

**PLANNING AND ZONING BOARD MINUTES**     **March 27, 2019 Page 2**

Approval of the minutes of the meeting on February 27, 2019.

**MOTION** by Darlene Smith and second by Joan Kovac to approve the minutes of the February 27, 2019 meeting. All voted in favor.

**E.     INDIVIDUALS TESTIFYING PLACED UNDER OATH**

City staff and members of the public testifying before the Board at the meeting were placed under oath by Martha Lawson, Secretary and Notary Public in the State of Florida.

**F.     FLEX**

1.     **ST. ELIZABETH GARDENS FLEX**  
**Planning and Zoning No. 19-05000001**  
**Commission District: 2**

Consideration of the FLEXIBILITY & REDEVELOPMENT UNITS REQUEST submitted by **JOSPEH CATANIA** on behalf of **ST ELIZABETH GARDENS, INC.** approval for 15 Flexibility Units in order to bring the existing development into compliance with the City's Zoning Code. The existing development is composed of 153 low-income senior housing units owned and managed by the Archdiocese of Miami. This parcel is legally defined as follows:

The West 470 feet of the East 1165 feet of Lots 3 and 4 of the Subdivision of Section 24, Township 48 South, Range 42 East, Plat Book "B", Page 164, of the Public Records of Dade County (now Broward County), Florida; less the South 25 feet in N.E. 33rd Street.

Said lands situate in the City of Pompano Beach, Broward County, Florida.

AKA: 801 NE 33 Street  
ZONED: RM-12 (Multiple-Family Residence 12)  
STAFF CONTACT: Maggie Barszewski, AICP (954) 786-7921

Mr. Daniel Keester-O'Mills, Principal Planner, presented himself to the Board. He explained that the applicant is requesting approval for 15 Flexibility Units in order to bring the existing development into compliance with the City's Zoning Code. In 2000, the City annexed this area of the City but applied the same Land Use designation and Zoning category that was comparable to the County's at that time, which was not reflective of the existing use. Because of a Broward County policy to encourage the development of affordable housing, the allowable density for the site is permitted to be doubled, resulting in 140 units plus the requested 15 flex units for a total of 155 units. He stated that staff

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finds that the applicable review criteria for the granting of flex units has been satisfied. If this request is granted, the City will have 1,223 flex units remaining.

Mr. Keester-O'Mills stated that the applicant has requested that staff's second recommended condition be slightly amended, and that staff has no objection (*Note: condition #2 below is the amended version which differs from what was included in the staff report*).

Given the information provided to the Board, as the finders 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 Flex Allocation request subject to the following conditions:

1. Prior to placement on a City Commission Agenda, the applicant shall provide a Declaration of Restrictive Covenant requiring that 140 units shall have maintain affordability for 15 years per County Policy 2.16.3
2. Prior to placement on a City Commission Agenda, the applicant shall provide a Declaration of Restrictive Covenant requiring affordability for 11 out of 15 units be maintained for 30 years per Section 154.61(E)(3)(c)5.
3. The parcel must be rezoned to allow a maximum of 22.1 units per acre prior to building permit issuance;
4. Any future site plan submitted for this project shall be substantially conforming to the submitted conceptual site plan; and
5. The allocation of the approved flex units shall become null and void upon two years from the resolution's approval date.

**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 use of the reserve and flexibility units will not be consistent with Section 154.61(D) of the Code.

Staff recommends Alternative Motion I

Mr. Stacer asked if flex units are available for the entire City.

Mr. Keester-O'Mills responded that they are available everywhere except the barrier island.

Mr. Stacer commented that these flex units are very valuable.

Ms. Mora Jennings (110 Merrick Way, Coral Gables, FL) presented herself as the representative for the applicant. She stated that this legally existing non-conformity was discovered during the renovation of the St. Elizabeth's Gardens.

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Ms. Coleman asked why only 11 of the 15 units will be required to be affordable.

Ms. Jennings responded that they have been in operation since 1970 and that these 4 market rate units will be for several existing long-term tenants that do not qualify as low-income. She explained that they want the flexibility so that they do not need to displace these seniors who do not qualify for unique and unusual reasons.

Ms. Coleman asked what the intent is for those 4 units when the current tenants no longer occupy them.

Ms. Jennings responded that the intent is to maintain them as market rate units so that they will be able to be flexible for future instances where tenants no longer qualify as low-income.

Ms. Coleman asked what the age requirement is for the community.

Ms. Jennings responded that 65 is the minimum age and the average is usually in the upper 70s.

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

**MOTION** was made by Carla Coleman and seconded by Joan Kovac to recommend approval of the Flex PZ# 19-05000001 per the 5 conditions of staff as amended. All voted in favor of the motion.

**G.     REZONING**

**2. DUKE SAMPLE 4 LLC REZONING**  
**Planning and Zoning No. 19-13000001**  
**Commission District: 4**

Consideration of the REZONING submitted by **RICHARD COKER** on behalf of the **DUKE SAMPLE 4 LLC** is requesting to rezone a portion of the subject property from Office-Industrial Park (O-IP) to General Industrial (I-1) in order to bring the entire property under one Zoning District. All parcels are legally defined as follows:

A PORTION OF PARCEL "A", JUSTUS PLAT, AS RECORDED IN PLAT BOOK 123, PAGE 4 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:  
COMMENCE AT THE NORTHEAST CORNER OF PARCEL "A" OF SAID JUSTUS PLAT; THENCE SOUTH 89 DEGREES 35 MINUTES 29 SECOND WEST, ALONG THE NORTH BOUNDARY OF SAID PARCEL "A,"