

CITY OF GREENACRES, FLORIDA AGENDA

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING

GREENACRES CITY HALL - COUNCIL CHAMBERS

Tuesday, June 6, 2017 7:00 P.M.

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT, THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT AND SPECIAL ACCOMMODATIONS CAN BE PROVIDED UPON REQUEST.

NOTICE: If any person decides to appeal any decision of the City of Greenacres Zoning Board of Adjustments and Appeals at this meeting, he or she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such record. **FOR HEARING ASSISTANCE:** If any person wishes to use a Listen Aid hearing device, please contact the Planning and Engineering Department prior to any meeting held in the Council Chambers.

- 1. Call to Order and Roll Call
- 2. Pledge of Allegiance to the Flag
- 3 Agenda Approval Additions, Deletions, Substitutions to the entire Agenda
- 4 Approval of Minutes: March 7, 2017
- 5. Cases:

Target (Outparcel -Zaxby's)

A request by the owner for a variance (BA-17-05) to allow a second menu board sign. The site is located at 5900 Lake Worth Road.

Whitney Park (fka Bowman Pines)

A request by the owner for a variance (BA-17-06) to increase the maximum individual lot coverage for seven (7) of 24 single family home lots from 35% to 36.5% (1.5%).

- 6. Department Report
- 7. Z.B.A.A. Members' Comments
- 8. Adjournment



OFFICIAL MINUTES

CITY OF GREENACRES, FLORIDA

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING

TUESDAY, March 7, 2017

1. <u>Call to Order and Roll Call.</u>

The Zoning Board of Adjustments and Appeals Meeting was called to order at 7:00 p.m. on Tuesday, March 7, 2017 with Chairwoman Dannette Fitzgerald presiding. Melody Larson, Assistant to the City Clerk, called the roll.

ROLL CALL:

Present

Dannette Fitzgerald, Chairwoman

Betty Anne Litowsky, Vice Chairwoman

Arthur Harrell

James Paglialungo

Staff Present

James D. Stokes, City Attorney

Kara L. Irwin-Ferris, Director/Planning & Engineering

Osniel Leon, Senior Planner

Melody Larson, Assistant to the City Clerk

Public Attendance: 3 Press Attendance: 0

2. Pledge of Allegiance to the Flag

Chairwoman Fitzgerald led the Pledge of Allegiance to the Flag.

3. Agenda Approval - Additions, Deletions, Substitutions to the Agenda.

Chairwoman Fitzgerald called for additions, deletions, or substitutions to the agenda; hearing none, she called for a motion.

MOTION: Mr. Harrell made a motion to approve the Agenda as presented. Ms.

Litowsky seconded the motion.

VOTE ON In Favor: Chairwoman Fitzgerald, Vice Chairwoman Litowsky,

THE MOTION: Mr. Paglialungo and Mr. Harrell.

Motion carried: 4 - 0.

4. Approval of Minutes – November 29, 2016.

Chairwoman Fitzgerald called for additions, deletions, or substitutions to the minutes; hearing none, she called for a motion.

MOTION: Mr. Harrell moved to approve the ZBAA minutes of November

29, 2016. Mr. Paglialungo seconded the motion.

VOTE ON In Favor: Chairwoman Fitzgerald, Vice Chairwoman Litowsky,

THE MOTION: Mr. Paglialungo and Mr. Harrell.

Motion carried: 4 - 0.

5. Cases:

A. BA-16-06 Target (5900 Lake Worth Road) - The petitioner is requesting a variance

from Article VIII, Off-street Parking and Loading Regulations, Section 16-1336 Parking and Loading Requirements to reduce the required number of parking

spaces in order to expand the development of the site.

Planning and Engineering Director Kara L. Irwin-Ferris announced that board members were being handed a revised variance staff report in strike-through and underline format as well as a revised staff report for a site plan amendment, because changes to the site plan directly affect the original variance request.

Director Ferris provided a brief history of the existing Target retail building that was approved in 1996 with two outparcels. One outparcel was approved for a 5,040 sq. ft. restaurant and the second outparcel was for a 3,500 sq. ft. drive-thru restaurant. The Target building and Garden Center were built; however, the outparcels were never developed. In 2008, and 2013, the applicant was granted variances to reduce the number of parking spaces; however, the accompanying site plan amendments did not receive approval and the variances expired and/or were withdrawn.

The proposed variance is to reduce the required number of parking spaces from 618 spaces to 512, a 12.5% reduction.

Director Ferris emphasized that the proposed parking demand requested for the Target retail building is 2.7 spaces/1,000 sq. ft. The parking for the two (2) outparcels will be pursuant to Code. The parking study for the retail Target building was based on demand during peak season/times.

The City's traffic engineering consultant reviewed this variance request and had no objections to the proposed demand study. The proposal meets the six (6) variance criteria and two (2) general findings criteria; therefore, staff recommends approval of BA-16-06, subject to staff's three (3) conditions of approval.

Chairwoman Fitzgerald called on Board members for comment; hearing none, she called on the applicant's traffic engineer for comment.

Chairwoman Fitzgerald asked if the Garden Center was included in their traffic study.

Shaun McKenzie, Traffic Engineer for McKenzie Engineering, explained that the November 2015 parking study divided the site into 11 areas establishing where vehicles are parking and where spaces are available. Regardless of where vehicles were parking, the study included both the Garden Center and the Target Store. He noted that the counts were adjusted to include peak seasons and times.

Chairwoman Fitzgerald asked if the applicant was in agreement with staff's three (3) conditions of approval.

Angelina Rosenburg of the Target Corporation stated she was in agreement with staff's conditions of approval.

Chairwoman Fitzgerald called for a motion.

MOTION:

Mr. Harrell moved to approve BA-16-06 (Target), subject to staff's three (3) conditions of approval. Mr. Paglialungo

seconded the motion.

VOTE ON THE MOTION:

In Favor: Chairwoman Fitzgerald, Vice Chairwoman Litowsky,

Mr. Paglialungo and Mr. Harrell.

Motion carried: 4 - 0.

B. BA-17-01

KFC (6712 Forest Hill Blvd) - The petitioner is requesting a variance from Article VI Sign Regulations, Division 4 Sign Standards, Section 16-985(5) Identification Signs to allow a (10'x10'6") free-standing monument sign with a (63'6") copy area. The Code allows outparcels and outbuildings within a unified development one (1) free-standing monument sign with a maximum height of eight (8) feet and with a maximum copy area of forty (40) sq. ft. per sign face.

Senior Planner Osniel Leon described the subject site located on the southwest corner of Forest Hill Boulevard known as Outparcel #4 of the River Bridge Centre. In January 1999, the site received special exception and site plan approval for a KFC fast-food restaurant with a drive-thru. On January 5, 1999, the Zoning Board of Adjustments and Appeals denied a request for a third building sign. On April 27, 1999, a variance request was granted to increase the maximum copy area to 38 sq. ft. for a menu board sign.

Senior Planner Leon explained that the applicant is requesting to exceed the maximum height of 8 ft. with a 40 sq. ft. copy area, to 10 ft. high monument sign with 63'6" of copy area. There are other commercial establishments within the plaza that meet the maximum allowed sign height. The granting of this variance would grant special privileges not provided to other properties in the same zoning district; therefore, staff recommends denial of BA-17-01.

Chairwoman Fitzgerald called on the applicant for comment.

Karie Andrade of ME Signs, agent for KFC, noted that other outparcel business signs exceed the sign code requirements. The proposal is to exceed the height by 2 feet and an additional five (5) feet in length for a total of 8-9 sq. ft. of additional copy area.

Chairwoman Fitzgerald asked the reason for requesting a larger sign.

Ms. Andrade explained that with a new design, it was difficult to shrink it to the new look. She explained that KFC is rebranding and in order to keep with the new look the extra copy area was needed.

Mr. Paglialungo disclosed that he had visited the site and had compared the variance request with other existing signs in the plaza that meet Code. He agreed that a newer sign could be beneficial and suggested reducing the base of the sign to conform with Code.

Vice Chairwoman Litowsky agreed with reducing the base.

Director Ferris pointed out that a non-conformity in another sign does not justify granting a variance.

Mr. Harrell opined that the black base actually takes away from the sign.

Vice Chairwoman Litowsky asked staff if the sign could be move closer to the sidewalk.

Director Ferris noted that setback requirements must be met.

Chairwoman Fitzgerald called for a motion.

MOTION: Mr. Harrell made a motion to deny BA-17-01. Vice Chairwoman

Litowsky seconded the motion.

VOTE ON In Favor: Chairwoman Fitzgerald, Vice Chairwoman Litowsky,

THE MOTION: Mr. Paglialungo and Mr. Harrell.

Motion carried: 4 - 0.

6. Election of Officers

Chairwoman Fitzgerald called for nominations for Chairperson. Mr. Paglialungo nominated Betty Anne Litowsky who declined the nomination and nominated Danette Fitzgerald to continue as Chairperson. No other nominations were put forth; therefore, Dannette Fitzgerald was nominated by acclamation. She accepted the nomination.

Chairwoman Fitzgerald then called for nominations for Vice Chairperson. Mr. Paglialungo nominated Arthur Harrell seconded by Mrs. Litowsky. Mr. Harrell was nominated by acclamation.

7. Department Report.

Director Ferris announced the review of two (2) new variance applications and the possibility of holding a March 28th ZBAA meeting and called for a quorum check. All confirmed their availability.

City Attorney Stokes announced the recent promotion of Kara L. Irwin Ferris to Director of Planning and Engineering.

8. ZBAA Members' Comments. – None.

9. Adjournment.

Mrs. Litowsky moved to adjourn the meeting, seconded by Vice Chairman Harrell. The meeting adjourned at 7:42 p.m.

ZONING	BOARD	OF	ADJUS	TMENT	S
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AND APPEALS	Respectfully submitted,
Dannette Fitzgerald, Chairwoman	Kara L. Irwin-Ferris, Planning and Engineering Director
	Joanna Cunningham, MMC, City Clerk
/mel	Date of Approval:

Page 5

BA-17-05 Exhibit "A"

Date: May 31, 2017

Revised:



LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

I. Project Description:

Project: Zaxby's at Target

Petitioner: Thomas Engineering.

1000 Corporate Drive, Ste 250 Ft. Lauderdale, Florida 33334 as agent for the owners, Target Corporation/Dayton Hudson Corp.

Request: A variance request from Article VI,

Division 4, Section 994 of the

Zoning Code

Location: On the southeast corner of Lake Worth

Road and Sherwood Forest Boulevard

at 5900 Lake Worth Road.



II. Site Data:

Parcel Control Number: 18-42-44-26-22-001-0000

18-42-44-26-22-002-0000

18-42-44-26-22-003-0000 18-42-44-26-22-023-0000

Parcel Size: 15.238 acres (663,767.28 sq. ft.)

Existing Use: Retail Department Store w/ 2 Outparcels

Future Land Use Designation: Commercial (CM)

Zoning: Commercial (CI)

Section 16-994 pertaining to menu board signs

V. Staff Analysis:

Background:

The applicant is requesting a variance from the Zoning Code to allow for the addition of one more menu board sign for a total of 2 menu board signs. The variance requested is from the following Code provision:

1) Article VI, Division 4, Section 16-994 which allows one menu board sign per fast-food restaurant use.

On May 11, 2017, the Land Development Staff reviewed this petition and recommended approval of the request.

Land Development Staff Comments:

Planning and Engineering Department:

Incorporated into the staff report.

Building Department:

No objections.

Fire Rescue Department:

No objections. No objections.

Public Works Department: PBSO District 16:

No objections.

VI. Variance Findings of Fact:

The Zoning Board of Adjustments 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: Special circumstances are involved in the approved use/structure of the site that are not applicable to other structures and/or buildings in the district. In order to improve the efficiency of the drive thru operation, the applicant is requesting an additional menu board sign, which provides a preview of the menu so that customers are ready to order once they reach the menu board. Both proposed menu boards are cumulatively less square footage than what is permitted in the zoning district and provide for better management of the special exception use of the site, specifically the traffic management or queuing of the drive-thru customers. In addition, at the time the menu board provisions were added to the Code the use of multiple ordering locations and/or menu previews at drive-thru lanes was not an industry practice and was, therefore, never taken into consideration.

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

Finding: The fast food drive-thru use is proposing to utilize industry standards of management

provisions of this chapter will result in unnecessary and undue hardship

Unnecessary and undue hardships will be created for the applicant by a literal interpretation of the provisions of Article VI, Division 4, Section 16-994 of the Zoning Code. The menu board is a mere accessory to the drive-thru and not being utilized as a sign but critical to its success.

(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:

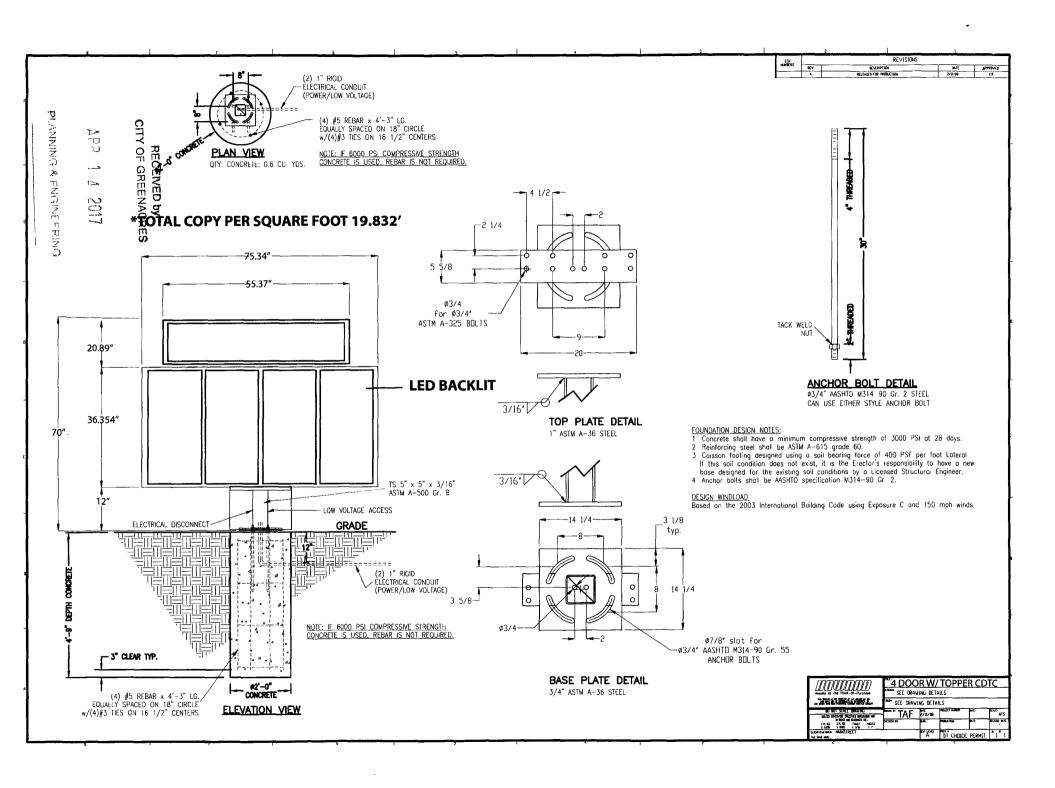
Based on the preceding analysis, the subject variance complies with the variance criteria.

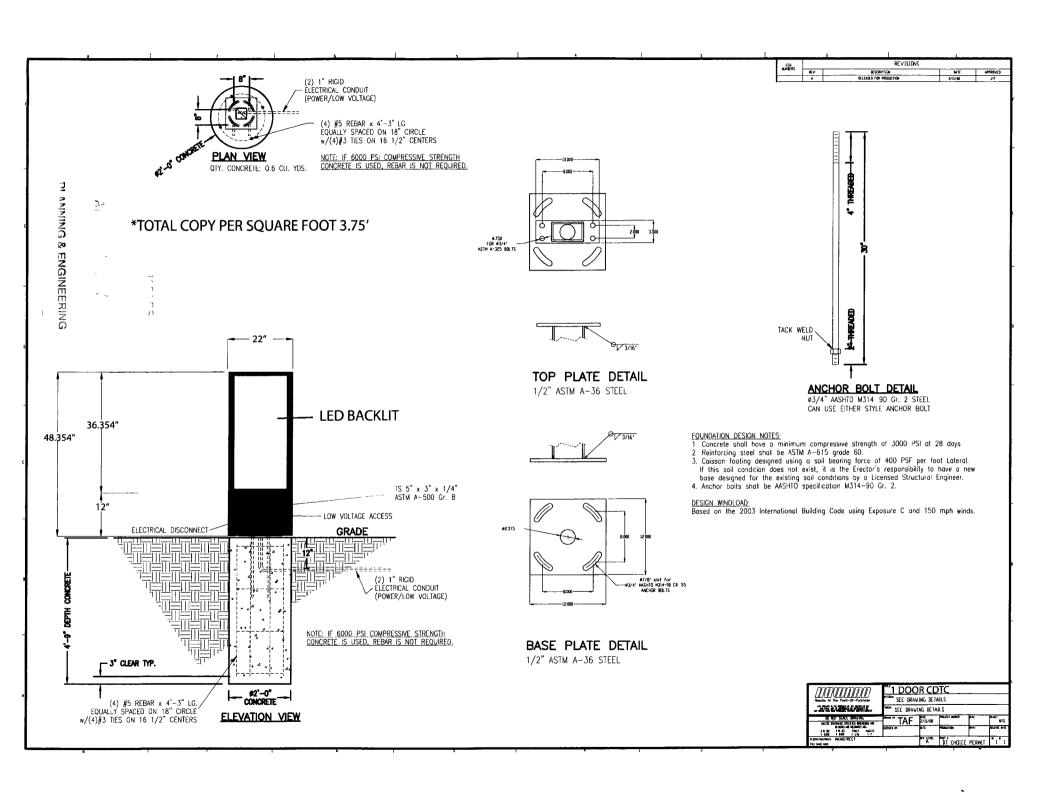
VII. Staff Recommendation:

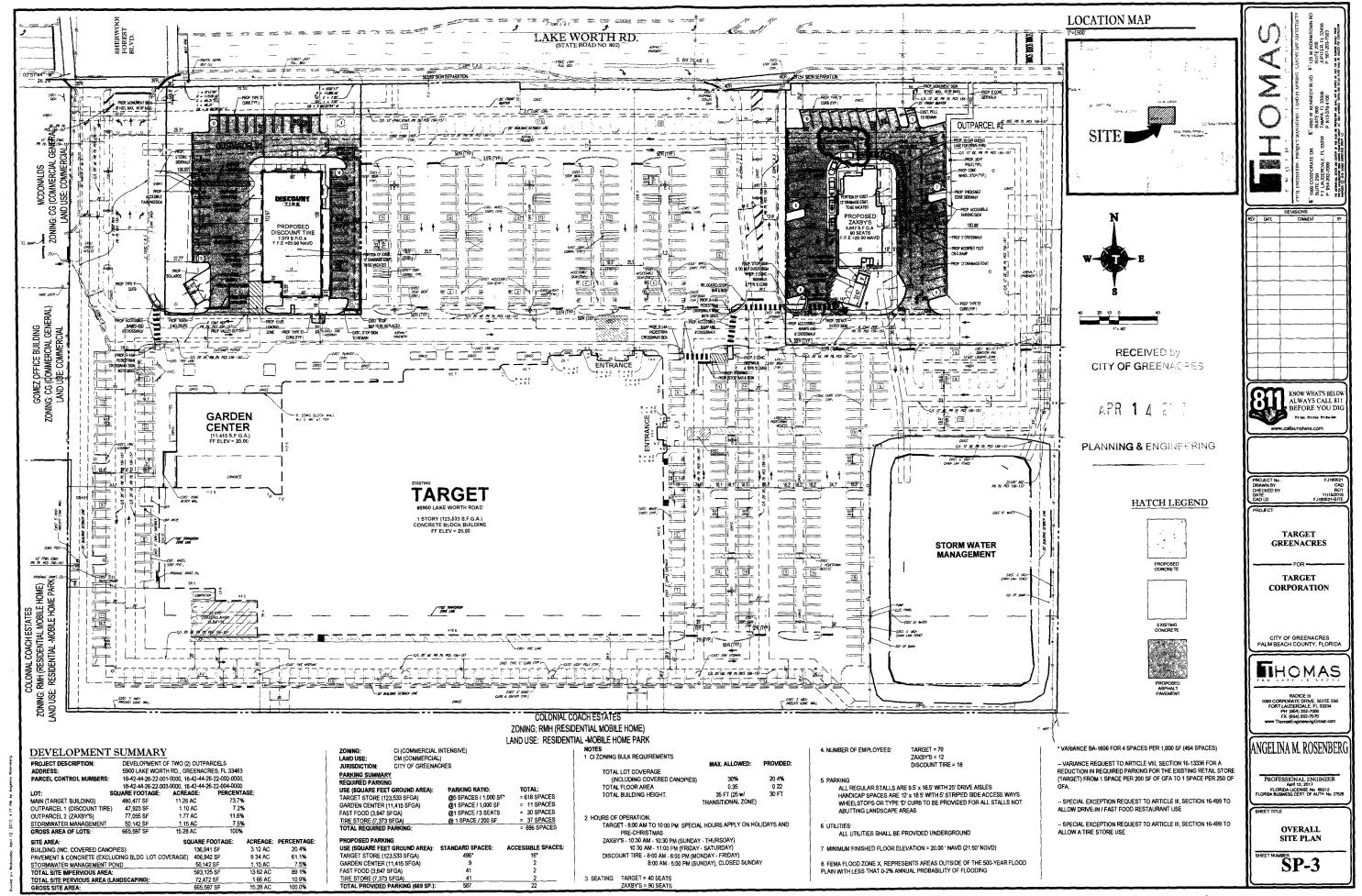
Approval of the variance request with the following conditions:

- 1. Site and Development Plan amendment approval for the proposed project shall be obtained within six (6) months of the date of approval of the variance. (Planning)
- 2. In the event that the second menu board is utilized to take orders or a speaker is added, it shall be required to meet the City's minimum noise standards. (Planning)









SCHEDULE B-SECTION 2 PER FIRST AMERICAN TITLE INSURANCE COMPANY FILE NO. NCS-618222-MLPS EFFECTIVE DATE JULY 2, 2013 AT 8:00 A.M (9) PROMISIONS OF THE PLAT OF CREENACRES TARGET, RECORDED IN PLAT BOOK 79, PAGE 156 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA (AFFECTS SITE-BLANKET IN NATURE)

THE TERMS, PROVISIONS AND CONDITIONS CONTAINED IN THAT CERTAIN RESOLUTION ABANDONING RIGHTS OF WAY FOR DITCH AND PUBLIC ROAD PURPOSES RECORDED IN BOOK 1765, PAGE 548 (ABANDONING RIGHTS OF WAY FOR DITCH-NO LONGER AFFECTS) (2) THE TERMS, PROMISIONS AND CONDITIONS CONTAINED IN THAT CERTAIN STANDARD POTABLE WATER AND WASTEWATER DEVELOPMENT AGREEMENT RECORDED IN BOOK 9776, PAGE 965 (AFFECTS SITE-BLANKET IN NATURE)

- MITERED END SECTION
- MANHOLE
- METAL LIGHT POLE
- MILES PER HOUR
- METAL POWER POLE

- MILLS FORMAND LESS OF THE STATE OF THE STA

OVERTICAD UNICS

PLAT BOOK
POINT OF CURVATURE
POINT OF CURVATURE
POINT OF COMPOUND CURVATURE
PROMENT OF COMPOUND CURVATURE
PROMENT OF COMPOUND
PROPOSED FINISHED FLOOR
PAGE
POINT OF INTERSECTION
PARKER KAYLON
POINT OF COMMENCEMENT
POINT OF COMMENCEMENT
POINT OF COMMENCEMENT
POINT OF COMMENCEMENT
POINT OF TREGENCE MONIUME
PROFESSIONAL SURVEYOR MAP
POINT OF TRANCENCY
POLYMON, CHICARD
POINT OF TRANCENCY
POLYMON, CHICARD
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POLYMON, CHICARD
PARKENT
RADIUS
RADIUS
RADIUS
PROFESSIONAL SURVEYOR MAP
POINT OF TRANCENCY
POLYMON, CHICARD
PORT OF TRANCENCY
POLYMON, CHICARD
PARKENT
RADIUS
RADIUS
PROFESSIONES

- RADIA'S
- RENFORCED CONCRETE PIPE
- RECOVERED
- RECOVERED
- REVISION
- RADIUS POINT
- RECLAMED WATER METER
- SECTIAL EASHENT
- SECTIAL EASHENT
- SENTIAL 2.8
- SANTIAR 2.5
- SOUARE
-

SETTION SO SETTION SO SOUTHER SERVER MANHOLE SOUTHER FEET STREET STREET

UNITY EASEMENT
UNNOWN
UNDERGROUND TELEPHONE LINES
WITH
WATER EASEMENT
UNDERGROUND WATER LINE
WOOD LIGHT POLE
WATER METER
WOOD POSIT FENCE
WOOD POSIT FENCE
WATER VELLE
WATER V

TYPICAL UTILITY EASEMENT

430 ACCESS AND TEMPORARY CONSTRUCTION EASEMENT AGREEMENT RECORDED IN BOOK 9911, PAGE 1983(AFFECTS SITE-AS SHOWN ON SURVEY)

(4) THE TERMS, PROVISIONS AND CONDITIONS CONTAINED IN THAT CERTAIN INDEMNITY AGREEMENT RECORDED IN BOOK 10242, PAGE 1147. (AFFECTS SITE-WALL ENCROACHMENT INTO EASEMENT-AS SHOWN ON SURVEY)

Abbreviation Legend:

CALCULATED
CHORD
C

- DUCTILE IRON PIPE
- DRIVE
- DRIVE
- DRAINAGE AND UTILITY EASEMENT
- ENGINEERING PLAN
- ELLECTRIC JUNCTION BOX
- UNDERGROUND ELECTRICAL LINES
- ELLECTRIC
- ELLECTRIC
- END OF INFORMATION
- EDGE OF PAYEMENT
- EASEMENT
- FELD BOOD PARTMENT OF TRANSPORTATION
- FILOR BOOD
- FLOORING LOT
- FIRE THORN
- FOR THE THORN
- FOR THORN
- FOR THE THORN
- FOR THE THORN
- FOR THORN
- TH

GRID (STATE PLANE)

UNDERGROUND GAS LINES

UNDERGROUND GAS LINES

CORONIO PENETRATING RADAR

GREASE TRAP MANHOEL

HIGH DENSITY POLYETHYLENE PIPE

HOG WIRE FENCE

IDEN INFICATION

INRECATION

INVERT

IRON PIPE

IRON PIPE

IRON PIPE

IRON PIPE

IRON ROD

IRON ROD

ARC LENGTH

LICENSED BUSINESS NUMBER

LICHT FOLE

MALBOX

BOUNDARY & TOPOGRAPHIC SURVEY ALSO BEING AN ALTA/NSPS LAND TITLE SURVEY

TARGET CORPORATION

5900 LAKE WORTH ROAD LYING IN

SECTION 26-TOWNSHIP 44 SOUTH-RANGE 42 EAST PALM BEACH COUNTY. FLORIDA

Legal Description: (TITLE)

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS

PARCEL 2
THE EAST HALF OF THE EAST HALF OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26. TOWNSHIP 44 SQUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPTING THE NORTH 20 FEET THEREOF, FOR RIGHT-OF-WAY FOR LAKE WORTH ROAD (S. R. BOZ). AS NOW LAID QUT AND IN USI

PARKEL I

THAT PORTION OF THE FOLLOWING DESCRIBED PARKELS "A" AND "B", LYING SOUTH OF THE SOUTH RICHT—OF—WAY
LINE OF STATE ROAD S—802 (LAKE WORTH ROAD) AS SHOWN ON THE MAP OF SAID RICHT OF WAY RECORDED IN
RICHT OF WAY BOOK S AT PACE 1300 OF THE PUBLIC RECORDS OF PAME BEACH COUNTY, CHORIDA.

PARCEL 3
THE WEST ONE-HALF (W 1/2) OF THE NORTHEAST DNE-QUARTER (NE1/4) OF THE NORTHWEST ONE-QUARTER (NW1/4)
OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 26, TOWNSHIP 44 SQUTH RANGE 42 EAST, PALM BEACH
COUNTY, FLORIDA LESS HOWEVER THE NORTH 20 FEET THEREOF FOR RIGHT-OF-WAY FOR LAKE WORTH ROAD
(S R 802), AS NOW LAID OUT AND IN USE

THE ABOVE BEING PRESENTLY DESCRIBED AS ALL OF "GREENACRES TARGET" ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 79, PAGE 156, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

LESS AND EXCEPT LAND CONVEYED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION PURSUANT TO THAT CERTAIN DEED RECORDED IN OFFICIAL RECORDS BOOK 9828, PAGE 1054, PUBLIC RECORDS OF PALM BEACK COUNTY, FLORIDA.

Legal Description: (SURVEY)

ALL OF "GREENACRES TARGET" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 79. PAGES 156 AND 157 INCLUSIVE OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

- NAIL & DISC (AS NOTED)

- CONCRETE PAVERS

UNKNOWN RISER

- DETECTABLE WARNING AREA

- CONCRETE LIGHT POLE (DUAL)

- CONCRETE LIGHT POLE (TRIPLE)

CONCRETE LIGHT POLE (QUAD)

Line Legend: - -1- - = 1 FOOT CONTOURS

= TREE LINES

= VINYL FENCE

____ = WOOD FENCE

- TRAVERSE LINES

- UNKNOWN BURIED LINES

,	= 5 FOOT CONTOURS
	= ADJOINER PROPERTY LINES
xx	- BARBED WIRE FENCE
	= BROKEN LINE
ec	- BURIED CABLE
uctv	■ BURIED CABLE TELEVISION
vc	- BURIED ELECTRIC
	= BURIED FIBER OPTICS
uc	- BURIED CAS
URW	= BURIED RECLAIMED WATER LINE
san	- BURIED SANITARY LINES
	# BURIED SANITARY SEWER FORCE MAIN LINE
— тс —	- BURIED TRAFFIC CONTROL
ur	= BURIED TELEPHONE LINE
uv	- BURIED WATER LINES
	= CENTER LINE R/W
	= CHAIN LINK FENCE
	= EASEMENT LINES (EXISTING)
	= EASEMENT LINES (PROPOSED)
EDW	= EDGE OF WATER LINES
	= EXISTING DRAINAGE PIPES
	. EXISTING DRAINAGE PIPES (OUTFALL NOT LOCATED
	M HOT WATER SUPPLY LINES
_ * -	= IRRIGATION LINES
on	= OVERHEAD TRAFFIC LINES
OHU	■ OVERHEAD UTILITY LINES
 	= RAILROAD TRACK LINES
	= RICHT-OF-WAY LINES
	= SECTION LINES
	■ STONE WALL LINES
	= TOP OF BANK LINES
— roc —	= TOE OF SLOPE LINES

Symbol Legend:

- AIR RELEASE VALVE

G - MAILBOX

MW - MONITOR WELLS

- GARBAGE CAN

PBX - PULL BOX AS NOTED

TRAFFIC SIGNAL SUPPORT POLE

	~	-	ANT NECENSE THEFE	_		THIC & DIDC (NO HOLCO)
		-	BORING HOLE LOCATION	2	_	PARKING SPACES (2)
	CTV	-	CABLE TV RISER	Δ	_	REVISION NUMBER (3)
	Δ	-	CENTRAL ANGLE			RECLAIMED WATER METER
		-	CONCRETE	×		RECLAIMED WATER VALVE
		-	CLEAN OUT	×		ROOF DRAIN
	ⅎ	-	CONCRETE MITERED END SECTION	(S)		SANITARY SEWER MANHOLE
		-	CONCRETE RIP RAP	×		SANITARY SEWER VALVE
		-	CONCRETE UTILITY POLE	 € 		SCHEDULE B ITEM NUMBER (B)
	1	-	COUNTY ROAD SYMBOL	€		GROUND LIGHT
		-	DUAL SUPPORT SIGN	*		SECTION CORNER
		-	ELECTRICAL MANHOLE	×ø× ⊡		4" X 4" CM LB #7143
	<u> </u>	-	ELECTRIC OUTLET	_		
	ā	-	ELECTRIC RISER	◉		5/8" R&C LB #7143
	寒	-	FIRE HYDRANT	•		SIGN
	•	-	FLOOD LIGHT			SITE BENCH MARK
		-	FOUND CONCRETE MONUMENT (AS NOTED) ©	-	STORM SEWER MANHOLE
	•		FOUND IRON PIPE (AS NOTED)	,	-	STRIPING (DIRECTIONAL)
	0	_	FOUND IRON REBAR (AS NOTED)			TELEPHONE CABLE RISER
	Ň		GAS VALVE			TELEPHONE MANHOLE
	=		GRATE INLET			TEST HOLE
1)	©		GREASE TRAP MANHOLE	Ø		TRANSFORMER PAD
,	ĕ		GUY ANCHOR	a		UTILITY RISER
			HANDICAP PARKING SPACE			WATER METER
			INTERSTATE SYMBOL			WATER SERVICE
	8	_	IRRIGATION CONTROL VALVE	W.C		WATER SPIGOT
			CONCRETE LIGHT POLE	ws		WATER SPRINKLER
	- 1		LIGHT POLE	×		WATER VALVE
			LIGHT POLE (DUAL)	⊚		WELL
				Δ		WETLAND FLAG
			LIGHT POLE (TRIPLE)		-	WOOD UTILITY POLE
	⊸ ĕ ∽	-	LIGHT POLE (QUAD)	Õ	-	UNKNOWN MANHOLE

Sign Legend:

(A1)		AISLE SIGN
(B)		BUS STOP SIGN
(DNE)	-	DO NOT ENTER SIGN (R5-1)
(HC)	-o-	HANDICAP SIGN
(KR)		KEEP RIGHT SIGN
(ME)	-	MEDIAN SIGN
(ND)		NO DUMPING SIGN
(NL)	_0_	NO LEFT TURN SIGN (R3-2)
(NLI)		NO LITTERING SIGN
(FL)	-	NO PARKING FIRE LANE SIGN
(NOR)		NO RIGHT TURN SIGN (R3-1)
(NOT)		NO TRUCKS (R5-2)
(NP)	-	NO PARKING SIGN
(1W)	-	ONE WAY SIGN (R6-2)
(PE)	-	PEDESTRIAN CROSSING SIGN
(RTO)	-	RIGHT TURN ONLY
(SL)	-o-	SPEED LIMIT SIGN
(ST)		STOP SIGN (R1-1)
(SS)	-0-	STREET SIGN

(U) --- UNKNOWN SIGN

(WL) - WEIGHT LIMIT SIGN

(KR)	-0	KEEP RIGHT SIGN	Reference Material
(ME)	-	MEDIAN SIGN	TOTOLOGICO MOTOLOGIC
(ND)		NO DUMPING SIGN	1) RIGHT-OF-WAY BOOK 5
(NL)		NO LEFT TURN SIGN (R3-2)	PUBLIC RECORDS OF PALM BE
(NLI)	-	NO LITTERING SIGN	2) DEED RECORDED IN OFFIC
(FL)	-	NO PARKING FIRE LANE SIGN	PAGE 1054, PUBLIC RECORDS COUNTY, FLORIDA
(NOR)	-	NO RIGHT TURN SIGN (R3-1)	
(NOT)		NO TRUCKS (R5-2)	 GREENACRES TARGET ACC THEREOF RECORDED IN PLAT I
(NP)		NO PARKING SIGN	AND 157, INCLUSIVE PUBLIC R
(1W)	-	ONE WAY SIGN (R6-2)	COUNTY, FLORIDA
(PE)	~	PEDESTRIAN CROSSING SIGN	Parking Table
(RTO)	_	RIGHT TURN ONLY	STANDARD SPACES =
(SL)		SPEED LIMIT SIGN	ACCESSIBLE HANDICAP SPACE
(ST)		STOP SIGN (R1-1)	TOTAL SPACES =
(SS)	-	STREET SIGN	
(TZ)	-	TOW AWAY ZONE SIGN	
(TE)	—	TRUCK ENTRANCE SIGN	

DEED RECORDED IN OFFICIAL RECORDS BOOK 9828 1054, PUBLIC RECORDS OF PALM BEACH ITY, FLORIDA REENACRES TARGET ACCORDING TO THE PLAT OF RECORDED IN PLAT BOOK 79, PAGES 156 57, INCLUSIVE PUBLIC RECORDS OF PALM BEACH Y, FLORIDA

NDARD SPACES = 604 ESSIBLE HANDICAP SPACES = 18 NL SPACES = 622

HS SURVEY IS NOT VALID WITHOUT SHEETS I THROUGH 4 OF

TITLE BLOCK ABRETVIATIONS

Eng = ENGINEERING LB = LICENSED B

LOA = CERTIFICATI OF AUTHORIZATION Arche
Lundery = LANDNARI NA = NOTA-PPLICABLE

RECEIVED by CITY OF GREENACRES

APR 1 4 2017

PLANNING & ENGINEERING



Survey Notes:

- "SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER"
- "ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES"
- THE TWO SITE BENCHMARKS FOR THIS TOPOGRAPHIC SURVEY ARE DISPLAYED ON THE RESPECTIVE SURVEY FILE THESE BENCHMARKS ARE BASED ON A CLOSED VERTICAL CONTROL LOOP HAVING AN ACTUAL ERROR OF CLOSURE O 007 WHICH MEETS THE ALLOWABLE CLOSURE OF 0.042* THIS FELDWORK WAS PERFORMED USING A TOPCON LEV MODEL # DUITO—CA AND REFERENCES THE FOLLOWING PUBLISHED BENCHMARKS AS ESTABLISHED BY THE (MORTH AMERICAN VERTICAL OATIM OF 1988 (NAVD '88)) AND SAID ELEVATIONS ARE BASED ON VERTICAL CONTROL BENCHMARKS SUPPLIED BY
- DESIGNATION # 93032BA, FDOT ALUMINUM DISK IN A IN CURB INLET AT SOUTH SIDE OF SR 802 LAKE WORTH ROAD, 418' ±. WEST OF SR 802 LAKE WORTH ROAD BRIDGE, EASTBOUND LANES ELEVATION = 16.80
- b) DESIGNATION # 9396X145, FDOT BRASS DISK IN A CONCRETE ABUTMENT. SOUTH OF CONCRETE WALKWAY AT SR 802 LAKE WORTH ROAD BRIDGE, EASTBOUND LANES

SITE BENCHMARKS ARE AS SHOWN ON SHEET 3 OF 4

- THIS SURVEY IS NOT VALID WITHOUT SHEETS 1 THROUGH 4 OF 4
- THE LAST DAY FIELD WORK WAS PERFORMED WAS 5/12/16, ALL BOUNDARY CORNERS WERE RECOVERED OR SET AS NOTED HEREON
- THE "LEGAL DESCRIPTION" HEREON IS IN ACCORD WITH THE COMMITMENT FOR TITLE INSURANCE BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO NCS-618222-MLPS, EFFECTIVE DATE JULY 2, 2013 AT 8:00 A.M., AND WAS PROVIDED BY THE CLIENT
- BEARINGS SHOWN HEREON ARE RELATIVE TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SR NO 802 (LAKE WORTH ROAD) AS BEING S 89'35'48" E AS SHOWN ON SHEET 2 OF 4
- HAVING CONSULTED THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO 120192-01758 & PANEL NO. 120192-01658. FEMA HAS NOT COMPLETED A STUDY TO DETERMINE FLOOD HAZARD FOR THIS LOCATION, THEREFORE, A FLOOD MAP HAS NOT BEEN PUBLISHED AT THIS TIME THE DETERMINATION WAS BASED ON A GRAPHIC INTERPOLATION OF SAID MAP AND NOT ON ACTUAL FIELD MEASUREMENT.
- THE APPARENT USE OF THE LAND, AS CLASSIFED BY THE MINIMUM TECHNICAL STANDARDS RULE CHAPTER S.I-17. FLORIDA ADMINISTRATIVE CODE ESTANDARDS INTO THE MINIMUM RELATIVE ACCURACY OR THIS TYPE OF BOUNDARY SIRVEST THE MOREOVER OF THE STANDARD OF THE STANDARD STANDARD OF THE STANDARD STANDARD OF THE STANDARD STANDARD OF THE STANDARD STANDARD OF THE MOREOVER OF THE SUBJECT SURVEY WAS A LEICA SCANSTARD COLD
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- UNLESS OTHERWISE NOTED, ALL RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION CONTAINED IN THE ICCOMMEMBENT FOR THE INSURANCE BY FIRST AMERICAN THE INSURANCE COMPANY, COMMITMENT NO NOS-618222-MPS, EFFECTIVE DATE JULY 2, 2013 AT 8:00 AM, AMD WAS PROVIDED BY THE CLIENT, PARCEL 1, PARCEL A, PARCEL B, PARCEL 2, AND PARCEL 3, ARE HONNE FOR REFERENCE ONLY BOUNDARY SURVEY IS A RETRACEMENT OF "GREENACRES TARGET" AS DENOTED IN LEGAL DESCRIPTION (SURVEY).
- 12 NO UNDERGROUND UTILITIES, FOUNDATIONS OR IMPROVEMENTS, IF ANY, HAVE BEEN LOCATED EXCEPT AS SHOWN
- 13 THIS SURVEY DOES NOT IDENTIFY THE LIMITS OR EXTENT OF POTENTIAL JURISDICTIONAL WETLAND BOUNDARIES
- 14 FENCES EXISTING ON, OVER OR ADJACENT TO SUBJECT PROPERTY, ARE DISPLAYED HEREON; OWNERSHIP WHETHER SINGULAR OR JOINT WAS NOT DETERMINED BY THIS SURVEY
- 15 VERTICAL FEATURE ACCURACY: "ELEVATIONS OF WELL-IDENTIFIED FEATURES CONTAINED IN THIS SURVEY AND MAP HAVE BEEN MEASURED TO AN ESTIMATED VERTICAL POSITIONAL ACCURACY OF 0.02 (FT)"
- 16 THE UNDERGROUND UTILITIES LABELED UE, UT, UW, URW, FM, AND THE SANITARY LATERAL LINES DISPLAYED ON SHEET 4 OF 4, ARE A RESULT OF AN ELECTRONIC FILE CREATED BY SOUTHEASTERN SURVEYING & MAPPING CORP. (5500 ALL AMERICAN BOULEYARD, ORLANDO FL 23210, (407) 292-8580) AND MATCHED TO DIAGRAMS AND DETAIL SHEETS PREPARED BY SOUTHEASTERN SURVEYING & MAPPING CORPORATION ON 9/6/2013
- 17 DIMENSIONS ARE SHOWN RELATIVE TO UNITED STATES STANDARD FEET AND DECIMALS THEREOF, UNLESS THE OBJECT SHOWN IS COMMONLY IDENTIFIED IN INCHES, I.E. TREE DIAMETER, PIPE DIAMETER, ETC.
- CERTAIN INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR AS NOTED OR DISPLAYED HEREON
- 19 THE UNDERGROUND UTILITIES DEPICTED BY PIPE LINETYPES ARE APPROXIMATE IN NATURE BASED UPON AN INSPECTION OF THE MANHOLE, GRATE, ETC OF EACH FACILITY EXISTING PIPES WERE NOT LAMPED OR REMOTELY WE'WED FOR DESTRUCTIONS, DIRECTION OR CONNECTIVITY.

Index of Sheets

ALTA/NSPS LAND TITLE SURVEY (COVER SHEET)
ALTA/NSPS LAND TITLE SURVEY (BOUNDARY SURVEY)
ALTA/NSPS LAND TITLE SURVEY (TOPOGRAPHIC SURVEY)
ALTA/NSPS LAND TITLE SURVEY (UTILITY SHEET)

Surveyor's Certification:

This is to certify that this map or plot and the survey on which it is based were made in occordance with the 2016 Mammum Standard Datad Requirements for ALTA/NSPS Land Title Surveys, pintly established and adopted by ALTA and NSPS, and includes Items 1–5, 7(a), 8, 9, 11 and 13 of Table A thereof.

The field work was completed on August 28, 2013

i hereby certify that the attached "ALTA/NSPS Land Title Survey" of the hereon-described property is true and correct to the best of my knowledge, information and belief as surveyed in the field on August 28, 2013. I further certify that this "Boundary & Topographic Survey" meets the standards of proctice set forth in Rule Chapter 53–17 of the Flanda Administrative Code, pursuant to 15 4 72 027

Paul J Kotrek
Professional Surveyor and Mapper
Florida Registration No 6233

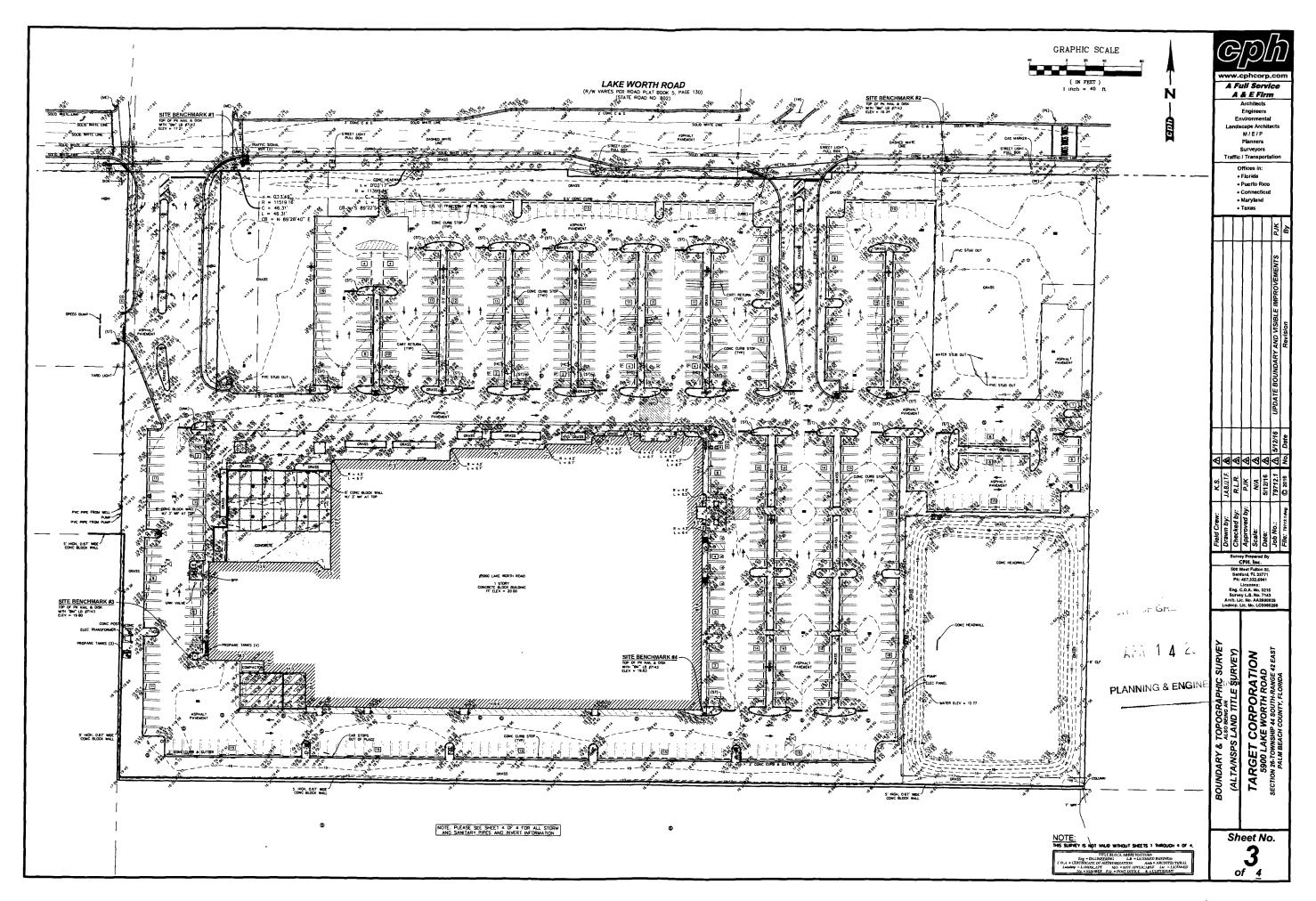


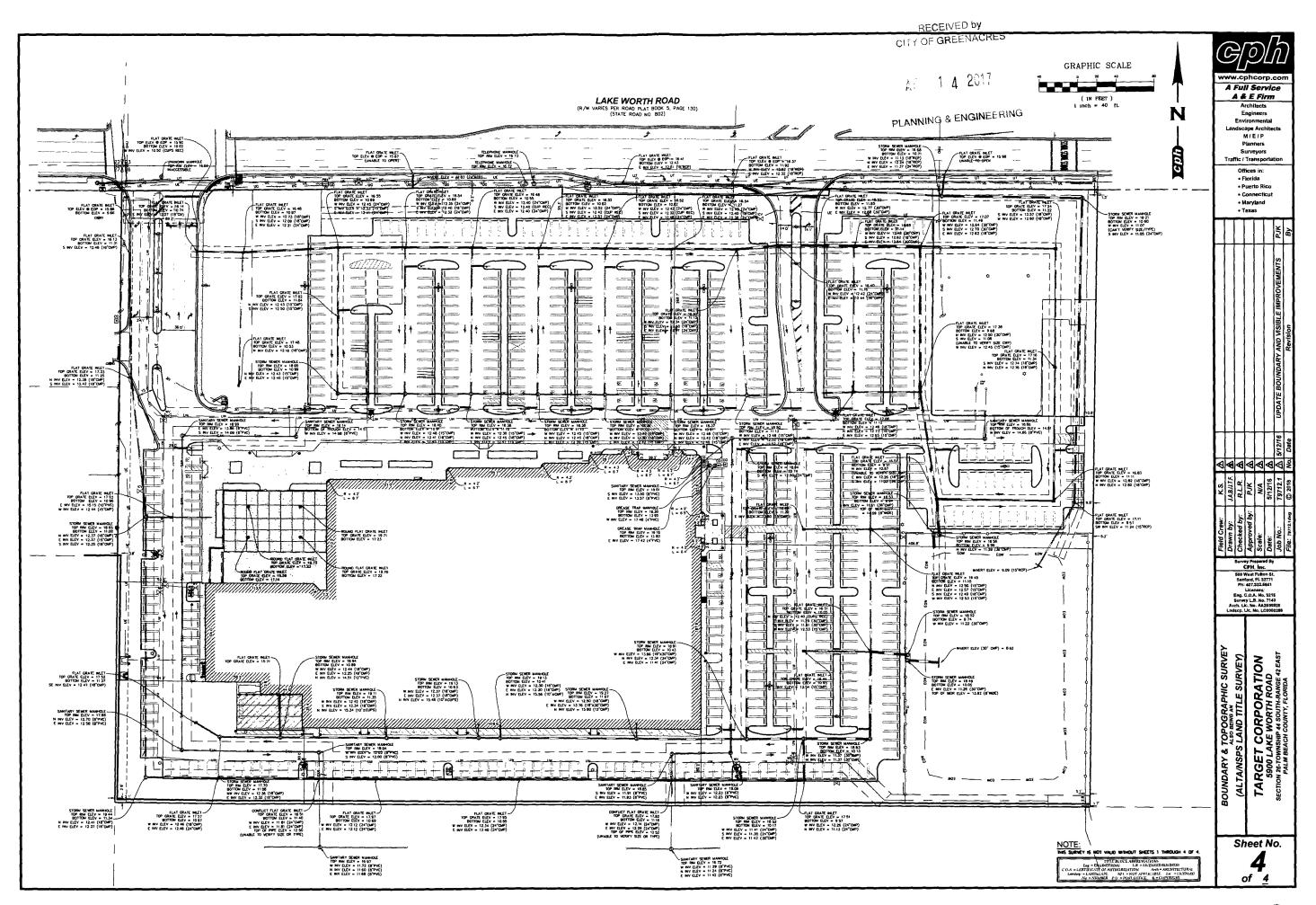
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Checked by
Approved b
Scale:
Date:
Job No.: Survey Prepared CPH, Inc.

8. TOPOGRAPHIC SURVEY
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SLAND TITLE SURVEY)
F CORPORATION
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EACH COUNTY, FLORIDA

SGET 1900 LAI 26-TOWNS PALM BEA

Sheet No. of 4





BA-17-06 Exhibit "A"

Date: May 30, 2017

Revised:



LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

I. Project Description:

Project:

Whitney Park

(fka Bowman Pines)

Petitioner:

Julian Bryan

P.O. Box 810144

Boca Raton, Florida 33481

Agent for the owner: D.R. Horton, Inc.

Request:

A variance request from

Article III, Division 5, Section 16-338(1)(b) to increase the Maximum Lot Coverage from 35% to 36.5% (1.5%) for lots

1, 4, 8, 10, 16, 21 and 23.

Location:

On the north side of Bowman

Street approximately 300 feet

East of Haverhill Road.

II. Site Data:

Existing Use:

Single-Family Residential

Parcel Control Numbers:

18-42-44-24-43-000-0010 18-42-44-24-43-000-0040

18-42-44-24-43-000-0080

18-42-44-24-43-000-0100 18-42-44-24-43-000-0160

18-42-44-24-43-000-0210

18-42-44-24-43-000-0230

Parcel Size:

Seven (7) approximately 50.1' X 110' Parcels

0.885 acres (38,577 square feet)

Future Land Use Designation:

Residential-Medium Density (RS-MD)

Zoning District:

Residential Medium-2 (RM-2)

BA-17-06 Page 1 of 6 Whitney Park

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
North	Single-family Residential	PBC Medium Residential 5 (PBC MR 5)	PBC Multifamily Residential (PBC RM)
South	Bowman Park	City Recreation Open Space (City RO)	City Government Use (City GU)
East	Single-family Residential	PBC Medium Residential 5 (PBC MR 5)	PBC Multifamily Residential (PBC RM)
West	Multi-family and Single- family Residential	PBC Medium Residential 5 (PBC MR 5)	PBC Multifamily Residential (PBC RM)

III. Annexation/Zoning History:

The subject properties were annexed into the City on May 19, 2014, as petition ANX-14-01 through Ordinance 2014-04. Also on May 19, 2014, the properties were given a City future land use designation of Residential-Medium Density (RS-MD) as petition CPA-14-01 through Ordinance 2014-05 and a City zoning designation of Residential Medium-2 (RM-2) as petition ZC-14-01 through ordinance 2014-06. The site was approved for 24 single-family homes and is currently under construction.

IV. Applicable City Code Provisions:

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

Sec. 16-196 through 16-202 pertaining to Site and Development Plans

Sec. 16-331 through 16-342 pertaining to the RM district

Sec. 16-338(1)(b) pertaining to Maximum Lot Coverage

V. Staff Analysis:

Background:

On August 4, 2014, the City Council approved a Site and Development plan to construct 24 detached single-family dwellings in the 5.114-acre parcel. The common areas of the project will be maintained by a Homeowners Association. To ensure compatibility with adjacent development and satisfaction of the design criteria of Section 16-198, the approved houses will feature architectural detail on all four elevations and will be finished with roofing, colors and materials to be compatible with the adjacent housing developments. Ingress and egress to the site will be provided from Bowman Street through a private 2-lane local street with a sidewalk on both sides.

The applicant is requesting a variance from the Zoning Code to increase the maximum lot coverage from 35% to 36.5% for lots 1, 4, 8, 10, 16, 21, 23 to allow a single story model home. The variance request is from the following Code provision:

1) Article III, Division 5, Section 16-338(1)(b) which limits the lot coverage of houses within the Residential Medium – 2 (RM-2) Zoning district to 35% of the individual lot area.

On May 8, 2017, 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 Department: Incorporated into the staff report.

Building Department:

Fire Rescue Department:

Public Works Department:

PBSO District 16:

No objections.

No objections.

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: The Whitney Pines development is bounded on the north and west by development regulated by the original Greenacres Plat No. 2 created in 1925. These lots allow for the development of single-family and some single-family attached homes based on the fact that they are existing lots of record. Current regulations promote development that plans for roadways, landscaping, common area open space that are for the most part maintained and regulated by Homeowner's Associations. This development was the consolidation of multiple large singlefamily lots that were combined and planned in order to provide a development that has adequate access, drainage, and open space, which many of the traditional platted lots lacked. The developer was unable to meet the minimum acreage required to request approval for the project as a Planned Unit Development, which is 15 acres in the RM-2 zoning district. If the site had been permitted to develop as a Planned Unit Development, the site would have been allowed to have 40 to 50% lot coverage based on meeting the minimum internal design standards for residential development. Even though the development did not get processed as a Planned Unit Development, the development plan provided for a private roadway to be maintained by the HOA, a separate drainage tract for onsite treatment, a landscape buffer around the perimeter, and an entry sign. The additional open space in the buffer, and drainage tract more than make up for the additional 1.5% for the seven (7) lots. The special condition and circumstances that exist for this site are that the additional open space, which will be privately managed, reduces the area remaining for buildable lots to meet the maximum lot coverage. The areas set aside, such as the landscape buffer and drainage tract, will never be permitted to be developed and therefore the overall open space for the development will be consistent with the zoning district.

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

Finding: The applicant had the opportunity to accumulate as much property as possible in order to redevelop as a Planned Unit Development (PUD), but can only purchase those properties

that are for sale. Unfortunately, the developer was not able to accumulate at least 15 acres, which is the minimum required to develop as a PUD.

In addition, the applicant could develop the lots without requesting a variance with two-story models, but they have requested to develop seven (7) of the lots with a single-story model due to current demands for a single-story product, which provides a variation in the model type for the development.

Overall, the applicant is not directly responsible for the inability to develop the property as a PUD nor for the market demand for single-story products. A special condition exists where overall the project will meet the minimum lot coverage since they are developing similar to a PUD, but is unable to request approval as a PUD.

(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, which is RM-2. If the property were to be developed as a PUD or with townhouses consistent with the RM -2 zoning district, the lot coverage maximum would be calculated on an overall project-wide basis. However, in accord with the adjacent development, the developer proposes to create single-family lots. The Zoning Code requires the lot coverage calculation to be on an individual lot basis for detached single-family homes. The open space provided elsewhere in the project doesn't count in this calculation. Other similarly situated sites would be able to request approval as a PUD.

(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 develop the property consistent with the density provisions of the RM-2 zoning district. The circumstances place a hardship on the development as other properties in the same zoning district are not required to provide single-family home lots. The development of this property as townhomes, as permitted by literal interpretation of the Code would be inconsistent with the character of the area, which is predominantly single-family homes.

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

Finding: The variance requested is the minimum possible variance needed. The typical lot dimensions proposed in the subdivision are 50.1 by 110 feet, creates a 5511 square foot lot. At 35% lot coverage, this would support a 1-story home of only 1,928 square feet. Anything larger would require 2-story construction. With the requested variance to 36.5% lot coverage, a 2012 square foot 1-story home will fit, which is a reasonably typical new home for the City. Therefore, the requested variance to allow for thirty-six and one-half percent (36.5%) lot coverage is the minimum variance that will make possible the reasonable use of the land. It is compatible with the surrounding area and when computed on the basis of the entire subdivision, it will provide lot coverage of an estimated maximum of 23%.

(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 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

The Code establishes comprehensive and consistent standards and procedures for the review and approval of all proposed development of land. Further, the intent of the Code as relative to this variance request is to prevent the overcrowding of land, facilitate adequate drainage, and provide consistency in established regulations. As provided in this analysis, the site is providing more than adequate open space for the proposed development of this site with the granted variance.

b: may be authorized if, where owing to special conditions, a literal enforcement of the provisions 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 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-17-06 variance request with the following conditions:

- 1. The variance being granted shall only apply to the development of detached single-family one story homes for lots 1, 4, 8, 10, 16, 21, 23. (Planning and Building)
- 2. Lots 1, 4, 8, 10, 16, 21, 23 may install a (6'x6') storage shed on the site to meet storage needs with approval from the HOA, provided that a permit is not required. (Planning and Building)

ZONING BOARD OF ADJUSTMENTS AND APPEALS ACTION – June 6, 2017

Attachments:

- Survey 1.
- Site Plan
- 2. 3.
- Aerial Map Petitioner's Justification Statement 4.





Whitney Park
BA-17-06 (Lot Coverage Variance)

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





April 17, 2017

WHITNEY PARK

(f.k.a. Bowman Pines)

VARIANCE JUSTIFICATION

Dear Ms. Irwin-Ferris, On behalf of our client, D.R. Horton Homes, we herein request the following variance from City Code ART. III, Sec. 338(1)b. This section deals with maximum lot coverage in the RM-2, Zoning District. That variance is as follows:

Sec. 338(1)b. maximum lot coverage – request is an increase in the maximum lot coverage for an individual lot from 35% to 36.5%

VARIANCE CRITERIA PER THIS APPLICATION

- (a) The special and unique conditions of this tract are not attributable to the petitioner. To the north are smaller lots of less than 5,000 sq. ft. To the west are older duplex dwellings on a mixture of lot sizes. Lots in the proposed Whitney Park have been approved at a minimum of 5,511 sq. ft. and an average of 5,693 sq. ft. Three home models have been approved ranging from 1,504 to 2,441 sq. ft. under air. Development to the south and east along Bowman Street are all attached (duplex and townhouse) dwellings in the same City zoning district of RM-2. Therefore the subject community is the only development on Bowman that proposes single family homes. Were it to have remained in the County, lot coverages for lots of this size could be 40%, and no variance would be necessary.
- (b) The special conditions of this request are market driven. After the last housing crash lessons were learned regarding size and price of homes. First time buyers are looking for value. That has led to the creation of one story, less expensive models being offered. Two story homes do not require a variance but have greater square footage of living area. Please see response #1 above for further details.
- (c) The variance will not confer on the applicant any special privilege denied by the zoning district to similar sites. The majority of RM-2 zoned property in the area has been utilized for attached housing. Coverage of specific lots in need of a

C:\Users\Julian\Documents\WHITNEY VARIANCE.doc



Julian Bryan & Associates

variance must be looked at as a part of the entire site. We are fortunate here in that the builder has agreed to pre determine which home model will be placed on each lot. Therefore the one story model proposed for seven lots can be looked at as a portion of the completed community. As noted in (e) below the lot coverage for the 24 lots is 27.2%, well below the RM-2 district maximum of 35%.

- (d) The literal interpretation of this section of the zoning code will not confer on the applicant any rights to other lands in the same district. Minimum lot sizes proposed exceed code minimums for this district. Generally, the RM-2 zoning district is developed with attached dwellings. Only one of the proposed three models seeks lot coverage relief of 1.5%. It should be noted that only two story homes could be built in the community. This would eliminate variety in the streetscape as well as the least expensive home offered.
- (e) This lot coverage variance is the minimum that would allow a reasonable mix of models. Only 7 of the 24 homes (29.2%) are proposed as one story. Variances for the 7 lots range from 35.5% to 36.5%. It is notable that since the builder has determined in advance a model for each lot, the average lot coverage is only 27.2%. If you include the entire 5.11 acres, the building coverage is 16.7%. Should the applicant have chosen to develop 5,000 sq. ft. minimum lots as allowed in the RM-2 zoning district, a maximum coverage of 35% (1750 sq. ft.) would be allowed. Reducing this by 400 sq. ft. for a garage leave you at 1350 sq. ft. including covered porches and entries. This would be of questionable marketability.

The following describes the three models that are proposed for the community. This summary deals with lot coverage and looks at overall living a/c space versus roofed coverage.

Model 1504 – 2012 sq. ft. under roof (1504 sq. ft. a/c) –1 story – 2 car garage, front load Lot 1,36.09%; Lot 4, 36.5%; Lot 8, 36.5%; Lot 10, 36.5%; Lot 16, 35.7%; Lot 21, 36.5%; Lot 23, 35.8%; no variance needed for remaining 17 lots

Model 2007 - 1273 sq. ft. under roof (2007 sq. ft. a/c) - 2 story - 2 car garage, front load

No coverage variance required.

Model 2441 – 1484 sq. ft. under roof (2441 sq. ft. a/c) – 2 story – 2 car garage, front load

NO coverage variance required



Julian Bryan & Associates

Should you have any questions whatsoever, please feel free to call. Thank you again for your assistance in this matter.

Sincerely,

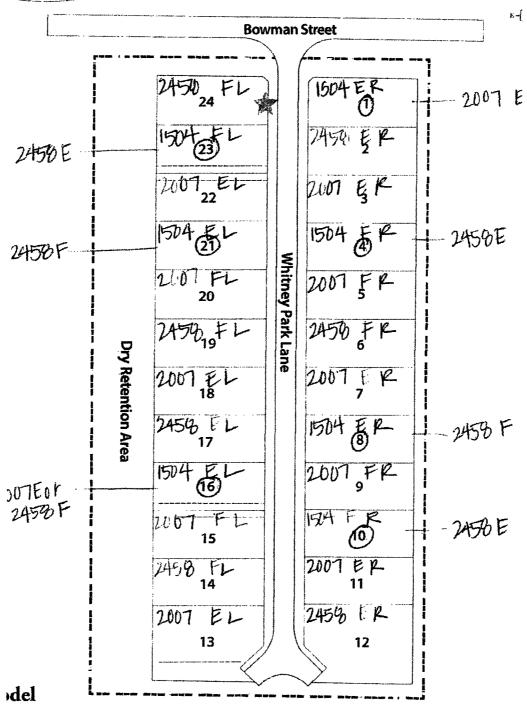
Julian 4. Bryan III

Principal

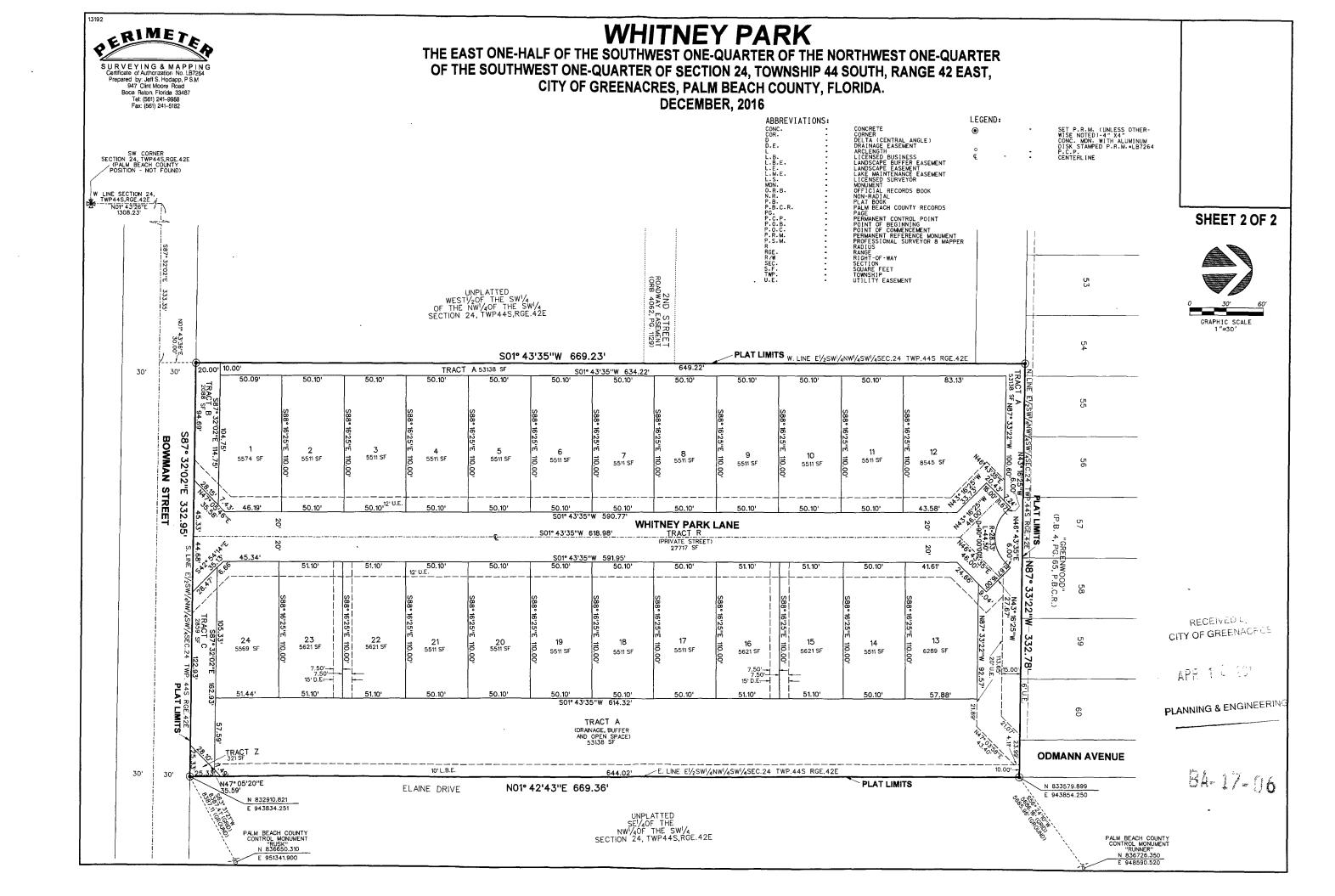
Cc: D,R, Horton Homes

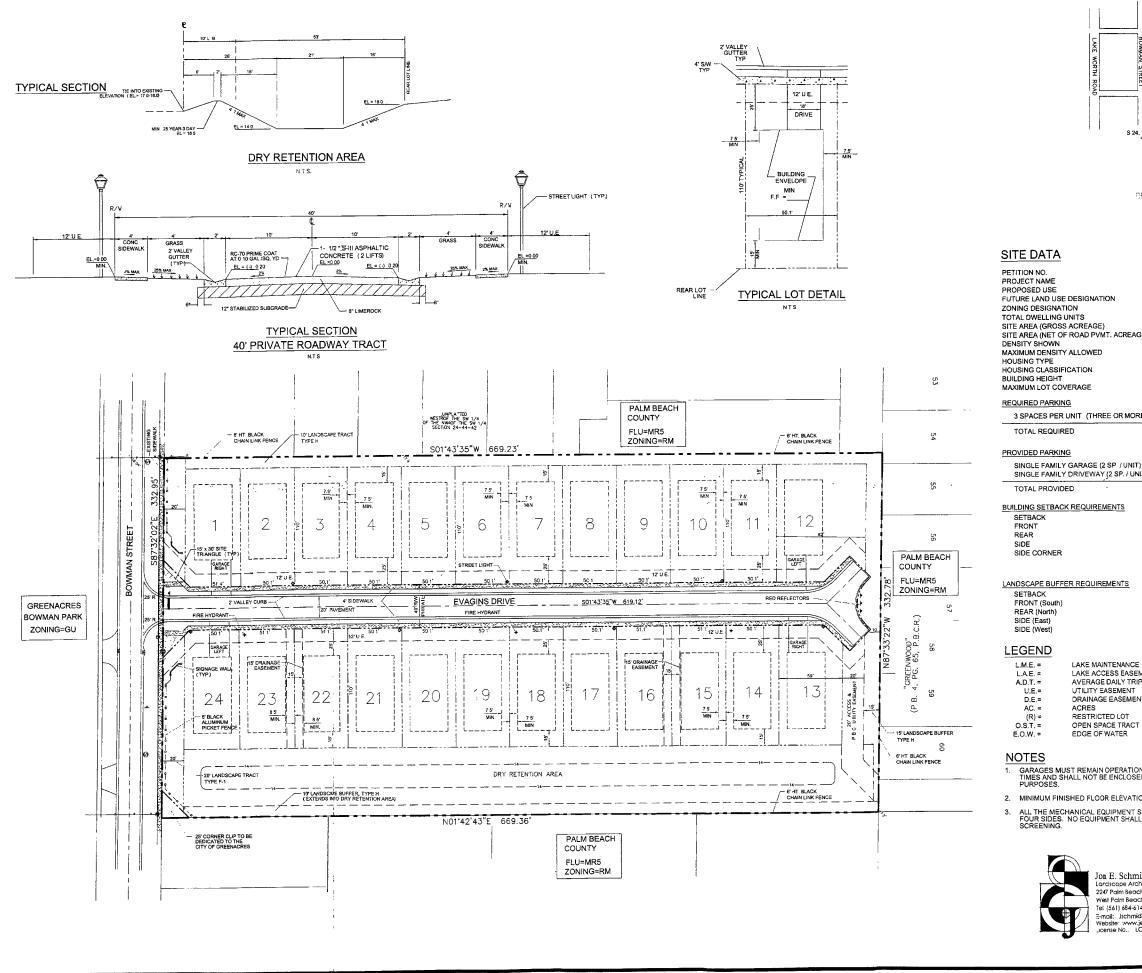


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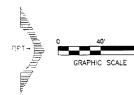












BOWMAN PINES

FUTURE LAND USE DESIGNATION ZONING DESIGNATION TOTAL DWELLING UNITS SITE AREA (GROSS ACREAGE) SITE AREA (NET OF ROAD PVMT. ACREAGE) MAXIMUM DENSITY ALLOWED HOUSING CLASSIFICATION MAXIMUM LOT COVERAGE

RESIDENTIAL RS-MD 24 DU 5.114 AC. (222,765 SF) 4.786 AC. (208,474 SF) 5 01 DU/AC. (NET DENSITY) 4 786 AC. X 7 DU/AC. = 33 UNITS SINGLE FAMILY

DETACHED 35' (AS DEFINED BY CITY CODE) 35% MAX.

3 SPACES PER UNIT (THREE OR MORE BEDROOM) + 0.5 SPACES/UNIT

SINGLE FAMILY GARAGE (2 SP / UNIT) MIN. SINGLE FAMILY DRIVEWAY (2 SP. / UNIT) 96 SPACES MIN.

BUILDING SETBACK REQUIREMENTS

SETBACK	REQUIRED
FRONT	25.0'
REAR	15.0'
SIDE	7.5'
SIDE CORNER	15.0'

LANDSCAPE BUFFER REQUIREMENTS

ETBACK	REQUIRED	PROVIDE
RONT (South)	Type F-1	Type F-1
EAR (North)	Type H	Type H
DE (East)	Type H	Туре Н
DE (West)	Туре Н	Type H

EGEND	
L.M.E. =	LAKE MAINTENANCE EASEME
L.A.E. =	LAKE ACCESS EASEMENT
A.D.T. =	AVERAGE DAILY TRIPS
U.E.=	UTILITY EASEMENT
D.E.=	DRAINAGE EASEMENT
AC. =	ACRES
(R) =	RESTRICTED LOT

PLANNING E	LET TEMPLATE
CASE #	SP-14-01
PROJECT NAME	Bowman Pincs
PCN	18424424600007201 & 18424424600007190
ADDRESS	4924 2nd Street
APPROVAL DATE	August 4, 2014
APPROVAL DATE	August 4, 2014

- TIMES AND SHALL NOT BE ENCLOSED OR USED FOR STORAGE PURPOSES.
- 2. MINIMUM FINISHED FLOOR ELEVATION = 19.5'
- ALL THE MECHANICAL EQUIPMENT SHALL BE SCREENED ON ALL FOUR SIDES. NO EQUIPMENT SHALL BE TALLER THAN THE PROPOSED SCREENING.



Jon E. Schmidt and Associates
Lordscope Architecture & Sire Planning
2247 Palm Beach Loxes Blvd. - Suite 101
West Pclm Beach, Rorda 33409
Tel (561) 684-6141 - Fax. (561) 684-6142 E-maii: Jschmidt@jesla.com Website: www.jesla.com License No.. LC26000232



REVISIONS	BY
6-3-14 STAFF COMMENTS	QT/JB
7-7-14 CORNER CLIP	QT/JB
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analysis

rezoning

site planning

design

urban

Associates

Ø

Bryan

Ш N PIN PLAN OWMAN SITE

SP-14-01

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RECEIVED by CITY OF GREENACRES JUN 0 5 2014 ANNING & LNGINEERING

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MAR. 2014
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2 OF **2**