

(Single Family Residence 4) to B-3 (General Business). The City is acting as the Applicant for the rezoning of 6 single family homes on the south side of NE 28th Court to facilitate the development of a parking structure to support business activities at the Holman Ford dealership, the adjacent property owner. Holman either owns or has a purchase contract on all but one of the six single-family homes subject to this rezoning. The City must request the rezoning because Holman does not own all of the property to be rezoned. The property is located west of Federal Highway and south of NE 28th Court in the Cresthaven neighborhood, legally described as follows:

LOTS 1, 2, 3, 4, 5, 6 OF BLOCK 1 ACCORDING TO THE PLAT OF CRESTHAVEN NO. 3 AS RECORDED IN PLAT BOOK 37, PAGE 11 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

AKA: 1628 NE 28th Court, 1642 NE 28th Court, 1656 NE 28th Court,
1670 NE 28th Court, 1684 NE 28th Court, 1698 NE 28th Court
ZONED: RS-4 (Single Family Home 4)
TO: B-3 (General Business)
STAFF CONTACT: Jean Dolan (954)786-4045

MOTION was made by Tony Hill and seconded by Joan Kovac to postpone the rezoning request to the January 24th Planning and Zoning Board meeting. All voted in favor of the above motion.

4. CITY OF POMPANO BEACH / EAST TRANSIT ORIENTED
CORRIDOR
Planning and Zoning #17-13000006

Consideration of the request by **DAVID RECOR** on behalf of **THE CITY OF POMPANO BEACH** to rezone the properties from multiple zoning districts to TO (Transit Oriented) subject to the East Overlay District (EOD) Overlay. These properties are part of a 279-acre site and are located along E Atlantic Boulevard and Federal Highway. The property is legally described as follows:

A PARCEL OF LAND BEING A PORTION OF SECTION 1, TOWNSHIP 49 SOUTH, RANGE 42 EAST, A PORTION OF SECTION 6, TOWNSHIP 49 SOUTH, RANGE 43 EAST, A PORTION OF SECTION 31, TOWNSHIP 48 SOUTH, RANGE 43 EAST, AND A PORTION OF SECTION 36, TOWNSHIP 48 SOUTH, RANGE 42 EAST, LYING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED IN THE SURVEY SUBMITTED WITH THE APPLICATION. SAID LANDS SITUATED WITHIN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, CONTAINING APPROXIMATELY 279 ACRES, MORE OR LESS.

AKA: The area generally located east of NE 3rd avenue, south of NE 8th street, north of SE 5th court and west of the Intracoastal Waterway as shown on the attached map and on file with the Development Services Department of the City of Pompano Beach.

ZONED: Various Zoning Districts

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TO: Transit Oriented (TO) District and East Overlay District (EOD)
STAFF CONTACT: Jean Dolan (954)786-4045 and
Pamela Stanton (954) 786-5561

NOTE: The discussion for this rezoning can be found under agenda item #7.

MOTION was made by Joan Kovac and second by Jerry Mills to recommend approval of the rezoning PZ #17-13000006 per Alternative Motion I as described in the staff report. All voted in favor of the motion; therefore, the motion passed.

**5. MOUNT VERNON PROPERTY HOLDINGS, LLC / OCEAN PARK
BEACH RESIDENCES
Planning and Zoning #16-13000001**

Consideration of the request by **HOPE CALHOUN** on behalf of **MOUNT VERNON PROPERTY HOLDINGS, LLC** to rezone the property from RM-45 (Multiple-Family Residence 45) to PD-I (Planned Development Infill). This property is 0.62 net acres (including a future ROW dedication along A1A) and 0.86 gross acres. The address is 1508 N Ocean Boulevard. The general location is the southeast corner of the intersection of A1A and NE 16 Street. The parcel is currently vacant. As part of the rezoning application, the applicant is requesting 35 multi-family dwelling units in a 22 story building. The building is made up of two, 18 story towers over a three floor podium with a pool and amenity deck on level four. The project also includes 768 square feet of unmanned kiosk & convenience type sales and 400 square feet of a police substation. 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. The property is legally described as follows:

THE WEST 300 FEET OF LOT 20 OF THE "EAST COAST FINANCE CORPORATION'S SUBDIVISION OF GOVERNMENT LOT 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 25 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 29, TOWNSHIP 48, RANGE 43 EAST.

LESS THE FOLLOWING:

COMMENCE AT NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 29; THENCE ON AN ASSUMED BEARING, SOUTH 00°01'26" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 29, A DISTANCE OF 700.69 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 0°01'26" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW 1/4) A DISTANCE OF 100.00 FEET; THENCE NORTH 89°37'56" EAST A DISTANCE OF 29.84 FEET; THENCE NORTH 00°20'27" WEST A DISTANCE OF 99.99 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 20, SAID LINE ALSO BEING THE EXISTING SOUTH R/W LINE OF N.E. 16TH STREET; THENCE SOUTH 89°39'19" WEST A DISTANCE OF 29.20 FEET TO THE POINT OF BEGINNING.

AKA: 1508 N Ocean Boulevard

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Mr. Horacio Danovich, Capital Program Manager, introduced himself to the Board. He stated that the lighting will be compliant with the sea turtle regulations. He explained that since the Florida Department of Environmental Protection approval took a long time, the bulk of the pier project was approved initially to get the process moving. There was always the intention to have a bait shop as a part of the project, and so it is now being included as a modification. This location was selected in order to control pedestrian access in and out of the pier by including a gate. This could provide the opportunity for admission to be charged in the future if the City Commission so wished. He showed a rendering and color elevations of the bait and tackle shop on the overhead and pointed out that the design matches everything else in the pier project. He showed a rendering to demonstrate that this building will not negatively impact views from the base of the pier.

Mr. Stacer asked about the staff condition about the roll up doors and asked if the applicant would need to seek a variance.

Mr. Danovich pointed out that they will be seeking a setback variance at this month's Zoning Board of Appeals meeting, but they have not requested a variance from the roll-up door provision.

Ms. Kim suggested that an alternative design of stacking shutters could be used instead of a roll-up. This was used for a similar City project.

Mr. Stacer expressed the opinion that this is a misreading of the code prohibition of roll-up door facing roadways.

Mr. Danovich reassured him that they will work to find a solution. He noted that other roll-up doors at the beach have caused maintenance issues for the City due to corrosion, so it might not be the best design.

Dr. Mills asked who gets to decide on the final alternatives if not this Board.

Mr. Danovich responded that the AAC will review the project, but that they will not see any other alternatives either since they have not yet been worked out.

Mr. Stacer asked if anyone in the audience wished to speak. There were none.

MOTION was made by Joan Kovac and seconded by Tony Hill to recommend approval of the Site Plan PZ #16-12000051 subject to the one condition of staff. All voted in favor of the motion; therefore, the motion passed.

J. OTHER BUSINESS

7. CHAPTER 155 ZONING CODE TEXT AMENDMENTS: TRANSIT ORIENTED CORRIDOR (TO) AND EAST OVERLAY DISTRICT (EOD)

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The City is proposing text amendments in order to allow a mixture of residential and commercial uses, particularly within the blocks fronting on Federal Highway and Atlantic Boulevard, and provide a comprehensive approach to redevelopment while creating compatible transitions to the adjacent residential development. The proposed amendments are to the current Transit Oriented (TO) Special Base Zooning District and the new East Overlay District (EOD), which is being created. The current TO regulations are proposed to be amended to more closely align with the desired outcome for TODs in the City, including the DPTOC and the ETOC. Standards regarding specific lot development, such as the massing and dimensional standards found in the Building Typology and Placement Regulating Diagrams were previously included in the Overlay Zoning District regulations of Article 3 and have been moved to the TO for the purpose of continuity throughout all existing and future TO Districts within the City. The EOD is a new Overlay Zoning District and proposes to regulate permitted uses, density, street network connectivity, open space and greenways, street setbacks, and building heights. ArticleS 4, 5, and 9 are proposed to be amended to be consistent with the TO and EOD.

Ms. Jennifer Gomez, Assistant Development Services Director, introduced herself to the Board and stated that Ms. Jean Dolan will be joining in the presentation. She gave a brief overview of the development process of the text amendment that has led to this point.

Ms. Dolan stated that in 2016 the City initiated a change in the future land use designation of the East Atlantic Boulevard Corridor to create the East Transit Oriented Corridor (ETOC) which connects the City from the Intracoastal to the Downtown Pompano Transit Oriented Corridor (DPTOC) at Atlantic Boulevard and I-95. This will allow for mixed-use development in the target area. The ETOC is 279 gross acres bounded on the east by the Intracoastal Waterway and at the westernmost point by S. Cypress Road. The northern and southern boundaries bordering Atlantic Boulevard are varied with the furthest northern extent being generally NE 6th Street and the farthest southern extent being generally SE 4th Street. The land use change has received all but the second reading which will occur concurrently with the public hearings for the rezoning.

Ms. Dolan explained that the proposal includes a “basket of rights” that will create a pool of entitlements to be made available for the entire district. The district is broken down into sub-districts, each governed by a form-based methodology. This amendment includes some changes to the Transit Oriented base zoning district as well as creating the East Overlay District. There have been some changes since the last workshop, including modifications to street trees, building standards, awning/rooftop regulations, airspace encroachment changes, parking structure standards, and the removal of repetitive text and tables. She gave an overview of the sub-area regulating plans and explained that

these are the key to understanding the main goals that this amendment is aiming to achieve.

Ms. Dolan explained that there are two separate motions needed. The first relates to adoption of the new text and the second to the adoption of the maps.

Mr. Hill thanked staff for the time they spent explaining things to him. He asked what the process is today for vacating a street.

Ms. Dolan responded that the abandonment application process includes requesting comments from utility service providers.

Mr. Hill asked why the process would be different in the ETOC in relation to the rest of the City.

Ms. Dolan responded that the difference is because in the ETOC there will be a street regulating plan.

Mr. Hill asked who approves street furniture.

Ms. Kim stated that the street furniture does not have to go to the AAC and that typically, it would be included in the site plan review process.

Mr. Hill asked if there was pre-approved street furniture established.

Ms. Kim responded that the Parks and Recreation Department has a product that they prefer.

Mr. Hill commented that allowing eating establishments to have 100 percent valet parking seems high.

Ms. Dolan stated that this is appropriate for a more mature commercial district with parking structures.

Mr. Hill asked about the allowance of uncovered parking in only one typology.

Mr. Max Wemyss of the CRA responded that this was a comment received early on and that the thinking is that there could be an instance where parking might be partially enclosed in a structure or unenclosed.

Ms. Gomez stated that there is no requirement for single family or multifamily to have covered parking.

Mr. Hill asked about allowing an exemption for people to have speakers on the street level and expressed his main concern is that it may not be compatible with mixed-use development that includes residential.

Ms. Dolan responded that this is allowed in the AOD currently.

Mr. Hill stated that he foresees a problem with speakers and residential above.

Ms. Dolan responded that the City noise ordinance would still apply.

Mr. Hill stated that he thinks the fee related to density bonuses should be whatever is “greater” as opposed to “less” than either 1% or \$250,000.

Mr. Hill also commented that he does not agree with allowing smaller unit sizes but that they should be the same standard as the rest of the City.

Ms. Dolan pointed out that the County allows density bonuses for units less than 500 square feet.

Mr. Hill asked why the dedication of NE 3rd Street is so specific in its requirements.

Ms. Dolan responded that it was inspired by the intention to create a development conducive to the adjacent park, but that this could be removed if the Board wished.

Mr. Hill asked if “Additional off-street parking spaces required” is a typo. He also asked about the reduction in required parking for restaurants.

Ms. Dolan stated that this was taken from the AOD standards as a way to encourage development.

Mr. Hill commented that this might cause parking problems.

Mr. Hill asked why the “MM” area appears to be out of place on the map.

Ms. Dolan responded that they would look into this.

Mr. Hill asked about the exemption for separations between establishments that sell alcoholic beverages and churches/child care. He asked why the City is encouraging drinking establishments to be located next to child care or churches and why these establishments are exempted.

Ms. Dolan stated that the intent is to activate the streets.

Mr. Hill commented that the existing uses and businesses should be taken into consideration.

Mr. Stacer asked for clarification regarding the property next to the Koi development.

Ms. Dolan clarified that the property would allow an 80’ tall building.

Mr. Stacer asked if there would be a threshold to trigger a traffic analysis.

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Ms. Dolan confirmed that it is 1,000 external trips per hour.

Mr. Stacer asked if there is a definition of residential waterfront promenade.

Ms. Dolan responded that it refers to the Intracoastal and the canal near Houston's.

Mr. Stacer asked if minimum and maximum front and side setbacks are measured before or after dedication.

Ms. Dolan responded that it is after.

Mr. Stacer asked if the tower regulations on page 11 only apply to mixed use.

Ms. Dolan responded that they would also apply to a strictly commercial building.

Mr. Stacer asked if the vision is that the CRA/City/Etc. would redevelop an entire block.

Ms. Dolan responded that the hope is to incorporate this into the capital improvement plan. She commented that ultimately due to sea level rise the streets will need to be raised higher, but that the accompanying development will be necessary to make this happen.

Mr. Stacer asked for clarification about the requirement to hide ramps in a parking garage.

Ms. Dolan responded that the intent is to hide the ramps from view.

Ms. Eaton stated that she believes that there will be parking issues as the area develops. She asked if the City has any plans to build a public garage.

Ms. Dolan responded that it does not and that each developer will have to provide on-site parking. She stated that the parking reductions are meant to induce redevelopment.

Ms. Eaton asked if the distance separation from child care centers and churches will be grandfathered.

Ms. Dolan responded that if a new bar was to be established that it would not be subject to a separation requirement.

Ms. Eaton cautioned that this might be a potential taking if a bar was to open next door to an existing day care center.

Ms. Dolan responded that staff is not committed to this distance exemption if the Board wished to see it removed.

Mr. Hill asked if the procedure today would require a variance.

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Ms. Gomez responded that variances should be allowed considering that the City is about to create so many new rules with this amendment. Density and use variances, however, are prohibited anywhere in the City.

Ms. Eaton asked specifically which section would be changed with an amendment to remove this distance separation exemption.

Ms. Dolan responded that they would remove the “EOD” from table 155.401.b. She noted that enforcing the current separation requirements might make it a little difficult for bars or restaurants to establish themselves within the EOD.

Mr. Hill asked why this area is different from any other area in the city. He suggested that perhaps the standards should be changed City-wide.

Ms. Gomez suggested keeping the exemption for the core sub-district and removing it from all other areas in the EOD. There could also be a provision prohibiting an establishment that sells alcohol to be located immediately adjacent to the church/daycare.

Mr. Hill stated that the existing churches or daycares probably have some expectation that an alcohol establishment won’t open up next door because the zoning ordinance all of the sudden has changed.

Ms. Gomez pointed out that some of these areas already have the distance exemption because they are in the Atlantic Overlay District.

Ms. Eaton proposed that existing churches and daycares would remain to be protected by the current distance requirements.

Rev. Buddy Spear (112 NE 10 Avenue, Pompano Beach, FL) presented himself as the Associate Pastor of First Baptist Church. He asked if distance requirements for alcohol beverage establishments would have to be eased for the entire City if they are eased in one area of town.

Mr. Stacer responded that they would not.

Rev. Spear favored Ms. Eaton’s suggestion of allowing existing churches and daycares to maintain their current distance requirements.

Ms. Anne Siren (1500 E Atlantic Boulevard, Pompano Beach, FL) presented herself as from the Pompano Beach Pelican Newspaper. She asked if the trees that were discussed earlier refer to median or sidewalk plantings.

Ms. Dolan responded that they refer to both.

Ms. Siren asked if the former library would be used for open space.

Ms. Dolan stated that this is unknown currently but there has been some consideration of using it as green space.

Mr. Stacer closed the public hearing.

MOTION was made by Rhonda Eaton and seconded by Tony Hill to recommend approval of the text amendments per the staff recommendation with the exception that existing churches and daycare facilities would not be subject to the distance requirement exemption from alcoholic beverage establishments per 155.401.b.

Discussion:

Mr. Stacer stated that he thought the Board was going to ask that staff do an analysis of how existing churches and daycares might be impacted by these changes between now and 2nd reading of City Commission for the Board to then discuss at their next meeting.

Ms. Eaton stated that she would amend her motion to meet this end.

Mr. Hill stated that he did not withdraw his second of the initial motion. He stated that the Board should just vote on the motion.

Ms. Dolan stated that staff could map where existing churches and daycare facilities are so that the Board might make a better informed decision.

Mr. Klosiewicz asked if this would mean that a new church or daycare facility could not be established within the defined distance separation from an existing alcohol beverage facility.

Mr. Stacer affirmed that this was true.

Vote:

Ms. Eaton, Mr. Hill, and Ms. Kovac voted in favor. Mr. Klosiewicz, Dr. Mills, and Mr. Stacer voted in opposition. Therefor the motion failed.

Ms. Gomez suggested that the Board could propose a similar motion that directed staff to present research to the Commission regarding how to best protect existing churches and daycare facilities.

MOTION was made by Dr. Mills and seconded by Ms. Kovac to recommend approval of the text amendments per the staff recommendation provided that staff present additional information regarding existing churches and daycare facilities to the Board so that the issue can be further discussed before second reading of City Commission.

Discussion:

Mr. Hill stated that he thinks the odds of the text being changed between first and second reading in this regard are very slim.

Ms. Dolan assured the Board that they would do additional research and present the findings.

Vote:

All voted in favor of the motion, with the exception of Ms. Eaton and Mr. Hill, therefore the motion passed.

NOTE: At this point the Board voted on the agenda item #3 regarding the map amendments.

K. AUDIENCE TO BE HEARD

There was no audience present who wished to speak.

L. BOARD MEMBERS DISCUSSION

Ms. Eaton stated that she would like to propose text amendments to the zoning code regarding fences and has been working with staff to this end. She stated that she is hoping to bring this to the Board's attention on an upcoming meeting agenda.

Mr. Hill asked if this has to do with the sight visibility triangle.

Ms. Eaton confirmed.

Mr. David Recor, Development Services Director, asked Ms. Eaton to confirm that she would like to discuss this with the Board as a Planning and Zoning Board-initiated text amendment.

Ms. Eaton confirmed.

Mr. Recor stated that staff would be happy to assist by placing this on an agenda and providing analysis and a recommendation.

Mr. Hill stated that was under the impression that staff had been working on text amendments regarding fencing.

Mr. Recor responded that staff has not been working on any revisions.

Mr. Hill asked why the Board has been told several times that staff would be presenting amendments regarding fencing.

Mr. Recor responded that staff's focus has been on the ETOC text amendments and that they have not been working on any other revisions.