

3. A Title Certificate shall be submitted that is no later than 6-months old and is made out to the City;
4. Parcel B dedication shall be reflected on Sheet 1 of 3 of the Plat; and
5. All Broward County DRR recommendations shall be reflected on the Plat.

Mr. Stacer asked if the Board had any questions of staff. There were none. Mr. Stacer asked if there was resolution with the applicant regarding the note on the site plan. Mr. Daniel Keester-O’Mills introduced himself to the Board. He stated that the note on the conceptual site plan incorrectly labeled the property zoning to the south as RM-45/HR. The applicant has confirmed that this will be corrected prior to moving on to the City Commission.

Mr. Robert Lochrie introduced himself to the Board. He stated they would be addressing the plat first, and making a full presentation for the remaining 2 items. He pointed out that a plat not only helps clearly describe a property for future purposes, but also provides dedications. In this case, they are dedicating 25 feet for right-of-way along NE 10th Street and about 16.5 feet along A1A. The dedication parcel is described in the plat as Parcel B. He stated that the plat will have a restriction on it, limiting it to 119 residential units and 2,500 sq. ft. He added they have no objections to staff conditions.

Mr. Stacer asked if the Board had any questions of staff on the plat. There were none. Mr. Stacer asked if anyone from the public wished to speak on the plat. There were none.

(1:20:58)

MOTION by Carla Coleman and seconded by Darlene Smith that the Board find that competent, substantial evidence has been presented for Plat #21-14000005 that satisfies the review standards and that the Board recommend approval, subject to the 4 amended conditions requested by staff. All voted in favor of the motion.

(1:22:34)

3. [LN-107](#) **900 N OCEAN REZONING**

Request:	Rezoning
P&Z#	21-13000002
Owner:	Beach Villa 900 Ocean Boulevard Condominium, Inc
Project Location:	900 N Ocean Boulevard
Folio Number:	484331CD0010 - 484331CD0470
Land Use Designation:	H (High 25-46 DU/AC)
Zoning District:	RM-45 (Multiple Residence
Commission District:	45) 1
Agent:	Michael Vonder Meulen (954-612-3203)
Project Planner:	James Hickey, Consultant, with Daniel Keester-O’Mills (954.786.5541/ Daniel.Keester@copbfl.com)

Mr. Daniel Keester-O’Mills introduced himself to the Board and stated that the City’s position and presentation will be conducted by Jim Hickey of Calving Giordano & Associates, Inc.

Mr. Jim Hickey (1800 Eller Drive, Fort Lauderdale) introduced himself to the Board. He stated he would be presenting the rezoning, which changes the zoning map from one type of zoning to another. After this discussion, the site plan will be discussed, which will dive into the placements of the building and site layout. The rezoning will set some of the site standards.

He stated that applicant is requesting to approve the rezoning of a property from RM-45 (Multiple-Family

Residence-45) zoning to Planned Development- Infill (PD-I) to develop a 119-unit residential high-rise and mixed-use development. The subject property under consideration for a rezoning is currently joined in title with a property on the west side of North Ocean Blvd, but it is not a part of the rezoning application for the PD-I. The subject property is 3.19 gross acres (138,956 square feet). The general location is the southeast corner of NE 10th Street and North Ocean Boulevard (A1A). The request is to demolish the existing structures which is the Beach Villas Condo and construct a 21-story mixed use development with commercial and parking on the first 3 floors and the remaining stories will include the 119 residential units. He added that 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.

Mr. Hickey stated that City staff and he reviewed the DRC submittal for this rezoning. A DRC meeting was held on April 21, 2021 to discuss comments mostly related to building location. To the north side of 10th Street is RM-45/HR zoning; the Century Plaza condos, to the south is RM-45 zoning; Golden Shores Apartment Co-op, to the east is the beach, and to the west is RM-20 zoning; the Sea Horse Motel. The current zoning for the site allows for a height of 105 feet. To the west, the maximum height is 35 feet. The existing zoning district is RM-45 which would allow 120 units at a net acreage of 45 units to the net acre (45 units/acre x 2.68 acres = 120 units). The proposed density is 119 units which is slightly less. He clarified that when an applicant chooses to rezone to a PD, they can include half of adjacent rights-of-way for calculating density as opposed to using the property lines. The proposed height of the building is 232 feet. He stated all review standards are right out of the city code and included in the staff report. He stated there are a few deviations on modifications that an applicant can request with this type of rezoning. This rezoning is requesting to provide the landscape buffer on the south side at 9 feet, rather than the minimum 10 feet. Another deviation requested is a balcony encroachment into the street side setback. He added that staff also reviews transportation and potable water availability. The applicant has addressed these. He stated the applicant will be providing required marine turtle protective lighting for the project as well as improvements to the beach and dune vegetation. He mentioned shadows and view corridors were reviewed and studied with the application. The applicant will also be providing the required dedications. He added that the initial submittal to DRC showed the building closer to the south with a more reduced buffer but this was worked out and the building shifted. The following Alternative Motions are described in the staff report:

Alternative Motion I: Recommend approval of the modification of the PD-I rezoning request as the Board finds that the 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, subject to the applicant providing the following information prior to consideration of the item at the City Commission:

1. Provide dimensions for all setbacks along the southern boundary of the parcel including building and podium setbacks. Plans shall also show the distance from the proposed building to the nearest residential structure.
2. Remove "Grocery Store" & "Convenience Store" from the list of permitted uses in the proposed PD-I Regulating Plan, as they are not listed as permitted uses in the PD-I zoning districts.
3. Applicant must obtain approval from FAA and City of Pompano Beach for an Airpark Obstruction.

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

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

Staff recommends Alternative Motion I.

Mr. Stacer asked if the conditions would be better placed on the site plan than on the rezoning. Mr. Hickey responded that these conditions are specific to the rezoning moving on to the next level.

Mr. Stacer asked if the Board had any questions of staff. Ms. Coleman stated she had questions after the Applicant made their presentation.

Mr. Lochrie introduced himself to the Board. He stated the PD-I is specific to the portion east of A1A, not including the west surface parking. He stated that based on the underlying land use on the subject property, there would be an allowable 146 residential units. Based on the zoning, they are only allowed 120 but they are further restricting the project to 119. He also stated that they will be putting a height restriction on the subject property, though the properties to the north are not required to do so. He stated he wants to walk through the site plan and PD-I. He also introduced the design team and planner.

Mr. Lochrie showed a rendering of the building looking southwest from the beach. He stated the building is broken into 3 parts with a sculptural reference. He showed the property aerial. He added the parking lot to the west is being improved but will not be part of the rezoning. He showed the rendering looking east from the northwest corner. He stated there would be a mixed-use element that will be included into the project. This will be a neighborhood retail space. The right-of-way will be improved and dedicated. He showed the site plan and reviewed the deviations. He stated that while the buffer on the south is 9 feet wide, the building is setback 10 feet from the property like with the podium being setback 20 feet from the property line. This was requested by staff. He stated the deviation is not along the entire extent of the property but at a pinch point due to the location of some equipment. The buffer average is actually about 14 feet. He added the project will include a sculpture garden that is typical of The Related Group's projects. He explained how the layout and design of the building lessens the impacts to the adjacent neighbors. He showed the interior layout of the building and discussed access and design elements. He showed the Board the colored elevations and showed the location of the encroachment deviations being requested.

Mr. Stacer asked if the Board had any questions of the applicant. Ms. Smith stated many of the concerns seem to be about the line of sight to the ocean. She asked if the line of sight would change if the zoning was not being changed. Mr. Lochrie responded no. He stated with the RM-45 zoning, you can run the building wider in an east-west orientation, which would have the same, if not more impact on the line of sight from the north and south. He showed a line-of-sight diagram showing the sight lines for The Palms On The Ocean, the Tradewinds, and the Sea Pointe properties. Mr. Stacer stated if you lower the building, it would get wider at the base. He asked where the project is in terms of the east setback. Mr. Lochrie responded they are not requesting relief from any building setbacks. He showed an image of a maximum building area in the RM-45 zone for comparison. Mr. Stacer asked what the rear setback is for RM-45. Mr. Lochrie responded 25 feet. If the property was unrezoned it could be closer to the east property line than the proposed layout. Mr. Stacer asked if the 35-foot dimension was to the base of the building or the podium. Mr. Lochrie responded the dimension is to the tower. Mr. Stacer asked if the podium is 10 or 15 feet from the south property line. Mr. Lochrie responded 15 feet, 20 feet to the tower. Mr. Lochrie stated that he understands minor corrections need to be made. Mr. Stacer asked if the applicant had any concerns about staff's comment regarding uses. Mr. Lochrie responded they have no objections to staff comments. Mr. Stacer asked if the deviations are tied to the site plan. Mr. Hickey responded the deviations are part of the PDI, not the site plan. They are also asking to backout onto 10th street for the loading area only. Mr. Stacer asked if the superior landscape plan is part of the PD-I or part of the site plan. Mr. Hickey responded it is part of the PD-I but it is shown in more detail within the site plan.

Ms. Kovac asked how many feet is the building taller than the Air Park Overlay requirements. Mr. Lochrie stated that request would be coming to the Board next month. They are requesting 243 feet overall. The measurements are different for the Air Park since they are taken from sea level as opposed to grade. Zoning measures this as 227 feet. It is the same point in the air. Mr. Keester-O'Mills responded the maximum is 75% of the allowable air space (much of the city allows 170 feet).

Mr. Stacer asked if anyone from the public wished to speak.

Richard Schwartz (812 N Ocean Boulevard, Pompano Beach) introduced himself to the Board. He asked what PD-I stood for. Mr. Stacer responded Planned Development Infill. Mr. Schwartz asked if RM-45 was maintained, how many units can be built. Mr. Stacer responded one 1 more unit, for a total of 120. Mr. Schwartz asked what the need for rezoning was. Mr. James Saunders stated that the public's questions need to be directed to Staff or the applicant. Mr. Hickey explained that the RM-45 zoning allows 45 units to the acre for a total of 120 on this site. The RM-45 zoning has a height restriction of 105 feet. The PD-I allows you to come in with a site plan with deviations and more flexibility on the overall site. Mr. Schwartz stated he would have more questions on the site plan.

Paul Livingway (812 N Ocean Boulevard, Pompano Beach) introduced himself to the Board. He stated he is against the rezoning. They have one small store in the area and no more. The applicant has not specified what the commercial plan is for this site or how it will be accomplished. This will cause additional traffic in the evening. He stated he has no objections to the applicant building the building. He stated the pool on the west side is a waste of money and will not be used. He added that the city has done a lot of improvements on the beach and they are asking for this to place the building closer to the east. He asked the Board to review the project carefully and assess if commercial development is necessary on the beach. He recommended denial as commercial development is not needed or wanted in this area. He stated the height of the building would be 270 feet as he used to be a pilot.

Joseph Spinozzi (1012 N Ocean Boulevard, Pompano Beach) introduced himself to the Board. He recommended approval of the project and stated the Board has done a great job developing the city. He stated there is another project in the area being built by the same developer that is a good project. The enhancements proposed will welcome pedestrian traffic and he supports the commercial component. He stated they have shown proof of quality projects with the one being constructed now.

Vicky Kauffman (1012 N Ocean Boulevard, Apt 1402, Pompano Beach) introduced herself to the Board. She stated she lives next to the project under construction that Mr. Spinozzi mentioned. She was originally concerned with the effects of construction of the project and attended all meetings. She stated The Related Group has been responsive to all concerns even now during construction. She stated they have integrity, are good neighbors, and are committed to improving the city.

Christine Pembleton (812 N Ocean Boulevard, Pompano Beach) introduced herself to the Board. She stated she is a brand-new resident of the city. She stated she has some concerns. She stated the north of the building is her backyard She has 2 balconies that are seen in her backyard. She stated the view is diminished. She stated unless a building is invisible or one-story, it isn't compatible with the surroundings. She stated there is a lot of wind between this and the building to her south. She is concerned with how windy it will be with the new building, especially when there will be repairs. She stated she will be a Broward County Civics teacher and asked for a photograph at the end.

Kristen Herring (812 N Ocean Boulevard, Pompano Beach) introduced herself. She also stated she is a new resident. She stated she loves the building but doesn't like the position of the building and the impact on the views. She asked for the Board to consider this.

George Pembleton (812 N Ocean Boulevard, Pompano Beach) introduced himself to the Board. He stated he is concerned about the view being obstructed as well. He also agreed that the pool location will not allow it to be usable as it will be too hot. He asked if the City requires developers to pay for infrastructure impacts. Mr. Stacer responded there is a series of permit fees that address impacts. He stated staff can respond at the end. Mr. Pembleton mentioned the city of Fort Lauderdale's issues with water mains erupting in canals.

Mr. Stacer asked if there was anyone else. There were none. Mr. Stacer closed the public hearing.

Mr. Lochrie stated the commercial that will be included in the project will be mainly serving this building but will not be a destination retail place. It is 2,200 sq. ft. and may be something like a barber shop or art gallery.

He stated it is something they have been asked to do and they are excited about it. Regarding the view, this PDI creates a bigger setback rather than the RM-45. He stated the building design and orientation reduces view impacts as opposed to a parallel to A1A orientation.

Mr. Stacer asked, referring to the other building being built by the same developer, how far back is the building set. Mr. Lochrie showed a graphic and stated the setback is similar. He stated there will be a building where there isn't one now but the orientation and layout will reduce the impact for views. Mr. Lochrie stated that the Admiralty Tower is much closer to the neighboring property. He added the city's impact fees are significant and the developer will pay.

Mr. Stacer reopened the public hearing. Mr. Paul Livingway stated their building orientation is such that the south side is a catwalk next to Admiralty Tower. Units 1-4 look to the north and east. The fact that the Admiralty Towers is close is irrelevant. Mr. Stacer stated if someone built something on that lot, it would be closer. Mr. Paul Livingway stated that units 1-4 do not look south. Mr. Lochrie stated Sea Pointe was built after the Admiralty Towers, blocking their view.

Mr Stacer asked staff to speak on impact fees. Mr. Hickey responded that land use reviews include analysis on water and sewer capacity. There is adequate water and waste water here but they are not experts on utilities, which will be reviewed at permitting. The impact fees are paid at permitting. Mr. Stacer also added the review includes traffic, evacuation routes, school capacity, etc. Mr. Hickey agreed and added that there is a fee per student that has to be paid.

Mr. George Pembleton stated that Fort Lauderdale probably had the same impact fee requirement. He stated he purposely bought in Pompano Beach as opposed to Fort Lauderdale. He added he is still concerned with the view impact.

Ms. Kristen Herring asked what the Board's vision is for the future of development as the Board discussed the Dixie Highway corridor's future vision on an earlier item. Mr. Stacer responded he did not feel he could answer that question. Mr. Saunders stated this Board is the Planning Agency for the city. This question is more related to vision, which comes from the City Commissioner. He recommended contacting the District Commissioner to discuss visioning for this area. Ms. Herring asked if the Board is governed by this vision and if the Board should know what that vision is, similar to Dixie Highway. Mr. Stacer responded that the Dixie Highway vision is current and the city is working on this now. Ms. Carla Coleman stated the city has gone through many years of visioning for the beach, for the Atlantic corridor. She stated Ms. Herring came in at a time when the hard work has finally come to be. There is a vision and it is in writing online or via staff. The Board's job is to implement the infill pieces and make sure that property is being handled in the appropriate way, which doesn't always make everyone happy. This is a tough job. She encouraged her to talk with staff. Mr. Stacer added that the building design of a base and a tower is part of the vision for newer high-rises as opposed to the boxy look. He also added that there will not be a grocery store here, which is high traffic.

Ms. Tundra King asked if anyone would be addressing the wind concern, especially in wake of the recent events in Sunny Isles. Mr. Lochrie responded they will be required to do a wind study by a Structural Engineer with the permit.

Ms. Tobi Aycock stated that if she was in the same situation as the concerned residents, she would also be at the meeting to express her concerns. She stated she feels the commercial is needed and may not be enough. She mentioned there appears to be additional deviations, like the lot coverage. They are asking for 70% over the minimum 60% even though they have a narrower building. The pervious is being decreased from 25% to 15%. She asked why those are necessary. Mr. Lochrie stated what drives that is the parking layout and they need to provide the minimum parking. They also needed to keep the garage from being too tall. They are enhancing the open space to be usable rather than just to meet a minimum. He stated the sculpture garden will be open to the public. Ms. Aycock asked if the landscaping on the building counts. Mr. Lochrie responded

no, this does not count. Many cities allow this to count.

(2:33:41)

MOTION by Darlene Smith and seconded by Joan Kovac that the Board find that competent, substantial evidence has been presented for rezoning #21-13000002 that satisfies the review standards and that the Board recommend approval to the City Commission per Alternative Motion I. All voted in favor of the motion.

(2:35:07)

4. [LN-108](#) **900 N. OCEAN MAJOR SITE PLAN**

Request:	Major Site Plan
P&Z#	21-12000006
Owner:	Beach Villa 900 Ocean Boulevard Condominium, Inc
Project Location:	900 N. Ocean Boulevard
Folio Number:	484331CD0010 - 484331CD0470
Land Use Designation:	H (High 25-46 DU/AC)
Zoning District:	RM-45 (Multiple Residences 45)
Commission District:	1
Agent:	Michael Vonder Meulen (954-612-3203)
Project Planner:	Pamela Stanton (954-786-5561 / pamela.stanton@copbfl.com)

Ms. Pamela Stanton, Planner, introduced herself to the Board. She stated that most of her presentation was already covered by Mr. Hickey and Mr. Lochrie under the rezoning report. She added that this site plan was reviewed by the Development Review Committee on April 21 and June 2, 2021, and approved by the Architectural Appearance Committee on July 6, 2021. She stated that staff has conditions of approval for the site plan. She stated should the Board find that the application has provided competent, substantial evidence to satisfy the review standards for Major Site Plan approval, the Development Services Department recommends approval of the Major Site Plan subject to the following conditions:

1. The proposed Rezoning application to amend the Zoning designation from RM-45 to PD-I must be approved by the City Commission.
2. Provide a copy of the final Plat.
3. An Air Park Obstruction Permit must be approved by the Planning & Zoning Board.
4. Standard Conditions of Approval and/or Specifications required prior to Building Permit/Zoning Compliance Permit issuance:
 - a. Substantial compliance with the plans, as submitted with this application.
 - b. Provide evidence of recorded right-of-way dedications for an ultimate 80-foot right-of-way on NE 10 Street, and for N Ocean Blvd, providing the correct dedications on the east and the west sides of N Ocean Blvd.
 - c. Provide a copy of a valid Valet Parking Agreement pursuant to Section 155.5102,J.6.d.
 - d. Provide evidence of approval from the Florida Fish and Wildlife Commission for the proposed site lighting and sensitivity of marine life.
 - e. Provide a site lighting plan with details, notes, and specifications for all exterior light fixtures and poles.
 - f. Include a copy of the approved CPTED plan, approved by the Broward Sheriff’s Office.
 - g. Compliance with all applicable City Ordinances, including but not limited to comments issued by the Development Review Committee.
 - h. Landscape and Irrigation Plans must comply with Zoning Code requirements as verified by the