

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

**September 7, 2011**

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

1. Roll Call by City Clerk:

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

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2. The invocation was offered by Councilwoman Uria

The Pledge of Allegiance followed.

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**ITEMS SUBMITTED BY THE MAYOR**

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

- The Art Search Program is a visual art competition for grades K-12. Entry forms are available through October 14, 2011 at Central Park, Community Center, Volunteer Park, Jim Ward Community Center and all Plantation schools.
- The Annual Youth Hot Shot Basketball tournament will be held at Plantation Central Park on September 9, 2011.
- The Swim Fitter & Faster Tour will be held at the Plantation Central Park Pool on September 17, 2011.
- The Children's Group Riding lessons will be at the Plantation Equestrian Center on September 8, 2011 at 5:00 p.m.

In response to Councilperson Stoner, Mr. Romano advised that a mini camp will be held Monday through Wednesday during the week of Thanksgiving.

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Mayor Bendekovic recognized Lisa Synalovski and noted that she received the Aurora Award for the Green Dream House.

Ms. Synalovski indicated that the house was a four-month project. It was natural to construct the house in Plantation, which is a “Green City”. The home is unique; it is Green certified. It is not certified by LEED; however, they are with the Florida Green Building Coalition and have achieved platinum, which is the highest certification. They have also achieved silver certification with the National Association of Home Builders. They are Energy Star certified; they are a Florida, Power & Light Build Smart Builder. This home is 55% more energy efficient than the National Building Code requires. Open House will more than likely be during daytime hours and hopes that everyone will visit.

In response to Councilwoman Uria, Ms. Synalovski stated that the home is for sale for \$314,900.

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Mayor Bendekovic recognized the following volunteers:

- Marc Brown with Plantation Gateway Advisory Board
- Barry Lethbridge with the Planning and Zoning Board
- Arnold Ramos with the Planning and Zoning Board
- David Weiss with the Board of Adjustment
- Shirley Baker with the Educational Advisory Board
- Pam Hackett with the Educational Advisory Board
- Paul Schneider with Plantation Midtown Development District Advisory Board
- Jack Stewart with Plantation Midtown Development District Advisory Board
- Dr. Jeanne Dishowitz with Parks and Recreation Advisory Board
- Steve Eisenberg with Parks and Recreation Advisory Board
- Lynn Stoner with the Parks and Recreation Advisory Board
- Joseph Goldstein with the Planning and Zoning Board
- John Osborne with the Planning and Zoning Board

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Mayor Bendekovic made the following announcements:

- The first reading of the Budget and the Mayor’s Presentation to the Council will be Wednesday, September 14, 2011. The second reading is Wednesday, September 21, 2011.
- The School Board Boundary Committee Orientation meeting is Wednesday, September 14, 2011 at 6:30 p.m. at Western High Auditorium.
- School boundary proposals submitted are now available for public input. Information regarding the proposed school boundary changes as well as the boundary process, meeting times and frequently asked questions can be found at [www.browardschool.com.school](http://www.browardschool.com.school) boundaries or call Joel Young, Director of School Boundary Department at 754/321-2480.
- Public redistributing meetings will be on Thursday, September 29, 2011 between 2:30 p.m. and 4:30 p.m. at the Government Center West.
- The Farmers Market is at Volunteer Park every Saturday between 8:00 a.m. and 2:00 p.m.
- The 9/11 Ceremony will be held at the Police Department on September 11, 2011 at 4:00 p.m.
- The unveiling of the World Trade Center artifact will be held at the Firefighter’s Memorial on October 15, 2011 at 9:00 a.m.

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## CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No.'s 12 & 16.

Mr. Lunny read the Consent Agenda by title.

3. Request for approval of work authorization #1011006 to Hazen & Sawyer, PC to prepare an engineering report of utilities' operation and recommendations for FY 10/11 in the amount of \$32,100. (Budgeted – Utilities)
4. Request for approval to purchase corrosion inhibitor CP-837 from Sterling Chemical through Lazenby & Associates, Inc. for both water treatment plants. (Budgeted – Utilities)
5. Request for approval of a work authorization to Winningham & Fradley, Inc. not to exceed \$75,000 for construction engineering services for the Plantation Park Phase F Water Main Improvement and Force Main Installation Project. (Budgeted – Utilities)
6. Award bid for sidewalk repair at the Enclave property by Royal Palm Construction in the amount of \$56,166.

### **Resolution No. 11326**

7. **RESOLUTION** to apply for an Office for Domestic Preparedness, Department of Homeland Security Competitive Grant.

### **Resolution No. 11327**

8. **RESOLUTION** pertaining to the subject of Solid Waste; authorizing changes to the Solid Waste Franchise Agreement which are appropriate given the recent and potential changes to the County and Contract Communities' Public Solid Waste Disposal Program; providing findings; providing a savings clause; and providing an effective date therefor.

### **Resolution No. 11328**

9. **RESOLUTION** establishing a fund balance policy for the City of Plantation; providing severability; providing for repealer; providing for an effective date therefor.

### **Resolution No. 11329**

10. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 18 – August 24, 2011 for the Plantation Gateway Development District.

### **Resolution No. 11330**

11. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 18 – August 24, 2011.

### **Resolution No. 11331**

12. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 18 – August 24, 2011 for the City of Plantation's Community Redevelopment Agency.

**Resolution No. 11332**

13. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 25 – August 31, 2011 for the Plantation Gateway Development District.

**Resolution No. 11333**

14. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 25 – August 31, 2011 for the Plantation Midtown Development District.

**Resolution No. 11334**

15. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 25 – August 31, 2011.

**Resolution No. 11335**

16. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 25 – August 31, 2011 for the City of Plantation's Community Redevelopment Agency.

17. Request for approval to award a contract to Caribe Utilities of Florida in the amount of \$1,450,959.10 for the Plantation Park Phase F Water Main and Force Main Replacement Project. (Budgeted - Utilities)

18. Request to award bid for Plantation Harbor paving project to General Asphalt Company, Inc. in an amount not to exceed \$348,200. (sealed proposal)

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

Ayes: Levy, Stoner, Tingom, Jacobs, Uria

Nays: None

**NOTE:** Mayor Bendekovic voted affirmatively on Item No.'s 12 & 16.

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**ADMINISTRATIVE ITEMS – None.**

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## LEGISLATIVE ITEMS

19. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE OF THE CITY OF PLANTATION PERTAINING TO THE SUBJECT OF COMPREHENSIVE PLANNING; RECAPTURING 197 FLEXIBILITY UNITS OF THE PREVIOUSLY APPROVED 398 FLEXIBILITY UNITS, AND RE-ASSIGNING UP TO 197 FLEXIBILITY UNITS TO THE FOLLOWING DESCRIBED PROPERTY LOCATED IN FLEX ZONE 75 SO AS TO PERMIT THE CONSTRUCTION OF UP TO 197 MULTI-FAMILY DWELLING UNITS WITHOUT AMENDING THE CITY COMPREHENSIVE FUTURE LAND USE PLAN: PROPERTY LYING IN SECTION 9, TOWNSHIP 50 SOUTH, RANGE 41 EAST, AND DESCRIBED AS TRACT "B" OF THE AMERICAN EXPRESS TRACT, AS RECORDED IN PLAT BOOK 82, PAGE 35, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. GENERALLY LOCATED ON THE EAST SIDE OF PINE ISLAND ROAD BETWEEN AMERICAN EXPRESSWAY AND CLEARY BOULEVARD; PROVIDING FINDINGS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR. (**VERANDA II**)

A Staff Report to the City Council, from the Planning, Zoning and Economic Development Department, dated September 7, 2011, follows:

## ATTACHMENTS

- July 12, 2011 Planning and Zoning Board minutes
- August 24, 2011 City Council Action minutes
- Exhibit A: Flex Zoning Evaluation Criteria

**ANALYSIS:** The Planning and Zoning Board approved the site plan subject to staff comments and P&Z Board conditions on July 12, 2011. The Board recommended approval of the site plan, flex unit allocation, and associated waivers subject to staff comments. However, the P&Z Board meeting was not advertised in the newspaper correctly. As such, the P&Z Board will rehear the residential flexibility application at their September 6, 2011 meeting, with City Council flex review to follow on September 7, 2011.

The City Council approved the Veranda II site plan, subject to staff comments and City Council conditions, on August 24, 2011. Included among the approval conditions, the applicant and Utilities Department were asked to meet to resolve certain issues prior to the September 7, 2011 City Council Flex meeting.

**RECOMMENDATION:** Approval, subject to resolution of Utility Department Issues.

## EXHIBIT A

The applicant is required to respond to the criteria set out in Section 19-67 of the Plantation Land Development Code regarding the utilization of flexibility which states:

1. Whether there is a change in population, socio-economic factors, or physical development of property near or affecting the subject property, which change was unforeseen or unanticipated, and which change has created a present problem or opportunity that justifies utilizing the flexibility.

Applicant's Response: The opportunity to continue to add an additional residential component to the Veranda center was created by the City's adoption of a Midtown Master Plan and zoning regulations for

Midtown. The proposed development of interconnected retail and residential development presents an opportunity for the continued development of the northern portion of the Midtown.

*Staff Response:* Staff agrees, subject to comments and conditions in the Zoning portion of the staff report.

2. Whether the project as proposed offers significant benefits not otherwise available to the City if the City's land development regulations were otherwise followed (for example, does the planning, design, and development of the property exceed the minimum otherwise required land development requirements in terms of reserving appropriate open space, development themes, taking advantage of natural and manmade conditions or environments, controlling pedestrian and vehicular traffic systems, substantially intensifying landscape or providing landscape contributions to the City, improving or maintaining public infrastructure or giving the City a contribution in aid of infrastructure improvements or maintenance, exceeding setbacks and building separations, and reflecting an orderly and creative arrangement of buildings and land uses as appropriate?);

*Applicant's Response:* The primary land development regulations that will guide the redevelopment of the Veranda are the City's adoption of the SPI-3 zoning regulations. By obtaining flex units to further redevelop the property under the SPI-3 zoning regulations, the application will be able to connect the Phase 1 residential building to the Veranda Retail component in a pedestrian friendly design with added landscaping benefits and enhanced vehicular circulation within an urban design form.

*Staff Response:* The design of this property does not exceed minimum required SPI-3 zoning requirements. This is evidenced by the many zoning waivers requested by the applicant. Staff is supporting these waivers (except for parking) to duplicate the quality exterior building elevations of Veranda Phase I. With the exception of the parking garage/residential courtyard interface, the site plan generally presents an orderly and creative arrangement of buildings, subject to staff comments and conditions.

3. The extent to which the project contributes to the tax base, adds employment, and provides other positive economic impacts;

*Applicant's Response:* The minor modification of Veranda Phase 2 redevelopment will complete the significant positive impacts on the City. The addition of 197 residential units to the property will generate substantial ad valorem taxes. In addition, creating a mixed use environment at the Veranda is expected to create a sustainable retail climate, improve retail sales and encourage additional retail opportunities that are a source of employment.

*Staff Response:* The additional of these units will support existing retail development at the adjacent Publix Center and throughout North Midtown.

4. The extent to which the project impacts public services (e.g. fire, EMS, school, police, water, wastewater, and other services), and generates negative secondary effects of odors, fumes, noise, traffic, or crime;

*Applicant's Response:* The impacts on public services have been primarily addressed during Phase 1 construction. Offsite water and wastewater improvements to serve Phase 1 and Phase 2 proposed redevelopment have been completed by applicant. The applicant has already addressed or paid for the impacts for Phase 2 with the Broward County School Board. The City adopted a Master Plan that overall

envisions over 3,000 new residential units in Midtown and, therefore, these impacts on public services were necessarily to be expected. The applicant has a vested interest in ensuring that all public service are adequate for future residents on the project and the City in general and the ad valorem taxes from the project will assist in the provisions of such services. The addition of residential units to the Veranda project is not expected to generate negative secondary effects of odors, fumes, noise or crime.

*Staff Response: The applicant is working with City departments regarding any impacts. Staff has not received confirmation that the Utilities issue has been resolved at the time of writing of this report (September 1).*

5. The extent to which the property has potential to be developed in a desirable manner under its present land use and zoning scheme without the application of flexibility and whether such foreseeable development is or is not more beneficial to the community;

Applicant's Response: The present zoning scheme is the adopted SPI-3 zoning regulations which encourage the mixed use form of development that the applicant is seeking to introduce through the subject flex allocation and proposed residential development. The initial approvals for Veranda Phase 1 and Phase 2 were received prior to the adoption of the Master Plan for Mid Town as well as the creation of the SPI-3 zoning regulations evidences the determination by the elected City officials that a mixed use urban form of development like that being modified by the applicant is more beneficial to the community than leaving the uncompleted Phase 2 property vacant and underutilized.

*Staff's Response: This property could be developed with a general or medical office building, shopping center or other SPI-3 use and be consistent with the SPI-3 zoning code. However, this would not be consistent with the Central Plantation Conceptual Plan. The current proposal is generally consistent with the Central Plantation Conceptual Plan, which encourages residential uses in this area.*

6. The nature and types of uses surrounding the subject property and whether the development proposal is compatible and complements those uses;

Applicant's Response: The subject property is surrounded by office uses to the north, multi-family residential to the east across American Expressway, retail uses to the west and retail, hotel and office uses to the south. The proposed mix of residential and retail use is compatible with and complements these surrounding uses. The proposed residential element will provide housing opportunities for employees for surrounding office uses and the enhanced retail element will provide shopping and dining opportunities for residents, hotel guest and employees of surrounding properties.

*Staff Response: The proposed residential development is compatible with the surrounding uses.*

7. Specific goals, objectives or policies of the City Comprehensive Plan and other City plans that are consistent or inconsistent with the development proposed;

Applicant's Response: The proposed development is consistent with the following goals, objectives and policies of the City's Comprehensive Plan:

**OBJECTIVE 1.6**

Achieve growth and development (through the planning period and to build-out) which is guided by this plan, consistent with the adopted capital improvements program and a consolidated development code

which contains subdivision regulations, innovative design, planned community development districts (POD), mixed use development provisions.

#### OBJECTIVE 1.7 RESIDENTIAL

The City shall continue the philosophy of locating higher density residential close to commercial activity centers and then transitioning to lower density residential.

The proposed development is also consistent with the following objectives of the Master Plan:

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Opportunities:

Urban Design and Land Use

- Large parking lots can be reused to provide for future development sites.  
Traffic and Transportation
- The District and office centers contain large expanses of asphalt parking areas which may be suitable for redevelopment.

*Staff Response: Staff concurs with the applicants referenced Comprehensive Plan Objectives and Policy. Applicant's comments regarding the Midtown Master Plan do not apply.*

8. The extent to which the type of flexibility proposed to be utilized will remain available for future use by the City under this section's requirements and under any possible regulatory scheme;

Applicant's Response: The applicant is resubmitting and paying an application fee to request 197 of the already assigned 382 flex units (which were reserved pursuant to Ordinance #2431) to the proposed redevelopment. The City currently has assigned flexibility units in the Midtown area to Veranda Phase 1 and 2, still leaving units available to the City for use on other projects. Furthermore, the Mater Plan envisions over 3,000 new units in the Midtown area and there are processes, including the creation of a Regional Activity Center or transfer of flex units from other zones that will be available to the City to create more units for Midtown as development of the Midtown concept continues.

*Staff's Response: The applicant applied obtained approval for 398 residential flexibility units for this site in February 2004. The applicant built the Veranda Phase I containing 201 residential units. The applicant has submitted an amended site plan in April 2011 to construct 197 units previously assigned based on a different site plan. Staff has no objection to assignment of the 197-flex units subject to staff report comments and conditions.*

9. The extent to which the utilization of flexibility serves or does not serve the public's health, safety, or welfare;

Applicant's Response: The City adopted the Master Plan in which the utilization of flexibility was anticipated, to provide a framework for the development of Midtown as a "downtown" core of which the early stages are coming to fruition. A mixed use downtown area with a variety of shopping, entertainment, living and working opportunities is in the public's best interest and, provided there are adequate public facilities to serve the proposed development, the proposed development will not be detrimental to the public welfare.

*Staff Response: With the exception of the parking garage/courtyard interface, the utilization of flexibility services the public health, safety, and welfare, subject to report conditions and comments.*

10. The future land use and needs of the community; and

Applicant's Response: The proposed flex allocation is consistent with the future land use and will help meet the housing needs of the community and will continue to reinvigorate the shopping center and surrounding uses to help meet the shopping, working, dining and entertainment needs as well.

*Staff Response: The proposed residential project is consistent with some portions of the City's Central Plantation Conceptual Plan.*

11. Such other policy considerations that may not be set forth above but which are nonetheless considered by the City governing body to be reasonable and appropriate under the circumstances.

Applicant's Response: No response required.

Councilwoman Uria advised that the recommendation is to approve subject to the resolution of the Utilities Department comments.

Bill Laystrom, Attorney, was present. He indicated that the matters have not been resolved and he has met with Utilities. His intent is that Council approve this with Utilities recommendations as the Utility Director requested. He will probably meet with Administration to discuss the matter further. He is obligated to pay unless he comes back and requests relief from City Council. There will be a second reading and his intent is to have this resolved by that time.

***Motion by Councilman Tingom, seconded by Councilman Levy, to approve the First Reading of an ordinance pertaining to the subject of Comprehensive Planning; recapturing 197 flexibility units of the previously approved 398 flexibility units, and reassigning up to 197 multi-family dwelling units without amending the City Comprehensive Future Land Use Plan. Motion carried on the following roll call vote:***

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

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

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**QUASI-JUDICIAL ITEMS - None.**

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**COUNCILMEMBERS' COMMENTS**

Councilman Tingom mentioned the Budget Workshop last week. He posted ideas on his website and welcomes and criticism or suggestions.

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**PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS - None.**

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**WORKSHOPS - None**

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Meeting adjourned at 8:03 p.m.

\_\_\_\_\_  
Sharon Uria, 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 \_\_\_\_\_, 2012.

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