



CITY OF POMPANO BEACH  
FLORIDA

**CITY HALL OFFICES:**

100 W. Atlantic Boulevard  
Pompano Beach, Florida  
PHONE: (954) 786-4662

*Visit Our Website At:*  
<http://www.pompanobeachfl.gov>

**MAILING ADDRESS:**

City of Pompano Beach  
P.O. Box 1300  
Pompano Beach, FL 33061

\*\*\*\*\*

PLANNING AND ZONING BOARD/LOCAL  
PLANNING AGENCY

April 26<sup>th</sup>, 2017  
Wednesday

City Commission Chambers

6:00 P.M.

***MINUTES***

A. Call to order by the Vice Chairman of the Board, Ms. Joan Kovac at 6:05 PM.

**B. ROLL CALL:**

- Joan Kovac
- Dwight Evans
- Jerry Mills
- Richard Klosiewicz
- Jeff Torrey
- Carla Coleman *for Fred Stacer*
- Trip Bechert *for Tony Hill*

*Also in Attendance:*

- Jennifer Gomez, Assistant Development Services Director
- Paola West, Principal Planner
- Carrie Sarver, Assistant City Attorney
- Matt Edge, Zoning Technician
- Bonnie Miskel
- Ari Pearl
- Patrick Jovanov
- Lanny Schwartz
- Theron White
- Matt Carr

Eileen Michaelson  
John Dorenda  
Dennis Mele  
Jim Kahn  
Scott Backman  
Abbas Zackria  
Tim Hernandez  
Mike Cary

**C.     MOMENT OF SILENCE**

A moment of silence was observed.

**D.     APPROVAL OF THE MINUTES:**

Approval of the minutes of the meeting on March 22<sup>nd</sup>, 2017.

**MOTION** was made by Jerry Mills and seconded by Richard Klosiewicz to approve the meeting minutes of March 22<sup>nd</sup>, 2017. All voted in favor of the motion therefore, the motion passed.

Vice-Chair Joan Kovac stated that several agenda items will not be heard at this month's meeting. She requested a motion to hear items #3, #6, #13, and #15 out of order.

**MOTION** by Dwight Evans and second by Richard Klosiewicz to hear items #3, #6, #13, and #15 out of order. All voted in favor.

*\*\*\*NOTE: The subsequent motions and votes for each of these three items are described below.\*\*\**

**E.     INDIVIDUALS TESTIFYING PLACED UNDER OATH**

City staff and members of the public testifying before the Board at the meeting were placed under oath by Matthew R. Edge, Zoning Technician and Notary Public in the State of Florida.

**F.     PUBLIC HEARINGS**

**1.     GC HILLSBORO SHORES LLC / HILLSBORO SHORES – LAND USE PLAN AMENDMENT  
**Planning and Zoning #15-92000004****

Consideration of the proposed LAND USE PLAN AMENDMENT request by **BONNIE MISKEL** on behalf of **GC HILLSBORO SHORES LLC** for a change in the future land use designation of a 4.2079 gross-acre property. Currently the property has a Commercial (C) Future Land Use

---

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // ME

PARCEL "A" AND PARCEL "B" OF BF POMPANO PLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 180, AT PAGE 1, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

ALONG WITH

A PORTION OF THE EAST ONE-HALF OF SPANISH RIVER (100 FOOT RIGHT-OF-WAY) IN SECTION 6, TOWNSHIP 49 SOUTH, RANGE 43 EAST, BROWARD COUNTY, FLORIDA, BOUNDED AS FOLLOWS: ON THE WEST BY THE CENTERLINE OF SAID SPANISH RIVER; ON THE NORTH BY THE WESTERLY EXTENSION OF THE NORTHLINE OF PARCEL "B", BF POMPANO PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 180, PAGE 1, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; ON THE EAST BY THE WEST LINE OF SAID PARCEL "B" AND ON THE SOUTH BY THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID PARCEL "B".

AKA: 1380 S Ocean Boulevard

ZONED: RM-45/HR (Multiple-Family Residence 45/High-Rise Overlay District)

TO: PCD (Planned Commercial/Industrial District)

STAFF CONTACT: Jae Eun Kim (954) 545-7778

***This item was postponed at the March 22, 2017 Planning and Zoning Board meeting to the April 26, 2017 Planning and Zoning Board meeting.***

**MOTION** by Richard Klosiewicz and second by Jerry Mills to postpone this item to the May 24, 2017 per staff's request

**4.      HABITAT FOR HUMANITY OF BROWARD, INC. / ABYSSINIAN  
HABITAT - REZONING  
**Planning and Zoning #15-1300011****

Consideration of the request by **JAY HUEBNER** on behalf of **HABITAT FOR HUMANITY OF BROWARD, INC.** to modify the RPUD that was recommended for approval at the August 24, 2016 Planning and Zoning Board meeting. The primary modification of the RPUD rezoning is the relocation of the park to the northeast corner of the site in order to allow easier access to the neighboring communities. The requested rezoning remains as presented in the August 2016 Planning and Zoning Board meeting; a 9.035 net acre property from RM-12 (Multiple-Family Residence) to RPUD (Residential Planned Unit Development) in order to construct 77 homes (42 single-family homes and 35 zero-lot-line homes). The subject sites are located at the southwest corner of NW 15 Street and NW 6 Avenue. The property is legally described as follows:

PARCEL "A" ABYSSINIAN BAPTIST CHURCH OF CHRIST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 167, AT PAGE 22 OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA.

TOGETHER WITH;

ALL THAT PART OF THE NW ¼ OF THE NE ¼ OF THE NW ¼ LYING WEST OF AND ADJACENT TO NW 6<sup>TH</sup> AVENUE, LESS THE F.E.C. RAILROAD RIGHT OF WAY OF THE SOUTH 150 FEET AND NORTH 35 FEET WHICH HAS BEEN DEDICATED FOR ROAD RIGHT-OF-WAY OF NW 15<sup>TH</sup> STREET, ALL IN SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA;

AND

THE EAST 100 FEET OF THE E ½ OF THE NE ¼ OF THE NW ¼ OF THE NW ¼, EXCEPT THE SOUTH 150 FEET FOR FLORIDA EAST COAST RIGHT-OF-WAY AND EXCEPT THE NORTH 35 FEET THEREOF, DEDICATED FOR STREET RIGHT-OF-WAY, IN SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA

AKA: Southwest corner of NW 6<sup>th</sup> Avenue and NW 15<sup>th</sup> Street

ZONED: RM-12 (Multiple Family Residence 12)

TO: RPUD (Residential Planned Unit Development)

STAFF CONTACT: Jae Eun Kim (954) 545-7778

Ms. Jennifer Gomez, Assistant Development Services Director, presented herself to the Board She explained that the applicant is requesting to modify RPUD rezoning that was recommended to be approved by the Planning & Zoning Board on August 24, 2016. The primary modification of the RPUD rezoning is the park which is to be relocated in the northeast corner of the site to allow easier access to the park by the neighboring communities. Other than that change, the requested rezoning remains as presented in the August 2016 Planning and Zoning Board meeting; a 9.035 net acre property from RM-12 (Multiple-Family Residence) to RPUD (Residential Planned Unit Development) in order to construct 77 homes (42 single-family homes and 35 zero-lot-line homes). The subject sites are located at the southwest corner of NW 15 Street and NW 6 Avenue, currently vacant, and are composed of three parcels. The intent of a Planned Development is to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency and other city goals and objectives. The approval memo (Attached "A") and the PZB meeting excerpt (Attached "B") are attached for a reference. The development is located on the southwest corner of NW 6<sup>th</sup> Avenue and NW 15<sup>th</sup> Street. She provided the following findings of fact:

- The rezoning was reviewed by DRC on January 6, 2016 and February 17, 2016.
- The property is not platted yet and is located southwest corner of NW 6<sup>th</sup> Avenue and NW 15<sup>th</sup> Street.
- The overall site is 9.97 gross acres (9.035 net acres).
- The Zoning and uses of adjacent properties are:  
North – (RS-3 and RS-4, Single Family Residence) Single Family Residential

---

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // ME

South – (B-2, General Business) Railroad Track and (CF, Community Facilities) High School

East – (B-2, General Business) Retail/Commercial and Vacant Lot

West – (CF, Community Facilities) Church

- The Land Use Designation is M (Medium Residential Designation) that allows a maximum of 10-16 DU/AC.

Ms. Gomez stated that the applicant has submitted a statement describing the planning objectives for this Planned Development and that it can be found in the staff report along with the relevant goals, objectives, and policies of the Comprehensive Plan.

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

Alternative Motion I:

Recommend approval of the RPUD rezoning request with the following conditions that must be addressed prior to placement on the City Commission hearing agenda:

1. Provide adequate justifications of following. Any deviations not requested specifically are subject to the current zoning code requirements:
  - a. Justification of a zero-lot-line, per Code Section 155.3603. B. RPUD Use Standards & 155.4202.E. Dwelling, Single-Family (Zero Lot Line). The dwelling shall be located along the designated zero lot line, but shall not extend beyond the property line. If the dwelling includes an overhang extending beyond the wall line, the wall shall be set back sufficient distance from the zero lot line to accommodate the overhang and associated roof drainage facilities.
  - b. Justification of lighting poles being proposed in a utility easement, per Code Section 155.4302.B. General Standards for All Accessory Uses and Structures.
  - c. Justification of a minimum of front, rear and side yard setbacks, per Code Section 155.3209. Multiple-Family Residence 12 (RM-12). The justification shall include site elements being allowed in the setbacks.
  - d. Justification of 15 feet setback for the opposite interior side lot line for zero-lot-line single-family dwellings
2. Prior to placement on a City Commission agenda, submit for approval of a Developer’s Agreement that details the construction and maintenance responsibilities associated with the dedicated right-of-way, open space and park.
3. Prior to placement on a City Commission agenda, submit for approval of a restrictive covenant including a maintenance agreement of zero-lot-line lots.
4. Revise the following in the “Master Site Table” on the PD Plan:

- a. Amend the note “additional parking stalls can be added” to ensure that any additional paving does not conflict with maximum impervious area requirements for the front yard and entire lot.
  - b. Provide a table listing ‘Unit Allowances and Restrictions’ on PD plan.
  - c. Master Site Table shall be consistent with Exhibit C, Intensity and Dimensional Standards.
5. Obtain plat approval.
6. The following are comments of the RPUD documents and exhibits to be revised accordingly.
- a. Provide a detail description of Conversion Schedule, as per Code Section 155.3602.A.2.f.
  - b. Ensure all exhibits are referred in the RPUD documents.
  - c. Provide Exhibit A Location Map.
  - d. Revise Exhibit D Regulating PD Plan and Exhibit C Intensity and Dimension Standards to reflect the modified RPUD rezoning.
  - e. Remove verbiages related to the Developer’s Agreement from this RPUD rezoning document.
  - f. Provide consistent dimensional standards throughout the documents and plans.
  - g. Provide separated tables for two single family dwelling types on Exhibit C, Intensity and Dimensional Standards.
  - h. Provide a tabulation itemizing information provided for ‘Typical Unit Allowance and Restrictions’ on page 15 in the RPUD document and PD Plan, Exhibit D. Parking Data and Open Space on PD Plan, Exhibit D, shall be tabulated for easy reading.
  - i. Differentiate lines of lots, maintenance and utility easements, streets on RPUD plans for clarification.

Alternative Motion II

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

Alternative Motion III

Recommend denial as the Board finds that the request is not consistent with the following goals, objectives and policies of the Comprehensive Plan, specifically:

- 01.03.06     Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single family areas.
- 01.03.11     Consider the compatibility of adjacent land uses in all Land Use Plan Amendments and Rezoning.

Mr. Dennis Mele (200 E. Broward Boulevard, Fort Lauderdale, FL) introduced himself to the Board as the attorney for the applicant. He stated that when working on the Developers Agreement with the City it was discovered that the original location of the park is in an undesirable location as it was to be sited next to the railroad tracks. The Parks department has suggested that the park instead be sited at the northeast corner of the site in order for it to be more accessible. He pointed out that the Architectural Appearance Committee had also requested some changes and that those requests will be dealt with at the April Architectural Appearance Committee hearing. He noted that all of the homes will be single-family, with the lots in the center being zero lot line.

Ms. Kovac asked what the size of the park would be.

Mr. Mele stated that it is a little larger than  $\frac{1}{4}$  acre.

Mr. Kovac asked if it will be a passive park.

Mr. Mele confirmed this.

Dr. Mills asked if the applicant is accepting of all of staff's recommended conditions of approval.

Mr. Mele confirmed that they are.

Ms. Sarver stated that there is a lot of work in coordinating between City agencies when working on a Developers Agreement. She pointed out that most of the changes have been initiated by City staff and that the City Attorney's office feels comfortable in moving forward with this plan.

Mr. Evans stated that the intersection of NW 15 Street and NW 6 Avenue next to the park site is a very intense intersection. He asked if there would be a fence around the subdivision and how the other communities would access the park.

Mr. Mele stated that there will be a fence around the subdivision as well as around the park and that the park will be accessible through a gate. He stated that the City's Parks Department is who suggested the relocation from the southwest corner of the site to the northeast corner.

Mr. Evans stated that his understanding was that the park was originally intended for the development only and not for the City as a whole.

Mr. Mele stated that it was originally proposed as a public park and that it is still proposed as a public park. The issue with the previous design is that it would be difficult for the public to access it.

Mr. Evans stated that he believes that the residents would not want the park to be accessible to the public. He also worries about children playing in the park and losing

balls over the fence which could cause traffic accidents and that it would be a public safety issue.

Mr. Mele stated that the park fence can be required to be higher if the Board wishes. He reiterated that the change is to move the park away from the railroad tracks. He clarified that the park will be a small pocket park that will primarily be used by the neighborhood and that it won't have any ball fields.

Ms. Coleman asked the applicant to describe the size of the park.

Mr. Mele agreed that it is about the size of a home lot.

Ms. Coleman asked if there would be benches and trees.

Mr. Mele confirmed that there would be.

Ms. Coleman stated that having a very passive park on that corner would be a better use than a house.

Mr. Mele stated that there would also be tot lot equipment.

Dr. Mills stated that the old park seems bigger than the current proposal.

Mr. Mele responded that the size actually increased from .25 acres to .28 acres.

Ms. Kovac commented that a park is a great asset. She also noted that it is one of the largest Habitat for Humanity projects and that she is proud that it will be built in Pompano Beach.

Mr. Mele stated that the land use allows for 160 units but the applicant has chosen to develop the site as single family homes instead of high-density housing. The houses are also being built shorter than the max height in order for it to blend in with the neighborhood.

Mr. Evans stated that Blanche Ely High School's recreation fields are not accessible to the public outside of school hours. He stated that he thought the park would be in the center of the development.

Mr. Mele stated that the original site plan shows the park on the outside of the development.

Mr. Evans noted that the siting of a park at the intersection would be very hazardous knowing how congested the area is.

Mr. Mele stated that the nature of the park would make it safer than a normal park.

Ms. Kovac opened the public hearing.

---

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // ME

Ms. Terry Williams (757 NW 15 Street, Pompano Beach, FL) stated that the proposal is across from her mother's house. She believes that having the park in the area would be a bad idea and she challenged the Board members to personally visit the site before making any decision. She complained that the developer did not speak with residents of all the surrounding neighborhoods. She stated that there is drug dealing in that corner. She noted that there is police harassment in the area from the neighbors visiting parks.

Mr. Klosiewicz asked what exactly the objection to the park in that location is. He also asked what the community would like to see developed in that location instead.

Ms. Gomez stated that her interpretation from the testimony is that a park is not wanted at that location. The recommendation to relocate the park to that corner originated from the City. Locating the park in the corner would make it more accessible and visible to the public.

Mr. Mele stated that under the current land use and zoning designation, there could be many more residential units in the location instead of the 77 proposed. The City has requested that the park be relocated to that corner and that it will be a small passive park. He stated that if there needs to be more community outreach or if the design needs to be modified to include a higher fence, this can be done between now and the City Commission meeting.

Mr. Evans asked if the park could be placed in the center of the development.

Mr. Mele stated that a public park must be located in a public street.

Mr. Evans asked if the park would be public or if it was envisioned as a private park.

Mr. Mele stated that the park was always intended to be a public park.

Ms. Coleman asked Ms. Sarver if a denial would revert the park back to the original location.

Ms. Sarver stated that the previous park location has already been approved and that the applicant could move forward with that plan. Alternatively, the applicant could move forward with this revised design to the City Commission regardless of the Board's action tonight since the Board's function in this application is only advisory.

Mr. Bechert asked if it needs to be a public park and if it can be located in the center.

Ms. Gomez stated that it is not required to be public park per the zoning requirements. She added, however, that Planned Developments are required to provide some public amenity and this is being accomplished with the proposed park. The applicant is in discussions with the City to dedicate the new streets to become public.

Ms. Coleman asked if the park and streets would be maintained by the City if they are dedicated for public use. If the park was private, the City would not be allowed to maintain it.

Ms. Kovac commented that perhaps the park should have taller fences if there is a concern about balls entering the street.

Mr. Bechert asked if the Parks Department would be closing the park at dusk like the other parks.

Ms. Sarver responded that this park, if dedicated to the City, would be maintained by the Recreation and Parks Department as they do with all other City parks.

Mr. Evans asked if the streets would be dedicated.

Ms. Gomez stated that the current negotiations are for the streets and the park to be dedicated as public spaces.

Mr. Evans noted that if the streets were public, the City would be able to access a public park that was internal to the site.

Ms. Gomez responded that there would be public access if it was interior to the site. She stated that the applicant should be asked if it is feasible to in fact relocate the park to the interior of the site.

Mr. Mele stated that if the request is to make the park less accessible to the public by moving it from the northeast corner, the applicant would rather revert to the approved plan that has it located adjacent to the railroad tracks.

Ms. Gomez added that the intention of relocating the park to the northeast corner of the site is to make it more recognized as a public space as opposed to a park that is part of a private development.

**MOTION** was made by Jerry Mills and seconded by Trip Bechert to recommend approval of the PZ #15-13000011 per Alternative Motion I, subject to staff's six (6) conditions.

Discussion:

Ms. Kovac commented that she would like a higher fence around the park.

Mr. Mele stated that the current plans are for a 5-foot fence around the subdivision and a 4-foot fence around the park. He stated that the applicant would be amenable to whatever height fence the Board desires.

Ms. Kovac stated that a 6-foot tall fence, subject to approval from the Parks and Recreation Director, should be installed around the park.

---

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // ME

Mr. Klosiewicz would like to know what the maximum fence height is in the area.

Ms. Gomez stated that typically the maximum fence height in a front yard would be 4-feet, but since this is a Planned Development there is more flexibility to set the regulations. She cautioned against providing any specific conditions regarding the fence height, however, and suggested that the condition be more general to make sure that a suitable fence height is provided. She noted that NW 15<sup>th</sup> Street is a County road at that intersection, so visibility along with the pedestrian experience should be a priority.

Mr. Klosiewicz asked what type of fence would be there.

Mr. Mele stated that there would be aluminum picket.

Mr. Klosiewicz asked if the picket would provide sufficient visibility.

Ms. Gomez responded that it likely would, but that she would like to consult with City staff members to make sure that the design was appropriate for that location. She cautioned against providing a specific condition that would be in conflict with some County provision, making the applicant required to return to the Board in order to amend the condition.

Ms. Sarver stated that she strikes her comment about specifying height. She believes that the height should not, in fact, be specified, but rather that Board should defer to the experts.

Vote:

**MOTION** was made by Jerry Mills and seconded by Trip Bechert to recommend approval of the PZ #15-13000011 per Alternative Motion I, subject to staff's six (6) conditions and the additional Board condition that fencing around the park be higher than 4-feet, subject to City staff review. All voted in favor of the motion with the exception of Dwight Evans; therefore, the motion passed.

*\*\*\*NOTE: The Vice-Chair requested a motion to hear agenda item #11 out of order\*\*\**

**MOTION** by Richard Klosiewicz and second by Jerry Mills to hear agenda item #11 out of order. All voted in favor.

**5.     PARTNERS PREFERRED YIELD II, INC. / PUBLIC STORAGE  
          Planning and Zoning #17-1300001**

Consideration of the request by **JAMES KAHN** on behalf of the **PARTNERS PREFERRED YIELD II, INC.** to rezone the property from I-1/PCD (Planned Commercial/Industrial District) to I-1 (General Industrial). The property is legally described as follows:

---

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // ME

**L.    ADJOURNMENT**

**MOTION** by Richard Klosiewicz to adjourn the meeting at 9:28 p.m. All voted in favor

Approved at the meeting held on May 24, 2017



---

Fred Stacer  
Chairman  
Planning and Zoning Board/Local Planning Agency