

Development Services staff recommends **approval** of this Plat with the following conditions to be satisfied prior to the City Commission hearing:

1. Plat cover page must be signed and sealed by the surveyor and signed by all owners.
2. The recommendations from Broward County Development Review Report (DRR) must be addressed, prior to City Commission approval.

MOTION was made by Carla Coleman and seconded by Richard Kloseiwicz to recommend approval of the Plat PZ #19-14000010 per the 2 conditions of staff. All voted in favor of the motion.

H. **FLEX**

5. **1621 S DIXIE HWY, LLC/AVIARA EAST POMPANO FLEX**
Planning and Zoning No. 19-05000004
Commission District: 3

Consideration of the FLEXIBILITY UNITS submitted by **MICHAEL VONDER MEULEN** on behalf of **1621 S DIXIE HWY, LLC** approval for 188 Flexibility Units on a 5.13-acre property located on the southwestern corner of South Dixie Highway and West McNab Road (AKA: SW 14 Street). The land use on the eastern portion of the property is commercial, the land use on the western portion of the property is Medium (10 - 16 dwelling units per acre). All parcels are legally defined as follows:

A PORTION OF THE NORTH ONE-HALF (N 1/2) OF THE NORTH ONE-HALF (N 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 11, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTH ONE-HALF OF THE NORTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 11, TOWNSHIP 49 SOUTH, RANGE 42 EAST; THENCE SOUTH 01°37'49" EAST, ALONG THE WEST LINE THEREOF, A DISTANCE OF 75.25 FEET TO THE POINT OF BEGINNING, SAID POINT LYING ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT, AT WHICH THE RADIUS POINT BEARS SOUTH 09°24'10" EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF MCNAB ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 13995 AT PAGE 728 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, HAVING A RADIUS OF 1856.86 FEET AND A CENTRAL ANGLE OF 08°52'29", A DISTANCE OF 287.61 FEET TO THE POINT OF TANGENCY; THENCE NORTH 89°29'19" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF MCNAB ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 5623 AT PAGE 645 OF SAID PUBLIC RECORDS, A DISTANCE OF 495.76 FEET TO THE POINT OF

CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, THENCE EASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF MCNAB ROAD, HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF $88^{\circ}27'50''$, A DISTANCE OF 46.32 FEET TO THE POINT OF TANGENCY; THENCE SOUTH $02^{\circ}03'51''$ EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF DIXIE HWY, ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP (SECTION 86170-2509), A DISTANCE OF 247.73 FEET; THENCE SOUTH $89^{\circ}21'26''$ WEST, A DISTANCE OF 813.93 FEET; THENCE NORTH $01^{\circ}37'49''$ WEST, ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 11, A DISTANCE OF 256.28 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA AND CONTAIN 5.129 ACRES, MORE OR LESS. ALSO DESCRIBED AS FOLLOWS:

PARCEL 1:

ALL THAT PART OF THE NORTH ONE-HALF (N 1/2) OF THE NORTH ONE-HALF (N 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 11, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE ABOVE DESCRIBED PARCEL; THENCE SOUTH $88^{\circ}53'52''$, EAST 561.25 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE ALONG THE EAST DESCRIBED LINE, 250.00 FEET TO A POINT; THENCE SOUTH $00^{\circ}19'12''$ EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF THE OLD DIXIE HIGHWAY AS SAME IS NOW LOCATED, CONSTRUCTED AND USED, 187.54 FEET TO A POINT; THENCE SOUTH $89^{\circ}07'08''$ WEST, 61 FEET TO A POINT; THENCE NORTH $00^{\circ}19'12''$ WEST, 26.38 FEET TO A POINT; THENCE SOUTH $89^{\circ}07'08''$ WEST, 188.93 FEET TO A POINT; THENCE NORTH $00^{\circ}19'12''$ WEST, 142.27 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

ALL THAT PART OF THE NOE OF THE NOE OF THE NE, OF THE NW, OF SECTION 11, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE ABOVE-DESCRIBED PARCEL; THENCE SOUTH ALONG THE WEST BOUNDARY THEREOF, A DISTANCE OF 331.515 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH $89^{\circ}59'51''$ EAST, 813.07 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF THE OLD DIXIE HIGHWAY AS SAME IS NOW LOCATED, CONSTRUCTED AND USED; THENCE NORTH $00^{\circ}19'12''$ WEST, 142.27 FEET TO A POINT; THENCE SOUTH $89^{\circ}07'08''$ WEST, 61 FEET TO A POINT; THENCE NORTH $00^{\circ}19'12''$ WEST, 26.38 FEET TO A POINT; THENCE SOUTH $89^{\circ}07'08''$ WEST, 726.09 FEET TO A POINT; THENCE NORTH, PARALLEL TO THE WEST BOUNDARY OF THE SAID N OF THE N OF THE NE, OF THE NW

1/4, 188.39 FEET TO A POINT ON THE NORTH BOUNDARY THEREOF;
THENCE NORTH 88°53'52" WEST, ALONG THE SAID NORTH
BOUNDARY, 25 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

BEGINNING AT THE NORTHWEST CORNER OF THE N OF THE N OF
THE NE, OF THE NW, OF SECTION 11, TOWNSHIP 49 SOUTH, RANGE 42
EAST, BROWARD COUNTY, FLORIDA; THENCE SOUTH 88 DEGREES,
53 MINUTES, 52 SECONDS EAST, ALONG THE NORTH LINE THEREOF,
25 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THEN
CONTINUE SOUTH 88 DEGREES, 53 MINUTES, 52 SECONDS EAST,
ALONG THE LAST DESCRIBED LINE, 536.25 FEET TO A POINT;
THENCE SOUTH 00 DEGREES, 19 MINUTES, 12 SECONDS EAST, 169.81
FEET TO A POINT; THENCE SOUTH 89 DEGREES, 07 MINUTES, 08
SECONDS WEST, 537.16 FEET TO A POINT; THENCE DUE NORTH,
PARALLEL TO AND 25 FEET EAST OF THE WEST LINE OF THE SAID N
OF THE N OF THE NE 1/4, OF THE NW 1/4, 188.39 FEET TO THE POINT
OF BEGINNING.

LESS LANDS CONVEYED TO BROWARD COUNTY IN WARRANTY
DEED RECORDED IN OFFICIAL RECORDS BOOK 13995, PAGE 728,
AND LANDS DESCRIBED IN WARRANTY DEED RECORDED IN
OFFICIAL RECORDS BOOK 13923, PAGE 645.

AKA: 1621 South Dixie Highway
ZONED: B-3 (General Business) & B-4 (Heavy Business)
STAFF CONTACT: Maggie Baranowski, AICP (954) 786-7921

NOTE: See presentation/discussion described in agenda item #3.

Given the information provided to the Board, as the finder 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 188 unit Flex Unit allocation with the following conditions of implementation:

1. The parcel with B-4 zoning must be rezoned to B-3.
2. The conceptual and final site plan must be able to meet all code requirements with no variances. If the requested density cannot be accommodated on the site based on all applicable code requirements, any flex unit that will not fit on the site must be returned to the flex pool.
3. 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.

4. Any future site plan submitted for this project shall be substantially conforming to the submitted conceptual site plan with any amendments needed to comply with the zoning code and other relevant city codes;
5. In order to ensure compatibility with adjacent properties, the conceptual plan shall illustrate the following two restrictions:
 - a) An increased setback of no less than 80 feet from the residential property to the south.
 - b) A Type "B" buffer along the southern property line, where the property abuts the residential community.
6. 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.

MOTION was made by Joan Kovac and seconded by Carla Coleman to recommend approval of the Flex PZ #19-05000004 per the 6 conditions of staff. All voted in favor of the motion.

I. LAND USE PLAN AMENDMENT

6. CITY OF POMPANO BEACH/DOWNTOWN POMPANO
TRANSIT ORIENTED CORRIDOR
Planning and Zoning No. 19-92000003
Commission Districts: 2, 3 & 4

Consideration of the **LAND USE PLAN AMENDMENT** submitted by **JEAN DOLAN** on behalf of the **CITY OF POMPANO BEACH** in order to amend the Land Use Entitlements for "Downtown Pompano Beach Transit Oriented Corridor (DPTOC)" to increase the number of residential units to 3,368 (an increase of 2,000 dwelling units), increase the number of hotel rooms to 420 (an increase of 120 rooms), and decrease the amount of permitted commercial to 4,051,220 sf (a decrease of 336,000 sf). All parcels are legally defined as follows:

A PARCEL OF LAND BEING A PORTION OF SECTIONS 34 AND 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST AND ALSO BEING A PORTION OF SECTIONS 1 AND 2, TOWNSHIP 49 SOUTH, RANGE 42 EAST, SITUATE, LYING AND BEING WITHIN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THE SOUTHEAST ONE-QUARTER (S.E. 1/4) OF SAID SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST;
THENCE NORTH 01°25'33" WEST, ALONG THE EAST LINE OF SAID SOUTHEAST ONE-QUARTER (S.E. 1/4) OF SECTION 35, SAID EAST LINE BEING COINCIDENT WITH THE CENTERLINE OF N.E. 5th AVENUE, A DISTANCE OF 1977.36 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH ONE-HALF (S. 1/2) OF THE NORTH ONE-HALF (N. 1/2) OF THE SOUTHEAST ONE-QUARTER (S.E. 1/4) OF SAID SECTION