

recommendation, or that they could make their recommendation tonight and should they have any additional questions, these could be addressed at next month's meeting.

Mr. Stacer asked if Ms. Smith could respond to submitted written questions.

Mr. James Saunders stated that staff could easily address any additional questions that the Board might have. He added that it would be helpful to set a date certain for any additional questions.

Ms. Smith agreed that next Monday would be fine with her.

Ms. Diamonti responded that there is also an upcoming workshop in July that could be informative.

**MOTION** was made by Joan Kovac and seconded by Carla Coleman to recommend approval of the CIP FY 2020-2024. All voted in favor of the motion.

**G.     FLEX**

**2.     USMAN PALMIRE LLC FLEX  
Planning and Zoning No. 19-0500002  
Commission District: 5**

Consideration of the FLEXIBILITY UNITS REQUEST submitted by **GHULEM USMAN** on behalf of **USMAN PALMAIRE LLC** approval for 58 Flexibility Units on a 1.3-acre property located on the southwestern corner of South Palm Aire Drive and South Powerline Road. The property has not previously been allocated residential units in the Palm Aire Stipulated Settlement Agreement. This parcel is legally defined as follows:

BEING OUT PARCEL 1 SHOWN ON THAT SURVEY BY C.C. WININGHAM CORPORATION, A/K/A WINNINGHAM & LIVELY, INC., CERTIFIED ON MAY 2, 1994 AND NUMBERED 36252-A, AS FOLLOWS:

A PARCEL OF LAND IN THE SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 49 SOUTH, RANGE 42 EAST, SAID PARCEL INCLUDING A PORTION OF TRACT A, ACCORDING TO THE REPLAT OF PALM AIRE VILLAGE 1ST SECTION, AS RECORDED IN PLAT BOOK 66, PAGE 48, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 4; THENCE RUN SOUTH 89°11'54" WEST (ON AN ASSUMED BEARING) 67.01 FEET ALONG THE SOUTH LINE OF SAID

SOUTHWEST 1/4 OF AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF POMPANO PARKWAY (POWERLINE ROAD); THENCE RUN NORTH 00°14'01" EAST 455.07 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°14'01" EAST 421.03 ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF PALM AIRE DRIVE SOUTH; THENCE RUN NORTH 89°45'49" WEST 67.50 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE TO A POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY, ON THE ARC OF SAID CURVE TO THE LEFT; HAVING A RADIUS OF 82.50 FEET AND A CENTRAL ANGLE OF 90°, RUN SOUTHWESTERLY 129.59 FEET TO A POINT OF TANGENCY ON THE EASTERLY RIGHT-OF-WAY LINE OF PALM AIRE DRIVE SOUTH; THENCE RUN SOUTH 00°14'01" WEST 186.33 FEET ALONG SAID EASTERLY RIGHT-OF-WAY, BEING THE TANGENT EXTENDED, TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE ON THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 157.74 FEET AND A CENTRAL ANGLE OF 88°57'53", RUN SOUTHWESTERLY 244.93 FEET TO A POINT OF TANGENCY ON A LINE 455 FEET NORTH OF, AS MEASURED AT RIGHT ANGLE AND PARALLEL TO SAID SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 4; THENCE RUN NORTH 89°11'54" EAST 304.94 FEET ALONG SAID PARALLEL LINE TO THE POINT OF BEGINNING; EXCEPTING THEREFROM THAT PORTION AS DESCRIBED IN OFFICIAL RECORDS BOOK 4851, PAGE 447 AND OFFICIAL RECORDS BOOK 8923, PAGE 859, IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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

AKA: 1001 SW 26 Avenue  
ZONED: RM-45 (Multiple-Family Residence 45)  
STAFF CONTACT: Maggie Barszewski, AICP (954) 786-7921

Mr. Stacer disclosed that about four to six months prior he had a brief conversation with Mr. Joe Usman that this application would be coming before the Board. He stated that there was no substance discussed, however.

Mr. Daniel Keester-O'Mills, Principal Planner, presented himself to the Board. He stated that the applicant is seeking approval for 58 Flexibility Units on a 1.3-acre property located on the southwestern corner of South Palm Aire Drive and South Powerline Road. He provided a brief overview of the residential entitlements within the Palm Aire community and pointed out that this parcel is seeking flex units because all of the permitted residential

units have been allocated. The submitted staff report addresses how the application satisfies the relevant review criteria.

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

Alternative Motion I

Approval of the requested 58 unit Flex Unit allocation with the following conditions of implementation:

1. The site plan ultimately approved for this site shall be generally consistent in regard to building placement, setbacks and buffering with the Conceptual Plan (Attachment 1). Minor revisions that are necessary to meet the City's Code and/or do not affect the density or intensity of the site, such as (but not limited to) building dimensions, stormwater retention and access locations, will be allowed without additional public hearings.
2. Prior to site plan approval the Applicant shall determine the preferred approach to meeting the affordable housing requirement pursuant to Section 154.61(E) Planning by either: providing an agreement to provide affordable housing units; or by providing an in lieu of fee in accordance with Section 154.80.
3. If a building permit is not issued by two years from the Resolution's approval date, then the approval of this Flex Allocation shall become null and void.

Alternative Motion II

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

Alternative Motion III

Denial of the Residential Flex Allocation. The Board finds that the allocation of the flex units is not consistent with the goals, objectives and policies of the Comprehensive Plan, that are stated on the previous page.

Ms. Coleman asked about the single-family homes located at the south of the property as described in the staff report.

Mr. Keester-O'Mills responded that the staff report will be corrected to note that to the south is commercial.

Mr. Robert Hartsale (61 NE 1 Street, Pompano Beach) presented himself to the Board as the applicant's attorney. He stated that the plating of the site plan will happen in the future for this project but noted that it will be 58 units and 6 stories in height. He stated that they have met with Commissioner Moss as well as leadership of surrounding condo communities and that they have received no objections about the project. He reiterated that there are no single-family dwellings located in the area, just commercial shops and retail centers. He stated that the proposed use is compatible with the area and that comments from DRC have been addressed. He commented that the new units will be upscale and will raise surrounding property values.

Mr. Stacer asked the applicant if they accept staff's three conditions.

Mr. Hartsale agreed that they do.

Ms. Smith asked where the 10-story building referenced in his presentation is located.

Mr. Hartsale responded that it is on the other side of the gold course.

Ms. Smith commented that she is a Palm Aire condo association president and commented that she was not invited to these meetings. She asked which associations were invited.

Mr. Joe Usman (61 NE 1 Street, Pompano Beach) responded that only the nearby associations were invited.

Ms. Smith asked if the existing trail will be preserved.

Mr. Usman responded that they wish to make the canal an asset.

Ms. Smith asked if it is normal to approve a flex unit allocation before approval of a site plan.

Mr. Keester-O'Mills responded that it is not uncommon.

Ms. Smith commented that the trail needs to be preserved and that a bench would be a benefit for walkers. She stated that there should also be a crosswalk across S. Palm Aire Drive. She asked for confirmation that the project is for condos and not for affordable housing.

Mr. Usman responded that the City requires affordable housing to be included. He commented that he would prefer to include 14 instead of the 7 required, but stated that people are opposed to the building of affordable housing in their neighborhood. He stated that he believes in providing affordable housing but that residents would rather him pay the fee in lieu in order to avoid them.

Ms. Smith stated that her concern is that there are 48 one-bedroom units and only 10 two-bedroom units. She says it sounds like it will not increase property values but will be a rental property and asked again if the project will be rental or condo.

Mr. Usman responded that they will do what the market dictates. He commented that Palm Aire is the most affordable place to purchase a home in Broward County.

Mr. Saunders commented that this conversation has gone outside the bounds of the application, but suggested that the applicant should answer Ms. Smith's question about if a rental or condo product is intended.

Mr. Usman responded that they are intending to build a condo project.

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

Mr. Jonathan Niemi (S. Palm Aire Drive, #205 Building 2551,) asked for clarity on why he received a notice letter.

Mr. Keester-O'Mills responded that the mailed notice is required for flex unit applications.

**MOTION** was made by Carla Coleman and seconded by Willie Miller to recommend approval of Flex PZ# 19-05000002 subject to the 3 conditions as described in the staff report. All voted in favor of the motion

**H.     MAJOR SITE PLANS**

**3.     EXIT 69 LLC/WAREHOUSE COMPLEX**  
**Planning and Zoning No. 19-12000004**  
**Commission District: 4**

Consideration of the MAJOR SITE PLAN submitted by **MICHAEL VONDER MEULEN** on behalf of the **EXIT 69 LLC** in order to construct 3 new warehouse buildings on a site with 2 existing warehouse buildings that are to remain, with associated parking, loading and landscaping. The total footprint of the proposed buildings is 71,440 square feet and the footprint of the existing buildings is 36,438 square feet for a total of 107,878 square feet on a 390,802 sq. ft. (8.97 acre) site (a lot coverage of 27.6%). All parcels are legally defined as follows:

TRACT E OF POMPANO INDUSTRIAL PARK THIRD ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 111, PAGE 33 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

ALL OF THE DESCRIBED LAND HEREON LYING IN BROWARD COUNTY, FLORIDA AND CONTAINING 391,784 SQUARE FEET (8.994 ACRES), MORE OR LESS.

AKA: 3420 NW 27 Avenue  
ZONED: I-1 (General Industrial)  
STAFF: Pamela Stanton (954) 786-5561

Mr. Keester-O'Mills stated that the applicant is seeking approval to construct 3 new warehouse buildings on a site with 2 existing warehouse buildings that are to remain, with associated parking, loading and landscaping. He stated that the project has undergone both DRC and AAC review.

Pursuant to §155.2304.C, [Applications Subject to Staff Recommendation,] the Development Services Director has compiled the department reports from the