

Owner: KZ Capital
Project Location: 1900 NW 24th Street (Copans Road)
Folio Number: 484227000161
Land Use Designation: Community Facility (CF)
Zoning District: Public Utility (PU)
Commission District: District 4 (Beverly Perkins)
Agent: Keith Poliakoff
Project Planner: Jean Dolan

Chair Stacer stated there was a request to postpone the item until the next meeting.

MOTION by Tundra King and seconded by Joan Kovac to postpone the item to the November 15, 2023, meeting. All voted in favor. The motion was approved.

(04:18)

2. [LN-167](#) **KZ COPANS REZONING**

Request: Rezoning from PU to I-1
P&Z# 20-13000006
Owner: KZ Capital
Project Location: 1900 NW 24th Street (Copans Road)
Folio Number: 484227000161
Land Use Designation: Community Facility (CF)
Zoning District: Public Utility (PU)
Commission District: District 4 (Beverly Perkins)
Agent: Keith Poliakoff
Project Planner: Jean Dolan

MOTION by Darlene Smith and seconded by Derek Lewis to postpone the item to the November 15, 2023, meeting. All voted in favor. The motion was approved.

(5:21)

3. [LN-524](#) **Code Amendments Related to Senate Bill 102 (Live Local Act)**

Request: Ch. 155 Amendments for Live Local Act
P&Z# N/A
Owner: N/A
Project Location: N/A
Folio Number: N/A
Land Use Designation: N/A
Zoning District: N/A
Commission District: N/A
Agent: N/A
Project Planner: Jean Dolan

Ms. Jean Dolan, Development Services, introduced herself to the Board and stated this the amendment to the Mixed Income Housing Ordinance to accommodate the requirements of the SB 102 Live Local Act. She presented the following: What the Live Local Act Does; Code Amendments; Housing Buffer Maps; Definition of Grocery Store; and Recommended Motion.

Chair Stacer asked the Board if there were any questions for staff.

Ms. Coleman asked how the statute defines affordable housing. Ms. Dolan said the standard definition, per statute 420.

Ms. Colman asked how the Board would see these projects if they do not come to them. Ms. Dolan said they are on DRC agendas. Ms. Coleman requested that updates are including in staff's reports typically at the end of the P&Z agenda.

Ms. Dolan explained there are other aspects of the code that will likely discourage massive buildings from being developed. She added that industrial properties are expensive.

Ms. King asked about if the food area in Walmart is considered a grocery store. Ms. Dolan affirmed.

Mr. Lewis inquired if the definition of the grocery store is being amended for the entire code. Ms. Dolan said yes.

Chair Stacer asked why they do not stop at 40% affordable on Dixie and Powerline where it was previously 20%. Ms. Dolan said the 50% maximum was just to be consistent with the areas around tax credit projects. She said the Board can make a recommendation to reduce that percentage as long as it is still consistent with the State Law. Ms. Coleman said she would support 40%.

Chair Stacer inquired about the height higher than 105 feet. Ms. Dolan explained the process for developers and said they will address the requests on a case-by-case process. Chair Stacer asked about the lot coverage in the industrial area. Ms. Dolan said it would still need to meet requirements of a district where you would allow that use.

Discussion ensued between Chair Stacer and Ms. Dolan about density and land use. She noted that Pompano Beach has generous regulations.

Chair Stacer opened the public hearing.

Mr. Ed Phillips, 384 NW 19th Street, Pompano Beach, said they need to tinker with the definition of affordable housing because the current one is inhuman. He said many residents cannot afford to pay rent and live here. He expressed concern about the consistent increase in density. He added they do not want to concrete jungle along MLK Boulevard. He spoke about mixed use housing and said they need to be attainable.

Chair Stacer closed the public hearing.

Chair Stacer clarified that they are not adding to the density. He asked how they are going to enforce the grocery store aspect. Ms. Dolan said they would put it in the code. Ms. Dolan said the law says is if the city is collectively less than 20% commercial and industrial, then all projects have to be mixed use. She noted that Pompano Beach is 8.6% commercial so the same concern about not having enough commercial space applies regardless of how much industrial land a city has. She said requiring mixed use where there is no grocery store access is common sense and consistent with the law.

Chair Stacer asked about the administrative approval process required by the law. Ms. Dolan said they only have one administrative process which is the minor site plan process. She said projects will still go to AAC because of building design.

Mrs. Coleman asked if AAC adheres to Sunshine Law. Ms. Dolan said they are an appointed body and meetings are noticed.

Chair Stacer asked what direction other municipalities are heading in. Ms. Dolan said there is a wide range and described Miami and Coconut Creek. She will send memos from Miami, Tampa, and Coconut Creek to the Board. She reminded the Board this only became effective in regard to some of the requirements on October 1, 2023 so not many cities have taken any action yet and they don't need to because the law applies whether the local codes are changed or not.

Mrs. Coleman said they have welcomed tax-credit projects and encouraged a range of prices in housing in order to make it an affordable community. She noted the law was a reaction to frustration that the legislation was hearing across the county and state about cities that were trying to keep tax-credit projects out of their communities.

MOTION by Carla Coleman and seconded by Tundra King to amend the maximum affordable on Dixie and Powerline from 50% to 40% and recommend approval of the code changes, as presented by staff.

Assistant City Attorney Saunders asked the Board to permit his office to amend, where necessary, the legal aspects, including the question asked about the AAC.

Mrs. Coleman accepted the recommended amendment to her motion.

Chair Stacer asked when it would go to the City Commission. Ms. Dolan said November 14, 2023, and the second hearing will be held in December.

Chair Stacer agreed there needs to be legal input.

Ms. Dolan said the concentration of poverty issues are the most important public policy aspect of housing the City has right now and may be more vulnerable to legal challenge than anything related to Live Local.

All voted in favor. The motion was approved.

(54:52)

G. AUDIENCE TO BE HEARD

Mr. Jason Fuller, 613 NW 16th Avenue, Pompano Beach, said he attended to speak on the postponed items. He said the developers acknowledge it is cemetery property, but they are still moving forward with attempting to change the zoning. He stated it is still a cemetery.

Ms. Mary Baker 427 SW 4th Court, Pompano Beach, said they should not build warehouses on a cemetery. She said she still stops to visit her friends and family buried there.

Mr. Elijah Wooten, 135 NW 15th Street, Pompano Beach, said he was born and raised in the City. He spoke about the Westview Cemetery. He went to the Pompano cemetery and noted there are not many spaces left to be interred. He said the Board and City Commission will have to decide whether warehouses or a cemetery are more important. He spoke about a deposition he was involved in and noted he has not yet received a copy of what was presented. He said he will try to come back when the items are heard.

Ms. Deslyn Moore (no address provided) said she has a lot of family who are buried at the site. She cannot imagine building on top of their bodies. She said they always have to fight, and people should be allowed to rest in peace.

Mr. Ed Phillips, 384 NW 9th Street, Pompano Beach, said when right stands up, then wrong has to sit down. He asked for a copy of the postponement letter. Mr. Adkins replied that he can provide a copy via email. Ms. Dolan said all items are included in the backup.