

MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 17-134

DATE: April 10, 2017

TO: Planning & Zoning Board

VIA: Robin M. Bird, Development Services Director *RB*
Jennifer Gomez, Assistant Development Services Director *JG*

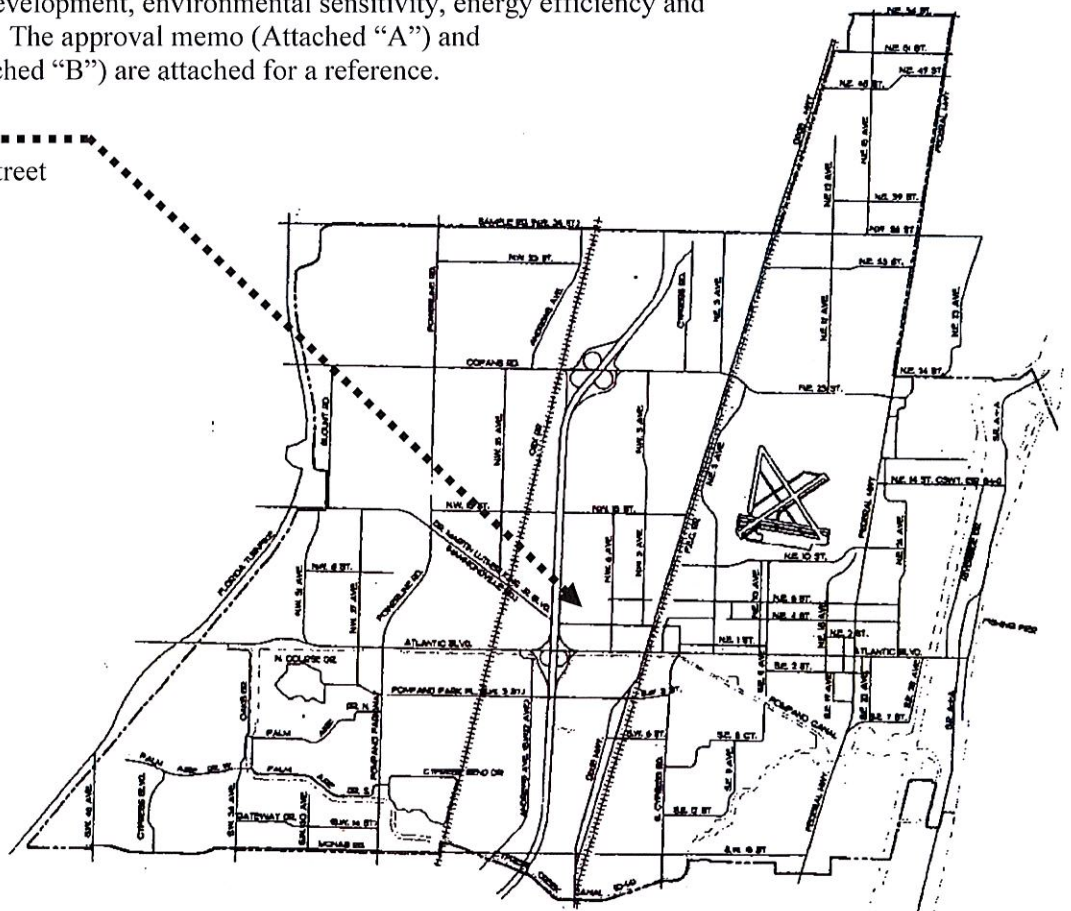
FROM: Jae Eun Kim, Planner *JK*

RE: Rezoning – From RM-12 to RPUD
Southwest corner of NW 6th Avenue and NW 15th Street
April 26, 2017 Meeting

P & Z #15-13000011

The applicant is requesting to modify RPUD rezoning that was recommended to be approved by the Planning & Zoning Board on August 24, 2016. The primary modification of the RPUD rezoning is the park to be relocated in the northeast corner of the site to allow easier access to the neighboring communities. The requested rezoning remains as presented in the August 2016 Planning and Zoning Board meeting; a 9.035 net acre property from RM-12 (Multiple-Family Residence) to RPUD (Residential Planned Unit Development) in order to construct 77 homes (42 single-family homes and 35 zero-lot-line homes). The subject sites are located at the southwest corner of NW 15 Street and NW 6 Avenue, currently vacant, and are composed of three parcels. The intent of a Planned Development is to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency and other city goals and objectives. The approval memo (Attached "A") and the PZB meeting excerpt (Attached "B") are attached for a reference.

Southwest corner of
NW 6th Avenue and NW 15th Street



LEGEND

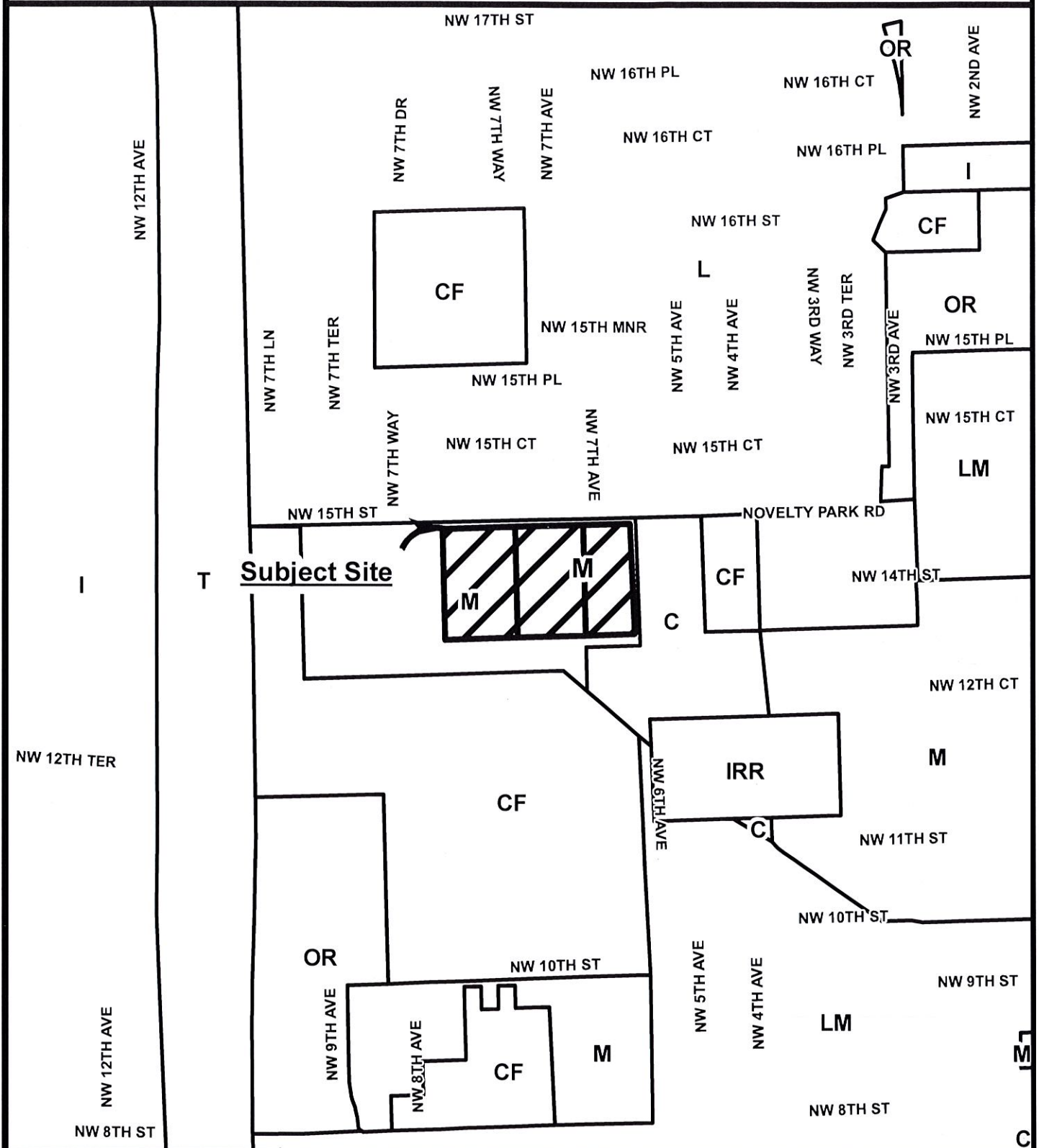
FOR LAND USE PLAN

<u>Symbol</u>	<u>Classification Units/ Acre</u>
	Residential
L	Low (1-5 DU/AC)
LM	Low- Medium (5-10 DU/AC)
* M	Medium (10-16 DU/AC)
MH	Medium-High 16-25 DU/AC)
H	High (25-46 DU/AC)
12	Irregular Density
36	Irregular Density
C	Commercial
CR	Commercial Recreation
I	Industrial
T	Transportation
U	Utilities
CF	Community Facilities
OR	Recreation & Open Space
W	Water
RAC	Regional Activity Center
LAC	Local Activity Center
DPTOC	Downtown Pompano Transit Oriented Corridor
	Number
	Reflects the maximum total number of units permitted within the dashed line of Palm Aire & Cypress Bend being 9,724 and 1,998

* Existing
> Proposed

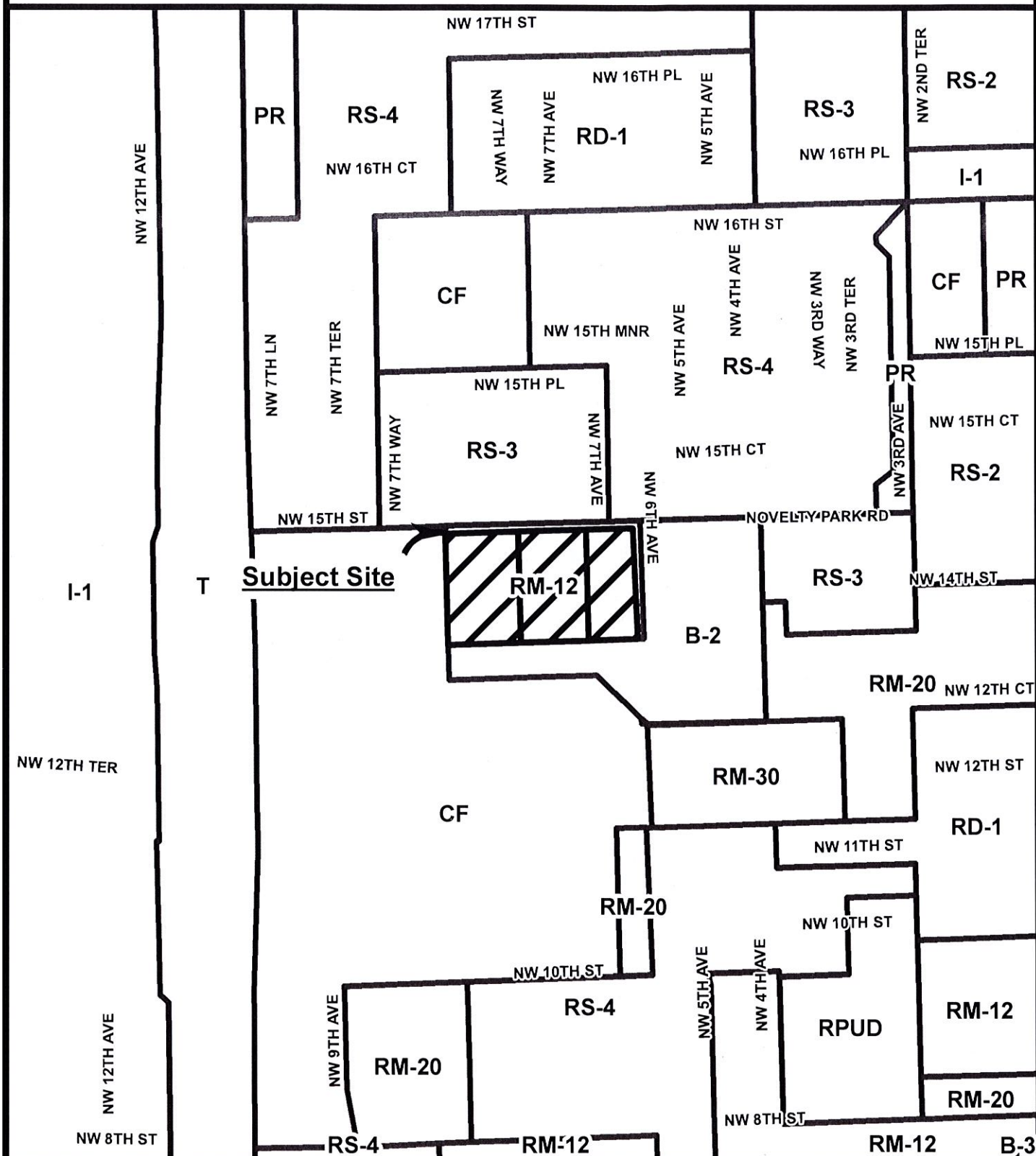
FOR ZONING MAP

<u>Symbol</u>	<u>District</u>
RS-1	Single-Family Residence 1
RS-2	Single-Family Residence 2
RS-3	Single-Family Residence 3
RS-4	Single-Family Residence 4
RS-L	Single-Family Residence Leisureville
RD-1	Two- Family Residence
RM-7	Multiple-Family Residence 7
* RM-12	Multiple-Family Residence 12
RM-20	Multiple-Family Residence 20
RM-30	Multiple-Family Residence 30
RM-45	Multiple-Family Residence 45
MH-12	Mobile Home Park
B-1	Limited Business
B-2	Neighborhood Business
B-3	General Business
B-4	Heavy Business
M-1	Marina Business
CR	Commerical Recreation
I-1	General Industrial
I-1X	Special Industrial
O-IP	Office Industrial Park
M-2	Marina Industrial
TO	Transit Oriented
PR	Parks & Recreation
CF	Community Facilities
PU	Public Utility
T	Transportation
BP	Business Parking
LAC	Local Activity Center
> RPUD	Residential Planned Unit Dev.
PCD	Planned Commercial Development
PD-TO	Planned Development - Transit Oriented
PD-I	Planned Development - Infill
RM-45 HR	Multiple-Family Residence 45 High-Rise Overlay
AOD	Atlantic Boulevard Overlay District
CRAO	Community Redevelopment Area Overlay
NCO	Neighborhood Conservation Overlay
APO	Air Park Overlay
DP	Downtown Pompano Beach Overlay



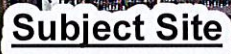
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PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES


$$1 \text{ in} = 600 \text{ ft}$$

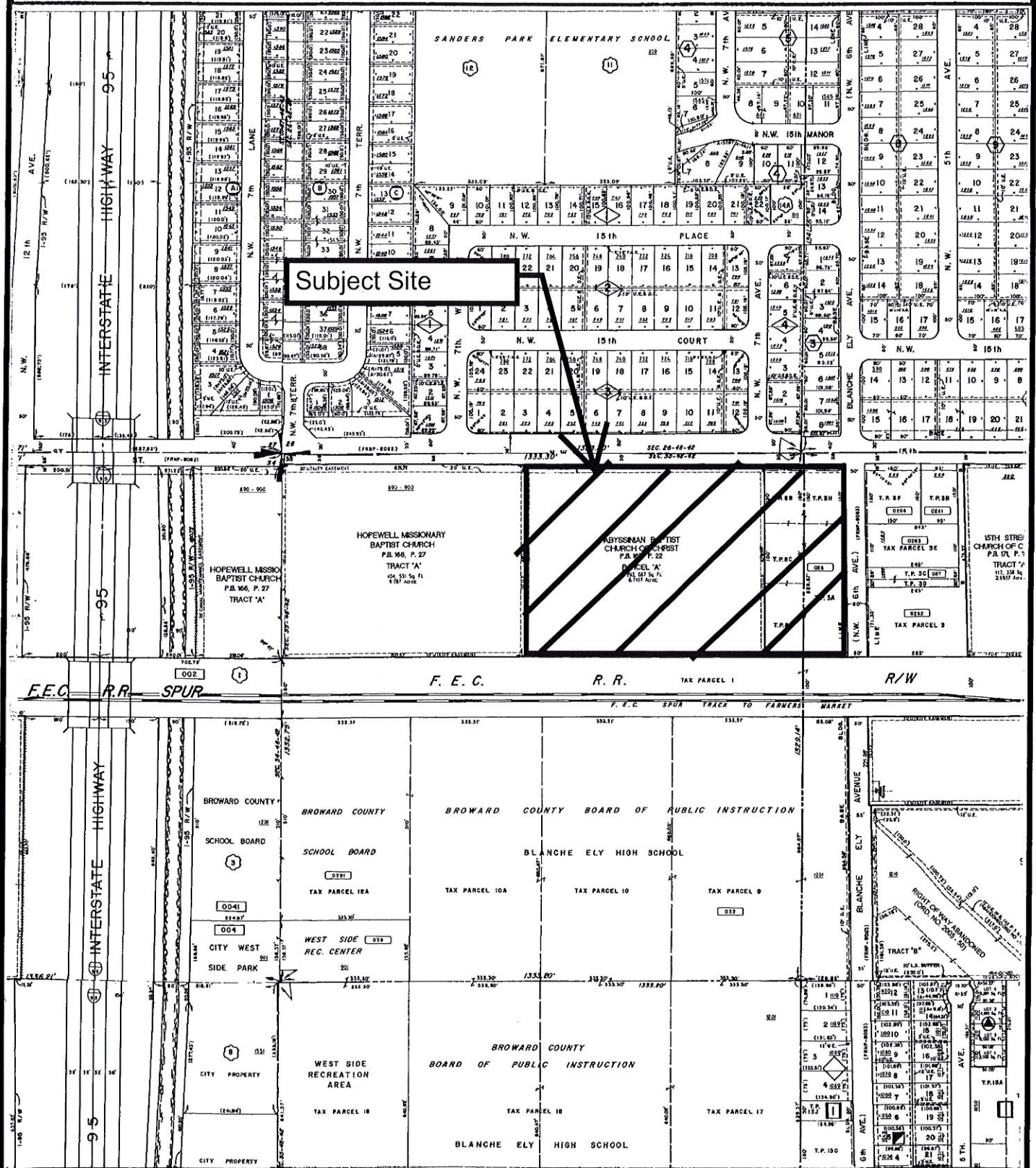
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DEVELOPMENT SERVICES



PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

EXCERPT FROM THE CITY OF POMPAÑO BEACH PLAT MAP



SCALE: NTS

REVIEW & SUMMARY

- A. Pursuant to Section 155.2207(B) [Development Review Committee Report and Notice to Applicant], the Development Services Director has compiled the department comments from the Development Review (DRC) meeting held on January 6, 2016 and February 17, 2016. Review comments from the DRC meeting on February 17, 2016 are summarized below:

Engineering Department: No comments on this proposed Rezoning.

Fire Department:

1 - Fire hydrants will be required for new development with a minimum flow of 1000gpm. Space per NFPA 1 chapter 18 and Annex E. Location of hydrants should be at corner of road intersections and then additional in between if required. Locate hydrants at property lines of lots. Distances between hydrants are measured along road routes.

This P&Z application is able to meet all of the Fire Department requirements at this time for REZONING ONLY. Site plan approval will be required, maintaining all proper fire department access and water supply requirements as per chapter 18 of NFPA 1 as amended from time to time.

*Additional comments may follow throughout the remainder of the permitting process. The buildings shall be in compliance with All NFPA Standards prior to receiving Fire Department approval.

Utilities: Approved

Please note that additional comments may be forth coming contingent upon submittals and review process.

Broward Sheriff Office: No Comments

Building: Approved

CRA: This project is in the NWCRA, see comments on Site Plan.

Urban Forestry: Planting plan is not approvable based on the minimum code requirements

Planning and Zoning:

1. Amend application to address rezoning and other relevant policies in City's Comprehensive Plan. In particular the revised application must address the following Policies:
 - **Policy 01.03.04, 01.03.05, 01.03.11, 01.07.05, and 01.07.22**
2. Provide a PD Landscaping plan which lists / demonstrates the following:
 - a. Lists the specific code sections of the City's landscape code to be met
 - b. Lists the specific code sections of the City's landscape code to be exceeded
 - c. Demonstrates the "strategic" locations to be enhanced.
 - d. Identify appropriate locations for drought tolerant plantings
3. Demonstrate compatibility with surrounding areas. This should be demonstrated on a plan which shows adjacent land uses and height.
4. Staff has determined that the application was incomplete as the following were not provided:
 - Proposed amenities, including but not limited to a playground or pocket park on site for the future residents, as per Code Section 155.3602.A.3.b. Otherwise provide adequate justification.
 - Provide charts or narratives requesting justifications and/or deviations thru the RPUD application.
 - Any justifications of Article 5: Development Standards as part of the PD shall be specified in plans; otherwise this application shall be in accordance with Article 5: Development Standards.
 - Table listing the principal, accessory, and temporary uses allowable or restricted, including accessory structures.

- The submitted plan and documents do not fully demonstrate justifications of roof overhang encroachment onto adjacent lot. As per Code Section 155.3603. B. RPUD Use Standards & 155.4202.E. Dwelling, Single-Family (Zero Lot Line), the dwelling shall be located along the designated zero lot line, but shall not extend beyond the property line. If the dwelling includes an overhang extending beyond the wall line, the wall shall be set back sufficient distance from the zero lot line to accommodate the overhang and associated roof drainage facilities.
 - Sustainable point requirements are currently under revision, and applicants shall discuss with staff to be consistent with the City's pursuance. Sustainable site design will be required with this rezoning request.
 - Unified control of the development shall be submitted prior to Planning & Zoning Board submittal for staff review and approval.
5. Specify the following on the PD Plan:
- Sidewalks to remain unobstructed.
 - Any allowance and restrictions of a lot and/or the entire community, such as standards stated on #9, 15 and 16 in the PD document.
 - Garbage and recycling bins to be stored in the garage
 - Garages not allowed be enclosed or used for any other purpose than parking.
 - Housing types and alternation plan
 - Typical street cross sections
 - A minimum of pervious areas required per lot
 - Designated area allowing for 'Covered Patio or Porch Allowed' on Building Legend
 - Setbacks for auxiliary buildings as referenced in the PD document
 - Setback standards for accessory structures
6. Add the following to the "Site Data Table" on the PD Plan:
- a. Site Data Table states "additional spaces can be added in front yards". This note should be amended to ensure that any additional paving does not conflict with maximum impervious area requirements.
 - b. Permitted Principal Uses (Staff presumes it is single family residential dwellings)
 - c. Permitted Accessory Uses (i.e. swimming pools, fences, sheds)
 - The application states that sheds and pools are not allowed
 - The application states owners will be limited to a 10 ftx10 ft paved patio.
 - The application states a roof awning is permitted over the patio.
7. The following are technical comments of the submitted RPUD plans and documents to be revised accordingly.
- Driveways and parking stalls for each lot shall be located at least 3' from the side property lines and not exceed 24 feet wide. Note that 9'X18' parking spaces are permitted in the City.
 - Two houses are proposed in the 10 ft utility easement. Revise the site plan or vacate the easement. Easement vacation shall be obtained prior to permit approval.
 - Sidewalks on both sides of the street, as per Code Section 155.3602.A.3.c.

City's Comprehensive Plan Policies

- | | |
|-----------------|--|
| 01.03.04 | Consider the preservation of established single family neighborhoods in all rezonings, land use plan amendments and site plan approvals. |
| 01.03.05 | All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying residential land use designations. |
| 01.03.11 | Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings. |
| 01.07.05 | Through ongoing updates to the land development regulations provide for townhouses and homeowners associations. |
| 01.07.22 | The city's land development code shall include provisions to encourage or enable a variety of housing opportunities in varying price ranges, including housing for low and moderate income families in large scale residential developments. |

B. Zoning Department staff submits the following factual information which is relevant to this rezoning request:

1. The rezoning was reviewed by DRC on January 6, 2016 and February 17, 2016.
2. The property is not platted yet and is located southwest corner of NW 6th Avenue and NW 15th Street.
3. The overall site is 9.97 gross acres (9.035 net acres).
4. The Zoning and uses of adjacent properties are:
North – (RS-3 and RS-4, Single Family Residence) Single Family Residential
South – (B-2, General Business) Railroad Track and (CF, Community Facilities) High School
East – (B-2, General Business) Retail/Commercial and Vacant Lot
West – (CF, Community Facilities) Church
5. The Land Use Designation is M (Medium Residential Designation) that allows a maximum of 10-16 DU/AC.

C. The following describes the planning objective for the Planned Development:

The applicant submitted the following statement:

“The objective of the rezoning is to create a residential plan that allows for affordable housing while still providing single family fee simple ownership. Habitat for Humanity consistently provides affordable single family homes to deserving families. This particular property is best suited for residential homes, but in a zero lot line design to maximize the number of units and provide a sustainable environment for its residents. The following objectives are used in the creation of this RPUD:

1. *Create a higher density residential single family home community consistent with the underlying land use.*
2. *Provide a residential community with transportation facilities. The existing property has bus transit stops adjacent to the site.*
3. *Discourage urban sprawl. This site is in a well-established residential area and will provide much need affordable housing to the local area.*
4. *Insure utilities are provided to the site. The property will be developed with potable water, sanitary sewer, drainage facilities and waste management pick up.*
5. *Provide local parks and pedestrian connectivity. The site has dedicated local parks to serve the community with pedestrian sidewalks connecting the homes to the parks to discourage children playing in the streets.*
6. *Provide close proximity to local schools. This site is directly adjacent to Blanche Ely High School.*
7. *Plan the overall site to minimize maintenance obligations of the residents. The overall site design allows easy maintenance by the residents and reduced common area expenses.”*

D. The following goals, objectives and policies of the City’s Future Land Use Element of the Comprehensive Plan have been identified as pertinent to this rezoning:

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 man-made environments that discourages urban sprawl, is energy efficient and reduces greenhouse gas emissions.

Objective Inconsistent Land Uses

01.03.00 Annually review and periodically update adopted land development regulations and established procedures that encourage the elimination or reduction of uses inconsistent with the City's character and Future Land Use Plan.

Policies

01.03.02 Require residential densities of zoning districts to be consistent with the densities on the Future Land Use Map.

01.03.03 Encourage property owners to rezone the subject properties when initiating the development and/or redevelopment proposals to be consistent with the designations of the Land Use Plan Map.

01.03.05 All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying residential land use designations.

01.03.06 Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single family areas.

01.03.07 Require the provision of decorative structural or vegetative buffers between different density residential land uses, and residential and non-residential land uses unless the applicant can demonstrate by evidence that the proper buffer is provided.

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

01.03.12 The following criteria may be used in evaluating rezoning requests:

1. Density;
2. Design;
3. Distance to similar development;
4. Existing adjoining uses;
5. Proposed adjoining uses;
6. Readiness for redevelopment of surrounding uses; and
7. Proximity to mass transit.

E. Pursuant to the following purposes of Planned Development Zoning Districts have been identified as pertinent to this rezoning:

Code Section 155.3601. A, General Purposes of Planned Development Zoning Districts

The Planned Development (PD) districts are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other city goals and objectives by:

1. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
2. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
3. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
4. Allowing more efficient use of land, with smaller networks of streets and utilities, and thereby lowering development and housing costs; and
5. Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, wetlands, floodplains, and historic features.

Code Section 155.3603. A, Purpose of Residential Planned Unit Development (RPUD)

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, while at the same time providing an efficient use of open space. Limited, small-scale institutional and commercial uses (e.g., child care facilities, elementary schools, recreational/entertainment uses, dry cleaning or laundry drop-off establishments, restaurants, convenience stores, grocery stores) may be allowed in the RPUD district, when of a type and scale that primarily serves the needs of residents in the development. RPUD districts are appropriate in areas designated on the comprehensive plan's future land use map as Residential.

F. Recommendation:

Given the information provided to the Board, as the finder of fact, staff 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 RPUD rezoning request with the following conditions that must be addressed prior to placement on the City Commission hearing agenda:

1. Provide adequate justifications of following. Any deviations not requested specifically are subject to the current zoning code requirements:
 - a. Justification of a zero-lot-line, per Code Section 155.3603. B. RPUD Use Standards & 155.4202.E. Dwelling, Single-Family (Zero Lot Line). The dwelling shall be located along the designated zero lot line, but shall not extend beyond the property line. If the dwelling includes an overhang extending beyond the wall line, the wall shall be set back sufficient distance from the zero lot line to accommodate the overhang and associated roof drainage facilities.
 - b. Justification of lighting poles being proposed in a utility easement, per Code Section 155.4302.B. General Standards for All Accessory Uses and Structures.
 - c. Justification of a minimum of front, rear and side yard setbacks, per Code Section 155.3209. Multiple-Family Residence 12 (RM-12). The justification shall include site elements being allowed in the setbacks.
 - d. Justification of 15 feet setback for the opposite interior side lot line for zero-lot-line single-family dwellings
2. Prior to placement on a City Commission agenda, submit for approval of a Developer's Agreement that details the construction and maintenance responsibilities associated with the dedicated right-of-way, open space and park.
3. Prior to placement on a City Commission agenda, submit for approval of a restrictive covenant including a maintenance agreement of zero-lot-line lots.
4. Revise the following in the "Master Site Table" on the PD Plan:
 - a. Amend the note "additional parking stalls can be added" to ensure that any additional paving does not conflict with maximum impervious area requirements for the front yard and entire lot.
 - b. Provide a table listing 'Unit Allowances and Restrictions' on PD plan.
 - c. Master Site Table shall be consistent with Exhibit C, Intensity and Dimensional Standards.
5. Obtain plat approval.
6. Following are comments of the RPUD documents and exhibits to be revised accordingly.
 - a. Provide a detail description of Conversion Schedule, as per Code Section 155.3602.A.2.f.
 - b. Ensure all exhibits are referred in the RPUD documents.
 - c. Provide Exhibit A Location Map.
 - d. Revise Exhibit D Regulating PD Plan and Exhibit C Intensity and Dimension Standards to reflect the modified RPUD rezoning.
 - e. Remove verbiages related to the Developer's Agreement from this RPUD rezoning document.
 - f. Provide consistent dimensional standards throughout the documents and plans.
 - g. Provide separated tables for two single family dwelling types on Exhibit C, Intensity and Dimensional Standards.

- h. Provide a tabulation itemizing information provided for 'Typical Unit Allowance and Restrictions' on page 15 in the RPUD document and PD Plan, Exhibit D. Parking Data and Open Space on PD Plan, Exhibit D, shall be tabulated for easy reading.
- i. Differentiate lines of lots, maintenance and utility easements, streets on RPUD plans for clarifications.

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 following goals, objectives and policies of the Comprehensive Plan, specifically:

- 01.03.06 Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single family areas.
- 01.03.11 Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY
MEMORANDUM #16-053**

DATE: August 30, 2016

TO: City Commission

FROM: Planning and Zoning Board/ Local Planning Agency


SUBJECT: REZONING – RPUD (Residential Planned Unit Development) from
RM-12 (Multiple-Family Residence)
Southwest corner of NW 6th Avenue and NW 15th Street
P & Z #15-13000011 Habitat for Humanity of Broward, Inc. / Abyssinian Habitat

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on August 24th, 2016, the Board considered the request by **JAY HUEBNER** on behalf of **HABITAT FOR HUMANITY OF BROWARD, INC.** requesting REZONING of the above referenced property.

As it is consistent with the goals, objectives, and policies of the Comprehensive Plan stated in Administrative Report 16-368, it is the unanimous recommendation of the Board that the REZONING request be approved with the following five (5) conditions of staff that must be addressed prior to placement on the City Commission hearing agenda:

1. Demonstrate compatibility with surrounding areas, as per Code Section 155.3602.C. This should be illustrated on a plan which shows adjacent land uses and height.
2. Revise exhibits and documents to ensure there are no encroachments within neighboring property lines, including roof overhangs. As per Code Section 155.3603. B. RPUD Use Standards & 155.4202.E. Dwelling, Single-Family (Zero Lot Line), the dwelling shall be located along the designated zero lot line, but shall not extend beyond the property line. If the dwelling includes an overhang extending beyond the wall line, the wall shall be set back sufficient distance from the zero lot line to accommodate the overhang and associated roof drainage facilities. The applicant will come to an agreement with the Development Services Staff regarding this condition.
3. Prior to placement on a City Commission agenda, submit for approval of a Developer's Agreement that details the construction and maintenance responsibilities associated with the dedicated right-of-way, open space and park.
4. Revise the following in the "Master Site Table" on the PD Plan:
 - Amend the note "additional parking stalls can be added" to ensure that any additional paving does not conflict with maximum impervious area requirements for the front yard and entire lot.
 - Provide a table listing 'Unit Allowances and Restrictions' on PD plan.

5. Following are comments of the RPUD documents and exhibits to be revised accordingly.
- Demonstrate driveways/parking stalls for each lot are located at least 3 feet from side lot lines and do not exceed 24 feet wide.
 - Ensure that no dwelling is proposed within a utility easement or obtain an easement vacation.
 - Add RS-3 under 'Zoning District' on Table 4. C, page 9, and on the PD plans.
 - Clarify 'Front Yard Encroachment' under 'Intensity and Dimension Standards.'
 - Provide a detail description of Conversion Schedule, as per Code Section 155.3602.A.2.f.
 - Correct statement # 7, page 11 to cite a correct exhibit.
 - Ensure all exhibits are referred in the RPUD documents.
 - Revise exhibits and documents to prohibit covered patio or covered porch in the 25 foot front yard.



Fred Stacer
Chairman
Planning and Zoning Board/ Local Planning Agency

Joan Kovac asked how many times the applicant can request tabling. Fred Stacer stated that applicant can request to table once and then the Board decides if the item can be tabled after that. Mr. Stacer asked for confirmation from staff. The Assistant Development Services Director stated that after the second tabling, the item is re-advertised as a courtesy to the public.

MOTION was made by Richard Klosiewicz and seconded by Jerry Mills to table the item to the September 28th, 2016 Planning and Zoning Board hearing. All voted in favor of the above motion; therefore, the motion passed.

Exhibit "B" 1 of 5

3. **REZONING – HABITAT FOR HUMANITY OF BROWARD, INC. /**
ABYSSINIAN HABITAT
Planning and Zoning #15-13000011

Consideration of the request by **JAY HUEBNER** on behalf of **HABITAT FOR HUMANITY OF BROWARD, INC.** to rezone a 9.035 net acre property from RM-12 (Multiple-Family Residence) to RPUD (Residential Planned Unit Development) in order to build 77 zero-lot-line single-family homes. The subject sites are located at the southwest corner of NW 15 Street and NW 6 Avenue. The property is legally described as follows:

PARCEL "A" **ABYSSINIAN BAPTIST CHURCH OF CHRIST**,
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK
167, AT PAGE 22 OF THE PUBLIC RECORDS OF BROWARD COUNTY
FLORIDA.

TOGETHER WITH;

ALL THAT PART OF THE NW ¼ OF THE NE ¼ OF THE NW ¼ LYING
WEST OF AND ADJACENT TO NW 6TH AVENUE, LESS THE F.E.C.
RAILROAD RIGHT OF WAY OF THE SOUTH 150 FEET AND NORTH 35
FEET WHICH HAS BEEN DEDICATED FOR ROAD RIGHT-OF-WAY OF
NW 15TH STREET, ALL IN SECTION 35, TOWNSHIP 48 SOUTH, RANGE
42 EAST, BROWARD COUNTY, FLORIDA;

AND

THE EAST 100 FEET OF THE E ½ OF THE NE ¼ OF THE NW ¼ OF THE
NW ¼, EXCEPT THE SOUTH 150 FEET FOR FLORIDA EAST COAST
RIGHT-OF-WAY AND EXCEPT THE NORTH 35 FEET THEREOF,
DEDICATED FOR STREET RIGHT-OF-WAY, IN SECTION 35,
TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY,
FLORIDA.

SAID LANDS SITUATE IN THE CITY OF POMPANO BEACH, BROWARD
COUNTY, FLORIDA

AKA: Southwest corner of NW 6th Avenue and NW 15th Street
ZONED: RM-12 (Multiple Family Residence 12)
TO: RPUD (Residential Planned Unit Development)
STAFF CONTACT: Jae Eun Kim (954) 545-7778

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. // kem

Jennifer Gomez introduced herself to the Board as the Assistant Development Services Director and stated that the applicant is requesting a rezoning of a 9.035 net acre property from RM-12 (Multiple-Family Residence) to RPUD (Residential Planned Unit Development) in order to build 77 zero-lot-line single-family homes. In 2015, via Ordinance 2015-59, the subject property was rezoned from RS-4 (Single-Family Residential 4) on 7.87 acres and B-2 (Community Business) on 1.16 acres to RM-12 (Multi-Family Residential 12). The Land Use designation for the subject sites is M (Medium Residential, 10-16 DU/AC). The subject sites are located at the southwest corner of NW 15 Street and NW 6 Avenue, currently vacant, and are composed of three parcels. The intent of a Planned Development is to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency and other city goals and objectives.

The Assistant Development Services Director stated that the staff comments from the Development Review Committee meeting held on February 17, 2016 are included in the back-up.

Zoning Department staff submits the following factual information which is relevant to this rezoning request:

1. The rezoning was reviewed by DRC on January 6, 2016 and February 17, 2016.
2. The property is not platted yet and is located southwest corner of NW 6th Avenue and NW 15th Street.
3. The overall site is 9.97 gross acres (9.035 net acres).
4. The Zoning and uses of adjacent properties are:
 - North – (RS-3 and RS-4, Single Family Residence) Single Family Residential
 - South – (B-2, General Business) Railroad Track and (CF, Community Facilities) High School
 - East – (B-2, General Business) Retail/Commercial and Vacant Lot
 - West – (CF, Community Facilities) Church
5. The Land Use Designation is M (Medium Residential Designation) that allows a maximum of 10-16 DU/AC.

The purpose of the Planned Development as well as the goals, objectives and policies of the City's Land Use Element of the Comprehensive Plan are in the backup that was provided to the Board.

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

Alternative Motion I

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. // kem

Recommend approval of the RPUD Amendment request with the following conditions that must be addressed prior to placement on the City Commission hearing agenda:

1. Demonstrate compatibility with surrounding areas, as per Code Section 155.3602.C. This should be illustrated on a plan which shows adjacent land uses and height.
2. Revise exhibits and documents to ensure there are no encroachments within neighboring property lines, including roof overhangs. As per Code Section 155.3603. B. RPUD Use Standards & 155.4202.E. Dwelling, Single-Family (Zero Lot Line), the dwelling shall be located along the designated zero lot line, but shall not extend beyond the property line. If the dwelling includes an overhang extending beyond the wall line, the wall shall be set back sufficient distance from the zero lot line to accommodate the overhang and associated roof drainage facilities.
3. Prior to placement on a City Commission agenda, submit for approval of a Developer's Agreement that details the construction and maintenance responsibilities associated with the dedicated right-of-way, open space and park.
4. Revise the following in the "Master Site Table" on the PD Plan:
 - Amend the note "additional parking stalls can be added" to ensure that any additional paving does not conflict with maximum impervious area requirements for the front yard and entire lot.
 - Provide a table listing 'Unit Allowances and Restrictions' on PD plan.
5. Following are comments of the RPUD documents and exhibits to be revised accordingly.
 - Demonstrate driveways/parking stalls for each lot are located at least 3feet from side lot lines and do not exceed 24 feet wide.
 - Ensure that no dwelling is proposed within a utility easement or obtain an easement vacation.
 - Add RS-3 under 'Zoning District' on Table 4. C, page 9, and on the PD plans.
 - Clarify 'Front Yard Encroachment' under 'Intensity and Dimension Standards.'
 - Provide a detail description of Conversion Schedule, as per Code Section 155.3602.A.2.f.
 - Correct statement # 7, page11 to cite a correct exhibit.
 - Ensure all exhibits are referred in the RPUD documents.
 - Revise exhibits and documents to prohibit covered patio or covered porch in the 25 foot front yard.

Alternative Motion II

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

Alternative Motion III

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. // kem

Recommend denial as the Board finds that the request is not consistent with the following goals, objectives and policies of the Comprehensive Plan, specifically:

- 01.03.06 Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single family areas.
- 01.03.11 Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

Jay Huebner of the HSQ Group (1489 West Palmetto Park Road Boca Raton, FL 33486) introduced himself to the Board as a Planner with HSQ Group. Mr. Huebner stated that this is the largest Habitat for Humanity project in Broward County. Mr. Huebner gave a history of the property. Mr. Huebner stated that the community is in support of single-family two-story homes. Mr. Huebner stated they have an issue with the staff recommendations concerning the roof overhang. Mr. Huebner stated that the wall is situated on the lot line and the roof overhang is approximately two feet into the adjacent yard. Mr Huebner stated that the PD Plan shows a five-foot (5') maintenance easement, and the roof will overhang into adjacent property but there is still a ten-foot (10') separation between buildings. Mr. Huebner stated that this is their only objection.

Dr. Mills asked him to clarify the lot line roof overhang issue. Mr. Huebner stated that there will be ten feet between buildings and showed Dr. Mills the exhibit on a poster board. The Chair asked if the board had any other questions and no one responded. The Chair asked staff if we have a legal problem with the zero lot line. The Assistant Development Services Director responded that staff can research the matter further and can possibly remove the condition before the item goes before the City Commission. The Chair asked Mr. Huebner if they could reconfigure the placement of the homes. Mr. Huebner stated that the PD document needs to be amended. The Chair stated that it sounds like staff and the applicant need to work this out. The Assistant Development Services Director stated that they will examine all the potential code conflicts and if there are any liberties they can take they will work with the applicant prior to City Commission.

Ms. Aycock asked if the applicant was able to resolve any of the Community Redevelopment Agency (CRA) comments. Mr. Huebner responded that they have met with the CRA several times and they are very supportive of the project and the applicant will take their comments into account.

The Chairman asked if anyone in the audience had any questions and no one answered.

The Chairman asked Staff if they are ok with making a condition regarding the applicant coming to an agreement with the Development Services Staff. The Assistant Development Services Director stated that a note could be made on Condition 2 that this condition will be reviewed and come to an agreement with the Development Services

Staff. The Chairman asked the applicant if they are ok with this suggestion and Mr. Huebner confirmed.

Exhibit "B"
5 of 5

Ms. Kovac asked if the applicant was in agreement with the remaining Staff Conditions and Mr. Huebner confirmed.

MOTION was made by Tobi Aycock and seconded by Joan Kovac to recommend approval of the rezoning request subject to the five conditions of staff, with the note that the applicant will be required to come to an agreement with the Development Services staff regarding condition number two. All voted in favor of the above motion; therefore, the motion passed.

G. ABANDONMENT/VACATION REQUESTS

**4. RICCARDO MASCIOVECCHIO / 3502 DUNES VISTA DR
EASEMENT ABANDONMENT
Planning and Zoning #16-27000004**

Consideration of the request by **RICCARDO MASCIOVECCHIO** to abandon a 7.5-foot portion of a 12-foot utility easement located at 3502 Dunes Dr., in order to expand his existing patio and enclose it with a screen. The area to be abandoned is approximately 222 square feet. The property is legally described as follows:

THE NORTH 7.50 FEET OF THE SOUTH 12.00 FEET OF THE EAST 29.60 FEET OF THE WEST 51.70 FEET OF THAT PORTION OF PARCEL A, ACCORDING TO THE PLAT OF PALM AIRE OAKS COURSE ESTATES 3RD SECTION, AS RECORDED IN PLAT BOOK 108 AT PAGE 1 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHEAST CORNER OF SAID PLAT; THENCE RUN SOUTH 89°15'14" WEST (ON A PLAT BEARING) 302.07 FEET ALONG THE NORTH BOUNDARY OF SAID PLAT; THENCE RUN SOUTH 0°44'46" EAST 245 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 0°44'46" EAST 95.56 FEET TO AN INTERSECTION WITH THE SOUTH BOUNDARY OF SAID PARCEL A; THENCE RUN NORTH 89°11'34" EAST 72 FEET ALONG SAID SOUTH BOUNDARY; THENCE RUN NORTH 0°44'46" WEST 95.48 FEET; THENCE RUN SOUTH 89°15'14" WEST 72 FEET, TO THE POINT OF BEGINNING. SAID LANDS SITUATE IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA.

AKA: Utility easement at 3502 Dunes Vista Dr.

STAFF CONTACT: Maggie Barszewski (954)786-7921

Maggie Barszewski introduced herself to the Board as a City Planner and stated that the applicant is requesting the abandonment of a 7.5-foot portion of a 12-foot utility easement located at 3502 Dunes Dr. The request is from Riccardo Masciovecchio who wishes to expand his existing patio and enclose it with a screen. The area to be