

Veronica Flores, 2395 NW 158 Avenue

On a motion by Member Aloy, seconded by Alternate Member Zacharias, to deny, variance request ZV2024-0008 (Towngate / Cedar Way), the following vote was recorded:

AYE: Members Aloy, Labate, and Alternate Member Zacharias

NAY: None

Motion Passed

NEW BUSINESS:
PUBLIC HEARINGS / REGULAR ITEMS:

Member Labate stated that Public Hearing and Regular Items numbers 6, 7, 8, and 9 are related and will be heard under one presentation. She also noted that each item will still require their own separate vote.

Member Labate opened Public Hearing item numbers 6 and 8.

6. **ZC2024-0002**, The purpose of this Public Hearing is to consider, at the request of the FR Pembroke Gardens, LLC, a zoning map change from **Shops at Pembroke Gardens** (ZC2024-0002) Planned Commercial District (PCD) to Mixed Use District (MXD) for the purpose of facilitating the development of approximately 308 +/- multi-family dwelling units with the allocation of 44 flex units on the subject property, generally located south side of Pines Boulevard, between I-75 and SW 145 Avenue, and containing approximately 40.89 acres more or less.
RELATED APPLICATION: ZC2024-0003: A zoning text change to modify and convert the design guidelines for the Shops at Pembroke Gardens from Planned Commercial District (PCD) to Mixed Use District (MXD) to be heard concurrently on same agenda. (Joseph) (District 4)

Member Labate stated the purpose of this Public Hearing is to consider, at the request of the FR Pembroke Gardens, LLC, a zoning map change from Shops at Pembroke Gardens (ZC2024-0002) Planned Commercial District (PCD) to Mixed Use District (MXD) for the purpose of facilitating the development of approximately 308 +/- multi-family dwelling units with the allocation of 44 flex units on the subject property, generally located south side of Pines Boulevard, between I-75 and SW 145 Avenue, and containing approximately 40.89 acres more or less.

The following staff report was entered into the record:

PROJECT DESCRIPTION / BACKGROUND:

Dwayne Dickerson, agent for owner FR Pembroke Gardens LLC, requests approval of a rezoning (zoning map amendment) of a +-40-acre parcel from Planned Commercial Development (PCD) to Mixed Use Development (MXD), for the Pembroke Gardens property generally located south of Pines Boulevard and west of Southwest 145 Avenue.

On March 1, 2006, the City Commission adopted Ordinance No. 1539 approving the Planned Commercial Development (PCD) with design guidelines for the Shops at Pembroke Gardens. The PCD design guidelines were later amended by the City Commission via Ordinance No. 1571 adopted on February 7, 2007, Ordinance No. 1655 adopted on December 9, 2009, Ordinance 1843 adopted on March 16, 2016, and Ordinance No. 1926 on June 5, 2019.

The following companion application will be heard concurrently with this application:

- ZC 2024-0003 – A zoning text change creating Mixed Use Development (MXD) development guidelines for the +-40-acre property.

The subject zoning change request is a direct result of the applicant wishing to build 308 multi-family residential units on a designated +-2.7-acre parcel within the site. To effectuate this request, the applicant must first rezone the property from Planned Commercial Development (PCD) to Mixed-Use Development (MXD) zoning through a map amendment.

The applicant requests, through this zoning map change request, the following related city approvals to assign the residential units to the property:

- City approval to allocate 44 flexibility units in compliance with Broward County Administrative rules.
- City approval for the applicant to exercise affordable housing residential density bonuses under Broward County Policy 2.16.3. (*Broward County Policy Document Attached to Report*).

- City approval of a restrictive covenant limiting rents for 44 units to moderate level to ensure compliance with Broward County Policy 2.16.3. (*Restrictive Covenant Document Attached to Report*).

Should the proposed map and text amendments be approved, the applicant will need the following city approvals in the future should they wish to construct residential on this site:

- A Zoning text change application, creating MXD development guidelines for this property.
- A plat note amendment to designate a new +- 2.7-acre residential parcel on site and the assignment of 308 residential units to that parcel.
- A site plan application to construct the 308-unit multi-family residential development with associated parking, landscape, lighting, and traffic circulation.
- An amendment to the Pembroke Gardens master sign plan to accommodate new signs for the residential parcel.

SURROUNDING PROPERTIES:

The existing zoning and land use plan designations of the surrounding properties to the subject site are as follows:

North – Pines Boulevard

East – Southwest 145 Avenue
Agricultural (A) / Office Park
Planned Development Small Lot (PDSL) / Irregular Residential (35 units /acre)

South - Planned Commercial Development (PCD) / Office Park
Residential Multi-Family (R-MF) / Low 5 Residential

West – I-75

ANALYSIS:

Unit Allocation

To develop the property as proposed, the applicant is requesting 44 flexibility units from the City. Flexibility units are units that may be allocated by a city to qualifying properties. Per Broward County Administrative Rules document 3.2 (B) (2), “...*Flexibility units must be assigned by the municipality, at a minimum, through (re)zoning or other official action...*”

The city currently maintains a reserve of 158 flexibility units that can be assigned to qualifying properties within the city as needed. Should the 44 flexibility units be approved for this property, the city will have 114 units remaining to apply to future development. There are currently no other formal requests for flexibility units being processed at this time. The city has the opportunity to request to replenish flexibility units in the future subject to Broward County review.

To obtain the 308 multi-family dwelling units desired by the applicant for this site, the applicant requests residential density bonuses through Broward County Policy 2.16.3. Broward County Policy 2.16.3 promotes affordable housing creation by permitting residential density bonuses when applicants provide affordable units on a site. Broward County Policy 2.16.3 permits the following density bonuses relating to the creation of affordable units:

“Moderate-income: Six (6) bonus units per every one (1) “moderate-income” unit (including areas east of the Intracoastal Waterway).

Low-income: Nine (9) bonus units per every one (1) “low-income” unit (including areas east of the Intracoastal Waterway).

Very-Low-income: Nineteen (19) bonus units per every one (1) “very-low-income” unit (including areas east of the Intracoastal Waterway).”

To meet Broward County Policy 2.16.3 requirements and achieve the 308 multi-family unit count desired, the applicant will **restrict 44 residential units as moderate-income affordable units for a period of 30 years**. The remaining 264 units allowed by bonus will be permitted as market rate units. Moderate income is defined as persons having a total annual anticipated income for the household that does not exceed 120 percent of the median annual income adjusted for family size for households within the county.

As per Policy 2.16.3, *“The total number of units, including affordable and bonus units, on lands designated as “Residential” may not exceed a maximum of 50 dwelling units per acre on the Broward County Land Use Plan. For parcels designated “Commerce” or similar designation on the local land use plan map, these maximum densities shall not be applicable. If the total density, including the affordable and bonus units, exceeds the density permitted by the existing zoning classification, the governing body of the local government shall make a finding of compatibility with existing and future land uses and its local land development regulations at a*

publicly noticed meeting, consistent with its notification requirements; otherwise, the local planning agency of the local government may make the finding of compatibility at a publicly noticed meeting, consistent with the above.”

As part of this request, the applicant provides the following supporting commitments to address Broward County requirements:

- A restrictive covenant that will restrict 44 units as moderate-income housing units for a period of 30 years as required to meet Broward County Land Use Policy 2.16.3.

In addition, the applicant provides the following additional commitments related to future development.

- A voluntary commitment letter from the developer to provide the following:
 - a. An Affordable housing contribution of \$132,000 to be paid prior to the issuance of a residential building permit for this site.
 - b. A traffic improvement contribution of \$369,600 to be paid prior to the issuance of the first certificate of occupancy of a residential unit on the property.

The applicant informed city staff that they have discussed the full scope of this project, as well as the utilization of both County flexibility unit rules and policy 2.16.3 as it relates to this project with the Broward County Planning Council staff. The applicant is aware that Broward County will review a delegation request for the Shops at Pembroke Gardens plat to add the proposed 308 multi-family units in the future and at that time confirm city compliance with Broward County land use criteria before approving the new plat note.

Per the submitted documents, the criteria in Broward County 2.16.3 have been met by the applicant and therefore the city has no objection to the application of the policy as proposed.

Compatibility with Adjacent Use (Map)

Staff reviewed this zoning map change application and found that the proposed MXD district is the only single zoning designation in the Code of Ordinances that could support the mixture of residential and non-residential uses allowed by the underlying commercial land use designation for this +-40-acre property. Staff notes that the properties immediately adjacent to

this site, as well other properties along the Southwest 145 Avenue corridor, are residential (Altis Apartments / Pembroke Cay Townhomes), retail (Shops at Pembroke Gardens), office (Duke Office, Edison Office), hotel (Fairfield Inn), education (Keiser University / FIU) and conservation uses. Therefore, the proposed rezoning of this site to MXD district, which allows a mixture of similar uses would be compatible with the surrounding area.

Compatibility with Comprehensive Plan Policy

The following Land Use Plan comprehensive plan policies in which the proposed map change comply:

Future Land Use Element

OBJECTIVE II A variety of employment opportunities should continue to be encouraged to balance the City's tax base, provide jobs and employment centers in close proximity to affordable housing, and improve economic stability and mobility by giving special attention to the neediest and disadvantaged populations.

Policy 1.5 - Continue to structure higher density near major arterials and open spaces.

Policy 8.2 - Continue to provide diversified affordable housing opportunities utilizing various means such as density bonuses, tax incentives and government sponsored financing mechanisms to attract and stimulate private sector involvement.

Policy 8.5 -. The City may utilize available flexibility units as bonus density to facilitate the provision of affordable housing in the city and county consistent with the requirements and definitions contained within the "Administrative Rules Document: Broward County Land Use Plan." Bonus density allocated for affordable housing may exceed 100% of the maximum number of dwelling units indicated for the parcel by the city and county land use plan maps provided such bonus allocation is consistent with the requirements and definitions contained within the "Administrative Rules Document: Broward County Land Use Plan."

Staff also notes that the applicant will be subject to Development Review Committee (DRC) review through the site plan process. The applicant, during site plan review, will be required to address all applicable development regulations for this property as well as address traffic or infrastructure impacts of the development.

The proposed zoning change is reliant upon the concurrent approval of the companion rezoning application and ZC 2024-0003 (Pembroke Gardens MXD development guidelines).

STAFF RECOMMENDATION:

Transmit to the City Commission with a favorable recommendation. The favorable recommendation includes the execution of the restrictive covenant addressing unit affordability and all voluntary commitments of the developer.

Member Labate stated this will be heard as regular agenda item number 7.

8. **ZC2024-0003**, The purpose of this Public Hearing is to consider, at the request of FR Pembroke Gardens, LLC, a zoning text change to modify and convert the design guidelines for the **Shops at Pembroke Gardens** (ZC2024-0003) from Planned Commercial District (PCD) to Mixed Use District (MXD) to reflect the future commercial and residential development on the subject property. The proposed zoning text change will modify the Conceptual Master Plan and Design Guidelines. The proposed text modifications to the existing design guidelines, master plan and exhibits are to allow approximately 308 +/- multi-family dwelling units with the allocation of 44 flex units, for the property generally located on the south side of Pines Boulevard, between I-75 and SW 145 Avenue, and containing approximately 40.89 acres more or less.
RELATED APPLICATION: ZC2024-0002: A map change to the Shops at Pembroke Gardens (PCD) design guidelines to be heard concurrently on same agenda. (Joseph) (District 4)

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Development (PCD) to Mixed Use Development (MXD), for the Pembroke Gardens property generally located south of Pines Boulevard and west of Southwest 145 Avenue.

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The following companion application will be heard concurrently with this application:

- ZC 2024-0002 – A zoning map change creating Mixed Use Development (MXD) development guidelines for the +-40-acre property.

The proposed zoning change request is to accommodate 308 multi-family residential units on a designated +-2.7-acre parcel within the site. To effectuate this request, the applicant must first rezone the property from Planned Commercial Development (PCD) to Mixed-Use Development (MXD) zoning through a map amendment and update the existing development standards to reflect the new residential use and MXD criteria.

Should the proposed map and text amendments be approved, the applicant will need the following city approvals should they wish to construct residential on this site:

- A zoning map change application with associated Flexibility Unit Allocation and Restrictive Covenant limiting rents of certain units to ensure compliance with Broward County Policy 2.16.3.
- A plat note amendment to designate a new +- 2.7-acre residential parcel on site and the assignment of 308 residential units to that parcel.
- A site plan application to construct the 308-unit multi-family residential development with associated parking, landscape, lighting, and traffic circulation.
- An amendment to the Pembroke Gardens master sign plan to accommodate new signs for the residential parcel.

DETAILED REQUEST:

The applicant provides updated design guidelines to accommodate an updated master plan for the property and the change of zoning designation from PCD to MXD. All proposed deletions are shown in strikethrough text, while all new language is shown in underlined text. A general summary of the proposed changes to the design guidelines as provided below:

- A rename of the MXD to, “Pembroke Gardens”.
- All definitions were updated to reflect the language in the latest land development code update and correct section references.
- The project description was changed to reflect a mixed-use project rather than a commercial project.
- The entire document was reorganized to split the document into three general sections, overall development regulations, commercial use area regulations, and residential use area regulations.
- A residential parcel has been established with the MXD development with associated residential development guidelines for future development which include, but not limited to, the following:
 - Development standards to comply with Residential Multi-family (R-MF) standards of the Land Development Code unless stated within this document.
 - Establishing a parking ratio of 1.75 spaces per unit for residential uses.*
 - Building setbacks were created for the residential property.
 - Establish residential building height maximum height of 100 feet or 8 stories.
 - Establish a minimum residential unit size of 580 square feet per unit.
 - Allowing both 8.5’ x 19’ and 9’ x 19’ sizes for parking spaces within residential area.
 - Added loading space requirements for residential.
 - General residential design standards and materials. The applicant will provide equal access to all amenities and will not be rented out for commercial purposes.
- Commercial design standards have been updated to include the following:
 - Development standards to comply with General Business (B-3) standards of the Land Development Code unless stated within this document.
 - Establishing a parking ratio of 4.25 spaces per 1,000 square feet for Commercial uses (inclusive of outdoor café seating)*
 - Reduction of valet stations from 4 to 3 stations.
 - Reduction of time-limited parking allowed on the commercial parcel from 20 to 12 spaces.
 - Regulations for temporary commercial tenants were created for the shopping center, permitting a maximum period of occupancy of 18 months for temporary tenants.
 - Regulations were added to clarify rules for façade improvements for existing commercial tenants wishing to update their tenant bay.
 - Require 3 architectural improvements per storefront for new tenants.

- General design standards have been updated to include the following:
 - General landscape requirements included/updated for residential and commercial properties.
 - Establish lot coverage of 32% for all uses.
 - Establish a minimum open space requirement of 20% for all uses.
 - Correlated Color Temperature (CCT) for lighting will be standardized to a maximum of 4000K for residential and commercial properties.
 - Electric vehicle charging requirements were removed from the Parking & Loading section of the guidelines to comply with recent changes to State Statute.
 - An updated maintenance schedule was added to the Landscape and Maintenance section for all properties.
 - All exhibits were updated to show existing commercial development as well as future residential development on the property.

*A parking statement has been submitted which justifies the parking ratios requested by the applicant. (*Reference: Traftech Parking Demand Letters - February / April 2025*).

Staff notes that the applicant will be subject to Development Review Committee (DRC) review through the site plan process. The applicant will be required to address all applicable development regulations for this property as well address any traffic or infrastructure impacts of the development at time of site plan review.

The proposed zoning change is reliant upon the concurrent approval of the companion rezoning application and ZC 2024-0002 (Pembroke Gardens Zoning Map Change from PCD to MXD).

STAFF RECOMMENDATION:

Transmit to the City Commission with a favorable recommendation.

Member Labate stated this will be heard as regular agenda item number 9.

Dwayne Dickerson, attorney representing the petitioner, addressed the Planning and Zoning Board. He gave a comprehensive overview of the proposed zoning map and text changes for the Shops at Pembroke Gardens.

Member Labate inquired if there was anyone from the public who wished to speak either for or against these items.

The following members of the Planning and Zoning Board spoke:

Member Labate, Aloy, and Alternate Member Zacharias

The following members of staff spoke:

Joseph Yaciuk, Assistant Planning and Economic Development Director
Paul Hernandez, Assistant City Attorney

The following members of the public spoke in favor of the zoning changes:

Dwayne Dickerson, attorney representing the petitioner

The following members of the public spoke against the zoning changes:

Juan Pinzon, 1042 SW 143 Avenue
Salvatore Russo, 924 SW 143 Terrace
Pedro Martinez, 14372 SW 11 Street

On a motion by Member Aloy, seconded by Alternate Member Zacharias, to close the Shops at Pembroke Gardens (ZC2024-0002) and Shops at Pembroke Gardens (ZC2024-0003)

Public Hearings, the following vote was recorded:

AYE: Members Aloy, Labate, and Alternate Member Zacharias

NAY: None

Motion Passed

7. **ZC2024-0002**, The purpose of this item is to transmit a favorable recommendation to the City Commission, at the request of the FR Pembroke Gardens, LLC, a zoning map change from **Shops at Pembroke Gardens** (ZC2024-0002) Planned Commercial District (PCD) to Mixed Use District (MXD) for the purpose of facilitating the development of approximately 308 +/- multi-family dwelling units with the allocation of 44 flex units on the subject property, generally located south side of Pines Boulevard, between I-75 and SW 145 Avenue, and containing approximately 40.89 acres more or less.
RELATED APPLICATION: ZC2024-0003: A zoning text change to modify and convert the design guidelines for the Shops at Pembroke Gardens from Planned Commercial District (PCD) to Mixed Use District (MXD) to be heard concurrently on same agenda. (Joseph) (District 4)

Member Labate stated the purpose of this item is to transmit a favorable recommendation to the City Commission, at the request of the FR Pembroke Gardens, LLC, a zoning map change from Shops at Pembroke Gardens (ZC2024-0002) Planned Commercial District (PCD) to Mixed Use District (MXD) for the purpose of facilitating the development of approximately 308

+/- multi-family dwelling units with the allocation of 44 flex units on the subject property, generally located south side of Pines Boulevard, between I-75 and SW 145 Avenue, and containing approximately 40.89 acres more or less.

Member Labate questioned if there were any further questions. There were no further questions or comments.

Member Labate passed the gavel to Member Aloy.

On a motion by Member Labate, seconded by Alternate Member Zacharias, to transmit a favorable recommendation to the City Commission, at the request of the FR Pembroke Gardens, LLC, a zoning map change from Shops at Pembroke Gardens (ZC2024-0002) Planned Commercial District (PCD) to Mixed Use District (MXD) for the purpose of facilitating the development of approximately 308 +/- multi-family dwelling units with the allocation of 44 flex units on the subject property, generally located south side of Pines Boulevard, between I-75 and SW 145 Avenue, and containing approximately 40.89 acres more or less, the following vote was recorded:

AYE: Member Labate and Alternate Member Zacharias

NAY: Member Aloy

Motion Failed

Member Aloy returned the gavel to Member Labate.

9. **ZC2024-0003**, The purpose of this item is to transmit a favorable recommendation to the City Commission, at the request of FR Pembroke Gardens, LLC, a zoning text change to modify and convert the design guidelines for the **Shops at Pembroke Gardens** (ZC2024-0003) from Planned Commercial District (PCD) to Mixed Use District (MXD) to reflect the future commercial and residential development on the subject property. The proposed zoning text change will modify the Conceptual Master Plan and Design Guidelines. The proposed text modifications to the existing design guidelines, master plan and exhibits are to allow approximately 308 +/- multi-family dwelling units with the allocation of 44 flex units, for the property generally located on the south side of Pines Boulevard, between I-75 and SW 145 Avenue, and containing approximately 40.89 acres more or less.

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Member Labate questioned if there were any further questions. There were no further questions or comments.

Member Labate passed the gavel to Member Aloy.

On a motion by Member Labate, seconded by Alternate Member Zacharias, to transmit a favorable recommendation to the City Commission, at the request of FR Pembroke Gardens, LLC, a zoning text change to modify and convert the design guidelines for the Shops at Pembroke Gardens (ZC2024-0003) from Planned Commercial District (PCD) to Mixed Use District (MXD) to reflect the future commercial and residential development on the subject property. The proposed zoning text change will modify the Conceptual Master Plan and Design Guidelines. The proposed text modifications to the existing design guidelines, master plan and exhibits are to allow approximately 308 +/- multi-family dwelling units with the allocation of 44 flex units, for the property generally located on the south side of Pines Boulevard, between I-75 and SW 145 Avenue, and containing approximately 40.89 acres more or less, the following vote

was recorded:

AYE: Member Labate and Alternate Member Zacharias

NAY: Member Aloy

Motion Failed

Member Aloy returned the gavel to Member Labate.

ITEMS AT THE REQUEST OF THE BOARD:

Member Labate noted that Chairwoman Gonzalez, Vice Chairman Golditch, and Member D. Gonzalez have requested an excused absence from this evening's meeting.

On a motion by Member Labate, seconded by Member Aloy, to excuse Chairwoman Gonzalez, Vice Chairman Golditch, and Member D. Gonzalez, the following vote was recorded:

AYE: Members Aloy, Labate, and Alternate Member Zacharias

NAY: None

Motion Passed

ITEMS AT THE REQUEST OF STAFF:

Joseph Yaciuk, Assistant Planning and Economic Development Director, reminded the board members the June meeting date is scheduled for June 26, 2025.

ADJOURNMENT:

Member Labate adjourned the meeting at 9:25 p.m.

ADJOURNED:

9:25 P.M.

Respectfully submitted:

Sheryl McCoy
Board Secretary