

9. **AM 2017-02**, Discussion and possible action to update the **Mall Parcels, Out-Parcels and Mini-Warehouse Code** zoning code.

Joseph Yaciuk, Planning Administrator, gave a brief history of this zoning code change. He also gave a brief overview of the proposed ordinances.

The following staff report was entered into the record:

#### **Details of Request:**

City planning staff periodically reviews the City Code of Ordinances and makes recommendations on amendments to the Land Development Code. Staff recommendations for amendments may be spurred by requests from the City Commission, City Boards, or internal staff observations during implementation. The following amendments are proposed for discussion and potential action.

#### **Mall Parcels**

The Planning and Economic Development Department has been approached by General Growth Properties (GGP) to update City Code relating to Regional Mall development. General Growth Properties currently owns the Pembroke Lakes Regional Mall as defined in the City's Code of Ordinances. GGP requests that the City review the applicable Code Section 155.149 (J) to allow for the development of two future mall outparcels within the ring road of the mall.

#### **Mall Parcelization Plan History**

The Pembroke Lakes Mall parcelization plan (SP 92-29) was approved by City Commission on December 16, 1992. The approved 1992 parcelization plan permitted a maximum of 12 out parcels on Parcels 'B' and 'C' of the mall. Parcels 'B' and 'C' cover a majority of the Pines Boulevard mall frontage (from Flamingo Road to the west to the

Olive Garden restaurant to the east). The City Commission later approved a 13<sup>th</sup> outparcel (SP 2011-10 - Chick fila) at its September 7, 2011 meeting.

#### Mall Parcel Code Review Request History

GGP approached the City in late 2016 looking to develop two outparcel buildings within the Mall ring road. The Mall plat / DRI contain enough developable rights for these two outparcel buildings.

As part of the due diligence efforts, staff reviewed the existing Mall Outparcel ordinances as well as the latest approved master outparcel plan. The current Mall outparcel Ordinance as written does not currently allow for outparcel type development within the mall ring road. Upon review of the Mall Outparcel Master Plan, the City realized that 3 of the mall properties (El Dorado, Toys R' US, Golfsmith) that were designated as outparcels do not actually meet the mall outparcel definition because the buildings on those parcels exceed 15,000 square feet in area.

Staff therefore requests the following clarifying / corrective improvements to the Code be made as it relates to Mall property:

1. A definition be created for secondary mall buildings (outbuildings) on site. (El Dorado, Toys R' US, Golfsmith)
  - a. Secondary mall buildings to be those exceeding 15,000 sf in area.
  - b. Secondary mall buildings to closely match the colors and architecture of the main building.
  - c. Height of outbuildings not to exceed height of principal mall building.
2. A formal provision be added to the Regional Mall section of the Code establishing a mall outparcel master plan requirement for the addition of Mall outparcels with the following criteria:
  - a. Mall outparcels to be permitted inside the (Main Mall Property- Parcel A) as well existing locations along Pines Boulevard (Parcels B and C) upon review and approval of the Planning and Zoning Board.
  - b. Maximum number of outparcels to remain at 13.
    - i. The conversion of El Dorado, Toys R' US, and Golfsmith buildings to

secondary buildings would allow for the future development of 3 outparcels. The three outparcels would be subject to future site plan review at Planning and Zoning Board.

- c. Mall outparcels buildings within Parcel A to require a minimum 10' landscape buffer and 30 foot setback from the mall ring road.
- d. Mall outparcel buildings may incorporate design, colors and materials consistent with their individual business brand, but shall not incorporate design, colors or materials of which the architectural review board determines detract architecturally from the theme of the principal mall building.
- e. Mall outparcel signs for outparcels on Parcel A shall be reviewed by the Planning and Zoning Board as part of the Mall Master Sign Plan.
- f. Building heights to be consistent with current allowances for Mall Outparcels.

### **General Outparcels**

In addition to mall outparcels, the City has also been in discussion with the Planning and Zoning Board regarding height restrictions for non-mall outparcels as well as an update general architectural standards for non-mall out parcel buildings conforming to historical architectural review criteria. The following recommendations are proposed for outparcels in the B-2 (Section 155.146) and B-3 (Section 155.149) districts:

1. Staff recommends the City allow outparcel buildings to develop up to 30 feet in height from grade, but may not exceed the height of the principal building on site.
2. City outparcel buildings may incorporate design, colors and materials consistent with their individual business brand, but shall not incorporate design, colors or materials of which the architectural review board determines detract architecturally from the theme of the principal building.
3. As business districts follow a pyramidal scheme and outparcels are mentioned identically in B-2 and B-3 , staff recommends that outparcel regulations be defined in the Community Business B-2 district only and referenced within the General Business B-3 as an approved use.

### **Mini-warehouse**

Section 155.149 (General Business B-3) of the Code of Ordinances currently allows for mini-warehouse use (155.149 (B) (11)) to be permitted in the General Business Districts. Mini-warehouse use was added to the B-3 district as a result of input from a

developer in the late 1980's / early 1990's. Staff finds no instance where mini-warehouse use as defined in the Code has been used or applied for well over ten years. Storage Warehouse is currently permitted within the Commercial (C-1) district. Staff therefore recommends removing mini-warehouse use from the Code of Ordinances.

The Planning and Zoning Board at its October 26, 2017 meeting voted to transmit changes to the mini-warehouse and outparcel changes to the City Commission with a favorable recommendation. The Planning and Zoning Board November 9, 2017 meeting voted to approve the proposed changes to the Code as proposed but requested that City Staff bring back the formal Ordinance for final review.

Staff Recommendation: Transmit the proposed Ordinance to City Commission with a favorable recommendation.

Chairman Rose inquired if there was anyone from the public who wished to speak either for or against this item. No one wished to speak.

The following members of the Planning and Zoning Board spoke:

Chairman Rose, Vice Chairman Jacob, Members Boisvert, Girello, Girello

The following members of staff spoke:

Michael Stamm, Jr., Planning and Economic Development Director  
Joseph Yaciuk, Planning Administrator

On a motion by Member Boisvert, seconded by Member Gonzalez, to transmit, as recommended by staff, proposed Ordinance No. 2017-23, to City Commission with a favorable recommendation, the following vote was recorded:

AYE: Chairman Rose, Members Boisvert, Girello, Gonzalez

NAY: Vice Chairman Jacob

Motion Passed

On a motion by Member Boisvert, seconded by Member Girello, to transmit, as recommended by staff, proposed Ordinance No. 2017-26, to City Commission with a favorable recommendation, the following vote was recorded:

AYE: Chairman Rose, Members Boisvert, Girello, Gonzalez

NAY: Vice Chairman Jacob

Motion Passed