

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

APRIL 22, 2009

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

1. Roll call by the City Clerk:

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

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2. The invocation was offered by Mayor Armstrong.

The Pledge of Allegiance followed.

There were no minutes to be approved.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Armstrong presented Service Awards to the following City Employees:

Ronald Irmen	Public Works	15 years
Officer Michelle Keirnan	Police	15 years
Officer Casey Mittauer	Police	10 years
Jonathan Adams	Utilities	5 years
Edward Alarcon-MacLain	Public Works	5 years
Juan Figueroa	Engineering	5 years

Congratulations were offered.

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Mayor Armstrong read a Proclamation designating April 26 through May 3, 2009 as *National Safe Kids Week 2009* in the City of Plantation.

The Proclamation was accepted by Fire Chief Pudney and Fire/Rescue Battalion Chief Denise Johnson.

Ms. Johnson advised the *Safe Kids Extravaganza* would be held on Saturday, May 2, 2009 from 1:00 p.m. to 4:00 p.m. at Pine Island Park.

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Mayor Armstrong announced the *Arts of Plantation Cultural Celebration* would be held at the Plantation Library and Historical Museum on April 23, 2009 from 6:30 to 8:30 p.m. She encouraged everyone to attend.

She also noted the *Teddy Bear Picnic* would be held on May 2, 2009 from 12:00 p.m. to 1:00 p.m. at the Helen B. Hoffman Library.

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Jim Romano, Director of Parks and Recreation, indicated that the *Tinsel Town Cabaret* would be held at Volunteer Park on Friday, May 1, 2009 at 7:30 p.m.

The *Summer Camp Program* will be held from June 8 through July 31, 2009. The lottery will begin on Monday, April 27, 2009. Call the Parks and Recreation Department for registration information.

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CONSENT AGENDA

Item #6 was removed from the Consent Agenda and discussed separately.

Non-agenda Item #10(a) was added to the Consent Agenda.

As a Commissioner of the CRA, Mayor Armstrong had a voting privilege on Item #10.

Mr. Lunny read the Consent Agenda by title.

3. Approve participation in the Southeast Florida Co-Operative Bid to furnish and deliver liquid sodium hydroxide (caustic) from Allied Universal Corp. from April 10, 2009 through April 9, 2010 at a cost of \$2.71/gallon (full truck load) or \$3.24/gallon (less than full truck load) (Budgeted – Utilities)
4. Request for purchase and installation of two Variable Frequency Drives for Gulf Stream Master Lift Station from Sanders Company, Inc. for \$35,153 to replace 20-year-old magnetic drive units that have exceeded their useful service life. (Budgeted – Utilities)

Ordinance No. 2428

5. Second and Final Reading of an **ORDINANCE** pertaining to the subject of zoning; amending the City Code Regulations; Amusements; creating definitions for Amusement Arcades and Amusement Enterprises; creating zoning regulations applicable to Amusement Arcades and Amusement Enterprises; amending the City's Zoning Use Regulations so as to only allow Amusement Enterprises in the City's SPI-3(Plantation Midtown) Zoning District; amending the City's Zoning Use Regulations so as to only allow Amusement Arcades in the City's Hybrid Commercial, four corners commercial, B-2P, B-3P, and SPI-3 Zoning Districts; amending and creating business regulations applicable to Amusement Enterprises and Amusement Arcades; clarifying the local business taxes that must be paid for Amusement Devices, Amusement Arcades, and Amusement Enterprises; clarifying the City's regulations for carnivals, bazaars, festivals, etc. and dance halls, boxing fighting, and wrestling exhibitions; providing other miscellaneous amendments to the City Code to implement the forgoing; providing a savings clause and providing an effective date therefor.

Resolution No. 10536

7. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 1201 SW 75 Ave. (Adriazola)

Resolution No. 10537

8. **RESOLUTION** to apply for the Florida Department of Agriculture 2009 Urban and Community Forestry Grant to enhance the City Urban Forestry Programs.

Resolution No. 10538

9. **RESOLUTION** of the City Council of the City of Plantation, Florida to apply for Water Savings Incentive Program (SIP) grants from the South Florida Water Management District. (SFWMD)

Resolution No. 10539

10. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period April 10, 2009 through April 15, 2009.

Resolution No. 10540

- 10a. **RESOLUTION** of the City of Plantation, Florida, relating to the State Revolving Fund Program, approving and authorizing the implementation of the Planning Recommendations outlined in the Facilities Plan Documentation for the City of Plantation.

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

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

Note: Mayor Armstrong voted affirmatively on Item #10.

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Ordinance No. 2429

6. Second and Final Reading of an **ORDINANCE** pertaining to the subject of Code Enforcement; amending and clarifying the procedures for the suspension and reduction of Code Enforcement fines and authorizing applications and application fees in connection therewith; providing amendments to the hearing procedures that apply to Code Enforcement cases; providing clarifications to authorized releases and satisfactions of claims and liens and judgments related to Code Enforcement; providing general updates and amendments to implement the foregoing; providing a savings clause and providing an effective date therefor.

-AND-

Resolution No. 10541

RESOLUTION approving the fine guideline scoring summary for Code Enforcement Fine reductions; providing a savings clause; and providing an effective date therefore.

Mr. Lunny read the Ordinance No. 2429 and Resolution No. 10541 by title.

A memorandum dated April 3, 2009 to Mayor and Members of City Council follows:

The draft Ordinance, Scoring Sheet, and Questions and Answers incorporate the discussion at both workshops and the First Hearing, and provide for the following highlighted amendments:

1. The Ordinance is gender neutral.
2. The Ordinance simplifies motion practice in that the prior version had three types of motions (motions for “case status conferences”, for “extensions of time”, and motions for “fine suspension”. Now, there is only one type of motion called a motion for a “case status conference” at which the Special Magistrate or Code Enforcement Board may grant all of the foregoing relief.
3. The Ordinance has been clarified so that if the City does not affirmatively write a letter granting or denying an application for a suspension of the fine, the review fee shall be returned if a request for a refund is made within sixty days of the application’s date. The prior language did not indicate when a refund request would need to be made.
4. The City fee for the clerk preparing the record on appeal has been clarified to be the fees and charges applicable under the public records law.
5. The special and limited adjustment of code enforcement liens in mortgage foreclosure cases has been clarified to indicate that any incurred attorneys fees must also be collected during the foreclosure for the adjustment to be effective.
6. The Questions and Answers were modified consistent with paragraphs 1 and 2 above.

The Ordinance is now ready for consideration at Second Reading. The Resolution approving the scoring methodology has been provided.

The aforementioned Ordinance and Resolution were voted on separately.

With regard to Item #3, Councilman Fadgen commented that if no action is taken to grant or deny an application for suspension of fine or review of fee, the fee that was filed for that request would be refunded in 60 days. He wondered if 60 days was long enough.

Mr. Lunny explained that the City would refund the money if there was no review and, therefore, it was deemed denied because there was no review. However, they decided to put a time limit in place whereby people would have to make a request for a refund, and that is how the 60 days was determined. If Council would like it longer or shorter, he would be happy to adjust it.

Councilman Fadgen suggested a time frame of 6 months.

It was Councilwoman Uria's understanding that the resident or business owner has to write a request for the refund even though they may not have received a letter for affirmation or denial. She questioned how the individual would know to write that letter.

Mr. Lunny advised a notice could be included on the application form for fine reduction.

Councilwoman Uria felt that if someone pays the money for the review and they do not receive a letter of affirmation or denial, the City should make it very clear that they can request a refund.

Mr. Lunny explained the City has 30 days to act on it. Sometimes the City does review these but for various reasons, does not act on them. The City felt that in any case, where there is no answer one way or the other, there ought to be a refund. Therefore, they could have on the application that the City has 30 days to approve it or not, and if that passes, the applicants have another 30 days or 60 days from the date they filed to ask for a refund. If they want to make it 90 days or 6 months, it does not matter as long as a time period is specified.

Councilwoman Uria agreed but reiterated it should be made very clear that somebody can request a refund.

Mr. Lunny advised the application will be reviewed and clarified to include the deadlines.

Although Councilwoman Uria did not necessarily agree with the 6-month timeframe, she did agree with a timeframe that is longer than the one currently stated.

Councilman Fadgen suggested a check box be placed on the application requesting a refund if the application is not granted.

Councilman Levy commented that it says "If granted or not granted". If they have not received any response, they get their money back but if the City has already expended funds one way or the other, they do not. So, it cannot just be "If not granted".

Councilwoman Bendekovic agreed that it is their money and they should get it back and if the box is checked, they would get the check back automatically.

Mayor Armstrong felt they should just get it back automatically after the 60 days if there is no action. There is no need to check a box.

Mr. Lunny commented that if somebody indicates on the application by checking the box that they want their money back, Mr. Herriman will do it automatically. It will also indicate to whom the refunded money should go. He advised they would try to make it as automatic as possible.

Councilman Levy felt the time frame should be fairly minimal if there is no action taken; therefore, the 60 days would be better for the individual, rather than 6 months.

Mr. Lunny clarified that the individual should indicate on the application where they would like the refund sent.

Councilman Tingom indicated that there will be people who do not check the box or identify where the money should be sent because there are intermediary parties such as law firms. He felt that 60 days is reasonable. If they do not check the box, they need to make a written request.

Councilman Fadgen supported the cost for getting the record gathered for an appeal based on whatever the City Clerk normally charges for a records request.

In response to Councilman Fadgen, Mr. Lunny advised the fees are prescribed by State law which is the minimum the City could charge. The City would have the ability to impose a higher fee if it chooses to do so. The City's resolution on this matter indicates that if it takes more than ½ hour of clerk, supervisory, or IT time, the charges can be based on their actual salary and fringe benefits for the amount of time it takes.

Motion by Councilman Fadgen, seconded by Councilman Levy, that Ordinance No. 2429 be approved and adopted with the addendum to the application. Motion carried on the following roll call vote:

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

Motion by Councilman Tingom, seconded by Councilman Fadgen, that Resolution No. 10541 be approved and adopted. Motion carried on the following roll call vote:

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

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ADMINISTRATIVE ITEMS – None

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LEGISLATIVE ITEMS - None

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Councilwoman Bendekovic referred to the guidelines for those addressing the Council as witnesses having been sworn in.

All witnesses intending to testify on quasi-judicial items during tonight's meeting were sworn in by Susan Slattery, City Clerk.

QUASI-JUDICIAL CONSENT AGENDA - None

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QUASI-JUDICIAL ITEMS

11. REQUEST FOR SPECIAL SIGN EXCEPTION FOR ALEXAN PLANTATION LOCATED AT 201 NW 133 ROAD

Mr. Lunny read the Item by title.

The Planning, Zoning and Economic Development Department Staff Report and Recommendations follow:

REQUEST: From: Section 22-43 which allows multi-family residential developments to have one double-faced ground sign not to exceed 18 square feet in area.

To: Allow three single faced ground signs (at two entrances) for a multi-family residential development of 481 units.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; Sign Special Exception application and sign exhibits.

ANALYSIS:

The subject property is 44.9 acres in area, zoned RM-10N, and located on the north side of the North New River Canal between Commodore Drive (NW 133rd Road) and NW 136th Avenue. The property is bound to the north by a mobile home park, to the south by the New River Canal, to the east by multi-family residential uses, and to the west by commercial uses within the City of Sunrise. The site is currently under construction for development of 197 town homes and 284 garden apartments (for a total of 481 dwelling units) and has a primary entrance located at the northwest corner of the site on NW 136th Avenue and a secondary entrance centrally located on the east side of the site from Commodore Drive.

Section 22-43 allows multi-family residential developments to have one entry sign with an allowable sign area of 18 square feet. The applicant requests approval to construct 3 single faced ground signs:

- One entry wall with project identification signage on each side of the main entrance on NW 136th Avenue, and
- One entry wall with project identification signage at the secondary entrance on Commodore Drive.

The 6 foot wall will be finished in smooth and rough stucco with decorative caps, columns, and "lotus" medallions. The wall colors will be beige tones with cast stone trim and bronze colored signage. The signs meet the size and architectural embellishment requirements of the sign code.

Where applicable, the review of a Special Exception request should include consideration of the criteria noted in Section 22-11 of the Land Development Code which is included as Exhibit "A".

STAFF COMMENTS:

PLANNING AND ZONING:

1. No objection, based upon an staff's analysis of the of special exception criteria, including but not limited to the:
 - a. size of development (48 acres gross),
 - b. number of dwelling units (481),
 - c. length of street frontage along NW 136th Avenue and Commodore Drive, and
 - d. compliance with sign code height, size, and architectural requirements,

LANDSCAPE ARCHITECTURE:

No objections to the Sign Special Exception based on review of proposed landscape in the vicinity of the freestanding monument signs.

Please note:

1. The landscape plans submitted with the Sign Special Exception for this project show significant changes to the landscape material for the overall site compared to the plans that were approved through permitting on 10/24/2008. The proposed landscape changes dated 2/27/2009 require review and approval prior to installation of any plant material. If you wish to pursue changes to the landscape please contact Diana Berchielli, directly, at 954-797-2750.
2. A pre-planting meeting is required prior to the commencement of the installation of any plant material. City requests the presence of the property owner/agent, general contractor, as well as the landscape contractor. This should be done 6 – 8 weeks prior to installation.

EXHIBIT "A"

Section 22-11(b) of the Code requires the applicant to address the following criteria in the review of the special exceptions:

1. That special conditions and circumstances exist such as, but not limited to, building orientation, vehicular circulation or vision obstructions (not to include landscaping) that are peculiar to the land, structure, or building that create a site specific justification for the exception;

Applicant's Response:

Special conditions and circumstances exist on the Alexan Plantation site in that the overall site consists of 48 acres with vehicular entrances on two distinct roadways (NW 136th Avenue and Commodore Drive), with visibility at each entrance from both the north and south. The specific location of the site, the size of the development, and the amount of vehicular traffic traveling in both directions on 136th Avenue, demonstrates the need for entrance signs in both directions at that location. The secondary entrance on Commodore Drive also requires an entry sign due to the orientation of the entrance, access from within the City limits, and the size of the site.

Staff's Response:

Staff concurs.

2. That a literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other property of lands, structures or buildings of similar character with identical special circumstances (nonconforming signs shall not be grounds for issuing sign special exceptions), or alternatively, that a special exception from the provisions of this Chapter is warranted and justified to protect, preserve, or enhance the City's tax base or to prevent or eradicate conditions of economic blight;

Applicant's Response:

A literal interpretation of the provisions of the City Code would only allow one sign on the entire 48 acres. For a site of this size, with two significant entrances to the site, such a restriction would deprive the applicant of rights commonly enjoyed by other property owners with sites of similar character and circumstances, and a special exception is thereby warranted.

Staff's Response:

Staff concurs

3. That the special conditions and circumstances do not result from the action of the applicant;

Applicant's Response:

The special conditions and circumstances do not result from the action of the applicant, but rather the location of the site and special circumstances associated with the size and location of the development.

Staff's Response:

Two entrances into a site of this size and density are reasonable. Given the entrances are on different roadways, additional signage may be warranted.

4. That the sign special exception to be granted is the minimum measure needed to address the special conditions and circumstances that justify the special exception;

Applicant's Response:

The sign special exception requested is the minimum measure needed to address the special conditions and circumstances that justify the special exception. The applicant is requesting two signs on NW 136th Avenue due to the high visibility of the site from both directions, and an additional sign on Commodore Drive due to the secondary entrance needed for residents on a site of this size.

Staff's Response:

The signs meet the size and architectural embellishment requirements of the sign code.

5. That the sign special exception will be in harmony with the general purpose and intent of this Chapter and will not be injurious to the neighborhood, or surrounding property, and will not otherwise be detrimental to safe and convenient use of nearby rights-of-way;

Applicant's Response:

The sign special exception will be in harmony with the general purpose and intent of the City Code, will not be injurious to the neighborhood or surrounding property, and will not otherwise be detrimental to safe and convenient uses of nearby rights-of-way. The signs will consist of a design, size and color in harmony with the rest of the development and surrounding property, and will be positioned with the property in accordance with the design criteria established in the City's Code, with appropriate setbacks not to interfere with nearby rights-of-way.

Staff's Response:

The signs will be in harmony with the general purpose and intent of the City Code and should not be injurious to the neighborhood or surrounding properties given the two signs at the primary entrance will face commercial development within the City of Sunrise and the one sign at the secondary entrance will face multi-family residential development within the City.

6. That all other signage on the property is in substantial compliance with this Chapter, as applied.

Applicant's Response:

All other signage on the property is and will be in substantial compliance with the City's Code.

Staff's Response:

Staff concurs.

Attorney Bill Laystrom, representing the applicant, testified he was previously sworn in and understands the rules governing the hearing.

Mr. Laystrom indicated they agree with staff's comments and requested approval.

In response to Councilman Fadgen, it was indicated that none of the signs is double faced.

Motion by Councilwoman Uria, seconded by Councilwoman Bendekovic, to approve the request for Sign Special Exception as requested. Motion carried on the following roll call vote:

Ayes: Tingom, Uria, Fadgen, Levy, Bendekovic

Nays: None

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12. CONSIDERATION OF REQUEST FOR SITE PLAN, ELEVATION AND LANDSCAPE PLAN APPROVAL FOR LAGO MAR COUNTRY CLUB LOCATED AT 500 NW 127 AVENUE AND ZONED S-GC.

Mr. Lunny read the Item by title.

The Planning, Zoning, and Economic Development Department Staff Report and Recommendations follow:

REQUEST: Consideration of a request to construct a golf course maintenance shed and accessory-use structures.

WAIVER REQUEST:

- 1) From Section 13-41, which requires a landscape pedestrian zone of 10 feet around the perimeter of the building; to reduce the landscape pedestrian zone to 0 feet on the north, east, and west.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; site plan application; Planning and Zoning Board Meeting draft minutes of March 3, 2009; Landscape Planning Review Board Meeting minutes of February 23, 2009; Advisory Board for the Disabled Meeting minutes of February 23, 2009; and Review Committee Meeting minutes of January 27, 2009.

PLANNING AND ZONING BOARD: Recommendation of **APPROVAL** subject to staff comments (6-0, Lethbridge abstaining; March 3, 2009) except as indicated below.

- Delete Zoning, Landscape, and Engineering recommendation to provide curbing, sidewalk, and landscape pedestrian zones on the east and west sides of the building.

LANDSCAPE PLANNING REVIEW BOARD: Recommendation of **APPROVAL** subject to Review Board comments (4-0, Wehby abstaining; February 23, 2009).

ADVISORY BOARD FOR THE DISABLED: Recommendation of **APPROVAL** subject to comments (4-0; February 23, 2009).

REVIEW COMMITTEE RECOMMENDATION: Recommendation of **APPROVAL** subject to staff comments (9-0; January 27, 2009).

ANALYSIS:

The subject property is zoned S-GC, approximately 17.7 acres in area, and developed with a golf course, clubhouse, swimming pool, tennis courts and maintenance compound. The adjacent zoning district and future land use designations are as follows:

	Existing Use	Current Zoning	Future Land Use
North	City of Sunrise		
South	Golf Course	S-GC	Residential (6 du/ac)
East	Golf Course	S-GC	Commercial Recreation
West	Golf Course	S-GC	Commercial Recreation

The applicant requests approval to demolish the existing buildings within the maintenance compound and construct a new compound with a maintenance building, storage shed, soil bins, covered wash area, and fill station with two (2) fuel tanks just west of the existing compound location. The maintenance building will be approximately 7,200 square feet in size and will be constructed out of metal siding similar in nature to a "Butler" building. Fourteen (14) parking spaces are proposed within the maintenance area. A substantial landscape buffer approximately 18' in width will surround the new compound.

In addition, a freestanding rest area pavilion (for golfers) will be constructed at the southeast corner of the site.

STAFF COMMENTS:

PLANNING AND ZONING:

Zoning:

1. Restore the curbing, sidewalk, and landscape areas on the east and west sides of the building that helped define the drive aisle and were shown on the original submittal considered by the Review Committee.
2. All fertilizers, pesticides, soil treatments, chlorine, and any other chemical product shall be stored within an enclosed and secured (locked) building.
3. Prior to submitting for a building permit, obtain a fill permit from Broward County for the lake infill as shown on the demo plan.

TRAFFIC CONSULTANT: No objections.

ENGINEERING DEPARTMENT:

Note: The plan submitted is substantially different than the one submitted and commented on for DRC, with no explanation included. Please resubmit the original plan (with corrections) for P & Z. See note # 2.

1. Please provide the disabled parking detail per City standards, available in the Engineering Dept. Detail is still not City standard. There are two different details in the plans. Please just provide the one requested.
2. Per the Applicant, the original plan is not being submitted. The new plan removes the curbing, sidewalk, landscape that defined the drive aisle. If this area is not restored to the original configuration, please provide a 4" yellow skip strip throughout the drive aisle (all around the building) to define it.

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 Department of Planning and Environmental Protection (DEP) and/or SFWMD may be required and a copy(s) provided to the Engineering Dept. at the time of permit review. Developer agreement and bond will be required at time of permitting.

LANDSCAPE ARCHITECTURE:

Site Plan:

1. A significant amount of green space in the landscape pedestrian zones on the east and west sides of the structure has been eliminated from plans submitted. Staff requests the landscape pedestrian zones revert back to those approved at Review Committee. 10' is required along the east and west side of the structure, 0' is proposed.
2. A waiver will be required for the landscape pedestrian zone on the north end of the building. 10' is required, 0' is shown. Staff does not have a concern with a waiver, as it is a covered area.
3. Parking spaces that are 9' x 18' without a curb require wheel stops (i.e. the 3 parking spaces adjacent to the south side of the building).

Planting Plan:

1. City will need to verify the proposed removal of the mature Bischofia tree, 50' x 40', 36" caliper, (tree 29) listed in "good condition" as well as the Coconut palm, 50' overall height, (tree 18) as this is a significant amount of canopy; as previously discussed, if the City approves the removal Tree Removal Permits are required directly through the Department of Landscape Architecture, mitigation is required as per codes.
2. Staff recommends the removal of the Ear Leaf Acacia (tree 37) that is in "fair condition" as well as the removal of the Melaleuca (tree 38) an exotic invasive that is in "fair condition".
3. Please space the Gumbo Limbo trees a minimum of 15'oc from the Areca palms to assure adequate growing space.

4. In lieu of planting the Sabal palms 15'oc in a linear fashion you might consider planting the palms in groups of 3 (~ 6-8 groups along the eastern perimeter, ~ 3-4 groups along the northern, southern, and western perimeter).
5. City landscape codes require landscape islands to be a minimum of 8' wide, not including curbing – significant planting space to accommodate a category 1 shade tree as required by City codes; City requests changes accordingly.
6. Spacing for the planting of the proposed 18" wide Schefflera along the building should be 18" on-center to form a continuous hedge.
7. Under planting specifications you are proposing trees/palms with "caliper DBH" – please remove DBH as there is a difference between caliper and DBH.
8. Please remove your tree/palm planting detail as it conflicts with the City of Plantation's details.
9. Please remove "planting according to CSI" under submitted General Notes. City Tree Planting Detail as well as City notes provide planting according to proper horticultural and arboricultural practices.
10. Please make a note on the landscape plans that Tree Removal and/or Tree Relocation Permits are required directly through the Department of Landscape Architecture prior to the removal or relocation of any tree on site.
11. Please include tree protection barriers on landscape plans to preserve existing trees and/or palms in the vicinity of construction. 2' x 4' posts, 4' high, with 3 2' x 4' rails spaced equally are required.

BUILDING DEPARTMENT: No objection.

1. Building, Electrical, Plumbing and Mechanical permits will be required.
2. Separate permit will be required for the maintenance building, chemical storage building, dumpster enclosure and rest area/restrooms.

FIRE DEPARTMENT: No objection.

1. Letter of commitment for fire sprinkler (clubhouse) was submitted with this plan.

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

PUBLIC WORKS: No comments.

RECREATION DEPARTMENT: No objection, no comments.

UTILITIES: No objection to the conditional use approval, however, the following comments apply to the Site Plan.

1. Prior to a Building Permit being issued, the following must be provided:
 - Water and Sewer Utility plans must be submitted to the Utilities Dept. 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.

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

WASTE MANAGEMENT: Dumpster enclosure must be 12' X 12'.

Attorney Bill Laystrom, representing the applicant, testified he was previously sworn in and understood the rules governing the hearing.

Mr. Laystrom presented a brief overview, as outlined in the aforementioned staff report.

Mr. Laystrom advised the landscape pedestrian zone buffers the eyes of the public from the building. In this instance, the maintenance facility is well away from the clubhouse and they have extensive landscaping around the exterior of the entire compound but not up against the building.

Mr. Laystrom indicated a butler building is a pre-fabricated building, ready to be constructed as it arrives at the site.

Motion by Councilwoman Uria, seconded by Councilman Levy, to approve the request as presented including waivers. Motion carried on the following roll call vote:

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

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Resolution No. 10542

13. A RESOLUTION APPROVING A 4,444 SQUARE FOOT SPORTSCENTER (RAW ENERGY FITNESS) AS A CONDITIONAL USE TO BE LOCATED IN A SPI-3 ZONING DISTRICT ON PROPERTY LYING IN SECTION 16, TOWNSHIP 50 SOUTH, RANGE 41 EAST, ACCORDING TO THE PLAT OF JACARANDA PARCEL 950, AS RECORDED IN PLAT BOOK 95, PAGE 27, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, (LOCATED AT 1263 S. PINE ISLAND ROAD). PROVIDING FOR CONDITIONS AND LIMITATIONS ON THE ALLOWED USE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Mr. Lunny read Resolution No. 10542 by title.

The Planning, Zoning and Economic Development Department Staff Report and Recommendations follow:

REQUEST: Consideration of a request for conditional use approval to allow a 4,444 square foot sportscenter (fitness center) in an SPI-3 zoning district.

WAIVER REQUESTS:

- 1) From Section 27-743, which requires 76 parking spaces based on the existing and proposed tenants; to reduce the required parking to 59 spaces (a 22.3% reduction).
- 2) From Section 27-768, which requires a market study be provided as part of a conditional use application.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; Conditional use application; Planning and Zoning Board *DRAFT* Meeting minutes of March 3, 2009; and Review Committee Meeting minutes of January 27, 2009.

PLANNING AND ZONING BOARD RECOMMENDATION: Recommendation of **APPROVAL** subject to staff comments (7/0; March 3, 2009).

REVIEW COMMITTEE RECOMMENDATION: Recommendation of **APPROVAL** subject to staff comments (9/0; January 27, 2009).

ANALYSIS:

Turtle Run Plaza is zoned SPI-3 and developed with a 13,500 square foot single story multi-tenant commercial building as approved by City Council in February 1988. The adjacent zoning district and future land use designations are as follows:

	Existing Use	Current Zoning	Future Land Use
North	Single Family Residential	PRD-5Q	Residential (5 du/ac)
South	North New River Canal	-----	-----
East	Office	B-7Q	Commercial
West	OPWCD	CF-P	Utility

Sportcenters, including fitness centers, over 2,500 square feet in area require conditional use approval in the SPI-3 zoning district. The proposed sportscenter use will occupy approximately 4,444 square feet and provide personal training to individuals and small groups.

The existing uses in the center and the proposed sportcenter collectively require 76 parking spaces per Code. Fifty-nine spaces are provided, resulting in a 17 space (22.3%) deficit. On-street parking or adjacent retail parking is not an option at this location.

Where applicable, the review of a Conditional Use request should include consideration of the criteria noted in Section 27-768 of the Land Development Code.

STAFF COMMENTS:

PLANNING AND ZONING:

Planning: No comments.

Zoning:

1. Based on the shopping center parking analysis, sufficient parking is provided to accommodate up to 25 occupants (coming-and-going) at Raw Energy Fitness. This is based on the following conditions:
 - a. No existing retail space shall be converted to office, medical office, restaurant, or either high-parking demand use unless a subsequent waiver is granted by the City Council; and
 - b. The operation does not change such that additional parking is required to accommodate additional clients, personal trainers, or larger class sizes during peak use periods (5:00 pm – 8:00 pm weekdays).
PLEASE NOTE: Operational practices (# of personal trainers, class size, etc.) are under the sole control of the applicant. Also, operational practices are very difficult for the city to enforce, especially after city closing hours.
2. Parking spaces may not be reserved or assigned to any specific use or businesses in the shopping center.

TRAFFIC CONSULTANT: No objection.

ENGINEERING DEPARTMENT: No objection.

LANDSCAPE ARCHITECTURE: No comments.

BUILDING DEPARTMENT: No objection.

1. Building, Electrical, Plumbing and Mechanical permits will be required.

FIRE DEPARTMENT: No objection.

POLICE DEPARTMENT:

1. A survey of the property by the police department has determined the property lighting and landscaping conforms to CPTED standards.

PUBLIC WORKS: No comments.

RECREATION DEPARTMENT: No objection, no comments.

UTILITIES: No objection to the conditional use approval, however, the following comments apply to the Site Plan.

2. Prior to a Building Permit being issued, the following must be provided:
 - Water and Sewer Utility plans must be submitted to the Utilities Dept. 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

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

WASTE MANAGEMENT: No comments.

Mr. Lunny explained Council may wish to ask on the record whether the owner has agreed to Mr. Leeds' conditions outlined in the aforementioned Planning and Zoning comments. He also recommended obtaining a letter from the property owner indicating they understand the conditions.

Architect Ron Kall, representing the applicant, testified he was previously sworn in and understood the rules governing the hearing.

Mr. Kall indicated that the applicant understands the restrictions and would be willing to have the approval specifically for this trainer. If she were to sell the business, the use would have to be reapproved.

Mr. Lunny advised a letter from the applicant and the landlord will be necessary.

In response the Councilwoman Uria, Mr. Kall indicated his client is comfortable with the parking. Most of her activity is from approximately 6:30 a.m. to 9:30 a.m. and from 6:00 p.m. to 9:30 p.m. She will have four trainers, including herself.

Motion by Councilwoman Uria, seconded by Councilwoman Bendekovic, that Resolution No. 10542 be approved and adopted, including waivers and conditions, and a letter from the applicant and the landlord stating that they agree to the aforementioned conditions. If the business sells, the owner would have to come back for reapproval. Motion carried on the following roll call vote:

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

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CONSIDERATION OF COUNCILMEMBERS' COMMENTS

Mayor Armstrong reminded Council that there would not be a City Council Meeting on April 29, 2009. The next scheduled meeting will be held on May 6, 2009. She also requested that Council advise administration of their vacation plans in order to schedule the upcoming workshops.

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Councilman Tingom commended Councilwoman Uria for co-sponsoring the *Relay for Life* on April 17, 2009. She was an integral part of its success.

Councilman Tingom also indicated he is enjoying his new “job”.

* * * * *

Councilwoman Uria expressed appreciation to the City, Mayor Armstrong and the Parks and Recreation Department for their efforts in regard to the *Relay for Life*. She commended the K-9s and officers. She noted the goal was \$140,000 and over \$109,000 has been raised.

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Councilman Fadgen reminded everyone that the Kiwanis is having their Annual Golf Outing on May 8, 2009.

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Councilman Levy expressed appreciation to Darlene Vlazny for her service on the Educational Advisory Board. He recommended Wanda Wiranis as her replacement.

Motion by Councilman Levy, seconded by Councilman Fadgen, to appoint Wanda Wiranis to the Educational Advisory Board, replacing Darlene Vlazny. Motion carried on the following roll call vote:

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

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Dennis Conklin, resident of Park East, submitted a copy of the Homeland Security Assessment that was recently released and requested that the Plantation City Council reject the document. He suggested the matter be agendized.

Councilwoman Bendekovic explained it will be necessary for Council to read the document and have a recommendation from the Police Chief.

Councilman Tingom concurred with Councilwoman Bendekovic.

Councilman Fadgen felt that the language used in the Homeland Security release relative to that document is outrageous.

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WORKSHOP - None

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Meeting adjourned at 8:30 p.m.

Diane Veltri Bendekovic, President
City Council

ATTEST:

Susan Slattery
City Clerk

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed document was received by the Office of the City Clerk and entered into the Public Record this _____ day of _____, 2009.

Susan Slattery, City Clerk