

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

July 11, 2013

The special meeting was called to order by Councilman Robert A. Levy, President of the City Council.

1. Roll Call by City Clerk:

Councilmember:	Jerry Fadgen
	Ron Jacobs
	Robert A. Levy
	Lynn Stoner
	Chris P. Zimmerman
Mayor:	Diane Veltri Bendekovic
City Attorney:	Donald Lunny, Jr.

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2. The invocation was offered by Councilman Fadgen.

The Pledge of Allegiance followed.

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CONSENT AGENDA – None.

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ADMINISTRATIVE ITEMS – None.

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LEGISLATIVE ITEMS

Mr. Lunny read Item No. 3.

3. Public Hearing and First Reading of an ordinance of the City of Plantation, Florida pertaining to the subject of Growth Management; rezoning 14.3 plus or minus acres from “OP-P” (Office Park – Plantation District) to “SPI-2” (Plantation Midtown District); in accordance with the City of Plantation Comprehensive Zoning Ordinance, Chapter 27-681; and assigning 287 flexibility reserve units to the following described property located in Flex Zone 75 so as to permit the construction of 287 multi-family dwelling units without amending the City Comprehensive Future Land Use Plan for property within the City of Plantation, Florida; with such property being located at 8021 Peters Road and described as a parcel of land in the east one-half of Section 9, Township 50 South, Range 41 East, said

parcel including a portion parcel, according to the Plat of Jacaranda Parcel 817 as recorded in Plat Book 143 at Page 1 of the Public Records of Broward County, Florida, and being more particularly described in the legal identified as "Exhibit A" to this ordinance; providing findings, providing a savings clause; and providing an effective date therefor. (Crossroads)

Mr. Lunny provided an overview of the waivers requested.

When this item was considered by the various City Boards and Committees the Review Committee had no objection to the project moving forward for further review. Recommendations for approval or denial are not made at Review Committee. Landscape Planning and Review Board unanimously denied this project. The Planning and Zoning Board, according to the staff report, the site plan elevations and landscape planning review hearing approved the matter subject to the applicant working with staff to resolve the setback, design, landscape and traffic study issues and staff on page 5 of the memorandum commented about some of those issues being resolved and some of those issues not being resolved that Council might wish to look at. In terms of the change of zoning, that matter was approved unanimously by the Planning and Zoning Board on May 7, 2013.

In response to Councilman Zimmerman, Mr. Lunny indicated that this came before Council a few months ago for a map amendment. Council approved the map amendment and that is still pending. A comprehensive plan amendment is also needed with Broward County and we need to collapse the flexibility zones, which the council previously indicated that they would consider in order to accommodate this and other projects.

Councilman Fadgen mentioned waiver #12; northern façade 19.2 minus 32 feet.

Attorney Bill Laystrom was present on behalf of the applicant. He advised that the land use amendment process is currently pending in front of the County; it also has a State review in addition and then it will come back to Council, he believes in September or October 2013. The combining of the flex zones was approved by the City Council in December and the City makes an application to Broward County for the combining of the flex zones; it does not assign any flex zones it just means that all of the units are now in a much larger area, and that is currently pending in front of Broward County. That will also have to be in place before they have their final reading. Because of the way the development process is set up with these stacked approvals, they have made all of their applications at one time with the goal that at the end it will conserve staff time, Council's time and their time, and will end up with one final hearing with all of the items on the same agenda. This is a 4.3-acre site immediately west of University Drive, behind Publix; the site is currently vacant. They have combined the site for the purpose of the land use amendment with the adjacent office building to the north. For the purpose of rezoning it is reflected as 14 acres as is the flex unit allocation; both sites were combined into a master plan with a residential portion and they have no intentions to change the office portion. They are proposing connections to the office; they anticipate one or two between their property and the property to the east. They have submitted a traffic warrant study for a traffic light at SW 80th Terrace. They recently heard from Broward County that they have accepted that warrant analysis to allow a light to be placed at SW 80th Terrace, which will be at the intersection east of LaQuinta and west of this site to provide lighted access for their side as well as for the office parks on the south side; it is located east of Temple Kol Ami where the office park, Jacaranda Park of Commerce, also exits onto Peters Road. The light will have to be installed at the same time the project is done so it provides access for us as well as for the rest of the public. That was the traffic issue that was discussed in the staff report with the balance of the Engineering comments. They are in agreement with those comments as well as the traffic comments. The traffic light will probably cost between \$200,000 and \$350,000 and they are anticipating that in some respects they will have to shoulder the majority of that if not all of it. They do not anticipate and are not requesting that the City pay for a portion of that; they will approach other property owners but he is not confident since it is built out that it will happen.

In response to Councilman Levy, Mr. Laystrom indicated that this project will generate about \$250,000 in taxes for the City of Plantation. The office building would do approximately \$40,000 in taxes annually. The overall cost of the project is estimated at about \$49 million.

Mr. Laystrom stated that they anticipate having 200 to 350 jobs during construction. Once we are a rental facility staff will be between 10 and 15 people.

Fred Caroso (sic), architect, was present. After discussion of providing additional movement of the front elevation from Peters Road, the idea is to take some of the residential units and bring them out approximately four feet, creating elements that will tie the building down closer to the sidewalk so there will be a feel for the pedestrian environment. The possibility of bringing those units closer to the sidewalk was previously discussed. The building will be one-story, two-story and in some cases three-story.

Mr. Laystrom advised that is an alternative to be considered. With regard to the traffic light, the warrant study showed that the light is needed with or without their project; therefore, a discussion is that they generate a portion of traffic that will be using that light but ultimately they are paying for 70% up to 100%.

Councilman Fadgen mentioned the four-foot setback and questioned if that is only on the upper floors.

Mr. Laystrom stated it is on the bottom. They basically make a shelf come out at the bottom to provide depth as part of the upper floors.

Mr. Caroso commented that extensions will happen on the first and second floor and in some instances on the third floor to create the foundational movement as the building meets the ground.

Mayor Bendekovic noted that the setback is not met so living rooms would almost be on Peters Road. She questioned whether impact glass is being installed.

Mr. Laystrom indicated that they would be four feet closer to Peters Road. He stated that impact glass will be installed. There is a small courtyard in front.

Mr. Caroso explained that the front of the building varies in distance from 40 feet from the edge of the road to the shortest after a lane being dedicated as a right turn. The distance from the face of the building to the curb line is approximately 25 feet. The idea of the extension of those units is bringing them closer to the road; however, they will not be any closer than 20 feet from the edge of the road.

Mayor Bendekovic expressed concern that it will look like the project on NW 5th Street.

Mr. Laystrom advised that the purpose of this process is to get opinions. He stated that on an average, other than where the turn lane is, one thing they can look at is the possibility of whether they want to keep the turn lane. From their perspective it is not required but they thought it was a nice way to enter the project. If they move it back a foot and do not do the step back they can do that; it would only be a foot or two.

Councilman Jacobs questioned whether the worst case scenario without the turn lane was 37 feet.

Jon Auerbach, Stiles Corporation, was present. A sheet was distributed that shows all of the step backs from all of the different ways to measure. The waiver they are currently requesting is the way the code dictates that they measure. When looking at the code number from the lane of traveling of traffic it certainly exceeds that. It is

different from the first floor to the second floor depending on balcony locations. They took a weighted average over the entire façade to give an idea of how this building truly relates. The option presented has to do with additional comments they received regarding the way the face of the building and the architecture of the building is. There were also questions such as whether some relief can be created to the façade. Their response was yes but that makes the setback issue worse. If Council would like to see the façade issue enhanced with additional relief or setback and/or if not, they want to get as much setback as possible. In working with staff, they are very consistent regarding implying the code against the project and using the code to govern their comments. They are trying to better communicate the distances they are talking about from the roadways, travel ways, turn lanes and the sidewalk. Additional right-of-way dedications have to be made as a result.

In response to Councilman Zimmerman, Mr. Auerbach stated that the site plan does not include the extra four feet; you would take four feet off of the numbers shown in the areas where they would have some relief off of the façade.

Councilman Zimmerman commented that the building goes up six stories and the suggestion is that it be extended four feet for three stories so there is some relief.

Mr. Auerbach advised that the code requires the 40-foot setback. They have tried to meet the intent and get close to that number so the four-foot additional encroachment into that setback makes that number a little worse. There are in and outs to the façade so it is not one blank wall going six stories tall for any distance; there are balconies and windows. The building face moves back and forth.

In response to Councilman Fadgen, Mr. Auerbach stated that the 40-foot setback begins on the property line on the easement side.

Mr. Leeds explained that the setback is measured from the property line which is generally the back of the sidewalk; the property owners side of the sidewalk.

Mr. Laystrom indicated that if you grant to Broward County the turn lane property the property line then moves in. If it could be given with an easement they would still have the 12.5 to 15 feet for the turn lane; however, Broward County only accepts dedications not easements.

Councilman Jacobs noted that his concern with the setback is that this building is hovering over the road. According to the plans, it looks like the building will be about 50 feet from the road. He is uncertain whether a six-story building 50 feet from the road is too much.

Mr. Auerbach agreed; a majority of it.

Mr. Laystrom stated that the building will have landscaping in front. The reason the building is 40 feet instead of 100 feet is because the idea of Midtown was to bring things forward. They believe they are very close on the gross measurement and in looking at the average measurement they are over the minimum. If the step back is done they would be moving closer and that might not be something that Council wants. In fairness, staff has not looked at a step back; it was offered as an architectural alternative. He distributed a sheet regarding revenues. The Midtown tax will be whatever the millage is that was recently set. With regard to units, the City of Plantation has a provision that requires units to be measured paint to paint, which is basically an interior measurement. The industry has always measured units from the outside wall to halfway to the interior hallway wall so there is a difference in the way units are measured. The units proposed are very similar to One

Plantation where the rent is between \$1,600 and \$2,300 per month. They are 47% full on the first building and the second building recently opened for leasing.

In response to Councilman Levy, Mr. Laystrom believes that the size of the apartment is acceptable and thinks that would be found anywhere else in a quality, top notch, high end unit. Generally the units run from 670 square feet to over 700 feet.

Councilman Fadgen referenced the unusual way the measurement is done for the square footage and he questioned the standard.

Mr. Laystrom advised that the standard in their industry from the outside edge of the outside wall to the center of the hallway.

In response to Councilman Fadgen, Mr. Laystrom indicated that as far as they know the City of Plantation is the only city that goes paint to paint. With regard to rent, it will be the same or higher than One Plantation Place.

Councilperson Stoner stated that there is nothing she likes about this project. One of the reasons she voted against it is because she is real concerned about how all of the rentals will look in ten years. She is also concerned about the impact of the safety of our safety providers of our Fire and Police and the services that we bring. While we concentrate so much on residential in that area we tend to draw on already short services of people and staff to congregate in that area. When the Midtown concept was put together there were no design concepts or architectural elements set forth as to how you wanted some continuity to the look and feel of Midtown. That was one of the things that Councilman Zimmerman suggested having a workshop on in order to put something in place. To her, this is just a plain building. The request is for everything to be smaller than the requirements and it is not just a little, it is a lot. The minimum for the pedestrian path is supposed to be eight feet and the request is five feet. Three feet of a path is a lot if two people are walking or bicycling.

Mr. Laystrom advised that with regard to the pedestrian path, there are existing five-foot sidewalks that they asked to remain in place.

Councilperson Stoner commented that the bedroom is like a huge oversized garage. This is one of the few projects that have no trade off that makes her want to see this.

Mr. Laystrom indicated that the impact fee would cover the capital side of the project and tax dollars are intended to cover costs associated with Fire, Police and EMS services. They are always willing to work on the architecture. As far as Midtown, we need to get people down there. He believes this is the way to go and in ten years he thinks the commercial will be popular. He agrees on the architecture; there were never any guidelines and they are creating their own design. From his perspective, they will continue to work on the architecture as well as the sizes but he does not think they are changing unit sizes any way they would not have been seen in the first place. By the next hearing he will provide data from other projects throughout the County for multi-family projects. From a standpoint of trying to come up with a plan, they try to put something in perspective of what the market demands.

Councilperson Stoner mentioned the rents and is not sure how long the market can sustain those rental dollars, which are very high, except for a token group of people.

Mayor Bendekovic stated that impact fees did not come under municipal roads; it was Parks and Recreation and Police, etc. That should not be taken into consideration because she believes that the County demands a certain warrant on traffic lights. She questioned if two warrants are required on the traffic light.

Mr. Laystrom advised that only one warrant is required if they accept it, which they did.

Mayor Bendekovic noted that it should not be comingled with our impact fees because impact fees do not cover that; it covers other issues. A mention was made that no one would notice the difference from the outside wall on the inside walls on the measurement and suggested that they go with it if the difference will not be noticed. If the difference in size is not noticed when measuring from the two outside walls whereas we want measurements from the inside walls why not go with the City standard.

Mr. Laystrom indicated that construction wise the difference would be noticed. If they took each unit and went with the City standard, the building would be expanded into the setback.

Mayor Bendekovic stated that if the number of units were decreased it would not expand into the setback. If the number of units are reduced by 50 or so units you would be able to have that size of a unit.

Mr. Laystrom commented that it will not work that way because six inches of a side would be taken off. In order to do that basically the entire face of the building would be removed. They cannot pull out one unit and have all of the others adjusted to absorb the square footage.

Mayor Bendekovic agreed with Councilperson Stoner, the investment is there but she does not know if the demand for the rentals is there. She did a survey and currently we have existing and soon to be completed 1,602 units that includes Veranda II; we have site plans in process which are 536 units that is Camden and Crossroads; then we have the proposed ones that are 321 North with 720 units; Quality Inn redevelopment is 150 to 250 and that totals 3,145 units; that is a lot of demand. She questioned whether a market study was done on all of the surrounding areas. She is disappointed in what it has come out to be in many areas; it does not seem to fit. If a lot of the units are removed maybe she would like to see it less dense. The traffic and movement is very congested; it is too much.

Mr. Auerbach explained that renters have many choices where they choose to live. In the last cycle the Broward County rental number was about 56,000 units. Some of the best quality of those rental projects ended up converting to condominium which is what happens when the market gets overheated. He believes 7,000 came out of that pool. Every year the Broward County market can absorb 3,000 to 4,000 units every year but for a long portion of that time nothing was built because it was all built as condo. High end rental was non-existent. Over the last few years high end rental properties are being developed into the market. If someone chooses to live in the nicest apartment because they do not want to buy they have ten choices in Broward County that is a professionally managed rental property that is not a condo. They are meeting the market demand; the market is there. In the beginning of a project they anticipate 30 move ins and then it tapers down as the project goes. They have done very well on their leasing numbers with One Plantation Place and they think that the market is there to absorb this. What has actually come online for the last three to five years is not enough to meet the demand. One reason for high rental numbers is because people want the units and they are willing to pay to be in these units. There is not a lot of single family home development coming in Broward County and there is no land resource and there will never be. The vision of the Midtown bringing density to our City and to supporting businesses and the lifestyle that is hoped is working and it is there. He does not know how much the look matters in terms of the vision of the fact that you want to bring that density to a certain place within the City.

Mayor Bendekovic advised that the south district was never designated for that land use; it does not support. You support everything that the Midtown concept has with the units but one area not supported is the specific objections of the south business district plan. It does support the general objectives of Midtown; it supports the high density but it does not support the vertical mixed developments. The applicant also needs to address the pedestrian connectivity.

Mr. Laystrom stated that when the City started looking at the Midtown concept the Broward Mall was struggling, the Fountains were not redeveloped and the Fashion Mall was in serious decline. The effort was to recreate our downtown area so it was not like many of the commercial areas on State Road 7. This is an attempt to bring the redevelopment back down. When talking about only the units are being built, that is not correct. Edens is in and that shopping center is going to benefit from the residents in this area. He does not know that the redevelopment occurs without them seeing what is going on in the corridor as a group. There is a small redevelopment at Broward Mall, which is the movie theater. He believes there is a lot more that can be done there and now the Fashion Mall is saying they want to do something. Prudential is one of the lenders on this project and they only take long term holds. With regard to the loading zone waiver, that is a waiver they customarily request. They have requested a waiver for the park impact fees only to the point when they get a building permit then they will pay them as part of the building permit, which is a normal request. A pedestrian access plan was put together. Access was important to the Planning and Zoning Board. They are in a central location and have provided inner connections to the Carrabbas and Publix shopping center. They provided walk paths out to SW 80th Terrace up to the Fountains and a treatment will be done to get across into the Fountains shopping center. There will be crossing ability at the light. The design of these will be shown at the August 14, 2013 meeting. They have already agreed to put the entrances in; they are working out the exact locations to least impact the parking lot and existing parking. He stated that Mayor Bendekovic was correct; this is not part of what is included in the City impact fees; they are not suggesting that the City discount them so they do not have to pay impact fees. They will put it wherever it is most appropriate but if they are going to have an expense that is beyond their share of the expense they would like a credit against the impact fees. The light should be in a budget somewhere for future installation whether or not they were being developed or not. Everyone should be paying their share for that light.

Mayor Bendekovic questioned how many flex zones are in Midtown and how many would be left if they do the flex zones.

Mr. Leeds advised that we are basically out of units; we have about 226 units left in Midtown Flex Zone. Midtown is located in Flex Zone 75; it is a large area; it is a subset of 75. Currently there are 226 units left. We have 287 requested with this project; we have an additional 59 to expand the Camden project and there have been some preliminary discussions about an additional 200 units at the Quality Inn that is not in Midtown; it is on University Drive. We are close to the end of the flex zones. The flex zone merger is a pool and it will create about an additional 750 units minimum. That process, if it is approved by the County, will take at least four to six months. We have the ability to create more units but that is a different question from is there a market saturation point as we continue to build. Midtown was originally approved between 2002 and 2025 to accommodate 3,900 units. There is no distinguishing in the Midtown plan as to the type of unit. In the market study of the Midtown plan there is a reference to a combination of rental and for sale.

Councilman Zimmerman commented that he has the same concerns as Councilperson Stoner regarding the architecture. He has not seen anything on the back garage and is concerned what it will look like. As a clarification, the unit measurement center line and outside is a standard practice in the industry and he does think that some of the codes need to be reviewed. Mr. Laystrom is correct; it is center line to outside wall and that is about 50 square feet. It is not that big of a difference in square footage of units. He is concerned about

pedestrian access. A lot of projects are coming before Council regarding Midtown. At the moment he is not for or against it. If he had to vote he does not know how he would go. As a Council, we have an opportunity to change or modify what we are thinking about. This could benefit the City; there could be a real positive to economic growth. There are also a lot of negatives.

Motion by Councilman Zimmerman, seconded by Councilperson Stoner, to table Item No. 3 and wait until Council has a workshop to understand more about the Midtown plan and what development is expected to be. There was no vote.

Councilman Jacobs commented that if the item is tabled it will die and probably never come back. He believed it would be better to continue to a date certain.

Mr. Lunny advised that if it were continued to a date certain at least some of the advertising expenses would be saved.

Mayor Bendekovic indicated that the workshop will have to be sometime in August.

Councilman Jacobs questioned if we can go forward with some of this. He has heard concern on more of the architectural. We have to deal with the flex zones and he questioned if we approve the flex zones if they would be lost if they are not used in this project.

Mr. Leeds stated that there are only 226 or 227 flex units. If they are assigned to this project then we have to remember that Camden wants 59 additional flex units and are they bumped because the 226 are assigned to this project.

Councilman Levy preferred not to discuss flex zones because of the limitation.

Mr. Lunny advised that flexibility units need to be assigned by adopting an ordinance and that takes two readings. Tonight is First Reading. Even if the ordinance is approved at First Reading there would still be no assignment. The project requires 287 flexibility units as currently proposed and there are an insufficient number of units in this zone to support that assignment. Even adopting an ordinance saying we are going to assign 287 units is contingent upon the County Commission approving the application to consolidate the two zones.

Councilman Jacobs commented that if enough Council members have a problem with a concept then it can be stopped now but if there is not a problem he believes as much of the process should be kept going and deal with the concerns. He understood the concern to be site plan and architectural, not the concept.

Councilman Levy stated that density has to be addressed.

Councilman Jacobs noted if there is a density issue it should be discussed. He believes this fits in with the Midtown plan. He questioned if there are any candidates in Midtown that want to change from office to residential.

Mr. Laystrom indicated that there are none stirring around but at some point in the future you might want to consider something like the Broward Mall. It has been mentioned several times and they have rejected. There is also the Fashion Mall. He represents the property at the far end which is the Holiday Inn. That has been at least a discussion because the question is what else can they do; it does not work for industrial or office and

with commercial they are stuck with a long thin property. He does not think there will be any other candidates. With regard to this project, either way you would take action is acceptable; it would save some time.

Councilman Jacobs mentioned density and stated that other than the projects in the pipeline and the Fashion Mall there probably will not be much more.

In response to Councilman Jacobs, Mayor Bendekovic stated that there are site plans in progress with 573, which is Camden and Crossroads; the existing and soon to be completed is 1,602 that include Veranda II. One of the proposed projects is 321 North; they want to do it in phases and come in with 720 units. Quality Inn is being discussed and they are looking at 150-250 units. The total is 3,145 units. Metropica wants 2,000 units and Davie currently has 1,424 units; that has nothing to do with Midtown.

Councilman Jacobs commented that if there is a concern with density that is legitimate; he does not currently have a concern.

Mayor Bendekovic stated that if this is going to take four months to get perhaps a workshop would not have to be done as soon as August.

Mr. Laystrom advised that if Council passes the operational ordinances on First Reading they can be deferred for four months to give plenty of time to look at the Midtown because they will be participating from the standpoint of watching how their site plan should reflect thoughts on Midtown.

Councilman Zimmerman noted that they are really talking about Item #3 with the Legislative Items. Councilman Jacobs' recommendation is to look at this and pass this because it will take two readings and that is the one that is four months away and then we could actually defer Item #6.

Councilman Jacobs indicated that it would be deferred to a date certain to preserve the advertising.

Councilman Zimmerman withdrew the motion.

Motion by Councilman Zimmerman, seconded by Councilperson Stoner, to approve Item No. 3 for the flex units. Motion carried on the following roll call vote:

Ayes: Fadgen, Jacobs, Stoner, Zimmerman, Levy
Nays: None

Mr. Lunny indicated that at some point Council may say that this density is not going to work and give a number that is believed to work so they can determine if the project is still feasible. In terms of what you are doing is procedurally proper.

Councilman Fadgen commented that we need to have the Metropolitan Planning Organization get on their roadway plan and bridge across the New River Canal cutting through the central business district going down SW 80th Terrace across Peters Road down to the canal and having a bridge that would take the traffic from the Midtown to the service road at I-595 to go west and east and people coming from the west making a U-turn at University Drive and entering without going on University Drive or Pine Island Road. This is not part of this project but it is part of the congestion that we need to solve and the only way to do it is to get Federal money.

Councilman Jacobs stated that we can start working on getting it on the transportation improvement plan.

Councilman Levy advised that most cities go for a slowing down of the traffic, not taking the traffic away. As people drive slowly on University Drive they are seeing what is around them and they are stopping and shopping. If people are taken to I-595 without going through the central business district then you are taking away a lot of the business for people who have invested and built a business in that district. He would not be in favor of shifting.

Councilman Fadgen is thinking in terms of getting the commuters that are coming to work to get in without having to travel on University Drive or Pine Island Road and people at the end of the day so they can get out. The bridge would be over the canal at the end of SW 80th Terrace. Broward County will get its share of Federal money from the gas tax. In terms of density, he mentioned the Omega and Polynesian; they are four and five stories and this is a six-story. He is concerned about a six-story building in this location. Taking off a floor may take care of the density.

Mr. Lunny advised that there is a new State law that will require that you ask the public to speak every time a proposition is done. Even though it is our custom to make a motion and call the roll we do have to remember that there are some new rules effective July 1, 2013.

Councilman Levy requested that anyone from the public that wishes to speak bring new information rather than the density and aesthetics that have already been discussed.

Motion by Councilman Zimmerman, seconded by Councilperson Stoner, to continue Item No. 6 to October 9, 2013. Motion carried on the following roll call vote:

Ayes: Fadgen, Jacobs, Stoner, Zimmerman, Levy
Nays: None

Mr. Leeds indicated that the zoning change and the land using the flex require notification to property owners within 300 feet. If you hear the site plan alone there is no mailed notification; there is a sign placed on the property. People present at this meeting will not be notified about a site plan that comes back.

Councilman Levy stated that he is happy to notify them if they wish to be notified individually. He knows the people present are active and involved participants in the process.

Mr. Laystrom advised that they will cover the cost of the notifications.

Mr. Leeds believes the site is posted. If a list is provided to the City Clerk they will be notified.

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QUASI-JUDICIAL CONSENT AGENDA – None.

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QUASI-JUDICIAL ITEMS

Mr. Lunny read Item No. 4.

4. REQUEST FOR SIX-MONTH SITE PLAN EXTENSION FOR MIDTOWN 24 – PHASE II LOCATED AT 710 SW 78TH AVENUE.

A Staff Report dated September 25, 2013 To the City Council from the Planning, Zoning and Economic Development Department, follows:

PROJECT HISTORY AND CURRENT PROPOSAL

On June 15, 2006, the City Council approved the original master plan, site plan, elevation and landscape plan for the Residences at the Fountains to construct 478 residential units within two 11-story and two 12-story towers. The apartments were approved in the former parking lot behind Marshalls and the demolished cinema. The master plan property is occupied by retail, restaurant, and residential uses and is located south of SW 6th Street and north of SW 10th Street between University Drive and SW 78th Avenue.

Parking to support the two residential towers was located on floors 1 through 4 and integrated into the building design. Phase II was a “reverse” mirror image of the Phase I building with both buildings sharing an internal entryway courtyard. Phase I was completed on February 29, 2010.

Approved Midtown Phase II: In 2011, the City Council approved a 227-unit apartment building in a 12-story “L” shaped building configuration with a dramatic building entrance and vehicle drop-off area facing southeast into the passive park located between Total Wine and Dick’s Sporting Goods.

Two hundred and twenty-seven (227) units on a 2.34-acre development site equal about 97 units per net acre. The site plan provided an average of 1.82 garage parking spaces per dwelling unit, similar to what is provided at Veranda. The parking garage was open on all sides, but included extensive decorative screening to minimize the visual impact of the concrete structure from the east, west and north.

No apartments were located on the ground floor, which included a retail component and accessory uses including a 2,300-square-foot fitness center. The plan also included an approximate 2,300-square-foot swimming pool.

Residents could not walk directly back and forth between the parking deck and the apartment building. Residents had to take an elevator to the ground floor of the parking garage to enter the apartment building and use an elevator to get to their apartment. The parking garage at One Plantation Place has a similar arrangement.

Proposed Midtown Phase II (Current 2013 Proposal): Camden is the present owner of the Phase II site. The new plan orients the apartment building in an “S” shape, wrapping around both the pool/recreation area facing west and the parking garage facing east. The garage is concealed from view on three sides and is only visible from the east, facing the back of the shopping center.

The new proposal adds 59 units for a new total of 286 units, or about 122 units per net acre. To some extent, the box-like appearance of the building is a result of increased density and reduced unit size. If the flex allocation is approved, total units for both buildings will increase from 478 to 537.

The building entrance is located on the south side of the building across the street from the medical office building. There is no commercial component in the building. 132 of the 286 units do not meet the minimum floor area requirement. There is no City Council history or policy regarding unit size reduction.

The proposed parking garage exterior is lined with apartments on the north, south, and west. The garage is open on the east and provides no decorative screening on the upper floors. Staff recommends the applicant add decorative screening to higher floors above the Marshall's roofline.

- PLEASE NOTE: The Fire Code requires parking garages providing less than 50% unrestricted airflow to provide smoke evacuation systems. Fire indicates permit-level plans and calculations are necessary to determine if the 50% requirement is met. If Fire determines the 50% requirement is not met during permit review, the designer may choose to remove decorative garage screening or install a garage smoke evacuation system. Post-Council building elevation revisions may require City Council approval.

Unlike the prior approval, a resident can walk directly from the parking deck into the apartment building. Garage parking has been increased to 1.92 spaces per unit (subject to staff comments). 1.92 spaces per dwelling unit exceed the requirements of One Plantation Place, Veranda I and II, and existing Midtown Phase I.

REQUEST #1 ASSIGNMENT OF UP TO 286 FLEXIBILITY UNITS

PLEASE NOTE: The City Council may vote to approve part or all of 286-flex assignment.

City Code Section 19-67(C) provides policy considerations that the City uses as part of its legislative review when deciding whether to allocate or utilize flexibility. Exhibit "A" lists the policy considerations and includes responses from the applicant and staff. Exhibit "B" lists the Quality Housing Criteria (also contains applicant and staff responses) necessary to assign flex units. The City Council will be voting on whether or not to assign 286 residential flex units to this site, in place of the previously approved 227 flex unit assignment. Exhibits "A" and "B" are a part of this report.

REQUEST #2: SITE PLAN, ELEVATIONS, AND LANDSCAPE PLAN APPROVAL

If the City Council recommends approval without comment, the site plan is approved subject to all recommendations in the "STAFF COMMENTS" portion of the report.

WAIVER REQUESTS:

The City Council may recommend approval or denial of all waivers. If the Council wishes to approve some waivers and deny others, staff recommends the County vote individually on each waiver. The Council may also approve waivers subject to conditions if they choose to do so. The waivers relate only to the current Camden proposal and not the existing apartment building or shopping center.

- 1)* From: Section 27-624(a)(v), which limits density to the equivalent site area (about 5.3 acres) and allows 132 units.
To: Base density on combined retail and residential sites in the Fountains Complex to allow 286 units.

STAFF COMMENT: *SPI-3 Zoning was written to discourage freestanding apartment buildings in Midtown by limiting density to 25+ or – net site units per acre. The applicant has requested a waiver from this provision to build 286 units. The City Council has granted similar waivers for One Plantation Place, Veranda, and Midtown 24 II, but at fewer units per acre.*

- 2) From: Section 27-689, which requires one-bedroom units to be a minimum of 750 square feet in area and two—bedroom units to be a minimum of 950 square feet in area.
- To: Reduce the size of 86 one-bedroom units from 740 square feet to a range of 600 square feet to 679 square feet (9% to 20% reduction); and
- To: Reduce the size of 46 two-bedroom units from 950 square feet to a range of 785 square feet to 879 square feet (7% to 17% reduction).

STAFF COMMENT: *There is no Council policy supporting apartment size waivers. Based on this, staff cannot support the proposed reductions in apartment size.*

- 3) From: Section 27-624(c), which requires a 20' setback on unclassified streets (NS-1, EW-1 and EW-2);
- To: Reduce north side setback to 18 feet;
- To: Reduce south side setback to 19.25 feet;
- To: Reduce west side setback to 13 feet; and

- 4)* From: Section 27-743, which requires 2,531 parking spaces based on the overall master plan mixed uses;
- To: Reduce required parking to 2,490 parking spaces (a 41-space deficit).

STAFF COMMENT: *This latest plan provides more parking per unit than both the existing Phase I Building and approved 2011 Phase II revision. The 34-space deficit represents a one percent reduction in overall site parking.*

- 5) From: Section 27-742(m)(2), which requires a 25-foot minimum drive aisle width for two-way drive aisles in parking garages;
- To: Reduce the drive aisle width to 24 feet.

- 6)* From: Section 27-747(d)(2), which requires a minimum of six (6) off-street loading spaces;
- To: Provide two (2) off-street loading spaces.
- STAFF COMMENT:** *No objection based on observations of similar buildings with two loading areas.*

- 7)* From: Section 27-626(b)(vi), which requires buildings having frontage greater than 250' in length to provide a pedestrian passageway between the street frontage and the rear of the building.
- To: No mid-building pedestrian passageway.

STAFF COMMENT: *No objection as this requirement is intended primarily for shopping centers providing mid-building access to rear parking areas.*

8)* From: Section 13-40(a)(b)(c)(1) which states no landscaped area shall have any dimension less than five feet.

To: Reduce planting spaces at various locations less than five feet in width.

LANDSCAPE STAFF COMMENT: *Provide minimum five-foot wide planting spaces.*

***Awaiting payment of \$2,000 in waiver fees for 4 of the 8 waivers from applicant. Staff will not commence zoning permit review until all waiver fees paid.**

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; site plan application; Planning and Zoning Board meeting minutes of July 9, 2013; Landscape Planning Review Board meeting minutes of July 9, 2013 and Review Committee meeting minutes of May 28, 2013.

REVIEW COMMITTEE RECOMMENDATION: NO OBJECTIONS to the project moving forward for further review (May 28, 2013).

PLANNING AND ZONING BOARD RECOMMENDATION: APPROVED up to 286 flex units, site plan, elevations, and landscape plan subject to staff comments (July 9, 2013; 5-0). **APPROVED** all waivers except Waiver #2 requesting a unit size reduction (July 9, 2013; 5-0).

LANDSCAPE PLANNING REVIEW BOARD: APPROVED subject to staff comments (July 9, 2013; 6-0).

STAFF COMMENTS:

PLANNING AND ZONING:

Planning:

1. Applicant shall contact Broward County School Board and object an updated Publix School Concurrency Determination prior to the second reading of the flexibility ordinance.
2. Applicant is required to pay impact fees at the Building Department prior to issuance of development permits.

Zoning:

1. **In General:**
 - a. Provide an additional \$2,500 trust account deposit for legal review of Items D and E below.
 - b. The linear park parcel, per the Broward County Property Appraisers Office, is owned by Residences at the Fountains Owners Association, Inc. The applicant has stated in the response letter that the applicant (Camden USA, Inc.) controls the association. Provide documentation indicating Camden USA, Inc. has control of the association. Please provide an owners signature on the application page for Residences at the Fountains owners Association, Inc.
 - c. Provide an owner's authorization signed by both owners allowing ADD Inc. to act as agent for the application.
 - d. If approved, revise the Developers Agreement with the City of Plantation to include the new site plan, change in flex units and any subsequent changes since the agreement was last amended. The Developers Agreement shall be approved by the City Attorney prior to the second reading of the

ordinance assigning the flex units and recorded prior to issuance of any development permits. Estimated developer agreement review time, including applicant revisions requested by the City Attorney can vary from 45-90 days.

- i) The current Developers Agreement requires completion of the linear park prior to issuance of a CO for Phase II. This condition shall also be included in the revised Developers Agreement.
 - ii) The revised Developers Agreement shall establish who is responsible for construction and development of the park as well as the bonding requirements.
- e. The Unified Control Document dated December 28, 2006, was reviewed as part of the site plan review of the combined master plan, mixed-use “Midtown 24/Fountains Shopping Center” project. If approved, the unified control document shall be updated to reflect the increase in residential density (59 more units than previously approved). The document shall be submitted, reviewed and approved by the City Attorney prior to the second reading of the ordinance. Execution and recording of the Unified Control Document shall take place prior to permit approval.
- f. Vacation of easements shall be completed prior to issuance of building permits.

3. Site Plan:

- a. The following dimensions must be included on the site plan prior to permitting:
- i) Provide the dimension from the building to the west property line at its closest point. Staff is scaling at approximately 13 feet.
 - ii) West side: The closest setback from the building to the edge of the curb is not provided. Revise plan.

4. Floor Plans:

- a. Section 27-689, requires one-bedroom units to be a minimum of 750 square feet in area and two-bedroom units to be a minimum of 950 square feet in area. Eighty-six (86) one-bedroom units are shown from 600 square feet in area to 679 square feet in area. Forty-six (46) two-bedroom units are shown from 785 square feet in area to 896 square feet in area. The applicant is requesting a waiver from the required unit size.

5. Elevation:

- a. The perspective views on Sheet A-007 do not match the proposed perspective elevations. Two of the three tower elements have been removed and replaced with a wider tower element above the entrance. Staff recommends maintaining all tower elements on current plan plus adding an additional “minor” tower element to the southwest corner of the south elevation.
- b. The colors are not labeled and color elevations are not provided in this submittal. Staff is reviewing the elevations with the color rendering provided at the Planning and Zoning Board (not provided by applicant in Council application). Staff recommends the applicant submit full size color elevations for comparison with the black-line elevation prints for review and approval by zoning prior to submission of permit-level drawings.

6. Parking and Loading:

- a. Total required parking for the entire Fountains Complex, including the proposed Camden building, is 2,531 parking spaces. The required parking count is based on the following:
- i) Council application of the SPI-3 mixed-use parking code (June 2006) to the Fountains Commercial and Residential complex (The medical office, the hotel, and three stand-alone outparcels along University Drive are not included), plus
 - ii) A 98-space parking City Council waiver to allow restaurants with outdoor seating in lieu of retail in the east-west “main street” buildings at the Fountains (Lime Fresh, Cheese Course and others).

- b. Based on the above, 2,531 parking spaces are required for all residential and commercial uses in the Fountains complex; 2,490 spaces are provided. The applicant has requested a 41-space waiver. Please see Items i-iii below for parking comparisons:
 - i) Midtown 24 Phase I (existing apartment building) was approved in June 2006 and completed in 2010. This building provides approximately 1.43 “garage spaces” per unit, excluding the 20 parallel spaces located adjacent to the building on NW 78th Avenue.
 - ii) Midtown 24 Phase II was approved in June 2011 and provided approximately 1.82 garage spaces per unit.
 - iii) Camden (new Phase II) proposes approximately 1.92 garage spaces per unit with one-bedroom units constituting 60.1% of the total unit count. This most recent plan provides more parking per unit than the June 2011 Phase II approval and the existing Phase I building. Analysis indicates the plan provides the following garage parking:
 - (a) 1 ½ parking spaces for each one-bedroom apartment.
 - (b) 2 spaces for each two-bedroom or one bedroom-den apartment.
 - (c) 5 or more “unrestricted access” guest spaces (lower floors) for each five apartments.
 - c. No reserved resident parking is shown on the garage-parking plan. If the parking waiver is approved, no parking shall be leased or reserved for individual units. Open parking provides maximum resident and guest flexibility within the parking garage.
7. Parking garage (Ordinance 2471):
- a. The minimum required drive aisle width inside the parking garage is 25 feet. Twenty-four (24) foot wide drive aisles are being provided. *The applicant is requesting a waiver.*
 - b. Speed ramps from the first to second floor are 24 feet wide. 25 feet is required. *The applicant is requesting a waiver.*
 - c. Based on limited storage and proposed unit count, provide secure (locked with electronic key or other system) bike storage facility on the first floor.
8. Details:
- a. Note: All rooftop equipment shall be screened in accordance with Section 27-653. Please note 27-653 is not based on line of sight.
 - b. The applicant has provided resident storage on seven floors, but has not indicated how much storage area will be allocated to each unit. Staff has always maintained that resident storage lockers (not including closets in the apartments) are an important amenity. Revise plan to show how these storage areas will be broken up for individual unit owners.
 - c. Applicant has increased the pool size to 23’ x 60’, or 1,300 square feet. Staff recommends a minimum 35’ x 60’ pool for a 286-unit apartment complex.
9. Signage is not part of this review.

TRAFFIC CONSULTANT: No objections.

ENGINEERING DEPARTMENT:

- 1. Please include all of the signing and marking on the site plan. **05-13-13:** The signage and markings at the garage are still missing. There are signs located in the pedestrian walkway that are not defined, please remove. **06-27-13:** The garage has been included. Please make sure the signing and marking on both the site plan and the civil plan match. The signs in the walkway are still there and are also behind a parking space. Please show existing and proposed signs and markings (including crosswalks) on both plans as well. **09-06-13: Please verify the markings at the garage. There are no pedestrian crossing markings or ramps. It looks like they cross at an angle in front of the loading zone, cut through a break in the island and then cross the garage. Please clearly define the pedestrian crossing at this location including ramps and markings.**

2. Sheet A-001C, please show the stop bars at 4" behind the crosswalk, typical. **05-13-13:** Stop bars do not scale at four (4) feet from the stop bar, they scale at three (3), please revise. **06-27-13:** The response states that the stop bars on the plans are "for graphic representation only". This is not acceptable. These plans will become the site plan of record and as such must be accurately represented. Please revise to show the stop bars in the correct locations with dimensions. **9-16-13: They do scale at 4', thank you. Please put a note (typ) on the site plan labeling this dimension.**
3. The disabled parking spaces in the garage are not the correct size, please revise. **05-13-13:** The spaces are shown at 18 feet; please provide a wheel stop per the City standard for disabled parking. **06-27-13:** Please show the spaces on the plans as they are shown in the detail, dimensioned correctly. **09-16-13: The wheel stop is not shown as being two (2) feet back. Please revise. There is also a six (6) foot area next to the nine (9) foot space with no markings. Please hatch out this area for no parking.**

Permit Comments

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

1. An erosion and sedimentation control plan will be required and reviewed at time of permitting. A NOI will be required.
2. A Maintenance of Traffic (MOT) plan will be required. Please meet with Engineering to discuss.
3. Drainage calculations will need to be submitted, signed and sealed by a professional engineer registered in the State of Florida.
4. Surface water management permit(s) through the Old Plantation Water Control District (OPWZCD) and/or SFWMD may be required and a copy(s) provided to the Engineering Department at the time of permit review.
5. The applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements at time of permitting.

DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT:

In General:

- All site plan and planting plan comments from the Department of Design, Landscape and Construction Management must be responded to in writing at time of permitting. When responding to staff comments, please bubble plan changes and specify the page number corrected in the written responses.
- Tree/palm removal and relocation permits as well as mitigation fees must be obtained directly through the Design, Landscape & Construction Management Department at the time of permitting. Please contact Diana at 954-797-2248 directly to obtain required permits.
- The applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvement at the time of permitting.

Site Plan:

1. As previously mentioned, staff has concerns with the limited planting spaces as well as the proposed planting in the tight spaces throughout the landscape pedestrian zones.

Planting Plan:

1. The plans propose the planting of trees and palms in very tight spaces; please clarify the impact this will have on the installation as well as the survivability of the proposed trees and palms.
2. Staff is working with the developer regarding tree removals and relocations for the development of this site.

3. All trees to be removed or relocated require ISA tree appraisals for mitigation purposes as well as bonding as per City codes. Performance bonds are required on trees to be relocated.
4. Trees that were relocated from the previous phases of this site that did not survive relocation require mitigation as previously discussed.

BUILDING DEPARTMENT: No objection.

FIRE DEPARTMENT:

1. Applicant has failed to address previous comments:
 - a. This project has an adverse effect on the Fire Department's ability to provide services.
 - b. Building fails to provide 360-degree laddering access for the Fire Department. Without this access, the acceptable alternative is complying with Section 11.8 of the FFPC 2010 edition and Florida Building Code Section 403.
2. Seven (7) parking spaces along west side need to be removed. Not part of original site plan approval and impedes access to building.
3. West side Siamese connection must be within 25 feet of hydrant on same side of roadway.
4. Building as designed does not meet the travel distances allowed by code.
5. All storage units must be designed to provide 18" protection from bottom of sprinkler head so no storage can be above the 18 inches.
6. Landscaping shown on plan encroaches the 7.5 feet required clear space around fire hydrants.

POLICE DEPARTMENT:

1. All access control points must provide immediate access for police personnel.
2. All lighting for perimeter, garage and common areas must conform to IESNA Security lighting standards.

UTILITIES: No objection; however, the following comments apply:

1. Prior to a Building Permit being issued, the following must be provided:
 - \$500 review fee must be submitted to the Utilities Department.
 - Complete Water and Sewer Utility plans must be submitted to the Utilities Department for review and approval.
 - BCHD and BC EPD Permits must be approved if required.
 - Utilities Agreement must be executed.
 - Utilities Performance Bond must be posted.
 - Utility Easements must be executed.
 - Utility Inspection fees must be paid.
 - Capacity Charges must be paid in FULL.
 - Contact: Danny Pollio if you have any questions, 954-797-2159.
2. Must provide receipt or check copy for \$2,000 deposit marked for Utilities Expenses to project cost recovery account.
3. Detailed Water and Wastewater Utilities must be shown on plan before a proper review can be completed.
4. Show all new and existing water and sewer lines and easements on landscaping and drainage plans.
5. Maintain all utilities and utilities easements for water and wastewater system access.
6. Full Utilities plan review and approval is required prior to permitting. No plans are for construction until marked "FINAL".
7. No structures allowed in utility easements.

O.P.W.C.D

1. Old Plantation Water Control requires an acceptable drainage plan with retention and runoff calculations and a construction drawing prior to issuance of a building permit.
2. Acceptable as-built drawings and Certified Stormwater Inspection Report will be required prior to issuance of a Certificate of Occupancy.

Attorney Bill Laystrom was present on behalf of the applicant.

Mr. Laystrom explained that this is the Phase II site plan. They are requesting a six-month extension of the existing site plan. He anticipates getting the site plan in sometime in late August or September, depending on scheduling. They want to keep the other one active until the alternate is provided.

Motion by Councilman Fadgen, seconded by Councilman Zimmerman, to approve Item No. 4. Motion carried on the following roll call vote:

Ayes: Fadgen, Jacobs, Stoner, Zimmerman, Levy
Nays: None

* * * * *

Mr. Lunny read Item No. 5 along with the waivers.

5. REQUEST FOR SITE PLAN, ELEVATION AND LANDSCAPE PLAN APPROVAL FOR AMICUS JUST KIDS LOCATED AT 460 NORTH STATE ROAD 7.

Staff Report dated July 11, 2013, to the City Council from the Planning, Zoning and Economic Development Department, as follows:

REQUEST: Consideration of a site plan, elevations, and landscape plan.

WAIVER REQUESTS:

1. From: Section 13-40(c)(1), which requires interior landscaping for parking areas to be a minimum of 5' in width.
To: Reduce the landscape width on the north perimeter from 5' to 3' (2' vehicle over-hang does not count towards requirements).
2. From: Section 13-41(a)(b)(c), which requires a landscape pedestrian zone that shall extend the full width of each façade which abuts a parking or vehicular use area; the minimum width of such landscape zone shall relate to the adjacent structure's wall height.
To: Reduce the landscape pedestrian zone along the east side from 10' to 7'.
3. From: Section 27-613(b), which requires a Plantation Tropical design theme for the buildings and building sites.
4. From: Section 27-742(e), which requires a 25' drive aisle width for 90-degree angle parking.
To: Reduce the drive aisle width from 25' to 22.5'.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; site plan application; Planning and Zoning Board meeting minutes of May 7, 2013; Landscape Planning Review Board meeting minutes of May 7, 2012; and Review Committee meeting minutes of February 26, 2013.

PLANNING AND ZONING BOARD RECOMMENDATION: **APPROVAL** subject to comments. (6/0; May 7, 2013).

LANDSCAPE PLANNING REVIEW BOARD: **APPROVAL** subject to comments. (5/0; May 7, 2013).

REVIEW COMMITTEE RECOMMENDATION: **NO OBJECTION** to the project moving forward for further review. (February 26, 2013).

ANALYSIS:

The subject site is 0.62 acres in area, zoned SPI-2 (Auto Mall), and currently vacant. The site is bound by office uses to the north and south, residential uses in the City of Fort Lauderdale to the east, and commercial uses to the west. The applicant proposes construction of a 3,600-square-foot medical office with a contemporary design of stucco finishes and aluminum details. Twenty-five (25) parking spaces are being provided with 20 parking spaces required after utilizing the 15% parking reduction allowed in accordance with Section 27-613(a)(2).

STAFF COMMENTS:

PLANNING AND ZONING:

Planning:

1. The proposed use appears to be consistent with the local activity center land use designation.

Zoning:

1. Please note: offices for doctors, dentists, and related professionals are a permitted use in the SPI-2 (AM) district. A change of use to medical clinic or ambulatory care (urgent care) would not be permitted.
2. The building design is contemporary and does not include required elements of the Plantation Tropical design guidelines which require the design of buildings to emphasize a blend of traditional colonial architectural elements influenced by the tropical climate of the area. A waiver request has been submitted.

Site Data:

1. Please show the parking calculation on the site plan and include the 15% reduction in the required parking allowed by Section 27-613(a)(2)(i).

Elevations:

1. Paint Color and Approval form to be completed and approved for building paint colors. Form to be submitted with painting permit.

Details:

1. The dumpster enclosure shall be painted. The color shall be compatible with the building.
2. Consider removing or replacing the entire chain line fence along the north property line. The existing fence is in disrepair.

Drive aisles and parking areas:

1. Required drive aisle widths are 25'. The 22.5' drive aisle on the east side requires approval by the Engineering Department. A waiver request has been submitted.

Lighting:

1. City light fixtures will be provided in the 10' City landscape easement adjacent to State Road 7. Verify fixture placement with the CRA office as the single-head fixtures planned for installation in this area may not be needed. Contact Carlos Gonzalez, Redevelopment Administrator at (954) 585-2330.

Easements:

1. The proposed sign is in the 10' City landscape easement. Verify potential conflicts with planned City improvements in the easement area with the CRA office. Contact Carlos Gonzalez, Redevelopment Administrator, at (954) 585-2330.

Signage:

1. Signage is not part of this review.

TRAFFIC CONSULTANT: See Engineering.

ENGINEERING DEPARTMENT:

1. FDOT will require a review/permit, please provide the letter from them. **04/18/13 Response states permit will be provided at time of permitting. 06-27-13: Comment acknowledged by applicant. It will remain until received at permitting.**

Permit Comments:

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

1. An erosion and sedimentation control plan will be required and reviewed at time of permitting. An NOI will be required.
2. A Maintenance of Traffic (MOT) plan will be required. Please meet with Engineering to discuss.
3. Drainage calculations will need to be submitted, signed and sealed by a professional engineer registered in the State of Florida.
4. Surface water management permit(s) through Broward County and/or SFWMD may be required and a copy(s) provided to the Engineering Department at the time of permit review.

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

DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT:

1. Tree/palm removal and relocation permits as well as mitigation fees must be obtained directly through the Design, Landscape & Construction management Department at the time of permitting. Please contact Diana at 954/797-2248 directly to obtain required permits.
2. The applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements at the time of permitting.

Site Plan:

1. City code requires a landscape pedestrian zone that shall extend the full width of each façade which abuts a parking or vehicular use area; the minimum width of such landscape zone shall relate to the adjacent structure's wall height. 10' is required along the eastern landscape pedestrian zoned – 7' proposed. *Waiver requested: staff has no objection to this waiver request.*
2. City code requires interior landscaping for parking areas to be a minimum of 5' in width. 5' is required along the northern perimeter – 3' has been proposed. *Waiver requested; staff has no objection to this waiver request.*

Planting Plan:

1. Staff does not recommend the planting of hedge or ground cover in the immediate location of proposed trees (i.e. in the planting islands); please leave a minimum of 5' clearance around the trees – this area should be mulched.
2. Staff does not recommend the planting of Hibiscus hedge around the dumpster; Hibiscus requires a high level of maintenance with regards to fertilization, pruning, sun, etc; you might consider the use of an alternate species.
3. Please include site address on landscape plans.
4. Please confirm the specie of existing tree #16 on the southern perimeter – there are two tag lines for this tree – is this tree a Yellow tabebuia or an unknown tree? If this tree is a Yellow tabebuia as noted on the plant list please remove the tag line on the planting plan that states it is an “unknown specie”.
5. All landscape areas shall be provided with an automatically-operating underground irrigation system; with a minimum of 100% coverage, with 50% minimum overlap in groundcover and shrub areas. The rain sensor must be installed and operational as well as the rush inhibitor if applicable. Please submit irrigation plans at time of permitting.
6. City staff will verify all trees proposed “to be removed or relocated” as well as those to “remain”. Performance bonds are required on trees to be relocated. ISA appraisals are required for all trees to be removed or relocated as per City codes.
7. Please note – Cocoplum does not do well in shady areas; you are proposing this species along the southern side of the building – please confirm this area gets full sun.
8. Please meet required tree/palm heights throughout the landscape pedestrian zones – 25% of the required trees must be a minimum of 10'-12' installed height; the remaining 75% of the required trees must be of installed heights relating to the adjacent wall structure height, as defined in City landscape codes. Along the western LPZ you are proposing two Ligustrum trees with a height of 10' and five palms with a height of 12' OA as noted on the plant list. The minimum requirements for a 19' wall structure height

are 12'-14' and minimum heights on trees are 12'-14" OA minimum heights on palms. *If the required heights are not met a waiver is required.*

9. The heights of the proposed Solitaire palms under the plans list are not consistent with those noted on the planting plan – the plant list states the palms will have a minimum height of 12' OA while the heights on the planting plan show 10' CT to 22' CT – please clarify.

BUILDING DEPARTMENT: No objection.

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

FIRE DEPARTMENT: No objections as to this site plan consideration request with the understanding that the applicant and/or property owner is aware that the building shall be protected by a monitored commercial fire alarm system.

UTILITIES: Not in Plantation service area. Contact Broward County OES.

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

WASTE MANAGEMENT: No objection.

Julie Schiff, architect and planner, Alan Hendrix, landscape architect, and Susan Holland, civil engineer, were present.

Ms. Schiff explained that Amicus is proposing to develop the vacant half acre site at 460 North State Road 7, which is on the east side of State Road 7 just across from the hospital. It is adjacent to the recently constructed Amicus Medical Office Building that opened last month. The location will be one of several medical offices that Amicus owns and manages; currently they have five other locations in Broward County. This facility will be a pediatric practice with extended hours and it is affiliated with the Humana Corporation. The site is located within the Plantation Gateway District and has been designed to provide 25 parking spaces with pedestrian access from public transportation and extensive landscaping is proposed. The building is 3,600 square feet and has a modern design; stucco finish and aluminum details. The proposed main building color is Mannequin Cream, which is an approved color and matches the color of the adjacent medical building. The proposed saw tooth covered entry faces the public right-of-way and is well defined and readily visible to pedestrian and vehicular traffic and services as a covered drop off area for patients. The windows above the waiting room provide daylight and the design also screens the mechanical equipment. The building design relates architecturally to the Amicus building on the adjacent site. She commented on the reasoning as to why they are requesting approval on the waivers. One is to construct the contemporary design; the second was to reduce the landscape pedestrian zones in two spaces and the fourth item was to reduce the drive aisle within the rear by 2 ½ feet. The reasoning behind the waiver requests are as follows:

- Due to the significant and unique medical needs of the medical office requirements they are requesting a waiver from the tropical guidelines to develop the modern building filled with natural light, complimented by native and tropical landscaping. This site is located within the Plantation Gateway District and has limited depth and width. In order to provide a safe thru distance from State Road 7 the building has been set back from the street and this has affected the dimensions of the landscape pedestrian zones in the rear. They are able to combine the landscape buffer with the adjacent site on the north side; therefore, the two-foot reduction in that area is minimal. The drive aisle on the east will only

serve six parking spaces, which will be used for staff. They have reviewed the design of the turnaround with Brett Butler, City Engineer, who feels it is safe for vehicular traffic. For these reasons they are requesting that the waivers be granted. It is believed that the building will be a significant enhancement to the redevelopment corridor.

Councilman Levy commented that this is taking the place of a vacant auto mall.

Mr. Leeds advised that staff is supporting the site plan approval subject to staff comments. Staff also supports the waivers for zoning. He believes that the building design works at this location and supports the waiver to reduce the drive aisle for the short dead-end drive aisle in back. This is a tight site. He has not discussed this with Mr. Ezzedine but he would also support the landscape waivers. Staff spent a considerable amount of time with the applicant trying to put this together on this tiny parcel. He would support the waivers and site plan subject to comments and urged Council to do the same.

Mayor Bendekovic appreciates what has been done and thanked the applicant for their investment in the Gateway corridor.

Councilperson Stoner mentioned that the existing building has been there a long time. She questioned what kind of environmental issues came up with the building.

Ms. Schiff indicated that the site is vacant. It was a derelict building with many code violations; everything looks good.

Councilman Fadgen stated that the Planning and Zoning elevations indicates that the paint color and approval form needs to be completed and approved. The paint color was mentioned and he questioned whether the form has been completed and approved.

Ms. Schiff advised that will be submitted together with the building permit construction documents. All of the colors that are proposed on the elevation board are approved colors.

Councilman Fadgen noted that approving the colors might avoid a future problem.

Ms. Schiff indicated that they just finished construction of a building on the adjacent site and the same main building color, Mannequin Cream, was used with one of the accent colors, Sabrick Sage. The same color is being proposed with the main accent color and the additional accent colors are from the approved pallet and those would be for the shear walls that are at the front entry.

Councilman Fadgen questioned whether there would be a lighting conflict in five to ten years as the landscaping grows.

Mr. Hendrix stated that a conflict is not expected. The responsibility of the plant material on the street is the responsibility of the CRA. The power lines in that area are being taken underground and they have a pallet that is going to be their responsibility for what happens just outside of their property line.

Councilman Fadgen questioned whether any of the lighting or landscaping on the Amicus property will conflict with lighting in five to ten years.

Mr. Hendrix advised that it meets the requirements for the City; he believes there is a 15-foot separation between any tree and any interior parking lights.

Councilman Zimmerman commented that this is a nice building and as a business owner in the Gateway he is glad to see it there.

Motion by Councilman Jacobs, seconded by Councilman Zimmerman, to approve Item No. 5, request for site plan, elevation and landscape plan approval for AMICUS JUST KIDS, located at 460 North State Road 7, granting all of the waivers as requested, subject to staff comments and subject to Engineering approval on the drive lane because there is no documentation that it was approved by Engineering. Motion carried on the following roll call vote:

Ayes: Fadgen, Jacobs, Stoner, Zimmerman, Levy
Nays: None

* * * * *

Mr. Lunny read Item No. 6.

6. REQUEST FOR MASTER PLAN, SITE PLAN, ELEVATION AND LANDSCAPE APPROVAL PLAN APPROVAL FOR CROSSROADS RESIDENCES LOCATED AT 8021 PETERS ROAD.

A Staff Report dated July 11, 2013, to the City Council, from the Planning, Zoning and Economic Development Department follows:

REQUEST #1: Rezoning from OP-P (Office Park) to SPI-3 (Plantation Midtown District);

STAFF RESPONSE: See Exhibit A for compliance with Zoning Change criteria.

REQUEST #2: Assignment of 287 residential flexibility units; and

STAFF RESPONSE: See Exhibit B for compliance with Flex assignment criteria.

See Exhibit C for compliance with "Quality Housing Standards". These are minimum standards necessary to assign flex units.

- *The applicant has met most but not all of the minimum standards.*
- *Some of the standards appears to be met but are not so noted on the plan.*
- *The site plan meets the minimum standard for perimeter fence criteria (metal picket). However, the site plan is inconsistent with the architect's elevation rendering, which shows columns placed approximately 40 feet apart. The site plan shall be revised accordingly.*

REQUEST #3: Master Plan, site plan, elevation and landscape plan for multi-family residential development.

WAIVER REQUESTS:

1. From: Section 27-624, which requires density to be calculated based on the “equivalent site area” when the residential use is allocated to one portion of the site:
To: Increase the allowable density based on the equivalent site area from 151 dwelling units to 287 dwelling units.
2. From: Section 27-624(d), which limits lot coverage to a maximum of 25%;
To: Increase the lot coverage to 34.2%.
3. From: Section 27-624(d), which limits the floor area ratio to a maximum of 114%;
To: Increase the floor area to 199%.
4. From: Section 27-689(d)(4), which requires one-bedroom units to be a minimum of 750 square feet in area (measured inside wall to inside wall).

PLEASE NOTE: There is no history or precedent in Midtown supporting minimum unit size waivers. As such, staff cannot support the request.

5. From: Section 27-743(2), which requires 660 parking spaces;
To: Reduce the required parking from 660 spaces to 525 spaces.

Staff Recommendation: The Plantation Parking Code requires 660 spaces for the 287-unit project based on the proposed mix of 1, 2, and 3 bedroom units. The applicant provides 525 parking spaces. This is a 135-space reduction or 20% below the City Parking Code.

1. *The site plan states that the office parking lot (north of the project) shall allow “100 parking stalls to be used by the residents during evenings and weekends”. Chapter 27 of the Code does not allow off-site parking spaces to be counted towards meeting the apartment building parking requirement. The applicant indicates he will enter into a permanent parking easement with the adjacent landowner to the north. The applicant indicates the permanent parking easement will be allowed 100 parking nights and weekends to be used by office workers or apartment residents/guests.*

One Plantation Place requested a waiver to provide an average of 1.82 spaces per unit. At that time, staff offered an alternative requirement of an average of 1.96 spaces per unit. The Council granted the applicant’s request.

If the Council is inclined to consider a parking waiver, staff offers an alternative requirement of 1.96 spaces per unit based on the current unit mix and parking garage plan. See table below for comparison.

Plantation Code	Staff Alternative	Applicant Waiver
660 spaces on-site* space (2.30 spaces per unit based on the unit mix, including guest parking).	562 on-site* spaces (1.96 spaces per unit based on the unit mix, including guest parking).	525 on-site* spaces (1.83 spaces per unit based on the unit mix, including guest parking).

**On-site parking includes garage spaces, as well as any parking spaces located on the Crossroads Residences property.*

The staff alternative can be met in one of three ways:

- a. Add additional garage spaces to meet the total on-site 562-space requirement, or*
- b. Reserve sufficient tenant/guest parking spaces on the office-building site, close to the back of the apartment building entrance, to meet the total 562-space requirement. This alternative requires applicant to provide parking calculations indicating sufficient parking is available for the Crossroads IV Office Building after the apartment parking space reservation, or*
- c. The 100-space easement offered by the applicant shall contain no time or day restrictions, shall be enforceable against subsequent property owners, and cannot be revoked without the written agreement of the City.*

6. From: Section 27-624(c)(2), which requires a 40-foot setback along Peters Road.

To: Allow the building to encroach 23 feet into the required 40-foot buffer (for a setback of 17 feet).

Staff Recommendation: Under SPI-3 Midtown Zoning, Peters Road is classified as a “C” street. “C” streets are defined as “the large, regional arterials bounding the district”. They are intended primarily for efficient vehicular movement. “C” streets are characterized by large setbacks with landscape buffers, although they should also be able to accommodate access points with enhanced signage and gateway elements. The required SPI-3 “C” street setback is 40 feet adjacent to the Peters Road right-of-way line.

The SPI-Zoning district was adopted in May 2004. Staff is not aware of any “C” street setback waivers granted by Council subsequent to adoption. The only possible exception was a waiver to allow an approximate 12-foot setback for the retail component of Veranda adjacent to Pine Island Road. Veranda was submitted prior to adoption of the SPI-3. Waivers were based on the B-7Q zoning existing at the time of approval. The 12-foot waiver applied to a one-story building about 200 feet in length.

The proposed apartment building is six stories high (64 feet) and 610 feet long abutting Peters Road. Provided setbacks adjacent to Peters Road are as follows:

- The setback for the west 270 feet of the building is 25 feet;*
- The setback for the center 138 feet of the building (the area of the courtyard) is approximately 60 feet; and*
- The setback for the east 193 feet of the building is 17 feet.*

The existing office building directly east of the apartment site is two stories high and approximately 85 feet long abutting Peters Road. The building setback for the office building varies between 23 and 25 feet.

Based on the height and length of the proposed apartment building, and the lack of historical Council precedent, staff has no basis to recommend a reduction to the required 40-foot setback adjacent to Peters Road.

7. From: Section 27-624(c)(2), which requires front and rear setback of 40 feet;
To: Reduce the front (south) setback to 17 feet; and
Reduce the rear (north) setback to 12 feet.
8. From: Section 27-624(c)(2), which requires a corner street side setback of 20 feet;
To: Reduce the street side (west) setback to 12 feet.
9. From: Section 27-747(d)(2), which requires six loading zones;
To: Reduce the required loading zones to two.
10. From: Section 27-623(d)(2), which requires sidewalks to be a minimum of eight feet in width in the SPI-3 district;
To: Reduce the minimum sidewalk width to five feet.
11. From: Section 27-742(m)(2) (recently amended in Ordinance 2471), which requires the minimum drive aisle width in parking garages to be 25 feet.
To: Reduce the drive aisle widths to 24 feet in the parking garage.

Staff Recommendation: 24-foot aisle requires Engineering Department approval.

12. From: Section 13-41(a)(b)(c). Pedestrian zones along building facades.
Landscape pedestrian zones shall extend the full width of each façade which abuts a parking or vehicular use area; the minimum width of such landscape zone shall relate to the adjacent structure's wall height. Wall height > 60' the required landscape zone width shall be no less than 30%, nor more than 50% of such wall height.
To: Reduce the required landscape pedestrian zone along the northern façade from 19.2'-32' to 8'.
To: Reduce the required landscape pedestrian zone along the southern façade from 19.2'-32' to 17'.
To: Reduce the required landscape pedestrian zone along the northern façade from 19.2'-32' to 12'.

Staff Response: Landscape Staff has concerns with the tight planting spaces throughout the landscape pedestrian zones.

13. From: Section 13-41(a). Pedestrian zones along building facades.
For all trees required throughout the landscape pedestrian zones, 25% of the trees shall be a minimum of 10'-12' installed height. The remaining 75% of the trees shall be a minimum of 16'-18'.

Staff Response: Landscape Staff has concerns with the height of the proposed plant material in relationship to the height of the multi-family residential building.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; application; Planning and Zoning Board meeting minutes of May 7, 2013; Landscape Planning and Review Board meeting minutes of May 7, 2013; and Review Committee meeting minutes of December 18, 2012 and February 26, 2013.

PLANNING AND ZONING BOARD RECOMMENDATION: The Planning and Zoning Board recommended:

- a. Approval of the site plan, elevations, and landscape plan subject to applicant working with staff to resolve the setback, design, landscape and traffic study issues being resolved. (4/2, May 7, 2013).
 - a. Prior to the vote being taken, the applicant agreed to the staff report and the testimony provided previously.
- b. Approval of the Zoning Change from OP-P (Office Park) to SPI-3 (Special Purpose Zoning District). 6/0, May 2013.

Staff Response: The applicant met with PZED staff regarding the design and setback issue. The applicant revised exterior portions of the building with respect to color scheme, materials, some architectural features, and window arrangements. The applicant did not increase the Peters Road setback to meet the 40' requirement. PZED staff does not know if the applicant met with Landscape and Engineering to address landscaping or traffic issues.

LANDSCAPE PLANNING AND REVIEW BOARD: DENIAL subject to staff comments. (0/5, May 7, 2013).

REVIEW COMMITTEE RECOMMENDATION: NO OBJECTION to the project moving forward for further review. (February 26, 2013).

PLEASE NOTE: *Due to the complexity of this project, PZED staff requests that the City Council be specific with regard to their recommendation. In addition to the "STAFF COMMENTS" section of this report, some additional recommendations are also provided in other portions of the report, including waivers; flex unit analysis; zoning change analysis, and quality housing standards.*

ANALYSIS:

The subject site is located on the north side of Peters Road approximately 750' west of University Drive. The east side of the site abuts the rear of an existing commercial plaza and the west side abuts the spine road (SW 80th Avenue) leading into the Crossroads Office Park. The site includes an existing office building surrounded by surface parking and a 3.9-acre (net) vacant parcel fronting Peters Road. Overall, the combined sites contain 14.3 gross acres.

The applicant is requesting approval to rezone the 14.3-gross-acre modified master plan from OP-P to SPI-3, assignment of 287 residential flexibility units, and approval of a master plan/site plan to build a 287 unit apartment building on the southern 3.9 net acres of the overall site.

The proposed six-story apartment building has a contemporary design of white and gray stucco with metal trims that wrap a six-story parking garage. Each level of the parking garage provides direct access to the same level

of the residential building. A “pet” park is provided on the east side of the building with pool and clubhouse amenities provided on the northwest side of the building.

The applicant has submitted a concurrent Land Use Amendment (“LUPA”) to change the underlying Comprehensive Future Land Use Plan Map designation from “Office” to “Commercial”. The proposed apartment building is not permitted under the Office land use designation. The requested Commercial designation allows residential uses if the City Council approves flex unit allocation and rezoning the property from Office Park (“OP-P”) to Special Public Interest District 3 (“SPI-3”). The applicant has requested a 287-unit flex allocation, rezoning to SPI-3, and site plan as part of this application. The Planning and Zoning Board (sitting as the Local Planning Agency) previously recommended approval of the LUPA. The City Council approved the LUPA on first reading, 3-2.

Policy 1.16.1 of the City of Plantation Comprehensive Plan states that the City shall consider the criteria in this Section, 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. The criteria with the applicant and staff’s responses are attached as Exhibit “A”.

Section 19-67 of the Plantation Land Development Code and Objective 1.7 of the Future Land Use Plan, requires consideration of the criteria and policies found in the section for the assignment of flexibility units. The criteria with the applicant’s and the staff’s responses are attached as Exhibit “B”. Section 1967 “Quality Housing” of the Land Development Code requires the proposed project to satisfy housing standards. The criteria and the applicant’s and staff’s responses are attached as Exhibit “C”.

STAFF COMMENTS:

Planning:

1. The Rezoning, Flex Assignment, Master Plan, Site Plan and Elevations applications, if approved, shall not be effective until the following occurs:
 - a. The LUPA is approved by the City Council (2nd Reading).
 - b. The Broward County Planning Council (2nd Reading) and Broward County Commission (2nd Reading) approve the LUPA.
 - c. The State Department of Economic Opportunity (formerly the Florida Department of Community Affairs) publishes a “Notice of Compliance” and not entity withstanding objects to the determination within the statutory period.
 - d. The LUPA is certified by the Broward County Planning Council.
2. Recreational Impact Fees in the amount of \$82,020 are due prior to City Council consideration. The applicant has not paid these fees and has not requested a waiver to pay these fees prior to permit issuance. If a waiver is requested to pay these fees prior to permit issuance, the applicant must request the waiver in writing and pay the associated \$500 waiver fee prior to City Council consideration.

Zoning:

In General:

2. The applicant is requesting a waiver from how the Building Department computes permit fees. Building permit fees cannot be waived as part of the rezoning, flex allocation, and site plan process. The applicant continues to request this waiver. The Planning, Zoning and Economic Development Department does not have jurisdiction over this request.
3. Information item: The existing office building, built in accordance with the OP-P district regulations will become non-conforming the respect to some SPI-3 zoning requirements if the rezoning is approved. The applicant has acknowledged this comment.

4. The LUPA from Office Park to Commercial is in progress. If approved, the site plan is not approved and building permits cannot be issued until such time as:
 - a. City and County adoption of the LUPA (2nd Reading).
 - b. DOE approval (including Notice of Compliance process).
 - c. Recertification of the LUPA by the Broward County Planning Council.
 - d. County Commission approval to consolidate Flex Zone 74 and 75.
 - e. City Council rezoning to SPI-3 (2nd reading) and
 - f. City Council allocation of flex units (2nd reading).

Staff has requested the applicant coordinate the timing and scheduling of the multiple review procedures with PZED staff.

5. The office site shall be deed restricted for OP-P (Office Park) uses and the apartment component shall be deed restricted residential. If approved, the applicant shall submit the draft deed restriction prior to scheduling the zoning change for City Council 1st reading of the rezoning ordinance. The deed restriction shall be approved by the City Attorney and ready to record prior to approval of any building permits.
6. In order to comply with the Zoning Code density limitation of 25 units/gross acre, the applicant proposed combining Parcels IV and V into a single master plan. If approved, the applicant shall submit a unified control document, or other documentation approved by the City Attorney, necessary to combine the two parcels based on the master plan. This document shall be submitted for City Attorney review prior to scheduling this item for first reading of the rezoning ordinance. The document shall be approved by the City Attorney and recorded prior to issuance of any building permits. Staff recommends the applicant contact the City Attorney within 30 days to begin discussions on this issue. The applicant agrees, per the response letter dated 12-18-2013.
7. Sufficient residential flex/reserve units are not available in Flex Zone 75 to accommodate the applicant's request for 287 dwelling units. If approved, such action shall become contingent upon County Commission approval to combine Flex Zones 74 and 75 to increase the available residential flexibility count.
8. A plat amendment is required to change the non-vehicular access line and plat note to be consistent with the site plan, if approved. The plat note and vehicular access line amendment shall be completed prior to issuance of building permits.
9. The survey does not match the proposed site plan shown on SP-1. The applicant has modified the site plan to account for a right-of-way dedication for a turn lane into the site from Peters Road. Prior to issuance of any building permits, the applicant shall provide a survey consistent with property lines shown on the site plan.
10. The applicant shall apply to the Engineering Department to vacate easements. All necessary easement vacations shall be completed prior to issuance of building permits unless otherwise approved by Engineering or Utilities Departments. The applicant acknowledges this requirement.
11. The site plan states that the office parking lot (north of project) shall allow "100 parking stalls to be used by the residents during evenings and weekends". Chapter 27 of the Code does not allow off-site parking spaces to be counted towards meeting the apartment building parking requirement. The applicant indicates he will enter into a permanent parking easement with the adjacent landowner to the north. The applicant indicates the permanent parking easement will be allowed 100 parking spaces nights and weekends to be used by office workers or apartment residents/guests.

Site Plan:

1. The applicant is requesting waivers from code required building setbacks. The required 40-foot setback is measured from the right-of-way/property line, usually located at the backside of the sidewalk.
 - a. The applicant has submitted civil plans (labeled SB1 of 1) showing (a) the proposed building setback from the property line, (b) the distance between the building and the deceleration lane, and (c) the distance between the building and the Peters Road travel lane.
2. Add columns every 40 feet to the fence line facing Peters Road and SW 80th Terrace (See Exhibit C), including decorative finishes previously discussed.

Details:

1. The columns of the fence are +/- five feet in height, with a natural stone tile (Sheet SD-1). The color of the tile is labeled to be determined. Applicant suggested to staff that a slate type material might be used. The applicant shall continue to work with staff regarding the exact material and color of the natural stone tile.

Parking Garage:

1. The parking garage elevations (including first floor) may change based on fire review of 50% air floor requirement at time of permit. If applicant revises the building elevations to provide 50% airflow, Council will need to approve the revisions. If applicant does not meet the 50% airflow requirement, applicant can also install a smoke evacuation system.

Signage:

1. There is a wall at the southwest corner of the property and cannot contain signage. The sign criteria of the office park does not allow for signage at this corner.

TRAFFIC CONSULTANT:

Traffic Study Comments:

1. The u-turns should have been accounted for in the left turn volume. Please review.
2. The traffic study indicates a need for a signal at the intersection of Peters Road and SW 80th Terrace in order to reduce the significant delays that do occur today and will increase with the completion of this project. This intersection is the primary access point for the project and as such the installation of a traffic signal will need to be coordinated with Broward County Traffic Engineering (BCTED) prior to the issuance of a CO. This condition will become a part of the required Developer's Agreement for this project.

Signal Warrant Study Comments:

1. The signal warrant study methodology was not coordinated with the City which is generating some of these comments.
2. The signal warrant study only did Warrant 1 and not a complete study of all the applicable warrants. This may have been due to Broward County Traffic Engineering Division's (BCTED) consideration of Warrants 1A and 1B. However Warrants 7A and 7B may also be considered by BCTED in conjunction

with a crash problem but no data was provided for that warrant. All of the warrants should have been analyzed in the warrant study.

3. There is no table that provides a summary of the traffic counts and the averages that are used in the warrant study. There is no way to determine the right turn reduction percentage for the northbound and southbound approaches where the right turn lane is shared with the thru. There is no way to document that right turns were removed from the volumes on the eastbound and westbound approaches.
4. The volumes from the proposed development were based on traffic counts at a residential development in Miramar. This was not agreed to by the City and it is not known if that residential development has the same criteria (including location to major traffic facilities) as the one being proposed in Plantation.
5. The volumes on the northbound approach do not include all of the committed development from One Plantation Place.
6. The City concurs with the applicant that a signal is warranted at the intersection of Peters Road and SW 80th Terrace. The applicant has submitted the warrant study to BCTED and should work in conjunction with the County to see that the signal is installed prior to the issuance of a CO. This condition will become a part of the required Developer's Agreement for this project.

ENGINEERING DEPARTMENT:

1. Please vacate all impacted easements. *Comment to remain until complete.* 04-18-13 *Comment to remain until complete.* 06/17/13: Same comment.
2. Signing and marking is incomplete. Please provide on both civil and site plan sheets. *Comment not completely addressed. Please provide complete signing and marking on BOTH the site plan and the civil plans.* 04-18-13: The plans still do not match. Please correct so that site plan (Sheet SP-1) and the civil plans match and are complete. 06-17-13: The site plan (SP01) still does NOT have the signing and marking on the plan. Please include ALL of the signing and marking that is on the civil plans on the site plan as previously requested.
 - a. *The stop bar must always be a minimum of four (4) feet back from the stop bar, please revise.* 06-17-13: The crosswalk at SW 80th Terrace needs to be the minimum four feet, please correct.
3. A traffic study will be required as discussed in our October 23, 2012 meeting. *Comment to remain until complete.* 04-18-13: *Comment to remain until complete. The traffic study will need to be provided with the City Council submittal.* 06-17-13: The traffic study and signal warrant study were provided to the City prior to this submittal. The review will be provided in a separate document.
4. Please provide the approvals/permits from Broward County. Comment to remain until complete. 04-18-13: Comment to remain until complete. Broward County approval and permit for the turn lane will be required at time of City permitting. 06-17-13: Same comment.

Permit Comments:

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

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

4. Surface water management permit(s) through the Old Plantation Water Control District (OPWCD) and/or SFWMD may be required and a copy(s) provided to the Engineering Department at the time of permit review.
5. The applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements at the time of permitting.

DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT:

1. When responding to staff comments, please bubble plan changes and specify the page number corrected in the written responses.
2. Tree/palm removal and relocation permits as well as mitigation fees must be obtained directly through the Design, Landscape & Construction Management Department at the time of permitting. Please contact Diana at 954-797-2248 directly to obtain required permits.
3. The applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements at the time of permitting.

Site Plan:

1. Code requires landscape pedestrian zones to extend the full width of each façade abutting a parking or vehicular use area; the minimum width of such landscape zone shall relate to the adjacent structure's wall height (paved areas in the lpz may not constitute more than five feet of the required lpz). *Waivers requested.*

Planting Plan:

1. Staff is concerned with the placement of the building and sidewalk in the immediate vicinity of the existing Royal palms. Staff does not support the proposed sidewalk this close to the Royals.
2. City staff will verify all trees proposed "to be removed or relocated". All proposed trees "to be removed" must be mitigated for as per City codes' tree mitigation will be above and beyond code-required trees on the property. Staff is working with the applicant regarding this matter.
3. Require tree/palm heights throughout the landscape pedestrian zones have not been met – 25% of the required trees must be a minimum of 10'-12' installed height; the remaining 75% of the required trees must be of installed heights relating to the adjacent wall structure height, as defined in City landscape codes. (i.e. Along the western lpz. It does not appear that you meet minimum heights). *Waivers requested.*
4. Irrigations plans shall be submitted at time of permitting; all landscape areas shall be provided with an automatically-operating underground irrigation system; with a minimum of 100% coverage, with 50% minimum overlap in groundcover and shrub areas. The rain sensor must be installed and operational as well as the rust inhibitor if applicable.
5. Under "Landscape Notes" – please make sure there is consistency with regards to the planting practices/procedures between the City and submitted notes. Please add that the first order roots will be equal to or slightly above the final grade in addition to the first order roots being visible.
6. Under "Landscape Notes" – (the last note) "Rock and construction debris shall be used in any planting area..." should read "shall **not** be used in planting areas" in lieu of "shall be" (all construction debris should be removed from the site).
7. Under "Landscape Notes", "Substitutions" – Please note, substitutions shall be approved by the project landscape architect as well as the City of Plantation.
8. The small ornamental tree staking detail note #1 states "the final tree staking detail and placement to be approved by the owner" – the tree staking shall be installed as per the City of Plantation. Please amend or remove this comment.

9. Staff will work with the applicant with regards to the existing tree canopy along the eastern perimeter – this area should be cleaned up (removal of exotic invasive plant material removed), the trees should be fertilized, remedial pruning should be done as needed (tree trimming permits are required directly through the department of DL & CM), trees should be mulched, etc. Staff highly recommends this work to be done without delay.

BUILDING DEPARTMENT: No objection.

FIRE DEPARTMENT:

1. This project has an adverse effect on the Fire Department's ability to provide services.
2. No objections as to this request with the confirmation that the Fire Department comments of 12-18-2013 are satisfactorily addressed by the applicant.
3. Fire Department has no impact fees and does not agree with giving a credit.
4. First floor parking garage must comply with the openness requirement of the FFPC 2010 edition, NFPA 101 not just the FBC.
5. Page SC2 of 5 shows fire truck movement going over the curb and through the green grass. This must be all paved.
6. Fire hydrant at northeast corner needs to be moved to the building side of the roadway.

POLICE DEPARTMENT:

1. All concerns on this project have been addressed by the applicant.
2. The Police Department will not be requesting an impact study on this project.

UTILITIES: No objection providing application agrees to following: *All issues have not been fully resolved, see additional comments below:*

1. Prior to a Building Permit being issued, the following must be provided:
 - \$500 review fee must be submitted to the Utilities Department.
 - Water and Sewer Utility plans must be submitted to the Utilities Department for review and approval.
 - BCHD and BC EPD Permits must be approved.
 - Utilities Agreement must be executed.
 - Utilities Performance Bond must be posted.
 - Utility Easements must be executed.
 - Utility Inspection fees must be paid.
 - Capacity Charges must be paid in FULL.
 - Contact: Danny Pollio if you have any questions, 954-797-2159.
2. Offsite and onsite improvements and equipment will be required at applicant's expense to support project.
3. Show all new and existing water and sewer lines and easements on landscaping and drainage plan. *Existing and proposed water and sewer lines not shown on Landscaping plans. Major conflict with existing water main on east property line. Water main may have to be relocated (critical).*
4. Full Utilities plan review and approval is required prior to permitting. No plans are for construction until marked "FINAL". *Plans provided are only conceptual, additional requirements may be needed during the construction review.*
5. Depending upon permitting time frame, developer may be required to contribute toward alternative water supply.
6. Utilities have some concerns of the bottleneck from proposed 10"FM to existing 8"FM with additional flow from proposed project. Developer shall eliminate bottleneck and continue proposed 10"FM to

existing 10"FM. Contractor must field very verify where existing 10"FM exact location is. *Revised plans do not show bottleneck being eliminated. City also has concerns about connecting to existing A/C water main. (critical).*

7. Existing lift station information was not provided. Developer wants to provide information at time of permitting of project. This may result in additional off site work which cannot be identified at this time based on current information. *Again, the additional work required cannot be determined at this time based on information provided by the developer. The developer would assume all risk pertaining to any upgrades required to lift station.*
8. Existing gravity sewer main does not indicate lining. Verify that lining is one repair option at the City's discretion.

O.P.W.C.D.:

1. Old Plantation Water Control requires an acceptable drainage plan with retention and runoff calculations and a construction drawing prior to issuance of a building permit.
2. Acceptable as-built drawings and Certified Stormwater Inspection Reports will be required prior to issuance of a Certificate of Occupancy.

WASTE MANAGEMENT: No objections.

Exhibit "A"

REZONING:

Policy 1.16.1 of the City of Plantation Comprehensive Plan states:

The City shall consider the following policy considerations, in addition to all other appropriate policy considerations stated elsewhere in this plan, which making a decision on whether to change the zoning classifications for a parcel of property.

The rezoning proposes a change from "OP-P" to "SPI-3". The applicant has also submitted a site plan for a 287-unit apartment building. Staff's responses will also consider the proposed site plan submittal because the building as proposed does not meet some significant requirements of the proposed zoning district.

- a) 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's Response: The proposed residential development is located next to substantial commercial and office development including Plantation's major office parks as well as the I-595/University Drive transportation corridor and is near the southern terminus of the City's midtown zoning district. The Plantation City Council designated 860 acres as the Plantation Midtown District in 2004. The last few years have seen changes in development occur to nearby properties, including the reconfiguration of the Fountains Shopping Center. The recent changing nature of the area and District provide the subject site with the opportunity to capitalize on its location in the District. The proposed commercial land use,

which includes the potential utilization of Broward County's flexibility rules for residential units, offers greater opportunities for the site to respond to changing conditions and to be developed in a manner more suited to the vision of the City's Midtown District. In addition, office uses are permitted with the commercial land use category. Therefore, the subject site will retain the ability to be developed with office uses.

Staff Response:

Central Plantation (Midtown) Conceptual master Plan: *The subject property is located in the "South Business District" of the Midtown Plan. There has been little unanticipated change in the development of nearby or adjacent property:*

- *The redevelopment of the Fountains Shopping Center and the existing and proposed Midtown 24 Apartments are both consistent with recommendations of the Midtown "South Village Plan" (Page 19, Midtown Plan).*
- *The development of One Plantation Place Apartments is consistent in concept, if not quantity, with the "South Business District Plan" (Page 20 of the Midtown Plan limits residential development to 120 dwelling units in the South Business District).*
- *Existing properties located along the University Drive Corridor continue to be used as commercial as recommended in the South Village and South Business District Plans, including the redevelopment of the Fountains, One Retail Place (next to One Plantation Place), and Publix.*
- *Midtown Office development has been limited during the last five years, not a surprise during this recessionary period. The Midtown Plan projects that 58% of the office development would occur between 2013 and 2025, most of it proposed in the South Business District.*

The rezoning presents an opportunity that is consistent with general Midtown Plan Goals and Objectives (Page 12), such as encouraging mixed-use environments that include residential use and helping to support commercial markets.

Implementation of these objectives requires the applicant to provide safe and convenient pedestrian connectivity to the east (Former Office Max Plaza and Publix), south (across Peters Road) and the north (across 10th Street to the Fountains). While the applicant has discussed east/west connectivity to the adjacent shopping centers, no proposals have been presented regarding north and south connectivity across adjacent roadways.

- b) The impact of development permitted by the proposed land use or zoning and site plan 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's Response: The applicant's study done in conjunction with the previously submitted land use application indicates there will be a minimal impact on public facility and services as a result of the rezoning request. The impact of the proposed use on potable water and waste water as well as open space and drainage is less than under the current office-park land use. There should be no additional impact on police and fire service, although it is anticipated that 287 residential apartment units will obviously generate additional students for neighboring schools, the anticipated impact is not such that would place any of those schools over capacity or unduly burden the institutions.

Staff Response: Water and Sewer: The Utility Department has evaluated this proposal based on the site plan concept, which includes the existing office building and a new 287-unit apartment building. The Utility Department says the apartment building will significantly increase demand for water, but will not exceed the City's Consumptive Use Permit.

Utilities has no objection to the master plan, providing the applicant address Consulting Engineers Hazen and Sawyer's report, dated 12-17-2012. The applicant shall also address Utility comments provided later in this report.

Schools: The multi-story apartment building included in the site plan will generate a limited number of students, much less per unit than a single family or townhouse project. The School Board will determine if the additional students will cause any Plantation Schools to exceed capacity, and if so, require the applicant to pay school impact fees.

Police and Fire: The Public Safety Department has no objection to the proposed LUPA. The Police Department will review the site plan in detail for compliance with CPTED (Crime Prevention through Environmental Design) Criteria at time of rezoning; flex allocation, and site plan review. The Police Department will recommend CPTED design techniques are employed to improve personal and property safety, including discouraging criminal activity.

Local or Regional Road Impact: To be evaluated by the Engineering Department.

Parks and Open Space: Staff has loaded the 287 dwelling units into the demand portion of the City parks formula. Including the additional units, the City continues to exceed the parks and recreation standard of four acres of land per 1,000 persons. The applicant shall be required at time of site plan approval to dedicate local park impact fees.

Drainage: To be evaluated by City Engineer.

- c) 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's Response: The development permitted by the proposed commercial land use is compatible with the land uses surrounding the site. Commercial land uses are located to the north and the east. The proposed commercial land use is also compatible with the office-park land uses located to the south and west of the subject site. In addition, any development occurring on the site will be consistent with the City's land development regulations which ensure compatibility between properties through the use of setbacks, buffers, and other regulations. The use of flexibility for the proposed residential component of this development is the use most able to compliment the transportation system, existing office parks and the proposed mixed use office and retail projects within the midtown corridor. It is compatible with the intensity of nearby retail and office uses and will provide the desired mix of residential and commercial use.

Staff Response: In terms of adjacent future land use, existing land use, and zoning, the rezoning is compatible with the surrounding properties. The Future Land Use, Existing Land Use, and Zoning Designations of the adjacent properties are as follows:

	Future Land Use Plan Designation	Existing Land Use	Zoning
North	Commercial	Office/Retail	SPI-3
South*	Office Park	Office Park	OP-P
East	Commercial	Office Building/Shopping Center	SPI-3
West	Office Park	Hotel/Office Park	OP-P

*South of Peters Road

- d) 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 option 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's Response: The subject site is located in the Plantation Midtown District. The proposed use is consistent with the goals, objectives and policies of the district. The proposed commercial land use will allow for a greater variety of development potential on the subject site than the existing office-park land use.

Staff Response:

*PLANTATION MIDTOWN: COMPREHENSIVE PLAN:
NEIGHBORHOOD DESIGN ELEMENT*

The proposed "SPI-3" zoning designation is partially consistent with the Midtown Neighborhood Design Element:

- 1) *The project supports the general objectives of the Midtown Element.*
- 2) *The project does not support specific objectives of the South Business District Plan.*
- 3) *The project supports high density, transit oriented development.*
- 4) *The project does not support vertical mixed-use development.*
- 5) *The applicant shall address pedestrian connectivity to the north, south, and east. See also Transportation Element, "Bicycle Pedestrian System", Policies 6.1.2, 6.1.3 and 6.1.4.*

- e) 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's Response: The proposed land use is not in conflict with the goals, objectives, and policies of the City's Comprehensive Plan and is compatible with the adjacent uses as indicated in the response above.

The rezoning application is consistent with Policy 1.6.1B, Policy 1.8.3, Policy 1.8.5, and Policy 1.8.7 of the City Land Use Plan. Policy 1.6.1B indicates that nonresidential areas are to be located in a manner that facilitates their serving of residential areas but without adversely impacting those areas. Policy 1.8.3 wants commercial areas designed for convenience and located at intersections of minor and major arterial streets. Policy 1.8.5 identifies the Plantation Midtown District and it states it should be treated as one parcel, while Policy 1.8.7 says any zoning change must be reviewed in context of market analysis data.

Further, the proposed rezoning is consistent with Goal 1 of the Plantation Midtown District to have an attractive functional regional activity center while also meeting Objectives 1.1 and 1.2 to have the highest quality development in a safe environment with the appropriate mix of uses. The application is also consistent with Policy 1.1.1, Policy 1.3.1, Policy 1.3.2, and Policy 1.3.4., all of which deal with mixing of commercial and residential uses in an appropriate mix.

Staff Response: *The proposed zoning change and site plan is consistent with some "general provisions" of the Comprehensive Plan and not consistent with some "specific provisions" of the Comprehensive Plan.*

For example, the Comprehensive Plan supports additional high density residential development in Midtown, but not at this location in the South Business District. The Comprehensive Plan calls for an appropriate mix of uses, but also recommends vertical-mixed use, the latter not provided in this case. Horizontal mixed use with adjacent properties is a reasonable alternative, but only if safe and convenient pedestrian connectivity is completely addressed. Traffic analysis (See engineering comments earlier in this report) shall also be addressed.

- f) 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 appropriate);
Applicant's Response: The proposed use offers a greater variety of compatible potential development on the site while retaining office as a permitted use. In addition, impact on water, waste water, sanitary sewer, open space, and drainage will be equal to or less than under he existing office park use. Further, the rezoning to residential does take advantage of the changing demographics o the area and the desire for higher density in the Midtown District.

Staff Response: *The question here is does the SPI-3 rezoning and site plan enable the applicant to design a project that provides significant benefit (in terms of development standards) that cannot be provided if the property is developed under current OP-P zoning. The apartment project:*

- *Fails to meet minimum unit size for one-bedroom apartments.*

- *Fails to exceed SPI-3 Design Criteria for building elevations along Peters Road and W 80th Terrace Extended.*
- *Fails to meet minimum setback requirement along Peters Road.*
- *Fails to meet minimum landscape requirements, and*
- *Fails to meet Plantation parking code or alternative parking criteria.*

g) 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's Response: The proposed residential development would add significant tax revenues to the City. The project will also meet the goal of adding new housing to this area.

Staff Response: Applicant has submitted a tax revenue analysis comparing a 40,000-square-foot office building with surface parking with a 287-unit apartment building and parking structure totaling over 550,000 square feet. Based on applicant's assumptions, the apartment building would generate six times the tax revenue of the office building. This tax revenue differential is due in large part because multi-story apartment building and garage contain 14 times the floor area of the office building.

Other Economic Impacts:

- *Rental apartment buildings provide few on-site permanent jobs compared with office buildings.*
- *The public safety service providers have not indicated the comparable cost to service an apartment building vs. an office building.*
- *The addition of the apartment building (350+ residents) will help support redevelopment of the adjacent nearby commercial properties if safe and convenient pedestrian connectivity is provided. The site plan has not addressed this issue.*

h) 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's Response: Parcel 4 of the property is currently developed as an office park development and will not be changed. Parcel 5 is vacant and is scheduled for office park development. The existing office park land use does not provide potential for the site to be developed in a more desirable manner. Since there is a glut of office space in the area, adding additional office space is not the highest and best use of the property. The proposed land use and rezoning; however, retains office as a permitted use, while adding retail and other commercial uses, thereby offering additional development opportunities that currently exist. The addition of residential into the district will compliment and utilize the existing commercial uses. Further, residential will help to utilize the transportation system, adjacent office parks, and adjacent retail centers.

Staff Response: The site can be developed in a desirable manner based on the present "OP-P" zoning (40,000-square-foot office building).

i) The future land use and zoning needs of the community; and

Applicant's Response: The proposed rezoning compliments the future land use and zoning needs of the community by providing additional residential units in the Midtown District. The commercial land use allows for development of uses which provide employment and retail opportunities while furthering the City's vision for the Midtown District.

Staff Response:

In terms of the land use needs of the community, the applicant shall submit a market study demonstrating the apartment demand in the context of existing and proposed Midtown Area Multi-Family residential (3,145 units over next 3 – 4 years). The market study should also consider potentially ongoing new apartment construction in Davie east of the University Complex.

Phase I of the Metropica Development of Regional Impact (DRI) at 136th and Sunrise Boulevard is being rezoned for 409 apartments. The Metropica DRI entitlement includes an additional 1,900 dwelling units. Staff does not know if apartment development at Sawgrass Mills is competing for the same “residential market” as Plantation. Staff recommends the market study also identify if this is an issue.

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

Applicant’s Response: The proposed use is compatible with adjacent land uses and the goals and objectives of the Midtown District.

Staff Response: *The proposed use is compatible with the adjacent land uses. The proposed use is consistent with some but not all Midtown Plan objectives.*

- n) The proposed use of the property does not and will not result in contamination of groundwater sources used to supply potable water.

Applicant’s Response: To be determined by the Engineering Department.

Staff Response: *Subject to Engineering Department confirmation.*

- p) The proposed future land use or zoning of the subject property does not cause the City’s water demands to exceed the City’s water supply availability or consumptive use permit.

Applicant’s Response: The proposed residential use will not have a negative effect on the City’s water supply.

Staff Response: *The Utilities Director has indicated the proposed apartment building will not exceed the City’s Consumptive Use Permit, subject to Utilities Department comments in the latter part of the report.*

Exhibit “B”

ASSIGNMENT OF FLEXIBILITY UNITS

Section 19-67 of the Plantation Land Development Code and Objective 1.7 of the Future Land Use Plan; applicant requires consideration of the following. The applicant has also submitted a site plan for a 287-unit apartment building.

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

Applicant's Response: The proposed residential development is located next to substantial commercial and office development including Plantation's major office parks as well as the I-595/University Drive transportation corridor and is near the southern terminus of the City's Midtown zoning district. The Plantation City Council designated 860 acres as the Plantation Midtown District in 2004. The last few years have seen changes in development occur to nearby properties, including the reconfiguration of the Fountains Shopping Center. The recent changing nature of the area and District provide the subject site with the opportunity to capitalize on its location in the District. The proposed commercial land use, which includes the potential utilization of Broward County's flexibility rules for residential units, offers greater opportunities for the site to respond to changing conditions and to be developed in a manner more suited to the vision of the City's Midtown District. In addition, office uses are permitted with the commercial land use category. Therefore, the subject site will retain the ability to be developed with office uses.

Staff Response:

Central Plantation (Midtown) Conceptual Master Plan: *There has been little unanticipated change in the development of nearby or adjacent property:*

- *The redevelopment of the Fountains Shopping Center and the existing Midtown 24 Apartment are both consistent with recommendations of the Midtown "South Village Plan" (Page 19, Midtown Plan).*
- *The development of One Plantation Place Apartments is consistent in concept, if not quantity, with the "South Business District Plan" (Page 20 of the Midtown Plan limits residential development to 120 dwelling units in the South Business District).*
- *Existing properties located along the University Drive Corridor continue to be used as commercial as recommended in the South Village and South Business District Plans, including the redevelopment of the Fountains, One Retail Place (next to One Plantation Place), and Publix.*
- *Midtown Office development has been limited during the last five years, not a surprise during this recessionary period. The Midtown Plan projects that 58% of the office development would occur between 2013 and 2025, most of it proposed in the South Business District.*

The rezoning presents an opportunity that is consistent with general Midtown Plan Goals and Objectives (Page 12), such as encouraging mixed-use environments that include residential use and helping to support commercial markets.

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

Applicant's Response: The proposed use offers a greater variety of compatible potential development on the site, while retaining office as a permitted use. In addition, impact on water and wastewater will be less than under the existing land use. All development under the proposed use will comply with the City's land development regulations. With the approval of this project, the City of Plantation will

realize several goals and objectives outlined in the City of Plantation Comprehensive Plan. The project will bring new housing units to this district and provide a community to support the nearby commercial and office development. The application has devoted a substantial amount of time working with the City's master plan for the area. The site plan provides for safe and efficient movement of pedestrian and vehicular traffic. It reflects an orderly and creative arrangement of buildings that interact with each other internally and externally.

Staff Response: *The question here is does the flex allocation enable the applicant to design a project that provides significant benefit (in terms of development standards) that cannot be provided if the property is developed under current OP-P zoning. The apartment project:*

- *Fails to meet minimum unit size for one-bedroom apartments. (Policy consideration for City Council).*
- *Fails to exceed SPI-3 Design Criteria for building elevations along Peters Road and SW 80th Terrace Extended.*
- *Fails to meet minimum setback along Peters Road.*
- *Fails to meet minimum landscape requirements, and*
- *Fails to meet parking code or alternative parking criteria.*

c) The extent to which the project contributes to the tax base, adds employment, and provided other positive economic impacts;

Applicant's Response: The proposed residential development will add significant tax revenues to the City. The project will also meet the goal to add new housing in this area.

Staff Response: *Applicant has submitted a tax revenue analysis comparing a 40,000-square-foot office building with surface parking with a 287-unit apartment building and parking structure totaling over 550,000 square feet.*

Based on applicant's assumptions, the apartment building would generate over six times the tax revenue of the office building. This substantial tax revenue differential is due in large part because multi-story apartment building (including the garage) contains 14 times the gross floor area of the office building.

Other Economic Impacts:

- *Rental apartment buildings provide few on-site permanent jobs compared with office buildings.*
- *The public safety service providers have not indicated the comparable cost to service an apartment building vs. an office building.*
- *The addition of the apartment building (350+ residents) will help support redevelopment of the adjacent nearby commercial properties if safe and convenient pedestrian connectivity is provided. The site plan has not addressed this issue.*

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

Applicant's Response: The project will not adversely impact local services. Water and sewer service is available to the site and Plantation has sufficient capacity to service the project, (287 residential units).

Existing police, fire and EMS service will be more than adequate to serve the project. Given the existing development surrounding the site there will be no increased secondary effects such as odors, noise, traffic or crime. The traffic generation from this new residential development will increase over the current vacant use, but not significantly over the previously approved office use. Further, the residential use is adjacent to office and commercial uses on all sides which could result in some vehicular trips turning into pedestrian trips.

Staff Response: Water and Sewer: *The Utility Department has evaluated this proposal based on the site plan concept, which includes the existing office building and a new approximate 287-unit apartment building. The Utility Department says the apartment building will significantly increase demand for water, but will not exceed the City's Consumptive Use Permit.*

Utilities request the applicant address Consulting Engineers Hazen and Sawyer's report, dated 12-17-2012. The applicant shall also address Utility comments provided earlier in this report.

Schools: *The School Board will determine if the additional students will cause any Plantation Schools to exceed capacity, and if so, require the applicant to pay school impact fees.*

Police and Fire: *See Police and Fire comments at end of this report.*

Local or Regional Road Impact: *To be evaluated by the Engineering Department.*

Parks and Open Space: *Staff has loaded the 287 dwelling units into the demand portion of the City parks formula. Including the additional units, the City continues to exceed the parks and recreation standard of four acres of land per 1,000 persons. The applicant shall be required at time of site plan approval to dedicate local park impact fees.*

Drainage: *To be evaluated by City Engineer.*

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

Applicant's Response: The property is currently vacant and is scheduled for office park development. The existing office park land use does not provide potential for the site to be developed in a more desirable manner. Since there is a glut of office space in the area, adding additional office space is not the highest and best use of the property. The proposed land use; however, retains office as a permitted use, while adding retail and other commercial uses, thereby offering additional development opportunities than under the existing land use. The applicant of flexibility units is warranted to inject a reasonable number of residents into the district to compliment and utilize the existing and potential office and commercial uses. Further, residential will help to utilize the transportation system, adjacent office parks and adjacent retail centers.

Staff Response: *The site can be developed in a desirable manner without a flex allocation. The site can accommodate a 40,000+ square foot office building with surface parking that requires few if any waivers.*

f) The nature and types of uses surrounding the subject property and whether the development proposal is compatible and complements those uses:

Applicant’s Response: The development permitted by the proposed commercial land use is compatible with the land uses surrounding the site. Commercial land uses are located to the north and the east. The proposed commercial land use is also compatible with the office-park land uses located to the south and west of the subject site. In addition, any development occurring on the site will be consistent with the City’s land development regulations which ensure compatibility between properties through the use of setbacks, buffers, and other regulations. The use of flexibility for the proposed residential component of this development is the use most able to compliment the transportation system, existing office parks and the proposed mixed use office and retail projects within the Midtown corridor. It is compatible with the intensity of nearby retail and office uses and will provide the desired mix of residential and commercial use.

Staff Response: *In terms of future land use, existing land use, and zoning, the flex allocation is compatible with the surrounding properties. The Future Land Use, Existing Land Use, and Zoning Designations of the adjacent properties are as follows:*

	Future Land Use Plan Designation	Existing Land Use	Zoning
North	Commercial	Office/Retail	SPI-3
South*	Office Park	Office Park	OP-P
East	Commercial	Office Building/Shopping Center	SPI-3
West	Office Park	Hotel/Office Park	OP-P

*South side of Peters Road

g) Specific goals, objectives or policies of the City comprehensive plan and other City plans that are consistent or inconsistent with the development proposed;

Applicant’s Response: The project addresses the Housing Element of the Comprehensive Plan Objective 1.1 that indicates that the City of Plantation shall continue to assist the private sector in providing additional housing units. Policy 1.6.1(a) indicates the compatibility of existing and future uses by primary considerations in the review approval of land use amendments. These policies apply similarly to the assignment of flexibility units. The proposed land use is not in conflict with the goals, objectives, and policies of the City’s comprehensive plan and is compatible with the adjacent uses.

Staff Response:

- *The project supports general objectives of the Midtown Plan.*
- *The project does not support specific objectives of the South Business District Plan (The South Business District emphasizes office and business use. Residential development is limited to 120 apartments).*
- *The project supports high density, transit oriented development.**
- *The project does not support vertical mixed-use development.**
- *The applicant shall address pedestrian connectivity to the north, south, and east. See Comprehensive Plan, Transportation Element, “Bicycle Pedestrian Systems”, Policy 6.1.2 and 6.1.3.*

**Comprehensive Plan: Neighborhood Design Element: Midtown District.*

- i) The extent to which the type of flexibility proposed to be utilized will remain available for future use by the City under this Section's requirement and under any possible regulatory scheme;

Applicant's Response: The County flexibility ordinance allows cities within Broward County to inter-mix land-use types within County guidelines. There is no current plan at the City or County to eliminate the assignment of flexibility units although the County continues to regulate such assignments.

Staff Response: *Currently there are insufficient flex or reserve units to award 287 units to this development. The City Council has directed staff to make application to the Broward County Planning Council to merge Flex Zones 74 and 75. The Flex Zone Merger requires the approval of the Broward County Commission.*

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

Applicant's Response: The City has conducted an extensive area wide study of the Midtown corridor and concluded that the addition of housing units in the corridor would encourage redevelopment of the corridor. By improving the corridor and stimulating redevelopment, the health, safety and welfare of neighboring residents will be improved.

Staff Response: *It is necessary to evaluate the flex allocation in the context of SPI-3 regulations to determine if the allocation of flex units serves the public interest. Staff has concerns with the following waiver requests: unit size, front yard setback, landscape and parking waivers.*

It will be up to the City Council to determine if the granting of these waivers support the public interest. Based on the absence of precedent or City Council policy, staff cannot support the unit size, setback, and landscaping (as it relates to reduced Peters Road setback) waivers. Staff has identified an alternative parking requirement.

- k) The zoning and future land use and needs of the community;

Applicant's Response: The City area wide study clearly indicates a need for additional residential units such as these. The proposed commercial land use allows for the development of uses which provide employment and retail opportunities while furthering the City's vision for the Midtown District, including positive impacts to the area. The proposed land use offers a greater variety of compatible potential development on the site while retaining office as permitted use.

Staff Response: *In terms of the land use needs of the community, the applicant shall submit a market study demonstrating the apartment demand in the context of existing and proposed Midtown Area Multi-Family residential (3,145 units over next 3 – 4 years). The market study should also consider potentially ongoing new apartment construction in Davie east of the University Complex.*

Phase I of the Metropica Development of Regional Impact (DRI) at 136th and Sunrise Boulevard is being rezoned for 409 apartments. The Metropica DRI entitlement includes an additional 1,900 dwelling units. Staff does not know if apartment development at Sawgrass Mills is competing for the

same “residential market” as Plantation. Staff requests the applicant identify if this is an issue in the market study.

A market study was requested with submission of the Land Use Plan Amendment. The applicant submitted a generic market study that did not specifically address Plantation Midtown and potentially competing apartment markets.

- m) Such other policy considerations that may not be set forth above, but which are nonetheless considered by the City governing body to be reasonable and appropriate under the circumstances;

Applicant’s Response: The City is moving forward on its plan for the Midtown corridor. The property is ideal for adding an additional residential component to this corridor.

Staff Response: Staff to address at Public Hearing.

Exhibit “C”

QUALITY HOUSING STANDARDS

Section 19-67 “Quality Housing” of the Land Development Code requires the proposed project to satisfy the quality housing standards as follows:

- a. Cement tile roofs with staggered rooflines;

Applicant’s Response: While the established Quality Housing Standards require as a minimum a roof with concrete tile, the proposed building exceeds the standard providing a structure concrete roof with first quality roofing materials, and including additional architectural features as shown in the site plan submittal for this project.

Staff Response: The plan meets the minimum standard.

- b. Stucco or brick covered sidings and walls;

Applicant’s Response: The building will be clad in quality cement stucco and paint. Accent rustication will be in textured cement stucco.

Staff Response: The plan meets the minimum standard.

- c. Landscaped entryway and property perimeter features;

Applicant’s Response: The entryway and property perimeter feature will be extensively landscaped in accordance with the City’s requirements and direction of staff. Please refer to site plan submittal.

Staff Response: The plan does not meet the minimum requirement as property perimeter features are not landscaped in accordance with City’s requirements. See landscape waivers 12 and 13 relating to pedestrian zone landscaping.

- d. Waterway features (such as fountains) for lake, pond or wet retention areas;

Applicant's Response: An entryway fountain is planned pending meetings with the fire department regarding access.

Staff Response: *The plan does not meet the minimum standard. An entryway fountain is not provided.*

The original plan presented to staff at pre-development contained a Fountain in the entryway courtyard island. This fountain has been deleted from the current plan. According to the 12-18-12 Review Committee Report, the Fire Department did not object to an entryway fountain. The current plan shows an entryway island measuring 25' x 35'. Even if Fire deems it necessary to reduce the island to 20' x 20' to accommodate turning radii, sufficient space remains to install a fountain.

- e. A perimeter stucco concrete block wall, concrete panel and cap wall, brick walls or metal picket fence;

Applicant's Response: Following meetings with staff, it has been determined that the project will be surrounded by a quality metal picket fence, finished in durable coating.

Staff Response: *The artists rendering show brick columns approximately every 40 feet along Peters Road. Along the approximate 620-foot frontage, this is roughly 15 columns.*

The site plan shows five columns along Peters Road, plan, or an average of one column for each 120 feet of frontage.

While the site plan meets the standard, staff recommends that columns be placed no more than 40 feet apart based on the 610-foot length of the building.

- f. Dwelling units that all have central air conditioning and heating systems, hot water, and public sewer service;

Applicant's Response: All units have central air conditioning, heat, hot water and public sewer.

Staff concurs.

- g. Dwelling units that have balconies, patios, or porches;

Applicant's Response: Select units will have patios and/or balconies.

Staff Response: *Applicant indicates "select units" will have patios and/or balconies. The minimum standard requires "all units" to provide these improvements. Applicant to revise plan or clarify response.*

- h. Dwelling units that, if they are single-family units, have a garage and laundry facilities interior to the units;

Applicant's Response: These are multi-family units; however, all units have laundry facilities interior to the units. Parking will be within a parking garage for all units with parking located on the same floor as the entrance to the unit.

Staff concurs.

- i. Dwelling units that, if they are multi-family, have storage facilities and resident-only laundries on site;

Applicant's Response: Multi-family apartments are provided with ample in-unit storage closets and internal clothes washer and dryer. Limited additional storage will be available outside of the units.

Staff concurs: *The plan shows 300+ square feet of storage area on each floor of the building. To meet the minimum requirement, applicant shall designate these areas for resident storage only.*

- j. A clubhouse and recreational amenities (pool, tot lot, courts, etc.);

Applicant's Response: A clubhouse will be provided. A pool and two passive courtyard areas are planned. Also, a gymnasium and dog park will be provided.

Staff Response: *Applicant meets the minimum requirement. The plan shows an estimated 1,600+ square-foot pool and what appears to be a 1,800-square-foot fitness area on two levels. Staff requests applicant identify and note on plan both fitness rooms if this is the case.*

- k. A program of on-site security measures;

Applicant's Response: The project will have on-site security measures, the details of which will be determined as the site plan is finalized and the project moves through the approval process.

- l. Where the development has committed itself to the ongoing maintenance of the site in accordance with the standards set forth in the City's community appearance ordinance through appropriate restrictive covenants, the creation of associations or other substitute method of assuring that the maintenance obligations are capable of being paid for by assessments or property lien rights, and with such other restrictive covenants or documents as are reasonably required by the City's legal department in order to implement any other conditions of the City governing body's decision;

Applicant's Response: This residential project will be under single ownership and will comply with all applicable community appearance standards. Applicant understands that the documents may need to be approved by the City Attorney.

Staff Response: *The applicant shall provide a unified control document so that the apartment building density does not exceed 25 units per acre for the combined office and residential parcel.*

- m. Where the architectural treatments and embellishments meet the requirements of Section 5-57 of this Code.

Applicant's Response: Applicant believes it meets the requirements of Section of the Code. Please refer to submitted site plan, landscape and architectural plans for the detail on each.

Staff Response: *Section 5-57 is not applicable.*

Mr. Lunny read the Legislative Item first. He spoke with Council in advance of the hearing and they propose, subject to approval, that it would be a consolidated hearing so that the same evidences and presentation is not regurgitated through each one of the different approvals. After reading the tile he will summary the staff report. He encouraged Council to remember the assignment of flex is purely a Legislative item; the Comprehensive Plan Amendment needed in order to give final approval is purely a Legislative and highly discretionary decision on the Council's part; the rezoning in this case is, in his judgment, a Quasi-Judicial matter, which is a much less discretionary approval as well as site plan. He encouraged Council to make any approval of the ladder two; the zoning and the site plan, conditioned on the flex and the Land Use Plan Change, and if there is any substantive discussion with the applicant, have that discussion before voting on the flex portion of this ordinance and adopt the ordinance first before voting on the other matters. He requested that Council first vote on flex, then rezoning, then on the site plan. That way you retain the most discretion in your discussion about this as opposed to making a mistake and approving one and not so much the other. These are all First Readings so there will be a Second Hearing to consider.

Councilman Levy was in agreement.

In response to Councilman Zimmerman, Mr. Lunny advised that the site plan is a bindable buildable site plan for purposes of the application. It will be subject to the other matters being approved and if direction is given to the applicant concerning the site plan it must come back before Council at a future time.

Councilman Fadgen question what it means if we give direction on the site plan and it has to come back.

Mr. Lunny explained that the applicant has to submit a binding and buildable site plan as part of the process for Council to determine whether to change the land use plan or change flex. We like to make those decisions in the context of a binding and buildable site plan and if the site plan changes later they have to come in and apply for new flexibility; the flex can go away. It is his understanding that the applicant is submitting the site plan for the purpose of getting the rezoning, the flex and the comprehensive plan map amendment considered by the Council. This will not be a final consideration of the site plan especially where direction is given concerning improvements.

Attorney Bill Laystrom was present. He stated that basically every item on the agenda for development approval except site plans requires two hearings and a site plan requires one. If they are strung back to back he would do a land use amendment, wait until it gets done, then file a rezoning and wait until it gets done, and then file a site plan and the process would be about 3 ½ years. All of the applications are filed at the same time and at Second Reading on the land use amendment Council would also hear the Second Reading on the flex and rezoning that way there would be one hearing instead of around 20 over the course of that process. He has to have a site plan as part of the flex. This is an opportunity to get input and make any corrections that Council or staff may have depending on the final conditions. He noted that even if Council were to approve it they would still have a Second Reading on the rezoning and flex application.

Mr. Lunny indicated that the site plan would be part of the package for Second Reading. Council could elect to approve it all but he is not certain that is what is going to happen given this expedited review.

Councilperson Stoner questioned what happens if they do not like the site plan but have already approved the other things.

Mr. Lunny stated that you are not supposed to.

Mr. Laystrom advised that none of the other things will be approved tonight; it is just a First Reading and then they have to come back for a Second Reading.

In response to Councilperson Stoner, Mr. Lunny indicated that a flexibility decision is a short cut and you do not want to make a change to the land use plan or a flexibility decision without knowing what it is that you are approving. They have to come back.

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COMMENTS BY COUNCIL MEMBERS

Councilman Fadgen clarified that an e-mail being circulated is not from him.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS – None.

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SEALED COMPETITIVE SOLICITATIONS – None.

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WORKSHOPS – None.

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Meeting adjourned at 7:36 p.m.

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Councilman Robert A. Levy, 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 _____, 2014.

Susan Slattery, City Clerk