

2. The commercial flexibility request is approved prior to the rezoning.

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 Comprehensive Plan Goals and Policies listed in Section ‘A’ of the staff report.

Staff recommends alternative motion number I.

Mr. Stacer asked if anyone had any questions on the item.

Mr. Saunders asked Ms. Dolan if the recommendations were for City Commission approval of the two items in the condition. Ms. Dolan responded yes.

Mr. Stacer asked Ms. Bilenki if she had anything further to add. Ms. Bilenki responded no further comments at this time.

Mr. Stacer asked Mr. Saunders if the conditions asked for Alternative Motion, were standard since there typically are no conditions placed on a rezoning request. Mr. Saunders responded yes. Ms. Dolan added that the rezoning cannot be approved without the other two applications being approved first.

Mr. Stacer asked if there was anyone from the public wishing to speak. There were none. Mr. Stacer closed the public hearing.

(47:59)

**MOTION** was made by Joan Kovac and seconded by Tobi Aycok that the Board find that competent, substantial evidence that Rezoning application PZ #20-13000001 is consistent with the pertinent Future Land Use goals, objectives, and policies and is compatible with adjacent land uses and that the Board recommends approval of the request to the City Commission per Alternative Motion I. All voted in favor of the motion.

(50:03)

4. [LN-73](#) **IMECA POMPANO FLEX**

<b>Request:</b>	Commercial Flexibility
<b>P&amp;Z#</b>	20-05000005
<b>Owner:</b>	Cocchiola, LLC
<b>Project Location:</b>	2429 NW 4 Street
<b>Folio Number:</b>	484233040500, 484233040510, & 484233040520
<b>Land Use Designation:</b>	L-5 (Residential)
<b>Zoning District:</b>	B-2 (General Business)
<b>Commission District:</b>	5
<b>Agent:</b>	Mark Richards (561-484-5264)
<b>Project Planner:</b>	Jean Dolan (954-786-4045) / jean.dolan@copbfl.com

Ms. Dolan introduced herself to the Board. She stated that the Applicant is proposing a “boutique” hardware store in a new building with a customer service area and warehouse area on a parcel of land fronting on Powerline Road and NW 4<sup>th</sup> Street in Collier City. The subject property is currently vacant. The subject property has two different Future Land Use designations, including both Commercial (C) and Residential (Low 1-5 du/ac). Pursuant to section 154.62, the City may allow nonresidential uses in residential land use categories through the distribution of nonresidential flexibility within the City’s unified flexibility (or ‘flex’) zone. The subject property is within the unified flex zone. Ms. Dolan presented the land use map. She stated that a plan for Collier City was funded by the Northwest CRA entitled Collier City Neighborhood Development Plan and was adopted back in May of 2012. That plan does identify the vacant parcels fronting on Powerline as undesirable and a blighting influence but does not specifically recommend the type of uses desired for those properties. To ensure neighborhood support for the commercial use of the subject property in general and this project specifically, the Applicant presented the project and obtained written confirmation by the Collier City Civic Association that the neighborhood leadership supports the application of commercial flex and construction of the proposed building on this property. She added that the CRA staff is also generally supportive of this request, however, concern was raised about the measures to be put in place to mitigate the potential for cut-through traffic through the Collier City residential neighborhood, specifically between NW 31st Avenue and Powerline Road. Concern was also expressed about how loading and unloading will be accomplished without blocking traffic, parking and on-site circulation. The Applicant has assured the City that no semi-trucks will deliver materials to the site. Any large deliveries will be made directly to the end-user. Trucks no larger than box trucks will make deliveries to the site. The Applicant provided a parking study showing that the business does not attract large amount of on-site customers and demonstrated that 13 parking spaces is adequate to serve the expected peak daily business volume, therefore, large amounts of traffic cutting through the neighborhood is unlikely to occur.

Ms. Dolan presented the conceptual site plan to the Board. She stated that the review standards require that the development be consistent with applicable goals, objectives and policies of the City's Comprehensive Plan and the nonresidential development within the residential land use designation will produce a reasonable development pattern. The criteria for reasonableness shall include compatibility of adjacent land uses. She stated that there are several Comprehensive Plan Goals, Objectives and Policies that support this Application, and these are listed in the staff report. The support of the Collier City Civic Association for the project, the assurances regarding the absence of semi-trucks, the relatively light traffic to the site even on peak business days and the deterrent to cut-through delivery truck traffic allow for the conclusion that the proposed project will be reasonably compatible with the adjacent single-family homes. The development of a vacant lot that was identified as a blighting influence in the Collier City Neighborhood Development Plan adopted by the CRA in 2012, also supports the allocation of commercial flexibility for this property. Given that ground-floor commercial uses are one of the most appropriate uses along Powerline Road, it is necessary to create deeper commercial lots along Powerline to enable construction of reasonably-sized nonresidential or mixed-use projects. These facts support the request for commercial flexibility for the subject property.

Ms. Dolan stated that given the information provided to the Board, as the findings of fact, staff provides the following alternative motions, which may be revised or modified at the Board’s discretion.

#### Alternative Motion I

Approval of the requested Commercial Flexibility with the following condition:

- (1) Prior to being placed on a City Commission agenda, the Applicant will add a note on the Conceptual Site Plan that states, “No semi-trucks will make deliveries to the property. The route from NW 31<sup>st</sup> Avenue

to Powerline along NW 4<sup>th</sup> Street shall not be used as a delivery route to the site. All deliveries will access the site to and from Powerline Road and will not travel west of the site on NW 4<sup>th</sup> Street.”

### Alternative Motion II

Table this application for additional information as requested by the Board.

### Alternative Motion III

Denial of the Commercial Flexibility as the Board finds it is not consistent with the goals, objectives and policies of the Comprehensive Plan.

Staff recommends Alternative Motion I.

Mr. Stacer asked if anyone had any questions of staff. Ms. Coleman asked if there was any thought given to traffic calming devices on the street. Ms. Dolan responded that there are only 13 parking spaces proposed and they expect it to be a low traffic impact. Additionally, it is challenging to ask private developers to incorporate these devices as they would need county approval and criteria to be met for it to be placed on a roadway. If there are issues in the future with traffic, they can use code enforcement and look into traffic calming at that time.

Mr. Miller says that his concern is that this property is directly next to single family homes and asked why the property isn't able to build more single-family residential. He added there is a misconception of the area being blighted as there are homes built in the last few years that were nit there in May of 2012. Ms. Dolan responded that study identified vacant lots along Powerline Road as a blighting influence, possibly due to dumping. Encouraging development of the vacant lots will help reduce this influence. If there were a demand for residential use, they could have been developed since 2012. They have that ability now. The Board can recommend denial so that staff can continue to wait for these parcels along Powerline Road to be redeveloped as residential. The challenge with the commercial land use section along Powerline Road is that the area is not deep enough to build commercial in its current configuration. The City would need to make the decision that they don't want commercial along Powerline and change the frontage only allow residential along Powerline Road. It may be challenging to find individuals who want to build single-family along this frontage. She asked whether or not the Board feels it is better to have this property developed as a commercial use or remain vacant for some unknown amount of time until they are developed as residential.

Mr. Miller asked if they reached out to the homeowners who live directly adjacent to the property. Ms. Dolan responded that the City sends out letters of notice to residents within a 500-foot radius of the subject property. This request required this type of notice and she did not receive any calls from the residents directly adjacent. The zoning code also requires buffers when commercial abuts residential. Mr. Miller asked what type of buffer is required—concrete or foliage. Ms. Dolan responded both concrete wall and foliage. Mr. Stacer asked if this will come back to the P&Z for site plan approval. Ms. Dolan responded yes. Mr. Miller stated he would not have confidence in the Code Enforcement to take care of commercial vehicle or traffic issues on 4<sup>th</sup> Street.

Mark Rickards (1615 South Congress Avenue, Delray Beach) introduced himself to the Board. He, Architect Barron Schimberg, and IMECA CEO and owner Tony Cocchiola were sworn in by Pamela McCleod, Assistant Planner and Notary Public in the State of Florida.

Mr. Rickards introduced his team and provided the Board with a short presentation. He showed the location of the site and context. He stated the owner intends to build a permanent structure to reside in rather than

pay rent. He says that the treatment along Powerline Rd is curvilinear due to the jog in Powerline Road. The entire site is already zoned B-2 and the request is not to rezone. If the request was to develop the parcel to residential, the parcel would need to be rezoned or a request would need to be made for allocation of flex and reserve units. He mentioned the Collier City Civic Association has been involved in the process, and even the owner of the site has been in contact. The owner is a resident of Florida and is concerned about the success of the area. He says that they are proud to have gotten the approval letter from the civic association. He mentioned they are proposing a 10-foot buffer on the west and north sides and, in terms of compatibility, he believes that they have created a nice screen for the neighborhood. The use is quiet and the applicant is in agreement with the proposed conditions.

Mr. Stacer asked if there are any questions for the applicant. There were none. Mr. Stacer asked if there were any recent meetings since the date of the letter from the Collier City Civic Association which was dated August of 2020. Mr. Rickards responded no and that they reached out and promised the association to let them know of the City Commission date when it was established. He will be communicating that with them after this meeting and will also be sharing the P&Z meeting date for the site plan.

Mr. Miller asked what is considered “boutique hardware.” Mr. Tony Cocchiola (1190 NW 159 Dr. Miami) introduced himself to the Board. He stated that a boutique hardware store specializes in specific hardware for interior remodeling such as kitchen cabinets, floors, mouldings, etc. It is a particular niche. He says that they do not have 100% compatible competitors. They sell wood and equipment that no one else has. Mr. Miller asked if the inventory be stored in or outside of the building. Mr. Cocchiola responded 100% in the building. Outside inventory would be damaged by weather conditions.

Mr. Rickards responded that Lowes and Home Depot are national chains that source things nationally. Here you will find unique items and items sourced locally; things you won’t find anywhere else.

Mr. Miller asked what type of signage they are proposing. Mr. Rickards responded they are proposing a monument sign and wall signage on the building. The sign on Powerline will be on the building, the farthest from the neighborhood. Mr. Miller asked if the neighborhood would be looking at any neon signage or things of that nature. Mr. Rickards responded no.

Mr. Stacer asked if the Collier City Civic Association reviewed the site plan. Mr. Rickards responded yes and also the landscape plan. He added that they seconded staff’s concern about improving the west façade. They have now addressed that. He stated they sent the revision to Ms. Smith but did not request a new letter. Mr. Miller asked if the meeting with the civic association was a Zoom meeting. Mr. Rickards responded yes and that there were several calls and emails after that.

Mr. Miller asked how many people attended the meeting. Mr. Rickards responded roughly 30. It was well attended. Mr. Miller stated he appreciated improvements to Collier City as they are needed but stated he was concerned about adding development that is not compatible and does not benefit the community as a whole. He stated he is concerned with what it will look like 5 to 10 years from now.

Mr. Stacer asked if the owner has any of his own trucks that will be parked at this facility. Mr. Cocchiola responded yes but it is only one truck and it will be parked at another store from the location. He stated they have small box trucks that they park inside the warehouse at night. Mr. Stacer asked if the trucks will be able to drive into the warehouse. Mr. Cocchiola responded yes. Mr. Stacer asked if there are any restrictions on parking trucks outside on a commercial property. Ms. Dolan responded that was unsure. Mr. Stacer stated that answer should be clear at the time of site plan approval.

Ms. King stated that there are other staff members present in the meeting that may be able to answer the question.

Mr. Stacer stated he wants the question to be clearly answered at the site plan stage and encouraged the applicant to think about who is making right hand turns out of this facility. This is an issue that he would want to talk about during site plan.

Mr. Miller agreed. He stated he was concerned where the trucks would be parked. Ms. Cocchiola responded they only have one truck at this facility.

Mr. Stacer stated that he would like Mr. Miller to identify the four houses that are of his concern. Mr. Miller referred to the aerial. There are three houses to the north of the subject property and one to the west. He stated the western portion of the subject property looks large enough for 2 single family homes, similar to the ones to the west.

Mr. Stacer stated that buffering is required at site plan and regardless where the single-family homes go, the commercial will still be abutting. He stated he is not overly worried about it. Mr. Miller stated reaching out to the residents who will be directly affected by the development is important; a general letter from the civic association is not sufficient.

Mr. Stacer asked if they spoke with the commissioner of the district about the project. Mr. Rickards responded yes and stated they also attended the civic association meeting. Ms. Dolan reminded the applicant that there has been a change of commissioner since the date of the meeting. Mr. Rickards agreed and stated they met with the previous district commissioner but not the current, although they have reached out.

Ms. Coleman asked if the home owners adjacent received the public notice on this item. Ms. Dolan responded yes. Ms. Coleman asked if staff has heard from those property owners. Ms. Dolan responded no and that the only call she received was from Ms. Smith. Ms. Coleman asked if those properties are rentals or owner-occupied. Ms. Dolan responded she was not sure.

Ms. Aycock stated that she understood the concern about getting development on Powerline and mentioned she would not like her home to be located there. She asked if they had explored using the frontage property north of the proposed building instead. Mr. Rickards responded that the code requires parking behind the building. The second thing is there is strangeness of this application. Usually, you would see a rezoning along with an allocation request—similar to the previous request. The zoning district is already commercial. He is asking for the land use to come into compliance with the zoning. Placing the parking up front and the building behind would require 6 or 8 variances. Ms. Aycock asked if the parking is able to be put on the side. The strong requirement is to pull the building to the street as there is a 0-foot setback from Powerline Road. Additionally, there is a plat going forward for the site and they are required to dedicate 12 feet of right-of-way for Powerline Road. This is a low-intensity commercial use that is a good transition between the residential and Powerline Road. The use is a quiet use and it is not heavily trafficked.

Mr. Miller stated that if someone was coming from the west side to the facility, they would be traveling from NW 27<sup>th</sup> Avenue, then east on 4<sup>th</sup> Street. This is an increase in traffic on 4<sup>th</sup> Street. Anyone on the south end of Atlantic Boulevard would need to take 27<sup>th</sup> to get to that street.

Mr. Rickards stated that he would be happy to bring a traffic engineer when the site plan comes to the Board. Mr. Miller stated the same would happen with residents coming from Palm Aire. Mr. Rickards stated he would be happy to bring all traffic details during the site plan level.

Fred asked if there are any other questions. There are none.

Mr. Stacer closed the public hearing. Mr. Stacer asked if the applicant accepted staff's condition. Mr. Cocchiola responded yes.

(1:38:56)

**MOTION** was made by Joan Kovac and seconded by Carla Coleman that the Board find that competent, substantial evidence has been presented for Flex PZ #20-05000005 that satisfies the review standards and that the Board recommends approval of the request to the City Commission per Alternative Motion I, as described and amended in the staff presentation. All voted in favor of the motion, with the exception of Willie Miller.

(1:41:45)

At this time the Board took a short break.

(1:41:59)

At this time the Board reconvened.

5. [LN-44](#)

**POMPANO BEACH CITI CENTRE LUPA**

<b>Request:</b>	Local and County LUPA
<b>P&amp;Z#</b>	20-92000006
<b>Owner:</b>	SVAP Pompano LP & Burdines Real Estate Inc.
<b>Project Location:</b>	1190-1200 NE 23 Street & 1600 NE 23 Street
<b>Folio Number:</b>	484225070014, 484225070013
<b>Land Use Designation:</b>	C
<b>Zoning District:</b>	B-3/ PCD
<b>Commission District:</b>	2
<b>Agent:</b>	Dennis D. Mele, Esq. (954-527-2409)
<b>Project Planner:</b>	Jean Dolan (954-786-4045)/ <a href="mailto:Jean.Dolan@copbfl.com">Jean.Dolan@copbfl.com</a>

Ms. Dolan introduced herself to the Board. The Applicant is requesting to change the entitlements for a 12.1-acre site, previously part of the Citi Centre Mall property located at the southwest corner of Copans Road and Federal Highway. The portion of the Citi Centre Mall subject to this amendment is currently occupied by the now empty building that was formerly used by the Burdines and then Macy's Department Stores and the associated parking field. The existing building on the site will be demolished in order for the multi-family project to be constructed. The Applicant is proposing to change the Land Use entitlements to allow 356 garden-style apartments. The Applicant is being conservative in their calculation of existing entitlements at 2,500,000 SF of nonresidential uses. She stated that the change in entitlements results in fewer public facility demands for sewer, water, solid waste, and traffic. The increase in demands relate to the need for park land, affordable housing, and schools.

She stated that in terms of the recreation and open space, the additional 356 residential units will increase the population by an estimated 762 people. The adopted park level of service of 5 acres/1,000 residents results in a demand for 3.8 acres of recreational land. The City has adequate park land to serve this increase in population based on the existing park inventory. In addition, the project will provide some onsite open space amenities as part of the site plan approval process. Regarding affordable housing, the proposed