

DEVELOPMENT SERVICES

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ADMINISTRATIVE MEMORANDUM NO. 19-101

TO: Planning and Zoning Board

David L. Recor, ICMA-CM, Director of Development Services VIA:

Paola A. West, Principal Planner

YOU for MW FROM: Max Wemyss, Planner

St. Elizabeth Gardens Rezoning Request - RM-12 (Multiple-Family Residence 12) to RPUD **SUBJECT:**

(Residential Planned Unit Development)

Location - 801 NE 33rd Street

May 10, 2019 for May 22, 2019 P&Z Meeting DATE:

P&Z #19-13000004

The applicant is requesting to rezone the subject property from Multiple-Family Residence 12 (RM-12) to Residential Planned Unit Development – RPUD in order to bring the existing development into compliance with the City's Zoning Code. The subject property consists of one parcel of land located at 801 NE 33rd Street. The property is approximately 7 gross acres in size with a RM-12 zoning designation and has a land use designation of Low-Medium Residential. This land use allows a maximum 10 dwelling units per acre (du/acre), which is inconsistent with the RM-12 zoning district. The existing 153-unit development currently has the density at 21.9 units per acre. The applicant additionally proposes to split two of the units in order to create two additional units, bringing the total number of dwelling units to 155 (a density of 22.1 units per acre). The existing development is composed of low-income senior housing units owned and managed by the Archdiocese of Miami. St. Elizabeth Gardens, which was built between 1970 and 1971. At the time, the property was under the jurisdiction of Broward County.

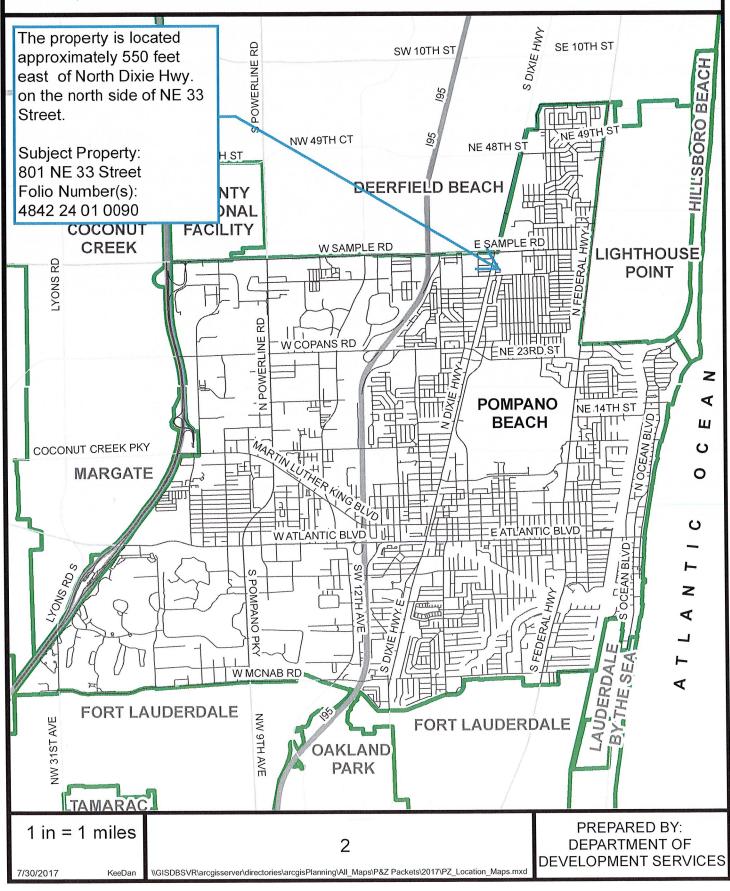
In 2000, the City annexed this area. Unfortunately, the City applied the same Land Use designation and Zoning category that was comparable to the County's at that time, which was not reflective of the existing use. Within the designated RM-12 Zoning District, there are limitations on building height, dwelling unit size, and minimum number of parking spaces required, which are creating conflict with the existing development of the site. Thus, the applicant is requesting to rezone, in order to legalize all of the existing aspects of the site that are nonconforming to the current zoning code.

The RPUD district is intended to encourage the use of innovative and creative design to provide a mix of different residential uses in close proximity to one another, while at the same time providing an efficient use of open space.

This rezoning request was reviewed by the Development Review Committee (DRC) on April 17, 2019. The property is located on the south side of NE 33rd Street at the address of 801 NE 33rd Street.

CITY OF POMPANO BEACH LOCATION MAP

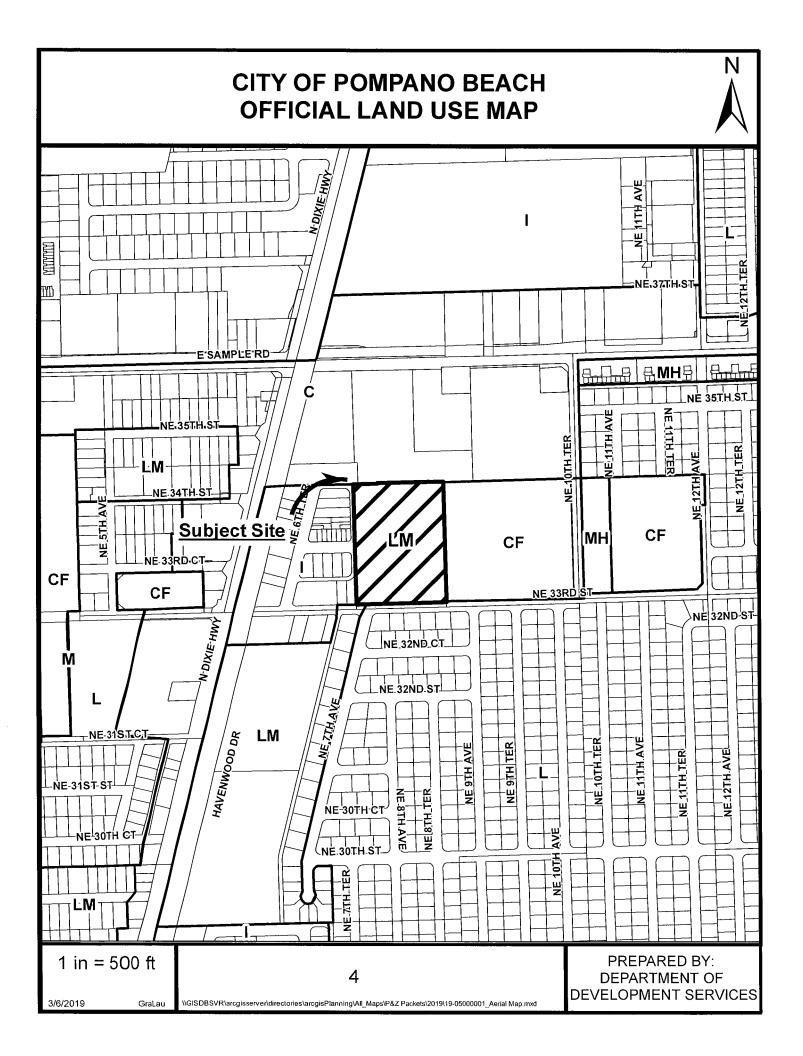


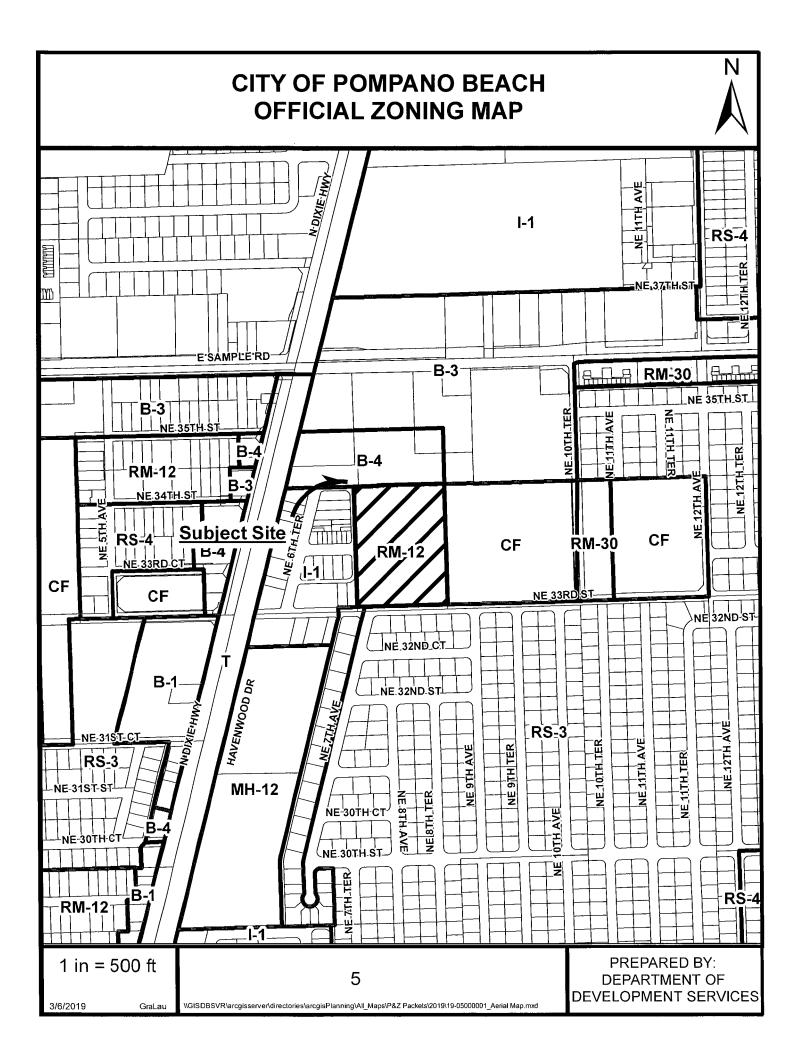


CITY OF POMPANO BEACH AERIAL MAP









LEGEND

	FOR LAND	USE PLAN		FOR ZONING	G MAP)
	Symbol	Classification Units/ Acre		Symbol]	<u>District</u>
				RS-1	9	Single-Family Residence 1
		Residential		RS-2	(Single-Family Residence 2
				RS-3	(Single-Family Residence 3
	L	Low (1-5 DU/AC)		RS-4		Single-Family Residence 4
*	LM	Low- Medium (5-10 DU/AC)		RS-L		Single-Family Residence
	M	Medium (10-16 DU/AC)				Leisureville
	MH	Medium-High 16-25 DU/AC)		RD-1		Two- Family Residence
	Н	High (25-46 DU/AC)		RM-7		Multiple-Family Residence 7
	12	Irregular Density	*	RM-12		Multiple-Family Residence 12
	36	Irregular Density		RM-20		Multiple-Family Residence 20
	00	megalar Deliony		RM-30		Multiple-Family Residence 30
	С	Commercial		RM-45		Multiple-Family Residence 45
	CR	Commercial Recreation		MH-12		Mobile Home Park
	Oit	Commercial recordation		B-1		Limited Business
	1	Industrial		B-2		Neighborhood Business
	'	maastiai		B-3		General Business
	Т	Transportation		B-4		Heavy Business
	Į.	Hansportation		Б-4 М-1		Marina Business
	U	Utilities		CR		Commerical Recreation
	U	Otilities		I-1		General Industrial
	CF	Community Equilities				
	CF	Community Facilities		I-1X		Special Industrial Office Industrial Park
	OD	Decreation & Once Conse		O-IP		
	OR	Recreation & Open Space		M-2		Marina Industrial
		207.4		TO		Transit Oriented
	W	Water		PR		Parks & Recreation
	540	B : 144: " 0 1		CF		Community Facilities
	RAC	Regional Activity Center		PU 		Public Utility
				T		Transportation
	LAC	Local Activity Center		BP		Business Parking
				LAC		Local Activity Center
	DPTOC	Downtown Pompano		RPUD		Residential Planned Unit Dev.
		Transit Oriented Corridor		PCD		Planned Commercial Development
				PD-TO		Planned Development -
	ETOC	East Transit Oriented				Transit Oriented
		Corridor	>	PD-I		Planned Development - Infill
				RM-45 HR		
		Nicrosia a r		KIVI-45 FIK		Multiple-Family Residence 45
		Number		AOD		High-Rise Overlay
	/***\					Atlantic Boulevard Overlay District
	/	Reflects the maximum total		CRAO		Community Redevelopment Area
	1	; number of units permitted within		NOO		Overlay
	``\	the dashed line of Palm Aire &		NCO		Neighborhood Conservation
		Cypress Bend being 9,724 and		450		Overlay
		1,998		APO		Air Park Overlay
		* Existing		DP		Downtown Pompano Beach
		> Proposed				Overlay

SITE-SPECIFIC ZONING MAP AMENDMENT (REZONING) REVIEW STANDARDS

In determining whether to adopt or deny a proposed Zoning Map Amendment, the City shall weigh the relevance of information submitted by the applicant and consider the extent to which the proposed amendment is consistent with the Future Land Use Category and any applicable goals, objectives and policies of the Comprehensive Plan. Accordingly, the review criteria for a Site Specific Rezoning Application is as follows:

Section 155.2404.C, Site-Specific Zoning Map Amendment Review Standards

Site-specific amendments to the Official Zoning Map (Rezoning) are a matter subject to quasi-judicial review by the City Commission and constitute the implementation of the general land use policies established in this Code and the comprehensive plan. In determining whether to adopt or deny a proposed Site-Specific Zoning Map Amendment, the city shall find that:

- 1. The applicant has provided, as part of the record of the public hearing on the application, competent substantial evidence that the proposed amendment:
 - a. Is consistent with the Future Land Use Category and any applicable goals, objectives, and policies of the comprehensive plan and all other applicable city-adopted plans.

<u>Staff Analysis</u>: The rezoning is consistent with the following Goals, Objectives & Policies (GOPs) in the Future Land Use Element of the City's Comprehensive Plan.

Goal 01.00.00 The attainment of a living environment which provides the maximum physical, economic and social well-being for the City and its residents through the thoughtful and planned use and control of the natural and manmade environments that discourages urban sprawl, is energy efficient and reduces greenhouse gas emissions.

<u>Staff Analysis</u>: The rezoning is intended to discourage urban sprawl as it the purpose of the rezoning is to legalize the existing development and not permit additional density or intensity. The existing development is heavily landscaped and includes multiple pedestrian paths connecting the existing development, thereby reducing greenhouse gas emissions.

Objective 01.12.00 Establish criteria which encourage development of urban infill and community redevelopment areas to promote economic development, increase housing opportunities and maximize the use of existing public facilities and services.

<u>Staff Analysis</u>: The rezoning is intended to bring the existing development into compliance with the zoning code. Since the use is not consistent with the Zoning and Land Use the city applied when it was annexed in, this rezoning proposes to rectify these inconsistencies.

Policy 01.03.01 Eliminate or reduce nonconforming uses which are inconsistent with the land development regulations and the designations of the Future Land Use Plan map.

<u>Staff Analysis</u>: The rezoning is intended to bring the existing development into compliance with the zoning code and legalize the existing development, thereby reducing the nonconformities of the development.

Policy 01.03.11 Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

<u>Staff Analysis:</u> This rezoning would be compatible with the properties immediately adjacent to the subject property as they are not high intensity zoning districts.

B. Findings of Fact. Development Services Department Staff submits the following information that is relevant to this Rezoning Application:

- 1. The property is currently zoned Multiple Family Residence 12 (RM-12). The zoning allows for 12 units per acre.
- 2. The property has a designated land use of Low Medium-LM. The land use allows for 5-10 units per acre.
- 3. The rezoning was reviewed by the DRC on April 17, 2019.
- 4. The property is located at 801 NE 33rd Street, which is on the north side of NE 33rd Street, approximately 600 feet east of N Dixie Highway.
- 5. The subject property is approximately 6.76 acres of multi-family residential land. There are currently 151 efficiency units, 2 one-bedroom units, and 2 two-bedroom units. The property has a total of 155 dwelling units.
- 6. The applicant is eligible for the Affordable Housing Bonus Density for "Low" Income Housing yielding 140 units for the site.
- 7. The property is in the process of requesting 15 flexibility units, which were recommended for approval by the Planning & Zoning Board at the March 27th, 2019 meeting. With the flex approval, the property would be legally permitted to have 155 units total.
- 8. The property is not platted.
- 9. The existing zoning and uses of adjacent properties are as follows:

Direction	Zoning/ Land Use Designation	Use
North	B-4/C	Self-Storage
East	CF/CF	Place of Worship
South	RS-3/L	Single Family Residential
West	I-1/I	Industrial/Commercial

C. Analysis

In the review criteria it states that the applicant must provide competent substantial evidence that the proposed amendment is consistent with the Future Land Use Category and any applicable goals, objectives, and policies of the comprehensive plan and all other applicable city-adopted plans.

There are three policies listed in Section 'A' of this report, as being relevant in the consideration of this rezoning request. Policies 01.03.11 and 01.03.12 of the Future Land Use Element require minimal negative impacts to existing residential and compatibility with adjacent properties as well as look to eliminate or reduce nonconforming uses which are inconsistent with the land development regulations and the designations of the Future Land Use Plan map. The applicant states in the narrative that the portion of the property being rezoned will be compatible with the adjacent industrial uses since it is located within an industrial park and is surrounded by industrial uses.

It is Staff's opinion that the RPUD rezoning would be compatible with the properties immediately adjacent to the subject property as they are not high intensity zoning districts. The industrial zoning district to the west is buffered by a narrow street and houses small warehouses and some auto-related uses, which are not impacted by the PD-I zoning proposed. As the property is existing as multi-family, this rezoning would not impact the single-family to the south any more that it is currently. Additionally, the heavy landscaping along the subject property, as well as

NE 33rd Street both buffer this property from the single family zone to the south mitigating any future impacts. The CF zone to the east houses a house of worship that is located more than 100 feet from the subject property, and the B-4 zone to the north is buffered by the subject property's heavy landscaped perimeters.

Staff is therefore of the opinion that there is a reasonable basis to support this request for rezoning since it is compatible with the surrounding existing uses.

155.3603. RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD)

B. Use Standards

Principal uses allowed in a RPUD district shall be established in the PD Plan. Uses shall be consistent with the comprehensive plan, other city-adopted plans, and the purpose of the RPUD district, and shall comply with Appendix A: Consolidated Use Table, and the use-specific standards in Article 4: Use Standards.

Staff Analysis: The Residential Planned Unit Development (RPUD) district is established and intended to encourage the use of innovative and creative design to provide a mix of different residential uses in close proximity to one another, as well as community residences and recovery communities, while at the same time providing an efficient use of open space. The project aims to reduce nonconformities. The existing use of the property is a residential multi-family project with 155 units, which is consistent with the Comprehensive Plan. The existing development houses residential apartments for low income seniors, and nonresidential uses which are ancillary to the residential uses including staff offices and community areas for the residents.

C. Intensity and Dimensional Standards						
District area, minimum (acres)	5 1					
Density, maximum (du/ac) 2						
Floor area ratio (FAR), maximum						
Lot area, minimum (sq ft)						
Lot width, minimum (sq ft)	To be established in PD Plan—see Section 155.3602.A, PD Plan					
Impervious surfaces, maximum (% of district area)						
Individual building size, maximum (sq ft)						
Building height , maximum (ft) 3,4						
Setbacks, minimum (ft)	To be established in PD Plan—see Section 155.3602.A, PD Plan					
Setback from abutting RS zoning district or existing single-family dwelling use, minimum (ft)						

NOTES:

- 1. May be waived by the City Commission on finding that creative site planning is necessary to address a physical development constraint, protect sensitive natural areas, or promote a community goal when more conventional development would result in more difficult or undesirable development.
- 2. Residential development may not exceed the maximum gross density established by the Land Use Plan for the Residential land use classification.

- 3. Except for RPUD development whose prior zoning district was RM45-HR, the maximum building height shall not exceed 65 feet.
- 4. For developments who are restricted to a maximum 65 feet height, the height may be increased to 85 feet provided after 60 feet in height the front façade is stepped back 20 feet. The resulting 20 foot space must be usable plaza or patio space.

Development Standards	Means of Modifying			
Access and circulation	Specify in PD Plan			
Off-street parking & loading	Specify in Master Parking Plan			
Landscaping 1				
Tree preservation	Specify in Alternative Landscaping Plan			
Screening	Specify in Alternate Screening Plan			
Fences and walls	Specify in Master Fencing Plan			
Exterior lighting	Specify in Master Lighting Plan			
Multifamily residential design	Modifications prohibited			
Commercial and mixed-use design				
Industrial design				
Residential compatibility				
Sustainable design	Specify in PD Plan			
Signage (Ch. 156, Sign Code)	Specify in Master Sign Plan			
NOTES:	1			

1. Internal uses shall not be required to provide perimeter buffers.

<u>Staff Analysis:</u> All requirements of a PD Plan are graphically demonstrated in the PD-I application package which includes exhibits, plans, and a survey.

DEPARTMENT RECOMMENDATION

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

- 1. Any future site plan submitted for this project shall be substantially conforming to the submitted conceptual site plan.
- 2. Subject to obtaining final flex approval for this density.
- 3. Subject to all conditions placed on the flex request PZ#19-05000001.

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, Objectives and Policies listed in Section 'A' of this report.

Staff recommends Alternative Motion I.

PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY MEMORANDUM #19-010

DATE:

April 10th, 2019

TO:

City Commission

FROM:

Planning and Zoning Board/ Local Planning Agency

SUBJECT:

FLEXIBILITY ALLOCATION – St. Elizabeth Gardens Flex

801 NE 33 Street P & Z #19-05000001

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on March 27, 2019, the Board considered the request by **ST. ELIZABETH GARDENS, INC** requesting an allocation of fifteen (15) flex units for the above referenced property.

With a unanimous vote, the Board finds that the proposed allocation of flex units is consistent with the goals, objectives, and policies of the Comprehensive Plan stated in Administrative Report 18-297, and therefore it is the recommendation of the Board that the FLEXIBILITY ALLOCATION request be approved, subject to the following conditions of staff:

- 1. Prior to placement on a City Commission Agenda, the applicant shall provide a Declaration of Restrictive Covenant requiring that 140 units shall have maintain affordability for 15 years per County Policy 2.16.3
- 2. Prior to placement on a City Commission Agenda, the applicant shall provide a Declaration of Restrictive Covenant requiring affordability for 11 out of 15 units be maintained for 30 years per Section 154.61(E)(3)(c)5.
- 3. The parcel must be rezoned to allow a maximum of 22.1 units per acre prior to building permit issuance;
- 4. Any future site plan submitted for this project shall be substantially conforming to the submitted conceptual site plan; and
- 5. The allocation of the approved flex units shall become null and void upon two years from the resolution's approval date.

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Fred Stacer

Chairman

Planning and Zoning Board/ Local Planning Agency

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OF COUNSEL: SUZANNE A. DOCKERTY

March 13, 2019

Maggie Barszewski, AICP City of Pompano Beach 100 West Atlantic Boulevard Pompano Beach, Florida 33061

Re: Rezoning Application to Planned Development with Waiver Requests

St. Elizabeth Gardens - 155.3601.A Narrative

Property Address: 801 NE 33rd Street, Pompano Beach, Florida 33064

Parcel ID No.: 4842 24 01 0090

Dear Ms. Barszewski:

On behalf of St. Elizabeth Gardens ("SEG"), I am pleased to submit this narrative with a point-by-point response of how the project complies with the general purposes of planned developments listed in 155.3601.A.

1. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards primarily for individual lots:

SEG's rezoning request to Planned Development is intended to bring the current development into compliance with the City's zoning and development codes. SEG is already a well-established development. St. Elizabeth Gardens was built in 1970 when the property was under the jurisdiction of Broward County. Sometime thereafter the property was annexed into the City. SEG is a low income senior housing development owned and managed by an entity that is part of the Archdiocese of Miami. SEG is undergoing rehabilitation construction to substantially renovate and upgrade the facilities. In connection with obtaining construction financing for the renovation it came to SEG's attention that the facilities have legally nonconforming elements under the City's current zoning and development codes. Planned Development zoning would facilitate legalizing the current development without necessitating destruction of buildings and materially redeveloping the site to bring it into current legal conformity.

2. Allowing greater freedom in selecting the means of providing access, open space, and design amenities:

St. Elizabeth Gardens Planning & Zoning Application No. 19-13000004

Rezoning from RM-12 to PDI

Development Standards

The development standards set forth in the Pompano Beach Land Development Code have been followed. St. Elizabeth Gardens ("SEG") rezoning request to PDI is intended to bring the current development into compliance with the City's zoning and development codes. SEG is already a well-established development. St. Elizabeth Gardens was built in 1970 when the property was under the jurisdiction of Broward County. Sometime thereafter the property was annexed into the City. SEG is a low income senior housing development owned and managed by an entity that is part of the Archdiocese of Miami. SEG is undergoing rehabilitation construction to substantially renovate and upgrade the facilities. In connection with obtaining construction financing for the renovation it came to SEG's attention that the facilities have legally nonconforming elements under the City's current zoning and development codes. Planned Development zoning would facilitate legalizing the current development without necessitating destruction of buildings and materially redeveloping the site to bring it into current legal conformity.

i. Landscaping, Tree Preservation & Screening.
SEG meets all of the Code requirements as listed in the City Zoning Code for landscaping and tree preservation. As shown in the Landscape Plans that are submitted as part of this Application, there are significant mature trees and amble landscape hedges and planting areas throughout the site, including along the perimeter of the property.

ii. Fences & Walls.

The property has existing aluminum fencing along the southern boundary along NE 33rd Street and along the eastern boundary that separates SEG from St. Elizabeth of Hungary Catholic Church and the charter school to the east. The northern and western boundaries have existing chain link fencing.

iii. Exterior Lighting.

SEG meets the Code requirements as listed in the City Code for exterior lighting as shown in the lighting plans that are submitted as part of this Application.

iv. Circulation & Streets.

The development was designed with convenient access from public roads allowing for vehicles to easily circulate and park. The site plan affords its senior residents ample walkways, open space, lush landscape, and design amenities that foster a good quality of life, with serenity, comfort and safety.



MASTER SITE TABLE

Deviationn's stichnames conversionsmin
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Onlymphyt at dyspinore contynativity							
DIMENSIONAL REQUIREMENT	RM	-12	PDI		D IN PD R PLAN		
LOT AREA, MINIMUM (SQ FT)	7,000 (NOTE 2)		N/A	304,920 SF	(7 ACRES)		
LOT WIDTH, MINIMUM (FT)	90, lvc	OfE 2j		127'-6"			
DENSITY, MAXIMUM (DU/AC)	10 [110	1E 2,3j		23.03 NET	22.15 GROSS		
	SF	950	1	N/A	N/A		
	2F	750]	N/A	H/A		
FLOOR AREA PER DWEELING UNIT, MINIMUM (SQ FT)	MF EFRCIENCY UNITS, 500			EFF. 151	470 \$F		
	OTHER WINTS.	I SR 450 (HQTE II	1	1-8R (2)	650 SF		
	450-100/101-1	2 69 750 (NEXTEL)	i i	2-8R [2]	750 SF		
LOT COVERAGE, MAXIMUM (% OF LOT AREA)	60	<u>x</u>	FO BE	30.7% = (10,737 SF)		
PERVIOUS AREA, MINIMUM (% OF LOT AREA)	25%		NPD HAN.	35.5% + (12.405 SF)			
HIEGHT, MAXIMUM (FT)	35	5	ISS 3402 A	40'-11"	(NOTE 3)		
FRONT YARD SETBACK, MIN. (FT)	25'		rorax	74.23			
STREET SIDE YARD SETBACK, MIN. (FT)	8	8.		N/A			
SETBACK FROM A WATERWAY OR CANAL, MIN.	2:	8		N/A			
SETBACK FROM A DUNE VEGETATION LINE, MIN.	25	j'	İ	N/A			
INTERIOR SIDE YARD SETBACK, MIN. (FT)	8	8"		10.67			
REAR YARD SETBACK, MIN. (FT)	10	,	1	40.70			
SPACING BETWEEN PRINCIPAL STRUCTURE, MIN.	25		j	39.72			
REQ'D FRONT YARD, PERVIOUS AREA, MINIMUM (% OF REQUIRED FRONT YARD)	SO' (FOR SINGLE FAMILY DWBLINGS CHAY)			N/A			

PARKING REQUIREMENT							
		RM	-12				
OWELLING MULTI-FAMILY		RECO'D/ PROVID		PROVIDED IN PD MASTER PLAN			
ËFRCIENCY		1.0	151				
1-BEDROOM UNIT		1.5	3	109 STANDARD 9 ACCESSIBLE			
2-BEDROOM UNIT		1.5	3				
TOTAL PARKING			157	118 (NOTE 2)			
LOADING SPACES			1	ı			
BICYCLE STORAGE	Г		2				

	RM-12 NOTES		PDI NOTES
NOTE 1	DWELLING UNIT SIZE ORIGINALLY PERMITTED UNDER B. C. CODE	NOTE 1	REQUESTED MODIFICATION DUE TO ORIGINAL B.C. REQUIREMENTS & ELDERLY AFFORDABLE USE
NOTE 2	PARKING ORIGINALLY PERMITTED UNDER B.C. CODE	NOTE 2	REQUESTED MODIFICATION DUE TO ORIGINAL BIG REQUIREMENTS & ELDERLY AFFORDABLE USE
NOTE 3	BUILDING HEIGHT ORIGINALLY PERMITTED UNDER B.C. CODE	NOTE 3	REQUESTED MODIFICATION DUE TO ORIGINAL B.C. REQUIREMENTS & ELDERLY AFFORDABLE USE

CONSTRUCTION AREA	UNITS	AMENITIES/ SERVICE	CIRCULATIONS	TOTAL
FIRST FLOOR	7,949.00	4,603.00	2,240.00	14,792.00
SECOND FLOOR	10,373.00	1,151.00	2,398.00	13,922.00
THIRD FLOOR	10,443.00	906.00	2,398.00	13,747.00
TOTAL CONSTRUCTION AREA	28,765.00	6,660.00	7,036.00	42,461.00

AREA	20,703.00	0,000.00	7,030.00	42,401,00
ι	OT COVERAGE	Ī.	TOTA	ıL
BUILDING A		,		19,251.00
BUILDING B				11,375.00
BUILDING C				6,296.00
BUILDING D				5,420.00
BUILDING E				2,370.00
TOTAL CONSTRUCTIO	N AREA			44,712.00



X 4 4 2 6 2 6 1 7 2

☐ WILLIAM J GALLO FL AR0008440

Brian Herb

Digitally signed by Brian Herbert DN: cn=Brian Herbert, o=Gallo Herbert Architects, ou,

ou, email=bherbert@ga lloherbert.com, c=US

CaUS
Date: 2019.05.07

Electronic Signature Senal Number
38 67 2A 93 FB 50 2 FE 95 70

BRIAN P HERBERT FL AR0015474

PROJECT

CHMS c St. ELIZABETH GARDENS APARTMENTS

> 801 NE 33rd St. Pompano Beach, Florida 33064

> > REVISIONS

No.	Description	Date
	PERMIT SET	12-15-17
	PERMIT / GC COMM	2-16-18
	PRICING REVIEW COM	2/26/18
	2ND RND PERMIT REV	7/5/18
	LA REVIEW COM	9/1/18
	DRC COMMENTS	2/21/19
	DRC COMMENTS 2	4/16/19
	DRC COMMENTS 3	8/8/19

