

CITY OF POMPANO BEACH
FLORIDA

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PLANNING AND ZONING BOARD/LOCAL
PLANNING AGENCY

April 24, 2019
Wednesday

City Commission Chambers

6:00 P.M.

Minutes

A. Call to order by the Chairman of the Board, Mr. Fred Stacer at 6:02 P.M.

B. ROLL CALL:

Fred Stacer
Joan Kovac
Richard Klosiewicz
Carla Coleman
Darlene Smith
Anne Marie Groblewski
Willie Miller

Also in Attendance:

Martha Lawson, Department Head Secretary
Pamela McCleod, Assistant Planner
Maggie Barszewski, Planner
Paola West, Principal Planner
Max Wemyss, Planner
Daniel Keester-O'Mills, Principal Planner
Jennifer Gomez, Assistant Development Services Director
Dominique Turnbull
Michael Vonder Meulen
Jasmine Baldwin
Matthew Scott
Mark Hamilton

C. MOMENT OF SILENCE

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. // PM

A moment of silence was observed.

D. APPROVAL OF THE MINUTES:

Approval of the minutes of the meeting on March 27, 2019.

MOTION by Joan Kovac and second by Darlene Smith to approve the minutes of the March 27, 2019 meeting.

Discussion:

Ms. Smith noted that the last paragraph of page 5 should be changed from “Mr.” to “Ms.”

Vote:

All those voted in favor to amend and approve the minutes.

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 Martha Lawson, Department Head Secretary and Notary Public in the State of Florida.

F. EASEMENT ABANDONMENT

**1. FR 1200 NW STREET LLC/FIRST 95 DISTRIBUTION CENTER
 EASEMENT ABANDONMENT
 Planning and Zoning No. 19-27000001
 Commission District: 4**

Consideration of the EASEMENT ABANDONMENT submitted by **MICHAEL VONDER MEULEN** on behalf of **FR 1200 NW STREET, LLC** in order to abandon a 5-foot Water Easement. The Applicant is proposing to construct a 141,450-square foot industrial building on the site without being constrained by the easement. All parcels are legally defined as follows:

PARCEL 1: ALL THAT PORTION OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 42 EAST, LYING TO THE WEST OF THE WEST RIGHT OF WAY LINE OF U.S. INTERSTATE HIGHWAY NO. 95, LESS AND EXCEPT THE SOUTH 150 FEET THEREOF, ALSO LESS AND EXCEPT THE WEST 280.96 FEET THEREOF, AND ALSO LESS AND EXCEPT THE NORTH 35 FEET THEREOF.

PARCEL 2: THE WEST 280.96 FEET OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, LYING IN SECTION 34, TOWNSHIP 48 SOUTH, RANGE 42 EAST, LESS THE NORTH 35 FEET FOR A STREET (HEREINAFTER COLLECTIVELY REFERRED TO AS THE PROPERTY), BROWARD COUNTY, FLORIDA. SAID PARCEL BEING ALSO DESCRIBED AS FOLLOWS: A TRACT OF LAND SITUATED WITHIN BROWARD

COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE SOUTHERN RIGHT OF WAY MARGIN OF 15TH STREET AND THE WESTERN RIGHT OF WAY MARGIN OF INTERSTATE 95 SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE RUN SOUTH 00°50'09" EAST FOR A DISTANCE OF 478.01 FEET TO AN IRON PIN; THENCE RUN SOUTH 88°28'49" WEST FOR A DISTANCE OF 395.11 FEET TO AN IRON PIN; THENCE RUN SOUTH 01 °08'27" EAST FOR A DISTANCE OF 148.68 FEET TO AN IRON PIN; THENCE RUN SOUTH 88°43'25" WEST FOR A DISTANCE OF 279.73 FEET TO AN IRON PIN; THENCE RUN NORTH 01 °37'29" WEST FOR A DISTANCE OF 626.19 FEET TO AN IRON PIN; THENCE RUN NORTH 88°32'29" EAST FOR A DISTANCE OF 682.68 FEET TO A POINT AND BACK TO THE TRUE POINT OF BEGINNING.

AKA: 1200 NW 15 Street

ZONED: I-1 (General Industrial)

STAFF CONTACT: Maggie Barszewski, AICP (954) 786-7921

Ms. Maggie Barszewski, Planner, presented herself to the Board. She explained that the request is to abandon a 5' water easement. The applicant is proposing to construct a 141,450 square foot industrial building on the site, the Major Site plan of which was recently approved by the Board. There are currently three service provider comments outstanding, and those that have been submitted offered no objection. She stated that staff's review found that the easement was created to provide for future utility needs, but that there is no further need for this easement.

Given the information provided to the Board, staff provides the following alternative motions for the Board's review.

I- Approve with conditions

Recommend approval to the City Commission; however, it will not be placed on a City Commission agenda until the following condition is met:

1. This request will not be placed on a City Commission Agenda until the remaining service providers issue letters of no objection, or until 60 days from the date of this recommendation, whichever occurs first.

II- Table

Table this abandonment request to allow time for the Applicant to address any objections raised by the affected parties or to get additional information.

III- Denial

Recommend denial to the City Commission as the Board finds that the easement serves a public purpose and should not be abandoned.

Staff recommends alternative motion number I.

Ms. Dominique Turnbull (301 E. Atlantic Boulevard, Pompano Beach) presented herself to the Board. She stated that this request is in order to develop the site for an industrial building, and that the proposed building will not be placed over the easement. She stated that the easement is not in use and will not be needed in the future. She stated that they have no objections to staff's recommended conditions.

Ms. Kovac asked what business the proposed building will be for.

Ms. Turnbull responded that it is an industrial site.

Mr. Mike Vonder Meulen (301 E. Atlantic Boulevard, Pompano Beach) presented himself to the Board. He stated that the Major Site Plan for this site was approved by the Board at their March meeting and explained that the space is designed for warehouse and distribution purposes, either for one or multiple tenants.

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

MOTION was made by Darlene Smith and seconded by Richard Klosiewicz to recommend approval of the Easement Abandonment PZ #19-27000001 per staff alternative condition #1 as described in the staff report. All voted in favor of the motion.

G. PLAT

2. MARQUIS APARTMENTS/ NATJACK, LLC PLAT
Planning and Zoning No. 18-14000013
Commission District: 4

Consideration of the PLAT submitted by **MICHAEL VONDER MEULEN** on behalf of the **NATJACK, LLC** that restricts the property to a maximum of 100 Garden Apartment units. The 4.158-acre property is currently vacant with the exception of 1,820-square foot police substation building. All parcels are legally defined as follows:

A PORTION OF THE NORTHEAST ONE-QUARTER (NE ¼) OF THE SOUTHWEST ONE-QUARTER (SW ¼) OF THE NORTHWEST ONE-QUARTER (NW ¼) OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 42 EAST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL "A", RENTRIA INC., PLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 166, PAGE 33 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, ALSO BEING A

POINT ON THE SOUTH RIGHT OF WAY LINE OF DR. MARTIN LUTHER KING BOULEVARD (HAMMONDVILLE ROAD) AS SHOWN ON RIGHT OF WAY MAP OF HAMMONDVILLE ROAD AS RECORDED IN MISCELLANEOUS MAP BOOK 8, PAGE 21, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, SOUTH 54°59'22" EAST 624.79 FEET; THENCE SOUTH 35°39'18" WEST 105.53 FEET; THENCE NORTH 89°10'58" EAST 90.30 FEET TO A POINT OF THE WEST RIGHT OF WAY LINE OF NW 18TH AVENUE; THENCE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 01°20'55" EAST, 119.76 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF NW 9TH STREET; THENCE ALONG SAID NORTH RIGHT OF WAY LINE, SOUTH 89°12'39" WEST 360.94 FEET TO A POINT ON THE EAST LINE OF PARCEL "A" AND IT'S SOUTHERLY EXTENSION, DIVINE MINISTRY OF GOD CHURCH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 179, PAGES 127 THRU 128, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE ALONG SAID EAST LINE AND IT'S SOUTHERLY EXTENSION NORTH 01°19'11" WEST, 85.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL "A", ASLO BEING A POINT ON LINE LYING 100 NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER (NE ¼) OF THE SOUTHWEST ONE-QUARTER (SW ¼) OF THE NORTHWEST ONE-QUARTER (NW ¼) OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 42 EAST; THENCE ALONG SAID NORTH AND PARALLEL LINE, SOUTH 89°12'39" WEST 169.31 FEET TO A POINT ALONG THE EAST LINE OF PARCEL "A" AND IT'S SOUTHERLY EXTENSION; THENCE NORTH 01°19'11" WEST, 485.10 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND SITUATED IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA AND CONTAINING 181,107 SQUARE FEET (4.158 ACRES) MORE OR LESS.

AKA: 1820 Martin Luther King Jr. Blvd.
ZONED: B-3 (General Business)
STAFF: Maggie Barszewski, AICP (954) 786-7921

Ms. Maggie Barszewski, Planner, explained that the request is to restrict the subject property to 100 garden-style apartment units. The plat includes a total of four parcels, two of which are owned by the City. The property is zoned B-3 (General Business) and has was granted 100 flex units in 2017. It is mostly vacant except for small sheriff substation on site. The proposed plat was reviewed by the DRC on January 16, 2019 and found to be in compliance with City land development regulations. She explained that since the writing

of the staff report, the last outstanding provider letter was received. As such, the staff condition regarding outstanding letters described in the staff report may be removed.

Development Services staff recommends approval of this Plat with the following conditions to be satisfied prior to the City Commission hearing:

1. All Broward County Development Review Report (DRR) requirements shall be addressed.
2. The Plat cover page must be signed and sealed by the surveyor and signed by all owners.
3. A Title Certificate must be submitted that is less than 6 months old and is made out to the City of Pompano Beach.

Ms. Kovac asked what would happen to the police substation.

Ms. Barszewski responded that she believes that there will be something provided on site.

Ms. Coleman asked which property is owned by the City.

Ms. Barszewski identified the two eastern parcels as being City-owned.

Mr. Miller asked if this is located near the Golden Gate.

Ms. Barszewski responded that it is across the street.

Mr. Miller commented that there is heavy traffic at this location and asked if there will be a traffic light.

Ms. Barszewski responded that Broward County has provided comments on this issue and that the City concurs.

Mr. Stacer suggested that the presentation for the Site Plan and Plat be presented together so that Mr. Miller's questions can be addressed.

Mr. Vonder Meulen presented a powerpoint presentation regarding the project. He stated that the developer of this project developed the Captiva Cove project in the City. He explained that the overall site is 4.16 acres and stated that there is a contract to sell all of the property to the Cornerstone Group. The flex unit allocation was recommended approximately one year ago and was recently approved by the City Commission. He stated that the project will be a low-income residential development. He pointed out that Broward County owns and controls MLK Jr. Boulevard, so they have jurisdiction regarding the installation of traffic signals. He stated that the City may wish to request an additional traffic study to determine if a new traffic signal is warranted after this project is completed. He showed the Board the proposed site plan and pointed out its building

locations, circulation pattern, and community facilities. He stated that each building will have a unique design.

Ms. Jasmine Baldwin (2601 S. Bayshore Drive, #725, Miami) presented herself from The Cornerstone Group. She stated that they have been working with the City to find a new location for a sheriff substation and that they will pay the City directly for this relocation. She commented that the current substation is not accessible to the public since it is not ADA compliant.

Mr. Vonder Meulen stated that the request for a traffic light would likely need to come from the City, and that it would be best to do so after the project is built so that the traffic counts will include the impacts.

Mr. Miller stated that this issue came up at the recent City Commission meeting. He explained that the street takes traffic off of Powerline Road because there are one-way turns and that this problem needs to be addressed.

Mr. Stacer stated that he would like to separate the two issues of the site plan from the plat.

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

MOTION was made by Carla Coleman and seconded by Joan Kovac to recommend approval of Plat PZ #18-14000013 per the three conditions of staff. All voted in favor of the motion

H. SITE PLANS

3. MARQUIS APARTMENTS/NATJACK, LLC

Planning and Zoning No. 19-12000001

Commission District: 4

Consideration of the MAJOR SITE PLAN submitted by **MICHEAL VONDER MUELEN** on behalf of the **NATJACK, LLC** approval in order to construct 100 residential dwelling units and 6,000 square feet of ancillary uses, a children's playground, and associated landscaping and parking areas. The total building footprint is 43,037 sq. ft. on a 176,400 sq. ft. site (24.4% lot coverage on 4.05 acres). All parcels are legally defined as follows:

PARCEL 1:

THE NE 1/4 OF THE SW 1/4 OF THE NW 1/4 LYING SOUTHWEST OF COUNTY ROAD OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 42 EAST, LESS THE EAST 365.8 FEET AND LESS THE WEST 294.2 FEET THEREOF, BROWARD COUNTY, FLORIDA.

PARCEL 2:

THE EAST 169.3 FEET OF THE WEST 294.2 FEET OF THE NE 1/4 OF THE SW 1/4 OF THE NW 1/4 LYING SOUTH OF COUNTY ROAD, LESS THE SOUTH 100 FEET, BROWARD COUNTY, FLORIDA.

PARCEL 3:

THE WEST 165.80 FEET OF THE EAST 365.80 FEET OF A PORTION OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 42 EAST, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 361, BROWARD COUNTY, FLORIDA.

AND

THAT PART OF THE EAST 200.00 FEET OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 42 EAST, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 361, BROWARD COUNTY, FLORIDA, LESS THE EAST 15.00 FEET THEREOF, FOR ROAD PURPOSES AND ALSO LESS THE FOLLOWING DESCRIBED PORTION THEREOF:

BEGINNING AT A POINT ON THE SAID SOUTH RIGHT-OF-WAY LINE AT A POINT 15.00 FEET WEST OF THE EAST LINE OF THE SAID NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4); THENCE SOUTHERLY PARALLEL TO THE SAID EAST LINE A DISTANCE OF 65.40 FEET; THENCE WESTERLY PERPENDICULAR A DISTANCE OF 90.30 FEET; THENCE NORTHEASTERLY WITH AN INCLUDED ANGLE OF 53 DEGREES 31°40" TO A POINT ON THE SAID SOUTH RIGHT-OF-WAY LINE; THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

ALL OF THE DESCRIBED LAND HEREON LYING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY FLORIDA AND CONTAINING 181,107 SQUARE FEET (4.158 ACRES) MORE OR LESS.

AKA: 1820 Martin Luther King Jr. Blvd.

ZONED: B-3 (General Business)

STAFF: Max Wemyss (954) 786-4671

Ms. Paola West, Principal Planner, presented herself to the Board. She stated that the Major Site Plan request is to construct 100 residential dwelling units and 6,000 square feet of ancillary uses, a children's playground, and associated landscaping and parking areas. The site contains an 1,820 square foot commercial building owned by the City. The Site Plan was reviewed by the DRC on March 6, 2019 and by the AAC on April 2, 2019.

Pursuant to §155.2304.C, Applications Subject to Staff Recommendation, the Development Services Director has compiled the department reports from the Development Review Committee (DRC) meeting which are recorded on file with the Department of Development Services. The Development Services Department recommends approval of the Major Site Plan subject to the following comments and conditions:

Prior to Zoning Compliance Permit approval:

1. Successfully obtain the following final approvals:
 - a. Plat application (18-14000013) shall be approved.
 - b. Per Resolution 2018-47, Flex Allocation, applicant must provide a signed agreement documenting how the affordability requirements will be met, pursuant to Section 154.64.E.
2. Provide the following information and updates:
 - a. Revise plans to comply with the limitation on direct access along arterial and collector streets (Section 155.5101.G.3.a), or do one of the following:
 - i. Design the access to accommodate cross access to the adjacent (to the west) site, which will likely have the same limitation of access, thereby avoiding future conflicts with this standard.
 - ii. Provide a traffic study that demonstrates that the origin or destination points accessed by the driveway will generate sufficiently low traffic volumes, and the adjacent arterial or collector street has sufficiently low travel speeds and traffic volumes, to allow safe driveway access while preserving the safety and efficiency of travel on the arterial or collector street that will allow the Development Services Director to approve a waiver.
 - b. Provide a material board with paint color and actual material samples (to be approved by the AAC) for inspection purposes.
3. Provide a sidewalk along the frontage of NW 9th Street, in accordance with 155.5101.F.2
4. Complete the required Right-of-Way Dedication as demonstrated on the Site Plan.
5. Building Permit plans will be subject to compliance with all applicable Code requirements, including but not limited to DRC comments issued for this Site Plan.
6. Landscape and Irrigation Plans must comply with Zoning Code requirements as verified by the City's Urban Forestry Division.

Mr. Miller raised concern about the impact to traffic flow since there will be so many U-turns required.

Ms. Coleman also stated her concern about the impact to traffic flow. She also commented that there is very little green space and a large amount of paving. She asked for an explanation of why staff is recommending approval when these issues are present.

Ms. West responded that the recommended condition of approval regarding the traffic flow is as much as staff can request. She also stated that there is a minimum of 20% green space required and the applicant is providing 28%.

Mr. Miller asked about size and number of bedrooms of the units.

Ms. Stacer suggested that the applicant respond after giving their presentation.

Mr. Vonder Meulen stated that while it does appear that there is a lot of asphalt, there is also a lot of green space. He pointed out that landscaping is provided throughout the site.

Ms. Coleman asked how wide the green areas between building are.

Mr. Vonder Meulen responded that they are 8 feet or wider.

Ms. Coleman stated that it is difficult to see how 28% green space is being provided when looking at the plans. She asked if irrigation will be provided.

Mr. Vonder Meulen responded that yes, irrigation is required.

Ms. Coleman asked if they considered adding a second entry way on 9th Street.

Mr. Vonder Meulen responded that security is one of the developer's primary responsibilities, and that providing only one entry/exit they are abiding by CPTED principles. He added that there is a pedestrian gate near building #2 close to the bus stop, and that the exit on NW 9th Street is strictly for the fire department.

Ms. Baldwin stated that Cornerstone has built over 15,000 units in Florida, of which 90% are affordable housing. She stated that the majority of units will be 1 to 2 bedrooms and added that this property will be marketed primarily to the senior (55+) community. She commented that given the typical population, the cars per household will be relatively low. Regarding security, they work to make the communities as safe as possible and that given the size of the site, having just one entry should meet the needs of the community. She stated that all units will have key fob access and that they will have automated license tag cameras.

Mr. Miller asked about the proposed fence along MLK.

Ms. Baldwin stated that it will be aluminum picket fencing with landscaping.

Mr. Miller expressed concern that the units nearest MLK will be impacted negatively by traffic sounds. He suggested some sort of masonry barrier to prevent this.

Mr. Pablo Burgos (1248 S. Alhambra Circle, Coral Gables, FL) presented himself as the project architect. He stated that while he understands the concern, they want to avoid creating a canyon effect that would happen by building walls right along the roadway. He explained that the walls and windows they will construct will be soundproof, and of much higher quality than what would have been built just 10 years ago.

Mr. Miller asked if the doors and windows will be hurricane impact.

Mr. Burgos responded in the affirmative.

Mr. Stacer added that there is a desire to have visibility into properties and not to create a canyon along the corridor.

Mr. Miller stated that his primary concern is how sound impacts the residents.

Mr. Klosiewicz asked about traffic sound and how it relates to speed limits. He pointed out the difference in speed limit along I-95 and along MLK.

Mr. Burgos responded that there is a large difference.

Mr. Miller commented that impact isn't just about speed, but is also a factor of trucks changing gears. He commented on his own experience living near a highway.

Mr. Stacer asked about the proposed trees and their heights. He also asked if there are power lines.

Mr. Vonder Meulen responded that there are overhead lines.

Mr. Stacer asked about staff's second condition. He commented that he would generally prefer the traffic to be routed through MLK as opposed to local neighborhood streets. The Board discussed the existing traffic patterns.

Mr. Miller commented that there are a lot of residents who are not aware of this new development and the traffic impact it will have.

Mr. Stacer asked staff what the process is of dealing with the County on getting a traffic light.

Ms. West responded that she would need to speak with the Engineering Department.

Ms. Coleman asked the Chair if it would be appropriate for the Board to add another condition requiring a study for a light at the corner once the traffic count can be determined.

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

Mr. Stacer stated that he would like to know who would pay for a traffic signal, as well as whether the City or a developer would make the request for one. He asked if this issue came up with the County during discussion of the plat.

Mr. Vonder Meulen responded that it did not and stated that he assumes this is the case since the project site does not actually touch the intersection but is to the west of it. He stated that he attempted to contact their traffic engineer, but was not able to reach her.

Mr. Stacer stated that the City should give the traffic impact some consideration even if the County did not think that there would be an impact.

Ms. Coleman stated that Cornerstone should not have to shoulder the entire burden of a traffic study or any improvements, since there they are just a part of the problem. She asked for staff's assistance in finding a solution.

Mr. Stacer voiced concern that this specific project, however, will be jamming up the two nearby intersections.

Mr. Miller commented that there is also a nearby soccer field that contributes to the traffic concerns over the weekend. He stated that he doesn't want to interfere the project moving forward, but that the traffic impact to MLK wouldn't be fair to existing neighbors.

Mr. Stacer asked what the process is for requesting a new traffic light?

Ms. West responded that she would assume that Engineering would be the best division to ask.

Mr. Vonder Meulen added that a study needed to justify the opening would also need to analyze the surrounding area. The request for a traffic signal would need to come from the City, and not from a property owner.

Ms. Coleman asked if it would be appropriate to add on to staff condition #2 so that the traffic study include looking at the flow issues on 18th Drive, 9th Avenue, and MLK.

Mr. Vonder Meulen responded that he believes that this would have been a part of the traffic study they already conducted.

Mr. Saunders asked for clarification regarding if the Board is considering making a condition that the applicant conduct a traffic study, of which the Development Services Director will then make a determination on how to proceed.

Ms. Coleman pointed out that since this is a County Road, the City might make the request but the County might deny it.

Mr. Stacer responded that he would hope the City would pursue whatever the study recommends, whether it is for a traffic signal or not.

Mr. Klosiewicz asked what the traffic patterns are for the current residents.

Mr. Miller described the existing traffic patterns and reiterated that he thinks adding a traffic signal is important.

Ms. Kovac commented that she also thinks adding the signal is very important.

Ms. West clarified the additional Board condition of approval #2.a.iii

As part of the traffic study referenced in condition #2.a.ii, provide a traffic study that evaluates the necessity and feasibility of a traffic signal at NW 18th Avenue and Dr. Martin Luther King Jr. Boulevard.

Ms. Kovac suggested approving the Site Plan but also being advised on the results of the traffic study.

Mr. Saunders responded that there would be no issue with the Board simply being given an update.

Mr. Miller asked what the good of this would be if the decision has already been made. He expressed concern that the project moves forward and is built only to have the determination made that a traffic signal will not be installed. He suggested making a condition of approval that they return to the Board with the results of the traffic study.

Ms. West stated that the City can only make the request for a signal but that the County makes the final decision.

Ms. Coleman stated that she is comfortable with adding the condition that the study be done, but she is not comfortable with holding up the Site Plan until after the study is conducted. She stated that the Board needs to take a "leap of faith" on moving forward with the project because of the desperate need for this type of housing in the city.

MOTION was made by Joan Kovac and seconded by Willie Miller to recommend approval of the Major Site Plan PZ #19-12000001 per the six conditions of staff as described in the staff report and one additional Board condition. All voted in favor of the motion

4. **WAWA AT ATLANTIC AND ANDREWS/BW ATLANTIC AND ANDREWS LLC**

Planning and Zoning No. 18-12000030

Commission District: 4

Consideration of the MAJOR SITE PLAN submitted by **MATTHEW SCOTT/ BETH SCHRANTZ** on behalf of the **BW ATLANTIC AND ANDREWS LLC** approval in order to construct a new convenience store/restaurant and 16-station gasoline filling station with associated parking and landscaping. All parcels are legally defined as follows:

A PORTION OF THE SOUTHEAST ONE-QUARTER OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 42 EAST, CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER (1/4) OF SAID SECTION 34; THENCE N.89°01'23"E. ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 609.15 FEET TO A POINT ON THE BASELINE OF SURVEY FOR ANDREWS AVENUE EXTENSION, AS RECORDED IN ROAD PLAT BOOK 14, PAGE 94 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE N.01°25'51"W. ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 141.38 FEET; THENCE S.88°34'09"W., A DISTANCE OF 47.70 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID ANDREWS AVENUE EXTENSION, AS RECORDED IN OFFICIAL RECORD BOOK 41828, PAGE 330 OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE S.89°01'23"W. ALONG THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 814 (ATLANTIC BOULEVARD), AS RECORDED IN OFFICIAL RECORD BOOK 5444, PAGE 206 OF SAID PUBLIC RECORDS, A DISTANCE OF 44.13 FEET; THENCE S.00°58'37"E. ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 28.19 FEET; THENCE S.88°50'28"W. ALONG THE NORTH RIGHT-OF-WAY OF SAID STATE ROAD 814 (ATLANTIC BOULEVARD), AS RECORDED IN OFFICIAL RECORD BOOK 12285, PAGE 668 OF SAID PUBLIC RECORDS, A DISTANCE OF 369.07 FEET; THENCE N.10°47'39"E., A DISTANCE OF 146.45 FEET; THENCE N.89°01'24"E., A DISTANCE OF 229.83 FEET; THENCE N.10°47'39"E., A DISTANCE OF 610.00 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID ANDREWS AVENUE EXTENSION; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES AND DISTANCES; S.79°12'21"E., A DISTANCE OF 6.69 FEET; THENCE S.01°25'55"E., A DISTANCE OF 382.44 FEET; THENCE S.10°06'13"W., A DISTANCE OF 54.43 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.86°40'16"E., A RADIAL DISTANCE OF 2,035.50 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07°45'49", A DISTANCE OF 275.81 FEET TO THE POINT OF BEGINNING.

CONTAINING 95,756 SQUARE FEET OR 2.1983 ACRES MORE OR LESS.

AKA: W Atlantic Blvd. and Andrews Ave.
ZONED: I-1 (General Industrial)
STAFF: Pamela Stanton (954) 786-5561

Ms. West stated that the applicant is seeking approval in order to construct a new convenience store/restaurant and 16-station gasoline filling station with associated parking and landscaping on a currently vacant lot. The plans were reviewed by the DRC on February 20, 2019 and approved by the AAC on April 2, 2019. The project requires commercial flex approval, and must obtain a Minor Administrative Adjustment for the front yard setback.

Pursuant to §155.2304.C, [Applications Subject to Staff Recommendation,] the Development Services Director has compiled the department reports from the Development Review Committee (DRC) meeting which are recorded on file with the Department of Development Services. The Department recommends approval of the Major Site Plan subject to the following comments and conditions:

1. For permit approval, obtain the following final approvals:
 - a. Successfully obtain approval of the Commercial Flex application prior to allow the convenience store/restaurant use in an Industrial Land Use Designation.
 - b. Successfully obtain Minor Administrative Adjustment approval to allow a modification to the front setback, pursuant to §155.2421.
 - c. The Plat must be approved by the City Commission and County Commission, and recorded in the Public Records of Broward County, pursuant to §155.2410.
 - d. Obtain approval from Broward County EPD Surface Water Management Division for the proposed paving and drainage plans.
 - e. Obtain approval from Broward County Engineering and Broward County Traffic Engineering Division for proposed work on N Andrews Ave.
 - f. The Broward Sheriff's Office shall provide approval for the Submitted CPTED Plan.
 - g. Building permit plans subject to compliance with all applicable Code requirements, including but not limited to DRC comments issued for this site plan.
 - h. Landscape and Irrigation Plans must comply with Zoning Code requirements as verified by the City's Urban Forestry Division.
2. Provide additional documentation to verify the techniques that were used to satisfy the requirement of 12 sustainable development points required by code section §155.5802.

Mr. Stacer asked if there a reason why the Commercial Flex application did not come to the Board at the same time as this Site Plan.

Ms. West responded that the applicant could best answer that question.

Mr. Matthew Scott (14 SE 4th Street, Boca Raton) presented himself to the Board as the applicant's attorney. He stated that he wished to formally adopt the staff report that is recommending approval of this application. He explained that this is the second site plan application submitted to the City for this location, and that the first plan contemplated using an abutting neighbor's property. When a dispute arose during the platting process, those plans were abandoned. He then provided a PowerPoint overview of the application, showing the original site plan and architecture along with the proposed site plan. He stated that even though this site provided more of a design challenge, he feels that this proposal is actually superior to the original in that it is more pedestrian-oriented. He gave an overview of the site circulation, landscaping, future cross-access points, bus shelter easement, and building/canopy elevations. He stated that they have no objections to staff's conditions, and noted that they intend to place the building closer to the street so as to be more in spirit with the adopted corridor study. He described how they will satisfy the sustainable development point requirement. He noted that there was a scheduling mix-up with the Commercial Flex application, but that it will be before the Board at their next meeting.

Mr. Stacer stated that he believes that this is a great use of the lot, but commented that even though he is impressed with the landscape plan, he would like see some of the 14' Live Oaks increased to 18' along Atlantic by the canopy.

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

Mr. Scott commented that why he has no objection to using taller trees, he wanted the Board to be mindful that sometimes there is a problem finding certain trees.

Ms. Smith asked if there will be solar panels on the property.

Mr. Scott responded that Wawa hasn't yet begun to utilize solar panels yet.

Ms. Coleman asked if generators will be installed.

Mr. Mark Hamilton (125 S. SR 7, Wellington, FL) presented himself to the Board from Wawa. He stated that all Wawa stores have generator hook ups in the event of an emergency. They have a statewide contract for a generator delivery when needed, usually within 12 hours.

Mr. Miller commented that he also thinks that this is a great use of a difficult parcel.

Ms. Coleman asked for clarification on Mr. Stacer's comment.

Mr. Stacer clarified that he would like to see the nine Live Oaks along Atlantic Boulevard be upgraded from 14' tall to 18' tall.

Ms. Coleman asked if the applicant has any objections to this.

Mr. Scott responded that his client does not object.

Ms. Coleman requested that this condition of approval be added to staff's other recommended conditions.

Ms. West clarified that condition #3 will be:

Install nine Live Oaks at a minimum of 18 feet in height along the south side of the property.

MOTION was made by Richard Klosiewicz and seconded by Darlene Smith to approve the Major Site Plan PZ #18-12000030 per the two conditions of staff as described in the staff report and the additional one condition of the Board. All voted in favor of the motion

H. OTHER BUSINESS

5. Round Two Text Amendments

Ms. West explained that input has been gathered from developers and from the community on potential code amendments. She stated that there are three categories of amendments: Clerical Errors/Incorrect reference, Clarification on Current Policy, and Changes to Current Policy, and gave a brief presentation overview of the proposed changes.

Ms. Coleman expressed concern with the additional costs associated with the requirement of a conceptual plat submittal. She asked how detailed this plan would be.

Ms. West responded that it will not need to be detailed but just give a general layout.

Mr. Stacer asked about parking garages in the Atlantic Overlay District and what changes were made to design standards.

Mr. Max Wemyss, Planner, presented himself to the Board. He responded that this section was simply moved to another part of the code, and that there are still design standards requiring the screening of cars in garages.

Ms. Coleman commended staff for their work.

MOTION made by Carla Coleman and seconded by Willie Miller to recommend approval of the Round Two Text Amendments as described in the staff report. All voted in favor of the motion.

6. Text Amendment Changes to Use-Standards for Sexually Oriented Businesses

Mr. Daniel Keester-O'Mills, Principal Planner, presented himself to the Board. He provided an overview of this text amendment, explaining that it is intended to protect minors or individuals who do not wish to be exposed to sexually oriented establishments. He noted that this is mainly a clarification text amendment. He added that staff is requesting that the Board declare this "Zoning in Progress", should they decide to recommend this to the City Commission.

Ms. Kovac asked where these uses are permitted.

Mr. Keester-O'Mills responded that they are only permitted in the I-1X zoning district.

Mr. Stacer asked about the accessory uses.

Mr. Keester-O'Mills explained that accessory uses must be less than half of the overall property size.

Mr. Stacer asked what the primary use would be for a strip club, since they generally also have a bar.

Mr. Keester-O'Mills responded that a strip club would likely be classified as a sexually oriented business, and so live entertainment is the principal use and the bar would be accessory.

Ms. Coleman asked about sexually oriented business that are not in I-1X.

Mr. Keester-O'Mills responded that there are several legal non-conforming uses, and that these businesses were in existence before being annexed into the City.

MOTION made by Darlene Smith and seconded by Joan Kovac to recommend approval of the Text Amendment Changes to Use Standards for Sexually Oriented Businesses as described in the staff report with Zoning in Progress declared. All voted in favor of the motion.

I. AUDIENCE TO BE HEARD

There was no one who wished to be heard.

J. BOARD MEMBERS DISCUSSION

The Board welcomed Mr. Miller.

Mr. Miller stated that he is excited to be back home in Pompano, and that he's looking forward to serving his community and bring progress.

Mr. Stacer stated that regarding the Comprehensive Plan update, he is very interested in the issues of sustainability and transportation. He asked if there was anything else that other Board members are concerned with.

Ms. Coleman stated that her main concerns are sustainability, traffic management, and activating green spaces.

Mr. Miller stated that he is also concerned with green spaces and thinks that it is very important to the community. He also expressed concern with east-west traffic in the City.

Mr. Stacer commented that he thinks there should be an emphasis on other forms of transit besides personal vehicles.

Ms. Smith stated that public transportation and affordable housing for the elderly are very important to her.

Mr. Miller stated that the City needs transitional homes for the elderly, and commented on how high insurance rates can be a problem for those on a fixed income.

Mr. Stacer asked about the status of the study on self-storage.

Mr. Keester-O'Mills responded that the consultant recently informed him that a 90% draft is almost complete and that he will follow-up with her next week. He intends on presenting findings at the next meeting.

Ms. Coleman asked what peer cities were decided on.

Mr. Keester-O'Mills responded that she grouped several cities together including Boca Raton and Deerfield Beach, Doral and possibly Miami Lakes, Fort Lauderdale and Oakland Park, and that she focused her search in the South Florida area.

Ms. Kovac stated that she is very interested in sustainability and traffic.

Ms. Groblewski stated that she spoke about balancing development with infrastructure.

Mr. Stacer asked about how the Board will be able to track the G.O. Bond projects.

Ms. Jennifer Gomez, Assistant Development Services Director, presented herself to the Board. She stated that there is a website available to the public and that she will provide any additional information to the Board if needed.

Mr. Stacer commented that there will be an upcoming public meeting about the casino.

Ms. Gomez stated that there are major developments proposed at the casino, and that this will include plat amendments, land use designation changes, a planned unit development, and multiple site plans.

Mr. Stacer added that he understands that they are intending on developing 4,000 residential units.

Ms. Lawson thanked the Board and informed them that this will be her last meeting.

K. REPORTS BY STAFF

7. Comprehensive Plan – Future Land Use Element: Monthly Reporting Requirement

L. ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 9:05 p.m.

A handwritten signature in black ink, appearing to read 'Fred Stacer', is written over a horizontal line.

Fred Stacer
Chair