

Chair Stacer asked the Board if there were any questions for staff. No questions were asked for staff.

Chair Stacer opened the public hearing. No one came forth to speak. Chair Stacer closed the public hearing. (57:30)

**MOTION** by Derek Lewis and seconded by Tundra King that the Board finds that competent, substantial evidence has been presented for the Rezoning that satisfies the review criteria and move approval of the item.

Chair Stacer noted he had asked the Commission to postpone new rezonings on NW 31<sup>st</sup> Avenue until the EDC’s new NW 31<sup>st</sup> Avenue Task Force made recommendations. He stated this is considered a downzoning so it would not be subject to that request.

All voted in favor. The motion was approved.

(59:36)

5. [LN-359](#) **2050 DR. MARTIN LUTHER KING JR. BLVD**

<b>Request:</b>	Flex
<b>P&amp;Z#</b>	22-05000008
<b>Owner:</b>	Merijul LLC & One-Quarter Ham LLC
<b>Project Location:</b>	2040-2050 Hammonville Road
<b>Folio Number:</b>	484234000270 & 484234000271
<b>Land Use Designation:</b>	C (Commercial)
<b>Zoning District:</b>	B-3 (General Business)
<b>Agent:</b>	Tiffany Crump
<b>Project Planner:</b>	Jean Dolan

Ms. Jean Dolan, Principal Planner, introduced herself to the Board and stated this is a request for approval for a 261 unit mixed-income housing project on a 3.79-acre parcel at the southeast corner of Powerline and Dr. Martin Luther King, Jr. Boulevard. The site currently contains a convenience store (to be demolished) and two billboards (to remain). The project’s conceptual plan consists of four, 8-story buildings, approximately 90 feet in height and a parking garage with 5 floors of parking (including the roof). The Land Use designation on the property is Commercial. The zoning of the parcel is General Commercial B-3 which allows for 46 units per acre when flex units are allocated. The property is eligible for flex as shown on the flex receiving area map. The City’s mixed income housing ordinance allows the B-3 density of 46 du/ac to be increased by 50% to 69 units per acre in those areas required to provide market rate units. This project is within the link of Powerline between Atlantic Boulevard and NW 15<sup>th</sup> Street that is limited to 20% deed restricted affordable housing in order to inject market rate units into the corridor. The proposed project is a good candidate or the use of Policy 2.16.3 which allows 6 bonus units for every 1 moderate income housing unit deed restricted for 30-years. This bonus allows the total flex units to be reduced from 261 to 38 (a savings of 223 flex units) with the remainder being made up by the 6 bonus units for every moderate-income housing unit deed restricted for 30-years (38 moderate income flex units x 6 bonus units = 228 bonus units + the 38 moderate income flex units = 266 total units which is greater than the 261 allowed). She displayed the adjacent zoning map designations and conceptual site plan. She reviewed the Comprehensive Plan Goals, Objectives, and Policies.

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

1. Motion to recommend approval of the proposed flex unit allocation as the Board finds it to be Compatible with the Goals, Objectives and Policies in the Comprehensive Plan and the City’s mixed income housing code with the following requirements prior to finalizing the Conceptual Plan and being placed on a City Commission agenda.

- Modify the Conceptual Plan to show the billboards to remain and the edge of the ROW/road easements associated with Powerline Road and the distance to the buildings from this line;
  - Reduce the total units shown on the Conceptual Plan to 261 and provide the number of parking spaces based on proposed unit sizes per Table 155.5102.D.1. The unit sizes indicate the target market is larger families that will need adequate parking;
  - Provide a traffic circulation analysis that shows how the ingress/egress will function and how trip generation will be distributed on local streets with particular attention to the intersection of NW18th Avenue and Dr. MLK Boulevard where the City is attempting to get a signal warrant from Broward County, include projected traffic from the Marquis Apartments, the Senior Center, the Gateway Apartments, Hunter's Manor RPUD and the Golden Acres expanded project;
  - Provide a route and distance traveled analysis for pedestrians travelling from the parking structure to each of the buildings. Explain how handicapped parking and circulation is addressed;
  - Amend the Conceptual Plan to show a playground and resident amenity area;
  - Amend the Conceptual Plan to show the leasing office and associated parking;
  - Provide a graphic of the 6. high painted aluminum perimeter fence; and
  - Provide a Declaration of Restrictive Covenants ensuring the 38 flex units will be restricted to moderate income for a period of 30-years as required by County Policy 2.16.3 to qualify for the 6 bonus units for every moderate-income unit.
2. Motion to table the proposed flex allocation request to allow further analysis of the detailed version of the site plan as it moves through the DRC process and of any other issues raised by the Board, Staff, Applicant or the general public.

Staff recommends motion number (1).

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

Ms. Kovac strongly objected to the billboards. Ms. Dolan encouraged the applicant to address the concern.

Ms. Smith and Ms. Coleman agreed with Ms. Kovac regarding the billboards.

Dwayne Dickerson (14 SE 4<sup>th</sup> Street, Boca Raton) introduced himself to the Board on behalf of the applicant. He noted their comments regarding the billboards were well received and suggested they could work together on a solution. Mr. Dickerson reviewed the project location, request, original site plan, and current site plan.

Ms. Coleman asked about the location of the billboards. Mr. Dickerson said they are located on the west side, facing Powerline Road and Hammondville Road. He acknowledged they are currently legally bound by State law and leases.

Ms. King stated she would like to see residents of Pompano Beach be considered for the affordable housing. Mr. Dickerson referenced Fair Housing policies and spoke about partnering with the Chamber of Commerce to promote and provide opportunities to local residents.

Ms. King spoke about a lack of traffic signal at the intersection of 18<sup>th</sup> Street and MLK Boulevard. She expressed concern about children attempting to cross the street to attend nearby schools. Mr. Dickerson spoke about the County process. He noted the low traffic generation by the project but acknowledged they would like to be part of the solution for the traffic light.

Chair Stacer asked about next steps. Ms. Dolan said they would take it to the City Commission with a conceptual site plan.

Chair Stacer stated he does not support parking garage on major roads and recommended relocating it on the property. He suggested a covered walkway to the parking garage.

Chair Stacer stated that Broward County will be having an internal traffic engineering meeting regarding the traffic light at the intersection referenced by Ms. King.

Chair Stacer asked about location of buildings regarding flex units in the code. Assistant City Attorney Saunders replied that it was outlined in the staff report and summarized Section 155.42022.A.1.

Chair Stacer said the location is great for this type of project but recommended the applicant address the staff requirements before moving it along to the City Commission.

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

Mr. Dickerson acknowledged Chair Stacer's concerns but he acknowledged contractual obligations to their client and financial contingencies. He noted it would come back to the Board for final site plan approval.

Ms. Coleman said the conceptual site plan is not yet ready.

Mr. Dickerson said they would continue to explore options to address issues.

Ms. Coleman stated she would only support this request moving forward tonight if the following additional conditions were added:

- Minimize billboard impacts
- Create better connectivity between the parking garage and the buildings

Mr. Dickerson said the plan and layout meets all the code requirements.

Ms. Coleman requested the applicant review the issues and plan one more time.

Mr. Dickerson said they would continue to work with staff and the design team.

Chair Stacer suggested the P&Z Board pass on the flex to City Commission and leave the site plan approval up to the P&Z Board.

Ms. Smith asked about the time set aside for flex units. Chair Stacer said two years.

Ms. Dolan agreed with the additional of the two conditions but explained those issues were already included in the staff's recommended conditions.

(1:52:46)

**MOTION** by Carla Coleman and seconded by Richard Klosiewicz that the Board finds that competent, substantial evidence has been presented for the Flex that satisfies the review criteria and move approval of the item, subject to the ten (10) condition provided by staff and the P&Z Board.

Assistant City Attorney Saunders asked for clarification on the motion.

Discussion ensued about the motion and next steps.

Assistant City Attorney Saunders spoke about review standards and conditions.

Ms. Coleman withdrew her motion for further discussion.

Chair Stacer recommended pulling the two additional conditions but reiterated the Board is serious about those two items for site plan.

Ms. Kovac suggested tabling would give more time for further analysis.

Assistant City Attorney Saunders asked if the additional conditions are satisfied within staff's conditions in 1 and 4.

Ms. Coleman said those conditions do address their concerns.

Ms. Dolan stated the conditions are not the issue. The Board must decide whether to move the item on to City Commission or table the item.

Ms. Smith asked if the parking garage could be moved to the where Building B-1 is to address concerns. Mr. Dickerson said moving the garage may compromise the amenities, but they would be willing to look at the option. He reiterated they accept all conditions.

(2:07:58)

**MOTION** by Carla Coleman and seconded by Tundra King that the Board finds that competent, substantial evidence has been presented for the Flex that satisfies the review criteria and move approval of the item, subject to the eight (8) condition provided by staff.

Chair Stacer asked which City Commission meeting the item would be heard at. Ms. Dolan replied they are aiming for the March 14 or March 28 meetings. All voted in favor except for Joan Kovac who voted in opposition. The motion was approved (6-1).

#### **H. AUDIENCE TO BE HEARD**

No one came forth.

#### **I. OTHER BUSINESS**

##### **1. REPORTS BY STAFF**

Ms. Kervin Alfred introduced the new Planning Aide, Ryan Sculte.

Assistant City Attorney Saunders wished Ms. King a Happy Birthday.

##### **2. BOARD MEMBERS DISCUSSION**

Ms. Kovac asked staff to provide an update on the two restaurants on Atlantic Boulevard that have been built but are not occupied.

Ms. King announced she attended the most recent CRA meeting.

Ms. Coleman said she also attended the meeting and asked for the pdf. Ms. Dolan said they would send the document to the Board members when it is available.

Chair Stacer spoke about the timeline of the downtown overlay district. He recommended the Board review the legislative part of the district within the year to prepare for the future. He noted the Board may host one of the public forums regarding the downtown overlay.

Ms. Coleman spoke about the "missing middle" and choices to what adds value.

Discussion ensued about the CRA presentation.