



Legislation Text

File #: LN-60, **Version:** 6

PLANNING AND ZONING BOARD

Meeting Date: OCTOBER 27, 2021

400 EAST ATLANTIC BOULEVARD MAJOR SITE PLAN

Request: Major Site Plan
P&Z# 20-12000027
Owner: Atlantic Estates, LLC
Project Location: 400 E Atlantic Blvd
Folio Number: 494201010010 & 494201000311
Land Use Designation: ETOC (East Transit Oriented Corridor)
Zoning District: TO/EOD (Transit Oriented East Overlay District)
Commission District: 3
Agent: Matthew Scott (561-405-3350)
Project Planner: Pamela Stanton (954-786-5561) / pamela.stanton@copbfl.com

Summary:

The applicant is requesting Major Site Plan approval in order to construct a new 8-story mixed-use development with 204 dwelling units, 2,723 square feet of commercial use, a parking garage, amenities and landscaping. The development is proposed on a 68,391 sf lot (1.57 acres) with a building footprint of 53,722 sq. ft. (80% lot coverage). This site plan was reviewed by the Development Review Committee on January 6, April 21, and August 18, 2021, and was approved by the Architectural Appearance Committee on October 5, 2021.

The project received a Minor Administrative Adjustment, in accordance with Section 155.2421, to allow for up to a 10% increase in the requirement of Section 155.3501.O.2.a, for maximum allowable building length of 300 feet in the Transit Oriented (TO) Zoning District. The building length is proposed to be increased by 9.4%, or 28 feet, 2 inches over the maximum allowable 300 feet.

The property is located on East Atlantic Blvd and east of South Cypress Rd.

SITE PLAN REVIEW STANDARDS

An application for a Major Site Plan or Minor Site Plan shall be approved only on a finding that there is competent substantial evidence in the record that the development, as proposed:

1. Is consistent with the land use designation in the comprehensive plan;

The land use designation for this property is ETOC (East Transit Oriented Corridor). The proposed mixed-use building is consistent with the permitted uses identified. The proposed development is consistent with the City of Pompano Beach Comprehensive Plan, and the Future Land Use Element Goals, Objectives and Policies contained therein:

Goal 01. 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 01.01.00 - Future Land Use Plan and Levels of Service. Maintain the City's Future Land Use Map consistent with the Broward County Land Use Plan to ensure and all development permits issued are consistent with the City and County land use plans and the adopted level of service requirements for the availability of facilities and services can be met. The adopted levels of service standards will be adjusted over time as necessary to address the impacts of sea level rise and climate change.

Policy 01.01.06. All site plan applications shall provide pedestrian facilities, such as but not limited to sidewalks and street trees (where not in conflict with underground utilities and permitted by City Engineer).

Policy 01.01.08. Those facilities which are subject to concurrency requirements include: transit, parks and recreation, drainage and flood protection, potable water, solid waste, sanitary sewer facilities and public schools.

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

Policy 01.02.01. Require a traffic impact analysis for development projects when necessary to determine post-development conditions of adjacent roadways and the local multimodal transportation system.

Objective 01.16.00 - Transit Oriented Corridor (TOC) Activity Center. Facilitate mixed use development with access to transit stations or stops along existing and planned high performance transit service corridors (such as bus rapid transit or rapid bus) designated in the Pompano Beach Comprehensive Plan Transportation Element; the Broward County Transit Master Plan; the Broward County Metropolitan Planning Organization's (MPO) Long Range Transportation Plan; and the Broward County Transit Development Plan, through the establishment of a Transit Oriented Corridor (TOC) land use category.

Policy 01.16.02. Residential use is required as a principal component within a Transit Oriented Corridor (TOC). Maximum residential density will be specified by the City and may vary along the corridor. Densities and intensities for the TOC will be described in the permitted uses section of the Pompano Beach Future Land Use Element. Residential densities will be specified as a maximum number of permitted units (e.g. pool of units such as in the “Local Activity Center” (LAC) and “Regional Activity Center” (RAC) designations).

2. Complies with the applicable district, use, and intensity and dimensional standards of this Code (Articles 3, 4, and 5);

The proposed development will comply with the standards for the development within the TO (Transit Oriented) District and EOD (East Overlay District).

The applicant is proposing a mixed-use development that includes multi-family units, retail areas, and a parking garage. All of these uses are permitted in the base Zoning district of TO with an overlay district of EOD. The project is specifically located in the Core sub-area of the EOD. The project includes 204 residential units. Based on the permitted density for the Core sub area which is 90 units/acre, the property is permitted up to 141 units as a base density (1.57 acres x 90 = 141.3).

To obtain additional density, the applicant is pursuing two bonus density options offered in the EOD Zoning regulations. Specifically, the project incorporates the following bonus density features, with the associated bonus unit amounts indicated in parentheses:

- 1. Bonus Density Option #6: Structured Parking - the parking garage will accommodate 100% of the total required parking. (20 units/acre = 31.4 units);*
- 2. Bonus Density Option #7: 25% of residential units provided as small studio or 1 bedroom - see site plan for unit dimensions. (20 units/acre = 31.4 units).*

In addition to meeting all density and intensity requirements of the Code, the project also complies with the height and setback requirements. The proposed structure is 8 stories in height and is designed in accordance with the “Tower” building typology regulations. The project has obtained a Minor Administrative Adjustment in relation to the maximum building length requirement. The project complies with the parking and open space requirements of the Code.

3. Complies with the applicable development standards of this Code (Article 5);

The DRC and project applicant have worked together to present a project that satisfies the requirements of Article 5 for new development requiring Major Site Plan approval. The project has received Building Design approval from the Architectural Appearance Committee. As part of the Major Site Plan and Building Design application, the applicant has developed a separate list that addresses how the project will achieve the required sustainability points. The project meets the required 18 sustainability points required for nonresidential and mixed-use development in the TO District.

4. Complies with all other applicable standards in this Code;

The proposed site plan complies with applicable standards in the Code.

5. Complies with all requirements or conditions of any prior applicable Development Orders;

The subject property does not have any active Development Orders.

6. The concurrency review has been completed in accordance with [Chapter 154](http://library.amlegal.com/nxt/gateway.dll?)
[<http://library.amlegal.com/nxt/gateway.dll?](http://library.amlegal.com/nxt/gateway.dll?)
(Planning) of the Code of Ordinances;

- *Wastewater Treatment Demand 69,700 gallons per day **
- *Water Treatment Demand 82,664.20 gallons per day **
- *Raw Water Demand 89,277.34 gallons per day **
- *Park Acreage Required 1.59*
- *School Impacts Broward County School Capacity Availability Determination (SCAD) will be provided*
- *Transportation Transit fees are paid to the Broward County to meet concurrency*
- *Solid Waste Generation 2,829.27 lbs. per day (City has a contract with the Waste Management for disposal of all solid waste through 2022)*

** The City has adequate capacity to serve the proposed project.*

7. Is designed to provide safe, adequate, paved vehicular access between buildings within the development and streets as identified on the Broward County Trafficways Plan;

The proposed development is located on East Atlantic Blvd, which is a designated arterial roadway as identified on the Broward County Trafficways Plan. The development will dedicate 5 feet of property as public right-of-way, and has been designed to provide safe, adequate, paved vehicular access between buildings, the adjacent property via a shared access, and East Atlantic Blvd.

8. Complies with any applicable hazardous material licensing requirements in the Broward County Wellfield Protection Ordinance;

The Property is not located within a wellfield protection area. The Development does not anticipate requiring any hazardous material licensing.

9. Complies with crime prevention security strengthening and CPTED standards for natural surveillance, natural

As part of the Major Site Plan and Building Design application, the design team has developed a separate CPTED security plan and CPTED security narrative which address the CPTED standards for natural surveillance, natural access control, territorial reinforcement, maintenance and activity support.

10. Complies with the adopted Fire Codes and Standards pursuant to City Code Section 95.02;

The proposed site plan was reviewed by Fire Plans Examiner during DRC.

11. Considers and mitigates any potential adverse impacts on environmentally sensitive lands identified by the City Comprehensive Plan or Broward County Land Use Plan;

Not applicable.

12. Complies with the approved Transportation Corridor Study, unless in direct conflict with another Zoning Code provision.

The Federal Highway Corridor Study from the City's "Transformation Plan" encourages mixed-use development, especially in the area referred to as "Downtown Pompano," which is where the subject property is located. The Study recognizes that this area is appropriate for mixed-use development.

Staff Conditions:

Pursuant to §155.2304.C, Applications Subject to Staff Recommendation, the Development Services Director has compiled the department reports from the Development Review Committee (DRC) meeting which are recorded on file with the Department of Development Services. The Development Services Department recommends approval of the Major Site Plan subject to the following comments and conditions:

1. Prior to the issuance of a building permit for the mixed-use development, the Applicant shall:
 - a. Provide the required 5-foot right-of-way dedication on East Atlantic Blvd.
 - b. Comply with the Affordable Housing requirements as defined in Section 155.3709.K, by either setting aside a minimum of 15% of the proposed units as affordable housing or contribute the in-lieu-of fee for each unit, prior to building permit approval.
 - c. Incorporate the off-site improvements on East Atlantic Blvd in accordance with "Option A" as approved by the City Engineering Department.
 - d. Provide details and supporting NFPA code reference that exterior egress along West side of building is allowed under the structure and/or how it is protected, or revise plans to comply with code.
2. Standard conditions of approval and/or specifications required prior to Building Permit/Zoning Compliance Permit issuance:
 - a. Further evaluating the feasibility of burying the overhead utilities.
 - b. Revise plans and details for the trash enclosure so that it will have a lock and the necessary CPTED features to deter trespassers and illegal dumping.
 - c. The project must obtain Master Sign Program approval, pursuant to Section 155.2416, prior to approval of a Sign Code Compliance Permit.

- d. Prior to Zoning Compliance Permit approval, a School Capacity Availability Determination (SCAD) letter from the Broward County School Board must be provided to confirm that student capacity is available.
- e. Plans are subject to compliance with all applicable Code requirements, including but not limited to DRC comments issued for this site plan.
- f. A copy of the CPTED plan approved by the Broward Sheriff's Office must be submitted for Zoning Compliance Permit approval.
- g. Landscape and Irrigation Plans must comply with Zoning Code requirements as verified by the City's Urban Forestry Division.