



ZONING BOARD OF ADJUSTMENTS AND APPEALS

City of Greenacres, Florida

Tuesday, July 27, 2021 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

AGENDA

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL | Additions, Deletions, Substitutions to the entire Agenda

APPROVAL OF MINUTES

1. March 9, 2021

QUASI-JUDICIAL PUBLIC HEARINGS

2. BA-20-03 – Blossom Trail (fka Nash Trail PUD)

The Applicant is requesting approval of variances for the proposed Blossom Trail (fka Nash Trail PUD) to reduce the required 25 foot building separation between two multi-family buildings; to reduce the required side and rear setback of 50' for townhomes; and to allow a reduction from the required 12-foot net width of parking space clear of obstructions for any single vehicle garage.

DEPARTMENT REPORT & OTHER ITEMS

Z.B.A.A. MEMBER COMMENTS

ADJOURNMENT

Meeting Records Request

Any person requesting the appeal of a decision will require a verbatim record of the proceedings and for that purpose will need to ensure that such verbatim record is made. Pursuant to FS. 286.0105, the record must include the testimony and evidence upon which the appeal is to be based. The City of Greenacres does not prepare or provide such verbatim record.

Notice of Meetings and Agendas

Meetings may be called based on an application and whenever necessary. Agendas are posted on the City's website on the Friday prior to each scheduled meeting. A copy of the meeting audio and the complete agenda may be requested at cityclerk@greenacres.gov or 561-642-2006.

Americans with Disabilities Act

In accordance with the provisions of the Americans with Disabilities Act (ADA), this document can be made available in an alternate format upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting City Clerk Quintella Moorer at Greenacres City Hall, 5800 Melaleuca Lane, Greenacres, Florida. Phone No. 561-642-2006. Hearing Assistance: If any person wishes to use a Listen Aid Hearing Device, please contact the City Clerk prior to any meeting held in the Council Chambers.



OFFICIAL MINUTES
CITY OF GREENACRES, FLORIDA
ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING
Monday, March 9, 2021

1. CALL TO ORDER AND ROLL CALL.

The Zoning Board of Adjustments and Appeals meeting was called to order at 6:04 p.m. on Monday, March 9, 2021 with Chair Walter Buist presiding. Quintella Moorer, City Clerk, called the roll.

ROLL CALL:

Present

Walter Buist, Chair
 Betty Anne Litowsky, Vice Chair
 Dannette Fitzgerald
 James Paglialungo
 Olga Sierra
 Terry Snively

Public Attendance: Yes.

Press Attendance: No.

Absent:

Jennifer Blanchette

2. PLEDGE OF ALLEGIANCE.

Chair Buist led the Pledge of Allegiance.

3. AGENDA APPROVAL - ADDITIONS, DELETIONS, OR SUBSTITUTIONS.

Chair Buist called for additions, deletions, or substitutions to the agenda; hearing none, the agenda was approved.

4. APPROVAL OF MINUTES – January 25, 2021, Zoning Board of Adjustments and Appeals Meeting.

Motion: Member Fitzgerald made a motion to approve the Zoning Board of Adjustment and

Appeals minutes of February 24, 2020; seconded by Member Paglialungo.

Motion carried: 6 - 0.

5. CASES:

A. QUASI-JUDICIAL HEARING – 7-Eleven: The Applicant is requesting a variance (BA-20-04) for the proposed 7-Eleven project. The variance request is to allow a Convenience Store with Fuel Sales within less than 1,500 feet from another Convenience Store with Fuel Sales. The subject site is located on the northwest side of Lake Worth Road and S. Military Trail at 3969 S. Military Trail.

Senior Planner Osniel Leon explained the Quasi-judicial procedure.

No ex-parte communication.

Assis Clerk swore in 4 member os the public.

Ms. .. stated there was an uncopied CVS on the site. 7-Eleven proposed to redesign the the unoccupied area. The applicant applied for a variance due to Code requirement. She stated it was zoned commercial and future land use was commercial.

Paglialungo asked about the parcel information.

Ms. .. explained there was easement access through the question outparcel.

She stated the Chevron was located within the 1500 requirement. The Chevron was a small fuel station and stated the subject property was a much larger development with fuel station an other amenities including a restaurant, outside seating, and car wash. She stated Staff approved of the

Buist asked if there would be charging area.

Ms.... Stated not at the moment.

Leon stated the parcel was developed as a fule satation before annexation. He stated a brief history of the site. The Applicant also requested other applications. He explained the Code requirement prohibited fuel stations within 1500 foot radius. There were two fuel stations in the radius. The distance was to prohibit. He stated the subject site had a special condition because it had direct access to Military Trail. Staff recommended approval, subject to the condition of approval in the condition of approval.

Motion: Member Paglialungo made a motion to approve BA-20-04 with; second by Member Fitzgerald.

Motion carried 4-0. Member Blanchette was the only dissenting vote.

7. DEPARTMENT REPORT.

Buist asked if the City was analyzing other fuel sources.

Kara stated the City was analyzing alternative methods as they were reviewing Code sections.

8. ZBAA MEMBERS' COMMENTS. None.

9. ADJOURNMENT.

Chair Buist adjourned the meeting at 6:23 p.m.

ZONING BOARD OF ADJUSTMENTS AND APPEALS

Respectfully submitted,

Walter Buist, Chair

Kara L. Irwin-Ferris, Director of Building, Planning,
and Engineering

Quintella L. Moorner, CMC, City Clerk

Date of Approval:_____

/ag

BA-20-03

Exhibit "A"

Date: July 6, 2021

Revised:



LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

BA-20-03: Blossom Trail (fka Nash Trail PUD) Variance Request

Consideration of Approval: A request from Yoan Machado from Wantman Group, agent for the owners, for approval of variances for the proposed Blossom Trail (fka Nash Trail PUD) to reduce the required 25 foot building separation between two multi-family (townhouse) buildings; to reduce the required side and rear setback of 50' for a two-story townhouse building; and to allow a reduction from the required 12-foot net width of parking space clear of obstructions for any single vehicle garage. The subject site is located on the northwest corner of the intersection between Haverhill Road and Nash Trail.

☒ Quasi-Judicial

☐ Legislative

☒ Public Hearing

Originating Department:

Planning & Engineering

Project Manager

Osniel Leon, Senior Planner

Reviewed By:

Director of Planning & Engineering

Kara L. Irwin-Ferris, AICP

Approved By:

City Manager

Andrea McCue

Public Notice:

☒ Required

☐ Not Required

Dates:

Paper: The Lake Worth Herald

Mailing

☒ Required

☐ Not Required

Notice Distance: 300'

Attachments:

- Aerial Map
- Petitioner's Justification Statement
- Site Plan
- Floor Plan

City Council Action:

☐ Approval

☐ Approve with conditions

☐ Denial

☐ Continued to: _

I. Executive Summary

The Applicant is requesting variances from the following code sections:

- **Sec.16-779 Building Separation**, the distance between any two (2) multi-family buildings shall be twenty (25) feet for two-story buildings; and
- **Sec. 16-779 PUD Setbacks**, a minimum setbacks is two (2) times the height of the structure less the buffer; and
- **Sec.16-1337, Note 5**, a minimum twelve (12) feet in net width and a minimum nineteen (19) feet in net depth of parking space clear of obstructions is required for single vehicle garage.

The petitioner is requesting approval of variances for the proposed Blossom Trail PUD (fka Nash Trail PUD) to reduce the required 25 foot building separation between two multi-family buildings; to reduce the required side and rear setback of 50' for a two story townhome building; and to allow a reduction from the required 12-feet in net width of parking space clear of obstructions for any single vehicle garage.

The requested variance is needed in order to allow the proposed townhome unit models for a site & development plan (SP-20-03) consisting of 161 townhome units and 76 single-family zero lot dwelling units in approximately 33.06-acres. The subject property was annexed August 29, 2020 and has concurrent applications for Comprehensive Plan Amendment (CPA-20-04), Zoning Change (ZC-20-04) and Special Exception (SE/PUD-20-03) and Site Plan (SP-20-03).

II. Site Data:

Existing Use:	Single-family Residential & Vacant land
Proposed Use:	Townhomes and Single-Family Zero Lot
Parcel Control Number(s):	18424435000005450, 18424435000005170, 18424435000005080, 18424435000005300, 18424435000005500, 18424435000005480, 18424435000005190, 18424435000005030, 18424435000005430, 18424435000005370, 18424435000005440, 18424435000005490, 18424435000005010, 18424435000005200
Parcel Size:	33.06 acres (1,440,069 sq. ft.)
Future Land Use Designation:	Medium Density 5 DU/AC, MR-5 (PBC) Low Residential-1 unit per acre (LR-1)
Proposed Future Land Use Designation:	Residential Medium Density (RS-MD), and Residential High Density (RS-HD)
Zoning District:	Agricultural Residential, AR (PBC), and Residential Estate RE (PBC)
Proposed Zoning District:	Residential Medium-2, (RM-2), and Residential High (RH)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Dir.	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Single-Family (Nautica Isles)	Residential-Medium Density (RS-MD)	Residential Low (RL-3)
<i>South</i>	Vehicle Storage (Able Lawnmower); Vacant land	Commercial Low with Underlying IND (PBC CL/IND)	Multiple Use Planned Development (PBC MUPD); Industrial Light (PBC IL)
<i>East</i>	Single Family; Townhomes; Zero lot homes (Verona Palms; Verona Estate)	Medium-Residential 5 units/ac MR-5 (PBC MR-5); Residential-Medium Density (RS-MD)	Residential Medium Density (RM-2); Residential Medium Density (RM-1); Agricultural Residential (PBC AR)
<i>West</i>	Single Family; Nursery	Medium-Residential 5 units/ac MR-5 (PBC MR-5)	Agricultural Residential (PBC AR); Rural Estates (PBC RE)

III. Annexation/Zoning History:

The approximately 33.06-acre area was annexed through an involuntary annexation referendum on the ballot of August 18, 2020 election, and effective on August 29, 2020, through ANX-20-01 (Ordinance No. 2020-03). The subject site contains fourteen (14) individual parcels having a Palm Beach County future land use designation of Medium Density of five (5) dwelling units per acre (MR-5) and a Palm Beach County (PBC) designation of Residential Estate (RE).

Concurrent petitions for comprehensive plan amendment (CPA-20-04), a zoning change (ZC-20-04), special exception (SE/PUD-20-03) and a site plan (SP-20-03), are being processed for the site. The proposed variance request will not be effective until the requested site plan application is processed to completion.

IV. Applicable City Code Provisions:

Sec. 16-101 through 16-107 pertaining to the Zoning Board of Adjustments and Appeals

Sec. 16-1337(5) pertaining to single vehicle garage dimensions

Sec. 16-779 pertaining to building separation and PUD setbacks

V. Staff Analysis:

Background:

The subject site is located on the northwest corner of the intersection of Haverhill Road and Nash Trail. It is a 33.06-acre site currently developed with ten (10) single-family residential dwellings and four (4) vacant land parcels.

The proposed development is for 237 dwelling units, comprised of 76 zero-lot line units and 161 townhome units. The petitioner is requesting a variance from the Zoning Code to decrease the width for single vehicle garage for townhome units only, reduce building separations and reduce building setbacks. The variance requested is from the following Code provisions:

V.1 - Chapter 16, Article III, Sec. 16-1337 (5), which requires a minimum of 12-foot width and 19-

feet length of parking space clear of obstructions for any single vehicle garage. The applicant is requesting to reduce the width to 10'8" wide.

V.2 - Chapter 16, Article III, Sec. 16-779 Building Separation, the distance between any two (2) multi-family buildings shall be twenty (25) feet for two-story buildings. The applicant is proposing 20-foot building separation.

V.3 - Chapter 16, Article III, Sec. 16-779 PUD Setbacks, a minimum setback is two (2) times the height of the structure less the buffer. The applicant is proposing 26' side and 37' rear setbacks for townhome buildings.

On June 9, 2021, the Land Development Staff reviewed this petition and recommended approval subject to the conditions contained in this staff report.

Land Development Staff Comments:

Planning and Engineering Dept.:	Incorporated into the staff report.
Building Department:	No objections.
Fire Rescue:	No objections.
Public Works Department:	No objections.
PBSO District #16:	No objections.

VI. Variance Findings of Fact:

The Zoning Board of Adjustment and Appeals shall have the power to authorize a variance from the terms of the Zoning Code. In order to be granted a variance from the Zoning Code, the petitioner must meet the six specific criteria findings and the general criteria listed in the Code. The following is a list of those criteria and an analysis of whether or not the subject variance request meets the criteria.

Specific Criteria Findings:

- (1) **That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.**

Finding:

V-1.

The applicant proposes to allow a 10'8" wide portion for single car garage from the required 12-foot wide, in order to allow their specific townhome design for a single garage model. Typically, the required 12-foot by 19-foot for single garage space is required in order to comfortably accommodate a single vehicle as well as any required accessories, such as laundry appliances (washer and dryer), trash receptacles and water heater. The proposed garage space has a width of 10'8", according to the submitted floor plan for the townhome units. The proposed garage space will not include the typical utilities as the washer/dryer and water heater, which will be located in the home interior. The applicant has submitted floor plans demonstrating that the proposed garage dimensions offers sufficient space to park a vehicle and trash cans. The proposed reduction of 16-inches is de Minimis and meets the intent of the code to allow for appropriate vehicle storage. The

garage width provides more space for one car than the code provides for each car in a two-car garage.

V-2.

The applicant is proposing to reduce the separation between townhome buildings to 20 feet from the required 25 feet for two-story building. The City Code includes townhomes in the same group as apartment dwellings and are classified as “multifamily” in the PUD standards. However, this type of townhome design is a fee simple two-story unit, which is very different from a two or three-story apartment building. The proposed 20-foot separation between buildings is adequate and provides a cohesive development concept. Therefore, a special condition exist peculiar to the proposed development plan.

V-3.

As stated above, the PUD standards do not consider apartment buildings separate from townhomes. The proposed townhome design provides units with rear yards, which is different from the old style form of townhome development. The requirement of 50 feet for side and rear residential pod setbacks are excessive for this type of development. The proposed site plant provides a 26’ side setback and a 37’ rear setback for the residential pods. Included in the rear setbacks are yards for the townhome units. The plan also provides perimeter landscape buffers eliminating any adverse impacts to adjacent properties.

(2) That special conditions and circumstances do not result from the actions of the applicant.

Finding:

V-1.

Special conditions and circumstances do not result from the actions of the applicant. The required garage space dimensions have been traditionally required in order to accommodate a car plus additional home utilities. However, the applicant has demonstrated that due to creative and new architectural home designs, the proposed garage configuration will provide a deeper townhouse model. The proposed single garage dimensions meet the intent of the code to allow for the storage of a single vehicle without obstructions as stated above.

V-2. and V-3.

Special conditions and circumstances do not result from the actions of the applicant. The city code does not take into account new townhome design trends and groups townhomes and apartment buildings with the same setbacks and building separation requirements. The applicant states that the proposed 20 feet building separation allows for more flexible site plan design in the PUD development and provides more open spaces and recreational areas. The proposed residential pod setbacks are adequate, since the proposed townhome units provide rear yards in addition to perimeter landscape buffers, which mitigate any nuisance to adjacent properties.

(3) That granting the variance request will not confer on the applicant any special privilege that is denied by this chapter to the other lands, buildings, or structures in the same zoning district.

Finding:

Granting the variance request will not confer on the applicant any special privilege that is denied by this chapter to the other lands, buildings, or structures in the same zoning district. The variance request requires that the applicant justify their request(s) through a special condition or circumstance relative to the land, structure, or building that make the application of the regulations unfair. The applicant is required to meet the required parking minimums of Code, which provide for adequate parking for residents on site. The current Code requires a parking area that is larger than required for a single car garage in order to address a deficiency created by past development practices. The applicant has addressed the requirement and planned adequately for meeting the minimum standards for trash receptacles, a water heater, and laundry appliances, while still maintaining adequate space for parking. Furthermore, the proposed reduction of building separation and setbacks allows for a creative development providing a mix of residential uses while still meeting the intent of the code.

- (4) **That the literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.**

Finding:

The literal interpretation of the provisions in the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district, specifically the ability to redevelop the property consistent with the requirements of the zoning district. The literal interpretation of the provisions of the code would not allow the Applicant provide this specific townhouse unit design, and overall site plan layout. They would be required to provide space for accessory uses that they would not be placing within the garage of the townhome units. In addition, the site would need to provide excessive setbacks and building separations depriving flexibility for the site layout and design to maximize function, livability, and would limit the mix of housing choices for future residents. The standards are meant for lot lines that only include the building footprint, but current standards provide for outdoor space to be included in the lot area of the unit.

- (5) **That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.**

Finding:

The proposed variances are the minimum variances permitted that would make possible the proposed townhouse dwellings for this development.

- (6) **No nonconforming use of neighboring lands, structures or buildings in other districts and no permitted use of land, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.**

Finding:

The requested variance is based on grounds that are unique to the proposed development, not based on any use of neighboring lands, structures or buildings that may be nonconforming or permitted within the district.

General Criteria Findings:

(1) A Variance:**a: shall not be contrary to the public interest**

Granting the variance, as requested and with conditions as proposed by staff, will not be contrary to the public interest. The proposed PUD development on the subject property is consistent with the City's Future Land Use Map and Objective 11 of the Future Land Use Element of the City's Comprehensive Plan relating to infill development. In addition, building separations of 20 feet are provided in satisfaction of the Code's intent in requiring a 20-foot side yard setback. The provision of suitably sized private rear yards will enhance the quality of life of the residents, which, balanced with buffering from adjacent uses, serve the public interest in harmonious development.

b: may be authorized if, where owing to special conditions, a literal enforcement of the provision of this chapter will result in unnecessary and undue hardship

For the reasons previously stated, the literal interpretation of the provisions of the zoning code would hinder proper development meeting current development standards on the subject property and, therefore, create an unnecessary and undue hardship for the applicant.

(2) Financial hardship is not to be considered alone as sufficient evidence of a hardship.

The petitioner has not expressed financial hardship as a justification for being granted the variance.

Summary of Variance Criteria:

Based on the preceding analysis, the subject variance request complies with the variance criteria.

VII. Staff Recommendation:

Approval of BA-20-03 variance request with the following condition:

1. Site and Development Plan approval for the proposed project shall be obtained within six (6) months of the date of approval of this variance or it will expire. (Planning)

ZONING BOARD OF ADJUSTMENTS AND APPEALS ACTION –

Walter Buist, Chairperson

Attest:

Quintella L. Moorer, CMC, City Clerk



North

Prepared By:
Planning and Engineering Department
City of Greenacres
5800 Melaleuca Lane
Greenacres, FL 33463

Blossom Trail (FKA Nash Trail)

BA-20-03





**JUSTIFICATION STATEMENT
FUTURE LAND USE AMENDMENT, REZONING, SPECIAL EXCEPTION, SITE DEVELOPMENT PLAN
BLOSSOM TRAIL (FKA NASH TRAIL PUD)**

Initial Submittal: September 16, 2020

Resubmittal: February 12, 2021, April 16, 2021, June 9, 2021

1. REQUEST

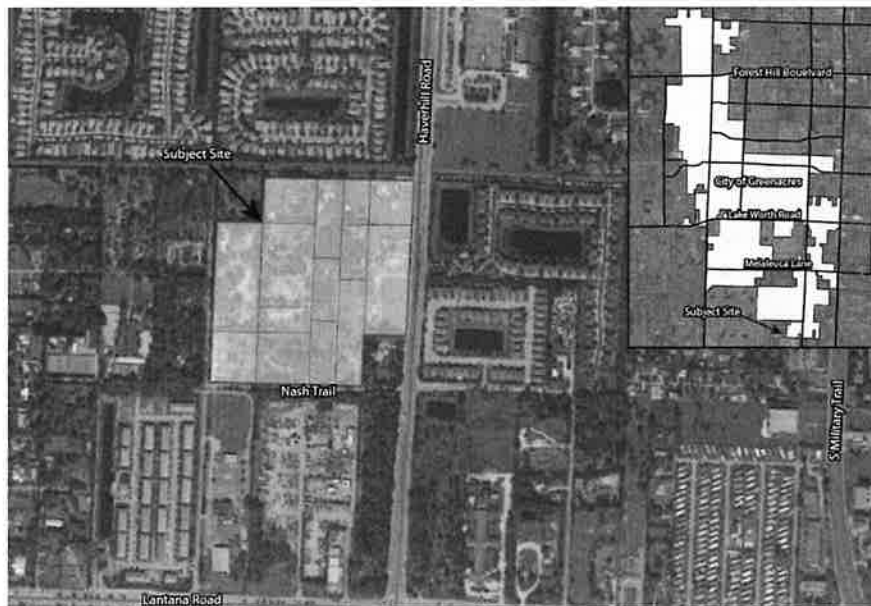
On behalf of the Applicant (D.R. Horton Inc.), WGI is requesting approval for the subject site of the following:

- 1) **Comprehensive Plan Amendment** from Medium Residential – 5 units per acre (MR-5) and Low Residential – 1 unit per acre (LR-1) (Palm Beach County's Future Land Use (FLU) designation) to Residential Medium Density (RS-MD) and Residential High Density (RS-HD) (City of Greenacres' FLU designation)
- 2) **Rezoning** from Agricultural Residential (AR) and Residential Estate (RE) (Palm Beach County's FLU designation) to Residential Medium Density, 7 units per acre (RM-2) and Residential High Density (RH) (City of Greenacres' FLU designation);
- 3) **Special Exception** to allow a Planned Unit Development (PUD) for the subject site;
- 4) **Site Plan Approval** to permit development of 237 dwelling units (76 zero-lot line (ZLL) homes and 161 townhomes);
- 5) **Variance** to allow for the reduction in the required single vehicle garage parking width for the townhouses;
- 6) **Variance** to allow for the reduction in the required building separation between townhouses; and
- 7) **Variance** to allow for the reduction in the required PUD setbacks as related to Townhouse (TH).

Please note that an annexation request for the 33.06-acre subject site was adopted by the City of Greenacres on July 13, 2020 and passed a referendum on August 18, 2020, wherein the subject site was incorporated from unincorporated Palm Beach County into the City of Greenacres.

2. SITE CHARACTERISTICS

The 33.06-acre subject property is located at the northwest corner of the intersection between Haverhill Road and Nash Trail in the City of Greenacres. It is comprised of twelve parcels identified by Parcel Control Numbers (PCNs) 00-42-44-35-00-000-5170, -5450, -5300, -5080, -5030, -5370, -5430, -5440, -5500, -5480, -5490, -5190, -5010, and -5200, and has an address of 5595 S. Haverhill Road. The subject site currently has a Future Land Use (FLU) designation of Medium Residential – 5 units per acre (MR-5) and Low Residential – 1 unit per acre (LR-1), and Zoning of Agricultural Residential (AR) and Residential Estate (RE) from Palm Beach County. While the parcels retain unincorporated Palm Beach County FLU designations and zoning districts, they were recently annexed into the City of Greenacres and are thus under the jurisdiction of the City of Greenacres. The subject site is currently improved with single family residential dwellings and vacant land. A location map has been provided below which details the site characteristics and surrounding areas.



3. DEVELOPMENT HISTORY

The subject site has historically been improved with single family homes via Building Permits in some lots while other lots remain vacant. The approval history for the subject site is detailed below:

Approval Item	Approval Date	Description
Ordinance No. 2020-03	July 13, 2020 – adoption by the City of Greenacres City Council August 18, 2020 – passed referendum by residents	Annexation of 15 parcels (36.98 acres), located on the west side of Haverhill road and north of Nash Trail from unincorporated Palm Beach County into the City of Greenacres. The subject site makes up 12 out of the 15 parcels (33.06 acres) that were annexed into the City of Greenacres.

4. SURROUNDING PROPERTIES

The subject site is located in an area with a mix of uses with residential development to the north and east, agricultural residential and vacant land to the west, and multifamily residential, commercial, vacant land, and institutional uses to the south. The following is a summary of the uses surrounding the subject property:

	FLU Designation	Zoning District	Existing Use
North	Medium Residential (MR-5) (Palm Beach County): Up to 5 dwelling units per acre	AR: Agricultural Residential (Palm Beach County)	Single Family [Annexed to City of Greenacres]
	Residential Low Density (RS-LD) : Up to 5 dwelling units per acre	RL-3: Residential Low-Density District (5 units per net acre)	Single Family (ZLL)
South	Medium Residential (MR-5) (Palm Beach County): Up to 5 dwelling units per acre	PUD: Planned Unit Development District (Palm Beach County)	Townhomes (Colony Reserve)
	Institutional	IPF: Institutional and Public Facilities	American German Club
	CLX/INDX: Commercial Low with Cross Hatching with an Underlying INDX CL/IND: Commercial Low with an Underlying IND	MUPD: Multiple Use Planned Development (Palm Beach County)	Vehicle Storage/Commercial (Able Lawnmower)
	CLX/INDX: Commercial Low with Cross Hatching with an Underlying INDX CL/IND: Commercial Low with an Underlying IND	IL: Industrial Light (Palm Beach County)	Vacant Land
East	Residential Medium Density (RS-MD): Up to 7 dwelling units per acre	RM-2: Residential Medium Density District (7 units per net acre) RM-1: Residential Medium Density District (6 units per net acre)	Single Family (ZLL) Townhomes [Annexed to City of Greenacres]
	Medium Residential (MR-5) (Palm Beach County): Up to 5 dwelling units per acre	AR: Agricultural Residential (Palm Beach County)	Single Family
West	Medium Residential (MR-5) (Palm Beach County): Up to 5 dwelling units per acre	PUD: Planned Unit Development District RE: Rural Estates AR: Agricultural Residential (Palm Beach County)	Single Family Plant Nursery

North: Further north of the subject site, across the L-15 Canal, are 118 single family residential units on 25.88 acres located within Plat 2 of the Nautica Isles Subdivision (equating to a density of 4.56 dwelling units per acre). These single-family homes retain a FLU designation of Residential Low Density and a Zoning district of Residential Low Density (RL-3) within the jurisdiction of Greenacres.

South: The vacant land to the southeast retains a FLU designation of Commercial Low with Cross Hatching with an Underlying Industrial and Commercial Low with an Underlying MR-5, and a Zoning district of Light Industrial. The American German Club to the southwest of the subject site retains a FLU designation of Institutional and a Zoning District of IPF within the jurisdiction of unincorporated Palm Beach County.

In addition, southwest of the subject site are 191 two-story townhomes on 22.29 acres located within the Colony Reserve PUD (equating to a density of 8.57 dwelling units per acre). These townhomes retain a FLU designation of MR-5 and a Zoning district of PUD within the jurisdiction of unincorporated Palm Beach County. The townhome project was allowed a density bonus through the Workforce Housing Program (WHP) and Transfer of Development Rights (TDRs).

East: Farther east of the subject property, across Haverhill Road, are 53 ZLL homes on 11.91 acres located within the Verona Estates Subdivision (equating to a density of 4.45 dwelling units per acre). These ZLL homes retain a FLU designation of RS-MD and a Zoning district of RM-2 within the jurisdiction of Greenacres. In addition, east of the subject site, north of Verona Estates, are 134 two-story townhomes on 24.17 acres located within the Verona Palms Subdivision (equating to a density of 5.54 dwelling units per acre). These townhomes retain a FLU designation of RS-MD and a Zoning District of RM-1 within the jurisdiction of Greenacres.

West: Immediately west of the subject property is 52nd Drive South. Farther to the west, across 52nd Drive South, are single-family residential homes, plant nurseries, and vacant land, which retain a FLU designation of MR-5 and a Zoning district of RE and AR.

5. DEVELOPMENT PROGRAM

The request is to rezone the 33.06-acre subject site to a PUD for a total of 237 residential units which include 161 fee-simple townhouse (TH) units and 76 Zero Lot Line (ZLL) units – equating to a gross density of 8.71 dwelling units per acre. The development provides a 0.97 recreation area with a clubhouse, pool and pool deck, and tot lot. The residential development is to be built in one phase.

There is a concurrent Future Land Use Map Amendment to change the subject site's current Palm Beach County's FLU designations from MR-5 and LR-1 to the City's FLU designations of RS-MD and RS-HD since the subject site has been officially annexed into the City. With the aforementioned Future Land Use Map Amendment, there is a request to rezone the subject site's current Palm Beach County's zoning classifications from AR and RE to the City's zoning classifications of RM-2 and RH. The western portion of the subject site, under the FLU of RS-MD and RM-2 zoning district, contains 45 dwelling units on 6.04 net acres (equating to a net density of 6.76 dwelling units per acre), and the eastern portion of the subject site, under the FLU of RS-HD and RH zoning district, contains 192 dwelling units on 19.61 net acres (equating to a net density of 9.33 dwelling units per acre).

6. COMPREHENSIVE PLAN AMENDMENT CRITERIA

The application meets the requirements set forth in Section 16-129, Standards of review of the City of Greenacres Code of Ordinances for Comprehensive Plan Amendment (CPA) approval.

(a) Compatibility with adjacent and nearby future land use designations.

The proposed CPA to modify the original Palm Beach County's FLU designation of LR-1 and MR-5 to RS-MD and RS-HD for the 33.06-acre subject site is compatible with adjacent and future land use designations. The surrounding context has a mix of residential, commercial, and institutional FLU designations, both between the City of Greenacres and Palm Beach County, wherein most uses are residential. Please see below the current and proposed FLU designations for the subject site and surrounding neighborhood.



Current FLU Designation Map



Proposed FLU Designation Map

The subject site abuts higher density residential developments to the north, east, and southwest. Further north of the subject site, across the L-15 Canal, are 118 single family residential units, Nautica Isles Subdivision, that retain a FLU designation of RS-LD within the jurisdiction of Greenacres. Farther east of the subject property, across Haverhill Road, are 53 ZLL homes, Verona Estates, and 134 two-story townhomes, Verona Palms, that both retain a FLU designation of RS-MD within the jurisdiction of Greenacres. To the southwest of the subject site are 191 two-story townhomes, Colony Reserve PUD, that retain a FLU designation of MR-5 within the jurisdiction of unincorporated Palm Beach County. The existing nearby FLU designations of RS-MD for Verona Estates, Verona Palms, and MR-5 for Colony Reserve PUD illustrate a current presence of higher density residential developments that are in close proximity to the subject site and would be compatible with the proposed CPA Amendment to a split RS-MD and RS-HD FLU designations.

Commercial and institutional FLU designations exist to the south of the subject site. Immediately south of the subject property, across Nash Trail, is vehicle storage and commercial, which retains a FLU designation of Commercial Low with Cross Hatching with an Underlying Industrial and Commercial Low with an Underlying Industrial within the jurisdiction of unincorporated Palm Beach County. The vacant land to the southeast retains a FLU designation of Commercial Low with Cross Hatching with an Underlying Industrial and Commercial Low with an Underlying MR-5. The American German Club to the southwest of the subject site retains a FLU designation of Institutional within the jurisdiction of unincorporated Palm Beach County. The proposed CPA amendment to a split RS-MD and RS-HD for the subject site is compatible with the adjacent and nearby commercial and institutional FLU designations since higher residential would complement the higher intensity uses rather than lower density residential.

West of the subject site is the FLU designation of MR-5, which is compatible with the proposed CPA Amendment to change the existing MR-5 and LR-1 to RS-MD and RS-HD. The western portion of the subject site is to be changed to RS-MD, thus abutting the MR-5 to the west. The MR-5 FLU designation is equivalent to the City of Greenacres' FLU designation of RS-MD, since both permit the development of medium density residential uses.

(b) Consistency with Chapter 163 of the Florida Statutes, the Treasure Coast Regional Planning Council's Strategic Regional Policy Plan, and the City of Greenacres Comprehensive Plan.

Compliance with Florida Statutes Chapter 163.3177

Florida Statute, Chapter 163.3177 is the principle state statute governing the comprehensive plans and plan amendments for all of the Counties within the State of Florida. In 2011, Chapter 163, F.S. was substantially revised and Rule 9J-5 was repealed and removed from the Florida Administrative Code (House Bill 7207). Today, Chapter 163.3177(1) (f) states, "all mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government, that may include but not be limited to, surveys, studies, community goals and vision, and other data available on that particular subject at the time of adoption of the plan or plan amendment at issue."

The data and analysis presented in this application and justification statement support the request for amendment of the CPA and demonstrate consistency with the Florida Statutes.

163.3177 – 6.a. Requires that a local government's future land use plan element be based on a number of factors, including population projections, the character of undeveloped land, availability of public services and other planning objectives.

The subject site creates an opportunity for development within the City of Greenacres. The development proposal offers a diversity of residential uses. Development of these uses in this location will allow the user to take advantage of existing infrastructure and the City of Greenacres' services, while maximizing an underutilized piece of land.

Compliance with the City of Greenacres Comprehensive Plan

The Future Land Use Element is to designate future land use patterns to meet the goals, objectives and policies of the City of Greenacres Comprehensive Plan, pertaining to infill development and future development in the City's future annexation area.

Goal 1 – "It shall be the goal of the City of Greenacres to achieve a high quality living environment by ensuring that the character and location of land use maximizes the potential for economic benefit and the enjoyment of natural and man-made resources by the citizenry while respecting the integrity of the natural environment by minimizing the threat to health, safety, and welfare posed by incompatible land use and environmental degradation."

The proposed development adds to the City of Greenacres' high quality environment by offering diverse housing options for residents at compatible intensities. The proposed density and intensity provides a distribution of housing types that balance the existing uses within the area and the character of the well-travelled arterial corridor. The proposed use will redevelop a "pocket" of underutilized/undeveloped land that is not suitable for agricultural or residential housing of lower density, thus maximizes the potential for economic benefit for the subject site. The CPA Amendment is consistent with the City of Greenacres' diverse character and future land use designations as the proposed use will offer housing options and create a transition between higher and lower intensity uses. Furthermore, as demonstrated within this section, the proposed amendment is consistent with the applicable Goals, Objectives and Policies of the Future Land Use Element of the Comprehensive Plan and exceeding minimum code standards.

Objectives

Objective 1 – "Development orders and permits for future development and redevelopment activities shall be issued only if public facilities necessary to meet the level of service standards are available concurrent with the impacts of the development."

The subject site is located near all of the necessary urban services including, but not limited to, the roadway network, water/wastewater and drainage facilities, mass transit, parks, opportunities, etc. The proposed development will sufficiently utilize the existing urban services within the area.

Objective 7 – “The City of Greenacres shall use innovative land use techniques to promote flexibility of development within the City”

The proposed CPA to modify the subject site’s FLU designation to a split RS-MD and RS-HD would allow for innovative land use techniques that promote flexibility of development. The proposed development is able to establish a mix of residential housing types, townhomes and ZLL homes, while exceeding code requirements in recreation area and open space, and providing a pedestrian circulation system throughout the development.

Objective 11 – “The City shall discourage the proliferation of urban sprawl by the following established land use patterns, promoting appropriate infill and designating future land use densities based upon levels of services and the availability of services and facilities.

Infill developments are usually higher in density and intensity to create opportunities for development to remain within urban and suburban areas, as opposed to development spreading into rural and agricultural areas; thus relieving pressure from urban sprawl. Typical infill developments retain urban characteristic; therefore, requiring FLU designations that support this type of higher density development. The proposed CPA to modify the subject site to a split FLU designation of RS-MD and RS-HD would allow for higher density development. The Applicant is developing an underutilized, with some portions vacant, site and proposing a mix of residential uses in the form of townhomes and ZLL homes. The subject site is located near all of the necessary urban services including, but not limited to, the roadway network, water/wastewater and drainage facilities, mass transit, opportunities, etc. The proposed development will sufficiently utilize the existing urban services within the area.

Policies

Policy 1b) – “Higher intensities and densities of development shall be located within spheres of activity (as depicted on Map No. 5) and along major corridors where public facilities are available and land use compatibility can be achieved.

The 33.06-acre subject site is located on the west side of Haverhill Road, which is a major arterial corridor within the City of Greenacres. The existing land use pattern situates higher intensity uses (such as commercial) near intersections and along major roadways and supporting uses (such as townhomes and ZLL) immediately adjacent to busy corridors. The proposed CPA Amendment to modify the subject site to a split RS-MD and RS-HD FLU designation would create a gradient in development intensities with the townhome uses abutting Haverhill Road and the ZLL homes to exist back from a major roadway. The proposed development, with the RS-MD and RS-HD FLU designation, will diversify housing options within the area while also serving as a transition from commercial/industrial to lower density residential at the intersection of Lantana Road and Haverhill Road. The subject site is surrounded by existing developed parcels and established infrastructure.

Policy 7a) – “The City shall continue to utilize such development techniques as “Planned Unit Development”, “Planned Commercial Development”, and “Mixed-Use Development” with commercial and residential uses integrated in one project.

The proposed development intends to utilize the technique of a PUD to create a unified development for a mix of residential uses, between the townhomes and ZLL homes, that establishes an improved level of amenities and design on the subject site. A PUD is allowed by special exception under the proposed RM-2 and RH zoning district, which the CPA Amendment will allow with the modification to the RS-MD and RS-HD FLU designation.

Policy 11a) – “Urban Sprawl will be discouraged by permitting only development that is consistent and compatible with the established land use pattern. Consistent and compatible with the established land use pattern shall mean:

- (1) Only uses permitted within the plan’s land use designation and the implementing zoning district shall be approved.**
- (2) Only development within the designated density range and intensity regulations of the implementing zoning district will be approved.**

(3) Adequate facilities and services shall be available and concurrent to accommodate the proposed development.

The proposed CPA Amendment intends to modify the City of Greenacres' FLUM to reflect a FLU designation of Residential Medium Density (up to 7 du/ac permitted) for the proposed ZLL homes and townhomes on the west side of the subject site, and Residential High Density (up to 10 du/ac permitted) for the proposed townhomes and ZLL homes on the east side of the subject site. The request is consistent and compatible with the existing land use pattern since it includes higher density residential uses along Haverhill Road and to the southwest, commercial and institutional uses at the intersection of Lantana Road and Haverhill Road, and single-family residences and vacant land to the west. The split RS-MD and RS-HD FLU designation permits both townhome and ZLL homes. Containing 237 dwelling units, thus 7 dwelling units below the permissible maximum net density, the western portion of the subject site contains 45 dwelling units on 6.04 net acres (equating to a net density of 6.76 dwelling units per acre), and the eastern portion of the subject site contains 192 dwelling units on 19.61 net acres (equating to a net density of 9.33 dwelling units per acre). Therefore, the proposed development is below the maximum permissible density for both the RS-MD and RS-HD FLU designations. Adequate facilities existing in the City of Greenacres will accommodate the proposed development.

Policy 11b) – “Infill development shall be promoted within the existing areas to discourage the harmful effects of leap frog development.

The CPA Amendment request to modify the FLU designation to a split RS-MD and RS-HD would promote a unified infill development. The subject site is well suited for development as it is located along an urban collector roadway and surrounded by existing developed parcels and established infrastructure. The proposed use will redevelop a “pocket” of underutilized/undeveloped land that is not suitable for agricultural or residential housing of lower density.

(c) Maintenance of established levels of service (concurrency).

The subject site is located near all of the necessary urban services including, but not limited to, the roadway network, water/wastewater and drainage facilities, mass transit, parks, opportunities, etc. The proposed development will sufficiently utilize the existing urban services within the area.

7. ANALYSES OF REZONING FINDINGS TO RH AND RM-2

The Applicant's request is to allow a Rezoning to RM-2 and RH with a Special Exception for a PUD, which is subject to the approval by the City Council. Sec 16-155, Zoning Amendment Process of the City's Code of Ordinance requires the Applicant to address the Findings in accordance with Sec. 16-153 (a) (1) through (10). The Applicant is providing a Justification statement, Development Site Plan and other relevant documents as part of this Rezoning and Special Exception applications, and has demonstrated that this proposal meets the requirements set forth in the applicable City's Code of Ordinances. The responses by the Applicant for each Finding of facts, provide a comprehensive analysis that the Rezoning application is in compliance with these requirements:

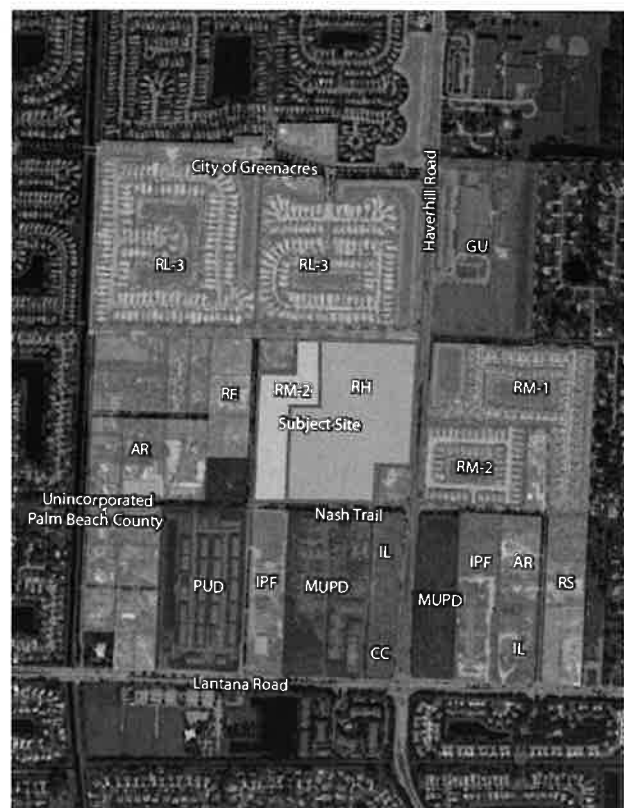
(1) Whether the proposed change would be contrary to the land use plan and would have an adverse effect on the Comprehensive Plan;

Applicant's Response:

The proposed Rezoning from RE and AR to RM-2 and RH would not be contrary to the land use plan and would not have an adverse effect on the Comprehensive Plan. The 33.06-acre subject site was recently incorporated into the City of Greenacres from unincorporated Palm Beach County through Ordinance 2020-03. The current zoning districts are AR and RE, which are Palm Beach County's Zoning districts, thus the existing FLU designations and Zoning districts on the subject site do not fall under the City of Greenacres' Comprehensive Plan or the Code of Ordinances. To leave the current zoning on the subject site would result in an inconsistency and prohibit the development of the subject site utilizing the City's property development regulations. In addition, the change to the RM-2 and RH zoning districts would be consistent with the proposed FLU designation of RS-MD and RS-RH respectively, and is consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan, including densities and intensities of use.

(2) The existing land use pattern;

The proposed Rezoning to RM-2 and RH and for the development of a PUD is consistent with the existing land use pattern. The surrounding context has a mix of residential, commercial, and institutional zoning districts, both between the City of Greenacres and Palm Beach County, wherein most uses are residential. Please see below the current and proposed zoning districts for the subject site and surrounding neighborhood.



The surrounding context is largely made up of residential master planned developments that include townhomes and single-family uses. To the north of the subject site, across the L-15 Canal, are 118 single family residential units that retain a Zoning district of RL-3 within the jurisdiction of Greenacres. The proposed development provides ZLL homes on the northern portion of the subject site that abuts the single-family homes to the north, thus are compatible land uses.

Farther east of the subject property, across Haverhill Road, are 53 ZLL homes, Verona Estates, with a zoning district of RM-2 and 134 two-story townhomes, Verona Palms, that retain a RM-1 zoning district. To the southwest of the subject site are 191 two-story townhomes, Colony Reserve PUD, that retain a PUD zoning district within the jurisdiction of unincorporated Palm Beach County. The existing nearby zoning districts of RM-1 and RM-2 illustrate a current presence of higher density residential developments that are in close proximity to the subject site and would be compatible with the proposed rezoning to the RM-2 and RH zoning district.

Immediately south of the subject property, across Nash Trail, is vehicle storage and commercial, which retains a Zoning district of MUPD within the jurisdiction of unincorporated Palm Beach County. The vacant land to the southeast retains a Zoning district of Light Industrial. The American German Club to the southwest of the subject site retains a Zoning District of IPF within the jurisdiction of unincorporated Palm Beach County. The proposed amendment to modify the subject site to both RM-2 and RH zoning districts is compatible with the adjacent and nearby commercial and institutional zoning districts since higher residential would complement the higher intensity uses rather than lower density residential.

Farther to the west of the subject site, across 52nd Drive South, are single-family residential homes, plant nurseries, and vacant land, which retain a Zoning district of RE and AR from Palm Beach County.

(3) The creation of an isolated district unrelated to adjacent and nearby districts will not occur.

The proposed RM-2 and RH zoning district on the 33.06-acre subject site would provide a transition to the existing single family residential development to its north and the commercial center to its south, while being consistent with the higher residential uses to the east of the subject site.

(4) The proposed amendment does not conflict with the population density pattern nor will it cause possible increase or overtaxing of the land on public facilities such as schools, utilities, streets, etc.

The proposed density is consistent with the density pattern of this Haverhill and Lantana corridors, as follows:

North – Nautica Isles Subdivision with 118 single family units has a gross density of 4.56 du/ac;

East across Haverhill Road – Verona Estates has a range from 4.45 to 5.54 du/ac.

Southwest – Colony Reserve has a gross density of 8.57 du/ac.

The proposed Blossom Trail PUD is 8.71 du/ac therefore, it is not in conflict with the density pattern of the neighborhood in its vicinity.

(5) The existing district boundaries are illogically drawn in relation to the existing conditions on the property proposed for change.

The existing conditions of the 33.06-acre subject site illustrate a “pocket” of underutilized/undeveloped land that is not suitable for agricultural or residential housing of lower density due to the surrounding land uses. The subject site is located along Haverhill Road, a well-traveled arterial roadway, which is more compatible with higher density residential developments rather than low density residential uses.

(6) Changed or changing conditions make the passage of the proposed amendment necessary.

As mentioned above, the Rezoning is to make the FLU and Zoning district of the subject site consistent with the City's FLU and Zoning district, so as to allow the development of a PUD utilizing the City's Code of Ordinances.

(7) The proposed change will not create or excessively increase traffic congestion or otherwise affect public safety.

The analyses of this finding will be addressed under the analyses of the Special Exception for a PUD.

(8) The proposed change will not adversely influence living conditions in the neighborhood.

As mentioned above, the Rezoning will make the FLU and Zoning district of the subject site consistent with the City's FLU and Zoning district, so as to allow the development of a PUD utilizing the City's Code of Ordinances. The proposed development will provide a mix of residential use types and density that is compatible with the existing developments in the area, as well as the future land uses of the areas. Also, the development will provide landscape buffers between all adjacent land uses, thus minimizing any adverse impacts from the subject site.

(9) There are substantial reasons why the property cannot be used in accord with existing zoning.

As mentioned above, the Rezoning will make the FLU and Zoning district of the subject site consistent with the City's FLU and Zoning district, so as to allow the development of a PUD utilizing the City's Code of Ordinances. To leave the current zoning on the subject site would result in the subject site being contrary to the land use plan, therefore a rezoning is required for any development.

(10) The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

As mentioned above, the Rezoning will make the FLU and Zoning district of the subject site consistent with the City's FLU and Zoning district, so as to allow the development of a PUD utilizing the City's Code of Ordinances. The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use. There is no special privilege being granted to the Applicant under this Rezoning request.

8. ANALYSES OF SPECIAL EXCEPTION FOR A PLANNED UNIT DEVELOPMENT AND SITE PLAN APPROVAL

The Applicant's request is to allow a Rezoning to RM-2 and RH with a Special Exception for a PUD, which is subject to the approval by the City Council. The City's Code of Ordinance requires the Applicant to address the findings in accordance with Sec. 16-173 (1) through (12), and standards pursuant to Sec. 16-199, Standards for Review for Site Plan approval. The Applicant is providing a Justification Statement, Development Site Plan and other relevant documents as part of this Rezoning and Special Exception applications, and has demonstrated that this proposal meets the requirements set forth in the applicable City's Code of Ordinances. The responses by the Applicant for each finding of facts, provide a comprehensive analysis that the Special Exception application is in compliance with these requirements:

(1) Sec. 16-173 ,Compliance with all elements of the Comprehensive Plan.

The proposed development is in compliance with all appropriate elements of the City's Comprehensive Plan. The proposed 237 residential dwelling units for the subject site, with the western portion of the subject site containing 45 units on 6.04 net acres (equating to a net density of 6.76 dwelling units per acre), and the eastern portion of the subject site containing 192 units on 19.61 net acres (equating to a net density of 9.33 dwelling units per acre). Therefore, the proposed gross density of 8.71 du/ac is consistent with the allowable density of the RS-MD and RS-HD FLU designations and the RM-2 and RH zoning district.

(2) Ingress and egress to the property and proposed structures therein with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

The main access point (ingress/egress) is provided on Nash Trail, where a call box and gates are located to provide security access for residents and visitors. A stacking lane (93 feet in length) is provided for safe vehicular access for the visitors. A gated egress only will be provided on Haverhill.

Widths of the internal streets serving the ZLL and TH units are 40 feet with a two-way circulation, and is deemed to be adequate for both residents and emergency vehicular circulation.

The development will also include an extensive pedestrian circulation system, linking all areas of the proposed residential units to common areas, including those reserved for recreation and open space. The pedestrian circulation system establishes safety by providing adequate curbing along all R.O.W. and crosswalks across all internal streets.

(3) Off-street parking and loading areas have been provided where required with particular attention to items in (2) above.

The proposed PUD requires a total of 829 parking spaces; wherein the development provides 842 parking spaces onsite. A breakdown of the required versus proposed parking is shown below:

Parking Standards Section 16-1336	Required Parking	Proposed Parking
<u>Zero-lot line homes (76 DU)</u> <i>3 spaces per unit</i>	228 spaces	288 spaces
<u>Townhomes (161 DU)</u> <i>3 spaces per unit</i>	483 spaces	483 spaces
<u>Supplemental Parking</u>	118 spaces	131 spaces
<i>Clubhouse (1 space per 200 SF of GFA)</i>	15 spaces	
<i>Community pool (1 space per 50 SF)</i>	22 spaces	
<i>Guest parking (1 space per half townhome unit)</i>	(81 spaces)	
Sub-total	829 spaces	842 spaces

As detailed above, the proposed development meets the required parking for the residential townhomes, ZLL units, and supplemental parking.

(4) Refuse and service areas have been provided with particular reference to items (2) and (3) above.

The subject site will be served by the City franchisee for all refuse collection services, with curbside pickup for each unit.

(5) Nuisance factors detrimental to adjacent and nearby properties and the City as a whole. Nuisance factors shall include but not necessarily be limited to noise, odor, smoke, glare, electrical interference and /or machinal vibrations.

The proposed development is adjacent to residential subdivisions or PUDs to its north, east and southwest, which have similar density or housing type that are compatible and similar to the RM-2 and RH zoning districts. With the proposed perimeter buffers, the proposed PUD will be screened from adjacent residential and non-residential uses, and will not generate any potential nuisance factors that may impact the nearby properties.

(6) Utilities with reference to location, availability, and compatibility.

The Applicant will provide reference to the location, availability, and compatibility for utilities for the subject site at the time of platting. The subject site is located near all of the necessary urban services including, but not limited to, the roadway network, water/wastewater and drainage facilities, mass transit, parks, opportunities, etc. The proposed development will sufficiently utilize the existing urban services within the area.

(7) Screening and buffering with reference to type, dimensions and character.

The proposed development will include adequate buffering along Haverhill Road, Nash Trail, and along adjacent residential properties according to buffering requirements outlined the PUD standards per Section 16-778 of the City of Greenacres Code of Ordinances. A 20' Type E-1 Landscape Buffer with a chain link fence with columns is provided along Haverhill Road and a 15' Type F-1 Landscape Buffer with a chain link fence with columns is provided along Nash Trail, both meeting the PUD perimeter requirements for a major R.O.W. buffer and minor R.O.W. buffer respectively. The northern and southeast residential portions of the subject site provide 10' Type H Landscape Buffers that abut the single-family residences. The northern zero-lot line lots will include a 1.3' landscape buffer easement at the northern edge of the lots in order to accommodate the required 11.3' LWDD exclusive easement. The western boundary of the subject site includes a 15' Type F-1 Landscape Buffer.

(8) Signs and proposed exterior lighting have been provided with consideration of glare, traffic safety, economic effect and compatibility and harmony with properties in the district.

Exterior lighting will be developed in compliance with the City's Code of Ordinances and will not affect adjacent properties through the provision of appropriate lighting fixtures and light pole placement. Signs will be placed on the ingress and egress points of Nash Trail and Haverhill Road, and will be in compliance with Article IX, the sign codes.

(9) Required yards and other open space.

Per Section 16-779 of the City of Greenacres Code of Ordinances, the PUD standards require the minimum setback and yard requirements for the townhome and ZLL uses:

Section - Section 16-779 – PUD Standards, Residential Pods		
	Required	Provided
Setbacks	Townhomes Front: 45'; Side: 50'; Rear: 50'	Townhomes Front: 47' Side: 26' Rear: 37' (subject to Variance request)
	ZLL Front: 25'; Side: 10'; Rear: 10'	ZLL Front: 25' Side: 35' Rear: 26'

The total open space required for development within the PUD development is a minimum of 40% (13.22 acres) of the gross area of the PUD. The proposed development provides an open space of 49% (16.05 acres) on-site, thus exceeding the requirement.

(10) General compatibility with adjacent properties and other property in the district.

The proposed PUD for the subject site is compatible with adjacent properties as detailed below:

North: Immediately north of the subject site are single family residential units within the jurisdiction of Greenacres, however they retain a FLU designation of MR-5 and a Zoning designation of AR under unincorporated Palm Beach County. These properties were annexed into the City of Greenacres along with the subject site.

Further north of the subject site, across the L-15 Canal, are 118 single family residential units on 25.88 acres located within Plat 2 of the Nautica Isles Subdivision (equating to a density of 4.56 dwelling units per acre). These single-family homes retain a FLU designation of Residential Low Density and a Zoning district of Residential Low Density (RL-3) within the jurisdiction of Greenacres. The proposed development establishes ZLL homes at the north portion, which are of similar type, thus there will be no adverse impacts from the proposed development. In addition, there is buffering between the residential use to the north and proposed PUD as a result of the L-15 Canal.

South: Immediately south of the subject property, across Nash Trail, is vehicle storage and commercial, which retains a FLU designation of Commercial Low with Cross Hatching with an Underlying Industrial and Commercial Low with an Underlying Industrial, and a Zoning district of MUPD within the jurisdiction of unincorporated Palm Beach County. The vacant land to the southeast retains a FLU designation of Commercial Low with Cross Hatching with an Underlying Industrial and Commercial Low with an Underlying MR-5, and a Zoning district of Light Industrial. The American German Club to the southwest of the subject site retains a FLU designation of Institutional and a Zoning District of IPF within the jurisdiction of unincorporated Palm Beach County.

In addition, southwest of the subject site are 191 two-story townhomes on 22.29 acres located within the Colony Reserve PUD (equating to a density of 8.57 dwelling units per acre). These townhomes retain a FLU designation of MR-5 and a Zoning district of PUD within the jurisdiction of unincorporated Palm Beach County. The townhome project was allowed a density bonus through the Workforce Housing Program (WHP) and Transfer of Development Rights (TDRs). The PUD use southwest of the subject is more dense than the western portion of the proposed development, which has a net density of 6.47 dwelling units per acre, thus there will be no adverse impacts from the proposed PUD.

East: Immediately east of the subject property is a single-family residence within the jurisdiction of Greenacres, however, it retains a FLU designation of MR-5 and a Zoning designation of AR under unincorporated Palm Beach County. This property was annexed into the City of Greenacres along with the subject site.

Farther east of the subject property, across Haverhill Road, are 53 ZLL homes on 11.91 acres located within the Verona Estates Subdivision (equating to a density of 4.45 dwelling units per acre). These ZLL homes retain a FLU designation of RS-MD and a Zoning district of RM-2 within the jurisdiction of Greenacres. In addition, east of the subject site, north of Verona Estates, are 134 two-story townhomes on 24.17 acres located within the Verona Palms Subdivision (equating to a density of 5.54 dwelling units per acre). These townhomes retain a FLU designation of RS-MD and a Zoning District of RM-1 within the jurisdiction of Greenacres. The proposed development represents the approximately the similar unit type across Haverhill Road, therefore there is no adverse impact from the proposed PUD.

West: Immediately west of the subject property is 52nd Drive South. Farther to the west, across 52nd Drive South, are single-family residential homes, plant nurseries, and vacant land, which retain a FLU designation of MR-5 and a Zoning district of RE and AR. The western portion of the proposed development provides 62 dwelling units on 6.44 net acres (equating to a net density of 6.47 dwelling units per acre), thus is approximately similar in unit type and density.

(11) Whether the change proposed is not out of scale with the needs of the neighborhood or the city.

The proposed change to a PUD is not out of scale with the needs of the immediate neighborhood or the City as whole. The density of the proposed development provides a step-down in intensity from the properties to the west with lower density ZLL homes and with higher density to the east that best compliments the Haverhill Road Corridor. The proposed development meets current needs for a balance of housing types in the City and provides adequate buffer zones from surrounding properties.

(12) Any special requirement set out in the Schedule of District Regulations for the particular use involved have been met.

The development meets Section 16-773 (Land Use Mix) of the City's Code since the subject site is 33.06 acres in size, thus meets the minimum area of 10 acres for RH and 15 acres for RM-2. The proposed development is required to meet the following specific criteria of Section 16-778 (PUD standards, general), Section 16-779 (PUD standards, residential pods), and Section 16-1336 (Off-street Parking and Loading). As shown below, the Applicant has demonstrated consistency with the above-mentioned sections of the City's Zoning Code, outside of the townhome building separation, and multifamily setbacks which variances have been requested.

Section 16-778 of the City of Greenacres Code of Ordinances provides property development standards for PUDs which are inclusive of townhomes and ZLL homes. The following table outlines requirements within this section for townhomes and ZLL homes alongside information concerning the proposed townhomes on the subject property.

Section 16-779 – PUD Standards, Residential Pods			
	Required	Townhomes (Provided)	Zero-Lot Line (Provided)
Minimum Lot Size	Townhomes – NA ZLL – 4,500 SF	1,800 SF	5,000 SF
Minimum Lot Width	Townhomes – NA ZLL – 45	18'	50'
Minimum Lot Coverage	Townhomes – NA ZLL – 50%	50%	50%
Maximum Building Height	35'	30'	26'
Setbacks	Townhomes Front: 45'; Side: 50'; Rear: 50'	Front – 47' Side – 26' Rear – 37'	Front – 25' Side – 35' Rear – 25'
	ZLL Front: 25'; Side: 10'; Rear: 10'		

Lot Type Descriptions

According to Section 16-779 of the Greenacres Code of Ordinances, ZLL homes within the PUD must be a minimum lot size of 4,500 square feet with a minimum lot width of 45 feet. In accordance with these requirements, all lots containing ZLL homes specify a minimum lot size of 5,000 square feet and a minimum lot width of 50 feet.

TH lots on the subject property are grouped in buildings containing a range of four to six units. TH units within the PUD development do not specify minimum lot sizes or widths in the Greenacres code of ordinances (see Section 16-779). The proposed TH units on the subject site provide a minimum lot size of 1,800 square feet and a minimum lot width of 18 feet.

Building Height

Per Section 16-779 of the City of Greenacres' Code of Ordinances, the PUD standards require a maximum building height of 35 feet, which the proposed development proposes a maximum building height of 26 feet for ZLL and 30 feet (two stories) for the TH units, and are below the maximum height requirement.

In addition to the above requirements, this application meets the following standards set forth in Sec. 16-778 of the City of Greenacres Code of Ordinances for Special Exception approval:

1. **Site Access – A PUD shall only provide direct access onto arterial, collector or suitable local streets. Whenever possible, the PUD shall provide more than one access point and the access points shall be located to promote an interconnected street network and a variety of possible travel routes.**

Nash Trail is considered a suitable local street with 50 feet of right-of-way. As mentioned above in 8. Analyses of Special Exception Findings, Sec 16-173 (2), an access point is provided on Nash Trail with adequate stacking lane being provided for the residents and guests of this PUD. An egress only will be located on Haverhill Road.

2. **Levels of Service - PUDs shall be designed so as to maintain all applicable levels of service (LOS) standards for transportation, mass transit, public education, potable water, sanitary sewer services, storm and surface drainage systems, solid waste, and any other utilities systems that are required to support the future residents of the PUD, as well as other local area residents. The developer shall provide confirmation that the proposed master development plan will provide all necessary storm drainage, highway and street access, paved streets, parking facilities, fire hydrants and street lighting making reasonable provision for service and access with adjoining properties under other ownerships, in manner that is acceptable to the facility's controlling entity or agency. Further, where existing streets or traffic-control devices are affected by the development, the developer shall provide the necessary changes or additions as may be required by the city or Palm Beach County.**

The levels of service for the proposed development are detailed in the traffic study, which is attached. The Applicant will agree to conditions of approval for the implementation of the public facilities contingent upon the approval by the City Council.

3. **Commercial Uses - All commercial uses to be located as part of a PUD must show that the proposed use is compatible with the residential portions of the PUD, as well as adjacent properties. Commercial pods shall be consistent with the provisions of section 16-780 landscaping and buffering, compatibility with adjacent land uses, and unified site design.**

Not applicable since commercial uses are not proposed for the subject site.

4. **Landscaping - Landscaping shall be provided through a unified landscaping theme consistent with the provisions of Article VII (Landscaping).**

The proposed development provides a unified landscaping theme that is consistent with the provisions of Article VLL (Landscaping). Please see attached the Landscape Plans.

5. **Internal Streets - Every dwelling unit or other use permitted in a PUD, shall have access to a public street, either directly or via approved private roads dedicated for public or private use guaranteeing access in order to facilitate interconnectivity with all internal and adjacent land uses.**

The proposed development provides internal streets that facilitate all interconnectivity between all internal residential and recreational uses. In addition to this, sidewalks are provided along one side of the internal street that are connected to the recreational amenities and to the external streets of Nash Trail and Haverhill Road.

6. **Utilities - Within a PUD, all utilities (sewer, water, telephone, television cable and electrical systems) shall be installed underground. Appurtenances to these systems which require aboveground installation must be effectively screened from view.**

The proposed PUD will have all utilities, including sewer, water, telephone, television cable, and electrical systems, installed underground.

7. **Off-street Parking and Loading Requirements - All planned unit developments shall comply with the applicable parking provisions found in Article VIII (Off-street Parking).**

See 8. Analyses of Special Exception Findings for a Planned Unit Development, Sec. 16-173 (3).

- 8. Dedication and Construction of Public Rights-of-Way - All roadways, public and private, shall be constructed according to the provisions of the city's subdivision regulations. Additionally, the city council may require a time schedule and appropriate surety for the dedication and construction of public rights-of-way at time of need within and surrounding the proposed PUD. A contract between the developer and the city shall be signed in accordance with the city's subdivision regulations for the purpose of ensuring the construction of the above mentioned improvements.**

The proposed development does not include any public right-of-way dedications, thus this code section does not apply. However, the Applicant will consider the conditional requirements, where applicable, contingent upon approval of these applications by the City Council.

- 9. Storm Drainage – Storm drainage shall be in accordance with City Code Section 12-58, Drainage.**

The proposed development provides a 4.17 acre lake tract that will serve as storm drainage on-site for the PUD.

- 10. Elevation of Structures - All structures shall be constructed with a finished floor elevation which is consistent with the requirements of the South Florida Water Management District.**

The proposed development will ensure all structures are constructed with a finished floor elevation that is consistent with the requirements of the South Florida Water Management District.

- 11. Recreation Facilities – These facilities shall be distributed proportionally throughout the PUD, and shall be accessible to vehicular, bicycle, and pedestrian traffic for all the residents of the PUD. A covered and air-conditioned community meeting and recreation space shall be provided; the space shall contain a minimum area of 8.5 square feet per dwelling unit.**

The proposed development on the subject property provides a total of 0.97 acres of recreation area. This area located in the center of the site close to the southern access point along Nash Trail and is accessible to residents of both the TH and ZLL units. The recreation area will include a 3,011 square foot clubhouse, a pool, and tot lot. Per Section 16-778(11) of the City of Greenacres Code of Ordinances, the PUD requires an 1,811 square foot covered and air-conditioned community meeting and recreation space, thus the proposed recreation clubhouse exceeds the requirement.

- 12. Signage – All signage shall be consistent with the provisions of Article VI (Signage).**

The proposed development provides signage at the front entrance on Nash Trail, which will be consistent with the provisions of Article VI (Signage).

- 13. Garbage and Refuse Containers – All garbage and refuse containers shall be supplied through an entity which has a valid franchise agreement with the City.**

The subject site will be served by the City franchisee for all refuse collection services, with curbside pickup for each unit.

- 14. Perimeter Buffers – Perimeter buffers consistent with Table 16-778 shall be incorporated around all pods of the PUD for the purposes of providing landscaping and buffering.**

The proposed development will include adequate buffering along Haverhill Road, Nash Trail, and along adjacent residential properties according to buffering requirements outlined the PUD standards per Section 16-778 of the City of Greenacres Code of Ordinances. A 20' Type E-1 Landscape Buffer with a chain link fence with columns is provided along Haverhill Road and a 15' Type F-1 Landscape Buffer with a chain link fence with columns is provided along Nash Trail, both meeting the PUD perimeter requirements for a major R.O.W. buffer and minor R.O.W. buffer respectively. The northern and southeast residential portions of the subject site provide 10' Type H Landscape Buffers that abut the single-family residences. The northern zero-lot line lots will include a 1.3' landscape buffer easement at the northern edge of the lots in order to accommodate the required 11.3' LWDD exclusive easement. The western boundary of the subject site includes a 15' Type F-1 Landscape Buffer.

- 15. Open Space Requirements - Open space shall comprise a minimum of thirty (30) percent of the total gross acreage of the PUD for single family developments, and a minimum of forty (40) percent of the total gross acreage of the PUD for multi-family and mixed single and multi-family developments. Open space must be common property, accessible to the residents of the PUD, useable, and reasonably contiguous. Open space may include active and passive recreation areas; landscape buffers; water managements areas; civic pods, and grassed portions of rights-of-way.**

The total open space required for development within the PUD development is a minimum of 40% of the gross area of the PUD. The proposed development provides an open space of 49% on-site, thus exceeding the requirement.

9. SITE PLAN APPROVAL STANDARDS

The Applicant's request is to allow a Rezoning to RM-2 and RH with a Special Exception for a PUD, which is subject to the approval by the City Council. The City's Code of Ordinance requires the Applicant to address Sec. 16-199, Standards for Review for Site Plan approval in addition to all the Findings pursuant to Rezoning and Special Exception for a PUD, Sec 16-153 and 173. The Applicant is providing a Justification statement, Development Site Plan and other relevant documents as part of this Rezoning, Special Exception and Site Plan Approval applications, and has demonstrated that all these applications meet the requirements set forth in the applicable City's Code of Ordinances. Since all these Standards are similar are redundant to the above Sections, therefore, the Applicant will provide the responses to each Standard by referring to the responses as provided in the Analyses of the Rezoning and the Special Exception, and PUD, as follows:

(a) Compliance with all elements of the Comprehensive Plan and provisions of the Zoning Code;

The proposed development is in compliance with all elements of the Comprehensive Plan and provisions of the Zoning Code. See responses to Analyses of Rezoning Findings, Sec 16-153 (1) and Special Exception Findings, Sec. 16-173 (1).

(b) Satisfaction of the currency requirements of section 16-31;

The proposed development satisfies the currency requirements of section 16-31, in which the PUD is meets streets, water, sewer, stormwater drainage outfall, public safety service, public schools, and recreation facilities. See responses to Analyses of Rezoning Findings, Sec 16-153 (7) and Special Exception Findings, Sec. 16-173 (6), PUD Sec 16-778 (2) .

(c) Ingress and egress to the property and proposed structures thereon with particular attention to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or emergency;

The proposed development provides ingress/egress to the subject site from Nash Trail and egress only onto Haverhill Road. Proposed right-of-way widths for the townhomes and ZLL homes on-site are 40 feet and are designed in such a manner that allows for two-way travel in and out of the development as well as access by emergency and service vehicles. The development will also include an extensive pedestrian circulation system, linking all areas of the proposed residential units to common areas, including those reserved for recreation and open space. The pedestrian circulation system establishes safety by providing adequate curbing along all R.O.W.s and crosswalks across all internal streets. See responses to Analyses of Special Exception Findings, Sec. 16-173 (2), and PUD Sec. 16-778 (1).

(d) Off Street parking, loading and circulation;

The proposed development provides a total of 842 parking spaces, which is 13 parking spaces above the requirement of 829 parking spaces. The minimum three parking space for the townhomes and ZLL units, one space per 200 feet for the clubhouse, one space per 50 square feet of community pool, and guest parking are met per Sec.16-1336 of the City's Code.

(e) Refuse and service areas;

The subject site will be served by the City franchisee for all refuse collection services, with curbside pickup for each unit.

(f) Utilities with reference to service location and compatibility;

The Applicant will provide reference to the location, availability, and compatibility for utilities for the subject site. The subject site is located near all of the necessary urban services including, but not limited to, the roadway network, water/wastewater and drainage facilities, mass transit, parks, opportunities, etc. The proposed development will sufficiently utilize the existing urban services within the area.

(g) Screening and buffering with reference to type, dimension, and character;

The proposed development will include adequate buffering along Haverhill Road, Nash Trail, and along adjacent residential properties according to buffering requirements outlined the PUD standards per Section 16-778 of the City of Greenacres Code of Ordinances. A 20' Type E-1 Landscape Buffer with a chain link fence with columns is provided along Haverhill Road and a 15' Type F-1 Landscape Buffer with a chain link fence with columns is provided along Nash Trail, both meeting the PUD perimeter requirements for a major R.O.W. buffer and minor R.O.W. buffer respectively. The northern and southeast residential portions of the subject site provide 10' Type H Landscape Buffers that abut the single-family residences. The northern zero-lot line lots will include a 1.3' landscape buffer easement at the northern edge of the lots in order to accommodate the required 11.3' LWDD exclusive easement. The western boundary of the subject site includes a 15' Type F-1 Landscape Buffer. See responses to Analyses of Special Exception Findings, Sec. 16-173 (7).

(h) Setbacks and open space;

Per Section 16-779 of the City of Greenacres Code of Ordinances, the PUD standards require the minimum setback and yard requirements for the townhome and ZLL uses:

Section - Section 16-779 – PUD Standards, Residential Pods		
	Required	Provided
Setbacks	Townhomes Front: 45'; Side: 50'; Rear: 50'	Townhomes Front: 47' Side: 26' Rear: 37'
	ZLL Front: 25'; Side: 10'; Rear: 10'	ZLL Front: 25' Side: 35' Rear: 25'

The total open space required for development within the PUD development is a minimum of 40% of the gross area of the PUD. The proposed development provides an open space of 49% on-site, thus exceeding the requirement. See responses to Analyses of Special Exception Findings, Sec. 16-173 (9).

(i) Signs and exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjacent properties and the rest of the district;

Exterior lighting will be developed in compliance with the City's Code of Ordinances and will not affect adjacent properties through the provision of appropriate lighting fixtures and light pole placement. Signs will be placed on the ingress and egress points of Nash Trail and Haverhill Road, and will be in compliance with Article IX, the sign codes.

(j) Nuisance factors detrimental to adjacent and nearby properties and the city as a whole. Nuisance factors include but are not limited to noise, odor, smoke, glare, electrical interference and mechanical vibrations;

The proposed development is adjacent to zoning districts that are comparable and similar to the RM-2 and RH zoning district. The proposed development will provide a mix of residential use types and density that is compatible with the existing developments in the area, as well as the future land uses of the areas. Also, the development will provide landscape buffers between all adjacent land uses, thus minimizing any adverse impacts from the subject site.

(k) Compliance with the site and building design standards of section 16-198 and any standards specific to applicable zoning districts and overlay areas authorized by the Code; and

The proposed development is in compliance with site and building design standards of section 16-198 and any standards specific to applicable zoning districts and overlay areas authorized by the Code.

(l) General compatibility with adjacent properties and other property in the district.

The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use. The proposed development is compatible and generally consistent with the uses and character of the land surrounding the proposed for development, thus does not have an adverse impact on the public welfare.

10. VARIANCE STANDARDS

The Applicant respectfully requests consideration of three variance requests regarding reduced interior townhome and PUD multifamily (townhome) requirements within the City of Greenacres Code of Ordinances. The variance requests from The City's Code of Ordinances are detailed below:

VARIANCE	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
V1	Section 16-1337 Single Vehicle Garage	12'	10'-8"	- 16"
V2	Section 16-779 Building Separation	25'	20'	-5'
V3	Section 16-779 : PUD Standards, residential pods	Townhomes (TH) Front: 45' Side: 50' Rear: 50'	TH Front: 47' Side: 26' Rear: 37'	TH Side: -24' Rear: -13'

This application meets the requirements set forth in Section 16-106 of the City of Greenacres Code of Ordinances for Variance approval.

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

Variance 1 (Townhouse Parking Garage Width):

Special conditions do exist that are peculiar to this parcel of land that are not applicable to other parcels of land in this same zoning district. The development plan for Nash Trail is unique in that it provides for a more uniform development concept that is not utilized in the typical suburban development design concept. The proposed width of the parking garages, clear of obstruction, for the townhome units are 10'-8" wide, which still provide enough room for one car to park. The required three parking spaces for each townhouse unit is met, since two parking spaces are provided on the outside driveway. The single vehicle garage for the townhouse is used for vehicular parking only and any appliances or utilities are provided within the interior of the townhouse. The townhouse vehicle garages provide a net depth of 20 feet, thus exceeding the requirement of 19 feet. The single-family ZLL homes provide the required net width of 20 feet for two cars and depth of 20 feet for the vehicular. Per section 16-1337 of the City's Code of Ordinances, the required net width of a two-vehicle garage is 19 feet, which would result in 9.5 feet width for each vehicle. The proposed townhouses provide a width of 10'-8" for the single vehicle parking garage, thus exceeds the 9.5 feet per space for the two-vehicle parking requirement by 14". The 10'-8" wide single vehicle garages for the townhouses allow for additional open space, landscaping, and distance between townhouse entrances, therefore creating a safer and more aesthetic pleasing development for the townhomes.

Variance 2 (Building Separation) and Variance 3 (Townhome Setbacks):

Special conditions do exist that are peculiar to this parcel of land that are not applicable to other parcels of land in this same zoning district. The development plan for Nash Trail is unique in that it provides for a more uniform development concept that is not utilized in the typical suburban development design concept. That and the use of a "villa" townhome product that affords the owner move in the way of interior living space and shared community amenities, the need for building separation and typical rear and side yard area is not necessary. The PUD standards do not consider multifamily separate from townhomes. The reduction in building separation from 25 feet to 20 feet for the townhomes promotes a more cohesive development and allows for additional recreation and open space. The intent of the PUD standards is to create buffering for PUDs from the R.O.W. and adjacent uses, which the proposed development accomplishes by providing adequate buffers with fencing and individual setbacks for the townhomes that meet the townhome setback regulations pursuant to Section 16-860 of the City's Code of Ordinances.

2. That the special conditions and circumstances do not result from the actions of the applicant.

Variance 1 (Townhouse Parking Garage Width)

Special conditions and circumstances do not result from the actions of the Applicant. Regarding the minimum townhouse parking garage width requirement of 12 feet, the Applicant is proposing 10'-8" foot wide single vehicle garages for the townhouse. As stated in standard one above, the proposed townhouses provide a width of 10'-8" for the single vehicle parking garage, thus exceeds the 9.5 feet per space for the two-vehicle parking requirement by 14". The proposed single vehicle garages for the townhome units are 10'-8" feet wide, which still provide enough room for one car to park and allow a minimum requirement of three cars for the townhome units to be met.

Variance 2 (Building Separation) and Variance 3 (Townhome Setbacks):

Special circumstances and conditions are not the result from the actions of the Applicant. The special circumstances are a result of the City's Code Ordinances that does not take into consideration current trends and creativity and allow for flexibility in property development regulations. This proposed reduction in the building separation and rear and side setbacks for the modified townhome will allow for greater flexibility in the design of the proposed homes to promote the community goals of additional open space and recreation areas within the development.

3. That granting the variance request will not confer on the applicant any special privilege that is denied by this chapter to the other lands, buildings, or structures in the same zoning district.

Variance 1 (Townhouse Parking Garage Width), Variance 2 (Building Separation) and Variance 3 (Townhome Setbacks):

The granting of the variance as requested by the applicant will not confer on the applicant any special privilege that is denied to other lands, buildings or structures in the same RM-2 and RH zoning districts. As a PUD development, the plan is designed for the integration and mix of residential uses. The proposed plan exceeds Code of Ordinance minimum requirements for recreation and usable open space areas. Denying the variance for single vehicle garage width, building separation and the multifamily setbacks, will restrict the site in a manner that would limit the amount of open space and more units for future City residents.

4. That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

Variance 1 (Townhouse Parking Garage Width), Variance 2 (Building Separation) and Variance 3 (Townhome Setbacks):

Literal interpretation of the code would limit the amount of additional open space to be located within the PUD, which would provide for the additional recreation and amenities. Some of the purposes of a PUD are to create development that promotes sustainable living, enhances the built environment, and provide housing choices. Literal interpretation of this provision of the code would deprive the application of the ability to further this intent.

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

Variance 1 (Townhouse Parking Garage Width)

Granting of the variance to allow for 10'-8" single vehicle garages for the townhouses from 12 feet is the minimum variance needed to allow the applicant to provide for the modified townhome and ZLL home product, and the increased recreational and amenity needs for both. The proposed single vehicle garages for the townhouses are 10'-8" feet wide, which still provide enough room for one car to park. The garages for the townhouses provide a net depth of 20 feet, thus exceeding the 19-foot requirement. Only the townhome units are requesting the reduction in single vehicle garage width to 10'-8" feet.

Variance 2 (Building Separation) and Variance 3 (Townhome Setbacks) :

Granting of the variance to allow for a 20-foot townhome building separation, and a 37-foot rear setback and 26-foot side setback for the townhome use is the minimum variance needed to allow the applicant to provide for the modified townhome and ZLL home product, and the increased recreational and amenity needs for both. All other property development regulations are being met including front and other side setbacks and building height.

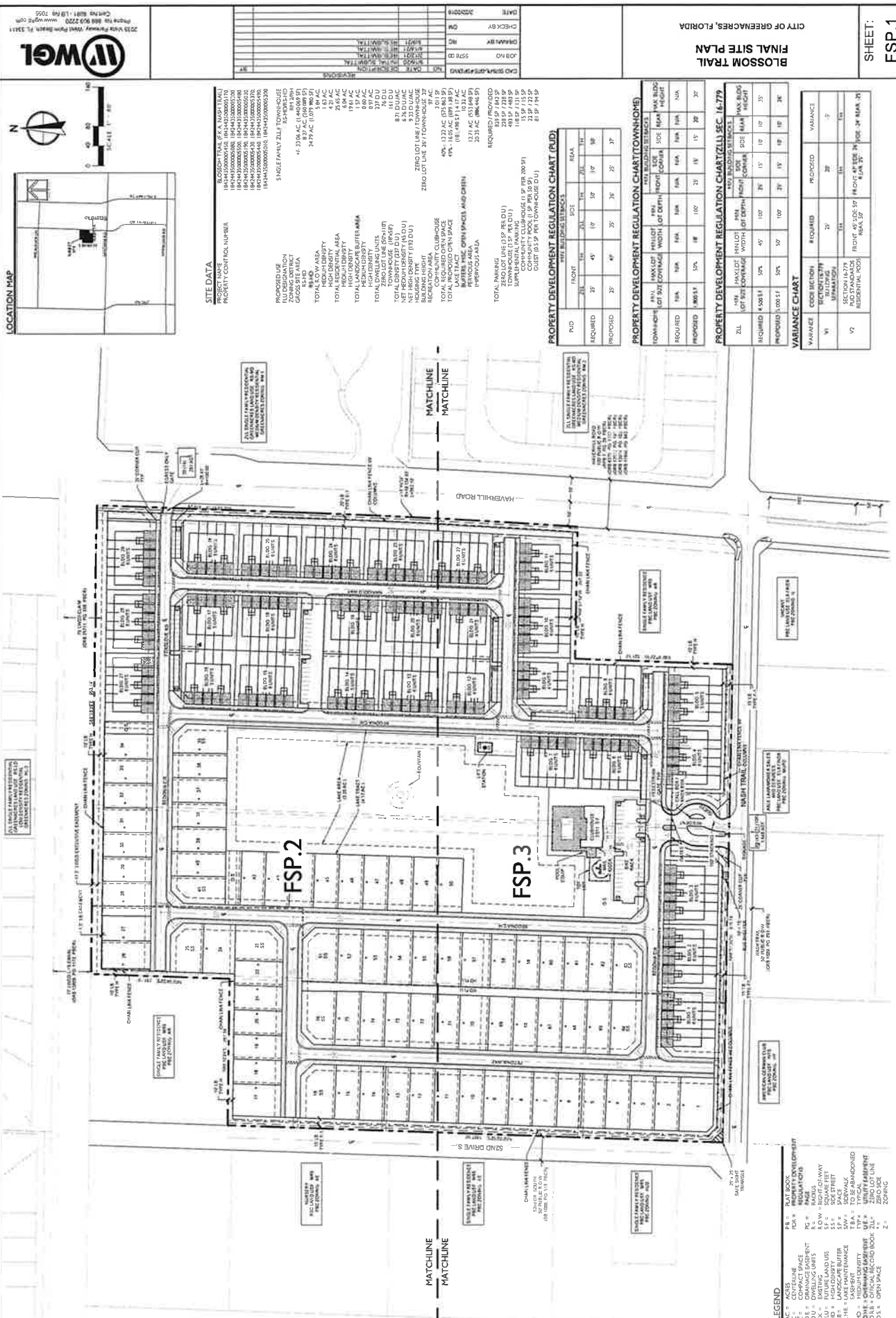
- 6. No nonconforming use of neighboring lands, structures or buildings in the same or other districts and no permitted use of land, structures, or buildings on other districts shall be considered grounds for the issuance of a variance.**

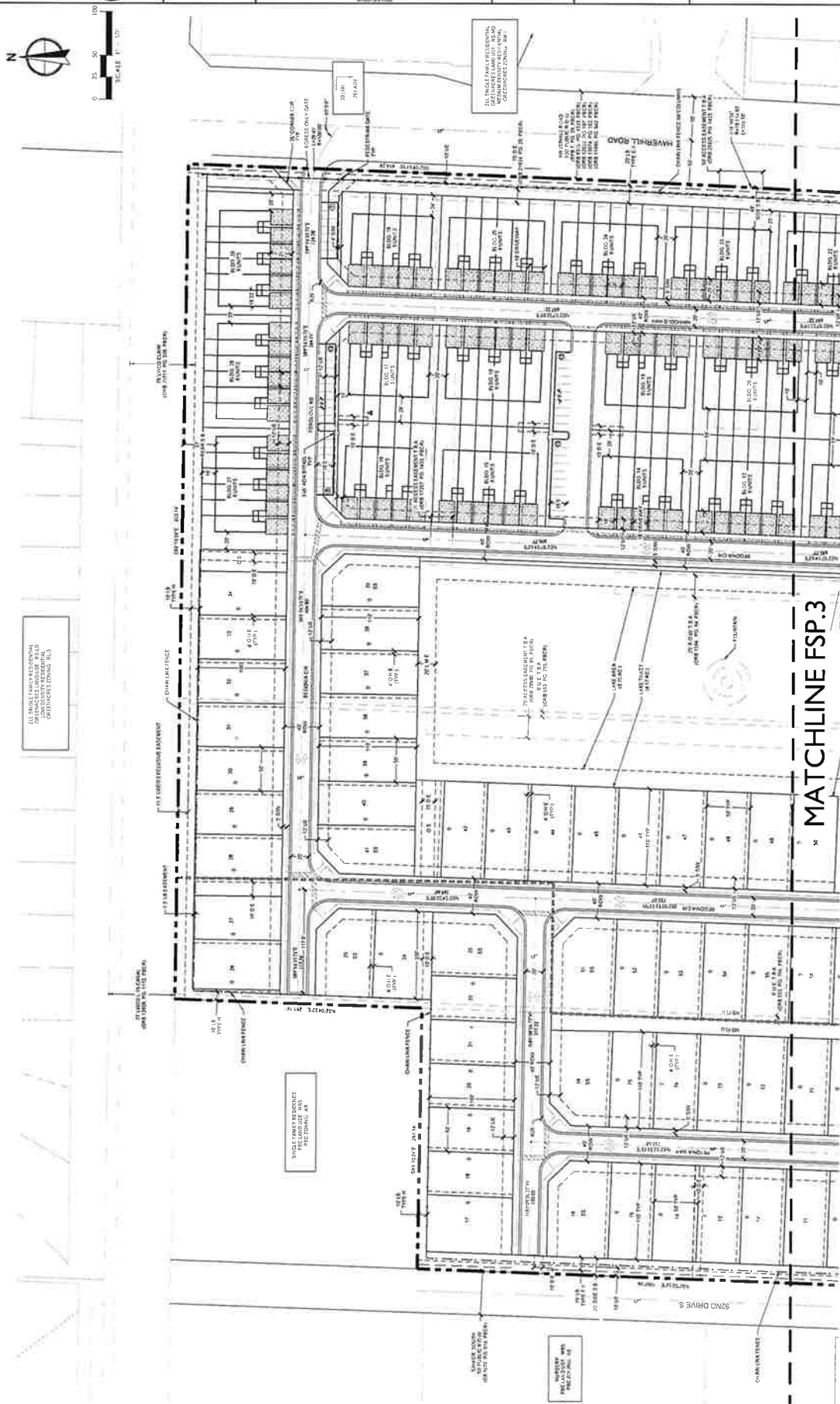
Variance 1 (Townhouse Parking Garage Width), Variance 2 (Building Separation) and Variance 3 (Townhome Setbacks):

No nonconforming use of neighboring lands, structures or buildings in the same or other districts and no permitted use of land, structures, or buildings on other districts shall be considered grounds for the issuance of a variance.

CONCLUSION

Based on the above and attached information, the Petitioner respectfully requests the approval of the Comprehensive Plan Amendment, Rezoning, Special Exception, Site Plan, and Variance to allow for the development proposal on the subject site.







6123 LYONS ROAD, COCONUT CREEK, FL 33073 Tel: (954) 949-3000 Fax: (954) 928-8921

NASH TRAIL

4-UNIT BUILDING TYPE A

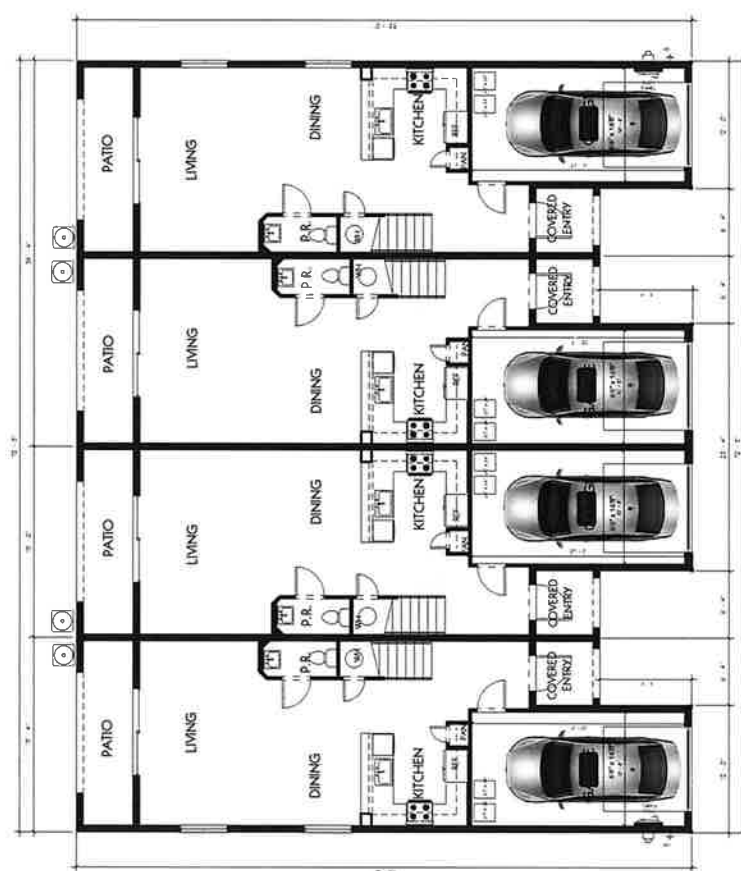
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SITE & AREA CALCULATIONS	
TOTAL BUILDING AREA	1,443.00 SF
PROPOSED AC AREA	33.54 AC FT
PROPOSED ROW AC AREA	1,503.00 FT
GARAGES	367.50 FT
COVERED UNINH	308.50 FT
ENTR	157.50 FT

[illegible]

4-UNIT BUILDING TYPE A

1ST FLOOR BUILDING PLANS SHEET INFORMATION 4- UNIT BUILDING TYPE A	PROJECT INFORMATION NASH TRAIL RIVIERA BEACH, FLORIDA	1ST FLOOR BUILDING PLANS SHEET INFORMATION 4- UNIT BUILDING TYPE A
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UNIT CR
1,446 S.F.UNIT AL
1,512 S.F.UNIT AREA
1,512 S.F.UNIT CL
1,446 S.F.
$$\textcircled{1} \frac{1 \text{ mF}}{3 \times 10^6} = 1.0^\circ$$

A-2

SHEET #

DATE: 4/12/2021
BY: J. J. JONES
CHECKED: J. J. JONES
AUTHOR: J. J. JONES

DATE: 4/12/2021
BY: J. J. JONES
CHECKED: J. J. JONES
AUTHOR: J. J. JONES

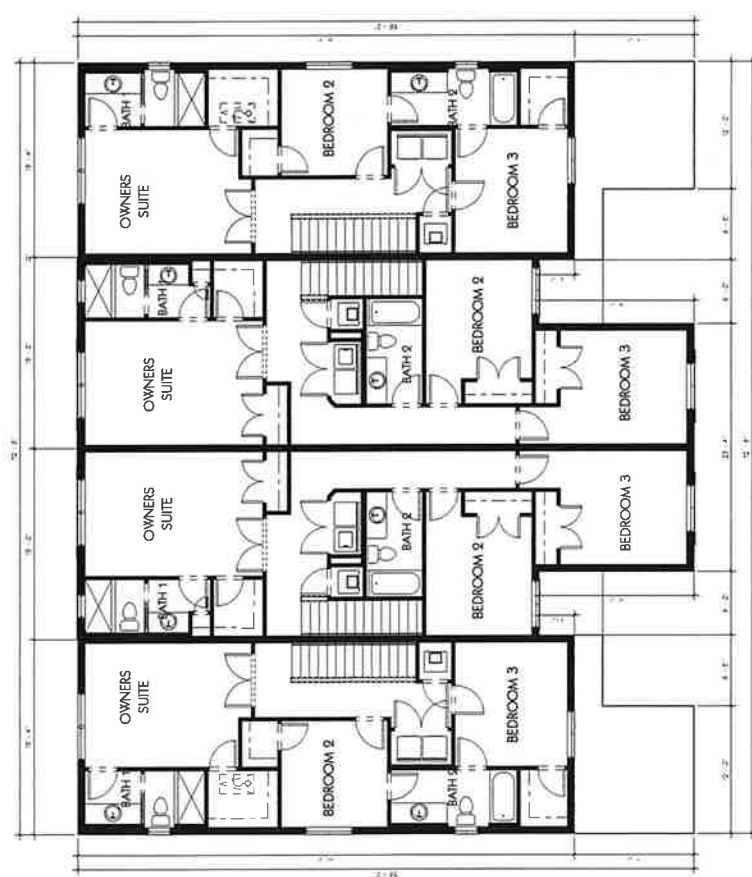
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AUTHOR: J. J. JONES



UNIT CL	UNIT AR	UNIT AL	UNIT CR
1,446 S.F.	1,512 S.F.	1,512 S.F.	1,446 S.F.

① 2018
2018 = 1.0

