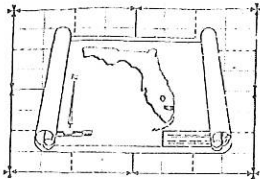


# ATTACHMENT II

## Correspondence



## BROWARD COUNTY PLANNING COUNCIL

115 South Andrews Avenue, Room 307 • Fort Lauderdale, Florida 33301 • Phone: 954.357.6695

March 4, 2013

Gustavo J. Carbonell  
Gustavo J. Carbonell, P.A.  
1457 Northeast 4 Avenue  
Fort Lauderdale, Florida 33304

Dear Mr. Carbonell:

Re: Land Use Confirmation for a parcel legally described as Lots 26 and 27, Block 15, "Beverly Beach," according to the Plat thereof, as recorded in Plat Book 22, Page 13, of the Public Records of Broward County, Florida. This parcel is generally located on the west side of State Road A1A, between Hollywood Boulevard and Hallandale Beach Boulevard, in the City of Hollywood.

Planning Council staff is in receipt of your correspondence dated February 15, 2013, requesting confirmation that the above referenced property may be developed utilizing the "5% residential-to-commercial" flexibility rule.

Planning Council staff confirms that the subject property is designated "Medium-High (25) Residential" on the Broward County Land Use Plan map; however, there is no residential density associated with the property due to the previous transfer of residential density and units to the parcel to the east, as indicated in your correspondence.

In response to your inquiry, the property is limited to the "5% residential-to-commercial" flexibility previously allocated by the City prior to November 5, 2004. No additional flexibility may be allocated to the subject property per Policy 1.01.06 of the Broward County Land Use Plan. Further, it is noted that "5% residential-to-commercial" flexibility uses and associated development square footages are restricted to offices and/or neighborhood retail sales of merchandise or services, as determined by the City of Hollywood.

As the Future Land Use Element of the City of Hollywood Comprehensive Plan is the effective land use plan for the City of Hollywood, it is recommended that you contact the City regarding the interpretation of its certified plan.

Please contact Pete Schwarz, Planning Manager, at 954-357-6688 or [pschwarz@broward.org](mailto:pschwarz@broward.org) if you have any additional questions in this regard.

Respectfully,

  
Barbara Blake Boy  
Executive Director

BBB:PMS

cc: Andrew S. Maurodis, Esq., Counsel  
Broward County Planning Council

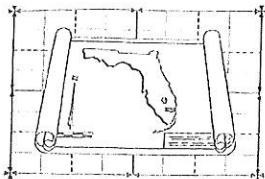
Jaye M. Epstein, AICP, Director, Planning and Development Services Department  
City of Hollywood

## 2.5 INCREASE AND DECREASE OF COMMERCIAL AND RESIDENTIAL ACREAGE

(A) A certified local land use plan may allow a different arrangement of commercial and residential acreage in a flexibility zone than that shown for the same flexibility zone on the Broward County Land Use Plan, if consistent with all of the following provisions:

- (1) The land designated "Commercial" within a flexibility zone on the Broward County Land Use Plan (see POLICY 2.04.05 of the Broward County Land Use Plan) may be decreased by twenty percent (20%) and (re)designated to a land use category consistent with the residential land use categories of the Broward County Land Use Plan. (Re)designation to a residential land use category is subject to the following rules and regulations:
  - a. The local government must assign available flexibility or reserve units in compliance with the provisions of Section 2.1 (Flexibility Units) or Section 2.2 (Reserve Units), of this Administrative Rules Document; or
  - b. The local government must correspondingly reduce, within the local land use element, the density of a residential area so that the total number of permitted dwelling units allowed in the flexibility zone is not increased.
- (2) The local land use plan may permit up to five percent (5%) of the area designated for residential use on the Broward County Land Use Plan within a flexibility zone to be used for neighborhood office and/or retail sales of merchandise or services, subject to compliance with Policy 13.01.10 of the Broward County Land Use Plan. No such contiguous area may exceed ten (10) acres in size. For the purpose of this provision, contiguous is defined as: attached; located within 500 feet; or separated only by streets and highways, canals and rivers, or easements.

This five percent (5%) residential-to-commercial flexibility rule may be applied by the local government through (re)zoning or other official action, subject to compliance with Policy 13.01.10 of the Broward County Land Use Plan, and does not require an amendment to the local land use plan map if the provision is certified by the Planning Council within the residential permitted uses section of the local land use plan.



## BROWARD COUNTY PLANNING COUNCIL

115 South Andrews Avenue, Room 307 • Fort Lauderdale, Florida 33301 • Phone: 954.357.6695

March 4, 2013

Gustavo J. Carbonell  
Gustavo J. Carbonell, P.A.  
1457 Northeast 4 Avenue  
Fort Lauderdale, Florida 33304

Dear Mr. Carbonell:

Re: Platting requirements for a parcel legally described as Lots 26 and 27, Block 15, "Beverly Beach," according to the Plat thereof, as recorded in Plat Book 22, Page 13, of the Public Records of Broward County, Florida. This parcel is generally located on the west side of State Road A1A, between Hollywood Boulevard and Hallandale Beach Boulevard, in the City of Hollywood.

This letter is in response to your request regarding the Broward County Land Use Plan's platting requirements for a proposed non-residential development on the above referenced parcel.

Planning Council staff has determined that replatting is not required by Section D.2, Chapter IV, of the Broward County Land Use Plan for the proposed development, subject to compliance with any applicable Broward County Trafficways Plan requirement.

As per the criteria of Section D.2, replatting is required for the issuance of building permits when constructing a non-residential or multi-family building, unless all of the following conditions are met:

- a. The lot or parcel is smaller than 5 acres and is unrelated to any adjacent development;
- b. The lot or parcel has been specifically delineated in a recorded plat;
- c. All land within the lot or parcel which is necessary to comply with the County Trafficways Plan has been conveyed to the public by deed or easement; and
- d. The proposed development is in compliance with the applicable land development regulations.

The subject parcel is less than 5 acres (approximately 1.15 acres) and meets the specifically delineated requirement. This platting interpretation is subject to the municipality finding that the proposed development is unrelated to any adjacent development, as noted in "a." above.

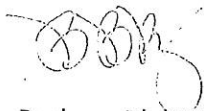
Gustavo J. Carbonell  
March 4, 2013  
Page Two

Some jurisdictions may be more restrictive and require platting in more situations than the Broward County Land Use Plan. The City of Hollywood's platting requirements should be investigated.

The contents of this letter are not a judgment as to whether this development proposal complies with the Broward County Trafficways Plan, permitted uses and densities, local zoning, the land development regulations of the municipality or the development review requirements of the Broward County Land Use Plan, including concurrency requirements.

If you have any additional questions regarding the Broward County Land Use Plan's platting requirements, please contact Pete Schwarz, Planning Manager, at your convenience.

Respectfully,



Barbara Blake Boy  
Executive Director

BBB:PMS

cc: Cathy Swanson-Rivenbark, City Manager  
City of Hollywood

Jaye M. Epstein, AICP, Director, Planning and Development Services Department  
City of Hollywood