

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services, presented the item and stated that the applicant is requesting to abandon a six-foot wide utility easement at the property located at 1502 SW 2nd Place. There have been no amendments to the application since the first reading.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Quasi-Judicial/ Ordinance be ADOPTED. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2020-02

15. [19-745](#) P.H. 2020-02: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING ON THE SOUTHWEST CORNER OF WEST MCNAB ROAD AND SOUTH DIXIE HIGHWAY FROM B-4 (HEAVY BUSINESS) TO B-3 (GENERAL BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: OCTOBER 7, 2019

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services, presented the item and stated that the item is one of three items related to the same project. Therefore, she would do one presentation (**Exhibit I**), for all three items and the City Attorney would read the titles of each so the City Commission will vote on them separately. The first item 15, is the Aviara project to rezone one of the parcels from B-4 (Heavy Business) to B-3 (General Business), the next agenda item 16, is to assign flexibility units to the project, and item 17, is for the plat approval. The subject property is located west of South Dixie Highway on the south side of McNab Road.

Continuing, Ms. Dolan mentioned that for item 16, the The applicant is requesting a rezoning for approximately

2.485 acres from B-4 (Heavy Business) to B-3 (General Business).

Item 17, is an application for the plat, because the property has never been previously platted. **Exhibit I** attached, provides details on all three items.

Mike Vonder Meulen, Keith and Associates, 301 East Atlantic Boulevard, Pompano Beach, confirms that the presentation made earlier covers most of the items that he would also present. Therefore, in the best interest of time, he would defer his presentation. However, there are two items he wanted to bring to the Commission's attention, which is the property that used to be a "junk yard" where they stored a lot of wrecked vehicles, which are now gone. They are now remediating the soil so the residential/mixed use development can occur.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, asked how many affordable units allocated to the project.

Mayor Hardin responded that in the backup it indicates that it has not yet been determined.

Mr. Vonder Meulen added that they are unsure of the particular mix, hence they tried to portray that in their report. Options are available up to the time of approval of the site plan. The intent is to have some workforce housing in there. He then explained the approval process involved with the project.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, asked what kind of commercial use they would have at the location.

Mr. Vonder Meulen responded that the intent on this project is that because it is located on two busy streets, McNab Road and Dixie Highway, there is one building that would be available to commercial, retail and those types, which could range from salons, restaurants, and office space. The parking will be directly behind so there will be street frontage and pedestrian activity that can occur with the building. The one further along on Dixie Highway will become a solely residential building. He mentioned that although it was zoned commercial, half of the property has a residential land use underneath, although it was used for heavy industrial junkyard type use. He then provided some details on the vision for the area as found in the Corridor Study.

Vice Mayor Moss wanted to comment on the flex units but could wait until the next item comes up for discussion.

Comr. Perkins asked who was the developer for the project.

Mr. Vonder Meulen responded that the name of the developer is Mag Realty, and is a fairly new developer, who is currently doing a townhouse project in Lake Worth, West Palm Beach County.

Comr. McGee indicated that it is exciting to see the beautification happening in the area and to see a project such as this one coming in. She had a request that these type of developments coming in to keep a look out for the parking spaces to unit ratio, and to consider real life needs.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Quasi-Judicial/ Ordinance be APPROVED FIRST READING.. The motion carried by the following roll call vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

16. [19-746](#) P.H. 2020-03: (PUBLIC HEARING)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ALLOCATING A MAXIMUM OF ONE HUNDRED EIGHTY EIGHT (188) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED ON THE SOUTHWEST CORNER OF SOUTH DIXIE HIGHWAY AND WEST MCNAB ROAD; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Jean Dolan/David Recor)

Jean Dolan, Development Services, presented the item and stated that the same presentation she made earlier applies to this item.

Vice Mayor Moss mentioned that he meets with his constituents weekly and this item generated a robust conversation among the group and there were many questions, because people generally do not know what flex units are, then he explained how he understands it. Flex units is something a municipality has in its toolbox that they can use to help encourage good development in a place where it needs to happen. Therefore, this is a brilliant idea especially for the subject area, which is close to his district but located in Comr. McMahon's district. The area is a junkyard, which is a graveyard for cars and adds nothing to the community in terms of economic rewards, tax base, providing people a place to work, and a place to live. However, he has some concerns with the application of flex units in Palm Aire.

Ms. Dolan indicated that Vice Mayor Moss is generally correct in his understanding and explained that flex units enables the approval of a project without having to do a Land Use Plan Amendment, because this process takes a long time and this is another path a developer could go. When the City runs out of flex units, eventually people will have to do Land Use Amendments.

Vice Mayor Moss suggested to everybody to include those who watch TV, those who serve on the Planning and Zoning Board and the Zoning Board of Appeals, as well as staff going forward when they receive

applications for flex units to think if it does something good for the community, does this take a bad situation and make it better, or is it something that is handed out to people just because they ask for it. He concluded that this item is a classic example of a good reason to give flex units, however, there are other instances when this is not a good reason to give them out.

Comr. McMahon thinks this is an exciting project. This location is nearby where he resides and for many years he has driven by this eyesore of a junkyard in the City, therefore, this is showing progress and great things happening in the City.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Quasi-Judicial/ Resolution be ADOPTED. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2020-09

17. [19-748](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE AVIARA EAST PLAT LYING ON THE SOUTHWEST CORNER OF WEST MCNAB ROAD AND SOUTH DIXIE HIGHWAY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services, presented the item and stated that this is the plat that is companion of the previous two items. This will restrict development to 20,000 square feet of commercial space and the 229 midrise units.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Quasi-Judicial/ Resolution be ADOPTED. The motion carried by the following vote: