

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

March 11, 2015

The meeting was called to order by Councilmember Lynn Stoner, 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 Councilmember Fadgen.

The Pledge of Allegiance followed.

3. Approval of the minutes of the meeting held January 21, 2015.

The minutes of the City Council Meeting held January 21, 2015 were approved as printed.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Bendekovic thanked Councilmember Stoner for the way she proceeded over the Council meetings. She hopes the next Council President will be as efficient.

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Councilmember Stoner mentioned a recent article in the newspaper regarding Student Finds the Recipe for Success. This is a group of students from Plantation High School that are participating in the Culinary Chef Program. Joshua Petalas, a senior, and Markal Kelly, a freshman, were present along with Chef Dee Lennox.

Chef Lennox advised that this is her first year of teaching at Plantation High School. They came up with a plan called "Chopped", which was done in three rounds; every Thursday for three weeks. There were 15 students in the first round and three were selected. Markal and Joshua were the last two standing; Joshua won and Markal came in a very close second. This time industry professionals judged the competition. She introduced Mr. Cumey (sic), Department Head for the Vocational Department.

Councilmember Stoner congratulated the students.

In response to Councilmember Stoner, Joshua indicated that he would like to pursue a restaurant business. Currently he has a business of planned events and this will be an added part to his business in the near future where he will have a catering component. The name of his business is Epic Event Productions and they do events from weddings to birthday parties.

Markal stated that he always dreamed of being a culinary pastry chef so this is a Plan B for him. He wants to be a mortician.

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

- The Section Swim Meet will be on Thursday, March 12, 2015 through Sunday, March 15, 2015 at the pool.
- The Multi-Family Garage sale will be on Saturday, March 14, 2015 from 7:00 a.m. to 12:00 p.m. at Volunteer Park.
- Last year Captain Geller organized a car wash to help with the Summer Camp Scholarship Program. The car wash raised just over \$1,800. This year Captain Geller, the Police Department and other volunteers will be doing another fundraising car wash for the Summer Camp Scholarship Program on Saturday, March 14, 2015 between 9:00 a.m. and 4:00 p.m. at the Citgo Gas Station at 5271 West Broward Boulevard. There is no charge; only donations will be accepted.
- Tinsel Town Auditions will be starting on Wednesday, March 18, 2015 between 4:00 p.m. and 7:00 p.m. at Volunteer Park and on Saturday, March 21, 2015 from 9:00 a.m. to 2:00 p.m. at Volunteer Park.
- Spring Break Camp will be held at Central Park; Share A Pony at the Equestrian Center; and Tennis Camp at the Frank Veltri Tennis Center.
- The Easter Royal Egg Hunt will be on Saturday, April 4, 2015 at 10:00 a.m. at Pop Travers Park for ages 3 to 10.

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Mayor Bendekovic made the following announcements:

- The Friends of the Library Author Luncheon will be on Saturday, March 14, 2015 from 11:00 a.m. to 3:00 p.m. It is \$42 per person and you can call 954-584-9164 to purchase tickets.
- The Friends of the Library Book Sale will be on Friday, March 20, 2015 from 9:00 a.m. to 5:00 p.m. and Saturday, March 21, 2015 between 9:00 a.m. and 4:00 p.m. at the Helen B. Hoffman Library.
- The Annual Golf Classic sponsored by the Kiwanis Club of Plantation will be on Friday, May 1, 2015 and Lenny can be contacted at 954-472-7200.
- The Kiwanis Club of Plantation will be having a Spelling Bee at the Westfield Mall at 10:00 a.m. Anyone that would like to enter the Spelling Bee up to elementary age should call Lenny at 954-472-7200.
- The Chess Club is held at the Helen B. Hoffman Library at 501 North Fig Tree Lane every Friday from 3:00 p.m. to 5:00 p.m.

- The Plantation Farmer’s Market is every Saturday between 8:00 a.m. and 2:00 p.m. at Volunteer Park.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 15.

Mr. Lunny read the Consent Agenda by title.

4. Request to approve the purchase of the yearly maintenance for the City’s Cisco network infrastructure in the amount of \$26,610. (Budgeted – IT)
5. Request to approve the purchase of hydrofluosilicic acid (fluoride) from Harcross Chemicals, Inc. from March 1, 2015 to February 28, 2015 “SE Florida Co-Op Bid No. 432-11261”. (Budgeted – Utilities)
6. Request to approve (S.E. Florida Co-Op Bid 2014-009) for Sodium Hydroxide from Allied Universal Corp. from 04-17-15 to 04-16-16. (Budgeted – Utilities)
7. Request to approve (S.E. Florida Co-Op Bid 2014-12) Anhydrous Ammonia from Airgas Specialty Products, Inc. from 04-14-15 to 04-13-16. (Budgeted – Utilities)
8. Request to award a purchase order in the amount of \$29,524.79 to Layne Christensen Company for the fabrication and delivery of one (1) 1,000-gallon stationary above-ground anhydrous ammonia tank. (Budgeted – Utilities)

Ordinance No. 2524

9. **ORDINANCE** Second and Final Reading pertaining to the subject of Zoning; amending the Zoning Code to eliminate “Eleemosynary Institutions” as a permitted use business use listing in the City’s Master List of Business Uses (for the Commercial Districts herein listed) and within the Master Lists of State Road 7 SPI-2 Sub-district uses (for the Commercial Zoning Districts therein listed); providing findings; providing a savings clause; and providing an effective date therefor.

Resolution No. 12027

10. **RESOLUTION** of the City Council of the City of Plantation, Florida, to apply for a State of Florida grant for stretcher and load systems.

Resolution No. 12028

11. **RESOLUTION** of the City Council of the City of Plantation, Florida, to apply for a State of Florida grant for automated external defibrillators.

Resolution No. 12029

12. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 19, 2015 through March 4, 2015 for the Plantation Gateway Development District.

Resolution No. 12030

13. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 19, 2015 through March 4, 2015 for the Plantation Midtown Development District.

Resolution No. 12031

14. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 19, 2015 through March 4, 2015.

Resolution No. 12032

15. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 19, 2015 through March 4, 2015 for the City of Plantation's Community Redevelopment Agency.

Resolution No. 12033

- 15.1 **RESOLUTION** appointing Tom Bendekovic as Acting City Clerk for the purpose of swearing in his wife, Diane Veltri Bendekovic, Mayor Elect.

Resolution No. 12034

- 15.2 **RESOLUTION** appointing Douglas Stoner as Acting City Clerk for the purpose of swearing in his mother, Lynn Stoner, City Councilmember Elect Group 1.

Resolution No. 12035

- 15.3 **RESOLUTION** appointing Elizabeth Stoner-Chapman as Acting City Clerk for the purpose of swearing in her mother, Lynn Stoner, City Councilmember Elect Group 1.

Resolution No. 12036

- 15.4 **RESOLUTION** appointing Jeannie Tingom as Acting City Clerk for the purpose of swearing in her husband, Peter S. Tingom, City Councilmember Elect Group 2.

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

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

Mayor Bendekovic voted on Item No. 15 affirmatively.

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ADMINISTRATIVE ITEMS

Mr. Lunny read Item No. 16.

16. **DISCUSSION CONCERNING PROPOSED ORDINANCE PERTAINING TO SHOPPING CENTER SPECIAL EVENTS.**

An Ordinance pertaining to the subject of zoning; amending the City Code regulations relating to amusements; amending the City's regulations for carnivals; bizarres, festivals on non-residential property and revising the special rules for shopping centers; providing other miscellaneous clarifying amendments to the City Code to implement the foregoing; providing a savings clause; and providing an effective date therefor.

Mr. Lunny explained that the Council asked that this be returned to staff for further study particularly with respect to coming up with a definition of gross square feet of floor area for purposes of the matrix. This definition appears in lines 13 through 15; however, because of an oversight, the total square feet in the chart that accompanied the draft was prepared in terms of site area not gross square feet of floor area. The legal language in the ordinance does not match the legislative intent in the chart; therefore, the matrix is going to be rewritten so that it is in terms of either gross or net square feet of site area. The balance of the ordinance contains some language that he and Mr. Keefe felt were appropriate in terms of the regulation. Direction is sought to commence the advertising process and Mr. Leeds will advise after the meeting whether the chart was prepared with net or gross square feet in mind.

Councilmember Zimmerman commented that he attended the Midtown Development Board meeting and Mr. Leeds presented this to the Board and it was discussed at length. The consensus amongst the group was that they would like the ability to have more events than what is being allowed in this ordinance. He advised that there has been discussion on this ordinance. He thought it was being increased and if we saw the need for more events in the future the item could be revisited and the events could be increased at that time. The discussion also mentioned that this is a citywide ordinance and not just a Midtown Development ordinance so that should be considered in our decisions as we move forward. Their desire was to have more events.

Councilmember Stoner questioned how they get a special event for a specific store versus the whole shopping center.

Mr. Lunny indicated that comment is driven toward the new proposed numerical limitations on bizarres and festivals, which are the non-commercial type of activities. Mr. Keefe recommended that there be a limit of five for those taking place at any kind of community facility or non-residential zoning district. If the non-commercial activity takes place in a shopping center then it counts toward the shopping center restriction because the Administration did not wish to have five bizarres. Special events are typically outside of the store environment and involve special advertising. If it is a special sale and just inside the store with no activity outdoors then that would have to be evaluated by Administration and may or may not be a special event.

Councilmember Stoner believed that needed to be defined now; people do not need to come in trying to figure it out after the fact.

Mr. Keefe advised that typically when a store wants to have a special event the first thing they are asked is if it is sanctioned by their property manager. The thought was that if a single store wanted to have something and the property manager or owner of the shopping center says fine then it is one of their events. If they say no then they would not allow them to do so. It is believed that the property manager or owner of the shopping center can control having the number of events they want.

Councilmember Stoner commented that there is a difference between allowing a tenant to have a sidewalk event versus one of the five events that would typically be a citywide type event. She does not want to have the definition of the two overlap and then they have to come in and beg to have a sidewalk sale.

Mr. Keefe reiterated that they would go through their property manager.

Councilmember Stoner wants the City to define that. The landlord would be more inclined to approve it if it did not take away from their five events per year.

Mr. Lunny stated that if the Council wishes to have individual tenant sidewalk sales and more of that activity then that would be a new direction to look at. In the past the Council has not been overly interested in having that kind of activity.

Councilmember Stoner did not recall Council discussing this over the past four years.

Councilmember Fadgen liked Mr. Keefe's approach. The property manager is the one that has to control the overall situation and he thinks that is where the control needs to be. Hopefully we can give enough direction in the language so it helps. He was not sure that we want the decision to come from the City; we want it to be decided at the property. Smaller facilities are not a problem but when it is a larger facility it is important that the five events per year be coordinated with all of the other tenants that might be involved. He thinks that approval of the property manager/owner has to be primary in the focus.

Mayor Bendekovic commented that if there is a center with quite a few individuals one might have a sidewalk sale that might block part of the entranceway to another shop and there would be sporadic sales going on. From what she has seen, when there is a sidewalk sale the whole shopping center has a sidewalk sale so that would be one major event.

In response to Councilmember Stoner, Mayor Bendekovic agreed that if the event is City or Chamber sponsored it should not be a shopping center event. You need to be careful because they can use the Chamber as their middle man. Perhaps you could allow the Chamber to have a certain number of events per year.

Councilmember Levy agreed with Councilmember Fadgen.

Councilmember Zimmerman indicated that he would like to be sure that it stays with the property manager's ability to regulate.

Councilmember Stoner agreed that the property manager should have the ability; she did not want them to be penalized if they allowed an individual to do something versus an overall large community type event.

Mr. Keefe stated that rather than the City making that decision it was believed that the property manager make the decision.

Councilmember Stoner mentioned if one tenant were allowed to have an event it does not mean it should be held against their five count for large events. She suggested saying minor events.

Mr. Keefe advised that if they want to have an event and it is a special event they are given a number based on the size of the square footage and they make the determination. We are trying to put the burden on the property manager and let them have the control.

Councilmember Jacobs commented that if the concern is enough events perhaps we should consider kicking a few of them up a notch. Maybe give them six instead of five.

Councilmember Stoner noted that Westfield is 3.8 million square feet and the chart we are being shown is over 900,000. Maybe that is something we could do.

Councilmember Jacobs suggested that every one of them gets one more added event.

Councilmember Fadgen questioned if that is too low for the smaller facilities 300,000 and under and noted that they might also need to be kicked up.

Councilmember Stoner noted that Councilmember Levy was in favor of adding one.

Councilmember Zimmerman definitely thinks it should be increased. As long as we are open minded enough to know if we need more events and we want to revisit it we can do so as we present it to them.

Councilmember Stoner advised that there was a consensus to kick each one up one event.

Councilmember Jacobs stated that he has not done the math but assumes that the categories are divided such that it is fairly even as far as the number of events going up. It makes sense percentage wise.

Mayor Bendekovic commented that originally there were two events citywide for any level or any square footage.

Councilmember Zimmerman suggested that the ordinance says something about the Chamber or City events and that it is an addition so the facilities are not penalized one of their events.

Councilmember Stoner believed that Mayor Bendekovic had a valid point as far as not wanting the businesses using the Chamber as a conduit to circumvent the number of events.

Mayor Bendekovic stated that it takes a lot for the Chamber to organize something like that. She agreed that they might say the Chamber is the sponsor and they can have six more events; that is not fair to the Chamber.

Mr. Lunny referenced Line 82 starting with the words, "Fraternal groups for Civic Associations provided; however,". He requested direction on the following language, "The Administration finds that each such permitted show or exhibit promotes the hosting shopping center and directly benefits such Center's businesses and merchants". He thinks that stays. He questioned whether the Council wanted him to liberalize this language that follows, "That the hosted show or exhibit is limited to the quiet display of arts and crafts and the incidental sale of same and that such exhibit shall not include rides, amusements or other side show events and provided further". He questioned whether Council wants him to liberalize this limitation to quiet display of arts and crafts to include other items. Fairs and festivals are described in Line 51; "Noise controlled, low intensity items". Lines 59 to 62 say "Entertainment shall be limited to music, dancing, small stage performances or contests".

Councilmember Stoner questioned how noise controlled entertainment is defined.

Mr. Lunny advised you want to put in some adjectives to allow; it is not a defined term. It is an enforceable adjective and if the Administration interprets it in a certain way and the applicant does not like the interpretation the Council has a discretionary review privilege for that. He is questioning the special shopping center piece and whether Council wants him to liberalize this language in Line 85 to 87 to include some sort of entertainment such as a movie.

Councilmember Jacobs agreed with a movie. Another thought was to consider a few children's rides. He stated that there was a request to do outdoor movies.

Councilmember Stoner commented no bounce houses.

Mayor Bendekovic indicated that the Chamber did an outdoor movie recently at the Fountains.

Councilmember Stoner stated that they wanted to do a series so each one was going to be considered one event.

Mr. Lunny suggested that he look at liberalizing that language and he will discuss it with Mr. Keefe.

Councilmember Stoner advised that she does not like the noise control term without expanding how it's going to be enforced and who gets to decide the enforcement.

Councilmember Jacobs stated that an example would be if there are musicians on a stage that is controlled; if there is a rollercoaster ride the noise cannot be controlled because of people screaming. The noise should be in the control of the sponsor of the event to some degree.

Councilmember Zimmerman mentioned the language in Line 86 and noted that it seems to limit us to arts and crafts displays which is a car show versus a Farmer's Market. It could be a little more liberalized to include other things other than being so specific to just limit it to arts and crafts.

Mr. Lunny indicated that has been the language for years and in listening to this conversation he believes that it needs to be liberalized.

Councilmember Zimmerman thinks there could be other things that we are not thinking about that are not noise producing. Food and cooking has become pretty intense lately.

Mr. Lunny questioned whether food trucks were mentioned.

Councilmember Jacobs commented that perhaps food trucks should be mentioned in a negative way.

Councilmember Levy stated that Sunrise prohibited them but he believes they have liberalized it to where food trucks are allowed. If we put in a prohibition it may be tested.

Councilmember Jacobs is not saying either way; he is just saying we might want to consider it.

Mr. Keefe indicated that the property manager would have to get approval from the restaurant to have something like that. He thinks the less we can regulate some of these things and put it on the property manager to make the decision.

Mr. Lunny advised that once the changes are made they will start the advertising process.

Councilmember Fadgen clarified that Vanella Plaza is not his Center; he is just a tenant.

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LEGISLATIVE ITEMS

Mr. Lunny read Item No. 17.

17. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE PERTAINING TO THE SUBJECT OF COMPREHENSIVE PLANNING; AMENDING THE CITY OF PLANTATION COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE ELEMENT AND THE NEIGHBORHOOD DESIGN ELEMENT REGARDING CONSOLIDATION OF FLEXIBILITY ZONE 74 INTO FLEXIBILITY ZONE 75; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A Staff Report dated March 11, 2015, to the City Council, from the Planning, Zoning and Economic Development Department, follows:

LOCAL PLANNING AGENCY RECOMMENDATION: On December 2, 2014, the Local Planning Agency recommended approval of a text amendment to the Land Use Element of the Comprehensive Plan (5-0).

EXHIBITS TO BE INCLUDED:

- *Comprehensive Plan Ordinance
- *Exhibit A-1-Comprehensive Plan Table of Contents
 - A-2-Future Land Use Element Policy 1.8.8
 - A-3-Future Land Use Element Policy 1.15.1
 - A-4-Neighborhood Design Element (Pages 1.4.1 and 1.4.2 only)
 - A-5-Flexibility Zone Map
- *Update Flex Table
- *Local Planning Agency Minutes

BACKGROUND: On May 23, 2013, PZED submitted an application to the Broward County Planning Council to consolidate Flex Zones 74 and 75. The Planning Council approved the application on September 26, 2013. The County Commissioners approved the consolidation on December 10, 2013. For purposes of the tracing the assignment of residential flexibility, staff has labeled the consolidated Flex Zone as Flex Zone 75X.

The City Attorney has advised that text amendments to the Comprehensive Plan (Future Land Use Element) are necessary to reflect these approved changes. See attached ordinance and attached Exhibits A-1 through A-5.

The updated residential flex table indicates a total of 716 flex units and 171 reserve units in Flex Zone 75X. Staff previously advised the City Council that flex zone consolidation would allow the Council to allocate flex units originating in former Flex Zone 74 anywhere in new Flex Zone 75X.

The Comprehensive Plan currently states that the Council may only allocate flex or reserve units originating in former Flex Zone 75 to Midtown. Thus, the attached ordinance will:

- 1) Preserve the allocation of units sourced from former Flex Zone 75 (311 flex units and 15 reserve units) to Midtown, and
- 2) Expressly allow units sourced from former Flex Zone 74 (405 flex units and 156 units) to be used anywhere in the consolidated 75X, including Midtown.

- 3) Clarified existing language in Policy 1.8.8 governing the assignment of flex units to properties with a “Commercial” land use designation based on location and type of project proposed:
 - a. Freestanding apartment building, or
 - b. Vertically integrated mixed-use, or
 - c. Sites containing residential and non-residential uses in separate buildings.

RECOMMENDATION: Staff recommends:

Approval of the text amendment to update the City’s Comprehensive Plan.

Attorney Bill Laystrom was present on behalf of the property owner for the Quality Suites, which was the Holiday Inn across from Motorola for many years. He was here approximately a year and a half ago to combine two flex zones into a single zone, which is what this implements. In addition, there are some provisions with regard to how those flex units can be applied to individual pieces of property. In reviewing the ordinance, the City’s ordinance is different than the similar regulations for the County. He distributed a packet and noted that the difference between what he is requesting and what the City staff has proposed is that he wants to be able to combine the provisions of Paragraph C for flex units with the provision of Paragraph D. The County has slightly different ways; they have written the overall regulations but they are basically the same.

There are two provisions. The first says if you are building a multi-family facility on five acres of land you can have up to 25 units per acre on that piece of property, which is 125 units if there are five acres. There is a second provision that allows, if you have a larger piece of property, to use up to 40% of the overall piece of property times 25. When using the provision that says “and” he wants to be able to use both of them but he is using the same piece of property, at least five acres of it, twice. The County has interpreted these by subtracting the five acres, which allows you to use what he calls the 40% rule. That allows an additional five acres to be used as residential for a maximum density of 250 units. He emphasized that this language is enabling language to give the City Council authority to do something; he just wants to give the ability to give those two rules and have staff review them together. He believes that Mr. Lunny will not want to use the “and/or” and will come up with other language that might work. From a policy standpoint, he is asking the City Council to consider allowing them to use both policies together as the County does but not being able to double count the same piece of property twice. The way this rule will work will be to push down and end up with two and three-story walk up type projects. This only applies to the issuance of flex units of which we probably have 2,000 left total between Midtown and the rest of both of these combined districts. He is requesting the City Council to consider allowing both rules to be used in conjunction with each other. At the request of staff and Administration they went to the neighbors behind and presented it to their Board and they encouraged them to move forward and submitted a letter to the City to move forward. They have prepared a complete site plan because with the issuance of flex units you need a binding and buildable site plan. They are ready to go and this ordinance was the last step to being able to get a site plan in and start the process to redevelop that aging site. He believes that we should allow the same as the County as opposed to being more restrictive since we are trying to get the District going. He thinks allowing more events is a great idea and it is another way to get to that same point. This allows a calculation to give a higher cap than the 125 units. He has already been to their neighbor, Holiday Inn Express, and got them to sign a change to the Unified Control Document to allow those units to be used by us; therefore, they do not have the units anymore. He needs Council’s thoughts on the policy and whether or not you are willing to consider using the County’s interpretation as opposed to the more restrictive and then they will draft that accordingly with staff. He has met with staff extensively and does not think he has

agreement from the Planning Department. He believes a more liberal view is a more positive view toward economic development within the District.

In response to Councilmember Stoner, Mr. Laystrom indicated that the idea is that you would be able to use both rules so he added "and/or" instead of "or". He commented that the property is divided by Holiday Inn Express, which faces University Drive, and an L-shape, which is the hotel that runs parallel to University Drive from front to back. Parc Village is in the back and that is who they met with. There would be a five-acre site, 25 units per acre, which is 125 units, then you would get an additional 25 units per acre for 40% of the site but he cannot count the five acres he has already counted to it comes out to be another five acres maximum of 125 units for a total of 250 units. If a Land Use Amendment was done with a dash line the process would be much longer, it would be much more expensive and there would be some challenges with the neighbors and the unit count would go up to 13 acres times 25; it is actually a larger number.

Councilmember Stoner questioned how many units the site plan has.

Mr. Laystrom advised that there was 306 units in the plan and they would be going down to 250 units. After going through the site plan process it may not be 250 units; it may be whatever number Council ultimately feels comfortable with. They tried to keep the height the same as the Holiday Inn Express.

Councilmember Stoner questioned has successful the "and/or" been for the County.

Mr. Laystrom stated that this is only going to apply in a very few number of cases; they have used it two or three times to use the two rules in combination with each other.

Councilmember Fadgen mentioned that both of the properties, the Holiday Inn Express and the future residential project, are under one control and it is a total of 1,300 acres. The calculation is taking the 13 x 40 x 25.

Mr. Laystrom clarified that you have to subtract five acres from the 13 because it has already been used for the first calculation. You end up with eight acres; 40% of eight acres is less than five acres, which the rules says you get to use five acres or 40%, whichever is greater for the second rule. There would be five acres and five acres; 125 units max.

Councilmember Fadgen commented that the cap is 250 on the eight acres. This is because it is a mixed use.

Mr. Laystrom stated that if it was not a mixed use the 40% part of the rule could not be used.

Councilmember Jacobs indicated that by adding them together you end up with 250 additional flex units and the theoretical part is that the 250 can be allocated anywhere in the 13 acres.

Mr. Laystrom advised that for the 250 it would have to be allocated on the residential side because one of the two rules requires the residential project.

Councilmember Jacobs noted that there would be 250 units on eight acres.

Mr. Laystrom commented that the size for Crossroads was about five acres.

Councilmember Jacobs stated that Crossroads is 286. If this rule were used this way then it would apply citywide to all of the properties. The way it was done with Crossroads was with a Land Use Amendment, which is another tool. He questioned if there is another way of addressing this other than the two tools being discussed.

Mr. Laystrom responded that there is not.

Councilmember Jacobs stated that a Land Use Amendment is an expensive way to do this.

Mr. Laystrom agreed that it is expensive and significantly longer.

Councilmember Stoner questioned whether the purchaser has a contingency in the purchase contract.

Mr. Laystrom advised that he did not do the contract but he is sure there is a floor that it does not go below per unit. When they were looking at this the Unified Control had already been done and that is why they were at a higher number. They are retooling it down.

Councilmember Jacobs mentioned that if we do not add them together then the eight acres would get 125 flex units assigned to it and that would be the density.

Mr. Laystrom indicated that would force him to go for a Land Use Amendment.

Councilmember Jacobs questioned Mr. Leeds as to whether there is any other way to increase the density.

Mr. Leeds stated that a new flex zone table was included in the backup and the total number of units created by the consolidation is not 2,000; it is only 887. The reason it is so low is because you have 287 plus 250 tied up in projects that have not been built. At least temporarily there are 590 units associated with prior 321 approval. The current comp plan only allows certain units in former flex zone 75 to be used in Midtown. If this is adopted there will be 326 units left in Midtown based on what has been allocated or assigned. 321, the Fashion Mall, is a special case and contains special provisions. If you are outside of Midtown there will be 561 that can be allocated anywhere in the new flex zone, which includes Midtown. In response to Councilmember Jacobs, he looked at the County letter and still has some discussions with them to see how it would apply; he does not know how it would apply in other scenarios. With Crossroads residences the dash line expanded the site from 4.5 acres to approximately 15 and it created the master plan with the office building and the shared parking at night, etc. That is the only way 287 units could have been built on 4.5 acres because the maximum density in the City is 25. The same can be done with these two properties or you can adopt this change to the code and get the same results, although shorter with assignment of flex and reserve. There is not as much to play with if 250 are assigned; it leaves about 260 units. This may be the project you wish to assign but he does not know because they have not gone through the process. There is a limited number of flex units and reserve units. Under this rule the effect of a dash line has been created around the Holiday Inn Express and the Quality Suites. It is not based on the same logic or the same rule but the result is the same. Right now the only way to do it is with a dash line.

Councilmember Jacobs questioned if a comp plan amendment would have to be done if the City wanted to make the maximum density higher.

Mr. Leeds advised that the City would have to approve a comp plan amendment creating a new category. The current category is 25 units per acre max and the new category would be up to 50 units per acre. That is a policy question that we have never discussed before.

Councilmember Jacobs commented that the process would take quite a while; it has to go through Tallahassee.

Mr. Leeds believes it may take 12 to 14 months because Tallahassee does not have as strenuous review as they used to. Most of the review would be Broward County Council. He is estimating 12 months but it could be less or it could be more.

Councilmember Jacobs stated that he is not advocating that but he wanted to understand the alternatives.

Councilmember Zimmerman questioned the height of these buildings if we go to 250 units.

Mr. Laystrom advised that the height was kept the same as the Holiday Inn Express; five stories.

Councilmember Zimmerman commented that if density increases the heights of our buildings would increase in those areas. With density restricted down to 125 in that area it will automatically keep those buildings lower and at a different scale compared to Midtown's development with the Crossroads and Camden where we were trying to keep the height in Midtown and that being our center core and keeping the community with a lower density. In changing this changes density in different areas of the community. The question is whether we want to increase density in other areas of our city, which brings into effect traffic and other things we will be faced with. Having the ability to change this is one thing but understanding that this change will then allow other things within the city to start to come to be. He understands the idea that we don't have to if we change the code but once we change the code there is always the argument that the code allows them to do that. He is a little concerned that once a change is made allowing it to happen compared to something that does not.

Mr. Laystrom stated that the point is the number of units left to do; we are only talking about two opportunities so the only change would be pushing him to the land use amendment. If it ends up that you chose the 50 process as long as they can move their site plan at their own risk until that was brought forward that is an alternative as well but he had not contemplated that as part of this. There are only a few projects that could qualify because of the number of units left. He believes it will work and he thinks the neighbors will support the project. This will bring them down from 306 to maybe 250 and as the site plan works through parking and everything else and maybe lower than that.

Councilmember Stoner indicated that the reality is that we are still coming back to the and/or.

Mr. Laystrom clarified that he put and/or to show what the County code said.

Councilmember Stoner stated that some good points were made and she does not want to put any barriers of time for approvals to go a longer route when it can be remedied with some language. She questioned if this is something that he can go back and revisit the language.

Mr. Laystrom anticipated that he would have to write the language with City staff if Council gave that direction. The and/or was mostly to show what he was looking for. The provision might read, "The City Council may allow the applicant to use both rules C and D" and perhaps some other language that Mr. Lunny prefers. That is not as critical as the concept that they could start moving forward at their risk as they are bringing the ordinance

back. This is not a three-month process; it has taken two years to get here including a fully completed site plan not suggesting it was the City. They spent a lot of time at the Planning Counsel.

Councilmember Stoner thinks that it should be sent back to work out the language.

Councilmember Zimmerman agreed and stated that he would like to meet with Mr. Leeds to discuss this. He would like to defer it.

Mr. Laystrom questioned whether they would allow it at their risk for the site plan to at least start the very beginning of the process because they have already done it. That way they can keep moving. Realistically there is not much else he has to do with this property. He is certain that the owner is going to authorize him to do the land use amendment. For now they would like to get some DRC comments.

Councilmember Stoner stated that she was good.

Motion by Councilmember Zimmerman to defer until staff can review some of the language. There was no second to the motion.

Councilmember Jacobs questioned if this should be deferred to a date certain so we don't lose the advertising.

Councilmember Zimmerman questioned if we could approve it on First Reading and decide where we go from there.

Mr. Lunny advised that it can be approved on First Reading. He thinks the instruction is that we will prepare some appropriate language for the Council to consider on Second Reading for stacking these approvals. He encouraged Council to meet with Mr. Leeds to discuss what that means and how all of these rules have changed over time. If the Council wants to give instruction to prepare the language they will prepare it and he will be happy to cooperate with Mr. Laystrom to do that.

Mr. Laystrom indicated that staff has been very cooperative; they put a lot of time into this.

Councilmember Jacobs stated that we heard that there appears to be only so many flex units left and that if we do stack and allocate 250 to project A there will only be about 250 left. He recalled over the years flex units all of a sudden appearing again.

Mr. Lunny advised that the City has the prerogative on certain approved developments to undertake land use plan amendments to try to recapture those units; some of them appear again because their development orders expire. It is possible that you can replenish at some cost that pool.

Mr. Laystrom mentioned that could be something that the developer undertakes.

Councilmember Jacobs stated that his point is that if one is thinking this is a limited change it is not; things can change in the future and we can end up with a lot more high density projects.

Mr. Lunny indicated that is a correct statement.

Mr. Laystrom commented that would be extremely unlikely unless the City's direction was to increase the flex units yourselves.

Councilmember Jacobs stated that it might be a future Council that has no memory of what was done today.

Councilmember Stoner clarified that Councilmember Zimmerman is saying do it on First Reading with direction to revisit it with revised wording.

Mr. Lunny advised that his instruction is to write the provision for stacking, return it on Second Reading and for those of you who wish to consult with your Planning Director about what that means, please do so.

Mr. Laystrom stated that they would agree not to come to City Council until this is resolved.

Councilmember Jacobs questioned if it is possible to limit the stacking to just the flex units we have today.

Mr. Laystrom replied yes.

Councilmember Stoner commented that she would rather keep it clean.

Councilmember Jacobs questioned how much density we want in the City.

Councilmember Zimmerman indicated that is where he raises that concern; we are starting to get more density in other areas of our City and from an overall City planning effort we should understand where we want density and where these units are going and the ability to understand what the City looks like over time.

Councilmember Stoner stated that you have to consider highest and best use of that particular parcel. The highest and best use is not going to be single family. This is three acres more than Crossroads and less units and fits into the slot.

Mr. Laystrom suggested that they do the language; the different concerns have been heard.

Councilmember Jacobs questioned if they could provide an alternative to just the flex units on Second Reading.

Mr. Lunny questioned if he wants an alternative to allow stacking only in Midtown or stacking everywhere.

Councilmember Jacobs would like to envision the alternatives that they might want to do.

Mr. Laystrom noted that one of those might be the Central Plantation Business District because it is a bit wider. They will take a look at the different options and bring them all back.

Motion by Councilmember Jacobs, seconded by Councilmember Zimmerman, to come back with different options. Motion carried on the following roll call vote:

Ayes: Jacobs, Zimmerman, Fadgen, Levy, Stoner

Nays: None

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QUASI-JUDICIAL CONSENT AGENDA - None.

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QUASI-JUDICIAL ITEMS – None.

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COUNCILMEMBERS' COMMENTS

Councilmember Stoner indicated that this is her last meeting as President of the Council. She appreciates the public letting her into their home and the ability to hopefully informally and formally lead and try to build a consensus with her colleagues and the Directors. She thanked everyone for their patience and information. It was an honor to be President for the past year.

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Councilmember Jacobs wished Councilmember Fadgen good luck and good health in his endeavors in the future.

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Councilmember Fadgen congratulated Mayor Bendekovic and Councilmember Elect Tingom on their election victories. He thanked the residents of Plantation for this opportunity.

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Councilmember Zimmerman wished Councilmember Fadgen the best of luck. He congratulated Mayor Bendekvoic on her success.

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Councilmember Levy reflected the same wishes to all and looks forward to continuing a lot of the traditions and a number of the qualities that make Plantation the great City that it is.

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Mayor Bendekovic made the following announcements:

- There is a City Council meeting on March 18, 2015 and an all-day meeting that starts at 9:00 a.m. on March 25, 2015.
- We need to change the calendar in April to an April 15, 2015 meeting and an April 29, 2015 meeting. The meetings were changed due to the week of Passover.
- Some of the candidates did not get their desired results but she admires them for taking the risk and wanting to make a difference in the community. Some things she did not take lightly and has followed up with them because she would like to hear more about their ideas.
- She thanked all of the residents that endorsed her candidacy for a second term. She will serve honorably.

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Councilmember Stoner wished Councilmember Fadgen well.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Brett Butler, City Engineer, mentioned a request from American Heritage School with regard to some construction activity they wish to proceed with on their school property. The nature of the work is associated with an active site plan application that is in the development review process. When this construction activity that involves some surface water management improvements on their property came to the City Building Department for an Engineering permit the Engineering Department staff looked at it. The initial reaction was to withhold approval because there was an understanding that when there is an active site plan in the process, work associated with the site plan, according to our ordinance, would not be issued until the site plan has been approved by this Council and that would give them a development order to proceed formally with their permitting. This was briefly discussed with Bill Laurie and his contractor and based upon that initial opinion there was some uncertainty so he discussed it a little with Mr. Lunny who educated him a little further on the scenario. It was suggested that a practice that has been employed at the Council over the year where a developer who wishes to do some work associated with an active site plan has come before this body occasionally and requested to do so in a procedure basically proceeding at risk. He thinks that a request to consider that opportunity may be made and it is up to Council as to whether they agree and will authorize them to do so. The Engineering Department is not looking to frustrate this developer but their intent was to be appropriate with the intent of the code.

Councilmember Stoner questioned whether the drainage improvements were reflected on the site plan. She also questioned where they are in the process and what the value of the drainage improvements is.

Mr. Butler advised that they were. He is not 100% certain where they are with the process but they are in it. They may need to go to Planning and Zoning next. He is also not clear on the value.

Mr. Devernwa indicated that the value is about \$165,000.

Dennis Devernwa (sic) with Herman Construction was present. He works at the school with Mr. Laurie on all of the school improvements as a general contractor. Mr. Laurie wanted to make some improvements on his drainage on site and they normally would not go to City Council for an on-site drainage permit. He was a little confused as to why they were being questioned for City Council approval.

Councilmember Jacobs mentioned that the way he reads this, if the gymnasium and the parking garage were not on the plans this could have been approved.

Mr. Butler clarified that if the school had come in and requested to do some drainage work and there was no active site plan involved in the process that reflected this same work we would not be having this discussion. It was staff's initial reaction because this work is reflected in an active site plan and should not proceed to permitting. After thinking about that he made a call to the City Attorney and explained the situation because he wanted to make sure that staff was not being unreasonable or unfair and that this was being evaluated in an appropriate fashion. They have looked at it correctly from the intent of the City code but he was made aware of a practice that has been exercised in the past and the Council has been giving an opportunity to hear the applicant's request to proceed at risk with some work associated with an active site plan and you have the prerogative to allow them to do so.

Councilmember Jacobs questioned why it was rejected.

Mr. Butler advised that the reason why staff initially denied the permit application was because the work was associated with this active site plan. As he read the zoning code initially, it indicated that no building permits are to be issued until the site plan is approved.

Councilmember Jacobs mentioned that the definition of an active site plan is that there is a site plan in the approval process. Because the site plan is not approved and is in process and this work is part of that site plan then by approving what was presented to you in essence you are approving the site plan or a component of it.

Mr. Butler indicated that was his initial concern.

Councilmember Jacobs stated that Council would be telling the applicant to proceed with work without a permit.

Mr. Butler commented that is not what he is suggesting be done. He is only making this applicant aware of a practice that this Council has entertained in the past. If allowed to do this he believes they would come in and get the appropriate permit for just that work; the permit process would still occur. If Council wishes to do this for this applicant you will advise them that they will be doing this at risk from a standpoint of whether or not the ultimate site plan will be supported. The applicant has to decide whether they are willing proceed with that element of business risk if allowed. They will be instructed to come through and complete their permit application with the Building permit.

Councilmember Stoner advised that this site plan has already been approved by Planning and Zoning.

Mr. Butler stated that the code makes it clear that it has to come to Council.

Councilmember Stoner noted that it is not like they started from scratch; it has already gone through.

Mr. Butler reiterated that it is in the process but it should be clear that the ordinance makes it clear that it needs to be officially approved and orders issued; that has not yet happened. This is not to disregard or discredit anything; it is to understand what the code says. The code says to get the development order from the Council then come get the permits.

Councilmember Stoner questioned if this is a time issue in trying to get this done before the approval.

Mr. Devernwa replied that it is. If the parking garage gets approved they will have that site work done. It will help the overall drainage problem that Mr. Laurie incurs every now and then during a torrential downpour.

Councilmember Stoner questioned what kind of time line it is going to take to complete that.

Mr. Devernwa believed that it would take a couple of months.

Councilmember Stoner questioned if Mr. Butler has explained this properly.

Mr. Lunny advised that his advice to Mr. Butler was that he did not have the authority under these circumstances to accept a hold harmless and proceed at risk; that it had to come to Council. The answer to the question is yes.

Councilmember Jacobs requested a description of the work to be done; the drainage improvements. He questioned if there will be a retention area.

Mr. Devernwa stated that there is a little retention lake behind Mr. Laurie’s tennis courts on the property near the west canal. There are several catch basins that run behind the practice and softball field where they are putting drainage pipes.

Councilmember Stoner questioned if this has been approved by P.A.I.D.

Mr. Devernwa replied yes.

In response to Councilmember Jacobs, Mr. Lunny indicated that there are forms available for this purpose; Council has to authorize the City Engineer to allow the applicant to execute the forms.

Motion by Councilmember Jacobs, seconded by Councilmember Fadgen, to authorize the City Engineer to allow the applicant to execute the forms. Motion carried on the following roll call vote:

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

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Dennis Conklin, resident, was present. He congratulated the candidates in the election. He mentioned a friend working as a poll deputy at one of the Plantation precincts who fell and broke her hip. He requested prayers from the community.

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SEALED COMPETITIVE SOLICITATIONS – None.

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WORKSHOP – None.

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Meeting adjourned at 9:25 p.m.

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Councilmember Lynn Stoner, 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 _____, 2015.

Susan Slattery, City Clerk