

TO: High Residential (H) - Irregular 29

STAFF CONTACT: Maggie Barszewski, AICP (954) 786-7921

MOTION was made by Jerry Mills and seconded by Jeff Torrey to table the item to the August 24th, 2016 Planning and Zoning Board hearing. All voted in favor of the above motion; therefore, the motion passed.

2. MYELIN GROUP, LLC / KOI RESIDENCES AND MARINA -
REZONING
Planning and Zoning #15-13000010

Consideration of the request by **MICHAEL VONDER MEULEN** on behalf of the **MYELIN GROUP, LLC** to amend their RPUD zoning. This project consists of three Phases. This amendment application is limited to POD B only, which is a Phase II. Pursuant to Zoning Code §155.2404.K, Amendment and §155.2308.C, Modification or Amendment of Development Order, this request requires a new application to be submitted and reviewed in accordance with the full procedural requirements.

The proposed amendments of POD B are as follows:

1. Increasing maximum building height from 55 feet to 85 feet
2. Increasing maximum building stories from four or five to seven
3. Increasing the number of buildings from two to three.
4. Increasing the maximum building size from 105,000 square feet to 180,000 square feet.
5. Relocating the fitness trail along the east property line to be internalized around the proposed three buildings in POD B.

The property is located at 450 East Atlantic Boulevard, more specifically described as follows:

PARCEL A OF KOI, ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 181, AT PAGE 46, OF THE PUBLIC RECORDS
OF BROWARD COUNTY, FLORIDA.

AKA: 450 E Atlantic Blvd.

ZONED: RPUD (Residential Planned Unit Development)

TO: Amended RPUD (Residential Planned Unit Development)

STAFF CONTACT: Jae Eun Kim (954) 545-7778

Jennifer Gomez introduced herself to the Board as the Assistant Development Services Director and stated that the applicant is requesting to modify a previously approved RPUD (Residential Planned Unit Development). In 2013, this parcel was rezoned from B-3, RM-20, and RM-30 to RPUD in order to allow for the construction of a 350 unit multi-family project.

Mike Vonder Meulen (301 East Atlantic Boulevard Pompano Beach, FL) introduced himself to the Board and asked the Chair if the item could be tabled to the end of the agenda since the property owner is not yet present. Carrie Sarver, Assistant City Attorney, stated that the public portion of the meeting is not open yet.

MOTION was made by Trip Bechert and seconded by Jerry Mills to table the item to end of the agenda. All voted in favor of the above motion; therefore, the motion passed.

The Chair addressed the remaining agenda items before returning to this item (after the Other Business category).

Jennifer Gomez introduced herself to the Board and stated that the applicant is requesting to modify a previously adopted RPUD. In 2013 this parcel was rezoned from B-3, RM-20, and RM-30 to RPUD to allow for the construction of a 350 unit multi-family residential project with a marina via Ordinance No. 2013-57. This property is 9.4 gross acres (8.8 net acres). It is located at 450 East Atlantic Boulevard which is south of Atlantic Boulevard between SE 3rd Avenue and SE 6th Avenue. This project consists of three Phases. This amendment application is limited to POD B only, which is a Phase II. Phase I of the project, which includes PODs C, D, E, and F, is under construction and close to completion. Phase III of the project, which includes POD A, is not part of this application and remains as approved in 2013. Pursuant to Zoning Code §155.2404.K, Amendment and §155.2308.C, Modification or Amendment of Development Order, this request requires a new application to be submitted and reviewed in accordance with the full procedural requirements of a Planned Unit Development.

The proposed amendments of POD B are as follows:

1. Increasing maximum building height from 55 feet to 85 feet
2. Increasing maximum building stories from four or five to seven
3. Increasing the number of buildings from two to three.
4. Increasing the maximum building size from 105,000 square feet to 180,000 square feet.
5. Relocating the fitness trail along the east property line to be internalized around the proposed three buildings in POD B.

Zoning Department staff submits the following factual information which is relevant to this rezoning request:

1. The rezoning was reviewed by DRC on November 17, 2015, March 16, 2016, and June 15, 2016.
2. The property is platted and is located south of E Atlantic Blvd.
3. The overall site is 9.4 gross acres (8.8 net acres).
4. The Zoning and uses of adjacent properties are:
 - North – (TO, Transit Oriented), Retails and Offices
 - South – (Pompano Canal and then RS-2) – Single Family Residential
 - East – (RM-20, Multifamily Residential), Multifamily Residential, and (B-3, General Business), Vacant

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West – (B-3, General Business), Multifamily Residential and Offices

5. The Land Use Designation is “Dashed-Line” Residential Designation that allows a maximum of 350 residential units.

The Assistant Development Services Director stated that the Staff Report includes the planning objectives for the planned developments, the relevant Comprehensive Plan objectives and policies, a description of the purposes for the planned development districts and those criteria as well as the purpose for the RPUD itself.

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

Alternative Motion I

Recommend approval of the RPUD Amendment request with the following conditions that must be addressed prior to placement on the City Commission hearing agenda:

A) Correct the following errors within the RPUD amendment documents and plans:

1. The minimum setback of POD B to be 10 feet
2. Remove references to PD-I
3. The site area stated in General Purpose on the RPUD amendment document
4. Delete the Townhouses with 1 – 2 Bedrooms from the Required Parking Table
5. List the correct parking requirements for the community building per Ordinance 2013-57
6. Revise Exhibit ‘B-4’ to reflect POD B proposed with this amendment request on LD-1 plan
7. Illustrate the proposed Upper Level Pedestrian Circulation legibly on PD-2

B) In order to achieve the intent and purpose of the RPUD District, the project shall demonstrate innovative and creative design to provide a mix of different residential uses, while providing an efficient use of open space. Revise the RPUD amendment documents and plans as follows:

1. Increase the required parking space for Loft to be 1.5 spaces per unit.
2. Provide Guest Parking spaces for POD B and identify them on the Master Parking Plan on PD-4 plan and the RPUD amendment document.
3. Increase the minimum setback and perimeter landscape width for POD B to be 10 feet
4. Increase the landscape area width to be 10 feet on the Buffer Detail and Landscape Deviation Table for POD B on LD-1 plan
5. Increase the width of the walkways and sidewalk to be a minimum of five feet and the fitness trail to be a minimum of seven feet wide

C) The following notes shall be added to the RPUD amendment documents and plans:

1. Landscape deviations illustrated and described on LD-1 plan, relevant to POD B, require new approval as part of the Major Site Plan
2. POD B’s landscape design shall be innovative and sustainable to meet the intent and purpose of the PD District.

3. The proposed POD B shall demonstrate innovative solutions for stormwater management.
4. The vehicular access clearance height for the proposed pedestrian bridge shall be approved as part of the Major Site Plan.

D) Provide the following documents to the Development Services Department:

1. Revised Plans per A, B, and C above
2. Modified HOA documents (language must be consistent with the proposed development)
3. Exhibits listed in the PRUD amendment document

E) Clarify the proposed uses for the Community Center Building. Prior plans have shown a restaurant while other plans have shown a fitness room.

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 following goals, objectives and policies of the Comprehensive Plan, specifically:

01.03.05 All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying residential land use designations.

01.03.06 Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single family areas.

01.03.11 Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

Dr. Mills asked for the maximum height in the area. The Assistant Development Services Director stated that they are an RPUD – and the maximum height is 100 feet for Pod A. Dr. Mills asked what the maximum height is in the area and the Assistant Development Services Director responded that it is 55 feet. Mr. Vonder Meulen stated that the surrounding area has a maximum height of 105 feet. The Assistant Development Services Director stated RPUD establishes its own height. This RPUD has already set its own height for its development and now it wants to increase the height for pod B only. Ms. Sarver asked for the previously approved height for Pod B and the Assistant Development Services Director responded that it is 55 feet. The applicant is proposing to increase the height to 85 feet.

Walter Syrek asked the Assistant Development Services Director to place the land use map on the screens. Mr. Syrek asked what “IR” stood for and the Assistant Development Services Director responded that this stands for “Irregular.” Mr. Syrek asked how the density is chosen for a site like this. The Assistant Development Services Director responded that this would have been assessed at the time of the land use amendment which took place a while ago. The Assistant Development Services Director asked Mr. Vonder

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Meulen to clarify the overall density on the site and Mr. Vonder Meulen responded that it is 350 units. Mr. Syrek asked if it is a 9 acre site and Mr. Vonder Meulen confirmed.

Mike Vonder Meulen introduced himself to the Board (Keith and Associates) and stated that he would go into detail of the proposed changes. Mr. Vonder Meulen stated that they do not have any objections to the conditions. Mr. Vonder Meulen stated that most of Conditions A and B have been addressed in the PD drawings. During the land use plan amendment process, a Declaration of Restrictive Covenants was set in place to limit the height for buildings that front the canal. The height became higher towards Atlantic Blvd. Mr. Vonder Meulen mentioned that, in Pod B, the parking is hidden below the promenade deck and the three buildings will be terraced and set further back. The apartments are loft style and will reach seven stories.

The Assistant City Attorney asked Mr. Vonder Meulen if City Staff or legal reviewed this covenant to make sure the proposal is not in conflict with the declaration. Mr. Vonder Meulen said that the declaration was reviewed and recorded. The Assistant Development Services Director stated that she would have to review this covenant to see if the proposal tonight violated the existing restrictive covenant. Ms. Sarver asked what the height is in the covenant and Mr. Vonder Meulen responded that the height in the covenant is 35 feet and this is for buildings that front or abut the canal. Mr. Vonder Meulen stated that tonight's application does not have properties that front or abut canal.

Dr. Mills asked if this Pod is located on Atlantic and Mr. Vonder Meulen replied that it is not and showed a diagram on the screens.

Mr. Vonder Meulen showed the Board the site plan that was approved by the Planning and Zoning Board and spoke to the new configuration.

Christopher Longworth (1401 SW 54th Avenue Plantation, FL) introduced himself to the Board as the owner and developer of Koi Residences and Marina. Mr. Longworth stated that he hopes to explain why the proposed changes are being made. Mr. Longworth stated that they are proposing a rezoning because of the sales results for the first round of Koi. A lot of families are moving in and they see a huge value in larger units (the larger townhouses attracted more families). A dog park and a family area were added. Mr. Longworth stated that they are trying to create an urban infill that is a family environment. Mr. Longworth stated that they decided to redesign to include the loft style buildings (with high ceilings). Mr. Longworth stated that they will build all 300 units at one time, which will reduce the overall construction time. The redesigned units will be larger (up to 3,000 square feet). Mr. Longworth stated that they added taller ceilings and a lot of amenities (ex. sky deck). Mr. Longworth presented a line of sight diagram showing the view from the persons in the single family homes across the canal.

Jerry Mills asked Mr. Longworth if there are any other buildings in the immediate area that are that tall and Mr. Longworth answered that the project's high-rises that front Atlantic Boulevard will be 100' tall. Dr. Mills asked if the only entrances and exits will be on Atlantic Boulevard. Mr. Longworth confirmed and stated that there will be two in-and-outs from Atlantic Boulevard. Mr. Longworth pointed to main entrance and a second

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entrance to the east on the site plan displayed on the presentation screens. Dr. Mills asked if they will have 350 units and Mr. Longworth stated that they are approved for 350 units; however, this rezoning application will reduce the number of units.

Walter Syrek asked about the staff condition to clarify the use of the amenities building. Mr. Longworth responded that a restaurant was initially planned to be in this building; however, plans have changed to not include a restaurant. Mr. Syrek asked what the building was approved to include. Mr. Longworth responded that the first floor will have a club house, the second floor will include a gym, the third floor will be used for sales at first and then it will be used as a recreation area. Mr. Syrek asked if there would be any reason for someone who does not live there to go into this building. Mr. Longworth responded that there would not. Mr. Syrek asked if the initial RPUD included plans for a restaurant that would be open to the public and Mr. Longworth replied that this was the plan at first but then they decided against the restaurant because of the concern of additional traffic. Mr. Syrek asked what elements of this project will be open to the public. Mr. Longworth responded that nothing will be open to the public except for the eight community slips at the marina.

Mr. Syrek asked how the current plan meets the objective for RPUD to create a mixed use, innovative, and exciting development that justifies the RPUD zoning. Mr. Longworth answered that there will be a commercial component fronting Atlantic Boulevard, but not on the inside of the development.

Dr. Mills asked if this is where the old Spectrum building was located and Mr. Longworth confirmed.

Mr. Stacer asked if the square footage was only changing by 4,000 square feet. Mr. Longworth replied that he was referring to the footprint of the building. Mr. Longworth stated that this design will be skinnier and maximize the open space. Mr. Stacer asked for clarification on the increase in square feet and Mr. Longworth stated that they are proposing 400 more square feet on the ground (aka building footprint). Mr. Stacer asked if they were proposing 75,000 more square footage and Mr. Longworth confirmed and stated that they are asking for this additional square footage because they made the units bigger and a lot of this square footage will be dedicated to the promenade. Mr. Longworth spoke about how smaller units would decrease the value of the area.

Mr. Stacer asked if fifty units are complete at this point in time and Mr. Longworth stated that the first phase is complete, which had 46 units. Mr. Longworth stated that this was the largest phase because it included underground infrastructure and the marina and added that they are now just working on vertical construction.

The Chairman invited the audience to speak.

Pieter Van Delft (200 SE 3 Ave Pompano Beach, FL) introduced himself to the Board and stated that he lives across the canal from the project. Mr. Van Delft stated that he did not hear Mr. Longworth say that this is their second attempt to try to modify the height limit. The first attempt was at the Zoning Board of Appeals where they requested a higher height

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on the buildings which was denied. Mr. Van Delft stated that a lot of the residents could not make it to the meeting. Mr. Van Delft passed a handful of pictures to the Board. The pictures feature a crane in the background at 102 feet. Mr. Van Delft stated that he is concerned with privacy and the height of the buildings.

Ken Frackman (149 SE 3 Ave Pompano Beach, FL) introduced himself to the Board and stated that this project has been going on for 2.5 years. Mr. Frackman asked the Board to not allow them to build the project because it will take too long.

Robert Cay (129 SE 3 Ave Pompano Beach, FL) introduced himself to the Board and stated that he bought his house for the view of the mangroves across the canal and now he has balconies (which he does not like). Mr. Cay stated that all you see is concrete. Mr. Cay stated that he just built a pool and now he does not have any privacy. Mr. Cay asked the Board not to approve a taller building.

The Chairman closed the public hearing.

Mr. Longworth stated that he would like to address the concerns of the neighbors. Mr. Longworth stated that they are off their timeline by 4 months and added that the average project in South Florida is off by 11 months and Miami-Dade is 17 months. Mr. Longworth explained that their application to the ZBA for more height was denied. Mr. Longworth stated that they then tried to create a more organic type project that would taper away from the neighbors. Mr. Longworth stated that it would be impossible for someone on the top balcony of the proposed building to look into a pool on the other side of the canal. Mr. Longworth stated that they spent over \$650,000 to save the mangroves. Mr. Longworth stated that they also preserved large banyan trees. Mr. Longworth stated that they are aware of the neighbors' desire for privacy and they are not trying to ignore this.

Jerry Mills asked if they are proposing added any additional units. Mr. Longworth confirmed and stated that they are proposing going from 9' ceilings to 16' ceilings. The overall height of the building will be increased by doing this. There are no second floors in any units, just high ceilings.

Walter Syrek asked about staff's comment to identify the number of bedrooms per loft unit and Mr. Longworth responded that the lofts have an open floor plan so there are no bedrooms. Mr. Syrek asked how the City will determine parking. Mr. Syrek asked if people would be able to install partitions in the units and Mr. Longworth responded that they would not be permitted to add partitions. Mr. Syrek read out staff's condition that states to increase the required parking to 1.5 spaces per unit. Ms. Gomez stated that the applicant stated that the units will be one bedroom and the City is requiring 1.5 parking spaces per bedroom. Ms. Gomez stated that this is a revision the applicant has agreed to but Staff is keeping it in the staff report. Mr. Longworth stated that they expect people to also use bikes, buses etc. Mr. Longworth stated that, as a project, there is an abundance of parking.

Mr. Syrek asked what the chances were that they would come back with another amendment to the RPUD for phase three. Mr. Longworth stated that they are going to the AAC for a change in the façade for buildings fronting Atlantic Boulevard. Mr. Longworth stated that he is not coming back for the building height or anything else besides the architectural changes that will need to go to the AAC.

Mr. Syrek asked if they would consider 70 feet in height for Pod B instead of 85 feet. Mr. Longworth answered they do not want to go back to the drawing board. Mr. Stacer asked if all three towers in Pod B need to be the same height and Mr. Longworth responded that they already tapered the buildings away from the residents. Mr. Syrek responded that the three towers proposed tonight are all the same height (85') and he proposed having the buildings at different heights starting with Building C as the tallest to Building E as the shortest. Mr. Longworth stated that they have tried to take the concerns of the residents into account when redesigning the buildings by tapering away the height from the residents.

Mr. Stacer reopened the public hearing.

Ken Frackman introduced himself to the Board and stated that the people standing on the KOI building will be able to see the other homes and down the whole block even though they cannot see into the homes right along the water.

Mr. Stacer closed the public hearing.

Mr. Longworth stated that these buildings are shorter than the 100' buildings along Atlantic Boulevard.

Joan Kovac asked if they will try to integrate the look of the tall buildings with the look of the existing buildings. Mr. Longworth replied that they will have a more modern approach with the buildings on Atlantic Boulevard and there will be design features that are translated throughout the project. Their goal is to also tie the project into what is being developed on Atlantic Boulevard (the Library for example). Ms. Kovac asked if this will be shown on the site plan and Mr. Longworth confirmed.

Walter Syrek stated that he is inclined to table the item to obtain more information. Ms. Sarver asked if that was an actual motion and Mr. Syrek stated that is was only discussion.

Jerry Mills asked how high the existing buildings are and Mr. Longworth responded that they are 35' and 45' tall. Dr. Mills asked if the units are sold and Mr. Longworth confirmed. Dr. Mills commented that he is surprised that these people are not present protesting the proposed height of the Pod B buildings. Mr. Longworth stated that most of these owners are in favor of the proposed buildings.

Mr. Stacer stated that this does not have the staggering height throughout the project which has been discussed at length in regards to the ETOC. The Chairman suggested that the southernmost building be limited to 55 feet.

Mr. Longworth stated that he prefers to be denied rather than tabled.

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Mr. Stacer asked how many units Pod B will have and Mr. Longworth replied that they are proposing four units less than what they are approved for. Mr. Stacer asked where the extra 75,000 square feet is dedicated. Mr. Longworth replied that it will be both the larger units and the amenities deck. Mr. Longworth clarified that the open space was elevated and about 45,000 square feet were added to the units. Mr. Stacer stated that he believes the proposed height is still too drastic.

Mr. Syrek asked if the amenities deck (or podium) has parking underneath and Mr. Longworth confirmed. Mr. Syrek asked if the green space was now in the air in order to accommodate more parking. Mr. Longworth replied that this was done to accommodate the private elevators. Mr. Syrek stated that the greenspace that was going to be shared by other residents is now elevated on top of the podium. Mr. Syrek asked if doing this is part of this approval. Ms. Gomez confirmed. Mr. Syrek asked how people will get up to this green space. Mr. Syrek asked if the residents who thought they would be looking at a park will now be looking at a screened parking garage and Mr. Longworth replied that the people who would have been looking at sidewalks will now be looking at a green wall with trees. Mr. Longworth stated that the residents have been made aware of this.

Mr. Syrek asked if Mr. Longworth and his team would be willing to reconsider their request and take the residents' concerns into account. Mr. Longworth replied that he would rather be denied by this Board than tabled.

Mr. Stacer asked about what he said about the buildings being lowered and Mr. Longworth clarified that he was referring to the Zoning Board of Appeals application.

Walter Syrek asked if anyone on the Board believed that the application should not be denied. Ms. Aycock stated that she thinks it should not be denied. Ms. Aycock stated that she lives on the same canal and she does not have a problem with the project. Ms. Aycock stated that the application seems as if this application proposes an improvement from what they are already approved for. Mr. Longworth stated that he believes that everything about this application is improved. Mr. Syrek stated that this Board has the concerns of the public in mind and every reason for change that Mr. Longworth has given the Board is market-based. Mr. Longworth stated that he is bringing value to the neighborhood and the City. Mr. Syrek asked at what point Mr. Longworth decided to change the design from what was approved and Mr. Longworth replied that he decided when Koi started to add value and offer more features and this resulted in more sales.

Mr. Stacer asked Ms. Aycock if she would like to expand on what she said and Ms. Aycock stated that the loft units require a higher roof as required by the Zoning Code. Ms. Aycock stated that this project is much nicer than the approved project. Ms. Aycock stated that she believes that the most intrusive units are those right on the water.

Mr. Bechert asked if they want to be approved and Mr. Longworth stated he would prefer to be approved. Mr. Stacer reminded Mr. Bechert that the Planning and Zoning Board is only a recommending body and the item will move onto the City Commission with a recommendation of approval or denial.

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Mr. Stacer stated that he agrees the project looks better but the issue is that the Board sets a precedent with the decisions that they make.

Mr. Longworth stated that he does not want to build what is approved right now because it would not live up to the standard of the plans for the rest of the corridor.

MOTION was made by Trip Bechert and seconded by Tobi Aycock to approve the proposed rezoning request; subject to the conditions of Staff and that the applicant take the necessary steps to achieve the stepping, to preserve the privacy rights of the neighbors as well as improve Atlantic Boulevard as much as possible with this project. All voted in favor of the above motion with the exception of Jerry Mills, Walter Syrek, and Fred Stacer; therefore, the motion passed.

ABANDONMENT/VACATION REQUESTS

3. JEAN C. EMMANUEL / VACATION OF RIGHT-OF-WAY AT SOUTHLAND AVENUE
Planning and Zoning #14-18000001

Consideration of the request by **JEAN C. EMMANUEL** to abandon a 30-foot by 157-foot portion of SW 9th Street public right-of-way. The proposed vacation area is located approximately 160 feet north of SW 8th Street, and lying east of the I-95 wall. The property is legally described as follows:

THIRTY FEET (30') OF S.W. 9TH AVENUE LYING CONTIGUOUS AND ADJACENT TO LOTS 10, 11 AND 12, BLOCK 12, OF THE AMENDED PLAT OF FAIRVIEW, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 25, OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA, LYING AND BEING IN THE CITY OF POMPANO BEACH, FLORIDA.

AKA: Right-of-way on SW 9th Avenue or Southland Avenue
STAFF CONTACT: Maggie Barszewski (954)786-7921

Note: This item was tabled at the June 22, 2016 meeting.

The Chairman asked Staff if they wished this item to be stricken from the agenda and Jennifer Gomez confirmed.

MOTION was made by Jerry Mills and seconded by Walter Syrek to strike the item from the agenda. All voted in favor of the above motion; therefore, the motion passed.

H. SITE PLAN REVIEWS

4. CITY OF POMPANO BEACH / POMPANO AVIATION PARCEL X
Planning and Zoning #16-12000027

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