maximum (% of district area)	To be established in PD Plan- see Section 155.3602.A, PD Plan
Individual building sizes, maximum (sq ft)	To be established in PD Plan- see Section 155.3602.A, PD Plan
Building height, maximum (ft)	To be established in PD Plan- see Section 155.3602.A, PD Plan
Setback height, maximum (ft)	To be established in PD Plan- see Section 155.3602.A, PD Plan
Setback from abutting RS zoning district or existing single-family dwelling use, minimum (ft)	To be established in PD Plan- see Section 155.3602.A, PD Plan
NOTES: 1. Residential development may not exceed the maximum gross density established by the Land Plan for applicable land use classification.	

Staff Analysis: Applicant has provided the intensity and dimensional standards for the proposed PD-I district. Many of the standards are consistent with the RM-45 with respect to intensity or dimensional standards. The applicant is requesting for proposed changes in number of units, lot coverage, pervious area, vehicle use landscaping areas, height, and setbacks as shown below.

Intensity/Dimensional Changes	RM-45	Proposed PD-I
Maximum Number of Units	120	119
Lot Coverage Max (% of lot)	60%	70%
Pervious Area Min (% of lot)	25%	15%
Vehicle Use Area Landscaping	15%	5%
Maximum Height	105 feet	232 feet
Side setbacks** (NE 10 th Street)	10 feet*	Podium: 5 feet Tower: 8 feet
Interior side yard setbacks	10 feet*	Podium: 15 feet Tower: 20 feet

*The RM-45 zoning district requires an additional setback of 1-foot for every 4 feet in height for any building over 20 feet and the PD-I is requesting no setback from the either side yard setback.

** The side setbacks for NE 10 Street were reduced to allow for a greater interior yard setback to the adjacent residential property to the south.

A complete list of the applicant's Intensity and Dimensional Standards is provided within Exhibit F of the Applicant's narrative. There are three deviations requested by the applicant which are shown in the Modification of development standards section.

I. Dimensional Standards

The dimensional standards applicable in each development area of a PD district shall be as established in the PD Plan, and shall be consistent with the purpose of the particular type of PD district.

Included within Exhibit F of the Applicant's narrative.

J. Development Standards

All development in a PD district shall comply with the development standards of [Article 5 <https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-38103>](#): Development Standards, or any modifications of those standards established in the PD Plan as consistent with city plans, the objective of the particular type of development standard, the purpose of the particular PD district, and any additional limitations or requirements set forth in Sections [155.3603 <https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-34275>](#) to [155.3607 <https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-34309>](#) for the particular type of PD district.

Development Standards

D. Development Standards	
The development standards in Article 5 <http://library.amlegal.com/nxt/gateway.dll?f=jumpink\$jumpink_x=Advanced\$jumpink_vpc=first\$jumpink_xsl=querylink.xsl\$jumpink_sel=title;ent-type;home-title;item-bookmark\$jumpink_d=florida(pompanobeach_zoning)\$jumpink_q=%5bfield%destination-name:'Ch.%20155%2C%20Art.%205'%5d\$jumpink_md=target-id=JD_Ch.155Art.5> : Development Standards, shall apply to all development in PD-I, but some development standards may be modified as per the PD Plan if consistent with the general purposes of the PD-I district and the comprehensive plan, and in accordance with the means of modification noted below.	
Development Standards	Means of Modifying
Access and circulation	Specify in PD Plan
Off-street parking & loading	Specify in Master Parking Plan
Landscaping ¹	Specify in Alternative Landscaping Plan
Tree preservation	Specify in Alternative Landscaping Plan
Screening	Specify in Alternative Screening Plan
Fences and walls	Specify in Master Fencing Plan
Exterior lighting	Specify in Master Lighting Plan
Multifamily residential design	Modifications prohibited
Commercial and mixed-use design	Modifications prohibited
Industrial design	Modifications prohibited
Residential compatibility	Modifications prohibited
Parking Deck or Garage Standards	Modifications prohibited
Sustainable design	Specify in PD Plan
Signage (Ch. 156, Sign Code)	Specify in Master Sign Plan
NOTES: 1. Internal uses shall not be required to provide perimeter buffers.	

Access and circulation - *The proposed development will have one access at the southwest corner of the property on A1A which has already been reviewed and approved by FDOT who operates the roadway. In addition, the development will create new pedestrian and bicycle facilities onsite to allow for all modes of transportation to access the site. Enhancements will also be made to NE 10 Avenue to provide an enhanced connection for city residents to access the beach.*

Off-street parking and loading - *Off-street parking and loading will be located in a 3-story parking garage built within the podium of the building. The top floor of the podium will be where the buildings amenities will be for its residents. Parking for the commercial portion of the building will be located on the first floor. The loading area will be located on NE 10 Street and due to the configuration of the site, deliveries will have to back in and out of the loading area. The applicant is requesting a deviation for this loading area as this is not allowed per the City Zoning Code.*

Landscaping/Tree Preservation - *The applicant is enhancing and replanting the dune area to upgrade this important environmental component of the property. New landscaping throughout the site will be established. The applicant is requesting a minor deviation in the landscape area to the south of the building, a reduction of 1' of the 10' setback in order to allow for additional facilities needed for the building. The PD application did not state whether existing trees would be preserved or relocated on site.*

Screening, fences, and walls - *No specific regulations were proposed so the applicant will follow requirements of Article 5, Development Standards of the City's Code.*

Lighting - *Applicant will follow requirements of Article 5, Development Standards of the City's Code including lighting to protect marine turtle nesting and habitat.*

Parking deck or Garage standards

A rendering was not provided within the PD-I application. Project will need to meet garage standards set forth in the City's Zoning Code.

Design and compatibility - *Applicant will follow requirements of Article 5, Development Standards of the City's Code.*

Sustainable design - *Applicant will follow requirements of Article 5, Development Standards of the City's Code.*

Signage - *Applicant will follow the requirements set forth in the City's Zoning Code.*

Staff Conditions:

Given the information provided to the Board, as the finder of fact, staff recommends approval of the modification of the PD-I rezoning request as the Board finds that rezoning application is consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies and the purpose of the Planned Development- Infill district purpose. The proposed development has provided the needed Intensity and Developmental Standards that are consistent with other developments within the area. In addition the three requested deviations will allow the proposed development to provide an architecturally significant structure to the area and increase the overall aesthetics to the area. In addition, improvements along A1A and NE 10 Street will assist pedestrians, bicyclists, and vehicles to access the site. The addition of a small commercial portion of the building will allow city residents and visitors alike to visit the building.

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

Conditions of approval. Prior to consideration of the item at the City Commission, the applicant shall provide the following information:

1. Applicant must obtain approval from FAA and City of Pompano Beach for an Airpark Obstruction Permit.

Alternative Motion I

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

Alternative Motion II

Table this application for additional information as requested by the Board

Alternative Motion III

Recommend denial as the Board finds 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 Future Land Use goals, objectives, and policies, the requirements of the Planned Development and the PD-I district purposes within the City's Zoning Code.