

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

**January 26, 2011**

The meeting was called to order by Councilman Fadgen, President of the City Council.

1. Roll Call by City Clerk:

Councilmember:	Diane Veltri Bendekovic
	Jerry Fadgen
	Robert A. Levy
	Peter S. Tingom
	Sharon Moody Uria
Mayor:	Rae Carole Armstrong
City Attorney:	Donald Lunny

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2. The invocation was offered by Mayor Armstrong.

The Pledge of Allegiance followed.

There was a moment of silence for Miriam Moshen (sic), who passed away last week.

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**ITEMS SUBMITTED BY THE MAYOR**

Mayor Armstrong presented Service Awards to the following employees:

Captain Brian Hager	Police	25 years
Officer Joseph Mercogliano	Police	20 years
David Deberry	Public Works	15 years
*Walter Jackson	Utilities	15 years
Roberto Escalante	Fire/Rescue	10 years
Herbert Herriman	Finance	10 years
Sharon Kent	Parks & Recreation	10 years
*Joseph Luka	Police	10 years
*Erik May	Fire/Rescue	10 years
Michael Charnin	Building	5 years
Vicki Delello	Planning	5 years
*Jo-Anne Williams	Utilities	5 years

\*Unable to Attend

Congratulations were offered.

\* \* \* \* \*

Mayor Armstrong made the following announcements:

- A Candidate Forum will be sponsored by the Plantation Woman's Club at Deicke Auditorium on February 8, 2011 at 11:00 a.m.
- A Candidate Forum will be sponsored by the Plantation Acres Homeowner's Association at Volunteer Park on February 8, 2011 at 7:00 p.m.
- A Candidate Forum will be sponsored by Country Club Estates and the Park East Homeowner's Associations at the Jim Ward Community Center on February 15, 2011 at 7:00 p.m.
- A Candidate Forum will be sponsored by Lauderdale West on February 21, 2011 at 7:00 p.m.
- The Interfaith Choral Concert will be sponsored by the Plantation Association of Clergy and Temple Kol Ami on February 13, 2011.

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

- Doggie Palooza will be held on January 29, 2011 at Happy Tails Dog Park between 10:00 a.m. and 3:00 p.m.

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## CONSENT AGENDA

Item No.'s 6, 7 and 9 were pulled and voted on separately.

Mr. Lunny read the Consent Agenda by title.

3. Approve yearly maintenance for the City's Cisco network infrastructure from Insight Public Sector in the amount of \$32,018. (Budgeted – IT)
4. Award bid for Parking Lot Resurfacing at Kennedy Community Center to low bidder, All-Rite Paving in the amount of \$18,593.50. (Budgeted – 2003 Bond/Construction)
5. Approve contract for Midtown Ground Maintenance with Landscape Service Professionals Inc. in the amount of \$34,410.

### **Resolution No. 11165**

8. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 13, 2011 – January 19, 2011.

*Motion by Councilman Tingom, seconded by Councilwoman Uria, to approve tonight's Consent Agenda.  
Motion carried on the following roll call vote:*

Ayes: Levy, Bendekovic, Uria, Tingom, Fadgen  
Nays: None

\* \* \* \* \*

As a Commissioner of the CRA, Mayor Armstrong has a voting privilege on Item No. 9.

Mr. Lunny read Resolution No.'s 11166, 11167, and 11168.

**Resolution No. 11166**

6. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 13 – January 19, 2011 for the Plantation Gateway Development District.

**Resolution No. 11167**

7. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 13 – January 19, 2011 for the Plantation Midtown Development District.

**Resolution No. 11168**

9. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period January 13 – January 19, 2011 for the City of Plantation's Community Redevelopment Agency.

Dennis Conklin, resident, explained that he pulled these items because of something in the backup material that he has never seen under the expenses. Routinely there is a cost for the rental property in the Gateway and wages for the staff, even the medical, electric, waste and utilities. He questioned "Allocated operating costs". The CRA was \$7,316; Plantation Midtown was \$3,641; and Plantation Gateway was \$1,500.

Mayor Armstrong advised that the budget was approved and there were some allocated expenditures designated for each of the special Districts, which was basically to cover administrative costs and some of the functions in support of those Districts that is provided Citywide. Wages, medical, etc. would be a separate item that would be identified as an appropriate "Support system cost".

Mr. Herriman indicated that these are indirect costs or cost allocation of support services. Support services consist of Finance, Human Resources, City Clerk's office, and other areas that might support those various projects. This study was conducted by an independent firm, Maximus, to develop these costs. These costs consist of personnel, the percentages that are applicable to those special Districts, or other units of government throughout Plantation. This is the share of their costs to do business. In the case of the CRA, they have some specific personnel costs with the applicable fringe benefits, which are direct costs. The indirect costs are all the support services that we or they use, including insurance, depreciation, or rent on part of City Hall. There is a large area of costs that are allocated to all of the departments; however, it would not be prudent to allocate a cost to the Police Department or Fire Department because they are already funded by the General Fund. They are venturing on another cost allocation study, as the one that was used was dated 2005. A new cost allocation study will be implemented for future years to be sure to capture all of the costs and allocate them according to the proper independent analysis.

Mayor Armstrong stated that these are costs that are allocated; they have been done in the past throughout the City but not to these specific Districts. The new studies will be part of what needs to be reviewed as we go through the next year in the budgeting process to be sure that within the context of the allocations that we are still meeting the philosophical objective of having these Districts work independently. Technically the costs that are needed to support those Districts can be because of revenues that are being generated that can be

appropriately directed to the District in order to recognize that the indirect costs are technically what they utilize in order to do business.

In response to Mayor Armstrong, Mr. Herriman advised that the numbers allocated are for the fiscal year 2011.

In response to Councilman Fadgen, Mr. Herriman stated that this is a catch up because the first two or three months were not allocated. It will be spread over 12 months.

Mr. Conklin suggested that Plantation Gateway, which involves the merchants, somehow be rolled into the CRA Board as a single entity and perhaps collapse the cost of Plantation Gateway.

***Motion by Councilman Tingom, seconded by Councilman Fadgen, to approve Resolution No's. 11166, 11167, and 11168. Motion carried on the following roll call vote:***

Ayes: Levy, Bendekovic, Uria, Tingom, Fadgen  
Nays: None

**NOTE:** Mayor Armstrong voted affirmatively on Item No. 9.

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**ADMINISTRATIVE ITEMS - None.**

\* \* \* \* \*

**LEGISLATIVE ITEMS - None.**

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**QUASI-JUDICIAL CONSENT AGENDA – None.**

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**QUASI-JUDICIAL ITEMS**

Mr. Lunny read item by title.

10. CONSIDERATION OF REQUEST FOR MASTER PLAN AND SITE PLAN, ELEVATION AND LANDSCAPE PLAN APPROVAL FOR RICK CASE HYUNDAI SHOWROOM. PROPERTY LOCATED AT 951 NORTH STATE ROAD 7 AND ZONED SPI-2. (AUTO MALL)

A Staff Report dated January 26, 2011 follows:

**REQUEST:** Consideration of a request for a site plan, elevation, and landscape plan for an 8,000-square-foot auto dealership showroom for Rick Case Hyundai.

## WAIVER REQUESTS:

1. From Section 27-613.4(a) which requires compliance with the frontage road design on the west side of State Road 7 (with a 10' landscape area abutting State Road 7 intended to be the same height of the adjacent public sidewalk);  
To allow a 32' sloped landscape/dry retention area.
2. From Section 27-613.5(e) which requires the proposed building to meet the Plantation Tropical Design Criteria, including but not limited to a colonial Caribbean design and stucco wall treatments:  
To allow a contemporary building design with metal wall panels.
3. From Section 27-750(2) which restricts parking lot lighting levels to a minimum of 1-foot-candle and a maximum of 15-foot-candle anywhere within the site;  
*\*The applicant has agreed to light levels compatible with the adjacent Rick Case Dealership. Staff recommends lighting be directed downward towards existing parking areas and away from the external property lines.*
4. From Section 13-40(a)(b)(c)(4)(c). Interior landscaping for parking areas:  
Medians shall be provided between double parking bays, shall be curbed and shall have a minimum of 8' in green area, not including curbing.
  - *8' wide median required in eastern parking area – 0' has been provided.*Large shade trees shall be installed in all parking areas at a maximum spacing of 40' on-center.
  - *4 trees required in eastern parking area – 0 provided.*
5. From Section 13-40(a)(b)(c)(3). Interior landscaping for parking areas:  
Islands shall be provided to separate parking bays from major internal access drives and shall have a minimum width of 10', not including curbing.  
10' required in terminal at the SE entrance of N. SR 7-6' provided.  
Large shade trees shall be installed in all parking areas.
  - *1 tree required in the terminal island at the SE entrance off N. SR 7 – 0 provided.*
6. From Section 13-40(a)(b)(c)(5). Interior landscaping for parking areas:  
Where multiple perpendicular or angular parking space are provided to driveways, landscape islands will be preserved in green so as to break up the monotony of such parking and to minimize the hazards created thereby providing visual breaks to assist in seeing other pedestrian and vehicular traffic every eight spaces.
  - *1 island required along the southern parking area adjacent to the building – 0 provided.*Large shade trees shall be installed in all parking areas.
  - *1 tree required in the island along the southern parking area adjacent to the building – 0 provided.*
7. From Section 13-40(a). Interior landscaping for parking areas:  
In all zoning districts requiring review and approval of site plans, a total area of interior landscaping shall be provided in all off-street parking areas equal to not less than 15% of the total paved vehicular use area of the site, including all parking and circulation areas.
  - *15% interior landscape required – 7.4% interior landscaping proposed.*
8. 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 or vehicular use area; the minimum width of such landscape zone shall relate to the adjacent structures' wall height.

- *13' required along the northern façade – 0' provided.*
- *13' required along the southern facade – 0' provided.*
- *13' required along the eastern facade – 0' provided.*

One tree shall be installed in this zone per each 30 lineal feet, or fraction thereof, of facade width.

- *3 trees required along the northern façade – 0 provided.*
- *3 trees required along the southern façade – 0 provided.*
- *4 trees required along the eastern façade – 1 provided.*

#### **EXHIBITS TO BE INCLUDED:**

Planning and Zoning Division report; subject site map; site plan application; Landscape Planning Review Board Meeting minutes of November 22, 2010; Advisory Board for the Disabled Meeting minutes of November 22, 2010; and Review Committee Minutes of October 22, 2010.

**PLANNING AND ZONING BOARD; APPROVAL** Minutes not available (5/0; December 2, 2010) subject to staff comments and the following conditions:

1. Applicant shall amend easement agreement to allow encroachments prior to issuance of a building permit.
2. Revised Multi-Urban use Trail Landscape Plan to be reviewed by Landscape Department.
3. Parking lot lighting levels shall be consistent with existing adjacent Acura lot.
4. Staff and applicant to work out site data calculations prior to permit approval.

**LANDSCAPE PLANNING REVIEW BOARD: APPROVAL** subject to staff comments. (7/0; November 22, 2010).

**ADVISORY BOARD FOR THE DISABLED: APPROVAL** subject to staff comments; (7/0; November 22, 2010).

**REVIEW COMMITTEE RECOMMENDATIONS: APPROVAL** subject to applicant address staff comments prior to being scheduled for Planning and Zoning Board. (9/0; October 15, 2010).

#### **ANALYSIS:**

The site area included in the submittal encompasses approximately 1 acre and is currently vacant. The applicant proposes development of an 8,700-square-foot auto dealership showroom with 39 parking spaces. The building architecture is very contemporary with composite metal panel wall surfaces. The plan as submitted does not comply with numerous zoning and landscaping code requirements.

#### **STAFF COMMENTS:**

#### **PLANNING AND ZONING:**

Planning:

1. As required in Section 20-61 of the City Code, the applicant must submit the required concurrency review form for parks, water, sewer, streets, drainage, and solid waste prior to City Council consideration. The standard single-page form is available in the Planning and Zoning Department and must be presented to the appropriate Departments for sign-off and returned to the Planning and Zoning Department prior to City Council consideration. The applicant has made note of this requirement.

Zoning:

1. The site data calculations have not been updated based on the latest changes to the plans (increase in canopy area/reduction in open space). Provide updated site data calculations to the Zoning Department prior to submittal for a building permit.
2. A unified control document, acceptable to the City Attorney, is required for the new one-acre site and adjacent properties to the south and west. The document shall be executed and recorded prior to issuance of a building permit.
3. The proposed building canopy, light poles, and utility structures encroach into the City's MURT trail easement. The easement agreement shall be amended and planting plan revised prior to issuance of a building permit.
4. Section 10-6 of the code requires garbage disposal. Prior to issuance of a building permit, revise the plan to include a dumpster enclosure (block construction with a stucco finish to match the building with metal gates) or provide a letter from Waste Management indicating garbage disposal facilities exist elsewhere on the overall site that are sufficient to meet the needs of both the Acura and Hyundai Dealerships. This requirement does not qualify for a waiver request.

**TRAFFIC REQUEST:** See Engineering.

**ENGINEERING DEPARTMENT:**

1. The bases for the canopies must be at least 2 feet from face of curb, please review. *The response states that the easement agreement is to be modified to accommodate the canopy. Please provide a copy of that agreement prior to permitting.*
2. Please provide two (2) additional "Do Not Enter" signs at northwest drive aisle, where the two (2) parking spaces have been removed. *Per information in the meeting with the applicant, this drive aisle is now being proposed as two-way. We will need the information from the queuing analysis to determine if this is acceptable. Please see response to #3.*
3. Please provide a queuing analysis for the service lanes signed and sealed by an engineering registered in the State of Florida. *Still needs to be submitted. The response states that a queuing analysis has been performed by the General Manager. The General Manager is an employee of Rick Case and not an engineer registered in the State of Florida. The queuing analysis shall be performed and signed and sealed by a professional engineer, registered in the State of Florida, experienced in traffic engineering. The submittal by the General Manager is not acceptable. Please provide the previously requested information PRIOR to submitting for a building permit. The information provided may not allow for the two-way drive aisle.*
4. Drainage is shown next to and thru the proposed C-12 Canal MURT. Please provide South Florida Water Management approval and coordinate with Engineering for installation. *The response states that the elevation for the catch basin and control structure has been lowered. This information will need to be confirmed by an as-built survey. If the structures have not been corrected per the agreement, they will have to be redone.*
5. The control structure shown next to the path has a rim elevation of 13.00 which is 2-4 feet higher than the grades around the path. Please meet with Engineering to discuss drainage. *The response states that the*

*elevation for the catch basin and control structure has been lowered. This information will need to be confirmed by an as-built survey. If the structures have not been corrected per the agreement, they will have to be redone.*

6. The preliminary erosion control plan shows the silt fence in conflict with the proposed C-12 Canal MURT. Please coordinate with Engineering. *The response states that the erosion will be removed during construction. The erosion and sedimentation control plan, Sheet C-9, have been removed from the plan set. Please provide the erosion and sedimentation control plan showing the corrected location and all of the other requirements of the plan.*
7. All signing and marking must be on the Site Plan with the revision shown for the change in circulation. *Comment not addressed, please show all signing and marking as previously requested.*

#### Permit Comments

1. An erosion and sedimentation control plan will be required and reviewed at time of permitting.
2. A Maintenance of Traffic (MOT) plan will be required. Please meet with Engineering to discuss.
3. Drainage calculations will need to be submitted, signed and sealed by a professional engineer registered in the State of Florida.

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. Surface water management permit(s) through the Environmental Protection Department (EPD) and/or SFWMD may be required and a copy(s) provided to the Engineering Department at the time of permit review. 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.

#### **LANDSCAPE ARCHITECTURE:**

Recognizing that it is universally accepted that trees and other plantings function to visually and aesthetically buffer and enhance building facades to reduce air and noise pollution and to conserve energy within the structure, there should be a landscaped pedestrian zone along the length of all building walls. Interior landscaping should be installed in landscaped areas designed for the purposes of controlling traffic, providing shade, screening unnecessary views into and within the vehicular use areas. During preliminary discussions it was understood that required landscape pedestrian zones, islands, and medians would be addressed as the plan was further designed for development of the site – staff feels this site is deficient in required landscape throughout the site.

#### Site Plan

1. Landscape pedestrian zones shall extend the full width of each façade which abuts a parking or vehicular use area; the minimum width of such landscaped zone shall be a minimum of 13'; plans submitted do not meet code along the northern, eastern, and southern landscape pedestrian zones.
  - *13' required along the northern façade – 0' provided.*
  - *13' required along the southern façade – 0' provided.*
  - *13' required along the eastern façade – 0' provided.*

*Waiver requested.*

*Staff does not support requested waiver along the eastern landscape pedestrian zone. Staff requests reducing the proposed 16' paved area along the eastern landscape pedestrian zone to allow for an 8' landscape planting space.*

2. City codes require an 8' wide, curbed landscape island every eight parking space so as to break up the monotony of such parking and to minimize the hazards created thereby providing visual breaks to assist in seeing other pedestrian and vehicular traffic every eight spaces.
  - *1 island required along the southern parking area adjacent to the building – 0 provided.*  
*Waiver requested.*  
*Staff requests converting 1 parking space to an 8' landscape island, and a code required category 1 tree provided (Gumbo limbo, Live oak, Copperpod, etc.) – currently the required landscape pedestrian zone has not been provided nor have the required trees been provided along the southern façade.*
3. City codes require a curbed 8' wide planting median between double parking bays.
  - *8' planting median required in the eastern parking area – 0' proposed.*  
*Waiver requested.*
4. Terminal islands are to be a minimum of 10'.  
*Waiver requested.*
5. In all zoning districts requiring review and approval of site plans, a total area of interior landscaping shall be provided in all off-street parking areas equal to and not less than 15% of the total paved vehicular use area of the site, including all parking and circulation areas.
  - *15% interior landscape required – 7.4% interior landscaping proposed.*  
*Waiver requested.*

#### Planting Plan

1. City codes require shade trees in all parking areas at a spacing of 40' on-center. Plans submitted do not incorporate the required 10' median between double parking bays to allow for required tree planting.
  - *4 trees required – 0 provided.*  
*Staff requests the mitigation of required trees not included in the planting plan.*
2. City codes required 1 tree per 30 lineal feet, or fraction thereof, of façade width throughout required landscape pedestrian zones. Plans submitted are below required tree counts along the southern, eastern, and northern landscape pedestrian zones.
  - *3 trees required along the northern façade – 0 provided (3 palms = 1 tree).*  
*Staff requests the planting of at least 1 group of 3 palms (i.e. triple Montgomery) or a category 3 tree (i.e. Crape myrtle, Yellow tabebuia, Pink tabebuia, Japanese blueberry, or the equivalent) in lieu of the proposed Royal Palm.*
  - *3 trees required along the southern façade – 0 provided.*
  - *4 trees required along the eastern façade – 1 provided (3 palms = 1 tree).*  
*Staff requests the planting of at least 2 groups of 3 palms (i.e. triple Montgomery) or 3 category 3 trees (i.e. Crape myrtle, Yellow tabebuia, Pink tabebuia, Japanese blueberry, or the equivalent) in lieu of the 3 proposed Royal palms in 5' x 5' cut-outs. Planting locations may be adjusted for showroom visibility and sign placement on the building.*  
*Staff request the mitigation of required trees not included in the planting plan.*
3. Staff requests the use of an alternate specie along the eastern landscape pedestrian zone in lieu of the proposed 3 Royal palms. Royal palms require a high level of maintenance with regards to fertilization and pest control, the large heavy fronds that shed from the palms at the entrance to the building can be problematic and/or hazardous to pedestrian traffic. Royal palms at maturity will be out of scale with a 26' tall building and Royal palms are not considered pedestrian friendly. Staff recommends the use of Pink tabebuia, Crape myrtle (standard), Japanese blueberry or the equivalent. Code requires 4 trees along the eastern landscape pedestrian zone as per City codes (3 palms = 1 tree).
4. As per City codes a tree is required in the terminal island at the southeast entrance along N. State Road 7.

5. In lieu of the proposed 3 Solitaire palms in the terminal island on the southeast former of the building staff request a category 1 (shade) tree (i.e. Copperpod, Live oak, Gumbo limbo, or the equivalent).
6. It appears there are 3 existing Pink tabebuia trees on site requiring total removal for the construction of the new showroom in lieu of the proposed 2 trees; please clarify. Tree removal permits are required directly through the Department of Landscape Architecture and trees must be mitigated for as per City codes.
7. Several Sabal palms were recently relocated during the construction of the temporary parking; palms that did not survive transplanting must be replaced as per City codes.

**BUILDING DEPARTMENT:**

1. Indicate the ADA accessible route from the public right-of-way to the new structure.
2. Complete Structural and MEP drawings complying with the 2007 FBC required for permitting review.

**FIRE DEPARTMENT:**

1. No objections as to this request with the confirmation that the Fire Department comments of 9/28/10 and 10/15/10 were satisfactorily addressed by applicant's letter of 11/1/10.

**POLICE DEPARTMENT:** This project will have little or no impact on police services.

**PUBLIC WORKS:** No comments.

**RECREATIONAL DEPARTMENT:** No comments.

**UTILITIES:**

1. Utilities shown on this plan are for reference only. Not for construction.

**O.P.W.C.D.:** No comments.

**WASTE MANAGEMENT:** No dumpster on site.

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Councilwoman Bendekovic, Councilman Tingom and Councilman Fadgen made Jennings Disclosures and stated that their conversations would not impact their votes.

Mr. Lunny reminded Council that when Mr. and Mrs. Case purchased the property there were some extensive negotiations for them to give the City back an easement and as part of that transaction they were to receive credit for certain landscape areas and buffers provided within the easement. That might explain why some of these waivers were necessary in order to accommodate their business.

Attorney Bill Laystrom was present on behalf of the applicant. He explained that this is an 8,500-square-foot addition to the existing Rick Case development in order to add a showroom on less than an acre of property of which the City retained the rights to use one-eighth of an acre, which is the end of the trail that will be running along the South Florida canal all the way up Sunrise Boulevard. That is important because it slightly changes the dynamics of this site. That is the piece of property they retained credit for.

Mr. Laystrom discussed the waivers as follows:

- They proposed an alternate to provide an equal amount of green area in exchange for the area of the canopy.
- The easement agreement needs to be amended.
- They have modified the landscaping and have worked with staff to come up with locations for the trees and other landscaping within the easement area.
- They are currently constructing a temporary parking lot, which was originally proposed.
- They will provide legal descriptions and work with Mr. Lunny regarding any documentation that might be needed for the trade of the two properties.
- With regard to a 32-foot buffer along State Road 7, they have agreed to move all landscaping within the ten feet running along State Road 7.
- They are requesting approval of the Hyundai frontage, which matches the Acura frontage already present.
- It is believed that the lighting levels are agreeable.
- The tropical colors did not appear to be a huge issue at the Planning and Zoning Board.
- Zeros on some of the landscape pedestrian zones are shown because no canopy trees are proposed.
- Royal palms have been proposed for a number of reasons with the most important being that they want the public to see the property from State Road 7.
- Royal palms cost about \$1,500 per tree and Live oaks cost between \$300 and \$500 per tree.
- They are putting a lot of dollars into landscaping.
- There are canopy trees within the parking area that is being constructed; however, they are requesting Royal palms be permitted around the dealership, similar to the design used along State Road 7.
- The small landscape area is part of the Acura property and is mentioned several times in the staff report as the southeast corner of the Hyundai property.
- The small area on the southeast corner of the Hyundai property is not part of the construction but because the entranceway was constructed near that area, they are requesting a waiver not to add a tree.
- If the area is made wide enough for a tree a parking space will be lost and the site is very tight with parking; however, there is plenty in the rear.
- Parking spaces are very important as are the display spaces.
- They do not have an eight-foot landscape area; however, their percentage is all right.
- Shade trees were added in the parking lot and it is believed that is a fair compromise.
- It is believed they meet the intent of the Code, which is basically to provide green in and around the parking area opposed to some other area on the site.
- The overall site is 6.5 acres and they are trying to retrofit about 6/10ths of an acre into an existing center.
- The landscape pedestrian zones are along the northern, eastern and southern elevations. They are proposing a three-foot landscape pedestrian zone and in addition, they have added landscape areas around the palm trees of six feet by six feet. This is an area that is hopefully highly utilized by the public while coming in and out of the showroom.
- They have agreed to limit the lights.
- There is a comment regarding site calculations and that refers to how this site fits into the overall site calculations.
- They have agreed to provide available data on the existing site; no one seems to have a complete as-built site plan of the original Acura and they did not want to go through the cost of calculating landscape percentages. It is believed that Mr. Leeds was most concerned about having a correct parking count and a designation of which spaces are display/customer parking as well as the rear parking.

- Engineering was provided with a queuing study done by their General Manager for the service area. Data was used from the general manager because the service area is already open. There might be a slight increase in the demand and they will be happy to discuss with staff. They did not want to get a separate traffic engineer to do a study of the drive-thru area when they know what the data is.
- It is believed that all of the other staff comments have been met.
- They have a letter from Waste Management regarding garbage.

Rick Case, applicant, stated that the Hyundai business opened 25 years ago on that corner and that business has improved dramatically in the last three years. The factory has requested that we increase the size of the showroom and change the service area. By doing this, business has increased. They are selling more cars and as far as service stacking goes, cars are built much better now and require less service. The facility will be good for customers and they will need more employees because more cars will be serviced and sold. It will also be good for the City, as they will be paying more taxes. He believes the location will enhance the entrance into the City.

Mr. Laystrom mentioned two other commitments made; they agreed that used cars parked in the front for sale would be there for five years maximum and they would be in good condition. To the extent that a tree is not being provided versus a Royal palm or Live oak, they understand that they have to mitigate for those trees so they can be used elsewhere within the District.

In response to Councilwoman Bendekovic, Mr. Laystrom advised that the total investment is \$3.5 million; about \$1 million on the property and \$2.5 in construction. The City is designing the sign and they have agreed to provide the area around it. Due to timing, they are going to provide the City with dollars equal to landscaping being provided rather than installing it themselves.

Councilman Levy questioned whether they met with residents of Park East. He believed that they agreed with the project since no one is present.

Mr. Laystrom stated that they met with O'Neil Chin at the beginning of the project.

Councilwoman Uria questioned whether Mr. Leeds or Ms. Berchielli had any major issues.

Mr. Leeds indicated that this is a very unique site. The Planning Department does not have any objections to waivers #1 and #2. Mr. Laystrom has advised that Mr. Case has agreed that the pre-owned vehicles will not be older than five years old, which is consistent with research. Based on that, he believes that Zoning comment #4 can be deleted. It is not believed that the data calculations are needed at this time.

Ms. Berchielli concurred with Council and the applicant. Staff does support 80% to 90% of the waivers. She is concerned with the off site island at the southeast corner of the property; that island is about 5.5 feet wide and a ten-foot island is required. If a waiver is passed due to the fact the applicant feels they cannot give up another parking space, she could be agreeable; however, she would like to see a tree planted, not necessarily a large category 1 tree, but maybe a smaller category 2 or 3 tree that will not compromise the driveway, roadway and curbing; something like a Pink tabebuia, a Yellow tabebuia or a smaller tree. The other major concern is the landscape pedestrian zone along the eastern perimeter. The applicant is proposing a 16-foot paved area with three 6' x 6' cutouts for Royal palms. Staff would like eight feet of that 16-foot to be made into a continuous landscape island and then an eight-foot landscape pedestrian zone where people can walk. There is also a concern with the use of Royal palms in the vicinity where they are proposed. The Royal palms will get to a mature height of 100 feet and the concern is with them being in scale with the property this close to the pedestrian zone. There is also a concern with the maintenance level; Royal palms require a high level of

fertilization and are prone to Royal palm beetles. The Royal palm fronds are extremely large and heavy, they can be anywhere from 15 to 45 pounds, and will be heavy if striking a pedestrian or vehicle in the area. One of the intents of the Code is that we not only want to make this visually and aesthetically pleasing but we want to create a pedestrian friendly area. She would like to see two groups of three palms, a palm more in scale with the building such as a Montgomery palm that does not get quite so high. She will work with them with regard to the placement of the trees. They also have ideas of smaller trees; not large shade trees but possibly something like a Bridal vale, Crape myrtle, Pink tabebuia or a Yellow tabebuia.

Councilwoman Uria believed that the Cases have been in business long enough to know that when the Royal palms begin to shed they will be trimmed. Her concern about the Live oaks in the parking lot is that they will grow and block the view of the showroom. She questioned whether half of the trees in the parking lot could be planted somewhere else in the Gateway area.

Mr. Laystrom indicated that they are concerned about the trees blocking the showroom but this was part of a temporary parking lot permit they got previously and rather than stagger the trees and lose parking they put them back to back. They are hoping by the time they grow the canopies will be high enough so the dealership can be seen from car and walking level.

Ms. Berchielli advised that is mitigation. They are required to have the ten-foot median and four trees are supposed to go in; however, the four trees will go there because they do not have the median and the trees will go elsewhere.

Councilwoman Uria commented that she missed the Planning and Zoning Board minutes.

Mr. Laystrom stated that stucco will be used in front of the building in lieu of metal.

In response to Councilman Fadgen, Mr. Laystrom indicated that the height of the east elevation is 28 feet.

Councilman Tingom expressed two concerns; one was the 16 feet concrete running up against the glass buildings in the morning sun in the pedestrian walkway along the eastern border of the property and he believes if there were some break in there that it might cool it down. The other concern was the mitigation as to whether it was 18 to 20 trees and the Landscape Department would determine where they will go.

Mr. Laystrom does not believe there will be 18 to 20 trees in mitigation; he believes it will be much less. He will work with Ms. Berchielli. He thinks credit will be given for Royal palms.

In response to Councilman Tingom, Mr. Laystrom advised that all of the roof terrains are internal, meaning that it catches the water on the roof and channels it down without falling on the impervious area.

In response to Councilman Levy, Mr. Laystrom stated that rain water hitting the surface will go into the parking lot and then into the drains.

Councilwoman Bendekovic commented that Royal palms are almost our signature along State Road 7 but when discussing wind it is her understanding that the Tabebuias are soft wood and would be more apt to break.

Ms. Berchielli advised that typically Tabebuias are up against the building and would be more protected.

Mr. Laystrom stated that they can extend their Acura hedge into the small area along State Road 7 and plant a tree in that location.

Mayor Armstrong recognized all of the work that has been done on this site. The Cases have worked with staff to meet the City's recommendations and we look forward to working on the area where the signage is going.

In response to Councilman Levy, Mr. Laystrom indicated that the applicant will be responsible for maintaining the area around the "Welcome to Plantation Gateway" sign.

Councilman Levy commented that this decision on this item is that the applicant continues to work with Landscape staff and resolve some of the questions and issues brought forward.

***Motion by Councilwoman Uria, seconded by Councilman Fadgen, to approve the request for master plan and site plan, elevation and landscape plan approval for RICK CASE HYUNDAI SHOWROOM, property located at 951 North State Road 7, including all of the waivers. Motion carried on the following roll call vote:***

Ayes: Levy Bendekovic, Uria, Tingom, Fadgen  
Nays: None

\* \* \* \* \*

Mr. Lunny read the item by title.

11. CONSIDERATION OF REQUEST FOR SITE PLAN, ELEVATION AND LANDSCAPE PLAN APPROVAL FOR WALGREEN'S. PROPERTY LOCATED AT 1251 S STATE ROAD 7 AND ZONED SPI-2. (HYBRID COMMERCIAL)

A Staff Report dated January 26, 2011 follows:

**REQUEST:** Consideration of a request for site plan approval to construct a 14,467-square-foot Walgreens Pharmacy.

**WAIVER REQUEST:**

1. From Section 13-41(b) which requires a landscape pedestrian zone of 11 feet (based on 1/2 the height of the proposed building);  
To reduce the landscape pedestrian zone from 11 feet to 0 on the north (loading zone) side and 0 on the west (drive thru) side.

**EXHIBITS TO BE INCLUDED:**

Planning and Zoning Division report; subject site map; application; concurrency form, Planning and Zoning Board Meeting minutes of November 2, 2010; Landscape Planning Review Board Meeting minutes of October 25, 2010; Advisory Board for the Disabled Meeting minutes of October 24, 2010; and Review Committee Meeting minutes of August 31, 2010.

**PLANNING AND ZONING BOARD: APPROVAL** subject to staff comments. (6/0; November 2, 2010).

**LANDSCAPE PLANNING REVIEW BOARD: APPROVAL** subject to staff comments. (5/0; October 25, 2010).

**ADVISORY BOARD FOR THE DISABLED: APPROVAL** subject to staff comments. (7/0; October 24, 2010).

**REVIEW COMMITTEE RECOMMENDATION: APPROVAL** subject to staff comments and additional revisions. (9/0; August 31, 2010).

**ANALYSIS:**

The subject site is 1.98 acres in area and zoned SPI-2 (Hybrid Commercial). On September 6, 1983, the City Council approved a site plan modification to renovate the former Grand Union Store into a multi-tenant building which included a Walgreens Pharmacy. The site is bound by commercial uses to the north, Davie Boulevard to the south, State Road 7 to the east and a public school to the west.

The applicant is requesting approval to demolish the existing 25,969-square-foot commercial building and construct a new 14,467-square-foot freestanding drug store with a single lane drive thru and one by-pass lane. The building has a "Plantation Tropical" design with stucco finishes, split face block accents and articulated entryway. Forty-two parking spaces are required and 42 parking spaces are provided.

**STAFF COMMENTS:**

**PLANNING AND ZONING:**

Planning:

1. As required in Section 20-61 of the City Code, the applicant must submit the required concurrency review form for parks, water, sewer, streets, drainage, and solid waste prior to City Council consideration. The standard single-page form is available in the Planning and Zoning Department. The applicant must present the form to the appropriate City Departments for approval and return it to the Planning and Zoning Department prior to City Council consideration.
2. Thank you for your cooperation with the monument sign! Please coordinate with the City Landscape Architecture Department to provide spheres on the two column caps adjacent to the sign face and pineapples on the freestanding column caps.

**TRAFFIC CONSULTANT:** No comments.

**ENGINEERING DEPARTMENT:**

Permit Comments

1. An erosion and sedimentation control plan will be required. Please meet with Engineering to discuss.
2. A demo plan will be required with a building permit.
3. A Maintenance of Traffic (MOT) plan will be required. Please meet with Engineering to discuss.
4. Drainage calculations will need to be submitted, signed and sealed by a professional engineer registered in the State of Florida.

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. Surface water management permit(s) through the Environmental Protection Department (EPD) and/or SFWMD may be required and a copy(s) provided to the Engineering Department at the time of permit review. The applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvement at the time of permitting.

**LANDSCAPE ARCHITECTURE:**

1. City Code 13-41 requires landscape pedestrian zones to extend the full width of each façade abutting a parking or vehicular use area; the minimum width of required landscape pedestrian zoned (lpz) shall be ½ the height of the proposed building (paved area in the lpz may not constitute more than 5' of the required lpz). Plans submitted do not meet codes in the following areas:
  - a. 11' required along the western façade – 0' proposed.
  - b. 11' required along the northern façade – 0' proposed.

*Waiver required – staff has no objection to the above-mentioned waivers.*
2. City landscape Codes require 1 tree per 30 lineal feet, or fraction thereof, of façade throughout the required landscape pedestrian zones. Plans submitted do not meet codes in the following areas:
  - a. 6 trees required along the western lpz – 1 proposed (3 palms = 1 tree).
  - b. 4 trees required along the northern lpz – 0 proposed.

*No objection to the above-mentioned submittal as it is staffs understanding the 7 trees required throughout the lpz will be mitigated throughout the site.*
3. Staff is concerned with the protection of the large Live oak tree, ~ 16" caliper, directly adjacent to the existing structure during demolition of the existing building – please meet with staff prior to the commencement of work to discuss this matter.
4. Staff concurs with the removal of the existing Mahogany tree in poor condition; as discussed, mitigation will be as per ISA appraisal submitted.
5. Trees to be relocated will require bonding as per City Codes 13-44(9).
6. As discussed, prior to any work being done on the property Tree Removal & Relocation permits must be obtained directly through the Department of Landscape Architecture.
7. Tree protection barriers must be around all existing trees and palms to remain prior to the commencement of work on this property.

**BUILDING DEPARTMENT:** No comments.

**FIRE DEPARTMENT:** No comments.

**POLICE DEPARTMENT:**

1. This project will have little or no additional demands on police services.
2. Lighting and parking meet required standard for security demands.

**PUBILC WORKS:** No comments.

**RECREATION DEPARTMENT:** No comments.

**UTILITIES:** No objection; however, the following comments apply to the Site plan.

1. Prior to a Building Permit or Business License being issued, the following must be provided:
  - Water and Sewer Utility plans submitted to the Utilities Department for review and approval.
  - BCHD and BC EPD Permits must be approved.
  - Utilities Agreement must be executed.
  - Utilities Performance Bond must be posted.
  - Utility Easements must be executed.
  - Utility Inspection fees must be paid.
  - 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. Offsite and onsite improvements and equipment may be required at applicant's expense to support project.
4. Show all existing water and wastewater facilities on site plan.
5. Provide plan for vacating easements as necessary.
6. Show all new and existing water and sewer lines and easements on landscaping and drainage plan.
7. Maintain all utilities and utilities easements for water and wastewater system access.
8. Maintain all easements until final certification and approval by the City of new utilities installations.

**O.P.W.C.D.:** No comments.

**WASTE MANAGEMENT:** Changes are approved.

Mike Gates, with Sun Tech Engineering, and Scott Kerr, architect, were present on behalf of the applicant. He provided a brief presentation and noted the following:

- Their south property line is actually the southern limits of Plantation.
- They are utilizing access on State Road 7, which is utilization by existing access approved by FDOT.
- The existing access on Davie Boulevard is also being utilized.
- Stacking has been increased in both cases.
- Access on SW 42<sup>nd</sup> Avenue is also being utilized.
- The drive-thru is on the west side of the building; it is not seen from State Road 7.
- There is another entrance onto SW 42<sup>nd</sup> Avenue utilized mainly by drive-thru traffic.
- Loading will be behind the building.
- There will be an eight-foot high wall that matches the building with a 20-foot landscape buffer along the wall.
- The pervious area will be doubled going from 24% to 41%.
- A waiver is being requested for the pedestrian zone within the loading area, as trees and trucks do not mix.
- They are requesting to place any trees required in the pedestrian area in other locations on the site.
- They are proposing an approximately 14,500-square-foot Walgreens.
- The building does meet with the Plantation Tropical theme.
- They have worked with staff on the signage, which matches the theme for the Gateway corridor.

Councilwoman Uria noted that Walgreens is going to a new type of prototype and questioned whether there will be more food in the store.

Mr. Kerr advised that Walgreens is working on a new prototype; however, this store will not be the new prototype. The interior of this store is pretty typical Walgreens.

In response to Councilman Levy, Mr. Kerr stated that the hours will be 8:00 a.m. to 10:00 p.m.; at this stage it is not scheduled to be a 24-hour store.

Councilman Tingom commented that the architectural plans were the easiest he has read in a long time and he appreciates the fact of how close they are to meeting all of the Code and landscape requirements.

Mayor Armstrong complimented the team and indicated that this will be a positive influence on the corner of State Road 7 and Davie Boulevard. We are working together in order to create a joint sign for the entryways of our "Welcome to Plantation and Welcome to Gateway" as well as the Walgreens monument sign on the corner.

***Motion by Councilwoman Uria, seconded by Councilman Levy, to approve the request for site plan, elevation and landscape plan approval for WALGREEN'S, property located at 1251 South State Road 7. Motion carried on the following roll call vote:***

Ayes: Levy, Bendekovic, Uria, Tingom, Fadgen

Nays: None

\* \* \* \* \*

Mr. Lunny read the item by title.

12. CONSIDERATION OF REQUEST FOR SITE PLAN, ELEVATION AND LANDSCAPE PLAN MODIFICATION FOR AMERICAN HERITAGE. PROPERTY LOCATED AT 12200 WEST BROWARD BOULEVARD AND ZONED CF-P.

A Staff Report dated January 26, 2011 follows:

**REQUEST:** Consideration of request for site plan, elevation, and landscape plan approval (Phases 19 and 20).

**WAIVER REQUESTS:**

1. From Section 27-476(a)(3) which requires a side yard setback of 50 feet;  
To reduce the north side setback from 50 feet to 26.1 feet, and  
To reduce the west side setback from 50 feet to 15.5 feet.
2. From Section 13-41 which requires a 16.2-foot wide landscape pedestrian zone adjacent to the Technology Building (based on ½ the height of the building);  
To reduce the east landscape pedestrian zone from 1.62 feet to 11 feet.
3. From Section 13-41 which requires a 10-foot wide landscape pedestrian zone for the Equipment Building (based on ½ the height of the building);  
To reduce the north side landscape pedestrian zone from 10 feet to 0.

**EXHIBITS TO BE INCLUDED:**

Planning and Zoning Division report; subject site map; site plan application; Planning and Zoning Board Meeting minutes of November 2, 2010; Landscape Planning Review board Meeting minutes of November 22, 2010; Advisory Board for the Disabled Meeting minutes of November 22, 2010; and Review Committee Meeting minutes of October 26, 2010.

**PLANNING AND ZONING BOARD; APPROVAL** subject to staff comments. Minutes not available. (7/0; December 7, 2010).

**LANDSCAPE PLANNING REVIEW BOARD; DENIAL** subject to staff comments. (7/0; November 22, 2010).

**ADVISORY BOARD FOR THE DISABLED; APPROVAL** subject to staff comments. (7/0; November 22, 2010).

**REVIEW COMMITTEE RECOMMENDATION: APPROVAL** subject to staff comments. (9/0; October 26, 2010).

**ANALYSIS:**

The property is zoned CF-P, consists of 32.42 acres and encompasses three plats; the A.H.S. Plat, the A.H.S. South Plat, and the A.H.S. West Plat. The site is developed with multiple buildings encompassing 231,882 square feet of school use for pre-school through 12<sup>th</sup> grade students. The campus includes an elementary school, middle school, high school, performing arts building, a field house, gymnasium, bus and field maintenance building, together with onsite track, football, baseball, softball fields, and tennis courts. Student enrollment is restricted to a maximum of 2,399 students at any given time (City Council, December 9, 1998).

The applicant requests approval to demolish the existing shallow swimming pool lying east of the elementary classrooms and construct a 2-story 12,617-square-foot elementary technology building with 12 classrooms. The applicant proposed a new shallow swimming pool south of the new tech building and northwest of the special education classrooms. The building has a colonial design of simulated old brick and stucco with white quoins and window louvers that matches the established architecture of other buildings on the campus.

This proposal, if approved, will increase the total building square footage of the campus from 231,822 square feet to 244,439 square feet, with 481 +/- parking spaces.

**STAFF COMMENTS:**

**PLANNING AND ZONING:**

Planning:

1. This request must undergo a local concurrency review for parks, water, sewer, streets, drainage, and solid waste. The standard single-page form is available in the Planning and Zoning Department. The applicant must present the form to the appropriate City Departments for sign off prior to City Council consideration. The applicant has made note of this.

Zoning:

1. A plat note amendment may be required if future development exceeds 250,000 square feet.
2. All rooftop equipment must be screened in accordance with City Code Sections 27-653 which any mechanical or service equipment or apparatus installed on roofs of buildings other than attic vents to be screened from view by a parapet, masonry wall or other architectural feature of the building. Such enclosure shall be as high as or higher than the highest portion of the equipment or apparatus being screened.

**TRAFFIC CONSULTANT:** No comments.

**ENGINEERING DEPARTMENT:**

All previous comments have not been addressed. A letter to Mr. Leeds from Mr. Allsworth, included with the package, states that "All of the Engineering comments are noted and agreed to. Our engineering firm of Schwebke and Shiskin has met and will meet with engineering ..." The plans have been prepared by Fredric Nagel and do not include any engineering plans. The Engineering Department has not met with anyone regarding the project. **If this project is approved by City Council, the Engineering Department will require all outstanding comments to be addressed on the site plan before it is stamped as the approved site plan of record and done prior to submittal for permitting. See email from Mr. Emerson Allsworth.**

1. Plans are incomplete. Please provide detailed plans for both proposed facilities. *Plans are still incomplete with the requested information not provided.*
2. Please provide civil details; sidewalk, curb, dimensions, etc. *Comment not addressed.*
3. Please provide the area to be demolished while showing the proposed improvements. *Comment not addressed.*
4. Please detail where pavement is to be removed/replaced. *Comment not addressed.*
5. Please show any necessary signing and marking. *Comment not addressed.*
6. Please provide detail for ADA ramp. *Comment not addressed.*
7. Please provide the standard City detail for disabled parking, if required, available in the Engineering Department. *Comment not addressed.*
8. Revise the plan to indicate what is in the center of the roundabout. Indicate directional arrows to show how traffic flows through this area. Is the loop around the performing arts complex one-way or two-way traffic? How does traffic flow in the area east of the Center Island and west of the small median? *Comment not addressed.*

Permit Comments

1. An erosion and sedimentation control plan will be required and reviewed at time of permitting.
2. A demo permit will be required.
3. A Maintenance of Traffic (MOT) plan may be required. Please meet with Engineering to discuss.
4. Drainage calculations will need to be submitted, signed and sealed by a professional engineer registered in the State of Florida.

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. Surface water management permit(s) through the Plantation Acres Improvement District (PAID) and/or SFWMD may be required and a copy(s) provided to the Engineering Department at the time of permit review. 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.

## LANDSCAPE ARCHITECT:

### General Comments:

1. Screen above ground utilities on the planting plan. This includes FPL boxes, etc. Please make a note to this effect on plans.
2. A pre-planting meeting with the Department of Landscape Architecture is required before any planting commences on the project; please note on plans.
3. Please submit irrigation plans at time of permitting.
4. Please submit proposed landscape elevations in proper relationship with enough detail to determine impact of proposed landscape treatment at time of planting and installation.
5. Under General Contractor's notes #8 – please use a 4'-5' diameter mulch ring in lieu of proposed 3'.
6. Please include Tree Protection details as per codes. 2" x 4" post in height, with three 2" x 4" rails spaced equally.
7. Please note on plans that tree protection barriers as per Code must be around all trees or palms in the vicinity of construction prior to the commencement of any work to be done.
8. 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.
9. Please use the City of Plantation Tree Planting Detail in lieu of those submitted; they are available online: [www.plantation.org/landscape/details-notes.html](http://www.plantation.org/landscape/details-notes.html).
10. Show all existing trees and/or palms on site. Provide information in tabular form and include species, spread, height, caliper, disposition, and condition.
11. City staff will verify all trees proposed "to be removed or relocated".
12. Trees to be removed must be mitigated as per Codes; mitigation is above and beyond Code required fees throughout the property.
13. Tree Removal and/or Relocation permits are required directly through the Department of Landscape Architecture; please contact Diana Berchielli @ 954-707-2750 prior to removal or relocation of any tree or palm.
14. Please include details for palm and tree relocation if any trees are to be relocated (plans submitted are not clear as to your intentions with regards to the Live oak trees and Yellow tabebuia trees within the scope of work).
15. Under specifications on the Plant List please note that all trees will be field grown/balled and burlaped.
16. Please label all sod areas.
17. Please include planting details for proposed sod.
18. Please remove container sizes from hedge and ground cover material.
19. Include height and width of proposed hedge and ground cover.
20. Please make sure the tips of plant material touch at time of planting (i.e. 12" x 12" planted 12" on-center).
21. Show site lighting (existing and/or proposed new) on the planting plan.
22. Please note light poles should be a minimum of 15' from trees and/or palms.

### **Proposed Elementary Technology enter (Bldg. 19)**

#### Site Plan:

1. City Code 13-41(b) requires landscape pedestrian zones to extend the full width of each façade abutting a parking or vehicular use area; the minimum width shall be ½ the height of the proposed building (paved areas in the lpz may not constitute more than 5' of the required lpz). Plan submitted proposed 11' in lieu of required 16.2'. *Waiver required – staff has no objection to granting this waiver request.*

2. Please reduce the proposed sidewalk along eastern landscape pedestrian zone to 5' in lieu of the proposed 6' allowing additional planting space.
3. Please consider the use of trees with a mature height > than the proposed Crape Myrtle trees in the eastern landscape pedestrian zone (i.e. "Hi-rise" Live oaks) to help offset the height of the proposed Technology Building).
4. Please include on plans submitted the specie, location, condition and disposition of the existing tree in the northwest corner of the proposed building.
5. Please add Category 1 shade trees to the existing terminal islands in the eastern parking area.
6. Please verify the condition of the existing Buhinia trees in the parking median to the east of the proposed building.
7. Please include staking details for proposed palms.
8. Please clarify the quantity of Podocarpus hedge; plans submitted are conflicting with regards to the "plant list" and "planting plan".

**Proposed Elementary – Training Pool (Bldg. 20)**

**Site Plan:**

1. City Code 13-41(b) requires landscape pedestrian zones to extend the full width of each façade abutting a parking or vehicular use area; the minimum width shall be ½ the height of the proposed building (paved areas in the lpz may not constitute more than 5' of the required lpz). A 10' landscape pedestrian zone is required along the eastern façade of the pool equipment and toilet building, 5' is proposed. *Waiver required – staff has no objection to requested waiver.*

**Planting Plan:**

1. Please show proposed landscape for the pool equipment and toilet facility.
2. Please include landscape proposals to screen the Boy Scout trailer.
3. The proposed Crape Myrtle trees along the eastern side of the pool should have a minimum spread of 8' in lieu of 5' as per City Codes.
4. Remove all plant material from landscape planting schedule not being used (i.e. TC, RR, FD, IX, SN, SA, AZ...)
5. Please clarify if you are planting 5 or 15 Crape myrtle trees; plans submitted are conflicting with regard to the "plant list" and "planting plan".
6. Please clarify the quantity of podocarpus to be planted; plans submitted are conflicting with regards to the "plant list" and "planting plan".
7. Please do not use Cassia surattensis as this tree specie tends to get top heavy and topples over within the first 5 years of planting.

**BUILDING DEPARTMENT:**

1. No objections for site plan approval.
2. Complete Structural and MEP drawings required for permitting.

**FIRE DEPARTMENT:**

1. Building 19 shall be protected by an automatic fire sprinkler system and the campus fire alarm system.
2. Provide address for building 19 and future building 18. By continuing with the present numbering system, these two buildings will be placed out of sequence. The following numbering system is strongly recommended as it will maintain sequence and will be based on fire alarm activation and evacuation. Rooms/doors will have to be renumbered respectively.
  - a. 1000-15 (bus maintenance, field maintenance, wrestling)
  - b. 2000-14 (sports, classrooms)

- c. 3000-18 (future gymnasium)
- d. 4000-12 (performing arts complex)
- e. 5000-8, 9B, 9C, 20 (academy, new training pool/equipment)
- f. 6000-19 (new technology center)
- g. 7000-13, 6, 9A, 1, 2, 3, 4 (classrooms, administration, computer room)
- h. 8000-7, 5 (gymnasium, locker rooms)
- i. 9000-10B, 10 (media center, classrooms)

**POLICE DEPARTMENT:** This project will have little or no impact on police services.

**PUBLIC WORKS:** No comments.

**RECREATION DEPARTMENT:** No comments.

**UTILITIES:**

The following comments apply to the Site Plan:

1. Water and Sewer Utility Plans were not provided with this submission.
2. Prior to a Building permit or Business license being issued, the following must be provided:
  - Water and Sewer Utility plans must be submitted to the Utilities Department for review and approval.
  - BCHD and BC EPD Permits must be approved.
  - Utilities Agreement must be executed.
  - Utilities Performance Bond must be posted.
  - Utility Easements must be executed.
  - Utility Inspection fees must be paid.
  - Capacity Charges must be paid in FULL.
  - Contact Danny Pollio if you have any questions, 954-797-2159.
3. Must provide receipt or check copy of \$2,000 deposit marked for Utilities Expenses to project cost recovery account.
4. Offsite and onsite improvements and equipment may be required at applicant's expense to support project.
5. Water and Wastewater Utilities must be shown on plan before a proper review can be completed.
6. Show all existing water and wastewater facilities on site plan.
7. Provide plan for vacating easements as necessary.
8. Show all new and existing water and sewer lines and easements on landscaping and drainage plan.
9. Maintain all utilities and utilities easements for water and wastewater system access.
10. No structures allowed in Utilities easement.

**O.P.W.C.D.:** No comments.

**WASTE MANAGEMENT:** Site has dumpster enclosure already, does not affect service.

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Attorney Emerson Allsworth, Fred Nagler, architect, and William Laurie, president of American Heritage, were present.

Mr. Allsworth advised that the school, which has a 36-acre campus, is requesting to build a 12,000-square-foot two-story computer lab for elementary students and to relocate the small pool used for teaching children to swim. There is a rendering of the elevation of the building which shows that this fits in with the design of the other buildings on the campus. There are three waivers; the first having to do with the setbacks from the pool. The setback on the north is from the property line, north of the property line is a 40-foot canal that does not belong to the school and north of that is school property. When thinking of the setback as being 15.5 feet, it is from the canal, which is 40 feet and on the other side is American Heritage property. The pedestrian zone on the west side is from the 40-foot canal. Again, the waiver distance is the setback plus the canal. The other two waivers have to do with the landscape pedestrian zone around the computer lab building. In looking at the staff comments of Landscaping, they have no problem with this waiver, as it is internal to the campus. This does not add any students; it is to serve the existing student body and does not enlarge the enrollment by one student. The building will be fire sprinkled. With regard to Engineering comments, Mr. Nagler met with Mr. Butler on the deficiencies in the original site plan presentation and many of those have been addressed. Should this be approved, it was agreed that the remaining items will be done to Mr. Butler's satisfaction prior to the stamp of approval of the site plan. The rooftop equipment will be screened. They have agreed to all of the comments. Mr. Butler and Ms. Berchielli have agreed to discuss whether bonding will be required or not.

In response to Councilman Levy, Mr. Allsworth indicated that they spoke with Nick Perris and he seemed to be satisfied. Traffic, noise and lighting problems are not anticipated, as no students will be added. He reiterated that this is an internal improvement. The zero lot line does not abut an outside property line; they are within the campus.

In response to Councilwoman Uria, Mr. Allsworth clarified that this is a two-story building. There will be general nighttime campus lighting. PAID approval is a condition of permitting and they are on their agenda. The setbacks are in addition to the 40-foot canal.

Councilwoman Bendekovic was fine with the project.

Councilman Tingom stated that American Heritage has done an excellent job of landscaping. After speaking with Ms. Berchielli regarding landscaping, he is satisfied.

Ms. Berchielli advised that most of the remaining comments can be dealt with at permitting.

Councilman Fadgen commented that he received a call on the date of this meeting recommending that this item be deferred. He suggested that Council may want to urge the applicant to exhaust meetings with nearby neighborhoods.

***Motion by Councilwoman Uria, seconded by Councilman Levy, to approve the request for site plan, elevation and landscape plan modification for AMERICAN HERITAGE, property located at 12200 West Broward Boulevard, subject to PAID approval, including the waivers. Motion carried on the following roll call vote:***

Ayes: Levy, Bendekovic, Uria, Tingom, Fadgen  
Nays: None

\* \* \* \* \*

## COUNCILMEMBERS' COMMENTS

Mayor Armstrong acknowledged all of the work done by Mr. Leeds and Ms. Berchielli on projects that came forward this evening.

\* \* \* \* \*

Councilman Levy commented on an upcoming Workshop that is streamlining Growth Management Procedures and looking at the Growth Management principles. He believes that Council has continuously said they want to provide opportunities for businesses and others who are investing in the community to be able to do that in the best possible way while still maintaining the standards and the quality of life that we expect in our community. He feels that we have seen a turnaround over the past few weeks regarding investment in our community. What we are going to Workshop tonight is part of that process because we need to make it easier for people to come up with their ideas and to work their way through the system, especially if they have to continuously stop. Developers work with millions of dollars and every day that they wait is another day they are behind and creating financial problems for themselves. The streamlining procedures being reviewed will help developers facilitate through the process is part of the pledge he believes was made when Council members ran for office; to work with businesses and the system to make it better, easier and more comprehensive for someone who wants to invest in the community to be able to do so while still maintaining our quality edge. In his opinion, he thinks we have turned the corner to where we are seeing people rehabbing and fixing up homes. Funds are being recycled from programs that have been put into place to assist new homeowners.

\* \* \* \* \*

Councilwoman Uria advised that she attended a Homeowner's meeting at Fox Run several weeks ago. When Sunrise Boulevard was widened the agreement was that the County would pay 50%, the City would pay 25% for a new wall and the homeowners would pay 25%. They were told that Fox Run did not want to pay their share and the issue is that they have a long wall and less homes. Their share is much more than Jacaranda Lakes and they are attempting to get a petition to go back to Broward County to possibly get more funding. Brett Butler, City Engineer, was also present, and tried to explain that the partnership with Broward County and the 50% that was split between the City and the residents could have been zero. There is quite a bit of linear wall and the price for each homeowner was a significant amount of money. She suggested that Council consider passing a resolution supporting their petition or perhaps help finance their portion. Their concern is that when the new Hiatus Road gets built they will have an eight-foot wall with additional traffic along Sunrise Boulevard and Hiatus Road and they will experience more noise.

In response to Councilwoman Uria, Mr. Butler stated that there was a significant difference in the amount of money the homeowners paid.

Councilman Fadgen indicated that he would support a resolution.

Mayor Armstrong commented that there needs to be some understanding of what the costs are, the numbers are and what they are willing to contribute.

Councilwoman Bendekovic advised that the Fox Run residents were the ones who started the conversation that went over to Jacaranda Lakes, which had the finances to do this.

Mr. Lunny noted that his concern was that someone will be assigned to monitor this or they should speak with someone in Administration, which needs to be coordinated with the City Council meeting so when they are ready to go to Broward County there is enough time to review it and write the resolution.

\* \* \* \* \*

Councilman Tingom encouraged everyone to visit the 5K walk/run on Sunday morning at 7:00 a.m. He commented that he was very impressed with the quality of conversation at the Candidates forum last evening.

\* \* \* \* \*

Councilwoman Bendekovic thanked Ann and Larry Ebberts for facilitating the Candidates forum last evening. If anyone plans to file an absentee ballot, go onto the Supervisor of Election website and put the information in.

\* \* \* \* \*

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

Ann and Larry Ebberts mentioned a meeting that the City was going to hold on or about this date in an attempt to determine what is going on in the Plantation Isles waterways.

Mayor Armstrong advised that there will be one more meeting in order to gather and assemble information so that a report can be put together for Council. They will try to bring a report for Council at the next meeting, which is February 9, 2011.

Mr. Ebberts commented that Council recently went to the aid of another Homeowner's Association in fighting another government agency and the Mayor and Administration seemed to support that. He wished the residents of Plantation Isles would have gotten that same support so that a letter could have been sent to some of the agencies to get their attention.

Mayor Armstrong indicated that there have been letters and conversations with others, some of whom have attended Council meetings. The Plantation Isles topic is more recent. She stated that all Public Works, Engineering and Administration have been attempting to gather enough information to be able to bring a qualified statement or some form of a recommendation back to Council. There have been multiple meetings in an attempt to determine the real problem. Administration and staff have not ignored getting to the people involved, FDOT, South Florida Water Management, Old Plantation Water Control, and all of those agencies. Council and Administration have already indicated that they are here to help find a solution.

Mr. Ebberts commented that he has heard the Council express support several times but has heard very little from Administration.

Councilman Levy stated that representatives from South Florida Water Management were here at last week's meeting. Questions were asked and answers were given. He urged Mr. Ebberts to get the minutes or listen to the verbal tape.

Susan Slattery, City Clerk, commented that if Mr. Ebberts would call the City Clerk's Office a copy of the tape could be made.

Mr. Ebberts advised that he has heard of some of the questions during that meeting. His understanding was that South Florida Management nixed the idea that the I-595 project had nothing to do with the issue. Jose Lopez has been very cooperative and has communicated by emails and visited their house; however, he feels that Mr. Lopez is not receiving any pressure to do anything.

Councilman Levy indicated that Councilwoman Uria brought up the turbidity issue.

Mr. Ebberts stated that he saw what appeared to be a part of a turbidity barrier; however, they cannot find it at this time.

Councilman Levy wants them to find the people who control what is happening and then everyone can go there. They tend to dismiss it and say it is happening throughout all of Broward County. That does not solve the problem.

Mayor Armstrong advised that all of the agencies have said if there is a problem and it can be pinpointed that it is their responsibility they will take care of it.

\* \* \* \* \*

## **WORKSHOP**

### **13. DISCUSSION CONCERNING PROPOSED CHANGES TO THE I-LP LIGHT INDUSTRIAL ZONING DISTRICT.**

A memorandum dated January 20, 2011 to Mayor Armstrong and City Council members, from Donald J. Lunny, Esquire, follows:

Staff has been meeting with Technology Park landowners and representatives in an effort to evaluate changes to the City's I-LP (Light Industrial) zoning district to encourage development now desired by the private sector in this area of the City, to increase clarity in the District's regulations, and to streamline the permitting process. It has been many years since this portion of the Code was critically evaluated. The proposed Ordinance's "high points" are as follows:

#### **1. Changes to Encourage Development:**

- a. Expands the descriptions of allowed "technology based" industries to be able to better attract these uses;
- b. Allows Professional Office Uses, Business Office uses, and Office-Support High Density Uses as permitted uses, subject to meeting parking requirements;
- c. Allows as a conditional use a limited amount of fully screened, outdoor storage of construction equipment and construction vehicles, and commercial vehicles which cannot fit within a standard sized 9' x 18' parking space or are not located in designated loading space(s) accessory to a principal use so as to better reflect existing conditions and avoid Code Enforcement;
- d. Creates a limited opportunity for auto repair conditional uses to be located within the District, with paint and body work being excluded;
- e. Allows a limited amount of art, dance, and music schools, as well as fitness uses;

- f. Increases the degree of accessory showroom space from which retail sales may be conducted; and,
- g. Allows facilities for governmentally owned utilities and offices accessory thereto.

2. Changes that Increase Clarity:

- a. Clarifies that most uses are encouraged to be within an enclosed building (the exception is the conditional use of accessory outdoor storage of construction equipment, construction vehicles, and commercial vehicles as indicated above);
- b. Eliminates the former code section which expressly permitted the City to defer local concurrency requirements for building streets (this was used before the District's street network was fully developed and is no longer needed);
- c. Eliminates several uses not desired in the District by expressly stating they are prohibited (including governmental administrative services, temporary or transitional housing, and penal, correctional, or rehabilitative uses);
- d. Clarifies that high parking demand uses will not be allowed (convention centers, auditoriums, and other assembly uses);
- e. Creates a 125' height limit for all buildings and structures within the District;
- f. Deletes "Helistop" as an allowed use (in light of the fact that a hospital is no longer located near or within the District and deed restrictions prevent this usage in the future).
- g. Creates a specific setback requirement for wind power equipment.

3. Changes that Streamline Permitting:

- a. Promote expedited site plan review by not incorporating the Planned Community Zoning discretionary aesthetic standards; instead, the District emphasizes fixed development criteria. Language has been added that buildings and uses should be "compatible" with those on adjacent properties. *(This means that Staff did not include any language which would require architectural embellishments or treatments to buildings along Sunrise Boulevard or anywhere else in the District [to dress up the buildings, so to speak], and so if these are desired for an industrial area, direction from the Council will be needed);*
- b. Authorizes the Director to allow uses that do not exceed 20,000 gross square feet in size to locate in the District even though they are not listed as a permitted, conditional or prohibited uses, provided they are technology based uses. This will avoid a code amendment in each instance, and if a request is turned down, the applicant may appeal the issue to the Board of Adjustment.

A comment letter from a representative of the I-LP industry group was offered in response to a prior draft of the Ordinance, along with Staff's responses thereto in the letter's margin.

Please note that the draft Ordinance was prepared in stages and through the use of different computers both within the City, and between the City and the Legal Department. As a consequence, metadata is embedded in the final electronic document that made formatting and editing very difficult. Every effort has been made to eliminate "data transmission and conversion nits," and to show the changes proposed in comparison with the existing code. We apologize for any remaining discrepancies that may exist.

This Ordinance is now ready for workshop consideration. Direction is sought to advertise, and in so advertising, the Council is requested to apply the principles of "zoning in progress" so that the Staff may apply these

provisions during the enactment process (in part so as to authorized Staff to afford the private sector the relief contained herein).

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Mr. Lunny advised that the item will principally be presented by Mr. Leeds. When they get direction from the Council, it is their intent to return to the draft to Mr. Allsworth, who has requested an opportunity to share the draft with his client and his client's industry group. They would like to make additional comments and then we will take their comments and the draft to the Planning and Zoning Board and ultimately return it to Council. He requested that Council authorize this to move forward for enactment and allow the City to apply the concepts of zoning in progress; those concepts would allow the City to utilize the relief contemplated in the Ordinance before it becomes effective.

Councilman Fadgen referenced page 2 of the memo, Item E, and questioned the height of the windmill. He also questioned why we would want to delete helistop if a large facility might have a need for something like that. He felt that the helistop might be an asset if a property owner wanted to have one.

Mr. Leeds indicated that at the present time there is no limit to building or structure height in Plantation Tech Park. The wind turbine is actually 134 feet and we are going to increase the height limit to 140 feet so it does not become a nonconforming structure.

In response to Councilman Fadgen, Mr. Leeds' understanding was that the helistop was originated for the benefit of Doctor's Hospital and that Doctor's Hospital is currently unoccupied and will hopefully be redeveloped and renovated. Mr. Lunny thought that since the hospital is gone the need for the helistop is also unnecessary. Mr. Leeds did not have an objection to keeping the helistop if that is the will of the Council.

Mr. Lunny commented that helistops can be rather loud and there is some residential nearby. Downtown Fort Lauderdale has used them in connection with life safety issues and that would be a consideration. Perhaps making it conditional; he would be concerned because they can be loud.

Councilman Fadgen referenced page 2, 3, 4, and 5 of the Ordinance, Item F, and the 31 types of items prohibited. He questioned how these items were distinguished.

Mr. Leeds advised that the uses that are listed on 1 through 30 are permitted uses, which means they do not require conditional use approval and 31 is a list of all the uses that do require conditional use approval.

Mr. Lunny stated that the language is archaic because the zoning code was borrowed from another code. The code says that unless it is allowed, it is not and 31 limits the uses that are conditional.

Mr. Leeds indicated that one of the objectives is to try to make the zoning code and zoning regulations as clear as possible. That has two benefits; it creates certainty for potential applicants and it also allows staff to more easily interpret the code and communicate it to the public, which saves time. Some of the substantive changes are as a result of meetings he has had with the industry group that is currently participating in this process in the Plantation Tech Park. They have tried to make it easier to understand as follows:

- They have added some additional uses and have made application more flexible. Currently, if you want to build an office building or a building with office and another use and the office use is 51% you must go through the conditional use process, which is an approximate three to four month process.

- The code has been changed to allow office buildings as a permitted use as long as they meet the parking requirement. The reason for that is because the office parking requirement is more than two and a half times of industrial. There are buildings in the Tech Park that are actually parked at office levels. It does not apply to medical office.
- The other thing they have created is a very limited opportunity for a fully enclosed, non-intrusive, low impact auto repair as a conditional use in the Tech Park. There has been interest in this activity but they wanted to limit it because they did not want a situation like there is in the center of the Tech Park with a conglomeration of all sorts of auto repair, outdoor storage or disassembled vehicles, etc. This limited auto repair will be a conditional use and will be subject to a dispersal requirement and many other performance conditions to make sure it is compatible.
- There are a number of uses that are not allowed in the Tech Park primarily because there is not enough parking; however, they are going to allow smaller versions of them, 5,000 or 10,000 square feet; art schools, dance schools, music schools, gymnastics and other fitness training. The higher parking requirement will not apply if these schools do not exceed certain thresholds.
- They have also added, as requested by the Committee, the use of a photograph studio and laboratory as a permitted use.
- In addition, they have allowed up to 25% of the industrial manufacturing facility can be office but parking will have to be provided at the office rate. If they go over 25% they trigger the new requirement.
- They have clarified that most uses, with the exception of limited outdoor storage of construction vehicles and equipment, are to be in a fully enclosed building.
- They have clarified that no site plan review is required for interior alterations where there are no exterior changes to the building and the use is a permitted use. There was some concern that this would trigger site plan review.
- They have also clarified a minor developmental approval process. It has been made very clear that this process is available to leases in the Tech Park. If someone comes in with a conditional use that does not exceed a certain square footage there will be a one-month process instead of the three to four-month process. This makes it much easier, more certain and less expensive for the applicant and also saves staff time.
- Specific uses within the District are prohibited and those include governmental administrative services, temporary or transitional housing and correctional or rehabilitative services. The height has been discussed and it is to be limited to 140 feet.
- Most importantly, the code gives the list of permitted conditional use and prohibited uses. If someone comes in with new technology the code gives the Planning Director the ability to make a determination that upon the submission of proper documentation to allow a use that does not exceed 20,000 square feet even though they are not on the list. This will give some discretion and if it is determined that it is not a permitted use there is an appeal procedure that allows the applicant to go to the Board of Adjustment.
- They want to promote expedited site plan review and have not included the Planned Community Development Zoning Discretionary Standards. These deal with the appearance of the building, embellishments and how much window space. Any uses along Sunrise Boulevard are required not to have any overhead doors, do not have any loading areas, etc. If the Council is interested in having some architectural design criteria along Sunrise Boulevard that direction is required.

Mr. Leeds noted that most zoning codes in most cities are based on very old codes and they evolve and mutate over time as they are amended. There is language that goes back 40 to 50 years. They are trying to get this done quickly and that is why that cumbersome language still remains.

In response to Councilman Fadgen, Councilman Levy advised that the industrial parks in Pembroke Park have the same requirement; there has to be an office to run the business; therefore, they have to fall within the 25% parking, which is a standard used throughout the industry.

Mr. Leeds indicated that some cities use 25% and others use 20%, it is a trade off. If the percentage is increased there might be a parking problem some of the time but you provide more flexibility. We are attempting to provide some balance. The downside is that there may be parking issues with some of the buildings.

Mr. Allsworth commended staff for a job well done. They have been working on this for over a year and he urged Council to allow this to go forward. He represents Bill Murphy who represents the other owners. The group has not had an opportunity to review the proposed Ordinance; however, he would like to move forward and reserve the right to study the Ordinance and come back to the Planning and Zoning Board and City Council with any suggested changes. He noted that they do not anticipate any major changes.

Councilwoman Uria has met with the group of property owners and renters and they would like to move forward and get their recommendations.

Mayor Armstrong suggested moving forward; this is a substantive overhaul of the entire I-LP District. She believes this is a step in the right direction.

Mr. Lunny referenced 1C the outdoor storage of construction equipment, construction vehicles and commercial vehicles is being proposed on a conditional use basis only if its accessory to the primary use. The purpose of that is not to have vehicle storage in parking lots where there is no activity in the building for the business. The Planning justification for that is if you are renting parking lots for that kind of storage use there is never any incentive to rehab the building because the building is not being used for the principal use. The industry has indicated in Mr. Allsworth's letter that they would like to have that as a principal use and not as an accessory to the principal use; that change has not been made and unless otherwise directed, we will continue with the concept that the storage has to be accessory to the principal use.

Councilman Fadgen believed it should be left in.

Mr. Lunny advised that it will be subject to future hearings; the question is whether Council is all right leaving it that way.

Councilman Tingom understands that the vehicles would be part of the use, which is accessory to principal use. He prefers that that be left in.

Mr. Allsworth was not prepared to debate any changes and urged that everything be left in. They reserve the right to come back and be heard at a later time.

In response to Mr. Lunny, Mr. Allsworth indicated they are not advocating any change at this time.

Councilwoman Uria understood if parking is out in the open; however, there are several buildings that are owner occupied that have parking in the rear that is screened with plantings and no one would ever know that spaces were leased for business trucks. There are residents that need places because commercial vehicles cannot be parked in Plantation. As long as the trucks are not in the open parking spaces she feels it would be all right.

Mr. Lunny stated that the issue from a Planning perspective is whether Council wants to encourage the properties to become more in the nature of vehicle storage without trying to encourage investment in the principal buildings.

Councilwoman Uria wants investment in the principal buildings but this is something that needs to be defined further.

Mr. Lunny referenced E on page 2 of the memo; there is a 125-foot height limit for all buildings and structures, which is new. Mr. Leeds indicated that there are structures that might be raised to 140 feet. He questioned whether Council wants a differential between a building height and a structure height. He was thinking that the building height should come down a little and put the structures at 140 feet.

Councilwoman Uria concurred because even if a height was set for the building they could come in for a variance.

Councilman Levy agreed with Councilwoman Uria.

In response to Mr. Lunny, Mr. Leeds believed that 75 feet for the building would be sufficient and the structure up to 140 feet. Most of the industrial buildings are between 25 and 50 feet. The nationwide standard in Plantation Tech Park light developments is 50 feet.

In response to Councilwoman Uria, Mr. Leeds advised that if there were an office building the height would increase. It is unlikely there will be a ten-story building in the Tech Park because of the parking issue.

Mr. Lunny commented that it is an industrial park and from a classic standpoint it is looked at differently from zoning. Aesthetics are not the focus because it is an industrial area. If there is a close setback and 140 feet that might have some odd results because when it comes before Council for a site plan there will not be a lot of room for movement because you will be sitting in a Quasi-Judicial capacity. Councilman Fadgen stated that even going to 100 feet, the parking would still be limited.

Mr. Leeds clarified that it would be limited by new development parking and landscaping.

Councilman Levy suggested 100 feet with a structure on top up to 40 feet; movie studios seem to be a new industry in Broward and they need the height. He does not want to limit it and then have to change again.

In response to Mr. Lunny, Mr. Leeds advised that parking is based on the gross square feet of the floor.

Mr. Lunny referenced 3A italicized. Commercial investors do not expect much local control with regard to aesthetics, as this is an industrial area. Most of the aesthetics will be dealt with as waivers or trade offs. He questioned whether Council wished to formulate some type of building aesthetics.

Councilman Fadgen thought there should be some aesthetics along Sunrise Boulevard.

Councilman Levy believed there should be some aesthetic standards set along Sunrise Boulevard. Aesthetics signify Plantation and even with the industrial areas, let's not lose sight of that; they should look as good as possible and planned as possible. One of the features in the major industrial parks is landscaping, broad buildings, etc.

Mr. Laystrom wants to be very specific about the requirements and noted that they need to be easy to read and understand.

Mr. Lunny advised they will formulate something in the terms of facades or wraps beyond the garage door issue. Whatever is done it might be a little less then elsewhere because it is an industrial park.

In response to Mr. Lunny, Councilman Fadgen stated that it would be all right to use zoning in progress in terms of direction.

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#### 14. DISCUSSION CONCERNING PROPOSED GROWTH MANAGEMENT ORDINANCE.

A memorandum dated January 20, 2011 to Mayor Armstrong and City Council members, from Donald J. Lunny, Esquire, follows:

Over the past year, Staff has been working on collecting various growth management related items to codify in one ordinance so as to save on advertising expenses. The draft Ordinance addresses the following topics:

1. Section 1 of the Ordinance (**pages 1-11**) pertains to Minor Development Approvals. As the Council may recall, in response to the recessionary influences affecting Plantation, the City Council temporarily authorized the Director of Planning, Zoning and Economic Development to approve certain types of minor development. Those authorizations were temporarily extended by the Mayor. Generally, the Director's exercise of these powers has been well received by the private sector, and has reduced public expense. Now that the trial period for the temporary authorizations has concluded, it is proposed that the powers be formally authorized by an ordinance enactment. The "high points" are as follows:
  - a. Increases the thresholds for the extent of approval allowed in the Matrix contained in prior temporary Resolutions so as to authorize increased development without requiring Council review (notably, the Council still retains its call up privilege, and any matter that is not approved using this expedited process may still be evaluated using the more extensive development review procedures).
  - b. Creates expanded authority for Director "Administrative Adjustments" which are not perceived as significant, and clarifies that no notice to adjacent property is required for Administrative Adjustments.
  - c. For Plan Adjustment Committee (PAC), in the event a covering Council member is not confirmed as being able to attend within 48 hours of the meeting, the Mayor is authorized to appoint any elected official to serve in lieu of the absent Council member (thus authorizing the Mayor to attend the meeting).
  - d. Allows the Director to approve as an Administrative Adjustment minor sign special exceptions, so long as the maximum number, cumulative area, and height of all signs on the affected property do not exceed the code required limits. Some limited authority to change colors is also proposed.
  - e. Allows for certain applications for approval to be expedited (advisory board and committee review waived) where a site plan for a proposed permitted use has three or less waivers.
2. As a result of the recession, the City's single family residential zoning districts have increasingly experienced on-site storage of goods and materials in "utility sheds". These are being employed in increased size, number, and various locations. Recently, a cargo container was installed in Plantation

Acres, and proposed for use as a “Shed”. As a result of this pressure, it is apparent that the Code needed to be reinforced with protective provisions that now expressly limit those and other accessory structures and buildings, and impose aesthetic requirements which make them more consonant and compatible with single family residential areas. These proposed regulations are contained in Section 2 of the Ordinance **(pages 11-12)**.

3. On at least two occasions during the time period when the Director was given temporary powers, persons on corner lots sought relief as to fence height limits. Generally, a fence is limited to 4’ high in the “front yard” and 6’ high in the side and rear yard. The Code defines the front lot line to be the lot line on a street that has the smallest dimension. As applied to corner lots for fencing purposes, sometimes what the owner thinks to be his or her front yard is required by the definition to be treated as the side yard. Thus, from the owner’s perspective, his side yard fence is limited to 4 feet in height. This problem has been corrected by new language in Section 3 of the Ordinance **(page 12)**, so now this issue will be determined by the orientation of the home instead of by the relative length of the street/lot lines.
4. When the Madeira Project was being evaluated by Staff, some questions were raised concerning the applicable procedural and substantive criteria for an award of Local Activity enter Residential Units (LAC Units). In order that the applicable procedure is clearly identified, Staff now proposes in Section 4 of the Ordinance **(pages 12-15)** to codify procedural and substantive regulations that apply to an award of LAC Residential Units. The process and substantive evaluation is the same as what was applied in the Madeira application, is similar to that used for other kinds of residential flexibility, and an ordinance is required.
5. Section 5 of the Ordinance **(pages 16-18)** focuses on the Review Committee. In order to better organize the Code and make it more user friendly, the Section concerning the Review Committee has been transferred from Chapter 2 (“Administration) to Chapter 27 (“Zoning”). Because the Committee is now in the Zoning Chapter, it will be chaired and administered by the Director of Planning, Zoning, and Economic Development.

In the interest of achieving efficiencies in operation and to reduce costs, the number of persons required to attend the Review Committee meeting has been decreased (such that representatives from the Parks & Recreation and Public Works Departments no longer need to attend each meeting).

How the Committee functions is also proposed to change. Currently, members supply comments to applicants at the meeting and then vote to approve or deny a project. After the meeting, the applicants then schedule individual meetings with affected Departments to review comments, and often plans get modified that affect the comments of other departments. Plans also get modified after Committee Review and never get re-reviewed by the Committee’s professional members (and this sometimes creates conflicts between approved Site Plans and comments when construction drawings for permitting are prepared). Inter-department inefficiencies in processing and delays then arise.

To reduce the Staff time involved in project review, the Committee will review a proposed project from a technical perspective with the thought of providing comment and determining if any potential changes to the proposed plan will create potential interdepartmental conflicts. Members will not be required to vote to approve or disapprove a proposed project. Only if all members agree that a further meeting to evaluate plan changes to address comments made at the meeting is unnecessary will the matter proceed to the next level of review. It will be important that plans be as detailed and as complete as possible at this stage of the proceedings.

By not requiring an approval vote on the merits of the project to go forward, the applicant and affected departments will be able to “agree to disagree” so to speak, and allow the review of the project to proceed through the review process at different levels. This, hopefully, will reduce instances where an applicant claims to be “stuck” because of a *qualitative* disagreement with the Committee over aspects of the project as distinguished from Plan incompleteness or unresolved plan-generated technical conflicts.

6. The Use Variance procedures have been clarified slightly in Sections 6 and 7 of the Ordinance (**pages 18-19**).
7. Sections 8 and 9 of the Ordinance (**page 20**) are intended to clarify for the public the City’s department roles with respect to the Comprehensive Zoning Ordinance. These provisions have not been changed since the Building Department and the Planning, Zoning and Economic Development Department were separately formed from the “Building and Zoning Department” during Mayor Veltri’s Administration.

Please note that the draft Ordinance was prepared in stages and through the use of different computers both within the City, and between the City and the Legal Department. As a consequence, metadata is embedded in the final electronic document that made formatting and editing very difficult. Every effort has been made to eliminate “data transmission and conversion nits,” and to show the changes proposed in comparison with the existing code. We apologize for any remaining discrepancies that may remain.

This Ordinance is now ready for workshop consideration. Direction is sought to advertise, and in so advertising, the Council is requested to apply the principles of “zoning in progress” so that the Staff may apply these provisions during the enactment process (in part so as to authorize Staff to afford the private sector the relief contained herein).

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Mr. Lunny apologized because he thought he had attached an email to the transmitted email to Ms. Slattery that was the correct version and it turned out that he did not. Sections have been corrected in the memos with page references.

Councilwoman Uria received this information late and has not had time to review it. Since time is not of the essence, she requested if there was a way to remove this until February 9, 2011.

Councilwoman Bendekovic concurred with Councilwoman Uria.

The consensus was to defer this discussion until the February 9, 2011 meeting.

Mr. Lunny advised that Mr. Leeds was given some recessionary powers that the Mayor extended and they are reflected in this Ordinance.

Councilman Levy commented that he did read this and it is what we have been discussing for a while. He believes it is an excellent way to go to streamline a lot of procedures that have held up minor developments involved in our City.

Mayor Armstrong stated that this is the opportunity to address utility sheds, etc.; therefore, we do not want to delay this too long.

Councilman Fadgen mentioned a request that Mr. Leeds provide a brief overview.

Mr. Leeds indicated that there is a minor development matrix that was originally in the zoning code but they were liberalized with the Economic Development Resolution approximately two years ago; however, we still find that they need to be expanded a little more. Whenever the matrix is used Council will be notified and have an opportunity to object. Some authority has been created for the Director to grant administrative adjustments and clarify that no notice is required to adjacent property owners for these adjustments. We are now in a phase of redevelopment and we are gearing up and getting started. Instead of large vacant land a lot of smaller acreage that might have existing buildings that are incorporated or must be accommodated. Allowing him to grant the administrative waivers, particularly in a commercial, office or industrial context, gives authority only when he feels it is appropriate. There is also a provision that states that if an applicant comes in with a new building that is a permitted use and they have only three waivers the Planning, Zoning and Economic Director has the authority to allow it to proceed directly from the Review Committee to the City Council, the Building Director has the ability to move an item to Council with respect to the Advisory Board for the Disabled, and the Landscape Director has the authority to move an item directly to Council without the Landscape Planning and Review Board. This is only for permitted uses and for things that have three or less waivers.

In response to Councilman Tingom, Mr. Leeds advised that if the applicant meets the criteria he would have the option of waiving the Planning and Zoning Board review. This is not something that has been done a lot; however, they would like it in the Code in case there is a project that needs to move quickly. He would not make a decision to waive the Planning and Zoning Board without discussion with the Mayor. There are a number of regulations dealing with accessory buildings. He would like to get zoning in progress at the next meeting if possible. These regulations are important so that we can maintain our single family neighborhoods. There has been a lot of discussion regarding fencing and how the front and side yards are determined on corner lots by the zoning code. The front yard will be determined by the front of the house, which is determined by the main pedestrian entrance. There is a housekeeping item that deals with an approved allocation of flex units. Changes are being made so the intent is clear. Changes are being made to the Review Committee in order to make the system more efficient, clear and also to allow the applicant to move forward.

Mr. Lunny explained that the changes to Review Committee were a focus of Administration; we are trying to strike a balance. The Review Committee is not functioning in a way that is satisfactory. They have tried to change the focus of the Review Committee so that the Committee's principal job is to try to identify and resolve potential inter-department technical issues that impact design and to see if construction drawings are taken off whether there will be foreseeable things on the design that should be pointed out as opposed to a textual comment in the minutes. Under that theory, the departments would not be approving projects; however, they could agree to disagree with a developer. The departments and Administration feel that this might be more cost effective and better focus of Review Committee. The consequence of trying to refocus Review Committee is to not allow the plans to come in in a way that they are not sufficiently detailed to make those kinds of determination. Currently, plans are being submitted that are insufficient in terms of detail. The consequence of trying to refocus this is so the plans are more complete and we want to try to resolve things at this meeting because that is the only real time that the City's real disciplines get together and we are trying not to have the repetitive department meetings with every department. The meetings will be in the Building Department conference room. While this focus is better than the Review Committee members' primary function, it will require more detail up front so that issues can be addressed by a Committee instead of trying to get through the Committee and visiting departments individually.

Councilman Fadgen believes there should be someone at the meeting to make the decision and say conceptually the project is not working right and list the key issues.

Mr. Lunny stated that the Review Committee is in Chapter 2 of the Code and it was transferred over to Zoning and when that was done Mr. Leeds became the Chair and Mr. Sabouri said he did not really want it in Chapter 5, which is the Building Department. The best way to get everyone invested in this new process is to make them all accountable and give them all a say in whether the project will move forward.

Mr. Laystrom's understanding is that any one of the department heads can make the decision. This basically allows projects to be stopped at the Review Committee and puts it in the individual discretion of the staff members to say they disagree and will not move the project forward. Currently they allow the projects to move forward and he believes this will cause him to come before City Council even more. The idea is to improve it a step at a time as you go through the process.

Councilman Levy disagreed with Mr. Laystrom and sees this as streamlining. He commended staff, the Legal team and Administration for trying to come up with a way to help the people who are trying to get through the system and not be held back.

Mayor Armstrong requested that Mr. Laystrom not prejudge this because they are trying to streamline things. There is no 100% way to predict and avoid but a lot can be done if projects are better defined initially.

Mr. Leeds understands Mr. Laystrom's concern and he noted that under this process, as long as staff can determine what the waivers are and the plan is complete there would be no issue. They are asking that the plan be 90% to 95% complete in order to be sure that what is seen is what we get when it is built. Mr. Leeds advised that he will have an extensive meeting with Mr. Laystrom.

Councilwoman Bendekovic questioned why Workshops are not on separate agendas.

In response to Councilwoman Bendekovic, Mayor Armstrong stated that they have tried to judge the amount of time the meetings will last but due to some items that have been changed and deferred this agenda was a little larger.

Mr. Lunny commented that he would like to have approval to apply the zoning in progress concept so that the protective provisions will be in enforced.

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Meeting adjourned at 10:48 p.m.

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Jerry Fadgen, President  
City Council

**ATTEST:**

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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 \_\_\_\_\_, 2011.

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