

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

**May 27, 2015**

The meeting was called to order by Councilmember Chris Zimmerman, President of the City Council.

1. Roll Call by City Clerk:

Councilmember:	Ron Jacobs Robert A. Levy Lynn Stoner Peter S Tingom Chris P. Zimmerman
Mayor:	Diane Veltri Bendekovic
City Attorney:	Donald J. Lunny, Jr.

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2. The invocation was offered by Councilmember Tingom.

The Pledge of Allegiance followed.

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**ITEMS SUBMITTED BY THE MAYOR**

Mayor Bendekovic presented Service Awards to the following City Employees:

*Officer Lucrecia Brito	Police	15 years
Darren Dipaola	Public Works	15 years
*Erin Lubow	Police	15 years
*Officer Anthony Montagnino	Police	10 years
Officer Joseph Santonastaso	Police	10 years
*Lanarrius Walker	Parks & Recreation	10 years
*Officer Charles Watts	Police	10 years

**\*UNABLE TO ATTEND**

Congratulations were offered.

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

- The Plantation Historical Museum has volunteer opportunities for student volunteers to earn at least 45 hours during this summer. The session will begin on June 10, 2015. Please call for more information.
- Summer Camp begins on June 8, 2015 and runs through Friday, July 1, 2015. There are still some openings available at Volunteer Park Elite Camp and the Jim Ward Neighborhood Day Camp. Also available are the summer Tennis Camps and the Equestrian Camp. There will be a three-week Kid's Camp that runs from August 3, 2015 through August 21, 2015. We are still short some scholarship donation funds and there are a few more children on the list who need it.

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Mayor Bendekovic introduced Catherine with the Friends of the Library. They are having a book sale on Friday, May 29, 2015 from 9:00 a.m. to 5:00 p.m. and Saturday, May 30, 2015 between 9:00 a.m. and 4:00 at the Helen B. Hoffman Library.

Catherine introduced members of the Friends of the Library. They presented Monika Knapp, Library Director, with a check in the amount of \$27,938.64 to enhance services at the library. Their total for the year was \$43,157.84.

Ms. Knapp thanked the Friends of the Library. This year we will be e-launching an e-book program where patrons will be able to download e-books to their devices; it will be Kindle, Sony, Mac, computers, and tablets. They will be able to check out fiction and non-fiction books directly onto their devices.

Mayor Bendekovic indicated that the Friends of the Library earn every dime. They host the Author's Luncheon and book sales. She noted that Plantation Middle School donated over 900 books that are for sale.

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Mayor Bendekovic made the following announcements:

- The Summer Reading Kickoff begins on Monday, June 8, 2015 between 7:00 p.m. and 8:00 p.m. Spiderman will be making an appearance.
- Kid's Summer Time will be June 10, 2015 to July 29, 2015 on Wednesdays at 10:00 a.m. for all ages; Thursdays at 10:30 a.m. for 2 and 3 year olds.
- The Father's Day Buffet will be on Sunday, June 21, 2015 between 10:00 a.m. and 2:30 p.m. at the Plantation Preserve. Reservations are suggested.
- The Mayor's Council will be on Wednesday, June 17, 2015 at the Fire Department.
- The World War II Exhibit has been extended through October 24, 2015 at the Plantation Historical Museum.
- The Fourth of July Parade will be on Saturday, July 4, 2015.
- The Plantation Farmer's Market is at Volunteer Park every Saturday between 8:00 a.m. to 2:00 p.m.

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## CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 22.

Mr. Lunny read the Consent Agenda by title.

3. Request to approve the purchase of playground equipment and safety surface turf for Multi-Cultural Park ITB015-15 in the amount of \$86,993.68 from Dominica Recreation Products, Inc., c/o GameTime. (CDBG Funds)
4. Request to approve the purchase of one (1) TYMCO Model 600 Regenerative Air Street Sweeper in the amount of \$222,764.
5. Request to approve the purchase of one (1) 2016 Ford F550 Regular Cab Truck with Telescopic Articulating Boom in the amount of \$88,700 "Stamm". (Budgeted – Central Services)
6. Second and Final Reading of **ORDINANCE #2529** of the City of Plantation, Florida pertaining to the subject of Retirement; amending the composition of the Board of Trustees for the General Employees' Retirement System so as to allow the fifth member of the Board of Trustees of the General Employees' Retirement System to be either a resident or a defined key person of a business entity having its principal street address in Plantation; providing a savings clause; and providing an effective date therefor.
7. Second and Final Reading of Zoning **ORDINANCE #2530** of the City of Plantation, Florida rezoning a parcel of land from "IL-P" (Light Industrial District) to "PRD-15.7Q" (Planned Residential District); in accordance with the City of Plantation Comprehensive Zoning Ordinance Chapter 27-681; property located at 6901 West Sunrise Boulevard within the City of Plantation, Florida; and described as a Parcel of land in the northeast ¼ of Section 34, Township 49 South, Range 41 East. Said Parcel including Parcel A and Parcel B according to the SOE Plat as recorded in Plat Book 180 at Page 131 of the Public Records of Broward County, Florida; providing findings; providing a savings clause; and providing an effective date therefor.

NOTE: Should this ordinance pass on Second Reading it will remain subject to Item #24 on the agenda passing as well.

### **Resolution No. 12062**

8. **RESOLUTION** of the City of Plantation approving that certain license agreement between City of Plantation and Old Plantation Water Control District for new facilities; providing a savings clause; and providing an effective date therefor.

### **Resolution No. 12063**

9. **RESOLUTION** confirming a Plantation City Lien of Utilities Service charges for the following described property; 1080 NW 74<sup>th</sup> Way. (HEDLUND, R.A. & SUSAN N.)

### **Resolution No. 12064**

10. **RESOLUTION** confirming a Plantation City Lien of Utilities Service charges for the following described property; 13451 NW 4<sup>th</sup> Manor. (LOPEZ, FRANKLIN & CHRISTINE)

**Resolution No. 12065**

11. **RESOLUTION** confirming a Plantation City Lien of Utilities Service charges for the following described property; 345 NW 49<sup>th</sup> Avenue. (BROWN, SHELTON)

**Resolution No. 12066**

12. **RESOLUTION** confirming a Plantation City Lien of Utilities Service charges for the following described property; 4847 NW 7<sup>th</sup> Court. (HUGHES, QUEEN E. EST.)

**Resolution No. 12067**

13. **RESOLUTION** confirming a Plantation City Lien of Utilities Service charges for the following described property; 5432 SW 2<sup>nd</sup> Street. (LOPEZ, RAMON)

**Resolution No. 12068**

14. **RESOLUTION** confirming a Plantation City Lien of Utilities Service charges for the following described property; 5501 SW 3<sup>rd</sup> Street. (PETERKIN, PEACHES E.)

**Resolution No. 12069**

15. **RESOLUTION** confirming a Plantation City Lien of Utilities Service charges for the following described property; 620 NW 74<sup>th</sup> Terrace. (RUNYON, ERIC ALLEN & KAREN S.)

**Resolution No. 12070**

16. **RESOLUTION** confirming a Plantation City Lien of Utilities Service charges for the following described property; 7261 SW 11<sup>th</sup> Street. (BORCHETTA, GLENN EST.)

**Resolution No. 12071**

17. **RESOLUTION** confirming a Plantation City Lien of Utilities Service charges for the following described property; 872 Garden Court. (BLAYLOCK, LAVERNE M. EST.)

**Resolution No. 12072**

18. **RESOLUTION** confirming a Plantation City Lien of Utilities Service charges for the following described property; 9224 Chelsea Drive North. (BRUGGER, JEAN A. EST.)

**Resolution No. 12073**

19. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period May 7, 2015 through May 20, 2015 for the Plantation Gateway Development District.

**Resolution No. 12074**

20. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period May 7, 2015 through May 20, 2015 for the Plantation Midtown Development District.

**Resolution No. 12075**

21. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period May 7, 2015 through May 20, 2015.

**Resolution No. 12076**

22. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period May 7, 2015 through May 20, 2015 for the City of Plantation's Community Redevelopment Agency.

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

Ayes: Stoner, Tingom, Jacobs, Levy, Zimmerman

Nays: None

Mayor Bendekovic voted affirmatively on Item No. 22.

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**ADMINISTRATIVE ITEMS**

Mr. Lunny read Item #23.

**Resolution No. 12077**

23. **RESOLUTION OF THE CITY OF PLANTATION, FLORIDA PERTAINING TO THE SUBJECT OF REAL PROPERTY; DETERMINING CERTAIN REAL PROPERTY TO BE SURPLUS PROPERTY; AUTHORIZING THE CONVEYANCE BY QUIT CLAIM DEED OF SUCH SURPLUS PROPERTY, THE PROPERTY BEING AFFECTED BY THIS RESOLUTION BEING GENERALLY LOCATED NORTH OF PETERS ROAD, EAST OF THE TURNPIKE, SOUTH OF SW 6<sup>TH</sup> COURT; AND WITHIN APPROXIMATELY TEN FEET (10') TO FIFTEEN FEET (15') WEST OF AND ADJACENT TO THE WEST BOUNDARY OF THE FOLLOWING THREE (3) SUBDIVISIONS; (1) LAUDERDALE GOLF ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED IN BROWARD COUNTY PLAT BOOK 34 AT PAGE 26 (2) LAUDERDALE GOLF ESTATES 1<sup>ST</sup> ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN BROWARD COUNTY PLAT BOOK 35 AT PAGE 29, AND (3) LAUDERDALE GOLF ESTATES 2<sup>ND</sup> ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN BROWARD COUNTY PLAT BOOK 39 AT PAGE 36; APPROVING THE FORM OF THE QUIT CLAIM DEED AND AUTHORIZING CHANGES THERETO AS MAY BE REQUIRED; GENERALLY AUTHORIZING THE ADMINISTRATION TO TAKE ALL ACTIONS AND DO ALL THINGS NECESSARY TO EXECUTE THE CONVEYANCES APPROVED BY THIS RESOLUTION; PROVIDING FINDINGS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.**

A memorandum dated May 21, 2015, to Mayor and Members of City Council, from Donald J. Lunny, Jr., City Attorney, follows:

RE: Resolution Conveying Surplus Property not needed for Country Club Estates MURT to adjacent residential lot owners.

As the elected officials may know, Plantation received tax deed conveyances of a strip of land adjacent to and east of the Turnpike, north of Peters Road and south of Broward Boulevard in the City's Country Club Estates Community. The City decided to improve the property with a Multi-Use Recreational Trail ("MURT"), which opened in 2013.

In the planning and surveying stages for the MURT, the City discovered that many of the adjacent residential lot owners installed improvements that encroached onto the City's property (i.e. typical "backyard" items). Rather than require all these encroachments to be removed and relocated, a decision was made to consider conveying the approximately ten (10) to fifteen (15)-foot eastern edge of the property to the adjacent residential lot owners by Quit Claim Deed after the MURT project was finished. The land was not needed for the MURT, and if conveyed to the residential lot owners for them to use an additional "backyard" area, their improvements would then be located on their property. In keeping with the City's prior decision, attached is a Resolution declaring the parcels described in Exhibit "1" thereto surplus property and authorizing Quit Claim conveyances in accordance with a draft form of Quit Claim Deed set forth as Exhibit "2" thereto.

The value of the various parcels is difficult to estimate. None of the conveyed parcels are large enough to comprise an independent building site. The quality of the title the City received and can convey is not marketable, because the County tax sale did not eliminate FPL's easement. Additionally, language has been added to the proposed Quit Claim Deed to reserve easements for municipal utility facilities to be installed within the conveyed property (if ever that is necessary in the future). The form of deed restricts the use of the parcels to "backyard area". Each conveyed parcel should be valued no greater than the adjacent lots associated land value. In examining the ad valorem tax folios for the adjacent lots, the land value appears to be \$3 per square foot, on average, and so Staff estimates that, on average and without a discount for the title issues discussed above, each conveyed parcel would have a maximum value of \$3 per square foot at this time.

Mr. Leeds advised that the conveyance of this portion of the property does not conflict with the Comprehensive Plan. The City Engineer advised that the conveyances contemplated are not precluded by any applicable funding provisions of the LAP Agreement which governed the City's administration of the MURT project with funding from State and/or Federal sources.

To avoid costs of title examinations in each case, the Deeds will be prepared using grantees disclosed by the Property Appraiser's Ad Valorem Tax Roll. The Deeds will then be mailed to the adjacent residential land owners with forms completed for recordation, a check made payable to the Board of County Commissioners to cover the costs of recording, and a pre-addressed, stamped envelope. This will fulfill the requirement of delivery to effect a conveyance. The addressed will be asked to verify that the grantees reflected on the Deed are the record owners as of the time of the mailing so that if the Property Appraiser's information is correct (meaning reflects the current status of title), they can then effect a recordation to protect their ownership rights of record, and if the Property Appraiser information is not correct (meaning does not reflect the current status of title), the City can be advised to make out a new Deed based on whatever information is supplied by the resident, and the corrected Deeds can be recorded thereafter.

This Resolution is now ready for consideration as an Administrative Item.

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***Motion by Councilmember Stoner, seconded by Councilmember Levy, to approve Resolution No. 12077.  
Motion carried on the following roll call vote:***

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

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## LEGISLATIVE ITEMS

Mr. Lunny read Item #24.

24. SECOND AND FINAL READING OF **ORDINANCE #2531** PERTAINING TO THE SUBJECT OF COMPREHENSIVE PLANNING; 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'S FUTURE LAND USE PLAN AND MAP TO REDESIGNATE A PARCEL OF LAND CONTAINING APPROXIMATELY 16+/- ACRES OF PROPERTY FROM INDUSTRIAL TO MEDIUM (16) RESIDENTIAL, MAXIMUM ALLOWABLE DENSITY OF 16 DWELLING UNITS PER ACRE IN ACCORDANCE WITH POLICIES 1.7.6 AND 1.7.7 OF THE PLAN; SAID PARCEL MORE PARTICULARLY DESCRIBED AS A PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 49 SOUTH, RANGE 41 EAST, COMMENCING AT THE NORTH ONE-QUARTER (N1/4) 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 (NE1/4) OF SAID SECTION 34; THENCE RUN SOUTH 89DEGREES06'23" EAST, ALONG A LINE 100 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 34; A DISTANCE OF 130.01 FEET TO THE POINT OF BEGINNING, THEN 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; THEN RUN SOUTHWESTERLY 54.98 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 75 FEET AND CENTRAL ANGLE OF 42DEGREES TO THE POINT OF TANGENCY; THENCE RUN SOUTH 42 DEGREES WEST A DISTANCE OF 374.13 FEET TO THE NORTH RIGHT-OF-WAY LINE OF WEST SUNRISE BOULEVARD; THENCE RUN NORTHWESTERLY ALONG SAID A CENTRAL ANGLE OF 27DEGREES32'47" AND A CHORD BEARING OF NORTH RIGHT-OF-WAY LINE ALONG A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1482.69 FEET, A CENTRAL ANGLE OF 27DEGREES32'47", AND A CHORD BEARING OF NORTH 63DEGREES13'20" WEST. AN ARC DISTANCE OF 712.84 FEET TO A POINT 130 FEET EAST OF THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE1/4) 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 IMPLEMENTING REQUIREMENTS AND CONDITIONS FOR SUCH FUTURE LAND USE DESIGNATION CHANGE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A Staff Report dated May 27, 2015, to the City Council, from Planning, Zoning and Economic Development, follows:

### **LAND USE PLAN AMENDMENT ("LUPA") REQUEST:**

Request to amend City Future Land Use Plan from "Industrial" to "Irregular (19) Residential" for property located at the northwest corner of Sunrise Boulevard and NW 69<sup>th</sup> Avenue.

*The Broward County Commission, at final reading of the companion County plan amendment, approved Irregular (19) Residential, which would allow 304 units. The applicant's planning consultant indicates their client is requesting Irregular 19 Residential at second reading of the Council. However, the companion zoning*

*map change limits density to 251 units and the site plan proposes 250 apartments. The City could approve a designation of Medium 16 Residential which would allow 16 units per acre which is recommended by the Planning, Zoning, and Economic Development Department, would allow the Project as planned, and would be more conservative than the County Plan.*

**EXHIBITS TO BE INCLUDED:**

Planning and Zoning Division report (LUPA); DEO Extension; Ordinance; subject site map; land use plan amendment application; City Council January 22, 2014 Minutes; Broward County Commission Ordinance No. 2014 – 38; and December 9, 2014 Broward County Commission Action Minutes.

**REVIEW COMMITTEE RECOMMENDATION:**

Review Committee determined the plan was sufficiently complete to forward onto the Planning and Zoning Board sitting as the Local Planning Agency. Completeness determination is not an endorsement of support or non-support of the City LUPA (October 22, 2013).

**LOCAL PLANNING AGENCY (PZB) RECOMMENDATION:**

The Local Planning Agency recommended approval (December 3, 2013 – 5/0).

**CITY COUNCIL ACTION (FIRST READING):**

On January 22, 2014, City Council approved Medium High (25) Residential (25 units per acre) as requested by the applicant. The City Council approved the LUPA on first reading subject to Council approval of the final site plan.

*Staff opposed the conversion of industrial land to apartments at first reading, as the comprehensive plan designates only 1% of the City for industrial development (Industrial Land Use Plan Policy 1.10.9.). As an alternative to Industrial, staff recommended 10-12 units per acre in a townhouse configuration. The City Council approved the Medium High (25) Residential on first reading provided the applicant submits a site plan acceptable to the Council.*

**BROWARD COUNTY COMMISSION ACTION:**

On December 9, 2014, the Broward County Board of County Commissioners approved a County LUPA changing the land use designation from “Industrial” to “Irregular (19) Residential” (304 dwelling units).

**PZED STAFF RECOMMENDATION:**

The Broward County Commission approved 19 units per gross acre for the subject property. The City Council cannot approve a greater density than allowed by the County. However, the City Council can approve a lesser density than the County.

In this case, staff recommends Medium 16 Residential (16 units per acre) in lieu of Irregular (19) Residential. Medium 16 Residential allows 251 units and is consistent with both the proposed 250-unit site plan and the PRD-15.7Q rezoning request. Irregular (19) Residential would allow 54 units more than the proposed site plan and requested PRD-15.7Q zoning. The 250-unit site is already landscape code and parking code deficient. Adding 54 more apartments would exacerbate these deficiencies.

**POLICY CONSIDERATION:**

Any loss of land area designated Industrial affects the City's adult entertainment regulatory scheme. This Land Use Plan Amendment would result in less land area being conditionally available for adult entertainment uses. When the City created its adult entertainment regulatory scheme years ago, it planned on keeping all of the land area then used for Industrial purposes as Industrial in order to set aside property then thought as necessary to defend its adult entertainment regulatory scheme. Because case outcomes in this area are so highly fact specific, no one can advise the City with certainty whether the conversion of this Property to a classification other than Industrial will make the City's adult entertainment regulatory scheme unenforceable; however, in order to attempt to minimize the impact of this proposed conversion of Industrial land to a Residential category, the applicant and City Attorney have agreed to Section 2 of the proposed Ordinance which was in the draft at First Reading, and which waives the prohibition of adult entertainment uses being otherwise allowed within 700 feet of the boundary of the affected Property by reason of its proposed change from the Industrial designation. The same language will appear in the re-zoning ordinance.

In the future, the PZED will try and coordinate any other proposed conversions of Industrial land to a non-Industrial Land Use Designation or Zoning Classification with the City Attorney so as to be done in a manner which minimizes the impact on the City's adult regulatory scheme (as an example, instead of awarding Industrial Flexibility for the Motorola Property commercial outparcel conversion [which Flexibility has been entirely reserved for adult entertainment uses], a change of land use is now being pursued).

The City should keep in mind this policy consideration when deciding to take any action to change Industrial property to another designation or classification, and should only allow this to occur when the public interest is otherwise best served. Any questions concerning this Policy Consideration should be addressed to the City Attorney.

**STAFF COMMENTS:**

**PLANNING AND ZONING:**

***PLANNING:***

1. Staff would support Medium (16) Residential consistent with the rezoning request and site plan. If the Council approves the amendment, the following additional items will need to be addressed:
  - a. The applicant shall deed restrict the property based on the density of the approved site plan or 250 units.
  - b. This request must undergo a local concurrency review for parks, water, sewer, streets, drainage, and solid waste. The standard single-page form is available in the Planning and Zoning Department. The applicant has presented the form to the appropriate City departments for sign off prior to City Council approval.
  - c. City impact fees shall be paid to the Building Department at the time of permitting (Ordinance No. 2485 requires \$1,833 per multi-family unit prior to issuance of any development permits). Impact fees do not include Utility Impact fees.
  - d. The applicant shall contact Broward County to determine if a plat amendment is required.
  - e. The applicant shall contact the Broward County School Board regarding school impact/mitigation fees prior to Planning and Zoning Board consideration.

**ENGINEERING DEPARTMENT:**

1. As previously requested for the DRC review, please provide the ITE source documents for the trip generation numbers. 01-13-14: In the response to comments the Applicant repeats the comment from the DRC review, not the above comment which was provided at the P & Z review. The response to the

comment is that the traffic study has been revised and is included as Exhibit G. The traffic study in Exhibit G is the same as was submitted for P & Z and the requested documents have still not been provide. As previously requested for the DRC and P & Z review, please provide the ITE source documents for the trip generation numbers. This is the third request. **04-02-15: The Applicant's Traffic Engineer provided the documents to the Engineering Department. No objections.**

**TRAFFIC CONSULTANT:** See Engineering

**DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT:**

1. At the time of development, City landscape codes must be met (including but not limited to: medians, landscape pedestrian zones, planting islands, perimeter buffer, etc.

**BUILDING DEPARTMENT:** No objection to land use change.

**FIRE DEPARTMENT:** No objections as to this land use plan amendment request.

**POLICE DEPARTMENT:** No objections to this land use request.

**UTILITIES:** Prior to a Building Permit being issued, the following must be provided:

- \$500.00 review fee must be submitted to the Utilities Department.
- Water and Sewer Utility plans must be submitted to the Utilities Department for review and approval.
- BCHD and BC EPD Permits must be approved.
- Utilities Agreement must be executed.
- Utilities Performance Bond must be posted.
- Utility Easements must be executed.
- Utility Inspection fees must be paid.
- Capacity Charges must be paid in FULL.
- Contact: Danny Pollio if you have any questions, 954.797.2209

**Additional pre-design meeting is required with the Utilities Department to discuss offsite improvements with design Engineer. On and offsite plans have not been completed for our Consultant to complete their final recommendations.**

The existing Trust account must be maintained during the entire project

**Offsite and onsite improvements and equipment will be required at applicant's expense to support project and include the upgrade of two downstream lift stations, possible sewer lining, installation of force main, etc. Any costs associated with on and offsite improvements must be paid for by applicant and all offsite improvements must be agreed to and accepted by the Utility Department.**

Complete Water and Wastewater Utilities must be shown on plan before a proper review can be completed, including offsite upgrades. Utility Plans are still being worked on by the Engineer of Record to determine what offsite upgrades will be required to support project.

Provide plan for vacating easements as necessary if applicable

Show all new and existing water and sewer lines and easements on landscaping and drainage plan

Maintain all utilities and utilities easements for water and wastewater system access.

**Full Utilities plan review & approval is required prior to permitting. No plans are for construction until marked "Final". Additional comments and requirements may be generated after construction plans have been submitted for review and approval.** No structures are allowed to be installed in Utility easements. This includes signs, covered walkways, dumpster enclosures, etc.

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

**WASTE MANAGEMENT:** No comment (no site plan submitted).

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Mr. Lunny indicated that the Staff Report of the Planning, Zoning & Economic Development Department recommends, though the matter has been advertised at Irregular 19 Residential, should you adopt this given the densities that were in the site plan, perhaps a Medium 16 Residential would implement those site plan densities and would be less density than what is proposed in the title.

Emerson Allsworth, Attorney, was present. He advised that they concur with the figures provided by Mr. Lunny and Mr. Leeds of 16, which reduces the density to 250 units, the same as the site plan. They are requesting to be allowed to proceed at risk from this point. They have a lot to do; they have to demolish the old building and submit for building permits. They concur with staff recommendations.

Councilmember Levy expressed confusion about the part that mentions "Adult uses" on the property zoning, specifically the area in Section 2, approximately three-quarters down the paragraph that says, "The property owner for itself and its successors, heirs and assigns has waived any rights it may have to enforce and has consented to the City not enforcing the prohibition of adult entertainment establishments locating within 750 feet of any property line of the property as a result of residential uses being within the property." He questioned whether that means the property owner is waiving any right to object to an adult establishment being established nearby. If so, he questioned why we are involved in that. If we deem it residential the 700-foot requirement should be enforced. He questioned why we are waiving that.

Mr. Lunny responded that is correct. The City has established an adult entertainment regulatory scheme, which is tiered in terms of defenses. Any conversion of industrial property to a non-industrial use results in less property being available for adult entertainment uses and at some point the cities will not have a defensible adult entertainment regulatory scheme because too much land will have been converted and there will not be enough land available for adult entertainment uses. When this concern was expressed to the applicant the applicant agreed to waive the 700-foot barrier all around the property and agreed that adult entertainment uses would not be prohibited in that area so that the City could count that area towards its allowance for these types of uses. By making that agreement with the City, it reduced the impact of this land use change on the City's adult entertainment regulations. One idea would be to hold off on this application until the City's adult entertainment regulations are revised and made more liberal or another option would be to try to establish a process to minimize the impact and since the adult entertainment regulations were put in prior to this land use change when the land use was industrial, this accommodation was the best they could come up with that would not penalize the City's regulatory scheme but allow the project to go forward. That is why the policy consideration is in the memorandum and that is why Section 2 is in the ordinance and they have agreed to Section 2 in this ordinance and in the rezoning ordinance.

Councilmember Levy understands but we have to make it clear; we are not contemplating this area to all of a sudden be adult entertainment.

Mr. Lunny stated that the ILP zoning was the third tier of defense where if we lost other arguments about our ordinance that is where adult entertainment would be located. One issue is that the strategy of those uses are to locate where they wish and then determine that the entire City's regulatory scheme is invalid. If they are correct they could end up where they wish. Council tried to take a very aggressive stand back in the mid 1990's when

this was crafted. The idea is that we had to provide a backstop and need not to allow conversions of industrial property. Where we are allowing those conversions, when the Council is determined that the needs of the City are otherwise appropriate to allow this conversion, his task was to come up with a strategy to minimize that impact and that is what this is.

Councilmember Levy likes the fact that Mr. Lunny is being proactive and that we are addressing a possible problem and the impact it would have citywide. He wants it to be clear that we are not encouraging the establishment of these by specifically noting that you are asking the owner not to object. If these are sold as individual properties and they form an Association this does not negate the Association or a Renter's Association from objecting to adult establishments being built nearby.

Mr. Lunny advised that the point of the paragraph is that Plantation is not going to enforce that 700 feet.

Councilmember Levy stated that he needs to know the ramifications before he votes.

Mr. Lunny indicated that is the ramification and that is one of the policy issues about the future land use needs of the City.

In response to Councilmember Levy, Mr. Lunny stated that with regard to an Association, as a legal matter, they have waived that position. The Council might be well served to perhaps take the 700 feet and move it down to 250 or open up other areas of the City where these uses might be allowed. This is a consequence.

Councilmember Levy commented that this is important and we are creating a residential area. He does not think the people who are moving into that area at some point know this is a possibility.

Mr. Lunny indicated that ultimately there has to be a spot and our allowance is so minimal.

Mr. Allsworth advised that they have discussed this among the seller and the buyer and they concur with the device that Mr. Lunny has created. They signed the waiver and the buyer is agreeable. He noted that the 700 feet protection from Plantation High School still applies and overlaps the majority of this property.

***Motion by Councilmember Jacobs, seconded by Councilmember Tingom, to approve Ordinance #2531 on Second and Final Reading.***

Councilmember Stoner requested the motion be amended to allow the applicant to move forward at their own risk.

In response to Councilmember Zimmerman, Mr. Allsworth explained that after this hearing they have to do a plat amendment, which goes to the County, and that is involved in the recertification of the land use plan which takes 60 days. Under the best case scenario, the confirmation of the land use plan by the County cannot apply until August. If there is a delay in getting that process started August could slip further into the year. They are requesting the right to go beyond the demolition and apply for permits and get comments from the Building Department and if necessary, pull a permit. The City is protected because whenever Council authorizes Proceed at Risk the City Attorney has a very involved document they have to sign, which basically holds the City harmless.

Mayor Bendekovic thought he said that he wanted to move forward with the demolition and removal.

Mr. Allsworth said they would do that first but they want to go further than the demolition.

Councilmember Stoner commented that they want to submit all of the plans and get them through the approval process in the meantime.

Mr. Lunny advised that there is a form. There is some risk to the City; however, there is a form that tries to mitigate that risk. He will review and if it is plan processing the risk is minimal.

***Amended motion by Councilmember Jacobs, seconded by Councilmember Tingom, to approve Ordinance #2531 on Second and Final Reading and allow the applicant to proceed at risk limiting it to the demolition and removal and permitting; not the construction.***

Councilmember Zimmerman requested an amendment to change from 19 to 16 as per the recommendation from the Planning and Zoning Department.

***Amended motion by Councilmember Jacobs, seconded by Councilmember Tingom, to approve Ordinance #2531 on Second and Final Reading and allow the applicant to proceed at risk limiting it to the demolition and removal and permitting; not the construction; and the density will be changed to 16. Motion carried on the following roll call vote:***

Ayes: Stoner, Tingom, Jacobs, Levy, Zimmerman

Nays: None

Sandra Gracey, resident of Park East, was present. She questioned if the land use is passed what it means with regard to the proposed plan.

Councilmember Zimmerman explained that the Council has approved the plan and it keeps the plan just the way it is.

Sandra Gracey mentioned if the land use is being changed to residential and we are moving forward with demolition and submitting permits whether that means it is passed and that they can construct residential on that property.

Councilmember Zimmerman stated that the applicant still needs to go to the County to have final approval and then they can move ahead with residential.

Mr. Leeds advised that his understanding of the motion is that the applicant can apply for permits, go through the entire permitting process but not be issued a Building permit except for demolition.

Councilmember Jacobs clarified demolition and removal.

Mr. Leeds stated that they can go right to the point of picking up permits. The applicant would have to deal with the other issues before picking up permits.

Mr. Lunny indicated that is only under their own risk. He clarified that the site plan has been approved, the residential uses when this motion passes will be approved; the design, location, arrangement and appearance of the structures and the landscape has been approved. Until final approval is received from Broward County, the

applicant can start the process under his own risk and once the County says yes construction can begin without coming back to the Council.

\* \* \* \* \*

Mr. Lunny read Item #25.

- 25. PUBLIC HEARING AND FIRST READING OF A ZONING ORDINANCE PERTAINING TO THE SUBJECT OF ZONING; AMENDING THE CITY CODE REGULATIONS RELATING TO AMUSEMENTS; AMENDING THE CITY’S REGULATIONS FOR CARNIVALS, BAZAARS AND FESTIVALS; REVISING THE SPECIAL RULES FOR SHOPPING CENTERS; PROVIDING OTHER MISCELLANEOUS CLARIFYING AMENDMENTS TO THE CITY CODE TO IMPLEMENT THE FORGOING; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A Memorandum dated May 27, 2015, to Mayor Bendekovic and the City Council, from Laurence Leeds, Director of Planning, Zoning & Economic Development, follows:

**SUBJECT:** Proposed amendment to Section 27-659 – Amusements, Carnivals, Bazaars, Festivals, Fairs, Shopping Center Special Events, and Exhibitions

**BACKGROUND:**

The attached Ordinance proposes an amendment to Chapter 27 of the Code with regards to amusements, carnivals, bazaars, festivals, fairs, shopping center special events, and exhibitions. A memo from the City Attorney is also attached which summarizes the proposed changes.

The Planning and Zoning Board, at their meeting of May 5, 2015, supported moving the proposed Ordinance forward for adoption.

**REQUEST:**

The Zoning Department staff requests City Council consideration of the proposed Ordinance for adoption on first reading.

Mr. Lunny believes that drafts of the ordinance were workshopped twice and Council’s input is reflected in this draft. It went to the Planning and Zoning Board and was recommended for approval and is back at the conclusion of the legislative process for your consideration at First Reading.

***Motion by Councilmember Stoner, seconded by Councilmember Jacobs, to approve the ordinance on First Reading. Motion carried on the following roll call vote:***

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

\* \* \* \* \*

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

\* \* \* \* \*

*Councilmember Zimmerman referred to the guidelines for those addressing the Council as witnesses having been sworn in.*

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

\* \* \* \* \*

**QUASI-JUDICIAL ITEMS**

Mr. Lunny read Item #26.

26. DEFERRED REQUEST TO APPROVE SITE PLAN AMENDMENT (PARKING WAIVER) FOR FRESHMARKET/PETSMART PLAZA. PROPERTY LOCATED AT 11901-12171 WEST SUNRISE BOULEVARD AND ZONED B-2L. (PP14-0026)

Bill Laystrom, Attorney, was present. He advised that on behalf of the applicant, they have come up with a compromise between the Planning Department and his client to adjust the parking calculation for this site. It is already developed. There are two areas that Mr. Leeds has suggested a restriction and he has not had a chance to determine how the restriction will impact his client's future development of the property. Staff has been very cooperative. He requested another two weeks, until June 10, 2015, to meet with his client. It is a cap on restaurants and offices and Mr. Leeds has made a suggestion as to what those percentages should be. He is trying to get his client comfortable where his existing tenants fit in that mix so he knows what he would still have available for the future.

Mayor Bendekovic assured the Council that there is not a parking issue at this location. She requested that Mr. Laystrom ask them to advertise because of the fact that she is hearing from people as far as Weston that they don't even know that the Fresh Market is open. If they are going to be successful at that site they need to advertise.

***Motion by Councilmember Jacobs, seconded by Councilmember Levy, to defer Item #26 to June 10, 2015. Motion carried on the following roll call vote:***

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

\* \* \* \* \*

Mr. Lunny read Item #27.

27. REQUEST TO DEFER THE CONSIDERATION OF A CONDITIONAL USE, SITE PLAN, ELEVATION, LANDSCAPE PLAN FOR AMERICAN HERITAGE SCHOOL – PARKING GARAGE UNTIL JUNE 24, 2015. (PP14-0016)

*Motion by Councilmember Jacobs, seconded by Councilmember Levy, to defer Item #27 until June 24, 2015.  
Motion carried on the following roll call vote:*

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

\* \* \* \* \*

Mr. Lunny read Item #28.

**Resolution No. 12078**

28. **RESOLUTION** APPROVING AS A CONDITIONAL USE, A 59,977-SQUARE-FOOT THREE-STORY GYMNASIUM WITH 16 CLASSROOMS AT THE AMERICAN HERITAGE SCHOOL TO BE LOCATED IN A CF-P ZONING DISTRICT ON PROPERTY LYING IN SECTION 1, TOWNSHIP 50 SOUTH, RANGE 40 EAST, AND DESCRIBED AS PARCELS A, B AND C OF THE A.H.S. PLAT, AS RECORDED IN PLAT BOOK 139, PAGE 34, TOGETHER WITH PARCEL A OF THE A.H.S. SOUTH PLAT AS RECORDED IN PLAT BOOK 163, PAGE 44; TOGETHER WITH PARCEL A OF THE A.H.S. WEST PLAT AS RECORDED IN PLAT BOOK 163, PAGE 34 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED AT 12200 WEST BROWARD BOULEVARD; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR. (PP13-0019)

**REQUEST #1:** Conditional use approval to construct a 59,977-square-foot gymnasium consisting of indoor basketball courts, weight rooms, locker rooms, offices, and 16 classrooms.

**REQUEST #2:** Site plan, elevation, and landscape plan approval to construct a school gymnasium.

**ZONING WAIVER REQUESTS:**

- 1) From: Section 27-476 which requires a front setback of 50 feet;  
To: Reduce the required setback from 50 feet to 25 feet.
- 2) From: Section 27-743 which requires 482 parking spaces;  
To: Reduce the required parking to 481 spaces.
- 3) From: Section 13-41(a)(c). Pedestrian zones along building facades.  
One tree shall be installed in this zone per each 30 lineal feet, or fraction thereof, of façade width. The remainder of the zone shall be treated appropriately with plantings, seating, and sidewalks.  
To: Reduce the required trees:
  - a. 4 trees required along the southern lpz – 0 trees have been provided.

- 4) From: Section 13-41(a)((f). Pedestrian zones along building facades:  
For all trees required, 25% of the required trees must be a minimum of 10' – 12' installed height; the remaining 75% of the required trees must be of installed heights relating to the adjacent wall structure height, as defined in City landscape codes.
- To: Reduce the height the required trees/palms:
- a. 75% of the trees throughout the lpz should be a minimum height of 16' – 18' x 9' and/or palms a minimum height of 22' - 28' OA – required tree heights are not met on the northern, eastern, southern, or western landscape pedestrian zones.  
***Landscape Staff does not support this waiver.***
- 5) From: Section 13-41(a)(b)(c). Pedestrian zones along building facades.  
Recognizing that it is universally accepted that trees and other plantings function to visually and aesthetically buffer and enhance building facades to reduce air and noise pollution and to conserve energy within the structure, *there shall be a landscaped pedestrian zone along the length of all building walls not directly adjacent to vehicular approaches.* The depth of this pedestrian zone and the degree to which it is landscaped shall be determined by building height and function.
- To: Reduce the required lpz:
- a. 24'-8" lpz is required along the eastern façade – 9' has been provided.
  - b. 24'-8" lpz is required along the southern façade – 0' has been provided.
- Landscape pedestrian zones shall extend the full width of each façade which abuts a parking or vehicular use area; the minimum width of such landscape zone shall relate to the adjacent structure's wall height.*

**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; Landscape Planning Review Board meeting minutes of January 7, 2014; and Review Committee meeting minutes of August 27, 2013 and November 1, 2013.

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

**LANDSCAPE PLANNING REVIEW BOARD: APPROVED** subject to staff comments (5/0; January 7, 2014)

**REVIEW COMMITTEE RECOMMENDATION: NO OBJECTION** to the project moving forward for further review (November 1, 2013).

**ANALYSIS:**

The subject property is zoned CF-P, consists of 32.5-acres and encompasses three plats; the A.H.S. Plat, the A.H.S. South Plat, and the A.H.S. West Plat. The site is developed with multiple buildings encompassing 243,496 square feet of school use for pre-school through 12<sup>th</sup> grade students. Student enrollment is restricted to a maximum of 2,399 students at any given time (City Council, December 9, 1998).

The applicant requests approval to demolish the existing outdoor basketball courts lying east of the performing arts building and construct a three-story, 59,977-square-foot gymnasium building with indoor basketball courts, weight rooms, locker rooms, offices, and 16 classrooms. The proposed building design matches the existing campus buildings which have a colonial design of simulated old brick, stucco with white quoins and windows

louvers, and white flat tile roofing material. This proposal, if approved, will increase the total building square footage on the campus from 243,496 square feet to 303,473 square feet.

All uses in the CF-P zoning district require conditional use approval. 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".

In addition, the applicant has a concurrent application in review for a four level parking garage and an increase in the allowable student count (PP14-0016).

**STAFF COMMENTS:**

**PLANNING AND ZONING:**

Planning:

1. Per Ordinance No. 2485, City impact fees in the amount of \$45,780 shall be paid prior to issuance of a building permit.

Zoning:

Site Plan:

1. Label the material of the proposed sidewalks and walkways. The response to staff comments states that all sidewalks and walkways are to be concrete. However, the plans are not labeled.
2. Per Section 27-476, the required setback to the north is 50-feet. The proposed setback to the property line, adjacent to the canal is 45.57-feet. The applicant is requesting a waiver.

Floor plans:

3. Indicate the door locations on the floor plans.

Parking / loading:

4. A parking waiver for one space is required. The applicant is requesting a waiver.

Details:

5. Provide a dumpster enclosure detail indicating the gates will be metal or pvc, the walls stucco finished, and both painted to match the building design. The applicant indicates in the response letter that the dumpster enclosure will be a "masonry wall" with "solid gates".
6. Provide letter from Mr. Laurie confirming the maximum school capacity after completion of gymnasium, including addition of sixteen classrooms.

**TRAFFIC CONSULTANT:** No objection.

**ENGINEERING DEPARTMENT:**

1. No site work. No Objections.

**Permit Comments**

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

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

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

#### **DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT:**

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

#### Site Plan:

1. Code requires landscape pedestrian zones (lpz) to extend along the length of all building walls not directly adjacent to vehicular approaches the minimum width shall be ½ the height of the proposed or 10' (paved areas in the lpz may not constitute more than 5' of the required lpz):
  - a. 24'-8" lpz is required along the southern façade – 0' has been provided.
  - b. 24'-8" lpz is required along the eastern façade – 9' has been provided.

***Waiver required.***

2. Code requires landscape pedestrian zones (lpz) to extend the full width of each façade abutting a parking or vehicular use area; the minimum width shall be ½ the height of the proposed or 10' (paved areas in the lpz may not constitute more than 5' of the required lpz):
  - a. 23' lpz is required along the northern façade – 0' has been provided.
  - b. 23' lpz is required along the western façade – 9' has been provided.

***Waiver required.***

#### Planting Plan:

1. Proposed trees do not meet required tree/palm heights, spread, and caliper throughout the landscape pedestrian zones (northern, eastern, western, or southern) – 25% of the required trees must be a minimum of 10' – 12' installed height; the remaining 75% of the required trees must be of installed heights relating to the adjacent wall structure height, as defined in City landscape codes (a minimum of 16' – 18' x 9'). ***Waivers required. Staff does not support this waiver.***
2. A minimum of 1 tree is required every 30 lineal foot, or fraction thereof, of façade width (3 palms = 1 tree). Code requirements have not been met along the southern landscape pedestrian zone.
  - a. 4 trees required along the southern landscape pedestrian zone – 0 trees have been provided.***Waiver required. Staff requests mitigation for required trees if waivers are granted.***
3. Plans submitted proposing the planting of Jacaranda trees along the western landscape pedestrian zoned in a 9' planting space – this species will have a spread of 35'+ at maturity; this species would be better suited along the northern landscape pedestrian zone where there is a larger planting area.
4. Landscape is required around the dumpster enclosure.
5. Please note on the plant list that all trees will be field grown/balled & burlapped.
6. Please appropriately space your proposed plant material as per City landscape codes. On the west side of the building you are proposing 4 Cocoplum hedge in a 20' – with a planting spacing of 24" oc you will need 10 plants in lieu of 4. Please correct the quantities throughout the plan.
7. There is a lot of plant material on the planting plan without tag lines – please include tag lines as it is not clear as to what material is being planted where.
8. Along the western landscape pedestrian zone the plans propose 58 Xanadu – it is not clear where the Xanadu will be planted as there is no tag line.
9. Show all existing trees and/or palms on site. Provide information in tabular form and include locations, species, spread, height, caliper, condition, and disposition.

10. All proposed trees to be removed or relocated require ISA approved mitigation values/appraisals based on Rule Chapter 140.030 of the Florida Administrative Codes.
11. Performance bonds are required on all trees to be relocated as per City codes.
12. All proposed trees to be removed must be mitigated for as per City codes; tree mitigation will be above and beyond code required trees on the property.
13. Please add the current City of Plantation City Notes available on line: <http://www.plantation.org/Landscape-Architecture/details-notes.html>; please keep the "General Notes" on the landscape plans.
14. Please include Tree Protection details as per City codes; 2" x 4" posts, 48" in height, with 3, 2" x 4" rails spaced equally in lieu of those submitted. Please note on plant that appropriate tree protection barriers will be placed around all existing trees within the construction zone.
15. Please show utility easements in gray scale on the planting plan as well as above and below ground utilities and associated equipment (water lines, electrical lines, etc. to the building).
16. Screen above ground utilities on the planting plan with live greenery, including FPL boxes, etc. Please make a note to this effect on plans.
17. Please show existing and/or proposed lighting on landscape plan; light poles, wall mounted lights, etc. must be a minimum of 15' from any tree/palm planting to avoid interference as the trees mature.
18. A pre-planting meeting with the Department of Landscape Architecture is required before any planting commences on the project; please note on plans.
19. All landscape areas shall be provided with an automatically-operating underground irrigation system; with a minimum of 100% coverage, with 50% minimum overlap in ground cover and shrub areas. The rain sensor must be installed as well as a rust inhibitor if applicable. Irrigation plans must be submitted at time of permitting.

**BUILDING DEPARTMENT:** No objection.

**FIRE DEPARTMENT:** No objections as to this conditional use and site/elevation/landscape plans with the confirmation that the fire department comments on Staff Report to the Planning and Zoning Board of 12/03/2013 were satisfactorily addressed by attached applicant letter for Staff Report to the City Council on 04/20/2015. The applicant and/or owner are aware that conditions may arise upon review of all required permitting plans.

**UTILITIES:** No objection to conceptual plan. Prior to a Building Permit being issued, the following must be provided:

- \$500.00 review fee must be submitted to the Utilities Department.
  - Water and Sewer Utility plans must be submitted to the Utilities Department for review and approval.
  - BCHD and BC EPD Permits must be approved.
  - Utilities Agreement must be executed.
  - Utilities Performance Bond must be posted.
  - Utility Easements must be executed.
  - Utility Inspection fees must be paid.
  - Capacity Charges must be paid in FULL if applicable.
  - Contact: Danny Pollio if you have any questions, 954.797.2159.
1. Additional pre-design meeting is required with the Utilities Department.
  2. The existing Trust account must be maintained during the entire project.
  3. Onsite improvements and equipment will be required at applicant's expense to support project. Engineer of Record must provide flow calculations for the new structure.

4. Complete Water and Wastewater Utilities must be shown on plan before a proper review can be completed.
5. Show all existing water and wastewater facilities on site plan.
6. Provide plan for vacating easements as necessary.
7. Show all new and existing water and sewer lines and easements on landscaping and drainage plan.
8. Maintain all utilities and utilities easements for water and wastewater system access.
9. Full Utilities plan review & approval is required prior to permitting. No plans are for construction until marked "FINAL".
10. No structures are allowed to be installed in Utility easements.

**POLICE DEPARTMENT:** No objection.

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

**WASTE MANAGEMENT:**

1. Please contact Jim Padovan, Senior District Manager via email at [jpadovan@wm.com](mailto:jpadovan@wm.com) or at 954-935-2327 for review comments.

**PLANTATION ACRES IMPROVEMENT DISTRICT:**

Advisory Comments:

1. Prior to issuance of a building permit by the City, PAID requires PAID approval of a paving and drainage plan. The plan must be approved by the PAID Board. The Board meets once a month. Plans must be submitted no later than four weeks prior to the Board meeting.
2. Work done prior to approval of the paving and drainage plan, such as clearing, demucking, demolition, and filling are subject to PAID approval. Plans for these activities are submitted to the PAID Engineer for review and approval.
3. Additional open space, low areas, and/or special grading may be required to meet the stormwater storage requirements within the District.

Specific Comments:

1. The new buildings are in areas that have been previously reserved for excess stormwater storage. Compensating storage will be required that may affect other areas of the site.
2. The above comments are meant to alert the applicant to the potential impact of the District's criteria on the site plan. The above comments do not constitute an approval or denial of the site plan.

**CONDITIONAL USE**

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 as follows:

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

Applicant: A binding and buildable site plan has been provided with the application.

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

Applicant: The proposed addition to the school is part of a previously approved master plan adopted by the Council. Therefore, this request is consistent with the general plan for development at the school. It is appropriate for a school to have a gymnasium as part of its physical development.

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: The gymnasium is needed because of the very limited size of the existing gymnasium by acceptable standards for a high school gymnasium. The existing gymnasium is too small and inadequate. The new facility is needed for a well-rounded athletic program. The ancillary classrooms are to accommodate existing floating teachers who have no current classroom. The new building will be in harmony with the existing character of the school. The height will be two stories and less than the existing performing arts building. There is ample space for the structure on campus. There will be no increase in the student population as the new building will serve the existing population. There will be no increase in traffic or parking because the new gymnasium will take the place of the existing gymnasium which may then be utilized for a cafeteria.

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: The new building will have no additional impact on the neighborhood as it will fit comfortably in the middle of the campus and will have no objectionable features.

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: The new building will have no adverse impact on the health, safety, security or general welfare of the residents of the neighborhood. In fact, it will enhance the available education and social experience of the students at the school, thereby improving the general welfare of the neighborhood by having a high quality educational facility nearby.

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: There will be no overburdening of existing public services and facilities in that there will be no increase in the student population. An exception to this is the additional requirements for water and sewer connections which will be the subject of a separate Agreement with the City meeting the new requirements due to the facility.

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

Applicant: The proposed building will meet all standards set forth in the Code of Ordinances.

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

Applicant: The proposed square footage of the structure is 59,977 square feet.

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Councilmember Jacobs made a Jennings Disclosure. He met with the applicant, Mr. Allsworth, Mr. Laurie, Mr. Nagler, and Mr. Laystrom. He will be basing his decision on the facts and evidence presented at this hearing. The meeting will not affect his decision.

Mr. Lunny mentioned the Ethics Law to log the contact in and questioned whether that was done.

Councilmember Jacobs indicated that contact was on May 13, 2015 at 2:00 p.m. He will check the contact.

Councilmember Tingom made a Jennings Disclosure. He met with the applicant and it was logged on the site. Mr. Nagler, Mr. Laurie and Mr. Allsworth were there. That meeting will not affect his decision.

Mayor Bendekovic made a Jennings Disclosure. The applicants came to the Mayor's office and discussed two items; the gymnasium and the parking garage at that time. Even though it was in the Mayor's office she still logged it in.

Councilmember Levy made a Jennings Disclosure. He also met with them and discussed the two items. The meeting will not affect his decision based on the evidence presented at this hearing. The contact was logged in.

Emerson Allsworth, Attorney, was present. He indicated that Mr. Laurie had determined to build the parking garage first and the gymnasium would follow shortly after. Assuming this item goes through they will return on June 24, 2015 for the parking garage and would seek building permits on both and begin construction on the parking garage. As far as the gymnasium is concerned, as a conditional use they have met the conditional use criteria, which is attached to the application and there are no negative comments from staff. The school currently has a gymnasium but it is very small and it doubles as a cafeteria. The proposal is to construct a new gymnasium in the middle of the campus and convert the existing gymnasium into a full-time cafeteria which will enhance the quality of the school. There is no increase in student enrollment connected with this. This is an infrastructure building to serve the present student body. The location is such that there is no negative impact on the neighborhood. It is 200+/- from the residential area to the south. The traffic impact would be minimal. The parking garage will be constructed simultaneously or ahead of the gymnasium itself. As far as the waivers are concerned, there are five listed. The only one staff objected to is waiver #4, which is a landscape waiver, and they would withdraw that request as it has to do with the height of the trees. They will meet the height of the trees recommended by the City so no waiver is required. The other waivers are very minor in nature and there was no objection to any of them. The building itself has a height of 40' to 45' and to put it in perspective, the height of the Performing Arts Center on the campus nearby is 85'. This is by no means the tallest building on campus and the bell tower is 90+/- feet on the corner of Flamingo Road and Broward Boulevard. The finish, which is the appearance of the brick veneer is the same as the remainder of the campus and fits right in.

Fred Nagler, architect, was present along with Bill Laurie, Headmaster.

Georgina Lagette (sic), resident, was present. She questioned why the parking garage is being delayed; it was supposed to be one discussion and she is very skeptical of what is going on.

Mayor Bendekovic advised that this was a joint decision made at a previous meeting. It was not due to the fact of Mr. Laurie; it was the City because of some issues.

Brett Butler, City Engineer, was present. He explained that the resident is speaking about the item which is not being heard this evening; she is speaking about an improvement for the proposed parking garage. This evening the discussion is about a gymnasium. That item was deferred as the result of a meeting with Staff and the Mayor. From the Engineering Department's perspective, the points were a pattern of incompleteness in the plan that had been submitted from the onset of DRC through Planning and Zoning with some life safety threshold issues not addressed appropriately on the site plan. The applicant had been pursuing to be on the agenda this evening for the garage but in light of the level of incompleteness a meeting was held and the applicant agreed that there needed to be some additional work in the plans to make them complete so staff could perform an appropriate review.

The following residents commented on the impact of the gymnasium:

Chris Hartman, Vice-President of the Board of Associations of Terra Bella Townhomes  
Leslie Cruz, President of the Homeowner's Association for the Terra Bella community

Councilmember Tingom mentioned the traffic pattern and questioned if it is on NW 118<sup>th</sup> Avenue or on Broward Boulevard.

Mr. Butler advised that the item on the agenda this evening from the Engineering Department's perspective did not generate a traffic concern because as the applicant disclosed they are intending for this particular application

to build a new gymnasium and convert the existing one to a cafeteria. It is not affecting student population as it is today; therefore, we are not seeing any additional traffic demand from the facility. There was not an issue with this particular proposal. The item that Council may hear on June 24, 2015 will have some comments about that.

Mayor Bendekovic noted that Mr. Allsworth stated that they have a restriction of a maximum of 2,399 students yet there are 16 classrooms. Usually you think that one classroom would generate at least 20 to 25 students per classroom. She questioned whether those 16 classrooms are because there is not room now to house the students they have.

Mr. Allsworth indicated that these are classrooms for floating teachers that do not have a classroom; it does not increase enrollment. They are only taking the existing gymnasium cafeteria and splitting them; having a separate gymnasium.

In response to Mayor Bendekovic, Mr. Allsworth clarified that the count will remain at 2,399 students.

Councilmember Zimmerman mentioned that the new gymnasium is larger than the existing gymnasium. He questioned whether the enlargement of the gymnasium will allow the school to host more events from out of town or other schools and increase the amount of games played. We are hearing from some of the residents that having a larger gymnasium is going to increase the traffic and the amount of buses coming in for evening and/or weekend games.

Mr. Allsworth stated that the school has not restricted any of its events because of the size of the gymnasium. The schedules will remain the same and the use of the gym will remain the same except it will be a larger facility. It will not increase the number of events.

Councilmember Zimmerman questioned whether it might increase the number of spectators for the games; therefore, the traffic coming to those games could increase.

Mr. Allsworth indicated that it will increase the seating capacity but not the number of events. All of the access will be off of Broward Boulevard, nothing on NW 118<sup>th</sup> Avenue. The master plan for the school, which was approved by the City in 2010, 2011 and 2012 has consistently every year shown a gymnasium. This gymnasium is on the master plan available to the public at any time. One point not mentioned is that the Utilities Department says this facility would require, together with what is already there, an enlargement with residential on the northwest corner of Flamingo Road and Broward Boulevard, which has already been approved. They say that between the two improvements it would require an increase of utilities along Broward Boulevard. There was a negotiating session with the Mayor several months ago regarding this issue and it was agreed by the City that in order to proceed it would be necessary to install a ten-inch sewer line along Broward Boulevard at an estimated cost of \$600,000. An agreement was executed, the plans have been approved by the City Engineering consultant, permits have been issued for the sewer line, the money has been put up and the line is under construction. The parking garage has no impact on utilities. The \$300,000 they have to put up is strictly because of the gymnasium. It is not the gymnasium itself, it is the totality of the usage that is requiring the increase in the utility line.

Mayor Bendekovic mentioned that three individuals commented that this was the first they heard of the gymnasium; they knew about the parking garage. She questioned whether there was ever a neighborhood meeting with Tara Bella regarding the gymnasium.

Mr. Allsworth stated that after some of these people appeared at the Planning and Zoning Board he had a telephone conversation with Ms. Cruz and wrote a letter requesting a meeting and they never accepted the offer. No one appeared for the gymnasium, they only appeared for the parking garage.

Mayor Bendekovic emphasized that they are saying they knew nothing about the gymnasium and that is why they did not appear. She noted that Council might want to defer this.

Councilmember Levy believes that Mayor Bendekovic has a good point. He certainly would want them to meet with the neighborhood and get the neighborhood reaction. They are saying that they have not met.

***Motion by Councilmember Levy to defer Item #28 to the June 24, 2015 meeting. Motion failed; there was no second.***

Mayor Bendekovic stated that public schools do not allow students to leave the campus.

Councilmember Tingom suggested deferring it to the June 10, 2015 meeting.

***Motion by Councilmember Stoner, seconded by Councilmember Jacobs, to approve Resolution No. 12078 with waivers #1, #2, #3 and #5 with waiver #4 being removed; subject to staff comments. Motion carried on the following roll call vote:***

Ayes: Stoner, Tingom, Jacobs, Zimmerman  
Nays: Levy

\* \* \* \* \*

Mr. Lunny read Item #29.

**Resolution No. 12079**

29. **RESOLUTION** APPROVING A 1,728-SQUARE-FOOT MASSAGE ESTABLISHMENT (ORCHID SPA & MASSAGE) AS A CONDITIONAL USE TO BE LOCATED IN A B-2P ZONING DISTRICT ON PROPERTY LYING IN SECTION 32, TOWNSHIP 49 SOUTH, RANGE 41 EAST, AND DESCRIBED AS PARCEL 254 IN JACARANDA PARCEL 254, AS RECORDED IN PLAT BOOK 199, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND GENERALLY LOCATED ON THE NORTHWEST CORNER OF SUNRISE BOULEVARD AND PINE ISLAND ROAD (JACARANDA SQUARE); PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR. (PP15-0011)

**REQUEST:** Consideration of a request for conditional use approval for a 1,728-square-foot massage establishment.

**EXHIBITS TO BE INCLUDED:** Planning and Zoning Division staff report; subject site map; and Conditional Use/Development Review application.

**ANALYSIS:**

The subject site is zoned B-2P and located on the northwest corner of Sunrise Boulevard and Pine Island Road. The site is developed with a shopping center known as Jacaranda Square and commercial outparcel buildings. The site is bound by the City of Sunrise to the north, Sunrise Boulevard to the south, Pine Island Road to the

east, and multi-family residential uses to the west. An 8' high wall exists on the west property line separating the commercial use from the multi-family residential use.

The applicant, Orchid Spa & Massage, is classified as a massage establishment which requires conditional use approval in the B-2P zoning district pursuant to Section 27-721(3). If approved, the business will have a reception area, 4 massage chairs, 9 treatment rooms, and 10 employees. The business hours proposed are Monday to Sunday from 10:00 a.m. to 10:00 p.m.

Parking for the shopping center is based upon shared parking standards. No parking waiver is proposed since the code-required parking does not increase based on the use and square footage.

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:**

Zoning:

Conditions of Approval:

1. Staff recommends the hours of operation be limited to Monday thru Saturday from 9:00 a.m. – 9:00 p.m. and Sunday from 9:00 a.m. – 6:00 p.m.
2. Massage therapy must take place in locations depicted on the floor plans entitled "Orchid Spa & Massage – Tenant Improvements" prepared by Stephen Bragalla Architect, and stamped received APR 20, 2015 attached hereto in Exhibit "B". If changes to the floor plans are subsequently pursued, appropriate approvals will be necessary.
3. At this time, the applicant only identifies one massage therapist. The names and credentials of future massage therapists have not been provided with this application but will be reviewed with each application for a business license. All massage therapists must individually comply with the standards in Chapter 14 and 27 of the City Code. Compliance with all applicable City codes relating to the operation of this use is required including the requirements of Florida Statutes Section 480.043 and Chapter 64B7-26, F.A.C. as may be amended from time to time.
4. No window coverings, including but not limited to blinds, curtains, window films, or other material, shall be used or placed to obstruct the view of the storefront windows.
5. No signage of any kind shall be placed on the storefront glass windows. Signage on the storefront doors shall be limited to no more than 20% of the glazed area and may only include the business address, business name, hours of operation, and open/closed.
6. Occupational license approval is subject to the conditions of this approval.

**ENGINEERING DEPARTMENT:** No objections.

**TRAFFIC CONSULTANT:** No objections.

**DESIGN, LANDSCAPE AND CONSTRUCTION MANAGEMENT:**

1. Staff has no objections to the conditional use request – this request has no impact on City code required landscape.

**BUILDING DEPARTMENT:** No objections.

**FIRE DEPARTMENT:**

1. No objections as to this conditional use with the understanding that the applicant and/or owner are aware that conditions may arise upon review of all required permitting plans.

**POLICE DEPARTMENT:** *No objections.*

**UTILITIES:** No objection, additional capacity charges may apply.

ANSWERS TO CONDITIONAL USE STATEMENT CRITERIA:

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

ANSWER #1: A binding and buildable site plan that allows the Council to determine the architectural features and buffering needed to protect the surrounding property has been included with our City Council conditional use application. (last page of collated application)

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

ANSWER #2: Xiaoli Cong, President of Orchid Spa & Massage, agrees to keep the proposed conditional use consistent with the general plan for the physical development of the District, including any master plan or portion thereof adopted by the Council.

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.

ANSWER #3: Xiaoli Cong, President of Orchid Spa & Massage, Agrees that the 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.

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, or glare of physical activity.

ANSWER #6: Xiaoli Cong, President of Orchid Spa & Massage contends and promises that the proposed conditional use will not, in conjunction with existing development in the area and permitted development under existing zoning, overburden existing public services or facilities.

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

Answer #7: Xiaoli Cong, President of Orchid Spa & Massage, acknowledges and agrees that the proposed conditional use shall meet any and all other standards that may be set forth elsewhere in the Code of Ordinances now and in the future.

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

ANSWER #8: Xiaoli Cong,President of Orchid Spa & Massage discloses that the squre footage of use sought for approval is 1728 S.F. as per signed and sealed Architectural floor plan provided with conditional use application and City Council approval for adequate evaluation by City Council for such approval.

EXHIBIT "B"

**TENANT IMPROVEMENTS**  
 ORCHID SPA & MASSAGE  
 JACARANDA SQUARE SHOPPING CENTER  
 1865 NORTH PINE ISLAND ROAD  
 PLANTATION, FLORIDA 33322

**RCP SYMBOL LEGEND**

	EXISTING WALL TO REMAIN
	NEW WALL
	EXISTING DOOR
	NEW DOOR
	EXISTING WINDOW
	NEW WINDOW
	EXISTING CEILING
	NEW CEILING
	EXISTING FLOOR
	NEW FLOOR
	EXISTING MECHANICAL
	NEW MECHANICAL
	EXISTING ELECTRICAL
	NEW ELECTRICAL
	EXISTING PLUMBING
	NEW PLUMBING

**GOVERNING CODE**

FLORIDA BUILDING CODE 2018 EDITION  
 AND FLORIDA FIRE PREVENTION CODE

**BUILDING DATA SUMMARY**

BUILDING NAME: EXISTING (ONE STORY)  
 CONSTRUCTION TYPE: TYPE II-B  
 THIS SPACE IS FULLY ASSEMBLED  
 THE EXISTING CEILING IS THE FLOOR

**ACCESSIBILITY COMPLIANCE**

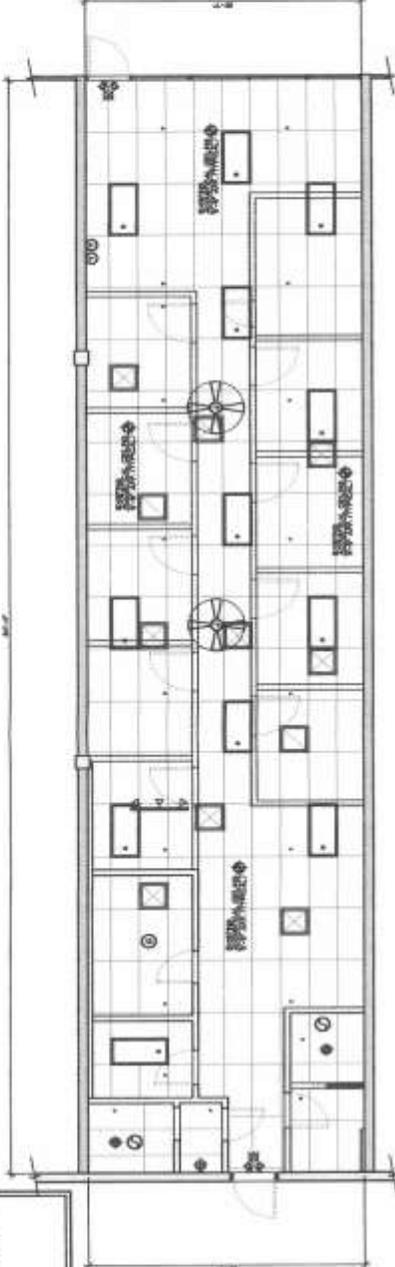
THE PUBLIC SPACE SHALL COMPLY WITH THE ADA (FEDERAL AND STATE) AND LOCAL ORDINANCES FOR ACCESSIBLE DESIGN AND CONSTRUCTION.  
 THIS SPACE SHALL COMPLY WITH THE ADA (FEDERAL AND STATE) AND LOCAL ORDINANCES FOR ACCESSIBLE DESIGN AND CONSTRUCTION.  
 ALL WORK SHALL BE PERFORMED BY A LICENSED CONTRACTOR.  
 COVERED WALKWAYS SHALL BE FULLY ACCESSIBLE WITH A MINIMUM CLEARANCE OF 48 INCHES AND SHALL BE FINISHED AS REQUIRED BY FLORIDA AND ADA CODES.

**OCCUPANCY SUMMARY**

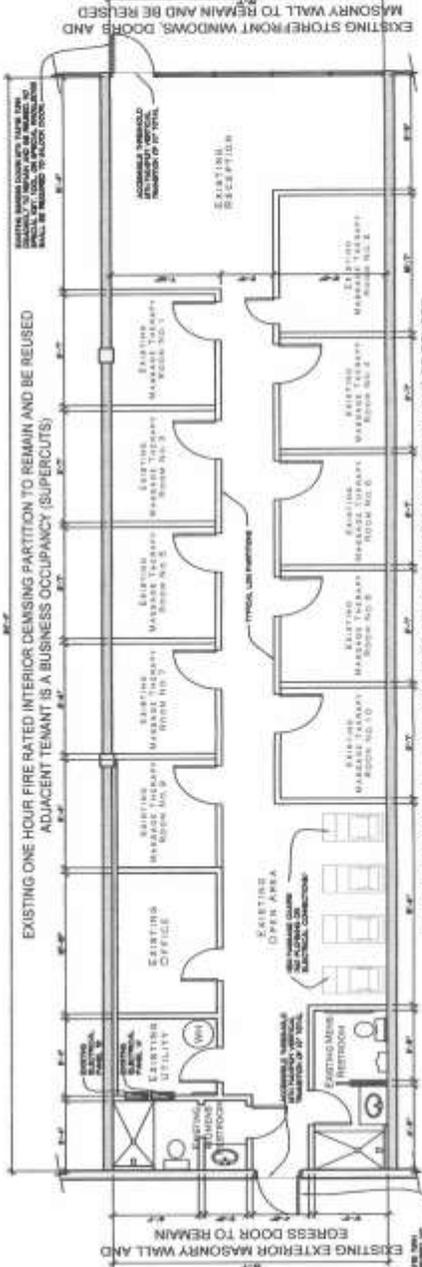
USE	AREA SF	sq. FT./PERSON	OCCUPANTS
B. BUSINESS	1718	50	113 (10)
TOTAL ASSEMBLY AREA	1718		TOTAL OCCUPANTS: 113

**LIFE SAFETY CRITERIA**

BUILDING CLASSIFICATION: BUSINESS  
 OCCUPANCY: BUSINESS  
 MEANS OF EGRESS REQUIRED: 2 INCHES PER PERSON  
 HEADS OF EGRESS PROVIDED: 2



**EXISTING REFLECTED CEILING PLAN**  
 SCALE: 1/4" = 1'-0"



**PROPOSED CONDITIONAL USE PLAN**  
 SCALE: 1/4" = 1'-0"

RECEIVED  
 CITY OF PLANTATION  
 APR 20 2015  
 PLANNING, ZONING &  
 ECONOMIC DEVELOPMENT

<p>ORCHID SPA &amp; MASSAGE                  TENANT IMPROVEMENTS                  JACARANDA SQUARE SHOPPING CENTER                  1865 NORTH PINE ISLAND ROAD                  PLANTATION, FLORIDA 33322</p>	<p>ORCHID SPA &amp; MASSAGE                  ARCHITECT</p>	<p>STEPHEN BRASGALLA                  ARCHITECT                  1865 NORTH PINE ISLAND ROAD                  PLANTATION, FLORIDA 33322</p>	<p>Scale: 1/4" = 1'-0"                  Date: 4-13-15                  Project Number: 150403</p>	<p><b>A-1</b></p>
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Mr. Lunny advised that the Staff Report discloses no material waivers; however, there are six recommended conditions for approval.

Xiaoli Cony was present along with her husband, Harry Joline.

In response to Councilmember Zimmerman, Mr. Joline indicated that they have read the Staff Report and are aware of the conditions for approval. They concur with all of the conditions but did request an exception for the hours being 10:00 a.m. to 10:00 p.m. He stated that 9:00 a.m. to 9:00 p.m. was recommended. He noted that there are three other massage establishments in the area with hours of 10:00 a.m. to 10:00 p.m. and one other one that is from 10:00 a.m. to 9:00 p.m. The reason for requesting a waiver is because their daughter goes to school and his wife needs time to get her to and from school

In response to Councilmember Jacobs question as to how late the Walmart Market is open, Councilmember Levy stated that they are open until midnight.

Councilmember Tingom noted that Outback and Landlubbers are in the Center too and they are also open late.

Councilmember Levy commented that he would not have a problem with those hours. He mentioned Sunday hours.

Councilmember Jacobs did not have a problem extending the hours to 10:00 p.m.

Mr. Joline stated that all of the other businesses operate 10:00 a.m. to 10:00 p.m. seven days a week.

Mr. Lunny advised that we did a regulatory ordinance on these kinds of uses. He recommend that the Council be cautious and if you choose to go above staff recommendation he requested that they make it to a continuing condition that at any time you can roll it back.

Mr. Leeds mentioned that we are starting to get a lot of massage establishments in the City. The normal process is a four-month long, \$2,600 conditional use process. There is an Administrative minor development approval process, which is very short. They have taken the position that if they are dealing with a storefront massage establishment that it comes to the Council. He is respectful of the recommendation to change the times; however, other massage establishments will be coming in and he will be recommendation the same time. He wants to be sure that the applicant understands that the storefront glass, the 20%, is limited to the door only. They can put the name of the business and telephone number. He does not want a lot of information on the glass. This is consistent with the policy of not having any obstruction that looks into the front of the massage establishment. These are pretty consistent across the board.

Councilmember Tingom questioned the hours Mr. Leeds' recommended.

Mr. Leeds indicated that their position is Monday through Friday the business should close at 9:00 p.m. He has not checked all of the other massage establishments; however, the Contour Day Spa is closed well in advance of 9:00 p.m. and they do provide massage services. The hours recommended for Sundays are 9:00 a.m. to 6:00 p.m.

Councilmember Jacobs checked Google Maps and noted that Massage Envy closes at 6:00 p.m. on Sunday; 8:00 p.m. on Saturday; and 10:00 p.m. Monday through Friday.

Councilmember Stoner likes the cautious aspect on this.

Mr. Lunny reiterated that Council could go with Staff's recommendation and then in a year or two from now you can adjust it if you wish. Some of those establishments were in a City before this new regulatory approach.

***Motion by Councilmember Tingom, seconded by Councilmember Levy, to approve Resolution No. 12079, with the hours being 9:00 a.m. to 10:00 p.m. Monday through Sunday.***

***Councilmember Tingom rescinded the motion.***

In response to Councilmember Stoner, Councilmember Jacobs indicated that he does not have a problem with 10:00 p.m. during the week, with Saturday to 9:00 p.m., leaving it at 9:00 a.m. to 6:00 on Sunday. That would be his preference.

Councilmember Stoner and Levy were fine with that.

***Motion by Councilmember Tingom, seconded by Councilmember Stoner, to approve Resolution No. 12079 with the hours of 9:00 a.m. to 10:00 p.m. Monday to Friday; Saturday, 9:00 a.m. to 9:00 p.m.; and Sunday 9:00 a.m. to 6:00 p.m.; with all of the other conditions as recommended. Motion carried on the following roll call vote:***

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

\* \* \* \* \*

### **COUNCILMEMBERS' COMMENTS**

Mayor Bendekovic thanked staff for the nice turnout on Memorial Day.

Councilmember Stoner suggested having another tent next year.

\* \* \* \* \*

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

Divan Flowers (sic), resident, was present on behalf of Alpha Kappa Alpha Sorority. They have developed a collaborative partnership with the City of Plantation. The organization meets out of Plantation and is established in the City of Plantation. They have developed partnerships with various schools and would like to continue doing so. Nationally they are a global organization of 280,000 college trained women. Their primary purpose is service; service to the community and working to improve the lives of others. They currently have projects in the City of Plantation at Plantation High School. Their signature program works with high school students with efforts designed to motivate, engage and assist high school students in reaching their maximum potentials. They meet at Plantation High School once a month on Tuesdays from 5:00 p.m. to 7:00 p.m. where they have various workshops, seminars, colleges and scholarships. They also have projects at Plantation Elementary

School under the category of Family Strengthening. This category targets critical issue spacing including families, lack of food and shelter. They have provided seasonal wraps for children throughout the school year including shoes. They have prepared food baskets for Thanksgiving and other holidays. Currently they are addressing childhood hunger by providing backpack meals for students, which are easy to prepare foods over the weekends, Saturdays and Sundays. These are for students on the free and reduced lunch program. They will conclude the program through an environmental ownership project where they will collaborate with Plantation Elementary School and schools throughout the country to launch their playground project to ensure that children have safe and inviting places to play by restoring and renewing existing and community school playgrounds. The other two areas they are working on include health promotion and global impact. They appreciate the opportunity to serve the Plantation Community. They have met at Jim Ward Community Center for over 17 years and hope to continue enhancing their efforts within the City of Plantation.

\* \* \* \* \*

Sandra Gracey, resident, thanked the Council for the new equipment and turf for the multi-cultural park for Park East. She also thanked Mr. Romano for making sure that it gets done.

\* \* \* \* \*

Juanito Chin, resident, echoed Ms. Gracey's appreciation to the Council, Mayor and Mr. Romano. This sends a very strong message that you see Park East as Plantation.

\* \* \* \* \*

Erroll Brown, resident, thanked the Council for the Summer Camp program at the Jim Ward Community Center for \$50 per week for the young children. Residents appreciate it very much; it is helping a lot of parents.

Mayor Bendekovic advised that we have a different type of a program at that location and it has been very effective with a lot of participation.

Mr. Brown commented that the City is about to spend \$87,000 for the rehabilitation of the multi-cultural park. He thanked them again. He mentioned that residents have been making improvements to their homes and noted that the concrete fencing along Broward Boulevard is getting out of shape. He also mentioned street lighting that was discussed with Mr. Leeds several years ago. More grants are needed because we need more lights and amenities. He thanked Mayor Bendekovic for always having an open door. He invited the community leaders to come to their meetings so some of the issues could be discussed.

Mayor Bendekovic indicated that she has been attending the Park East meetings and it has just been her or two other people; sometimes there is not a full Board. If a group wants to meet with her outside of the Homeowner's Association her door is always open.

\* \* \* \* \*

Kimberly Rhoden (sic), resident, was present on behalf of the parents and community of Peters Elementary School. They wanted to extend appreciation and gratitude to the City of Plantation Police Department. She stated that there was a ceremony at Peters Elementary last week honoring students who maintained good grades throughout the entire year and 27 bicycles were given to fourth graders and her daughter was one of the recipients. She also extended a special thank you to Sergeant Council and other members of the Police

Department including their School Resource Officer, Officer Butler and Officer Stanco, who worked with them during their very critical transition period last week. One of the initiatives they will be trying to work on is to establish what is called a walking school bus. A lot of students who attend Peters Elementary reside south of NW 5<sup>th</sup> Street and one thing they like to do is to coordinate parents willing to walk or bike to school with their children. Hopefully that will help with reducing some of the congestion along NW 70<sup>th</sup> Avenue and Plantation Road during the drop off and pick up times as well as with pollution issues.

Mayor Bendekovic indicated that the Plantation Woman's Club sponsors the Bike Program along with the Police Department. Last year half as many bicycles were given out. Congratulations to the parents who encourage good citizenship and academics.

\* \* \* \* \*

Kingsley Smith, resident, mentioned a meeting at Deicke Auditorium sponsored by the President of the Democrat Party a few weeks ago. It had to do with the concern nationally and locally community relations with the police.

Mayor Bendekovic advised that she was not there. The Vice-President of the Democratic Party came to her and asked about those situations and she believes that Chief Harrison spoke to Cynthia Bush and she was given all of the information that was needed.

\* \* \* \* \*

## **SEALED COMPETITIVE SOLICITATIONS**

### **30. REQUEST TO AWARD BID FOR POOL FILTER MODIFICATION.**

Pursuant to Laws of Florida Chapter 2011-140 the backup to this item is not public at this time.

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Mr. Lunny advised that this item is not yet available for public inspection; however, if the Council chooses to make a motion to award the contract based on staff's recommendations then he will announce which contractor was the successful proposer.

***Motion by Councilmember Tingom, seconded by Councilmember Jacobs, to accept the staff recommendation. Motion carried on the following roll call vote:***

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

Mr. Lunny indicated that the Pool Filter Modification invitation to Bid #03815 was awarded to the lowest proposer, ZTI, LLC, subject to review by Legal and Administration.

\* \* \* \* \*

**WORKSHOP – None.**

\* \* \* \* \*

Meeting adjourned at 9:15 p.m.

\* \* \* \* \*

\_\_\_\_\_  
Councilmember Chris Zimmerman, 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