


CITY OF PLANTATION

PLANNING, ZONING & ECONOMIC DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: Chair and Members, Planning and Zoning Board

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

DATE: October 5, 2021

SUBJECT: Application by 8601 West Sunrise Owner, LLC for Amendment to the Text of the City of Plantation Comprehensive Plan to Revise Policy 1.8.8, Commercial Land Use Category, of the Future Land Use Element (Application No. PD20-0001)

THE REQUEST

The applicant, 8601 West Sunrise Owner, LLC, is requesting amendments to Policy 1.8.8 of the Future Land Use Element of the City's Comprehensive Plan to revise the commercial to residential flexibility rules governing the application of flexibility and reserve units on commercially designated parcels. The proposed changes would revise the rules pertaining to the application of flexibility and reserve units for parcels of property enjoying a Commercial designation. The applicant's Letter of Intent is attached as Exhibit "A" to this staff report.

BACKGROUND

Although a text amendment to the City's Comprehensive Plan is not property specific, the proposed amendment would facilitate the development of the property located at 8601 West Sunrise Boulevard. The applicant has proposed a mixed-use project with 442 residential units, 150,000 square feet of office and 2,500 square feet of retail within a 13.723-acre parcel.

The amendment as requested by the applicant is to revise the various commercial to residential flexibility rules that currently regulate the manner in which residential development may be integrated or placed onto a parcel with a Commercial land use designation.

The Commercial Land Use Category in the Future Land Use Element of the City's Comprehensive Plan currently allows residential use on a commercially designated parcel under the following scenarios.

Scenario 1 (Vertical Integration – Commercial and Residential Uses within Same Structure)

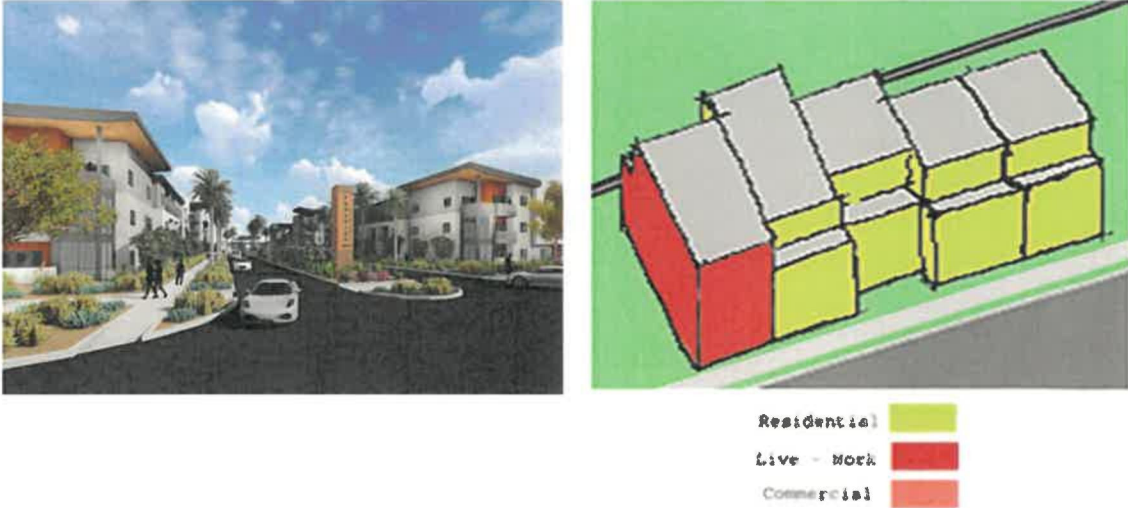


Section B of Policy 1.8.8 currently sets forth that for parcels of property enjoying a Commercial designation which are to be developed only with structures that include both commercial and residential uses in the same structure, Flexibility and Reserve Units may be utilized when determined appropriate by the City's governing body and subject to the following:

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

The applicant is proposing to amend the rules under this scenario to increase the residential floor area limitation from 50% to 90%, to expand the limitation on first floor uses from commercial uses only to also include amenities and auxiliary residential uses on first floors, and to allow densities under this scenario to exceed 25 dwelling units per gross acre when bonus density units are allocated pursuant to the Broward County Land Use Plan.

Scenario 2 (Free-Standing Residential Buildings Devoted to Multi-Family Residential Uses)



Section C of Policy 1.8.8 currently sets forth that 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 subject to the following:

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.

The applicant is proposing to amend the rules under this scenario to remove the maximum parcel size limitations for parcels utilizing this rule (5 acres outside Urban Infill Area and 10 acres within the Urban Infill Area) and to permit residential densities under this rule to exceed twenty-five (25) dwelling units per gross acre when utilizing bonus density units pursuant to the provisions of the Broward County Land Use Plan.

Scenario 3 (Mixed Use - Some Buildings Devoted to Residential Use and Some Buildings Devoted to Commercial Use)



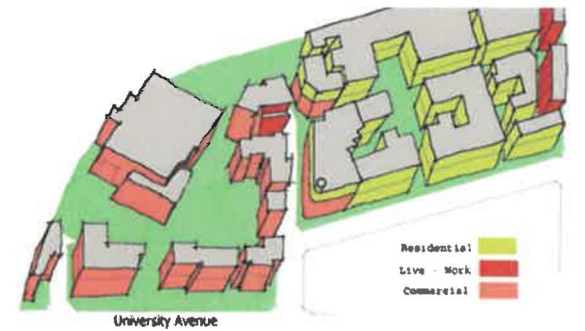
Section D of Policy 1.8.8 currently sets forth that for parcels of property enjoying a Commercial designation which are proposed to be developed with some buildings being devoted to residential use and some buildings devoted to commercial use Flexibility and Reserve Units may be utilized when determined appropriate by the City's governing body and subject to the following:

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.

The applicant is proposing to amend the rules under this scenario to change the maximum parcel size or maximum parcel percentage of the residential use from a maximum of five (5) acres to a maximum of ten (10) acres or from a maximum of 40% of total gross acreage to a maximum of 80% of total gross acreage. In addition, the applicant is proposing to permit residential densities under this rule to exceed twenty-five (25) dwelling units per gross acre when utilizing bonus density units pursuant to the provisions of the Broward County Land Use Plan

Scenario 4 (Combination of Various Rules)



Section E of Policy 1.8.8 currently sets forth that 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.

The applicant is proposing to delete the provisions and limitations set forth in this section governing combination of rules.

THE PROPOSED AMENDMENT

The proposed amendment is to Policy 1.8.8 of the Future Land Use Element of the Comprehensive Plan, as follows:

FUTURE LAND USE ELEMENT

GOAL 1 To ensure the orderly growth and development of the City of Plantation through the wise allocation of land to the various uses based on the anticipated needs and desires of the expected ultimate population, with attention in planning and implementation to protection of the man-made environment, conservation of natural resources, transportation accessibility, the availability of utilities and public facilities, and financial resources.

* * *

OBJECTIVE 1.8 Commercially designated areas shown on the Future Land Use Map shall provide for convenience, and general shopping and services for the City's residents and visitors; this shall occur in neighborhood, community and regional scaled centers; and, in cohesive central business district serving all of western Broward County. See list of uses for measurability.

Policy 1.8.1 Neighborhood-serving commercial and service areas should be scaled in land and floor area to the specific needs of the residential neighborhood and shall be located at or near intersections of collector or arterial streets which act as neighborhood boundaries.

Policy 1.8.2 Neighborhood commercial areas, primarily for convenience shopping and services, should be located to minimize the travel time and distance between the centers and the houses they serve, buffered by landscaping and open space (including retention areas) to preserve the environment of adjoining residential areas.

Policy 1.8.3 Community commercial areas for both convenience and general shopping, and for business and consumer services shall be located at the intersections of minor and major arterial streets, buffered by landscaping and open space to protect and harmonize with adjoining areas.

Policy 1.8.4 For zoning purposes, all commercially designated areas shall be considered as non-residential Planned Community Developments requiring a specific site plan.

Policy 1.8.5 The City's two unique commercial areas, 1) the Plantation Gateway and 2) Plantation Midtown, though comprising multiple property ownerships, should be treated as unified Planned Commercial Districts with distinct functional areas, a unifying design concept and provision for special features.

Policy 1.8.6 The County land use categories of Employment Center (light industrial) and Regional Activity Center (downtown) are not deemed necessary in the City plan at this time. However, City officials will continue to monitor the potential need for their inclusion.

Policy 1.8.7 Any commercial land use or zoning change application shall be reviewed in the context of vacancy and other market analysis data.

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.

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~~ **50** 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.**

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.~~

12. 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.

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) ~~five (5)~~ gross acres in size or eighty percent (80%) ~~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.**
 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.

~~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.~~

E 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 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.

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

ANALYSIS

Section 27-42 of the City's Land Development Regulations provides that the text of the Comprehensive Plan may be amended by application of any person, board, agency or their authorized representative. The application has been submitted by the proposed developer in accordance with that section.

This amendment, if approved, will facilitate the development of a mixed-use community containing a 150,000 square foot office building, multi-family residential buildings of 417,327 square feet, and a 5,000 square foot retail building, and a 238,739 square foot parking garage. The applicant seeks flexibility and/or reserve units combined with affordable housing bonus units in order to develop 392 dwelling units for the residential component of the community. The applicant seeks amendments to both the City's Comprehensive Plan and the land development regulations to achieve the amount of flexibility requested and to establish a zoning district that will be best suited for this development project.

Notice of the proposed amendment has been published in accordance with Section 27-41(f) of the Land Development Regulations and Section 163.3184 of the Florida Statutes. If adopted by the City Council, a copy of the ordinance will be transmitted for comment to the review agencies listed in Section 163.3184 of the Florida Statutes. That legislation provides that comments are to be provided within 30 days of receipt. Staff will present the ordinance to the City Council for second reading once comments are received and addressed.

RECOMMENDATION

It is recommended that the Planning and Zoning Board recommend denial of the proposed amendments to Policy 1.8.8 of the Future Land Use Element of the City of Plantation (the "City") Comprehensive Plan described below. Staff would instead recommend that the City consider updating its commercial-to-residential flexibility rules to be consistent with those adopted as part of the Broward County BrowardNext Comprehensive Plan amendments.

ATTACHMENTS

1. Exhibit A – Applicant's Letter of Intent
2. Exhibit B – Applicant's Application
4. Exhibit C – Applicant's Proposed Ordinance
5. Exhibit D – Staff's Proposed Ordinance

EXHIBIT A

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.

EXHIBIT B

P200/ORIGINAL



Plantation
the grass is greener

CITY OF PLANTATION DEVELOPMENT REVIEW APPLICATION

Project No: P1720-0001

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

Please check appropriate Board or Committee review:

- Review Committee Planning and Zoning Board City Council

Please check appropriate request(s):

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

Development Building * 401 NW 70 Terrace * Plantation, FL 33317
954-797-2225

Authorized Agent (if applicable):

Print name: C. William Laystrom, Jr. Signature: [Signature]
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, 2020

My commission expires:

In-person notarization
 Online notarization

[Signature]
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

EXHIBIT C

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,

Deleted:

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,

Deleted:

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,

Deleted: which is devoted to residential use

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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.

EXHIBIT "D"

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA, AMENDING THE CITY OF PLANTATION COMPREHENSIVE PLAN BY AMENDING OBJECTIVE 1.8, POLICIES 1.8.8, 1.8.9 and 1.8.10 OF THE LAND USE GOAL IN THE FUTURE LAND USE ELEMENT TO REVISE THE RULES PERTAINING TO THE APPLICATION OF COMMERCIAL-TO-RESIDENTIAL FLEXIBILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CONFLICTS; AUTHORIZING TRANSMITTAL AND PROVIDING AN EFFECTIVE DATE THEREFOR.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANTATION, FLORIDA, THAT:

SECTION 1: Policy 1.8.8 of the Future Land Use Element of the City of Plantation Comprehensive Plan is hereby amended as follows:

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~~

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~~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.~~
- ~~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 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.~~
- ~~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:~~

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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.~~
- 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,~~
 - e. ~~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~~

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~~percent (40%) of the total gross acreage of the commercially designated parcel; and,~~

~~e. 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.~~

~~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.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.~~

~~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 which are submitted to Unified~~

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~~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.~~

- ~~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.~~

SECTION 2: Policy 1.8.9 of the Future Land Use Element of the City of Plantation Comprehensive Plan is hereby amended as follows:

Policy 1.8.9

~~To allow both the public and private sectors to respond to changing conditions and permit the appropriate location of neighborhood commercial uses within or adjacent to established Plantation residential neighborhoods, the Land Use Plan shall permit up to 5% of the area designated residential within a flexibility zone to be used for neighborhood commercial uses, subject to the restrictions identified within the Residential permitted Uses subsection of the Plan Implementation Requirements Section of the Broward County Land Use Plan. The City may rearrange nonresidential intensities through the use of Flexibility Rules in accordance with the County and City's adopted Land Use Plans and the "Administrative Rules Document" of the County Land Use Plan.~~

- ~~A. The City shall permit up to 5% of the area with a residential land use designation to be used for neighborhood commercial uses as identified and in accordance with this Plan and the rules established within the "Administrative Rules Document: Broward County Land Use Plan" to allow both the public and private sectors to respond to changing conditions and permit the appropriate location of neighborhood commercial uses within or adjacent to established residential neighborhoods.~~
- ~~B. The city's certified comprehensive plan (land use plan) may decrease by 20% Citywide the lands designated "Commerce" on the Broward~~

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County Land Use Plan Map for residential use in accordance with the rules established within the “Administrative Rules Document: Broward County Land Use Plan” and the Chapter 163, Florida Statutes plan adoption and amendment process.

- C. Residential uses, up to 15 acres (up to 20 acres for projects that include a minimum of 15% affordable housing restricted to such use for a minimum of 15 years), are permitted via allocation of “flexibility units” and/or “redevelopment units,” provided that total residential uses do not exceed 20% of the land area designated Commerce Citywide.

SECTION 3: Policy 1.8.10 of the Future Land Use Element of the City of Plantation Comprehensive Plan is hereby amended as follows:

Policy 1.8.10

~~Local certified land use plans may decrease by 20 percent the lands designated Commercial on the Plantation Land Use Plan Map within a flexibility zone in accordance with the rules established within the Broward County Planning Council's "Administrative Rules Document" and the Chapter 163, Florida Statutes plan adoption and amendment process. The City may rearrange residential densities through the use of Flexibility and Redevelopment Units in accordance with the County and City's adopted Land Use Plans and the “Administrative Rules Document” of the County Land Use Plan.~~

- A. Utilization of Flexibility Units shall be subject to a determination by the Broward County Commission that such allocation is compatible with adjacent land uses, and that impacts on public school facilities have been adequately considered, in the following instances:
1. Allocations to sites which are contiguous to a municipality upon request of the contiguous municipality.
 2. Allocations to sites which are adjacent to an environmentally Sensitive Land, as defined with the Broward County Comprehensive Plan, or a Broward County or regional park, including sites which are attached, located within 500 feet, or separated only by streets, and highways, canals, and rivers or easements, upon request of the Broward County Commission.
 3. To ensure compliance with the rules and procedures for the processing of County Commission compatibility reviews as provided for by the Broward County Planning Council's administrative rules.

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B. Allocations of Flexibility and Redevelopment Units shall be subject to the following restrictions: In no instance shall allocations of Flexibility or Redevelopment Units result in a residential density greater than twenty-five (25) dwelling units per gross acre for the residentially designated parcel or a non-residentially designated parcel to be developed with residential use. Additional bonus density units may be allocated to sites that comply with Broward County Policy 2.16.3 which encourages affordable housing units.

SECTION 4: Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

SECTION 5: If any ordinances, or parts of ordinances, or if any sections, or parts of sections, of the Ordinances of the City, are in conflict herewith, this Ordinance shall control to the extent of the conflicting provisions.

SECTION 6: Transmittal. The City shall transmit within ten (10) working days after passage at first public hearing, the amendment or amendments and appropriate supporting data and analyses to the reviewing agencies in accordance with 163.3184(3)(b)1, Florida Statute, and as specified in the State Land Planning Agency's procedural rules. Also, the City shall transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the City.

SECTION 7: This Ordinance shall take effect immediately upon passage on second reading by the City Council and signature by the Mayor. The effective date of this plan amendment, if the amendment is not timely challenged, shall be thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance in accordance with 166.3184(3)(c)(4), Florida Statute. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED ON FIRST READING by the City Council this ____ day of _____, 2021.

PASSED AND ADOPTED ON SECOND READING by the City Council this ____ day of _____, 2021.

SIGNED by the Mayor this ____ day of _____, 2021.

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MAYOR

ATTEST:

CITY CLERK

APPROVED DATE

REQUESTED BY: _____

DEPT. OK: _____

ADMIN. OK: _____

ATTY. OK: _____

AS TO FORM ONLY

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed Ordinance No. ____ was received by the Office of the City Clerk and entered into the Public Record this ____ day of _____, 2021.

April Beggerow, City Clerk _____