

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

September 16, 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.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Armstrong announced that flu shots will be given for residents 55 and older. The shots will be administered on Thursday, October 22, 2009 between the hours of 9:00 a.m. and 12:00 p.m. at Plantation Central Park at the Multi Purpose Building. This is in partnership with Westside Regional Hospital and there is no charge.

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CONSENT AGENDA

Mr. Lunny read the Consent Agenda by title.

3. Approve emergency purchase order to Danella Utility Construction, Inc. for 2300' of 6" HDPE slip lining of the force main on University Drive between SW 10th Street and Perimeter Road in the amount of \$53,715. (Budgeted – Utilities).
4. Approve Intergraph Maintenance contract in the amount of \$98,626.64. (Budgeted-IT).

Resolution No. 10688

5. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period September 3 – September 9, 2009 for the Plantation Gateway Development District.

Resolution No. 10689

6. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period September 3 – September 9, 2009.

Resolution No. 10690

7. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period September 3 – September 9, 2009 for the City of Plantation's Community Redevelopment Agency.

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

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

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ADMINISTRATIVE ITEMS – None.

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LEGISLATIVE ITEMS

8. Public Hearing and First Reading of an ORDINANCE pertaining to the subject of Comprehensive Planning; changing in the future land use designation of a parcel of property; specifically amending City of Plantation Ordinance No. 1626, as amended, which adopted the City's Future Land Use Plan and Map, to redesignate a parcel of land containing approximately 14.34 plus or minus acres of property from Commercial Recreation (CR) to Medium 16 Residential, maximum allowable density of 16 dwelling units per acre in accordance with Policies 1.7.6 and 1.7.7 of the Plan; said parcel more particularly described as a parcel of land in the east one-half of Section 8, Township 50 South, Range 41 East, said parcel including a parcel of land in Section 8, Township 50 South, Range 41 East, said parcel including portions of Blocks, 1, 3 and 4 in said Section 8, according to the Everglades Plantation Company amended plat, as recorded in Plat Book 2, at Page 7 of the Public Records of Dade County, Florida, and including a portion of Tract 903, according to the Plat of Jacaranda Parcel 903, as recorded in Plat Book 98 at Page 3 of the public Records of Broward County, Florida and including a portion of Tract 2, according to the Plat of Laguna Tract Two, as recorded in Plat Book 86 at Page 17 of the Public Records of Broward County, Florida, and being more particularly described in the legal description on file with the City Clerk; property generally located at 9200 West Broward Boulevard and readopting said Plan and Map as the Master Land Use Plan and Map, 1989, making said Plan and Map part of the Future Land Use Element of the Comprehensive Plan of the City of Plantation; providing for severability; and, providing an effective date therefore. (Jacaranda Country Club).

Mr. Lunny read the Ordinance by title.

Mr. Lunny confirmed the items in the City Council Agenda package as follows:

1. Staff report to City Council concerning the Future Land Use Amendment dated September 16, 2009. This is from Mr. Leeds and is approximately 28 pages.
2. A roadway composite exhibit that is three pages and colored.
3. Proposed form Ordinance.
4. Concurrency Review form, which is signed by the applicant's representative.
5. An April 1, 2009 letter to Larry Leeds from the firm Doumar, Allsworth, Laystrom, Voigt, Wachs, Mac Iver & Adair, LLP
6. Letter from Doumar, Allsworth, Laystrom, Voigt, Wachs, Mac Iver & Adair, LLP dated March 22, 2009 for Mr. Leeds.
7. Applicant's response to the Planning and Zoning Board staff report concerning the Land Use Amendment dated March 5, 2009 for the March 11, 2009 meeting.
8. A large document called the Application for Amendment to the City of Plantation and Broward County Land Use Plans having a revision date of March 2009, which was prepared by Leigh Robinson Kerr & Associates, Inc.
9. Minutes of the Review Committee of the City of Plantation held June 26, 2007.
10. Minutes of the Planning and Zoning Board dated September 4, 2007.
11. Minutes of the Planning and Zoning Board dated October 2, 2007.
12. Minutes of the Planning and Zoning Board dated November 6, 2007.
13. Minutes of the Planning and Zoning Board dated January 8, 2008.
14. Minutes of the Special Meeting of the Planning and Zoning Board dated March 11, 2008.
15. The applicant's Conceptual Site Plan.
16. Letter from Becker & Poliakoff dated March 4, 2008 in which they intervened as a party of interest on behalf of the Federation Associations of the Jacaranda Country Club.
17. Letter from Becker & Poliakoff dated September 17, 2009 reaffirming the party intervention status.

Legal Counsel for the applicant and the intervening Federated Homeowners Associations agreed the foregoing list was complete.

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

REQUEST: Consideration of request for first reading of an Ordinance approving a future land use plan amendment for 14.34 +/- acres from Commercial Recreation to Medium (16) Residential. If granted, this will allow 229 multi-family dwelling units on the Property (the "LUPA Site"), within a development that was described at the Planning and Zoning Board meeting by the applicant as being principally comprised of five (5) apartment buildings, each six (6) stories high (including parking). Additionally, the Concept Plan reflects that twenty (20) townhouses will also be included in the SE corner of the LUPA site.

PROCESS: The City Attorney has advised that City decisions concerning whether to amend the Comprehensive Plan are legislative in nature.

A City ordinance enactment is required to approve this matter. If the City governing body approves the First Reading of the Ordinance tonight, then the application will be transmitted by the City to various agencies under the Local Government Comprehensive Planning and Land Development Regulation Act for intergovernmental review, after which, the Ordinance and application will be returned to the City governing body for consideration of such comments and possible adoption at Second Reading. If the City does not approve the Ordinance at First

Reading, then the application will not be transmitted for review (and thus no further municipal resources will be expended in the processing of the application) and the application will be deemed denied.

If the City does not approve the proposed Ordinance at either the transmittal stage or the adoption stage of the process, subsection 19-64(c), Plantation City Code, will prevent the application from being reconsidered within one year from the date the Ordinance fails to pass. However, this subsection of the Code will not prevent the owner of the Jacaranda Country Club from proposing a different application to change the future land use designation of some portion of its property.

REVIEW COMMITTEE RECOMMENDATION: The Review Committee recommended approval, subject to staff comments (6-2 June 26, 2007). Please note that the Planning, Zoning and Economic Development and Utilities Departments voted to deny the land use plan amendment application.

PLANNING, ZONING AND ECONOMIC DEVELOPMENT DEPARTMENT COMMENT: For the reasons stated in this staff report, the Planning, Zoning and Economic Development Department does not support this application.

PLANNING AND ZONING BOARD RECOMMENDATION: The Planning and Zoning Board deferred the item at the September 4, 2007 meeting. The applicant deferred the item at the October 2, 2007 meeting. The applicant and the homeowners deferred the item at the January 8, 2008 meeting. On March 11, 2008, the Planning and Zoning Board voted 7-0 to deny the application.

EXHIBITS TO BE INCLUDED:

- Applicant's concept site plan.
- Existing roadway network map.
- Existing West Coco Plum Circle location map.
- Draft future land use plan amendment ordinance.
- Concurrency review form.
- Applicant's future land use plan amendment application.
- Review Committee meeting minutes of June 26, 2007.
- Planning and Zoning Board minutes of September 4, 2007, October 2, 2007, November 6, 2007, January 8, 2008 and March 11, 2008.

BACKGROUND: The Land Use Plan Amendment ("LUPA") site is approximately 14.34 +/-0 acres and is currently used as a golf course. The applicant proposes 229 multi-family units. The subject LUPA site is zoned S-GC, and has a land use designation of "Commercial Recreation". The applicant has submitted an application to amend the land use plan from "Commercial Recreation" to "Medium 16 Residential", which allows 16 dwelling units per acre.

Residential use is not permitted under a Commercial Recreation land use designation. However, Policy 1.11.5 of the City of Plantation Comprehensive Plan outlines policy guidance concerning when land enjoying a commercial recreation future land use category may be considered for conversion to residential use.

ANALYSIS: Our Comprehensive Plan contains legislative policy guidelines which are designed to promote land planning decisions that are not arbitrary, but instead, principled. These policies guide the City's legislative discretion.

Throughout this Report, the municipal policy guidelines are underlined, the Applicant's responses are set forth in regular type under the guideline text, and Staff responses are set forth in *italicized type*.

POLICY 1.16.1

The City shall consider the following policy considerations, in addition to all other appropriate policy considerations stated elsewhere in this Plan, when making a decision on whether to change the zoning classifications for a parcel of property or change the future land use designation on a parcel of property:

- 1) Whether there is a change in population, socioeconomic factors, or physical development of property nearby or affecting the subject property, which change was unforeseen or unanticipated, and which change has created a present problem or opportunity that justifies a change of land use designation or zoning classification on the subject property; and further, the extent to which the proposed land use or zoning would result in action towards mitigating any problem, or capitalizing on any opportunity identified above (the established character of predominantly developed areas should be a primary consideration when a change of zoning classification or of future land use designation is proposed).

Applicant Response: In 1995, Broward County predicted that the 2000 Census for Plantation would be 81,803 and the 2010 population would be 86,660. However, the actual 2000 Census resulted in a population for the City of 82,934. Since then, Broward County has developed new populations for each city and countywide. The County now predicts that the 2010 population for the City of Plantation will be 95,112. This is an additional 8,500 residents not previously anticipated to reside in the City of Plantation. Due to the continuing increases in population and the built-out nature of residential land use throughout the City, and with no potential loss or disturbance of active golf course area open space coupled with the City's recent acquisition of open space to be converted to park land (the City currently enjoys a surplus of open space), the request furthers the City's Comprehensive Plan. By linking new residential to golf course use, the new residents receive an enhanced amenity in exchange for full golf membership being a requirement for residential ownership. Finally, as the City's golf courses age and require upgrading, adjacent residential development provides a means to finance those upgrades.

(Note: In reaction to initial City Staff comments that the applicant did not use current population projections, that current population estimates had actually declined, and that existing and entitled residential development was sufficient to meet any foreseeable new residential demand, the applicant submitted a supplemental response.)

Applicant Supplemental Response: The applicant originally utilized the population projections issued by Broward County (2004) as those were the figures the City was using at the time the application was filed. However, the revised populations that were adopted by the City's Comprehensive Plan reflect a higher number. The Applicant has revised the application to reflect this new data but the change does not materially impact the City's need for additional housing units. With regards to adequacy of units within the existing Comprehensive Plan to serve that projected population, we note that the City utilized the build out of the maximum densities assigned to each residential category multiplied by a 2.5 per person per d.u. factor. We do not believe it is likely that any of the residential categories within the community will be built out at their maximum densities, which is reflected in Table 2.7 within the City's Comprehensive Plan. Historically, the City approved site plans well below the maximum density permitted in the Comprehensive Plan. Accordingly, it is anticipated that to support the population as

depicted in the City's Comprehensive Plan, additional dwelling units within the community would be needed.

Staff Response: Policy 1.16.1(1) is designed to identify any unforeseen changes in population, social economic factors, or physical development of nearby property that may warrant a change in future land use. In response to this paragraph, the application does not identify any unforeseen social economic factors or physical development of nearby property, and thus Staff assumes that there are none which warrant a change in land use.

Also, applicant's supplemental response is not based on the most current data. The 2007 Comprehensive Plan projections relied upon by the Applicant are based on the 2005 Broward County Population Forecast Model. Broward County updated this information for March 2009.

	2008	2009	2010	2015	2025	2030
2007 Comp. Plan (Source: 2005 Broward County Forecasts)	N/A	N/A	90,832*	97,061	105,944*	110,217
2009 Broward County Forecasts	85,562	N/A	86,208	91,264	102,277	106,727

***Does not include seasonal population.**

As indicated above, Broward County forecasts Plantation's 2008 and 2010 population respectively at 85,562 and 86,208 persons. Staff has averaged the County's 2008 and 2010 forecasts for a 2009 estimate of 85,885 persons. Based on the 2015 County forecast, our City will grow by approximately 5,380 persons between 2009 and 2015.

As the elected officials are aware, the City has recently entitled 2,197 new residential dwelling units; including 258 dwelling units at Residences at the Fountains Phase One and 381 dwelling units at Alexan currently under construction. If these 2,197 units are occupied by an average of 2.5 residents per dwelling unit, then these new residential dwelling units will provide housing for nearly 5,500 persons. Thus, without accounting for any single family home construction over the next six years, the City should have sufficient housing stock to accommodate the County's revised projected population increase over the next six (6) years, and therefore; there is no unanticipated growth in population which might present an 'unanticipated need' for additional housing.

The Applicant attempts to assert that unforeseen population increases warrant a change in land use. In response, Staff first notes that the County has recently decreased its forecast of Plantation's rate of population increase, such that according to current County forecasts, Plantation's population should grow by only approximately 5,056 persons between 2010 and 2015. This increase in population will be fully served by residential developments that have recently been approved, and which should be brought "on line" so to speak, over this time period. Second, the University of Florida has recently released population data that suggests the County's modeling may not be accurate, and that the County's population is actually decreasing as distinguished from increasing at a slower rate (see next paragraph). These observations compel the conclusion that unanticipated population growth does not exist, and cannot be the basis to warrant the proposed change in land use.

The University of Florida's Bureau of Economic Research and Business ("BEBR") Development has reported that the State and Broward County have suffered population declines. According to the

University forecast, Plantation has a 2009 population estimate of 84,725 persons, a reduction of 963 persons from the 2008 BEBR forecast. The University’s modeling calls into question the accuracy of any projected population increase for our area, and has prompted national and local media coverage. In the August 30, 2009 edition of the New York Times, for example, the front page featured an article titled “After Century of Growth, Tide Turns in Florida”, and reported:

“It’s dramatic,” said Stanley K. Smith, an economics professor at the University of Florida who compiled the report. “You have a state that was booming and has been a leader in population growth for the last 100 years that suddenly has seen a substantial shift. . . . Now consider Broward County in 2009. The county, between Miami and Palm Beach, was one of the first areas to shrink — losing 21,117 people from April 2007 to April 2009, according to University of Florida data — and its experience offers a glimpse of what could be on the way elsewhere.”

Similarly, on August 19, 2009, the Sun Sentinel newspaper reported in an article titled “South Florida plays a part in first statewide population drop since WWII” that South Florida’s population declined by 27,400 between April of 2008 and April of 2009.

In conclusion, Staff believes that the City’s current inventory of residential land and its currently entitled residential projects will be sufficient to meet the City’s short term and medium term future needs for housing.

- 2) The impact of development permitted by the proposed land use or zoning on existing public facilities and services, including schools, police and fire, potable water, sanitary sewer, local or regional roads, parks and open spaces, and drainage.

Applicant Response: There will be a minor impact on public facilities and services due to a land use plan map amendment. It is not anticipated to have any significant impact. The applicant will enter into a mitigation agreement with the School Board of Broward County, if necessary. Further, there is a current surplus of Park and Open Space land use in the City.

(*Note: In view of Staff concerns about the Applicant’s response being incomplete, the applicant submitted a supplemental response.*)

Applicant Supplemental Response: Please see below service demand table.

CITY SERVICE IMPACT TABLE					
Service	Capacity	Current + Committed Demand	Surplus	Subject Site	Subject Site % of Capacity
Sanitary Sewer	17.5 MGD	12.53 MGD	+ 4.97 MGD	.059 MGD	.0034 %
Water	25.0 MGD	17.62 MGD	+7.38 MGD	.04 MGD	.0016 %
Parks & Recreation	525.23 acres	389.6 acres	+ 135.63 acres	1.8 acres	.0034 %

The city concurrency requirements are based upon the number of units. Thus, under no conceivable site plan would the Applicant exceed any concurrency levels. Staff caveats and the West Coco Plum Circle comment are not concurrency issues and thus are irrelevant to the concurrency form. These are site plan issues that the Applicant will address based upon the City Code as part of the site plan approval process.

Staff Response:

a) *Staff agrees that the City should have adequate water and sewer capacity to service the Project, and that given Plantation's substantial investment in Park and Recreation land, there is sufficient acreage within the municipal system to meet the needs of the Project residents. The Police Department commented at the beginning of the review of this application that the Project should have no impacts on Police resources. It is important to note, however, that current recessionary influences have impacted the City's normal delivery of general (non-utility) governmental services, including the Police Department, and that these departments are experiencing budgetary reductions and adjustments that will impact the City's ability to supply services.*

b) *If the City approves this request, Staff would recommend that the Application not be considered "grandfathered" for any future "impact fees" or other revenue generating type ordinances that may be enacted prior to the date a building permit is issued.*

c) *The Concurrency Review Form was signed by Utilities, Engineering, and Planning and Zoning Departments with caveats stating that impacts could not be fully determined because a site plan with site calculations had not been submitted. Until applicant submits a buildable site plan and site plan calculations, staff is unable to determine the exact impacts of this Project.*

d) *Impacts to the local road network are an appropriate area of inquiry as disclosed by the plain language of Policy 1.16.1 (2). There is a portion of the North one-half of West Coco Plum Circle (to the east of the Applicant's LUPA Site) which has been conveyed to the City of Plantation by Broward County who acquired it for nonpayment of taxes. This road segment does not connect to any public road. The Applicant's concept plan shows that traffic exiting and entering the golf course and proposed development to and from Pine Island Road will travel over this portion of West Coco Plum Circle. If this application is approved, the owner of the golf course should be required to accept a deed from the City for this particular roadway segment so that the segment can continue to be maintained as a portion of a private roadway, reconstructed to appropriate roadway standards. The Administration is willing to convey the roadway segment Plantation owns for no consideration. Alternatively, the City could initiate a roadway vacation process and convey title by quitclaim deed to the development built within the Jose Crespo Tract No. 1., except for a small eastern portion that would be conveyed to the Majestic View development. If this road segment is not returned to the private sector, the City as the owner may need to close the segment to general traffic and preserve its use for governmental protective services (law enforcement, emergency medical rescue, fire suppression, and disaster response and recovery). A closure will most definitely affect the traffic circulation reflected in the Applicant's concept plan. Therefore, the City Engineer suggests that if the owner of the golf course does not wish to accept the title to this segment of the roadway but wishes to reflect such access as part of its plan of development, that a cost recovery deposit be obtained to offset City Costs in conducting a vacation procedure.*

e) *The LUPA identifies deteriorating LOS on Pine Island Road and Nob Hill Road, and yet, the area's internal traffic network still shows connections to these roadways.*

f) *The City Engineer's comments below recognize that a portion of the private roadway area around the clubhouse and internal to the Site are operating as a public access transportation facility, and since these areas are not built to public access standards, they need to be improved.*

g) *Additional, extensive sidewalk installation is recommended if this application is approved.*

3) Whether development permitted by the proposed land use or zoning will be compatible with development permitted under the land use and zoning of property surrounding the subject property.

Applicant Response: The proposed use supports land use compatible with the surrounding developments. Residential uses adjacent to golf course uses are not only compatible but preferred to other potential uses.

(Note: In reaction to Staff initial comment that the proposed development was not compatible with that of surrounding property, the Applicant submitted a supplemental response).

Applicant Supplemental Response: The proposed change is not in conflict with the Neighborhood Design Element. Additional quality housing enhances the Neighborhood Design Element. The Colonnades residential building is 8 stories and is located adjacent to the golf course within this same planning area.

Staff Response: *The LUPA proposes 16 dwelling units per acre. Future Land Use Plan and the existing land use of abutting properties are as follows:*

	Future Land Use Plan Designation	Existing Land Use
North	Commercial Recreation Low 3 Residential	Golf Course Single Family Homes
South	Commercial Recreation	Golf Course
East	Commercial Recreation Medium 16 Residential	Golf Course Two Story Multi-family
West	Low 3 Residential Commercial Recreation	Single Family Homes Golf Course

Approximately 88 % of the LUPA site abuts single family homes (3 units or less per acre, 1 - 2 stories in height) and golf course. Only about 12 % of the LUPA site abuts Medium 16 Residential, in this case the 2-story Devon and Su Casa Condominium Buildings. The Applicant's concept plan does not identify building height. However, at the Planning and Zoning Board Meeting, the Applicant indicated that the five (5) apartment buildings would each be six (6) stories high (including parking).

This height and intensity is not compatible with the low intensity and density and low-profile uses currently abutting the LUPA site. Importantly, the LUPA Site is not in the area of Plantation Gateway or Plantation Midtown, both of which areas have special plans and planning concerns, and where Staff has been more flexible in not objecting to midrise proposed residential in relation to low rise residential (Grove East and Veranda, for example).

The applicant references the Colonnades project. The Colonnades is a townhouse development located north of Clearly Boulevard and is not located within the Jacaranda Country Club. Applicant appears to be referencing the Coronado, consisting of three and eight-story condominium buildings located approximately 890 feet from the LUPA site, nearly the length of three football fields.

The Coronado is so far removed from the LUPA site that it is not a fair basis upon which to evaluate compatibility. Regardless of location, the Coronado (in terms of building height, building length, building mass, density, and parking requirements) is incompatible with the low intensity and low density and low profile development abutting the LUPA site.

- 4) The extent to which the proposed land use or zoning designation is consistent with the Goals, Objectives, and Policies of the Neighborhood Design Element where the property is located. (The City has an optional Neighborhood Design Element which effectively splits the City into five (5) different regions for future land use comprehensive planning purposes. Each of these five (5) regions is a discrete unit, unique in character and has special Goals, Objectives, and Policies. In evaluating any proposed change of a land use or zoning designation, the Goals, Objectives, and Policies of the affected flexibility zone Neighborhood Design Element should be given a primary importance).

Applicant Response: The proposed change is not in conflict with the Neighborhood Design Element. Additional quality housing enhances the Neighborhood Design Element.

(Note: In reaction to Staff's initial comment that the application is not consistent with the Neighborhood Design Element's Goals, Objectives, and Policies, the Applicant submitted a supplemental response.)

Applicant Supplemental Response: The pattern of land use within Flex Zone 75 is a mix of residential densities and this petition is consistent with the pattern.

Staff Response: *The Applicant offers no observations or evidence to support its two conclusory statements in response to Policy 1.16.1(5). Neither Response specifically addresses the "Goals, Objectives, and Policies" of the affected flexibility zone Neighborhood Design Element.*

The subject site is located within the Jacaranda Neighborhood. The goal of the Comprehensive Plan Neighborhood Design Element for the Jacaranda Neighborhood (Flex Zone 75) is to preserve and enhance the Neighborhood. Objective 1.1 states "continue the basic current pattern of land use and zoning".

The proposed Medium 16 Residential does not preserve or enhance the Jacaranda Neighborhood as it does not maintain predominant development pattern of golf course and low-rise, low density, single family residential adjacent to the development site.

- 5) The extent to which development permitted under the proposed land use or zoning is consistent with the Goals, Objectives, and Policies of the Future Land Use Element and the other Elements of the Comprehensive Plan. (A land use or zoning change is consistent if it is "compatible with" and "furthers" the Goals, Objectives, and Policies of the Comprehensive Plan. The term "compatible with" means that the proposed change is not in conflict with the Goals, Objectives, and Policies. The term "furthers" means that the proposed change takes action in the direction of realizing the Goals, Objectives, or Policies. For purposes of determining consistency of a land use or zoning change with the elements of the Comprehensive Plan, the Comprehensive Plan shall be construed as a whole and no specific goal, objective, or policy shall be construed or applied in isolation of all other Goals, Objectives, or Policies in the Plan).

Applicant Response: This proposal furthers the GOP's by potentially adding more needed residential dwelling units to the City without diminishing unutilized passive or active open space. The proposed change is consistent with the objectives and policies outlined in XIV of this report, including Policy 1.11.5. The existing golf course use will remain; effectively limit the redevelopment area to non-golf course lands within the Jacaranda golf course. Residential units in Plantation are in high demand. Residential resale processes have been escalating rapidly. The uses currently adjacent to the existing golf course within the City are all residential (single family or multi family).

(Note: In reaction to Staff initial comment that the proposed change does not generally further the other Goals, Objectives, and Policies of the City's Comprehensive Plan, the Applicant submitted a Supplemental Response).

Applicant Supplemental Response: Applicant disagrees. The City council has consistently looked at balanced growth throughout the City. A mixture of uses that promotes the overall development of the City has been the direction of the City Council. The City Council recently approved a residential land use change for Lago Mar so that the golf club facilities can be enhanced.

Staff Response:

A. *The Applicant has not provided any evidence to suggest that residential dwelling units in Plantation are in high demand and the residential resale process has been escalating rapidly. Generally, the City has been affected by current recessionary influences, and may have also suffered a population decline. One can question any conclusion that residential properties remain in high demand.*

B. *As stated elsewhere, the proposed project is not consistent with the Neighborhood Design Element Flex Zone 75 Objective 1.1 which states "continue the basic current pattern of the land use plan and zoning."*

C. *The LUPA is also not consistent with Policy 1.1.15 of the Transportation Element that states residential densities in the medium to high ranges (16 – 25 units per acre) should be located with access to major and minor arterial roadways, expressways, and public transit routes. The roadways serving this site consist of two-lane roadways, including some private roads of substandard design.*

D. *The Applicant's assertion that the proposed change is consistent with Future Land Use Policy 1.11.5 is not supported. This Policy applies to property enjoying the Commercial Recreation Land Use Designation which is proposed for residential conversion. A review of this Policy follows:*

Policy 1.11.5

Except as provided in the next sentence, the golf courses in the City, designated Commercial Recreation, are principal open spaces and shall not be converted to other uses not permitted elsewhere in the Plan Policies included within this Recreation and Open Space Objective (i.e., all uses allowed in Commercial Recreation areas and all uses allowed in the Park and Recreation areas are permitted on such property). Open space within golf courses designated Commercial Recreation may be converted to uses not allowed within the Recreation and Open Space Objective provided that:

1. The use of the converted property is Residential, and the converted property is intended (considering the membership size of the golf course facility and physical attributes of the converted property such as access and location to principal golf course buildings) to be accessory in nature to the existing golf course facility.

Applicant Response: The proposed residential use is compatible with and enhances the golf course by providing new members for the golf course and providing funds to upgrade the course. Per City policy, all residents of these new units must be golf course members which results in a minimum of 229 additional members.

Staff Response: The concept plan's size, location and arrangement of the midrise apartment buildings on the site seem to reflect that the principal proposed residential development is not merely accessory to the golf course use, but instead, is an independent and primary use. A contrast with the Lago Mar application is illustrative. In the Lago Mar application, the proposed residential buildings were clustered together in an area between and north east of the tennis courts and clubhouse, such that in accessing the residences, one had to drive into the main club area on a single access (one way in and out) driveway. The location of the site was such that the buildings were likely not too visible from the main club area entrance road just south of the tennis courts. In contrast, the proposed LUPA application's buildings are much taller and larger than the club proper, and are prominently arranged in various points around the internal access network. Moreover, the access network layout is such that the buildings can be accessed as easily as the club proper from many directions.

2. The property converted to residential uses should contain deed restrictions in favor of the golf course membership or membership in the golf course governing entity to the effect that all persons residing in such accessory residential areas shall have full membership privileges to the golf course and country club. Dues to the golf course/country club may be part of a homeowner's association governance assessment.

Applicant Response: Applicant will provide the appropriate deed restriction prior to the adoption hearing. The deed restriction will be substantially the same as the deed restriction prepared after the Lago Mar Country Club land use amendment was approved.

Staff Response: Agreed. The restrictions will need to be recorded no later than prior to the date that the Planning, Zoning, and Economic Development Department changes the Comprehensive Future Land Use Map.

3. The conversion is accomplished through a change to the City Future Land Use Map from the Commercial Recreation category to a Residential category, and a corresponding change in the County Future Land Use Map.

Applicant Response: Applicant agrees.

Staff Response: Agreed.

4. The Future Land Use Map Residential Density assigned to the converted property should be compatible with the density of adjacent residential properties, if any.

Applicant Response: Applicant has reduced the density from 249 units to 229 units as requested by Staff. The pattern of land use within Flex Zone 75 is a mix of residential densities and this petition is consistent with the pattern.

Staff Response: *Although PZED Review Committee comment did indicate a request for a density reduction, the former Director voted to deny the Application. Prior to the time this Application was finally considered by the Planning and Zoning Board, the former Director retired, and a new Director has been appointed. At the Planning and Zoning Board final hearing, the Department did not support 229 dwelling units. As indicated elsewhere in this Report, the Department is of the current considered view that Medium 16 does not preserve the predominant pattern of existing land use abutting the LUPA site (Low 3 Residential and Commercial Recreation). To summarize, the Project is not consistent with Policy 1.11.5 (4). Approximately 88 % of the LUPA site abuts golf course or low-rise (2 story or less) single family residential. Only approximately 12 % of the LUPA site abuts Medium 16 Residential, in this case the two-story Devon and Su Casa Condominium Buildings. The proposed Medium 16 Residential, which is principally comprised of five (5) apartment buildings, each six (6) stories high (including parking), is incompatible with low density, low-intensity single family homes and golf course use.*

5. Residential flexibility is not available for Commercial Recreation Land Uses in either the City or County Comprehensive Plans. However, once the converted property is designated Residential and assigned a Map density, the unit density of development may be increased in excess of that shown on the Map by the allocation of comprehensive planning flexibility (i.e., flexibility or reserve units) so long as the aggregate residential density is compatible with the density of adjacent residential properties, if any.

Applicant Response: Applicant agrees.

Staff Response: *If the City governing body should approve this request and changes the future land use map to Residential Medium 16, Staff recommends such approval should not allow further increases in residential density using flexibility units or reserve units, or any other form of comprehensive planning flexibility (assuming that some flexibility exists at some point in the future).*

6. The land area to be converted shall not cumulatively exceed five percent (5%) of the land designated on the City's current Comprehensive Land Use Map for golf course use per golf course.

Applicant Response: Applicant agrees.

Staff Response: *Agreed. Staff is concerned that the area shown on the concept plan may not be sufficient in size to support the on site development/infrastructure requirements for the development in terms of open space, storm water retention, parking, setbacks, and the like. All of these areas will need to be included in the converted area, and if the converted area is not sufficient to accommodate them, the density and effect of the development may*

need to decrease. This comment is made as the concept plan shows a new lake and green areas being “created” outside of the converted area, and the converted area ostensibly represents 5% of the golf course land area.

7. The property converted must be located near an edge of the golf course, and must not be used, or reasonably foreseeably used in the future, for hole or driving range play and should be positioned and configured so as to not be readily used on an active basis.

Applicant Response: Applicant does not foresee using the subject LUPA Site for hole play or a driving range. Applicant already has 36 holes and a driving range. The site is situated in a similar fashion as the Lago Mar Country Club amendment which was approved by the City Council.

Staff Response: *The Project is not consistent with Policy 1.11.5 (7). The LUPA Site is located in the center of the Jacaranda Golf Course, not on the edge of the golf course as stated by the applicant. Until relatively recently a portion of the affected area was used for active play. The LUPA site is located near the geographic center of the golf course and abuts golf course land to north, south, east, and west.*

The Applicant’s inference that it’s Application is similar to the Lago Mar Golf Course LUPA is not supported by the facts:

- a. Unlike the Jacaranda LUPA, the Lago Mar site is not located in the center of a golf course adjacent to single family homes. The Lago Mar site is located near the east edge of the Lago Mar Golf Course, looking out into two story apartment buildings in the City of Sunrise.*
- b. The two golf courses are located in different parts of the city, and have markedly different shapes.*
- c. Importantly, the Lago Mar site is located in a different neighborhood than the neighborhood where the Jacaranda Country Club is located. Lago Mar is located in the Plantation Acres Neighborhood for the purpose of evaluating Plantation’s optional Neighborhood Design Element’s Goals, Objectives, and Policies. The Plantation Acres Neighborhood does not contain the Objective that is contained in the Jacaranda Neighborhood to “continue the basic current pattern of land use and zoning”.*
- d. The Lago Mar site allows 6.0 dwelling units per acre. The Jacaranda LUPA is a request for 16 dwelling units per acre.*
- e. The Lago Mar LUPA involved approximately 4 acres; whereas, this LUPA involves approximately 14.34 Acres.*
- f. The land area and proposed residential density of the Lago Mar LUPA would enable it to be both classified and processed under the Local Government Comprehensive Planning and Land Development Regulation Act as a “Small Scale” land use plan*

amendment; whereas, the size and proposed density of the Applicant's proposed amendment cannot be classified as a "Small Scale" Comprehensive Plan amendment.

- g. After the approval of the Lago Mar conversion, Broward County amended the County Land Use Plan to add Goals, Objectives, and Policies that apply in all areas of the County when open space in golf courses is converted to other uses that are not open space. These new provisions strongly discourage loss of any open space.*
- h. The fact that Lago Mar was generally viewed as compatible with the surrounding property may be reflected by the Lago Mar homeowners not strenuously objecting to the Lago Mar LUPA. Jacaranda area homeowners object to the Jacaranda LUPA.*

8. At the time of the conversion, the City ratio of Park Space to its ultimate build-out population must be greater than or equal to 4.5 acres per thousand.

Applicant Response: The City's ratio is greater than 4.5 acres per thousand.

Staff Response: Agreed.

9. Any proceeds from the first sale of such converted space from the golf course owner to an unrelated business entity or individual should be used to maintain the remainder of the golf course's open space or provide improvements to the golf course, and the applicant should submit to the City annually a letter certifying that expenses paid from the account were consistent with the restriction.

Applicant Response: The proceeds will be used to maintain the remainder of the golf course's open space and provide improvements to the golf course. Applicant agrees to submit to the City annually a letter certifying that expenses paid from the account were consistent with this restriction. Applicant will draft the appropriate documents for review and approval by the City Attorney prior to the adoption hearing.

Staff Response: Agreed.

10. No golf course that has, by these provisions, been approved for conversion to residential use shall be eligible to convert additional property. Upon approval of the Future Land Use Map Amendment allowing a conversion to residential, the remaining golf course property shall record a deed restriction (or a restrictive covenant) in favor of the City of Plantation acknowledging that the golf course is no longer eligible for future conversion.

Applicant Response: Applicant will provide the appropriate deed restrictions prior to the adoption hearing.

Staff Response: Agreed. The restrictions will need to be recorded no later than prior to the date that the PZED Department changes the Comprehensive Future Land Use Map.

- 6) Whether the project as proposed offers significant benefits not otherwise available to the City if the changes were not made (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 of providing

landscape contributions to the City, improving or maintaining public infrastructure of infrastructure improvements or maintenance, exceeding setbacks and building separations where appropriate, and reflecting an orderly and creative arrangement of buildings and land uses as appropriate?).

Applicant Response: The proposed map change will exceed the development standards and requirements of the City's code. The planned 229 units on 14.34 acres is a community of 16 dwelling units per acres. The location of the site enhances the interaction between the golf course and the existing surrounding residential community. The project will provide substantial setbacks from those nearby residential communities. The intervening golf course will continue to provide the uses that the current residents presently enjoy. Traffic circulation and access to the site will be controlled and provide suitable and enhanced pedestrian access within the community.

(Note: In reaction to Staff's initial comment disagreeing with the Applicant's response, the Applicant submitted a supplemental response).

Applicant Supplemental Response: Applicant's conceptual site plan integrates this new residential development into the clubhouse complex. The residential units are connected to the clubhouse via pedestrian walks. The project provides a financial means to continue to preserve the Jacaranda Country Club, which is one of the single largest properties in Plantation that is devoted to open space. The residential units are situated to take advantage of the existing golf course. The redesigned roadway system greatly improves traffic circulation and eliminates the interaction of vehicle and golf carts that currently exist south of the clubhouse/19th hole. The Applicant will be improving the potable water and sewer systems as part of the redevelopment project.

Staff Response: *The concept plan is not sufficient to demonstrate that 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 infrastructure improvements or maintenance, exceeding setbacks and building separations or reflecting an orderly and creative arrangement of buildings and land uses.*

The "concept plan" submitted is not a buildable site plan, and lacks minimum information necessary to conduct a detailed review, including but not limited to, building and dwelling unit type (i.e. townhouse, garden apartment, or mid-rise), building elevations and design, building setbacks, separation, size, and height, dwelling unit sizes, parking and loading areas, landscaping and open space treatments, drainage, private pedestrian and vehicular roadway specifications.

As noted above, the proposed Medium 16 Residential development does not preserve or enhance the Jacaranda Neighborhood as it does not maintain the predominant development pattern of golf course and low-rise, low density, low profile uses abutting the proposed development site.

7) The extent to which the proposed land use or zoning would contribute to enhancing the tax base, adding employment, and providing other positive economic impacts.

Applicant Response: The proposed change will add to the tax base of the City. The residential units would generate additional tax revenues and enhance the value of the adjacent golf course, thus increasing those tax revenues.

(Note: In reaction to Staff's initial comment that the Applicant's response was not sufficient, the Applicant submitted a Supplemental Response).

Applicant Supplemental Response: The estimated tax revenue to the City of Plantation is \$396,428.00. This estimate is based upon 229 units at an average value of \$423,000 per unit multiplied by the 2008 City millage rate of 4.0925. These revenues do not include the increased valuation of a new clubhouse and the revitalized golf courses.

Staff Response: *The applicant has not provided a benefit-cost analysis demonstrating that the Project's projected tax revenue will exceed the cost of providing municipal services over the Project Improvement's useful life.*

However, based on the observations made below, Staff has concluded that the Applicant's estimated contribution to the tax base of Plantation is not significant, and should not be a material reason for approving the requested change in land use.

Put in context, the Applicant's estimated annual revenue commencing at \$396,428.00 is not material. As the elected officials are aware from the recent Staff budget workshop, the City's total estimated annual ad valorem revenues for the upcoming fiscal year are estimated by Mr. Herriman, the Director of the Plantation Financial Services Department, to be \$32,207,200, and the Police Department current proposed budget is \$33,410,950.

Adding an additional \$396,428.00 in ad valorem revenue will not be sufficient to pay even the current cost of providing law enforcement services to the City. The City provides other services and benefits in addition to law enforcement.

The elected officials who were serving in office may also recall that when the City Council received a report by Ad Hoc Economic Development Advisory Committee on April 11, 2007, one observation that was made was that the long term cost of providing municipal services to residential projects often are not supported by these kind of projects' contributed revenues. It is generally accepted in the Planning profession that adding nonresidential assets to a community's portfolio, so to speak, improves a community's tax base to a greater degree than would adding residential assets.

The Applicant's annual revenue generation of \$396,428.00 is overestimated, considering current budget information for the upcoming fiscal year. For example, the Applicant's calculation does not factor in the Property Appraiser's 15% discount in reaching the gross appraised value (such that if a sale of a residential dwelling unit occurs, the City Director of Financial Services notes that the Property Appraiser considers the gross assessed value to be 85% of the sales price). Thus, if the average sale is \$423,000, then the gross assessed value would be \$359,550. Further, if 50% of the dwelling units were homesteaded so as to enjoy a homestead exemption of \$50,000, then the resulting average assessed value per unit would be \$359,550 less \$25,000 equals \$334,550. The current advertised upcoming millage for these units assuming they were built at this time would be 4.5142 mils. Applying a further average realized discount to early payment for tax bills, Mr. Herriman estimates the City would realize \$1,434.71 per dwelling unit, or \$328,548.59 if 229 units are built and sold for an average sales price of \$423,000.

Based on the foregoing, Staff questions whether the City's tax base would be enhanced by the proposed Project, and has concluded that potential positive economic impacts may not be material enough to warrant a change in land use.

- 8) The extent to which the subject property has potential to be developed in a desirable manner under its present land use and zoning scheme.

Applicant Response: The surplus land within the Jacaranda golf course community does not have a potential to be utilized in a more desirable manner under the present land use. The full 36-hole golf courses are provided within the scope of this proposed map change. The country club is comfortable with the mix of uses that will result from this amendment and are consistent with the long-term goals of the Jacaranda Country Club.

(Note: In reaction to Staff's initial comment, the Applicant submitted a Supplemental Response).

Applicant Supplementary Response: The City of Plantation has spent millions of dollars improving the Plantation Preserve, a golf course less than a mile away from the Jacaranda Country Club. The applicant needs the revenues from the residential units to remain a financially viable golf course.

Staff Response: *Staff is not convinced that the proposed LUPA site cannot still be developed in a desirable manner as open space or other noise controlled commercial recreational uses. Staff notes that the Applicant converted the tennis courts in the east portion of the amendment site (west of Devon Condominium) into a parking lot. This suggests that the long existing and approved country club parking lot is not sufficient to accommodate relatively recent country club and golf course demand.*

In the absence of a suitable report and professional review of the economic factors affecting the Jacaranda Country Club, Staff is not convinced the Plantation Preserve's operation as a public golf course, as distinguished from the general recessionary climate (which is hoped to be relatively short term in continued duration), has impacted whether the LUPA Site has the potential to remain a golf course. The following observations are offered by Mr. Romano, the Director of the Plantation Parks and Recreation Department:

1. *For many years, Plantation and its surrounding environs were served by four golf courses in the City, which for the most part were fully maintained and functioning. For only a relatively short time in the City's history has the Plantation Preserve been under municipal ownership.*
2. *When the City acquired the Plantation Preserve, it received a feasibility study in 2002 from National Golf Foundation which, in summary, concluded that a publically owned middle to high quality golf facility could be developed within the market area because of excess demand for golf that was not met by existing supply of golf resources. Put differently, Plantation wanted to be assured before it acquired the Plantation Preserve, that the facility could be designed, built, and operated so as to complement the then existing operating golf courses within the City.*
3. *Several design considerations were implemented in the Plantation Preserve's development in order for the Plantation Preserve to not become a high end full service golf facility such as the Jacaranda Country Club, including:*

- a. *The Preserve devotes a significant amount of land area to park and wetlands preserve (instead of, for example, adding a nine hole play area which would have been golf facility income productive);*
- b. *The Preserve does not provide full locker room facilities for either men or woman;*
- c. *The Preserve does not provide a grill room and a separate full service large banquet facility; and,*
- d. *The Preserve does not provide a card room.*

4. *The Plantation Preserve is not designed to handle the same type of functions that can be and are easily handled by the Jacaranda Country Club (for example, large weddings or other events, social memberships, the Annual Plantation Volunteer Firefighter Golf Tournament, or the Annual Chamber of Commerce Golf Tournament).*

5. *The Plantation Preserve Staff send referrals to the Jacaranda Country Club on a regular basis. Likewise, the Jacaranda Country Club sends referrals to the Plantation Preserve.*

9) The future land use and zoning needs of the community.

Applicant Response: This proposed map change compliments the future land use and zoning needs of the community. It provides residential housing that is in demand within the City and Broward County. It will help address the anticipated population growth under the City's Plan. It will also continue to provide compatible land uses with the surrounding area.

(Note: In reaction to Staff's initial comment, the Applicant submitted a Supplemental Response).

Applicant Supplementary Response: The land use amendment is being reduced from 249 units to 229 units as requested by staff.

Staff Response:

- 1) *Additional residential housing has been provided in accordance with city population projections provided in the City Comprehensive Plan. See Staff Response to Policy 1.16.1.(1), above.*
- 2) *Medium (16) is not compatible with the surrounding land uses (See Staff response Policy 1.16.1 (3), above.*
- 3) *The PZED Department does not support 229 dwelling units as located, designed and arranged, and does not support this application.*
- 4) *For reasons stated in this Report, Staff believes the requested change does not further the future land use needs of the community.*

10) 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 Response: The City needs to insure that it offers a wide variety of amenities to prospective business that may wish to locate on the City's office, retail and industrial areas. Residential communities with viable golf courses and recreational facilities as well as the accessory meeting areas found at the golf courses are an important component of that package.

(Note: In reaction to Staff's initial comment, the Applicant submitted a Supplemental Response).

Applicant Supplementary Response: These units will be very attractive to corporate executives relocating to businesses within the Cornerstone Office Park, South Pointe Office Park and the Jacaranda Park of Commerce.

Staff Response:

- A. *The applicant has not demonstrated that the additional multi-family residential units at the LUPA site are an "amenity" to, or in demand by, corporate executives wishing to relocate their business to the Midtown Development District. See Staff response to Policy Consideration 1.16.1 (5) above.*
- B. *Broward County has recently amended the County Land Use Plan to add Goals, Objectives, and Policies that apply in all areas of the County when open space in golf courses is converted to other uses. Policy 1.11.5 of the Plantation Comprehensive Plan required that the County Comprehensive Plan be amended as part of a conversion of Commercial Recreation lands to Residential.*

*Therefore, it is appropriate for Staff to comment upon, and the City to consider these County Plan policies in the review of the Application. A discussion of relevant excerpts of the County Plan on this topic follows (excerpts from the Broward County Plan are shown in **bold face type**):*

Applicant Response: Applicant understands that the county has made changes to its policies. The applicant has been closely following the county's new regulations as requested. The county's review is focused on preventing the closure of golf courses. This amendment will assist Jacaranda Country Club to remain a 36-hole golf course and compete with nearby golf courses which are likewise renovating and upgrading their facilities.

Staff Response: *The plain language of the County Comprehensive Plan provisions makes them applicable.*

Policy 5.04.03 Broward County shall strongly encourage the preservation of open space areas. Amendments to the Broward County Land Use Plan which result in the loss of open space shall be strongly discouraged and be required to address how open space and recreation needs of the existing and projected residents of the community will be met, including how the negative impacts of the loss of open space on surrounding neighborhoods will be minimized or mitigated.

Staff Comment: This policy encourages protection of open space, even if a city (like Plantation) maintains a significant amount of open space for its residents. The Application fails to address how the permanent loss of 14.34 acres of open space caused by the conversion will be mitigated.

Policy 5.04.04 Amendments to the Broward County Land Use Plan containing golf courses, including closed golf courses, shall address the following:

- a. **The impact of the loss of open space on the surrounding residential areas. The loss of open space must be mitigated through provision of parks and open space to serve the surrounding neighborhood.**

Staff Comment: The Applicant fails to address how the loss of 14.34 acres of open will be mitigated through the provision of replacement or new open space.

- b. **Management of storm water retention taking into account the extent to which the golf course provided storm water retention for the surrounding development and how this will be mitigated, along with any additional storm water impacts created by the new development.**

Staff Comment: The Applicant fails to submit documentation addressing storm water retention, however generally, Staff has assumed that the stormwater retention of currently developed surrounding lands will not be affected, and has assumed (and will require) that all site development requirements for the proposed residential buildings will take place within the converted land area.

- c. **Minimization of the impact on natural resources including wetlands, lakes, aquifer recharge areas and the tree canopy, including any historic trees on the site.**

Staff Comment: The Applicant fails to submit documentation addressing the impact on wetlands, possible historic trees, or tree canopy. The concept plan does not appear to result in a decrease of lake area which is significant.

- d. **Mitigation of environmental contamination. The level of environmental contamination must be determined by conducting a Phase 1 and Phase 2 environmental assessment.**

Staff Comment: The Applicant has not provided a copy of Phase 1 and Phase 2 environmental assessments. These should be obtained and reviewed by a consulting environmental engineer engaged by the City as a cost recovery expense prior to the time the City approves the application because a portion of the buildings appear to lie within areas that until relatively recently were used for hole play. As the elected officials may recall, the City's experience with the Plantation Preserve reconfiguration was such that these areas are likely to be contaminated by the chemicals used to treat these areas, and a significant amount of environmental cleanup/remediation may be required before these areas are allowed to be converted and used for residential purposes. The City should also require a review of updated assessments prior to approving any binding and buildable Site Plan for the LUPA Site.

- e. **Integration of the proposed development with the surrounding areas including how the development will tie into the existing neighborhoods through roads, sidewalks, parks/open space and greenways.**

Staff Comment: The Applicant's "concept plan" makes no provision for pedestrian connectivity with adjacent neighborhoods. See Engineering comments (Review Committee Comments below) with respect to traffic and roadway concerns, and a recommendation to install sidewalks.

SUPPLEMENTARY REVIEW COMMENTS

ENGINEERING DEPARTMENT:

LUPA – Traffic Circulation Analysis Comments:

1. *Table F-1 (2009 data is available, why is 2007 being used?)*
 - a. *Nob Hill Road, North of SR 84 - states 2007 ADT Volume of 314,500, please strike through the revision.*
 - b. *SR 84, East of Pine Island - states 2007 ADT Volume of 454,000, please strike through the revision.*
 - c. *Please list source in table.*
2. *Trip Generation Table*
 - a. *Daily Analysis, Existing Development is using the ITE (Institute of Transportation Engineers) LUC (Land Use Code) 430, which is a golf course, yet it is using the rate for Broward County Commercial Recreation.*
 - b. *The definition of "commercial recreation" for Broward County is very different from the definition used by the City and the two are not comparable. Broward County, Article XVII. Commercial Districts says: The CR Commercial Recreation District is intended to accommodate major public and private commercial recreation facilities which offer opportunities to residents and tourists. It includes permitted uses such as an amusement park, bowling center, fairground, golf course, golf driving range, miniature golf, gym or fitness center, marina, outdoor recreation club, racetrack, RV park, skateboard facility, skating rink, sports arena, sports courts, stadium, and water parks. These uses could generate the daily 78.5 trips/acre as defined by Broward County.*
 - c. *The use of Broward County's trip rate for commercial recreation would not result in as accurate as possible comparison of traffic impacts because these other uses are not proposed. For the LUPA, Staff recommends the daily and peak hour comparison should be the ITE LUC for golf course and the ITE LUC for Mid Rise Apartment. Please revise trip generation table accordingly.*
3. *Table F-2, Table F-3*
 - a. *For SR 84, please explain where the 2007 capacity of 42,840 came from. The other four lane roadways have a different capacity. Also, are the volumes provided for both directions or just one? Since the roadway is divided by I-595, only the westbound direction should be evaluated.*
 - b. *Please list source in table.*

The LUPA identifies deteriorating LOS on Pine Island Road and Nob Hill Road and proposes that project traffic to enter/exit by way of Broward Boulevard. Also, the origin-destination study revealed that adjacent neighborhood traffic east and west of the county club property is cutting through the LUPA Site utilizing the private access drives.

It is important to note that a portion of the private roadway area around the clubhouse and internal to the Site are operating as a public access transportation facilities, and since these areas are not built to public access standards, they need to be improved. If these road segments are not improved to an appropriate standard, they may need to be closed to general traffic and preserved for governmental protective services use (law enforcement, emergency medical rescue, fire suppression, and disaster response and recovery). These road segments will be required to be built to public access standard if a Site Plan is ultimately approved showing the contemplated connectivity reflected in the Concept Plan.

LUPA – Mass Transit Analysis Comments

The LUPA mass transit analysis suggests that the proposed LUPA Site is adequately served by the Broward County mass transit system. However, it is noted that there is not a continuous accessible sidewalk from the LUPA Site to Broward Boulevard.

LUPA - Conclusions/Recommendations

- 1. The Engineering Department will require the Applicant to address the Traffic Circulation Analysis comments and resubmit it for review.*
- 2. The Engineering Department is of the considered view that if public access in and through the golf course clubhouse LUPA Site will continue in the foreseeable future, that the internal roadway network should be improved at this time to appropriate standards.*
- 3. In order to achieve true access to public transportation, the Department recommends the Applicant construct a continuous six (6) foot concrete sidewalk along the east side of Jacaranda Country Club Drive from the property to the Old Plantation Water Control District 2L-1W Canal where an existing public sidewalk from Broward Boulevard terminates.*

TRAFFIC CONSULTANT: See Engineering comments.

LANDSCAPE DEPARTMENT:

- 1. As previously requested the golf course needs to provide the City Of Plantation with an “As Built” for the extensive new landscape they added to both courses – the 19th hole building, and any other areas where they recently added landscape material. It must go to PAC so it can become part of our record drawings for this site.*
- 2. As discussed – please remove and replace the dead tree along the buffer between the amenities building the SFR along Lake Dasha Drive.*
- 3. City staff requests continual work with properties abutting the golf course with regards to pruning, mulching, irrigation, replacement of plant material as needed (continual maintenance).*

BUILDING DEPARTMENT:

- 1. No comment.*
- 2. No plans submitted.*

3. Plans and permits meeting the FBC 2007 will be required for any construction

FIRE DEPARTMENT: No comment.

POLICE DEPARTMENT:

The Police Department has determined that this project as described will have no impact on police services.

PUBLIC WORKS: No comment.

RECREATION DEPARTMENT: No comment.

UTILITIES: The following comments apply to a Site Plan when same is filed.

1. Water and Sewer Utility Plans were not provided with this submission.
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.
 - Charges must be paid in FULL.
 - Contact: Danny Pollio if you have any questions, 954.797.2159.
3. A pre-design meeting is required with the Utilities Department.
4. Offsite improvements may be required at proponent's expense.
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.

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

WASTE MANAGEMENT: No comment.

Bill Laystrom, Attorney, was present on behalf of the Jacaranda Country Club, which is owned by Scratch Golf. He explained that a Land Use is the first part of a development process, which decides the general use for the property. This process starts with a transmittal hearing, which is tonight's hearing. It will then go to the Broward County Commission, State of Florida, back to the Broward County Commission and back to the City of Plantation for an adoption hearing should they proceed after tonight's hearing. This is the first of many hearings that will be held. In addition, following this hearing, should they continue, they would be in the rezoning process, the site plan process and the platting process. Those processes actually decide what the site will look like. A number of site related issues will be discussed during this hearing; however, they will come back for additional approvals for each of those items while moving forward through the process. If this Land Use Amendment is approved, they will have to rezone to a residential district that is compatible with the Land Use. They would then come for Site Plan approval, where they would detail the Landscape Plans as well as the design of the buildings themselves and the exact design of the locations. After the Site Plan process they would go

through the platting process, which is both a City and County process in order to basically connect the site to the infrastructure of the County roadway system and also the City's roadway systems and other utility systems.

The applicant is requesting approval of a Residential Land Use Plan Amendment, up to 16 units per acre. As they go through the site plan process that number may end up less than the number of units requested because Land Use, if calculated with the 14 acres, would be 229 units maximum. That does not mean that 229 units will be approved, it may very well be at the Site plan hearing or at the other hearings in between that there may be a significant reduction in those numbers or a modest reduction or no reduction at all. Mr. Laystrom will make the commitment that whatever is agreed upon will be put in writing and will be part of a deed restriction on the property so that those commitments are valid no matter who is the representative. The deed restriction will then be provided to the City Attorney, allowing plenty of time for review should they get to the adoption hearing, which he would not expect until sometime in March or April 2010.

A series of five-story condominium buildings with units ranging from one bedroom to three bedrooms have been designed in the tennis court area and immediately adjacent to the tennis court area running to the west. In addition, a series of 20 townhomes is proposed, to be located around the country club facility. A one-level parking garage has been included in the center. There is parking underneath each of the condominium buildings; therefore, the buildings are actually six stories high from a height standpoint. Each unit would then have two spaces of parking underneath the buildings themselves, separate from the golf parking that is needed for the country club itself. Attempts are being made to keep away from a parking lot surrounding all of the buildings. The parking underneath provides for greater security as well as a greater amenity for residents in those buildings. The 229 units are intended to be luxury condominiums and they are flexible on the design of the units. Mr. Laystrom suggested the Veranda look and emphasized this is not an affordable housing project. The City put together a series of requirements that must be met. In addition to the normal Land Use requirements, a series of ten individual requirements were put together that have to be met and that is the 1.11.5 requirements. These requirements will end up as part of the deed restriction and a number of them eliminate the ability of the developer or owner of the property from coming back at a later time.

The requirements were reviewed as follows:

Page 11 of the staff report:

1. Use of the converted property is residential and the converted property is intended considering the membership size of the golf course to be an accessory in nature to the existing golf course facility. They intend the units to basically be revenue makers for the golf course. Each of the owners, by deed restriction, will have to be a member of the country club; therefore, they are creating a built in 299 units. They anticipate the market of empty nesters who are golfers or at least people who pay for their memberships. Another requirement was that the funds derived from development of the project go into the golf course. They go into the developer and owner of the project; the actual dollars go back into the course; therefore, there is a double benefit, the benefit of members for long term cash flow and the benefit of immediate cash for the golf course. The development process is probably a three or four-year process. When those criteria were created it was intended to keep the money in the golf course.
2. A deed restriction is requested in favor of the golf course membership requiring the membership.
3. Conversion to be accomplished through the Land Use Plan process and a corresponding change for the County's Plan, which they will do. Their application contains both.
4. Compatibility with adjacent residential properties.
5. Residential flexibility is not available for these Land Uses in either plan; however, once converted the property is designated Residential and assigned a map density, the unit density may be increased in

excess of that shown by the allocation. They cannot use flex or reserve units. Once the units are agreed upon, that is it; they cannot get additional units and add onto this project. This will also be in the deed restriction.

6. The land that can be converted is a maximum of five percent of the entire golf course. This application represents that five percent. Once they apply for this percentage they cannot come back and request a density increase or an increase in the area of the site.
7. The property converted must be located near an edge of the golf course and must not be used or reasonably foreseeably used for hole or driving range play. They are not planning on using this property; for the most part it used to be the tennis court area. An important change to the front of the property was made in the way traffic in this project works. Currently, traffic loops around the golf course and mixes in with the golfers, carts, people walking in and residents using the roadways from both east and west of Jacaranda. They propose to change the road alignment so you would come into the course off of Broward Boulevard, go straight into the course and turn to get into the parking area for the course. Residents who want to go west would come to the t-intersection and turn in whichever direction they wish to go. This will allow the driving range to be expanded, which now, with the advent of new clubs, were driving all the way through the driving range. The putting green would be moved and a lake will be added on the west side instead of the current parking lot and the road would be eliminated that basically loops around the parking lot. In his opinion, this is one of the critical parts of the project, getting the roadway system more standard. This will provide a much more efficient way to move traffic around the project. There is a tax benefit, revenue benefit and membership benefit; we have a benefit in the way in which we are attempting to reallocate the traffic throughout the area. It is believed this will not only provide safer access but better access. The idea of the edge is that it is not in the golf course. Staff has taken a different interpretation that it is on the edge of the golf property as a whole. Any proceeds of the converted property shall be applied to the revenues and operations of the course and an annual report or letter must be provided identifying where those funds when and what they went for. The quality of the course has been increased because they actually rebuilt the course; they built the east and west courts, put in all new turf, moved some of the holes and upgraded the course. This project will provide additional monies for the clubhouse and finishing off the course.
8. At the time of the conversion the City park ratio ultimate build out must be greater or equal to 4.5 acres per thousand. It is and will be when the property is developed. No golf courses shall be eligible for conversion in the future.

A review of the site plan follows:

The lake feature will be added on the west side of the property adjacent to the single family homes. The applicant would be willing to propose a reduction of the height of the buildings by one story across the board, reducing the height from five stories to four stories. That would also indirectly result in the reduction of traffic generated by the project as well as the intensity and density, as they all go down accordingly. The units would go down from 229 units to 187 units. They still believe the synergy and the revenues are beneficial at 229 units. It is important from a business standpoint to get this project through at whatever can reasonably be worked out with the surrounding residential communities. It is their goal to be as responsive as possible. For the residents who have complained that they are intentionally putting landscaping particularly in their views; that is not the case. Mr. Laystrom has walked the site a number of times on each complaint that has come to him and in each case the golf course ownership has certainly been willing to listen and relocate trees.

Page 3: There is also a general set of criteria for all Land Use Plan Amendments as follows:

1. Whether there has been a change in population, socioeconomic factors or physical development of the property near or affecting the subject property, which changes were unforeseen.

When looking at a Land Use Plan Amendment you attempt to look into the future; it is a planning document, not a design document. When looking at this particular Land Use Plan Amendment they are looking at a number of things; the socioeconomic situation for them is the golf course market, which is constantly changing. They are under increasing pressure and believe the population needs additional empty nester units adjacent to the golf course. This is an amenity not only for people coming out of their home located within the golf course community or otherwise in Broward County but also for relocation of executives and for nearby business parks. You do not get that same amenity if you move to Veranda or to the new apartment buildings adjacent to the Fountains. This is a different type of product intended for a different group that is empty nesters or starting to retire, one of the two. The economic pressures are; there will be revenues to the golf course, to the membership and short term in the sale of the units. The Plantation Preserve's success is creating immense pressure and competition for them. It is very difficult to operate in this market when there is a golf course that does not have to pay sales taxes or property taxes. There is a whole provision in the staff report with staff saying they are not in competition but it is important that staff know they feel that way and believe that allows the rounds to be offered at a lesser price because they do not have the same costs of operation. This project will allow them an opportunity to upgrade their course.

Staff discusses how the population is declining yet when traffic calculations are calculated there is increased traffic. They are not sure where the population is going; those projections for traffic on Pine Island Road and Nob Hill Road assume a growth factor that is not here at this time. All the properties that may be Land Used at 16 units per acre are not developed at 16 units per acre; they might be developed at nine or ten and even less than that. When calculating how many units are in the Comprehensive Plan, it does not necessarily mean how many units there actually are in the City. The most important thing is that they are trying to focus on a different type of unit.

2. The impact of the development permitted by the proposed land use or zoning on existing public facilities and services, including schools, police, fire, potable water, sanitary sewer, local or regional roads, parks and opens spaces and drainage.

Calculations were created for the water and sewer; there is adequate supply of all of those. At the time of Site Plan and platting they will be required to put in utility improvements, which they certainly agree to do. They understand that should the City impose a new impact fee that it would still be their responsibility even if they got the Land Use and not the Building permit at the time. If an impact fee is put in between now and the building permit they will be responsible for the impact fee. Utility improvements are always required, which they agree to. They will be redesigning and repaving all of the roadways within the Jacaranda Country Club. Staff has asked whether they would consider a sidewalk running along Jacaranda Country Club Drive up to Broward Boulevard because there is not one. They have a lot of right-of-way and have no problem putting in a new sidewalk. They will work with neighbors to the north as to bringing a sidewalk through the property. Engineering staff suggested that is something they would want. Mr. Laystrom advised that he will take notes when the residents speak and he will make every effort to respond as quickly as possibly.

Mr. Laystrom introduced Alan Tinter, Traffic Consultant, and Land Planner, Leigh Kerr, Land Planner, John Cardello, Architect, and Larry Grossman.

Mr. Tinter discussed the three scenarios of traffic coming in and out of the site. The most recent report was prepared in March 2009 where traffic was analyzed and it was incorporated into the application for the Land Use Plan Amendment. The trip generation reviewed was Land Use to Land Use. The Land Use of this current property is commercial recreation, which allows for a number of different uses that may not currently exist on the site but could. That was compared to the traffic volume that would be generated by the proposed Land Use. A very conservative approach was taken in looking at the trip generation characteristics and they used a higher trip generation rate than they probably should have; therefore, they probably over estimated the trip generation from the residential portion and compared it to the traffic volume that could be generated by the 14.3 acres that are being requested in the Land Use Plan Amendment. The traffic was distributed onto the roadway system, which was done in approximately three different scenarios. The traffic report included in the LUPA application looked at putting 100% of the traffic out Jacaranda Country Club Road to Broward Boulevard and distributing that traffic onto Broward Boulevard approximately 50% in each direction. The other distribution scenarios included providing the majority of the traffic via that route with two alternates being Gatehouse Road access to Pine Island Road and the Sea Turtle access to Nob Hill Road. In that particular instance about 85% of the traffic was put to Broward Boulevard and the other 15% was distributed through the residential neighborhoods. It was felt there was a reasonable estimate given the security of travel that you have to go through to get through those neighborhoods. To get to those areas you must go through quite a winding road and know the various movements to get in out; therefore, the majority would use Broward Boulevard, as it is the easiest access into the Country Club. The third alternative provided fewer trips onto Broward Boulevard and distributed them onto Gatehouse Road; only 40% was put onto Broward Boulevard and the balance was distributed to Gatehouse Road and Sea Turtle. Future volumes were reviewed by using a document published by Broward County's Metro Planning Organization, which shows existing traffic volumes and projects to the year 2030. Volumes between 2007 and 2030 were reviewed in order to estimate the amount of traffic in 2012, which is the estimated build out of the project. They then used those traffic volumes and added the site traffic on top, the difference of what the site could generate today versus what it could generate under the future Land Use. Part of the staff report suggested that we look at more current data. Since the time the report was produced the County published the 2008 volumes and are about to publish the 2009 volumes. It was noted the 2008 traffic volumes were almost universally less than the 2007 traffic volumes. In the two instances where the volume was a little greater in 2008 than in 2007 it was less than the volume in 2005. The fact is that traffic volumes have been going down in this portion of Broward County. That may be because of population changes, changes in habits or because of increased use on I-595. The traffic volumes in this area may increase unusually in the next few years as I-595 is under construction but once I-595 is constructed, the traffic volumes on these roadways will probably reduce again. If they had gone to the 2008 version it would have looked even better than what was suggested. The difference in traffic from existing Land Use to proposed Land Use was added onto the roadways and the capacity of the roads were reviewed. There are certain roadways that will fall to levels of service that are below what is considered acceptable levels of service. Measures of service are measured from A through F; D is acceptable. Some of the roads fall to levels of service E and F, particularly portions of Nob Hill Road and Pine Island Road. The volume was then reviewed from the project itself. When doing Land Use Plan Amendments there are two criteria to be reviewed; is the traffic volume significant and significance during this process is typically considered 3% of the capacity. If the volume generated by the project exceeds 3% of the carrying capacity of the roadway it is considered significant. In no case did the traffic generated by this proposed development exceed the 3% threshold; it is not a significant traffic volume on the roadways. The next thing reviewed was whether the traffic volume is adverse. That is does the level of service on any particular roadway deteriorate from one level of service to the other as a result of this development. In 2030, if the roadway was projected to operate at level of service D, did the traffic from the proposed Land Use Amendment cause that to go to level of service E? If so, it would be significant. In no case, in 2012 or 2030, did any of the traffic volumes from this particular development cause that level of service to change. If it was level of service D before the proposed Land Use

Plan Amendment it was level of service D afterwards. If it was level of service F prior it continued at level of service F afterwards.

In terms of our analysis, alternate trip generations were studied to determine whether traffic from the commercial recreation use was over estimated and traffic from the residential uses was under estimated. Various residential uses were then reviewed as to what could be on this property; high rise residential or low rise residential. The fact is, according to the Institute of Transportation Engineers, by their definition, "Anything greater than three stories is considered high rise". He does not consider more than three stories high rise; however, in their category, this would be a high rise residential development, which generates less traffic than the Land Use category they assigned for trip generation purposes. The traffic volume assigned to the residential is being used, which was 16 units to the acre and the golf course, which would generate about five times more traffic than estimated. The peak hour difference between the commercial recreation and the residential was estimated at about 28 trips. Using the new scenario, there were approximately 136 trips during the peak hour. The trip generation was used for low rise condominiums rather than high rise condominiums because for some reason low rise condominiums generate traffic at a higher rate. The traffic volume was not significant and was not adverse. It did not cause any of the roadway segments to change their level of service. It was always less than 3% of the capacity of the road. In all instances, the change of language being proposed from commercial recreation to the meeting density residential or 16 units to the acre did not have any significant or adverse impact on the area roadway system.

Councilman Fadgen questioned whether any consideration was given to road characteristics, in particular the road heading east out of the clubhouse area.

Mr. Tinter advised the roadways that lead out towards Gatehouse Road are two lane roads; they are kind of narrow and not in the best of shape. That is considered as part of the capacity. They look at the regional roadway system at Broward Boulevard, Nob Hill Road, Pine Island Road and State Road 84, the major roads. The roadways around the site have considerably less volume; however, he could not say what that number was. They do not add a significant amount of traffic on those roadways. His overall conclusion is that this project does not have any impact in terms of changing the classification. It does not change the levels of service and there are not significant traffic volumes on those roadways.

Mr. Laystrom questioned what the intersections can handle in addition to volume and issues of what the roadway can handle. They also looked at the intersection of Broward Boulevard and Jacaranda Country Club Drive. Several residents questioned how long they have to wait at the light in order to get out. That seemed to be the concern more so than the volume issue. They have proposed to increase the outflow of traffic at both Gatehouse Road and at Broward Boulevard and Jacaranda Country Club Drive by providing an additional outbound lane. Currently, the right hand turns get blocked and they would expand that portion of the intersection to provide a third lane so if someone is waiting to go across there is still a right hand turn lane to actually exit the neighborhood and keep the traffic moving. In addition, Mr. Tinter has advised that the County, having a timing system, does not use the timing system very often and certainly does not update it, which can also be done. The intersections still operate according to the ITE manual but they feel that will assist the residents in being able to get out of their neighborhood. They have to design and engineer those between now and the adoption hearing so Council can see how the design will work. The traffic found is truly insignificant on the run from Sea Turtle to Nob Hill Road from their project. If anything, most of the golfers are all directed to Pine Island Road, to Broward Boulevard and then in through Jacaranda Country Club Drive.

Mr. Laystrom returned to the criteria discussion.

The other three criteria in this particular section; police and fire indicate they have adequate abilities to handle these additional units. If the heights of the buildings are reduced, all of Mr. Tinter's numbers will go down approximately 17% to 20%. Schools are the only other criteria; it is not mentioned in the staff report other than the fact that it has to be met. All of the schools that serve this site have adequate capacity.

In response to Councilwoman Bendekovic, Mr. Laystrom advised concurrency was applied for and should they go to adoption they have to go through the process and will be given a certificate that says they have set aside a number of student stations for the project. If the plan is not adopted they will take it out of their computer.

The next criteria is whether development permitted by the proposed Land Use or zoning is compatible with developments permitted under the existing Land Use surrounding the subject property. This is the most difficult to discuss because it is subjective. He believes they are compatible. There are two types of compatibility because in his mind there were always three issues that separated him from the residents. One was traffic and the proposed improvements. The second is the general idea of density and Land Use. The different Land Use categories are discussed and in this particular area we discuss different residential Land Use categories. Land Uses have already been created adjacent to the same residential neighborhoods where they are proposing to put the 16 units per acre. That is the compatibility discussed in the Land Use.

The design compatibility is the height issue. They have already agreed to decrease the buildings an additional story in an attempt to be more compatible. He referenced the property immediately east of the proposed site. This property, also located within the golf course off of Pine Island Road, off of Broward Boulevard and off of Nob Hill Road is medium 16. Coronado is medium residential, it is eight stories high, located off of Broward Boulevard along Jacaranda Country Club Drive. There is Medium 16 and Medium 25 along Broward Boulevard, Medium high 25. Those are directly on the road and they are in the middle. At some point the City has to determine that the location of one Land Use category is adjacent to Low 3 across the course. Low 3 is the Land Use category of the single family homes. Typically these projects are still compatible to other residential even if they are not identical. If that were not the case this entire area would be all Low 3. From the Land Use standpoint, the pattern has already been set; they are requesting a Land Use category consistent with what has been approved previously. Some neighborhoods do not get developed out at the density they are actually approved at. He is requesting Land Use 16 and if the density were reduced below the 229 units they would have to put a deed restriction limiting the building to about 11 units. When comparing Land Use categories within the area, he believes they fit in with those, particularly as the actual intensity is reduced below the maximum of the 16 units per acre.

The second type of compatibility is the height issue. Four stories are currently proposed with parking underneath to make it five stories if the floor previously discussed is removed. Attempts have been made to buffer the project from adjacent residential areas, particularly the ones that are one story by putting a lake where the current parking lot is for those to the west. When talking about compatibility and what is next door, the reality is the City has a perfect example of 25 being able to exist adjacent to three units per acre with 16 units per acre built at nine or ten units per acre adjacent to both this property and single family on either side. They feel a product has been presented that is compatible. It is their intent to have units that are \$400,000 to \$600,000 for sale. They have four years prior to beginning the project.

The staff report references the County's new criteria for golf courses. This Land Use Plan was filed prior to any of those regulations in place. He believes the regulations do not apply; however, staff added the criteria and said they are not met. He does not believe they apply to this project because the plan was already filed. He feels the County will take the position that since the plan was filed he is in. If they take the position because this is transmittal he will next go to the County where he has to apply. They can meet each of the criteria. They were

designed to discourage conversions of golf courses to closings. They were designed to fight closure of golf courses. They are not closing a golf course; they are enhancing a golf course's economic ability to survive in the market. They can meet the drainage and will do the Phase 1 and 2 testing. That will be done as part of their residential project irrespective of whether or not they were going to do those because the County required it. If the County does require the criteria they will respond in their next application that goes to the County then to the State. This packet was filed in March 2009. The Goals and Objectives of the plan are very broad and provide for a lot of flexibility. There is language in the policy about compatible Land Uses adjacent to each other, which he discussed above.

Mr. Kerr provided a brief presentation on the goals. His office prepared the majority of the report except for the traffic component. He referenced page 3 of the staff report as follows:

1. Population, socioeconomic factors or physical development factors. There is an anticipate growth of about 5,400 people between now and 2015. It is their belief that there should be a variety of housing; this is an excellent example where golf course housing could be located as well as a place for executives who might work in the Office Park to the east.

Page 17 of the Staff Report:

Policy 1.16.1 speaks to the significant benefits. As they go through the site plan they exceed the standard of the City's Land Development Regulations and will be able to provide those statements at that time.

Mr. Laystrom discussed the Gatehouse Road situation and suggested meeting with Staff to determine what should be done.

He referenced additional comments in the staff report such as trip generation, commercial recreation and mass transit. He commented they agree with staff comments.

Keith Poliakoff, Attorney, was present on behalf of the Federation of Jacaranda Country Club Association, Inc. Stephen Belden, expert planner, and Tom Hall, traffic planner, were also present.

Mr. Poliakoff provided a Power Point presentation. He advised the Federation is composed of 20 condominium and Homeowners Associations, comprising of more than 1,000 residents, which are directly impacted by this project.

Mr. Poliakoff noted that the applicant is seeking to change 14.3 acres of land from Commercial Recreation to Medium residential 16. He noted that Mr. Laystrom repeatedly told the Council they can come back after the Land Use to decide the zoning, as they may not want to build 16 units per acre. They have the philosophy, "If you did not want to build 16 units per acre why come forward with the request?" He referenced Senate Bill 360, which has an interesting clause that requires zoning and Land Use to sort of match each other and to actually go concurrently along with the process. The applicant proposes to build 229 multi family residential units on the property. The Conceptual Site Plan shows that it will be comprised of five apartment buildings, each six stories in height and 20 townhomes of four stories in height. The plan gives the sense that even the Jacaranda Estates, which are two stories, are going to suffer a dramatic negative effect based upon where this development is going.

The Federation is requesting denial of the future Land Use Amendment.

Mr. Poliakoff further noted that the Planning and Zoning Board recommendation on March 11, 2008 voted unanimously 7-0 to deny this Land Use application. The Planning, Zoning and Economic Development Department found then, and continues to find, that this does not meet the Comprehensive Plan requirements. Residents will testify as to how this affects them personally, how this will destroy their way of life and why they bought their homes in the City of Plantation. He wants Council to focus on the main standard of review, which is the applicant has the burden of proving that they satisfy the requirements of the City's Comprehensive Land Use Plan.

Mr. Poliakoff referenced the Shindell case, which was a case of a developer who built a major project and the City Commission found that it was in furtherance of their Comprehensive Plan. The Supreme Court found otherwise and they actually had to demolish the entire development. If you look at the Supreme Court's language from Shindell, it says, "Consistency of a proposed development with a Land Development Comprehensive Plan is mandatory and not discretionary". That means that every single element of the Comprehensive Plan needs to be addressed and met by the Project; if it is not, the City Council is mandated to deny the application.

The opinions and recommendations of professional Planning and Zoning staff, which are deemed expert testimony, clearly constitute substantial competent evidence sufficient to sustain a City Council decision. This has been confirmed by the Florida Court of Appeals. What is interesting about Staff's testimony is that Mr. Laystrom now has the burden of proving that his experts, Mr. Kerr and Mr. Tinter are more qualified than the City's Staff.

The first thing Council must consider is whether there is a change in population or associated economic factors. Staff found the City should have sufficient housing stock and that there is no unanticipated growth and population which might present an unanticipated need for additional housing. This addressed the population but not the socioeconomic factors. Although the applicant has proposed that the average sales price of these homes would be \$423,000 the average sales price of a home in Plantation is now \$189,750. Further, the average household income was approximately \$70,824 and is probably lower today. No factors can be found in the socioeconomic that would say that the City of Plantation's residents are now able and desirous of purchasing a \$423,000 home. Staff found due to budgetary reductions the City's ability to supply existing public services will be impacted. The height and intensity of the Project, Staff found, is not compatible with the low intensity low profile uses currently abutting the site.

Mr. Poliakoff discussed Comprehensive Plan Policy 4:

Staff found the neighborhood design element is to continue the basic current pattern of Land Use and zoning. The proposed Medium 16 residential does not preserve or enhance the Jacaranda neighborhood. The application is inconsistent with the Neighborhood Design Element. It is not consistent with transportation goal planning. The applicant's request is not supported.

The Ad Hoc Committee of Economic Development stated that the long term costs of providing municipal services to residential projects often are not supported by these kinds of projects' contributed revenues. He believes it is more important to note that the applicant states that the project will add \$396,428 annually to the City's general revenue fund. During a conversation with the Broward County Property Appraisers office he was advised that a reduction in the depth of golf course frontage negatively effects adjacent residential land values. The applicant's presentation does not take into account the Project's negative effect on nearby property values which should also be considered. He could not find any information that actually showed the true economic impact and made the determination as to what the loss was going to be to the residents and what the potential

could be. If the math were done, it would probably be a complete wash; therefore, the \$396,000 is a misleading number.

7. Staff found that the proposed site can still be developed in a desirable manner, as open space or other noise controlled commercial recreational uses. This is actually an interesting policy because not only did staff find the current land use and zoning desirable, the applicant found the current land use and zoning desirable. He referenced Scratch Golf Course's website which says, "Scratch Golf's next acquisition was the Jacaranda Golf Club. To date, the upgrades coupled with the implementation of Scratch Golf management philosophy has turned Jacaranda into one of the company's most profitable operations".

Mr. Poliakoff emphasized that the golf courses in the City are principal to open spaces and shall not be converted to other uses unless:

1. The use is residential and accessory to the golf course. He pointed out that Staff said this proposed application reflects an independent and a primary use of property.
2. Compatible with the density of adjacent residential properties. He pointed out that Staff stated the proposal is incompatible with low density, low intensity single family homes and golf course use. Approximately 88% of the land use plan site abuts golf course or low rise two stories or less single family. Mr. Poliakoff emphasized that Mr. Leeds continued to say that only approximately 12% abuts Medium 16 residential and as stated before, it is not actually Medium 16 residential because it was only built at nine units per acre.
3. The property must be located near the edge of the golf course. He stated that Staff found the site is located in the center of the golf course and went into a three page analysis about how this is totally dissimilar from the Lago Mar project. He argued that this proposal is the center of the golf course and if it is believed this is the center of the golf course the Council must deny this land use application.

Mr. Poliakoff noted that Broward County has recently amended its Comprehensive Plan to protect golf courses. The City of Plantation has provided at least three letters supporting Broward County's new policy.

Mr. Poliakoff understood that Scratch Golf believes they could be vested and that the County's amended Comprehensive Plan does not apply to them because they submitted the application three years ago. If that is the case he will submit things to the City ten years early. Unless there is evidence from Broward County that Scratch Golf is exempt from following the requirements of the Comprehensive Plan of Broward County, he does not believe the applicant's argument.

The Broward County Land Use Plan Amendment looked at all of the golf courses in the County and basically said we are going to protect the golf courses; we need to protect the open spaces in Broward County. Number 33 on the list is Jacaranda Golf Course. In response to Broward County's attempt to preserve the open space in Broward County, the City of Plantation wrote its first letter on August 24, 2007 to the County, "I agree with the proposed County amendment and believe that we should support the County with efforts to protect and preserve golf courses throughout the County". The County makes a good point, that it is difficult to integrate a redeveloped golf course into the existing street systems.

On August 31, 2007 another letter was written directly from Mayor Armstrong. "The City of Plantation's history reflects a strong position to maintain golf course property as open space." The City of Plantation website devotes an entire section to the history of Plantation and why it is so important to protect its golf courses. That letter continued to say, "The proposed policies will greatly enhance the needed oversight to be sure that any golf course conversion would not negatively impact the surrounding residential areas". Finally, in support of the

County and not developing golf courses, a letter was written on December 26, 2007 from the Assistant to the Mayor, "The City of Plantation supports the proposed language for golf courses and the open space category as well as strengthening requirements for converting golf courses into other uses".

Mr. Poliakoff stated that County Comprehensive Plan Policy 5.04.03 says, "Broward County shall strongly encourage the preservation of open space. An applicant will need to demonstrate how the loss of open space will be mitigated". That means if property is removed from a golf course you will need to demonstrate to the County how you are going to make up for that deficiency. In this proposal, 14.3 acres of open space is to be developed. Thus, this is the loss that must be mitigated under the County Plan. Staff found that the applicant has failed to demonstrate how the loss of open space will be mitigated.

Mr. Poliakoff also noted that the County Comprehensive Plan requires stormwater impacts to be analyzed when open space is developed.

Staff said again, the applicant failed to address this criteria. This criteria is one of the most important criteria that has to be looked at especially in lieu of all of the residents. A lot of Council heard that this golf course went through significant modifications following Hurricane Wilma. We are being told that all of these modifications, including the conversion of the tennis court to a parking lot, were done without permits and without approval from the City of Plantation. This is very important because in doing this, in putting up the trees and hedges and the parking lot, they dramatically affected the drainage of this entire community. He showed a few slides of the Trellises and their parking lot and temporary flooding conditions allegedly caused by the recontouring of the golf course hole play area. Mr. Poliakoff argued there is no question that stormwater is a major factor that must be immediately addressed regardless of this application and that is why the County positioned it as such a major factor when looking at golf courses.

Mr. Hall was presented by Mr. Poliakoff as a transportation traffic expert. Mr. Hall provided a brief review of traffic issues as follows:

His review noted several discrepancies with the studies.

First, the distribution of project trips vary substantially between the traffic impact study and the Land Use Plan amendment study even though both analyses were done by the same people. The applicant is simply manipulating the numbers to serve its own needs. In lay terms, the traffic impact study shows that 85% of the traffic will utilize Jacaranda Drive and 15% will utilize the interior network to connect; Torchwood Avenue and Gatehouse Road. The land use plan amendment shows 100% of the traffic will utilize Jacaranda Drive, which will surely increase the stack when getting to Broward Boulevard. You must ask why the applicant changed its projected traffic distribution in this manner.

Second, the applicant claims there was no daily trip generation rate available for the Commercial Recreation Land Use category (CR) and therefore, the applicant's expert used an arbitrary number of 78.5 trips per acre. The applicable Institute of Traffic Engineers Manual provides a daily trip generation rate of 5.05 trips per acre for the CR district; that is the golf course use. Accordingly, had the applicant used the approved rate it would have resulted in an increase by more than 1,000 daily trips; 1,437 versus 386. This means that approximately four times more traffic will be in the local roadways within the Jacaranda neighborhood than was noted in the applicant's study. If the correct analysis had been done, Pine Island Road north of Broward Boulevard, would be shown to fall to an unacceptable level of service E in 2030 in the land use plan amendment analysis.

Third, the traffic impact study estimates that over 15% of the project traffic will not use Jacaranda Drive, but instead, will use private roads serving the adjacent single family communities. The residents do not desire the increased use of the private roadways and the applicant has not demonstrated any legal rights to send traffic through the local private roadways.

Fourth, policy 1.1.15 of the City's Transportation Element notes that residential densities in the medium to high ranges, 16 to 25 units per acre, should be located with access to major and minor arterial roadways, expressways and public transit routes. Jacaranda Drive, the proposed access roadway for the development, meets none of these conditions.

Finally, the signalized intersection analysis of Jacaranda Drive and Broward Boulevard used the wrong and more advantageous timing plan for the morning peak hour. This is the peak exit time for the area and the analysis was wrong. In layman's terms, the applicant's analysis showed more rapid cycling of the signal going from green to yellow to red around the intersection than what would actually occur. The correct timing signal plan, if used, would have shown longer delays and longer lines of waiting vehicles. Based on Mr. Hall's review of the application, the proposed Project does not demonstrate satisfactorily that local traffic impacts will be addressed.

Mr. Poliakoff introduced Stephen Belden, land use planner, who provided a brief review.

Mr. Belden reviewed the subject Land Use Plan amendment application. He noted no justification has been provided to rationalize why this subject property in particular is the best location in the City to provide additional housing. The subject site is poorly suited to accommodate medium density residential development due to its poor access, no mass transit, and lack of connectivity to commercial centers. Rather than reducing the City's current commercial recreation land use acreage, the City would be better served by increasing residential density along the established traditional commercial corridors. Population projections used in the application do not reflect more recent projections which indicate lower growth. The Staff report indicates that current housing stock coupled with previously approved development applications would be sufficient to accommodate projected future growth. As previously described, the proposed amendment is inconsistent with several objectives and policies contained in the City's Comprehensive Plan and the Broward County Land Use Plan. The subject property is located over half a mile from the nearest transit service road and the surrounding Future Land Use of low density residential is not conducive to supporting high quality transit service in the area. As a result, nearly all trips generated from this site will be made by personal automobiles. The current land use pattern heavily relies on the use of automobiles which has lead to a number of problems experienced locally and regionally. The proposed amendment will exacerbate these problems by allowing for greater residential density in an area not served well by mass transit. The City and County have adopted policies and strategies to support mass transit, transit housing, encourage redevelopment and leave density along existing streets and corridors and discourage greater density on properties that do not have adequate access to transit facilities such as the subject site. Approval of the proposed amendment would be contrary to the adopted City and County policies and this overall planning effort. There are also several compatibility issues that have been discussed, and Mr. Hall is of the considered view that these have not adequately been addressed including the density, height, character and visual impacts to the neighborhood. Additionally, the Land Use Plan Amendment is inconsistent with the Jacaranda Neighborhood Design Element, specifically to continue the basic current pattern of land use and zoning. Upon review of the Staff report, Mr. Belden fully supports Staff's analysis and recommendations, as it was very comprehensive and Staff obviously did a very thorough job.

Mr. Poliakoff stated the last thing he wishes to emphasize was that one thing that keeps coming up when speaking with the residents, and that is that the applicant has not been a great corporate citizen, and is not someone the residents can call to have their needs addressed. There have been calls regarding the drainage issue

at the Trellises and they were basically told nothing will be done. The lake nearby, which is owned by the golf course and supposed to be maintained by the golf course, is untreated and overgrown. He also noted how the golf course appears from the side maintained by the golf course.

The foliage planted was done in a spiteful manner. When residents used to go out their back doors they had beautiful golf course views. Following Hurricane Wilma and the redevelopment of the golf course, hedges and plantings were put in, which block the backyards. Residents requested the foliage be removed years ago and restored back to its prior condition so that the views could be restored, and this has been denied.

Mr. Poliakoff concluded by stating that if the applicant has failed to meet even one criteria of the Comprehensive Land Use Plan, by law, it cannot be approved. If it violates the Comprehensive Plan, there is no choice but to deny the application.

Larry Leeds, Director of Planning, advised that Mr. Poliakoff provided an accurate summary of items directly from the Staff report and responded to most of the things that were questioned. He did not feel a need to go over the comments again.

Councilman Levy referenced a statement that there were a number of things done after Hurricane Wilma that were not permitted regarding parking lot, drainage, building, etc. He questioned whether Mr. Leeds was familiar with that and whether it was true.

Mr. Leeds advised he was familiar with a change in 2009 where the golf course came in and paved over what was previously a tennis court, which was turned into a parking lot. That was done without City Council permission and without a permit. The other information presented by Mr. Poliakoff took place prior to his time with the City. This came to the City's attention approximately three months ago. A review has been done to determine whether any drainage and paving permits were issued for the Country Club area; however, no permits could be found that specifically referenced the conversion of the tennis court to a parking lot. Mr. Leeds could not answer the question regarding the 18th hole and whether some of the proposed land would have been part of the 18th hole if it had not been refigured, as that occurred prior to his time with the City.

Mr. Laystrom indicated that with the original improvements done after Hurricane Wilma a letter was submitted to the City. An acknowledgement was received by the City as to which permits were required. All of the improvements were done with the City inspecting. Changing a hole is something the golf course does as part of their planning process. When they redid the entire parking lot for years the tennis courts had been closed and were actually being used for storage. They filed for a restriping permit and when attaching the permit you basically put the existing improvement as built there, at least that is what they did. Once they restriped the courts it was done as an overflow parking lot, which is full of landscape. The only permit received was for restriping, which in fairness to Staff, would not have shown whether or not that was going to be striped. It was never paved; it was already an asphalt tennis court, which was painted.

Councilman Levy questioned whether drainage was assessed at that time.

Mr. Laystrom advised the drainage is the same as it was when it was a tennis court. The grass around the tennis court was left the same. When they come through the site plan process Council may have additional requirements that they want to impose as part of that. Since the courts were painted there are no landscape strips between the parking. With regard to the other changes, a letter was sent to Mr. Sabouri basically outlining their work and Mr. Sabouri's letter saying, "Go ahead, here are the permits needed".

Councilman Levy noted the letter was dated March 2005.

Mr. Laystrom advised that was the work that was done on the tennis courts. There is no listing as to how they were going to change the court. The main job they did was recontour the courts, bringing the grass out and putting in the new type of golf grass. They made a number of minor changes, which are listed. From their perspective, the layout of the golf course is their decision based on their architectural needs. There is a portion of the 18th hole on the west. He also had a booklet of pictures both pre and post Hurricane Wilma, which was distributed. They closed both courses and fully renovated them.

In response to Councilman Levy, Mr. Laystrom advised they do not have any intentions of selling the land to the highest bidder after getting the land rezoned. He did not say it could never happen in the future, but stated that typically they joint venture the residential projects because they are not a residential developer. He would probably bring in another residential developer to joint venture. Typically, the golf course owner puts the land in and they put in the infrastructure, and the net profits go back to the golf course. Their intent is to jointly develop the property so Scratch Golf would not walk away once the rezoning took place.

Councilwoman Uria questioned how two different traffic experts have such differences in their numbers and which one is more on target.

Brett Butler, City Engineer, advised that there are design professionals that do their best to navigate through industry standards criteria and attempt to apply them in a box. Sometimes the situation is not always in the same box. Two different professionals reviewed the project from different perspectives. The question is who is looking at it from the proper perspective. Staff falls somewhat in between; therefore, there is a diversity of opinion and position on how volumes of traffic are calculated. He believes the important thing to understand is that there is evidence, even from the applicant, that there is an increase in traffic on the local roadway network. There is a discernable impact to the local roadway network and he would argue that it is not so much the debate over whether the numbers are this or that, but there is in fact an impact and the Staff report suggests that. He is interested in seeing Mr. Hall's criteria and seeing whether the City concurs with that. Notwithstanding that, Staff still stands by its position and traffic safety recommendations.

In response to Councilman Fadgen, Mr. Butler advised that his Staff has reviewed Mr. Tinter's study. He has not seen Mr. Hall's study and is interested in seeing that information.

Councilman Tingom questioned Mr. Leeds as to whether there was any drainage study done with respect to pre and post Hurricane Wilma.

Mr. Leeds was not aware of any drainage studies.

Mr. Butler was not aware of any drainage study.

Discussion was opened to the public. Each resident was given five minutes to speak.

The following residents were in favor of the Land Use Amendment.

Jim Geiger, resident, 250 Jacaranda Drive, Plantation, Florida

Winston Alexis, M.D., resident, 1241 SW 87th Terrace, Plantation, Florida

David Schwartz, resident, 9661 NW 16th Street, Plantation, Florida

The following residents were not in favor of the Land Use Amendment.

Rose Bechard-Butman, resident, 9801 SW 4th Street, Plantation, Florida

Craig Leonard, property owner, 541 South Lake Dasha Drive, Plantation, Florida

Eyal Aviani, resident, 250 Jacaranda Drive, Plantation, Florida

Juan Herrera, resident, 9351 Sea Turtle Manor, Plantation, Florida

Myrna Wolf, resident, 710-2 East Coco Plum Circle, Plantation, Florida

R. Murrell Perry, resident, 9772 SW 1st Street, Plantation, Florida

Mary Perry, resident, 9772 SW 1st Street, Plantation, Florida

Dawn Seay, resident, 8981 SW 6th Court, Plantation, Florida

Mitch Starr, resident, 9800 SW 4th Street, Plantation, Florida

Steve Bloss, resident, 369 Jacaranda Drive, Plantation, Florida

Ron Van Eyk, resident, 711 Conch Shell Way, Plantation, Florida

Russ Mott, resident, 9764 SW 1st Street, Plantation, Florida

Jim Jacobs, resident, 300 Torchwood Avenue, Plantation, Florida

Anna Mesa, resident, 361 Jacaranda Drive, Plantation, Florida

Elisabeth Small, resident, 621 Sea Turtle Way, Plantation, Florida

Owen Duke, resident, 70301 NW 11th Street, Plantation, Florida

Stephen Rottblatt, resident, 8861 North Lake Dasha Drive, Plantation, Florida

John Weeks, resident, 9700 Weather Vane Manor, Plantation Florida

Ernesto Cercas, non resident, 2423 SW 25th Terrace, Miami, Florida (was architect of record for the 19th hole in the clubhouse renovation).

Ron Patorack, resident, 8971 SW 8th Street, Plantation, Florida

Mike Gimbel, resident, 431 West Lake Dasha Drive, Plantation, Florida

Ingrid Watkins, Esquire, resident, 21 Jacaranda Drive, #121, Plantation, Florida

David Lesker, resident, 451 West Lake Dasha Drive, Plantation, Florida

Raymond Sponder, resident, 741 Conch Shell Manor, Plantation, Florida

Lance Lobar, resident, 610 Lake Dasha Circle, Plantation, Florida

Jeffrey Straw, resident, 9330 Sea Turtle Manor, Plantation, Florida

Gayle Morton, resident, 630 Sea Turtle Way, Plantation, Florida

Lewis Druss, resident, 9421 Sea Turtle Manor, Plantation, Florida

Mark Sommerstein, resident, 8708 Mahogany Avenue, Plantation, Florida

Laurence Skolnik, resident, 9621 Conch Shell Manor, Plantation, Florida

Ron McCoy, resident, 8960 North Lake Dasha Drive, Plantation, Florida

Alan Cohn, resident, 8800 North Lake Dasha Drive, Plantation, Florida

Motion by Councilwoman Uria, seconded by Councilman Levy, to continue the meeting. Motion carried on the following roll call vote:

Ayes: Fadgen, Levy, Tingom, Uria, Bendekovic

Nays: None

Bruce Cynamon, resident, 500 West Lake Dasha Drive, Plantation, Florida

Joel Berman, resident, 510 West Lake Dasha Drive, Plantation, Florida

Bill Peeples, resident, 220 Torchwood Drive, Plantation, Florida

Larry Sherberg, resident, 540 Sea Turtle Way, Plantation, Florida

Leslie Brown, resident, 9501 Sea Turtle Drive, Plantation, Florida

David Schulman, resident, 9513 Sea Turtle Drive, Plantation, Florida

Mr. Lunny suggested the public portion of the hearing be closed by motion and then close by a second motion the participants – legal counsel.

Motion by Councilman Fadgen, seconded by Councilman Tingom, to close the public hearing. Motion carried on the following roll call vote:

Ayes: Fadgen, Levy, Tingom, Uria, Bendekovic

Nays: None

Mr. Poliakoff emphasized the main thing Council needs to look at when voting is the Comprehensive Plan. If the members of the City Council agree that the applicant failed to meet every one of the criteria or even one of the criteria of the Plantation Comprehensive Plan, by law this application must be denied.

Mr. Laystrom responded to some of the comments made by residents as well as Mr. Poliakoff. The tax base issue was not something that he raised. The numbers provided are today's numbers; they will actually be out of the ground five years from now. He would guarantee the revenues indicated in the original submittal to the City. They have agreed to the impact fees, assessments that may be brought up in the future, which can also be put in writing. There was some comment as to restrictions on how the money is used; he understood that this is part of this approval and that they would be required to submit a yearly report as to how the revenues are spent.

With regard to the Clean Hands Doctrine; although, it is not an issue for the Land Use criteria, he addressed it anyway.

The maintenance area was maintained by the Jacaranda West Homeowner's Association and the residents on their side for several years up until the property was purchased approximately two years ago. They were maintaining the property because they were using that side of the lake for their docks and pumping systems for irrigation. Before they acquired the property that was the deal that was there; there is not a written document. It was clearly maintained for a long period of time. Once they were notified about the maintenance, they hired rangers. They do have to look at the far side of the lake as to what will be done with everything there since it is now their property and their liability.

The tennis court is another example. Residents commented about situations where some of the patrons were parking on those homes on the west side. The owner took it into their own hands to take the tennis court area, clean it up and place the cars on there; they did not put an inch and a half of asphalt as someone indicated; however, they will meet with the Engineering Department and look at it. The City did a good thing in creating the Veltri Tennis Center; however, it has an indirect impact (regardless of whether the City wants to agree or not) and that indirect impact was negative as to the applicant's tennis courts, because they could not charge what they needed to charge. As with the Plantation Preserve, they do not pay any property taxes.

Jacaranda Country Club is one of the largest tax payers in the City of Plantation and they are attempting to preserve their ability to maintain the course and move forward. For those who think they do not do a good marketing program; that is ridiculous; from their perspective they do nothing but do golf courses and golf course marketing. They advertise in the papers. During at least two homeowners associations that he spoke with, there were at least five or six people who suggested they should get memberships just as part of being there for free. That was one suggestion received. From a marketing standpoint, they try as hard as they can.

In fairness, they compete against the Plantation Preserve every day. The Plantation Preserve has become a success but it also expanded; it is now a larger facility and now has the ability to handle tournaments they used to handle, as well as golfers and memberships and things that many public courses really do not do. Competition is fine; they are just asking to level the playing field. From their perspective, if you do not have to pay the \$350,000 a year in property taxes and other things, it allows that competition to get out of balance.

This is about maintaining the course for the entire neighborhood. The course itself lends value to every home. They put \$14,000,000 into redeveloping the golf course. They are sensitive to the residents and are trying to create a buffer around the course.

The Land Use Plan Amendment boils down to compatibility. When discussing traffic he believes the difference in the numbers is the average daily trips versus peak hours. They have proposed improvements to the sidewalk on Jacaranda Country Club Drive, they proposed a means to come up with some way to improve Gatehouse Drive, they have proposed improvements to the Gatehouse intersection and have proposed improvements to Jacaranda Country Club Drive at the intersection with Broward Boulevard. Those are all benefits for them as well as the residents. He is happy to look at Torchwood Avenue. With regard to drainage, permits were pulled for a drainage study. Typically the drainage study for this project would be part of the Site Plan approval, which they fully intend to do. If the City requests them to extend the drainage study beyond the physical area of the Land Use, they are happy to do that. The permits pulled included Engineering permits for the improvements that were made; therefore, he will find it hard to believe that the drainage issues were caused by the work on the golf course as opposed to pre-existing.

Councilman Fadgen commented that it sounds like Scratch Golf is willing to come off of their 229 units and he questioned of Mr. Poliakoff whether there is a middle ground.

Mr. Poliakoff advised this is not "Let's Make a Deal"; the application submitted is for 16 units per acre.

Mr. Lunny suggested a motion to close all participation in the hearing be made so that the decision making can begin.

Motion by Councilman Tingom, seconded by Councilman Fadgen, to close all participation in the hearing. Motion carried on the following roll call vote:

Ayes: Fadgen, Levy, Tingom, Uria, Bendekovic

Nays: None

Mr. Lunny disagreed with the legal conclusion made by counsel for the homeowners in terms of the application of the Shindell Pinecrest Lakes case. That case was a site plan that was determined to be inconsistent with the Comprehensive Plan and in this case, you are determining whether to amend the Comprehensive Plan and do not need to deny it if every single criteria is not met; Council has flexibility and discretion.

Councilman Levy questioned whether Council was voting to transmit this rather than voting to approve.

Mr. Lunny advised if the vote is to approve the first reading of this ordinance the legal affect of that will be to transmit the ordinance to various agencies for intergovernmental review. This will involve work by Staff and the developer as well as monitoring by the homeowners. If Council chooses to deny this at first reading, meaning not approve, there is nothing to transmit and the issue is over for a one-year period.

Councilman Fadgen commented that Council has a duty as the elected officials to all of the residents and property owners to be fair to each party when there are competing interests. Over the last year he has heard from many of the residents some of the important issues that are of great concern. The applicant has proposed an addition to the 229 units, and has proposed allowing the City to decrease the number of units and in conjunction with that, proposed a number of improvements that have some value to all of the residents, such as road, sidewalk and drainage improvements. That should be something to consider. He is fearful that a decision may be made and it will be a victory for one side and a defeat for the other but it will not put an end to the issue. He preferred not to make a decision tonight, as there may be some middle ground.

Councilman Levy indicated that tonight's decision will affect a great deal of people. A decision needs to be made and we are all in this together. His concern was whether this development is compatible with the neighborhood and whether it creates a positive benefit in order to amend the Land Use Plan. We are here because the City has a Comprehensive Plan, which is usually reviewed every ten years. In his opinion, the development is not compatible with the neighborhood and does not benefit the Land Use Plan in any way in order to go through the amendment process. He does not want to be one of the people responsible for making this neighborhood a mini megalopolis, as it is not a positive addition to the neighborhood.

Councilwoman Bendekovic advised that Plantation has a quality of life because the standards have been kept in place. She felt that a decision should be made. She cannot support the change in the Land Use, as it does not fit. She appreciates all the experts but believes this development would significantly increase the neighborhood traffic pattern.

Councilwoman Uria believed that a vote must be done and she concurred with Councilman Fadgen, that rational, prudent decisions need to be made. The City has attempted to promote increased density in the Midtown District and she did not believe that this type of project should be in that area.

Motion by Councilwoman Uria, seconded by Councilwoman Bendekovic, to DENY the first reading of the ordinance. Motion carried on the following roll call vote:

Ayes: Fadgen, Levy, Tingom, Uria, Bendekovic

Nays: None

Councilman Tingom did not feel the development would be compatible with the area around the golf course. He had a great deal of empathy for the residents and could not support the project. He supported the motion to deny.

Mayor Armstrong suggested Council make a couple of observations. She has sat through three 3:00 a.m. meetings on golf courses during her tenure in the City and commended all in attendance for sticking with it, for being courteous and polite in listening to all of the presentations. It is extremely heartening to hear the positions being taken on behalf of the planning, the Comprehensive Plan and the initiatives that were put in place for this community back in the 70's. There has been a consistent effort for many years to understand what the vision was for this community that was put in place, in terms of how to see it develop, how to blend the commercial with the residential, how to keep it positioned such that this is a great place and a place where people chose to live. She has strong opinion as to why this transmittal should not be forwarded at this time. She does not think it fits. The arguments relative to suffering from Plantation Preserve's competition and application's compatibility with the neighborhood do not hold any water as far as the application is concerned. She hopes that the Council will recognize that renewal is something we are all looking for. Changing and moving away from the Comprehensive Plan and the neighborhoods that were put in place would not be a movement in the right direction.

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QUASI JUDICIAL CONSENT AGENDA – None.

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QUASI JUDICIAL ITEMS – None.

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COUNCILMEMBERS' COMMENTS

Councilman Levy thanked Council for appointing him to represent the City of Plantation at the Florida League of Cities convention. He did go and vote for the City of Plantation. He plans to go to the National League of Cities in San Antonio, Texas in November 2009.

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Councilman Tingom appreciates the staff reports on this issue; they were very thorough and very well done. He believed staff should be complimented.

Councilman Tingom visited Tropical Elementary School where he distributed 150 dictionaries to third graders.

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Councilwoman Bendekovic wished all of the Jewish residents a happy holiday.

Councilwoman Bendekovic requested that Council support a Resolution for a Plantation Middle School International Baccalaureate Program. Plantation High School received an International Baccalaureate Award Program two years ago and they would like support in getting a Middle School Baccalaureate Program, which would be a feeder into the high school. Staff has advised that they will integrate the Literary Arts program into the middle years.

Resolution No. 10691

RESOLUTION urging the School Board of Broward County to approve the creation of an International Baccalaureate magnet program for Plantation Middle School, providing findings, providing directions to the City Clerk, and providing an effective date therefor.

Motion by Councilwoman Uria, seconded by Councilman Fadgen, to approve Resolution No. 10691. Motion carried on the following roll call vote:

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

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Dennis Conklin, resident, announced the birthday of the United States Constitution, September 17th. He wished the United States of America happy birthday in the constitutional form.

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WORKSHOPS – None.

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Meeting adjourned at 12:57 a.m.

Diane Veltri Bendekovic, President
City Council

ATTEST:

Susan Slattery
City Clerk

RECORD ENTRY:

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

Susan Slattery, City Clerk