

voted in favor.

(7:03)

D. INDIVIDUALS TESTIFYING PLACED UNDER OATH

Individuals testifying in front of the Board were placed under oath by Martha Lawson, Department Head Secretary and Notary Public in the State of Florida.

(04:57)

E. NEW BUSINESS

1. COMP PLAN TEXT AMENDMENT TO ADD PROPERTY RIGHTS ELEMENT

Request:	Property Rights Element
P&Z#	21-92000002
Owner:	City of Pompano Beach
Project Location:	City of Pompano Beach
Folio Number:	N/A
Land Use Designation:	N/A
Zoning District:	N/A
Commission District:	Applies to entire City
Agent:	Jean Dolan
Project Planner:	Jean Dolan

Ms. Jean Dolan, Principal Planner, introduced herself to the Board. She stated that the State Legislature passed House Bill 59 this legislative session. It became law on June 29, 2021 and was effective on July 1, 2021. This law adds a Property Rights Element to the required elements in a Comprehensive Plan per new Section 163.3177(6)(i), Florida Statutes. The Element must contain a minimum of 4 policies that are already recognized and constitutionally protected. The new property rights element must be adopted before any other comprehensive plan map or text amendments submitted after July 1, 2021, can be adopted or effective. The policies related to: the right to physical possession, the right to develop, maintain, and improve property, the right to privacy and exclusive use, and the right to sell or gift a property to others. She stated city staff is requesting the Board consider the following possible motions:

Alternative Motion I: Recommend approval of the proposed Property Rights Element as the Board finds the proposed element meets the requirements of House Bill 59 which added these requirements to Section 163.3177(6)(i), Florida Statutes.

Alternative Motion II: Table the proposed Property Rights Element to allow further analysis of any issues raised by the Board, Staff, Applicant or the general public.

Staff recommends Motion I.

Ms. Coleman stated she would feel more comfortable with the language stating “requirements of House Bill 59 as passed and enrolled by the Florida Legislature” as the bill can mean anything and not necessarily the law that passed. Mr. Saunders stated that would be sufficient. Ms. Coleman requested the language be added as an amendment to Alternative Motion I.

(09:57)

MOTION by Carla Coleman and seconded by Joan Kovac that the Board recommend approval for

Comprehensive Plan Text Amendment #21-92000002 per Alternative Motion I as amended. All voted in favor of the motion.

(10:40)

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

Mr. Saunders stated for the record that staff did include the statute as a reference.

(12:14)

2. [LN-107](#)

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)

Mr. Jim Hickey (1800 Eller Drive, Fort Lauderdale) introduced himself to the Board. He stated he would be presenting the rezoning, which changes the zoning map from one type of zoning to another. He added that 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. He stated that the general property location is the southeast corner of NE 10th Street and North Ocean Boulevard (A1A). He showed the property on an aerial and reviewed the surrounding properties. To the north side of 10th Street is RM-45/HR zoning, which allows for a height greater than 105 feet; to the south is RM-45 zoning, which allows 105 feet maximum, to the east is the beach, and to the west is RM-20 zoning, which allows 35 feet maximum height. The current zoning for the site allows for a height of 105 feet. The proposed height of the building is 232 feet. He stated that 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 is 3.067 gross acres and consists of 2 parcels. 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. He showed the Board the proposed site plan, which was seen last month by this Board but now includes changes. In discussions with the owner, staff found it was important for the building to move north to maximize view corridors as much as possible. The building now has a 15-foot buffer on the south and a 5-foot buffer on the north. Mr. Hickey showed the deviation table, which includes 3 requests. The first is to reduce the landscape buffer from 10 feet to 9 feet. The second is to allow open balconies to extend 3 feet into the front and street side setback, and the last request is to allow trucks to back out onto NE 10th Street from the loading area. He stated that property notifications were sent within a 500-foot radius. Additionally, they added dimensions on the site plan southern boundary, removed "Grocery Store" & "Convenience Store" from the regulation plan, and on-street parking spaces

are now shown on the site plan. Shadow studies have also been provided in Appendix I. View corridors are further shown in Appendix J. Mr. Hickey stated the reason for bringing back the item was due to insufficient noticing the first time it was presented. The item was re-noticed and readvertised. Additionally, the site plan that was presented was not the most updated, and some conditions have since been modified. He also clarified that Grocery Stores and Convenience Stores are not permitted uses in PD-I zoning, thus they have been removed from the submittal. As a result of the July presentation and discussion, they have also added on-street parking. 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.

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 finds that there is sufficient information to support this rezoning request and therefore recommends Motion I.

Mr. Stacer asked if the Board had any questions of staff.

Ms. Kovac asked if the correct height of the building is 21 stories or 22. Mr. Hickey responded in his record he has 21. Ms. Kovac stated she saw a reference of 22 stories in the backup. Mr. Hickey responded the Airpark Obstruction Permit, which is the following item, has a typo and states 22 incorrectly.

Ms. King asked for clarification on the change in the balconies. Mr. Hickey responded the balconies will be extending into the established setbacks for the building. He added that the balconies add aesthetic and architectural variety to the building. Ms. King stated that some of the residents' concerns deal with view corridors and the balcony encroachment may add to that concern. Mr. Hickey deferred to the applicant.

Mr. Robert Lochrie introduced himself to the Board. He stated this item was in front of this Board last month, as well as the site plan and the plat. All 3 items were approved. The application in front of the Board tonight is essentially the same with the exception of two minor notes: they added specific language to documents to say that they cannot have a grocery store or a convenience store, and they have included on street parking as requested by the Board. The deviations are all the same as last month and have not changed. They are also in front of the Board again due to an error in noticing and advertising. He stated that all of the discussions that took place last month regarding this item is part of the record and continues to be so. He showed a presentation of the project. He confirmed the building is 21 stories. He reviewed the location of the project and its context. He stated that although there are two properties shown, the rezoning only applies to the property on the east side of A1A. He reviewed the architecture and façade treatment. He stated there is a 2,200 sq. ft. neighborhood retail component proposed on the ground floor. There will be a public sculpture garden, on street parking, and substantial landscaping on the project. He reviewed the project floor plans and renderings. He also reviewed the view corridors and stated the president of the Tradewinds Condominium to the west has provided a letter in support of the project,

which is included in the Board's backup. He stated the reason for the balcony deviation is specifically due to the building being shifted north to preserve the south side views. He requested to incorporate all testimony from last month.

Mr. Stacer opened up the public hearing.

Jodene D'Adamo (3200 NE 10th Street, Pompano Beach) introduced herself to the Board. She asked that the Board and the developer consider what a building this size will do to that intersection at 10th and A1A. Traffic is intense as it is and more density will not help. There is also a drainage issue and 10th street floods. She asked for any commercial planned for the project be kept minimal as this is the only public access to the beach in the area.

Mr. Patel (831 N Ocean Blvd., Pompano Beach) introduced himself to the Board. He stated that his family owns the motel and convenience store at 831 N Ocean Blvd. They have lived there for 31 years and have been recently battling with the rehab homes and halfway houses. Now that everything is sorted and looking better, this project is coming up. He stated he opposes the project for 3 reasons. He has 3 units that have direct view to the ocean and are rented as "Ocean View" rooms. The project will also restrict the ocean breeze that comes into the property. Their family and property have been through several hardships in the past years with reduced income and now foresee the same with this project's constriction coming up. He asked the Board take this into consideration.

Mr. Stacer asked how tall the motel is. Mr. Patel responded 2 stories.

Michael Skversky (1630 SW 5 Ave. Pompano Beach) introduced himself to the Board. He asked if there are any buildings at the proposed height in this area. He stated no one on the Board knows the area. He stated the people next to the Marriott are hardly ever there. Across the street, a portion live there full-time. He stated it is a shame to push a project through when people in the area live there half of the year. He asked what the goals are for the beach. He stated the goals should be to lower resident taxes.

Mr. Stacer closed the public hearing.

Mr. Lochrie stated the underlying land use on this property allows for 146 residential units. The existing zoning allows for 120. The proposal decreases what can be built down to 119. He stated the existing property has backout parking along A1A as well as 10th. The proposal removes all backout parking except for loading and unloading on 10th. Parking will be within a garage within the building. He stated regarding the drainage, 10th is all asphalt. The improvements and parking proposed will include improvements on 10th and the private property will drain within its own boundaries. He stated that working with the city, they will work out the ponding that occurs now. The commercial use will be small and limited. He stated that the existing zoning would allow a bulkier building.

Ms. King asked if the applicant has information on any potential tax increases. Mr. Lochrie stated that the property values on this property will increase significantly. He stated he would not be able to confirm the impacts on surrounding property but as property values go up, taxable values also go up. The positive is that values go up.

(41:28)

MOTION by Carla Coleman and seconded by Tundra King that the Board find that competent, substantial evidence has been presented for rezoning #21-13000002 that satisfies the review standards and that the Board recommend approval to the City Commission per Alternative Motion I. All voted in favor of the motion.