

**MEETING OF THE CITY COUNCIL  
PLANTATION, FLORIDA**

**February 8, 2012**

The meeting was called to order by Councilwoman Uria, President of the City Council.

1. Roll Call by City Clerk:

Councilmember:	Ron Jacobs Robert A. Levy Lynn Stoner Peter S. Tingom Sharon Moody Uria
Mayor:	Diane Veltri Bendekovic
City Attorney:	Donald J. Lunny, Jr.

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2. The invocation was offered by Councilperson Stoner.

The Pledge of Allegiance followed.

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3. Approval of Minutes of Meeting – July 13, 2011
4. Approval of Minutes of Meeting – July 29, 2011
5. Approval of Minutes of Meeting – August 10, 2011
6. Approval of Minutes of Meeting – August 24, 2011

All items were approved as presented with the exception of one correction to the August 24, 2011 minutes.

Page 12830 should read as follows: Councilwoman Uria cannot understand why the cost is so much. She has always suggested that if we were to go to a Defined Contribution Plan that it has to be fair and does not hurt the employees. She has also said that she would rather give a higher salary to employees *if we go to a Defined Contribution Plan*. She questioned how to go about this without spending money. She also questioned whether there is a way to have a discussion with other actuaries.

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## **ITEMS SUBMITTED BY THE MAYOR**

Police Chief Howard Harrison recognized Greg Murphins as the “2011 Officer of the Year” and presented him with a plaque.

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Jim Romano, Director of Parks and Recreation, made the following announcements:

- Nature in the Woods “Have You Seen Birds?” will be at the Kennedy Community Center on Saturday, February 11, 2012 from 10:00 a.m. to 11:00 a.m.; the cost is \$8.
- The Senior Champ Swim Meet will be held at the Aquatic Complex on Friday, Saturday and Sunday, February 17 – 19, 2012.

Mayor Bendekovic made the following announcements:

- The Plantation Woman’s Club 29<sup>th</sup> Annual Antique Show will be at Volunteer Park on Friday, Saturday, and Sunday, February 17 – 19, 2012 between 10:00 a.m. and 5:00 p.m.
- The Historical Museum has reopened. The feature exhibit is “The Titanic”.
- The Annual Hazardous Waste Collection Event will be held at the Public Works Compound on Sunday, February 12, 2012.
- The Broward County Property Appraiser Community Outreach event will be held every Wednesday in February between 12:00 p.m. and 2:00 p.m. at the Outreach Center located in the Broward County Government Center West.
- School Board Boundary discussions will be held at the Plantation High School Auditorium on February 29 and March 28, 2012 at 5:30 p.m.
- Registration for Spring Recreation Classes will be on Tuesday, February 21, 2012.
- Green Day will be held on Saturday, February 25, 2012.
- The Plantation Equestrian Center has events almost every weekend this month.
- The City is closed on Monday, February 20, 2012 in observance of President’s Day.

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Councilwoman Uria welcomed students from Nova High School.

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## **CONSENT AGENDA**

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 16.

Item No.’s 10 and 11 were pulled for discussion.

Mr. Lunny read the Consent Agenda by title.

7. Request for closure of West Broward Boulevard from State Road 7 west to NW 69<sup>th</sup> Avenue on Wednesday, July 4, 2012 for the 4<sup>th</sup> of July parade celebration.

8. Request for Green Light Financial to have a business promotional event at their location on Friday, February 10, 2012 from 10:00 a.m. – 3:00 p.m.
9. Request by Central Broward Animal Hospital located at 200 NW 70<sup>th</sup> Avenue to have a rescue group pet adoption event in their parking lot on Saturday, March 24, 2012 from 9:00 a.m. – 5:00 p.m.

**Resolution No. 11439**

12. **RESOLUTION** amending the City’s adopted Community Development Block Grant 2010-2011 Action Plan; providing for severability; and providing for an effective date.

**Resolution No. 11440**

13. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 19 – February 1, 2012 for the Plantation Gateway Development District.

**Resolution No. 11441**

14. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 19 – February 1, 2012 for the Plantation Midtown Development District.

**Resolution No. 11442**

15. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 19 – February 1, 2012.

**Resolution No. 11443**

16. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 19 – February 1, 2012 for the City of Plantation’s Community Redevelopment Agency.

**NON AGENDA:**

- 16.5. Request for purchase of Cisco Maintenance at a cost of \$39,037 with Insight and authorize Administration and Information Technology Departments to continue our agreement with Cisco.

***Motion by Councilman Tingom, seconded by Councilperson Stoner, to approve tonight’s consent agenda as printed. Motion carried on the following roll call vote:***

Ayes: Stoner, Tingom, Jacobs, Levy, Uria  
Nays: None

**NOTE:** Mayor Bendekovic voted affirmatively on Item No. 16.

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Mr. Lunny read Item No. 10.

10. Request by University Pharmacy Weight & Wellness Center to have a Grand Opening and Promotional Event.

A memorandum dated February 1, 2012, to Susan Slattery, City Clerk, from Gary Shimun, Chief Administrative Officer, follows:

Please place the item on the Consent Agenda for next Wednesday, February 8, 2012.

University Pharmacy Weight & Wellness Center located at the Plantation Crossroads Plaza is requesting permission to have a Grand Opening Event in conjunction with the Plantation chamber of commerce on Wednesday, February 29, 2012 from 10:00 a.m. until 4:00 p.m. in the parking lot.

They are also requesting permission to have four (4) Promotional Events during the month of March on the following Saturdays:

Saturday, March 3<sup>rd</sup>  
Saturday, March 10<sup>th</sup>  
Saturday, March 17<sup>th</sup>  
Saturday, March 24<sup>th</sup>

Times: 10:00 a.m. – 4:00 p.m.

For their Grand Opening Event in February and Promotional Events in March, there will be two (2) 20 x 10 canopies and one(1) 10 x 10 canopy. Refreshments will be served.

See comments (site plan) from City staff.

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Mayor Bendekovic pulled this for discussion. She commented that to the best of her recollection, we have always permitted the Grand Openings; however, we have never allowed it for four Saturdays in a row. She questioned who is in the unit of 1878 and how this impacts the Center. Perhaps some of those dates could be reduced.

Nelcia Salmin (sic) and Rita Francis (sic), Marketing Directors, were present.

Ms. Salmin explained that the new drawing submitted shows a location of the parking lot that is not directly in front of any shops. The events will be held on the northeast corner of University Drive and Sunrise Boulevard. The tents will be on the west side of the building and will not be blocking the drive-thru or any entries into the Center. There will be presentations and demonstrations on vitamin supplements and other products. The event will be similar to a Health Fair. The Chamber of Commerce will do the cutting of the ribbon for the Grand Opening on Wednesday, February 29, 2012.

In response to Councilwoman Uria, Fire Chief Harris stated that there is no problem as long as it goes the way it is drawn.

Ms. Salmin made one correction and noted that the carnival event will be on one Saturday only; the other Saturdays will be more like a Health Fair where they are offering free blood pressure testing, etc. The carnival event will have popcorn and cotton candy; no bounce houses or rides.

Councilperson Stoner noticed that the landlord's letter for authorization is only for one day, not for four days. Landlord permission for any dates is required; you cannot just come up and say that he understands. He has to present a written authorization on his letterhead.

Councilwoman Uria noted there are actually five Saturdays; one for the Grand Opening and then four as promotionals.

In response to Councilman Levy, Ms. Salmin clarified that sexual systems support is natural supplements like vitamins that help with hormones; they are sold over the counter.

In response to Mayor Bendekovic, Ms. Salmin indicated that all four promotional events will have five carnival girls in costumes, like show girls, in order to create the feel of a carnival.

Councilman Tingom expressed concern that the landlord only authorized the Grand Opening. His second concern is the number of Saturdays. He suggested that the Grand Opening on February 29<sup>th</sup> be approved. The applicant could secure a letter authorizing other dates and they could come back to our next meeting with a different number of Saturdays.

Councilperson Stoner believed that some concern has been voiced as to the description of what is being offered on those days. She commented that for her, this is vague.

Ms. Salmin assured that nothing distasteful will be offered on the Saturdays.

***Motion by Councilperson Stoner, seconded by Councilman Tingom, to approve the Grand Opening per the landlord's letter for February 29, 2012.***

In response to Ms. Salmin, Councilwoman Uria indicated that no one in the City can speak for the Council. The option right now would be to come back to Council with another letter from the landlord requesting the four days.

Councilman Jacobs advised that the ordinance talks about a Grand Opening, not a series of Grand Openings over a period of a month. He suggested that we give a little more leeway and allow them to have two events and preauthorize it subject to Administration getting all of the necessary documentation and save them the trouble of coming back to another City Council meeting.

In response to Councilwoman Uria, Councilman Jacobs was suggesting the Grand Opening the first Saturday in March.

Councilwoman Uria questioned whether the motion maker would allow Councilman Jacobs suggestion.

Councilperson Stoner clarified that you are looking at February 29 and March 3, 2012. She questioned how everyone feels about the carnival girls and the music.

Councilwoman Uria did not have a problem with it; it is from 10:00 a.m. to 4:00 p.m. They cannot cause any traffic incidents with the girls.

In response to Ms. Salmin, Mr. Lunny explained that the City has an ordinance that allows two events per year for each Center; therefore, the landlord would have to understand that if it is permitting you to have these two events there would be no more events for that Center for the entire year. This ordinance applies to shopping center Grand Openings and this was done a number of years ago. Secondly, the code especially prohibits carnivals. The City does look at carnivals and carnival like events very carefully and the only carnivals allowed are those that are done in conjunction with churches. Perhaps a few costumed people are one thing; we are going to look at the activities to make sure they are consistent with the materials that have been presented.

Ms. Salmin indicated that they will scrap that idea; they know that their intention was not going to be distasteful but they understand the concern.

Councilman Levy commented that we in no way mean this in order to quell the enthusiasm for a new business adventure and a business in our community and especially for you to do your marketing. They want you to do well but there are parameters that we have had for others that are followed. The two events are two events per shopping center; therefore, your business having two events takes those two away. That is one of the reasons why the letter is required from the landlord. If there were four events there would have to be an exception to the law.

*Amended motion by Councilperson Stoner, seconded by Councilman Tingom, to approve the February 29<sup>th</sup> and the March 3<sup>rd</sup> events, subject to the landlord's approval letter for the second day, which would be March 3<sup>rd</sup>, and having Administration sign off on it. Motion carried on the following roll call vote:*

Ayes: Stoner, Tingom, Jacobs, Levy, Uria

Nays: None

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Mr. Lunny read Item No. 11.

**Resolution No. 11444**

11. **RESOLUTION** of the City Council of the City of Plantation, Florida to execute an agreement for a Florida Land Stewardship Program Grant more commonly known as Parks for People.

A memorandum dated January 26, 2012 to Mayor Bendekovic and City of Plantation Council Members from Priscilla A. Richards, follows:

The City was successful in obtaining \$24,770 in Parks for People grant funding from Broward County Land Stewardship Program for the following two projects.

- \$8,674 for six (6) recycled plastic trash receptacles for Country Club Park.
- \$16,096 for eight (8) recycled trash receptacles and two solar powered battery devices for the two audio signs on the Plantation Preserve Linear Park Trail.

There is no requirement for a match since the City has already developed the sites which were purchased with County Land Preservation Bond funding.

Please approve the execution of the two (2) contracts so that we may begin the two projects.

Please feel free to call me at (954)797-2723 or Sharon Kent at (954)452-2512 if you have any questions concerning these projects.

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Councilperson Stoner pulled this for discussion. She mentioned the two solar powered battery devices for the two audio signs on the Plantation Preserve linear park trail and questioned what those signs say.

Mr. Romano advised that there are two speakers and when you go up the box there is a picture of Old Plantation. When you push the button it gives a little history of Plantation. The problem is that it takes six D batteries and they burn up through the summer. One of the solutions was to have it powered by solar and fortunately for us, this grant covers this. We will be able to solar power the MP3 players that are inside the unit to provide the history for the people as they are walking up and down the path.

In response to Councilperson Stoner, Mr. Romano stated that there is nothing else within the existing equipment that has to be replaced. It is just to provide solar power for the unit and we will adapt the units.

Councilperson Stoner referenced Page 5, Article 7.4, which says "That upon receipt of the funds the City shall provide to the County on an annual basis a single audit report regarding the administration of the City's grants". She questioned whether that is being done.

Mr. Romano indicated that an annual report is done of all of the grants; usually they are in January. Copies can be provided to Council if they wish.

Councilperson Stoner suggested that the copies be sent by pdf instead of by paper.

Councilman Tingom commented that he walks the trail a lot and often receives complaints from residents that they cannot listen to the audio. This will resolve that issue.

Councilman Levy mentioned the cost of the trash receptacles and questioned why the cost is so high.

Mr. Romano advised that photographs were shared with Council and the audience about a month or two ago. It is a well designed garbage can; it is a very structurally sound piece of equipment. Some of our existing parks, facilities and bus routes along Broward Boulevard have these trash receptacles. They will last about 12 to 15 years; some are in the parks that are about eight or nine years old and look as good as the day they were put in. It is believed that once the receptacles are put in, short of being vandalized, they should stay there and provide what they are there for on a daily basis for the community. The ones in Country Club Park are being pulled and recycled over to the path at the golf course and the new ones are going to Country Club Park and to the path. They will be rotated.

***Motion by Councilman Tingom, seconded by Councilperson Stoner, to approve Resolution No. 11444.  
Motion carried on the following roll call vote:***

Ayes: Stoner, Tingom, Jacobs, Levy, Uria

Nays: None

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**ADMINISTRATIVE ITEMS**

Mr. Lunny read Item No. 17.

- 17. REQUEST FOR AUTHORIZATION TO INITIATE A SUFFICIENCY OF WATER AND WASTEWATER RATES STUDY BY PUBLIC RESOURCE MANAGEMENT GROUP FOR A FEE NOT TO EXCEED \$39,000. (UTILITIES DEPARTMENT)

A memorandum dated February 2, 2012 to Mayor Bendekovic and the Members of City Council, from Hank Breitenkam, Director of Utilities, follows:

The City of Plantation’s water and wastewater rates are well within the lower quartile when compared to other utilities in the South Florida region.

Our last rate study was completed by Public Resource Management Group (PRMG) in May 2009 and following a workshop presentation of the report to Council on May 6, 2009, two public hearings were conducted. The first public hearing was conducted on May 20, 2009, and the second on June 17, 2009. On second reading, the recommended conservation rate structure adjustments were approved for implementation in August 2009 (essentially) for FY’10 and October 2010 for FY’11. Based on the financial forecast at the time of the 2009 report, the following revenue adjustments were recognized in order to effectively operate our utility system:

Projected Water and Wastewater User Rate Revenue Adjustments

<u>Fiscal Year</u>	<u>Water System Adjustment</u>	<u>Wastewater System Adjustment</u>	<u>Combined System</u>
2012	17.0%	6.0%	11.4%
2013	9.5%	5.0%	7.3%
2014	9.5%	5.0%	7.4%

In order to assure adequate funding of our utility enterprise fund for operation, capital improvement installations and replacement needs, an updated sufficiency of rates study should be undertaken. Additionally, the City’s utility impact fee or capacity charge of \$2,845 per equivalent residential connection should be recalculated and updated if necessary to specifically reflect our treatment infrastructure needs. Most of the information integrated in these studies will also be required for review by utility bond issuance institutions should the Council approve that action at a later date.

PRMG has provided a proposal for these efforts in an amount not to exceed \$39,000. Accordingly, City Council authorization is requested and appreciated.

Mr. Breitenkam requested Council’s authorization to initiate a sufficiency of rate study to be performed by Public Resource Management Group for a price not to exceed \$39,000. When this was discussed in 2009, the Council initiated two rate increases; one for 2010 and one for 2011. The study back in 2009 recommended three more rate increases and at that time the Council agreed to move forward with the first two and then come back in a couple of years. A study needs to be done because our alternative water supply project; reuse project; and also we are working in the C51 reservoir project. Our need for that project has been significantly delayed. We were scheduled to have that project online in the year 2015 or 2016 but because of conservation by our residents and because of our population growth, our need to initiate that alternative water supply project has been delayed

perhaps to the year of 2020 to 2023. Another reason is that once we initiated our conservation rates in 2009 and 2010 our residents have conserved water, not only because of the rates but also because the society is different in South Florida with water use restrictions. The other reason we need the study is because we have a significant amount of capital improvement projects of over \$100 million moving forward and infrastructure rehabilitation that we have discussed for quite a while to go out for a bond issue. The rate study needs to accommodate the debt that would be incurred by the bond issue.

Mr. Breitenkam briefly reviewed a Power Point Presentation as follows:

- Plantation is one of the lowest utilities in Broward County.
- The normal family in Plantation uses an average of 7,000 gallons per month for a price of \$60.83. The average price for that service is approximately \$79.
- Residential rates; 0-6,000 gallons is the water that residents need to live. The more gallons used the more expensive the rate.
- The last study was done in 2009 and the following recommendations were made:
  - The first recommendation was a 20% increase, which was put into effect in August 2009.
  - The Council also approved an increase of 12.4% that went into effect on October 1, 2010.
  - This year we should initiate 11.4%; in 2013 7.4%; and 2014 7.4%.
- In May 2009 a study was done on water capacity charges, which is the impact fee that developers pay when they build new projects.
- We are at \$2,845; we are situated pretty well, but we could come up some. Broward County is about \$3,300. This is where we draw funds from to expand our water and wastewater treatment plans in order to provide service to new customers. This was our recommendation in 2009 and the Council put it into effect.
- It is his recommendation that we look at a sufficiency of rate study, not only for the user rates but also for the water and sewer impact fees.
- The study would entail looking at the rates, capacity charges, ten-year capital improvement project that is a \$100+ million project.

In response to Councilwoman Uria, Mr. Breitenkam advised that the study would determine how much of an increase is needed and they would have to make a recommendation based on our capital improvement projects and the future population.

Councilman Jacobs mentioned the original recommendations from the last study and the recommended rate increases look like they would double the cost of water over a period of time.

Mr. Breitenkam indicated that we are not running out of water, we are running out of cheap water. Lawns should be watered with City water and with regard to water and landscaping, we need to change the way we landscape.

***Motion by Councilman Jacobs, seconded by Councilman Tingom, to authorize the sufficiency rate study by Public Resource Management Group. Motion carried on the following roll call vote:***

Ayes: Stoner, Tingom, Jacobs, Levy, Uria  
Nays: None

In response to Councilperson Stoner, Mr. Breitenkam clarified that all of the information comes from the City and that is true of a lot of engineering reports.

Councilman Tingom questioned whether the reason we need an outside company is because of the access they have to comparative information that we do not have access to.

Mr. Breitenkam indicated that they have access to comparative information but they also have the programs that are used in modeling for rate studies. We are really not prepared in-house to do a full rate study.

Councilwoman Uria commented that we already know the rate we need to adjust and she is not in favor of that at this time.

In response to Councilperson Stoner, Mr. Breitenkam advised that when the 2009 study was done they did have some forecasting for some increases in staff that they have not increased. He believes the information has changed since 2009 based on the delay in our alternative water supply project; that is a \$25 million project; Phase 1 \$15 million; Phase 2 \$10 million, based on significant conservation upwards of 25%. The other thing is the debt incurred by the projected bond.

Councilperson Stoner mentioned a comment made earlier by Mr. Breitenkam with regard to planting drought tolerant plants; the City still does not do that. We are looking at a storm water usage fee and a utility; two weeks ago it was a brand new community center building. We can only do so many of the big projects and accomplish it because of the impact on everyone's financial situation.

Mr. Breitenkam commented that the only reason we live in communities that are in such close proximity is because of water treatment, wastewater treatment and solid waste collection and disposal. This is a very essential fraction of our community. We really need to move forward with our capital improvement projects. Utilities have a lot of government regulations and you have to be sure you meet those regulations, which is becoming very expensive. With our current user fees we cannot move forward with the capital improvement project; we are going into reserves. He mentioned that this year the East Water Treatment Plant deep well, which is 3,500 feet deep, began leaking at the bottom and the casing needs to be replaced with fiberglass casing. That cost will be upwards to \$1 million, which will be put in the budget for next year.

In response to Councilperson Stoner, Mr. Breitenkam indicated that they have funds in Engineering to do an engineering study and it was specifically spelled out on the budget.

Councilwoman Uria stated that she recommended drought tolerant plants years ago.

In response to Councilman Jacobs, Mr. Breitenkam advised that a lot of the information that goes into one of the reports is also information that the bond companies need as well.

In response to Councilman Levy, Mr. Breitenkam clarified that the last rate study was done in 2009 and that study referenced that the last study before that was in 2006. We do not have the capability of figuring in inflation costs in-house. We have the \$39,000 in the operating budget.

In response to Councilman Levy, Mr. Herriman indicated that we have about \$17 million in the revenue generation fund. The reserve can support and does support some of the capital projects that are budgeted on an annual basis. It can also support, if there are any deficiencies, in the operating budget for the utilities. It is almost a composite type of activity or budget that feeds off one or the other. He believes what Mr. Breitenkam is

saying is that in order to do a study and look at the bond issue, there is a lot of detail that is supported and provided by the City to the consultant. He thinks the rate study, through the engineer, will size the amount of the capital improvements, which will produce what the result will be in the study.

Councilman Levy stated that we have not voted on a bond issue; it is coming before us but the general public does not know anything about the bond issue. We have not really fine tuned the bond issue as a Council yet; therefore, he would rather not enlist the bond issue as a reason to do something because we have not decided whether we are going to do it. The \$39,000 would be well spent if we went ahead with the bond issue because we would need that in order to come up with the ideas for the bond issue. He believes that we do need to go ahead with the rate study because it is important. Without water the City is not a viable community. We are proud of the quality of our water and anything we can do to maintain a utility like that is very important.

Mayor Bendekovic commented that Plantation has always been known for our quality of water and Utilities have always been light years above other cities and municipalities. The infrastructure is getting older and it needs to be replaced. We are falling behind in our capital improvements and Councilman Tingom has said that on several occasions. We have to understand that Utilities is an Enterprise Fund and it stands alone. The ad valorem does not support the utilities. With regard to xeriscape planting, there are no longer anymore Impatiens throughout the City. We have always been above other municipalities and she recommended doing the study. She stated that the utility bond will be an area of discussion as well as other issues that will be brought up in the near future. It is a given that we are coming back to you to discuss a revenue generated utility bond. She does not have date at this time. She recommended that the study be done because it will serve twofold purposes.

Councilperson Stoner questioned whether utilities are part of an existing bond at this time.

Mr. Lunny advised that we have a Series 2003 non ad valorem revenue bond of which utilities revenues support some of that debt service. Mr. Breitenkam has an outstanding loan for his water meter replacement project that the non ad valorem revenues support of which utility revenues are a part. He was not sure whether they had the State of Florida Revolving Loan still outstanding of which the utilities revenues supported a part.

In response to Councilwoman Stoner, Mr. Lunny indicated that Council does not need that information when making this decision. Mr. Breitenkam is saying that the capital needs of the system at this time exceed any available resource to pay for that and the Mayor has advised that we are falling behind on the schedule; therefore, the rate study is being recommended. It is an extremely highly regulated area and when the study comes back it will include a forecast of the capital needs and then Council will decide, based on the forecast of the capital needs and the projected revenues to accomplish that, how and whether you wish to adjust the schedule. All he is saying now is that the pieces are moving because some of the regulatory requirements, in terms of being implemented, are being delayed but other costs are becoming more and more severe. That is all Mr. Breitenkam can tell you at this point until he looks at the revenue generation side.

In response to Councilperson Stoner, Mr. Breitenkam stated Utilities was partnering with the City on the prior bond. There was not a specific utility. We pay contributions in lieu of taxes to the City; a return on investment. There are a lot of different ways that the utility contributes to the City that the costs we contribute do not necessarily have to come out of taxes.

In response to Councilwoman Uria, Mr. Breitenkam advised that we have already delayed the study for six months and it would not be wise or prudent to delay it any longer; we need to continue to move forward.

Mayor Bendekovic commented that we need some of the information for the utility bond. We have already paid one bond off and that is the price of doing business in the City of Plantation. The bottom line is that capital improvements have to be done and it is the information we need to do business.

Councilwoman Uria stated that you cannot compare government to businesses because when businesses do not have a market or people do not buy their product people go out of business; people do not have a choice here.

In response to Mayor Bendekovic, Councilwoman Uria indicated that government could go out of business and business people could probably step in and do it a lot better.

Dennis Conklin, resident, mentioned some of the comments that were made about the upcoming storm water. He knows we need the infrastructure and agrees that it has to be done. He objected to the use of the last bond and was trying to get the City to put it into the infrastructure so that it would generate revenue. This study is already in the budget and in order to be able to do the bond the study will have to be done. We need to impress on the other layers of government not to pass on these costs that are not funded from above, particularly the bureaucratic regulations that are not even legislated.

Mr. Breitenkam advised that there are a lot of good regulations out there as far as water quality is concerned. We are getting to a point where we are improving the water quality; the water that is discharged to the environment. There are also a lot of burdensome regulations as well.

In response to Councilperson Stoner, Mr. Breitenkam indicated that he would have a tendency to use the Public Resource Management Group, as they have a wealth of experience in the State of Florida. This is for this report not to exceed \$39,000. Usually you do not want to take out more bond money than you can use in the three years or so; the projects need to be selected that would be beyond that. He has done research on the Public Resource Management Group's competition and found that the fees they charge are well within the industry.

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## **LEGISLATIVE ITEMS**

Mr. Lonny read Item No. 18.

### **18. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE PERTAINING TO THE SUBJECT OF VOLUNTEER FIREFIGHTERS PENSION AND RETIREMENTS.**

A memorandum dated December 12, 2011, to Mayor Bendekovic and Members of City Council, from the Legal Department, follows:

The members of the Volunteer Firefighters Pension Board have been evaluating providing additional incentives for its members to remain active in the Volunteer Fire Department in the form of pension benefits since the June 2010 Board meeting. After hearing from the members and discussions at the subsequent Board meetings, the Board has decided to offer a discretionary annual benefit.

One of the key goals was to create a benefit that would not add to the Plan's annual actuarial accrued liability or plan costs. The following are the key points to the ordinance:

- ❖ The benefit will be funded only in the event the funds maintained in trust are in excess of 115% of the those trust funds needed to meet the actuarial accrued liability (the funded ratio for the Plan in the October 2010 actuarial report was 135.4%. (The 2011 report is not finalized); and,
- ❖ The benefit will be a maximum of 5% of those funds in excess of 115%; i.e., if the plan is 135.4% funded the benefit will be capped at 120%; and,
- ❖ The Board can eliminate the benefit or suspend the benefit at anytime for any reason; and,
- ❖ The actuarial cost for determining the benefit will be deducted from the 5% so as to make the benefit cost neutral to the Plan; and,
- ❖ The benefit will vest only for Volunteer Firefighters to be inactive for a period of 18 months or more prior to vesting, the benefit will be forfeited; and,
- ❖ The benefit shall not be guaranteed with the monies being subject to the Plan's investment experience, including losses.

The ordinance shall take effect retroactive to October 1, 2011. The ordinance is ready for advertisement.

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***Motion by Councilman Jacobs, seconded by Councilman Tingom, to approve the ordinance on first reading. Motion carried on the following roll call vote:***

Ayes: Stoner, Tingom, Jacobs, Levy, Uria  
 Nays: None

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**QUASI-JUDICIAL CONSENT AGENDA**

Mr. Lunny read Item No. 19.

**19. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE PERTAINING TO THE SUBJECT OF ALCOHOLIC BEVERAGE REGULATIONS.**

A Staff Report dated February 8, 2012, to the City Council from the Planning, Zoning and Economic Development Department follows:

**BACKGROUND**

City Code Section 3-3(a) requires a distance separation of one thousand (1,000) feet between establishment selling alcoholic beverages, including beer and wine, and a house of worship, hospital, park, child care center, or school, unless the users are separated by a public road right-of-way exceeding ninety-nine (99) feet in width, then such distance separation requirement may be reduced to five hundred (500) feet. Grocery stores, drugstores, restaurants without a bar or entertainment area, hotels and motels without bars, and package stores adjunct to a grocery store or drugstore are exempt from the distance separation requirement.

**ANALYSIS**

The owner of the Central Park Place Shopping Center is processing a conditional use application for a child care center to occupy 11,343 square feet of the 13,500-square-foot building previously occupied by Walgreens and located at 9621 Broward Boulevard. The proposed child care center does not meet the separation requirements, as it is located approximately three hundred (300) feet from a BP gas station with a 1,080-square-foot convenience store that has package sales of beer and wine. The City Council cannot grant waivers to alcoholic beverage separation requirements; therefore, the shopping center owner has applied for an amendment to the code effectively reducing the distance separation requirement between child care centers and gas stations with convenience stores. The proposed ordinance:

- 1) Will reduce the minimum separation requirement between child care centers and gas stations with a convenience store having less than 1,200 gross square feet, having no facilities for auto repair or service, and having only a 2APS (beer and wine) license to 250 feet, and
- 2) Require any outdoor play area associated with a child care center within the otherwise applicable distance separation to be separated from all vehicular use areas by a minimum six (6) foot high concrete wall and to be separated from all other areas by a minimum six (6) foot non-climbable fence or wall.

**STAFF RECOMMENDATION:** None.

**PLANNING AND ZONING BOARD RECOMMENDATION:** No objection to the ordinance moving forward for further review (December 6, 2011; 5/2; Mr. Badore and Mr. Siniawsky dissenting).

*Motion by Councilman Jacobs, seconded by Councilwoman Uria, to approve the ordinance on first reading. Motion carried on the following roll call vote:*

Ayes: Stoner, Tingom, Jacobs, Levy, Uria  
Nays: None

Mayor Bendekovic advised that Council needs to be very cautious because of the fact that it is only 300 feet. If this is approved, others will come in and the guidelines set tonight will have to be followed.

Mr. Leeds stated that this Code is Citywide and the distance that is currently allowed is 250 feet. The situation will come up again; day care centers are becoming increasingly popular. It is limited to a service station that has a convenience food store or rather, a gross floor area of 1,200 square feet. The intent of this ordinance is to not allow a day care to locate their establishment within a gas station that has a typical convenience food store of 5,000 feet. It is not intended and it does not allow you to touch down with a day care near what you see in contemporary gas stations, as least those that will not be replaced by banks.

In response to Councilman Tingom, Mr. Leeds clarified that this ordinance does not allow places for people to sit and drink.

\* \* \* \* \*

## QUASI-JUDICIAL ITEMS

Mr. Lunny read Item No. 20 and the waivers.

### Resolution No. 11445

20. **RESOLUTION** APPROVING AN 11,343-SQUARE-FOOT DAY CARE CENTER AS A CONDITIONAL USE TO BE LOCATED IN A B-2 P ZONING DISTRICT FOR SITE PLAN, ELEVATION AND LANDSCAPE PLAN FOR KIDDIE ACADEMY LOCATED AT 9621 WEST BROWARD BOULEVARD.

A Staff Report dated February 8, 2012, to the City Council from the Planning, Zoning and Economic Development Department follows:

**REQUEST #1:** Conditional use approval to allow an 11,343-square-foot child care center in a B-2P zoning district.\*

**REQUEST #2:** Site plan, elevation, and landscape plan modification approval.\*

\*The applicant has requested a concurrent application to amend the City Code. City Council approval of the code amendment is required to process Requests 1 and 2. See Planning and Zoning Comment 1 for details.

### **WAIVER REQUESTS:**

1. From Section 13-41(a)(b)(c). Pedestrian zones along building facades.  
Landscape pedestrian zones shall extend the full width of each façade which abuts a parking of vehicular use area; the minimum width of such landscape zone shall relate to the adjacent structure's wall height.
  - *11.5' required along the northern façade – 0' provided.*
  - *11.5' required along the southern façade – 0' provided.*One tree shall be installed in this zone per each 30 lineal feet, or fraction thereof, of façade width.
  - *Six trees required along the northern façade – the equivalency of four have been provided.*
  - *Six trees required along the southern façade – the equivalency of one has been provided.*
  - *Four trees required along the western façade – the equivalency of two have been provided.****Staff requests mitigation for tree counts below code along the northern, southern, and western landscape pedestrian zones.***  
***Staff has no objection to waiver request.***
  
2. From Section 13-40(b)(c)(1). Interior landscaping for parking areas.  
No landscape area shall have any dimension less than five feet.
  - *Planting space in the island along the south and north side of the building is <5' in width.*
  - *Planting space around the southern and northern play area is <5' in width.****Staff has no objection to waiver request***

**EXHIBITS TO BE INCLUDED:** Planning and Zoning Division report; subject site map; Conditional use/site plan application; Planning and Zoning Board meeting *draft* minutes of December 6, 2011; Landscape Planning Review Board meeting *draft* minutes of November 29, 2011; and Review Committee meeting minutes of September 7, 2011.

**PLANNING AND ZONING BOARD RECOMMENDATION: APPROVAL** subject to staff comments and conditions including waivers (7/0; December 6, 2011).

**LANDSCAPE PLANNING REVIEW BOARD RECOMMENDATION: APPROVAL** subject to staff comments and conditions. (5/0; November 28, 2011).

**REVIEW COMMITTEE RECOMMENDATION:** No objection to the project moving forward for further review (September 27, 2011).

**ANALYSIS:**

The subject site is located within the Central Park Place Shopping Center which is developed with mixed commercial uses. The site is bound by multi-family residential uses to the north and west, Broward Boulevard to the south, and a lake to the east.

The applicant is requesting site plan modification approval to divide the 13,500-square-foot freestanding building previously occupied by Walgreens Pharmacy into two tenant spaces, modify the parking areas and sidewalks adjacent to the building, and construct an outdoor play area on the east side of the building to accommodate a proposed child care center.

Kiddie Academy plans to occupy 11,343 square feet as a childcare center. The use requires conditional use approval in the B-2P zoning district. The review of a conditional use request should include consideration of the criteria noted in Section 27-768 of the Land Development Code, which is attached hereto as Exhibit "A". The applicant has not identified a tenant to occupy the remaining 2,157-square-foot tenant space.

**STAFF COMMENTS:**

**PLANNING AND ZONING:**

**In General:**

1. Section 3-3(a) of the Code requires a distance separation of one thousand (1,000) feet between establishments selling alcoholic beverages, including beer and wine (a package store), and a house of worship; hospital, park, child care center, or school, unless the uses are separated by a public road right-of-way exceeding ninety-nine (99) feet in width, then such distance separation requirement may be reduced to 500 feet. The proposed childcare center does not meet the separation requirements, as it is located approximately 300 feet from a BP gas station with a 1,080-square-foot convenience store that has package sales of beer and wine.

Given the City Council cannot grant waivers to alcoholic beverage separation requirements, the owner is requesting City Council consideration of a code revision to amend the distance separation requirements. Applicant has been advised that if the City Code amendment is denied, the childcare use will not be permitted.

Parking:

1. Revise the parking calculations to show the following:

<u>Buildings (floor area/parking standard)</u>	<u>Required Parking</u>	<u>Provided Parking</u>
<b>Primary Shopping Center</b>		
Retail: 18,377 s.f./225+		
Office: 4,755 s.f./200+		
Medical: 2,600 s.f./150 =	123	120
<b>Former Walgreens Building</b>		
Day care: 11,343 s.f./400+		
Medical: 2,157 s.f./150 =	42	69
<b>Medical Office:</b> 12,085 s.f./150	81	80
<b>Medical Condo:</b> 13,178 s.f./150	88	77
<b>Veterinarian:</b> 5,002 s.f./150	33	34
<b>Pediatrics:</b> 6,198 s.f./150	42	40
<b>Gas Station:</b>	7	8
<b>GRAND TOTAL</b>	<b>416</b>	<b>428</b>

**TRAFFIC CONSULTANT:**

**Traffic Study Comments:**

The traffic study submitted on January 11, 2012, by the applicant was not coordinated with the City. As such, some of the information required was not submitted. The traffic study was to detail the internal traffic circulation of drop off/pick up of day care children to ensure their safety and the safety and efficiency of both the day care customers and the shopping center customers. Traf Tech Engineering was called on January 30, 2012 to discuss the incomplete data and how they would provide the information requested below. Traf Tech Engineering said they would get the requested information and a revised study to the City by Friday, February 3, 2012. If the study details acceptable data on the traffic operations, the Engineering Department will support the applicant to be on the agenda for February 8, 2012. If there are significant concerns, then the Engineering Department will recommend deferral/denial until the issues are resolved.

Previous Comment: A traffic study prepared by a Florida licensed professional traffic consultant will be required to demonstrate the net effect of introducing the proposed day care facility plus retail to the site.

The methodology was discussed with the Engineer on August 31, 2011. It was to include the ITE trip generation for AM and PM peak hours for both day care and retail, arrival rates and parking needs for both drop off and pick up times and detail how the internal traffic circulation would function during these times. The submittal did not follow the discussed methodology.

**Report Submittal Comments:**

1. The operational information is incorrect; it does not match the plan provided by the applicant. The plan does not match the narrative as well. The plan shows 194 children and the narrative says 188. The square footage does not match. Please provide correct and consistent information.

2. The occupant chart, which outlines the number of children and staff, does not match the information provided by the applicant. The number of children per age group and number of staff in both the plan and the report do not match the narrative. Please provide correct and consistent information.
3. ITE Trip General information for AM and PM peak hours for both the day care and retail were not provided.
4. The traffic flow information does not provide any documentation how it was obtained.
  - a. Where did the data on the number of children being dropped off, the number of cars and the times come from?
  - b. The drop off period is shown as being from 6:30 a.m. to 10:30 a.m. Please provide documentation for that conclusion since it is not consistent with peak hour times.
  - c. The pick up times are shown to be from 3:00 p.m. to 6:30 pm. Please provide documentation for that conclusion since it is not consistent with peak hour times.
  - d. Please document the number of arriving cars. The report does not provide for any overlap of parents dropping off/picking up. It assumes that everyone is in and out in ten minutes. How was that determined?
  - e. There is no information provided for the retail component of the project. Please include the retail in the analysis.
5. The traffic flow results are based on certain assumptions such as 1/3 of the children enrolled are two (2) sibling households. Please provide documentation for that assumption.
6. The report assumes ten-minute interval patterns for vehicle arrivals and departures. Please document that assumption.
7. Data for this type of study is normally provided from actual field reviews at similar locations. If the information supplied is from this type of study, please provide that study to the City for review.

#### **ENGINEERING DEPARTMENT:**

1. A traffic study prepared by a Florida licensed professional traffic consultant will be required to demonstrate the net effect of introducing the proposed day care facility plus retail to the site. *Please see Traffic Engineering comments.*

#### Permit Comments (required at time of submittal for permitting)

Note: A detailed review of the civil drawings has not been performed at this time. If the site plan application is approved by City Council, a thorough engineering review will be performed at the time of application for construction permits.

1. Provide an erosion and sedimentation control plan and an FDEP approved Notice of Intent (NOI), if applicable. *Response states "A Soil Erosion and Sediment Control Plan will be submitted as requested".*
2. A demo plan and permit will be required with a building permit.
3. The applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements at the time of permitting.

#### **DESIGN, LANDSCAPE AND CONSTRUCTION MANAGEMENT:**

#### Permit Comments (required at time of submittal for permitting).

- The applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements at the time of permitting.

- Tree/palm removal and relocation permits as well as mitigation fees must be obtained directly through the Design, Landscape & Construction Management Department at the time of permitting. Please contact Diana at 954-797-2248 directly to obtain required permits.
- If you would like the comments forwarded to you via e-mail, please call our administrative secretary, Judy McBride, at 954-585-236 or e-mail her at [jmcbride@plantation.org](mailto:jmcbride@plantation.org).

#### Site Plan:

1. Code requires landscape pedestrian zones to extend the full width of each façade abutting a parking or vehicular use area; the minimum width shall be half the height of the proposed or ten-foot (paved areas in the lpz may not constitute more than five feet of the required lpz).
  - a. 11.5' lpz is required along the northern façade – 0' has been provided.
  - b. 11.5' lpz is required along the southern façade – 0' has been provided.

*Waiver requested.*  
*Staff has no objection to waiver request.*
2. Planting spaces must be a minimum of five feet in width as per City codes. (i.e. the island along the southern and northern side of the building is <5').  
*Waiver requested.*  
*Staff has no objection to waiver request.*
3. Please clarify the placement/location of the proposed aluminum fence along the eastern perimeter in relation to the existing Ficus trees.

#### Planting Plan:

1. Please add the current City of Plantation City Notes available online: [www.plantation.org/landscape/details-notes.html](http://www.plantation.org/landscape/details-notes.html); please keep the “General Notes” on the landscape plans.
2. Please include height, spread, and spacing on all plant material (include the spacing on the Podocarpus hedge and the height and spread on the Lilly of the Nile).
3. Please clarify the specifications on the proposed Blue daze; plant submitted read 10”x12” spread, 18” height (do you mean 10”-12” spread?).
4. Please use *Ligustrum japonicum* in lieu of *Ligustrum lucidum*.
5. Are the proposed Ligustrum trees multi trunk or standards (both specifications are noted in your proposals).
6. The planting plan shows 7, LL12 while this tree is not listed on the plant list does not identify the tree specie or specifications; please clarify.
7. Please include the caliper on the proposed Live oak trees.
8. Under plant specifications for Green Island Ficus please clarify if 12” O stands for on-center (OC) as noted for your proposals for Dwarf Firebush, Boston Fern, Blue daze, etc.)
9. City staff does not support the removal of tree #130B (good condition Pink Tabebuia tree) or the removal of tree #105 (good condition Mahogany tree).
10. Proposed trees “to be removed” must be mitigated for as per City codes; tree mitigation will be above and beyond code-required trees on the property. All trees to be removed require ISA tree appraisals for mitigation purposes as per City codes.
11. The submitted tree survey does not accurately show the location and quantity of Ficus trees along the eastern perimeter; there are several Ficus trees between 1’ and 3’ from the existing curb and proposed fence. Staff has a concern with the removal of the existing curb along the tree line as well as the placement of the proposed fence in the middle of or within 1’ to 3’ of the existing Ficus trees.

12. Staff is concerned with the placement of the proposed sidewalk along the east side of the dumpster enclosure within three feet of existing tree #130 (Pink Tabebuia).
13. Staff is concerned with the placement of the proposed sidewalk within three feet of existing tree #95 (Gumbo Limbo).
14. Foundation plantings are required along the building façade; please include hedge as well as ground cover along the eastern side of the building.
15. Sheet DEM-1 proposed palms #98-104, #139, and #131-136 “for removal and location” while TD01 and L-1 proposed relocation of the palms, please clarify.
16. Please meet required tree/palm heights throughout the landscape pedestrian zones – 25% of the required trees must be a minimum of 10’-12’ installed height; the remaining 75% of the required trees must be of installed heights relating to the adjacent wall structure height, as defined in City landscape codes. It is not clear what the proposed heights of the LL12 trees are as they are not identified on the plant list; you are showing LL8 at a proposed height of 8’-10’ which does not meet the minimum heights of trees in the landscape pedestrian zone.
17. A minimum of one tree is required every 30 lineal foot, or fraction thereof, of façade width (*three palms = 1 tree*):
  - a. *Six trees required along the northern façade – the equivalency of four have been provided.*
  - b. *Six trees required along the southern façade – the equivalency of one has been provided.*
  - c. *Four trees required along the western façade – the equivalency of two have been provided.*

*Staff requests mitigation for tree counts below code along the northern, southern, and western landscape pedestrian zones.*  
*Waiver requested.*  
*Staff has no objection to waiver request.*

**BUILDING DEPARTMENT:** No objections to conditional use, site plan, and elevations.

**FIRE DEPARTMENT:**

1. No objections as to this conditional use request with respect to the submitted site plan.
2. The applicant is aware that conditions may arise upon review of all required permitting signed/sealed plans.

**POLICE DEPARTMENT:**

Site Plan:

1. The Police Department will not object to this request as long as the application is successful in the amendment to the current code; Chapter 3 of the City Code to allow houses of worship, schools, hospitals, parks and child care centers within 1,000 feet of an establishment that sells alcoholic beverages.
2. No objections to the plan as proposed.
3. All access control points within the building and play area must provide locking devices that prevent children from exiting the building and that has been approved by the Fire Department.
4. The playground area must be fenced to prevent children from climbing over the fence.

**UTILITIES:** No objection to the conditional use approval; however, the following comments apply to the site plan and must be agreed to prior to Utility Department approval.

1. Prior to a Building Permit or Business License being issued, the following must be provided.
  - A hold harmless letter must be provided and approved by the City of Plantation Legal Department holding the City of Plantation harmless for repair or replacement of any equipment or surface area in existing utility easement on east side of building.
  - Capacity charges must be paid in FULL.
  - Contact: Danny Pollio if you have any questions, 954-797-2159.
2. Must provide receipt or check copy for \$2,000 deposit marked for Utilities Expenses to project cost recovery account.
3. Maintain all utilities and utilities easements for water and wastewater system access.
4. Proposed chain link fence be moved out of existing utility easement.
5. Concrete footers must be moved outside of existing utility easement.

#### **O.P.W.C.D.**

1. Old Plantation Water Control requires an acceptable drainage plan with retention and runoff calculations and a construction drawing prior to issuance of a building permit. Calculations are to include the master storm water system and include an as-built of the existing features.
2. Acceptance of as-built drawings and Certified Storm water Inspection Report will be required prior to issuance of a Certificate of Occupancy.

#### **WASTE MANAGEMENT:**

Provide door stoppers to secure doors during service.

#### **EXHIBIT "A"**

#### **CONDITIONAL USE:**

The review of a conditional use request should include consideration of the criteria noted in Section 27-768 of the Land Development Code, which is as follows:

1. A binding and buildable site plan that allows the Council to determine the architectural features and buffering needed to protect the surrounding property.

An application for site plan approval reflecting the proposed child care use was submitted simultaneous with the request for conditional use approval.

*The applicant has submitted the required binding and buildable site plans showing exterior improvements.*

2. The proposed conditional use will be consistent with the general plan for the physical development of the district including any master plan or portion thereof adopted by the Council.

The proposed child care use is consistent with the general plan for the physical development of the area. The use would occupy approximately 11,030 square feet of a 13,530-square-foot existing building that was previously occupied by a Walgreens in an essentially built-out office and retail complex. The

building would undergo minor modifications to accommodate the proposed use but would not significantly alter the character of the existing development.

*The proposed day care center is a permitted conditional use within the commercial districts.*

3. The proposed conditional use will be in harmony with the general character of the neighborhood, considering population density, scale, and bulk of any proposed structures, intensity and character of activity, traffic, and parking conditions, and number of similar uses. A present need for the conditional use must be demonstrated.

The immediate “neighborhood” surrounding the proposed use includes the applicant’s own office and retail complex and an additional mix of office, retail and nearby residential uses. The proposed child care use would be in harmony with and compliment these uses. Because the proposed child care use will occupy a former Walgreens store that will be renovated but remain largely in its previous configuration, there will be no meaningful change in scale or bulk. Traffic from the proposed child care use would be no greater than with the previous Walgreens use and parking will comply with the Code requirements. The proposed use would compliment and add to the diversification of uses in the area providing nearby residents and employees of the surrounding commercial uses with a quality and convenient option for child care from a franchise operation of a national and reputable company (Kiddie Academy).

*Presently no other day care center is located in close proximity to the applicant’s location. Retail, office, restaurants, and commercial establishments are in close proximity of the proposed child care center.*

4. The proposed conditional use will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding property, or the neighborhood, and will cause no objectionable noise, vibration, fumes, odor, dust, glare of physical activity.

The proposed child care use will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding property, or the neighborhood. The surrounding area is already characterized by a mix of compatible uses and the Kiddie Academy child care facility will be an amenity to those that live and work in the vicinity as opposed to having an adverse impact. While the child care facility will have a secure outdoor play area that will be used at various times during the normal daytime hours of operation, it is not anticipated that the playing children will create objectionable noise, vibration, fumes, odor, dust, or glare of physical activity.

*Throughout the City, child care centers are located within commercial districts and may abut residential districts.*

5. The proposed conditional use will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the neighborhood.

The Kiddie Academy facility will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the neighborhood. A quality child care facility will be an asset and improve the general welfare of the residents and visitors of the neighborhood.

*The proposed use should not be detrimental to the health, security, morals, or general welfare of City residents or visitors.*

6. The proposed conditional use will not, in conjunction with existing development in the area and permitted development under existing zoning, overburden existing public services and facilities.

Adequate public facilities exist to accommodate the proposed child care facility. Child care use will not place a demand on public facilities greater than any other permitted retail activity that could occur in this location.

*The proposed use should not have a detrimental effect on levels of services provided by the City.*

7. The proposed conditional use shall meet all other specific standards that may be set forth elsewhere in the Code of Ordinances.

There is currently a provision in the City Code of Ordinances that establishes a separation requirement of 500 feet between child care uses and businesses that sell alcohol. There is an exception to that separation requirement if the use that sells alcohol is a grocery store, drug store or a restaurant that does not include a bar or restaurant entertainment facilities. The proposed child care use would be within 500 feet of a BP gas station that sells alcohol in its convenience store. Applicant believes that gas stations that sell alcohol as an ancillary use to its main gas station business is similarly situated to a grocery store, drugstore, or restaurant that sells alcohol as ancillary to its primary products of groceries, consumer goods, and food, respectively. Therefore, concurrent with this request for conditional use approval, applicant has submitted a request for amendment to the code to expand the exception to the separation requirement to include gas stations with convenience stores. Although applicant has requested that the conditional use and site plan applications be processed concurrently with the proposed code amendment in order to be efficient and save time, applicant acknowledges that the proposed child care use will not be permitted unless the code amendment is adopted and that if the City agrees to process the applications concurrently as a courtesy to the applicant, that the City's willingness to process the approvals concurrently in no way indicates that the code amendment will be approved or provides applicant with any vested rights. Other than the separation requirement, the proposed conditional use will comply with all other specific standards in the City Code.

*Section 3-3(a) of the Code requires a distance separation of one thousand (1,000) feet between establishments selling or dispensing alcoholic beverages, including beer and wine, and a house of worship, hospital, park, child care center, or school, unless the uses are separated by a public road right-of-way exceeding ninety-nine (99) feet in width, then such distance separation requirement may be reduced to five hundred (500) feet. The proposed child care center does not meet the separation requirements as it is located approximately three hundred (300) feet from a BP gas station with a 1,080-square-foot convenience store that has package sales of beer and wine. Given the City Council cannot grant waivers to alcoholic beverage separation requirements, the owner is requesting City Council consideration of a code revision to amend the distance separation requirements. Applicant has been advised that if the code amendment is denied, the child care center use will not be permitted.*

8. The proposed conditional use shall disclose the square feet of use sought for approval so that an adequate evaluation may be made.

The proposed Kiddie Academy facility is approximately 11,343 square feet of building area, together with 5,271.9 square feet of outdoor playground area as reflected on the site plan that is being processed concurrent with the conditional use approval.

*The proposed 11,343-square-foot facility will have approximately 194 students and operate five days a week. The hours of operation will be 6:30 a.m. to 6:00 p.m., Monday through Friday.*

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Councilman Jacobs and Councilwoman Uria disclosed ex parte communications. They noted that their conversations would not influence their decisions.

Mr. Leeds explained that the item just heard was a zoning code amendment; it was a change in the land development regulations that allows a day care center to be closer to a gas station that serves beer and wine than is normally allowed. The number is 500 feet and it was reduced to 200 feet; it was limited to special conditions so that this does not become a common occurrence in Plantation. That particular ordinance was submitted by the applicant. Staff did not make a recommendation on that ordinance because it is not a Planning issue; it is more of a public safety issue. The Police Department has public safety conditions included in the report. The Walgreens has been vacant for about two years. The Landscape, Design and Construction Management Department did not have any objection to the first landscape waiver subject to the condition that the applicant will do tree mitigations for those trees that do not fit next to the building. The preference of the tree mitigation is to relocate trees or plant trees on site. If that is not possible, there is also the ability to contribute to a tree trust fund that can be used to plant trees on public property throughout the City. The Landscape, Design and Construction Management Department staff did not have any objection to the second waiver. Zoning had only one comment; they reevaluated the parking, which is done every time there is a change in parking requirements for a shopping center. The day care center actually requires less parking than the Walgreens; however, there are additional uses going in the Center that may generate additional parking demands. They are requesting the applicant to redo their table to reflect the calculations prepared by staff. Mr. Lunny has explained the traffic study comments.

Councilperson Stoner expressed concern about the cars exiting onto Broward Boulevard and turning east (left) during peak hours.

Mr. Leeds commented that as people learn that they will stack up in the left turn lane that they will use the rear exit and go out with the light on Broward Boulevard.

Mayor Bendekovic stated that there has been a considerable amount of traffic in the past; this has always been a busy Center.

Attorney Paul D'Arelli was present on behalf of the applicant. He provided a brief overview of the project. This property has been vacant for some time and is a little bit of a difficult location given the fact that it is set back off the street, which is why Walgreens relocated to a corner location. They believe the day care is appropriate and staff believes it is a good use for the location as well. He understands the concern for safety of children and that is why some of the modifications were made around the site. There are extra sidewalk spaces around the Center that caused them to constrain some of the landscape areas so there was a lot of discussion with staff to balance that. The turning movements that occur onto Broward Boulevard are existing turning movements; they are not altering that access configuration although they are changing the use from a drugstore to a child care facility.

Tommy Cortez, Planner Engineer, was present.

In response to Councilwoman Uria, Mr. Cortez advised that the ages are from infants to six years old.

Mr. Lunny advised that this application is dependent on the passage at second reading of the ordinance. If there is a concern with the traffic report, there is some time to get that answer because it will probably have to come back.

Councilman Tingom was in favor of approving this tonight but he requested an update on the traffic issues from Mr. Butler.

In response to Councilman Jacobs, Mr. D'Arelli indicated that the updated information requested by Ms. Bernstein was submitted. In speaking with Ms. Bernstein, she stated that she would review the information yesterday. He has not heard back from her as of this meeting. He could not tell the scope of the report, but it was done in accordance with her methodology so he believed that it looked at both circulation and ingress/egress.

***Motion by Councilman Jacobs, seconded by Councilman Tingom, to approve Resolution No. 11445 along with the requested waivers, subject to approval of the traffic study and subject to the passage of the ordinance on second reading. Motion carried on the following roll call vote:***

Ayes: Stoner, Tingom, Jacobs, Levy, Uria

Nays: None

Arti Sonpal (sic), resident, expressed concern with a day care at peak hours due to the fact that more traffic would be generated. She requested whether the City would provide additional police to enforce the 30mph speed limit that no one is abiding by.

Councilwoman Uria stated that we have that request throughout the City and if there is a problem in that area the Police Department will look at that.

In response to Councilman Jacobs, Ms. Sonpal advised that you can get into the site from Central Park Place by going through the rear of the property.

Councilwoman Uria noted that you can also exit through the rear of the property and go to the light on Broward Boulevard and go east; that is the safest way.

In response to Councilman Jacobs, Ms. Sonpal indicated that a lot of the speeding cars are coming from Nob Hill Road cutting through to get to Broward Boulevard.

Councilman Jacobs suggested that the Engineering Department look at that to see if there is some engineering solution if people are really avoiding the traffic light but cutting through a neighborhood.

\* \* \* \* \*

21. DISCUSSION CONCERNING PROCESS FOR ONE PLANTATION PLACE.

*Note: This item was removed from the agenda.*

\* \* \* \* \*

## COUNCILMEMBERS' COMMENTS

Councilman Tingom made the following comments:

- He attended the Chamber of Commerce breakfast sponsored by Westside Regional and Plantation General Hospitals. Brochures were distributed about their impact to our community and they generate \$2 million worth of commerce in our community.
- The flood zone areas have recently been redefined and if any homeowners have an old policy it is worthwhile to call your insurance company to find out if your flood insurance category has changed.
- The 5k will be held at Plantation Central Park on Sunday morning at 7:00 a.m.
- The Kiwanis Car Show at the Westfield Broward Mall will be on February 19, 2012.
- He reminded everyone of Valentine's Day next Tuesday, February 14, 2012.

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Mayor Bendekovic reminded everyone that City Hall will be closed on Monday, February 20, 2012.

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Councilwoman Uria mentioned information regarding cash balance. She read the information and noted that it is interesting.

Mayor Bendekovic provided the documentation and said that if additional information was needed we could ask our actuary to speak on that matter.

Councilman Jacobs indicated that the "Question of the Month" is whether there is a simple way to determine the health of a defined benefit pension plan. The brief answer is that it is quite difficult to use a single measurement or criteria to determine the health of a single defined benefit pension plan and even more difficult to compare different plans. He believes that prior to discussion of other kinds of pension plans that we should have a handle on the health of the existing plan. We should first identify the problem if there is one and then get all of the stakeholders to agree that there is a problem. He does not think that we have defined a problem. Perhaps the individual Pension Boards can get a handle on the health of each plan.

Councilwoman Uria feels that when you get down towards 60-65 she is not sure how it could be in great shape.

Mayor Bendekovic stated that Leroy Collins Institute did a report and we rated with an A, B and a C. Even if they did it today, we would probably end up with an A, B and a C because Fire is 135% and 80% - 82% is our General Employees. One has gone down but we are still in the ballpark; we have not decreased that much since 2008. The actuary will provide reports.

Councilman Jacobs commented that the "Question of the Month" has at the bottom, "For more information contact Dustin Hines, Manager of Investment Retirement Services for the Florida League of Cities". Maybe they might have some insight.

Mayor Bendekovic indicated that she would look into this.

Councilman Tingom advised that there was also a codicil of the Collins 2008 Study with Brad Heinrich, who speaks often at the FTTPA. He wrote a four-page letter of the parameters used in that particular study. The

State is going to do this again and it is going to use an assumption rate of 7.75%, which is still not very realistic based on the past ten years but there are many plans that have used, 8%, 9% and even 10% throughout the State of Florida, and that is why every study is going to have some error to it. They are going to try to make a standard measurement system. We have also enacted the Tier 2 program, which over time, should reduce the obligation that the City has to the program. He thinks it does demand study and we need to look at it with caution.

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In response to Councilwoman Uria, Mayor Bendekovic advised that she has already spoken with Mrs. Tyler; it has already been taken care of. She stated that the enforcement was all throughout the City. The specific area you are talking about is in the Park East area; there were 40 people cited for putting garbage out 48 hours prior to bulk pickup. They are not only being cited but they are being fined. The first fine is \$25, the second fine is \$75 and it is everywhere throughout the City. She spoke with Code Enforcement about it and they are now fining people rather than citing them because evidently they are not getting the message that they cannot put it out.

Councilwoman Uria indicated that people throughout the City put out bulk pickup several days in advance and the landscapers are trimming people's landscaping and they do it when they know it is bulk pickup. She does not know that bulk pickup was designed to pick up landscaping; she thinks it was designed for appliances, etc. If the landscapers trim the yards, they need to haul it off; why should the taxpayers have to pay for that.

In speaking with Mr. DeCelles about the Christmas tree pickup he explained that certain areas, like gated communities, have a designated drop off area for the Christmas trees and it works well in some neighborhoods and in other neighborhoods not so well. Some people who were complaining were told that Public Works does not come in and go down private roads but if you take a neighborhood like Bridgewater, which is private, they do go down that road. There needs to be some consistency; either there is one drop off whether it is gated or not.

Mr. DeCelles concurred with Councilwoman Uria; it should be defined and the policy steadfast. The other thing about bulk pickup is the more landscaping material they have to pick up slows down the normal pick up for bulk; therefore, there are days that some bulk does not get picked up when it is supposed to because the trucks are running back and forth trying to unload. Bulk pickup is strictly for appliances, furniture, mattresses, and bulk items that would not be able to go into a blue bag.

Mayor Bendekovic stated that we need to notify all those developments that do have the private roads prior to the holiday season next year and perhaps Mr. DeCelles should determine where the sites will be so residents know where to bring their Christmas trees.

Mr. DeCelles recommended that issue be decided by Council so that when notification is given there are not any problems. If it comes from Council that this is the policy the City is going to follow that will eliminate many problems.

Mr. Lunny indicated that there are some communities like Lauderdale West, which is part public part private, yet they are all open to use. There may be a different kind of issue in a community like that.

Mr. DeCelles explained that the trees on private roads are picked up by the maintenance people and they take the trees to a separate location where we pick them up. Cooperation is the key word. When there is no need to go

up and down the streets and a community calls Public Works will go to that one location. There are a lot of reasons for that and one is the width of the streets in private communities. When going through there with large trucks and trailers to pick up material sometimes you face liabilities for damage. If there is a separate location we do not travel up and down the roadways and plus we do not have the staff to do so. He totally agrees that the one issue must be firmly committed to and then they will follow that commitment.

\* \* \* \* \*

Councilman Levy stated that under the new ethics law in Broward County we are supposed to take eight hours of ethics training during the year. He questioned whether something is planned for all of the Council members or whether they have to do this individually.

Mayor Bendekovic indicated that there is a list of what courses are available and the City will pay the cost. With Mr. Lunny meeting with all of you, he can sign off and then with the Florida League of Cities you will have your eight hours. She will send another list out to everyone as to what is available.

In response to Councilman Levy, Mr. Lunny advised that some cities are starting the day the law became effective for a calendar year; we decided to start on a fiscal year basis because that is how we track everything but it would only count after the County Commission enacted the law. We started training to get ready for the January 1, 2012 deadline and most elected officials have already accumulated some hours. He was doing the first one, then Administration will do the one about the computers and then there will be the ones from the Florida League of Cities. The eight hours must be completed by September 30, 2012.

In response to Councilman Jacobs, Mr. Lunny stated that he kept track of the hours and he has a memorandum to the Mayor dictated. He is still waiting for someone to meet with him so the initial sweep can be completed.

Mayor Bendekovic strongly suggested that one four-hour course be done an hour at a time.

In response to Councilwoman Uria, Mr. Lunny commented that eight hours a year must be done and the subject is public service ethics.

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## **PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS**

Dennis Conklin, resident, made the following comments:

- He recommended that if the City changed to a Defined Contribution Plan the comments regarding the health of the pension plan would be mute.
- Monday was President Ronald Reagan's birthday. He would still like to propose a name change for NW 5<sup>th</sup> Street and signage from Sunrise Boulevard to University Drive, which he will pay for.
- In reading some of the backup for tonight's agenda there were minutes of the meetings for 2011 that were made available. Last year and this year he has tried several times to get minutes from 2011 and whatever is available for 2012 and they are not up since February 2011.

Ms. Slattery indicated that all of the minutes are not completed and as they are completed we are working with the IT Department to get them online.

- He mentioned the President's comments regarding health care and believes that it is a strike to the Constitution, Bill of Rights and the Amendments to the United States Constitution. He requested a resolution that the HHS retract the President's comments of government over God.
- He wished everyone a Happy Valentine's Day.

\* \* \* \* \*

Larry Derevensky, resident, is unemployed. He purchased a hot dog cart and was working in the Best Buy Shopping Plaza basically on the weekends until Code Enforcement told him that he was not allowed to be there.

In response to Councilwoman Uria, Mr. Lunny did not know whether the City does or does not allow this type of activity. He can speak with Mr. Leeds. It is not an issue that would normally come to him and he does not know.

Ms. Slattery advised that the gentleman came in to apply for a Business License and he was told that this is not an allowed use in the City. Council discussed this in the past, in December 2005, and at that point, the Council did not want to allow hotdog vendors. Numerous people have come in with the same request. He has been told that this is not an allowed use by our office, Administration and by Code Enforcement.

Mayor Bendekovic commented that the concern is that if one is allowed we will have to allow all of the vendors.

Councilman Levy stated that he would have to move to another community over the line; he is close enough to Sunrise where he might be able to find a business. Plantation does not allow this and there are no exceptions.

Councilwoman Uria suggested he check with Best Buy to see if he can have the cart inside.

Councilman Jacobs indicated that he would need a food service Business License.

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## **SEALED COMPETITIVE SOLICITATIONS**

Mr. Lunny read Item No. 22.

22. REQUEST FOR APPROVAL TO AWARD CONTRACT FOR JIM WARD COMMUNITY CENTER LIGHTING BASED ON SEALED PROPOSALS OPENED ON JANUARY 24, 2012.

### **Awarded To: Electrical Contracting Services**

Mr. Lunny advised that the way this item would be read would be, "A request to approve the competitive procurement as indicated in Mr. Ezzeddine's memorandum of February 2, 2012". Normally you would be careful about inviting people to comment because then you would have to convene and go upstairs. If this meets with your approval he believes this is the kind of motion that the Council's policy would invite and then after that motion passes you would indicate who the award was to.

Councilperson Stoner clarified that the memorandum says we received three bids but there are four bids attached.

Councilman Tingom commented that the contact name is the same for #1 and #2.

In response to Mr. Lunny, Mr. Ezzeddine stated that the numbers are correct.

***Motion by Councilman Tingom, seconded by Councilman Jacobs, to approve the sealed bid. Motion carried on the following roll call vote:***

Ayes: Stoner, Tingom, Jacobs, Levy, Uria

Nays: None

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The regular meeting was closed at this time.

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## **WORKSHOPS**

### **23. DISCUSSION CONCERNING PARKING CODE AMENDMENTS.**

A memorandum dated February 8, 2012, to Mayor and City Council from Laurence Leeds, Director of Planning, Zoning and Economic Development, follows:

Staff has received direction from members of the City Council to prepare an amendment to access and parking requirements for residential uses, particularly townhouses. For this evening's workshop, suggested code amendments include the following. In all cases, all changes will contain protective language as follows:

**“Any change to the off-street parking requirements shall not be deemed to make an existing use non-conforming (with respect to parking) so as to require said use to be discontinued or ceased because of the passage of time or from damage, destruction, or by a natural disaster.”**

**(1) SINGLE FAMILY AND DUPLEX PARKING:** The current single family and duplex parking requirement (one-space per unit) is out of date. Staff suggests increasing the requirement to two parking spaces (not including enclosed garages) per dwelling unit.

**(2) TOWNHOUSE PARKING:** At the request of members of the City Council, staff has prepared a draft zoning code amendment creating a separate parking requirement for townhouse units.

Older townhouse developments typically contain two bedrooms and no garage, or in some cases, a single car garage (often used for storage). Newer townhouses are larger (containing three or four bedrooms) and are designed to accommodate families, which may include vehicles of teenage or adult children. Townhouse occupants may also use a garage space to store a recreational vehicle (motorcycle, personal watercraft, etc.). Finally, private townhouse roadways are too narrow to accommodate parallel parking resulting from “high

vehicle occupancy” townhomes without blocking emergency vehicle access. Staff recommends the following minimum requirements:

Unit Type	Current Parking Requirement	Suggested Parking Requirement
Two bedroom townhouse	2.25 spaces per unit (no garage required)	Two side-by-side driveway spaces <u>plus</u> one fully enclosed garage space 19 feet deep by 15 feet wide.**
Three bedroom Townhouse	2.25 spaces per unit (no garage required)	Two side-by-side driveway spaces <u>plus</u> one fully enclosed garage space 19 feet deep by 15 feet wide.**
Four bedroom or more townhouse	2.5 spaces per unit (no garage required)	Two side-by-side driveway spaces <u>plus</u> one fully enclosed garage space 19 feet deep by 21 feet wide.**

\*\*The minimum garage door width shall be eight feet for one-car garages, 16 feet for two-car garages.

(3) SPI-3 PLANTATION MIDTOWN PARKING CODE

The 2004 SPI-3 Parking Code requires the same amount of parking as the Citywide Code. SPI-3 allows reductions from citywide standards in certain cases:

(a) Parking Buy Down Provision: Parking can be reduced below the citywide requirement if the developer buys down required parking spaces at a fee of \$6,500 per space. This provision is supposed to generate funding to finance public parking facilities, reducing on-site private parking need, thus providing more land for private redevelopment. To the best of my knowledge, no developer has ever reduced his parking requirement by “buying down” required parking spaces. The “buy down” concept works well in high-density, compact areas (Downtown Hollywood and South Beach) originally planned with limited on-site private parking. Application to Midtown is much more of a challenge. Midtown’s size (850 acres, nearly two miles long), low gross residential density (five units/acre), and significant free on-site parking are not conducive to construction of public parking garages. Staff recommends the “buy down” provision be deleted.

(b) Shared Parking Formula: The SPI-3 Parking Code grants a reduction for master planned mixed-use projects sharing a common, equally accessible parking area. The concept is based on the premise that different uses (i.e. office and residential) experience parking demand at different times of the day. Shared parking allows for increased redevelopment with less parking. Shared parking is intended to apply when each use in a mixed-use project (retail, office, residential) has unrestricted access to the common, shared parking areas.

Contrary to the intent, the concept has been applied to in Plantation to mixed-use development where retail/office parking is severely limited or prohibited entirely in residential parking garages.

In Midtown 24 (Phase I), the residential parking garage prohibits retail parking entirely. In Veranda I, some open parking (no gate) is provided on the ground floor. Hopefully, this ground floor parking will remain open to employees or customers of the adjacent shopping center.

Based on this trend, staff recommends modifying the SPI-3 parking code for future projects so that the shared parking formula applies only to that portion of a residential parking garage legally accessible to retail and office uses included in the master plan. This is especially critical in Veranda type-projects where only 35% of the total parking is accessible to retail customers and employees. This is less critical in the Fountains/Midtown 24, where 60% of the total parking is accessible to retail customers and employees. Again, we will not know the extent of practical parking sufficiency (or lack thereof) until both projects are completed and fully occupied.

(c) 5% Vehicle Connectivity Reduction: SPI-3 allows an additional 5% parking reduction for projects that have driveways that connect to adjacent private properties. The 5% parking reduction does not require the adjacent property owner to enter into a shared parking agreement to provide additional parking. If the adjacent property owner will not enter into a shared parking agreement, there is no justification to allow the reduction. Staff recommends this provision be deleted from the code.

**(4) PARKING GARAGE DESIGN STANDARDS:** Currently, the City Code contains no minimum design standards for multi-story parking structures. The suggested minimum standards are based on a survey of standards in Hollywood and Boca Raton, Florida, as well as inspections of existing parking garages in the City.

The garage standards are also recommended based on a recent City Council parking waiver for a 12-story, 321-unit apartment complex. In this case, the Council granted a waiver allowing an average of 1.8 spaces per apartment unit, including guest parking spaces. The waiver was granted for a building containing 7% three bedroom units, 44% two bedroom units, and 49% one bedroom units. If lower parking requirements become the trend, it is important that parking garages be accessible and usable by as many different types of vehicles as possible. Some of the suggested standards are as follows:

- a. Parking spaces next to walls or columns shall be 1.5-foot wider than conventional parking spaces (9'x18'). *Hollywood requires a 10.5-foot wide space adjacent to a column or wall.*
- b. No column shall be located within three feet of the entrance to a parking space. *City of Hollywood requirement.*
- c. Two-way driveways in parking garages (regardless of whether the driveway abuts or does not abut parking spaces) shall not be permitted to obtain waivers to reduce aisle width below 24 feet; 25 feet in office and commercial applications (*Boca requires 24 feet to 26 feet*).
- d. Maximum ramp grades (abutting parking) shall not exceed 6.5%. *Boca Raton allows no more than 6%. Midtown 24 Phase II was approved with a ramp grade slightly above 6%.*
- e. Maximum speed ramp grades (not abutting parking) shall not exceed 12%. *Boca allows no more than 12%.*
- f. Minimum ground floor vertical clearance shall be at least 8'2" (Veranda and Midtown 24 meet or exceed this standard).
- g. All other floors shall provide a minimum vertical clearance of 7 feet (7'4" for non-residential applications). *Midtown 24 and Veranda meet or exceed this residential standard. Boca requires 7 feet to 7.6".*

(5) PROTECTIVE LANGUAGE

**“Any change to the off-street parking requirements shall not be deemed to make an existing use non-conforming (with respect to parking) so as to require said use to be discontinued or ceased because of the passage of time or from damage, destruction, or by a natural disaster.”**

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Mr. Leeds explained that some revisions have been submitted. Going back 20 to 30 years, townhomes were primarily two bedroom units and some did not have garages; they were stacked like row houses. Over time they have increased to three and four bedrooms and now contain one or two garages. Families who would previously move into a single family home on a large lot, for economic reasons, are now living in townhomes. Family size may be changing; however, Americans love vehicles, watercrafts, motorcycles, etc. In looking at a few things in the parking code, he has tried to address a problem that he has seen and does not want to repeat and tried to update something that is very old and outdated. The single family duplex parking requirement goes back to the 60's; it only requires one space per unit. We are not going to have a great deal of single family units built in the City anymore but he believes that at least two spaces should be required not including the garage.

In response to Councilwoman Uria, Mr. Leeds clarified that he is suggesting two parking spaces excluding the garage for single family and duplex parking. He believes that a single family home should have two outside spaces and the garage should not be counted as one of the spaces. With regard to townhouses, two and three bedroom townhouses will provide a 1.5 car garage, which will also allow for storage space, etc., in addition to two outside parking spaces in front of the driveway. When residents and guests do not have enough parking they tend to park in driveways, many of which are private roads; they are barely 24 feet wide, which is the code requirement. If people start parallel parking in the driveways, emergency vehicles cannot get in quickly or at all. Mr. Leeds' intent is to provide just enough parking for the townhouses as Council requested so as to make it less likely that the driveways will be blocked. A protective provision was suggested by Mr. Lunny which basically says, “If you have a townhouse in the City and there is a fire and it burns down, you do not have to provide parking if you rebuild your house, based on the new code; it can be rebuilt in the same configuration in terms of parking”. If people are required to bring the older projects up to current parking requirements, as he is suggesting, it would cause a reduction of units and the same development could not be constructed. We do not want to take away that right; we want people to be able to rebuild, especially if it is due to a catastrophe that was no control of their own.

Councilwoman Uria disagreed with parking requirements for townhomes. She questioned how three bedroom townhouses can have two side by side driveway plus one garage space. She believes when there is a three or four bedroom townhouse there should be a two-car garage with two spaces.

Mr. Leeds indicated that he was directed to provide at least one fully enclosed garage space for a two or three bedroom townhouse. He noted that there is a two-car garage with two spaces for four bedroom townhouses. He has no problem with three bedrooms having two-car garages with two parking spaces. If it is the will of the Council, we can require the same amount of parking for a three bedroom as a four bedroom.

Councilman Jacobs was wondering instead of requiring a two-car garage about requiring four spaces, not necessarily all of them enclosed; even a one-car garage and three parking spaces.

Mr. Leeds believes that garages need to be required. The configuration of townhouses does not lend itself to building three spaces; configurations of most townhouses today have a two-car parking apron side by side. If you require a third car you are going to reduce the development ability and basically will reduce the density from anywhere to 15% to 25%.

In response to Councilman Jacobs, Mr. Leeds stated that community parking areas do not work in a townhouse. People move to townhouses because they want their own parking. A community parking area will work in a garden apartment where the spaces are not reserved. With regard to three bedroom townhouses, there is no reason not to have a two-car garage and two spaces; he believes it is a good idea. Townhouses that are higher quality products all have two-car garages and I think we want to encourage that because these townhomes will have a useful life of hopefully 30 years.

Councilman Jacobs stated that he would support the two-car garage requirement for three bedroom townhomes.

In response to Councilwoman Uria, Mr. Leeds indicated that a single family home needs more than two parking spaces and one garage; however, we are not going to see a lot of new single family homes in the City. We have two or three permits in Hawks Landings and those homes generally have at least a two-car garage, sometimes a three-car garage, and a huge driveway. All he is doing with single family is putting a very minimal requirement. If his recommendation were asked, he would require four spaces for a single family home. The purpose of the Workshop is to see if there is support to change a parking provision that is four years old or possibly older.

Councilwoman Uria stated that she is in agreement.

Mr. Leeds reiterated that the single family and the duplex would be the same as the three and four bedroom townhomes.

In response to Councilman Jacobs, Mr. Leeds advised that if a home with a single car garage is destroyed they would not have to rebuild it under the new code. There is protective language that was designed because we have some small lots in the southwest corner of Country Club Estates and some only have a carport space and a single strip for a car. He does not want someone with a small home on a small lot to have to meet the current code. The provision he is suggesting would apply to any change in the parking code that he is going to suggest tonight or in the future. The old houses will not become non-conforming uses.

Mr. Lunny noted that if the homeowners want to knock the home down and rebuild some infill and do something new then the new code would apply as a development as opposed to a calamity. They will not be non-conforming and they will be treated under the old code for purposes of catastrophic damage.

In response to Councilman Jacobs, Mr. Leeds stated that he would not put in a lot size because there will always be odd shape lots that will not fit a particular size. There are key lots in Plantation. If it is not feasible to do a two-car garage and the homeowner decides that they want to knock the home down and rebuild, if they do not put in a two-car garage they would need to request a waiver from the Council.

Mr. Lunny indicated that if it is a site planned community planned zoning there are waiver provisions which apply. If it is not a site planned community and large portions of our areas are not site planned, they would need to go to the Board of Adjustment. The scope of the protective languages states that, "If there is a fire or catastrophe and you try to rebuild your existing structure then you would be grandfathered under the old rule. If you are a developer and you are aggregating parcels not utilizing the same footprint, then you would comply with the new provision. If you are a homeowner and you own one lot and you are seeking to reconstruct your

home and you are not trying to aggregate parcels or change the nature of the use or do an infill, all you are trying to do is reconstruct your home then it is our intent to apply the old standard”.

Discussion ensued with regard to rebuilding.

Mr. Leeds advised that he will meet with Mr. Lunny and bring this item back. His intent is to try not to penalize people who live on small lots. With regard to the SPI-3 District parking, he has some concerns about the code that are not working in the City or not being properly applied. The parking code for Plantation Midtown is the same parking code as the rest of the City. There are certain exceptions and reductions allowed if you meet certain criteria. There is a Midtown Plan that talks about the mixed use urban community but the reality is that most of the parking in Midtown is free. As long as it is free people are not going to search out a City garage, they are going to park at their place of business or where they are shopping. He does not feel like this is working; there has been no developer interest and he would like to take it out of the code. It is not working and the development community does not like it. The problem with mixed use is that it only works when everybody can share everybody's space at every time. Midtown 24 is gated and unless you are a visitor or resident you are not going to get into that parking garage. Veranda Phase I has a small guest parking area for guests on the ground floor but 80% to 90% of the garage is gated.

In response to Councilwoman Uria, Mr. Leeds stated that when Council approved the Stiles project they requested a 10% parking reduction and approved 1.81 spaces per unit. That was not a mixed use project and in his opinion, the parking for a gated freestanding apartment complex is too low. By doing this, more units can be built and there will be less landscaping. They have no ability to share with the commercial property because this is a gated complex. Midtown 24 was approved at 1.81 spaces but they had a shared parking arrangement so that if a guest comes in one night and there is no room in the parking garage he can park in one of the parallel parking spaces next to the doctors office, in front of the private pedestrian plaza, or in front of Lime Fresh and walk over.

Councilwoman Uria commented that the consultants want to get rid of parking spaces; they want more foot traffic than vehicular and she does not think it is going to work out west.

Mr. Leeds advised that if you are going to allow for reduced parking you also have to make sure that the parking garages can accommodate the maximum amount of cars possible. We will not accommodate 100% of the cars but we should try for 85%. Something that the City lacks entirely is parking garage geometry and we need to have some minimum standards. He has tried to come up with something that is not the highest but not the lowest. If we continue to have nothing while we study this for another six months, we may get a garage that may not work. Currently a 9'x18' space can be built next to a wall in the parking garage. When the wall is at the nine-foot space it is not like a white line and there may be six or 12 inches wiggle room before you hit the next car; you have a solid wall. People do not like those parking spaces. He is suggesting that parking spaces next to a wall be increased to 10.5 feet, as people would be more comfortable getting their cars into it. The two-way driveway was reduced in the Veranda to 20 feet and he does not think that was a good idea. He believes that a minimum of 24 feet should be established in any parking garage because there are turns, an occasional wall or column and you are going from one grade to another.

Councilman Tingom indicated that he is generally in agreement with the minimum standards; he does not feel that seven-foot height is enough; it might need to be 7'6" or 7'4".

Mr. Leeds clarified that the 8.2 feet are service areas and the 8.4 feet is when you have to get a larger vehicle in such as a delivery truck. He does not have a problem going above seven feet but you may get developer push back.

Councilperson Stoner stated that she would rather have a higher minimum than a lower one. Why not make the requirements more in line with what we want and then there will be a different level of acceptability when a waiver is requested.

Mr. Lunny advised that if we start doing that then we have lowered the bar. Some waivers are reasonable. If you want to start fresh pick a height that you are comfortable with and that you are willing to enforce.

Mr. Leeds believes that a standard needs to be picked that Council is not to grant waivers on; you need to stick to it. The exercise of granting ten, 20 and 30 waivers is not working. We should establish a reasonable standard.

Councilwoman Uria commented that in her opinion, landscaping waivers are not as important as parking and footage and this is something that could come back and hurt us.

Mr. Leeds stated that doing nothing could hurt us more. He suggested that we look at the shared parking divisor because the reality is that all of the spaces in Veranda Phase 1 and Phase 2; retail parking is not available to them. The other thing we have to do is eliminate a strange phrase in the code that says, "Because my parking lot hooks up to my neighbor who may have no parking and tow signs, I get a 5% reduction in parking". That makes no sense. His point is that this code that was drafted in 2004 gives a 5% reduction in addition to the shared parking reduction, in addition to other things, and it reduces the parking more. He thinks we need to provide less parking but this code for Midtown goes a little too far and we have not experienced it yet because Veranda is not even half done and the second phase of Midtown 24 and Total Wine are not happening. There will probably be less of a problem in the Fountains because 60% of the parking is in retail parking lots and 30% of the parking in Veranda is 33%.

Councilperson Stoner believed that Mr. Leeds should try and make the requirements more like he wants. She believes that the streets are too narrow and questioned whether the width could be increased.

In response to Mr. Lunny, Mr. Leeds is seeking to prepare an ordinance and advertise these changes.

Councilman Tingom suggested incorporating the best features of some other cities and bring them back to Council with a specific ordinance and then we have to decide if we are strong enough to enforce the recommendations made because there will be some developers who will say they are not going to build if we make them do this many parking spaces. There is where we need to find a minimum standard that we are willing to say no to and then move forward.

Councilperson Stoner commented that even in requiring more parking or garage spaces there will still be streets that are too narrow and people that are going to park in the street regardless of the available parking in their homes.

Mr. Leeds stated that the only way to fix that is to increase the number of guest spaces. The width of the road can be increased but the number of units will be reduced. We try to get the parking spaces at least 19' or 20' deep because we do not want longer vehicles hanging out in the road and you cannot get your perimeter setbacks or your driveway in if the road is expanded at 30 feet. If we do this we will reduce density. It is a trade off.

Mr. Lunny advised that some of the stuff will go right to ordinance because there is some direction that is good but other things may need another Workshop.

Councilman Levy would rather Mr. Leeds put together a comprehensive plan. It would have to come back for first reading.

In response to Mr. Lunny, Mr. Leeds indicated that it would be taken to the Planning and Zoning Board first.

\* \* \* \* \*

Meeting adjourned at 11:10 p.m.

\_\_\_\_\_  
Sharon Uria, President  
City Council

**ATTEST:**

\_\_\_\_\_  
Susan Slattery  
City Clerk

**RECORD ENTRY:**

I HEREBY CERTIFY that the Original of the foregoing signed Minutes was received by the Office of the City Clerk and entered into the Public Record this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Susan Slattery, City Clerk