



CITY OF POMPANO BEACH FLORIDA

CITY HALL OFFICES:

100 W. Atlantic Boulevard
Pompano Beach, Florida
PHONE: (954) 786-4662

Visit Our Website At:
<http://www.pompanobeachfl.gov>

MAILING ADDRESS:

City of Pompano Beach
P.O. Box 1300
Pompano Beach, FL 33061

PLANNING AND ZONING BOARD/LOCAL
PLANNING AGENCY

April 26th, 2017
Wednesday

City Commission Chambers

6:00 P.M.

MINUTES

A. Call to order by the Vice Chairman of the Board, Ms. Joan Kovac at 6:05 PM.

B. ROLL CALL:

Joan Kovac
Dwight Evans
Jerry Mills
Richard Klosiewicz
Jeff Torrey
Carla Coleman *for Fred Stacer*
Trip Bechert *for Tony Hill*

Also in Attendance:

Jennifer Gomez, Assistant Development Services Director
Paola West, Principal Planner
Carrie Sarver, Assistant City Attorney
Matt Edge, Zoning Technician
Bonnie Miskel
Ari Pearl
Patrick Jovanov
Lanny Schwartz
Theron White
Matt Carr

Eileen Michaelson
John Dorenda
Dennis Mele
Jim Kahn
Scott Backman
Abbas Zackria
Tim Hernandez
Mike Cary

C. MOMENT OF SILENCE

A moment of silence was observed.

D. APPROVAL OF THE MINUTES:

Approval of the minutes of the meeting on March 22nd, 2017.

MOTION was made by Jerry Mills and seconded by Richard Klosiewicz to approve the meeting minutes of March 22nd, 2017. All voted in favor of the motion therefore, the motion passed.

Vice-Chair Joan Kovac stated that several agenda items will not be heard at this month's meeting. She requested a motion to hear items #3, #6, #13, and #15 out of order.

MOTION by Dwight Evans and second by Richard Klosiewicz to hear items #3, #6, #13, and #15 out of order. All voted in favor.

****NOTE: The subsequent motions and votes for each of these three items are described below.****

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. PUBLIC HEARINGS

**1. GC HILLSBORO SHORES LLC / HILLSBORO SHORES – LAND
USE PLAN AMENDMENT**
Planning and Zoning #15-92000004

Consideration of the proposed LAND USE PLAN AMENDMENT request by **BONNIE MISKEL** on behalf of **GC HILLSBORO SHORES LLC** for a change in the future land use designation of a 4.2079 gross-acre property. Currently the property has a Commercial (C) Future Land Use

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // ME

designation. The Applicant is requesting a change in land use to “Dashed Line” Land Use Category with a Maximum of 122 Residential Units. The subject property is located at 2507 N. Ocean Blvd and 2629 N. Riverside Drive, more specifically described as follows:

LOTS 14 AND 15, BLOCK 19, OF "HILLSBORO SHORES SECTION "B",
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK
22, PAGE 39, OF THE PUBLIC RECORDS OF BROWARD COUNTY,
FLORIDA, LESS AND EXCEPT THEREFROM THE WEST 60 FEET OF
SAID LOT 14. TOGETHER WITH:

LOTS 19, 20, 21, 22 AND 23, BLOCK 20, OF "HILLSBORO SHORES
SECTION "B", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN
PLAT BOOK 22, PAGE 39, OF THE PUBLIC RECORDS OF BROWARD
COUNTY, FLORIDA. TOGETHER WITH:

THAT PORTION OF NORTH RIVERSIDE DRIVE RIGHT-OF-WAY BEING
LOCATED WITHIN "HILLSBORO SHORES SECTION "B", ACCORDING
TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGE 39,
OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING
MORE PARTICULARLY DESCRIBED IN THE APPLICATION ON FILE
AT THE DEVELOPMENT SERVICES DEPARTMENT.

AKA: 2507 N Ocean Blvd and 2629 N Riverside Drive
FROM: C (Commercial)
TO: “Dashed Line” Land Use Category with a Maximum of 122
Residential Units
STAFF CONTACT: Maggie Barszewski (954) 786-7921

NOTE: This item was postponed at the March 22, 2017 Planning and Zoning Board meeting to the April 26, 2017 Planning and Zoning Board meeting.

Ms. Maggie Barszewski, Planner, presented herself to the Board. She stated that request is a modification from the earlier request that received the Board’s recommended for approval back in September 2016. She explained that after being heard by the Planning and Zoning Board, the item was approved by the City Commission at first reading. However, when it was reviewed by the Broward County Planning Council, it was determined that the gross acreage had erroneously included portions of the Intracoastal Waterway. Since an amendment was therefore needed, staff determined that it should return to the Planning and Zoning Board for their consideration. This amendment solely consists of changing the site acreage from 4.2079 to 3.4256. The number of residential units is unchanged at 122, so the resulting density is changed from 29 to 35.7 units per acre. The request is to change from C (Commercial) to High Residential (HR) Irregular (Dashed Line Area) 35.7. She stated that staff’s analysis has not changed since there is no substantial change to this request. She provided the following alternative motions to the Board:

Alternative Motion I: To recommend denial of the Land Use Plan Amendment from the current C (Commercial) land use designation to High Residential Irregular Dashed Line

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35.7, based upon the finding that the amendment is incompatible with Goals, Objectives, and Policies of the Comprehensive Plan.

Alternative Motion II: To table this request in order to provide additional information.

Alternative Motion III: To recommend approval based upon the finding that the amendment is compatible with Goals, Objectives, and Policies of the Comprehensive Plan.

Dr. Jerry Mills asked what staff's recommendation is.

Ms. Barszewski responded that staff continues to recommend denial of this request. She commented that the Planning and Zoning Board had recommended approval of this request at the September 2016 meeting.

Mr. Bechert asked why staff is recommending denial.

Ms. Barszewski responded that staff's analysis is that the request does not meet the Goals, Objectives, and Policies of the Comprehensive Plan. She summarized that the concern with the request is the Comprehensive Plan attempts to retain the commercial land use designation that is left on the barrier island. She explained that staff feels that changing it to bring additional residential units to the island is contrary to the Comprehensive Plan.

Ms. Barszewski clarified that contrary to an earlier misunderstanding on her part, the applicant has stated that marine and water-dependent activities will not be compromised as a result in this land use change, as the proposed site plan will keep the existing marina with boat slips.

Ms. Bonnie Miskel (14 E 4th Street, Boca Raton, FL) introduced herself to the Board as the attorney for the property owner and stated that the vote was 5-2 in favor at the September hearing. She stated that there has been much outreach to the community and that the recommendation from staff is based only on their desire to retain the Commercial land use. She explained that the area is non-complying residential currently and that the community feels that it is already a residential neighborhood. She stated that they are trying to protect and preserve the nature of the area and that the impacts of this proposal are unchanged from the last recommendation.

Dr. Mills stated that he hopes that the applicant is working with staff to meet some of their concerns.

Ms. Miskel stated that the City wants to hold onto the commercial designation, but the area is not feasible for commercial development since it has the smallest roads on the entire barrier island. She stated that she feels commercial land use is appropriate in the right place, such as near Atlantic Boulevard, but not for this area. She stated that the majority of residents in the area are supportive of this change.

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Dr. Mills asked if the marina will be a residential marina.

Ms. Miskel stated that it will be open to the public.

Dr. Mills asked if commercial boats will be able to dock there.

Mr. Ari Pearl (1 N Ocean Boulevard, Pompano Beach, FL) presented himself to the Board as the project developer. He stated that the marina is a privately-owned marina but it will be provided for public use and slips rented on a first-come, first-serve basis. He added that the boardwalk will also be open to the public.

Dr. Mills asked if it was ever a commercial marina. He asked if fishing charters would be able to use it.

Ms. Miskel stated that the marina is currently closed and that it is not intended for commercial boats but rather for private boats.

Mr. Pearl stated that from his recent experience the boats there have been personally owned, with the exception of a dive boat and a jet ski rental.

Mr. Patrick Jovanov (411 NE 18 Avenue, Pompano Beach, FL) stated that he knows the area quite well, stating that he bicycles the area and has since the 70s. The area has been used as a marina in the past but he can't see the area as a commercial area.

Mr. Lanny Schwartz (2616 N. Riverside Drive, Pompano Beach, FL) presented himself as president of Marina View Condominiums. He stated that he has been in contact with Michelle Green, president of a nearby condominium association, and they concur that this project would bring excessive traffic which will prevent the timely response of emergency responders. He gave an example of the heavy traffic in the area when the bridge was in the up position and how it causes problems for emergency services. He stated that this project would be hazardous and a traffic nightmare, adding that the existing infrastructure is already dated.

Mr. Patrick Jovanov added that flooding is currently a major issue.

Ms. Kovac closed the public hearing.

Seeing one more person who wished to speak, Ms. Kovac reopened the public hearing again.

Mr. Theron White (2639 N Riverside Drive, Pompano Beach, FL) presented himself as a resident since 2005. He stated that he was attracted to the location because it is unique. He stated that the infrastructure is sufficient for the present needs but that changing it for commercial development would not be in keeping with the quality of life for the neighborhood. He stated that he opposes staff's recommendation and thinks that this project should move forward. He stated that the area should see improvements in

pedestrian and bicycle infrastructure, but it should not be developed as a commercial district.

Ms. Kovac closed the public hearing.

Ms. Miskel provided additional details supporting their request. She stated that there are currently no commercial restrictions on the B-3 uses, and as such, many of the residents have embraced the proposal since it would be more compatible with the neighborhood. She showed their traffic impact analysis that indicates a residential use would be a significant decrease in traffic compared with a possible commercial development. All impacts would be decreased with the exception of sewage requirements. She stated that in the previous hearing, no resident made the statement that the area is currently commercial in nature. She presented the compatibility analysis to the board and stated that the zoning request is for an infill development, which would allow a moderate amount of commercial that would be contextual with the existing neighborhood.

MOTION was made by Richard Klosiewicz and seconded by Carla Coleman to recommend approval of PZ #15-92000004. All voted in favor of the motion; therefore, the motion passed.

2. GC HILLSBORO SHORES LLC / HILLSBORO SHORES –
REZONING
Planning and Zoning #16-13000003

Consideration of the request by **BONNIE MISKEL** on behalf of **GC HILLSBORO SHORES LLC** to rezone the property from B-3 (General Business) to PDI (Planned Development Infill). The property is legally described as follows:

LOTS 14 AND 15, BLOCK 19, OF "HILLSBORO SHORES SECTION "B"", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGE 39, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LESS AND EXCEPT THEREFROM THE WEST 60 FEET OF SAID LOT 14. TOGETHER WITH:
LOTS 19, 20, 21, 22 AND 23, BLOCK 20, OF "HILLSBORO SHORES SECTION "B"", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGE 39, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. TOGETHER WITH:
THAT PORTION OF NORTH RIVERSIDE DRIVE RIGHT-OF-WAY BEING LOCATED WITHIN "HILLSBORO SHORES SECTION "B"", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGE 39, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHEAST CORNER OF LOT 23, BLOCK 20, OF THE AFOREMENTIONED "HILLSBORO SHORES SECTION "B"", THENCE SOUTH 76°49'08" WEST (BASIS OF BEARING), ALONG THE SOUTH LINE OF THE AFOREMENTIONED BLOCK 20, ALSO BEING THE NORTH RIGHT OF WAY LINE OF NORTH RIVERSIDE DRIVE, A DISTANCE OF 53.12 FEET TO THE POINT OF BEGINNING, ALSO BEING

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THE POINT OF CURVATURE OF A 75.00 FOOT RADIUS CURVE TO THE LEFT CONCAVE SOUTHEASTERLY; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", FOR AN ARC DISTANCE OF 117.81 FEET TO THE POINT OF CUSP OF A 25.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A RADIAL LINE OF SAID POINT BEARS NORTH 76°49'08" EAST, THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", FOR AN ARC DISTANCE OF 39.27 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 76°49'08" WEST, ALONG THE SOUTH RIGHT OF WAY LINE OF NORTH RIVERSIDE DRIVE, ALSO BEING THE NORTH LINE OF BLOCK 19, A DISTANCE OF 245.52 FEET; THENCE NORTH 23°29'23" WEST, A DISTANCE OF 0.75 FEET TO THE POINT OF CURVATURE OF A 60.00 FOOT RADIUS CURVE TO THE LEFT CONCAVE SOUTHWESTERLY; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 79°41'29", FOR AN ARC DISTANCE OF 83.45 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF THE AFOREMENTIONED NORTH RIVERSIDE DRIVE, ALSO BEING THE SOUTH LINE OF THE AFOREMENTIONED BLOCK 20; THENCE NORTH 76°49'08" EAST, ALONG THE AFOREMENTIONED NORTH RIGHT OF WAY LINE, A DISTANCE OF 404.69 FEET TO THE POINT OF BEGINNING. THE SITE CONTAINS 108,656 SQUARE FEET (2.4944 ACRES NET).

AKA: 2507 N Ocean Blvd and 2629 N Riverside Drive
ZONED: B-3 (General Business)
TO: PDI (Planned Development Infill)
STAFF CONTACT: Jae Eun Kim (954) 545-7778

Ms. Jennifer Gomez, Assistant Development Services Director, presented herself to the Board. She explained that this request is a companion to the land use amendment request that the Board just considered. She explained that the applicant is requesting to rezone the properties from B-3 (General Business) to PDI (Planned Development Infill). The proposed project consists of two (2) parcels of land located at 2629 N. Riverside Drive and 2507 N. Ocean Blvd, and is approximately 2.49 net acres (3.43 gross acres). The properties are currently vacant, and are located to the east of the Intracoastal Waterway and northeast corner of the intersection of A1A and N. Riverside Drive. As part of the rezoning application, the applicant is requesting 121 multi-family dwelling units and 5,200 square feet of commercial uses. The Planned Development-Infill (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. Gomez pointed out that the staff report contains information regarding the DRC review of this application, as well as the findings of fact and site history for these parcels. She noted that the applicable Goals, Policies, and Objectives from the Comprehensive Plan are included in the backup.

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

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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.

The following conditions must be addressed prior to placement on the City Commission hearing agenda:

1. Clarify the following statement within the PD-I documents and plans:
 - a. Additional docks are illustrated on the PD-I plan, which conflicts with the notation provided on page 7, PD-I document.
 - b. The proposed land use designation of High Residential-Irregular (35.7 du/ac) is stated on page 10, PD-I document, whereas the Planning and Zoning Board recommended approval of Irregular (29 du/ac) via Memorandum # 16-067. Alternatively, this rezoning application must provide approval of the land use amendment of High Residential-Irregular (35.7 du/ac) prior to placement on a City Commission agenda.
 - c. Location of loading berths or service lanes to support the proposed commercial and residential uses shall be identified on PD plans.
 - d. Statements of 'On-Site Public Facilities' and 'Community Benefits and Amenities' including boat slips must be listed on PD plans.
 - e. Define the address for this rezoning application and the front lot line on plans and documents.
2. Correct the following errors within the PD-I documents and plans:
 - a. All plans in the PD-I document shall be referenced as an exhibits.
 - b. Revise the FARs to include the gross building areas under Intensity and Dimensional Standards.
 - c. Correct 'Individual Building Size, Maximum' to 'Gross Building Area, Maximum'.
 - d. Remove notations of Dimensional Standards under Development Standards on page 15 and 17, PD-I document.
 - e. Remove 'Site Plan Conditions' from the PD-I document.
 - f. Correct the area of the proposed commercial use to be 5,200 square feet in the Master Parking Requirements table (page 17, PD-I document) and PD-1 & PD-4 plans.
 - g. Add full Code Sections including titles in the PD-I document, instead of referring to 'Zoning Code' for clarifications of this rezoning application.
 - h. Provide Code Sections and detailed classifications of listed uses on the PD-4 plan.
 - i. Correct 'Public Easement' to 'Public Access Easement' on the PD-1 plan.
 - j. Identify the commercial use areas on the PD-1 plan.
 - k. Provide a statement in regards to innovative and sustainable site and landscape designs shall be offered with this rezoning in order to meet the intent of the PD-I zoning.
 - l. Provide a total building footprint to verify the lot coverage.

- m. Revise notes of the rear yard setback, which is subject to the height of the portion of the structure that exceeds 50 feet.
- 3. Provide graphics demonstrating the impacts to view corridors of any adjacent properties of natural resources, including but not limited to, beaches, shores, waterways, recreation spaces and conservation spaces.
- 4. Unified control of the development shall be provided as a part of this rezoning application. Note that this may be processed on the same agenda as the Rezoning Ordinance.
- 5. Public access easement shall be established and recorded prior to site plan approval.

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 goals, objectives and policies of the Comprehensive Plan, specifically:

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.

Future Land Use

01.03.03 Encourage property owners to rezone the subject properties when initiating the development and/or redevelopment proposals to be consistent with the designations of the Land Use Plan Map.

01.03.10 Support and promote hotels, motels and other tourist accommodations in designated residential, commercial and commercial recreation land use designations.

01.06.01 Consider the impacts that land use amendments, rezonings or site plan approvals have on natural resources and historic properties.

Coastal Zone Management

10.03.00 Water dependent and water related uses will be protected and encouraged within the coastal area; this shall include retaining commercial zoning so that private residential redevelopment does not displace such uses.

Recreation and Open Space

11.00.00 Provide safe well-maintained and adequate open space and recreational facilities for all Pompano Beach residents and visitors.

11.04.05 To maintain and enhance the existing recreational facilities which provide physical or visual access to the water.

11.05.03 To promote Pompano Beach as a year-round tourist destination.

11.05.02 To recognize the contribution that private recreational facilities provide in meeting the needs of seasonal residents and tourists and cooperate with them.

Dr. Mills asked what staff's recommendation is.

Ms. Gomez stated that staff, as always, has provided three alternative motions for the Board to consider, the first of which is for approval.

Ms. Kovac asked the applicant if they are in agreement with complying with staff's recommended conditions of approval.

Ms. Bonnie Miskel (14 SE 14 Street) presented herself to the board as the attorney for the applicant. She agreed that they are accepting of staff's conditions, and noted that they have already complied with a number of them. She stated that the zoning should be compatible with the residential land use designation if it is approved, and that this rezoning request satisfies this. She explained that the current zoning is B-3 and what is being proposed is a PD-I zoning district, which allows small-scale mixed-use on small sites. The number of units proposed in the PD-I is 121 and the applicant is asking for no variances for this project. She stated that the site plan is undergoing site plan review currently. Ms. Miskel explained that neighboring residents asked for a larger setback than is required from the shared property lines and as such, the building will be set back at least 50 feet from the side property lines. She noted that the plan will include ample open space as a part of the design and to encourage public access, and the marina will be available to all residents and not just those who live in the development. The 5100 square feet of retail is oriented toward N Ocean Boulevard along with the structured parking. The parking exceeds the parking requirements in an effort to not negatively affect the area with parking.

Dr. Mills asked what the difference is between the previous presentation and the current one in regards to the number of units in the project.

Ms. Miskel stated that the zoning will be maxing out at 121 units, though the land use will max at 122.

Dr. Mills asked to clarify that this presentation is the same project as the previous presentation, and also asked if there will be retail.

Ms. Miskel stated that typically one doesn't speak about buildings for a land use amendment request, but she did so to demonstrate that the ultimate project will be compatible with the LUPA request. She confirmed that there will be retail along N Ocean Boulevard.

Ms. Coleman asked if the retail will be wrapped around the entire garage.

Mr. Matt Carr (2915 Biscayne Boulevard, Miami, FL) stated that the retail will be wrapped around a portion of the ground floor at the intersection of N Riverside Drive and N Ocean Boulevard. The rest of the ground floor liner will be for the lobby and access points.

Public Hearing:

Ms. Eileen Michaelson (800 SE 3rd Avenue, Fort Lauderdale) presented herself as the attorney on behalf of the Hillsboro Shores Improvement Association and stated that they wholeheartedly recommend the approval of the land use amendment and the rezoning. She stated that the association is in unanimous support of the project. She commended Mr. Pearl and Ms. Miskel in their work to make sure the community's concerns are addressed. She pointed out that there was some redesign done in response to the concerns of the association regarding accessibility to the retail portion.

Mr. John Dorenda (2639 N Riverside Drive, #901, Pompano Beach, FL) presented himself as a neighborhood resident and stated that he agrees that the area should not be commercial. He expressed his concern, however, about the proposed density of 121 units on Riverside Drive. He feels that the traffic impact on the community will be negative with how many units are proposed coupled with how many boat slips would be in the marina.

Mr. Patrick Jovanov (411 NE 18 Avenue, Pompano Beach, FL) presented himself as a community resident. He stated that the site used to be a gas station that he remembers from his youth. He stated that he has reservations about the public promenade since this will be a private development.

Ms. Kovac closed the public hearing.

MOTION was made by Jerry Mills and seconded by Richard Klosiewicz to recommend approval of PZ #16-13000003 subject to the five (5) conditions of staff. All voted in favor of the motion; therefore, the motion passed.

3. 1380 S OCEAN BOULEVARD FL, LLC / 1380 S OCEAN BOULEVARD
Planning and Zoning #16-13000005

Consideration of the request by **STEPHANIE J. TOOTHAKER** on behalf of the **1380 S OCEAN BOULEVARD FL, LLC** to rezone the property from RM-45/HR (Multiple-Family Residence 45/High-Rise Overlay District) to PCD (Planned Commercial/Industrial District). The property is legally described as follows:

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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

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 POMPANO 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: PCD (Planned Commercial/Industrial District)

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

This item was postponed at the March 22, 2017 Planning and Zoning Board meeting to the April 26, 2017 Planning and Zoning Board meeting.

MOTION by Richard Klosiewicz and second by Jerry Mills to postpone this item to the May 24, 2017 per staff's request

4. HABITAT FOR HUMANITY OF BROWARD, INC. / ABYSSINIAN
HABITAT - REZONING
Planning and Zoning #15-13000011

Consideration of the request by **JAY HUEBNER** on behalf of **HABITAT FOR HUMANITY OF BROWARD, INC.** to modify the RPUD that was recommended for approval at the August 24, 2016 Planning and Zoning Board meeting. The primary modification of the RPUD rezoning is the relocation of the park to the northeast corner of the site in order to allow easier access to the neighboring communities. The requested rezoning remains as presented in the August 2016 Planning and Zoning Board meeting; a 9.035 net acre property from RM-12 (Multiple-Family Residence) to RPUD (Residential Planned Unit Development) in order to construct 77 homes (42 single-family homes and 35 zero-lot-line homes). The subject sites are located at the southwest corner of NW 15 Street and NW 6 Avenue. The property is legally described as follows:

PARCEL "A" ABYSSINIAN BAPTIST CHURCH OF CHRIST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 167, AT PAGE 22 OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA.

TOGETHER WITH;

ALL THAT PART OF THE NW ¼ OF THE NE ¼ OF THE NW ¼ LYING WEST OF AND ADJACENT TO NW 6TH AVENUE, LESS THE F.E.C. RAILROAD RIGHT OF WAY OF THE SOUTH 150 FEET AND NORTH 35 FEET WHICH HAS BEEN DEDICATED FOR ROAD RIGHT-OF-WAY OF NW 15TH STREET, ALL IN SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA;

AND

THE EAST 100 FEET OF THE E ½ OF THE NE ¼ OF THE NW ¼ OF THE NW ¼, EXCEPT THE SOUTH 150 FEET FOR FLORIDA EAST COAST RIGHT-OF-WAY AND EXCEPT THE NORTH 35 FEET THEREOF, DEDICATED FOR STREET RIGHT-OF-WAY, IN SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA

AKA: Southwest corner of NW 6th Avenue and NW 15th Street

ZONED: RM-12 (Multiple Family Residence 12)

TO: RPUD (Residential Planned Unit Development)

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

Ms. Jennifer Gomez, Assistant Development Services Director, presented herself to the Board She explained that the applicant is requesting to modify RPUD rezoning that was recommended to be approved by the Planning & Zoning Board on August 24, 2016. The primary modification of the RPUD rezoning is the park which is to be relocated in the northeast corner of the site to allow easier access to the park by the neighboring communities. Other than that change, the requested rezoning remains as presented in the August 2016 Planning and Zoning Board meeting; a 9.035 net acre property from RM-12 (Multiple-Family Residence) to RPUD (Residential Planned Unit Development) in order to construct 77 homes (42 single-family homes and 35 zero-lot-line homes). The subject sites are located at the southwest corner of NW 15 Street and NW 6 Avenue, currently vacant, and are composed of three parcels. The intent of a Planned Development is to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency and other city goals and objectives. The approval memo (Attached "A") and the PZB meeting excerpt (Attached "B") are attached for a reference. The development is located on the southwest corner of NW 6th Avenue and NW 15th Street. She provided the following findings of fact:

- The rezoning was reviewed by DRC on January 6, 2016 and February 17, 2016.
- The property is not platted yet and is located southwest corner of NW 6th Avenue and NW 15th Street.
- The overall site is 9.97 gross acres (9.035 net acres).
- The Zoning and uses of adjacent properties are:
North – (RS-3 and RS-4, Single Family Residence) Single Family Residential

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South – (B-2, General Business) Railroad Track and (CF, Community Facilities) High School

East – (B-2, General Business) Retail/Commercial and Vacant Lot

West – (CF, Community Facilities) Church

- The Land Use Designation is M (Medium Residential Designation) that allows a maximum of 10-16 DU/AC.

Ms. Gomez stated that the applicant has submitted a statement describing the planning objectives for this Planned Development and that it can be found in the staff report along with the relevant goals, objectives, and policies of the Comprehensive Plan.

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

Alternative Motion I:

Recommend approval of the RPUD rezoning request with the following conditions that must be addressed prior to placement on the City Commission hearing agenda:

1. Provide adequate justifications of following. Any deviations not requested specifically are subject to the current zoning code requirements:
 - a. Justification of a zero-lot-line, per Code Section 155.3603. B. RPUD Use Standards & 155.4202.E. Dwelling, Single-Family (Zero Lot Line). The dwelling shall be located along the designated zero lot line, but shall not extend beyond the property line. If the dwelling includes an overhang extending beyond the wall line, the wall shall be set back sufficient distance from the zero lot line to accommodate the overhang and associated roof drainage facilities.
 - b. Justification of lighting poles being proposed in a utility easement, per Code Section 155.4302.B. General Standards for All Accessory Uses and Structures.
 - c. Justification of a minimum of front, rear and side yard setbacks, per Code Section 155.3209. Multiple-Family Residence 12 (RM-12). The justification shall include site elements being allowed in the setbacks.
 - d. Justification of 15 feet setback for the opposite interior side lot line for zero-lot-line single-family dwellings
2. Prior to placement on a City Commission agenda, submit for approval of a Developer's Agreement that details the construction and maintenance responsibilities associated with the dedicated right-of-way, open space and park.
3. Prior to placement on a City Commission agenda, submit for approval of a restrictive covenant including a maintenance agreement of zero-lot-line lots.
4. Revise the following in the "Master Site Table" on the PD Plan:

- a. Amend the note “additional parking stalls can be added” to ensure that any additional paving does not conflict with maximum impervious area requirements for the front yard and entire lot.
 - b. Provide a table listing ‘Unit Allowances and Restrictions’ on PD plan.
 - c. Master Site Table shall be consistent with Exhibit C, Intensity and Dimensional Standards.
5. Obtain plat approval.
6. The following are comments of the RPUD documents and exhibits to be revised accordingly.
- a. Provide a detail description of Conversion Schedule, as per Code Section 155.3602.A.2.f.
 - b. Ensure all exhibits are referred in the RPUD documents.
 - c. Provide Exhibit A Location Map.
 - d. Revise Exhibit D Regulating PD Plan and Exhibit C Intensity and Dimension Standards to reflect the modified RPUD rezoning.
 - e. Remove verbiages related to the Developer’s Agreement from this RPUD rezoning document.
 - f. Provide consistent dimensional standards throughout the documents and plans.
 - g. Provide separated tables for two single family dwelling types on Exhibit C, Intensity and Dimensional Standards.
 - h. Provide a tabulation itemizing information provided for ‘Typical Unit Allowance and Restrictions’ on page 15 in the RPUD document and PD Plan, Exhibit D. Parking Data and Open Space on PD Plan, Exhibit D, shall be tabulated for easy reading.
 - i. Differentiate lines of lots, maintenance and utility easements, streets on RPUD plans for clarification.

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 goals, objectives and policies of the Comprehensive Plan, specifically:

- 01.03.06 Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single family areas.
- 01.03.11 Consider the compatibility of adjacent land uses in all Land Use Plan Amendments and Rezonings.

Mr. Dennis Mele (200 E. Broward Boulevard, Fort Lauderdale, FL) introduced himself to the Board as the attorney for the applicant. He stated that when working on the Developers Agreement with the City it was discovered that the original location of the park is in an undesirable location as it was to be sited next to the railroad tracks. The Parks department has suggested that the park instead be sited at the northeast corner of the site in order for it to be more accessible. He pointed out that the Architectural Appearance Committee had also requested some changes and that those requests will be dealt with at the April Architectural Appearance Committee hearing. He noted that all of the homes will be single-family, with the lots in the center being zero lot line.

Ms. Kovac asked what the size of the park would be.

Mr. Mele stated that it is a little larger than $\frac{1}{4}$ acre.

Mr. Kovac asked if it will be a passive park.

Mr. Mele confirmed this.

Dr. Mills asked if the applicant is accepting of all of staff's recommended conditions of approval.

Mr. Mele confirmed that they are.

Ms. Sarver stated that there is a lot of work in coordinating between City agencies when working on a Developers Agreement. She pointed out that most of the changes have been initiated by City staff and that the City Attorney's office feels comfortable in moving forward with this plan.

Mr. Evans stated that the intersection of NW 15 Street and NW 6 Avenue next to the park site is a very intense intersection. He asked if there would be a fence around the subdivision and how the other communities would access the park.

Mr. Mele stated that there will be a fence around the subdivision as well as around the park and that the park will be accessible through a gate. He stated that the City's Parks Department is who suggested the relocation from the southwest corner of the site to the northeast corner.

Mr. Evans stated that his understanding was that the park was originally intended for the development only and not for the City as a whole.

Mr. Mele stated that it was originally proposed as a public park and that it is still proposed as a public park. The issue with the previous design is that it would be difficult for the public to access it.

Mr. Evans stated that he believes that the residents would not want the park to be accessible to the public. He also worries about children playing in the park and losing

balls over the fence which could cause traffic accidents and that it would be a public safety issue.

Mr. Mele stated that the park fence can be required to be higher if the Board wishes. He reiterated that the change is to move the park away from the railroad tracks. He clarified that the park will be a small pocket park that will primarily be used by the neighborhood and that it won't have any ball fields.

Ms. Coleman asked the applicant to describe the size of the park.

Mr. Mele agreed that it is about the size of a home lot.

Ms. Coleman asked if there would be benches and trees.

Mr. Mele confirmed that there would be.

Ms. Coleman stated that having a very passive park on that corner would be a better use than a house.

Mr. Mele stated that there would also be tot lot equipment.

Dr. Mills stated that the old park seems bigger than the current proposal.

Mr. Mele responded that the size actually increased from .25 acres to .28 acres.

Ms. Kovac commented that a park is a great asset. She also noted that it is one of the largest Habitat for Humanity projects and that she is proud that it will be built in Pompano Beach.

Mr. Mele stated that the land use allows for 160 units but the applicant has chosen to develop the site as single family homes instead of high-density housing. The houses are also being built shorter than the max height in order for it to blend in with the neighborhood.

Mr. Evans stated that Blanche Ely High School's recreation fields are not accessible to the public outside of school hours. He stated that he thought the park would be in the center of the development.

Mr. Mele stated that the original site plan shows the park on the outside of the development.

Mr. Evans noted that the siting of a park at the intersection would be very hazardous knowing how congested the area is.

Mr. Mele stated that the nature of the park would make it safer than a normal park.

Ms. Kovac opened the public hearing.

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Ms. Terry Williams (757 NW 15 Street, Pompano Beach, FL) stated that the proposal is across from her mother's house. She believes that having the park in the area would be a bad idea and she challenged the Board members to personally visit the site before making any decision. She complained that the developer did not speak with residents of all the surrounding neighborhoods. She stated that there is drug dealing in that corner. She noted that there is police harassment in the area from the neighbors visiting parks.

Mr. Klosiewicz asked what exactly the objection to the park in that location is. He also asked what the community would like to see developed in that location instead.

Ms. Gomez stated that her interpretation from the testimony is that a park is not wanted at that location. The recommendation to relocate the park to that corner originated from the City. Locating the park in the corner would make it more accessible and visible to the public.

Mr. Mele stated that under the current land use and zoning designation, there could be many more residential units in the location instead of the 77 proposed. The City has requested that the park be relocated to that corner and that it will be a small passive park. He stated that if there needs to be more community outreach or if the design needs to be modified to include a higher fence, this can be done between now and the City Commission meeting.

Mr. Evans asked if the park could be placed in the center of the development.

Mr. Mele stated that a public park must be located in a public street.

Mr. Evans asked if the park would be public or if it was envisioned as a private park.

Mr. Mele stated that the park was always intended to be a public park.

Ms. Coleman asked Ms. Sarver if a denial would revert the park back to the original location.

Ms. Sarver stated that the previous park location has already been approved and that the applicant could move forward with that plan. Alternatively, the applicant could move forward with this revised design to the City Commission regardless of the Board's action tonight since the Board's function in this application is only advisory.

Mr. Bechert asked if it needs to be a public park and if it can be located in the center.

Ms. Gomez stated that it is not required to be public park per the zoning requirements. She added, however, that Planned Developments are required to provide some public amenity and this is being accomplished with the proposed park. The applicant is in discussions with the City to dedicate the new streets to become public.

Ms. Coleman asked if the park and streets would be maintained by the City if they are dedicated for public use. If the park was private, the City would not be allowed to maintain it.

Ms. Kovac commented that perhaps the park should have taller fences if there is a concern about balls entering the street.

Mr. Bechert asked if the Parks Department would be closing the park at dusk like the other parks.

Ms. Sarver responded that this park, if dedicated to the City, would be maintained by the Recreation and Parks Department as they do with all other City parks.

Mr. Evans asked if the streets would be dedicated.

Ms. Gomez stated that the current negotiations are for the streets and the park to be dedicated as public spaces.

Mr. Evans noted that if the streets were public, the City would be able to access a public park that was internal to the site.

Ms. Gomez responded that there would be public access if it was interior to the site. She stated that the applicant should be asked if it is feasible to in fact relocate the park to the interior of the site.

Mr. Mele stated that if the request is to make the park less accessible to the public by moving it from the northeast corner, the applicant would rather revert to the approved plan that has it located adjacent to the railroad tracks.

Ms. Gomez added that the intention of relocating the park to the northeast corner of the site is to make it more recognized as a public space as opposed to a park that is part of a private development.

MOTION was made by Jerry Mills and seconded by Trip Bechert to recommend approval of the PZ #15-13000011 per Alternative Motion I, subject to staff's six (6) conditions.

Discussion:

Ms. Kovac commented that she would like a higher fence around the park.

Mr. Mele stated that the current plans are for a 5-foot fence around the subdivision and a 4-foot fence around the park. He stated that the applicant would be amenable to whatever height fence the Board desires.

Ms. Kovac stated that a 6-foot tall fence, subject to approval from the Parks and Recreation Director, should be installed around the park.

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Mr. Klosiewicz would like to know what the maximum fence height is in the area.

Ms. Gomez stated that typically the maximum fence height in a front yard would be 4-feet, but since this is a Planned Development there is more flexibility to set the regulations. She cautioned against providing any specific conditions regarding the fence height, however, and suggested that the condition be more general to make sure that a suitable fence height is provided. She noted that NW 15th Street is a County road at that intersection, so visibility along with the pedestrian experience should be a priority.

Mr. Klosiewicz asked what type of fence would be there.

Mr. Mele stated that there would be aluminum picket.

Mr. Klosiewicz asked if the picket would provide sufficient visibility.

Ms. Gomez responded that it likely would, but that she would like to consult with City staff members to make sure that the design was appropriate for that location. She cautioned against providing a specific condition that would be in conflict with some County provision, making the applicant required to return to the Board in order to amend the condition.

Ms. Sarver stated that she strikes her comment about specifying height. She believes that the height should not, in fact, be specified, but rather that Board should defer to the experts.

Vote:

MOTION was made by Jerry Mills and seconded by Trip Bechert to recommend approval of the PZ #15-13000011 per Alternative Motion I, subject to staff's six (6) conditions and the additional Board condition that fencing around the park be higher than 4-feet, subject to City staff review. All voted in favor of the motion with the exception of Dwight Evans; therefore, the motion passed.

****NOTE: The Vice-Chair requested a motion to hear agenda item #11 out of order****

MOTION by Richard Klosiewicz and second by Jerry Mills to hear agenda item #11 out of order. All voted in favor.

5. PARTNERS PREFERRED YIELD II, INC. / PUBLIC STORAGE
Planning and Zoning #17-13000001

Consideration of the request by **JAMES KAHN** on behalf of the **PARTNERS PREFERRED YIELD II, INC.** to rezone the property from I-1/PCD (Planned Commercial/Industrial District) to I-1 (General Industrial). The property is legally described as follows:

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ALL OF TRACT A, F.F. MINIONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 103, ON PAGE 11 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

A PORTION OF F.F. MINIONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 103, ON PAGE 11 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT A OF SAID F.F. MINIONE; THENCE NORTH 88°10'14" EAST ALONG THE SOUTH LINE OF SAID TRACT A, A DISTANCE OF 229.74 FEET; THENCE DEPARTING SAID SOUTH LINE AND ALONG A LINE BEING THE NORTHERLY EXTENSION OF THE EAST LINE OF BLOCK 1, "WHISPERING PINES ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 77, ON PAGE 1 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SOUTH 01°22'11" EAST, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH LINE OF SAID F.F. MINIONE, ALSO BEING THE NORTH LINE OF SAID "WHISPERING PINES ADDITION" AND THE NORTH LINE OF PARCEL "A", KAFIN PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 178, ON PAGE 60 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE SOUTH 88°10'14" WEST ALONG SAID NORTH LINES, A DISTANCE OF 229.75 FEET TO THE SOUTHWEST CORNER OF SAID F.F. MINIONE; THENCE NORTH 01°21'14" WEST ALONG THE WEST LINE OF SAID F.F. MINIONE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE CITY OF POMPAÑO BEACH, BROWARD COUNTY, FLORIDA AND CONTAINING 189,199 SQUARE FEET (4.34 ACRES) MORE OR LESS.

AKA: 1600 NW 36 Street

ZONED: I-1/PCD (General Industrial/ Planned Commercial/Industrial District)

TO: I-1 (General Industrial)

STAFF CONTACT: Maggie Barszewski (954) 786-7921

Ms. Maggie Barszewski, Planner, presented herself to the Board. She stated that the applicant is requesting to rezone the subject property from I-1/ Planned Commercial Development (PCD) to I-1. This property is a 4.19-net acre site (4.34 gross) and the address is 1600 NW 36 Street. The parcel currently has six existing one-story self-storage buildings. The applicant is requesting the rezoning to enable the construction of a project including a three-story self-storage building and related site improvements. In order to receive approval of a Major Site Plan, a rezoning is necessary to either change the PCD master plan or to change the zoning to a straight General Industrial (I-1). The applicant has chosen the latter since the proposed site plan is able to meet all of the development regulations of I-1. That Major Site Plan Application is on this agenda and, if approved, will have to be conditioned on the approval of this rezoning request. She described the surrounding zoning and land uses and stated that the pertinent goals, objectives, and policies of the Comprehensive Plan are listed in the staff report.

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

Alternative Motion I:

Recommend approval of the rezoning request as the board finds the rezoning application is consistent with the aforementioned pertinent Future Land Use policies.

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 policies.

Policy 01.03.11 Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

Policy 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.

Mr. Jim Kahn (301 E Atlantic Boulevard, Pompano Beach, FL) introduced himself to the Board as the applicant's representative and stated that the PD-I, approved in 2008, has expired before the entire site's development could be completed. The proposal is to return to Industrial zoning in lieu of going through the Planned Development process again. He stated that they agree with all of staff's conditions.

Dr. Mills asked when the site plan would be heard.

Ms. Barszewski stated that it is item #12.

Ms. Kovac opened the public hearing. Hearing no one who wished to speak, the public hearing was closed.

MOTION was made by Trip Bechert and seconded by Dwight Evans to recommend approval of the rezoning PZ #17-13000001. All voted in favor of the motion; therefore, the motion passed.

NOTE: The Vice-Chair requested a motion to hear agenda item #12 out of order

MOTION by Trip Bechert and second by Richard Klosiewicz to hear agenda item #12 out of order. All voted in favor.

6. ROYAL PALM BUSINESS CENTER / NW 15 AVE RIGHT-OF-WAY ABANDONMENT
Planning and Zoning #16-18000004

Consideration of the request by **JAMES M. MCLAUGHLIN JR.** on behalf of **ROYAL PALM BUSINESS CENTER LLC** to abandon a 0.63 acre portion of NW 15th Avenue located between NW 6th Street and NW 3rd Street. The paved portion of this area is approximately 400 feet in length and 50 feet in width and dead-ends into the unimproved portion of the property which is approximately 510 feet in length and 15 feet in width. The property is legally described as follows:

ALL OF N.W. 15TH AVENUE (ELEANOR AVENUE - PLAT) BETWEEN N.W. 6TH STREET (HARDY ROAD - PLAT) AND N.W. 3RD STREET (PEARL ROAD - PLAT), AS SHOWN ON SEABOARD HIGHLANDS ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 19, PAGE 13, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, IN THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 42 BROWARD COUNTY FLORIDA, BOUNDED AS FOLLOWS:

BOUNDED ON THE EAST BY THE EAST LINE OF LOT 1 TO 20, BLOCK 2, OF SAID SEABOARD HIGHLANDS ADDITION; BOUNDED ON THE NORTH BY THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 20 OF SAID BLOCK 2; BOUNDED ON THE EAST, BY A LINE 15.00 FEET EAST OF AND PARALLEL WITH THE SAID EAST LINE OF BLOCK 2, BEING THE WEST LINE OF THE EAST ONE-HALF (E 1/2) OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 34; AND BOUNDED ON THE SOUTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 1, OF SAID BLOCK 2.

AKA: Right-of-Way easement at N.W. 15th Avenue between NW 3rd and NW 6th Street
STAFF CONTACT: Maggie Barszewski (954)786-7921

Note: This item was postponed at the February 22, 2017 Planning and Zoning Board meeting, date certain to April 26, 2017.

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MOTION was made by Richard Klosiewicz and seconded by Dwight Evans to strike this item from the agenda as the applicant has submitted a written request to withdraw the request. All voted in favor of the motion; therefore, the motion passed.

Ms. Carrie Sarver explained to anyone in the audience that the applicant has requested the application. She stated that if anything new develops they would be re-notified.

7. S&M DISTRIBUTION CENTER INC.; CRUM, J M EXEC PRIDEMORE, T S & P ETAL; CSX TRANSPORTATION INC.; JOHNSON, THELMA, FARRIS, SHIRLEY J PRIDEMORE, T S; AND CRUM, J M EXEC JONES, ITENE & PRIDEMORE, T S & P / WAWA – ALLOCATION OF COMMERCIAL FLEX
Planning and Zoning #16-05000004

Consideration of the FLEX UNIT REQUEST submitted by **SCOTT BACKMAN** on behalf of **S&M DISTRIBUTION CENTER INC.; CRUM, J M EXEC PRIDEMORE, T S & P ETAL; CSX TRANSPORTATION INC.; JOHNSON, THELMA, FARRIS, SHIRLEY J PRIDEMORE, T S; AND CRUM, J M EXEC JONES, ITENE & PRIDEMORE, T S & P** to request Commercial Land Use to be located on property that has an Industrial (I) Land Use. The developer wishes to construct a +/-6,119 square foot convenience store in conjunction with 16 fueling stations. The property is located along N. Andrews Avenue and W. Atlantic Boulevard, adjacent to I-95, and separated from residential uses by the CSX railroad. The subject site is legally described as follows:

PART OF THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY FLORIDA, DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 34; THENCE, N00°20'21"W, A DISTANCE OF 87.63 FEET TO THE NORTH RIGHT-OF-WAY LINE OF WEST ATLANTIC BOULEVARD PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 86130-2510; THENCE, ALONG THE SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES: (1) 27.97 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 55,366.58 FEET AND CENTRAL ANGLE OF 00°01'44" (CHORD BEARING N89°35'05"E, A DISTANCE OF 27.97 FEET); (2) N01°10'04"W, A DISTANCE OF 22.71 FEET; (3) N88°49'56"E, A DISTANCE OF 263.08 FEET FOR A POINT OF BEGINNING; THENCE, DEPARTING SAID NORTH RIGHT-OF-WAY LINE, N01°30'30"W, A DISTANCE OF 324.87 FEET; THENCE, N88°29'30"E, A DISTANCE OF 246.09 FEET TO THE WEST RIGHT-OF-WAY LINE OF ANDREWS AVENUE EXTENSION PER FLORIDA DEPARTMENT OF TRANSPORTATION MAP SECTION 86000-2610; THENCE, ALONG SAID WEST RIGHT-OF-WAY LINE, S10°06'42"W, A DISTANCE OF 23.62 FEET; THENCE, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, 275.80 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 2,035.50 FEET AND CENTRAL ANGLE OF 07°45'48" (CHORD BEARING S07°12'09"E, A DISTANCE OF 275.59 FEET) TO THE

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NORTH RIGHT-OF-WAY LINE OF SAID WEST ATLANTIC BOULEVARD;
THENCE, ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING
THREE COURSES: (1) S89°01'53"W, A DISTANCE OF 43.86 FEET; (2) S00°58'07"E,
A DISTANCE OF 29.25 FEET; (3) S88°49'56"W, A DISTANCE OF 224.55 FEET TO
THE POINT OF BEGINNING.
CONTAINING 81,031 SQUARE FEET OR 1.860 ACRES, MORE OR LESS.

AKA: 1291 W Atlantic Boulevard
ZONED: I-1 (General Industrial)
STAFF CONTACT: Scott Reale (954) 786-4667

****NOTE: The Board heard the presentation for this item under agenda item #14****

MOTION was made by Richard Klosiewicz and seconded by Trip Bechert to recommend approval of the Allocation of Commercial Flex request PZ #16-05000004. All voted in favor of the motion; therefore, the motion passed.

G. SITE PLAN REVIEWS

**8. CITY OF POMPANO BEACH / KESTER FIELD CONCESSION
BUILDING AND RESTROOM RENOVATIONS**
Planning and Zoning #16-12000061

Consideration of the MAJOR SITE PLAN submitted by **TUAN PHAM** on behalf of the **CITY OF POMPANO BEACH** in order to construct a new 970 square foot restroom building and an upgraded concession including a covered patio for seating, an office area, and storage room. The overall lot coverage for the entire site including the proposed building is 1.2% for 4,365 sq. ft. of building area on a 365,416 square foot (8.39 acre) site. The property is located on the northwest corner of NE 4 Street and NE 9 Avenue, legally defined as follows:

SOUTHEAST ONE-QUARTER (SE 1/4) OF THE
NORTHWEST ONE-QUARTER (NE 1/4) OF THE
SOUTHWEST ONE-QUARTER (SW 1/4) OF
SECTION 36, TOWNSHIP 48 SOUTH, RANGE 42 EAST

AKA: 801 NE 4th Street
ZONED: PR (Parks and Recreation)
STAFF CONTACT: Jae Eun Kim (954) 545-7778

Ms. Paola West, Principal Planner, presented herself to the Board. She stated that the applicant is requesting Major Site Plan approval in order to construct a new 970 square foot restroom building and an upgraded concession including a covered patio for seating, an office area, and storage room. The overall lot coverage for the entire site including the proposed building is 1.2% for 4,365 sq. ft. of building area on a 365,416 square foot (8.39

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // ME

acre) site. The property is located on the northwest corner of NE4 Street and NE 9 Avenue.

This site plan was reviewed at DRC on December 21, 2016 and is scheduled to be heard by the AAC on April 27, 2017. Should the Board determine that the Applicant has met the standards for granting a Major Site Plan, staff does not object to granting approval for the site plan provided that the Board includes the following conditions as part of the Order:

1. According to the survey and the City Engineer, the park shall dedicate 30 feet along NE 6 Street, 20 feet along NE 9 Avenue, 25 feet along NE 4 Street, and 35 feet along NE 7 Avenue to fulfill the required widths of the rights-of-way.
2. Label the selected color and material schedules on the elevations.
3. For building permit approval, provide the following:
 - a. CPTED plan approved by Broward County Sheriff's Office (BSO),
 - b. Evidence that the project will achieve at least twelve sustainable development points, pursuant to Code Section 155.5802. Sustainable Development Point Requirement.
 - c. Screening for all mechanical equipment, pursuant to Section 155.5301. A. 2. Screening Standards.
 - d. Actual paint color and material samples for staff review and inspection.

Mr. Abbas Zackria (1500 W. Cypress Creek Road, Fort Lauderdale, FL) introduced himself to the Board as the project architect. He explained that the project involves renovation to the existing concession building and removal of the existing storage building to construct new restrooms in its place. He added that a covered patio will be built in front of the concession building.

Mr. Torrey asked if there would be additional lighting on the property.

Mr. Zackria stated that the lighting would be part of another project.

Mr. Bechert asked if the Parks Department approves of this recommendation.

Mr. Zackria answered that the Parks and Recreation Advisory Board as approved the project.

Ms. Kovac opened the public hearing. Hearing no one who wished to speak, the public hearing was closed.

MOTION was made by Carla Coleman and seconded by Trip Bechert to approve Major Site Plan PZ #16-12000061 subject to the three (3) conditions of staff. All voted in favor of the motion; therefore, the motion passed.

9. **CITY OF POMPANO BEACH / ALVIN'S ISLAND AT POMPANO BEACH (R1)**
Planning and Zoning #17-12000006

Consideration of the MAJOR SITE PLAN submitted by **TIMOTHY L. HERNANDEZ** on behalf of the **CITY OF POMPANO BEACH** in order to construct a new one-story retail building. This site plan is a part of a larger master plan for the beach and pier, which includes a parking garage, retail and restaurant space west of Pompano Beach Boulevard, and between NE 3rd Street and NE 2nd Street. This application is referred to as "Parcel R1," which is based on a labeling convention shown on a phasing plan submitted with the rezoning. The proposed retail building on R-1 has a building footprint of 6,586 square feet on an 181,574 square foot (4.168 acre) site (3.6% lot coverage). The property is located west of Pompano Beach Boulevard, between NE 3rd Street and NE 2nd Street, legally defined as follows:

THAT PORTION OF BLOCK 8, POMPANO BEACH, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 93, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID BLOCK 8;
THENCE NORTH 09°09'21" EAST ALONG THE EAST LINE OF SAID BLOCK 8, A DISTANCE OF 369.46 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 80° 50' 39" WEST, A DISTANCE OF 77. 19 FEET;
THENCE NORTH 09°09'21" EAST, A DISTANCE OF 124.66 FEET TO THE NORTH LINE OF SAID BLOCK 8;

THENCE NORTH 88°57'35" EAST ALONG SAID NORTH LINE, A DISTANCE OF 78.43 FEET TO THE EAST LINE OF SAID BLOCK 8;
THENCE SOUTH 09°09'21" WEST ALONG SAID EAST LINE, A DISTANCE OF 138.54 FEET TO THE POINT OF BEGINNING.

LYING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA. CONTAINING 10,158 SQUARE FEET, MORE OR LESS.

AKA: 275-285 N Pompano Beach Boulevard

ZONED: PD-I (Planned Development-Infill)

STAFF CONTACT: Daniel Keester (954) 786-5541

Ms. Paola West, Principal Planner, presented herself to the Board. She stated that the current zoning designation is Planned Development – Infill (PD-I) / Atlantic Boulevard Overlay District (AOD) (Ordinance 2015-15). This site plan is a part of the master plan for the beach and pier, which includes a parking garage, retail and restaurant space west of Pompano Beach Boulevard. The parking garage and some site work has been constructed (P&Z: 14-12000048). This application is referred to as "Parcel R1," which is based on a labeling convention shown on a phasing plan submitted with the rezoning. The approved Master Plan identified a Parking Garage and four retail "parcels." The proposed retail building on the R-1 parcel has a building footprint of 6,586 square feet on an 181,574 square foot (4.168 acre) site (3.6% lot coverage). The property is located east of Pompano Beach Boulevard, between NE 3rd Street and NE 2nd Street.

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // ME

This site plan was reviewed at DRC on March 1, 2017 and is scheduled for AAC review on April 27, 2017. Provided the board approves the site plan as submitted, staff recommends approval of the Major Site Plan application subject to the following conditions:

1. For building permit approval, provide the following:
 - a. Screening for all roof mounted mechanical equipment that is integrated into the building's architectural design and of a height equal to or exceeding the height of the mechanical equipment being screened, as required by code.
 - b. A note on the Floor Plan, explaining the method for waste disposal and garbage collection.
 - c. A graphic scale on all plans.
 - d. Evidence that the project will achieve at least twelve sustainable development points.
 - e. BSO approved CPTED Security Plan.
 - f. Fire Department approval of the Civil and Life-Safety Plans.
2. Landscape & Irrigation Plans must meet zoning code requirements.

Mr. Tim Hernandez (398 NE 6 Ave, Delray Beach, FL) introduced himself to the Board as the developer of the site and stated that the project is part of a larger master plan approved in 2015 between Pompano Beach Boulevard and A1A. He presented the master plan to the Board and explained that the retailer for this site plan is Alvin's Island, which is a beach-themed gear and sundries store. He then presented the proposed elevations to the Board and explained that the building will be immediately to the west of the Beach House restaurant. EDSA, the architectural design firm that designed the streetscape along Pompano Beach Boulevard will be designing the landscape plan for the site so it will be contextual with the area.

Mr. Bechert asked when the project will be completed.

Mr. Hernandez responded that the goal is to have the last phase of the Fishing Village completed by 2019.

Ms. Kovac opened the public hearing. Hearing no one who wished to speak, the public hearing was closed.

MOTION was made by Jerry Mills and seconded by Richard Klosiewicz to approve Major Site Plan PZ #17-12000006 subject to the two (2) conditions of staff. All voted in favor of the motion; therefore, the motion passed.

10. CITY OF POMPANO BEACH / BURGERFI / TBD / KILWINS AT
POMPANO BEACH (R2)
Planning and Zoning #17-12000007

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // ME

Consideration of the MAJOR SITE PLAN submitted by **TIMOTHY L. HERNANDEZ** on behalf of the **CITY OF POMPANO BEACH** in order to construct a new one-story retail building. This site plan is a part of a larger master plan for the beach and pier, which includes a parking garage, retail and restaurant space west of Pompano Beach Blvd, and between NE 3rd Street and NE 2nd Street. This application is referred to as "Parcel R2," which is based on a labeling convention shown on a phasing plan submitted with the rezoning. The proposed retail building on R-2 has a building footprint of 5,200 square feet on an 181,574 square foot (4.168 acre) site (2.86% lot coverage). The property is located west of Pompano Beach Blvd, between NE 3rd Street and NE 2nd Street, legally defined as follows:

THAT PORTION OF BLOCK 8, POMPANO BEACH, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 93, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID BLOCK 8;
THENCE NORTH 09°09'21" EAST ALONG THE EAST LINE OF SAID BLOCK 8, A DISTANCE OF 213.32 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 80° 50' 39" WEST, A DISTANCE OF 77.19 FEET;
THENCE NORTH 09°09'21" EAST, A DISTANCE OF 146.13 FEET;
THENCE SOUTH 80°50'39" EAST, A DISTANCE OF 77.19 FEET TO THE EAST LINE OF SAID BLOCK 8;

THENCE SOUTH 09° 09' 21" WEST ALONG SAID EAST LINE, A DISTANCE OF 146.13 FEET TO THE POINT OF BEGINNING.

LYING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA. CONTAINING 11,280 SQUARE FEET, MORE OR LESS.

AKA: 245-255 N Pompano Beach Boulevard

ZONED: PD-I (Planned Development-Infill)

STAFF CONTACT: Daniel Keester (954) 786-5541

Ms. Paola West, Principal Planner, presented herself to the Board. She stated that the current zoning designation is Planned Development – Infill (PD-I) / Atlantic Boulevard Overlay District (AOD) (Ordinance 2015-15). This site plan is a part of the master plan for the beach and pier, which includes a parking garage, retail and restaurant space west of Pompano Beach Boulevard. The parking garage and some site work has been constructed (P&Z: 14-12000048). This application is referred to as "Parcel R2," which is based on a labeling convention shown on a phasing plan submitted with the rezoning. The approved Master Plan identified a Parking Garage and four retail "parcels." The proposed retail building on the R-2 parcel has a building footprint of 5,200 square feet on an 181,574 square foot (4.168 acre) site (2.86% lot coverage). The property is located east of Pompano Beach Boulevard, between NE 3rd Street and NE 2nd Street.

This site plan was reviewed at DRC on March 1, 2017 and will be reviewed by the Architectural Review Committee on April 27, 2017. Provided the board approves the site

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // ME

plan as submitted, staff recommends approval of the Major Site Plan application subject to the following conditions:

1. For building permit approval, provide the following:
 - a. Screening for all roof mounted mechanical equipment that is integrated into the building's architectural design and of a height equal to or exceeding the height of the mechanical equipment being screened, as required by code (minimum 3 ft.).
 - b. A note on the Floor Plan, explaining the method for waste disposal and garbage collection.
 - c. A graphic scale on all plans.
 - d. Evidence that the project will achieve at least twelve sustainable development points.
 - e. BSO approved CPTED Security Plan.
 - f. Fire Department approval of the Civil and Life-Safety Plans.
2. Landscape & irrigation plans must meet zoning code requirements.

Mr. Tim Hernandez (398 NE 6 Ave, Delray Beach, FL) introduced himself to the Board and stated that the building is to the immediate south of the previous item and that it will be a multi-tenant building anchored by BurgerFi and Kilwins. He showed elevations and explained that the building will have a wrap-around covered deck for the entire building that will provide for outdoor dining. BurgerFi will be at the intersection with the two beach-side restaurants and the pier and so the area should see a lot of pedestrian activity.

Dr. Mills stated that he has lived in the area for 44 years and it is about time for this type of improvement.

Ms. Kovac opened the public hearing. Hearing no one who wished to speak, the public hearing was closed.

MOTION was made by Carla Coleman and seconded by Jerry Mills to approve Major Site Plan PZ #17-12000007 subject to the two (2) conditions of staff. All voted in favor of the motion; therefore, the motion passed.

11. HABITAT FOR HUMANITY OF BROWARD, INC. / HABITAT
ABYSSINIAN – REVISED SITE PLAN
Planning and Zoning #15-12000033

Consideration of the MAJOR SITE PLAN submitted by **PERRY ECTON** on behalf of **HABITAT FOR HUMANITY OF BROWARD, INC.** in order to modify a previously approved Major Site Plan. The Major Site Plan obtained approval from the Planning and Zoning Board on October 28th, 2016 in order to construct 77 homes with associated streets and public parks. The project is currently in the process of rezoning from RM-

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // ME

12 (Multi-Family Residential 12) to RPUD (Residential Planned Unit Development). This rezoning obtained a recommendation from the Planning and Zoning Board on August 24, 2016. The revision to the rezoning is also being presented to this month P&Z Board meeting. The proposed modification of the Major Site Plan relocates the park in the northeast corner of the site to allow easier access to the neighboring communities. The property is located at the southwest corner of NW 6th Avenue and NW 15th Street, legally defined in as follows:

PARCEL "A" **ABYSSINIAN BAPTIST CHURCH OF CHRIST**,
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK
167, AT PAGE 22 OF THE PUBLIC RECORDS OF BROWARD COUNTY
FLORIDA.

TOGETHER WITH;

ALL THAT PART OF THE NW ¼ OF THE NE ¼ OF THE NW ¼ LYING
WEST OF AND ADJACENT TO NW 6TH AVENUE, LESS THE F.E.C.
RAILROAD RIGHT OF WAY OF THE SOUTH 150 FEET AND NORTH 35
FEET WHICH HAS BEEN DEDICATED FOR ROAD RIGHT-OF-WAY OF
NW 15TH STREET, ALL IN SECTION 35, TOWNSHIP 48 SOUTH, RANGE
42 EAST, BROWARD COUNTY, FLORIDA;

AND

THE EAST 100 FEET OF THE E ½ OF THE NE ¼ OF THE NW ¼ OF THE
NW ¼, EXCEPT THE SOUTH 150 FEET FOR FLORIDA EAST COAST
RIGHT-OF-WAY AND EXCEPT THE NORTH 35 FEET THEREOF,
DEDICATED FOR STREET RIGHT-OF-WAY, IN SECTION 35,
TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY,
FLORIDA.

SAID LANDS SITUATE IN THE CITY OF POMPANO BEACH, BROWARD
COUNTY, FLORIDA.

AKA: Southwest corner of NW 6th Avenue and NW 15th Street

ZONED: RM-12 (Multiple-family Residence 12)

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

Ms. Paola West, Principal Planner, presented herself to the Board. She stated that the applicant is requesting to modify a previously approved Major Site Plan. The Major Site Plan obtained approval from the Planning and Zoning Board on October 28th, 2016 in order to construct 77 homes (42 single-family homes and 35 zero-lot-line homes) with associated streets and public parks. The project is currently in the process of rezoning from RM-12 (Multi-Family Residential 12) to RPUD (Residential Planned Unit Development). This rezoning obtained a recommendation from the Planning and Zoning Board on August 24, 2016. The revision to the rezoning was just presented to the Board. The proposed modification of the Major Site Plan to relocate the park in the northeast corner of the site to allow easier access to the neighboring communities. The property is located at the southwest corner of NW 6th Avenue and NW 15th Street.

Ms. West stated that this site plan was reviewed at DRC on February 17, 2016, at AAC on August 25 and September 22, 2016, and at PZB on September 28, 2016. Provided the board approves the site plan as submitted, staff recommends approval of the modified

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // ME

Major Site Plan subject to the following conditions in addition to the Development Order issued from the September 28, 2016 PZB meeting.

1. Remove the note of ‘Additional Spaces Can Be Added In Front Yards’ and add a note ‘Sidewalk remain clear for pedestrian’ in the Site Data Table.
2. Update the Site Data Table to reflect the revised site layout, and align dimensions correctly on the site plan for accurate measurements.
3. Revise park gates to swing in instead of out to the street.
4. Relocate site elements including landscaping outside of the five foot right-of-way dedication.
5. The survey reflecting utility easements created during platting shall be provided prior to permit approval.
6. Identify the maintenance easement for zero-lot-line single-family lots on plans. The easement shall be recorded with the Broward County Record Office prior to permit approval

Mr. Dennis Mele (200 Broward Boulevard, Fort Lauderdale, FL) presented himself to the Board as the applicant’s attorney. He stated that he has no further comments as he discussed the site plan during the rezoning hearing. He stated that they are in agreement with all of staff’s recommended conditions of approval.

Ms. Kovac opened the public hearing. Hearing no one who wished to speak, the public hearing was closed.

MOTION was made by Carla Coleman and seconded by Trip Bechert to approve the Major Site Plan PZ #15-12000033 subject to the six (6) conditions of staff. All voted in favor of the motion with the exception of Dwight Evans; therefore, the motion passed.

12. PARTNERS PREFERRED YIELD II, INC. / PUBLIC STORAGE
Planning and Zoning #17-12000004

Consideration of the MAJOR SITE PLAN submitted by **JAMES KAHN** on behalf of **PARTNERS PREFERRED YIELD II, INC.** in order to construct a three-story self-storage building and related site improvements on an existing development site with five existing one-story self-storage buildings. The project consists of a 31,035 square-foot building, combined with 67,466 square feet of the five existing buildings for an overall building foot print of 98,501 square feet on a 189,199 square-foot (4.34 acres) site (52% lot coverage). The site is currently under rezoning from I-1/PCD (General Industrial/Planned Commercial Development) to I-1. The

project is located on the south side of Sample Road, east of N Andrews Avenue, legally defined as follows:

ALL OF TRACT A, F.F. MINIONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 103, ON PAGE 11 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

A PORTION OF F.F. MINIONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 103, ON PAGE 11 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT A OF SAID F.F. MINIONE; THENCE NORTH 88°10'14" EAST ALONG THE SOUTH LINE OF SAID TRACT A, A DISTANCE OF 229.74 FEET; THENCE DEPARTING SAID SOUTH LINE AND ALONG A LINE BEING THE NORTHERLY EXTENSION OF THE EAST LINE OF BLOCK 1, "WHISPERING PINES ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 77, ON PAGE 1 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SOUTH 01°22'11" EAST, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH LINE OF SAID F.F. MINIONE, ALSO BEING THE NORTH LINE OF SAID "WHISPERING PINES ADDITION" AND THE NORTH LINE OF PARCEL "A", KAFIN PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 178, ON PAGE 60 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE SOUTH 88°10'14" WEST ALONG SAID NORTH LINES, A DISTANCE OF 229.75 FEET TO THE SOUTHWEST CORNER OF SAID F.F. MINIONE; THENCE NORTH 01°21'14" WEST ALONG THE WEST LINE OF SAID F.F. MINIONE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA AND CONTAINING 189,199 SQUARE FEET (4.34 ACRES) MORE OR LESS.

AKA: 1600 W Sample Road

ZONED: I-1/PCD (General Industrial/Planned Commercial/Industrial District)

STAFF CONTACT: Pamela Stanton (954) 786-5561

Ms. Paola West, Principal Planner, presented herself to the Board. She stated that the applicant is requesting Major Site Plan approval in order to construct a three-story self-storage building and related site improvements on an existing development site with five existing one-story self-storage buildings. The project consists of a 31,035 square-foot building, combined with 67,466 square feet of the five existing buildings for an overall building foot print of 98,501 square feet on a 189,199 square-foot (4.34 acres) site (52% lot coverage). The site is currently under rezoning from I-1/PCD (General Industrial/Planned Commercial Development) to I-1.

Ms. West stated that this site plan was reviewed at DRC on March 15, 2017 and is scheduled for Major Building Design review by the AAC on April 27, 2017. Provided the Board approves the site plan as submitted, staff recommends approval of the Major Site Plan subject to the following conditions, prior to building permit:

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // ME

1. Subject to successfully rezone from I-1/PCD to I-1.
2. Subject to successfully demonstrate ownership of the NW 34 Court right-of-way along the west portion of the south property line as depicted on the site plan, prior to building permit.
3. Subject to successfully obtain a Development Order for Major Building Design from the Architectural Appearance Committee.
4. Landscape and irrigation plans must meet Zoning code requirements.
5. Provide a BSO-approved CPTED plan prior to building permit approval.
6. Subject to successfully satisfying Fire comments and conditions.

Jim Kahn (301 E. Atlantic Boulevard, Pompano Beach, FL) stated that it is an existing self-storage facility. The original PCD plan had two buildings whereas this revised plan includes just one new building in the rear of the property. The only access remains from Sample Road.

Ms. Coleman asked how many storage units are proposed.

Mr. Kahn stated that there will be about 200 units of various sizes.

Ms. Kovac opened the public hearing. Hearing no one who wished to speak, the public hearing was closed.

MOTION was made by Carla Coleman and seconded by Jerry Mills to approve Major Site Plan PZ #17-12000004 subject to the six (6) conditions of staff. All voted in favor of the motion; therefore, the motion passed.

13. MCNAB GROVES, INC. / CUBESMART
Planning and Zoning #16-12000045

Consideration of the MAJOR SITE PLAN submitted by **MICHAEL VONDER MEULEN** on behalf of **MCNAB GROVES, INC.** in order to construct a 117,079 square foot commercial project featuring a storage/restaurant/retail facility. The project will have 841 climate controlled storage units, 1,220 square feet of office space, 7 bays of retail and restaurant uses (7,929 square feet), parking, and site landscape. The property is in the process of rezoning from B-3 (General Business) to PCD (Planned Commercial/Industrial District). The rezoning received the first hearing by the City Commission on April 11, 2017. The property is currently vacant. The total lot coverage of the site is 24,337 square feet on a 74,365 square foot (1.71 acre) site (32.7% lot coverage). The property is located south of McNab Road and west of Federal Highway, legally defined as follows:

PARCEL "A", HASTING TRUST PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 163, PAGE 23 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. LESS THE NORTH 5.00 FEET THEREOF.

AKA: 950 E McNab Road
ZONED: B-3 (General Business)
STAFF CONTACT: Jae Eun Kim (954) 545-7778

MOTION was made by Jerry Mills and seconded by Richard Klosiewicz to postpone this item to the May 24, 2017 meeting per the applicant's request. All voted in favor of the motion; therefore, the motion passed.

14. **MOTION** by Richard Klosiewicz and second by Trip Bechert to hear agenda item #14 out of order. All voted in favor.

S&M DISTRIBUTION CENTER INC.; CRUM, J M EXEC PRIDEMORE, T S & P ETAL; CSX TRANSPORTATION INC.; JOHNSON, THELMA, FARRIS, SHIRLEY J PRIDEMORE, T S; AND CRUM, J M EXEC JONES, ITENE & PRIDEMORE, T S & P / WAWA
Planning and Zoning #16-12000042

Consideration of the MAJOR SITE PLAN submitted by **SCOTT BACKMAN** on behalf of **S&M DISTRIBUTION CENTER INC.; CRUM, J M EXEC PRIDEMORE, T S & P ETAL; CSX TRANSPORTATION INC.; JOHNSON, THELMA, FARRIS, SHIRLEY J PRIDEMORE, T S; AND CRUM, J M EXEC JONES, ITENE & PRIDEMORE, T S & P** in order to construct a 6,119 sq. ft. convenience store along with sixteen fueling stations located under 6,600 sq. ft. of canopy area. Proposed development includes an outdoor seating area, parking, and associated landscaping. The subject property, currently vacant, is located within the Atlantic Boulevard Corridor Study Transformation Plan's Pompano Tech district. The total building footprint (including covered canopy area) is 12,719 sq. ft. on an 80,505 sq. ft. (1.85 acres) site (15.8% lot coverage). The property is located at the northwest corner of West Atlantic Boulevard and North Andrews Avenue, legally defined as follows:

PART OF THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 34; THENCE, N00°20'21"W, A DISTANCE OF 87.63 FEET TO THE NORTH RIGHT-OF-WAY LINE OF WEST ATLANTIC BOULEVARD PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 86130-2510; THENCE, ALONG THE

Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // ME

SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES: (1) 27.97 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 55,366.58 FEET AND CENTRAL ANGLE OF 00°01'44" (CHORD BEARING N89°35'05"E, A DISTANCE OF 27.97 FEET); (2) N01°10'04"W, A DISTANCE OF 22.71 FEET; (3) N88°49'56"E, A DISTANCE OF 263.08 FEET FOR A POINT OF BEGINNING; THENCE, DEPARTING SAID NORTH RIGHT-OF-WAY LINE, N01°30'30"W, A DISTANCE OF 324.87 FEET; THENCE, N88°29'30"E, A DISTANCE OF 246.09 FEET TO THE WEST RIGHT-OF-WAY LINE OF ANDREWS AVENUE EXTENSION PER FLORIDA DEPARTMENT OF TRANSPORTATION MAP SECTION 86000-2610; THENCE, ALONG SAID WEST RIGHT-OF-WAY LINE, S10°06'42"W, A DISTANCE OF 23.62 FEET; THENCE, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, 275.80 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 2,035.50 FEET AND CENTRAL ANGLE OF 07°45'48" (CHORD BEARING S07°12'09"E, A DISTANCE OF 275.59 FEET) TO THE NORTH RIGHT-OF-WAY LINE OF SAID WEST ATLANTIC BOULEVARD; THENCE, ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES: (1) S89°01'53"W, A DISTANCE OF 43.86 FEET; (2) S00°58'07"E, A DISTANCE OF 29.25 FEET; (3) S88°49'56"W, A DISTANCE OF 224.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 81,031 SQUARE FEET OR 1.860 ACRES, MORE OR LESS.

AKA: 1291 W Atlantic Boulevard

ZONED: I-1 (General Industrial)

STAFF CONTACT: Scott Reale (954) 786-4667

Ms. Paola West, Principal Planner, presented herself to the Board. She stated that the applicant is requesting Major Site Plan approval in order to construct a 6,119 sq. ft. convenience store along with sixteen fueling stations located under 6,600 sq. ft. of canopy area. Proposed development includes an outdoor seating area, parking, and associated landscaping. The subject property, currently vacant, is located within the Atlantic Boulevard Corridor Study Transformation Plan's Pompano Tech district. The total building footprint (including covered canopy area) is 12,719 sq. ft. on an 80,505 sq. ft. (1.85 acres) site (15.8% lot coverage). The property is located at the northwest corner of West Atlantic Boulevard and North Andrews Avenue.

Ms. West stated that this site plan was reviewed at DRC on March 1, 2017, and is scheduled for Major Building Design review by the Architectural Appearance Committee (AAC) on April 27, 2017. Provided the board approves the project as submitted, staff recommends approval of the Major Site Plan, subject to the following conditions:

1. The proposed "BW ATLANTIC" plat must be approved (by both City Commission and County Commission) and recorded in the public records of Broward County prior to obtaining a building permit for construction of the proposed development's principal building. (§155.2410)

2. Successfully obtain Planning & Zoning Board approval for proposed distribution of reserve and commercial flexibility “Commercial Flex Allocation” (PZ #16-05000004) in order to allow for a convenience store on property zoned I-1.
3. Because the proposed improvements associated with this site plan are located on all or a portion of five separate tax folios, a Unity of Title agreement is required to be executed and recorded in the public records of Broward County prior to building permit approval. This agreement shall be considered to be a restriction running with the land and shall bind the heirs, successors and assigns of the owner. (§155.2401.C)
4. All vehicular and pedestrian cross-access and shared-access depicted on the Site Plan shall be recorded in the public records of Broward County before issuance of a Zoning Compliance Permit for the development. Such easement agreements shall define maintenance responsibilities of property owners.
5. Abandon/vacate the two recorded driveway easements (ORB 2482-PG 802 and ORB 2482-PG 814) shown on City R-W/Plat Map No. 72, or modify site layout so no structures are located on this portion of the site.
6. Revise canopy height or successfully petition the Development Services Director to waive the maximum 16 foot clearance height (§155.4303.E.3.b) by demonstrating compliance with the standards promulgated in §155.4303.E.3.f.vi.A, including Major Building Design approval from the Architectural Appearance Committee.
7. Provide a rooftop plan showing location of all rooftop mechanical equipment and screening methods.
8. Submit the BSO approved CPTED plan and narrative for permit approval. Permit plans shall include detailed aspects of CPTED items, e.g. security cameras shown on elevations, electrical detail for security cameras, etc.
9. Landscape and Irrigation must meet Zoning Code requirements.

Mr. Scott Backman (14 E 4th Street, Boca Raton, FL) introduced himself to the Board as the attorney for the property owner and stated that they are in agreement with all of staff's conditions. He provided a presentation to the Board in order to orient the Board with the site's location. He explained that the use of bollards in lieu of a continuous curb went to the Zoning Board of Appeals for relief, and that relief has been granted. Besides this, no other site design aspects require relief from zoning standards. He explained that since the property is located in an Industrial land use area and zoning district, commercial flex needs to be allocated to this site.

Mr. Bechert asked what the applicant is doing with the rest of the property.

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Mr. Backman stated that the applicant will not be developing it. He stated that it is being platted to allow for future redevelopment.

Mr. Evans asked where the closest residential area is.

Mr. Backman stated that it is quite a distance away, to the northwest of nearby railroad tracks.

Ms. Kovac opened the public hearing. Hearing no one who wished to speak, the public hearing was closed.

Ms. Kovac asked if the Board could vote on the Flex Allocation and then on the Site Plan.

Ms. West stated that the reason why the site plan was taken out of order was so that the Board would have some background on what the flex allocation request was for.

Ms. Sarver responded that legally the Board could vote in whichever order it wishes.

****NOTE: The Board first voted on agenda item #7, the Flex Unit Allocation request****

MOTION was made by Trip Bechert and seconded by Richard Klosiewicz to approve Major Site Plan PZ #16-12000042 subject to the nine (9) conditions of staff. All voted in favor of the motion; therefore, the motion passed.

H. OTHER BUSINESS

15. Lambert Report Presentation

Paul Lambert will give the Board a presentation on the Lambert Report.

MOTION by Richard Klosiewicz and second by Carla Coleman to strike this item from the agenda per the request of staff. All voted in favor

16. Chapter 155 Text Amendments, Air Park Overlay

Staff is recommending approval of the text amendments to the Zoning Code in regards to the Air Park Overlay.

Ms. Jennifer Gomez, Assistant Development Services Director, presented herself to the Board and stated that the text amendment is due to a State Law change. She stated that since it is a very technical change, the Air Park Manager and a consultant are present to answer any questions. She explained that during the 2016 legislative session, Chapter 333 of the Florida Statutes, Airpark Zoning, was overhauled. These changes include:

- 1) Deletion of the requirement to obtain a variance in order to allow a building to exceed the airpark height limitation, locally referred to as an "Airpark Variance"

- 2) Cities may issue permits for airport “obstructions” once a city’s zoning code is amended. This will become a power and duty of the Planning and Zoning Board to review airport obstructions.
- 3) City airport zoning must address incompatible uses due to height and noise, as well as those uses that attract wildlife.

Ms. Gomez stated that the State hosted some seminars in 2016 and provided a PowerPoint highlighting the changes, a copy of which is included in the backup. She noted that there appears to be a possible conflict between the State-issued report and the FDOT guidelines. As such, she offered to self-impose a condition of approval that staff further evaluate any potential conflicts.

Ms. Gomez stated that the proposed text amendments intend to create an Obstruction Permit application and to amend the Air Park Overlay District information to address language required by State statutes. She stated that staff is recommending that the Board recommend approval of the text amendment to the Zoning Code to the City Commission with the following condition:

- 1) Amend the proposed rules and regulations associated with educational use compatibility and other scrivener’s errors as needed to comply with the State statute.

Ms. Coleman disclosed that as a lobbyist in the 90s she wrote the old educational requirements, which exempted the universities from these regulations since so many were co-located with airports. She asked what the new restrictions on educational uses are and if Pompano Beach High School is a conflict.

Ms. Gomez stated that there is a restriction on educational and residential uses within noise contour areas. She explained that most of the noise contour areas, however, fall within either the airport itself or within City property that is being used for parks. She stated that the impact on the City will be minimal.

Ms. Coleman asked if there is an appeal process.

Ms. Gomez stated that there will be for the Obstruction Permit.

Mr. Bechert asked if the regulations would affect any schools.

Mr. Mike Cary (1730 NW 91 Terrace, Plantation, FL) stated that it would not. He explained that the intent is to adopt the state statutes and added that the Federal government oversees the airspace, State government issues the licenses to operate, and the City owns the airport.

Dr. Mills asked if there are height regulations by the FAA.

Mr. Cary stated that the FAA gives obstruction standards. The first step for a project is for the applicant to get direct approval from the FAA to determine that there is no hazard. After that, the applicant would come to the City for approval. He pointed out that if a building were to penetrate the Air Park Overlay height limit it would constitute an

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obstruction, but not necessarily a hazard. If the FAA determines that the project is a hazard, the applicant will then not be able to receive a permit from the City.

Ms. Gomez clarified that the height limitations would not change, only the mechanism for approval would change. Previously the process would have gone through the Zoning Board of Appeals but may no longer be treated as a variance.

Ms. Sarver added that this mechanism seems more appropriate to her than the former process.

MOTION was made by Carla Coleman and seconded by Jerry Mills to recommend approval of the proposed text amendments regarding the Air Park Overlay with the one (1) condition of staff. All voted in favor of the motion; therefore, the motion passed.

I. AUDIENCE TO BE HEARD

There was no one in the audience who wished to speak.

J. BOARD MEMBERS DISCUSSION

Mr. Klosiewicz complemented Ms. Kovac on how she ran the meeting.

Dr. Mills noted that he will be absent from the May Meeting.

Mr. Evans asked for the Kessler Report.

Ms. Gomez stated that she will follow up with what he is requesting. Additionally, the Lambert Report presentation regarding housing would be presented at the May meeting.

Ms. Coleman stated that she noticed that there are several self-storage applications. She asked if staff considers how much self-storage is currently provided and how much is needed for Pompano Beach residents.

Ms. Gomez responded that they have not, but that they could search the business tax receipts and provide some information to the Board at the next meeting.

Ms. Coleman wondered if a lot of self-storage is for non-residents and commented that this might be something that this Board looks at in the long-term.

K. REPORTS BY STAFF

Mr. Matt Edge offered a presentation in response to Mr. Tony Hill's question about the meeting videos being available on the City website and showed the Board how they can find all past meetings online.

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L. ADJOURNMENT

MOTION by Richard Klosiewicz to adjourn the meeting at 9:28 p.m. All voted in favor

Approved at the meeting held on May 24, 2017



Fred Stacer
Chairman
Planning and Zoning Board/Local Planning Agency