

EXCERPT OF PLANNING AND ZONING BOARD MEETING 9-12-2019

OLD BUSINESS:

PUBLIC HEARING / REGULAR ITEM CONTINUED:

1. **PH 2019-02**, The purpose of this item is to transmit a recommendation to the City Commission, at the request of School Board of Broward County, for the proposed change to the Land Use Designation from Irregular 2.243 (509.2) and Commercial (49 acres) to Irregular 2.702 (527.6) and Commercial (30.6 acres) for the purpose of developing 256 Townhomes on the proposed **Merrick Square** property (PH 2019-02) which is generally located on the southeast corner of SW 172 Avenue and Pines Boulevard and containing 558.2 ± acres.

(Secretary's Note: Michael Stamm, Jr., Planning and Economic Development Director, clarified for the record that land use plan map amendment application is being processed at the request of the contract purchaser, for the property owned by the School Board of Broward County.

Chairman Rose noted that this item has been continued from the June 27, 2019 meeting.

He stated for the record the purpose of this item is to transmit a recommendation to the City Commission, at the request of School Board of Broward County, for the proposed change to the Land Use Designation from Irregular 2.243 (509.2) and Commercial (49 acres) to Irregular 2.702 (527.6) and Commercial (30.6 acres) for the purpose of developing 256 Townhomes on the proposed Merrick Square property (PH 2019-02) which is generally located on the southeast corner of SW 172 Avenue and Pines Boulevard and containing 558.2 ± acres.

Dennis Mele, attorney representing the petitioner, addressed the Planning and Zoning Board. He gave a brief history and Power Point presentation of the proposed land use plan amendment.

The following staff report was entered into the record:

PROJECT DESCRIPTION / BACKGROUND:

The purpose of this Public Hearing is to consider a land use plan map amendment application at the request of DR Horton, to change the Land Use Designation from 509 acres of Irregular Residential (2.243) plus 49 acres of Commercial (within a dashed line) to 527.6 acres of Irregular Residential (~~2.702~~) (2.663) plus 30.6 acres of Commercial (within a dashed line) for the 558 acre property generally located on the southeast corner of SW 172nd Avenue and Pines Boulevard (Pembroke Shores)

At the last public hearing of the Local Planning Agency (LPA) on June 27th 2019, the LPA passed a motion to defer this item to tonight's meeting. The applicant made changes to their application including reducing the number of units and overall density request from 2.702 dwelling units per acre to 2.663 dwelling units per acre; and from proposing a total of 256 units to 234 units. The associated changes to the staff report are in strike-thru and underline format.

Public Hearing (PH 2019-02)

The purpose of this Public Hearing is to consider a land use plan map amendment application at the request of DR Horton, to change the Land Use Designation from 509 acres of Irregular Residential (2.243) plus 49 acres of Commercial (within a dashed line) to 527.6 acres of Irregular Residential (2.702) (~~2.663~~) plus 30.6 acres of Commercial (within a dashed line) for the 558 acre property generally located on the southeast corner of SW 172nd Avenue and Pines Boulevard (Pembroke Shores)

The purpose of this Public Hearing is to consider the Merrick Square regular scale land use plan map amendment application to change the future land use designation for the approximate 558 acre site from 509 acres of Irregular Residential (2.243) plus 49 acres of Commercial (within a dashed line) to 527.6 acres of Irregular Residential (~~2.702~~) (2.663) plus 30.6 acres of Commercial (within a dashed line) for the purpose of developing an additional ~~256~~ 234 townhome units. These units will be located on the 24.5 acre commercially designated property at the northwest corner of SW 172nd Avenue and Pines Boulevard (Pembroke Shores). Even though the proposed development will take place on approximately ~~24.5~~ 26.88 acres of the 558 acre amendment area, the amendment process for sites within dashed lines mandates the change of land use on the entire 558 acres.

The land use designations and existing uses of the surrounding properties are as follows:

North – Commercial and Low Residential (3 du/ac) -Spring Valley

East – Irregular Residential (5.3 du/ac) – Agriculture

South – Estate - Lido Isles

West – Commercial and Low Residential (3 du/ac) - Silver Lakes FQD

The comparative analysis of Public Facilities and Services which is based on the maximum development potential of the site under the existing and proposed land use designations indicates increases in impacts on all public facilities and services with the exception of traffic circulation and solid waste. The applicant has indicated that the wetland mitigation project for this area was never completed (1.35 acres permitted in 2009); however, the applicant will complete the wetlands mitigation area subject to Broward County requirements. In addition, the proposed ~~256~~ 234 units will require the submittal of an update to the City's affordable housing study in compliance with Broward County Land Use Plan policy 2.16.2. The applicant has submitted letters of available capacity and will mitigate any increased impacts during the concurrency/capacity analysis and review process. The application has been transmitted to the Broward County School Board (BCSB) staff pursuant to the interlocal agreement for public school facility planning; however, the BCSB staff has agreed to provide review comments during the County review process (see memo from BCSB staff, dated 5/13/19)

The applicant is aware that they will be required to rezone the property. In addition, plat note and site plan approvals will be needed prior to the issuance of a development permit. This applicant is for a regular scale land use plan amendment and therefore, adoption isn't anticipated until early 2020.

STAFF RECOMMENDATION:

Staff requests the Planning and Zoning Board as the Local Planning Agency (LPA) transmit the proposed amendments to the City Commission, Florida Department of Economic Opportunity, Broward County Planning Council and Broward County Commission with a positive recommendation subject to Broward County Commission approval of the associated County Amendment, and recertification of the City's land use plan.

Chairman Rose inquired if there was anyone from the public who wished to speak either for or against this item.

The following members of the Planning and Zoning Board spoke:

Chairman Rose, Vice Chairman Jacob, Member Girello, Gonzalez
Alternate Member Lippman

The following member of staff spoke:

Michael Stamm, Jr., Planning and Economic Development Director

The following members of the public spoke:

Dennis Mele, attorney representing the petitioner
Bonnie Bornstein - Rodriguez, president Pembroke Shores
Nelson Medina, resident Pembroke Shores
Nicole Perez, resident Pembroke Shores
Agnieszka Perez, resident Pembroke Shores
Nannette Rodriguez, resident Pembroke Shores
Bruce Chaskin, resident Pembroke Shores
Ric Arner, resident Pembroke Shores

Dennis Mele, attorney representing the petitioner, noted the board's requests to have more parking, two car garages, and larger units. He acknowledged that at this time he wouldn't be able to provide an accurate maximum number of units and would appreciate the chance to continue working with the Planning and Zoning Board and the Pembroke Shores Homeowners toward reaching the density that is the best for the City and the community. At this time he voluntarily agreed to a limitation cap of 220 maximum units.

Member Girello moved to transmit the proposed amendments subject; to a limitation cap of 220 maximum units to the City Commission, Florida Department of Economic Opportunity, Broward County Planning Council and Broward County Commission with a positive recommendation subject to Broward County Commission approval of the associated County Amendment, and recertification of the City's land use plan. Member Labate seconded the motion.

The following members of the Planning and Zoning Board spoke:

Chairman Rose, Members Girello, Gonzalez

The following members of staff spoke:

Michael Stamm, Jr., Planning and Economic Development Director
Brian Sherman, Assistant City Attorney

On the motion by Member Girello, seconded by Member Labate, to transmit the proposed amendments subject; to a limitation of 220 maximum units to the City Commission, Florida Department of Economic Opportunity, Broward County Planning Council and Broward County Commission with a positive recommendation subject to Broward County Commission approval of the associated County Amendment, and recertification of the City's land use plan, and subject to a limitation cap of 220 maximum units, the following vote was recorded:

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| AYE: | Chairman Rose, Vice Chairman Jacob Members Girello, Gonzalez, Labate |
| NAY: | None |
| | Motion Passed |