



City of Pompano Beach Planning & Zoning Board

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

MINUTES

Wednesday, January 24, 2024

6:00 PM

(00:10)

A. CALL TO ORDER

The meeting was called to order by Chair Stacer at 6:00 PM.

(00:18)

B. ROLL CALL

Joan Kovac
Tundra King
Richard Klosiewicz
Derek Lewis
Darlene Smith
Carla Coleman
Fred Stacer

SEE ITEM #4 for minutes related to
Landscaping and Dune Enhancement
Amendments.

Also in Attendance:
James Saunders, Assistant City Attorney
Bobby Adkins
Max Wemyss

(00:43)

C. MOMENT OF SILENCE

The Board observed a brief moment of silence.

(01:19)

D. APPROVAL OF THE MINUTES

MOTION by Darlene Smith and seconded by Derek Lewis to approve the minutes of the November 15, 2023, meeting, as amended. All voted in favor.

(1:56)

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

(02:25)

1. [LN-542](#) ALLIANCE WEST ATLANTIC

Request: Major Site Plan | Major Building Design
P&Z# 23-12000007
Owner: Alliance West Atlantic, LLC
Project Location: 1500 West Atlantic Blvd, 75 NW 13th Ave,

	1291 West Atlantic Blvd
Folio Number:	484234000600, 484234000590, 484234001002
Land Use Designation:	I (Industrial)
Zoning District:	I-1 (General Industrial)
Commission District:	4 (Beverly Perkins)
Agent:	Kathy Brignola
Project Planner:	Lauren Gratzner

Mr. Max Wemyss, Principal Planner, introduced himself to the Board and stated the applicant is requesting Major Site Plan approval in order to construct a 176,408 square foot warehouse with accessory office space along with associated parking and landscaping. The property is located north of W. Atlantic Boulevard, west of N Andrews Avenue, and south of Martin Luther King Boulevard. The total footprint of the building is 176,408 square feet on a 374,806 square foot (8.6 acre) site, a total lot coverage of 47%. The site plan was reviewed by the Development Review Committee three times (in April, August, and November of 2023) and by the Architectural Appearance Committee on December 5, 2023.

Pursuant to §155.2304.C, Applications Subject to Staff Recommendation, the Development Services Director has compiled the department reports from the Development Review Committee (DRC) meeting which are recorded on file with the Department of Development Services. 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. All un-used easements shall be abandoned. An access easement for the northern properties shall be provided in order to access Atlantic Blvd. A new survey shall be submitted showing this access easement for the northern properties and the abandonment of the existing easements prior to building permit approval.
2. The site plan is proposing to close the access point to Wawa on Atlantic Blvd and share the southern access point from the subject property. Provide an access agreement for both this southern connection to the Wawa property as well as the proposed connection on the east side through the Wawa property (these shall be separate from the access easement for the northern properties to access Atlantic Blvd).
3. In accordance with Code Section 155.5603.F.2, the property must maintain the 10-foot wall and superior landscaping on either side of the wall along the entire length of the eastern property line for the purposes of screening the overhead doors facing N Andrews Avenue.
4. A Unity of Title shall be obtained in accordance with Code Section 155.2401.C. for the three subject folios owned by Alliance West Atlantic LLC.
5. Provide a recorded plat in accordance with Code Section 155.2410.Plat, per the Broward County Platting Determination letter.
6. 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 points used for the Sustainability Narrative as submitted to the DRC by time of building permit approval in accordance with Table 155.5802: Sustainable Development Options and Points.
 - 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 Zoning Compliance Permit approval.

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

Mrs. Coleman asked for clarification about staff approval. He affirmed staff recommends approval.

Ms. Heidi Davis, agent, (450 E Las Olas Boulevard, Suite 1400, Fort Lauderdale) introduced herself and other project team members to the Board on behalf of the applicant. She reviewed the following: subject property; existing property area; existing conditions; proposed use; proposed site plan; architectural features; elevations; site landscaping and features. She confirmed the applicant agrees to the conditions.

In response to Mrs. Coleman's question, Ms. Davis stated the building is currently spec.

Ms. King said there are unhoused people in that general area. She asked if there will be a gate or businesses that operate all night. Ms. Davis referred to their CPTED plan and there will be a property manager.

Mr. Eric Carlson, Alliance West Atlantic LLC project manager, noted it is designed for up to 19 tenants and includes drive-in doors. He noted a unique condition concerning access and Wawa, which prevents them from entirely securing the location. Secondly, there are properties to the north of the subject site who have no right-of-way frontage. He noted they want to continue to provide access to respect the existing neighbors.

Ms. King asked if they would consider additional security. Mr. Carlson acknowledged Ms. King's comment.

Mr. Lewis asked if the access agreement with Wawa was finalized. Mr. Carlson said they are still negotiating but has a revised agreement to review.

Chair Stacer asked about the screening wall. Mr. Carlson said, as currently designed, it is a concrete wall with no specification. He added the AAC noted the bland appearance of the wall with a recommendation to work with staff on the design.

Chair Stacer asked about the neighbors to the north. Mr. Carlson said it is a mixture of tenants, including the County and CSX.

Chair Stacer spoke about the landscaping plan. He said Wawa agreed to upgrade their Oak trees to 20' along West Atlantic Boulevard. He recommended 20' trees on the same elevation to match the Wawa trees.

Mr. Brett Waldman, landscape architect, said they proposed yellow poinsettias so there is consistency with the street theme. He agreed to work Urban Forestry on the tree height.

Chair Stacer asked for it to be added as a condition.

Mr. Carlson also agreed to work with Urban Forestry on the tree height and consistency.

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

Ms. Davis addressed the concrete wall and noted they will work on the design.

Chair Stacer asked about the interior corridor. Mr. Carlson replied yes and said it needed a corridor due to the building depth.

MOTION by Carla Coleman and seconded by Richard Klosiewicz 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 six (6) conditions provided by staff, plus (1) Board condition to work with the Urban Forester on the nine trees on West Atlantic Boulevard. All voted in favor. The motion was approved.

(36:35)

2. [LN-522](#)**Text Amendment - DPOD Height Bonus for Public Parking**

Request:	Text Amendment - DPOD Height Bonus for public parking
P&Z#	N/A
Owner:	N/A
Project Location:	N/A
Folio Number:	N/A
Land Use Designation:	Downtown Pompano Transit-Oriented Corridor(DPTOC)
Zoning District:	Downtown Pompano Overlay District (DPOD)
Commission District:	N/A
Agent:	City-Initiated
Project Planner:	Max Wemyss

Mr. Max Wemyss, Project Planner, introduced himself to the Board and stated the City Manager's Office conducted a study in mid-November that demonstrated the parking deficiencies in Old Town, generally the Downtown Pompano Overlay District. He noted if they are establishing a minimum number of parking spaces dedicated to public parking (100 spaces) they need to provide a minimum of two floors of additional height. He stated it will create taller buildings, up to 24 feet. He reviewed the following: Sub-Areas Regulation Plan; and building Heights Regulation Plan. He explained it may be used in combination of existing height bonuses. More importantly, it helps to address the City's parking challenges. He noted that heights, permitted up to 105', is already permitted in this district. Provided in the attachments is a memo regarding the parking needs in the Downtown Area from the City Manager's Office, as well as a recommendation for approval from the Economic Development Council. Staff Recommends Approval.

Staff recommends approval.

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

Mrs. Coleman commended staff for the conducting the study. She noted the height does not bother her but not having control of location does. She expressed concern about not having information about the leases, costs, and locations. She asked if this solution has been done elsewhere. Mr. Wemyss said the incentive is general, but it has to be in agreement with the City, which will provide some control on locations.

Ms. Suzette Sibble, Assistant City Manager, said the control remains with the City. She said the text code amendment allows them to engage in conversations with developers. She said they would if it makes sense to the City in their development plans, they could move forward. She added every lease agreement would be brought forth to the City Commission.

Mrs. Coleman asked about the least terms. Ms. Sibble replied that it currently is for 50 years so they can look more long-term. Mrs. Coleman reiterated her question about whether this solution has been tried in any other location.

Mr. Chris Brown, parking, and real estate consultant, confirmed it has been done in many other cities, including Boulder and Naples. He spoke about the success of the pier garage. He stated you need to be ahead of the parking demand.

Chair Stacer agreed the beach became what it was because of the massive investment of the pier garage. He provided an example of a garage in Fort Lauderdale.

Ms. Smith said a smaller garage makes the area more pedestrian friendly.

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

MOTION by Darlene Smith and seconded by Joan Kovac that the Board recommends approval of the Text Amendment to the City Commission for consideration for the height bonus for public parking. All voted in favor.

(58:13)

3. [LN-558](#)

Text Amendment - Sea Turtle Lighting Ordinance

Request:	Text Amendment - Sea Turtle Lighting Ordinance
P&Z#	N/A
Owner:	N/A
Project Location:	N/A
Land Use Designation:	N/A
Zoning District:	N/A
Commission District:	N/A
Agent:	City-Initiated
Project Planner:	Max Wemyss

Mr. Max Wemyss, Project Planner, introduced himself to the Board and stated the City already has a Sea Turtle Ordinance. He noted the State issued a model Ordinance. For this reason, the provided text amendment does not show in a typical strikethrough and underline format. In the Spring of 2023, Staff participated in a workshop hosted by the Florida Fish and Wildlife Conservation Commission (FWC), in partnership with the Sea Turtle Conservancy. The workshop was intended for “sea turtle lighting plan reviewers.” A portion of the workshop highlighted a program of the Sea Turtle Conservancy’s Lighting Team which assists local governments with updating ordinances. We have chosen to base our proposed Ordinance on the model Ordinance this agency has created for coastal communities in Florida, modified for the City of Pompano Beach. He explained why lighting ordinances matter in Florida, which has the largest loggerhead nesting population in the world. He described the threat from artificial lighting. Coastal light can come from single family homes, street lights, restaurants, hotels, and condominium. He displayed a graph outlining wavelengths of light and noted low, shielded, and long lighting is the best way to reduce impact on the turtles.

This draft ordinance has been reviewed by the Sea Turtle Conservancy Lighting Team, the Economic Development Council, and Florida Power and Light, all of which recommended the Ordinance without objection. The proposed amendments are supported by our comprehensive plan, do not create conflict with our Code of Ordinances, and are consistent with the Zoning Code.

Staff recommends approval.

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

Mrs. Coleman asked if they spoke to developers about the change. Mr. Wemyss said they spoke with one developer with an application in process. He clarified this should not create a rupture for new development or anyone in the pipeline.

Mrs. Coleman asked why the incentives were deleted. Mr. Wemyss said there is no specific reason other than the incentives have never been used.

Mrs. Coleman expressed concern about the change to amber lighting and frequency and placement of lighting as a safety issue. She asked if there is thought about frequency of placement to shorten the distance. Mr. Wemyss responded there is still a minimum footcandle requirement. He said the lighting is not darker but just in a different wavelength.

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

MOTION by Derek Lewis and seconded by Richard Klosiewicz that the Board recommends approval of the Text Amendment to the Lighting Requirements for Sea Turtle Protection as presented by staff.

(1:09:06)

4. [LN-523](#)

Text Amendment - Landscaping Revisions and Dune Enhancement

Request:	Text Amendment - Sea Turtle Lighting Ordinance
P&Z#	N/A
Owner:	N/A
Project Location:	N/A
Land Use Designation:	N/A
Zoning District:	N/A
Commission District:	N/A
Agent:	City-Initiated
Project Planner:	Max Wemyss

Mr. Max Wemyss, Project Planner, introduced himself to the Board and stated The Planning and Zoning and Urban Forestry Divisions have maintained a list of desired Code amendments. The purpose of the amendments is to clarify what is already required by Code, introduce expected industry standards, or learned best practices, adjust to changes is State Statutes, and to establish a new Section on beach dune management, restoration, and enhancement. He reviewed the general summary of landscaping revisions and provided displayed two proposed graphs of a root barrier and required tree to soil volume ratio. He reviewed the information proposed for section on Dune Management.

The amendments have been advised by the Florida Department of Environmental Protection and presented to the Economic Development Council. The proposed amendments are supported by our Comprehensive Plan, do not create conflict with our Code of Ordinances and are consistent with the Zoning Code.

Staff recommends approval.

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

Mrs. Coleman asked why removed Landscape Architect from the approval process.

Mr. Wade Collum, Urban Forester, said they are finding difficulty between landscape architects and certified arborists to perform the appraisals is causing different values to come back, thus delaying permitting. He said landscape architects are not well versed it the nomenclature and process of evaluating trees.

Mrs. Coleman expressed concern about removing that step in the chain on approval, particularly for single family homes. Mr. Collum noted it has never been required for a single-family home to be drawn by a landscape architect. He added it is not for permitting or drawing plans, rather, the part of the process that requires them to establish the value of the existing trees on the property for the tree survey. He said there is a movement in landscape architecture for them to become certified arborists.

Mrs. Coleman asked if there are requirements for the developer and architect to look at trees as exiting conditions. She said many developers go in and level lots, as opposed to designing around trees. Mr. Wemyss said they require a value tied to trees, which could also include relocation of trees if the City deems worth savings. Mr. Collum sees this as a possible solution to keep some large and mature trees.

Ms. King asked who would pay for the tree location. Mr. Collum replied the developer. Mr. Wemyss further described the City’s intention in preserving the tree canopy. Ms. King inquired whether the developer would have an estimation of the total value. Mr. Collum said the developer is required to provide a tree survey and appraisal for all trees on the

property as part of the process. He noted the City operates from a tree preservation philosophy, specifically large canopy trees.

Chair Stacer noted the fines can become expensive and provided an example from the McNab project. He agreed the relocation is a mechanism to save older trees. Ms. King said Miami is attempting to do something similar.

Mr. Lewis asked the cost difference between hiring a landscape architect versus an arborist. Mr. Collum said it is likely not a staggering cost difference and suggested an arborist would not cost as much as a landscape architect.

Mr. Lewis asked why they deleted the word “assessment” and recommend “appraisal.” Mr. Collum replied it better aligns with the arborist nomenclature.

Mr. Lewis inquired about the cost to homeowners. Mr. Collum said it is for trees planted close to hardscape and the effect is minimal.

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

MOTION by Carla Coleman and seconded by Darlene Smith that the Board recommends approval of the amendments to the Landscaping Revisions and Dune Enhancement Ordinance as presented by staff. All voted in favor.

(1:34:20)

G. AUDIENCE TO BE HEARD

There was none.

(1:34:33)

H. OTHER BUSINESS

1. CHAIR AND VICE CHAIR NOMINATIONS

MOTION by Joan Kovac and seconded by Carla Coleman to nominate Fred Stacer as Chair of the Planning and Zoning Board. All voted in favor.

MOTION by Darlene Smith and seconded by Tundra King to nominate Carla Coleman as Vice Chair of the Planning and Zoning Board. All voted in favor.

2. REPORTS BY STAFF

Mr. Wemyss announced the Vulnerability Assessment public meeting will be held January 25 at 6:00 PM. He noted the assessment looks at future level of sea level rise, heavy storm events, surge, and effect on assets.

Mr. Bobby Adkins recognized the retirement of Major Wayne Adkins of the Broward Sheriff’s Office, who served for 44 years.

3. BOARD MEMBERS DISCUSSION

Mrs. Coleman thanked Chair Stacer for his continued service.

Chair Stacer said last year topped \$600M in construction valuation, which is the third year in a row over \$100M. He noted the permits show smaller projects are still occurring as well. Chair Stacer spoke to three large developers about their thoughts for 2024. One developer is optimistic but concerned about the interest rates for their next project. Another developer shared updates, including increased rental numbers. He also mentioned rising interest rates and construction costs but believes stabilization will occur. The developer

expressed concern about insurance costs, which have tripled. Chair Stacer shared updates about the developer's projects. Finally, Chair Stacer shared he had a long discussion with Mr. Long about the Center Lake project, which is approximately 75% complete. He noted 430 units are scheduled, which is 20% of the unit count. He stated the Live Report and Publix are scheduled to start construction in Q2 and the warehouses will break ground in May or June 2024. He said they anticipate breaking ground on Racetrack Road within a month, which will be a 12-month project. The permitting and schedule for Powerline Road is approximately a month behind, which is a 16-month project.

(1:49:27)

I. ADJOURNMENT

There being no further business before the Committee, **MOTION** by all to adjourn the meeting at 7:49 PM.

DocuSigned by:

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Fred Stacer, Chair