



CITY OF POMPANO BEACH FLORIDA

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PLANNING AND ZONING BOARD/LOCAL
PLANNING AGENCY

July 26th, 2017
Wednesday

City Commission Chambers

6:00 P.M.

MINUTES

A. Call to order by the Chairman of the Board, Mr. Fred Stacer at 6:07 P.M.

B. **ROLL CALL:**

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

Also in Attendance: Paola West, Principal Planner
Matt Edge, Zoning Technician
Maggie Barszewski, Planner
Jennifer Gomez, Assistant Development
Services Director
Carrie Sarver, Assistant City Attorney
Tara Patton
Laurie Hall
Michael Vonder Meulen

C. **MOMENT OF SILENCE**

A moment of silence was observed.

D. APPROVAL OF THE MINUTES:

Approval of the minutes of the meeting on June 28th, 2017.

MOTION was made by Jerry Mills and seconded by Richard Klosiewicz to approve the meeting minutes of June 28, 2017. All voted in favor of the motion, therefore the motion passed.

E. INDIVIDUALS TESTIFYING PLACED UNDER OATH

City staff and members of the public testifying before the Board at the meeting were placed under oath by Matthew R. Edge, Zoning Technician and Notary Public in the State of Florida.

****NOTE: At this point in the meeting, the Board heard several items out of order so as to postpone them to a later meeting.****

F. ZONING MAP AMENDMENTS (REZONING)

**1. EXIT 69, LLC / EXIT 69
Planning and Zoning #16-13000002**

Consideration of the request by **TARA-LYNN PATTON** on behalf of the **EXIT 69, LLC** to rezone the property from I-1/PCI (Planned Commercial/Industrial Overlay) to I-1(General Industrial). This property is an 8.994-net acre site and the address is 3420-3456 NW 27 Avenue. The parcel currently has two existing one-story warehouse buildings totaling 19,210 sq. ft. On January 13, 1998, the City Commission approved a modification of an I-1/PCI (Planned Commercial/Industrial Overlay), see attached Ordinance No. 98-23. The intent of this PCI was to restrict the usage of the property to self-storage warehouse and parking in accordance with a Master Plan included in the Ordinance. The applicant would like to revert to the underlying I-1 zoning in order to permit other uses that are found within the underlying I-1 zoning district and better utilize the property. The subject property is partially constructed in accordance with the Master Plan for the parcel. The property is legally described as follows:

TRACT E OF "POMPANO INDUSTRIAL PARK THIRD ADDITION",
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 111, AT
PAGE 33, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

AKA: 3420-3456 NW 27 Avenue

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

ZONED: I-1/PCI (Planned Commercial/Industrial Overlay)
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 proposed rezoning would remove the Planned Commercial / Industrial Overlay, which limits this property to be used for self-storage, warehouse, and parking. The applicant would like to enable the possibility of other uses for the site.

Zoning Department staff submits the following factual information which is relevant to this rezoning request:

1. The rezoning was reviewed by DRC on May 3, 2017.
2. The property is located at 3420-3456 NW 27 Avenue.
3. The area to be rezoned is approximately 8.994-net acres.
4. The Zoning and uses of adjacent properties are:
North – (O-IP) – Office Ind. Park – Sample Commons Commercial Condominium &
North – (B-3/PCI) Commercial Planned Commercial/Industrial – Vacant land
South – (B-3) – Industrial Warehouses
East – (B-3) – Multi-Family Units
West – (I-1/PCI) – Festival Flea Market
5. The main access to this property is from NW 34 Place.
6. The Land Use Designation is I (Industrial).

Ms. Barszewski presented the three alternative motions for the Board:

Alternative Motion I

Recommend approval of the rezoning of the request from I-1/PCI (Planned Commercial/Industrial Overlay) to I-1(General Industrial) on the subject property as the Board finds it is consistent with the policies of the Comprehensive Plan as stated herein.

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 policies of the Comprehensive Plan.

Dr. Mills asked why the Board should change the zoning if the Commission approved of the current zoning.

Ms. Barszewski responded that the applicant is requesting this rezoning and that the Board is charged with making a recommendation to the City Commission. Staff feels that this request is consistent with the Comprehensive Plan.

Ms. Carla Coleman asked what the intentions are for the property.

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Ms. Tara Patton (10805 Glen Eagles Road, Boynton Beach, FL) presented herself to the Board as the applicant's representative and stated that the property is approximately nine acres with almost 19,000 square feet of warehouses and over 100 parking spaces. The property was rezoned in 1998 for storage and overflow parking for the Festival Flea Market. The Festival Flea Market is now overparked as it has acquired the parcel immediately to the south. She stated that the property owners have considered some of the newly permitted uses to the industrial areas, including medical uses, but that they have no specific plans for the property as of yet.

Dr. Mills asked if the site is conforming with the proposed zoning.

Ms. Patton stated that it is.

Dr. Mills asked if there are plans for development that would not be allowed under the proposed zoning.

Ms. Patton stated that the intent is to allow the uses currently allowed in I-1.

Ms. Coleman asked if they are requesting the rezoning just so that they may consider additional uses.

Ms. Patton confirmed this. She stated that the overlay currently limits the property for self-storage. She stated that part of the property is leased for storage related to the Festival Flea Market.

Ms. Rhonda Eaton asked if there is any residential use abutting the site.

Ms. Patton stated that there is none.

Mr. Stacer asked if there was anyone from the audience who would like to speak. Seeing that there were none, the public hearing was closed.

MOTION was made by Joan Kovac and second by Carla Coleman to recommend approval of the rezoning PZ #16-13000002 per Alternative Motion I of staff. All voted in favor of the motion with the exception of Jerry Mills, therefore the motion passed.

2. 225 NORTH FEDERAL HIGHWAY, LLC / ATLANTIC TOWER
REZONING
Planning and Zoning #17-13000002

Consideration of the request by **DENNIS MELE** on behalf of **225 NORTH FEDERAL HIGHWAY, LLC** to rezone the subject property from B-3/AOD (General Business / Atlantic Boulevard Overlay District) to PCD (Planned Commercial/Industrial). This property is 3.2 net acres (3.4 gross acres) and the address is 225 North Federal Highway. The

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subject property is located in the northwest corner of the intersection of NE 2nd Street and N Federal Highway. The developments in the property include a bank with a drive-thru, an existing 8-story office & educational building, a parking garage, and a parking lot, as well as a proposed 8-story residential building. The Master Plan of this rezoning request includes a list of permitted uses, a new proposed residential building, and existing developments (a bank with a drive-thru, an 8-story office & educational building, and a parking garage.). The subject property is located west of N Federal Highway, between NE 2nd Street and NE 4th Street, more specifically described as follows:

LOTS 13, 16 AND 17, ALL LESS THE EAST 10 FEET THEREOF FOR ROAD RIGHT-OF-WAY; AND LOTS 18, 19, 20, 21, 22 AND 23, LESS THE EAST 10 FEET OF LOT 23 FOR ROAD RIGHT-OF-WAY, ALL IN BLOCK 6, OF PINEHURST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 13, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA;

TOGETHER WITH LOTS 8, 9 AND 12, LESS THE EAST 10 FEET THEREOF, AND LOTS 2, 3, 6, 7, 10, 11, 14 AND 15, ALL IN BLOCK 6, OF PINEHURST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 13, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

AKA: 225 N Federal Highway, 301 N Federal Highway, SE corner of NE 20 Ave and NE 4 Street

Folios: 484236010890, 484236010870, 484236010860

ZONED: B-3/AOD (General Business / Atlantic Boulevard Overlay District)

TO: PCD (Planned Commercial/Industrial)

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

Mr. Stacer stated that the applicant has requested a postponement to the August 23, 2017 meeting.

MOTION was made by Richard Klosiewicz and second by Jerry Mills to postpone the item to the August 23, 2017 meeting. All voted in favor of the motion, therefore the motion passed.

G. ABANDONMENT / VACATION REQUESTS

3. JOHN KNOX VILLAGE OF FLORIDA, INC / JOHN KNOX VILLAGE UTILITY EASEMENT ABANDONMENT
Planning and Zoning #17-27000002

Consideration of the request by **THOMAS L. PRICE** on behalf of **JOHN KNOX VILLAGE OF FLORIDA, LLC** to abandon a portion of a 12-foot utility easement located within Parcel "D" of John Knox Village. The

area to be abandoned is approximately 3348 square feet. The property is legally described as follows:

A PORTION OF PARCEL "D" OF JOHN KNOX VILLAGE AMENDED PLAT ACCORDING TO THE PLAT THEREOF AS RECORDED IN ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 179, PAGE 190, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID PARCEL "D"; THENCE ALONG EASTERLY BOUNDARY OF SAID PARCEL SOUTH 36°30'26" WEST 12.64 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 36°30'26" WEST 160.58 FEET; THENCE ALONG SAID EASTERLY BOUNDARY SOUTH 60°30'16" EAST 109.64 FEET; THENCE SOUTH 36°30'26" WEST 12.09 FEET; THENCE NORTH 60°30'16" WEST 121.73 FEET; THENCE NORTH 36°30'26" EAST 164.86 FEET; THENCE NORTH 88°44'55" EAST 15.17 FEET TO THE POINT OF BEGINNING.

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

AKA: 12-foot easement at 651 SW 6 Street

STAFF CONTACT: Maggie Barszewski (954)786-7921

Ms. Maggie Barszewski, Planner, presented herself to the Board and stated that in question is a 12-foot wide, "L"-shaped utility easement within Parcel D of John Knox Village. She stated that service provider comments from AT&T, TECO, and Comcast have not yet been submitted. All other providers have no objection. These three outstanding letters will need to be submitted before the request goes to the City Commission.

Ms. Barszewski provided the following alternative motions for the Board:

Alternative Motion I

Approve with condition that the request will not be placed on a City Commission agenda until all comments from the service providers are provided or until 60 days have passed.

Alternative Motion II

Table for further information.

Alternative Motion III

Denial as the Board finds a public purpose for the easement.

Staff recommends alternative motion I.

Ms. Laurie Hall (5747 N. Andrews Way, Fort Lauderdale, FL) presented herself as the applicant's representative. She stated that John Knox Village is planning a welcome center for this location and therefore this abandonment is required.

Dr. Mills asked if any portion of the easement would be left.

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Ms. Hall responded that she believes that there is another easement that goes around the corner that is not on John Knox Village property. She added that there currently is no use of the easement in question.

Mr. Stacer asked if there was anyone from the audience who would like to speak. Seeing that there was none, the public hearing was closed.

MOTION was made by Jerry Mills and second by Richard Klosiewicz to recommend approval of the abandonment PZ #17-27000002 per Alternative Motion I of staff. All voted in favor of the motion, therefore the motion passed.

H. SITE PLAN REVIEWS

**4. BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS /
BROWARD COUNTY NRWTP RECLAIMED WATER
EXPANSION**
Planning and Zoning #16-12000046

Consideration of the MAJOR SITE PLAN submitted by **GREG BALICKI** on behalf of **BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS** in order to construct a 16 MGD expansion of the reclaimed water system. The total building footprint proposed with this request is 37,283 square feet on a 168,366 square foot (3.86 acres) site (22.1% total lot coverage). The property is located on the northwest corner of W Copans Road and North Powerline Road, legally defined as follows:

A PORTION OF PARCEL "F" BROWARD COUNTY PLAT No 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 107, PAGES 47, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING RIGHT-OF-WAY:

PARCELS 3, 4 AND 6 CONTAINED IN THE BROWARD COUNTY RESOLUTION 1999-8, ADOPTED JANUARY 12, 1999 AND RECORDED JANUARY 25, 1999 IN OFFICIAL RECORDS BOOK 29173, PAGE 631 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

AND

PARCELS 3A AND 4A CONTAINED IN BROWARD COUNTY RESOLUTION 2003-540, ADOPTED AUGUST 12, 2003 AND RECORDED SEPTEMBER 26, 2012 IN OFFICIAL RECORDS BOOK 49108, PAGE 1928 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

AKA: 2401 N Powerline Road

ZONED: PU (Public Utilities)

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

Ms. Paola West, Principal Planner, presented herself to the Board. She stated that the request is in order to construct a 16 million gallons per day expansion of the reclaimed

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water system. The total building footprint proposed with this request is 37,283 square feet on a 168,366-square foot (3.86 acres) site (22.1% total lot coverage).

She stated that the Site Plan was reviewed at DRC on June 7, 2017 and is scheduled to be heard by the AAC on July 27, 2017. Should the Board determine that the applicant has met the standards for granting Major Site Plan approval, staff does not object provided that the order includes the following conditions:

1. Pursuant to code Section §155.2408, successfully obtain a Development Order for Major Building Design from the Architectural Appearance Committee.
2. Pursuant to Code Section 155.5102.C. 9, revise the parking space layout with a continuous curbing.
3. Pursuant to Code Section 155.4213.B, demonstrate a Type B landscape buffer around all perimeters of the site, or obtain relief.
4. All exterior mechanical equipment shall be screened, pursuant to Code Section 155.5301. A. 2.
5. Landscape and irrigation shall comply with zoning code requirements.
6. For building permit approval, provide the following:
 - a. Evidence that the development has achieved at least 12 sustainable development points, pursuant to Table 155.5802
 - b. CPTED plan approved by Broward Sheriff's Office.
 - c. Actual color and material samples.

Ms. Kovac asked if the project was a City project.

Ms. West stated that it is a Broward County project.

Ms. Rosanna Cordova (6941 SW 196th Avenue, Pembroke Pines, FL) presented herself as the applicant's agent. She stated that they have reviewed the conditions and are in agreement with them. She noted that the project has received relief from the type B buffer requirement as noted in condition #3 and the mechanical equipment screening noted in condition #4 through variances granted the previous week.

Ms. Coleman asked if the proposal replaces anything on the site or if it is an addition.

Ms. Cordova stated that some pumps might be replaced, but the proposal overall is an addition to the existing facility.

Dr. Mills asked if the water would be the same as the reclaimed water used on Federal Highway.

Ms. Cordova confirmed that it is for reclaimed water.

Ms. Eaton asked if there would still be landscaping around the perimeter even with the variance being granted.

Ms. Cordova confirmed that there would still be landscaping at the perimeter.

Mr. Evans asked for clarification on the variances obtained that relate to staff conditions #3 and #4.

Ms. West explained that the applicant made the case that due to Homeland Security requirements, they are not able to screen the equipment as per Code.

Mr. Stacer asked if there was anyone from the audience who would like to speak. Seeing that there were none, the public hearing was closed.

MOTION was made by Carla Coleman and second by Dwight Evans to approve the Major Site Plan PZ #16-12000046 subject to four (4) conditions of staff (striking conditions 3 and 4). All voted in favor of the motion, therefore the motion passed.

5. CITY OF POMPANO BEACH / GOLF PARK RESTROOM
Planning and Zoning #17-12000025

Consideration of the MAJOR SITE PLAN submitted by **MICHAEL VONDER MEULEN** on behalf of **THE CITY OF POMPANO BEACH** in order to construct a new restroom facility featuring ADA accessible stalls and golf cart parking spaces. The total building footprint proposed with this request is 884 square feet including a restroom (152 sq.ft.) and covered golf cart parking space (732 sq.ft.) on a 8,080 square foot (0.19 acres) site (10.9% lot coverage). The property is located at the northwest corner of N. Federal Highway and NE 10th Street, legally defined as follows:

A PORTION OF THE POMPANO BEACH GOLF COURSE, LYING IN SECTION 25,
TOWNSHIP 48 SOUTH, RANGE 42 EAST.

AKA: 1670 NE 5 Avenue (a.k.a. 1101 N Federal Highway)
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 request is in order to construct a new restroom facility featuring ADA accessible stalls and golf cart parking spaces. The total building footprint proposed with this request is 884 square feet including a restroom (152 sq.ft.) and covered golf cart parking space (732 sq.ft.) on an 8,080-square foot (0.19 acres) site (10.9% lot coverage). She stated that the project was reviewed at DRC on July 5, 2017 and is scheduled to be heard by the AAC on July 27, 2017. Should the Board determine that the applicant has met the standards for granting Major Site Plan approval, staff does not object provided that the order includes the following conditions:

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1. Per Code Section §155.2408, successfully obtain a Development Order for Major Building Design from the Architectural Appearance Committee.
2. All exterior mechanical equipment shall be screened, Per Code Section 155.5301. A. 2.
3. For building permit approval, provide the following:
 - d. Evidence that the development has achieved at least 12 sustainable development points, pursuant to Table 155.5802
 - e. CPTED plan approved by Broward Sheriff's Office.
 - f. Actual color and material samples.

Mr. Michael Vonder Meulen (301 E Atlantic Boulevard) presented himself to the Board as the applicant's agent. He stated that the existing restroom will be demolished and the new one will be built in its place. This restroom is one of the many new restrooms being constructed by the City in its parks.

Ms. Kovac asked if the siding would be aluminum.

Mr. Vonder Meulen stated that it is stucco.

Mr. Stacer asked if there was anyone from the audience who would like to speak. Seeing that there was none, the public hearing was closed.

MOTION was made by Dwight Evans and second by Jerry Mills to approve the Major Site Plan PZ #16-12000025 subject to the three (3) conditions of staff. All voted in favor of the motion, therefore the motion passed.

I. OTHER BUSINESS

6. CHAPTER 155 ZONING CODE TEXT AMENDMENTS, NEW AUTOMOBILE AND LIGHT TRUCK SALES Planning and Zoning #17-81000001

Consideration of a text amendment requested by **ROD A. FEINER** on behalf of **DALY REAL ESTATE LLC** to insert a new use into the Zoning Code, Section 155.4219 (Commercial: Motor Vehicle Sales and Service Uses) as well as Appendix A: Consolidated Use Table. The proposed use is: "Limited Auto Dealership; Fleet Automobile Sales."

Mr. Stacer stated that there has been a request to postpone this item to the August meeting.

MOTION was made by Jerry Mills and second by Richard Klosiewicz to postpone the item to the August 23, 2017 meeting. All voted in favor of the motion, therefore the motion passed.

J. AUDIENCE TO BE HEARD

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

K. BOARD MEMBERS DISCUSSION

Ms. Eaton stated she is humbled to be present on the Board and related that she takes planning and zoning very seriously. She has some issues with parts of the zoning code, particularly regarding sight visibility triangles and waterfront properties and how they relate to sports courts and wall heights. She feels that the Zoning Code is not clear on this matter and that the City Commission is the one who pays for the mistakes or loopholes. She would like an ordinance to make the code stricter and clearer.

Mr. Stacer welcomed her to bring up specific issues to the Board.

Mr. Klosiewicz welcomed Ms. Eaton and commended the Chairman on a well-run meeting.

Dr. Mills asked staff to make sure the staff report is at the top of the folders in ePlan.

Mr. Evans welcomed Ms. Eaton to the Board.

Mr. Stacer welcomed Ms. Eaton. He asked staff if the East Transit Oriented Corridor (ETOC) meeting in August has been set.

Ms. Jennifer Gomez, Assistant Development Services Director, stated that will be on August 4th at 6:00 PM at the Cultural Arts Center.

Mr. Stacer stated that there will be a density bonus in the ETOC where a developer will be granted more allowable density for providing certain amenities. He feels that there is an opportunity to add more of these amenity options. He noted that the Board is scheduled to be presented with the ETOC in September and then vote on it in October.

Dr. Mills stated that the applicant in the first case heard tonight had no reason to have the zoning change. He doesn't understand why the Board would support the change when the Commission had approved the rezoning.

Mr. Stacer commented that the original zoning was I-1.

Ms. Sarver stated that the special zoning on the property may have certain restrictions that could be prohibitive and so the rezoning may remove those restrictions.

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Ms. Gomez stated that the current zoning designation would restrict the developer to only what was approved in the site-specific master plan. Their requested rezoning would remove that restriction.

Ms. Coleman commented that the current zoning would literally only allow them to use the property for parking and self-storage.

Mr. Stacer speculated that the rezoning to I-1/PCI was probably done because one of the proposed uses may not have been allowed in I-1.

Ms. Sarver cautioned Ms. Eaton from discussing projects outside of the public meetings in which they will be heard. She noted that she is available and Development Services staff is available to discuss matters.

Mr. Stacer also noted that any discussion with applicants should be documented and then disclosed at meetings.

Mr. Stacer stated that issue with the sports court has already been through the Board and sent on to the City Commission. He noted that Ms. Eaton should speak with the Commissioners regarding the sports courts.

L. REPORTS BY STAFF

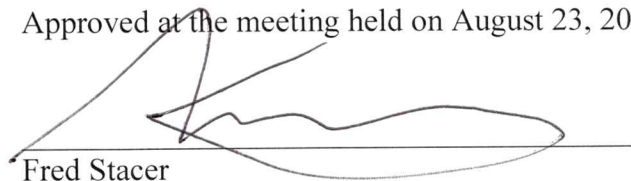
Ms. West stated that there are at least two other applicants that have spoken with staff about rezoning to relieve the restrictions of the planned development.

Ms. Gomez stated that the City Commission recently passed a six month moratorium on medical marijuana.

M. ADJOURNMENT

MOTION by Jerry Mills to adjourn the meeting at 6:59 p.m. All voted in favor

Approved at the meeting held on August 23, 2017



Fred Stacer
Chairman

Planning and Zoning Board/Local Planning Agency

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