



CITY OF POMPANO BEACH FLORIDA

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PLANNING AND ZONING BOARD/LOCAL
PLANNING AGENCY

July 25th, 2018
Wednesday

City Commission Chambers

6:00 P.M.

MINUTES

A. Call to order by the Chairman of the Board, Mr. Fred Stacer AT 6:09 P.M.

B. **ROLL CALL:**

Fred Stacer
Joan Kovac
Jocelyn Jackson
Tony Hill
Jerry Mills
Richard Klosiewicz
Rhonda Eaton

Also in Attendance:

Luis Bencosme, Zoning Technician
Paola West, Principal Planner
Jean Dolan, Principal Planner
James Saunders, Assistant City Attorney
Jennifer Gomez, Assistant Development Services Director
Daniel Keester-O'Mills, Principal Planner
Scott Backman
Bob Sherman
Frank Gotzman
Sebastian Lozano
Janice Griffin
John Griffin

C. MOMENT OF SILENCE

A moment of silence was observed.

D. APPROVAL OF THE MINUTES:

Approval of the minutes of the meeting on June 27th, 2018.

MOTION by Jerry Mills and second by Tony Hill to approve the minutes of the June 27, 2018 meeting. All voted in favor.

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 Luis Bencosme, Zoning Technician and Notary Public in the State of Florida.

F. REZONING

1. HADAR HOMES LLC / KENSINGTON SQUARE

Planning and Zoning #18-13000001

Commission District: 5

Consideration of the REZONING submitted by **MATTHEW SCOTT** on behalf of **HADAR HOMES, LLC** to rezone the property from RM-12 (Multiple-Family Residence 12) to RPUD (Residential Planned Unit Development) in order to construct 11 townhouse units. The associated site plan was reviewed by the Development Review Committee on March 21. By rezoning the property to a Planned Development, the property is able to capture the gross density, thereby allowing 11 dwelling units by right. Maintaining the current RM-12 zoning allows for only 9 dwelling units because density for multi-family zoning districts is calculated using net acres. All parcels are legally defined as follows:

LOT 11 LESS THE SOUTH 30 FEET THEREOF OF FORD'S MANOR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 19, PAGE 34 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. AND THAT PORTION OF AN ABANDONED AND VACATED RIGHT OF WAY PER ORDINANCE NO. 2003-56, CITY OF POMPANO BEACH, DESCRIBED AS FOLLOWS: NORTH 20 FEET OF THE SOUTH 30 FEET OF LOT 11 OF FORD'S MANOR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 19, PAGE 34 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

AKA: 2701 NW 13th Street

ZONED: RM-12 (Multiple-Family Residence 12)

PROPOSED: RPUD (Residential Planned Unit Development)

STAFF CONTACT: Scott Reale, AICP (954) 786-4667

Ms. Paola West, Principal Planner, presented herself to the Board and introduced the proposal. She stated that RPUDs are meant to allow for design flexibility and that this project aims to continue the growth of the Northwest CRA. She stated that the rezoning is consistent with the Comprehensive Master Plan. She stated that the RPUD has only 2 deviations from the existing RM-12 zoning, and that they relate to density and required setbacks.

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 as the Board finds the rezoning application is consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies, and the purpose of the Residential Planned Unit Development (RPUD) district purpose.

Unified control of the development shall be provided as a part of this rezoning application. Note that this may be processed on the same agenda as the Rezoning Ordinance.

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 goals, objectives, and policies of the Comprehensive Plan.

Ms. West stated that staff recommends Alternative Motion I.

Dr. Mills asked how many acres the property is.

Ms. West said that it is 0.8 acres.

Dr. Mills asked if this project has been approved by any City of Pompano Beach boards.

Ms. West said that the property is currently going through site plan review.

Dr. Mills asked if the City Commission needs to approve a waiver for the 5 acre minimum for RPUDs.

Ms. West confirmed that they will need to do that by a separate motion.

Mr. Scott Backman (14 SE 4th Street, Fort Lauderdale, FL) introduced himself to the Board as the applicant's attorney. He provided a PowerPoint presentation and stated that the property was previously owned by the CRA and sold to the applicant on the condition that they would be able to develop 11 townhomes on it. The problem, however, is that this was calculated based on gross acreage and not the net acreage, which allows only 9 units under the current RM-12 zoning. He stated that the design team has done a good job in creating

the site plan, which provides an excess of required open space. He showed the Board renderings of the proposed buildings.

Ms. West clarified that the project is a Minor Site Plan. Thus, the site plan will not be brought before the Board for approval.

Ms. Eaton asked if there will be 3 level units.

Mr. Backman responded that the units in the middle will be 3 levels.

Mr. Stacer asked if his client has met with the Collier City homeowners association.

Mr. Backman confirmed this.

Ms. Jackson asked if there will be two car garages.

Mr. Backman confirmed this.

Ms. Jackson asked for the price range for the units.

Mr. Backman stated that the rent will be around \$1,800 per month.

Ms. Jackson asked if there will be units available for subsidized renters.

Mr. Backman responded that the intention is not to have these units as affordable housing, but stated that anyone could apply.

Ms. Jackson commented that Collier City has a lot of residents that live in subsidized housing.

Mr. Bob Sherman (1900 NE 193 Street, Miami, FL) presented himself to the Board as the owner's representative. He said that they anticipate having subsidized occupants.

Ms. Jackson suggested that perhaps a minimum of 3 units should be made as affordable housing units.

Mr. Sherman responded that they have an agreement with the CRA, but he is not sure exactly how many units will be labeled "affordable". He added that the units will eventually be sold.

Ms. Jackson asked when that would happen.

Mr. Sherman responded that he thinks it will be in 5 years.

Ms. Jackson asked how much they expect to sell the units for at that time.

Mr. Sherman responded that it is difficult to say because things can change over the course of 5 years. He stated that this project is important to them and to the City in that they want to bring a quality rental unit to the market.

Ms. Jackson asked if the eventual sale of the units is in the written agreement.

Mr. Sherman confirmed this. He stated that after 5 years, they would be allowed to sell them.

Ms. Jackson asked what the cost of the development is.

Mr. Sherman stated that they don't have a final cost since they are still undergoing the design and approval phase. He assumes that the building cost will be approximately \$100.00 per square foot.

Ms. Jackson asked for the size of the units.

Mr. Sherman responded that they are about 1,600 square feet.

Ms. Jackson asked if it is the applicant's first project.

Mr. Sherman stated that this is their first project in the City of Pompano Beach, but that they have done many other projects in South Florida.

Ms. Jackson stated that she is concerned that the prices of these units would be very high for Collier City.

Mr. Sherman stated that their intention is for the price point to be only around \$220,000 or \$225,000. He stated that they have spoken with the community association and have their support.

Mr. James Saunders, Assistant City Attorney, asked staff to explain what "unified control", as stated in the staff report, refers to.

Ms. West stated that it is similar to a Unity of Title.

Mr. Backman stated that this document ensures that, that none of the individual owners can do something that would impact the site plan and the other townhomes if the site plan is approved and developed.

Ms. Jackson asked if this project will be under the Collier City homeowners association.

Mr. Backman stated that they might join the civic association, but the units will be owned and operated separately.

Ms. Jackson asked if this question was asked at the meeting with the Collier City homeowners association.

Mr. Fran Gotzman (109707 Turnberry Way, Miami) presented himself as one of the principles of Hadar Homes. He said that they do not intend to sell these units. They will have their own association to run the development.

Ms. Jackson asked if the owner will have a management company to handle the rentals.

Mr. Gotzman confirmed this, but stated that they do not have the details yet.

Mr. Hill asked the applicant if they knew that they only have the ability to build 9 units on the property.

Mr. Backman responded that they didn't know this until the development review process began.

Mr. Sherman stated that the property was sold 7 or 8 years ago to another developer with an approval from City Commission for 11 units. Therefore, the assumption was that the 11 units would be approved for these new owners.

Mr. Hill expressed his skepticism that the applicant has required justification for the City Commission to waive the 5 acre lot size minimum and pointed out that they did not appear to submit any written justification for this.

Mr. Backman stated that the CRA, a City agency, sought out the opportunity to develop the site for 11 units.

Mr. Nguyen Tran, Northwest CRA Director, introduced himself. He stated that the 11 units were approved under a different zoning code, but the property was returned since the development didn't take place. The CRA then immediately made the property available again for 11 units, assuming that 11 units wouldn't cause any problem. It was not known when they entered into this agreement that only 9 units would be allowed.

Mr. Hill stated that he does not think that the RPUD is the correct tool in this instance since the parcel is only .8 acres and not the minimum.

Mr. Saunders reminded the Board that if the City has contractual issues that need to be resolved, this would be outside the purview of the Board. He cautioned the Board to how their consideration of this matter relates to the contract it has with the applicant.

Mr. Backman stated that the current zoning designation allows 9, but there is a contract for 11 units. He stated that the RPUD rezoning being requested would be the most efficient tool to get to the 11 units.

Ms. West stated that the developer had mentioned the 11 units were approved for the previous development. She clarified that it was approved under a variance, which is currently not allowed, and that this approval has expired.

Ms. Kovac asked staff if they feel it meets the rezoning requirements.

Ms. West confirmed this and stated that the staff report includes staff's position on the rezoning.

Mr. Klosiewicz asked when such variances were permitted.

Ms. West stated around 2010.

Mr. Klosiewicz asked why this kind of variance is no longer allowed.

Mr. Stacer responded that the new zoning code does not allow a variance for density.

Mr. Klosiewicz asked about the reason for this change.

Ms. West stated that she would have to research this and get back to him.

Mr. Stacer asked if the site due west of this is also a townhouse project.

Mr. Backman responded that it is.

Mr. Stacer commented that the applicant can technically have a single opening, but he believes it is better with multiple buildings. He also commented that the unit count is higher, but noted that the pervious area is still more than the requirement. He noted that there have been positive reactions to the project from Collier City.

Mr. Stacer opened the public hearing.

Ms. Smith (2437 NW 4th Court, Pompano Beach) introduced herself as President of the Collier City HOA. She stated that the project has been presented to the Collier City HOA more than once, with each presentation better attended. She stated that people were excited that a new project was coming to the community to beautify it. She stated that there was a groundbreaking event. She said that it was being held by Zoning and that there is always a delay for projects that are meant to beautify the Collier City community.

Mr. Richard Stevens (2450 NW 9 Street, Pompano Beach) presented himself as a property owner in support of the project. He stated that he has been in the community for a very long time and believes that it would be a great to build multi-family homes in the community.

Mr. Klosiewicz asked staff if they would recommend approval if the Community Redevelopment Agency (CRA) was not involved.

Ms. West stated that the CRA's participation has nothing to do with its positive recommendation.

Dr. Mills commented that the footprint is smaller for these 11 units than what 9 units could cover for RM-12.

Ms. Jackson asked if the owner will hire people within the community to help with the project as well as local contractors.

Mr. Sherman responded that they are required by their agreement with the CRA to use a certain percentage of local contractors. The applicant has already used a local arborist and fence company. They will attempt to use as many people as possible from the community. He added that the applicant has met with the City division that handles procurement.

Ms. Jackson asked for the name of the city staff member the applicant has met with.

Mr. Sherman responded that he can't remember the specific name, but stated that City staff should be able to help with that information.

Ms. Nguyen stated that the CRA has a staff member, Dhalia Baker, which assists with hiring local workers.

MOTION was made by Joan Kovac and seconded by Richard Klosiewicz to recommend approval of the rezoning PZ #17-13000008 per Alternative Motion I as described in the staff report. All voted in favor of the motion with the exception of Tony Hill; therefore the motion passed.

G. OTHER BUSINESS

2. CODE AMENDMENTS RELATED TO CONCURRENCY

A request to the Planning and Zoning Board by staff to recommend approval of the proposed concurrency, flexibility and affordable housing amendments related to Chapter 154 and 155.

Ms. Jean Dolan, Principal Planner, introduced herself to the Board. She said that these text amendments relate to updates regarding concurrency, flexibility, and clarifying affordable housing in-lieu payments. She explained that concurrency is a concept to make sure that there is enough utility capacity and went over the criteria for how staff handles concurrency. She explained that the City uses Broward County wastewater services, and that the City has 4 million gallons per day available for treatment. OASIS is the City's treatment plant for re-use water and provides 4.5 million gallons per day of capacity. The City has 36 million gallons per day available of water capacity, but is limited by how much raw aquifer water is available. The city calculates how much water a new site plan will use and subtracts this from the available capacity. The City's solid waste removal has no set upper limit from which to subtract new demand. The County calculates for drainage concurrency. The City requires a school capacity evaluation determination (SCAD) letter from the school district for new residential development. Broward County calculates and collects transportation impact fees. She elaborated that the City has been using a transit type concurrency methodology since 2004 and that the fees are collected to implement the Transportation Improvement Plan. She then gave some information on how the transit concurrency fee is calculated. She stated that there are ways to get credits for these fees,