

MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 19-246

DATE: August 15, 2019

TO: Planning & Zoning Board

VIA: David L. Recor, ICMA-CM, Development Services Director 
Jennifer Gomez, AICP, Assistant Development Services Director 

FROM: James Hickey, AICP, Consulting Planner

RE: Rezoning – B-3/PCD (General Business/Planned Commercial/Industrial District) and M-1/PCD (Marine Business/Planned Commercial/Industrial District) to PD-I (Planned Development-Infill)
Location – 1490, 1500, 1520, 1530, 1540, 1542, 1544, 1550, 1552, 1554, & 1590 N. Federal Highway; 2300 NE 16th Street; 1550, 1580, & 1590 NE 23rd Avenue
August 28, 2019 Meeting

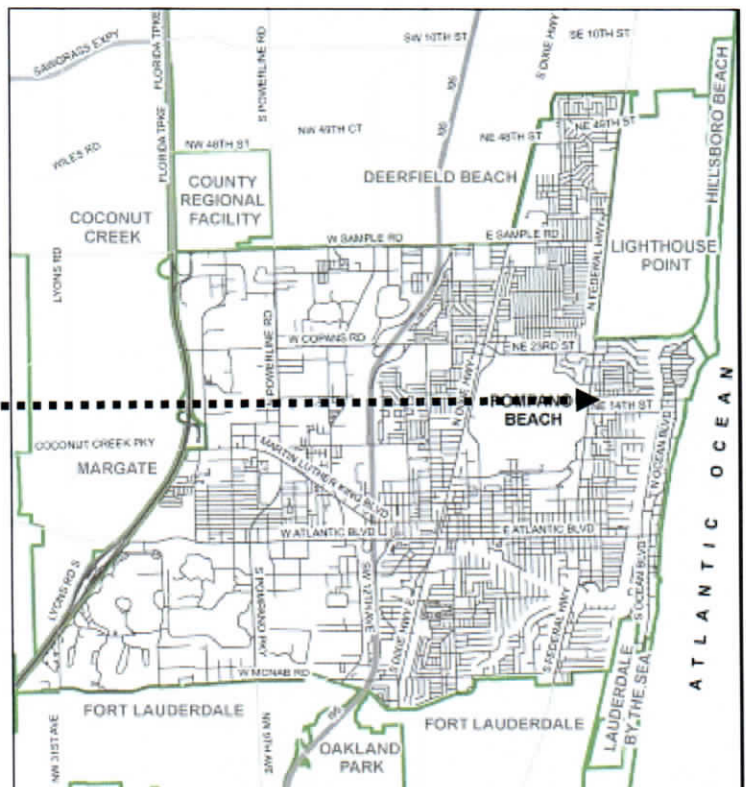
P & Z #19-13000002

The applicant is requesting to rezone the subject property from B-3/PCD and M-1/PCD to PD-I (Planned Development Infill). This property is 9.6 gross acres and consists of 13 separate parcels with addresses ranging from 1490 to 1590 North Federal Highway, 1550 to 1590 NE 23rd Avenue and 2300 NE 16th Street. The general location is the southeast corner of the N Federal Highway and NE 16 Street. NE 23rd Avenue, a city public right-of-way, bifurcates the development site and one parcel of the proposed development site is located on the north side of NE 16th Street east of NE 23rd Avenue.

The site currently consists of a 75,000 SF marina/boat storage with boat slips as well as some single-story commercial buildings and vacant land. As part of the rezoning application, the applicant is requesting to construct 323 units, and a minimum of 65,000 SF of commercial space, 10,000 SF of this space directly fronting N. Federal Highway. The proposed 9-story mixed-use building will be built along N. Federal Highway with 6-9 stories along NE 16th Street.

1490, 1500, 1520, 1530, 1540, 1542, 1544, 1550, 1552, 1554, & 1590 N Federal Highway;
2300 NE 16th Street; 1550, 1580, & 1590 NE 23rd Avenue

Tax Folio IDs: 484330160160, 484330160140, 484330160130, 484330160120, 484330160110, 484330160100, 484330160090, 484330160080, 484330160040; 484330050050, 484330160020, 484330160030, & 484330160010.



CITY OF POMPANO BEACH AERIAL MAP



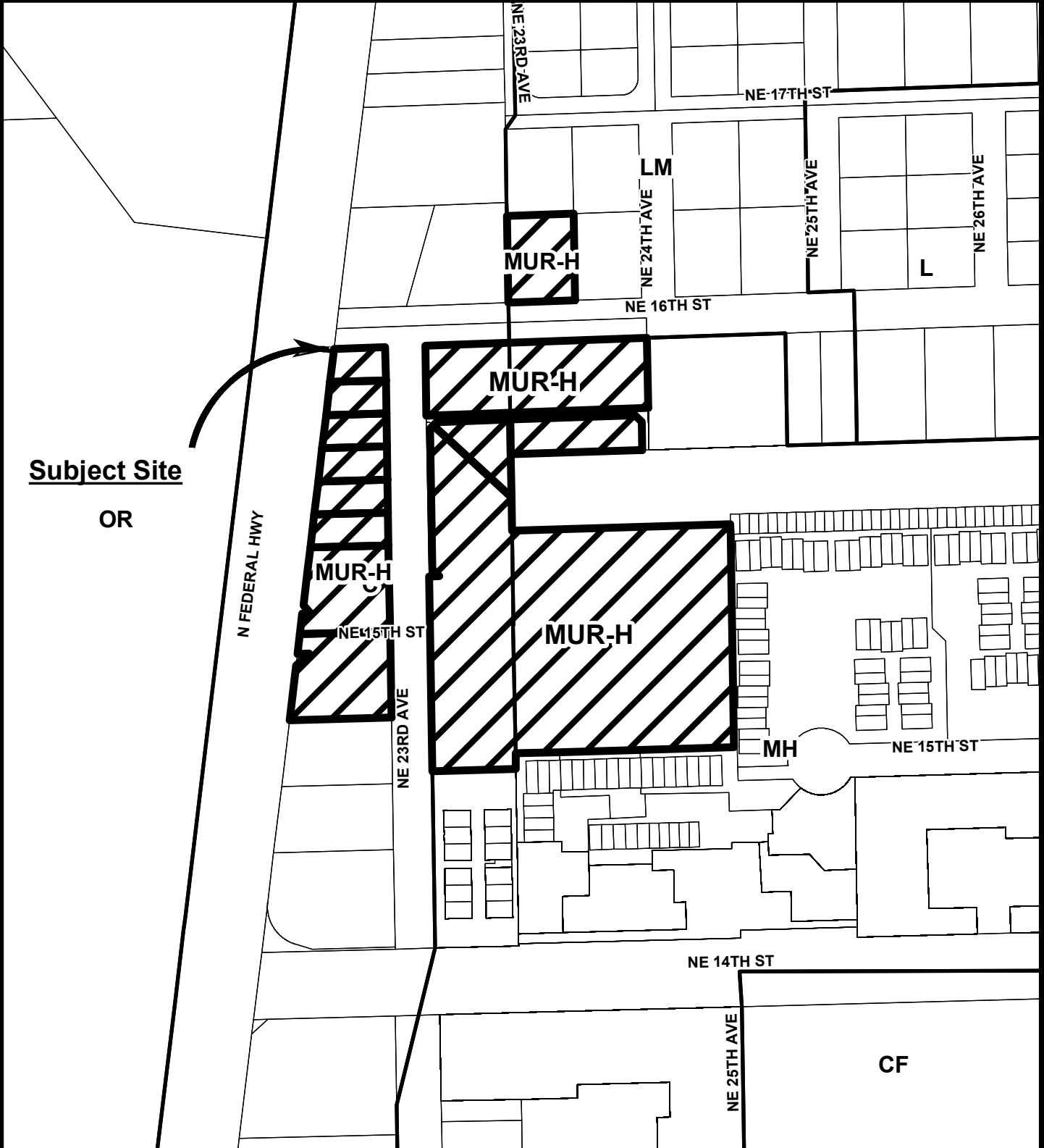
Subject Site

1 in = 208 ft

3

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



Subject Site

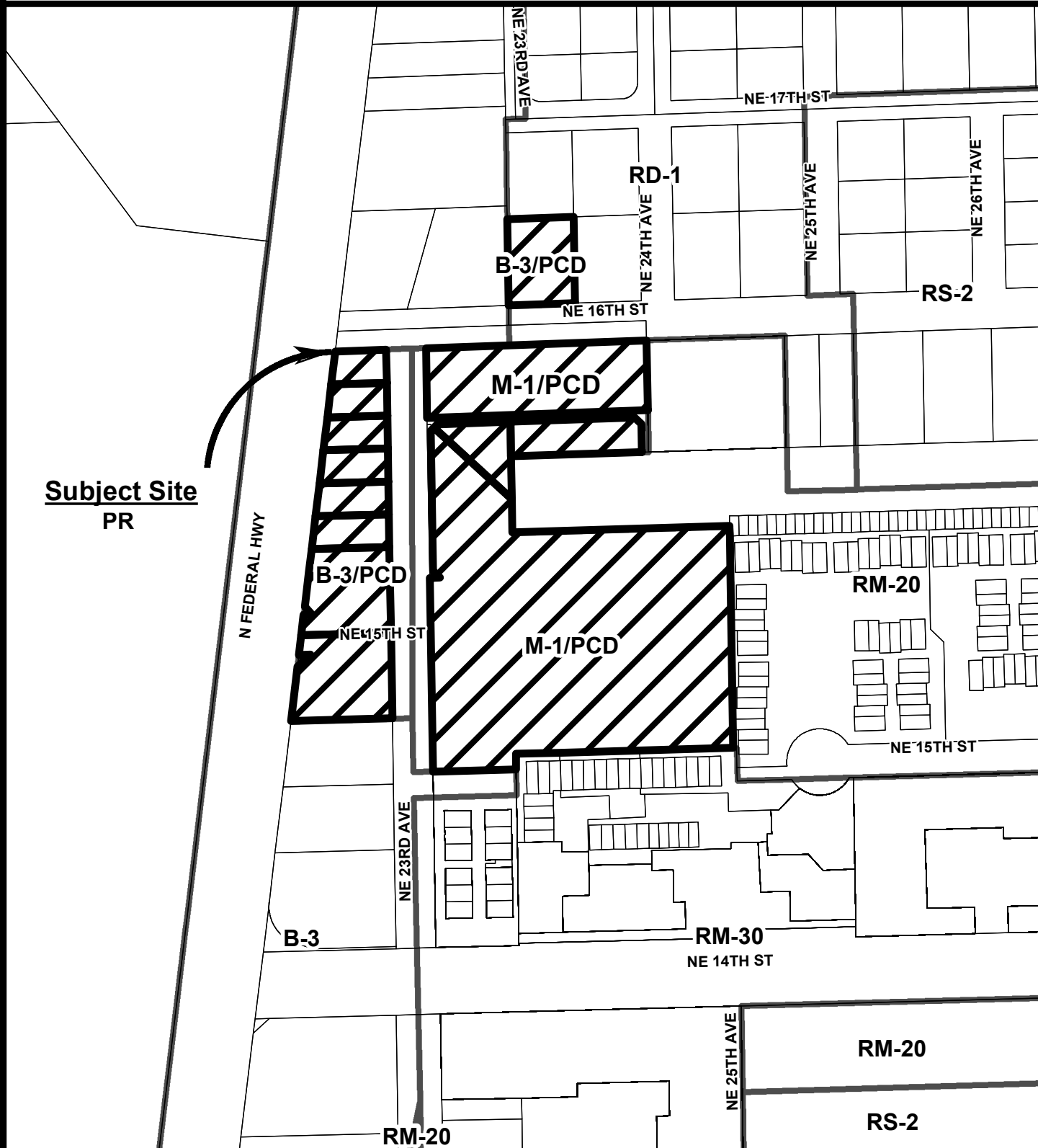
OR

1 in = 208 ft

4

PREPARED BY:
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DEVELOPMENT SERVICES

CITY OF POMPANO BEACH OFFICIAL ZONING MAP

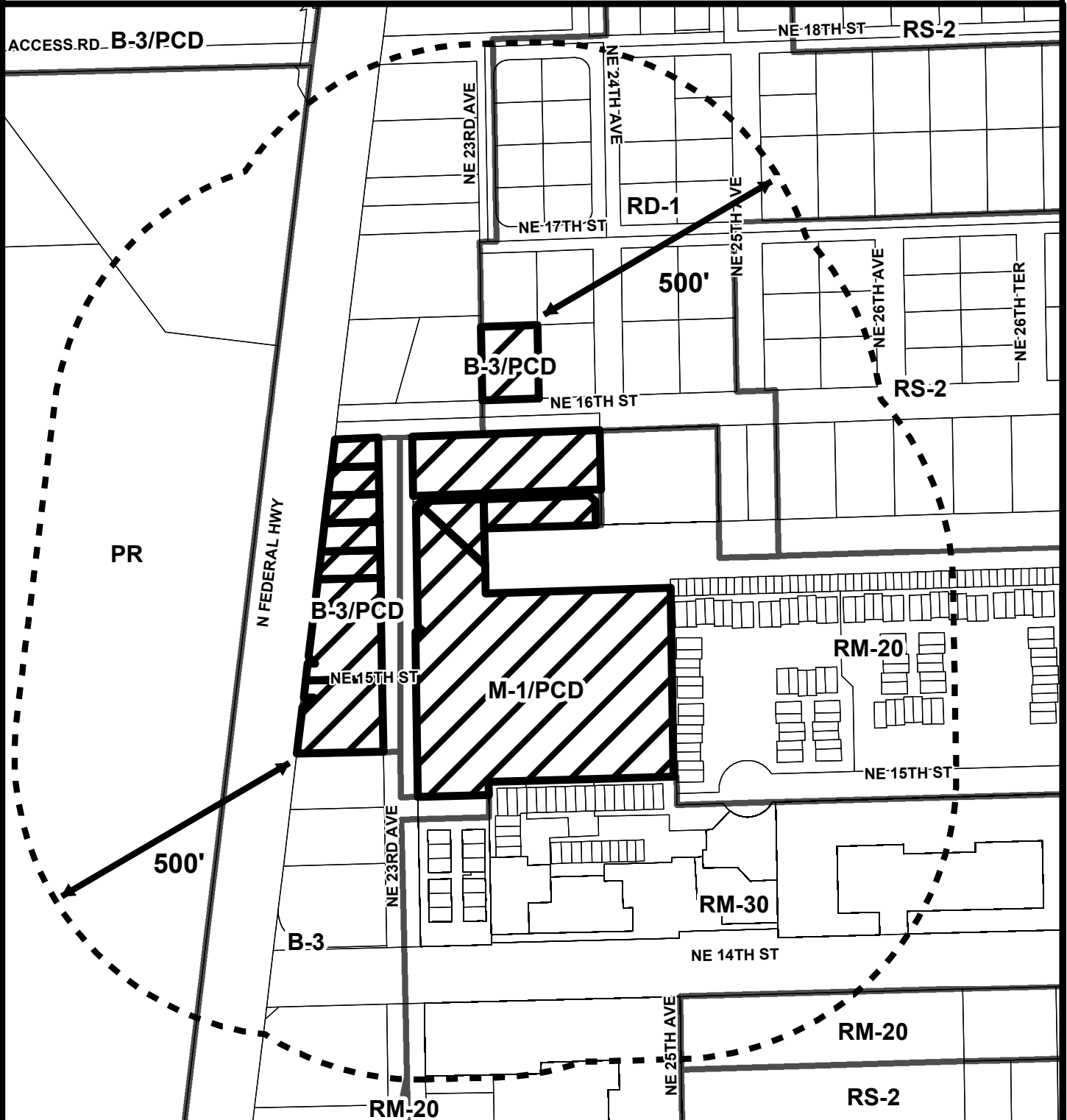


1 in = 208 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH

500' RADIUS MAP



REZONING

HIDDEN HARBOUR
1590 N. FEDERAL HIGHWAY

1 in = 250 ft
 PREPARED BY:
 DEPARTMENT OF
 DEVELOPMENT SERVICES

A portion of the building is planned to be constructed over NE 23rd Avenue and will include a walkway and a portion of living area within the right-of-way (ROW) of the upper stories (floors 3 through 9). This design feature will create a Paseo and view corridor from NE 16th Street south along NE 23rd Avenue. A similar Paseo is planned along N. Federal Highway providing both access into the development as well as creating a view corridor from N. Federal Highway to the Caliban Canal. A 9-story parking garage is planned on the southern portion of the site along N. Federal Highway to provide parking for the proposed development. Two garage ingress/egress access points are planned for NE 23rd Avenue.

The Planned Development - Infill (PD-I) district is established and intended to accommodate small-site infill development within the city's already developed areas. The PD-I district is intended to provide the flexibility to enable high-quality, mixed-use development on relatively small sites, yet require design that ensures infill development is compatible with both surrounding existing development and available public infrastructure. PD-I districts are generally appropriate in most of the Land Use Plan's land use classifications, consistent with the adopted objectives and policies for the classification.

Findings of Fact. Development Services Department Staff submits the following factual information which is relevant to this Rezoning Application:

1. The rezoning was reviewed by the DRC on March 20, 2019. To address staff comments from the DRC submittal, additional information and justification was provided by the applicant and is included within the P&Z submittal.
2. This application was presented to the Planning and Zoning Board on July 24, 2019. Based on staff and the Applicant's presentation as well as public input, the Board voted to table the item to a date certain of August 28, 2019.
3. Subsequent to the PZB meeting the Applicant resubmitted a revised application for a PD-I and corresponding Master Site Plan. Changes from the previous submittal include the following:
 - a. Dimensional Standards:
 - i. Primary change is that the height along NE 16th Street is proposed to be 9 stories and then transitions to six, and ultimately to 3 stories further east. Based on the initial PD-I submittal, the reduction from 9 stories to 6 stories transition occurs farther west than the initial submittal allowing for a greater portion of the building to be 6 stories adjacent to existing residential uses.
 - ii. Proposed height along Federal Highway equal to 9 stories; and
 - iii. Maximum height listed in the data table is 100'-150' (approximately AirPark Overlay maximum height). Please note these heights are not consistent with the revised 9-story maximum based on revised Master Site Plan and must be clarified prior to Commission.
4. The property is platted on two plats: Sea Barge Yacht Center (Plat Book 38 Page 27), recorded in 1959 and Jericho Boats Enterprises (Plat Book 146, Page 3), recorded in 1990.
5. The site is 6.9 net acres. Gross acreage of 9.6 acres was calculated through the Broward County Land Use Plan Amendment and was not provided by the applicant in the submittal. Based on the gross acreage of 9.6 acres, the proposed density of the site would be 33.6 units to the acre. (323 units / 9.6 acres = 33.6) It should be noted that a portion of this acreage includes part of the Caliban Canal as the applicant owns a portion of this waterway.
6. The Zoning and uses of adjacent properties are:

Property	Adjacent Property	Zoning District	Existing Use
Federal Highway, NE	North	B-3 RD-1	Commercial

16 th Street and NE 23 rd Avenue			Single family and two-family residential
	South	B-3 RM-30	Commercial Condo/townhomes
	East	RM-20	Condo
	West	PR	City Golf Course

6. The PD-I application requests a maximum of 9 stories not to exceed airport space maximum height. This property is located within the Airpark Overlay District and the proposed height is considered an Airpark Obstruction. To the east, where the proposed building will be adjacent to residential uses, the height of the building will be reduced to 3 stories (35') within the first 50' of the east property line. The 6-story portion of the building would extend approximately 150' east of the 3-story portion of the building where the building would increase to 9 stories.
7. The application states that 20% of the site will be pervious which includes a portion of the canal as well as the private park proposed for NE 16th Avenue. As proposed, these areas would remain privately owned, and provide public access to the waterway as well as the proposed park/open space area.
8. The height of neighboring buildings is:

Direction	Building / Height
North neighbors	Commercial (1-2 stories) Residential (1 story)
South neighbors	Commercial (1 story) 14 th Street Townhomes (3 stories)
East neighbor	Villa Rio Condo (2 stories)
West neighbor	Golf course

9. The Land Use Designation is MUR-H (Mixed Use Residential High) with a maximum of 323 units and maximum floor area of 650,000 square feet for all uses, marina with a maximum of 75,000 of buildings and 15 wet slips and a maximum floor area of commercial development limited to 510,000 square feet.
10. Site History: The property was most recently rezoned in 2009 through Ordinance 2009-29 which established a Planned Commercial/Industrial (PCD) overlay district. The ordinance approved a revised master plan for the development. The master plan included a marina component which was constructed along with planned retail uses along N Federal Highway. In 2019, Ordinance 2019-12 amended the land use to MUR-H (Mixed Use Residential High) which included a Declaration of Restrictive covenants which the proposed development meets. In 2013, the City created a Transformation Plan for its major corridors including Federal Highway. As part of this development, the City envisions mixed use developments along this corridor to revitalize the roadway and to promote future enhanced transit.

PLANNED DEVELOPMENT REVIEW STANDARDS

Review of and the decision on a Planned Development application shall be based on compliance of the proposed zoning reclassification and the PD Plan with the review standards in Section 155.2402.C, Site-Specific Zoning Map Amendment Review Standards and the standards for the proposed type of PD district in Part 6 (Planned Development Zoning Districts) of Article 3: Zoning Districts.

§155.2404.C. Site-Specific Zoning Map Amendment Review Standards

Site-specific amendments to the Official Zoning Map (Rezoning) are a matter subject to quasi-judicial review by the City Commission and constitute the implementation of the general land use policies established in this Code and the comprehensive plan. In determining whether to adopt or deny a proposed Site-Specific Zoning Map Amendment, the city shall find that:

1. The applicant has provided, as part of the record of the public hearing on the application, competent substantial evidence that the proposed amendment:
 - a. Is consistent with the Future Land Use Category and any applicable goals, objectives, and policies of the comprehensive plan and all other applicable city-adopted plans;

Staff Analysis: The rezoning is consistent with the following Goals, Objectives & Policies (GOPs) in the Future Land Use Element of the City's Comprehensive Plan.

- 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.
- 01.04.01 Support and promote the intermix of residential and commercial uses along major traffic corridors.
- 01.04.01 The Planning Department shall support and promote the intermix of residential and commercial uses along major traffic corridors, where mass transit is available, through the allocation of flex and reserve units and approval of land use plan map amendments allowing for residential developments.
- 01.03.11 Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.
- 01.03.05 All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying residential land use designations.
- 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.
- 01.06.01 Consider the impacts that land use amendments, rezonings or site plan approvals have on natural resources and historic properties.
- 11.04.05 To maintain and enhance the existing recreational facilities which provide physical or visual access to the water.

B. Use Standards

Principal uses allowed in a PD-I district shall be established in the PD Plan. Uses shall be consistent with the comprehensive plan, other city-adopted plans, and the purpose of the PD-I district, and shall comply with the use table in Appendix A : Consolidated Use Table, and the use-specific standards in Article 4: Use Standards.

Staff Analysis: The PD-I district is intended to provide the flexibility to enable high-quality, mixed-use development on relatively small sites, yet require design that ensures infill development is compatible with both surrounding existing development and available public infrastructure. The proposed development includes a mix of commercial, residential and marina-related uses on a relatively small lot (6.9 acres), along the N Federal Highway corridor identified for mixed-use.

C. Intensity and Dimensional Standards	
District area, minimum (acres)	n/a
Density, maximum (du/ac) ¹	To be established in PD Plan—see Section 155.3602.A , PD Plan
Floor area ratio (FAR), maximum	
Lot area, minimum (sq ft)	
Lot width, minimum (sq ft)	
Impervious surfaces, maximum (% of district area)	
Individual building size, maximum (sq ft)	
Building height , maximum (ft)	
Setbacks, minimum (ft)	
Setback from abutting RS zoning district or existing single-family dwelling use, minimum (ft)	
NOTES: 1. Residential development may not exceed the maximum gross density established by the Land Use Plan for the applicable land use classification.	

Staff Analysis: Applicant has provided the intensity and dimensional standards for the proposed PD-I district. The District is proposed to have a density of 48.6 units per acre which is consistent with the recently adopted land use of MUR-High (Mixed Use Residential High) with a maximum number of 323 units.

Proposed Deviations from PD-I zoning

TABLE V						
Deviations/ Modifications						
Type	Code Section	Description	Modification	Justification		
Access, circulation, parking & loading Driving Aisle	155.5102.11	Required Aisle Width Dimensions 23'	22 FT.	To accommodate proposed site design and more efficient traffic circulation in garage.		
Vehicle stacking	155.5101.G.8.B	Parking lot Entrance driveways	Min. 30 FT. stacking distance for 500 or more off-street spaces (as measured from ROW line)	To accommodate proposed site design for vehicular access.		
Dwelling, Multi-Family Parking	155.5102.D.1	For Units on 2 nd floor or higher of a building with non-residential use located on ground level: 1 space per Dwelling Unit (du)	None	Due to Urban Mixed-Use Settings parking demand shall be less.		
		1-2 BD	1.5 Space		1 BD	1 Space
		All other MF 3 BD	2 Spaces		2-3 BD	2 Spaces
			Guest: 10% of Provided Parking			
Landscape between Vehicular Use Areas and Buildings	155.5203.D.5.A	Minimum landscaped area shall be eight feet for each story in the abutting building façade, up to 24 feet	Except where conflict with pedestrian sidewalks exist.	To accommodate Sidewalks abutting building.		
Parking deck or Garage Standards	155.5605.c1.d	The exposed top level of a parking structure shall be covered a minimum of 60% with a shade producing structure such as, but not limited to, a vined pergola or retractable canvas shade structure.	15% Min.	No Building shall be high enough to see top of garage.		

Staff Analysis: Applicant is requesting six deviations/modifications in conjunction with this proposal. The first is a reduction in the drive aisles with from 23' to 22' within the parking garage to accommodate the proposed site design. Vehicle stacking area is proposed to be reduced to accommodate site design and vehicular access which will be from NE 23rd Avenue and not N Federal Highway. The third is a reduction in parking due to the urban mixed-use settings. The site will also reduce the landscaping in vehicle use areas to allow for sidewalks to abut the proposed buildings. The top level of the parking structure is proposed to be covered a minimum of 15% with a shade producing structure rather than 60% as required by the City's Zoning Code. The final deviation is the addition of a second garage access from NE 23rd Avenue.

Development Standards

D. Development Standards	
The development standards in Article 5: Development Standards , shall apply to all development in PD-I districts, but some development standards may be modified as part of the PD Plan if consistent with the general purposes of the PD-I district and the comprehensive plan, and in accordance with the means of modification noted below.	
Development Standards	Means of Modifying
Access and circulation	Specify in PD Plan
Off-street parking & loading	Specify in Master Parking Plan
Landscaping ¹	Specify in Alternative Landscaping Plan

Tree preservation	
Screening	Specify in Alternative Screening Plan
Fences and walls	Specify in Master Fencing Plan
Exterior lighting	Specify in Master Lighting Plan
Multifamily residential design	Modifications prohibited
Commercial and mixed-use design	
Industrial design	
Residential compatibility	
Sustainable design	Specify in PD Plan
Signage (Ch. 156 , Sign Code)	Specify in Master Sign Plan
NOTES:	
1. Internal uses shall not be required to provide perimeter buffers.	

Staff Recommendation: All requirements of a PD Plan are graphically demonstrated in the PD-I application package which includes exhibits, plans and a survey.

Access and circulation – *The proposed development consists of 13 parcels on three separate roadways. Access from the site will be from three separate locations. There will be a private drive aisle from Federal Highway into the site through a Paseo which will allow access to the site and the two parking garage entrances on NE 23rd Avenue. The other two access points will be north and south from NE 23rd Avenue. The proposal is to have a second Paseo at the intersection of NE 23rd Avenue and NE 16th Street which will have an arcade and pedestrian bridge connecting the east and west portions of the development. As NE 23rd Avenue is a public right-of-way, a PD agreement will be required to identify what the applicant will construct and maintain items constructed in the City's ROW which includes on street parking and decorative pavers along NE 23rd Avenue. Applicant is proposing loading and trash areas centrally located and as far away from nearby residential uses. The applicant is requesting a deviation from the drive aisle width in the garage (22' versus 23' in the Code) as the site constraints of the site require the drive aisles to be less than Code.*

Based on the existing proposed design, staff will need to verify the following information prior to Site Plan approval:

- There has been concern by the adjacent neighbors regarding the intersection of NE 14th Street and NE 23rd Avenue. As the two access points to the garage will be on NE 23rd Avenue, additional study is needed to determine if there are any significant impacts of this development to this intersection and if signal timing/upgrades are needed to this intersection.*
- The applicant has provided turning movements at some of the locations within the property, and the applicant will need to provide turning radius for vehicles entering and exiting the site, specifically for the marina as there will be large vehicles turning into and out of this working facility.*

Off-street parking and loading – *Off-street parking and loading will be in a 9-story parking garage centralized on the southern end of the site. The applicant is requesting a deviation from the code and provide parking standards as identified in the PD-I document for the calculation of parking requirements for multi-family dwellings, guest parking, restaurant, and marine showroom and retail uses. All other uses will have utilize parking requirements set forth in 155.5102.D.I. The other deviations requested include the top level of the parking structure proposed to be covered 15% with a shade producing structure rather than 60% as required by the City's Zoning Code. In addition, the*

applicant is requesting to allow for two ingress/egress from NE 23rd Avenue to allow for better circulation in and out of the development.

Landscaping/Tree Preservation – *The applicant is requesting a deviation from vehicle use areas and buildings only where conflicts with pedestrian sidewalks. Based on the proposed plan, there will be a number of conflicts especially along N Federal Highway as the irregular shaped lots and the rectangular buildings meet the ROW. For all other requirements, applicant will follow requirements of Article 5, Development Standards of the City's Code. The applicant should work with the City's Urban Forester to maximize the proposed landscaping for the site and provide the amount of landscaping consistent with the City's Code.*

Screening, fences, and walls – *Applicant will follow requirements of Article 5, Development Standards of the City's Code.*

Lighting – *Applicant will follow requirements of Article 5, Development Standards of the City's Code.*

Design and compatibility – *Applicant will follow requirements of Article 5, Development Standards of the City's Code.*

Sustainable design – *Applicant will follow requirements of Article 5, Development Standards of the City's Code.*

P&Z REVIEW AND RECOMMENDATION

The proposed development as currently proposed is consistent with the City's Comprehensive Plan. The Land Use Plan Amendment, adopted in 2019 provides for the 323 residential units, along with the commercial, retail and marina uses identified in the PD-I. The proposed height of the building, at 9 stories is considered an Airpark Obstruction which will require approvals from the FAA as well as the City.

The applicant, through the use of the Paseos from N. Federal Highway as well as NE 16th Street will create view corridors to the Caliban Canal and the marina area which is not only part of the PD-I development standards but also was identified within the City's 2013 Transformation Plan.

The proposal reduces its overall height to the east adjacent to residential uses to allow for compatibility with the 2-story condominium as well as the single-family residential neighborhood to the north and east. Based on the PD-I application provided for the July 24th Planning and Zoning Board meeting, the applicant has reduced the height of the buildings along NE 16th Street from 9 stories to 6 stories adjacent to residential uses. Along Federal Highway the building is proposed at 9 stories. For the parcel located on NE 16th Avenue, the applicant proposes a private park which will provide additional open space for the residential areas. The applicant plans to activate the space in and around the canal to provide additional amenities for the public.

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

Alternative Motion I

Recommend approval of the PD-I rezoning request as the Board finds that rezoning application is consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies and the purpose of the Planned Development – Infill (PD-I) district purpose, subject to the following conditions:

The following conditions must be addressed prior to placement on the City Commission hearing agenda:

- 1. Agreement for construction within and over City ROW.**
 - a. Agreement is required detailing the work to be completed within the ROW as well as the construction taking place over the ROW with review and approval by the necessary City agencies.

- 2. Revisions for consistency**
 - a. Provide revised PD-I Master Plan Data sheet reducing proposed height to match the 9-story height maximum consistent with the revised PD-I Master Plan.
 - b. Provide revised renderings and other applicable drawings to be consistent with the revised PD-I Plan.

- 3. Gross Acreage / Pervious Calculations**
 - a. Applicant shall provide a calculation based on the gross acreage for this project.
 - b. Revise pervious area calculation to reflect Zoning Code's definition: total land area covered by pervious surfaces.

- 4. Unity of Control**
 - a. Unified control of the development shall be provided as part of this rezoning application. This may be processed on the same agenda as the rezoning ordinance.

The following conditions must be addressed prior to Site Plan approval:

1. **Landscaping**
 - a. Work with the City's Urban Forester to provide maximum landscaping for the site.
2. **Private Park**
 - a. Provide overall design of park.
3. **Air Park Obstruction Permit**
 - a. Obtain Air Park Obstruction Permit approval from the Planning & Zoning Board.
4. **Roadway and access circulation**
 - a. Conduct a traffic operations analysis at the intersections of NE 14th Street/NE 23rd Avenue and Federal Highway/NE 14th Street including level of service, delays, and queue lengths. The analysis shall include weekday period field reviews and queue measurements and intersection blockages. The methodology and operations analysis shall be submitted to and approved by the City's Traffic Engineering Consultant. If deficiencies are identified the applicant shall construct improvements to address those deficiencies.
 - b. Conduct a maneuverability analysis subject to review of the City's Traffic Engineering Consultant for the proposed development. The analysis shall utilize the appropriate AASHTO design vehicles for parking areas, loading areas, and garbage truck operations. If conflicts are identified the applicant shall revise plans to provide for efficient and safe traffic circulation.

Alternative Motion II

Table this application for additional information as request by the Board

Alternative Motion III

Recommend denial as the Board finds that the request is not consistent with the goals, objectives, and policies of the Comprehensive Plan.

STAFF RECOMMENDS ALTERNATIVE MOTION I

Staff finds that there is sufficient information to support this rezoning request. The applicant has worked with City staff to provide the necessary information to show that the rezoning meets the intent of the Future Land Use goals, objectives, and policies, the Pompano Beach Transformation Plan, the purpose of the Planned Development and the PD-I (Planned Development-Infill) District purposes. Also, the applicant has provided an updated application that provides some reduction in height along NE 16th Street.

J. REZONING

**10. AMP IV-HIDDEN HARBOUR, LLC/HIDDEN HARBOUR REZONING
Planning and Zoning No. 19-1300002
Commission District: 1**

Consideration of the REZONING submitted by **GRAHAM PENN** on behalf of the **AMP IV-HIDDEN HARBOUR, LLC** is requesting to rezone the subject property from B-3/PCD (General Business/Planned Commercial/Industrial District) and M-1/PCD (Marine Business/Planned Commercial/Industrial District) to Residential Planned Development Infill (PD-I) in order to construct 323 units, and a minimum of 65,000 SF of commercial space, 10,000SF of this space directly fronting N. Federal Highway. All parcels are legally defined as follows:

(PARCEL 1-COMPRISED OF THE FOLLOWING PARCELS DESIGNATED AS PARCELS 1A-1F)

(PARCEL 1 A)

ALL OF PARCEL "A" OF JERICO BOATS ENTERPRISES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 146, PAGE 3 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

(PARCEL 1 B)

LOTS 1 AND 2, BLOCK 2, SEA BARGE YACHT CENTER, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 38, PAGE 27 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LESS A PORTION OF LOT 1, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUN NORTH 88°29'09" EAST, ALONG THE NORTH LINE OF SAID LOT 1 FOR A DISTANCE OF 17.28 FEET; THENCE RUN SOUTH 47°39'21" WEST, FOR A DISTANCE OF 26.15 FEET; THENCE RUN NORTH 06°49'35" EAST, ALONG THE WEST LINE OF SAID LOT 1 FOR A DISTANCE OF 17.28 FEET TO THE POINT OF BEGINNING. PLUS THE SOUTH 1/2 OF THE VACATED N.E. 15TH STREET, LYING NORTH OF LOT 1,

BLOCK 2, SEA BARGE YACHT CENTER, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 38, PAGE 27 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

(PARCEL 1 C)

ALL OF BLOCK 3, LESS THE SOUTH 265.00 FEET THEREOF, SEA BARGE YACHT CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 38, PAGE 27 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. PLUS THE SOUTH 1/2 OF THE VACATED N.E. 15TH STREET, LYING NORTH OF BLOCK 3, SEA BARGE YACHT CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 38, PAGE 27 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

(PARCEL 1 D)

LOTS 1, 2, 6, 7 AND 8, IN BLOCK 1 AND ALL OF TRACTS "A", "B", "C" AND "D" OF SEA BARGE YACHT CENTER, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 38, PAGE 27 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

LESS THAT PORTION OF LOT 8, BLOCK 1 OF SEA BARGE YACHT CENTER, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 38, PAGE 27 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, IN SECTION 30, TOWNSHIP 48 SOUTH, RANGE 43 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST (SE) CORNER OF SAID LOT 8; THENCE RUN SOUTH 88°29'09" WEST ALONG THE SOUTH LINE OF SAID LOT 8, FOR A DISTANCE OF 117.71 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE TO RUN SOUTH 88°29'09" WEST, A DISTANCE OF 13.00 FEET TO THE SOUTHWEST (SW) CORNER OF SAID LOT 8; THENCE RUN NORTH 06°49'35" EAST ALONG THE WEST LINE OF SAID LOT 8, A DISTANCE OF 13.00 FEET; THENCE RUN SOUTH 42°20'38" EAST, A DISTANCE OF 17.00 FEET TO THE POINT OF BEGINNING. PLUS THE NORTH 1/2 OF THE VACATED N.E. 15TH STREET, LYING SOUTH OF LOT 8, BLOCK 1 OF SEA BARGE YACHT CENTER, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 38, PAGE 27 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. PLUS THE NORTH 1/2 OF THE VACATED N.E. 15TH STREET, LYING SOUTH OF TRACT "D" OF SEA BARGE YACHT CENTER, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 38, PAGE 27 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

(PARCEL 1 E)

THAT PORTION OF THE SEA BARGE YACHT BASIN AS SHOWN ON THE PLAT OF SEA BARGE YACHT CENTER, AS RECORDED IN PLAT BOOK 38, PAGE 27, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

THAT PROPERTY LYING WEST OF THE EAST LINE OF THE WEST THREE QUARTERS (W 3/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 30, TOWNSHIP 48 SOUTH, RANGE 43 EAST AND BOUNDED ON THE SOUTH BY THE NORTHERLY BOUNDARY OF TRACT "D" OF SAID SEA BARGE YACHT CENTER, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 38, PAGE 27 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BOUNDED ON THE WEST BY THE EASTERLY BOUNDARY OF TRACT "C" OF SAID SEA BARGE YACHT CENTER AND BOUNDED ON THE NORTH BY THE SOUTHERLY BOUNDARY OF TRACT "B" OF SAID SEA BARGE YACHT CENTER. TOGETHER WITH THAT PORTION OF SAID SEA BARGE YACHT BASIN DESCRIBED AS FOLLOWS: THAT PORTION OF LOTS 30 AND 31 OF CALIBAN, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 27, PAGE 12 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AS BOUNDED ON THE NORTH BY THE SOUTHERLY BOUNDARY OF TRACT "B", SEA BARGE YACHT CENTER, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 38, PAGE 27 OF THE PUBLIC RECORDS OF

BROWARD COUNTY, FLORIDA, BOUNDED ON THE WEST BY THE EAST LINE OF THE WEST THREE-QUARTERS (W 3/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 30, BOUNDED ON THE EAST BY A LINE 10.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID TRACT "B" OF SAID SEA BARGE YACHT CENTER.

(PARCEL 1 F)

LOT 4 OF CALIBAN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 27, AT PAGE 12 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

(PARCEL 2)

LOTS 3, 4 AND 5, BLOCK 1, OF SEA BARGE YACHT CENTER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 38, PAGE 27, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

(PARCEL 3)

A PORTION OF THE CALIBAN YACHT BASIN, CALIBAN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 27, PAGE 12, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA LYING NORTH OF AND ADJACENT TO PARCEL "A", JERICO BOATS ENTERPRISES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 146, PAGE 3, AT THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL "A", JERICO BOATS ENTERPRISES; THENCE SOUTH 88°14'47" WEST ON THE NORTH LINE OF SAID PARCEL "A" AND ALSO ON THE SOUTH LINE OF CALIBAN YACHT BASIN, A DISTANCE OF 327.60 FEET TO THE NORTHWEST CORNER OF SAID PARCEL "A", JERICO BOATS ENTERPRISES; THENCE NORTH 00°57'15" WEST, ON THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID PARCEL "A", JERICO BOATS ENTERPRISES, A DISTANCE OF 15.00 FEET; THENCE NORTH 88°14'47" EAST ON A LINE 15.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF SAID PARCEL "A", JERICO BOATS ENTERPRISES, A DISTANCE OF 327.60 FEET; THENCE SOUTH 00°57'23" EAST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

(PARCEL 4)

A PORTION OF LOT 1, BLOCK 2, SEA BARGE YACHT CENTER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 38, PAGE 27, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUN NORTH 88°29'09" EAST, ALONG THE NORTH LINE OF SAID LOT 1 FOR A DISTANCE OF 17.28 FEET; THENCE RUN SOUTH 47°39'21" WEST, FOR A DISTANCE OF 26.15 FEET; THENCE RUN NORTH 06°49'35" EAST, ALONG THE WEST LINE OF SAID LOT 1 FOR A DISTANCE OF 17.28 FEET TO THE POINT OF BEGINNING. SAID LANDS SITUATE IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA AND CONTAINING 300,444 SQUARE FEET (6.90 ACRES) MORE OR LESS.

AKA: 1490, 1500, 1520, 1530, 1540, 1542, 1544, 1550, 1552, 1554, & 1590 N Federal Highway; 2300 NE 16th Street; 1550, 1580, & 1590 NE 23rd Avenue

ZONED: B-3/PCD (General Business/Planned Commercial/Industrial District) and M-1/PCD (Marine Business/Planned Commercial/Industrial District)

PROPOSED: PD-I (Planned Development Infill)

STAFF: Scott Reale, AICP (954) 786-4667

Mr. Reale provided a brief summary of the proposed project, noting that it will require an Air Park Obstruction Permit. He also stated that there are a few modifications of the staff recommendations that Ms. Sinatra-Gould will discuss.

Ms. Sinatra-Gould presented herself to the Board again. She stated that the applicant is requesting 323 units with a 9-story parking garage, noting that the proposed PD-I is intended to provide a mix of uses on infill development sites. She described that portions of the buildings that would cross over both a private drive and NE 23 Avenue. She then read into the record the findings of fact provided in the staff report.

Ms. Sinatra-Gould stated that the applicant is requesting six deviations, including: the reduction of vehicle drive aisles; the reduction of vehicle stacking lanes; a reduction in parking spaces; a reduction in vehicle use area landscaping; the elimination of a structured parking shade structure; and the addition of a second garage access.

Given the information provided to the Board, as the finder of fact, staff provides the following recommendation al alternative motions, which may be revised or modified at the Board's discretion. She stated that staff has modified some of their recommended conditions since the writing of the staff report.

Alternative Motion I

Recommend approval of the PD-I rezoning request as the Board finds that rezoning application is consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies and the purpose of the Planned Development – Infill (PD-I) district purpose, subject to the following conditions:

The following conditions must be addressed prior to placement on the City Commission hearing agenda:

1. Agreement for construction within and over City ROW.
 - a. Agreement is required detailing the work to be completed within the ROW as well as the construction taking place over the ROW with review and approval by the necessary City agencies;
2. Roadway and access circulation.
 - a. Conduct a traffic operations analysis at the intersections of NE 14th Street with NE 23rd Avenue and Federal Highway with NE 14th Street, including a level of service, delays, and queue lanes. Analysis shall include weekday period field reviews, queue measurements, and intersection blockages. The methodology and operations analysis shall be submitted to and approved by the City's traffic engineering consultant. If deficiencies are identified, the applicant shall construct improvements to address those deficiencies.
 - b. Conduct a maneuverability analysis, subject to review by the City's traffic engineering consultant, for the proposed development. The analysis shall utilize the appropriate ASHTO design vehicles for parking areas, loading

areas, and garbage truck operations. If conflicts are identified, the applicant shall revise plans to provide for efficient and safe traffic circulation.

The following conditions must be addressed prior to Site Plan approval:

1. Top level of garage.
 - a. Provide information on how 60% coverage for the top floor of the garage will be mitigated.
2. Landscaping
 - a. Work with the City's Urban Forester to provide maximum landscaping for the site.
3. Private Park
 - a. Provide overall design of park.
4. Unity of Control
 - a. Unified control of the development shall be provided as a part of the rezoning application. This may be processed on the same agenda as the rezoning ordinance.
5. Air Park Obstruction Permit
 - a. Obtain Air Park Obstruction Permit approval from the Planning & Zoning Board
6. Correct the impervious area from 85% to 80%.

Alternative Motion II

Table this application for additional information as request by the Board.

Alternative Motion III

Recommend denial as the Board finds that the request is not consistent with the goals, objectives, and policies of the Comprehensive Plan.

Staff recommends alternative MOTION I.

Mr. George Plat (1512 E. Broward Boulevard, Fort Lauderdale) presented himself to the Board. He explained that they began the process for this development in 2013 but that it has been moving slowly. He stated that they have been making revisions to the plans but that they will replace the industrial boat areas and have a riverwalk open to the public. He noted that they have been to more than ten public hearings as well as numerous community meetings, the input of which they have taken into consideration through design changes. They have worked with staff concerning improvements to 23rd Avenue, which will remain a public ROW. He stated that they have no objections to the conditions recommended by staff. He stated that the City Commission has signed off on the LUPA some time ago and that they will return with a site plan. He noted that letters have been submitted in support of this project.

Mr. Graham Penn (200 S. Biscayne Boulevard, Miami) presented himself as the applicant's attorney and provided an overview presentation of the proposed project. He stated that the dry boat storage will remain while the outdoor boat storage will be removed. He reminded the Board that the public currently does not have access to the water, but that this development will change that. He briefly recapped the land use plan amendment for the site and explained that the corridor study for Federal Highway was the impetus for a mixed-use project being proposed for this site. He then provided some photos of two similar projects that are currently under construction in the area. He stated that they have local workforce hiring requirements for the project included in their covenant. The parcel on the north side of 16th street will be reserved for park space and the restrictions imposed by the land use plan amendment will all be satisfied. He explained that all of the parking will be provided in the garage at the southwest corner, gave an overview of the residential buildings along Federal Highway and NE 16 Street, and showed the Board conceptual renderings of the building architecture. He then gave an overview of the proposed pedestrian pathway along the water that would be open to the public.

Mr. Penn briefly described the requested deviations: parking garage aisle width and stacking; modified parking ratio; waive VUA landscape strip to accommodate sidewalks; waive garage shade structures; and allow for two garage access points. He explained that the intention is to avoid any significant parking traffic going in and out on Federal Highway. He explained that are 50% below the vehicle trip cap imposed during the LUPA process. He stated that in response to community input, they have modified the mix of units to include 139 one bedroom, 148 two bedrooms and 22 three bedrooms units.

Ms. Groblewski asked if this project is in the ETOC.

Mr. Penn responded that it is not, but that this is similar in that it is attempting to implement the corridor study.

Ms. Groblewski asked if the cross reference to ETOC in regards to permitted density is relevant.

Graham says it is relevant in that the ETOC, which is just down the road, permits 90 to 100 units per acre. He referenced the Fairfield project on Federal Highway that has more than twice the density of this project.

Ms. Groblewski asked if the applicant can go through the parking spaces calculated for the residential and commercial areas.

Mr. Penn responded that page 24 of the PD application states that one space per every 4 seats of restaurant and one space per every 300 square feet of marine retail is required. He stated that the final number of spaces will depend on when a site plan is prepared, since the uses or numbers of units could change.

Ms. Groblewski asked if the six deviations requested mean that the project does not comply with the PD-I standards.

Mr. Penn responded that because PD projects are unique, there are certain standards that can be modified to account for this.

Mr. Stacer added that the deviations are based on the regular code requirements, since PD-I districts do not have their own parking requirements. He likened a PD-I to an empty box that is filled when the unique code requirements are created for it.

Ms. Aycock asked if the neighborhood impact would be greater if this site had standard commercial zoning.

Mr. Penn responded that a commercial zoning would potentially generate more than double the vehicle trips. Therefore, they think that this mixed-use is a better option.

Ms. Aycock asked for what will be in the ground floor of the parking garage along Federal Highway.

Mr. Penn responded that it will be just parking.

Ms. Aycock asked if the applicant would consider putting commercial space on the ground floor of the parking garage.

Mr. Penn responded that there is no space to do so.

Ms. Aycock suggested that the intersection on 23rd at the *paseo* should be raised to calm traffic for pedestrians.

Mr. Penn stated that they will be working on traffic calming as required.

Ms. Aycock asked if the boat docking will be open to the public or just the owners.

Mr. Penn responded that having public boat slips has become a controversial topic, and that they do not want to encourage non-local boats in the marina out of concern of the neighborhood.

Ms. Aycock asked why the park on 16th street will be private even though it is supposed to be open to the public.

Mr. Penn responded that it will not be a City park but that it will be built and maintained by the applicant yet open to the public.

Ms. Aycock asked why the deviation for roof parking screening is sought, because a neighboring property could also see to build a tall building that would look down on it.

Mr. Penn responded that they don't want to make the building any taller than necessary and that they do not envision any neighboring buildings being as tall.

Mr. Stacer asked if the 15,000 sq. ft. of commercial that is proposed meets the minimum requirement.

Mr. Penn responded that the marina use is counted a part of the required commercial use. The 15,000 square feet is in addition to this.

Mr. Stacer stated that the Board had not previously seen the elevations that were included in the applicant's presentation since they were not included in the backup.

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

Mr. Tom Drum presented himself to the Board again. He stated that the development is too big for the neighborhood and that there is already intense traffic. He stated that there will be no parking where the developer says that there will be a public waterfront amenity. He also complained that the active marina next door will not be conducive for the proposed building and uses.

Mr. Michael Bell (1961 NE 25 Avenue, Pompano Beach) presented himself to the Board as a resident. He stated that Pompano Beach is a great place to live and that many families are moving to Florida every day. He stated that people tend to complain when someone wants to create something new. He stated that as someone who was raised in Pompano and moved back, he wants to see the City continue to move forward. He stated that he would like to be able to stay here to enjoy dinner and not have to go elsewhere, and commented that before the existing buildings were developed and enjoyed today, people were opposed to them.

Mr. Donald Cooler stated that he represents several residents of NE 16th Street. and stated that he does not believe the building should be put up. He complained that he does not want renters living in the area and that the traffic will be terrible.

Mr. Angel Gonzalez (2110 NE 3 Avenue) presented himself to the Board as a local youth baseball coach. He related that the developer supported his league to enable them to have trophies, and so he supports the project.

Mr. Vincente Thrower (1890 NW 6 Avenue) presented himself to the Board. He challenged the previous speaker who questioned having renters in the neighborhood, stating that this sounded racist. He stated that that this is a good project and that the Board should support it.

Ms. Carol Fielder (2708 NE 12 Street) presented herself and stated that she and her neighbors are opposed to this development due to its proposed density. She stated that she would hate to see the commercial aspect of boating leave the City. She stated that a compromise should be sought. She asked if the end of the canal is going to be filled in to make room for the proposed retail.

Mr. Mike Weir (2200 NE 25 Avenue) presented himself to the Board. He stated that there is a responsibility to keep the approaches to the Airpark runways clear and stated that the City has been irresponsible in allowing growth so nearby.

Ms. Lauren McGee presented herself to the Board again. She stated that the proposed density now is much less than what was previously envisioned, noted that there is a huge amount of green space across Federal Highway, and that the developer has really reached out to the community. She stated that she likes the activation that this would bring.

Ms. Shannon Bunn (2681 NE 22 Court) presented herself to the Board and expressed concern about the traffic impacts along 16 Street and 23 Avenue. She asked who would monitor the new park for safety. She questioned if it is feasible to implement all of the improvements proposed for 23 Avenue since it is so narrow.

Mr. Richard Honner (1671 NE 26 Avenue) presented himself to the Board and stated that 23 Avenue is already a busy road and expressed concern that the park will instead be used as a parking lot or that the homeless will sleep there.

Mr. Colin Sanger (1771 NE 28 Avenue) expressed concern about the traffic impacts, stated that the water and sewage demands will be large, that the area is predominantly single-family homes, and that the height of the building is concerning being close to the airpark and due to the shadows it will cast.

Mr. Joe Negron (2301 NE 16 Street) stated that he lives next to where the park is being proposed. He stated that there have been drug problems on that lot and that Hidden Harbor is not a good property owner.

Mr. Jerry Ravagnati (Villa Rio) stated that he is not against development, but that Pompano Beach used to be a good place. He requested that the project be scaled back for less density.

Mr. David Botser (1110 NE 7 Avenue) stated that he grew up in Pompano Beach and complained about how much development has happened since his youth. He implored the Board to deny this.

Mr. David Miller stated that he thinks that this part of town is nice, but that he doesn't like the proposed density. He asked the Board to consider water tables and the need for open space.

Mr. Jeff Scott (2600 NE 16 Street) stated that this is "fake zoning" with how they are calculating their available density. He stated that this use is good for the boating community and stated that there is no need for 9 stories. He added that parking is already a problem and the proposed garage won't be enough and noted that people aren't going to want to walk all the way from the parking garage to a unit on the far end.

Mr. Gill Tremblay (2260 NE 22 Court) stated that he opposes the project.

Ms. Terry O'Connell (1760 NE 28 Avenue) stated that the project is awesome but far too large for the area. She stated that NE 23 is very important to the area, and that the development is too big.

Ms. Sharon Gipeta (2870 NE 22 Court) stated that she does not want the quality of her life being reduced. She stated that the canal is not as wide as the renderings are showing, and

that the PD-I guarantees high density and cannot be approved. She stated that the proposed buildings are too tall for the airpark.

Mr. Joe Mora (2660 NE 17 Street) stated that people will park in the neighborhood instead of a nine-story garage and that the project is overwhelming for the area.

Mr. Mike Sully (621 NE 34 Street) stated that he grew up in the neighborhood, is an engineer, and that this building is massive. He stated that a nine-story building is too large for the site.

Ms. Judy Blaine (2680 NE 16 Street) stated that she has lived in the neighborhood for 62 years and remembers the area before development. She expressed concern about the traffic already being heavy and that this development will make it worse. She stated that the building is too big and that the waterfront views are only of a 75' wide canal.

Ms. Sharon Pachnik thanked the Board for their service. She stated that she has noticed a theme of developers referring to neighborhood residents as "bullies" because they speak up for their neighborhood. She stated that she was happy to move here 15 years ago because of the middle-class working people and diversity. She stated that the traffic is already dangerous in the area and that the land is zoned for only 85 units.

Mr. Roy Merritt (2975 NE 19 Street) presented himself as owner of Merritt boatyard and that based on the density proposed here, he could propose 1,700 to 1,800 units on his own property. He stated that he thinks the proposal is too large for the site.

Mr. Carl Brown (2858 NE 18 Street) stated that he is pro building, but that he cannot see the Board approving this type of development because it is too large and will cause too much traffic. He stated that there are many letters of opposition for this development.

Mr. Tim Golly (2650 SE 5 Court) thanked the Board for volunteering. He stated that the end of the runway is in close proximity to this site.

Mr. Stacer asked if Mr. Penn wished to make any comments. He asked about the 85 units that someone spoke of.

Mr. Penn responded that the 85 units is one of the estimates based on the old Comprehensive Plan, which was prior to the current land use plan.

Mr. Stacer asked if the end of the canal will be filled.

Mr. Penn responded that they will not. He explained that a pedestrian walkway will cantilever 5' over the water. He reminded everyone that one of staff's conditions is to conduct a traffic study and to address any deficiencies.

Mr. Stacer added that the City Engineer will have to agree with the applicant's results. He stated that there is an Air Park Obstruction Permit required and that the FAA has to approve the height. He asked the applicant to address concerns about sunlight and to explain again how the parking is going to work.

Mr. Penn stated that a shadow study has been submitted as a part of their submittal per the City's requirements. He stated that parking needs for the boat yard will remain on that site that the parking demands for the project will be satisfied by the garage. He stated that the City's corridor study calls out this canal since it is the farthest west that the intracoastal canals reach. He stated that the loading details will be provided in the site plan process. He played an audio clip of a boat being worked on, demonstrating that it is very loud. He pointed this out in response to public testimony lamenting the loss of the boatyard to the north of the canal.

Ms. Moor asked if there is an FAA letter.

Mr. Penn responded that they do not and that this is listed as a condition for a site plan approval.

Ms. Moor asked if there will continue to be boats on trailers along 23 Avenue.

Mr. Penn responded that a pull off area will be provided.

Ms. Moor asked if boats will be traveling under the building walkways.

Mr. Penn responded that they will because the walkways will be built to FDOT standards.

Ms. Kovac asked how many boats the pull off area will hold.

Mr. Andrew Sterner (2315 NE 15 Street) presented himself as a member of the ownership team. He explained that the boat traffic has been a function of needing to move them across the site, which is stopping this month. He stated that their idea is to allow for an 18-wheeler to be able to pull off the road and not block traffic.

Mr. Stacer asked if it will be parallel to the building.

Mr. Sterner explained how the new circulation pattern will occur.

Ms. Aycock clarified that the Board will not be approving a 9-story building but just the PD-I, and noted that the impact could be much greater if it was a purely commercial project. She noted that there were many more letters of support received than letters of opposition and agreed with the objection that the comment about renters was inappropriate. She commented that the open boatyard has long been an eyesore, and that activating the area with a mix of uses would be good for the area. The developer would have the right to make anyone camping in their private park to leave.

Mr. Stacer stated that his review of this project leads him to conclude that there are three documents that are the most relevant. He began by noting that in the corridor study this area was visualized as a mixed-use area. He explained that by and large, there is no mixed-use zoning district in the zoning code, the exception being the ETOC overlay. The corridor studies were a precursor to this overlay district and that having a mix of uses has been envisioned for the area since at least 2013. He stated that he spent the better part of a year

before the ETOC was created considering how to provide for transitions between lower and higher densities.

He stated that there is no question that using this land for a mixed-use development is the correct decision, and noted that he thinks that this development has included a number of good things. He commented that the corridor study mentioned mixed-use over half a dozen times in this specific area. That being said, he sees a number of deficiencies in this current proposal. He stated that since the Board saw renderings for the first time tonight, there is a lot that they don't know about the project. He stated that if a nine story parking garage is built where it is proposed, it will be highly visible to everyone traveling up Federal Highway. He stressed that if they build a parking garage, it absolutely must be built so that it doesn't look like a parking garage, noting the \$1.5 million City investment in sails around the Pier parking garage.

Mr. Penn confirmed that this message was heard and understood.

Mr. Stacer continued by commented on the extensive lengths of the proposed elevations, and stressed that the design of the building needs to be very attractive and something for the City to be proud of. He asked how wide the bridges between buildings will be.

Mr. Penn responded that they are about 10 to 12 feet wide.

Mr. Stacer expressed concern about setting a bad precedent with poor bridge designs that could create a tunnel effect and stated clearly that he is opposed to having living space above the right of way. He discussed the proposed height and stepping down as one moves away from Federal Highway from nine stories, stating that in his perfect world the height would be 55' halfway down the building and 35' for the rest. He stated that there needs to be some compromise between this proposal and his perfect world scenario. He stated that he would also like to take another look at the total height on Federal Highway, commenting that the tallest non-commercial building in the ETOC is 80'. He stated that he thinks the project is very good conceptually but that he would like to give the applicant the chance to come back to the Board after considering these comments.

Mr. Penn stated that this is only the rezoning and that they still need to hear from the FAA regarding how tall they can go and that they need to present to the City Commission. He requested that the project proceed with the understanding that these aspects will be worked out at the Site Plan phase.

Mr. Stacer asked what kinds of assurances the Board would have that these revisions could be made if they approve of the rezoning.

Mr. Penn responded that the Board still retains the discretion to approve or reject a Major Site Plan. He commented that the height in the PD-I would be the cap of the entire district.

Mr. Klosiewicz stated that including step downs in height would reduce the number of units, which would satisfy community objections to such a high density.

Ms. Groblewski agreed that conceptually it is a beautiful development but feels that it is being shoehorned into the site.

Ms. Moor agreed that it is too dense for the site and also with the suggestion of taking off a floor along Federal Highway.

Ms. Kovac stated that while she thinks that ETOC is a wonderful experiment but that the people living around this project have to be considered.

Ms. Smith asked if it is correct to say that the Board is only considering the rezoning.

Mr. Stacer responded that a PD-I will create unique zoning restrictions for the site, so if it shows for a nine-story building, what recourse would the Board have.

Mr. Saunders stated that the PD zoning will craft the plan for the site, and so if the Board didn't approve the subsequent site plan, the applicant would need to go back to the rezoning step again.

Mr. Klosiewicz noted that in addition to the height being established, it would set the number of dwelling units and commercial retail space. Requiring a stepping down would force these requirements to be changed.

Mr. Penn stated that they would like to take the offer of coming back to the Board, hopefully at the August meeting.

Mr. Plat stated that they will make an effort to address these concerns and return to the Board in August.

Ms. Jennifer Gomez, Assistant Development Services Director, presented herself to the Board. She stated that the timeline is tight for the August meeting, noting that the applicant would need to work through the weekend in order to provide a revised plan by next week. She stated that it would need to be advertised in advance of the August Board meeting for the September City Commission hearing.

Mr. Stacer commented that since this is just the rezoning phase, these revisions shouldn't necessarily be that complicated.

Mr. Sterner asked if they are being penalized for having shown conceptual renderings when they weren't required to but did in response to staff's request.

Mr. Stacer responded that this is not at all what he's saying. He stated that he saw some encouraging things in the renderings, but stressed that the design of the project is very important.

Mr. Sterner asked if it would have been better for them to have not shown any renderings.

Mr. Stacer stated that things would have been much if they hadn't shown the renderings, because he thinks that they might be able to make the August meeting.

Mr. Penn commented that there is a breaking point where the project no longer makes economic sense, but that they will work to make a project that the City can be proud of. He requested a tabling to the August meeting.

Ms. Kovac asked if the application can be postponed to a date uncertain.

Mr. Saunders responded that they could, but that the applicant is seeking to avoid having to re advertise the application and the only way to avoid that is to postpone to a date certain.

Mr. Klosiewicz reiterated that he thinks that the number of units needs to be reduced.

MOTION was made by Joan Kovac and seconded by Richard Klosiewicz to postpone this application to the August 28, 2019 meeting. All voted in favor of the motion.

DRAFT