



CITY OF POMPANO BEACH FLORIDA

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PLANNING AND ZONING BOARD/LOCAL
PLANNING AGENCY

November 15th, 2017
Wednesday

City Commission Chambers

7:00 P.M.

MINUTES

A. Call to order by the Chairman of the Board, Mr. Fred Stacer at 7:09 P.M.

B. **ROLL CALL:**

Fred Stacer
Tony Hill
Dwight Evans *ABSENT*
Jerry Mills
Richard Klosiewicz
Rhonda Eaton
Carla Coleman *for Joan Kovac*

Also in Attendance: David Recor, Acting Development Services Director
Sarah Sinatra-Gould, Consulting Planner
Jae Eun Kim, Planner
Paola West, Principal Planner
Matt Edge, Zoning Technician
Jean Dolan, Principal Planner
Maggie Barszewski, Planner
Mark Berman, City Attorney
Stephanie Toothaker
Byron Graham
Paul Holidel

Jeff Uett
Keith Poliakoff
Joe Pasquale

C. MOMENT OF SILENCE

A moment of silence was observed.

D. APPROVAL OF THE MINUTES:

Approval of the minutes of the meeting on October 25th, 2017.

MOTION was made by Jerry Mills and seconded by Tony Hill to approve the meeting minutes of October 25, 2017. All voted in favor of the motion therefore, the motion passed.

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 Matthew R. Edge, Zoning Technician and Notary Public in the State of Florida.

F. ZONING MAP AMENDMENTS (REZONING)

**1. 1380 S OCEAN BOULEVARD FL, LLC / 1380 S OCEAN BOULEVARD
Planning and Zoning #16-13000005**

Consideration of the request by **STEPHANIE TOOTHAKER** on behalf of **1380 S OCEAN BOULEVARD FL, LLC** to rezone the property from RM-45/HR (Multiple-Family Residence/45 High-Rise Overlay District) to PD-I (Planned Development - Infill). This property is 4.61 net acres (5.2 gross acres) and the address is 1380 S. Ocean Boulevard. The general location is the east and west sides of A1A (a.k.a. South Ocean Boulevard), approximately 500 feet north of Terra Mar Drive. The parcel is currently vacant. As part of the rezoning application, the applicant is requesting 239 residential dwelling units and 3,000 square feet of ancillary spa/personal services establishment (open to residents and guests only). The property is legally described as follows:

PARCEL "A" AND PARCEL "B" OF BF POMPANO PLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 180, AT PAGE 1, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
ALONG WITH

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A PORTION OF THE EAST ONE-HALF OF SPANISH RIVER (100 FOOT RIGHT-OF-WAY) IN SECTION 6, TOWNSHIP 49 SOUTH, RANGE 43 EAST, BROWARD COUNTY, FLORIDA, BOUNDED AS FOLLOWS: ON THE WEST BY THE CENTERLINE OF SAID SPANISH RIVER; ON THE NORTH BY THE WESTERLY EXTENSION OF THE NORTHLINE OF PARCEL "B", BF POMPARO PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 180, PAGE 1, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; ON THE EAST BY THE WEST LINE OF SAID PARCEL "B" AND ON THE SOUTH BY THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID PARCEL "B".

AKA: 1380 S Ocean Boulevard

ZONED: RM-45/HR (Multiple-Family Residence 45/High-Rise Overlay District)

TO: PD-I (Planned Development - Infill)

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

Mr. David Recor, Acting Development Services Director, presented himself to the Board and informed them that the City has entered into a contract with Calvin, Giordano & Associates to provide professional planning services for the first two items on the agenda. He introduced Sarah Sinatra-Gold, AICP, and noted that she would follow the same structure that the board is used to.

Ms. Sarah Sinatra-Gould, Director of Planning, Calvin, Giordano & Associates, presented herself to the Board and stated that the applicant is requesting to rezone the subject property from RM-45HR (Multiple-Family Residence 45 High-Rise Overlay) to PD-I (Planned Development-Infill). This property is 4.61 net acres (5.2 gross acres) and the address is 1380 S. Ocean Boulevard. The general location is the east and west sides of A1A (a.k.a. South Ocean Boulevard), approximately 500 feet north of Terra Mar Drive. The parcel is currently vacant. As part of the rezoning application, the applicant is requesting 239 residential dwelling units and 18,000 square feet of ancillary spa/personal services establishment (open to residents and guests only). The PD-I (Planned Development-Infill) district is established and intended to accommodate small-site infill development within the City's already developed areas. The PD-I district is intended to provide the flexibility to enable high-quality, mixed-use development on relatively small sites, yet require design that ensures infill development is compatible with both surrounding existing development and available public infrastructure.

Ms. Sinatra-Gould stated that the rezoning was reviewed by the DRC on December 7, 2016. To address staff comments from the DRC submittal, additional information and justification was provided by the applicant and included within the P&Z submittal. The property is platted as BF Pompano Plat and the Plat Restriction states: "The plat is restricted to a 396 room hotel and 10 existing boat slips. No residential uses are permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts". She stated that the property to the north on the east side is zoned RM-45HR with a building 251' tall. The property to the south on the east side has the same zoning and a building 156' tall. The property to the north of the west parcel is zoned RM-45 and has a building 105' tall. The property to the south of the west parcel is zoned RM-45HR and has a building 104' tall.

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She informed the Board that the application states that “the PD-I offers an innovative combination of 239 branded signature residential dwelling units, ancillary Spa / Personal Services Establishment open to the residents and guests of the project only, no greater than 3,000 square feet of ancillary uses divided into two (2) 1,500 square foot operations, one in each of the East and the West buildings, open to the residents and guests of the project, 14 private boat slips and 355 parking spaces proposed on the 4.61 net acre parcel of land. The project will not permit any specialty medical, office, or industrial uses at the property.” Additionally, 18,000 square feet of the ancillary spa/personal services establishment, open to residents and guests only, is noted on the PD-I Table.

Ms. Sinatra-Gould provided the following property history:

- Prior to 1963, as evidenced by historic aerials and City record research, the site was developed as a 3-story motel with 131 rooms on the eastern property and a tennis court on the western property.
- In 2009, the 131 room motel was demolished.
- In January 2014 the applicant applied for a Major Site Plan (P&Z 14-12000002) review. The request was for 134 multifamily dwelling units and 98 hotel rooms. The project was reviewed at the October 1, 2014 DRC and was subsequently withdrawn.
- On February 27, 2014, via Development Order 14-17000001, a Special Exception was granted to permit the property to be used as an Apartment Hotel.
- On January 15, 2015 the City’s Zoning Board of Appeals denied an Airpark Variance for this project.

Ms. Sinatra-Gould stated that the applicant has provided, as part of the record of the public hearing on the application, competent substantial evidence that the proposed amendment is consistent with the Future Land Use Category and any applicable goals, objectives, and policies of the comprehensive plan and all other applicable city-adopted plans. She added that the applicable Goals, Objectives, and Policies of the Comprehensive Plan are included in the staff report as a part of the record. She stated that development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the PD Plan shall provide for transition areas at the edges of the PD district that provide for appropriate buffering and/or ensure a complementary character of uses. Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, and siting of service areas.

Ms. Sinatra-Gould stated that regarding this particular application, the proposed east building will be 330 feet in height and the west building will be 150 feet in height. High rise development is consistent with the neighboring properties. The building to the north is 251 feet in height and the building to the south is 156 feet in height. The initial submittal included a seven story lower tower with a 25-foot side setback. This resulted in a building with considerable mass for the first 90 feet as well as height that was out of scale with the neighboring properties. The applicant has revised the request to eliminate the lower tower concept and instead provide a 40-foot side setback at grade, which is the

level above the parking deck, to the top of the roof. This has allowed additional landscaping and softening of the structure, while minimizing the mass of the building. While the structure is higher than the existing neighboring properties, the applicant has provided mitigation in the form of additional setbacks and landscaping to complement its neighbors.

Given the information provided to the Board as the finder of fact, staff recommends the Planning and Zoning Board approve the PD-I rezoning request as staff finds the rezoning application is consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies, and the purpose of the Planned Development and the PD-I (Planned Development-Infill) District purposes.

Alternative Motion I

Recommend approval of the PD-I rezoning request as the board finds the rezoning application is consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies, and the purpose of the Planned Development and Planned Development - Infill (PD-I) District purposes.

Prior to placement on the City Commission hearing agenda, provide the following:

1. A note on the plans indicating any accessory structures on the amenity deck shall comply with the PD-I setbacks.
2. Unified control of the development shall be provided as a part of this rezoning application.
3. Technical corrections on the PD-I documents and plans:
 - a. Provide completed Table of Contents of the PD-I document.
 - b. Eliminate the river access in the PD-I document as recommended in the June 28, 2017 PZB meeting.
 - c. Provide a note regarding public art on the Master Plan (Exhibit E) as noted on page 5.
 - d. Add full code sections relevant to Uses proposed on page 19 of the PD-I document for clarification.
 - e. Remove any references to a waiver of the 5 acre minimum requirement from the PD-I document.
 - f. Provide a minimum of 10-foot landscape buffer along the north property line on the west parcel.
 - g. Provide a Loading Area Maneuvering Diagram as part of Exhibit F.
 - h. The justification of Established Setbacks on the PD-I Table (Exhibit H) is not sufficient for evaluation. Provide adequate justifications in order for staff to evaluate the request.
 - i. Revise the PD-I document to reflect the proposed 18,000 square feet of the Accessory Use Maximum on the PD-I Table (Exhibit H).
 - j. Revise a note regarding the use of the Spa on the PD-I Table (Exhibit H) to residents and guests only.
 - k. Provide the formula of the parking space requirement according to proposed uses on PD-I Master Parking Plan (Exhibit F).
 - l. Provide the justification of the parking space requirement for the ancillary Spa / Personal Services establishment on PD-I Tables (Exhibit H).

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m. Correct the code references on page 24 of the PD-I Document to 155.2405.I. Minor Deviations and 155.2405.J. Amendments.

Prior to site plan approval, address the following:

1. Approval of the plat note amendment shall be obtained.
2. Applicant must comply with Air Park Overlay (APO) District requirements for Airpark Obstructions.

Prior to permit approval, address the following:

1. Per Code Section 155.5102. J. 6. [Valet and Tandem Parking], a recorded valet agreement will be required.
2. Public access paths proposed with this rezoning application shall be recorded as an easement, and referenced.

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 pertinent Future Land Use goals, objectives, and policies, and 155.3602. General Standards for All Planned Development Districts.

- 01.00.00 The attainment of a living environment which provides the maximum physical, economic and social well-being for the City and its residents through the thoughtful and planned use and control of the natural and man-made environments that discourages urban sprawl, is energy efficient and reduces greenhouse gas emissions.
- 01.03.05 All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying residential land use designations.
- 01.03.07 Require the provision of decorative structural or vegetative buffers between different density residential land uses, and residential and non-residential land uses unless the applicant can demonstrate by evidence that the proper buffer is provided.
- 01.03.11 Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.
- 01.03.12 The following criteria may be used in evaluating rezoning requests:
1. Density;
 2. Design;
 3. Distance to similar development;
 4. Existing adjoining uses;
 5. Proposed adjoining uses;
 6. Readiness for redevelopment of surrounding uses; and.
 7. Proximity to mass transit.
- 11.04.05 To maintain and enhance the existing recreational facilities which provide physical or visual access to the water.

Staff is recommending Alternative Motion I.

Ms. Carla Coleman asked when the last time the project was before the Board.

Ms. Sinatra-Gould stated that the project was presented to the Board on June 28, 2017.

Mr. Hill stated that he asked for the June staff report. He noted that the previous report listed DRC comments which were helpful in his review.

Ms. Sinatra-Gould stated that staff routinely updates their staff reports to remove any old comments that have been addressed.

Mr. Hill asked why staff was recommending denial of the June submission but now is recommending approval of this submission. He stated that he would like more information as to how the current application differs from the previous. He pointed out that the Comprehensive Plan was used to argue against the previous application but is now used to argue in favor of this current application.

Ms. Sinatra-Gould stated that she was hired by the City to review this application based on best planning practices but that she is not that familiar with the details of the previous application. She stated that this submission has omitted the hotel component and reduced the podium, which is a significant difference.

Ms. Jae Eun Kim, Planner, clarified that staff's recommendation was for approval at the June meeting. The request was for a PCD rezoning.

Dr. Mills asked what height is allowed under the Air Park Overlay.

Ms. Sinatra-Gould stated that the HR overlay removes the height restriction.

Mr. Stacer pointed out that there is no longer a need to obtain a variance from the Zoning Board of Appeals from the Air Park Overlay.

Ms. Sinatra-Gould stated that the applicant will provide an Air Park Permit Application at a later date.

Ms. Stephanie Toothaker, (110 SE 6th Street, Fort Lauderdale, FL) presented herself as the applicant's attorney. She stated that they have meet with the neighbors to work out some of the issues that were brought up at the previous meeting. She noted that some of the neighbors are present at tonight's meeting. She presented an aerial map to orient the board and gave an overview of the changes that have happened since the last hearing. She noted that the applicant would propose a plat note amendment to allow the residential component instead of the hotel use as well as the boat slips. She stated that the request has changed from PCD to PC-I and that the hotel condo units have been removed from the project. There will be 8,000 square feet of ancillary spa that is open to residents and their guests only. The eating establishment will also be limited to 3,000 square feet and be open only to the residents and their guests. It will close at 10:00 PM. The access to the

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river has been removed as well, but the documents were not updated. There is still beach access provided.

Ms. Toothaker explained that the reason for the change to PD-I was to enable locating the parking underground and to change the orientation of the building to be north-south. She noted that staff has gone through the documents in detail and the applicant is proud of the product that is being presented. She presented how the plans have changed as a response to neighbors' concerns. The proposal is for 239 residential units even though the site could accommodate 260 units per the County land use plan. She noted that the applicant has received approval from the FAA for 354 feet, which includes any spires or parapets. The City's Airpark permit will be brought before the Board in the future after a technical, staff-level review. She noted that the zoning code does not specify a maximum height for this area. She showed how the new design preserves much of the existing buildings' view corridors and noted that all of the site details will still need to be reviewed via the City's Site Plan review process. She stated that the development team has been working with the neighbors to revise the PDI document as recently as today on small changes and committed that the final version submitted to the City Commission will reflect all of these recent changes. She stated that she is happy to submit this latest version into the record.

Ricardo Dineen (4218 NE 2nd Ave, Miami, FL) presented himself as the project developer. He expressed his appreciation to the neighbors and City staff for the work that they have put in to the project.

Mr. Hill asked what recent changes have been made.

Ms. Toothaker stated that it is nothing substantive but rather some minor wordsmithing.

Ms. Rhonda Eaton asked about the Marquis building that had been previously approved.

Ms. Toothaker clarified that that former project had been proposed by different development team years ago and was approved by the City Commission.

Ms. Eaton asked what aspects of the PDI would not be allowed under the RM-45/HR overlay.

Ms. Toothaker stated that the current zoning has no height limitation. She stated that the building, however, would be required to be oriented east/west whereas the current proposal provides better view corridors.

Dr. Mills asked for clarification about the height reduction on the western building.

Ms. Toothaker stated that the western building was reduced to preserve views from the neighboring buildings. The eastern building height was heightened by making it skinnier in effort to better preserve view corridors.

Ms. Elena Ivanova (1391 S. Ocean Boulevard, Pompano Beach, FL) presented herself as an owner in the Delphi building. She stated that the applicant testified that they have been

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working with the neighbors but she claimed that many of the residents have not been aware of these meetings. She is concerned that the number of units will be almost 7 times as many as the Delphi and will only make the traffic on South Ocean Boulevard even worse. She is asking if there is any limit on how many times the project can be approved.

Mr. Mark Berman, City Attorney, stated that the applicant has asked for a different approval. The applicant has brought a new application before the board.

Ms. Ivanova expressed concern that the applicant will continue to make changes to their plans and re-apply.

Ms. Coleman stated that the application is only for 239 units, not 700 units.

Mr. Hill asked if the other residents in her building received the notice for this hearing.

Ms. Ivanova stated that she asked her neighbors, and no one knew anything.

Mr. Byron Graham (1390 S Ocean Boulevard, Pompano Beach, FL) noted that he was one of the fiercest opponents of the former PCD request. He noted that he, along with his neighbors, worked tirelessly to preserve the character of the neighborhood. He stated that to his surprise, Mr. Dineen reached out late this summer to the neighborhood residents and promised to make concessions in order to make the project work, including limiting the spa and restaurant to the residents, changing the size and shape of the buildings, and removing the hotel aspect from the project. He asked that the Board approve of this rezoning as it will be much more compatible with the neighborhood.

Mr. Paul Holidel (1391 S. Ocean Boulevard, Pompano Beach, FL) stated that he was also an opponent to the previous project. He noted that both the developer and the neighbors have made concessions and that he supports this rezoning request.

Mr. Jeff Uett (255 S. Orange Avenue, Suite 900, Orlando, FL) stated that he is an attorney representing Five Star Premier Residences and agrees that the project should be approved.

Mr. Stacer closed the public hearing at this time.

Mr. Stacer asked if the applicant is in agreement with staff's recommended conditions.

Ms. Toothaker responded that they are in agreement with the conditions.

Mr. Hill asked about the meetings with the surrounding buildings.

Mr. Dineen stated that they had numerous meetings with all four of the neighboring buildings over the course of 3 or 4 years.

Ms. Coleman commended both sides for the work that was put in to coming into an agreement.

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Ms. Eaton stated that there have been several proposals for this property over the years and she commends the developer for presenting a superior design for the property. She feels that the dune mitigation and underground parking are very innovative aspects.

Mr. Stacer stated that he thinks there are some innovative aspects to this design. He agrees that the lowering of the shoulder was a wonderful idea and that using a lower parking garage to provide more plant material was truly innovative. He noted that the trees are specified to be larger than what is required and stated that he thinks it is a superior product. He noted that section "C" on page 152 seems to be spun around and should be revised.

Mr. Klosiewicz stated that he hopes that this development will be an inspiration to other developers who propose infill projects.

Mr. Hill stated that it appears that some language mentioning the spa use and condo hotel are left-overs from the previous submittal.

Ms. Toothaker confirmed this and stated that any text that is left over from the previous application will be revised. This project is condo only.

Mr. Hill asked about another section that notes 18,000 square feet of spa.

Ms. Toothaker clarified that this is left over text and that there would only be 8,000 square feet of spa and 3,000 square feet of restaurant use. Both will be only for residents and their guests.

Ms. Sinatra-Gould clarified that staff's conditions include making the applicant revise the uses allowed in the PC-I.

MOTION was made by Richard Klosiewicz and second by Calra Coleman to recommend approval of the rezoning PZ #16-13000005 per Alternative Motion I as described in the staff report. All voted in favor of the motion with the exception of Tony Hill; therefore, the motion passed.

NOTE: Mr. Stacer requested a motion to move the following item to the front of the agenda since it will be tabled.

MOTION was made by Tony Hill and second by Jerry Mills to hear this item out of order. All voted in favor.

2. MOUNT VERNON PROPERTY HOLDINGS, LLC / OCEAN PARK
BEACH RESIDENCES
Planning and Zoning #16-13000001

Consideration of the request by **HOPE CALHOUN** on behalf of **MOUNT VERNON PROPERTY HOLDINGS, LLC** to rezone the

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