

Legislation Text

File #: LN-164, **Version:** 5

PLANNING AND ZONING BOARD

Meeting Date: JULY 27, 2022

HUNTERS MANOR REZONING

Request:	Rezoning	
P&Z#	21-13000004	
Owner:	Pompano Beach CRA	
Project Location:	North of NW 6 th Street, between NW 19 th Ct. and NW 18 th Ave.	
Folio Number:	484234440010	484234440020
Land Use Designation:	L (Low 1-5 DU/AC) (Low-Medium 5-10 DU/AC)	LM
Zoning District:	RS-3 (Single-Family Residential 3) (Multiple-Family Residence 12)	RM-12
Commission District:	4 (Beverly Perkins)	
Agent:	Kristen Nowicki (954-660-2432)	
Project Planner:	Daniel Keester-O'Mills (954-786-5541 / daniel.keester@copbfl.com)	

Summary:

The applicant is requesting REZONING approval from RS-3 (Single-Family Residential) & RM-12 (Multi-Family Residential) to an RPUD (Residential Planned Unit Development) to develop 59 single-family homes. The subject property is currently owned by the Pompano Beach Community Redevelopment Agency. The Applicant (DR Horton, Inc) was selected through a Request for Proposal (RFP) to provide housing on the vacant subject site. The subject property is 9.09 net acres (395,960 square feet). The general location of the subject property is south of Dr. Martin Luther King Jr. Blvd and east of North Powerline Road; more specifically, the subject property is separated by NW 7th Street, between NW 19th Avenue and NW 18th Avenue, bound on the north by NW 9th Street and the south of NW 6th Street. The property is currently vacant land. The master plan illustrates 59 lots for single-family homes, a community amenity in the northwest corner of NW 7th Street and NW 19th Avenue, and a pedestrian connection from the north end of the development to the south end (leading to Hunters Manor Park to the south).

The Residential Planned Unit Development (RPUD) district are generally defined in the Zoning Code in order 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. 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.” This project aims to provide additional single-family houses, while requesting modified lot standards to accommodate a few building typologies.

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

1. City staff reviewed the DRC submittal for this rezoning. A DRC meeting was scheduled on July 21, 2021, November 3, 2021, April 6, 2022, and June 1, 2022. Each meeting the Applicant was issued comments, and a DRC meeting was held to discuss comments, which were incorporated into this application.
2. The property is platted (Hunter's Manor Community Plat) in the Broward County Records (PB: 183 Pg 32), Instrument #: 114322117, dated April 13, 2017. The plat note restricts the property to no more than 65 single-family detached houses.
3. The site is 9.09 net acres (all land within the property lines) and 10.25 gross acres (land within the property lines and half of the dedicated right-of-way abutting the property).
4. The Zoning and uses of adjacent properties are:

Property	Adjacent Property	Zoning District	Existing Use
Hunters Manor Community Plat	North	B-3	Marquis Apartments & Single-Family Homes
	South	RS-3	Hunters Manor Park
	East	RS-3 / RM-12	Auto Body Paint Shop, Place of Worship & Vacant Land
	West	RS-3 / RM-12	Single-Family Homes

5. The RPUD application requests to construct single-family homes with a height limitation of 35 feet.
6. The underlying Land Use Designation is "Low" Residential (POD "A" - south of NW 7 Street: L - 5 units per acre) and "Low-Medium" Residential (POD "B" - north of NW 7 Street LM - 10 units per acre). The size of this property is approximately 9 acres (395,524 square feet) net acres (Parcel A - 297,178 square feet; 6.8223 acres & Parcel B - 98,613 square feet; 2.2638 acres), resulting in approximately 56 unit limited by the current zoning. Through the Residential Planned Unit Development (RPUD) rezoning, the Applicant may utilize the gross acreage for density purposes. The current RPUD proposal requests 59 units, which is a density of approximately 6 units to the gross acre (59 units / 10.25 acres = 5.75 units / acre).

	RS-3 & RM-12	Proposed RPUD
Maximum Number of Units	56	59
Density	5 & 12 units/ net acre	5.75 units/ gross acre

7. Site History: The parcel has been largely vacant in recent history.
8. The Applicant made a presentation to the NW CRA District on June 6, 2022.

PLANNED DEVELOPMENT REVIEW STANDARDS

Review of and the decision on a Planned Development application shall be based on compliance of the proposed zoning reclassification and the PD Plan with the review standards in Section 155.2402.C, Site-Specific Zoning Map Amendment Review Standards and the standards for the proposed type of PD district in Part 6 (Planned Development Zoning

Districts) of Article 3: Zoning Districts.

§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;

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

Objective 01.02.00 Right-of-Way Protection and Accessibility. Protect the existing and future building encroachments and ensure proper accessibility with the roadway and transit network.

Policy 01.02.02 Approve site plans, plats and other development approvals on the condition that the applicant will dedicate right-of-way according to the requirements of the Broward County Trafficways Plan and the City's street standards in Chapter 100 of the City's Code of Ordinances.

Policy 01.03.03 Encourage property owners to rezone the subject properties when initiating development and/or redevelopment proposals to be consistent with the designations on the Future Land Use Maps.

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

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

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

- A. Density;
- B. Design;
- C. Distance to similar development;
- D. Existing adjoining uses;
- E. Proposed adjoining uses;
- F. Readiness for redevelopment of surrounding uses and
- G. Proximity to mass transit.

GENERAL STANDARDS FOR ALL PLANNED DEVELOPMENT DISTRICTS

Before approving a PD zoning district classification, the City Commission shall find that the application for the PD zoning district classification and the associated PD Plan, comply with the following standards set forth in §155.3602:

A. PD Plan

The PD Plan includes a statement of planning objectives for the district along with a detail description for the district and the development area. Dimensional includes all of the necessary requirements the following:

1. A statement of planning objectives for the district;
Included within the application.
2. Detailed description of the following for the entire PD District and for each development area:
 - a. Dimensional Standards
The required dimensional standards are provided within the Project Narrative.
 - xi. Minimum setbacks from adjoining residential development or residential zoning districts.
The required dimensional standards are provided within the Project Narrative.
- b. Modifications of Development Standards;
 - Code Section 155.3603 (Dimensional Standards) - Applicant's Request: Reduced lot width, lot area, lot coverage and setbacks when compared to existing RS-3 zoning designation
 - Deviation: Reduction of minimum lot width 15 feet
 - Deviation: Reduction of lot area by 2,950 square feet
 - Deviation: Reduction of front yard setback by 5 feet
 - Deviation: Reduction of side setback by 3 feet
 - Deviation: Reduction of side street setback by 3 feet
 - Deviation: Reduction of rear setback by 5 feet
 - Deviation: Increase lot coverage by 15%
 - Code Section 155.5101 (Access and Circulation) - Applicant's Request: Reduction in access street width and reduction in sidewalk width:
 - Deviation: Reduce the minimum width of a street from 24 feet to 20 feet (4 feet difference)
 - Deviation: Reduce the width of a private sidewalk from 5 feet to 4 feet (1 foot difference)
 - Code Section 155.5302 (Fences / Walls)- Applicant's request to amend the development standards for fences and walls:
 - Deviation: Increase the fence height by 2 feet.
 - Deviation: Decrease setback from property line by 4 feet.
 - Code Section 155.5203 (Perimeter Buffer) - Applicant's request to reduce the width and variation in wall or fence type:
 - Deviation: Decrease the width of the landscape area by 5 feet, and provide opaque fence with retaining wall, instead of a wall or semi opaque fence.
 - Code Section 155.5203 (Perimeter Landscaping Strip for Vehicular Use Area) - Applicant is requesting a reduction in the width:
 - Deviation: Reduce the minimum landscape width by 1 foot.
 - Code Section 155.5203 (Street Trees) - Applicant's request to move required street trees onto interior access streets:
 - Deviation: Install Street Trees within private lot.

The Applicant's justification statement for the above referenced deviations:

The proposed deviations above for the base zoning districts of RS-3 and RM-12 are the minimal needed to provide a well-integrated single family residential community. The development provides 59 single family homes that range in size from 1,739 square feet to 2,717 square feet, and three to five bedrooms, which require more land area. The front setback reduction of five feet and the side setback reduction of two feet allow for larger homes in the development and accommodates growing families in the city. The deviations allow the development to address the plat, which permits up to 65 single family units, and

address the CRA's need for more infill development. The deviations allow for the additional open space, integrated pedestrian paths, mail kiosk pad, an open-air pavilion, the flexibility to offer five different home models throughout the development, as well as drainage for the overall development.

- c. Provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;
 - *Transportation - residents and visitors will access the site either directly from the public right-of-way, by designated entrances into the development on private roads/driveways.*
 - *Potable Water and Wastewater - Adequate facilities exist for the development.*
 - *Stormwater Management - Per city code requirements, on-site stormwater facilities will be part of this development.*
 - *On-site Public Facilities - the site will include common areas for residents as well as additional sidewalk connections for the neighborhood to the park through the new community.*
 - d. Provisions related to environmental protection and monitoring;
Applicant has indicated that there is no natural habitat on the property and an authorized agent with Florida Wildlife Conservation performed a survey & found no burrowing owls or gopher tortoises on the property.
 - e. Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the PD district;
The Applicant has cited several community benefits, including an open-air pavilion for the residents, and pedestrian sidewalks throughout.
 - f. Development Phasing Plan;
The development will be completed in one phase.
 - g. Conversion Schedule; and
The proposed project will not require any conversions of uses.
 - h. Any other provisions the City Commission determines are relevant and necessary to the development of the planned development in accordance with applicable standards and regulations.
The applicant states the development will improve the character of the neighborhood and improve the pedestrian experience.
3. Identify the general location of the following:
- a. Individual development areas, identified by land use(s) and/or development density or intensity;
Identified on the PD Plan.
 - b. Open space (whether designated for active or passive recreation), including amount, and type of;
Includes landscaped areas and hardscape areas.
 - c. All public and private streets, existing or projected transit corridors, and pedestrian and bicycle pathways, and how they will connect with existing and planned city systems;
The vehicular and pedestrian circulation is provided on the Master Plan.
 - d. Environmentally sensitive lands, wildlife habitat, wetlands, and floodplains;
The proposed development does not include any environmentally sensitive lands.
 - e. On-site potable water and wastewater facilities, and how they will connect to city systems;
All water and wastewater will connect to city systems.

- f. On-site stormwater management facilities, and how they will connect to city systems; and
Per city requirements, all stormwater will have to be managed on-site.
 - g. All other on-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management.
The applicant will provide all of the necessary public facilities needed for the proposed development.
4. Graphics demonstrating the following:
- a. Projects with structures greater than 35 feet in height, the shadowing on adjacent properties at the following times: two hours after sunrise, noon, and two hours before sunset during the winter solstice, spring equinox, summer solstice, and fall equinox.
The proposed project is not greater than 35 feet in height.
 - b. The impacts to view corridors of any adjacent properties of natural resources, including but not limited to, beaches, shores, waterways, recreation spaces and conservation spaces.
The propose project will not impact view corridors.

B. Consistency with City Plans

The PD zoning district designation and the PD Plan shall be consistent with the comprehensive plan.

The district is consistent with the comprehensive plan as identified earlier in this analysis.

C. Compatibility with Surrounding Areas

Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the PD Plan shall provide for transition areas at the edges of the PD district that provide for appropriate buffering and/or ensure a complementary character of uses. Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, and siting of service areas.

The proposed development is consistent with the adjacent zoning designations. During the site plan review, the Applicant must present a variety of building typologies.

D. Development Phasing Plan

If development in the PD district is proposed to be phased, the PD Plan shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the city's capital improvements program.

Project will be developed in one phase.

E. Conversion Schedule

The PD Plan may include a conversion schedule that identifies the extent to which one type of residential use may be converted to another type of residential use (e.g., multifamily dwellings to single-family dwellings) and one type of nonresidential use may be converted to another type of nonresidential use (e.g., office use to retail sales use). Such conversions may occur within development areas and between development areas as long as they occur within the same development phase, as identified by the approved development phasing plan, and are consistent with established extents of conversion set down in the conversion schedule.

No conversion schedule required.

F. On-Site Public Facilities

1. Design and Construction

The PD Plan shall establish the responsibility of the developer/landowner to design and construct or install required and proposed on-site public facilities in compliance with applicable city, state, and federal regulations.

Proposed development must follow all city, county, state and federal requirements.

2. Dedication

The PD Plan shall establish the responsibility of the developer/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable city, state, and federal regulations.

There are no additional dedications required for this project; the dedications of the right-of-way were performed with the approved plat.

3. Modifications to Street Standards

In approving a PD Plan, the City Commission may approve modifications or reductions of city street design standards-including those for right-of-way widths, pavement widths, required materials, and turning radii-on finding that:

- a. The PD Plan provides for separation of vehicular, pedestrian, and bicycle traffic;
- b. Access for emergency service vehicles is not substantially impaired;
- c. Adequate off-street parking is provided for the uses proposed; and
- d. Adequate space for public utilities is provided within the street right-of-way.

No modifications requested.

G. Uses

The principal, accessory, and temporary uses allowable in each type of PD district are identified in Appendix A: Consolidated Use Table. Allowed principal uses in a particular PD district shall be established in the PD Plan, subject to conversion in accordance with a schedule incorporated in the PD Plan in accordance with Section 155.3602.E, Conversion Schedule. Allowed uses shall be consistent with city plans and the purpose of the particular type of PD district, and subject to applicable use-specific standards in (Principal Uses), Part 3 (Accessory Uses and Structures), and Part 4 (Temporary Uses and Structures) of Article 4: Use Standards, and any additional limitations or requirements set forth in Sections 155.3603 to 155.3607 for the particular type of PD district.

B. Use Standards
Principal uses allowed in a PD-I 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 PD-I district, and shall comply with the use table in Appendix A: Consolidated Use Table, and the use-specific standards in Article 4: Use Standards,

The applicant provided a table (Section G) that selected certain uses listed as permitted in the RPUD zoning

districts, which will be allowed in this development. The table includes single-family homes (as the only permitted principal uses) and several accessory uses that are customary with a single-family developments.

H. Densities/Intensities

The densities for residential development and the intensities for nonresidential development applicable in each development area of a PD district shall be as established in the PD Plan, and shall be consistent with the comprehensive plan and other adopted special area and city plans, and with the purpose of the particular type of PD district.

C. Intensity and Dimensional Standards	
District area, minimum (acres)	n/a
Density, maximum (du/ac) ¹	To be established in PD Plan- see Section 155.3602.A, PD Plan
Floor area ratio (FAR), maximum	
Lot area, minimum (sq ft)	
Lot width, minimum (sq ft)	
Impervious surfaces, maximum (% of district area)	
Individual building sizes, maximum (sq ft)	
Building height, maximum (ft)	
Setback height, maximum (ft)	
Setback from abutting RS zoning district or existing family dwelling use, minimum (ft)	
NOTES: 1. Residential development may not exceed the maximum gross density established by the land use classification.	

Staff Analysis: Applicant has provided the intensity and dimensional standards for the proposed RPUD district. Many of the standards are comparable with the RS-3 with respect to intensity or dimensional standards. The applicant is requesting reduced standards from this zoning district:

A complete list of the applicant's Intensity and Dimensional Standards is provided within Project Narrative & Master Plan.

I. Dimensional Standards

The dimensional standards applicable in each development area of a PD district shall be as established in the PD Plan, and shall be consistent with the purpose of the particular type of PD district.

Included within the Applicant's narrative.

J. Development Standards

All development in a PD district shall comply with the development standards of Article 5: Development Standards, or any modifications of those standards established in the PD Plan as consistent with city plans, the objective of the particular type of development standard, the purpose of the particular PD district, and any additional limitations or requirements set forth in Sections 155.3603 to 155.3607 for the particular type of PD district.

Development Standards

D. Development Standards	
The development standards in Article 5: Development Standards, shall apply to all development in PD-I, development standards may be modified as part of the PD Plan if consistent with the general purposes of district and the comprehensive plan, and in accordance with the means of modification noted below.	
Development Standards	Means of Modifying
Access and circulation	Specify in PD Plan
Off-street parking & loading	Specify in Master Parking Plan
Landscaping ¹	Specify in Alternative Landscaping Plan
Tree preservation	
Screening	Specify in Alternative 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	
Parking Deck or Garage Standards	
Sustainable design	Specify in PD Plan
Signage (Ch. 156, Sign Code)	Specify in Master Sign Plan
NOTES: 1. Internal uses shall not be required to provide perimeter buffers.	

Access and circulation - *The proposed development be accessed by the public right-of-way. Individual lots will either have direct access from the public right-of-way, or be served by an internal road.*

Off-street parking and loading - *Each single-family home will have a private driveway and/or garage for off-street parking.*

Landscaping/Tree Preservation - *The applicant is requesting deviations related to landscaping: (1) a reduction in the width and variation of the perimeter buffer and a reduction in the width of the perimeter landscaping related to vehicular use area. The proposed development will have a private street servicing many of the houses and this street will be more narrow than a typical right-of-way within a residential area, as a result, the Applicant is seeking to place "street trees" on private property.*

Screening, fences, and walls - *The applicant is requesting deviations to this section, refer to the deviations section. If no deviation was requested the applicant will follow requirements of Article 5, Development Standards of the City's Code.*

Lighting - *Applicant will follow requirements of Article 5, Development Standards of the City's Code.*

Parking deck or Garage standards

Project does not propose a parking deck or garage.

Design and compatibility - *Applicant will follow requirements of Article 5, Development Standards of the City's*

Code.

Sustainable design - *Applicant will follow requirements of Article 5, Development Standards of the City's Code.*

Signage - *Applicant will follow the requirements set forth in the City's Zoning Code.*

RECOMMENDATION

Staff finds that there is sufficient information to support this rezoning request. The applicant has worked with City staff to provide the necessary information to show that the rezoning meets the intent of the Future Land Use goals, objectives, and policies, the requirements of the Residential Planned Unit Development and the RPUD district purposes within the City's Zoning Code.

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

Alternative Motion I

Recommend approval of the RPUD rezoning request as the Board finds that 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.

Alternative Motion II

Table this application for additional information as requested by the Board

Alternative Motion III

Recommend denial as the Board finds the request is not consistent with the goals, objectives, and policies of the Comprehensive Plan.

STAFF RECOMMENDS ALTERNATIVE MOTION I