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Mr. Vonder Meulen responded that the City has obtained this land from FDOT, which had acquired them for Dixie Highway drainage.

Ms. Coleman commented that every study done nationally indicates that this is the housing price point that is desperately needed everywhere. She wished the applicant good luck because she knows how competitive these funds are.

MOTION was made by Carla Coleman and seconded by Richard Klosiewicz to recommend approval of the Flex PZ #19-05000005 per the 8 conditions of staff. All voted in favor of the motion.

H. REZONING

3. BRINY RESIDENCES REZONING
Planning and Zoning No. 19-1300009
Commission District: 1

Consideration of the REZONING submitted by **MICHAEL VONDER MEULEN** on behalf of **305 BRINY AVENUE, LP** is requesting to rezone a portion of the subject property from RM-20 (Multi-Family Residential 20) to RM-30 (Multi-Family Residential 30) in order to develop a 105-foot mixed-use building that would include 40 residential units and 5,889 square feet of ground-floor commercial space. All parcels are legally defined as follows:

ADDRESS: 308-316 S. Ocean Boulevard & 305-317 Briny Avenue
FOLIO: 494306060430, 494306060390, 494306060400, 494306060410, & 494306060420

ZONED: RM-20/AOD (Multiple Family Residence 20/Atlantic Overlay District)

PROPOSED: RM-30/AOD (Multiple Family Residence 30/Atlantic Overlay District)

STAFF: Maggie Barszewski, AICP (954) 786-7921

Ms. Barszewski stated that the southeast portion of the site is developed with rental apartments while the rest is vacant and described the surrounding properties. She stated that the applicant is seeking a rezoning in order to in order to develop a 105-foot mixed-use building that would include 40 residential units and 5,889 square feet of ground-floor commercial space. She described the goals listed in the Comprehensive Plan that this rezoning supports. She described several nearby properties, listing their heights, total dwelling units, and respective density, and stated that in light of these staff feels that this proposed rezoning would be compatible with the surrounding context.

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

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Alternative Motion I

Recommend approval of the rezoning request as the Board finds the rezoning application is consistent with the aforementioned pertinent Future Land Use goals and policies.

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 Future Land Use Goals and Policies listed in Section 'A' of this report.

Staff recommends alternative motion number I.

Mr. Stacer commented that the Atlantic Overlay District would allow development up to 105' in height.

Ms. Barszewski pointed out on a map the location of this property and the boundary of the AOD.

Mr. Michael Vonder Meulen presented himself to the Board again. He stated that this is a rezoning from an RM-20/AOD to a RM-30/AOD and that the AOD plays a significant role. He noted that the land use category is Medium - High Residential 16-25 du/ac. He explained that the setbacks, landscape requirements, parking, and building height requirements will all remain the same even with this change in zoning classification. He explained that the reason for the requested rezoning is to allow the number of dwelling units allowed by zoning to increase from 26 to 40, noting that the underlying land use designation already allows 44 units. He showed the Board some conceptual renderings of the proposed building and stated that this request is consistent with surrounding development, the future land use plan, and A1A corridor Transformation Study.

Mr. Stacer asked if it is an error where in the rezoning narrative describes a 12 story building.

Mr. Vonder Meulen responded that this is an error and that the building will be only 10 stories.

Mr. Stacer asked if they felt that an RM-30 zoning was more appropriate than a PD-I.

Mr. Vonder Meulen responded that they felt it would be more consistent with the surrounding areas to rezone to RM-30.

Ms. Coleman asked how big the units will be.

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Mr. Vonder Meulen responded that they will be around 2,400 square feet.

Ms. Coleman commented that says that would be equal only about 5 units per floor.

Mr. Jeffery Green (401 Briny Avenue) introduced himself as the attorney for Christopher House, which is an adjacent condo. He requested a continuance of this project for 60 days since this application was only submitted in August and that it would drastically change the use of the site that has been largely the same since the 1950 and the conditions that Christopher House has had since 1970. He stated that the property currently only allows for 35' height, will block many views from Christopher House, and that there is only a 30% occupancy rate during the summer which means that a lot of the owners have not received their notices until very recently. He stated that should the continuance not be granted that he objects to the construction of the proposed project.

Mr. Stacer commented that the property currently has the right to build up to 105'.

Mr. Green responded that there would be no reason to build that tall for only 26 units.

Ms. Coleen Ketter-Urn (401 Briny Avenue, #716) stated that she prefers that the Board wait until all residents are present to give their opinions. She says her unit in Christopher House faces south but she opposes this because she doesn't want it to set a precedent for future rezonings and development. She stated that if there will be commercial uses in that area it will cause a lot of noise for the elderly and noted that this is a quiet little community. She asked for either a postponement or a denial.

Ms. Marshall Marcus (401 Briny Avenue, #305) stated that she objects to the height of the proposed building and that the driveway is on 4th Street due to the increased traffic. She stated that if you buy a piece of land then you should get what is permitted and nothing more.

Mr. Jim Farrell (401 Briny Avenue) stated that he strongly opposes the rezoning request. He says that he does not understand the land use and zoning allowable density. He says it will change the community and that residents facing north will no longer be able to see the beach and therefore see lower property values. He stated that he is not aware of a shadow study being conducted and that this will set up future rezonings and high-rise development. He stated that townhomes are what should be developed on the site.

Mr. Nicholas Oral (1019 NE 8 Street) states that he represents the Ebb Tide Resort located at 312 Briny Avenue. He stated that the applicant does not have a hardship and knowingly purchased the property with its current RM-20 zoning, complained that this building will block the sun at his resort, and that development can occur with RM-20 zoning. He stated that this development be a considerable hardship for the resort since it would block the sun. He stated that the Karem Family, owners of the resort, was denied a rezoning request in 2007 and so this request should also be denied.

Mr. Laurie Conway (212 Briny Avenue) stated that putting up another high-rise building would cause traffic problems on Briny, which has been rebuilt to be pedestrian and

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bicycle focused. He stated that this should be denied or postponed to allow others to share their opinion.

Ms. Eileen Michaelson (800 SE 3rd Avenue, #4, Fort Lauderdale, FL 33316) stated that she represents the residents of 316 Briny who are currently out of the country. She passed out photos of properties near the subject property and stated that most are low-rise buildings and complained that the proposed building will cast shadows. She argued that the small streets in the area cannot accommodate the proposed development and asked that the request be postponed or denied.

Mr. Raymond Smith (401 Briny Avenue, #610) stated that this application should be postponed due to the limited time to prepare. He expressed concern with the proposed retail and congestion it would cause. He complained about mixing residential above retail and expressed concern that it is unknown if the new utilities can handle the development.

Mr. Thomas Drum (2700 NE 8 St) stated that people were asleep at the wheel when the Atlantic Overlay District was created because it allows too much density. He stated that 308 S. Ocean Boulevard was sold in 2014 for \$4 million and then once the AOD was created much more development became permitted. He stated that the application should be delayed to allow more time for comment.

Mr. Vonder Meulen reiterated that the request is to unlock some of the density already allowed in the future land use plan. He stated that the site plan is still yet to be reviewed and approved and assured the Board that they will reach out to surrounding residents for input. He stated that they are aware that the City is very protective of the recent improvements to Briny Avenue and noted that the current backout parking will be replaced with parallel parking and that the only driveways to Briny will be for service access. He stated that the 40 units proposed is nowhere near what triggers a traffic impact study and that shadow studies will be conducted.

Mr. Bob Stein (131 S. Federal Highway, Boca Raton) introduced himself as the project developer. He stated that he understands the concerns voiced and that they will minimize any negative impact to Christopher House. He reminded everyone that this is only a 40-unit project and that he doesn't imagine that there will be a substantial traffic impact. He stated that they are trying to keep the building compatible with the neighborhood and that they are considering a small cafe or neighborhood restaurant. He stated that he thinks that this will be a positive project for the City.

Ms. Coleman asked if they have done any outreach thus far to neighbors.

Mr. Vonder Meulen responded that they recently have reached out to some property owners but that they have not yet had any community meetings.

Mr. Willie Miller asked what the public notice requirements are. He asked if there is a posting requirement for the property.

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Ms. Barszewski responded that the code requirements for posting and mailed notice were satisfied.

Mr. Miller asked how many days in advance the posting needs to be made.

Ms. Barszewski responded that the requirement is 10 days and that this sign was posted well in excess of that minimum requirement.

Ms. Michaelson stated that the 5 day posting requirement is not really adequate for most people. She requested photos and an affidavit from staff regarding when it was posted.

Mr. Miller commented that this building is close to a 27 story building and 7 story building, and so the proposed height does not seem inconsistent to him.

Ms. Aycock commented that the sign was posted considerably longer than the requirement. She noted that directly north of the subject property is already zoned RM-30, that the Christopher House has 96 units and seven stories, which appears to be more than what would currently be allowed.

Ms. Barszewski confirmed that this property is non-conforming since it is 93 units per acre.

Ms. Coleman commented that her concerns are not so much for the density or height, but rather the lack of outreach and community engagement. She asked if the applicant will be open to meeting with the community and doing more outreach before the Board makes a decision.

Mr. Vonder Meulen responded that the code does not require any additional public outreach. He stated that they did not expect this request to be such a major issue since they view the change as minimal. He stated that the building itself they see as the main factor and that they will do community outreach for its design. He noted that they will reach out to the community before they go to the City Commission with this rezoning request.

Mr. Miller asked if this application would return to the Board after community engagement if the Board decides to recommend approval.

Mr. Stacer suggested that the Board could condition their recommendation of approval that the applicant hold a community meeting before they reach the City Commission. He asked when this would be scheduled for the Commission.

Ms. Barszewski responded that the next possible Commission meeting would likely be in November.

Mr. Miller asked if the Board's only decision is for the rezoning and not an approval to build.

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Mr. Stacer responded that the Board is only a recommending body and that the City Commission makes the decision. The applicant would then need to return to the Board for Site Plan approval, and probably not until next year.

Mr. Klosiewicz stated that he does not see the substantive difference between RM-20 and RM-30 here because the building could be built the same way either way since it is in the Atlantic Overlay District. He stated that there should be more engagement with the community regarding shadows being cast on neighbors.

Ms. Moor responded that she has a hard time seeing how she can support this application because of how many residents came to speak in opposition. She stated that if it is not postponed then she will not be able to vote in favor.

Ms. Smith commented that the community should have voiced concerns when the AOD was created. She also pointed out how those objecting from Christopher House reside in a development that is much denser than this proposal, and even more dense than current code requirements.

Mr. Stacer asked if a shadow study is required for a Site Plan submission.

Mr. Vonder Meulen responded that it is not required, but that they will perform a shadow study.

Mr. Stacer asked what year was the AOD established.

Ms. Barszewski responded that it was established in 1999 and amended in 2011 to allow for the 105' height.

Mr. Stacer asked if there will be backout parking on Briny.

Mr. Vonder Meulen responded that it will be replaced with parallel parking.

Mr. Stacer asked about the past rezoning denial that was referenced.

Mr. Vonder Meulen responded that he is not aware of this history.

Mr. Stacer reminded the Board of the review criteria they are to consider for rezoning applications. He asked staff if their opinion is that the notice was properly conducted.

Ms. Barszewski confirmed that the notice property conducted.

Mr. Stacer asked if the applicant is willing to accept a condition of approval that a shadow study is conducted.

Ms. Barszewski reminded the Board that a rezoning cannot be conditioned.

Mr. Vonder Meulen responded that they will voluntarily perform a shadow study with the site plan submission.

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Mr. Stacer asked if a traffic study will also be performed.

Mr. Vonder Meulen responded that they can perform a traffic statement.

Mr. Stacer emphasized that prior to the first City Commission meeting there should be a community outreach meeting conducted.

Ms. Barszewski clarified that conditions can be made prior to City Commission, but that conditions cannot go alone with a rezoning approval.

MOTION was made by Willie Miller and seconded by Toby Aycock to recommend approval of the Rezoning PZ #19-13000009 per Alternative Motion I with the additional conditions that the applicant prepare a traffic statement and conduct a shadow study with their site plan and that they hold a community meeting before the first City Commission hearing. All voted in favor of the motion with the exception of Carla Coleman and Molly Moor; therefore, the motion passed.

H. OTHER BUSINESS

5. Development Review Meeting Deadlines & Dates for 2020

Ms. McCleod explained that the Board meeting dates and deadlines for the upcoming year will need to be approved by the Board.

MOTION by Carla Coleman and second by Richard Klosiewicz to approve the proposed 2020 meeting deadlines and dates. All those voted in favor.

Ms. Elle Wagman (NE 11 Avenue) stated that NE 4th Street has become a traffic cut through, largely due to the Avery apartment building being constructed. She stated that measures were supposed to be taken to reduce this impact but that this hasn't happened. She suggested closing off the entrance/exit to NE 20th Avenue to reduce traffic in the neighborhood.

Ms. Jennifer Gomez, Assistant Development Services Director, presented herself to the Board. She stated that she reviewed the meeting minutes from January 2016 when the Board considered this site plan application and noted that it's possible that the development order did not capture a possible intent of the Board to restrict east-bound turns onto 4th Street from the project. She stated that she will review the video of the meeting and provide more information at the next meeting.

I. AUDIENCE TO BE HEARD