



City of Pompano Beach Planning and Zoning Board

Commission Chambers
100 West Atlantic Blvd.
Pompano Beach, FL
33060

Minutes

Wednesday, July 28, 2021

6:00 PM

(10:18)

A. CALL TO ORDER

(10:30)

B. ROLL CALL

Fred Stacer
Joan Kovac
Darlene Smith
Carla Coleman
Maria McLamore
Tobi Aycock
Tundra King

Also, In Attendance:

James Saunders, Assistant City Attorney
Jennifer Gomez, Assistant Development Services Director
Martha Lawson, Department Head Secretary
Daniel Keester-O'Mills, Principal Planner
Hulda Desrosiers, Assistant Planner
Maggie Barszewski, Planner
Pamela Stanton-Urban Designer
Jean Dolan- Principal Planner
Paola West
Tom Johnston
Robert Lochrie
Jim Hickey
Richard Schwartz
Paul Livingway
Joseph Spinozzi
Vicky Kauffman
Christine Pembleton
George Pembleton
Lisa Kissane
Deronda McKee
Andrea Harper

(11:03)

C. MOMENT OF SILENCE

(11:35)

C. APPROVAL OF THE MINUTES

Ms. Carla Coleman asked for some corrections to the June 23rd, 2021 minutes. She stated that on pages 10 and 11 there was a verb missing from a sentence and a to replace the word “of” to “if” and “is” instead of “it”.

(11:34)

MOTION by Joan Kovac and seconded by Carla Coleman to approve the minutes of the June 23, 2021 meeting with the above corrections. All voted in favor.

(12:53)

D. INDIVIDUALS TESTIFYING PLACED UNDER OATH

Individuals testifying in front of the Board were placed under oath by Martha Lawson, Department Head Secretary and Notary Public in the State of Florida.

(13:30)

E. NEW BUSINESS

1. [LN-24](#) **MURPHY EXPRESS REZONING**

Request:	Rezoning
P&Z#	20-13000005
Owner:	Dixie Properties & Investments LLC and Upper Pompano Properties & Investments LLC
Project Location:	1661 N Dixie Highway
Folio Number:	484226000383 & 484226000380
Land Use Designation:	C (Commercial)
Zoning District:	B-3 (General Business)
Commission District:	4
Agent:	Paola A. West (954-529-9417)
Project Planner:	Maggie Barszewski (954-786-7921) / maggie.barszewski@copbfl.com

Maggie Barszewski introduced herself to the Board. She stated the request is to rezone 1661 North Dixie Highway from B-3 to B-4 to allow additional uses of a more industrial nature to the list of permitted uses for this property and existing building. The Applicant has not indicated any plans to redevelop the site. The request is to rezone 1661 North Dixie Highway from B-3 to B-4 to allow additional uses of a more industrial nature to the list of permitted uses for this property and existing building. Section 155.2404.C. states the review standards for Rezoning require competent substantial evidence that the rezoning is consistent with the goals, Objectives and policies of the Comprehensive Plan. The staff report lists 5 such policies, most of which deal with compatibility of surrounding uses. The surrounding land use designation are as follows: to the north, the zoning is RS-2/RD-1/B-3 with a land use of Low 1-5/Commercial use with single family, duplex houses, auto body and paint shops. To the south, there is B-3 zoning with Commercial land use and the land is vacant. To the east the zoning is T with a land use transportation and the actual use is Dixie Highway and the railroad tracks. And finally, to the west the zoning is RS-2 with the land use of Low 1-5 and the actual use is single family homes. Since many of the uses allowed in B-4 are not compatible with the adjacent residential to the north and west, the Applicant has submitted a Voluntary Declaration of Restrictive Covenant instrument prohibiting the B-4 uses Staff believes to be incompatible with such adjacent residential. She stated the uses that the applicant voluntarily prohibited with are as follows: sports shooting, auto paint and body shop, auto wrecker services, laundry services, tool repair shop, manufacturing, self-storage and mini warehouse, warehouse distribution and pawnshops.

Given the information provided to the Board, as the finder of fact, staff provides the following recommendations and alternative motions, which may be revised or modified at the Board's discretion.

Alternative Motion 1: Recommend approval of the rezoning request as the Board finds the rezoning application is consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies, and all applicable Zoning Code standards. This recommendation is subject to the applicant providing staff with the above-mentioned Voluntary Restrictive Covenant prior to placement on the City Commission agenda (such Covenant would not be recorded until after second reading of a proposed Ordinance).

Alternative Motion 2: Table this application for additional information as requested by the Board.

Alternative Motion 3: Recommend denial as the Board finds that the rezoning request is not consistent with the Future Land Use goals, objectives, and policies of the Comprehensive Plan cited in this report, as required in Section 155.2404.C. Maggie Barszewski stated that staff recommends alternative one.

Fred Stacer asked the board if they have any questions before moving on to the applicant. Carla Coleman asked Ms. Barszewski how the staff came to an agreement on the list of prohibited uses in the B-4 zoning. Ms. Coleman stated there are a few permitted uses that she is not comfortable with. Ms. Barszewski stated staff looked at the uses and decided which would be most compatible with the uses to the north and to the east. Joan Kovac stated she also agrees with Ms. Coleman but will wait for the applicant to make her statements.

Mr. Stacer invited the applicant to come to the stand. Tom Johnston introduced himself to the board and gave a history on the property and stated there is a wall on the south side of the property. Mr. Johnston introduced his colleague, Paola West. He expressed that the intent of the rezoning is to help upgrade the property, which will help with developing the property. He stated there will be no industrial uses on the subject property. He mentioned again that the property has walls all around the property. This buffer was previously approved for the Avis site plan. The buffer is six-foot wall between the property and the residential houses next door.

Paola West introduced herself to the board (10152 Indiantown Road, Jupiter, FL). She stated the applicant is asking to go from a B-3 to a B-4 zoning. She mentioned the applicant has open permits from a 2018 minor site plan landscaping improvement. The property owner wants to rezone to allow most automotive and commercial uses. They want to allow these businesses by right instead of having to constantly go to the Zoning Board of Appeals for special exemptions. The property has two portions that were previously annexed into the city in 1974 and 1980. The property was rezoned to B-3 after they were annexed, and was occupied for more than 30 years by Driscoll's Towing. This business towed many damaged automobiles on an interim basis, 24 hours-a-day. The warehouse bays on the south side were used for storage of evidence and ceased vehicles for the Pompano Beach Police and Broward Sheriff's Office. After the towing business vacated the site, it remained vacant and unused for several years until the current owners acquired the property and Avis Budget relocated here. Ms. West stated the current land use is Commercial and will remain Commercial. The B-4 district is intended for heavier uses. The district specifically speaks of employment generating, non-industrial uses, which would be applicable to this rezoning. Ms. West stated it would be a better transition to the surrounding properties. She pointed out that further south on Dixie Highway, the zoning switches to I-1. She pointed out that there are several policies that support her request in the back-up. Ms. West mentioned Policy 01.13.12, which states the city should consider existing adjoining uses to the proposed sites. She stated that between Copans Road and NW 16th Street there are eight auto businesses. Ms. West mentioned there was a community meeting and only one person showed up.

Mr. Stacer asked if any of the board members have questions. Joan Kovac stated that there are three uses that she doesn't agree belong next to single family homes and those are a brewery, an amusement arcade and a crematory. Ms. West mentioned that she doesn't believe her client has an objection to removing the crematory use. Ms. Coleman also expressed concern with a crematory near single family homes. She also expressed concern about an animal kennel use and doesn't believe a fence will keep out the noise. Ms. Coleman stated that the city is making a large investment of 50 million dollars on the south and north piece of Dixie highway. Ms. Coleman stated that in order for the board to support this rezoning, a few more of the B-4 uses need to be removed. She agreed with Joan Kovac's list and added an animal kennel.

Ms. Tundra King asked Ms. West how the residences were notified of this meeting since her parents live in

the 500 foot radius and never received a notice letter to her knowledge. Paola West mentioned that the noticing was done during the pandemic and the meeting was virtual.

Fred Stacer asked if anyone from the audience wished to speak. With no public comments, Mr. Stacer closed the public hearing. Mr. Stacer stated intensifying uses next to single family homes is not a minimal impact. He stated in February of 2021, the board decided it would be a good idea to create an overlay district that encompasses Dixie Highway but this project is currently on pause while a task force works towards completing the project. He stated he knows it is not a requirement but he feels the applicant should present to the Northwest CRA advisory board. He mentioned the proposed overlay will change the area to mixed use and change the look of the city in the next few decades. With this overlay change, the applicant will still be able to do what they are currently doing. Mr. Stacer emphasized the board would like to see a change in that area and move away from commercial/industrial.

Mr. Johnson mentioned that his client has been in the rezoning process for many months and says staff has written a positive report. He stated his client has created many jobs in that area. He suggested the Board add to the list of prohibited uses and approve the rezoning, rather than denying the current application. Mr. Stacer stated he thinks there would be legal issues placing conditions on zoning. The assistant city attorney James Saunders advised the board must stick to the review standards given, which state that they must find competent substantial evidence that this application is consistent with the future land use plans. He says the options are they can approve an alternative, postpone or deny. Mr. Johnson asked the board to approve the item. He stated that before taking it to City Commission, he will have his client amend the list and add the four uses that the board is against (crematory, kennels, arcade and brewery). Ms. Coleman asked Ms. West to clarify if the applicant wants to have the manufacturing and self-storage uses under 3000 square feet. Ms. West responded, yes. Mr. Johnson reiterated that he would have the applicant make some changes if the board approved this item to go on to City Commission. The chair entertained a motion.

Carla Coleman made a motion for denial. James Saunders interrupted the motion and stated the motion must be in the affirmative, and then the motion can be denied.

(1:11:00)

MOTION by Carla Coleman and seconded by Darlene Smith to recommend approval of the rezoning request as the board finds the rezoning application is consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies and all applicable zoning code standards. This recommendation is subject to the condition that the applicant provides staff with the above mentioned Voluntary Restricted Covenants prior to placement on the City Commission agenda. Such covenant would not be recorded until after the second reading of the proposed ordinance.

The Board unanimously voted against the motion.