

EXCERPT FROM THE DRAFT MINUTES OF THE PLANNING AND ZONING BOARD MEETING HELD ON JUNE 6, 2017.

2D) **PZ-13-17** CONSIDERATION OF AN AMENDMENT TO AN EXISTING PLANNED UNIT DEVELOPMENT

LOCATION: 2850 NORTH STATE ROAD 7

ZONING: PLANNED UNIT DEVELOPMENT (PUD)

LEGAL DESCRIPTION: A PORTION OF TRACK "A" OF "CELEBRATION POINTE" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 178, PAGE 68, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PETITIONER: JAY HUEBNER, HSQ GROUP, INC.

Timothy Finn led with a PowerPoint presentation. He provided the following background on the project:

- The Celebration Point Planned Unit Development (PUD) was previously approved for 580 garden apartments. 282 of the units had been built on the northern half of the project known as Phase 1.
- Phase 2 had 252 dwelling units available with an additional 46 vested dwelling units; a total of 298 units.
- At Phase 2, the previous property owner sold the property to Lennar Homes who was requesting to amend the existing PUD from 298 garden apartments to 160 fee-simple townhomes, resulting in a 46.3 percent reduction in residential density.

Mr. Finn showed slides of the site plan and two elevations: Chateau theme, and Fresno theme. He read the ten standards for reviewing proposed PUD amendments:

1. *A proposed change in the boundary of the PUD.* There was no proposed change.
2. *A proposed increase in the total number of dwelling units or intensity of land use or height of buildings within the development.* There would be a decrease of 92 units. There would not be an increase in the intensity of land or the height of the buildings.
3. *A proposed decreased in preservation, conservation, recreation or open space areas within the development.* No. The amendment provided for an increase of 1.26 acres of open space.
4. *A proposed increase in the size of the areas used for non-residential uses, to include institutional, commercial and industrial land uses (excluding preservation, conservation or open spaces), or a proposed relocation of nonresidential land uses.* Not applicable. The PUD project was entirely residential.
5. *A substantial increase in the impacts of the development which may include, but are not limited to, increases in traffic generation; changes in traffic circulation; or impacts on other public facilities.* The amendment represented a 28.3 percent trip reduction.
6. *A change that will result in a requirement for increased stormwater retention, or will otherwise increase stormwater discharges.* No.
7. *A change that will bring about a relationship to an abutting land use that would be incompatible with an adjacent land use.* No.
8. *Any modification to the PUD master plan or PUD document or amendment to a PUD ordinance which is inconsistent with the Future Land Use Element or other element of the Growth Management Plan or which modification would increase the density or*

intensity of the permitted land uses. The land use allowed for a maximum density of 580 dwellings units. This amendment provided 442 units for Phase 1 and 2 combined which was a 23.7 percent reduction in residential density from its highest approval.

9. *The proposed change is to a PUD district designated as a development of regional impact (DRI).* Not applicable; the amendment was not part of a DRI.
10. *A change that will increase the amount of required parking for the development.* Code required 2.2 parking spaces per dwelling unit of any multi-family development. The previously approved Phase 2 portion of the PUD consisted of 298 garden apartments and provided 559 parking spaces. This proposal consisted of 160 townhomes and provided 509 parking spaces. This represented an increase in provided parking from 2.2 spaces per dwelling unit to 3.1 per dwelling unit, surpassing the City's codified parking requirement.

Mr. Finn said Staff recommended that the Planning and Zoning Board approve the proposed ordinance which amended the existing PUD on the south half of the project, referred to as Celebration Pointe South or Phase 2, from 298 garden apartments to 160 townhomes.

Steven Wherry, on behalf of Lennar Homes, explained that they were requesting an amendment to a previously approved PUD. He said they were activating the southern portion of the Celebration Pointe site. He said benefits to the City included a reduction in the density of the product, units with increased square footage, higher property values resulting in increased tax receipts, as well as income from permitting and impact fees.

Mr. Arserio asked about the amount of open green space or common area that would remain. Mr. Wherry responded that fenced areas were not counted in the overall open space calculation. He said they applied a number of factors in determining green space but that there would be 4.3 acres overall of open space which was an increase over the current 3.04 acres that had been previously approved. Mr. Arserio asked if they could decide to build on the additional open space in the future. Mr. Wherry said they could not do so unilaterally; they would need to go through another amendment process in order to make any additional changes to the site.

Mr. Arserio asked whether the 3.2 parking spaces per unit counted the garage. Mr. Wherry responded that the garage was included. He said normally Code did not allow garage spaces to be counted, but the approved PUD included a variance that allowed the counting of garage spaces for parking spaces. He said there was a requirement incorporated into the PUD that would be carried through into the homeowner association (HOA) documents that would require the residents to use the garage spaces for parking and not for storage. He spoke about how the ratio of units to parking spaces was currently 2.2, as per Code, and that this proposed change would increase it to 3.2 parking spaces per unit.

Mr. Arserio asked Mr. Wherry whether their docs (HOA) would specifically require owners to park in their garages. Mr. Wherry responded that they would. Mr. Arserio asked whether the garages were for one or two cars. Mr. Wherry responded that they were mostly one-car garages with driveway space as well. He said it was customary in Lennar communities where there were "for sale" units for people to follow the rules.

Mr. Hylander commented that having a rule in the HOA documents was not enforceable or workable based on his experience. He commented how parking requirements for building complexes have steadily decreased since the 1970's, and that while the petitioner was meeting Code, the Code needed to be amended. He said the mentality of the Transit Oriented Corridor (TOC) and the Metropolitan Planning Organization (MPO) was to squeeze people out of their cars. Mr. Wherry agreed that it was difficult to rely on rules to enforce parking. He said in addition to the rules, they also had the ability to ticket people or to tow cars. He noted, however, that with "for sale" units, there was some pride of ownership and the possibility of some shame for those who did not abide by the rules; he said most people would follow the rules. He commented that they were substantially exceeding the Code requirement for this property.

Ben Ziskal clarified that Celebration Pointe was not located within the Transit Oriented Corridor (TOC) zoning district; Toscana was in the TOC and it had a lower ratio as it was built on a property that required 1.5 parking spaces. He said Celebration Pointe was exceeding a different and higher requirement at 2.2 parking spaces.

Mr. Wherry explained that a typical bedroom mix got factored in to determine the multi-family standard of 2.2 spaces for multi-family developments.

Mr. Arserio asked whether there would still be adequate parking if the garages were not counted. Mr. Wherry said they looked at that and they would meet, not exceed, the Code requirements.

Mr. Manganey said he thought it was great.

John Yakovich, Applegreen Condos, commented that the garages would not be used. He recommended that the number of parking spaces not be reduced. He said there would be investors and some units with five to eight single adults living there and units with five to seven cars. He said cutting parking spaces would be a big mistake.

Mr. Angier asked Mr. Wherry to clarify the parking calculations. Mr. Wherry explained that under the existing, approved PUD, there were 559 parking spaces for 252 units which equaled 2.2 spaces per unit. He said under the proposed amendment, there would be 509 parking spaces for 160 units which equaled 3.2 parking spaces per unit, or an increase of one parking space per unit.

Mr. Ziskal pointed out that, unlike an apartment complex, parking spaces were not assigned to each unit. He said these were fee-simple townhomes and each unit had a one-car garage and a double driveway, very similar to the single family homes in the City. He said an alternative to add more parking was to require townhomes to have a two-car garage which still might not be used, or to have a triple driveway which no other City required.

A back and forth discussion ensued between Mr. Arserio and Mr. Wherry concerning the availability and regulation of additional guest parking. Mr. Arserio asked about the amount and location of the guest parking. He also asked whether there would be a limit on the number of vehicles allowed per unit and whether residents could utilize the guest parking spots. Additionally, he asked if the developer's doc would limit the number of cars that each unit could

have assigned for parking. Mr. Wherry responded that there were 29 guest parking spaces and he pointed out four or five locations on the site plan. He said that the PUD document limited the number the number of cars that could be on-site. He said it would up to the HOA to regulate residents using guest parking for their vehicles. As for the developer's docs limiting the number of cars a resident could park, he said it could be looked into as a possibility. He indicated that a draft of the HOA docs would be reviewed by the City Attorney before they were implemented. He mentioned the issuance of stickers for resident's cars as one measure that could be taken. Mr. Wherry said the parking situation would be self-policing in that resident's would not park on their neighbor's property without approval. Mr. Arserio asked whether, down the road, the Board or the City Commission would be able to require them to limit the number of cars parked per unit.

Mr. Zucchini interjected that the developer had significantly exceeded what the Code required and, while the Board might not be happy with the Code's requirements, the Board should not hold the developer accountable for it. He said it should be handled as a separate issue.

Mr. Manganey made the following motion, seconded by Mr. Zucchini:

MOTION: SO MOVE TO APPROVE

ROLL CALL: Mr. Arserio, Yes; Mr. Manganey, Yes; Mr. Zucchini, Yes, Mr. Hylander, Yes; Mr. Angier, Yes. The motion passed with a 5-0 vote.

3) **GENERAL DISCUSSION**

(to be completed)

There being no further business, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Prepared by Rita Rodi

Todd E. Angier, Chair