

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 28<sup>th</sup>, 2016 Planning and Zoning Board hearing. All voted in favor of the above motion; therefore, the motion passed.

**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 6<sup>TH</sup> 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 15<sup>TH</sup> 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 6<sup>th</sup> Avenue and NW 15<sup>th</sup> Street  
ZONED: RM-12 (Multiple Family Residence 12)  
TO: RPUD (Residential Planned Unit Development)  
STAFF CONTACT: Jae Eun Kim (954) 545-7778

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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 6<sup>th</sup> Avenue and NW 15<sup>th</sup> 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**

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

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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**

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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.

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

**MOTION** was made by Tobi Aycok 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