

it would look like.

Vice Mayor Moss referred to page 1 of 3 of the narrative to accompany the application, which states, "Constructing eight unit townhomes but it is going to be seven units."

Mr. Schein explained that originally the project started out to be eight unit townhome development but they could not make the eight work on the site due to the ingress/egress for fire access. Consequently, it was reduced to seven units after the DRC meeting for mostly due to fire comments.

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Quasi-Judicial/ Ordinance be APPROVED FIRST READING. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

28. [20-144](#) **P.H. 2020-26: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING ON THE NORTH SIDE OF DR. MARTIN LUTHER KING, JR. BOULEVARD WEST OF POWERLINE ROAD; FROM B-3 (GENERAL BUSINESS) TO B-4 (HEAVY BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** David Recor/Max Wemyss)

Jean Dolan, Development Services Department, presented the item stating she just handed out a letter from the Civic Association because it did not come in time to be included in the backup. This is a size specific rezoning from B-3 (General Business) to B-4 (Heavy Business). The subject property is 4.03 gross acres located on the north side of the Dr. Martin Luther King, Jr. Boulevard (MLK Blvd.) just west of Powerline Road and east of the entrance to the Turnpike. The subject parcel is made up of three separate properties. The site plan was approved by the Planning & Zoning Board on October 23, 2019, subject to the rezoning and illustrates a 41,520 square foot warehouse/showroom with office/retail storefronts. The land use designation is Commercial (C) and the comprehensive plan does permit wholesale, storage, light fabrication, warehouse uses within the Land Use designation. The proposed zoning designation would allow for the proposed warehouse/showroom. The B-4 zoning is compatible with and provides a transition between the B-3 zoning to the east and south and the I-1 zoning to the north and west. A proposed site plan for the property is for the 41,520 square foot warehouse with the retail storefronts and the applicant proposes to provide a green landscape buffer along the front as it creates a retail commercial character along MLK Blvd.

Continuing, Ms. Dolan indicated that at the November 12, 2019 hearing the City Commission directed staff to discourage additional warehouse development along the gateway corridors into the City, which include Northwest 31st Avenue, Atlantic Boulevard and MLK Blvd. Staff provided a memo to the City Manager with an analysis and strategy to address this request, which will be coming before the Commission shortly. The site plan and rezoning request was submitted prior to the November 12th hearing. The project design does present a commercial character along MLK Blvd and the B-4 would be compatible with adjacent properties.

Mayor Hardin declared that he had ex-parte communications with the applicant representatives for the project.

Vice Mayor Moss declared that he had ex-parte communications with the applicant representatives for the project.

Comr. McGee declared that she had ex-parte and met with representative to get a rundown of the project.

Comr. Eaton declared that she may have had ex-parte communications with the applicant representative on the project but cannot recall.

Nectaria Chakas, Lochrie and Chakas, 114 East Broward Boulevard, Suite 303, Fort Lauderdale, FL, applicant representative of BTH Development Partners, who is under contract to purchase the subject property. She mentioned that she also met with Comr. Perkins as well. However, Comr. Perkins indicated that she did not meet with her.

Ms. Chakas mentioned that BTH Partners is under contract to purchase the property with the hopes of developing it. The property has been vacant for a number of years. She then provided a presentation outlining the zoning map. They are proposing a 41,520 square foot flex warehouse/retail/office building. She is aware of the sensitivity to warehouses on MLK Blvd. and they wanted to express that the way this building is designed for the property, it is not intended to become a distribution center, and provided details of what the design would be made up of. The project is consistent and will serve a logical transition from a heavier industrial uses to the north as it transitions to B-3 to the south.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated that this is another warehouse that will be located on one of the City's main corridor, and asked about the restrictions that is a part of the project. Also, he indicated the project is located in District 4 and wanted to know when will the residents be told about the project.

Mayor Hardin asked why they did not meet with the public.

Ms. Chakas responded that they met with the Collier City Civic Association, which was closest to the proposed project site, and was unaware there was another association, which they will be happy to meet with them. As it relates to restrictions, they submitted as part of the backup information a declaration of restrictions where they have excluded approximately 30 uses that would otherwise be allowed under the B-4.

Vice Mayor Moss indicated that when the applicant showed him their plans they sent out the required letters

within the 500 feet radius of the proposed project site and that included almost a half of Esquire Lakes. Those residents received the letters and brought it up at the Collier City Civic Association meeting. Therefore, he asked the applicant to meet with the Collier City Homeowners' Association, which they did.

Comr. Perkins asked if Ms. Chakas knows her, and she replied yes. She explained that she met with Comr. Perkins at her office when they filed the application in March.

Comr. Perkins does not recall meeting with Ms. Chakas. Nevertheless, this project is located in her district and she would like to get some input from the community about this. In addition, she is not in favor of the project being changed from a B-3 to B-4.

Comr. Eaton recalls the project coming before the Planning & Zoning Board and it is substantially the same building it was then and that was before she was elected as a Commissioner over one year ago. It looks like a great job and she will support it.

Vice Mayor Moss indicated that he advocated for less warehouse projects, but this one was grandfathered in and they did everything they were asked to do.

MOTION: A motion was made by Comr. Eaton, seconded by Vice Mayor Moss to suspend the meeting until tomorrow morning at 10:00 a.m. The motion carried unanimously.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Quasi-Judicial/ Ordinance be APPROVED FIRST READING. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Moss
Hardin

No: Perkins

END OF QUASI-JUDICIAL PROCEEDING

29. [19-487](#) **P.H. 2019-89: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.4201., "GENERAL," TO CLARIFY LIMITATIONS OF PRINCIPAL USES INVOLVING SEXUALLY ORIENTED BUSINESSES; BY AMENDING SECTION 155.4224., "COMMERCIAL: SEXUALLY ORIENTED BUSINESSES," TO INCLUDE