

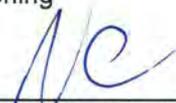
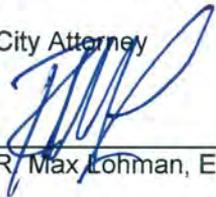
**CITY OF PALM BEACH GARDENS  
CITY COUNCIL  
Agenda Cover Memorandum**

**Meeting Date: November 3, 2016  
Ordinance 11, 2016 and Resolution 68, 2016**

**Subject/Agenda Item:**

**Prosperity Oaks Planned Unit Development (PUD) Amendment and Major Conditional Use Approval First Reading and Public Hearing:** A request by Brookdale Senior Living and HCP HB2 Prosperity Oaks, LLC for approval of a PUD amendment and major conditional use application to allow the development of a 27,024-square-foot, one-(1) story, 39-bed assisted living facility for memory care on the Prosperity Oaks Assisted Living Facility (ALF) PUD. The subject site is located on the west side of Prosperity Farms Road, 0.15 miles south of PGA Boulevard.

**Recommendation to APPROVE**  
 **Recommendation to DENY**

<p><b>Reviewed by:</b> Director of Planning and Zoning</p> <p style="text-align: center;"></p> <p>Natalie M. Crowley, AICP</p> <p>Development Compliance and Zoning Manager</p> <p style="text-align: center;"></p> <p>Bahareh Wolfs, AICP</p> <p>City Attorney</p> <p style="text-align: center;"></p> <p>R. Max Lohman, Esq.</p>	<p><b>Originating Dept.:</b> Planning &amp; Zoning: Project Manager</p> <p style="text-align: center;"></p> <p>Joann Skaria, AICP Senior Planner</p> <p><input checked="" type="checkbox"/> Quasi – Judicial  <input type="checkbox"/> Legislative  <input checked="" type="checkbox"/> Public Hearing</p> <p><b>Advertised:</b>  <input checked="" type="checkbox"/> Required  <input type="checkbox"/> Not Required  Date: 10/19/2016  Paper: Palm Beach Post</p>	<p><b>Finance:</b> Accountant</p> <p style="text-align: center;"></p> <p>Tresha Thomas</p> <p><b>Fees Paid:</b> <u>Yes</u></p> <p><b>Funding Source:</b>  <input type="checkbox"/> Operating  <input checked="" type="checkbox"/> Other <u>N/A</u></p> <p><b>Budget Acct.#:</b> <u>N/A</u></p> <p>Effective Date: <u>N/A</u></p> <p>Expiration Date: <u>N/A</u></p>	<p><b>Council Action:</b>  <input type="checkbox"/> Approval  <input type="checkbox"/> App. w/ Conds.  <input type="checkbox"/> Denial  <input type="checkbox"/> Continued to: _____</p> <p><b>Attachments:</b></p> <ul style="list-style-type: none"> <li>• Development Application</li> <li>• Warranty Deed</li> <li>• Location Map</li> <li>• Project Narrative &amp; Waiver Justification Statement</li> <li>• Major Conditional Use Justification Statement</li> <li>• LOS Letters</li> <li>• Traffic Impact Statement &amp; Approval Letter</li> <li>• Drainage Statement</li> <li>• Ordinance 11, 2016</li> <li>• Resolution 68, 2016</li> <li>• PUD Master Plan &amp; Site/Civil Plans</li> <li>• Architectural Plans</li> <li>• Landscape Plans</li> <li>• Open Space Plan</li> <li>• Photometric Plan</li> </ul>
<p><b>Approved by:</b> City Manager</p> <p style="text-align: center;"></p> <p>Ronald M. Ferris</p>	<p><b>Affected parties:</b>  <input checked="" type="checkbox"/> Notified  <input type="checkbox"/> Not Required</p>		

## **EXECUTIVE SUMMARY**

The Applicant is requesting approval of a Planned Unit Development (PUD) Amendment proposal and Major Conditional Use petition to construct a stand-alone 39-bed memory care facility on the Prosperity Oaks Assisted Living Facility (ALF) PUD. The memory care facility is proposed to be one (1) story and 27,024 square feet, located in the northwest corner of the site. The Applicant is requesting two (2) setback waivers from the original PUD approval. Staff recommends approval of the amendment and major conditional use proposal.

## **BACKGROUND**

On February 7, 1985, the City Council adopted Ordinance 1, 1985, approving the Prosperity Oaks Planned Unit Development (PUD) and permitted uses of housing for the elderly, as well as a nursing home.

On May 15, 1986, the City Council adopted Resolution 22, 1986, approving the plat of the Prosperity Oaks PUD.

On January 21, 1998, the City Council adopted Ordinance 22, 1987, approving a conditional use and providing for the sale of alcoholic beverages for on-premise consumption in conjunction with the serving of meals to residents and their invited guests to the designated restaurant facility for the ALF on Parcel I.

On July 19, 1988, the City Council adopted Ordinance 23, 1988, approving a time extension for the nursing facility.

On October 5, 1989, the City Council adopted Ordinance 26, 1989, providing for the release of the Unity of Title imposed by Ordinance 1, 1985 and a site plan amendment to accommodate a 120-bed nursing home facility on Parcel II.

On March 15, 1990, the City Council adopted Resolution 34, 1990, approving the plat for the Heartland Health Care nursing home facility.

On April 19, 1990, the City Council adopted Resolution 55, 1990, approving an amendment to modify the approved cement tile roof tile of the nursing home facility on Parcel II with a totally noncombustible standing seam metal roof system in the same color that was previously approved, "rustic red".

On May 2, 1991, the City Council adopted Resolution 55, 1991, approving the modification of the bicycle paths, the relocation of 10 parking spaces within the PUD, and providing for the final approval of the landscape plan by Resolution.

On May 16, 1991, the City Council adopted Resolution 60, 1991, approving the amended site and landscape plans for the nursing home facility.

On August 1, 1991, the City Council adopted Resolution 85, 1991, approving the Art in Public Places for the Heartland Health Care nursing home site within the Prosperity Oaks PUD.

On June 3, 1993, the City Council adopted Resolution 62, 1993, approving and accepting the Unity of Title for the PUD in lieu of joint responsibility for maintenance and repair of the property, including the entrance road and swale area drainage.

On November 18, 1993, the City Council adopted Resolution 138, 1993, modifying the approved ground sign, and approving a second ground sign in the northeast corner of the PUD.

On November 17, 1994, the City Council adopted Resolution 158, 1994, which approved a part-time branch bank office for the ALF on Parcel I.

On August 20, 1996, the City Council adopted Resolution 125, 1996, amending the PUD and approving a convenience store for the ALF on Parcel I.

**LAND USE & ZONING**

The Prosperity Oaks PUD has two (2) future land-use designations, as shown on the City's Future Land Use Map, which consist of a 22.12-acre Residential High (RH) parcel on the northern portion (Parcel I) and a 4.97-acre Commercial (C) parcel on the southern portion (Parcel II). The zoning designation for the subject site is PUD with underlying zoning designations of Residential High (RH) and General Commercial (CG-1) for Parcels I and II, respectively. The land uses and zoning designation of the properties surrounding the subject site are provided in the table below.

**Table 1. Existing Zoning and Future Land-Use Designations**

EXISTING USE	ZONING	FUTURE LAND USE
<u>Subject Property</u> Prosperity Oaks Planned Unit Development (PUD)	Planned Unit Development (PUD) Overlay / Residential High (RH) / General Commercial (CG-1)	Residential High (RH) / Commercial (C)
<u>North</u> PGA Professional Plaza	General Commercial (CG-1)	Commercial (C)
PGA Plaza Planned Unit Development (PUD)	Planned Unit Development (PUD) Overlay / General Commercial (CG-1)	Commercial (C)
<u>South</u> Oak Park Office Condominiums Planned Unit Development (PUD)	Planned Unit Development (PUD) Overlay / Professional Office (PO)	Professional Office (PO)
<u>East (Prosperity Farms Road)</u> Prosperity Center Planned Unit Development (PUD)	Planned Unit Development (PUD) Overlay / General Commercial (CG-1)	Commercial (C)
Prosperity Gardens Office Planned Unit Development (PUD)	Planned Unit Development (PUD) Overlay / Professional Office (PO)	Professional Office (PO)
<u>West</u> Palm Beach State College	Public and Institutional (PI)	Public (P)

## **CONCURRENCY**

The Applicant has submitted letters of capacity from Solid Waste Authority and Seacoast Utility Authority for the proposed memory care facility. The City's Fire & Police Departments have also reviewed the subject request and determined that the proposal meets the City's Level of Service (LOS) requirements.

### **Traffic**

On May 17, 2016, the City's Traffic Consultant, Pinder Troutman Consulting, completed the review of the Applicant's traffic impact statement and confirmed that the proposed development program is consistent with the requirements of the Traffic Performance Standards (TPS) of Palm Beach County. A letter of approval was issued with a build-out date of December 31, 2018. The proposal resulted in a *de minimus* number of peak-hour trips (6 AM and 9 PM), and therefore, did not require review by Palm Beach County.

### **Drainage**

The Applicant submitted a Drainage Statement with the subject PUD amendment petition that was reviewed and accepted by the City's Engineering Department.

## **PROJECT DETAILS AND STAFF ANALYSIS**

### **Existing Site Details**

The Prosperity Oaks PUD consists of a total of approximately 27.09 acres and is generally located on the west side of Prosperity Farms Road, south of PGA Boulevard. The PUD has one (1) shared point of access from Prosperity Farms Road. Currently, two (2) buildings exist: the six- (6) story ALF building and the one- (1) story nursing home facility. The ALF building currently houses 184 independent living units and 106-assisted living beds. The nursing home facility contains 120 beds.

The proposed third building for the memory care facility is located within Parcel I of the Prosperity Oaks Planned Unit Development (PUD) in close proximity to the ALF building.

### **Proposed Site Plan and Points of Access**

The Applicant is requesting approval for a new one- (1) story, 39-bed memory care facility with two (2) internal courtyard areas in the existing surface parking area in the northwest corner of the site. The area where the building is proposed to be located is currently platted as a tract that is specifically dedicated for parking, so the subject petition will require plat modification and approval by City Council. The Applicant is also proposing to expand the existing parking area directly in front of the main entrance of the existing building where it is greatly needed in order to accommodate the increase in intensity. Included with the request is a proposal to relocate some Florida Power & Light underground facilities that are currently located where the building is proposed to go. No modification is proposed to the PUD points of access with this petition.

### *Vehicular Circulation and Pedestrian Connectivity*

The Applicant is providing 360-degree access to the proposed memory care building with newly reconfigured 21- to 24-foot-wide drive aisles surrounding the building. The Applicant is also improving pedestrian connectivity on site by providing a new sidewalk leading from the subject site to Prosperity Farms Road to the artistic bus shelter that was recently installed by the City.

### *Architecture*

The Applicant is proposing a uniquely shaped building with two (2) interior courtyard areas. The building façade is varied on all four (4) sides of the proposed building. It includes varied rooflines with attractive fenestration on the façade, as well as architectural projections. These projections are accented with gabled roofs, decorative architectural medallions, and decorative light sconces. Windows on the building are also articulated with contrasting white architectural banding and Bahama shutters. The mean roof height of the proposed building is 17 feet and one (1) inch. The colors of the proposed building will match the existing six- (6) story ALF building. Building materials include exterior insulation finishing system (EIFS) to match the stucco of the existing building, and concrete barrel tile roof in a terra cotta color. The Applicant has provided elements of architectural consistency with the existing building, but has also incorporated some modern elements, such as the banding, light sconces, and medallions. The building is not visible from the public right-of-way.

### *Landscape Plan & Open Space*

The Applicant is proposing to install 27 Magnolia trees of two (2) varieties: Southern and Sweetbay. The Applicant is also proposing 63 new Live Oak trees on the subject site. Shrub species include Sandankwa Viburnum, Indian Hawthorn, and Powder Puff, among others. Ground cover includes Yellow Lantana and Mondo Grass. The total amount of landscape points provided by the design, 5,578 points, does exceed the 5,461 landscape points required. The proposed landscape palette and design for the project is consistent with the requirements of the City's Landscape Code.

The City Code requires that properties in residential districts provide a minimum of 35% of the total site acreage as open space. The Applicant proposes to reduce the amount of open space to accommodate the additional parking areas; however, the site design as provided still exceeds the open space requirement for the PUD overall, with 87.62% open space.

### *Parking*

The parking areas for Parcel I (the six- (6)-story ALF) and Parcel II (the skilled nursing facility) are separate and calculated independently. The existing ALF building on Parcel I contains 184 independent living units (1.25 spaces/unit = 230 spaces) and 122 assisted living residents (one (1) space/four (4) residents = 31 spaces), requiring 261 parking spaces. Currently, 314 spaces are provided on site, which exceeds the minimum parking requirement by 20%.

The new memory care facility consists of 39 additional assisted living memory care residents, which is parked at a rate of one (1) space per four (4) residents, and therefore requires an additional 10 spaces, for a total of 271 required parking spaces for Parcel I. However, the proposed building is proposed to be located in the existing parking field, reducing the amount

of available parking by 113 spaces, and leaving a deficit of 70 spaces, or 26%. There are 38 new spaces proposed around the new memory care building. The Applicant is also proposing to expand the existing parking area near the main entrance of the existing six- (6)-story ALF building, where it is greatly needed. Sixty-eight (68) new spaces are proposed to be constructed or reconfigured in this area, for a total of 273 parking spaces on Parcel I, which exceeds the Code requirement by two (2) spaces.

#### Site Lighting

The proposed site plan provides new site lighting in the affected areas. The parking area and drive aisles feature 16-foot tall parking lot lights. The interior courtyards and the front of the building are both accented with eight- (8) and ten- (10)-foot tall decorative pedestrian lights. Wall-mounted lights are used to illuminate inside the generator enclosure walls. The City Engineer has reviewed the Applicant's conceptual site lighting plan and has determined the proposed plan meets the City Code requirements for minimum, maximum, and average foot-candle readings in Section 78-182 of the City's Code.

#### Signage

The Applicant is not proposing any building signage or ground signage for the proposed memory care building. No modifications to the existing signage on site is proposed at this time. Small signs indicating assigned parking are proposed.

### **MAJOR CONDITIONAL USE ANALYSIS**

Section 78-159, Table 21, Permitted, Conditional, and Prohibited Use Chart, Assisted Living Facility (1 or more residents) indicates that an ALF may be approved in RH zoning districts as a major conditional use. In the attached justification statement, the Applicant has addressed the Conditional Use criteria per Section 78-52(d).

*(1) Comprehensive plan. The proposed use is consistent with the comprehensive plan.*

**The RH zoning district is consistent with the RH future land-use designation in which the property is located. ALF is a permitted use in the RH district as a major conditional use. Therefore, the request is consistent with the comprehensive plan.**

*(2) Chapter requirements. The proposed use is consistent with all applicable requirements of this chapter.*

**The proposed use is consistent with all property development standards. Setback waivers are requested from the original PUD approval; however, the proposed setbacks are consistent with what would be allowed in the RH zoning district today.**

*(3) Standards. The proposed use is consistent with the standards for such use as provided in Section 78-159.*

**Note (5) provides the standards for ALFs in the City:**

- a. *May be allowed in a PUD, PCD, or other zoning districts as provided in this section.*

**The proposed site is a PUD.**

- b. *Shall obtain a license from the State of Florida and shall operate consistent with the requirements of that license.*

**The Applicant will be required to obtain the necessary licensing for the new facility.**

c. *May offer, singularly or in combination, independent living, assisted living, or skilled nursing care facilities, subject to the limitations listed below.*

- 1. *A skilled nursing care facility operating as a separate, stand-alone facility shall be allowed only within commercial or public/institutional zoning districts.*
- 2. *A skilled nursing care facility operating in conjunction with an assisted living facility as part of a continuing care residential retirement community.*

**The subject proposal does not include a skilled nursing care facility.**

d. *Shall be eligible for such density as provided herein.*

- 1. *Shall be eligible for the base density allowed by the underlying land-use category, when located within a residential land-use category.*
- 2. *May be allowed, subject to approval by the city council, a density bonus when approved as a PUD or PCD located within a residential medium, residential high, or mixed use land use category. The density bonus is in addition to the density allowed by the underlying land-use category. Maximum additional allowable density is indicated below.*

Land-Use Category	Maximum Allowable Additional Density Bonus
Residential Medium	18 units per acre
<b>Residential High</b>	<b>24 units per acre</b>
Mixed Use	24 units per acre

**The Applicant’s proposed density of 11.7 units per acre exceeds the base density allowed by the RH zoning district, which is 10 units per acre, but falls well within the allowable density bonus for RH PUDs.**

3. *For the purpose of density calculation, two beds are the equivalent of one dwelling unit.*

**The Applicant has calculated density using this metric.**

4. *Density calculations for dwelling units and beds within a continuing care community shall be determined by the acreage allocated to separate uses such as independent living, assisted living, or skilled nursing care.*

**The density calculations for the project site, which is a continuing care community, are allocated to both independent and assisted living uses. The overall PUD also has a skilled nursing component which is incorporated into the density calculations.**

5. *A density bonus may be granted by the city council, based upon the criteria listed below.*

- i. *Compatibility of the proposed assisted living facility (ALF) with adjacent uses.*
- ii. *Impact on service delivery, including public safety services.*
- iii. *Mitigation of impacts on service delivery.*
- iv. *Use of buffering, landscaping, and screening techniques to mitigate building bulk, mass, scale, or intensity.*
- v. *Use of architectural, design, and site location techniques to enhance visual appearance.*
- vi. *The density bonus may not be awarded for any facility proposed to be located within a coastal high hazard area.*

**The Applicant has demonstrated compliance with these criteria. The proposed use is compatible as the site is already utilized as an ALF. The**

site has been designed for delivery of the City's public safety services. The buildings on Parcel I are significantly setback from the Prosperity Farms right-of-way and the site is well buffered to minimize the impacts of any service deliveries. The Applicant is providing a building which utilizes foundation landscape as well as architectural design to accent and compliment the building massing. The subject site is not located within a Coastal High Hazard Area.

- e. *Shall not be located within 1,500 feet of another assisted living facility, measured from the closest lot lines of both uses; provided, however, this may be waived by the city council pursuant to section 78-158 of this chapter.*

**The Prosperity Oaks PUD is not located within 1,500 feet of another ALF.**

- f. *Shall be connected to public water and sewer service.*

**The property is connected to public water and sewer service.**

- g. *Shall provide adequate parking, circulation, pickup/drop off area, and ingress and egress.*

**The Applicant has provided adequate parking per Code requirements, adequate vehicular site circulation, pick up and drop off near the main entrance, and adequate ingress and egress.**

- h. *Signage shall be consistent with the requirements of division 6 of article V.*

**The Applicant is only requesting small assigned parking signage.**

- i. *May allow not more than ten percent of the gross floor area to be utilized for accessory uses of a resident-serving commercial nature, including beauty and barber shops, banking, and convenience sales.*

**Accessory use of beauty/barber shop in the new proposed building only occupies 2% of the gross floor area.**

- j. *Shall not be operated as a halfway house or facility for the following: juvenile offenders, parolees or probationers, prison or jail inmates awaiting release, alternative incarceration, or similar classes of residents.*

**The proposed memory care facility is proposed for memory care patients, not juvenile offenders, parolees/probationers, or inmates.**

- (4) *Public welfare. The proposed use provides for the public health, safety, and welfare by:*

- a. *Providing for a safe and effective means of pedestrian access;*

**The Applicant providing a sidewalk from the subject site, along the entrance drive, to the newly installed artistic bus shelter by the City on Prosperity Farms Road, thus improving pedestrian access and enhancing pedestrian mobility.**

- b. *Providing for a safe and effective means of vehicular ingress and egress;*

**The Prosperity Oaks PUD has one (1) point of vehicular ingress and egress from Prosperity Farms Road; the proposed memory care facility will utilize this access point; no modifications are proposed or necessary to accommodate the new use.**

- c. *Providing for an adequate roadway system adjacent to and in front of the site;*

**The roadway system surrounding the Prosperity Oaks PUD has been fully constructed and is adequate for the expansion of the ALF use.**

- d. *Providing for safe and efficient on-site traffic circulation, parking, and overall control; and*

**The proposed use is located within a City Council-approved site plan. The new building is located within an existing parking area, and the drive aisles have been**

shifted to provide vehicular circulation on all sides of the building. The drive aisle directly in front of the building has been controlled to only operate one way, as the existing drive aisles on site are, and appropriate stop bar and one-way signage has been incorporated by the Applicant to reduce potential conflicts. The Applicant exceeds the number of required parking spaces per Code.

*e. Providing adequate access for public safety purposes, including fire and police protection.*

The Prosperity Oaks ALF PUD site plan has provided adequate access for public safety purposes. The subject site currently has one point of ingress/egress from Prosperity Farms Road. The original site plan included a secondary emergency access point in the northwest corner of the site, connecting to PGA Boulevard with an easement over the PGA Professional Plaza site, immediately adjacent to the new memory care facility, that was never implemented. With this petition, the applicant has agreed to maintain and construct the secondary access to Fire Department standards. The current petition for the memory care has been reviewed by Police and Fire Department staff members for compliance with all applicable Codes.

*(5) Screening and buffering. The proposed use utilizes such techniques as landscaping, screening, buffering, site or building design, or business operation procedures to mitigate impacts on surrounding properties, including such impacts as:*

*a. Noise;*

**No noise is anticipated to be produced with the proposed use.**

*b. Glare;*

**No glare is anticipated to be produced with the proposed use.**

*c. Odor;*

**No odor is anticipated to be produced with the proposed use.**

*d. Ground-, wall-, or roof-mounted mechanical equipment;*

**All new roof-mounted equipment for the memory care facility, as well as all new and existing ground- and wall-mounted equipment areas on the site are proposed to be screened with this petition to comply with Code requirements.**

*e. Perimeter, interior, and security lighting;*

**The proposed lighting for the site meets Code requirements and is not anticipated to have a nuisance effect on neighboring properties.**

*f. Signs;*

**The Applicant is not proposing any wall or ground signage, only small signs to assign parking.**

*g. Waste disposal and recycling;*

**New dumpster enclosure areas are proposed to be screened with walls that match the existing building. The Applicant has agreed through the review process to bring existing dumpster compound areas up to Code with this request.**

*h. Outdoor storage of merchandise and vehicles;*

**No outdoor storage of merchandise or vehicles is proposed.**

*i. Visual impact;*

**There is no negative visual impact from this project, as the building is not visible from the right-of-way.**

*j. Hours of operation.*

**The memory care facility is open during all hours for the resident patients.**

*(6) Utilities. The proposed use minimizes or eliminates the impact of utility installation, including underground and overhead utilities, on adjacent properties.*

**The proposed request will not affect the existing approved utilities installed on adjacent properties.**

*(7) Dimensional standards. The proposed use meets or exceeds all dimensional requirements required by the chapter.*

**The Applicant is meeting the intent of the dimensional standards of this chapter. A waiver is requested from the established PUD setbacks from the 1985 approval; however, the proposed setbacks exceed the current Code standards for the RH zoning district.**

*(8) Neighborhood plans. The proposed use is consistent with the goals, objectives, policies, and standards of neighborhood plans.*

**The Prosperity Oaks ALF PUD is not part of any neighborhood plans.**

*(9) Compatibility. The overall compatibility of the proposed development with adjacent and area uses, and character of area development.*

**The proposed memory care building is located within the parking field of the existing ALF facility, and the Applicant is proposing to replace that parking in front of the existing six- (6)-story ALF building, where there is a significantly higher parking demand than in the existing parking lot. Therefore, this petition will have a positive impact.**

*(10) Patterns of development. The proposed use will result in logical, timely, and orderly development patterns.*

**The proposed use is consistent with a logical, timely, and orderly development pattern.**

*(11) Purpose and intent. The proposed use will be in harmony with the general purpose and intent of this chapter and the goals, objectives, and policies of the City.*

**The proposed memory care facility will be in harmony with the general purpose and intent of this chapter, and the goals, objectives, and policies of the City.**

*(12) Adverse impact. The design of the proposed use and structures will minimize any adverse visual impacts or impacts caused by the intensity of the use.*

**The building in which the memory care assisted living use will be located will minimize adverse visual impacts, as it is tucked into the rear corner of the site.**

*(13) Environmental impact. The design of the proposed use minimizes any adverse impacts that may be created, including impacts on environmental and natural resources including air, water, storm water management, wildlife, vegetation, and wetlands.*

**The proposed ALF use will not have adverse impacts on the environmental and natural resources within the City.**

**WAIVER REQUEST**

The Applicant is requesting two (2) setback waivers with the subject request.

**Table 2. Waiver Requests**

	<b>Code</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Waiver</b>	<b>Staff Recommendation</b>
1	Ordinance 1, 1985	130-Foot North Property Line Setback 50-Foot West Property Line Setback	57.9 Feet 45.8 Feet	72.1 Feet 4.2 Feet	Approval

1. The Applicant is requesting two (2) waivers from the approved PUD setbacks established with the original PUD master plan. The approved north property line setback is 130 feet, and the approved west property line setback is 50 feet. The new building is proposed to be located in the northwest corner; therefore, the Applicant is requesting waivers from these requirements. The proposed north setback is 57.9 feet, and the proposed west setback is 45.8 feet, both of which exceed the minimum side and rear setbacks for buildings that are less than 36 feet tall in the RH zoning district, which is 20 feet. The proposed building is 17 feet and one (1) inch tall. It does not have significant mass and is well designed on the site. Staff is supportive of this request.

**COMMENTS FROM THE DEVELOPMENT REVIEW COMMITTEE (DRC)**

On January 13, 2016, the subject petition was reviewed by the DRC. At this time, all technical certification comments relating to the project have been satisfied.

**PLANNING, ZONING AND APPEALS BOARD (PZAB)**

On September 13, 2016, the PZAB recommended approval of the subject petition with a vote of 7 to 0.

**STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of Ordinance 11, 2016 on first reading as presented.