

Meeting Date: 1/13/15

Agenda Item 22

REQUESTED COMMISSION ACTION: **QUASI-JUDICIAL**

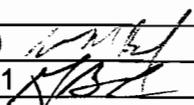
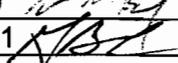
<u> </u> Consent	<u> X </u> Ordinance	<u> </u> Resolution	<u> </u> Consideration/ Discussion	<u> </u> Presentation
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SHORT TITLE AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING WEST OF BLANCHE ELY AVENUE (NW 6TH AVENUE) AND SOUTH OF NW 15TH STREET AND COMMONLY KNOWN AS 600-800 NW 15TH STREET FROM RS-4 (SINGLE-FAMILY RESIDENTIAL) AND B-2 (COMMUNITY BUSINESS) TO RM-12 (MULTI-FAMILY RESIDENTIAL); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

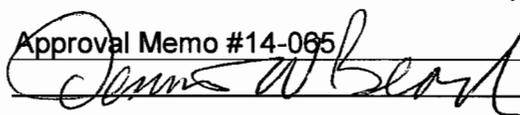
Summary of Purpose and Why:

This approximate 9.03-acre property is generally located west of NW 6th Avenue and south of NW 15th Street. The property is owned by the Abyssinian Baptist Church and Habitat of Humanity Broward, Inc. This request is to rezone the property from RS-4 (Single-Family Residential) and B-2 (Community Business) to RM-12 (Multi-Family Residential). The Land Use designation for the 6.71-acre western parcel is M (Medium Residential) and Land Use Designation for the 2.32-acre eastern parcel is C (Commercial). The purpose for the rezoning is to allow Habitat for Humanity to build single-family and duplexes on the property. It would also bring the zoning into conformance with the Land Use Designation for the western parcel. The applicant has submitted a concurrent 21-unit Flex Allocation request on the 2.32-acre parcel that has a Commercial Land Use designation (the resolution for such will be heard at this Ordinance's second reading). On October 22, 2014, the Planning & Zoning Board approved this rezoning request with a 6-1 vote.

- (1) Origin of request for this action: Habitat for Humanity Broward, Inc.
- (2) Primary staff contact: Robin M. Bird/ Maggie Barszewski Ext. 7921
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

<u>DEPARTMENTAL COORDINATION</u>	<u>DATE</u>	<u>DEPARTMENTAL RECOMMENDATION</u>	<u>DEPARTMENTAL HEAD SIGNATURE</u>
<u>Dev. Services</u>	<u>09/16/14</u>	<u>Approval</u>	<u>Memo# 14-410</u> 
<u>City Attorney</u>	<u>10/24/14</u>	<u>See Memo</u>	<u>CAC# 2015-141</u> 

- Planning and Zoning Board
- City Manager 

Approval Memo #14-065


ACTION TAKEN BY COMMISSION:

<u>Ordinance</u>	<u>Resolution</u>	<u>Consideration</u>
<u>Workshop</u>		
<u>1st Reading</u> <u>12/9/14</u> <u>APPROVED</u>	<u>1st Reading</u> <u> </u>	<u>Results:</u> <u> </u>
<u>2nd Reading</u> <u>1/13/15</u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>



City Attorney's Communication #2015-141
October 24, 2014

TO: Maggie Barszewski, AICP, Planner
FROM: Gordon B. Linn, City Attorney
RE: Rezoning Ordinance – Habitat For Humanity

As requested in your memorandum to me dated October 23, 2014, Development Services Memorandum #14-481, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING WEST OF BLANCHE ELY AVENUE (NW 6TH AVENUE) AND SOUTH OF NW 15TH STREET AND COMMONLY KNOWN AS 600-800 NW 15TH STREET FROM RS-4 (SINGLE-FAMILY RESIDENTIAL) AND B-2 (COMMUNITY BUSINESS) TO RM-12 (MULTI-FAMILY RESIDENTIAL); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Please feel free to contact me if I may be of further assistance.

GORDON B. LINN

GBL/ds
l:cor/dev-srv/2015-141
Enc.

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING WEST OF BLANCHE ELY AVENUE (NW 6TH AVENUE) AND SOUTH OF NW 15TH STREET AND COMMONLY KNOWN AS 600-800 NW 15TH STREET FROM RS-4 (SINGLE-FAMILY RESIDENTIAL) AND B-2 (COMMUNITY BUSINESS) TO RM-12 (MULTI-FAMILY RESIDENTIAL); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, fourteen (14) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach, Florida; and

WHEREAS, a public hearing before the City Commission was held pursuant to the aforesaid notice, at which hearing the parties in interest and all other citizens so desiring, had an opportunity to be, and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That the City Commission of the City of Pompano Beach, having considered the evidence and argument presented at the public hearing, finds:

SECTION 2. That the property more particularly described in Exhibit "A," attached hereto and made a part hereof ("Property"), which Property is hereby rezoned from a present zoning classification of RS-4 (Single-Family Residential) and B-2 (Community Business) to

RM-12 (Multi-Family Residential) as said zoning classification is defined by Chapter 155 of the Code of Ordinances of the City of Pompano Beach, Florida.

SECTION 3. That the Development Services Director is hereby directed to mark the zoning provided for in this Ordinance on the Official Zoning Map of the City of Pompano Beach.

SECTION 4. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 5. This Ordinance shall become effective upon passage.

PASSED FIRST READING this ____ day of _____, 2014.

PASSED SECOND READING this ____ day of _____, 2014.

LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

GBL/ds

10/24/14

l:ord/2015-67

Exhibit A

Legal Description

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 $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ 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 $\frac{1}{2}$ OF THE NE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$, 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.

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY
MEMORANDUM #14-065**

DATE: October 28, 2014
TO: City Commission
FROM: Planning and Zoning Board/ Local Planning Agency
SUBJECT: REZONING – RM-12 (Residential Multifamily 12) from RS-4 (Residential Single Family 4) and B-2 (Community Business)
600-800 NW 15 ST
P & Z #14-13000008 Habitat for Humanity of Broward

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on October 22, 2014, the Board considered the request by **Habitat for Humanity of Broward / Abyssinian Baptist Church of Christ, Inc.** requesting REZONING of the above referenced properties.

As it is consistent with the goals, objectives, and policies of the Comprehensive Plan stated in Administrative Report 14-410, it is the recommendation of the Board by a 6-1 vote (Mr. Evans dissenting) that the REZONING request be approved with the following two (2) conditions of staff:

1. Prior to City Commission approval, applicant to submit for voluntary recordation of deed restriction to limit development to 80 fee-simple dwelling units
2. Prior to City Commission approval, applicant to submit for voluntary recordation of deed restriction that all access shall be through public streets and no direct access shall be permitted to either NW 15th Street or NW 6th Avenue



Jim Beeson
Chairman
Planning and Zoning Board/ Local Planning Agency

MEMORANDUM

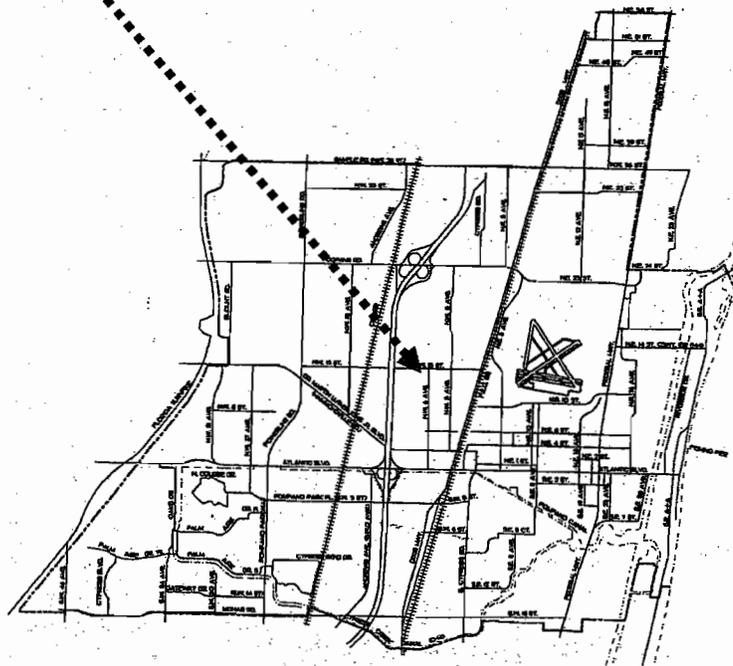
Development Services

ADMINISTRATIVE MEMORANDUM NO. 14-410

DATE: September 16, 2014
TO: Planning and Zoning Board
VIA: Robin M. Bird, Development Services Director *RB*
FROM: Maggie Barszewski, AICP, Planner *MB*
RE: Habitat for Humanity Rezoning
September 24, 2014 meeting P&Z # 14-1300008

This approximate 9.03 acre property is located at 600-800NW 15th Street. The property is owned by the Abyssinian Baptist Church of Christ, Inc. The applicant is requesting a rezoning from RS-4 (Single-Family Residential) on 7.87 acres and B-2 (Community Business) on 1.16 acres to RM-12 (Multi-Family Residential) on the entire 9.03 acres. The Land Use designation for 6.71 acres of the residentially-zoned property is M (Medium Residential), the balance of the property or 2.32 acres has a C (Commercial) Land Use designation. The purpose of the rezoning request is to allow the development of a combination of single-family, duplexes and townhouses. Approval of the request would result in Zoning and Land Use designation consistency for 6.71 acres of Medium Residential. The applicant will be requesting Flex allocation for the 2.32 acres of the subject property that has a Commercial Land Use designation.

600-800 NW 15th Street



LEGEND

FOR LAND USE PLAN

Symbol Classification Units/ Acre

	Gross Residential Density
	Residential
E	Estate
L	Low
LM	Low- Medium
* M	Medium
MH	Medium-High
H	High
* C	Commercial
CR	Commercial Recreation
I	Industrial
T	Transportation
U	Utilities
CF	Community Facilities
OR	Recreation & Open Space
W	Water
RAC	Regional Activity Center
	Boundaries
	City of Pompano Beach

13 Number



Reflects the maximum total number of units permitted within the dashed line of Palm Aire & Cypress Bend being 9,724 and 1,998

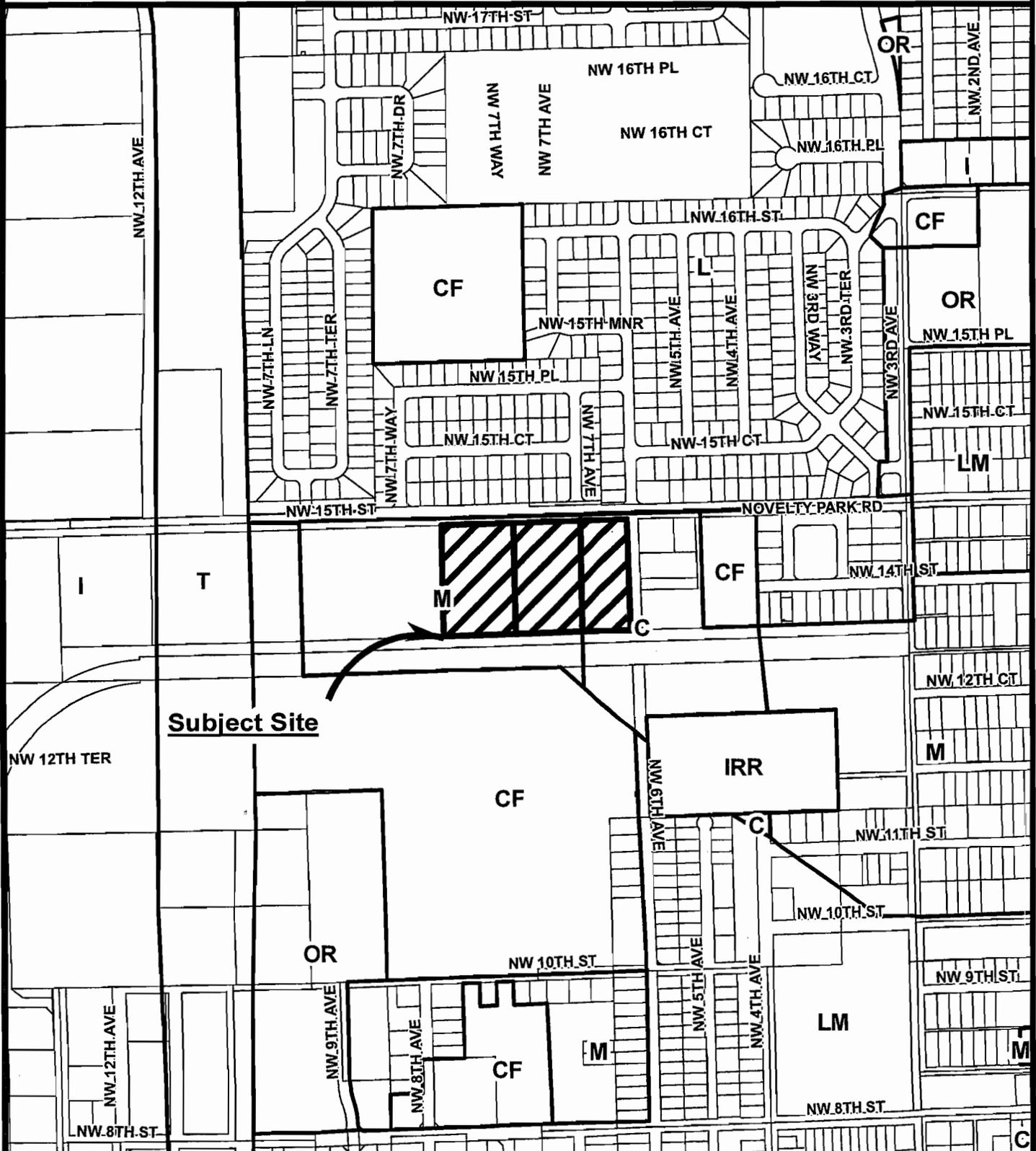
* Existing
> Proposed

FOR ZONING MAP

Symbol District

RS-1	One-Family Residence
RS-2	One-Family Residence
RS-3	One-Family Residence
* RS-4	One-Family Residence
RD-1	Two- Family Residence
> RM-12	Multi-Family Residence
RM-20	Multi-Family Residence
RM-30	Multi-Family Residence
RM-45	Multi-Family Residence
RM-45/HR	Overlay
RPUD	Residential Planned Unit Dev.
AOD	Atlantic Boulevard Overlay District
MH-12	Mobile Home Park
B-1	Limited Business
* B-2	Neighborhood Business
B-3	General Business
B-4	Heavy Business
RO	Residence Office
M-1	Marina Business
M-2	Marina Industrial
I-1	General Industrial
I-1X	Special Industrial
O-IP	Office Industrial Park
BP	Business Parking
BSC	Planned Shopping Center
PCI	Planned Commercial / Industrial Overlay
PR	Parks & Recreation
CR	Commerical Recreation
CF	Community Facilities
T	Transportation
PU	Public Utility

CITY OF POMPANO BEACH OFFICIAL LAND USE MAP

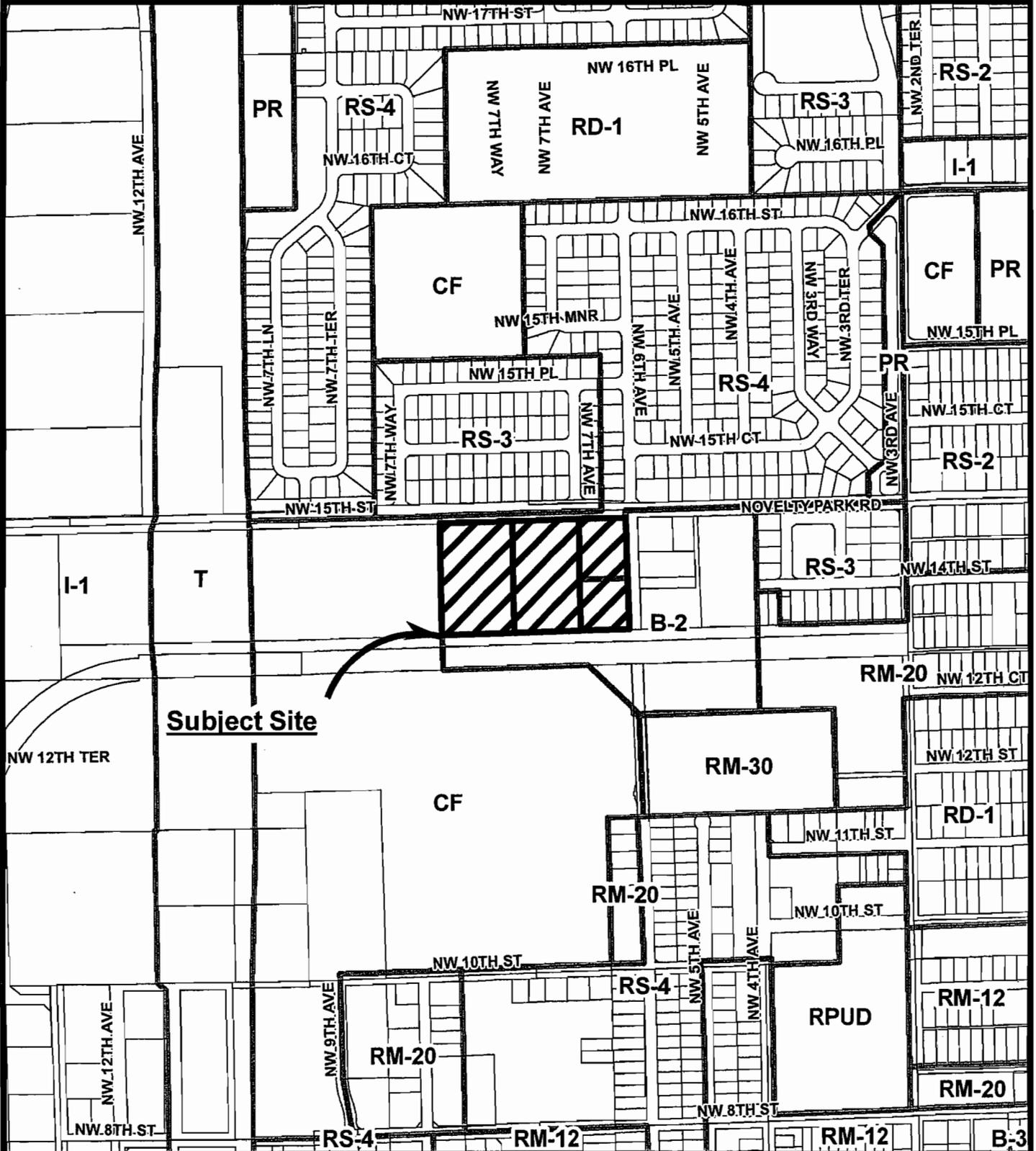


1 in = 600 ft

3

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH OFFICIAL ZONING MAP

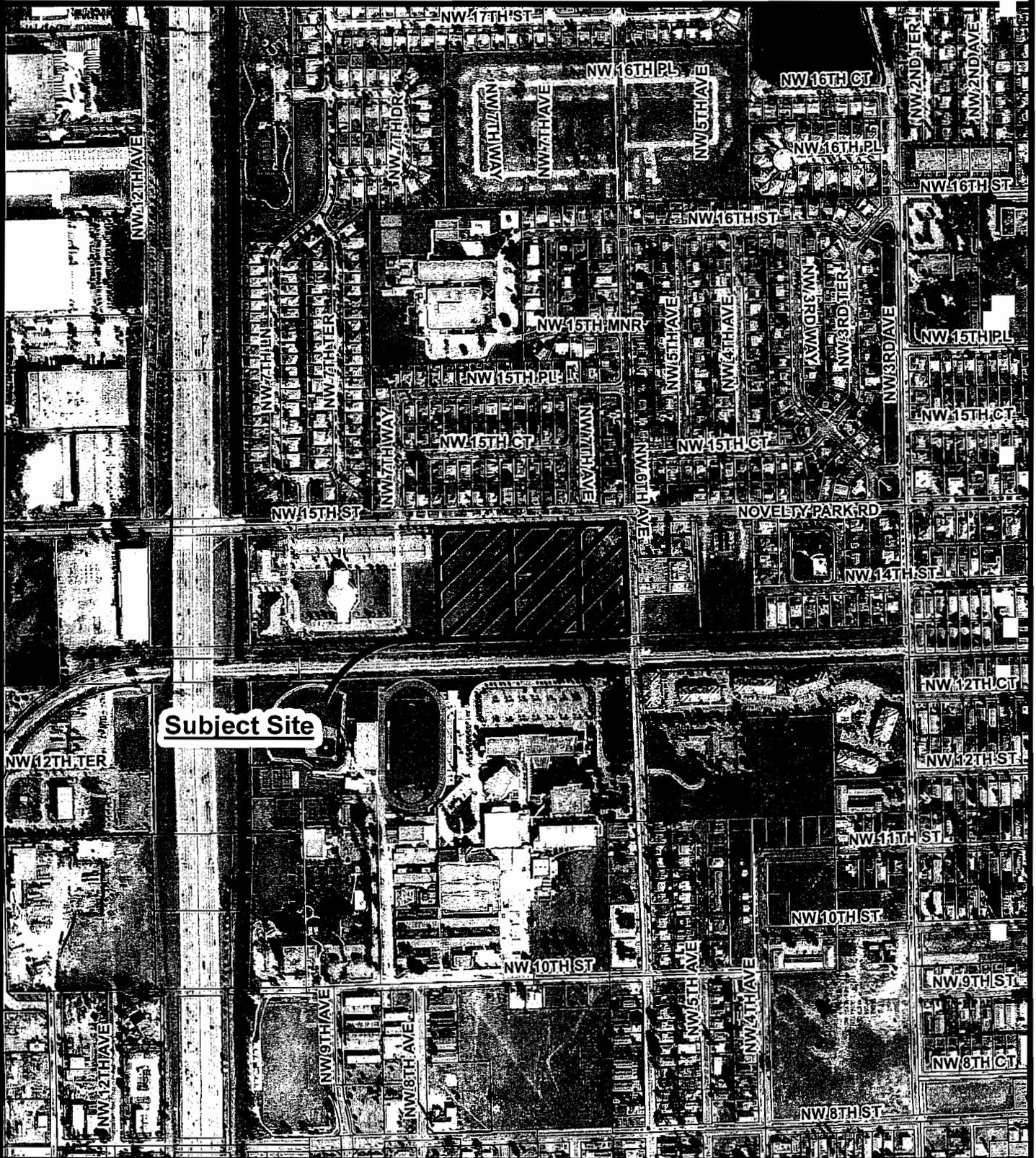


1 in = 600 ft

4

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH AERIAL MAP



Subject Site

1 in = 600 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

REVIEW & SUMMARY

- A. Pursuant to Section 157.31(A) [Major Review: Development Review Committee Report and Notice to Applicant], the Development Services Director has compiled the department comments from the November 6, 2013 Development Review (DRC) meeting which are summarized below:**

Planning Division:

Engineering Department: No comments.

Fire Department: 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.

Solid Waste:

Urban Forestry: No objection at this time. Comments will be rendered at time of site plan submittal.

Building Inspections: Additional comments may follow throughout the remainder of the permitting process.

Zoning: Applicant must include a request for Flex Units since a portion of the property lies on property with Commercial Land Use.

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

1. The rezoning was reviewed by DRC on August 20th, 2014.
2. The property is located at 600-800 NW 15th Street.
3. The area to be rezoned is approximately 9.03 acres (approximately 393,600 square feet).
4. The Zoning and uses of adjacent properties are:
North – (RS-4) – Single-Family Residential
South – (B-2) – High School

East – (B-2) – Retail/Commercial
West – (CF) – Church

5. The main access to this property will be from NW 6th Avenue.
6. The Land Use Designation is M (Medium Residential and C (Commercial)).

C. The following goals, objectives and policies of the City's 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.

Policies

- 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.
- 01.03.12 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.
- 01.07.21 Annually evaluate the effect of land development regulations and permitting on the affordability of housing and take appropriate actions to support the affordability of housing. Continue to implement the incentives for providing affordable housing currently in the land development regulations including the use of flex units for affordable housing and the expedited permit review process for developments primarily aimed at providing affordable housing.
- 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.

Objective Urban Infill Criteria

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

D. Recommendation:

Given the information provided to the Board, as the findings 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 rezoning of the request from RS-4 (Single-Family Residential) and B-2 (Community Business) to RM-12 (Multi-Family Residential) with Flex allocation since it is consistent with the following goals, objectives and policies of the Comprehensive Plan, specifically:

Policies

- 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.
- 01.03.12 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.
- 01.07.21 Annually evaluate the effect of land development regulations and permitting on the affordability of housing and take appropriate actions to support the affordability of housing. Continue to implement the incentives for providing affordable housing currently in the land development regulations including the use of flex units for affordable housing and the expedited permit review process for developments primarily aimed at providing affordable housing.
- 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.

Objective Urban Infill Criteria

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

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.

STAFF RECOMMENDS ALTERNATIVE MOTION I



100 W. Atlantic Blvd Pompano Beach, FL 33060
 Phone: 954.786.4634 Fax: 954.786.4666

City of Pompano Beach
 Department of Development Services
 Planning & Zoning Division

727-4-13000008
(West Parcel)

Request for Site Specific Rezoning

VACANT LAND in Pompano Beach		
STREET ADDRESS		
167-22B PARCEL A W. 317.42 Folio # 484235750020		
Subdivision	Block	Lot
Representative or Agent's interest in property (Owner, Lessee, Etc)		OWNER
Has any previous application(s) been filed?		Yes ___ No <u>X</u>
If Yes, give date of hearing and finding		

Agent or Representative	Landowner (Owner of Record)
Habitat for Humanity of Broward	Habitat for Humanity of Broward
Business Name (if applicable)	Business Name (if applicable)
Perry L. ECTON	by: PERRY L. ECTON
Print Name and Title	Print Name and Title
Signature	Signature
7/23/14	7/23/14
Date	Date
3564 NORTH OCEAN Blvd.	3564 NORTH OCEAN Blvd.
Street Address	Street Address
FT. LAUDERDALE, FL 33308	FT. LAUDERDALE, FL 33308
Mailing Address City/ State/ Zip	Mailing Address City/ State/ Zip
954-396-3030	954-396-3030
Phone Number	Phone Number
Perry@habitatbroward.org	Perry@habitatbroward.org
Email	Email
Indicate your preferred medium to receive agendas and notifications: ___ Mail <u>X</u> E-Mail	Indicate your preferred medium to receive agendas and notifications: ___ Mail <u>X</u> E-Mail



City of Pompano Beach
Department of Development Services
Planning & Zoning Division

100 W. Atlantic Blvd Pompano Beach, FL 33060
Phone: 954.786.4634 Fax: 954.786.4666

Request for Site Specific Rezoning

OWNER'S CERTIFICATE

This is to certify that I am the owner of the subject lands described in this application and that I have authorized the filing of the aforesaid application for rezoning.

Owner's Name: Habitat for Humanity of Broward, Inc.
(Print or Type)

Address: 3564 N. Ocean Blvd.
Ft. Lauderdale, FL 33308
(Zip Code)

Phone: 954-396-3030

Email address: Perry@habitatbroward.org

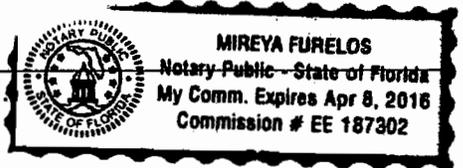
[Signature]
(Signature of Owner or Authorized Official)

SWORN AND SUBSCRIBED before me this 23 day of July, 2014.

Mireya Furelos

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Notary Public: Print, stamp, or Type as Commissioned)



Personally know to me, or
 Produced identification: _____
(Type of Identification Produced)



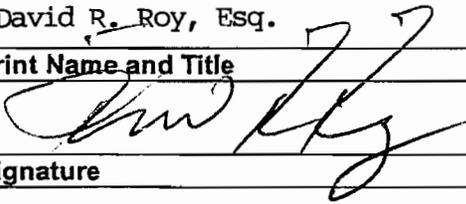
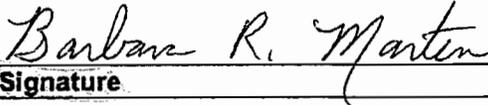
City of Pompano Beach
 Department of Development Services
 Planning & Zoning Division

PZ# 14-13000008
 (East Parcels)

100 W. Atlantic Blvd Pompano Beach, FL 33060
 Phone: 954.786.4634 Fax: 954.786.4666

Request for Site Specific Rezoning

VACANT LAND IN POMPANO BEACH		
STREET ADDRESS		
FOLIO NO. 484235-00-0280/484235-75-0010		
Subdivision	Block	Lot
Representative or Agent's interest in property (Owner, Lessee, Etc)	Owner	
Has any previous application(s) been filed?	Yes ___ No <u>X</u>	
If Yes, give date of hearing and finding		

Agent or Representative	Landowner (Owner of Record)
David R. Roy, P.A.	Abyssinian Baptist Church of Christ Inc
Business Name (if applicable)	Business Name (if applicable)
David R. Roy, Esq.	Barbara R. Martin, Director
Print Name and Title	Print Name and Title
	
Signature	Signature
7/28/14	7/28/14
Date	Date
4209 N. Federal Hwy	820 NW 2nd Avenue
Street Address	Street Address
Pompano Beach, FL 33064	Pompano Beach, FL 33060
Mailing Address City/ State/ Zip	Mailing Address City/ State/ Zip
954-784-2961	
Phone Number	Phone Number
david@davidrroy.com	barbara.r.martin@browardschools.com
Email	Email
Indicate your preferred medium to receive agendas and notifications: ___ Mail <u>X</u> E-Mail	Indicate your preferred medium to receive agendas and notifications: ___ Mail <u>X</u> E-Mail



City of Pompano Beach
Department of Development Services
Planning & Zoning Division

100 W. Atlantic Blvd Pompano Beach, FL 33060
Phone: 954.786.4634 Fax: 954.786.4666

Request for Site Specific Rezoning

OWNER'S CERTIFICATE

This is to certify that I am the owner of the subject lands described in this application and that I have authorized the filing of the aforesaid application for rezoning.

Owner's Name: Abyssinian Baptist Church of Christ, Inc.
(Print or Type)

Address: 820 NW 2nd Avenue
Pompano Beach, FL 33060
(Zip Code)

Phone: _____

Email address: barbara.r.martin@browardschools.com

Barbara R. Martin
(Signature of Owner or Authorized Official)

SWORN AND SUBSCRIBED before me this 28 day of JULY, 2014.

NOTARY PUBLIC, STATE OF FLORIDA

David R. Roy

(Name of Notary Public: Print, stamp, or Type as Commissioned.)

Personally know to me, or
 Produced identification: _____
(Type of Identification Produced)

