



**Planning, Zoning & Economic Development
Memorandum**

DATE: November 17, 2020

TO: Members of the Planning and Zoning Board

THRU: Danny A. Holmes, AICP 
Planning, Zoning & Economic Development Director

FROM: Gayle Easterling, AICP, Senior Planner 

I. PROJECT SUMMARY

A. Project Name / Number: 8601 W. Sunrise Redevelopment / PP20-0016

B. Requests:

1. Assignment of 147 flex units; and
2. Assignment of 161 reserve units; and
3. Rezoning from B-7Q Planned Commercial Development District to B-8Q Planned Residential Commercial Development District; and
4. Conditional use approval to allow multi-family residential development in a B-8Q zoning district; and
5. Use Variance approval to allow two (2) fast food restaurants; and
6. Site plan, elevations and landscape plan approval to permit the development of 442 multi-family dwelling units, 150,000 square feet of office use, and 2,500 square feet of retail/restaurant use.
7. The applicant is requesting **6** zoning waivers from Chapter 27 of the City Code and **3** landscape waivers from Chapter 13 of the City Code. See Exhibit D.

Staff has identified **5 additional zoning items and 3 additional landscape areas** that do not meet the code requirement. If the applicant does not obtain waiver approval for these items, the plans must be revised to meet the code requirement at time of permitting. These changes could cause substantial revisions to the site plan and may require subsequent consideration of a site plan modification. See Exhibit E.

- C. Recommendation: Staff recommends **DENIAL** of the requested flex/reserve unit assignment, conditional use, use variance, site plan, elevation, landscape plan, and waivers. Staff has **NO OBJECTION** to the requested rezoning. In the event the Planning and Zoning Board recommends approval of all or any portion of the request, Staff recommends the approval be subject to the conditions noted in Section V. B. of this report.

II. APPLICATION SUMMARY

- A. Owner: 8601 West Sunrise Owner L.L.C.
- B. Agent: C. William Laystrom, Esq.
- C. Location: 8601 W. Sunrise Boulevard (See Exhibit B)
- D. Size: 14.7 acres
- E. Folio: 494133230030
- F. Legal Description: See Exhibit “E”.
- H. Future Land Use Plan Designation, Current Zoning and Use of Subject Property:

<u>Existing Use & Zoning</u>	<u>Future Land Use Map</u>
Subject Property: Office use zoned B-7Q	Commercial
North: Canal then City of Sunrise	Not applicable
South: Sunrise Boulevard then multi-family/assisted living residential uses zoned PRD-16Q	Residential (16 du/ac)
West: Canal then commercial uses zoned B-2P & B-7Q	Commercial
East: Office use zoned B-7Q	Commercial

III. BACKGROUND

1. Subject Property / The Site / Background

The subject site is located on the north side of Sunrise Boulevard approximately ¼ mile east of Pine Island Road. The 14.7-acre site is zoned B-7Q (Planned Commercial Development

District) and developed with a 130,550 square foot office building previously used as a training facility for AT&T. The site is bound by a canal and then single-family homes located in the City of Sunrise on the north, Sunrise Boulevard and then multi-family/assisted living residential uses to the south, office buildings to the east, and a canal then various commercial uses to the west.

2. Synopsis

The applicant requests approval to demolish the existing office building and construct 442 multi-family residential dwelling units in three 6 story buildings, 150,000 square feet of office use in one 6 story building, a 7-story parking garage, and a 2,500 square foot single story retail/restaurant building (with 2 fast food restaurants with drive thrus). The applicant also proposes phased development with the multi-family residential uses being constructed first (Phases 1 thru 4), the retail/restaurant use second (Phase 5), and the office building and parking garage constructed last (Phase 6).

The architectural style of the buildings are linear and contemporary with flat roofs. The predominant building finishes are beige tone stucco with black and bronze trims. The residential buildings have insets of an off-white wood grain decorative siding on the upper levels and the office building has insets of corrugated aluminum panels. The garage has minimal cladding and is predominantly finished with gray wire mesh panels. The retail fast food building is beige tone stucco with glazing, but most importantly is staff has concerns that the *rear* of the retail building fronts Sunrise Boulevard.

C. Applicable Criteria

1. The review of a request for flex/reserve unit assignment should include consideration of the criteria noted in Section 19-67 of the Land Development Code and criteria found in Policy 1.8.8 of the Comprehensive Plan.
2. The review of a rezoning request should include consideration of the criteria noted in Policy 1.16.1 of the Comprehensive Plan.
3. The review of a conditional use request should include consideration of the criteria noted in Section 27-768 of the Land Development Code.
4. The review of a use variance request should include consideration of the criteria noted in Section 27-33 of the Land Development Code.
5. Section 27-65 of the Zoning Ordinance states that site plan approval requires an application for a development order be agendized for City Council consideration after review by the Review Committee and Planning and Zoning Board. The City Council is the regulatory body rendering the final decision.

IV. PROJECT ANALYSIS, CRITERIA AND FINDINGS

A. Flex and reserve unit assignment for Residential use:

Residential use of sites with a Commercial land use designation are not permitted without the assignment of flexibility reserve units or approval of a land use plan amendment. Given its location, the site does not qualify under the current land use and zoning regulations for utilization of flex or reserve units. In lieu of applying for a land use plan amendment, the applicant has filed an application to amend the flexibility rules contained in Policy 1.8.8 of the Comprehensive Plan and the flexibility rules contained in Section 19-67 of the Code. These items are under concurrent review and are NOT recommended for approval by staff.

If both proposed amendments are approved, the applicant has requested the assignment of 147 flex units and 161 reserve units for a total of 308 units. If approved, this assignment will deplete all flexibility reserve units available within flex zone 74. The applicant has also indicated they intend to seek bonus density units as permitted by the Broward County Land Use Plan which allows two “bonus” market rate units for each moderate-income affordable unit provided. “Bonus units” do not count towards the maximum allowable density of 25 dwelling units per acre. If the applicant provides 67 moderate income affordable units, a bonus density of 134 units could be applied to obtain the proposed 442 dwelling units for an overall density of 30 units per acre. It should be noted that the city code limits the assignment of flexibility reserve units for affordable housing to flex zone 73 (Plantation Gateway) and the applicant has not requested an amendment to this portion of the code.

Assignment of flexibility reserve units, if permitted, requires compliance with the quality housing standards found in Section 19-67. The project does not meet the quality housing standards as it does not provide for cement tile roofs with staggered rooflines, a perimeter wall or fence, and has not demonstrated compliance with adequate resident storage facilities.

It should also be noted that Broward County revised its flexibility reserve unit policies in 2017 which provided for less regulation and greater flexibility to the municipalities in the assignment of flexibility or reserve units. Some cities adopted the Broward County policies in total while others partially adopted, or kept their current policies in place (including the City of Plantation). Staff recommends a comprehensive review of the current comprehensive plan and zoning code policies and regulations regarding the assignment of flexibility or reserve units and, therefore, does not support the applicant’s proposed amendments to the flexibility provision which addresses residential development on commercially land use designated parcels. PLEASE NOTE: Any amendment to the flexibility rules contained in the Comprehensive Plan or zoning code are not site specific and would be applied city-wide, if approved.

Under the current regulations, which do not permit the assignment of flexibility reserve units for this site, evaluation of the flex criteria to allow the residential use is not warranted. Should the applicant’s application to amend the flexibility rules contained in Policy 1.8.8 of the comprehensive plan and the flexibility rules contained in Section 19-67 be approved, staff recommends the project be evaluated against the flexibility criteria prior to approval of the site plan. The maximum density through the assignment of flexibility reserve units is limited to 308 dwelling units (all flex and reserve units available in flex zone 74), given

the code does not provide for affordable housing units through the assignment of flexibility outside of the Plantation Gateway area. The applicant has not requested a revision to the affordable housing section of the code.

Should the applicant's application to amend the flexibility rules contained in Policy 1.8.8 of the comprehensive plan and the flexibility rules contained in Section 19-67 be denied, residential use of the property is not permitted and this component of the site plan cannot be approved.

B. Rezoning from B-7Q to B-8Q:

There are currently two zoning districts, the PRD (Planned Residential Development) and B-7Q (Planned Commercial Development) under the "umbrella" of Planned Community Developments (PCD). Prior to a code amendment adopted in September of 2016 (Ord. 2550, initiated as part of the Millcreek Plantation multi-family residential use on University Drive), the PCD contained a B-8Q Planned Residential Commercial Development district that provided for mixed-use development outside of the Plantation Midtown and Plantation Gateway areas. The applicant proposes a code amendment to add the B-8Q district within the Planned Community Development section of the code. Staff has no objection to the proposed code amendment (with some suggested revisions) which will the residential components of the PRD district and the commercial components of the B-7Q district. If the applicant's proposed code amendment is approved, staff recommends deleting residential use as a conditional use within the B-7Q Planned *Commercial* Development district. This would support residential uses in the PRD district, commercial uses in the B-7Q district and mixed-use in the B-8Q district. All uses in all PCD districts require conditional use

C. Conditional use to allow multi-family residential use:

Under the current regulations, which do not permit the assignment of flexibility reserve units for this site, evaluation of the conditional use criteria to allow the residential use is not warranted. Should the applicant's application to amend the flexibility rules contained in Policy 1.8.8 of the comprehensive plan and the flexibility rules contained in Section 19-67 be approved, staff recommends the project be evaluated against the conditional use criteria prior to approval of the site plan. The maximum density through the assignment of flexibility reserve units is limited to 308 dwelling units (all flex and reserve units available in flex zone 74). given the code does not provide for affordable housing units through the assignment of flexibility outside of the Plantation Gateway area. The applicant has not requested a revision to the affordable housing section of the code.

Should the applicant's application to amend the flexibility rules contained in Policy 1.8.8 of the comprehensive plan and the flexibility rules contained in Section 19-67 be denied, residential use of the property is not permitted and this component of the site plan cannot be approved.

D. Use variance to allow two (2) fast food restaurant with drive thrus:

The applicant has requested use variance approval to allow two fast food restaurants with drive-thrus in the proposed 2,500 square foot single story building at the southwest corner of the site. Freestanding fast-food restaurants with drive thru facilities are not permitted at this location; therefore, the applicant has applied for a use variance.

Given the lack of site and occupancy details for the proposed fast-food restaurants, review of the use variance at this time is premature; therefore, staff recommends denial of the requested use variances. The following items must be addressed in order for a complete and thorough evaluation to be conducted:

- A binding and buildable site plan be submitted for Phase 5.
- The location of the use proximate to the gated entrance of the residential component and its traffic impacts be evaluated.
- The code requires a 200' separation from residential uses. The proposed drive thru lanes are located approximately 5' from residential Building No. 3. A waiver has not been requested.
- The building does not meet the site design elements required by Section 27-721(53) of the code. A waiver has not been requested.
- The dumpster enclosure and *back* of the retail building fronts Sunrise Boulevard.
- The fast-food tenants have not been identified; therefore, potential AM/PM peak hour traffic impacts are not able to be properly evaluated.
- Drive-thru lanes and queuing are not appropriately detailed. It appears the west residential entrance will be blocked if more than one car is waiting at the menu board and appears that traffic could impact Sunrise Boulevard if more than 3 cars are in que.
- Off-site pedestrian access directs pedestrians thru the drive thru lanes.
- Handicap accessibility has not been provided to the building.
- The floor plans for the building do not match the site plan. The floor plan shows one tenant and the site plan indicates two.
- Only 9 parking spaces are provided on the retail parcel as compared to the code requirement of 29 spaces.
- The dumpster enclosure does not appear to be accessible to Waste Management trucks.

Should the Board decide to consider the use variance, the review of a use variance request should include consideration of the criteria noted in Section 27-33 of the Land Development Code.

1. **The nature of the use variance is such that is necessary for the health, safety, or welfare of the inhabitants of the City, and is not a mere convenience to such inhabitants;**

Applicant response:

Due to the COVID-19 pandemic, drive-throughs have become an increasingly needed means to safely order food and beverages from restaurants. Many residents remain uncomfortable with dining in as the uncertainty surrounding the virus continues. The Applicant submits that restaurants are a necessary use to serve Plantation's growing and diverse population. The restaurant with included drive-through lanes will be an important part of the new mixed-use development project. The proposed use will provide residents of the new residential community and employees working at the new office building with an affordable and expedient dining option that they will be able to walk to without having to cross or navigate any major roadways. Residents of surrounding neighborhoods will similarly benefit

from having a nearby restaurant option they can access via a drive-through lane for quick service.

Staff response:

Multiple fast-food locations, many with drive thrus, exist within ½ mile of the subject site. Additional fast-food restaurants are not needed for the health, safety, or welfare of the inhabitants of the City.

2. **A present need for the proposed use exists for service to the population in the area, considering the present availability of similar uses that may serve such population and such area's existing development;**

Applicant response:

Due to the COVID-19 pandemic, drive throughs have become an increasingly needed means to safely order food and beverages from restaurants. Many residents remain uncomfortable with dining in as the uncertainty surrounding the virus continues. From a development standpoint, the proposed use will be an important part of the new mixed-use community. The use is being developed in conjunction with and adjacent to a new residential community and an office building. The residents of this community and employees at the office building will be able to safely walk to the proposed restaurant and enjoy a meal without having to cross any major roadways or thoroughfares. The proposed use will provide these new residents and office employees with an easily accessible and affordable dining option. Similarly, residents of nearby neighborhoods and employees working close to the site will also be able to take advantage of this expedient and affordable dining option.

Staff response:

Multiple fast-food locations, many with drive thrus, exist within ½ mile of the subject site. A market study has not been provided showing there is a present need.

3. **Special conditions and circumstances exist that are peculiar to the land, structure, or building involved, which are not applicable to other lands, structures, or buildings in the same zoning district, which constitute marked exceptions to other properties in the district, and which prevent the reasonable use of said land, structure, or building;**

Applicant response:

The vacant commercial building on the property has aged significantly over the years and cannot be economically refitted to compete in today's market. As a part of the Applicant's efforts to revitalize the property, the Applicant is requesting the proposed restaurant use and drive-throughs to complement the proposed residential and office uses that are planned for the property.

Staff response:

There are no special circumstances which apply to this site which prevent a reasonable use of the land for a more appropriate use. Restaurants without drive-thrus are permitted

within this zoning district. The drive-thru service does not benefit the proposed residential and office uses for the site but does create traffic and parking issues which could be detrimental to the uses on the site. The primary visitation to fast food restaurants with drive-thrus are drive-by commuters.

4. **The literal application of the zoning and land development regulations under such special conditions and circumstances would create an unnecessary hardship which is not self-created;**

Applicant response:

A literal interpretation of the zoning and land development regulations for the district would prohibit the proposed restaurant from existing with drive-throughs at the site.

Staff response:

There are no special circumstances which apply to this site.

5. **Not granting the use variance would deprive the applicant of a substantial property right that is enjoyed by other property owners within the district and within the surrounding property (nonconforming use of neighboring lands, structures or buildings, in the district or surrounding property, shall not be grounds for issuing a use variance);**

Applicant response:

Fast food restaurants with drive-throughs in the city of Plantation continue to be needed due to the limited number of existing drive-through restaurants in the area. At Plantation Pointe, there are a few drive throughs and further away are the KFC on West Broward Boulevard, the McDonalds on South University Drive, and the Pollo Tropical on North University Drive, all of which are freestanding fast-food restaurants with drive-throughs. In fact, the McDonalds and the Pollo Tropical even have double drive-throughs. Surely if these restaurants can operate successfully as freestanding fast-food restaurants with drive-through lanes the proposed fast-food restaurant should be able to operate effectively with drive-throughs as well especially with the increased need for drive-throughs due to the COVID-19 pandemic.

Staff response:

Not granting the use variance would not deprive the applicant of a substantial property right that is enjoyed by other property owners within the district and within the surrounding property.

6. **The requested use variance is of such character, size, and location so as to not change the nature of the principal permitted usage on the property, or will not conflict with the intent and purpose of the zoning district within which the property is located;**

Applicant response:

The density, scale and bulk of the proposed use (single story restaurant retail building) will be comparable to surrounding uses. The Applicant submits that the proposed use is compatible with adjacent uses and will serve residents, visitors, and workers of the area without changing the character of the neighborhood.

Staff response:

While a commercial use is consistent with the underlying Commercial land use designation, the proposed fast-food use in conjunction with the high-density residential use could cause conflicts that cannot be evaluated at this time given the lack of detailed information regarding the site development and users.

7. The use variance requested is consistent with the comprehensive plan;

Applicant response:

The Applicant submits that a fast-food restaurant with drive-throughs is consistent with the comprehensive plan in that it is a common and standard commercial use of property. The site is surrounded by existing commercial uses including many vacant retail spaces. The proposed use will in no way be inconsistent with those uses.

Staff response:

Fast food restaurant use is considered a commercial use which is consistent with the underlying Commercial land use designation.

8. **The use variance is compatible with the general plan for the physical development of the district and surrounding property, and is in harmony with the general character of the existing structures for the subject property, district, and the surrounding property, considering design, scale, and bulk of any new structures, the intensity and character of the proposed use, the use regulations of the district and how the district and subject to property has developed, the character of the surrounding property, and traffic and parking conditions;**

Applicant response:

The proposed use will be compatible with the general plan for physical development of the district and surrounding property. As noted previously, the property is surrounded by commercial uses and is located on Sunrise Boulevard between two large commercial plazas being Jacaranda Square and Jacaranda Plaza. The proposed restaurant will be one story and approximately 2,500 square feet or less in size. Certainly, the scale and bulk of the new structure will be comparable to if not less than buildings in the surrounding area. The intensity and character of the proposed restaurant with two drive-thru lanes will not in any way be inconsistent with how this district has been developed. The Applicant will ensure that any changes to traffic patterns due to the proposed restaurant will be thoroughly analyzed. It is also anticipated that many patrons to the restaurant will walk over from the proposed residential community and office building thereby helping to reduce the amount of new automotive traffic created. With the development of the new residential

community and office building, there will be a need and demand for expedient and affordable dining options to accommodate new residents and employees at the site. The proposed restaurant will be an excellent option to satisfy this demand and in turn, these residents and employees will help develop a consistent customer base for the restaurant. The Applicant firmly believes that the synergy created between the proposed restaurant, the residential community, and the office building will help these uses to grow together and have a positive impact on the Plantation community.

Staff response:

Use variances are intended to be granted only in unique and exceptional circumstances on non-residential property when necessary for the public health, safety, or welfare. The proposed fast-food use is not compatible with the planned physical development of the property for high density multi-family residential use. The close proximity of the fast-food queuing and drive thru lanes to the residential entrance and buildings will likely have negative impacts especially with regards to traffic and parking conditions.

9. **The use variance will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads or intersections, or its location in relation to other buildings or proposed buildings on or near the site or the traffic pattern from such buildings, or by reason of its location near a vehicular or pedestrian entrance or crossing to a public or private school, park, playground or hospital, or other public use or place of public assembly (where such use variance involves heavy vehicular traffic ingressing or egressing from adjacent roadways or on-site, or is deemed a trip generating use, a traffic analysis shall be submitted by the applicant with suggested means of ameliorating such traffic impact);**

Applicant response:

The Applicant will ensure that traffic concerns are addressed. The proposed drive-throughs will be constructed and located in a manner that ensures there will not be stacking out onto Sunrise Boulevard. As noted previously, it is also anticipated that many patrons to the restaurant will walk over from the proposed residential community and office building and thereby help reduce the amount of new traffic created.

Staff response:

The volume of drive thru traffic will likely create a traffic hazard or traffic nuisance because of its location in relation to the proposed buildings on the site. Given the lack of site and occupancy details for the proposed fast-food restaurants, staff cannot determine if these impacts can be addressed. A traffic analysis has been submitted by the applicant and found to be unacceptable to the Engineering Department.

10. **The use variance will not be detrimental to the use, peaceful enjoyment, economic value, or development of the subject property, district, surrounding property, or the neighborhood, and will cause no objectionable noise, vibration, fumes, odors, dust, glare, or physical activity;**

Applicant response:

The proposed use will in no way cause objectionable noise, vibrations, fumes, odor, dust, glare, or any outside physical activity. Similarly, the proposed use will not in any way be detrimental to the use, peaceful enjoyment, economic value, or development of the surrounding property or the existence of other businesses in the area. It is anticipated this use will complement the proposed residential community, office building, and other uses in the surrounding area.

Staff response:

Approval of the use variance could have detrimental impacts on the proposed adjacent residential uses given residential Building No. 3 is located approximately 5' from the drive thru lanes.

11. **The use variance will not adversely affect the health, safety, security, morals, or general welfare of the residents, visitors, or workers of the subject property, the surrounding property, or the neighborhood; and**

Applicant response:

The proposed use will in no way adversely affect the health, safety, security, morals, or general welfare of the residents, visitors, or workers in the neighborhood. Due to the COVID-19 pandemic, drive-throughs have become an increasingly needed means to safely order food and beverages from restaurants. Many residents remain uncomfortable with dining in as the uncertainty surrounding the virus continues. Therefore, the Applicant submits that the proposed use will actually promote the health and safety of the Plantation residents to some level.

Staff response:

Given the tight site constraints, the proposed fast-food uses could adversely affect safety due to traffic impacts and the general welfare of residents especially in the planned community.

12. **The use variance will not, in conjunction with existing development in the neighborhood, or surrounding property, overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements, and will not create a hazard by virtue of its size and location to residents, visitors, or workers in the neighborhood or surrounding property.**

Applicant response:

All necessary public service facilities will be analyzed thoroughly to ensure that they are able to provide service to the proposed use. Although vehicular traffic may slightly increase, it is anticipated that many patrons will walk to the restaurant from the new residential community and office building instead of drive.

Staff response:

The developer will need to provide additional infrastructure to support the proposed development including the fast-food restaurants.

E. **Site plan, elevations and landscape plan approval to permit the development of 442 multi-family dwelling units, 150,000 square feet of office use, and 2,500 square feet of retail/restaurant use (2 fast food restaurant with drive-thrus):**

Staff is concerned over the lack of detailed dimensions on the site plan; the inconsistencies that still remain in the site plan, floor plans, and elevations; the need for amendments to the flexibility rules contained in Policy 1.8.8 of the comprehensive plan and the flexibility rules contained in Section 19-67 of the code (to implement the multi-family residential use proposed for the property through the assignment of flexibility units); the proposed parking reduction to 33% below code affecting primarily the proposed residential use; the lack of site and occupancy details provided for the proposed fast food with drive-thru uses and the uses potentially detrimental traffic and parking impacts; and that the architectural design of the project does not meet the quality housing or architectural design requirements of the code.

Staff recommends a comprehensive review of the current comprehensive plan and zoning code policies and regulations regarding the assignment of flexibility or reserve units (and the bonus density associated with affordable housing), inclusive of the changes previously approved and currently in review at Broward County, and, therefore, does not support the applicant's proposed amendments to the flexibility provisions

Due to the lack of site and occupancy details for the proposed fast-food restaurants and unaddressed concerns regarding traffic, review of the use variance at this time is premature.

The site plan cannot be implemented given two (residential and fast food) of the three proposed uses for the site are not permitted.

F. **Citizen Comments**

The City of Plantation posts signage on properties and sends out notices to surrounding property owners when planning and zoning actions are requested. In this case, the Planning, Zoning & Economic Development Department posted signs on or before on November 2, 2020 and sent out notices on November 3, 2020. This provides an opportunity for citizen participation in the zoning process. Staff has not received written objections from citizens regarding this application.

G. **Concerns, Issues and other Pertinent Information**

Code Violation: There are no violations issued for the subject site at this time.

V. **RECOMMENDATIONS:**

A. **Board and Committee Recommendations:**

August 11, 2020	DRC Agenda, Deferred
September 22, 2020	DRC Agenda, No objection to the project moving forward

B. Staff Recommendation:

1. Assignment of 147 flex units – **DENIAL**. Staff recommends a comprehensive review of the current comprehensive plan and zoning code policies and regulations regarding the assignment of flexibility or reserve units and, therefore, cannot support the applicant's proposed amendments to the flexibility provision which addresses residential development on the commercially land use designated parcel.
2. Assignment of 161 reserve units – **DENIAL**. Staff recommends a comprehensive review of the current comprehensive plan and zoning code policies and regulations regarding the assignment of flexibility or reserve units and, therefore, cannot support the applicant's proposed amendments to the flexibility provision which addresses residential development on the commercially land use designated parcel.
3. Rezoning from B-7Q Planned Commercial Development District to B-8Q Planned Residential Commercial Development District – **APPROVAL**. The applicable development regulations are the same under the current B-7Q zoning district and the proposed B-8Q zoning district.
4. Conditional use approval to allow multi-family residential development in a B-8Q zoning district – **DENIAL**. Under the current regulations, residential use of the property is not permitted with the use of flexibility reserve units as requested.
5. Use Variance approval to allow two (2) fast food restaurants – **DENIAL**. Given the lack of site and occupancy details for the proposed fast-food restaurants, Staff feels review of the use variance at this time is premature.
6. Site plan, elevations and landscape plan approval to permit the development of 442 multi-family dwelling units, 150,000 square feet of office use, and 2,500 square feet of retail/fast food restaurant use – **DENIAL**. The site plan cannot be implemented given two (residential and fast food) of the three proposed uses for the site are not permitted.

STAFF COMMENTS:

PLANNING & ZONING:

General comments:

1. The site plan, floor plans, building elevations, and renderings are inconsistent throughout the plan set which does not allow staff to do a complete review.
2. Given the lack of detail for the proposed high intensity fast food use, Phase 5 should not be included in the site plan, if approved. This phase should be considered at a later date when more detail regarding the site design and occupancy can be provided.
3. The proposed multi-family use is planned for development prior to developing any non-residential uses for the site. The office building and parking garage, the primary non-residential use of the property, is planned for last phase of development. Staff is concerned that development of the property will stop after completion of the residential use, if approved, as there are no assurances that the non-residential component of the property will be developed. Staff recommends development of the non-residential uses be completed prior to issuance of a

Certificate of occupancy for the last residential building pursuant to a legally binding agreement reviewed by the City attorney prior to issuance of a building permit should the residential use be approved.

Plat:

4. A plat note amendment to accommodate the proposed uses is required prior to issuance of a building permit.

Easements:

5. Multiple easements appear to be in conflict with the proposed plan. The applicant has indicated the existing easements will be vacated with new easements dedicated prior to issuance of a C.O.

Phasing plan:

6. Clarify whether the parking area at the northeast corner of the site is located in Phase 1 or Phase 4.
7. The proposed multi-family use is planned for development prior to any non-residential uses (with the office being constructed last). What assurances can be provided to ensure that the non-residential components of the project are constructed?

Site plan:

8. The site plan lacks dimensions and is lacking the detail needed to do a complete review. Provide a well dimensioned site plan.
9. A setback equal to 1.5 times the building height is required adjacent to all property line. Building 1 and 3, and the office building do not meet the required setbacks. The applicant is requesting a waiver.
10. Provide sidewalk dimensions for various areas of the site plan (showing the width with or without a vehicle overhang). Widths seem to vary from 3 to 6 feet.
11. In some areas, the common area sidewalk appears to directly abut resident patios. Provide an appropriate separation of spaces on the west side of Building 2. Consider removal of the 3 adjacent parking spaces abutting the sidewalk to the west.
12. The drive aisle / drive thru lanes for the retail/fast food building appear to be approximately 5 feet from the west side of Building 3. Provide an appropriate separation of spaces (suggested minimum of 15 feet).
13. The parking field on the north side of Phase 2 is a substantial walking distance to the entrances of Building 1 and 2 which it will likely support. Staff recommends a rear access entrance be provided for Building 2.
14. Connect the sidewalk from the parking area to the south entrance of Building 1.
15. Two-way drive aisles are required to be 25 feet in width. Staff will not object to a minimum two-way drive aisle of 24 feet. A waiver has not been requested.
16. The floor plans indicate trash rooms on the ground floor of each residential building; however, the location of the trash rooms do not allow vehicular access for pick-up. How will waste management access the dumpsters? If additional paved areas are provided, the site will fall below the minimum open space requirement.

Floor plans:

17. The residential floor plans are inconsistent with the site plan, elevations, and renderings provided in the site plan package.
18. The ground floor plate square footages shown for the residential building are incorrect. The floor plates for levels 2 thru 6 should be larger than the floor plate for level 1.
19. The "interior paint to paint" square footages appear to be incorrect. Based on floor plan dimensions, the unit sizes are smaller than labeled (i.e. the studio detail shows the unit size as

505 square feet but based on floor plan dimensions appears to be 467 square feet in area. The requested waiver must reflect the smallest unit size for each unit type (based on # of bedrooms). Approximately 61% of the dwelling units (efficiencies and 1 bedrooms) are below the minimum code requirement. The applicant is requesting a waiver.

20. Indicate the location of storage areas for residents in each residential building as required by the quality housing standards. Many bedrooms do not appear to have closets. Where will residents store their clothing?
21. Provide a floor plan for Level 7 of the garage as it is not typical with Levels 2 thru 6.

Elevations:

22. Section 27-688(h) requires all building designs be of substantial construction using high quality materials and workmanship, be site responsive, recognize local character, and have architectural features and patterns that provide visual interest from the perspective of the pedestrian. The design criteria addresses building and roofing materials, massing, step backs, notches and bump outs, glazing requirements, building design and other elements. The buildings do not appear to meet the design criteria; however, given the lack of detail on the site plan submittal, staff cannot do an accurate assessment of each design element. The buildings do not meet the design elements.
23. Provide material and paint color sample boards with the Planning and Zoning Board submittal. Staff has concerns with the proposed residential balcony materials and color, the corrugated metal panels on the office building, and the garage mesh wall panels on the garage.
24. Section 27-687(b)(2)(c) limits the height of all buildings containing residential uses in the B-7Q zoning district which are located outside of Central Plantation to five (5) stories with a maximum height of sixty-five (65) feet. The applicant is requesting a waiver.
25. The renderings provided are inconsistent with the site plan, floor plans, and building elevations. Correct for consistency.
26. The office building elevations are inconsistent with the site plan, floor plan, and renderings provided in the site plan package (i.e. entrances on the south elevation, angled corners at the southwest corner, loading or service doors on the north elevation).
27. The retail/fast food restaurant elevations are inconsistent with the site plan.
28. Reconsider the orientation of the retail/ fast food building elevations. Staff objects to the back of the building facing Sunrise Boulevard.
29. Provide a note on the plans that rain gutters and downspouts will be internal to the buildings.

Residential use:

30. Should the residential use be permitted, the project fails to meet the quality housing standards as it does not provide for cement tile roofs with staggered rooflines, a perimeter wall of fence, and has not demonstrated compliance with resident storage facilities.

Fast food / retail use:

31. Freestanding fast-food restaurants with drive thru facilities are not permitted at this location. The applicant has filed for a use variance. If approved, the building design does not meet the architectural requirements of Section 27-721(53).

Parking and Loading:

32. The current submittal requires 1,618 parking spaces with 1,326 spaces provided on the site plan. Of the 1,326 spaces proposed, 756 spaces are located in the garage which is the last phase planned for construction. Prior to construction of the garage, 561 spaces will be available to residents resulting in an average of 1.3 spaces per unit. Subsequent to construction of the parking garage, 631 spaces will be available resulting in 1.4 spaces per unit. It should be noted that the residential area will be 33% below code and the office building will be slightly below

code resulting in an overall reduction in parking 27% below code. Staff cannot support the proposed parking ratio provided for the residential use and recommends a ratio of 1.75 spaces per dwelling unit.

33. Correct the loading zone calculations based on the code requirement of 1 zone for each 40K square feet plus 1 space for each 60K square feet over 40K square feet or major fraction thereof for office use and 1 space for each 50 dwelling units. Staff calculates 12 loading zones are required (9 for the residential use and 3 for the office use). Three loading zones are provided for the office building only. The applicant is requesting a waiver.

Lighting:

34. Parking lot lighting must meet the requirements of Section 27-750(2) and may not create light spillover onto adjacent properties or right-of-ways. A photometric lighting plan was previously provided but is not included in this submittal. The previous plan, fixture labels and plans were inconsistent (i.e. Type B fixtures are shown on the schedule but not in the details or plan, fixture type XL are shown on the plan and details but not included in the schedule. Correct for consistency and provide photometric lighting plan in the City Council submittal.
35. If wall lighting fixtures are proposed, indicate fixture locations on the building elevations. Provide lighting fixture details.

Details:

36. Provide a bike rack location for the retail/fast food building. Consider providing a bike rack near the main pool entrance.
37. A solid vehicular gate detail has been provided for the residential access gates. The solid gate requires review and approval of the Engineering and Fire Departments.
38. Lake slopes must meet the requirements of Section 27-689(f).
39. This request must undergo a local concurrency review for parks, water, sewer, streets, drainage, and solid waste. The standard single-page form is available in the Planning and Zoning Department. The applicant must present the form to the appropriate City departments for sign off prior to Planning and Zoning approval.
40. The applicant must contact the Broward County School Board regarding school impact/mitigation fees prior to City Council consideration.
41. The applicant is responsible for City impact fees, payable at the time of permitting
42. Update and provide the entire submittal in PDF format on a CD, flash drive, or other means of electronic transfer. Submittal shall be separated into folders (e.g. site plan, elevations, landscape, civil, etc...).
43. Establish a Unified Control document for the site. City Attorney approval is required prior to issuance of a building permit. Establish a trust account for legal review costs with a minimum deposit of \$2,000.
44. When responding to staff comments, please "bubble" any plan changes and specify the page number corrected in the written responses. This will help shorten staff review of revised plans.
45. Additional comments may be generated based on the resubmittal.

Note:

- A. Please Resolve Comments _____ Prior to City Council Application
- B. Please Resolve Comments _____ Prior to Building Permit

LANDSCAPING:

Please note:

- A. Comments # 1-2 (Notes); comments # 1-11 (Site plan), & comments #1-12 (Planting Plan) must be addressed at time of City Council submittal.

B. Comments # 1, 3, & 4 (Notes) & comments # 13-25 (Planting Plan) must be addressed at time of building permit.

Landscape:

Notes:

1. All site plan and planting plan comments from the Department of Planning, Zoning & Economic Development – Landscape - must be responded to in writing.
2. The applicant may be required to execute a developer agreement and post security for all engineering and landscape related improvements at time of permitting. *Please note: Only the perimeter and off-site landscape shall be included in the landscape portion of the bond.*
3. Tree/palm trimming, removal and relocation must be obtained directly through the Department of Planning, Zoning & Economic Development – Landscape - at the time of permitting.
4. This review is preliminary. Full landscape plan review & approval is required at time of permitting.

Site Plan:

1. Section 13-40(c)(5)(a) requires landscape islands be provided for every 5th space, on average in multi-family residential sites. Approximately 1 island every 7th/8th space has been provided. ***Waiver required. If waiver is not requested, code requirement shall be satisfied at time of permitting.***
2. Section 13-40(c)(2)(a) requires parking islands on multi-family residential sites to be a minimum of 9' wide inside curb to inside curb. Provided is 7.5'. ***Waiver required. If waiver is not requested, code requirement shall be satisfied at time of permitting.***
3. Section 13-40(c)(3) requires islands separating parking bays from major internal access drives to have a minimum width of 10', not including curbing. Provided is 7'. ***Waiver required. If waiver is not requested, code requirement shall be satisfied at time of permitting.***
4. Section 13-40(c)(4)(b)(c) requires medians between double parking bays in multi-family residential to be a minimum width of 10' in green area not including curbing or vehicular overhang. Provided is a range of 2' to 8'. ***A waiver has been requested (but not the correct dimension).***
5. Section 13.40(c)(1). Interior landscaping for parking areas. No landscaped area shall have any dimension less than 5'. Provided is 2'. ***Waiver required. If waiver is not requested, code requirement shall be satisfied at time of permitting***
6. Section 13-41(a)(b) requires landscape pedestrian zones (lpz) to extend the full width of each façade. (Paved areas in the lpz may not constitute more than 5' of required lpz). ***Waiver required. If waiver is not requested, code requirement shall be satisfied at time of permitting.***

Building 1:

- A minimum 20.4' landscape pedestrian zone is required on all sides of the proposed building.

Building 2:

- A minimum 20.4' landscape pedestrian zone is required on all sides of the proposed building.

Building 3:

- A minimum 20.4' landscape pedestrian zone is required on all sides of the proposed building.

Retail:

- A minimum 10' landscape pedestrian zone is required on all sides of the proposed building.

Office:

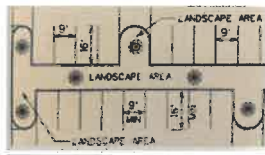
- A minimum 25.8' landscape pedestrian zone is required on all sides of the proposed building.

Garage:

- A minimum 21.7' landscape pedestrian zone is required on all sides of the proposed building.

Provide the roof overhang and all upper floor porches and ground floor slabs on the landscape plans. These areas cannot conflict with proposed or City code required plantings.

7. Please dimension all green spaces (i.e. medians, islands, landscape pedestrian zones, etc.). Example: dimensions of parking medians and islands are not provided on any of the sheets in the L series.
8. Stagger planting islands throughout the site. This will allow for maximum growth of required trees. Please see example below for the staggering of planting islands as well as placement of code required trees.



9. Provide 16' deep parking stalls with a 2' vehicular overhang in lieu of 18' deep parking stalls along the western parking area along Residential building #3. **Waiver required. If waiver is not requested, code requirement shall be satisfied at time of permitting.**
10. Water & Sewer lines (sanitary sewer pipes, FCD & Fire hydrants, domestic service lines, backflow preventers, the existing water main, etc.) shall not be placed in locations where they will conflict with required trees/palms.
11. Lighting shall not be placed in landscape islands where trees are required by code; light poles must be a minimum of 15' from any planting to avoid interference as the tree/s mature.

Planting Plan:

1. Chapter 27, Article XIV as per Broward County code of ordinances and Section 13-44(a)(b)(6)(a) as per city codes requires every reasonable effort to incorporate existing trees in the development project and to minimize the number of trees removed.
2. Section 13.41(c) requires one tree be installed in the landscape pedestrian zone (lpz) per each 30 linear feet of façade width. Palms may be substituted for trees in a lpz of limited width at the rate of three palms for each tree that would otherwise be required. **Waiver required. If waiver is not requested, code requirement shall be satisfied at time of permitting.**

Building 1:

N façade requires 12 trees – 10 provided
 E façades requires 2 trees – 2 provided
 S façade requires 10 – 5 provided
 W façade requires 2 trees – 2 provided

Building 2:

N façade requires 13 trees – 9 provided
 E façades requires 2 trees – 2 provided
 S façade requires 11 – 5 provided
 W façade requires 2 trees – 0 provided

Building 3:

N façade requires 11 trees – 6 provided
 E façades requires 2 trees – 0 provided
 S façade requires 10 trees – 10 provided

W façade requires 2 trees – 0 provided

Retail:

N façade requires 2 trees – 0 provided
 E façades requires 1 tree – 0 provided
 S façade requires 2 trees – 0 provided
 W façade requires 1 tree – 1 provided

Office:

N façade requires 4 trees – 2 provided
 E façades requires 7 trees – 7 provided
 S façade requires 4 trees – 4 provided
 W façade requires 7 trees – 7 provided

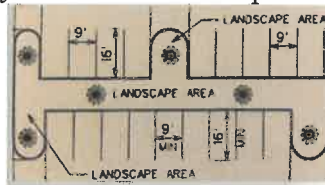
Garage:

N façade requires 4 trees – 4 provided
 E façades requires 9 trees – 9 provided

S façade requires 4 trees – 2 provided

W façade requires 9 trees – 9 provided

3. Section 13-35(a) – Landscape installation and maintenance. All landscaping shall be installed in a sound workmanship-like manner and according to accepted and proper planting procedures.
 - Planting spaces should be appropriate for the proposed plant material.
 - Planting should be adequately spaced to assure maximum growth. Example: No trees to be planted within 30’ of Category 1 tree; Category 2 trees (including NUT trees) to be planted minimum 20’ apart and palms minimum 7-10’ apart.
 - Do not plant ground cover or hedge material within the dripline of new or existing trees.
 - Do not plant trees under the canopy of existing trees unless they are understory trees.
4. Canopy diameter of each existing tree/palm canopy on the planting plan (including trees off-site) must be drawn to scale and consistent with the dimensions in the tree disposition table.
5. Include trees and/or palms on properties adjacent to this site to assure the existing tree canopy does not conflict with the proposed trees. Eastern perimeter of property has existing trees on the neighboring property adjacent to 8601.
6. Section 13-42(c)(1) requires that the proposed layout plan show existing and proposed site lighting, fire hydrants and associated equipment, above and below ground utilities, etc. Please include locations on the Landscape Plans.
7. Section 13-40(f). Interior landscaping for parking areas: Large shade trees shall be installed in all parking areas at a minimum spacing of 40’ in all parking areas. The trees shall be planted in landscaped areas which conform to the dimensional requirements as per City codes (planting islands & medians). Large canopy shade trees are required throughout planting islands.



8. Staff has a concern with the placement of paving, curbing, etc. within the dripline of existing trees. Staff requests an assessment of the impacts the proposed pavement/curbing will have on the critical root systems of affected tree(s).
9. Where tree planting is proposed in restricted areas where soil volume is limited, underground tree vaults are required to ensure that adequate soil volume is available to support the eventual size of the planted tree(s). Provide construction/engineering details for the tree vaults and specify soil composition/mixture and soil volume.
10. Include height, spread, and spacing on all proposed plant material (including shrubs, groundcovers, and aquatics) under specifications in the Plant List.
11. Remove the container size on proposed plant material – trees, shrubs, groundcovers.
12. All trees and palms shall be field grown/balled & burlapped (FG/BB); container grown trees and palms are not acceptable; under specifications on the Plant List please make a note to this effect. The proposed Plant List proposes container grown palms.
13. Staff recommends the placement of relocated Royal Palms away from vehicular parking areas, pedestrian walkways, etc. as the fronds when they fall can be up to 40-50 pounds. Example: See relocated palms 244-252 placed around retail building adjacent to parking areas.
14. Section 13-44(a)(b)(9) requires any persons conducting a permitted tree relocation must post a bond to insure the survival of tree(s) designated for preservation.
15. Section 13-44(a)(b)(7)(b)(c)(d) requires that all proposed trees to be removed to be mitigated for as per City codes.

16. For relocated and/or newly planted trees/palms (if applicable), provide a tree irrigation schedule for the first 12 months that specifies the method and frequency of application, and amount of water used for each application.
17. Provide a tree and palm relocation plan that details excavation (including root pruning), transport, and replanting of the relocated trees/palms. Include written details on hole preparation, post-relocation maintenance, watering schedule, tree bracing/staking, and tree protection.
18. Section 13-35(1)(e) requires a root barrier system to be installed in situations where a tree or palm is planted within 10' of a paved surface or infrastructure. Write the root barrier specifications on sheet L450 as follows: 1) Panel 0.085 thick polypropylene, 2) Zipper join system, 3) Rounded edges, 4) 24" depth, 5) anti-lift pads. Draw and label root barrier locations on the landscape drawings.
19. Section 13-45(b) requires all trees retained on a site to be protectively barricaded before and during construction activities. Draw and label locations of tree protection barricades on the Tree Disposition and Demo plans.
20. Show St. Augustine Grass as sod in square feet. Plugs will not be accepted.
21. TD sheets are not readable and trees are not identified to match disposition table.
22. Each individual NUT tree (all Category 2 trees) must be identified by species on the landscape plan.
23. Section 13-44(d) requires that all removed trees be replaced by providing equivalent monetary value to the city's tree fund. Monetary value shall be determined using the ISA appraisal methods described in *Guide for Plant Appraisal* or other standard acceptable to the city. Provide ISA tree values for all trees in the Tree Disposition Table.

ENGINEERING:

1. None of the site plan sheets or civil drawings identify the various surface treatments. Please revise all affected plan sheets with notes and a legend accordingly. The proposed application of a pervious paver system shall be consistent with what was agreed to with the applicant and their consultant in the September 30, 2020 3:30 PM Zoom meeting. The plans as submitted do not appear to reflect what was discussed and agreed to.
2. Revise the site data calculations to include the impervious area data.
3. Revise the site plan and civil sheet C1 to include directional arrows on the pavement at the proposed retail building.
4. The submittal proposes two (2) separate retail operations with independent drive-through windows. It appears both drive-through operations rely upon the same one-way ingress lane(s). How is this expected to work?

Note:

- A. Please Resolve Comments 1-4 Prior to City Council Application
- B. Please Resolve Comments _____ Prior to Building Permit

TRAFFIC CONSULTANT:

A traffic impact study and queue analysis dated September 2020 prepared by DC Engineers, Inc. was received by the Engineering Department on October 19, 2020 and reviewed by Department staff.

1. The traffic impact study concludes 2, 290 net new vehicle trips per day, yet concludes essentially no net impacts to NW 85th Avenue (a/k/a Lauderdale West Drive). Staff is having difficulty accepting this conclusion. Lauderdale West Drive provides a convenient and direct connection

to the Plantation Midtown development district to avoid using the County or FDOT roadways. Please explain.

2. The retail queue analysis concludes with a one (1) vehicle queue for the proposed fast-food restaurant and a two (2) vehicle queue for the proposed coffee/donut shop. Staff believes these conclusions are unrealistic based upon readily available observation of similar existing retail operations with drive-through in the City of Plantation. Staff is concerned that queuing may result in impacts to the west project entrance and possibly onto Sunrise Blvd.

Note:

- A. Please Resolve Comments 1-2 Prior to City Council Application
- B. Please Resolve Comments _____ Prior to Building Permit

BUILDING: No objection.

FIRE:

Reviews:

- Comments 1 – 29 on the Staff Report to the Review Committee meeting of August 11th, 2020.
- Applicant response on September 1st, 2020 submittal.
- Comment 30 and Fire Dept reply on the Staff Report to the Planning & Zoning Board meeting of September 22nd, 2020.
- Applicant response on October 12th, 2020 submittal.
- Fire Dept reply on the Staff Report to the Planning & Zoning Board meeting of November 17th, 2020.

No objections as to this Use Variance, Conditional Use, Flex Assignment, Site Plan, Elevations, and Landscape Plan approval with the understanding that the applicant and/or owner are aware of following Plantation Fire Department comments and will comply with each comment by affirming in written reply and/or plan submittal.

1. All aspects of fire and life safety shall comply with the current edition of the Florida Fire Prevention Code at time of permitting.
 - *Applicant response – Agreed.
 - *Fire Dept reply – Complied.
2. All structures/buildings shall be able to provide a maintained minimum, as determined by Plantation Fire Department, radio signal strength for fire department communications during in-building operations. A two-way radio communication enhancement system may be necessary to comply with this requirement.
 - *Applicant response – Agreed.
 - *Fire Dept reply – Complied.
3. All structures/buildings, with the exception of retail, shall be provided with the following features:
 - a. Fire command room.
 - b. Voice evacuation system supervised by the fire alarm control panel.
 - c. Engineered automatic pressurization system for all vertical shafts (i.e. stair, elevator) with its control panel in the fire command room.
 - d. Emergency generator.
 - *Applicant response – Agreed.
 - *Fire Dept reply – Complied.
4. A minimum 10' by 10' fire command room shall be provided with access directly from exterior and access directly to interior.

- *Applicant response – Agreed.
 - *Fire Dept reply – Complied.
5. Means of egress, as preliminarily depicted on this submittal, may not comply with current applicable codes. Means of egress features for all structures/buildings shall be re-evaluated with the Plantation Fire Department to verify proper compliance.
 - *Applicant response – Agreed.
 - *Fire Dept reply – Complied.
 6. Egress components (i.e. doors, stairs) for the business occupancy structure/building shall be capable of handling a high-density occupant load of 1 person per 50 sq. ft. and a conference room load of 1 per 15 sq. ft.
 - *Applicant response – Agreed, we will comply with request.
 - *Fire Dept reply – Complied.
 7. Fire sprinkler system underground supply line shall have its own dedicated tap directly from water main, not shared; as such, the point of service shall be the valve at the water main tap.
 - *Applicant response – Agreed, we will comply with request.
 - *Fire Dept reply – Complied.
 8. Structures/buildings shall be entirely protected by an approved, supervised automatic fire sprinkler system hydraulically calculated to City of Plantation drought standard of 50-PSI static, 45-PSI residual, at 1100-GPM flow, with a minimum 10% safety margin.
 - *Applicant response – Agreed, we will comply with request.
 - *Fire Dept reply – Complied.
 9. Standpipe fire hose valves shall be provided on the inside and the outside of each stair floor landing and within 115' of any point as hose is deployed.
 - *Applicant response – Agreed, we will comply with request.
 - *Fire Dept reply – Complied.
 10. Retail structure/building fire sprinkler monitoring alarm control panel shall be located in a properly conditioned room that provides an unobstructed 3' access to the front and to the sides of the cabinet.
 - *Applicant response – Agreed, we will comply with request.
 - *Fire Dept reply – Complied.
 11. Fire sprinkler risers shall be located in a room/area that provides an unobstructed 3' access to the front and to the sides of the appliances.
 - *Applicant response – Agreed, we will comply with request.
 - *Fire Dept reply – Complied.
 12. Fire pump rooms shall be sized to allow clear 3' access around fire pump.
 - *Applicant response – Agreed, we will comply with request.
 - *Fire Dept reply – Complied.
 13. Fire department connection (FDC) and its adjacent fire hydrant (FH) shall face roadway, shall be located on same side of roadway, within 6' to 25' of each other, and within 6' of curb front.
 - *Applicant response – Agreed, we will comply with request.
 - *Fire Dept reply – Complied.
 14. FDC's shall comply with following:
 - a. Free standing.
 - b. Single 4" screened Storz coupling on a 30-degree bend.
 - c. Intake between 24" to 36" above grade.
 - d. No obstructions within 3' of sides.
 - e. Unobstructed 6' wide area from FDC to curb front.

- f. Posted “NO PARKING - FIRE DEPARTMENT CONNECTION” sign behind it, compliant FFPC NFPA-1 and current City of Plantation Engineering Department Fire Lane Signing and Marking Standard.
 *Applicant response – Agreed, we will comply with request.
 *Fire Dept reply – Complied.
15. FH’s shall comply with following:
 a. No obstructions within 3’.
 b. Unobstructed 6’ wide area from FH to curb front.
 *Applicant response – Agreed, we will comply with request.
 *Fire Dept reply – Complied.
16. The same Florida Fire Protection Contractor I, II or V shall be responsible for the installation of the fire sprinkler system underground supply line from valve at water main up to the 12” above grade stub outside of building, the DDCV and the FDC (if connected to supply line prior to the 12” above grade stub).
 *Applicant response – Agreed, we will comply with request.
 *Fire Dept reply – Complied.
17. The following shall be permitted separately:
 a. All fire sprinkler system underground supply line from valve at water main up to the 12” above grade stub outside of building and the FDC (if connected to supply line prior to the 12” above grade stub).
 b. DDCV.
 c. Whole fire sprinkler system installations after the 12” above grade stub outside of building.
 *Applicant response – Agreed, we will comply with request.
 *Fire Dept reply – Complied.
18. Electrical generator fuel supply shall comply with City of Plantation Fire Department standard as to type, location and containment. For above ground combustible fuel storage tank exceeding 250 gallons, an “UL2085” compliant aboveground combustible fuel storage tank is an approved installation. Whole property shall comply with City of Plantation Ordinance 8-3, which permits a maximum of one (1) single aboveground fuel storage tank within a single property.
 *Applicant response – Agreed, we will comply with request.
 *Fire Dept reply – Complied.
19. If business occupancy structure/building is designated limited access per FFPC NFPA-101 11.7 (no operable openings on upper floors), it shall be provided with smoke evacuation openings on each side of upper floors near separate corners and identified by a 12’x12’ reflective red square on both sides.
 *Applicant response – Agreed, we will comply with request.
 *Fire Dept reply – Complied.
20. Parking garage structure/building may require mechanical ventilation as per approved calculations provided at time of permitting.
 *Applicant response – We are maintaining a 50% open air ratio to provide natural ventilation.
 *Fire Dept reply – Complied.
21. Trash containers shall always be contained and maintained in dedicated trash room when not in trash holding area on day of trash pick-up.
 *Applicant response – Agreed, we will comply with request.
 *Fire Dept reply – Complied.
22. All structures/buildings shall be established with a master keyed system approved by Plantation Fire Department.

- *Applicant response – Agreed, we will comply with request.
- *Fire Dept reply – Complied.
- 23. All exterior doors shall have keyed access from exterior.
 - *Applicant response – Agreed, we will comply with request.
 - *Fire Dept reply – Complied.
- 24. A Knox Box 4400 series Key Vault shall be provided/installed at locations designated by Plantation Fire Department.
 - *Applicant response – Agreed, we will comply with request.
 - *Fire Dept reply – Complied.
- 25. Vehicle gates shall be motorized/automatic and shall comply with the City of Plantation Fire Dept’s standard requirements.
 - *Applicant response – Agreed, we will comply with request.
 - *Fire Dept reply – Complied.
- 26. Emergency vehicle access roadways shall have a turning radius of 50’ outside and 38’ inside, compliant with City of Plantation Engineering Dept standard.
 - *Applicant response – Applicant has adjusted drawings and shows firetruck turning radius, see sheet A1.7 fire truck site plan and maneuverability.
 - *Fire Dept reply – Not complied; sheet A1.7 does not depict emergency vehicle access throughout all roadways, especially adjacent to all buildings, and does not identify the turning radius at all turns; using a 40’ template, there are areas that may not comply with requirement; affirm to these specifications in written reply and/or plan submittal.
 - *Applicant response – See sheet A1.3 for Fire truck diagrams showing turning radius and auto-turn study.
 - *Fire Dept reply – Complied.
- 27. Any straight curbing in excess of 4’ shall be designated "NO PARKING - FIRE LANE", compliant FFPC NFPA-1 and current City of Plantation Engineering Department Fire Lane Signing and Marking Standard.
 - *Applicant response – Agreed, we will comply with request.
 - *Fire Dept reply – Complied.
- 28. Contact City of Plantation Engineering Dept for proper addressing of all buildings.
 - *Applicant response – Agreed, we will comply with request.
 - *Fire Dept reply – Complied.
- 29. Additional conditions may arise upon review of all required permitting plans.
 - *Applicant response – Agreed.
 - *Fire Dept reply – Complied.
- 30. Fire department access roads shall be no less than 20’ in width for two way / 16’ for one way.
 - *Applicant response – Plan submittal: C-1.
 - *Fire Dept reply – Complied.

POLICE:

1. The photometric survey for the parking garage is acceptable.
2. I need a photometric survey and raw data measurements for the sidewalks leading to and from the pool area.

Note:

A. Please Resolve Comments 2 Prior to City Council Application

UTILITIES: Major offsite improvements would be required to support the proposed densities. Should this project be approved, it must be a condition of approval that any developer who chooses to develop this site with these proposed densities, agree that any infrastructure required to support the site will be required to fund, design, permit and install any infrastructure needed. The full impact of required offsite improvement are still being analyzed by our consultants. A pre-design meeting is recommended.

If approved and prior to any Building Permit being issued, the following must be provided:

1. Capacity charges must be paid in FULL for the entire project
2. \$500.00 review fee must be submitted to the Utilities Department
3. Water and Sewer Utilities plans must be submitted to the Utilities Dept. for review and approval
4. FDEP Water and Sewer permits must be approved
5. Utilities Agreement must be executed
6. Utilities Performance Bond must be posted
7. Utility Easements must be executed
8. Utilities inspection fees must be paid

Contact: Johnathan Adams if you have any questions, 954-414-7352

Note:

- A. Please Resolve Comments _____ Prior to City Council Application
- B. Please Resolve Comments 1-8 Prior to Building Permit

O.P.W.C.D.

1. Old Plantation Water Control requires an acceptable drainage plan with retention and runoff calculations and a construction drawing prior to issuance of a building permit. Calculations are to include the master storm water system and include an as-built of the existing features.
2. Acceptance of As-built drawings and Certified Storm Water Inspection Report will be required prior to issuance of a Certificate of Occupancy.

WASTE MANAGEMENT Contact Andrew Kandy or Adrian Moore at akandy3@wm.com or amoore@wm.com.

VI. EXHIBITS:

- A. Letter of Intent
- B. Aerial Map
- C. Zoning Map
- D. Legal Description
- E. Waiver Request
- F. Code requirements not met

EXHIBIT A
Letter of Intent

Re: 8601 W. Sunrise Blvd. Redevelopment
Fifteen Group

Date: November 13, 2020

LETTER OF INTENT

The Applicant, Fifteen Group, hereby respectfully requests approval of site plan, conditional use, use variance, rezoning, flex and reserve unit allocation, land development code amendment, and comprehensive plan amendment applications to allow for its new development project to be located at 8601 W. Sunrise Blvd., Plantation, FL 33137.

The site plan proposes a new mixed-use community containing a 150,000 square foot office building, multifamily residential buildings consisting of 484,590 square feet, a 2,500 square foot retail building, and a 238,739 square foot parking garage. The Applicant seeks a use variance in order to allow the fast food restaurant use with two drive-throughs. The Applicant seeks flexibility and reserve units in order to develop 442 dwelling units for the residential component of the community. The Applicant seeks amendments to both the City's comprehensive plan and the land development code to achieve the amount of flexibility requested and to establish a zoning district that will be best suited for this development project. The Applicant seeks rezoning to the newly developed B-8Q district that is proposed under the land development code amendment. The B-8Q zoning district will require that all uses be approved on a conditional use basis so the Applicant seeks conditional use approval as well.

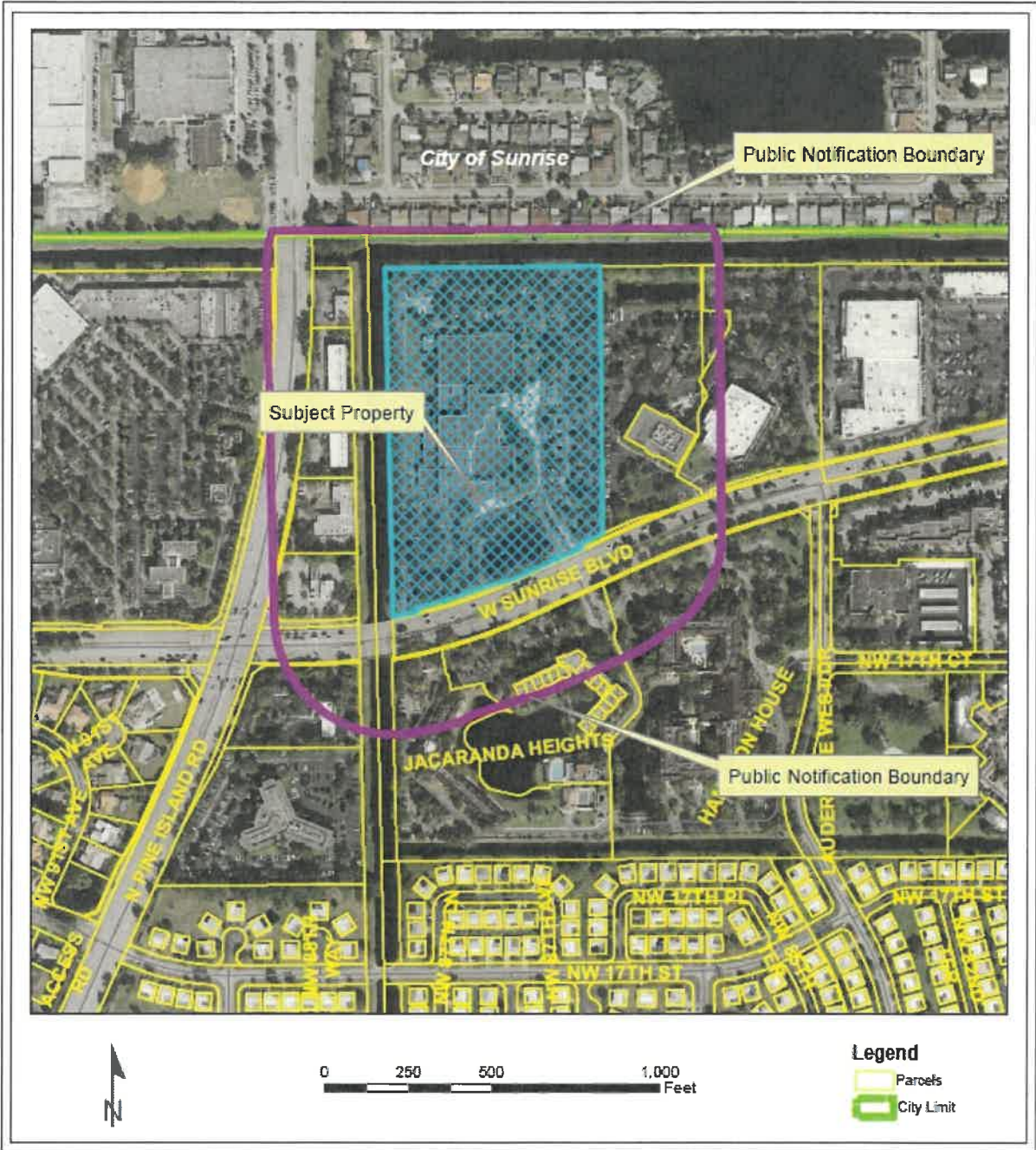
The proposed applications offer the chance to revitalize an aging site in the City into a healthy new mixed-use community. The proposed community will provide a home for many

Plantation residents while also providing retail and office uses that will create jobs within the City. The proposed residential units will be new, safe, and updated with modern amenities for those that reside there. Residents of the proposed community will be excellently positioned to obtain expedient fast food dining services at the retail building and work at the office building at the site without needing to drive. Furthermore, the retail and office components will create new jobs in the City and the project as a whole will be taxed as commercial property increasing the City's tax base.

Wherefore, The Applicant respectfully requests that the Plantation City Council approve these applications.

Respectfully submitted this 10th day of October, 2020 by C. William Laystrom Jr.

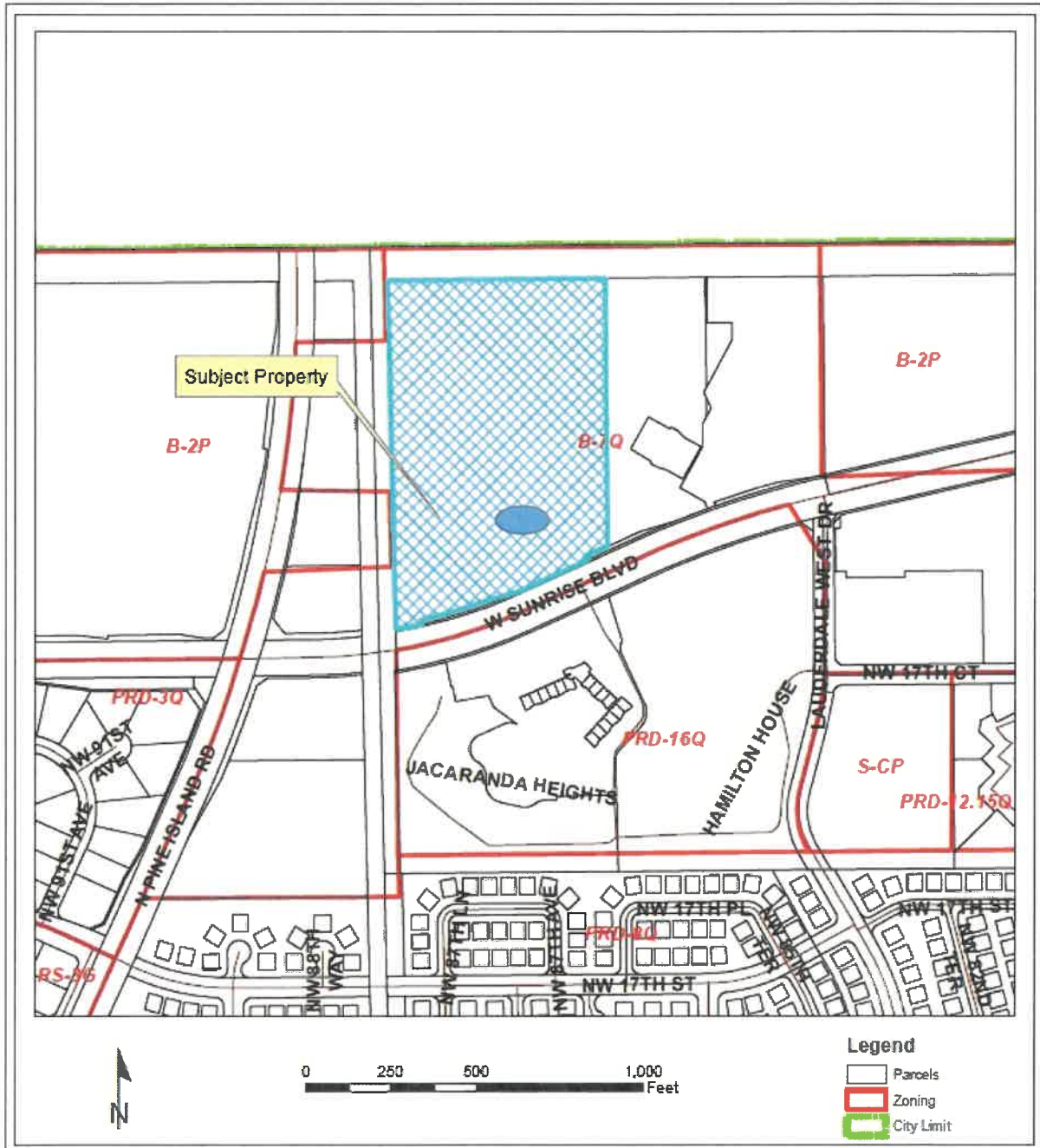
AERIAL MAP



8601 W. Sunrise Boulevard
CASE # PP20-0016

EXHIBIT C
Zoning Map

ZONING MAP



8601 W. Sunrise Boulevard
CASE # PP20-0016

EXHIBIT D
Legal Description

LEGAL DESCRIPTION-EXHIBIT "A"

Tracts C and D, of JACARANDA PARCEL 320, according to the Plat thereof, as recorded in Plat Book 115, Page 16, of the Public Records of Broward County, Florida.

TOGETHER WITH a perpetual, non-exclusive easement on, over and across the lands described in Exhibit "B" of that Reciprocal Access Easement Agreement by and between Sunrise Office Associates, Ltd. and Sunrise Boulevard Limited Partnership recorded on February 21, 1985 in Official Record Book 12339, Page 267, and recorded on September 4, 1985 in Official Record Book 12799, Page 34, both of the Public Records of Broward County, Florida, for the purposes therein expressed.

EXHIBIT E
Waiver requests

Zoning:

1. **From:** Section 27-641 which states that minimum setbacks need to be 1.5 times the height of the building.

To: Our dimensions vary throughout the project from 15'-0" to 60'-0".

To (Staff): Reduce the required setbacks from 94.9' for the residential buildings to 63.1' on the west side of Building 1 and 73.4' on the south side of Building 3. Reduce the required setback from 99.8' for the office building to 28.9 feet on the east side.

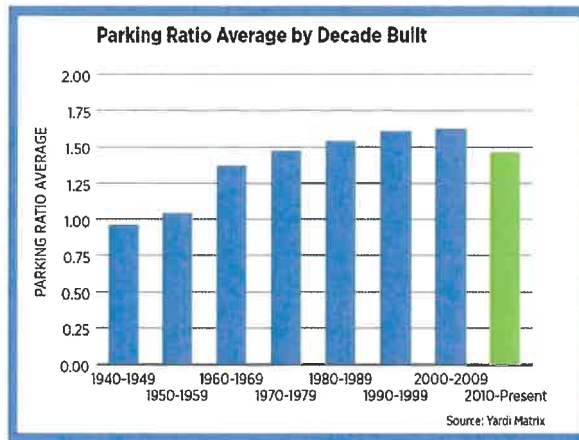
Applicant justification: The Code would require our setbacks to be 96'-0" which would have a substantial impact on the amount of buildable space and park area the Applicant would be able to provide. With this waiver, a larger green area and a larger amenity area can be provided. Additionally, parking ratios, pedestrian walking paths, amenity areas, and circulation would also be negatively impacted if the Applicant was required to meet the Code.

2. **From:** Section 27-743 which requires 1,816 parking spaces (based on 1.5 spaces for studio units, 1.75 spaces for 1-bedroom units, 2.25 for 2 bedrooms units, 2.5 for 3 bedrooms units, 1 per 200 gsf for office, and 1 per 85 gsf for fast food restaurant respectively);

To: 1,326 parking spaces which includes 631 residential spaces, 9 retail spaces, and 686 office spaces.

Applicant justification: The Applicant submits that in today's market, future tenant and other users are relying more on ride sharing and alternative forms of transportation, which reduces the need for parking onsite. Additionally, reduced parking areas will allow the Applicant to provide for larger green spaces.

The National Apartment Association (NAA) released a report in 2018 ("The Transformation of Parking") that examined, among other parking related topics, demand for parking in the rental housing industry. NAA's report noted that, "After rising consistently through the decades, the 2010s witnessed a decrease in parking ratios in newly constructed buildings across the United States. Average parking ratios for apartment properties with 50 or more units peaked at 1.62 in the 2000s before declining to 1.46 in the current decade, its lowest rate since the 1960s." The shift "reflects the increasing urban nature of residential development versus the overwhelming suburban character of residential developments in decades past."



The Applicant has provided a parking ratio of 1.45 for the residential component. The Applicant has included a copy of the NAA report with this letter for reference.

Staff recommendation: Staff does not support this waiver that primarily affects the residential use which falls approximately 33% below code. Staff recommends a ration of 1.75 spaces per unit minimum.

3. **From:** Section 27-741 which requires that the proposed project have a total of 12 loading zones.

To: 4 loading zones.

To (Staff): 3 loading zones (at the office building).

Applicant justification: The Applicant submits that today's market dictates that only one loading space per building is necessary for buildings of this size.

4. **From:** Sec. 27-229 which requires that the minimum floor area per dwelling unit shall be 600 square feet for studios and 750 square feet for one-bedroom units;

To: Studio units at 565 sq. ft. to 595 sq. ft. and one-bedroom units at 716 sq. ft.

To (Staff): Studio units are reflected at a minimum of 505 square feet on the site plan; however, based on floor plan dimensions, staff calculates the smallest floor area for the studios at approximately 467 square feet. One-bedroom units are reflected at a minimum of 681 square feet on the site plan; however, based on floor plan dimensions, staff calculates the smallest floor area for the one-bedroom units at approximately 596 square feet. Sixty-one (61) percent of the units are below code as to minimum unit sizes (269 of 442 units).

Applicant's justification: The Applicant submits that today's market is demanding smaller unit sizes with heavy modern amenities which will allow for more affordable rent pricing.

Staff recommendation: Staff does not support this waiver that reduces the minimum unit size to approximately 22% below code and affects approximately 61% of the overall unit count proposed.

5. **From:** Section 27-687(b)(2)(c) which limits the height of all buildings containing residential uses in the B-7Q zoning district which are located outside of Central Plantation to five (5) stories with a maximum height of sixty-five (65) feet.

To: A 6 story building that meets Code height requirements.

Applicant justification: The Applicant has provided a 6-story building but with an overall height of 64'-7" which is lower than the Code's 65'-0" height maximum.

6. **From:** Section 27-478 which requires maximum F.A.R. of 1.14 for six-story buildings and 1.16 for seven-story buildings.

To: F.A.R. of 1.43 for the 6-story residential and office buildings and 1.65 for the 7-story parking garage.

Applicants justification: The Applicant has provided (3) 6-story residential buildings, and a 6-story office building. In order to park these, we have included a 7-story parking garage which increases our F.A.R. above allowable for the 6-story buildings.

Staff recommendation: Staff does not support this waiver. Significant reductions in parking combined with substantial increases in floor area ratios above code are typical indicators of overdevelopment.

LANDSCAPE WAIVERS:

7. **From:** Section 13-40(c)(4)(b)(c) and
8. Section 13-40(c)(3) which require that medians between double parking bays in multi-family residential to be a minimum width of 10' in green area not including curbing or vehicular overhang and that medians separating parking bays from major internal access drives to have a minimum width of 10' not including curbing or vehicular overhang respectively.

To: 9'-0" medians.

To (Staff): Provided medians ranging between 2 and 8 feet in width and terminal islands 7' in width.

Applicants justification: The Applicant's landscape architect has developed a plan that will allow an excellent variety of landscape elements to be provided on the islands at their requested sizes. Adjusting our median width to 10' would reduce our parking by an additional 27 spaces. Furthermore, the Applicant has provided a large "central park" area that includes large green spaces to supplement the off-street areas that are provided at a small percentage.

9. **From:** Section 13-41(a)(b) which requires for landscape pedestrian zones (lpz's) to extend the full width of each façade. (Paved areas in the lpz may not constitute more than 5' of required lpz).

Residential: A 20.4'-34' landscape pedestrian zone is required.

Retail: A 10' landscape pedestrian zone is required.

Office: A 25.8'- 43' landscape pedestrian zone is required.

Garage: A 21.7'-36.25' landscape pedestrian zone is required.

- Provide the roof overhang and all upper floor porches and ground floor slabs on the landscape plans. These areas cannot conflict with proposed or City code required plantings.

To: Our landscape pedestrian zones do extend the length of each building façade, however we are providing width.

Residential: Dimensions vary from 11'-0" to 68'-0"

Retail: No landscape area provided.

Office: Dimensions vary from 18'-0", 48'-0", and 29'-0"

Garage: Dimensions vary from 9'-9" to 28'-9", and 14'-6".

To (Staff):

Building 1:

N façade requires 20.4' landscape pedestrian zone; 11' provided
E façades requires 20.4' landscape pedestrian zone; 8' provided
S façade requires 20.4' landscape pedestrian zone; 12' provided
W façade requires 20.4' landscape pedestrian zone; 12.5 provided

Building 2:

N façade requires 20.4' landscape pedestrian zone; 14' provided
E façades requires 20.4' landscape pedestrian zone; 8' provided
S façade requires 20.4' landscape pedestrian zone; 10' provided
W façade requires 20.4' landscape pedestrian zone; 0' provided

Building 3:

N façade requires 20.4' landscape pedestrian zone; 10' provided
E façades requires 20.4' landscape pedestrian zone; 11' provided
S façade requires 20.4' landscape pedestrian zone; compliant
W façade requires 20.4' landscape pedestrian zone; 5' provided

Retail:

N façade requires 10' landscape pedestrian zone; 0' provided
E façades requires 10' landscape pedestrian zone; 0' provided
S façade requires 10' landscape pedestrian zone; 0' provided
W façade requires 10' landscape pedestrian zone; 0' provided

Office:

N façade requires 25.8' landscape pedestrian zone; 17' provided

E façades requires 25.8' landscape pedestrian zone; compliant
S façade requires 25.8' landscape pedestrian zone; 15' provided
W façade requires 25.8' landscape pedestrian zone; 19' provided

Garage:

N façade requires 21.7' landscape pedestrian zone; 7' provided
E façades requires 21.7' landscape pedestrian zone; compliant
S façade requires 21.7' landscape pedestrian zone; 4' provided
W façade requires 21.7' landscape pedestrian zone; 10' provided

Applicants justification: Our landscape architect has developed a plan that will allow an excellent variety of landscape elements to be provided on the islands at their requested size. Additionally, The Applicant has provided a large "central park" area that includes large green spaces to supplement the off-street areas that are provided at a small percentage.

EXHIBIT F
Code requirements not met
(waivers not requested by applicant)

Staff has identified the following items that do not meet the code requirement. If the applicant does not obtain waiver approval for these items, the plans must be revised to meet the code requirement at time of permitting. These changes could cause substantial revisions to the site plan and may require subsequent consideration of a site plan modification.

Zoning:

1. Section 27-742. Two-way drive aisles are required to be 25 feet in width. Drive aisle widths are indicated at 24 feet.
2. Section 19-67(b) requires properties utilizing flexibility reserve units to meet the quality housing standards. The project does not provide for cement tile roofs with staggered rooflines, a perimeter wall of fence, and has not demonstrated compliance with resident storage facilities.
3. Section 27-688(h) requires all building designs be of substantial construction using high quality materials and workmanship, be site responsive, recognize local character, and have architectural features and patterns that provide visual interest from the perspective of the pedestrian. The design criteria addresses building and roofing materials, massing, step backs, notches and bump outs, glazing requirements, building design and other elements. The buildings do not appear to meet the design criteria; however, given the lack of detail on the site plan submittal, staff cannot do an accurate assessment of each design element. The buildings do not meet the majority of the design element requirements.
4. Section 27-721(53) requires fast food building with drive-thrus to provide certain architectural design elements. These design elements have not been provided for the fast-food building.
5. Section 27-721(53) requires a 200' separation between fast food drive-thru lanes (etc.) and residential uses. The fast-food drive thru lanes appear to be approximately 5' from residential Building 3.

Landscaping:

1. Section 13-40(c)(5)(a) requires where multiple perpendicular or angular parking spaces are provided to driveways, landscape islands will be preserved in every 5th space, on average in multi-family residential sites. Approximately 1 island every 7th/8th space has been provided.
2. Section 13-40(c)(2)(a) requires islands in parking islands on multi-family residential sites to be a minimum of 9' wide inside curb to inside curb. 7.5' has been provided.
3. From: Section 13.41(c) requires one tree be installed in the landscape pedestrian zone (lpz) per each 30 linear feet of façade width. Palms may be substituted for trees in a lpz of limited width at the rate of three palms for each tree.

Building 1:

N façade requires 12 trees – 10 provided

E façades requires 2 trees – 2 provided
S façade requires 10 – 5 provided
W façade requires 2 trees – 2 provided

Building 2:

N façade requires 13 trees – 9 provided
E façades requires 2 trees – 2 provided
S façade requires 11 – 5 provided
W façade requires 2 trees – 0 provided

Building 3:

N façade requires 11 trees – 6 provided
E façades requires 2 trees – 0 provided
S façade requires 10 trees – 10 provided
W façade requires 2 trees – 0 provided

Retail:

N façade requires 2 trees – 0 provided
E façades requires 1 tree – 0 provided
S façade requires 2 trees – 0 provided
W façade requires 1 tree – 1 provided

Office:

N façade requires 4 trees – 2 provided
E façades requires 7 trees – 7 provided
S façade requires 4 trees – 4 provided
W façade requires 7 trees – 7 provided

Garage:

N façade requires 4 trees – 4 provided
E façades requires 9 trees – 9 provided
S façade requires 4 trees – 2 provided
W façade requires 9 trees – 9 provided

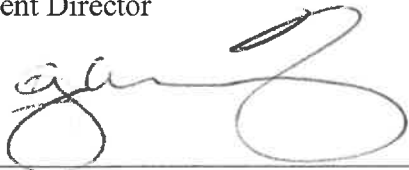


**Planning, Zoning & Economic Development
Memorandum**

DATE: November 17, 2020

TO: Members of the Planning and Zoning Board

THRU: Danny A. Holmes, AICP 
Planning, Zoning & Economic Development Director

FROM: Gayle Easterling, AICP, Senior Planner 

I. PROJECT SUMMARY

A. Project Name / Number: Zoning Code Amendment – PP20-0024

B. Request #1: Applicant initiated amendment to the commercial flexibility rules contained in Section 19-67 of the Code; and

Request #2: Applicant initiated amendment to add a *Planned Residential Commercial Development (B-8Q) Districts* to the Planned Community Development Districts contained in Section 27-681 and Section 27-687 of the Code

C. Recommendation:

Request #1: Staff recommends **DENIAL** of the requested amendment to the commercial flexibility rules contained in Section 19-67 of the Code; and

Request #2: Staff recommends **APPROVAL** of the requested amendment to add a *Planned Residential Commercial Development (B-8Q) Districts* to the Planned Community Development Districts contained in Section 27-681 and Section 27-687 of the Code, subject to staff comments.

II. BACKGROUND – REQUEST #1

The City has only a limited amount of flexibility available pursuant to its comprehensive plan, the Broward County Comprehensive Plan, and the Broward County Planning Council Administrative Rules document. In a substantially developed city such as Plantation, once flexibility is consumed, it is no longer available and generally cannot be replaced. The advantage to utilizing flexibility is to encourage development the city deems desirable in terms of increasing employment, raising the tax base, arresting blight, or providing other

benefits. The chief advantage to utilizing flexibility is that it shortens the time otherwise needed for regulatory review and approvals needed to obtain building permits. As such, the assignment of flexibility reserve units should be granted as an incentive for the City to encourage development the City deems desirable in terms of offering significant benefits not otherwise available if the city's land development regulations were otherwise followed (does the proposal exceed the minimum otherwise required land development regulations such as open space, landscaping, contributions to infrastructure improvements, setbacks, site design, etc.).

There are various types of flexibility which include a provision to allow limited amounts of commercial use in residentially land use designated areas, a provision to allow limited amounts of commercial use in industrially land use designated areas, and a provision to allow limited residential uses in commercially land use designated areas. The amount of residential units that can be assigned within a flexibility zone is determined by combining the amount of flexibility units (the difference between the number of dwelling units permitted within a flexibility zone under the Broward County Comprehensive Plan and the number of dwelling units permitted within the same flexibility zone under the Plantation Comprehensive Plan – given the Plantation Comprehensive Plan is generally more restrictive as to residential density than the Broward County Comprehensive Plan) and reserve units (those additional permitted dwelling units created by the Plantation Comprehensive Plan Future Land Use Element Policy No. 1.7.6 which consists of up to two (2) percent of the total number of dwelling units permitted within a flexibility zone).

The Planning, Zoning and Economic Development Department has received a site plan submittal proposing development of 442 multi-family dwelling units on approximately 14.7 acres (equating to 30 dwelling units per acre) located on the north side of Sunrise Boulevard approximately ¼ mile east of Pine Island Road. The site is zoned B-7Q and has an underlying land use plan designation of Commercial. Residential use of property that has an underlying Commercial land use designation can only be achieved through the assignment of flexibility reserve units or approval of a land use plan amendment. The applicant's development proposal does not qualify for the assignment of flexibility reserve units under the current comprehensive plan and zoning code regulations; therefore, the applicant has initiated a request to amend the flexibility reserve unit regulations contained in Section 19-67 of the Code and to add a *Planned Residential Commercial Development (B-8Q) Districts* to the Planned Community Development Districts contained in Section 27-681 and Section 27-687 of the Code to allow mixed-use development outside of Plantation Midtown. The applicant has also initiated a comprehensive plan amendment to the flexibility policy considerations contained in Policy 1.8.8 which is under concurrent review. PLEASE NOTE: Any amendments to the city code are not site specific and would be applied city-wide, if approved.

III. PROJECT ANALYSIS, CRITERIA AND FINDINGS – REQUEST #1

Section 19-67 (b) - *Provisions regarding applying certain types of comprehensive plan flexibility* as it currently reads is attached as Exhibit "A".

Applicant's request (changes indicated in bold strike thru and underlined):

(2) *Flexibility Units.*

- a. The City will permit the assignment of Flexibility Units in Commercial designated properties for:
 1. Any quality housing facility which provides a life care environment for elderly individuals which shall include but not be limited to creation of a life estate in the facility itself and the provision of offsite or onsite medical care;
 2. Any quality housing facility licensed by the State of Florida for more than eight (8) unrelated elderly individuals;
 3. Any not-for-profit quality housing facility for unrelated elderly individuals; or
 4. Any quality housing development meeting the affordable housing rules set forth in Article 8 of the Broward County Administrative Rules Document and regardless whether a density bonus is desired; or
 5. Any mixed residential/commercial development according to regulations set forth in Section IV.B "permitted uses" of the Broward County Comprehensive Plan, and Policy 1.8.8 of the Future Land Use Element of the City Comprehensive Plan.
- b. The City may assign Flexibility Units upon approving a site plan, together with any other appropriate development orders or approvals prerequisite to applying for a building permit. The utilization of this type of flexibility will also require a legislative ordinance enactment.
- c. The use of Flexibility Units pursuant to subsection a. 1-3. above shall be limited to property located within Former Flex Zone 75 (excluding Plantation Midtown [f/k/a Central Plantation as defined in the adopted City Comprehensive Plan]) and within Former Flex Zone 74, and therein only north or east of Sunrise Boulevard or within 1500 feet of a hospital. The use of Flexibility Units for a project qualifying under subsection a.4. above will only be for projects within Flex Zone 73 [and therein only within the City Community Redevelopment Area (defined as that area presently within Plantation Gateway), or adjacent to such Area on lots along Broward Boulevard which enjoy as of January 1, 2008 a zoning classification of RS-1A or RS-2B]. The use of Flexibility Units for a project qualifying under subsection a.5. above will only be for projects within Flex Zone 73 [and therein only within the City Community Redevelopment Area (defined as that area presently within Plantation Gateway), or adjacent to such Area on lots along Broward Boulevard which enjoy as of January 1, 2008 a zoning classification of RS-1A or RS-2B], or within Plantation Midtown (f/k/a Central Plantation as defined in the adopted City Comprehensive Plan), or within that portion of the City bounded on the north by ~~Sunrise Boulevard~~ the City limits, on the south by Cleary Road, on the west by Pine Island Road, and on the east by University Drive. Notwithstanding the foregoing, Flexibility Units sourced from Former Flex Zone 74 and Former Flex Zone 75 shall be subject to the additional restrictions set forth in (2)e. below.
- d. The project should be consistent in scale, building height, mass, and elevations with the predominant nearby residential buildings, and the utilization of flexibility should

not exceed the average density of the contiguous residential property (contiguous meaning adjacent or only separated by streets, canals, or easements). The commercial property for which Flexibility Units are proposed shall not exceed the average residential density for the contiguous residential property (contiguous meaning adjacent to or only separated by streets, canals, or easements). This policy guideline may not always be appropriate when the governing body of Plantation wishes to encourage multifamily structures near residential structures consistent with redevelopment plans or vision-based studies conducted for specific areas of the City, or wishes to encourage the elimination or prevention of urban blight.

- e. Flexibility Units may not be transferred between Flexibility Zones, except when used as allowed in subsection a. 4. above. Flexibility Units sourced from Former Flex Zone 75 have been allocated by the Comprehensive Plan to Plantation Midtown for assignment pursuant to Policy 1.8.8 of the Future Land Use Element of the Comprehensive Plan, and may be so assigned pursuant to the policy considerations of this Section. Additionally, Flexibility Units sourced from Former Flex Zone 74 may be assigned anywhere within Flex Zone 75X (and therefore to lands within Flex Zone 75X that are outside of Plantation Midtown) pursuant to such Policy 1.8.8; provided such assignment is pursuant to the policy considerations identified in this Section.
- f. Density shall not exceed twenty-five (25) dwelling units per gross acre, calculated in a manner consistent with Future Land Use Element Policy 1.1.8 whenever such Policy is applicable, **except where bonus density units are allowed pursuant to the Broward County Land Use Plan.**
- g. The City, in its sole legislative discretion, may choose not to assign Flexibility Units when it is requested to do so, or may choose to assign Flexibility Units so as to achieve a residential density that is less than residential density requested. The policy considerations set forth in this Paragraph (2) are not exclusive, and the City may consider other relevant policy considerations it determines serves the public interests and furthers the City's Comprehensive Plan. The purpose of identifying these policy considerations is to implement provisions of the City Comprehensive Plan, ensure compliance with the Broward County Administrative Rules Document (recognizing the City may be more restrictive than such Rules if it desires), and guide the City's governing body in exercising its legislative discretion so as to improve decision making. The use of these policy considerations shall not result in these decisions becoming quasi-judicial in nature or being policy application in nature.

(3) *Reserve Units.*

- a. The City will permit the assignment of Reserve Units for:
 - 1. Any quality housing facility which provides a life care environment for elderly individuals which shall include but not be limited to creation of a life estate in the facility itself and the provision of offsite or onsite medical care;
 - 2. Any quality housing facility licensed by the State of Florida for more than eight (8) unrelated elderly individuals;
 - 3. Any not-for-profit quality housing facility for unrelated elderly individuals;

4. Any quality housing development meeting the affordable housing rules set forth in Article 8 of the Broward County Administrative Rules Document and regardless whether a density bonus is desired; or
 5. Any mixed residential/commercial development according to regulations set forth in Section IV.B "permitted uses" of the Broward County Comprehensive Plan, and Policy 1.8.8 of the Future Land Use Element of the City Comprehensive Plan.
- b. Presently, the Appendix to the City's Comprehensive Plan, Volume II, requires an amendment to the City's Future Land Use Map whenever Reserve Units are assigned. A local land use plan map amendment will be necessary as long as same is required by the City Comprehensive Plan. At such time as the Comprehensive Plan is amended to no longer require a local land use plan map amendment process to be used to assign Reserve Units, the City will continue to require a legislative enactment of an ordinance to assign or utilize Reserve Units.
 - c. The assignment of Reserve Units must be approved by the Broward County Planning Council Administrator in accordance with the County Administrative Rules Document prior to the City governing body approving same (until such time, if ever, that the City Comprehensive Plan expressly incorporates the County Comprehensive Plan Special Residential Facility provisions).
 - d. The use of Reserve Units pursuant to subsection a.1., 2., or 3. above shall be limited to properties located within Former Flex Zone 74 (which are north or east of Sunrise Boulevard, or within 1500 feet of a hospital) and within Flex Zone 73 (and therein only within the Gateway 7 Development District, or adjacent to such redevelopment area on lots along Broward Boulevard which enjoy as of January 1, 2008 a zoning classification of RS-1A or RS-2B). The use of Reserve Units for a project qualifying under subsection a. 4. above will only be for projects within Flex Zone 73 [and therein only within the City Community Redevelopment Area (defined as that area presently within the Plantation Gateway), or adjacent to such area on lots along Broward Boulevard which enjoy as of January 1, 2008 a zoning classification of RS-1A or RS-2B]. The use of Reserve Units for a project qualifying under subsection a. 5. above will only be for projects located: (i) within Flex Zone 73 [and only within the City Community Redevelopment Area (defined as that area presently within Plantation Gateway), or adjacent to such area on lots along Broward Boulevard which enjoy as of January 1, 2008 a zoning classification of RS-1A or RS-2B], or (ii) within Plantation Midtown (f/k/a Central Plantation as defined in the adopted City Comprehensive Plan), or (iii) within that portion of the City bounded on the north by ~~Sunrise Boulevard~~ the City limits, on the south by Cleary Road, on the west by Pine Island Road, and on the east by University Drive. Notwithstanding the foregoing, Reserve Units sourced from Former Flex Zone 74 and Former Flex Zone 75 shall be subject to the additional restrictions set forth in (3)f. below.
 - e. Density shall not exceed twenty-five (25) dwelling units per gross acre, calculated in a manner consistent with Future Land Use Element Policy 1.1.8 whenever such Policy is applicable, **except for where bonus density units are allowed pursuant to the Broward County Land Use Plan.**

- f. Reserve Units may not be transferred between Flexibility Zones, except when used as allowed in subsection a. 4. above. Reserve Units sourced from Former Flex Zone 75 have been allocated by the Comprehensive Plan to Plantation Midtown for assignment pursuant to Policy 1.8.8 of the Future Land Use Element of the Comprehensive Plan, and may be so assigned pursuant to the policy considerations of this Section. Additionally, Reserve Units sourced from Former Flex Zone 74 may be assigned anywhere within Flex Zone 75X (and therefore to lands within Flex Zone 75X that are outside of Plantation Midtown) pursuant to such Policy 1.8.8; provided such assignment is pursuant to the policy considerations of this Section.
- g. The City, in its sole legislative discretion, may choose not to assign Reserve Units when it is requested to do so, or may choose to assign Reserve Units so as to achieve a residential density that is less than residential density requested. The policy considerations set forth in this Paragraph (3) are not exclusive, and the City may consider other relevant policy considerations it determines serves the public interests and furthers the City's Comprehensive Plan. The purpose of identifying these policy considerations is to implement provisions of the City Comprehensive Plan, ensure compliance with the Broward County Administrative Rules Document (recognizing the City may be more restrictive than such Rules if it desires), and guide the City's governing body in exercising its legislative discretion so as to improve decision making. The use of these policy considerations shall not result in these decisions becoming quasi-judicial in nature or being policy application in nature.

Staff response: Staff does not support the proposed amendment.

Prior to 2016, the assignment of flexibility or reserve units for mixed residential/commercial development was limited to the Plantation Gateway and Plantation Midtown areas and was intended to encourage higher density within the central development district and redevelopment within the community redevelopment area. In 2014, the City Council approved a Comprehensive Plan amendment to increase the eligible area to include that portion of the City bounded on the North by Sunrise Boulevard, on the South by the City limits, on the West by Pine Island Road, and on the East by University Drive (associated with the yet to be redeveloped Plantation Millcreek aka Sawgrass Hotel and Conference Center site). The applicant's proposed amendments ((2)c and (3)d) further expands the use of flexibility or reserve units for mixed-use development to the north city limits between Pine Island Road and University Drive which will further reduce the flexibility reserve units available to the Plantation Midtown area. All aspects of the Comprehensive Plan and City Code limits the maximum residential density city-wide to 25 dwelling units per acre. Inclusion of the language to allow bonus density units pursuant to the Broward County Land Use Plan ((2)f and (3)e) would allow additional market rate units to be constructed based on the number of affordable units provided that are not subject to any limitation on density.

IV. BACKGROUND – REQUEST #2

The primary purpose of Planned Community Development (PCD) zoning is to permit land under unified control to be planned and developed as a whole (as a single operation or an approved series of operations) with a greater amount of flexibility by removing some of the detailed restrictions of conventional zoning. This flexibility provides an opportunity and

incentive to the developer to strive for excellence in physical, social and economic planning. Prior to 2014, there were three kinds of Planned Community Development zoning districts in Plantation, to wit: Planned *Residential* Development Districts (PRD-Q), Planned *Commercial* Development Districts (B-7Q), and Planned *Residential Commercial* Development Districts (B-8Q) although regulations for this district were lacking.

In 2014 the City Council approved a text amendment to the zoning code to allow residential uses in the Planned *Commercial* Development Districts (B-7Q) (associated with the yet to be redeveloped Plantation Millcreek aka Sawgrass Hotel and Conference Center site) and to delete the Planned *Residential Commercial* Development Districts (B-8Q). With the exception of B-7Q, there are no available mixed-use zoning districts available to sites located outside of the Plantation Gateway and Plantation Midtown areas.

It should be noted that inclusion of residential uses within the Planned *Commercial* Development District (B-7Q) has allowed residential encroachment into the City's office park areas (i.e. Millcreek Cornerstone). Should the proposed Planned *Residential Commercial* Development Districts (B-8Q) be approved, staff recommends that residential uses be deleted as a permitted use in the Planned *Commercial* Development District (B-7Q).

V. **PROJECT ANALYSIS, CRITERIA AND FINDINGS – REQUEST #2**

Article IX - *Planned Community Developments* as it currently reads is attached as Exhibit "B".

Applicant's request (all new language):

Sec. 27-687. - Uses permitted.

(d) Planned Residential Commercial Development (B-8Q) Districts

- (1) Planned Residential Commercial Development (B-8Q) Districts should not be less than five (5) acres in area and may be developed solely on a conditional use basis as determined by the city council after review by the planning and zoning board for one (1) or more of the following uses:**
- (2) Planned Residential Commercial Development (B-8Q) Districts may have residential structures or usage other including multi-family residential, hotels, and motels, with commercial and/or office uses. The B-8Q zoning classification shall have the following additional requirements:**
 - a. The size of the parcel containing residential uses shall not be less than seventy thousand (70,000) square feet in area.**
 - b. The residential use shall be multifamily only, shall have a density greater than five (5) dwelling units per acre, and while the density in excess of five (5) dwelling units per acre will be established as part of the conditional use approval, such multifamily residential density will always be subject to the maximum allowable densities permitted under the parcel's Comprehensive Plan Future**

Land Use Designation, or as may be otherwise established by an assignment of Comprehensive Planning Flexibility.

c. The height of all buildings containing residential uses shall not exceed six (6) stories with a maximum height of sixty-five (65) feet.

d. The site development criteria (including building design) that will be applicable to buildings containing residential uses shall be those that are applicable in the Planned Residential Development District.

(3) Except as may be limited or prohibited elsewhere in this Code (including this Section), any use which from time to time is listed in the aforesaid City Master List of Business Uses is a candidate conditional use for B-8Q zoned property.

(e) Application of Master List of Business Uses and other regulations to Planned Commercial Residential Development B-8Q Conditional Uses.

(1) Planned Commercial Development B-8Q candidate conditional uses are subject to the development regulations that apply to the use's business use listings in Section 27-720, entitled "Master List of Business Uses," and Section 27-721, entitled "Supplemental Regulations to the Master List of Business Uses," except when said regulations conflict with those of this Section (in which case this Section shall control). Where a business use listing in such Master List of Business Uses (or its Supplemental Regulations) has conflicting regulations for the use (as in different zoning districts, for example), the most restrictive of such regulations shall be applicable to the candidate conditional use proposed for the B-8Q zoning district.

(2) Additionally, Planned Commercial Development B-8Q candidate conditional uses are subject to the development regulations that appear in Articles VIII, IX, XI, XII, and XIII of this Chapter 27, as well as other land development regulations within other Chapters of this Code.

Staff response: Staff supports the proposed amendment with the following revisions (indicated in bold strike thru and underlined):

Sec. 27-687. - Uses permitted.

(d) Planned Residential Commercial Development (B-8Q) Districts

(1) Planned Residential Commercial Development (B-8Q) Districts ~~should not be less than five (5) acres in area and may be developed solely on a conditional use basis as determined by the city council after review by the planning and zoning board for one (1) or more of the following uses: which are developed primarily with non-residential uses shall not be less than ten (10) acres in area. Planned Residential Commercial Development (B-8Q) Districts developed with residential uses, other than hotels and motels, within Central Plantation, as defined in the adopted City Comprehensive Plan, shall not be greater than ten (10) acres in area.~~

- (2) ~~Planned Residential Commercial Development (B-8Q) Districts may have residential structures or usage other including multi-family residential, hotels, and motels, with commercial and/or office uses. The B-8Q zoning classification shall have the following additional requirements: Where residential use of property enjoying a B-8Q zoning classification is permitted, the following additional requirements are applicable:~~
- a. The size of the parcel containing residential uses shall not be less than seventy thousand (70,000) square feet in area.
 - b. The residential use shall be multifamily only, shall have a density greater than five (5) dwelling units per acre, and while the density in excess of five (5) dwelling units per acre will be established as part of the conditional use approval, such multifamily residential density will always be subject to the maximum allowable densities permitted under the parcel's Comprehensive Plan Future Land Use Designation, or as may be otherwise established by an assignment of Comprehensive Planning Flexibility.
 - c. The height of all buildings containing residential uses which are located outside of Central Plantation, as defined in the City Comprehensive Plan, shall not exceed six (6) stories with a maximum height of sixty-five (65) feet.
 - d. The site development criteria (including building design) that will be applicable to buildings containing residential uses shall be those that are applicable in the Planned Residential Development District (which include the Planned Community Development District requirements).
- (3) Except as may be limited or prohibited elsewhere in this Code (including this Section), any use which from time to time is listed in the aforesaid City Master List of Business Uses is a candidate conditional use for B-8Q zoned property.
- (4) Except as otherwise provided in Article III, Division 3 of this Code (which relates to Minor Development Approvals), all available and proposed candidate conditional uses in the B-8Q zoning district shall require conditional use approval of the City's governing body after review by its Planning and Zoning Board, Review Committee, and other development advisory boards and committees as may from time to time be given jurisdiction for such purposes by the City's governing body. Such uses shall be evaluated in accordance with the measurable standards and criteria set forth in Article XII of this Code (entitled "Conditional Uses") and shall require approval by the City's governing body, after it specifically finds, among other things, that the candidate conditional use is appropriate and desirable for development in such Planned Commercial Development District having due regard and concern of such proposed development in relation to any surrounding and already developed areas or neighborhoods.
- (e) *Application of Master List of Business Uses and other regulations to Planned Commercial Residential Development B-8Q Conditional Uses.*

- (1) Planned Commercial Development B-8Q candidate conditional uses are subject to the development regulations that apply to the use's business use listings in Section 27-720, entitled "Master List of Business Uses," and Section 27-721, entitled "Supplemental Regulations to the Master List of Business Uses," except when said regulations conflict with those of this Section (in which case this Section shall control). Where a business use listing in such Master List of Business Uses (or its Supplemental Regulations) has conflicting regulations for the use (as in different zoning districts, for example), the most restrictive of such regulations shall be applicable to the candidate conditional use proposed for the B-8Q zoning district.
- (2) Additionally, Planned Commercial Development B-8Q candidate conditional uses are subject to the development regulations that appear in Articles VIII, IX, XI, XII, and XIII of this Chapter 27, as well as other land development regulations within other Chapters of this Code.
- (3) Except as may be provided in paragraph (4) below for self-storage facilities outside of the Central Plantation as defined in the City Comprehensive Plan, and except as may be allowed under the provisions of Section 27-687.1 of this Code, heavy commercial uses as defined by Section 27-1 of this Code shall not be permitted in the B-8Q zoning district. All uses listed in the B-5P zoning district business use listings in Section 27-720 of this Code, entitled "Master List of Business Uses," shall also not be permitted in the B-8Q zoning district, regardless of whether such business use listings are listed in another zoning district.**
- (4) Notwithstanding the above, the following business use listings shall continue to be candidate conditional uses for B-8Q zoned property: bicycle stores and repair shops; camera shops; carpet, rugs, floor covering—retail; electrical appliances—retail and incidental repairs, food takeout or delivery—retail; self-storage facility (only outside of Central Plantation as defined in the City Comprehensive Plan); and schools (both business schools and small scale schools).**
- (5) Fast food restaurants (as defined by Section 27-1 of this Code, entitled "Definitions") within the B-8Q zoning district, in addition to being candidate conditional uses, shall not be freestanding establishments; nor shall such fast food restaurant have a drive-through facility; instead they shall be located only within a multi-tenant building without an exterior walk-up counter or window or drive-through facility.**

The revisions proposed by staff ensure consistency in the regulations for non-residential uses in the Planned Commercial Development District (B-7Q), and Planned Residential Commercial Development District (B-8Q), if adopted.

VI. STAFF RECOMMENDATION:

Request #1: Staff recommends **DENIAL** of the requested amendment to the commercial flexibility rules contained in Section 19-67 of the Code. It should be noted that Broward County revised its flexibility reserve unit policies in 2017 which provided for less regulation and greater flexibility to the municipalities in the assignment of flexibility or reserve units. Some cities adopted the Broward County policies in total while others partially adopted, or kept their current policies in place (including the City of Plantation). Staff recommends a comprehensive review of the current comprehensive plan and zoning code policies and regulations regarding the assignment of flexibility or reserve units and, therefore, does not support the applicant's proposed amendments to the flexibility provision which addresses residential development on commercially land use designated parcels.

In addition, Broward County revised its policies related to bonus density units to provide for increased bonus densities when affordable housing units are provided. While this change does not require inclusion of these policies in the local comprehensive plan to be utilized, this change should also be part of a comprehensive review of the current comprehensive plan and zoning code policies and regulations regarding the assignment of flexibility or reserve units. A subsequent revision to the Broward County Plan is under review to increase the density incentives to further encourage the provision of affordable housing options (i.e. a developer could provide 1 “very low” affordable housing unit and receive a bonus of 19 market rate units) that are not subject to an overall density limitation on a commercially land use designated parcel.

Request #2: Staff recommends **APPROVAL** of the requested amendment to add a Planned Residential Commercial Development (B-8Q) District to the Planned Community Development Districts contained in Section 27-681 and Section 27-687 of the Code, subject to staff revisions noted in Section V of this report. Should the proposed Planned Residential Commercial Development Districts (B-8Q) be approved, staff recommend that residential uses be deleted as a permitted use in the Planned Commercial Development District (B-7Q).



**Planning, Zoning & Economic Development
Memorandum**

DATE: November 17, 2020

TO: Members of the Planning and Zoning Board

THRU: Danny A. Holmes, AICP 
Planning, Zoning & Economic Development Director

FROM: Gayle Easterling, AICP, Senior Planner 

I. PROJECT SUMMARY

- A. Project Name / Number: Comprehensive Plan Amendment - PD20-0001
- B. Request: Applicant initiated amendment to the commercial flexibility rules of the City Comprehensive Plan.
- C. Recommendation: Staff recommends **DENIAL** of the requested amendment to the commercial flexibility rules of the City Comprehensive Plan.

II. BACKGROUND

The Planning, Zoning and Economic Development Department has received a site plan submittal proposing development of 442 multi-family dwelling units on approximately 14.7 acres (equating to 30 dwelling units per acre) located on the north side of Sunrise Boulevard approximately ¼ mile east of Pine Island Road. The site is zoned B-7Q and has an underlying land use plan designation of Commercial. Residential use of property that has an underlying Commercial land use designation can only be achieved through the assignment of flexibility reserve units or approval of a land use plan amendment. The applicant's development proposal does not qualify for the assignment of flexibility reserve units under the current comprehensive plan and zoning code regulations; therefore, the applicant has initiated a request to amend the Comprehensive Plan flexibility reserve unit regulations. The applicant has also initiated a zoning code amendment to the flexibility policy considerations contained in Section 19-67 which is under concurrent review. PLEASE NOTE: Any amendment to the flexibility rules contained in the Comprehensive Plan are not site specific and would be applied city-wide, if approved.

The City has only a limited amount of flexibility available pursuant to its comprehensive plan, the Broward County Comprehensive Plan, and the Broward County Planning Council Administrative Rules document. In a substantially developed city such as Plantation, once flexibility is consumed, it is no longer available and generally cannot be replaced. The advantage to utilizing flexibility is to encourage development the city deems desirable in terms of increasing employment, raising the tax base, arresting blight, or providing other benefits. The chief advantage to utilizing flexibility is that it shortens the time otherwise needed for regulatory review and approvals needed to obtain building permits. As such, the assignment of flexibility reserve units should be granted as an incentive for the City to encourage development the City deems desirable in terms of offering significant benefits not otherwise available if the city's land development regulations were otherwise followed (e.g. does the proposal exceed the minimum otherwise required land development regulations such as open space, landscaping, contributions to infrastructure improvements, setbacks, site design, etc.).

There are various types of flexibility which include a provision to allow limited amounts of commercial use in residentially land use designated areas, a provision to allow limited amounts of commercial use in industrially land use designated areas, and a provision to allow limited residential uses in commercially land use designated areas. The amount of residential units that can be assigned within a flexibility zone is determined by combining the amount of flexibility units (the difference between the number of dwelling units permitted within a flexibility zone under the Broward County Comprehensive Plan and the number of dwelling units permitted within the same flexibility zone under the Plantation Comprehensive Plan – given the Plantation Comprehensive Plan is generally more restrictive as to residential density than the Broward County Comprehensive Plan) and reserve units (those additional permitted dwelling units created by the Plantation Comprehensive Plan Future Land Use Element Policy No. 1.7.6 which consists of up to two (2) percent of the total number of dwelling units permitted within a flexibility zone).

III. PROJECT ANALYSIS, CRITERIA AND FINDINGS

Below is an analysis of each amendment to the Comprehensive Plan as proposed by the applicant:

Policy 1.8.8. A - no changes proposed.

Policy 1.8.8. B - currently reads:

- B. For parcels of property enjoying a Commercial designation which are to be developed only with structures that include both commercial and residential uses in the same structure (i.e. “vertical integration”),
 - 1. The residential floor area of such vertically integrated structures does not exceed 50% percent of the total floor area of the building; or

2. The first floor of the structure is totally confined to commercial uses.
3. Regardless of 1. or 2. above, the residential density of the parcel shall not exceed twenty-five (25) units per gross acre, calculated using the boundary of the parcel enjoying the Commercial Land Use Designation.

Applicants request (changes indicated in bold and underlined):

1. The residential floor area of such vertically integrated structures does not exceed **90%** percent of the total floor area of the building; or
2. The first floor of the structure is totally confined to commercial uses, **amenities, and auxiliary residential uses.**
3. Regardless of 1. or 2. above, the residential density of the parcel shall not exceed twenty-five (25) units per gross acre, calculated using the boundary of the parcel enjoying the Commercial Land Use Designation, **except where bonus density units are allocated pursuant to the Broward County Land Use Plan.**

Staff response: Staff does not support the proposed amendment.

With the exception of small infill development, the primary use of property with a commercial land use designation should remain commercial. The current regulation maintains the commercial use as the primary use by limiting the amount of residential use to less than 50% of the building or confining the ground floor use to commercial uses. The applicant's proposal to allow 90% of the building to be used for residential use or allowing the ground floor to be residential amenities or auxiliary uses allows the residential use to be the primary use of the vertically mixed-use building on the commercially land use designated parcel. If the residential use is intended to be the primary use, a land use plan amendment should be pursued. All aspects of the Comprehensive Plan and City Code limits the maximum residential density city-wide to 25 dwelling units per acre. Inclusion of the language to allow bonus density units pursuant to the Broward County Land Use Plan would allow additional market rate units to be constructed based on the number of affordable units provided that are not subject to any limitation on density.

Policy 1.8.8. C - currently reads:

- C. For parcels of property enjoying a Commercial designation which are to be developed only with freestanding buildings devoted to multi-family residential uses, Flexibility and Reserve Units may be utilized when determined appropriate by the City's governing body, and where, in addition to other criteria and considerations as may be applicable:
 1. The maximum parcel size shall be five (5) gross acres, unless located within the urban infill area (east of Florida's Turnpike) in which the case the maximum parcel size shall be ten (10) gross acres.

2. The residential density shall not exceed twenty-five (25) units per gross acre, calculated using the boundary of the parcel enjoying the Commercial Land Use Designation.

Applicants request (changes indicated in bold strike-thru and underlined):

1. ~~The maximum parcel size shall be five (5) gross acres, unless located within the urban infill area (east of Florida's Turnpike) in which the case the maximum parcel size shall be ten (10) gross acres.~~
2. The residential density shall not exceed twenty-five (25) units per gross acre, calculated using the boundary of the parcel enjoying the Commercial Land Use Designation, **except where bonus density units are allocated pursuant to the Broward County Land Use Plan.**

Staff response: Staff does not support the proposed amendment.

The current regulation allows residential uses to be the primary use on small infill parcels under 5 gross acres in area when located west of Florida's Turnpike and infill parcels under 10 acres when located east of Florida's Turnpike in the city's urban infill area. The applicant's proposal to eliminate the parcel size limitation for freestanding multi-family buildings would allow for 100% multi-family residential use on a commercially land use designated parcel of any size. If the residential use is intended to be the primary use of potentially large-scale property, a land use plan amendment should be pursued. Again, all aspects of the Comprehensive Plan and City Code limits the maximum residential density city-wide to 25 dwelling units per acre. Inclusion of the language to allow bonus density units pursuant to the Broward County Land Use Plan would allow additional market rate units to be constructed based on the number of affordable units provided they are not subject to any limitation on density.

Policy 1.8.8. D - currently reads:

- D. For parcels of property enjoying a Commercial designation which are proposed to be developed with some buildings being devoted to residential use and some buildings devoted to commercial use (hereafter, "mixed commercial/residential developments"), Flexibility and Reserve Units may be utilized when determined appropriate by the City's governing body, and where, in addition to other criteria and considerations as may be applicable:
 1. For mixed commercial/residential developments located outside of the urban infill area (areas west of Florida's Turnpike):
 - a. The minimum size of the parcel enjoying the Commercial designation must be greater than five (5) gross acres in size; and,
 - b. The portion of the parcel enjoying the Commercial designation which is to be developed with residential use shall not exceed the greater of five (5) gross acres in size or forty percent (40%) of the total gross acreage of the commercially designated parcel; and,
 - c. The residential density shall not exceed twenty-five (25) units per gross acre, calculated using the boundary of the portion of the parcel enjoying the Commercial Land Use Designation which is devoted to residential use.

2. For mixed commercial/residential developments located within the urban infill area (areas east of Florida's Turnpike):
 - a. The minimum size of the parcel enjoying the Commercial designation must be greater than ten (10) gross acres; and,
 - b. The portion of the parcel enjoying the Commercial designation which is to be developed with residential use shall not exceed the greater of ten (10) gross acres or forty percent (40%) of the total gross acreage of the commercially designated parcel; and,
 - c. The residential density shall not exceed twenty-five (25) units per gross acre, calculated using the boundary of the portion of the parcel enjoying the Commercial Land Use Designation which is devoted to residential use.
3. The entire mixed commercial/residential development shall be governed by specific zoning regulations that establish criteria to ensure proper integration and compatibility of land uses within and surrounding the development.

Applicants request (changes indicated in bold strike-thru and underlined):

1. For mixed commercial/residential developments located outside of the urban infill area (areas west of Florida's Turnpike):
 - a. The minimum size of the parcel enjoying the Commercial designation must be greater than five (5) gross acres in size; and,
 - b. The portion of the parcel enjoying the Commercial designation which is to be developed with residential use shall not exceed the greater of **ten (10)** gross acres in size or **eighty percent (80%)** of the total gross acreage of the commercially designated parcel; and,
 - c. The residential density shall not exceed twenty-five (25) units per gross acre, calculated using the boundary of the portion of the parcel enjoying the Commercial Land Use Designation ~~which is devoted to residential use~~, **except where bonus density units are allocated pursuant to the Broward County Land Use Plan.**
2. For mixed commercial/residential developments located within the urban infill area (areas east of Florida's Turnpike):
 - a. The minimum size of the parcel enjoying the Commercial designation must be greater than ten (10) gross acres; and,
 - b. The portion of the parcel enjoying the Commercial designation which is to be developed with residential use shall not exceed the greater of ten (10) gross acres or forty percent (40%) of the total gross acreage of the commercially designated parcel; and,
 - c. The residential density shall not exceed twenty-five (25) units per gross acre, calculated using the boundary of the portion of the parcel enjoying the Commercial Land Use Designation ~~which is devoted to residential use~~, **except where bonus density units are allocated pursuant to the Broward County Land Use Plan.**
3. The entire mixed commercial/residential development shall be governed by specific zoning regulations that establish criteria to ensure proper integration and compatibility of land uses within and surrounding the development.

Staff response: Staff does not support the proposed amendment.

With the exception of small infill development, the primary use of property with a commercial land use designation should remain commercial. The current regulation addresses parcels over 5 acres in size and allows residential use of 5 acres (consistent with a small infill parcel) or 40% of the land area, whichever is greater. Areas east of Florida's Turnpike are allowed up to 10 acres of residential use (consistent with an urban infill area parcel) or 40% of the land area, whichever is greater. With the exception of small infill development, the 40% maximum residential use of the land ensures that the primary use of the larger parcel remains commercial. The applicant's proposal to eliminate the parcel size limitation for freestanding multi-family buildings would allow for 100% multi-family residential use on a commercially land use designated parcel of any size. If the residential use is intended to be the primary use of potentially large-scale property, a land use plan amendment should be pursued. In addition, the applicant's proposal creates a more lenient application of flexibility outside the urban infill areas whereas the current regulations are more lenient in the urban infill areas in order to encourage redevelopment. The proposed revision (1c and 2c) to change the density calculation from the portion of the property (40% of the total acreage) devoted to the residential use to the entire parcel will allow a much higher number of permitted units but the residential use would still be limited to 40% of the land area potentially resulting in densities ranging between 60 to 65 dwelling units per acre on the portion of the site devoted to residential use. All aspects of the Comprehensive Plan and City Code limits the maximum residential density city-wide to 25 dwelling units per acre. Inclusion of the language to allow bonus density units pursuant to the Broward County Land Use Plan would allow additional market rate units to be constructed based on the number of affordable units provided that are not subject to any limitation on density.

Policy 1.8.8. E - currently reads:

- E. In cases where a tract of land is designated Commercial and is proposed to be divided into parcels, and such parcels can be developed independently under more than one of paragraphs B, C, and D above so as to meet the requirements therein, then the City may utilize combinations of the provisions of B and C above, or B and D above, or C and D above, but not B and C and D above, for such tract of land; provided:
1. the tract is located within Plantation Midtown or the tract is located within that portion of the City bounded on the North by Sunrise Boulevard, on the South by the City limits, on the West by Pine Island Road, and on the East by University Drive; and,
 2. The land area of a parcel used under paragraph B.3., C.2., D1.c. or D2.c. for purposes of calculating the maximum allowable residential density under such paragraph (being the product of x times twenty-five (25) dwelling units per acre, where x is land area) cannot be used more than once in applying the provisions of B and C above, or B and D above, or C and D above, but not B and C and D above, for a tract of land.
 3. In no case may the maximum residential density for the tract exceed twenty-five (25) dwelling units per gross acre.

Applicants request (changes indicated in bold strike-thru and underlined):

- ~~1. the tract is located within Plantation Midtown or the tract is located within that portion of the City bounded on the North by Sunrise Boulevard, on the South by the City limits, on the West by Pine Island Road, and on the East by University Drive; and,~~
- ~~2. The land area of a parcel used under paragraph B.3., C.2., D1.e. or D2.e. for purposes of calculating the maximum allowable residential density under such paragraph (being the product of x times twenty-five (25) dwelling units per acre, where x is land area) cannot be used more than once in applying the provisions of B and C above, or B and D above, or C and D above, but not B and C and D above, for a tract of land.~~
- ~~3. In no case may the maximum residential density for the tract exceed twenty-five (25) dwelling units per gross acre.~~

Staff response: Staff does not support the proposed amendment.

The current regulation addresses parcels over 5 acres in size and allows the assignment of flexibility reserve units using a combination of two (2) flex rules when the property is located within Plantation Midtown or within that portion of the City bounded on the North by Sunrise Boulevard, on the South by the City limits, on the West by Pine Island Road, and on the East by University Drive. It should be noted that this regulation initially applied to only the Plantation Midtown area and was intended to encourage higher density within the central development district. The same applicant initiated a comprehensive plan amendment in 2014 to increase the eligible area to include that portion of the City bounded on the North by Sunrise Boulevard, on the South by the City limits, on the West by Pine Island Road, and on the East by University Drive (associated with the yet to be redeveloped Plantation Millcreek aka Sawgrass Hotel and Conference Center site). Deletion of this rule would allow use of multiple flex rules for residential development of commercially land use designated parcels city wide, which is inconsistent with the original intent which was to increase densities only within the Plantation Midtown area.

Policy 1.8.8. F - currently reads:

- F. For purposes of applying paragraphs B, C, D, and E, neither a “tract” nor a “parcel” need to be defined by referenced to a Plat. Furthermore, while a “tract” is comprised of “parcels”, the “tract” does not need to be subdivided into “parcels” by a plat. A “tract” and a “parcel” do not need to be defined by property lines based upon ownership. Rather, a “tract” and “parcel” may be defined by quantities of contiguous land which the City’s governing body has determined are sufficient in size to constitute independent building sites (i.e. taking into consideration Site Plan development approvals), and 1.14 which are submitted to Unified Control as set forth in the City’s land development regulations for the development intended, and which is submitted to a Master Plan so as to function as a single integrated development.

Applicants request (changes indicated in bold strike-thru and underlined):

- F. For purposes of applying paragraphs B, C, **or D, and E,** neither a “tract” nor a “parcel” need to be defined by referenced to a Plat. Furthermore, while a “tract” is comprised of “parcels”, the “tract” does not need to be subdivided into “parcels” by a plat. A “tract” and a “parcel” do not need to be defined by property lines based upon ownership. Rather, a “tract” and “parcel” may be defined by quantities of contiguous land which the City’s governing body has determined are sufficient in size to constitute independent building sites (i.e. taking into consideration Site Plan development approvals), and ~~1-14~~ which are submitted to Unified Control as set forth in the City’s land development regulations for the development intended, and which is submitted to a Master Plan so as to function as a single integrated development.

Staff response: Staff does not support the proposed amendment.

Staff does not support the deletion of flexibility rule E; therefore, staff does not support the proposed deletion of references to flexibility rule E within this flexibility rule (F).

Policy 1.8.8. G – no changes proposed.

IV. RECOMMENDATION:

Staff Recommendation: It should be noted that Broward County revised its flexibility reserve unit policies in 2017 which provided for less regulation and greater flexibility to the municipalities in the assignment of flexibility or reserve units. Some cities adopted the Broward County policies in total while others partially adopted, or kept their current policies in place (including the City of Plantation). **Staff recommends a comprehensive review of the current comprehensive plan and zoning code policies and regulations regarding the assignment of flexibility or reserve units and, therefore, does not recommend the applicant’s proposed amendment to the flexibility provision which addresses residential development on commercially land use designated parcels at this time.**

In addition, Broward County revised its policies related to bonus density units to provide for increased bonus densities when affordable housing units are provided. While this change does not require inclusion of these policies in the local comprehensive plan to be utilized, this change should also be part of a comprehensive review of the current comprehensive plan and zoning code policies and regulations regarding the assignment of flexibility or reserve units. A subsequent revision to the Broward County Plan is under review to increase the density incentives to further encourage the provision of affordable housing options (i.e. a developer could provide 1 “very low” affordable housing unit and receive a bonus of 19 market rate units) that re not subject to an overall density limitation on a commercially land use designated parcel.



Plantation
the grass is greener

Project No: P200-0001

Department Date Stamp:
CITY OF PLANTATION
OCT 12 2020
PLANNING, ZONING & ECONOMIC DEVELOPMENT

CITY OF PLANTATION DEVELOPMENT REVIEW APPLICATION

Please check appropriate Board or Committee review:

- Review Committee
- Planning and Zoning Board
- City Council

Please check appropriate request(s):

- Conditional Use Approval
- Delegation Request
- Gateway 7 Administrative Approval
- Land Use Plan Amendment Approval
- Master Plan Approval
- Vacation of Right-of-way or Easement
- Plat or Site Data Record Approval
- Rezoning Approval
- Site Plan, Elevation and/or Landscape Plan Approval
- Use Variance Approval
- Waiver request
- Other Comprehensive Plan Amendment

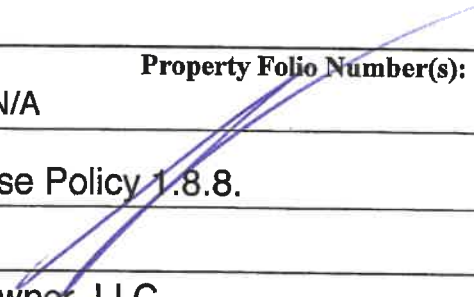
Project Name:
1.8.8 Comprehensive Plan Amendment

Property Address / Location:
N/A

Property Legal Description:
N/A

Zoning District: N/A **Land Use Plan Designation:** N/A **Property Folio Number(s):** N/A

Description of Project: (Attach additional page if necessary)
Request for comprehensive plan amendment to revise Policy 1.8.8.

Property Owner of Record: Mark Sanders -
Print name: Authorized Signatory **Signature:** 

Corporation Name (if applicable): 8601 West Sunrise Owner, LLC

Address: 47 N.E. 36th Street, Second Floor **City:** Miami **State:** FL **Zip:** 33137

Phone: (305) 938-4300 **Fax:** N/A **Email:** dschneider@fifteengroup.com

Do you authorize an agent to represent you in the processing of this application? Yes No

STATE OF _____
COUNTY OF Miami Dade

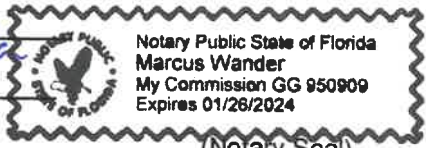
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements appeared Mark Sanders as the property owner, who is personally known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he/she executed the same on behalf of the corporation, who produced his/her driver's license as identification, and who did not take an oath.

WITNESS my hand and official seal this 9 day of October, 2020.

My commission expires:
 In-person notarization
 Online notarization

My commission no. is: 950909

NOTARY PUBLIC, STATE OF Florida
Marcus Wander
Printed Name of Notary



(Notary Seal)

Authorized Agent (if applicable):

Print name: C. William Laystrom, Jr. Signature: *C. William Laystrom, Jr.*
Corporation Name (if applicable): Doumar Allsworth, et al.
Address: 1177 S.E. 3rd Avenue City: Fort Lauderdale State: FL Zip: 33316
Phone: (954) 762-3400 Fax: (954) 525-3423 Email: blaystrom@aol.com

STATE OF FLORIDA
COUNTY OF BROWARD

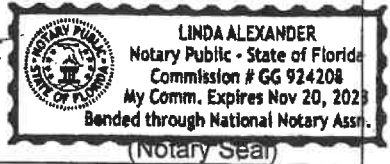
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements appeared C. WILLIAM LAYSTROM, JR. as authorized agent of 8601 West Sunrise Owner, LLC (Owner), ~~who is personally known to me to be~~ the person described in and who executed the foregoing instrument, who acknowledged before me that he/she executed the same on behalf of the corporation, who produced his/her driver's license as identification, and who did not take an oath.

WITNESS my hand and official seal this 8 day of October, 20 20

My commission expires:

- In-person notarization
 Online notarization

Linda Alexander
NOTARY PUBLIC STATE OF FLORIDA
LINDA ALEXANDER
Printed Name of Notary



My commission no. is:

Attorney (if applicable):

Name: C. William Laystrom, Jr., Esq.
Corporation Name (if applicable): Doumar Allsworth, et al.
Address: 1177 S.E. 3rd Avenue City: Fort Lauderdale State: FL Zip: 33316
Phone: (954) 762-3400 Fax: (954) 525-3423 Email: blaystrom@aol.com

Architect (if applicable):

Name: _____
Corporation Name (if applicable): _____
Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Fax: _____ Email: _____

Engineer/Surveyor (if applicable):

Name: _____
Corporation Name (if applicable): _____
Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Fax: _____ Email: _____

Additional Consultant (if applicable):

Name: _____
Corporation Name (if applicable): _____
Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Fax: _____ Email: _____

Site information for undeveloped sites: **Site acreage:** _____ **(net)**

Type and number of proposed residential units (if applicable): _____

Square footage of proposed non-residential uses (if applicable): _____

Type and square footage of proposed non-residential uses (if applicable): _____

Site information for developed sites: **Site acreage:** _____ **(net)**

Type and number of existing residential units (if applicable): _____

Type and number of proposed residential units (if applicable): _____

Square footage of proposed non-residential uses (if applicable): _____

Type and square footage of existing non-residential uses (if applicable): _____

Type and square footage of proposed non-residential uses (if applicable): _____

Number of existing parking spaces: _____ **(including handicapped spaces)**

Number of proposed parking spaces: _____ **(including handicapped spaces)**

- **Please print/type application clearly. Incomplete or illegible applications will not be accepted.**
- **A fee calculation form with filing fee must be submitted prior to submittal of a development review application pursuant to Ordinance# 2397.**
- **Submittals must be made prior to agenda closing dates indicted on the "Schedule of Meetings". Any incomplete or late submittals may be rescheduled to the next available meeting.**
- **The application must be signed by the property owner and notarized.**
- **If the property owner authorizes an agent, the application must be signed by the agent and notarized.**
- **An owner or authorized agent must be present at each meeting for the application to be considered.**
- **Zoning decision approval, as defined in Section 27-6 of the Code of Ordinances, shall be initially valid for a period of time not to exceed twelve (12) months from the date the decision is made. If the rights granted by the zoning decision are not exercised in the aforesaid twelve-month period of time by an application for a building permit to meet the requirement of Section 302.1 of the Florida Building Code, the decision shall become null and void. The City Council may extend this time period for one (1) additional extension not to exceed six (6) additional months for good cause demonstrated prior to the expiration of the period of initial validity.**

Last updated April 26, 2011

Z:\Planning, Zoning & Economic Development\Public Docs\Forms\Board Applications\Development Review Apps\Application2011.doc

Re: 8601 W. Sunrise Blvd. Redevelopment
Fifteen Group

Date: October 10, 2020

LETTER OF INTENT

The Applicant, Fifteen Group, hereby respectfully requests approval of site plan, conditional use, use variance, rezoning, flex and reserve unit allocation, land development code amendment, and comprehensive plan amendment applications to allow for its new development project to be located at 8601 W. Sunrise Blvd., Plantation, FL 33137.

The site plan proposes a new mixed-use community containing a 150,000 square foot office building, multifamily residential buildings consisting of 484,590 square feet, a 2,500 square foot retail building, and a 238,739 square foot parking garage. The Applicant seeks a use variance in order to allow the fast food restaurant use with two drive-throughs. The Applicant seeks flexibility and reserve units in order to develop 442 dwelling units for the residential component of the community. The Applicant seeks amendments to both the City's comprehensive plan and the land development code to achieve the amount of flexibility requested and to establish a zoning district that will be best suited for this development project. The Applicant seeks rezoning to the newly developed B-8Q district that is proposed under the land development code amendment. The B-8Q zoning district will require that all uses be approved on a conditional use basis so the Applicant seeks conditional use approval as well.

The proposed applications offer the chance to revitalize an aging site in the City into a healthy new mixed-use community. The proposed community will provide a home for many

Plantation residents while also providing retail and office uses that will create jobs within the City. The proposed residential units will be new, safe, and updated with modern amenities for those that reside there. Residents of the proposed community will be excellently positioned to obtain expedient fast food dining services at the retail building and work at the office building at the site without needing to drive. Furthermore, the retail and office components will create new jobs in the City and the project as a whole will be taxed as commercial property increasing the City's tax base.

Wherefore, The Applicant respectfully requests that the Plantation City Council approve these applications.

Respectfully submitted this 10th day of October, 2020 by C. William Laystrom, Jr.

OBJECTIVE 1.8 Commercial

Policy 1.8.8 The following uses are permitted in commercially designated areas:

Neighborhood, community and regional retail uses.

Office Uses.

Commercial uses including wholesale and distribution, light fabricating and warehouse uses.

Children's day care centers.

Hotels, motels.

Commercial recreation uses.

Community facilities.

Public utilities structures and facilities, located on a parcel of 1 acre or less, which are unmanned, such as electric distribution substations, communications facilities, drainage, waste and wastewater pumping stations, excluding electrical power plants.

A limited amount of residential usage may be allowed within property enjoying a Commercial Comprehensive Plan Future Land Use Designation provided the following policy considerations are met:

A. Flexibility and Reserve units in Flex Zone 75X that are sourced from former Flex Zone 75 are allocated to Plantation Midtown, and may only be utilized therein. Flexibility and reserve units sourced from former Flex Zone 74 may be awarded anywhere in Flex Zone 75X.

1. Former Flex Zone 75 is bounded by New Hiatus Road on the west, the city limit on the south, University Drive on the east south of NW 5th Street, the OPWCD Canal No. 1A on east north of NW 5th Street, and on the north by the north city limit.

2. Former Flex Zone 74 is bounded on the south by Broward Boulevard, on the east by the west right of way line of Florida's Turnpike from Broward Boulevard to the north city limit, on the north by the north city limit from Florida's Turnpike to the OPWCD Canal No. 1A, on the west north of NW 5th Street by the OPWCD Canal No. 1A, and on the west south of NW 5th Street by University Drive from NW 5th Street to Broward Boulevard.

3. Flex Zone 75X is comprised of both former Flex Zones 74 and 75. 1.12

B. For parcels of property enjoying a Commercial designation which are to be developed only with structures that include both commercial and residential uses in the same structure (i.e. "vertical integration"), Flexibility and Reserve Units may be utilized when determined appropriate by the

City's governing body, and where, in addition to other criteria and considerations as may be applicable:

1. The residential floor area of such vertically integrated structures does not exceed ~~90%~~ percent of the total floor area of the building; or

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2. The first floor of the structure is totally confined to commercial uses, amenities, and auxiliary residential uses.

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3. Regardless of 1. or 2. above, the residential density of the parcel shall not exceed twenty-five (25) units per gross acre, calculated using the boundary of the parcel enjoying the Commercial Land Use Designation, except where bonus density units are allocated pursuant to the Broward County Land Use Plan.

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C. For parcels of property enjoying a Commercial designation which are to be developed only with freestanding buildings devoted to multi-family residential uses, Flexibility and Reserve Units may be utilized when determined appropriate by the City's governing body, and where, in addition to other criteria and considerations as may be applicable:

1. The residential density shall not exceed twenty-five (25) units per gross acre, calculated using the boundary of the parcel enjoying the Commercial Land Use Designation, except where bonus density units are allocated pursuant to the Broward County Land Use Plan.

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D. For parcels of property enjoying a Commercial designation which are proposed to be developed with some buildings being devoted to residential use and some buildings devoted to commercial use (hereafter, "mixed commercial/residential developments"), Flexibility and Reserve Units may be utilized when determined appropriate by the City's governing body, and where, in addition to other criteria and considerations as may be applicable:

1. For mixed commercial/residential developments located outside of the urban infill area (areas west of Florida's Turnpike):

a. The minimum size of the parcel enjoying the Commercial designation must be greater than five (5) gross acres in size; and,

b. The portion of the parcel enjoying the Commercial designation which is to be developed with residential use shall not exceed the greater of ~~ten (10) gross acres~~ in size or ~~eighty percent (80%)~~ of the total gross acreage of the commercially designated parcel; and,

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c. The residential density shall not exceed twenty-five (25) units per gross acre, calculated using the boundary of the portion of the parcel enjoying the Commercial Land Use Designation, except for when bonus density units are allocated pursuant to the Broward County Land Use Plan.

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2. For mixed commercial/residential developments located within the urban infill area (areas east of Florida's Turnpike):

a. the minimum size of the parcel enjoying the Commercial designation must be greater than ten (10) gross acres; and,

b. the portion of the parcel enjoying the Commercial designation which is to be developed with residential use shall not exceed the greater of ten (10) gross acres or forty percent (40%) of the total gross acreage of the commercially designated parcel; and,

c. The residential density shall not exceed twenty-five (25) units per gross acre, calculated using the boundary of the portion of the parcel enjoying the Commercial Land Use Designation, except for when bonus density units are allocated pursuant to the Broward County Land Use Plan.

Deleted: which is devoted to residential use

3. The entire mixed commercial/residential development shall be governed by specific zoning regulations that establish criteria to ensure proper integration and compatibility of land uses within and surrounding the development.

~~E.~~ For purposes of applying paragraphs B, C, or D, neither a "tract" nor a "parcel" need to be defined by referenced to a Plat. Furthermore, while a "tract" is comprised of "parcels", the "tract" does not need to be subdivided into "parcels" by a plat. A "tract" and a "parcel" do not need to be defined by property lines based upon ownership. Rather, a "tract" and "parcel" may be defined by quantities of contiguous land which the City's governing body has determined are sufficient in size to constitute independent building sites (i.e. taking into consideration Site Plan development approvals), and which are submitted to Unified Control as set forth in the City's land development regulations for the development intended, and which is submitted to a Master Plan so as to function as a single integrated development.

Deleted: E. In cases where a tract of land is designated Commercial and is proposed to be divided into parcels, and such parcels can be developed independently under more than one of paragraphs B, C, and D above so as to meet the requirements therein, then the City may utilize combinations of the provisions of B and C above, or B and D above, or C and D above, but not B and C and D above, for such tract of land; provided: .
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G. The City will utilize comprehensive planning flexibility to increase and decrease commercial and residential acreage in order to implement the allowance of residential uses within property enjoying a Commercial Comprehensive Plan Future Land Use Designation consistent with the Broward County Land Use Plan and Administrative Rules Document. The City will consider assigning flexibility or reserve units to achieve desired residential usage pursuant to Section IV(B)(1) (COMMERCIAL)(9) of the adopted Broward County Land Use Plan. When assigning flexibility or reserve units in implementing this comprehensive planning flexibility, an amendment to the City Future Land Use Map will not be required. The City has ordained additional policy considerations to use for guidance purposes when it determines whether or not to utilize its comprehensive planning flexibility which are set forth in Chapter 19 of the City of Plantation's Code of Ordinances.

the improvement of city property or for purposes of economic development or redevelopment where a specific application is not needed.

(Code 1964, § 18½-9; Ord. No. 1959, § 4, 9-22-93; Ord. No. 1962, § 1, 9-29-93; Ord. No. 2004, § 4, 11-16-94; Ord. No. 2222, § 1, 5-31-2000; Ord. No. 2282, § 1, 9-25-2002; Ord. No. 2297, §§ 2, 3, 4-23-2003)

State law references—Adoption of plan, F.S. § 163.3184; amendment of plan, F.S. §§ 163.3184, 163.3187.

Sec. 19-67. Provisions regarding applying certain types of comprehensive plan flexibility.

Intent and purpose: The city has only a limited amount of flexibility available pursuant to its comprehensive plan, the Broward County Comprehensive Plan, and the Broward County Planning Council Administrative Rules document. In a substantially developed city such as Plantation, once flexibility is consumed, it is no longer available and generally cannot be replaced. The advantage to utilizing flexibility is to encourage development the city deems desirable in terms of increasing employment, raising the tax base, arresting blight, or providing other benefits. The chief advantage to utilizing flexibility is that it shortens the time otherwise needed for regulatory review and approvals needed to obtain building permits. In enacting this section, the city governing body desires to provide guidance to the public and to its development staff concerning how it wishes to utilize the city's various types of comprehensive planning flexibility so that these decisions will not be made in an arbitrary fashion. Decisions concerning the utilization of comprehensive planning flexibility are legislative in nature in part because a decision to utilize flexibility is the functional equivalent of deciding not to go through a lengthy process of amending the city comprehensive plan, and as local decisions concerning whether to amend a comprehensive plan are legislative in nature. The city governing body does not intend in enacting this section to transform a legislative decision into a non-legislative decision, and reserves its inherent legislative privilege to waive or not apply any provision contained in this section whenever it decides such waiver or nonapplication serves the future land use and needs of the community. All decisions

approving the utilization of flexibility, as well as decisions to waive or not apply a provision of this section in connection with such approval, shall be evidenced by an ordinance which was considered in a legislative fashion.

(a) *Definitions:*

Commercial-residential flex is provided for in Plantation Comprehensive Plan Future Land Use Element Policy No. 1.8.10 which permits a twenty (20) percent decrease in the lands designated commercial consistent with Broward County Planning Council Administrative Flexibility Rule 2.5(A)(1).

Flexibility units means the difference between the number of dwelling units permitted within a flexibility zone under the Broward County Comprehensive Plan and the number of dwelling units permitted within the same flexibility zone under the Plantation Comprehensive Plan. These units result from the Plantation Comprehensive Plan generally being more restrictive as to residential density than the Broward County Comprehensive Plan.

Flexibility zone means the geographic area, as delineated on the flexibility zone boundary maps and the administrative flexibility rules documents with the Broward County Planning Council, within which residential densities and land uses may be redistributed through the plan certification process. The flexibility zones are also shown within the Plantation Comprehensive Plan Map and are designated in the Plantation Comprehensive Plan as enjoying numbers 68, 73, 74, 75, or 76.

Industrial-limited commercial flex is set forth in Plantation Comprehensive Plan Future Land Use Element Policy No. 1.10.4 and Broward County Planning Council Administrative Flexibility Rule 2.5(A)(6) and this section.

Quality housing: Residential developments that have the following attributes:

- (1) Cement tile roofs with staggered rooflines;
- (2) Stucco or brick covered sidings and walls;
- (3) Landscaped entryway and property perimeter features;

- (4) Waterway features (such as fountains) for lake, pond or wet retention areas;
- (5) A perimeter stuccoed concrete block wall, concrete panel and cap wall, brick walls or metal picket fence;
- (6) Dwelling units which all have central air conditioning and heating systems, hot water, and public sewer service;
- (7) Dwelling units which all have balconies, patios, or porches;
- (8) Dwelling units which, if they are single-family units, have a garage and laundry facilities interior to the units;
- (9) Dwelling units which, if they are multi-family, have storage facilities, and resident-only laundries on site;
- (10) A clubhouse and recreational amenities (pool, tot lot, courts, etc.);
- (11) A program of on site security measures;
- (12) Where the development has committed itself to the ongoing maintenance of the site in accordance with the standards set forth in the city's community appearance ordinance through appropriate restrictive covenants, the creation of associations or other substitute method of assuring that the maintenance obligations are capable of being paid for by assessments or property lien rights, and with such other restrictive covenants or documents as are reasonably required by the city's legal department in order to implement any other conditions of the city governing body's decision;
- (13) Where the architectural treatments and embellishments meet the requirements of section 5-57 of this Code.

Reserve units means those additional permitted dwelling units created by Plantation Comprehensive Plan Future Land Use Element Policy No. 1.7.6 which consists of up to two (2) percent of the total number of dwelling units permitted within a flexibility zone:

Residential-neighborhood commercial flex means the ability to assign neighborhood commercial

uses up to five (5) percent of the area designated residential within a flexibility zone pursuant to Plantation Comprehensive Plan Future Land Use Element Policy No. 1.8.9, and consistent with the Broward County Planning Council Administrative Flexibility Rule 2.5(A)(2).

(b) *Limitations on the use of the various types of flexibility the city enjoys:*

(1) *Residential-neighborhood commercial flex.*

- a. The city would consider allowing flexibility under this provision for low intensity neighborhood offices, neighborhood retail sales of merchandise, or neighborhood retail sales of services that are limited in hours, that are compatible with residential uses and that do not tend to create compatibility conflicts as a result of noise, odors, or high traffic generation. These uses usually are designed to serve residents within five (5) minutes' driving time. Examples of stores include food, drugs, clothing, and sundries. Examples of services include barber shops and beauty parlors, dry cleaners, pack 'n ship, printing, and jewelers. Examples of offices include real estate, accounting, and business. The major characteristic of low intensity neighborhood uses are their scale. These uses do not contain large stores or buildings designed to serve several neighborhoods. Heavy commercial uses and other types of uses such as (but not limited to) garages, gasoline stations, vehicle service stations, vehicle painting, used or new vehicle sales or equipment lots; hardware stores, do-it-yourself building materials or warehouse supply stores, contractor storage yards; marine sales, service, or repair centers; freight, truck, bus or transportation terminals or centers; manufacturing; warehouse or self-storage facilities; adult entertainment uses; fertilizer, nursery or garden stores or centers; uses dealing with chemicals such as pool

- supply uses and insect exterminating uses; wholesale/resale membership store; government administrative offices; package stores; pawn shops; employment agencies; hospitals; hotels; and sanatoriums will not be permitted to use this flexibility.
- b. No more than a total of five (5) percent of the area designated for residential use within a flexibility zone may be used for these neighborhood office, neighborhood retail sales of merchandise, or neighborhood retail sales of services.
 - c. Residential-neighborhood commercial flex shall be considered only in redevelopment areas as designated by city ordinance or adjacent to such redevelopment areas where the property's land use designation adjoins the redevelopment area on two (2) boundaries. This flexibility shall not be available for use in the Central Plantation Development District.
 - d. The space within significant residential buildings and areas designated medium high (25) residential may be used for these neighborhood office, neighborhood retail sales of merchandise, or neighborhood retail sales of services on ground floors and so long as no more than fifteen (15) percent of the floor area is used for said purposes.
 - e. The utilization of this type of flexibility will require a legislative ordinance enactment.
 - f. The size and scale of buildings must be residential in nature, and be consistent in scale (building height, mass, elevations) with the dominant residential buildings in the neighborhood, and the proposed change shall not exceed the average density of adjacent development.
- (2) *Flexibility units.*
- a. The city will permit the assignment of flexibility units in commercial designated properties for (i) any quality housing facility which provides a life care environment for elderly individuals which shall include but not be limited to creation of a life estate in the facility itself and the provision of off-site or on-site medical care; (ii) any quality housing facility licensed by the State of Florida for more than eight (8) unrelated elderly individuals; (iii) any not-for-profit quality housing facility for unrelated elderly individuals or (iv) any quality housing development meeting the affordable housing rules set forth in article 8 of the Broward County Administrative Rules Document and regardless whether a density bonus is desired; or, (v) any mixed residential/commercial development according to regulations set forth in Section IV.B "Permitted Uses" of the Broward County Land Use Plan, and Policy 1.8.8 of the Future Land Use Element of the City of Plantation Comprehensive Plan.
 - b. The city may assign flexibility units upon approving a site plan, together with any other appropriate development orders or approvals prerequisite to applying for a building permit. The utilization of this type of flexibility will require a legislative ordinance enactment.
 - c. The use of flexibility units pursuant to subsection a(i), (ii), or (iii) above shall be limited to property located within Flex Zone 75 (excluding Central Plantation as defined in the adopted City of Plantation Comprehensive Plan) and Flex Zone 74 only north or east of Sunrise Boulevard or within fifteen hundred (1,500) feet of a hospital. The use of flexibility units for a project qualifying under subsection a(iv) above will only be

- for projects within Flex Zone 73 and only within the city community redevelopment area (defined as that area presently within Plantation Gateway), or adjacent to such area along Broward Boulevard. The use of flex units for a project qualifying under subsection a(v) above will only be for projects within Flex Zone 73 and only within the city community redevelopment area (defined as that area presently within Plantation Gateway), or adjacent to such area along Broward Boulevard and within Central Plantation as defined in the adopted City of Plantation Comprehensive Plan.
- d. The project should be consistent in scale, building height, mass, and elevations with the predominant nearby residential buildings, and the utilization of flexibility should not exceed the average density of the contiguous residential property (contiguous meaning adjacent or only separated by streets, canals, or easements). The commercial property for which flexibility units are proposed shall not exceed the average residential density for the contiguous residential property (contiguous meaning adjacent to or only separated by streets, canals, or easements). This policy guideline may not always be appropriate when the governing body of Plantation wishes to encourage multifamily structures near residential structures consistent with redevelopment plans or vision-based studies conducted for specific areas of the city.
 - e. Flexibility units may not be transferred between flexibility zones, except when used as allowed in subsection a(iv) above.
 - f. In no instance shall a density greater than twenty-five (25) dwelling units per gross acre be permitted.
- (3) *Reserve units.*
 - a. The city will permit the assignment of reserve units for (i) any quality housing facility which provides a life care environment for elderly individuals which shall include but not be limited to creation of a life estate in the facility itself and the provision of off-site or on-site medical care; (ii) any quality housing facility licensed by the State of Florida for more than eight (8) unrelated elderly individuals; (iii) any not-for-profit quality housing facility for unrelated elderly individuals; (iv) any quality housing development meeting the affordable housing rules set forth in article 8 of the Broward County Administrative Rules Document and regardless whether a density bonus is desired; or (v) any residential or mixed residential/commercial development according to regulations set forth in Section IV.B "Permitted Uses" of the Broward County Land Use Plan, and Policy 1.8.8 of the Future Land Use Element of the City of Plantation Comprehensive Plan.
 - b. Presently, the appendix to the city's comprehensive plan, volume II, requires an amendment to the city's future land use map whenever reserve units are assigned. A local land use plan map amendment will be necessary as long as same is required by the city comprehensive plan. At such time as the comprehensive plan is amended to no longer require a local land use plan map amendment process to be used to assign reserve units, the city will continue to require a legislative enactment of an ordinance to assign or utilize reserve units.
 - c. The assignment of reserve units must be approved by the Broward County Planning Council Administrator in accordance with the administrative rules document prior to the city gov-

erning body approving same (until such time, if ever, that the city comprehensive plan expressly incorporates the Broward County Comprehensive Plan Special Residential Facility provisions).

- d. The use of reserve units pursuant to subsection a(i), (ii), or (iii) above shall be limited to properties located within Flex Zone 74 (which are north or east of Sunrise Boulevard, or within fifteen hundred (1,500) feet of a hospital) and within Flex Zone 73 (and therein only within the Gateway 7 Development District, or adjacent to such redevelopment area along Broward Boulevard). The use of reserve units for a project qualifying under subsection a(iv) above will only be for projects within Flex Zone 73 and only within the city community redevelopment area (defined as that area presently within the Plantation Gateway), or adjacent to such area along Broward Boulevard. The use of reserve units for a project qualifying under subsection a(v) above will only be for projects within Flex Zone 73 and only within the city community redevelopment area (defined as that area presently within Plantation Gateway), or adjacent to such area along Broward Boulevard and within Central Plantation as defined in the adopted City of Plantation Comprehensive Plan.
 - e. In no instance shall a density greater than twenty-five (25) dwelling units per gross acre be permitted.
 - f. Reserve units may not be transferred between flexibility zones, except when used as allowed in subsection a(iv) above.
- (4) *Industrial-limited commercial flex.* Pursuant to chapter 27, article XV of this Code, and specifically section 27-802(b), adult entertainment establishments are prohibited anywhere in the city limits. Section 27-803 of the City Code provides that if

section 27-802 is declared by a court of competent jurisdiction to be invalid, such ruling shall not affect the remaining divisions and sections of article XV of chapter 27, City Code. There are sections of such article XV which would apply only in the event section 27-802 is declared unconstitutional and the regulations set forth in division IV of such article XV would permit adult entertainment establishments in the city's I-LP zoning district. The comprehensive plan future land use designation for these zoned districts is industrial. The industrial future land use designation permits heavy commercial uses in industrial areas. Adult entertainment establishments are (and additionally are hereby defined as being) heavy commercial uses for purposes of applying the city comprehensive plan. If a court were to declare section 27-802 unconstitutional and additionally not give effect or deference to the foregoing sentence and construe the city comprehensive plan industrial future land use designation in such a manner so as to not allow adult entertainment establishments as "heavy commercial uses" therein, then and in such event alone shall all of the industrial future land use designation flexibility be available for use in the city's I-LP zoned properties for adult entertainment establishments permitted pursuant to division IV of article XV of chapter 27. The city has two (2) industrial designated areas in Flex Zone 74, one of which is zoned I-L2P. The city will be able to count twenty (20) percent of the industrial designated acreage zoned I-L2P for the flexibility it may need to utilize for adult entertainment establishments in the I-LP zoned industrial designated property. If this industrial-limited commercial flex is ever needed under the conditions set forth herein, it shall be deemed assigned after the conditional provision of such flexibility as set forth herein is approved as available by the Broward County Planning Council, and it shall be deemed effective upon the adult entertainment establishment obtain-

ing either a site plan approval or an adult entertainment permit (such latter permit being obtained pursuant to division V of article XV, chapter 27 of the City Code).

(5) *Commercial-residential flex.*

- a. The city would consider allowing flexibility under this provision for residential and mixed commercial/residential developments that are compatible with surrounding residential or commercial (as applicable) uses and that do not tend to create compatibility conflicts as a result of noise, odors, or high traffic generation, i.e. heavy commercial uses.
- b. The city would consider allowing use of flexibility through the allocation of flexibility or reserve units to a development parcel with a commercial land use designation.
- c. No more than twenty (20) percent of the total acreage within the flexibility zone which is designated commercial may be used for residential uses.
- d. The use of this flexibility is subject to the development meeting the following conditions:
 - 1. Assignment of flexibility units shall be consistent with subsection (b)(2); assignment of reserve units shall be consistent with subsection (b)(3).
 - 2. Residential units shall endeavor to comply with quality housing standards as outlined in subsection (a), Definitions. This policy guideline recognizes that some of the definitional attributes for quality housing may not always be appropriate (such as perimeter walls, for example), however, the intent is to encourage special attention to elevations, landscape, and building components that are designed to reflect as suitable long term

investment in the structures (cement tile as opposed to asphalt shingle roofs, for example).

- 3. The use of this flexibility is restricted to the proposed developments found to be consistent with city approved redevelopment plans.
- 4. The city may allocate flexibility or reserve units for a residential or mixed commercial/residential development through the assignment of flexibility and reserve units consistent with provisions outlined in this chapter and through approval of a residential or mixed commercial/residential development as provided in chapter 27-687 of the land development regulations.

(c) *Policy considerations to be reviewed when utilizing the various types of city flexibility.*

- (1) If a project meets the limitations of subsection (b) above to qualify for flexibility, the following are the guiding policy considerations that the city will evaluate in its legislative review when deciding whether to allocate or utilize its flexibility:
 - a. Whether there is a change in population, socio-economic factors, or physical development of property near or affecting the subject property, which change was unforeseen or unanticipated, and which change has created a present problem or opportunity that justifies utilizing the flexibility;
 - b. Whether the project as proposed offers significant benefits not otherwise available to the city if the city's land development regulations were otherwise followed (for example, does the planning, design, and development of the property exceed the minimum otherwise required land development requirements in terms of reserving appropriate open space, development themes, taking advan-

there is a governing association). The city may cancel the tax receipt at any time after same is issued in the event the city determines that a violation of the regulations pertaining to home occupations has occurred. This finding may be made by either the city council or the city code enforcement board, using the reasonable notice and an opportunity to be heard, and hearing procedures utilized by the code enforcement board in determining that violations of this Code exist. When a tax receipt has been canceled, all business activity at the residence shall cease. Further, the city clerk shall not issue any tax receipts for a residence where the same applicant or owner of the premises had a tax receipt previously canceled (regardless of whether the canceled tax receipt was for the same or a different occupational classification) unless authorized by the city council.

(Ord. No. 2089, § 1, 6-19-96; Ord. No. 2113, § 1, 12-11-96; Ord. No. 2284, § 1, 10-9-2002; Ord. No. 2379, § 9, 12-13-2006)

Editor's note—Ord. No. 2089, § 1, adopted June 19, 1996, enacted provisions re home occupations designated as § 27-663. Such provisions were redesignated, by the editor, as § 27-664 in order to avoid duplicate section numbers.

Secs. 27-665—27-680. Reserved.

ARTICLE IX. PLANNED COMMUNITY DEVELOPMENTS

Sec. 27-681. Purpose.

The primary purpose of planned community developments (PCD) zoning is to permit land under unified control to be planned and developed as a whole (as a single operation or an approved series of operations) with a greater amount of flexibility by removing some of the detailed restrictions of conventional zoning. This flexibility provides an opportunity and incentive to the developer to strive for excellence in physical, social and economic planning. To achieve this comprehensive planning in an orderly manner, the developer-applicant will give appropriate consideration throughout all his planning, design and development to the following:

- (1) The reservation of adequate areas of permanent open spaces;

- (2) The location of buildings to take maximum advantage of the natural and man-made environments.
 - (3) A variety of types, spacing and location of housing to achieve a harmonious community;
 - (4) Separation, delineation, or other effective control of pedestrian and vehicular traffic systems for achieving traffic safety;
 - (5) The provision of cultural, educational, medical and recreational facilities available in the City of Plantation and the general area of the PCD;
 - (6) An orderly and creative arrangement of all land uses with respect to each other and to the entire community, in relation to existing or planned residential, commercial, light industrial and institutional facilities, schools, parks, playgrounds and recreational areas, parking areas and other open spaces; and
 - (7) The aesthetic qualities of the PCD.
- (Code 1964, App. A, Art. XXXI, § 1)

Sec. 27-682. Intent.

(a) The intent of this article is to promote the planned growth of viable communities, to allow greater freedom of design, to improve the opportunity for variety and creativity in land development, to schedule the expenditure of public funds, and to achieve the intent of land use as described in the city land use master plan and land use regulations. It is the intent to advance the public benefit through the process of planning and zoning board review and city council action on comprehensive plans, prepared and submitted by the developer-applicant according to this section, for planned community developments of residential or commercial, or institutional or light industrial facilities and related uses and structures including:

- (1) Principal and accessory uses and structures substantially related to the function and the character of the development itself and the surrounding area of which it is a part;

- (2) Development plan specifying and clearly indicating the location, relationship, design, nature and character of all primary and secondary uses, public and private

easements, public and private utilities, structures, public and private roads, parking areas and common open spaces with their respective landscape schemes, and

- (3) A program for full provision, maintenance, and operation of such private improvement areas, facilities and services for exclusive common use by the occupants of the planned community development, which will not be provided, operated or maintained at public expense.

(b) Because planned community developments are equally adaptable to new development, redevelopment, and conservation of land, water and other city resources, it is the intent of these regulations for planning community developments to accomplish not only unified planning, but also to the extent not inconsistent with the intent and objectives of this chapter the purposes of zoning and other applicable city regulations to the same degree that they are intended to control development on a lot-by-lot basis.

(c) Because of the substantial public advantage of planned community development, it is the intent of PCD regulations to promote and encourage development in this form where tracts are suitable in size, location and character for the uses and structures proposed are to be planned and developed as unified and coordinated communities.

(Code 1964, App. A, Art. XXXI, § 2; Ord. No. 2222, § 1, 5-31-2000)

Sec. 27-683. Planned community developments defined.

Planned community development under this provision is defined as land under unified control, planned and developed as a whole; a single development operation or a definitely programmed series of development operations, including all lands and buildings; principal and accessory structures and uses substantially related to the character of the district; comprehensive and detailed plans which include not only streets, utilities, building sites and the like, but also site plans, floor plans and elevations for all buildings as intended to be located, constructed, used and related to each other, and detailed plans for other

uses and improvements on the land as related to the buildings; and a program for provision, operation and maintenance of such areas, improvements, facilities and services as will be for common use by some or all of the occupants of the project, but will not be provided, operated or maintained at general public expense.

(Code 1964, App. A, Art. XVIII, § 12(1))

Sec. 27-684. Requirements.

(a) Planned community developments shall be in harmony with the land use master plan of the city and may be approved as a method of providing greater flexibility of development than otherwise allowed by other zoning classifications.

(b) The approval of the grant of PCD rezoning shall include as an enforceable condition thereto all plans, specifications, agreements, and requirements as herein set out, together with an enforceable agreement on the part of the developer that the land so rezoned shall not be developed in any other way except in substantial accord with the said plans, specifications, agreements and requirements, unless otherwise approved as hereinafter provided.

(Code 1964, App. A, Art. XXXI, § 3)

Sec. 27-685. Reserved.

Sec. 27-686. Unified control.

All land included within an application to the city council for a development permit where any requirement of the zoning or subdivision ordinances of the City of Plantation is sought to be waived (such as, but not limited to, the dedication or deeding of public road rights-of-way; deviations of building setback lines, etc.), shall be under a plan of common development and common ownership of said property (either through common ownership associations, condominium declarations, or other forms of ownership where unity of title does not exist for all lands covered by the requested development permits). The applicant shall agree to:

- (1) Proceed with the proposed development according to the provisions of this ordinance and conditions attached by the city council when such development permits

are granted (approval of site plan, elevations and locations of buildings depicted thereon, landscape and parking plans, exterior finishes, etc.).

- (2) The applicant shall submit to the city's legal department at least three (3) weeks prior to any request for a building permit for a primary structure pursuant to the development approval granted by the city council under subsection (1) hereof, the applicant shall submit to the city's legal department such unified control agreements, contracts, deed restrictions or other documentation as necessary in connection with the development, together with such financial assurances as may be required for review as to the legal sufficiency of same, so as to assure the development will comply with requirements respecting public elements servicing the property on which such development approvals are obtained; as well as to assure the continuing operation and maintenance of those private roadways and other areas and facilities of development which, pursuant to the requested development approvals given by the city council under subsection (1) hereof are not to be operated or maintained at public expense. In reviewing such unified control documents, the legal department shall see that the following minimum criteria are met:

- a. That valid governmental access is provided for the servicing of the development, both during and after construction of same.
- b. That if the project is being built in phases, an adequate traffic circulation plan is depicted through the use of temporary culs-de-sac at the end of each phase of on-site road construction, so as to assure reasonable traffic flow through each phase (even if future phased constructions are not built).
- c. That no encroachment may be made into any common-owned land which would affect the outward elevations of any primary structure without

prior approval by either the city council or its plan adjustment committee and that all such encroachments be uniform as to applicability between the developer or future unit owners under a delineated procedure approved by the building department which procedure shall minimally require prior approval of the owner(s) of such land of such intended encroachments and a hold harmless agreement from such owner(s) to the city for granting permits for such requested encroachments (it being understood that the council can delegate to the building department approval of any elevation changes occasioned by such encroachments within the common areas of such developments). As used within this subsection c, the word "owner(s)" shall mean those owners having beneficial use of the area wherein the encroachment is contemplated or their representative (such that, for example, if an encroachment is permissible pursuant to condominium documents in a limited common area, then the encroachment may be permitted with the approval of the beneficial unit owner together with a representative of the other owners (i.e., the association) without requiring the consent and approval of all owners of the limited common area).

- d. That the amendatory provisions of such unified control documents require approval of amendments by the city council or its legal department before same are deemed effective.
- e. That the developer and subsequent owners of property within the proposed development must agree to utilize, where offered, all municipal franchised services and may not independently contract for such services without prior approval of the city council (presently included within

franchised services of the city are garbage collection and cable television).

- f. That no provision is included within the unified control documents which would permit a conflict with the ordinances of the City of Plantation or the regulations of other governmental agencies having any jurisdiction over the property covered by such development and affirmative assurances of compliance with such ordinances and governmental regulations are to be contained within the unified control documents (illustrous of such compliance with ordinances would be a requirement that the city's comprehensive sign ordinance be fully complied with within the development; that no less restrictive signs be permitted within the development; that no traffic regulation, directional signs or efforts to control flow of traffic or speed of traffic be allowed to be erected, emplaced or otherwise installed upon or adjacent to any private road system within the development which would conflict with the ordinances of the City of Plantation or other duly enacted governmental regulations concerning traffic, signage and control; that no surface water drainage be permitted that would conflict with the requirements of the city's ordinances for subdivision improvements or the regulations of any drainage district having jurisdictional authority over the property covered by said development, etc.)
- g. That a proper method of assessment for maintenance of commonly and/or privately owned property and improvements with lien rights and enforcement rights be created within the unified control documents so as to give the city reasonable assurance that the future maintenance of such private facilities and land will not be at public expense and that the developer bear his fair share of such expenses during the development of the property covered by such unified control documents.
- h. That all state disclosure requirements to prospective purchasers of condominium units are fairly made.
- i. That such additional requirements as are imposed by the city council in its review of the applicant's requested development approvals, as well as such additional requirements as the administration deems proper to adequately protect the health, safety and welfare of the future occupants of primary structures within said development be included in legally enforceable form within such unified control documents.
- (3) Bind his successors in title to any commitments made in (1) and (2) above within the land parcel owned by each successor. Nothing herein contained shall preclude the divesting of ownership or control by the applicant of all or part of the land within the area of such development approval request after approval of same is obtained from the city.
- (4) Reimburse the building department for all fees charged by the legal department reviewing such unified control documents and no primary structure building permits shall issue until the legal department has submitted to the building department an approved set of unified control documents, together with its advice letter on the fees charged the city for which such reimbursement is to be made by the applicant to the building department.
- (Code 1964, App. A, Art. XXXI, § 5; Ord. No. 2161, § 1, 5-6-98)

Sec. 27-687. Uses permitted.

(a) *Planned residential (PRD-Q) districts.* Since the concept of a planned community development is that the land in question shall be developed under unified control and planned and developed

as a whole, and since a land owner/developer cannot plan for the development of his neighbor's property without his neighbor's consent, all development requests for land zoned planned residential districts (PRD-Q lands) shall be reviewed solely on the basis of the land owned by the developer seeking a development approval. All planned residential developments should be not less than seventy thousand (70,000) square feet in area and may be developed on a conditional use basis as determined by the city council after review by the planning and zoning board for one (1) or more of the following uses:

- (1) Single-family dwellings; provided, however, that should a single-family development be granted, no other use may be made [granted] in said development order other than recreational uses for the exclusive use of the owner/occupants of such single-family dwelling development;
- (2) Two-family dwellings or duplexes;
- (3) Multifamily dwellings, townhouses, garden apartments, cluster or zero lot line housing, multi-story residential structures;
- (4) Buildings and structures accessory to multiple-family planned residential developments such as recreation halls, pool cabanas, laundries and similar facilities;
- (5) Medical facilities of the type usually associated with ancillary nursing care facilities in convalescent or resident care facilities which are expressly limited to the exclusive use of the owners/occupant thereof;
- (6) Group homes for the physically handicapped in accordance with the standards and licensing conditions provided by the State of Florida and by section 27-688(g) hereof;
- (7) Active and passive recreational facilities for the exclusive use of the owners/occupants and their invitees;
- (8) Developments that have a clubhouse, community center, or similar structure within

the complex for the use of complex residents shall be permitted the following as an accessory use:

- a. Business office use such as educational services, banking and financial services, (including but not limited to) investment or insurance) including, but not limited to routine preventive well-care medical or dental services including, but not limited to blood pressure testing, flu shots, mammograms, blood tests, and preliminary laboratory work) and activities customarily related thereto.
- b. Mobile medical units including laboratory services, which perform diagnostic, therapeutic or other medical procedures of a nonsurgical nature so long as the unit does not present any obstruction to traffic or a safety hazard to vehicles or pedestrians.
- c. Mobile libraries, voter registration units or similar mobile uses, so long as the unit does not present any obstruction to traffic or a safety hazard to vehicles or pedestrians.

The above uses shall be subject to the following regulations:

- i. No business shall be conducted longer than eight (8) hours in any twenty-four-hour period nor more than two (2) days in any seven-day period.
- ii. No signs or advertising for such uses shall be displayed on any building or anywhere within the complex unless it is entirely within a building and is not visible from the outside of the building.
- iii. All such uses shall be of such a character and size as to clearly serve only the residents of the development and is located in the development solely for the convenience of the residents living in the development, such

- services may not be open to members of the general public.
- iv. No structural alterations to any clubhouse shall be made in order to accommodate such use.
 - v. No sales of merchandise or products may take place.
 - vi. Such uses shall be conducted entirely within the building or mobile unit and if in a building in an area not to exceed ten (10) percent of the total gross floor area of the building being used.

(b) *Planned community development (B-7Q) districts.* Planned community development (B-7Q) districts should not be less than ten (10) acres in area. Planned community development (B-7Q) districts shall not have residential structures or usage other than hotels and motels, except within Central Plantation, as defined in the adopted city comprehensive plan, which may have residential uses developed on parcels ten (10) acres in size or less. All uses shall require conditional use approval of the city governing body after review by its planning and zoning board, review committee, and other development advisory boards and committees as may be from time to time given jurisdiction for such purposes by the city governing body. Except as may be provided in this subsection (b), heavy commercial uses as defined by section 27-1 of this Code shall not be permitted in the B-7Q zoning district. All uses listed in the B-5P zoning district business use listings in section 27-720 of this Code entitled "Master list of business uses" (regardless of whether they are listed in another zoning district) shall not be permitted in the B-7Q zoning district. Except as may be limited or prohibited elsewhere in this Code, any use which from time to time is listed in the aforesaid city master list of business uses is a candidate conditional use for B-7Q zoned property which may be applied for and evaluated in accordance with the measurable standards and criteria set forth in article XII of this Code (entitled "Conditional uses") and which shall require approval by the city governing body, after it specifically finds, among other things, that the candidate conditional use is appropriate and de-

sirable for development in such planned business district having due regard and concern of such commercial development in relation to any surrounding and already developed areas or neighborhoods.

(c) *Planned community development B-7Q conditional uses.* Planned community development B-7Q candidate conditional uses are subject to the city development regulations that apply to the use's business use listings in section 27-720, entitled "Master list of business uses," and section 27-721, entitled "Supplemental regulations to the master list of business uses" except when said regulations conflict with those of this subsection (in which case this subsection shall control). Additionally, planned community development B-7Q candidate conditional uses are subject to the development regulations that appear in articles VIII, IX, XI, XII, and XIII of this chapter 27.

- (1) Notwithstanding the above, the following business use listings shall continue to be candidate conditional uses for B-7Q zoned property: Bicycle stores and repair shops; camera shops; carpet, rugs, floor covering—retail; electrical appliances—retail and incidental repairs, food takeout or delivery—retail; self-storage facility (only outside of the Central Plantation Business District); and schools (both business schools and small scale schools).
- (2) Fast food restaurants (as defined by section 27-1 of this Code, entitled "Definitions") within the B-7Q zoning district, in addition to being candidate conditional uses, shall not be freestanding establishments; nor shall such fast food restaurant have a drive-through facility; instead they shall be located only within a multi-tenant building without an exterior walk-up counter or window or drive-through facility.

(Code 1964, App. A, Art. XXXI, § 6; Ord. No. 1297, § 2, 2-20-85; Ord. No. 1310, § 1, 4-10-85; Ord. No. 1511, §§ 1—3, 11-18-87; Ord. No. 1898, § 5, 1-20-93; Ord. No. 2002, §§ 1, 2, 11-16-94; Ord. No. 2190, § 4, 6-16-99; Ord. No. 2222, § 1, 2000; Ord. No. 2254, §§ 3—5, 7-11-2001; Ord. No. 2298, § 1, 4-23-2003; Ord. No. 2506, § 4, 6-11-2014)

Sec. 27-687.1. Implementation of designated uses on specific B-7Q zoned properties.

Except as provided in this section, all existing provisions in the City of Plantation Code of Ordinances, prior uncodified ordinances, or prior *de jure* or *de facto* resolutions in conflict with Ordinance No. 2254 are hereby superseded by Ordinance 2254 and are hereby repealed to the extent of such conflict and are of no further force and effect. Where the city has enacted a property specific ordinance applicable to B-7Q zoned property approving a use as a permitted use (as distinguished from approving certain uses as being allowed only as conditional uses (i.e. requiring conditional use approval in order to be employed on the property)), and where such property has received certificates of occupancy prior to the effective date of Ordinance No. 2254 [July 12, 2001] for structures that could readily accommodate such permitted use without material alterations, the property affected shall be able to employ such use as a permitted use in such structures after the effective date of Ordinance No. 2254 [July 12, 2001]. Where the city has enacted a property specific ordinance applicable to B-7Q zoned property approving a use as a permitted use, and where such property has not received certificates of occupancy prior to the effective date of Ordinance No. 2254 [July 12, 2001] but has received site plan approval prior to the effective date of Ordinance No. 2254 for structures that could readily accommodate such permitted use, the property affected shall be able to employ such use as a permitted use in such designed structures after the effective date of Ordinance No. 2254 [July 12, 2001] unless and until the site plan approval expires (see, for example, section 27-6 of the Code of Ordinances). Where the city has promulgated a property specific *de jure* or *de facto* resolution (a *de facto* resolution being an approval of the governing body by motion and vote) applicable to B-7Q zoned property approving a conditional use application, and where such property has received certificates of occupancy prior to the effective date of Ordinance No. 2254 [July 12, 2001] for structures that could readily accommodate such approved conditional use without material alterations, then the property affected shall

be able to employ such use in such structures as an approved conditional use after the effective date of Ordinance No. 2254. Where the city has promulgated a property specific *de jure* or *de facto* resolution applicable to B-7Q zoned property approving a conditional use application, and where such property has not received certificates of occupancy prior to the effective date of Ordinance No. 2254 [July 12, 2001] but has received site plan approval prior to the effective date of Ordinance 2254 for structures that could readily accommodate such approved conditional use without material alterations, then the property affected shall be able to employ such use in such designed structures as an approved conditional use after the effective date of Ordinance No. 2254 unless and until the site plan approval or conditional use approval expires (see, for example, section 27-6 of the Code of Ordinances).

(Ord. No. 2254, § 5, 7-11-2001)

Editor's note—Ord. No. 2254, § 6, adopted July 11, 2001, did not specify manner of codification, but was included in the Code at the request of the city, and designated by the editor as § 27-687.1.

Sec. 27-688. Internal PCD standards.

(a) *Access; vehicular and pedestrian.*


- (1) Every dwelling unit, or other use permitted in the PCD, shall have access to a public street either directly or via an approved private road, court, or other areas maintained for use in common, which shall be owned and maintained under unified control as required in section 27-686 above.
- (2) Streets shall not occupy more land than necessary to provide safe and convenient access. Direct vehicular access to streets is permitted only where the street serves fifty (50) or less dwelling units. Vehicular access to other streets shall be so combined, limited, located, designed and controlled as to channel traffic as predicted in the massive plan and in a manner to minimize marginal friction at the boundaries of the project.
- (3) Ways for pedestrians shall be a logical, safe and convenient system. Walkways that are likely to be used by large num-



**Planning, Zoning & Economic Development
Memorandum**

DATE: November 17, 2020

TO: Planning and Zoning Board Members

FROM: Dan Holmes, AICP 
Director of Planning, Zoning and Economic Development

SUBJECT: Update of the Comprehensive Zoning Code

RECOMMENDATION:

This Ordinance is presented for your final review and recommendation.

BACKGROUND:

In 2018, at the direction of the City Council, the Planning, Zoning and Economic Development Department began the process of reorganizing and updating the City's Land Development Regulations. Over the course of the past two (2) years, staff has held numerous workshops with the public, affected stakeholders, Planning and Zoning Board members, and the City Council to obtain vital input and feedback on the update.

Staff completed the final draft of the Code and presented it to the City Council for first reading on October 21, 2020. Following review and recommendation by the Planning and Zoning Board, it will be presented to the City Council for second reading and final adoption.

ATTACHMENTS

1. Article I – Purpose and Applicability
2. Article II – Definitions and Rules of Construction
3. Article III – Decision Making and Administrative Bodies
4. Article IV – Comprehensive Plan
5. Article V – Development Review Procedures
6. Article VI – Use Regulations
7. Article VII – Special Ordinances and Provisions
8. Article VIII – Off-Street Parking and Loading
9. Article IX – Sign Regulations
10. Article X – Landscaping Requirements and Tree Preservation
11. Article XI – Development Standards of General Applicability
12. Article XII – Non-Conforming Uses and Structures

1 **ORDINANCE NO. _____**

2
3 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
4 OF PLANTATION, FLORIDA, PERTAINING TO THE
5 SUBJECT OF ZONING AND LAND DEVELOPMENT;
6 REPEALING IN ITS ENTIRETY CHAPTERS 13 AND 27
7 OF THE CITY OF PLANTATION’S CODE OF
8 ORDINANCES; ADOPTING NEW LAND DEVELOPMENT
9 REGULATIONS FOR THE CITY OF PLANTATION;
10 ADOPTING A ZONING MAP FOR THE CITY OF
11 PLANTATION; ADOPTING PHYSICAL AND DIGITAL
12 VERSIONS OF THE LAND DEVELOPMENT
13 REGULATIONS AND MAP; PROVIDING FOR THE
14 REPEAL OF ALL OTHER CODE PROVISIONS AND
15 ORDINANCES INCONSISTENT WITH THIS
16 ORDINANCE; PROVIDING FOR TRANSITION FROM
17 EXISTING LAND DEVELOPMENT REGULATIONS;
18 PROVIDING FOR CONFLICT; PROVIDING FOR
19 SEVERABILITY; PROVIDING FOR CODIFICATION;
20 AND, PROVIDING FOR AN EFFECTIVE DATE.
21
22

23 **WHEREAS**, Article VIII, Section 2(b) of the Florida Constitution; Chapter 166 Florida
24 Statutes (Municipal Home Rules Powers Act); Section 163.3161 Florida Statutes (Community
25 Planning Act) and the Charter of the City empower and require the City to establish land
26 development regulations and provide for its administration, enforcement and amendment; and

27 **WHEREAS**, the City of Plantation Planning and Zoning Board, City Council and City
28 Staff, have reviewed, revised and recommended the attached land development regulations at
29 numerous properly advertised public meetings and hearings at which lengthy public comments
30 and discussion were held and on November 17, 2020, the Planning and Zoning Board
31 recommended approval; and

32 **WHEREAS**, the City Council of the City of Plantation has considered the adoption of the
33 proposed Land Development Regulations at properly advertised public hearings held on October
34 21, 2020 and (insert date here); and;

35 **WHEREAS**, the City Council finds that the adoption, administration and enforcement of
36 the Land Development Regulations serves to implement the adopted Comprehensive Plan and
37 the Elements thereof; and

38 **WHEREAS**, the Director of Planning Zoning and Economic Development has reviewed
39 the item and determines that the approval of the Land Development Regulations attached hereto
40 as Exhibit “A” and Zoning Map attached hereto as Exhibit “B” are consistent with the goals,
41 objectives and policies of the City of Plantation Comprehensive Plan as amended; and

42 **WHEREAS**, the City Council desires to approve and adopt the Land Development
43 Regulations and Zoning Map and repeal any inconsistent provisions of the City Code and Map.

44 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE**
45 **CITY OF PLANTATION, FLORIDA:**
46

47 **SECTION 1:** That the foregoing recitals are hereby ratified and confirmed as being true
48 and correct and are hereby made a specific part of this Ordinance. All exhibits attached hereto
49 and referenced herein are hereby incorporated by this reference.

50 **SECTION 2:** The following Chapters of the City of Plantation Code of Ordinances, are
51 hereby repealed in their entirety:

- 52 (1) Chapter 13 Landscaping
- 53 (2) Chapter 27 Zoning

54 **SECTION 3:** From and after the effective date of this ordinance, the Land Development
55 Regulations of the City of Plantation, Florida (hereinafter referred to as the “LDR”) is hereby
56 enacted and adopted as set forth in both the physical and digital forms of the document which are
57 attached hereto as Exhibit “A”, and incorporated herein by reference, each being entitled the

58 “Land Development Regulations – City of Plantation Florida, dated (insert date here),” including
59 all tables, maps, charts, lists and similar components included therein.

60 **SECTION 4:** From and after the effective date of this Ordinance, the map establishing
61 the geographic boundaries of the Zoning Districts of the City of Plantation, Florida, as defined in
62 the LDR (hereinafter referred to as the “Zoning Map”) is hereby enacted and adopted as set forth
63 in both the physical and digital forms, which are attached hereto as Exhibit “B”, and
64 incorporated herein by reference, each being entitled “The Official Zoning Map of the City of
65 Plantation,” and which upon adoption shall further be identified by the signature of the Mayor,
66 attested by the City Clerk.

67 **SECTION 5:** Transition.

68 (1) Any use of land, structure, or other condition which, on the effective date of this
69 Ordinance, violated any provision of the Land Development Regulations, Zoning or Code of
70 Ordinances of the City of Plantation, and which is a violation of a provision of the LDR adopted
71 by this Ordinance, shall continue to be deemed a violation of the law existing on the effective
72 date of this Ordinance as well as a violation as provided in the LDR, and shall not be deemed
73 grandfathered unless such use, structure, or other condition is expressly grandfathered by the
74 LDR.

75 (2) Any use of land, structure, or other condition which, on the effective date of this
76 Ordinance, violated any provision of the Land Development Regulations, Zoning or Code of
77 Ordinances of the City of Plantation, Florida, repealed by this Ordinance, but which is not in
78 violation of the LDR shall be deemed conforming with the LDR.

79 (3) Notwithstanding the generality of Subsection (2) of this section, nothing herein
80 shall be deemed to impair or affect any order of the City of Plantation’s Code Enforcement
81 Special Magistrate, or of any court, entered prior to the effective date of this Ordinance.

82 (4) Any use of land, structure, or other condition which was lawful before the effective
83 date of this Ordinance, but which is rendered nonconforming or grandfathered by the adoption of
84 this Ordinance shall be governed by the provisions of the LDR applicable to nonconforming and
85 grandfathered uses as defined in the LDR.

86 (5) Land development applications which are submitted to the City and determined to be
87 complete prior to 12:01 P.M. on Wednesday, (insert date here), shall be reviewed under, and the
88 associated development shall be governed by the regulations in effect prior to the adoption of
89 this Ordinance unless the applicant chooses to have all, but not less than all, of the application
90 and associated project reviewed under and governed by the LDR.

91 (6) Rights which are vested, valid and enforceable on the effective date of this Ordinance
92 and which were acquired under a lawful development order, or under a lawful development
93 agreement pursuant to the Florida Local Government Development Agreement Act (Section
94 163.3221, Florida Statutes) shall not be affected by the adoption of this Ordinance and the LDR.

95 (7) For purposes of construing these transition rules, the phrase “on the effective date of
96 this Ordinance” means immediately before the date this Ordinance became effective.

97 **SECTION 6: SEVERABILITY.**

98 If any portion of the City’s Land Development Regulations or this Ordinance or the
99 application thereof to any person or circumstance is held invalid, unconstitutional or
100 unenforceable, such invalidity shall not affect other provisions or applications of this Ordinance

101 that can be given affect without the invalid provision or application, and to this end the
102 provisions of this Ordinance are declared to be severable.

103 **SECTION 7:** CONFLICT.

104 All ordinances or parts of ordinances, or resolutions of the City Commission, in conflict
105 with this Ordinance, the LDR, and the Zoning Map are hereby repealed to the extent such
106 conflict, and are superseded and replaced in their entirety by this Ordinance.

107 **SECTION 8:** The appropriate officers and agents of the City are authorized and
108 directed to codify, include and publish the provisions of this Ordinance, the LDR, and the Zoning
109 Map. Section numbers may be assigned and changed whenever necessary or convenient, and
110 staff is directed to promptly furnish a digital or physical copy of the LDR to the Florida
111 Department of Economic Opportunity.

112 **SECTION 9:** EFFECTIVE DATE.

113 This Ordinance shall become effective immediately upon its passage and adoption and
114 signature by the Mayor.

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(Space intentionally left blank)

133 PASSED AT FIRST READING by the City Council this ____ day of _____, 2020.

134
135 PASSED AT SECOND READING by the City Council this ____ day of _____, 2020.

136
137 Signed by the Mayor this _____, day of _____, 2020.

138
139
140 ATTEST:

141
142 _____

143 Susan Slattery
144 Clerk

Lynn Stoner
Mayor

APPROVED DATE

149
150 REQUESTED BY: _____

151
152 DEPT. OK: _____

153
154 ADMIN. OK: _____

155
156 ATTY. OK: _____

157 AS TO FORM ONLY

158
159 RECORD ENTRY:

160
161 I HEREBY CERTIFY that the Original of the foregoing signed Ordinance No.
162 ____ was received by the Office of the City Clerk and entered into the Public Record this ____
163 day of _____, 2020.

164
165 _____
166 Susan Slattery, City Clerk
167