

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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