

CITY OF POMPANO BEACH  
FLORIDA

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PLANNING AND ZONING BOARD/LOCAL  
PLANNING AGENCY

August 28, 2019  
Wednesday

City Commission Chambers

6:00 P.M.

***MINUTES***

A. Call to order by the Chairman of the Board, Mr. Fred Stacer.

**B. ROLL CALL:**

Fred Stacer  
Joan Kovac  
Richard Klosiewicz  
Carla Coleman  
Darlene Smith  
Tobi Aycock *for Ann Marie Growblewski*  
Willie Miller

*Also in Attendance:*

Pamela McCleod, Assistant Planner  
Jean Dolan, Principal Planner  
Jim Hickey, Consultant Planner  
Nguyen Tran, CRA Director  
Maggie Barszewski, Planner  
Max Wemyss, Planner  
Jennifer Gomez, Assistant Development Services Director  
Graham Penn  
Tom Drum  
Paula Okonsky  
Donald Cougar  
John Clarsfeld  
Angel Gonzalez  
Vernon Hollway  
Lawanda Harris

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // PM

Sharron Gipeta  
Nick Demasino  
Frank Daniel  
Carla Fielder  
Jeff Scott  
Vincente Thrower  
Beth Angelo Welker  
Yamir Yamodi  
Debbie Orshefsky  
John McWilliams  
Abe Rosenthal  
Andy Dolcarte  
Oscar Merrs  
Alberta Stevens  
Sharron Stevenson  
Elle Wagman  
Steven Smith

**C. MOMENT OF SILENCE**

The Board observed a moment of silence.

**D. APPROVAL OF THE MINUTES:**

Approval of the minutes of the meeting on July 24, 2019.

**MOTION** by Joan Kovac and second by Darlene Smith to approve the minutes of the June 26, 2019 meeting.

*Discussion:*

Mr. Stacer pointed out a grammatical correction to be made on page 36.

*Vote:*

All those voted in favor of the minutes as amended.

**E. INDIVIDUALS TESTIFYING PLACED UNDER OATH**

City staff and members of the public testifying before the Board at the meeting were placed under oath by Pamela McCleod, Assistant Planner and Notary Public in the State of Florida.

**F. REZONING**

1. **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, 10,000 SF 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

Ms. Coleman disclosed that she has been contacted by several community residents about this application, as well as that she briefly conversed with one of the applicant's attorneys

with whom she is a friend. She stated that she has made no promises about this application and that her decision will be based on the testimony given at this hearing.

Mr. Jim Hickey (1800 Eler Drive, Fort Lauderdale) presented himself to the Board as the consulting attorney working on behalf of Development Services. He reminded the Board that this application was presented initially at their last meeting on July 24<sup>th</sup> and proceeded to give a summary of what has changed since that first presentation. He explained that the applicant is seeking 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. He stated that the applicant submitted a revised master plan on August 14. He noted that the maximum height was revised to upwards of 150' and that this is something that will need to be modified so that it matches to a limit of 9 floors. He described the staggering of heights along 16th Street to be higher along Federal Highway and lower as it moves to the east. He noted that the overall acreage needs to be verified and explained that the canal itself is included in the density calculation. He noted the proposed deviations to drive aisle width, vehicle stacking area, parking reduction to allow for sidewalks, shared parking for the various uses, shading requirements for the garage roof, garage entry requirements, and required landscape buffer types. He stated that the applicant has reduced the height of a portion of the building along NE 16th Street from 9 to 6 stories adjacent to residential uses.

Given the information provided to the Board, as the finder of fact, staff provides the following recommendations and alternative motions, which may be revised 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.

Mr. Hickey stated that they would like the Board to consider a 5th condition regarding the proposed setback along the south side of the property shown in Exhibit EX-2, in that if the garage is proposed to be 20' from the property line, the governing document clarifies that the requirement is 20' and not 0' to 20'.

*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 14<sup>th</sup> Street/NE 23<sup>rd</sup> Avenue and Federal Highway/NE 14<sup>th</sup> 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 requested 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. Graham Penn (200 S. Biscayne Boulevard, Miami) presented himself as the applicant's attorney. He stated that they have no objections to any of staff's nine total conditions of approval. He provided a presentation to the Board in order to explain the changes that have taken place since their last hearing. He gave a visual showing how the total number of units permitted for the site has been reduced through the future land use process. He showed the master plan for the site and explained the revisions. He stated that the proposed uses are the same but that the design has been modified. He explained that due to community concern there will now be a 16'X70' pull-off area for boat delivery so that traffic is not impacted. He added that the 20' garage setback was always designed for, and so they have no objection to writing this standard into the rezoning. Mr. Penn reiterated that the existing boat storage area has been ineligible for residential development under the LUPA covenant and stated that it will serve as a buffer. He stated that the façade setbacks along Federal Highway range up to 30 feet. The height transition along NW 16th Street now involves a 3 story, 6 story and 9 story portions. He showed a previous rendering before this graduated height and then an elevation and line-of-sight drawing of the revision. He explained that the line-of-sight drawing demonstrates that not even the 6-story portion of the building would be seen from the western wall of the property directly to the east.

Ms. Coleman stated that she watched the video of the July hearing since she was not in attendance. She asked what businesses are left on Federal Highway and 14<sup>th</sup> Street.

Mr. Penn responded that they are not touching any of those existing businesses.

Ms. Coleman stated that she is very concerned about the traffic flow at this location since it already backs up.

Mr. Penn responded that the City Engineer is requiring their team to conduct a traffic study and mitigate if needed.

Ms. Coleman asked where else there is on-street parking.

Mr. Penn responded that there is some along 16th Street 23<sup>rd</sup> Avenue.

Ms. Coleman stated that she is concerned that there won't be any room on 23rd Avenue for on-street parking.

Ms. Smith stated that she expected the unit count to decrease.



Mr. Penn responded that it has decreased a little but they are able to get 302 units.

Mr. Stacer pointed out a typo on the last full paragraph on page 12 of the submittal.

Mr. Penn responded that they will fix this typo.

Mr. Stacer stated that any inconsistencies within the proposal need to be resolved.

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

Mr. Tom Drum (2700 NE 8th Street) presented himself to the Board. He complained about the amount of development taking place in the City and warned the Board that the overdevelopment taking place will make traffic unbearable.

Ms. Paula Okonsky (2601 NW 14th Street) stated that she retired to the community two years ago from Colorado, where she saw a lot of development that added growth and opportunity. She stated that this development will bring opportunities and new amenities that she will be able to walk to. She stated that residents shouldn't try to be the last ones through the gate because development is always happening. She stated that the developer will need to make a way for the traffic to flow, but that this shouldn't be something to prevent the project from happening.

Mr. Donald Cougar (16<sup>th</sup> Street) stated that the meeting should not be held right now because it is unfair to all those area residents who are snowbirds. He stated that this development will be horrible to the area, especially because it will be for renters. He expressed that renters do not care about where they live. He stated that his neighborhood is nice now and that no one wants this project to happen.

Mr. John Clarsfeld (2101 NE 24 Street, Fort Lauderdale) presented himself as the managing member and owner of 1470 N. Federal Highway, which is adjacent to this project. He stated that his building does not appear on the plans presented to the Board and that this gives the inaccurate impression that there is a large open space adjacent to this project. He stated that this project will negatively impact his property. He pointed out several submitted PUD documents that omit his building. He requested that the application either be withdrawn or disapproved by the Board as it will negatively impact his property. He complained that people already cut through his property to avoid traffic.

Mr. Angel Gonzalez (2110 NE 3rd Avenue) presented himself as the manager of the Pompano youth baseball league. He stated that without the support of the applicant they would not have been able to provide trophies to their participants. He stated that he hopes everyone can support this project.

Mr. Vernon Hollway asked about the notice mailer for a property that impacts NW Pompano.

Mr. Stacer responded that he is speaking about an item that is later on the meeting agenda.

Ms. Lawanda Harris (840 NW 81 St, North Lauderdale) presented herself in support of this new business development. She stated that it will be good for minority service firms like hers.

Ms. Sharron Gipeta (2870 NE 22 Court) stated that she is disappointed in the Development Services staff for working too hard on behalf of developers. She stated that the Hidden Harbor property was intended initially for a 2 and 3 story mixed-use development and that it should be held to that.

Mr. Nick Demasino (2381 NE 14 Street) presented himself as the president of the 14th Street Townhomes. He stated that they have been following this project and that they welcome and support it.

Mr. Frank Daniel (2650 NW 3 Street) stated that he is a long-time City resident and that he supports this development because this progress is good. He stated that as a technology developer he is supportive of developments like this.

Ms. Carla Fielder (2708 NE 12th Street) stated that she is sorry to have her sailboat at a marina in Dania and not in Pompano Beach. She added that many of her neighbors have left because they feel that Pompano is trying to become overdeveloped. She stated that developers get whatever they want, even over the objections of taxpayers.

Mr. Jeff Scott (2600 NE 16 Street) objected to the zoning calculations provided for in the PUD application. He stated that traffic is the biggest concern and that the parking garage should enter/exit on Federal Highway. He stated that a four-story complex would be fine for the site and that no one is going to want to walk all the way across the site from the parking garage to their apartments. He also requested that the project include robust landscaping.

Mr. Vincent Thrower (1890 NW 6th Avenue) stated that the developer made all the changes requested by the Board at the previous hearing and that the project should be moved forward. He expressed his support.

Ms. Beth Angelo Welker (2448 SE 13 Court) stated that the developer has owned the site for 11 years and that he is an honest and community-based person. She stated that this is the right kind of growth and is an improvement to the area. She stated that the developer has made changes to accommodate concerns and work with the community.

Mr. Yamir Yamodi (1440 N Federal Highway) presented himself as the owner of 1440 N. Federal Highway and stated his support for this project. He also expressed concern about traffic impacts but stated that he is confident that traffic engineering can resolve the issues. He stated that the project will give a better look to the City and that he is willing to compromise with how his own business may suffer during construction in order to improve the City.

Mr. Stacer asked what the required side yard setback is in a B-3 zoning district, which was the previous zoning district for this site.

Mr. Hickey responded that it is 0' for the first 50' of height, and then is 1' for every 4' of vertical rise.

Mr. Stacer asked what master plan was referred to for the site.

Mr. Hickey responded that this may be the transit-oriented study that was conducted for Federal Highway.

Mr. Stacer asked if the code directs garage entrances on secondary streets and not directly on major streets.

Mr. Hickey confirmed this because it would limit backing up the arterial streets.

Mr. Penn stated that the property directly to the south of this site is actually entitled to build even taller and with less setback than what this PUD proposes. He stated that he is not sure what master plan was referred to, but that the City's transformation plan was the genesis of this mixed-use development. He stated that there has never been any development plan for only 85 units but rather that that number reflects what the former land use plan designation could have permitted. The PD-I designation is meant for this kind of infill development. He stated that conducting a traffic study is an obligation and that a Site Plan would still need to come before the Board. He stated that the current plans have responded to the changes requested by the Board and asked for their recommendation of approval.

Mr. Stacer asked if the bridges include living space or just corridor space.

Mr. Graham responded that the layout is identical from what was shown before and does include living space over the right-of-way. He stated that they have been discussing this with the City Attorney's office.

Ms. Coleman commented that this is an example of 21st century development in a 20th century neighborhood, and that the reason for the change is that it is no longer to develop housing in this part of town the same way as in the past and be able to afford to charge a price that most people can pay. She stated that the issues that she wants to further discuss relate to the site plan, but not to this rezoning application. She stated that if the rezoning gets approved, this does not mean that this site plan would also be approved.

Mr. Stacer reminded the Board of the seven criteria for considering this application.

Ms. Coleman asked if there was a fifth condition was added by staff.

Jim added an additional staff recommended condition of approval:

The applicant is required to plant one tree per thirty linear feet where feasible, utilizing tree grates, suspended pavement systems, structured soils, etc. to accommodate an for shade trees.

**MOTION** was made by Willie Miller and seconded by Carla Coleman to recommend approval of the Rezoning PZ #19-13000002 per the 9 total conditions of staff. All voted in favor of the motion with the exception of Fred Stacer; therefore, the motion passed.