

Fred asked if there is anyone from the public. There is no one. Fred closes the public hearing.

**MOTION** was made by Carla Coleman and seconded by Joan Kovac that the Board finds that competent, substantial evidence has been presented supporting LUPA PZ #20-92000003 as compatible with the City’s Comprehensive Plan and existing adjacent land uses and that the Board recommends approval of the request to the City Commission per Alternative Motion I, as described and amended in the staff report. All voted in favor of the motion.

(36:39)

2. [LN-16](#)

**FS 103 SITE FLEX**

<b>Request:</b>	Commercial Flex
<b>P&amp;Z#</b>	20-05000004
<b>Owner:</b>	Whitney LLC, 40th Street LLC, Clermont Realty LLC & Newtown Hall, LLC
<b>Project Location:</b>	3500 NE 16th Terrace
<b>Folio Number:</b>	484224190060
<b>Land Use Designation:</b>	CF
<b>Zoning District:</b>	CF
<b>Commission District:</b>	2
<b>Agent:</b>	Christina Bilenki (561-405-3323)
<b>Project Planner:</b>	Jean Dolan (954-786-4045) / jean.dolan@copbfl.com

Ms. Dolan stated that the second request is for commercial flexibility. Chapter 154.60 of the City’s Code defines the 5% rule which establishes that the Broward County Land Use Plan and the City of Pompano Beach Comprehensive Plan permit up to five percent of the area with a designated residential land use category to be used for neighborhood commercial uses without applying for a land use plan amendment. Requests for commercial flexibility requires the submittal of a conceptual plan which defines how the property will be developed in a manner compatible with the adjacent residential uses. This attached conceptual site plan limits the commercial use to the existing building. The commercial flexibility review standards include compatibility with applicable goals, objectives and policies of the City's Comprehensive Plan, as well as that the nonresidential development within the residential land use designation will produce a reasonable development pattern to include compatibility with the adjacent uses.

Ms. Dolan stated that staff finds the proposed site plan and the use satisfies the standards for the Board’s consideration of approval. Given the information provided to the Board, as the findings of fact, staff provides the following alternative motions, which may be revised or modified at the Board’s discretion:

Alternative Motion I

Approval of the requested Commercial Flexibility with the following conditions:

The site plan ultimately approved for this site shall be generally consistent in regard to building dimensions and placement, setbacks and buffering with the Conceptual Plan (Attachment 1). The following revisions must be made to the Conceptual Plan before this request will be placed on a City Commission agenda:

- (1) The perimeter buffer along the south and west property lines must be at least 10 feet wide.
- (2) Label the south and west fence as follows: “Existing fence to be removed and replaced with a

semi-opaque fence and gate”.

- (3) Add the required shrubs on the interior side of the semi-opaque wall/fence.
- (4) Discuss with staff the areas requiring installation of a type D curb.
- (5) Add a note to the west-side gate on NE 16 Terrace as follows: “To remain locked except for emergency access and trash pickup.”

Ms. Dolan stated the Applicant has addressed many of these conditions already.

Alternative Motion II

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

Alternative Motion III

Denial of the Commercial Flexibility as the Board finds it is not consistent with the goals, objectives and policies of the Comprehensive Plan.

Staff recommends Alternative Motion I.

Mr. Stacer asked if there are any questions for staff.

Ms. Smith asked if they can add a 6<sup>th</sup> condition to meet with the neighborhood association to discuss the changes. She understands this was in the Applicant’s plan but wanted to make it a condition.

Mr. Stacer asked if there are any more questions for the applicant. There were none.

Mr. Stacer asked the Applicant if they accept the conditions of Alternative Motion I. Ms. Bilenki responded yes and the neighborhood meeting is currently being set up.

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

(42:10)

**MOTION** was made by Carla Coleman and seconded by Willie Miller that the Board find that competent, substantial evidence has been presented for Flex #20-05000004 that satisfies the review standards and that the Board recommend approval of the request to the City Commission per Alternative Motion I, as described in the staff report, and amended. All voted in favor of the motion.

(43:14)

<b>3.</b>	<a href="#"><u>LN-15</u></a>	<b>FS 103 SITE REZONING</b>
	<b>Request:</b>	Rezoning
	<b>P&amp;Z#</b>	20-13000001
	<b>Owner:</b>	Whitney, LLC, 40th Street LLC, Clermont Realty LLC & Newtown Hall, LLC
	<b>Project Location:</b>	3500 NE 16th Terrace
	<b>Folio Number:</b>	484224190060
	<b>Land Use Designation:</b>	CF
	<b>Zoning District:</b>	CF
	<b>Commission District:</b>	2