

- for Zoning Compliance Permit approval.
- c. Substantial compliance with the plans, as submitted with this application.

Ms. Gratzer stated that the administrative adjustment application has been submitted for review.

Mr. Stacer asked if the Board has any questions of staff. There were none. He asked if the 22 units are driving the number in the Dashed Line over. Ms. Gratzer responded no, those units have been granted and are within the Dashed Line number.

Mr. Carlos Linares introduced himself and he, as well as his team, were placed under oath by Daniel Keester-O’Mills, Principal Planner and Notary Public in the State of Florida.

Mr. Linares stated that this project was submitted and permitted about 6 years ago. The project did not get built and was sold to a new owner. The design team worked with staff to bring the project up to current code from the previous layout. There have not been any other changes. The project consists of 2 story townhomes with garages on the first floor. The design is modern and the materials and colors have been submitted for approval as well. He showed the floor plan of the 7-unit building. The roof level includes the condensing units with screening. He showed the floor plan of the 4-unit. Units include single-car and double-car garages. He stated the development includes a pool amenity and will also include a cabana bathroom. He showed the project elevations. He reviewed the site plan and site access.

Mr. Stacer asked if the applicant had any objection to the conditions requested by staff. Mr. Linares responded no. The conditions are the same as originally and some have been addressed.

Mr. Stacer asked if the Board had any questions for the applicant. There were none.

Mr. Stacer asked if the administrative adjustment was for the southeasternmost unit. Mr. Linares responded yes. Mr. Stacer asked if it was only for the corner and not for the whole façade. Mr. Linares responded yes.

Mr. Stacer asked if anyone from the public wished to speak. There were none. Mr. Stacer closed the public hearing.

(1:06:27)

**MOTION** by Carla Coleman and seconded by Richard Klosiewicz that the Board find that competent, substantial evidence has been presented for application PZ #21-12000003 that satisfies the review standards, and that approval is granted, subject to the 3 conditions requested by staff. All voted in favor of the motion.

(1:07:23)

- 5.     LN-106                    **ENCORE FALCONE**  
   **Request:**                             Flex Units  
   **P&Z#**                                    20-05000003  
   **Owner:**                                    1307 South Wabash LLC  
   **Project Location:**                3151 - 3251 Federal Highway

<b>Folio Number:</b>	484224180010
<b>Land Use Designation:</b>	C (Commercial)
<b>Zoning District:</b>	B-3 (General Business)
<b>Commission District:</b>	2 (Rhonda Eaton)
<b>Agent:</b>	Joe Dicristing (561-961-1000)
<b>Project Planner:</b>	Maggie Barszewski (954-786-7921 / maggie.barszewski@copbfl.com)

Ms. Maggie Barszewski, Planner, introduced herself to the Board. She stated that the applicant is requesting approval for 285 Flexibility Units in order to develop a mixed-use project on a 6.2-acre property. The subject property is located on the west side of Federal Highway between NE 31st Court and NE 33rd Street (AKA: 3151 - 3251 N. Federal Highway). The Applicant's intent is to develop a mixed-use project with 285 dwelling units and 4,356 square feet of commercial use. She showed the conceptual site plan that was submitted for this request. The project consists of 285 dwelling units in three 7-story buildings, a 4-story parking garage, and a 7-space detached parking garage, along with amenities and site landscaping. The property has a Commercial land use designation and a B-3 zoning. Flex is required for residential use on commercial land use. The applicant must meet the affordable housing commitment and has chosen to pay the in lieu of fee per market rate unit. She reviewed the surrounding land use, zoning and the standards for granting flex approval. She stated staff find the application meets the standards for granting this approval and provides the following alternative motions, which may be revised or modified at the Board's discretion.

Alternative Motion 1: Recommend approval of the requested 285 Flex Unit allocation as the Board finds the application is consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies, and all applicable Zoning Code standards with the following conditions of implementation:

1. The final site plan must meet all code requirements with no variances. If the requested density cannot be accommodated on the site based on all applicable code requirements, any flex unit that will not fit on the site must be returned to the flex pool.
2. Prior to Building Permit approval, the Applicant shall meet the affordable housing requirement pursuant to Section 154.61(E) by providing an in lieu of fee for every flex unit allocated in accordance with Section 154.80.
3. The final site plan submitted for this project shall be substantially conforming to the submitted conceptual site plan with any amendments needed to comply with the zoning code and other relevant city codes;
4. If a building permit is not issued within two years of the Resolution's approval date, then the approval of this Flex Allocation shall become null and void.

Alternative Motion 2: Table this application for additional information as requested by the Board.

Alternative Motion 3: Recommend denial of the Flex Unit allocation as the Board finds that the allocation of the flex units is not consistent with the goals, objectives and policies of the Comprehensive Plan, that are stated in the staff report.

Staff recommends Alternative Motion 1.

Ms. Kovac stated that it was a very large amount of flex units and that only leaves us 219 city-wide. She asked if staff is concerned about that. Ms. Barszewski responded that there are opportunities for the city to request additional development units through the county once our Flex units are below a certain threshold.

Ms. Aycock stated that the amount of commercial space proposed seems extremely light for the size of the project. She stated it would also be beneficial to front the units toward Federal Highway rather than the parking.

Ms. Edge asked what the public noticing requirements are for a project of this complexity moving forward. Ms. Barszewski responded there is a sign posting requirement, there is a notice mailer for properties within a 500-foot radius, and the same for the City Commission meeting.

Ms. Coleman asked if this was the same site that was previously considered for a grocery store and most of the businesses have already closed. Ms. Barszewski responded yes.

Mr. Stacer disclosed that he has had communication with the applicant on this project and the applicant's attorney office is representing a client of his. He stated the City Attorney's office has been made aware as well, so that there is not an appearance of impropriety. He added that nothing discussed with the applicant will preclude him from using only the evidence presented at this meeting to base his decision

Mr. Matthew Scott (14 SE 4<sup>th</sup> Street, Boca Raton) introduced himself to the Board. He stated that they are seeking a recommendation of approval to the City Commission. If approval is obtained from the City Commission, they will go on to the AAC for approval of the Building Design, and the Planning & Zoning Board would then review the site plan. He stated the developer will be building and managing it for years to come. The development group is the same one that is redeveloping the Plantation Fashion Mall. He showed the property aerial and context. He showed the purpose of the B-3, which allows this type of development. He stated the B-3 allows a maximum 46 units to the acre. He reminded the Board that this is the site of the old Club Cinema theater-turned-night club. That business was a recurring Code Compliance concern. In 2013, Walmart was proposing to do a neighborhood market at this location, and although there was opposition from the community, the site plan was ultimately approved; however, thereafter Walmart globally decided to stop building stores. The project, thus, was not constructed. The owner at that time put the property on the market and that's when the Falcone Group purchased it. He stated that just prior to the pandemic, the buildings were demolished. He stated that city staff will be pursuing additional flex units from the County as the total is now under the 500-unit threshold, so this project is not dwindling a pool that cannot be replenished. He added the County has been making amendments to their code to more liberally allow residential development in commercial areas. Mr. Scott stated they held a virtual outreach meeting with the Cresthaven Civic Association in February of this year, just after purchasing the site, for concept feedback. Their feedback was to reduce massing on the west side and provide no access. They also asked about the uses and landscaping. They submitted the site plan and flex request concurrently. They reached back out to the Cresthaven Civic Association this month, after finalizing the site plan, for in-person feedback. Here they presented the full project. Overall, the community appreciates the project more than a Walmart or large office building. He stated the positive feeling is evidenced by the lack of opposition at this meeting. He reviewed the site plan and stated they aligned the buildings the way they did to preserve the views, light, and air, to the Cresthaven community as this is something the community specifically requested. By configuring the buildings on the short edges as opposed to across the entire frontage, they are meeting the desires of the community in a creative way. On the front buildings, there are 7 stories with commercial on the front. The primary

access is in the middle, off of Federal Highway. In the back building, there is a 30-foot, 2-story opening to reduce massing and preserve air and light. The back portion of the back building steps down to 4 stories whereas the front part of the back building is 7 stories. The pool and dog park amenities are also in the rear, which maintain compatibility with the neighborhood. The garage is a 3-4 story building. He concluded that they are in front of the P&Z for the flex request and will be bringing the site plan shortly. He added that to the north side, where there is parking along Federal, is a restriction from Racetrac to protect their sight lines, that nothing can be built there. This is limited to parking. He showed the renderings. He pointed out that there will be architectural treatments to screen parking. They will also be protecting views into adjacent backyards. He also shared the shadow studies. He stated that only during winter, will the buildings come close to casting shadows on the single-family lots. They will not shadow over the homes, but merely the side yard during the morning. He stated he would like to adopt the staff report into his record for the project.

Ms. Coleman stated she did not have any objections to the flex request. She stated she is excited for the project as it is needed in the area. She was hoping for a little more mixed-use, and more of the commercial that is needed in this corridor. She asked that the team look at what that might be and if additional commercial can be added. She continued that if additional commercial can be added and it results in additional building height, that those buildings be added closer to Federal Highway rather than the rear. She commended the shadow studies. She is concerned that this is a lot more people being added to the corridor but the site needs the right kind of redevelopment

Ms. Edge shared the concern of Ms. Coleman. Ms. Edge indicated that she roughly calculated 98% of the development to be dedicated to residential and expressed concern related to a primarily multi-family residential development at this location. She asked why the applicant is requesting 285 units. Mr. Scott responded that market conditions and cost of construction drove the residential demand. The intent is that the commercial will serve the residential at a neighborhood level.

Ms. Coleman asked if the parking spaces provided on the site plan exceed the city's zoning requirements especially with the parking garage. Mr. Scott responded that there is excess parking. Ms. Coleman asked if the excess parking can be converted into a future outparcel. Mr. Scott responded that they provided the excess parking to support the uses but if the parking demand is reduced, they will consider outparceling.

Ms. Edge asked if there can be commercial opportunities on the south east section of the site. Mr. Scott responded this is good feedback and will be considered.

Mr. Stacer asked if the applicant had any objection to the conditions requested by staff. Mr. Scott responded no. Mr. Stacer asked that the Applicant consider the design of the parking garage and make efforts to screen it to the best of their ability. Mr. Stacer commended the step-back in building height to the rear of the project. He asked if the applicant can increase the tree heights along the garage to 18 feet in addition to improving the garage facade. He complimented the project.

Mr. Stacer asked if anyone from the public wished to speak. There was none. Mr. Stacer closed the public hearing.

(1:47:43)

**MOTION** by Carla Coleman and seconded by Carla Coleman that the Board find that competent, substantial evidence has been presented for application PZ #20-05000003 that satisfies the review

standards, and that approval is recommended to the City Commission, subject to the 4 conditions requested by staff. All voted in favor of the motion.

(1:49:08)

**H. AUDIENCE TO BE HEARD**

There was no audience to be heard.

**I. OTHER BUSINESS**

(1:49:22)

**1. REPORTS BY STAFF**

Mr. Keester-O’Mills reminded the Board the 2022 Meeting Calendar needed to be finalized. Mr. Stacer asked if the Board had any conflicts. There were none. Mr. Keester-O’Mills asked for a motion to approve.

(1:50:04)

**MOTION** by Tundra King to approve the 2022 Meeting Calendar. All voted in favor.

(1:50:39)

**2. BOARD MEMBERS DISCUSSION**

Ms. Coleman asked for a report at a future meeting about the in-lieu of fees for affordable housing. She stated it seems every project is buying out and she wants to know what is happening with that fund. Ms. Jean Dolan stated OHUI uses those funds to either build single family homes on lots dedicated to the city, are on CRA property, or are acquired through tax deeds. The people who are awarded those homes need to meet income requirements. She added a project can also dedicate land, which will be used to build single family homes.

Ms. Edge stated she is happy to be in attendance and thanked the Board for having her tonight.

Fred Stacer asked if the flex unit threshold is indeed 500 units. Ms. Dolan responded yes, but this policy is very new and no one has made a request to the County yet, so staff is not certain what this will look like or what the criteria is. She stated flex units are not for hoarding, but for using. With a Land Use Plan Amendment, anyone can obtain the entitlements. These are only a short cut to a Comprehensive Plan Amendment.

Mr. Stacer stated that by next meeting, they may hit their threshold. He stated that the Dixie Highway Overlay is getting close.

(1:5:24)

**J. ADJOURNMENT**

Mr. Klosiewicz made a motion to adjourn the meeting at 8:02 PM.

NOTE: Any person who decides to appeal any decision of this BOARD/COMMITTEE with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

DocuSigned by:  
*Fred Stacer*  
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