

**MOTION** was made by Richard Kloseiwicz and seconded by Carla Coleman to recommend approval of the Rezoning PZ #19-13000003 per the 13 conditions of staff. All voted in favor of the motion.

**3. 1621 S DIXIE HWY, LLC/AVIARA EAST POMPANO REZONING**  
**Planning and Zoning No. 19-13000008**  
**Commission District: 3**

Consideration of the REZONING submitted by **MICHAEL VONDER MEULEN** on behalf of **1621 S DIXIE HWY** is requesting to rezone a portion of the subject property from Heavy Business (B-4) to General Business (B-3) in order to bring the entire property under one Zoning District. All parcels are legally defined as follows:

A PORTION OF THE NORTH ONE-HALF (N 1/2) OF THE NORTH ONE-HALF (N 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 11, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTH ONE-HALF OF THE NORTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 11, TOWNSHIP 49 SOUTH, RANGE 42 EAST; THENCE SOUTH 01°37'49" EAST, ALONG THE WEST LINE THEREOF, A DISTANCE OF 75.25 FEET TO THE POINT OF BEGINNING, SAID POINT LYING ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT, AT WHICH THE RADIUS POINT BEARS SOUTH 09°24'10" EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF MCNAB ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 13995 AT PAGE 728 OF THE PUBLIC

RECORDS OF BROWARD COUNTY, FLORIDA, HAVING A RADIUS OF 1856.86 FEET AND A CENTRAL ANGLE OF 08°52'29", A DISTANCE OF 287.61 FEET TO THE POINT OF TANGENCY; THENCE NORTH 89°29'19" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF MCNAB ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 5623 AT PAGE 645 OF SAID PUBLIC RECORDS, A DISTANCE OF 495.76 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, THENCE EASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF MCNAB ROAD, HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 88°27'50", A DISTANCE OF 46.32 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 02°03'51" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF DIXIE HWY, ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP (SECTION 86170-2509), A DISTANCE OF 247.73 FEET; THENCE SOUTH 89°21'26" WEST, A DISTANCE OF 813.93 FEET; THENCE NORTH 01°37'49" WEST, ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 11, A DISTANCE OF 256.28 FEET TO THE POINT OF BEGINNING.

**PLANNING AND ZONING BOARD DRAFT MINUTES August 28, 2019 Page 24**

SAID LANDS SITUATE IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA AND CONTAIN 5.129 ACRES, MORE OR LESS. ALSO DESCRIBED AS FOLLOWS:

**PARCEL 1:**

ALL THAT PART OF THE NORTH ONE-HALF (N 1/2) OF THE NORTH ONE-HALF (N 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 11, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE ABOVE DESCRIBED PARCEL; THENCE SOUTH  $88^{\circ}53'52''$ , EAST 561.25 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE ALONG THE LAST DESCRIBED LINE, 250.00 FEET TO A POINT; THENCE SOUTH  $00^{\circ}19'12''$  EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF THE OLD DIXIE HIGHWAY AS SAME IS NOW LOCATED, CONSTRUCTED AND USED, 197.54 FEET TO A POINT; THENCE SOUTH  $89^{\circ}07'08''$  WEST, 61 FEET TO A POINT; THENCE NORTH  $00^{\circ}19'12''$  WEST, 26.38 FEET TO A POINT; THENCE SOUTH  $89^{\circ}07'08''$  WEST, 188.93 FEET TO A POINT; THENCE NORTH  $00^{\circ}19'12''$  WEST, 169.81 FEET TO THE POINT OF BEGINNING.

**PARCEL 2:**

ALL THAT PART OF THE N OF THE N OF THE NE, OF THE NW, OF SECTION 11, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE ABOVE-DESCRIBED PARCEL; THENCE SOUTH ALONG THE WEST BOUNDARY THEREOF, A DISTANCE OF 331.515 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH  $89^{\circ}59'51''$  EAST,

$89^{\circ}07'08''$  WEST, 142.27 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF THE OLD DIXIE HIGHWAY AS SAME IS NOW LOCATED, CONSTRUCTED AND USED; THENCE NORTH  $00^{\circ}19'12''$  WEST, 142.27 FEET TO A POINT; THENCE SOUTH  $89^{\circ}07'08''$  WEST, 61 FEET TO A POINT; THENCE NORTH  $00^{\circ}19'12''$  WEST, 26.38 FEET TO A POINT; THENCE SOUTH  $89^{\circ}07'08''$

WEST, 726.09 FEET TO A POINT; THENCE NORTH, PARALLEL TO THE WEST BOUNDARY OF THE SAID N OF THE N OF THE NE, OF THE NW 1/4, 188.39 FEET TO A POINT ON THE NORTH BOUNDARY THEREOF; THENCE NORTH  $88^{\circ}53'52''$  WEST, ALONG THE SAID NORTH BOUNDARY, 25 FEET TO THE POINT OF BEGINNING.

**PARCEL 3:**

BEGINNING AT THE NORTHWEST CORNER OF THE N OF THE N OF THE NE, OF THE NW, OF SECTION 11, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA; THENCE SOUTH 88 DEGREES, 53 MINUTES, 52 SECONDS EAST, ALONG THE NORTH LINE THEREOF, 25 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THEN CONTINUE SOUTH 88 DEGREES, 53 MINUTES, 52 SECONDS EAST, ALONG THE LAST DESCRIBED LINE, 536.25 FEET TO A POINT; THENCE SOUTH 00 DEGREES, 19 MINUTES, 12 SECONDS EAST, 169.81

FEET TO A POINT; THENCE SOUTH 89 DEGREES, 07 MINUTES, 08 SECONDS WEST, 537.16 FEET TO A POINT; THENCE DUE NORTH, PARALLEL TO AND 25 FEET EAST OF THE WEST LINE OF THE SAID N OF THE N OF THE NE 1/4, OF THE NW 1/4, 188.39 FEET TO THE POINT OF BEGINNING.

LESS LANDS CONVEYED TO BROWARD COUNTY IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 13995, PAGE 728, AND LANDS DESCRIBED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5623, PAGE 645.

AKA: 1621 South Dixie Highway  
ZONED: B-3 (General Business) & B-4 (Heavy Business)  
PROPOSED: B-3 (General Business)  
STAFF CONTACT: Maggie Barszewski, AICP (954) 786-7921

Ms. Maggie Barszewski, Planner, explained that she will provide just one presentation for the following three agenda items which include a flex unit allocation, a rezoning, and a plat approval. The applicant is requesting 188 flex units, a rezoning from B-4 to B-3, and a plat that would restrict the property to a maximum of 20,000 square feet of commercial use and 229 mid-rise residential units.

Mr. Michael Vonder Meulen (301 E. Atlantic Boulevard) presented additional details about the overall project. He stated that the City's Dixie Highway Corridor Study envisions 520 new dwelling units in this area along South Dixie and that a streetscaping/road diet project is underway. He stated that this site was previously a junk yard behind a tall wall along McNab Road. The current B-4 portion of the site prohibits residential and mixed-use, and so this is the reason for the proposed B-3 zoning. He showed the proposed openings on the plat and explained the current and future traffic connections. He stated that there will be several walk-up units fronting on McNab Road. He demonstrated architectural renderings of the proposed project to the Board.

Ms. Coleman asked if there is single-family along the south.

Mr. Vonder Meulen responded that this area is a trailer park to the south and an apartment complex along the north side of McNab Road.

Ms. Kovac asked if there has been contamination testing on the lot.

Mr. Vonder Meulen responded that contamination was found and that the remediation is currently taking place.

Mr. Stacer asked if anyone from the audience wished to speak.

Mr. Steven Smith (1701 SE 8 St, Fort Lauderdale) presented himself as the property owner across the street. He stated that they would like to support the project but expressed some concern about zoning, traffic, and construction. He sought assurance that his B-4 zoned property will not be changed, that truck access will not be impacted, and that construction does not leave any damage to his property.

Mr. Vonder Meulen responded that no other properties in the area will be rezoned and that traffic is regulated by Broward County and they are restricted to a right turn in and out onto Dixie Highway. He stated that the city has taken responsibility of Dixie Highway from FDOT but that Broward County still does have jurisdiction.

Ms. Gomez stated that there is a G.O. Bond project in the area and that she will look into the project boundaries.

Mr. Vonder Meulen added that the construction will meet all requirements for a construction site regarding dust control and mitigation.

Ms. Barszewski stated that 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.

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 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, Objectives and Policies listed in Section 'A' of this report.

Staff recommends alternative **MOTION I.**

**MOTION** was made by Darlene Smith and seconded by Joan Kovac to recommend approval of the Rezoning PZ #19-13000008. All voted in favor of the motion.

**G. PLAT**

4. **1621 S DIXIE HWY, LLC/AVIARA EAST POMPANO PLAT**  
**Planning and Zoning No. 19-14000010**  
**Commission District: 3**

Consideration of the PLAT submitted by **MICHAEL VONDER MEULEN** on behalf of **1621 S DIXIE HWY, LLC** that restricts the property to a