

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

July 22, 2015

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

1. Roll Call by City Clerk:

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

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2. The invocation was offered by Councilmember Jacobs.

The Pledge of Allegiance followed.

3. Approval of Minutes of Meeting – June 24, 2015

4. Approval of Minutes of Meeting – July 8, 2015

Minutes of the regular meetings of June 24, 2015 and July 8, 2015 were approved as printed.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Bendekovic announced that State Representative Evan Jenne and Candice Ericks, Lobbyist in Tallahassee, were present.

Representative Evan Jenne provided the following update:

- This year in Tallahassee was historically dark. The pool of money that usually goes to funding road projects and other things around the City are done in the form of member projects. This year's member projects totaled about \$350 million. The Governor then vetoed \$500 million in every member request that was made. Because of that, it was an odd year. We did not finish on time. The Legislature has one Constitutional responsibility and that is to pass a balanced budget, which could not be done in 60 days so they had to go back for a special session. It basically came down to Medicaid funding and there was a fight between the two Chambers over that. His work with City staff and members as well as with the

Ericks Group hired outside were wonderful to work with. At the end of the day Tallahassee was a failure for everyone in the State of Florida. Every City saw their budget line items cut.

- There will be another special session because for the fourth time in a row the maps drawn for redistricting were drawn unconstitutionally.
- This is a serious problem; we have to work through it.
- He will continue to work with the City Council and staff in getting some positive things done for the City of Plantation.

Councilmember Levy heard that in the cuts made hospitals and Hospital Corporation of America were left alone with all their needs. Since the Governor is a former executive of HCA, he questioned how that plays in Tallahassee.

Representative Jenne indicated that the Senate proposed a plan that would draw down about \$51 billion from the Federal Government. At first the Governor was against that and then was for it. Once he became for it, the Senate moved forward with that plan. Then the House refused to hear or negotiate anything about it. Once that happened the Governor flipped his allegiance back to not wanting to accept the Federal money. He mentioned the LIPF funding (Low Income Pool Funding) that is used for indigent care in the State of Florida. LIPF funding was simultaneously being phased out as the Medicare expansion was phased in so there would be a removal of several hundred million a year but then it would be filled back in with the \$51 billion. The hospitals fought hard. The Governor immediately assumed that the session was over and began having each hospital justify how much money it was bringing in. Not only to justify it, he also put forth an idea to have any money the hospitals earned go back into a pool to be spread around the entire State. In a search for other places for indigent care that has become a possibility in the future. More funding was seen going towards things like that. The Florida Hospital Association, which is a major organization, has just about every single hospital in the State of Florida under its umbrella in one way or the other and that is what wins. The problem we are dealing with is just under a million uninsured in the State of Florida. It is one thing to say we are not going to take the Federal money but let's find another way; otherwise, we are going to have a healthcare crisis. If there is no LIPF funding, the North Broward Hospital District will have no choice, if they want to meet payroll, to raise the millage rate. He thinks we are seeing a chaotic situation.

Councilmember Levy mentioned utility relocation. This is a major issue dealing with Cities throughout the State. When wires and lines have to be relocated or put underground for a project the policy has been that Utilities pays for that as far as working with the Cities. Utilities are now lobbying our Legislature to change that to where the City would have to pay to relocate those utility wires and that is prohibitively expensive. That money would come from the taxes. This is an issue that the League of Cities is bringing to the forefront. He questioned where Representative Jenne stands on this and whether he will be a proponent on behalf of the Cities.

Representative Jenne advised that a representative has spoken with him specifically about that. At this point he is torn; he does not think the Bill will survive all the way through due to the chaotic nature of the Legislature. In terms of policy wise, he is torn because what does it mean if the Cities have to pay. It always seems to be the pocketbook of the consumer or constituent. If the City has to pay for it that means more taxes; if they end up paying for it how much more User Fee will they receive. He has not been able to get solid numbers. He serves as the minority policy chair and that is one thing he has been requesting of his staff and they have been having problems exactly how that will go. His vote will be what causes the rate payer in terms of telephone lines or the citizen of said municipality increases, whether it be property or some sort of other millage rate.

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Candace Ericks, Lobbyist, provided the following update:

- They worked diligently with the City’s representatives side by side for the List of Appropriations for which they did get some money into the budget and some commitments from the House and the Senate. Unfortunately while in conference, transportation blew up and all of our stuff blew up. There was not a lot of control happening in the last 20 days but do know that the Appropriations were in the forefront of the conversations.
- She thanked all of the Representatives.
- There are conversations planned with the Mayor and the City moving forward on the Appropriations they have worked on for last year and moving on to next year. She wants to open that for any questions and dialogue.
- They have an early turnaround; it starts in January this year. They go in Committee meetings in September.
- They work side by side with the Florida League of Cities policyholders in Tallahassee.

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Mayor Bendekovic mentioned Officer Walcott, SRO, who received the title, “State of Florida SRO”. Officer Walcott has been with us for 22 years.

Police Chief Harrison, Detective Sergeant Council and Officer Walcott were present.

Chief Harrison explained that this award came from the Attorney General and the Florida Association of School Resource Officers. There are hundreds of applications for this prestigious award. Sergeant Council did an unbelievable job on the application for Officer Walcott. This award was presented at the State Conference, which was two weeks ago. Sergeant Council accompanied Officer Walcott to this conference. Officer Walcott is incredible and a professional who wants to do his job and he does it above and beyond of a normal Law Officer. It was beyond his privilege to introduce Officer Wade Walcott.

Officer Walcott thanked everyone and stated that it is his privilege to serve this City in which he grew up. He attended Plantation High School and it is a blessing to patrol the halls of the same school that he walked. He thanked Chief Harrison, Sergeant Council, his family and Mrs. Hague at Plantation Middle School.

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Mayor Bendekovic presented Service Awards to the following Employees:

William Britton	Utilities	25 years
D.C. Bruce Finney	Police	25 years
*Danny Harris	Public Works	25 years
Michael Miller	Public Works	25 years
Officer Ervins Hyppolite	Police	15 years
*L. Joan Murray	Police	15 years
Joseph Bernardi, Jr.	Utilities	5 years
Caridad Blanchard	Fire	5 years

*Unable to attend.

Congratulations were offered.

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Sharon Kent, Assistant Director for Parks and Recreation, made the following announcements:

- Kids Camp will begin Monday, August 3, 2015 through Friday, August 21, 2015 at Central Park. Registration begins Monday, July 20, 2015. The cost for residents is \$110 per week plus a \$10 registration fee and for non-residents the cost is \$160 per week with a \$10 registration fee.
- The Florida Gold Coast 14 and under Junior Olympics will be held Friday, July 24, 2015 through Sunday, July 26, 2015 at the Aquatics Complex.
- Drive, Chip and Putt qualifying with the Plantation Preserve on Tuesday, July 28, 2015 as a youth development initiative that began in 2013 for boys and girls, ages 7 through 15. The Final Championship will be held April 3, 2016 at the Augusta National Club in Augusta, Georgia.
- The South Florida PGA Tour will be on Wednesday, July 29, 2015 and Thursday, July 30, 2015 at the Plantation Golf Course. The Golf Course will be closed for those two days during the event.
- The Mother and Son Hoedown will be on Friday, August 7, 2015 from 7:00 p.m. to 9:00 p.m. at Deicke Auditorium. Mothers and sons, ages 6 through 10, are welcome to participate; the cost is \$20 per couple.

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Mayor Bendekovic made the following announcements:

- Edward and Jungle will be on Saturday, July 25, 2015 at 10:30 a.m. at the Helen B. Hoffman Library.
- The Plantation Farmer's Market is every Saturday, between 8:00 a.m. and 2:00 p.m. at Volunteer Park.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 14.

Mr. Lunny read Items #8 and #9.

5. Request for authorization for a 200 Horsepower US Motor in the amount of \$29,294. (Budgeted – Utilities)
6. Request to approve the funds for the laptop lease for the Police Department's mobile units. (Budgeted – IT)
7. Request to approve the purchase of yearly upgrades to Cisco devices in the amount of \$24,136. (Budgeted – IT)

8. Second and Final Reading of **ORDINANCE #2534** pertaining to the subject of Comprehensive Planning; changing the Future Land Use designation of a parcel of property, specifically amending City of Plantation Ordinance No. 1626; as amended, which adopted the City's Future Land Use Plan and Map, to redesignate a parcel of land containing approximately 8+/- gross acres of property from "Industrial" to "Commercial" in accordance with policies 1.8.3 and 1.8.8 of the plan; said parcel more particularly 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, generally located at 8000 West Sunrise Boulevard; and being more particularly described in the legal description identified as "Exhibit A"; and readopting said plan and map as the Master Land Use Plan and Map, 1989, making said plan and map part of the Future Land Use Element of the Comprehensive Plan of the City of Plantation; providing implementing requirements and conditions for such Future Land Use designation change; providing for severability; and, providing an effective date therefor.
9. Second and Final Reading of **ORDINANCE #2535** of the City of Plantation, Florida, rezoning 5.62 plus or minus acres from "I-L2P" (Large Light Industrial District) to "B2-P" (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.

Resolution No. 12113
10. **RESOLUTION** of the City Council of the City of Plantation, Florida to apply for a Florida Recreation Development Assistance Grant.

Resolution No. 12114
11. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period July 2, 2015 through July 15, 2015 for the Plantation Gateway Development District.

Resolution No. 12115
12. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period of July 2, 2015 through July 15, 2015 for the Plantation Midtown Development District.

Resolution No. 12116
13. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period July 2, 2015 through July 15, 2015.

Resolution No. 12117
14. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period July 2, 2015 through July 15, 2015 for the City of Plantation's Community Redevelopment Agency.

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

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

Mayor Bendekovic voted affirmatively on Item No. 14.

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ADMINISTRATIVE ITEMS – None.

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LEGISLATIVE ITEMS – None.

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QUASI-JUDICIAL CONSENT AGENDA

Mr. Lunny read Item #15.

Resolution No. 12118

15. **RESOLUTION APPROVING THE VETTER SITE DATA RECORD LOCATED AT 11561 & 11601 NW 27TH STREET. (PP15-0003)**

A Staff Report dated July 22, 2015, to the City Council, from the Planning, Zoning and Economic Development Department, follows:

REQUEST: Consideration of request for site data record approval.

ANALYSIS:

The subject property is zoned RS-3K and consists of approximately 37,436 square feet (0.9 net acres) after dedication of right-of-way associated with NW 27th Street. The site data record application indicates the proposed use is two single family residences on lots encompassing 18,724 and 18,713 square feet respectively.

The lots meet the minimum lot size requirements of the RS-3K zoning district and are consistent with the Low (3) residential land use designation on the City's adopted Future Land Use Map.

STAFF COMMENTS:

PLANNING AND ZONING:

Planning:

1. The proposed site data record is consistent with the Low (3) Residential future land use designation on the adopted Future Land Use Map.
2. Payment of local Impact Fees in the amount of \$2,589 for each parcel for a total of \$5,178 is required prior to permitting.

3. The applicant has submitted the required concurrency review form for parks, water, sewer, streets, drainage, and solid waste prior to City Council consideration.
4. The site data record was submitted to the Broward County School Board for review and the City has received a SCAD letter from the School Board.

Zoning:

1. A final Mylar reflecting all applicable signatures shall be submitted to the City Clerk's office after City Council consideration.
2. This proposal requires a clearing permit from the Building Department to determine wetland resource impact and consequent mitigation prior to City Council consideration (Sec. 5-203).
3. City Council approval shall be obtained within 9 months of the Review Committee recommendation (Sec. 20-75).

ENGINEERING DEPARTMENT: No objection.

TRAFFIC CONSULTANT: No objection.

DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT:

Staff has no objection to the request for Site Data Record.

1. At time of development all City codes must be followed with regards to required minimum landscape pursuant to Section 13-41.5.
2. Tree removal/relocation permits may be required prior to the removal of any tree or palm on site; please contact the Department of Design, Landscape & Construction Management directly regarding this matter.

BUILDING DEPARTMENT: No objection.

FIRE DEPARTMENT: No objection as to this site data record request.

POLICE DEPARTMENT: No objection.

UTILITIES: No objection.

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

WASTE MANAGEMENT: No objection.

Councilmember Levy questioned whether we are changing this to three units per acre instead of two.

Mr. Lunny explained that this approval does not change density; it is an equivalent. Think of it as a platting or a subdivision of property that is implementing the density that is there. It has met staff's requirements in that regard.

Motion by Councilmember Jacobs, seconded by Councilmember Zimmerman, to approve Resolution No. 12118. Motion carried on the following roll call vote:

Ayes: Tingom, Jacobs, Levy, Zimmerman
Nays: 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 #16.

16. REQUEST FOR A CONDITIONAL USE, SITE PLAN, ELEVATION, AND LANDSCAPE PLAN FOR WALGREENS LOCATED AT 8000 WEST SUNRISE BOULEVARD. (PP15-0001)

Resolution No. 12119

RESOLUTION APPROVING A 2,500-SQUARE-FOOT PACKAGE STORE (WALGREENS) AS A CONDITIONAL USE TO BE LOCATED IN A B-2P ZONING DISTRICT ON PROPERTY LYING IN SECTION 33, TOWNSHIP 49 SOUTH, RANGE 41 EAST AND DESCRIBED AS A PORTION OF PARCEL A OF THE MOTOROLA PLAT, AS RECORDED IN PLAT BOOK 101, PAGE 14 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND GENERALLY LOCATED ON THE SOUTHEAST CORNER OF UNIVERSITY DRIVE AND SUNRISE BOULEVARD; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECT DATE THEREFOR

-AND-

REQUEST FOR SITE PLAN, ELEVATION AND LANDSCAPE PLAN APPROVAL FOR PLANTATION POINTE PHASE 3.

A Staff Report dated July 22, 2015, to City Council, from the Planning, Zoning and Economic Development Department, follows:

REQUEST 1: Site plan, elevation and landscape plan approval for a 16,510-square-foot Retail building (Walgreens) at the northwest corner of the site.

REQUEST 2: Conditional Use approval for a 2,500-square-foot package store (within the proposed 16,510-square-foot drugstore).

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 eight-feet along Sunrise Boulevard, measurement from the road easement.

- 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 – 9' provided in one island on the SWC.

- 3) 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: Proposed Walgreens:
 - a. 12'-5" lpz is required along the southern façade – 0' has been provided.
 - b. 12'-5" lpz is required along the eastern façade – 0' has been provided.
 - c. 14'-2" lpz is required along the western façade – 8' has been provided.
 - d. 14'-2" lpz is required along the northern façade – 9' has been 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).

BACKGROUND:

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. The Phase 1 City Council approval included the following:

- Removal of two existing retention ponds located at the northwest corner of the site to construct retail.
- Relocation of said ponds to the southeast corner of the site (under construction).

- Reduction in the required parking to allow a medical use to occupy the previous day care building (Building VI).

On April 29, 2015, the City Council approved Plantation Pointe Phase 2. The Phase 2 City Council approval included the following:

- Addition of a northbound University Drive “right-in” site entrance approximately 450 feet south of Sunrise Boulevard (exact location subject to Engineering Department/FDOT determination);
- Construction of doorway 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 (for 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.

On June 24, 2015, the City Council approved:

- Rezoning 5.62 acres located at the northwest corner of the site from I-L2P to B-2P to allow retail development.
- 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).
- A sign special exception package was also approved for same retail buildings.

CURRENT APPLICATION: The current proposal includes site plan, elevations, and landscape plan approval for a 16,510-square-foot Walgreens. Included within the proposal is a conditional use for a 2,500-square-foot package liquor store, including beer and wine sales. Because the package store can have no direct access to the drug store area, trucks delivering beer, wine, and spirits will likely unload in the provide drive aisles fronting Sunrise Boulevard or less likely, University Drive.

The proposed building has a contemporary design. The main entrance fronts University Drive (west elevation). The drive-thru pharmacy and loading areas are located on the south and east elevations respectively.

STAFF COMMENTS:

Planning: Staff has notified the applicant of the following requirements.

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. Impact fees shall be paid prior to issuance of any development permits.
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. The package store and each restaurant require conditional use approval in the B-2P zoning district. The applicant is including a conditional use application for the package store in this submittal. See Exhibit A for the responses to the conditional use criteria.
2. The applicant has been notified that each restaurant shall file a conditional use application.

Site Plan:

3. Section 27-657 requires a 40-foot wide landscape buffer along Sunrise Boulevard. The applicant is proposing 8-feet, which is measured to the road easement. The applicant is requesting a waiver.

Lighting:

4. Note: Building up-lighting or lighting flooding the face of the building is prohibited. Please note predominantly on the site and photometric plans.

Details:

5. NOTE ON PLAN: Outdoor display or storage or merchandise, materials, or goods are prohibited.
6. Note: The applicant shall:
 - a. Keep the loading zone free and clear of refuse and storage items.
 - b. Keep recyclables or paper items within a dumpster located within an enclosure.

Signage:

7. Note: Signage is not part of this review. See PP15-0010 under concurrent review.

ENGINEERING DEPARTMENT:

NEW COMMENTS BASED ON SEPARATE WALGREENS SUBMITTAL ON 06-22-15. MANY OF THE ABOVE ISSUES WERE WORKED OUT WITH THE APPLICANT FOR THIS SUBMITTAL.

1. Please provide dimensions on the Site Plan for all driveways, parking spaces, loading zone, sidewalks, crosswalks, etc.
2. The landscape island by the southwest corner of the building needs to be the same length as the parking spaces. Please revise.
3. Please provide dimensions on the Civil Plan for all asphalt areas, loading zone, islands, and crosswalks.
4. Please include a stop bar and "Do Not Enter" signs at the drive-thru exit.

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. 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.
2. 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.
3. A Maintenance of Traffic (MOT) plan will be required. Please meet with Engineering to discuss if there are any questions or concerns.

4. Drainage calculations will need to be submitted, signed and sealed by a professional engineer registered in the State of Florida.
5. 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.
6. 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 & 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. Plans submitted for City council (sheet C401.1) show planting islands to be 8’ wide outside curb to outside curb; City codes require islands to be 8’ wide inside curb to inside curb. Staff has discussed the matter with the project Engineer, Stefano Viola, who has indicated this was an error with the CAD and resubmitted sheet C401.1 to the Zoning Department.

If at time of permitting the planting islands are less than 8’, inside curb to inside curb, the project will require a resubmittal to City council to request waivers.

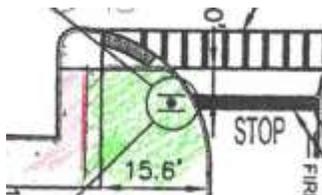
2. Code requires landscape pedestrian zones (lpz) to extend the full width of each façade abutting a parking or vehicular use area; the minimum width shall be measured from the base of the building and shall relate to the adjacent structure’s wall height. (Paved areas in the lpz may not constitute more than 5’ of required lpz.).

Proposed Walgreens:

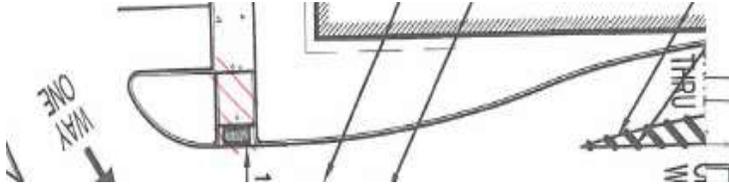
- a. 12’-5” lpz is required along the southern façade – 0’ has been provided.
- b. 12’-5” lpz is required along the eastern façade – 0’ has been provided.
- c. 14’-2” lpz is required along the western façade – 8’ has been provided.
- d. 14’-2” lpz is required along the northern façade – 9’ has been provided.

Waivers required.

3. Staff requests re-configuring the proposed sidewalk in the planting island on the NWC island gaining additional planting space (reducing the sidewalk from 6’ to 4’). Please see figure below.



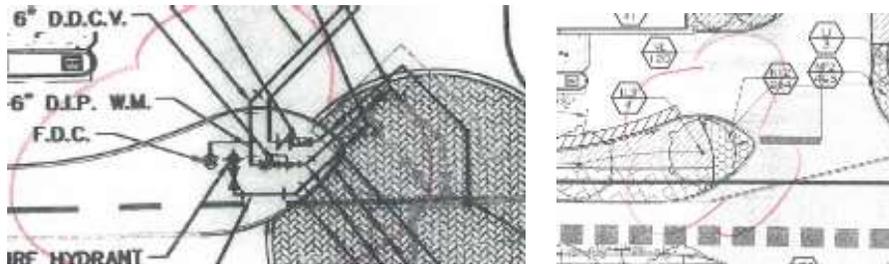
4. Staff requests the elimination of the portion of side walk on the SWC of the building adjacent to the planting island (this portion of sidewalk is not necessary as per the Engineering Department; this will give additional growing space for the proposed canopy tree. Please see figure below.



5. Please consider the use of a bike rack to provide an alternate method of transportation.

Planting Plan:

1. Large shade trees shall be installed in all parking areas at a maximum spacing of 40' center to center.
 - a. One shade tree is required in all islands – there are several planting islands less than 7' in width which will not allow for the planting of shade trees.
It is staffs understanding that the correct dimensions for the planting islands are reflected in Exhibit 2 (plans submitted 6/30); if at time of permitting the planting islands are less than 8' inside curb to inside curb the project will require a resubmittal to City council requesting waivers which staff will not support.
2. Plans submitted propose the planting of a Wild tamarind tree in the middle of a fire hydrant assembly, water meter, fire department connection, etc. Please adjust plans accordingly to eliminate conflicts between the tree and utilities.



3. Please include all above and below ground utilities on the landscape plan (i.e. fire hydrants & associated equipment, FPL boxes, etc.).
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. 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.**
7. Performance bonds are required on all trees to be relocated as per City codes. **Staff is working closely with the applicant regarding this matter.**
8. 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.**
9. City staff will verify all trees proposed to be removed, remain, and/or relocated. **Staff is working closely with the applicant regarding this matter.**
10. Please include a watering schedule for palm and tree relocation.

11. 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: Phase 3 - Walgreens

The Fire Department has the following comments:

1. Fire Sprinkler backflow shall have tamper switches and monitored by alarm system.
2. Move all water lines, backflows, fire hydrant and fire department connection away from east end of landscape area so as not to interfere with large tree being installed. Put between the trees to prevent root interference with piping.

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 although infrastructure for phase 2 must be completed in order to service this project:

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 if applicable.
- 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 considered preliminary. Once submitted for construction, a Utilities Department review will be completed which could generate additional construction comments.

The existing Trust account must be maintained during the entire project
Onsite improvements will be required at applicant's expense to support project

Show all new and existing water and sewer lines and easements on landscaping and drainage plan
Maintain all utilities and utilities easements for water and wastewater system access.

Full Utilities plan review & approval is required prior to permitting. No plans are for construction until marked "FINAL".

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

The review of a conditional use request should include consideration of the criteria noted in Section 27-768 of the Land Development Code. Provide the written response to the conditional use criteria.

CONDITIONAL USE:

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.

Applicant Response: The Walgreens site plan is included in the Plantation Point Phase 3 plans (Application PP15-0001: Rezoning, Site Plan, Elevation and Landscape Plan). This site plan along with the associated Walgreens architectural elevations and landscape plan show the required improvements necessary to not only protect, but enhance the surrounding properties.

STAFF RESPONSE: The applicant has submitted a Building and binding site plan.

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 Response: The property is being rezoned to B-2P which is the same zoning district as exists on the other three corners of University Drive and Sunrise Boulevard. The B-2P Zoning District is the central business district and is intended to apply to the principal concentration or retail, office, business and financial institutions in the city. The businesses and services of the central business district include many of those supplied in other types of business districts, but in a size, variety and number not generally found elsewhere.

A package store, which is a conditional use in the district, is a use that is commonly found in central business districts, adjacent to and functioning as part of drugstores and grocery stores. Although not in the same district, but in a central business area, the Publix located at the corner of University and Peters has an adjunct liquor store which has functioned as a convenience to the customers of Publix and not crated adverse impacts to the surroundings during its long tenure in that location. The alcoholic beverage regulations recognize that package stores which are adjuncts to grocery stores or drugstores occupy a distinct category in that they do not require separation from other generally protected community-type uses such as churches, schools and daycare centers.

STAFF RESPONSE: A drugstore is a retail use is consistent with the general plan of the area. The City Code states a package store is an adjunct use if the package store is < 25% of the drugstore area (complies), has no direct physical access to the drug store (complies), and is approved by the City Council (at the City Council's discretion).

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

Applicant Response: The proposed use is to be located at a busy intersection with commercial uses on the other three corners. The package store will be part of a commercial node on a 77-acre industrial site and

is separated from any residential uses within the City by the remaining 71 acres. Package stores have become a use customary to grocery stores and drugstores. The ability of Walgreens to be granted approval of a package store is a critical element to its decision to locate on the property.

STAFF RESPONSE: The applicant has not provided documentation indicating a present need for the package store at this location.

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, or physical activity.

Applicant Response: The proposed use will be in harmony with the surrounding uses at the intersection of University Drive and Sunrise Boulevard. The proposed use is a retail business operated by a responsible corporation and will be managed in a manner that preserves the peaceful enjoyment of the neighborhood. The hours of operation will be 8:00 a.m. to 10:00 p.m.

The surrounding property to the east and north is owned by the same owner as the site of the package store. The owner is investing many millions of dollars in upgrades to the property and re-tenanting the property. The owner would certainly not introduce a new 2,500-square-foot use into a property of more than 850,000 square feet if the property owner believed that the use would be detrimental to the economic value or development of the surrounding property. The owner's property of 77 acres provides a substantial buffer to all other uses on the south and the east and the uses to the north and west are similar in zoning to the uses requested. The nature of the use is such that it will not cause objectionable noise, vibration, fumes, odor, dust or glare.

STAFF RESPONSE: Package stores generally do not cause objectionable noise, vibration, fumes, odor, dust, or glare. Physical activity will include temporary truck parking for store delivery in drive aisles along the north (Sunrise Boulevard) or west (University Drive) sides of the store.

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

Applicant Response: The proposed use is a retail use for the sale of a commodity regularly purchased by the general public and will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the neighborhood.

STAFF RESPONSE: Insufficient information submitted to respond.

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

Applicant Response: The proposed use generates very little demand on the public utilities needed to operate. It is anticipated that persons purchasing liquor at the package store will generally be persons using the Walgreens for other shopping or pass-by traffic.

STAFF RESPONSE: The package store will not overburden public services or facilities.

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

Applicant Response: The site plan is currently being reviewed as part of the Plantation Pointe- Phase 3 application and will meet all specific standards as established by the Code.

STAFF RESPONSE: The package store complies with the Ch. 2 Alcoholic Beverages of the City Code.

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

Applicant Response: The total building area of the Walgreens will be 16, 510-square-foot. The amount of area used for the package store will be less than 2,500 square feet.

Barbara Hall, Attorney, was present on behalf of the application.

Ms. Hall advised that this is a request for a Walgreens to be in the commercial area at the northwest corner of what was previously known as the Motorola site, which is now Plantation Pointe. Previously shown was the architecture and design of the other buildings. This Walgreens is designed to be the same kind of modern architecture that is in the other retail areas. The site plan has been reviewed by the Engineering Department and now the drive-thru functions properly. The site meets all of the criteria for conditional use approval in terms of the separation from the nearest package store. In this particular zoning district where ordinarily you are entitled to one-square-foot per every linear foot, which would entitle this store to greater square footage. The overall limitation is 60 square feet for the sign. The sign on the front on the University Drive frontage is 60 square feet. They are requesting a special exception to have the sign on the Sunrise Boulevard frontage to also be 60 square feet. The elevation shows that it is in scale to the design and size of the store. In addition, the secondary message in the sign that is going to be on Sunrise Boulevard is limited to 15% of the overall sign, which would mean that they could only have nine square feet; they are asking to make it 14.5 square feet, which actually makes it legible. There are also some minor parking, landscape and setback waivers.

Councilmember Jacobs suggested going through the waivers since they have to be granted. He mentioned Waiver #1; the landscape buffer along Sunrise Boulevard.

Ms. Hall indicated that the landscape buffer along Sunrise Boulevard is an unusual issue. The reduction sounds enormous because it is from 40 feet to 8 feet but in reality 15 feet of that waiver area will remain in landscaping. The reason they need a waiver is because some time ago an easement was given to DOT to put a bus bay in that location; however, the bus bay is in a different location from where the dip is and there is no belief that that area is ever going to be paid, meaning that the setback in reality will be 23 feet. Perhaps the waiver could be to the southern edge of the DOT easement that way if they are able to get rid of it the waiver would go up from 8 feet to 23 feet.

In response to Councilmember Jacobs, Ms. Hall clarified that it actually goes to 8 feet for that portion of the site and without that it is 23 feet.

Larry Leeds, Planning Director, advised that the 8 feet is required because this easement exists today. It is not believed that the road is going to be widened at this time. The actual effect of green area until that happens, if it happens is 23 feet. If the waiver is granted it is suggested that it be granted on the 8 feet.

Councilmember Jacobs mentioned Waiver #2; interior landscaping for parking areas.

Ms. Hall stated that the median narrows out to a point and it cannot be ten feet because it is being channelized to direct traffic.

Councilmember Jacobs mentioned Waiver #3; pedestrian zones along buildings.

Ms. Hall indicated that every place there is an overhang or in the area where there is a loading area or a drive-thru they need a waiver.

Councilmember Levy commented that Council received the Engineer's report. He questioned if they agree with all of the comments and if they will follow through with all of the requests.

Ms. Hall advised that the comments have been reviewed and they are all acceptable.

Mayor Bendekovic questioned whether Mr. Ezzeddine agreed with the landscaping.

Danny Ezzeddine, Director of Design, Landscape & Construction Management, stated that they have been working with the applicant closely. All of the waivers were discussed and they moved the landscape around.

Motion by Councilmember Jacobs, seconded by Councilmember Levy, to approve Item #16, granting the waivers and understanding that the applicant is going to comply with the comments. Motion carried on the following roll call vote:

Ayes: Tingom, Jacobs, Levy, Zimmerman

Nays: None

In response to Mayor Bendekovic, Ms. Hall indicated that a slide was put together. Currently all of the industrial office space is fully leased. She mentioned the tenants and noted that on University Drive there will be a Baptist Health Facility of 14,909 square feet. Motorola Solutions is going to continue to occupy Buildings #1 and #3. They have a 12-year lease and they are occupying 323,025 square feet. Amsurge or Sheridan Healthcare is going to occupy Buildings #2 and #4, and they have leased 221,597 square feet. The newest tenant is Magic Leap, which is a technology company involved in developing a platform for virtual reality. They are leasing just shy of 260,000 square feet.

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Mr. Lunny read Item #17.

17. REQUEST TO APPROVE SIGN SPECIAL EXCEPTION FOR WALGREENS PHARMACY AT PLANTATION POINTE PHASE 3. (PP15-0010)

A Staff Report dated July 22, 2015, to City Council, from the Planning, Zoning and Economic Development Department, follows:

EXHIBITS TO BE INCLUDED: Application and sign plan backup.

ANALYSIS/HISTORY:

The subject site is zoned I-L2P (Large Light Industrial District) and was previously 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 businesses (>150,000 square feet). The applicant also proposes an additional 33,310 square feet of commercial uses at the intersection of Sunrise Boulevard and University Drive.

Three additional applications will be considered on July 22, 2015.

- Land use plan amendment to change six net acres (eight gross acres) at the northwest corner of the site from “Industrial” to “Commercial” (2nd Reading),
- Rezoning to change six net acres (eight gross acres) at the northwest corner of the site from I-LP2 to B-2P (2nd Reading),
- Site plan, elevation, and landscape plan approval for a 16,510-square-foot Walgreens and adjunct package store.

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, and
- An increase in the number of wall signs for the office/industrial buildings and Canopy signs for the office/industrial buildings.

On June 24, 2015, City Council approved the remaining four requested sign special exceptions for two of the commercial outparcels, which included:

- An increase in the size of two monument signs to 49 square feet instead of 48 square feet,
- To allow the proposed rear building wall signs to be the same size as the front wall signs, instead of 50% of the allowable front sign area,
- An increase the allowable logo area from 10% to 40% of the allowable sign area, and
- To allow three colors, instead of two, for the center establishment portion of the site, excluding Walgreens.

The applicant is now requesting two sign special exceptions for the proposed Walgreens wall signs.

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. Subordinate messages, describing activities or products, are permitted as part of the allowable sign area, but are limited to a maximum of 15% of the overall allowable sign area.

SPECIAL EXCEPTION REQUESTS AND STAFF RECOMMENDATIONS:

Center Establishment Sign Criteria (Walgreens at the northwest corner of the site):

- 1) From: Section 22-35(g), which allows:
 - (a) Front wall signs, one-square-foot of wall sign area per one lineal foot of tenant frontage, and
 - (b) A second wall sign on the side or rear of each tenant, not to exceed ½ the size of the permitted front wall sign.

To: Allow the side wall sign to be equal in size to the allowable sign area on the front (60 square feet.)
Staff: No objection.

Overall Site Sign Criteria (Walgreens building at the NW corner of the site):

- 2) From: Section 22-20(f), which allows subordinate messages to be up to 15% of the allowable wall sign area.
To: Allow the side wall sign subordinate to be 14.5 square feet instead of 9 square feet, if request #1 above is approved.
Staff: At the City Council's discretion.

STAFF COMMENTS:

PLANNING AND ZONING:

1. Staff comments recommendations are noted above in italics.

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:
- (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 five 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.

- (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 six-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.

Motion by Councilmember Jacobs, seconded by Councilmember Levy, to approve Item #17. Motion carried on the following roll call vote:

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

COUNCILMEMBERS' COMMENTS

Councilmember Jacobs mentioned Uber.

Mayor Bendekovic advised that Mr. Morgan has been following it closely and we are waiting to see what the Commission is going to do. We also have an opinion of Mayor Stermer's Council.

Councilmember Levy commented that East Broward Boulevard is going to be closed at the railroad tracks for the next few days and will not open again until Monday at 5:00 a.m.

Mayor Bendekovic indicated that it is not too late to file for a 2015 exemption with the Broward County Property Appraiser. There is assistance with the Homestead, seniors and other property tax exemptions. This will be every Wednesday in August from 12:00 p.m. to 2:00 p.m. at the Outreach at One University Drive.

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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 8:37 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