

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

**January 22, 2014**

The meeting was called to order by Councilmember 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 J. Lunny, Jr.

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2. The invocation was offered by Mayor Bendekovic.

The Pledge of Allegiance followed.

3. Approval of the minutes of the meeting held July 10, 2013.

The minutes of the City Council Meeting held July 10, 2013 was approved as printed.

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**ITEMS SUBMITTED BY THE MAYOR**

**Resolution No. 11828**

4. **RESOLUTION** of Appreciation to Nahrawan Taribo for 23 years of dedicated service to the City of Plantation.

*Motion by Councilmember Fadgen, seconded by Councilmember Zimmerman, to approve Resolution No. 11828. Motion carried on the following roll call vote:*

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

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**Resolution No. 11827**

5. **RESOLUTION** of Appreciation to Shirley M. Schuler for 15 years of dedicated service to the City of Plantation.

*Motion by Councilmember Jacobs, seconded by Councilmember Zimmerman, to approve Resolution No. 11827. Motion carried on the following roll call vote:*

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

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Mayor Bendekovic presented Service Awards to the following Employees:

Officer Michael Brutto	Police	20 years
Viola Okragleski	Landscape	20 years
*Earl Boys	Public Works	15 years
*Officer Tracy Fox	Police	15 years
*Officer Adam Rigg	Police	15 years
Willie Mellion	Central Services	10 years
Joseph Rick Hill	Parks and Recreation	5 years
*Jeffrey Mc Clendon	Public Works	5 years
*Darrell Scanlon	Public Works	5 years
Donald Williams	Parks and Recreation	5 years

\*Unable to attend.

Congratulations were offered.

\* \* \* \* \*

James Romano, Director of Parks and Recreation, made the following announcements:

- Tennis Under the Stars is this Friday, January 24, 2014, between 6:30 p.m. to 10:00 p.m. at the Frank Veltri Tennis Center.
- The Super Tennis Series is at the Frank Veltri Tennis Center on Saturday and Sunday, January 25 and 26, 2014.
- The Annual Doggie Palooza will be at Happy Tails Dog Park on Saturday, January 25, 2014 between 10:00 a.m. and 3:00 p.m.

Mayor Bendekovic made the following announcements:

- Friends of the Library are sponsoring the 2014 Authors and Fashion Luncheon at the Helen B. Hoffman Library on Saturday, March 15, 2014 between 11:00 a.m. and 3:00 p.m. Reservations are required.
- Congratulations to Councilmember Zimmerman and Manny Synalovski with regard to being recognized as 2013 AIA Florida Class of Citizen Architects.
- The Plantation Farmer’s Market is at Volunteer Park every Saturday between 8:00 a.m. and 2:00 p.m.
- The unveiling of the Everglades diorama, “The Wonders of the Everglades” on February 4, 2014.

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## CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 17.

Item No.'s 8 and 9 were pulled from the agenda.

Item No. 16 was removed and discussed separately.

Mr. Lunny read the Consent Agenda by title.

6. Revised deferred request for approval of a work authorization to Winningham & Fradley, Inc. not to exceed \$80,000 for construction engineering services for the Plantation Park Phase G Water Main Improvement – Project No. 757. (Budgeted - Utilities)
7. Revised deferred request for approval of a work authorization to Winningham & Fradley, Inc. not to exceed \$160,000 for construction engineering services for the Plantation Gardens Phase IIA water main improvement project – W.A. #1314-005. (Budgeted – Utilities)
10. Request to approve a purchase order to Wastecorp. Pumps in the amount of \$26,100 to replace the #3 piston pump at the Regional Wastewater Treatment Plant. (Budgeted – Utilities)
11. Request to purchase 50 replacement sets of Globe Bunker Gear for Firefighters and Rescue Personnel from Bennett Fire Products Company for \$64,500. (Budgeted – Fire)
12. Request to approve policy renewal with the Hartford Steam Boiler Insurance Company in the amount of \$20,297.49.
13. **Resolution No. 11829**  
**RESOLUTION** of the City of Plantation pertaining to the subject of Public Property; approving that certain Third Amendment to Business Lease Agreement between the City of Plantation and Revelation Realty, Inc.; providing a savings clause; and providing an effective date therefor.
14. **Resolution No. 11830**  
**RESOLUTION** approving the Expenditures and Appropriations reflected in the Weekly Expenditure Report for the period December 31, 2013 through January 15, 2014 for the Plantation Gateway Development District.
15. **Resolution No. 11831**  
**RESOLUTION** approving the Expenditures and Appropriations reflected in the Weekly Expenditure Report for the period December 31, 2013 through January 15, 2014 for the Plantation Midtown Development District.
17. **Resolution No. 11832**  
**RESOLUTION** approving the Expenditures and Appropriations reflected in the Weekly Expenditure Report for the period December 31, 2013 through January 15, 2014 for the City of Plantation's Community Redevelopment Agency.

*Motion by Councilmember Fadgen, seconded by Councilmember Jacobs, to approve tonight's Consent Agenda as printed. Motion carried on the following roll call vote:*

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

Mayor Bendekovic voted on Item No. 17 affirmatively.

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Mr. Lunny read Item No. 16.

**Resolution No. 11833**

16. **RESOLUTION** approving the Expenditures and Appropriations reflected in the Weekly Expenditure Report for the period December 31, 2013 through January 15, 2014.

Councilmember Stoner advised that she would have to abstain as to Check No. 088612 to Stoner and Associates.

*Motion by Councilmember Fadgen, seconded by Councilmember Jacobs, to approve Resolution No. 11833 as presented. Motion carried on the following roll call vote:*

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

Note: Councilmember Stoner abstained from Check No. 088612.

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**ADMINISTRATIVE ITEMS**

Mr. Lunny read Item No. 18.

**Resolution No. 11834**

18. **RESOLUTION** AUTHORIZING AN AMENDMENT TO THE ESTIMATED EXPENDITURES AND REVENUES FOR FISCAL YEAR 2014; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

A memorandum dated January 15, 2014, to Mayor Bendekovic and Members of Council, from Kristi Caravella, Financial Services Director, follows:

This resolution approves the budget amendments and the amended budget for FY2014 that are included in the corresponding attachments. The resolution amends the budgets of the General Fund and the Fire/Rescue Services Fund.

A summary of the budget amendment's components for each fund is provided below. A summary of capital expenditures by department and fund is provided in the first attachment. The second attachment provides a detailed list of capital expenditures by department. This five-year capital plan was included in the original proposed FY 2014 budget.

#### GENERAL FUND

The resolution increases the General Fund by \$2,880,975. The budget increase is due to the reinstatement of operating capital expenses that were eliminated during the budget process in order to balance the FY 2014 budget. As a result of several unanticipated one-time revenues including the signing bonus from Waste Management, insurance reimbursement for Hurricane Wilma, settlement of two lawsuits, building permit revenues, and personnel savings, the basic capital requests from the various departments can be funded. It is important to remember that these are one-time revenues that will not reoccur in successive years.

The City's General Fund experienced decreased revenues in several areas including ad valorem taxes, electric franchise fees and the communications service tax shared with the State.

#### FIRE/RESCUE SERVICE FUND

The resolution increases the Fire/Rescue Services Fund by \$67,160 for operating capital expenses.

In addition, as part of the year-end closing process, the Post-Employment Benefits (OPEB) reserve will be increased by \$500,000 in order to bring it closer to the amount required by the Governmental Accounting Standards Board (GASB) and the Risk Management reserve will be increased by \$500,000. The remaining \$1,961,272 automatically goes to unassigned reserves. Amendments are not required for these items.

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Mayor Bendekovic indicated that the budget is a fluid document and it changes as you move along. Not until you get to the end of the year do you realize that you are going to have the one-time revenues we ended up with. The source of revenues was provided along with the shortfalls. When balancing the budget it was decided that it would be best to remove the capital improvements. The capital improvements were restored and then we replenished the unassigned reserves. We are \$17 million behind in capital improvements because there have not been any substantial capital improvements in the City of Plantation. As far as reserves, we have not put anything back into the reserves for the past seven years. In order to rebuild the unassigned reserves and start having capital improvements, the money was divided; \$500,000 also went to Risk Management and \$500,000 went to the OPEB because of GASB Government Accounting Standards, which states that we have to get that fund up to \$2.5 million. Currently that fund is up to \$2 million. We have gone from a \$12.9 million deficit to \$9.3 million and now a \$4.9 million. We still have a way to go. We were very fortunate to have the one-time revenue this year. She thanked everyone for their team effort. The budget is not only trying to generate revenue but also decreasing expenses.

Dr. Caravella advised that we have deferred capital improvements of over \$17 million and \$3 million is not a lot to keep our capital improvements where they need to be.

Councilmember Levy questioned what level of deficit these funds bring us to if these are added to the budget.

Dr. Caravella stated that we are not operating in the deficit so we did not balance the budget with the one-time revenues. We waited until the monies came in and now we would like to put them toward some of the capital improvements.

Councilmember Levy questioned if this decreases the angst regarding the impasse between the Police Union and the City. He questioned if we would be able to utilize in some way to bring us closer to an agreement.

Dr. Caravella commented that these are revenues from last year, from fiscal year 2013, and if we do not put them toward capital they would fall into the General Fund Reserves.

Mr. Lunny advised that the Council has the authority to make that transfer after considering all of the factors. Council ultimately can transfer from one budget fund to another and there is no legal restriction.

Dr. Caravella stated that anytime you move money it is a reduction somewhere else.

Mayor Bendekovic mentioned that the Police Department is getting \$800,000 and that is what you will be giving up.

Councilmember Levy indicated that they need the best available equipment to do their job; he would not want to take away from them. He is trying to see what we can do as a body to understand the situation.

Mayor Bendekovic commented that we will not have the one-time revenues next year. If that were taken out of the \$2.8 million we will not have that again.

Councilmember Levy stated that the two sides need to take steps to come together eventually. He wants to see that we have exhausted all possibilities before we reach the point where we cannot reach an agreement. One of the possibilities is using the funds that are a windfall this year and last year in order to help the crisis that we are in regarding this contract.

Mayor Bendekovic advised that this would not make a dent.

Dr. Caravella indicated if you add up the one-time revenues the deficit is \$3.8 million.

Mayor Bendekovic commented that we are getting the actuaries cost in now for the General Employees and we have not received the Police Pension Actuary. With the General Employees, the pension program is \$505,000 and we expect that the Police will be likewise. That contribution will be \$1 million. We also know that medical benefits go up. We will be bringing in the whole overview of what we see for the next five years with regard to capital improvements. That will be prepared in March and at the end of the March you will receive the CAFER.

***Motion by Councilmember Jacobs, seconded by Councilmember Fadgen, to approve Resolution No. 11834 as presented. Motion carried on the following roll call vote:***

Ayes: Zimmerman, Fadgen, Jacobs, Stoner, Levy

Nays: None

Councilmember Levy noted with the caveat that this body could theoretically move monies if they have not been spent.

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## **NON-AGENDA**

Mr. Lunny read Item No. 18a.

### **Resolution No. 11835**

18a. **RESOLUTION OF THE CITY OF PLANTATION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE #1, AN ESCROW AGREEMENT RELATED INSTRUMENT IN DETERMINING OTHER MATTERS IN CONNECTION THEREWITH; PROVIDING FINDINGS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.**

Mr. Lunny explained that this is with regard to the Pine Island Park Lighting financing. Previously, on September 13, 2013, as part of an agenda package for this lighting, proposed lease financing terms were approved. The deal points of those terms were 4.45% and seven years. The Finance Department procured a different commitment from a Sun Trust Leasing entity of 1.74%, paying over three years. One concern is that we were unable to get the finalized exhibits in terms of the financial schedules attached to the lease because of weather. We were also unable to confirm that we could have an extension to the 1.74% proposal because of weather impacts. He is not sure that this arrangement will be available to the Council for its next meeting. The deal as of yesterday was that Sun Trust would rather have a formal Resolution of the City Council approving the current base deal and approving the text of the master lease and the first amendment thereto. The text of those documents has been approved by Bond Counsel. Not knowing whether this would still be available for the City to accept in two weeks and being in the position that we were in, the Administration decided to propose a Resolution Non Agenda and apologizes for any inconvenience because some Council members like to examine all of the text. He stated that the text of these documents was approved by Ms. Herring. If the Council is willing to consider the item, the Finance Department believes that the terms are more favorable than the essential deal points approved earlier. If the Council wants to defer the item, Dr. Caravella was unable to confirm that the same rate would be available in two weeks. As Council might know, the rates go up and down.

In response to Councilmember Levy, Councilmember Stoner stated that she had an objection. None of the numbers are available, the master agreement is dated 2005, nothing is filled in and she is not willing to pass anything that has blanks everywhere in the document.

Dr. Caravella advised that this came to Council and was approved on September 25, 2013. The only change is who we are doing the financing through, which is where we are going to save the money for the City. The terms are exactly the same and the master lease was already approved by Council and reviewed by Mr. Lunny in 2005. The way it works with Sun Trust is that there has to be a master lease agreement in place and anything done later on as a tax exempt lease is that schedule, which is blank. They have not been able to get to their offices in Maryland but it would say that the amount has not changed; it is three years at 1.7%. The master lease has been approved by Council and it stays in effect.

Mr. Lunny indicated that Council would be approving an amendment to the master lease agreement, which is in the package, and either a complete new master lease could be done or it can be done this way, which is the way our Public Financing Counsel thought would be easier in terms of getting the matter finished.

Dr. Caravella commented that the rate is locked in place until Friday.

Councilmember Fadgen inquired whether it is possible to get the missing blanks filled and have a special telephonic meeting.

Mr. Lunny advised that it is not possible to have a telephonic meeting where all of you participate by telephone. One person can participate if there is a quorum. Typically the numbers are something that is reviewed by Administration and Finance Departments and the text of the documents are usually reviewed by the legal team. The question might be if you are satisfied with the deal points. He could not accommodate those who wish to see final documents and he was worried about trying to keep the rate.

In response to Councilmember Levy, Dr. Caravella advised that it is 1.74%.

Councilmember Levy does not believe we will ever get better than that.

Mayor Bendekovic commented that we have seen their other documents. When this was brought to Administration we certainly were not going to accept the difference. She appreciates Dr. Caravella's initiative.

Councilmember Levy stated that because there is no change in the numbers other than the percentage he believes there could be a vote because it was looked at in September.

Councilmember Stoner indicated that she keeps hearing Bond Counsel and noted that this was done as a lease purchase from the vendor.

Mr. Lunny advised that the agenda item last September included deal points of 4.45% and a seven-year equipment lease. This is a lease financing; it is public financing; and it qualifies for tax exempt financing for purposes of an IRS perspective. For purposes of a State Law perspective, it is a public lease financing. It is not like a private sector lease financing arrangement.

Dr. Caravella indicated that those types of leases require a Bond Counsel opinion.

Councilmember Levy commented that it may legally be "Bond" but it is not in the public perception a Bond.

Mr. Lunny explained that it is a tax exempt lease financing.

Councilmember Levy believes it is a good deal.

Councilmember Stoner questioned whether anything affects the vendor because they were giving us a package. She questioned if the financing that was set forth was part of the bid from everybody and we accepted the best package.

Dr. Caravella stated that the vendor is in the loop; it is irrelevant to him whether we finance through Sun Trust or Muskow. It was used as a model; we are never obligated to go with Muskow.

*Motion by Councilmember Jacobs, seconded by Councilmember Zimmerman, to approve Resolution No. 11835. Motion carried on the following roll call vote:*

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

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## **LEGISLATIVE ITEMS**

Mr. Lunny read Item No. 19.

19. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE PERTAINING TO THE SUBJECT OF COMPREHENSIVE PLANNING (SOE PLAT TECH PARK LUPA); CHANGING THE FUTURE LAND USE DESIGNATION OF A PARCEL OF PROPERTY; SPECIFICALLY AMENDING CITY OF PLANTATION ORDINANCE NO. 1626, AS AMENDED, WHICH ADOPTED THE CITY FUTURE LAND USE PLAN AND MAP, TO REDESIGNATE A PARCEL OF LAND CONTAINING APPROXIMATELY 12.013 PLUS OR MINUS ACRES OF PROPERTY FROM INDUSTRIAL TO MEDIUM-HIGH (25) RESIDENTIAL MAXIMUM TO ALLOW A DENSITY OF 25 DWELLING UNITS PER ACRE IN ACCORDANCE WITH POLICIES 1.7.6 AND 1.7.7 OF THE PLAN; SAID PARCEL MORE PARTICULARLY DESCRIBED AS A PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 49 SOUTH, RANGE 41 EAST, COMMENCING AT THE NORTH ONE-QUARTER (N ¼) CORNER OF SAID SECTION 34, RUN ON AN ASSUMED BEARING OF DUE SOUTH, A DISTANCE OF 100.91 FEET ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE ¼) OF SAID SECTION 34; THENCE RUN SOUTH 89°06'23" EAST, ALONG A LINE 100 FEET SOUTH OF A PARALLEL TO THE NORTH LINE OF SAID SECTION 34; A DISTANCE OF 130.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID LINE A DISTANCE OF 900 FEET; THENCE RUN DUE SOUTH 425.01 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE RUN SOUTHWESTERLY 54.98 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 75 FEET, AND CENTRAL ANGLE OF 42", TO THE POINT OF TANGENCY; THEN RUN SOUTH 42" WEST A DISTANCE OF 374.13 FEET TO THE NORTH RIGHT-OF-WAY LINE OF WEST SUNRISE BOULEVARD; THEN RUN NORTHWESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE, ALONG A CURVE CONCAVE TO THE SOUTHWEST, HAVING RADIUS OF 1482.69 FEET, A CENTRAL ANGLE OF 27°32'47", AND A CHORD BEARING OF NORTH 63°13'20" WEST, AN ARC DISTANCE OF 712.84 FEET TO A POINT 130 FEET EAST OF THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE ¼) OF SAID SECTION 34; THENCE RUN DUE NORTH A DISTANCE OF 449.20 FEET TO THE POINT OF BEGINNING; SAID LANDS SITUATE IN THE CITY OF PLANTATION, BROWARD COUNTY, FLORIDA AND READOPTING SAID PLAN AND MAP AS THE MASTER LAND USE PLAN AND MAP, 1989, MAKING SAID PLAN AND MAP PART OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF PLANTATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A letter dated January 9, 2014, to Larry Leeds, AICP, Director, of the Planning, Zoning and Economic Development Department, from Michele C. Mellgren, AICP, President, of The Mellgren Planning Group follows:

RE: Land Use Plan Amendment Applicant PP13-0030; SOE Plat

Dear Mr. Leeds:

We have evaluated the comments that your department issued to the Planning and Zoning Board based upon City of Plantation Comprehensive Plan Policy 1.16.1, and would like to offer additional information and responses to said comments. Listed below are the twelve (12) criteria of Policy 1.16.1, the comments from your department relating to each of the criteria, and our responses.

1. Staff Comment:

*Policy 1.10.9 states “Prevent further fragmentation or parceling of the Technology Park and maintain existing industrial land uses to prevent additional dilution of the Park’s attraction of high impact companies in order to maintain the value of the City of Plantation’s limited Industrial land use.”*

*The applicant’s response analyzes rental-housing demand for Broward County. Applicant has not analyzed demand for high-density residential housing in Plantation, particular this location, which does not provide convenient neighborhood shopping or access to a neighborhood park without crossing a major six-lane trafficway.*

Applicant’s Response:

The analysis specifically addressed demographic conditions and loss of rental apartment units within the City of Plantation, as well as area-wide housing trends that apply to the market area that includes Plantation. The analysis does not need to evaluate the demand for “high-density” residential housing, as it is rental apartment units that are the subject of demand, regardless of whether the units are developed at 16 units per acre or 25 units per acre, although the higher-density configuration reduces the per-unit cost of development, and allows for rents that are more moderate in today’s high-rent environment.

2. Staff Comment:

*The Utilities Department cannot support this project at this time due to the limitations of existing transmission and distribution infrastructure.*

Applicant’s Response:

The Utilities Department has expressed concern with regard to improvements and equipment required to support the project. For the purpose of reviewing the land use plan amendment application, it is only necessary to determine the plant demand and capacity for both potable water and sanitary sewer. Any improvements that may be necessary will be determined during the site plan process. The City’s comprehensive plan states that a potable water capacity of 25.0 million gallons per day (MGD) must be maintained to meet the current demand (2015 projection). The City’s wellfields have a combined capacity of 35.5 MGD, which far exceeds the projected demand. Additionally, the City’s wastewater treatment plant has a design capacity of 18.9 MGD, which exceeds the 2015 projected demand of 14.8 MGD. As such, both potable water and sanitary sewer capacity are available to meet the demand of the proposed residential use.

3. Policy 1.16.1(3) pertains to the compatibility of the proposed amendment with development permitted under the land use and zoning of property surrounding the subject property;

Staff Comment:

*The applicant's response is not based on existing site conditions. Common planning practice is to locate high-density residential development close to commercial areas to encourage pedestrian accessibility. Neighborhood parks are supposed to be located such that is not necessary to cross a major six-lane trafficway. While the site is located across the street from Plantation High and Middle Schools, this does not justify the high-density, mid-rise residential proposal.*

*Residential use at this location is not compatible without a continuous landscape and wall buffer separating the apartment project from light industrial uses to the east. The Engineering and Fire Departments require access to the NW 69<sup>th</sup> Avenue, prohibiting a continuous wall and buffer along the east lot line.*

Applicant's Response:

The high-density mid-rise residential development permitted by the proposed residential land use plan designation is compatible with the clean, indoor and low-intensity land uses to the east that are reflective of the "technology park" moniker. In terms of existing site conditions, the two buildings opposite NW 69<sup>th</sup> Avenue have office facades facing toward the amendment site, with any loading facilities located on the opposite sides of the buildings, out of view from the amendment site.

It is common planning practice to locate high-density housing adjacent to commercial or light industrial uses similar to those located east of the amendment site. The upscale "Signature at Davie" apartment community is a recently built example of just this. The community is located adjacent to a property zoned "Research and Technology East District" that has a light industrial use. Furthermore, the City of Plantation's regulations for the Light Industrial District specifically state that the I-LP districts may abut a residential district, and that the activities permitted are intended to be compatible with such neighboring districts.

The Sunrise Boulevard corridor extending west of the amendment site for one-half mile is predominantly multiple-family residential, demonstrating that multiple-family use on the amendment site is consistent with the predominant land use west of the site, and is appropriately located relative to other land uses.

4. Staff Comment:

*Policy 1.3.2 states, "Protect the Industrial Park areas (which are anchored by Gould and Motorola), by streetscape improvements and zoning continuity." The intent of the Comprehensive Plan Policy is to encourage the continuation of industrial zoning.*

*Further, the amendment is not consistent with Policy 1.3.3, which is to "Preserve Industrial land use to maintain viable economic and job base."*

*Staff does not agree that 69<sup>th</sup> Avenue interrupts the continuity of the Industrial Park. The correct location to separate light industrial from any residential use is not a local street that mixes residential and industrial traffic. The correct location is where a continuous uninterrupted buffer (canal or dense landscaping and wall) separates the two incompatible uses.*

Applicant's Response:

Policy 1.3.3 supports maintaining a *viable* economic and job base. However, the amendment site has not had a viable industrial use for six (6) years, which is one of the main justifications for the proposed change in land use. The amendment site has a right-turn in and out from Sunrise Boulevard that will minimize the mixing of industrial and residential traffic.

5. Staff Comment #1:

*No evidence has been provided to support the demand for rental apartments at this location. The amenities associated with high-density residential, such as nearby daily shopping or a neighborhood park not separated by a major six-lane roadway.*

Applicant's Response:

Plantation has long been home to dozens of large rental apartment communities, with more rentals than any adjacent municipality. More than 1,200 of these apartments have been eliminated from the rental market. With the county-wide increase in demand for rental apartments, and the increasing rents caused by the shortfall in units in part due to the condo conversions, rental demand is high in Plantation, regardless of the specific property location.

The amendment site will have its own recreational amenities, eliminating the need for an adjacent neighborhood scale park, and shares the same locational juxtaposition to retail uses and parks as do the approximately 1,500 multiple-family units located west of the amendment along Sunrise Boulevard, and several hundred apartment units located along North University Drive.

Staff Comment #2:

*See Utilities Department comments (Item #2 herein).*

Applicant's Response:

Response provided to Utilities comments in Item #2 herein.

Staff Comment #3:

*Contrary to applicant's analysis, the development of residential without a significant, continuous buffer is not compatible directly adjacent to a light industrial park.*

Applicant's Response:

The current and ongoing practice of locating successful rental apartment communities adjacent to business parks and light industrial parks with standard buffers demonstrates the compatibility of such adjacency. The upscale "Signature at Davie" apartment community is a recently built example of just this. The community abuts a large light industrial complex that is zoned "Research and Technology East District". Furthermore, the City of Plantation's regulations for the Light Industrial District specifically state that the I-LP districts may abut a residential district, and that the activities permitted are intended to be compatible with such neighboring districts.

Staff Comment #4:

*The amendment does not apply to Objective 1.7, which relates to the western part of the City. Applicant has not provided innovative design based on the 4/5 story, high-density concept plan.*

Staff Comment #5:

*The applicant's response is inconsistent with Policy 1.7.5. The applicant proposes locating high density residential in an area far away from commercial activity centers.*

Applicant's Response:

Applicant does not read Policy 1.7.5 to require exclusive location of high-density residential close to commercial activity centers, but instead, to surround commercial activity centers with high-density residential to both support the commercial centers and transition to lower-density residential areas. As previously documented herein, there are multiple-family corridors within Plantation that are not adjacent to commercial activity centers, including the half-mile-long Sunrise boulevard multi-family corridor just west of the amendment site.

6. Staff Comment:

*The applicant's comments do (not) address the criteria (regarding substantial benefit to the community if the amendment is to be approved). No site plan has been provided demonstrating the project will exceed the minimum required land development requirements, reserve appropriate open space, control pedestrian and vehicular traffic systems, exceed minimum required landscaping, exceed setbacks and building separation and reflect an orderly and creative arrangement of buildings and land uses. The proposed 4/5 story, high-density concept plan is an institutional concept. In addition, applicant has provided no details regarding the proposed development, including but not limited to the following:*

- *Washers and dryers provided in each apartment (Not a leased option).*
- *Maintaining minimum unit area sizes.*
- *Significant amenities for parents with pre-school children to compensate for the absence of a nearby neighborhood park.*

Applicant's Response:

The development will introduce modern apartment living with amenities to an area of Plantation that is characterized by outdated multiple-family housing. The conceptual plan provided to City staff already includes a substantial number of covered parking spaces equivalent to the approximately one space per unit, which is an amenity that is uncommon for apartment communities. The applicant is still in the process of refining the basic site plan concept, noting that a full site plan with the kinds of details cited in the staff response, above, is premature at the land use plan amendment stage.

7. Policy 1.16.1(7) concerns the extent to which the proposed land use would enhance the tax base, add employment, and provide other positive economic impacts.

Staff Comment:

*Applicant's comparison is inconsistent with property valuation practice as compares vacant land with developed residential.*

*The question becomes, does the tax revenue generate less, equal, or more (than) the cost of providing public services to 300 apartments. This information is not provided.*

Applicant's Response:

The following presents a comparison of the ad valorem revenues of the current industrial use to the proposed multi-family use. The multi-family development known as Solero, located in the northwest quadrant of I-595 and NW 136<sup>th</sup> Avenue, was analyzed to obtain data for the future anticipated condition of the subject property.

The subject site is approximately 11.7 net acres in area, and contains a building of an estimated 50,097 square feet of building area. The property has industrial land use and zoning, and is classified by the Broward County Property Appraiser as a light industrial use with associated parking. The total just, or market value of the land is \$3,585,130, and the just value of the structure is \$546,550, for a total just value of the site of \$4,131,680. Utilizing the combined value of the land and buildings, and the acreage of land in this project, a calculation of the just value of the land and building per acre of land can be obtained, which totals \$351,405 of taxable value. This equates to \$7,557 in total ad valorem tax revenue per acre, excluding any exemptions and adjustments. This amount is then utilized to compare the future revenue of the site when developed as multi-family.

The multi-family development identified as Solero contains approximately 1,943,261 square feet of land with a just, or market value of \$21,010,450. The property is developed with an estimated 574,019 square feet of building area with a just value of \$79,400,000, for a total land and building value of \$100,410,450. This equates to \$2,250,793 of taxable value, which comes to \$48,406 in total ad valorem tax revenue per acre, excluding any exemptions and adjustments.

The current industrial use generates total ad valorem tax revenue of \$7,557 per acre of land, compared to \$48,406 per acre when the site is redeveloped as multi-family use. Therefore, redevelopment of the site results in an increase in the just value of the property of approximately six and one-half times the current just value. As a result, the City of Plantation can expect to realize a corresponding increase in tax revenue of six and one-half times the current tax generation; a 550 percent increase in ad valorem revenues.

8. Staff Comment:

*Staff concurs that demand for industrial is not strong. However, this does not mean that this site would not be attractive to a warehouse, office, or industrial user, but not at the same price point or rate of return as a 300-unit apartment complex.*

*The more critical issue is the degree to which local property taxes will meet, will not meet, or will exceed the cost of local service delivery, including public safety providers. This information has not been provided.*

Applicant's Response:

Please see response to Item #7 above.

9. Staff Comment:

*The applicant has not demonstrated housing needs for Plantation and the suitability of meeting that need at this location.*

Applicant's Response:

Plantation has long been home to dozens of large rental apartment communities, more than any adjacent municipality. More than 1,200 of these apartments have been eliminated from the rental market. With the county-wide increase in demand for rental apartments, and the increasing rents caused by the shortfall in units in part due to the condo conversions, rental demand is high in Plantation, regardless of the specific property location.

10. (No staff comment or applicant response provided).
11. (No applicant response provided).
12. Staff Comment: *See Utilities Department comments (Item #2 herein).*

Applicant Response: See response (in Item #2 herein).

Please contact me with any questions.

\_\_\_\_\_

Mayor Bendekovic disclosed that she has spoken to Mr. Murphy and Mr. Allsworth but if she had to vote it will not affect her vote in any way.

Mr. Leeds explained that the letter from Mellgran Associates was emailed to Council on January 20, 2014. The applicant has submitted an application to build up to 25 units per acre on a piece of land located adjacent to Plantation Tech Park across from Plantation High on the north side of Sunrise Boulevard. Staff does not support the amendment; it is believed that the density is excessive and the buildings are too tall. It is also believed that the proposed plan, which is four stories of residential above parking, is not a quality product in the long term. They do not think this will be a desirable living environment in the long term. Staff does support an alternative, which is similar to an amendment that was adopted by this Council in 2006/2007. At that time the applicant requested a change from industrial to residential. The Council ultimately approved ten units per acre or two-story townhouses. This was approved by the County Commission and then the plan was changed. Subsequent to that, in 2007, the applicant requested an amendment to change it back to industrial. The alternative plan is 12 units per acre and two to three stories. It is believed that long term, this will be a more desirable product than what is being presented.

Councilmember Levy mentioned compatibility with the surrounding area. It is not contiguous to any residential; it is more technology in the park. He questioned the residential density and height in the area.

Mr. Leeds advised that the nearest residential, which is the Omega Townhomes, is one-story in height; there may be two-story. If you go straight west past the nursing home, the density is also very low; he thinks it is in the ten-unit per acre range. Those units are two stories in height. The single family homes surrounding the educational complex are one and two stories. The surrounding density in the vicinity, and also across the canal from Sunrise Boulevard, is one and two-story buildings. The density for multi-family is only about ten units per acre. It is believed that what was presented is a very reasonable alternative to what is on the ground today and what the applicant has proposed.

Attorney Emerson Allsworth, was present along with the applicant, Bill Murphy and Planner, Jeff Kadems (sic) and Architect, Joe Falkanger.

Mr. Allsworth indicated that this is a transmittal hearing. If this is passed it will go to the Planning Counsel and the County Commission and then it comes back to Council in three or four months for final approval. The only vote tonight is to transmit and the final vote is after it comes back from the County. During the interim, sometime in February, they will file the site plan. The site plan will have to go through the Planning and Zoning Board and then come to Council. The applicant has marketed this property for many years unsuccessfully. The building is 42 years old. No industrial users or tenants have come forward; the only use for that the building the last ten years was an interim use by the Department of Agriculture during the canker session we had in 2003, 2004 and 2005. Converting that industrial parcel, which this Council voted to do on 2006, to multi-family residential, does not change the nexus of the technology park. The property borders west of Plantation High School. The south has multi family with Omega all the way to Motorola and a nursing home and on the north side is multi family almost to University Drive. The nearest residential is across a 100-foot canal right-of-way to the north to the City of Sunrise. When this was proposed in 2006 there was no neighborhood opposition and he would be surprised if there is any tonight. It is an ideal location. Residential across from the high school is far preferable than industrial. This property is so under utilized that the tax base is on the roll of \$4 million; that is nothing compared to what the potential is. If it were developed as industrial the taxes would increase but as it sits today it is assessed at \$4 million; completely under utilized. The schools that service this area are all under enrolled so there is no adverse impact on the schools by the population that would move in. The property is derelict and is of no benefit as it sits today. As to compatibility, there is residential in Sunrise, multi family to the west and the technology park to the east. It is separated from the technology park by 69<sup>th</sup> Avenue and across the street from the high school. The reason this did not go forward in the past was because it was approved for multi family by the Council and the recession hit; it did not work economically. With regard to density, he cannot tell what the site plan will come out with. It will be something less than 25 units to the acre. To pick a number tonight does not make sense.

Councilmember Levy mentioned that tonight Council would be transmitting a scenario to the County and during the interim there will be discussions regarding the entire development with Planning staff and working out whatever differences there are.

Mr. Allsworth stated that it is not just a question of density; there is an economy of scale here. By having x number of units there can be a security gate with a guard; an on-site property manager; and property maintenance. There are things you can have with a larger complex that you cannot have with a smaller complex, which is to the benefit of the people who are going to live there. They are here to transmit a plan to allow residential multi family to move into this basically vacant location that has been unused for many years.

Mr. Leeds thanked Mr. Allsworth for his presentation. He is not debating whether the land use should be changed; he has had discussions and this site has challenges as industrial use. All we are talking about is how intense. If Council approves the residential 25 the applicant will prepare a report that the City has to review and if the City is all right with the report the City transmits it to the Broward County Planning Counsel. Staff goes to the meeting and is there as the City representative. This is now what the City wants from the perception of the County staff, the Planning Counsel. Staff then has to go to the County Commission and again, if asked what the City's position is, he cannot say that we may actually agree on less. If the County Commission approves 25 then it is 25. You set in motion a process that involves some City time. You also create the impression for the County that this is what we want to do. If this is approved at 25 tonight the applicant will work with staff regarding the site plan but there will be a little difference of opinion if the five-story plan is submitted. He is looking for direction from Council. He believes these buildings are too dense and too high for the families that will gravitate to this site because it is right next to a school. He reiterated that if this is approved, from the County's perspective, the City has adopted the residential 25 and we are proceeding.

Mr. Allsworth stated that all of this discussion is premature; they do not have a site plan. The question of height and density cannot be pre-judged. All they are doing is transmitting to the County with no obligation.

Mayor Bendekovic mentioned Item G on Page 11 in staff comments where it says "Important".

Mr. Allsworth advised that Mr. Laystrom is already working on that with Mr. Leeds.

Mayor Bendekovic commented that we will have to agree with what is written in the report.

Mr. Leeds indicated that he met with Mr. Laystrom today and it was made very clear. This becomes our report and he is going through it to make sure that he understands the methodology and analysis because when he gets in front of the County Commission he does not want to be in the position of some other cities that are challenged on this issue. He assured that report will be thoroughly reviewed by City Staff before it goes anywhere and he will be coming back to the Council with a draft asking, just as an information item, to let you know that staff has looked at it and finds it generally acceptable.

Councilman Fadgen referenced the four stories over parking and questioned how many parking spaces that saves for the whole project.

Jeff Falkanger, architect, was present. He believes there are about 50 spaces under each building so it would be about 250 spaces that are not in the grass or under cover. There are a lot of positives; there is more open space on the property. Every resident will have one under cover parking space.

Councilmember Fadgen questioned if the parking in the sketch is somewhat accurate in terms of how much green space versus parking.

Mr. Falkanger stated that it is accurate.

Councilmember Fadgen questioned how gross square feet is different from square feet.

Mr. Falkanger advised that on the land use transmittal the County generally goes from the center line of the adjacent streets. The net square footage is the exact property line.

Councilmember Zimmerman shared some of Mr. Leeds' concerns with density; however, he thinks the application needs to have the ability to come back to Council with a site plan with the density in the range that they think they can make a successful project.

In response to Councilmember Zimmerman, Mr. Leeds indicated this allows for that. If Council decides to approve the LUPA when it comes back on Second Reading and it gets transmitted to the County you will put yourself in a position and it will be hard to come back. He suggested that a site plan that goes through the process and is approvable prior to hearing this item at Second Reading. That means approving a site plan and a Zoning designation subject to ultimate approval of the land use plan amendment. All of this has to happen before approving it on Second Reading so you do have a second chance.

Councilmember Levy commented that today we are just transmitting it and we will have a second chance.

Mr. Leeds advised that Council can withdraw before approving it on Second Reading.

Dennis Conklin, resident, was present. Upon reviewing the public available backup online he was startled by the density and elevation mentioned. He kept seeing affordable housing, etc. He urged Council not to approve this and stand by Mr. Leeds and the department's objections; they were pretty strong in each of the necessary requirements to move this long.

Councilmember Levy believes that they are of the understanding that the site plan has to be undergone with a microscope to make sure that landscaping and density are addressed. Tonight is not the time to do that; this is strictly transmitting that we would like to have a development there and getting the County to accept it. It will be up to Council to work this plan and come up with something that is acceptable to the applicant and to the City. He likes the investment, the fact that this is finally getting some interest, and that we will have a viable economic part of the City that is nothing right now. He would like to see that the project move forward so they can work on smoothing out all of the objections, thoughts and ideas so they can take a few months and work on it while the County goes through its Administrative process. There are times when this type of thing takes a year. To turn it down completely and to say no to this economic chance in the area would be a travesty.

Councilmember Jacobs mentioned that original documentation was 300 units and the subsequent documentation talks about 250 units.

Mr. Allsworth advised that it is 25 x 12.

Councilmember Jacobs was thinking of a compromise; 20 units per acre. That would reduce the maximum density slightly and would come out to about 235 units being permissible.

Mr. Allsworth stated that there is an economy of scale with the ability to have a viable product depending on the number of units, the staff that you hire and the amenities that you can give. Rather than tying your hands tonight, he asked that Council pass it as is. They do not think the density will come back at 25; they do not know. As stated by Mr. Leeds, he recommended that there be an approved site plan prior to any Second Reading and they agree with that. The rezoning and the site plan should be addressed. He thinks they should have the flexibility from this point.

Councilmember Jacobs questioned that if 25 units per acre is approved that approval can be subject to an approved site plan before this is transmitted to the County.

Mr. Allsworth commented that the site plan will take three or four months; it has not been filed yet.

Councilmember Jacobs clarified that they want to transmit it to the County first and get their approval.

Mr. Allsworth understood that Mr. Leeds said he wanted it to be voted on prior to Second Reading.

Mr. Leeds advised that the process of amending a land use plan is Local Planning Agency, Planning and Zoning Board, City Council First Reading, Planning Counsel First Reading, County Commission First Reading then it goes up to all the State Review Agencies; Department of Economic Opportunity, FDOT and then it comes back with comments. Then comments are heard from the Review Agencies, State and County, as to how they feel about this. The next step would be to come back to the Plantation City Council if we were not talking about this plan issue. He is suggesting that before the Plantation City Council hears this on Second Reading that we have an approved site plan and a zoning change, that way we lock into the greatest extent possible, whatever the Council decides is ultimately appropriate. It is unusual to do things in this order but he thinks this is the only way to be assured. The most recent plan is 19 units per acre and you can go in with an irregular residential

density of 19 or 20. He thinks the only way to process this is to get the plan locked down and get the zoning locked down before hearing it on Second Reading. Once it is heard on Second Reading your negotiating ability drops off.

Councilmember Jacobs indicated that part of his confusion is that we have to have two readings before it continues.

In response to Councilmember Levy, Mr. Allsworth clarified that the interest is transmitting that a process is beginning and this is the start of the process and it will be months before the completion.

Councilmember Stoner indicated that this is a similar process to what we initially did with Crossroads. She believes that as a Council we have all had opportunities to express opinions and views as to the type of development. Perhaps some of the frustration is that the City has been very fortunate in the multi family projects that have been built thus far and the responsiveness of the representatives and the builders.

Mr. Leeds noted that it is very similar. He stated that Crossroads will come back before Council within a few months with a zoning change and a new site plan.

Councilmember Zimmerman mentioned the site plan coming back for Second Reading all in one package. He would like to see the site plan come back so Council has an opportunity to give the dialogue and have a review without the pressure of having the Second Reading on the same night.

Mr. Allsworth commented that will come back as quickly as possible.

In response to Councilmember Jacobs, Mr. Leeds advised that there are no conditions and the only one there would be is if Council decided to limit the density to another level.

***Motion by Councilmember Jacobs, seconded by Councilmember Fadgen, to approve Item No. 19. Motion carried on the following roll call vote:***

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

## QUASI-JUDICIAL ITEMS

Mr. Lunny read Item No. 20.

### **Resolution No. 11836**

20. **RESOLUTION** APPROVING A 3,460-SQUARE-FOOT PLANTATION MIDTOWN BAR (WORLD OF BEER) AS A CONDITIONAL USE TO BE LOCATED IN AN SPI-3 ZONING DISTRICT ON PROPERTY LYING IN SECTION 16, TOWNSHIP 50 SOUTH, RANGE 41 EAST AND DESCRIBED AS A PORTION OF TRACT A OF THE STILES PLANTATION PLAT, AS RECORDED IN PLAT BOOK 177, PAGE 53, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND GENERALLY LOCATED ON THE SOUTHWEST CORNER OF UNIVERSITY DRIVE AND SW 13<sup>TH</sup> PLACE (SHOPS AT ONE PLANTATION); PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A Staff Report dated January 22, 2014, to the City Council, from the Planning, Zoning and Economic Development Department, follows:

**REQUEST:** Conditional use approval to allow a 3,460-square-foot Midtown bar in an SPI-3 zoning district.

### **WAIVER REQUESTS:**

From: Section 27-721(81)(e) which requires the same and consumption of alcohol in Midtown bars to occur within a totally enclosed air conditioned space.

To: Allow 873 square feet of outdoor seating with 61 seats (including seven seats at a window bar area)

**EXHIBITS TO BE INCLUDED:** Planning and Zoning Division report; subject site map; Conditional use/site plan application; Planning and Zoning Board meeting minutes of December 3, 2013; and Review Committee meeting minutes of October 22, 2013.

**PLANNING AND ZONING BOARD RECOMMENDATION:** **APPROVAL** subject to staff comments (6/0; December 3, 2013).

**REVIEW COMMITTEE RECOMMENDATION:** **NO OBJECTION** to the project moving forward for further review (October 22, 2013).

### **ANALYSIS:**

The subject property is zoned SPI-3 (Plantation Midtown District), located on the southwest corner of University Drive and SW 13<sup>th</sup> Place, and developed with a commercial shopping center on the northern 2/3 of the property and 321 multi-family residential units on the southern 1/3 of the property. The property is bound by SW 13<sup>th</sup> Place to the north, State Road 84 to the south, University Drive to the east, and SW 78<sup>th</sup> Avenue to the west. A master site plan was approved on June 8, 2011, for new construction of the multi-family residential units and redevelopment of the existing shopping center.

A Midtown bar is defined as any licensed business devoted predominantly or totally to serving alcoholic beverages for consumption on the licensed premises; in which the serving of food is merely incidental to the consumption of any such beverage. The use is permitted in the SPI-3 zoning district subject to conditional use approval provided the use complies with the following:

- a. The maximum floor area is four thousand (4,000) feet.
- b. The maximum entertainment area (as set forth in the definition of restaurant entertainment facility) is limited to no more than five (5) percent of the total floor area of the establishment.
- c. Food must be offered for consumption at all times.
- d. The sale or consumption of alcoholic beverages shall not be allowed between the hours of 2:00 a.m. and 8:00 a.m.; provided; however, that on Christmas Day and Easter Sunday, the sale or consumption of alcoholic beverages will not be allowed between the hours of 2:00 a.m. and 12:00 noon.
- e. The same and consumption of alcoholic beverages shall occur within a totally enclosed air conditioned indoor space.
- f. Except to the extent provided otherwise above, the sale of alcoholic beverages shall also be regulated by Chapter 3 of the code.
- g. A stand alone bar shall meet the mechanical code ventilation requirements for smoking lounges contained in the Florida Building Code unless smoking is prohibited at all times and the owner executes local business tax receipt application (and accepts tax receipt) which contains a restriction that smoking will not be permitted within such establishment unless and until such mechanical ventilation is provided.

The applicant requests approval of a proposed Midtown bar fronting SW 13<sup>th</sup> Place, west of McDonald's and east of the new IHOP location. If approved, the establishment will:

- a. Occupy 3,460 square feet of interior space and 873 square feet of exterior space, and have 80 interior seats and 61 exterior seats (including 7 at a window bar).
- b. Having 109 square feet of live music area (3.2% of the space).
- c. Offer a limited menu of appetizers, salads, and sandwiches for consumption at all times.
- d. Comply with the operating hours as a condition of approval.
- e. Request a waiver to allow outdoor seating under an existing ten-foot wide covered walkway that surrounds the building, facing primarily west, into an interior courtyard.
- f. Comply with the requirement of Chapter 3 (Alcoholic Beverages) as a condition of approval.
- g. Prohibit smoking in the building.
- h. Provide live music.

Entrances into the bar will be an overhead roll-up glass door on the west side of the building and double doors on the south side of the building. The applicant has indicated the roll-up bar will be open during business hours.

The review of a conditional use request should include consideration of the criteria noted in Section 27-768 of the Land Development Code, which is attached hereto as Exhibit "A".

**STAFF COMMENTS:**  
**PLANNING AND ZONING:**

Planning: The use is consistent with the “Commercial” Future Land Use Plan Designation.

Zoning:  
In General:

1. Note: The proposed Midtown bar must be closed Monday through Saturday from 2:00 a.m. to 8:00 a.m., and Sunday between 2:00 a.m. and noon; provided; however, that on Christmas Day and Easter Sunday, the sale or consumption of alcoholic beverages will not be allowed between the hours of 2:00 a.m. and 12:00 noon.
2. Note: The applicant is requesting a waiver from Section 27-721(81)(3) which requires the sale and consumption of alcohol to occur within a totally enclosed air conditioned indoor space, to allow for the bar to have an outdoor seating area with 61 seats, including seven seats at a bar, where sales will also occur.

Elevations:

3. Per sheets A-100 and A-200, the windows on the north side of the building are to be “blacked” out where interior coolers are planned with black opaque window vinyl. The applicant previously proposed a supergraphic, which is not allowed by the sign code. A spec sheet showing the previously submitted supergraphic has been included in the plan set as is NOT part of this approval.

Parking:

4. The leasing plan proposed 16,000+ square feet of restaurant and bar wing facing SW 13<sup>th</sup> Place. Sufficient on-site parking has been provided as per code. Most parking is located in the central parking field (behind the restaurant-bar wing) or behind the shopping center along SW 78<sup>th</sup> Avenue. Limited parking is provided along SW 13<sup>th</sup> Place in front of the restaurant-bar wing. Staff recommends the applicant install two directional signs at both driveways off SW 13<sup>th</sup> Place directing customers to the central and rear parking areas.

**TRAFFIC CONSULTANT:** No comment.

**ENGINEERING DEPARTMENT:**

Conditional Use:

No objections to the conditional use.

**DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT:** No objections.

It is staff’s understanding there is no impact on the City Council approved landscape plans for this center under this request.

**BUILDING DEPARTMENT:**

Complete Structural/MEP drawings required for permit review.

**FIRE DEPARTMENT:**

No objection as to this site plan consideration with the understanding that the applicant is aware that the occupant load factor, after it is thoroughly evaluated during permitting review, may require the installation of a voice evacuation system if said number exceeds 300. Additionally, other conditions may arise upon review of all required permitting plans.

**POLICE DEPARTMENT:**

The “glass roll up garage door” design meets approval for crime prevention measures.

**UTILITIES:** Prior to Building Permit or Occupational License being issued the following is required.

1. Capacity charges must be paid in full.
2. Contact Danny Pollio if you have any questions, 954-797-2159.

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

**WASTE MANAGEMENT:** No objection.

**EXHIBIT “A”**

**CONDITIONAL USE:**

1. A bindable and buildable site plan that allows the Council to determine the architectural features and buffering needed to protect the surrounding property.

*Applicant Response: Site and Landscape Plan have been attached.*

2. The proposed conditional use will be consistent with the general plan for the physical development of the district including any mater plan or portion thereof adopted by the Council.

*Applicant Response: N/A*

3. The proposed conditional use will be in harmony with the general character of the neighborhood, considering population density, scale and bulk of any proposed structures, intensity and character of activity, traffic and parking conditions, and number of similar uses. A present need for the conditional use must be demonstrated.

*Applicant Response: Write-up addressed in attached letter from World of Beer.*

4. The proposed conditional use will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding property, or the neighborhood, and will cause no objectionable noise, vibration, fumes, odor, dust, glare of physical activity.

*Applicant Response: Write-up addressed in attached letter from World of Beer.*

5. The proposed conditional use will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the neighborhood.

*Applicant Response: Write-up addressed in attached letter from World of Beer.*

6. The proposed conditional use will not, in conjunction with existing development in the area and permitted development under existing zoning, overburden existing public services and facilities.

*Applicant Response: Write-up addressed in attached letter from World of Beer.*

7. The proposed conditional use shall meet all other specific standards that may be set forth elsewhere in the Code of Ordinances.

*Applicant Response: We will comply.*

8. The proposed conditional use shall disclose the square feet of use sought for approval so that an adequate evaluation may be made.

*Applicant Response: 4,300 square feet of floor area (includes 873 square feet of outdoor floor area).*

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Mr. Leeds clarified that Council is approving a conditional use and a waiver.

Councilmember Zimmerman expressed concern about the north elevation and the blackouts. All of the windows on SW 13<sup>th</sup> Place are being blacked out. There is a lot of traffic that goes in and out of there and all of a sudden everyone is going to see a lot of blacked out storefronts. He does not recall seeing a signage package. There was some reference to some supergraphics that were looked at for those but evidently our sign code does not allow that.

Mr. Leeds believes they are using spandroglass, which can either be the blackout glass or the white spandroglass that is in Veranda; we can go either way. A sign package has not been put together. He stated that the treatment is just for the World of Beer. In that same shopping center, in that same wing abutting SW 13<sup>th</sup> Place, there are going to be two or three additional restaurants. The entrances to those restaurants are going to be facing SW 13<sup>th</sup> Place. The reason this was suggested for the World of Beer was because they wanted any noise to be directed west.

Larry Ebbert (sic), resident, was present. He mentioned bars coming into Plantation and noted that there are a lot of restaurants that serve alcohol. We are going to need more police protection. In his opinion, this is denigrating the quality of life in Plantation.

***Motion by Councilmember Stoner, seconded by Councilmember Jacobs, to approve Resolution No. 11836, granting the waiver. Motion carried on the following roll call vote:***

Ayes: Zimmerman, Fadgen, Jacobs, Stoner, Levy

Nays: None

\* \* \* \* \*

## **COUNCILMEMBERS' COMMENTS**

Councilmember Jacobs mentioned that the ridership on the Community Bus Service for November this year from November last year was down 30% and for December it was down 49%. It could be that the trend is such that there may not be enough ridership to continue the service.

Councilmember Levy questioned if that could be attributed to the fact that we are now charging.

Councilmember Jacobs believes that is the only reason.

Mayor Bendekovic stated that Ed Consaul, Director of Public Works, and Priscilla Richards are monitoring the ridership. They have been attending meetings at the County level with the discussion of the Tram because of the increase in the ownership. A report will be provided in the near future.

\* \* \* \* \*

Councilmember Fadgen noticed that minutes from July 10, 2013 were approved; six months ago. The technology on voice recognition has improved dramatically over the last few years. Supposedly voice recognition improves production by about two-thirds. He recommended that we explore that in order to speed up some of the minutes.

Susan Slattery, City Clerk, advised that Councilmember Stoner already asked about that. There is one company in Fort Lauderdale that does it and in checking the price it would be cost prohibitive at this time.

Councilmember Levy commented that there are specialists in Broward County that do nothing but meeting minutes and they do an excellent job. He questioned if that is a possibility.

Ms. Slattery indicated that we have one person working on the Council minutes full time.

Councilmember Stoner stated that her problem with the minutes is that they are subjective; they are not verbatim. Things are left out and it is interpretation of whoever is transcribing and typing. She takes issue with that. The County minutes is literally done while they are talking and it you can get them online the minute the meeting is over and they are verbatim. Occasionally there is a misspell and that happens.

Councilmember Jacobs stated that you can listen to the tape or watch the video if you want a verbatim transcript. The minutes have always been done in a summary form.

Councilmember Stoner commented that it does not mean it is the best way.

Councilmember Fadgen indicated that they are not verbatim and some things might be missed but that is why Council approves them. He mentioned the amount of paper there would be with verbatim minutes.

Councilmember Stoner noted that verbatim is automatically a saved PDF as part of the new technology; paper minutes are not produced.

Councilmember Fadgen thought rather than having verbatim minutes across the board was to continue picking up the substance of the discussions. He got a recent version of Dragon and it is dramatically better than the older versions. He would say rather than going to the approach initially researched that we might try Dragon Speaking Naturally; it is relatively cheap.

\* \* \* \* \*

Councilmember Zimmerman attended the Architectural presentations for the Community Center the other week and there were three great firms. Staff did a great job.

\* \* \* \* \*

Councilmember Levy commented on the Community Redevelopment Agency.

\* \* \* \* \*

Mayor Bendekovic stated that we are going to be meeting with our Legislators, State, Federal and County Commission. She distributed a list with Federal priorities, State priorities, all of the Bills that are on right now by the Senate and the House and who is sponsoring the Bill list. If anyone has any suggestions, please call Priscilla Richards.

\* \* \* \* \*

Mayor Bendekovic attended the Resource Recovery Board meeting. There were two presentations by the County and by our Attorney, Jaime Cole (sic). There were some harsh comments by the County Commissioners thrown at their municipalities and they requested a 90-day extension. After the presentations there was going to be a roll call to support another extension. After several cities spoke and said no, they would rather go to mediation because we have been in negotiations for a certain period of time. The Judge was selected and we are going to mediation. The County kept insisting to do 90 days but after they heard some of the positions of the cities the County changed their mind and agreed to go to mediation. They plan to go to mediation in 45 days, which is tentative. They want to look at the first and second week in March. They are asking for an elected official to sit at the table during the mediation and they would also like to have an alternate. She would appreciate if she could be the appointee but she would like to have an alternate.

In response to Councilmember Levy, Mr. Lunny advised that it would be preferable if there were a motion; it is not required.

Mayor Bendekovic indicated that they would break into groups and make decisions in order to get to a settlement. The alternate would not have to attend unless she did not attend.

***Motion by Councilmember Stoner, seconded by Councilmember Jacobs, that Mayor Bendekovic be the delegate and Councilmember Stoner the alternate. Motion carried on the following roll call vote:***

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

Councilmember Levy explained that we had a contract with the County for 20 years to use Wheelabrator as our garbage tipping place. Part of the money that was paid as a tipping fee, that went up to \$99 per ton, was to

acquire land for possibly other land fills and also for other facilities, etc. Even though it was City money being used, the County said they would do it all in their name because it is easier than having it in 30 municipalities' names. Everyone said go ahead and now all of that has changed; we went to competitive bidding. The competitive bid went from \$99 to \$42 but now they have a lot of land they purchased during that time and other things. The Board is disbanding and the cities are now inquiring as to the assets that were acquired under the long term contract. We all said to sell it and share in the profits and costs. The County has said that it is in their name and they are keeping it because they might need it for future use. Now we are in mediation because the cities have sued the County. We should be working with our County Commissioners but they are doing things unilaterally that are hurting our cities and; therefore, hurting every taxpayer in the cities.

Mayor Bendekovic thanked Westfield. She went to the Grand Opening and there was a catering service. They kept asking if she wanted anything to eat or drink and she said no thank you. From what she understands, the success and what that has done to the mall; retailers are already feeling the impact because of the people that are wandering through the mall. She thinks it is going to have a positive impact on the Westfield Mall and she appreciates their investment in the City. The Food Court is phenomenal and the walk thru was very nicely done. She agreed with Councilmember Levy because of the position she was put in when she was asked if she liked the food. She does not think that ethics and morals can be taught; it has to come from within you.

Councilmember Levy mentioned the IEG eight-hour day of ethics training and noted that they provided lunch and refreshments.

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

Gene Gibbons, resident, was present. He is the FOP General Counsel and has had the privilege of representing Plantation Police Officers for the last five years. He commented on the City's finances and the FOP negotiations. He also requested Council to direct their team back to the table to negotiate. The FOP remains willing, ready and able to sit at the table and negotiate reasonably.

Mr. Lunny advised Council not to respond in any way to what was said.

Michael Hanlon, resident and 24 year employee of the Police Department, was present. He commented on the FOP negotiations.

Mr. Lunny advised that it is not productive to in any way react to these allegations at this time. His advice to Council is that if the citizen wishes to speak for the time allotted well and good, Council's silence is not an affirmation that you agree or disagree with whatever is said. He reiterated that his advice is that Council not react.

Mr. Hanlon noted that there are two options; they can take the Hollywood option, which is a similar path we are on, or you can go back to negotiating. As of October last year they had 48 officers leave their agency with another 40 projected to leave. There is another side to that; Coral Springs was in impasse just like us. They went back to negotiating and got a contract done and there was no mass exodus. As a taxpayer, which of the two options would better serve the taxpayers?

\* \* \* \* \*

Dennis Conklin, resident, was present. He mentioned the petition to put medical marijuana on the ballot and encouraged Council not to sign these petitions.

Mr. Conklin mentioned that he has brought documentation to Council for years of what has been going on with the Defined Benefit Plans.

\* \* \* \* \*

**SEALED COMPETITIVE SOLICITATIONS – None.**

\* \* \* \* \*

**WORKSHOP – None.**

\* \* \* \* \*

Meeting adjourned at 10:10 p.m.

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\_\_\_\_\_  
Councilmember 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