

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

September 9, 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. |
| City Clerk: | Susan K. Slattery |

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2. The invocation was offered by Councilmember Tingom.

The Pledge of Allegiance followed.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Bendekovic presented Service Awards to the following Employees:

| | | |
|------------------------|------------------|----------|
| Jeffery Miller | Parks/Recreation | 35 years |
| James Parmentar | Parks/Recreation | 25 years |
| Officer Marshall Clark | Police | 20 years |
| Sgt. John Diaz | Police | 20 years |
| Dep. Chief Donald Todd | Fire | 20 years |
| Greg Lewis | Fire | 15 years |
| Shannon Ryan | Parks/Recreation | 15 years |
| Frantasha Prince | Parks/Recreation | 10 years |
| Ellen Stein | Parks/Recreation | 10 years |

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

- The Art Search program has begun for grades K-12; entry forms are available in the Central Park Community Center and all Plantation schools. This year's theme is "The Joy of Art". Awards will be given in each grade level; all winning pieces will be displayed on November 14, 2015 in Central Park for one year.
- The Youth Hot Shot Basketball Tournament will be held on September 11th at 7:00 pm in the Central Park Gym.
- The Kids Day Off program will be held at Planation Central Park on Monday, September 14th and Friday, October 23 between the hours of 7:30 am – 6:00 pm; there will be structured activities between the hours of 9:00 am – 4:00 pm.
- The Mission United program will target veterans returning from service suffering with PTSD. On September 19th from 2:00 – 4:00 pm, the golf course will host an open house for the veterans to hit golf balls and receive golfing instructions. The goal is to create a six week program to learn about the game of golf; special pricing will be available to all.

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Mayor Bendekovic made the following announcements:

- The library announces E-Book services are now available; this new service was made possible from a generous gift from Friends of the Library.
- The Historical Museum is seeking volunteers to work at the gift shop during special programs for tours. High School students needing community service hours are encouraged to apply.
- The Planation Farmers Market is open Saturdays from 8:00 am – 2:00 pm at Volunteer Park.
- The Broward County United Way Mayor's Gala is Saturday, October 24, 2015.

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CONSENT AGENDA

Items 8 and 12 were pulled from the Consent Agenda for discussion and voted on separately.

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 18.

3. Approve renewal of City's excess self-insurance program with Florida League of Cities for \$897,950.
4. Flood Insurance Renewal 2015-2016 (Budgeted-Risk Management)
5. Request to approve helicopter landing at Pine Island Park on Sunday, November 1st, 2015.
6. Request for approval to authorize the Utilities Department's consulting engineer Hazen & Sawyer, P.C. to provide engineering services for mechanical integrity test (MIT) work at the Regional Wastewater Treatment Plant in an amount not to exceed \$36,700. (budgeted - Utilities)

7. Request to approve the purchase of fluoride from Harcross Chemicals from 03/01/2016 to 02/28/2017
9. Request for approval and authorization to award a contract for "Water Main Replacement Phase IIB Plantation Gardens" ITB No. 021-15 in the amount of \$2,290,631 to Caribe Utilities of Florida.
10. Request for approval and authorization to award a contract for "Water Main Replacement Historical Area" ITB No. 022-15 in the amount of \$2,975,045.50 to Caribe Utilities of Florida, Inc.
11. Request for authorization to continue to participate in the SE Florida Co-Op Bid for the supply of aggregates, topsoil and sand from Austin Tupler Trucking, Soil Tech Distributors, Inc., and Florida Superior Sand, Inc. from 08/19/15 thru 08/18/16.

Resolution No. 12151

13. **RESOLUTION** adopting the pay-for-performance consolidated salary schedule and position schedule for all general personnel for fiscal year 2015/2016.

Resolution No. 12152

14. **RESOLUTION** assessing a lien on certain property for the cost to the City of Plantation of its mowing and clearing said property - 400 East Tropical Way.

Resolution No. 12153

15. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 27, 2015 through September 02, 2015 for the Plantation Gateway Development District.

Resolution No. 12154

16. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 27, 2015 through September 02, 2015 for the Plantation Midtown Development District.

Resolution No. 12155

17. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 27, 2015 through September 02, 2015.

Resolution No. 12156

18. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 27, 2015 through September 02, 2015 for the City of Plantation's Community Redevelopment Agency.

Motion by Councilmember Levy, seconded by Councilmember Stoner, to approve the Consent Agenda as presented, excluding Items 8 and 12. Motion carried on the following roll call vote:

Ayes: Stoner, Tingom, Jacobs, Levy, Zimmerman
Nays: None
Mayor Bendekovic voted affirmatively on Item No. 18.

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8. **Request to award a contract for Water Treatment Plant Generator Upgrades (RFSP No. 032-15) and award a purchase order for "Construction Oversight Services".**

Councilmember Zimmerman stated he has concerns with the item moving forward. He stated after reviewing all documents produced by consultant, the fees submitted are not within the normal range when compared to other consultants working for the city. Councilmember Levy remarked there needs to be a better evaluation method. Jeff Sabouri, Building Department Director informed the Council this project was required by Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (DEP) to mitigate discharge from the city's generators. Councilmember Tingom inquired what the alternative would be if the project was not approved. Councilmember Stoner responded the project would have to go out for bid again. Councilmember Zimmerman expressed concern about the location and functionality of the proposed generators; he stated having the generators outside with no shelter would leave the radiators vulnerable during a storm event. Councilmember Tingom inquired if the existing units were able to be repaired. Jeff Sabouri, Building Department Director responded the units were unable to be repaired and the retrofit is a requirement of the EPA and the Department of Environmental Protection Emissions Control and it was more cost effective to have the units retrofitted rather than replaced.

A memo dated August 18, 2015, to the City Council from Chuck Flynn, Director of Utilities, follows:

The procurement section recommends award of the contract to All Florida Contracting Services (highest ranked respondent) for \$1,661,100. The work includes installation of the required silencer with diesel oxidation catalyst (DOC) on each existing generator at both water treatment plants, the installation of air-cooled radiators at the Central and East water plants and the addition of one self-enclosed generator with integral fuel tank in the Central well field.

A Request for Sealed Proposals (RFSP No. 031-15) was publically advertised in the Sun-Sentinel and on the Demand Star website for 40+ days in accordance with City Code Sec. 2-226(c). The City received three (3) sealed proposals, which were opened on July 21, 2015.

Each of the proposals submitted by the Respondents contained minor infractions (omitted documentation). The documents that were omitted did not affect the price of the Respondents' proposal submissions, the ability to evaluate effectively each proposal, or bonding. The evaluation/selection committee was made aware of the omitted documents so that all Respondents could be ranked accordingly. A comprehensive review and evaluation was completed, the procurement section contacted the highest-ranked Respondent to ascertain whether or not they could supply the omitted documentation if the City requested. The response from the highest-ranked Respondent was, "Yes," they could supply omitted documents if asked/requested.

Minor Infractions (Omitted Documents) from highest-ranked Respondent:

Respondent did not supply Certificate of Insurance.

- However, Respondent did submit the signed City insurance requirements as proof of insurance requirements.

Respondent did not submit Summary of Qualifications Form.

- However, the information that was contained on the Summary of Qualifications form was able to be obtained from the Qualification Statement Form that the Respondent submitted.

Respondent did not provide Litigation Form.

- However, indicated on the Qualification Statement that they have had no disputes, claims, mediations, or litigation.

Respondent did not submit the Trench Safety Act Form.

- This form will not affect the price of the Respondent's proposal submissions, the ability to evaluate effectively each proposal, or bonding. In addition, Respondent stated they can provide this form if requested.

Respondent did not submit the Trench Safety Cost Summary Form.

- This form will not affect the price of the Respondent's proposal submissions, the ability to effectively evaluate each proposal, or bonding.

With the approval and authorization to award this contract to the highest ranked Respondent, the Procurement Section is also recommending that the City Council waive the above-mentioned minor infractions of the highest-ranked Respondent.

In addition, with the approval of the contractor, All Florida Contracting Service, the Utilities Department requests that Council approve the "Construction Oversight Services" for the design engineer to confirm and document the contractor's work in accordance with contract documents during construction. As committed by the design engineer during initial negotiations, the oversight fee is proposed not to exceed \$125,600.00, which is approximately 7.5% of total cost of the project. Engineering oversight services will be provided on an hourly rate basis, as-needed, during construction but not to exceed the total contract amount of \$125,600.00

Based on the review and ranking by the evaluation/selection committee relating to RFSP No. 032-15 "Water Treatment Plant Generator Upgrades" a recommendation is made to the City Council to award the "Water Treatment Plant Generator Upgrades" contract to the highest-ranked Respondent All Florida Contract Services in the amount of \$1,661,100.00; in addition, award a purchase order to Hazen and Sawyer (design engineer) for "Construction Oversight Services" in the amount of \$125,000.00.

***Motion by Councilmember Tingom, seconded by Councilmember Jacobs to approve the item as presented.
Motion carried on the following roll call vote:***

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

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12. **RESOLUTION** authorizing a budgetary item for the period from October 1, 2015 through Fiscal Year ending September 30, 2016 in the total sum of \$827,263 for those general employees of The City of Plantation and authorizing their Department Heads with the approval of Human Resources and Administration to adjust the compensation of said personnel for the Fiscal Year 2015/2016

A memo dated September 9, 2015, to the City Council from Margie Moale, Human Resources Director, follows:

Please be advised that the Consolidated Salary Schedule for the City of Planation and the proposed salary adjustments for Fiscal Year 2015/2016 have been reviewed by the City of Plantation's Administration and the Human Resources Department. For all general personnel the City of Planation has proposed a 3% increase for personnel.

If you have any questions regarding the enclosed information, please feel free to contact me.

After discussion, consensus was reached to amend the Resolution associated with Item 12 to separate the appropriation of funds for employee increases by creating a new resolution and a new item (12A).

Resolution No. 12157

12. **RESOLUTION** authorizing a budgetary item for the period from October 1, 2015 through Fiscal Year ending September 30, 2016 in the total sum of \$827,263 for those general employees of The City of Plantation and authorizing their Department Heads with the approval of Human Resources and Administration to adjust the compensation of said personnel for the Fiscal Year 2015/2016.

Motion by Councilmember Levy, seconded by Councilmember Tingom, to approve Resolution No. 12157. Motion carried on the following roll call vote:

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

Resolution No. 12158

- 12A. **RESOLUTION** authorizing a budgetary item for the period from October 1, 2015 through Fiscal Year ending September 30, 2016 in the sum of \$623,900 not to exceed to bring general employees to the new minimums as identified in the August 19, 2015, Evergreen Limited Liability Solutions salary study for the City of Plantation and authorizing the implementation and adjustment necessary by the administration.

Motion by Councilmember Levy, seconded by Councilmember Tingom, to approve Resolution No. 12158. Motion carried on the following roll call vote:

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

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ADMINISTRATIVE ITEMS

19. Discussion concerning proposed Millcreek Project.

A memo dated September 9, 2015, to the City Council from Donald Lunny, City Attorney and Laurence Leeds, Planning and Zoning Director, follows:

Recently, Staff advised the applicant for a proposed multi-family housing development known as "Millcreek" that further review of requested development approvals will not take place until the City Council adopts appropriate amendments to the Zoning Code to allow multi-family residential dwellings in the planned

community development (B-7Q) zoning district, creates a new zoning district for the property, or changes the property to a different zoning classification. This memorandum and discussion item is intended to bring this matter to the Council's attention and ask for direction. Whatever direction is authorized, the applicant shall file all necessary text changes or re-zoning applications to pay such fees as are normally required of applicants for development approvals (so that the zoning amendments for this Project are not conducted at taxpayer expense).

The Millcreek development site is zoned B-7Q and is located on the west side of University Drive approximately one mile north of Plantation Midtown. The "Quality Inn" which was initially established as a Holiday Inn in the 1970's occupies the Millcreek site. Directly south of the Quality Inn is the "Holiday Inn Express". The two separately owned properties entered into a unified control document in 2005.

Section 27-6879B), Planation Code indicates that B-7Q districts shall not have residential structures or usage, other than hotels and motels, except within Central Plantation (Planation Midtown). Because Millcreek is requesting residential flexibility units and site plan approval, a binding buildable site plan has been submitted for review. However, Staff cannot evaluate the site plan without knowing the applicable residential site development requirements. The site development requirements are determined by the applicable Zoning classification.

Some options to address this matter are as follows:

1. Amend the zoning district regulation for B-7Q to allow residential usage outside of Planation Midtown, but within a limited area of the City that is described in the amending ordinance. As the Council is aware, B-7Q development standards are suburban in nature.

This is reflected in the PCD development criteria (e.g. setbacks are generally one and one-half (1 ½) times the height of structures, open space requirements are 30% as compared to 20% in Midtown). If this option is pursued, then the normal planned community development (PCD) standards would apply to the proposed site plan.

Recently, the Council requested an opportunity to evaluate "stacking planning flexibility" in an area outside of Midtown and Staff opined that such an area be limited to that portion of the City south of Sunrise Boulevard, west of University Drive, east of Pine Island Road, and north of Planation Midtown (Cleary Boulevard). Should the City Council desire to extend stacking outside of Midtown and limit the rules applicability to a particular area, then any B-7Q amendment to allow residential use should include the same geographic area.

With respect to Millcreek, adoption of the "stacked planning flexibility" requires (1) both the existing hotel and proposed apartment shall have the same zoning designation and (2) both properties will be considered a single development site based on unified control to accommodate the Millcreek proposal. PLEASE NOTE: The unified hotel/proposed apartment site contains both commercial and residential use. Staff has concerns regarding application of planned stacking flexibility to larger sites or sites proposed solely for apartments. Applicant is working with staff to resolve this concern by the September 9 City Council meeting.

2. Another option is to amend the SPI-3 zoning district regulations to allow SPI-3 zoning to be used outside of Planation Midtown. The SPI-3 Zoning District is urban in nature. This is reflected in the

SPI-3 development criteria that contemplate mixed use vertically integrated structures, and structures that are “built-to” defined A, B or C roads (and not “set back” from same).

If the City Council wishes to consider Millcreek-type projects in the same geographic area as a stacked-density, B-7Q is the preferred alternative for the following reasons:

- a. B-7Q would require conditional use review to allow apartments or mixed uses and therefore still allows the City Council to evaluate the merits of each apartment or mixed-use project as a conditional use on a “case by case” basis.
- b. B-7Q is more compatible with the surrounding sub-urban development pattern than a modified SPI-3.
- c. B-7Q requires only a zoning text change to add residential use to B-7Q in the designate geographic area. The alternative would require first modifying SPI-3 for application in the designated geographic area and applying for a concurrent rezoning. Rezoning to SPI-3 may require the consent of the Holiday Inn Express owner.
- d. Based on applicant’s site plan application as submitted, waivers would be required from some requirements of both the B-7Q and SPI-3 zoning district regulations. A comparison is SPI-3 and B-7Q attached based on the submitted plans attached. The waiver process gives the City Council greater latitude o evaluate each B-7Q project based on the merits and quality of the project.

City Attorney Lunny informed the Council what the zoning classifications available for consideration were. Councilmember Zimmerman expressed his concern about changing the zoning district for one project. He stated he would like to see the plans for the project before it goes before DRC. City Attorney Lunny informed the council it was within their purview to table the item and hold workshops to review site plans and other information prior to the project going before DRC. Larry Leeds, Planning and Zoning Director informed the council projects similar to this would be coming before them in the near future. Councilmember Stoner remarked she is not in favor of holding workshops and inquired what would be the most efficient way to bundle and process these requests. City Attorney Lunny responded it is possible to process the flex, site plan and zoning amendment concurrently because they all have be heard by the Comprehensive Planning Board and the council. He stated the most efficient process would be to approve the B-7Q amendment; It would be one text amendment allowing additional development rights to landowners leaving only policy considerations and no legal considerations. Councilmember Levy inquired if the council should be involved with development review before being heard by DRC. City Attorney Lunny confirmed the council could legally be involved if they choose to. Councilmember Levy stated he would like to view the developer’s drawing boards, but did not want to be involved with the development process. Mayor Bendekovic asked Mr. Leeds his recommendation to move the project forward. He recommended the text amendment to allow multi-residential development and incorporate a height restriction. City Attorney Lunny informed the council the developer cannot move the project forward without the threshold issue being resolved. The following options were presented to the council: change B-7Q zoning city wide or subject it to limited areas, use the new SPI 4 zoning ordinance, grant the flex award without a binding buildable site plan, or table the item.

Motion by Councilmember Jacobs, seconded by Councilmember Stoner, to approve moving forward amending B-7Q to allow residential dwellings in the specified area and develop a height restriction. Motion carried on the following roll call vote:

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

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City Attorney Lunny read the titles of the Legislative Items. Anna Otiniano, Finance Director presented the tentative budget and millage resolutions for the second public budget hearing. She stated the City of Plantation's budget is based on the general fund and operating millage of 5.9 mills which is an increase of 8.2% from the rollback millage rate of 5.4519 mills. The Plantation Gateway Development District's budget is based on the operating fund millage of 2.0 mills which is an increase of 5.9% from the rollback millage rate of 1.8882 mills. The Plantation Midtown Development District's budget is based on the operating fund millage of 1.0 mills which is an increase of 7.1% from the rollback millage rate of 0.9341 mills. The City of Plantation's aggregate budget is based on the aggregate millage of 6.1224 mills which is an increase of 8.1% of the aggregate rollback millage rate of 5.6624 mills. The total budget for the City of Plantation, for fiscal year 2016, is \$199,449,090. an increase of 15.2% from last year's budget. As per the budget hearing held on September 3, 2015, there were no changes to the proposed budget for consideration by the council. The fiscal year 2016 budget is bound and the 0.15% increase will be used to fund capital expenditures.

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LEGISLATIVE ITEMS

Resolution No. 12159

20. **RESOLUTION** adopting the final millage rate for the City of Plantation of 5.9000 mills for the operating fiscal year October 1, 2015 through September 30, 2016, identifying the City only rolled-back millage rate, the aggregate millage and aggregate rolled-back rate; and; the percentage increase from the aggregate rolled-back rate; providing findings; providing a savings clause; and providing an effective date therefor.

A memo dated September 4, 2015, to the City Council from Anna Otiniano, Finance Director, follows:

Pursuant to Florida Statutes and the City of Plantation Council, the Second Public Budget Hearing is scheduled for 7:30 pm, Wednesday, September 9, 2015. Enclosed are tentative millage and budget resolutions for the second public hearing as follows:

1. Final Millage Resolution – City of Planation
2. Final Millage Resolution – Plantation Gateway Development District
3. Final Millage Resolution – Plantation Midtown Development District
4. Final Budget Resolution – City of Plantation
5. Final Budget Resolution – Plantation gateway Development District
6. Final Budget Resolution – Planation Midtown Development District
7. Final Budget Resolution – Plantation Community Redevelopment Agency

The City of Plantation Budget is based on the General Fund operating millage of 5.9000 mills, which is an increase of 8.2% from the rolled-back millage rate of 5.4519 mills.

The Planation Gateway Development District Budget is based on the operating fund millage of 2.0 mills, which is an increase of 5.9% from the rolled-back millage rate of 1.8882 mills.

The Planation Midtown Development District Budget is based on the operating fund millage of 1.0 mills, which is an increase of 7.1% from the rolled-back millage rate of 5.6624 mills.

The total budget for the City of Plantation for Fiscal Year 2016 is \$199,449,090, and increase of 15.2% from last year's budget. As per the Budget Hearing on September 3, 2015 there were no changes to the proposed budget for Council's consideration. The Fiscal Year 2016 budget is balanced.

Motion by Councilmember Levy, seconded by Councilmember Stoner to approve Legislative Item 20. Motion failed on the following roll call vote:

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

****Mayor Bendekovic stated without a four vote approval, the budget will need to be adjusted and the millage rate would have to revert back to 5.45 mills.**

****Councilmember Levy stated he would like to change his vote to reflect an "Aye" vote.**

Motion by Councilmember Jacobs, seconded by Councilmember Tingom to reconsider the item. Motion carried on the following vote:

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

Motion by Councilmember Jacobs, seconded by Councilmember Tingom to approve Resolution No. 12159. Motion carried on the following vote:

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

Resolution No. 12160

21. **RESOLUTION** adopting the final millage rate for Plantation Gateway Development District of 2.0 Mills for the operating fiscal year October 1, 2015 through September 30, 2016; identifying the computed rolled-back millage rate; providing findings; providing a savings clause; and providing an effective date therefor.

Motion by Councilmember Jacobs, seconded by Councilmember Stoner, to approve Resolution No. 12160. Motion carried on the following roll call vote:

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

Resolution No. 12161

22. **RESOLUTION** adopting the final millage rate for the Plantation Midtown Development District of 1.0 Mills for the operating fiscal year October 1, 2015 through September 30, 2016; identifying the computed rolled-back millage rate; providing findings; providing a savings clause; and providing an effective date therefor.

***Motion by Councilmember Jacobs, seconded by Councilmember Stoner, to approve Resolution No. 12161.
Motion carried on the following roll call vote:***

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

Resolution No. 12162

23. **RESOLUTION** providing for the adoption and approval of the final consolidated revenue and appropriation budget of the City of Plantation for the operating fiscal year October 1, 2015 through September 30, 2016; providing findings; budgeted compensation of elected officials; providing a savings clause and providing for an effective date therefor.

***Motion by Councilmember Tingom, seconded by Councilmember Levy, to approve Resolution No. 12162.
Motion carried on the following roll call vote:***

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

Resolution No. 12163

24. **RESOLUTION** providing for the adoption and approval of the final revenue and appropriation budgets of the Dependent Taxing District of Plantation Gateway Development District for the operating fiscal year October 1, 2015 through September 30, 2016; providing findings; providing a savings clause and providing and effective date therefor.

***Motion by Councilmember Tingom, seconded by Councilmember Levy, to approve Resolution No. 12163.
Motion carried on the following roll call vote:***

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

Resolution No. 12164

25. **RESOLUTION** providing for the adoption and approval of the final revenue and appropriation budgets of the Dependent Taxing District of Plantation Midtown Development District for the operating fiscal year October 1, 2015 through September 30, 2016; providing findings; providing a savings clause and providing and effective date therefor.

***Motion by Councilmember Jacobs, seconded by Councilmember Tingom, to approve Resolution No. 12164.
Motion carried on the following roll call vote:***

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

Resolution No. 12165

26. **RESOLUTION** providing for the adoption and approval of the final revenue and appropriation budgets of the Plantation Community Redevelopment Agency for the operating fiscal year October 1, 2015 through September 30, 2016; providing findings; providing a savings clause and providing and effective date therefor.

***Motion by Councilmember Tingom, seconded by Councilmember Jacobs, to approve Resolution No. 12165.
Motion carried on the following roll call vote:***

Ayes: Stoner, Tingom, Jacobs, Levy, Zimmerman
Nays: None
Mayor Bendekovic voted affirmatively on Item No. 26.

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27. Second and Final Reading of **ORDINANCE NO. 2537** pertaining to the subject of Comprehensive Planning; amending the City of Plantation Comprehensive Plan; amending the future land use element and the neighborhood design element regarding consolidation of Flexibility Zone 74 and Flexibility Zone 75; providing a savings clause and providing an effective date therefor.

A memo dated July 1, 2015, to the City Council from Donald Lunny, City Attorney, follows:

As background, the City wishes to consolidate Flex Zones 74 and 75 into a single Flex Zone 75X. In that regard, an amendment to the Comprehensive Plan was necessary, and the rules for assigning Comprehensive Planning Flexibility needed to be clarified. The City is able to be more restrictive in its Rules than the applicable provisions of the Broward County Planning Council in its Administrative Rules Document.

When this matter was reviewed by the City Council at the transmittal hearing, Mr. Laystrom requested that the City consider adding provisions to the draft Comprehensive Plan Amendment that would allow flexibility rules “stacking”. The idea is that if the landowner could divide up his or her property so as to take advantage of more than one provision, he or she should be able to do so. On the other hand, Staff expressed concern that “stacking” the rules would promote additional conversion of Commercial Property to High Density Residential Property. Staff recommended against this change at the Transmittal Hearing.

In response, the Council requested that when the draft was returned for its adoption hearing, it present the following options:

1. “Stacking nowhere”. This option would adopt the draft without any of the language shown in yellow highlight in Exhibit A-2. This option is still the one recommended by Staff.
2. “Stacking in Midtown only”. This option would adopt all of the language shown in yellow highlight in Exhibit A-2, except lines 214-217.
3. “Stacking” in Midtown and some additional area of the City that would include the contemplated “Millcreek” development (which is outside of Midtown). This option would adopt all of the language shown in yellow highlight in Exhibit A-2.

This Comprehensive Plan Amendment is now ready for consideration at the Adoption hearing as a Legislative Item.

Motion by Councilmember Jacobs to approve Ordinance 2537 allowing Option #3 – allow three rule flex stacking; he amended his motion to approve Ordinance 2537 allowing Option #2 – allowing two rule flex stacking, seconded by Councilmember Levy. Motion carried on the following roll call vote:

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

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28. Public Hearing and First Reading of an ordinance pertaining to the subject of zoning; amending the zoning regulations applicable to accessory buildings and structures in residential districts; amending the zoning regulations applicable to guest houses in the City’s residential districts; providing other miscellaneous provisions in connection with the foregoing; providing a savings clause; and providing an effective date therefor.

A memo dated September 9, 2015, to the City Council from Laurence Leeds, Planning and Zoning Director, follows:

BACKGROUND

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 Planning and Zoning Board Considered the Ordinance at their meeting of August 4, 2015, and recommended approval subject to revising Section 3 to indicate freestanding guest houses in the RS-1EP may have a garage or carport.

ANALYSIS

The City has a strong policy interest in regulating guest houses to ensure that the principal use of single family residential zoning districts remain “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.

The City Staff has also reviewed, for updating purposes, its regulations relating to both guest houses and other types of accessory buildings and structures. To ensure that clear regulations exist for this subject, Staff encourages the City to consider enacting the following proposed zoning regulations:

1. Delete as outmoded code language concerning “servant’s quarters”.
2. Guest houses would be a conditional accessory use in the City’s RS-1EP and RS-1A 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 well. 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. Detached from the primary residences, or
 - b. Connected to the primary residence by a breezeway or air conditioned hallway, or
 - c. Within the primary residence, but are separated from the primary living quarters such that 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 a kitchen or appliances of an oven, or stove; however, a microwave oven and dishwasher and refrigerator would be allowed. A detached guest house would not be able to have a 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 houses shall have wall materials and finishes, windows, and door color and style of the principal residence.
7. Guest houses, as well as other "accessory buildings", are defined in Section 27-1 of the Code as being generally incidental to and subordinate to the principal residence, and customary within the same zoning district. In making determinations in this regard, Staff has been instructed by the Legal Department to evaluate whether the proposed accessory building or proposed rural accessory building is consistent and compatible with other accessory buildings of the same type in the same zoning district (or if there are none, a similar zoning district), in terms of mass, scale, size, components, and function. This analysis ensures compatibility with neighborhoods. Any appeals of the Director's determination can be presented to the Board of Adjustment. Language codifying this practice has been added to the proposed Ordinance.

REQUEST

Staff requests City Council approval of the proposed Ordinance on first reading.

Motion by Councilmember Tingom, seconded by Councilmember Jacobs, to approve Item 28 on First Reading. Motion carried on the following roll call vote:

Ayes: Tingom, Jacobs, Zimmerman

Nays: Stoner, Levy

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Councilmember Comments:

Councilmember Levy appointed Dr. Mickey Axelbaum to the Plantation Midtown Advisory Board.

Councilmember Zimmerman announced September is National Children’s Cancer Awareness Month.

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Citizen Comments:

Dennis Conklin, 4581 NW 6 Court - he announced September 17th is Constitution Day. Mr. Conklin thanked the local officials who opposed the proposed Iran treaty; he encouraged those in support of it to reevaluate the deal and the funding associated with it.

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Meeting adjourned at 9:35 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