

aisles. Ms. Coleman asked if the owner planned to use valet. Mr. Capi responded yes. She stated she understood the redevelopment challenges but stated she also wanted development to last and not go out of business.

Ms. Kovac asked if anyone from the public wished to speak. There was none. Ms. Kovac closed the public hearing.

(58:10)

**MOTION** was made by Tobi Aycock and seconded by Richard Klosiewicz that the Board find that competent, substantial evidence has been presented for Major Site Plan #20-12000051 that satisfies the review standards and that the Board recommend approval, subject to the 4 conditions requested by staff. All voted in favor of the motion.

(59:43)

3. [LN-140](#) **HILLSBORO LIGHT TOWERS AND THE CLARIDGE CONDOMINIUM**

**LUPA**

<b>Request:</b>	Land Use Plan Map Correction
<b>P&amp;Z#</b>	21-92000001
<b>Owner:</b>	Hillsboro Light Tower Inc & The Claridge of Pompano Condominium Inc.
<b>Project Location:</b>	1340 S. Ocean Blvd. & 2639 N. Riverside Dr.
<b>Folio Number:</b>	Multiple Folios
<b>Land Use Designation:</b>	C (Commercial)
<b>Zoning District:</b>	B-2 (Community Business) & B-3 (General Business)
<b>Commission District:</b>	1
<b>Agent:</b>	Jean Dolan (954-786-4045)
<b>Project Planner:</b>	Jean Dolan (954-786-4045 / <a href="mailto:Jean.dolan@copbfl.com">Jean.dolan@copbfl.com</a> )

Jean Dolan, Principal Planner, introduced herself to the Board. She stated that The City of Pompano Beach is using the small-scale amendment process to correct the underlying land use for the Hillsboro Light Towers and The Claridge condominiums. The property is not preparing to be redeveloped, this is merely a map correction so that the existing uses can remain the same. She showed an aerial where both properties are shown. The Hillsboro Light Towers is located in one in the City’s northernmost point on the Barrier Island, just south of Lighthouse Point. The Claridge is just south of SE 13<sup>th</sup> Street, south of Atlantic Boulevard. She showed the proposed and adopted land use maps for both properties. Both were built in 1972-73 in an underlying commercial land use category and neither the City nor County have been able to identify how these residential buildings were built in the commercial land use category which has been these properties’ designation for as far back as the records are available (1977). Since this incorrect land use designation is causing problems for the property owners when transferring and insuring their condo units, the City is moving forward to correct the erroneous land use designation on both the City and County Land Use maps. She stated they intend on using a residential land use with dotted line identifying the number of units allowed to be built. She reviewed the location context of the Hillsboro Light Towers. The residential land use fits in with the fabric of the area. She reviewed the location context of the Claridge. She stated the city still had to do an impact analysis, even if this is a map correction. The Hillsboro Light Towers site, if redeveloped as a commercial land use, would allow 121 condo-hotel units OR 287,496 sq. ft. of commercial use. The Claridge site, if redeveloped as a commercial land use, would allow 836,352 sq. ft. of commercial land use OR 352 condo-hotel units. Either way, the commercial entitlements are more intense than the existing residential use. The Claridge has 198 units and the Hillsboro Light Towers has 72 units as existing. These developments have been served by the existing infrastructure for the last 50 years. Redevelopment on these sites would be more intense and would have a greater demand on the existing infrastructure.

Alternative Motions are as follows:

Alternative Motion I: to recommend approval of the proposed Future Land Use Map Corrective Amendment

as the Board finds the proposed Land Use Map correction will allow for the continuation of the existing uses that have been on the site for nearly 50 years.

Alternative Motion II: Table the proposed Future Land Use Map correction to allow further analysis of any issues raised by the Board, Staff, Applicant or the general public.

Staff recommends Alternative Motion I.

Ms. Aycock asked if this was a city-initiated request. Ms. Dolan responded that the city is sponsoring this. The people of both developments have requested that this be done for years, and since the mood of the Planning Council has changed from years back to being more problem-solving oriented, it was time. There is a greater issue with properties along the beach as nonconforming structures have trouble obtaining insurance or transferring ownership if they cannot be rebuilt in case of a catastrophic event. The Planning Council has made the process easier.

Ms. Kovac asked if anyone from the public wished to speak.

Ms. Cecelia Ward introduced herself to the Board as President of JC Consulting, a Planning firm in Tequesta, Florida. She stated she also owned one of the units at the Claridge, and was in attendance on behalf of the Claridge Condominium Association. She stated the Association is very supportive of the proposed amendment and appreciate Staff’s support. She echoed Ms. Dolan’s statement that this change has been in discussion with staff for over 5 or 6 years. She stated it came to their surprise that when the project to the south came through the process, it was discovered that the land use was commercial. She stated she is committed to working with staff on behalf of the Association and they appreciate a recommendation of approval.

Ms. Kovac closed the public hearing.

(1:08:50)

**MOTION** was made by Carla Coleman and seconded by Richard Klosiewicz to recommend approval of the proposed Future Land Use Map Corrective Amendment PZ #21-92000001 to the City Commission, as the Board finds the proposed Land Use Map correction will allow for the continuation of the existing uses that have been on the site for nearly 50 years, per Alternative Motion I as described in the staff report. All voted in favor of the motion.

(1:10:17)

**4. [LN-141](#) NONCONFORMING TEXT AMENDMENT**

**Request:** Text Amendment to Section 155.7304.B  
**Project Planner:** Jean Dolan (954-786-4045 / jean.dolan@copbfl.com)

Ms. Jean Dolan introduced herself to the Board and stated that this is a companion item to the Land Use Map Correction item. She stated that on top of the land use being an issue for both properties, they also have commercial zoning designations. Hillsboro Light Towers is zoned B-2 and the Claridge is zoned B-3. Both properties are nonconforming with these zoning districts as they have greater density and building heights than allowed. There are no standard zoning districts that would allow for these two buildings as currently built except for the PCI district. Staff cannot rezone a property to PCI because it requires a Master Plan and a specific set of standards to govern the future reconstruction of the property. To solve this problem of nonconforming structures with a conforming use, staff is proposing an amendment to the nonconforming section of the zoning code (155.7304.B) which will allow the properties to remain in their current B-2 and B-3 zoning districts while ensuring they can be rebuilt as currently configured if damaged over 50% of their value. The code amendment states the new buildings will need to meet the applicable public safety codes, environmental standards, and sea level rise standards. The issue of nonconforming status is the main problem staff is trying to solve.

Staff recommends approval of this code amendment to allow for reconstruction of nonconforming structures that

are consistent with their underlying land use designation.

Ms. Kovac asked if anyone from the public wished to speak on the item.

Ms. Cecelia Ward, introduced herself to the Board as President of JC Consulting in support of the text amendment. She stated it would be difficult to pass the Land Use correction but keep the commercial zoning, especially in case of a catastrophic event. She stated they have prepared an as-built survey and recorded it on city file to document what the site is like today.

Ms. Kovac closed the public hearing.

(1:13:24)

**MOTION** was made by Carla Coleman and seconded by Richard Klosiewicz to recommend approval of the code amendment to the City Commission, in order to allow for reconstruction of nonconforming structures that are consistent with their underlying land use designation, as described in the staff report. All voted in favor of the motion.

(1:13:58)

**5. [LN-117](#) SANTA BARBARA ISLE REZONING**

<b>Request:</b>	Rezoning
<b>P&amp;Z#</b>	21-13000003
<b>Owner:</b>	Frank M. Russo, Trustee / Jin-Marie Russo 2020 Family Trust
<b>Project Location:</b>	300 & 400 Circle Dr.
<b>Folio Number:</b>	494306150030 & 494306150040
<b>Land Use Designation:</b>	L (Low 1-5 DU/AC)
<b>Zoning District:</b>	RS-1 (Single Family Residence 1)
<b>Commission District:</b>	1
<b>Agent:</b>	Andrea Harper (954-788-3400)
<b>Project Planner:</b>	Maggie Barszewski (954-786-7921 / Maggie.barszewski@copbfl.com)

Ms. Maggie Barszewski, Planner with the City, introduced himself to the Board. Members of the public for this item and Ms. Barszewski were sworn in by Pamela McCleod, Planner and Notary Public in the State of Florida.

Ms. Barszewski stated at the Applicant, Frank M Russo, Trustee, is proposing to rezone 2 of the 6 lots on the island from Single-Family Residence 1 (RS-1) to Single-Family Residence 2 (RS-2). The subject property is located on the on two lots within the island/peninsula that lies in Lake Santa Barbara. The property owner intends to create 4 potential lots and permit the construction of 4 new single-family homes. The existing land use allows up to 5 units per net acre, and given the size of these two lots the land use provides the development rights to support doubling the density. Code section 155.2404 requires consistency with the Comprehensive Plan and the staff report lists 5 policies that require compatibility with the adjacent uses. No conceptual site plan or elevations were provided as evidence of how this additional density could be designed in a manner compatible with the remaining 4 lots. The request may be considered “spot zoning”, which is typically considered inadvisable. Spot zoning is defined in the APA (American Planning Association)’s resource “A Planner’s Dictionary”, as a change in district boundaries characterized by the following:

- a. Individuals seek to have property rezoned for their private benefit,
- b. Usually, the amount of land involved is small and limited to one or two ownerships,
- c. The proposed rezoning would give privileges not generally extended to properties similarly located in the