

Mr. Stacer stated that Christopher Longworth, developer of the Koi Residences project, passed away recently. Mr. Longworth has been in front of the Board several times. He asked the Board to consider Mr. Longworth during the moment of silence.

(7:08)

D. APPROVAL OF THE MINUTES

Ms. Kovac asked for correction on the draft. She asked for her last name to be corrected from “Kovak” to “Kovac”.

Ms. Smith pointed out that the title on the draft stated “Agenda” rather than “Minutes”.

MOTION by Joan Kovac and seconded by Darlene Smith to approve the minutes, as amended, of the December 16, 2020 meeting. All voted in favor.

(9:02)

E. INDIVIDUALS TESTIFYING PLACED UNDER OATH

Mr. Stacer explained that due to the virtual setting, individuals will be sworn in individually as opposed to in a large group setting by Pamela McCleod, Planner and Notary Public in the State of Florida.

(9:09)

F. NEW BUSINESS

1. [LN-17](#) **FS 103 SITE LUPA**
- | | |
|------------------------------|---|
| Request: | Land Use Plan Amendment |
| P&Z# | 20-92000003 |
| Owner: | Whitney LLC, 40th Street LLC, Clermont Realty LLC
& Newtown Hall LLC |
| Project Location: | 3500 NE 16th Terrace |
| Folio Number: | 484224190060 |
| Land Use Designation: | CF |
| Zoning District: | CF |
| Commission District: | 2 |
| Agent: | Scott Backman (561-405-3300) |
| Project Planner: | Jean Dolan (954-786-4045) / jean.dolan@copbfl.com |

Jean Dolan, Principal Planner, introduced herself to the Board and was sworn in by Pamela McCleod, Planner and Notary Public in the State of Florida. She stated that the Applicant is processing three concurrent applications for the 0.45 gross acre property at 3500 NE 16th Terrace. The property is adjacent and west of the Shopper’s Haven shopping center on the SW corner of Sample Road and US 1 and was previously the site of Fire Station 103. The three applications include a local-only land use plan amendment (LUPA) to change the property from Community Facility (CF) to Residential (Low-Medium 10); a commercial flex request to allow local business uses on a residential land use classification and a rezoning to B-1 to allow the commercial use. The purpose of these three applications is to allow an office use in the existing structure on the site for the management staff of the adjacent shopping center. This agenda item

will focus on the local LUPA and the commercial flex request (though a separate report has been prepared for the flex request). She asked for three separate votes for each item. She stated that the City's Future Land Use Map shows the site as Community Facility (CF) while the County's Land Use Plan shows it as Residential (LM 10). The proposed LUPA will make the City and the County's plan both show a LM-10 land use designation. The concurrent commercial flexibility request will limit the commercial entitlements on the property to the conceptual site plan submitted with the flexibility request which limits development rights to the existing building. She stated that the impact analysis for a Future Land Use Map amendment is based on a comparison of the entitlements created by the current land use designation (not the current use of the property) and the entitlements being proposed based on the change in land use designation. In this case, the CF land use entitles the property to 29,403 SF of building area, however, based on the conceptual site plan restricting the amount of commercial flexibility being requested concurrent with this land use plan amendment, the site will only be entitled to 2,418 SF of building area. This is a 92% decrease in entitlements for this property. The local land use plan amendment and associated allocation of commercial flexibility, therefore, results in a reduction of demand on all public facilities. She stated that the proposed local-scale commercial use is compatible with the single-family neighborhood to the west and is less intense than the previous fire station use and most other community facility uses that could currently locate on the property by right. The conceptual site plan for the commercial use of the existing building includes additional buffering and a change to access patterns to improve the site's compatibility with the single-family homes as well as the adjacent multi-family apartments. She continued stating that if the commercial flexibility is ever abandoned and the site rezoned for residential use, the site will have development rights for a maximum of 4 residential units. The City's infrastructure can accommodate this minor increase in residential units and residential units are compatible with existing uses in the vicinity.

Ms. Dolan stated that staff has listed the applicable goals, objectives, and policies from the newly-adopted 2020 Comprehensive Plan and finds the proposal consistent with these policies. Staff has the following motions for the Board's consideration:

Alternative Motion I

Motion to recommend approval of the proposed Future Land Use Map Amendment as the Board finds the proposed Land Use Plan Amendment compatible with the Goals, Objectives and Policies in the Comprehensive Plan and the existing adjacent land uses.

Alternative Motion II

Motion to table the proposed Future Land Use Map Amendment to allow further analysis of any issues raised by the Board, Staff, Applicant or the general public.

Alternative Motion III

Motion to recommend denial of the proposed Future Land Use Map Amendment as the Board finds it to be incompatible with the Goals, Objectives and Policies in the Comprehensive Plan or the existing adjacent land uses.

Staff recommends Alternative Motion I.

Ms. Dolan stated that the applicant has committed to holding a community meeting via Zoom prior to going on to City Commission for all three agenda items. She mentioned the Applicant would prefer to present all three items in one presentation.

Mr. Saunders asked if Ms. Dolan's presentation included all three items and was concluded. Ms. Dolan responded she would do individual presentations due to the different criteria for approval. She asked that the Applicant be permitted to present first to give the Board the "big picture". Mr. Saunders agreed.

Mr. Stacer asked if there were any questions for staff. There were none.

Christina Bilenki (14 SE 4 St, Suite 36, Boca Raton) introduced herself to the Board and was sworn in by Pamela McCleod, Planner and Notary Public in the State of Florida. She provided the Board a presentation of the project. She stated the property is a 0.45-acre parcel south of Sample Road and west of the Shopper's Haven Shopping Center. The property was previously used as a fire station and a new fire station was built for the Cresthaven community a few years ago. This building sat vacant and was sold to the current owner, who also owns the Shopper's Haven commercial center. The owner intends to use the building for their offices. The County's land use designation for this site is Residential LM 10 dwelling units per acre and the City's Future Land Use designation is Community Facilities. The zoning designation is CF (Community Facilities). She showed photographs of the existing conditions. She stated that there are three different requests for this property. Once the fire station was abandoned, the building remained vacant. The building is also unable to be used for most commercial businesses. Many community facility uses are too intense for this building and would need larger parcel sizes. The owner intends to renovate the interior of the building to utilize the building for their offices. Their current offices are within Shopper's Haven center, but they hope to propose new redevelopment in the near future. They are seeking to relocate their offices to a more permanent location. Before the board today, the requests include a local Land Use Plan Amendment to amend the City's land use designation for the property from CF to Residential (Low-Medium 10), which is consistent with the county's Land Use Plan designation for the subject property, an allocation of commercial flex to allow the local office use and neighborhood-type business uses, and finally, they are requesting a rezoning from CF to B-1 to allow low-intensity business and office uses.

She stated that the purpose of the LUPA requested to match the County's Land Use Plan. By changing the Land Use and applying the allocation of commercial flex, they can allow the low-scale commercial uses within the existing building that accommodates the management staff of the adjacent commercial center. By changing the Land Use designation to match the county's the owner will be avoiding the cumbersome process of amending the county's Land Use Plan. Rezoning to B-1 has similar intensity standards to the current Community Facility designation as well. This change also provides a transition between the residential to the west and the commercial to the north and east. An impact analysis was conducted based on the comparison of the entitlements created by the Future Land Use designation for the property now and those proposed with the change in designation. The conceptual site plan restricts the commercial flex being requested. She referred to Ms. Dolan's presentation and reiterated that there would be a 92% decrease in entitlements for this property. This results in a significant reduction in demand of all public facilities. As commercial flex is specifically limited to the conceptual plan, any new development proposed in the future would be required to come back to the Board and City Commission with a new flex request. If the commercial flexibility is abandoned and the site is rezoned for residential uses, the site would be allowed to have up to four residential units per the land use designation. The proposed low scale commercial use is also compatible with the adjacent uses. B-1 is the lowest intensity category to ensure that there is compatibility and an orderly transition between the residential to the west and the B-3 commercial zoning to the North and East. She presented the proposed site plan and mentioned that a significant amount of new landscaping and compatibility buffer will be included along the west and south. Primary access will be provided mainly through the adjacent commercial shopping center. Access from NE 16th Terrace is existing and will be reduced in width as well as gated. Access along this road will be solely for emergency vehicles and trash pickup trucks. This will lessen the impact to the residential community. She concluded stating that the applications are consistent with several of the goals, objectives and policies of the City's Comprehensive Plan and reviewed a list of these for the Board. She added that an analysis was done to review the impacts of the proposed development on public services and facilities.

Mr. Stacer asked if anyone has questions related to the LUPA. There were none.

Mr. Stacer asked if anyone from the public wished to speak. There were none. He closed the public hearing. (34:57)

Fred asked if there is anyone from the public. There is no one. Fred closes the public hearing.

MOTION was made by Carla Coleman and seconded by Joan Kovac that the Board finds that competent, substantial evidence has been presented supporting LUPA PZ #20-92000003 as compatible with the City’s Comprehensive Plan and existing adjacent land uses and that the Board recommends approval of the request to the City Commission per Alternative Motion I, as described and amended in the staff report. All voted in favor of the motion.

(36:39)

2. [LN-16](#)

FS 103 SITE FLEX

Request:	Commercial Flex
P&Z#	20-05000004
Owner:	Whitney LLC, 40th Street LLC, Clermont Realty LLC & Newtown Hall, LLC
Project Location:	3500 NE 16th Terrace
Folio Number:	484224190060
Land Use Designation:	CF
Zoning District:	CF
Commission District:	2
Agent:	Christina Bilenki (561-405-3323)
Project Planner:	Jean Dolan (954-786-4045) / jean.dolan@copbfl.com

Ms. Dolan stated that the second request is for commercial flexibility. Chapter 154.60 of the City’s Code defines the 5% rule which establishes that the Broward County Land Use Plan and the City of Pompano Beach Comprehensive Plan permit up to five percent of the area with a designated residential land use category to be used for neighborhood commercial uses without applying for a land use plan amendment. Requests for commercial flexibility requires the submittal of a conceptual plan which defines how the property will be developed in a manner compatible with the adjacent residential uses. This attached conceptual site plan limits the commercial use to the existing building. The commercial flexibility review standards include compatibility with applicable goals, objectives and policies of the City's Comprehensive Plan, as well as that the nonresidential development within the residential land use designation will produce a reasonable development pattern to include compatibility with the adjacent uses.

Ms. Dolan stated that staff finds the proposed site plan and the use satisfies the standards for the Board’s consideration of approval. 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 conditions:

The site plan ultimately approved for this site shall be generally consistent in regard to building dimensions and placement, setbacks and buffering with the Conceptual Plan (Attachment 1). The following revisions must be made to the Conceptual Plan before this request will be placed on a City Commission agenda:

- (1) The perimeter buffer along the south and west property lines must be at least 10 feet wide.
- (2) Label the south and west fence as follows: “Existing fence to be removed and replaced with a