



**REGULAR MEETING OF THE PLANNING AND ZONING BOARD,
PLANTATION, FLORIDA
CITY COUNCIL CHAMBER AND VIA ZOOM**

SEPTEMBER 14, 2021

Members Present: Michael Alpert, Chair
Paul Calvarisi
Michael Charland
Robert Koreman
Thaddeus Smith, Alternate
David Siegel
Jay Stahl, Rotating

Also Present: Dan Holmes, Director of
Planning, Zoning & Economic
Development
Thalein Rainford, Planner
Quentin Morgan, Assistant City
Attorney

1. CALL TO ORDER/ROLL:

The meeting was called to order by Chair Michael Alpert at 7:00 p.m.

Roll Call by the City Clerk.

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2. APPROVAL OF PLANNING AND ZONING BOARD MINUTES FOR AUGUST 3, 2021

Chair Alpert reported that he was unable to get access and was not sure if everyone received the minutes; therefore, he suggested deferring approval to the next meeting.

Motion by Mr. Siegel, seconded by Mr. Stahl, to defer the August 3, 2021 minutes, so everyone could get access to the minutes. Motion carried unanimously.

3. PUBLIC HEARING

- a. PM21-0035: Consideration of a request for a **physical variance** to construct a 5 ft. fence within the front setback (**Ngo Residence**). The property is located at 425 Farmington Drive and zoned RS-1A.

Ms. Thalein Rainford, Planner, gave a presentation of the project and incorporated the staff report as part of the record.

Ms. Rainford reviewed Section 3A and 3B of the staff report and noted that the property is zoned RS-1A, which is Residential single-family. The size of the property is approximately 43,605 square feet and the subject property is developed with a two-story 4,200-square-foot home with a two-car garage. Sections IV and V of the staff report were also reviewed. She explained if a permit for a single-family home was submitted in the early part of 2017, part of that new single-family home permit was for a fence, which was indicated at five feet in height. A final Planning and Zoning inspection was conducted at which time the Inspector discovered the fence was not built per the permit. The applicant is requesting a Practical Difficulty Waiver, which would increase the allowable height of the fence in the front street setback from four feet to five feet and the increased fence height would allow the newly constructed fence to remain where it is at five feet. Site photos were shown of the fence, the electric sliding gate, a view from the Farmington Drive home, and a view looking from the property towards Farmington Drive. The last photos show the fence on the outside of the gate and where the fence continues at a five-foot height, which matches the column. The lower photo shows the existing four-foot high chain link fence, which is on the south property line.

The property owner of record provided responses to the Practical Difficulty Waiver criteria of Section 27-52(g)(2). Staff finds four of the five standards have not been met; D was the only criteria that has been met.

The applicant has the option to either drop the fence height to four feet in the present location or move the fence out of the front yard setback of 35 feet, so he could have the five-foot fence there. In conclusion, staff recommends denial of the Practical Difficulty Waiver; however, if the Planning and Zoning Board wishes to approve the Practical Difficulty Waiver, it is suggested they request that it is done with Section V.B. of the staff report with staff's conditions.

Mr. Smith mentioned the survey that showed the chain link fence on the north and south and the entry fence to the right. The report stated that it is 25% greater than the height of what is allowed. He questioned if there is an acceptable percentage on the survey because the survey says a 4'8" fence, which would be like 6% to 8%.

Ms. Rainford advised the key number was four feet. Anywhere in the hatched area, which is the front street yard setback, would have to be a maximum height of four feet; anything outside of that could be a maximum height of six feet.

Mr. Smith stated that the report says other neighbors have similar conditions and questioned if there were other five-foot fences along the street that are known of.

Ms. Rainford indicated it was more in terms of a fence style and material. She took pictures and drove around Farmington Drive where most of the fences are set back and are not within the front yard setback, they are on the side and the rear, and are six feet in height. She observed one fence built like this, but it appeared to be four feet in height.

Mr. Koreman mentioned the gate and fence and questioned if staff would be alright with lowering the fence height and leaving the electric gate at its existing five feet.

Ms. Rainford advised there is a policy for gates; gates are allowed at four feet in height with a one-foot decorative scroll for a total height of five feet. The gate is fine as submitted.

Mr. Siegel questioned how the error occurred.

V. Ngo, the applicant, stated that the project has been going on for four years. When they submitted the plan, the fence was five feet, and during that process, some of the shop drawings also showed five feet. Later, when the architect went to the City and spoke with the Building Department, the fence height was lowered to four feet; however, the shop drawings were not changed, so he thought everything was alright and did not pay attention to it. Once the columns were installed, all the Departments came for inspection, but no one said anything about it. He thinks there was a misunderstanding along the way between the people who fabricated the fence and how it was installed.

Mr. Siegel commented that the contractor received the permit, which was probably written from five feet to four feet. The applicant can go back to the contractor to see what was approved; it is possible the City never signed off on the shop drawings, the architect would have been the only one.

Ms. Rainford clarified that the drawings submitted would have been by the architect.

Mr. Siegel mentioned it is a possibility that it is the architect's responsibility to make sure any drawings comply with the permit. There is recourse, either against the architect or the contractor, to make it correct; someone made an error.

The applicant thought the general contractor got the same drawing. He indicated that the shop drawing showed six feet and that is why they kept the fence shorter than the drawing. Because of Covid, it delayed construction. They are having a financial problem with the bank and are asking the Board to help, so this could be closed as soon as possible.

Mr. Siegel stated that the contractor would have known the height limitation was four feet because a permit was issued, as did the architect.

Chair Alpert pointed out that he has reviewed many building permits in his career and usually drawings for fences are not a specific height, they say four feet to six feet. Drawings are constructed by a structural engineer and the height of the fence could vary. Even if it said six feet, he bet it said four to six feet; it did not necessarily mean that was the height he could build to. It did not sound like they got the permit; they applied for the fence permit and then it was rejected because of the height, so he questioned if a permit was issued for this fence.

Ms. Rainford advised when a permit is applied for a new single-family home, they are related permits. The fence is a related permit to the new single-family home, so the fence permit was issued. There were several comments referring to the fence height and that is why there is a clause that the fence would be a four-foot height maximum metal picket fence.

The applicant wanted the Board to see pictures of other fences in the neighborhood in walking distance from his residence, as some are more than five feet. He submitted the photos.

In response to Chair Alpert, Assistant City Attorney Morgan stated if the applicant wanted to submit the photographs into the record he could; if he did not, he could take the photos and the Board could use their judgment based on what has been seen.

Mr. Holmes advised he has not seen what the applicant was presenting. Staff does not know if the fences being shown are permitted or allowed, so he did not know how effective the evidence was in indicating they are not allowing him the same right as others.

Chair Alpert indicated it is hard to determine whether the fences are on the applicant's street or not. The Board will consider what was presented, but it may not be something that could be verified tonight. He questioned if staff felt there was a line-of-sight issue with the fence being five feet since it is not a corner lot.

Ms. Rainford stated the lot is not on the corner, it is an interior lot. She did not perceive there would be an issue with line of sight. Metal picket fences are allowed on the property line as shown, but it cannot be five feet in height, which is the main issue.

The applicant reiterated that he needs help from the City. They spent a lot of time and money building the house and did the best they knew how to abide by the City's rules. It has been four years and he hoped the Board could help them.

Chair Alpert opened discussion to the public.

Shannon Estronozze, 424 Farmington Drive, immediately across the street from the subject property, stated that her husband, Richard Grosso, submitted written comments yesterday by the deadline. They are requesting the Board uphold staff's recommendation and that the code violation be corrected. She thinks this is about fairness and following rules. They had to follow the rules when they installed their fence. Other neighbors have similar fences, but to her knowledge they are all at four feet if they are in the setback.

There being no further discussion, Chair Alpert closed the public discussion.

Motion by Mr. Siegel, seconded by Mr. Stahl, to DENY Item PM21-0035. Motion carried on the following roll call vote:

Ayes: Charland, Alpert, Smith, Koreman, Siegel, Calvarisi, Stahl

Nays: None

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Assistant City Attorney Morgan noted there are several people online and he knows a few of the remaining items on the agenda that staff is recommending deferral. He suggested staff to read into the record the deferral requests and have them approved just in case someone was waiting for those. Items 3B and 3C will be presented.

- b. AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA, AMENDING THE CITY OF PLANTATION COMPREHENSIVE PLAN BY AMENDING OBJECTIVE 1.7, POLICY 1.7.6 AND OBJECTIVE 1.8, POLICY 1.8.8 OF THE LAND USE GOAL IN THE FUTURE LAND USE ELEMENT TO ADD PROVISIONS TO PERMIT THE REARRANGEMENT OF RESIDENTIAL DENSITY ON PROPERTIES WITH AN UNDERLYING RESIDENTIAL LAND USE DESIGNATION, TO PERMIT THE ESTABLISHMENT OF A UNIFIED FLEXIBILITY ZONE WITHIN THE CITY, AND TO INCORPORATE PROVISIONS TO PERMIT THE ADDITION OF REDEVELOPMENT UNITS WITHIN THE CITY; PROVIDING A SAVINGS CLAUSE; AUTHORIZING TRANSMITTAL AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Assistant City Attorney Morgan requested Mr. Holmes make a general comment on the nature of the two items, as they are not specific.

Mr. Holmes advised this is Application PD21-002. He explained that the City Clerk's Office and the Chair have received many letters from residents of the Plantation Acres opposing the Rezoning and other actions. There was some confusion as to whether those items were on the agenda tonight, which is associated with the project called Reflections in the Acres. That item is not on tonight's agenda. There is an item which the applicant would utilize regarding the City's Flex provisions that is tied and related to that, although staff is just putting together a policy believed to be appropriate for the use of Flex. The applicant for the Reflections utilized that, but that item is not on the agenda tonight. They are looking at the policy for the use of Residential Flexibility provisions within the City.

Mr. Calvarisi recalled there were already Flex Units in this area and questioned if it would impact the Reflections because those Flex Units are available no matter what.

Mr. Holmes stated there are and he is going to explain. When the Reflections application was submitted and staff began to try to process it, they went to the Future Land Use Element to try to implement; however, there were several omissions regarding Flex provisions. Even though there are Flex Units available, they do not have the provisions within the Text of the Future Land Use Element to apply the Flexibility provisions. They are trying to address and bring those policies up to the 2017 Broward Next Land Use Plan.

Assistant City Attorney Morgan indicated although there are some projects including the Reflection and others that have prompted review of these provisions, the Broward County Land Use Plan was the main emphasis. The connection to specific projects were purely incidental and the decision-making and policy direction staff is asking from the Board is not related to a particular project; it is related to the entire City.

Mr. Siegel advised every City is having to address modifications done by Broward County's Next Land Use Change, so every City is either deciding to make their ordinances in compliance and then addressing it when the time comes, and some Cities are picking and choosing. The appropriate way is to do it in a comprehensive way is to look at it and address it, so it is done.

Mr. Holmes stated that is what they are trying to. Staff will be doing additional changes to the Comprehensive Plan; there is a Final Reading of the Budget on Friday, and he has within the Budget for the Planning and Zoning Department to do a complete update of the Comprehensive Plan, so they will be looking at a lot more in terms of sustainability and other issues. They will be coming back to this Board as part of the visioning process to update the Comprehensive Plan. He has been telling residents who are calling in that the merits of the application, that will come later will be reviewed and the project will either be voted up or down and will have nothing to do with

the policy decision the City makes moving forward with regard to Flex.

Mr. Holmes provided a summary of the history as follows:

- In 2020, staff received two Land Development applications requesting use of the City's Flexibility Units. Upon receipt of those applications and during processing, it was determined there was a lot of missing language in the section of the code to apply or utilize Flex as permitted under the Broward County Land Use Plan.
- A discussion was initiated with the City Council on April 27, 2021, to let them know of the concerns regarding the omissions and things that needed to be addressed within the City's Future Land Use Element. Council requested some proposals be prepared and brought back to them.
- On April 28, 2021, he returned to the Council at which time another presentation was made, issues were discussed at length, and proposal were provided of things recommended be done to the Future Land Use Element of the Comprehensive Plan. He was directed to draft a Text Change to the Future Land Use Element to incorporate discussions they had during the meeting.
- Subsequent to that, an ordinance was drafted, and he again met with Council to review the ordinance. The draft was also presented at the last Planning and Zoning Board as a discussion item. This item is being brought back tonight for official action by the Council, so once this Board makes a recommendation to the Council, it will move forward for action, and they will go through the process as outlined in the City code and in the Florida Statutes for amending the Text. As part of the recommendations made to the Council, staff is essentially proposing things that would affect Policies 1.7.6 and 1.7.8 of the Future Land Use Element.

Mr. Holmes provided a brief presentation and highlighted the following:

- Amendment 1 would be to revise Policy 1.7.6 of the Future Land Use Element to add Administrative Rules governing the use of Residential Flexibility Units on parcels of land with underlying Residential Land Use designation. Amendments to this section would include the addition of the definition of Flexibility Units.
- Additions or provisions guiding the way dwelling units may be arranged on a parcel of land designated for Residential Use.
- The addition of a provision establishing that available Flexibility Units may be utilized by the City to rearrange Residential Density. This is the actual language that will allow Flex to be applied on Residential parcels without having to undergo a Future Land Use Element.
- An additional provision establishing that the Application of Flexibility Units shall be in accordance with the Broward County Planning Counsel Administrative Rules document. This is standard language.

It was noted that Broward County had official authority of Land Use matters within the County. Through the Broward County Land Use Plan, if local governments get their plans certified by the Broward County Planning Counsel, then they are allowed to administer those rules without having to go to the County to make changes to the Land Use policy.

- The second Amendment would revise Policies 1.7.6 and 1.8.8 of the Future Land Use Element to incorporate the use of Redevelopment Units within the City as permitted by the adoption of 2017 Broward Next Broward County Land Use Plan.
- Amendments related to Policy 1.7.6 would add an additional provision setting forth a procedure for

allocation of Redevelopment Units and setting forth a definition of Redevelopment Units.

- They have what is known as Flex Units and as previously described, Flex Units are the difference in the City's local plan and the County's plan. Local governments are allowed to be more restrictive than Broward County regarding Density Allocation. Reserve Units are generally referred to as Flex Units, so there is a change. Many local governments have almost exhausted their Flex Units, so the County has created Redevelopment Units, which local governments may apply to the County for Redevelopment Units, which can be applied in a very similar fashion to Flex Units. This would add provisions in the code that would enable the City at some point to apply for Redevelopment Units. They cannot do that until Flex and Reserve Units fall below 250 dwelling units.
- If Redevelopment Units were applied for, there is a policy within the Broward County Land Use Plan 2.3.5. Redevelopment Units are defined as additional permitted dwelling units equal to 3% of the total number of dwelling units as established by the adoption of the 2017 Broward Next Broward County Land Use Plan. At some point we could apply pursuant to Policy 2.3.5.1, where the number is defined, which he thought was 250.
- The additional provision establishes the Application of Redevelopment Units shall be in accordance with the Broward County Planning Counsel Administrative Rules document.
- Policy 1.8.8 is the policy that deals with Commercial Flex, but because the Redevelopment Units and Flex Units can be applied on Commercial parcels, they are modifying Policy 1.8.8 to ensure the use of Flex and Redevelopment Units on those parcels. This is standard language indicating that Flex and Redevelopment Units may be utilized if everything is consistent with Policies 2.10.1 and 2.3.5 of the Broward County Land Use Plan Administrative Rules documents. A copy of those sections were provided in backup pertaining to compatibility and other ways local governments may utilize Flex. Under this policy, under A, if they were to unify Flex Zone, they would not need to define all the various Flex Zone information.
- The rest of the policies were removing the Flex and Reserve language to state Flex and Redevelopment, so there are similar changes. All the other provisions remain the same.
- The third revision is to Policy 1.7.6 of the Future Land Use Element to establish a Unified Flex Zone within the City. The change would be the additional provision establishing the City as a Unified Flex Zone and the addition of a provision limiting the number. This is something added based upon discussion held during previous Council meetings and comments provided by residents in the Plantation Acres area. The additional provision limiting the total number of Flexibility of Redevelopment Units, a combination thereof, that may be allocated within the Plantation Acres neighborhood, which is the area known as Flex Zone 68 to a total of 172 units upon passage of the subject amendment. This represents the balance of Flex and Reserve Units that currently exist within Flex Zone 68. If a Unified Flex Zone were adopted, Flex Zone 68 could not receive anymore Flex or Reserve Units than it can currently receive prior to this amendment being adopted. The Plantation Acres area of Flex Zone 68 would not be able to receive additional units. Once the City is opened as a Unified Flex Zone, Flex Units that exist in all Zones could be applied anywhere in the City, because the City is now one Flex Zone. As it currently stands, because there are different Flex Zones, if the Use of Flex was applied on a parcel in Flex Zone 68, there would only be access to the number of Flex and Reserve Units that exist in Flex Zone 68. Likewise, in Flex Zone 73, the number of units that exist could be utilized. If they move to a Unified Flex Zone, all Flex and Reserve units that exist today would be put in one pot and could be utilized throughout the City. It would collapse all the separate Zones into one Zone. That means if the provision was not put within the code for Flex Zone 68, all the existing Units could potentially flow.
- The Certified Plantation Future Land Use Map may be more restrictive than the Broward County Land Use Plan Map; therefore, available Flexibility Units may be utilized by the City to rearrange Residential

Density. There is a language saying we may utilize Flex Units to rearrange Residential Densities coming from the County's Plan.

- The Certified Plantation Future Land Use Map may be more restrictive than the Broward County Land Use Plan Map; therefore, available Flexibility Units may be utilized by the City to rearrange Residential Density. There is a language saying we may utilize Flex Units to rearrange Residential Densities coming from the County's Plan.
- The City of Plantation has been established as a Unified Flex Zone as to language establishing us a Unified Flex Zone. The Application of Flexibility and Redevelopment Units is in accordance with the Broward County Planning Counsel Administrative Rules document. This indicates that we have to apply in accordance with the Broward County Administrative Rules document.
- Because A was stricken, they had to change the language and renumber or re-alphabetize the provisions. Provision B and C now become A and B, but it is the same provision they are referring to. The same for E2 as well. Some language was added to G at the end where it says Residential Uses are permitted without the need to amend the City of Plantation Future Land Use Map provided the City of Plantation applies Flexibility and Redevelopment Units to the parcel pursuant to Policies 2.10 and 2.35. The other language is currently there.

Mr. Koreman questioned how Flex Units are granted.

Mr. Holmes indicated they would have to be applied for to the City, and as part of the application, the City Council has to approve the Application of Flex. No one has a right to access Flex Units, they must apply. There are some rules within the codes regarding Flex. As a more comprehensive update of the Comprehensive Plan is taken, he is proposing to add additional language for the Use of Flex, which they must go through during the visioning process. Many Cities have set forth rules and conditions under which they will apply Flex; some are related more towards Affordable Housing and Transit Orient Design, so they are trying to ensure if someone applies for those Units, that perhaps they are developing close to a Transit Station or routes. He thinks that is prudent language and probably something he would propose, meaning that would take Flex Zone 68 completely out of the picture. The point is that the area defined as Flex Zone 68, and if those provisions were not added in the future, there is not a Transit Station. Language is being put in place to ensure they are protecting the Acres. He wanted to clarify that the amendment before this Board would not adversely impact what could happen in the Acres today. The benefit is that the Units in Flex Zone 68, could flow out of Flex Zone 68, so there could be a scenario where no Flex or Reserve Units that exist could be used in Flex Zone 68. Those are some changes believed to be beneficial to the Acres as part of this proposed amendment package.

Mr. Koreman commented that the County has its numbers for the Acres, so there is no real difference between getting to the 60 dwelling units. It seems there is no difference between the County number and the City number. He noted there are 172 Units in Paragraph 6 and questioned if that could be made to say zero and not modify with the County.

Mr. Holmes replied yes. Once moved to a Unified Flex Zone, they can identify how they want to apply that and identify areas that are most appropriate for the utilization of Flex Zones. The City recently established an Affordable Housing Committee that will look at certain policies, which will be part of the update to the Comprehensive Plan.

Mr. Koreman mentioned the Paragraph 6 amendment and noted that the 172 reflects the existing number, but it is not a mandatory number. He noted that the City could write in whatever they want and if there were a question, the County could not override them.

Mr. Holmes stated they would not be running a foul of the County's rules by doing that; the County gives the City discretion to apply Flex if a Unified Flex Zone is established as long as they follow other rules for Flex.

Chair Alpert opened discussion to the public.

Beth Anne Krimsy, appreciated Mr. Holmes' presentation. She urged Planning and Zoning Board members to plan and consider comments made by Mr. Koreman and do a complete process of all the factors that would have to be considered before anyone could apply for and use the Flex Units. Her concern with the current proposal and ordinance was that once something was in place, someone would be able to apply and use those Units without having all the rules written. She mentioned that the City Council took many public comments the other day and was surprised when she received the backup material that there were no changes to the proposed ordinance. The reason residents in the Acres are so upset is because they are a Special Interest District in Plantation, so the suggestion of adding 172 units to that Interest is contradictory to them be designated as a Special Purpose District. To her, Flex Zone 68 is far greater than Plantation Acres. In looking at the list on Exhibit B, it appears there are a total of 6,200 Residential units and according to tax records, about 2,000 of those are in the Acres, so 172 units should not be applied only to the Acres. She questioned why take away Flex Zone 68; she knows it may have been drafted as a protective measure, but she can see how it could be used for the opposite. She asked how many five or ten-acre parcels are left in Plantation Acres; residents are living one-unit per acre, and they now worry how many homes will be next to them in the future.

Lori Bernardi, 6th Street in Plantation Acres, stated that Ms. Krimsy said a lot of things she was going to say. Originally, she raised her hand because she could not see the presentation. She thanked staff for all the work they put into this. The protective measure of the Special Interest was put in place to protect the Acres from exactly what is trying to be done. She believed if someone does not want to live on Acre, then they live in the Acres north of Sunrise Boulevard. People who want to live on a Builder's acre or more go from Sunrise Boulevard south. It is not right to change rules to please people who want to come in and change something completely. It hurts to know things are changing that much in a special area just to help others who want to build different. She understood the Flex situation more since Mr. Holmes' did the presentation, but like Ms. Krimsy said, you must take each neighborhood and area and do what is best for people who are already there.

Michael Roth, commented that the City seems to be looking at this as a housekeeping issue and not a big deal, just straightening up the code, but there are some substantial changes. Currently, the Plantation code does not allow Flexibility and Redevelopment in places zoned Residential, it is only permitted in places zoned Industrial or Commercial. The Acres is primarily Residential and Residential Flexibility and Zoning was not allowed and was not an issue. If the Acres are not exempted, the possibility is being opened for things that could not happen today but could destroy the rural Special Interest that exists in the Acres. That is why everyone is so upset. They realize it does not apply to a specific project and that projects will be addressed individually down the road, but they do not want to open this until everything is sorted out. Either fix it 100% with proximity, transportation, or leave it how it is, but do not break it while fixing it and allow these incredible changes. Currently, there are zero Flexibility Units in Plantation Acres because they cannot use them in Residential neighborhoods. The 172 number is wrong and the potential problems that could come from this the way it is written are huge. He asked staff and the Board to fix it, but the way it is currently written cannot happen.

Donna McCormack, 1201 NW 114th Avenue, Plantation Acres, and President of Plantation Acres Homeowner's Association, was present on behalf of the Association, wanted to go on record that on September 14, 2021, at 8:21 p.m., they were in opposition of PD21-002, Item B, on the agenda. Plantation Acres Homeowner's Association's opposition to this ordinance is based on the fact the City of Plantation defines Plantation Acres as a Special Public Interest District, as outlined in the City of Plantation's Municipal Code, Subdivision B, SPI-1, Plantation Acres Rural District, Section 27-591, Intent. Plantation Acres has a lifestyle unique in the City of Plantation and has attributes, which should be preserved while protecting the health, safety, and welfare of the residents of Plantation Acres. The proposed intent is to protect the amenities of broad open spaces, natural landscape, and rural characteristics of the Acres, the only City District in which the pre-development environment of the land can be discerned and appreciated. As such, Plantation Acres should be exempted from this ordinance. On behalf of herself and as a resident of Plantation Acres, she thanked Mr. Holmes for acknowledging the existence of the additional high-density community such as Lago Mar and Melaleuca Isles that are in Flex Zone 68, which inflates the numbers to 172. If Plantation Acres cannot be exempted entirely from this ordinance, then she personally will continue to oppose this ordinance.

Kuppi Allenspaugh, NW 116th Avenue, spoke as a new resident of Plantation Acres. Since she has lived here, she started hearing about the Rezoning and the Flex. She came here to reconnect with the Everglades. The City has a chance to change things, and again, the thought of Rezoning is heartbreaking.

Adam Fractenberg, indicated that they have responsible growth, which is something that benefits the community. He wondered if it was possible to have that Zone broken out further, so Plantation Acres could somehow be carved out of the Zone, because it is not equal. He thought Flexibility was important to consider; they all know there is a huge southern movement going on and Florida is continuing to grow at a rapid rate. As Florida continues to grow, it is important to be efficient in goals, but there needs to be a lot of green way. If there is a way to redesign Flex Zone 68, that might be a worthwhile consideration.

Ric Roth, 11420 NW 4th Street, appreciated the fact that Mr. Holmes hears the residents of Plantation Acres and their concerns about Flexibility within the Acres and that he is willing to address those concerns. He noted if Flex were removed from the Acres, the City of Plantation does not lose the 172 Flex Units and they could be allocated to the Flexibility pool Planning and Zoning is recommending, which he believed is spot on and in the right direction. Several times during the presentation, either Plantation's Comprehensive Plan and/or Broward County's Comprehensive Plan was mentioned. He begged the Planning and Zoning Board and City Council to spend time necessary to create a Comprehensive Flex Plan that is clearly thought out and addresses all the concerns of Flex, not only for Plantation Acres, but for other areas within the City; this is their chance to create a solid Flexibility Plan. As Ms. Krinsky stated, it would not allow developers to try to get projects approved while having an existing gray area in the current Comprehensive Plan.

Amanda Foster, 820 NW 121st Avenue, Central Acres, is a new Plantation Acres resident. She appreciated the presentation and understood the need to have clarity in language and make sure the City is in compliance. When moving here, she looked at Plantation Acres as a special place and hopes it is realized that this area was developed many years and has kept its character.

Hearing no further comments, Chair Alpert closed the public comments.

Mr. Koreman mentioned a comment that there was no Residential Flex, only Commercial, and asked if that was correct.

Mr. Holmes replied that was not correct. As indicated, staff puts together a table with the Broward County Planning Council and as part of the Recertification Process, they must complete the table for review by the Council. That table was updated to make sure everything was accurate and that over the years everything was applied and subtracted to ensure those numbers were accurate. They just went through that process about a month and a half ago with the Broward County Planning Council. Regarding Flex, there is a difference between the County's Plan, and if they looked at the County's Plan, they would allow the total number to be developed in that area; the City is more restricted. The County says they could use this Flex provision if they would like to apply it in that Zone.

Mr. Koreman requested Mr. Holmes pull up 1.7.6, Paragraph 6, the draft. He read the paragraph the way he would like to see it, "Subsequent to November 2021, the number of Flexibility and Redevelopment Units or a combination thereof may be allocated within Plantation Acres neighborhood". He would like to see that struck from Flex Zone 68 and say, "As defined below", and "Shall be amended to a maximum of zero units." The sentence, "This number constitutes" can be removed, but under the definition, "The Plantation Acre neighborhood is defined as that area west of Hiatus Road, east of Flamingo Road, and north of State Road 84." If that were written, he thought everything would be solved and he did not include the previous development already submitted to the City. As far as draft goes and protecting the integrity of Plantation Acres, he thought that wording would solve it because the additional 172 units could be shifted to another land. Practically speaking, the Broward County Land Use Plan Map has one breaker in the area, which he just defined with a few exceptions along Broward Boulevard. He would like to see that paragraph changed to indicate that to protect what everyone is calling Plantation Acres and leave the development potential for the area west of that intact and still have the Unified District with the carve out. He questioned if that was possible.

Mr. Holmes replied yes.

Mr. Siegel asked if Mr. Holmes could explain the layers that have to comply between Land Use and Zoning. He thought there was a lot of confusion on how to address units, specifically through Zoning.

Mr. Holmes explained that many people get Land Use and Zoning mixed up. Land Use is a general term. If there was a Land Use designation the City could have three Zoning Districts that could be applied to the Land Use designation, which would still allow one dwelling unit per acre, but they could have a different height and bulk type regulations regarding how different Districts could be developed. There is a distinction between that. There is a lot of concern about too much density going into the Acres. It is almost impossible that could take place with all the changes; Land Use Plan Amendments would have to be taking place at the County and the City would have to go back and Rezone the entire area. The Flex provision is not the floodgate everyone is concerned about, that they think is going to destroy the Acres. As indicated, some of the language read is currently in the code. The Planning Department looks at the City of Plantation as almost three distinct neighborhoods and what they are trying to preserve is a lifestyle for anyone who wants whatever lifestyle they are looking for and can find in Plantation. Staff is working on the Midtown District, which provides more of an urban feel. If someone is looking for older, more traditional Residential type developments, they can get that on the east side and around the Plantation Midtown area as well. Then, there is the Acres, which is more of a rural area. Their intent is to preserve each of those three distinct lifestyles within the City of Plantation. As they move forward with the Comprehensive Plan, they are going to better define that and make it clear. It was noted there is some density adjacent to the Reflections area that could be taken into consideration as to why that developer is proposing that. It could be compatible, but it is the City's decision as to whether they wish to grow the City in that manner, and

that is what is going to be heard by this Board and City Council as to how they respond to that development. He was not concerned about how the Council was going to vote, he was looking more at long-term policy to guide the future development of the City. He understands the concerns and wants residents in the Acres to know staff understands their concerns and they are trying to protect those concerns. He will let the process play itself out; if that is what the Board wants to recommend, and what the Council decided, staff has no problem with that.

Mr. Siegel mentioned that over the decades there has been many changes between all Cities and the County, so anytime anything gets changed, whether the City agrees or not, it must go to the County. The County has collapsed a lot of their designations via Land Use and is attempting to put it in the hands of the Cities to address the issues; it is not a development thing it is controlling it by municipalities governing specific areas. When looking at Residential or Commercial, it puts it in the hands of the people residents have elected, along with staff hired by the people elected. They are all appointees looking at the layer that designates Residential, and it will allow Flexibility of Residential Units to be used within Residential developments. He commented that the Broward Mall is gone, and something needs to be done. If smart planning is done with layers in place, this is not a Zoning issue, it is a Land Use issue.

Mr. Holmes indicated that the Unified Flex Zone is giving Cities greater discretion; prior to this, those Units could not be moved out of Plantation Acres. Now, the County is giving Cities greater flexibility to make their own decisions to determine how they wish to grow and where those Units and Density should take place. Mr. Siegel is correct; the County is giving local governments more discretion to look at how things are growing and how the City is changing so they can address those changes and concerns. Regarding the Broward Mall, they are already looking at that issue.

Mr. Calvarisi commented that his Plantation fellow neighbors are looking at this as a two-step process; one thing with Flex and another step later to define how Flex is used. He thought they might look more specifically at where the Flex can be accessed. He mentioned the Map and the Midtown area, which includes the Broward Mall, State Road 7, a good part of Broward Boulevard between City limits and Pine Island Road, and some of the Commercial area. There are many areas east and central already ripe for Redevelopment, which would benefit from this amendment. He questioned how much it would take if this was deferred until the Rules were developed and what the consequences would be to the City.

Mr. Holmes advised that staff is trying to address the basic Flexibility rules in terms of how they can be applied to be consistent with Broward County. It could be two to two and a half years if they wait to go through the Comprehensive Plan, exercise visioning, and EAR Based Amendments, if there are no provisions regarding Use of Flex on Residential. He plans to get moving quickly on the Comprehensive Plan if things are approved on Friday. He would like to at least have that on the street by the end of the year and then starting 2020, they would begin the process of amending the Comprehensive Plan, which is going to be meeting with this Board, Plantation Midtown, and residents; it is a process. He wants residents to understand they are going to preserve the Acres. He has talked to Council members and that is what everyone wants to do.

Mr. Calvarisi mentioned through the Flex process, the Acres could still be preserved through the correct process. Going back to the paragraphs, he proposed an amendment where Paragraph 6 is deleted because he was concerned about setting a precedent for a carve out. Creating carve outs and exceptions to the rules creates two Cities. He proposed deleting Paragraph 6 knowing there is a process already in place to protect the lifestyle of the Acres and a commitment in place from staff and Council.

Mr. Holmes stated there would be a lot of steps to change that, which involve the County, and there would even be compatibility reviews, etc.; it would be a huge process and he is trying to simplify. As they move forward with the process, there will probably be some other change, but they must go through the visioning process, which would probably add greater restrictions.

Mr. Calvarisi commented that given whatever Flexibility could exist in the area, it might be further restricted, and he thought the precedent of setting a carve out was the most dangerous. The most important thing was to allow residents to keep their lifestyle, which is not compatible with high density.

Mr. Siegel thought that many people did not have a complete understanding about the layers and collapse that occurred at Broward County. The short version is Commercial, Retail, and Industrial is now one. Many Cities do not want to change it because they want to keep Industrial as Industrial, so it is still under the City's control as to how they do it with the Commissions and Councils.

Mr. Holmes advised those are discussions to have as they move forward. Things are changing, certain areas can be preserved, but changes need to occur if they want to continue to attract residents who want to live in this City and they need to offer different lifestyles, so rules are needed so they can be applied on certain pieces of land when seen fit.

Mr. Siegel stated that as a developer, one of the most frustrating things is every time they have to modify a Land Use to a Plat. It has nothing to do with the County; it should be governed by the City, and that is the frustration because it is out of the City's hands.

Chair Alpert mentioned there are two different suggestions regarding the language in Paragraph 6.

Assistant City Attorney Morgan indicated that a formal vote was acceptable, but not necessarily required because recommendations are being given for the Council to consider. If there is a consensus on one of the separate ideas discussed earlier, it could be presented. One could be presented as a consensus and the other as an alternate, or ideas could be suggested. The goal is to give the Council ideas of the Board's thoughts, so they could take that into consideration.

Motion by Mr. Siegel, seconded by Mr. Calvarisi, to approve "B" with Paragraph 6 stricken. Motion carried on the following roll call vote:

Ayes: Charland, Alpert, Smith, Koreman, Siegel, Calvarisi, Stahl

Nays: None

Note: Mr. Calvarisi voted in the affirmative with the caveat that Paragraph 6 has the option to be rewritten.

Mr. Koreman clarified there are already two separate Taxing Districts, Gateway, and Midtown. The only reason he thought Plantation Acres should be defined was because they are the only Special District as defined in the code as such; it is a Special Interest District. Regarding something like Flex, as of now there are only 172 Units left in the previous Flex Zone 68 and if they go Unified, which he is in favor of, he thought Midtown might be a place where those Units should be used since there is more density and it is a more walkable and interconnected area. Because of the nature of the Acres and how it currently exists within the code, he thought it should be

defined as such. He suggested pulling it as former Flex Zone 68 and defining it as a rectangular space. If there is a motion, his recommendation would be to add, "If you do not want to go to that extreme, there is the option of defining it more specifically geographically."

Mr. Siegel knew what Mr. Koreman was doing and his recommendation would be addressed via Zoning and not via Land Use. They are talking about Comprehensive Land Use for the City and how it gets applied to the Flex Units within the Residential Zones, which is up to the Board, Council, and staff.

Mr. Holmes stated if there was a request to Rezone, it would be turned down and at left low density as it is now.

Mr. Koreman commented that local litigations could be at play depending upon the Administration or who was sitting on the Board or on the Council; by codifying it into the code puts a back stop on the political games that could be played as a result. He was more for setting up the code and agreed about the power of Zoning; he wished they could count on people to do what should be right. He thought it would be better if a bar was set for the Office holders opposed to people who could exercise authority outside of the public realm. He agreed, Zoning should be the ultimate tool to put a stop to it.

Mr. Siegel stated that was his proposal and a secondary proposal could be done if desired. The problem is every time something is brought to the Board, there are so many waivers provided instead of addressing the Land Use and Zoning, this is the first step. All ordinances must be cleaned up and then the Commercial and everything else could be addressed; nothing ever gets done and it is pushed down the road.

Mr. Koreman asked if a condition could be added that said the other option rather than striking Paragraph 6 or if those two were in conflict.

Assistant City Attorney Morgan stated he would have to ask the second and the motion maker to make that change. He heard Mr. Siegel say he did not want to make that change.

Mr. Siegel suggested taking a vote on this motion and if it was preferred to add the condition, it could go to Council saying a certain number of members agreed to this.

Mr. Holmes advised when he presents to the City Council, he would make them aware of the discussion with this Board, so they might better understand.

* * * * *

c. AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA, AMENDING THE CITY OF PLANTATION COMPREHENSIVE PLAN BY ADDING A PROPERTY RIGHTS ELEMENT INTO THE COMPREHENSIVE PLAN AS REQUIRED BY SECTION 163.3177(6)(i) OF THE FLORIDA STATUTES; PROVIDING A SAVINGS CLAUSE; AUTHORIZING TRANSMITTAL AND PROVIDING AN EFFECTIVE DATE THEREFOR.

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Assistant City Attorney Morgan questioned if there was anyone online who wished to speak on this item. Beth Anne Krinsky, noticed the goal in this section was to make planning and development decisions with respect for property rights. She was surprised by the vote in connection with the Flex Units to take out the suggestion of Plantation Acres being treated any differently given it is a Special Purpose District. She wants the Board to reconsider that in connection with the property rights element.

Adam Fractenberg, echoed Ms. Krinsky's comments. He heard how there were so many mechanisms in place to protect the Acres, but he did not think that was the case because if it was, a project like Reflections would not be a consideration. Ultimately, this is going to a vote by the Council and Mayor and they could completely disregard whatever is done in Planning and Zoning. He would like to avoid any political games and do what is right as opposed to let's follow the structure.

Assistant City Attorney Morgan questioned if Mr. Fractenberg had any comments on the Property Rights Element. Mr. Fractenberg thought they went hand in hand.

Assistant City Attorney Morgan stated they do not go hand in hand they are totally separate. He wanted to make sure Mr. Fractenberg was clear on his comment as to whether he had anything to say on Item C. Mr. Fractenberg thought those were what property rights were, when they have properties with expectations and there is talk about changing what the landscape looks like.

Lori Bernardi, Central Acres on 6th Street, mentioned that Mr. Holmes said lifestyle is not compatible with high density and then he also said there are three areas in Plantation where people can live, and Mr. Koreman wanted a change to one paragraph. She was surprised with the voting because even though it sounds like the Board is leaning towards helping to protect Plantation Acres the way it is and has been for years, they do not know what the next Board is going to be like or how City Council is going to vote. Sometimes it is wordy to do things, but sometimes words are needed because they need to know how people feel; this is the way something should be preserved.

Motion by Mr. Siegel, seconded by Mr. Koreman to submit for approval. Motion carried on the following roll call vote:

Ayes: Charland, Alpert, Smith, Koreman, Siegel, Calvarisi, Stahl

Nays: None

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Mr. Holmes explained all the Public Hearing items are under Item 3. There are items identified as 3D, 3E, 3F, 3G, and 3H, which are recommended for deferral. All those items are associated with a project being proposed at 8601 West Sunrise Boulevard. Those items were placed on the agenda, but after discussions with the applicant and because of staff's recommendation regarding the amendment proposed to the Future Land Use Element associated, the applicant was told staff was going to recommend something completely different than what was proposed, which was more consistent with the general provisions within the Land Use Plan. Because staff believes, overall, that some of the provisions need to be revised to be more in compliance with the 2017 Broward Next Land Use Plan Amendment, so the application thought it was probably a good idea to wait and look at the ordinance staff was going to propose.

Attorney Bill Laystrom, advised that he filed several individual proposed changes to the Commercial side of the Flex applications and staff has taken a more comprehensive look at them and is doing a complete rework of that section of the code. They will wait for staff's revisions, and he requested this item be deferred to the October meeting.

d. PP20-0016: Consideration of request for **assignment of flex, rezoning, conditional use, site plan, elevations, and landscape plan** approval for **8601 W. Sunrise boulevard Redevelopment**. Property located at 8601 W. Sunrise Boulevard and zoned B-7Q (Planned Commercial Development).

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e. AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA, PERTAINING TO THE SUBJECT OF GROWTH MANAGEMENT, AMENDING THE CITY OF PLANTATION CODE PROVISIONS REGARDING THE UTILIZATION OF COMPREHENSIVE PLAN FLEXIBILITY; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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f. AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA, PERTAINING TO THE SUBJECT OF ZONING, AMENDING SECTION 27-92 OF THE CITY OF PLANTATION CODE OF ORDINANCE AS IT RELATES TO THE PLANNED COMMUNITY DEVELOPMENT B-8Q ZONING DISTRICT; CREATING USE REGULATIONS, SETBACKS AND DIMENSIONAL STANDARDS FOR THE B-8Q ZONING DISTRICT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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g. AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA, PERTAINING TO THE SUBJECT OF GROWTH MANAGEMENT, AMENDING VARIOUS PROVISIONS OF SECTION 19-67 OF THE CODE OF ORDINANCES CONCERNING THE CITY'S COMPREHENSIVE PLANNING FLEXIBILITY LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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h. AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA, PERTAINING TO THE SUBJECT OF ZONING; AMENDING SECTION 27-92(5)(b) OF THE CITY OF PLANTATION CODE OF ORDINANCES AS IT RELATES TO THE PLANNED COMMUNITY DEVELOPMENT B-7Q ZONING DISTRICT; CREATING USE REGULATIONS, SETBACKS AND DIMENSIONAL STANDARDS FOR THE B-7Q ZONING DISTRICT; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

***Motion by Mr. Siegel, seconded by Mr. Smith, that Items D, E, F, G, and H be deferred to the October meeting.
Motion carried on the following roll call vote:***

Ayes: Charland, Alpert, Smith, Koreman, Siegel, Calvarisi, Stahl
Nays: None

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4. OTHER BUSINESS – None.

ADJOURNED: 9:13 p.m.

Michael Alpert
Planning & Zoning Board Chair

ATTEST:

April Beggerow, MPA, CMC
City Clerk

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed Minutes was received by the Office of the City Clerk and entered into the Public Record this _____ day of _____ 2021.

City Clerk

[Minutes by Prototype, Inc.]