

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

June 24, 2015

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

1. Roll Call by City Clerk:

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| 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 Zimmerman.

The Pledge of Allegiance followed.

3. Approval of Minutes of Meeting – March 25, 2015

4. Approval of Minutes of Meeting – April 15, 2015

Minutes of the regular meetings of March 25, 2015 and April 15, 2015 were approved as printed.

Ms. Slattery indicated that there is an amended front page on the March 25, 2015 minutes. Councilmember Tingom was marked as absent and he was present at the meeting.

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ITEMS SUBMITTED BY THE MAYOR

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

- The Annual Florida International Invitational Swim Meet will be held Friday, June 26, 2015 through Sunday, Monday, June 29, 2015 at the Plantation Aquatics Complex.
- The Independence Day Parade will be on Saturday, July 4, 2015 at 9:00 a.m. That evening there will be a free concert at 7:00 p.m. and fireworks at the Central Park Ball Field at 9:00 p.m.
- Summer Camp Session B begins Monday, July 6, 2015 and will end on Friday, July 31, 2015 at Central Park and Adventure Camp. There are still some spaces left at Volunteer Park and the Jim Ward Neighborhood Day Camp.

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Mayor Bendekovic read a Proclamation designating June 20-15, as *Parks and Recreation Month* in the City of Plantation.

Jim Romano, Director of Parks and Recreation, accepted the proclamation.

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Mayor Bendekovic presented Service Awards to the following City Employees:

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|---------------------|----------------------|----------|
| *Phillip Eaton | Parks and Recreation | 10 years |
| *Francisco DiLoreto | Information Tech | 5 years |
| *Maksim Proskurin | Fire/Rescue | 5 years |
| *Stephen Rosen | Utilities | 5 years |

***UNABLE TO ATTEND**

Congratulations were offered.

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Mayor Bendekovic made the following announcements:

- The Summer Reading Program is at the Helen B. Hoffman Library. This year's theme is "Super Heroes". The Friends of the Library Used Book Sale will be on June 26 and 27, 2015 and July 10 and 11, 2015. Fridays are from 9:00 a.m. to 5:00 p.m. and Saturdays from 9:00 a.m. to 4:00 p.m.
- The Wine, Jazz and Taste of Plantation will be on Friday, July 17, 2015 at the Plantation Renaissance Hotel.
- The Plantation Farmer's Market is at Volunteer Park every Saturday between 8:00 a.m. and 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. 20.

Items #8 and #14 were pulled for discussion.

5. Approve renewal of FileNet yearly maintenance contract in the amount of \$25,880. (Budgeted – IT)
6. Request for authorization to continue participating in the SE Florida Co-Operative Bid to supply water meter boxes and parts until August 18, 2016. (Budgeted – Utilities)
7. Request for authorization to continue purchasing sodium hypochlorite (chlorine bleach) from Odyssey Manufacturing Co. using the City of Plantation publicly advertised RFP No. 038-11, through October 19, 2016, at a cost of \$0.67 per gallon for split or full-tanker load. (Budgeted – Utilities)

9. Request for authorization to exercise/execute the two-year renewal option relating to the “repair & calibration of flow meters & related devices” from P.C. Controls, Inc. through November 30, 2017. (Budgeted – Utilities)
10. Request for authorization to exercise/execute the second (final) of two one-year renewal options for “Utility Repair Service” with Jackson Land Development LLC expiring November 30, 2016. (Budgeted – Utilities)
11. Request to approve a change order for the RWWTP above ground fuel tank project – Great Dane Petroleum. (Budgeted – Utilities)
12. Request for authorization for the Fuel Filling Facility Project – RC Development Group. (Budgeted – Utilities)
13. Request for authorization for a Gravity Sewer Main Rehabilitation term contract for two years with an option to renew for three additional one-year periods – Layne Inliner, LLC. (Budgeted – Utilities)

Resolution No. 12091

15. **RESOLUTION** adopting the City’s Community Development Block Grant (CDBG FY 2015/2019 Consolidated Plan and FY 2015/2016 Action Plan, providing for severability; and providing for an effective date.

Resolution No. 12092

16. **RESOLUTION** amending the City’s adopted Community Development Block Grant 2011-2012 Action Plan; providing for severability; and providing for an effective date.

Resolution No. 12093

17. **RESOLUTION** approving the expenditure and appropriations reflected in the Weekly Expenditure Report for the period June 3, 2015 through June 17, 2015 for the Plantation Gateway Development District.

Resolution No. 12094

18. **RESOLUTION** approving the expenditure and appropriations reflected in the Weekly Expenditure Report for the period June 3, 2015 through June 17, 2015 for the Plantation Midtown Development District.

Resolution No. 12095

19. **RESOLUTION** approving the expenditure and appropriations reflected in the Weekly Expenditure Report for the period June 3, 2015 through June 17, 2015.

Resolution No. 12096

20. **RESOLUTION** approving the expenditure and appropriations reflected in the Weekly Expenditure Report for the period June 3, 2015 through June 17, 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: Jacobs, Levy, Stoner, Tingom, Zimmerman
Nays: None

Mayor Bendekovic voted affirmatively on Item No. 20.

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8. Request for authorization to exercise the one-year renewal option relating to the supply and delivery of sodium hexametaphosphate from Brenntag Mid-South, Inc., using the City of Plantation publicly advertised ITB No. 044-14, through November 24, 2016 at cost of \$1.08/lb. (Budgeted – Utilities)

Councilmember Tingom indicated that he is abstaining from this vote under Florida Statute Section 286.012 to avoid any possible appearance of possible conflict under Sections 112.311; 112.312; 112.314. His son is employed by BASAF as an account manager and one of the accounts he manages is the Brenntag account. He thinks BASAF sells chemicals to Brenntag who then distributes or resells them. The City is proposing to extend Brenntag's contract and since his son's position relatively new with BASAF he is uncertain about the particulars it may affect and whether he must abstain from voting on this matter. He did consult with City Attorney Lunny and received legal advice that he can abstain from voting on this matter, which is what he would like to do.

Motion by Councilmember Stoner, seconded by Councilmember Jacobs, to approve Item #8. Motion carried on the following roll call vote:

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

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14. Request for authorization for a Gravity Sewer Lateral Rehabilitation term contract for two years with an option to renew for three additional one-year periods – LMK Pipe Renewal Services, LLC. (Budgeted – Utilities)

Bill Salin (sic), representative for the lowest bidder, BLD Services LLC, which was deemed non-responsive in connection with this bid, was present. He is present because they disagree with that determination. The only issue is with respect to their submittal of \$320,000 annually for a potential five-year contract, which is \$58,000 lower than the next lowest bidder who the award was proposed to is a question with respect to the content of the bid bond submitted. BLD Services is a nationwide leader in this type of gravity sewer pipelining work. The bid bond they submitted is the AIA standard 301 form which is what most governmental entities accept in the industry. For whatever reason it does not contain the precise language that was contained in the ITB Section 6.4. They believe that the bond submitted meets or exceeds that language and they also believe that it incorporates that language. He distributed copies of the bonds and referred to the last bond paragraph of the standard form. They believe that language, and that is what is client was told and understood, includes and incorporates the language of the bid document. They are somewhat at a loss as to why the City did not accept the standard bid bond issued by AIA signed by one of the leading bid bond companies in the country and

rejected them as non-responsive, which is ultimately going to result in a cost to the City of over \$250,000 over five years. They believe the bond complies and to the extent it does not, it is at best a minor deviation or technicality that this Council has the ability to waive and they respectfully request that they do so and award to the lowest bidder, in this case BLD Services and rescind the determination of non-responsiveness. He reiterated that his request would be to reject the recommendation, to waive any alleged technicality and to award to the lowest bidder, BLD Services.

Councilmember Zimmerman questioned whether Council can change an award to a different bidder and whether it is up to the Council to do so.

Mr. Lunny advised that the Council has the authority to deviate from the staff recommendation. He is hearing about this argument for the first time this evening and is not prepared to give advice without looking into the matter further as to whether you should accept this argument. He has concerns about the argument but it would be difficult to say yes or no.

In response to Councilmember Zimmerman, Mr. Flynn indicated that this could be deferred to the next meeting since there is no time certain.

Councilmember Levy questioned why this was rejected.

Mr. Flynn explained that the issue is their checklist of bid bond language. If a bidder does not comply with the set language they are considered non-responsive. The issue is being considered behind the scenes; therefore, he requested that this item be tabled for a couple of weeks.

Councilmember Stoner stated that there were four bids; three of which were non-responsive for the same reason. She questioned whether calls were placed to any of these people to give them a cure period.

Charles Spencer, Utilities Budget Purchasing Manager, was present. He indicated that no calls were made to the contractors because of the Cone of Silence.

Councilmember Stoner advised that there is a difference between a Cone of Silence and asking for a cure for what you deemed to be a non-responsive comment or piece of the submittal. When 75% of the people who responded that are deemed non-responsive for the same specific issue then you need to look at your language. You should have been able to send all of them an email, which is totally allowable under the Cone of Silence, giving them a cure period. These people are not new to the bond game; they know what to submit. There was something wrong in the process and not even in the process but the fact that you chose not to figure out how to develop a cure for the whole thing.

Mr. Spencer stated that there were several indicators within the document for the proposed respondents to supply the correct language on the bid bond; one in the Table of Contents and another being bolded in the Notice to Respondents. There were several indicators to the proposed contractors or bidders that they could or should supply the correct language as identified in 6.4.

Councilmember Stoner commented that there is a big difference between could and should. You should have gone to the next step when three-fourths of the people had the same non-responsive issue.

Mr. Spencer indicated that a step was taken when the issue was raised during the review process of responsiveness. They followed through by contacting Legal and referring to them to get a determination of what they are to do relating to this matter.

Councilmember Stoner stated that Legal said he never heard anything until today.

Mr. Lunny clarified that he did not hear of this legal argument on this bond until tonight. The question about whether or not that action would have been proper under this solicitation; he is not sure whether the City could do that under the solicitation. He will look at that too. Arguably, if one person complied and three did not and you give the other three an opportunity to fix that could create an issue. He is not completely sure of the facts and would like a chance to evaluate them.

Councilmember Zimmerman mentioned another bid where two of the bidders also had a problem with the bid bond. This seems to be a reoccurring theme in our bids and these are standard AIA forms; they are used all the time. He thinks in this process that we need to evaluate our language and maybe consider modifying the language and what we are looking for that works better in an industry standard.

This item was deferred until July 8, 2015.

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ADMINISTRATIVE ITEMS

21. PRESENTATION BY PUBLIC FINANCIAL MANAGEMENT, INC. OF THE FIRST QUARTER INVESTMENT RESULTS.

A Memorandum dated June 18, 2015, to the Honorable Mayor Diane Veltri Bendekovic, and Members of City Council, from Anna C. Otiniano, Finance Director, follows:

Ms. Otiniano, Finance Director, introduced Richard Pengelly (sic), PFM representative. She indicated that we recently hired PFM as our investment manager.

Mr. Pengelly provided a brief overview of what has occurred with our investment program since they were here in December 2014.

- They updated our investment policy, which was 19 years old.
- The new policy laid the groundwork for the investment of the portfolios.
- They established a core portfolio; the longest version of the operating reserves. That portfolio was established in March with a yield of 0.70%.
- The other portfolio set up was for the 2013 Note proceeds, which were issued to fund different utility projects. That portfolio has a somewhat fixed expenditure schedule; it is going to speed up or slow down over time. That portfolio was invested according to the loan documents and were able to get a yield of 0.41%.
- They are using active management techniques. Since March they have been able to do some active trading to generate an additional \$7,400 of gains for the portfolio.
- 15 steps were taken and from that the appropriate performance benchmarks were developed.
- Several frameworks were used for developing the investment policy. One was State Statute. Florida has a pretty comprehensive investment policy Statute 218.415.

- They also made sure to incorporate all of GFOA's best practices for policies in government investing.
- They modeled the structure of the policy based on the Association of Public Treasurers of the U.S. in Canada, which has a very detailed framework for government investment policies.
- Detail was provided to the actual structure for the core portfolio, which is the \$41 million of reserves.
- The portfolio is entirely invested in government securities and almost entirely invested in U.S. Treasury Securities. Based on the cash flow analysis in the policy, they basically took us from a very liquid overnight fund so we could earn a higher yield since the funds are not being spent immediately.
- The benchmark being used for the portfolio is the one to three year Treasury Agency Index. This particular index is the most common index used for these types of funds.
- Based on the initial structure of the portfolio, at a yield of 0.7%, that is 16 basis points on a yield basis over the benchmark and the expected earnings when incorporating both the yield as well as price changes is around \$440,000 per year.
- The portfolio structure is also laddered so as we go through time they are in a position to restructure different parts of the portfolio to take advantage of changes in yield. It was noted that a gradual rise in interest rates will actually benefit the portfolio every time because they can rebalance and reinvest at the higher yields while going along.
- They do not trade this. As a maturity occurs in the portfolio they will communicate with staff to see if the funds are needed now or if they can be reinvested so there is a constant two-way dialogue about what the expenditure schedule is and what the portfolio structure needs to be.
- A significant amount of information is available with regard to the investments. They provide monthly reports and statements, which can be used to reconcile with the custodial statements. The statements they provide are accounting friendly so the entries are provided that are needed to put into the system compared to custody statements that can be very hard to read. Also provided is a lot of market commentary that is focused on short duration governmental entities. The quarterly report focuses more on strategy and performance for the portfolio.
- A compliance report shows how the portfolio is complying with the portfolio and the investment policy and checks to make sure all of the investments are compliant with the policy and that nothing is out of compliance.

Mayor Bendekovic advised that Mr. Pengelly will periodically give reports.

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22. DISCUSSION CONCERNING GUEST HOUSES.

A Memorandum dated June 17, 2015, to Mayor and Members of the City Council, from Donald J. Lunny, Jr., City Attorney, follows:

RE: Guest Houses

This agenda item is sponsored by the Legal Department and the Planning, Zoning and Economic Development Department.

The City is experiencing an increase in the number of requested "guest houses" to be built on single family zoned property as an accessory structure. Some of the plans recently informally submitted for this purpose are attached As Composite Exhibit "A". A chart showing some of the City's existing guest house data is attached as Exhibit "B".

The City has a strong policy interest in regulating guest houses to ensure that the principal use of single family residential zoning districts remains "Single Family". Typically, the Zoning division will not approve a guest house which has separate kitchen facilities, but once a "bar area" is shown on the plans, it becomes a "policing burden" to safeguard against kitchen specific appliances (stove, dishwasher, disposal) from being installed in the guest house" after construction is completed.

Given the recent increase in requests of this nature, and to ensure that clear regulations exist for this subject, staff encourages the City Council to consider enacting the following proposed zoning regulations:

1. *Delete as outmoded code language concerning "servant's quarters."*
2. *Guest houses would be a permitted accessory use in the City's RS-IEP and RS-IA Zoning Districts. In such Districts, the maximum gross square feet of a guest house could not exceed the greater of twenty-five percent (25%) of gross square feet of the home, or one thousand two hundred square feet (1,200 SF). Guest houses in these Districts would have no more than four (4) rooms, at least one (1) of which is a bedroom, and one (1) of which is a bathroom.*
3. *Guest houses would be a conditional accessory use in the City's other Single Family Zoning Districts, as building sites in these Districts are generally less than a builder's acre in size. In such Districts, the maximum gross square feet of a guest house could not exceed the greater of twenty-five percent (25%) of gross square feet of the home, or eight hundred square feet (800 SF). Guest houses in these Districts would have no more than three (3) rooms, at least one (1) of which is a bedroom, and one (1) of which is a bathroom.*
4. *Regardless of the Zoning District in which a guest house is proposed, accessory living quarters shall be considered "guest houses" when such living quarters are:*
 - a. *Connected to the primary residents by a breezeway or air conditioned hallway, or*
 - b. *Are within the primary residence, but are separated from the primary living quarters such that the only access between the two living quarters is by way of an exterior entrance or a double door interior entrance.*
5. *Additionally, guest houses would not be able to have kitchen-specific appliances of a dishwasher, disposal, oven, or stove; however, a microwave oven and small refrigerator would be allowed. Guest houses would not be able to have a kitchen, garage, or carport. Guest houses would have to meet all of the District's Site Development Criteria.*
6. *Aesthetically, guest houses must have the same color, type (cement tile, shingle, etc.) and style (gable, hip, mansard, etc.) of roof as the principal residence. Additionally, guest house shall have wall materials and finishes, windows, and doors that match the wall materials and finishes, windows, and door color and style of the principal residence.*

Direction is requested to commence advertising an Ordinance implementing the above proposed regulations.

This matter is now ready for discussion as an Administrative item.

Mr. Lunny advised that this item is sponsored by the Legal Department and the Planning, Zoning and Economic Development Department. More and more requests for larger guest houses are being received; sometimes they are integrated with the structure and sometimes not. Mr. Leeds requested that we have specific limiting language in the code. The above memo was prepared with some language that is believed will work; these are their joint recommendations. He indicated that he would like to take this language and put it into an ordinance to start the process of enacting it.

Councilmember Stoner referenced 4A; air conditioned hallway and noted that she does not necessarily agree with that. An air conditioned hallway could be the hallway that goes to a split bedroom plan in a regular home. She understands the intent but that is not how it is defined.

Mr. Lunny questioned whether Councilmember Stoner had some suggestions for the language or if she could call after the meeting and work on it together.

There was a consensus to prepare an ordinance and bring it back to Council.

In response to Councilmember Zimmerman, Mr. Lunny stated that direction is fine; they did not want to start the process without Council looking at it.

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LEGISLATIVE ITEMS

NOTE: Councilmember Zimmerman moved this item to the end of the agenda so it could be heard with Items #26, #27, and #28 concerning Plantation Pointe.

Mr. Lunny read Item #23.

- 23. PUBLIC HEARING AND FIRST READING OF A ZONING ORDINANCE OF THE CITY OF PLANTATION, FLORIDA, REZONING 5.62 PLUS OR MINUS ACRES FROM “I-L2P” (LARGE LIGHT INDUSTRIAL DISTRICT) TO “B-2P” (CENTRAL BUSINESS DISTRICT); IN ACCORDANCE WITH THE CITY OF PLANTATION COMPREHENSIVE ZONING ORDINANCE, CHAPTER 27-391; PROPERTY LOCATED AT 8000 WEST SUNRISE BOULEVARD WITHIN THE CITY OF PLANTATION, FLORIDA; AND DESCRIBED AS A PARCEL OF LAND IN THE EAST ONE-HALF OF SECTION 33, TOWNSHIP 49 SOUTH, RANGE 41 EAST, SAID PARCEL INCLUDING A PORTION OF PARCEL “A” OF MOTOROLA PLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 101, PAGE 14 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION IDENTIFIED AS “EXHIBIT A”; PROVIDING FINDINGS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

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QUASI-JUDICIAL CONSENT AGENDA - None.

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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.

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QUASI-JUDICIAL ITEMS

Mr. Lunny read Item #24.

24. DEFERRED REQUEST TO APPROVE SITE PLAN AMENDMENT (PARKING WAIVER) FOR FRESH MARKET/PETSMART PLAZA. PROPERTY LOCATED AT 11901-12171 WEST SUNRISE BOULEVARD. (PP14-0026)

A Staff Report dated May 13, 2015, to City Council, from the Planning, Zoning and Economic Development Department follows:

REQUEST: Consideration of a site plan modification to reduce the required on-site parking.

WAIVER REQUEST:

From: Section 27-743(33) which states that in the case of mixed uses the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately.

To: Calculate the existing shopping center at a one parking space per 250-gross-square foot ratio regardless of use.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; and Development Review application.

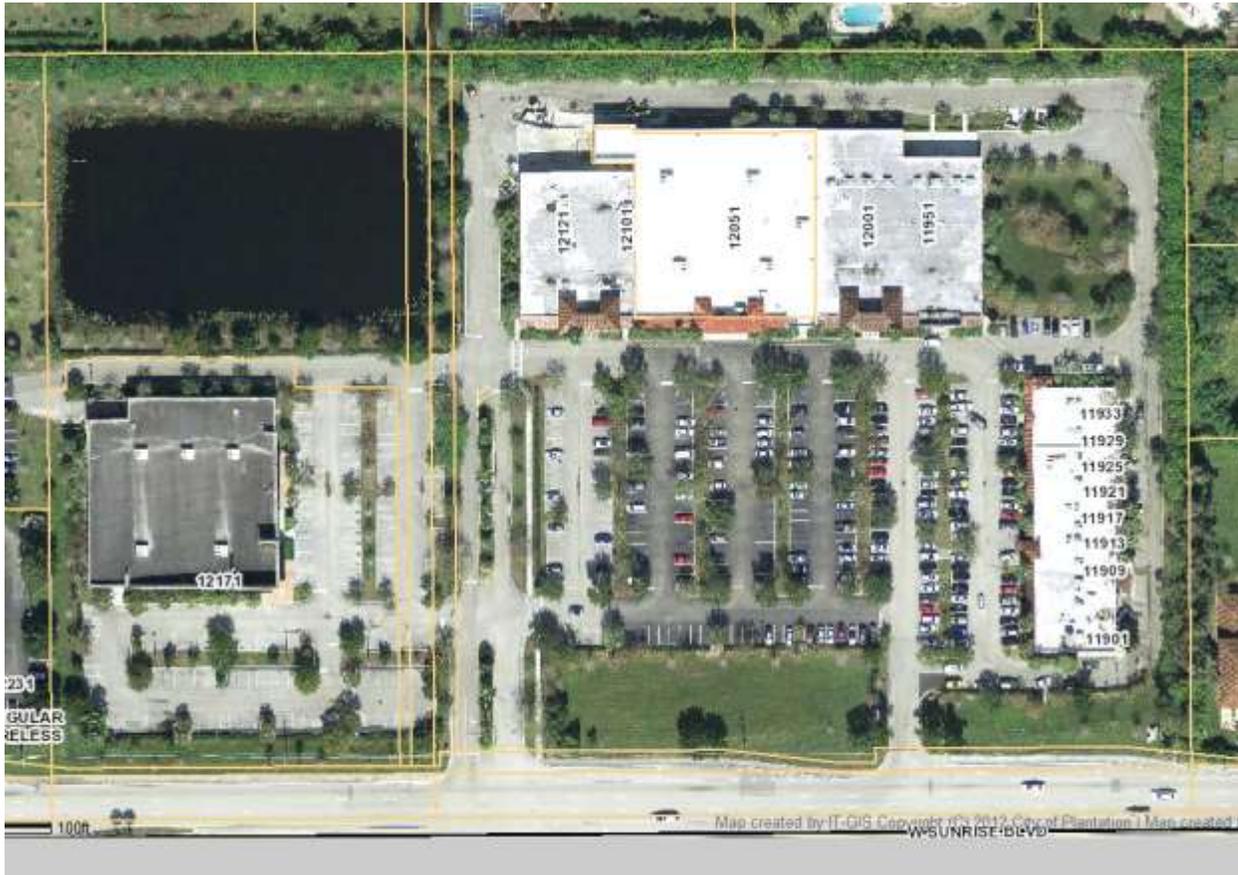
ANALYSIS:

The property is zoned B-2L (Limited Community Business) and is currently developed with a 99,000-square-foot shopping center. Major tenants include Fresh Market and PetSmart as well as smaller retail stores located in the east wing of the shopping center. The former Party City store is vacant. The property is generally located on the north side of Sunrise Boulevard approximately ¼ mile east of Flamingo Road.

Based on the existing uses in the plaza, the parking code requires 425 parking spaces. The plaza provides 401 existing parking spaces. The applicant is seeking a parking waiver to calculate required parking based on a one space/250 square-foot of floor area, regardless of use.

In evaluating the request, staff considered the following:

- 1) Staff has not conducted a systematic space-by-space parking count, but has visited the site numerous times during the last five months. During all these visits, staff estimates that the Fresh Market parking field was 20-25% vacant.
- 2) During random visits over the years, parking spaces have always been available in the Party City and PetSmart parking field.
- 3) Currently, based on use-by-use analysis, the applicant has a 24-space deficit. If approved based on the 1/250 standard across the board, the site will have a five space parking surplus.
- 4) Parking space availability is based on a customer or employee finding a parking space anywhere on the shopping center site.



SAFF COMMENTS:

PLANNING AND ZONING:

Staff recommends approval of the 1/250 standard for the shopping center subject to the following conditions:

- a) Up to 15% of the existing shopping center shall allow restaurants based on the 1/250 standard.
- b) Restaurant uses exceeding 15% shall provide parking based on the individual restaurant requirement.
- c) Freestanding restaurants or additions to existing restaurants shall be based on the individual restaurant requirement.
- d) Office use shall not exceed 10% of the shopping center and shall be based on the 1/250 standard.
- e) All other uses shall provide parking based on their respective individual parking requirement.
- f) Reserved parking shall not be permitted.

Councilmember Jacobs made a Jennings Disclosure. He met with Mr. Laystrom a couple of times to discuss this item. He will make his decision based upon the evidence presented to night.

Bill Laystrom, Attorney, was present. He explained that this is the shopping center where Fresh Market has taken over Borders. He has worked with staff and has two requested modifications he thinks Mr. Leeds is all right with. He referenced a cap of 1 per 250 of office and restaurant at 10%; he believes they have agreed that they would do 13% for restaurant and 15% for office.

In response to Councilmember Zimmerman, Mr. Leeds stated that the report was done with the assumption that up to 15% of the existing shopping center could be used for restaurants based on the shopping center requirement. Instead of 13% they will go with 15% like in the staff report. Any freestanding restaurants or any restaurants above 15% of the gross shopping center would then be subject to the restaurant requirement. He recommended that the motion be subject to staff comments with one change on Comment D where the 10% office is increased to 15%; both restaurant and office will be 15%.

Mayor Bendekovic requested that Mr. Laystrom ask Fresh Market to market because she has heard people saying they did not know they were open. She would like them to be successful.

Motion by Councilmember Stoner, seconded by Councilmember Levy, to approve Item #22 subject to staff comments with one change on comment D where the 10% office is increased to 15%. Motion carried on the following roll call vote:

Ayes: Jacobs, Levy, Stoner, Tingom, Zimmerman

Nays: None

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Mr. Lunny read Item #25.

Resolution No. 12097

25. **RESOLUTION APPROVING AS A CONDITIONAL USE TO ALLOW A 3,959-SQUARE-FOOT ANIMAL CLINIC/PET HOSPITAL IN A SPI-3 ZONING DISTRICT ON PROPERTY DESCRIBED AS TRACT "C", JACARANDA PARCEL 822, ACCORDING TO THE PLAT AS RECORDED IN PLAT BOOK 96, PAGE 28, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA (LOCATED AT 1137 SOUTH UNIVERSITY DRIVE); PROVIDING FOR CONDITIONS AND LIMITATIONS ON THE ALLOWED USE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.**

A Staff Report dated June 24, 2015, to City Council, from the Planning, Zoning and Economic Development Department, follows:

REQUEST: Consideration of a request to have a 3,959-square-foot animal hospital.

EXHIBITS TO BE INCLUDED: Planning & Zoning Division report; subject site map; and application.

ANALYSIS: Section 27-51 of the Code allows the Planning, Zoning, and Economic Development Director to "administratively approve" conditional use applications under 4,000 square feet after mailed notice to the City Council and property owners within 300 feet of the subject site. The Director's administrative decision

becomes final unless a resident or elected official objects within the 14 days as per the City Code. If an elected official raises a concern or objection, staff refers the application to the City Council.

The applicant (American Veterinary Group - AVG) requests conditional use approval for a 3,959-square-foot animal clinic / pet hospital in a SPI-3 zoning district. Staff notified elected officials and property owners within 300 feet of the application. An elected official requested, within the 14 days this item be referred to the City Council. Based on the request, the Planning, Zoning, and Economic Development Director has withdrawn his administrative approval and referred the request to the City Council for consideration.

The applicant, American Veterinary Group has stated they are in the process of purchasing or have purchased the Plantation Animal Hospital business. The owner of the Animal Hospital property (located north of the Shell Station at University Drive and Broward Boulevard) has presented the Pre-Development Committee a proposal to demo the exiting hospital building and replace it with a freestanding fast food, drive-thru restaurant.

AVG proposes to relocate the hospital to a tenant space in a small two-story office building located on the north side of Peters Road. AVG is seeking conditional use approval to occupy a 3,959-square-foot interior tenant space for an animal clinic / pet hospital. The tenant space is located on the south end of the office building and is setback about 20 feet from Peters Road.

All animal hospitals require an outdoor area to take dogs from time to time. The site plan shows landscape areas to the east (front of building) and south (between the building and Peters Road). The applicant has volunteered to erect a fence enclosure for this area and double leash all dogs when walked from the tenant space to the enclosure. Staff cannot enforce the double-leash rule.

The interior floor plan for the facility will have a reception and office area at the front of the tenant space. The rear of the tenant space consists of 19 cages (5 cat cages, 4 medium dog cages, 10 small dog cages) and 9 indoor runs for large dogs. Nine additional cages are provided, including surgery, recovery, or treatment areas. Staff advised the applicant that animal boarding is prohibited by code.

The proposed business will employ nine full time and four part-time staff members including the doctors. The proposed business hours are Monday to Friday from 8:00 a.m. to 6:00 p.m. and on Saturday from 8:00 a.m. to 5:00 p.m.

The review of a conditional use request should include consideration of the criteria noted in Section 27-768 of the Land Development Code. The applicant's response to the criteria is included in the backup. Two issues for Council to consider are proximity of the outdoor dog area to Peters Road and soundproofing from adjacent tenants.

STAFF COMMENTS:

PLANNING AND ZONING:

1. If the City Council approves the conditional use, approval shall be subject to the following conditions.
 - a. Council to identify location of outdoor area.
 - b. Applicant to provide six-foot wall enclosure compatible with the building colors and design as determined by PZED staff.
 - c. If approved adjacent to Peters Road, outdoor area shall be setback at least 10 – 12 feet from the back of the sidewalk at the discretion of PZED staff.

- d. Exterior landscape wall screening shall be at the discretion of Design, Landscape, and Construction Management.
- e. Prior to zoning approval of the Certificate of Completion or Local Business Tax License, the Building Department shall e-mail PZED that soundproofing has been installed in the common tenant wall and the ceiling (this is a two-story building).
- f. The hours of operation will be limited to Monday thru Friday from 8:00 a.m. – 6:00 p.m. and Saturday from 8:00 a.m. – 5:00 p.m. (as proposed by the applicant in the April 22, 2015 letter of intent).
- g. Animal services and caring of the animals must take place in the locations depicted on the floor plans stamped received MAY 5, 2015 attached hereto in Exhibit “B”.
- h. No animal boarding (dog or cat) permitted.
- i. Occupational license approval is subject to the conditions of this approval.

ENGINEERING: No site work. No objections.

DESIGN, LANDSCAPE, & CONSTRUCTION MANAGEMENT: Staff has no objections to the Conditional Use request as there is no impact on the existing code required landscape.

BUILDING DEPARTMENT: No objections.

FIRE DEPARTMENT: No objections as to this request.

UTILITIES: No objection, additional capacity charges will apply. Contact Danny Pollio or Steve Peraza for additional Information at 954-7978-2209

POLICE: No objections. Project has no impact on police services.

EXHIBIT "A"



CONDITIONAL USE STATEMENT
FOR PLANTATION ANIMAL HOSPITAL

Plantation

the grass is greener

Where applicable, the review of a Conditional Use request should include consideration of the criteria noted in Section 27-768 of the Land Development Code, attached hereto. The applicant is required to identify the following:

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

The business will be located in an existing shopping center. Site Plan provided.

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.

The business is commercial in nature and will be in a shopping center with other commercial businesses.

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.

The conditional use will be in harmony with the general character of the neighborhood. The physical building is already built and part of an established shopping center. The community needs veterinary services and we are relocating a business that has served the community for over 40 years.

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.

The proposed conditional use will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding property or neighborhood, and will cause no objectionable noise, vibration, fumes, odor, dust, or glare. Any noise concerns are being addressed in the soundproofing of the structure.

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.

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

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.

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.

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

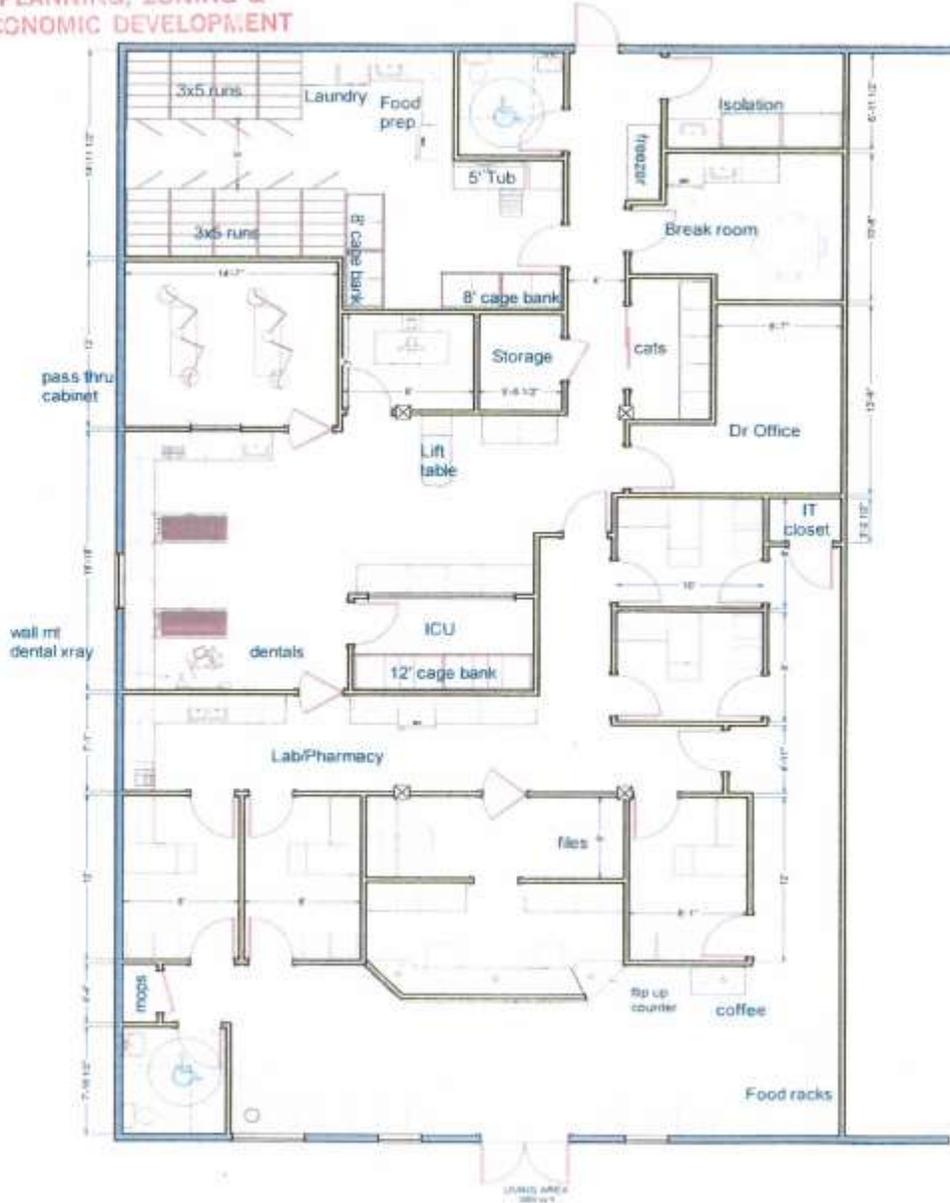
The proposed conditional use shall meet all other specific standards that may be set forth elsewhere in the Code of Ordinances.

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

The conditional use is 3959 square feet located in an existing retail space in a shopping center.

EXHIBIT "B"

RECEIVED
CITY OF PLANTATION
MAY 05 2015
PLANNING, ZONING &
ECONOMIC DEVELOPMENT



In response to Councilmember Levy, Mr. Lunny advised that he can discuss and vote on this item. Councilmember Levy stated that he is not related to any of the owners and has no financial interest.

Jon Voight, Attorney, was present, along with the owners of the business.

Mr. Voight explained that the property has been sold. This client purchased the practice with the understanding that it was going to have to eventually be relocated. Apparently in this industry you cannot move more than a mile or a mile and a half or the customers will not follow. They have been looking in that radius and there is another veterinarian clinic on NW 70th Avenue; another on State Road 7 and another on Nob Hill Road and Cleary Boulevard. While going along University Drive they found a location at the Publix shopping center and there are no other veterinary clinics on the south side of Plantation. New residential is being built in that area and many residents will have cats and dogs. This particular location is in the Publix shopping center at the northwest corner of University Drive and Peters Road. The office building is perpendicular to Peters Road on the western edge of the property and there is a vacant field just beyond it where the Crossroads Apartment complex will ultimately be built. They are looking at the southernmost portion of this building for a veterinary clinic and will do a build out state of the art facility to replace the old one. They do not have any issues or concerns with the staff report. They are going to do extensive soundproofing, which is required by their lease. They need a small outside area. This is not a boarding facility and it is not a doggie daycare so no exercise area is needed; just a small area for dogs to use the bathroom. They say they can make do with an 8'x15' area because they take one dog out at a time. They are willing to fence and landscape the area. Dogs are walked on two leashes so they cannot get away. Originally they proposed putting this area at the end of the building next to Peters Road in the landscape area; however, it makes more sense to go behind the building. There are several parking spaces and one or two would have to be sacrificed in order to put the walking area immediately behind the building so it would not be on the side. The practice has not changed; the same staff and doctors will be there. This will continue to be a top class operation; the owners have experience in the field.

Mayor Bendekovic commented that it is not the same staff and the same doctor because Dr. Isom is no longer able to practice. She expressed concern with the dog walk on the side facing Peters Road. She likes the idea that they would consider putting the walk in the back of the building and suggested that they sacrifice two parking spaces instead of one parking space. She would like to see a wall in that area because the dogs will be able to see out and will bark.

Dr. Mac was present. She stated that the current location is a landmark but the building is falling apart. She happily indicated that the new owners are a good management group; they care about the safety of the staff, clients and animals.

Mayor Bendekovic questioned whether the outdoor walk would be better in the back rather than on the side near Peters Road. She is concerned with it being on the face side of Peters Road as it could be problematic.

Mr. Voight advised that they do not want a masonry wall for two reasons. They think it will look like a dumpster enclosure next to Peters Road and it cuts visibility. From a dog's point of view, they need ventilation so it does not start to smell in the enclosure and in the heat they need the breeze.

Mayor Bendekovic emphasized that she is not going to go with a chain link fence. She mentioned foliage and planting. She commented that urine would go through the chain link fence and plant life would be limited.

Councilmember Levy mentioned a residential project that is going in nearby and a chain link fence allowing the breeze to oft through is not going to be very pleasant and residents are not going to be very happy. A wall would block the odor.

Dr. Mickey Axelband, co-owner, was present. He disagreed with the Mayor. They feel that it would be better to have a chain link fence or some type of open fencing rather than a brick wall. They are not only talking about the stink but about putting an animal out there with no ventilation during the summer even though they will only be in there for a few moments. From an aesthetic point of view, it would look a lot better if it is landscaped. He has had landscaping on three of his previous animal hospital properties and there are “pee resistant” plants so he does not think that the plants will be killed by the urine. He thinks the property management, Edens, is against any type of stone masonry wall.

Jennifer Houston, leasing agent for the shopping center, was present on behalf of the landlord. She stated that a stone wall is not something they think would be appealing. There would not be any ventilation for the animals and the enclosure will represent a dumpster enclosure. They prefer parking spaces but if that is their only choice they will probably have to get a variance depending on how many parking spaces are affected. They were thinking the side would be used but if that is not an option they were thinking of a fence that was hedged very nicely so the animals could not see outside. Sprinklers were discussed and usage of that will actually help the urine and waste go away.

Councilmember Levy commented that Plantation Animal Hospital has been an integral part of the City. He thanked them for staying in Plantation and is glad that we can help accommodate. The Mayor has valid points and so does the property owner. He thinks something can be worked out.

In response to Councilmember Jacobs, Mr. Voight indicated that the location is currently vacant.

Ms. Houston advised that they will take up the one end space which is the largest one; it is almost 4,000 square feet. It is the one closest to Peters Road.

Councilmember Jacobs recalled that the entrance has concrete steps going up and there are some small areas of landscaping. He expressed concern that dogs would micturate all over the steps on the way in. Landscaping as it exists is not conducive to a dog using it; that could be a problem.

Ms. Houston agreed and noted that there is an ADA walkway around the side.

Councilmember Jacobs mentioned that the backup says, “There shall be no boarding”. He questioned whether that language prohibits them from hospitalizing a dog overnight.

Mr. Leeds explained that they can keep a dog overnight and most of the animals that use this area are dogs staying overnight while recuperating.

Motion by Councilmember Levy, seconded by Councilmember Jacobs, subject to staff and Council comments; allowing two parking spaces if needed; landscaping around the fence; leaving the applicant to work with staff regarding the type of fence; no animal boarding; and hours of 7:00 a.m. to 8:00 p.m. seven days a week. Motion carried on the following roll call vote:

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

Mr. Leeds clarified that the Mayor's recommendation was for two parking spaces and a wall. There was some discussion relative to something other than a wall and one parking space. There are other conditions the motion will be subject to. It sounds like it is west of the building and will occupy one or two parking spaces. Council needs to identify whether it is a wall, a vinyl coated chain link fence or something we have not investigated in terms of a metal picket fence, which we do not know if it is appropriate for containing animals.

In response to Councilmember Levy, Mr. Axelband stated that they would like to get a square footage amount so we are all in agreement. He thinks either a chain link or some type of vinyl fencing with openings so there is ventilation.

Councilmember Jacobs questioned a landscaped chain link.

Mr. Axelband indicated they were thinking landscaping on the outside; it would be more aesthetic and better for the dogs.

Councilmember Zimmerman commented that a parking space is basically 10'x20' so if we allow for two spaces that would provide a 20'x20' area to be able to put five-foot of landscaping all the way around and still have adequate space.

Mr. Axelband stated that they are fine with that.

Ms. Houston advised that they have a design department that would probably like to be involved with the design of the fence and landscaping.

Councilmember Zimmerman suggested that they consider looking at something other than just chain link fence whether it is an aluminum picket fence or a partial wall; maybe a two-foot wall with a picket fence on top. That would protect some of the landscaping and makes it look more than just a chain link or dumpster enclosure.

Mr. Leeds wants to make sure that the motion is clear and that the applicant understands.

Councilmember Levy clarified that the motion is for two parking spaces, the containment of which we are leaving up to the client.

Mr. Leeds commented that this allows the client to put up chain link without vinyl coating.

Councilmember Levy stated that the client has said they would not do that.

Mr. Leeds believes that should be in the motion. The two parking spaces, appropriate landscaping around the outside, and the applicant will consider an alternative to vinyl coated chain link, possibly metal picket. They will work with the landlord on the aesthetics of the property.

In response to Ms. Houston, Councilmember Zimmerman indicated that they can use one or two parking spaces; maybe there is a compromise.

Mr. Leeds indicated that he is not advocating one or two parking spaces. He asked Mr. Voight if they agree to all of the conditions.

Mr. Voight stated that they have talked about the first two and it is not going to be adjacent to Peters Road. They will work with staff regarding exterior landscaping; and there will be soundproofing. He noted that they might like to have Sunday hours at some point and would like that option.

Mr. Axelband commented that the hours shown are their current hours. They would like to have the ability to extend those hours, possibly 7:00 a.m. to 8:00 p.m. and Sunday hours.

Mr. Leeds did not have any objection to 7:00 a.m. to 8:00 p.m. all seven days. He felt that should be in the motion as well.

Mr. Voight stated that they have agreed to no animal boarding. They will have a business license.

* * * * *

NOTE: Items #23, #26, #27, and #28 were heard together.

Mr. Lunny read Item #26.

Resolution No. 12098

26. **RESOLUTION** APPROVING AS A CONDITIONAL USE, AN INCREASE IN THE STUDENT COUNT FROM 2,399 STUDENTS TO 2,945 STUDENTS; AND A 172,504-SQUARE-FOOT, FOUR-STORY PARKING GARAGE 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.

-AND-

REQUEST FOR SITE PLAN, ELEVATION AND LANDSCAPE PLAN FOR AMERICAN HERITAGE SCHOOL – PARKING GARAGE. PROPERTY LOCATED AT 12200 WEST BROWARD BOULEVARD AND ZONED CF-P. (COMMUNITY FACILITY)

REQUEST #1: Conditional use approval to increase the student enrollment from 2,399 students to 2,945 students;

REQUEST #2: Conditional use approval to allow construction of a four story parking garage; and

REQUEST #3: Master Plan, Site Plan, Elevations, and Landscape Plan approval for the American Heritage Parking Garage.

WAIVER REQUESTS:

1. From: Section 27-476, which requires a 60-foot setback from all property lines;
To: Reduce the required setback from 60 feet to 40.2 feet to the north property line;
To: Reduce the required setback from 60 feet to 10.6 feet to the south property line (which abuts a canal right of way); and
To: Reduce the required setback from 60 feet to 51 feet to the east property line that abuts SW 118th Avenue, across the street from Casa Bella Condominium.

2. 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. 5 trees required along the eastern lpz – 4 trees have been provided.

3. From: Section 13-41(a) (b) (c). Pedestrian zones along building facades.
Recognizing that it is universally accepted that trees and other plantings function visually and aesthetically to 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. 22’ lpz is required along the northern façade – 7’ has been provided.
 - b. 22’ lpz is required along the western façade – 7’ has been provided.
 - c. 22’ lpz is required along the eastern façade – 5’ has been provided.

4. From: Section 13-40(a) (b) (f). Interior landscaping for parking areas:
Large shade trees shall be installed in all parking areas at a maximum spacing of 40’ center to center.
 - a. 1 shade tree is required in all planting islands – A Category 1 tree is required in planting island at the western entrance off W BB in lieu of a light pole.
 - b. 1 shade tree is required in all planting islands – Category 1 trees required in the terminal islands west of the garage (2 Category 1 trees required) - *Shade trees may not be planted in planting islands < 8’ in width*

5. From: Section 13-40(a) (b) (c) (3). Interior landscaping for parking areas:
Islands or medians shall be provided to separate parking bays from major internal access drives and shall have a minimum width of 10’, not including curbing.
 - *10’ terminal island with required – 7’ provided in the 2 terminal islands east of the garage.*

6. 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 (a minimum of 16’ – 18’ x 9’).
To: Reduce the required heights of trees/palms:

- a. 75% of the trees should be a minimum height of 16'-18' x 9' – 12'-14' trees have been provided along the western landscape pedestrian zone.

Staff does not support this waiver. Staff requests that required trees throughout the landscape pedestrian zones meet the minimum height requirement.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; Conditional use/site plan application; Planning and Zoning Board Meeting minutes of October 7, 2014; Landscape Planning Review Board Meeting minutes of January 7, 2014; and Review Committee Meeting minutes of July 22, 2014.

PLANNING AND ZONING BOARD RECOMMENDATION: APPROVED subject to staff comments (5/0; October 7, 2014).

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

REVIEW COMMITTEE RECOMMENDATION: NO OBJECTION to the project moving forward (July 22, 2014).

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. American Heritage includes multiple buildings encompassing 243,496 square feet of private school use for pre-school through 12th grade students. Student enrollment is currently restricted to a maximum of 2,399 students at any given time (City Council, December 9, 1998).

The applicant requests approval to construct a four-story, 172,504-square-foot parking garage located at the southwest corner of Broward Boulevard and SW 118th Avenue. The structure varies between 42 and 51 feet in height and is setback approximately 39 feet from Broward Boulevard and 51 feet from SW 118th Avenue. The proposed structure design matches the existing campus buildings that have a colonial design of simulated old brick with white trim. In addition, the applicant is requesting approval to increase the student enrollment from 2,399 students to 2,945 students.

Conditional Use Analysis:

- In addition to the site plan review, Planning and Zoning staff also reviewed the proposal for compliance with the Conditional Use Criteria. The applicant, in this case American Heritage, has the burden of proof to demonstrate that the use meets the criteria, which includes the burden of going forward with the evidence and the burden of persuasion on all questions of fact that are to be determined by the City Council. Staff has reviewed the project pursuant to the conditional use criteria (See Attachment "A").
- When granting approval for a conditional use, the City Council may attach conditions and safeguards, in addition to those prescribed herein and elsewhere in the Code of Ordinances governing such conditional use as the Council determines are necessary for the protection of the surrounding property, the neighborhood, and the area of the city where such use is to be granted. The City Council may recommend modifying or adding to staff conditions if deemed appropriate.

STAFF COMMENTS:

PLANNING AND ZONING:

Zoning:

In General:

1. The proposed garage is a conditional use. Staff's responsibility is to review the application pursuant based both code compliance and the Conditional Use Criteria in Attachment "A".
2. The City Code classifies the parking garage as a conditional use. This means that if the City Council approves the conditional use, the Council can attach conditions to mitigate the impact of the use upon surrounding properties as listed in the Conditional Use Criteria (Attachment "A").
3. The applicant has requested six waivers that require \$3,000 in application fees. To date, the applicant has only paid \$1,000 for two waivers. The applicant shall pay an additional \$2,000 waiver fee prior to submitting for building permits. Please call Thalein Rainford regarding the required fees (954-797-2225).

Site Data Table:

4. Note: The site data table shows different numbers for the student count. Architect shall revise the site data table so that the sum of additional students for elementary and middle/high school equals 546 new students (this is the number confirmed by the applicant for new students). Please provide two copies of the corrected site data sheet prior to building permit submittal.

Elevations:

5. The applicant has added white aluminum framing and surrounds at the south end of the west elevation. Revise plan to provide the same white aluminum framing and surrounds on the ground floor openings on the north and east elevations.
6. Revise plan to provide screening for all openings along the east elevation (P & Z Board recommendation). *Mayor: This is to require "window-like" grill treatments where the garage interior is open along the SW 118th Avenue. The architects' written response says this work is not necessary and is too expensive.*

Parking and Loading:

7. Note:
 - a. The applicant has submitted an "overnight bus parking plan" and a "stacking for bus fueling plan". The overnight bus parking plan indicates that no buses will be parked overnight adjacent to Broward Boulevard or SW 118th Avenue. This means that American Heritage may park buses in these locations during the day.
 - b. The applicant has relocated the refueling station from the east side of the garage to the west side in the interior of the garage. The above ground fuel tank has been relocated to the west end of the garage.

Lighting:

8. Staff has requested twice that the applicant provide photometric light levels to the property line. Applicant has not responded to these requests.
 - a. Staff recommends the applicant revise the photometric plan accordingly:
 - i. Show light levels extending from the east side of the garage to the east property line,
 - ii. Light levels along the east property line shall be shown at one-foot-candle or less,
 - iii. Show the location and height above the surface parking for wall packs, and
 - iv. Note on lighting plans: "All Lighting shall be shaded, screened, or aimed in such a manner that it will not be a nuisance to any residential unit as per Section 27-750 (5) of the City Code".

These are very reasonable recommendations that will help reduce "light spillover" onto SW 118th Avenue. Staff also recommends that the applicant revise and submit two copies of a photometric plan as recommended above prior to zoning approval of any development permits.

ENGINEERING:

1. Please provide civil plans for the site work. *09-24-14: Comment not addressed.* 05-07-15: Civil plans provided on May 5, 2015. **06-15-15: New Civil Comments:**
 - a. Please provide a stop sign at the revised access to Broward Boulevard.
 - b. Please provide pedestrian signage at the mid-block crossing on the west side of the garage.
 - c. Please provide signage in the southeast corner of the garage, indicating the exit is for “Buses Only”, no other traffic allowed.
 - d. Please provide details of the “Loop Detector Operated Barrier Gate”, which will allow vehicles to exit the drive aisle through the garage and not allow vehicles to exit the garage at this location.
 - e. Please show limits of new pavement area at expanded access to Broward Boulevard from the garage site.
 - f. Please provide landscape information (tree relocation, irrigation) for the proposed turn lanes on Broward Boulevard to the Landscape Department.
 - g. Please add the above items to the Site Plan.
2. The proposed expanded driveway (and striping) connection on Broward Boulevard is contingent upon the modifications to the median on Broward Boulevard. The northbound movements would be a left/thru and a right. *09-24-14: Comment not addressed.* 05-07-15: There are no Broward Boulevard median plans in the submittal. The Broward Boulevard changes are required for the proposed garage. The lane striping is still incorrect on the Site Plan. The Civil Plans do not include this portion of the project. **06-15-15: The Architect’s response is “The expanded opening to Broward Boulevard is currently being pursued by a Delegation Request to the County and will not have an effect on the garage construction or utilization.” This submittal does include the proposed expanded driveway connection to Broward Boulevard as well as the off-site improvements to Broward Boulevard. These improvements are a requirement for the garage approval, as previously stated. The improvements will have to be permitted by Broward County prior to the issuance of an Engineering permit for the garage.**
3. Plans for all of the median modifications on Broward Boulevard, based on the traffic study previously provided, will need to be included as well as any permits required by Broward County. *09-24-14: Comment remains.* 05-07-15: There are no Broward Boulevard median plans in the submittal. Comment not addressed. **06-15-15: The Architect’s response is “See response to Item 3” (Item 2 on this list was previously Item 3) This submittal does include the proposed expanded driveway connection to Broward Boulevard as well as the off-site improvements to Broward Boulevard. These improvements are a requirement for the garage approval. The improvements will have to be permitted by Broward County prior to the issuance of an Engineering permit for the garage.**
4. The bridge/culvert sign states that left turns will be permitted by the Fire Department. As shown, the left turn movement cannot be made. *09-24-14: Comment not addressed.* 05-07-15: Comment not addressed. **06-15-15: The crossing has been revised to allow ONLY the Fire Department to turn left onto NW 118th Avenue. The buses will be able only make a right turn onto the access road. The Architect’s response stating that Emergency Vehicles will not be able to exit onto NW 118th Avenue is incorrect.**
5. Please provide protected pedestrian access across the bridge and protected pedestrian access to the gymnasium or provide plans for prohibiting access. *09-24-14: Comment not addressed.* 05-07-15: Comment not addressed. **06-15-15: Please provide a detail of the gate operations at time of permitting, including the card reader location, width of the moving gate, gate tracks.**
6. **06-15-15: Please note that as of today, the improvements to Broward Boulevard and NW 118th Avenue in the northwest corner, have not been constructed. This was a requirement of allowing the u-turn at Broward Boulevard and NW 118th Avenue until the garage was completed. Please**

provide a date certain as to when this will take place or since school is out the sign can be “unbagged” and the u-turn prohibited now.

Traffic Engineering:

Please note the Architect’s current response to the traffic engineering comment from DRC (which has been previously addressed) pertains to parking calculations. Parking is addressed by the Planning Department and not Engineering. The following comments are for the May 25, 2015 traffic summary provided by Tinter Traffic.

1. The traffic summary will need to include the American Heritage driveway analyses, not just the analysis for Broward Boulevard and NW 118th Avenue as per the methodology meeting on October 6, 2014. Please revise and include all of the intersection analyses.
2. The analysis shows the u-turn still being allowed at Broward Boulevard and NW 118th Avenue even after the median modifications. Please revise the future analyses without the u-turn; remove it as an allowable movement. Per the following agreements, the “No U-Turn” will be applicable and enforceable after the improvements are complete:

6) The No U-Turn sign that was recently installed at the intersection, at the request of the City, can be "bagged" until such time as the median modifications at the school are completed. (E-mail from Tinter to American Heritage on July 24, 2014)

4) The study will analyze Broward Boulevard/NW 118th Avenue with both the u-turns permitted (prior to garage) and u-turns not permitted (after median modifications proposed in conjunction with the site plan approval of the garage). (E-mail from Tinter to Engineering on October 7, 2014)

3. Please provide a complete traffic study, including all of the required analyses, signed and sealed to the Engineering Department. There may be comments based on this submittal.

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. **06-15-15: Please note that the median improvements to Broward Boulevard must be completed prior to an issuance of a CO for the garage.**
2. The owner/developer will be required to coordinate with the Engineering Department, *prior to application for construction permits*, to set up a trust account with a \$1,000 minimum starting balance.
3. An erosion and sedimentation control plan will be required and reviewed at time of permitting.
4. A Maintenance of Traffic (MOT) plan will be required. Please meet with Engineering to discuss.
5. Drainage calculations may need to be submitted, signed and sealed by a professional engineer registered in the State of Florida.
6. Surface water management permit(s) through the Plantation Acres Improvement District (PAID) and/or SFWMD may be required and a copy(s) provided to the Engineering Department at the time of permit review.
7. The Applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements at the time of permitting.

TRAFFIC ENGINEERING: See Engineering.

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 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. 22' lpz is required along the northern façade – 7' has been provided.
 - b. 22' lpz is required along the western façade – 7' has been provided.
 - c. 22' lpz is required along the eastern façade – 5' has been provided.

Waiver required.

Planting Plan:

1. ***The tree disposition plan does not show the existing City owned trees and irrigation in the planting median where the turn lane on Broward Boulevard is being altered. The existing trees must be included in the plan as well as the irrigation. Prior to the commencement of work please contact the Public Works Department regarding the disposition of the existing irrigation and existing trees. (Exhibit 1).***



Exhibit 1

2. A minimum of 1 tree is required every 30 lineal foot, or fraction thereof, of façade width (3 palms = 1 tree).
 - d. 5 trees required along the eastern lpz – 4 trees have been provided.
Waivers required. Staff requests mitigation for code required trees if waivers are approved.
3. Please meet required tree/palm heights, spread, and caliper throughout the landscape pedestrian zones (lpz) – 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'). Code requirements have not been met along the western landscape pedestrian zone (12' – 14' trees have been provided).
Waiver required. Staff does not support this waiver.

4. City codes require a category 1 shade tree in all planting islands and terminal islands (if an island is < 8' wide please use a category 2 tree).
 - a. Category 1 tree is required in the terminal island at the northern entrance off West Broward Boulevard – a light pole has been placed in this area.
 - b. 2 category 1 trees are required in the terminal islands west of the garage; the planting islands are < 8' in width and cannot accommodate category 1 trees.

Waiver required. Staff requests mitigation for code required trees if waivers are approved.
5. Staff does not support the planting of Live oak trees in planting spaces < 8' wide (i.e. the terminal planting islands west of the parking garage are < 8' in width); although Category 1 trees are required in planting islands – if the island is not large enough to accommodate a large shade tree a Category 2 tree should be planted. ***Waiver required. Staff requests mitigation for code required trees if waivers are approved.***
6. Please show all utility easements in gray scale on the planting plan as well as above and below ground utilities and associated equipment.
7. Include the over-head power lines along SW 118th Avenue.
8. Relocated Live oak trees along the eastern perimeter must be a minimum of 40' from the over-head power lines.
9. Please include the fire hydrants and associated equipment on the landscape plans (i.e. the large planting island north of Building 14A, etc.)
10. Please use the City of Plantation Tree Planting Detail; they are available on-line: <http://www.plantation.org/Landscape-Architecture/details-notes.html>. The tree planting details have been removed from the plans.
11. Please tighten the spacing on the proposed groundcover (i.e. Wax jasmine and Green island ficus).
12. Staff does not support the planting of Category 1 trees within 12' to 15' of Category 1 or Category 2 trees along the northern perimeter. (i.e. trees 3 & 72, trees 70 & 5, trees 13 & 12, etc.).
13. A root barrier system shall be installed in situations where a tree or palm is planted within 10' of a paved surface or infrastructure. Please include root barrier details on landscape plans submitted with locations for placement.
14. 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.
15. Please include the condition of all trees on the tree survey.
16. All proposed trees to be removed or relocated require ISA appraisals based on the Florida Chapter of the ISA Rule Chapter 14-40.030 of the FL Administrative Code.
17. Performance bonds are required on all trees to be relocated as per City codes.
18. 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.
19. City staff will verify all trees proposed to be removed, remain, and/or relocated.
20. Please revise your proposed watering schedule for the relocated trees – there are large, mature trees to be relocated which will need additional watering for establishment.
21. Please include details for tree relocation (staking, etc.).
22. 3" of clean mulch shall be installed around all new and existing trees, palms and throughout planting beds; mulch shall be kept 3" away from the trunks and stems of plants. Please do not use Cypress or red mulch (Eucalyptus, Melaleuca, or recycled mulch is acceptable); please make a note to this effect on the plans.
23. Please include mulch type.
24. Please include planting details for the proposed hedge and ground cover.

25. Include planting details for the proposed sod.
26. Please include the type of sod to be used.
27. Please include the tree species to be planted in the planting island on the eastern perimeter.
28. Please clarify where the 3 proposed Live oak trees are going in the planting islands north of buildings 14 & 14A (when reviewing the plans it looks like 3 oaks are to be planted in the eastern most island while other 2 islands do not have a tag line attached to them).

BUILDING DEPARTMENT: No objection: Must meet FBC 2010 when plans are developed.

FIRE DEPARTMENT: No objection as to this conditional use and site/elevation/landscape plans with the understanding that the applicant and/or owner are aware of the following conditions:

COMMENTS FROM PLANNING AND ZONING BOARD STAFF REPORT OF 10/07/2014

1. Garage's southern vehicle access openings on both east and west elevations, and whole through access in between, shall have an unobstructed vertical clearance of not less than 13'6".
Applicant Response: Code only requires a 7' clearance for parking garages, we have provided 12" in order to accommodate clearance for buses.
Fire Department Reply: Complied as per meeting with Mr. Nagler on 5/13/15; it is confirmed that parking garage will not allow for Fire Department emergency vehicle access; it is confirmed that new bridge will be compliant to accommodate Fire Department emergency vehicle access as to weight (minimum 50,000 lbs), width (minimum 16'), and turning radius (allows for all PFD fire engines).
2. Bus storage on Garage Perimeter Road and Vehicle Thru Access obstructs emergency access to any incident with the fuel storage tank and said buses.
Applicant Response: This area is not for bus storage, these areas are provided for bus stacking while they are in the fuel process. See Sheet A1.2B for storage & stacking of buses.
Fire Department Reply: Complied as per these new submitted plans.
3. Vehicle access gates on Broward Boulevard for Parking Lot A, on NW 118th Avenue for Access Road, and those on Garage Perimeter Road, shall be motorized and shall comply with Plantation Fire Department's standard requirements.
Applicant Response: A Knox Box as issued by the City will be provides at the gate from NW 118th Avenue to access road and gate from/to Broward Boulevard. This will serve as an override to the system, if electronic gates are to be provided.
Fire Department Reply: Complied as per meeting with Mr. Nagler on 5/13/15; it is confirmed that this condition will be adhered to.
4. Access Road off 118th Avenue is a required emergency vehicle access for all structures south of the canal. Remove note "NOT FOR FIRE DEPARTMENT ACCESS" from sheets A1.2 and LA1.0 and any other reference of such.
Applicant Response: This note has been removed from the documents, see Sheet A1.2.
Fire Department Reply: Complied as per these new submitted plans.
5. New 3000-gallon above ground diesel fuel storage tank requires a special permit waiver by the Fire Marshall. This tank shall be "UL2085" listed. The special permit waiver shall be requested in writing justifying need. Prior submittals showed only the relocation of the existing tank, which the Fire Department was in approval.
Applicant Response: Understood.
Fire Department Reply: Complied as per these new submitted plans, with observance at the new location.

6. Post “NOT FOR EMERGENCY VEHICLE USE” signs on both sides of new bridge. As such, emergency vehicle turning radius requirements, in and out of this bridge, is not a stipulation by the Fire Department.

Applicant Response: This is an incorrect statement. Emergency vehicles will enter from Broward Boulevard and travel the perimeter road around the parking garage, then cross the bridge and proceed west down the access road to exit back onto Broward Boulevard. They will not be able to exit to NW 118th Avenue.

Fire Department Reply: Complied as per meeting with Mr. Nagler on 5/13/15; it is confirmed that parking garage will not allow for Fire Department emergency vehicle access; it is confirmed that new bridge will be compliant to accommodate Fire Department emergency vehicle access.

7. New fuel dispensing area shall comply with 2012 NFPA-30A; as per meeting with Mr. Nagler on 5/13/15, he is aware of this requirement and concurs.
8. Post “NOT FOR EMERGENCY VEHICLE USE” signs at all entrances to parking garage, as approved by the Fire Department inspector; as per meeting with Mr. Nagler on 5/13/15, he is aware of this requirement and concurs.
9. The applicant and/or owner are aware that conditions may arise upon review of all required permitting plans.

POLICE DEPARTMENT:

Security: Recommendations

1. Parking Garage:

Garages should have glossy white or light –colored walls and ceilings, good interior visibility, and open stairways and elevator lobbies. Additional security measures include emergency alarms and mirrors to allow people to see around corners into any hidden spaces that cannot be eliminated in the design. Street level stair entrances to garages should be highly visible to allow natural surveillance. Enclosed elevator lobbies and stairways are potential entrapment spots. Bollards or rails can be used to protect people from vehicular traffic. Signs and floor treatments can be used to designate waiting areas and exiting. Provide adequate security systems, alarms, CCTV for surveillance of parking lot.

2. Lighting:

High-intensity, uniform lighting should be provided in all parking areas, outdoor walkways, etc. Lighting should not be provided in areas that people should not be in at night. Fixtures should be resistant to vandalism.

3. Emergency Communication Systems:

Emergency phones, alarms, or intercoms should be installed for student body or visitors in convenient places to use to report intruders or suspicious activities, or to call for help. Signs should be posted to designate locations of emergency communication systems.

4. Pedestrian Walkways:

Streets, sidewalks, walkways, and intersections should be designed to protect pedestrians from vehicles and to encourage walking. They should also be designed to maintain neighborhood street patterns, and have good lighting, natural surveillance, and clear boundaries between public, semi-public, and private areas. The streetscape should be designed to deter vandalism, loitering, and other types of crime and disorder.

5. Gymnasium / Parking garage:

Construction phase:

Safety protocols should be in place to ensure pedestrian/motorist safety during construction phase along and through the campus.

Construction site and equipment should be enclosed with proper use of "no trespass" signs displayed for unauthorized individuals. Reference to F.S.S. 810.09 d (1)

UTILITIES: No objection to the site plan, student increase and parking garage providing the following:
All existing and proposed water and sewer lines were placed on landscaping plans as directed. This must be completed prior to permitting.

No existing water and sewer lines can be removed from service until new mains have been installed, tested, certified and accepted by the City.

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, 954.797.2159.

This review is preliminary. Final comments will be provided during construction plan review.
The final review could generate additional comments.

The existing Trust account must be maintained during the entire project.

Onsite improvements and equipment may be required at applicant's expense to support project.

Show all existing water and wastewater facilities on site plan.

Provide plan for vacating easements as necessary if applicable.

Show all new and existing water and sewer lines and easements on landscaping 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".

No structures or category one trees are allowed to be installed in Utility easements.

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

WASTE MANAGEMENT: No issue with the submitted plan.

ATTACHMENT "A": CONDITIONAL USE CRITERIA EVALUATION

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 buildable and binding site plan has been submitted.

Staff: Applicant has not responded to requests for lighting information necessary to confirm minimum "light spillover" onto SW 118th Avenue and the adjacent multifamily community. Staff has requested that lighting levels (not exceeding one-foot candle) be provided along the east lot line.

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. The parking garage will improve the parking ratio and the traffic flow at the school. The infrastructure at the school supports up to 2,945 students, grades PK3 through 12th.

Staff: The proposed use is consistent with the CF designation in the Comprehensive Plan.

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 parking garage is needed to allow the discontinuance of parking across the street at the church location. In addition, it will provide a total net increase in parking spaces even counting the existing spaces utilized. The increase in student count can be accommodated in the existing infrastructure. Additional bus service has been added and will continue to be added to accommodate any student increase.

Staff: A present need for the parking garage is established. The only question is to what extent is the garage in harmony with the general character of the neighborhood.

- Interior and garage roof lighting may be visible to adjacent residential community when the garage is used at night.
- The applicant is placing wall packs (not clear on plans) on the east elevation of the garage. The height of the wall pack location is not indicated.
- Rather than regulate placement of lighting fixtures, staff recommends the following:

- a. Note on lighting plans: "All Lighting shall be shaded, screened, or aimed in such a manner that it will not be a nuisance to any residential unit as per Section 27-750 (5) of the City Code".
 - b. Revise the photometric plan to extend light levels along the east side of the garage right up to the east property line.
 - c. Lighting levels shown on the property line shall not exceed one foot-candle (Photometric Plan).
 - d. Items a – c are necessary to minimize lighting impacts on adjacent properties.
- Provide screening of all parking garage openings along the east elevation (Recommend by Planning and Zoning Board) to soften the visual impact of the garage along SW 118th Avenue.

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 on the campus. The increase in student count will have no detrimental effect on the neighborhood because the increase in conjunction with the parking garage and existing infrastructure will be accommodated.

Staff: Staff disagrees in part. The applicant has been nonresponsive to revising the photometric plan as indicated in Criteria 3. (See comment 3 above).

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 proposal 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.

Staff: See Police Department comments for security recommendations.

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. 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.

Staff: See traffic engineering comments in body of the report.

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

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

Staff: The proposed building does not meet all standards in the City Code. The garage does not meet minimum zoning setbacks along the north, east, and south lot lines and the landscape plan does not meet code requirements (See setback and landscape waivers).

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 172,504 square feet.

Staff: The building lot coverage is 43,979 square feet (approximately 221' x 199') and proposed square footage is 172,504 square feet of floor area.

Councilmember Jacobs made a Jennings Disclosure. He met with the applicant and discussed this item. It was reported and logged. His decision will be based on the evidence presented tonight.

Councilmember Stoner made a Jennings Disclosure. She met with Mr. Allsworth and logged the contact.

Councilmember Zimmerman made a Jennings Disclosure: He met with the applicant and the meetings were logged.

Councilmember Levy made a Jennings Disclosure. He met with the applicant to talk about the gymnasium; however, he did not meet with the applicant to discuss the garage.

Mayor Bendekovic made a Jennings Disclosure. She met with them about the garage and the gymnasium. The conversation was together and it is logged in. She did not meet with them on Request #1.

Emerson Allsworth, Attorney, was present on behalf of the applicant.

Mr. Allsworth explained that American Heritage opened in 1973. He noted that there are 93 employees and that about 23% of the student enrollment, which is around 450 students, are residents of Plantation. The request is for a parking garage. The school currently uses a number of spaces on the church property across the street and the garage will help alleviate that and will make traffic flow better along Broward Boulevard. The overflow parking will be used approximately 11 times a year during special events. With regard to the student count, a number was entered around 17 years ago. There was a law on the books that the DRI had a threshold of 2,400, which is an artificial figure. Since then, that law was amended and is no longer applicable in Broward County. The number has no legal status as far as the State of Florida and the Planning Council are concerned. The infrastructure is already there to accommodate the additional number of students and no additional employees will be required. The garage ends up with a net gain of over 150 spaces, no longer using the ones across the street. It is a safety issue and traffic will flow better. The design fits in and will look like another part of the campus. Of the six waivers requested, four of them have been satisfied. The only waivers left are #1 and #3. They have complied with all of the Fire Department requirements and met the conditional use criteria. The plan is consistent with the master plan for the school and landscaping was approved by the Landscape Review and Planning Board.

Bill Laystrom, Attorney, was present. He indicated that it was his responsibility to get with the residents of the Terra Bella property next door. They have met with the residents several times and over the course of the last week and a half they have worked very hard to come up with a resolution to all of the issues raised. They have

walked through these and he has provided the Council President and the City Clerk with a copy of what was agreed to. Copies were distributed to Council. They are requesting seven conditions be incorporated into whatever motion is made at this meeting. It is a clarification of work hours for construction purposes and access issues. They have agreed to provide some landscaping in addition to the landscaping on their property and have come to an agreement on that plan with the Homeowner's Association. He believes that they have complied with landscape waivers mentioned in the staff report. If they have not, they are drawing them and have to comply with the requirements of the code. For all of the landscape waivers other than the setback waiver, they are requesting waivers #1 and #3. Planning and Zoning staff had a request for some additional aluminum linings around the openings for the garage facing Broward Boulevard and/or NW 118th Avenue. They have looked at that and with the landscaping being provided, they do not believe it is necessary. He thinks the Landscape Department looked at that landscaping at the last meeting and felt it was sufficient to screen the garage. They spent a lot of time on the garage for architectural purposes. Brick is being included on the entire garage as they have throughout the rest of the campus and they have also included significant landscaping on both NW 118th Avenue and Broward Boulevard in order to address those concerns. They agree to the balance of the staff comments.

In response to Councilmember Levy, Mr. Laystrom advised that there are two sets of waivers. The first waiver is the setbacks from the property lines. The only two setbacks that probably are significant to discuss are the ones on Broward Boulevard and NW 118th Avenue. They have upgraded the landscaping in both of those instances. There is a landscape strip on Broward Boulevard, a small interior road which will allow the trucks to do the fueling route and then additional landscaping up against the building. That landscaping has been enhanced to balance it out. They have done the exact same on NW 118th Avenue and added some additional landscaping at the request of the residents. That has been incorporated into their plan. He calls the second waiver a parallel waiver, which is for the landscape pedestrian zone. That is the landscaping directly up against the building itself. They have provided additional landscaping within those areas in order to make up for the loss of landscape pedestrian zone.

Mayor Bendekovic mentioned that the applicant was here on May 27, 2015 for the gymnasium and the 16 classrooms. At that time she asked if enrollment would increase. She specifically asked if 16 classrooms would be an average of 320 students with 20 students per classroom and they emphatically said they would not be increasing the enrollment. She mentioned the request to increase enrollment to 546 students and asked where those students would be placed if they are not being placed in the classrooms. That is problematic. She noted that there will be an increase in traffic for 546 additional students and requested that the Council not honor the request of increased enrollment.

Mr. Laystrom believes there was a misunderstanding as to what they said two weeks ago. They have had a request in for an increase in the student enrollment from the very day they applied for this application. He did not make the presentation two weeks ago but agrees that they said they were not asking for an increase in enrollment two weeks ago because they knew it was coming up at this meeting.

In response to Mayor Bendekovic, Mr. Laystrom advised that they tabled two items; one being the garage and the other being the enrollment. In addition, they have taken that enrollment and included it in the traffic study provided to staff months ago. They have median improvements on Broward Boulevard in order to address that change for the enrollment.

Mayor Bendekovic questioned if we take the 16 classrooms away if they will be able to increase the enrollment. She reiterated that at the last meeting they said there would be no increase in enrollment and this is an increase. It was not only said once but twice by Mr. Allsworth.

Mr. Laystrom agrees that it was said but it was said in the context that they were going to have that item and the garage heard today. He does not think they ever said they were going to withdraw that request. In response to Mayor Bendekovic, Mr. Laystrom indicated that this has been pending for months.

Mr. Allsworth clarified that what was said on May 27, 2015 was that the 16 additional classrooms did not necessitate any increase in enrollment because those classrooms were for students that were already in the school. That is completely separate from this request which has been pending for almost a year. The 16 classrooms are for teachers serving existing students in other classrooms and they did not cause any increase in enrollment. He believes the Council understood that.

Mayor Bendekovic reiterated that she asked if there was going to be an increase in enrollment. She questioned whether the four-story garage is facilitating 546 additional students.

Mr. Allsworth explained that the 16 classrooms are to serve the existing students and they will fit into existing classrooms. The classrooms are small; they are much lower than the public schools. The infrastructure of the school including the classrooms can accommodate this increase on their own without adding any employees.

Mayor Bendekovic commented that she did not think they need an increase. She noted that there will be an increase in traffic no matter what traffic study is presented tonight.

Mr. Lunny mentioned the cap issue and stated that is the reason why schools have caps in Plantation, which are conditional use approvals, because that is one of the criteria that staff uses to establish and evaluate additional impacts. This cap has been in place for quite some time. St. Gregory has a cap and so do other private schools in Plantation. Public schools have different rules because they are State pre-emptive Statutes. The cap is one measurement that staff knows about when they look for increase impacts from expansions.

Councilmember Stoner questioned whether that is done on a site plan basis versus an actual ordinance. She commented that the existing ordinance for American Heritage under the old DRI is no longer effective.

Mr. Lunny indicated that it is done under conditional use approval. He advised that the Council has, in the past, approved growth at American Heritage under the conditional use process and imposed the cap. The cap is legally binding on the school; it is something Council can increase if you feel that is appropriate, but they have to ask for an increase in the cap because it is conditional use and the cap has been in place.

Councilmember Stoner questioned how to get rid of the old ordinance that reflects the cap.

Mr. Lunny stated that this is CFP so it is done by conditional use approvals. Sometime during the Armstrong Administrative era, all of those rules were changed and now we use conditional use approvals instead of ordinances for B-7Q. The cap that is in effect now is a function of prior conditional use approvals.

Councilmember Jacobs questioned whether a subsequent conditional use approval with a higher cap supercedes the prior ones.

Mr. Lunny advised that the conditional use ordinance requires a site plan to be evaluated and part of that process involves things in this agenda; for example, the traffic study and the specific comments in the report. The cap is not as was represented; the cap is an appropriate tool in the conditional use approval process.

Councilmember Stoner questioned whether the American Heritage submittal has been evaluated for its highest capacity.

Mr. Lunny commented that she would have to ask staff. There is a site plan as part of this analysis.

Bill Laurie, President of American Heritage, was present.

In response to Councilmember Stoner, Mr. Laurie clarified that their enrollment is not completely full; there are openings in each classroom throughout the school; maybe three or four openings in one grade or section. In total the number of openings would bring them up to the 2,945 if they were completely filled in each classroom to the capacity allowed and advertised. The 16 classrooms are for floating teachers and those teachers also have some openings in each of their classrooms. The total openings in the entire school from the cap of 2,400 are spread out through American Heritage and American Academy. They have enough classrooms already built, including the 16 to make it to 2,945.

Councilmember Stoner mentioned Mayor Bendekovic's comment regarding traffic and questioned whether the number of buses would be increased.

Mr. Laurie indicated that they have a total of 27 routes and the daily number of children who take the buses is about 450. There are probably 10 to 12 students in each bus that holds 44 children. There is plenty of room in the buses they already have; they are not going to increase the buses.

Councilmember Stoner questioned if the 546 children are all over the county and tri-county.

Mr. Laurie advised they are all over Broward County. He stated that over 25% of the students are Plantation residents.

Councilmember Stoner mentioned a newspaper article about some criticism of the public schools and their fire safety; sprinklers, etc. She questioned what kind of facilities have been installed in this school and whether they meet or exceed the requirements.

Mr. Laurie indicated that there is a complete fire system. Every building is sprinkled throughout; there are fire alarms; lightning alarms, etc. He stated that the City of Plantation has done a wonderful job in making sure that they comply whereas the public schools in Plantation have not yet complied.

Fire Chief Laney Stearns was present. He indicated that to his knowledge, they have passed all of their fire inspections to date. They did not have to sprinkle the buildings but we asked them to do so because of some of the access issues and they complied back then and have complied to do all of the buildings ever since. Public schools have a different marker. We do their inspections but they are not required to comply. We have a rollover list every year; some are 10 to 15 years old and they do not comply unless they want to. We have no authority unless it is a life safety type issue. They could have things that comply and things that do not comply. American Heritage is treated like a business instead of a public school. They follow the school code but we do not have to go through the Broward County School Board to make them comply.

Mr. Laurie reiterated that they have the facilities already built or will have with the 16 classrooms, which are for floating teachers. This is just to fill the school to the capacity that they allow in this school. They have adjusted their times of starting so traffic is not overwhelming; they have instituted buses to alleviate more cars coming into the campus; and they can do other things to alleviate if traffic becomes a problem larger than it is.

In response to Councilmember Stoner, Mr. Laurie stated that they gave about \$12 million worth of need scholarships at the school.

Mayor Bendekovic commented that they received the Broward County Sports trophy for the tenth year in a row.

Mr. Laurie indicated that they also won several State competitions.

Councilmember Stoner understands Mr. Laurie's point but she also recognizes what this school has contributed, not just to the City, but to its students. They have 100% college attendance. Their contribution to the students is amazing and they have kept their promises on everything they have presented.

Mr. Laystrom advised that they did provide a traffic study, which included the additional traffic that would be generated by the additional students. That data was included on all of their site plan applications. The condition of the enrollment is subject to all of the improvements discussed tonight being in place. They have already met with Broward County and they have given them initial verbal approval by their staff for the median improvements that will help bring the traffic in and out and take a load off of NW 118th Avenue, which was the intent of a new median opening west of that area. The garage will keep the students from going across the road, which will improve the traffic flow tremendously and in addition, they will also have the median improvements so people who want to make u-turns can do so before they get to the NW 118th Avenue light.

Councilmember Levy commented that we all understand the prestige that American Heritage brings to the community. Speaking of the community, Mr. Laystrom said that he met with the people from the community. He assumes there are members of the community present and he would like to ask their thoughts as to whether they feel that some of their concerns have been taken care of and what they feel about this project.

Leslie Cruz, President of the Terra Bella Homeowner's Association, was present. As far as the approval of the community, their biggest concerns were with the traffic and the visual aesthetics of the parking garage which would be located approximately 250 – 350 feet to the nearest property. Several of the biggest concerns were addressed on conditions of approval that were submitted and approved by the Board and the American Heritage School. Most of the concerns are listed. They have met with us and the biggest concerns regarding the effects of the community were addressed. They have presented a median opening and it is a conditional approval of their endorsement to the parking garage because it is not part of the site plan. They are still concerned about the traffic on the median, especially the u-turns. They have been told that the project is not part of this but it is already in the process of actually occurring at the median across from the school where the cars are coming in and out of including some of the buses. Traffic is overflowing into the Terra Bella community and onto NW 118th Avenue. It is being addressed but it is a separate project as explained.

Councilmember Levy questioned if she was satisfied that there has been progress and feel comfortable moving forward.

Ms. Cruz stated that they have addressed all of the concerns as far as when construction will take place, giving a contact and the hours. Residents did not want construction on Saturdays; they came to an agreement that if there was Saturday construction they would be notified ahead of time, as well as high noise activities such as pile driving. They have agreed to add additional landscaping to the Terra Bella community to minimize some of the impact they would see as far as homes that are facing NW 118th Avenue. They have also provided assurance and visual proofs of the landscaping that will be done on the American Heritage property. She gave Mr. Laystrom a lot of credit for meeting with them and being proactive.

Councilmember Levy was very happy that they were able to discuss this and work things out. Mr. Laystrom's history over the years has proven that he is a man of his word.

Ms. Cruz indicated that they received the landscaping plans showing what would be on the Terra Bella property. So far they have delivered everything that was discussed. Open communication and partnership works. They have no problem with it.

Mayor Bendekovic will not argue the fact that American Heritage does an excellent job. She knows what they do academically and athletically and they are very well rounded and promote education. She is saying that 546 students will make a significant difference in enrollment and it will impact the traffic study. She asked Brett Butler, City Engineer, if a complete traffic study including all of the required analysis signed and sealed was received. She noted that there was another in May 2014 which was submitted to the County.

Mr. Butler advised that he received it yesterday morning. They have not been able to put a conclusion on the traffic analysis. He stated that we have received what was requested and the final version of that document only reached his office yesterday. They are finalizing the review. He cannot say that they have concluded one way or the other. He did acknowledge that the applicant has represented some important and necessary improvements along Broward Boulevard, most notably the median opening. He asked that Council recognize the staff's comment about reinstating the restricted u-turn at the signalized intersection. This was addressed with the applicant and they were required and did get some form of approval from the County to implement an interim measure to permit that u-turn but they did not implement it yet. If Council decides to support this applicant this evening then he requested that they condition approval on a requirement to implement the interim improvements that would make for a permitted u-turn at the intersection until the formal median improvements are done or reinstate the restricted right now. School is out so there is not an issue at the intersection right now. He thinks that the applicant is aware of this and is willing to work with us.

Mayor Bendekovic indicated that the garage is long overdue. She supports the garage structure but not the fact that they want to increase the enrollment. She requested that Council defer the enrollment part until the traffic study comes back.

Mr. Laystrom suggested making approval of the garage conditioned upon staff accepting the traffic report. The traffic report was submitted along with their site plan resubmittal they were requested to do. Staff asked for two modest revisions and that is the document that was delivered to Mr. Butler's office. He believes they will find that everything is in compliance and that they have met all of the requirements of staff for the traffic study. If they do not get it then no permit will be issued for the garage. The same goes for the median; if they do not get median approval they will not get the increase in the cap. They understand that. It is a Broward County Road so Broward County issues the permit for those median improvements.

In response to Councilmember Jacobs, Mr. Laystrom stated that Mr. Butler and Ms. Bernstein have been very clear about the u-turn at NW 118th Avenue. They believe that with the new median u-turns will be made before getting to NW 118th Avenue.

Councilmember Tingom believes that the approval of the garage probably is overdue. He is somewhat concerned about the increased student enrollment. He is not sure how 546 students would affect the area. He thinks it will be much better with a parking garage on the school side. He is very pleased that the applicant met with Terra Bella and that has been resolved. At this point, he would like to move ahead on the conditional use of the garage and defer the cap limit. He would like to know a little more about how those students would fit

into the school. He indicated that most classrooms have empty places. With a school the size they are right now, his opinion is that 10% would probably fit in addition to that, which would be about 240 students. This is 546 and he does not know the dynamics of how well that would work.

Councilmember Stoner suggested giving them 250; we split it and give them half.

Councilmember Levy questioned when the original cap was put in.

Councilmember Jacobs stated that it has been modified over the years.

Mayor Bendekovic commented that it was when Lee Hillier was here so it had to be before 2001.

Mr. Laystrom advised that the cap was put on when Lee Hillier got on the City Council and demanded that it was a DRI. It has been increased since that time. The garage is tied to the median improvements and they are all tied to the increase of the student enrollment. They have spent two years on this. The garage is a great addition; it is enough parking for all of the students whether it is the students we have today or the ones with the cap. They are not increasing any of the facilities other than the gym.

Motion by Councilmember Jacobs, seconded by Councilmember Stoner, to approve Item #26 with the enrollment increase to 2,945 as requested; granting waivers #1 and #3 incorporating the additional conditions of approval they have been negotiating with the residents; and subject to traffic approval. Motion carried on the following roll call vote:

Ayes: Jacobs, Levy, Stoner, Tingom, Zimmerman

Nays: None

Mr. Laystrom indicated that the only other request, since they had the additional landscape screening, was that they would not be adding the framing of the garage openings.

Councilmember Stoner questioned whether this request incorporates the u-turns.

Mr. Laystrom stated that it does.

Mr. Leeds commented that his understanding that the paper Mr. Laystrom distributed is a private agreement between the parties, American Heritage and the condominium, and is not added to the City list of conditions.

Mr. Lunny advised that they have the authority to add it in.

Mr. Leeds stated that some of the operational conditions are problematic because it is hard to regulate operations. One of the conditions requires certain plantings on the condominium and certain plantings in the right-of-way on NW 118th Avenue and we do not know what that is going to be. At this point Landscape does not have any standards.

Councilmember Jacobs suggested that Mr. Leeds report back to Council in the future if they do not comply so we can try to take some action in the future to see that it is complied with.

Mr. Leeds indicated that is fine if it is a condition that regards planting.

Councilmember Jacobs noted that all of these conditions are not part of the approval and we want to know if they have not been complied with.

Councilmember Levy suggested that staff should meet with the Homeowner's Association President and her staff in order to see that they are satisfied with what they have been promised and that it has been fulfilled.

Mr. Leeds commented that is the only thing they can do.

Mr. Lunny indicated that if it is not part of the conditions for approval and they are not otherwise violating an ordinance provision and if these conditions do not result in nuisance conditions there is nothing the City will be able to do. He suggested that it be made part of the approval. He stated that if there is some issue that staff has about the queuing and whether that works this will be brought back to Council on July 8, 2015 saying that this particular item will not work because Mr. Butler did not see this until this evening.

Councilmember Jacobs clarified that staff is not going to enforce these additional conditions.

Mr. Lunny noted that it will be up to the homeowners to advise that they have not performed and it will be brought back for action.

Councilmember Tingom questioned whether Council has the right to reduce the cap if it is determined that the increase in enrollment creates an intolerable traffic situation.

Councilmember Levy commented that we declare them a nuisance we have options.

Mr. Lunny advised not based on that approval. You would have to have that as a condition to come back and revisit it. It is subject to staff's review.

Mr. Laystrom indicated that they will meet with Mr. Butler regarding the traffic study; he is sure it is fine.

* * * * *

Mr. Lunny read Item #27.

27. REQUEST TO APPROVE SIGN SPECIAL EXCEPTION FOR PLANTATION
POINTE/MOTOROLA LOCATED AT 8000 WEST SUNRISE BOULEVARD. (PP15-0010)

A Staff Report dated June 24, 2015, to City Council, from the Planning, Zoning & Economic Development Department, follows:

EXHIBITS TO BE INCLUDED: Application and sign plan backup.

ANALYSIS:

The subject site is zoned I-L2P (Large Light Industrial District) and occupied by the original Motorola Plant comprising 840,000 square feet on 77.5 acres. Motorola will continue to maintain a significant presence while the remaining tenant spaces will be leased out to employment intensive large (>150,000 square feet) businesses. The applicant also proposes an additional 33,000 square feet of retail uses at the intersection of Sunrise Boulevard and University Drive.

The applicant has two applications currently in review:

- PD15-0002: Land use plan amendment to change six net acres (eight gross acres) at the northwest corner of the site from “Industrial” to “Commercial”.
- PP15-0001: (Phase 3) Rezoning six net acres from I-L2P (Large Light Industrial District) to B-2P (Central Business District) and a site plan for three commercial buildings.

On April 29, 2015, City Council approved eight of the twelve requested sign special exceptions, which included: Five interior directional signs;

- Four ground/directory signs for the existing industrial/office buildings;
- An increase in the number of wall signs for the office/industrial buildings; and
- Canopy signs for the office/industrial buildings.

Due to site circulation issues, the applicant has chosen to defer the Walgreens site plan and sign special exception to a subsequent City Council Meeting.

New Retail Component:

The applicant proposes 33,000 square feet of retail/restaurant uses at the northwest corner of the site, currently an existing retention area. The City Council has approved the relocation of the retention area to the southeast corner of the site to allow development of the new retail buildings.

The sign code defines the retail component as a “*center establishment*” and permits one square foot of wall sign area for each lineal foot of store frontage up to a maximum area of 60 square feet. The code allows the retail tenants a second wall sign equal to ½ the size of the front wall sign. Logos are permitted as part of the allowable sign area, but are limited to a maximum of 10% of the overall allowable sign area.

In addition to size, the code limits the number of colors allowed within a center based on the number of tenant spaces. For six tenant spaces (excluding Walgreens), two wall sign colors are permitted.

RETAIL STORE SIGN SPECIAL EXCEPTIONS: The design, building orientation, and setbacks of the retail stores (excluding Walgreens) are similar to other shopping centers in Plantation. However, staff can distinguish the retail component of Plantation Point from any other retail center based on the following:

- a) The retail component of Plantation Point is necessary to attract and retain very large office and technology uses. Loss of productivity is significant for large companies if their employees have to leave campus every day for lunch or go to the drugstore.
- b) Large companies often limit lunch hours (40 minutes in some hospitals) or require employees to stay on-site. While cafeterias are often provided (Westside, Kaplan, and Amex), additional on-site dining or retail options provide employees a choice.
- c) On-site facilities allow employees to save gas and take a short walk during lunch.
- d) The repurposing of the former 800,000 sq. ft. Motorola facility is intended to employ 3,000 persons within the next 18 – 24 months. Retaining this 70-acre site as an employment/technology center is critical to maintaining Plantation’s tax base and increasing employment levels.
- e) No city grants, loans, or any other incentives were required to attract the developer to Plantation.

OFFICE/TECHNOLOGY BUILDING SPECIAL EXCEPTIONS: The design, building orientation, setbacks, and vehicular access of office/technology center is unique in the City such that staff can support the special exceptions.

SPECIAL EXCEPTION REQUESTS AND STAFF RECOMMENDATIONS:

Center Establishment Sign Criteria (Three new retail buildings at the NW corner of the site):

- 1) From: Section 22-35 (e) which allows two ground directory signs limited to 48 square feet in area for the retail component.
To: Allow both ground directory signs (one fronting University Drive and one fronting Sunrise Boulevard) to be 49 square feet in area.
Staff: The applicant is proposing two ground directory signs (one on each street frontage) and a minimal increase in sign area for both of the proposed ground signs. Staff has no objection to the "de minimus increase" in area for both of the permitted ground signs.
- 1) From: Section 22-35(g), which allows:
(a) Wall signs on the front of each tenant, one square foot of wall sign area per one lineal foot of tenant frontage, and
(b) A second wall sign on the rear of each tenant, not to exceed ½ the size of the permitted front wall sign.
To: Allow all rear wall signs to be equal in size to the allowable sign area on the storefront for the three multi-tenant buildings.
Staff: No objection to the request.

Overall Site Sign Criteria (Retail and Office/Technology Buildings):

- 2) From: Section 22-20(b), which states that wall signs where a property has several building sites, the entire property must have matching sign attributes (i.e. colors, fonts, etc.) and limits the number of sign colors for centers having between four and ten tenants to two colors.
To: Allow three color selections and unlimited fonts for the retail buildings.
Staff: No objection to the request.
- To: Allow unlimited color selections and unlimited fonts for the office/industrial buildings.
Staff: No objection to the request.
- 3) From: Section 22-20(g), which limits the size of the logos to 10% of the allowable sign area.
To: Allow logos up to 40% of the allowable sign area for the entire complex (the proposed retail and existing office/industrial buildings.).
Staff: No objection to the request.

STAFF COMMENTS:

PLANNING AND ZONING:

1. Staff recommendations are noted above in italics.

ENGINEERING DEPARTMENT:

1. Commercial Monument Sign # 2 is located in a FPL easement. Please provide approval from FPL for the sign to be located there. The other sign locations are acceptable.

TRAFFIC CONSULTANT: See Engineering.

DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT:

1. Staff has no objections to the Sign Special Exception for the wall-mounted signs for buildings VII & IX.
 - a. Please make sure the proposed location for the wall signs are not obstructed by City code required landscape throughout the landscape pedestrian zones

FIRE DEPARTMENT: No comments.

UTILITIES:

1. The proposed sign locations along Sunrise Boulevard appear to be in direct conflict with an existing water main which runs the entire length of the property. There is also a potential for conflict with existing lines on the North University Drive locations that cannot be determined until the proposed sign locations are placed on a survey showing existing and proposed water and sewer lines as well as existing and proposed Utility easements and reviewed by this Department. If approved and prior to permitting, Utilities will complete a permit plan review and determine if there is a conflict with the existing mains in the desired location. If there is a direct conflict, Utilities will not be able approve the sign permit. The Building Permit will not be approved by Utilities and a new sign location must be determined. No structures are allowed to be installed in Utility easements.

EXHIBIT A

Sec. 22-11 Sign special exceptions

- (a) A special exception from the terms of this Chapter shall not be granted by the City governing Body unless and until a written request for a sign special exception has been submitted demonstrating:

STAFF RESPONSE: Staff has responded individually to the following criteria in the individual staff recommendations provided in the body of the report.

- (1) That special conditions and circumstances exist such as, but not limited to, building orientation, vehicular circulation or vision obstructions (not to include landscaping) that are peculiar to the land, structure, or building that create a site specific justification for the exception;

APPLICANT RESPONSE: Plantation Pointe has the following special conditions and circumstances:

- A 77-acre site that can accommodate multiple tenants and that requires adequate building directional and roadway signage to allow the public to know the companies that are located here and to find their desired destination.
- A site that does not actually fit any signage category in the Sign Code.
- 3,562 feet of frontage on two major roads with speeds of 45 miles per hour.
- 5 driveway connections.
- Two categories of major uses requiring separate signage.
- Almost 850,000 square feet of buildings.
- Buildings designed, located and built for Motorola which as the sole user of the site had adequate visibility from the roadway but those buildings poorly oriented and set far back from the roadway do not provide desirable visibility for multiple tenants.

- (2) That a literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other property of lands, structures or buildings of similar character with identical special circumstances (nonconforming signs shall not be grounds for issuing sign special exceptions), or alternatively, that a special exception from the provisions of this Chapter is warranted and justified to protect, preserve, or enhance the City's tax base or to prevent or eradicate conditions of economic blight;

APPLICANT RESPONSE: This special exception is warranted and justified and to protect, preserve, or enhance the city's tax base and to prevent economic blight because Plantation Pointe is an important property in the City and needs revitalization. When redeveloped the site will not really fit any signage category in the code. This property provides an opportunity for attracting major tenants and employers to the City. But for the revitalization to be successful the major tenants who locate in the property need to be able to be identified to the public as doing business within the property and within the City.

- (3) That special circumstances and circumstances do not result from the action of the applicant.

APPLICANT RESPONSE: The special circumstances applicable to this special exception are that the property was developed and designed for a single user but the desirable reuse and revitalization of the property depends upon the ability to create a setting for multiple tenants and for commercial uses to serve tenants. This type of campus is not addressed by the sign code.

(4) That the sign special exception to be granted is the minimum measure needed to address the special conditions and circumstances that justify the special exception;

APPLICANT RESPONSE: Because of the 5 driveways, multiple tenants and mix of commercial and office/industrial uses the signage needs of the site cannot be adequately addressed with less signage than requested by this Special Exception.

The special exception will allow the monument sign to be viewed by those shoppers coming to the site.

(5) That the sign special exception will be in harmony with the general purpose and intent of this Chapter and will not be injurious to the neighborhood, or surrounding property, and will not otherwise detrimental to safe and convenient use of nearby rights-of-way;

APPLICANT RESPONSE: The Applicant has worked with the staff to design effective and tasteful signage that signals to the public the fact that this is a unique office campus within the city housing quality tenants. The ground signs are displayed on high traffic 6-lane roadways with expanded intersections. Commercial uses sit on the other three corners of Sunrise and University. The site's 3,562 feet of frontage roadway on Sunrise Boulevard and University Drive allows for more than adequate separation of the ground signage. Each of the ground signs does not exceed the sign limitation for a ground sign. In addition no signage has been requested for Marcano Boulevard.

(6) That all other signage on the property is in substantial compliance with this Chapter, as applied.

APPLICANT RESPONSE: Other than the signage matters for which the special exception is being requested all of the signage meets the City's signage regulations

* * * * *

Mr. Lunny read Item #28.

28. REQUEST TO APPROVE A SITE PLAN, ELEVATION AND LANDSCAPE PLAN FOR PLANTATION POINT (FKA MOTOROLA) – PHASE 3. PROPERTY LOCATED AT 8000 WEST SUNRISE BOULEVARD. (PP15-0001)

REQUEST 1: Site plan, elevation and landscape plan approval for commercial outparcels (Phase 3)

REQUEST 2: Rezoning of 5.62-net acres at the northwest corner of the site from I-L2P (Large Light Industrial District) to B-2P (Central Business District.)

WAIVER REQUESTS:

- 1. From: Section 27-657, which requires a 40 foot wide landscape buffer along Sunrise Boulevard.
To: Reduce the required landscape buffer to 31 feet along Sunrise Boulevard.
- 2. From: Section 13-40(a)(b)(c)(3). Interior landscaping for parking areas:
Islands shall be provided to separate parking bays from major internal access drives and shall have a minimum width of 10', not including curbing.
To: a. 10' wide terminal islands required throughout - < 10' provided in 5 islands.

3. From: Section 13-40(a)(b)(c)(5). Interior landscaping for parking areas:
Where multiple perpendicular or angular parking spaces are provided to driveways, landscape islands will be preserved in green so as to break up the monotony of such parking and to minimize the hazards created thereby providing visual breaks to assist in seeing other pedestrian and vehicular traffic every eighth space on commercial properties.
- To: a. 1 island required every 8th space – 1 island provided, on average, every 9th space.
4. From: Section 13-40 (a)(b)(f). Interior landscaping for parking areas:
Large shade trees shall be installed in all parking areas at a maximum spacing of 40' center to center.
- To: a. 1 shade tree is required in all islands – where islands are less than 8' in width a Category 2 tree shall be planted or 3 Category 4 trees; there is 1 terminal island less than 8' in width with 3 proposed Category 4 trees.
b. 1 tree required in each island every 8th space – 1 tree provided, on average, every 9th space provided.
5. From Section 13-41(a)(b)(c). Pedestrian zones along building facades.
Landscape pedestrian zones shall extend the full width of each façade which abuts a parking or vehicular use area; the minimum width of such landscape zone shall relate to the adjacent structure's wall height.
- To: Building VII S:
a. 12' lpz is required along the eastern façade – 10'-10" has been provided.
b. 12' lpz is required along the western façade – 10" has been provided.
Building VII N:
a. 12' lpz is required along the eastern façade – 10'-10" has been provided.
b. 12" lpz is required along the western façade – 10' has been provided.
Building IX:
a. 12' LPZ is required along the northern façade – 0' has been provided.
Building VII S:
a. 12' lpz is required along the eastern façade – 10'-10" has been provided.
b. 12' lpz is required along the western façade – 10" has been provided.
Building VII N:
a. 12' lpz is required along the eastern façade – 10'-10" has been provided.
b. 12" lpz is required along the western façade – 10' has been provided.
Building IX:
a. 12' lpz is required along the northern façade – 0' has been provided.
6. 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.
- To: Building IX:
a. 4 trees required along the northern façade – 1 tree provided.
Building VII N:
a. 3 trees required along the northern façade – 1 tree provided.
b. 3 trees required along the southern façade – 0 trees provided.
c. 3 trees required along the eastern façade – 2 trees provided.
d. 3 trees required along the western façade – 2 trees provided.

Building VII S:

a. 3 trees required along the northern façade – 0 trees provided.

7. From: Section 13-40(a)(b)(3). Interior landscaping for parking areas:
Medians shall be provided to separate parking bays from major internal access drives and shall have a minimum width of 10', not including curbing. 2' vehicle overhang does not count towards code required dimensions; paved sidewalks do not count towards code required dimensions.
- To: a. 10' wide median required north of Building VII – 8' provided.
b. 10' wide median required in the median west of the west drive isle to Sunrise – 8'-6" provided.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; development review application; Planning and Zoning Board Meeting *draft* minutes May 5, 2015 ; Landscape Planning Review Board *draft* Meeting minutes of May 5, 2015; and Review Committee Meeting minutes of February 24, 2015.

PLANNING AND ZONING BOARD RECOMMENDATION: APPROVAL subject to staff comments. (6/0; May 5, 2015).

LANDSCAPE PLANNING REVIEW BOARD RECOMMENDATION: APPROVAL subject to staff comments (4/1; May 5, 2015)

REVIEW COMMITTEE RECOMMENDATION: NO OBJECTION to the project moving forward for further review (February 24, 2015).

ANALYSIS:

The subject site is zoned I-L2P (Large Light Industrial District), 77.5 acres in area, and developed with an 839,898-square-foot office/industrial complex with current or planned occupancy by Motorola, Sheridan, and Baptist Health. Sunrise Boulevard bounds the property on the north, residential uses on the south and east, and University Drive on the west.

On August 13, 2014, City Council approved a parcelization plan with associated waivers separating the site into two parcels of 23.37 and 54.17 acres, respectively.

On December 17, 2014, City Council approved Plantation Pointe Phase 1 which included:

- Relocation of the two existing retention ponds currently located adjacent to Sunrise Boulevard to the southeast corner of the site;
- Reduction in the required parking to allow a medical use to occupy the previous day care building (Building VI); and
- Removal of parking in the area of the pond relocation.

On April 29, 2015, City Council approved Plantation Pointe Phase 2 which included:

- Addition of a northbound right in only entrance from University Drive approximately 450 feet south of Sunrise Boulevard;
- Construction of entrance canopies on the north side of Building II and the east side of Building IV;
- Removal of an existing covered driveway on the east side of Buildings IV and V;

- Installation of new parking areas north of Buildings II and IV (fronting Sunrise Boulevard), east of Building V, and west of Building VI (fronting University Drive);
- Installation of a recreation area and fitness trail around the relocated retention pond;
- Reconfiguration of the pedestrian / outdoor seating area at the northwest corner of the cafeteria building;
- Addition of a standby generator on the south side of Building VI (the proposed medical use);
- Installation of a loading zone between Buildings II and IV;
- Landscape renovations; and
- A sign special exception for ground signs and wall signage for the existing office/industrial complex.

Concurrently in review is:

- A land use plan amendment to change the land use designation of the 5.62 acres located at the northwest corner of the site from industrial to commercial;
- A site plan (Phase 4) for a proposed Walgreen's at the northwest corner of the site; and
- A sign special exception for ground signs and wall signage for the proposed retail complex.

The current proposal for Plantation Pointe Phase 3 includes the following:

- Rezoning 5.62 acres located at the northwest corner of the site from I-L2P to B-2P; and
- Three new multi-tenant commercial buildings together with associated parking and landscaping at the northwest corner of the site (a 6,800-square-foot building facing Sunrise Boulevard and two 5,000-square-foot buildings facing University Drive).

STAFF COMMENTS:

Planning:

1. This request must undergo a local concurrency review for 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 (see attached).
2. The applicant is responsible for City impact fees, as required, payable at the time of permitting. Acknowledged by the applicant.
3. The applicant has responded to Policy 1.16.1 in the Land Use Element of the adopted Comprehensive Plan. See the attached Exhibit A.

Zoning:

In General:

1. Note: Page 3 of the development review application does not include the proposed commercial square footage. The applicant has entered "N/A" for the line item "Type and square footage of proposed non-residential uses." For the record, the proposed non-residential use is 16,800 square feet.

Site Plan:

2. Section 27-657 requires a 40-foot wide landscape buffer along Sunrise Boulevard. The applicant is proposing 31-feet (to the existing bus bays) and requesting a waiver.

Floor Plans:

3. Note: The floor plans do not reflect air-conditioned garbage rooms for the proposed restaurant buildings. Each restaurant requires an air-conditioned garbage room. See the Building Department for details.

Parking:

4. Note: Conceptual outdoor seating areas are shown near some commercial buildings. For future reference please note:

- a. Staff reviews outdoor seating on a tenant-by-tenant basis based on specific code criteria (Section 27-721(61).)
- b. Outdoor seating areas that exceed 10% of the associated restaurant gross floor area will require additional parking per code.
5. Note: It is our understanding that the wellness center and the cafeteria will not be open to the public. The applicant added a note on sheet A100 stating these uses will remain for the private use by the employees of the complex. Staff considers these uses accessory to the office complex and therefore not included in the required parking calculations.

Lighting:

6. See Police Department advisory comments.
7. Note: Building up-lighting or lighting flooding the face of the building is prohibited.

Details:

8. The dumpster enclosures for Buildings VII and IX, includes an area for “grease waste” and “compost”. See the Building, Fire and Utilities Departments for additional requirements.
9. The details on Sheet A800 indicate the dumpster enclosure gates are wood slats. Please provide solid metal or PVC gates. Revise plans accordingly.
10. Note: For future renovations to existing buildings and the proposed retail buildings, Section 27-653 requires all rooftop equipment be screened by a screening material that is as high or higher than the rooftop equipment and of similar material and color to the building.
11. Note: Outdoor merchandise display is not allowed.

Signage:

12. Signage is not part of this review.

ENGINEERING DEPARTMENT:

1. Please provide complete signing and marking plans. A meeting was held with the Applicant’s engineer on February 5, 2015 to discuss this comment for Phase 2. Phase 3 was also discussed at that time. All concerns discussed in the meeting shall be addressed and will be reviewed at the next submittal. 04-15-15: Signing and marking is not complete. Please meet with Engineering to discuss. **06-12-15: There are still some issues with the signing and marking. The phases do not match and there are some missing signs and markings. It is hard to verify the signing and marking because the comments for the Phase 2 City Council plans, that have already been approved, will not be addressed until permitting. The corrections are not included in the Phase 3 submittal.**
2. Please provide all of the corrected signing and marking on the Site Plan as well as the Civil Plans. 04-15-15: Comment not addressed. **06-12-15: Comment not addressed.**
3. The proposed drive-thru configuration does not function sufficiently for traffic safety, it allows too many vehicle conflicts at the access points and driveway locations. As discussed in the meeting February 5, 2015 with the Applicant’s engineer, this will be revised. 04-15-15: The configuration of the drive-thru access still does not function sufficiently for traffic safety. It is recommended that this access point (closest to University Drive) be closed and all vehicles would enter/exit at the eastern most access point of this outparcel. The by-pass lane would remain south of the drive-thru lane. **06-12-15: Walgreens has been removed from this submittal.**
4. 04-15-15: The eastern most access point of the proposed Walgreens parcel needs to be revised. As shown it does not align properly with the other legs of the intersection. The signing and marking is different on the civil plans than the site plan. Please revise. **06-12-15: Walgreens has been removed from this submittal.**

5. 04-15-15: There are no dimensions for the site work on the civil plans. Please provide all dimensions, including but not limited to drive aisle, parking spaces, and sidewalks. **06-12-15: Comment not addressed.**
6. 04-15-15: Dumpster door may not open into the drive aisle. Please revise. **06-12-15: Comment not addressed, doors (for both dumpsters) will open into the drive aisle per the detail on sheet A800.**
7. The fire truck radius does not make all of the turns as shown in the plan. For example, it cannot make the turn from the northern most entrance off of University to the south retail parcel. Please revise to show that the truck turns can be made, revise the path of the truck for sufficient Fire Department access for life safety or provide statement from the Fire Department that the turn is not required. 04-15-15: Comment revised. **06-12-15: It does not appear that the movement exiting the drive aisle south of Building 2 can be made as shown. Please meet with Engineering prior to submitting plans for permitting.**
8. Please verify that information, such as roadway dimensions, from the Phase 2 plans are accurately represented in the Phase 3 plans. **06-12-15: It is hard to verify the requested information because the comments for the Phase 2 City Council plans, that have already been approved, will not be addressed until permitting. The corrections are not included in the Phase 3 submittal.**
9. **06-12-15: With the removal of the Walgreens site, the erosion and sedimentation control plan does not match the site plan. The silt fence is shown in the area of the drive aisles that are being proposed as part of the retail that is part of Phase 3, this submittal. The plan will have to reflect the absence of the Walgreens parcel and include the proposed drive aisle. The plan will have to be revised at permitting with the Walgreens site having to provide their own plan when they submit for permitting.**
10. Additional comments may be generated based on the plans submitted for permitting, as these comments will not be addressed until then.

Traffic Comments

1. The access off of North Marcano Boulevard was modified so as not to allow right turns into the Site.

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.
8. The owner/developer will be required to coordinate with the Engineering Department, *prior to application for construction permits*, to set up a trust account with a \$1,000 minimum starting balance.
 9. An erosion and sedimentation control plan will be required and reviewed at time of permitting. An NOI will be required.
 - a. The truck wash areas must be set 25 feet back from the edge of pavement.
 - b. Please provide the erosion and sedimentation control plan on the existing conditions and not the proposed site plan. The erosion control is set up prior to construction and that will need to be reflected in the plans.
 10. A Maintenance of Traffic (MOT) plan will be required. Please meet with Engineering to discuss if there are any questions or concerns.
 11. Drainage calculations will need to be submitted, signed and sealed by a professional engineer registered in the State of Florida.
 12. Surface water management permit(s) through the Old Plantation Water Control District (OPWCD) and/or SFWMD will be required and a copy(s) provided to the Engineering Department at the time of permit review.
 13. The Applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements for each phase at the time of permitting.

TRAFFIC CONSULTANT: Please see Engineering.

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 before this project will be released from this department to proceed to City Council.
- When responding to staff comments, please bubble plan changes and specify the page number corrected in the written responses.
- The applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements at time of permitting.
- 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. Section 27-657 requires a 40 foot wide landscape buffer along Sunrise Boulevard. The applicant is proposing 38-feet. ***Waiver required.***
2. Islands separating parking bays from major internal access drives (terminal islands) shall have a minimum width of 10', not including curbing. 5 islands are < 10' wide. ***Waiver required.***
3. One planting island is required every 8th space on an averaged basis on commercial properties. Proposed plans show 1 island every 9th space on an averaged basis. ***Waivers required***
4. Medians separating parking bays from major internal access drives shall have a minimum width of 10', not including curbing.
 - a. Median N of Building VII: 10' required – 8' provided.
 - b. Median W of the W drive isle to Sunrise: 10'' required – 8'-6'' provided
5. 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 measured from the base of the building and shall relate to the adjacent structure's wall height. (Paved areas in the lpz may not constitute more than 5' of required lpz.).

Building VII S:

- a. 12' lpz is required along the eastern façade – 10'-10'' has been provided.
- b. 12' lpz is required along the western façade – 10'' has been provided.

Building VII N:

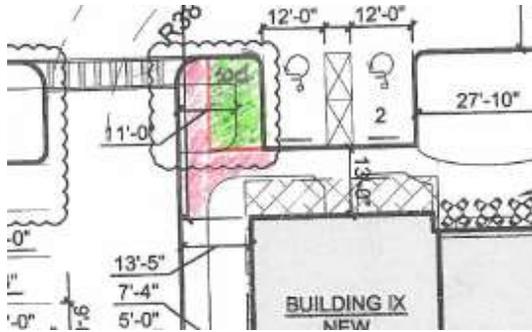
- a. 12' lpz is required along the eastern façade – 10'-10'' has been provided.
- b. 12'' lpz is required along the western façade – 10' has been provided.

Building IX:

- a. 12' lpz is required along the northern façade – 0' has been provided.

Waiver required.

6. Staff requests re-configuring the proposed sidewalk in the planting island on the northwest island gaining additional planting space.



7. Staff requests reconfiguring the crosswalk bisecting the planting island on the east side of Building VII N and VII S to either allow a larger planting space or additional 8' wide planting islands distributed throughout the parking island to meet the code required 1 island every eighth space. Currently the plans propose the planting of 2 category 1, shade trees, within 15' on center (appropriate spacing would be 30' to 40' on center).
8. Please consider the use of a bike rack to provide an alternate method of transportation.

Planting Plan:

1. A minimum of 1 tree is required every 30 lineal foot, or fraction thereof, of façade width throughout the landscape pedestrian zones (3 palms = 1 tree).

Building IX:

- a. 4 trees required along the northern façade – 1 tree provided.

Building VII N:

- a. 3 trees required along the northern façade – 1 tree provided.
- b. 3 trees required along the southern façade – 0 trees provided.
- c. 3 trees required along the eastern façade – 2 trees provided.
- d. 3 trees required along the western façade – 2 trees provided.

Building VII S:

- c. 3 trees required along the northern façade – 0 trees provided.

Waiver required. Staff requests mitigation for all City code required trees if waivers are approved.

2. Large shade trees shall be installed in all parking areas at a maximum spacing of 40' center to center.
 - a. 1 shade tree is required in all islands – there is 1 planting island with 3 category 4 trees.
 - b. 1 tree required in each island every 8th space – 1 tree provided, on average, every 9th space.

Waiver required. Staff requests mitigation for all City code required trees if waivers are approved.

3. Staff requests the planting of Category 1, shade trees, greater than 15' on center to allow room for the tree canopy and root system to fully develop.
4. Please include the height, spread and spacing on all proposed hedge and ground cover.
5. Remove the container size on all hedge and ground cover.
6. Center trees in the planting islands (i.e. center the proposed DR3X in the large planting island north of Building IX).
7. Please include all above and below ground utilities on the landscape plan (i.e. fire hydrants & associated equipment, FPL boxes, etc.).
8. All proposed trees to be removed or relocated require ISA appraisals based on the 2000 or the FL Chapter of the ISA Rule Chapter 14-40.030 of the FL Administrative Code. ***Staff is working closely with the applicant regarding this matter.***
9. Performance bonds are required on all trees to be relocated as per City codes. ***Staff is working closely with the applicant regarding this matter.***

10. All proposed trees to be removed must be mitigated for as per City codes; tree mitigation will be above and beyond code required trees on the property. *Staff is working closely with the applicant regarding this matter.*
11. City staff will verify all trees proposed to be removed, remain, and/or relocated. *Staff is working closely with the applicant regarding this matter.*
12. Please include a watering schedule for palm and tree relocation.
13. 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 to site plan and elevation plans.

FIRE DEPARTMENT:

1. The Fire Department has no objection to the applicant's request to extend the deadline for the fire improvements that were a condition of the Parcelization site plan (PP14-0002 & PP14-0017) to allow completion of the work by December 31, 2015, with a 3 month potential extension for good cause if approved by the Fire Chief.

POLICE DEPARTMENT: PHASE 3

Statement of Purpose:

The purpose of this survey is to provide some security recommendations for your business. This report is only advisory and is not intended to identify all of your security weaknesses or to in any way warrant the adequacy of all present or future security measures your business may take, whether or not recommended.

1. Construction phase - "No Trespassing" signs, including reference to appropriate state laws and local ordinances, should be posted near property boundaries. Posted on fencing surrounding construction site and materials. Florida State Statute (Construction Site Trespass) Review statute FSS 810.09.
2. External Lighting - Parking lots, vehicle roadways, pedestrian walkways and building entryways should have adequate levels of uniformed illumination. The American Crime Prevention Institute recommends the following levels of external illumination:
 - Parking Lots 3-5 foot-candles.
 - Walking Surfaces 3 foot-candles.
 - Recreational Areas 2-3 foot-candles.
 - Building Entryways 5 foot-candles.
 - Sheet #E100 Photometric survey recommended.
 - Recommend the use of metal halide/ or LED exterior lighting.
 - Exterior lighting should be controlled by automatic devices (preferably by photocell).
 - Exterior lighting fixture lenses should be fabricated from polycarbonate, break-resistant materials.

UTILITIES: No objection to request #1 or #2 providing the following:

1. Even though Walgreens was deferred from this submittal, both water and sewer lines must be sized properly to support project.
2. **Water and sewer lines not provided on Landscape plans as directed. This could have a direct impact on code required trees.**
3. No structures or category one trees allowed in Utility easements.
4. Plan C301.1 plan still shows an incorrect line size on the gravity main. Plan states line is 6" when I believe the line is 8". Engineer was to verify prior to submittal. The City will not allow an 8" line to be

connected to a 6" line supplying two proposed restaurants. Should line be 6", developer must upgrade to 8" to avoid grease blockages.

5. **All Phase Two work must be completed prior to permitting of any portion of phase 3.**
6. If approved and 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, 954.797.2159.
7. This review is preliminary. Final comments will be provided at time of permitting. The final review could generate additional comments.
8. The existing Trust account must be maintained during the entire project.
9. Onsite improvements and equipment may be required at applicant's expense to support project.
10. Provide plan for vacating easements as necessary if applicable.
11. **Show all new and existing water and sewer lines and easements on landscaping and drainage plans.**
12. Maintain all utilities and utilities easements for water and wastewater system access.
13. Full Utilities plan review & approval is required prior to permitting. No plans are for construction until marked "Final".
14. All meters must be installed in green area.

O.P.W.C.D.:

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

WASTE MANAGEMENT: No objection.

EXHIBIT A

Policy 1.16.1 states: The City shall consider the following policy considerations, in addition to all other appropriate policy considerations stated elsewhere in this Plan, when making a decision on whether to change the zoning classifications for a parcel of property or change the future land use designation on a parcel of property:

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

Response: The current, I-L-2P Zoning District was created for the subject property at the time the site was developed as a secure site used only by Motorola. Motorola has reduced its operations on the property and no longer requires occupancy of the entire site. As a result Motorola has consolidated its operations into Buildings 1 and 3 and sold the property to 8000 West Sunrise LLC. The remainder of the property contains buildings of substantial value that need to be leased to major tenants wishing to occupy very large spaces. The property as developed today can accommodate approximately 5,000 employees. Prospective tenants desire to locate their operations within a campus-like setting that provides the convenience of shopping and eating on the same property as the workplace. The current zoning does not allow those supportive uses required to attract major tenants to the property.

Staff concurs.

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

Response: The zoning change proposed does not have a substantial impact on any city services. As a non-residential use, the new development on the site will not impact schools or parks. The site plan that is being filed along with the rezoning request shows the addition of approximately 34,000 square feet of retail uses, a fairly minor addition (4% increase in building area) to a site that already contains 839,838 square feet of buildings. In connection with the redevelopment of the property, the applicant will be providing entirely new fire loop and utility systems to the site to address the fire and utility issues that have been raised in the review process. In addition, the applicant has been requested to replace a public sewer line on University Drive between Sunrise Boulevard and Marcano Boulevard which has deteriorated over the years. In regard to roads, the applicant will be required to pay Transit Concurrency Impact fees to the County for the new construction. Access approval has been obtained from the Florida Department of Transportation. According to a study prepared by Kimley Horn and submitted to the Florida Department of Transportation to obtain that access approval for the site, the new retail development proposed will generate 209 net new vehicle trips in the AM and 217 net new vehicle trips in the PM.

Staff concurs.

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

Response: The development of the northwest corner of the subject property to retail use is completely compatible with the surrounding properties. The site is bordered on two sides by major arterial roadways that are developed entirely with commercial uses in the vicinity of the property. The remainder of the Plantation Point property is developed with industrial and office uses that house a substantial employee population that will benefit from having retail and restaurant uses onsite. Therefore rezoning of the 5.62 acre parcel at the corner of University Drive and Sunrise Boulevard to B-2P zoning is both compatible with the adjacent areas and supportive of the other uses within Plantation Pointe.

Staff concurs.

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

Response: The relevant portion of the Flex Zone 74 Neighborhood Plan points out the Motorola site and states, that with pressure to redevelop sites for affordable housing, all efforts should be made to maintain this tax and job base. The proposed rezoning, which will allow beneficial and supportive retail uses to be added to the Plantation Pointe campus, is part of an overall plan to improve the attractiveness of the site for new office users and thereby stabilize the use of the property as an industrial and office campus which provides employment and tax base for the City. .

In meetings with the neighborhood residents they expressed the greatest concern that this very large site would be entirely converted from its current predominant use as an office and industrial campus to another use. They were relieved to learn that the plans for the property would retain and upgrade the property as an office and industrial campus.

Staff concurs.

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

Response: The following objectives and policies are furthered by the proposed rezoning.

Objective 1.6 Achieve growth and development (through the planning period and to build-out) which is guided by this plan, consistent with the adopted Capital Improvements program and a consolidated development code which contains subdivision regulations, innovative design, planned community development district (PDC), mixed use development provisions. See Policy 1.6.2 for measurability. (Ord. No. 1974.4/13/94)

Policy 1.6.1B The City's land use plan shall ensure that commercial, industrial and other non-residential land use plan designations are located in a manner which facilities their serving, but does not adversely impact existing and designated residential areas. (Ord. No. 1974, 4/13/94)

Objective 1.10 Industrial

Industrial areas combining office, laboratory, testing and research activities, fabrication and assembly located on sites surrounded by landscaped open space with direct access to the City's arterial streets shall provide employment for the City's residents as well as residents of other parts of the metropolitan area. See list of uses for measurability.

Policy 1.10.2 Standards for environmental design will be developed and redevelopment activity undertaken in industrial areas by the City and property owners to provide additional amenities, to improve access, parking, circulation, and to intensify existing perimeter landscaping to ensure the compatibility of these areas with adjoining areas.

Staff concurs.

- 6) Whether the project as proposed offers significant benefits not otherwise available to the City if the changes were not made (for example, does the planning, design, and development of the property exceed the minimum otherwise required land development requirements in terms of reserving appropriate open space, development themes, taking advantage of natural and manmade conditions or environments, controlling pedestrian and vehicular traffic systems, substantially intensifying landscape of providing landscape contributions to the City, improving or maintaining public infrastructure of infrastructure improvements or maintenance, exceeding setbacks and building separations where appropriate, and reflecting an orderly and creative arrangement of buildings and land uses as appropriate?);

Response: The redevelopment of the site offers the opportunity to open up the site to multiple tenants, to remove the gates that have isolated the site, to activate Sunrise Boulevard and to create a campus-like setting with commercial amenities connected by a system of walkways and enhanced by a mature tree canopy.

Staff concurs.

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

Response: The proposed project offers the city significant economic development benefits by providing an attractive setting for employees, bringing strong new businesses to the City, providing a significant upgrade to the property and energizing the redevelopment of the Sunrise Boulevard roadway corridor.

Staff concurs.

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

Response: The present zoning scheme handicaps the property from becoming an attractive location for businesses and employees by prohibiting retail uses that allow the property to become a workplace to compete with downtown office buildings which have retail shops and restaurants within walking distance.

Staff concurs.

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

Response: The City of Plantation would benefit from additional attractive office and industrial business area that are able to successfully attract major employers to the city. The redevelopment of the property and the change in zoning will allow the former Motorola site to meet this City need by providing an attractive and convenient setting for employers and employees.

Staff concurs.

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

Response: On the City website under Economic Development, the City describes itself as a business location with accessibility and at the center of it all. This description also aptly describes the Plantation Pointe property. As a site with excellent potential for attracting major employers it make sense to provide the zoning enhancements necessary for the property to become a complete workplace.

Staff concurs.

- 11) The proposed future land use or zoning of the property does not and will not result in contamination of groundwater sources used to supply potable water.

Response: The addition of retail and commercial uses to the property will not result in groundwater contamination.

Staff concurs.

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

Response: The proposed addition of approximately 34,000 square feet of retail use including restaurants will not generate more than 20,000 gpd of water demand. The city's utility plant and consumptive use permit have sufficient capacity to accommodate the demand.

Staff concurs.

Mr. Lunny suggested asking Attorney Barbara Hall whether she has any objection to consolidating the hearing or if she wanted to present the evidence in any certain way. He noted that if the hearing could be consolidated it might be more expeditious.

Ms. Hall did not have any objection; they would prefer to consolidate.

Councilmember Jacobs made a Jennings Disclosure. He with the applicant a few times and those meetings have been recorded. He will base his decision based on the evidence presented this evening.

Councilmember Tingom made a Jennings Disclosure. He met with the applicant and his decision will be made based on the evidence presented.

Mayor Bendekovic mentioned that Motorola will be coming in in different phases. She questioned if we have to disclose every time. She met with them when they presented the master plan so she should not have to keep saying that she met with them during each phase because she saw each phase.

Mr. Lunny advised that it is for every phase of every application.

Mayor Bendekovic made a Jennings Disclosure. She met with the applicant today, it was logged in and everyone registered.

Councilmember Zimmerman made a Jennings Disclosure. He has met with the applicant in the past and it was logged in.

Ms. Hall provided a brief Power Point presentation as follows:

- Everything tonight is about the corner parcel that is going through a rezoning.
- The parcel going through the rezoning will be B-2P. The property on two sides of it is already B-2P and the other sides are bordered by their own industrial land making B-2P a very appropriate zoning.
- They are doing the parcel facing Sunrise Boulevard and the southern parcel. The Walgreens parcel could not move forward because of issues regarding the access and the drive-thru that needed to be resolved and because they had to go back to the Planning and Zoning Board for an advertising issue on the conditional use.
- The parcel facing University Drive is going to have two buildings that are adjoined by a trellis feature. It is 10,000 square feet and will have four tenants.
- It is intended to have modern architecture to match the modern architecture of the main campus.

- It will be predominately restaurants. The goal is to have restaurants to service all of the employees who will be working on the property, which is estimated to be around 3,500 people.
- The site facing Sunrise Boulevard will be 6,800 square feet and will have two tenants.
- It will also have the same modern architecture but each building will look a little different so they look like separate storefronts.
- With regard to the signage issue, they have three sign waivers and she believes that staff is in agreement with everything they are requesting.
- They are requesting for three colors instead of two colors.
- They are requesting to increase the logos to 40% of the allowable sign area and to be allowed to have the same size signs facing inward to the campus as faces outward to the street. Those are the wall sign waivers. Ordinarily the sign in the back would be one-half the size of the sign in front.
- The signs in the front will meet the one-square-foot per one-lineal-foot requirement so they are only about 3,500 square feet.
- They are also requesting small waivers on the monument signs. They are allowed to be 48 square feet and they are requesting 50.4 square feet.
- With regard to the waivers, there are a number of waivers. There is a setback from Sunrise Boulevard being reduced from 40 feet to 31 feet and there are a number of parking area waivers. They are being supported by staff.

Councilmember Tingom mentioned the walking paths that currently exist on University Drive and Sunrise Boulevard and questioned whether they will remain in their present place off the roadway.

Ms. Hall replied that they will.

Motion by Councilmember Jacobs, seconded by Councilmember Tingom, to approve Item #23. Motion carried on the following roll call vote:

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

Motion by Councilmember Jacobs, seconded by Councilmember Tingom, to approve Item #27, granting the waivers. Motion carried on the following roll call vote:

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

Ms. Hall mentioned a Utilities comment on Page 9 that says, "All Phase 2 work must be completed prior to permitting any portion of Phase 3." She stated that they are understanding that as meaning prior to Utility permitting on Phase 3 because they want to be able to go in and get the Building permits on Phase 3 to do the foundation work.

Councilmember Jacobs indicated that is the way he would read it too since it is a Utility comment. He questioned if there would be any issue with that not being restricted to Utilities.

Mr. Lunny did not know if that is what Mr. Flynn intended. He thinks it might be all right but he is not certain. He advised that he would speak with Mr. Flynn tomorrow.

Ms. Hall suggested that we state that for the record. They are coming back on July 22, 2015 and that can be resolved at that time.

Mr. Butler spoke via telephone with Danny Pollio, who actually performed the review and generated the comments on behalf of Utilities. Mr. Pollio clarified that the comment makes reference to all Phase 2. Utility work must be completed before they will support and approve any permit for Building of any sort for Phase 3. Without Phase 2 completed there are no connections available for Phase 3.

Ms. Hall believes that is a serious problem for them. She thinks that in Phase 2 the utilities will be brought to the site although there will be no utility work done within the site. As long as the utilities are brought during construction of Phase 3 she does not know why all of Phase 2 would have to be completed.

Mr. Butler clarified that Mr. Pollio was referring to all Phase 2 utility work only must be completed before they will support approval of Building permits for Phase 3. The Phase 2 utilities work is what is going to end up supporting the Phase 3 work.

Councilmember Jacobs questioned whether they were planning on going to permit for Phase 3 before utilities are finished for Phase 2.

Councilmember Zimmerman does not understand why they are restricting them from even entering into a permit for Phase 3 until all those utilities are built and in the ground.

Mr. Butler reiterated that Utilities wants to see the Phase 2 utilities work that is required completed prior to their ability to approve Building permits for Phase 3 because their position is that Phase 2 utilities are necessary to support Phase 3.

In response to Councilmember Jacobs, Mr. Lunny responded that this could be approved contingent upon the applicant coming to an agreement regarding the Utilities comment.

Motion by Councilmember Jacobs, seconded by Councilmember Tingom, to approve Item #28, subject to coming to an agreement with Utilities regarding the Utilities Comment #5 on Page 9. Motion carried on the following roll call vote:

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

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COUNCILMEMBERS' COMMENTS

Councilmember Tingom looks forward to seeing everyone on the 4th of July.

* * * * *

Mayor Bendekovic hopes everyone will come out for the 4th of July celebration.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS – None.

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SEALED COMPETITIVE SOLICITATIONS - None

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WORKSHOPS – None.

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Meeting adjourned at 9:50 p.m.

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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