

# CITY OF POMPANO BEACH FLORIDA

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PLANNING AND ZONING BOARD/LOCAL  
PLANNING AGENCY

December 16, 2019  
Monday

City Commission Chambers

6:00 P.M.

## ***MINUTES***

A. Call to order by the Chairman of the Board, Mr. Fred Stacer.

**B. ROLL CALL:**

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

*Also in Attendance:*

Pamela McCleod, Assistant Planner  
James Saunders, Assistant City Attorney  
Jennifer Gomez, Assistant Development Services Director  
Jean Dolan, Principal Planner  
Robert Sherman  
Phyllis Smith

**C. MOMENT OF SILENCE**

The Board observed a moment of silence.

**D. APPROVAL OF THE MINUTES:**

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

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Approval of the minutes of the meeting on November 18, 2019.

**MOTION** by Darlene Smith and second by Ann Marie Growblewski to approve the minutes of the November 18, 2019 meeting.

*Discussion:*

Ms. Coleman pointed out a clarification to be made under the Board discussion section.

Mr. Stacer also pointed out what appears to be an error in the first staff condition listed for agenda item #3, since the number of units described exceed the total number of units proposed for the project. He noted that the second listed condition for that same item also might be an error because it requires a time period of 30 years while the first describes one of only 15 years. Lastly, he also clarified the comment he made on page 9 regarding a “tunnel effect” at the Hidden Harbor project would have been something he stated at the rezoning hearing and not the site plan hearing, because the site plan hearing hasn’t happened yet.

*Vote:*

All those voted in favor with the noted amendments.

**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 Pamela McCleod, Assistant Planner and Notary Public in the State of Florida.

**F.      REZONING**

**1.      DARLENE HOLMES / COLLIER CITY SF LOT REZONING**  
**Planning and Zoning No. 19-13000014**  
**Commission District: 5**

Consideration of the REZONING submitted by **JEAN DOLAN** on behalf of **DARLENE HOLMES** is requesting to rezone the subject property from B-3 (General Business) to B-2 (Community Business) in order to allow the allocation of one flex unit for construction of a single-family home.

AKA: 2955 NW 1 Street

ZONED: B-3 (General Business)

PROPOSED: B-2 (Community Business)

STAFF CONTACT: Jean Dolan, AICP (954) 786-4045

Ms. Jean Dolan, Principal Planner, presented herself to the Board. She explained that the City is acting as the applicant for this rezoning of a single-family lot from B-3 to B-2 to

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allow the allocation of one flex unit for the construction of a single-family home. She explained that the current zoning is likely a mistake, but since the County land use plan also has this property designated with a Commercial land use, the City is unable to correct the land use map and rezone the block residential without undergoing both a City and County Land Use Plan Amendment. She stated that the owner of the property has been unable to develop the lot for a single-family residential use because of the zoning, nor for a commercial use because it is too small. This action is requested in order to allow for the reasonable use of the property as a single-family dwelling. She stated that this rezoning meets all required review standards.

Given the information provided to the Board, as the finder of fact, the Development Services Department provides the following recommendation, and alternative motions, which may be revised or modified at the Board's discretion.

**Alternative Motion I**

Recommend approval of the rezoning request as the Board finds the rezoning application is consistent with the aforementioned pertinent Future Land Use goals and policies.

**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 Future Land Use Goals and Policies listed in Section 'A' of this report.

Staff recommends alternative motion number I.

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

**MOTION** was made by Darlene Smith and seconded by Joan Kovac to recommend approval of the Rezoning PZ #19-13000014 as described in the staff report per Alternative Motion I. All voted in favor of the motion.

**G.      FLEX**

**2.      POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY  
/SPORTS RESIDENCE 300  
Planning and Zoning No. 18-05000004  
Commission District: 5**

Consideration of the FLEXIBILITY UNITS submitted by **ROBERT SHERMAN** on behalf of the **POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY**

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is requesting Flex allocation approval for 14 townhomes to be located at 300 NW 31st Ave. The property is currently vacant with a total land area of 0.97 acres.

AKA: 300 NW 31 Avenue

ZONED: B-3 (General Business)

STAFF: Max Wemyss (954) 786-4671

*\*\*NOTE: There was one presentation and discussion for agenda items 2, 3, 4, and 5.\*\**

Ms. Dolan, Principal Planner, stated that Robert Sherman, on behalf of The Pompano Beach Community Redevelopment Agency is requesting Flex allocation approval for a total of 52 townhouse units to be located on four properties along the east side of NW 31st Ave. There are four separate applications that have been submitted for consideration. Each application must be voted on separately and will be approved individually by Resolution by the City Commission. The properties are 300 NW 31st Ave (14 Townhomes proposed), 500 NW 31st Ave (12 Townhomes proposed), 600 NW 31st Ave (14 Townhomes proposed), and 620 NW 31st Ave (12 Townhomes proposed). All properties are currently vacant with a combined land area totaling 3.65 acres. All properties have a Commercial land use designation and a zoning designation of B-3, which allows the multi-family residential use, as long as Flex allocation is approved to provide the residential entitlements. The applicant has submitted conceptual site plans (Attachment A-D) showing a variation of 2 and 3-story unit types, and states that they are requesting the units consistent with Section 154.61(E) of the Zoning Code to commit to providing affordable moderate and workforce housing units.

Given the information provided to the Board, as the finder of fact, staff provides the following alternative motions, which may be revised or modified at the Board's discretion. The Board must vote on each request separately.

**Alternative Motion I: Flex Request Application 18-05000004**

Approval of the requested 14-unit allocation with the following conditions of implementation:

1. Prior to site plan approval the Applicant shall determine the preferred approach to meeting the affordable housing requirement pursuant to Section 154.61(E) Planning by either: providing an agreement to provide affordable housing units or by providing an in lieu of fee in accordance with Section 154.80.
2. Any future site plan submitted for this project shall be substantially conforming to the submitted conceptual site plan with any amendments needed to comply with the zoning code and other relevant city codes;
3. Amend the subject plat to move the NVAL in accordance with the conceptual site plans at time of site plan approval. Note on the conceptual plans that the NVAL location is pending plat note amendment;
4. If a building permit is not issued within two years from the Resolution's approval date, then the approval of this Flex allocation shall become null and void.

Staff recommends Alternative Motion I – Approval for each of the four Flexibility Unit Allocation Requests.

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Ms. Dolan reminded the Board that a multi-family development was recently approved at 700 NW 31 Avenue.

Mr. Miller asked if there are any requirements that will allow the applicant to meet with the community.

Ms. Dolan responded that the applicant has met with the neighbors about the project.

Mr. Robert Sherman, (1900 NE 193<sup>rd</sup> ST., Miami FL 33179) presented himself as the developer of the project. He stated that they have met with the community associations and have letters of support.

Mr. Stacer asked if anyone from the audience wished to speak.

Ms. Phyllis Smith (2437 NW 4 Court) presented herself as the President of the Collier City Civic Association.

Mr. Stacer asked if a letter of support was given.

Ms. Smith responded that a letter of support was provided by the association after the development group held several meetings with the community.

Mr. Miller commented that this new development should help with the problem of commercial vehicles being parked in the neighborhood.

**MOTION** was made by Carla Coleman and seconded by Richard Klosiewicz to recommend approval of the Flex PZ# 18-05000004 per staff 4 conditions as described in the staff report. All voted in favor of the motion.

**3.      POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY**  
**/SPORTS RESIDENCE 500**  
**Planning and Zoning No. 18-05000005**  
**Commission District: 5**

Consideration of the FLEXIBILITY UNITS submitted by **ROBERT SHERMAN** on behalf of the **POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY** is requesting Flex allocation approval for 12 townhomes to be located at 500 NW 31st Ave. The property is currently vacant with a land area of 0.86 acres.

AKA: 500 NW 31 Avenue  
ZONED: B-3 (General Business)  
STAFF: Max Wemyss (954) 786-4671

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**Alternative Motion I: Flex Request Application 18-05000005**

Approval of the requested 12-unit allocation with the following conditions of implementation:

1. Prior to site plan approval the Applicant shall determine the preferred approach to meeting the affordable housing requirement pursuant to Section 154.61(E) Planning by either: providing an agreement to provide affordable housing units or by providing an in lieu of fee in accordance with Section 154.80.
2. Any future site plan submitted for this project shall be substantially conforming to the submitted conceptual site plan with any amendments needed to comply with the zoning code and other relevant city codes;
3. Amend the subject plat to move the NVAL in accordance with the conceptual site plans at time of site plan approval. Note on the conceptual plans that the NVAL location is pending plat note amendment;
4. If a building permit is not issued within two years from the Resolution's approval date, then the approval of this Flex allocation shall become null and void.

**Alternative Motion II**

Table this application for additional information as requested by the Board.

**Alternative Motion III**

Denial of the Residential Flex allocation. The Board finds that the allocation of the flex units is not consistent with the goals, objectives and policies of the Comprehensive Plan, that are stated on the previous page.

Staff recommends Alternative Motion I – Approval for each of the four Flexibility Unit Allocation Requests.

Mr. Miller asked if will there be a privacy wall to separate the proposed development from the existing single-family homes.

Ms. Dolan responded that there will be but explained that the site plan has not been submitted just yet.

Mr. Stacer asked if these homes will be Minor or Major Site Plans.

Ms. Dolan responded that they will be Minor Site Plans and so will not be presented to the Board for approval.

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

**MOTION** was made by Joan Kovac and seconded by Richard Klosiewicz to recommend approval of the Flex PZ# 18-05000005 per staff 4 conditions as described in the staff report. All voted in favor of the motion.

**4.      POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY**

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**Z**

**/SPORTS RESIDENCE 620**

**Planning and Zoning No. 18-05000006**

**Commission District: 5**

Consideration of the FLEXIBILITY UNITS submitted by **ROBERT SHERMAN** on behalf of the **POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY** is requesting Flex allocation approval for 12 townhomes to be located at 620 NW 31st Ave. The property is currently vacant with a land area of 0.75 acres.

AKA: 620 NW 31 Avenue

ZONED: B-3 (General Business)

STAFF: Max Wemyss (954) 786-4671

**Alternative Motion I: Flex Request Application 18-05000006**

Approval of the requested 12-unit allocation with the following conditions of implementation:

1. Prior to site plan approval the Applicant shall determine the preferred approach to meeting the affordable housing requirement pursuant to Section 154.61(E) Planning by either: providing an agreement to provide affordable housing units or by providing an in lieu of fee in accordance with Section 154.80.
2. Any future site plan submitted for this project shall be substantially conforming to the submitted conceptual site plan with any amendments needed to comply with the zoning code and other relevant city codes;
3. Amend the subject plat to move the NVAL in accordance with the conceptual site plans at time of site plan approval. Note on the conceptual plans that the NVAL location is pending plat note amendment;
4. If a building permit is not issued within two years from the Resolution's approval date, then the approval of this Flex allocation shall become null and void.

Staff recommends Alternative Motion I – Approval for each of the four Flexibility Unit Allocation Requests.

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

**MOTION** was made by Darlene Smith and seconded by Willie Miller to recommend approval of the Flex PZ# 18-05000006 per staff 4 conditions as described in the staff report. All voted in favor of the motion.

**5. POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY**

**/SPORTS RESIDENCE 600**

**Planning and Zoning No. 18-05000007**

**Commission District: 5**

Consideration of the FLEXIBILITY UNITS submitted by **ROBERT SHERMAN** on behalf of the **POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY**

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is requesting Flex allocation approval for 14 townhomes to be located at 600 NW 31st Ave. The property is currently vacant with a land area of 1.04 acres.

AKA: 600 NW 31 Avenue

ZONED: B-3 (General Business)

STAFF: Max Wemyss (954) 786-4671

Ms. Dolan pointed out that this site has a slightly different 3rd condition compared to the other three sites.

**Alternative Motion I: Flex Request Application 18-05000007**

Approval of the requested 14-unit allocation with the following conditions of implementation:

1. Prior to site plan approval the Applicant shall determine the preferred approach to meeting the affordable housing requirement pursuant to Section 154.61(E) Planning by either: providing an agreement to provide affordable housing units or by providing an in lieu of fee in accordance with Section 154.80.
2. Any future site plan submitted for this project shall be substantially conforming to the submitted conceptual site plan with any amendments needed to comply with the zoning code and other relevant city codes;
3. Prior to City Commission Approval, correct the discrepancy between the Survey, the Plat, and the Conceptual Site Plan. The location of the NVAL does not appear to be amended however it is in a different location on the survey than the Plat and Site Plan. If the plat does need to be amended, do so in accordance with the conceptual site plans at time of site plan approval and note on the conceptual plans that the NVAL location is pending plat note amendment;
4. If a building permit is not issued within two years from the Resolution's approval date, then the approval of this Flex allocation shall become null and void.

Staff recommends Alternative Motion I – Approval for each of the four Flexibility Unit Allocation Requests.

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

**MOTION** was made by Carla Coleman and seconded by Ann Marie Growblewski to recommend approval of the Flex PZ# 18-05000007 per staff 4 conditions as described in the staff report. All voted in favor of the motion.

**H. OTHER BUSINESS**

There was no other business before the Board.

**I. AUDIENCE TO BE HEARD**



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

**J.      BOARD MEMBERS DISCUSSION**

Ms. Coleman pointed out that the City is now down to 599 flex units and commented that it might be time to consider how we use them and also ask for more.

Ms. Dolan responded that Redevelopment Units, created by Broward Next, can be requested once the City is down to 100 Flex Units. She stated that Comprehensive Plan Amendments could also be an option even though it takes a while.

Ms. Coleman thanked staff for their work and wished everyone happy holidays.

Ms. Kovac congratulated Commissioner Beverly Perkins for her recognition by the March of Dimes.

Ms. Smith thanked staff for sending out notices further in advance to both the Board as well as property owners.

Mr. Stacer stated that he will be meeting with Development Services staff soon regarding a discussion about mixed-use development. He also asked about getting a YTD report regarding development in the City. He reminded the Board about charter schools and encouraged them to consider the matter for discussion at future meetings. Lastly, he asked what happened to the park on 10<sup>th</sup> street.

Ms. Jennifer Gomez, Assistant Development Services Director, responded that there has been a lot of work on that project since the last Board meeting. She stated that Mr. Horachio Danovich wasn't available for this meeting so the item was held off until the January meeting.

Mr. Stacer asked for an update on the LIVE! Resorts project.

Ms. Gomez responded that she thinks there will be more activity in January.

Ms. Dolan reminded the Board that their Comp Plan Amendment isn't finalized yet.

**K.      REPORTS BY STAFF**

Ms. Gomez showed the Board that project updates for G.O. Bond projects are now available on the City website.

**L.      ADJOURNMENT**

There being no further business before the Board, the meeting was adjourned at 6:38 pm.

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DocuSigned by:

*Fred Stacer*

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Fred Stacer, Chair