



Legislation Text

File #: 2023-03, **Version:** 5

MOTION TO ADOPT PROPOSED ORDINANCE NO. 2023-03 ON SECOND AND FINAL READING

PROPOSED ORDINANCE NO. 2023-03 IS AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING CHAPTER 155, THE LAND DEVELOPMENT CODE OF THE CITY OF PEMBROKE PINES, BY AMENDING SECTION 155.401, ENTITLED "ZONING MAP," TO AMEND THE CITY'S ZONING DISTRICT MAP TO RE-ZONE AN APPROXIMATE 5.2-ACRE PARCEL OF LAND GENERALLY LOCATED SOUTH OF PINES BOULEVARD AND WEST OF SOUTHWEST 184 AVENUE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," FROM B-3 (GENERAL BUSINESS) TO R-TH (RESIDENTIAL TOWNHOUSE) WITH THE ALLOCATION OF FIFTY-FOUR (54) FLEXIBILITY UNITS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

SUMMARY EXPLANATION AND BACKGROUND:

1. Dennis Mele, agent for contract purchaser, has submitted a zoning change application for the Skyrise Plaza property, generally located south of Pines Boulevard and west of Southwest 184 Avenue. The applicant requests the following zoning for the property:

- Rezone a +- 5.2 Acre portion of the property (Northern Parcel - Parcel A) from General Business (B-3) to Residential Townhouse (R-TH) to develop townhouse units. This zoning change request includes the allocation of 54 flexibility units, which can be applied to this property with approval of the City in accordance with Broward County Administrative Rules, Article 3, section 3.2.
- Parcel B (Southern Parcel +- 1.5 acres) will remain Agriculture (A) zoned and serve as a drainage area and bufferyard between the existing neighborhood (Estancia) and the proposed development. The applicant is not requesting to amend the zoning for parcel B. The proposed Agriculture zoning /bufferyard is consistent with the properties to the east and west.

2. The City previously approved the following applications for this property:

- March 3, 2005 -The Board of Adjustment approved a variance from minimum finish floor elevation requirements (ZV 2004-40 - variance expired due to inactivity).
- April 6, 2005 - City Commission approval of the Skyrise Plaza Plat allowing for the development of 77,500 office use and 2,500 square foot restaurant on Tract A and conservation area on Tract B. (SUB 2004-01)
- December 9, 2005 - City Commission approval of a 4-story, 78,924 gross square foot building with 2,500 square feet of restaurant use and 76,424 square feet of office. SP 2004-55 (Never built - site plan expired)

3. The applicant has also applied for a Re-Plat of the Sky Rise Plaza plat (SUB 2022-0001 - Skyrise Townhomes Plat), consistent with this rezoning request, the application will be heard at a future Commission meeting.

4. The existing zoning and land use plan designations of the surrounding properties are as follows:

North	Zoning: PUD (Planned Unit Development) (Chapel Trail) Land Use: Commercial
East	Zoning: B-3 (General Business) Land Use: Commercial
South	Zoning: A (Agriculture) (Parcel B) / R-1C (Residential Single Family) (Estancia Residential) Land Use: Agriculture / Low 2 residential
West	Zoning: R-TH (Residential Townhouse -Tuscan Pines) / A (Agriculture - Conservation area south of Tuscan Pines) Land Use: Irregular 7.9 / Agriculture

5. On June 7, 2017 the City Commission adopted the Stellar/Pines Townhome small scale land use plan amendment (Ref Ordinance 1873) on the +-6.7 acre property to the west of the subject site. The City Commission also approved a zoning change for the property on October 3, 2018 (Ref Ordinance 1918) and Re-Plat on October 17, 2018 (Ref Resolution 3627) which also supported residential use. On December 13, 2018, the Planning and Zoning Board approved the Siena at Pembroke Pines (AKA: Tuscan Pines) site plan (SP 2018-07), consisting of 58 townhouse units is directly west of this parcel.

6. Staff reviewed the proposed rezoning application and provides the following analysis of the application:

- **Compatibility with Adjacent Use** - Staff reviewed this application and finds that the proposed townhouse zoning, is compatible with the adjacent Tuscan Pines (FKA: Stellar Pines) townhome community directly west of this site. The proposed residential use on this property is also compatible with the Estancia residential to the south.
- **Residential Density** - The proposed allocation of 54 units on the +-6.7 gross acre property will result in fewer units than the previously approved residential parcel to the west (Tuscan Pines - 58 Units - Irregular 7.9 du/acre Land use).
- **Compatibility with Comprehensive Plan Policy** - The applicant provided a letter (Greenspoon Marder - Flexibility Unit Allocation Request (3/16/2023) identifying the following comprehensive plan policies in which the proposed design guidelines and flexibility allocation comply:
 - **Policy 1.1** - Continue to allocate residential densities consistent with the permitted uses of the Land Use Element.
 - **Policy 1.4** - Continue to implement land development regulations that provide for

different residential intensities to be physically separated with landscape/open space.

- **Policy 1.5** - Continue to structure higher density near major arterials and open spaces.
- **Policy 1.8** - Continue to implement land development regulations to insure compatibility and buffering between adjacent residential and nonresidential uses.
- **Policy 7.4** - Through the development review process, the City shall continue to ensure safe and convenient on-site vehicular and pedestrian movement, off-street parking, access control management techniques, right-of-way dedications and acquisitions, and adequate access for service and emergency vehicles.
- **Policy 12.4** - Adequate vehicular parking shall continue to be provided for new development in accordance with the land development regulations.

Staff reviewed the rezoning request and flexibility allocation request against the stated comprehensive plan policies listed and finds the submittal complies with the stated comprehensive plan strategies. Staff notes that numerous communities throughout the City including Chapel Trail, Grand Palms, Pembroke Falls, Pembroke Isles, Pembroke Shores, Silver Lakes, Spring Valley and Silver Lakes follow a development pattern where higher density subdivisions of their communities are adjacent to major arterial roadways such as Pines Boulevard.

7. The applicant provided the City with a traffic analysis performed by TrafTech Engineering, Incorporated which concludes that the traffic generation the proposed 54 townhome units will result in the reduction of 764 overall trips compared to the previously approved office / restaurant plan. This includes a reduction of 113 peak AM trips and 125 peak PM trips. Engineering Division reviewed the proposed Trip Generation plan and has no objections.

8. The proposed reduction in daily trips, follows a trend in development within the areas west of 184th Avenue along Pines Boulevard where the use that was developed, generated less trips than what was previously approved or entitled.

9. The applicant intends to build market rate townhouse units on this property. The applicant acknowledges the City's efforts in providing affordable units within the City; to that extent, the applicant is providing a voluntarily contribution of \$54,000 (\$1,000 per unit) to the City's affordable housing fund.

10. The applicant provides a letter from the Broward County School Board acknowledging that school capacity is available to accommodate the additional residential units.

11. The Planning and Zoning Board at its April 13, 2023 meeting voted to transmit this rezoning application, inclusive of the allocation of 54 flexibility units, to the City Commission with a favorable recommendation.

12. First reading of proposed ordinance 2023-03 was presented to the City Commission on May 17, 2023. At the hearing, the applicant requested the item be deferred to the June 21, 2023 City Commission meeting so that concerns raised by the two adjacent communities, Estancia and Tuscan Pines could be addressed, including off site traffic improvements. Estancia expressed concerns about the current traffic condition requiring cars traveling westbound on Pines Boulevard to make u-

turns on SW 186th Avenue to access this Tuscan Pines community as well as the proposed future development.

13. The City Commission voted to pass Ordinance No. 2023-03 on first reading at its June 21, 2023 meeting. Second reading was initially scheduled for August 2, 2023, but the applicant requested deferral to September 6, 2023 to allow for additional time for FDOT approvals for the southbound left turn into the site.

14. On August 6, 2023, the applicant received a variance from FDOT to allow for the construction of a westbound directional median opening with left turn lane on Pines Boulevard. The improvement will permit residents and patrons to head south from the westbound lanes of Pines Boulevard directly into the residential and commercial parcels. As part of the process, the entrance for Tuscan Pines and the proposed development would be combined on to the subject property as shown in the FDOT exhibit. The development of a southbound left turn lane will reduce u-turns at 186th and Pines and improve access to the residential and commercial parcels.

15. The City recently received a letter confirming that Al Goenaga is authorized to speak on behalf of Estancia HOA (July 21, 2023), specifically as it pertains to the traffic issues (U-turns at 186). Tuscan Pines HOA also provided a letter (June 29, 2023) indicating that George Diaz was authorized on behalf of the Board to appear at the City Commission Meeting regarding this application on June 21, 2023. Additional correspondence between the City and Mr. Goenaga is also attached.

16. The applicant was granted a request to defer this rezoning application as well as related re-plat and municipal dedication of subject property at the September 6, 2023 City Commission meeting until a time uncertain. The applicant later requested to be heard at tonight's meeting.

17. In addition to the rezoning application, a re-plat application, municipal dedication agreement and site plan application would be required for the residential project. The re-plat application as well as the municipal dedication are being heard concurrently at tonight's meeting. The site plan application will be heard by the Planning and Zoning Board at a later date once the zoning and plat. Both the zoning change and re-plat applications were re-noticed for tonight's meeting in compliance with City requirements. There are no changes to the applicant's requests.

18. Administration recommends adopting proposed ordinance no. 2023-03 on second and final reading.

FINANCIAL IMPACT DETAIL:

- a) **Initial Cost:** None.
- b) **Amount budgeted for this item in Account No:** Not Applicable.
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable.
- d) **5 year projection of the operational cost of the project:** Not Applicable.
- e) **Detail of additional staff requirements:** Not Applicable.

FEASIBILITY REVIEW:

a) Was a Feasibility Review/Cost Analysis of Out-Sourcing vs. In-House Labor Conducted for this service? Not Applicable.

b) If Yes, what is the total cost or total savings of utilizing Out-Sourcing vs. In-House Labor for this service? Not Applicable.

BUSINESS IMPACT ESTIMATE:

Pursuant to Section 166.041, F.S., a Business Impact Estimate (BIE) must be prepared for certain ordinances that impact the operations of local businesses.

a) Is a Business Impact Estimate (BIE) Form attached to this Ordinance? Yes. [Note, per the form, it needs to be attached regardless if it is exempt.]

b) Is this Ordinance exempt from requiring an Business Impact Estimate (BIE)? Yes