



City of Pompano Beach Planning & Zoning Board

Commission Chambers
100 West Atlantic Blvd.
Pompano Beach, FL
33060

MINUTES

Wednesday, November 20, 2024

6:00 PM

(00:20)

A. CALL TO ORDER

The meeting was called to order by Chair Stacer at 6:06 PM.

(00:25)

B. ROLL CALL

Richard Dally
Paul Fisher
Robert Hartsell
Tundra King
Keriann Worley
Carla Coleman
Fred Stacer

Also in Attendance:

James Saunders, Assistant City Attorney
Bobby Adkins
Diego Guevara
Max Wemyss

(0:45)

C. MOMENT OF SILENCE

The Board observed a brief moment of silence.

(01:18)

D. APPROVAL OF THE MINUTES

MOTION by Tundra King and seconded by Carla Coleman to approve the minutes of the September 25, 2024 meeting, as amended. All voted in favor.

(01:56)

E. INDIVIDUALS TESTIFYING PLACED UNDER OATH

Individuals testifying in front of the Board were placed under oath by Bobby Adkins, Planning Aide and Notary Public in the State of Florida.

F. NEW BUSINESS

Chair Stacer noted items 2 and 3 would not be heard tonight.

(03:00)

1. [LN-656](#)

580 BRINY

Request:

Major Site Plan

P&Z#	24-120000003
Owner:	Claridge Homes Beachboys LP
Project Location:	580 Briny Ave
Folio Number:	494306060260
Land Use Designation:	MH - Medium-High 16-25 DU/AC
Zoning District:	RM-20 (Multiple-Family Residence 20)
Commission District:	1 (Andrea McGee)
Agent:	Andrew Schein
Project Planner:	Diego Guevara

Mr. Dally recommended tabling the item.

Assistant City Attorney Saunders recommended allowing the applicant to present before tabling the item to ensure a proper record is created. He advised that if the board decides to table, they should state their reasons after the presentation, as the applicant followed the proper procedures to reach this stage.

Mr. Diego Guevara, Project Planner, introduced himself to the Board. He stated the applicant is requesting a Major Site Plan and Building Design approval to construct a 10-story mixed-use building. The project comprises 17 four-bedroom luxury condominium units, and 563 sq. ft. of commercial space; 18 parking spaces furnished with mechanical lifts resulting in 42 spaces and an accessible parking space. The footprint of the proposed building is 15,850 sq. ft. on a 38,761 sq. ft. net area (0.89 acre approximately) site. He stated the total lot coverage of the site is 40.89%. Mr. Guevara stated that this site plan was reviewed by the Development Review Committee most recently on October 2, 2024 and approved by the Architectural Appearance Committee on November 5, 2024. The project's location is the northeast corner of the intersection of Briny Avenue and SE 6th Street.

Mr. Guevara stated the property zoning designation is Multiple-Family Residence 20 (RM-20); it is also within the Atlantic Overlay District (AOD), which modifies some of the requirements and development standards of the residential base zone.

Mr. Guevara stated that 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 comments and conditions:

1. Successfully obtain the following:
 - a. Obtain approval from the Florida Fish & Wildlife Conservation Commission for all proposed lighting visible from the beach.
 - b. Obtain approval from the Florida Department of Environmental Protection for all modifications to the existing dunes and dune vegetation.
 - c. Provide a Final SCAD approval Letter from the School Board of Broward County, prior building permit approval.
 - d. Provide an approved Valet Parking Agreement (Sec.155.2401.D.). It must be reviewed, approved and recorded prior to building permit approval. Provide information and details illustrating compliance with all the requirements included in this provision.
2. Standard Conditions of Approval and/or Specifications required prior to Building Permit / Zoning Compliance Permit issuance:
 - a. The applicant shall provide evidence of compliance for the 12 points used for the Sustainability Narrative as submitted to the DRC in accordance with Table 155.5802: Sustainable Development Options and Points at the time of building permit review.
 - b. Plans are subject to compliance with all applicable Code requirements, including but not limited to DRC comments issued for this site plan.
 - c. Landscape and Irrigation Plans must comply with all Zoning Code requirements as verified by the City's Urban Forestry Division.

- d. A copy of the CPTED plan approved by the Broward Sheriff's Office must be submitted for Building / Zoning Compliance Permit approval.
- e. Substantial compliance with the plans, as submitted with this application.

Mr. Andrew Schein, 699 N. Federal Highway, Fort Lauderdale, introduced himself on behalf of the applicant as well as the applicant and additional project team members. He began his presentation and reviewed the following: History of the Project; Project Overview; Code Comparison, Concerns, Site Plan Review Standards; and Summary.

Chair Stacer disclosed he spoke with Mr. Schein only about a court reporter attending the meeting.

Chair Stacer asked the Board if there were any questions for staff.

Mr. Dally asked whether the applicant would consider seeking Florida Department of Environmental Protection (FDEP) approval before receiving city approval, noting that while not required by city code, it would provide additional reassurance about the project's environmental viability. Mr. Schein replied that FDEP approval typically runs concurrently with city permitting and that requiring it first would result in a six-month delay. He explained that city code already requires approvals from all applicable agencies, and if FDEP does not approve the project, it cannot proceed. He also stated that their consultants, experienced in working with FDEP, are confident the project will comply with the agency's requirements.

Chair Stacer opened the public hearing.

Ms. Anne Bosworth, 4015 W. Palm Aire Drive, Pompano Beach, opposed building on barrier islands, citing scientific warnings and recent coastal damage in Fort Myers and Daytona Beach. She questioned why zoning changes were not made to limit construction or taxpayer funds used to preserve the land. As a wildlife enthusiast, she noted ecological impacts and called for better planning. She also criticized approving developments with large parking allocations while promoting reduced car use.

Mr. Luca Fagetti, 4015 W. Palm Aire Drive, Pompano Beach, raised concerns about the project's environmental and community impact, noting its location in a sensitive coastal ecosystem under pressure from overdevelopment. He cited risks such as erosion, disruption to wildlife habitats like sea turtles, and light pollution. He criticized the building's scale as disproportionate to neighboring low-rise homes and warned that continued tall buildings could overshadow the beach and harm the area's character.

Ms. Terry Sexton, 507 Briny Avenue, Pompano Beach, expressed concerns about the development at 580 Briny Avenue. She noted the streetscape project was designed for shared use, making sidewalks unnecessary. She described issues from the demolition, including damaged fencing, sediment buildup, and harm to plants. She highlighted flooding problems at her property due to its below-street-level position and urged the board to delay the project, citing its negative impact on residents and the neighborhood.

Ms. Carolyn Drum, 2700 NE 8th Street, Pompano Beach, opposed the project, stressing the need to halt continuous development. She shared her volunteer experience at the South Florida Wildlife Center, which treats thousands of animals harmed by urbanization. She emphasized that biodiversity and ecosystem balance are vital and cannot be replaced by urban landscaping. She highlighted the ecological importance of sea turtles and urged the board to consider the environmental, traffic, and quality of life impacts on District 1 residents.

Chair Stacer closed the public hearing.

Vice Chair Coleman asked Mr. Schein to address drainage concerns raised by a resident about runoff affecting neighboring properties. Mr. Schein explained that the current site likely does not meet county stormwater retention standards but assured that the proposed project would comply by retaining all stormwater on-site, as required. He noted the county thoroughly reviews drainage plans to prevent runoff onto neighboring properties or streets. However, he acknowledged that the issue of the resident's property being lower than the road cannot be resolved by the project.

Mr. Fisher asked for confirmation on two points. He first confirmed with Mr. Schein that the project would not impact public access on Sixth Street. Mr. Schein explained that the access would remain open, with improved landscaping and removal of invasive scaevola in favor of native plantings. Mr. Fisher then confirmed that the dune modification plans provided to the board align with what will be submitted to the FDEP, with no changes unless required by the FDEP. Mr. Schein agreed, noting any changes would be in everyone's mutual interest.

Mr. Dally questioned whether any changes required by the FDEP would necessitate additional board approval or be handled by city staff. Mr. Schein replied that any changes would likely be minor, such as adjustments to tree placement or dune height, and would not require board review. He added that the project has been designed to meet FDEP and city requirements, and significant changes are not expected.

Mr. Dally asked staff to confirm Mr. Schein's statement about FDEP-required changes. Max Wemyss, Principal Planner, clarified that significant landscaping changes affecting site features assessed by the review process would require the project to return to the board. However, he noted it is rare for FDEP reviews to result in changes substantial enough to alter the proposed development. Typical adjustments involve dune volume, plant makeup, or orientation, none of which usually necessitate further board review.

Ms. King inquired about measures to address concerns related to birds and other wildlife, in addition to turtles. Mr. Schein explained that the project adheres to turtle lighting regulations and is not disturbing any areas that were not previously developed. He stated that the property's footprint aligns with the old structure and does not affect new wildlife habitats. He noted that general contractors are familiar with Endangered Species Act regulations and will ensure compliance during construction. As of now, no additional measures are required for birds or other wildlife.

Ms. Worley asked about traffic concerns, retail plans, and valet parking. Mr. Schein explained that the retail space would be a small, grab-and-go shop offering items like sunscreen and sandwiches, not designed to generate significant traffic. He clarified that valet service was required due to mechanical parking lifts and was exclusively for residents, aligning with the building's luxury branding. With only 17 units, most of which would not be occupied year-round, traffic impact would be minimal. All circulation would be kept on-site, with stacking space for four cars to prevent backups.

Mr. Schein agreed to all staff conditions.

Chair Stacer asked about amenities, construction traffic, and parking. Mr. Schein confirmed no plans for cabanas or structures beyond the property line, with activity limited to the dune and pool deck. He explained that construction traffic would use Briny Avenue without queuing on the street, and an MOT plan would likely be sought. Worker parking was arranged at the Bank of America site two blocks away.

Chair Stacer also asked about streamlining the review process. Mr. Wemyss confirmed the city uses technology to expedite reviews and runs processes, including FDEP approvals, concurrently to avoid delays. He noted that timelines depend largely on applicants' responses to conditions. Chair Stacer agreed with this approach.

Vice Chair Coleman confirmed with Mr. Wemyss that all conditions attached to an approval must be met before a building permit is issued, unless stated otherwise. Mr. Wemyss emphasized that these are existing code requirements reiterated as conditions of the development order.

Mr. Hartsell noted that state law prohibits withholding a development order based on pending approvals from other agencies, referencing a statute created after a challenge he filed. Assistant City Attorney Saunders confirmed this, adding that the city cannot withhold an order in such cases and had advised Mr. Dally accordingly. He noted that a voluntary agreement was requested from the applicant, who declined.

Mr. Schein explained his "no" response was due to timing, noting that state and city requirements differ, and waiting for state approval before city review could cause conflicts. He outlined the typical process: site plan approval, followed by construction drawings, and then permitting.

MOTION by Richard Dally and seconded by Tundra King to table LN-656 until the next board meeting. All voted in favor except for Paul Fisher, Robert Hartsell, Carla Coleman, and Fred Stacer who voted in opposition. The motion failed 3-4.

MOTION by Robert Hartsell and seconded by Carla Coleman that the Board finds that competent, substantial evidence has been presented for the Major Site Plan that satisfies the review criteria and move approval of the item, subject to the two (2) condition provided by staff.

Vice Chair Coleman asked about the legality of denying a project that meets all requirements. Assistant City Attorney Saunders explained that board decisions must align with established review standards. If a project meets all criteria, denial requires a clear record of unmet standards to avoid potential overturn on appeal. He noted that appeals would first go to the City Commission and, if pursued further, to circuit court.

Mr. Hartsell expressed dislike for the project but explained that the board must follow city policies and rely on substantial evidence. He urged residents to bring experts to provide evidence if opposing a project. Despite his concerns, he made the motion to approve, as the board’s hands were tied by the rules.

Vice Chair Coleman and Mr. Fisher expressed gratitude to Mr. Hartsell for his comments, noting they reflected how many felt. They emphasized not wanting the city to face legal action.

All voted in favor except for Richard Dally and Tundra King who voted in opposition. The motion passed 5-2.

The Board recessed at approximately 7:40 PM.

The Board reconvened at approximately 7:59 PM.

2. [LN-559](#) **AIRPARK LAND USE PLAN AMENDMENT**

Request:	Land Use Plan Amendment (LUPA)
P&Z#	24-92000001
Owner:	City of Pompano Beach
Project Location:	1670 & 1502 NE 5 AV
Folio Number:	484225000010 & 484225000060
Land Use Designation:	OR (Recreation Open Space)
Zoning District:	PR (Parks and Recreation)
Commission District:	2 (Rhonda Sigerson-Eaton)
Agent:	Steve Rocco
Project Planner:	Jean Dolan

The item was not heard.

3. [LN-560](#) **COUNTY ENVIRONMENTALLY SENSITIVE LANDS MAP AMENDMENT**

Request:	Land Use Plan Amendment (LUPA) for Environmentally Sensitive Lands Map
P&Z#	24-92000002
Owner:	City of Pompano Beach

Project Location: 1670 & 1502 NE 5 AV
Folio Number: 484225000010 & 484225000060
Land Use Designation: OR (Recreation Open Space)
Zoning District: PR (Parks and Recreation)
Commission District: 2 (Rhonda Sigerson-Eaton)
Agent: Steve Rocco
Project Planner: Jean Dolan

The item was not heard.

(1:34:34)

4. [LN-623](#)

TEXT AMENDMENT TO ZONING CODE RELATED TO THE MEASUREMENT OF THE HEIGHT OF STRUCTURES

Request: Text Amendment (Staff Initiated)
P&Z# N/A
Owner: N/A
Project Location: N/A
Folio Number: N/A
Land Use Designation: N/A
Zoning District: N/A
Commission District: N/A
Agent: N/A
Project Planner: Max Wemyss

Mr. Max Wemyss, Project Planner, introduced himself to the Board. He began his presentation and reviewed the following: Amendment Overview; Text Amendments – The Measurement of Height; Residential Zoning Districts; Community Distribute (B-2); Marine Zoning Districts; Transit Oriented (T.O.) Zoning Districts; Fences and Walls.

Vice Chair Coleman asked about the potential for requiring a transparent fence, referencing a previous case where a condominium installed a glass fence to address neighbor concerns. Mr. Wemyss clarified that current code does not mandate transparency for fences and that the option to request a transparent fence remains available under the existing regulations.

Mr. Hartsell asked about the impact of fences when one lot is elevated three feet to meet FEMA standards, creating a fence that appears nine feet tall to a neighboring property. Mr. Wemyss explained that while front and rear yard fence heights are limited to four and six feet respectively, elevation changes can create significant disparities. He acknowledged the challenge of balancing flood adaptation requirements with existing conditions and suggested that clearer language or limits on fill height could help address these issues. For now, he supported the current approach as the best way to meet development and regulatory needs.

Mr. Dally asked if a property’s height cap would increase with added fill. Mr. Wemyss clarified that while the 105-foot height limit remains unchanged, the measurement point changes. If measured from finished floor elevation, the height is capped consistently, but if measured from grade, added fill could artificially raise the starting point, effectively increasing total height. He cited a past project where underground parking and fill created additional height above the street, causing issues. He supported using FEMA’s required finished floor elevation as the baseline to prevent misuse while accommodating flood requirements. Mr. Dally agreed, stating it ensures fairness and clarity.

Vice Chair Coleman asked about setting a maximum fill limit, citing concerns with new elevated properties along the Intracoastal and canals impacting existing homes. Mr. Wemyss explained that while some communities set minimal

maximum fill limits to address such concerns, fill can add long-term value in flood-prone areas, especially for broader redevelopment. He noted that limiting fill could reduce flexibility for property owners and highlighted the risk of water runoff onto lower neighboring properties. He suggested retaining walls and requiring water to remain on-site as potential solutions and recommended monitoring impacts before imposing a fill cap.

MOTION by Carla Coleman and seconded by Paul Fisher that the Board recommends approval of the text amendment as it finds the proposed revisions consistent with the Comprehensive Plan and meets the review standards for a zoning code text amendment. All voted in favor. The motion was approved.

(2:01:48)

5. [LN-659](#)

TEXT AMENDMENT TO ZONING CODE RELATED TO THE HEIGHT AND LOCATION OF GAZEBOS/TIKIS/CHICKEES AND THE REQUIRED REAR YARD CORNER TRIANGLE

Request:	Text Amendment (Staff Initiated)
P&Z#	N/A
Owner:	N/A
Project Location:	N/A
Folio Number:	N/A
Land Use Designation:	N/A
Zoning District:	N/A
Commission District:	N/A
Agent:	N/A
Project Planner:	Max Wemyss

Mr. Max Wemyss, Project Planner, introduced himself to the Board. He began his presentation and reviewed the following: Tiki/Chickee Hut, Gazebo & Rear Year Corner Triangles; Article 4, Accessory Uses and Structures; Article 5, Fences and Walls; Article 5, Fences and Walls (Amendment to Proposal); Article 5, Landscaping (Amendment to Proposal); Why; and Department Recommendation.

Mr. Fisher asked for confirmation regarding the recent change to a 15-foot height measurement. Mr. Wemyss clarified that the change applies to the height limit, now 15 feet from finished grade, and noted that the method of measurement remains unchanged. He added that the updated language was included to define habitable structures clearly.

Mr. Hartsell asked if the proposed code allows six-foot fences at the seawall without requiring transparency. Mr. Wemyss confirmed, explaining that the new code removes the transparency requirement. Mr. Hartsell shared his support.

Chair Stacer opened the public hearing. No one came forth to speak. Chair Stacer closed the public hearing.

MOTION by Richard Dally and seconded by Robert Hartsell that the Board recommends approval of the text amendment, as amended, as it finds the proposed revisions consistent with the Comprehensive Plan and meets the review standards for a zoning code text amendment. All voted in favor. The motion was approved.

(2:18:22)

H. AUDIENCE TO BE HEARD

There was none.

(2:18:30)

I. OTHER BUSINESS

1. APPROVAL OF THE 2025 BOARD DATES AND DEADLINES CALENDAR

MOTION by Carla Coleman and seconded by Paul Fisher to approve the 2025 Board Dates and Deadlines Calendar. All voted in favor. The motion was approved.

2. REPORTS BY STAFF

Assistant City Attorney Saunders reported that all board members and alternates had completed the required ethics and Sunshine Law webinar. He noted that everyone appeared to be in compliance with state reporting obligations but advised that anyone not in compliance would be contacted by Mr. Alfred.


3. BOARD MEMBERS DISCUSSION

Mr. Hartsell thanked staff for their hard work.

(46:52)

J. ADJOURNMENT

There being no further business before the Committee, **MOTION** by all to adjourn the meeting at 6:47 PM.

Signed by:

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Fred Stacer, Chair