



## CITY OF POMPANO BEACH FLORIDA

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**CITY HALL OFFICES:**

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PLANNING AND ZONING BOARD/LOCAL  
PLANNING AGENCY

September 28<sup>th</sup>, 2016  
Wednesday

City Commission Chambers

6:00 P.M.

### ***MINUTES***

A. Call to order by the Chairman of the Board, Mr. Fred Stacer at 6:06P.M.

B. **ROLL CALL:**

Tobi Aycock  
Joan Kovac  
Dwight Evans *tardy*  
Fred Stacer  
Jerry Mills *tardy*  
Richard Klosiewicz  
Jeff Torrey

C. **MOMENT OF SILENCE**

D. **APPROVAL OF THE MINUTES:**

Approval of the minutes of the meeting on August 24<sup>th</sup>, 2016.

**MOTION** was made by Joan Kovac and seconded by Richard Klosiewicz to approve the meeting minutes of August 24<sup>th</sup>, 2016. All voted in favor of the motion; therefore, the motion passed.

**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 Kerrie MacNeil, Planner and Notary Public in the State of Florida.

**F. PRESENTATION ON THE PROPOSED ADDITIONAL PENNY SALES TAX**

Mr. Brian Donovan, Deputy City Manager, introduced himself and his team to the Board. The Deputy City Manager gave a PowerPoint Presentation on “A Penny at Work” as an overview of the surtax being proposed to voters this November.

Mr. Donovan explained how one penny will be split in two parts; half penny will go to Broward County and the other half will go to many cities including, the City of Pompano Beach.

Mr. Donovan stated that the half penny going to Broward County will go towards transportation, which includes transit and traffic signal synchronization. The other half penny for cities will go towards infrastructure and public safety, which includes roads, bridges, bike lanes, conservation, parks, buildings, fire trucks and police cars. He stressed that both proposals have to pass. If one proposal passes and the other one fails, they both fail. He explained that aging infrastructure is one of the primary reasons that voters are being asked to consider the increase of one penny in the sales tax rate.

Mr. Donovan introduced the website [www.apennyatwork.com](http://www.apennyatwork.com), which was established so that voters have a tool to learn more about the proposed additional penny tax and the projects being proposed for all the cities in Broward County, including the City of Pompano Beach.

Captain Wayne Adkins spoke to the Board about the Public Safety Complex (built in 1983), which houses the Broward County Sheriff’s Office and the administration for the Fire Rescue. Mr. Adkins stated that the building has exceeded its life expectancies, and there are several required projects to renovate the building’s interior infrastructure. The projects were planned before the Penny Tax proposal but were stalled due to funding issues.

Fire Chief John Jurgle spoke about four fire stations that are in need of replacement. These fire stations are between 43 and 47 years old and are used 24 hours a day and 7 days a week. Mr. Jurgle states that these stations no longer accommodate their needs because the fire service has changed over the last 50 years: fire trucks no longer fit in the stations; there are ADA and gender issues that need to be addressed; and maintenance costs have become exorbitant. Mr. Jurgle presented a model of Station 24 to the Board. He explained that the current fire stations are not built to handle category five hurricane standards.

Ms. Barbara Blake Boy, Executive Director of the Broward County Planning Council, spoke to the Board about the proposed Broward County transportation projects. She

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stated that the projects will be related to public safety improvements such as pedestrian, bicycle, roadways, intersections and safe route to school. She continued to say that the great thing about these program improvements is that they all come from adopted Broward County MPO plans. If the surtax goes into place, the County will have sufficient funds to operate maintenance for many transit improvements.

Ms. Suzette Sibble, City of Pompano Beach Finance Director, gave an overview of the two ballot questions voters will have to consider in November 8, 2016. The first ballot question relates to the County's half penny, transportation surtax. The second ballot question relates to the City's infrastructure surtax. Both questions are very similar in terms of format, but the only difference is in terms of the authorized uses for the surtax funds. She advised that approximately 1/3 of sales tax collected in Broward County is derived from tourists. It is estimated that in 2015, 15.4 million tourists visited Broward County. The surtax mechanism will allow tourists to contribute to the upkeep of infrastructure assets.

Mr. Brian Donovan spoke about the economic impact to the City of Pompano Beach. There are over 30 cities in Broward County. If the Penny Sales Tax passes half of them would bond immediately, causing an economic impact infusion into the local economy. Therefore, over 53,000 jobs are expected to be created.

Mr. Tom DiGiorgio, Chair of the Economic Development Council, introduced himself to the Board and stated that he is advocating for the Penny Sales Tax. The Economic Development looked at this program back in July and approved it unanimously. Mr. DiGiorgio spoke about the existing approved infrastructure projects in need of funding, and restated that by implementing the Penny Sales Tax 1/3 of the funding will come from tourists. He encouraged the Board and the audience to be advocates for the Penny Sales Tax, and to visit the advocacy website [www.movebrowardforward.com](http://www.movebrowardforward.com).

## **G. PUBLIC HEARINGS**

### **1. GC HILLSBORO SHORES LLC / HILLSBORO SHORES- LAND USE PLAN AMENDMENT** **Planning and Zoning #15-92000004**

Consideration of the proposed LAND USE PLAN AMENDMENT request by **BONNIE MISKEL** on behalf of **GC HILLSBORO SHORES LLC** for a change in the future land use designation of a 4.2079 gross-acre property. Currently the property has a Commercial (C) Future Land Use designation. The Applicant is requesting a change in land use to High Residential (H) - Irregular 29. The subject property is located at 2507 N. Ocean Blvd and 2629 N. Riverside Drive, more specifically described as follows:

LOTS 14 AND 15, BLOCK 19, OF "HILLSBORO SHORES SECTION "B",  
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK

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22, PAGE 39, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LESS AND EXCEPT THEREFROM THE WEST 60 FEET OF SAID LOT 14. TOGETHER WITH:

LOTS 19, 20, 21, 22 AND 23, BLOCK 20, OF "HILLSBORO SHORES SECTION "B", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGE 39, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. TOGETHER WITH:

THAT PORTION OF NORTH RIVERSIDE DRIVE RIGHT-OF-WAY BEING LOCATED WITHIN "HILLSBORO SHORES SECTION "B", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGE 39, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED IN THE APPLICATION ON FILE AT THE DEVELOPMENT SERVICES DEPARTMENT.

AKA: 2507 N Ocean Blvd and 2629 N Riverside Drive  
FROM: C (Commercial)  
TO: High Residential (H) - Irregular 29  
STAFF CONTACT: Maggie Barszewski, AICP (954) 786-7921

**Note: This item was tabled per the applicant's request at the July 27<sup>th</sup>, 2016 and the August 24<sup>th</sup>, 2016 Planning and Zoning Board hearings.**

**MOTION** made by Richard Klosiewicz and seconded by Joan Kovac to remove the item from the table. All voted in favor of the above motion; therefore, the motion passed.

Mr. Fred Stacer stated that he had a telephone conversation with Ms. Bonnie Miskel prior to the July 27, 2016 hearing, and the conversation was strictly about tabling the item. On August 4, 2016 Mr. Stacer attended an informational meeting to get the background information for the project at the Hillsboro Light Towers. The meeting was composed of numerous people including the owner Ari Pearl, the architect Jenny Maccany, and the Planner Tara Patton.

On August 24, 2016 Mr. Stacer had another conversation with Ms. Miskel to table the item a second time. On August 25, 2016 Mr. Stacer had a conversation with Ms. Miskel about a corridor study, which may be indirectly associated with the project. On September 14, 2016 Mr. Stacer and Ms. Miskel spoke in reference to updating the status of the issues between the owner of the project and Home Owner Improvement Association, and how these issues were being worked out.

*Jerry Mills arrived at the meeting at 6:38 P.M.*

Ms. Karen Friedman introduced herself to the Board and stated that the Applicant is proposing a change in the future land use designation of a 4.2079 gross-acre parcel. This subject property is located at 2507 N. Ocean Blvd and 2629 N. Riverside Drive. The parcel is vacant except for an existing commercial marina and has a Commercial (C) Future Land Use designation. The Applicant is requesting a change in land use to High Residential (H) – Irregular 29. The “Irregular 29” refers to the fact that the applicant is

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not asking for the maximum dwelling units per acre that the 'High' land use designation would permit (the range of density for 'High' is 25 to 46 units per acre). Ms. Friedman mentioned that if the amendment is passed the property will be entitled to a maximum of 122 dwelling units.

Ms. Friedman stated that the staff completed an impact analysis as part of the review. The findings showed that proposed intensity of the amendment is a net decrease over what is currently allowed under the city's adopted plan. The Applicant is concurrently requesting to convert the commercial marina to a residential marina (i.e. boat slips available to residents of the property only). She explained that there are several impacts that should be addressed with an increase of population at the location of the property. Staff determined that the applicant did not address natural or historic resources and did not provide clarification regarding how affordable housing will be addressed. In addition, staff agreed that the amendment is compatible even though it is not consistent with the land use designation to the east or the south. Ms. Friedman confirmed that the subject area is within a hurricane evacuation area, and the applicant provided a hurricane analysis.

Ms. Friedman indicated that the proposed amendment reduces the ability to provide the maximum economic wellbeing for the City and its residents. According to City records, the subject matter has been a long standing location of viable commercial uses and many commercial boats operates from the marinas found in the proposed location. She read the following goals and objectives from the City's Comprehensive Plan that were inconsistent with the proposed project.

**Future Land Use Element**

Goal 01.00.00: The attainment of a living environment which provides the maximum physical, economic and social well-being for the City and its residents through the thoughtful and planned use and control of the natural and man-made environments that discourages urban sprawl, is energy efficient and reduces greenhouse gas emissions.

Policy 01.03.10: Support and promote hotels, motels and other tourist accommodations in designated residential, commercial and commercial recreation land use designations. Ms. Friedman stated that prior approvals were granted based on the exertions that the site would be developed into a hotel.

Policy 01.16.01 The City shall emphasize redevelopment and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources. Ms. Friedman quoted the Land Use Plan stating that infrastructure is defined to include man-made structures including marinas. The commercial marinas are an important component of the City's recreational infrastructure.

Policy 01.03.12: The following criteria may be used in evaluating rezoning requests:

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1. Density;
2. Design;
3. Distance to similar development;
4. Existing adjoining uses;
5. Proposed adjoining uses;
6. Readiness for redevelopment of surrounding uses; and.
7. Proximity to mass transit.

Policy 01.07.16: Through ongoing update to the land development regulations provide criteria, performance standards regulating hotel intensity and incentives for hotel development. Ms. Friedman claimed that the proposed amendment is for residential development and therefore is not consistent with City's ongoing desires to promote hotels.

### **Open Space Element**

Goal 11.00.00: Provide safe well-maintained and adequate open space and recreational facilities for all Pompano Beach residents and visitors.

Policy 11.05.02: To recognize the contribution that private recreational facilities provide in meeting the needs of seasonal residents and tourists and cooperate with them.

Policy 11.05.03: To promote Pompano Beach as a year-round tourist destination (formerly 11.05.04).

### **Coastal Zone Management Element**

Goal 10.00.00: Manage development efforts in the City of Pompano Beach Coastal Zone to maximize aesthetic, environmental, recreational and economical resources.

### **Objective Support and Protect Water Dependent Uses**

Policy 10.03.00 Water dependent and water related uses will be protected and encouraged within the coastal area; this shall include retaining commercial zoning so that private residential redevelopment does not displace such uses.

Policy 10.03.01 Shoreline uses shall be designed in a manner compatible with the environment and be compatible with existing surrounding land uses and are prioritized according to the following criteria:

1. Water dependent commercial and municipal uses.
2. Water related uses in conjunction with water dependent uses.
3. Public accessibility
4. Non-water related uses.

Policy 10.03.02 Other than in areas designated with residential land use categories, intrusions of land uses unrelated to marine activities or not having coastal dependency shall be discouraged from locating in areas on the coast or adjacent to navigable waterways.

Policy 10.03.03 Land zoned for marine and water dependent commercial activities shall be preserved.

Ms. Friedman stated that based on the above-stated inconsistencies the recommendation is of denial of the Land Use Plan Map Amendment from the current Commercial Future Land Use designation to High Residential – irregular 29. The alternative motions are as follows:

- 1) Motion to recommend denial of the Land Use Plan Map Amendment from the from the current Commercial Future Land Use designation to High Residential – irregular 29.

The denial is based upon the finding that the amendment is incompatible with the goals, objectives and policies in the Comprehensive Plan that were just read into the record.

- 2) Motion to table the requested Comprehensive Plan amendment to provide time for any issues raised by the Board, Staff, Applicant or the general public.
- 3) Motion to recommend approval as the Board finds the proposed land use change compatible with the goals, objectives and policies in the Comprehensive Plan. Conditions of Implementation will have to be considered regarding meeting the Broward County Affordable Housing requirements.

Ms. Friedman stated that the proposed amendment would negatively impact the readiness for redevelopment of surrounding uses. It is the City's intent to strengthen the commercial corridor that already exists in the subject area.

Ms. Bonnie Miskel (14 SW 4 ST, Boca Raton, FL 33486) introduced herself to the Board as the applicant's representative, and presented a PowerPoint to the Board.

Ms. Miskel displayed the existing land uses of surrounding properties, and stated that the City's reference to hotels for a comprehensive plan amendment is wrong and irrelevant. Ms. Miskel added that they are asking to go from commercial designation to irregular 29.

Ms. Miskel presented the following goals and policies that are consistent with the proposed land use amendment:

Policy 01.01.05: Review proposals for new development to identify the cumulative impact of the proposed development on public services and facilities.

Policy 01.03.05: A land use plan amendment and rezoning shall provide for an orderly transition of variant land uses and designation.

Policy 01.03.06: Consider density intensity revision with an emphasis on minimal negative impact to existing residential areas.

Policy 01.03.11: Consider the compatibility of adjacent land uses in all Land Use Plan amendments.

Policy 01.03.12: The following criteria may be used in evaluating rezoning requests:

1. Density;
2. Design;
3. Distance to similar development;
4. Existing adjoining uses;
5. Proposed adjoining uses;
6. Readiness for redevelopment of surrounding uses; and.
7. Proximity to mass transit.

Policy 01.16.01: City shall emphasized redevelopment and infill. Ms. Miskell stated that the proposed parcel is an infill.

Ms. Miskel stated that she will provide the Board with a testimony that will prove that a residential change will be beneficial as far as public services and facilities. She asked the board to consider the impact on single family homes that are being served by A1A, which is a two way traffic street. Residents are burdened by the bridge that creates traffic when open. She claims that the current use in the property is an ongoing burden to the neighborhood.

Ms. Miskel stated that the City staff did not provide a map to show what currently exists in the property. The property has compatible adjacent residential land uses. She indicated that Hillsboro Light Towers land use designation is commercial, but it is developed residential. The only area that is zoned commercial is a strip center on the east side of A1A. She claimed that staff ignored existing adjoining uses. Applicant has met with the Homeowners Improvement Association, and they will testify about their approval for the Proposed Land Use Plan Amendment.

Ms. Miskel stated that the proposed request does not eliminate the docks. They intend to include a marina component to the plan and lease the docks to residents in the City of Pompano Beach to maintain their boats. She mentioned that a residential development is required to pay park impact fees, but commercial does not. They will have to pay park and recreation fees in addition to opening up the waterfront to everyone who lives there. Ms. Miskel compared two adjacent residential developments that have commercial land use. According to her, the proposed plan is compatible with these developments because they are proposing to change from commercial to Irregular 29.

Mr. Carl Peterson with KBP Consulting (8400 N University Drive, Tamarac, FL 33321) introduced himself to the Board as a Traffic Engineer. Mr. Peterson explained that trip generation is measured on a weekday am and pm peak hours. Allowing commercial intensity at Hillsboro Shores will generate approximately 32,000 daily trips.

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Mr. Peterson illustrated a draft version of SR A1A Corridor Study that was prepared by Renaissance Planning on behalf of the City. Mr. Peterson presented a trip generation analysis based on the draft version and compared it to the trip generated by the applicant's proposed amendment plan. Residential land use would be far less impactful on the site than commercial land use.

Mr. Peter Gallo (1475 NW 126 Drive Coral Springs, FL) introduced himself to the Board as a Professional Engineer. He stated that the applicant is requesting the land use change because they feel that the area will not support the commercial use that presently exists there. He claims that there are two main issues that support the land use change to residential. The bridge opens during the course of the day, and traffic backs up past the site. This issue prohibits traffic from entering and leaving the property, which causes additional traffic problems for nearby residents. Based on the commercial use, the traffic volume will be doubled from 9,900 to approximately 18,000 daily trips.

*Dwight Evans arrived at 7:08 P.M.*

Mr. Gallo exhibited an image of the existing commercial land uses in the City of Pompano Beach. He focused on the commercial area at the intersections of A1A and Atlantic Boulevard to show that it is supported by a five lane roadway section. This scenario is more typical for a commercial area, and one that was planned for that particular place. On the contrary, A1A reduces down to a two lane roadway, which is meant to support Single Family and other residential uses further down to Barrier Island.

Mr. Gallo concluded by stating that the proposed change to residential use will be a great improvement to the roadway infrastructure, and will benefit the City of Pompano Beach.

Ms. Miskel spoke about the current demand versus proposed demand in level of service. The proposed land use amendment reduces sanitary sewer, portable water and solid waste.

Ms. Miskel presented a summary of the reasons why she believes the City's position is "illogical". She stated that proposal is consistent and compatible with the City's Comprehensive Plan and it has less of an impact on the community. Changing the land use from commercial to irregular 29 does not prohibit or preclude from developing a hotel on the site.

Mr. Richard Klosiewicz asked the traffic engineer to clarify the statement regarding the roadway volume doubling to 18,000 trips per day. Ms. Miskel replied on behalf of the civil engineer, who referred to the capacity within the road that is outside the site. The existing volume will be doubled if the site traffic is added to the existing capacity.

Mr. Klosiewicz asked Mr. Peterson to confirm that existing use would exceed the maximum traffic capacity, whereas the proposed residential use will keep the capacity under the maximum. Mr. Peterson answered that the statement was correct.

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Dr. Jerry Mills asked about the current demand as it does not exist at the site. Ms. Miskel explained that they had to compare the maximum demand under commercial to the maximum demand under the proposed request.

Ms. Joan Kovac asked Ms. Miskel to explain how the marina will be open to residents of Pompano Beach. Ms. Mikel stated that the marina will be privately owned and leased just like any other marina, and there will be boat slips available to the public on a first come, first serve basis.

Ms. Aycock stated that the Board's backup states that the boat slips are open to the residents of the development but "possibly" two will be available to the public. Ms. Miskel confirmed that the statement was a mistake and the slips will be available to anyone that is interested in leasing them. However, it will not be available for a fishing charter use.

Mr. Fred Stacer opened the discussion to the public. He welcomed anyone who wanted to speak regarding the proposed project.

Mr. Matt Harren (2600 N Riverside Dr. Pompano Beach, FL 33062) stated that he is the president of the HSIA board. Currently, HSIA is composed of 300 volunteers. Mr. Harren stated that they entered into an agreement with Water Way Development LLC that provided for the development and construction of a mixed-use development consisting of a hotel, associated amenities and retail spaces. The agreement was recorded with the City on December 14, 2007, but the Community was removed from the discussion about the development. The Community was not involved at the time that this took place until the last minute.

Mr. Harren indicated that the current developer has done a great job at reaching out to the community since day one. The HSIA board has been working on amending the agreement from 2007, which runs with the property. HSIA entered into an amended agreement with CG Hillsboro Shores LLC to approve the change in zoning classification from B-3 to PD-I, and to amend the land use classification from Commercial to Irregular-29.

Ms. Carol Osno (2611 N Riverside Dr. Apt. 207, Pompano Beach, FL 33062) stated that she is highly affected by this project. She believes that they need more residential space because the City of Pompano Beach already has enough hotels. She expressed concern about the increase in cars on the road resulting from a commercial property. Ms. Osno mentioned that she lives next door to the property and does not want to live next to a hotel. She votes in favor of "rezoning" to residential.

Mr. Jeff Boyd (2508 Bay Dr., Pompano Beach, FL 33062) spoke to the board and stated that he is the president of the Hillsboro Shores Executive Club. Mr. Boyd is upset that his property was rezoned 18 years ago. He stated that the City took units away from Hillsboro Shores Executive Club. Mr. Fred Stacer mentioned that he doesn't understand how this property is connected to the proposed project.

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Karen Friedman stated that this application is a land use plan amendment application. The applicant will be entitled to more units, but the units will not be coming out of the City's flex pool. Mr. Boyd was concerned with the units that were taken away from Hillsboro Shores Executive Club. He objected to residential units being granted before his zoning is re-established.

Mr. Alex Matheson (2639 N Riverside Dr. Apt 1002, Pompano Beach, FL 33062) stated that he resides at a property adjacent to property in question. Mr. Matheson believes that the community will benefit from the proposed project, and a commercial development does not seem appropriate for the area.

Mr. Michael Albertine (2639 N Riverside Dr. Apt 1504) stated that he is concerned about the proposed project due to the impact it will have on traffic. During season, traffic backs up 200 yards due to the bridge. If 122 units are added, the traffic will be worsened, and it will become harder for EMS personnel to pass through during emergency situations.

Mr. Tom DiGiorgio (24 NE 24 Avenue) stated he is the Chairman of the Economic Development Council (EDC). Mr. DiGiorgio mentioned that the land use plan amendment was heard by the EDC, which believes that there is a need for hotels. He stated that the marine environment is disappearing rapidly in Broward County. Only 10 locations are left in the City that may be able to be used for a marine use with a mix use hotel property. After reviewing the project, the EDC concluded that the land use change from commercial to residential is not appropriate. Therefore, the EDC recommends to the Planning and Zoning Board to deny the land use request.

Mr. Michael Fleming (2611 N Riverside Dr., Pompano Beach, FL 33062) invited all the Board members to go look at the property in question. He affirms that the whole area is residential, and believes that the vacant parcel needs to be developed. However, it should not be developed into a hotel because there is no beach nearby.

Ms. Eileen Michelson (800 SE 3<sup>rd</sup> Ave., Fort Lauderdale, FL 33316) introduced herself to the Board as the attorney for the Hillsboro Improvement Association. Ms. Michelson asked the Board to consider what is best for the Hillsboro Shores community. The association supports the land use plan amendment. She continued to speak about the location not being feasible to develop a hotel. Based on her professional experience, she believes that if the location is viable for a hotel development, it would have been developed into one 12 years ago. Hotels create a high volume of traffic because they host events. The location does not have adequate stacking capacity to sustain such use. A condominium creates 10 percent of the trips created by a hotel. Ms. Michelson asks the Board to support the community and approve the land use plan amendment.

Mr. John Tight (2656 NE 24 Street, Lighthouse Point, FL 33064) commented that he lives directly across from the property, and agrees that the property needs a very low density use. Mr. Tight claims that changing from low density commercial to high density residential is huge mistake. The property is extremely unique because it is right next to the inlet. The only reason this property exists there is to provide access to the ocean.

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Mr. Bob McSweeney (2632 NE 24 Street, Lighthouse Point, FL 33064) stated that he is a single-family homeowner and does not support the change to high density residential. Mr. McSweeney knows the property very well since he lives within 500 feet from it. Mr. McSweeney encouraged the Board to follow staff's recommendations, as he does not support the proposed land use change.

Ms. Bonnie Miskel stated the staff does not say the proposal is inconsistent with the comprehensive plan in page eight of the staff report. The only way single family homeowners can get to and from their homes is by changing the land use. Existing residents will drown in traffic if the land use remains commercial. A two-lane road will be over capacity if a commercial use (ex. Hotel) is built. A hotel use creates three times the traffic.

Mr. Fred Stacer asked a question regarding the affordable housing conditions in the staff report. Ms. Miskel read alternative motion number 3, and affirmed that it was the only condition.

Ms. Joan Kovac stated that she is disappointed a hotel was never developed because it would have been a great addition to the City of Pompano Beach. Ms. Kovac mentioned that she has no trouble navigating the two lane roadway.

Ms. Tobi Aycock stated that she thinks that the recreational infrastructure is crucial to the City since there aren't many water front marine properties left in the City of Pompano Beach. Ms. Aycock agreed that changing the land use does not support the comprehensive plan, and several things that were presented did not correlate with the material given to them.

Mr. Fred Stacer asked Ms. Bonnie Miskel to explain the docks. Ms. Miskel reaffirmed that the docks will be available for the public and not limited to two slips. There is a boardwalk in the design that will be open to the public.

**MOTION** was made by Richard Klosiewicz to approve the proposed land use plan amendment. Motion does not pass due to a lack of second.

**MOTION** was made by Jerry Mills to table the item. Motion does not pass due to lack of second.

**MOTION** by Tobi Aycock and seconded by Joan Kovac to deny the proposed land use plan amendment. Motion does not pass due to four NAY votes.

**MOTION** by Jerry Mills to table the item does not pass due to a lack of second.

**MOTION** was made by Richard Klosiewicz and seconded by Jeff Torrey to recommend approval of the land use plan amendment subject to the condition proposed by staff to meet the Broward County Affordable Housing requirements. All voted in favor of the above motion with the exception of Tobi Aycock and Joan Kovac; therefore, the motion passed.

**2.      GIGDGO CORP / GIGDGO CORP – ALLOCATION OF COMMERCIAL FLEX**  
**Planning and Zoning #16-05000003**

Consideration of the COMMERCIAL FLEX REQUEST submitted by **THOMAS JOHNSTON** on behalf of **GIGDGO CORP** to request is for Commercial Land Use to be located on property that has a Residential Medium (M) Land Use. The developer wishes to construct a free-standing office building. The property is located at the 100 block between NW 13 Street and NW 14 Street. The subject site is legally described as follows:

THE WEST ½ OF LOT 10 AND ALL OF LOT 9, BLOCK 12, OF POMPANO TERRACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, AT PAGE 11, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

AKA: 100 Block of between NW 13 Street and NW 14 Street  
ZONED: RM-20 (Multiple-family Residence 20)  
STAFF CONTACT: Karen Friedman (954) 545-7792

Ms. Karen Friedman introduced herself to the Board and stated that the item being presented is a Commercial Flex allocation request for a .93 of an acre subject property located at approximately the 100 block between NW 13 Street and NW 14 Street (BCPA 4842-35-29-0386). The request is for Commercial Land Use to be located on property that has a Residential Medium (M) Land Use. The site is owned by GIGDGO Corp. The purpose for the Commercial Flex allocation request is to allow the development of a free-standing office building. The applicant submitted a conceptual site plan showing the layout of the free-standing office building. She stated that at the May 19, 2016 ZBA Hearing, the property received Special Exception (#16-17000003) approval for use of the property as Professional Office.

Ms. Karen Friedman stated the following factual information which is relevant to this Commercial Flex Allocation request:

1.      The property is located at the 100 block between NW 13 Street and NW 14 Street (BCPA 4842-35-29-0386).
2.      The Zoning and uses of adjacent properties are:

Direction	Land Use / Zoning	Existing Use
North	Residential Low-Medium / RS-2	warehouse
South	Commercial and Residential Medium / B-4 and RM-20	Place of Worship, Warehouses, Auto Repair
East	Residential Medium / RM-20	warehouse
West	Residential Medium / RM-20	2-story apartment building / warehouse and contractors

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Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // LB

		offices
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3. The site will be accessed from NW 14<sup>th</sup> Street.
4. The Land Use Designation is M (Residential Medium) and the zoning would remain RM-20 (Residential Multifamily 20).
5. The subject property is included in the Flex Receiving Area.
6. The subject property is located in an area that was included in the 2013 Dixie Highway Corridor Study, and more specifically is located within the Kendall Crossing district. The overall intent for that district is an area with a concentration of neighborhood-serving development, with the area around NW 15th Street having a more residential focus.
7. The City's Land Use Plan, Section 3.02.A.8, permits land within an area designated Residential Land Use category to be used for office and/or retail sales provided no more than a total of five percent (5%) of the area designated for residential use of the FLUM may be used for office and/or retail sales. Per the City's Flex Tracking table which was recertified in 2016, the City has 278.87 acres of Residential Land that may be allocated Commercial Flex. Commercial Flex allocation only permits office and/or retail sales uses. No other uses are permitted, including a contractor's office.
8. The applicant submitted a conceptual site plan showing the layout of the free-standing office building. The applicant has confirmed that the proposed garage in the rear of the building is not for use as a storage garage / contractor's office (which is not permitted) but rather will provide secure parking for vehicles for the tenants of the office building.
9. The applicant submitted photographs taken from the site of surrounding properties in order to demonstrate compatibility with the City's Comprehensive Plan, in particular with policies 01.03.04, 01.03.11 and 01.03.12.
10. The request for Commercial Flex Allocation was reviewed at the July 20, 2016 DRC Hearing.
11. The RM-20 Zoning District permits Professional Office use as a Special Exception. At the May 19, 2016 ZBA hearing the property received Special Exception approval (#16-17000003) for use of the property as Professional Office. (The Development Order is ***Attachment IV***)
12. Site Plan and Building Design approvals are required, at which point the site and architecture will be reviewed by various disciplines.
13. The review criteria for the Commercial Flex allocation request is consistency with applicable goals, objectives and policies of the City's Comprehensive Plan.

Ms. Friedman stated that the following goals, objectives and policies of the City's Comprehensive Plan have been identified as pertinent to this flex application:

**POLICY 01.03.04** Consider the preservation of established single family neighborhoods in all rezonings, land use plan amendments and site plan approvals.

**POLICY 01.03.11** Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

**POLICY 01.03.12** The following criteria may be used in evaluating rezoning requests:

1. Density;
2. Design;
3. Distance to similar development;
4. Existing adjoining uses;
5. Proposed adjoining uses;
6. Readiness for redevelopment of surrounding uses; and.
7. Proximity to mass transit.

Ms. Karen Friedman stated that the applicant submitted photographs taken from the site of surrounding properties in order to demonstrate compatibility (***Attachment II***). The one-story height of the proposed office building is consistent with the height of adjacent structures. The location of the office building is set back 25 feet, which is consistent with adjacent residential development. The vehicular access will be limited to a 24 ft. wide driveway. The proposed professional office building is a complimentary and consistent use with adjacent uses. The applicant has confirmed that the proposed garage in the rear of the building is not for use as a storage garage / contractor's office (which is not permitted) but rather will provide secure parking for vehicles for the tenants of the office building. Site Plan and Building Design approvals are required, at which point the site and architecture will be reviewed by various disciplines.

Ms. Friedman stated that 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 Commercial Flex allocation with the following conditions:**

1. Applicant shall obtain Site Plan and Building Design approvals.
2. The site plan shall be generally consistent with the Conceptual Plan (Attachment I). In particular the building placement and scale shall substantially conform to the Conceptual Plan (Attachment I).
3. The Commercial Flex Allocation shall only be used for a Professional Office use. No on-site storage, including use as a Contractor's Office, shall be permitted.

**Alternative Motion II**

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Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // LB

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

**Alternative Motion III**

**Denial of the Commercial Flex Allocation.** Furthermore the Board finds that the allocation of the Commercial Flex is found to be not consistent with the goals, objectives and policies of the Comprehensive Plan, specifically:

**POLICY 01.03.04**      Consider the preservation of established single family neighborhoods in all rezonings, land use plan amendments and site plan approvals.

**POLICY 01.03.11**      Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

**POLICY 01.03.12**      The following criteria may be used in evaluating rezoning requests:

1. Density;
2. Design;
3. Distance to similar development;
4. Existing adjoining uses;
5. Proposed adjoining uses;
6. Readiness for redevelopment of surrounding uses; and.
7. Proximity to mass transit.

Mr. Tom Johnston (2335 E Atlantic Blvd., Pompano Beach, FL) mentioned that the corridor study for Dixie Highway promotes a better variety of businesses to support the general community instead of all the automobile uses. Mr. Johnston believes a professional office building would work well in this area since there are no residential buildings anywhere near there.

Mr. Tom Johnston is asking for flex units for commercial use. Mr. Johnston said that his client bought two more lots and combined them with a Unity of Title, which is recorded in Broward County public records. They filed a Special Exception application and received unanimous support by the board because there is a need for office spaces.

Dr. Jerry Mills asked the staff why they are denying a contractor's office. Ms. Karen Friedman responded that the contractor's office is not permitted by the land use. The land use allows for the flex allocation solely for a professional office that does not have onsite storage inside the building. Dr. Mills asked if a medical office is considered a professional office. Ms. Friedman confirmed that a medical office is not a professional office according to the City's zoning code.

Ms. Karen Friedman stated that a professional office would not be allowed in the subject property due to the zoning district, which is RM-20. The only reason a professional office was allowed there is because a Special Exception application for professional office was



approved by Zoning Board of Appeals. The zoning would preclude a medical office from going in this location.

Mr. Dwight Evans asked about the proposed size of the building. Mr. Tom Johnston responded that building will be 1,700 square feet.

Mr. Fred Stacer asked about the difference in allocation of commercial flex versus flex unit. Ms. Karen Friedman responded that it was a mistake in the agenda.

No one in the audience wished to speak.

Ms. Joan Kovac made the motion to recommend approval and Mr. Richard Klosiewicz second the motion. Karen suggested amending the motion to be “approval” rather than “recommending approval” since they board is the approving body.

**MOTION** was made by Joan Kovac and seconded by Richard Klosiewicz to approve the commercial flex allocation subject to the conditions proposed in Alternative Motion I. All voted in favor of the above motion; therefore, the motion passed.

**3.      SOUTHEASTERN FREIGHT LINES INC. / SOUTHEASTERN  
FREIGHT – ALLOCATION OF COMMERCIAL FLEX  
Planning and Zoning #16-05000002**

Consideration of the COMMERCIAL FLEX REQUEST submitted by **VITA LIPARI** on behalf of **SOUTHEASTERN FREIGHT LINES INC.** to request .10 acres (4,399 sq. ft.) of Commercial Land Use to be located on property that has an Industrial (I) Land Use. The purpose for the Commercial Flex allocation request is to allow the development of a one-story bunk house which will provide overnight, temporary lodging to truck drivers. The property is located at 933 SW 12<sup>th</sup> Avenue. The subject site is legally described as follows:

LAMONT PLAT 172-132 B PAR A, PAR B TOG WITH A PAR OF LAND IN SE1/4 OF SEC 3-49-42 DESC AS: COMM NE COR OF SE1/4 OF SEC 3, WLY 1479.80 ALG N/L TO POB CONT WLY 730.7, SW 128.98, SELY 84.94, SELY 75.51, SELY 64 TO P/C, SELY 185.24, E 545.66, N 460 TO POB, LESS POR SE1/4 SEC 3-49-42 DESC AS: COMM NE COR OF SE1/4 OF SEC 3, WLY 1479.80, SLY 10 TO POB, CONT SLY 60, WLY 70, NLY 60, ELY 70 TO POB

NOW KNOWN AS:

PARCELS “A” and “B”, LAMONT PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 172, PAGES 132 AND 133 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

*(Abbreviated legal description)*

AKA: 933 SW 12<sup>th</sup> Avenue

ZONED: I-1 (General Industrial)

STAFF CONTACT: Karen Friedman (954) 545-7792

Ms. Karen Friedman stated that this Commercial Flex allocation request is for a 24.02 acre subject property located at 933 SW 12 Avenue (BCPA 4942-03-31-0010). The request is for .10 acres (4,399 sq. ft.) of Commercial Land Use to be located on property that has an Industrial (I) Land Use. The site is owned by Southeastern Freight Lines Inc. The purpose for the Commercial Flex allocation request is to allow the development of a one-story bunk house which will provide overnight, temporary lodging to truck drivers. The applicant received Minor Site Plan Development Order on June 22, 2016 for construction of a 4,399 square foot rest area building (#15-12000042 / ***Attachment I***).

Ms. Karen Friedman stated the following factual information which is relevant to this Commercial Flex Allocation request:

1. The property is located at the 100 block between NW 13 Street and NW 14 Street (BCPA 4842-35-29-0386). 933 SW 12 Avenue (BCPA 4942-03-31-0010).
2. The Zoning and uses of adjacent properties are:

Direction	Land Use / Zoning	Existing Use
North	I / I-1	Trucking facilities / wholesale distribution warehouse
South	I / I-1	Trucking facilities / wholesale distribution warehouse
East	I / I-1	Outdoor Storage
West	CSX Railroad / H / RM45	CSX Railroad / Residential Condominium

3. The site will be accessed from SW 9<sup>th</sup> Street.
4. The Land Use Designation is I (Industrial) and the zoning would remain I-1 (General Industrial).
5. Per Interpretation Letter Number #15-04500008, the Development Services Director determined that the proposed bunk house was an accessory use to the principal use of Truck or Freight Terminal, but that the “lodging” use was subject to commercial flex allocation per the land use plan.
6. The subject property is included in the Flex Receiving Area.
7. The City’s Land Use Plan, Section 3.02.F.10, permits land within an area designated Industrial Land Use category to be used for Hotel, motel or similar lodging provided no more than a total of twenty percent (20%) of the area designated for Industrial use of the FLUM may be used for commercial uses (including hotel, motel, or similar lodging). Per the City’s Flex Tracking table which was recertified in 2016, the City has 484.51 acres of Industrial Land that may be allocated Commercial Flex.

8. The applicant received Minor Site Plan Development Order on June 22, 2016 for construction of a 4,399 square foot rest area building (#15-12000042)
9. The request for Commercial Flex Allocation was reviewed at the July 20, 2016 DRC Hearing.
10. The review criteria for the Commercial Flex allocation request are consistency with applicable goals, objectives and policies of the City's Comprehensive Plan.

**B. The following goals, objectives and policies of the City's Comprehensive Plan have been identified as pertinent to this flex application:**

**POLICY 01.03.11** Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

**POLICY 01.03.12** The following criteria may be used in evaluating rezoning requests:

1. Density;
2. Design;
3. Distance to similar development;
4. Existing adjoining uses;
5. Proposed adjoining uses;
6. Readiness for redevelopment of surrounding uses; and.
7. Proximity to mass transit.

Ms. Karen Friedman stated that the requested Commercial Flex is proposed for the development of a "bunk house" which will be an accessory lodging use for the trucking operations that have been operating from this location since 2004. While this use provides overnight accommodations, its intent and design are reflective of an industrial use, versus that of a traditional hotel. Therefore the allocation of Commercial Flex in order to develop the proposed bunk house is consistent with the land use for all adjacent properties. The one-story height of the proposed bunk house is consistent with the height of adjacent structures. The location of the bunk house in the rear of the property will result in minimal views both from Andrews Avenue as well as adjacent properties.

Ms. Karen Friedman stated that 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 Commercial Flex allocation.**

**Alternative Motion II**

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

**Alternative Motion III**

**Denial of the Commercial Flex Allocation.** Furthermore the Board finds that the allocation of the Commercial Flex is found to be not consistent with the goals, objectives and policies of the Comprehensive Plan, specifically:

**POLICY 01.03.11** Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

**POLICY 01.03.12** The following criteria may be used in evaluating rezoning requests:

1. Density;
2. Design;
3. Distance to similar development;
4. Existing adjoining uses;
5. Proposed adjoining uses;
6. Readiness for redevelopment of surrounding uses; and.
7. Proximity to mass transit.

Dr. Jerry Mills said that he does not understand the distinction between industrial vs. hotel. Ms. Karen Friedman stated that the applicant was suggested to submit an interpretation letter so that they can further evaluate the proposed use to understand how it would be handled both through the comprehensive plan and the zoning code. After the interpretation process, the City determined that from a zoning point of view the use would be called industrial and commercial from a land use perspective.

Ms. Joan Kovac asked the applicant if they will provide sleeping accommodations and showers. Ms. Vita Lipari (28 AV North 724, St. Petersburg, FL 33704) stated that the accommodations would be for employees to take mandatory DOT rest periods before getting back on the road. The building will have an exercise room, lounge, computer room and showers. The property will not be open for the public.

**MOTION** was made by Jerry Mills and seconded by Richard Klosiewicz to approve the commercial flex allocation. All voted in favor of the above motion; therefore, the motion passed.

**H.      ABANDONMENT/VACATION REQUESTS**

**4.      JEAN C. EMMANUEL / VACATION OF RIGHT-OF-WAY AT  
SOUTHLAND AVENUE  
Planning and Zoning #14-18000001**

Consideration of the request by **JEAN C. EMMANUEL** to abandon a .32 acre portion of SW 9<sup>th</sup> Avenue located to the north of the intersection of SW 9<sup>th</sup> Avenue and SW 8<sup>th</sup> Street, lying east of the I-95 wall. The width of the right-of-way varies from 60-feet to 30-feet. The right-of-way was

never developed nor used as a street. The property is legally described as follows:

THIRTY FEET (30') OF S.W. 9<sup>TH</sup> AVENUE LYING CONTIGUOUS AND ADJACENT TO LOTS 10, 11 AND 12, BLOCK 12, OF THE AMENDED PLAT OF FAIRVIEW, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 25, OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA, LYING AND BEING IN THE CITY OF POMPANO BEACH, FLORIDA, PLUS THE EAST FORTY FEET (40') OF SW 9<sup>TH</sup> AVENUE, LYING CONTIGUOUS AND ADJACENT TO THE SOUTH 30 FEET OF LOT 13, AND THE NORTH 117.07 FEET OF THE SOUTH 147.07 FEET LYING WEST OF LOT 13 AND THE NORTH 12.75 OF THE SOUTH 159.82, OF THE WEST 30 FEET OF S.W. 9<sup>TH</sup> AVENUE LYING WEST OF LOT 13, ALL IN BLOCK 12, OF THE AMENDED PLAT OF FAIRVIEW, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 25, OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA, LYING AND BEING IN THE CITY OF POMPANO BEACH, FLORIDA.

AKA: Area lying to the east of the I-95 wall north of intersection of SW 9<sup>th</sup> & SW 8<sup>th</sup> Street

STAFF CONTACT: Maggie Barszewski (954)786-7921

Ms. Maggie Barszewski introduced herself to the Board as a Planner, and stated that the applicant and owner, Jean Emanuel, is requesting the abandonment of a .32 acre portion of SW 9<sup>th</sup> Avenue located to the north of the intersection of SW 9<sup>th</sup> Avenue and SW 8<sup>th</sup> Street, lying east of the I-95 wall. The width of the right-of-way varies from 60-feet to 30-feet. The right-of-way was never developed nor used as a street.

Ms. Barszewski presented an aerial image of the property, and explained that the request is from Jean Emmanuel who wants to build a duplex in the property that is currently undeveloped. The applicant initially requested abandoning the area adjacent to the west of his property. However, the staff was not supportive of the request unless the applicant included the entire block of the right-of-way. Ms. Barszewski stated that notifications were sent to property owners that would be receiving property through certified mail.

Ms. Barszewski used a map to explain a hammerhead cutout. A dead-end currently exists at the location. The Fire Department requests a hammerhead cutout when there is a dead end. Ms. Barszewski stated that a portion of the easement should not be abandon in case a hammerhead cutout is needed and funds become available to build it. Currently, four service providers have not responded to the easement agreement request, including ATT, Tico Gas, FPL and Comcast.

Ms. Barszewski stated that given the information provided to the Board, staff provides the following alternative motions for the Board's review:

**Alternative Motions**

**I- Approve with conditions**

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Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // LB

Recommend approval to the City Commission with the following conditions:

1. This request will not be placed on a City Commission Agenda until all comments are received from each service provider, or until 60 days from the date of this recommendation, whichever occurs first.
2. Prior to placement on a City Commission agenda, an easement shall be included in the Ordinance that satisfies the Engineering & Utility Departments.

## **II- Table**

Table this abandonment request to allow time for the Applicant to address any objections raised by the affected parties.

## **III- Denial**

Recommend denial to the City Commission as the Board finds that the easement serves a public purpose and should not be abandoned.

Dr. Jerry Mills asked if the property is 30 feet wide. Ms. Maggie Barszewski stated that it narrows down to 30 feet behind the applicant's property. However, there is a portion to the south that is 60 feet wide.

Mr. Jean Emmanuel (7107 NW 47 Ln, Coconut Creek, FL 33073) introduced himself to the Board as the applicant. Dr. Jerry Mills asked the applicant for the purpose of the easement abandonment. Mr. Emmanuel explained that he wants to build a duplex.

Dr. Jerry Mills asked the staff if he will be able to build the duplex considering the size of the property. Ms. Maggie Barszewski stated that this is an additional property that would allow him to build the duplex.

Ms. Joan Kovac asked if Mr. Jean Emmanuel understands the two conditions proposed by staff. Ms. Maggie Barszewski repeated the question to Mr. Emmanuel, and he stated that he understands and accept the conditions.

Mr. Machel Colquhoun (871 SW 8 ST, Pompano Beach, FL 33062) introduced himself to the Board and stated that he is the owner of LOT 13, which is a property adjacent to the subject property. Mr. Colquhoun does not see the benefit of acquiring the additional property.

Mr. Richard Klosiewicz asked the applicant if he objects to the abandonment due to the increase in property taxes or the maintenance. Mr. Colquhoun restated that there are three reasons reinforcing his decision: increase in property taxes, higher property maintenance and lack of use for the extra property. Ms. Barszewski confirmed that taxes will increase even though there is a utility easement attached to the property.

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Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // LB

Ms. Barszewski stated that staff believes the whole easement should be abandoned rather than just half of it. Mr. Fred Stacer asked Ms. Barszewski the reasoning behind this decision. Ms. Barszewski responded that they are not in favor of creating areas that are pockets. The entire area is a public right-of-way. A pocket area of public right of way will be created by abandoning a portion of the easement.

Mr. Richard Klosiewicz asked a question about the physical impact created in this area by not including it as part of the abandonment. Ms. Barszewski stated that the area will not look any different. The only factor that would change is the ownership of the property. The question is if the land should be publicly owned or privately owned. The City will be maintaining less property if it becomes privately owned.

Dr. Jerry Mills asked why the applicant cannot abandon only 30 feet next to Jean Emmanuel's property. Mr. Richard Klosiewicz stated that an amendment can be made to the motion.

**MOTION** was made by Jerry Mills and seconded by Richard Klosiewicz to amend Alternative Motion I to only abandon 30 feet of the right of way. All voted in favor of the above motion; therefore, the motion passed.

**MOTION** was made by Dwight Evans and seconded by Joan Kovac to recommend approval of the abandonment request (AS AMENDED) subject to the two (2) conditions of staff. All voted in favor of the above motion; therefore, the motion passed.

**5.      STEVE PAVLOU / PAVLOU UTILITY EASEMENT VACATION**  
**Planning and Zoning #16-27000002**

Consideration of the request by **STEVE PAVLOU** to abandon a 5-foot wide utility easement located at 605 SE 28 Avenue, in order to construct an in-ground swimming pool. The area to be abandoned is approximately 362.5 square feet. The property is legally described as follows:

THE WEST 5 FEET OF LOT 3, BLOCK 5 OF CYPRESS POINT,  
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK  
28, PAGE 16 OF THE PUBLIC RECORDS OF BROWARD COUNTY,  
FLORIDA, OTHER-WISE KNOWN AS 605 SE 28<sup>TH</sup> AVENUE, POMPANO  
BEACH, FLORIDA.

AKA: Utility easement at 605 SE 28<sup>th</sup> Avenue

STAFF CONTACT: Maggie Barszewski (954)786-7921

**MOTION** was made by Joan Kovac and seconded by Richard Klosiewicz to take item number 5 out of order. All voted in favor of the above motion; therefore, the motion passed.

**MOTION** was made by Jerry Mills and seconded by Richard Klosiewicz to recommend approval to table the item for 60 days. All voted in favor of the above motion; therefore, the motion passed.

**I.      SITE PLAN REVIEWS**

**6.      HABITAT FOR HUMANITY OF BROWARD, INC. / HABITAT**  
**ABYSSINIAN**  
**Planning and Zoning #15-12000033**

Consideration of the MAJOR SITE PLAN submitted by **PERRY ECTON** on behalf of **HABITAT FOR HUMANITY OF BROWARD, INC.** in order to construct 77 zero-lot-line single-family homes with associated streets and public parks. The individual lot coverage of zero-lot-line single-family lots proposed for this application is a maximum of 45.4% on a minimum of a 3,040 square foot lot area. Total project site coverage is a maximum of 60% on a 393,545 square foot storage (9.03 acre) site. The property is located at the southwest corner of NW 6<sup>th</sup> Avenue and NW 15<sup>th</sup> Street, legally defined in as follows:

PARCEL "A" **ABYSSINIAN BAPTIST CHURCH OF CHRIST**,  
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK  
167, AT PAGE 22 OF THE PUBLIC RECORDS OF BROWARD COUNTY  
FLORIDA.

TOGETHER WITH;

ALL THAT PART OF THE NW ¼ OF THE NE ¼ OF THE NW ¼ LYING  
WEST OF AND ADJACENT TO NW 6<sup>TH</sup> AVENUE, LESS THE F.E.C.  
RAILROAD RIGHT OF WAY OF THE SOUTH 150 FEET AND NORTH 35  
FEET WHICH HAS BEEN DEDICATED FOR ROAD RIGHT-OF-WAY OF  
NW 15<sup>TH</sup> STREET, ALL IN SECTION 35, TOWNSHIP 48 SOUTH, RANGE  
42 EAST, BROWARD COUNTY, FLORIDA;

AND

THE EAST 100 FEET OF THE E ½ OF THE NE ¼ OF THE NW ¼ OF THE  
NW ¼, EXCEPT THE SOUTH 150 FEET FOR FLORIDA EAST COAST  
RIGHT-OF-WAY AND EXCEPT THE NORTH 35 FEET THEREOF,  
DEDICATED FOR STREET RIGHT-OF-WAY, IN SECTION 35,  
TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY,  
FLORIDA.

SAID LANDS SITUATE IN THE CITY OF POMPANO BEACH, BROWARD  
COUNTY, FLORIDA.

AKA: Southwest corner of NW 6<sup>th</sup> Avenue and NW 15<sup>th</sup> Street  
ZONED: RM-12 (Multiple-family Residence 12)  
STAFF CONTACT: Jae Eun Kim (954) 545-7778



Ms. Paola West Introduced herself as Principal Planner to the Board and stated that the applicant is requesting Major Site Plan approval in order to construct 77 zero-lot-line single-family homes with associated streets and public parks. The project is currently in the process of rezoning from RM-12 (Multi-Family Residential 12) to RPUD (Residential Planned Unit Development). This rezoning obtained a recommendation from the Planning and Zoning Board on August 24, 2016. The subject sites are currently vacant and composed of three parcels. The individual lot coverage of zero-lot-line single-family lots proposed for this application is a maximum of 45.4% on a minimum of a 3,040 square foot lot area. Total project site coverage is a maximum of 60% on a 393,545 square foot storage (9.03 acre) site. The property is located at the southwest corner of NW 6<sup>th</sup> Avenue and NW 15<sup>th</sup> Street.

Ms. West stated that this site plan was reviewed at DRC on February 17, 2016, and at AAC on August 25 and September 22 2016. Provided the board approves the site plan as submitted, staff recommends approval of the Major Site Plan subject to the following conditions.

1. The plan shall be substantially in conformance with the RPUD rezoning document and plans, and the project is subject to successfully obtaining approval of the RPUD rezoning from City Commission.
2. Housing design types approved by AAC shall be implemented for the project and identified on the site plan. The project is subject to obtaining AAC approval.
3. Subject to successfully vacating the utility easement running through the site.
4. Right-of-way dedications of proposed streets and five foot wide addition to NW 6 Avenue shall be completed prior to building permit approval.
5. Subject to successfully obtaining plat approval.
6. Landscaped perimeters must be completed prior to issuance of the first certificate of occupancy.
7. Revise drawings to locate street lights in the right-of-way rather than the individual lot, or provide a maintenance easement and agreement prior to permit approval.
8. Proposed parks shall be fenced for safety, and walkways and benches shall be located out of the landscape perimeters.
9. For building permit approval, provide the following:
  - Easement agreements for paving, wall, and fence proposed within the utility easement prior to building permit approval.
  - Evidence that the project will achieve at least twelve sustainable development points, pursuant to Table 155.5802.
  - Details of the proposed fence and wall, and identifiable crosswalks on the site.
  - Product details of the lanterns on the building facade, pursuant to Code Section 155.5401.I.
  - CPTED plan approved by Broward Sheriff's Office.
10. Landscape and irrigation plans shall comply with zoning code requirements.

Mr. Jay Huebner (1489 W Palmetto Park Road, Boca Raton, FL 33486) introduced himself to the board as the HSQ Group project Engineer and Planner. Mr. Huebner stated that the rezoning to RPUD was already approved. This is a Habitat for Humanity project to build one to two floors single family affordable homes.

Mr. Jay Huebner stated that the only staff condition they object to is item number seven. FPL may require them to put the light poles in the easement behind the sidewalks.

Mr. Fred Stacer asked about the overhang issues discussed in the previous meeting, specifically the roof overhang over property lines. Mr. Jay Huebner stated that staff wanted them to move the buildings so that the edge of the roofline is at the property line rather than the building being at the property line.

Ms. West asked the applicant to clarify if they had agreed that the light poles will not be within the individual properties. Mr. Jay Huebner stated that the light poles are owned by FPL not a private entity. Mr. Fred Stacer recommended amending comment number seven to allow staff and the applicant to come to an agreement.

No one in the audience wished to speak.

**MOTION** was made by Joan Kovac and seconded by Jerry Mills to approve the proposed site plan, subject to the ten conditions of staff (as amended). All voted in favor of the above motion; therefore, the motion passed.

**7.      CITY OF POMPANO BEACH / MITCHELL MOORE PARK**  
**CONCESSION BUILDING**  
**Planning and Zoning #16-12000009**

Consideration of the MAJOR SITE PLAN submitted by **LAUREN EATON** on behalf of **CITY OF POMPANO BEACH** in order to construct a concession and restroom building at a City-owned park. The project also includes renovation of the existing 852 sq. ft. concession and restroom building located in the abandoned NW 10<sup>th</sup> Street right-of-way just north of the ballfields, along with associated site improvements. The proposed building contains 741 sq. ft. with an additional 1,179 sq. ft. of covered patio and dugout area for a total of 1,920 sq. ft. It will be the only covered structure on the 291,324 sq. ft. (11.3 acre) Annie Laurie Courts site (0.7% lot coverage). The property is located between Interstate 95 and NW 9<sup>th</sup> Avenue, north of NW 8<sup>th</sup> Street, legally defined as follows:

ALL OF BLOCK 2, 3, 4 & 5, ANNIE LAURIE COURTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 72, PAGE 13, PUBLIC RECORDS BROWARD COUNTY, FLORIDA.

AKA: 901 NW 10<sup>th</sup> Street  
ZONED: Community Facility (CF)

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STAFF CONTACT: Scott Reale (954) 786-4667

Ms. Paola West introduced herself to the board and stated that the applicant is requesting Major Site Plan approval in order to construct a concession and restroom building at a City-owned park. The project also includes renovation of the existing 852 sq. ft. concession and restroom building located in the abandoned NW 10<sup>th</sup> Street right-of-way just north of the ballfields, along with associated site improvements. The proposed building contains 741 sq. ft. with an additional 1,179 sq. ft. of covered patio and dugout area for a total of 1,920 sq. ft. It will be the only covered structure on the 291,324 sq. ft. (11.3 acre) Annie Laurie Courts site (0.7% lot coverage).

Ms. West stated that the project is located between Interstate 95 and NW 9<sup>th</sup> Avenue, north of NW 8<sup>th</sup> Street.

Ms. West stated that this site plan was reviewed at DRC on June 15, 2016 and was approved for Major Building Design by the AAC on July 28, 2016. Provided the board approves the site plan as submitted, staff recommends approval of the Major Site Plan subject to the following conditions:

1. A Unity of Title Agreement, submitted in P&Z format to the Development Services Department, shall be required to be executed by the owner and recorded in the public records of Broward County prior to building permit. This agreement shall be considered to be a restriction running with the land and shall bind the heirs, successors and assigns of the owner.
2. Provide BSO-approved CPTED Plan addressing DRC comments:
  - a. Install a burglar alarm.
  - b. Install either a reinforced security window, or a 180 degree wide angle door viewer on all exterior service doors.
  - c. Install a vandal proof motion-sensor security light over any and all exterior service doors.
  - d. Submit a Broward Sheriff's Office No Trespass Program Affidavit. Post sufficient BSO No Trespass Signage so that it is readily available at the main entrance and all sides of the property: North, South, East and West.
3. Provide evidence that the project will achieve at least twelve (12) sustainable development points, pursuant to Table 155.5802.
4. Revise roof plan (A-301) and elevations (A-500). Mechanical equipment mounted on the roof shall be screened by a parapet wall, roof screen, or similar device that is integrated into the building's architectural design and of a height equal to or exceeding the height of the mechanical equipment. Provide details.
5. Provide an additional sewer lateral cleanout dedicated to City utility forces three feet just behind the existing type "D" curbing adjacent the City road.

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6. Provide a sedimentation and erosion control plan.

The applicant was present but did not have any questions or make a presentation.

**MOTION** was made by Dwight Evans and seconded by Richard Klosiewicz to approve the proposed site plan subject to the six (6) conditions of staff. All voted in favor of the above motion; therefore the motion passed.

## **J. OTHER BUSINESS**

### **8. Chapter 155 Post-Decision Actions and Limitations**

Staff will present the proposed text amendments to Chapter 155 regarding Expirations of Development Orders.

Ms. Karen Friedman introduced herself to the Board and stated that this item is a proposed text amendment to the Zoning Code section §155.2308. This section addresses the expiration period of Development Orders and offers for the opportunity of extensions of Development Orders. As this Board knows, the applicant must demonstrate reasonable efforts were made to apply for a Building Permit and/or the delay in proceeding with the commencement of development resulted from an "Act of God" or extreme economic conditions of the market.

Ms. Karen stated that there are situations in which the need for the extended expiration period is not due to the applicant's actions, but rather is due to the use of the land by a government entity for a public purpose. Examples include land used by the City or CRA which is subject to an Interim Use Permit and which is used to provide public parking or land which is used as a staging area for an FDOT project; or land which is used for other miscellaneous government approved use.

Ms. Karen stated that staff recommends, for properties that have entered into a license agreement or lease with a government entity for their land to be used for a public purpose, that their expiration period be tolled (aka suspended). The recommendation would be to toll the expiration period from the effective date of the use by the government until the time that the lease or other valid, legal document expires. However, there would be a maximum tolling of five years. The rationale for the five year limitation is that is the effective period for an Interim Use permit.

Ms. Karen stated that staff also recommends that the tolling request not be subject to the extension process regulations provided in the code, for example having to prove an Act of God or reasonable efforts. Rather, Staff recommends a tolling provision be added to the Zoning Code which tolls the expiration periods by right, provided the applicant request the tolling 45 days prior to the expiration of the development order.

Staff is requesting the Board approve the recommended changes to the Zoning Code to the City Commission for adoption. In the back up there is a memo from the CRA with no objection to this item moving forward. Mr. Fred Stacer asked if staff is looking for a

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positive recommendation and Ms. Karen Friedman confirmed. The Board had no questions.

**MOTION** was made by Tobi Aycock and seconded by Richard Klosiewicz to recommend approval of the proposed text amendments. All voted in favor of the above motion; therefore the motion passed.

**K.      AUDIENCE TO BE HEARD**

No one in the audience wished to speak.

**L.      BOARD MEMBERS DISCUSSION**

Dr. Jerry Mills, Richard Klosiewicz, and Ms. Tobi Aycock will be unable to attend the October 26<sup>th</sup> meeting.

Mr. Fred Stacer mentioned the corridor studies, and asked staff to consider both of the items to come back to the P&Z Board.

**MOTION** was made by Richard Klosiewicz (The motion did not receive a second) to request both the A1A and the Riverside Drive corridor studies to be brought back to the Planning and Zoning Board. All voted in favor of the above motion.

**MOTION** was made by Joan Kovac and seconded by Jerry Mills to reconsider the A1A corridor study motion from the previous Planning and Zoning Board meeting on August 24, 2016. All voted in favor of the above motion. Therefore, the motion passed.

**MOTION** was made by Richard Klosiewicz and seconded by Jerry Mills to bring back the A1A Corridor Study agenda item from the August 24, 2016 Planning and Zoning Board meeting to the Planning and Zoning Board prior to placement on the City Commission Agenda. All voted in favor of the above motion; therefore, the motion passed.

**M.      REPORTS BY STAFF**

Ms. Paola West stated that she is the CRS coordinator for the City. Ms. West compiles a FEMA report to make sure that the City is in good standing with flood plain management practices. The annual report has been completed.

Ms. Paola West stated that the Broward alliance has created the permitted action team. This team is composed of a panel that reviews different types of permitting issues to create a unified permitting process for Broward County. Robin Bird, Miguel Nunez and Pete McGinnis will be members of the panel.

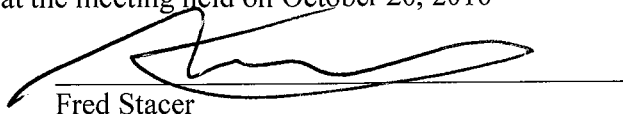
**N.      ADJOURNMENT**

**MOTION** was made by Richard Klosiewicz to adjourn at 9:57 P.M.

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Approved at the meeting held on October 26, 2016

A handwritten signature in black ink, appearing to read 'Fred Stacer', is written over a horizontal line.

Fred Stacer  
Chairman  
Planning and Zoning Board/Local Planning Agency